

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2017

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2017

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as, 650 and 652 Kingston Road and 2 Main Street.

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

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. 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 No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines CR 2.0 (c0.5; r2.0) SS2 (125), as shown on Diagram 2 attached to this By-law;

4. Zoning By-law No. 569-2013, as amended, is further amended by amending the Policy Areas Overlay Map in Section 995.10.1 for the lands subject to this Bylaw, to add the subject lands to PA4, as shown on Diagram 4 attached to this By-law;
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 exception Number 125, so that it reads;

Exception CR 125

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 650 and 652 Kingston Road and 2 Main Street, if the requirements in Section 6 and Schedule A of by-law [Clerks to insert by-law #] are complied with, nothing will prevent the erection or use of a **building** or **structure** permitted in compliance with (B) to (N) below:
- (B) Despite regulation 40.10.40.1(6), a commercial use entrance is permitted on the south and east elevations of the first **storey**;
- (C) Despite regulations 40.10.40.1(1) and 40.10.40.70(4), **dwelling units** are permitted on the first **storey**;
- (D) Despite regulations 40.10.40.1(2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 124.37 metres;
- (E) Despite regulations 40.5.40.10(1) and 40.10.40.10(2), the height of any **building** or **structure** on the **lot** must not exceed the maximum height in metres specified by the numbers following the symbol H as shown on Diagram 3 of By-law [Clerks to supply by-law #];
- (F) Despite regulation 40.10.40.10(5), the minimum height of the first **storey** is 5.5 metres, measured from the finished floor to the finished floor of the **storey** above;
- (G) Despite regulation 40.10.40.40(1), the **gross floor area** must not exceed 6,000 square metres, of which:
 - (i) a maximum of 5,080 square metres may be used for residential uses; and
 - (iii) a maximum of 635 square metres may be used for non-residential uses;
- (H) The maximum number of permitted **dwelling units** is 68;
- (I) Despite regulation 40.10.40.50(1), **amenity space** must be provided and maintained as follows:

- (i) a minimum of 42 square metres of indoors **amenity space**; and
 - (ii) a minimum of 205 square metres of outdoor **amenity space**;
- (J) Despite regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** are as shown on Diagram 3 of By-law **[Clerks to supply by-law ##]**;
- (K) Despite regulations 40.10.40.60 (1)(2)(3)(5)(7) and (8), the following **building elements and structures** are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law **[Clerks to supply by-law ##]** as follows:
- (i) Eaves, cornices, vents, lighting fixtures, guardrails, balustrades, and railings;
 - (ii) a canopy on the first **storey**, south and east elevations to a maximum of 2.5 metres;
 - (iii) balconies on the east and west and north elevations to a maximum of 2.0 metres;
- (L) Despite regulations 40.5.40.10(4)(6)(7) and 40.10.40.10(2), the following **building elements and structures** are permitted to extend a maximum of 2.9 metres above the maximum height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law **[Clerks to supply by-law ##]** Trellis, balustrades, balcony dividers, roof anchors, mechanical cooler, and elevator overrun;
- (M) Despite Section 200.5.10.1, the minimum number of required **parking spaces** for a mixed use building with 68 **dwelling units** is 32, of which:
- (i) A minimum of 31 **parking spaces** must be residential parking spaces;
 - (ii) 1 **parking space** may be used as car-share **parking space**; and
 - (iii) No **parking spaces** are for non-residential uses.
- (N) Despite Article 220.5.10, only one Type G loading space must be provided.

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

6. 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 Diagrams 2 and 3 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.

- (C) 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.

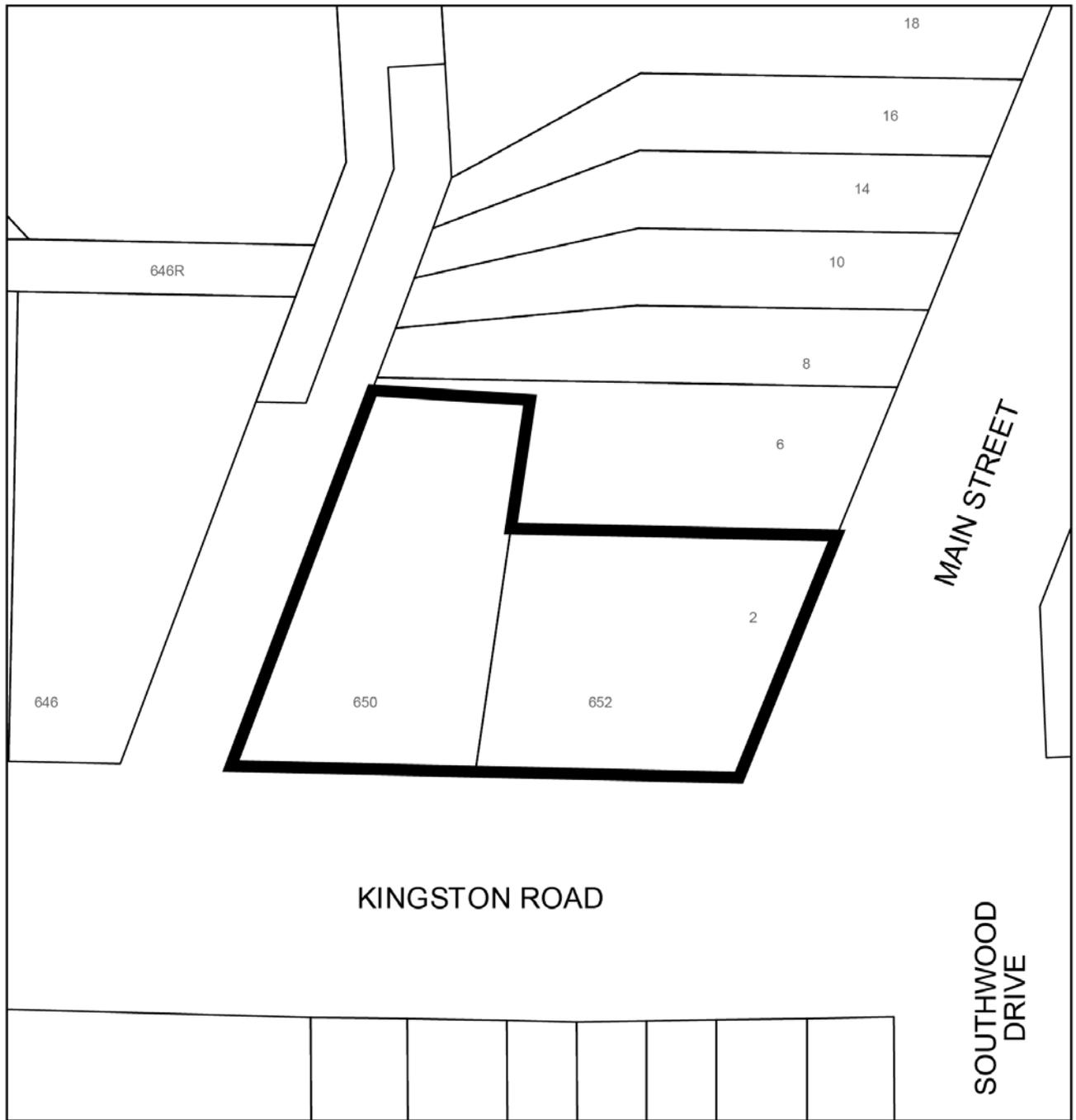
Enacted and passed on month ##, 2017.

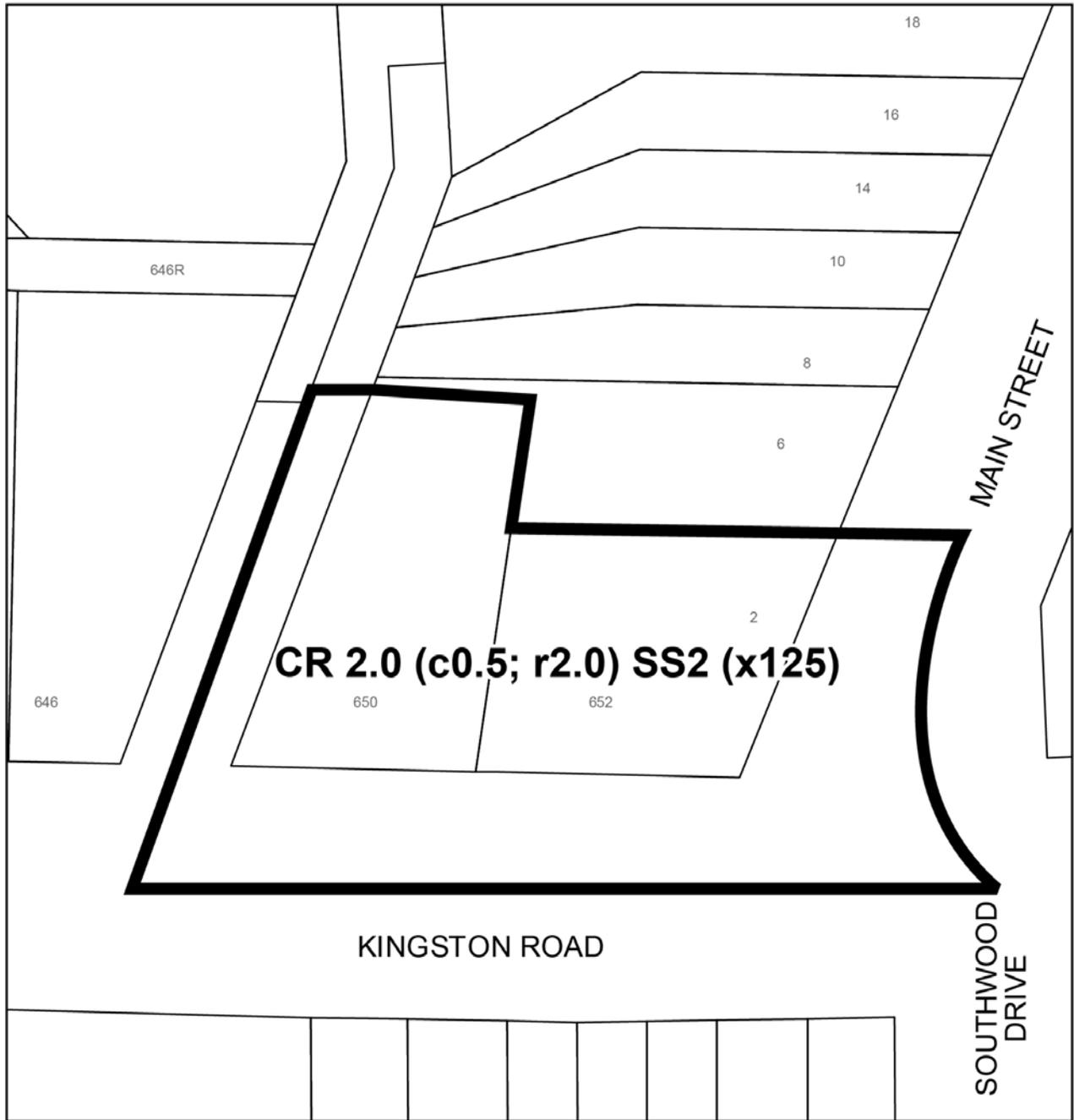
Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

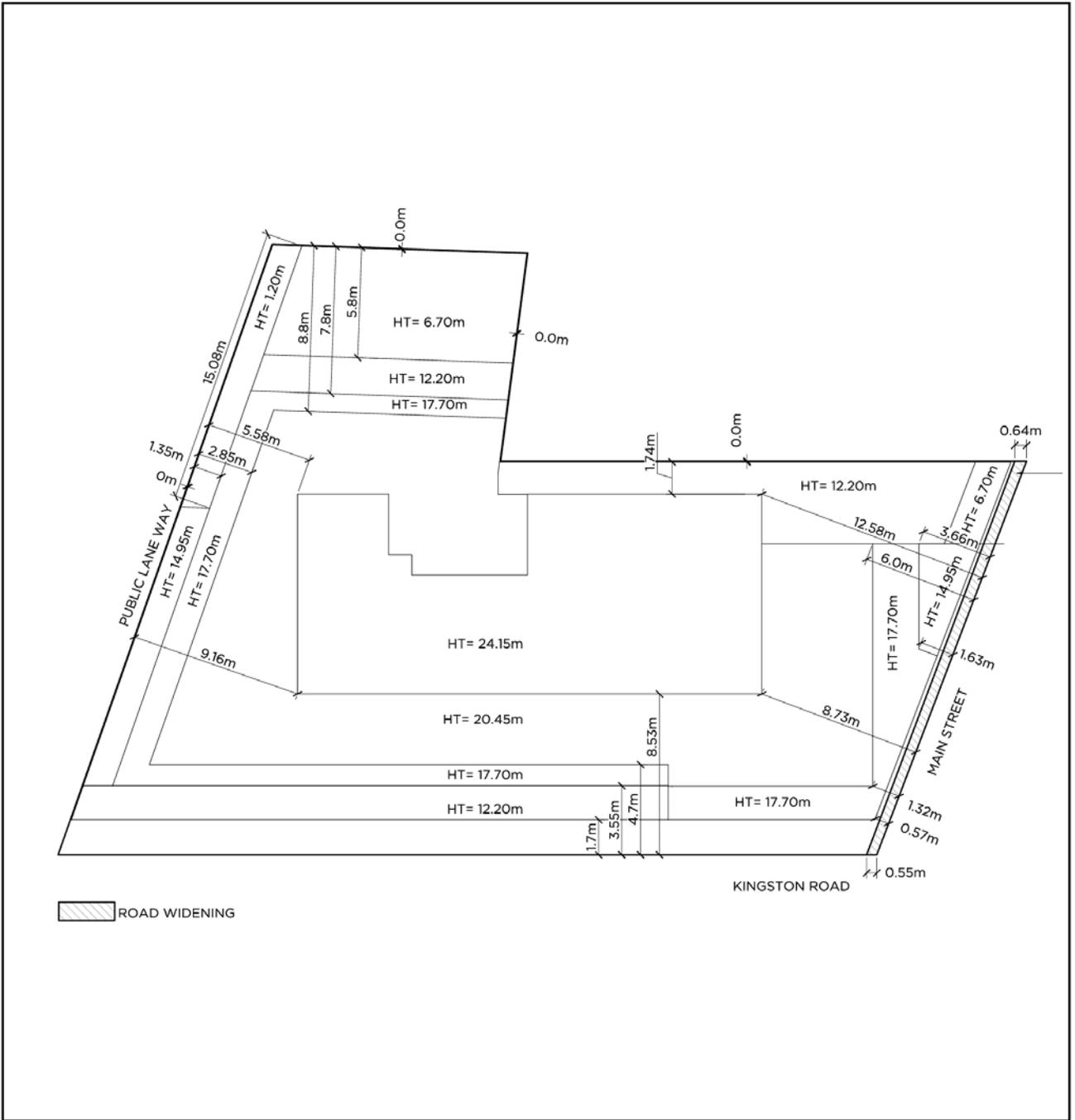




 **TORONTO**
Diagram 2

650-652 Kingston Road

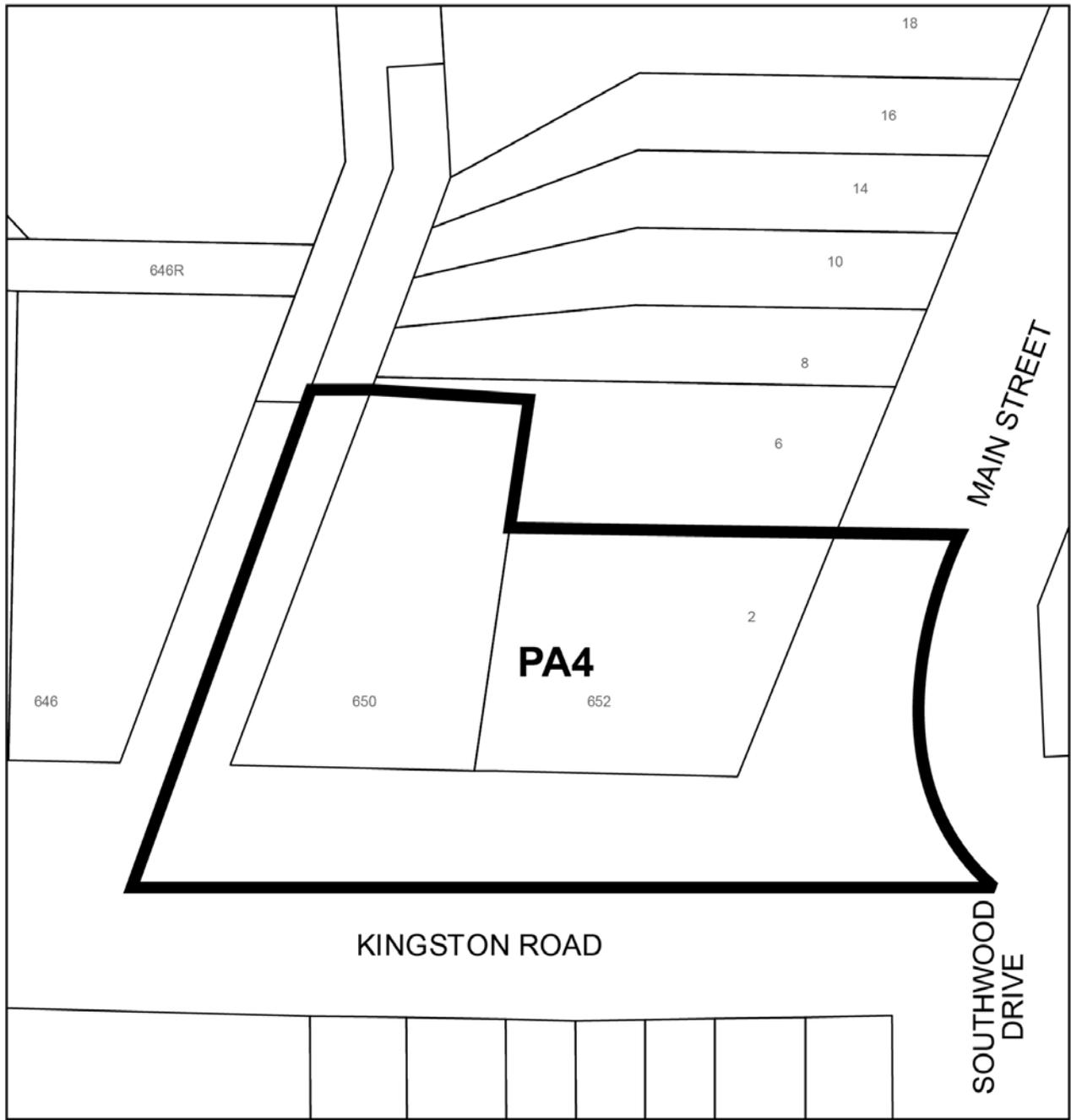
File # 15 215444 STE 32 OZ



 **TORONTO**
Diagram 3

650-652 Kingston Road

File # 15 215444 STE 32 OZ



 **TORONTO**
Diagram 4

650-652 Kingston Road

File # 15 215444 STE 32 OZ

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 3 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. 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.