

Authority: Scarborough Community Council Item SC25.1, adopted as amended, by City of Toronto Council on July 14, 15 and 16, 2021 and MM37.34, by Councillor Gary Crawford, seconded by Councillor Michael Thompson, as adopted by City of Toronto Council on November 9, 10 and 12, 2021

## CITY OF TORONTO

### BY-LAW 959-2021

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East.**

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 authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, C. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the holding (H) symbol with conditions in the zoning 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;

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 569-2013 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. 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 adding the lands shown on Diagram 3 of this By-law delineated as Block 3, Block 4, Block 5, Block 7, Block 8, Block 11 and Block 12 to the Zoning By-law Map in Section 990.10 and applying the following zone labels as shown on Diagram 2 of By-law 959-2021:  
  
(H) RA (x160) to Block 3  
  
RA (x160) to Blocks 4 and 5  
  
(H) OR (x32) to Block 7  
  
OR to Blocks 8, 11, and 12
4. Zoning By-law 569-2013, as amended, is further amended by adjusting the boundaries between the zone labels CR 0.5 (c0.5; r0.0) SS3 (x586) and CR 0.22 (c0.22; r0.0) SS3 (x376) of the Zoning By-law Map in Section 990.10 as shown on Diagram 2 of this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1, the Height Overlay Map in Article 995.20.1, the Lot Coverage Overlay Map in Article 995.30.1 and the Rooming Housing Overlay Map in Article 995.40.1 and applying no labels.
6. Zoning By-law 569-2013, as amended, is further amended by replacing Article 900.11.10 Exception Number 586 with the following such that it reads as follows:

**Exception CR 586**

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 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, if the requirements of Section 10 and Schedule A of By-law 959-2021 are complied with, a **building, structure**, addition or enlargement is permitted in compliance with regulations (B) to (QQ) below:

- (B) For the purposes of this exception each Block as shown on Diagram 3 of By-law 959-2021 is to be considered a **lot**;
- (C) **Public Parking** is a permitted use if in compliance with conditions 8, 9, 10 and 11 set out in Clause 40.10.20.100;
- (D) Despite Regulation 40.10.20.40, **apartment buildings, mixed use buildings and townhouses** are permitted **building** types for **dwelling units** despite the "r" value referred to in regulation 40.5.1.10(3)(A)(ii);
- (E) Despite Regulation 40.10.20.100(5), the **interior floor area** of a **retail store** including a beverage **manufacturing use** for beer, cider or wine, on Block 1 shown on Diagram 3 of By-law 959-2021 may not exceed 500.0 square metres;
- (F) Despite Regulation 40.10.40.1(1), all residential use portions of a **building** may be located above, below, or on the same **storey** as non-residential use portions of a **building**;
- (G) Despite Clause 40.10.40.40, the total permitted maximum **gross floor area** on Blocks 1 and 2 as identified on Diagram 3 of By-law 959-2021 is 46,450.0 square metres, of which:
  - (i) a minimum of 450.0 square metres of **gross floor area** on Block 1 must be used for non-residential purposes; and
  - (ii) no **gross floor area** may be used for non-residential purposes on Block 2;
- (H) Despite Regulation 40.5.40.40(3)(A), (3)(E), (5)(A) and 5(E), the **gross floor area** of a **mixed use building** or **apartment building** is also reduced by the area in the **building** used for:
  - (i) **parking spaces, drive aisles, loading spaces, and bicycle parking spaces** at, below, and above ground; and
  - (ii) all **indoor amenity space**;
- (I) The provision of **dwelling units** on the lands identified in Diagram 1 of By-law 959-2021 are subject to the following:
  - (i) a minimum of 15 percent of the total number of **dwelling units** must have two bedrooms;
  - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
  - (iii) once (i) and (ii) above are complied with, of the remaining total number of **dwelling units**, a minimum 15 percent of dwelling units must have two or more bedrooms;

- (J) Despite Regulation 5.10.1.30(3), a **dwelling unit** may not be entirely below ground;
- (K) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured from the following Canadian Geodetic Datum elevations to the highest point of the **building** or **structure**:
- (i) 126.60 metres on Block 1 as shown on Diagram 3 of By-law 959-2021;
  - (ii) 127.92 metres on Block 2 as shown on Diagram 3 of By-law 959-2021;
- (L) Despite Regulation 40.10.40.10(3) and (7), the permitted maximum height of a **building** or **structure** is shown in metres following the HT symbol and in **storeys** following the ST symbol on Diagram 4 of By-law 959-2021;
- (M) In determining compliance with (L) above, the following are not a **storey**:
- (i) vestibules providing rooftop access and having a **gross floor area** of not more than 20.0 square metres;
  - (ii) mechanical penthouses;
  - (iii) stair enclosures; and
  - (iv) elevator overruns;
- (N) The required minimum height of the first **storey** is 4.5 metres;
- (O) Despite (N) above, the required minimum height of the first **storey** does not apply to the portion of a **building** that contains **dwelling units** and **ancillary** residential uses;
- (P) Despite (L) above and Regulations 40.5.40.10(3), (4), (5), (6), (7) and (8), the following elements of a **building** or **structure** may exceed the permitted maximum heights as follows:
- (i) Wind and privacy screens, awnings, roof overhangs, cornices, canopies, balconies and associated guards, lighting fixtures, ornamental elements, such as decorative architectural features, vents, stacks, eaves, cladding, pilasters and window sills;
  - (ii) mechanical equipment including heating, cooling and ventilating equipment, gas and electrical equipment and vibration dampening equipment, communications equipment, penthouses, enclosures and **structures** around elements listed above including roofing membranes and **green roofs** on such enclosures, roof access vestibules, elevator overruns, trellises, **structures** used for outside or open air recreation, and stairs and stair enclosures may project above the permitted maximum heights shown on Diagram 4 of By-law 959-2021 to a maximum of 7.0 metres;

- (iii) guards and railings, safety equipment, ramps, fences, outdoor furniture, underground garage ramps and associated **structures, bicycle parking spaces**, community mailboxes as well as **structures** enclosing such elements, garbage chutes and associated enclosures, landscape elements, retaining walls and planters, chimneys, elements associated with outdoor amenities such as barbecues, fireplaces and seating, bollards, and porches and decks, either excavated or unexcavated may project above the permitted maximum heights shown on Diagram 4 of By-law 959-2021 to a maximum of 3.0 metres;
  - (iv) parapets, window washing and **building** maintenance equipment, decking, skylights, and roof access hatches, and below grade parking **structures**, including any associated membranes or waterproofing materials may project above the permitted maximum heights shown on Diagram 4 of By-law 959-2021 to a maximum of 1.8 metres; and
  - (v) terraces, thermal insulation, roofing membranes, pavers, **green roof** elements and roof ballasts may project above the permitted maximum heights shown on Diagram 4 of By-law 959-2021 to a maximum of 0.9 metres;
- (Q) Despite Regulations 40.10.40.70(3) and (4) and 40.10.40.80(2), the required minimum **building setbacks** and separation distances are shown on Diagram 4 of By-law 959-2021;
- (R) A **building setback** is not required from a corner rounding at the intersection of two **streets**;
- (S) Despite (Q) above, and Clauses 40.5.40.60 and 40.10.40.60, the following **building** elements may encroach into a required minimum **building setback** as follows:
- (i) mechanical equipment including heating, cooling and ventilating equipment, gas and electrical equipment and vibration dampening equipment, communications equipment, penthouses, enclosures and **structures** around elements listed above, including roofing membranes and **green roofs** on such enclosures, roof access vestibules, elevator overruns, lighting fixtures, trellises, vents, stacks, **structures** used for outside or open air recreation, stairs and stair enclosures, wind and privacy screens, guards and railings, safety equipment, ramps, fences, outdoor furniture, chimneys, underground garage ramps and associated **structures, bicycle parking spaces**, community mailboxes as well as **structures** enclosing such elements, landscape elements, retaining walls and planters, elements associated with outdoor amenities such as barbecues, fireplaces and seating, parapets, window washing and **building** maintenance equipment, bollards, decking, skylights, roof access hatches, including any associated membranes or waterproofing materials, terraces, thermal insulation, roofing membranes, pavers, **green roof** elements and roof ballast and porches and decks, either excavated or unexcavated;

- (ii) awnings, roof overhangs, cornices, canopies, balconies and associated guards, ornamental elements such as decorative architectural features and garbage chutes and associated enclosures to a maximum of 2.5 metres;
  - (iii) eaves, cladding and pilasters to a maximum of 1.2 metres; and
  - (iv) windowsills to a maximum of 0.6 metres;
- (T) Despite Regulation 40.10.40.50(1)(A), a **building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which at least 1.5 square metres for each **dwelling unit** is indoor **amenity space**;
- (U) Despite Regulation 40.10.40.50(1) and (T) above, the total indoor and outdoor **amenity space** required for **dwelling units** on Block 1 and Block 2 identified on Diagram 3 of By-law 959-2021 may be combined and provided entirely on either of Block 1 or Block 2 or a combination of both provided it is available for the use of residents of either Block;
- (V) Regulation 40.10.50.10(1)(B) shall not apply;
- (W) A **parking space** must be available for the use for which it is required;
- (X) Despite Regulation 40.5.80.10(1), **parking spaces** required for a use on Block 1 or Block 2 identified on Diagram 3 of By-law 959-2021 may be provided on either of Block 1 or Block 2 or a combination of both;
- (Y) A surface **parking space** may not be located in the **front yard**;
- (Z) Regulations 40.10.90.40(2) and 40.10.100.10(2), with respect to the number and location of **vehicle** access points and loading access point, do not apply;
- (AA) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following minimum requirements:
- (i) 0.6 **parking spaces** per **dwelling unit** for residents;
  - (ii) 0.1 **parking spaces** per **dwelling unit** for visitors;
  - (iii) Despite (i) above, for Block 2 identified on Diagram 3 of By-law 959-2021, 1.0 **parking space** per **dwelling unit** for residents is required in **townhouses**;
  - (iv) No **parking spaces** are required for non-residential uses; and
  - (v) A minimum of 4 **parking spaces** on Block 1 and Block 2 as shown on Diagram 3 of By-law 959-2021 must be exclusively reserved and signed for a **vehicle** or **vehicles** used only for car-share purposes;

- (BB) For the purposes of (AA) above:
- (i) car-share means the practice where a number of people share the use of one or more **vehicles** that are owned by a profit or non-profit car sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable; and
  - (ii) a car-share **parking space** means a **parking space** that is exclusively reserved and actively used for car-sharing;
- (CC) Despite Section 200.5 and (AA) above, for each **parking space** exclusively reserved and signed for a **vehicle** or **vehicles** used only for car-share purposes beyond the minimum required rate in (AA) above, the minimum number of resident **parking spaces** required may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula:  $4 \times (\text{the total number of dwelling units on Block 1 and Block 2 as shown on Diagram 3 of By-law 959-2021 divided by } 60)$ , rounded down to the nearest whole number;
- (DD) Despite Regulation 200.5.1.10(2), up to 10 percent of the required **parking spaces** may have a minimum length of 5.2 metres;
- (EE) Despite Regulations 200.5.1.10(2)(A)(iv), 200.5.1.10(2)(B)(iv), and 200.5.1.10(C)(iv), up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**;
- (FF) Despite Regulation 200.5.1.10(12)(C), the **vehicle** entrance or exit to the **building** must be at least 3.0 metres from the **lot line** abutting a **street**;
- (GG) Regulations 200.15.1(4) and 200.15.15.4(2), with respect to the location of accessible **parking spaces**, do not apply;
- (HH) Despite Regulations 200.15.1(1) and 200.15.15.4(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.4 metres;
  - (iii) vertical clearance of 2.0 metres; and
  - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.

- (II) Despite Clause 220.5.10.1, **loading spaces** must be provided in accordance with the following minimum requirements:
  - (i) For Block 1 as shown on Diagram 3 of By-law 959-2021 – 1 Type "G" **loading space**;
  - (ii) For Block 2 as shown on Diagram 3 of By-law 959-2021 – 1 Type "C" **loading space**;
- (JJ) Despite Regulation 230.5.1.10(8), a **bicycle parking space** required for Block 1 or Block 2 identified on Diagram 3 of By-law 959-2021 may be provided on either of Block 1 or Block 2 or a combination of both;
- (KK) Regulation 230.5.1.10(9), with respect to long-term **bicycle parking space** location does not apply;
- (LL) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.2 metres;
- (MM) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (NN) Regulation 230.40.1.20(2) with respect to the location of "short-term" **bicycle parking spaces** does not apply;
- (OO) Regulations 40.10.40.1(3) and (5) with respect to residential use orientation to a **street**, and **building** orientation to a **street**, do not apply;
- (PP) Despite Regulation 5.10.30.1(1), no **building** or **structure**, except for below ground construction or foundations, and/or a retaining wall or earth berm, may be erected or used on the lands unless:
  - (i) The lands abut an existing **street**, or are connected to an existing **street** by a **street** or **streets** constructed to a minimum base curb and base asphalt or concrete; and
  - (ii) All Municipal water mains and Municipal sewers, and their appurtenances, are installed to a **lot line** of the property and are operational; and
- (QQ) For the purpose of Regulation 5.10.30.1(2) a **street** may include a **street** or **streets** that have been dedicated to the Municipality but may not be assumed.

Prevailing By-laws and Prevailing Sections: (None Apply)

- 7. Zoning By-law 569-2013, as amended, is further amended by adding the following clause (C) to Article 900.11.10 Exception Number 376 under the heading Exception CR 376 as follows:



(C) An **ancillary structure** with a **gross floor area** of less than 20.0 square metres is permitted and Article 10.5.60 does not apply.

8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.7.10 Exception Number 160 so that it reads as follows:

**Exception RA 160**

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 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, if the requirements of Section 10 and Schedule A of By-law 959-2021 are complied with, **buildings** or **structures** may be used and erected in compliance with regulations (B) to (QQ) below:
- (B) For the purposes of this exception each Block as shown on Diagram 3 of By-law 959-2021 is to be considered a **lot**;
- (C) Despite (B) above, should the (H) symbol be removed from Blocks 3 and 7 as described in Section 11 and as shown on Diagram 3 of By-law 959-2021 to permit a **public school**, Blocks 3 and 7 shall be considered one **lot**;
- (D) In addition to the uses permitted in Regulation 15.10.20.10(1), **public parking** located in a below ground or above-ground **parking garage**, or as surface parking is also a permitted use;
- (E) In addition to the uses permitted in Regulation 15.10.20.10(1), a **public school** or **private school** is also a permitted use if in compliance with the following:
- (i) An adult education school is permitted if it is in a **building** used as a **private school** or **public school** or in a **building** that was originally constructed as a **private school** or **public school**, and is funded by the Provincial or Federal government for:
- (a) adult English or French as a second language courses delivered by district schools;
- (b) literacy and basic skills programming delivered by community agencies or district school boards;
- (c) credit courses for adults delivered by district school boards;
- (d) continuing education programs, including general interest courses, delivered by district school boards;
- (e) adult Aboriginal language programs delivered by district school boards; or

- (f) Canadian citizenship preparation programs delivered by district school boards;
- (ii) a **day nursery** is permitted in a **building** used as a **private school** or a **public school**, or a **building** that was originally constructed as a **private school** or a **public school**, if:
  - (a) the **day nursery** is on the first **storey**; and
  - (b) the **interior floor area** used by the **day nursery** is no greater than 40 percent of the **interior floor area** of the first **storey** of the **building**;
- (iii) A **lot** with a **public school** or a **private school** must have:
  - (a) a minimum 1.5 metre wide strip of **soft landscaping**, along all **side lot lines** and **rear lot lines**; and
  - (b) a minimum 3.0 metre wide strip of **soft landscaping**, along the entire length of any **lot line** abuts a **street**, excluding areas used for play, walkways, driveways, parking, loading, student drop-off and pick-up;
- (iii) Buildings or **structures** that are **ancillary** to a **public school** or **private school** must:
  - (a) comply with the required minimum **building setbacks** for the zone in which the **lot** is located; and
  - (b) despite (a) above, a portable classroom **building** must be set back from all **lot lines** a distance equal to at least half the height of the portable classroom **building**;
- (iv) A portable classroom **building** may be no more than 4.0 metres in height, and the height of a portable classroom **building** is the distance between **average grade** and the highest part of the **building**, excluding permitted encroachments above the height limit for the zone in which the portable classroom **building** is located; and
- (v) All waste and **recyclable material** must be stored in a wholly enclosed **building**, if a **public school** or a **private school** is constructed pursuant to a building permit issued more than three years after May 9, 2013;
- (F) A **dwelling unit** is permitted in an **apartment building**;
- (G) A **day nursery** in a **public school** or **private school** is subject to the following:
  - (i) it must be on the first **storey**; and

- (ii) its **interior floor area** may be no greater than 40 percent of the **gross floor area** of the first **storey** of the **building**;
- (H) Despite Regulation 15.10.40.40(1), the permitted maximum **gross floor area** on Blocks 3, 4, and 5 as shown on Diagram 3 of By-law 959-2021 is as follows:
  - (i) 13,250.0 square metres on Block 3;
  - (ii) 6,250.0 square metres on Block 4; and
  - (iii) 9,400.0 square metres on Block 5;
- (I) Despite (H) above, should the (H) symbol be removed from Blocks 3 and 7 as described in Section 11 and as shown on Diagram 3 of By-law 959-2021 to permit a **public school**, the combined maximum permitted **gross floor area** on Blocks 3 and 7 is 6,500.0 square metres;
- (J) Despite Regulation 15.5.40.40(1), the **gross floor area** of a **building** is reduced by the area in the **building** used for:
  - (i) **parking spaces, drive aisles, loading spaces and bicycle parking spaces** at, below, and above ground;
  - (ii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
  - (iii) shower and change facilities for required **bicycle parking spaces**;
  - (iv) all indoor **amenity space**;
  - (v) elevator shafts;
  - (vi) garbage shafts;
  - (vii) mechanical penthouse; and
  - (viii) exit stairwells in the **building**;
- (K) The provision of **dwelling units** on the lands identified in Diagram 1 of By-law 959-2021 is subject to the following:
  - (i) a minimum of 15 percent of the total number of **dwelling units** must have two bedrooms;
  - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
  - (iii) once (i) and (ii) above are complied with, of the remaining total number of **dwelling units** a minimum 15 percent of dwelling units must have two or more bedrooms;

- (L) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is measured from the following Canadian Geodetic Datum elevations to the highest point of the **building** or **structure**:
- (i) 126.59 metres on Block 3 as shown on Diagram 3 of By-law 959-2021;
  - (ii) 127.74 metres on Block 4 as shown on Diagram 3 of By-law 959-2021;
  - (iii) 128.94 metres on Block 5 as shown on Diagram 3 of By-law 959-2021; and
  - (iv) should the (H) symbol be removed from Blocks 3 and 7 as described in Section 11 and as shown on Diagram 3 of By-law 959-2021, to permit a **public school**, 126.59 metres on Blocks 3 and 7 as shown on Diagram 3 of By-law 959-2021;
- (M) Despite Regulation 15.10.40.10(1) and (2), the permitted maximum height of a **building** or **structure** is shown in metres following the HT symbol and in **storeys** following the ST symbol on Diagrams 5, 6 and 7 of By-law 959-2021;
- (N) In determining compliance with (M) above, the following are not a **storey**:
- (i) vestibules providing rooftop access and having a **gross floor area** of not more than 20.0 square metres;
  - (ii) mechanical penthouses;
  - (iii) stair enclosures; and
  - (iv) elevator overruns;
- (O) Despite (M) above and Regulation 15.5.40.10(2), (3), (4), (5) and (6), the following elements of a **building** or **structure** may exceed the permitted maximum height as follows:
- (i) Wind and privacy screens, awnings, roof overhangs, cornices, canopies, balconies and associated guards, lighting fixtures, ornamental elements, such as decorative architectural features, vents, stacks, eaves, cladding, pilasters and window sills;
  - (ii) mechanical equipment including heating, cooling and ventilating equipment, gas and electrical equipment and vibration dampening equipment, communications equipment, penthouses, enclosures and **structures** around elements listed above including roofing membranes and **green roofs** on such enclosures, roof access vestibules, elevator overruns, trellises, **structures** used for outside or open air recreation, and stairs and stair enclosures may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 of By-law 959-2021 to a maximum of 7.0 metres;

- (iii) guards and railings, safety equipment, ramps, fences, outdoor furniture, underground garage ramps and associated **structures, bicycle parking spaces**, community mailboxes as well as **structures** enclosing such elements, garbage chutes and associated enclosures, landscape elements, retaining walls and planters, chimneys, elements associated with outdoor amenities such as barbecues, fireplaces and seating, bollards, and porches and decks, either excavated or unexcavated may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 of By-law 959-2021 to a maximum of 3.0 metres;
  - (iv) parapets, window washing and **building** maintenance equipment, decking, skylights, and roof access hatches, and below grade parking **structures** including any associated membranes or waterproofing materials may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 of By-law 959-2021 to a maximum of 1.8 metres; and
  - (v) terraces, thermal insulation, roofing membranes, pavers, **green roof** elements and roof ballasts may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 of By-law 959-2021 to a maximum of 0.9 metres;
- (P) Despite Clause 15.10.40.70, the required minimum **building setbacks** are as shown on Diagrams 5, 6 and 7 of By-law 959-2021;
- (Q) A **building setback** is not required from a corner rounding at the intersection of two streets;
- (R) Despite (P) above, Regulation 15.5.40.50(2) and Clause 15.5.40.60, the following **building** elements may encroach into a required minimum **building setback** as follows:
- (i) mechanical equipment including heating, cooling and ventilating equipment, gas and electrical equipment and vibration dampening equipment, communications equipment, penthouses, enclosures and **structures** around elements listed above, including roofing membranes and **green roofs** on such enclosures, roof access vestibules, elevator overruns, lighting fixtures, trellises, vents, stacks, **structures** used for outside or open air recreation, stairs and stair enclosures, wind and privacy screens, guards and railings, safety equipment, ramps, fences, outdoor furniture, chimneys, underground garage ramps and associated **structures, bicycle parking spaces**, community mailboxes as well as **structures** enclosing such elements, landscape elements, retaining walls and planters, elements associated with outdoor amenities such as barbecues, fireplaces and seating, parapets, window washing and building maintenance equipment, bollards, decking, skylights, roof access hatches, including any associated membranes or waterproofing materials, terraces, thermal insulation, roofing membranes, pavers, **green roof** elements and roof ballast and porches and decks, either excavated or unexcavated;

- (ii) awnings, roof overhangs, cornices, canopies, balconies and associated guards, ornamental elements such as decorative architectural features and garbage chutes and associated enclosures to a maximum of 2.5 metres;
  - (iii) eaves, cladding and pilasters to a maximum of 1.2 metres; and
  - (iv) windowsills to a maximum of 0.6 metres;
- (S) Despite (M) and (P) above, should the (H) symbol be removed from Blocks 3 and 7 as described in Section 11 and as shown on Diagram 3 of By-law 959-2021, to permit a **public school**, the permitted maximum **building** height for a **public school** on Blocks 3 and 7 shall be 20.0 metres and the required minimum **building setbacks** for Blocks 3 and 7 are as follows:
- (i) a minimum **front yard setback** from the **lot line** abutting Street A identified on Diagram 3 of By-law 959-2021 of 3.0 metres;
  - (ii) a minimum exterior **side yard setback** from the **lot line** abutting Street B identified on Diagram 3 of By-law 959-2021 of 3.0 metres;
  - (iii) a minimum interior **side yard setback** of 7.0 metres; and
  - (iv) a minimum **rear yard setback** of 30.0 metres;
- (T) Despite Regulations 15.10.40.80(1) and 15.10.40.80(2), if a **building** has **main walls** from which a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building** or a different **building** on the same Block, the required minimum above-ground separation distance between those **main walls**, excluding **main walls** around architectural recesses in a **main wall** having a depth of 1.0 metres or less, inset balconies, and recessed **building** entrances, is:
- (i) for any portion of a **building** with a height equal to or less than 12.0 metres, 2.4 metres if there is an opening on one or both of the **main walls**;
  - (ii) for any portion of a **building** with a height greater than 12.0 metres, 5.5 metres if there is an opening on one or both of the **main walls** of the same **building**; and
  - (iii) for any portion of a **building** with a height greater than 12.0 metres, 15.0 metres if there is an opening on one or both of the **main walls** of a different **building**;
- (U) Despite Regulation 15.5.50.10(1), a **lot** in the Residential Apartment Zone category must have:
- (i) a minimum of 25percent of the area of the **lot** for **landscaping**; and

- (ii) A minimum of 50 percent of the **landscaping** area required in (i) above must be **soft landscaping**;
- (V) Despite Regulation 15.5.150.1(1), on Block 4 identified on Diagram 3 of By-law 959-2021, all waste and recyclable material must be stored within a **building, structure**, or enclosure;
- (W) Despite Regulation 15.10.40.50(1)(A), an **apartment building** on Block 3 identified on Diagram 3 of By-law 959-2021 must provide **amenity space** at a minimum rate of 4.0 square metres per **dwelling unit**, of which at least 1.5 square metres for each **dwelling unit** is indoor **amenity space**;
- (X) Despite Regulation 15.10.40.50(1), an **apartment building** on Block 5 identified on Diagram 3 of By-law 959-2021 must provide **amenity space** at a minimum rate of 4.0 square metres per **dwelling unit**, of which at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
- (Y) Despite Regulation 15.10.40.50(1), no **amenity space** is required for **dwelling units** on Block 4 identified on Diagram 3 of By-law 959-2021;
- (Z) A **parking space** must be available for the use for which it is required;
- (AA) Despite Regulation 15.5.80.10(1), a visitor **parking space** required on Block 3 identified on Diagram 3 of By-law 959-2021 may be provided on any or all of Blocks 1, 2 and 3 identified on Diagram 3 of By-law 959-2021;
- (BB) Regulation 15.5.80.10(2), with respect to the location of **parking spaces**, does not apply for **apartment buildings** located on Block 4 identified on Diagram 3 of By-law 959-2021;
- (CC) Regulation 15.5.100.1(1)(B) with respect to maximum **driveway** width does not apply;
- (DD) Regulation 15.5.100.1(2) with respect to **driveway** access to **apartment buildings** does not apply;
- (EE) Despite Regulation 200.5.1.10(2)(A)(iv), 200.5.1.10(2)(B)(iv), and 200.5.1.10(C)(iv), up to 10 percent of the required **parking spaces** may have a minimum length of 5.2 metres;
- (FF) Despite Regulation 200.5.1.10(2)(A)(iv), 200.5.1.10(2)(B)(iv), and 200.5.1.10(C)(iv), up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**;
- (GG) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, parking must be provided and maintained on the lands in accordance with the following minimum requirements:

- (i) for Block 3 identified on Diagram 3 of By-law 959-2021, 0.6 **parking spaces per dwelling unit** for residents and 0.1 **parking spaces** per dwelling unit for visitors;
  - (ii) for Block 4 identified on Diagram 3 of By-law 959-2021, 0.5 **parking spaces per dwelling unit** for residents and no **parking spaces** for visitors; and
  - (iii) for Block 5 identified on Diagram 3 of By-law 959-2021, 0.25 **parking spaces per dwelling unit** and no **parking spaces** for visitors;
- (HH) Regulation 200.15.1(4) and 200.15.15.4(2), with respect to the location of accessible **parking spaces**, does not apply;
- (II) Despite Regulation 200.15.1(1) and 200.15.15.4(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.4 metres;
  - (iii) vertical clearance of 2.0 metres; and
  - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (JJ) Despite Regulation 230.5.1.10(6), "long-term" **bicycle parking spaces** on Block 4 identified on Diagram 3 of By-law 959-2021 must be located within a **building, ancillary building or ancillary structure**;
- (KK) Regulation 230.5.1.10(9), with respect to "long-term" **bicycle parking space** location does not apply;
- (LL) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.2 metres;
- (MM) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (NN) Regulation 230.10.1.20(2), with respect to the location of "short-term" **bicycle parking spaces**, does not apply;
- (OO) Despite Regulation 5.10.1.30(3), a **dwelling unit** may not be entirely below-ground;
- (PP) Despite Regulation 5.10.30.1(1), no **building or structure**, except for below ground construction or foundations and/or a retaining wall or earth berm, may be erected or used on the lands unless:



- (i) the lands abut an existing **street**, or are connected to an existing **street** by a **street** or **streets** constructed to a minimum base curb and base asphalt or concrete; and
  - (ii) all Municipal water mains and Municipal sewers, and their appurtenances, are installed to a **lot line** of the property and are operational; and
- (QQ) For the purpose of Regulation 5.10.30.1(2) a **street** may include a **street** or **streets** that have been dedicated to the Municipality but may not be assumed.

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.42.10 Exception Number 32 so that it reads:

**Exception OR 32**

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 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, if the requirements of Section 10 and Schedule A of By-law 959-2021 are complied with, **buildings** or **structures** may be used and erected in compliance with Regulations (B) to (F) below;
- (B) Should the (H) symbol be removed from Blocks 3 and 7 as described in Section 11 and as shown on Diagram 3 of By-law 959-2021 to permit a **public school**, Blocks 3 and 7 shall be considered one **lot**;
- (C) In addition to the uses permitted in regulation 90.30.20.10(1) a **public school** or **private school** are also permitted if in compliance with the following:
  - (i) An adult education school is permitted if it is in a **building** used as a **private school** or **public school** or in a **building** that was originally constructed as a **private school** or **public school**, and is funded by the Provincial or Federal government for:
    - (a) adult English or French as a second language courses delivered by district schools;
    - (b) literacy and basic skills programming delivered by community agencies or district school boards;
    - (c) credit courses for adults delivered by district school boards;
    - (d) continuing education programs, including general interest courses, delivered by district school boards;

- (e) adult Aboriginal language programs delivered by district school boards; or
  - (f) Canadian citizenship preparation programs delivered by district school boards;
  - (ii) a **day nursery** is permitted in a **building** used as a **private school** or a **public school**, or a **building** that was originally constructed as a **private school** or a **public school**, if:
    - (a) the **day nursery** is on the first **storey**; and
    - (b) the **interior floor area** used by the **day nursery** is no greater than 40 percent of the **interior floor area** of the first **storey** of the **building**;
  - (iii) A **lot** with a **public school** or a **private school** must have:
    - (a) a minimum 1.5 metre wide strip of **soft landscaping**, along all **side lot lines** and **rear lot lines**; and
    - (b) a minimum 3.0 metre wide strip of **soft landscaping**, along the entire length of any **lot line** abuts a **street**, excluding areas used for play, walkways, driveways, parking, loading, student drop-off and pick-up;
  - (iv) **Buildings** or **structures** that are **ancillary** to a **public school** or **private school** must:
    - (a) comply with the required minimum **building setbacks** for the zone in which the **lot** is located; and
    - (b) despite (a) above, a portable classroom **building** must be set back from all **lot lines** a distance equal to at least half the height of the portable classroom **building**;
  - (i) A portable classroom **building** may be no more than 4.0 metres in height, and the height of a portable classroom **building** is the distance between **average grade** and the highest part of the **building**, excluding permitted encroachments above the height limit for the zone in which the portable classroom **building** is located; and
  - (ii) All waste and **recyclable material** must be stored in a wholly enclosed **building**, if a **public school** or a **private school** is constructed pursuant to a building permit issued more than three years after May 9, 2013;
- (D) In addition to the uses permitted by regulation 90.30.20.10(1), a **day nursery** is also permitted if in compliance with the following:

- (i) A **day nursery** in a **public school** or a **private school** is subject to the following:
  - (a) it must be on the first **storey**; and
  - (b) its **interior floor area** may be no greater than 40 percent of the **gross floor area** of the first **storey** of the **building**;
- (E) Despite Regulation 90.5.40.10(1), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 126.59 metres to the highest point of the **building** or **structure**; and
- (F) Despite Regulation 90.30.40.10(1) and Clause 90.30.40.70, should the (H) symbol be removed from Blocks 3 and 7 as described in Section 11 and as shown on Diagram 3 of By-law 959-2021, to permit a **public school**, the permitted maximum **building** height for a **public school** on Blocks 3 and 7 shall be 20.0 metres and the required minimum **building setbacks** for Blocks 3 and 7 are as follows:
  - (i) a minimum **front yard setback** from the **lot line** abutting Street A identified on Diagram 3 of By-law 959-2021 of 3.0 metres;
  - (ii) a minimum exterior **side yard setback** from the **lot line** abutting Street B identified on Diagram 3 of By-law 959-2021 of 3.0 metres;
  - (iii) a minimum interior **side yard setback** of 7.0 metres; and
  - (iv) a minimum **rear yard setback** of 30.0 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

#### 10. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, 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 1 of By-law 959-2021 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 that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A 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; 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.

**11. Holding Provisions**

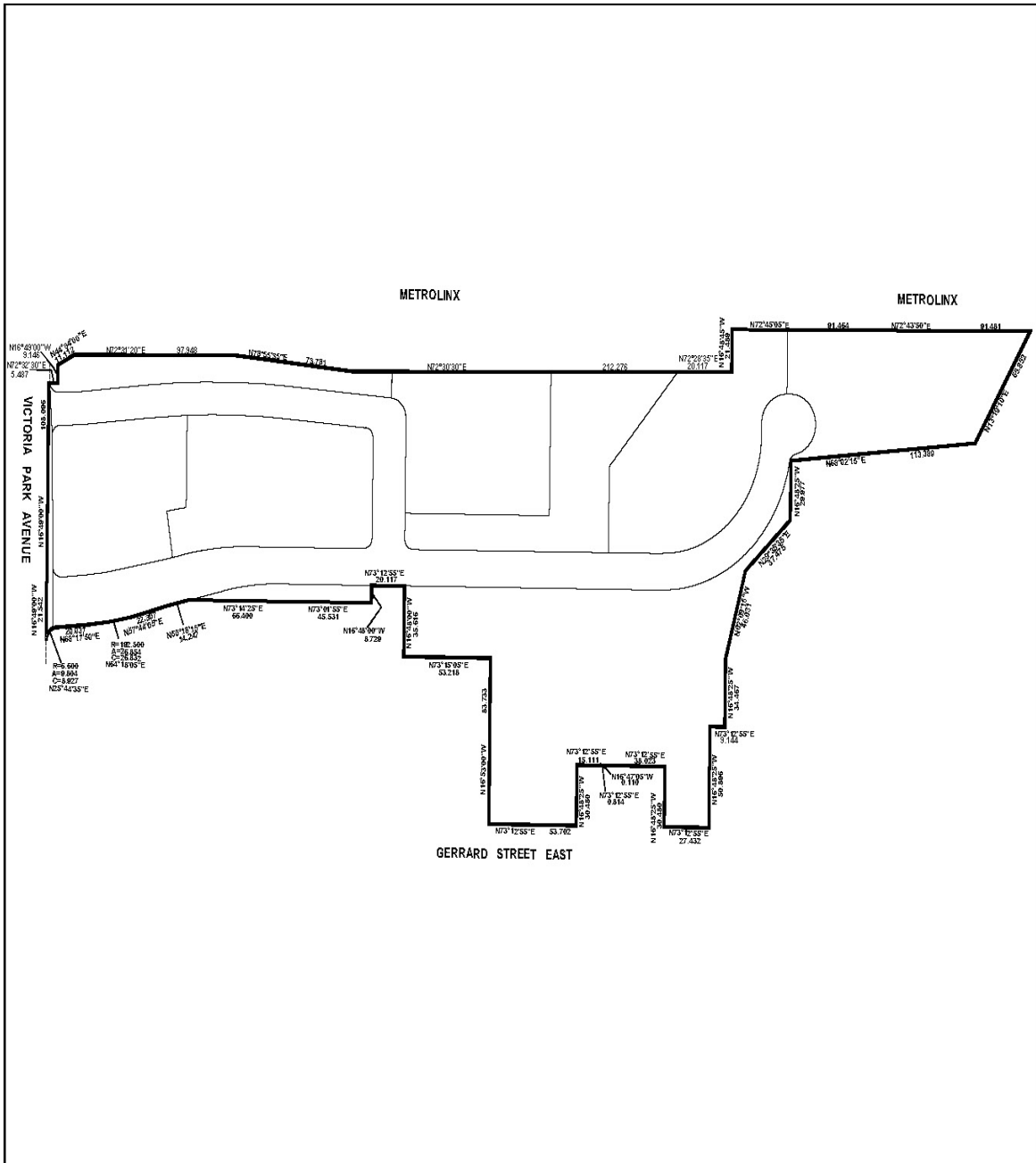
- (A) Prior to the lifting of the H symbol found on Diagram 2 of By-law 959-2021, no person shall erect or use a building or structure as a public school on Block 3 as illustrated on Diagram 3 of By-law 959-2021. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of City Council:
- (i) a Stormwater Management and Functional Servicing Report and functional servicing plans are submitted in a form and content satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services which determines if any improvements to existing municipal infrastructure are required.
- (B) Prior to the lifting of the H symbol found on Diagram 2 of By-law 959-2021, no person shall erect or use a building or structure as a public school on Block 7 as illustrated on Diagram 3 of By-law 959-2021. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of City Council:
- (i) a Stormwater Management and Functional Servicing Report and functional servicing plans are submitted in a form and content satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services which determines if any improvements to existing municipal infrastructure are required.

Enacted and passed on November 12, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)



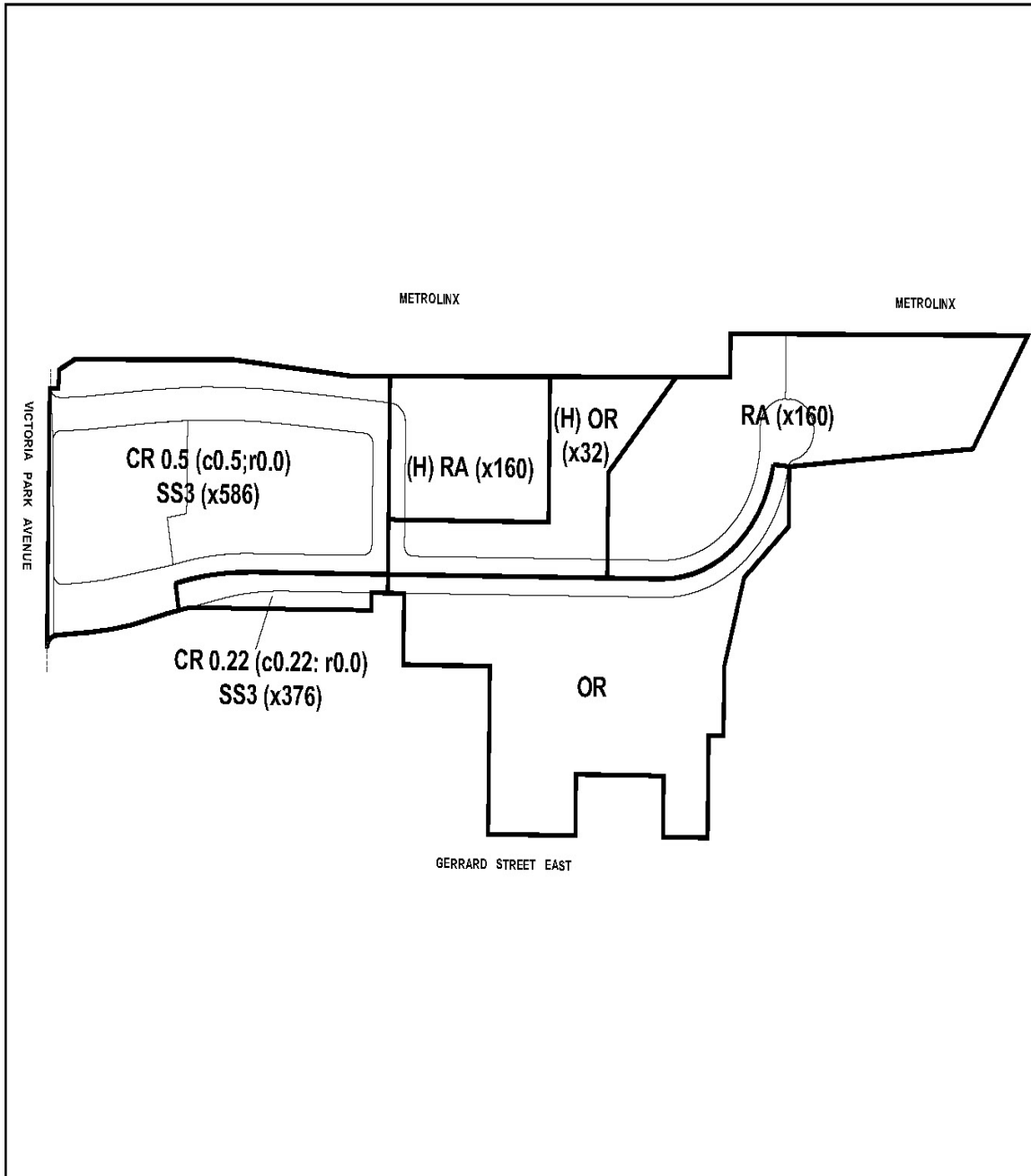
**Diagram 1**

**411 Victoria Park Avenue &  
 2510 and 2530 Gerrard Street East, Toronto**

File #19 263636 ECS 20 SB



Not to Scale



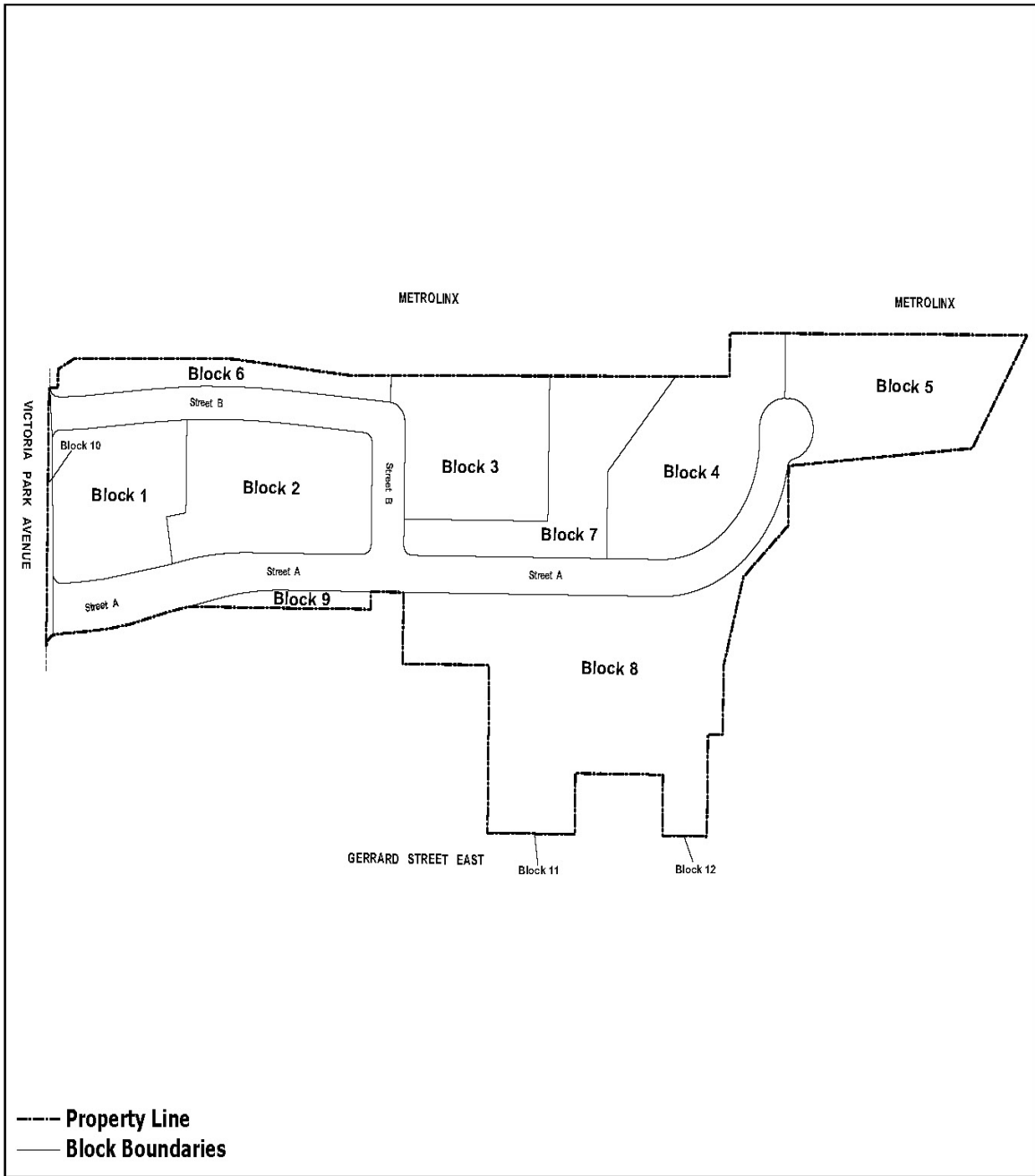
**Diagram 2**

**411 Victoria Park Avenue &  
2510 and 2530 Gerrard Street East, Toronto**

File #19 263636 ECS 20 SB



Not to Scale



**Diagram 3**

**411 Victoria Park Avenue &  
2510 and 2530 Gerrard Street East, Toronto**

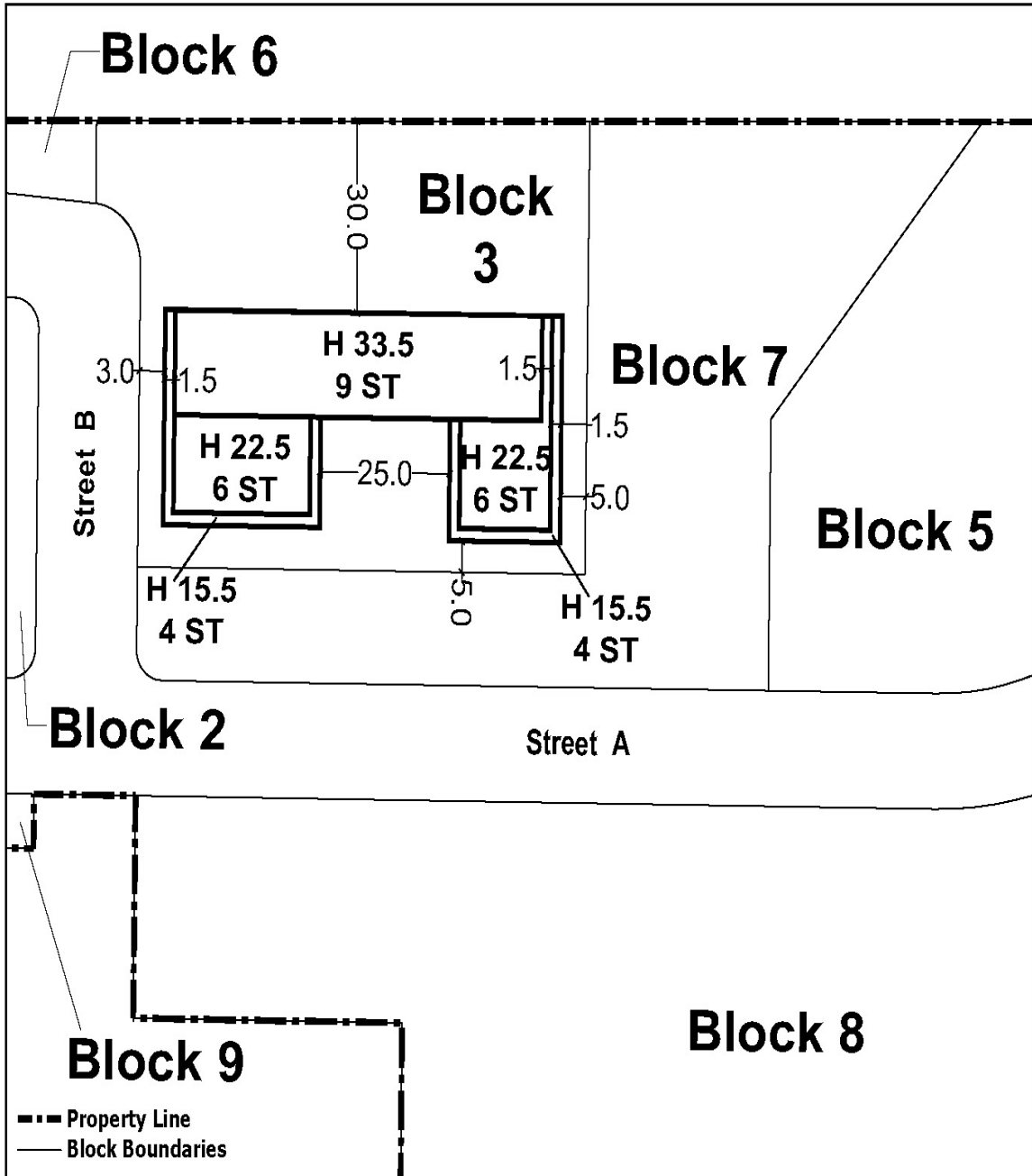
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Not to Scale







**Diagram 5**

**411 Victoria Park Avenue &  
2510 and 2530 Gerrard Street East, Toronto**

File #19 263636 ECS 20 SB



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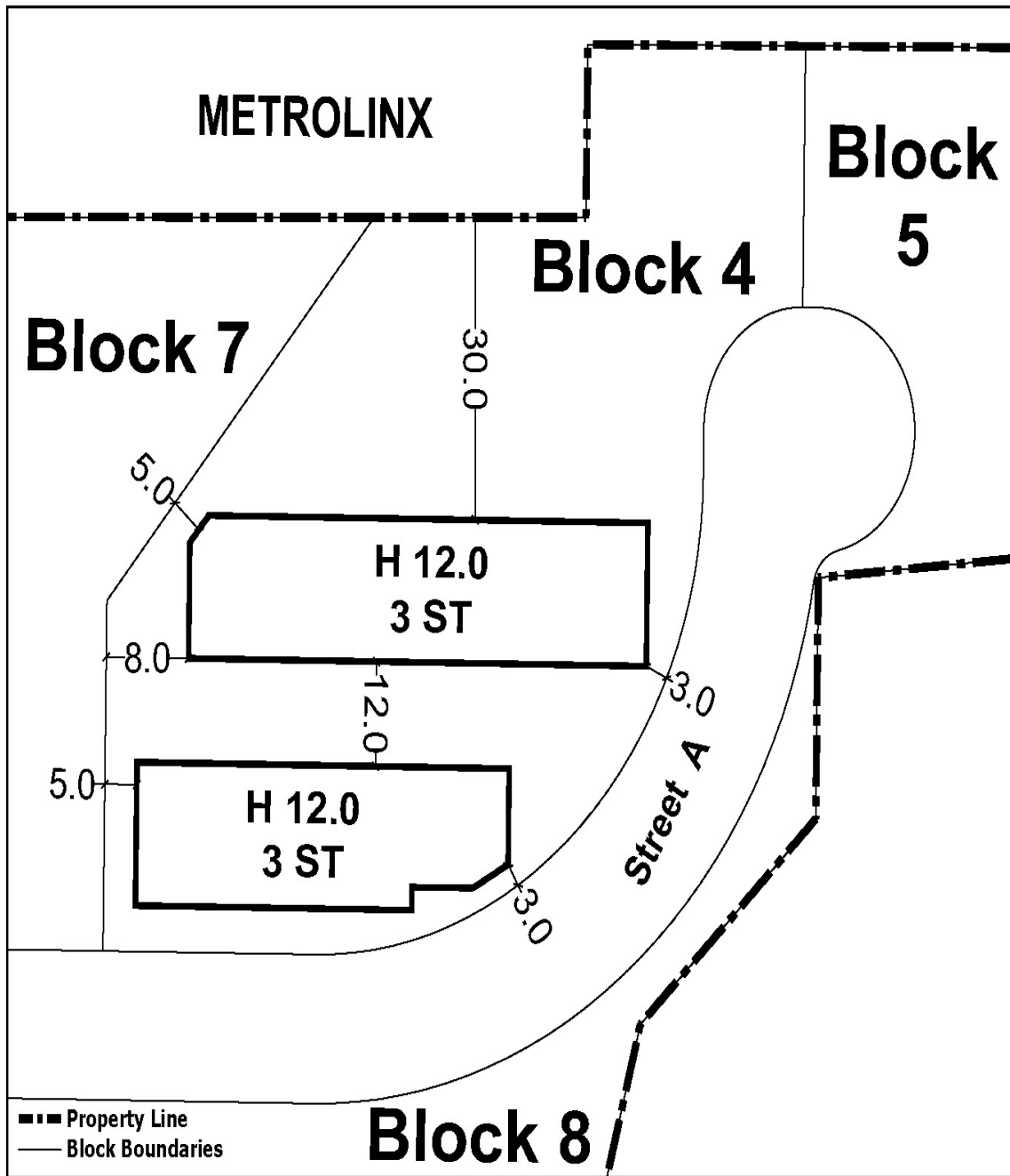


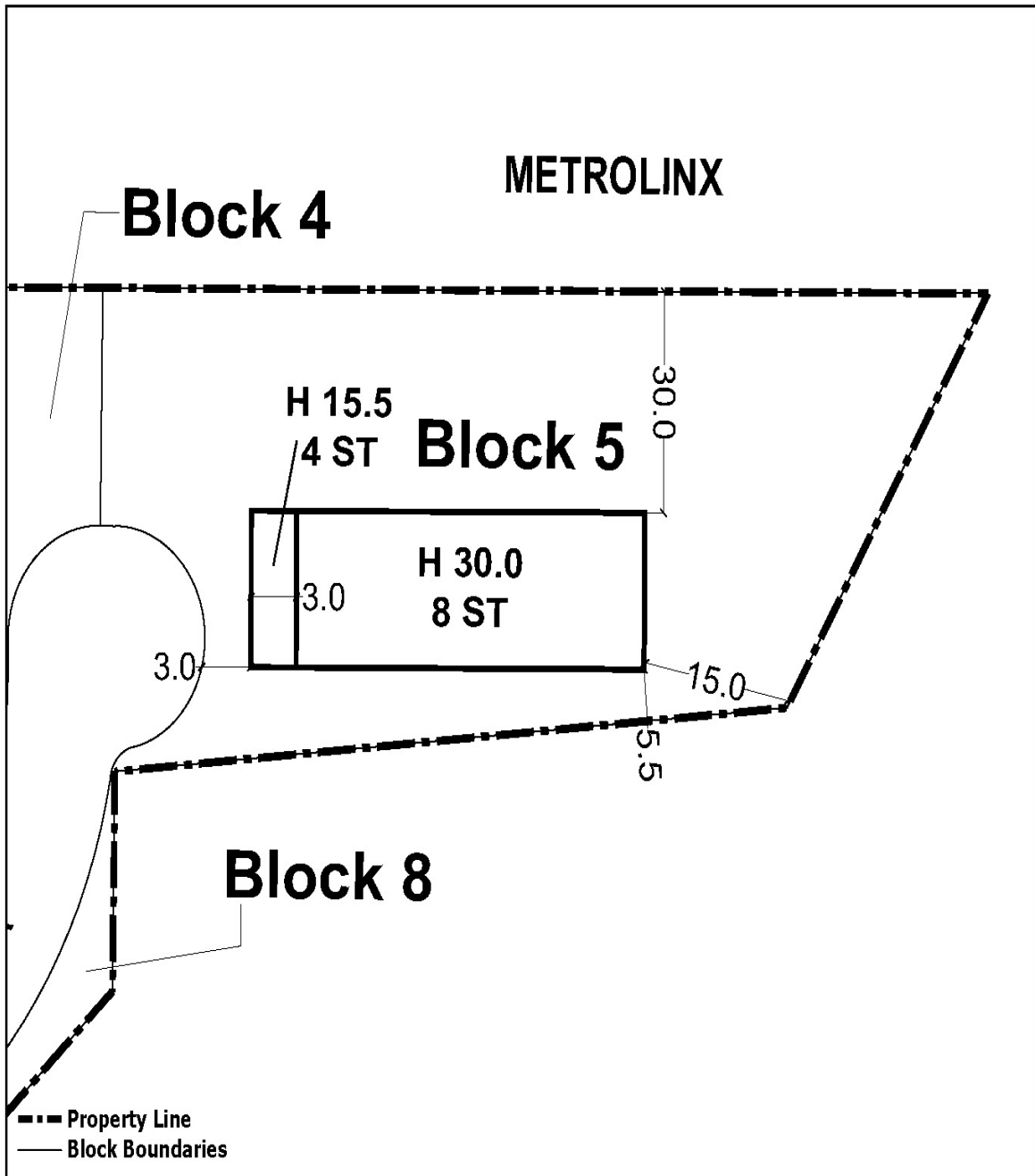
Diagram 6

411 Victoria Park Avenue &  
2510 and 2530 Gerrard Street East, Toronto

File #19 263636 ECS 20 SB



Not to Scale



**Diagram 7**

**411 Victoria Park Avenue &  
2510 and 2530 Gerrard Street East, Toronto**

File #19 263636 ECS 20 SB



Not to Scale

## SCHEDULE A

### Section 37 Provisions

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 of By-law 959-2021 and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- a. A cash contribution of \$1,000,000 for Above Base Park Improvements to the new Park Blocks 7 and 8 within the subdivision, to be provided prior to the first above grade building permit to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City;
- b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- c. Upon the earlier of the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple to a non-profit housing provider, Block 4 consisting of a minimum area of 7700 square metres for the purpose of constructing at least 58 affordable housing units as follows:
  - (1) Block 4 is serviced to the lot line and able to be connected to existing services;
  - (2) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to retain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured;
  - (3) All planning and development-related approvals to proceed with the construction of the affordable housing units are in place, save for final issuance of site plan approval conditions;
  - (4) The owner will enter into an agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director in consultation with the Director, Affordable Housing Office, to implement the provisions of sub-clauses c.(1) , (2) and (3) above, prior to the issuance of the first above-grade residential building permit for any purpose; and
  - (5) The non-profit provider will enter into one or more delivery agreements with the City for the affordable housing units, and will agree to build the 58 affordable

units and following application by the owner, including the furnishing of site plan application fees, obtain site plan approval and approved building permits for the stacked townhouse units.

- d. Upon the earlier of the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple, Block 5 consisting of a minimum area of 7500 square metres to the City for the purposes of constructing at least 62 affordable rental units as follows:
- (1) Block 5 is serviced to the lot line and able to be connected to existing services; and
  - (2) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to obtain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.
- e. the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time.