CITY OF TORONTO

BY-LAW No. 1084-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 21 Avenue Road.

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 2013 as 21 Avenue Road; 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 has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City of Toronto enacts:

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 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 pursuant to Section 37 of the Planning Act securing the provision 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 requirement.

3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

4. Except as otherwise provided herein, the provisions of By-law No. 438-86 shall continue to apply to the site.

5. None of the provisions of Sections of 2(1) with respect to the definition of bicycle parking - occupant, bicycle parking - visitor, grade, height, 4(2)(a), 4(8), 4(12), 4(13), 8(3) PART I 1, 2 and 3, 8(3)PART II 1(a), 8(3)PART III 1(a), 8(3) PART XI 2, 12(2)132, 12(2)259 and 12(2)260 of Zoning By-law No. 438-86, shall apply to prevent the erection or use of a mixed-use building on the site which may contain dwelling units, non-residential uses and a commercial parking garage, including uses accessory thereto, provided that all of the provisions of this By-law are complied with.
6. The lot on which the uses are located shall comprise at least the site.

7. The total combined residential gross floor area and non-residential gross floor area erected or used on the site shall not exceed 61,200 square metres.

8. The total residential gross floor area erected or used on the site shall not exceed 58,500 square metres.

9. The total non-residential gross floor area erected or used on the site shall not exceed 7,200 square metres, exclusive of the commercial parking garage.

10. Within the site:

   (a) a minimum of 298 square metres of indoor residential amenity space shall be provided for Tower 1;

   (b) a minimum of 2.0 square metres of indoor residential amenity space per dwelling unit shall be provided for Tower 2;

   (c) a minimum of 540 square metres of outdoor residential amenity space shall be provided in a location adjoining or directly accessible from the indoor residential amenity space; and

   (d) a minimum of 200 square metres shall be provided as publicly accessible common outdoor space.

11. No part of any building or structure erected within the site shall be located above grade otherwise than wholly within a building envelope, except for the following:

   (a) canopies, awnings, building cornices, lighting fixtures, ornamental elements, guardrails, balustrades, which may extend to a maximum of 1.8 metres beyond the associated building envelope;

   (b) for Building 3, balconies may extend to a maximum of 1.3 metres beyond its building envelope; and

   (c) above the 23rd storey, balconies may project within the area identified as "Balcony Projection Zone" on Map 2A.

12. The height of each portion of a building or structure erected above grade within the site, shall in respect of each building envelope area, have a maximum height in metres as shown following the symbol H on the attached Map 2A and Map 2B for the corresponding building envelope area.
13. The preceding section of this By-law does not apply to prevent the erection or use above the said height limits of:

(a) parapets, railings, terrace guards, planters extending no more than 1.3 metres above the applicable height limits shown on Map 2A and Map 2B;

(b) decorative screens, trellises, stairs, stair enclosures, wheelchair ramps, vents, pipes, exhaust flues and window washing equipment extending no more than 3.0 metres above the applicable height limits shown on Map 2A and Map 2B; and

(c) landscape and public art features.

14. Each of the portions of the site shown and identified as "AREA 1", "AREA 2" and "AREA 3" on Map 2C shall be unenclosed for a minimum clear height as noted on Map 2C following the symbol CH measured from the finished level of the ground.

15. A minimum tower separation setback of 19.0 metres as shown on Map 2A shall be maintained higher than 32.0 metres above grade and below 93.5 metres above grade.

16. Portions of the north exterior main wall of Tower 2, higher than 93.5 metres above grade, shall be permitted to project from the north exterior wall of Tower 2, in accordance with Map 2B.

17. Parking spaces shall be provided and maintained within the site in accordance with the following requirements:

(a) the minimum total number of parking spaces provided on the site shall be 380 parking spaces;

(b) a commercial parking garage is permitted on the site providing a minimum of 65 parking spaces;

(c) parking spaces required for residential visitors and non-residential uses are permitted to be located within the commercial parking garage permitted by the previous paragraph; and

(d) notwithstanding the provisions of Section 4(5) of By-law No. 438-86 the minimum number of parking spaces for residents shall be provided and maintained on the site in accordance with the following:

(i) 0.1 parking space for each bachelor dwelling unit;

(ii) 0.3 parking space for each one bedroom dwelling unit;

(iii) 0.5 parking space for each two bedroom dwelling unit;

(iv) 1.2 parking spaces for each three bedroom dwelling unit; and
(v) 0.06 parking space for each dwelling unit for visitors.

(e) a maximum of 70 parking spaces for residents may be provided in parking stackers;

(f) the minimum number of parking spaces for non-residential uses shall be provided and maintained on the site as required by the provisions of Section 4(5) of By-law No. 438-86;

(g) a minimum of 4 car-share parking spaces shall be provided on the site; and

(h) a reduction of 4 resident parking spaces shall be permitted for each car-share parking space located within the site, provided that the maximum permitted reduction of resident parking spaces shall be based on the following formula \[4 \times \left(\frac{\text{total number of residential units}}{60}\right)\], rounded down to the nearest whole number.

18. Despite the definition of parking space in Section 2(1) of By-law No. 438-86, and the minimum width dimensions of obstructed parking spaces in Section 4(17) of By-law No. 438-86, the minimum parking dimensions shall be as follows:

(a) Length - 5.6 metres;

(b) Width - 2.6 metres; and

(c) Vertical clearance - 2.0 metres.

19. Despite Section 4(17) of By-law No. 438-86:

(a) up to 5 of the required parking spaces may be undersized parking spaces, provided that a maximum of 3 of the undersized parking spaces shall be permitted to have a width of 2.5 metres, and a maximum of 2 of the undersized parking spaces shall be permitted to have a length of 5.2 metres, and

(b) up to 2 of the required parking spaces may be obstructed on one side and may be accessed by a drive aisle with a minimum width of 3.8 metres without requiring a wider parking space.

20. A minimum of 400 bicycle parking spaces shall be provided on the site, of which:

(a) a minimum of 360 shall be bicycle parking spaces - occupant; and

(b) a minimum of 40 shall be bicycle parking spaces - visitor, but notwithstanding Section 2(1) of By-law No. 438-86, a portion of these required bicycle parking spaces - visitor may be located within a secured room or enclosure.
21. At least one shared loading space - type "G"/"B" and one loading space - type "B" and two loading spaces - type "C" shall be provided and maintained on the site, provided that:

(a) despite the definition of loading space - type "C" in Section 2(1) of By-law No. 438-86, the minimum loading dimensions for one loading space - type "C" shall be: Length - 6.0 metres; Width - 3.5 metres; and Vertical clearance - 2.1 metres; and

(b) despite the definition of loading space - type "G" in Section 2(1) of By-law No. 438-86, the minimum loading dimensions for one loading space - type "G" shall be: Length - 12.0 metres; Width - 4.0 metres; and Vertical clearance - 6.1 metres.

22. None of the provisions of this By-law shall apply to prevent a temporary sales office on the site.

23. 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 had occurred.

24. By-law No. 188-69, as amended, of the former City of Toronto, is hereby repealed.

25. For the purpose of this By-law, the following expressions shall have the following meaning:

(a) "bicycle parking space - occupant" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:

(i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension 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 a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and

(iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.6 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres;

(b) "bicycle parking space - visitor" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:

(i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension 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 a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and

(iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.6 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres;

(c) "Building 3" means the building shown as BUILDING 3 in heavy lines on Map 2A attached hereto;

(d) "building envelope" means a building envelope for each height area as shown by an "H", and as delineated by either the medium or heavy lines on Map 2A attached hereto;

(e) "By-law No. 438-86" means By-law No. 438-86, as amended, of the former City of Toronto;

(f) "car-share parking space" means a parking space used exclusively for the parking of 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;

(g) "City" means the City of Toronto;

(h) "grade" means the Canadian Geodetic elevation of 114.43 metres;

(i) "height" means the vertical distance between grade and the highest point of the building or structure;

(j) "owner" means the fee simple owner(s) of the site;

(k) "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 metres by 5.6 metres; and

(iii) may not be readily accessible at all times without maneuvering another vehicle or a device;

(l) "sales office" means an office, or sales trailer, used exclusively for the initial sale and/or initial leasing of dwelling units or the non residential uses to be erected on the site;
(m) "site" means those lands outlined by heavy lines on Map 1 attached hereto;

(n) "Tower 1" and "Tower 2" each mean respectively the building towers permitted within the building envelope areas shown as TOWER 1 and TOWER 2 in heavy lines on Map 2A attached hereto; and

(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 on July 19, 2013.

Frances Nunziata, 
Speaker

Ulli S. Watkiss, 
City Clerk

(Seal of the City)
NOTE: Survey information supplied by applicant. All heights in metres.
NOTES:
All dimensions are in metres
H Denotes maximum height in metres above grade

21 Avenue Road
TOWER 2

H125.0 — H122.0
H120.0 — H93.5

CUMBERLAND STREET

FLOORS 21

FLOORS 21+

NOTE:
All dimensions are in metres

Shaded area shown on Map 2A

21 Avenue Road

Map 2B

File # 13 126666 0Z

H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE
NOTES:
1 CH denotes minimum clear height in metres

File # 13 126666 OZ

Map 2C

Not to Scale
Appendix 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the site at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

1. Owner to agree to secure the following matters at Site Plan:

   (a) Avenue Road Sidewalk Improvements; [in the event City Council closes for vehicular traffic the portion of Avenue Road adjacent to the site between Cumberland Street and Yorkville Avenue, the improvements shall have a total value approximating, but in any event not less than, $200,000.00, and deliver $200,000 LC within 30 days];

   (b) the Adjacent Streetscape Improvements; [having a total value approximating, but in any event not less than $200,000.00 (but in the event the City Council does not so close the said portion of Avenue Road, then these improvements shall have a total value approximating, but in any event not less than $400,000.00) and deliver $200,000 LC prior to Above-Grade Building Permit for Building 3];

   (c) Public Open Space and Public Walkway;

   (d) decorative stone bench and water feature;

   (e) a dedicated 9 square metre on-site at-grade "pet friendly" area with bag station and garbage disposal; and

   (f) to construct and maintain the podium of the proposed building in accordance with approved exterior building materials.

2. Community Contributions

   (a) Owner shall contribute $1,800,000.00, prior to the first Above-Grade Building Permit for Tower 2, consisting of,

      (i) $600,000.00 towards streetscape improvements in the Village of Yorkville area,

      (ii) $1,000,000.00 towards the streetscape improvement in the local area, and

      (iii) $200,000.00 towards capital improvements to affordable housing in Ward 27, in consultation with the Ward Councillor.
3. Public Access - The owner shall construct and provide a publicly accessible open space and a publicly accessible walkway serving as a pedestrian mid-block connection from Avenue Road.

4. Public Art - The Owner will make a contribution equal to $800,000.