

Authority: Toronto and East York Community Council Item 28.4,
as adopted by City of Toronto Council on December 16, 17 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1638-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 20-38 Gladstone 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 enacts:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86 shall continue to apply to the *lot*.
2. None of the provisions of Sections 2 with respect to the definitions of *grade*, *height*, and *residential amenity space* or sections 4(2), 4(4)(b), 4(6), 4(7), 4(12), 4(13), 4(16), 9, 12(1)307 and of former City of Toronto By-law No. 438-86 shall apply to prevent the erection or use of one or more *mixed-use buildings*, *apartment buildings*, and structures *accessory* thereto, on the *lot*, provided that all of the provisions of this by-law are complied with.
3. The *lot* shall consist of those lands delineated by heavy lines on Map 1 attached to and forming part of this by-law.

GROSS FLOOR AREA

4. The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 8,560 square metres.

UNITS

5. A maximum of 128 *dwelling units* shall be permitted on the *lot*.
6. A minimum of 66 of the *dwelling units* on the *lot* shall contain at least two bedrooms.

PROJECTIONS

7. No portion of any building or structure erected and used above *grade* is located otherwise than wholly within the area delineated by heavy lines on Map 2, attached hereto and forming part of this By-law, with the exception of the following:
 - (a) cornices, sills, pilasters, parapets, light fixtures, ornamental elements, eaves, and balustrades which may project 0.4 metres outside of the heavy lines on the attached Map 2;

- (b) underground garage ramps and their associated structures, retaining walls, fencing, canopies, decks, railings, and planters, which may extend beyond the heavy lines on the attached Map 2 of this By-law.

HEIGHT

- 8. No person shall erect or use a building or structure on the *lot* having a greater height in metres than the height limits specified by the numbers following the symbol H on the attached Map 2, with the exception of the following:
 - (a) the maximum height for parapets, terrace and balcony guards and dividers, planters, elements of a green roof, landscape features, vents, flues, light fixtures, railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.8 metres and the applicable height limit shown on the attached Map 2;
 - (b) the maximum height for parapets on the roof level shall be the sum of 1.0 metre and the applicable height limit shown on Map 2;
 - (c) within the area shown on the attached Map 2 as having a height limit of 21.5 metres, mechanical equipment and associated screening having an additional height of up to 2.1 metres is permitted;
 - (d) in the areas labelled "MPH" on the attached Map 2, the maximum height for mechanical penthouses and stair enclosures shall be the sum of the applicable height limit and the number following the "+" symbol.

STOREYS

- 9. No person shall erect or use a building or structure on the *lot* having a greater number of storeys than as shown by the number following the symbol S on the attached Map 2.
- 10. Notwithstanding the provisions of Section 2 of By-law No. 438-86 with respect to the definition of *storey*, a mechanical penthouse shall not constitute a *storey*.

RESIDENTIAL AMENITY SPACE

- 11. A minimum of 1.5 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided on the *lot* or on *11 Peel Avenue* in addition to the indoor *residential amenity space* required for residents of the building on *11 Peel Avenue*.

PARKING AND LOADING

- 12. *Parking spaces* shall be provided in accordance with the following:
 - (a) Parking for residents shall be provided on the *lot* or at *11 Peel Avenue* as follows:
 - i. 0.7 *parking spaces* for each *bachelor dwelling unit*;

- ii. 0.8 *parking spaces* for each *one bedroom dwelling unit*;
 - iii. 0.9 *parking spaces* for each *two bedroom dwelling unit*; and
 - iv. 1.1 *parking spaces* for each *three bedroom dwelling unit*.
- (b) Notwithstanding subsections (a)i to (a)iv above, the total number of *parking spaces* required by these ratios for the residents of *dwelling units* may be reduced by 20 *parking spaces*.
- (c) *Parking spaces* may be provided on the *lot* for the use of the residents of *11 Peel Avenue*, and notwithstanding the definition of *non-residential gross floor area* these *parking spaces* shall not be considered as *non-residential gross floor area*.
- (d) A minimum of 0.06 *parking spaces* per *dwelling unit* for the exclusive use of residential visitors shall be provided either on the *lot*, or at *11 Peel Avenue* and there shall be no charge for their use.
- i. Despite 12(d), 3 of the *parking spaces* required for residential visitors may be provided in a *commercial parking garage* either on the *lot* or at *11 Peel Avenue*. These spaces must be dedicated to residential visitors of the *lot*.
- (e) Notwithstanding Section 4(17) of By-law No. 438-86, up to 3 of the required *parking spaces* may be obstructed on one side and have a minimum width of 2.6 metres and a length of 5.6 metres.
- 13.** A minimum of 96 *bicycle parking spaces* shall be provided, 77 *bicycle parking spaces – occupants* at or below *grade*, and 19 *bicycle parking spaces - visitors* at *grade*;
- (a) *Bicycle parking spaces* required by (13) above shall not be provided within a *dwelling unit* or a balcony.
- 14.** A minimum of one *loading space – type "G"* shall be provided, and may be located at *8-14 Gladstone Avenue* and shared with the *mixed-use building* at *8-14 Gladstone Avenue*.

PERMITTED USES

- 15.** No person shall use a *lot* or erect or use a building within the *lot* for any purpose except one or more of the following uses:
- (a) a *mixed-use building*;
 - (b) any use permitted in the MCR zone pursuant to By-law No. 438-86 Section 8(1)b;
 - (c) an *apartment building*;
 - (d) uses accessory thereto; and

- (e) a *commercial parking garage* which may only be located below grade, on the P1 parking level.

16. No *dwelling units* to be located below *grade*.

PEDESTRIAN OPENING

17. A pedestrian opening is provided in the area labelled on Map 2 as "pedestrian opening ". The pedestrian opening shall:

- (a) provide unobstructed pedestrian access with the exception of pillars and structural elements required to support the building above, bicycle parking, landscape features, and outdoor seating areas;
- (b) be a minimum height of 4.5 metres in height; and
- (c) be a minimum width as shown on Map 2.

MUNICIPAL SERVICES

18. 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 line 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.

DEFINITIONS

19. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of former City of Toronto By-law No. 438-86, as amended, except for the following expressions which shall have the following meaning:

- (a) *11 Peel Avenue* means the adjacent property shown as "11 Peel Avenue" on the attached Map 3;
- (b) *8-14 Gladstone Avenue* means the adjacent property shown as "8-14 Gladstone Avenue" on the attached Map 2;
- (c) *grade* means the Canadian Geodetic elevation of 92.0 metre;
- (d) *height* shall mean the vertical distance between *grade* and the highest point of the structure; and

- (e) *residential amenity space* shall mean a common area or areas within a *lot* which are provided for the exclusive use of residents of a building for recreational or social purposes and may be located at and shared with the residents of the building at *11 Peel Avenue*.

Enacted and passed on December 17, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





