

Authority: Etobicoke York Community Council Item
EY9.5, as adopted by City of Toronto Council on
December 13, 14 and 15, 2023
City Council voted in favour of this by-law on
December 15, 2023
Written approval of this by-law was given by Mayoral
Decision 30-2023 dated December 15, 2023

CITY OF TORONTO

BY-LAW 1312-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 5 Capri Road, 7 Capri Road, and 580 The East Mall.

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

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

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 from a zone label of RAC (f24.0; au116.0) (x107) to a zone label of (H) RAC (x206), and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.8.10 Exception Number 107 so that it reads:

(107) Exception RAC (x107)

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) For the purposes of regulation 900.1.10(4)(A), any existing **buildings** or **structures, dwelling units**, parking and **landscaping** on 7 Capri Road and 580 The East Mall as of the date of passing of By-law 1312-2023 are deemed to be in compliance with the specific requirements of Former City of Etobicoke By-law 1079;

Prevailing By-laws and Prevailing Sections:

- (A) Former City of Etobicoke By-law 1079, excluding subsection 1(e) of that by-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 206 so that it reads:

(206) Exception RAC 206

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 as 5 Capri Road, if the requirements of By-law 1312-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (NN) below;
- (B) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is:
- (i) with respect to "Block 1", the distance between the Canadian Geodetic datum of 146.4 metres and the elevation of the highest point of the **building** or **structure**; and
 - (ii) with respect to "Block 2", the distance between the Canadian Geodetic Datum of 145.8 metres and the elevation of the highest point of the **building** or **structure**;
- (C) In addition to the permitted uses listed in Regulation 15.20.20.10(1), the following additional uses are permitted:
- (i) "geo-energy facility"; and
 - (ii) "Car share";
- (D) In addition to the permitted uses with conditions listed in regulation 15.20.20.20(1), the following additional uses with conditions are permitted:
- (i) an **outdoor patio**, provided:

- (a) the **outdoor patio** must be associated with an **eating establishment**;
 - (b) the maximum area of an **outdoor patio** is 150 square metres; and
 - (c) an **outdoor patio** may not be used to provide entertainment such as performances, music and dancing;
- (E) Despite Regulation 15.20.20.40(1), **dwelling units** are permitted in **mixed-use buildings** and **apartment buildings** on the **lot**;
- (F) Despite Regulation 15.20.20.100(1)(B) a **service shop** may be located in a **mixed-use building** on the **lot**;
- (G) Despite Regulation 15.20.20.100(1)(E) the **interior floor area** of an individual establishment may not exceed 300 square metres;
- (H) Despite Regulation 15.20.20.100(7), other uses with an **eating establishment** may occupy a percentage greater than 12 percent of the total **interior floor area** of the **eating establishment** to a maximum of 100 square metres;
- (I) Despite Regulation 15.20.20.100(12)(B), the outdoor sale or display of goods or commodities in combination with a permitted use inside an **apartment building** may be located abutting that use and may exceed 10 square metres;
- (J) Despite Regulation 15.5.50.10(1), a minimum of 40 percent of the **lot** will be used for **landscaping**, of which 30 percent of the required **landscaping** must be **soft landscaping**;
- (K) Despite Regulation 15.20.30.40(1), a maximum **lot coverage**, as a percentage of the **lot area**, does not apply;
- (L) Despite Regulations 15.5.40.10(1) and 15.20.40.10(1), the permitted maximum height of a **building** or **structure** on "Block 1" is the height as it existed on the date of the passage of By-law 1312-2023;
- (M) Despite (L) above, the permitted maximum height for an addition to "Block 1" is the number in metres following the letters "HT" as shown on Diagram 4 of By-law 1312-2023;
- (N) Despite Regulations 15.5.40.10(1) and 15.20.40.10(1), the permitted maximum height of a **building** or **structure** on "Block 2" is the number in metres following the letters "HT" as shown on Diagram 4 of By-law 1312-2023;
- (O) The permitted maximum "floor plate area" of each **storey** of a **building** in "Block 2" is as follows:

- (i) 799 square metres above the height of 29.3 metres within the area shown as Tower A on Diagram 4 of By-law 1312-2023;
 - (ii) 775 square metres above the height of 29.3 metres within the area shown as Tower B on Diagram 4 of By-law 1312-2023; and
 - (iii) 795 square metres above the height of 23.0 metres within the area shown as Tower C on Diagram 4 of By-law 1312-2023;
- (P) Despite Regulations 15.5.40.10(2) and (5), and (N) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 4 of By-law 1312-2023:
 - (i) Building maintenance units and window washing equipment, **solar energy** and **wind energy** devices by a maximum of 2.5 metres;
 - (ii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.5 metres;
 - (iii) planters, **landscaping** features, lighting fixtures, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
 - (iv) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3 metres; and
 - (v) the equipment and structures listed in (i) to (iv) above may not exceed the maximum building height of 73.66 metres;
- (Q) Despite 15.5.40.10(2), (3), and (6), and (P) above, no **buildings**, **structures** or equipment on the **lot** may project beyond the maximum permitted height of 73.66 metres;
- (R) Despite Regulation 15.20.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lands shall be as follows:
 - (i) the permitted maximum **gross floor area** on "Block 1" is the amount of **gross floor area** in square metres that existed on the date of the passage of By-law 1312-2023 plus 450 square metres of **gross floor area** for the purposes of **amenity space** and an addition to the existing **building** on "Block 1";
 - (ii) the permitted maximum **gross floor area** on "Block 2" is 59,750 square metres subject to the following:
 - (a) the permitted maximum **gross floor area** for non-residential uses is 810 square metres; and

- (iii) if a **day nursery** is provided on "Block 2" it must have a minimum **interior floor area** of 700 square metres;
- (S) Despite Regulation 150.45.20.1(1), a **day nursery** may be in an **apartment building** or a **mixed-use building**;
- (T) Despite Regulation 150.45.40.1(1), a **day nursery** in an **apartment building** or a **mixed-use building** may be on the first and/or the second **storey**;
- (U) In addition to the elements listed in Regulation 15.5.40.40(1) that reduce **gross floor area**, the following elements will also apply to reduce the **gross floor area** of a **building**:
 - (i) "geo-energy facilities", below ground, at, or above-ground; and
 - (ii) rooms containing **bicycle parking spaces** located above established grade;
- (V) Despite Regulation 15.20.40.50(1), a **building** on "Block 1" with 20 or more **dwelling units** must provide **amenity space** as follows:
 - (i) A minimum of 303 square metres of indoor **amenity space** which may be located below ground;
 - (ii) A minimum of 424 square metres of outdoor **amenity space**; and
 - (iii) (i) and (ii) above do not apply if there are no additional **dwelling units** constructed on "Block 1" or "Block 2" beyond the existing 327 **dwelling units**;
- (W) Despite Regulation 15.20.40.50(1), a **building** on "Block 2" with 20 or more **dwelling units** must provide **amenity space** at the following rate:
 - (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**, of which 329 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (X) Despite Clause 15.20.40.70, the required minimum **building setbacks** on "Block 2" are as shown in metres on Diagram 4 of By-law 1312-2023;
- (Y) Despite Regulation 15.20.40.80(1), (2), and (3), the required separation of **main walls** on "Block 2" are as shown in metres on Diagram 4 of By-law 1312-2023;
- (Z) Despite Clause 15.5.40.60, Regulations 15.5.75.1(4)(A)(i) and 15.5.75.1(5)(B), and (X) and (Y) above, the following elements of a **building** or **structure** on

"Block 2" may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) Balconies and related **structures** and elements such as balcony dividers, guardrails, railings and soffit cladding:
 - (a) by a maximum of 1.0 metre where the stepback to the tower from the base **building** is 1.5 metres or less;
 - (b) by a maximum of 1.2 metres where the stepback to the tower from the base **building** is 2 metres or less;
 - (c) by a maximum of 1.8 metres where the stepback to the tower from the base **building** is 3 metres or less; and
 - (d) by a maximum of 1.8 metres where the stepback to the tower from the base **building** exceeds 3 metres;
 - (ii) Canopies and awnings by a maximum of 2.0 metres;
 - (iii) Exterior stairs, access ramps and elevating devices, by a maximum of 1.0 metre;
 - (iv) Ornamental and architectural features such as pilaster, decorative column, cornice, sill, belt course, eaves and dormer by a maximum of 1.0 metre;
 - (v) air conditioners, satellite dishes, antennae, signage, vents, and pipes, by a maximum of 1.0 metres;
 - (vi) lighting fixtures by a maximum of 0.5 metre;
 - (vii) **Structures** or any play equipment within the "Children's Play Area" associated with the **day nursery** by a maximum of 10 metres; and
 - (viii) utilities such as gas equipment and meters, hydro equipment and meters, telecommunications equipment and **solar energy** and **wind energy** devices, by a maximum of 1.0 metre;
- (AA) Despite Clauses 15.20.40.70 and 15.20.40.80, the required minimum **building setbacks** and separation distance between **main walls** of any buildings on "Block 1" are as they existed on the passage of By-law 1312-2023;
- (BB) Despite (AA) above, on "Block 1", the minimum **building setbacks** to an addition to the existing building on "Block 1" are as shown in metres on Diagram 4 of By-law 1312-2023;

- (CC) In addition to the permitted encroachments listed in Clause 15.5.40.60, and despite (AA) and (BB) above, the following elements of a **building** or **structure** on "Block 1" may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) cladding added to the original exterior surface of the **main wall** of a **building**, by a maximum of 0.15 metres;
 - (ii) air conditioners, satellite dishes, antennae, signage, vents, and pipes, by a maximum of 1.0 metres;
 - (iii) lighting fixtures by a maximum of 0.5 metres; and
 - (iv) utilities such as gas equipment and meters, hydro equipment and meters, telecommunications equipment and **solar energy** and **wind energy** devices, by a maximum of 1.0 metres;
- (DD) Despite Regulations 15.5.80.1(1), 15.5.80.10(1), 200.5.10.1(1), 970.10.15.5(5), and Tables 200.5.10.1 and 970.10.15.5, **parking spaces** must be provided in accordance with the following:
- (i) For "Block 2":
 - (a) a minimum of 0.77 residential occupant **parking spaces** for each **dwelling unit**;
 - (b) a minimum of 0.1 residential visitor **parking spaces** for **dwelling unit**; and
 - (c) a minimum of 0 **parking spaces** for non-residential uses;
 - (ii) For "Block 1":
 - (a) a minimum of 249 residential occupant **parking spaces** for residential **dwelling units**;
 - (b) a minimum of 19 residential visitor **parking spaces**;
 - (c) a minimum of 0 **parking spaces** for non-residential uses;
 - (d) a **parking space** required for "Block 1" may be located on "Block 2"; and
 - (e) residential visitor **parking spaces** required by (i)(b) and (ii)(b) above may be used for non-residential uses;
- (EE) Despite Regulation 200.15.10.10(1), a minimum of 25 of the required **parking spaces** on the lands must be accessible **parking spaces**;

- (FF) Despite Regulations 200.5.1(3), 200.5.1.10(2) and 15.5.100.1(1), **lawfully existing parking spaces, parking garages and drive aisles** are permitted within their existing dimensions as of the date of passing of By-law 1312-2023;
- (GG) Despite Regulation 200.15.1(1), accessible **parking space spaces** dimensions must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the dimensions for accessible **parking spaces** shall only apply to accessible **parking spaces** wholly constructed after the passing of this By-law;
- (HH) Despite Regulation 15.5.80.10(2) a minimum of 100 percent of the required **parking spaces**, including required visitor **parking spaces**, must be in a **building** or underground structure;
- (II) Despite Regulations 220.5.10.1(1), (2), and (3), loading spaces must be provided in accordance with the following:
- (i) a minimum of 2 "Type G" **loading spaces** on "Block 2"; and
 - (ii) a minimum of 1 "Type G" **loading space** on "Block 1";
- (JJ) Despite Regulation 220.5.20.1, the minimum dimensions of a **driveway** access to **lawfully existing loading spaces** are its existing dimensions as of the date of passing of By-law 1312-2023;
- (KK) Despite Regulation 230.5.1.10(1) "short-term" bicycle parking spaces may also be located in a **stacked bicycle parking space**;
- (LL) The provision of **dwelling units** on "Block 2" is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have 2 or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more bedrooms; and
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (MM) The maximum number of **dwelling units** on "Block 1" is 327 **dwelling units**; and

(NN) For the purpose of this exception, each word or expression that is in bold will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:

- (i) "Block 1", "Block 2" and "Block 3" mean the parcels of land as identified on Diagram 3 of By-law 1312-2023;
- (ii) "Car-Share or Car-Sharing" means the practice where a number of people share the use of one or more cars owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including payment of a membership fee that may not be refundable;
- (iii) "Car-Share Parking Space" means a parking space exclusively reserved and signed for a car used only for car-share purposes;
- (iv) "Children's Play Area" means an outdoor space located directly adjacent to a day nursery used by children for the purposes of outdoor play and recreation;
- (v) "Floor Plate Area" means the total built area measured from the exterior of the **main walls** on each **storey** excluding balconies and any other permitted projections; and
- (vi) "Geo-energy facility" means premises containing devices to generate **geo-energy** for the exclusive use of the **building**.

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

6. Despite any future severance, partition or division of the lands subject to this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.

7. Temporary Use:

- (A) Pursuant to Section 39(1) of the Planning Act, none of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store** in a **building, structure** or trailer for the purpose of selling, renting or leasing of **dwelling units** on the lands in the RAC Zone to which this By-law applies, provided that any such **building** or **structure** does not exceed a maximum height of 7.5 metres. Section 6 of this By-law shall expire on December 15, 2026.

8. Holding Symbol Provisions

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

- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted by City Council when the following are fulfilled:
- (C) Public Street:
- (i) The following matters have been addressed regarding the public street:
 - (a) A public street extending Capri Road southward towards the site with a minimum 16.5 metre right-of way and terminating in a cul-de-sac in accordance with Development Infrastructure Policy & Standard 5, has been designed by the owner, satisfactory to the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - (b) Arrangements satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services have been made with the City for the construction and conveyance of a public street by the owner and that the owner has obtained approval of the Draft Plan of Subdivision under subsections 51(31) or 51(56) of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (D) Servicing
- (i) A Functional Servicing Report has been submitted by the owner and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (ii) Arrangement satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of improvements that may be required to the City's water mains and sanitary sewer system servicing the development; and
 - (iii) All necessary approvals to proceed with the infrastructure required, as described in 8(C)(i) and (ii) above have been issued, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (E) Air Quality Assessment
- (i) A peer review of the Air Quality Assessment submitted by the owner for the development is completed with verification of recommendation for appropriate mitigation on the lands to inform site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning;

- (F) Noise and Vibration Impact Assessment
 - (i) A peer review of the Noise and Vibration Impact Assessment submitted by the owner for the development is completed with verification of recommendation for appropriate mitigation on the lands to inform the site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (G) Pedestrian Level Wind Study
 - (i) A Pedestrian Level Wind Study submitted by the owner for the development is completed with verification of recommendation for appropriate mitigation on the lands to inform the site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning.

Enacted and passed on December 15, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

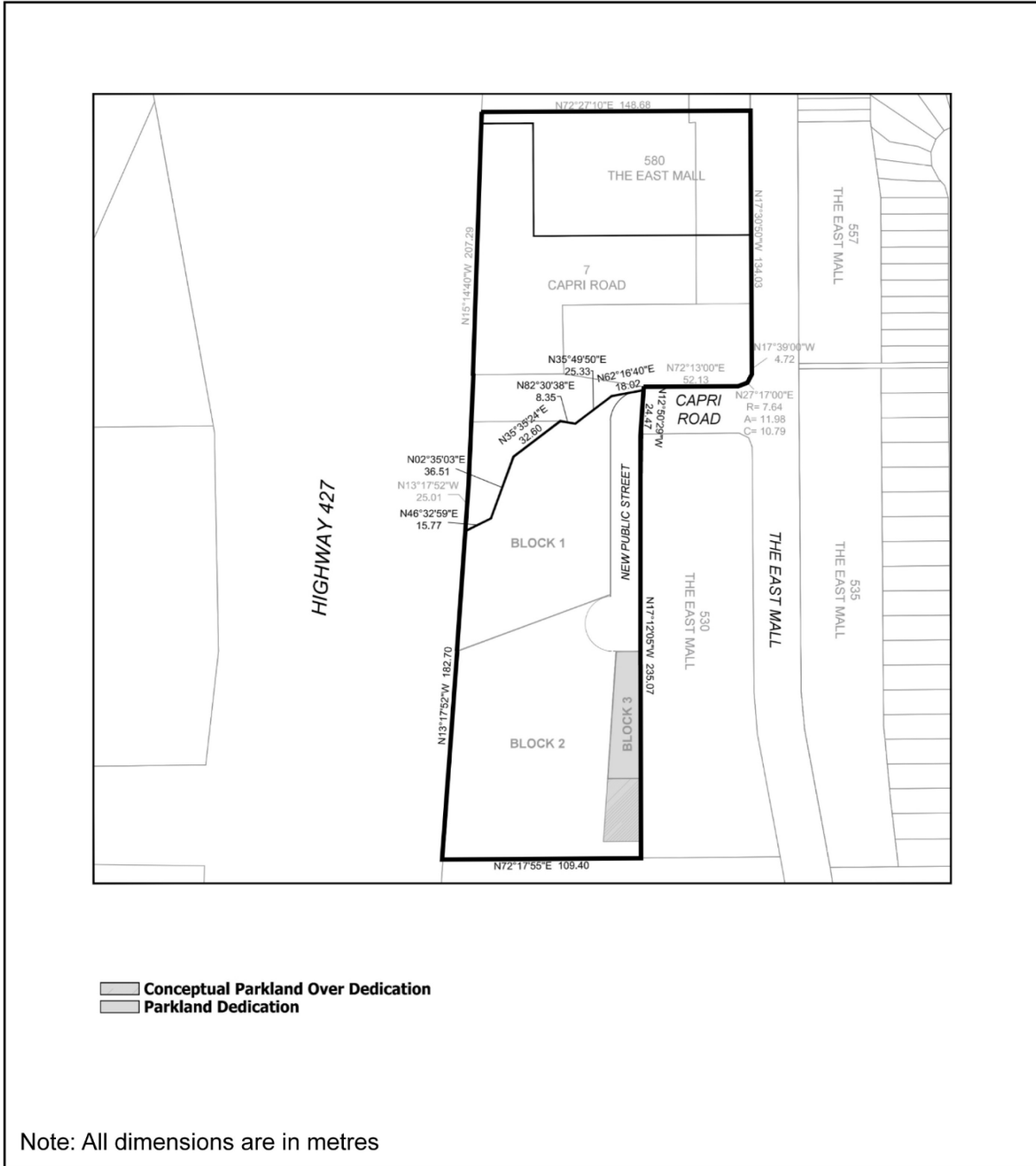


Diagram 2

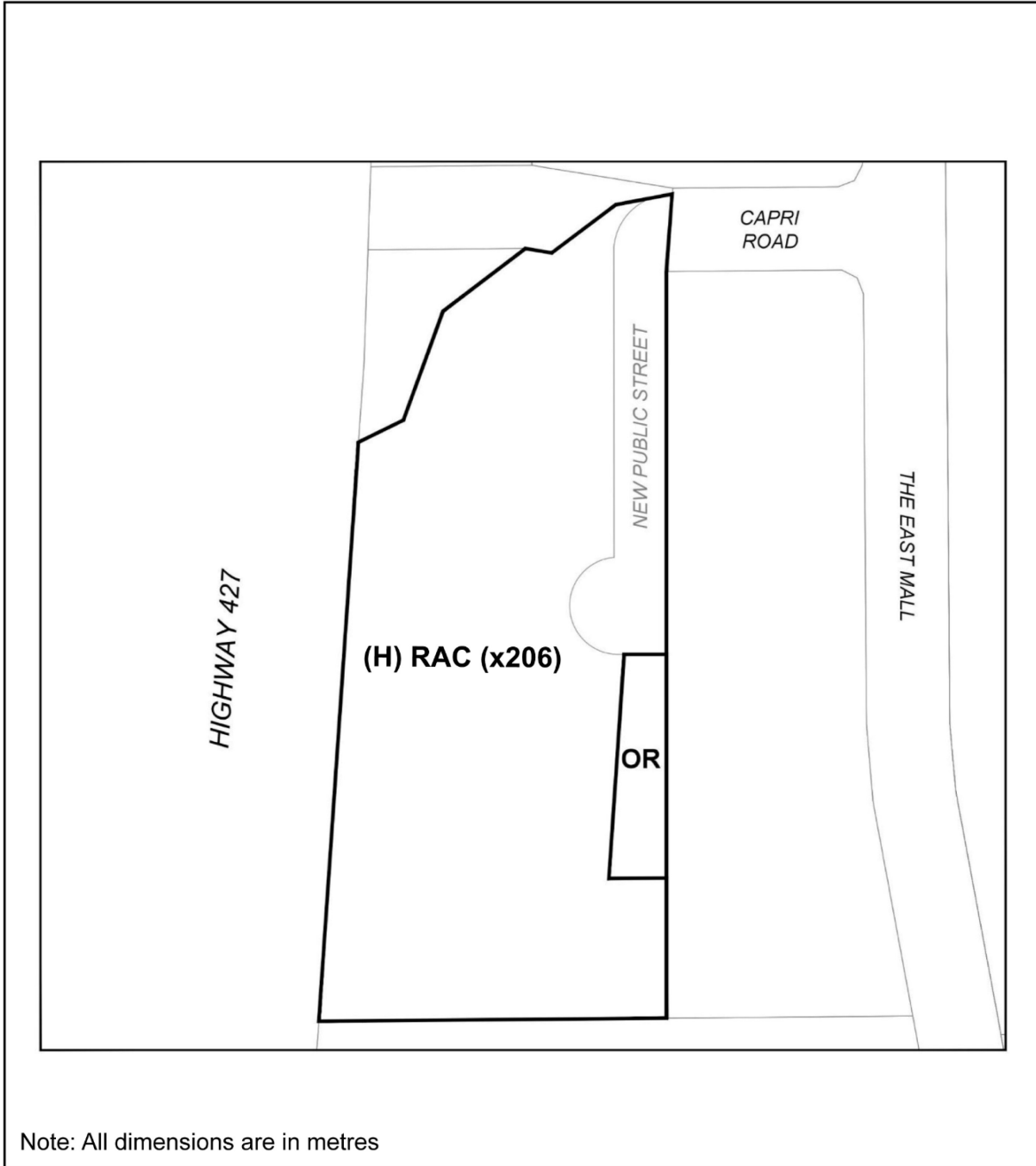


Diagram 3

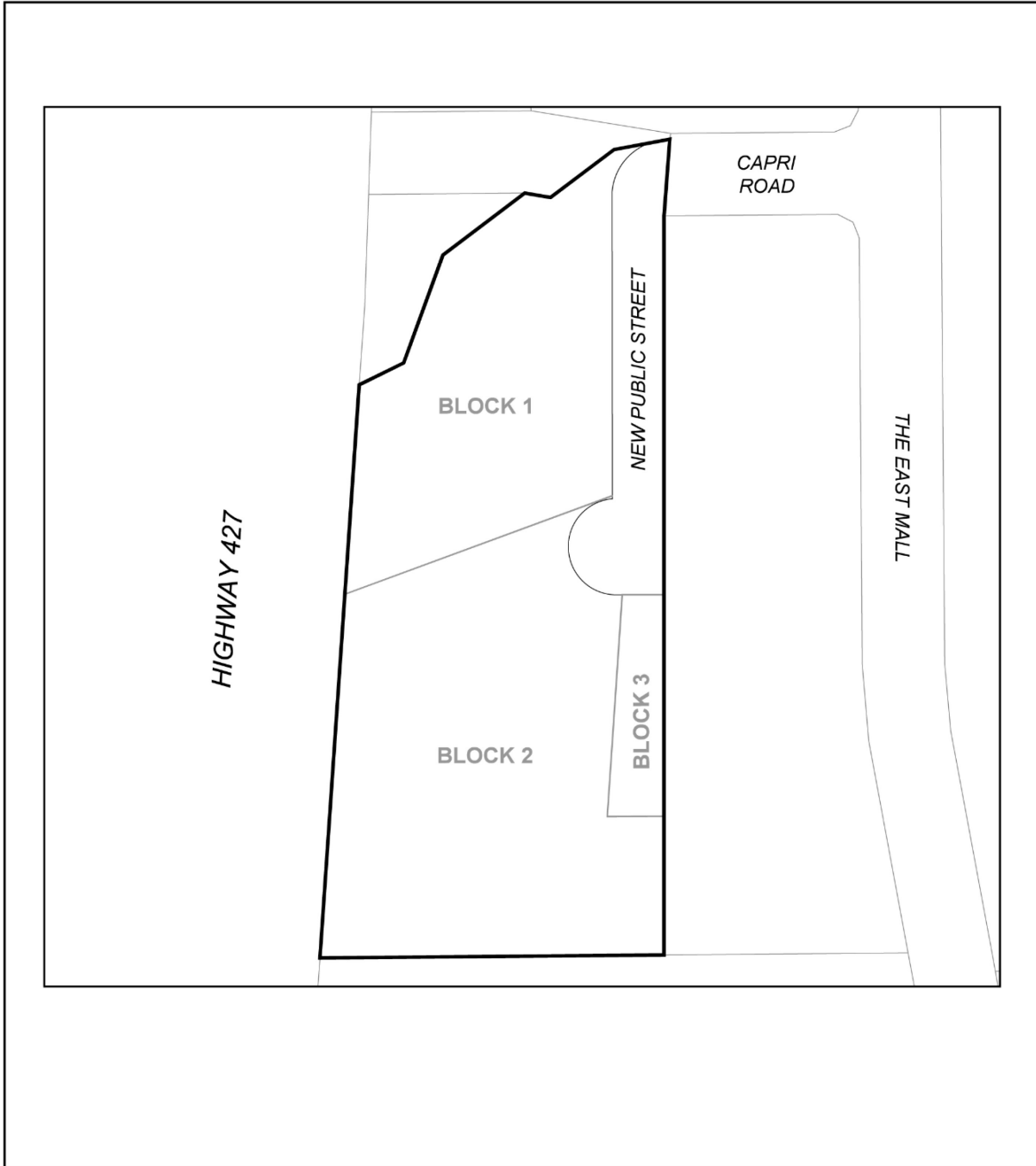


Diagram 4

