

Authority: Toronto and East York Community Council Item 19.6,  
as adopted by City of Toronto Council on October 30, 31 and November 1, 2012  
Enacted by Council: November 1, 2012

**CITY OF TORONTO**

**BY-LAW No. 1432-2012**

**To amend the Zoning By-law No. 438-86 of the former City of Toronto, as amended,  
with respect to the lands municipally known as 345, 347 and 349 Carlaw Avenue.**

WHEREAS authority is given to Council by 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 an increase in density and height has been requested; and

WHEREAS the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a by-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matter as are set 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 density or height 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 lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increases in density or height permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) with respect to the definitions of "*grade*", "*live-work unit*" and "*height*", and Sections 4(2)(a), 4(4)(b), 4(11) (b), 4(12), 9(1)(a) and (f) and 9(3) Part I 2 and 9(3) Part II 2(a) of Zoning By-law No. 438-86, as amended, 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", shall apply to prevent the erection and use of a *mixed-use building* on the *lot* containing *dwelling units* and non-residential uses, provided:
  - (a) the *lot* is comprised of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the *lot* contains not more than 21,502 square metres of *residential gross floor area* and not less than 4,200 square metres of *non-residential gross floor area*;
  - (c) the *lot* contains a maximum of 313 *dwelling units*;
  - (d) the following residential uses are permitted in Building A and Building B shown on Map 2 attached to and forming part of this By-law:
    - (i) *apartment building*;
    - (ii) *dwelling units* in a building - one or more;
    - (iii) *rowplex*; and
    - (iv) *live-work unit*;
  - (e) the following non-residential uses are permitted in Building A and Building C shown on Map 2:
    - (i) *artist's or photographer's studio*;
    - (ii) *bake shop*;
    - (iii) *caterer's shop*;
    - (iv) *clinic*;
    - (v) *communications and broadcasting establishment*;
    - (vi) *community or social agency*;
    - (vii) *courier service*;
    - (viii) *cultural and arts facilities*;
    - (ix) *custom workshop*;

- (x) *data processing establishment;*
  - (xi) *designer's studio;*
  - (xii) *duplicating shop*
  - (xiii) newsstand;
  - (xiv) office;
  - (xv) *performing arts studio;*
  - (xvi) *place of assembly*
  - (xvii) *personal grooming establishment;*
  - (xviii) premises of a *charitable institution or non-profit institution;*
  - (xix) *private art gallery;*
  - (xx) *public art gallery;*
  - (xxi) *publisher;*
  - (xxii) *showroom;*
  - (xxiii) *software design and development establishment;*
  - (xxiv) *tailoring shop;* and
  - (xxv) theatre for live entertainment;
- (f) the following non-residential uses are permitted as accessory uses in Building A and Building C as shown on Map 2:
- (i) *restaurant and take-out restaurant; and*
  - (ii) *retail store;*
- (g) no portion of any *building* above finished ground level shall be located other than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following:
- (i) cornices, light fixtures, awnings, canopies, window washing equipment, ornamental elements, parapets, landscape features, trellises, eaves, window sills, vents, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps and underground garage ramps and associated structures, and
  - (ii) balconies provided they are within the *lot* and do not extend more than 1.6 metres beyond the areas delineated by heavy lines on Map 2;

- (h) the maximum height above *grade* of any building or structure used or erected on the *lot* shall not exceed the *heights* above *grade* identified with the letter "H" in the areas delineated by heavy lines as shown on Map 2, except for:
- (i) a structure used for outside or open air recreation, safety or wind protection purposes, elements of a green roof, a chimney stack, vent or flue, window washing equipment, ornamental elements, canopies, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, guardrails, railings, and heating, cooling, electrical and ventilating equipment, provided it extends no more than 2.1 metres above the *height* limits;
  - (ii) balconies provided they are within the *lot* and extend no more than 1.6 metres beyond the areas delineated by heavy lines on Map 2; and
  - (iii) any building or structure within the area identified as Building C shown on Map 2 shall be limited to a height of three storeys;
- (i) not less than 250 *parking spaces* are provided and maintained on the *lot*, of which at least 194 *parking spaces* are for the exclusive use of residents of the *dwelling units* and at least 56 *parking spaces* are for the shared use of the non-residential uses in the building and visitors to the *dwelling units*, such parking to comply with the following minimum parking ratios:
- (i) Resident parking (including *live-work units*) be provided at a rate of 1 space per 102 square metres of *residential gross floor area*, less an allowable deduction of up to 11 resident *parking spaces*;
  - (ii) Residential visitor parking be provided at a rate of 0.15 spaces per residential *dwelling unit* or *live-work unit*;
  - (iii) That parking for the non-residential component of the project be provided at a rate of 1 space per 93 square metres of *net floor area*;

Provided further that parking for the residential visitors and non-residential component of the project may be provided on a shared basis provided that the minimum number of *parking spaces* is the greatest of the aggregate gross minimum numbers of *parking spaces* for the morning, afternoon and evening periods, calculated based on the following parking occupancy rates:

- (A) for each of the morning, afternoon and evening parking periods, the minimum number of *parking spaces* required for residential visitors and for each non-residential use, is calculated using the applicable parking space rate and parking occupancy rate in the chart below;
- (B) the minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period;

- (C) the minimum number of *parking spaces* required for the lot is equal to the largest number of *parking spaces* required for any parking period for the shared non-residential/residential visitor shared parking facility plus the minimum number of resident *parking spaces*, calculated per subsection 1 (i)(i) above;
- (D) If there are multiple uses on the *lot*, the applicable parking occupancy rate applies to each use on the *lot* and the total number of *parking spaces* required is the cumulative total of all uses;

Type of Use	Parking Occupancy Rate		
	Morning (6 am - noon)	Afternoon (noon - 6 pm)	Evening (6 pm - 6 am)
residential visitor parking	0%	35%	100%
<i>artist's or photographer's studio, live-work unit;</i>	20%	100%	100%
<i>bake-shop;</i>	20%	100%	100%
<i>caterer's shop;</i>	20%	100%	100%
<i>clinic;</i>	100%	100%	50%
<i>communications and broadcasting establishment;</i>	100%	100%	0%
community or social agency;	100%	100%	100%
<i>courier service;</i>	100%	100%	100%
<i>cultural and arts facilities</i>	25%	100%	100%
<i>custom workshop;</i>	20%	100%	100%
<i>data processing establishment;</i>	100%	100%	100%
<i>designer's studio;</i>	20%	100%	100%
<i>duplicating shop;</i>	20%	100%	100%
newsstand;	20%	100%	100%
office;	100%	60%	0%
<i>performing arts studio;</i>	20%	100%	100%
<i>personal grooming establishment;</i>	20%	100%	100%

Type of Use	Parking Occupancy Rate		
	Morning (6 am - noon)	Afternoon (noon - 6 pm)	Evening (6 pm - 6 am)
<i>place of assembly;</i>	0%	25%	100%
<i>premises of a charitable institution or non-profit institution;</i>	100%	60%	0%
<i>private art gallery;</i>	25%	100%	100%
<i>public art gallery;</i>	25%	100%	100%
<i>publisher;</i>	100%	60%	0%
<i>restaurant;</i>	20%	100%	100%
<i>retail store;</i>	20%	100%	100%
<i>showroom;</i>	100%	100%	0%
<i>software design and development establishment;</i>	100%	100%	100%
<i>tailoring shop;</i>	20%	100%	100%
<i>take-out restaurant;</i>	20%	100%	100%
<i>theatre for live entertainment;</i>	0%	25%	100%

- (j) not less than 315 square metres of indoor *residential amenity space* and not less than 285 square metres of outdoor *residential amenity space* shall be provided and maintained on the *lot*.

2. Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and density of development on the *lot* is permitted in return for the provision by the *owner* of the following facilities, services and matters to the City at the *owner's* sole expense:

- (a) prior to issuance of an above-grade building permit and not later than October 13, 2013, the *owner* shall:
- (i) enter into an Agreement of Purchase and Sale for the conveyance, at no cost, of not less than 450 square metres of *non-residential gross floor area*, to a non-profit arts and culture organization acceptable to the General Manager, Economic Development and Culture, which agreement includes the City as a party to the satisfaction of the City Solicitor and is subject to applicable terms and conditions set out in subsection 2(b) below.

- (b) the *owner* shall enter into and comply with one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to the *lot* to the satisfaction of the City Solicitor to secure the following:
- (i) the matters provided for in subsection 2(a)(i) above;
  - (ii) the conveyance, at no cost, of not less than 450 square metres of non-residential gross floor area to a non-profit arts and culture organization acceptable to the General Manager, Economic Development and Culture or, where the conveyance to a non-profit arts and culture organization is not able to be completed as contemplated on terms specified in the Section 37 Agreement, and in the alternative, the payment of a cash contribution in the amount of \$1,150,000.00 to the City to be applied at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, toward any one or more of community services and facilities, parkland/open space and streetscape improvements in the Dundas Street and Carlaw Avenue community within Ward 30;
  - (iii) the non-residential gross floor area referred to in subsection 2(b)(ii) above shall be separately conveyable and finished to a reasonable shell base standard for the intended use to the satisfaction of the Chief Planner and Executive Director, City Planning and shall include available connection to functioning electrical, plumbing and HVAC systems;
  - (iv) provisions allowing the Agreement of Purchase and Sale referred to in subsection 2(a)(i) above to be extended, as applicable, and to be assignable by the City as determined by the General Manager, Economic Development and Culture in consultation with the Chief Planner and Executive Director, City Planning; and
  - (v) prior to registration of a plan of condominium for any building or structure within the proposed development, the owner shall post a letter of credit in a form satisfactory to the City Treasurer in the amount of \$1,150,000.00 to secure the conveyance of the *non-residential gross floor area* or the alternative cash contribution as contemplated in subsection 2(b)(ii) above.
3. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended except for the following:
- (a) "*grade*" shall mean 83.12 metres Canadian Geodetic Datum;
  - (b) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
  - (c) "*live-work unit*" shall mean a *dwelling unit* on the ground level which is also used for work purposes by the resident or residents of such accommodation and which may also be used for work purposes by persons not residing therein; and

- (d) Each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
4. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot* as well as the buildings and structures on the *lot*.
6. Within the lands delineated by heavy lines on Map 1 attached to this By-law, 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.
7. By-law No. 1059-2010 is hereby repealed.

ENACTED AND PASSED this 1st day of November, A.D. 2012.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)





