

Authority: North York Community Council Item NY33.3, adopted as amended, by City of Toronto Council on July 19, 20, 21 and 22, 2022.

CITY OF TORONTO

BY-LAW 923-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 2808-2810 Keele Street.

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 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 those lands outlined by a heavy black line 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 a heavy black line from RM (f21.0; a835; d1.0) (x474) to RM (f21.0; a835; d1.0) (x181), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 181 so that it reads:

(181) Exception RM 181

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 2808 to 2810 Keele Street, if the requirements of By-law 923-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (S) below;
- (B) Regulation 10.80.30.40 with regards to **lot coverage** does not apply;
- (C) Despite Regulation 10.80.30.20(1)(A), the required minimum **lot frontage** is 20 metres;
- (D) Despite Regulation 10.80.40.10(1)(B) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 923-2022;
- (E) The required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.5 metres;
- (F) Despite Regulation (D) above, the following elements of a **building** or **structure** may project above the permitted maximum building heights shown on Diagram 3 of By-law 923-2022, except for within the area labeled "HT=42m";
 - (i) elevator overruns, vents, chimneys, exhaust flues, and garbage chute overruns, equipment for heating, cooling or ventilation, stair enclosures and lightning rods by a maximum of 5.0 metres;
 - (ii) terraces and balcony guards, elements of a **green roof** and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, awnings, lighting fixtures, ornamental elements, columns, trellises, window sills, balustrades, eaves, outdoor recreation and amenity space elements, partitions dividing outdoor recreation and amenity spaces, wind mitigation, noise mitigation, equipment for electrical, utility, mechanical, and roof access by a maximum of 3.0 metres;

- (iii) window washing equipment by a maximum of 5.0 metres; and
- (iv) a ladder for maintenance purposes by a maximum of 1.2 metres;
- (G) Despite Regulation 10.80.40.40(1)(A) the permitted maximum **gross floor area** on the **lot** is 24,385 square metres;
- (H) **Dwelling units** must be provided in the building in accordance with the following unit mix:
 - (i) a minimum of 5 percent must be bachelor **dwelling units**;
 - (ii) a minimum of 48 percent must be one bedroom **dwelling units**;
 - (iii) a minimum of 37 percent must be two bedroom **dwelling units**; and
 - (iv) a minimum of 10 percent must be three bedroom or greater **dwelling units**.
- (I) Despite Clauses 10.80.40.70 and 10.80.40.80, the required minimum **building** setbacks and required separation of main walls are as shown in metres on Diagram 3 of By-law 923-2022;
- (J) Despite Clause 10.5.40.60 and (I) above, the following elements of a **building** or structure are permitted to encroach into the required **building** setbacks shown on Diagram 3 of By-law 923-2022;
 - (i) exterior stairways, cornices, canopies, chimneys, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind or privacy screens, landscaping elements (including green roofs), terraces, decorative or architectural features, bay windows, ramps, ramp enclosures, parking garage ramps and associated structures, retaining walls, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, porches and decks, either excavated or unexcavated, pipes, and utility equipment by a maximum horizontal projection of 3.0 metres;
 - (ii) notwithstanding (J)(i), balconies shall not be permitted abutting the north side yard on the second and third storeys where the setback is 2.5 metres or less.
 - (iii) notwithstanding (J)(i), terraces shall not be permitted abutting the north side yard on the third storey, where the second storey setback is 2.5 metres or less.

- (K) Despite Regulation 10.5.50.10(4), 2,900 square metres of **landscaping** is required to be provided on the **lot**, of which 1,181 square metres of the required **landscaping** must be composed of **soft landscaping**;
- (L) Regulation 10.5.50.10(5) with regards to **landscaping** requirements for an **apartment building** abutting another residential **lot** does not apply;
- (M) Despite Regulations 200.5.1.10(1), 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided and maintained on the lot in accordance with the following minimum requirements:
- (i) a minimum of 0.45 residential occupant **parking spaces** for each **dwelling unit**; and
 - (ii) a minimum of 0.08 residential visitor **parking spaces** for each **dwelling unit**.
- (N) None of the provisions of Regulation 200.15.10 as amended by By-law 89-2022 apply, provided Regulation 200.15.10 as it read prior to February 3, 2022 is complied with;
- (O) Despite Regulation 200.15.1(4), accessible **parking spaces** must be located within 20.0 metres of a barrier free entrance to a building or passenger elevator that provides access to the first storey of the building;
- (P) Despite Regulation 230.5.1.10(4), the minimum dimension of a **stacked bicycle parking space** is:
- (i) Minimum length of 1.8 metres;
 - (ii) Minimum width of 0.43 metres; and
 - (iii) Minimum vertical clearance of 1.2 metres.
- (Q) Despite Regulation 220.5.10.1(2), one Type "G" **loading space** is required to be provided on the **lot**;
- (R) For the purpose of this exception, **established grade** is the Canadian Geodetic Elevation of 184.5 metres; and
- (S) In addition to the requirements of Section 150.5, **Home Occupation** is permitted only on the ground floor of the building for a maximum of three (3) **dwelling units** facing Keele Street.

Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport Hazard Map from City of North York zoning By-law 7625.

5. Notwithstanding any existing or future consent, severance, partition or division of the lot, the provisions of this By-law shall apply to the lands as identified on Diagram 1 of By-law 923-2022, as if no consent, severance, partition or division occurred.
6. None of the provisions of By-law 569-2013, as amended, apply to prevent a sales office/trailer on the lot, used exclusively for the initial sale and/or initial leasing of dwelling units proposed on the lot.
7. Where a specific section of a former City of North York By-law contradicts with this by-law, the site specific provisions of this by-law prevail.
8. Section 37 Requirements:
 - (A) 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, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 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 Requirements

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 above.

1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:
 - a. a cash contribution of 1,200,000.00 (One million and two hundred thousand dollars) towards capital improvements to parkland, community facilities, and/or public realm within the vicinity of the development site and/or Ward 6.
 - b. the financial contribution pursuant to Recommendation a. 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 amendments to the date of payment; and
 - c. in the event the cash contributions referred to in Recommendation a. above have not been used for the determined purpose within three years of the amending Zoning 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 the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a. a privately owned publicly-accessible spaces (the POPS"), having a minimum total area of 1,454.4 square metres at grade at the north, west, and south of the site, as generally identified on Diagram 3 of Zoning By-law Amendment 569-2013, with the specific design of the POPS and any associated easements and improvements to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - b. The owner shall provide and maintain fifty-four (54) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. The fifty-four (54)

replacement rental dwelling units shall be comprised of one (1) studio unit, forty-five (45) two-bedroom units, six (6) three-bedroom units, and two (2) four-bedroom units, and shall collectively contain a total gross floor area of at least 4,514 square metres, as generally illustrated in the plans prepared by Turner Fleischer and dated May 18, 2022 and June 6, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;

- c. The owner shall provide and maintain at least two (2) four-bedroom replacement rental dwelling units, four (4) three-bedroom replacement rental units, forty-one (41) two-bedroom replacement rental units, and one (1) studio replacement rental unit at affordable rents, as currently defined in the Toronto Official Plan, and two (2) three-bedroom replacement rental units and four (4) two-bedroom replacement rental units at mid-range rents, as currently defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit;
- d. The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the fifty-four (54) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents (including the right for at least six existing tenants of two-bedroom rental units to return to three-bedroom replacement rental units without increases in rent from moving to larger bedroom types), the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
- e. The owner shall provide tenants of all fifty-four (54) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;
- f. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- g. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- h. The owner shall provide and make available at least twenty-five (25) vehicle parking spaces to tenants of the replacement rental units, and such vehicle parking spaces shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a vehicular parking space, at no charge; secondly, to returning tenants who did not previously rent a vehicle parking space, on the same terms and conditions as any other resident of the development, and thirdly to new tenants of the

replacement rental units on the same terms and conditions as any other resident of the development;

- i. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;
- j. The owner shall provide and make available at least twelve (12) storage lockers to tenants of the replacement rental units, and such storage lockers shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a storage locker, at no charge; secondly, to returning tenants who did not previously rent a storage locker, on the same terms and conditions as any other resident of the development; and, thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development; and
- k. The fifty-four (54) replacement rental dwelling units required shall be made ready and available for occupancy no later than the date by which seventy percent (70 percent) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning.

Diagram 1

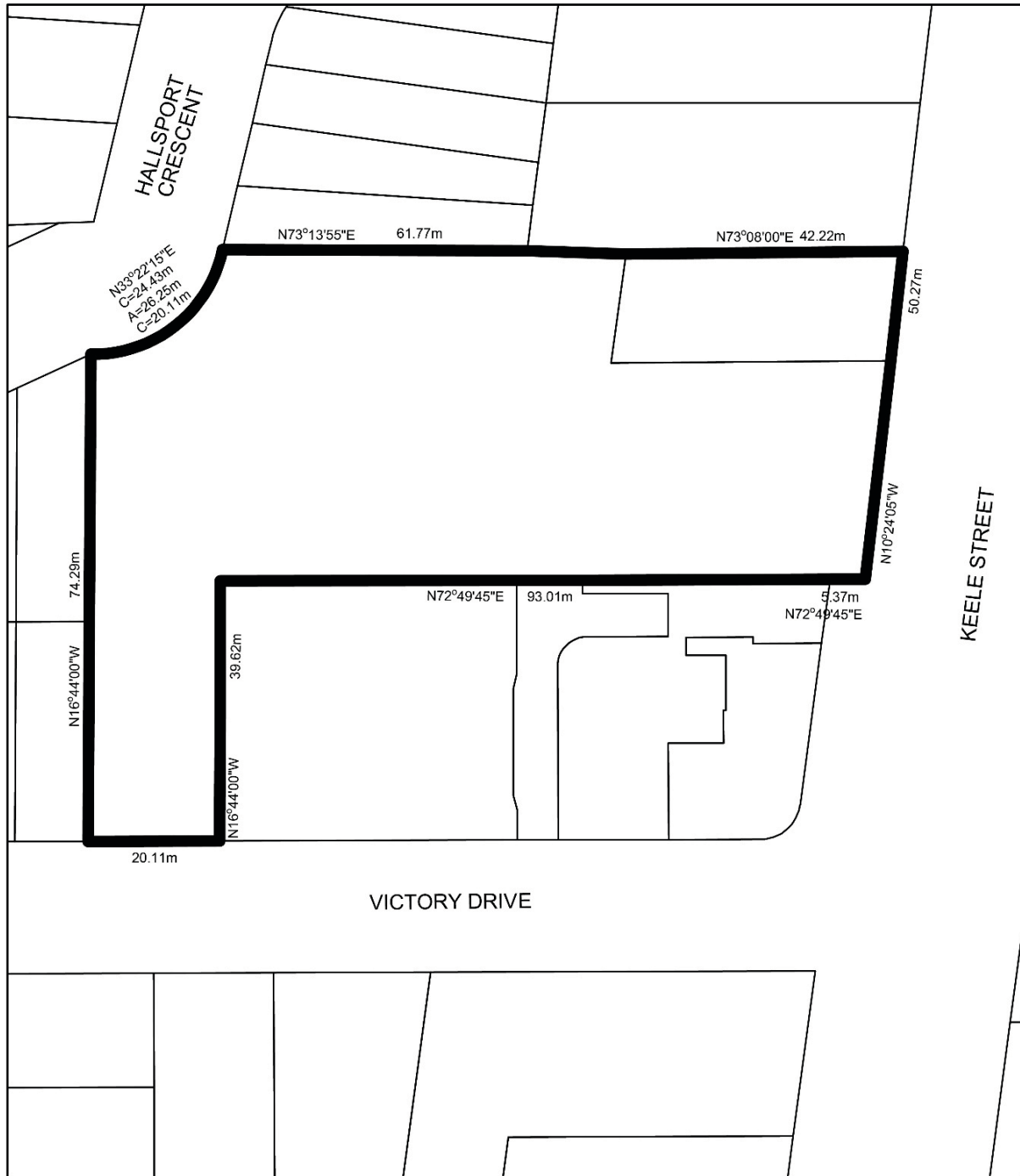


Diagram 2

