

Authority: Planning and Housing Committee Item PH10.2,
as adopted by City of Toronto Council on
November 26 and 27, 2019

CITY OF TORONTO

BY-LAW 1653-2019

To amend Zoning By-law 569-2013, as amended, with respect to a portion of the lands municipally known in the year 2019 as 777 Victoria Park Avenue.

Whereas Council of the City of Toronto has the authority to 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 5.1 (c0.2; r4.9) SS2 (x212), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Policy Areas Overlay Map in Section 995.10.1 for the lands subject to this By-law to PA 3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law to HT 76 and HT 40 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for the lands subject to this By-law, to a lot coverage label of 50 percent as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 212 so that it reads:

(212) Exception CR 212

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 the portion of lands at 777 Victoria Park Avenue subject to this By-law, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (DD) below.
- (B) For the purposes of this exception, the **lot** is defined as the lands outlined by heavy black lines on Diagram 1 attached to By-law 1653-2019.
- (C) Despite regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), the only permitted non-residential uses are:
- (i) **community centre**;
 - (ii) **day nursery**;
 - (iii) **public parking**, provided it is located below ground; and
 - (iv) the non-residential uses listed in (L)(ii) below provided:
 - (a) the use is located in Area A, as shown on Diagram 1 attached to By-law 1653-2019; and
 - (b) any **eating establishment** may have a maximum of 6 percent of the total **interior floor area** up to a maximum of 50 square metres for dance floor, stage, teletheatre gambling, disc jockey, sound room, areas dedicated to recreational activities, and any other entertainment area, and all uses must be entirely in the **building** with the **eating establishment**.
- (D) Any non-residential use permitted by (C)(i)(ii) or (iv) must front Victoria Park Avenue;
- (E) The permitted maximum **building** height must not exceed the height in metres specified by the numbers following the symbol HT as shown on Diagram 6 attached to By-law 1653-2019.
- (F) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 124.0 metres and the elevation of the highest point of the **building** or **structure**.
- (G) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagram 6 of By-law 1653-2019.
- (H) Despite regulation 40.10.40.70(2):

- (i) no **building** or **structure**, except the **structures** identified in (W) below, may penetrate a 45 degree **angular plane** projected from the average elevation of the ground along a **lot line** of a Residential Zone category **lot**; and
 - (ii) no **building** or **structure**, except the **structures** identified in (W) below, in Area B, as shown on Diagram 1 attached to By-law 1653-2019, may penetrate a 45 degree **angular plane**, measured at a line parallel to and at a height of 24 metres above a **lot line** that abuts Victoria Park Avenue.
- (I) In Area A, as shown on Diagram 1 attached to By-law 1653-2019, the permitted maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, above a height of 24.0 metres is 750 square metres.
- (J) In Area B, as shown on Diagram 1 attached to By-law 1653-2019, the portions of a **building** or **structure** located above the first seven **storeys** of the **building** must be set back a minimum of 3 metres from the **main wall** from the first to sixth **storeys** of the **building**.
- (K) Despite regulation 40.10.40.60(1), a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of the **building**:
- (i) must be located above the first three **storeys** of the **building** above-ground;
 - (ii) between the fourth and seventh **storeys** of the **building**, must not be located closer to a **lot line** than the **main wall** to which it is attached; and
 - (iii) above the first seven **storeys** of the **building**, may project a maximum of 1.5 metres from the **main wall** to which it is attached and must not project into the required at-grade setback shown on Diagram 6 attached to By-law 1653-2019.
- (L) The permitted maximum **gross floor area** of all **buildings** and **structures** on the lands is 41,000 square metres, excluding the area occupied by a **parking garage** or **public parking** below ground, as follows:
- (i) the permitted maximum **gross floor area** for residential uses is 39,350 square metres;
 - (ii) despite regulation 40.10.20.100, the combined permitted maximum **gross floor area** for retail, service and entertainment uses is 1,700 square metres and the combined minimum **gross floor area** is 300 square metres; retail, service and entertainment uses are limited to **art gallery**, **artist studio**, **automated banking machine**, **financial institution**, **eating establishment**, **massage therapy**, medical office, **outdoor patio**,

personal service shop, pet services, recreation use, retail service, retail store or take-out eating establishment;

- (iii) a minimum **gross floor area** of 425 square metres must be provided for **community centre** uses; and
 - (iv) a minimum **gross floor area** of 925 square metres must be provided for **day nursery** uses.
- (M) Despite regulation 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of a **building**, other than:
- (i) residential lobby access; and
 - (ii) **dwelling units** located in the first **storey** of a **building** if the **dwelling units** have direct access to a **street**.
- (N) A minimum outdoor area of 347 square metres associated with the **day nursery** use must front onto Victoria Park Avenue and/or Denton Avenue, be provided contiguous with the **interior floor area** of the **day nursery** and must comply with the **building setbacks** identified on Diagram 6 attached to By-law 1653-2019.
- (O) Publicly-accessible open space comprising **landscaping** must be provided as follows:
- (i) a minimum of 450 square metres located in the north-west corner of the **lot**; and
 - (ii) a minimum of 140 square metres located in the south-west corner of the **lot**.
- (P) Despite regulation 40.10.100.10(1):
- (i) **vehicle** access to the **lot** may be from a **street** which is a major **street** on the Policy Areas Overlay Map; and
 - (ii) a maximum of two **vehicle** accesses are permitted, only one of which may be from a **street** which is a major **street**;
- (Q) Despite regulation 200.5.10.1(1), **parking spaces** must be provided, in accordance with the following:
- (i) A minimum of 0.38 **parking spaces** for each **dwelling unit** must be provided for the residents;
 - (ii) A minimum of 0.1 **parking spaces** for each **dwelling unit** must be provided for visitors to the **dwelling units**;

- (iii) A minimum of 2 **parking spaces** must be provided for **community centre** uses;
 - (iv) A minimum of 2 **parking spaces** must be provided for **day nursery** uses;
 - (v) Car-share means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (vi) Car-share **parking space** means a **parking space** that is exclusively reserved and actively used for car-sharing;
 - (vii) The minimum required parking for residents can be reduced by up to 4 **parking spaces** for each dedicated car-share space; and
 - (viii) The maximum allowable reduction in the minimum required parking for residents is calculated by 4 times (Total number of units / 60), rounded down to the nearest whole number; and
 - (ix) No **parking spaces** must be provided for retail, service and entertainment uses required in (L)(ii) above.
- (R) Despite regulation 40.5.80.1(1), a portion of the **parking spaces** required by regulations (Q)(i) and (ii) above may be provided for the shared use of residents, residential visitors, non-residential uses on the lands and other uses as part of a **public parking** use, up to a maximum equivalent to:
- (i) 40 percent of the minimum **parking spaces** required by regulations (Q)(i) above; and
 - (ii) 100 percent of the minimum **parking spaces** required by regulations (Q)(ii) above.
- (S) Despite 200.5.1.10(2), the **public parking parking spaces** permitted by regulation (R) above may have a minimum length of 5.2 metres, provided they are accessed by a **drive aisle** having a width of 7.0 metres or more.
- (T) Despite clause 220.5.10.1, **loading spaces** must be provided in accordance with the following:
- (i) A minimum of 1 Type "G" **loading space**; and
 - (ii) A minimum of 1 Type "C" **loading spaces**.

- (U) A minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms.
- (V) A minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms.
- (W) Despite regulation 40.5.40.10(4), equipment and structures located on the roof of a **building** may exceed the permitted maximum height for that **building** by 5.0 metres, subject to regulation (X) below:
- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
 - (ii) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
 - (iii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) and (ii) above.
- (X) Despite regulation 40.5.40.10(5), equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a **building**, as permitted by regulation (W) above, must comply with the following:
- (i) the total area of all equipment, **structures**, or parts of a **building** may cover no more than 30 percent of the area of the roof, measured horizontally; and
 - (ii) if any equipment, **structures**, or parts of a **building** are located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to the **street**, may not exceed 20 percent of the width of the **building's main walls** facing that **street**.
- (Y) Despite regulation 40.5.40.10(7), a parapet wall for a **green roof** may exceed the permitted maximum height for a **building** by 2.0 metres.
- (Z) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, is measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.5 metres.
- (AA) Despite regulation 40.5.80.10(1), a **parking space** must be on the same **lot** as the use for which the **parking space** is required.
- (BB) Despite section 200.15, accessible **parking spaces** must be provided in accordance with the following:
- (i) an accessible **parking space** must have the following minimum dimensions:

- (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
- (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
- (iii) accessible **parking spaces** must be provided at the following minimum rates:
- (a) if the number of required **parking spaces** is 25 to 100, a minimum of 1 **parking space** for every 25 **parking spaces** or part thereof; and
 - (b) if the number of required **parking spaces** is more than 100, a minimum of 4 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**; and
- (iv) for the purpose of this exception, "accessible" means free of physical, architectural or design barriers that would restrict access of use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.
- (CC) Despite regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.45 metres.
- (DD) Despite regulation 230.5.1.10(9), a required "long-term" **bicycle parking space** for **dwelling units** and uses other than **dwelling units** may be located:
- (i) on the first **storey** of the **building**;
 - (ii) on the second **storey** of the **building**; or
 - (iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided.

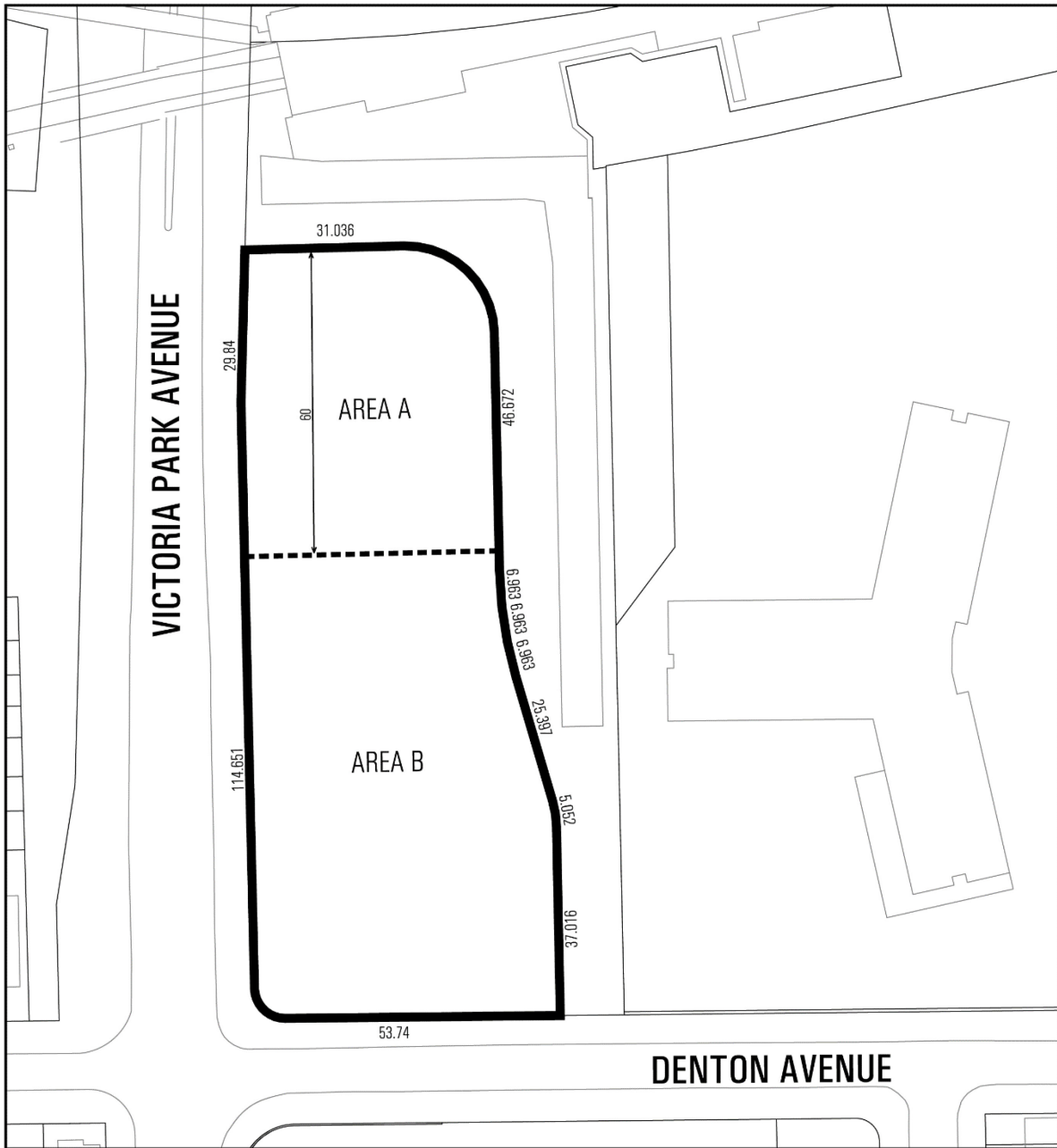
Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on November 27, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



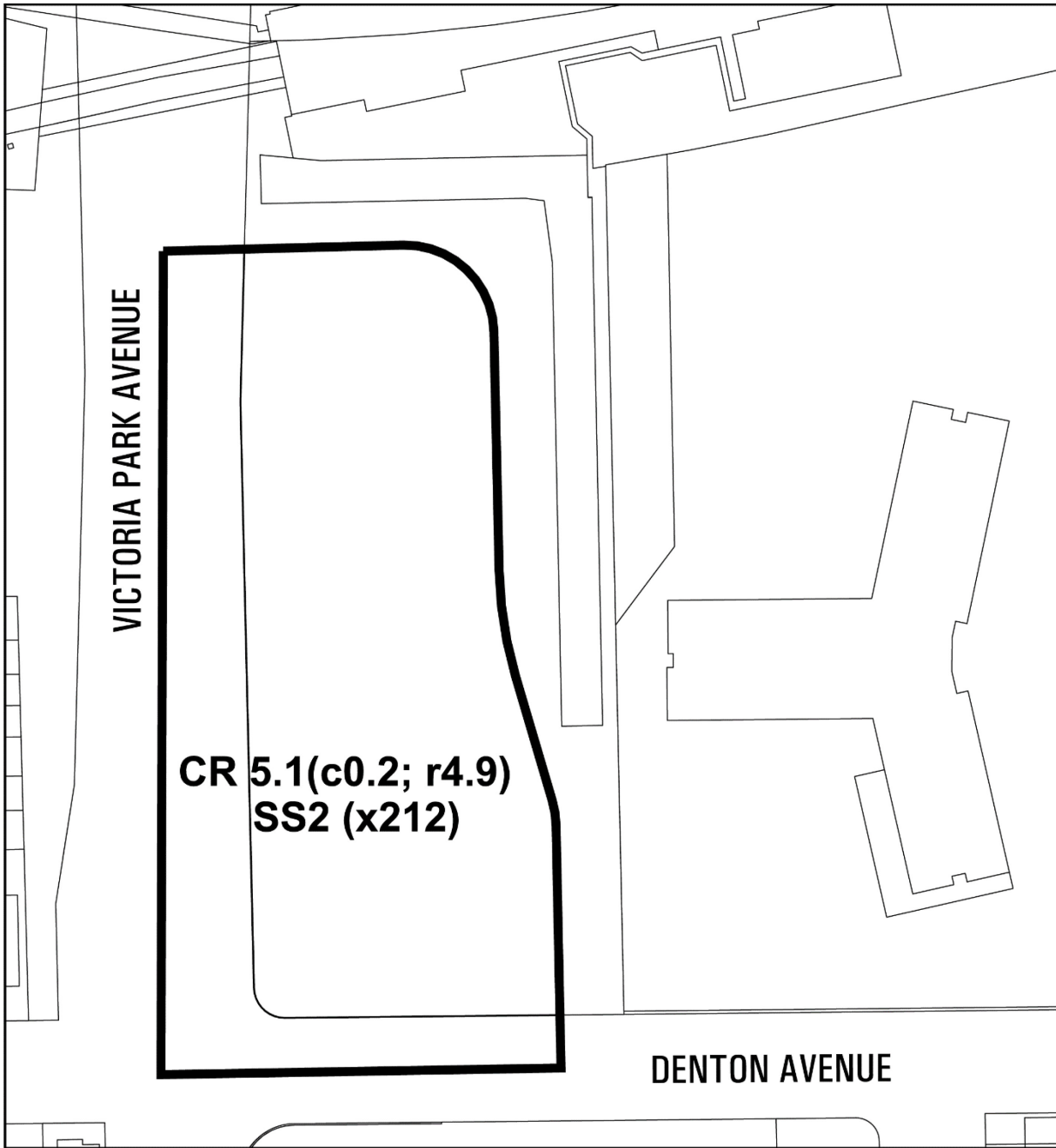
TORONTO
Diagram 1

777 Victoria Park Avenue

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Note: All distances shown are in metres

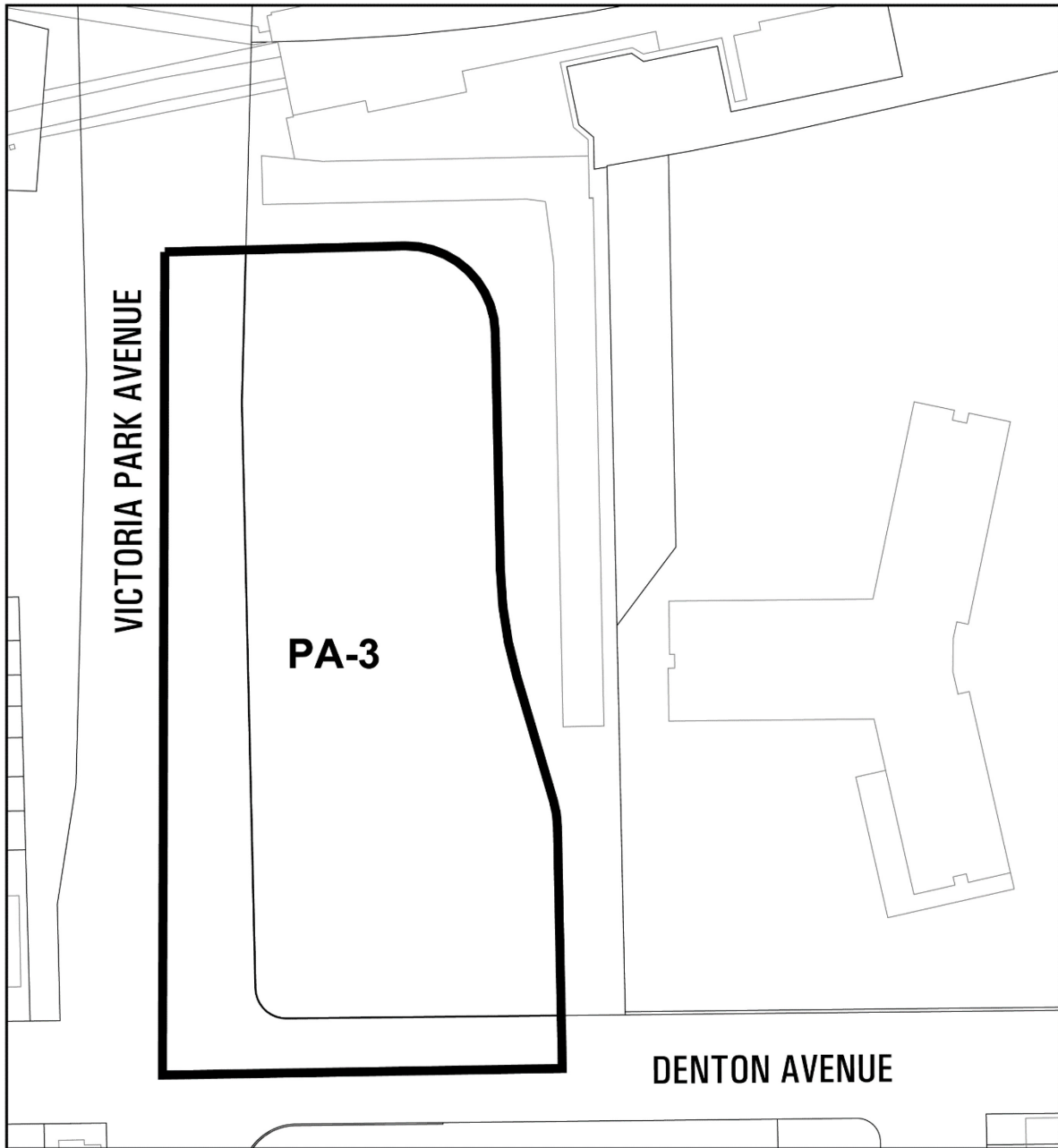
City of Toronto By-law 569-2013
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Diagram 2

777 Victoria Park Avenue

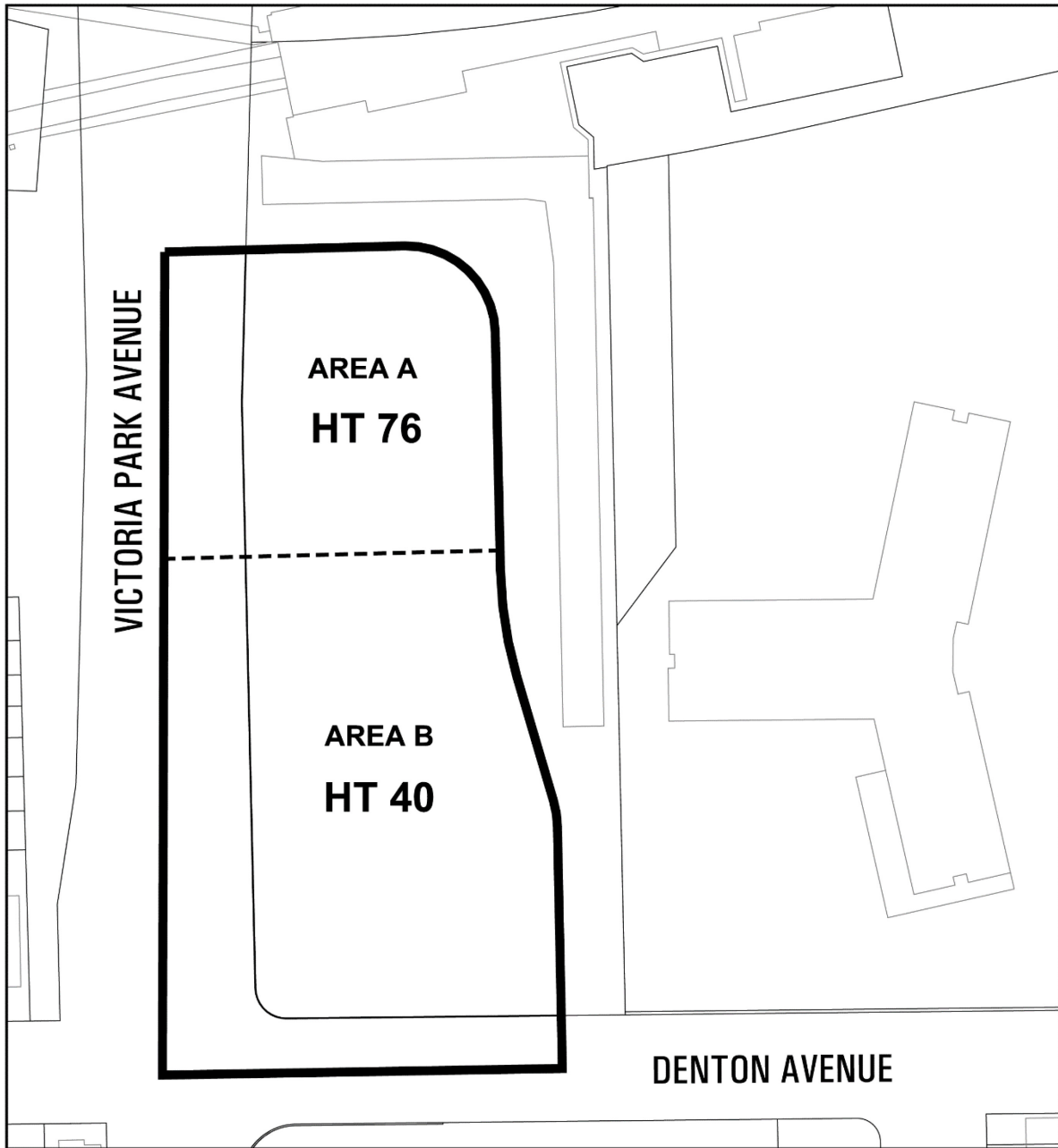
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 **TORONTO**
Diagram 3

777 Victoria Park Avenue

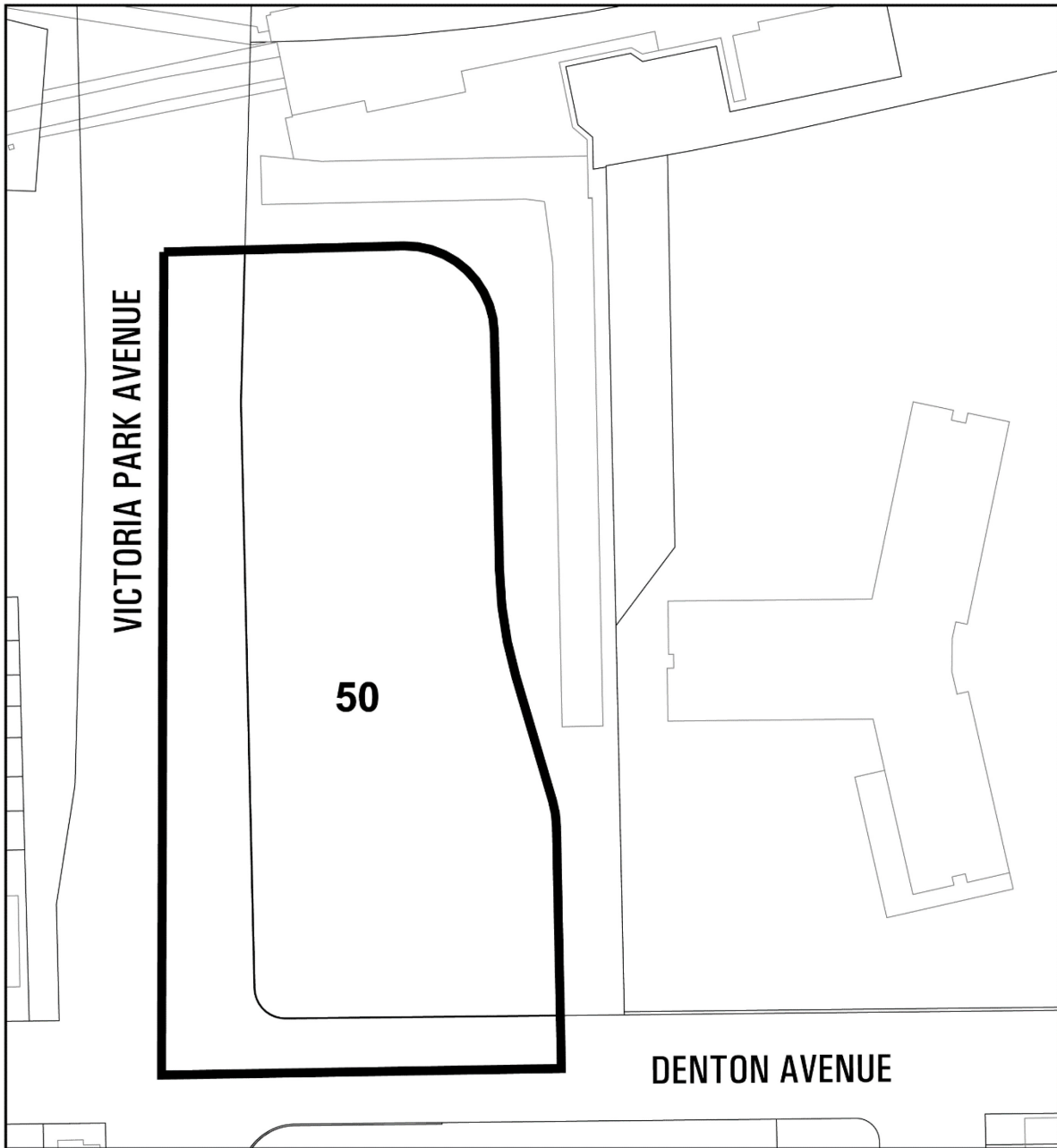
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 **TORONTO**
Diagram 4

777 Victoria Park Avenue

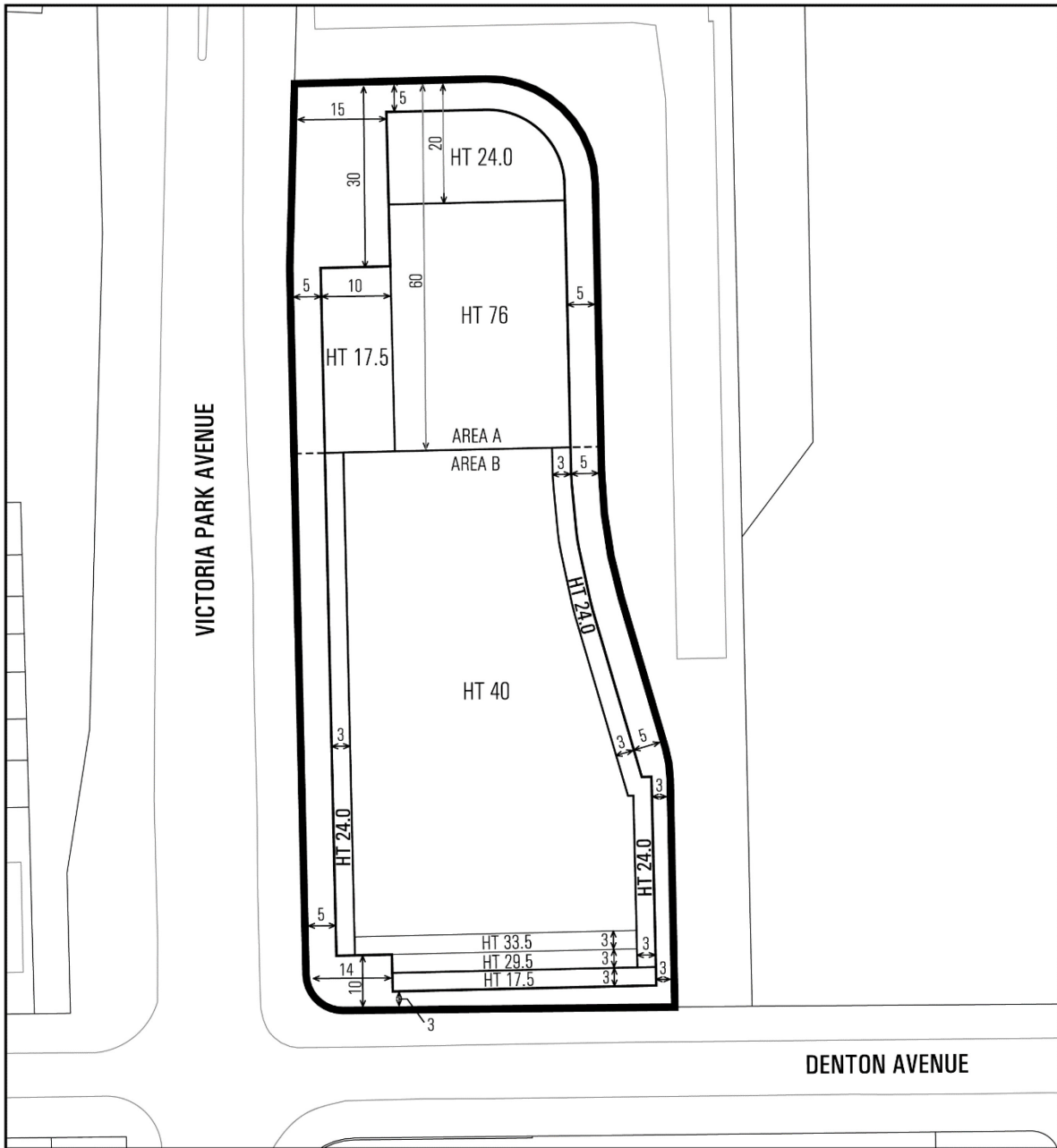
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 **TORONTO**
Diagram 5

777 Victoria Park Avenue

File # 19 114193 ESC 20 02



TORONTO
Diagram 6

777 Victoria Park Avenue

File # 19 114193 ESC 20 02

Note: All distances shown are in metres

City of Toronto By-law 569-2013
Not to Scale
10/29/2019