

Authority: Scarborough Community Council Item SC33.5,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 864

BY-LAW -2022

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 30 Gilder Drive.

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

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 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 outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 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 in the heavy black lines from a zone label of RAC (au67.0) (x31) to a zone label of RAC (au67.0) (x188) as shown on Diagram 2 attached to By-law [Clerks to insert By-law ##].
4. Zoning By-law No. 569-2013, as amended, is further amended by adding 900.8.10 Exception Number 188 so that it reads:

(188) Exception RAC 188

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 30 Gilder Drive, 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 (U) below;
- (B) The **buildings** and **structures** permitted on the **lot** include the "Existing Building" and "New Building" as shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
 - (i) For the purposes of this exception, "new building" means the **apartment building** labelled as "New Building" as shown on Diagram 3 attached to By-law [Clerks to insert By-law ##];
 - (ii) For the purposes of this exception, "existing building" means the **apartment building** labelled as "Existing Building" as shown on Diagram 3 attached to By-law [Clerks to insert By-law ##].and existing ancillary **buildings** or **structures**, including portions below finished ground level, an underground parking garage and garage entry ramp, all as existing on the **lot** as of July 6, 2021.
- (C) The permitted maximum residential **gross floor area** in the "new building" is 19,200 square metres;
- (D) The total **gross floor area** of the "existing building" must not exceed the **gross floor area** existing therein as of July 6, 2021;
- (E) A maximum of 263 **dwelling units** are permitted in the "new building";
- (F) A maximum of 192 **dwelling units** are permitted in the "existing building";
- (G) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 166.15 metres and the elevation of the highest point of the **building** or **structure**;

- (H) Despite Regulation 15.20.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 attached to By-law [Clerks to insert By-law ##];
- (I) Despite Regulation 15.20.40.10(2), the permitted maximum number of **storeys** in the "new building" is 25 **storeys** and
 - (i) for the purpose of this exception, a mezzanine, mechanical penthouse or enclosed roof access does not constitute a **storey**;
- (J) Despite Regulations 15.5.40.10(2), (3), (4), (5) and (6) and (H) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
 - (i) Elevator overruns, mechanical penthouse, enclosure for mechanical equipment, and stair enclosures to a maximum of 7.0 metres;
 - (ii) Terraces and balcony guards, elements of a **green roof** and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features to a maximum of 3.0 metres;
 - (iii) Window washing equipment to a maximum of 8.0 metres; and
 - (iv) Ladder for maintenance purposes to a maximum of 1.2 metres;
- (K) Despite Regulation 15.20.30.40(1), the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 22 percent;
- (L) Regulation 15.20.40.50(1), with respect to **amenity space**, does not apply to the "existing building" and any **amenity space** existing as of July 6, 2021 must be maintained;
- (M) Despite regulation 15.20.40.50(1), **amenity space** for the "new building" must be provided as follows:
 - (i) A minimum of 544 square metres of indoor **amenity space** for use by the residents of the **dwelling units** in the "new building" which may be located in a combination of stand-alone or interconnected indoor spaces; and
 - (ii) A minimum of 816 square metres of outdoor **amenity space** for the residents of the **dwelling units** for the "new building" which may be located in a combination of stand-alone or interconnected outdoor spaces;
- (N) Despite Clause 15.20.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 4 of by-law [Clerks to insert By-law ##];
- (O) Despite Regulations 15.20.40.80(1) and (2), the required minimum separation

of **main walls** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law ##];

- (P) Despite Clause 15.5.40.60 and (N) and (O) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) Eaves, cornices, columns, landscape features, wheelchair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, arcades, canopies, raised planters, patios, retaining walls, fences, vents, screens, wind mitigation screens and features, underground parking ramp and associated **structures**, damper equipment, window washing equipment by a maximum of 4.0 metres;
 - (ii) Enclosures housing mechanical elements and ducts, elevators, elevator enclosures and overruns, and associated **structures** by a maximum of 1.2 metres;
 - (iii) Elements or **structures** on any roof used for outside or open air recreation, including **amenity space**, and for maintenance, safety, wind protection or **green roof** purposes by a maximum of 1.2 metres; and
 - (iv) Balconies by a maximum of 2.0 metres.
- (Q) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 0.53 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) A minimum of 0.07 residential visitor **parking spaces** for each **dwelling unit**;
 - (iii) A minimum of 5 "car-share **parking spaces**"; and
- (R) Despite Regulation 200.5.10.1(1), "car-share **parking spaces**" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of four resident occupant **parking spaces** will be permitted for each "car-share **parking space**" provided and the maximum reduction permitted is capped by the application of the following formula:
 - (a) Four multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor vehicles and such

"car-share" motor vehicles are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and

- (iii) for the purpose of this exception, "car-share **parking space**" means a parking space exclusively reserved and signed for a vehicle used only for "car-share" purposes;
- (S) Despite Regulation 220.5.10.1(2), two (2) Type "G" **loading spaces** must be provided and maintained on the lands for the "new building";
- (T) Despite regulation 230.5.10.1(1) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided for the "new building" in accordance with the following minimum rates:
 - (i) 0.68 "long-term" **bicycle parking space** for each **dwelling unit**; and
 - (ii) 0.07 "short-term" **bicycle parking space** for each **dwelling unit**.
- (U) Despite regulation 230.5.10.1(1), the required **bicycle parking spaces** rates do not apply to the "existing building" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];

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

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition, or division occurred.
- 6. Section 37 Provisions:
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law [Clerks to insert By-law ##].in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (B) Where Schedule A 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
 - (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 on July , 2022.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk

Diagram 1

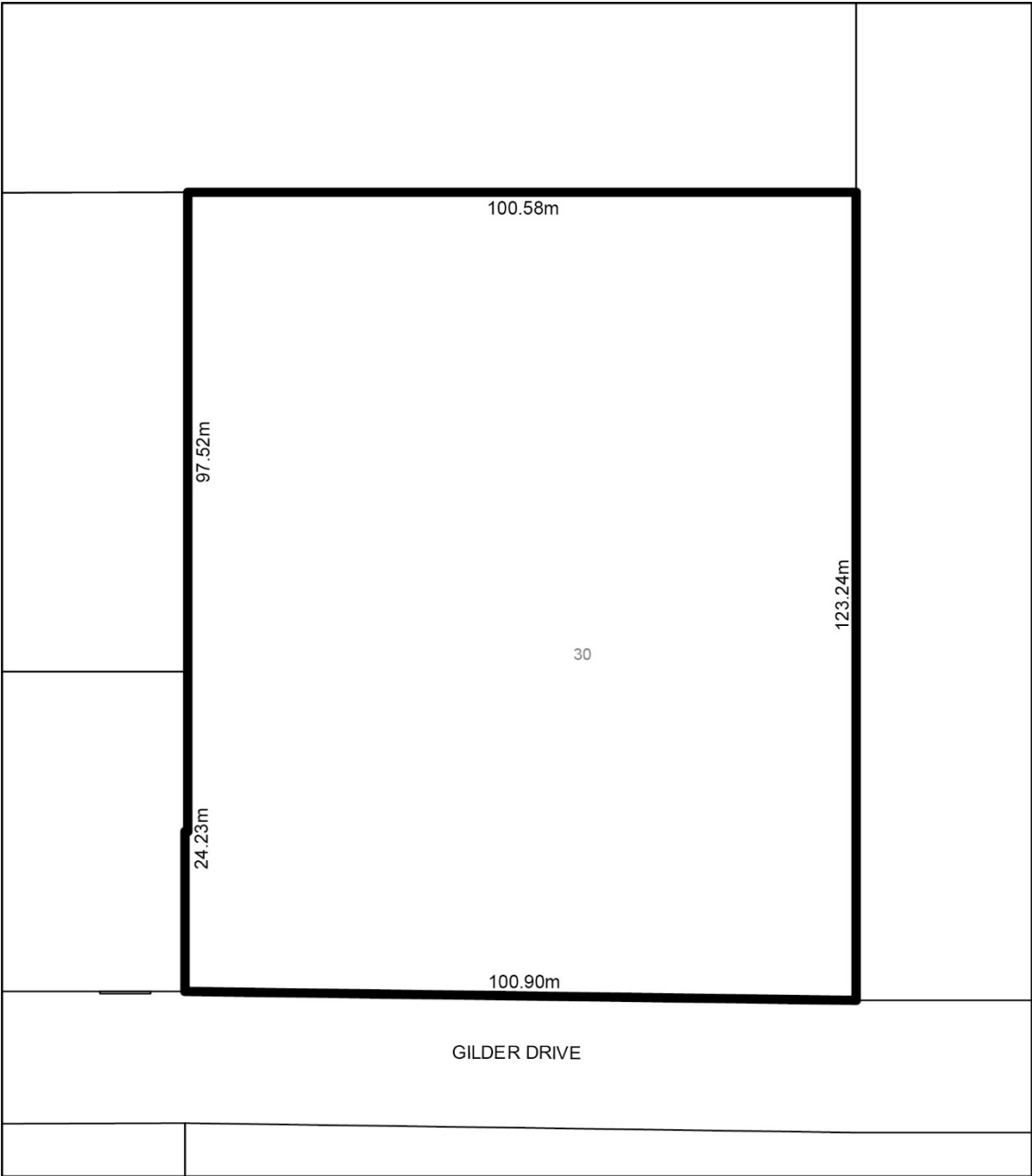


Diagram 2

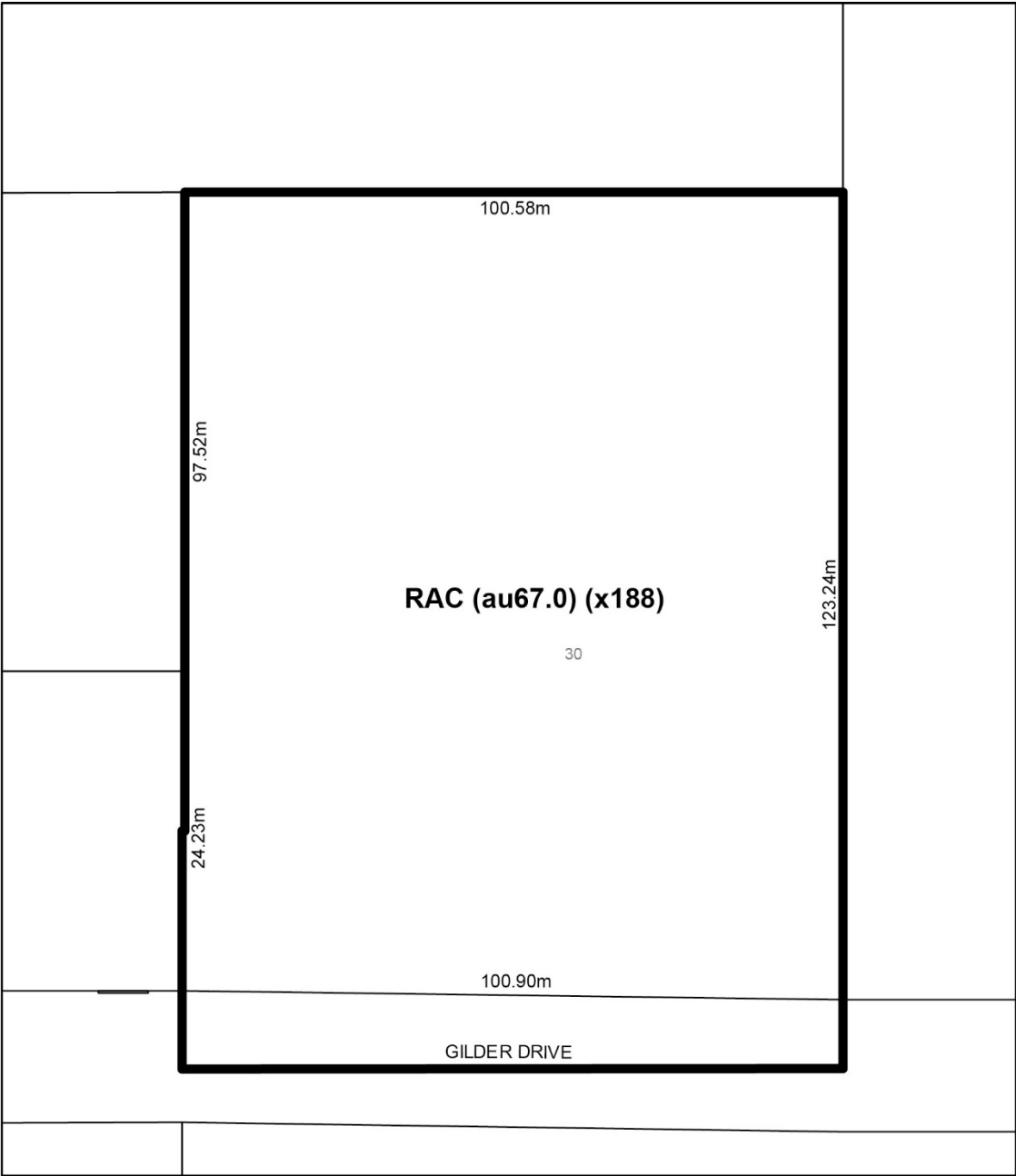
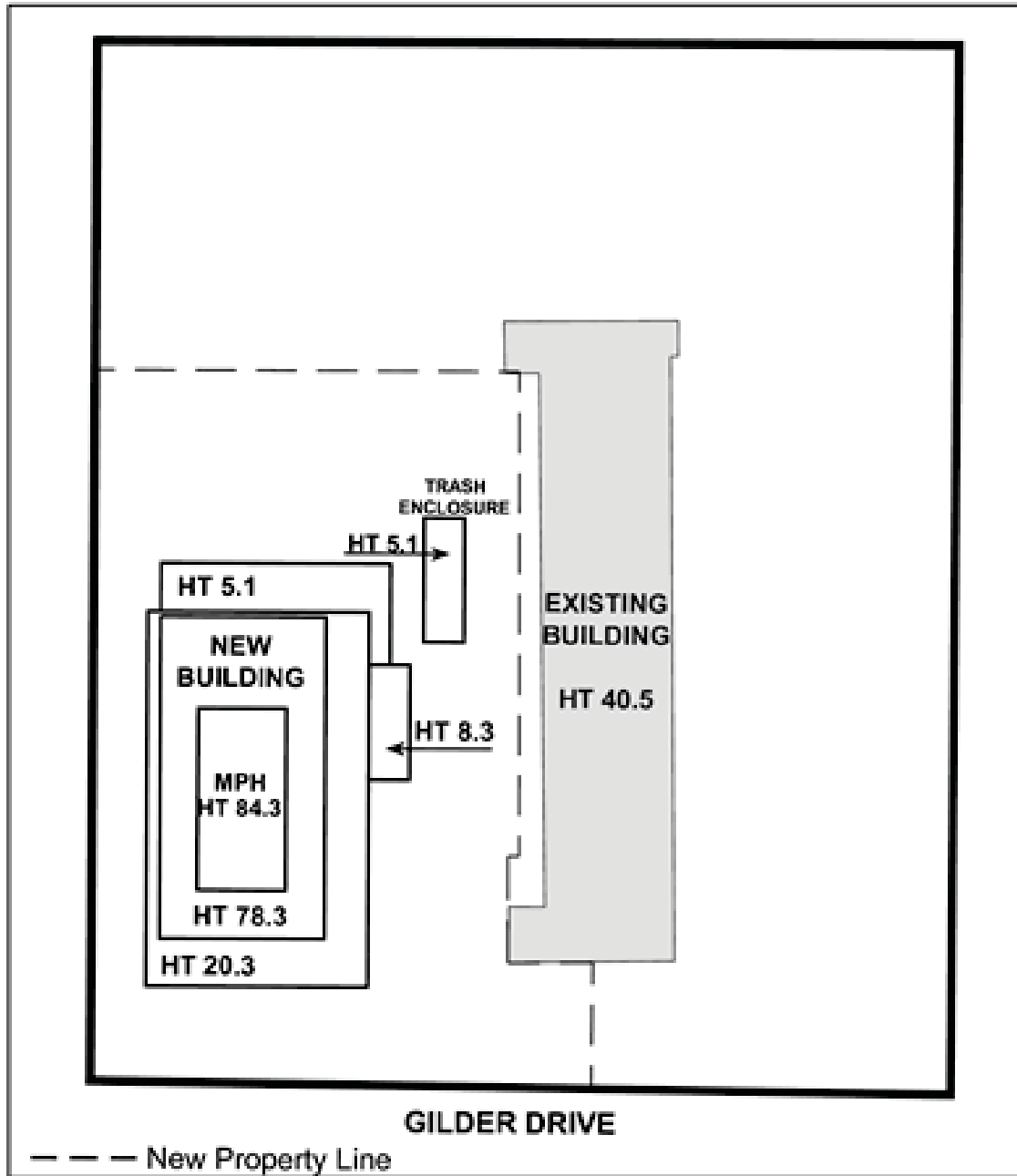


Diagram 3

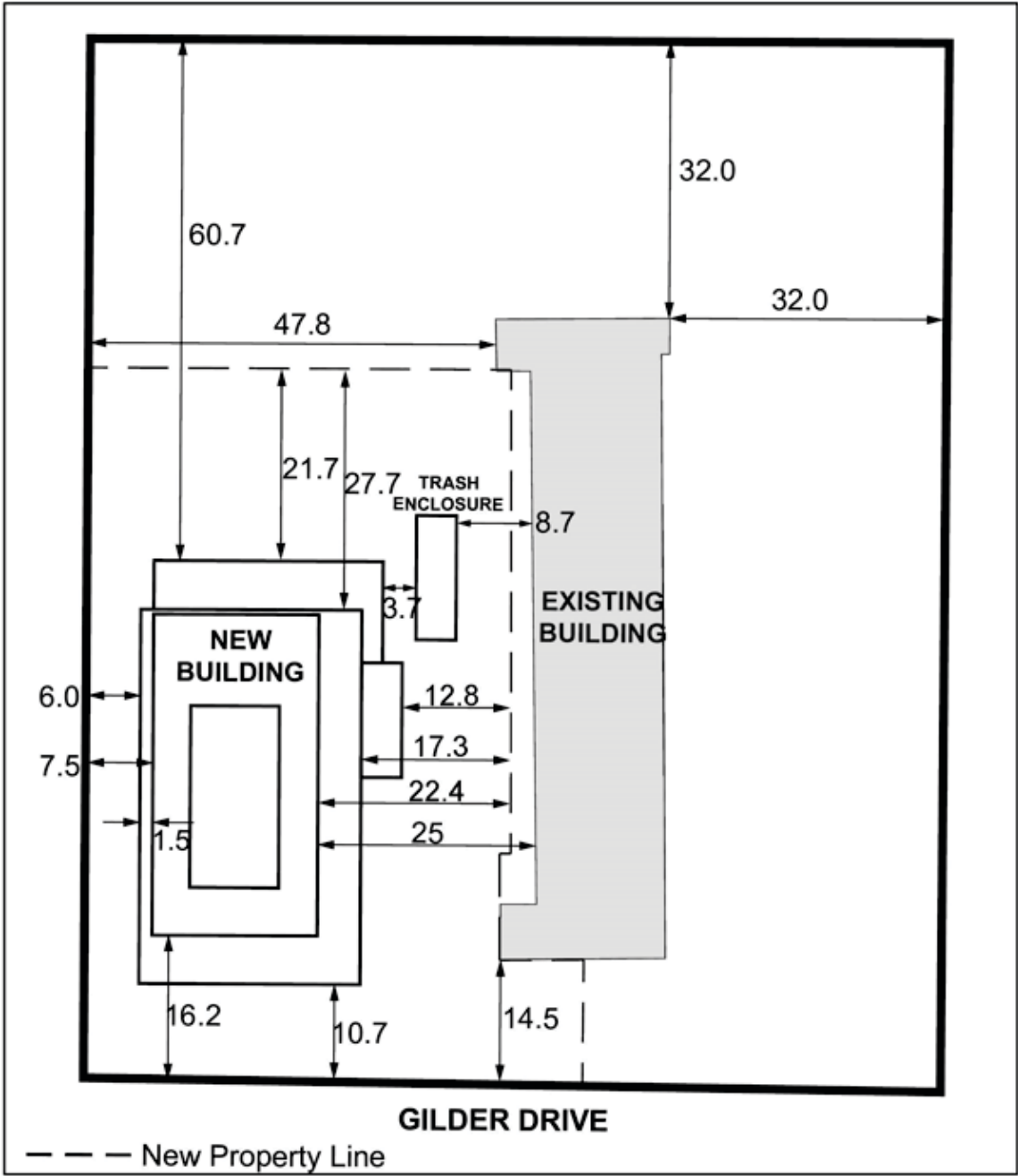


 **TORONTO**
Diagram 3

30 Gilder Drive

File # 21 186964 ESC 21 02

Diagram 4



Toronto
Diagram 4

30 Gilder Drive

File # 21 186964 ESC 21 02

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. The following matters are recommended to be secured in the Section 37 Agreement to support development:
 - (i) The owner shall provide and continue to provide and maintain two hundred and five (205) market rental dwelling units in the proposed "new building" and the one hundred and ninety-two (192) rental dwelling units in the "existing building" on the lands at 30 Gilder Drive as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - (ii) The owner shall provide tenants of the rental dwelling units in the "existing building" with access to and, use of, all indoor and outdoor amenities on the lands, 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.
 - (iii) The owner shall undertake improvements to the "existing building", taking into account tenant responses to the required Tenant Survey related to indoor and outdoor common area and amenity space as follows:
 - a. Prior to the issuance of Notice of Approval Conditions for site plan approval, the owner shall submit to the City a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the "existing building" at 30 Gilder Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - b. Prior to the first above-grade building permit for any part of the "new building" development:
 - i. Accessibility improvements within the "existing building", including a clothes folding table which are universally accessible within the laundry room, and push button automatic door openers for the front entrance and laundry room doors and other common doors where feasible;

- ii. Upgrades to the laundry room in the "existing building";
 - iii. Improvements to the open area within the front lobby area of the "existing building" in the form of unmovable, durable furniture or artwork;
 - c. Prior to first occupancy of any new residential units in the "new building":
 - i. Accessibility improvements surrounding the "existing building", including improving existing pedestrian paths, repairing damaged curbs and creating new curb cuts, and the creation of new pedestrians paths;
 - ii. 208 bicycle parking spaces, including 180 interior spaces within the "new building", to be shared between the residents of the "existing building" and "new building";
 - iii. Accessibility improvements within the "existing building", including push button automatic door opener to the new indoor refuse drop-off area and other waste facilities;
 - iv. Improved waste management facilities, including either the consolidation of the storage of garbage within the "existing building", or an enclosed garbage collection area to west of the "existing building"; and,
 - v. Indoor hand-delivered refuse drop-off area for recycling and kitchen waste drop-off within the "existing building" will be added.
 - (iv) The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation Strategy and Tenant Communication Plan required in Part (iii) above shall not be passed on to tenants of the "existing building" at 30 Gilder Drive in any form. For clarity, the Owner shall agree to not apply to the Landlord and Tenant Board, or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements identified by the tenant survey as required in Part (iii) above.
 - (v) The Owner shall provide a minimum of 10-percent of all new units in the "new building" as three-bedroom units; and
 - (vi) The Owner shall provide a minimum of 25-percent of all new units in the "new building" as two-bedroom units;
2. 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.