

Authority: Scarborough Community Council Item SC19.2, as adopted by City of Toronto Council on November 25 and 26, 2020 and MM47.105, by Councillor Nick Mantas, seconded by Councillor Jennifer McKelvie, as adopted by City of Toronto Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 1045-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 3268 Finch Avenue East.

Whereas Council of the City of Toronto has the authority 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Section 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37 (1) prior to the date, that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 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 label to these lands: RA (d6.38) (x162), 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 outlined in a heavy black line on Diagram 3 to the Policy Areas Overlay Map in Section 995.10.1; the Height Overlay Map in Section 995.20.1; the Lot Coverage Overlay Map in Section 995.30.1; amending the Rooming House Overlay Map in Section 995.40.1 with no label.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number RA 162, so that it reads:

(162) Exception RA 162

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 lands municipally known in the year 2020 as 3268 Finch Avenue East, shown on Diagram 1 to By-law 1045-2022, if the requirements of Section 6 and Schedule A are complied with, a **building** or **structure** may be erected and used in compliance with (B) to (M) below;
- (B) For the purposes of this exception, Finch Avenue East shall be the **front lot line**;
- (C) Despite Regulations 15.5.40.60(1) 15.5.40.60(2) and 15.5.40.60(3), window projections, architectural features, canopies and exterior stairs are permitted to encroach into the required **building setback** a maximum of 2.0 metres;
- (D) (D) Regulation 15.10.30.10(1)(B) does not apply;
- (E) Despite Clause 15.10.30.20(1)(B), the required minimum **lot frontage** is 72 metres;
- (F) Despite Regulation 15.10.30.40(1)(B), the permitted maximum **lot coverage** is 55 percent;
- (G) The permitted maximum number of **dwelling units** on the **lot** is 300;

- (H) Despite Regulation 15.10.40.10(1)(B), the permitted maximum **height** for a **building** or **structure** is 13 **storeys** and 42 metres, excluding the mechanical penthouse;
- (I) Despite Clause 15.10.40.70, the required minimum **building setbacks** are shown in metres on Diagram 4 of By-law 1045-2022;
- (J) Despite Regulations 15.10.40.50 (1)(A) and (B) the following minimum **amenity space** requirements apply:
- (i) a minimum of 500 square metres of indoor **amenity** space is required; and
 - (ii) a minimum of 365 square metres of outdoor **amenity** space is required;
- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, off street **parking spaces** must be provided at the following minimum rates:
- (i) 0.8 **parking space** for each one bedroom **dwelling unit** for residents;
 - (ii) 0.9 **parking space** for each two bedroom **dwelling unit** for residents;
 - (iii) 1.1 **parking spaces** for each three or more bedroom **dwelling unit** for residents; and
 - (iv) 2.0 **parking spaces** plus 0.05 per **dwelling unit** for visitors;
- (L) Despite Regulation 230.5.10.1(5), a minimum of 206 bicycle **parking spaces** is required, of which:
- (i) 186 bicycle **parking spaces** must be "long-term" bicycle **parking spaces**; and
 - (ii) 20 bicycle **parking spaces** must be "short-term" bicycle **parking spaces**;
- (M) Despite Regulation 220.5.10.1(2), one Type "G" **loading space** must be provided.

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

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of this By-law in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A of this By-law 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 in priority 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; and
- (C) The Owner shall not use, or permit the use of, the lands as permitted by this By-law, unless or until the owner has executed and registered in priority on title to the lands an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, securing the provision of facilities, services and matters set out in all provisions of Schedule A of this By-law.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

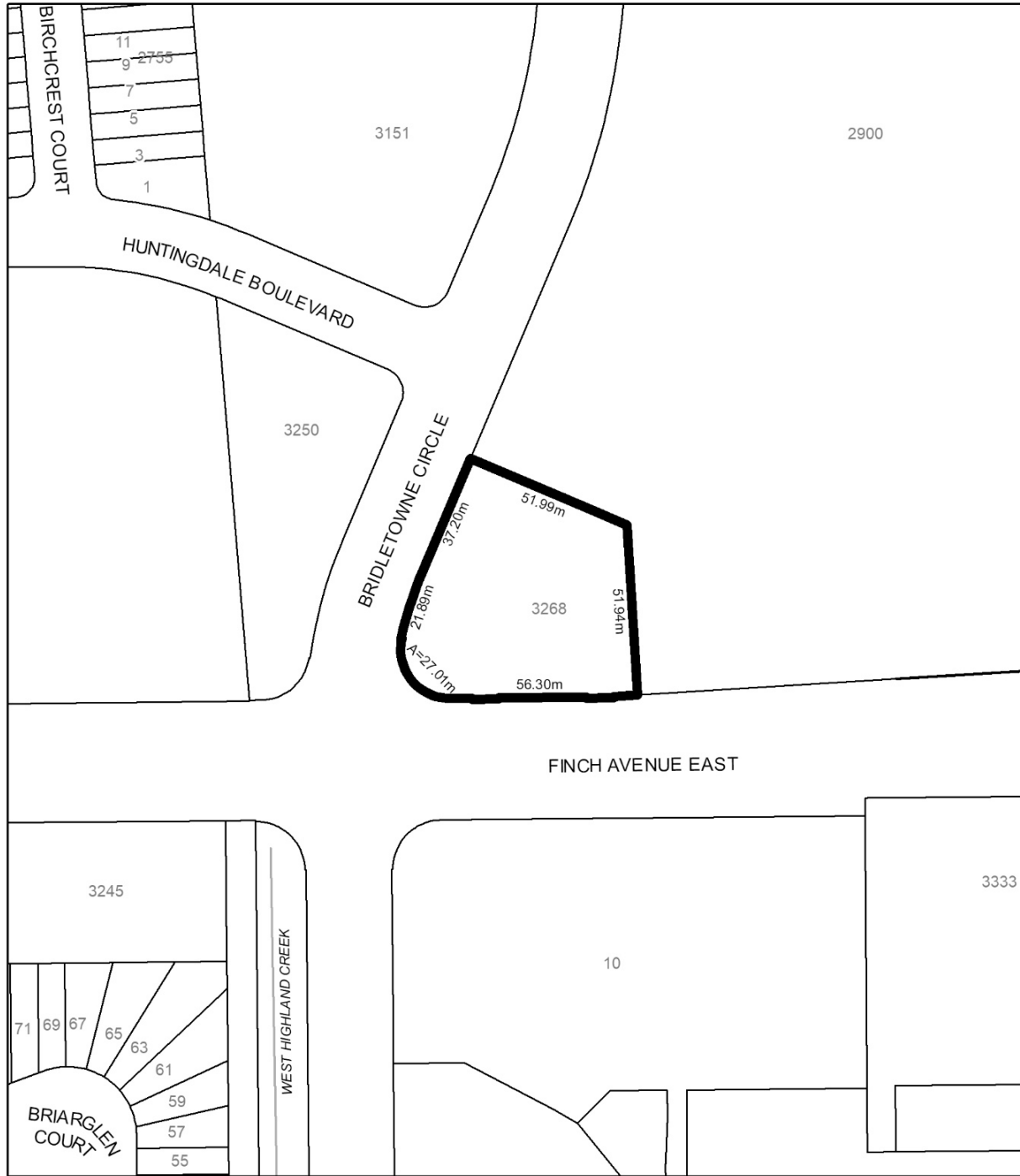
John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

1. Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:
 - (A) Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$975,000 towards the Kidstown Water Park Project.
 - (B) The cash contribution required in (1) above shall be indexed upwardly in accordance with the Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date the cash contribution is provided to the City.
 - (C) In the event the cash contribution required in 1(A) above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment 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 that the purposes are identified in Toronto's Official Plan and will benefit the community in the vicinity of the Site.
 - (D) The following matters are also recommended to be secured in the Section 37 Agreement:
 - (i) The Owner shall provide space within the development for 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 the City of Toronto Municipal Code Chapter 681, Sewers;
 - (ii) The Owner shall enter into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Site Servicing Review accepted by the Chief Engineer and Executive Director of Engineering and Construction Services; and

- (iii) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.

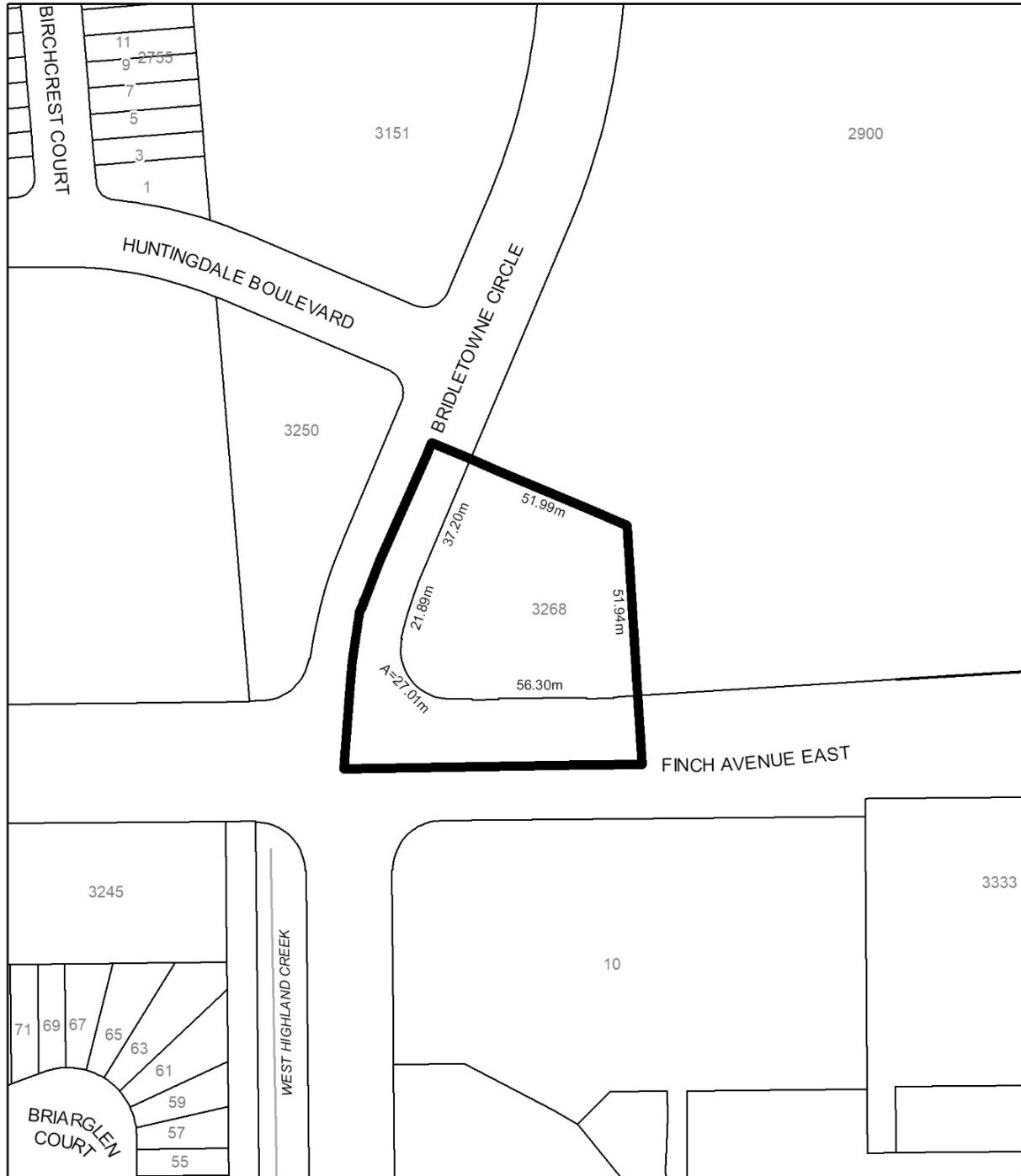


 **Toronto**
Diagram 1

3268 Finch Avenue East

File # 16 128441 ESC 39 0Z





 **Toronto**
Diagram 3

3268 Finch Avenue East

File # 16 128441 ESC 39 0Z

