

Authority: North York Community Council Item NY34.4,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 859

BY-LAW -2022

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 71 Talara Drive.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

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

Whereas pursuant to Section 37 of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 (“COVID-19 Economic Recovery Act, 2020”) came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 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 Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RM (f21.0; a925; d0.85) (x 256), as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number (256) so that it reads:

(256) Exception RM [256]

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 71 Talara Drive, if the requirements of this By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (O) below;
- (B) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 170.9 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 10.80.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (D) Despite Regulations 10.5.40.10(2), (3) and (4) and Section (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
 - i. parapets, roof access, chimneys, vents, ducts, pipes, roof drainage, antennae, telecommunication equipment, satellite dishes, guard rails, railings, dividers, screens, balustrades, unenclosed **structures** providing safety or wind protection, privacy and wind screens, elements of a **green roof**, pergolas, trellises, light fixtures, landscape elements and landscape planters, architectural features, retaining walls, thermal and waterproofing assembly located at each of the roof levels of the **building**, **structures** on the roof of any part of the **building** used for outside or open air recreation,

- noise mitigation elements and partitions dividing outdoor recreational areas, all of which may project up to a maximum of 3.5 metres; and
- ii. structural/non-structural architectural columns/piers/bands, mechanical penthouses, equipment used for the functional operation of the **building**, such as cooling tower, electrical, utility, mechanical and ventilation equipment, stair and elevator enclosures and overruns, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, air shafts, gas metres, garbage chute overruns and **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in this section, all of which may project up to a maximum of 7.5 metres.
- (E) Despite Regulation 10.80.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 20,135 square metres;
- (F) Despite Clause 10.80.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (G) Despite Clause 10.5.40.60 and Section (F) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- i. balconies, balcony platforms, guards, railings and screens, all of which may project to a maximum of 2.5 metres;
 - ii. lighting fixtures, architectural features, structural/non-structural architectural columns/piers, window washing equipment, awnings, canopies, parapets, parapet flashing, bollards, chimneys, cornices, eaves, stacks, roof and terrace scuppers, vents, walkways, roof overhang, gutter, downspout, trellises, window sills, guardrails, balustrades, railings, wheel chair ramps, mechanical exhaust and intake components, gas meters, underground garage ramps and their associated **structures** and elements, retaining walls, fences, Siamese connections, ornamental elements, all of which may project to a maximum of 2.0 metres;
 - iii. terraces and terrace platforms, guards, railings, privacy screens, wind mitigation and acoustic screens and features, planters, parapets, landscape planters and elements of a **green roof**, which may project beyond the required **building setback** to the extent of the **main wall** of the storey below to a maximum of 6 metres; and
 - iv. stairs, stair enclosures, air shafts, gas metres, underground garage ramps and their associated **structures**, wheelchair ramps, and window washing equipment.

- (H) A minimum rate of 4.0 square metres of **amenity space** for each **dwelling unit** shall be provided, of which:
- i. a minimum of 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - ii. a minimum of 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - iii. no more than 25% of the outdoor component may be a **green roof**;
- (I) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- i. a minimum of 0.5 residential occupant **parking spaces** for each **dwelling unit**; and
 - ii. a maximum of 1.0 residential occupant **parking spaces** for each 1-bedroom **dwelling unit**;
 - iii. a maximum of 1.3 residential occupant **parking spaces** for each 2-bedroom **dwelling unit**;
 - iv. a maximum of 1.5 residential occupant **parking spaces** for each 3-bedroom **dwelling unit**; and
 - v. a minimum of 0.1 residential visitor **parking spaces** for each **dwelling unit**;
- (J) Despite Regulation 200.5.1.10(2), a maximum of 10% of the required **parking spaces** may have minimum dimensions of:
- i. length of 5.1 metres;
 - ii. width of 2.4 metres; and
 - iii. vertical clearance of 1.7 metres;
- (K) Despite Regulation 200.5.1.10(2)(D), where a **parking space** is limited by a wall or other permanent obstruction, 0.3 metre is not required for each site of the **parking space** that is obstructed;
- (L) Despite Regulation 200.15.1(4), an accessible **parking space** must be located no more than 30 metres from a barrier free entrance to a building or to a passenger elevator;
- (M) Despite Regulation 230.5.1.10(4)(A), **bicycle parking spaces** must comply with the following:
- i. a stacked **bicycle parking space** must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.0 metres; and

- ii. a **bicycle parking space** that is not a stacked **bicycle parking space**, must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.9 m;
- (N) Despite Regulations 230.5.1.10(9) and (10), both "long-term" and "short-term" **bicycle parking spaces** may be located in stacked **bicycle parking spaces** and may be located on any level of the building below grade; and
- (O) Despite Regulation 230.10.1.20(2), "short-term" **bicycle parking spaces** may be located more than 30 metres from a pedestrian entrance to the building on the **lot**.

Prevailing By-laws and Prevailing Sections: (None Apply)

Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

5. Temporary use(s):

None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect.

6. Holding Provisions:

The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of July 8, 2022 until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council.

- i. The City has reviewed and accepted a Site Servicing Review (comprised of Functional Servicing Report, Stormwater Management Report and Hydrogeological Report) demonstrating that the City requirements can be met and sufficient capacity exists to accommodate the existing and proposed development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. Should the Site Servicing Review identify upgrades and/or new services are required, those upgrades and/or services will be secured by appropriate agreements, and constructed prior to the issuance of any building permits for any development on the lands, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services.
- ii. The municipal sanitary sewer upgrades (being the upgrade of the last three 300mmØ sanitary sewer legs upstream of the sanitary trunk sewer to 675mmØ, located at the north west corner of Sheppard Avenue East and Leslie Street intersection), which works are being undertaken by the City of Toronto, Design & Construction, Major Infrastructure Unit, Don & Central Waterfront Projects in the Engineering & Construction Services Division (Project #SAP2020-GL-EASTDON-001), are fully constructed and operational to the satisfaction of the

Chief Engineer of Engineering and Construction Services and the General Manager, Toronto Water.

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 of 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.
- (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.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

Prior to the issuance of any Building Permit, the owner shall enter into and register on title an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits as follow:

- (1) Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.
- (2) Prior to issuance of an above grade building permit, the owner shall make a cash contribution to the City in the amount of Two Million, Two Hundred and Fifty Thousand dollars (\$2,250,000.00) (the "Cash Contribution") be allocated towards community facilities located within Ward 17 and/or the vicinity of the application site, such allocation to be at the discretion of the Chief Planner and Executive Director, City Planning and General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor.
- (3) The financial contribution pursuant to Clause (2) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment.
- (4) In the event the cash contribution referred to in Clause (2) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Diagram 1

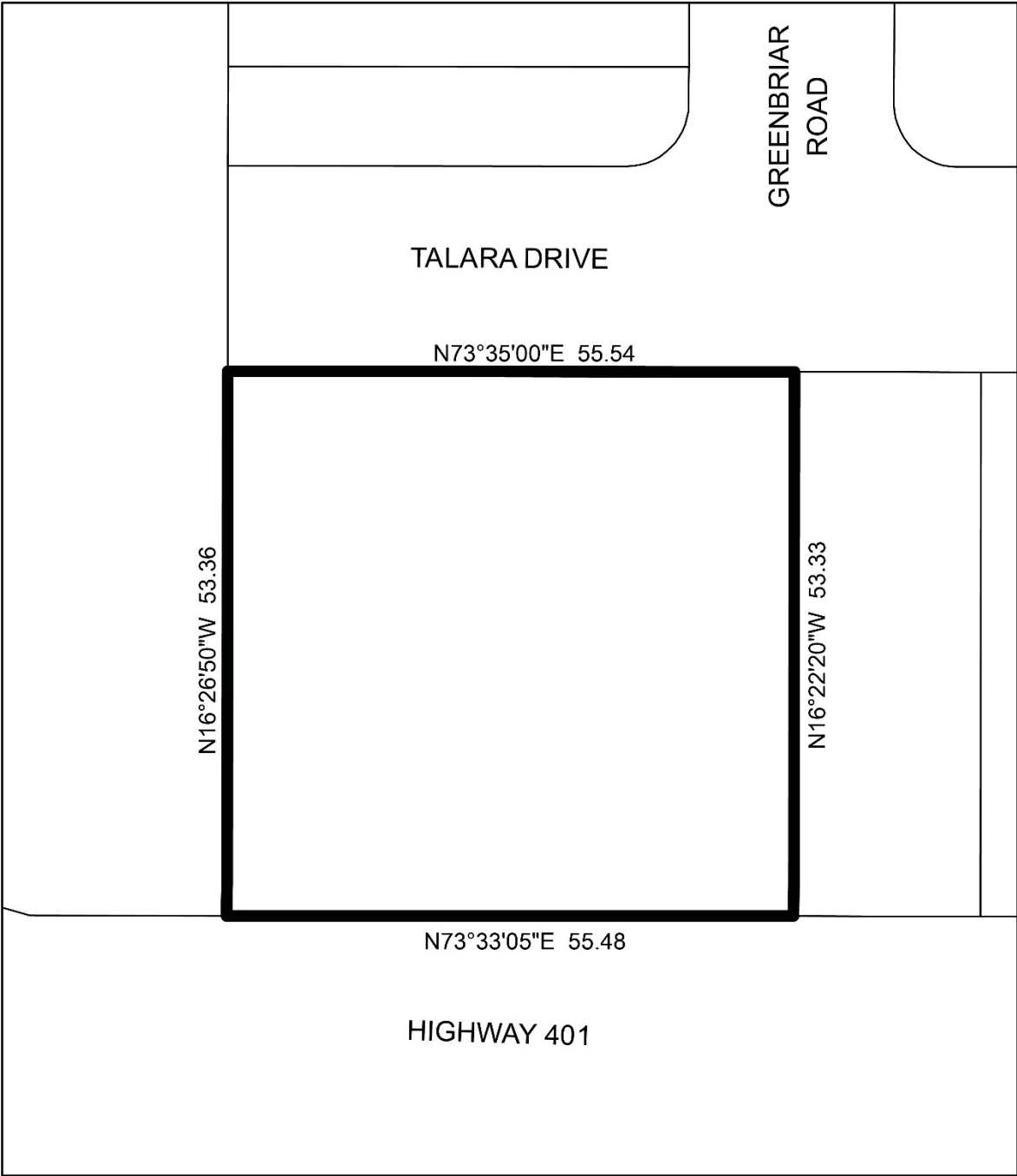


Diagram 2

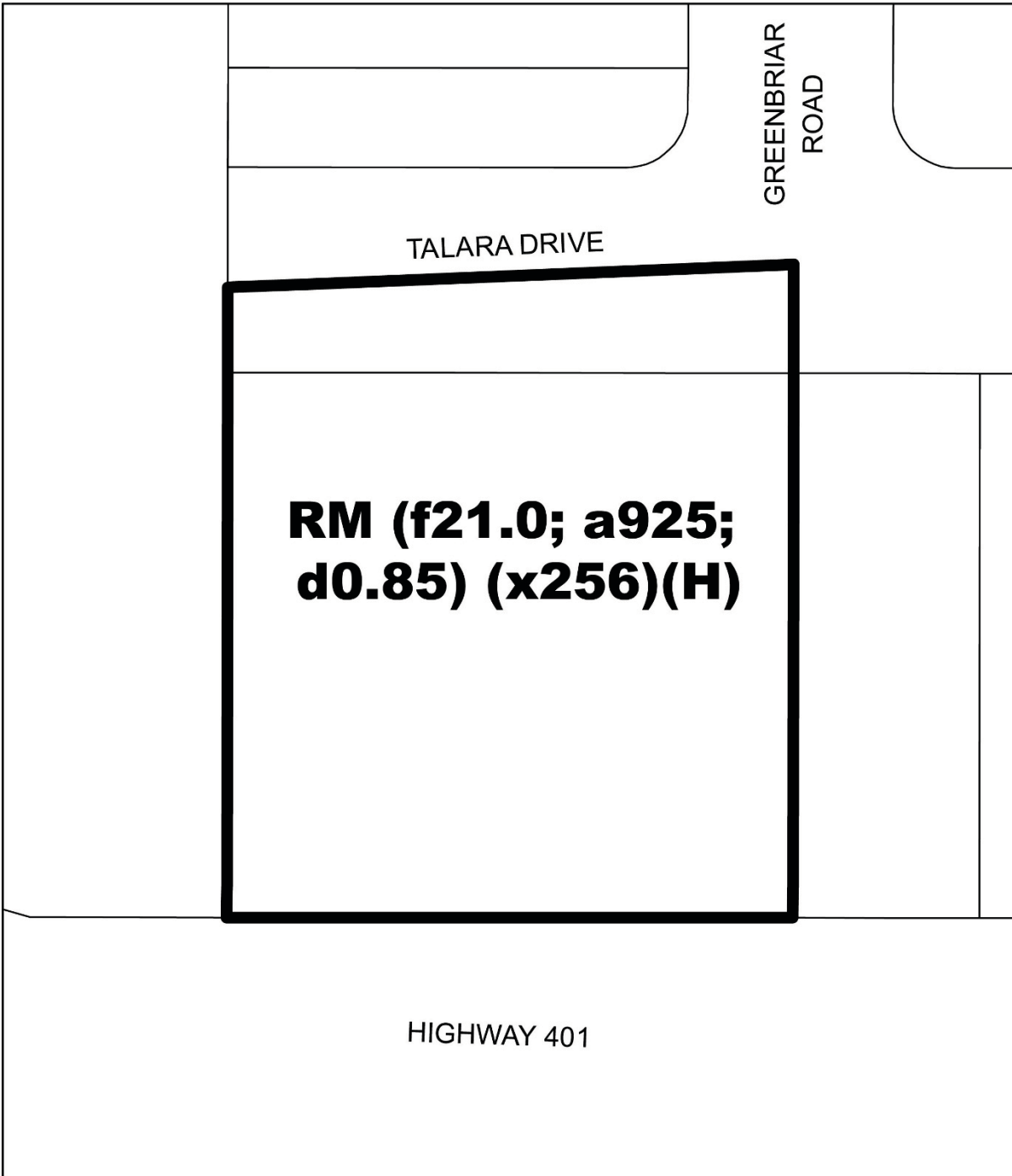


Diagram 3

