

Authority: Etobicoke York Community Council
Item EY22.2, as adopted by City of Toronto
Council on March 10, 2021

CITY OF TORONTO

BY-LAW 663-2021

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in 2021 as 2839 Jane Street.

Whereas Council of the City of Toronto has the authority pursuant to 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 height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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, a 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 the 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 the By-law which is secured by one or more agreements between the owner and 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 by heavy black lines on Diagram '1' attached to this By-law.
2. The words highlighted in bold type in the 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 revising the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CR 1.0 (c1.0; r1.0) SS3 to CR 1.0 (c1.0; r1.0) SS3 (x295) as shown on Diagram '2' attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 295 so that it reads:

Exception CR(295)

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 2839 Jane Street, if the requirements of Section 5 and Schedule A of By-law 663-2021 are complied with, a **building, structure**, addition or enlargement may be constructed or used in compliance with (B) to (L) below;
- (B) A maximum of 190 **dwelling units** are permitted;
- (C) Despite Clause 40.10.30.40, the maximum permitted **lot coverage** shall be 56 percent;
- (D) Despite regulation 40.10.40.1(2)(A), the floor level of the first **storey** must be within 0.4 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance;
- (E) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the difference between the Canadian Geodetic Datum of 177.35 metres above sea level and the elevation of the highest point of the **building** or **structure**;
- (F) Despite regulations 40.10.40.10(3) and (7), the permitted maximum height of the **building** or **structure**, must not exceed the height in metres specified by the numbers following "HT" and the height in **storeys** above ground level specified by the numbers following "ST" as shown on Diagram 3 of By-law 663-2021;
- (G) Despite regulations 40.10.40.70(3), the required minimum **building setbacks** are shown in metres on Diagram 3 of By-law 663-2021;
- (H) The level of the **building** that is labelled "mechanical penthouse" on Diagram 3 of By-law 663-2021 may only be used exclusively for the functional operation of the **building**, indoor **amenity space**, or access to outdoor **amenity space**;

- (I) Despite (F) and (G) above, no portion of any **building** or **structure** on the lands is to have a height greater than the height in metres specified by the number following the "HT" symbol as shown on Diagram 3 of By-law 663-2021, excluding:
- i) Mechanical penthouses, elevator overruns, window washing equipment, stairs, stair enclosures, and heating, cooling or ventilating equipment or a fence, wall or **structure** enclosing such elements, all of which are permitted to exceed the height by a maximum of 1.0 metres;
 - ii) Ornamental elements, parapets, guardrails, safety railings, vents, stacks, fences, wind or privacy screens, flues, access roof hatch, trellises, and chimneys, all of which are permitted to exceed the height by a maximum of 3.0 metres;
 - iii) Landscape elements (including green roofs), terraces, thermal insulation and roof ballast and skylights, all of which are permitted to exceed the height by a maximum of 1.5 metres;
 - iv) **Structures** used for the ventilation of an underground parking facility may project vertically above the finished ground level a maximum of 0.5 metres if stand-alone, or not more than 1.2 metres if integrated with a landscape feature;
 - v) The ramp leading to the underground parking, including elements required for the ramp;
 - vi) Transformers, which may project vertically above the finished ground level by no more than 2.3 metres; and
 - vii) Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements, which may project vertically above finished ground level by no more than 3.5 metres;
- (J) No portion of any **building** or **structure** erected or used above ground may encroach into the required **building setbacks** shown on Diagram 3 of By-law 663-2021, excluding:
- i) Ornamental cladding, to a maximum of 0.4 metres;
 - ii) Eaves, cornices, roof overhangs, lighting fixtures, pilasters, chimney breasts, bay windows, window sills and other minor architectural projections, to a maximum of 0.5 metres;
 - iii) Balconies, awnings and canopies, a maximum of 3.5 metres;
 - iv) Decks and terraces at-grade, to a maximum of 4.5 metres;

- v) Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements;
 - vi) Transformers;
 - vii) Structures used for the ventilation of an underground parking facility; and
 - viii) Retaining walls;
- (K) Despite regulation 40.10.40.40, the maximum **gross floor area** is 14,150 square metres;
- (L) Despite regulation 40.10.50.10(1)(B), the area between a **main wall** and a **lot line** abutting a **street**, must be provided as **landscaping**;
- (M) A minimum 0.9 metre landscape strip shall be provided along the eastern property line;
- (N) At least 20 percent of the **dwelling units** on the entire **lot** must contain two bedrooms; and
- (O) At least 10 percent of the **dwelling units** on the entire **lot** must contain three bedrooms.

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

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 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 in priority 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 or until the owner has executed and registered in priority an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, securing the provision of facilities, services and matters set out in all provisions of Schedule A of By-law 663-2021.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the facilities, services and matters set out below are required to be provided to the City by the owner of the lands at the owner's expense in accordance with this By-law, and that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

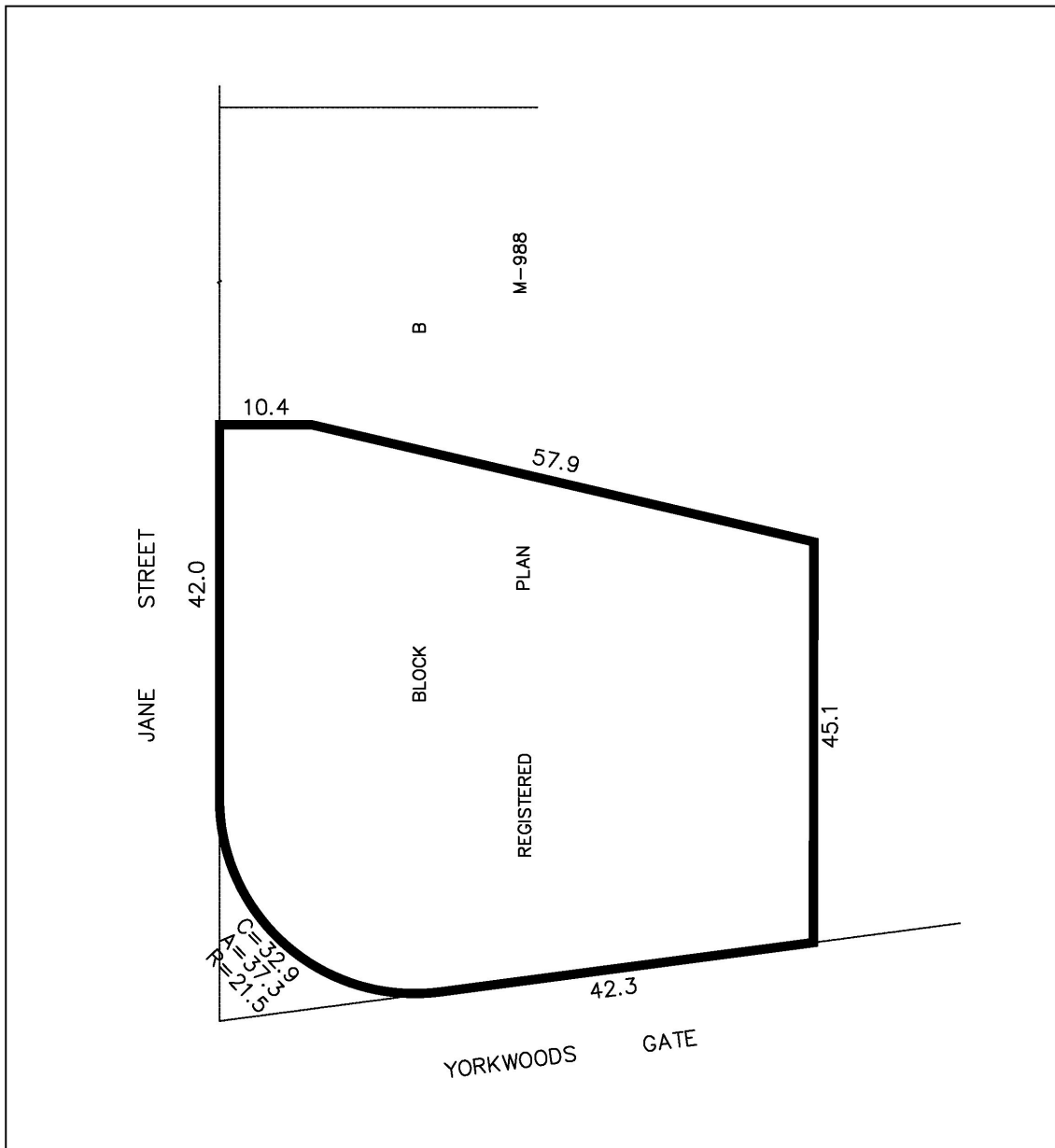
Financial Contribution

- 1) Prior to the issuance of the first above grade building permit other than a building permit for a temporary sales office/pavilion, the owner shall make a cash contribution to the City in the amount of six hundred thousand dollars (\$600,000.00) in Canadian funds with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, as reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date the payment is made, to be directed towards the provision of community services and facilities, parkland improvements and/or public realm improvements in the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- 2) In the event the cash contribution referred to in Clause 1 of Schedule A has not been used for the intended purpose within three (3) years of this 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 Humber River-Black Creek.

Other Matters in Support of the Development

- 3) The owner shall construct and maintain the development of the site in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council, applicable at the time a site plan application is submitted to the City for each building on the site, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate, consistent with the performance standards of Toronto Green Standard applicable at the time of the site plan application for each building on the site.

City of Toronto Zoning By-law 569-2013 Amendment:



City of Toronto Zoning By-law 569-2013 Amendment:

