

## **2808 to 2810 Keele Street – Zoning By-law Amendment and Rental Housing Demolition Applications – Final Report**

Date: May 24, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 6 –York Centre

**Planning Application Number:** 21 138295 NNY 06 OZ

**Rental Housing Demolition Application Number:** 21 138298 NNY 06 RH

**Related Application Number:** 22 129777 NNY 06 SA

### **SUMMARY**

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The Zoning By-law Amendment application proposes to amend both the former City of North York By-law 7625 and the City of Toronto By-law 569-2013 to permit the redevelopment of the lands with a 13-storey (42 metres, inclusive of the mechanical penthouse) apartment building comprised of 313 dwelling units, including 54 replacement rental units, and 167 parking spaces. The total gross floor area (GFA) of the proposed development is 23,827 square metres, which represents a floor space index (FSI) of 3.66 times the lot area.

The Rental Housing Demolition application proposes to demolish the existing four-storey rental apartment building (2808 Keele Street) and single-detached house (2810 Keele Street), which together contains 54 rental dwelling units, and replace all 54 rental units at similar sizes and by their respective or larger bedroom types within the proposed development. The City-approved Tenant Relocation and Assistance Plan would ensure existing tenants reserve the right to return to replacement rental units at similar rents and that they could afford alternative interim accommodation in the neighbourhood as the development is being constructed.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal represents an appropriate level of intensification along Keele Street, and provides for an appropriate transition from *Apartment Neighbourhoods* to *Neighbourhoods*, as contemplated by the Official Plan.

This report reviews and recommends approval of the applications to amend the Zoning By-laws and to demolish the 54 existing rental dwelling units on the lands.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 for the lands at 2808 to 2810 Keele Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report dated May 24, 2022 from the Director, Community Planning, North York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 2808 to 2810 Keele Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report dated May 24, 2022 from the Director, Community Planning, North York District
3. City Council authorize the City Solicitor to submit the necessary bills to implement the foregoing recommendations provided the City Solicitor is satisfied that the appropriate legal mechanisms are in place to ensure that no building permit will issue until such time as the Section 37 Agreement is executed and registered.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendments as may be required.
5. City Council require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* (the "Section 37 Agreement") as follows:
  - a. a cash contribution of one million and two-hundred thousand dollars (\$1,200,000.00) towards capital improvements to parkland, community facilities, and/or the public realm within the vicinity of the development site and/or Ward 6.
  - b. the cash contributions referred to in Recommendation 5.a. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, as reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, from the date of the Agreement to the date of payment; and,
  - c. in the event the cash contribution referred to in Recommendation 5.a. above has not been used for the determined purpose within three years of the amending Zoning By-laws 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 the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
6. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - a. a privately owned publicly-accessible spaces (the POPS"), having a minimum total area of approximately 1454.4 square metres at grade on the northern,

western and southern portions of the site, as generally identified on Diagram 3 of Zoning By-law Amendment 569-2013, attached as Attachment 7 to this report, with the specific design of the POPS and any associated easements and improvements to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor. The POPS easement shall include provisions for rights of support if necessary, and insurance and indemnification of the City by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor.

7. City Council approve the Rental Housing Demolition application (21 138298 NNY 06 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of fifty-four (54) existing rental dwelling units at 2808 and 2810 Keele Street, subject to the following conditions:

a. The owner shall provide and maintain fifty-four (54) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. The fifty-four (54) replacement rental dwelling units shall be comprised of one (1) studio unit, forty-five (45) two-bedroom units, six (6) three-bedroom units, and two (2) four-bedroom units, and shall collectively contain a total gross floor area of at least 4,514 square metres, as generally illustrated in the plans prepared by Turner Fleischer and dated May 18, 2022 and June 6, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. The owner shall provide and maintain at least two (2) four-bedroom replacement rental dwelling units, four (4) three-bedroom replacement rental units, forty-one (41) two-bedroom replacement rental units, and one (1) studio replacement rental unit at affordable rents, as currently defined in the Toronto Official Plan, and two (2) three-bedroom replacement rental units and four (4) two-bedroom replacement rental units at mid-range rents, as currently defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit.

c. The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the fifty-four (54) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents (including the right for six existing tenants of two-bedroom rental units to return to three-bedroom replacement rental units without increases in rent from moving to larger bedroom types), the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant

Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

d. The owner shall provide tenants of all fifty-four (54) replacement rental dwelling units 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;

e. The owner shall provide ensuite laundry equipment in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

f. The owner shall provide central air conditioning equipment in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

g. The owner shall provide and make available at least twenty-five (25) vehicle parking spaces to tenants of the replacement rental units, and such vehicle parking spaces shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a vehicular parking space, at no charge; secondly, to returning tenants who did not previously rent a vehicle parking space, on the same terms and conditions as any other resident of the development, and thirdly to new tenants of the replacement rental units on the same terms and conditions as any other resident of the development;

h. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;

i. The owner shall provide and make available at least twelve (12) storage lockers to tenants of the replacement rental units, and such storage lockers shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a storage locker, at no charge; secondly, to returning tenants who did not previously rent a storage locker, on the same terms and conditions as any other resident of the development; and, thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development;

j. The fifty-four (54) replacement rental dwelling units required in Part 7.a above shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning; and,

k. The owner shall enter into, and register on title to the lands at 2808 and 2810 Keele Street, one or more agreement(s) to secure the conditions outlined in Parts 7.a through 7.j above, including an agreement pursuant to Section 37 of the Planning Act and Section 111 of the *City of Toronto Act, 2006*, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

8. City Council authorize the Chief Planner and Executive Director, City Planning to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for the demolition of fifty-four (54) rental dwelling units at 2808 and 2810 Keele Street after all the following have occurred:

- a. All conditions in Part 7 above have been fully satisfied and secured;
- b. The Zoning By-law Amendments have come into full force and effect;
- c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or their designate pursuant to Section 114 of the *City of Toronto Act, 2006*;
- d. The issuance of excavation and shoring permits (conditional or full permits) for the approved development on the site;
- e. The owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant; and,
- f. The execution and registration of agreements pursuant to Section 37 of the *Planning Act* and Section 111 of the *City of Toronto Act, 2006* securing Parts 7.a. through 7.j above and any other requirements of the Zoning By-law Amendments (if applicable).

9. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Part 8 above.

10. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the *Planning Act* and Chapter 363 of the Toronto Municipal Code for 2808 and 2810 Keele Street after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Part 8 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

- a. The owner removes all debris and rubble from the site immediately after demolition;

b. The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

c. The owner erects the proposed building no later than three (3) years from the date on which the demolition of the existing rental dwelling units commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning; and,

d. Should the owner fail to complete the proposed development containing the fifty-four (54) replacement rental dwelling units within the time specified in Part 10.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the Residential Demolition Permit is issued.

11. City Council authorize the City Solicitor and any other City staff to take such actions as are necessary to implement City Council's decision, including execution of the Section 37 agreement and Section 111 agreement and other related agreements.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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A pre-application consultation meeting was held on September 13, 2021. The Zoning By-law Amendment application was formally submitted on April 9, 2021 and deemed complete as of May 12, 2022. The Rental Housing Demolition application was also submitted on April 9, 2021 and deemed complete on May 12, 2021. A Preliminary Report on the applications was adopted by the North York Community Council on June 23, 2021, authorizing staff to conduct a community consultation meeting with an expanded notification area. Community consultation is summarized in the Application Background section of this Report.

The preliminary report can be found at:

<https://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-27466.pdf>

## **PROPOSAL**

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Attachments 2 and 8 to 12 show the Location Map and Site Plan, and the East, West, North, and South Elevations of the proposed development.

## Location and Background

The proposed development is sited on an irregularly shaped lot on the west side of Keele Street, north of the intersection of Wilson Avenue and Keele Street, with an area of 6659.2 square metres. The site is currently occupied by a four-storey rental apartment building (2808 Keele Street), and a one-storey single detached house containing one rental dwelling unit (2810 Keele Street). As of the date of application, all 54 existing rental dwelling units were occupied. The 54 existing rental units have the following unit mix and rent classifications:

*Table 1. Existing Rental Unit Mix and Rent Classifications at 2808-2810 Keele Street*

	<b>Studio</b>	<b>1-Bedroom</b>	<b>2-Bedroom</b>	<b>3-Bedroom</b>	<b>4-Bedroom</b>	<b>Total</b>
Affordable	1	0	45	0	2	48
Mid-Range	0	0	6	0	0	6
High-End	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>51</b>	<b>0</b>	<b>2</b>	<b>54</b>

## Surrounding Area

**East:** Immediately east of the site is Keele Street, and across the street are lands designated *Mixed Use Areas*, within which are a mix of uses including commercial and residential. The site is also located at the view terminus of Paxtonia Boulevard, a street opposite Keele Street. A two-storey strip plaza is located within the *Mixed Use Areas* opposite the subject site, north of Paxtonia Boulevard, and includes a dentist office, veterinary clinic, and a children and family resource centre. Further east are low-rise residential buildings within the *Neighbourhoods* designation.

**West:** Immediately west of the site are one- and two-storey single detached residential buildings within the *Neighbourhoods* designation. Hallsport Crescent is located immediately northwest of the site.

**North:** Two land uses abut the north of the site, with the *Apartment Neighbourhoods* facing Keele Street, and the *Neighbourhoods* to the west facing Hallsport Crescent. Immediately north fronting Keele Street, within the Apartment Neighbourhoods, is a three-storey apartment building, and further north is a place of worship, the Downsview United Church. Immediately north within the Neighbourhoods, are low-rise single detached residential buildings.

**South:** Immediately south, at 2800 Keele Street, is a mid-rise (11 storeys) condominium building with retail at grade within the *Mixed Use Areas*. Further south is Victory Drive and a continuation of the *Mixed Use Areas*.

## Site Organization

Vehicular access is proposed via a driveway from Keele Street, and leads to the underground parking garage entrance at the interior of the site. Along the northern edge of the driveway is a midblock privately-owned, publicly-accessible space in the form of a pedestrian walkway that connects Keele Street to Hallsport Crescent. A second privately-owned, publicly-accessible space is proposed at the western and southern portions of the site, from Hallsport Crescent to Victory Drive. Pedestrian access to the entrance lobby of the apartment building is proposed via a pedestrian walkway from the public sidewalk on Keele Street. Site organization is further discussed in the Comments section of this report.

## Built Form and Height

A 13-storey (with integrated mechanical penthouse) residential building containing 313 residential units, including three live/work units at grade and 54 replacement rental units between the first and fourth floors, is proposed. The building provides a transition to the *Neighbourhoods* designations at the north and west of the site through a series of stepbacks from the third to the tenth floor. The table below provides details of the proposed development and includes a comparison of the original and current proposals.

Category	Original Submission of April, 2021	Current Submission of February, 2022
Site Area in Square Metres (m <sup>2</sup> )	6659.2 m <sup>2</sup>	6659.2 m <sup>2</sup>
Gross Floor Area (GFA) in Square Metres (m <sup>2</sup> )	Residential: 22,923.6 m <sup>2</sup> Non Residential: 0 Total: 22,923.6 m <sup>2</sup>	Residential: 24,387 m <sup>2</sup> Non Residential: 0 Total: 24,387 m <sup>2</sup>
Floor Space Index (FSI)	3.44	3.66
Coverage (%)	44.7%	43.2%
Building Types	1 Apartment Building 1 Semi-Detached Building	1 Apartment Building
Storeys & Height in Metres (m) including Mechanical Penthouse (MPH)	Total: 12 Storeys 36 m (41 m with MPH)	Total: 13 Storeys (42 m including integrated MPH)
Apartment Building Setbacks from Property Line in Metres (m)	East (Front - Keele Street): 6.2 - 6.8 m West (Rear): 18.05 m North (Side): 5.5 m South (Side): 5.5 m	East (Front - Keele Street): 6.7 m West (Rear): 7 m North (Side): 2.5 m South (Side): 5.5 m



Category	Original Submission of April, 2021	Current Submission of February, 2022
Semi -Detached Building Setbacks from Property Line in Metres (m) Approx.	East (Side): 1.5 m West (Side): 1.35m North (Rear): 6 m South (Front - Victory Drive): 6.8 m	Not Applicable
Apartment Building Units and Percentages (%)	Studio: 6 (2.1%) One Bedroom: 125 (43.6%) Two Bedroom: 129 (44.8%) Three Bedroom: 26 (9%) Four Bedroom: 2 (0.7%) Total Units = 228	Studio: 17 (5%) One Bedroom: 150 (48%) Two Bedroom: 114 (37%) Three Bedrooms & Above: 32 (10%) Total Units = 313
Semi Detached Units	2	None
Vehicle Parking	Resident: 122 Visitor: 43 Total: 165	Resident: 141 Visitor: 26 Total: 167
Bicycle Parking Spaces	Resident: 288 Visitor: 24 Total: 288	Resident: 232 Visitor: 24 Total: 256
Amenity Space in Square Metres (m <sup>2</sup> )	Indoor : 630 m <sup>2</sup> Outdoor: 592.9 m <sup>2</sup> Total: 1,223 m <sup>2</sup>	Indoor : 680.3 m <sup>2</sup> Outdoor: 720.1 m <sup>2</sup> Total: 1,400 m <sup>2</sup>
Driveway Access	From Victory Drive	From Keele Street
Privately Owned Publicly Accessible Space (POPS)	None	1454.4 square metres at grade

### Reasons for Application

The Zoning Bylaw Amendment application proposes to amend the former City of North York By-law 7625 and the City-wide By-law 569-2013 to establish site-specific provisions, including those related to height, density, and setbacks to permit the proposed building.

A Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* has been submitted to demolish the 54 existing rental dwelling units on the lands.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Arborist Report;
- Architectural Plans;
- Civil and Utilities Plans;
- Community Services and facilities Report;
- Energy Modelling Report;
- Environmental Site Assessments;
- Functional Servicing and Stormwater Management Report;
- Geotechnical Investigation Report;
- Housing Issues Report;
- Hydrogeological Report;
- Landscape and Lighting Plans;
- Pedestrian Level Wind Assessment;
- Planning Rationale;
- Public Consultation Strategy;
- Sun/Shadow Study.
- Toronto Green Standard Checklist;
- Traffic Impact Study; and,
- Tree Inventory and Preservation Plan.

The reports and studies submitted by the applicant are available on the City's Application Information Centre (AIC) at the following link:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

### **Agency Circulation Outcomes**

The applications, together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate Zoning By-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to these applications, Council members have been given had an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council, as these submissions are broadcast live over the internet and recorded for review.

### **Community Consultation**

On September 13, 2021, City staff held a virtual Community Consultation Meeting. There were approximately 20 members of the public that attended, as well as the Ward Councillor and the applicant's team. Following the City's and applicant's presentations, a number of concerns were expressed by the public, including the following:

- the appropriateness of the proposed massing;
- shadowing on adjacent properties;
- the appropriateness of the proposed building setbacks;
- the location and organization of the vehicular access;
- the transition to nearby lower-scale residential neighbourhoods;
- the proposed public realm; and,
- the location and amount of proposed indoor and outdoor amenity space;

These comments have been considered in the review of the applications and are addressed in the Comments section of this report.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

In accordance with Section 2 of the *Planning Act*, Planning staff are satisfied that the application has had regard for matters of Provincial interest, including in particular:

- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, support public transit and be oriented to pedestrians; and,
- (r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision, and site plans.

Provincial plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the plans.

All decisions of Council in respect to the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with provincial plans. All comments, submissions, or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with provincial plans.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- ensuring the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing, including affordable housing, to meet changing needs;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer, and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic, and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the municipal Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

### **Toronto Official Plan**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, may be applicable to any application. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan.

On September 21, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) came into force. These OPAs introduced new or revised policies regarding building types, building design and massing, parks, POPs (privately-owned, publicly-accessible spaces), and trees and natural areas, among other policies. OPA 479 also introduced the Block Context Plan requirement for some applications that shows how

the physical form of the proposed development fits within the existing and planned context.

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

## **Chapter 2 - Shaping the City**

The Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan state that *Apartment Neighbourhoods* are residential areas with taller buildings and higher density than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria contained in Section 4.2.2 and other relevant sections of the Official Plan.

Developments in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: a) be compatible with those *Neighbourhoods*; b) provide a gradual transition of scale and density, as necessary to achieve the Plan's objectives through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; c) maintain adequate light and privacy for residents in those *Neighbourhoods*; d) orient and screen lighting and amenity areas so as to minimize impacts on adjacent land in those *Neighbourhoods*; e) locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*; and f) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

## **Chapter 3 - Building a Successful City**

The Built Form policies in Section 3.1.2 of the Official Plan address key relationships of the location and organization of development, and its massing and appropriate amenity within existing and planned contexts to inform the built form. The policies ensure that each new building will promote and achieve the overall objectives of the Official Plan.

### **Site Organization and Location**

The development proposal has been considered under policies 3.1.2.1 to 3.1.2.4 with regards to site organization and location that includes requirements for development to be located and organized to fit with its existing and planned context. Such development will frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and will improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development by: generally locating buildings parallel to the street or along the edge of a park or open space with consistent front yard setbacks; and locating main entrances on the prominent building facades so that they front onto a public street, park, or open spaces, are clearly visible and directly accessible from a public street.

Policy 3.1.2.4 states that development will locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas, and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and the surrounding by: using shared service areas where possible within development blocks, including public lanes, shared private driveways, and service courts; consolidating and minimizing the width of driveways and curb cuts across the public sidewalk; and limiting new, and removing existing, surface parking and vehicular access between the front face of a building and the public street or sidewalk.

### Building Shape, Scale and Massing

The proposal has also been considered under Policies 3.1.2.5 to 3.1.2.8 that address the building shape, scale, and massing. The policies include requirements that development be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

### Improving the Public Realm through Building Design

The proposal has been considered under Policies 3.1.2.9 to 3.1.2.10 that address improvements to the public realm through building design. The design of new building façades visible from the public realm will consider the scale, proportion, materiality and rhythm of the façade to: ensure fit with the adjacent building facades; contribute to a pedestrian scale by providing a high quality of design on building floors adjacent to and visible from the public realm; and ensure grade relationships that provide direct access and views into and from the public realm.

Policy 3.1.2.10 states that development will promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional by providing: co-ordinated landscape improvements in setbacks to enhance local character, fit with the public streetscapes, and provide attractive, safe transitions between the private and public realms; and safe, direct pedestrian routes and tree plantings throughout the site and within surface parking lots, where possible.

### Private and Shared Amenity Spaces

Policies 3.1.2.11 to 3.1.2.13 that address private and shared amenity spaces has also been used to access the proposed development. They provide for outdoor amenity spaces to be located at or above grade; have access to daylight; have access to direct sunlight, where possible; provide comfortable wind, shadow and noise conditions; be located away from and physically separated from loading and servicing areas; and promote use in all seasons.

## Built Form - Building Types

The development has been accessed under Policies 3.1.3.4 to 3.1.2.6 that provide for mid-rise buildings to be designed to: a) have heights generally no greater than the width of the right-of-way that it fronts onto; b) maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80% of the adjacent right-of-way width; and c) allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes, and step-backs. Mid-rise buildings on deep sites are to be designed to provide and frame accessible and well-proportioned open spaces that have access to sunlight and daylight.

## Rental Housing

Section 3.2.1 of the Official Plan contains the City's policies pertaining to the provision, maintenance, and replacement of housing.

Policy 3.2.1.6 prevents new development that would result in the loss of six or more rental dwelling units unless all of the existing rental units have rents that exceed mid-range rents at the time of application or, in cases where planning approvals other than site plan are being sought, at least the same number, size, and type of rental units are replaced and maintained with similar rents and the applicant develops an acceptable tenant relocation and assistance plan, addressing the right to return to the replacement units at similar rents and other assistance to mitigate hardship.

## Chapter 4 - Land Use Designations

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan and has been considered under Policies 4.2.2 (a) to(h). The policies provide that development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) locating and screening service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residences;
- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) providing ground floor uses that enhance the safety, amenity, and animation of adjacent streets and open spaces; and,



h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

## **Chapter 5 – Implementation**

### **Section 5.1.1: Height and/or Density Incentives**

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws permitting increases in height and/or density not otherwise permitted by existing the zoning by-laws in return for the provision by the applicant of community benefits in the form of capital facilities. Under Toronto's Official Plan, proposed developments that exceed a threshold of 10,000 square metres of gross floor area, and where the application increases the permitted density by at least 1,500 square metres, and/or significantly increases the permitted height, a Section 37 agreement may be used. As the proposed increase in height and density of the proposed development meets these thresholds, Section 37 benefits will be required and will be secured in a Section 37 Agreement

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Zoning**

The site is subject to both the former City of North York By-law 7625 and City-wide By-law 569-2013.

Under Zoning By-law 7625, as amended, the site is zoned RM5 (Multiple-Family Dwelling Zone). The RM5 zone permits a range of uses including apartment house dwellings, duplexes, and semi-detached dwellings. Permitted minimum setbacks include 7.5 metres for the front, side, and rear yards. A maximum building height of 11.5 metres is also permitted.

Under By-law 569-2013, as amended, the site is zoned RM (f21.0; a835; d1.0) (x474), the Residential Multiple Zone, and permits a range of residential uses including detached and semi-detached houses, duplexes, triplexes, fourplexes, and apartment buildings. It permits a lot frontage of 21 metres, lot area of 835 square metres, and density of 1 times the lot area. Permitted minimum setbacks include 6 metres for the front yard, 7.5 metres for the rear yard, and 2.4 metres for the side yards. The permitted maximum height is 12 metres. Site specific exception 474 applies to the subject lands, and further specifies requirements regarding Schedule D (Airport Hazard Map) to By-law 7625. The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes the City to regulate the demolition and conversion of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition of rental housing in any building or related group of buildings that collectively contain six or more dwelling units without obtaining a permit from the City and requires a decision by City Council or, where delegated, the Chief Planner.

Under Sections 14 and 15 of Chapter 667, Council may refuse an application or impose conditions on an approval, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan.

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of any demolition of a residential property that contains six or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act, 1992*. Where a proposal requires Council approval of a residential demolition application under Chapter 363 and a Rental Housing Demolition application under Chapter 667, Council typically considers both applications at the same time.

The proposal to demolish 54 rental dwelling units at 2808 and 2810 Keele Street requires approval under both Chapters 363 and 667 of the Toronto Municipal Code because it would entail the demolition of at least six dwelling units and at least one rental dwelling unit.

## **Tenant Consultation**

On May 17, 2022, a tenant consultation meeting was held to review the City's housing policies, the impact of the proposed demolition on existing tenants, and the proposed Tenant Relocation and Assistance Plan. The meeting was held virtually (due to the COVID-19 pandemic) and attended by 20 tenants, representatives of the applicant (including the applicant's planning consultant and architect), City Planning staff, and the local Councillor and their staff.

During the meeting, tenants asked questions and expressed concerns about:

- The timing of the application and when it would be approved;
- The timing of the proposed demolition, when tenants would have to vacate their existing rental units, and the estimated length of time over which the proposed development would be constructed;
- The proposed replacement rental unit layouts;

- Seniority and the process for selecting and returning to a replacement rental unit, including the implications of the proposal for the rents of six existing tenants of two-bedroom units having to return to three-bedroom replacement rental units;
- How rent increases would be calculated over the construction period;
- How the rent gap payments would be calculated;
- How and when the financial compensation provided under the City-approved Tenant Relocation and Assistance Plan would be administered to tenants; and,
- Whether the City has contingencies in place for construction delays.

## **Growing Up: Planning for Children in New Vertical Communities**

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Guidelines in the evaluation of new multi-residential development proposals. The objective of the Growing Up Guidelines is to increase the liveability of multi-residential communities for larger households, including families with children, at the neighbourhood, building, and residential unit scales.

The Growing Up Guidelines provide guidance on the proportion and size of larger units recommended in new multi-residential developments.

Guideline 2.1 of the Growing Up Guidelines states that a building should provide a minimum of 25% large units (10% of the units should be three-bedroom units and 15% of the units should be two-bedroom units).

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing a diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The Growing Up Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planningdevelopment/planningstudiesinitiatives/growing-up-planning-forchildren-in-new-verticalcommunities/>

## **Avenues and Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications where mid-rise buildings are proposed, and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise

Building Design Guidelines. Council's decision is here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and  
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

## **Site Plan Control**

The proposed development is subject to Site Plan Control. The applicant has submitted a site plan control application (22 129777 NNY 06 SA) that is being processed concurrently with the Zoning By-law Amendment application.

## **COMMENTS**

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### **Planning Act**

The review of this application and this report's recommendations have had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*, as discussed below.

### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020).

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020) as follows:

The PPS identifies that the long-term prosperity and social well-being of the province depends on planning for strong and sustainable communities, a clean and healthy environment and a strong and sustainable economy. The PPS contains policies that promote the use of active transportation and transit before other modes of travel. Policy 1.1.3.3 promotes transit-supportive development and accommodating a significant supply and range of housing options through intensification and redevelopment taking into account the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The Growth Plan contains similar policies to the PPS, and supports the achievement of complete communities that are designed to support health and active living and meet people's needs for daily living throughout an entire lifetime. Policy 1.2.1 prioritizes intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. It supports a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

The proposed development meets the policy objectives of the PPS and Growth Plan by providing an appropriate level of intensification of the site while contributing to a mix of housing types and densities necessary to meet projected requirements of current and future residents. The proposed development also supports active transportation by proposing to widen the public sidewalk along the entire frontage of the site, and connecting the proposed development to the public sidewalk with a pedestrian walkway from the front lobby of the proposed apartment building.

Policy 4.6 of the PPS recognizes that the Official Plan is the most important vehicle for implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies.

## **Land Use**

This application has been reviewed against the Official Plan land use policies contained in Chapter 4, and described in the Policy Consideration Section of the Report, as well as the policies of the Toronto Official Plan as a whole.

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan, and apartment buildings are permitted. An apartment building is proposed, in conformity with the Official Plan. The proposed land use also conforms with policies 4.2.2 (a) to (h) by, among others, massing the proposed new building to provide transition between the *Apartment Neighbourhoods* and *Neighbourhoods* with the use of angular planes, and placing the building to frame Keele Street. The above are further discussed in the Site Organization, and Density, Height and Massing sections below.

## **Site Organization and Location**

### **Building Placement**

The proposed building is placed parallel to Keele Street, and frames and defines it. The main entrance to the building is placed on its front façade, facing Keele Street, and is directly visible and accessible from the street. This contributes to a pedestrian-friendly design and promotes the Crime Prevention Through Environmental Design (CPTED) principle of "eyes on the street", in conformity with the intent of policy 4.2.2.

The building setbacks resulting from the building placement show that the proposed front yard setback does not exceed the front yard setbacks of the adjacent properties to the north and south, as shown in Attachment 8 to this report (Site Plan), and helps strengthen the edge of Keele Street. The at grade rear yard setback is proposed to be 7 metres and steps away from the existing neighbourhood on the upper floors to maintain an appropriate transition. The proposed north side yard setback of 2.5 metres is limited to a portion of the building where it interfaces with the *Apartment Neighbourhoods* to the north, the balance of the setback is significant where it interfaces with the *Neighbourhoods*. The north portion of the building with the 2.5 metre setback is proposed to contain only secondary windows in order to limit overlook to the adjacent property. Balconies within this portion are to be reoriented to the east and west to further limit overlook. A north side yard setback of at least 5.5 metres is proposed to be maintained from the 4th storey and above. The south side yard setback is proposed to be 5.5 metres which provides an appropriate transition for the at grade live-work units to the *Mixed Use Areas*. The setbacks are appropriate, and respect and reinforce the existing context, and conform with the intent of policy 3.1.2 on site organization and location that requires buildings to be located to frame and support existing streets.

## Vehicular Access

Vehicular access is proposed via a private driveway from Keele Street, and leads to a drop off area, a loading area, and one level of underground parking in the interior of the site. In the previous proposal, vehicular access was proposed via a wraparound private driveway from Victory Lane, south of the adjacent property at 2800 Keele Street. The driveway extended north from Victory Lane to Hallsport Crescent through the space between the rear of 2800 Keele Street and the east sides of 20 Victory Lane and 89 Hallsport Crescent, and wrapped around the northeastern corner of the proposed building, turning right into the interior of the site, to the underground parking entrance and a drop off area.

By proposing the driveway access from Keele Street, the current proposal drastically reduces the driveway surface area by eliminating the previous extensive wraparound driveway area from Victory Lane. This also reduces continuous noise from traffic and other impacts to adjacent properties. The above conforms with the intent of the Healthy Neighbourhoods policy 2.3.1 that requires a reduction of impacts by the proposed development to adjacent properties. The locations of the loading, drop-off area, and entrance to the underground parking area in the interior of the site, away from public views, also conforms with the intent of policy 3.1.2.4 that requires proposed development to locate and organize vehicular parking, and loading and service areas to minimize their impact, and improve the safety and attractiveness of the public realm.

## Pedestrian Access

Pedestrian access is proposed via a pedestrian walkway from Keele Street to the entrance lobby of the proposed apartment building. A new and wider pedestrian walkway of at least 2.1 metres is proposed along the entire frontage of the proposed property along Keele Street, and connects with the existing public sidewalk, thereby promoting pedestrian comfort and safety. This conforms with the intent of the Healthy Neighbourhoods policies in chapter 2.3.1, and policy 3.1.2 that promote pedestrian comfort and safety.

## Privately Owned Publicly Accessible Space (POPS)

Privately owned publicly-accessible spaces (the POPS"), having a minimum total area of approximately 1454.4 square metres at grade on the north, west and south of the site, as generally identified within Diagram 3 in Attachment 7 of this report, are proposed. The specific design of the POPS and any associated improvements are to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor. The proposed POPS on the west and south replace the general area from Victory Drive to Hallsport Crescent occupied by the previously proposed wraparound driveway, and includes a mid-block pedestrian connection from Victory Drive to Hallsport Crescent. The POPS at the north also includes a mid-block pedestrian connection from Keele Street to Hallsport Crescent. The POPS is consistent with the general intent of policies 3.1.2.11 to 3.1.2.13 that provide for private and shared amenity spaces to be located at grade.

## Density, Height, Massing

The proposed density, height and massing conform with the Building Shape, Scale and Massing Policies in Sections 3.1.2.5 to 3.1.2.8 and 4.1.5 of the Official Plan as discussed below.

### Density

The proposed density of 3.66 times the lot area is less than the density of the adjacent 11-storey building to the south at 2800 Keele Street, which is over 4 times the lot area. The adjacent three-storey property to the north at 2816 Keele Street maintains a density of less than 3.66 times the lot area. The broader context of the development along Keele Street includes existing properties with comparable densities, including 2772-2778 Keele Street with a density of 2.5 times the lot area. The proposed density is within the range of densities within its immediate and broader contexts, ranging from 2.5 times the lot area to above 4 times the lot area, and conforms with the general intent of policy 4.1.5 of the Official Plan that provides for proposed development to be consistent with the physical character of properties in both the immediate and broader contexts.

### Height and Massing

The proposed development is massed to fit within its surrounding context. The proposed building height of 42 metres includes an integrated mechanical penthouse. Without the penthouse, the proposed building height would be 37 metres, which is comparable with the building height of 36 metres (without its mechanical penthouse) of the adjacent property to the south at 2800 Keele Street. The proposed building height of 37 metres, without the mechanical penthouse, is 1 meter greater than the width of Keele Street (which is 36 metres). The additional height of 1 metre is stepped back, away from Keele Street, and is appropriate.

At a depth of 118.5 metres, the subject property is considered a deep lot. A 45-degree angular plane is proposed in front of the property at Keele Street, from a height of approximately 28.8 metres, equivalent to 80 percent of the 36 metre right-of-way of Keele Street. A series of stepbacks are proposed at the rear (west) of the building, adjacent to the *Neighbourhoods* designation, and generally fit within a 45-degree angular plane taken at grade from the rear property line. A 45-degree angular plane is also taken from grade at the north property line, adjacent to the *Neighbourhoods* designation, and the building generally fits within the angular plane. The above conforms with the general intent of policy 4.2.2 requiring development in *Apartment Neighbourhoods* to provide appropriate transitions to adjacent lower scaled *Neighbourhoods*.

Overall, the density, height, and massing of the proposed development meets the objectives of the Official Plan.

## **Sun, Shadow, Window**

The building stepbacks described above create an abundance of private terrace space and help improve unit daylighting, while limiting the adverse impacts of shadowing and wind on the development and its adjacent properties. The sun/shadow study shows that the proposal creates minimal and/or incremental shadowing on the adjacent *Neighbourhoods* properties and the POPS, and allows for a minimum of 5 hours of sunlight onto the Keele Street sidewalks between 9:18 am and 12:18 pm, consistent with the Avenues and Mid-Rise Building Guidelines, and the intent of the Official Plan.

## **Traffic Impact, Access, Parking**

In addition to the Transportation Impact Study submitted with the original submission, a Parking Update Letter by LEA Consulting, dated May 12, 2022, was submitted to Transportation Services in support of the proposed development. The proxy survey results in the letter indicate that the parking demand ranges between 0.43 to 0.51 parking spaces per unit when adjusted for potential vacancies. It shows a weighted average demand of 0.46 spaces per unit. The applicant's proposed parking rate of 0.45 resident parking spaces per unit is acceptable to Transportation Services. Vehicular access leading to underground parking was discussed in the Site Organization section above.

## **Servicing**

The applicant has provided Functional Servicing and Stormwater Management, and Hydrogeological reports. Engineering staff are supportive of the proposed development, and have indicated that outstanding matters are to be addressed through the Site Plan approval process.

## **Indoor and Outdoor Amenity Spaces**

A total of 680 square metres of indoor amenity space is proposed on the ground floor and at the mechanical penthouse level, whereas 626 square metres is required at 2 square metres per unit for 313 units. A total of 720.1 square metres of outdoor amenity space is proposed at grade and at the mechanical penthouse level, whereas 626 square metres is required. It includes a pet amenity area at grade, at the rear of the site.

## **Rental Housing Demolition and Replacement**

In accordance with Policy 3.2.1.6 of the Official Plan, the applicant is proposing to replace all 54 existing rental dwelling units by their respective or larger bedroom types, with the same or slightly larger unit sizes, and at similar rents to those in effect at the time of application. The total GFA of the 54 replacement rental units is 4,517 square metres, which exceeds the GFA of the existing rental units proposed to be demolished by 57 square metres. The replacement rental units are proposed to be located between the first and fourth floors of the proposed development.



All bedrooms in 53 of the 54 replacement rental units would be located on an exterior wall, to align with the existing condition. One three-bedroom replacement rental unit would have one interior bedroom, although City Planning staff are supportive of this layout as this unit is replacing an existing two-bedroom unit and the replacement unit has two bedrooms located on an exterior wall, thereby matching the existing number of bedrooms on an exterior wall while providing tenants with an additional bedroom. The applicant is also replacing the 121-square metre two-bedroom rental unit located in the house at 2810 Keele Street on the main floor of the proposed development, similar to a townhouse unit, so that tenants may benefit from the same functional characteristics of the existing rental unit in which they reside.

The applicant has confirmed that tenants would reserve the right to return to a replacement rental unit of a similar unit type at similar rent, and that rents for replacement rental units without returning tenants would not exceed the applicable affordable or mid-range rent thresholds for a period of at least 10 years. Tenants who return to replacement rental units would be protected by the provincial rent increase Guideline, irrespective of whether such Guideline applied to the proposed development under the *Residential Tenancies Act, 2006* (RTA), until their tenancies end.

### **Tenant Relocation and Assistance Plan**

The applicant has agreed to implement the City-approved Tenant Relocation and Assistance Plan for all Eligible Tenants who reside in the existing rental apartment building to be demolished at 2808 Keele Street and the existing single-detached house to be demolished at 2810 Keele Street. The plan would assist tenants in finding and securing alternative accommodation while the proposed development and replacement rental units are being constructed. The plan would consist of the following:

For each Eligible Tenant:

- The right to return to a replacement rental unit of the same bedroom type and a similar unit size, and at similar rent, as the rental unit they currently occupy;
- At least six months' notice before having to vacate their existing dwelling unit;
- Financial compensation, above and beyond that required under the RTA, in the form of a rent gap payment, where the rent gap would be calculated as the difference between the rent paid by a tenant on the date their tenancy is terminated and the most recent average rent for vacant private rental apartments by unit type in Canada Mortgage and Housing Corporation's (CMHC) Rental Market Survey (RMS) Zone 17 – North York (Northwest), which encompasses the development site, over a 36-month period. In the event the proposed development took longer than 36 months to complete, the owner would provide each tenant additional monthly rent gap payments until the replacement rental units were ready for occupancy;
- Two moving allowances to cover expenses for moving off-site into alternative interim accommodation and then moving back into a replacement rental unit;
- Special needs compensation for applicable tenants; and,

- Upon request, make a rental leasing agent available to the Eligible Tenant to provide them with a list of rental vacancies in the neighbourhood, co-ordinate referrals and references from the current landlord, and provide similar assistance commensurate with the tenant's needs.

Any Post-Application Tenants would receive the same amount of notice before having to move as Eligible Tenants, as well as financial compensation required under the RTA.

The Tenant Relocation and Assistance Plan is consistent with the City's current practices, will ensure that tenants can continue to access and afford suitable housing within the neighbourhood until the replacement rental units are complete, and will be secured through one or more agreements with the City and to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

### **Residential Unit Mix and Sizes**

The applications propose the provision of 69 of the 259 net new residential units as two-bedroom units (representing 26.6% of all net new residential units) and 24 of the net new residential units as three-bedroom units (representing 9.3% of all net new residential units), which generally corresponds with the unit mix objectives of Guideline 2.1 of the Growing Up Guidelines.

### **Open Space/Parkland**

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the First Above Grade Building Permit and is valid for six months. Payment will be required prior to the issuance of said permit.

The site is approximately an 800 metre walk away from Stanley Greene Park, a 17,700 square metre park which contains a basketball court, two outdoor tennis courts, and a playground. The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions, and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 12 - 28 square metres of parkland per person, which is less than the city-wide average provision of 28 square metres of parkland per person (2016).

## **Tree Preservation**

The City's Official Plan recommends policies that have been adopted by City Council that call for an increase in the amount of tree canopy coverage. City Council has adopted the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent. As such, the planting of large growing shade trees on both public and private lands is an important objective for all development projects. The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted a Tree Inventory and Preservation Plan. Tree species and other details will be determined at the Site Plan stage.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision, and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tiers 2, 3, and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the Site Plan approval process.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-laws, the applications are consistent with the objectives and policies of the Official Plan, and thus constitute good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- a. a cash contribution of 1,200,000.00 (One million and two hundred thousand dollars) towards capital improvements to parkland, community facilities, and/or the public realm within the vicinity of the development site and/or Ward 6;
- b. the cash contribution referred to in a. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, as 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; and,

c. in the event the cash contribution referred to in a. above has not been used for the determined purpose within three years of the amending zoning by-laws 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 the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

a. privately-owned publicly-accessible spaces (the POPS"), having a total area of approximately 1454.4 square metres at grade at the north, west and south of the site, as generally identified on Diagram 3 of Zoning By-law Amendment 569-2013, attached as Attachment 7 to this report, with the specific design of the POPS, including its mid-block connections, and any associated improvements to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

The rental housing matters are also recommended to be secured in the Section 37 Agreement.

## **Conclusion**

This report recommends approval of the applications to demolish 54 rental dwelling units at 2808 and 2810 Keele Street and redevelop the lands with a 13-storey apartment building containing 313 residential units, subject to the conditions set out in the recommendations of this report. The proposal involves the full replacement of the existing rental units and the applicant has agreed to the City-approved Tenant Relocation and Assistance Plan, addressing the right of existing tenants to return to the replacement rental units at similar rents and additional financial compensation in the form of rent gap payments to mitigate hardship from having to move in the interim. The proposal would facilitate significant new housing supply while contributing to the provision of a broader range and mix of housing options to accommodate the needs of current and future residents.

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the Healthy Neighbourhoods policies in Section 2.3.1, the Built Form policies in Section 3.1.2, and the Land Use policies in Section 4.2.2. Staff worked with the applicant and the community to address key concerns, resulting in the elimination of the wraparound driveway from Victory Drive, and its replacement with a POPS, while proposing new vehicular access directly from Keele Street. The proposed direct pedestrian access from the public sidewalk on Keele Street to the front lobby of the building via a pedestrian walkway contributes towards a pedestrian friendly design and the promotion of an active and healthy lifestyle for the proposed building residents and the surrounding community.

The development represents an appropriate level of intensification along Keele Street and provides appropriate transitions to the adjacent *Neighbourhoods* through a series of stepbacks and 45-degree angular planes. The above would contribute to an overall improvement to the quality of life of residents of the proposed building and the surrounding community.

## CONTACT

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## SIGNATURE

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David Sit, MCIP, RPP, Director  
Community Planning, North York District

## ATTACHMENTS

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### **Attachment 1: Application Data Sheet**

Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map, By-law 7625  
Attachment 5: Existing Zoning By-law Map, By-law 569-2013  
Attachment 6: Draft Zoning By-law Amendment, By-law 7625  
Attachment 7: Draft Zoning By-law Amendment, By-law 569-2013

### **Applicant Submitted Drawings**

Attachment 8: Site Plan  
Attachment 9: East Elevation  
Attachment 10: West Elevation  
Attachment 11: North Elevation  
Attachment 12: South Elevation

## Attachment 1: Application Data Sheet

Municipal Address: 2808 KEELE ST      Date Received: April 9, 2021

Application Number: 21 138295 NNY 06 OZ

Application Type: Rezoning

Project Description: Zoning bylaw Amendment application to permit the proposal for a 13-storey apartment building fronting Keele Street. The proposal would be a total residential Gross Floor Area of 24,387 m<sup>2</sup> and a density 3.66 times the lot area.

Applicant	Agent	Architect	Owner
MHBC PLANNING LIMITED		TURNER FLEISCHER ARCHITECTS	2808-2810 KEELE INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:Y
Zoning:	RM (f21.0; a835; d1.0) (x474)	Heritage Designation: N
Height Limit (m):	12 m	Site Plan Control Area:Y

### PROJECT INFORMATION

Site Area (sq m):	6,659	Frontage (m):	50	Depth (m):	119
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,494		2,877	2,877
Residential GFA (sq m):	5,715		24,387	24,387
Non-Residential GFA (sq m):				
Total GFA (sq m):	5,715		24,397	24,387
Height - Storeys:	4		13	13
Height - Metres:			42	42

Lot Coverage Ratio (%)	43.2	Floor Space Index:	3.66
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Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:	53	313	313
Freehold:	1		
Condominium:			
Other:			
Total Units:	54	313	313

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		17	150	114	32
Total Units:		17	150	114	32

#### Parking and Loading

Parking Spaces:	141	Bicycle Parking Spaces:	288	Loading Docks:	1
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#### CONTACT:

Eno Udoh-Orok, Senior Planner, Community Planning

(416) 392-5474

Eno.Udoh-Orok@toronto.ca

## Attachment 2: Location Map





## Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #16

2808 - 2810 Keele Street

File # 21 138295 NNY 06 0Z



↑  
Not to Scale  
Extracted: 04/12/2021

## Attachment 4: Existing Zoning By-law Map, By-law 7625



**Zoning By-law 7625**

**2808 - 2810 Keele Street**

File # 21 138295 NNY 06 0Z



Location of Application

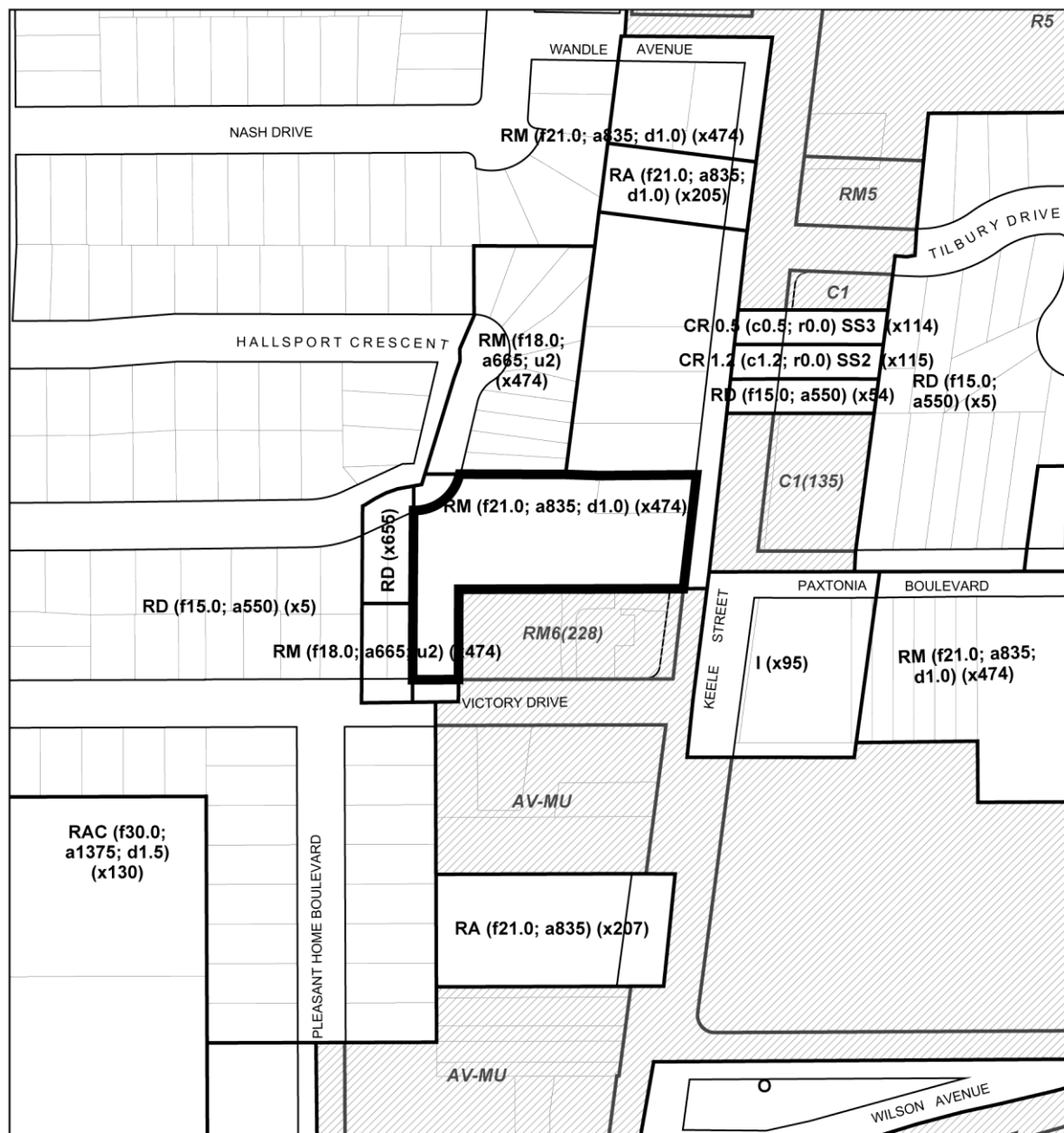
**R5** One-Family Detached Dwelling Fifth Density Zone  
**RM2** Multiple-Family Dwellings Second Density Zone  
**RM5** Multiple-Family Dwellings Fifth Density Zone  
**RM6** Multiple-Family Dwellings Sixth Density Zone  
**C1** General Commercial Zone  
**AV-MU** Avenue Mixed Use Zone

**O1** Open Space Zone



Not to Scale  
Extracted: 04/12/2021

## Attachment 5: Existing Zoning By-law Map, By-law 569-2013



Zoning By-law 569-2013

2808 - 2810 Keele Street

File # 21 138295 NNY 06 02



Location of Application

RD  
RM  
RA  
RAC  
CR  
I

Residential Detached  
Residential Multiple  
Residential Apartment  
Residential Apartment Commercial  
Commercial Residential  
Institutional



Open Space



See Former City of North York By-law No. 7625

R5 One-Family Detached Dwelling Fifth Density Zone  
RM5 Multiple-Family Dwellings Fifth Density Zone  
RM6 Multiple-Family Dwellings Sixth Density Zone  
C1 General Commercial Zone  
AV-MU Avenue Mixed Use Zone



Not to Scale  
Extracted: 04/12/2021

## **Attachment 6: Draft Zoning By-law Amendment, By-law 7625**

Authority: North York Community Council Item as adopted by City of Toronto Council on, 202~

Enacted by Council: , 202~

CITY OF TORONTO BY-LAW No. -202~

### **To amend the former North York Zoning By-law No. 7625 with respect to the lands municipally known as 2808-2810 Keele Street.**

WHEREAS authority is given to Council by 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 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

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 7625 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 HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined in heavy black line on Schedule 1 attached to this By-law.

2. Schedule "C" of By-law No. 7625, as amended, of the former City of North York is amended in accordance with Schedule 1 of this By-law by deleting the existing "Multiple-Family Dwellings Fifth Density" (RM5) Zone, and replacing it with the Multiple-Family Dwellings Sixth Density (RM6) Zone with Exception 281 as shown on Schedule 1 of this By-law
3. Zoning By-law No. 7625, as amended, is hereby further amended by inserting a new section 64.20-A(281), which applies to the lands shown on Schedule 1 to this By-law as follows:

64.20-A(281) RM6(281)

## DEFINITIONS

- (A) For the purpose of this exception, the following definitions will apply:
- (i) "Bicycle Parking Space" means an area used for parking and storing a bicycle that is not located within a dwelling unit, on a balcony or within a storage locker, and "Long-term Bicycle Parking Space", "Short-term Bicycle Parking Space" and "Stacked Bicycle Parking Space" have the following meaning:
    - (a) "Long-term Bicycle Parking Space" shall mean a bicycle parking space for use by the occupants or tenants of a building;
    - (b) "Short-term Bicycle Parking Space" shall mean a bicycle parking space for use by visitors to a building; and
    - (c) "Stacked Bicycle Parking Space" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
  - (ii) "established grade" shall mean 184.5 metres above sea level; and
  - (iii) "gross floor area" shall mean the total area of each floor in the building above or below grade measured from the exterior of the main wall of each floor level but excluding:
    - (a) parking, loading and bicycle parking below established grade;
    - (b) required loading spaces and required bicycle parking spaces at or above established grade;
    - (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - (d) shower and change facilities required by this By-law for required bicycle parking spaces;
    - (e) indoor amenity space required by this By-law;
    - (f) elevator shafts;
    - (g) garbage shafts;
    - (h) mechanical penthouse; and

- (i) exit stairwells in the building.
- (iv) “main wall” shall mean any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area.
- (v) “Residential Recreational Amenity Area” shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms and other similar uses.
- (vi) “Type ‘G’ loading space” shall mean a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

## **EXCEPTION REGULATIONS**

### **LANDSCAPING**

- (B) Notwithstanding Section 15.8(a), a minimum of 2,900 square metres of landscaping shall be provided.

### **LOT COVERAGE**

- (C) The provisions of Section 20-A.2.2 on Lot Coverage, do not apply.

### **LOT FRONTAGE**

- (D) Notwithstanding Section 20-A.2.3, a minimum lot frontage of 20 metres shall be provided.

### **YARD SETBACKS**

- (E) Notwithstanding Section 20-A.2.4:
  - (i) the minimum front yard setback shall be 6.7 metres;
  - (ii) the minimum north side yard setback shall be 2.5 metres;
  - (iii) the minimum south side yard setback shall be 5.5 metres; and
  - (iv) the minimum rear yard setback shall be 7 metres.

### **GROSS FLOOR AREA**

- (F) Notwithstanding Section 20-A.2.5, the maximum gross floor area permitted for all uses shall not exceed 24,380.7 square metres.

## **BUILDING HEIGHT**

- (G) Notwithstanding Section 20-A.2.6 and Schedule 'D' of By-law 7625, the maximum building height shall not exceed the height measured in metres above established grade, identified by the symbols “HT” as shown for that portion of the building on Schedule RM6(281).
- (H) The maximum building heights shown on Schedule RM6(281) may be exceeded as follows, except for the portion of the building within the area labeled “HT=42m” shown on Schedule RM6(281):
  - (a) elevator overruns, vents, chimneys, exhaust flues, and garbage chute overruns, equipment for heating, cooling or ventilation, stair enclosures and lightning rods by a maximum of 5.0 metres;
  - (b) terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, awnings, lighting fixtures, ornamental elements, columns, trellises, window sills, balustrades, eaves, outdoor recreation and amenity area elements, partitions dividing outdoor recreation and amenity areas, wind mitigation, noise mitigation, equipment for electrical, utility, mechanical, and roof access by a maximum of 3.0 metres; and
  - (c) window washing equipment by a maximum of 5.0 metres; and a ladder for maintenance purposes by a maximum of 1.2 metres;

## **PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS**

- (I) Notwithstanding Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), the following may be permitted to project into the minimum yard setback areas:
  - (i) exterior stairways, cornices, canopies, chimneys, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind or privacy screens, landscape elements (including green roofs), terraces, decorative or architectural features, bay windows, ramps, ramp enclosures, parking garage ramps and associated structures, retaining walls, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, porches and decks, either excavated or unexcavated, pipes, and utility equipment which may project beyond the building envelope shown on Schedule RM6(32) by a maximum of 3.0 metres.
  - (ii) notwithstanding (I)(i), balconies shall not be permitted abutting the north side yard on the second and third storeys where the setback is 2.5 metres or less.

- (iii) notwithstanding (I)(i), terraces shall not be permitted abutting the north side yard on the third storey, where the second storey setback is 2.5 metres or less.

## **RESIDENTIAL RECREATIONAL AMENITY AREA**

- (J) Residential recreational amenity areas shall be provided as follows:
  - (i) a minimum of 2.0 square metres of indoor residential recreational amenity area per dwelling unit; and
  - (ii) a minimum of 2.0 square metres of outdoor residential recreational amenity area per dwelling unit.

## **PARKING REQUIREMENTS**

- (K) Notwithstanding Section 6A(2)(a), vehicle "parking spaces" shall be provided for the "apartment house dwelling" as follows:
  - (i) A minimum of 0.45 residential occupant "parking spaces" for each "dwelling unit"; and
  - (ii) A minimum of 0.08 residential visitor "parking spaces" for each "dwelling unit".
- (L) Notwithstanding Section 6A(8)(e), visitor vehicle parking spaces for apartment house dwellings shall be provided in accordance with (K)(ii) above in a parking area and designated as being for the use of visitors only, but shall not be required to be clearly separated from other required parking spaces.

## **LOADING REQUIREMENTS**

- (M) Notwithstanding Section 6A(16)(a), one (1) Type 'G' loading space shall be required.

## **LAND DIVISION**

- (N) Notwithstanding any existing or future consent, severance, partition or division of the lot, the provisions of this By-law shall apply to the lands as identified on Schedule 1 of By-law #####- 202~, as if not consent, severance, partition or division occurred.

## **SECTION 37**

- (O) 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, 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 Schedule 1 attached to this By-law, in return for the provision by the owner, at the owner's expense of the 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 as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, that are in a form and registered on title to the lands to the satisfaction of the City Solicitor;

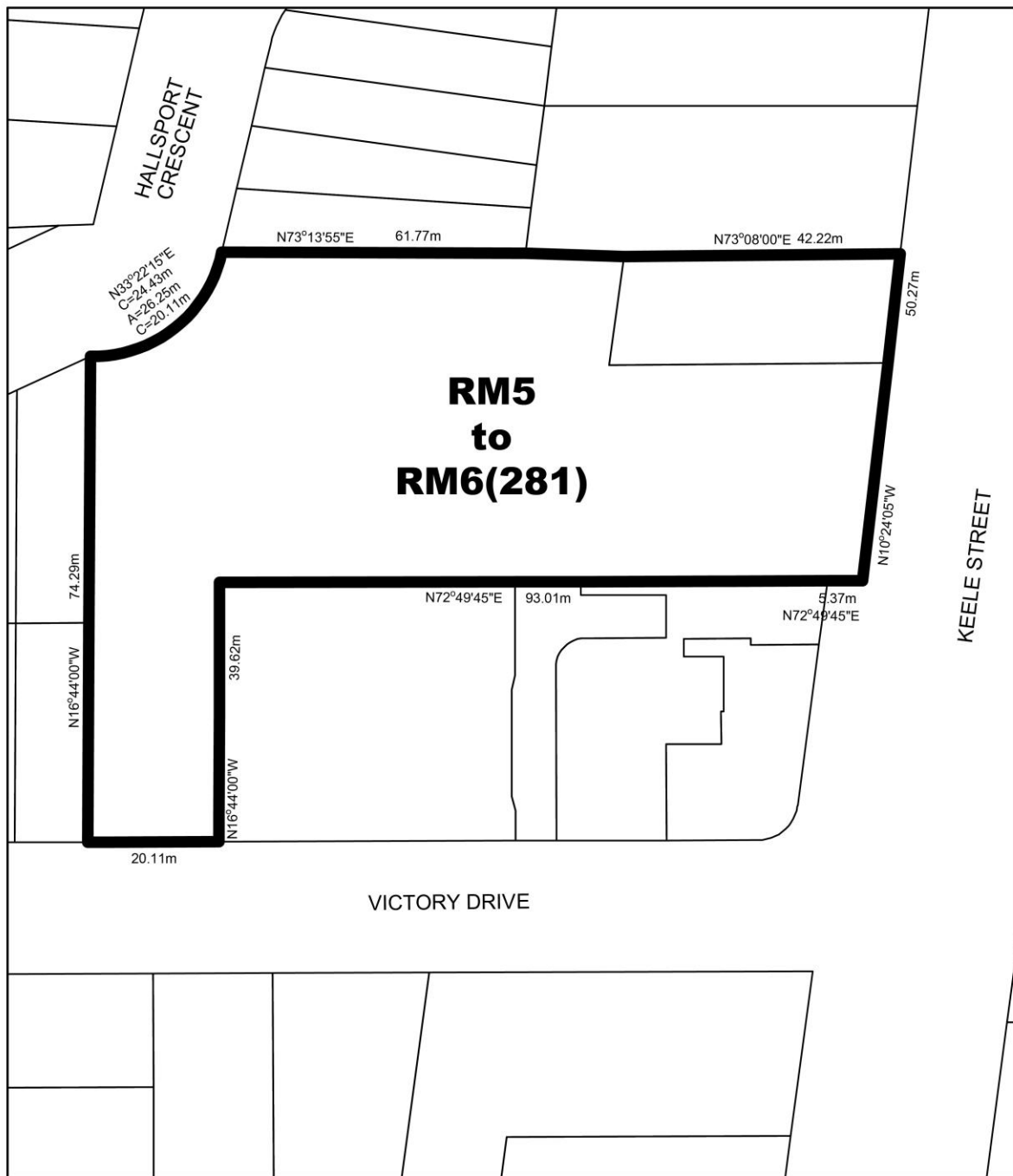
- (P) Where Schedule A of this By-law requires the owner to provide certain facilities, services, or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
  - (Q) The owner shall not use or permit the use of a building or structure erected with an increase in height and density pursuant to this By-law unless the provisions of Schedule A of this By-law are satisfied.
- 4. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(281)" attached to this By-law.
  - 5. None of the provisions of By-law 7625, as amended, apply to prevent a temporary leasing or sales office on the lot.
  - 6. Other Provisions of the By-law
    - (i) Except as amended in this By-law, all the other provisions of By-law No. 7625 shall apply to the lands.

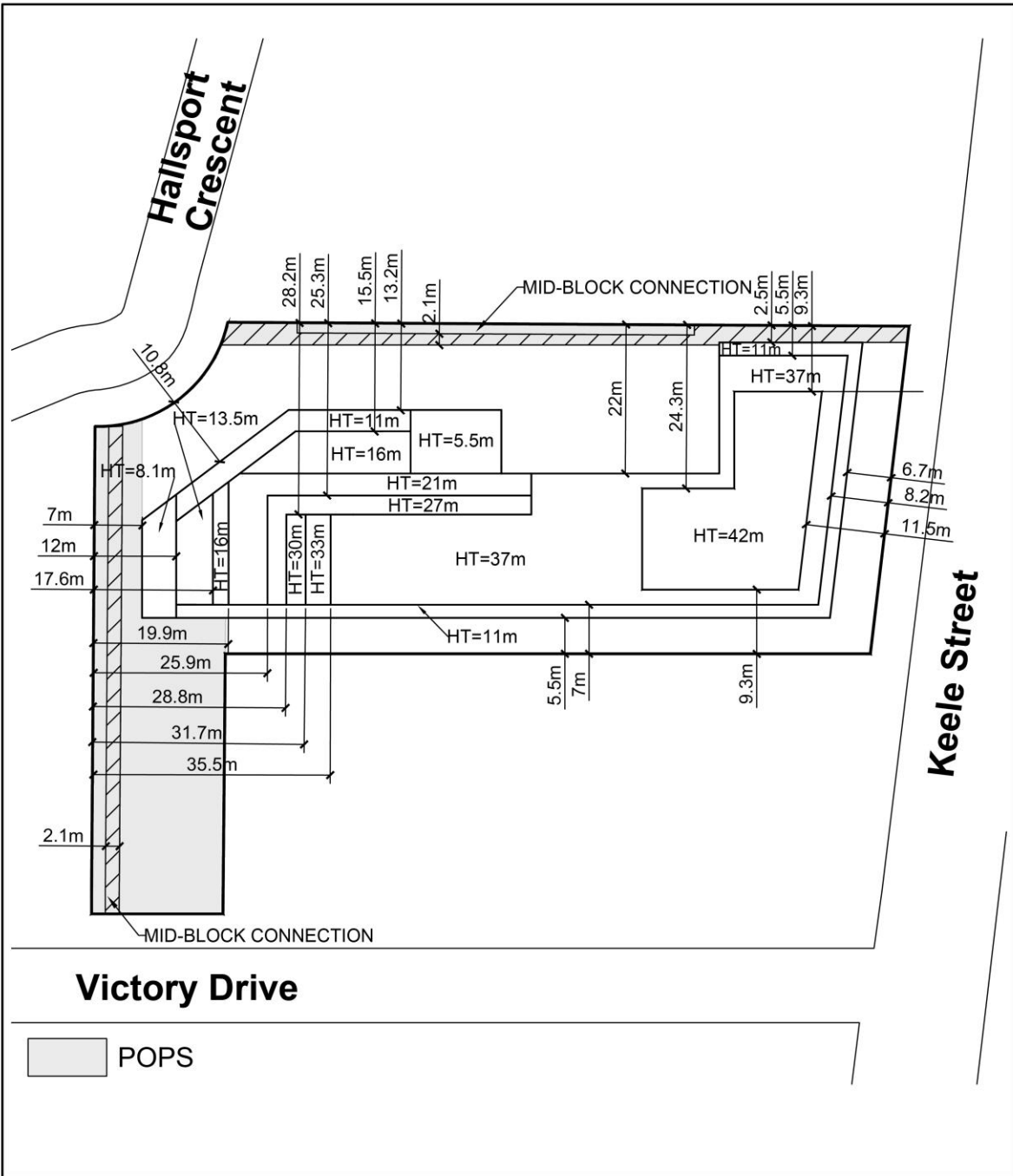
ENACTED AND PASSED this     day of     , 202~.

JOHN TORY,  
Mayor City

JOHN D. ELVIDGE,  
Clerk

(Corporate Seal)





**Toronto**  
Schedule RM6(281)

**2808-2810 Keele Street**

File # 21 138295 NNY 06 0Z

Former City of North York By-law 7625  
Not to Scale  
06/07/2022

## **Schedule A**

### **Section 37 Requirements**

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 above

1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

(a) a cash contribution of \$1,200,000.00 (One million and two hundred thousand dollars) towards capital improvements to parkland, community facilities, and/or public realm within the vicinity of the development site and/or Ward 6, payable prior to the issuance of the first above grade building permit.

(b) the cash contributions referred to in Recommendation (a) above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building 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; and,

(c) in the event the cash contributions referred to in Recommendation (a) above have not been used for the determined purpose within three years of the amending Zoning By-law 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 the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;

2. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:

(a) a privately owned publicly-accessible spaces (the "POPS"), having a minimum total area of 1454.4 square metres at grade, at the north, west and south of the site, and generally shown on Schedule RM6(281) of this By-law, with the specific design of the POPS and any associated easements and improvements to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

(b) The owner shall provide and maintain fifty-four (54) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be

made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. The fifty-four (54) replacement rental dwelling units shall be comprised of one (1) studio unit, forty-five (45) two-bedroom units, six (6) three-bedroom units, and two (2) four-bedroom units, and shall collectively contain a total gross floor area of at least 4,514 square metres, as generally illustrated in the plans prepared by Turner Fleischer and dated May 18, 2022 and June 6, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;

(c) The owner shall provide and maintain at least two (2) four-bedroom replacement rental dwelling units, four (4) three-bedroom replacement rental units, forty-one (41) two-bedroom replacement rental units, and one (1) studio replacement rental unit at affordable rents, as currently defined in the Toronto Official Plan, and two (2) three-bedroom replacement rental units and four (4) two-bedroom replacement rental units at mid-range rents, as currently defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit;

(d) The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the fifty-four (54) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents (including the right for six existing tenants of two-bedroom rental units to return to three-bedroom replacement rental units without increases in rent from moving to larger bedroom types), the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

(e) The owner shall provide tenants of all fifty-four (54) replacement rental dwelling units 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;

(f) The owner shall provide ensuite laundry equipment in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

(g) The owner shall provide central air conditioning equipment in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

(h) The owner shall provide and make available at least twenty-five (25) vehicle parking spaces to tenants of the replacement rental units, and such vehicle parking spaces shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access

to a vehicular parking space, at no charge; secondly, to returning tenants who did not previously lease vehicle parking spaces in the existing rental building, on the same terms and conditions as any other resident of the development; and, thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development.

(i) The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;

(j) The owner shall provide and make available at least twelve (12) storage lockers to tenants of the replacement rental units, and such storage lockers shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a storage locker, at no charge; secondly, to returning tenants who did not previously rent a storage locker, on the same terms and conditions as any other resident of the development; and, thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development; and,

(k) The fifty-four (54) replacement rental dwelling units required shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning.

## **Attachment 7: Draft Zoning By-law Amendment, By-law 569-2013**

Authority: North York Community Council Item as adopted by City of Toronto Council on, 202~

CITY OF TORONTO

BY-LAW No. \_\_\_\_\_-202~

To amend Zoning By-law 569-2013 of the City of Toronto, as amended, with respect to the lands municipally known in the year 2022 as 2808-2810 Keele Street

WHEREAS authority is given to Council by 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 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

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 those lands outlined by a heavy black line 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 No. 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 a heavy black line from RM (f21.0; a835; d1.0) (x474) to RM (f21.0; a835; d1.0) (x181), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 181 so that it reads:

(181) Exception RM 181

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 2808 to 2810 Keele Street, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to [\(S\)](#) below:
- (B) Regulation 10.80.30.40 with regards to **lot coverage** does not apply;
- (C) Despite Regulation 10.80.30.20(1)(A), the required minimum **lot frontage** is 20 metres;
- (D) Despite Regulation 10.80.40.10(1)(B) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (E) The required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.5 metres;
- (F) Despite Regulation (D) above, the following elements of a **building** or **structure** may project above the permitted maximum building heights shown on Diagram 3 of By-law [Clerks to insert By-law ##], except for within the area labeled "HT=42m";
  - (i) elevator overruns, vents, chimneys, exhaust flues, and garbage chute overruns, equipment for heating, cooling or ventilation, stair enclosures and lightning rods by a maximum of 5.0 metres;
  - (ii) terraces and balcony guards, elements of a **green roof** and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, awnings, lighting fixtures, ornamental elements, columns, trellises, window sills, balustrades,



- eaves, outdoor recreation and amenity space elements, partitions dividing outdoor recreation and amenity spaces, wind mitigation, noise mitigation, equipment for electrical, utility, mechanical, and roof access by a maximum of 3.0 metres;
- (iii) window washing equipment by a maximum of 5.0 metres; and
  - (iv) a ladder for maintenance purposes by a maximum of 1.2 metres;
- (G) Despite Regulation 10.80.40.40(1)(A) the permitted maximum **gross floor area** on the **lot** is 24,385 square metres.
- (H) **Dwelling units** must be provided in the building in accordance with the following unit mix:
- (i) a minimum of 5% must be bachelor **dwelling units**;
  - (ii) a minimum of 48 % must be one bedroom **dwelling units**;
  - (iii) a minimum of 37% must be two bedroom **dwelling units**; and
  - (iv) a minimum of 10% must be three bedroom or greater **dwelling units**.
- (I) Despite Clauses 10.80.40.70 and 10.80.40.80, the required minimum **building** setbacks and required separation of main walls are as shown in metres on Diagram 3 of By-law ### [Clerks to insert By-law number];
- (J) Despite Clause 10.5.40.60 and (I) above, the following elements of a **building** or structure are permitted to encroach into the required **building** setbacks shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (i) exterior stairways, cornices, canopies, chimneys, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind or privacy screens, landscaping elements (including green roofs), terraces, decorative or architectural features, bay windows, ramps, ramp enclosures, parking garage ramps and associated structures, retaining walls, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, porches and decks, either excavated or unexcavated, pipes, and utility equipment by a maximum horizontal projection of 3.0 metres;
  - (ii) notwithstanding (J)(i), balconies shall not be permitted abutting the north side yard on the second and third storeys where the setback is 2.5 metres or less.

- (iii) notwithstanding (J)(i), terraces shall not be permitted abutting the north side yard on the third storey, where the second storey setback is 2.5 metres or less.
- (K) Despite Regulation 10.5.50.10(4), 2,900 square metres of **landscaping** is required to be provided on the **lot**, of which 1,181 square metres of the required **landscaping** must be composed of **soft landscaping**;
- (L) Regulation 10.5.50.10(5) with regards to **landscaping** requirements for an **apartment building** abutting another residential **lot** does not apply;
- (M) Despite Regulations 200.5.1.10(1), 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided and maintained on the lot in accordance with the following minimum requirements:
  - (i) a minimum of 0.45 residential occupant **parking spaces** for each **dwelling unit**; and
  - (ii) a minimum of 0.08 residential visitor **parking spaces** for each **dwelling unit**.
- (N) None of the provisions of Regulation 200.15.10 as amended by By-law 89-2022 apply, provided Regulation 200.15.10 as it read prior to February 3, 2022 is complied with.
- (O) Despite Regulation 200.15.1(4), accessible **parking spaces** must be located within 20.0 metres of a barrier free entrance to a building or passenger elevator that provides access to the first storey of the building.
- (P) Despite Regulation 230.5.1.10(4), the minimum dimension of a **stacked bicycle parking space** is:
  - (i) Minimum length of 1.8 metres;
  - (ii) Minimum width of 0.43 metres; and
  - (iii) Minimum vertical clearance of 1.2 metres.
- (Q) Despite Regulation 220.5.10.1(2), one Type "G" **loading space** is required to be provided on the **lot**;
- (R) For the purpose of this exception, **established grade** is the Canadian Geodetic Elevation of 184.5 metres;
- (S) In addition to the requirements of Section 150.5, **Home Occupation** is permitted only on the ground floor of the building for a maximum of three (3) **dwelling units** facing Keele Street.

Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport Hazard Map from City of North York zoning By-law 7625.
5. Notwithstanding any existing or future consent, severance, partition or division of the lot, the provisions of this By-law shall apply to the lands as identified on Diagram 1 of By-law #####- 202~, as if no consent, severance, partition or division occurred.
  6. None of the provisions of By-law 569-2013, as amended, apply to prevent a sales office/trailer on the lot, used exclusively for the initial sale and/or initial leasing of dwelling units proposed on the lot.
  7. Where a specific section of a former City of North York By-law contradicts with this by-law, the site specific provisions of this by-law prevail.
  8. Section 37 Requirements:
    - (A) 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, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 this     day of     , 202~.

JOHN TORY,

Mayor City

(Corporate Seal)

JOHN D. ELVIDGE,

Clerk

## Schedule A

### Section 37 Requirements

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 above

1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- a. a cash contribution of 1,200,000.00 (One million and two hundred thousand dollars) towards capital improvements to parkland, community facilities, and/or public realm within the vicinity of the development site and/or Ward 6.
- b. the cash contributions referred to in Recommendation a. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building 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; and,
- c. in the event the cash contributions referred to in Recommendation a. above have not been used for the determined purpose within three years of the amending Zoning By-law 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 the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;

2. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:

- a. a privately owned publicly-accessible spaces (the POPS"), having a minimum total area of 1454.4 square metres at grade at the north, west, and south of the site, as generally identified on Diagram 3 of Zoning By-law Amendment 569-2013, with the specific design of the POPS and any associated easements and improvements to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- b. The owner shall provide and maintain fifty-four (54) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be

made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. The fifty-four (54) replacement rental dwelling units shall be comprised of one (1) studio unit, forty-five (45) two-bedroom units, six (6) three-bedroom units, and two (2) four-bedroom units, and shall collectively contain a total gross floor area of at least 4,514 square metres, as generally illustrated in the plans prepared by Turner Fleischer and dated May 18, 2022 and June 6, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;

c. The owner shall provide and maintain at least two (2) four-bedroom replacement rental dwelling units, four (4) three-bedroom replacement rental units, forty-one (41) two-bedroom replacement rental units, and one (1) studio replacement rental unit at affordable rents, as currently defined in the Toronto Official Plan, and two (2) three-bedroom replacement rental units and four (4) two-bedroom replacement rental units at mid-range rents, as currently defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit;

d. The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the fifty-four (54) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents (including the right for at least six existing tenants of two-bedroom rental units to return to three-bedroom replacement rental units without increases in rent from moving to larger bedroom types), the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

e. The owner shall provide tenants of all fifty-four (54) replacement rental dwelling units 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;

f. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

g. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

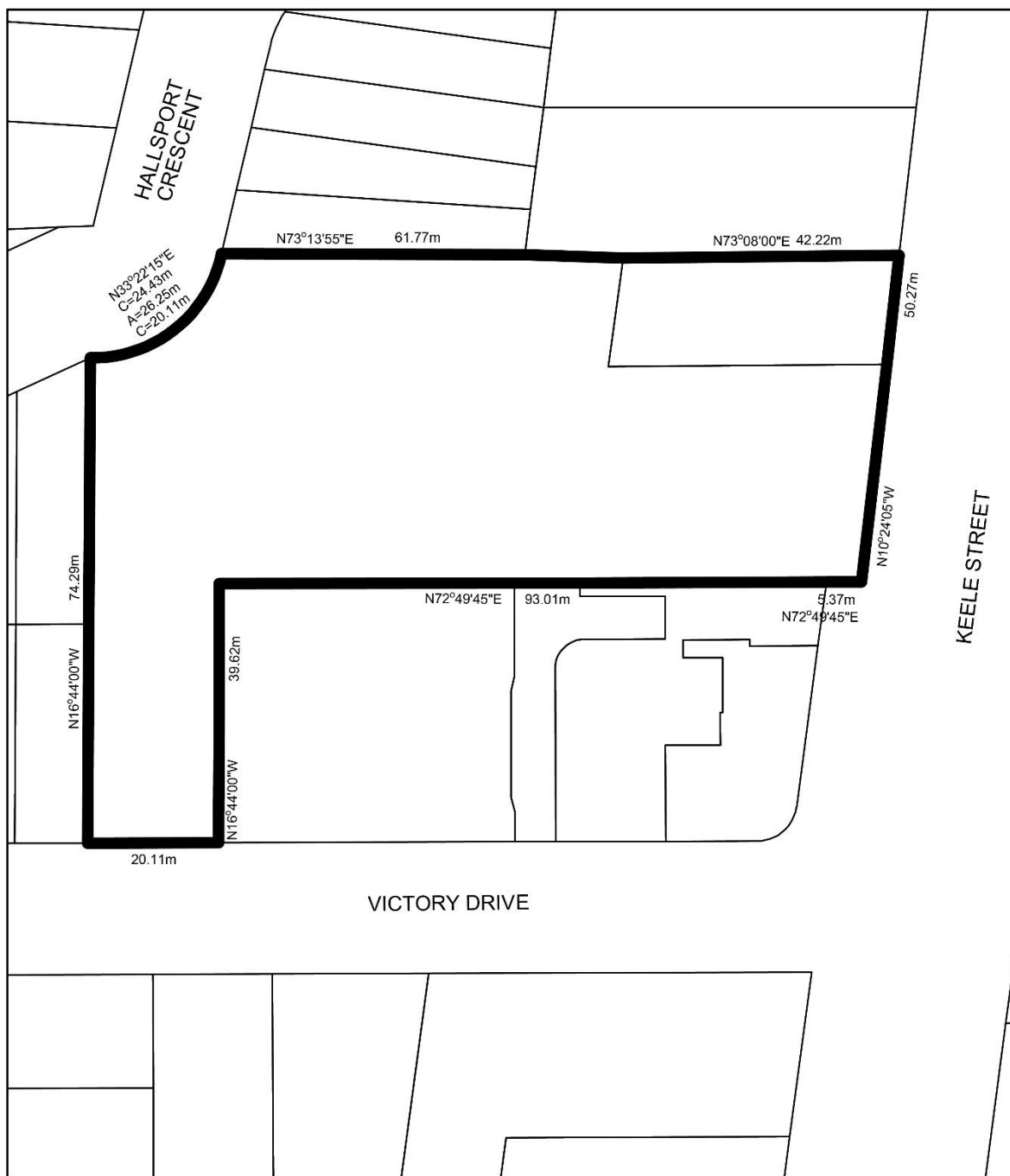
h. The owner shall provide and make available at least twenty-five (25) vehicle parking spaces to tenants of the replacement rental units, and such vehicle parking spaces shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a vehicular parking space, at no charge; secondly, to returning tenants who did not previously rent a vehicle parking space, on the same terms and conditions as

any other resident of the development, and thirdly to new tenants of the replacement rental units on the same terms and conditions as any other resident of the development;

i. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;

j. The owner shall provide and make available at least twelve (12) storage lockers to tenants of the replacement rental units, and such storage lockers shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units in the existing building included access to a storage locker, at no charge; secondly, to returning tenants who did not previously rent a storage locker, on the same terms and conditions as any other resident of the development; and, thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development; and

k. The fifty-four (54) replacement rental dwelling units required shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning.



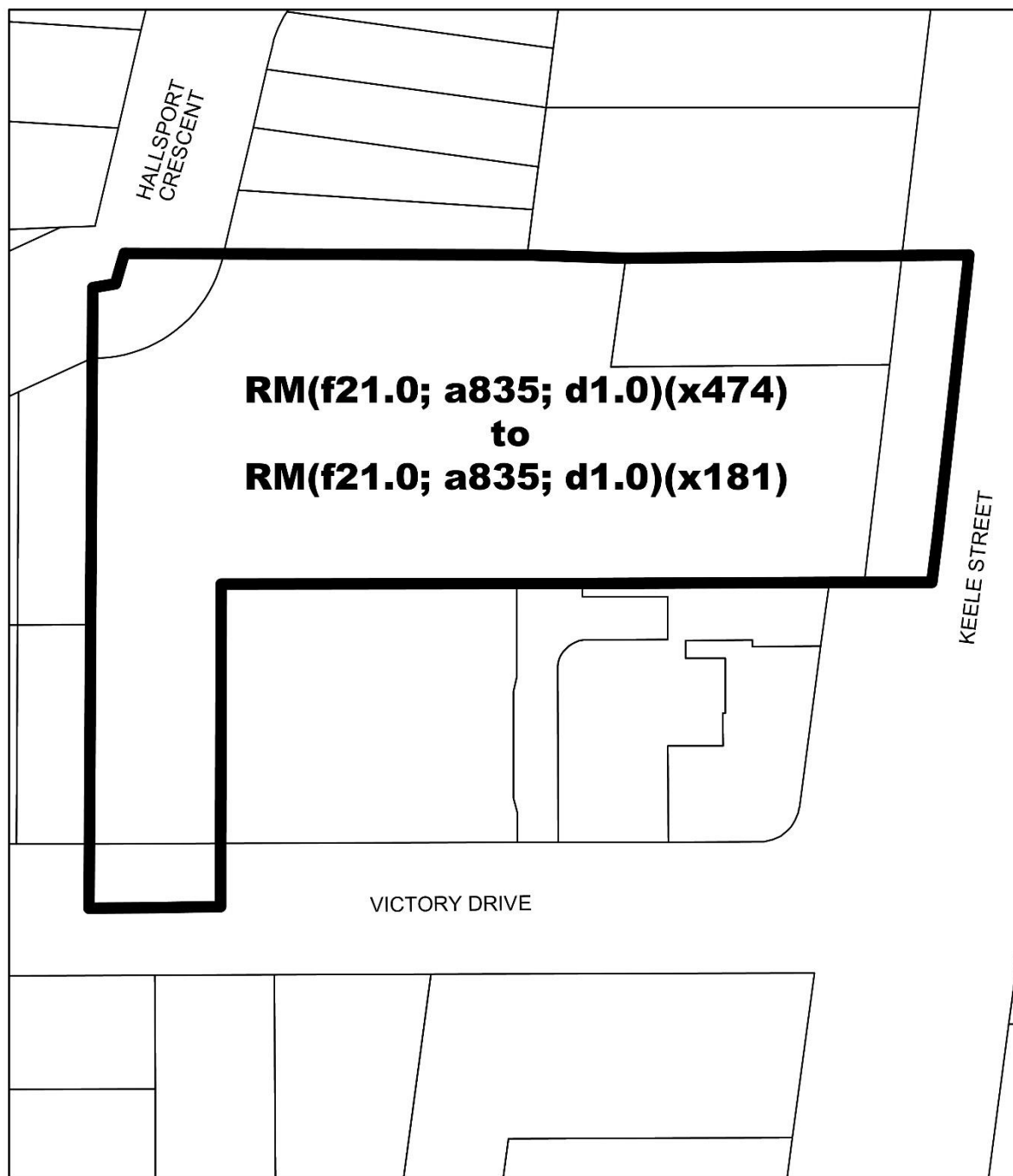
**Toronto**  
Diagram 1

**2808-2810 Keele Street**

File # 21 138295 NNY 06 0Z




City of Toronto By-law 569-2013  
Not to Scale  
05/09/2022



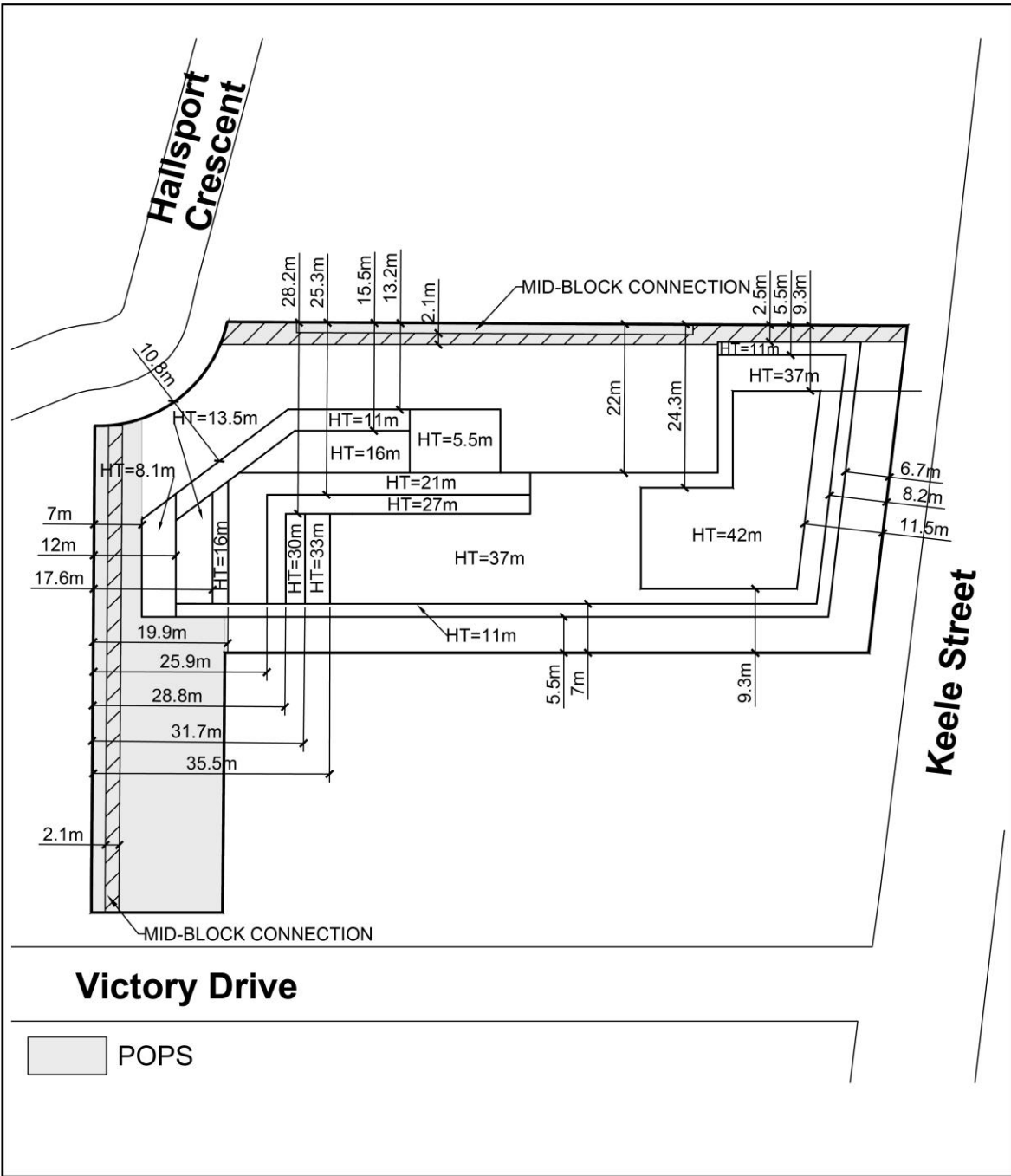
 **Toronto**  
Diagram 2

**2808-2810 Keele Street**

File # 21 138295 NNY 06 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
05/20/2022





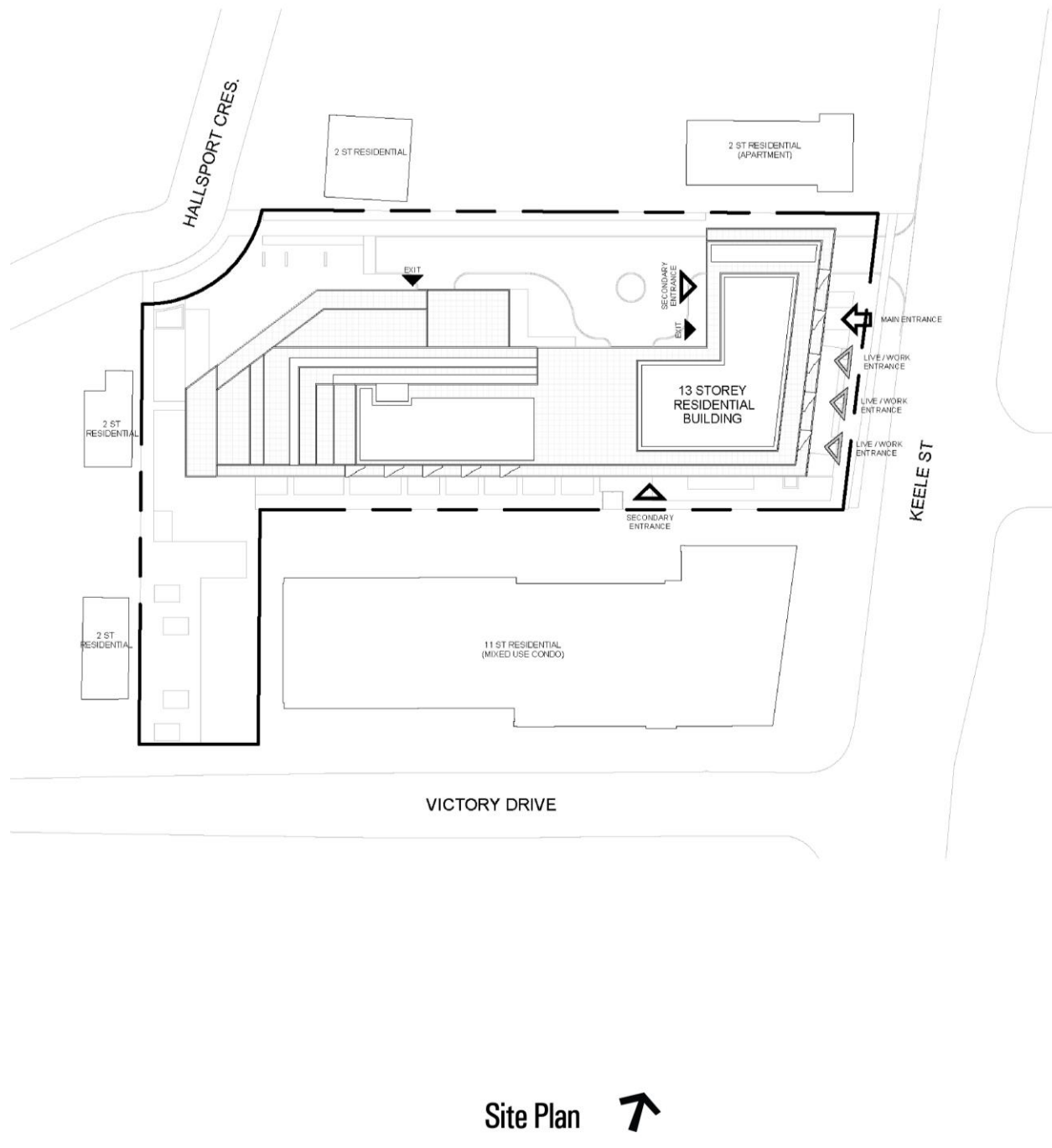
**Toronto**  
Diagram 3

**2808-2810 Keele Street**

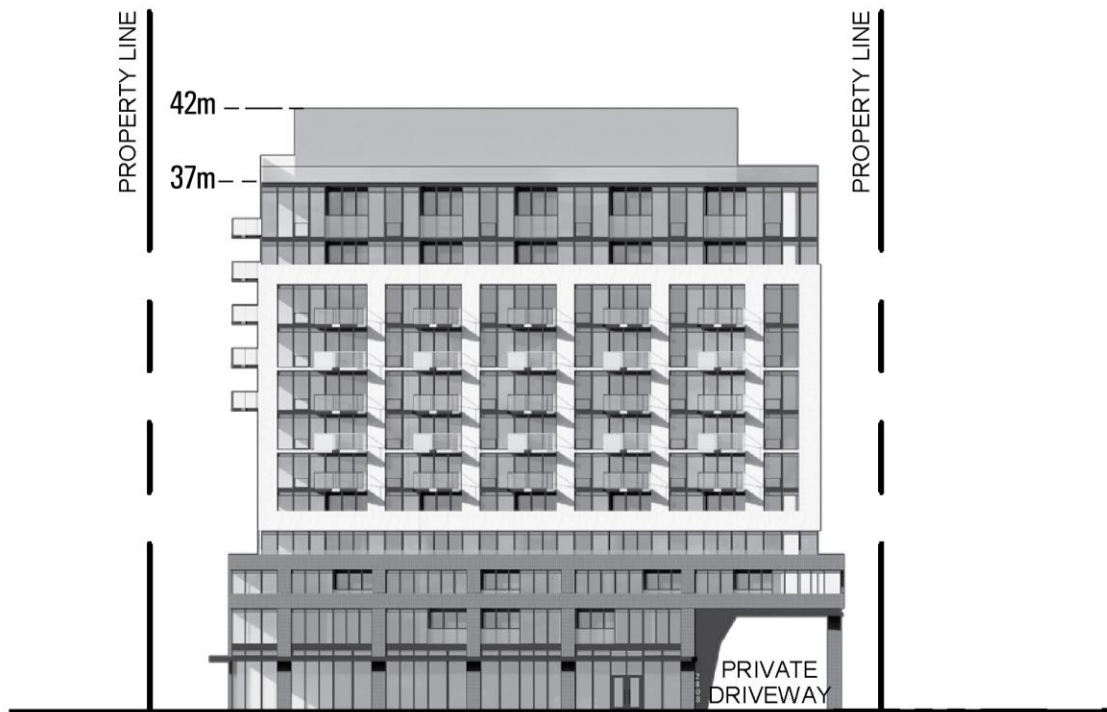
File # 21 138295 NNY 06 0Z

City of Toronto By-law 569-2013  
Not to Scale  
06/07/2022

## Attachment 8: Site Plan

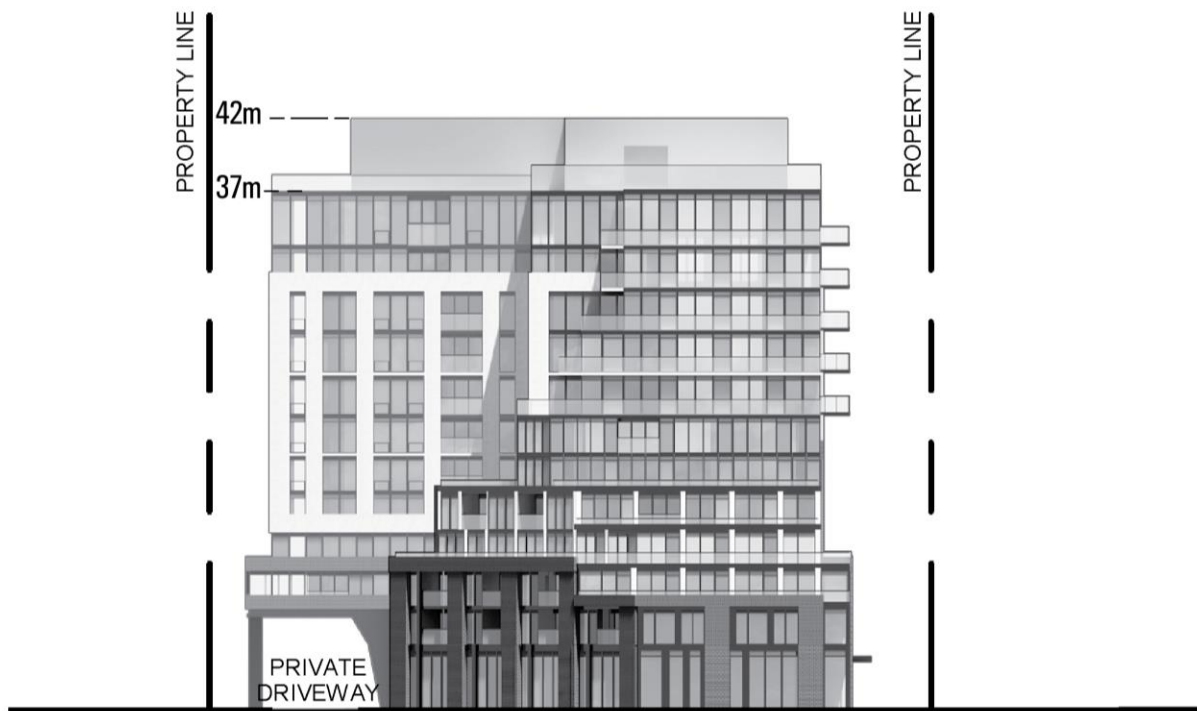


## Attachment 9: East Elevation



East Elevation

## Attachment 10: West Elevation



West Elevation

## Attachment 11: North Elevation



North Elevation

## Attachment 12: South Elevation



South Elevation