

Authority: Toronto and East York Community Council Item TE27.11, adopted as amended, by City of Toronto Council on November 7, 8 and 9, 2017

CITY OF TORONTO

Bill 331

BY-LAW -2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2018 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 2018 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 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 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 enacts:

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, 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, 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 438-86*, as amended shall continue to apply to the *lot*.
5. The lands shown on Map 1 of this by-law shall be rezoned from R4 Z1.0 to MCR T2.0 C1.0 R2.0;
6. None of the provisions of Sections 2(1) bicycle parking space - occupant, 2(1) bicycle parking space - visitor, 2(1) height, 2(1) grade, 4(2), 4(3)(a), 4(3)(d), 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, 8(3) Part XI(2), and 12(2)270 of *By-law 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 *mixed-use building* or a *temporary sales office* 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;
 - (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;
 - (c) the height of any building or structure, as measured from grade to the top of slab, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached;
 - (d) notwithstanding Section 6(b) and 6(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 fixtures, guardrails, balustrades, stairs, railings, wheelchair ramps, landscape and greenroof elements	Required setback from <i>lot</i> line	0.4 metres	none
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
Roofing, flooring	Maximum Height	0.4 metres	
Trellis, guardrails, balustrades, stairs, railings, greenroof elements, vents, stacks, and roof anchors	Maximum height	2.0 metres	
Balcony dividers and landscape elements	Maximum height	3.0 metres	

- (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 the 68 *dwelling units* shall be 32, of which 27 *parking spaces* shall be for occupants of the *dwelling units*, 4 *parking spaces* shall be for visitors of the *dwelling units*, and 1 may be for *car-share parking space*;

- (k) despite 4(17)(b) of by-law 438-86, the minimum parking space dimensions of 4(17)(a) apply to *parking spaces* accessed by an aisle that is less than or more than 6 metres;
 - (l) despite 4(17) of by-law 438-86, 4 *parking spaces* may have a minimum dimension of 5.6 metres by 2.6 metres with a height of 2.0 metres when obstructed on one or two sides; and
 - (k) *bicycle parking spaces* shall be provided above or below grade, either in a vertical position, horizontal position or in *stacked bicycle parking positions*.
7. 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;
 - (b) "*bicycle parking space - occupant*" means an area that is equipped for a bicycle rack or locker for the purpose of parking and securing bicycles for occupants and:
 - A. where the bicycles are to be parked in a vertical position, has a horizontal dimensions of at least 0.37 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - B. where the bicycles are to be parked in a horizontal position, has horizontal dimensions of at least 0.37 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - C. if provided in a *stacked bicycle* parking position, the minimum vertical clearance for each *bicycle parking space* must be at least 1.2 metres;
 - (c) "*bicycle parking space - visitor*" means an area that is equipped for a bicycle rack or locker for the purpose of parking and securing bicycles for visitors and:
 - A. where the bicycles are to be parked in a vertical position, has a horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - B. where the bicycles are to be parked in a horizontal position, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - C. may be provided indoors and outdoors and may be located in a secured room, enclosure or bicycle locker;
 - (d) "*grade*" means the established grade at 124.37 metres Canadian Geodetic Datum;
 - (e) "*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;

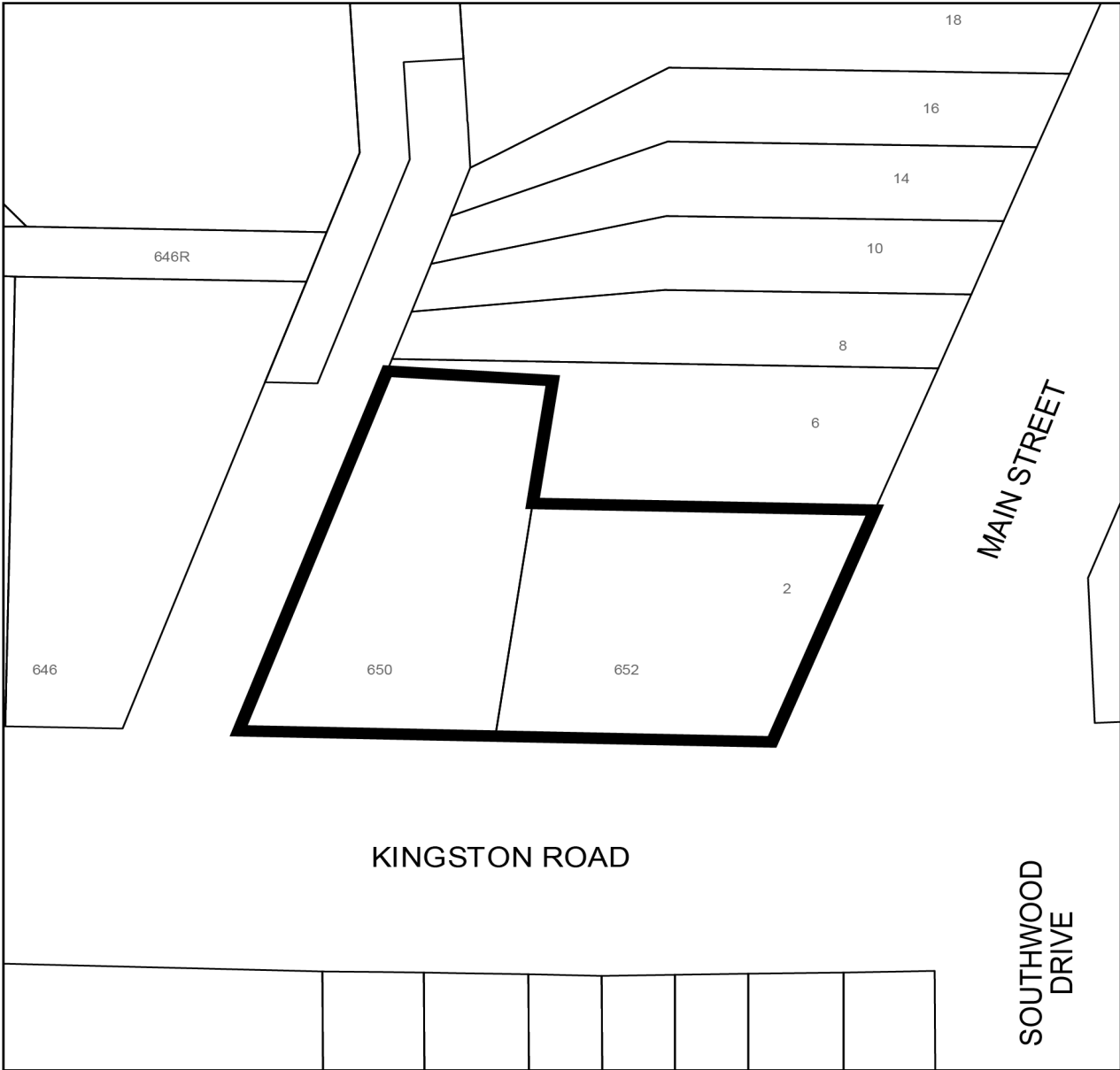
- (f) "*car-share motor vehicle*" shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
 - (g) "*car-share parking space*" shall mean a *parking space* that is reserved and actively used for *car-sharing*, including non-residents;
 - (h) "*stacked bicycle parking position*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space; and
 - (i) "*temporary sales office*" means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the lot.
8. 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 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.
9. 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.
10. 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.
11. Within the lands shown on Map 1 attached, 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.

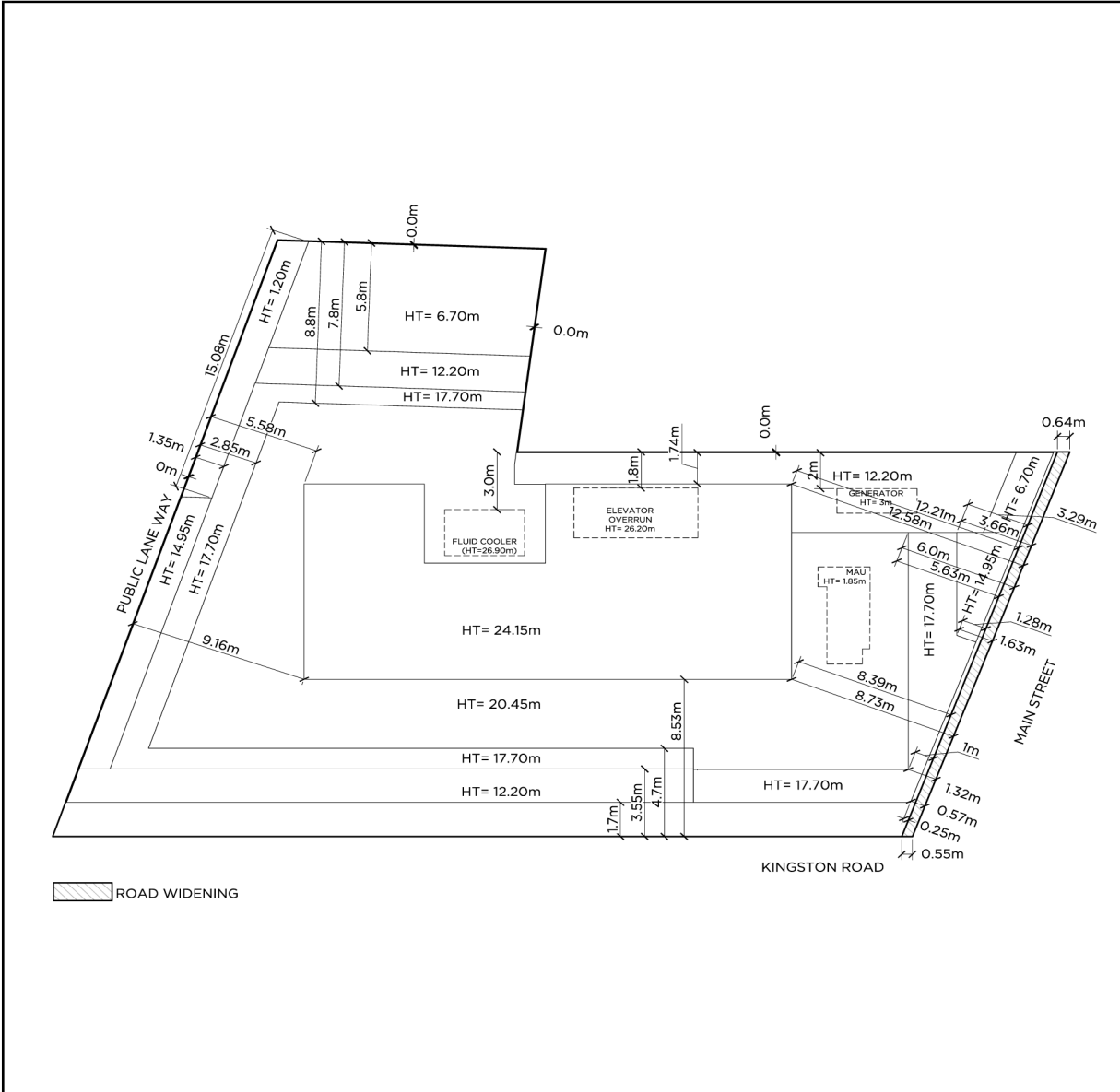
Enacted and passed on March , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





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 *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 nine (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.