

Authority: Toronto and East York Community Council Item TE12.2, as adopted by City of Toronto Council on December 9 and 10, 2015

**CITY OF TORONTO**

**BY-LAW No. 113-2016**

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known in the year 2015 as 299 Campbell Avenue.**

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*, 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* 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; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 of the former City of Toronto 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. 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 all 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 to the City at the *owner's* sole expense as set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Where Appendix 1 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.

3. 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 Appendix 1 are satisfied.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. This By-law applies to the lands delineated by heavy lines and identified as 299 Campbell Avenue as shown on Map 1 attached to and forming part of this By-law.
6. District Map 48J-312 contained in Appendix 'A' of By-law No. 438-86, as amended, is further amended by re-designating the land outlined by heavy lines on Map 1, attached to and forming part of this By-law, to "CR".
7. None of the provisions of Sections 2(1) "*grade*" and "*lot*", 4(2)(a), 4(4)(a), 4(6)(b), 4(12), 8(3) Part I 1, 2 and 3, 8 (3) Part II 1(a) and 12(2)270 of By-law No. 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of land 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, shall apply to prevent the erection or use of a *mixed-use building* on the *lot*, provided that:
  - (a) the *lot*-comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the total combined *residential gross floor area* and *non-residential gross floor area* of the *mixed-use building* shall not exceed 24,160 square metres; and
    - (i) the *residential gross floor area* shall not exceed 22,950 square metres;
    - (ii) the *non-residential gross floor area* shall be a minimum of 1,210 square metres; and
    - (iii) a minimum of 930 square metres of the *non-residential gross floor area* will be for use by a *public library* and/or for a *community services and facilities* use;
  - (c) no portion of the *mixed-use building*-is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 with the exception of the following:
    - (i) eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, railing and fences, planters, trellises, window sills, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2; and
    - (ii) balconies, canopies and awnings which may project a maximum of 1.8 metres from the wall to which they are attached;

- (d) no part of the *mixed-use building* shall exceed the height limits in metres specified by the numbers following the symbol "H" as shown on-the attached Map 2 with the exception of any items listed below provided that the height of such item does not exceed the sum of 3 metres and the maximum height limits as shown on Map 2;
  - (i) window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor recreation areas, screens or partitions dividing balconies and terraces, roof assemblies including decking and pavers, wind mitigation, chimney stack, exhaust flues, garbage chute overrun, and public art elements;
- (e) *parking spaces* shall be provided and maintained on the *lot* as per the following minimum requirements:
  - (i) 0.3 *parking spaces* for each bachelor *dwelling unit*;
  - (ii) 0.5 *parking spaces* for each one bedroom *dwelling unit*;
  - (iii) 1.0 *parking spaces* for each *dwelling unit* containing two bedrooms;
  - (iv) 1.1 *parking spaces* for each *dwelling unit* containing three bedrooms;
  - (v) 1.1 *parking spaces* for each *live-work unit*;
  - (vi) 0.1 *parking spaces* for each *dwelling unit* for visitors;
  - (vii) 1.0 *parking space* for each 100 square metres of retail uses; and
  - (viii) 1.0 *parking spaces* be provided for a *public library/community services and facilities*;
- (f) notwithstanding the preceding section, the total number of *parking spaces* required to satisfy parking requirements for residents may be reduced, up to a maximum reduction of 16 *parking spaces*, by 4 *parking spaces* for each *car-share parking space* provided and maintained in an underground parking garage within the site; and
- (g) one *loading space - type G* shall be provided and maintained on the *lot*.

**8.** For the purposes of this By-law:

- (a) "*car-share*" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term

rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

- (b) "*car-share parking space*" shall mean a parking space exclusively reserved and signed for a car used only for *car-share* purposes;
- (c) "*community services and facilities*" shall mean services and facilities operated or directly funded by a government agency or *non-profit institution* for the purposes listed in section 8(1)(f)(b)(ii), other than a *clinic*, a *community health centre*, a *day nursery*, a fire hall, a high school or secondary school, a *place of worship*, a police station, premises of a *charitable institution*, *non-profit institution* or other community or social agency or a public or separate elementary school, provided the facility does not provide housing accommodation;
- (d) "*grade*" shall mean 119.65 metres Canadian Geodetic Datum;
- (e) "*lot*" shall mean the lands municipally known in the year 2015 as 299 Campbell Avenue, and delineated in heavy lines on Map 1 attached to and forming part of this By-law; and
- (f) each word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

9. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

Enacted and passed on February 4, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

### Appendix 1

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 Map 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 will provide one of (i), (ii) or (iii) to the City. The Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor, the City Librarian and the Ward Councillor, may elect one of the following options as a community benefit:
  - (i) Option 1: The Owner shall convey, freehold, 930 square metres of usable shell space and one parking space in the proposed development, as substantially outlined in Appendix 2, to the City for a cost of \$1.1 million, to be used by Toronto Public Library Board as a neighbourhood branch. The conveyance shall take place as soon as practicable with the Owner, the City, and the Toronto Public Library Board working co-operatively with one another to support the Toronto Public Library Board's goal to open the new neighbourhood branch in the proposed development at the earliest opportunity.

Further, the Owner agrees to construct the 930 square metres of shell space to the level of finish described in Appendix 2 concurrently with the lobby, retail space, units and common elements on the ground floor of the proposed development.

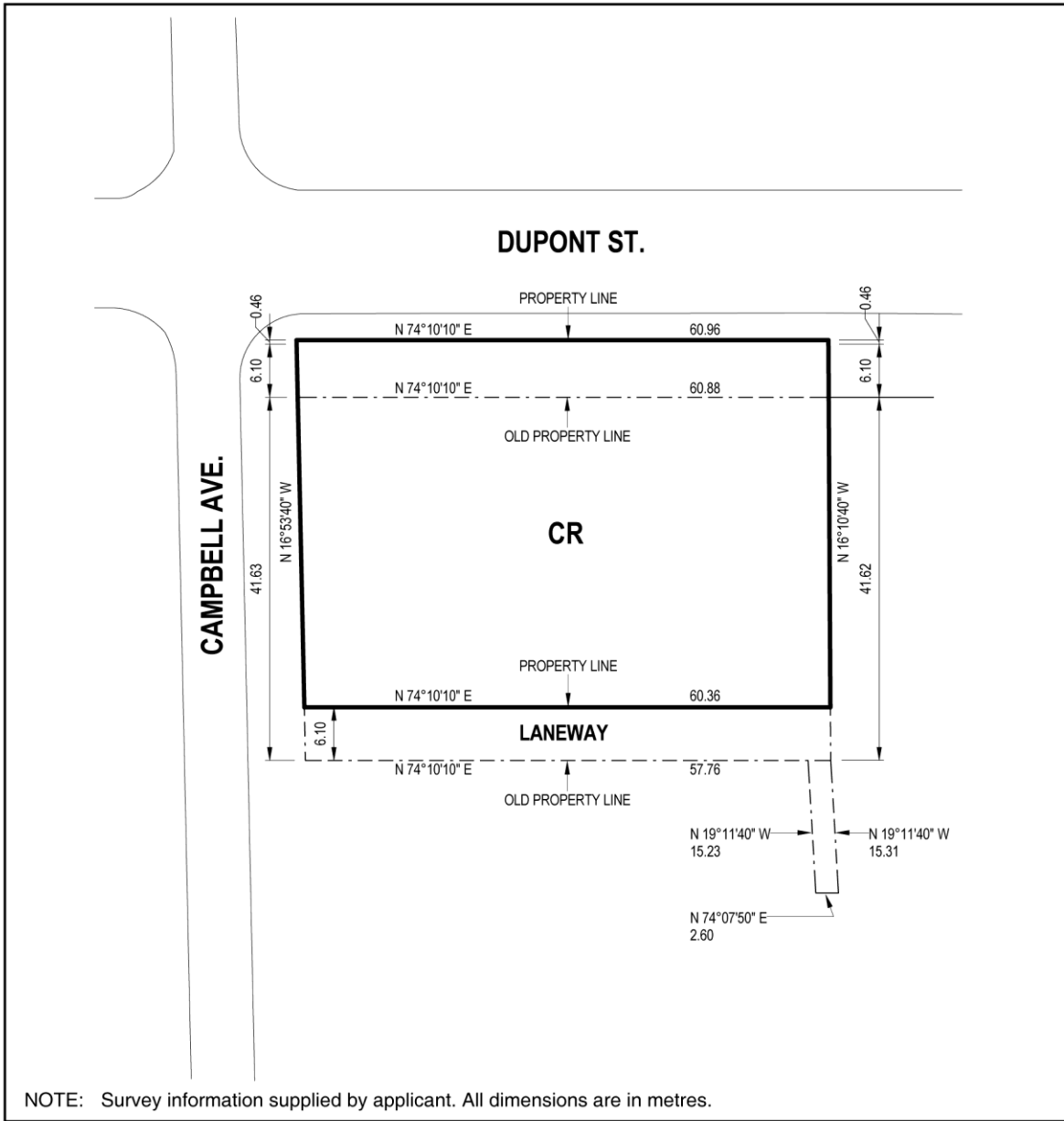
In any event the conveyance must occur no later than the earlier of: the availability of 75 percent of the residential units for occupancy, condominium registration or four years from the date of the issuance of the first building permit.

Appendix 2 is subject to revisions provided the revisions are satisfactory to the Chief Corporate Officer in consultation with the City Librarian; or
  - (ii) Option 2: The Owner shall convey freehold 930 square metres of shell space in the proposed development to the City for use as an alternative community facility, operated or directly funded by a government agency or non-profit institution for the purpose of providing arts and cultural programs, on terms to be negotiated at a future date, prior to the earlier of condominium registration or four years from the date of the issuance of the first building permit; or
  - (iii) Option 3: Prior to the issuance of the first above grade building permit, the Owner shall make a cash contribution to the City in the amount of \$1,500,000 which shall be used for:
    - (a) local library improvements; or
    - (b) an alternative local library branch location.

2. If the City has not entered an agreement of purchase and sale with the Owner for the 930 square metres of shell space referred to in Option 1 or Option 2, within 9 months of the date of the Section 37 Agreement, the Owner may require the City to elect Option 3.
3. If the City elects Option 1 or Option 2, the Owner agrees to enter into a Shared Facilities Agreement with the City for the future maintenance of the shell space, with provisions acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor prior to the issuance of an above-grade building permit for the proposed development.
4. The cash amount referred to in Section 1(iii) shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.
5. In the event the cash contribution referred to in Section 1(iii) *has* not been used for the intended purpose within three (3) years of this 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 of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
6. The following matters are also to be secured in the Section 37 Agreement to support development:
  - (i) the Owner will provide and maintain appropriate easements over private property in favour of 1453 Dupont Street for delivery truck access purposes;
  - (ii) the Owner will provide for any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management report, should it be determined that upgrades to infrastructure are required to support the development; and
  - (iii) the Owner will acquire the existing public lane along the north limit of the proposed development as part of a land exchange with the City and make a satisfactory arrangements with the Executive Director of Engineering and Construction Services to environmentally remediate, construct and convey to the City a new public lane on the south side of the site. The new public lane must be constructed to meet all City Standards and include appropriate municipal servicing for 299 Campbell Avenue (and the adjacent property at 1453 Dupont Street and other potentially affected properties) at no cost to the City and before the existing public lane is closed and conveyed by the City;

In conjunction with the acquisition of the existing public lane, the Owner agrees to purchase the approximately 0.5 metre strip of City land which adjoins, to the north, the existing public lane for fair market value which in April, 2015 was \$64,000.00.

- (iv) prior to the City closing and conveying to the Owner the existing public lane along the north limit of the proposed development, the Owner will provide the necessary easements to ensure the functionality of the fire route over the public lane as generally shown on Drawing SK-A dated February 27, 2015 prepared by Teeple Architects, to the satisfaction of the Fire Chief and the Chief Planner;
- (v) prior to the City closing and conveying to the Owner the existing public lane along the north limit of the proposed development, the Owner will construct the new public lane, and portions of the site subject to the easements necessary for the functionality of the fire route, to the standard of a fire route as generally shown on Site Plan A1.01 dated May 8, 2015 prepared by Teeple Architects, to the satisfaction of the Fire Chief and the Chief Planner;
- (vi) prior to the City closing and conveying to the Owner the existing public lane along the north limit of the proposed development, the Owner will agree to maintain the public lane and associated land required to ensure functionality of the fire route to the standards of a fire route, and will enter into an agreement, if necessary, with the City to secure these obligations, to the satisfaction of the Fire Chief and the Chief Planner; and
- (vii) the Owner will implement the recommendations of the Environmental Noise & Vibration Feasibility Assessment dated August 16, 2012, prepared by Novus Environmental, to the satisfaction of the Chief Planner.







**Appendix 2**  
Term Sheet  
Description of Library/Community Facility

The Owner shall construct a 930 square metre Library / Community facility ('Facility') with frontage along Dupont Street and Campbell Avenue, located as depicted on attached Sketch A-1. The Facility will be conveyed to the City as a freehold stratified fee simple interest, free and clear of all charges, liens, registered restrictions and other encumbrances except as agreed to by the City Solicitor.

The Owner shall supply, construct and install, at a minimum, the following in the Facility, to the following minimum specifications:

**1. Demising Walls, Service Doors and Ceiling**

- (a) Demising and perimeter walls finished with 2 hour fire rating and as per Ontario Building Code (OBC).
- (b) Commercial grade double hollow metal service doors, with required closer and fire and acoustic ratings, providing access to a shared loading area.
- (c) A commercial grade single hollow metal exit door, with required closer and fire and acoustic ratings.
- (d) Exposed concrete ceiling (5 metre clear height to underside of 2nd floor slab, save and except structural drops and mechanical and electrical equipment).

**2. Floor**

- (a) Level reinforced concrete slab (standard variance up to 38 inches per 10 feet).
- (b) All flooring to meet applicable dead and live load codes, including all applicable building, structural and barrier free access requirements for a public library.
- (c) 2 inch depressed floor slab at Facility entrance to accommodate recessed aluminum floor grill (note that the supply and installation of the recessed aluminum floor grill will not be the responsibility of the Owner).
- (d) Locations of Raceways in the ground floor slab or slab penetrations will be provided by the Library for co-ordination with the final base building contract documents.

**3. Glazing and Main Entrance**

- (a) Commercially glazed window units along Dupont Street and Campbell Avenue frontages.
- (b) All glazing shall meet OBC and Toronto Green Standard requirements, including Toronto Bird Friendly Guide.
- (c) Double glass entry doors (tempered), fronting onto Campbell Avenue, with hardware and auto door operator buttons. Layout/dimensions to be coordinated with the Library's approved design.
- (d) Entrance shall comply with all applicable codes.

**4. Electrical & Lighting**

- (a) Main electrical feeder from service point to main disconnect switch inside Facility.
- (b) 600 AMP, 120/208V, 3 phase - 4 wire service, complete with disconnect switch installed inside the Facility.
- (c) Service to be separately metered.
- (d) All base building conduit, wire, and connections per applicable codes.
- (e) Suspended temporary light fixtures per code.

**5. Plumbing**

- (a) Separately check-metered 40 mm (1.5 inches) domestic cold water service terminated and capped near the ceiling space for future distribution.
- (b) Water meter to be located inside the Facility.
- (c) 75 millimetres (3 inches) plumbing vent capped in ceiling space.
- (d) 100 millimetres (4 inches) sanitary lines capped in mutually agreed to locations for public and staff washrooms, janitors closet, staff room and programme room sinks.

**6. HVAC System**

- (a) Provisions to accommodate HAVC equipment connect to the building's central mechanical system, which is operational for heating and cooling year round, providing the facility with separate control of heating and cooling year round.
- (b) All required rough-ins for future HVAC units as required for a 930 square metre community facility.
- (c) All necessary rough-ins for make-up-air and general exhaust.

**7. Fire Suppression & Alarm**

- (a) A 4 inch fire main within the Facility, including sprinkler coverage (with upright heads) distributed as per open concept and fire code requirements.
- (b) The base-building sprinkler system to be pressure tested, fully operational, inspected and approved by local agencies having jurisdiction.
- (c) Building fire protection alarm system as required by code. System shall provide provisions for audible alarm, visual strobes, smoke detectors and pull stations per applicable codes; the Owner shall provide all required base building systems and provisions for the City to install the suite specific systems.
- (d) Provide all coordination, testing and inspections for a fully operational base building fire alarm system.
- (e) Provisions for a ceiling mounted speaker connected to building fire alarm system.
- (f) Base-building emergency exit signs as per OBC.

**8. Communication Conduit & Telephone**

- (a) Two 50 millimetre conduits with pull strings from the building telecommunication room to two mutually agreed to locations.

9. **Structural Frame**

- (a) The maximum number of columns within the library space will be 13. The number of columns may be increased with the consent of the Chief Corporate Officer in consultation with the City Librarian.

10. **Parking**

- (a) The library will have a designated below grade parking space conveniently located for library use for vehicles. The location of the parking shall be determined at the sole discretion of the Owner.

Note: There is a shared garbage room on the ground floor adjacent to the loading dock. Use of it and the loading dock will be covered in the shared operating agreement.

Sketch A-1 attached hereto is provided to set out the location and design intent of the space being provided only. The final space shall be designed and built in accordance to coordinated design and construction documents which shall be provided by the Owner to the City, to the satisfaction of the Chief Corporate Officer in consultation with the City Librarian.

**SKETCH A-1**

