

Authority: North York Community Council Item NY32.2,
adopted as amended, by City of Toronto Council on June
15 and 16, 2022

CITY OF TORONTO

Bill 963

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 109 Erskine 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; 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, a by-law under Section 34 of the Planning Act, may authorize increases in the height and/or 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 provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height and/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 outlined by heavy black lines on Diagram 1, attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines from R (d2.0) (x912) to R (d2.0) (x121), as shown on Diagram 2, attached to and forming part of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number (121) to Article 900.2.10 so that it reads:

Exception R 121

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 109 Erskine Avenue, 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 (T) below:
- (B) Regulation 10.10.40.30(1)(B), respecting the permitted maximum **building depth** for an **apartment building**, does not apply;
- (C) Despite Regulation 10.5.40.10(1) the height of the **building** or **structure** is the distance between Canadian Geodetic Datum elevation of 158.52 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulations 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law XXX-2022 [Clerks to supply By-law];
- (E) Despite Regulation 10.5.40.10 (2) and (3), and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert] as follows:
 - (i) roof drainage materials, thermal insulation, roof assemblies including decking and pavers or roof ballast, terraces, patios, balustrades, bollards, **amenity space** features and associated accessory **structures** a maximum of 1.5 metres;
 - (ii) **structures** used for pool or spa maintenance or operational equipment and swimming pools (elevated or otherwise) a maximum of 1.7 metres;
 - (iii) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material a maximum of 2.0 metres;
 - (iv) parapets, garbage chutes, aircraft warning lights, lightning rods, safety railings, guard rails, ornamental or architectural elements and features, balcony and terrace partitions, screens and dividers, telecommunications

- equipment and antennae, planters, retaining walls, wheelchair ramps, and lightning rods a maximum of 2.3 metres;
- (v) equipment used for the functional operation of the **building**, such as electrical, utility, air handling, mechanical, exhaust flues, vents, ventilation equipment, and associated screening a maximum of 3.0 metres;
 - (vi) window washing equipment a maximum of 3.0 metres;
 - (vii) **structures** on the roof of any part of the building used for outside or open air recreation, acoustical barriers, wind mitigation features, landscape elements and features, fencing, canopies, enclosed stairwells, stairwell overruns, enclosed stairs, unenclosed stairs, emergency generators, trellises and gazebos a maximum of 4.0 metres; and
 - (viii) mechanical equipment, mechanical penthouse projections, chillers, coolers, wind mitigation elements, elevator shafts, machine rooms, and elevator overruns, and screening structures associated with elevator shafts, overruns or the mechanical penthouse, a maximum of 6.0 metres;
- (F) Despite Regulation 10.10.40.40(1) the permitted maximum **gross floor area** of a **building** or **structure** is 14,250 square metres;
- (G) Despite Regulation 10.10.40.50 (1)(A) and (B), an **apartment building** with 20 or more **dwelling units** must provide a minimum 561 square metres of **amenity space**, of which:
- (i) A minimum of 288 square metres must be provided as indoor **amenity space**; and
 - (ii) A minimum of 273 square metres must be provided as outdoor **amenity space**;
- (H) Despite Regulations 10.5.40.70(1), 10.10.40.70 (1), (2), (3), and (4), and 10.10.40.80(1) the required minimum **building setbacks** and **main wall** separation distances are as shown in metres on Diagram 3 of By-law-2022 [**Clerks to supply**];
- (I) Despite Regulations 10.5.40.50(2) and (3), 10.5.40.60 (1), (2), (3), (4), (5), (6), (7), (8) and (H) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) An entrance canopy, awning, or similar **structure** at the first **storey**, with or without structural support, or a roof over a platform permitted in (ii) and (iii) below a maximum of 3.0 metres into the required minimum **front yard setback** and **rear yard setback**;

- (ii) rooftop terraces to the same extent as the roof it is covering;
 - (iii) Platforms and balconies, a maximum of 2.2 metres;
 - (iv) Notwithstanding (I)(iii) above, platforms and balconies, a maximum of 1.5 metres into the required minimum east **side yard setback**;
 - (v) Ground floor terraces, decks or porches which are located in the east **side yard**, a maximum of 4.1 metres into the required minimum east **side yard setback**;
 - (vi) Vents, pipes, utility equipment, and siamese connections a maximum of 1.0 metres into the required minimum **front yard setback** and **rear yard setback**;
 - (vii) Roof and parapet elements a maximum of 1.0 metres into the required minimum **front yard setback** and **rear yard setback**;
 - (viii) Exterior stairs, wheelchair access ramps, pedestrian access ramps, and elevating devices a maximum of 3.0 metres, into the required minimum **front yard setback** and **rear yard setback**;
 - (ix) Wall mounted lighting and architectural details and cladding a maximum of 0.6 metres;
 - (x) Platforms, decks, porches, balconies or a similar **structure** located above **established grade**, must not encroach into the minimum **front yard setback**; and,
 - (xi) Notwithstanding (I)(i) through (x) above, terraces are permitted above rooftop areas and may project into the required **building setbacks** of a **building** or **structure** up to the extent as the roof it is covering;
- (J) Despite Regulations 10.5.50.10 (4), and (6) a **lot** with an **apartment building** must have:
- (i) A minimum of 25 percent of the area of the **lot** for **landscaping**; and
 - (ii) A minimum of 25 percent of the **landscaping** area required in (J)(i) above, must be **soft landscaping**;
- (K) Despite Regulation 10.5.50.10 (5), a 1.5 metre wide strip of **soft landscaping** is not required along any part of a **lot line** abutting another **lot** in the Residential zone category, save and except for the east **lot line**, where a minimum 1.2 metre wide strip of **soft landscaping** is required between the **main wall** and east **lot line**;

- (L) Regulation 10.5.100.1(5) respecting driveway access to **apartment buildings** does not apply;
- (M) 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 0.187 residential occupant **parking spaces** per **dwelling unit**; and
 - (ii) a minimum of 0.045 residential visitor **parking spaces** per **dwelling unit**;
- If the calculation of the number of required **parking spaces** results in a number with a fraction, the number is rounded down to the nearest whole number;
- (N) Despite Regulation 200.15.1(1), accessible **parking spaces** must comply with the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (O) Despite Regulation 200.15.1(4) accessible **parking spaces** may be located anywhere below-ground that has access to a passenger elevator that provides access to the first **storey** of the **building**;
- (P) Despite Clause 220.5.10.1 one (1) Type 'G' **loading spaces** must be provided;
- (Q) Despite Regulation 230.5.1.10(4), the minimum dimensions of a **bicycle parking space**, a **bicycle parking space** placed in a vertical position on the wall, and a **stacked bicycle parking space** is:
- (i) Minimum width of 0.45 metres
 - (ii) Minimum vertical clearance of 1.0 metres; and
 - (iii) Minimum length of 1.8 metres;
- (R) Despite Regulation 230.5.1.10(9), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be located anywhere above or below ground in the **building**;
- (S) Despite regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be provided in any combination of vertical, horizontal or stacked positions;

- (T) Despite regulation 230.10.1.20(2), a "short-term" **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** and may be located in a secured room or an unsecured room.

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 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 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 and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of 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 on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 and Section 111 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown 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) Prior to the issuance of any Building Permit, the owner shall enter into an agreement and register on title 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 as set out in sections (2) through (5) below:
- (2) The owner shall provide the following to support the development of the lands prior to the issuance of the first Above-Grade Building Permit:
 - i. A cash contribution of TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000.00) to be allocated towards community services and facilities, local parkland acquisition and improvements, and/or public realm improvements within the vicinity of the subject property, with the design of any streetscape improvements to comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - ii. The cash contribution referred to 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
 - iii. In the event the cash contributions referred to 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.
- (3) The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a. Transportation Demand Management measures:
 - i. Prior to the issuance of an above grade building permit, the Owner shall provide a monetary contribution of FIFTY THOUSAND DOLLARS (\$50,000.00) towards additional area bike share facilities and area parks improvements be provided, to the satisfaction of the Chief Planner and

Executive Director, City Planning, which cash contribution 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;

- ii. The Owner shall provide preloaded Presto Cards with a value of \$156 shall be provided to each unit;
 - b. The Owner shall enter into a financially secured agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development; and
 - c. The Owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
- (4) The Owner shall enter into and execute a Section 111 agreement and other related agreements to the satisfaction of the City Solicitor including the following conditions:
- a. The Owner shall provide and maintain thirty-three (33) 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 thirty-three (33) replacement rental dwelling units shall collectively contain a total gross floor area of at least 2,185 square metres and be composed of nine (9) two-bedroom units, twenty (20) one-bedroom units, and four (4) studio units, as generally illustrated in the plans prepared by RAW Design and dated March 7, 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 five (5) two-bedroom replacement rental dwelling units, six (6) one-bedroom replacement rental units, and four (4) studio replacement rental units at affordable rents, as currently defined in the Toronto Official Plan, and three (3) two-bedroom replacement rental units and fourteen (14) one-bedroom replacement rental units at mid-range rents, as 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. The one (1) remaining two-bedroom replacement rental unit shall have unrestricted rent;

- c. The Owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the thirty-three (33) 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 one of the tenants of the existing studio units to return to a one-bedroom replacement rental unit without an increase in rent from having to move to a larger bedroom type), 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 thirty-three (33) 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 in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- f. The Owner shall provide air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- g. The Owner shall provide and make available eleven (11) vehicle parking spaces to returning tenants of the replacement rental dwelling units who previously leased vehicle parking spaces, and at similar monthly parking charges that such tenants previously paid, in the existing building. Should fewer than eleven (11) returning tenants who previously leased vehicle parking spaces elect to lease a vehicle parking space in the development or should a returning tenant leasing a vehicular parking space in the development vacate their replacement rental unit, the owner may provide and make available no fewer than five (5) vehicular parking spaces to tenants of the replacement rental units;
- 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 no charge, at least seven (7) storage lockers to returning tenants whose lease agreements for their existing rental units in the existing building included access to storage space; and
- j. The thirty-three (33) replacement rental dwelling units required in Part 4.a above shall be made ready and available for occupancy no later than the date by which ninety percent (90 percent) 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.

Diagram 1

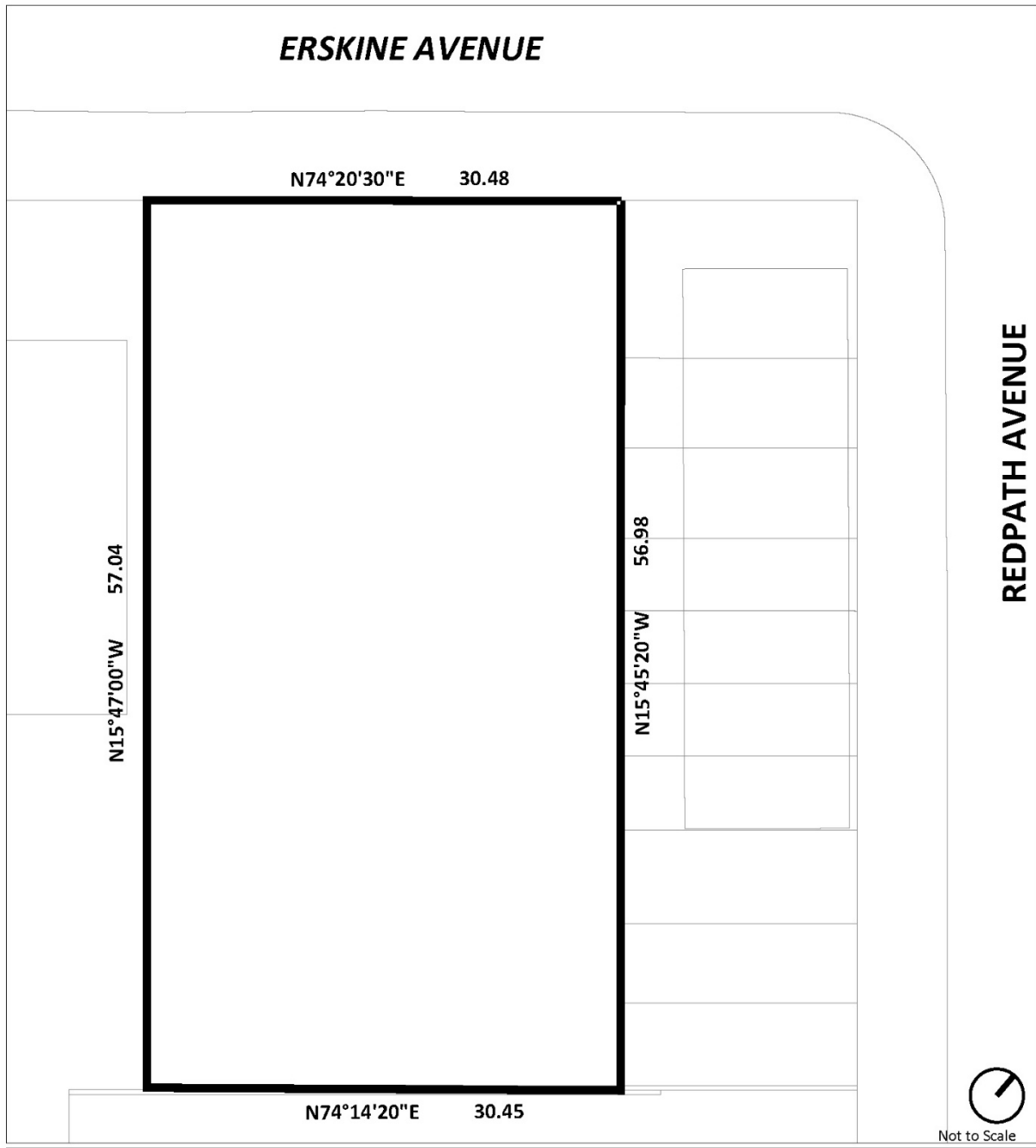


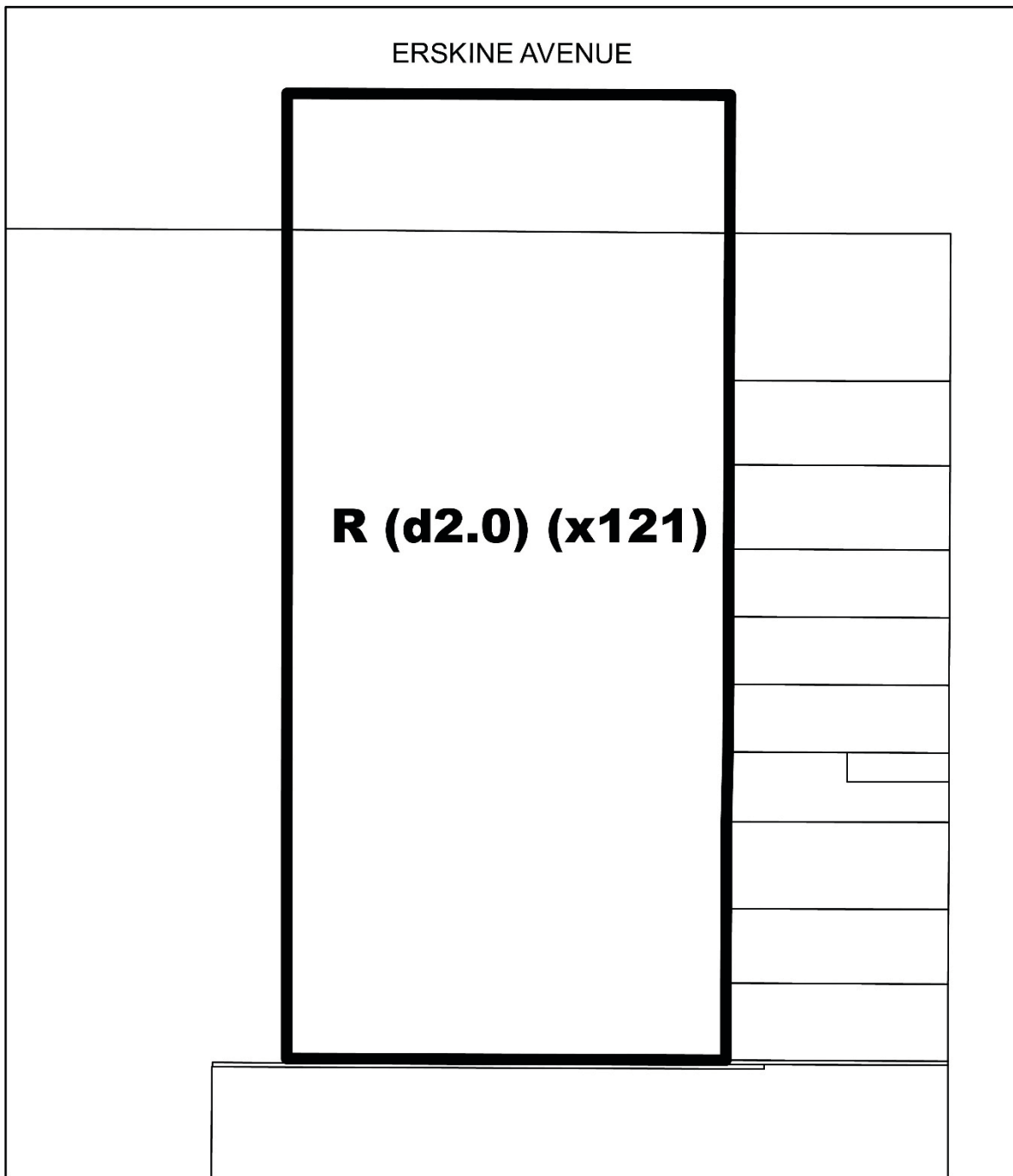
Diagram 1
Zoning By-law Amendment

109 Erskine Avenue
City of Toronto

Area subject to this by-law



Diagram 2

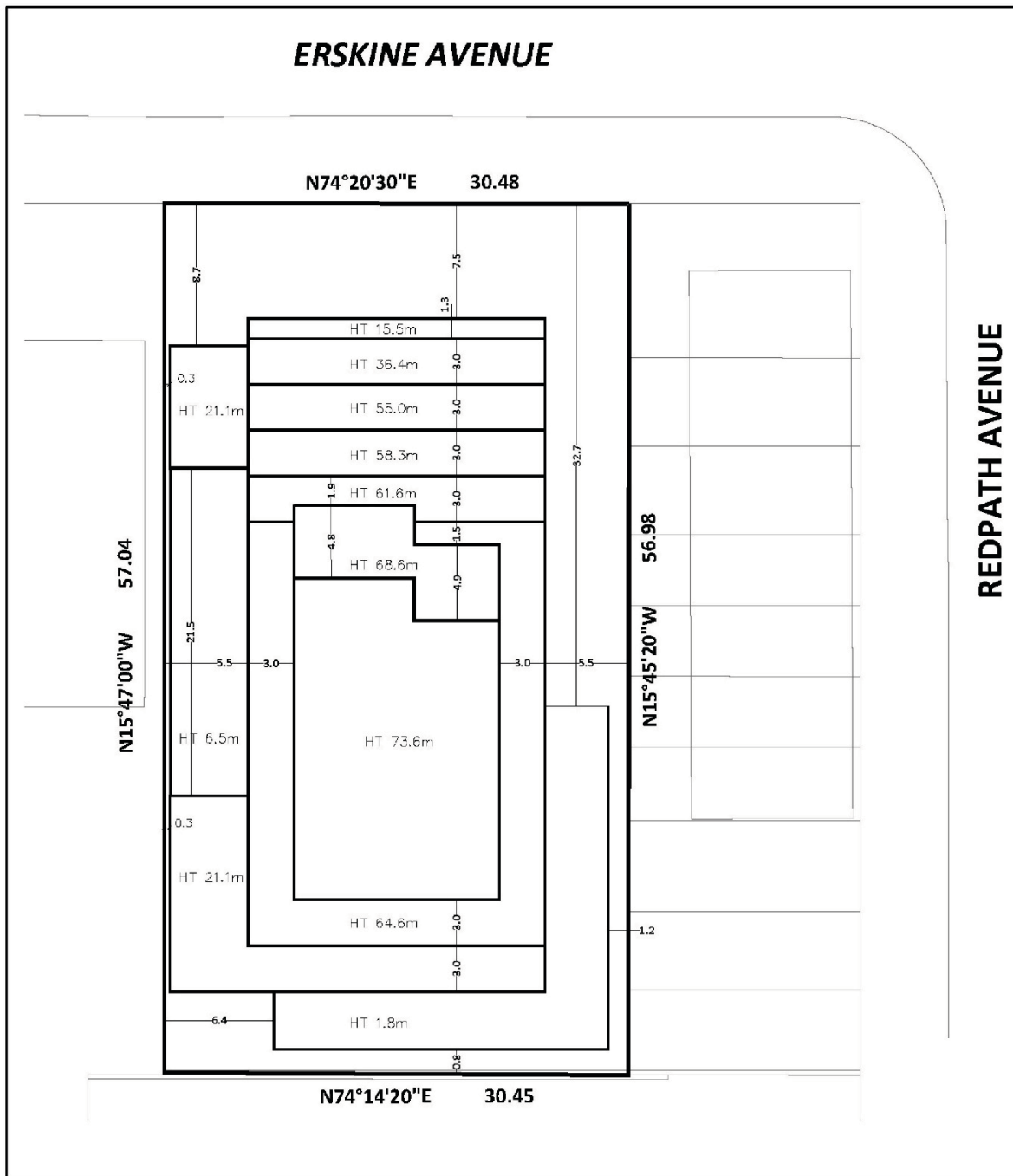


 **Toronto**
Diagram 2

109 Erskine Avenue

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Diagram 3



 **Toronto**
Diagram 3

109 Erskine Avenue

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