

Authority: Toronto and East York Community Council
Item TE34.43, adopted as amended, by City of Toronto
Council on July 19 and 20, 2022

CITY OF TORONTO

Bill 968

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 744, 746, 748, 750, 752, 754, 756 and 758 Mount Pleasant Road.

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 pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the 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; and

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 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 subject to this By-law from a zone label of CR 3.0 (c2.0; r2.5) SS2 (x2417) to a zone label of CR 3.0 (c2.0; r2.5) SS2 (x755), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 755 so that it reads:

(755) Exception CR 755

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands municipally known in the year 2021 as 744, 746, 748, 750, 752, 754, 756 and 758 Mount Pleasant Road, if the requirements of Section 7 and Schedule A are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (T) below:
- (B) Despite Regulation 150.45.20.1(1), in the Commercial Residential Zone category, a **day nursery** may be located in a **mixed use building** or a **building** with a **public school**;
- (C) Regulations 150.45.40.1(2) and 150.48.20.1(2), regarding size and location requirements of a **day nursery** within a **public school**, do not apply;
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 158.4 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (F) Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:

- (i) parapets, awnings, fences, railings, dividers, pergolas, trellises, balustrades, eaves, screens, stairs, roof drainage, window sills, columns, pillars, chimneys, vents, pipes, terrace walls, lightning rods, light standards and fixtures, architectural features, architectural flutes, ornamental elements, art and **landscaping** features, elements of a **green roof**, planters, seating areas, wheelchair ramps, retaining walls, decorative screens, divider screens and unenclosed **structures** providing safety, wind or noise mitigation to outdoor **amenity space**, to a maximum of 3.0 metres; and
 - (ii) elements used for the functional operation of the **building**, including roof access, , elevator shafts and overruns, water supply facilities, safety elements, chimneys, pipes, vents, shafts, cooling equipment, solar panels, antennae, satellite dishes, flight warning lights, window washing equipment and crane **structures**, and related structural, mechanical, enclosure and screening elements by a maximum of 3.5 metres;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 32,300 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 32,000 square metres; and
 - (ii) the permitted maximum non-residential **gross floor area** for non-residential uses is 6,000 square metres, including a **public school** and **day nursery**;
- (H) Despite Regulation 40.10.40.50(1)(A) and (B), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
 - (i) at least 1.85 square metres for each **dwelling unit** as indoor **amenity space**; and,
 - (ii) at least 1.5 square metres for each **dwelling unit** as outdoor **amenity space**;
- (I) Despite Regulation 40.10.50.10(2), a fence is not required along the portion of the west **lot line** that is to be used for the purposes of a mid-block pedestrian surface easement connection as shown on Diagram 3 of By-law **[Clerks to insert By-law ##]**;
- (J) Despite Regulation 40.10.50.10(3), a 1.0 metre wide strip of **soft landscaping** must be provided along a **lot line** abutting a **lot** in the Residential Zone category;
- (K) Despite (J) above, **soft landscaping** is not required along the portion of the west **lot line** that is to be used for the purposes of a mid-block pedestrian surface easement connection as shown on Diagram 3 of By-law **[Clerks to insert By-law ##]**;

- (L) Despite Regulations 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (M) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (L) above, the following **building** elements and **structures** may encroach into a required **building setback**:
- (i) roof overhangs, balustrades, canopies, awnings chimneys, cornices, eaves, guardrails, parapets, landscape and **green roof** elements, waste storage and **loading space** enclosures, lighting fixtures, ornamental elements, public art features, railings, window washing equipment, terraces, decorative architectural features, privacy screens, stair enclosures, stairs, trellises, underground garage ramps, vents, wheelchair ramps, wind mitigation features and windowsills to a maximum of 2.0 metres;
- (N) Despite Regulations 200.5.10.1(1) and Table 200.5.10.1, **vehicle parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.2 **parking spaces** per **dwelling unit** for residential occupants; and
 - (ii) a minimum of 0.06 **parking spaces** per **dwelling unit** for residential visitors, which may also be used for non-residential uses;
- (O) Equipment for the charging of one electric **vehicle** is permitted within a **parking space**, subject to the equipment being located in the same **parking space** as the **vehicle** to be charged and:
- (i) being within 0.25 metres of two adjoining sides of the **parking space** which are not adjacent and parallel to a **drive aisle** from which **vehicle** access is provided, measured at right angles; or
 - (ii) being at least 5.35 metres from a **drive aisle** from which **vehicle** access is provided, measured at right angles, and at least 1.0 metre from the ground;
- (P) Despite Regulations 200.15.1(1), 200.15.1(3), and 200.15.10(1)(C), accessible **parking spaces** must comply with the following:
- (i) minimum of four (4) accessible **parking spaces** must be provided;
 - (ii) accessible **parking spaces** must have the following minimum dimensions:
 - (a) Length of 5.6 metres;
 - (b) Width of 3.4 metres; and
 - (c) Vertical clearance of 2.1 metres;

- (iii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (Q) Despite Regulation 200.15.1(4), an accessible **parking space** is required to be the closest **parking space** to:
 - (i) a barrier free entrance to a **building**;
 - (ii) a barrier free passenger elevator that provides access to the first **storey** of the **building**; and
 - (iii) the shortest route from the required entrances in (i) and (ii) above;
- (R) Despite Regulation 230.5.1.10(4)(C), the required minimum dimensions of a **stacked bicycle parking space** are:
 - (i) length of 1.8 metres;
 - (ii) width of 0.4 metres; and
 - (iii) vertical clearance of 1.2 metres;
- (S) Despite Regulations 230.5.1.10(9)(A) and (B), long-term **bicycle parking spaces** are permitted to be located on all levels of the **building** and **parking garage** both above and below ground; and
- (T) Despite Regulation 230.5.1.10(10), short-term **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement;

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

- 5. Despite any existing or future consent, severance, partition, or division of the lands as shown on Diagram 1 of By-law [Clerks to insert By-law ##], the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division occurred.
- 6. Temporary uses:
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office for the purposes of marketing, rental, leasing and sale of **dwelling units** and non-residential uses for a period of not more than 3 years from the date this By-law comes into full force and effect, provided:
 - (i) the maximum permitted height of a temporary sales office is no more than 3.6 metres.

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 the development is permitted beyond that otherwise permitted on the lands shown on Diagram 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 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 of this By-law requires the owner to provide certain facilities, services or matters and enter into an agreement or agreements 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/or 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**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement or agreements 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 facilities, services or matters set out below.
2. The owner agrees to provide to the City community benefits as follows:
 - a) a financial contribution in the amount of \$4,000,000.00 payable prior to the issuance of the first above-grade building permit, to go towards community services and facilities, parks, and/or streetscaping improvements that comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager Parks, Forestry and Recreation, and the General Manager of Transportation Services;
 - b) The financial contribution pursuant to Recommendation 2.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 amendment(s) to the date of payment; and
 - c) in the event the cash contribution referred to in 2.a) above has not been used for the intended purpose within three (3) years of the amending zoning by-law coming 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;
3. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (i) The provision by the owner of a 4.0 metre wide, open to the sky, publicly-accessible mid-block pedestrian connection, to be secured by means of a pedestrian easement, to be secured as part of the site plan control process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (ii) The owner agrees to consult with the Toronto District School Board and other neighbouring land owners as part of the Site Plan Control process to coordinate public and private open spaces and potentially integrate a school and other land uses across adjoining properties;

- (iii) That prior to Site Plan Approval, the owner shall complete the construction of and make operational all works and improvements to existing City infrastructure as recommended by the accepted Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (iv) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be resubmitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development; and
- (v) Prior to the earlier of Site Plan Approval or the first building permit for shoring and excavation, the owner shall submit the following materials for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services: Functional Servicing and Stormwater Management Report, Hydrogeological Report, Servicing Report Groundwater Summary Form, and Hydrogeological Review Summary Form.

Diagram 1

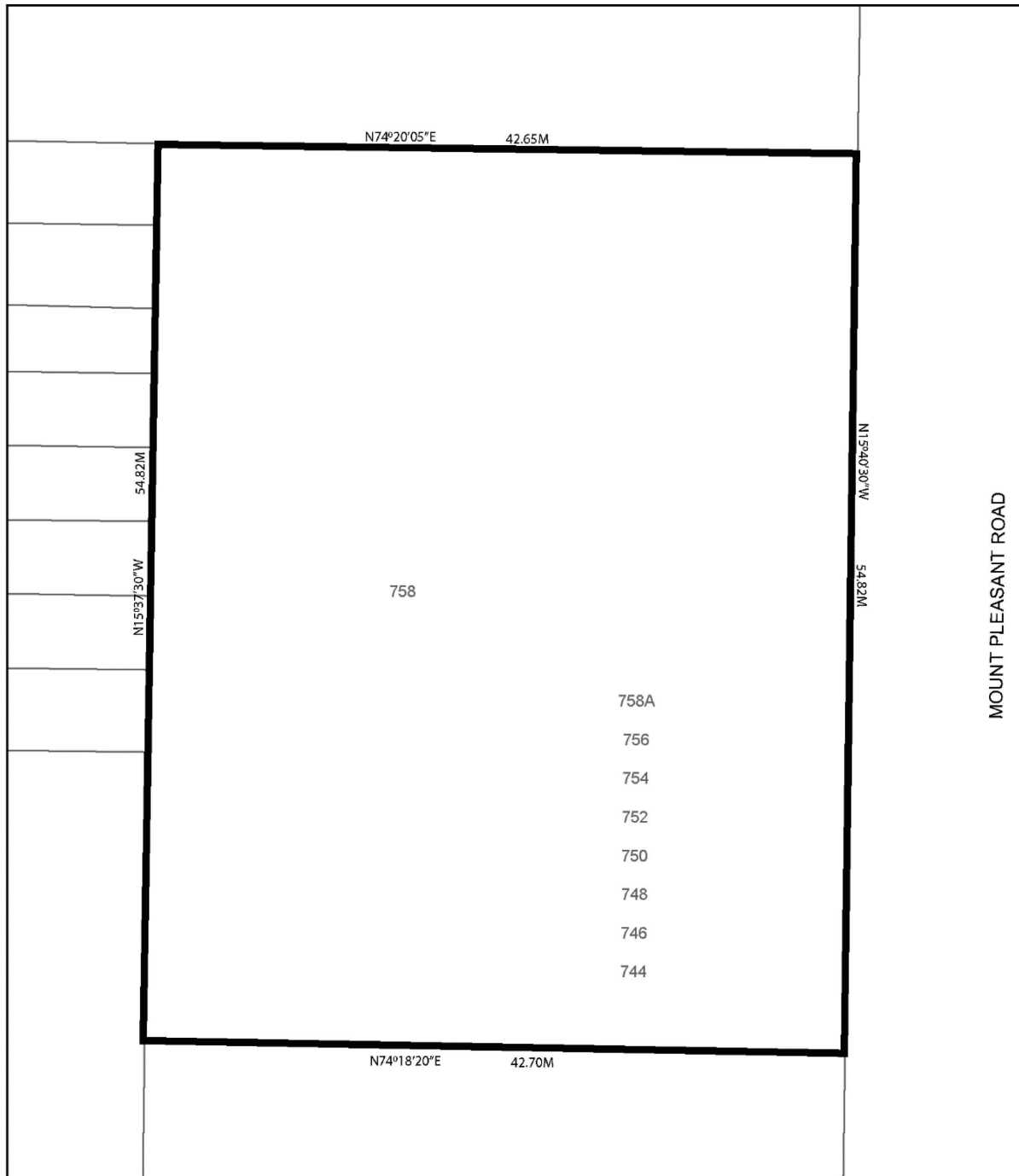


Diagram 2

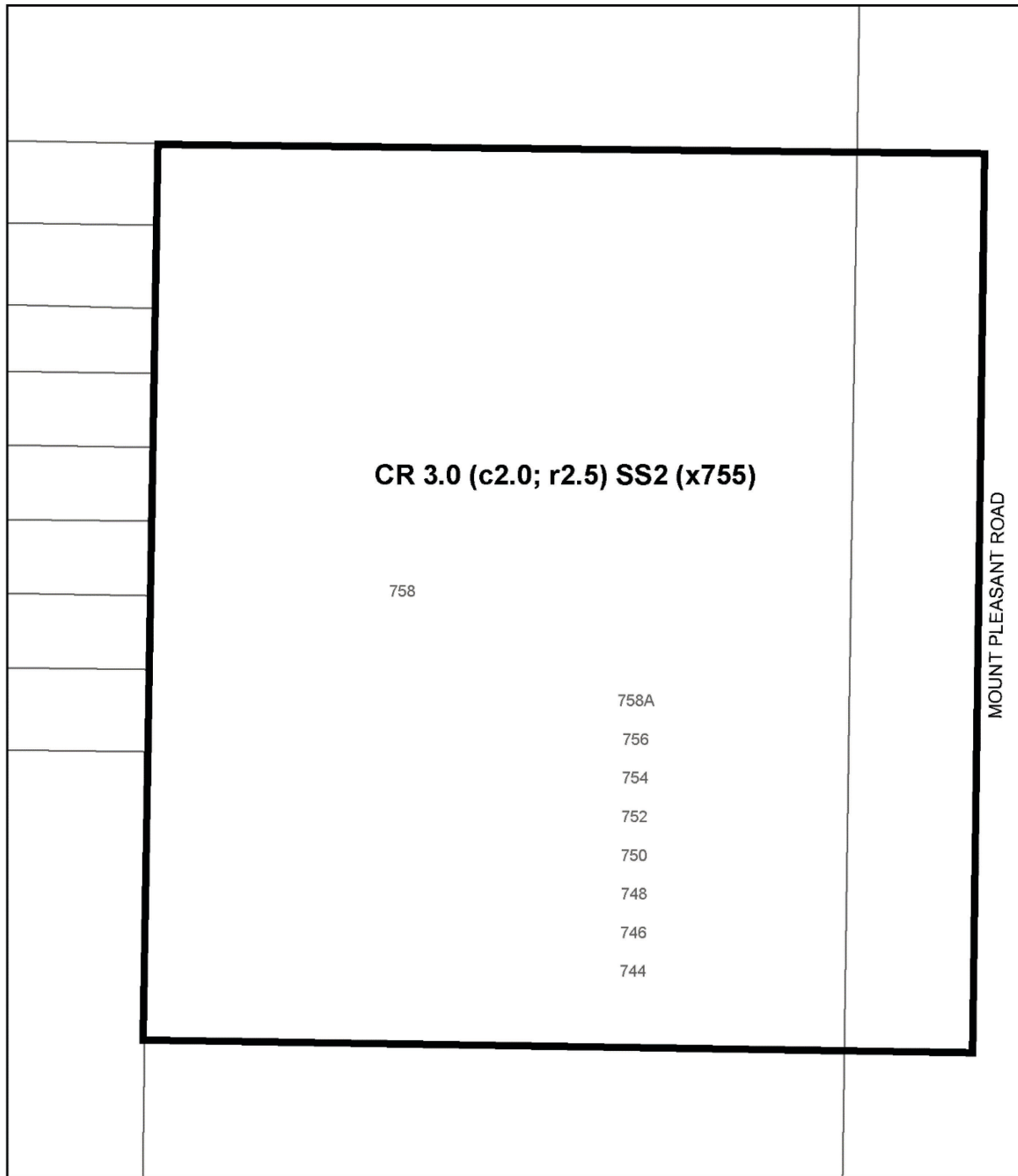


Diagram 3

