

Authority: Toronto and East York Community Council Item 8.8,
as adopted by City of Toronto Council on July 12, 13 and 14, 2011
Enacted by Council: July 14, 2011

CITY OF TORONTO

BY-LAW No. 961-2011

To amend former East York Zoning By-law No. 6752, as amended, with respect to the lands municipally known as 825 Coxwell 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. The lands subject to this By-law are those lands outlined by a heavy black line on Map 1 attached hereto.
2. Schedule "A" to By-law No. 6752, as amended is hereby further amended by changing the zoning category for the lands subject to this By-law from R2A to R2A.43 and R2A.43(H) as shown on Map 1 attached hereto.
3. Former East York Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.5.4.43 immediately after Section 7.5.4.42 as follows:

"7.5.4.43 825 Coxwell Avenue – Toronto East General Hospital

7.5.4.43.1 Area Restricted

The provisions of this section shall only apply to those lands municipally known in the year 2011 as 825 Coxwell Avenue which are zoned R2A.43 and R2A.43(H) as shown on Schedule "A".

7.5.4.43.2 General Provisions

On those lands referred to in Section 7.5.4.43.1 of this By-law, no person shall use, occupy, Erect, alter or cause to be used occupied, erected or altered any Building, Structure or land, or part thereof, except in accordance with the following provisions:

(1) Definitions:

For the purposes of Section 7.5.4.43:

- (a) "BAY WINDOW" means a projecting window which is glazed on at least one side, is located on any one or two Storeys above Grade of a building, but is not an atrium or

projection covering or annexed to more than two Storeys.

- (b) "BICYCLE PARKING SPACE" means an area used for the purpose of parking and storing a bicycle with a minimum dimension of:
- (i) if located in a horizontal position (on the ground):

Minimum length - 1.8 metres,
Minimum width - 0.6 metres;
Minimum horizontal clearance from the ground - 1.9 metres; and
 - (ii) if located in a vertical position (on the wall):

Minimum length or vertical clearance – 1.9 metres,
Minimum width - 0.6 metres;
Minimum horizontal clearance from the wall - 1.2 metres.
- (c) "GRADE" means the elevation above the geodetic elevation of 124.03 metres above sea level.
- (d) "GROSS FLOOR AREA" means the aggregate of the areas of each storey above Grade measured between the exterior faces of the exterior walls of a Building at the level of each storey and including the floors below Grade unless they are used only for storage, washrooms, heating equipment, parking, loading and/or other Accessory uses and excluding the above grade parking that existed at the time of enactment of Section 7.5.4.43.
- (e) "LOADING SPACE – TYPE A" means a Loading Space having a:
- Minimum length - 17.0 metres;
 - Minimum width - 3.5 metres; and
 - Minimum vertical clearance - 4.3 metres.
- (f) "LOADING SPACE – TYPE B" means a Loading Space having a:
- Minimum length - 11.0 metres;
 - Minimum width - 3.5 metres; and
 - Minimum vertical clearance - 4.0 metres.

- (g) "LOADING SPACE- TYPE C" means a Loading Space having a:

Minimum length - 6.0 metres;
Minimum width - 3.5 metres; and
Minimum vertical clearance - 3.3 metres.

- (h) "LOT" means the lands outlined by a heavy black line on Map 1 of By-law No. 961-2011.

- (i) "PARKING SPACE" means an area for the parking and storing of a vehicle with a minimum dimension of:

Length – 5.6 metres;
Width – 2.5 metres; and
Vertical clearance – 2.0 metres;

except that the minimum required width of a Parking Space must be increased by 0.3 metres for each side of the Parking Space that is obstructed by a fixed object such as a wall, column, bollard fence or pipe, if it 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.

- (j) "PHASE 1" "PHASE 2" and "PHASE 3" means Phase 1, Phase 2 and Phase 3 of the proposed phased development of the Public Hospital as illustrated on Map 2 of By-law No. 961-2011 and "PHASE" shall have a corresponding meaning as a collective or general reference;

- (k) "PUBLIC HOSPITAL" means a premises established and approved as a public hospital under the Province of Ontario legislation for the care and treatment of patients, including persons afflicted with or suffering from sickness, disease or injury; convalescent or chronically ill persons; persons suffering from substance addictions; persons suffering from emotional, psychological or mental disorders; pre-and post natal maternity and newborn care; as well as related diagnostic and preventative care, research and education.

- (l) "MAP 1", "MAP 2" and "MAP 3" means Map 1, Map 2 and Map 3 attached to and forming part of By-law No. 961-2011;

- (m) "RETAIL STORE" means a premise in which goods or commodities are sold, rented or leased; and

- (n) words or expressions which are capitalized and not defined in this Section 7.5.4.43.2(1) have the same meaning as each word or expression contained in Section 4 of this By-law.

(2) Permitted Uses:

Public Hospital

Accessory uses, including Clinic, Drug Store, Restaurant, Restaurant Take-out, Retail Store and Personal Service Shop

(3) Development Requirements:

Building Envelope

- (a) no part of any Building or Structure erected or used above finished ground level shall be located otherwise than wholly within the areas delineated by the heavy lines on Map 3;
- (b) notwithstanding Section 7.5.3 of this By-law and except where a heavy line on Map 3 is contiguous with a boundary of the Lot, nothing in Section 7.5.4.43.2(3)(a) shall prevent the following Building elements or Structures from projecting beyond the heavy lines on Map 3:
 - (i) a below Grade parking garage; and
 - (ii) eaves, cornices, fences and safety railings, vents, wheelchair ramps, retaining walls, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landing, decks, planters, entry vestibules, Bay Windows, canopies, storage sheds and oxygen tanks;
- (c) Access to Accessory uses shall be internal to the Public Hospital Building with no direct exterior access, excepting service or emergency access.

Height

- (d) the Height of any Building or Structure, as measured from Grade, shall not exceed the number following the symbol "H" on Map 3;

- (e) subject to the Height set out in Section 7.5.4.43.2 (3)(d), the number of storeys above Grade for any Building shall not exceed the number of storeys indicated on Map 3;
- (f) nothing in Section 7.5.4.43.2(3)(d) and (e) shall prevent:
 - (i) the projection of the Building elements or Structures as identified in Section 7.5.4.43.2(3)(b);
 - (ii) Building elements or Structures on the roof of the Building, used for outside or open air recreation, safety or wind protection purposes, provided:
 - (A) the maximum height of the top of the Building element or Structure is no higher than the sum of three metres and the Height following the symbol "H" on Map 3; and
 - (B) the Building element or Structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
 - (iii) Building elements, equipment or Structures that are used for the functional operation of the Building, such as stair towers, elevator overruns, mechanical penthouses, roof access, vents, towers, antennas, maintenance equipment, storage and water supply facilities, provided that the maximum height of the top of any Building element, equipment or Structure is no higher than the sum of five metres and the Height following the symbol "H" on Map 3, provided that the Building elements, equipment or Structures do not collectively exceed 30 percent of the roof area and, with the exception of the stair towers in Phase 1, any Building element, equipment or Structure is located a minimum of five metres from the building envelope as shown on Map 3; and
 - (iv) Parapet walls to a maximum vertical projection of 1.5 metres.

Gross Floor Area

- (g) the total Gross Floor Area on the Lot shall not exceed the following at the completion of the Phase indicated:

Phase 1: not exceeding 98,950 square metres;
Phase 2: not exceeding 110,700 square metres; and
Phase 3: not exceeding 123,600 square metres.

Parking Requirements

- (h) Parking Spaces shall be provided on the Lot in accordance with the following requirements at the completion of the Phase indicated:

Phase 1: a minimum of 884 Parking Spaces or 0.854 Parking Spaces per 100 square metres of total Gross Floor Area on the Lot, inclusive of the 422 parking spaces that are within the above Grade parking structure as they existed at the time of enactment of Section 7.5.4.43, whichever is greater;

Phase 2: a minimum of 0.890 Parking Spaces per 100 square metres of total Gross Floor Area on the Lot, inclusive of the 422 parking spaces that are within the above Grade parking structure as they existed at the time of enactment of Section 7.5.4.43; and

Phase 3: a minimum of 0.854 Parking Spaces per 100 square metres of total Gross Floor Area on the Lot.

- (i) Notwithstanding the requirements of Section 7.5.4.43.2(h), a maximum of seven Parking Spaces in Phase 1 may be obstructed by a fixed object such as a wall, column, bollard fence or pipe situated within 0.3 metres of the side of the Parking Space more than 1.0 metre from the front or rear of the Parking Space without increasing the width of the Parking Space beyond 2.6 metres.

Bicycle Parking Requirements

- (j) Bicycle Parking Spaces shall be provided on the Lot in accordance with the following requirements at the completion of the Phase indicated:

Phase 1: a minimum of 276 Bicycle Parking Spaces; and

Phase 3: a minimum of 346 Bicycle Parking Spaces.

Loading Requirements

(k) Loading Spaces shall be provided on the Lot in accordance with the following requirements at the completion of the Phase indicated:

Phase 1: a minimum of 9 Loading Spaces, consisting of one Loading Space - Type A, two Loading Space - Type B and six Loading Space - Type C spaces; and

Phase 3: a minimum of 10 Loading Spaces, consisting of one Loading space - Type A, five Loading Space - Type B and four Loading Space - Type C spaces.

7.5.4.43.3 Other By-law Provisions

- (1) Except as amended by this Section 7.5.4.43, all other provisions of this By-law with the exception of Sections 5.4 and 7.5.3 shall apply to the lands referred to Section 7.5.4.43.1.
- (2) Notwithstanding anything in this Section 7.5.4.43, the Public Hospital, having a total Gross Floor Area of 85,710 square meters, as it existed on the date of enactment of this Section 7.5.4.43 and shown as "Existing Building to be Demolished" and "Existing Building to be Maintained" on Map 3, is permitted, in whole or in part, whether contiguous or not, pending and following completion of the Phase to which it relates as shown on Map 2.

7.5.4.43.4 Holding Provisions

- (1) While the "(H)" holding symbol is in place, no person shall, within any part of the Lot zoned "R2A (H)" on Schedule A to this By-law, use any portion of the Lot or Erect, alter or use any Building or Structure erected prior to enactment of this Section 7.5.4.43 for any purpose except uses existing on the date of such enactment. Upon the removal of the "(H)" holding symbol, pursuant to Section 36 of the *Planning Act*, permitted uses shall be as set out in this Section 7.5.4.43.
- (2) Those portions of the Lot zoned with the "(H)" holding symbol shall not be used for any purpose permitted by this By-law, other than those provided for in Section 7.5.4.43.4(1), until the "(H)" holding symbol has been removed from the subject lands.

The "(H)" holding symbol may be removed incrementally or in phases by amendment to this By-law upon application by the owner to the City when the following conditions have been fulfilled to the satisfaction of Council:

- (i) the submission of a Site Servicing Plan, satisfactory to the Executive Director of Technical Services, or a successor, for the respective Phase of the development;
- (ii) the submission of a Traffic Operations Assessment and a Parking Demand Study satisfactory to the Executive Director of Technical Services, or a successor, for the respective Phase of the development;
- (iii) the submission of a Heritage Interpretation and Conservation Plan satisfactory to the Chief Planner and Executive Director of City Planning, or a successor, that includes how the heritage elements applicable to the respective Phase of development pursuant to the Toronto East General Hospital (TEGH) Salvage and Preservation Plan, prepared by E.R.A. Architects Inc. and dated July 12, 2011, are being integrated, conserved and interpreted in the development proposal for the respective Phase;
- (iv) the submission of a Construction Management Plan, satisfactory to the Chief Planner and Executive Director of City Planning, or a successor, for the respective Phase of the development; and
- (v) a site plan agreement binding on the owner has been entered into pursuant to Section 114 of the City of Toronto Act, 2006 and Section 41 of the *Planning Act*, as applicable and as amended, superseded or replaced from time to time, for the respective Phase of development that secures appropriate conditions related to the plans and studies referred to in i)-iv) above to the satisfaction of the Chief Planner and Executive Director of City Planning, or a successor.

7.5.4.43.5 Land Division

Despite any existing or future severance, partition, or division of part of the Lot, the provisions of this By-law shall apply to the whole of the Lot as if no severance, partition or division occurred.”

4. By-law No. 359, of the former Borough of East York is hereby repealed.

5. Zoning By-law No. 6752, as amended, is hereby further amended by repealing Section 12.1.33 in its entirety.
6. 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 and the following provisions are complied with:
- (a) 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
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 14th day of July, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





