

Authority: Toronto and East York Community Council
Item TE34.17, adopted as amended, by City of Toronto
Council on July 19 and 20, 2022

CITY OF TORONTO

Bill 1042

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 316, 318, 320, 322, 324, 326, 330, 332, 334 & 336 Campbell 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 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 Section 37.1 of the Planning Act provides that subsections 37(1) to (4) 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to the Covid-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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, S.O. 2020, c. 18, as amended, came into force, provides that, 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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

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 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 990.10 respecting the lands outlined by heavy black lines from a zone label of R(d.06) to a zone label of CR 2.5 (c1.0; r2.0) SS2 (x696) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 696 so that it reads:

(696) Exception CR 696

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 316, 318, 320, 322, 324, 326, 330, 332, 334 & 336 Campbell 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 (X) below:
- (B) Despite Regulation Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 120.16 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulations 40.10.40.10(2) and 40.10.40.10(7), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" and the number in **storeys** following the letters "ST" as shown on Diagram 3 of By-law [Clerks to insert By-law];
- (D) Despite regulation 40.10.40.10(5), 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 3.15 metres;
- (E) Despite Regulations 40.5.40.10(3) to (8) and (C) 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) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts,

- chimneys, and vents, by a maximum of 6.5 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of 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 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 2.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 22,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 21,500 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 500 square metres;
- (G) Despite (F) above, the calculation of **gross floor area** shall not include architectural or metallic cladding projecting from the exterior of a **main wall**.
- (H) In addition to the elements listed in Regulation 40.5.40.40(3), the **gross floor area** of a **building** or **structure** on the **lot** may also be reduced by the area used for storage rooms above ground;
- (I) Despite Regulation 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 1.5 square metres for each **dwelling unit** as outdoor **amenity space**;
- (J) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law];
- (K) Despite Regulation 40.10.40.80(2), the required minimum separation of **main walls** may be 3.0 metres if there are no openings to **dwelling units** in at least one of those **main walls**;

- (L) Despite Clause 40.10.40.60 and (J) and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 2.5 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metre;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.0 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
 - (vii) eaves, by a maximum of 1.0 metre;
 - (viii) a dormer, by a maximum of 1.0 metre; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.5 metres;
- (M) Of the total number of **dwelling units** provided on the **lot**:
- (i) a minimum of 25 percent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 percent must be three-bedroom **dwelling units** or larger;
 - (iii) if the calculation of the number of required **dwelling units** in (i) or (ii) above, results in a number with fraction, the number is rounded down to the nearest whole number;
- (N) 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 0.24 **parking spaces** per **dwelling unit** for residents
 - (ii) a minimum of 0.06 **parking spaces** per **dwelling unit** for residential visitors; and
 - (iii) the minimum number of residential occupant **parking spaces** for the 'Affordable Housing Units required in 'Schedule A – Section 37 Requirements' of By-law [Clerks to insert By-law] shall be calculated at

a rate of 0.1 **parking spaces** per **dwelling unit**.

- (O) Despite (N) above and Regulations 200.15.1(1), 200.15.1(3) 200.15.1(4), and 200.15.10(1)(C), accessible **parking spaces** must comply with the following:
- (i) a minimum of five (5) accessible **parking spaces** must be provided;
 - (ii) accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and,
 - (c) vertical clearance of 2.1 metres;
 - (iii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (iv) accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - (a) entrance to a **building**;
 - (b) passenger elevator that provides access to the first **storey** of the **building**; and
 - (c) shortest route from the required entrances in (a) and (b).
- (P) Despite (N) above, "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" up to a maximum of two "car-share parking spaces";
 - (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;
- (Q) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the total **parking spaces** provided on the lands identified on Diagram 1 of By-law [Clerks to insert by-law] may have a minimum width of 2.6 metres, despite being obstructed on one or both sides;

- (R) Despite Regulation 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (S) Despite Regulations 230.5.1.10(8) and 230.5.1.10(10), “short-term” **bicycle parking spaces** may be:
 - (i) located in a **stacked bicycle parking space** arrangement;
 - (ii) located outdoors, indoors, or within an accessible enclosure;
- (T) Despite Regulation 230.5.1.10(9), "long term" **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere below ground, on the first **storey**, or on the second **storey** of the **building**;
- (U) Despite Regulation 230.5.1.10(4)(B), the minimum dimension of a **stacked bicycle parking space** is:
 - (i) minimum length of 1.6 metres;
 - (ii) minimum width of 0.56 metres;
 - (iii) minimum vertical clearance from the ground of 2.4 metres.
- (V) Despite Regulations 150.5.20.1(1) and (2), a **home occupation** may be a **personal service shop**, office or medical office and may have clients or customers attending the **premises** for consultations, receiving services, or obtaining physical goods as it relates to these uses;
- (W) Despite Regulations 150.5.20.1(6), a **home occupation** may have an employee working in the **dwelling unit** who is not the business operator;
- (X) Despite Regulation 150.5.40.40(1), the floor area for a **home occupation** may be 50 percent of the total **interior floor area** of the **dwelling unit** the **home occupation** is located in.

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. Temporary uses:
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office for the purposes of marketing, rental, leasing and sale of **dwelling units** and non-residential space on the **lot** for a period of not more than 3 years from the date this By-law comes into full force

and effect.

7. Section 37 Requirements:

- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, 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 2 of By-law [Clerks to supply] 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 the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, 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 attached to this by-law requires the owner to provide certain facilities, services or matters and enter into an agreement or agreements 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

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

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. The owner shall provide and maintain the following:
2.
 - (A) Twenty-one (21) new affordable rental dwelling units on the lands at 316-336 Campbell Avenue (the "Affordable Housing Units");
 - (B) The Affordable Housing Units are to be conveyed to Community Affordable Housing Solutions or another non-profit affordable housing provider chosen by the City in its sole discretion (the "Provider") as a stratified freehold parcel;
 - (C) The Affordable Housing Units shall be in accordance with the following:
 - (i) at least one of the Affordable Housing Units shall be a three-bedroom unit with a minimum unit size of 82 square metres with the combined 3 bedroom units having an average size of 82 square metres;
 - (ii) at least eight of the Affordable Housing Units shall be two-bedroom rental units with a minimum unit size of 54 square metres with the combined 2 bedroom units having an average size of 59.45 square metres;
 - (iii) no more than 12 of the Affordable Housing Units shall be one-bedroom rental units with a minimum unit size of 40.9 square metres with the combined 1 bedroom units having an average size of 46.1 square metres;
 - (iv) The unit sizes described in recommendations 5.c.i to 5.c.iii may vary by a maximum of three percent (3%), but only as a result of reasonable adjustments which may be required for the purposes of accommodating final structural or mechanical design. All such adjustments must be made to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
 - (v) All units will be located within one contiguous floor within the podium of the development;
 - (vi) the Affordable Housing Units shall be provided and maintained as secured rental housing for a minimum period of 99 years beginning from the date that each such unit is first occupied (the "Affordability Period"). During the Affordability Period, no Affordable Housing Unit shall be registered as a condominium unit 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

Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose. Upon the expiration of the Affordability Period, the Owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the Owner has applied for, and obtained, all approvals necessary to do otherwise;

- (vii) the initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report, and the project average across the Affordable Housing Units shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (viii) if an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report, and the project average across the Affordable Housing Units shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (ix) after the first year of occupancy of any Affordable Housing Units and for the duration of the Affordability Period, the rent (inclusive of utilities) charged to tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;
- (x) notwithstanding the annual rent increases permitted in vii. above, the rent (inclusive of utilities) charged to any tenants occupying an Affordable Housing Unit during the Affordability Period shall not be increased to an amount that exceeds 100 percent of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report, and the project average across the Affordable Housing Units shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (xi) at least six months in advance of any new Affordable Housing Units being made available for rent to the general public, the Owner shall develop and implement a Tenant Access Plan to ensure units are rented to eligible households in consultation with, and to the satisfaction of the Executive

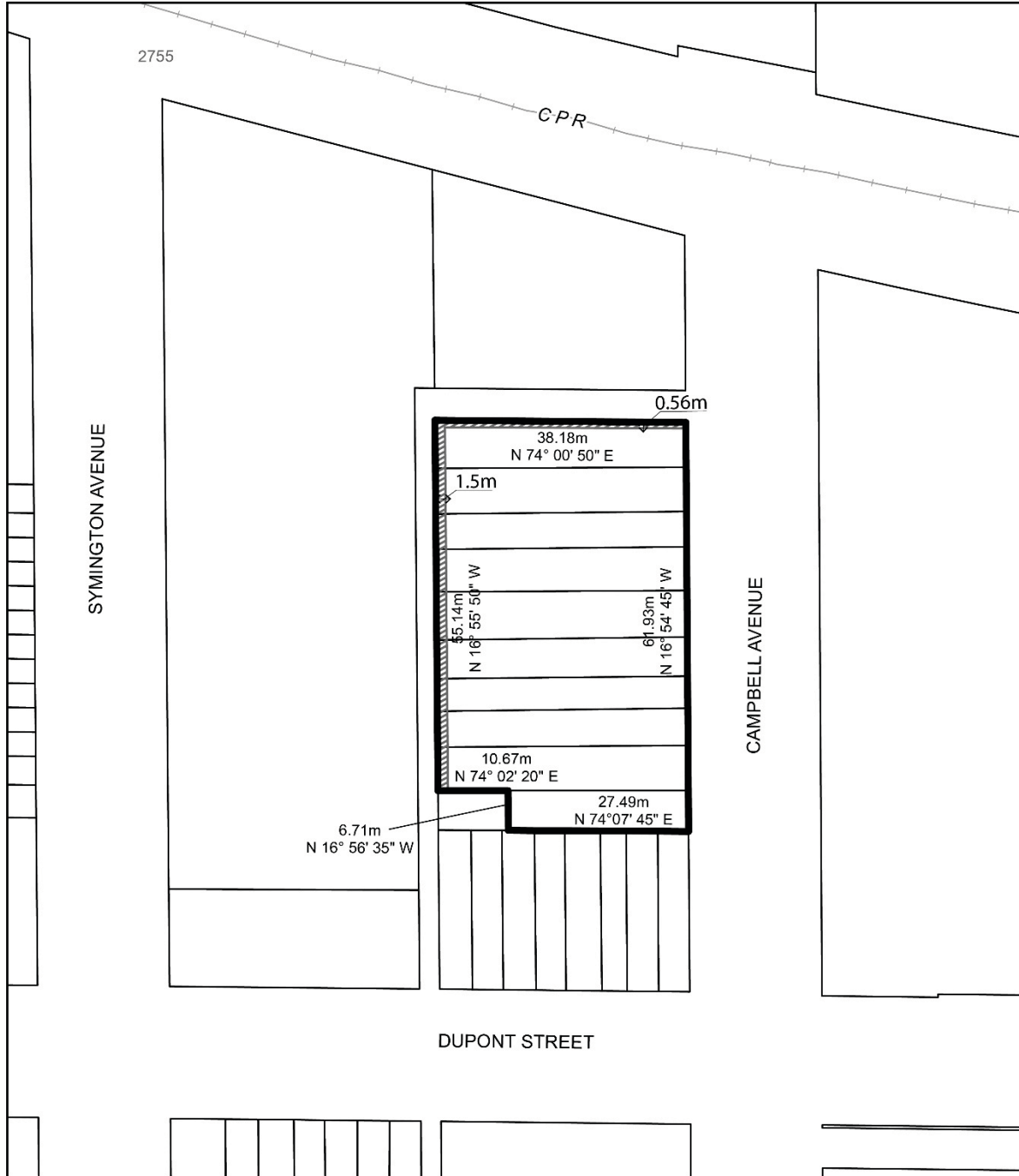
Director, Housing Secretariat;

- (xii) the new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which 70 percent of the new dwelling units in the new building are available and ready for occupancy, or to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
- (xiii) the Owner shall provide all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the building in which such tenant resides at no extra charge; access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- (xiv) access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- (xv) the Owner shall provide all tenants of the Affordable Housing Units with laundry facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge;
- (xvi) the Owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law; and
- (xvii) prior to the issuance of the first building permit for a residential use on any part of the site, including permits for excavation and shoring, the Owner shall enter into a municipal housing facility agreement with the City (the "Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The Owner shall provide such Affordable Housing Units in accordance with such agreement(s).
- (xviii) The Owner shall enter into an agreement of purchase and sale ("APS") for the conveyance of the Affordable Housing Units to the Provider and the City (with the City as a contingent transferee) at a discounted maximum total purchase price of \$6,798,634 prior to the issuance of the first above grade building permit for the development, which APS shall be subject to the following terms:
 - (a) the APS shall be assignable by the City of Toronto to another non-profit Provider at the City of Toronto's sole discretion; and

- (b) the City of Toronto shall not be liable to pay any deposit penalty, or liquidated damages to the Owner or the Provider in the event the City terminates the APS for any reason, including failure of the Provider to close on the transaction, a lack of funding to complete the transaction, or the City being unsuccessful in identifying an alternate Provider;
 - (xix) The Owner and the Provider will enter into a shared facilities agreement for 99 years, on the following terms:
 - (a) the shared facilities agreement will allocate costs proportionately based on each party's actual share of the shared facilities;
 - (b) the Owner shall discount 50 percent of the Provider's share of the shared facilities costs under the shared facilities agreement for 99 years;
 - (c) the Owner (including any condominium corporation or other assignee) shall not have the right to unilaterally amend the shared facilities agreement, nor shall the shared facilities agreement be amended to directly or indirectly increase the share of costs that the Provider is responsible for paying under the shared facilities agreement for the 99 year term; and
 - (d) the shared facilities agreement shall otherwise be on commercially reasonable terms.
 - (xx) if the Provider and Owner fail to enter into the agreement of purchase and sale as required or the conveyance of the Affordable Housing Units to the Provider does not close for any reason, at the sole discretion of the Chief Planner and Executive Director, City Planning, and the Executive Director, Housing Secretariat, the Owner shall provide a cash payment of \$5.2 million, indexed upwardly in accordance with the Statistics Canada Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment, in lieu of the twenty-one new affordable dwelling units.
3. The owner shall provide the following to support the development of the lands:
- (A) The Owner shall provide a minimum of 10 percent of all new units in the proposed development as three-bedroom units;
 - (B) The Owner shall provide a minimum of 25 percent of all new units in the proposed development as two-bedroom units;
 - (C) The Owner shall provide a privately owned publicly accessible open space ("POPS") of a minimum 140 square metres at the southeast corner of the site, whereby as a pre-approval condition to Site Plan Approval for the development,

the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS and any required public access easements to connect the POPS to adjacent POPS and/or public rights-of-way, where necessary; and the Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the POPS shall be determined in the context of a site plan approval satisfactory to the Chief Planner and Executive Director, City Planning, pursuant to section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;


- (D) the Owner will construct and maintain the Development 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 Development Site;
- (E) implementation of all recommended mitigation measures included in all reports, studies, and plans submitted by the Owner, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the appropriate City official;
- (F) As part of the application for Site Plan Control, the Owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building and the Ward Councillor. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor;
- (G) Prior to the issuance of the first above grade building permit, the Owner shall provide an offsite parkland dedication within 500 m of the development site to the satisfaction of General Manager, Parks, Forestry and Recreation. If an appropriate site cannot be found, a cash-in lieu payment will be provided instead to the satisfaction of the General Manager, Parks, Forestry and Recreation.



 **TORONTO**
Diagram 1

316-336 Campbell Avenue

File #: 21 138108 STE 09 OZ


City of Toronto By-law 569-2013
Not to Scale
06/03/2022




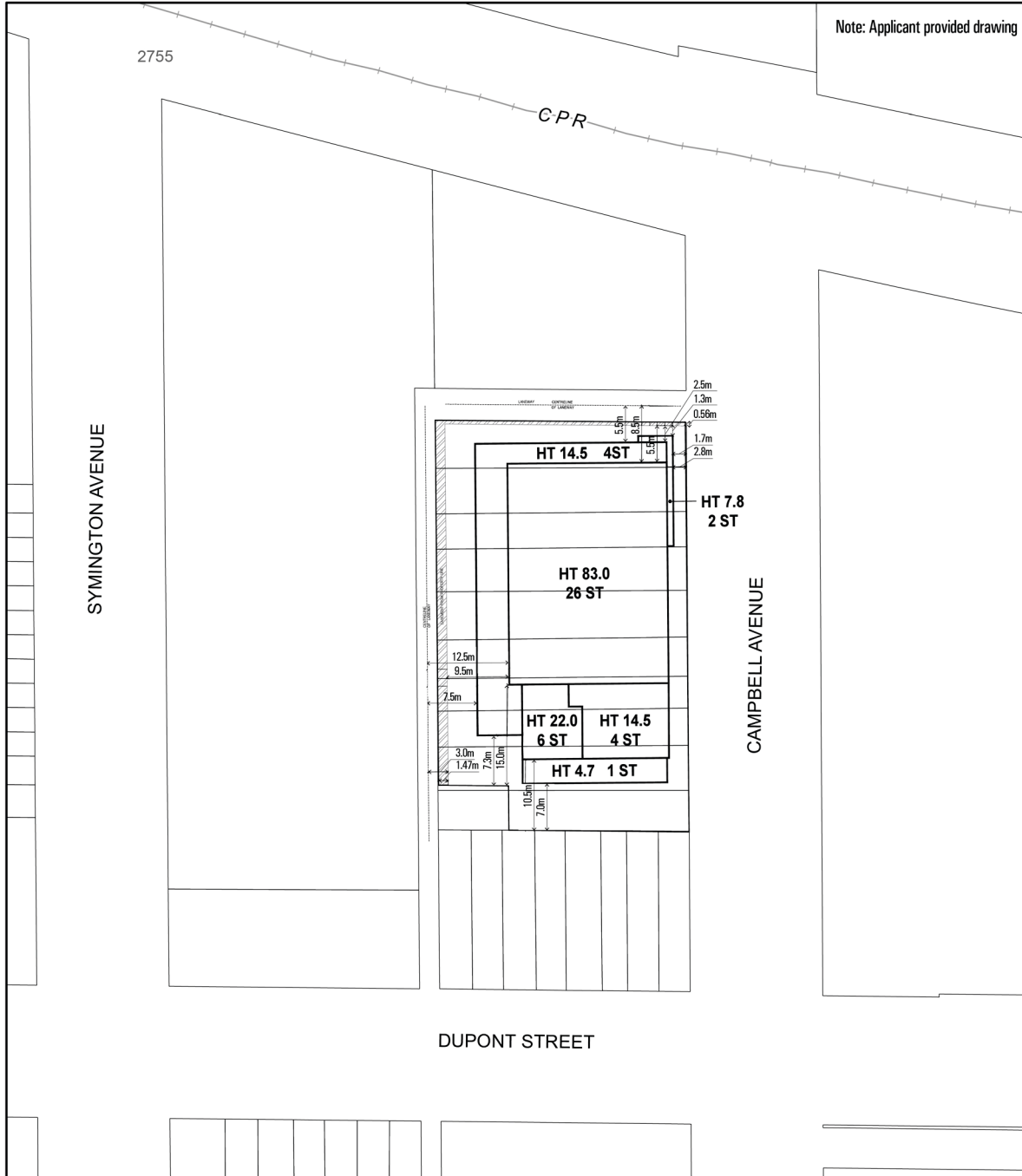
 **Toronto**
Diagram 2

316-336 Campbell Avenue

File #: 21 138108 STE 09 OZ

 Laneway Widening


City of Toronto By-law 569-2013
Not to Scale
06/23/2022




 **TORONTO**
Diagram 3

316-336 Campbell Avenue

File #: 21 138108 STE 09 0Z

 Laneway Widening


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