

Authority: Planning and Housing Committee Item [-], as adopted by City of Toronto Council on [-]

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 970-2022, being a By-law to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2025 as 78 Springhurst Avenue, 1 Close Avenue and 3 Close Avenue.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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, as amended; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas on October 27, 28 and 30, 2020, City Council enacted By-law 970-2022, being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend By-law 970-2022 to remove the requirement to provide any of the facilities, services or matters secured in By-law 970-2022 and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read 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 or matters in return for an increase in the density and/or height 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 has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning By-law Amendment herein in addition to those secured through By-law 970-2022; 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;

The Council of the City of Toronto enacts:

1. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
2. By-law 970-2022 is amended as follows:
 - (A) Diagram 2 of By-law 970-2022 is replaced with Diagram 2 attached to By-law [Clerks to insert By-law number], to further amend the zone labels on the Zoning By-law in Section 990.10 in Zoning By-law 569-2013, as amended, for the lands municipally known in the year 2025 as 78 Springhurst Avenue, 1 Close Avenue and 3 Close Avenue;
 - (B) Diagram 3 of By-law 970-2022 is replaced with Diagram 3 attached to By-law [Clerks to insert By-law number]; and,
 - (C) Diagram 3A attached to By-law [Clerks to insert By-law number] is added to follow Diagram 3, as amended, attached to By-law 970-2022.
3. Section 3 of By-law 970-2022 is amended and its contents replaced, so that it reads:
 3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels: R (d1.0), I (x13) and RA (x313) as shown on Diagram 2 of this By-law.
4. A new Section 8 is added to By-law 970-2022, to follow Section 7, so that it reads:
 8. Zoning By-law 569-2013, as amended, is further amended by adding Article

900.7.10 Exception Number 313 so that it reads:

(313) Exception RA 313

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On lands municipally known as 78 Springhurst Avenue, 1 Close Avenue and 3 Close Avenue, if the requirements of By-law 970-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (O) below;
- (B) Despite regulations 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 87.45 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 15.5.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3A of By-law 970-2022;
- (D) Despite regulations 15.5.40.10(2) to (6) and (C) above, the following equipment and **structures** may project beyond the permitted maximum heights shown on Diagram 3A of By-law 970-2022:
 - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents by a maximum of 6.0 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse by a maximum of 6.5 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof** by a maximum of 1.5 metres;
 - (iv) **building** maintenance units and window washing equipment by a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace by a maximum of 1.5 metres;

- (vi) antennae, flagpoles and satellite dishes by a maximum of 2.0 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** by a maximum of 4.0 metres;
- (E) Despite regulation 15.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 2,800.0 square metres;
- (F) Despite regulation 15.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rates:
 - (i) at least of 2.0 square metres of **indoor amenity space** for each **dwelling unit** is required;
 - (ii) at least of 1.2 square metres of **outdoor amenity space** for each **dwelling unit** is required;
 - (iii) no minimum amount of outdoor **amenity space** is required to be in a location adjoining or directly accessible to the indoor **amenity space**; and,
 - (iv) no more than 25 per cent of the outdoor component may be a **green roof**;
- (G) Despite regulations 15.10.40.70(1) to (4) and 15.10.40.80(1), the required minimum **building setbacks** and **main wall** separation distances are as shown in metres on Diagram 3A of By-law 970-2022;
- (H) Despite regulations 15.5.40.60(1) to (3) and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) balconies by a maximum of 1.5 metres;
 - (ii) canopies and awnings by a maximum of 2.5 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast by a maximum of 1.5 metres;
 - (iv) vents and pipes by a maximum of 0.6 metres;
 - (v) utility transformer by a maximum of 2.6 metres along the west **lot**

line; and

- (vi) air conditioners, air intake and exhaust, air handling units, satellite dishes, screens, cornices, antennae, vents, hose bibs, gas connections, pipes, and valves by a maximum of 1.0 metres;
- (I) Despite regulation 15.5.50.10(1), **landscaping** and **soft landscaping** on the **lot** must be provided at the following rates:
 - (i) a minimum of 15% of the area of the **lot** must be **landscaping**; and,
 - (ii) a minimum of 46% of the landscaped area required in (i) above must be **soft landscaping**;
- (J) Regulation 15.5.100.1(2) with respect to the requirement for an unobstructed **vehicle** access between the **street** and principal pedestrian entrance to the **building**, does not apply;
- (K) Despite regulation 220.5.10.1(2), **loading spaces** are not required on the **lot**;
- (L) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, no residential occupant and residential **visitor parking spaces** for **dwelling units** are required;
- (M) Despite regulation 230.5.10.1(5), a minimum of 3 long-term and 0 short-term **bicycle parking spaces** is required;
- (N) Despite regulation 230.5.1.10(4), a **bicycle parking space** may have the minimum dimensions:
 - (i) Minimum length of 1.76 metres;
 - (ii) Minimum width of 0.6 metres; and
 - (iii) Minimum vertical clearance from the ground of 1.9 metres;
- (O) Despite regulation 230.5.1.10(13), a minimum of 0 oversized **bicycle parking spaces** are required.

Prevailing By-laws and Prevailing Sections: (None apply)

5. A new Section 9 is added to By-law 970-2022, to follow Section 8, so that it reads:

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Enacted and passed on [Clerks to insert date].

Francis Nunziata,
Speaker

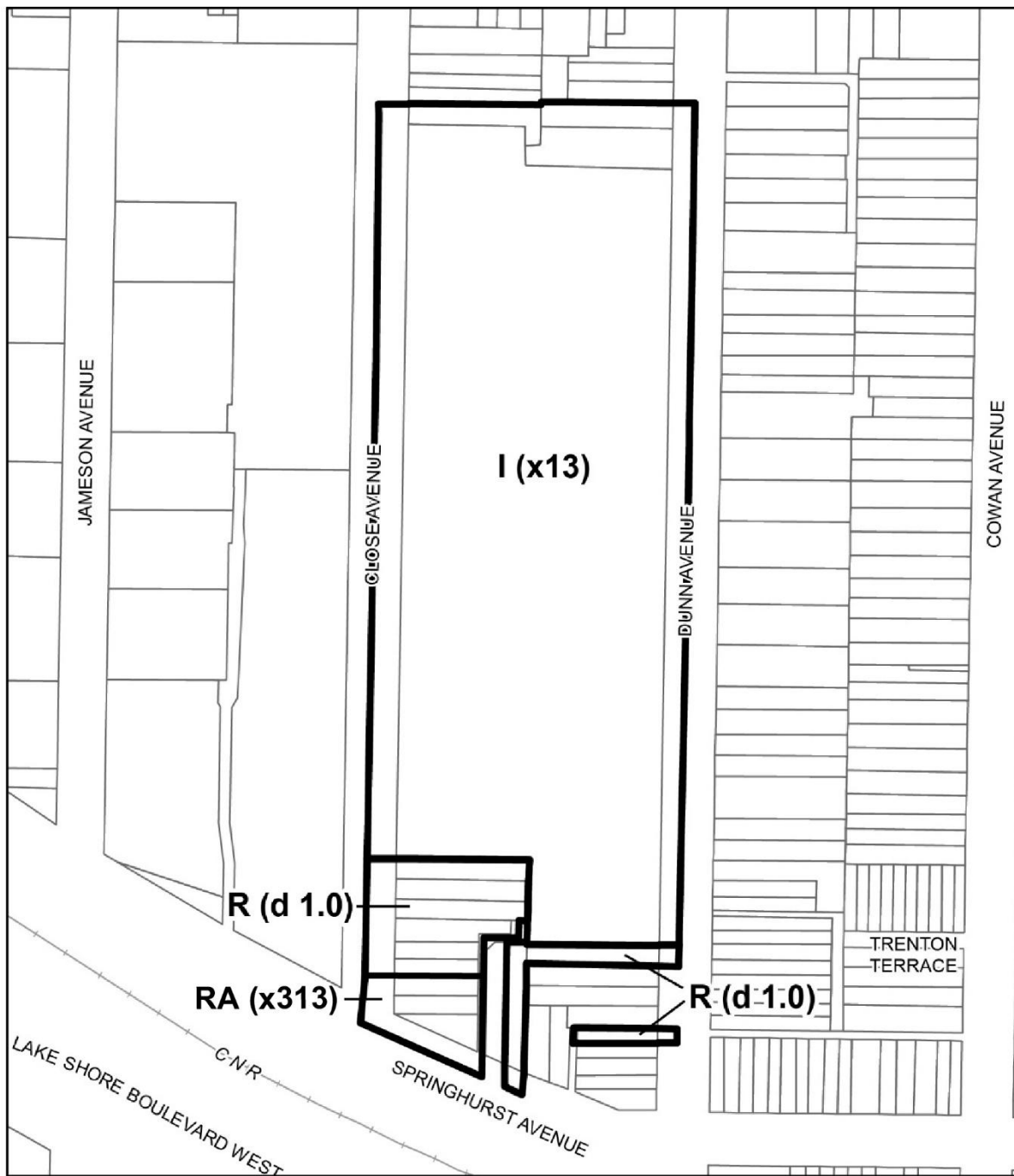
John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
SECTION 37 PROVISIONS

Schedule A (a)(i) to (iv) of By-law 970-2022 is amended and replaced with the following, so that it reads:

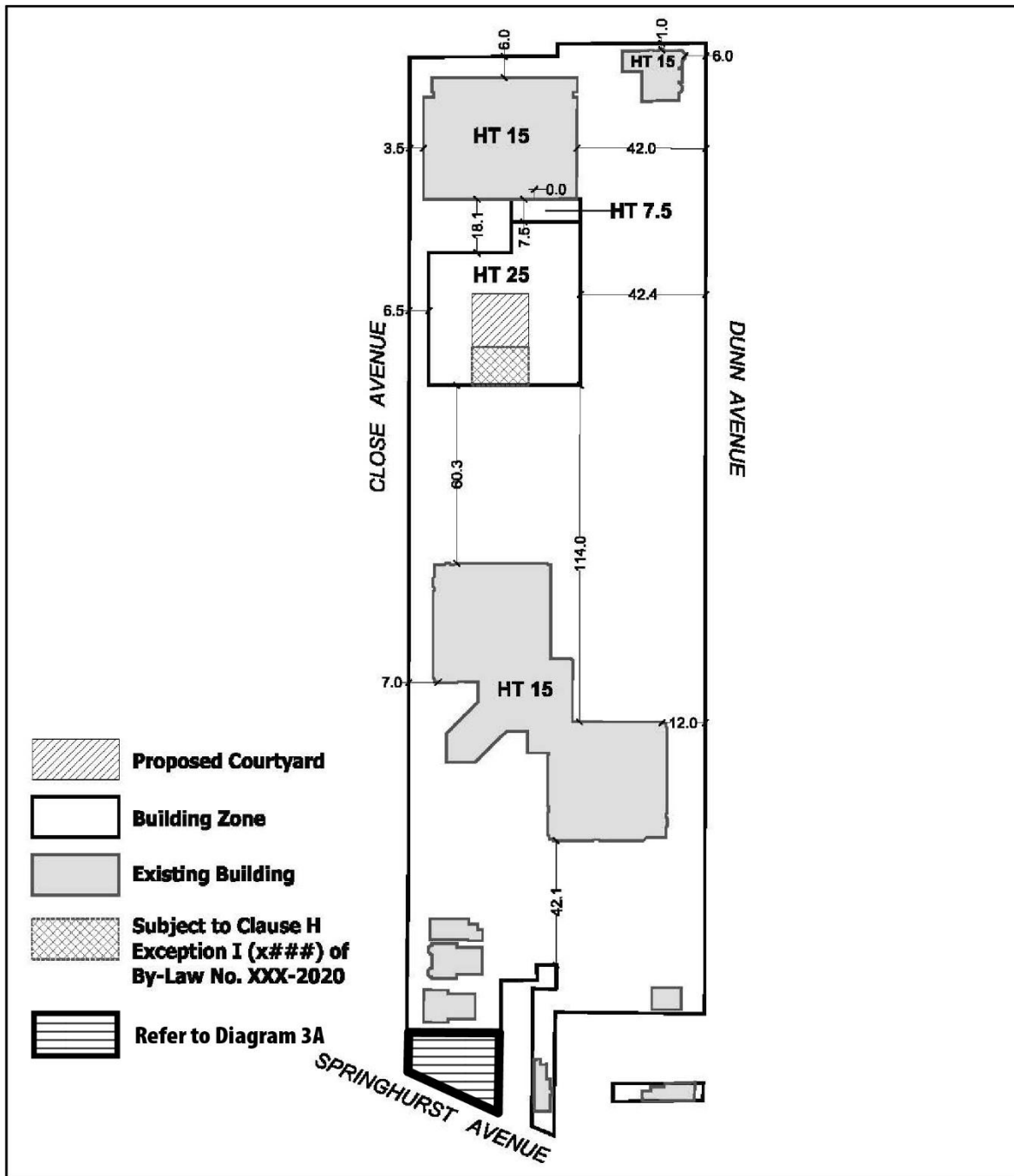
- (i) The Owner shall secure and maintain 11 affordable rental dwelling units collectively on the properties at 5, 7, 9, 11, 13 and 15 Close Avenue and 74 Springhurst Avenue and 74 and 82 Dunn Avenue as rental housing for a period of at least 49 years from the date that the Zoning By-law comes into full force and effect (the "Term"). The Owner covenants and agrees that during the Term, it shall not apply to convert any of the existing rental dwelling units to a non-residential purpose, demolish any of the existing rental dwelling units or register the existing rental dwelling units under the Condominium Act, 1998, without replacing any such rental dwelling units on the Lands or on lands in close proximity to the Lands;
- (ii) Subject to (i), the Owner acknowledges that it shall maintain the existing rent dwelling units at 5, 7, 9, 11, 13 and 15 Close Avenue and 74 Springhurst Avenue and 74 and 82 Dunn Avenue or any replacement units in accordance with the City's Property Standards By-law (Chapter 629 of the Toronto Municipal Code), all to the satisfaction of the Executive Director, Municipal Licensing and Standards Division;
- (iii) Subject to (i), the Owner acknowledges that it shall, maintain the existing rental dwelling units at 5, 7, 9, 11, 13 and 15 Close Avenue and 74 Springhurst Avenue and 74 and 82 Dunn Avenue or any replacement units in accordance with the Ontario Building Code, O Reg 332/12, all to the satisfaction of the Chief Building Official and Executive Director, Toronto Building Division;
- (iv) The Owner agrees that if a planning application is submitted to the City, or initiated by the City with approval of the Owner, to increase the existing residential permissions on any of the lands municipally known as 1, 3, 5, 7, 9, 11, 13, 15 and 17 Close Avenue, 74 Springhurst Avenue and 74, 82, Dunn Avenue, Council may, in its sole unfettered discretion, require the replacement of any of the 11 rental dwelling units proposed to be demolished and any rental dwelling units that have been demolished or deemed uninhabitable as of the date of the report supporting this by-law. For clarity, such rental dwelling units that have been demolished or deemed uninhabitable were previously located at 1, 3 and 17 Close Avenue;



Toronto
Diagram 2

74, 82, 130, 150, 160 and 162 Dunn Avenue,
1, 3, 5, 7, 9, 11, 13, 15 and 17 Close Avenue
and 74 and 78 Springhurst Avenue

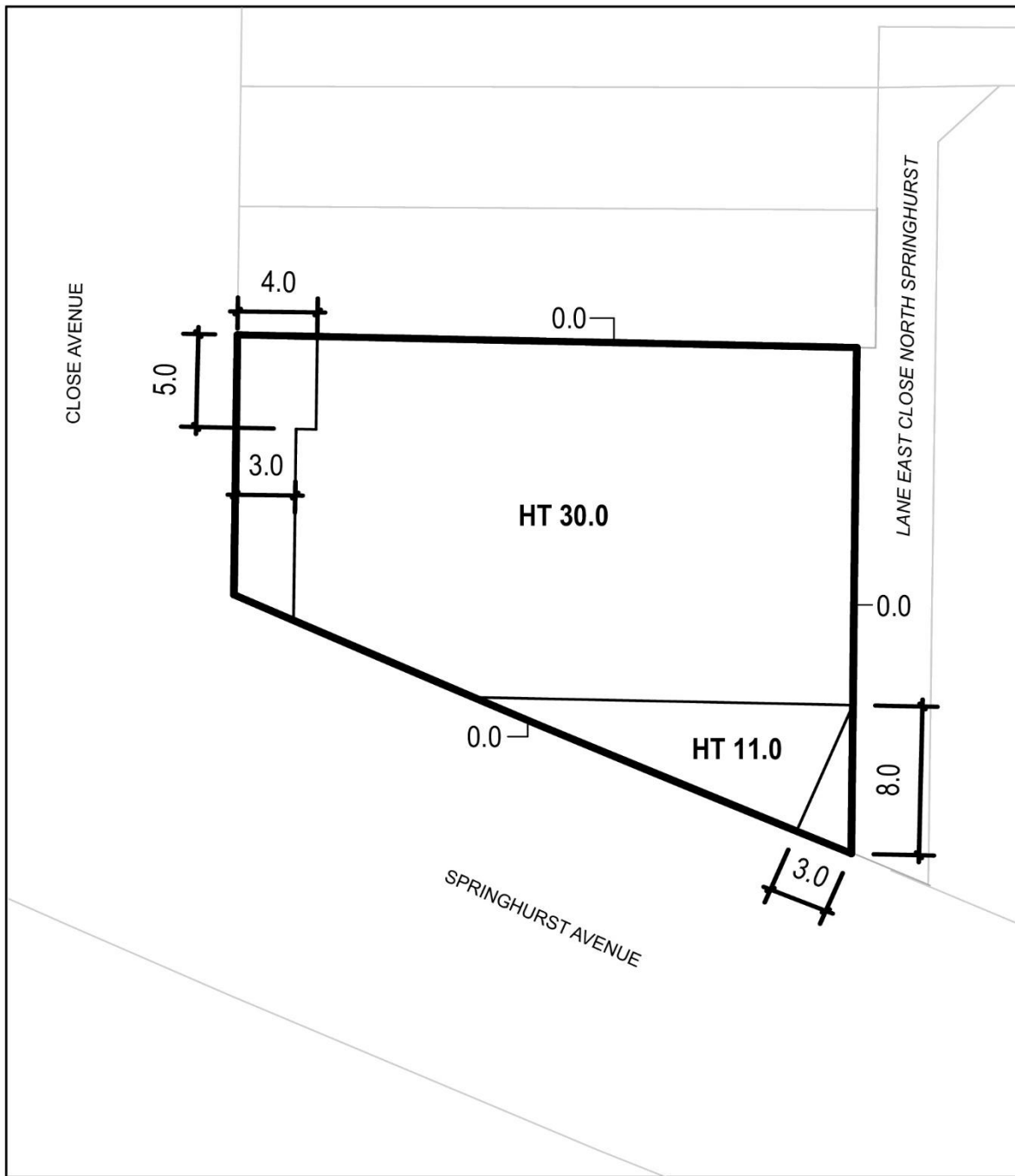
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Toronto
Diagram 3

74, 82, 130, 150, 160 and 162 Dunn Avenue,
1, 3, 5, 7, 9, 11, 13, 15 and 17 Close Avenue
and 74 and 78 Springhurst Avenue

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Toronto
Diagram 3A

78 Springhurst Avenue and 1-3 Close Avenue

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