

Authority: Etobicoke York Community Council Item EY20.6, as adopted by City of Toronto Council on March 9, 2017

CITY OF TORONTO

Bill 268

BY-LAW -2017

To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known as 2175 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*;

Whereas Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as 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 owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in By-law 1-83, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. That Section 6 Amendments of Use Districts and District Maps of the former City of York Zoning By-law 1-83, as amended, be further amended by adding a new Subsection (457) as follows:

**"Lands – 2175 Keele Street
457 MAP 24**

By changing the area shown on District Map 24 more particularly shown on Schedule A hereto from R2 – Residential Zone and Section 16(174) to R2 –Residential Zone and Section 16 (457), and G – Green Open Space Districts."

2. That Section 16 General Exceptions of the former City of York By-law 1-83, as amended, be further amended by deleting Section 16 Subsection 174.
3. That Section 16 General Exceptions of the former City of York By-law 1-83, as amended, be further amended by adding a new Subsection 457 as follows:

457 Lands: 2175 Keele Street

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lands, as delineated by heavy lines on Schedule A attached to and forming part of this By-law, and municipally known as 2175 Keele Street may be used for the purposes of a phased development consisting of apartment houses, townhouses, amenity building, accessory buildings and structures subject to the following provisions:

MAXIMUM GROSS FLOOR AREA

- (a) The maximum permitted residential gross floor area on the lot shall not exceed 54,000 square metres.

MAXIMUM NUMBER OF UNITS

- (b) The maximum permitted number of residential dwelling units on the lot shall not exceed 650 of which a minimum of 35 percent of the total units, excluding any units provided in a retirement home and/or a nursing home, must be comprised of 2 or more bedroom units.

PERMITTED USES

- (c) Notwithstanding Section 8.2.2 of By-law 1-83, the following uses shall be permitted:
 - (i) Apartment houses and associated structures;
 - (ii) Townhouses and associated structures;
 - (iii) Stacked townhouses;
 - (iv) Amenity building, accessory buildings and structures;
 - (v) Retirement home; and
 - (vi) Nursing home.

BUILDING HEIGHT

- (d) The height of the buildings shall not exceed the maximum number of storeys, or the height in metres measured from the identified starting point shown on Schedule C attached to and forming part of this By-law and accessory structures,

appurtenances, equipment or other projections shall not exceed the maximum height in metres except for: wind screens, elevator overruns, mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, stairs, stair enclosures, roof drainage, window washing equipment, lightning rods, architectural features, landscaping, and elements of a green roof, which may project above the height limits shown on Schedule C.

YARD SETBACKS

- (e) The minimum yard setbacks shall be as shown on Schedule C attached to and forming part of this By-law except for: accessory buildings and structures, fences, balconies, decks, porches, art and landscape features, cornices, light fixtures, ornamental elements, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, mechanisms associated with loading and servicing areas, and underground garage ramps and associated structures, guardrails, play structures, retaining walls, and garage vent shafts and which may extend beyond the heavy lines shown on Schedule C of this By-law.

PARKING

- (f) Resident parking for all dwelling units on the lands shall be provided at the Policy Area 4 (PA4) rate for dwelling units in an apartment building, as set out in Table 200.5.10.1 of Zoning By-law 569-2013 as it read on March 9, 2017, which rates are as follows:
 - (i) 0.7 parking spaces per bachelor unit;
 - (ii) 0.8 parking spaces per 1-bedroom unit;
 - (iii) 0.9 parking spaces per 2-bedroom unit; and
 - (iv) 1.1 parking spaces per 3-bedroom unit.
- (g) Visitor parking for all uses on the lands shall be provided at the following rate:
 - (i) 0.2 parking spaces per unit.
- (h) Notwithstanding subsection (f) and (g) above parking shall be provided at the minimum rate for a retirement home and nursing home:
 - (i) 0.3 parking spaces per dwelling unit and bed-sitting room.
- (i) Parking for affordable housing units, as defined in Section 9.a.vii. of this By-law, shall be provided at a minimum rate of 0.4 parking spaces per dwelling unit.

- (j) A parking space must have the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) Width of 2.6 metres;
 - (iii) Vertical clearance of 2.0 metres;
 - (iv) The minimum width must be increased by 0.3 metres for each side of the parking space that is obstructed according (j)(v) below; and
 - (v) The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metre from the front or rear of the parking space.
- (k) Of the required parking spaces a minimum of 4 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces, must comply with the minimum dimension for an accessible parking space.
- (l) An accessible parking space must have the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) Width of 3.9 metres; and
 - (iii) Vertical clearance of 2.1 metres.

BICYCLE PARKING

- (m) A minimum of 1.0 bicycle parking spaces for each dwelling unit allocated as a minimum of 0.9 "long term" bicycle parking spaces per dwelling unit shall be provided and maintained on the lands, and a minimum of 0.1 "short term" bicycle parking spaces per dwelling unit shall be provided and maintained on the lands.
- (n) All bicycle parking spaces may be located within a secured room, within an underground parking structure, or outdoors and uncovered or a combination thereof.
- (o) A bicycle parking space must comply with the following:
 - (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.45 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres.

- (p) the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:
 - (i) minimum length or vertical clearance of 1.9 metres;
 - (ii) minimum width of 0.6 metres;
 - (iii) minimum horizontal clearance from the wall of 1.2 metres; and
 - (iv) if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.
- (q) Notwithstanding subsection (m) above, bicycle parking spaces shall not be required for dwelling units or bed-sitting rooms within a nursing home and retirement home.

LOADING

- (r) Loading spaces shall be provided as follows:
 - (i) one type "G" loading space shall be provided for Blocks 1 and 2 as shown on Schedule B, and shall be provided on Block 1 and shall have a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres;
 - (ii) one type "C" loading space shall be provided for Blocks 3 and 4 as shown on Schedule B, and shall be provided on Block 3 and shall have a minimum length of 6.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 3.0 metres; and
 - (iii) one type "G" loading space shall be provided for Blocks 3 and 4 as shown on Schedule B, and shall be provided on Block 3 and shall have a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres.

AMENITY

- (s) Indoor amenity space shall be provided and maintained at a minimum of 450 square metres, which shall be provided entirely on Block 3, as shown on Schedule B.
- (t) Outdoor amenity space for all permitted uses shall be provided and maintained at a minimum of 3,000 square metres in total, of which 1,250 square metres shall be provided north of the Public Road shown on Schedule B and a minimum of 1,750 square metres shall be provided south of the Public Road shown on Schedule B.

REFUSE HANDLING

- (u) Refuse for all dwelling units on the lot shall be stored and maintained within refuse rooms.

SALES PRESENTATION CENTRE

- (v) Nothing in this By-law shall prevent the construction and use of a sales presentation centre on the lot for the purpose of selling or leasing of dwelling units or bed-sitting rooms to be constructed on the lands.

DEFINITIONS

- (w) For the purposes of this By-law the following definitions shall apply:
 - (i) "amenity space" means indoor or outdoor space that is communal and available for use by the occupants of Blocks 1, 2, 3 and 4 for recreational or social activities;
 - (ii) "bed-sitting room" means a room used as a separate living accommodation that has a private entrance from a hallway inside a building, and may have sanitary facilities and may have a kitchenette or kitchen;
 - (iii) "height" means the vertical distance between the identified starting point shown on Schedule C, which is further defined as the geodetic elevation measured from the midpoint of the east elevation of each building shown on Schedule C, and the highest point of the building or structure, excluding mechanical penthouse;
 - (iv) "nursing home" means premises used to provide living accommodation and regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas;
 - (v) "gross floor area" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level.

For the purpose of this exception, the "gross floor area" of an apartment house dwelling, nursing home and retirement home is reduced by the area in the building used for:

- (A) Parking, loading and bicycle parking below ground;
- (B) Required loading spaces and required bicycle parking spaces at or above ground;
- (C) Storage rooms, locker 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 exception;
 - (F) Elevator shafts;
 - (G) Garbage shafts;
 - (H) Mechanical penthouse; and
 - (I) Exit stairwells in the building.
- (vi) "stacked bicycle parking space" means 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;
 - (vii) "townhouse" means one of a series of more than two (2) attached buildings where each building contains one dwelling units, and each building is separated from each adjoining building by a division wall without opening;
 - (vi) "retirement home" means premises used for semi-independent living accommodations for senior citizens primarily in bed-sitting rooms, with common and/or private dining and lounge areas;

OTHER PROVISIONS

4. Section 3.2.1(v), 3.3.1, 3.3.2, 3.4.7, 8.3 and 16(174) of the former City of York Zoning By-law 1-83, as amended, shall not apply.
5. The provisions of this exception shall apply collectively to the lands notwithstanding the future severance, partition, or division of the lands.
6. All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict in which case the provisions of this Exception shall prevail.
7. Within Blocks 3 and 4 shown on Schedule B attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

8. Within Blocks 1 and 2 shown on Schedule B attached to this By-law, no person shall use any land or erect or use any building or structure above ground level unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

9. **INCREASED HEIGHT AND DENSITY**

Matters which are to be provided pursuant to Section 37 of the *Planning Act*, as amended, in order to permit the increased density of the proposed development authorized under section 2(b) and (d) of this Exception are:

SECTION 37 AGREEMENT

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The *owner* of the *site* shall:

- (a) The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - (i) Prior to the issuance of the first building permit for the development, the owner will pay by cash or certified cheque the amount of \$400,000.00 toward the following:
 - (A) \$300,000.00 towards park improvements in the vicinity of the lands and within Ward 12, with a portion of the monies directed to Woodborough Park, to be determined by the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor;
 - (B) \$50,000.00 towards one or more public libraries in the vicinity of the lands; and
 - (C) \$50,000.00 towards streetscape improvements on west side of Keele Street in the vicinity of the lands to the satisfaction of the Chief Planner and Executive Director, City Planning.

- (ii) In the event the cash contributions referred to in (i) above have not been used for the intended purpose within three (3) years of the 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 that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (iii) The above noted cash contributions are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.
- (vi) The owner will provide a minimum of 5% of the new residential density uplift, which is at least three dwelling units comprising 287 square metres as barrier-free affordable ownership housing, finished to the standard of a condominium, comprising at least 2 two-bedroom units of at least 80 square metres, and 1 three-bedroom unit of at least 100 square metres at a nominal cost to a non-profit affordable ownership housing provider, with the following conditions:
 - (A) The units will be provided in the first and second phases of the development;
 - (B) Two units will be provided with parking spaces at no extra cost; and
 - (C) The owner will submit in consultation with the non-profit affordable ownership housing provider, proposed layouts and locations of the units as Site Plan drawings and all will be to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (vii) The owner shall provide and maintain the Affordable Ownership Housing units for an affordable housing period with a minimum of 20 years to each subsequent eligible owner during the affordable housing period. Qualifying purchaser eligibility will be consistent with the Official Plan Amendment affordable ownership price. Income limits will be established by the City and will generally be tied to what is affordable (e.g. 30 percent of income) to a household based on the unit size. Household size will be tied to unit eligibility (e.g. there must be at least two adults or one adult and one child in the household in order to be eligible for a 2-bedroom unit, at least two adults and two children for a 3-bedroom unit).
- (viii) The owner will enter into a partnership with the non-profit affordable ownership housing provider to the satisfaction of the Chief Planner and Executive Director, City Planning, to implement the provision of

Recommendations (vi) and (vii) above prior to the issuance of the first building permit for the development.

- (ix) The owner shall enter into and register on title a Section 118 restriction under the *Land Titles Act* prior to first above-grade building permit for the development to enable the monitoring of the Agreement for the provision of affordable ownership housing for the 20 year affordability period to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director City Planning.

10. REPEAL OF BY-LAW 1945

By-law 1945 of the former City of York is repealed.

Enacted and passed on March , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





