

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

THE CITY OF TORONTO

BY-LAW 664-2021

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in 2021 as 2839 Jane Street.

Whereas authority is given to Council of the City of Toronto 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 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 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 that otherwise permitted on the aforesaid lands by By-law 7625, 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. The lands subject to this By-law are outlined by heavy black lines on Schedule 1 attached hereto.
2. Schedules B and C of By-law 7625, as amended, are hereby further amended in accordance with Schedule 1 attached hereto.

3. Section 64.26 of By-law 7625 of the former City of North York is further amended by adding the following subsection:

64.26-(17) C4(17)

DEFINITIONS

For the purposes of this exception, the following definitions will apply:

- a) AMENITY SPACE means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities;
- b) ESTABLISHED GRADE means, for the purposes of this exception, a geodetic elevation of 177.35 metres above sea level;
- c) FRONT LOT LINE means the lot line dividing the lands subject to this By-law from Jane Street;
- d) TYPE B LOADING SPACE means a loading space that is a minimum of 3.5 metres wide, 11.0 metres long and has a minimum vertical clearance of 4.0 metres;
- e) TYPE G LOADING SPACE means a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres;

PERMITTED USES

- f) All uses permitted within the C4 Zone;
- g) Automated Banking Machine;
- h) Club;
- i) Commercial Gallery;
- j) Information Processing;
- k) Library;
- l) Massage Therapy;
- m) Museum;
- n) Pinball and Video Games Arcade;

- o) Production Studio;
- p) Veterinary Clinic;

EXCEPTION REGULATIONS

- q) A maximum of 190 dwelling units are permitted;
- r) The minimum yard setbacks for all buildings and structures shall be as shown on Schedule C4(17) of By-law 664-2021;
- s) No portion of any **building** or **structure** erected or used above **grade** shall be located outside the building footprint area delineated on Schedule C4(17) of By-law 664-2021, excluding:
 - i) Ornamental cladding, which may encroach into the minimum **building setbacks** on the **lot** 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, all of which are permitted to project into the minimum **building setbacks** on the **lot** to a maximum of 0.5 metres;
 - iii) Balconies, awnings and canopies, all of which may encroach into the minimum **building setbacks** on the **lot** a maximum of 3.5 metres;
 - iv) Decks and terraces at-grade, which may encroach into the minimum **building setbacks** on the **lot** a maximum of 4.5 metres;
 - v) Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements, all of which may encroach into the minimum **building setbacks** on the **lot**, and may project vertically above finished ground level by no more than 3.5 metres;
 - vi) Transformers, which may encroach into the minimum **building setbacks** on the **lot** and may project vertically above the finished ground level by no more than 2.3 metres;
 - vii) Structures used for the ventilation of an underground parking facility, which may encroach into the minimum building setbacks on the lot; and
 - viii) Retaining walls, which may encroach into the minimum building setbacks on the lot;

- t) The maximum number of storeys (labelled "ST") and the maximum building height as measured from established grade in metres (labelled "HT") is shown on Schedule C4(17) of By-law 664-2021;
- u) Notwithstanding (t) 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 Schedule C4(17) of By-law 664-2021, 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; and
 - v) The ramp leading to underground parking, including elements required for the ramp;
- v) The Gross Floor Area of a mixed-use building is reduced by the area in the 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. Shower and change facilities required by any City of Toronto By-law for required bicycle parking spaces;
 - v. Amenity space required by this By-law;

- vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse; and
 - ix. Exit stairwells in the building;
- w) The maximum Gross Floor Area shall be 14,150 square metres;
 - x) The equivalent of a minimum of 2 square metres of indoor amenity space and 2 square metres of outdoor amenity space per dwelling unit shall be provided on the property;
 - y) Notwithstanding the provisions of Sections 6A(2), 26(7)(a), or 26(7)(b) parking shall be provided in accordance with the following rates:

Residential Apartment Dwelling	
Bachelor Units (up to 45 square metres)	0.8 spaces per unit
Bachelor Units (more than 45 square metres)	1.0 spaces per unit
1 Bedroom Units	0.9 spaces per unit
2 Bedroom Units	1.0 spaces per unit
3+ Bedroom Units	1.2 spaces per unit
Visitor Spaces	0.2 spaces per unit
Retail or Personal Service Shop Uses	
1.5 spaces per 100 square metres of Gross Floor Area	
If the gross floor area is 200 square metres or less, no parking is required	

- z) Notwithstanding the provisions of Section 6A(16) and 6A(16)(d)(iv), a minimum of 1 **Type B** and 1 **Type G Loading Space** shall be required;
- aa) A minimum 0.9 metre landscape strip shall be provided along the eastern property line; and

EXCLUSIONS

- bb) Sections 6(9), 6A(16)(d)(ii), 6A(16)(d)(iv), 22.10, and 26(6) shall not apply.
4. Except as provided herein, By-law 7625 of the former City of North York shall continue to apply.
 5. Despite any existing or future severance, partition or division of the lot, the provisions of this By-law shall apply to the whole lot as if no severance, partition or division occurred.

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/or density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule C4(17) of By-law 664-2021, 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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, 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 of 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 Standards applicable at the time of the site plan application for the building on the site.



