

Authority: Toronto and East York Community Council Item TE11.4, adopted as amended, by City of Toronto Council on November 3 and 4, 2015

## CITY OF TORONTO

### BY-LAW No. 1174-2015

#### **To amend former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally as 629, 633 and 675 Eastern Avenue.**

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2012 as 629, 633 and 675 Eastern Avenue; and

Whereas the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

Whereas the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto as requested and to, *inter alia*, ensure the provision and maintenance of employment, production and studio uses within the lands;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the density of development permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 2 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 2 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. District Map 52G-324 contained in Appendix "A" of *By-law No. 438-86* shall be amended by rezoning the *site* from "I2 D5" to "I2 D1(H-1) (H-2)" as shown on Map 1 appended to this By-law and District Map 52G-324 contained in Appendix "B" of *By-law No. 438-86* shall be amended by introducing the height limits of 0.0 metres, 18.0 metres, 42.5 metres and 60.0 metres as respectively shown for each area following the H symbol on Map 2 appended to this By-law.

**Permitted Uses**

6. None of the provisions of Sections 4(2), 4(4)(b), 4(6), 4(11), 4(13), 9(1) to (3) and 12(2)270 of *By-law No. 438-86*, shall apply to prevent the erection or use within the *site* of those uses listed in Appendix 1 attached to this By-law, provided:
  - a) that all of the provisions of this By-law are complied with; and
  - b) the specific conditions as set out in section 2 of Appendix 1 attached to this By-law are satisfied in respect of the uses listed in that section.
  
7. No building erected or used within the area marked "STUDIO" on Map 3 may contain any of the uses listed in Section 1(c) of Appendix 1, RETAIL AND SERVICES SHOPS, except where such uses are:
  - a) located within one building existing within that area on the date of the passage of this By-law having a maximum *non-residential gross floor area* of 285 square metres, excluding *patios*; or
  - b) such uses are ancillary to *communication and broadcasting establishment*, *production studio* or office uses such that the uses serve businesses and workers on the site.

**Pre-conditions for the Permitted Uses**

8. The *lot* on which those uses are located shall comprise at least the *site* and notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.
  
9. None of the following uses are permitted within the portion of the *site* designated as Area "A" on Map 3: *parking area*, *parking garage* and *private commercial parking garage*.

**Maximum Non-residential gross floor area**

10. The total combined *non-residential gross floor area* erected or used on the *site* shall not exceed 115,000 square metres.

**Minimum Required gross floor area for certain uses**

11. Within the *site*:
  - a) the *owner* shall at all times designate and provide an area or areas, within a building or buildings erected within the *site*, having a combined total *non-residential gross floor area* of at least 16,350 square metres exclusively for: *performing arts studio*, *communication and broadcasting establishment*, *production studio*, *artist studio* and *film and media training facility* uses; and

- b) the owner shall, within those 16,350 square metres, at all times designate and provide an area or areas having a combined total *non-residential gross floor area* of at least 8,360 square metres exclusively for either or both of the following two uses: *communication and broadcasting establishment* or *production studio* uses.

### **Maximum gross floor area used for Retail**

- 12. Within the site, the maximum total combined non-residential gross floor area erected or used for those uses listed in Section 1(c) of Appendix 1 of this By-law, RETAIL AND SERVICES SHOPS, shall be no more than 20 percent of the total combined *non-residential gross floor area* erected or used within the *site* for those uses listed in Sections 1(a), (d), (e), (i), (k) and (l) of Appendix 1 of this By-law, excluding *market gardens* and *ornamental structures*, to a maximum of 12.3 percent of the total combined *non-residential gross floor area* permitted by Section 10 of this By-law, which for greater clarity is a maximum of 14,100 square metres.

### **Maximum size of a single retail unit**

- 13. No more than 5,200 square metres of *non-residential gross floor area* shall be provided within any building erected within the *site* for those uses listed in Section 1(c) of Appendix 1 of this By-law, RETAIL AND SERVICES SHOPS.
- 14. No building erected or used within the *site* may contain only those uses, solely or in combination, listed:
  - a) in Section 1(c) of Appendix 1, RETAIL AND SERVICES SHOPS; and
  - b) a *parking garage* and *private commercial parking garage*.
- 15. Section 14 shall not apply to prevent the erection or use of a building containing only those uses noted in section 14, solely or in combination:
  - a) of one building located within the area marked "Studio" on Map 3 provided it has a maximum *non-residential gross floor area* of 285 square metres, excluding *patios*; and
  - b) of one building located within the area marked "C" on Map 3.
- 16. The building referred to in Section 15(b) shall be limited to a maximum of 2500 square metres of *non-residential gross floor area* for those uses listed in Section 1(c) of Appendix 1 of this By-law, RETAIL AND SERVICES SHOPS, until such time as a minimum of 1000 square metres of new *non-residential gross floor area* not existing on the *site* on the date of the passage of this By-law is erected or used for any of those uses listed in Sections 1(a), (d), (e), (i), (k) and (l) of Appendix 1 of this By-law, excluding *market gardens* and *ornamental structures*.

**Setbacks**

17. No part of any building and no part of any stair or ramp area may be located within 3 metres of Eastern Avenue, other than the building existing on the date of the passage of this By-law and located within the area marked "EXISTING BUILDING" on Map 4.

**Canopies/Overhang prohibition**

18. No part of any building or structure located above its ground floor can extend or overhang more than 3 meters beyond the ground floor exterior wall.

**Common Outdoor Space**

19. The minimum *common outdoor space* provided within the *site* shall be 4.5 percent of the total combined *non-residential gross floor area* provided on the *site* for those uses in Section 1(c), (d), (e) and (l) of Appendix 1 of this By-law.

**Height**

20. The *height* of each portion of a building or structure erected above *grade* within the *site* shall have a maximum *height* in metres as shown following the symbol H on the attached Map 2 for the corresponding area.
21. The previous Section of this By-law does not apply to prevent the erection or use of the following structures above the *height* limits for structures and buildings as illustrated on Map 2:
- a) a mechanical penthouses, a chimney stack or other heating, cooling or ventilating equipment, a screen around such equipment, and window washing equipment, extending no more than 5.0 metres above the applicable *height* limit of the building or structure as shown on Map 2, provided that the aggregate horizontal area of such elements, including any area contained within an enclosure, does not exceed 30 percent of the area of the roof of the building;
  - b) a structure used for outside or open air recreation, safety or wind protection purposes, and elements of a green roof, extending no more than 3.0 metres above the applicable *height* limit of the building or structure as shown on Map 2, provided that no part of the structure is less than two metres from the adjacent outside wall or a vertical projection of the wall, and the structure does not enclose space so as to constitute a form of penthouse or other room or rooms; and
  - c) ornamental elements, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, guardrails and railings, extending no more than 5.0 metres above the applicable *height* limit of the building or structure as shown on Map 2.
22. The previous Section of this By-law does not apply to any portion of a building or structure located within the portion of the *site* designated as Area "A" on Map 3.

23. No portion of a building containing a *parking garage* shall be higher than 103 metres Canadian Geodetic Datum.

### **Parking and loading**

24. *Parking spaces* shall be provided and maintained on the *site* in accordance with the following:
- a) a minimum ratio of 2.0 *parking spaces* per 100 square metres of *non-residential gross floor area* and a maximum of 4.0 *parking spaces* per 100 square metres of *non-residential gross floor area* used for the uses listed in Section 1(c) of Appendix 1 of this By-law;
  - b) a minimum ratio of 1.5 *parking spaces* per 100 square metres of *non-residential gross floor area* and a maximum of 2.5 *parking spaces* per 100 square metres of *non-residential gross floor area* used for offices, *software development and processing* and *film and media training facilities*;
  - c) a minimum ratio of 1.0 *parking spaces* per 1 *hotel* room; and
  - d) a minimum of 120 *parking spaces* plus a minimum ratio of 1.5 *parking spaces* per 100 square metres of *non-residential gross floor area* used for *communications and broadcasting establishments, performing arts studios, production studios*.
25. Of the *parking spaces* provided and maintained within the *site* for *communication and broadcasting establishment* and *production studio* uses:
- a) a minimum of 150 *parking spaces* must be provided as surface parking on the *site*; and
  - b) these 150 *parking spaces* must be available for, and may be used for, the parking and storage of trailers and production vehicles required by the *communication and broadcasting establishment* and *production studio* uses.
26. *Parking spaces* provided and maintained for *communication and broadcasting establishment, performing arts studios* and *production studio* uses can be provided as *tandem parking spaces* provided they are not located within a *parking garage*.
27. The following shared parking occupancy factors shall apply to the *parking spaces* required by this By-law:
- a) 20 percent occupancy rate during the *morning*, a 100 percent occupancy rate during the *afternoon*, and a 100 percent occupancy rate during the *evening* for the uses listed in Section 1(c) of Appendix 1 of this By-law;
  - b) a 100 percent occupancy rate during the *morning*, a 60 percent occupancy rate during the *afternoon*, and a 0 percent occupancy rate during the *evening* for office uses;

- c) a 80 percent occupancy rate during the *morning*, a 75 percent occupancy rate during the *afternoon*, and a 100 percent occupancy rate during the *evening* for *hotel* uses;
- d) a 100 percent occupancy rate during the *morning*, *afternoon*, and *evening* for *communications and broadcasting establishments*, *production studios*, *performing arts studios* and *film and media training facilities*; and
- e) the minimum number of *parking spaces* required shall be calculated as follows:
  - (i) for each of the *morning*, *afternoon*, and *evening* parking periods, the minimum number of *parking spaces* required for each use is calculated multiplying the respective parking requirement ratio by the occupancy rate;
  - (ii) 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; and
  - (iii) the minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period.

**28.** Loading spaces shall be provided and maintained on the *site* in accordance with the following:

- a) the minimum number of loading spaces for *retail store*, *restaurant*, *take-out restaurant*, *financial institution*, *private art gallery*, *bake-shop*, *artist and photographer studio* and *artist studio* uses shall be as follows:
  - (i) 0 to 499 square metres of *non-residential gross floor area* - None Required;
  - (ii) 500 to 1,999 square metres of *non-residential gross floor area* - 1 *loading space - type B*;
  - (iii) 2,000 to 4,999 square metres of *non-residential gross floor area* - 2 *loading space - type B*;
  - (iv) 5,000 to 9,999 square metres of *non-residential gross floor area* - 3 *loading space - type B*;
  - (v) 10,000 to 14,100 square metres of *non-residential gross floor area* - 1 *loading space - type A* and 3 *loading space - type B*;
- b) the minimum number of loading spaces for office uses shall be as follows:
  - (i) 0 to 499 square metres of *non-residential gross floor area* - None Required;
  - (ii) 500 to 999 square metres of *non-residential gross floor area* - 1 *loading space - type B*;
  - (iii) 1,000 to 1,999 square metres of *non-residential gross floor area* - 1 *loading space - type B* and 1 *loading space - type C*;
  - (iv) 2,000 to 3,999 square metres of *non-residential gross floor area* - 1 *loading space - type B* and 2 *loading space - type C*;

- (v) 4,000 to 27,999 square metres of *non-residential gross floor area* - 2 loading space - type B and 2 loading space - type C;
  - (vi) 28,000 to 51,999 square metres of *non-residential gross floor area* - 2 loading space - type B and 3 loading space - type C;
  - (vii) 52,000 square metres or greater of *non-residential gross floor area* - 2 loading space - type B and 3 loading space - type C;
- c) the minimum number of loading spaces for *hotel* uses shall be as follows:
- (i) 0 to 4,999 square metres of *non-residential gross floor area* - 1 loading space - type B;
  - (ii) 5,000 to 9,999 square metres of *non-residential gross floor area* - 1 loading space - type B and 1 loading space - type C;
  - (iii) 10,000 to 19,999 square metres of *non-residential gross floor area* - 2 loading space - type B and 1 loading space - type C;
- d) *Non-residential gross floor area* used or designed for *communication and broadcasting establishment, performing arts studio, production studio, software development and processing and film and media training facility* uses, and existing on the *site* on the date of the passing of this By-law even if renovated or replaced on the *site* from time to time after such date, shall be exempt from loading requirements.
- 29.** *Bicycle parking spaces* shall be provided and maintained on the *site* in accordance with the following:
- a) a minimum ratio of 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for *Long-Term Bicycle Parking spaces* and a minimum of 3 *bicycle parking spaces* plus a ratio of 0.3 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for *Short-Term Bicycle Parking spaces*, used for the following uses:
    - (i) *retail store*;
    - (ii) *restaurant*;
    - (iii) *take-out restaurant*;
    - (iv) *branch of a bank or financial institution*;
    - (v) *private art gallery*;
    - (vi) *bake-shop*;
    - (vii) *artist or photographer's studios*;
    - (viii) *artist studio*;
  - b) a minimum ratio of 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* used for office uses for *long-term bicycle parking* and a minimum of 3 *bicycle parking spaces* plus a ratio of 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* used for office uses for *Short-Term Bicycle Parking*;

- c) a minimum of 3 *bicycle parking spaces* plus a ratio of 0.1 per 100 square metres of *non-residential gross floor area* used for office uses for *long-term bicycle parking* and a minimum of 3 *bicycle parking spaces* plus a ratio of 0.2 spaces per 100 square metres of *non-residential gross floor area* used for office uses for *Short-Term Bicycle Parking*.
- 30.** A *bicycle parking space* shall have the following minimum dimensions:
- a) if located in a horizontal position (on the ground):
- (i) a minimum length of 1.8 metres;
  - (ii) a minimum width of 0.6 metres;
  - (iii) a minimum vertical clearance from the ground of 1.9 metres;
- b) if located in a vertical position on the wall, structure, or mechanical device:
- (i) a minimum length of 1.9 metres;
  - (ii) a minimum width of 0.6 metres;
  - (iii) a minimum horizontal clearance from the wall of 1.2 metres;
- c) if a stacked *bicycle parking space* is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres.
- 31.** *Long-term bicycle parking* for all uses shall be located in any number of *secure bicycle storage facilities* located on the *site*.
- 32.** Shower and change facilities shall be provided for each gender at the following rates:
- a) none if less than 5 *long-term bicycle parking spaces* required;
  - b) 1 for each gender for 5 to 60 required *long-term bicycle parking spaces*;
  - c) 2 for each gender for 61 to 120 required *long-term bicycle parking spaces*;
  - d) 3 for each gender for 121 to 180 required *long-term bicycle parking spaces*; and
  - e) 4 for each gender for more than 180 *long-term bicycle parking spaces*.
- 33.** *Parking spaces, bicycle parking spaces* and *shower and change facilities* may be provided and maintained anywhere on the *site*, and may be provided and maintained in centralized or shared facilities on the *site*, as long as the ratios in this By-law are met.
- 34.** Any part of a ramp making up part of a drive aisle used for motor vehicle access to or from a building or structure that is above *grade* must be located entirely within the building that it is providing access to or from.

### **Holding Symbol**

- 35.** For such time as the *site* or any part of the *site* is subject to both the holding symbols (H-1) and (H-2) as shown on Map 1 appended to this By-law, the *site* or that part of the *site* shall be used for the following uses only:



- a) *communication and broadcasting establishment, performing arts studio and production studio* uses, and *accessory* uses thereto, located only within the area marked "Studio" on Map 3, provided that the total combined *non-residential gross floor area* of these uses does not exceed 21,200 square metres; and
  - b) any of the uses permitted on the *site* by Section 9(1) of *By-law No. 438-86*, as of the day before the enactment of this By-law, provided that the use is also listed within Appendix 1 of this By-law, which for clarity shall exclude all new uses permitted by this By-law and all the previously permitted uses that are removed by this By-law.
- 36.** After the removal of the holding symbol (H-1) and thereafter for such time as the *site* or any part of the *site* is subject to only the holding symbol (H-2), the *site* or that part of the *site* shall be used for the following uses only:
- a) those uses set out in section 35 provided that the total combined *non-residential gross floor area* of the uses set out in section 35(a) does not exceed 21,200 square metres;
  - b) an office use provided that the total combined *non-residential gross floor area* of the office uses does not exceed 20,000 square metres, including uses listed in Section 1(c) of Appendix 1, RETAIL AND SERVICES SHOPS which are *accessory* to the office uses such that the uses serve businesses and workers on the *site*; and
  - c) uses listed in Section 1(c) of Appendix 1, RETAIL AND SERVICES SHOPS located within one building existing within the area marked "STUDIO" on Map 3 on the date of the passage of this By-law having a maximum *non-residential gross floor area* of 285 square metres, excluding *patios*.
- 37.** An amending by-law to remove the (H-1) symbol from all or part of the *site* shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
- a) a phasing plan updating the projected development of the entire site is provided to the satisfaction of the *Chief Planner*;
  - b) detailed final engineering plans to the satisfaction of the Director of Development Engineering and Construction Services, demonstrating the manner in which the lands shall be serviced, have been provided to the City in respect of the portion of the *site* that will no longer have the (H-1) symbol;
  - c) plans for the design of flood proofing measures and a site-specific flood emergency management plan to the satisfaction of the Toronto and Region Conservation Authority have been provided to the City in respect of the portion of the *site* that will no longer have the (H-1) symbol;

- d) Tree Planting Plan to the satisfaction of Urban Forestry, Toronto and East York District of Parks, Forestry and Recreation and any City Council approval require to injure or remove trees(s) in respect of the portion of the *site* that will no longer have the (H-1) symbol; and
  - e) Notice of Approval Conditions for Site Plan Approval have been issued by the City in respect of the portion of the *site* that will no longer have the (H-1) symbol.
- 38.** An amending by-law to remove the (H-2) symbol from all or part of the *site* shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
- a) a phasing plan updating the projected development of the entire site is provided to the satisfaction of the *Chief Planner*;
  - b) the construction of a new north/south thoroughfare between Eastern Avenue and Lake Shore Boulevard East by the *owner*, at the owner's cost, has been completed or otherwise secured to the satisfaction of the City;
  - c) a surface easement in favour of the City and the general public for the purpose of the new north/south thoroughfare between Eastern Avenue and Lake Shore Boulevard East has been granted to the City, to the satisfaction of the City. At the election of the City Solicitor, the transfer of the easement to the City may be provided in escrow to be released from escrow at any time at the election of the City;
  - d) detailed final engineering plans to the satisfaction of the Director of Development Engineering and Construction Services, demonstrating the manner in which the lands shall be serviced, have been provided to the City in respect of the portion of the *site* that will no longer have the (H-2) symbol;
  - e) plans for the design of flood proofing measures and a site-specific flood emergency management plan to the satisfaction of the Toronto and Region Conservation Authority have been provided to the City in respect of the portion of the *site* that will no longer have the (H-1) symbol;
  - f) the submission of updated urban design guidelines satisfactory to the Chief Planner and Executive Director, City Planning which reflect built and planned uses entire *site*;
  - g) Tree Planting Plan to the satisfaction of Urban Forestry, Toronto and East York District of Parks, Forestry and Recreation and any City Council approval require to injure or remove trees(s);
  - h) Notice of Approval Conditions for Site Plan Approval have been issued by the City in respect of the portion of the *site* that will no longer have the (H-2) symbol; and

- i) a Transportation Impact Study and a traffic mitigation plan satisfactory to the Director of Community Planning and Director of Transportation Services, Toronto and East York District has been provided to the City for every portion of the *site* that will no longer have the (H-2) symbol.

### Definitions

39. For the purpose of this By-law, the following expressions shall have the following meaning:

- a) "*artist studio*" means premises used for creating art or craft;
- b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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";
- c) "*City*" means the City of Toronto;
- d) "*Chief Planner*" means *City's* Chief Planner and Executive Officer;
- e) "*common outdoor space*" means an unenclosed, paved, sodded or landscaped exterior area or areas on a lot which provides outdoor amenities and which:
  - (i) adjoins and is directly accessible from a street, or public road easement;
  - (ii) contains, but is not limited to, at least two of the following elements: landscaping such as grass, shrubs, trees and flowers; refuse receptacles/recycling bins; outdoor seating;
  - (iii) is located within 2 metres of grade and is accessible by a ramp not exceeding a gradient of 1 in 12, or by stairs and a ramp not exceeding a gradient of 1 in 12;
  - (iv) is not narrower than 2.5 metres; and
  - (v) is not for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage, motor vehicle parking, restaurant patio, vent or stairs;
- f) "*film and media training facility*" means premises used for training and education related to the production of digital media, broadcasts, motion pictures, or audio or video recordings or transmissions;
- g) "*grade*" means the Canadian Geodetic elevation of 78 metres;
- h) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
- i) "*long-term bicycle parking*" means *bicycle parking spaces* for use by the occupants or tenants of a building;

- j) "*morning*" means the hours between 6 a.m. to 12 p.m., "*afternoon*" means the hours between 12 p.m. and 6 p.m., and "*evening*" means the hours between 6 p.m. and 6 a.m.;
- k) "*owner*" means the fee simple owner(s) of the *site*;
- l) "*parking garage*" means a building or portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles;
- m) "*production studio*" means premises used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a production studio;
- n) "*non-residential gross floor area*" means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a *non-residential building* or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:
- (i) a room or enclosed area, including its enclosing walls, within the building or structure above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that service the building;
  - (ii) loading facilities above or below *grade* required by this by-law;
  - (iii) a part of the building or structure that is used for the parking of motor vehicles or bicycles, storage or other *accessory* use; and
  - (iv) a part of the building or structure below *grade* that was erected and used for one or more nonresidential use permitted by this By-law on the *lot* on January 31, 1976;
- but, despite the foregoing, for the purpose of determining pursuant to sections 7(2)4(ii), 8(2)7(b), 9(2)2(iii) or an exception in Sections 12(1) or 12(2) of this By-law whether a *restaurant* or *take-out restaurant* exceeds any therein specified size limit, there shall be included in the calculation of *non-residential gross floor area* any floor area below *grade* exclusive of only one or more rooms or enclosed areas, including their enclosing walls, that are used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, laundry facilities, staff rooms, office, storage or washrooms;
- o) "*secure bicycle storage facility*" means any interior portion of a building used for bicycle storage and accessible only to tenants and staff of the *site*, or any lockable weather-protected shelter located outdoors;
- p) "*short-term bicycle parking*" means *bicycle parking spaces* for use by visitors to a building;

- q) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto;
- r) "*software development and processing*" means premises used for software development and testing, or for the collection, analysis, processing, storage or distribution of electronic data;
- s) "*tandem parking space*" means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle, or driveway; and
- t) each other word or expression, which is italicized in this by-law shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

Enacted and passed on November 4, 2015.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Appendix 1**  
Permitted Uses

1. The following non-residential uses, including *accessory* uses thereto, are permitted on the *site*:
  - (a) COMMUNITY SERVICES, CULTURAL AND ARTS FACILITIES
    - clinic*
  - (b) GENERAL INSTITUTIONS
    - post office*
    - union hall*
  - (c) RETAIL AND SERVICE SHOPS
    - bake-shop*
    - branch of a bank or financial institution*
    - brew-on premises establishment*
    - caterer's shop*
    - dry-cleaner's distribution station*
    - dry-cleaning shop*
    - duplicating shop*
    - newsstand*
    - personal grooming establishment*
    - private art gallery*
    - restaurant*
    - retail store*
    - service, rental or repair shop*
    - showroom*
    - tailoring shop*
    - take-out restaurant*
  - (d) WORKSHOPS AND STUDIOS
    - artist studio*
    - artist's or photographer's studio*
    - communications and broadcasting establishment*
    - custom workshop*
    - data processing establishment*
    - designer's studio*
    - industrial computer service*
    - laboratory, class A*
    - performing arts studio*
    - production studio*
    - publisher*
    - software, design and development establishment*
    - software development and processing*
  - (e) OFFICES
    - office*

- (f) AUTOMOBILE-RELATED USES  
*car washing establishment*  
*parking area*  
*parking garage*  
*private commercial garage*  
*private garage*  
*sales or hire garage*  
taxicab stand or station
- (g) PUBLIC  
*city yard, class A*  
public commercial scales  
pumping station  
waterworks
- (h) WAREHOUSING AND STORAGE  
cold storage plant  
*food warehouse*  
*food wholesaling establishment*  
*storage warehouse, class A*  
*wholesaling establishment - general*
- (i) INDUSTRIAL WORKSHOPS  
bookbinder's shop  
*carpenter's shop*  
*cleaning plant*  
*contractor's shop, class A*  
*sheet metal shop*  
*welder's shop*
- (j) TRANSPORTATION, DISTRIBUTION AND RELATED USES  
*courier service*  
*industrial catering service*  
*postal sorting station*  
public transit  
railway station  
railway tracks  
*security service and business equipment*  
shipping, trans-shipping or distribution depot
- (k) MANUFACTURING AND RELATED USES  
*bakery*  
*brewery*  
*electronic equipment factory*  
*photographic plant*  
winery

- (1) MISCELLANEOUS USES  
*animal hospital*  
*commercial school*  
*film and media training facility*  
*hotel*  
*market gardening*  
*trade school*  
*ornamental structure*

2. The following non-residential uses are permitted on the *site* if they comply with the specific conditions for each use:

(a) AUTOMOBILE-RELATED USES

- (1) *An automobile service and repair shop, automobile service station and a motor vehicle repair shop, class A* are permitted uses, provided:
- (i) a fence of opaque construction not less than 1.68 metres and not exceeding 2.0 metres in height is erected on any boundary abutting a *lot* in a R district or a *lot* on which a building containing a *dwelling unit* is located;
  - (ii) a non-flexible guard rail, fence or wall not exceeding 0.9 metres in height is erected on any boundary abutting a *street*, excepting only any portion of the boundary used for access;
  - (iii) not more than twenty per cent (20 percent) of the outdoor surface area of the portion of the *lot* containing that use is used for storage, including a garbage storage and disposal area; and
  - (iv) where there is an outdoor storage area, it is enclosed by a fence not less than 1.68 metres and not exceeding 2.0 metres in height.
- (2) *A parking station or commercial parking lot* are permitted uses provided:
- (i) any lights for illumination are so arranged as to divert the light away from adjacent premises;
  - (ii) a non-flexible guard rail or fence is erected on any boundary abutting a *street*, excepting the portions used for access; and
  - (iii) a fence of opaque construction, between 1.68 metres and 2.0 metres in height, is erected on any boundary abutting a *lot* in a R district or a *lot* on which a *dwelling unit* is located.



**Appendix 2**  
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *site* 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, where necessary, no credit for development charges, indemnity, insurance, HST, termination and unwinding, inurement, and registration and priority of agreement, whereby the *owner* shall agree as follows:

1. The *owner* shall transfer a site of approximately 485 square metres, known municipally on the date of the passing of this By-law as 652 Eastern Avenue, to the City for nominal consideration, no later than six (6) months after the date upon which this By-law comes into full force and effect and, in any event, prior to the issuance of the first building permit for any new building constructed within the *site*, with the transfer of the land to be to the satisfaction of the City. In which event, the transfer of this land to the City shall constitute an off-site parkland dedication by the *owner* and shall represent the full parkland dedication requirement for the development of the *site* for the uses and density permitted by the zoning amendment.
2. The owner will be required to finalize the purchase of the off-site parkland and provide conveyance of the off-site parkland no later than six (6) months after the date upon which this By-law comes into full force and effect and, in any event, prior to the issuance of the first building permit for any new building constructed within the site.
3. In the event that the owner does not successfully achieve an off-site parkland dedication, the owner will be required to otherwise satisfy the parkland dedication requirements to the satisfaction of the General Manager, Parks Forestry and Recreation.
4. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
5. Prior to the conveyance of the parkland, the Owner at their expense, will be responsible for base park construction and installation of the Parkland.
6. Prior to the conveyance of the parkland, the owner agrees to pay for the costs of the parkland dedication and the preparation and registration of all relevant documents. The Owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans for the parkland dedication.
7. The owner will not be given any additional credits for any over dedication of parkland.
8. The Owner shall, prior to the issuance of a building permit for any new building constructed within the *site* which would result in the total and combined *non-residential gross floor area* erected or used on the *site* to exceed 40,000 square metres, or at such later time as the *Chief Planner* may agree, build a roadway over the proposed main north-south thoroughfare through the *site* (between Lake Shore Boulevard East and Eastern

Avenue) (the "Easement Road") to the City's applicable standards for public roads, the precise location and specifications of which are to be secured in conjunction with site plan approval for the first phase of the development.

9. The *owner* shall, prior to the issuance of the first building permit for any new building constructed within the *site* or at such later time as the *Chief Planner* may agree, transfer a surface easement to the City and general public over the Easement Road for nominal consideration.
10. The terms of the transfer and the terms attaching to the easement shall be to the satisfaction of the City Solicitor in consultation with the *Chief Planner*.
11. The *owner* shall pay all applicable taxes and fees arising from the transfer of the easement to the City, including costs associated with the preparation and registration of all documents necessary for the registration of the easement.
12. The Easement Road is to be open and accessible 24 hours a day, seven days a week for pedestrian, bicycle and motor vehicle access, subject to such closures as are acceptable to the *Chief Planner*.
13. The *owner* shall maintain the Easement Road, including the sidewalks, in accordance with the City's applicable standards for public roads, and in particular, shall keep it reasonably free of all encumbrances to vehicular and pedestrian use, including keeping it free of snow, ice and rubbish.
14. The *owner* shall acknowledge that the City Council has not fettered its discretion to seek a future conveyance of the Easement Road to the City either through expropriation or as a condition of development approval.
15. The *owner* shall pay for all costs for the installation of traffic control signals at the intersection of the Easement Road and Eastern Avenue and the intersection of 629 Eastern Avenue (the Easement Road) and Lake Shore Boulevard East; and the owner shall pay all costs for the installation of traffic control signals at Pape Avenue and Eastern Avenue if recommended in the local traffic mitigation plan.
16. The *owner* shall comply with its obligations under the Certificate of Property Use registered on title to the *site*.
17. Construction Staging Management Plan, to the satisfaction of the General Manager of Economic Development and Culture, to ensure that as the site develops consideration is given to the functioning of the existing film studio.
18. The Owner shall submit a Film Studio Security Plan to the satisfaction of the General Manager of Economic Development and Culture and the Director of Community Planning, Toronto and East York District, to ensure that appropriate consideration is given to matters of security for the existing studio on site.

19. The owner of the site shall provide a cash contribution of \$2.25 million, for the following local community improvement initiatives:
- i. \$400,000 for the design, development and construction of a new park, which will be secured as an off-site parkland dedication at 652 Eastern Avenue to be payable no later than six (6) months after the date upon which this By-law comes into full force and effect and, in any event, prior to the issuance of the first building permit for any new building constructed within the site or other local area park improvements;
  - ii. \$350,000 for local area park improvements payable upon first building permit for any new building constructed within the *site* which would result in the total and combined *non-residential gross floor area* erected or used on the *site* to exceed 60,000 square metres;
  - iii. \$100,000 for Bruce School yard improvements or other local playground improvements payable upon first building permit for any new building constructed within the *site* which would result in the total and combined *non-residential gross floor area* erected or used on the *site* to exceed 50,000 square metres;
  - iv. \$100,000 for Morse School yard improvements or other local playground improvements payable upon first building permit for any new building constructed within the *site* which would result in the total and combined *non-residential gross floor area* erected or used on the *site* to exceed 50,000 square metres;
  - v. \$500,000 for public art, in accordance with the City of Toronto's Percent for Public Art Program to be located on or along the new north/south road between Eastern Avenue and Lake Shore Boulevard East payable upon first building permit for any new building constructed within the *site* which would result in the total and combined *non-residential gross floor area* erected or used on the *site* to exceed 40,000 square metres;
  - vi. \$700,000 for off-site traffic safety and public realm improvements for Eastern Avenue and the surrounding local neighbourhood streets, or other public realm improvements as identified in the future South of Eastern Strategic Direction, of which \$350,000 is payable at the time of first building permit for any new construction and the additional \$350,000 payable upon first building permit for any new building constructed within the *site* which would result in the total and combined *non-residential gross floor area* erected or used on the *site* to exceed 40,000 square metres;
  - vii. \$50,000 for the Leslieville Historical Society heritage plaque project payable at the time of first building permit for any new construction; and
  - viii. \$50,000 for local tree planting payable at the time of first building permit for any new construction.







