

Authority: Ontario Land Tribunal Decision issued on May 13, 2021 and Ontario Land Tribunal Order issued on August 12, 2022 in Tribunal File PL170953

CITY OF TORONTO

BY-LAW 1198-2022(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2021 as 160, 170, 180 and 200 Chalkfarm Drive.

Whereas the Ontario Land Tribunal, in its Decision issued on May 13, 2021 and its Order issued on August 12, 2022, in file PL170953, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2021 as 160, 170, 180 and 200 Chalkfarm Drive; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal, by Order, amends By-law 7625 as follows:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.

2. Section 64.20-A of By-law 7625 is amended as follows:

"64.20-A(292) RM6(292)

DEFINITIONS

- (a) For the purpose of this exception, "amenity space" means indoor or outdoor space for recreational or social activities on a **lot** that is communal and available for use by the occupants of Buildings 1 to 4 or the "New Building".
- (b) For the purposes of this exception, "**Bicycle Parking Space**" shall mean an area used for the purpose of parking or storing a bicycle. A "long-term" Bicycle Parking Space shall mean a Bicycle Parking Space for use by the occupants or tenants of a building. A "short-term" Bicycle Parking Space shall mean a Bicycle Parking Space for use by visitors to a building:
 - i. A Bicycle Parking Space placed in a horizontal position shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres, and a minimum vertical clearance from the ground of 1.9 metres.
 - ii. A Bicycle Parking Space placed in a vertical position shall have a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.6 metres, and a minimum horizontal clearance from the wall of 1.2 metres.
 - iii. A Bicycle Parking Space placed in a stacked position shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres, and a minimum vertical clearance from the ground of 1.2 metres for each Bicycle Parking Space.
- (c) For the purposes of this exception, "**Car-Share**" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental.
- (d) For the purposes of this exception "**Car-Share Parking Space**" means a parking space exclusively reserved and signed for use by a number of people sharing the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short-term rental.
- (e) For the purposes of this exception, "**Existing Buildings**" means the building labeled on Schedule 2 as "1," "2," "3," "4" and the "Community Centre," and structures that existed on the lands as of December 19, 2016, as shown on Schedule 1 and 2 attached to and forming part of this By-law;
- (f) For the purposes of this exception, a "**Loading Space**" means an area used for the loading or unloading of goods or commodities from a vehicle, and may have the following dimensions:

- i. A Type 'B' Loading Space shall have a:
 - A. minimum length of 11.0 metres;
 - B. a minimum width of 3.5 metres; and
 - C. a minimum vertical clearance of 4.0 metres.
- ii. A Type 'G' Loading Space shall have a:
 - A. minimum length of 13.0 metres;
 - B. a minimum width of 4.0 metres; and
 - C. a minimum vertical clearance of 6.1 metres.

PERMITTED USES

- (g) The only permitted uses shall be:
 - i. Apartment House Dwellings; and
 - ii. Community Centre.

EXCEPTION REGULATIONS

- (h) For the purposes of this exception, the permitted maximum gross floor area for the Existing Buildings is the gross floor area that existed in the Existing Buildings on December 19, 2016.
- (i) The total Gross Floor Area of the "New Building" as shown on Schedule 2 shall not exceed 33,600 square metres of residential Gross Floor Area.
- (j) The maximum "Building Height in metres or storeys shall not exceed that shown on Schedule 1 and 2.
- (k) Subject to Permitted Projections, the minimum setbacks for all buildings above finished ground level are as shown on Schedule 2.
- (l) The following shall be permitted to project into the minimum setbacks:
 - i. decks, porches, and balconies, by a maximum of 1.8 metres;
 - ii. canopies and awnings, by a maximum of 5.0 metres;
 - iii. exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;

- iv. architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
 - v. parapets, trellises, pillars, fences, screens, guard rails up to a maximum, by a maximum of 2.5 metres; and
 - vi. window projections, including bay windows and box windows, by a maximum of 1.0 metres.
- (m) A minimum of 4.0 square metres of Recreational Amenity Area for each dwelling unit in "New Building", of which at least 2.0 metres for each dwelling unit is indoor Recreational Amenity Area, and at least 38.0 square metres is outdoor Recreational Amenity Area in a location adjoining or directly accessible to the indoor Recreational Amenity Area.
- (n) Vehicle parking shall be provided and maintained as follows:
- i. A minimum of 699 parking spaces shall be provided and maintained for residents of the Existing Buildings as shown on Schedule 2, of which 141 spaces shall be for residential visitors and Community Centre uses;
 - ii. A minimum of 0.7 parking spaces per dwelling unit shall be provided and maintained for residents of "New Building" as shown on Schedule 2, and a minimum of 0.15 parking spaces per dwelling unit shall be provided for residential visitors and the non-residential uses located in "New Building";
 - iii. A total of 13 accessible parking spaces shall be provided as part of the parking supply for "New Building" and will have a length of 5.6 metres, a width of 3.4 metres, and a vertical clearance of 2.1 metres; and
 - iv. For each Car-share Parking Space provided, the minimum number of resident parking spaces required pursuant to the above may be reduced up to a maximum reduction as calculated by the following formula: 4 times (the total number of dwelling units on lands zoned RM6(292) divided by 60), rounded down to the nearest whole number.
- (o) Bicycle parking shall be provided and maintained as follows:
- i. Bicycle parking for the residents of the "New Building" as shown on Schedule 2 shall be provided at a minimum of 0.68 "long-term" Bicycle Parking Spaces per dwelling unit and a minimum of 0.07 "short-term" Bicycle Parking Spaces per dwelling unit.
- (p) A minimum of 1 Type "G" loading space and 1 Type "B" loading space shall be provided and maintained for the use of the "New Building".

3. Notwithstanding any severance or division of the lands subject to exception RM6(292) as shown on Schedule 1, the regulations of this exception shall continue to apply to the whole of the lands as if no severance or division had occurred.
4. None of the provisions of this exception By-law shall apply to prevent a temporary sales office on the lands for the sale or lease of residential dwelling units on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect.
5. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law:
 - (a) The increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule A attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (b) Where Schedule A attached to this by-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
 - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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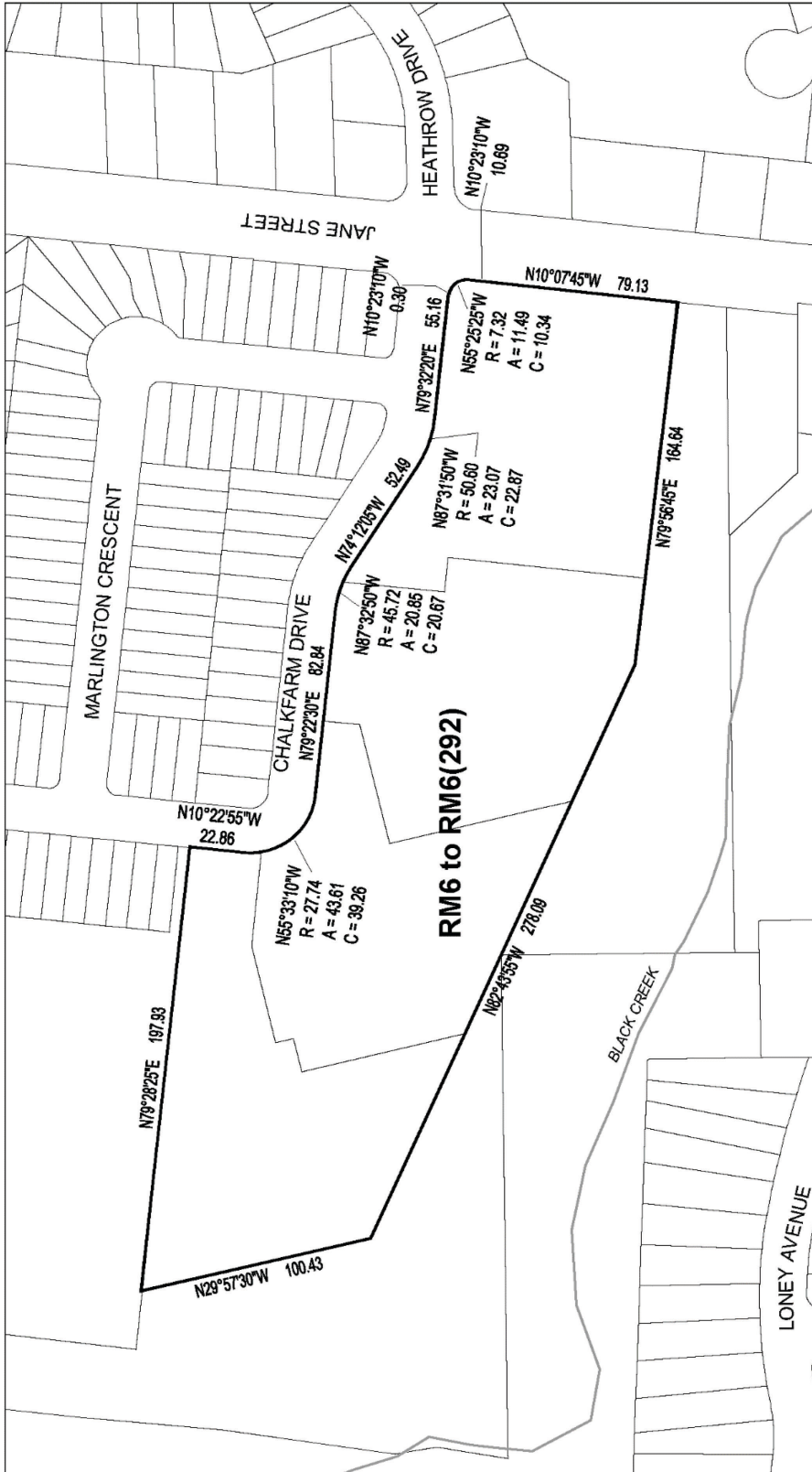
SCHEDULE A
Section 37 Requirements

Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for, without limitation, indexing, escalation of letters of credit, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Schedule 1 of this By-law are subject to the provisions of this By-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

1. Prior to issuance of the first above-grade permit for the new building the owner shall make a cash contribution to the City in the amount of one million dollars (\$1,000,000) (the "Cash Contribution") be allocated towards local community benefits and improvements in the vicinity of the lands.
2. The Cash Contribution set out in Clause 1 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in Clause 1 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning ("Chief Planner"), in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
4. Prior to first occupancy of the new building, the owner shall provide elevator improvements with a monetary value of \$125,000 for each of the existing buildings located at 160, 170, 180 and 200 Chalkfarm Drive, subject to the following conditions:
 - (A) The costs of the improvements shall not be passed on to tenants of the existing buildings including through an above-guideline rent increase;
 - (B) Construction schedule, budget and specifications of the improvements shall be determined through the Site Plan Approval process, to the satisfaction of the Chief Planner; and
 - (C) The improvements shall be secured by a letter of credit issued to the City of Toronto in the amount of \$500,000 prior to the issuance of the first above-grade building permit for the new building.

5. The owner shall provide and maintain the existing 1214 rental units in the buildings located at 160, 170, 180 and 200 Chalkfarm Drive for a minimum twenty (20) year period commencing on the date of the execution of the Section 37 agreement, and shall not apply to demolish or convert the rental units, in accordance with the terms of the Section 37 agreement.
6. The existing rental units described in Clause 5 shall have access to the following amenity areas located at-grade in the new building, at no cost and in accordance with the terms of the Section 37 agreement:
 - (A) four (4) indoor amenity areas of approximately three hundred and twenty-eight (328), two hundred and ninety five (295), and seventy-one (71) square metres respectively on the ground floor of the new building;
 - (B) one (1) outdoor amenity area at the rear of the new building totaling ninety-five (95) square metres; and
 - (C) one (1) outdoor amenity area of two-hundred and fifty-five (255) square metres located at the southeastern corner of the building fronting Jane Street.
7. The owner shall provide the following to support the development of the lands:
 - (A) A minimum of ten (10) percent of all new dwelling units shall be three-bedroom units, which shall have an average area of Nine Hundred Forty-Three (943) square feet;
 - (B) In addition to subparagraph 7(A), a minimum of twenty-five (25) percent of all new dwelling units shall be two-bedroom units;
 - (C) The new building shall be constructed in accordance with Tier 1, Toronto Green Standard, or greater; and
 - (D) A Construction Mitigation Strategy and a Tenant Communication Plan, to the satisfaction of the Chief Planner, to be implemented during the course of construction of the new building.

Schedule 1



Toronto
 Schedule 1

160, 170, 180 & 200 Chalkfarm Drive

File # 16 269918 WET 07 0Z



Former City of North York By-law 7625
 Not to Scale
 08/02/2022

Schedule 2



 **Toronto**
Schedule 2

160, 170, 180 & 200 Chalkfarm Drive

File # 16 269918 WET 07 0Z



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