

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 1044-2022

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in 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 height and density permitted beyond that otherwise permitted on the aforesaid lands by former City of North York 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 amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

"64.20-A(263) RM6(263)

DEFINITIONS

- a) For the purpose of this exception, the following definitions will apply:
- i) For the purpose of this exception, "Apartment House Dwelling" means a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
 - ii) For the purpose of this exception, "Established Grade" shall mean the geodetic elevation of 190.79 metres taken at the centre line of Steeles Avenue West at the mid-point of the abutting lot line.
 - iii) For the purpose of this exception, "Retail and Service Commercial Uses" shall mean financial institutions, retail stores, service shops, personal service shops, restaurants, take-out restaurants, studios, dry-cleaning and laundry collecting establishments, synthetic dry-cleaning establishments, automatic laundry shops, outdoor café and/or patio in conjunction with a restaurant, or any combination thereof, and any accessory uses thereto.
 - iv) For the purpose of this exception, Buildings "A", "B", "C", and "D" are those buildings shown on Schedule RM6(263).
 - v) For the purpose of this exception, "Existing Buildings" shall mean the buildings and associated structures that existed on the lands as of August 30, 2020, as shown as Building "A" on Schedule RM6(263).
 - vi) For the purpose of this exception, "Recreational Amenity Area" means 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.
 - vii) For the purpose of this exception, "Temporary Sales/Rental Office" shall mean a building, structure, facility or trailer or portion thereof, on the lot used for the purpose of the sale and/or leasing of dwelling units to be erected on the lot.
 - viii) For the purpose of this exception, "Gross Floor Area" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level. Gross Floor Area may be reduced by the area in the building used for:
 - a) Parking, loading and bicycle parking below-ground;
 - b) Required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - c) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- d) Shower and change facilities required by the By-law for required bicycle parking spaces;
 - e) Amenity space required by the By-law;
 - f) Elevator shafts;
 - g) Garbage shafts;
 - h) Mechanical penthouse; and
 - i) Exit stairwells in the building.
- ix) For the purpose of this exception, "Type 'B' Loading Space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 11.0 metres long and has a minimum vertical clearance of 4.0 metres.
- x) For the purpose of this exception, "Type 'G' loading space" means a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
- xi) For the purpose of this exception, "Bicycle parking" means an area used for parking or storing a bicycle.
- a) "Short Term Bicycle Parking Space" means a bicycle parking space for use by visitors to a building.
 - b) "Long Term Bicycle Parking Space" means a bicycle parking space for use by the occupants or tenants of a building.

EXCEPTION REGULATIONS

PERMITTED USES

- b) The permitted uses shall be as follows:
- i. NON RESIDENTIAL
 - (A) Retail and Service Commercial Uses;
 - ii. RESIDENTIAL
 - (B) Apartment House Dwellings;
 - (C) Multiple Attached Dwellings; and
 - (D) Accessory uses, including private recreational amenity areas.

GROSS FLOOR AREA

- c) The maximum permitted Gross Floor Area shall be 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 Schedule RM6(263);
 - (ii) a minimum of 525 square metres for non-residential uses and a minimum of 100 square metres for Recreational Amenity Area required by this By-law may be located within Building 'B' as shown on Schedule RM6(263);
 - (iii) a maximum 8,950 square metres for residential uses may be located within Building 'C' as shown on Schedule RM6(263); and
 - (iv) a maximum of 2,925 square metres for residential uses may be located within Building 'D' as shown on Schedule RM6(263).

YARD SETBACKS

- d) The minimum yard setbacks for buildings and structures above Established Grade are shown on Schedule RM6(263).
- e) The minimum yard setback for parking structures and structures associated thereto below Established Grade shall be 0.0 metres from any lot line.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- f) Cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation and exhaust shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, retaining walls, driveway aisles, hydro servicing features, site servicing features, awnings and canopies, window washing equipment and underground garage ramps and associated structures may extend beyond the lines shown on Schedule RM6(263).

BUILDING HEIGHT

- g) The maximum permitted building height shall be as shown on Schedule RM6(263). The measurement of building height excludes:
 - i) parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, chimneys, roof drainage, window washing equipment, lightning rods, elevator overruns, garbage chute overruns, lighting fixtures, privacy screens, architectural features, landscaping and elements of a green roof which, without limiting the applicability thereof, may include trellises,

planters, retaining walls and/or any other element or structure that may be used for open air recreation, safety or wind protection purposes.

AMENITY SPACE

- h) Outdoor Recreational Amenity Area must be provided:
 - i) at a minimum ratio of 2 square metres per dwelling unit for Buildings 'C' and 'D' as shown on Schedule RM6(263); and
 - ii) A minimum of 140 square metres must be provided for the dwelling units within Building 'A' as shown on Schedule RM6(263).
- i) Indoor Recreational Amenity Area shall be provided:
 - i) for Building 'A', at a minimum ratio of 1.49 square metres per dwelling unit which may be located in whole or in part within Building 'B' shown on Schedule RM6(263); and
 - ii) for Buildings 'C' and 'D', at a minimum ratio of 2 square metres per dwelling unit which may be located in whole or in part within Building 'C' shown on Schedule RM6(263).

LANDSCAPE AREA

- j) The minimum required landscaped area shall be 5900 square metres.

UNIT MIX

- k) For Buildings 'C' and 'D' Shown on Schedule RM6(263) of By-law 1044-2022:
 - (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.

PARKING AND LOADING

- l) Parking spaces with minimum dimensions of 5.6 metres in length, 2.6 metres in width and 2.0 metres in height shall be provided at the following minimum rate, excluding fractions:
 - i. Visitor – 0.2 spaces per dwelling unit;
 - ii. Bachelor – 0.7 spaces per dwelling unit;

- iii. 1 bedroom – 0.9 spaces per dwelling unit;
- iv. 2 bedroom – 1.0 spaces per dwelling unit;
- v. 3 or more bedrooms – 1.2 spaces per dwelling unit;
- vi. Retail Service Commercial – 1.5 spaces per 100 square metres Gross Floor Area; and
- vii. Despite (i) to (v) above, for the dwelling units within Building 'A', a minimum of 215 parking spaces shall be provided of which a minimum of 11 parking spaces shall be for visitors.

BICYCLE PARKING

- m) The minimum required number of Bicycle Parking Spaces must be 115 of which a minimum 11 must be Short-Term Bicycle Parking Spaces.
- n) A Bicycle Parking Space must have a minimum vertical clearance of 1.9 metres, minimum horizontal dimensions of 0.6 metres in width by 1.8 metres in length.
- o) Notwithstanding (m), stacked Bicycle Parking Spaces are permitted which must have a minimum vertical clearance of 1.2 metres, minimum horizontal dimensions of 0.45 metres in width by 1.8 metres in length.

LOADING SPACES

- p) A minimum of 1 Type 'B' Loading Space and 1 Type G Loading Space must be provided.

DRIVEWAY SLOPE

- q) The maximum permitted driveway slope shall be 15 percent.

SALES CENTRE

- r) None of the provisions of By-law 7625 shall apply to prevent a Temporary Sales/Rental Office use on the lands for the sale/lease of residential dwelling units for a period of five years from the date of the passing of By-law 1044-2022.

APPLICABILITY

- s) The provisions of By-law 7625 Sections 6(9), 6(22), 6(23), 6(24), 6(A), 15, 16, and 20-A, as amended and By-law 21781, shall not apply.
- t) Notwithstanding any severance, partition or division of the lands shown on Exception RM6(263), the provisions of this By-law shall continue to apply to the whole of the lands as if no severance, partition or divisions occurred."

3. SECTION 37

- 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 Schedule 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) 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.

4. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

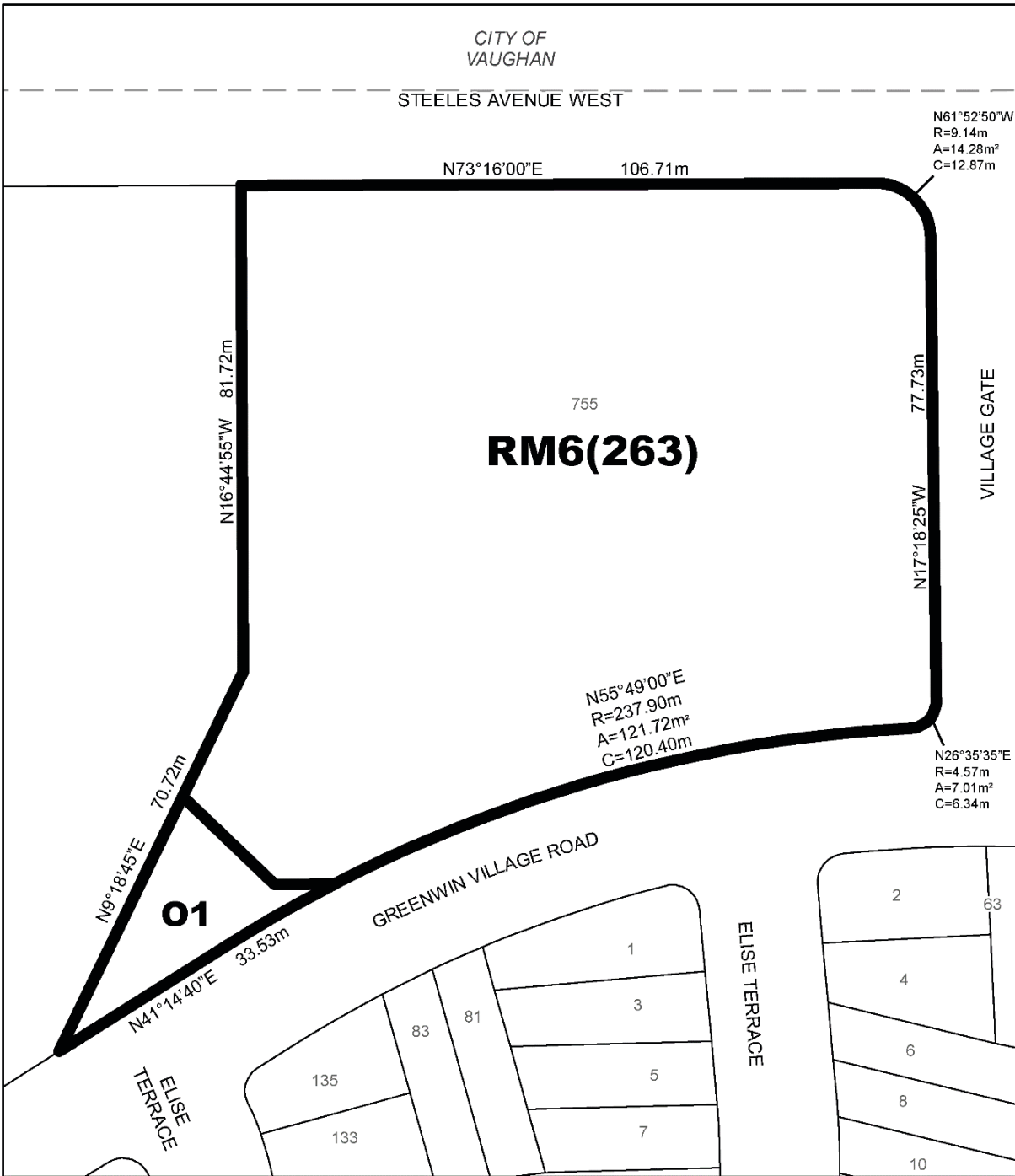
- a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



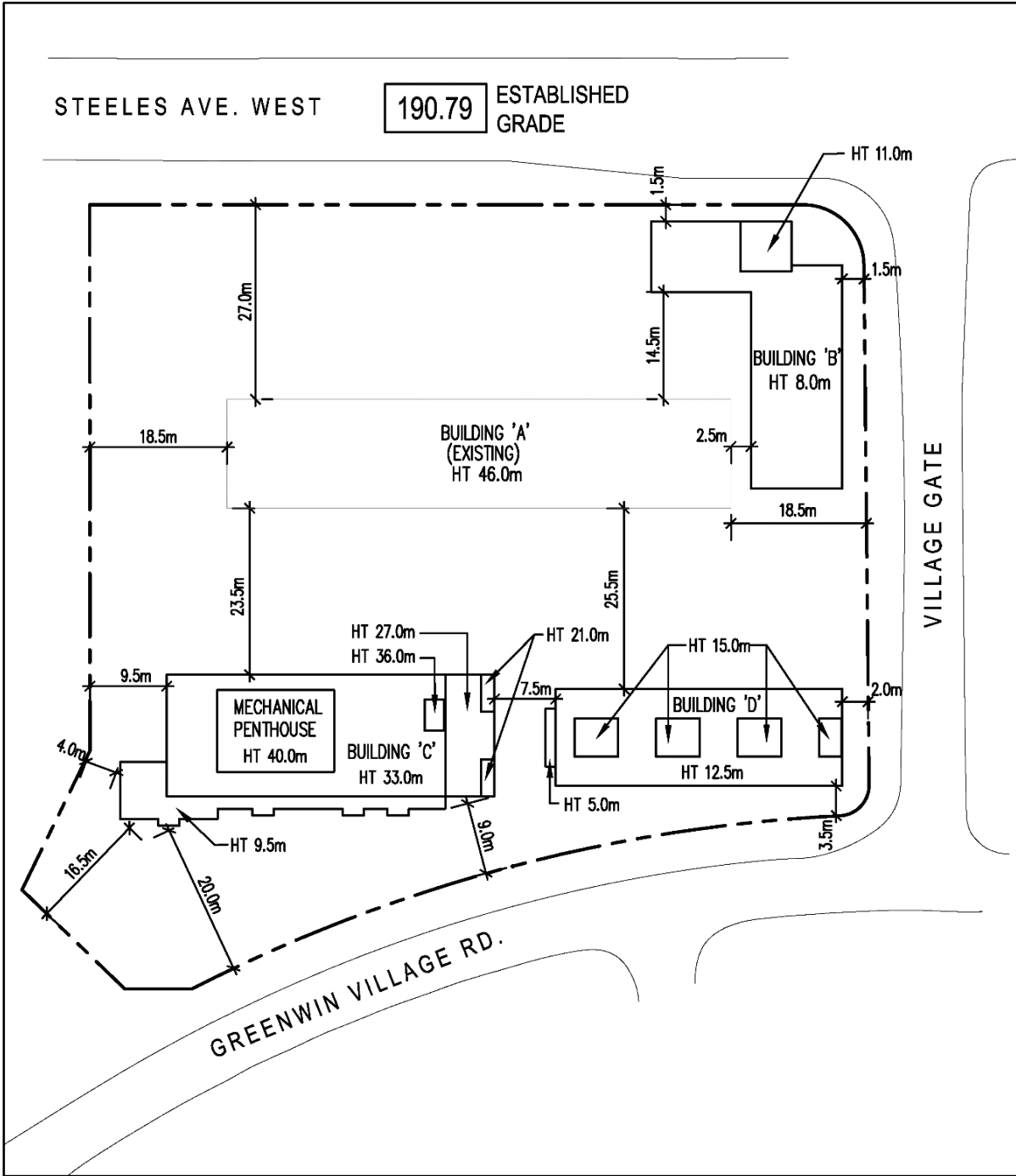
Toronto
Schedule 1

755 Steeles Avenue West

File # 14 248860 NNY 10 0Z



Not to Scale
02/10/2020



TORONTO
 Schedule RM6(263)

755 Steeles Avenue West

File # 14 248860 NNY 10 OZ

↑
 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 Schedule 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

- 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.