

Authority: Toronto and East York Community Council
Item TE24.6 as adopted by City of Toronto Council on
May 5 and 6, 2021

CITY OF TORONTO

BY-LAW 834-2022

To amend former City of Toronto Zoning By-law. 438-86, as amended, with respect to the lands municipally known as 40-56 Harbord Street.

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 as follows:

1. District Map 50H-323 in By-law 438-86, as amended, is further amended by changing the zoning designation of the lands identified on Map 1 attached to and forming part of this By-law from R3 Z1.0 to Q.
2. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height*, *lot*, *non-residential gross floor area* and *residential gross floor area*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 8(2)7, 8(3) Parts I and II, 12(2)310(b), and 12(2)380 of Zoning By-law 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 of a *mixed-use building* including a *university residence*, on the *lot*, provided that:
 - a. the *lot* consists of the lands delineated by heavy black lines on Map 1, attached to and forming part of this By-law;
 - b. despite any provisions in By-law 438-86, as amended, a *patio* is permitted on the *lot*;
 - c. the maximum combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 8,600 square metres;
 - d. *residential amenity space* shall be provided on the *lot* as follows:
 - i. a minimum of 250 square metres of outdoor *residential amenity space*; and
 - ii. a minimum of 650 square metres of indoor *residential amenity space*;

- e. no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, except for the following:
 - i. acoustic screens and features, lighting fixtures, terraces, terrace guards, guardrails, balustrades, railings, retaining walls, fences, screens, wind mitigation screens and features, patios, cornices, parapets, finials, ornamental platforms and architectural elements, trellises and arbors, cladding, masonry, pilasters, decorative features, window washing equipment, awnings, canopies, wheel chair ramps, stacks, stairs and enclosures, by 1.0 metre;
 - ii. window sills and eaves, by 0.5 metres;
 - iii. vents, planters, landscape and public art features, by 2.0 metres; and
 - iv. underground pedestrian bridge and elevated pedestrian bridge;
- f. the *height* of any building or structure to be erected shall not exceed the *height* limit, in metres, specified by the numbers following the symbol "H", shown on Map 2, attached to and forming part of this By-law, except for the following:
 - i. structures on the roof of any part of the building used for fencing, green roof elements, partitions dividing outdoor recreation areas, roof drainage, and thermal insulation or roof ballast, which may have a maximum vertical projection of 0.75 metres above those *height* limits;
 - ii. structures on the roof of any part of the building used for architectural elements, exhaust flues, safety railings and fences, and stair towers, which may have a maximum vertical projection of 2.7 metres above those *height* limits;
 - iii. structures on the roof of any part of the building used for outside or open air recreation, wind mitigation elements, elevator overruns, public art features, architectural elements, solar panels, telecommunications equipment and antennae, window washing equipment, trellises, planters and lightning rods, which may have a maximum vertical projection of 4.1 metres above those *height* limits; and
 - iv. landscape features, parapets and walls or structures enclosing outdoor recreation areas, which may have a maximum vertical projection of 7.6 metres above those *height* limits;
- g. zero *parking spaces* shall be provided on the *lot*;
- h. *bicycle parking spaces* shall be provided in accordance with the following:

- i. a minimum of 76 *bicycle parking spaces – occupant*, which may include *stacked bicycle parking spaces*, shall be provided on the *lot*; and
 - ii. a minimum of 36 *bicycle parking spaces – visitor*, which may include *stacked bicycle parking spaces*;
 - i. a minimum of 1 *loading space – type B* shall be provided on the *lot*; and
 - j. the provisions of the By-law shall continue to apply to the lands shown on Map 1 attached hereto, notwithstanding their division into one or more parcels.
3. 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:
- a. "*grade*" shall mean 110.13 metres Canadian Geodetic Datum;
 - b. "*height*" shall mean the vertical distance between *grade* and the upper limit specified by the numbers following the symbol "H" as shown on Map 2, attached to and forming part of this By-law, except for those elements prescribed by this By-law;
 - c. "*lot*" shall mean the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - d. "*non-residential gross floor area*" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
 - i. loading and *bicycle parking spaces* below *grade*;
 - ii. loading and *bicycle parking spaces* at or above *grade*;
 - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv. shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - v. elevator shafts;
 - vi. garbage shafts;
 - vii. mechanical rooms; and
 - viii. exit stairwells in the building;

- e. "*residential gross floor area*" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- i. *residential amenity space* in the building;
 - ii. loading and *bicycle parking spaces* below *grade*;
 - iii. loading and *bicycle parking spaces* at or above *grade*;
 - iv. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - v. shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - vi. elevator shafts;
 - vii. garbage shafts;
 - viii. mechanical rooms; and
 - ix. exit stairwells in the building;
- f. "*stacked bicycle parking space*" shall mean a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* (or spaces) and equipped with a mechanical device providing floor level access to all *bicycle parking spaces* with the following minimum dimensions:
- i. horizontal width of 0.4 metres;
 - ii. horizontal length of 1.8 metres; and
 - iii. vertical dimension height of 1.2 metres.
4. 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.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



