

Authority: North York Community Council Item NY33.3,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 892

BY-LAW 2022

To amend the former North York Zoning By-law 7625 with respect to the lands municipally known as 2808-2810 Keele Street.

Whereas authority is given to Council by 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 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, 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

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 Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined in heavy black line on Schedule 1 attached to this By-law.
2. Schedule "C" of By-law 7625, as amended, of the former City of North York is amended in accordance with Schedule 1 of this By-law by deleting the existing "Multiple-Family Dwellings Fifth Density" (RM5) Zone, and replacing it with the Multiple-Family

Dwellings Sixth Density (RM6) Zone with Exception 281 as shown on Schedule 1 of this By-law.

3. Zoning By-law 7625, as amended, is hereby further amended by inserting a new section 64.20-A(281), which applies to the lands shown on Schedule 1 to this By-law as follows:

64.20-A(281) RM6(281)

DEFINITIONS

- (A) For the purpose of this exception, the following definitions will apply:
- (i) "Bicycle Parking Space" means an area used for parking and storing a bicycle that is not located within a dwelling unit, on a balcony or within a storage locker, and "Long-term Bicycle Parking Space", "Short-term Bicycle Parking Space" and "Stacked Bicycle Parking Space" have the following meaning:
 - (a) "Long-term Bicycle Parking Space" shall mean a bicycle parking space for use by the occupants or tenants of a building;
 - (b) "Short-term Bicycle Parking Space" shall mean a bicycle parking space for use by visitors to a building; and
 - (c) "Stacked Bicycle Parking Space" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
 - (ii) "established grade" shall mean 184.5 metres above sea level; and
 - (iii) "gross floor area" shall mean the total area of each floor in the building above or below grade measured from the exterior of the main wall of each floor level but excluding:
 - (a) parking, loading and bicycle parking below established grade;
 - (b) required loading spaces and required bicycle parking spaces at or above established grade;
 - (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (d) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (e) indoor amenity space required by this By-law;

- (f) elevator shafts;
 - (g) garbage shafts;
 - (h) mechanical penthouse; and
 - (i) exit stairwells in the building.
- (iv) "main wall" shall mean any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area.
- (v) "Residential Recreational Amenity Area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms and other similar uses.
- (vi) "Type 'G' loading space" shall mean a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

EXCEPTION REGULATIONS

LANDSCAPING

- (B) Notwithstanding Section 15.8(a), a minimum of 2,900 square metres of landscaping shall be provided.

LOT COVERAGE

- (C) The provisions of Section 20-A.2.2 on Lot Coverage, do not apply.

LOT FRONTAGE

- (D) Notwithstanding Section 20-A.2.3, a minimum lot frontage of 20 metres shall be provided.

YARD SETBACKS

- (E) Notwithstanding Section 20-A.2.4:
- (i) the minimum front yard setback shall be 6.7 metres;
 - (ii) the minimum north side yard setback shall be 2.5 metres;
 - (iii) the minimum south side yard setback shall be 5.5 metres; and

- (iv) the minimum rear yard setback shall be 7 metres.

GROSS FLOOR AREA

- (F) Notwithstanding Section 20-A.2.5, the maximum gross floor area permitted for all uses shall not exceed 24,380.7 square metres.

BUILDING HEIGHT

- (G) Notwithstanding Section 20-A.2.6 and Schedule 'D' of By-law 7625, the maximum building height shall not exceed the height measured in metres above established grade, identified by the symbols "HT" as shown for that portion of the building on Schedule RM6(281).
- (H) The maximum building heights shown on Schedule RM6(281) may be exceeded as follows, except for the portion of the building within the area labeled "HT=42m" shown on Schedule RM6(281):
- (a) elevator overruns, vents, chimneys, exhaust flues, and garbage chute overruns, equipment for heating, cooling or ventilation, stair enclosures and lightning rods by a maximum of 5.0 metres;
 - (b) terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, awnings, lighting fixtures, ornamental elements, columns, trellises, window sills, balustrades, eaves, outdoor recreation and amenity area elements, partitions dividing outdoor recreation and amenity areas, wind mitigation, noise mitigation, equipment for electrical, utility, mechanical, and roof access by a maximum of 3.0 metres; and
 - (c) window washing equipment by a maximum of 5.0 metres; and a ladder for maintenance purposes by a maximum of 1.2 metres;

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (I) Notwithstanding Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), the following may be permitted to project into the minimum yard setback areas:
- (i) exterior stairways, cornices, canopies, chimneys, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind or privacy screens, landscape elements (including green roofs), terraces, decorative or architectural features, bay windows, ramps, ramp enclosures, parking garage ramps and associated structures, retaining walls, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, porches and decks, either excavated or unexcavated, pipes, and utility equipment which

may project beyond the building envelope shown on Schedule RM6(32) by a maximum of 3.0 metres.

- (ii) notwithstanding (I)(i), balconies shall not be permitted abutting the north side yard on the second and third storeys where the setback is 2.5 metres or less.
- (iii) notwithstanding (I)(i), terraces shall not be permitted abutting the north side yard on the third storey, where the second storey setback is 2.5 metres or less.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (J) Residential recreational amenity areas shall be provided as follows:
 - (i) a minimum of 2.0 square metres of indoor residential recreational amenity area per dwelling unit; and
 - (ii) a minimum of 2.0 square metres of outdoor residential recreational amenity area per dwelling unit.

PARKING REQUIREMENTS

- (K) Notwithstanding Section 6A(2)(a), vehicle "parking spaces" shall be provided for the "apartment house dwelling" as follows:
 - (i) A minimum of 0.45 residential occupant "parking spaces" for each "dwelling unit"; and
 - (ii) A minimum of 0.08 residential visitor "parking spaces" for each "dwelling unit".
- (L) Notwithstanding Section 6A(8)(e), visitor vehicle parking spaces for apartment house dwellings shall be provided in accordance with (K)(ii) above in a parking area and designated as being for the use of visitors only, but shall not be required to be clearly separated from other required parking spaces.

LOADING REQUIREMENTS

- (M) Notwithstanding Section 6A(16)(a), one (1) Type 'G' loading space shall be required.

LAND DIVISION

- (N) Notwithstanding any existing or future consent, severance, partition or division of the lot, the provisions of this By-law shall apply to the lands as identified on Schedule 1 of By-law [Clerks to supply by-law ##] as if not consent, severance, partition or division occurred.

SECTION 37

- (O) 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, 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 Schedule 1 attached to this By-law, in return for the provision by the owner, at the owner's expense of the 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 as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, that are in a form and registered on title to the lands to the satisfaction of the City Solicitor;
 - (P) 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; and
 - (Q) 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 the provisions of Schedule A of this By-law are satisfied.
- 4. Section 64.20-A of By-law 7625 is amended by adding Schedule "RM6(281)" attached to this By-law.
 - 5. None of the provisions of By-law 7625, as amended, apply to prevent a temporary leasing or sales office on the lot.
 - 6. Other Provisions of the By-law
 - (i) Except as amended in this By-law, all the other provisions of By-law 7625 shall apply to the lands.

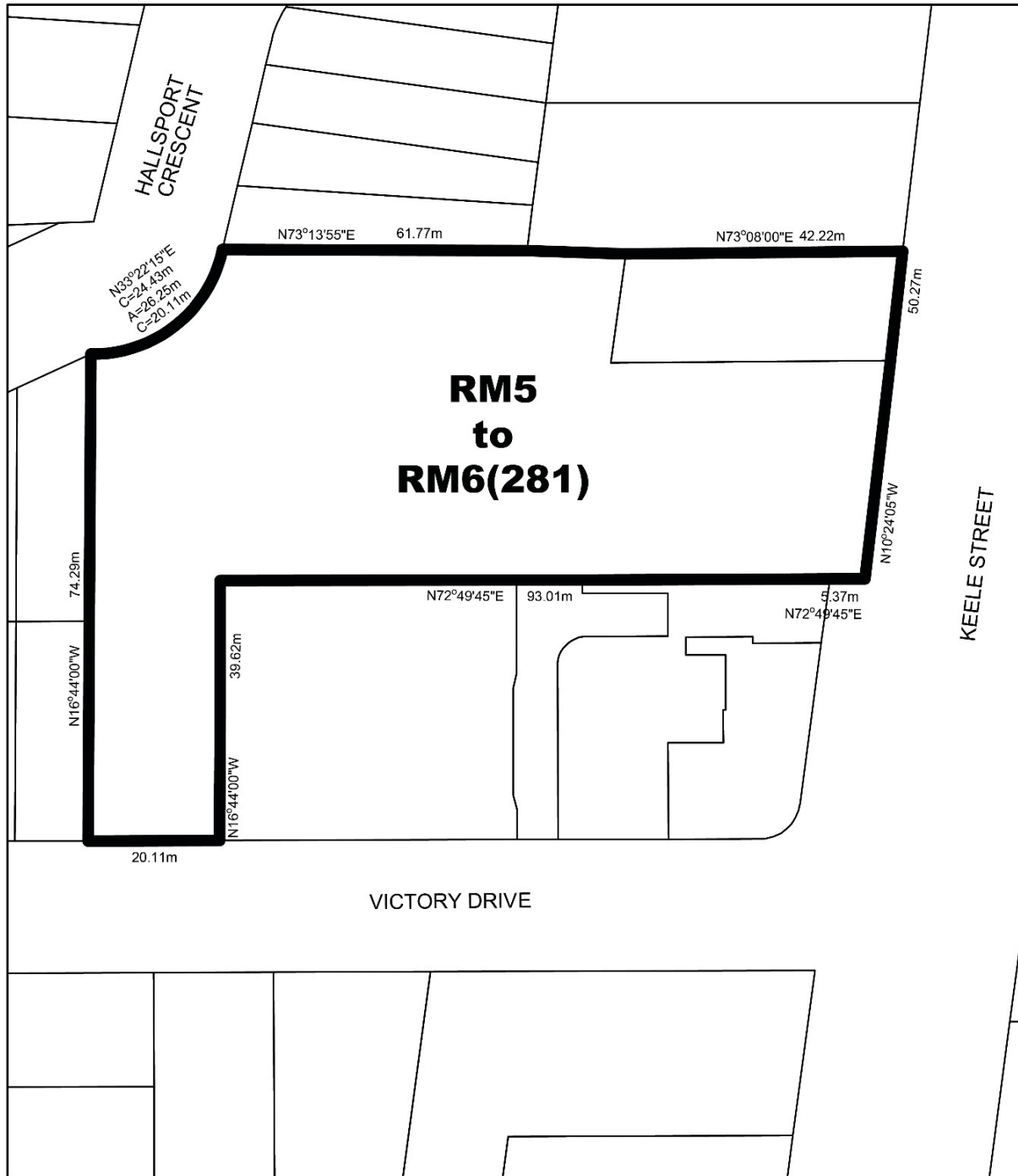
Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

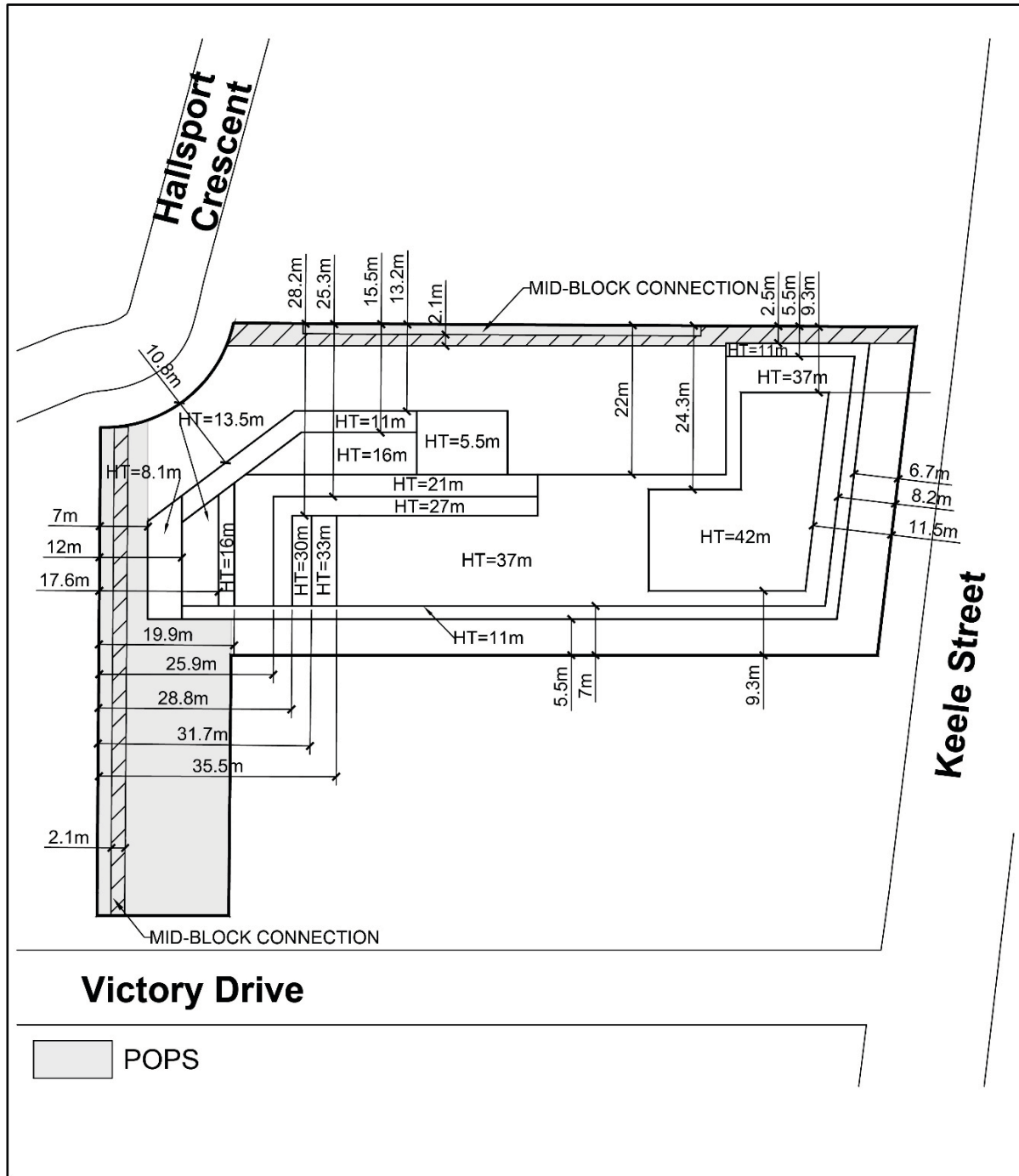
John D. Elvidge,
City Clerk

(Seal of the City)

Schedule 1



Schedule RM6(281)



Schedule RM6(281)

2808-2810 Keele Street

File # 21 138295 NNY 06 0Z



Schedule A

Section 37 Requirements

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 above.

1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:
 - (a) a cash contribution of \$1,200,000.00 (One million and two hundred thousand dollars) towards capital improvements to parkland, community facilities, and/or public realm within the vicinity of the development site and/or Ward 6, payable prior to the issuance of the first above grade building permit;
 - (b) the financial contribution pursuant to (a) 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 amendments to the date of payment;
 - (c) in the event the cash contributions referred to in Recommendation (a) above have not been used for the determined purpose within three years of the amending Zoning 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, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
2. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (a) A privately owned publicly-accessible spaces (the "POPS"), having a minimum total area of 1454.4 square metres at grade, at the north, west and south of the site, and generally shown on Schedule RM6(281) of this By-law, with the specific design of the POPS and any associated easements and improvements to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - (b) The owner shall provide and maintain fifty-four (54) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be

made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. The fifty-four (54) replacement rental dwelling units shall be comprised of one (1) studio unit, forty-five (45) two-bedroom units, six (6) three-bedroom units, and two (2) four-bedroom units, and shall collectively contain a total gross floor area of at least 4,514 square metres, as generally illustrated in the plans prepared by Turner Fleischer and dated May 18, 2022 and June 6, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;

- (c) The owner shall provide and maintain at least two (2) four-bedroom replacement rental dwelling units, four (4) three-bedroom replacement rental units, forty-one (41) two-bedroom replacement rental units, and one (1) studio replacement rental unit at affordable rents, as currently defined in the Toronto Official Plan, and two (2) three-bedroom replacement rental units and four (4) two-bedroom replacement rental units at mid-range rents, as currently defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit;
- (d) The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the fifty-four (54) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents (including the right for six existing tenants of two-bedroom rental units to return to three-bedroom replacement rental units without increases in rent from moving to larger bedroom types), the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
- (e) The owner shall provide tenants of all fifty-four (54) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;
- (f) The owner shall provide ensuite laundry equipment in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- (g) The owner shall provide central air conditioning equipment in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- (h) The owner shall provide and make available at least twenty-five (25) vehicle parking spaces to tenants of the replacement rental units, and such vehicle parking spaces shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a vehicular parking space, at no charge; secondly, to returning tenants who did

not previously lease vehicle parking spaces in the existing rental building, on the same terms and conditions as any other resident of the development; and, thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development.

- (i) The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;
- (j) The owner shall provide and make available at least twelve (12) storage lockers to tenants of the replacement rental units, and such storage lockers shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a storage locker, at no charge; secondly, to returning tenants who did not previously rent a storage locker, on the same terms and conditions as any other resident of the development; and, thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development; and,
- (k) The fifty-four (54) replacement rental dwelling units required shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning.