

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW No. ~-2017

**To amend former City of Toronto Zoning By-law No.438-86, as amended,
with respect to the lands municipally known in the year 2017 as
650 and 652 Kingston Road and 2 Main Street.**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to the lands known municipally in the year 2017 as 650 and 652 Kingston Road and 2 Main Street; 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 pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, 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 or matters in return for any 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 or matters; and

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services or matters as are hereinafter set forth; and

WHEREAS the increase in the height and density permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted subject to the provision of the facilities, services or matters set out in this By-law and to be secured by one or more agreements between the *owner* of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the replacement of rental housing; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements to secure certain facilities, services or matters in connection with the aforesaid lands set forth in the By-law.

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

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in 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 agreement's pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements with the *owner* of 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, the *owner* may not erect or use such building until the *owner* 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 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. Except as otherwise provided herein, the provisions of *By-law No. 438-86*, as amended shall continue to apply to the *lot*.
5. None of the provisions of Sections 4(2), 4(4), 4(6), 4(7), 4(10), 4(12), 4(13), 4(14), 4(17)(b), 8(3) Part I, 8(3) Part II, 8(3) Part IV, 8(3) Part VIII 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 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 7-storey *mixed-use building* on the *lot* provided that:
 - (a) the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) no above grade portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law;
 - (c) the height of any building or structure, as measured from *grade*, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;
 - (d) notwithstanding Section 5(b) and 5(c) of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the *heights* shown on Map 2:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Eaves, cornices, window sills, vents, ornamental elements, lighting	Required setback from <i>lot</i> line	0.4 metres	none

fixtures, guardrails, balustrades, stairs, railings, wheelchair ramps, landscape and greenroof elements.			
Canopy	Floor 1	2.5 metres	South and East elevations
Balconies		2.0	North, East and West elevations
Parapets	Maximum height	1.0 metres	none
Trellis, guardrails, balustrades, stairs, railings, balcony dividers, landscape and greenroof elements, vents, stacks, roof anchors, and elevator overrun.	Maximum height	1.0 metres	
Mechanical equipment	areas delineated by heavy lines shown on Map 2		Setback a minimum of 1.5 metres from the interior face as delineated by heavy lines shown on Map 2
Mechanical Cooler and Elevator Overrun	Maximum height		maximum 2.9 metres higher

- (e) the number of *dwelling units* shall not exceed 68;
- (f) the total combined *residential gross floor area* and *non-residential gross floor area* erected on the *lot* does not exceed 6,000 square metres;
- (g) the *residential gross floor area* of the building erected on the *lot* does not exceed 5,080 square metres;
- (h) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 635 square metres;
- (i) a minimum of 42 square metres of indoor *residential amenity space* and 205 square metres of outdoor *residential amenity space* is provided and maintained on the *lot*;
- (j) the minimum number of *parking spaces* for 68 *dwelling units* shall be 32, of which 1 shall be *car-share parking space*.

- (k) provide and maintain a minimum of one Type G *loading space*.
3. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86 of the former City of Toronto, as amended, with the exception of the following:
- (a) “*lot*” means those lands outlined on Map 1 attached hereto;
 - (b) “*grade*” means the established grade at 124.37 metres Canadian Geodetic Datum;
and
 - (c) “*car-share*” shall mean the practice where a number of people share the use of one or more cars 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 kilometres driven, and set membership requirements of the *car-sharing* organization, including the payment of a membership fee that may or may not be non-refundable;
 - (d) “*car-share motor vehicle*” shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot; and
 - (e) “*car-share parking space*” shall mean a *parking space* that is reserved and actively used for *car-sharing*, including non-residents.
4. 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 Map 2 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.
5. 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.
6. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.
7. Within the lands shown on Map 1 attached to this By-law, 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, and

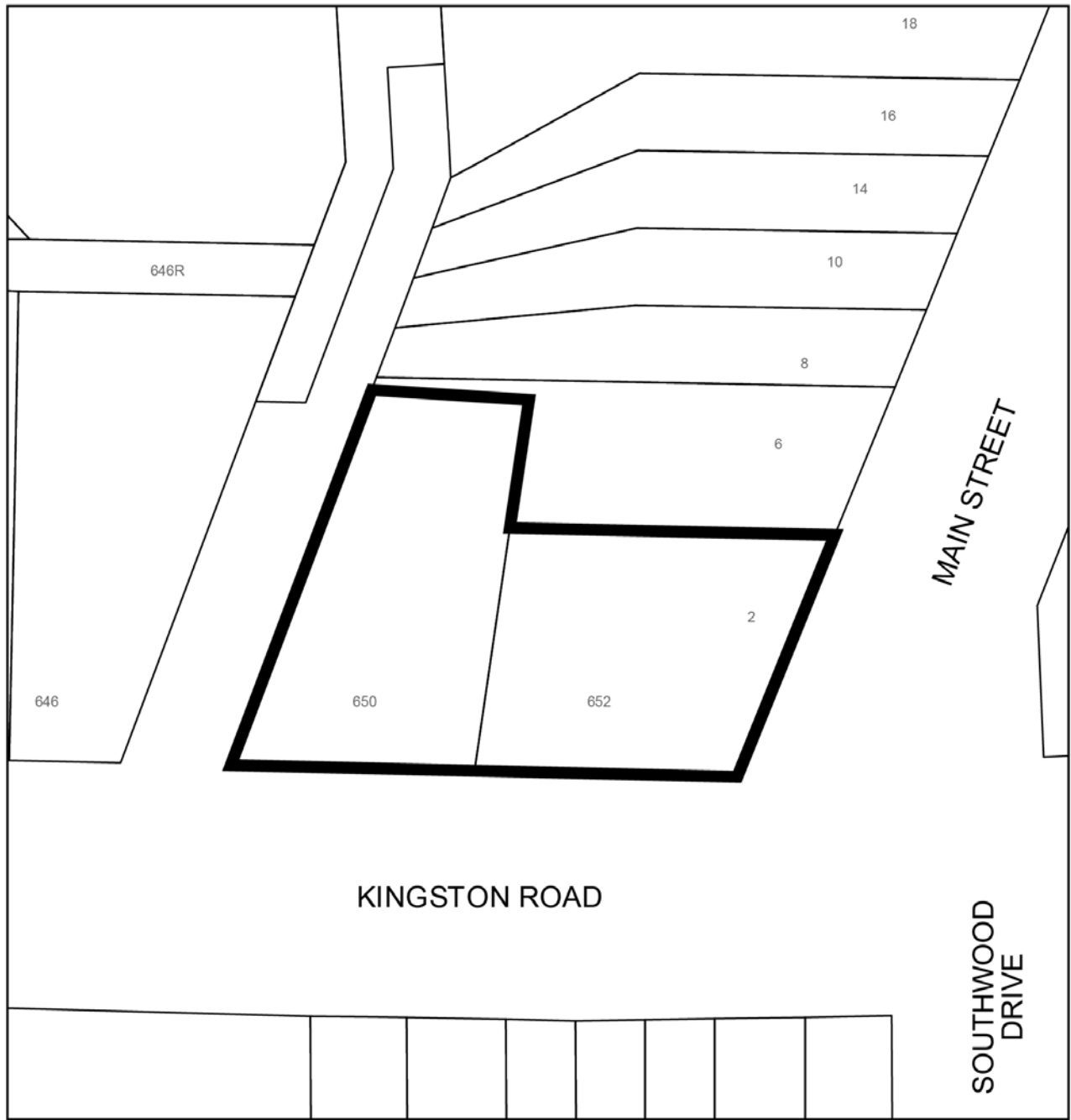
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

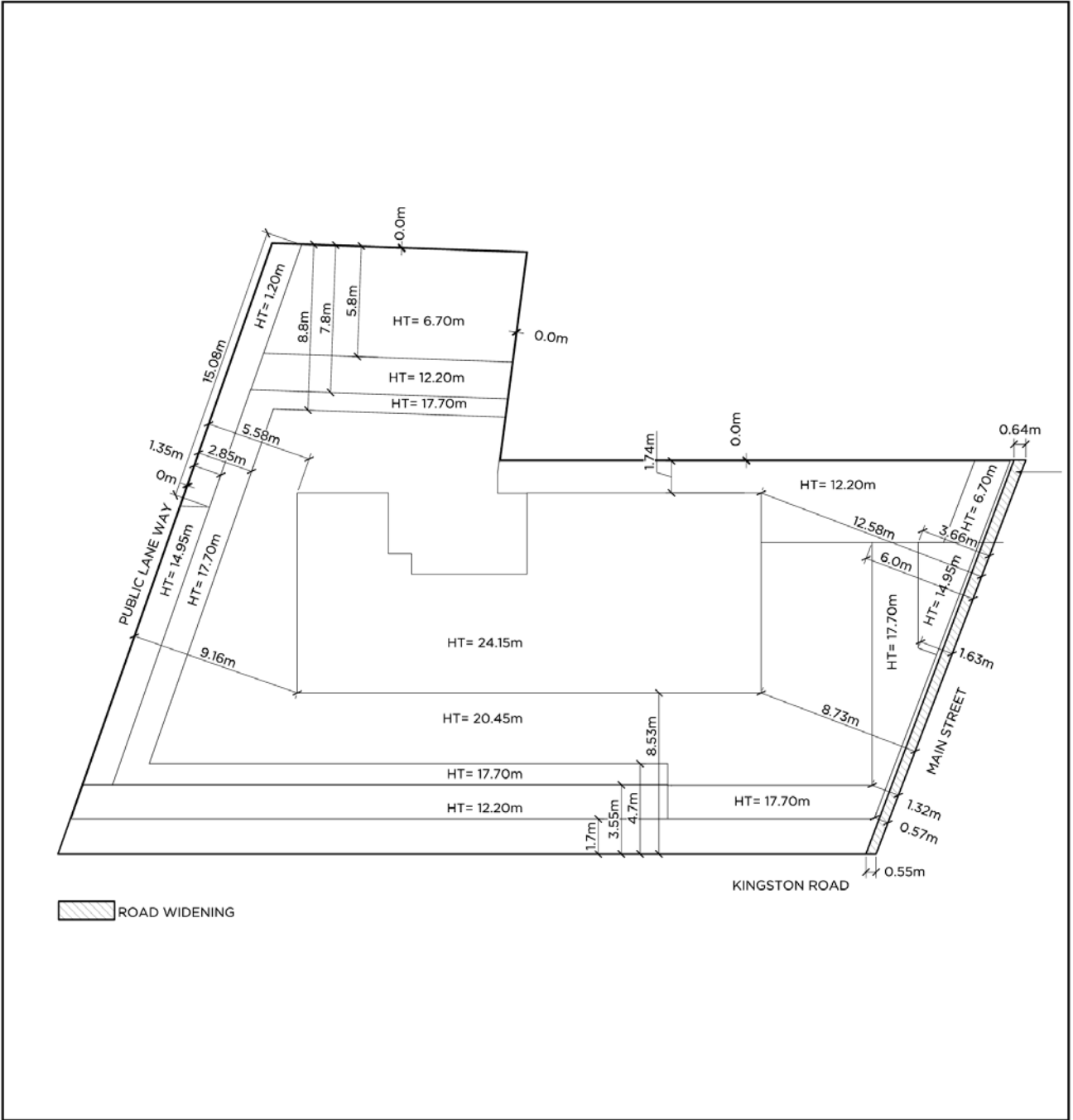
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

John Tory,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





APPENDIX 1
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 *lot* and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Replacement rental dwelling units shall be provided by the Owner in accordance with the following conditions:
 - a. the Owner shall provide and maintain eleven (11) replacement rental dwelling units and one (1) new market rental dwelling unit, comprised of three (3) bachelor and (9) one-bedroom units for a period of at least twenty (20) years, as generally shown on the plans submitted to the City Planning Division dated August 4, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. the Owner shall provide and maintain at least one (1) bachelor and six (6) one-bedroom replacement rental dwelling units at affordable rents as well as two (2) bachelor and two (2) one-bedroom replacement rental dwelling units at mid-range rents for at least ten (10) years, beginning from the date of first occupancy. The Owner shall also provide and maintain at least one (1) one-bedroom market rental unit at unrestricted rents for at least ten (10) years, beginning from the date of first occupancy;
 - c. The owner shall provide and maintain a common laundry room on the second floor which shall be equipped with at least 2 washers and 2 dryers as generally illustrated in the plans submitted to the City Planning Division dated June 6, 2017;
 - d. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities on the site at no charge. Access to and use of these amenities shall be on the same terms and conditions as any other resident of the building;
 - e. The owner shall provide at least 2 (two) resident parking spaces exclusively designated for the tenants of the replacement rental dwelling units;
 - f. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle parking and visitor parking on the same terms and conditions as any other resident of the building; and
 - g. The owner shall provide tenant relocation and assistance to all eligible tenants of the existing rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.