

Authority: Etobicoke York Community Council Item 3.1, adopted as amended, by
City of Toronto Council on February 7 and 8, 2011
Enacted by Council: February 8, 2011

CITY OF TORONTO

BY-LAW No. 245-2011

To amend City of Toronto Zoning By-law No. 1156-2010, as amended, with respect to lands municipally known as 315 and 327 Royal York Road.

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*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in By-law No. 1156-2010 is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. The lands subject to this By-law are outlined by heavy black line on Diagram 1 attached to this by-law.
2. Zoning By-law No. 1156-2010, as amended, is amended by adding to the Zoning By-law Map the lands and zone label shown on Diagram 1 attached.

3. Zoning By-law No. 1156-2010, as amended, is further amended by adding Exception CR 2573 to Article 900.11.10, so that it reads:

Exception CR 2573 SS3

The lands subject to this exception shall comply with the following:

If the requirements of Section 4 of By-law No. 245-2011, "Section 37", are complied with, a building or structure may be erected in the area covered by this exception and used for the uses permitted if the whole of the premises covered by this exception collectively comply with the following:

- (A) The total **gross floor area** of all **buildings** or **structures** on the **lot** must not exceed 15,500 square metres;
- (B) The total **gross floor area** of all **buildings** or **structures** for residential uses on the **lot** must not exceed 14,400 square metres;
- (C) The total **gross floor area** of all **buildings** or **structures** for non-residential uses on the **lot** must not exceed 1,100 square metres;
- (D) The maximum **floor space index** on the **lot** is 2.6 times;
- (E) A minimum of 25% of the **lot** area shall be landscaped;
- (F) Despite Clause 5.10.40.60, the following elements of a **building** may encroach into the **building setbacks** shown on Diagram 2 of By-law No. 245-2011, as follows: steps, staircases, overhangs, **building** entryways, roof eaves, window sills, railings, cornices, guard rails, balustrades and balconies may project a maximum of 2.5 metres from a **main wall**. For ground floor related staircases, canopies and overhangs along the Royal York Road frontage, they may project from the main wall to the Royal York Road lot line and encroach into any required yard or setback;
- (G) Despite Regulation 5.10.40.70(1), the minimum **building setbacks** must not be less than the building setback distances shown on Diagram 2 of By-law No. 245-2011;
- (H) Despite Regulation 5.10.40.70(2), the minimum **building setbacks** for portions of the building below grade shall be 0.0 metres;
- (I) Despite Clause 5.10.40.70, the required railway related crash wall may be located within the required setback as shown on Diagram 2 of By-law No. 245-2011;
- (J) Despite Regulation 5.10.80.10(1), **parking spaces** required for a **transportation use** on the **lot**, may be located on an adjacent **lot** provided that a minimum of 141 **transportation use parking spaces** are provided on the **lot**;

- (K) Despite Regulation 5.10.80.20(1), a **parking space** must be located at least 0.25 metres from a **lot line**;
- (L) Despite Regulation 40.10.40.1(1), residential use portions of the building may be located at the same level as commercial use portions at ground floor level, but shall exclude dwelling units;
- (M) Despite Regulation 40.10.40.1(2)(A)+(B), the floor level of the **first floor/first storey** shall be at the **established grade** level and may have a pedestrian access from the public sidewalk on Royal York Road by a ramp which rises 0.083 metres vertically for every 1.0 metres horizontally;
- (N) Despite Regulation 40.10.40.10(1), the height of a principal **building** is measured as the distance between **established grade** and the elevation on the highest point of the building;
- (O) Despite Regulation 40.10.40.10(5), the maximum height of any portion of a **building** or **structure** on the **lot** must not exceed the height in metres shown for that portion of the **building** or **structure** on Diagram 2;
- (P) Despite Regulation 40.10.40.10(7), the minimum height of the **storey** of the **building** or **structure** closest to **established grade** is 4.2 metres;
- (Q) Despite Regulation 40.10.40.50(1), amenity space must be provided at a minimum rate of 3.5 square metres for each dwelling unit, which:
- (i) at a minimum of 1.5 square metres for each **dwelling unit** must be indoor amenity space; and
 - (ii) at a minimum of 2.0 square metres for each dwelling unit must be outdoor amenity space and may be located either at or above the ground floor;
- (R) Despite Regulations 40.10.40.60.1(A), 40.10.40.60.1(E) and 40.10.40.60.3, the following elements of a **building** may project into the **building setbacks** shown on Diagram 2 of By-law No. 245-2011:
- (i) a platform with a floor level no higher than the first floor of the principal **building** may project a maximum of 4.3 metres from the **main front wall**;
 - (ii) a platform located above the third floor level and attached to the **main front wall** of the principal **building** may project a maximum of 3.0 metres from the **main front wall**;
 - (iii) ramps providing access to the **building** from Royal York Road and attached to the **main front wall** may project a maximum of 3.3 metres from the **main front wall**;

- (S) Despite Regulation 40.10.40.60(2), a continuous walkway covered with a canopy at the first floor level along the Royal York Road frontage level shall be permitted to project out from the main front wall of the building and may encroach into the required front yard a maximum distance of 3.3 metres from the main front wall of the building;
- (T) Despite Clause 40.10.40.60(3), exterior stairs providing access to the building from Royal York Road shall be permitted to project out from the main front wall of the building into the required front yard provided they do not exceed a distance of 7.5 metres from the main front wall of the building;
- (U) Despite Regulation 40.10.40.70(5), the south wall of the one storey portion of the building immediately adjacent to the rail line which forms part of a railway crash wall and contains openings may be located on the lot line both above and below grade;
- (V) Despite Regulation 40.10.40.70(6)(A)+(B), the minimum setback of the portion of the **building** containing residential uses on the first floor shall be the setback distances shown on Diagram 2 of By-law No. 245-2011;
- (W) Despite Regulation 40.10.40.80.2(A), a minimum separation distance of 5.5 metres shall apply between the walls of main tower **building** and the walls containing windows of the **transportation use building**, except for where such walls are located on the ground floor of the buildings;
- (X) Despite Regulation 40.10.50.10(1), a minimum 3.0 metres of soft landscaping shall be provided along the lot line abutting Royal York Road on lands that will form part of the dedication of 3.44 meters of land to the City, except that the landscaping shall not be contiguous where interrupted by stairs, walkways, ramps and bicycle parking areas perpendicular to the lot line abutting Royal York Road;
- (Y) Despite Regulation 40.10.80.20(1), **parking spaces, loading spaces, drive aisles, and driveways** located below grade may be located on the lot line;
- (Z) Despite Clause 200.5.10(1) and Table 200.5.10.10, parking shall be provided for the building at the following minimum rates:
 - 0.70 for each bachelor dwelling unit;
 - 0.80 for each one bedroom dwelling unit;
 - 0.90 for each two bedroom dwelling unit; and
 - 1.10 for each three or more bedroom dwelling unit;

- (AA) Despite Clause 200.5.10(1) and Table 200.5.10.10, parking spaces for residential visitor parking must be provided at a minimum rate of 0.15 for each dwelling unit;
- (BB) Despite Clause 200.5.10(1), Table 200.5.10(10) and Regulation 200.5.10(5), required **parking spaces** for non-residential uses in the **building** will be shared with and satisfied by the residential visitor **parking spaces** required on the **lot**;
- (CC) Despite Clause 200.5.10(1), Table 200.5.10(10) and Regulation 200.5.10(5), a minimum of 141 parking spaces must be provided for the Transportation Use on the **lot**;
- (DD) Despite Regulation 230.5.1.10(4), the required **bicycle parking spaces** on the **lot** may be located a maximum of 125 metres from a pedestrian entrance to the principal **building** on the **lot**;
- (EE) Despite Regulation 230.5.1.10(5), a required **bicycle parking space** on the **lot** shall have the following minimum dimensions if located in a horizontal position (on the ground):
 - (i) Minimum length of 1.5 metres;
 - (ii) Minimum width of 0.3 metres; and
 - (iii) Minimum vertical clearance from the ground of 1.8 metres;
- (FF) Despite Clause 230.5.10(1) and 230.40.1.10, a minimum of 160 **bicycle parking spaces** must be provided on the **lot** for all uses as set out in (GG) and (HH) below;
- (GG) Despite Regulation 230.5.1.10(7) and 230.5.1.10(8), a minimum of 96 **bicycle parking spaces** will be provided in a weather protected bicycle parking area below grade, and these **bicycle parking spaces** will contribute towards the required supply of both short term and long term **bicycle parking spaces**;
- (HH) Despite Regulation 230.5.1.10(7) and 230.5.1.10(8), a minimum 64 **bicycle parking spaces** must be provided in a weather protected parking area at grade, and these **bicycle parking spaces** will contribute towards the required supply of both short term and long term **bicycle parking spaces**;
- (II) Despite Regulation 230.5.1.10(9), shower and change facilities are not required;
- (JJ) Despite Regulation 230.5.1.10(11), required long term **bicycle parking spaces** may be located at grade, or on any level used for vehicular parking;
- (KK) Despite 800.50.240, "Established Grade" means the geodetic elevation of 94.54 metres above sea level (ASL) which is the level of the finished floor of the ground floor of the building;

(LL) This development must comply with the Section 37 requirements of By-law No. 245-2011.

4. Section 37 Agreement

The development as shown on Diagram 2 and permitted by this By-law is subject to the following:

- (i) The Owner shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure at the Owner's expense, the facilities, services and matters set forth in (a) to (c), herein, in which agreement or agreements shall be registered against the title of the Lands, in whole or in part, as may be applicable to which this By-law applies in the manner and to the extent specified in the agreements. The Owner, in accordance with, and subject to the agreements referred to herein, shall provide and fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this exception regulation:
 - a. The Owner agrees to complete the rehabilitation of the historical Mimico Train Station located in Coronation Park at its own expense, in accordance with a City approved Rehabilitation Plan, to be prepared by the Owner to the satisfaction of the Manager of Heritage Preservation Services;
 - i. A Letter of Credit to secure the rehabilitation of the Mimico Train Station shall be submitted prior to site plan approval, to the satisfaction of Parks, Forestry and Recreation and the City's Chief Financial Officer and Treasurer;
 - b. The Owner agrees to commission on-site public art or provide a public art contribution indexed to the Statistics Canada Non-residential Construction Price Index for Toronto from the date this By-law comes into force, in accordance with the City of Toronto's Public Art Program;
 - i. The Owner shall not permit occupancy of any portion of the development of the Lands prior to the Owner either completing the installation of the all public art or delivering to the City either cash or a Letter of Credit in an amount equal to the public art contribution as determined by the City's Chief Planner and the City's Chief Financial Officer and Treasurer equal to the greater value of six hundred and fifty thousand or the estimated value of the rehabilitation work to be prepared by the Owner;
- (ii) The agreement pursuant to Section 37 of the *Planning Act* to secure the facilities, services and/or matters set forth in 9(i), above, shall be satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect.

5. Where the provisions of this By-law conflict with the provisions of the Zoning By-law No. 1156-2010, the provisions of this By-law shall apply.
6. Nothing in this By-law shall apply to prevent the phased construction of this development provided that the requirements of the By-law are complied with upon full development.
7. Notwithstanding any severance, partition, division, consolidation, lot addition or merging of the Lands, the provisions of this By-law shall apply to the whole of lands as described in Diagram 1 attached hereto as if no severance, partition, division, consolidation, lot addition or merging of the Lands occurred.

ENACTED AND PASSED this 8th day of February, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



