

DRAFT FOR CITY REVIEW

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto
Council on ~, 2021
Enacted by Council: ~, 2021

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~, 2021

**To amend Chapters 320 and 324 of the Etobicoke Zoning Code, and By-law No. 1088-2002,
with respect to the lands municipally known as 8, 10, 12, 14, 16, 18, 22, 24, and 26 Jopling
Avenue South**

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 density and height of development; and

Whereas Council of the City of Toronto continues to have the power under section 37 of the *Planning Act*, as it reads on the day before section 1 of Schedule 17 of the *COVID-19 Economic Recovery Act*, 2020, S.O. 2020, c.18 came into force, a by-law under section 34 of the *Planning Act* may authorize increases in height and density of development beyond those otherwise permitted in return for the provision of such facilities, services and matters as set out in the Bylaw; and

Whereas subsection 37(3) of the *Planning Act*, as it read on the day before section 1 of Schedule 17 of the *COVID-19 Economic Recovery Act*, 2020, S.O. 2020, c. 18 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

Whereas the owners of the Lands have elected to provide the facilities, services and matters as hereinafter set out; and

Whereas the increase in density and height of development permitted, beyond that otherwise permitted on the Lands, is to be permitted in return for the provision of the facilities, services and matters set out in this by-law and which are to be secured by one or more agreements between the owners of the Lands and the City of Toronto.

The Council of the City of Toronto enacts:

1. Appendix '1', Schedule 'A', and Schedule 'B' are attached and together form this By-law.

2. Despite Sections 304-3(Grade), 304-3(Gross Floor Area), 304-3(Ground Floor Area), 304-3(Height), 320-18, and 320-19 of the Etobicoke Zoning Code, or Sections 2(iii), 2(vi), 2(vii), 2(viii), 2(ix), 2(x), 4, 5, 6, 7, and 8 of By-law No. 1088-2002, the following provisions apply to the Lands described in Schedule 'A' attached. Where the provision of this By-law conflicts with the provisions of The Etobicoke Zoning Code and By-law No. 1088-2002, the provisions of this By-law shall prevail.

3. **Definitions:**

For the purpose of this By-law the following definitions will apply:

- 3.1. "Building Envelope" means the areas delineated by solid lines on Schedule 'B' attached to this By-law;
- 3.2. "Base" means the portions of the Building Envelope excluding the Tower;
- 3.3. "Bicycle Parking Space – Occupant" means an area used for parking or storing a bicycle for use by the of the occupants or tenants of a building, and:
- (i) where the bicycles are to be parked in a vertical position, has a horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a horizontal position, has horizontal dimensions of at least 0.60 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (iii) if provided in a Stacked Bicycle Parking position, the minimum vertical clearance for each bicycle parking space must be at least 2.5 metres, with a horizontal dimension of at least 1.85 metres in length and 0.45 metres in width.
- 3.4. "Bicycle Parking Space – Visitor" means an area used for parking or storing a bicycle for use by visitor to a building, and:
- (i) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a horizontal position, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (iii) may be provided indoors and outdoors at Grade and may be located in a secured room, enclosure or bicycle locker;
- 3.5. "Car-share" means the practice where a number of people share the use of one or more motor vehicles. Such Car-share motor vehicles shall be made available for short term rental, including hourly rental. Car-share operators may require that the Car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the Car-sharing operator, including the payment of a

- membership fee that may or may not be refundable.
- 3.6. "Car-share Parking Space" means a parking space that is reserved and actively used for Car-sharing.
- 3.7. "Grade" means 131.37 metres Canadian Geodetic Datum.
- 3.8. "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, except the following areas shall be excluded:
- (i) parking, loading and bicycle parking below Grade;
 - (ii) required loading spaces and required bicycle parking spaces at or above Grade;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) Indoor Amenity Space required by this By-law;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building.
- 3.9. "Height" means the vertical distance between Grade and the highest point of the building or structure;
- 3.10. "Indoor Amenity Space" means indoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
- 3.11. "Lands" means the area delineated by heavy lines on Schedule 'A' attached to this By-law.
- 3.12. "Outdoor Amenity Space" means outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
- 3.13. "Privately Owned Publicly Accessible Space" or "POPS" means a landscaped area as shown on Schedule 'B' attached, which is open and accessible to the public.
- 3.14. "Stacked Bicycle Parking" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space;

3.15. “Temporary Sales and/or Construction Office” means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the lot and/or the administration and management of construction activity related to construction on the lot.

3.16. “Tower” means the portions of the Building Envelope above the first 21m from Grade on Schedule ‘B’

4. Permitted Uses:

Notwithstanding Section 3 of By-law No. 1088-2002, for the purposes of this By-law, no building or structures shall be erected or used on the Lands except for the following uses:

- (i) All uses permitted under Section 3 (A) and 3 (B) of By-law 1088-2002;
- (ii) Grocery store; and
- (iii) Temporary Sales and/or Construction Office.

5. Height and building setbacks requirements:

5.1. The required minimum building setbacks are as shown on Schedule ‘B’ of this By-law.

5.2. Notwithstanding Section 5.1 of this By-law, any portion of any building or structure which is located below the finished exterior ground level and Grade may extend to the property line;

5.3. Notwithstanding Section 5.2 of this By-law, a minimum of 1.2 metres of soil depth must be provided above the underground structure in the Privately Owned Publicly Accessible Space area, identified as POPS on Schedule 'B';

5.4. The Height of any building or structure, as measured from Grade to the top of slab does not exceed the Height in metres specified by the numbers following the symbol H and the permitted maximum number of storeys is the numerical value followed by the letters 'ST' shown on Schedule ‘B’;

5.5. Notwithstanding Section 5.1, the following may project beyond the solid lines and Building Envelopes, shown on Schedule ‘B’:

- (i) roof eaves, roof access, window sills, railings, cornices, guard rails, balustrades, guards, guardrails, window washing equipment, balconies, bay windows, doors, canopies, wheelchair and covered ramps, parapets, awnings, skylights, architectural and ornamental features, public art features, satellite dishes, screens, antennae, flag poles, lighting fixtures, fences, landscape features and seating areas, elements and structures associated with a green roof, retaining walls, ramps to an underground garage, may project to a maximum extent of 2 metres; and

- (ii) cladding added to the exterior surface of the main wall of a building, architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, to a maximum extent of 2 metres;

5.6. Notwithstanding Section 5.3 of this By-law, the following building elements and structures may exceed the permitted maximum heights shown on Schedule 'B':

- (i) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, lightning rods, enclosed stairwells, roof access, maintenance equipment, storage, elevator shafts, elevator overrun, chimneys, vents and water supply facilities may project above the height limits to a maximum of 3 metres;
- (ii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in 5.5(i) and 5.5(ii) above, inclusive of a mechanical penthouse and indoor amenity space and Outdoor Amenity Space, may project above the height limits to a maximum of 6 metres;
- (iii) pools, hot-tubs, open-air recreation, trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop Outdoor Amenity Space may project above the height limits to a maximum of 3 metres; and
- (iv) roof eaves, roof access, window sills, railings, cornices, guard rails, balustrades, guards, guardrails, window washing equipment, balconies, bay windows, doors, canopies, wheelchair and covered ramps, parapets, awnings, skylights, architectural and ornamental features, public art features, satellite dishes, screens, antennae, flag poles, lighting fixtures, fences, landscape features and seating areas, elements and structures associated with a green roof, retaining walls, ramps to an underground garage, may project above the height limits to a maximum of 6 metres;

5.7. Notwithstanding Section 6(ii) of By-law No. 1088-2002, the maximum floor plate area for any Tower shall be 750 square metres measured from exterior wall to exterior wall, excluding balconies.

5.8. Notwithstanding Section 5.3 of this by-law, no portion of a building or structure shall be higher than the horizontal distance from any Residential zone to any portion of the building or structure. Additionally, no building or structure may penetrate a 45-degree angular plane as measured at a line parallel to and at a height of 70 metres above Grade at the north lot line of the subject property.

6. Gross Floor Area

Notwithstanding Section 4 of By-law No. 1088-2002, for the purposes of this By-law:

- 6.1. The maximum permitted Gross Floor Area of all building and structures on the land shall not exceed 51,100 square meters, of which:

- (i) The residential gross floor area shall not exceed 50,150 square metres; and
- (ii) The minimum non-residential gross floor area shall be 900 square metres and the maximum non-residential shall not exceed 950 square metres

7. Dwelling Units

- 7.1. The maximum number of dwelling units permitted on the Lands is 688.
- 7.2. A minimum of 15% of all dwelling units on the Lands must be two bedroom units or larger and must have a minimum of 80 square metres of interior floor area, excluding mechanical space.
- 7.3. A minimum of 10% of all dwelling units on the Lands must be three bedroom units or larger and must have a minimum of 95 square metres of interior floor area, excluding mechanical space.

8. Amenity space

Notwithstanding Section 7(ii) and 7(iii) of By-law No. 1088-2002, for the purposes of this By-law:

- 8.1. Resident amenity space shall be provided at a minimum rate of 4.0 square meters for each dwelling unit, of which:
 - (i) at least 2.0 square metres for each dwelling unit is Indoor Amenity Space;
 - (ii) at least 2.0 square metres for each dwelling unit is Outdoor Amenity Space;
 - (iii) at least 40.0 square meters is Outdoor Amenity Space in a location adjoining or directly accessible to the Indoor Amenity Space; and
 - (iv) no more than 25% of the Outdoor Amenity Space may be a green roof that is accessible by the residents.
- 8.2. A minimum of 257 square metres of Privately Owned Publicly Accessible Space (POPS) shall be provided at the location shown on Schedule 'B' attached.

9. Vehicle Parking

Notwithstanding the minimum parking requirements of Section 8(i)(a), (b) and (c) of By-law No. 1088-2002, parking spaces shall be provided in accordance with the following requirements:

- 9.1. Residential occupant - Minimum 0.50 parking spaces per dwelling unit;
- 9.2. Residential visitor – Minimum 0.10 parking spaces per dwelling unit;

- 9.3. Car Share Parking Spaces may be provided;
- 9.4. Residential visitor parking shall be shared between permitted non-residential and community centre uses;
- 9.5. Clearly identified off-street accessible parking spaces must be provided on the same lot as every building or structure erected or enlarged.
- 9.6. A minimum of 5 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces must have the following minimum dimensions for an accessible parking space:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) with an adjacent barrier-free aisle of a minimum 1.5 m width;
- 9.7. The residential and visitor parking allocation, as determined by the respective minimum parking ratios, shall be exclusive of any Car-Share Parking Spaces.
- 9.8. All vehicular parking calculations to determine the minimum number of parking spaces shall be rounded down if the calculation results in a fraction, but there may not be less than one parking space.
- 9.9. All of the required residential occupant parking spaces in Section 10 of this by-law must be provided below Grade.
- 9.10. Minimum vehicle parking space dimensions must be in accordance with the following standards:
 - (i) A parking space accessed by a drive aisle with a minimum width of 6.0 metres must be 2.6 metres wide, 5.6 metres in perpendicular length and has a vertical clearance of 2.0 metres;
 - (ii) The minimum width of a parking space must be increased by 0.3 metres for each side of the parking space that is obstructed; and
 - (iii) The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metre from the front or rear of the parking space.

10. Bicycle Parking

- 10.1. Bicycle parking spaces must be provided in accordance with the following:

- (i) Bicycle Parking Space – Occupant: minimum 0.9 bicycle parking spaces per dwelling unit;
- (ii) Bicycle Parking Space – Visitor: minimum 0.1 bicycle parking spaces per dwelling unit; and
- (iii) Bicycle parking spaces shall be provided above or below Grade, either in a vertical position, horizontal position or in Stacked Bicycle Parking positions.

11. Loading

11.1. One 'Type G' loading space is required with the following minimum dimensions:

- (i) Length of 13 m;
- (ii) Width of 4 m; and
- (iii) Vertical clearance of 6.1 m.

11.2. One 'Type C' loading space is required with the following minimum dimensions:

- (i) Length of 6 m;
- (ii) Width of 3.5 m; and
- (iii) Vertical clearance of 3 m.

12. Section 37

12.1. 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 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix '1' of this By-law and which are secured by one or more agreements pursuant to subsection 37(3) of the *Planning Act*, as it read on the day before section 1 of Schedule 17 of the *COVID-19 Economic Recovery Act*, 2020, S.O. 2020, c. 18 came into force, registered on the title to the Lands, in a form to the satisfaction of the City Solicitor.

12.2. Where Appendix '1' 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.

12.3. 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 Appendix '1' are satisfied.

13. Despite any existing or future severance, partition or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
14. Within the Lands, 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:
- (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
15. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site-Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
~	Lands known as 8 to 26 Jopling Avenue South	To provide site specific development standards to permit a mixed-use development at 8-26 Jopling Avenue South in Etobicoke Centre

Enacted and passed on {date}

John Tory,
Mayor
(Corporate Seal)

John D. Elvidge,
City Clerk

Appendix 'I'

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 height and density of the proposed development on the lands as shown on Schedule 'A' attached to this By-law and secured in an agreement or agreements under subsection 37(3) of the *Planning Act*, as it read on the day before section 1 of Schedule 17 of the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c. 18 came into force, whereby the owner agrees as follows:

Community Agency Spaces and Financial Contribution

1. Prior to the earlier of condominium registration or first residential use on site, the owner shall design, construct, finish and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 467 m² Community Agency Space located on the ground floor adjacent to the POPS and subject to the following:
 - (1) The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - (2) Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120% of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - (3) Prior to conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$560,000.00 for future capital improvements to the Community Agency Space;
 - (4) The financial contribution pursuant to section 1.(3) 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 Agreement to the date of payment;
 - (5) Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to the appropriate lands, an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City

Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

2. Prior to issuance of the first above-grade building permit, the owner shall make a cash contribution to the City in the amount of one million, four hundred and forty thousand dollars (\$1,440,000.00) by certified cheque payable to the Treasurer, City of Toronto, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward capital improvements for one or more of the following capital improvements within the Ward:
 - (1) Hydro corridor multi-use trail (Bloor-Kipling - Burnhamthorpe);
 - (2) Public art, streetscape improvements and enhanced pedestrian and cycling connections;
 - (3) Local parks; and
 - (4) Local not-for-profit childcare.
3. The cash contribution referred to in section 2 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction price Indexes Table: 18-10-0135-10, or its successor, calculated from the date of execution of the Section 37 Agreement.
4. In the event the financial contribution in section 2 above has not been used for the intended purposes within three years of the by-law coming into full force and effect, the contribution may be redirected for another purposes, 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 the Official Plan and will benefit the community in the vicinity of the lands.

Other Matters in Support of the Development

Servicing Agreement

5. Prior to the issuance of any above grade building permit, the owner must design and construct all improvements as required in the Functional Servicing Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Privately-Owned Publicly Accessible Open Space

6. The owner shall, at its own expense, design, construct and thereafter maintain the Privately-Owned Publicly-Accessible Space ("POPS") areas in the locations illustrated on Schedule 'B' having a minimum area of 257 square metres along the south of the property,

with the specific location, configuration and design to be determined and secured in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.

7. Prior to the issuance of any above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
8. Prior to the earlier of first residential or non-residential use occupancy and first condominium registration of all or any portion of a building, the owner shall complete construction of the respective POPS to the satisfaction of the Chief Planner and Executive Director, City Planning, or such later date in the sole discretion of and on terms satisfactory to the Chief Planner and Executive Director, City Planning.

Site Plan Matters

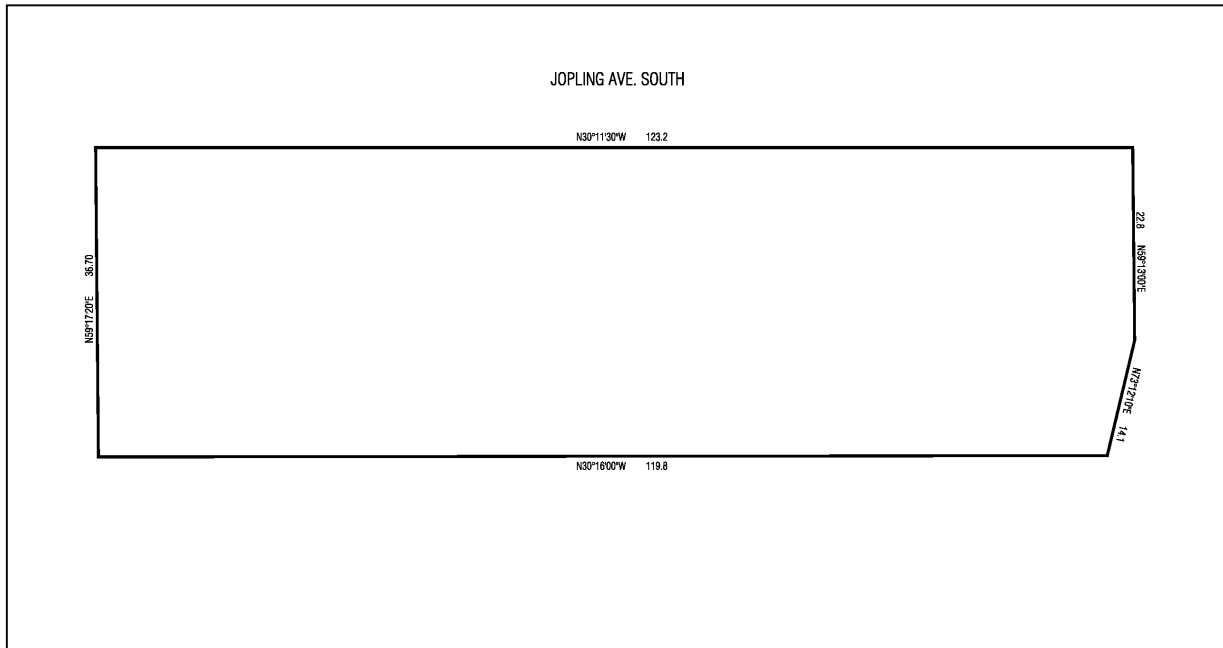
9. The following matters are to be addressed through the site plan approval process:
 - (1) Implementation of any required electromagnetic field mitigation measures or other recommendations, as detailed in the Electromagnetic Field (EMF) Management Plan dated June 10, 2020, prepared by Intrinsic Corp, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (2) Implementation of the wind control measures identified in the Pedestrian Level Wind Study, dated June 10, 2020, prepared by Gradient Wind, the addendum to this study dated June 11, 2021, and any future addendum, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (3) In the event that car-share spaces, as defined in the Zoning By-law Amendment, are to be provided, a car-share provider shall be secured to the satisfaction of the General Manager, Transportation Services;
 - (4) Construction of the City sidewalk to City standards along the Jopling Avenue South frontage, to the satisfaction of the General Manager, Transportation Services;
 - (5) Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (6) Incorporation of signage to identify the proposed POPS to be located along the south edge of the site; and
 - (7) Construction and maintenance of the development of the site in accordance with Tier 1, 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 site.

Toronto School Boards

10. 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.

Other

11. The owner shall provide notification to NAV Canada of the pending commencement of construction a minimum of 10 days prior to the start of construction.

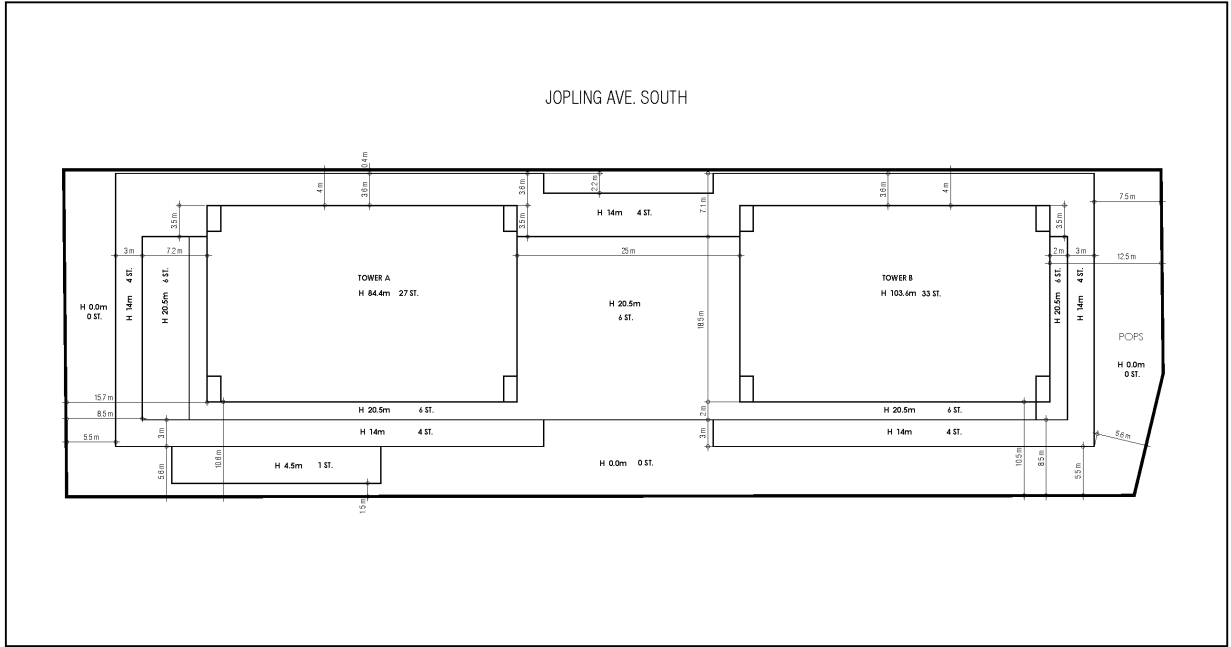


 **TORONTO**
Schedule A

8-26 Jopling Avenue South

File # 19 252405 WET 03 OZ

↖
Former City of Etobicoke By-law 11,737
Not to Scale
12/06/2021



 **TORONTO**
Schedule B

8-26 Jopling Avenue South

File # 19 252405 WET 03 OZ

Former City of Etobicoke By-law 11,737
Not to Scale
12/06/2021