

Authority: North York Community Council Item NY33.5,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 958

BY-LAW -2022

To amend Zoning By-law 438-86 of the former City of Toronto, as amended, with respect to the lands municipally known in the year 2022 as 515 – 525 Chaplin Crescent.

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, 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 438-86 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. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lot.
2. None of the provisions of Section 2 with respect to the definition of "*grade*", "*height*", "*lot*", "*gross floor area*", "*bicycle parking space*" or "*landscaped open space*", and Sections 4(2)(a), 4(4)(b), 4(10), 4 (12), 4 (13), 4 (16), 6(1), 6(3) Part I 1., 6 (3) Part II, 6 (3) Part IV 2., 12 (1) 61, 12 (1) 320, and 12 (2) 274, of By-law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit

certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto"as amended, shall apply to prevent the erection and use of an *apartment building* or a *residential building* on the *lot*, provided that:

- (a) The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) No portion of any building or structure above finished ground level is located otherwise than wholly within the area delineated by heavy lines as shown on Map 3 attached to and forming part of this By-law;
- (c) The maximum residential gross floor area permitted is 25,000 square metres;
- (d) The maximum number of *dwelling units* permitted on the lot shall be 278;
- (e) A total of 9 *rental replacement dwelling units* shall be provided on the site;
- (f) The height of any new building or structure shall not exceed the height in metres specified by the numbers following the symbol "HT" and the number of *storeys* following the "ST"symbol on Map 2 attached to and forming part of this By-law;
- (g) Notwithstanding Section 2(f) of this by-law, the following building elements and structures are permitted to extend beyond the heights shown on Map 2.
 - (i) the following projections wind screens, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, window washing equipment and storage, roof drainage, window sills, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project up to 3.0 metres above the height limits shown on Map 2;
 - (ii) elevator overruns, mechanical penthouses, mechanical equipment and any associated enclosure structures, which may project up to 6.0 metres above the height limits shown on Map 2;
- (h) The minimum yard setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out on Map 3, attached to and forming part of this By-law; with the following exception:
 - (i) balconies, cornices, light fixtures, awnings, ornamental elements, cladding, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, privacy screens, doors, wheel chair ramps, canopies, and underground garage ramps, architectural features wall, and associated structures which may project beyond the heavy lines shown on Map 3 of this By-law to a maximum of 3 metres;

- (i) *Landscaping* shall be a minimum of 43 percent of the lot area, of which a minimum 50 percent be soft landscaping;
- (j) A minimum of 250 square metres of indoor *residential amenity space* shall be provided and maintained on the lot;
- (k) A minimum of 1,440 square metres of outdoor residential amenity space shall be provided and maintained on the lot;
- (l) Vehicular access to the site and the underground parking garage may be provided from a driveway or ramp from one of or both Roselawn Avenue and Chaplin Crescent;
- (m) *Residential parking* on the lot must be provided and maintained in accordance with the following:
 - (i) A minimum of 219 residential parking spaces; which includes:
 - 1. A minimum of 17 *visitor parking spaces*;
 - 2. A minimum of 5 *parking spaces* with roughed-in conduits to allow for future electric outlets for plug-in electric vehicles. Equipment for the charging of an electric vehicle does not constitute an obstruction to the parking space, subject to the equipment being located within or adjacent to the same parking space as the vehicle to be charged;
 - 3. A minimum of 1 *accessible parking space*;
 - 4. A maximum of 2 new *parking spaces* may have an obstruction on one side but maintain a minimum width of 2.6 metres;
 - (ii) Parking aisle driveway widths and *parking space* dimensions that lawfully existed on the *lot* on the date this By-law was enacted, shall be deemed to comply with this By-law;
 - (iii) New *parking spaces* established on or after the enactment of this by-law must have a length 5.6 metres, and width of 2.6 metres with a vertical clearance of 2 metres; and
 - (iv) A minimum of one Type G *loading space* on the lot that is a minimum of 4 metres in width, a minimum of 13 metres in length and has a minimum vertical clearance of 6.1 metres;
- (n) *Bicycle parking spaces* shall be provided on the *lot* in accordance with the following:

- (i) a minimum of 0.9 *long-term bicycle parking spaces* per a dwelling unit in excess of 212 units; and
 - (ii) a minimum of 0.1 *short-term bicycle parking spaces* per a dwelling unit in excess of 212 units;
- (o) 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.

Definitions

3. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:

- (a) "*Grade*" shall mean 171.3 metres Canadian Geodetic Datum;
- (b) "*Height*" shall mean the vertical distance between grade and the highest point of the building or structure, including mechanical penthouse, except where exemptions are addressed in subsection g) to this by-law;
- (c) "*Lot*" shall mean the lands outlined by heavy lines on Map 1 attached to this By-law;
- (d) "*Gross floor area*" shall mean the sum of the total area of each floor level of a building, exclusive of the areas of a building used for:
 - (i) Parking, loading and bicycle parking below ground;
 - (ii) Required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) Residential amenity space required by this By-law;
 - (v) Elevator shafts;
 - (vi) Garbage shafts;
 - (vii) Mechanical penthouse; and
 - (viii) Exit stairwells in the building; and
- (e) "*Rental replacement dwelling unit*" means a dwelling unit which replaces one of the rental units existing on the lot at the time of enactment of this by-law, as required pursuant to Section 111 of the City of Toronto Act, 2006, S.O. 2006, c.

11 as referenced in Appendix "1" of this By-law, and for the purposes of determining rental replacement dwelling unit type, a bedroom shall have an exterior window;

- (f) *"Bicycle Parking Space"* means an area used for parking or storing a bicycle;
 - (g) *"Landscaping"* means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping; and
 - (h) *"Soft Landscaping"* means landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.
 - (i) *"Long-term bicycle parking spaces"* means bicycle parking spaces for use by the occupants or tenants of a building; and
 - (j) *"Short-term bicycle parking spaces"* means bicycle parking spaces for use by visitors to a building.
4. Notwithstanding any severance, partition or division of the lands shown on Map 1, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
5. 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 Map 1 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 Appendix I 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 Appendix I 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 Appendix I are satisfied; and

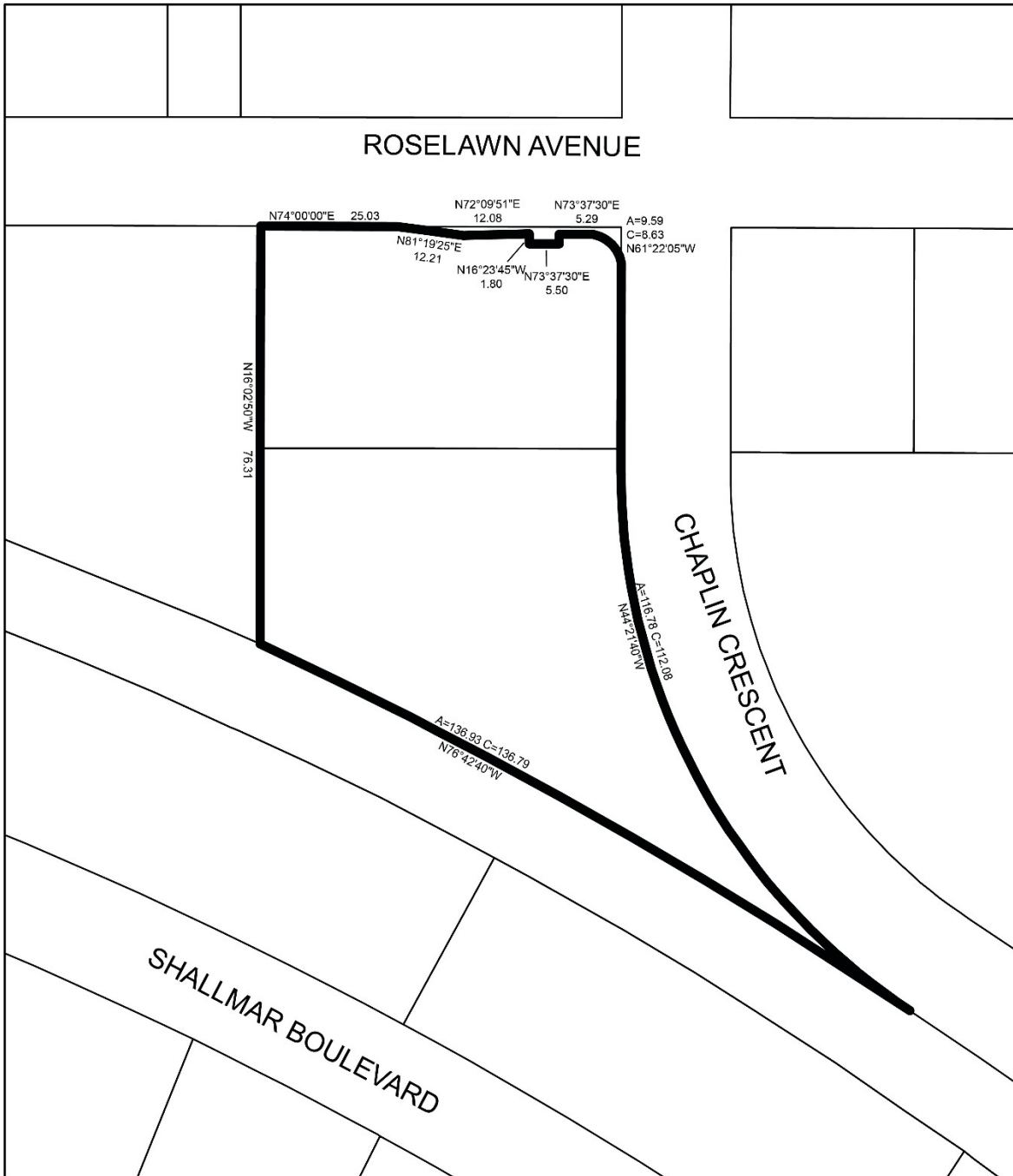
- (D) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

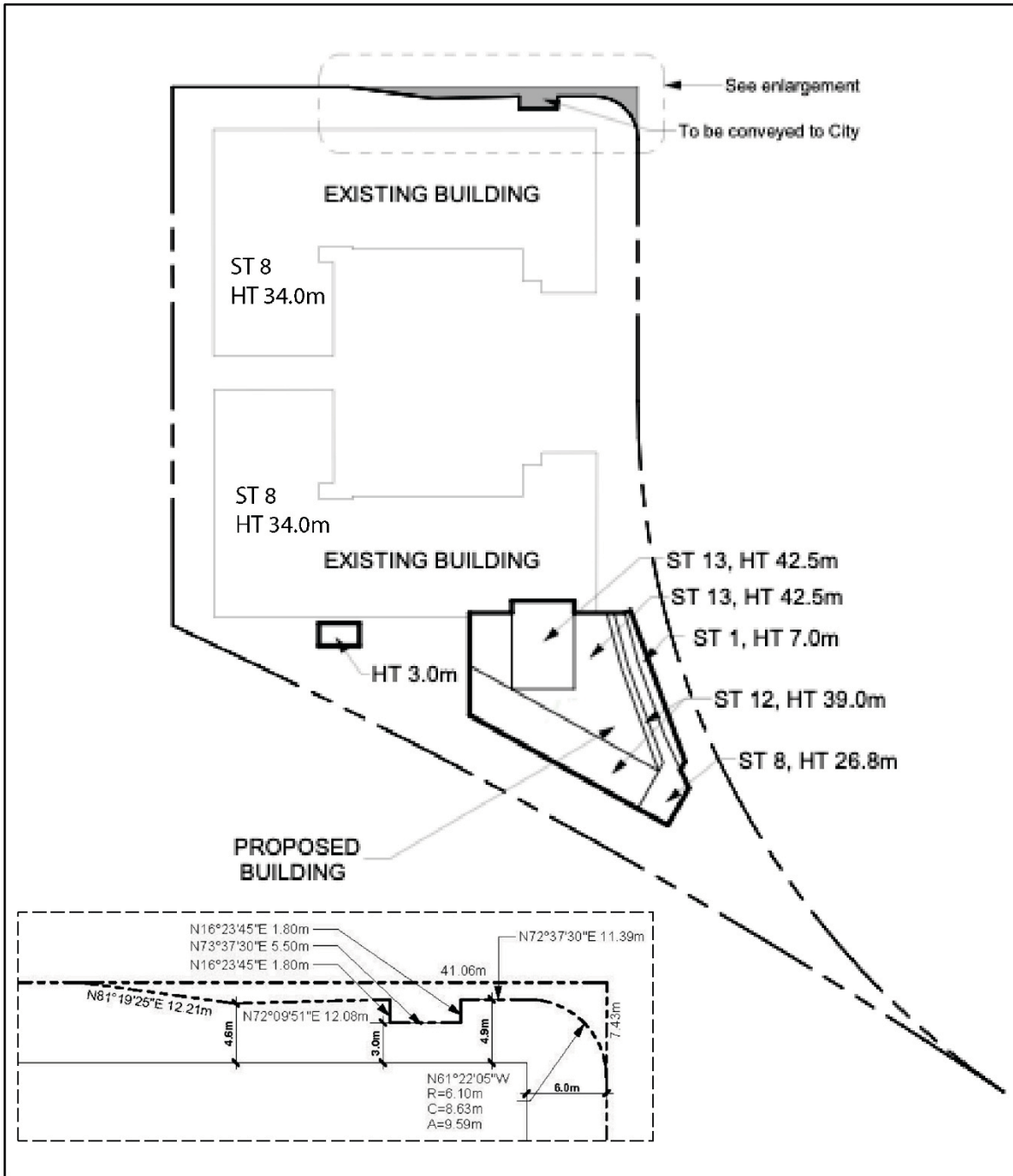
Enacted and passed on July , 2022.

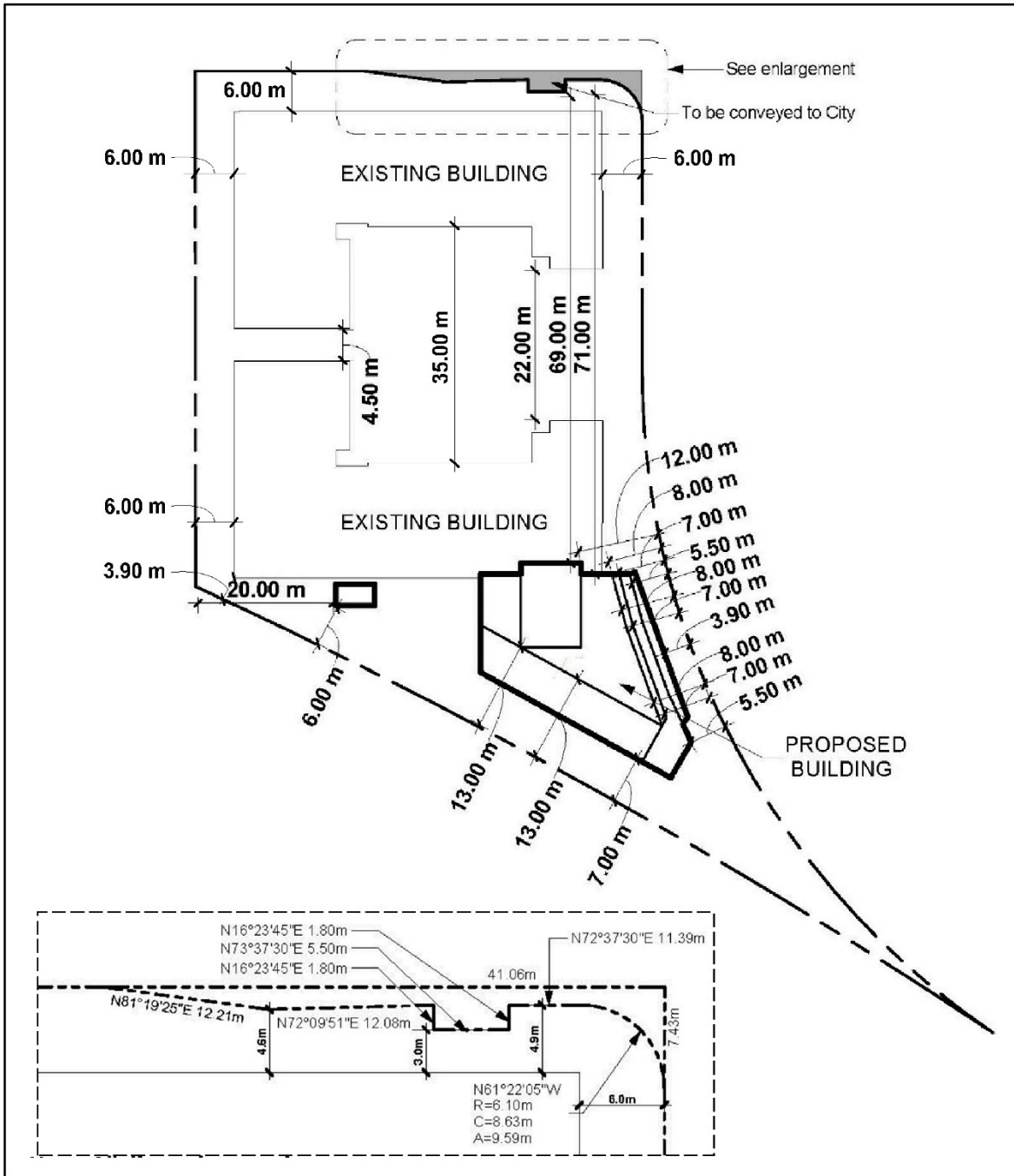
Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)







Appendix "I"

Section 37 Provisions

Prior to the issuance of any Building Permit, the owner shall enter into a voluntary agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) 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.

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 \$50,000.00 (Fifty thousand dollars) towards streetscape, and/or public realm improvements within the vicinity of the development site and/or Ward 8.
 - b. the financial contribution 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; and,
 - c. in the event the cash contribution referred to above has 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.
 - d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The owner shall agree to secure the tenure of all sixty-six (66) new dwelling units, inclusive of the rental replacement units, within the building to be constructed at 515-525 Chaplin Crescent as well as the existing 212 units on the site for a total of 278 secured rental units for not less than 20 years.
 - ii. The owner shall continue to provide and maintain the existing two hundred and twelve (212) units at 515-525 Chaplin Crescent as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least twenty (20) years commencing from the date the Zoning By-law Amendments come into force and effect, with no application for demolition or conversion to condominium ownership or from residential rental use during such twenty (20) year period, all to the satisfaction of the

Chief Planner and Executive Director, City Planning and the City Solicitor.

- iii. The owner shall provide, at its sole expense and at no cost to tenants, improvements to the existing rental housing at 515-525 Chaplin Crescent, taking into account feedback obtained through a tenant survey, as follows:
- iv. Prior to the issuance of Notice of Approval Conditions for site plan approval:
 - A. The owner shall submit to the City a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the existing rental buildings at 515-525 Chaplin Crescent, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Prior to first occupancy of the new residential building:

- B. The owner shall construct a new 134.85 square metre indoor amenity space on the ground floor of 515 Chaplin Crescent for the exclusive use of all tenants in the retained units at 515-525 Chaplin Crescent, as generally illustrated in the Architecture Plans prepared by Kirkor Architects and Planners and dated January 28, 2022. Any revision to these drawings shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- C. The owner shall construct an enclosed garbage collections area for the retained buildings and new development. The location, layout, and specifications of the garbage enclosure shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- D. The owner will construct or provide additional seating, in the form of benches, in the courtyard between 515 and 525 Chaplin Crescent.
- E. The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation Strategy and Tenant Communication Plan required above shall not be passed on to tenants of the existing rental buildings at 515-525 Chaplin Crescent in any form. For clarity, the owner shall agree to not apply to the Landlord and Tenant Board, or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements above.