

CITY OF TORONTO

BY-LAW No. 220-2014(OMB)

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to
the lands municipally known as 362 Wallace Avenue.**

Whereas authority is given to the Ontario Municipal Board by the *Planning Act*, R.S.O. 1990, c. P.13, as amended, upon hearing the appeal of the Owner of the land to pass this By-law; and

Whereas pursuant to Section 37 of the *Planning Act*, the Ontario Municipal Board may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

Whereas subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto; and

Whereas the City of Toronto has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law; and

Whereas the Official Plan of the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Therefore By-law No. 438-86 of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. None of the provisions of Section 2 with respect to *height*, *lot* and *grade* and Section 4(2) 4(4), 4(6), 4(7), 4(11), 4(12), 4(13), 4(16) , all of Section 9 of By-law No. 438-86 being "A By-law and specific amending By-law to regulate the use of land and erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various area of the City of Toronto", as amended, shall apply to prevent the erection and use of an *apartment building* and a *non-residential building* and uses and structures accessory thereto provided:

- (a) The *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

Gross Floor Area

- (b) The *residential gross floor* area of the *apartment building* on the *lot* shall not exceed 15,575 square metres, and it can only be located on Blocks A, B, C, D, E, F, G, H or I as shown on Map 2;
- (c) The minimum *non-residential gross floor* area on the lot shall be 3,890 square metres and it can only be located on the blocks labeled as Industrial Units (N), Industrial Units (S) and Community Centre on Map 2;

Non-residential uses

- (d) The non-residential uses permitted on the *lot* shall be: *community centre, day nursery, public art gallery, bake-shop, caterer's shop, courier service, dry cleaning shop, duplicating shop, laundry shop, medical office, personal grooming establishment, retail store, restaurant, tailoring shop, take out restaurant, artist or photographers studio, custom workshop, software and design establishment, and office.*
- (e) Despite Section (d) above:
- (i) A *retail store* is only permitted to a maximum gross floor area of 200 square metres per unit; and
- (ii) A *restaurant* is only permitted to a maximum gross floor area of 200 square metres per unit;

Unit Type

- (f) The *apartment building* contains a minimum of 19, three-bedroom *dwelling units* and a minimum of 116, two-bedroom *dwelling units*;

Parking and Loading

- (g) *Parking spaces* will be provided and maintained below grade on the lot in accordance with the following ratios:
- (i) 0.8 *parking spaces* for each bachelor *dwelling unit* in the *apartment building*;
- (ii) 0.9 *parking spaces* for each 1-bedroom *dwelling unit* in the apartment building;
- (iii) 1.0 *parking spaces* for each 2-bedroom *dwelling unit* in the apartment building;

- (iv) 1.2 *parking spaces* for each 3-bedroom *dwelling unit* in the apartment building;
- (v) 0.13 visitor *parking spaces* for each *dwelling unit* in the apartment building;
- (vi) 20 *parking spaces* for the non-residential uses on the *lot*; and
- (vii) 0 *parking spaces* are required for the *community centre*;
- (h) A maximum of 3 *parking spaces* required in Section (g) above may have dimensions of 2.6 by 4.45;
- (i) The residential visitor *parking spaces* as described in Section (g)(ii) above must be dedicated for use visitors to the residents of the *apartment building*, and there must be no charge to use them;
- (j) One Type "G" loading space must be provided and maintained on the *lot*;

Bike Parking

- (k) A minimum of 100 bike *parking spaces* will be provided for residents on the *lot*;
- (l) A minimum of 28 bike *parking spaces* will be provided on the *lot* for visitors;
- (m) A minimum of 2 bike *parking spaces* dedicated for use by the owners of the non-residential units on the *lot*;

Height

- (n) No portion of any building or structure, including all mechanical equipment, shall exceed the heights measured in metres from *grade* as shown on Map 2;

Projections

- (o) Despite Section (n) of this By-law the following projections are permitted on the *lot*:
 - (i) Eaves and cornices shall not exceed a horizontal projection of 0.45 metres beyond the heavy lines shown on Map 2;
 - (ii) Canopies shall not exceed a horizontal projection of 0.50 metres beyond the heavy lines shown on Map 2;
 - (iii) Planters shall not exceed a 1.0 metre vertical projection beyond the heavy lines shown on Map 2;

- (iv) Stairs providing access to a residential unit shall not exceed a 1.5 metre vertical projection beyond the heavy lines shown on Map 2; and
- (v) Railings projecting beyond entrance stairs shall not exceed a 0.35 metre horizontal projection beyond the heavy lines shown on Map 2;

Implementation

- (p) No person shall erect or use any building or structure above grade prior to satisfying the following condition:
 - (i) The owner shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services, and matters required in Section (q) herein, the said agreement to include provisions relating to indemnity, insurance, GST, termination, unwinding, registration and priority of agreement, and the indexing of any financial contributions and register against the title to the lot as a first charge;

Section 37 of the *Planning Act*

- (q) The owner of the *lot* at its own expense and in accordance with and subject to the agreement referred to in Section (p) herein shall provide the following facilities, services and matters to the City:
 - (i) the owner is responsible, at its own cost, for the construction and fitting out of a 475 square metre community facility on the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and/or the Chief Corporate Officer, and/or the General Manager, Parks, Forestry and Recreation;
 - (ii) the owner is responsible for the design, total cost and construction of the realignment of the eastern staircase of the Wallace Street Pedestrian Bridge, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager of Transportation Services;
 - (iii) the owner is responsible, at its own cost, for an interpretive program on site to provide information to the public on the history of the Wallace Street Pedestrian Bridge, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (iv) the owner will provide for any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Executive Director of Engineering and Construction Services should it be determined that upgrades to such infrastructure is required to support this development;

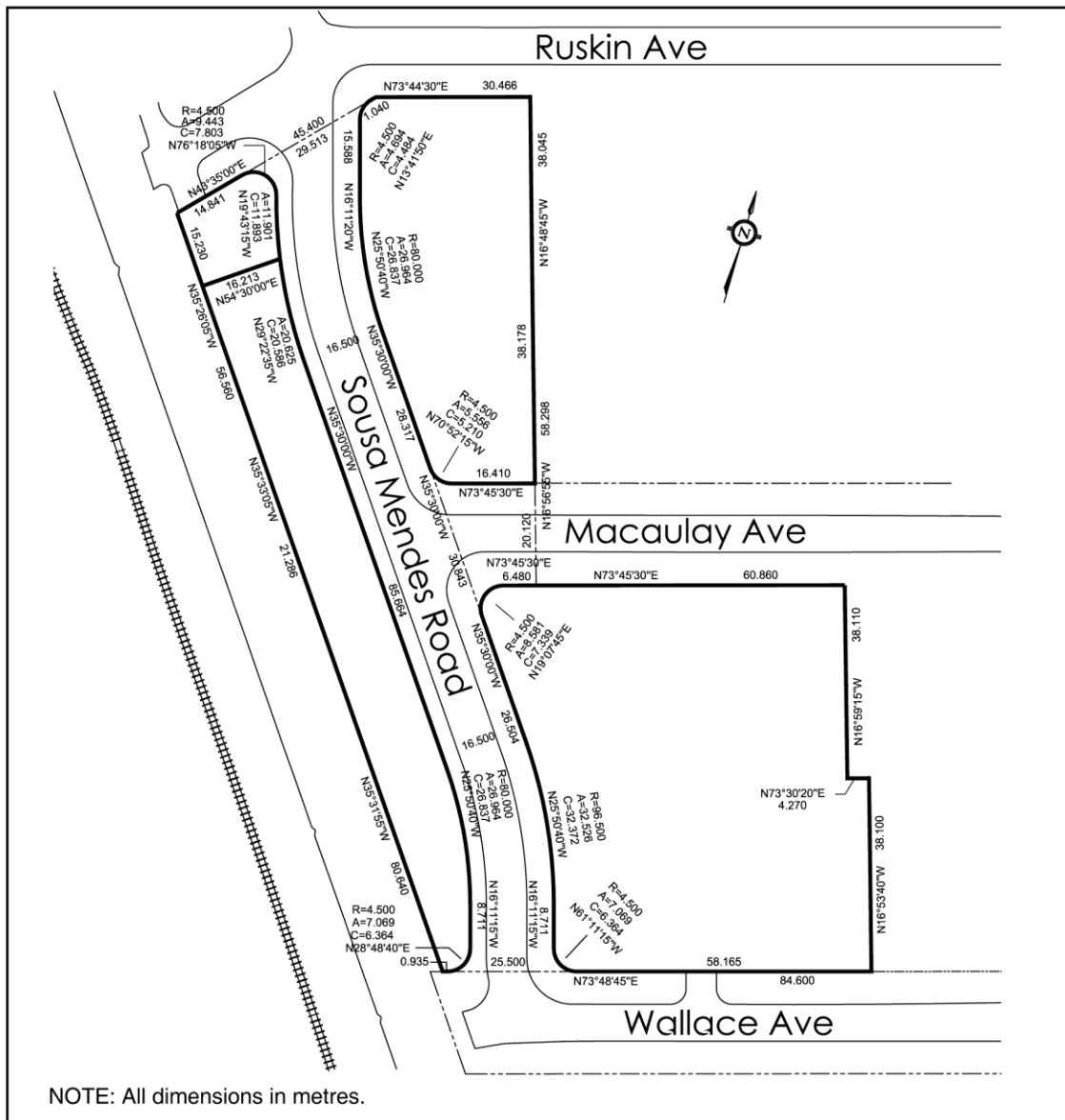
- (v) the owner shall comply with all parkland dedication conditions as listed in the Memorandum from the General Manager of Parks, Forestry and Recreation to the City Planning Division dated October 8, 2013;
- (vi) the owner will provide a water line connection from the site to the West Toronto Railpath generally in the location of the western terminus of Wallace Avenue which can be used by the city for a water fountain; and
- (vii) the owner will provide a separately metered hydro connection from the site to the West Toronto Railpath generally in the location of the western terminus of Wallace Avenue.

2. Definitions

- (a) For the purpose of this By-law, the terms set forth in italics, subject to Section 2(i) and (ii) of this By-law have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, and
 - (i) *grade* for Blocks A, B, C, F and G means 114.9 metres above Canadian Geodetic Datum;
 - (ii) *grade* for Blocks D and E means 115.10 metres above Canadian Geodetic Datum;
 - (iii) *grade* for Blocks H and I means 114.65 metres above Canadian Geodetic Datum;
 - (iv) *grade* for the non-residential building means 114.8 metres above Canadian Geodetic Datum;
 - (v) *height* shall mean the vertical distance between *grade* and the highest point of the structure; and
 - (vi) *lot* shall have the same definition as stated in By-law No. 438-86, except that 2 building may exist on this parcel of land.

3. 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.



Toronto City Planning

Map 1

362 Wallace Avenue

File # 11 _ 286663 02



Not to Scale
10/30/2013

