

Authority: Ontario Municipal Board Order issued on September 11, 2015 and July 12, 2017, in Board File PL141473

## CITY OF TORONTO

### BY-LAW 1033-2018(OMB)

#### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 3100 Keele Street.**

Whereas the Ontario Municipal Board pursuant to its decision issued on September 11, 2015 and Order issued on July 12, 2017 in respect of Board File PL141473 after hearing the appeal under Section 34(11) of the *Planning Act*, R.S.O. c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013; 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/or 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 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/or 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 and/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 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 Ontario Municipal Board authorizes By-law 569-2013, the Zoning By-law of the City of Toronto, as amended, be further amended as follows:

1. The lands subject to this By-law are delineated 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 Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines by deleting the existing Residential Detached (RD) Zone, and replacing it with the Residential Apartment Zone (RA (f30.0; d3.9) (x92), and the Open Space - Natural (ON) Zone, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by removing the lands subject to this By-law from the Lot Coverage Overlay Map in Section 995.30.1 and the Height Overlay Map in Section 995.20.1.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 92 so that it reads:

**Exception RA 92**

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 3100 Keele Street, if the requirements in Section 6 and Schedule A of By-law 1033-2018(OMB) are complied with, none of the provisions of 15.10.20.20, 15.10.30.40(1), 15.10.40.10(1), 15.10.40.40(1), 15.10.40.70, 5.10.40.70(2), 15.5.40.10(3), 15.5.40.60(1),(2), and (3), 15.10.40.80(2), 15.10.40.80(3), 200.5.10.1, 200.15.1, 220.5.1.10 (8) (D) and 220.5.10.1(2) apply to prevent the erection or use of a building or structure, addition or enlargement permitted in compliance with (B) to (P) below;
- (B) Despite 15.10.20.20, the following additional uses are permitted, provided that such uses are located on the **first floor** of an **apartment building**, and that the total **gross floor area** of all such uses is not more than 400 square metres:
  - (i) **Retail Store**
  - (ii) Office
  - (iii) **Personal Service Shop**
  - (iv) **Retail Service**
  - (v) Medical Office
  - (vi) **Eating Establishment**
  - (vii) **Take-out Eating Establishment;**
- (C) A **retail store** use must comply with regulations 15.10.20.100(13)(A) through (E).
- (D) Despite Section 15.10.30.40(1), the permitted maximum **lot coverage** is 50 percent;
- (E) Despite Section 15.10.40.10(1), the permitted maximum building height is specified by the numbers following the symbols HT and ST on Diagram 3 of

By-law 1033-2018(OMB), with no **building** or **structure** exceeding a maximum height of 36 metres to the top of the roof above the **established grade** of 177.35 metres Above Sea Level;

- (F) Despite Section 15.5.40.10(3), an access lobby, restrooms for outdoor rooftop **amenity space**, curbs and guard rails, balcony and terrace dividers, railings, planters, trellises and other decorative landscape elements, window washing equipment, roof assemblies (including decking and pavers), solar panels, solar hot water heaters, are permitted above the maximum **building** height up to a maximum of 5 metres provided no railings or planters will penetrate a 45 degree **angular plane** measured from the **lot line** at a height of 28.8 metres above the **established grade** of 177.35 metres Above Sea Level;
- (G) Despite Section 15.10.40.40(1) the permitted maximum floor space index is 3.9;
- (H) Despite Section 15.10.40.70, the minimum **building setbacks** are those shown in metres on Diagram 3 of By-law 1033-2018(OMB);
- (I) Despite Section 5.10.40.70(2), the minimum **building setback** requirements do not apply to the parts of the **building** that are below-ground;
- (J) Despite Section 15.5.40.60(1),(2), and (3), canopies, bay windows, balconies, stairs, landings and other similar **structures** may encroach to a maximum of 2.5 metres into the **building setbacks** shown on Diagram 3 of By-law 1033-2018(OMB);
- (K) Despite Section 15.10.40.80(2), the minimum above-ground separation distance between the **main walls** of the **buildings** on the **lot** are as shown on Diagram 3 of By-law 1033-2018(OMB);
- (L) Despite Section 15.10.40.80(3), the minimum separation distance between an **apartment building** and a **lot** in an RD Zone is 10.5 metres;
- (M) Despite Table 200.5.10.1, off street **parking spaces** must be provided and maintained on the **lot** in accordance with the Parking Policy Area 4 (PA4) rates;
- (N) Accessible **parking spaces** must be provided in accordance with Section 200.15.1 of Zoning By-law 569-2013;
- (O) A **loading space** must be provided in accordance with Sections 220.5.1.10 (8) (D) and 220.5.10.1(2) of Zoning By-law 569-2013;
- (P) The **lot** is delineated by heavy black lines on Diagram 1 of By-law 1033-2018(OMB).

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

**6. 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.

Ontario Municipal Board Order issued on September 11, 2015 and July 12, 2017, in Board File PL141473.

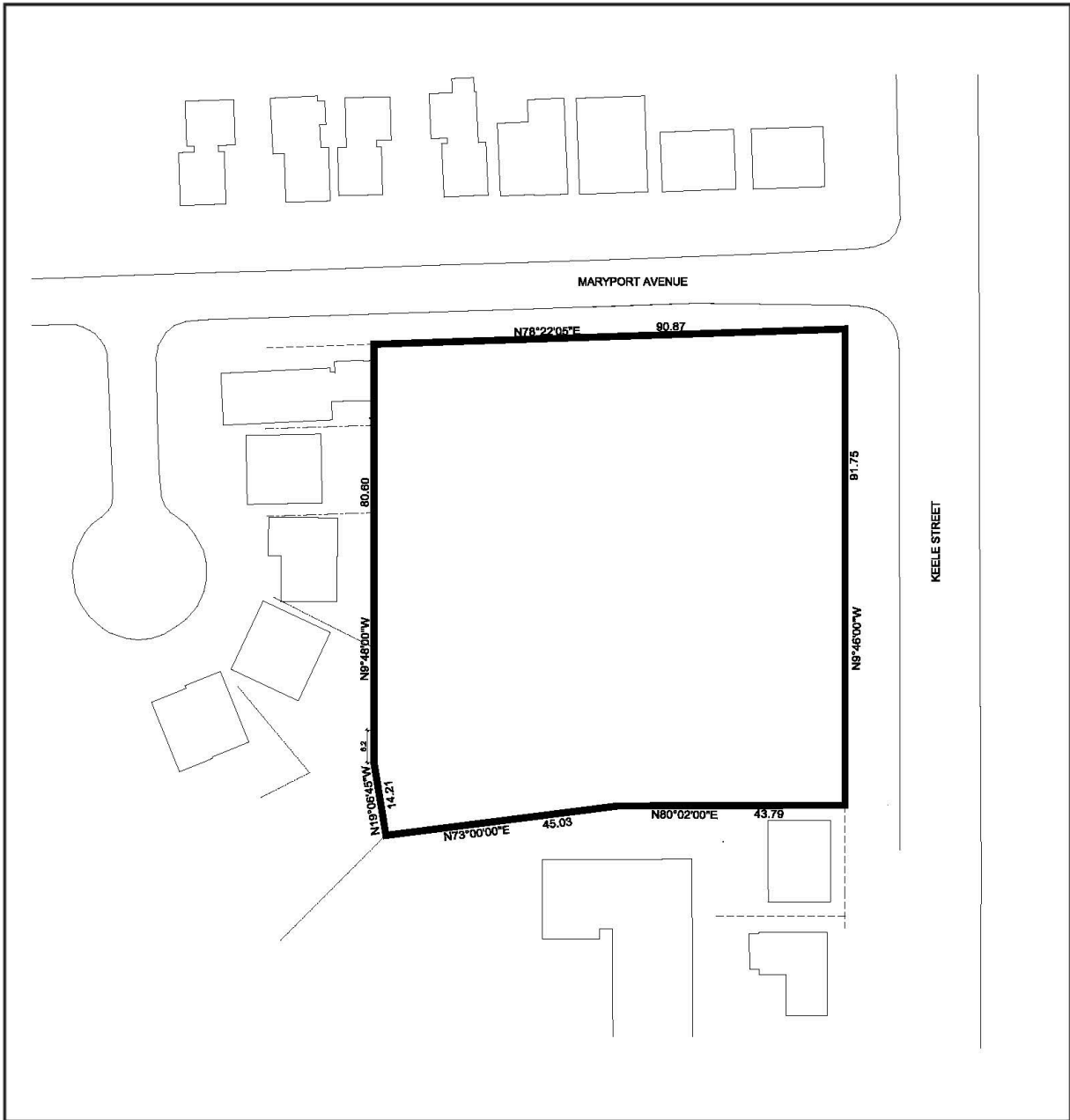
**Schedule A**

## 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 the first above **grade** building permit the owner shall:
  - a. provide a cash contribution of \$600,000 to be applied to the following:
    - i. \$550,000 to be used towards capital improvements to parkland in Ward 9 at the discretion of the General Manager, Parks, Forestry Recreation and the Ward Councillor; and
    - ii. \$50,000.00 to be used towards capital improvements to the new parkland abutting the south boundary of the Site at the discretion of the General Manager, Parks, Forestry Recreation and the Ward Councillor.
  - b. register a Restriction pursuant to section 118 the *Land Titles Act*, on title to the Park , which restriction shall provide as follows;

"No sale, transfer, lease, disposition, charge or other dealing with Part \_\_\_\_ on Plan 66R-\_\_\_\_\_, City of Toronto, or any part thereof, shall be registered without the written consent of the General Manager, Parks, Forestry and Recreation, City of Toronto."
  - c. submit to the City the necessary plans and cost estimate for the Base Park Improvements to the parkland to be approved by the General Manager, Parks, Forestry and Recreation; and
  - d. provide to the City an irrevocable Letter of Credit in the amount of 120 percent of the value of the Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Owner acknowledges and agrees that no credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
2. The cash amount of \$600,000 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
3. The Owner shall convey to the City a minimum of 600 square metres of parkland over and above the statutory parkland conveyance required under Section 42 of the *Planning Act* for a minimum parkland dedication of 1424 square metres. The location of the parkland is generally identified and illustrated on Diagram 2 as the lands to be zoned "ON".



**TORONTO** City Planning  
**Diagram 1**

3100 Keele Street

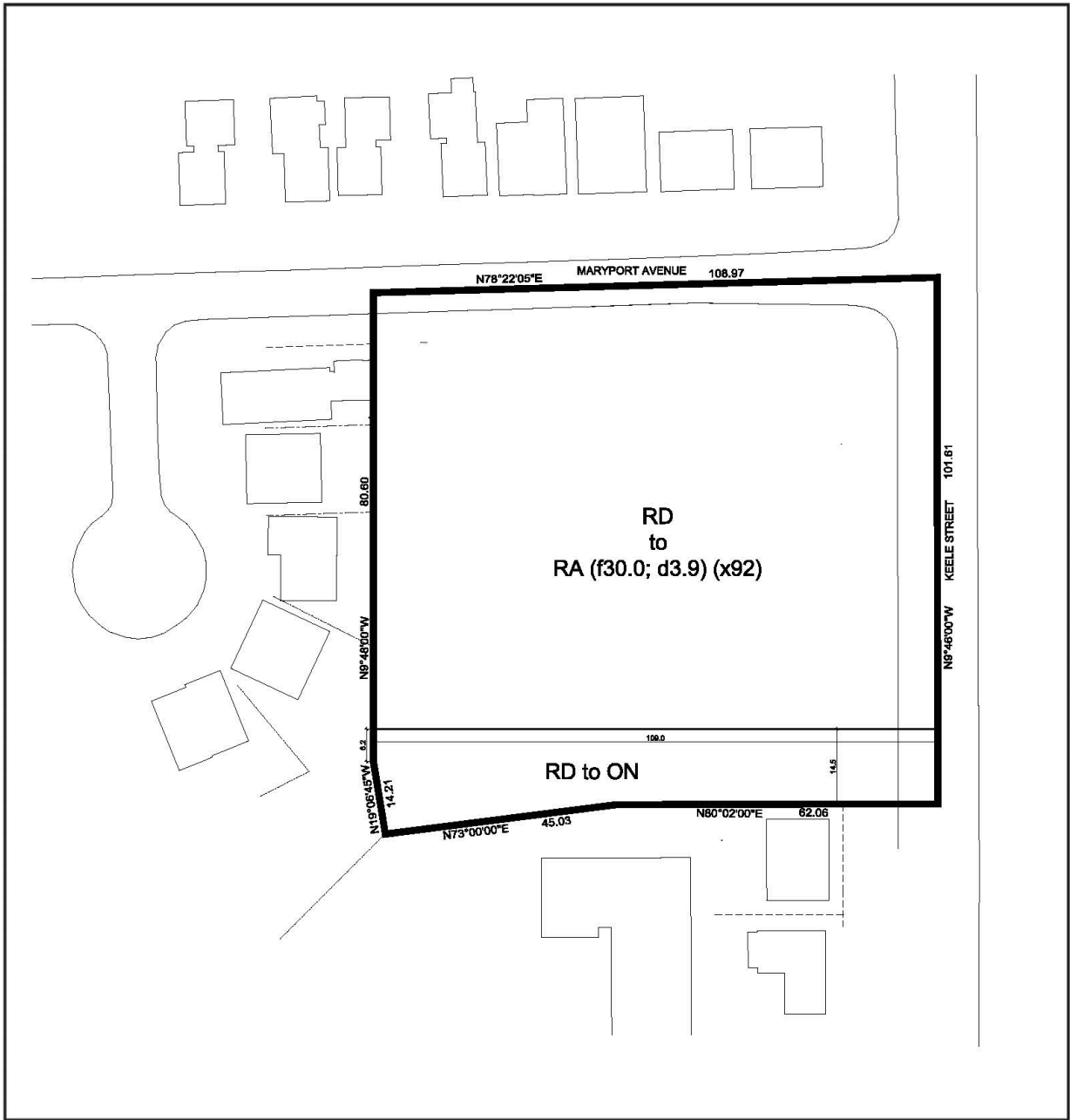
File # 13 241316 NNY 09 OZ

From Applicant's Drawings

Approved by:



Toronto Zoning By-Law 569 - 2013  
 Not to Scale  
 7/3/2017



**Toronto** City Planning  
**Diagram 2**

3100 Keele Street

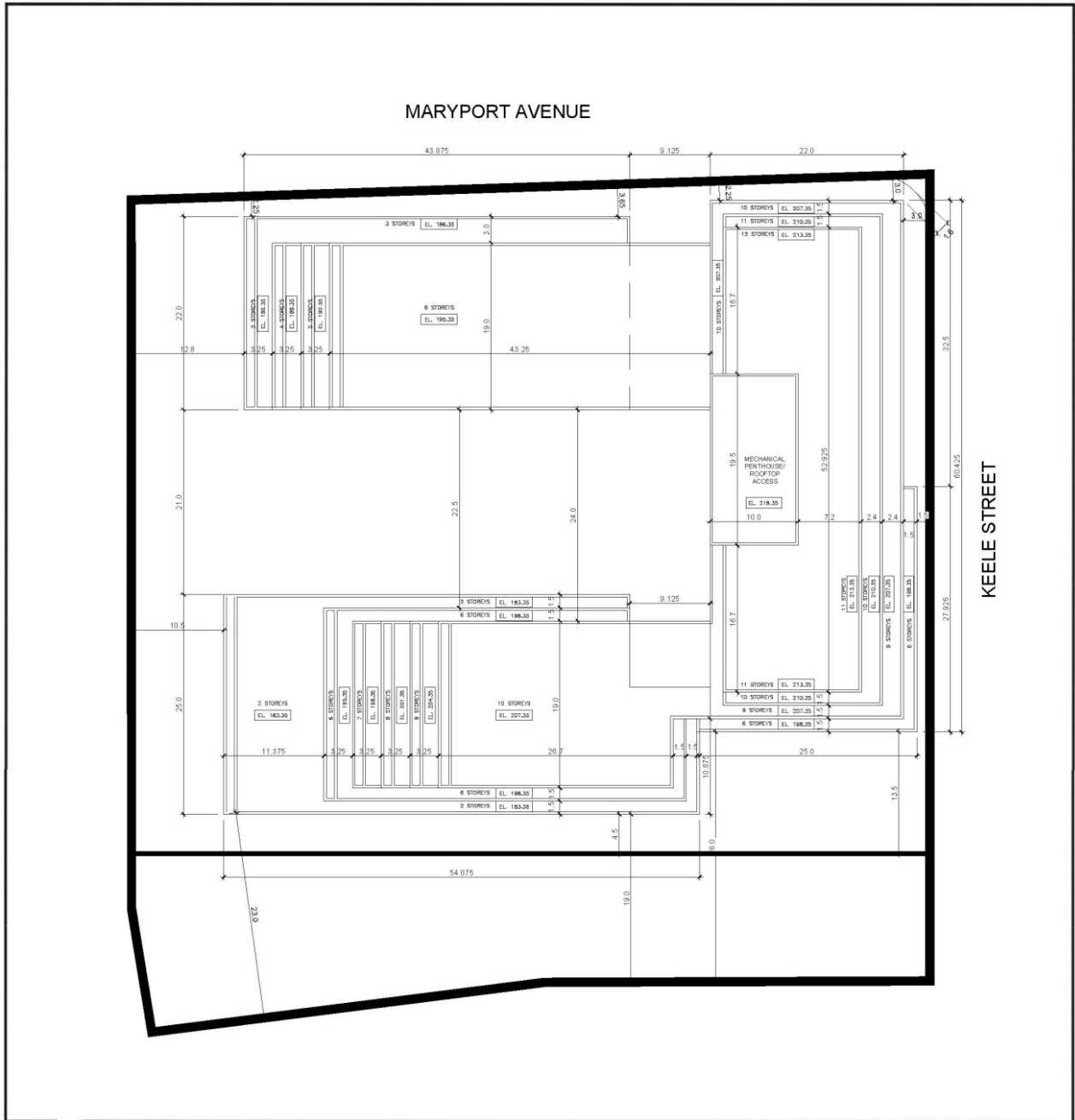
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From Applicant's Drawings

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**Toronto** City Planning  
**Diagram 3**

3100 Keele Street

File # 13 241316 NNY 09 OZ

From Applicant's Drawings

Approved by:

↑  
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