

CITY OF TORONTO

BY-LAW 48-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 3050 Pharmacy Avenue.

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 authorization of increased 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/or 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, a 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 to be 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 Article 900.7.10 Exception Number (568) as shown on Diagram 2, so it reads:

(568) Exception RA 568

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 3050 Pharmacy Avenue, if the requirements of Section 5 and Schedule A are complied with, a **building** or **structure** may be erected and used in compliance with (B) to (R) below;
- (B) The **buildings** and **structures** permitted on the **lot** include the "Existing Building" and the "New Building" as shown on Diagram 3 to By-law 48-2021 as follows:
- (i) for the purposes of this Regulation, "Existing Building" means the existing **apartment building** municipally known as 3050 Pharmacy Avenue and **ancillary structures**, including an underground **parking garage** and enclosed garage entry ramp located on the lands in the year 2020 as shown on Diagram 3; and
- (ii) for the purposes of this Regulation, "New Building" means the proposed **apartment building** on the lands as shown on Diagram 3.
- (C) The total residential **gross floor area** of the New Building must not exceed 28,750 square metres;
- (D) The total **gross floor area** of the Existing Building shall not exceed the **gross floor area** existing therein as of December 1, 2019;
- (E) A maximum of 305 **dwelling units** are permitted in the New Building;
- (F) A maximum of 252 **dwelling units** are permitted in the Existing Building;
- (G) Despite Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building** setbacks and the required minimum separation distances between **main walls** of **buildings** or **structures** above ground level are shown in metres on Diagram 3 of By-law 48-2021;
- (H) Despite Regulation 5.10.40.70(1), Clause 15.5.40.60 and Regulation (G) above, the following elements of a **building** or **structure** may encroach into a required minimum **building** setback and a required minimum **main wall** separation distance shown in metres on Diagram 3 of By-law 48-2021 as follows:
- (i) Lighting fixtures, cornices, sills, eaves, parapets, balustrades, ornamental and architectural features, bay windows, gas and hydro metres, and

window washing equipment attached to a building or structure may project a maximum distance of 3.0 metres;

- (ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, underground garage ramps and associated **structures**, walls and safety railings, wind mitigation elements, trellises, guards, guardrails, retaining walls, wheelchair ramps, air intakes and vents, ventilating equipment, bike share facilities, outdoor **amenity space** elements, ornamental or architectural features, including planters, green energy and renewable energy elements, gas and hydro meters, and art installations may be located at ground level beyond the minimum **building** setback and required minimum **main wall** separation distance shown on Diagram 3;
 - (iii) Canopies and awnings may project to a maximum of 3.0 metres;
 - (iv) Balconies may project to a maximum of 2.0 metres; and
 - (v) **Structures**, elements and enclosures permitted by Regulation (I) below;
- (I) Despite Clauses 15.5.40.10 and 15.10.40.10, the height of each portion of a **building** or **structure** on the **lot**, is measured as the vertical distance between the Canadian Geodetic Datum elevation of 183.65 metres, and the highest point of the building or structure, and must not exceed the height in metres as specified by the numbers following the symbol H as shown on Diagram 3 to By-law 48-2021, with the exception of the following:
- (i) **Structures**, elements and enclosures permitted by Regulation (H) above;
 - (ii) Parapets to a maximum height of 1.5 metres above the height limits specified on Diagram 3;
 - (iii) Window washing equipment to a maximum projection of 3.0 metres above the height limits specified on Diagram 3;
 - (iv) **Structures** on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum projection above the permitted height limits specified of Diagram 3 of 1.5 metres;
 - (v) **Structures** on any roof used for maintenance, safety, wind or green roof purposes, including architectural screens, stairs and related enclosures, and lightning rods, provided that the maximum height of such elements is no higher than 3.0 metres above the height limits specified on Diagram 3;
 - (vi) **Structures** at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy

facilities, air intakes and vents, and ventilating equipment provided that the maximum height of such elements is no higher than 1.2 metres above ground level;

- (vii) **Structures** at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share facilities, outdoor amenity space elements, and safety railings, provided that the maximum height of such elements is no higher than 2.0 metres above ground level;
 - (viii) **Structures** at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum height of such elements is no higher than 4.0 metres above ground level; and
 - (ix) The height of the Existing Building shall not exceed the height of such **building** as it existed on the lot on December 1, 2019;
- (J) Despite Regulation 15.10.40.50(1), **amenity space** must be provided and maintained in accordance with the following:
- (i) A minimum of 2.0 square metres per dwelling unit in the New Building must be provided as indoor **amenity space**;
 - (ii) A minimum of 2.0 square metres of per dwelling unit in the New Building must be provided as outdoor **amenity space** of which a minimum of 40 square metres must be provided in a location directly adjacent to an area containing indoor **amenity space**; and
 - (iii) The **amenity space** provided in accordance with Regulations (i) and (ii) above must be available and accessible to the residents of the Existing Building.
- (K) Despite Regulation 220.5.10.1(2), a minimum of one Type "G" **loading space** is required for the New Building;
- (L) Despite Regulation 220.5.1.10(8) any **loading spaces** existing on the lands as of December 1, 2019 may be maintained and are deemed to comply with the requirements of By-law 569-2013;
- (M) Despite Regulation 200.5.10.1(1) **parking spaces** must be provided in accordance with the following:
- (i) 0.85 **parking spaces** for each **dwelling unit** for residents; and
 - (ii) 0.15 **parking spaces** for each **dwelling unit** for residential visitors.

- (N) Despite Regulation 200.15.1(1) an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**.
- (O) Despite Regulation 200.15.10(1)(C) if the total number of required **parking spaces** in regulation (M) above is more than 100, a minimum of four (4) **parking spaces** plus one (1) **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**, must comply with the minimum dimensions for an accessible **parking space** set out in regulation (N) above;
- (P) Despite any provision of this Exception or By-law 569-2013, as amended, to the contrary, any **parking spaces, drive aisles, driveways** and ramps existing on the **lot**, as of December 1, 2019 may be maintained and are deemed to comply with the requirements of By-law 569-2013;
- (Q) Despite Regulation 230.5.10.1(5), **bicycle parking spaces** required for the New Building must be provided as follows:
- (i) A minimum of 0.68 **bicycle parking spaces** for each **dwelling unit**, allocated as "long-term" **bicycle parking spaces**; and
 - (ii) A minimum of 0.07 **bicycle parking spaces** for each **dwelling unit** allocated as "short-term" **bicycle parking spaces**.
- (R) Despite Section 230.5 any **bicycle parking spaces** existing on the lot as of December 1, 2019 are deemed to comply with the requirements of By-law 569-2013.

Prevailing By-laws and Prevailing Sections: None apply.

4. Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.
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 required that the owner 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on February 5, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

SCHEDULE A**Section 37 Provisions**

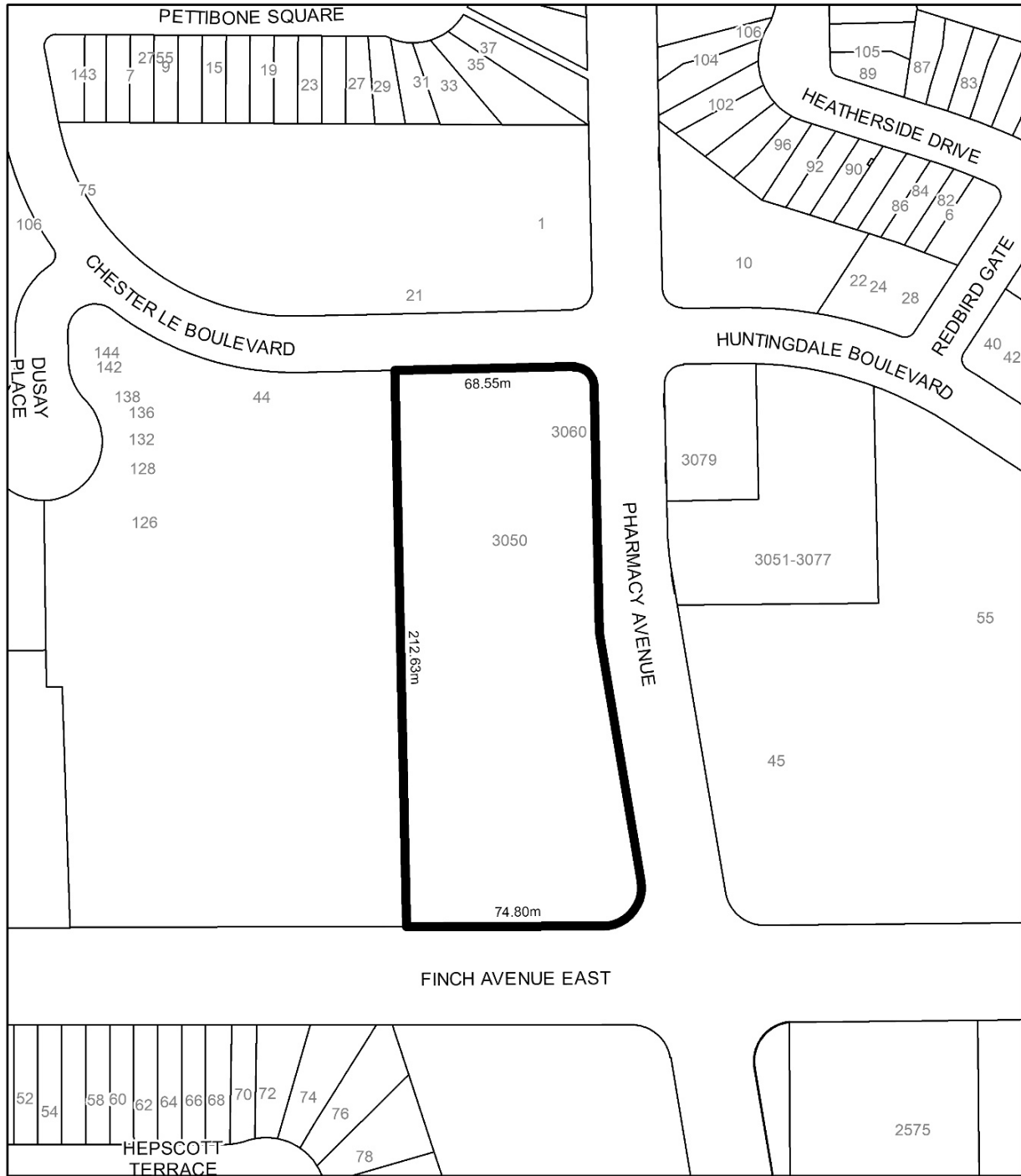
1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Diagram 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:
 - (A) The Owner shall design and construct twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building on the lot; the minimum average unit size of the purpose built affordable rental dwelling units shall be at least 78 square metres; the purpose built affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units; and the general configuration and layout of the twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (B) The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units as rental dwelling units for a minimum of 20 years, beginning with the date each such unit is first occupied; no affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 20 years from the date of first occupancy; upon the expiration of the 20 year period, the Owner shall continue to provide and maintain the purpose built affordable rental dwelling units as rental dwelling units, unless and until such time as the Owner has applied for and obtained all approvals necessary to do otherwise;
 - (C) The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied; during the first 15 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline;
 - (D) Prior to the issuance of the first above-grade building permit, the Owner shall provide a \$250,000 cash contribution to be directed to improvements to parks facilities in the vicinity of the development, said financial contribution to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment; and

- (E) In the event the cash contribution referred to in Part 1.(D) above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development.
- (A) The Owner shall continue to provide and maintain the 252 existing rental dwelling units on the lands at 3050 Pharmacy Avenue as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (B) The Owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline; access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site;
- (C) The Owner shall undertake improvements to the existing rental apartment building, taking into account tenant responses to the required Tenant Survey related to programming of amenity space, to the satisfaction of the Chief Planner and Executive Director, City Planning or their designate, including, but not limited to, the matters set out in Parts (D) and (E) below;
- (D) prior to the first above-grade building permit for any part of the development the Owner shall:
- (i) upgrade the laundry room in the existing residential rental building, including accessibility improvements such as including push button automatic doors and a clothes folding table which is universally accessible within the laundry room;
 - (ii) provide a minimum of 54 short-term bicycle parking spaces near the rear entrance of the Existing Building; and
 - (iii) provide new indoor amenity space of 120 square metres within the existing residential rental building which shall include but not be limited

to: a fitness room and/or communal/multi-purpose space which shall include, a kitchen, tables and chairs, and a washroom, with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement.

- (E) Prior to first occupancy of any new residential units in the development the Owner shall:
- (i) new outdoor amenity space, to be shared between residents of the existing and new residential rental building(s), having a minimum size of 856 square metres, including new, replaced and improved outdoor amenity space with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
 - (ii) provide new outdoor amenity space of 606 square metres, and 250 square metres of replaced and improved existing outdoor amenity space, which shall include but not be limited to: outdoor seating; community garden; planting and landscape treatments; and, play structure/equipment with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
 - (iii) improve the existing waste management facilities for the existing rental building, including indoor storage of garbage, recycling and composting, located at the New Residential Building; and
 - (iv) ensure aesthetic and other improvements to the existing buildings garbage and recycling facilities be provided.
- (F) the costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline;
- (G) prior to Site Plan Approval for the development agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (H) provide a minimum of 50 percent of all new units in the proposed 16-storey residential building as 2-bedroom units and provide a minimum 17 percent of all new units in the proposed 16-storey residential building as 3-bedroom units; and
- (I) the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the

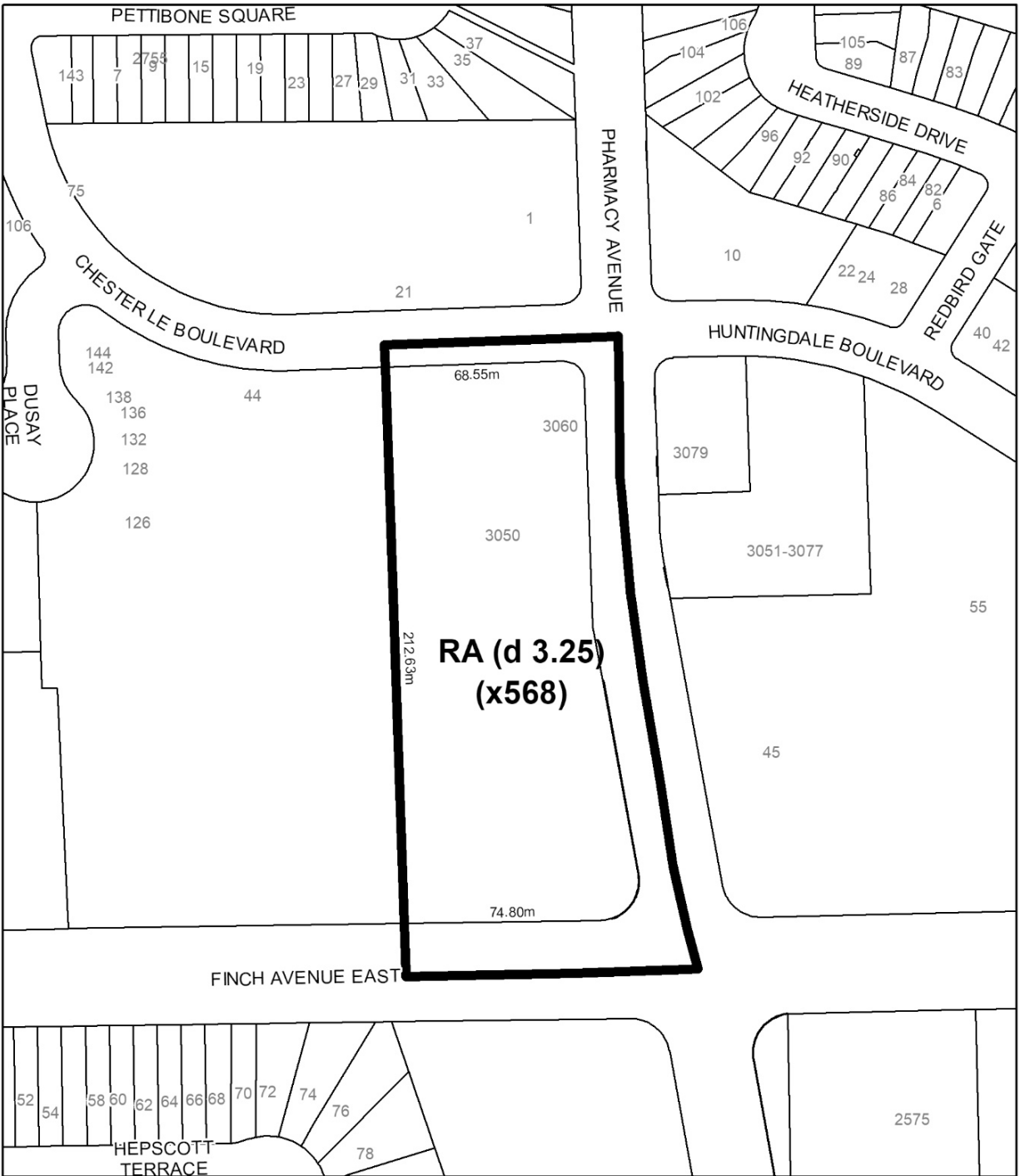
adoption of Item 2009.PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of Item 2017.PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.



 **TORONTO**
Diagram 1

3050 Pharmacy Avenue

File # 18 272965 ESC 22 0Z



 **TORONTO**
Diagram 2

3050 Pharmacy Avenue

File # 18 272965 ESC 22 OZ

