

Authority: Toronto and East York Community Council Item TE17.5, adopted as amended, by City of Toronto Council on July 12, 13, 14 and 15, 2016

## **CITY OF TORONTO**

### **BY-LAW No. 753-2016**

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally in 2016 as 35 Wabash 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 Zoning By-law No. 438-86 shall continue to apply to the *lot*.
2. District Map No. 48H-312 contained in Appendix "A" of By-law No. 438-86, as amended, 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", is further amended by redesignating the *lot* from "I1 D2" to "R2" on Appendix "A" as outlined on Map 1 attached hereto and forming part of this By-law.
3. Height and Minimum Lot Frontage Map District Map No. 48H-312 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended in accordance with Map 2 attached hereto and forming part of this By-law.
4. None of the provisions of Sections: 2(1) with respect to the definitions of "*bicycle parking space - occupant*", "*bicycle parking space - visitor*", "*grade*", "*height*" and "*lot*" and Sections 4(2)(a), 4(4)(b), 4(12), 4(13)(a), 4(13)(c), 4(13)(d), 4(16), 6(3) Parts I, II, and III, 12(1) 307, and 12(2) 270 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 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 or use of an *apartment building* on the *lot*, provided that the provisions of this By-law are complied with:

#### **Gross Floor Area**

- (a) the *apartment building* contains not more than 7,000 square metres of *residential gross floor area*;

### **Setbacks**

- (b) no portion of the *apartment building* above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto and forming part of this By-law, with the exception of the following, which shall be permitted notwithstanding the restrictions on *height* as established by subsection (c) below:
  - (i) cornices, light fixtures, awnings, ornamental or architectural elements, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, fences, guardrails, porches, terraces, decks, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps, underground garage ramps and associated structures, garbage and servicing areas and their associated structures, retaining walls, transformer vaults and elements required for the functional operation of the *apartment building*; and
  - (ii) canopies provided they extend no more than 2.0 metres beyond the areas delineated by heavy lines on Map 2;
  - (iii) balconies located on the north side of the building only provided they extend no more than 1.0 metre beyond the areas delineated by heavy lines on Map 2; and
  - (iv) bay windows provided they project no more than 0.6 metres and are no more than 2.4 metres wide;

### **Exceptions to Permitted Height**

- (c) no portion of the *apartment building* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the following, which may project up to 2.0 metres beyond the heights as shown on Map 2:
  - (i) a structure used for outside or open air recreation, safety or wind protection purposes, elements of a green roof, balconies, canopies, a chimney stack or other heating, cooling or ventilating equipment, a screen around such equipment, window washing equipment, ornamental elements, architectural elements, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, guardrails, railings, water tanks, radio and television tower and antennae, balcony and terrace guards and dividers, light monitors, privacy screens, wind screens, planters, elevator overruns, and mechanical penthouses;

### **Window Openings**

- (d) window openings on the portion of the east side of the building which abuts the east property line, as shown on Map 2 attached to and forming part of this By-law, will be prohibited;
- (e) window openings on the portion of the building facing the east side of the property which is set back 5.5 metres from the adjacent lot line, as shown on Map 2 attached to and forming part of this By-law, will be limited to a maximum of 40 percent of the area of the wall above the first floor;
- (f) window openings on the portion of the building facing the south side of the property which is set back 6.0 metres from the adjacent lot line, as shown on Map 2 attached to and forming part of this By-law, will be limited to a maximum of 25 percent of the area of the wall above the first floor;

### **Parking**

- (g) a minimum number of *parking spaces* for the *apartment building* shall be provided and maintained on the lot in accordance with the following:
  - (i) Bachelor Units - 0.8 spaces per unit;
  - (ii) 1-Bedroom Units - 0.9 spaces per unit;
  - (iii) 2-Bedroom Units - 1.0 space per unit;
  - (iv) 3+Bedroom Units - 1.2 spaces per unit; and
  - (v) Visitors - 0.1 spaces per unit;

### **Bicycle Parking**

- (h) *bicycle parking spaces* may be provided in a *stacked bicycle parking* system or in a horizontal bicycle rack;
- (i) a minimum of 62 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) a minimum of 56 *bicycle parking spaces - occupant* shall be provided; and
  - (ii) a minimum of 6 *bicycle parking spaces - visitor* shall be provided;

**Loading**

- (j) one *loading space - type "G"* shall be provided and maintained on the *lot*;

**Amenity Space**

- (k) a minimum of 56 square metres of indoor *residential amenity space* shall be provided on the *lot*, and shall be provided in a multi-purpose room or rooms in the building;
- (l) a minimum of 35 square metres of outdoor *residential amenity space* shall be provided on the *lot*;

**Landscaping**

- (m) no *landscaped open space* shall be required on the *lot*.

**5. Sales Offices**

None of the provisions of Zoning By-law No. 438-86 shall apply to prevent a *temporary sales office* on the *lot*.

**6. Municipal Services**

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.

**7. 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 by 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, locker or *stacked bicycle parking* device for the purpose of parking and securing bicycles; and
- (i) Where the bicycles are parked horizontally, such bicycle parking spaces shall have horizontal dimensions of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;

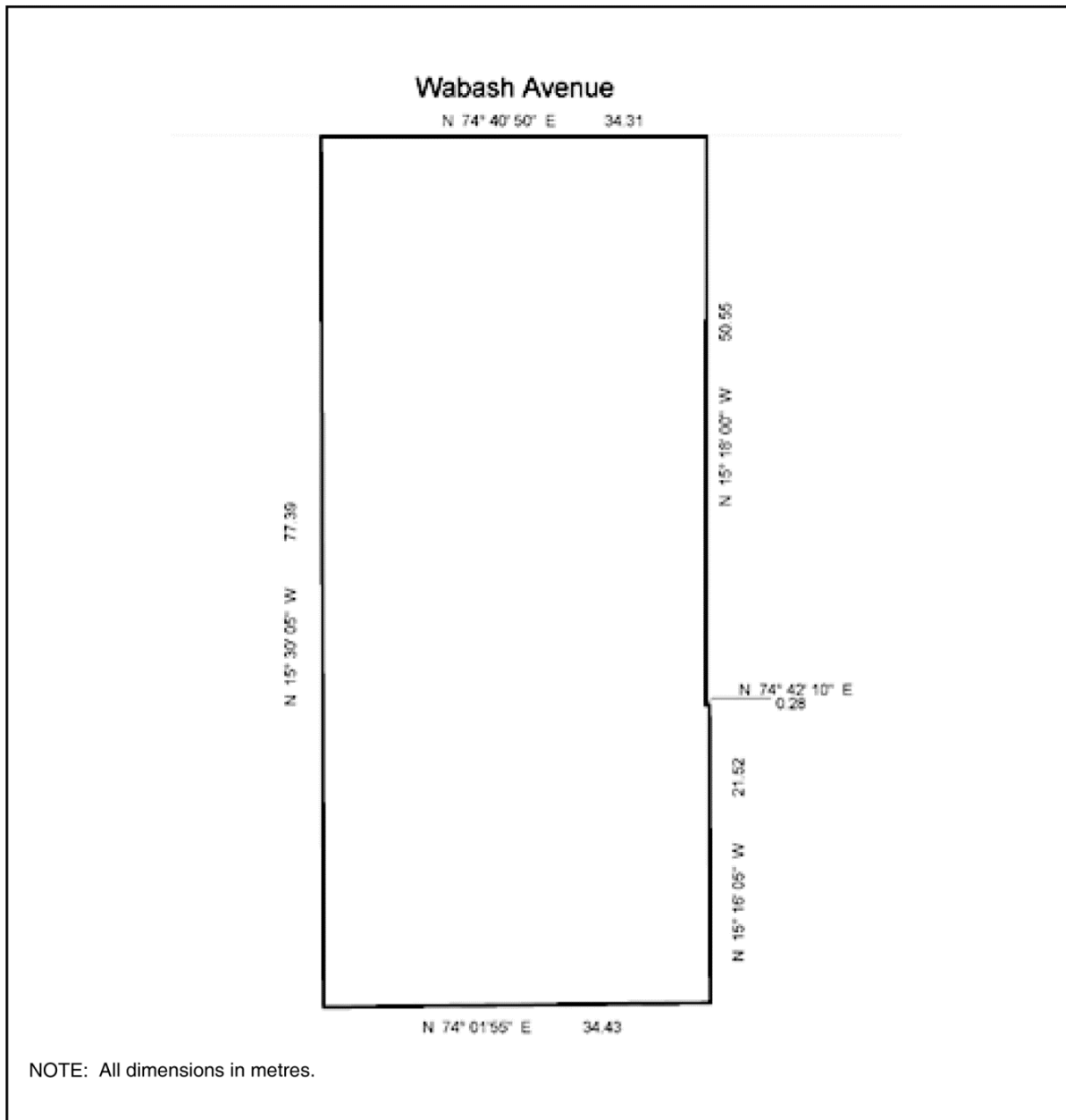
- (ii) Where the bicycles are parking vertically, such bicycle parking spaces shall have horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.2 metres; and
  - (iii) In the case of a bike rack or *stacked bicycle parking* shall be located in a secured room or area;
- (b) "*bicycle parking space - visitor*" means an area that is equipped with a bicycle rack or *stacked bicycle parking* device; and
  - (i) Where the bicycles are parked horizontally, where such bicycle parking spaces shall have horizontal dimensions of at least 0.45 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;
  - (ii) Where the bicycles are parking vertically, such bicycle parking spaces shall have horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.2 metres; and
  - (iii) That may be located indoors but not within a secured room or bicycle locker;
- (c) "*grade*" means 103.1 metres Canadian Geodetic Datum;
- (d) "*height*" means the height above *grade* as shown on Map 2;
- (e) "*lot*" means the whole of the lands delineated by the heavy line on Map 1, attached to and forming part of this By-law;
- (f) "*stacked bicycle parking*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*; and
- (g) "*temporary sales office*" means a building, structure, facility or trailer on the *lot* used exclusively for the initial sales of *dwelling units* to be erected on the *lot*.

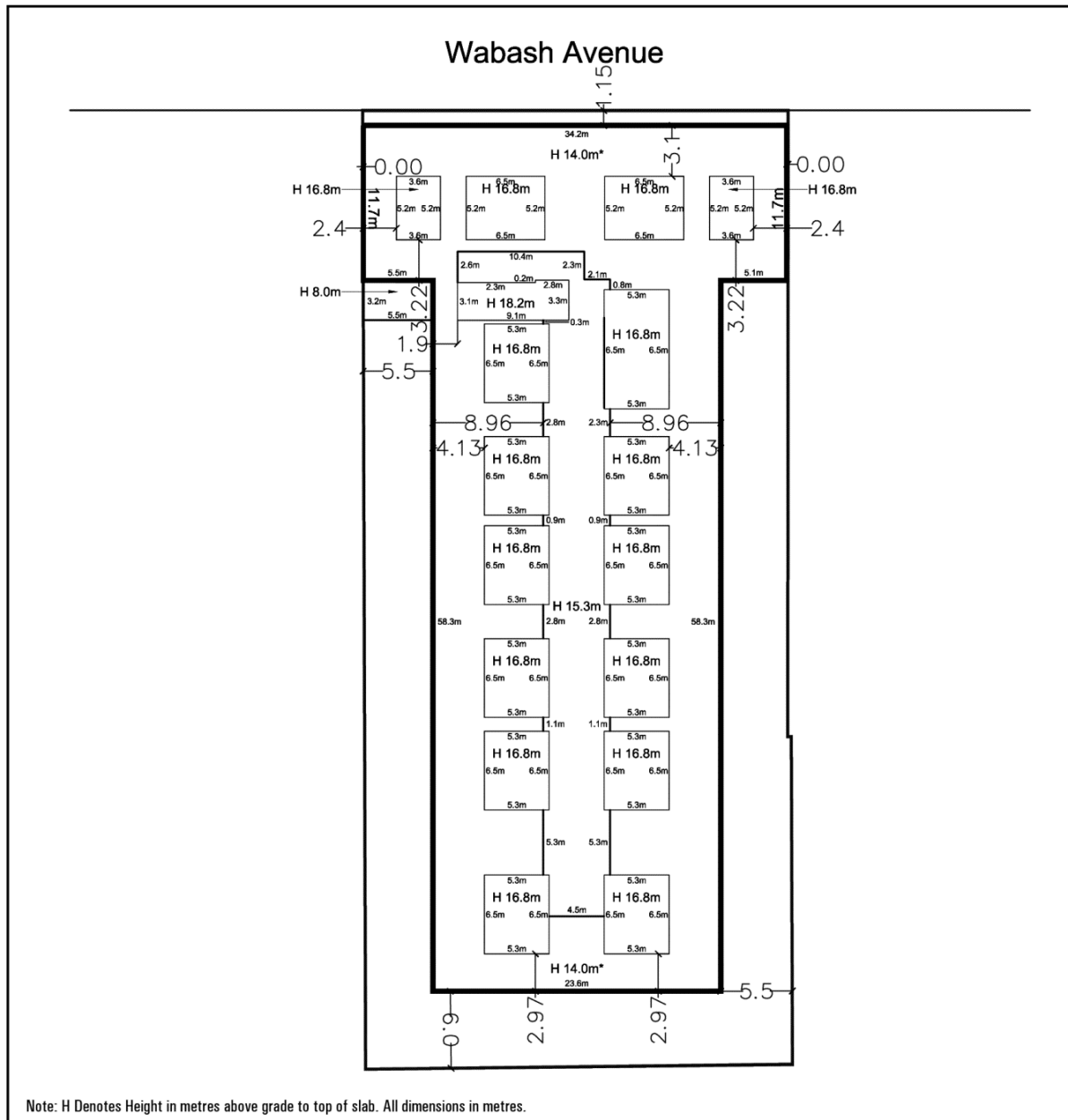
Enacted and passed on July 15, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)





**35 Wabash Avenue**

**Map 2**

File # 15 195121 STE 32 0Z



Not to Scale  
06/07/2016