

CITY OF TORONTO

BY-LAW 885-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 41-75 Four Winds Drive.

Whereas the Ontario Land Tribunal, in its Decision and its Order issued on July 18, 2022, in file OLT-21-001121, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 41-75 Four Winds Drive; and

Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once Council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the holding symbol "(H)"; 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;

The Ontario Land Tribunal, by Order, amends Zoning By-law 569-2013 as follows:

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 lines from CR 0.77 (c0.77; r0.77) SS3 (x238) to a zone label of (H)CR 0.77 (c0.77; r0.77) SS3 (x238) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 238, so that it reads:

(238) Exception CR 238

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 41-75 Four Winds Drive, if the requirements of By-law 885-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (U) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 192.95 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulations 40.5.40.10(1), (2), (4), (6) and (7) and (E) below, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 885-2023(OLT):
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents by a maximum of 6.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above by a maximum of 6.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres.
- (D) Despite Regulations 40.10.40.10(3) and 40.10.40.10(7), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" and the number in **storeys** following the letters "ST" as shown on Diagram 3 of By-law 885-2023(OLT);

- (E) Regulation 40.10.40.10(5), with respect to the minimum height of the first storey, does not apply;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 43,201 square metres, of which:
 - i. The required minimum **gross floor area** for non-residential uses is 1,500 square metres.
- (G) Regulation 40.10.40.1(3), with respect to the orientation of a residential use to the street, does not apply;
- (H) **Dwelling units** provided on the entire **lot** must comply with the following:
 - i. A minimum of 35 percent of the **dwelling units** must contain two or more bedrooms; and
 - ii. A minimum of 10 percent of the **dwelling units** must contain three or more bedrooms, and these **dwelling units** may also be used to determine compliance with (i) above.
- (I) Despite Regulation 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 885-2023;
- (J) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law 885-2023;
- (K) Despite Regulations 40.10.40.60(1), (2), (3), (4), (5), (6), (7), and (8) and Clause (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) decks, porches, and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices by a maximum of 3.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.6 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.2 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 1.2 metres;
 - (vii) eaves, by a maximum of 1.2 metres;

- (viii) a dormer, by a maximum of 1.2 metres; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres.
- (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 0.5 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.1 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) a minimum of 1.00 **parking spaces** for each 100 square metres of non-residential **gross floor area**.
- (M) Residential visitor **parking spaces** and non-residential **parking spaces** may be provided on a non-exclusive basis and may be shared in a parking garage below ground;
- (N) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of four resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) 4 multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number.
 - (ii) 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
 - (iii) 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.
- (O) Despite Regulation 200.5.1.10(2) a maximum of 10 percent of required **parking spaces** provided may have the following minimum dimensions, despite that such **parking spaces** may be obstructed on one or two sides:
- (i) Length – 5.2 metres;
 - (ii) Width – 2.6 metres; and

- (iii) Height – 2.0 metres.
- (P) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
 - (i) a minimum length of 5.6 metres;
 - (ii) a minimum width of 3.4 metres; and
 - (iii) a minimum vertical clearance of 2.1 metres.
- (Q) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (R) Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of the **building**; and
 - (iii) and shortest route from the required entrances in (i) and (ii).
- (S) Despite Regulation 220.5.10.1(2), a minimum of one Type "G" **loading space** and one Type "C" **loading space** must be provided on the **lot**;
- (T) Despite Regulation 230.5.1.10(10) a "short-term" **bicycle parking space** may also be located in a **stacked bicycle parking space**; and
- (U) Prevailing Section 64.24(12) of former City of North York By-law 7625 does not apply to a **building** or **structure** constructed, used or enlarged in compliance with Regulations (B) to (T) above.

Prevailing By-laws and Prevailing Sections:

- (A) Section 64.24(12), former City of North York Zoning By-law 7625.
- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 6. Holding Provision
 - (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law must not be used for any purpose other than those uses permitted in the C2(12) Zone of the Former City of North York Zoning By-law 7625 on the lands shown on Diagram 1 attached to this By-law until the "(H)" symbol has been removed.

- (B) An amending by-law to remove the "(H)" shall be enacted by City Council when the following have been provided for to the satisfaction of the Chief Planner and Executive Director, City Planning:
- i. Provision of a Structural Engineering Report prepared and certified by a Professional Engineer, confirming that Building B can be structurally supported above the existing stratified parking garage (with a top elevation of 189.74 metre ASL (west) to 190.65 metre ASL (east), described as Part 24 (Diagram 13) on Plan 66R-5909.
 - ii. The permitted uses within the area subject to the hold are those that are permitted in the C2(12) Zone of the Former City of North York Zoning By-law 7625.

7. Section 37 Requirements:

- (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 attached to 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 attached to 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 on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A attached to 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, 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.

Ontario Land Tribunal Decision and Order issued on July 18, 2022 in Tribunal File OLT-21-001121.

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 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 or agreements 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 facilities, services or matters set out below.
2. Prior to issuance of the first above-grade permit, to be phased by building in accordance with the following schedule, the owner shall make a cash contribution to the City in the amount of two million, forty thousand dollars (\$2,040,000.00) (the "Cash Contribution") to be allocated towards capital community services and facilities to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:

Building	Percent of Total GFA	Amount Payable at Above Grade Building Permit per Building
Building A	45.0 percent	\$918,000.00
Building B	31.1 percent	\$634,440.00
Building C	23.9 percent	\$487,560.00
Total Payable Upon All Above Grade Permits Issued		\$2,040,000.00

3. The Cash Contribution set out in Clause 2 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 execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
4. In the event the Cash Contribution in Clause 1 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity.

5. The owner shall provide the following to support the development of the lands:
- (A) The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation;
 - (B) Prior to site plan approval, public access easements related to east-west and north-south pedestrian connections running through the Site as shown on drawing SP-2 prepared by MSAi dated March 2022;
 - (C) Prior to site plan approval, a bike share module being provided on-site;
 - (D) Prior to site plan approval, Transportation Demand Management measures are implemented including but not limited to:
 - i. Unbundle vehicle space from unit sale;
 - ii. Provide 2 car share parking spaces and engage with car share company for future implementation;
 - iii. Provide information package for new residents. The information package includes TTC schedules, GO Transit Schedules, community and cycling maps, where appropriate. The Information Package can be distributed at the sale office; and
 - iv. Provide one-time pre-loaded PRESTO Cards with the starting value of \$150 (inclusive of the registration fee) for each residential unit on demand basis. This will help the future residents to consider taking TTC service as an alternative mode of transportation. The pre-loaded PRESTO Cards can be distributed in conjunction with the Information Package at the time of purchase or at occupancy.
 - (E) Prior to site plan approval, the owner agrees to implement the recommendations of the Compatibility & Mitigation Study by SLR, dated April 2021 with a response dated October 20, 2021, and the peer review of Hemmera dated January 11, 2022;
 - (F) Prior to Site Plan Approval being granted and any building permit being issued for the development, at the owner at its sole expense:
 - i. has submitted a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

- ii. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted and agreed to Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development as set out in the Engineering Reports;
 - iii. has submitted a revised Transportation Impact Study acceptable to, and to the satisfaction of, the General Manager, Transportation Services and that such matters arising from such study, be secured if required; and
 - iv. has submitted a revised Wind Study acceptable to the Chief Planner and Executive Director, City Planning, and securing such mitigation matters through the Site Plan Approval process.
- (G) The owner agrees to enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development; and
- (H) 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 from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the lot.

Diagram 1

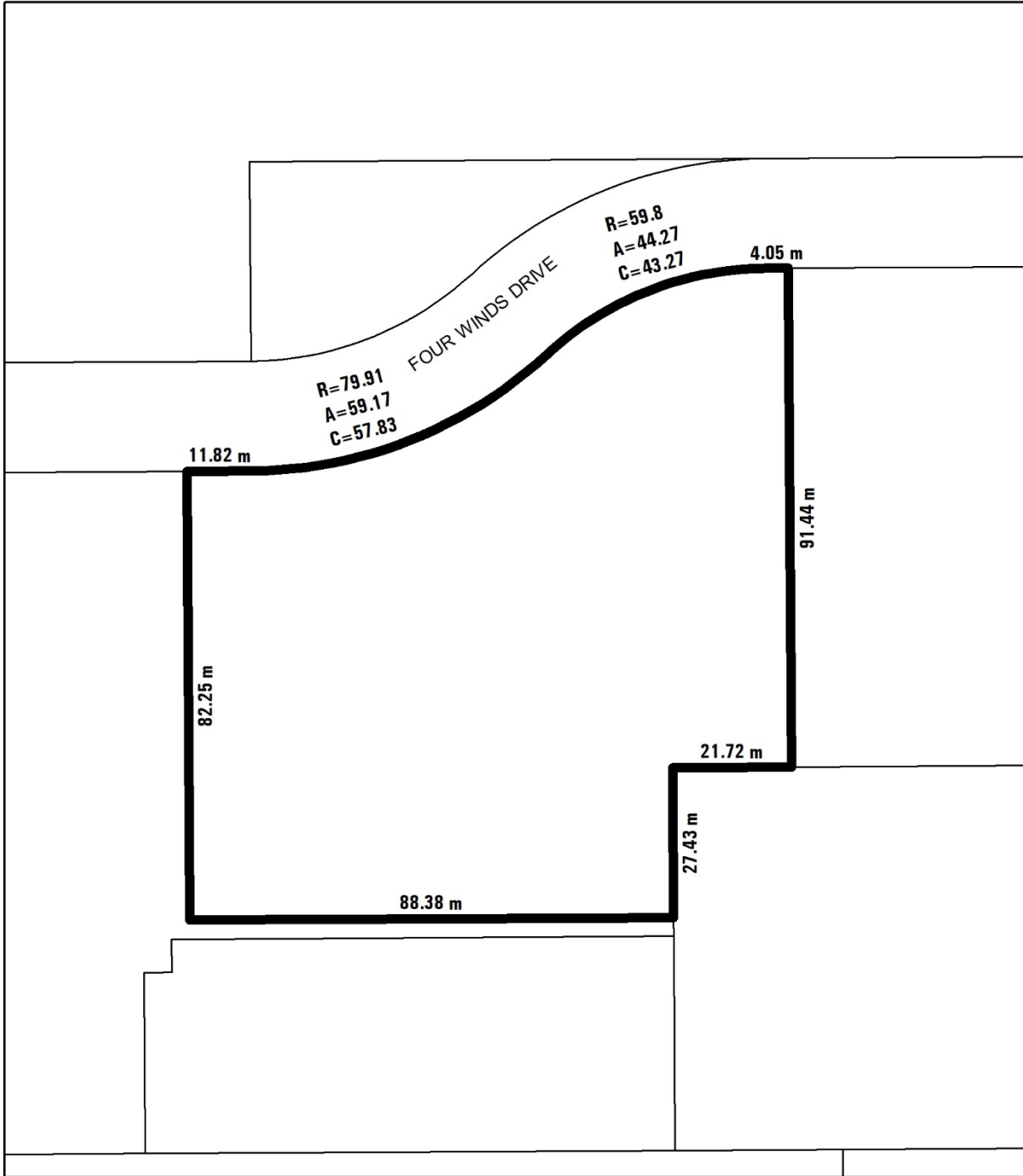


Diagram 2

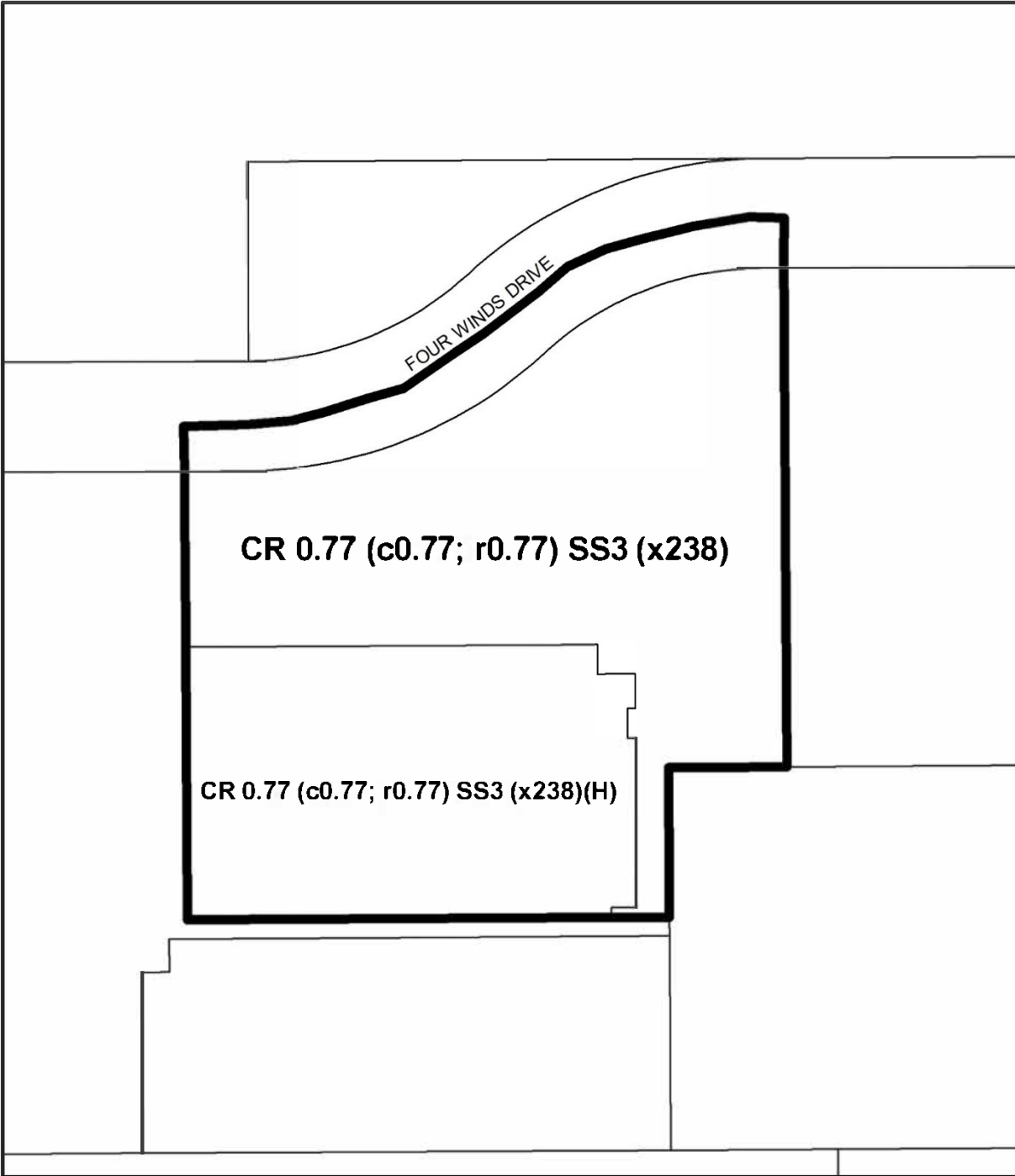


Diagram 3

