

Authority: Toronto and East York Community Council Item 6.4,
as adopted by City of Toronto Council on June 19, 20 and 22, 2007
Enacted by Council: September 27, 2007

CITY OF TORONTO

BY-LAW No. 986-2007

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 582 Sherbourne Street and 28 Linden Street.

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 municipally known in the year 2007 as 582 Sherbourne Street and 28 Linden Street; 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 June 19, 20 and 22, 2007, 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 Appendix 1 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 provisions of the facilities, services and matters set out in Appendix 1 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 requirements.
3. None of the provisions of Section 2(1) with respect to definitions of *bicycle parking space – visitor*, *grade*, *height* and *parking space*, and Sections 4(2)(a), 4(5), 4(8)(b), 4(12), 4(13)(d), 4(16), 6(3) Part I 1, 6(3) Part II 2, 6(3) Part II 3.A, 6(3) Part II 3. F(II), 6(3) Part II 4., 6(3) Part II 5, 6(3) Part III 1(b), 12(2) 260 (ii), and 12(2) 260 (iii) 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, shall apply to prevent the erection and use of a building containing, and containing only, *residential uses* and a *below-grade parking garage* and uses *accessory* thereto and *car-sharing*, together with the *James Cooper House*, on the *site* provided:
 - (1) the *lot* on which the building is located comprises at least the *site*;

- (2) the total *residential gross floor area* of the building does not exceed 22,960 square metres, exclusive of,
- (i) the 725 square metres of indoor *residential amenity space* required by section 3(10)(ii) of this By-law; and
 - (ii) any *residential gross floor area* located within the *James Cooper House*;
- (3) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, attached to and forming part of this By-law, except for the following:
- (i) cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;
 - (ii) balconies on the north face of the building, which may extend to a maximum horizontal projection from an exterior building wall of 1 metre beyond the heavy lines shown on Map 2;
 - (iii) balconies on the east, west and south faces of the building, which may extend to a maximum horizontal projection from an exterior building wall of 1.5 metres beyond the heavy lines shown on Map 2; and
 - (iv) an architectural wing-wall on the east and west faces of the building, which may extend to a maximum horizontal projection from an exterior building wall of 1.0 metre;
- (4) the *residential gross floor area* of each of the floors within the building located above the third storey does not exceed the following limits,
- | | |
|-----------------|--|
| Floor 4 | a maximum of 715 square metres |
| Floors 5 to 28 | a maximum of 705 square metres per floor |
| Floors 29 to 32 | a maximum of 655 square metres per floor |
- (5) the *height* of the building, except for existing chimneys on the *James Cooper House*, does not exceed:
- (i) the heights in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law; and
 - (ii) the heights in *storeys* specified by the numbers within brackets on Map 2 attached to and forming part of this By-law;
- (6) no *residential gross floor area* is erected or used within the building above a height of 101.1 metres above *grade*;

- (7) the number of *parking spaces* provided and maintained on the *site* shall not be less than the number calculated in accordance with the following minimum ratios, (fractions to be rounded down to the closest whole number), and shall be located in the *below grade parking garage*:

<i>bachelor dwelling unit</i>	-	0.30 spaces per <i>dwelling unit</i>
<i>One bedroom dwelling unit</i>	-	0.70 spaces per <i>dwelling unit</i>
<i>Two bedroom dwelling unit</i>	-	1.0 spaces per <i>dwelling unit</i>
<i>three bedroom dwelling unit</i>	-	1.2 spaces per <i>dwelling unit</i>
<i>visitor parking</i>	-	0.06 spaces per <i>dwelling unit</i> ;

- (8) all *parking spaces* shall be accessed by a one-way or two-way drive aisle having a width of at least 6.0 metres measured at the entrance to each *parking space* and the minimum dimensions of a *parking space*, shall be:

- length 5.6 metres
- height 2.9 metres
- width 2.6 metres

except that the minimum required width of a *parking space* shall be increased by 0.3 metres for each side of the *parking space* when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the *parking space*, measured at right angles, and more than 1.0 metres from the front or rear of the *parking space*;

- (9) notwithstanding paragraph (7), the total number of *parking spaces* required to satisfy parking requirements for residents, but not for visitors, of the building, may be reduced by 10 spaces per *car-sharing parking space* provided and maintained on the site in the *below-grade parking garage*, up to a maximum of 6 *car-sharing parking spaces*;
- (10) *residential amenity space* shall be provided in accordance with the following:
- (i) a minimum total of 293 square metres of outdoor *residential amenity space* shall be provided, of which, 185 square metres of outdoor *residential amenity space* shall be provided in a location directly abutting or directly accessible from indoor *residential amenity space*; and
 - (ii) a minimum total of 725 square metres of indoor *residential amenity space* shall be provided in multi-purpose room(s) with at least one room containing a kitchen and a washroom;
- (11) not more than 65% of the required *bicycle parking spaces – occupant* and not more than 65% of the required *bicycle parking spaces – visitor* shall be provided in a manner that requires a person to park the bicycle in a vertical position;

- (12) *bicycle parking spaces – occupant* shall not be combined with storage lockers for residential units and for the purpose of satisfying the requirements for *bicycle parking space – visitor*, the definition set out in Section 5(1) of this By-law shall apply; and
 - (13) loading facilities shall be provided in accordance with section 4(8)(b) of By-law No. 438-86, except that required loading spaces may be provided on land that is part of a one-way driveway.
4. For clarity, Appendix 1 attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
5. For the purposes of this By-law, the following expressions shall have the following meanings:
- (a) “*bicycle parking space – visitor*” means an area accessible to visitors to the building that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and which may be located in a secure room, 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; and (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;
 - (b) “*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 the building;
 - (c) “*car-sharing parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
 - (d) “*City*” means the City of Toronto;
 - (e) “*grade*” means an elevation of 116.25 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 southern Ontario Adjustment);
 - (f) “*height*” means the highest point of the roof;
 - (g) “*James Cooper House*” means the heritage building existing on the *lot* in 2007 as described in the Heritage Easement Agreement and which will be relocated to the area shown on Map 2 attached to and forming part of this By-law;
 - (h) “*owner*” means the owner of the fee simple of the *site* or any part thereof;

- (i) “*parking space*” means an unimpeded area that has dimensions not less than those prescribed by section 3(8) of this By-law and that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle;
- (j) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto; and
- (k) 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 the said By-law No. 438-86, as amended.

ENACTED AND PASSED this 27th day of September, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

APPENDIX 1

SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement whereby the *owner* shall agree to:

- (a) pay to the City the sum of \$750,000 for construction of an indoor swimming pool at the Wellesley Community Centre, located at 495 Sherbourne Street, or construction of other community recreation facilities in the vicinity of the *site*, prior to the issuance of the first concrete/superstructure permit;
- (b) make a public art contribution to the City of a value not less than one percent of the gross construction cost of the development, in compliance with the City's public art program, and provided the public art plan shall be approved by the City's public art committee prior to the issuance of the first concrete/superstructure permit;
- (c) enter into a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* satisfactory to the Manager of Heritage Preservation Services (prior to Site Plan Approval pursuant to Section 41 of the *Planning Act*, for the restoration, conservation, and maintenance of the *James Cooper House*, and permitting the relocation of the house to the portion of the *lot* identified on Map 2 attached to and forming part of this By-law;
- (d) submit a Conservation Plan for the adaptive re-use of the *James Cooper House*, prepared by a heritage consultant and based on the approved Conservation Strategy as prepared by Goldsmith Borgal and Company Ltd. Architects dated March 2006, and restore the *James Cooper House*, in accordance with the approved Conservation Plan. If the cost of such work is less than \$350,000.00, the difference shall be re-directed to the provision of an additional payment for the construction of an indoor swimming pool at the Wellesley Community Centre as described above in Paragraph 1(12)(a), all to be secured to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division by a Letter of Credit prior to issuance of a demolition permit;
- (e) provide an irrigation system for all street trees in the public right-of-way adjacent to the lot, with automatic timers, such irrigation system to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the City's General Manager of Parks, Forestry and Recreation prior to the first occupancy of the development, provides a Letter of Credit to secure such work to the City's satisfaction prior to the issuance of the first foundation building permit, and maintains the entire system in continuing good order and operation provided that the City provides all easements necessary for the construction, maintenance and operation of such irrigation system in the public right-of-way at no cost;

- (f) submit a site servicing review satisfactory to City's Executive Director of Technical Services prior to this Zoning By-law coming into full force and effect to determine the stormwater runoff, sanitary flow and water supply demand resulting from the development and to demonstrate how the *lot* can be serviced and whether the existing municipal infrastructure is adequate;
- (g) pay to the City the costs for improvements to the municipal infrastructure in connection with the site servicing review to the satisfaction of the City's Executive Director of Technical Services, prior to the issuance of the first *foundation building permit*, should the site servicing review required in paragraph (g) herein determine that upgrades are required to the infrastructure to support this development;
- (h) provide and maintain design and materials for the exterior of the development that will be determined in the Site Plan Approval process and secured in an agreement pursuant to Section 41 of the *Planning Act*;
- (i) prior to issuance of a *concrete/superstructure permit*, provide a survey satisfactory to the City's Manager of Heritage Preservation Services for the purpose of identifying any amendment to the heritage designation by-law required as a result of the relocation of the *James Cooper House*;
- (j) provide reasonable streetscape improvements, including, but not limited to, tree installation on the public right-of-way adjacent to the *lot*, relocation of the southbound TTC bus stop and associated bus shelter if necessary to provide a minimum distance between the bus stop and the driveway and reconstruction of the sidewalk to provide a level loading and alighting condition at the bus stop, to be secured in an agreement pursuant to Section 41 of the *Planning Act*; and
- (k) uses reasonable commercial efforts to obtain LEED Certification of the development and provides to the city documentation respecting certification for the development.



