

Authority: Toronto and East York Community Council Item 8.3,
as adopted by City of Toronto Council on September 26 and 27, 2007
Enacted by Council: October 23, 2007

CITY OF TORONTO

BY-LAW No. 1160-2007

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 2 Gladstone Avenue.

WHEREAS authority is given to Council by 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 HEREBY ENACTS as follows:

1. District Map No. 49H-311 contained in Appendix 'A' of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law, from I1 D2 and MCR T3.0 C1.0 R2.5 to MCR T3.0 C1.0 R2.5.
2. None of the provisions of Sections 4 (2)(a)(i),(ii),(iii), 4 (3)(a), 8(2)5(ii), 8(2)7 (a)(ii) B, 8(3)(1), 8(3)(2), 8(3)(3), 8(3) Part II 4.(c), 8 Part XI 2 of By-law No. 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of an 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 or use of certain buildings or structure on the *lot*, provided that:
 - (1) the *lot* on which the proposed building is to be located comprises not less than the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
 - (2) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines and height limits shown on Map 2, attached hereto and forming part of this By-law, unless it complies with the following restrictions:
 - (i) the *height* of any building or structure shall not exceed the height limit specified by the numbers following the symbol "H" as shown on Map 2 attached to this By-law;
 - (ii) despite paragraph (i) above, no structure or building, or portions thereof, shall exceed the height limits on Map 2 attached to this By-law, except a stair tower and/or elevator enclosure provided that:
 - a. the maximum height of the top of the stair tower and/or elevator is no higher than the sum of 3.0 metres and the applicable height limit;

- b. the combined area of the stair tower and/or elevator enclosure does not exceed 30 square metres; and
 - c. the stair tower and/or elevator enclosure is not located within 3.0 metres of the adjacent outside face of an exterior wall.
- (iii) notwithstanding (ii) above, no building or structure, or portions thereof, shall be above finished ground level closer to a *lot* line than the heavy lines indicated on Map 2 attached to this By-law, except:
- a. stairs (excluding stairs providing access to underground areas), landscape features, and wheelchair ramps; and
 - b. the permitted projections outlined in the chart below:

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	ADDITIONAL QUALIFICATIONS
A. eaves, cornices, ornamental elements, architectural details,	Beyond the heavy lines shown on Map 2	0.45 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle inward over the lot from 13 metres above the north property line of the Queen Street West right-of-way
B. uncovered platform that is <i>landscaped open space</i> and is less than 1.2 metres above finished grade	Beyond the heavy lines on the Map 2	2.5 metres from the wall to which it is attached	(I) not permitted between the building and either Queen Street West or Gladstone Avenue
C. porch (covered platform) that is <i>landscaped open space</i> and is less than 1.2 metres above finished grade	Beyond the heavy lines on the Maps 2	2.5 metres from the wall to which it is attached	(I) not permitted between the building and either Queen Street West or Gladstone Avenue

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	ADDITIONAL QUALIFICATIONS
D. canopy	Beyond the heavy lines on the Map 2	2.5 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the north property line of the Queen Street West right-of-way
E. fences, safety railings and wind mitigation structures	Beyond the heavy lines shown on Map 2		(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the north property line of the Queen Street West right-of-way (II) if within 1.2 metres of grade, height of fence or safety railing not to exceed 1.2 metres above finished ground level
F. balconies	Beyond the heavy lines on the Map 2	0.45 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the north property line of the Queen Street West right-of-way (II) combined width of all projecting bay windows and balconies on a façade at a given <i>storey</i> not to exceed 50% of the length of that façade at that <i>storey</i>

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	ADDITIONAL QUALIFICATIONS
G. bay windows	Beyond the heavy lines on Map 2	0.45 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the north property line of the Queen Street West right-of-way (II) width of bay window, as measured where the window joins the wall, not to exceed 3.0 metres (III) combined width of all projecting bay windows and balconies on a façade at a given <i>storey</i> not to exceed 50% of the length of that façade at that <i>storey</i>

- (iv) none of the building elements listed in iii) above may extend beyond the lot lines;
- (v) no building or structure shall be erected which does not have:
 - a. a minimum first *storey* floor-to-floor *height* of 3.6 metres; and
 - b. a minimum setback of 2.0 metres on the east and south sides of the building, at a *height* between 12.0 metres and 14.0 metres;
- (vi) no building or structure, or portions thereof, shall be permitted to abut Queen Street West unless the building or structure is erected such that one or more of its walls abutting Queen Street West is built to the Build-To-Line shown on Map 2 for at least 80% of the *frontage* onto Queen Street West with a minimum building *height* of 12 metres at the Build-To-Line;

- (vii) any building or structure, or portions thereof, shall be located within a northward 45 degree angular plane rising from a line located at a height of 13 metres above the south property line and where the angular plane is more restrictive than any other building envelope provisions of this exception, the angular plane provisions will prevail;
- (viii) notwithstanding (vii) above, the parapet above the 4th *storey* above *grade* may rise to 13.4 metres;
- (ix) no building or structure, or portion thereof, shall be closer than 11 metres to a wall of a building on the same *lot*, excluding exterior walls which form an angle of 90 degrees or greater to each other on a horizontal plane;
- (x) no building or structure shall have windows from residential dwelling units which are closer than 5.5 metres to a *property* line which is not a *street* line, unless:
 - a. the window or windows are from a kitchen or bathroom; and
 - b. the window or windows are at an angle of 90 degrees or greater to the *property* line.
- (xi) no use of building or structure, or portion thereof, shall be permitted on the *lot* unless:
 - a. the main floor is located no less than 0.2 metres below or 0.2 metres above *grade*;
 - b. the main floor level has a depth of not less than 6 metres measured from the main *front wall* of the building and a width of at least 60% of any *street frontage* of the building or *frontage* onto a publicly accessible area of the building; and
 - c. all exterior entrance doors, other than service entrance doors, which provide access to a non-residential use within the building, shall be directly accessible from the public sidewalk or the publicly accessible *landscaped open space* opposite the door by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%);
- (xii) no structure or building may have more than one basement or floor level below or partly below *grade* containing dwelling units.

- (3) Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law No. 438-86, as amended:

- (i) a minimum number of *parking spaces* for residents shall be provided and maintained on the *lot* for residential uses according to the following table:

Unit type	Minimum parking spaces
Bachelor Unit	0.3 per unit
1 Bedroom Unit	0.7 per unit
2 Bedroom Unit	1.0 per unit
3 or more Bedroom Unit	1.2 per unit
<i>affordable</i> Bachelor Unit	0.1 per unit
<i>affordable</i> Unit with 1 or more Bedrooms	0.3 per unit
<i>live/work unit</i>	1.0 per unit
<i>artist live/work studio</i>	0.3 per unit

- (ii) a minimum of 0.12 *parking spaces* per unit for visitors to the residential portion of the building shall be provided and maintained on the *lot*.

These visitor *parking spaces* shall:

- a. be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the residential portion of the building;
 - b. be equally available to visitors of all residents of the site; and
 - c. all driveways or passageways leading from the *street* to visitor parking facilities shall have the way there designated by means of clearly visible signs.
- (iii) pursuant to (i) above, up to 10% of the *parking spaces* required by subsection (i) may be *small car parking spaces*;
- (iv) for each on-site *car-share parking space* required in relation to *dwelling units* which are not *affordable dwelling units* and which are provided on the *lot*, the minimum resident parking required by (i) above shall be reduced by 5 *parking spaces*. The maximum reduction permitted by this means shall be limited to no more than 25% of the required resident parking. If after not less than a period of 3 years following the date of registration of the last condominium or the date of occupancy of the last rental unit, the car-share operation fails to be sustainable, to the satisfaction of the *Chief Planner*, such spaces shall revert as follows:
- a. 51% of any such spaces shall be provided and maintained on the site as a residential visitor parking space for the exclusive use of

residential visitors to the site and signed as such and equally available to all residents of the site; and

- b. 49% of any such spaces shall be provided and maintained as a resident parking space, for the exclusive use of residents of the site
- (v) notwithstanding Section 4(13)(a) of By-law No. 438-86, as amended, the minimum requirement for *bicycle parking spaces* shall be as described in Section 4(13) of By-law No. 438-86 but the requirement, shall not include *bicycle parking spaces* provided within individual storage lockers.
- (4) a minimum of 2 square metres per dwelling unit of indoor *residential amenity space* shall be provided and maintained on the *lot*, and will:
 - (i) be located in a multi-purpose room or contiguous multi-purpose rooms;
 - (ii) contain a kitchen and a washroom; and
 - (iii) shall be adjoining and directly accessible to at least 10 square metres of outdoor amenity space, which may include a balcony.
- (5) no building or structure, will be permitted on the *lot* unless:
 - (i) *street related retail and service uses* are provided;
 - (ii) at least 60% of the aggregate width of any building facades facing onto Queen Street West is used for *street-related retail and service use* at the main floor level of the building; and
 - (iii) a minimum of one entry per 15 metres of frontage be provided along the Queen Street West *frontage*;
- (6) a minimum non-residential density of 0.5 times the area of the lot is provided;

For the purpose of calculating the minimum non-residential density, non-residential uses are as defined in the chart in Section 8(1)(f)(b) of By-law No. 438-86, except:

- (i) densities relating to the following uses shall not count toward meeting the minimum non-residential use requirement of this exception:
 - a. uses listed in the chart in Section 8(1)(b)vii) of By-law No. 438-86 under the heading “Automobile-Related Uses”;
 - b. park;
 - c. *public park*;
 - d. *public playground*;

- e. *open air market*;
 - f. *market gardening*;
 - g. *bicycle parking spaces*; and
 - h. *parking spaces*.
- (7) notwithstanding Section 8(1)(a) of By-law No. 438-86, all of the uses of the MCR zone are permitted on the site with the following additional qualifications:
- (i) automobile-related uses listed in Section 8(1)(b)vii) of By-law No. 438-86 are not permitted;
 - (ii) a *club* is not permitted;
 - (iii) the following light industrial uses are permitted:
 - a. *custom workshop*;
 - b. *designer's studio*;
 - (iv) no residential uses are permitted unless appropriate measures are taken to meet noise, vibration and safety requirements relating to the rail corridor, to the satisfaction of the *Chief Planner*;
 - (v) a *retail store or showroom* is permitted provided the total *non-residential gross floor area* of any one such establishment does not exceed 465 square metres;
 - (vi) a *restaurant, take-out restaurant, bake-shop, or caterer's shop* is permitted provide the total *non-residential gross floor area* of any one such establishment does not exceed 300 square metres;
 - (vii) in conjunction with the following uses, a patio is only permitted if it is less than 40 square metres:
 - a. *concert hall*;
 - b. *place of amusement*; and
 - c. *place of assembly*.
- (8) any development containing residential *dwelling units* which are not *affordable dwelling units* shall provide:
- (i) a minimum of 25 percent of residential *dwelling units* having 2 or more bedrooms;

- (ii) a minimum of 10 per cent of residential *dwelling units* having 3 or more bedrooms; and
 - (iii) a minimum of 80 per cent of residential dwelling units at the main floor level, excluding *artist live/work studios*, to have 2 or more bedrooms.
- 3. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 4. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division occurred.
- 5. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:

affordable shall mean, when used in relation to a dwelling unit, that the dwelling unit is the subject of an agreement between the City and the owner, registered on title, that the unit will be rented at no more than 1.0 times the CMHC average rate for dwelling units of similar type for a period no less than 20 years from the date of first occupancy of the unit;

artist live/work studio shall mean a studio for the production of art containing a habitable room or room(s) and which is the subject of an agreement between the City and the owner, registered on title, that it will be rented at no more than 0.8 times the CMHC average rate for dwelling unit of similar size for a period of no less than 20 years from the date of first occupancy of the unit and inhabited only by a working artist and his or her household;

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 to use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis;

car-share parking space means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;

Chief Planner means the Chief Planner and Executive Director of the City of Toronto City Planning Division, or a staff person to whom this responsibility has been delegated;

grade shall mean 91.40 metres above sea level, which is the average elevation of the sidewalk at the corner of Gladstone Avenue and Queen Street West;

height shall mean, the vertical distance between *grade* and the highest point of the structure, including but not limited to such elements as parapets, guard rails and screens;

lot shall mean the parcel of land known municipally as 2 Gladstone Avenue in the year 2006 and identified on Map 1;

small car parking spaces shall mean a *parking space* having a minimum unobstructed area 2.4 metres wide by 5.0 metres long which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, except the width of the parking space shall be:

- a. 2.7 metres wide where there is an obstruction on one side of the space; or
- b. 3.1 metres wide where there are obstructions on both sides of the space.

ENACTED AND PASSED this 23rd day of October, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



