

Authority: North York Community Council Item NY34.4,
as adopted by City of Toronto Council on July 19, 20, 21
and 22, 2022

CITY OF TORONTO

BY-LAW 892-2022

To amend former City of North York Zoning By-law 7625, as amended, with respect with lands municipally known in the year 2021 as 71 Talara Drive.

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; and

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; 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 any 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

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 same; 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. Schedules "B" and "C" of By-law 7625 of the former City of North York are hereby amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.19 of By-law 7625 of the former City of North York is amended by adding the following subsection:

RM4 (35)

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (a) A maximum permitted gross floor area shall be 20,135 square metres.
- (b) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior walls of the building or structure at the level of each floor, but excluding:
 - (i) indoor recreational amenity area;
 - (ii) parking, loading and bicycle parking below established grade;
 - (iii) parking, loading and bicycle parking at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building.
- (c) A minimum of 10% of dwelling units will be 3-bedroom dwelling units.

BUILDING HEIGHT

- (d) The height of the buildings for all buildings and structures on the lands shown on Schedule 1 attached to this By-law must not exceed the maximum height permitted by the letter "HT" as shown on Schedule RM4(35) attached to this By-law, measured above the grade elevation of 170.9 metres above Canadian Geodetic Datum.
- (e) For the purpose of this exception, "established grade" shall mean 170.9 metres of Canadian Geodetic Datum.
- (f) Notwithstanding (d) above, the following elements shall be permitted to exceed the noted height limit on Schedule RM4(35) attached to this By-law:
 - (i) parapets, roof access, chimneys, vents, ducts, pipes, roof drainage, antennae, telecommunication equipment, satellite dishes, guard rails, railings, dividers, screens, balustrades, unenclosed structures providing safety or wind protection, privacy and wind screens, elements of a green roof, pergolas, trellises, light fixtures, landscape elements and landscape planters, architectural features, retaining walls, thermal and waterproofing assembly located at each of the roof levels of the building, structures on the roof of any part of the building used for outside or open air recreation, noise mitigation elements and partitions dividing outdoor recreational areas, all of which may project up to a maximum of 3.5 metres; and
 - (ii) Structural/non-structural architectural columns/piers/bands, mechanical penthouses, equipment used for the functional operation of the building, such as cooling tower, electrical, utility, mechanical and ventilation equipment, stair and elevator enclosures and overruns, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, air shafts, gas metres, garbage chute overruns and structures that enclose, screen or cover the equipment, structures and parts of a building listed in this section, all of which may project up to a maximum of 7.5 metres.

LOT COVERAGE

- (g) The maximum lot coverage shall not exceed 35%.

YARD SETBACKS

- (h) The minimum yard setbacks for buildings and structures above established grade shall be shown on Schedule RM4(35) attached to this By-law.

PERMITTED PROJECTIONS

- (i) Notwithstanding (g) above, the following elements shall be permitted to project beyond the building envelope shown on Schedule RM4(35) attached to this By-law:
 - (i) balconies, balcony platforms, guards, railings and screens may project to a maximum of 2.5 metres;
 - (ii) lighting fixtures, architectural features, structural/non-structural architectural columns/piers, window washing equipment, awnings, canopies, parapets, parapet flashing, bollards, chimneys, cornices, eaves, stacks, roof and terrace scuppers, vents, walkways, roof overhang, gutter, downspout, trellises, window sills, guardrails, balustrades, railings, wheel chair ramps, mechanical exhaust and intake components, gas meters, underground garage ramps and their associated structures and elements, retaining walls, fences, Siamese connections, ornamental elements, all of which may project to a maximum of 2.0 metres;
 - (iii) terraces and terrace platforms, guards, railings, privacy screens, wind mitigation and acoustic screens and features, planters, parapets, landscape planters and elements of a green roof may project beyond the required building setback to the extent of the main wall of the storey below; and
 - (iv) stairs, stair enclosures, air shafts, gas metres, underground garage ramps and their associated structures, wheelchair ramps, and window washing equipment.

AMENITY SPACE

- (j) A minimum of 4.0 square metres per dwelling unit of recreational amenity area shall be provided, of which:
 - (i) a minimum of 2.0 square metres per dwelling shall be indoor recreational amenity area;
 - (ii) a minimum of 40.0 square metres shall be outdoor recreational amenity area in a location adjoining an indoor recreational amenity area; and
 - (iii) no more than 25% of the outdoor component shall be a green roof.
- (k) For the purpose of this exception, "recreational amenity area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space.

PARKING

- (l) A minimum of 0.5 parking spaces per dwelling unit will be provided as residential parking spaces.
- (m) The maximum number of parking spaces will be provided in accordance with the following:
 - (i) 1-Bedroom Units: 1.0 spaces per unit
 - (ii) 2-Bedroom Units: 1.3 space per unit
 - (iii) 3+ Bedroom Units: 1.5 spaces per unit
- (n) A minimum of 0.1 parking space per dwelling unit will be provided as visitor parking spaces.
- (o) A maximum of 10% of the required parking spaces may have a minimum length of 5.1 metres, a minimum width of 2.4 metres and a minimum vertical clearance of 1.7 metres.

BICYCLE PARKING

- (p) Bicycle parking spaces must be provided and maintained in accordance with the following:
 - (i) a minimum of 0.68 bicycle parking spaces per dwelling unit shall be provided for the use of residents, which may be located in a stacked bicycle parking space;
 - (ii) A minimum of 0.07 bicycle parking spaces per dwelling unit shall be provided for the use of visitors, which may be located in a stacked bicycle parking space;
 - (iii) a stacked bicycle parking space must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.0 metres; and
 - (iv) a bicycle parking space that is not a stacked bicycle parking space, must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.9 metres.

LOADING

- (q) A minimum of one Type 'G' loading space shall be provided on the site.
- (r) For the purposes of this exception, "Type 'G' loading spaces" shall mean an area used for the loading or unloading of goods or commodities from a vehicle, with the following dimensions:

- (i) minimum length of 13.0 metres;
- (ii) minimum width of 4.0 metres; and
- (iii) minimum vertical clearance of 6.1 metres.

HOLDING SYMBOL

- (s) The lands identified on Schedule RM4(35) shall be subject to an (H) Holding Symbol, and shall not be used for any purpose other than those uses and buildings that currently exist on the site, until such time as the (H) Holding Symbol has been removed subject to the following conditions:
 - i. The City has reviewed and accepted a Site Servicing Review (comprised of Functional Servicing Report, Stormwater Management Report and Hydrogeological Report) demonstrating that the City requirements can be met and sufficient capacity exists to accommodate the existing and proposed development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. Should the Site Servicing Review identify upgrades and/or new services are required, those upgrades and/or services will be secured by appropriate agreements, and constructed prior to the issuance of any building permits for any development on the lands, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services.
 - ii. The municipal sanitary sewer upgrades (being the upgrade of the last three 300mmø sanitary sewer legs upstream of the sanitary trunk sewer to 675mmø, located at the north west corner of Sheppard Avenue East and Leslie Street intersection), which works are being undertaken by the City of Toronto, Design and Construction, Major Infrastructure Unit, Don and Central Waterfront Projects in the Engineering and Construction Services Division (Project #SAP2020-GL-EASTDON-001), are fully constructed and operational to the satisfaction of the Chief Engineer of Engineering and Construction Services and the General Manager, Toronto Water.
- 3. Section 64.19 of By-law 7625 of the former City of North York is amended by adding Schedule RM4(35) attached to this By-law.
- 4. None of the provisions of By-law 7625 of the former City of North York shall apply to prevent the erection and use of a temporary sales or leasing office on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect.
- 5. Despite any future severance, partition or division of the lot as shown on Schedule 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 6. Pursuant to Section 37 of the Planning Act, and subject to compliance with this exception, the increase in height and density of the development beyond that otherwise permitted on the Lands shown on Schedule RM4(35) in return for the provision by the

owner, at the owner's expense, of the facilities, services and matters set out in Schedule A 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.

7. Where Schedule A 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.
8. 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 exception unless all provisions of Schedule A are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

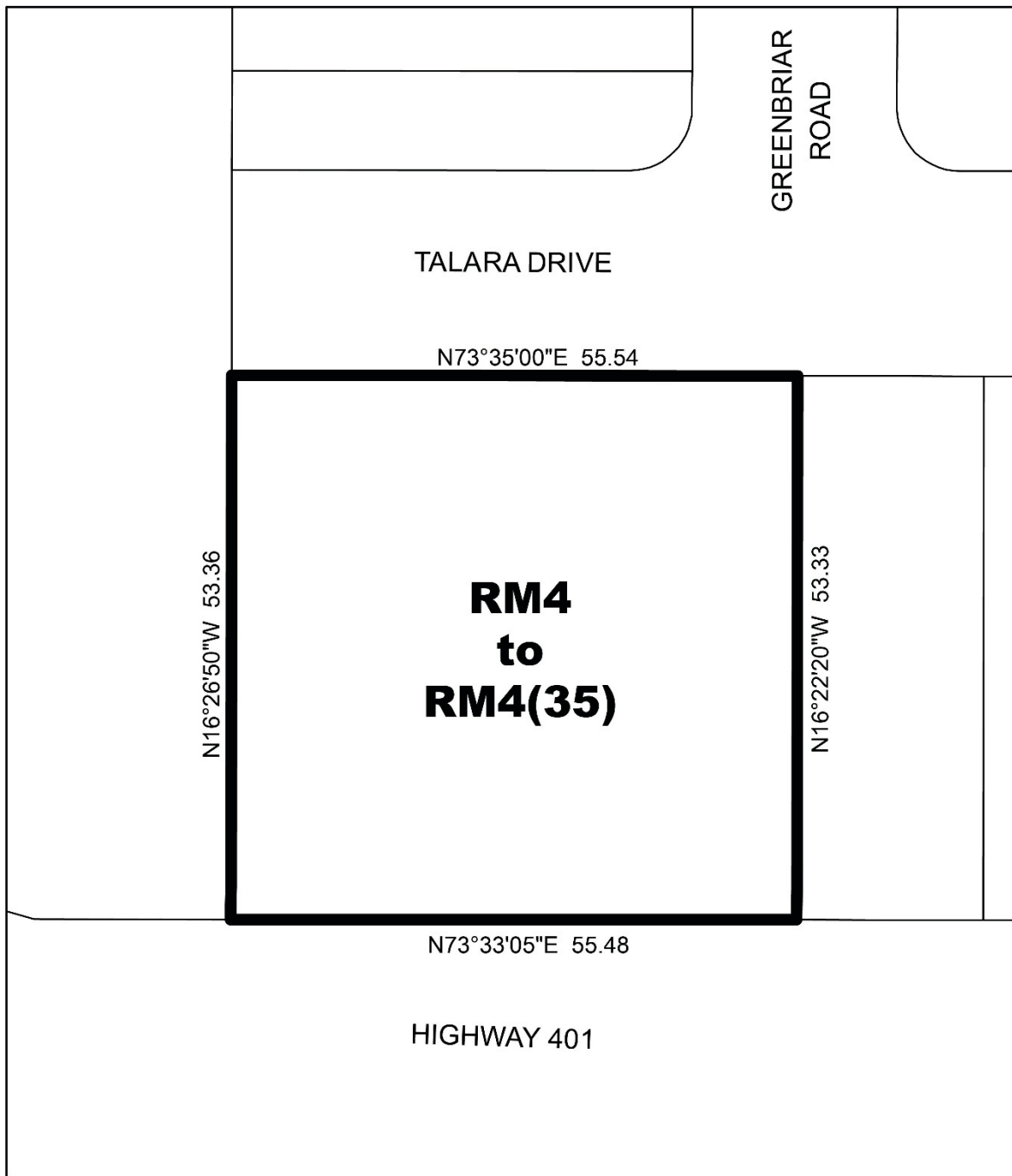
(Seal of the City)

SCHEDULE A
Section 37 Requirements

Prior to the issuance of any Building Permit, the owner shall enter into and register on title 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 as follow:

1. 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.
2. Prior to issuance of an above grade building permit, the owner shall make a cash contribution to the City in the amount of Two Million, Two Hundred and Fifty Thousand dollars (\$2,250,000.00) (the "Cash Contribution") be allocated towards community facilities located within Ward 17 and/or the vicinity of the application site, such allocation to be at the discretion of the Chief Planner and Executive Director, City Planning and General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor.
3. The financial contribution pursuant to Clause 2 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment.
4. In the event the Cash Contribution in Clause 2 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 Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity.

Schedule 1

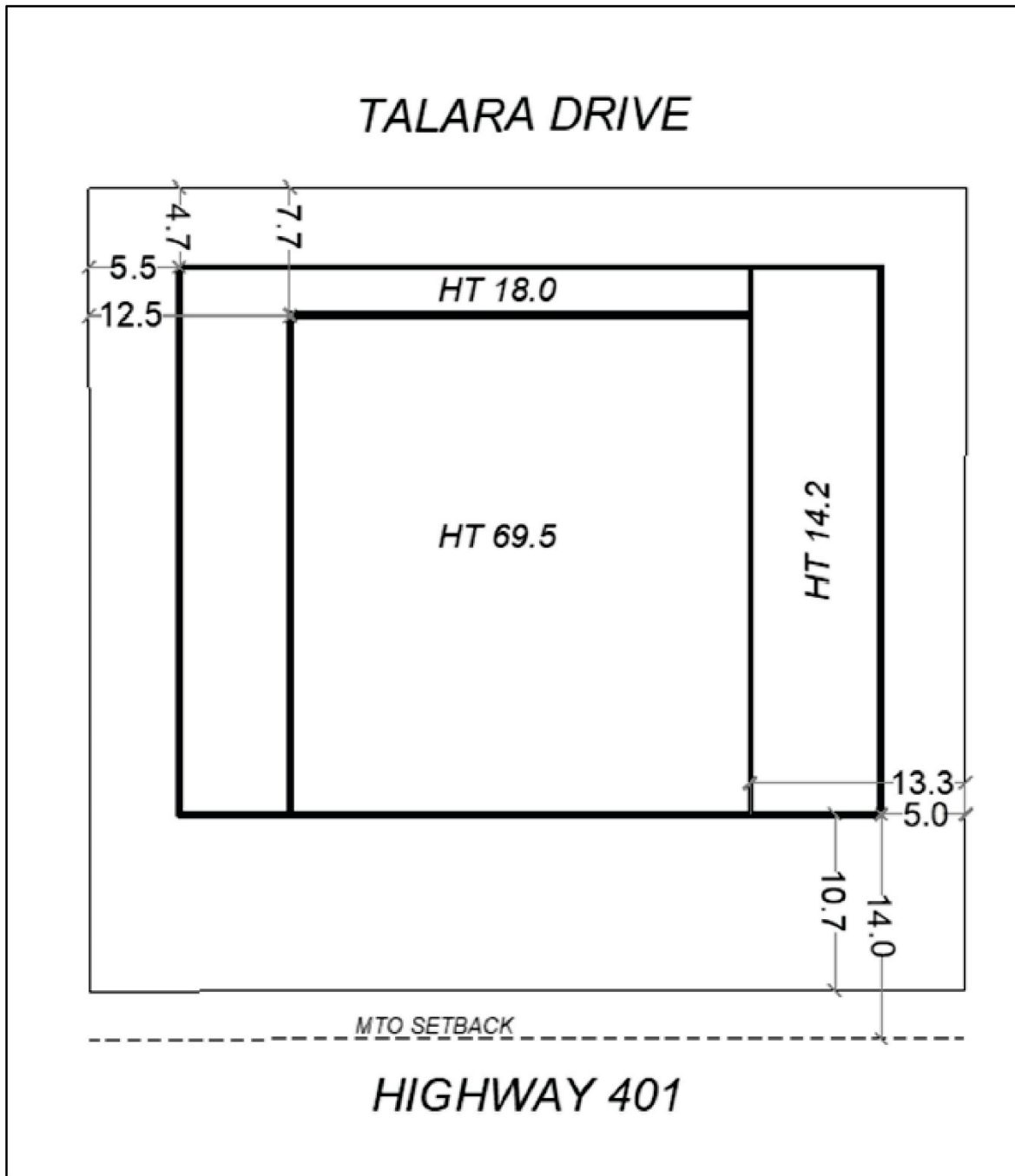


 **TORONTO**
Schedule 1

71 Talara Drive

File # 21 113721 NNY 17 0Z

Schedule RM4(35)



 **Toronto**
Schedule RM4(35)

71 Talara Drive

File # 21 113721 NNY 17 0Z