

Authority: Planning and Housing Committee Items PH11.2 and PH11.3, as adopted by City of Toronto Council on December 17 and 18, 2019

## CITY OF TORONTO

### BY-LAW 1779-2019

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 140 Merton Street.**

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;

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 4.9 (c2.0; r4.3) SS2 (x224), as shown on Diagram 2 attached to this By-law.
4. 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 63.0 as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 224 so that it reads:

**(224) Exception CR 224**

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 140 Merton Street, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (X) below;
- (B) 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**; and

- (ii) a **retail store, personal service shop, office, eating establishment and take-out eating establishment** provided:
  - (a) the use is **ancillary** to the **community centre**; and
  - (b) the use is located in the first or second **storey**;
- (C) Despite regulations 40.10.40.10(2) and 40.10.40.10(7), the permitted maximum height of a **building or structure** is the height in metres specified by the numbers following the symbol HT and the permitted maximum number of **storeys** is the numerical value following the symbol ST as shown on Diagram 4 attached to By-law 1779-2019;
- (D) 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 154.8 metres and the elevation of the highest point of the **building or structure**;
- (E) Despite regulations 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagram 4 of By-law 1779-2019;
- (F) 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 19.0 metres is 750 square metres;
- (G) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.1 metres;
- (H) Despite regulation 40.10.40.1.(2), the floor level of the first **storey** for the non-residential uses on site will be within 0.75 metres of the ground measured at the **lot line** abutting the **street**;
- (I) Despite regulation 40.10.40.1(6)(A), pedestrian access to a **community centre** use may be located within 12.0 metres of a **lot** in the Residential Zone category;
- (J) Despite regulation 40.10.50.10 (2), a fence is not required along the portion of a **lot line** abutting the **lot** in the Residential Zone category;
- (K) Despite regulation 40.10.50.10 (3), a minimum 1.0 metre wide strip of land used only for **soft landscaping** will be provided along the part of the **lot line** abutting the **lot** in the Residential Zone category;
- (L) 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) at the fourth and fifth **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 five **storeys** of the **building**, may project a maximum of 1.5 metres from the **main wall** to which it is attached;
- (M) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is 16,650 square metres, allocated as follows:
  - (i) the permitted maximum **gross floor area** for residential uses is 14,500 square metres;
  - (ii) the required minimum **gross floor area** for **community centre** uses is 2,150 square metres; and
  - (iii) a maximum of 200 square metres of the **gross floor area** of a **community centre** use may be occupied by one of the following uses, subject to (B) (ii) above: **eating establishment**, office, **personal service shop**, **retail store**, or **take-out eating establishment**;
- (N) Despite regulation 40.10.40.50.(1), **amenity space** must be provided in accordance with the following:
  - (i) a minimum of 2.4 square metres per **dwelling unit** must be indoor **amenity space**;
  - (ii) a minimum of 0.6 square metres per **dwelling unit** must be outdoor **amenity space**;
- (O) Despite regulation 200.5.10.1(1), **parking spaces** must be provided in accordance with the following:
  - (i) A minimum of 15 **parking spaces** for the **dwelling units**;
  - (ii) A minimum of 15 **parking spaces** for visitors to the **dwelling units**; and
  - (iii) A minimum of 15 **parking spaces** must be provided and maintained for **community centre** and **ancillary** uses.
- (P) Despite regulation 200.15.1.5(1), accessible **parking spaces** may be located in the **basement** parking levels;
- (Q) Despite regulation 230.5.1.10(4), the minimum required width of a **bicycle parking space** or a **stacked bicycle parking space** is 0.45 metres;

- (R) Despite regulations 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 (S) 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;
- (S) 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 (R) 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 per cent 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 per cent of the width of the **building's main walls** facing that **street**;
- (T) 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;
- (U) 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;
- (V) 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.
- (W) Despite regulation 230.5.1.10(6) and 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) outdoors on the surface of the **lot**;
  - (ii) on the first or 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 per cent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided; and
- (X) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

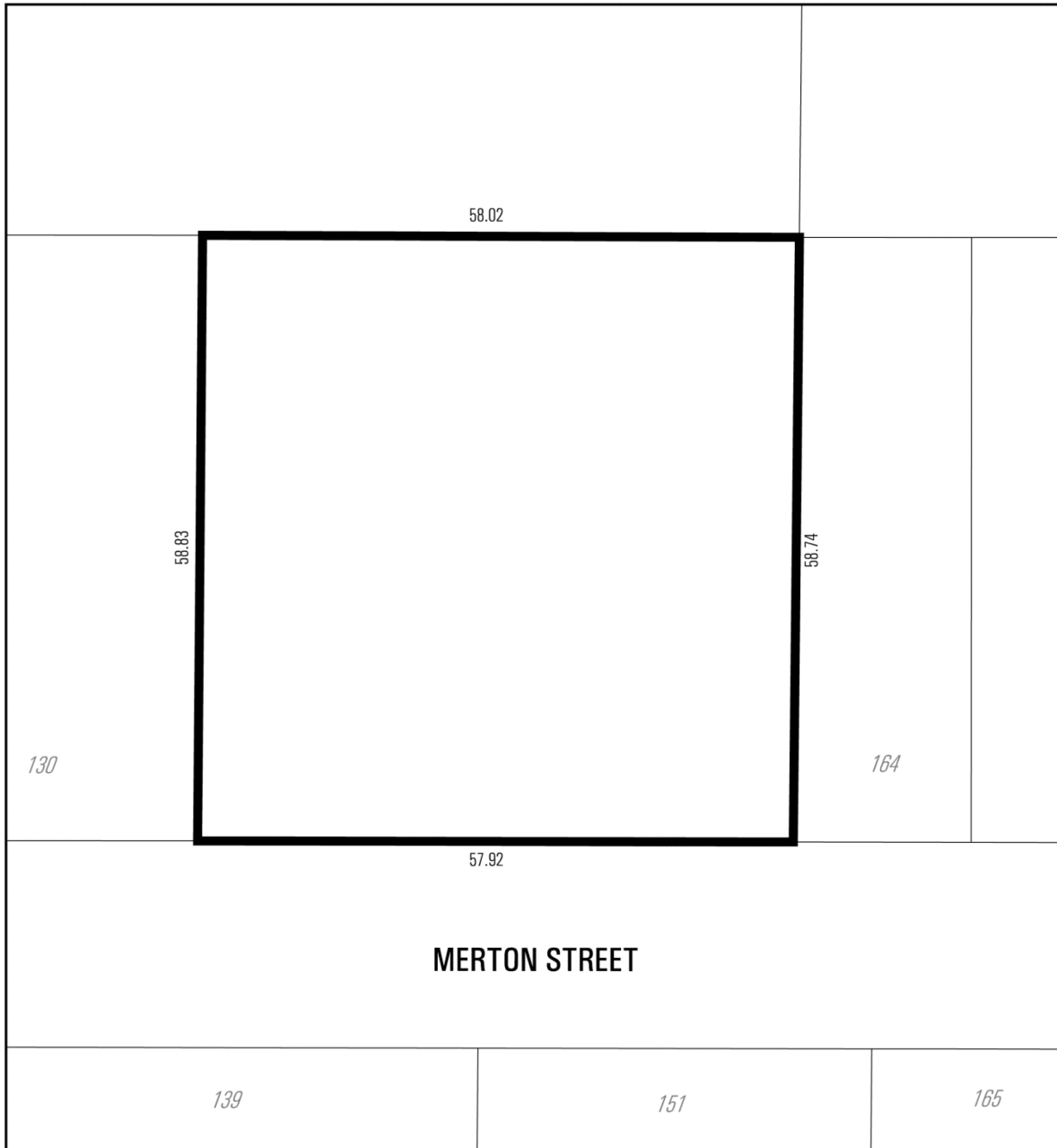
Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on December 18, 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

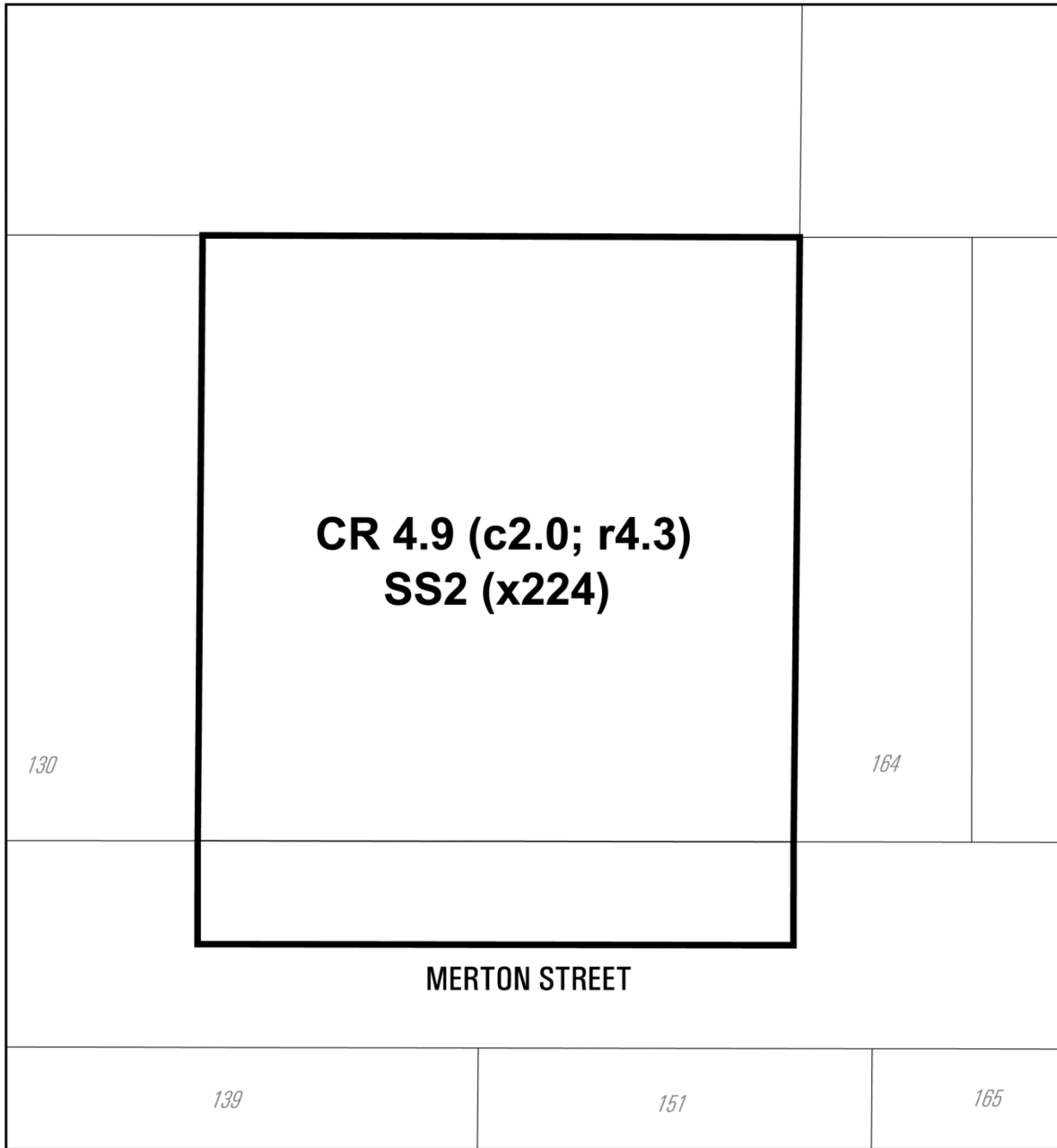
(Seal of the City)



 **TORONTO**  
Diagram 1

**140 Merton Street**

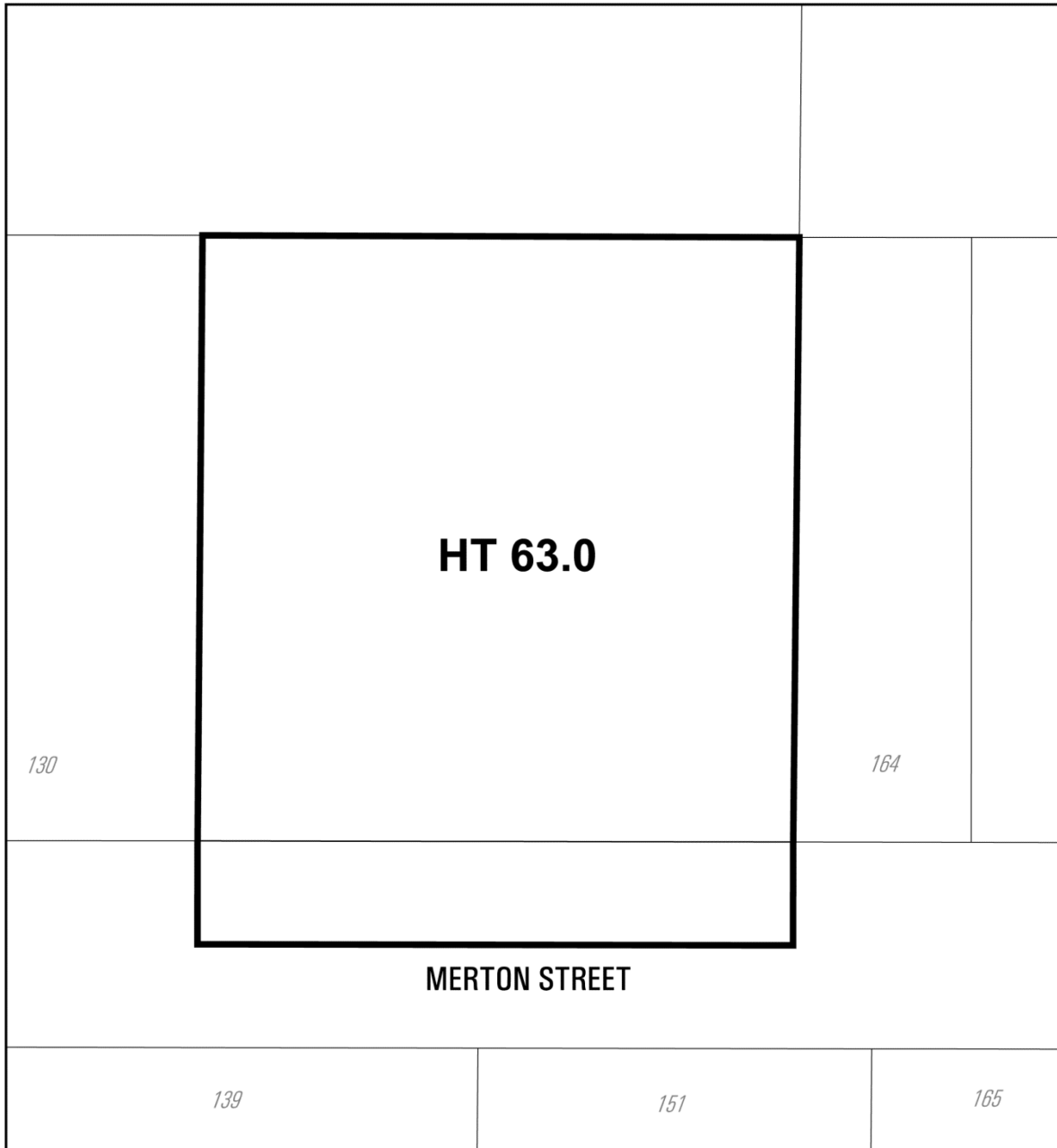
File # 19 114200 STE 20 OZ



 **TORONTO**  
Diagram 2

**140 Merton Street**

File # 19 114200 STE 12 OZ

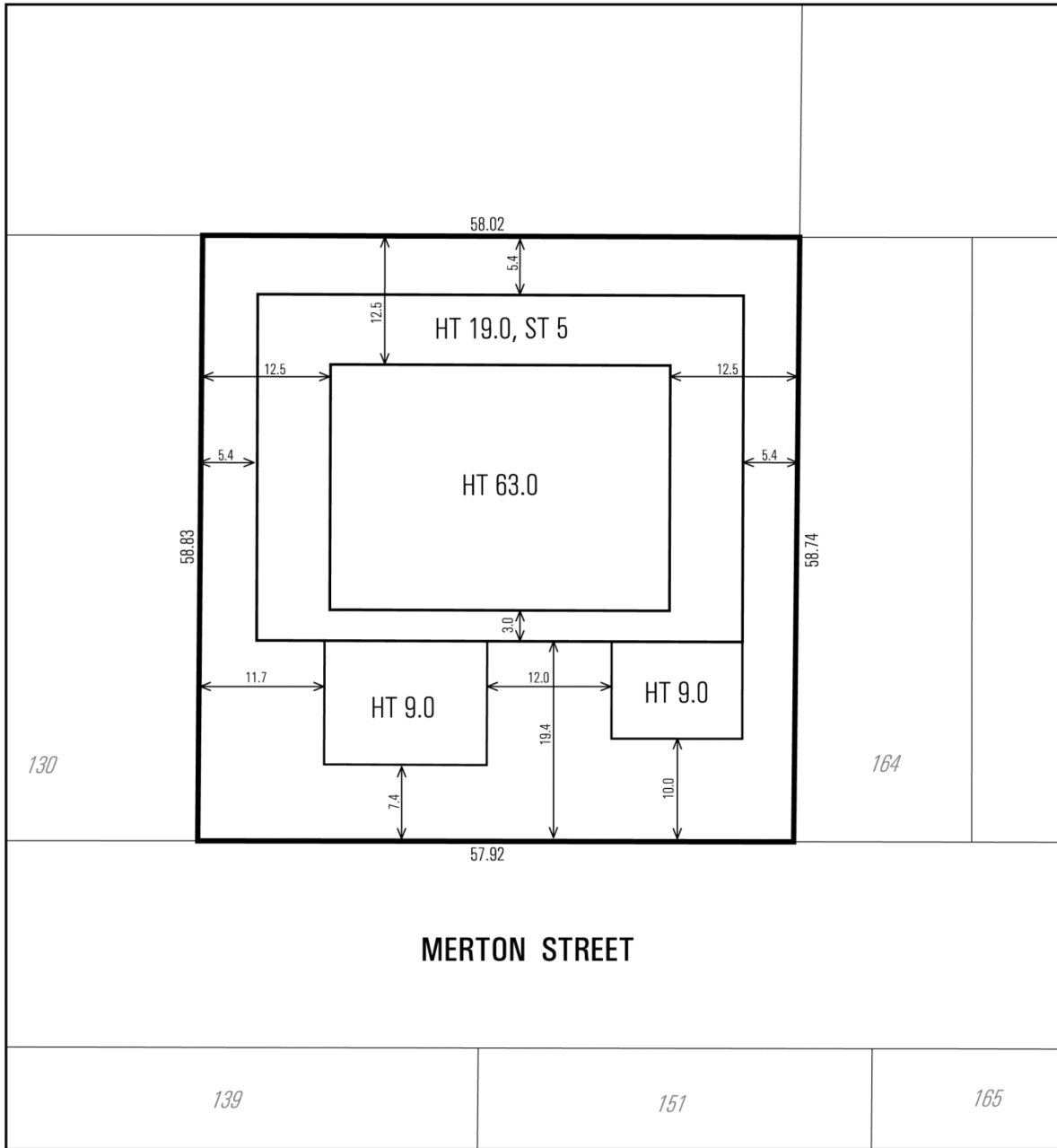


 **TORONTO**  
Diagram 3

**140 Merton Street**

File # 19 114200 STE 12 OZ





**TORONTO**  
Diagram 4

**140 Merton Street**

File # 19 114200 STE 12 OZ