

Authority: Toronto and East York Community Council Item TE13.6, adopted as amended, by City of Toronto Council on February 3 and 4, 2016

CITY OF TORONTO

BY-LAW No. 109-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 875 and 887 Queen Street East.

Whereas Council of the City of Toronto has the authority to 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 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; 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 (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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are municipally known in 2016 as 875 and 887 Queen Street East, as delineated by heavy lines on Diagram 1 attached to and forming part of 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 to CR 2.5 (c 1.0, r 2.0) SS2 (x1845), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10(1845) so that it reads:

Exception CR 1845

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 875 and 887 Queen Street East, if the requirements of By-law 109-2016, including the portions relating to agreements pursuant to Section 37 of the *Planning Act*, are complied with, none of the provisions of Clause and Regulations 40.5.40.10, 40.5.40.10.(1), 40.5.40.10.(2), 40.5.40.70.(1), 40.10.20.10.(B), 40.10.40.1.(1), 40.10.40.1.(6), 40.10.40.10.(2), 40.10.40.40, 40.10.40.50, 40.10.40.70, 40.10.40.80.(2), 150.20, 150.22, 200.5.1.10(1), 200.5.10.1(1), 200.15.1.5, 220.5.10.1(3), 230.5.1.10.(7), 230.5.1.10.(9), 230.5.10.1.(1), 230.5.10.1.(2), 230.5.10.1.(5), 230.40.1.20.(2) and 900.11.10(2) apply to prevent the erection or use of a **building, structure**, addition or enlargement, and uses **ancillary** thereto, permitted in By-law 109-2016;
- (B) The total **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 13,110.0 square metres and:
 - (i) the total **gross floor area** for residential uses must not exceed 11,500.0 square metres, of which a minimum of 1,827.31 square metres must be exclusively devoted to a **Crisis Care Shelter** or **Municipal Shelter**;
 - (ii) the total **gross floor area** for non-residential uses must not exceed 1,610.0 square metres; and
 - (iii) any unit that accommodates a use permitted under the non-residential uses symbolized by the letter 'c', with or without conditions, in regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), may not exceed 930.0 square metres;
- (C) A maximum of 122 **dwelling units** are permitted on the lands;
- (D) A minimum of three (3) non-residential units must be provided, and must:
 - (i) have frontage on Queen Street East; and

- (ii) be directly accessible from Queen Street East;
- (E) A **Crisis Care Shelter** and a **Municipal Shelter**, being permitted uses, are not subject to the conditions in regulations 40.10.20.100(31), 40.10.20.100(43) or Sections 150.20 and 150.22;
- (F) The height of a **building** or **structure** is measured as the distance between Canadian Geodetic Datum elevation 79.65 metres and the highest point of the **building** or **structure**, and must not exceed the height in metres specified by the numbers following the symbol "H" as shown on Diagram 3 of By-law 109-2016;
- (G) Despite (E) above, canopies, awnings, **building** cornices, window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, railings, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions division outdoor recreation areas, wind mitigation elements, chimney stack, exhaust flues, associated mechanical equipment overrun, elevator/stair overrun and garbage chute overruns and garbage chute overruns may exceed the permitted maximum height specified by the number following the "H" symbol as shown on Diagram 3 of By-law 109-2016 by 2.0 metres;
- (H) Minimum **building** height setbacks must be provided as shown on Diagram 3 of By-law 109-2016;
- (I) Minimum **building** setbacks must be provided as shown on Diagram 3 of By-law 109-2016;
- (J) No **building** setbacks are required for portions of the **building** or **structure** below **established grade**, which is 79.65 metres Canadian Geodetic Datum;
- (K) Despite (H) above, canopies, awnings, **building** cornices, lighting fixtures, window washing equipment, ornamental elements, lightning rods, trellises, parapets, eaves, window sills, guardrails, railings, stairs, stair enclosures, wheel chair ramps, air intakes and vents, landscape and green roof elements, partitions dividing outdoor recreation area, wind mitigation elements, and other minor architectural façade details may project no more than 0.45 metres beyond the heavy lines shown on Diagram 3 of By-law 109-2016;
- (L) Despite (H) above, balconies, guard rails and balcony dividers, above a height of 14.0 metres, may project beyond the heavy lines shown on Diagram 3 of By-law 109-2016 to a maximum of 1.8 metres;
- (M) **Amenity space** must be provided and maintained on the **lot** in accordance with the following:
 - (i) a minimum of 1.03 square metres of indoor residential **amenity space** per **dwelling unit** must be provided and maintained on the **lot**; and

- (ii) a minimum of 0.53 square metres of outdoor **amenity space** per **dwelling unit** must be provided and maintained on the **lot**;
- (N) **Parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 1.0 **parking space** must be provided for each **dwelling unit**;
 - (ii) a minimum of 17 resident visitor **parking spaces** and 4 **crisis care shelter** or **municipal shelter parking spaces** must be provided; and
 - (iii) a maximum of 77 **parking spaces** may be provided as **public parking**, which may include the **parking spaces** required by subsection (N)(ii), but which does not include the **parking spaces** required by subsection (N)(i) above;
- (O) Despite Section 200.5.1.10.(2), a maximum of 5 **parking spaces** which are obstructed on one side in accordance with Section 200.5.1.10.(2)(D) may have a minimum width of 2.6 metres, and a maximum of 2 **parking spaces** may have a minimum length of 4 metres;
- (P) **Bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 112 **bicycle parking spaces** must be provided for residents; and
 - (ii) a minimum of 17 **bicycle parking spaces** must be provided for visitors;
- (Q) **Dwelling units** are not permitted on the **first floor** or any level below grade;
- (R) The **lot** is delineated by heavy lines on Diagram 1 of By-law 109-2016;
- (S) None of the provisions of By-law No. 138-2003, specifically Section 2, will apply to prevent a **municipal shelter** to be located on the lands known municipally in the year 2016 as 875 and 887 Queen Street East; and
- (T) None of the provisions of this By-law shall apply to prevent a temporary sales office on the **lot**, which shall mean a **building** or **structure** used for the purpose of the sale of **dwelling units**.

Prevailing By-law and Prevailing Sections:

- (A) Section 12(2)270(a) of former City of Toronto By-law No. 438-86.

5. 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 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.

Enacted and passed on February 4, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

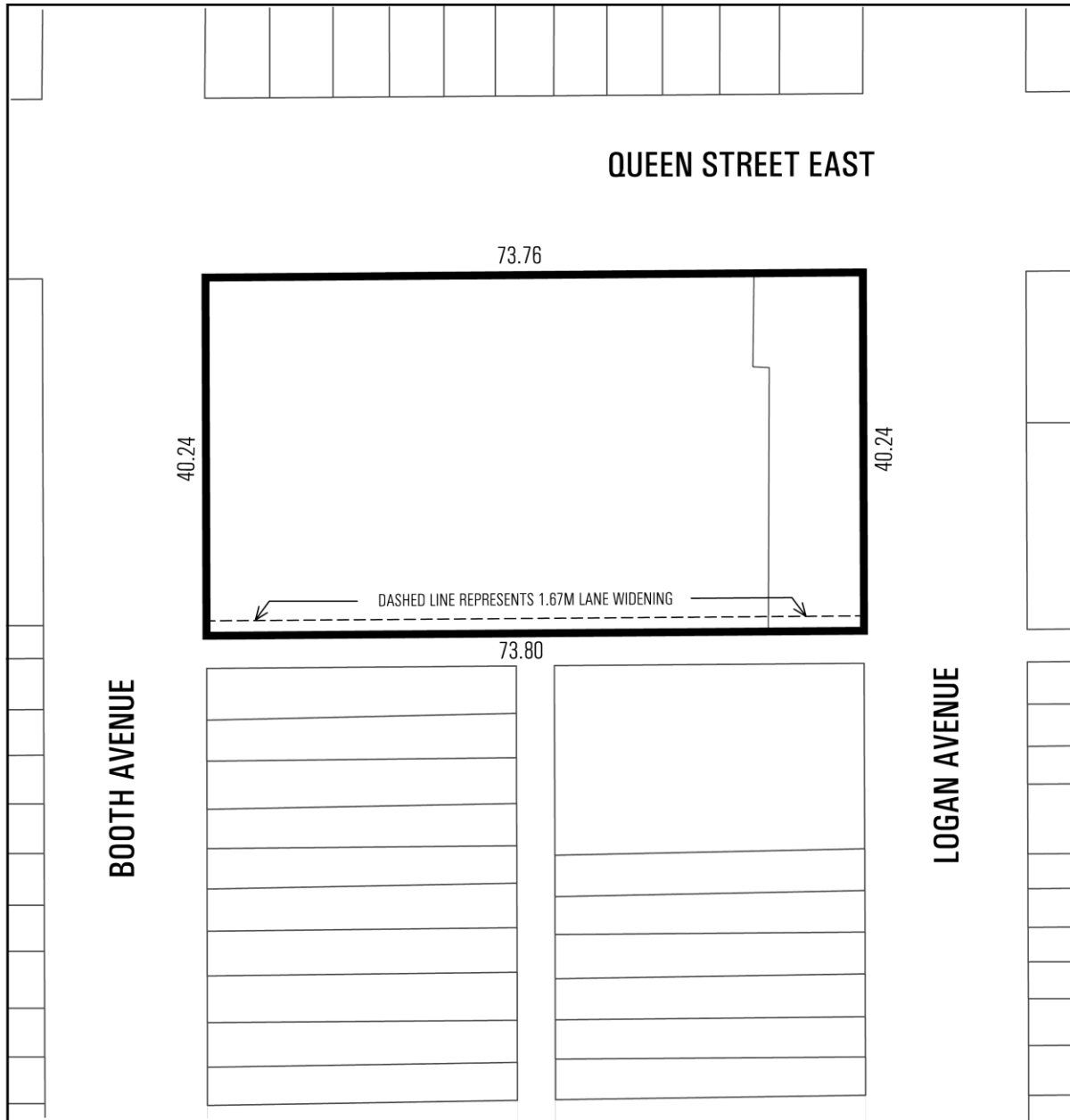
SCHEDULE A
Section 37 Provisions

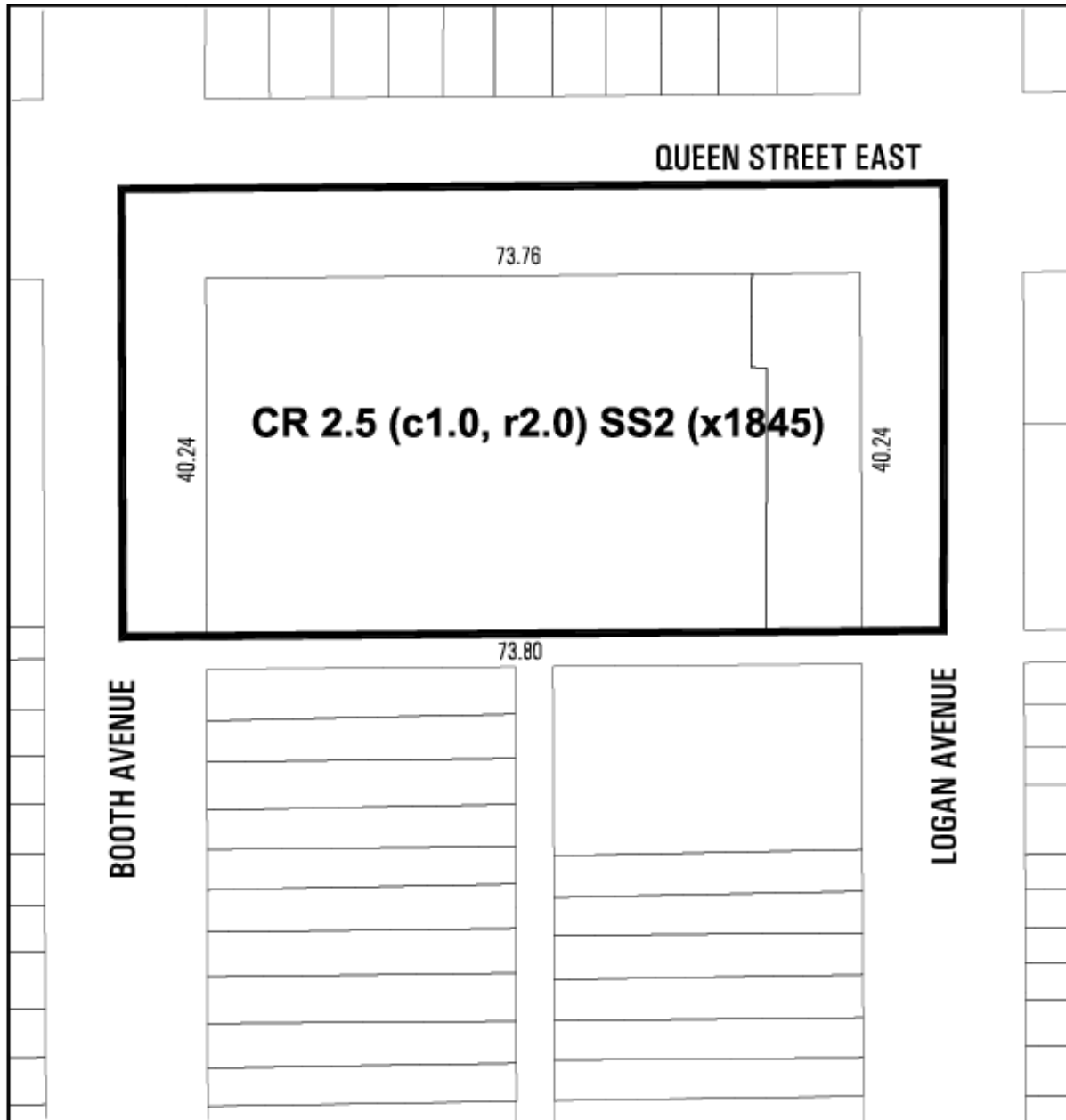
The facilities, services and matters set out herein are required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of the financial contributions and letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

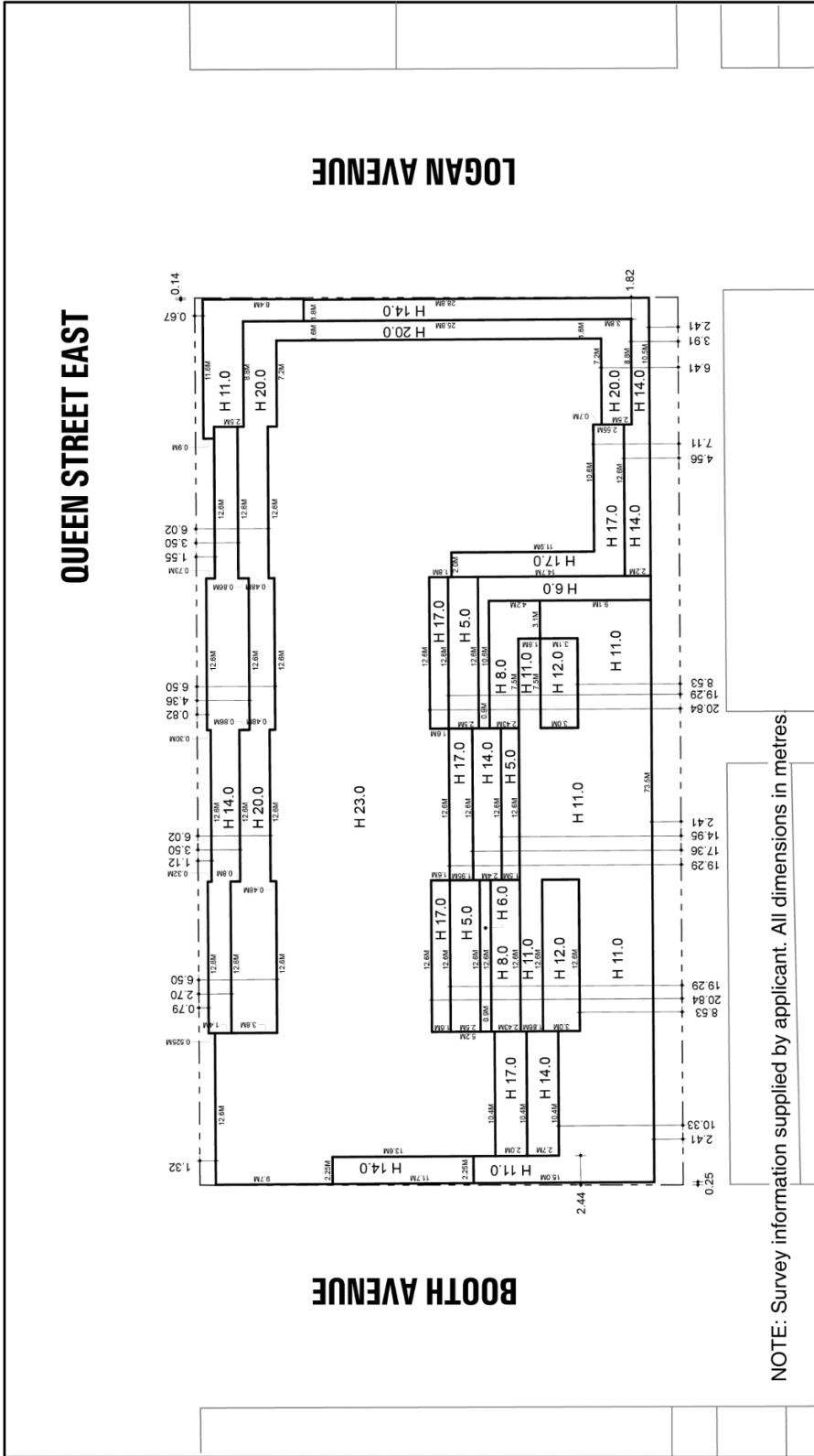
1. Prior to issuance of above grade building permit, the Owner shall enter into an Agreement of Purchase and Sale to convey to the City fee simple title to no less than 1,827.3 square metres (19,669 square feet) of indoor space, and 104.1 square metres (1,121 square feet) of outdoor amenity space (the "**Conveyed Facilities**"), such Agreement to be to the satisfaction of the General Manager, Shelter, Support and Housing Administration and the Chief Corporate Officer and to include, but not be limited to:
 - a. The Conveyed Facilities will include base building components including heating and ventilation, mechanical, electrical, flooring, internal walls and room layout, painted walls, plumbing fixtures, lighting and lighting fixtures, security system, sprinklers, elevator, and commercial kitchen equipment, as provided in the Agreement of Purchase and Sale and to the satisfaction of the General Manager, Shelter, Support and Housing Administration.
 - b. Specification of interior finishes of the Conveyed Facilities to the satisfaction of General Manager, Shelter, Support and Housing Administration.
 - c. Any work undertaken by the Owner during the construction of the Conveyed Facilities will comply with the City's Fair Wage and Trade Policies and Obligations including the City's use of certain trades within the Industrial, Commercial, and Institutional sector.
 - d. The Conveyed Facilities will be serviced by its own HVAC system.
 - e. The Conveyed Facilities will meet the City's accessibility requirements.
 - f. A Reciprocal Services Agreement will be entered into by the parties detailing shared costs of property maintenance.
2. The Owner agrees to extend the term of the current lease to the existing tenant, Woodgreen Red Door Family Shelter, to March 31, 2016, and then a further extension on a month-to-month basis on the same terms and conditions until such time as the Owner requires the tenant to vacate the premises for the purpose of redevelopment. The Owner will provide a minimum of 90 days written notice of the need to vacate the premises.
3. The Owner will retain and reconstruct the building façade of 887 Queen Street East in its current location as an element of the proposed development using original materials to maintain the heritage appearance of the existing building, the precise details of the façade

appearance to be detailed as part of Site Plan approval, all to the satisfaction of the Chief Planner.

4. The Owner will submit a hydrogeological report to the satisfaction of the Executive Director, Engineering and Construction Services, prior to the issuance of any building permit. For greater clarity, a building permit shall also include conditional building permit. The hydrogeological report will provide detailed groundwater conditions, indicate whether or not groundwater will have to be pumped and discharged to a City sewer on a temporary or permanent basis, and include a design of a permanent dewatering system for the site if groundwater is required to be pumped and discharged to a City sewer.







875 & 887 Queen Street East

Diagram 3

File # 15 118233 STE 30 OZ, 15 118236 STE 30 SA

