

Authority: Toronto and East York Community Council Item 34.29,
as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1051-2014

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known in the year 2013 as 481 University Avenue, 210 Dundas Street West, 70 Centre Avenue and 137 Edward Street.

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 481 University Avenue, 210 Dundas Street West, 70 Centre Avenue and 137 Edward Street; 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;

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 within the *site* 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 *site* of the facilities, services and matters set out in Appendix 1 of this By-law, 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* of the *site* pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, 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 requirements.
3. None of the provisions of Section 2 with respect to the definitions of *bicycle parking space - occupant*, *bicycle parking space - visitor*, *height* and *grade* and Sections 4(2)(a), 4(5)(b) and (c), 4(8)(b), 4(12), 4(16), 8(1)(f)(b)(vii), 8(3) Part I 1, 2 and 3(a), 8(3) Part III 1(a), 8(3) Part XI(2), 12(2)132 and 12(2)259 of *By-law No. 438-86*, shall apply to prevent the erection and use of a *mixed-use building*, including uses accessory thereto, and an underground *commercial parking garage* on the *site* provided that all of the provisions of this by-law are complied with.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. The *lot* on which the building is located comprises at least the *site*.
6. The total combined *residential gross floor area* and *non-residential gross floor area* on the *site* shall not exceed 76,100 square metres.

7. The total *residential gross floor area* on the *site* shall not exceed 50,500 square metres.
8. The total *non-residential gross floor area* on the *site* shall not exceed 25,600 square metres.
9. At least nine per cent (9%) of all *dwelling units* erected or used on the *site* shall have three or more bedrooms and in addition at least one per cent (1%) of all *dwelling units* erected or used on the *site* shall have at least two bedrooms with a den.
10. A minimum of 2.17 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *site* in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom, together with at least two shower change facilities for the bicycle parking facilities.
11. A minimum of 1.8 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *site*.
12. No part of any building or structure erected on the *site* shall be located above *grade* other than within a *building envelope*, except for:
 - (a) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, and public art features; and
 - (b) canopies to a maximum horizontal projection of not more than 1 metre.
13. 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 2 for the corresponding *building envelope* area and the maximum number of *storeys*, excluding mechanical penthouse, shall be 55.
14. The preceding section of this By-law does not apply to prevent the erection or use above the said *height* limits of:
 - (a) those structural projections permitted to be outside a *building envelope* by this By-law;
 - (b) a railing or railings, a parapet, including roof drainage, thermal insulation and roof ballast, located at each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 1.1 metres; and
 - (c) window washing equipment, stairs and stair enclosures, elevator and garbage chute overruns, lightning rods, exhaust flues, landscape and green roof elements, partitions dividing outdoor recreation areas, trellises, lighting fixtures, ornamental

elements, eaves, water features, guardrails, balustrades, wheel chair ramps, vents, underground garage ramps, wind mitigation and public art elements, canopies, awnings and building cornices located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 3.0 metres.

15. A minimum of 378 *parking spaces* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
 - (a) a minimum of 290 *parking spaces* for the residents of the *dwelling units* within the *mixed-use building*; and
 - (b) a minimum of 88 *parking spaces* for the visitors of the *dwelling units* within the *mixed-use building* and for the non-residential uses located within the *mixed-use building*, all of which may be provided in an underground *commercial parking garage* on the *site*.
16. Notwithstanding the previous Section, a reduction of four (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 $[4 \times (\text{total number of } \textit{dwelling units} \div 60)]$, rounded down to the nearest whole number.
17. At least one *loading space-type G*, one *loading space - type B* and two *loading spaces-type C* shall be provided and maintained on the *site*.
18. Bicycle parking spaces shall be provided and maintained on the *site* in accordance with the following minimum requirements:
 - (a) for residential uses, a minimum of 1.0 bicycle parking space per *dwelling unit* of which 0.8 shall be for the residents and 0.2 shall be for residential visitors; and
 - (b) for commercial uses, a minimum of ninety (90) bicycle parking spaces shall be for commercial office space and a minimum of seventeen (17) bicycle parking spaces shall be for retail uses.
19. Within the *site*, 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.

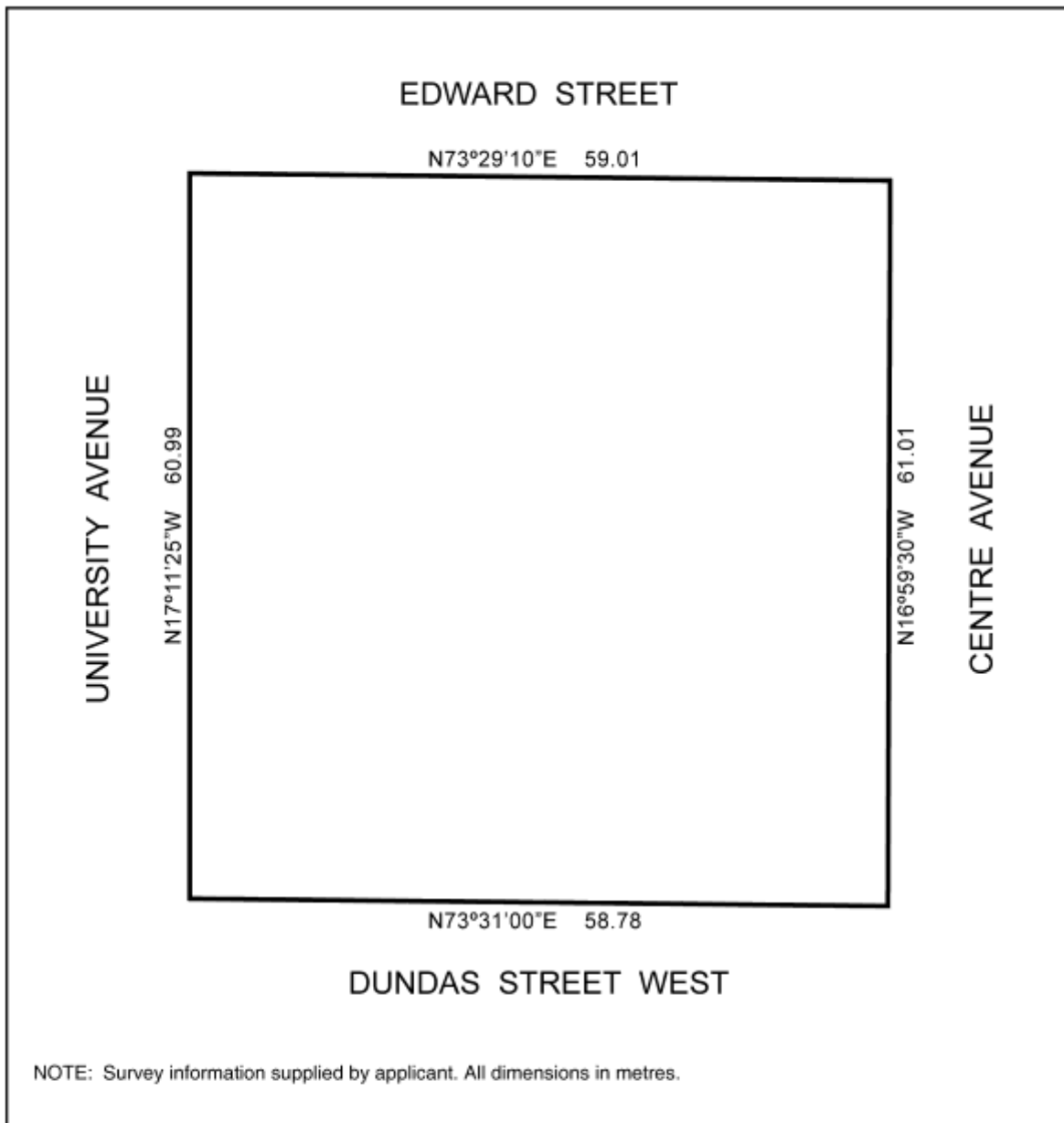
20. Despite any existing or future severance, partition or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division occurred.
21. None of the provisions of this By-law shall apply to prevent a *temporary sales office* on the *site*.
22. For the purposes of the By-law, the following expressions shall have the following meaning:
- (a) "*building envelope*" means a building envelope as delineated by heavy lines on Map 2 attached to this By-law;
 - (b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto;
 - (c) "*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*;
 - (d) "*Chief Planner*" means the City of Toronto Chief Planner and Executive Director;
 - (e) "*City*" means the City of Toronto;
 - (f) "*grade*" shall mean, 94.5 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
 - (g) "*height*" shall mean the vertical distance between *grade* and the highest point of a building or structure;
 - (h) "*owner*" means the owner of the fee simple of the *site* or any part thereof;
 - (i) "*site*" means the lands delineated by heavy lines on Map 1 attached to this By-law;
 - (j) "*temporary sales office*" means a building, structure, facility or trailer on the *site* used for the purpose of the sale of *dwelling units* to be erected on the *site*; and
 - (k) 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*.

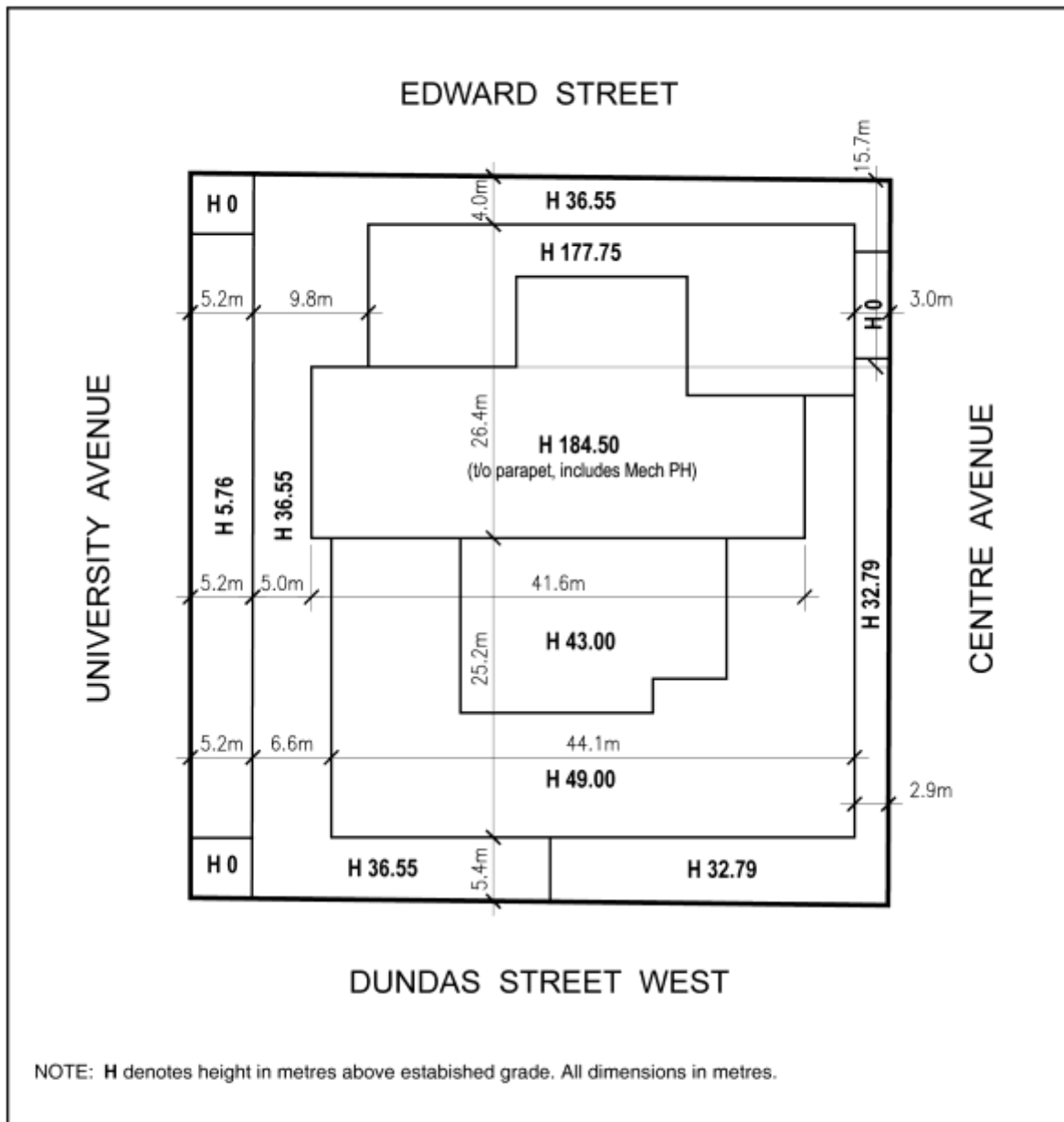
Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





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* and the *owner* with conditions providing for indexing escalation of the financial contributions, and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. The *owner* shall internalize the TTC Staircase at the northeast corner of University Avenue and Dundas Street West to the satisfaction of the *Chief Planner* and the Chief Executive Officer of the Toronto Transit Commission.
2. The *owner* shall design and construct a pedestrian promenade along Dundas Street West to the satisfaction of the *Chief Planner*, including:
 - (a) public art and public realm improvements to the pedestrian promenade through a design and implementation process satisfactory to the *Chief Planner*; and
 - (b) the provision of a public easement in favour of the City for pedestrians along the Dundas Street West Promenade frontage, with the *owner's* covenant to indemnify the City of Toronto in respect to the Pedestrian Promenade.
3. The *owner* shall retain and restore the primary University Avenue and Dundas Street West elevations of the office building at 481 University Avenue and printing plant at 210 Dundas Street West in accordance with the Heritage Impact Assessment revised September 6, 2013 prepared by ERA Architects Inc.
4. The estimated value of the foregoing work is a minimum of \$7,000,000.00. A cost estimate for items 2 and 3 will be submitted to the satisfaction of the *Chief Planner*.
5. Provided the property at 481 University and 210 Dundas Street West is designated under Part IV, Section 29 of the *Ontario Heritage Act* prior to the issuance of Notice of Approval Conditions for the proposed development, then prior to final Site Plan approval the *owner* shall enter into a Heritage Easement Agreement generally in accordance with the Heritage Impact Assessment prepared by ERA Architects Inc., dated February 12, 2013, and revised September 6, 2013, and the *owner* will not object to the designation of the buildings at 481 University Avenue and 210 Dundas Street West as recommended in the Report from the Director, Urban Design, City Planning Division dated June 26, 2014.