

Authority: North York Community Council Item NY33.2,
as adopted by City of Toronto Council on July 19, 20, 21
and 22, 2022

CITY OF TORONTO

BY-LAW 829-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2699-2701 Keele Street.

Whereas Council of the City of Toronto has the authority to 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 pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for an purpose set out therein that is otherwise prohibited 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels to these lands: OR and CR 1.0 (c1.0; r1.0) SS3 (x749) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA4, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 10.5; ST 3, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, and applying no value.
7. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 749 so that it reads:

(749) Exception CR 749

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 2699-2701 Keele Street, as shown on Diagram 1 of By-law 829-2022, if the requirements of By-law 829-2022 are complied with, a **building or structure**, may be constructed, used or enlarged in compliance with (B) to (AA) below;
- (B) Despite Regulation 40.5.40.10(1) and (2), the height of a **building or structure** is measured as the vertical distance between the Canadian Geodetic

Datum elevation of 179.80 metres and the elevation of the highest point of the **building** or **structure**;

- (C) Despite Regulation 40.10.40.1(1), residential use portions of a **building** may be located on the same level or below non-residential use portions of a **building**;
- (D) Despite Regulation 40.10.40.10(3) and 40.10.40.10(7)(A), no portion of a **building** or **structure** erected on the lands may exceed the height in metres specified by the numbers following "HT" and number of **storeys** specified by the numerical values following "ST" on Diagram 5 of By-law 829-2022;
 - (i) for the purpose of this exception, a mechanical penthouse does not constitute a storey;
- (E) Despite Regulation (D) above, and Regulations 40.5.40.10(4), (5), (6) and (7), the following elements of a **building** may project above the permitted maximum **building** heights shown on Diagram 5 of By-law 829-2022:
 - (i) **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, retaining walls, ornamental or architectural features, and elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material by no more than 2.0 metres;
 - (ii) equipment used for the functional operation of the **building**, such as electrical, gas pipes, chimneys, garbage vent pipes, garbage chutes, utility, mechanical and ventilation equipment, emergency generators and lighting fixtures by no more than 2.5 metres;
 - (iii) elevator overrun, acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences by no more than 2.75 metres;
 - (iv) gazebos, cabanas, trellises and wind mitigation features by no more than 3.0 metres;
 - (v) mechanical screening and heating/cooling towers by no more than 5.0 metres; and
 - (vi) window washing equipment, lighting rods, and decorative lighting canopy by no more than 4.0 metres;
- (F) Despite Regulations 40.10.40.70(3) and 40.10.40.80(2), the required minimum **building setbacks** and **main wall** separation distance are as shown in metres on Diagram 5 of By-law 829-2022;

- (G) Despite Regulation (F) above and Regulations 5.10.40.70(1) and 40.10.40.60(1) to (9), the following encroachments are permitted into the required minimum **building setbacks** and above ground separation distance between **main walls** on Diagram 5 of By-law 829-2022:
- (i) balconies may encroach no more than 1.75 metres;
 - (ii) despite (G)(i) above, balconies are not permitted to encroach into **building setbacks** on the 2nd to 5th storeys along Keele Street, George Appleton Way and into the 7.5 metre building **setback** required from the east **lot line**, as shown on Diagram 5 of By-law 829-2022;
 - (ii) cladding, wind mitigation features, awnings, **building** cornices, window washing equipment, terrace lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilation equipment, landscape and **green roof** elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, chimney stacks and exhaust flues may encroach no more than 2.5 metres; and
 - (iii) canopies may encroach no more than 3.0 metres;
- (H) Despite Regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** must not exceed 31,000 square metres, provided:
- (i) the residential **gross floor area** must not exceed 30,750 square metres; and
 - (ii) the non-residential **gross floor area** must not exceed 600 square metres;
- (I) On the 10th storey and above, the maximum gross construction area of each storey must not exceed 750 square metres;
- (J) Despite Regulation 200.5.10.1(1), and Table 200.5 10.1, **parking spaces** must be provided on the **lot** as follows:
- (i) the lesser of:
 - (a) the minimum **parking spaces** per **dwelling unit** for residential occupants in a **mixed use building** required in Table 200.5.10.1 of By-law 569-2013; and
 - (b) a minimum of 0.84 **parking spaces** per **dwelling unit** for residential occupants in a **mixed use building**;

- (c) if the calculation of the number of required **parking spaces** in (a) or (b) above results in a number with a fraction, the number may be rounded down to the nearest whole number;
 - (ii) A minimum of 0.15 **parking spaces** per **dwelling unit** for residential visitors; and
 - (iii) A minimum of 8 **parking spaces** for the non-residential uses;
- (K) Despite Regulation 200.5.1.10(2), a maximum of 10 **parking spaces** may have a minimum width of 2.6 metres when obstructed on one side in accordance with Regulation 200.5.1.10(2)(D);
- (L) Despite Article 200.15.1, accessible **parking spaces** must be provided on the **lot** as follows:
 - (i) accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path; and
 - (iii) accessible **parking spaces** do not need to be on the shortest route to the passenger elevator;
- (M) Despite Regulation 230.5.1.10(4)(A), a horizontal **bicycle parking space** must have a minimum width of 0.4 metres and a minimum length of 1.6 metres;
- (N) Despite Regulation 230.5.1.10(4)(B), a vertical **bicycle parking space** must have a minimum width of 0.4 metres and a minimum horizontal clearance from the wall of 1.1 metres;
- (O) Despite Regulation 230.5.1.10(9), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere above or below ground in the **building**;
- (P) Despite Regulation 230.5.1.10(10), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may also be provided in a **stacked bicycle parking space**;
- (Q) Despite Regulations 230.5.10.1(1), (2) and (5) **bicycle parking spaces** must be provided on the **lot** as follows:

- (i) a minimum of 0.68 **bicycle parking spaces** per **dwelling unit** must be provided as long-term **bicycle parking spaces** for the **dwelling units**;
 - (ii) a minimum of 0.07 **bicycle parking spaces** per **dwelling unit** must be provided as short-term **bicycle parking spaces** for the **dwelling units**;
 - (iii) no **bicycle parking spaces** are required for the non-residential uses; and
 - (iv) the number of required **bicycle parking spaces** in (i) and (ii) above may be rounded down to the nearest whole number when the calculation results in a fraction;
- (R) Despite Regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** and may be located in an unsecured room;
- (S) For the purposes of this exception, a "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;
- (T) Despite Clause 220.5.10.1, at least one (1) Type "G" **loading space** must be provided and maintained on the **lot**;
- (U) In addition to the **building** elements listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for:
- (i) Hallways and elevator vestibules below ground; and
 - (ii) Electrical, utility, mechanical and ventilation rooms on any level of the **building**;
- (V) Despite Regulation 40.10.40.10(5), the required minimum height of 4.5 metres applies to portions of a storey containing non-residential uses listed in Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A);
- (W) Despite Regulation 40.10.20.100(21)(B), the maximum area of an **outdoor patio** is 500 square metres;
- (X) Despite Regulation 40.5.40.60(1), the height limitation of 5.0 metres related to canopies for permitted encroachments into a required **building setback** does not apply;
- (Y) Despite Regulation 40.10.50.10(1)(B), no **landscaping** is required;
- (Z) Regulation 40.10.40.1(2) regarding grade related access to the non-residential uses does not apply; and

- (AA) The provision of dwelling units is subject to the following:
- (i) a minimum of 15 percent of the total number of dwelling units must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of dwelling units must have three or more bedrooms;
 - (iii) any dwelling units with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) if the calculation of the number of required dwelling units with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number.

Prevailing By-laws and Prevailing Sections (None Apply)

- 9. Despite any existing or future severance, partition, or division of the lands, the provisions of this By-law will continue to apply to the whole of the lands shown on Diagram 1 attached to this By-law as if no severance, partition, or division occurred.
- 10. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the lot exclusively for the purposes of marketing, rental and sales of the dwelling units and non-residential uses on these lands.
- 11. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development.
- 12. 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 and to enter into an agreement 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.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

Prior to the issuance of any Building Permit, the Owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it 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.

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. an indexed cash contribution of \$1,700,000.00 to be paid by the Owner prior to the issuance of the first above-grade building permit for the new residential building, to be allocated towards improvements to parks and community facilities in Ward 6, where a minimum of \$250,000.00 is to be allocated toward beyond-base conditions and capital improvements for the on-site public park lands, and the balance of the cash contribution, provided that the purpose is identified in the Toronto Official Plan and will benefit the community, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - ii. the cash contribution set out in Subsection i. above shall 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 City Council adopts the zoning by-law amendment to the date of payment of the cash contribution by the owner to the City; and
 - iii. In the event the cash contribution in Subsection i. above has 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(s), at the discretion of the Chief Planner and Executive that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the site.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The Owner shall convey to the City an on-site 608 square metre parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
 - ii. The Owner shall construct the development in accordance with the accepted Transportation Impact Study (TIS) Update, prepared by LEA (dated December 15, 2021), related to the proposed Transportation Demand Management measures including Transit Passes, Bike Repair Station(s), Real-time Transportation Screen, TDM Monitoring Program and Bike-Share, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- iii. The Owner will construct and maintain the development of the site 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 the site;
- iv. The Owner is required to enter into the appropriate financially secured Development Agreement for the construction of the required improvements to the municipal infrastructure to support this development, according to the Functional Servicing Report accepted by the Chief Engineer & Executive Director of Engineering and Construction Services; and
- v. The Owner will provide space within the development for the installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with Section 681-10 of City of Toronto Municipal Code Chapter 681, Sewers.

Diagram 1

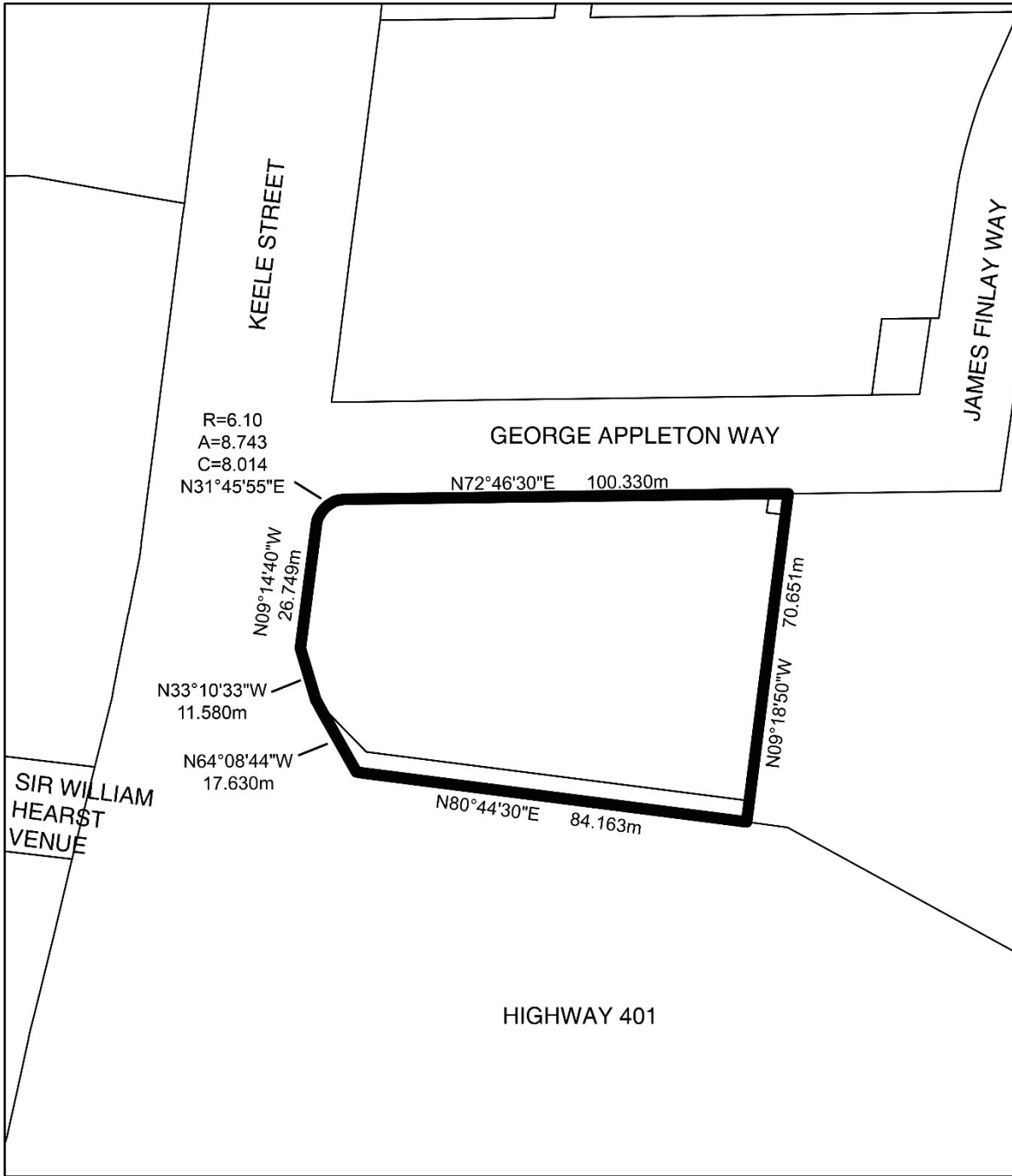


Diagram 2

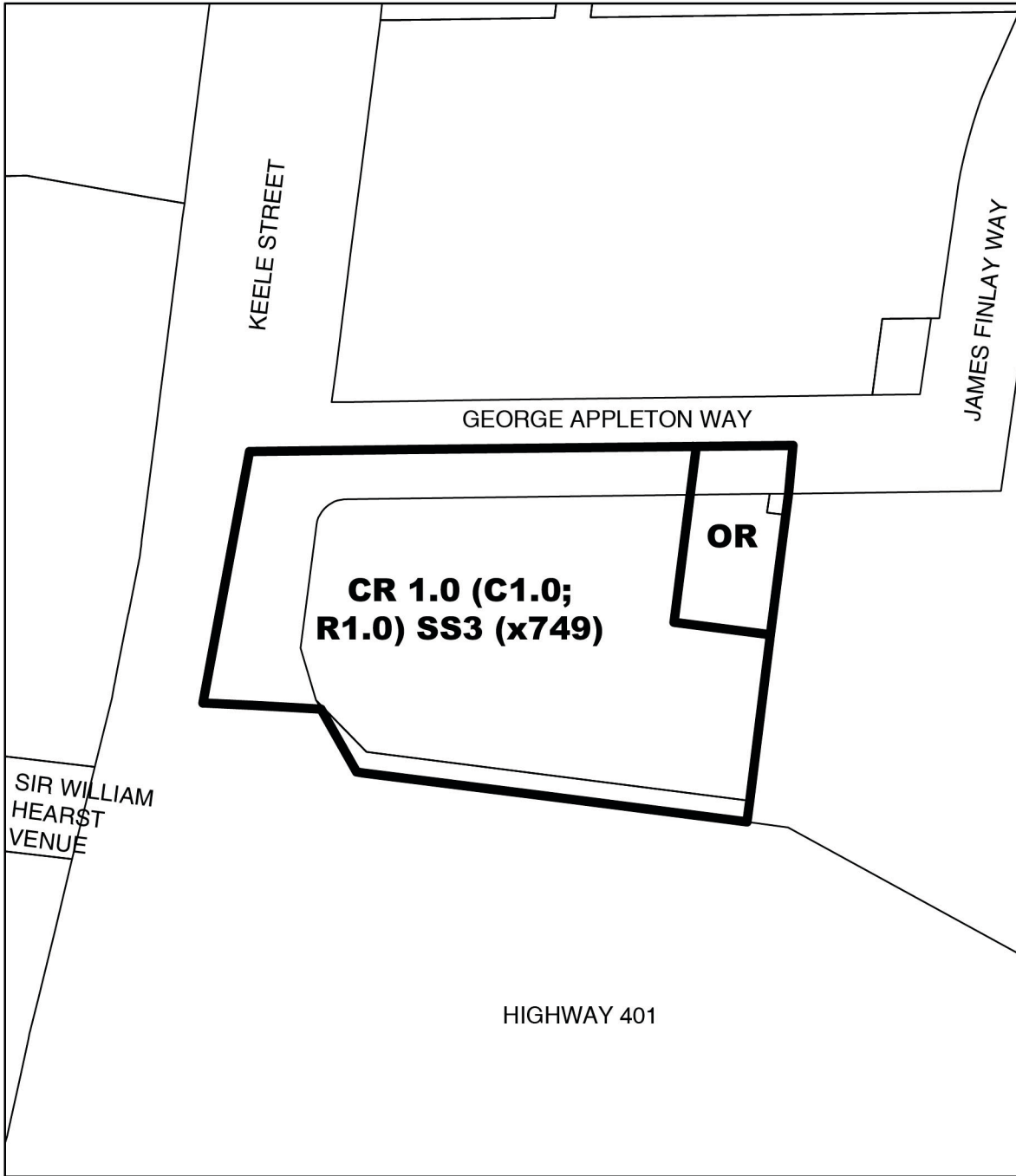


Diagram 3

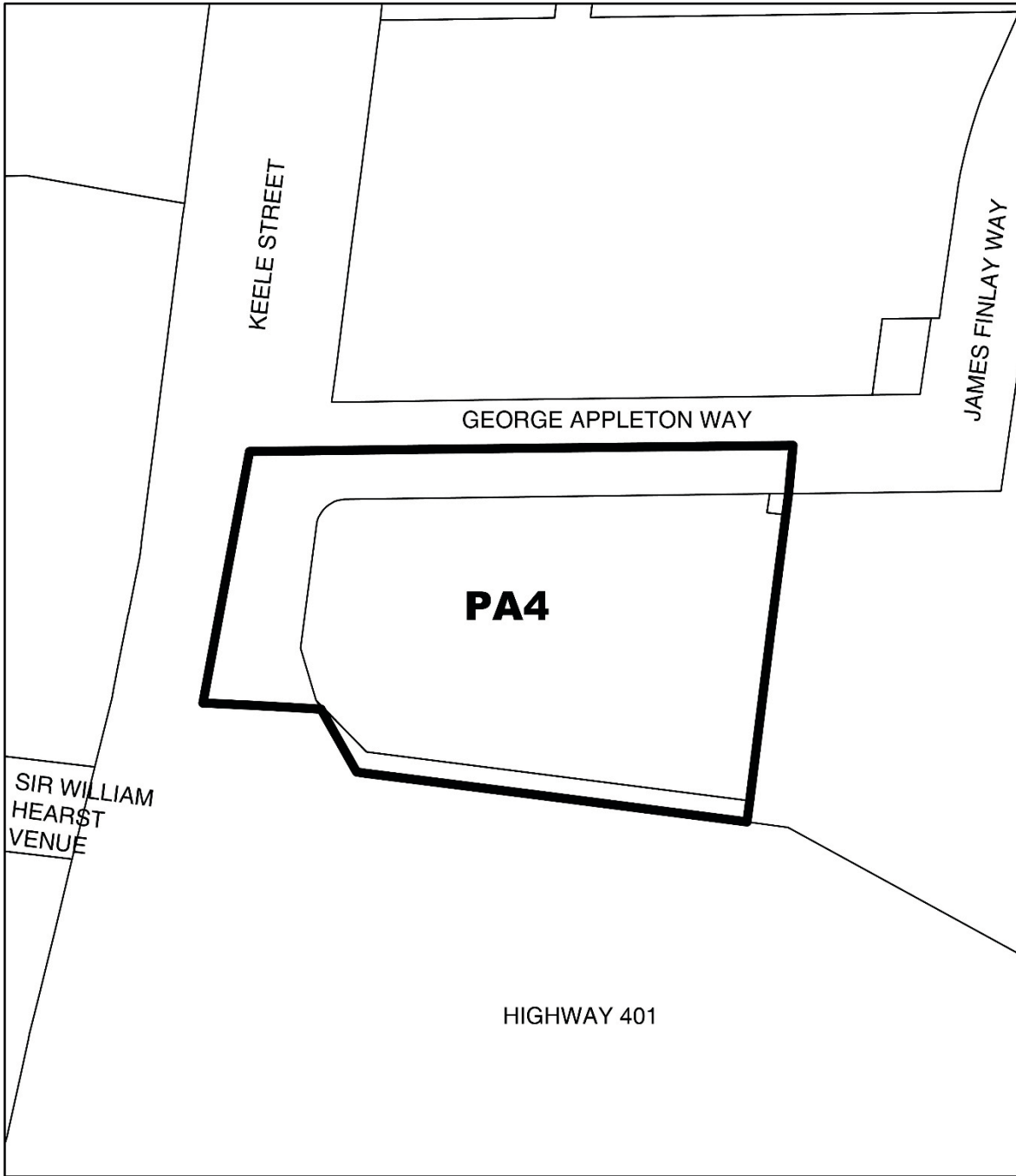


Diagram 4

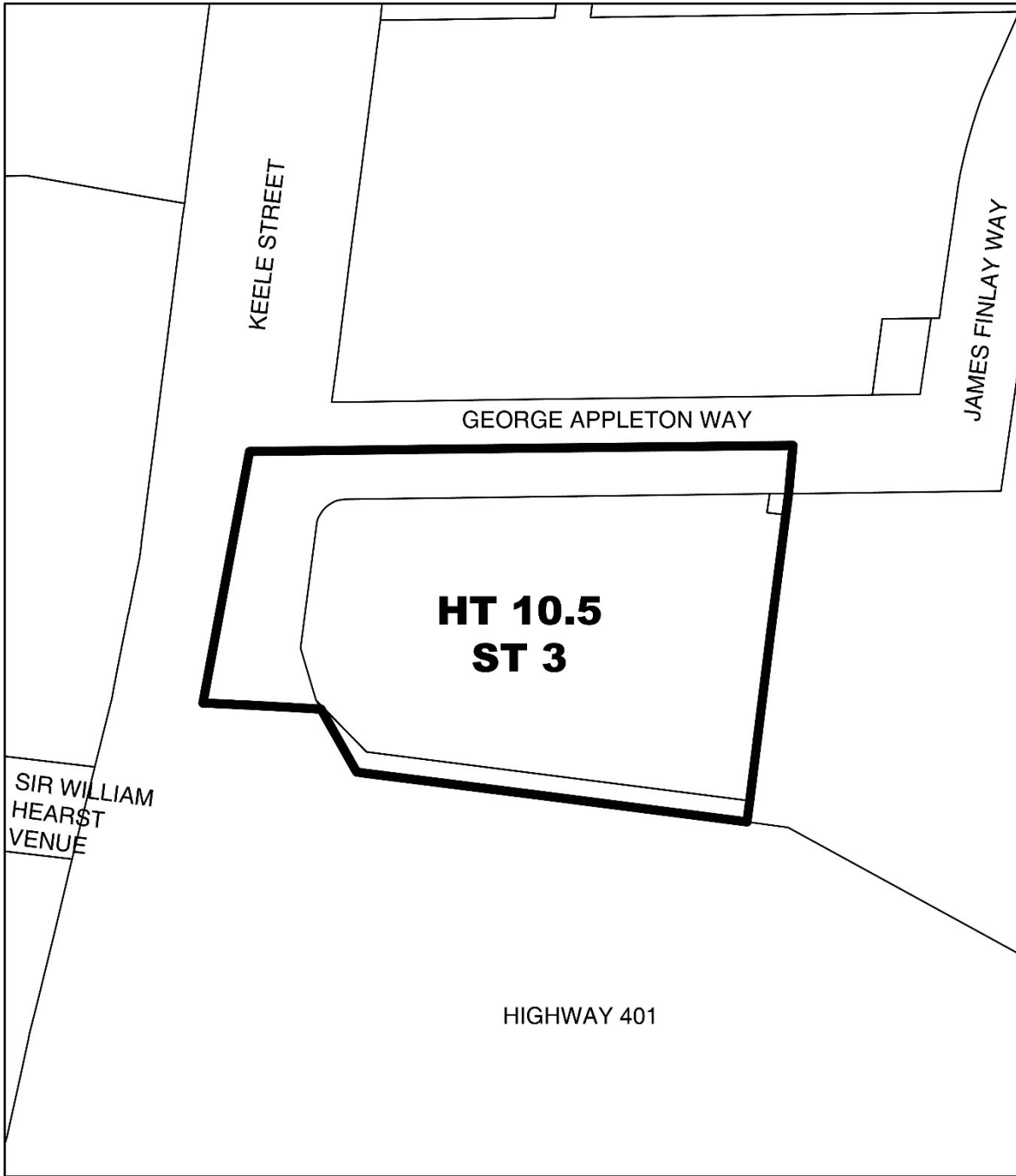


Diagram 5

