

Authority: Toronto and East York Community Council Item 28.4, as adopted by City of Toronto Council on October 26 and 27, 2009

Enacted by Council:

## CITY OF TORONTO

**Bill No. 478**

**Draft BY-LAW No. xxx-2010**

### **To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known as 426 University 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 2009 as 426 University 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, at its meeting on September 20 and October 1, 2009, and its further meeting held on October 26 and 27, 2009 determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Section 5 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* of the *site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Section 5 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. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
4. None of the provisions of Section 2 with respect to the definitions of *bicycle parking space-occupant*, *bicycle parking space-visitor*, *club*, *parking space*, *parking stacker*, *loading space - type B* and *non-residential gross floor area*, and Sections 4(2), 4(5), 4(8), 4(10)(d), 4(12), 4(13), 4(16), 4(17), 8(1)(f)(b)(vii), 8(3) Part I, 8(3)Part II 1.(a)(ii), 8(3) Part III 1. and 8(3) Part XI 2. of *By-law No. 438-86*, shall apply to prevent the erection and use on the *site* of a *mixed-use building* and *accessory* uses thereto, and which may include, in addition to any of uses permitted in Section 8(1)(f)(b)(vii) of *By-law 438-86*, a *parking stacker* and *car share parking spaces*, provided,
  - (a) the *lot* on which the building is located comprises at least the *site*,

- (b) the maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures erected within the *site* shall not exceed 25,500 square metres, of which the maximum *non-residential gross floor area* shall not exceed 3,500 square metres and the maximum *residential gross floor area* shall not exceed 22,000 square metres,
- (c) no portion of any building above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 except for the following,
- (i) cornices, canopies, awnings, parapets, trellises, eaves, window sills, ornamental and architectural elements, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, platforms, wheel chair ramps, vents, cannons, flag poles, underground garage ramps and their associated structures, privacy screens and walls, fences, retaining walls and landscape features,
  - (ii) notwithstanding any zoning provisions applicable to the lands municipally known as 400 University Avenue in the year 2009, including, but not limited to *By-law No. 438-86*, and the provisions of subsection (i) above, balconies, canopies, ornamental and architectural elements located at or above Canadian Geodetic Datum of 108.31 may extend beyond the heavy line with a dimension of 38.213 shown on Map 1, but shall be limited to a maximum horizontal projection of 2.0 metres beyond such line,
- (d) no person shall erect or use a building or structure on the *site* having a greater *height* in meters than the *height* limits specified by the numbers following the symbol H on the attached Map 2 except for the following,
- (i) a structure on the roof of a building used for outside or open air recreation, green roof, privacy, safety or wind protection may exceed the *height* limits shown on the attached Map 2 by no more than 3.0 metres provided such structure does not enclose space so as to constitute a form of penthouse or other room or rooms,
  - (ii) notwithstanding the provisions of *By-law No. 438-86*, ornamental and architectural elements, which are permitted on the *site* and beyond the *site* in accordance with Section 4(c) above, may exceed the *height* limits shown on the attached Map 2 by no more than 12.5 metres,
  - (iii) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building, or a fence, wall, decorative feature or structure enclosing such elements shall be permitted provided the maximum height of the top of

such elements or enclosure is no higher than 12.5 metres above the *height* limits,

- (iv) the structures and elements identified in Section 4(c) above, subject to the limitations contained in Section 4(c) and this subsection (d), and
  - (e) a minimum of 9 *parking spaces* shall be provided and maintained on the *site*, of which a maximum of 8 *parking spaces* may be contained within *parking stackers*,
  - (f) a minimum of one *loading space - type B* shall be provided and maintained on the *site*,
  - (g) a motor vehicle entrance into or exit from the building or structure that leads to a parking facility containing two or more *parking spaces*, or to loading facilities, shall have a minimum width of 3.0 metres where the entrance or exit leads to a *parking space* and a minimum width of 4.5 metres where the entrance or exit leads to loading facilities,
  - (h) a minimum of one *bicycle parking space* shall be provided per *dwelling unit*, of which 40 *bicycle parking spaces* shall be provided as *bicycle parking spaces – visitor*,
  - (i) *amenity space* shall be provided in accordance with the following requirements,
    - (i) a minimum of 130 square metres of indoor *amenity space* shall be provided in a multipurpose room or rooms, whether or not such rooms are contiguous and at least one of which shall contain a washroom, and
    - (ii) a minimum of 20 square metres of outdoor *amenity space* shall be provided.
5. The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* to the City in accordance with an agreement or agreement(s) pursuant to Section 37(1) of the *Planning Act*,
- (a) prior to site plan approval for the subject property, the *owner* shall provide a Conservation Plan including an estimate of the costs associated with its execution, for the reconstruction and restoration of the façade and library of 426 University Avenue to the satisfaction of the Manager of Heritage Preservation Services,
  - (b) prior to the release of a building permit, including for demolition, shoring, foundation or above grade, the *owner* shall supply a Letter of Credit equal to the approved amount contained within the Conservation Plan,
  - (c) prior to the release of a building permit, including for demolition, shoring, foundation or above grade, the *owner* shall provide a documentation report for the

subject property including a history of the Royal Canadian Military Institute activities at the site since its construction, original plans and drawings for the building and subsequent alteration drawings, where available, and complete interior and exterior photo-documentation of all rooms, corridors and elevations (in both digital and black and white SLR formats) including a key plan indicating the location of each photograph, to the satisfaction of the Manager, Heritage Preservation Services,

- (d) prior to the release of the Letter of Credit, the *owner* shall complete all conservation work to the satisfaction of the Manager, Heritage Preservation Services,
- (e) a cash contribution in the amount of \$1,000,000.00, indexed as per the Non-Residential Construction Price Index from the date of the execution of the Section 37 Agreement, for facilities, services or matters, which may include affordable housing projects in Ward 20, local park improvements, and streetscape improvements to Dundas Street West, shall be paid, consisting of an initial payment of \$100,000 payable upon the coming into force and effect of this By-law, with the balance payable prior to the release of any above grade building permit,
- (f) architectural plans, elevations and landscaping including 1:50 elevations will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the *owner* will be required to, in conjunction with each Site Plan Application, submit 1:50 scale drawings in conformity with this requirement,
- (g) the *owner* shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division,
- (h) the *owner* shall make reasonable commercial efforts to achieve LEED certification and shall provide the City with the project documentation on LEED certification,
- (i) the *owner* shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the the Chief Planner and Executive Director, City Planning Division, date stamped June 10, 2008,
- (j) the *owner* shall provide knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, and the General Manager of Economic Development, and to be detailed in an agreement pursuant to Section 41 of the Planning Act,
- (k) prior to the issuance of any demolition or building permit, the *owner* shall complete a Toronto Transit Commission (TTC) Technical Review of the proposed

development as applicable to the particular permit under application and obtain the TTC's written acknowledgement that the *owner* has satisfied all of the conditions arising out of the review. As part of the review process, the *owner* shall provide the requisite information, and pay the associated review fee to the TTC,

- (l) the *owner* shall insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development and that the TTC accepts no responsibility for such effects,
  - (m) prior to Site Plan Approval, the *owner* shall submit an application to Transportation Services for any encroachments within the City right-of-way,
  - (n) the *owner* shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development,
  - (o) the *owner* shall make appropriate arrangements to secure a limiting distance agreement with the *owner* immediately to the south at 400 University Avenue to the satisfaction of the Chief Building Official, such limiting distance agreement to be executed prior to final site plan approval, and,
  - (p) the *owner* shall provide knock out panels between a sufficient number of *dwelling units* to permit the combining of *dwelling units* to create a minimum of 10% of the total unit count as three *bedroom units*,
  - (q) the *owner* be required to enter into, as a condition of condominium registration, a shared-use agreement with the Royal Canadian Military Institute (RCMI) to secure access to the amenity space, facilities, and services within RCMI for use by the residents of the residential condominium and that the agreement be satisfactory to the Chief Planner and Executive Director, City Planning Division and the Ward Councillor, and
  - (r) notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s) from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.
6. None of the provisions of *By-law No. 438-86* or of this By-law shall apply to prevent the erection or use on the *site* of a temporary sales showroom.

7. 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 occurred.
8. For the purposes of this By-law, the following expressions shall have the following meanings,
- (a) "*amenity space*" means a common area or areas within the *site* which are provided for recreational or social purposes,
  - (b) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack, locker or stacker for the purpose of providing parking and securing of bicycles,
  - (c) "*bicycle parking space-visitor*" means an area that is equipped with a bicycle rack or stacker for the purpose of parking and securing bicycles, which may be located outdoors or indoors, including within a secured room, enclosure or bicycle locker, and
    - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres,
    - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres,
  - (d) "*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",
  - (e) "*car-share motor vehicle* " means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*,
  - (f) "*car-share parking space* " means a *parking space* used for the parking of a *car-share motor vehicle*,
  - (g) "*City* " means the City of Toronto,
  - (h) "*club* " means the premises of an association of persons which supports and sponsors activities for and on behalf of its members, whether for athletic, social, cultural or recreational purposes, as well as *accessory* uses, including suites equipped with sleeping and bathroom facilities,

- (i) "*loading space – type B*" means a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres,
- (j) "*non-residential gross floor area*" shall have the same meaning as assigned in *By-law No. 438-86*, and for the purpose of clarity, shall include a suite equipped with sleeping and bathroom facilities located within a *club*,
- (k) "*owner*" means the registered owner of the *site* or any part thereof,
- (l) "*parking space*" shall mean an unobstructed area provided in accordance with the following,
  - (i) minimum dimensions of 5.6 metres in length and 2.6 metres in width, or
  - (ii) minimum dimensions of 6.2 metres in length and 2.6 metres in width for a parallel parking space, or
  - (iii) a parking space within a *parking stacker*,
- (m) "*parking stacker*" means a mechanical motor vehicle parking facility with parking spaces which,
  - (i) are positioned above each other,
  - (ii) have dimensions of not less than 2.4 x 5.1 metres, except that the platform of such parking space may have dimensions of not less than 2.4 x 5.1 metres, and
  - (iii) may not be readily accessible at all times without manoeuvring another vehicle or device,
- (n) "*site*" means those lands outlined in heavy lines on Map 1 attached hereto,
- (o) 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 this \_\_\_\_\_ day of May, A.D. 2010.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)





