

Authority: North York Community Council Item NY18.1,
as adopted by City of Toronto Council on October 27, 28
and 30, 2020

CITY OF TORONTO

BY-LAW 1043-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 755 Steeles Avenue West.

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 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 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; and

Whereas pursuant to Section 39 of the Planning Act, 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;

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 to RA (f 30.0; a 1375; d1.5) (x145) and O, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 263 so that it reads:

Exception RA 263

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 755 Steeles Avenue West, if the requirements of Section 6 and Schedule A are complied with, **buildings** and / or **structures** are permitted in accordance with (B) to (W) below:
- (B) For the purposes of By-law 1043-2022, "Existing Building" shall mean the **building** and / or **structures** that existed on the **lot** as of April 30, 2020, shown as Building 'A' on Diagram 3 attached to and forming part of this By-law;
- (C) Despite regulation 15.5.40.10(1) the height of a **building** is measured from the Canadian Geodetic elevation of 190.79 metres and the highest point of the **building**;
- (D) Despite regulations 15.10.40.10(1), the **height** of any **building** or **structure** may not exceed the **height** limit of the numbers following the symbol HT on Diagram 3 of By-law 1043-2022;
- (E) Despite (D) above and 15.5.40.10(5), the following elements of a **building** or **structure** may exceed the permitted maximum heights:
 - (i) Parapets, guardrails, railings, privacy screens, architectural features, trellises and open air recreation elements by a maximum of 3.0 metres; and
 - (ii) Unenclosed **structures** providing safety or wind protection by a maximum of 3.0 metres.
- (F) Regulation 15.5.40.10(4), with respect to horizontal limits on elements for the functional operation of a **building** does not apply;
- (G) In addition to the permitted uses in clause 15.10.20.10 and despite clause 15.10.20.20, the following uses are permitted in Building 'B' shown on Diagram 3 of By-law 1043-2022: **financial institutions, retail stores, service shops,**

personal service shops, eating establishments, take-out eating establishments, artist studios, and outdoor patio in conjunction with an **eating establishment**;

- (H) Despite Regulation 15.5.50.10(1), a minimum of 6,900 square metres of the area of the lot is for landscaping, including a minimum of 2,950 square metres of soft landscaping;
- (I) Regulation 15.5.150 with respect to waste and **recyclable material** does not apply;
- (J) Despite Clause 15.10.40.70, the required minimum **building setbacks** in metres are as shown on Diagram 3 of By-law 1043-2022;
- (K) Despite (J) above and Regulations 5.10.40.70(1) and 15.5.40.60(3)(A), the following are permitted to encroach into the required minimum **building setbacks**:
- (i) Window washing equipment, and eaves by a maximum of 3.0 metres;
 - (ii) Underground garage access ramps and associated **structures** if no closer to the lot line than 1.2 metres; and
 - (iii) Screens, railings, light fixtures, ornamental elements, art features, exterior stairs, ventilation and exhaust shafts, hydro servicing features, and site servicing features.
- (L) Despite Regulation 15.10.40.80(2), the distance between **residential buildings** located on the same **lot** is as shown in metres on Diagram 3 of By-law 1043-2022;
- (M) Despite Regulation 15.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 31,100 square metres, of which:
- (i) a maximum of 18,495 square metres for residential uses may be located within Building 'A' as shown on Diagram 3 of By-law 1043-2022;
 - (ii) a minimum of 525 square metres for non-residential uses and a minimum of 109 square metres for **amenity space** required by this By-law must be located within Building 'B' as shown on Diagram 3 of By-law 1043-2022;
 - (iii) a maximum 8,950 square metres for residential uses of may be located within Building 'C' as shown on Diagram 3 of By-law 1043-2022; and
 - (iv) a maximum of 2,925 square metres for residential uses may be located within Building 'D' as shown on Diagram 3 of By-law 1043-2022.
- (N) Despite Regulation 15.10.40.50(1) outdoor **amenity space** will be provided in accordance with the following:

- (i) For **dwelling units** located within Building 'A' as shown on Diagram 3 of By-law 1043-2022, a minimum of 140 square metres; and
 - (ii) For **dwelling units** located within Building 'C' and Building 'D' as shown on Diagram 3 of By-law 1043-2022, at a minimum rate of 2.0 square metres per **dwelling unit**.
- (O) Despite Regulation 15.10.40.50(1) indoor **amenity space** will be provided in accordance with the following:
 - (i) For Building 'A' shown on Diagram 3 of By-law 1043-2022, at a minimum rate of 1.49 square metres per **dwelling unit** which may be located in whole or in part within Building 'B' shown on Diagram 3 of By-law 1043-2022; and
 - (ii) For Building 'C' and Building 'D' shown on Diagram 3 of By-law 1043-2022 at a minimum rate of 2.0 square metres per **dwelling unit** and may be located in whole or in part within Building 'C' shown on Diagram 3 of By-law 1043-2022. For Buildings 'C' and 'D' shown on Diagram 3 of By-law 1043-2022.
- (P) For Buildings 'C' and 'D' Shown on Diagram 3 of By-law 1043-2022:
 - (i) A minimum of twenty-five (25 percent) of **dwelling units** must be three-bedroom or two-bedroom **dwelling units**; and
 - (ii) A minimum of five percent (5 percent) of **dwelling units** must be three-bedroom **dwelling units** and these **dwelling units** may not be used to determine compliance with (i) above.
- (Q) Despite Clause 200.5.10.1 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 0.7 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) A minimum of 0.9 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) A minimum of 1.0 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) A minimum of 1.2 **parking spaces** for each **dwelling unit** containing three or more bedrooms;
 - (v) A minimum of 0.2 **parking spaces** for each **dwelling unit** for visitors to **dwelling units**;
 - (vi) 1.5 **parking spaces** for each 100 square metres of non-residential **gross floor area**; and

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- (vii) Despite (Q)(i) to (Q)(v) above, for the **dwelling units** within Building 'A' on Diagram 3 of By-law 1043-2022, a minimum of 215 **parking spaces** must be provided, of which a minimum of 11 **parking spaces** must be for residential visitors.
 - (R) Despite Regulation 230.5.10.1(5), a total of 115 **bicycle parking spaces** must be provided and maintained on the **lot**, of which 11 must be "short-term" **bicycle parking spaces**;
 - (S) Despite Regulation 230.5.10.1(4) a **stacked bicycle parking space** must have a minimum vertical clearance of 1.2 metres, a minimum width of 0.45 metres and a minimum length 1.8 metres;
 - (T) Despite Regulation 200.15.10(1), a minimum of 7 accessible **parking spaces** must be provided;
 - (U) Regulation 200.10.1(1) with respect to marking **drive aisles** accessing visitor **parking spaces**, does not apply;
 - (V) Regulation 200.15.1.5(1) with respect to location of accessible **parking spaces**, does not apply;
 - (W) Regulation 150.100.30.1(1) with respect to the requirement of a fence does not apply;
 - (X) For Buildings 'C' and 'D' Shown on Diagram 3 of By-law 1043-2022:
 - (i) One Type "B" and one Type "G" **loading space** must be provided.

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

- 5. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office use for the sale/lease of residential dwelling units on the lands outlined by heavy black lines on Diagram 1 attached to this By-law for a period not to exceed 3 years from the date of this by-law coming into full force and effect.
- 6. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in 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.

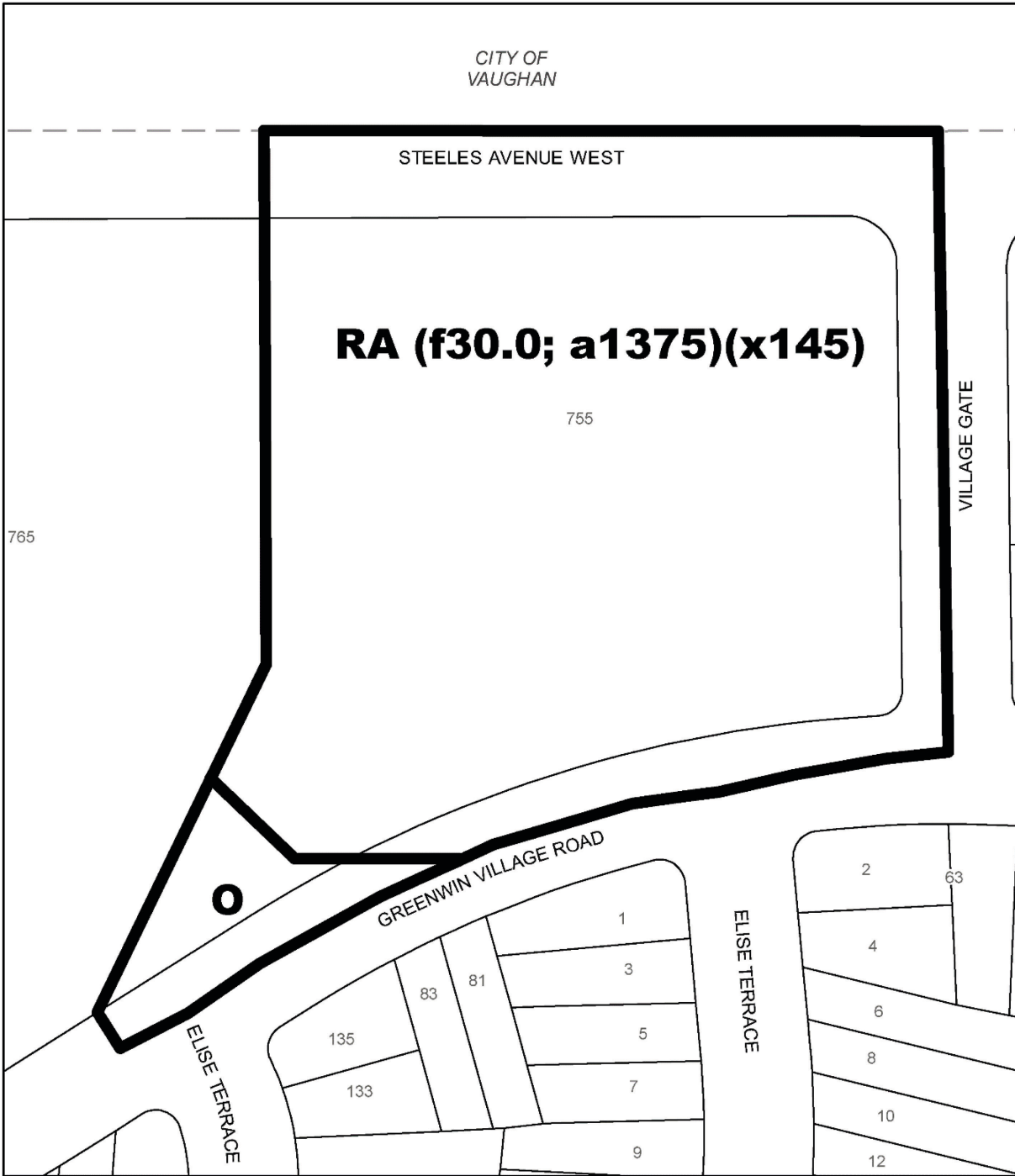
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in 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

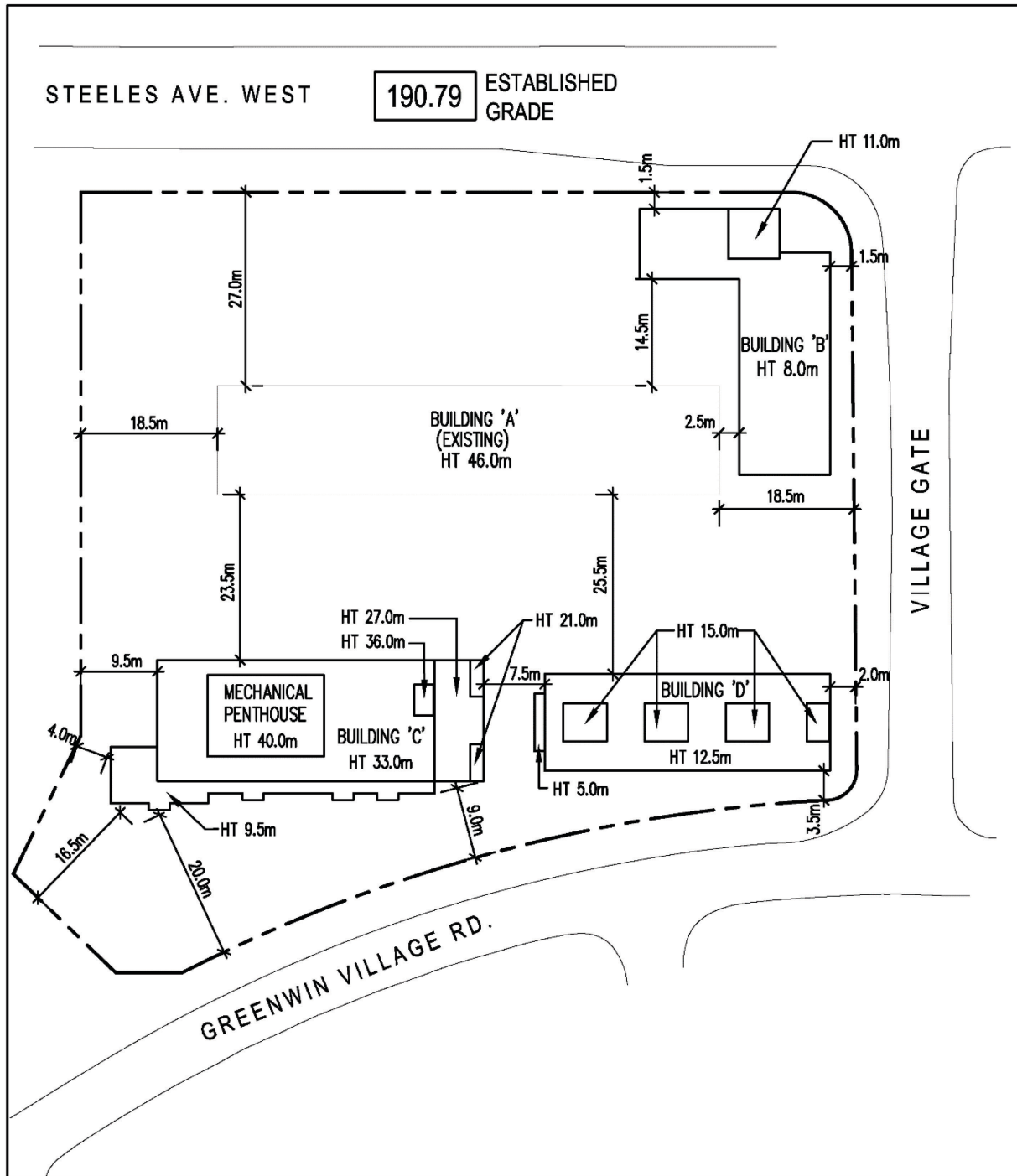
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 **TORONTO**
Diagram 2

755 Steeles Avenue West

File # 14 248860 NNY 10 0Z



 **TORONTO**
Diagram 3

755 Steeles Avenue West

File # 14 248860 NNY 10 0Z


City of Toronto By-law 569-2013
Not to Scale
05/14/2020

SCHEDULE A
Section 37 Provisions

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 density 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. Prior to the issuance of any above-grade building permit, the Owner shall make a financial contribution to the City in the amount of \$2,276,000.00 to be allocated toward park 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. The financial contributions referred to in section 1. 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 of the Section 37 Agreement to the date the payment is made.
3. In the event the financial contribution referred to in section 1. above has not been used for the intended purpose prior to the expiry of the third anniversary of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, 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 the vicinity of the lands.
4. Prior to the issuance of the first above-grade building permit, City Council direct that the Owner shall be required to convey the 606 square metre portion of the development site for public parkland purposes to the satisfaction of the General Manager, Parks, Forestry and Recreation; the parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
5. Prior to the final condominium approval(s), the Owner construct a 1.5-metre wide pedestrian walkway, generally along the westerly property line, from Steeles Avenue West to connect to the new privately-owned publicly accessible open space and new City park, to be conveyed to the City.
6. Prior to the final condominium approval(s), the Owner provide the City with public access easements to enable pedestrian connections to the pedestrian walkway from Steeles Avenue West, to the satisfaction of the Chief Planner and Executive Director, City Planning.
7. Prior to final Site Plan Approval for the development, the owner shall provide a Construction Phasing Plan for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and thereafter construct the development in accordance with that Plan.

8. The owner shall continue to provide and maintain the 194 existing rental dwelling units on the lands at 755 Steeles Avenue as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
9. The owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities within the existing building and the proposed commercial building, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline; access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.
10. The owner shall undertake improvements to the existing rental apartment building at their sole expense, taking into account tenant responses to the required Tenant Survey related to programming of amenity space, to the satisfaction of the Chief Planner and Executive Director, City Planning or their designate, including, but not limited to, the following:
 - (A) Prior to the first above-grade building permit for any part of the development:
 - i. One (1) universal washroom and one (1) washroom located on the basement floor of the existing residential rental building;
 - ii. Upgrades to the laundry room on the basement level of the existing residential rental building to be determined through the site plan application review process and confirmed and secured in a Site Plan Agreement;
 - iii. Thirty-four (34) bicycle parking spaces, all of which are at grade;
 - iv. Short-term bicycle parking near the front and rear entrance of the existing residential rental building;
 - v. Improvements to the open area adjacent to the front lobby of the existing residential rental building in the form of unmovable, durable furniture, with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
 - vi. New indoor amenity space of 180 square metres within the existing residential rental building which shall include but not be limited to: yoga studio and/or gymnasium; a games room which shall include, tables, seating and other entertainment equipment and other programming to be determined through the site plan application review process and secured in a Site Plan Agreement; and

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- vii. New storage lockers accessible to tenants of the existing residential rental building and located at the Basement Level of the building; the number of new storage lockers to be determined through the site plan application review process and secured in a Site Plan Agreement.
- (B) Prior to first occupancy of any new residential units in the development:
- i. New outdoor amenity space located adjacent to the new commercial building for the exclusive use of residents of the existing residential rental building, having a minimum size of 140 square metres with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
 - ii. New indoor amenity space located within the new commercial building, for the exclusive use of the existing rental apartment building, having a minimum size of 109 square metres, with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
 - iii. The residents of the existing rental apartment building and new residential building(s) will store garbage in a new Type G loading area, located in the new 10-storey residential building, with design to be determined through the site plan application review process and secured in a Site Plan Agreement, and shall be available for the purpose of waste collection for the residents of the existing rental apartment building and the new residential buildings;
 - iv. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline; and
 - v. Prior to final Site Plan Approval for the development the owner agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
11. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard Version 3.
12. The owner shall provide in the first phase of development of the site a privately-owned publicly accessible open space adjacent to the on-site parkland dedication with a minimum area of 1,100 square metres generally located along the eastern boundary of the parkland dedication and along Greenwin Village Road, with the details of the location

and configuration of the privately-owned publicly accessible open space to be finalized pursuant to the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning and construct the privately-owned publicly accessible open space in the first phase of development of the site in accordance with the approved site plan.

13. Upon the earlier of a) the first condominium registration of any part of a proposed building on the site and b) the residential occupancy of a proposed building on the site, the owner shall convey an easement to the City along with all necessary rights of support, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, over and upon the privately-owned publicly accessible open space in favour of the general public for the purpose of publicly accessible open space, on terms satisfactory to the Chief Planner and Executive Director, City Planning or designate, in consultation with the City Solicitor.
14. Prior to the first above grade building permit being issued for this development, the sanitary sewer upgrades for the development shall be designed, constructed and operational, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.