

Authority: Ontario Municipal Board Orders issued on December 18, 2009 and July 10, 2014
in Board File No. PL080819

CITY OF TORONTO

BY-LAW No. 733-2014(OMB)

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to
lands municipally known as 763 to 765 Woodbine Avenue and 1945 through
1955 Gerrard Street East.**

Whereas authority is given to the Ontario Municipal Board by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Ontario Municipal Board, pursuant to its Decision issued on December 18, 2009 and its Decision issued on July 10, 2014, has determined to amend By-law No. 438-86, as amended, of the former City of Toronto; and

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

1. None of the provisions of Section 2(1) with respect to the definition of "height" and Sections 4(2), 4(4), 4(6), 4(10), 4(12), 4(13), 4(17), 8(3) Part I and 8(3) Part II 2(a) of Zoning By-law No. 438-86, 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 lands 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 on the *lot* of one *mixed use building* containing both residential and non-residential uses, including uses *accessory* thereto, provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) no portion of any building or structure erected on the *lot* above *established grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law;
 - (c) despite subsection (b) herein:
 - (i) lighting fixtures, window sills, stairs, stair enclosures, wheel chair ramps, canopies, screens, planters, elements of a green roof, window washing equipment, emergency generator, and exhaust stacks may extend a maximum of 1.5 metres from the building wall;
 - (d) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* does not exceed 5,000 square metres, of which:
 - (i) the *residential gross floor area* does not exceed 4,675 square metres and shall not comprise more than 64 *dwelling units*; and
 - (ii) the *non-residential gross floor area* does not exceed 325 square metres;

- (e) no person shall erect or use a building or structure on the *lot* having a greater height in metres than the heights in metres specified by the numbers following the symbol H on the attached Map 2, such height to be measured from the *established grade*, provided the portion of the building or structure in excess of a height of 23 metres shall only be used as a mechanical room;
- (f) subsection (e) herein shall not prevent the erection and use of:
 - (i) stairs and stair enclosures provided that the maximum height of the top of such element is no higher than the sum of 3 metres plus the height limit otherwise applicable as shown on Map 2;
 - (ii) parapets provided that the maximum height of the top of such element is no higher than the sum of 0.3 metres plus the height limit otherwise applicable as shown on Map 2; and
 - (iii) guardrails, screens, elements of a green roof, window washing equipment, chimney stacks, make-up air units, emergency generator, garbage chute overruns, lightning rods, cellular phone towers and exhaust stacks provided that the maximum height of the top of such element is no higher than the sum of 1.5 metres plus the height limit otherwise applicable as shown on Map 2;
- (g) residential amenity space shall be provided and maintained on the *lot* for the shared use of the residents of the *lot* in accordance with the following minimum requirements:
 - (i) not less than 150 square metres of outdoor *residential amenity space*; and
 - (ii) a minimum of 90 square metres of indoor *residential amenity space* shall be provided, which indoor *residential amenity space* may be located on any floor in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom;
- (h) the following minimum parking space requirements shall be provided and maintained on the *lot* and where the calculation of the number of *parking spaces* required to be provided and maintained by this section results in a fraction of a *parking space*, if equal to or greater than 0.5 it shall be taken to be 1.0 *parking space*, and if the fraction is less than 0.5 it shall be excluded from the required number of parking spaces:

Residents' Parking:

(i)	Studio Units	0.30 <i>parking spaces per dwelling unit</i>
(ii)	1 Bedroom Units	0.70 <i>parking spaces per dwelling unit</i>
(iii)	2 Bedroom Units	1.0 <i>parking spaces per dwelling unit</i>
(iv)	3 Bedroom Units	1.2 <i>parking spaces per dwelling unit</i>

Visitor Parking:

(i) Visitor Parking 0.05 *parking spaces per dwelling unit*

Non-Residential Floor Area: Nil

- (i) despite the requirements set forth in subsection (h), no more than 42 *parking spaces* shall be required to be provided on the *lot*, which *parking spaces* may be provided by *parking stacker*, and which *parking stacker(s)* shall have dimensions of not less than 2.6 metres by 5.4 metres, except that the platform of such *parking stackers* may have dimensions of not less than 2.5 metres by 5.0 metres;
- (j) a minimum of 54 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which:
- (i) a total of 41 bicycle parking spaces shall be provided and maintained for the exclusive use of residents and retail occupants of the building, 18 shall be located at grade on the *lot*, and 23 shall be located below grade in the building located on the *lot*; and
- (ii) a total of 13 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residential visitors and retail visitors, and shall be located at grade on the *lot*;
- (k) one *loading space - type G* shall be provided and maintained on the *lot*.
2. None of the provisions of By-law No. 438-86, as amended shall apply to prevent a temporary *sales office* on the lot as of the date of the passing of this By-law.
3. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development of the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the following facilities, services or matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor:
- (a) prior to the issuance of any above grade building permits for the development of the *lot* the *owner* shall pay to the City the amount of \$60,000.00, indexed in accordance with paragraph (c) below from the date of issuance of the Ontario Municipal Board Order, such sum to be used towards one or more of the following capital facilities in the vicinity of the site:
- (i) for streetscape improvements, that are not adjacent to the site, along Woodbine Avenue and Gerrard Street within Ward 32;

such allocation to be determined by the City's Chief Planner in consultation with the Ward Councillor;

The following matters are secured for legal convenience:

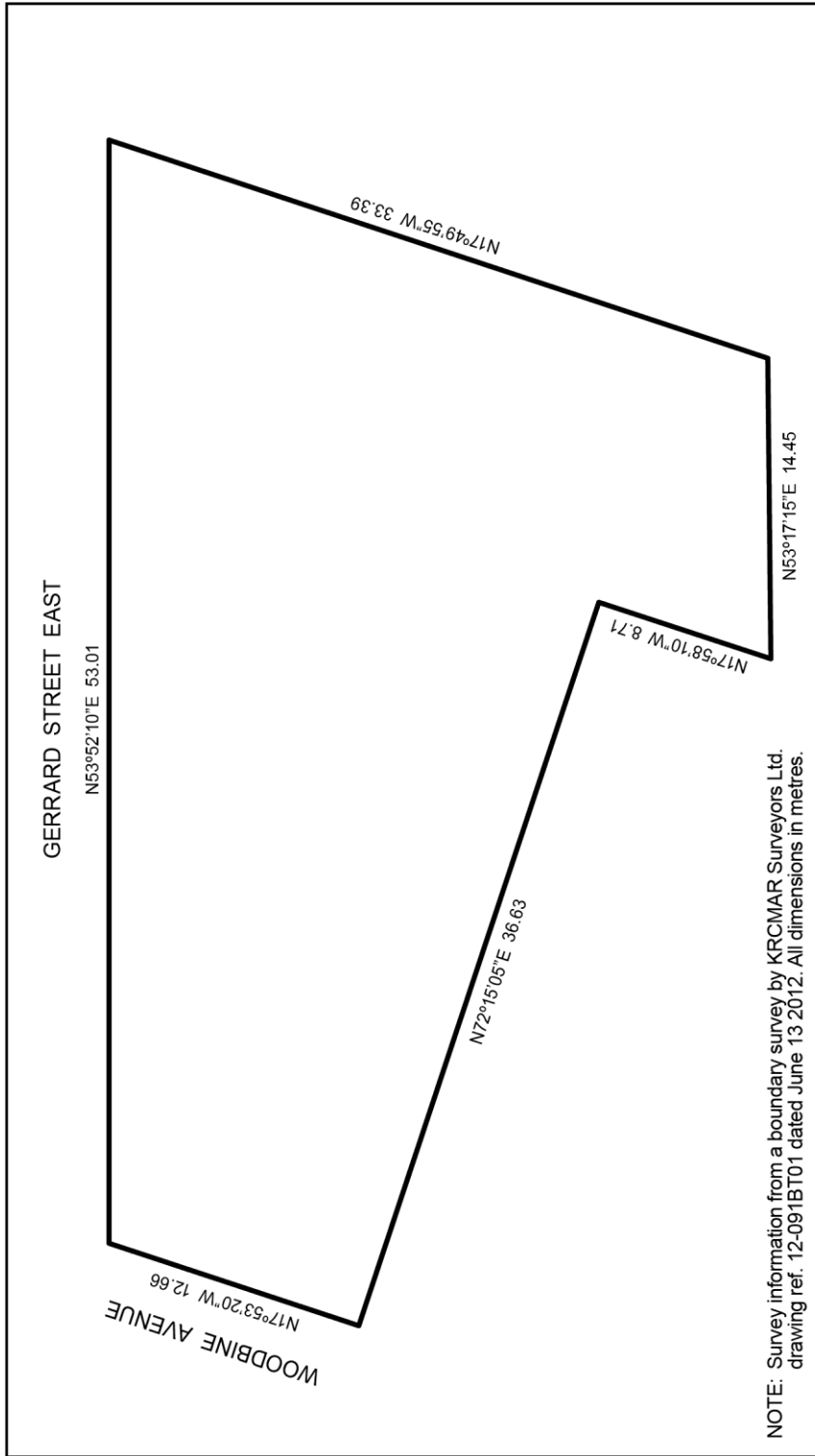
- (b) the *owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee;
 - (c) the payment required in paragraph (a) herein, shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the Ontario Municipal Board Order approving the by-laws, to the date of submission of the funds by the *owner* to the City;
 - (d) the payment required in paragraph (a) shall be paid prior to the issuance of the first above *grade* building permit to permit construction of a building or a portion of a building on the *lot*; and
 - (e) the *owner* of the lands 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 Subsections 3(a) through (e) herein and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.
4. Where Section 3 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.
5. 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 watermains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
7. Despite any existing or future severance, 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.
8. Definitions:

For the purposes of this By-law each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said

By-law No. 438-86, as amended, except for the following:

- (a) "*bicycle parking space - occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 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 horizontal dimensions of at least 0.375 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) in the case of a bicycle rack, it is located in a secure room or area;
- (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 horizontal dimensions of at least 0.4 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 horizontal dimensions of at least 0.375 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) may be located outdoors or indoors and may be within a secured room or enclosure;
- (c) "*established grade*" means geodetic elevation 119.025 metres; and
- (d) "*sales office*" means an office located in a building or structure, whether temporary or otherwise, located on the *lot*, used exclusively for the sale of *dwelling units* to be erected on the *lot*.

PURSUANT TO THE ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON
DECEMBER 18, 2009 AND JULY 10, 2014 UNDER BOARD FILE NO. PL080819.



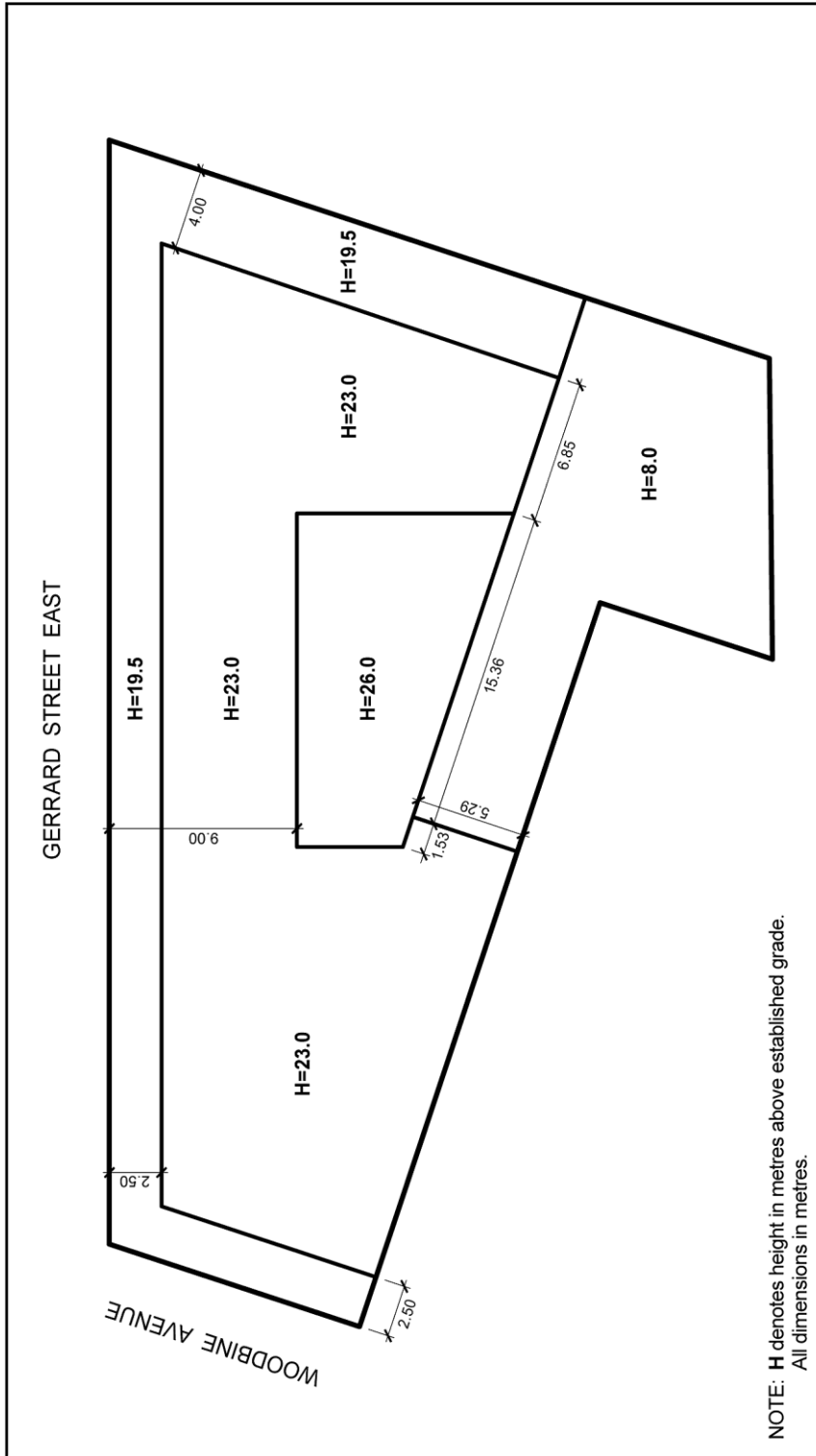
Map 1

763-765 Woodbine Avenue and 1945-1955 Gerrard Street East

File # 07 235476 0Z



Not to Scale
01/28/2013



Map 2

763-765 Woodbine Avenue and 1945-1955 Gerrard Street East

File # 07 235476 0Z



Not to Scale
01/27/2014