

Authority: Toronto and East York Community Council Item 23.11,  
adopted as amended, by City of Toronto Council on May 7, 8, 9 and 10, 2013

## 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 23<sup>rd</sup> 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 x (total number of residential units ÷ 60)], 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*;

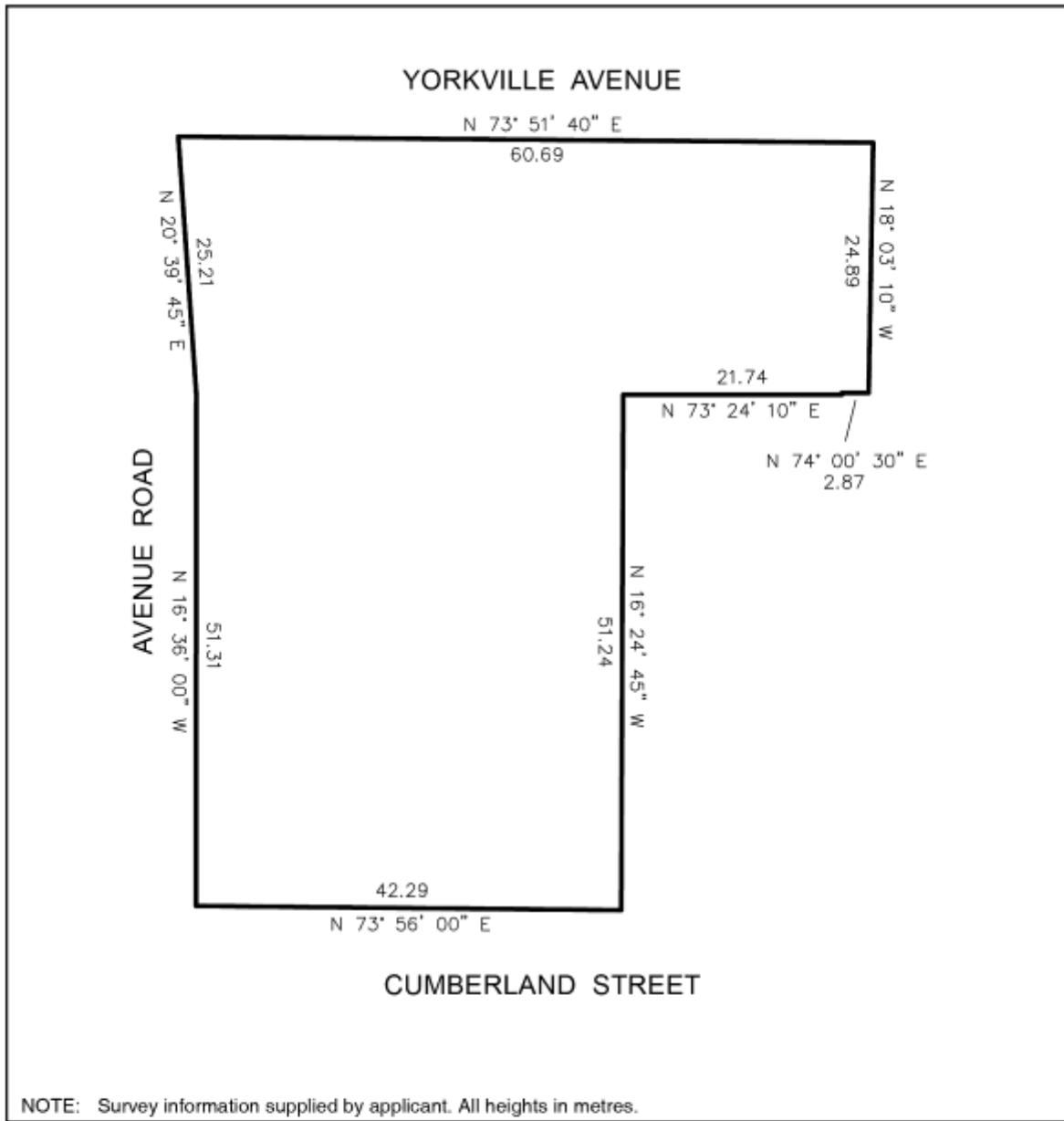
- (m) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto,;
- (n) "*Tower 1*" and "*Tower 2*" each mean respectively the building towers permitted within the building envelope areas shown as TOWER 1 and TOWER 2 in heavy lines on Map 2A attached hereto; and
- (o) each other word 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.

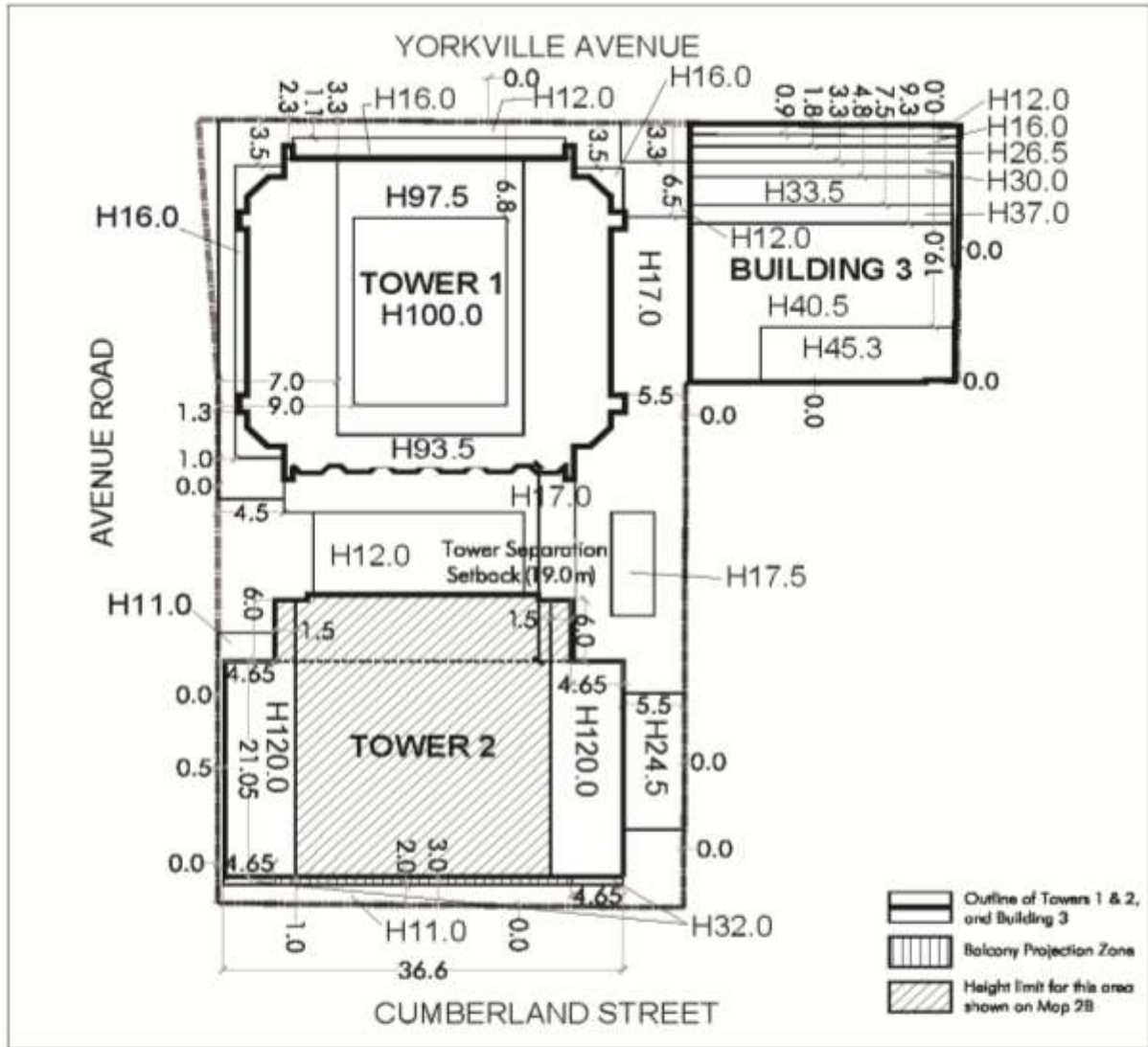
Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



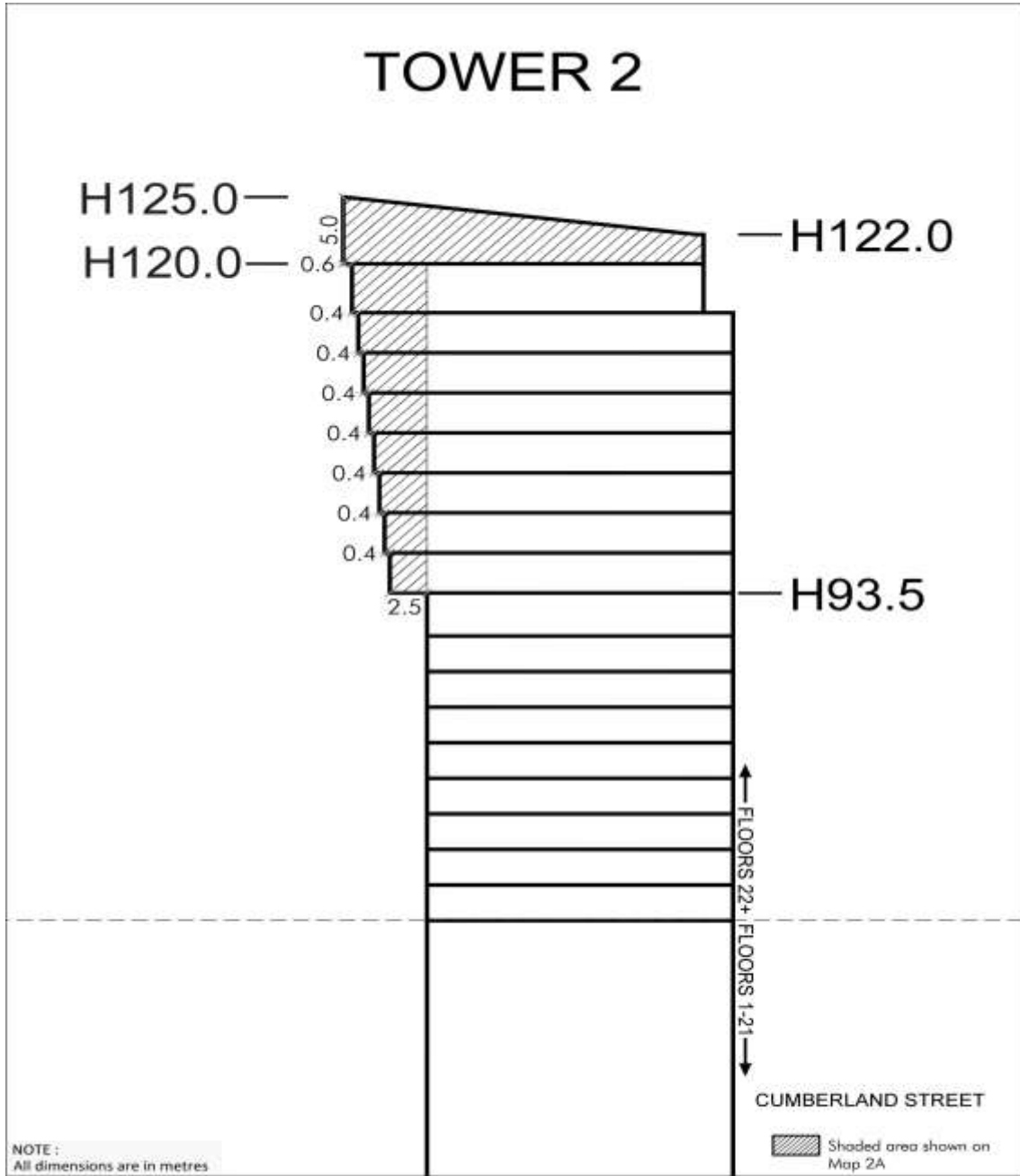


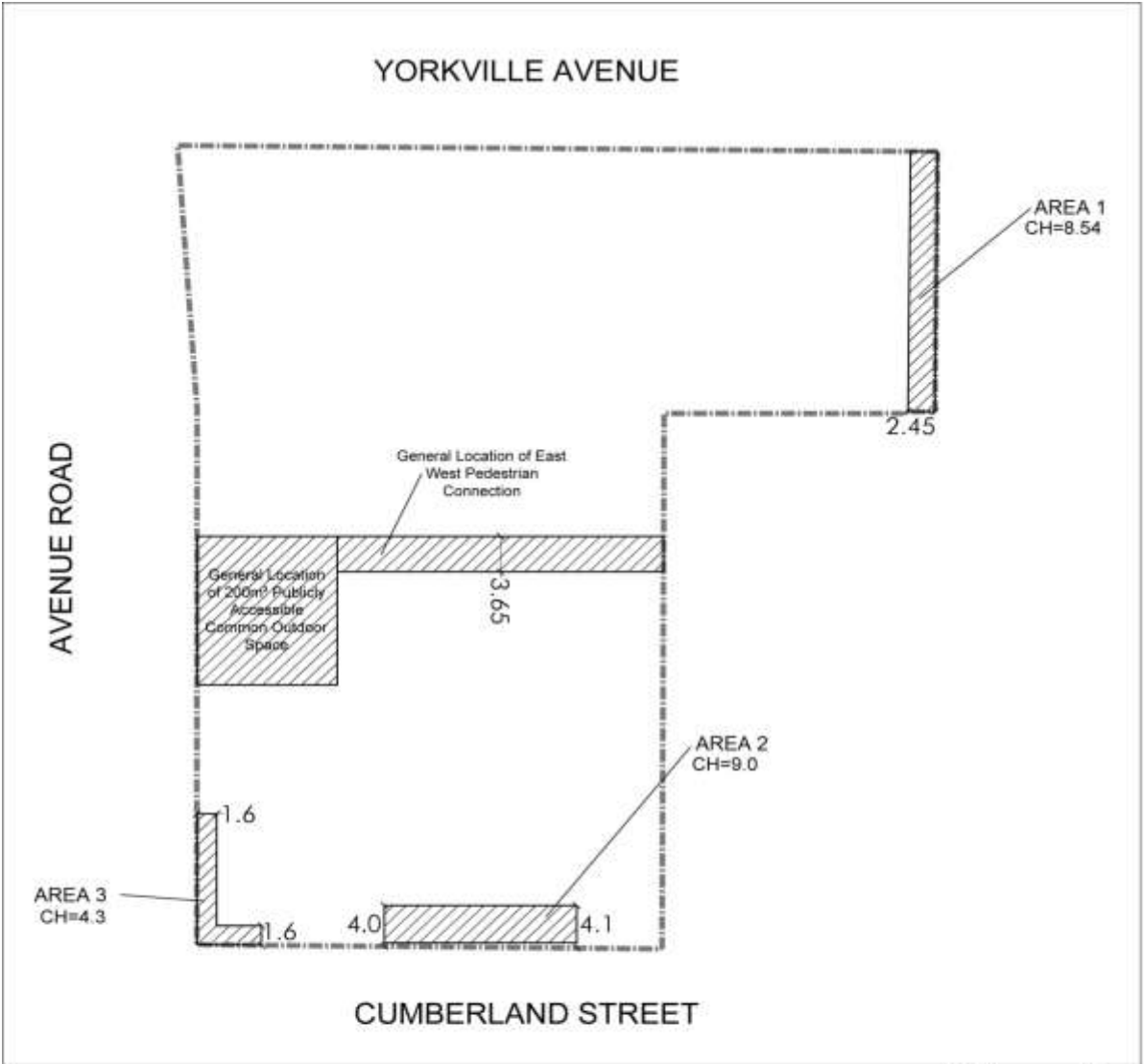


21 Avenue Road

NOTES:  
 All dimensions are in metres.  
 H Denotes maximum height in metres above grade.







21 Avenue Road

NOTES:  
CH denotes minimum clear height in metres

## 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.