

Authority: Toronto and East York Community Council Item TE18.5, as adopted by City of Toronto Council on October 5, 6 and 7, 2016

## CITY OF TORONTO

### BY-LAW No. 975-2016

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2016 as 897 and 899 Queen Street East.**

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 with respect to the lands known municipally in the year 2016 as 897 and 899 Queen Street East; 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*; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the Council of the City has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City of Toronto enacts:

1. Height and Minimum Lot Frontage Map 52G-323 contained in Appendix 'B' of By-law No. 438-86, as amended, is further amended in accordance with Map 2 forming part of this By-law.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86 shall continue to apply to the *lot*.
3. None of the provisions of Sections 2(1) with respect to the definitions of *grade* and *lot*, 4(2)(A), 4(3), 4(10)(A), 4(12), 4(13)(A)&(C), 4(14)(A), 4(17)(A), 8(3) Part I 1, 8(3) Part I 3(A), 8(3) Part II 4(C) of By-law No. 438-86, shall apply to prevent the erection and use of a mixed-use building containing residential and non-residential uses on the lands shown on Map 1 attached hereto, including uses *accessory* thereto, provided:
  - (a) *Parking Spaces* shall be provided and maintained on the *lot* in the following manner:
    - i. A minimum total of 37 *parking spaces* shall be provided for the mixed-use building, and 4 of which shall be provided as resident visitor *parking spaces*;
  - (b) Residential amenity space shall be provided as per section 4(12) in Zoning By-law No. 438-86, except that the residential amenity space located outdoors is not required to be provided in a location adjoining or directly accessible from the indoor residential amenity space and the required indoor residential amenity space is not required to be provided in contiguous rooms;

- (c) Bicycle parking spaces shall be provided and maintained on the *lot* in the following manner:
- i. A minimum of 1.0 bicycle parking spaces – occupant shall be provided for each dwelling unit, and 80 percent of these spaces shall be provided and maintained within the first storey above grade on the *lot*;
  - ii. A minimum of 0.15 bicycle parking spaces – visitor shall be provided for each dwelling unit and maintained at the level of finished ground on the *lot*;
- (d) *Parking spaces* provided and maintained on the *lot* shall have the following minimum dimensions:
- i. Length 5.6 metres
  - ii. Height 2.0 metres
  - iii. Width 2.6 metres
- and these minimum dimensions shall also apply to any obstructed *parking spaces*.
- (e) The total combined residential gross floor area and non-residential gross floor area erected or used on the *lot* shall not exceed 5,870 square metres, of which:
- i. The total residential gross floor area erected or used on the *lot* shall not exceed 5,550 square metres, and a maximum of 60 dwelling units shall be permitted on the *lot*;
  - ii. The total non-residential gross floor area erected or used on the *lot* shall not exceed 325 square metres;
- (f) no portion of any dwelling unit erected or used on the *lot* shall be located below *grade*;
- (g) no portion of any building or structure erected or used on the *lot*, above *grade* or above finished ground on the *lot*, shall be located other than wholly within the areas delineated by the building envelope on Map 2, with the exception of the following:
- i. awnings, building cornices, lighting fixtures, window washing equipment, ornamental elements, lightning rods, trellises, parapets, eaves, window sills, guardrails, railings, stairs, stair enclosures, wheel chair ramps, air intakes and vents, landscape and green roof elements, partitions dividing outdoor recreation area, wind mitigation elements, and architectural façade details may extend to a maximum of 0.30 metres beyond the line depicting height shown on Map 2;

- ii. balconies, guard rails and balcony dividers above a height of 5.0 metres, not exceeding a maximum horizontal projection of 1.5 metres beyond the areas outlined on Map 2;
  - iii. canopies above a height of 3.5 metres, not exceeding a maximum horizontal projection of 1.5 metres beyond the areas outline on Map 2;
  - iv. rear wall/fence adjacent to the ground floor patio and the rear transformer not exceeding a maximum horizontal projection of 4.0 metres beyond the area outlined on Map 2;
- (h) no part of any building or structure erected or used on the *lot* shall exceed the *heights* in metres as specified by the numbers following the symbol "H" shown on the attached Map 2, with the exception of the following:
- i. canopies, awnings, building cornices, window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, railings, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, wind mitigation elements, chimney stack, exhaust flues, enclosed areas used for mechanical, electrical, heating or rooftop access purposes, outdoor mechanical, electrical, ventilation or heating equipment, rooftop surfacing, mechanical equipment overrun, stair overrun and garbage chute overruns may extend to a maximum of 4.0 metres beyond the height stipulated on Map 2;
  - ii. elevator overrun may extend to a maximum of 6.2 metres beyond the height stipulated on Map 2, provided that the overrun is set back 18.5 metres from the south property line and is no larger than 35 square metres in area;
- (i) None of the provisions of this By-law shall apply to prevent a *temporary sales office* on the *lot*;
4. Within the *lot*, no person shall use any land or erect or use any building or structure unless the following provision is 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;
5. 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;
6. Notwithstanding the definitions provided in Section 2(1) of By-law No. 438-86, as amended, for the purposes of this By-law the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this

By-law are not defined in this By-law, the definitions provided in Section 2(1) of By-law No. 438-86, will apply:

- (a) "*grade*" means 79.8 metres Canadian Geodetic Datum;
- (b) "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;
- (c) "*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (d) "*temporary sales office*" means a *building* or *structure* used for the purpose of the sale of dwelling units to be erected on the *lot*.

Enacted and passed on October 7, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



