

Authority: Toronto and East York Community Council Report No. 7, Clause No. 10, adopted as amended, by City of Toronto Council on September 28, 29, 30 and October 1, 2004

Enacted by Council: September 30, 2004

CITY OF TORONTO

BY-LAW No. 866-2004

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 825 Dundas Street East, 35 Carroll Street, 46 Hamilton Street and 120 Broadview Avenue.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. District Map No. 52H-311 contained in Appendix “A” of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, is further amended by,
 - (1) redesignating to R3 Z2.0 the lands identified as R3 Z2.0 and outlined by heavy lines on Map 1 attached to and forming part of this by-law;
 - (2) redesignating to G the lands identified as G and outlined by heavy lines on Map 1 attached to and forming part of this by-law; and
 - (3) redesignating to R2 Z2.0 a portion of the lands known as 120 Broadview Avenue shown as R2 Z2.0 and outlined by heavy lines on Map 4 attached to and forming part of this by-law.
2. None of the following provisions of Section 2(1) with respect to the definition of *grade*, *height*, *residential gross floor area*, and Sections 4(2), 4(4)(b), 4(6) (c), 4(11), 4(12), 4(16), 6(3) Part I 1, 6(3) Part II, 6(3) Part III 1(b) and 6(3) Part IX of the aforesaid By-law No. 438-86, as amended, shall apply to prevent the erection and use of an *apartment building* and uses *accessory* thereto on *Block A* provided:
 - (1) the total *residential gross floor area* on *Block A* does not exceed 17,100 square metres;
 - (2) the total number of *dwelling units* on *Block A* does not exceed 255;
 - (3) *parking spaces* are provided and maintained within *Block A* in accordance with the following minimum ratios:
 - (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.7 *parking spaces* for each one *bedroom dwelling unit*;
 - (iii) 1.0 *parking spaces* for every two *bedroom dwelling unit*;

- (iv) 1.2 *parking spaces* for every *dwelling unit* containing three or more *bedrooms*; and,
- (v) 0.06 *parking spaces* for each *dwelling unit* for visitors;
- (4) one *loading space – type G* is provided within *Block A*;
- (5) no part of any building or structure erected or used above finished ground level is located otherwise than wholly within the areas delineated by the heavy lines on Maps 3A and 3B;
- (6) notwithstanding the provisions of Section 2(5) of this By-law, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground garage, stair landings, balconies, bay windows, retaining walls and the structures identified in Section 6(3)Part II 8, subject to the limitations contained therein, are permitted to extend beyond the heavy lines shown on Maps 3A and 3B;
- (7) no part of any building or structure to be erected within *Block A* shall exceed the *height* limit specified by the numbers following the symbol “H” as shown on the Height and Minimum Lot Frontage Map for the *height* district in which *Block A* is located, as contained in By-law No. 438-86, as amended, but such *height* limit does not prevent:
 - (i) the erection or use of the building elements or structures identified in Section 4(2)(a)(i), subject to the limitations contained in Sections 4(2)(a)(i)A and C provided:
 - (a) The aggregate horizontal area of such elements, including the area contained within an enclosure, measured at a point above the level of the *height* limit, does not exceed 30 per cent of the area of the roof of the building;
 - (ii) structures on the roof of the building, used for outside or open air recreation, safety or wind protection purposes, provided:
 - (a) the maximum height of the top of the structure is no higher than the sum of three metres and the *height* limit; and,
 - (b) the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
 - (iii) an enclosed laundry area limited to a maximum *residential gross floor area* of 4 square metres;
 - (iv) parapet walls to a maximum vertical projection of 1.5 metres above the *height* limits; and

- (v) stairs, covered stairs, stair enclosures and stair landings;
 - (8) the *apartment building* shall be limited to 4 storeys;
 - (9) no person shall erect or use part of a building or structure, in which a window of a *dwelling unit*, other than a window of a bathroom, in the building or structure is closer than 11 metres to a window of another *dwelling unit*, other than a window of a bathroom, on *Block A*; and
 - (10) a minimum of $\frac{2}{3}$ of the *dwelling units* shall provide a minimum of 2 square metres of private outdoor amenity space per unit.
3. None of the following provisions of Section 2(1) with respect to the definition of *grade*, *height*, and Sections 4(2)(a), 4(4)(b), 4(6), 4(11), 4(12), 4(13), 4(16), 6(1)(a), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV 2., 6(3)Part VII and 6(3) Part IX of the aforesaid By-law No. 438-86, as amended, shall apply to prevent the erection and use of an *apartment building*, *stacked townhouses* and uses *accessory* thereto on *Blocks B, C and D* provided that;
- (1) the *residential gross floor area* on each of the *Blocks* shall not exceed the following maximums:
 - (i) 9,680 square metres on *Block B*;
 - (ii) 9,660 square metres on *Block C*; and
 - (iii) 8,270 square metres on *Block D*;
 - (2) the number of *social housing units* on each of the *Blocks* shall not exceed the following maximums:
 - (i) 100 *social housing units* on *Block B*;
 - (ii) 72 *social housing units* on *Block C*; and
 - (iii) 60 *social housing units* on *Block D*;
 - (3) *parking spaces* for *Blocks B, C and D* shall be provided in accordance with the following standards:
 - (i) a minimum of 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) a minimum of 0.5 *parking spaces* for each *dwelling unit* containing one or more *bedrooms*; and,
 - (iii) a minimum of 10 *parking spaces* shall be provided for visitors; and
 - (iv) the *parking spaces* shall be provided on any of *Blocks B, C, and D*;

- (4) one *loading space – type G* shall be provided on *Block B*;
 - (5) no part of any building or structure erected or used above finished ground level is located otherwise than wholly within the areas delineated by the heavy lines on Maps 3A and 3B;
 - (6) notwithstanding the provisions of Section 3(5) of this By-law, stairs, covered stairs, stair enclosures and stair landings, retaining walls and the structures identified in Section 6(3)Part II 8 of By-law No. 438-86, as amended, subject to the limitations contained therein, are permitted to extend beyond the heavy lines shown on Maps 3A and 3B;
 - (7) no part of any building or structure to be erected within *Blocks B, C and D* shall exceed the *height* limits specified by the numbers following the symbol “H” as shown on the Height and Minimum Lot Frontage Map for the *height* district in which *Blocks B, C and D* are located, as contained in By-law No. 438-86, as amended, but such *height* limits do not prevent:
 - (i) the erection or use of the building elements or structures identified in Section 4(2)(a) of By-law No. 438-86, as amended, subject to the limitations contained therein;
 - (ii) parapet walls to a maximum vertical projection of 1.5 metres above the *height* limits; and,
 - (iii) stairs, covered stairs, stair enclosures and stair landings;
 - (8) no person shall erect or use part of a building or structure on a *Block*, in which a window of a *dwelling unit*, other than a window of a bathroom, in the building or structure is closer than 11 metres to a window of another *dwelling unit*, other than a window of a bathroom, on the same *Block*;
 - (9) the *stacked townhouses* shall be limited to 4 storeys;
 - (10) a minimum of 100 square metres of indoor *residential amenity space* shall be provided in the *apartment building* in a location adjoining or directly accessible to at least 40 square metres of outdoor *residential amenity space*; and,
 - (11) a minimum of 42 *bicycle parking spaces* shall be provided on *Block B*, subject to the requirements of Sections 4(13)(c), (d) and (e) of By-law No. 438-86, as amended.
4. The owner of *Blocks B, C and D* shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to the agreements

referred to above, shall provide at its expense the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in *residential gross floor* area authorized under the exception regulations Sections 1., 2. and 3. of this By-law:

(1) provides and maintains not less than 232 *replacement social housing units* on *Blocks B, C, and D,*

(i) The *replacement social housing units* shall be maintained as rental units for not less than 25 years, beginning with the date that the last unit is available for occupancy;

(ii) The owner agrees to ensure that the *replacement social housing units* are ready and available for occupancy as soon as reasonably possible and commensurate with the development of the market *dwelling units*, and that a plan for achieving the full replacement of 232 *social housing units* shall be submitted and be to the satisfaction of the Commissioner of Urban Development Services. The plan will include making the *replacement social housing units* on *Block C* and the apartment building on *Block B* ready and available for occupancy no later than the date that all of the market *dwelling units* on *Block A* are ready and available for occupancy. It is recognized that the *replacement social housing units* on *Block D* may be completed later as the existing units on that *Block* will continue to house tenants until they are moved into the other *Blocks*;

(iii) The 232 *replacement social housing units* shall consist of units of similar size as the existing units, and shall generally consist of:

38	-	1 bedroom units
86	-	2 bedroom units
71	-	3 bedroom units
27	-	4 bedroom units
10	-	5 bedroom units

Any change to the unit mix by bedroom type will be subject to the approval of the Commissioners of Urban Development Services and the Commissioner of Community and Neighbourhood Services;

(a) Toronto Community Housing Corporation shall provide 232 replacement *rent-geared-to-income subsidies*;

(b) The 232 *rent-geared-to-income subsidies* shall be provided for a period of not less than 25 years, subject to the continued provision of funding from federal/provincial and/or municipal governments programs providing such subsidies;

(iv) shall provide additional assistance to the tenants of the site, at least as follows:

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- (a) All tenants who receive the notice of termination of their tenancy on the *Blocks* for demolition and who remain eligible for social housing and *rent-geared-to-income subsidies* shall be offered alternative accommodation by the Toronto Community Housing Corporation with rents and subsidies on the same basis;
 - (b) All tenants who receive or have received the notice of termination set forth above shall have a right of first refusal to occupy a *replacement social housing unit* and *rent-geared-to-income subsidy* subject to continued eligibility, even if occupying temporary alternative accommodation provided by TCHC.
 - (c) All tenants who receive the notice of termination set forth above shall receive financial and other assistance to mitigate the hardship caused by the relocation to the satisfaction of the Commissioner Urban Development Services.
 - (d) TCHC will prepare and implement an overall plan for construction mitigation and tenant communication to the satisfaction of the Commissioner of Community and Neighbourhood Services.
- (2) In respect to the owner's expense requirement to replace the 232 *social housing units* as set out in Section 4 of this By-law, the owner of Blocks B, C and D agrees that it will not seek public funding from a program intended primarily for the production of new, affordable housing.
5. None of the following provisions of the said By-law No 438-86, as amended: the definition of *parking space* as found in Section 2(1), Sections 4(4)(b), 6(3) Part I 1, 6(3) Part II 2, 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 7 (ii) A, 6(3) Part II 7 (iii), 6(3) Part III 1 (a), and 6(3) Part VII 1 (ii), shall apply to prevent the erection and use of *row houses* containing no more than 14 units and uses *accessory* thereto on 120 Broadview Avenue as outlined by heavy lines on Map 4 provided:
- (1) the "*residential gross floor area*" does not exceed 2 times the area of the lot;
 - (2) the *height* does not exceed 12 metres; and
 - (3) *parking spaces* are provided at a rate of *one parking space* per *dwelling unit* and only accessible via the public lane adjacent to the south side of the *lands*.
6. For the purposes of this by-law:
- (1) "*Block*" means any one of the *Blocks* as defined;
 - (2) "*Blocks*" means any or all of the *Blocks* defined in Section 6(3) below, as the case may be;

- (3) “*Block A*”, “*Block B*”, “*Block C*”, and “*Block D*” means those lands respectively delineated and identified as Block A, Block B, Block C, Block D and 120 Broadview Avenue on Map 2 attached to and forming part of this by-law;
- (4) “*grade*” shall mean the following elevations for each of the following *Blocks*:
- (i) *Blocks A and C* – 85.00 metres Canadian Geodetic Datum;
 - (ii) *Block B* – 83.73 metres Canadian Geodetic Datum; and
 - (iii) *Block D* – 82.89 metres Canadian Geodetic Datum;
- (5) “*height*” means the vertical distance between *grade* and;
- (i) in the case of a pitched roof building, the mean height level between the eaves and the ridge of the roof and;
 - (ii) in the case of another kind of roof, the highest point of the roof;
- (6) “*rent-geared-to-income subsidies*” means funding provided to *social housing units* based on the income of the tenant households, such that the rents to be paid by the tenant households are geared to their income;
- (7) “*replacement social housing unit*” means a *social housing unit* which replaces one of the 232 *social housing units* located on the lands municipally known as 825 Dundas Street and 35 Carroll Street as of the date this By-law comes into effect;
- (8) “*residential gross floor area*” for the purposes of this By-law, shall have the same meaning as provided in Section 2 of By-law No. 438-86, as amended, except for the enclosed stairs and the laundry area on the roof shall be excluded from the calculation of gross floor area;
- (9) “*social housing unit*” means a *dwelling unit* owned by the Toronto Community Housing Corporation, or on their behalf by a non-profit corporation or a non-profit housing cooperative, and operated by or on their behalf to provide rental housing accommodation primarily to persons of low and moderate income;
- (10) “*stacked townhouse*” means, for the purpose of this by-law, one of a series of multiple attached *dwelling units* divided vertically and/or horizontally and sharing a party wall on at least one side;

- (11) “*lands*” shall mean the lands outlined by heavy lines on Map 4 attached hereto;
- (12) each other word or expression which is italicized in this by-law shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.

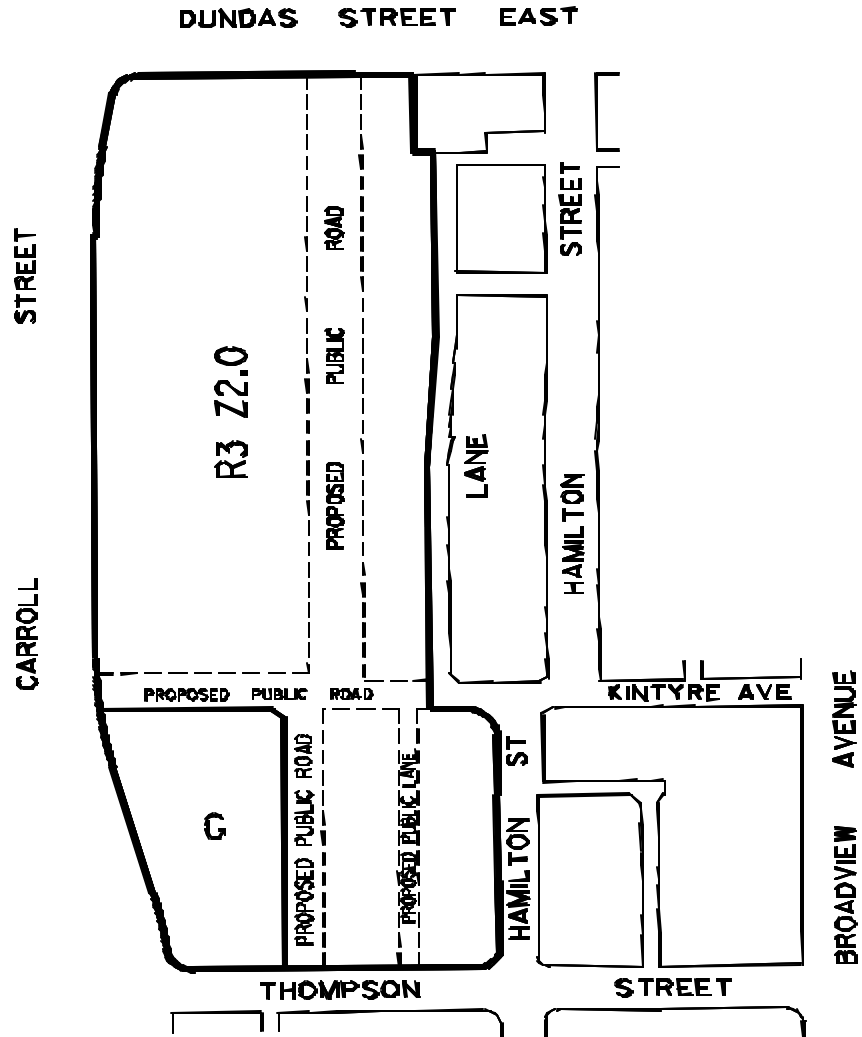
ENACTED AND PASSED this 30th day of September, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

MAP 1

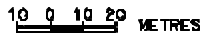
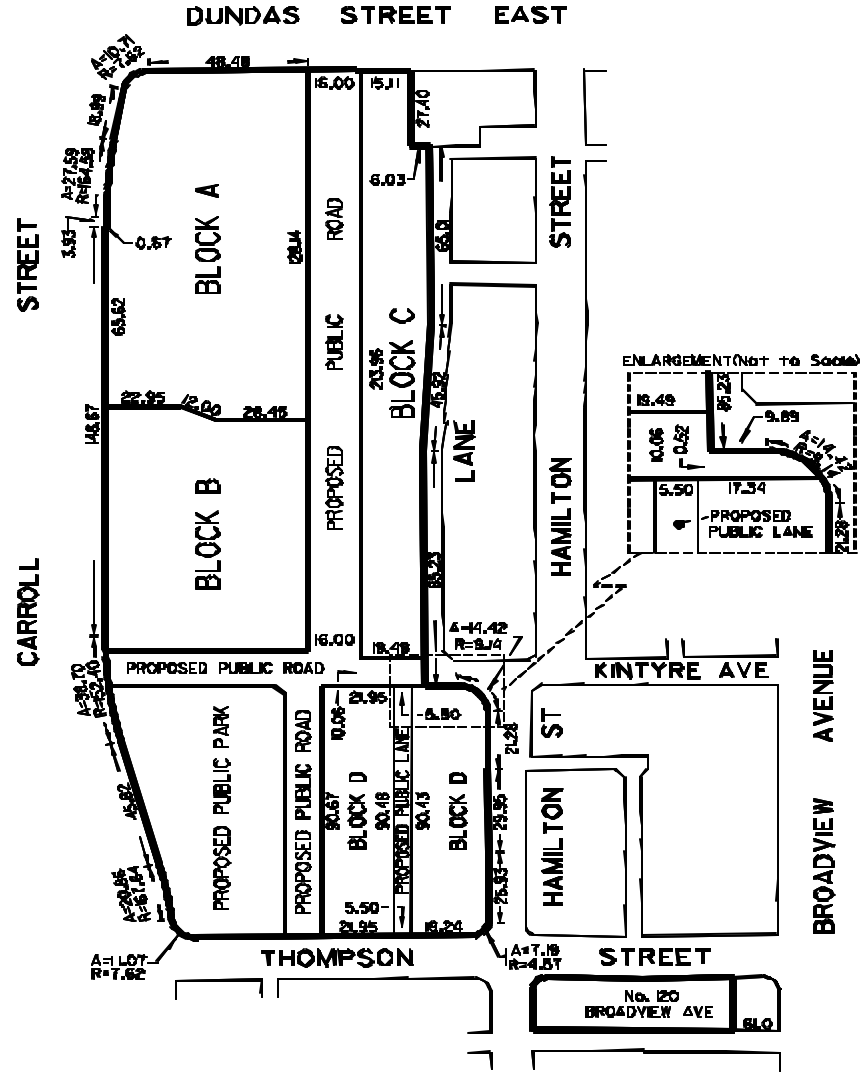


10 0 10 20 METRES



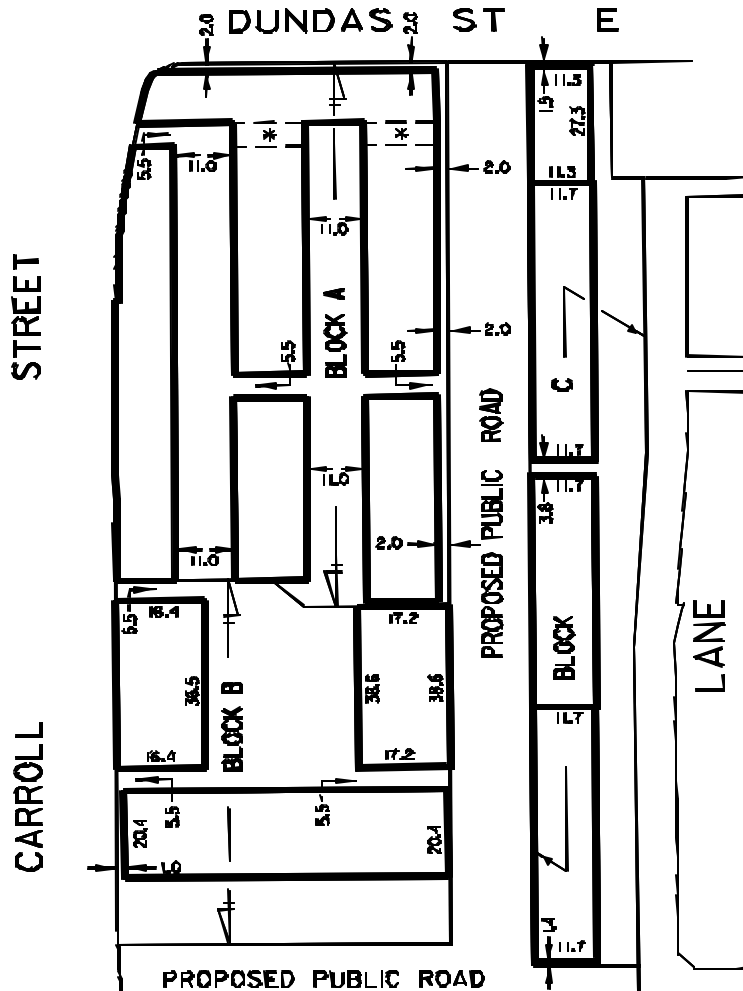
WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2004
 BLO4/825DUN1.DGN
 FILE: D10-239, 2402.B3-3
 MAP No. 52H-311 DRAWN: D.R

MAP 2



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER 30, 2004
 BLD4/BZSDUN2.DGN
 FILE: D10-238, 2402-53-3
 MAP No. 324-311 DRAWN: D.R.

MAP 3A



(SEE MAP 3B)

* MINIMUM 5.5 m FACING DISTANCE REQUIRED BETWEEN MAIN WALL AND SIDE WALL OF HOUSING ROW



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2004
 BLO4/BESDUNGA.DGN
 FILE# 010-239
 MAP No. 02H-311 DRAWN: WS/DR

MAP 4

