

Authority: Etobicoke York Community Council Item
EY33.7, as adopted by City of Toronto Council on July 19,
20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 828-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 7, 11 Blue Grassway; 4, 17 Cane Grassway; 1, 2 and 8 Dune Grassway; 3 and 36 Marsh Grassway; 5, 10, and 40 Turf Grassway; 2 to 14, 22 to 36, and 5 Needle Firway.

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 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 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 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 outlined by heavy black

lines from zone labels of RA (f30.0; a1375; d1.5) (x148) and RAC (f30.0; a 1375; d1.5) (x16) to zone labels of RAC (f30.0; a1375; d1.5) (x187) and OR (x42) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 187 so that it reads:

(187) Exception RAC (x187)

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 shown on Diagram 1 of By-law 828-2022, if the requirements of this By-law are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below;
- (B) For the purposes of this exception:
- (i) "lot" is defined as the lands outlined by black lines collectively comprising Block 1, Block 2, Block 4, Block 5, Block 7A, Block 7B, Existing Block 1 and Existing Block 2 as identified on Diagram 1 of By-law 828-2022;
 - (ii) "lot line" is defined to include the boundary of any of Block 1, Block 2, Block 4, Block 5, Block 7A, Block 7B, Existing Block 1 and Existing Block 2 as identified on Diagram 1 of By-law 828-2022;
 - (iii) "existing buildings" are the **buildings and structures lawfully** existing on the lot, labelled as "Existing Building" as shown on Diagram 3 of By-law 828-2022; and
 - (iv) "average grade" means the average elevation of the finished ground surface, around all sides of a **building or structure**, measured where the **building or structure** meets the ground surface;
- (C) In addition to the building types permitted in 15.20.20.40(1), a **townhouse** is a permitted **residential building** type;
- (D) Despite Regulation 15.5.50.10(1)(B), no soft landscaping is required;
- (E) Despite Regulation 15.20.30.10(1), the minimum **lot area** is 600.0 square metres;
- (F) Despite Regulation 15.20.30.20(1), the minimum **lot frontage** is 15.0 metres;
- (G) Regulation 15.20.30.40(1), with respect to **lot coverage** does not apply;
- (H) Despite Regulation 15.5.40.10(1), the height of a **building or structure** is the distance between the "average grade" and elevation of the highest point of the building or structure;

- (I) Despite Regulations 15.20.40.10(1) and (2), the permitted maximum **height** and number of **storeys** of a **building** or **structure** is the numerical value in metres, following the letters "HT" and the number of **storeys**, following the letters "ST" on Diagram 3 of By-law 828-2022;
- (J) The **buildings** labelled as Existing Building on Diagram 3 of By-law 828-2022, and the **structures** and uses on Existing Block 1 and Existing Block 2 shown on Diagram 1 of By-law 828-2022 on the lot as of June 1, 2022, are permitted on the lot;
- (K) Despite Regulation 15.20.40.40(1), the maximum permitted **gross floor area**, excluding Existing Block 1 and Existing Block 2 as shown on Diagram 1 of By-law 828-2022 is 115,000.0 square metres, of which the maximum permitted **gross floor area** for Block 4, Block 5, Block 7A and Block 7B as shown on Diagram 1 of By-law 828-2022 is as follows:
 - (i) 30,500.0 square metres for Block 4;
 - (ii) 7,200.0 square metres for Block 5;
 - (iii) 14,100.0 square metres for Block 7A; and
 - (iv) 14,700.0 square metres for Block 7B;
- (L) Despite Clause 15.20.40.70, the required minimum **building setbacks** are as specified in Regulations (i) to (vi) below:
 - (i) On Block 1, as identified on Diagram 1 of By-law 828-2022:
 - (a) the portions of a **building** or **structure** located between "average grade" and a height of 30.0 metres must be setback a minimum of 2.0 metres and a maximum 6.0 metres from the "lot line";
 - (b) the **main wall** of a **building** or **structure** located above a height of 18.0 metres, must be setback a minimum of 3.0 metres from the exterior of a **main wall** of any **storey** of the same **building** or **structure** located below a height of 18.0 metres, excluding the elements permitted by (O) below; and
 - (c) the portions of a **building** or **structure** located above a height of 18.0 metres must not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 850.0 square metres;
 - (ii) On Block 2, as identified on Diagram 1 of By-law 828-2022:
 - (a) the portions of a **building** or **structure** located between "average grade" and a height of 30.0 metres must be setback a minimum of 2.0 metres and a maximum 6.0 metres from the "lot line";

- (b) the portions of a **building** or **structure** located between "average grade" and a height of 30 metres must be setback a minimum of 0.0 metres and a maximum of 6.0 metres from the "lot line" abutting Jane Street;
 - (c) the **main wall** of a **building** or **structure** located above a height of 30.0 metres, must be setback a minimum of 3.0 metres from the exterior of a **main wall** of any **storey** of the same **building** or **structure** located below a height of 30 metres, excluding the elements permitted by (O) below;
 - (d) no portion of a **building** or **structure** located above a height of 30.0 metres may be erected more than 35.0 metres from the "lot line" fronting onto Jane Street excluding the elements permitted by Regulation (O) of By-law 828-2022; and
 - (e) the portions of a **building** or **structure** located above a height of 22.0 metres must not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 800.0 square metres;
- (iii) On Block 4, as identified on Diagram 1 of By-law 828-2022:
- (a) the portions of a **building** or **structure** located between **average grade** and a height of 30.0 metres must be setback a minimum of 2.0 metres and a maximum 6.0 metres from the "lot line";
 - (b) the portions of a **building** or **structure** located between "average grade" and a height of 30.0 metres must be setback a minimum of 0.0 metres and a maximum of 6.0 metres from the "lot line" abutting Jane Street;
 - (c) the **main wall** of a **building** or **structure** located above a height of 22.0 metres, must be setback a minimum of 3.0 metres from the exterior of a **main wall** of any **storey** of the same **building** or **structure** located below a height of 22.0 metres, excluding the elements permitted by (O) below;
 - (d) no portion of a **building** or **structure** above a height of 30.0 metres may be erected more than 55.0 metres from the "lot line" fronting onto Jane Street, excluding the elements permitted by (O) below; and
 - (e) the portions of a **building** or **structure** located above a height of 22.0 metres must not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 750.0 square metres;

- (iv) On Block 5, as identified on Diagram 1 of By-law 828-2022:
 - (a) the portions of a **building** or **structure** located between "average grade" and a height of 30 metres must be setback a minimum of 2.0 metres and a maximum 6.0 metres from the "lot line"; and
 - (b) no portion of a **building** or **structure** above a height of 15.0 metres may be erected more than 35.0 metres from the "lot line" fronting onto Street C as shown on Diagram 1 of By-law 828-2022, excluding the elements permitted by (O) below;

- (v) On Block 7A, as identified on Diagram 1 of By-law 828-2022:
 - (a) the portions of a **building** or **structure** located between "average grade" and a height of 30 metres must be setback a minimum of 2.0 metres and a maximum 6.0 metres from the "lot line";
 - (b) the portions of a **building** or **structure** located between "average grade" and a height of 30 metres must be setback a minimum of 2.5 metres and a maximum 14.0 metres from the "lot line" abutting Firgrove Crescent; and
 - (c) the **main wall** of a **building** or **structure** located above a height of 12.0 metres must be setback a minimum 1.5 metres from the exterior of a **main wall** of any **storey** of the same **building** or **structure** located below a height of 12.0 metres, excluding the elements permitted by (O) below;

- (vi) On Block 7B, as identified on Diagram 1 of By-law 828-2022:
 - (a) the portions of a **building** or **structure** located between "average grade" and a height of 30.0 metres must be setback a minimum of 2.0 metres and a maximum of 6.0 metres from the "lot line";
 - (b) the portions of a **building** or **structure** located between "average grade" and a height of 30.0 metres must be setback a minimum of 2.5 metres and a maximum of 8.0 metres from the "lot line" abutting Firgrove Crescent;
 - (c) the **main wall** of a **building** or **structure** located above a height of 18.0 metres, must be setback a minimum of 3.0 metres from the exterior of a **main wall** of any **storey** of the same **building** or **structure** located below a height of 18.0 metres, excluding the elements permitted by (O) below; and
 - (d) the portions of a **building** or **structure** located above a height of 18.0 metres must not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 750.0 square metres;

- (M) In addition to the requirements of Regulation 15.20.40.80(2)(B) and Regulation (L) above, every **building** with a height greater than 30.0 metres must be separated by at least 25.0 metres from each other **building** with a height greater than 30.0 metres, measured only for the portions of the **buildings** that collectively enclose the entirety of a **storey** with a height greater than 30.0 metres, excluding the elements permitted by (O) below;
- (N) In addition to the requirements of Regulation 15.20.40.80(1) and Regulation (L) above, if a line projected at a right angle from a **main wall** of a **building** with a height greater than 30.0 metres intercepts another **main wall** of the same building, those **main walls** must be separated by a minimum 25.0 metres, measured only for the portions of the **building** that collectively enclose the entirety of a **storey** with a height greater than 30.0 metres, excluding the elements permitted by (O) below;
- (O) Despite Clause 15.5.40.60 and Regulation (L) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) Balconies, cornices, lighting fixtures, awnings, ornamental elements, commercial or wayfinding signage, parapets, trellises, eaves, window sills and projections, guardrails, balustrades, railings, wheel chair ramps or other accessibility features, stairs, stair enclosures, vents, underground garage ramps and their associated structures or equipment, fences, screens, planter boxes, intake and exhaust vents, to a maximum of 2.0 metres;
 - (ii) Wind mitigation features including canopies, awnings and glazed entry vestibules to a maximum of 3.0 metres;
- (P) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- (i) For 'assisted housing' **dwelling units**, **parking spaces** must be provided for each **dwelling unit** in accordance with the following minimum rates:
 - (a) A minimum of 0.36 **parking spaces** for each two bedroom **dwelling unit**;
 - (b) A minimum 0.71 **parking spaces** for each three bedroom **dwelling unit**; and
 - (c) A minimum of 0.1 visitor **parking spaces** for each **dwelling unit**;
 - (ii) For **dwelling units** in an **apartment building**, **parking spaces** must be provided for each **dwelling unit** in accordance with the following minimum rates:
 - (a) A minimum 0.74 **parking spaces** for each one bedroom **dwelling unit**;

- (b) A minimum of 0.81 **parking spaces** for each two bedroom **dwelling unit**;
- (c) A minimum 1.0 **parking spaces** for each three bedroom **dwelling unit**; and
- (d) A minimum of 0.1 visitor **parking spaces** for each **dwelling unit**;
- (iii) For non-residential uses, **parking spaces** must be provided in accordance with the following minimum rates:
 - (a) **Parking spaces** must be provided at a ratio of 1.5 **parking spaces** per 100 square metres of **gross floor area**;
- (Q) Required parking spaces for non-residential uses may be provided on Block 1, Block 2, Block 3, Block 4, Block 5, Block 6, Block 7A and/or Block 7B, as shown on Diagram 1 of By-law 828-2022 and may be shared on a non-exclusive basis.

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

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.42.10 Exception Number 42 so that it reads:

(42) OR (x42)

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

Site Specific Provisions:

- (A) On the lands shown on Diagram 1 of By-law 828-2022, if the requirements of this By-law are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (F) below;
- (B) For the purposes of this exception:
 - (i) "lot" is defined as the lands outlined by black lines collectively comprising Block 3 and Block 6 as identified on Diagram 1 of By-law 828-2022;
 - (ii) "lot line" is defined to include the boundary of any of Block 3 and Block 6 as identified on Diagram 1 of By-law 828-2022; and
 - (iii) "average grade" means the average elevation of the finished ground surface, around all sides of a **building or structure**, measured where the **building or structure** meets the ground surface;
- (C) Despite Regulation 90.30.40.70(1)(C), for Block 3 as shown on Diagram 3 of By-law 828-2022 the required **front yard setback** is a minimum of 2.5 metres and a maximum of 12.0 metres from the "lot line" abutting Jane Street;

- (D) Despite Regulation 90.5.40.10(1), the height of a **building** or **structure** is the distance between "average grade" and elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided for in accordance with the following minimum rates:
 - (i) For a **community centre**, **parking spaces** must be provided at a minimum ratio of 1.3 **parking spaces** per 100 square metres of **gross floor area**;
 - (ii) For a **day nursery**, **parking spaces** must be provided at a minimum ratio of 0.8 **parking spaces** per 100 square metres of **gross floor area**; and
 - (iii) For all other permitted non-residential uses, **parking spaces** must be provided at a ratio of 1.5 spaces per 100 square metres of **gross floor area**;
- (F) Required parking spaces for non-residential uses may be provided on Block 1, Block 2, Block 3, Block 4, Block 5, Block 6, Block 7A and/or Block 7B, as shown on Diagram 1 of By-law 828-2022 and may be shared on a non-exclusive basis.

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

- 6. Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot.
- 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 of 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 attached to 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; and
 - (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.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

Prior to the issuance of any building permit, the owner shall enter into an agreement, and register same on title, to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.

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 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. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (A) The owner shall enter into Agreement(s) to secure the conditions of the Section 111 permit and any related conditions;
 - (B) Prior to Site Plan Control approval where additional affordable dwelling units are proposed, the owner shall provide detailed floor plans to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (C) Prior to Site Plan Control approval for each development block, the owner shall implement the mitigations measures identified in the required Noise Impact Study and secured in the Site Plan Agreement with the City to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (D) Prior to Site Plan Control approval for each development block, the owner shall implement the mitigation measures identified in the required Final Pedestrian Level Wind Study, secured in a Site Plan Agreement with the City to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (E) Prior to Site Plan Control approval for the blocks abutting Firgrove Public School lands to the west, the owner shall provide details and consult with the Toronto Lands Corporation and the Toronto District School Board on fencing designed along the subject site's western property line, with entry locations for pedestrians to mutually access Firgrove Public School and the subject lands, shown on the approved site plans to the satisfaction of the Toronto Land Corporation and the Toronto District School Board;
 - (F) Prior to Site Plan Control approval for each block, the owner shall provide a construction management plan including construction schedule and timelines, traffic management, proposed sidewalk and street closures, construction equipment movement, and noise, dust and air attenuation and mitigation to the satisfaction of the Toronto District School Board, and the Chief Engineer and Executive Director, Engineering and Construction Services;

- (G) Prior to Site Plan Control approval for each block owned by the Toronto Community Housing Corporation, the owner will construct and maintain the development of the site in accordance with a minimum Tier 2 of the Toronto Green Standard Version 4.0, or the equivalent in the Toronto Green Standard version applicable at the time of the site plan application for each building on the site;
- (H) Prior to Site Plan Control approval for each block not owned by the Toronto Community Housing Corporation, the owner will construct and maintain the development of each development block in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on each development block. The owner shall construct and maintain the development in accordance with Tier 1; and
- (I) Prior to Site Plan Control approval for Block 3, the owner will consult with Children Services regarding the design and inclusion of a City funded and operated child care facility in accordance with the Agreement between the City and the Toronto Community Housing Corporation dated February 16, 2017. The design of the facility shall be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2016), to the satisfaction of the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning.

Diagram 1

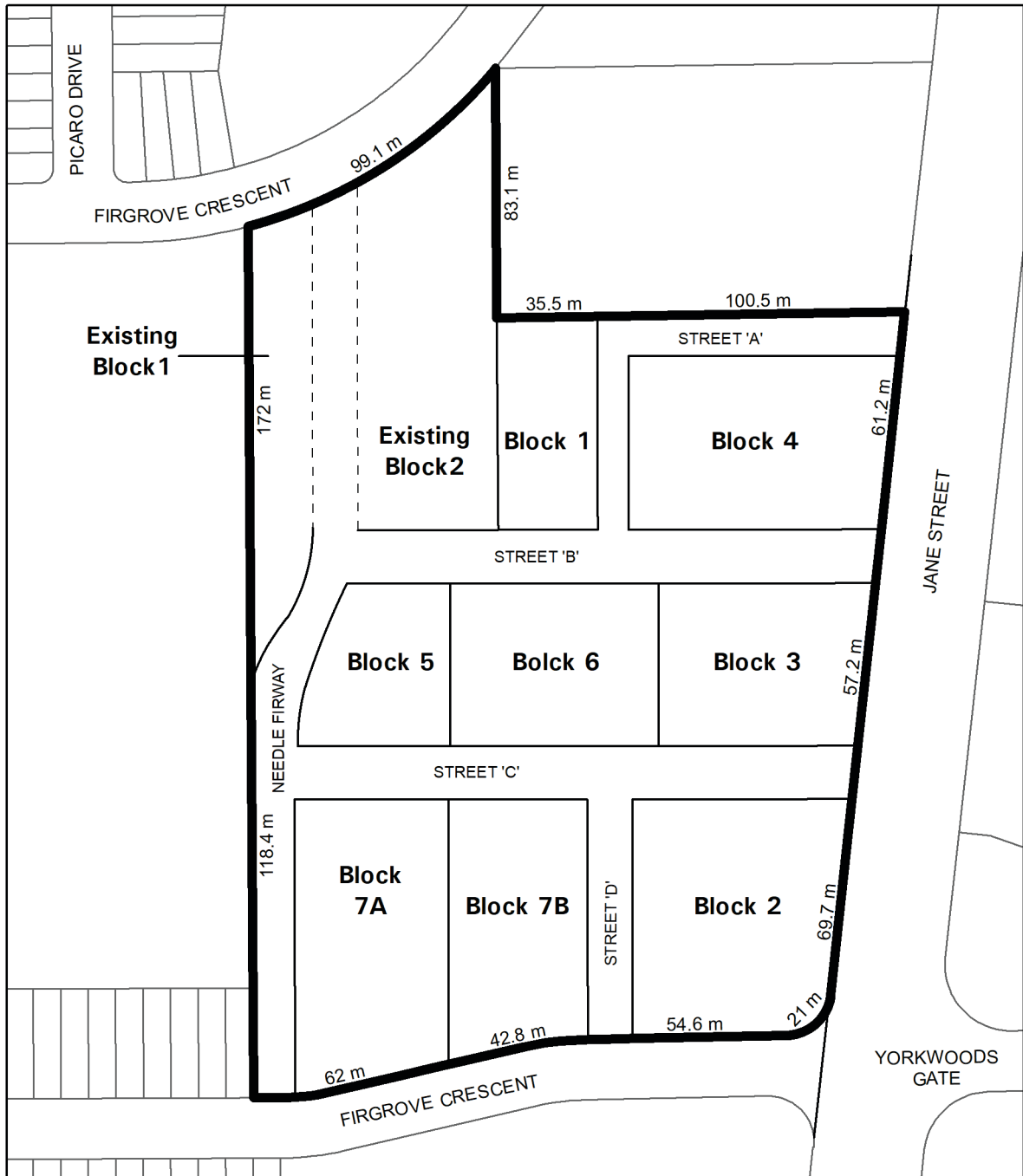


Diagram 2

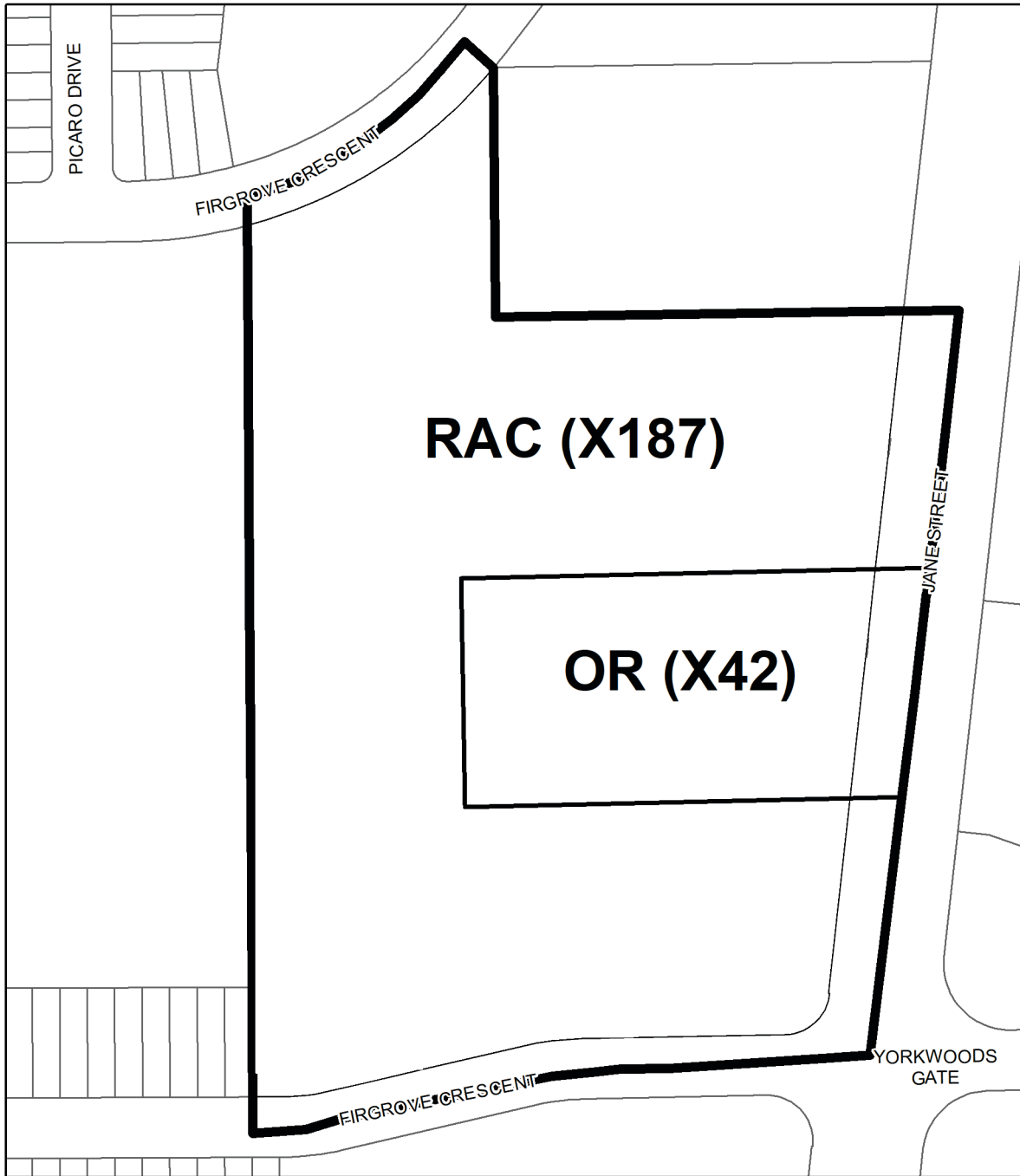


Diagram 3

