

Authority: North York Community Council Item NY34.9,
adopted as amended, by City of Toronto Council on
July 19, 20 and 21, 2022

CITY OF TORONTO

BY-LAW 1089-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 765 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 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 a Holding (H) symbol with conditions in the Zoning 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 to enter into an agreement prior to the issuance of a building permit, 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 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone label of: RA (f30.0; a1375; d1.5) to a zone label of (H) RA (f30, a1375; d1.5)(x170) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 596-2013, as amended, is further amended by adding Article 900.7.10 Exception 170 so that it reads:

(170) Exception RA

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 765 Steeles Avenue West, as shown on Diagram 1 of By-law 1089-2022, if the requirements of Sections 5 and 8 and Schedule A are complied with, a **building or structure** may be constructed, used or enlarged in compliance with (B) to (R) below;
- (B) Despite Regulation 15.5.50.10(1), a minimum of 5,400 square metres of **landscaping** must be provided of which 2,500 square metres of the required **landscaping** must be comprised of **soft landscaping**;
- (C) Regulation 15.5.100.1(1)(B), with regards to the permitted maximum **driveway** width, does not apply;
- (D) Regulation 15.5.100.1(2), with regards to **driveway** access to **apartment buildings**, does not apply;
- (E) Clause 15.10.30.40, with regards to **lot coverage**, does not apply;
- (F) Despite Regulation 15.10.40.10(1) and (2), the permitted maximum height of a **building or structure** is the number following the HT symbol in metres and the permitted maximum **storeys** is the number following the ST symbol as shown on

Diagram 3 of By-law 1089-2022, and for the purpose of this exception a mechanical penthouse is not a **storey**;

- (G) Despite Regulation 15.5.40.10(3), a mechanical penthouse may exceed the permitted maximum **building** height by 5.5 metres, provided it is located in the area labelled "rooftop mechanical" as shown on Diagram 3 of By-law 1089-2022;
- (H) Regulation 15.5.40.10(4), with regards to horizontal limits for the functional operation of a **building**, does not apply;
- (I) Despite Clause 15.10.40.40, the permitted maximum floor space index is 3.59;
- (J) Despite Clause 15.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1089-2022;
- (K) Despite Regulation 15.10.40.50(1)(A) and (B), the minimum rate of **amenity space** must be provided in accordance with the following:
 - (i) a minimum of 1.7 square metres of indoor **amenity space** per **dwelling unit** except for the "existing apartment building" which shall not require any indoor residential **amenity space**; and
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** except for the "existing apartment building" which shall not require any outdoor residential **amenity space**.
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.56 **parking spaces** per **dwelling unit** for residential occupants;
 - (ii) a minimum of 0.05 **parking spaces** per **dwelling unit** for resident visitors;
 - (iii) a minimum of 2 "car-share parking spaces";
 - (iv) a minimum of 3 **parking spaces** for a **day nursery** which may be accommodated in the required residential visitor **parking spaces**;
 - (v) required **parking spaces** shall provide minimum of 39 electric vehicle parking spaces;
 - (vi) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and

- (vii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes.
- (M) Despite Regulation 200.5.1.10 (2)(A)(ii), the required minimum width of a **parking space** for a maximum of 2 **parking spaces** is 2.0 metres;
- (N) Despite Regulation 15.10.40.80(2), the minimum above-ground separation distance between the **main wall** of the **buildings** on the subject site shall apply as shown on Diagram 3 attached to By-law 1089-2022;
- (O) Despite Regulation 150.45.40.1(1), a minimum 790 square metre day nursery shall be provided an **apartment building** as follows:
 - (i) a minimum of 45 square metres must be provided on the first **storey**;
 - (ii) a minimum of 745 square metres must be provided on the second **storey**.
- (P) Despite Regulation 150.45.50.1(1), a children's play area for a **day nursery** is permitted to have a 0 metre setback from a **lot line** abutting a **street**;
- (Q) Despite Regulation 15.5.40.50(2), 15.5.40.60(2) and (D) above, a second **storey** platform associated with a children's play area for a day nursery may encroach into a required minimum **building setback** a maximum of 5.0 metres from the east **main wall** of the **building**;
- (R) Despite Regulation 230.5.10.1(5), the minimum number of **bicycle parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.42 "long term" **bicycle parking spaces per dwelling unit**;
 - (ii) a minimum of 0.04 "short term" **bicycle parking spaces per dwelling unit**.

Prevailing By-laws and Prevailing Sections:

- (A) Former City of North York By-law 21781, except for Section 2(C), for the "existing apartment building".

5. Holding Provisions:

Prior to the lifting of the (H) holding in whole or in part, the following applied:

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the lands as of the date of the passing of this By-law until the "(H)" symbol has been removed.

- (B) An amending by-law to remove the Holding provision in 5(A) above, in whole or in part, shall be enacted by City Council when the following conditions(s) has been fulfilled to the satisfaction of Council:

That satisfactory arrangements are made with Engineering and Construction Services and/or appropriate agreement(s) are entered into with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrade are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services, which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

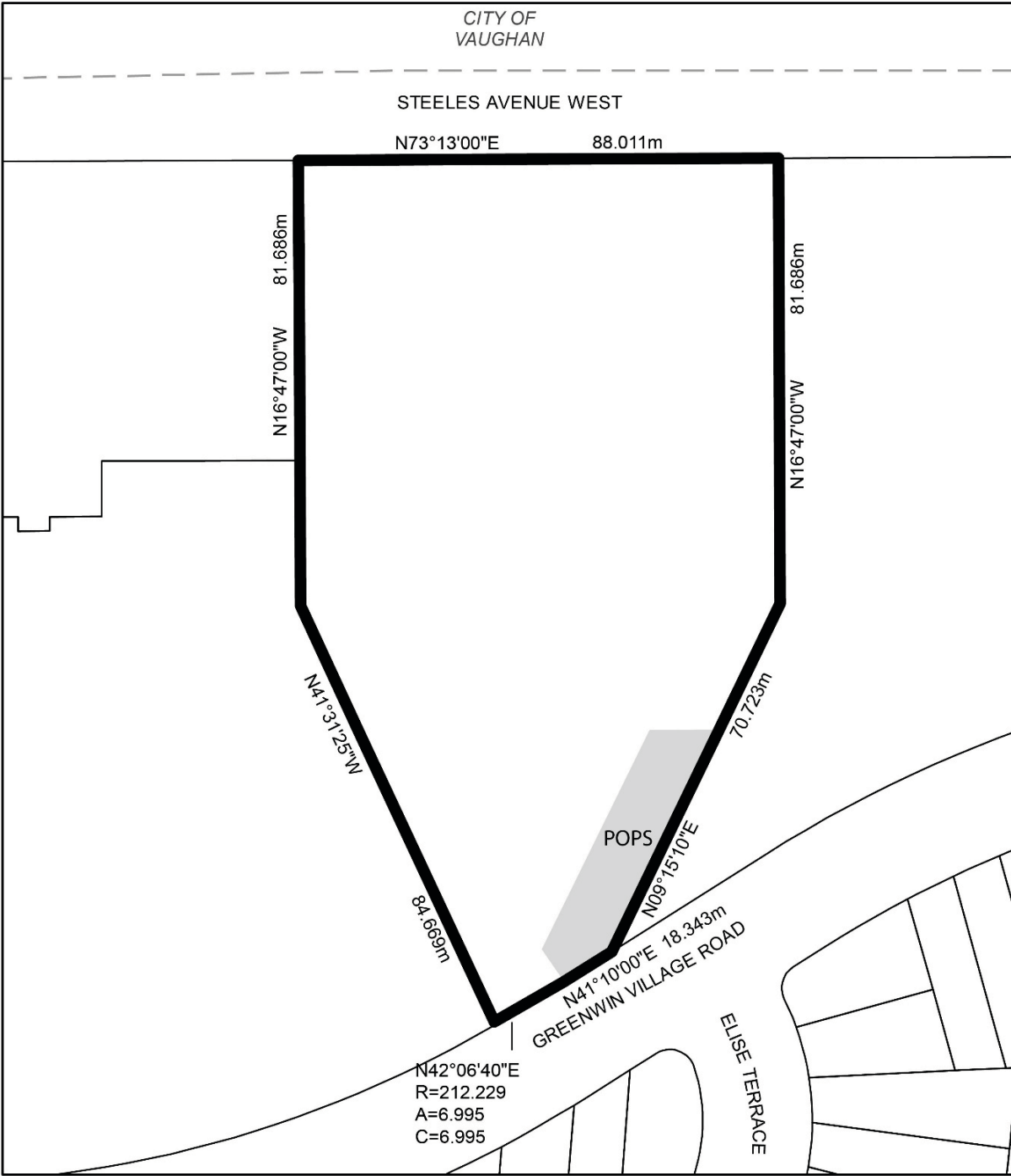
6. For the purpose of this by-law, "existing apartment building" means the **apartment building** described as the 21-storey apartment building in former City of North York By-law 21781, and "new apartment building" means a new **apartment building** constructed on the lands on or after June 1, 2022.
7. Despite any future severance, partition or division of the **lot** as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.
8. Section 37 Provisions
- (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 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 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

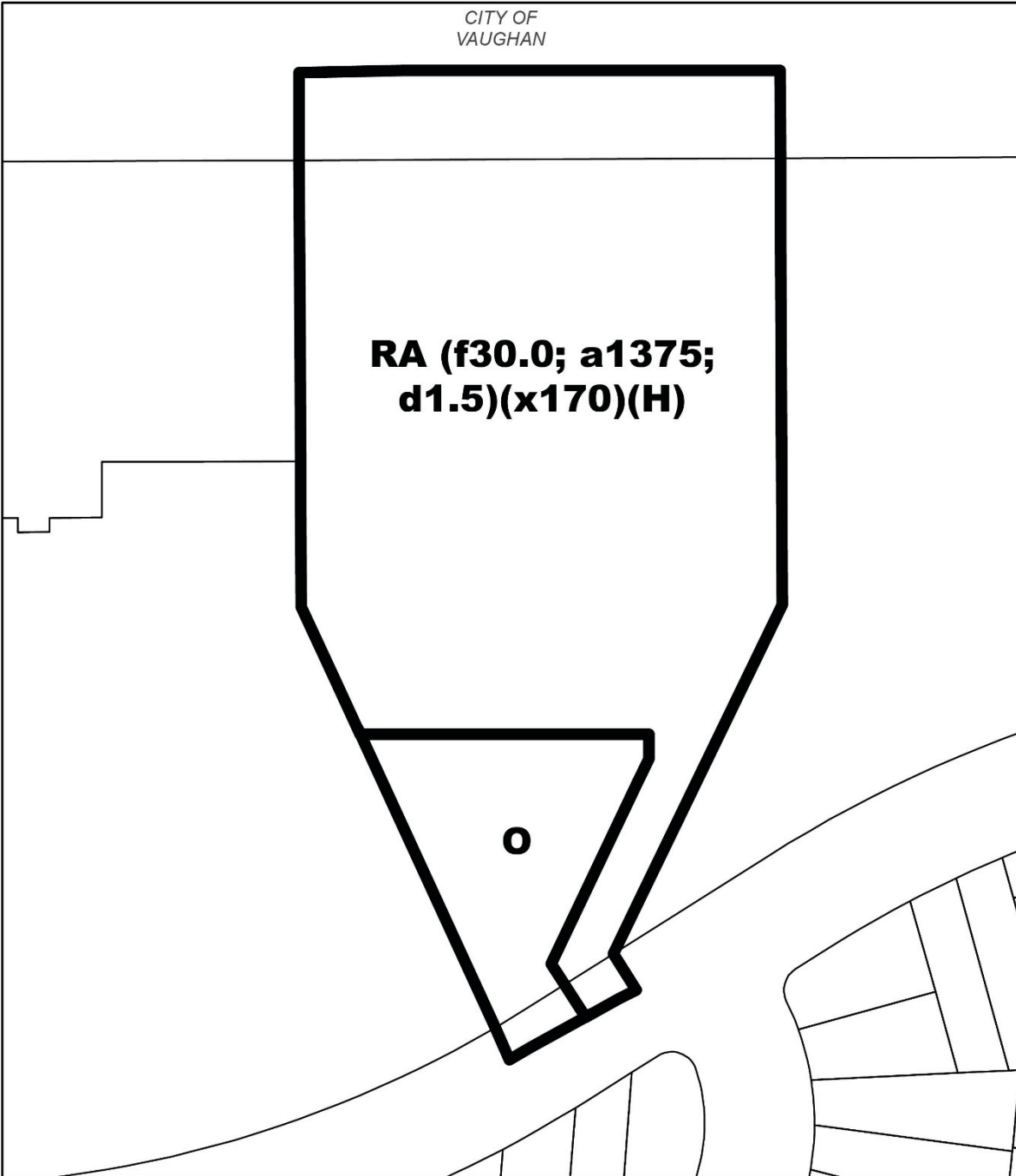
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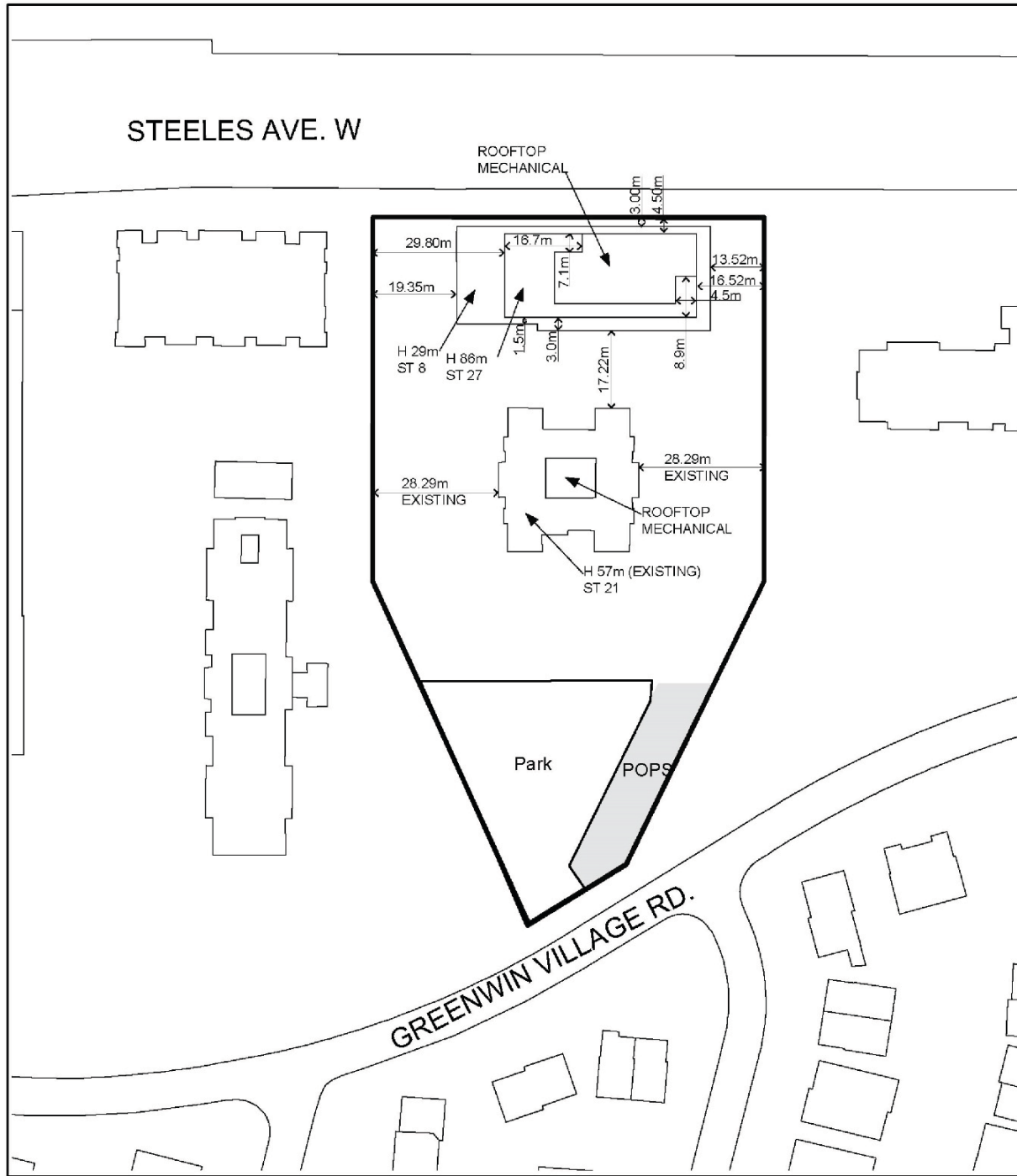


 **TORONTO**
Diagram 1

765 Steeles Avenue West

File # 19 149036 NNY 18 OZ





Toronto
Diagram 3

765 Steeles Avenue West

File # 19 149036 NNY 18 OZ



Schedule A
Section 37 Requirements

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 height and 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 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 set out below:
 - (A) The owner shall continue to provide and maintain the existing one hundred and sixty-seven (167) rental dwelling units at 765 Steeles Avenue West as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least twenty (20) years commencing from the date the Zoning By-law Amendments come into force and effect, with no application for demolition or conversion to condominium ownership or from residential rental use during such twenty (20) year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - (B) The owner shall provide tenants of all existing one hundred and sixty-seven (167) rental dwelling units at 765 Steeles Avenue West 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.
 - (C) The owner shall, at its sole expense and at no cost to tenants, undertake a tenant survey and provide improvements to the existing rental housing at 765 Steeles Avenue West, as follows:
 - (i) The owner shall undertake a tenant survey to identify needed improvements and renovations to the existing rental housing at 765 Steeles Avenue West to extend the life of the building that is to remain and to improve amenities, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (ii) Prior to the issuance of Notice of Approval Conditions for Site Plan approval, the owner shall submit to the City a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the existing rental building at 765 Steeles Avenue West, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- (iii) Prior to the issuance of the first above-grade building permit for the development, the owner shall provide the City with a Letter of Credit having a maximum value of six hundred thousand dollars (\$600,000) to secure the rental housing improvements identified by the tenant survey required in section 1. (C) (i) above. For clarity, if the total construction value of rental housing improvements identified by the tenant survey is less than six hundred thousand dollars (\$600,000), as demonstrated by one or more quotations provided by a qualified contractor, then such lower construction value shall determine the value of the Letter of Credit provided to the City and the owner shall undertake all improvements identified by the survey. If the total construction value of the rental housing improvements identified by the tenant survey exceeds six hundred thousand dollars (\$600,000), then the owner shall undertake selected rental housing improvements having a total construction value of not more than six hundred thousand dollars (\$600,000), which shall be the value of the Letter of Credit provided to the City, and the selection of such improvements shall be made in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;
 - (iv) Prior to first occupancy of any new residential units, the owner shall complete the rental housing improvements identified by the tenant survey required in section 1. (C) (i) above and secured by the Letter of Credit required in section 1. (C) (iii) above, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
 - (v) The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation Strategy and Tenant Communication Plan required in section 1 (C) above shall not be passed on to tenants of the existing rental building at 765 Steeles Avenue West in any form. For clarity, the Owner shall agree to not apply to the Landlord and Tenant Board, or any successor tribunal with jurisdiction other applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements identified by the tenant survey required in section 1. (C) (i) above and secured by the Letter of Credit required in section 1. (C) (iii) above.
- (D) The conveyance of the 1,575 square metres parkland dedication, free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
- (E) The owner shall design, construct, finish, furnish and equip at its expense, a two-storey (ground floor and second floor) non-profit licensed child care facility comprising 790 square metres of interior space and adjacent exterior space comprising of 273 square metres including outdoor storage and a minimum of

three (3) parking spaces reserved for the exclusive use of the child care facility for pick-up/drop-off operations, (the "Child Care Centre").

- (F) The owner shall provide a non-profit licensed daycare centre to be leased to the City for 99 years for nominal base rent (which nominal sum shall include base rent only, and not additional rent, operating costs, utilities, maintenance or garbage and recycling collection), and subleased to a non-profit child care operator non-profit community service use in the premises to be secured upon such terms and conditions as per the City's Child Care Development Guideline (2021) (the "Child Care Term Sheet") to the satisfaction of the City Solicitor and the Executive Director, City Planning, in consultation with the Ward Councillor. The Child Care Centre shall be designed, constructed and finished, generally in accordance with the Child Care Term Sheet to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Children's Services, save and except (i) there shall be no Developer Financial Obligations as set out in Paragraph 5 of the Child Care Term Sheet; and (ii) the relevant Child Care Term Sheet provisions relating to conveyance and shared facilities agreement shall not apply.
- (G) Three (3) dedicated parking spaces will be provided free-of-charge for the exclusive use of the Child Care Centre for pick-up/drop-off operations. These spaces to be assigned accordingly, and be located in close proximity to the main entrance, at ground level providing the shortest route between the parking spots and the Child Care Centre, which shall be barrier-free.
- (H) Any other details related to the Child Care Centre such as timing, location, obligations and any matters necessary to implement the Child Care Centre, which have not been addressed in the recommendations of this report will be finalized between the Owner and the City and will be substantially in accordance with the City of Toronto's Child Care Design and Technical Guidelines (2016) & Child Care and Early Years Act (2014) and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.