

CITY OF TORONTO

BY-LAW 863-2019(OMB)

To amend former City of Toronto By-law 438-86, as amended, with respect to lands known municipally as 1327 to 1339 Queen Street East.

Whereas the owner of the lands known municipally as 1327 to 1339 Queen Street East has appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its decision issued October 27, 2017 in Board File PL150059, approved amendments to Zoning By-law 438-86 of the former City of Toronto with respect to those lands;

Pursuant to the Order of the Ontario Municipal Board, By-law 438-86 is amended as follows:

1. None of the provisions of S 4(2)(a), 4(3)(a) and (b), 4(4), 4(6)(b), 4(10), 4(12), 8(3) Part I and 8(3) Part II 1, 2 and 4 of By-law 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" apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided that:
 - (a) The *lot* consists of those lands delineated by the heavy lines on Map 1, attached to and forming part of this by-law;
 - (b) The total combined *residential gross floor area* and *non-residential gross floor area* does not exceed 9,600 square metres, provided:
 - i. the *residential gross floor area* does not exceed 8,990 square metres;
 - ii. the *non-residential gross floor area* does not exceed 610 square metres;
 - (c) The height of any building or structure, or portion thereof including mechanical penthouse, erected above *grade* within the *lot* shall, in respect of the building envelope area, have a maximum height in metres as shown following the symbol "H" on Maps 2 and 3, attached to and forming part of this by-law;
 - (d) No portion of a building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Maps 2 and 3 attached to and forming part of this By-law;

Despite Sections (c) and (d) the following projections are permitted:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Eaves, cornices, lighting fixtures, ornamental elements, vents, architectural features, insulation, thermal and moisture protection.	Permitted Height	0.45 metres	none
Parapets	Permitted Height	0.6 metres	none
Planters and guardrails	Permitted Height	1.2 metres	none
Screens, elements of a green roof, exhaust flues, lightening rods, window washing equipment	Permitted Height	2.0 metres	2.0 metres setback from required setback above the height of 25.8 metres Not permitted at the 7 th floor/19.5 metre height of the building
Elevator overrun	Permitted Height	1.65 metres	
Awnings and Canopies	Required Setback from any lot line	0.845 metres	On the ground floor along the Queen Street Frontage only
Architectural features	Required setback from front lot line along Queen Street	0.845 metres	Between a height of 13.5 and 16.9 metres only
Balconies	Required Setback from any lot line	3.1 metres	On the north and south elevation of only Building A, below a height of 19.5 metres On the south elevation only of Building A above a height of 19.5 metres

- (e) A minimum of 111 square metres will be provided on the lot as indoor *residential amenity space* and a minimum of 200 square metres will be provided on the lot as outdoor *residential amenity space*;

- (f) *Parking spaces* are to be provided and maintained on the site in accordance with the following ratios:
- i. a minimum of 0.5 *parking spaces* for each bachelor or 1 bedroom *dwelling unit*;
 - ii. a minimum of 0.75 *parking spaces* each *dwelling unit* containing 2 bedrooms or more;
 - iii. a minimum of 0.06 *visitor parking spaces* for each *dwelling unit*;
 - iv. no *parking spaces* are required for retail uses;
- (g) If the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
- (h) Despite the definition of *parking space* in By-law 438-86, as amended, seven of the required *parking spaces* may be provided in *small car parking spaces*;
- (i) One *loading space – Type G* is required;
- (j) The portion of a driveway located within 6 metres of a *street* may be no lower than 0.45 metres than the average elevation of the *street*;
- (k) Despite the minimum dimensions of a *bicycle parking space* in Section 2(1) of By-law 438-86, as amended, the minimum width of a *bicycle parking space* shall be 0.38 metres for vertical *bicycle parking spaces* and 0.4 metres for horizontal *bicycle parking spaces*;
- (l) *Bicycle parking spaces* may be provided in a *stacked bicycle parking space* and 100 percent of the *bicycle parking spaces* that are not *stacked bicycle parking spaces* may be provided in a vertical position. If *bicycle parking spaces* are provided in a *stacked bicycle parking space* then the minimum vertical dimensions of a *stacked bicycle parking space* shall be at least 1.2 metres and the minimum horizontal dimensions shall be at least 0.35 metres in width and 1.8 metres in length;
- (m) No direct access from any unit is permitted to the public lane, with the exception of a garage door for vehicular access only;
- (n) For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- "grade"* shall mean an elevation of 78.70 Canadian Geodetic Datum;
- "Small car parking space"* means a *parking space* that has a minimum width of 2.6 metres and a minimum length of 5.2 metres;

"stacked bicycle parking space" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space*.

2. 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.

Ontario Municipal Board Decision/Order issued on October 27, 2017 in Board File PL150059





