

Authority: Toronto and East York Community Council Item TE13.6, adopted as amended, by City of Toronto Council on February 3 and 4, 2016

## CITY OF TORONTO

### BY-LAW No. 108-2016

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2016 as 875 and 887 Queen Street East.**

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law with respect to the lands known municipally in the year 2016 as 875 and 887 Queen Street East; 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/or 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 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 matter 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 or density of development, a 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Council of the *City* has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law; and

Whereas the Council of the *City* has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities,

services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements between the *City* and the *owner* of the *lot* on title to the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a *building permit*, such building may not be erected or used until the *owner* of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Height and Minimum Lot Frontage Map 52G-322 contained in Appendix 'B' of By-law No. 438-86, as amended, is further amended in accordance with Map 2 forming part of this By-law.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86 shall continue to apply to the *lot*.
6. Section 12(1)(41) of By-law No. 438-86 shall be repealed.
7. None of the provisions of By-law No. 138-2003, specifically Section 2, shall apply to prohibit a municipal shelter to be located on the lands known municipally in the year 2016 as 875 and 887 Queen Street East.
8. None of the provisions of Sections 2(1) with respect to the definitions of *grade* and *lot*, 4(2)(a), 4(3), 4(4), 4(6), 4(11), 4(12), 4(13)(c), 4(14), 8(2)(3), 8(3) Part I, 8(3) Part II and 8(3) Part XI of By-law No. 438-86, shall apply to prevent the erection and use of a *mixed-use building* containing residential and non-residential uses, which may include a *crisis care facility* or municipal shelter, and a *commercial parking garage* on the lands shown on Map 1 attached hereto, including uses *accessory* thereto, provided:
  - (a) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 13,380.00 square metres, of which:
    - i. the total *residential gross floor area* erected or used on the *lot* shall not exceed 11,800.00 square metres, and 122 *dwelling units*, of which a minimum of 1,827.31 square metres shall be a *crisis care facility* or municipal shelter; and
    - ii. the total *non-residential gross floor area* erected or used on the *lot* for *street-related retail and service uses* does not exceed 1,580.00 square

- metres, of which the maximum size for one (1) *street-related retail and service unit* shall not exceed 930.00 square metres;
- (b) a minimum of three (3) non-residential units shall have frontage on Queen Street East and be directly accessible from Queen Street East;
  - (c) no portion of any *dwelling unit* erected or used on the *lot* shall be located below *grade* or on or within the ground floor of any building;
  - (d) no portion of any building or structure erected or used on the *lot*, above *grade* or above finished ground on the *lot*, shall be located other than wholly within the areas delineated by the building envelope on Map 2, with the exception of the following:
    - i. canopies, awnings, building cornices, lighting fixtures, window washing equipment, ornamental elements, lightning rods, trellises, parapets, eaves, window sills, guardrails, railings, stairs, stair enclosures, wheel chair ramps, air intakes and vents, landscape and green roof elements, partitions dividing outdoor recreation area, wind mitigation elements, and architectural façade details may extend to a maximum of 0.45 metres beyond the line depicting the building envelope as shown on Map 2; and
    - ii. balconies, guard rails and balcony dividers above a height of 14.0 metres, not exceeding a maximum horizontal projection of 1.8 metres beyond the areas outlined on Map 2;
  - (e) no part of any building or structure erected or used on the *lot* shall exceed the *heights* in metres as specified by the numbers following the symbol "H" shown on the attached Map 2, with the exception of the following:
    - i. canopies, awnings, building cornices, window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, railings, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions division outdoor recreation areas, wind mitigation elements, chimney stack, exhaust flues, associated mechanical equipment overrun, elevator/stair overrun and garbage chute overruns may extend to a maximum of 2.0 metres beyond the height stipulated on Map 2;
  - (f) *Parking spaces* shall be provided and maintained on the *lot* in the following manner on the site:
    - i. a minimum of 1 *parking space* shall be provided for each *dwelling unit*;
    - ii. a minimum of 17 resident visitor *parking spaces* and 4 *parking spaces* for a *crisis care facility* or municipal shelter use shall be provided for the entirety of the *mixed-use building*;

- iii. a maximum of 77 *commercial parking spaces* shall be provided, which may include the *parking spaces* required in subsection (f)ii;
  - (g) despite Section 4(17), a maximum of 5 *parking spaces* which are obstructed on one side in accordance with paragraph 4(17)(e) may have a minimum width of 2.6 metres, and a maximum of 2 *parking spaces* may have a minimum length of 4.0 metres;
  - (h) one (1) type "G" loading space shall be provided and maintained for the use of buildings and structures erected on the *lot*;
  - (i) a *commercial parking garage* shall be a permitted use on the *lot* and may be located below *grade*;
  - (j) the floor area attributed to the *commercial parking garage* shall be excluded from the calculation of *residential gross floor area* and *non-residential gross floor area* in By-law No. 438-86;
  - (k) *residential amenity space* shall be provided and maintained on the *lot* for the use of all residents of the *lot* in accordance with the following:
    - i. a minimum of 1.03 square metres of indoor *residential amenity space* for each *dwelling unit* erected on the *lot* shall be provided; and
    - ii. a minimum of 0.53 square metres of outdoor *residential amenity space* for each *dwelling unit* erected on the *lot* shall be provided;
  - (l) despite Section 4(13), a minimum of 17 *bicycle parking spaces-visitor* shall be provided on the *lot*; and
  - (m) none of the provisions of this By-law shall apply to prevent a *temporary sales office* on the *lot*.
9. Within the *lot*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
10. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

- 11.** Notwithstanding the definitions provided in Section 2(1) of By-law No. 438-86, as amended, for the purposes of this By-law the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this By-law are not defined in this By-law, the definitions provided in Section 2(1) of By-law No. 438-86, will apply.
- (a) "*commercial parking garage*" means a building or a portion of a building used for the temporary parking of motor vehicles a *lot* with or without a fee;
  - (b) "*grade*" means 79.65 metres Canadian Geodetic Datum;
  - (c) "*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law; and
  - (d) "*temporary sales office*" means a *building* or *structure* used for the purpose of the sale of *dwelling units*.

Enacted and passed on February 4, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**APPENDIX 1**

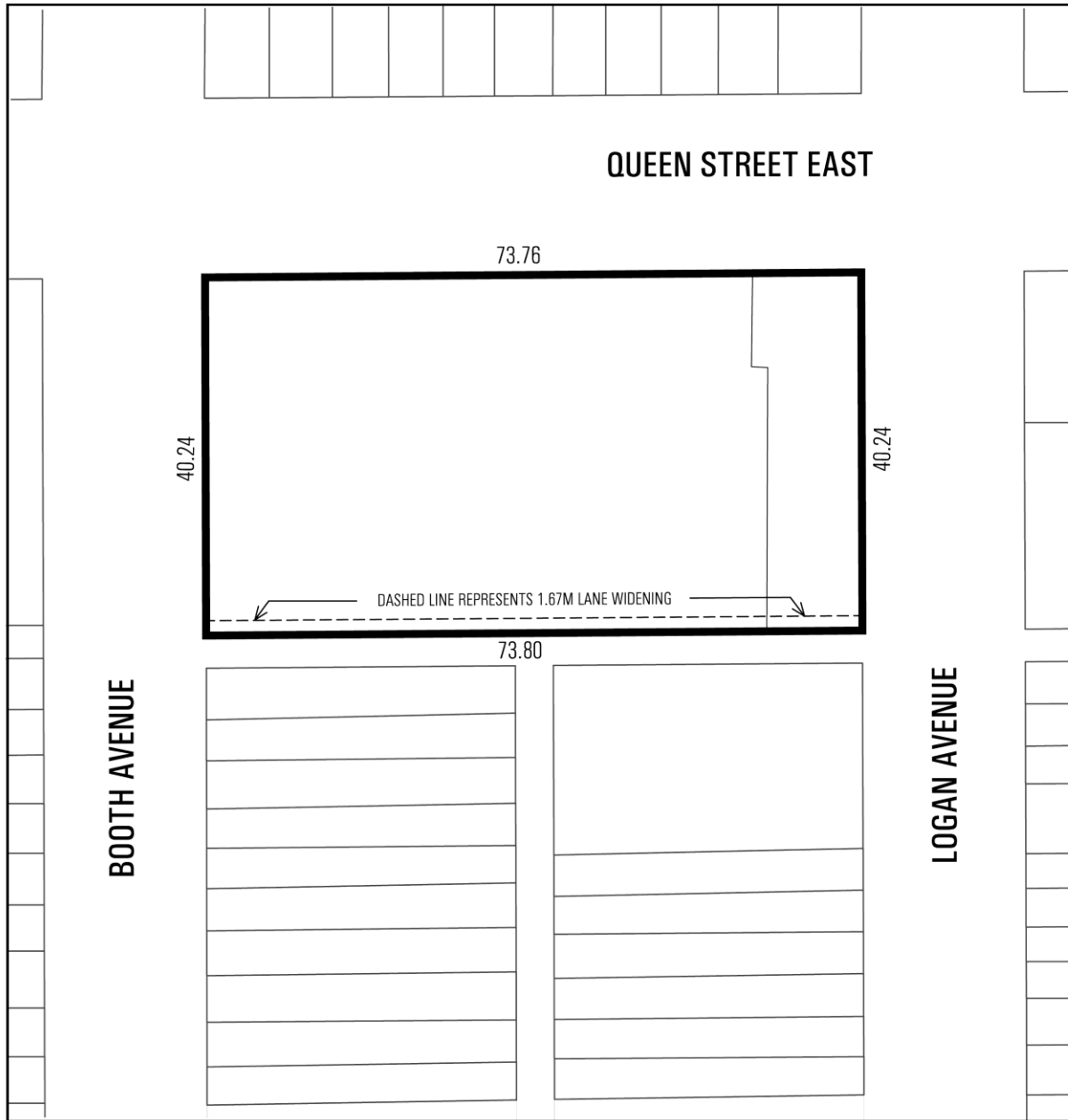
## Section 37 Provisions

The facilities, services and matters set out herein are required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of the financial contributions and letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

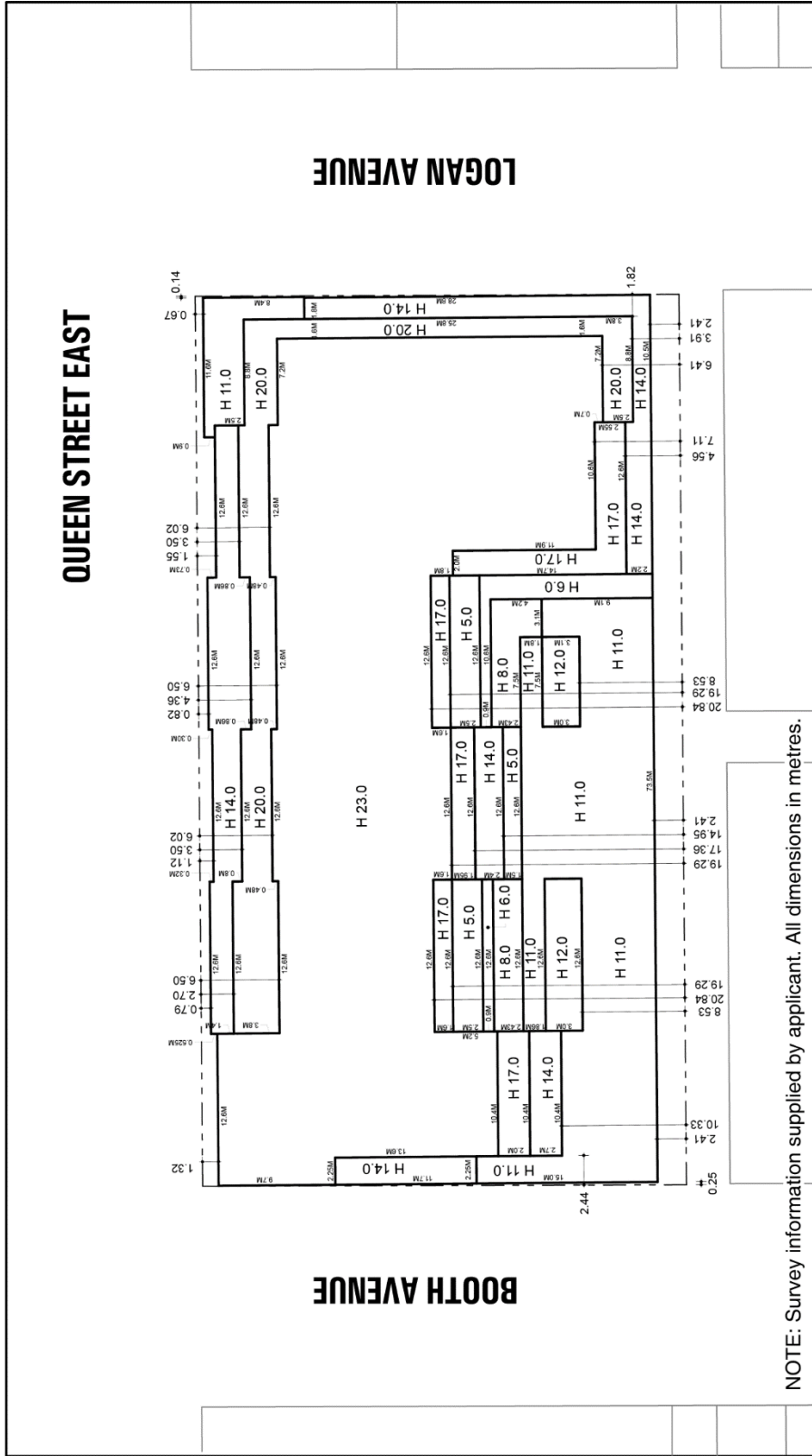
1. Prior to issuance of above grade building permit, the Owner shall enter into an Agreement of Purchase and Sale to convey to the City fee simple title to no less than 1,827.3 square metres (19,669 square feet) of indoor space, and 104.1 square metres (1,121 square feet) of outdoor amenity space (the "**Conveyed Facilities**"), such Agreement to be to the satisfaction of the General Manager, Shelter, Support and Housing Administration and the Chief Corporate Officer and to include, but not be limited to:
  - (a) The Conveyed Facilities will include base building components including heating and ventilation, mechanical, electrical, flooring, internal walls and room layout, painted walls, plumbing fixtures, lighting and lighting fixtures, security system, sprinklers, elevator, and commercial kitchen equipment, as provided in the Agreement of Purchase and Sale and to the satisfaction of the General Manager, Shelter, Support and Housing Administration;
  - (b) Specification of interior finishes of the Conveyed Facilities to the satisfaction of General Manager, Shelter, Support and Housing Administration;
  - (c) Any work undertaken by the Owner during the construction of the Conveyed Facilities will comply with the City's Fair Wage and Trade Policies and Obligations including the City's use of certain trades within the Industrial, Commercial, and Institutional sector;
  - (d) The Conveyed Facilities will be serviced by its own HVAC system;
  - (e) The Conveyed Facilities will meet the City's accessibility requirements; and
  - (f) A Reciprocal Services Agreement will be entered into by the parties detailing shared costs of property maintenance.
2. The Owner agrees to extend the term of the current lease to the existing tenant, Woodgreen Red Door Family Shelter, to March 31, 2016, and then a further extension on a month-to-month basis on the same terms and conditions until such time as the Owner requires the tenant to vacate the premises for the purpose of redevelopment. The Owner will provide a minimum of 90 days written notice of the need to vacate the premises.
3. The Owner will retain and reconstruct the building façade of 887 Queen Street East in its current location as an element of the proposed development using original materials to maintain the scale and appearance of the existing building, the precise details of the

façade appearance to be detailed as part of Site Plan approval, all to the satisfaction of the Chief Planner.

4. The Owner will submit a hydrogeological report to the satisfaction of the Executive Director, Engineering and Construction Services, prior to the issuance of any building permit. For greater clarity, a building permit shall also include conditional building permit. The hydrogeological report will provide detailed groundwater conditions, indicate whether or not groundwater will have to be pumped and discharged to a City sewer on a temporary or permanent basis, and include a design of a permanent dewatering system for the site if groundwater is required to be pumped and discharged to a City sewer.







**875 & 887 Queen Street East**

**Map 2**

File # 15 118233 STE 30 OZ, 15 118236 STE 30 SA



Not to Scale  
1/13/2016