

Authority: Toronto and East York Community Council Item 20.6,
as adopted by City of Toronto Council on November 27, 28 and 29, 2012
Enacted by Council: November 29, 2012

CITY OF TORONTO

BY-LAW No. 1594-2012

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 24-66 Howard Park 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*;

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

1. District Map No. 48J-322 contained in Appendix "A" of By-law No. 438-86, 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, is further amended by redesignating the lands outlined in heavy lines from "IID3" to "MCR" as shown in Map 1, attached hereto.
2. This By-law applies to the lands delineated by heavy black lines and identified as 24-66 Howard Park Avenue as shown on Map 1 attached to and forming part of the By-law.
3. Height and Minimum Lot Frontages Map No. 48H-322 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended to establish maximum permitted height in metres as delineated in Map 2 attached hereto.
4. None of the provisions of Section 2(1) with respect to "*grade*", and "*lot*", and Sections 4(2)(a), 4(3)(a), 4(3)(d), 4(4), 8(3) Part I 1, 2 and 3(a), 8(3) Part II 1(b), 8(3) Part XI (2) (ii) of By-law No. 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 and use of a *mixed-use* building or a *residential building* on the *lot*, provided that:

Permitted Uses

- (a) Notwithstanding Section 8(1) only the following non-residential uses are permitted:
 - (i) *bake shop*
 - (ii) *dry-cleaning shop*
 - (iii) *dry-cleaner's distribution station*

- (iv) *duplicating shop*
- (v) *laundry shop*
- (vi) *personal grooming establishment*
- (vii) *pet shop*
- (viii) *private art gallery*
- (ix) *restaurant*
- (x) *retail store*
- (xi) *service, rental or repair shop*
- (xii) *showroom*
- (xiii) *tailoring shop*
- (xiv) *take-out restaurant*
- (xv) *Clinic*
- (xvi) *Day Nursery*
- (xvii) *Post Office*
- (xviii) *Performing Arts Studio*
- (xix) *Bank Branch*
- (xix) *Caterer's Shop*
- (xixi) *Courier Service*
- (xixii) *Artist's or Photographer's Studio*
- (xixiii) *Custom Workshop*
- (xixiv) *Publisher*
- (xixv) *Software design and development establishment*
- (xixvi) *Data processing establishment*
- (xixvii) *Car share parking space.*

Gross Floor Area

- (b) The maximum permitted gross floor areas as follow:
 - (i) residential gross floor area 16,525 m²;
 - (ii) non-residential gross floor area 1,050 m²;
 - (iii) total combined gross floor area 16,525 m²; and
 - (iv) the maximum non-residential gfa of any non-residential unit is 400 m².

Dwelling Units

- (c) The total number of dwelling units on the lot does not exceed 177.

Yard Setbacks

- (d) The minimum yard setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out in Map 2, attached hereto.

Exceptions to Permitted Height

- (e) Notwithstanding Section 4(2)(a) only the following elements may exceed the maximum permitted heights as shown on Map 2 by no more than 3.5 m:
 - (i) parapets, guard rails, screens, balustrades, terrace and balcony railings and dividers;
 - (ii) landscape elements, including, planters, trellises and other decorative landscape elements and structure, including elements of a green roof;
 - (iii) solar panels and solar hot water heaters; and
 - (iv) window washing equipment, chimney stacks, makeup air units, emergency generator, garbage chute overruns, lightning rods and exhaust stacks.

Parking Requirements

- (f) Parking spaces shall be provided as follows:
 - (i) a minimum of 115 parking spaces shall be provided for residents;
 - (ii) 3 car-share spaces shall be provided;
 - (iii) a minimum of 10 parking spaces shall be provided for visitors; and
 - (iv) no parking spaces will be required for non-residential use.
- (g) In the event the project proceeds in two phases (with the east building being phase 1 and the west building being phase 2) parking will be provided as follows:
 - (i) a minimum of 50 parking spaces for residents, 3 car share parking spaces and 4 parking spaces for visitors will be provided in Phase 1; and
 - (ii) a minimum of 65 parking spaces shall be required for residents and 6 parking spaces for visitors shall be provided in Phase 2.

Parking Space Dimensions

- (h) Notwithstanding Section 4(17)(a) where a parking space is obstructed, a maximum of 12 obstructed spaces may be provided based upon the following minimum dimension:
 - (i) length 5.6 m;
 - (ii) height 2.0 m; and
 - (iii) width 2.6 m.

Loading

- (i) Notwithstanding the requirements of Section 4(6) only one type-G loading space shall be required.

Ingress and Egress

- (j) Ingress and egress to and from the parking facilities on the *lot* shall be provided in accordance with the requirements of Section 4(4)(c) except that such access can be provided over a private right-of-way over adjacent lands provided in favour of the subject property.

Bicycle Parking

- (k) Notwithstanding Section 4(13)(a)(c) and (d) *bicycle parking-occupant* and *bicycle parking - visitor* shall be provided as follows:
- (i) *bicycle parking-resident* - minimum 0.6 spaces per dwelling unit;
 - (ii) *bicycle parking-visitor* at a rate of 0.15 for each dwelling unit; and
 - (iii) bicycle parking spaces may be provided in a vertical, horizontal and stacked bicycle parking space.

Amenity Space

- (l) Notwithstanding 4(12), the required indoor amenity space shall be provided as follows:
- (i) a minimum of 300 m² of indoor amenity space shall be provided.

Definitions

5. For the purposes of this By-law, each word or expression this is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (a) "*Car-share* motor vehicles" 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;
 - (b) "*Car-share* parking space" shall mean a parking space used exclusively for the parking of a car-share motor vehicle;
 - (c) "*grade*" shall mean the 109.23 m Canadian Geodetic Datum;
 - (d) "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 and known municipally as 24, 28, 30, 60 and 66 Howard Park Avenue in the year 2012; and
 - (e) "*stacked bicycle parking*" shall mean means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

Division of Lands

6. Notwithstanding any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall continue to apply as if no severance, partition or division occurred.

Municipal Services

7. Within the lands shown 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 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.

Section 37

8. The facilities, services and matters set out herein are the matters 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 Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lot as outlined in heavy lines on Map 1 to secure the following facilities, services or matter;

An indexed cash contribution, payable at the first above grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment. The indexed cash contribution is to be applied at the sole discretion of the City to any of the following:

- (a) An indexed cash contribution, of \$100,000 toward improvements to Sorauren Park or streetscape improvements to the Dundas-Roncesvalles Peace Garden to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, payable at the first above grade building permit associated with Phase 1 of the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment.
- (b) An indexed cash contribution, of \$250,000 toward the construction of new affordable housing in Ward 14 to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, payable at the first above grade building permit associated with Phase 1 of the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index

for Toronto, calculated from the date of the introduction of Bills to the date of payment.

- (c) An indexed cash contribution, of \$400,000 to Children's Services toward capital improvements to daycare facilities in Ward 14 to the satisfaction of the General Manager, Children's Services, in consultation with the Ward Councillor, payable at the first above grade building permit associated with Phase 2 of the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment. Capital funds can also be expended where the premises are leased if the term is a minimum of 15 years and the operator is incorporated as not-for-profit.

9. The following matters are also recommended to be secured in the Section 37 Agreement as a matter of legal convenience to support the development:

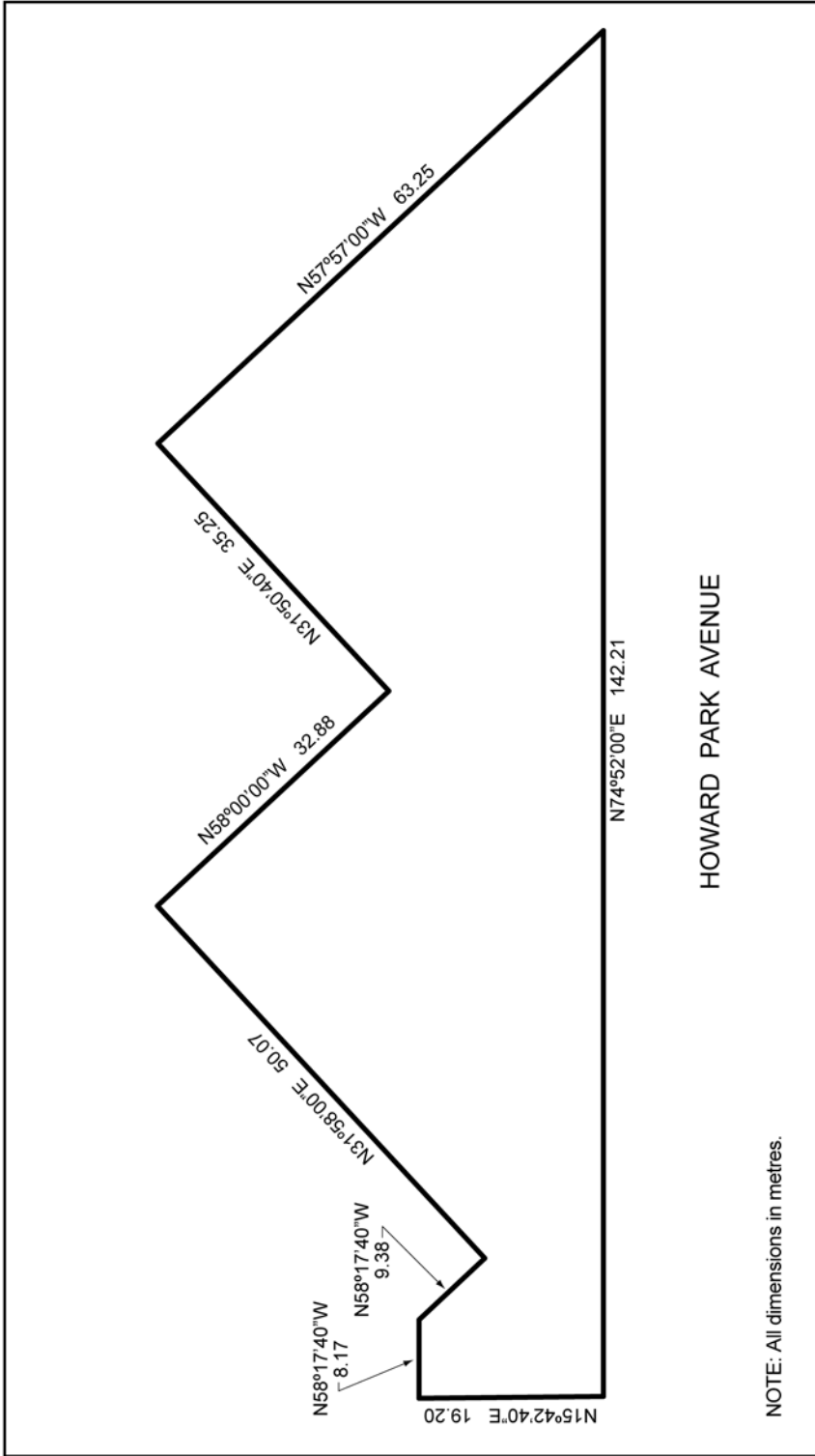
- (a) The applicant is required to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be submitted for review and acceptance by the Executive Director, Technical Services, should it be determined that improvements to such infrastructure are required to support the development.
- (b) The applicant be required to enter into a construction management agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

ENACTED AND PASSED this 29th day of November, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



HOWARD PARK AVENUE

NOTE: All dimensions in metres.



Map 1

24-66 Howard Park Avenue

File # 11 252109 02



Not to Scale
10/04/2012

