

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

BY-LAW 331-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 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; 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 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 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 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 By-law, to add the subject lands to PA4, as shown on Diagram 4 attached to this By-law.
5. Zoning By-law 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 331-2018 are complied with, then none of the provisions of 40.5.40.70(1), 40.10.40.1.(6), 40.10.40.10(2), 40.10.40.40(1), 40.10.50.10.(2), 40.10.50.10.(3), 40.10.100.10.(1), and 230.5.1.10(9) apply to prevent the erection or use of a **building** or **structure** permitted in compliance with (B) to (V) below;
- (B) Regulation 40.10.40.1(2), with respect to the location of entrances and **first floor** elevation, does not apply;
- (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 40.5.40.10(1) and 40.10.40.10(2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 124.37 metres to the top of slab, and must not exceed the height in metres specified by the numbers following the symbol "HT" as shown on Diagram 3 of By-law 331-2018;
- (E) Despite regulation 40.10.40.10(5):
 - (i) the minimum height of the first **storey** for the portion of the **mixed-use building** with non-residential uses is 3.9 metres, measured from the top of slab of the first **storey** to the bottom of slab of the floor above; and
 - (ii) there is no minimum height requirement for residential uses on the first **storey**;
- (F) Despite regulation 40.10.40.40(1), the **gross floor area** must not exceed 6,000 square metres, of which:
 - (i) a maximum of 5,200 square metres may be used for residential uses; and
 - (ii) a maximum of 635 square metres may be used for non-residential uses;
- (G) The maximum number of permitted **dwelling units** is 68;

- (H) Despite regulation 40.10.40.50(1), **amenity space** must be provided and maintained as follows:
 - (i) a minimum of 42 square metres of indoor **amenity space**; and
 - (ii) a minimum of 205 square metres of outdoor **amenity space**;
- (I) 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 331-2018;
- (J) Despite regulation (I) above and clause 40.10.40.60 **building** elements and **structures** identified in regulation (W) below are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law 331-2018;
- (K) Despite regulation (D) above and regulations 40.5.40.10(4), 40.5.40.10(5), 40.5.40.10(6), 40.5.40.10 (7) and 40.10.40.10(2), **building** elements and **structures** identified in regulation (W) below are permitted to extend above the maximum height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law 331-2018;
- (L) Despite Clause 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 27 **parking spaces** must be provided for occupants of the residential **dwelling units**;
 - (ii) a minimum of 4 **parking spaces** must be provided for visitors of the residential **dwelling units**;
 - (iii) 1 **parking space** may be used as car-share **parking space**; and
 - (iv) no **parking spaces** are required for non-residential uses;
- (M) Despite regulation 200.5.1.10(2)(A), a maximum of 4 **parking spaces** may:
 - (i) have minimum dimensions of 5.6 metres by 2.6 metres with a height of 2.0 metres, when obstructed on one of two sides; and
 - (ii) may have an obstruction in the **drive aisle**;
- (N) Despite regulation 200.5.1.10(2)(B), a maximum of 4 **parking spaces** may:
 - (i) have minimum dimensions of 5.6 metres by 2.6 metres with a height of 2.0 metres, when obstructed on one of two sides; and
 - (ii) may have an obstruction in the **drive aisle**;
- (O) Despite section 200.5.1.10(2)(B), a maximum of 5 parking spaces that are not obstructed on one or two sides may have a minimum width of 2.6 metres;
- (P) Regulation 200.15.15.4(2), with respect to the location of accessible **parking spaces** does not apply;

- (Q) Despite regulation 200.5.1(3)(A), the minimum width of a **drive aisle** providing **vehicle** access must be at least 5.5 metres;
- (R) Despite regulation 200.5.1.10(12), the minimum width of a **vehicle** entrance and exit for a two-way driveway is 4.5 metres;
- (S) Despite regulation 40.10.100.10(1), 3 **vehicle** accesses are permitted;
- (T) Despite regulation 220.5, no **loading space** is required;
- (U) Despite regulation 230.5.1.10(4)(A)(ii), "long-term" **bicycle parking spaces** must have a minimum width of 0.37 metres;
- (V) Despite regulation 230.5.1.10(4)(B)(ii), "long-term" **bicycle parking spaces** must have a minimum width of 0.37 metres; and
- (W) Permitted projection table:

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	

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

6. Section 37 Provisions

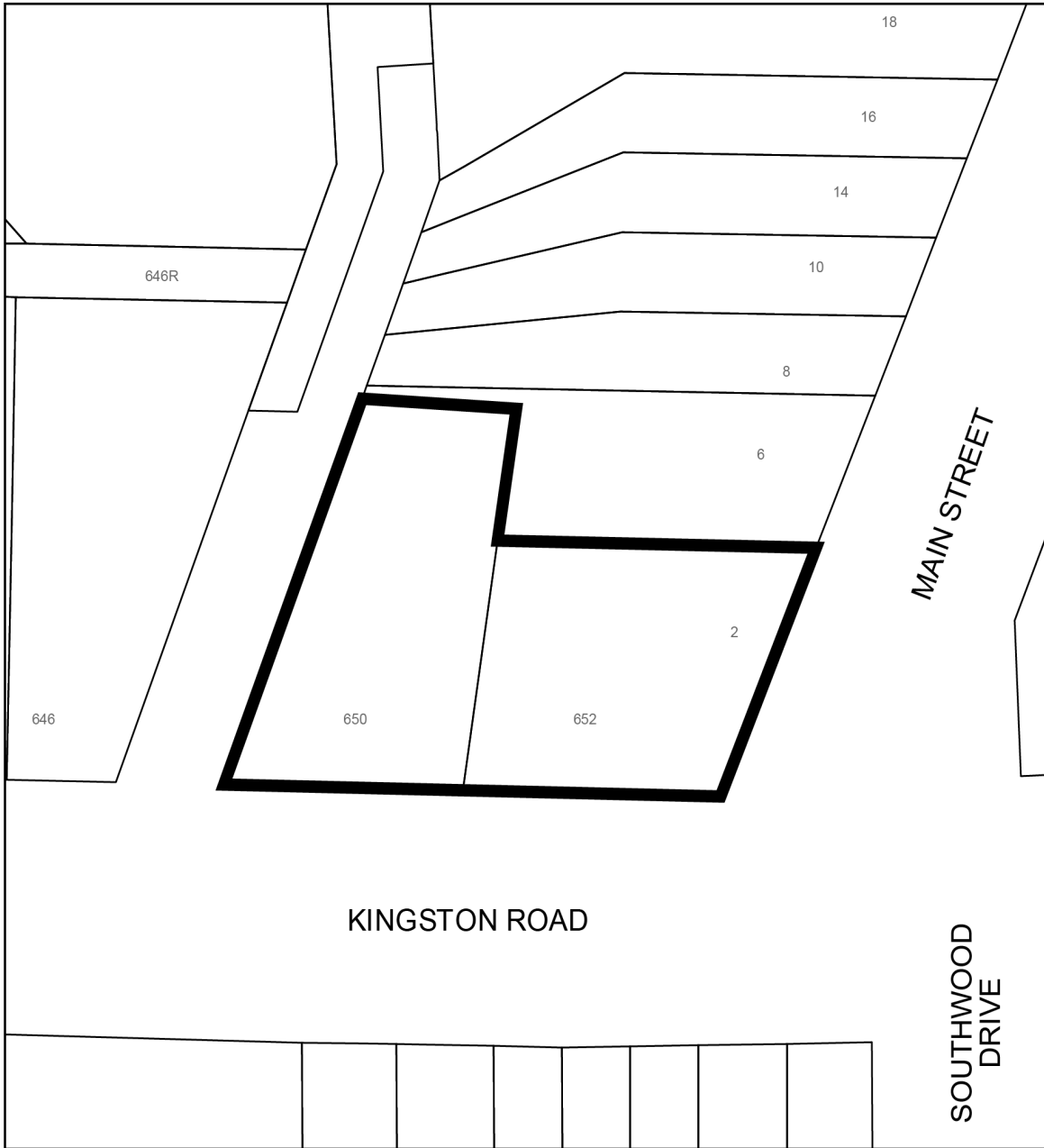
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagrams 2 and 3 in return for the provision by the owner, at the owner's expense of the 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 March 27, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk


(Seal of the City)

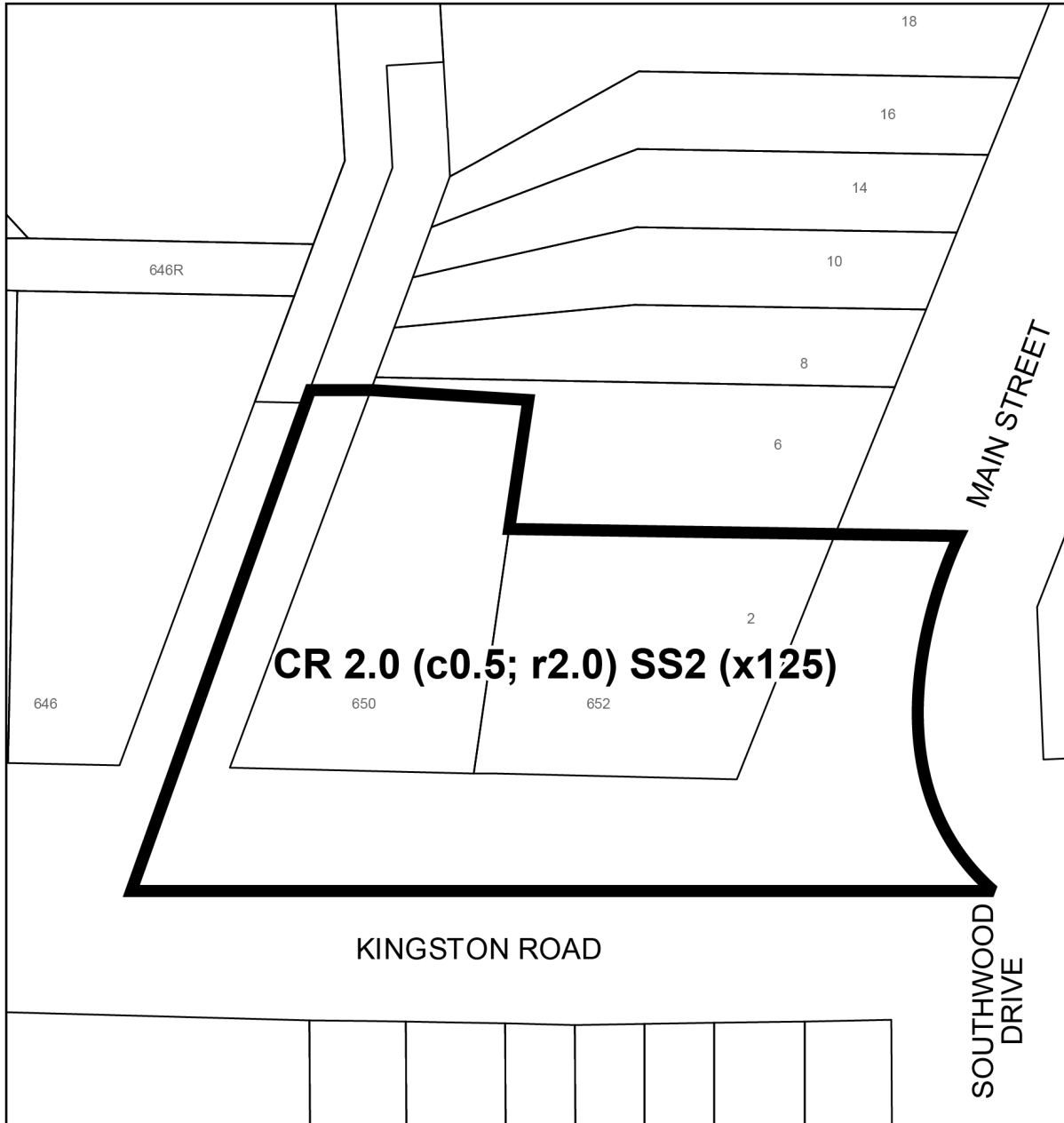


 **TORONTO**
Diagram 1

650-652 Kingston Road

File # 15 215444 STE 32 0Z



City of Toronto By-Law 569-2013
Not to Scale
10/3/2017

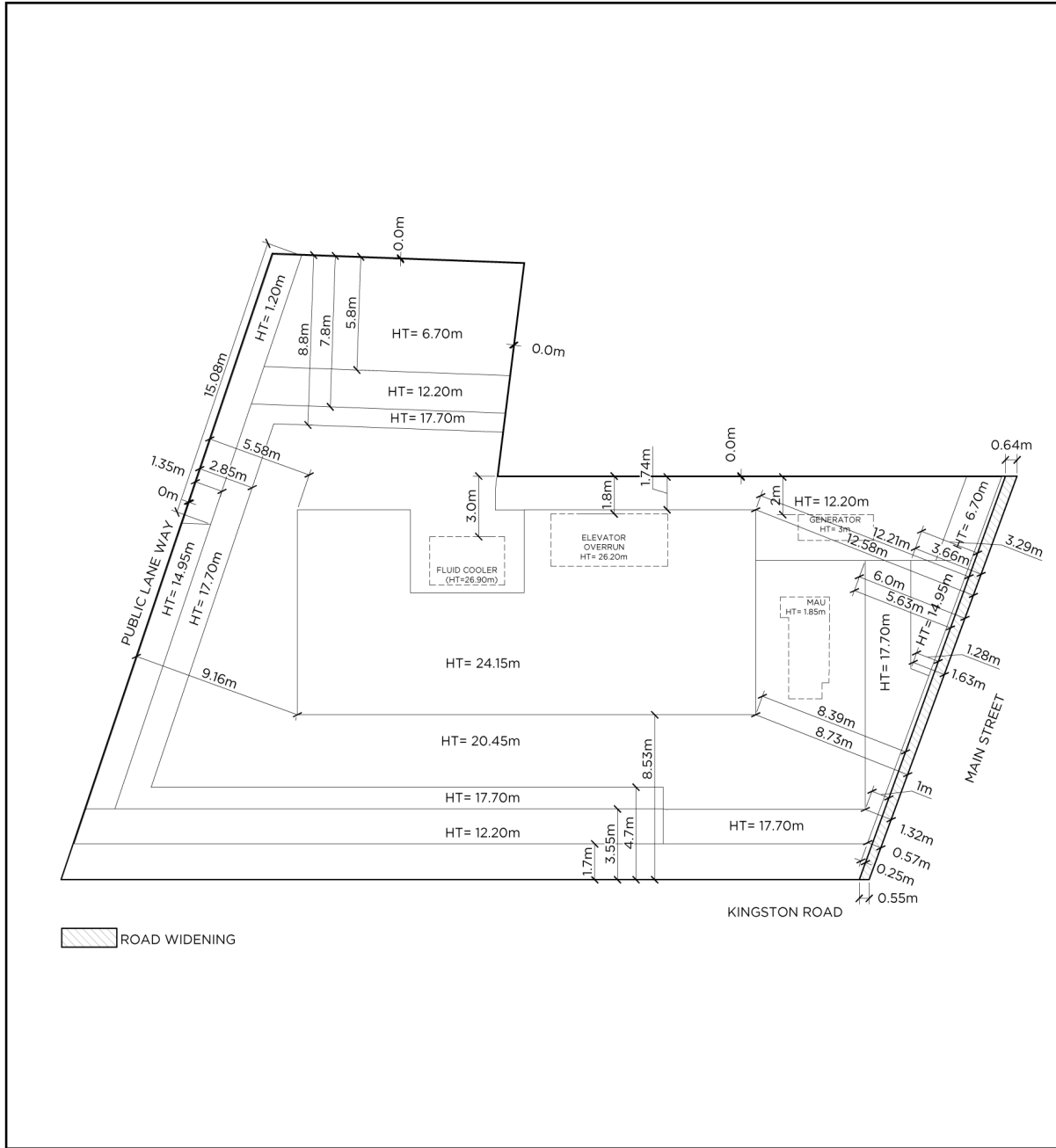


 **TORONTO**
Diagram 2

650-652 Kingston Road

File # 15 215444 STE 32 0Z

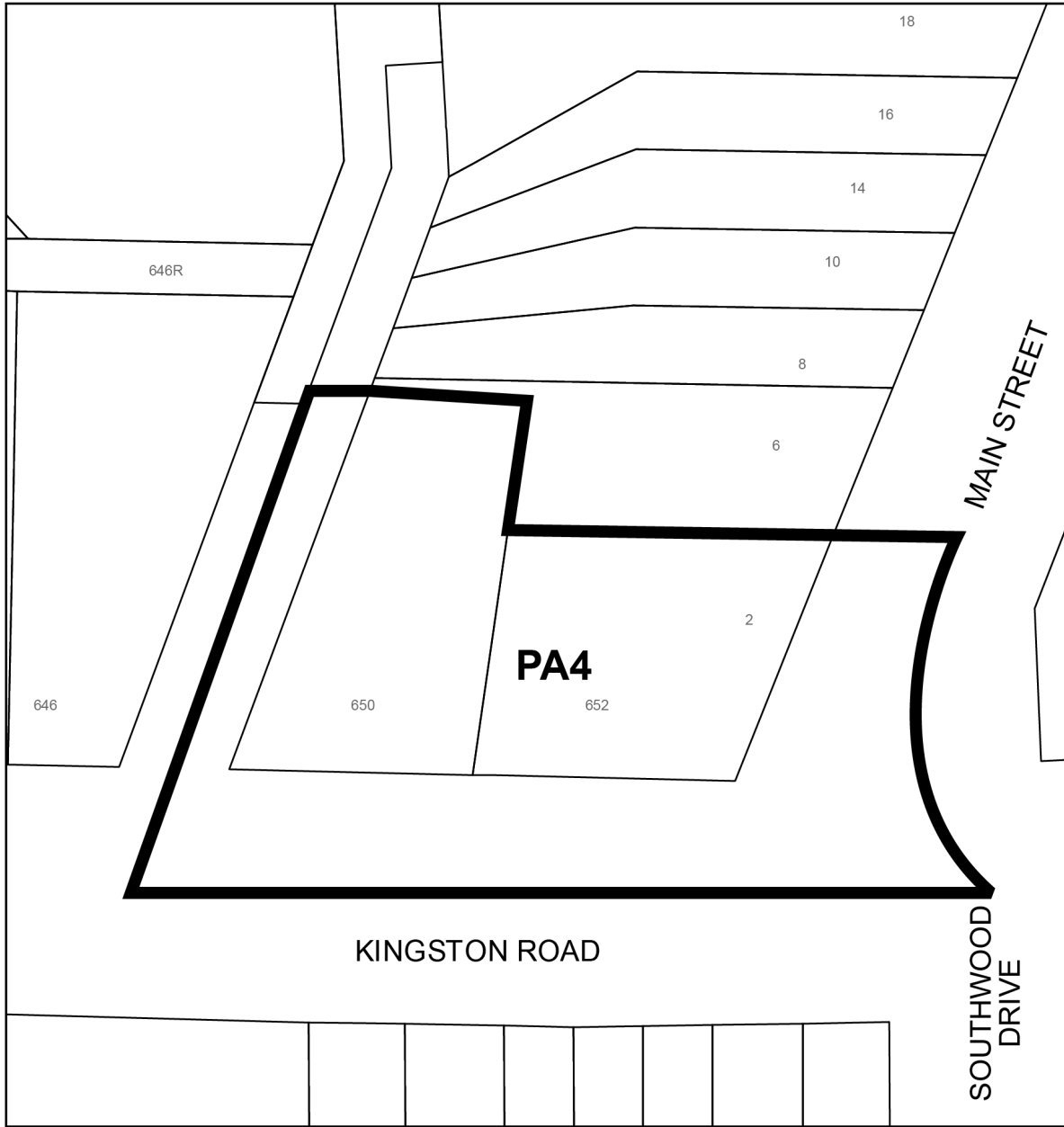

City of Toronto By-Law 569-2013
Not to Scale
10/11/2017



 **TORONTO**
Diagram 3

650-652 Kingston Road


File # 15 215444 STE 32 0Z



 **TORONTO**
Diagram 4

650-652 Kingston Road

File # 15 215444 STE 32 OZ


City of Toronto By-Law 569-2013
Not to Scale
10/11/2017

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 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.