

Authority: Toronto and East York Community Council Item 26.8,
as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013

CITY OF TORONTO

BY-LAW No. 1291-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 480 University 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
conducted at least one public meeting in accordance with Section 34 the *Planning Act* regarding
the proposed Zoning By-law Amendment;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, height, *residential amenity space*, *bicycle parking space - occupant*, *bicycle parking space - visitor*, and Sections 4(2), 4(5), 4(8), 4(10)(a), 4(10)(d), 4(12), 4(13), 4(17)(a), 4(17)(d), 4(17)(e), 8(3) Part I, 8(3) Part II 1, 8(3) Part III, 8(3) Part IV 1, 8(3) Part XI 2 and 12(2) 259 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 and other matters relating to buildings and structures and to prohibit certain uses of land 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 and use of a mixed-use building and accessory uses on the *lot* provided that:
 - (a) The *lot* consists of the lands delineated by heavy lines on the attached Map 1 forming part of this By-law;
 - (b) In addition to the uses permitted in Section 8(1)(f)(a) and 8(1)(f)(b), an *automobile car share use* is a permitted use on the *lot*;
 - (c) The amount of *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall be as follows:
 - i. The *residential gross floor area* shall not exceed 39,000 square metres;
 - ii. The *non-residential gross floor area* shall be at least 25,500 square metres;
 - iii. The combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 65,500 square metres;

- (d) No portion of the building above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, except for the following:
- i. Light fixtures, cornices, sills, eaves, mullions, canopies, awnings, parapets, trellises, ornamental and architectural elements, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, platforms, wheel chair ramps, vents, air shafts, underground garage ramps and their associated structures, privacy screens and walls, fences, bollards, retaining walls, landscape features, lightning rods, transformer vaults and elements required for the functional operation of the building, window washing equipment, balconies and public art features;
 - ii. Notwithstanding Section 1(d)i above, balconies above the 19th floor shall not encroach building setbacks and stepbacks as outlined on Map 2 more than 2.5 metres from the main wall face with the exception that balconies along the west elevation facing Simcoe Street shall not be located closer than 0.6 metres from the Simcoe Street *lot* line.
- (e) No portion of the building or structure on the *lot* shall have a greater *height*, in metres above *grade*, than the height limit in metres above *grade* specified by the numbers following the symbol 'H', on the attached Map 2 except that:
- i. A stair tower, elevator shaft, chimney stack or other heating, cooling or ventilation equipment or window washing equipment on the roof of the building or a fence, wall, decorative feature or structure enclosing such elements may exceed the height limits on the attached Map 2 by no more than 10.0 metres provided that such elements or enclosures are within the mechanical area lines shown on Map 2;
 - ii. A structure on the roof of the building, used for outside or open air recreation, landscaping, architectural purposes, privacy, safety or wind protection may exceed the height limits shown on the attached Map 2 by no more than 3.0 metres;
 - iii. Notwithstanding the provisions of By-law No. 438-86, as amended, ornamental and architectural elements, which are permitted on the *lot* may exceed the height limits shown on the attached Map 2 by no more than 10 metres.
- (f) A minimum of 158 *parking spaces* shall be provided and maintained on the lot, of which a maximum of 36 parking spaces shall be compact parking spaces.
- (g) The minimum number of loading spaces to be provided and maintained on the *lot* shall be:
- i. One (1) *loading space - type B*;

- ii. One (1) *loading space*- type C; and
 - iii. One (1) *loading space* - type G.
- (h) *Amenity Space* shall be provided in accordance with the following requirements:
- i. A minimum of 1,800 square metres of indoor *amenity space* shall be provided on the *lot*;
 - ii. A minimum of 300 square metres of outdoor amenity space shall be provided on the lot;
 - iii. The indoor *amenity space* shall contain a kitchen and washroom; and
 - iv. The outdoor *amenity space* shall be provided in a location adjoining or directly accessible from the indoor *amenity space*.
- (i) A minimum of 453 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which a minimum of 362 shall be provided for *bicycle parking spaces - occupant* and a minimum of 91 shall be provided as *bicycle parking spaces - visitor*.

2. Section 37 of the *Planning Act*:

- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* is permitted in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out in Schedule "A" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*.
- (b) Where Schedule "A" of this By-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (c) The Owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Clause 1 of Schedule "A" are satisfied.

3. Definitions:

- (a) For the purpose of this By-law, the terms set forth in italics, subject to Section 3(b) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86 of the former City of Toronto, as amended.

- (b) For the purposes of this by-law, the following definitions shall apply:
- i. "amenity space" means a common area or areas within the *lot* which are provided for recreational or social purposes, and may be shared between all uses on the lot;
 - ii. "bicycle parking space - occupant" means an area that is equipped with a bicycle rack, locker or stacker for the purpose of providing parking and securing of bicycles, and
 - I. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.45 metres by 1.80 metres and a vertical dimension of at least 1.20 metres;
 - II. Where the bicycles are to be parked in a vertical position, has a horizontal dimensions of at least 0.60 metres by 1.20 metres and a vertical dimension of at least 1.90 metres;
 - iii. "bicycle parking space - visitor" means an area that is equipped with a bicycle rack, locker or stacker for the purpose of providing parking and securing of bicycles, and
 - I. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.45 metres by 1.80 metres and a vertical dimension of at least 1.20 metres;
 - II. Where the bicycles are to be parked in a vertical position, has a horizontal dimensions of at least 0.60 metres by 1.20 metres and a vertical dimension of at least 1.90 metres;
 - iv. "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 car organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - v. "car-share parking space" means a parking space that is reserved and actively used for car sharing;
 - vi. "compact parking space" means a *parking space*, accessed by a one-way or two-way drive aisle having a width of 6.00 metres or more, with the following dimensions measured at the entrance to the *parking space*:
 - I. Length - 5.60 metres;
 - II. Height - 2.00 metres;

III. Width - 2.45 metres;

and which may have obstructions such as, but not limited to, a wall, ceiling, column, bollard, fence or pipe that is situated within 0.30 metres of the *parking space*, measured at right angles;

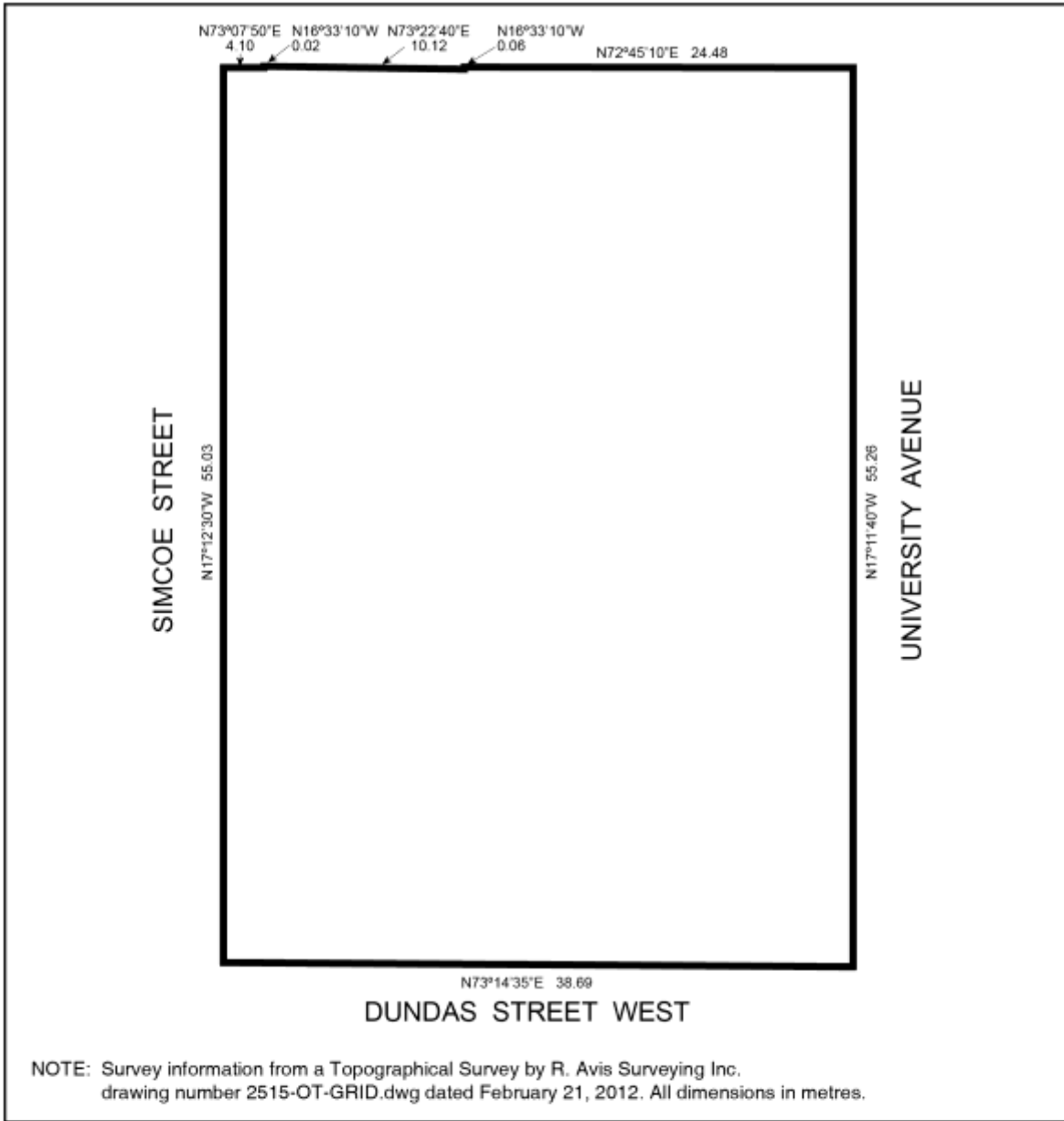
- vii. "grade" means the Canadian Geodetic elevation of 94.43 metres;
 - viii. "height" means the vertical distance between grade and the highest point of the roof except for the excluded elements prescribed in this By-law;
 - ix. "lot" means those lands outlined in heavy lines on Map 1 attached hereto;
 - x. "non-residential gross floor area" shall have the same meaning as provided in By-law No. 438-86 of the former City of Toronto, as amended, except that *amenity space* as defined by this By-law shall be excluded;
 - xi. "residential gross floor area" shall have the same meaning as provided in By-law No. 438-86 of the former City of Toronto, as amended, except that *amenity space* as defined by this By-law shall be excluded.
4. Except otherwise noted herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of By-law No. 438-86 of the former City of Toronto, as amended, or of this By-law shall apply to prevent the erection or use on the lot for a temporary sales showroom.
6. Notwithstanding any existing or future severances, partition, or division 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.

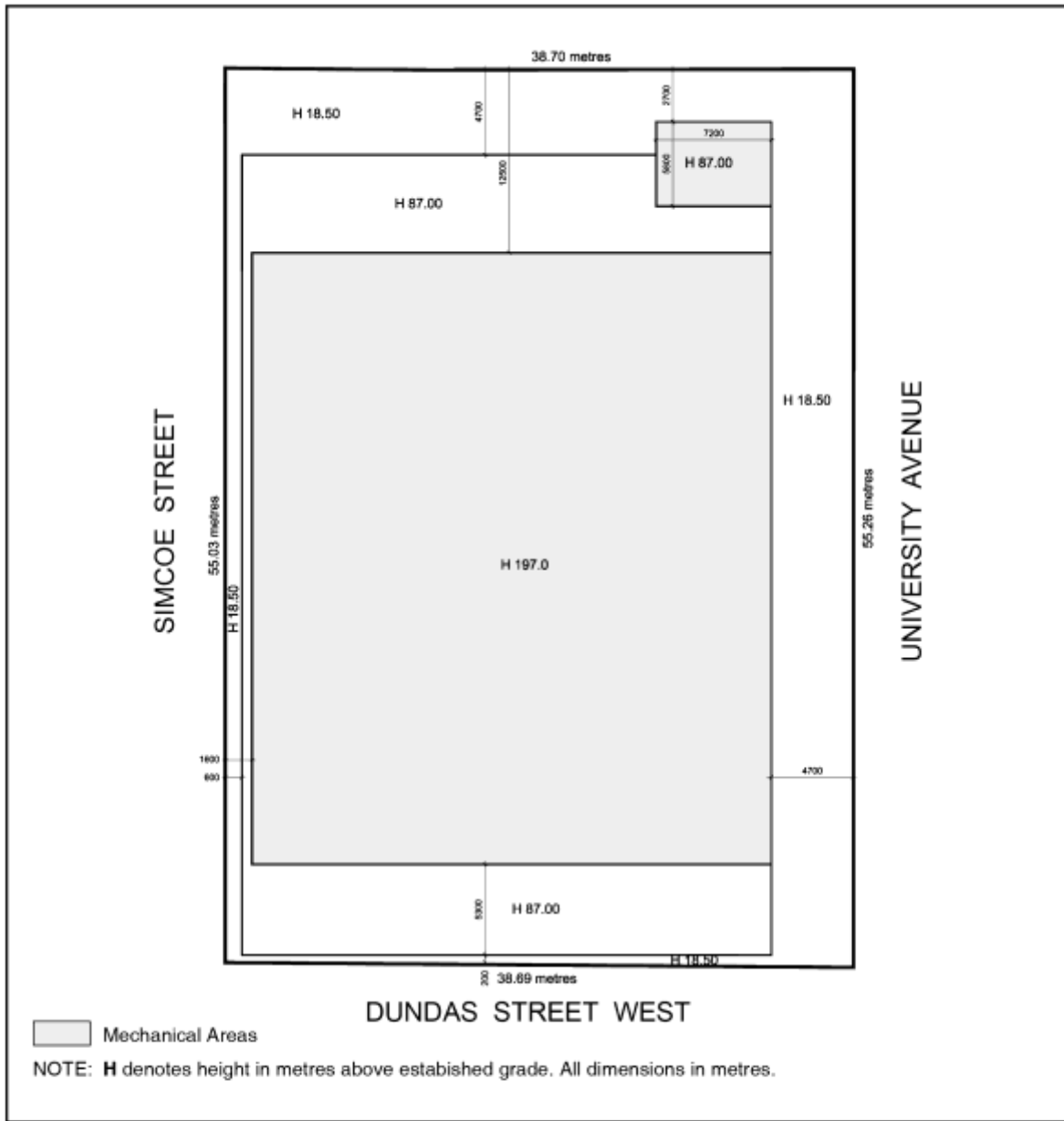
Enacted and passed on October 11, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





SCHEDULE "A"
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the Owner agrees as follows:

1. Prior to the issuance of the first above grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, written acknowledgement from the Toronto Transit Commission that the owner has posted the necessary securities as required by the Toronto Transit Commission, and that the owner has completed the technical review of the proposed fully accessible entrance connection and entrance tunnel from 480 University Avenue to the Toronto Transit Commission concourse level at the St. Patrick Subway Station.
2. The fully accessible entrance connection and entrance tunnel from 480 University Avenue to the Toronto Transit Commission concourse level at the St. Patrick Subway Station shall be constructed at the sole expense of the owner, to the satisfaction of the Toronto Transit Commission.