

Authority: Toronto and East York Community Council Item TE22.8, adopted as amended, by City of Toronto Council on March 28 and 29, 2017

CITY OF TORONTO

BY-LAW 475-2017

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2017 as 1117 and 1119 Gerrard 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 municipally known in the year 2017 as 1117 and 1119 Gerrard 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 438-86, as amended, and by By-law 640-91, 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 at its meeting on March 28 and 29, 2017 has determined to amend Zoning By-law 438-86, as amended, of the former City of Toronto with respect to the lands known municipally in the year 2017 as 1117 and 1119 Gerrard Street East;

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 Schedule A 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 Schedule A 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 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 438-86* shall continue to apply to the *lot*.
6. *By-law 640-91* shall apply for the existing building on the *lot*.
7. None of the provisions of Sections 2(1) with respect to the definitions of *social housing*, *community centre*, *front lot line* and *grade*, and Sections 4(2), 4(4)(b), 4(4)(c), 4(6), 4(12), 4(13), 4(14), 4(16), 4(17), 6(1), 6(3) Part I(1), 6(3) Part II, 6(3) Part III (1) and 3(c), and S.13: 640-91 of *By-law 438-86*, shall apply to prevent the erection and use of a residential *building* containing *social housing units* and a *community centre* on the lands municipally known in the year 2017 as 1117 and 1119 Gerrard Street East, hereinafter referred to as the *lot*, and as shown on Map 1 attached hereto and forming part of this By-law, including uses *accessory* thereto, provided that:
 - (a) the *building* on the *lot* shall be comprised of the *building addition*, on the lands municipally known in the year 2017 as 1117 Gerrard Street East, and the *existing building*, on the lands municipally known in the year 2017 as 1119 Gerrard Street East, as shown on Map 2 attached hereto and forming part of this By-law;
 - (b) the *building addition* shall contain *social housing units* and a *community centre*;
 - (c) the total *gross floor area* erected or used on the *lot* shall not exceed 4,700 square metres, of which:
 - (i) the total *gross floor area* erected or used for residential purposes shall not exceed 2,190 square metres in the *existing building*;

- (ii) the total *gross floor area* erected or used for residential purposes shall not exceed 2,220 square metres in the *building addition*;
- (iii) the total *gross floor area* erected or used for non-residential purposes shall be a minimum of 235 square metres and shall not exceed 290 square metres;
- (d) the *gross floor area* for residential purposes shall be comprised of 65 *social housing* units on the *lot*;
- (e) no portion of any *dwelling unit* erected or used on the *lot* shall be located below *grade*;
- (f) no portion of the *building addition* or any structure erected or used above *grade* on the *lot* shall exceed the *height* limits above *grade* in metres as specified by the numbers following the symbol "H" as shown on attached Map 2, with the exception of the following:
 - (i) parapets, green roof elements, stair shafts, roof anchors, a roof top air cooler chiller and a roof top unit for ventilation and associated mechanical penthouse and equipment overrun may extend to a maximum of 3.5 metres beyond the *height* shown on Map 2;
- (g) the *height* of the *existing building*, inclusive of all roof materials, shall not exceed the height of such building as it existing on the *lot* in the year 2017;
- (h) no portion of the *building addition* or any 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, benches and planters may extend beyond the heavy lines shown on Map 2, and in association with the approved Site Plan that forms part of any Site Plan Agreement associated with the *lot*;
- (i) *residential amenity space* shall be provided as follows:
 - (i) a minimum 2 square metres of indoor residential amenity space shall be provided for each *social housing* unit erected on the *lot* in a multi-purpose room or rooms that may or may not be contiguous, and that will collectively contain a kitchenette and a washroom;
 - (ii) a minimum of 2 square metres of outdoor *residential amenity space* shall be provided for each *social housing* unit erected on the *lot* in a location that may or may not adjoin or be directly accessible from indoor *residential amenity space*;

- (j) a minimum of 12 *bicycle parking spaces* shall be provided and maintained on the *lot* for residents and staff of and visitors to the *lot* in accordance with the following:
 - (i) a minimum of six (6) *bicycle parking spaces – visitor* shall be provided on the *lot*, at grade;
 - (ii) a minimum of six (6) *bicycle parking spaces – occupant* shall be provided on the *lot*, below grade;
 - (k) a minimum total of five (5) *parking spaces* for residents and visitors of the *lot* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) one (1) accessible *parking space* shall be provided with minimum parking dimensions of:
 - Length – 6.0 metres;
 - Width – 3.7 metres;
 - (ii) despite the definition of *parking space* in Section 2(1) of By-law 438-86, and the minimum dimensions of a *parking space* accessed by a two-way drive aisle having a width of less than 6.0 metres in Section 4(17) of By-law 438-86, four *parking spaces* shall be provided with minimum parking dimensions of:
 - Length – 6.0 metres;
 - Width – 2.6 metres;
 - (l) a minimum of 14 percent of the area if the *lot* shall be maintained as *landscaped open space*.
8. Notwithstanding the definitions provided in Section 2(1) of *By-law 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 438-86*, will apply:
- (i) "*social housing*" means a *dwelling unit(s)* owned and operated by or on behalf of the City of Toronto, or by a non-profit agency in cooperation with the City of Toronto or a private sector organization in cooperation with the City of Toronto or other government agency or level of government;
 - (ii) "*Building Addition*" means any building or structures, other than the *Existing Building*, above and below *grade*, located within the heavy lines shown on Map 2 as the *Building Addition*;

- (iii) "*community centre*" means a building, or portion thereof, used for community activities including, but not limited to, arts, crafts, physical, social, charitable, education activities, the River-oak Parent Child Centre Inc. or other community uses that provides programming for parents and children and operated by a local non-profit that serves the area, and not used for a commercial purpose;
 - (iv) "*Existing Building*" means the existing apartment building, subject to internal modifications or alterations that do not result in any additional *gross floor area*, except as provided herein, located on the lot in the year 2017 as shown on Map 2;
 - (v) "*grade*" means 89.00 metres above Canadian Geodetic Datum;
 - (vi) "*gross floor area*" shall mean the sum of the total area of each floor level of a building or structure, above and below the ground, measured from the exterior of the main wall of each floor level, and reduced by the area in the building used for:
 - (i) parking, loading and bicycle parking below established *grade*;
 - (ii) required loading spaces and required *bicycle parking spaces* at or above established *grade*;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - (v) indoor *residential amenity space* required by this By-law;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building;
 - (vii) Each word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law 438-86, as amended, unless otherwise defined in this By-law.
- 9.** 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.
- 10.** 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 new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway;
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on April 28, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
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:

- i. The owner shall provide and maintain on the site or on the lands known as 1117 Gerrard Street East 35 Social Housing Units, comprising of 35 one-bedroom dwelling units, from the date of first occupancy and for a period of at least 25 years, as generally shown on the plans dated August 26, 2016 for that site submitted to the City Planning Division. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- ii. The owner shall provide and maintain the 29 existing Social Housing Units, from the date of the Zoning By-Law coming into full force and effect, and 1 new Social Housing Unit, from the date of the issuance of the above-grade building permit for 1117 Gerrard Street East, at 1119 Gerrard Street East as rental housing for the period of at least 25 years with all associated facilities and amenities building improvements to be secured for the rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
- iii. The Owner shall expand the existing laundry room at 1119 Gerrard Street East to include at least four washers and 4 dryers prior to occupancy of the new building at 1117 Gerrard Street East;
- iv. The Owner shall renovate the existing rooftop at 1119 Gerrard Street East as illustrated in the August 26, 2016 Floor Plans to include at least two BBQs and patio furniture prior to occupancy of the new building at 1117 Gerrard Street East;
- v. The Owner shall make available all indoor and outdoor amenity spaces as illustrated in the August 26 Floor Plans for the new building at 1117 Gerrard Street East to tenants of both 1117 Gerrard Street East and 1119 Gerrard Street East without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
- vi. The Owner shall provide a Construction Mitigation Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- vii. The Owner shall provide a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division.



