

**138 St Helen's Avenue – Zoning Amendment – Final Report**

<b>Date:</b>	August 15, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	12-141001 STE 18 OZ

**SUMMARY**

This application proposes a nine-storey mixed-use building with 86 residential units (7,975 square metres), 95 underground parking spaces and 1,913 square metres of non-residential space at 138 St Helen's Avenue. The total proposed density is 2.7 times the area of the lot. The proposal also includes grade-related townhouse units facing St. Helen's and publicly accessible connections through the site to the park to the south. This report recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend former City of Toronto Zoning By-law 438-86 for the lands at 138 St. Helen's Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13 to the report dated August 15, 2013 from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and



technical changes to the draft Zoning By-law Amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A Preliminary Report was adopted by Toronto and East York Community Council on June 13, 2012 and it can be found here:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-47441.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal has been revised slightly since the Preliminary Report was written. The revised proposal is for a nine-storey mixed-use building at 138 St. Helen's Avenue. A total of 86 residential units are proposed (7,975 square metres) along with 1,913 square metres of non-residential space. The total density is 2.7 times the area of the lot. The total height of the building is 30 metres plus mechanical penthouse and elevator overrun. The breakdown of unit types is as follows: 3 studio units, 38 1-bedroom units, 40 2-bedroom units and 5 3-bedroom units.

A four-storey "L" shaped building is proposed to front on St. Helen's Avenue and wraps around along the north side of MacGregor Park (the south side of the subject site). The building facing MacGregor Park contains three-storey residential townhouses with entrances off an interior courtyard which runs from St. Helen's Avenue, through the site to a park entrance at the southwest corner of the site. The fourth level of this part of the building is accessed from the interior corridor system.

A second "L" shaped building, three-storeys in height, containing non-residential space is situated at the west side of the site, adjacent to the rail corridor and wrapping along the north edge of the site. The entrance to the non-residential space is located off the interior courtyard. The two "L" shaped buildings are joined together with a five-storey "bridge" which runs north to south over the interior courtyard, for a total height of nine-storeys.

Access to the parking and loading is off St. Helen's Avenue, with the ramp and loading docks located under the north end of the "bridge" building. A total of 95 parking spaces are proposed including: 77 spaces for residents and 18 parking spaces to be shared by the residential visitors and the employment uses. All the parking except one residential visitor space is located below grade.

Please see Attachments 1-9 for drawings showing the proposal and Attachment 12 for the Application Data Sheet.

#### **Site and Surrounding Area**

The site is 3,632 square metres in size and is located between St. Helen's Avenue and the CN Newmarket Subdivision rail corridor. A two-storey building on the site has been

vacant for approximately a decade and was previously used for the storage of frozen food.

North: To the north of the subject site on the west side of St. Helen's is a mix of uses including semi-detached dwellings and small warehouses. On the east side of St. Helen's are two and three-storey residential dwellings.

West: To the west is the CN Newmarket Subdivision rail line, and on the west side of the rail corridor is an industrial neighbourhood.

South: Immediately south of the site is MacGregor Park which runs from the rail corridor to Lansdowne Avenue. South of the park is a secondary French school, Ecole Secondaire West Toronto Collegiate.

East: To the east of the subject site is a residential neighbourhood characterized by two and three-storey row, semi and detached houses.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The Official Plan designates the site *Employment Areas*, and permits such uses as offices, manufacturing, research and development facilities, and warehousing.

In addition to the general policies of the Official Plan, Site and Area Specific Policy No. 154 applies to the site. It states that, "a mix of employment and residential uses are permitted provided that the building will provide for a satisfactory living environment compatible with the employment uses in the building and adjacent areas."

### **Zoning**

The site is zoned I2 D2 in City of Toronto Zoning By-law 438-86 which permits industrial uses up to two times the area of the lot. The height limit is 14 metres. Residential uses are not permitted in areas zoned Industrial.

## **Site Plan Control**

A Site Plan Control application has been submitted and is being reviewed concurrently with the Zoning Amendment application.

## **Reasons for Application**

The application proposes residential uses for the site which are not permitted in the I2 zone in the former City of Toronto Zoning By-law 438-86. In addition, the applicant proposes a building height of 30 metres which exceeds the permitted height limit of 14 metres.

## **Community Consultation**

A Community Consultation meeting was held on October 2, 2012. Planning staff, the applicant, the local Councillor and approximately 35 members of the public attended. The following items were raised at the meeting.

**Traffic and Parking** – Concerns were raised about adding additional units, and therefore additional traffic, to both St. Helen's Avenue and Whytock Avenue. The proposal also included changing the south end of St. Helen's Avenue to two-way traffic up to the entrance of the subject site to allow for access from the north and the south which raised some concerns with the community. The reduction of on-street parking spaces where the driveway is proposed was also questioned.

**Environmental Sustainability** – Questions were asked about the specific environmental initiatives in the proposal with a clear preference for a green building.

**Height and Materiality** – One comment was made about the proposed height of the building and a number of questions were asked about the proposed materials and how they could be secured by the city.

**Unit Breakdown** – The community wanted to see more family oriented units in the proposal.

**Use in the employment building** – At the time of the community consultation meeting the applicant had not settled on the uses that would be permitted in the employment building. The community expressed a preference for uses that would not have negative impacts on the neighbourhood.

All of these issues are discussed in the Comments section of this report.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

Staff have reviewed the proposal and determined that it is consistent with the Provincial Policy Statement, and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

Although the site is designated *Employment Areas* in the Official Plan, it is also subject to Site and Area Specific Policy No. 154 which states a "a mix of employment and residential uses are permitted provided that the building will provide for a satisfactory living environment compatible with the employment uses in the building and adjacent areas." The applicability of Site and Area Specific Policy No. 154 on this site specifically stems from a study that was done for this area in the early 1990's. The study resulted in a recommendation to City Council to designate the west side of St. Helen's Avenue as "Restricted Industrial" (in the former City of Toronto Official Plan) to reflect the existing light industry in the area and to permit a limited range of industrial uses. When the new Official Plan for the amalgamated City of Toronto was drafted Site and Area Specific Policy 154 replaced the "Restricted Industrial" designation on this site.

The surrounding properties contain a variety of uses, including residential dwellings, light industrial, warehousing, galleries and other small retail uses. The other consideration with respect to land use is the adjacent rail corridor, and the need to provide adequate separation of residential uses from the adjacent active rail line.

The rear of the site, adjacent to the rail corridor is proposed to be used for employment uses which allows that portion of the site to be populated with an active use, while at the same time providing the required setback from the rail corridor for the residential uses. The uses that will be permitted in the employment part of the development include: offices, designer studios, workshops, photographers studios, trade schools, art galleries and bake shops among others. The residential uses front on St. Helen's Avenue, reflecting the residential uses on the east site of St. Helen's. This mix of uses, light industrial, office and residential, is appropriate on a site which has Site and Area Specific Policy No. 154.

### **Density, Height, Massing**

The overall density, height and massing of the site is appropriate and is supported by planning staff. The density of the site is 2.7 times coverage which is over the existing permitted density of 2.0 times coverage, however, the way that the density is distributed over the site mitigates any negative impact on the surrounding properties.

The tallest part of building is 30 metres (9-storeys) and it is located towards the rear of the site, over 45 metres from St. Helen's Avenue. The depth of the site, and the pushing back of the building from the public street towards the rail corridor make the building height acceptable in this case. The 4-storey townhouse units facing St. Helen's Avenue

and the park to the south, frame the public spaces at an appropriate scale, and the large, publicly accessible connection through the site from St. Helen's Avenue to the park breaks the massing into discrete parts which lowers the real and perceived density on the site.

A unique feature of the design is that the "bridge" part of the building fans out on its south end toward the rear of the site. This feature adds visual interest to the building, while increasing the articulation of the taller portion of the condominium, without adding negative impact to the street, the park, or the surrounding properties.

The units facing St. Helen's Avenue are grade related, each with their individual entrances, and the lobby for the remaining residential units is located under the "bridge" portion of the site. The lobby for the employment portion of the building is located further back on the site. Although these entrances are quite a distance from the public street, they are visible and they are accessible via a pedestrian only portion of the wide plaza that connects St. Helen's Avenue and the park.

### **Sun and Shadow Studies**

The applicant was required to submit a sun/shadow study for the months of March and September for city staff to review. The submitted study shows that there will be shadow impact on the industrial properties directly north of the site, and some shadowing on the 2 residential properties at the northeast corner of the site. Shadow impact on the rear yards of the residential properties is evident in the late afternoon. However, the shadow from the proposed building is similar to the shadow that would be cast by a permitted 14 metre industrial building on the site. Staff believe that the building is massed in a way to minimize the shadow impact and staff consider the impact acceptable.

### **Access**

The proposed access to the site generated the most discussion at the community meeting and was the topic of almost all the feedback received on this proposal. After the community meeting on October 2, 2012 it was clear that a more focused discussion was required specifically to talk about the access. Two additional meetings were held on January 29, 2013 and March 18, 2013. The local Councillor and members of the community attended both meetings, and planning staff and the applicant each attended one meeting.

Through this process of looking at access for the site at 138 St. Helen's Avenue it became apparent that the situation as it currently exists, a 2-way street (Whytock Avenue) meeting a 1-way street (St. Helen's, one-way south) at a corner is confusing and non-functional. There are also a variety of considerations with respect to access including:

1. maintaining access to the laneway that exits on the north side of Whytock Avenue and is located behind the houses facing Lansdowne Avenue and St. Helen's Avenue;
2. limiting the traffic impact on the residents of St. Helens Avenue;

3. allowing access for the large trucks which still service the businesses on St. Helen's; and
4. managing the pick-up and drop-off activity for people using the park.

A number of different plans to access the site were discussed and evaluated, but two possibilities were given the most thought. The first was to maintain the access where the applicant had proposed it, at the north end of the site. The second was to maintain access to the site where it currently exists, at the west end of Whytock Avenue, at the south end of the subject site.

### **Applicant Access Proposal**

The applicant has proposed that the driveway be placed at the north end of the site, off St. Helen's Avenue. In addition, the proposal included making the southernmost 30 metres of St. Helen's Avenue (between Whytock Avenue and the proposed driveway location) a two-way street, thereby allowing access to the site from the north or the south. Although this did have benefits for the subject property concerns were raised about cars and trucks turning north onto St. Helen's Avenue from Whytock Avenue, then realizing that they could not go further north up St. Helen's. They would then have to turn around, mid-block, close to an intersection. This proposal was seen as unsafe and confusing by the community and city staff.

### **Alternate Access Proposal**

The second option, proposed by community members was to maintain access to the site where a curb cut to the site currently exists, at the end of Whytock Avenue, at the southeast corner of the site. This would allow those entering the site to use the existing curb cut on St. Helen's, it would not require changing the directional restrictions of the streets, and those entering the site could either come from the north, or the east. Although this plan had some benefits including the maintenance of all on-street parking spaces and multiple directions of access to the site, staff were concerned about locating the access so close to the point of entry to the park, and the loss of the publicly accessible courtyard that opened up the site due to the reorganization of the site that would be necessary.

### **Staff Recommended Access**

Staff are recommending that the access point remain at the north end of the site for the following reasons:

1. Official Plan policies about site organization, defining streets and parks with buildings, provision of pedestrian amenity, location and visibility of building entrances, and location of vehicle parking, access and servicing all support the northern access point. These include Policies 3.1.2.1 – 3.1.2.4, 3.1.2.5 (d), 3.2.3.1 (c) and 4.6.6 (g).

2. The location of the access at the north end of the site separates the vehicle access (to the parking garage and the loading area) and the pedestrian access through the site and onto the park.
3. A driveway location mid-site or at the south end of the site creates a site bisected by a driveway which is not friendly to pedestrians and limits the visibility of the residential and employment entrances.
4. The southeast corner of the site, given its prominence at the end of Whytock Avenue, next to a park, should be defined visually by a building, not a driveway.
5. This location minimizes the amount of hard landscaping (driveway) on the site.

However, to prevent cars entering Whytock Avenue, then having to turn around at the south end of St. Helen's due to its one-way designation, staff are recommending that Whytock Avenue be 2-way from Lansdowne Avenue only to the north/south laneway behind the house that front on Lansdowne and St. Helen's Avenues. This would allow access to the laneway from Whytock Avenue for the residents, and any car that mistakenly entered Whytock Avenue from Lansdowne Avenue, with the intention of going to St. Helen's Avenue, could use the laneway to get back out to Lansdowne Avenue.

In addition, clear signage at the east end of Whytock Avenue indicating no access to St. Helen's, and "Do Not Enter" signage on the west side of the laneway would be visible from Lansdowne Avenue.

Both Transportation Planning staff and Transportation Services staff were part of the many discussions regarding access for the site, and they agree with this recommendation.

### **Amenity Space**

The applicant will be providing the required amount of amenity space which is 2.0 square metres of indoor and 2.0 square metres of outdoor space per residential unit.

### **Traffic Impact and Parking**

As part of the submission package for this application the applicant submitted a Traffic Impact and Parking Study which was reviewed by city staff. Both the number of parking spaces and the traffic impact of the proposal are considered acceptable by staff.

### **Unit Breakdown**

The unit breakdown for the proposal is: 3 studio units, 38 1-bedroom units, 40 2-bedroom units and 5 3-bedroom units. One of the comments at the community meeting was the desire for family units. The original proposal had only 2 3-bedroom units, so the applicant has added 3 more 3-bedroom units. There is also a larger proportion of 2 bedroom units (47%) than what is typically proposed in new, multi-storey

condominiums. Overall, over 50% of the units have 2 or more bedrooms which staff believe is beneficial.

### **Bike Parking**

The proposal includes 96 bike parking spaces, including 73 spaces for residents and 23 spaces for visitors which meets the Tier 1 Toronto Green Development Standard. As part of Site Plan approval the location of the bike parking spaces will be secured to ensure that they are accessible and visible.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 86 residential units and 1,913 square metres of non-residential uses on a site with a net area of 3,632 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.12 hectares of 33% of the site. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 308 square metres.

The applicant is required to satisfy the parkland requirement through cash-in-lieu. This is appropriate given that there is an existing City park to the immediate south of the proposed development. The actual amount of cash-in-lieu to be paid will be determined at the time of the building permit.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: automobile and cycling infrastructure, urban heat island reduction, green roof, and water efficiency. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

## **Conclusion**

The proposal at 138 St. Helen's Avenue for a mixed-use development with light industrial and office uses mixed with residential uses is appropriate for the site, given the applicability of Site and Area Specific Policy No. 154. Making Whytock Avenue one-way eastbound from St. Helen's to the laneway will reduce the confusion that currently exists adjacent to the site, and keeping the access point for the site at the north end maintains active uses along the north edge of the park and a new publicly accessible courtyard connection from St. Helen's through to the park.

The height and massing of the building does not have negative impact on the surrounding properties, and the building will fit into the character of the neighbourhood.

## **CONTACT**

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Fax No. (416) 392-1330  
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## **SIGNATURE**

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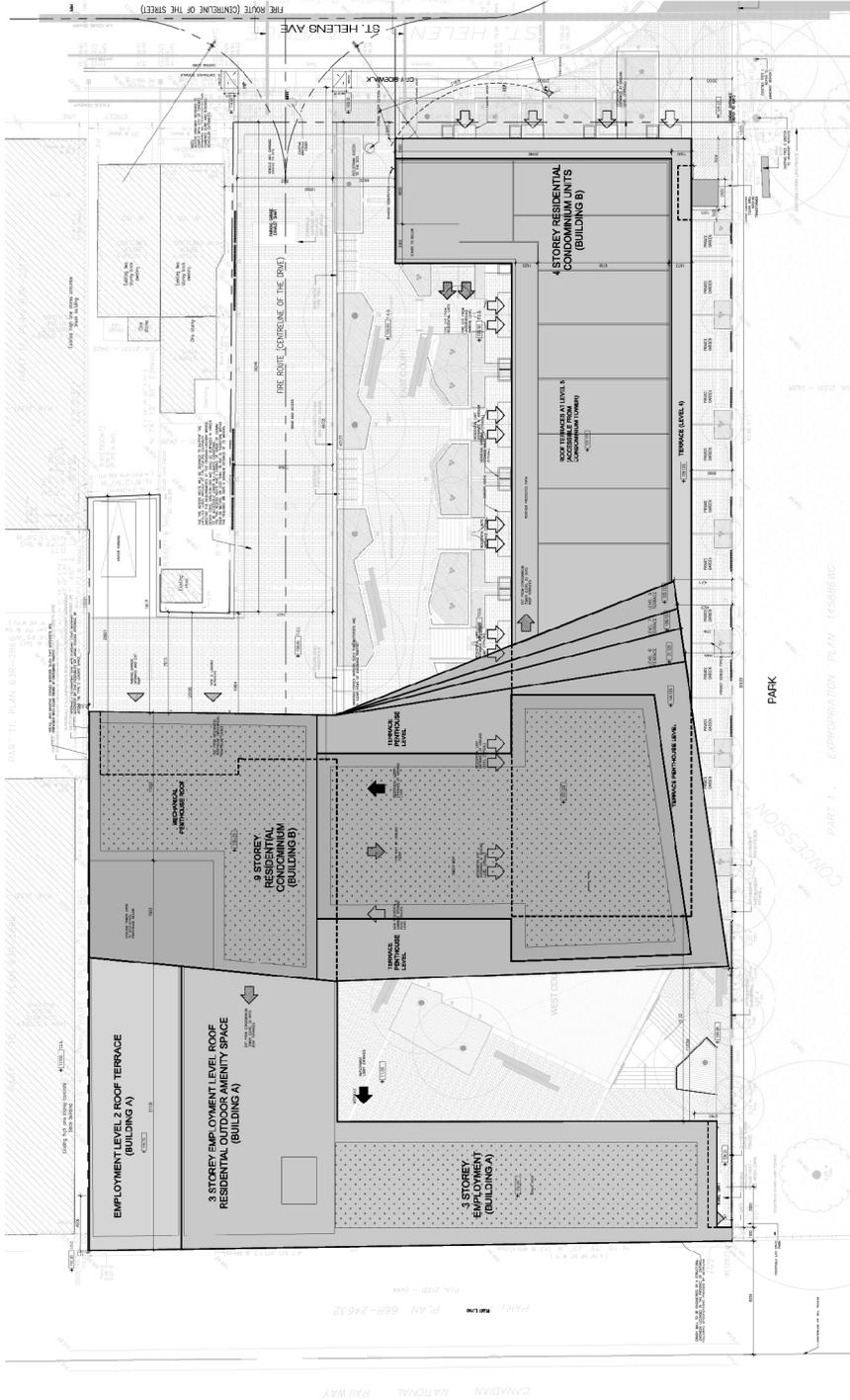
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Ground Floor Plan  
Attachment 3: North Elevation  
Attachment 4: South Elevation  
Attachment 5: East Elevation  
Attachment 6: West Elevation  
Attachment 7: Massing View from the North East  
Attachment 8: Massing View from the South East  
Attachment 9: Massing View from the South West  
Attachment 10: Official Plan  
Attachment 11: Zoning  
Attachment 12: Application Data Sheet  
Attachment 13: Draft Zoning By-law

# Attachment 1: Site Plan



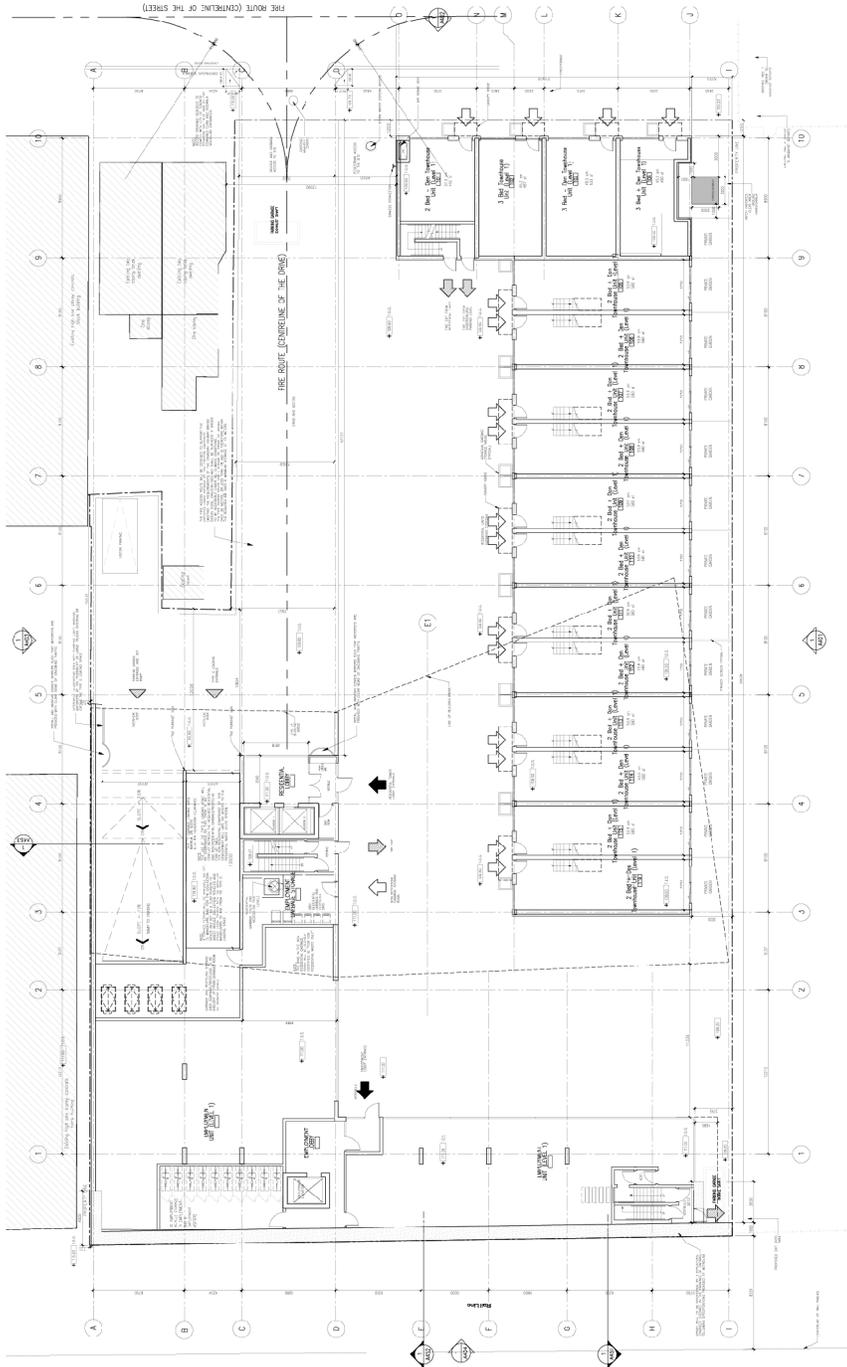
138 St. Helen's Avenue

Site Plan  
 Applicant's Submitted Drawing

Not to Scale  
 08/07/2013

File # 12\_141001

# Attachment 2: Ground Floor Plan



138 St. Helen's Avenue

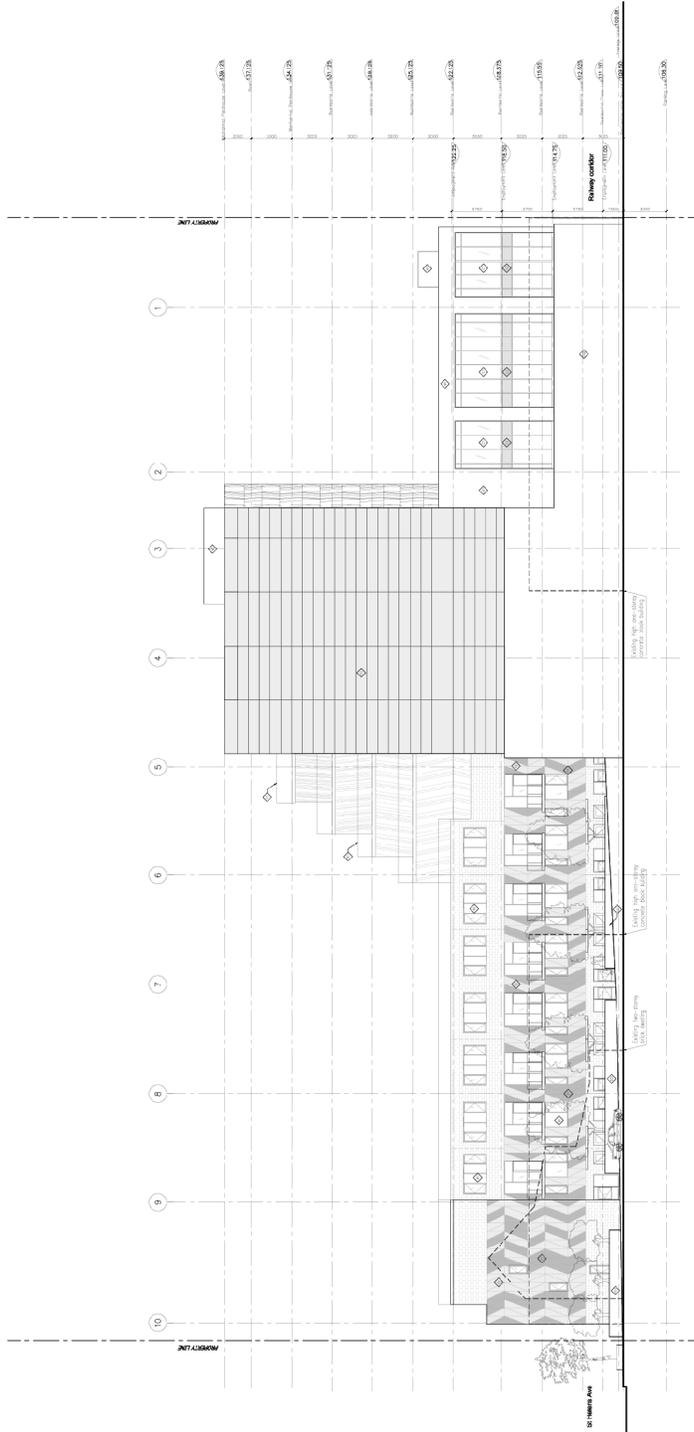
Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale  
08/07/2013

File # 12\_141001

# Attachment 3: North Elevation



North Elevation

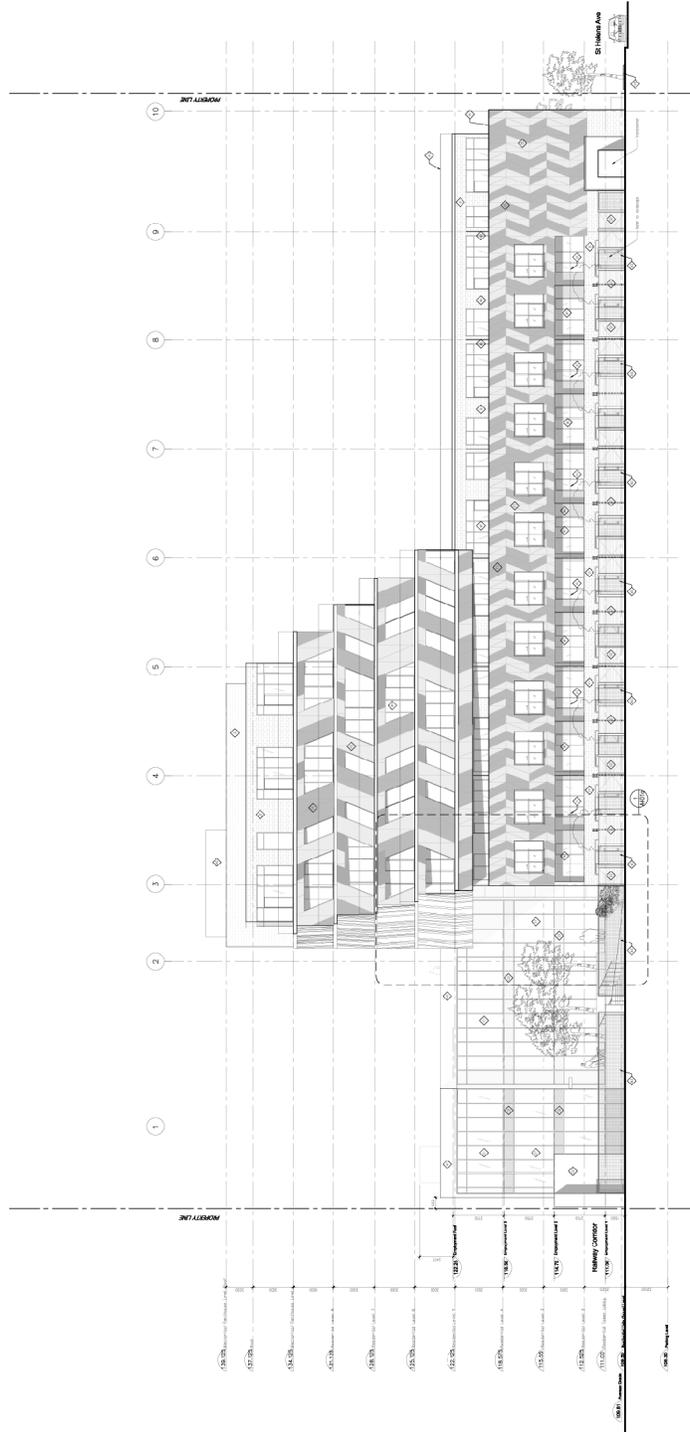
138 St. Helen's Avenue

**North Elevation**  
Applicant's Submitted Drawing

Not to Scale  
08/07/2013

File # 12\_141001

**Attachment 4: South Elevation**



South Elevation

**138 St. Helen's Avenue**

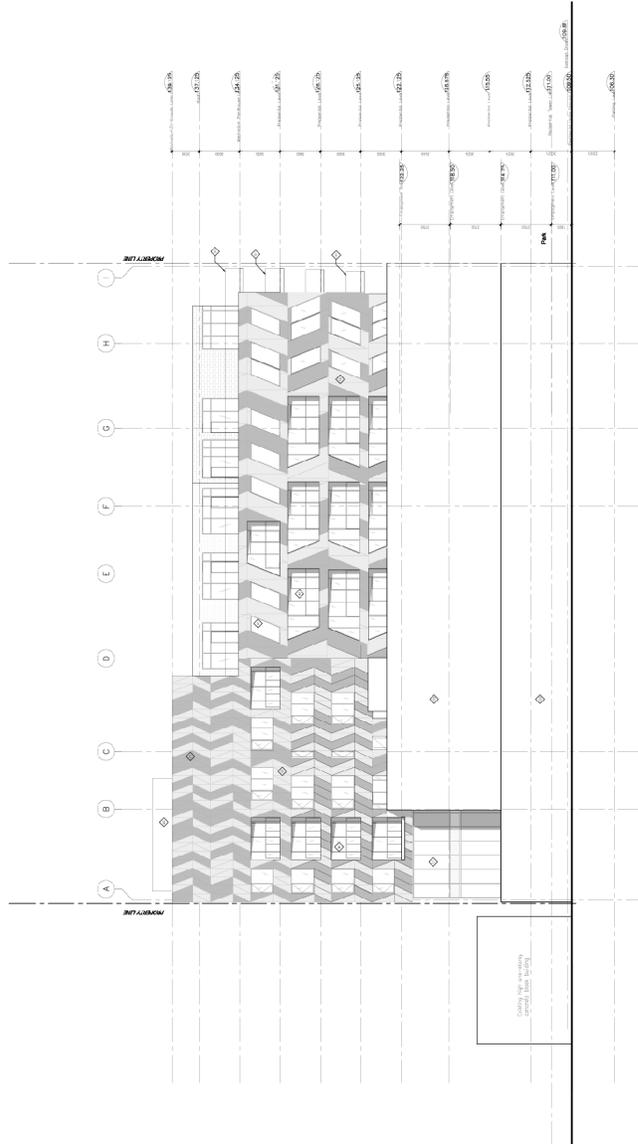
**South Elevation**  
 Applicant's Submitted Drawing

Not to Scale  
 08/07/2013

File # 12\_141001



# Attachment 6: West Elevation



West Elevation

**West Elevation**

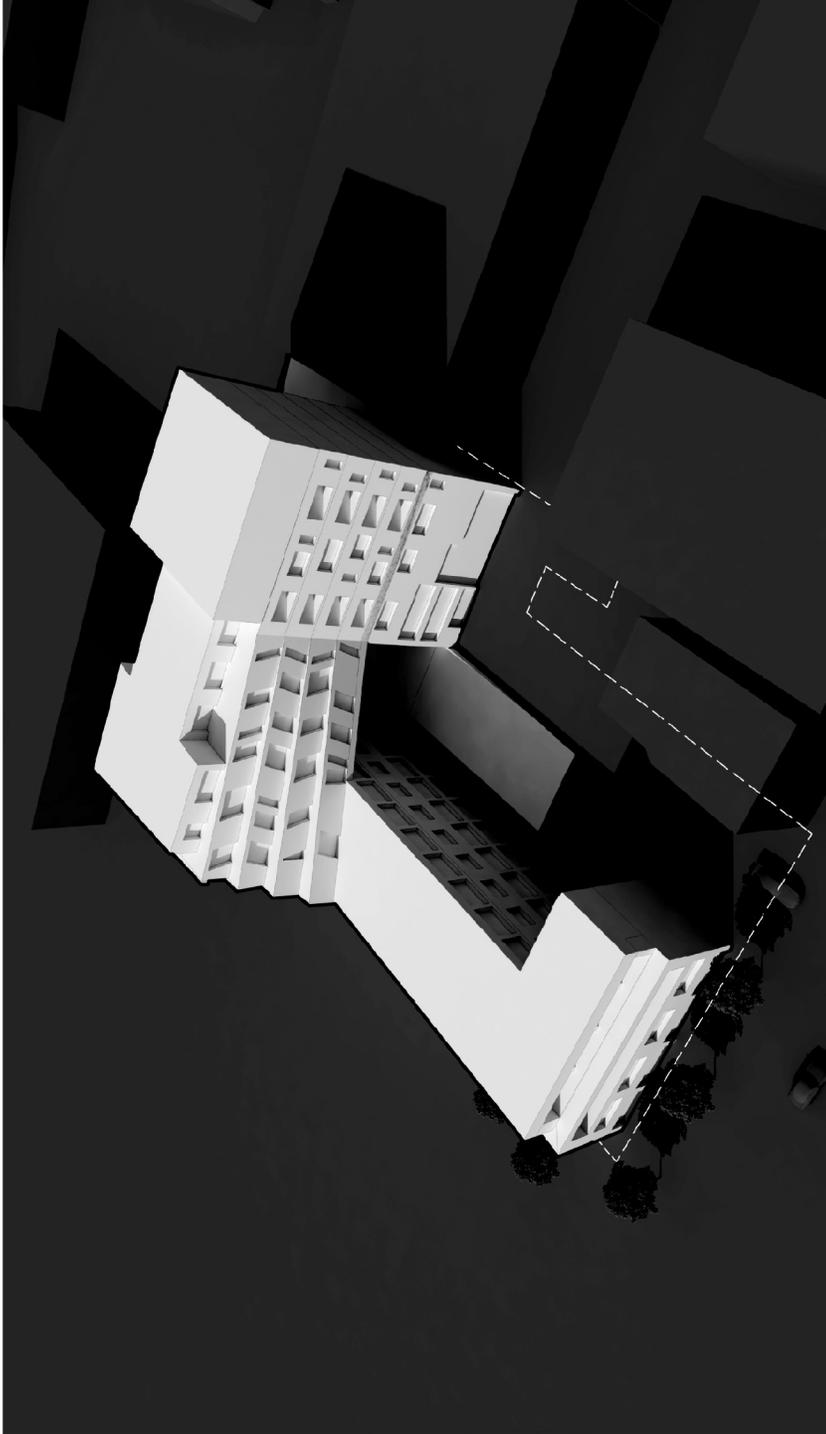
Applicant's Submitted Drawing

Not to Scale  
08/07/2013

**138 St. Helen's Avenue**

File # 12\_141001

**Attachment 7: Massing View from the North East**



**Massing- Aerial View from North East**

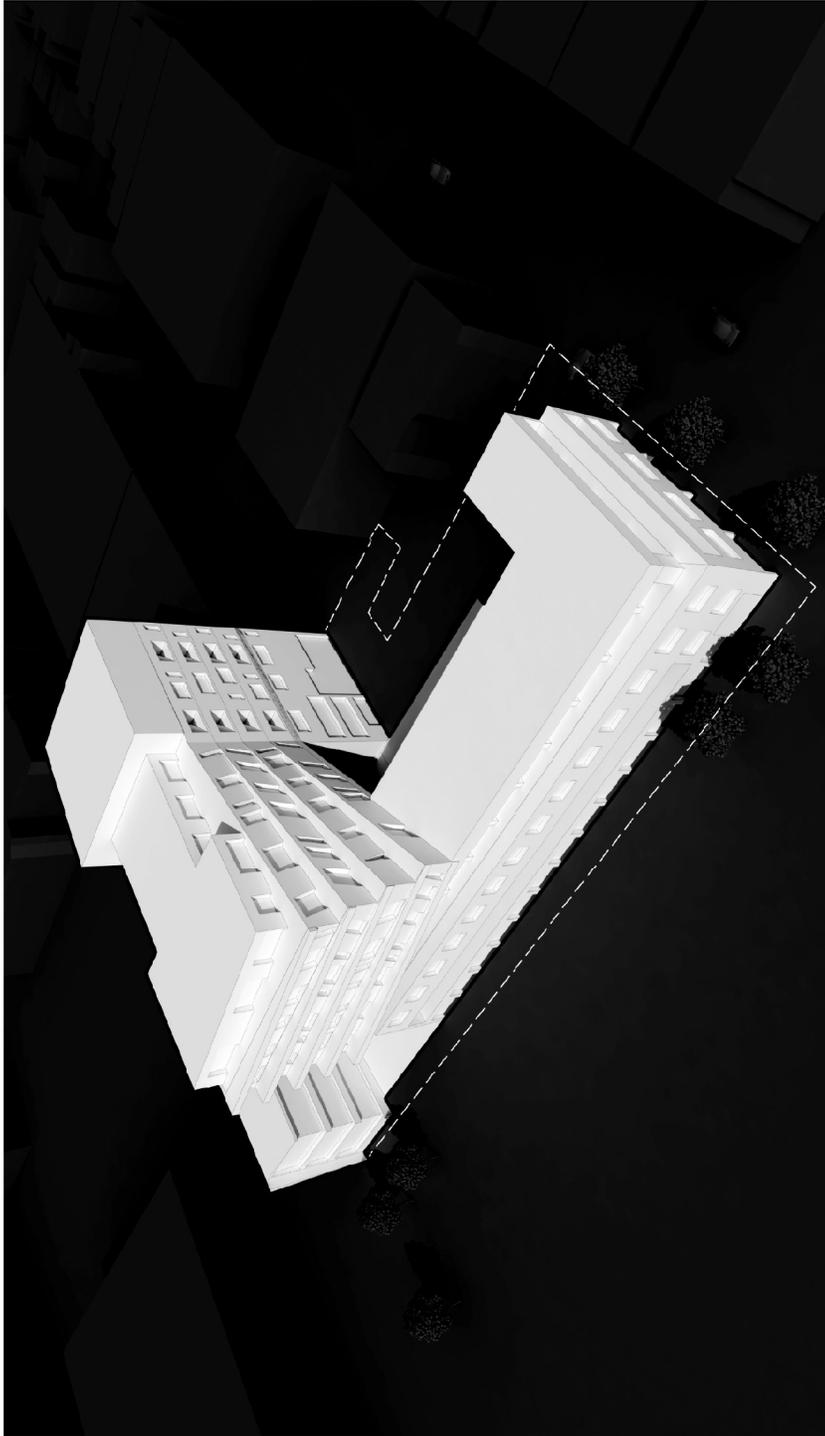
Applicant's Submitted Drawing

Not to Scale  
08/07/2013

**138 St. Helen's Avenue**

File # 12\_141001

**Attachment 8: Massing View from the South East**



**Massing- Aerial View from South East**

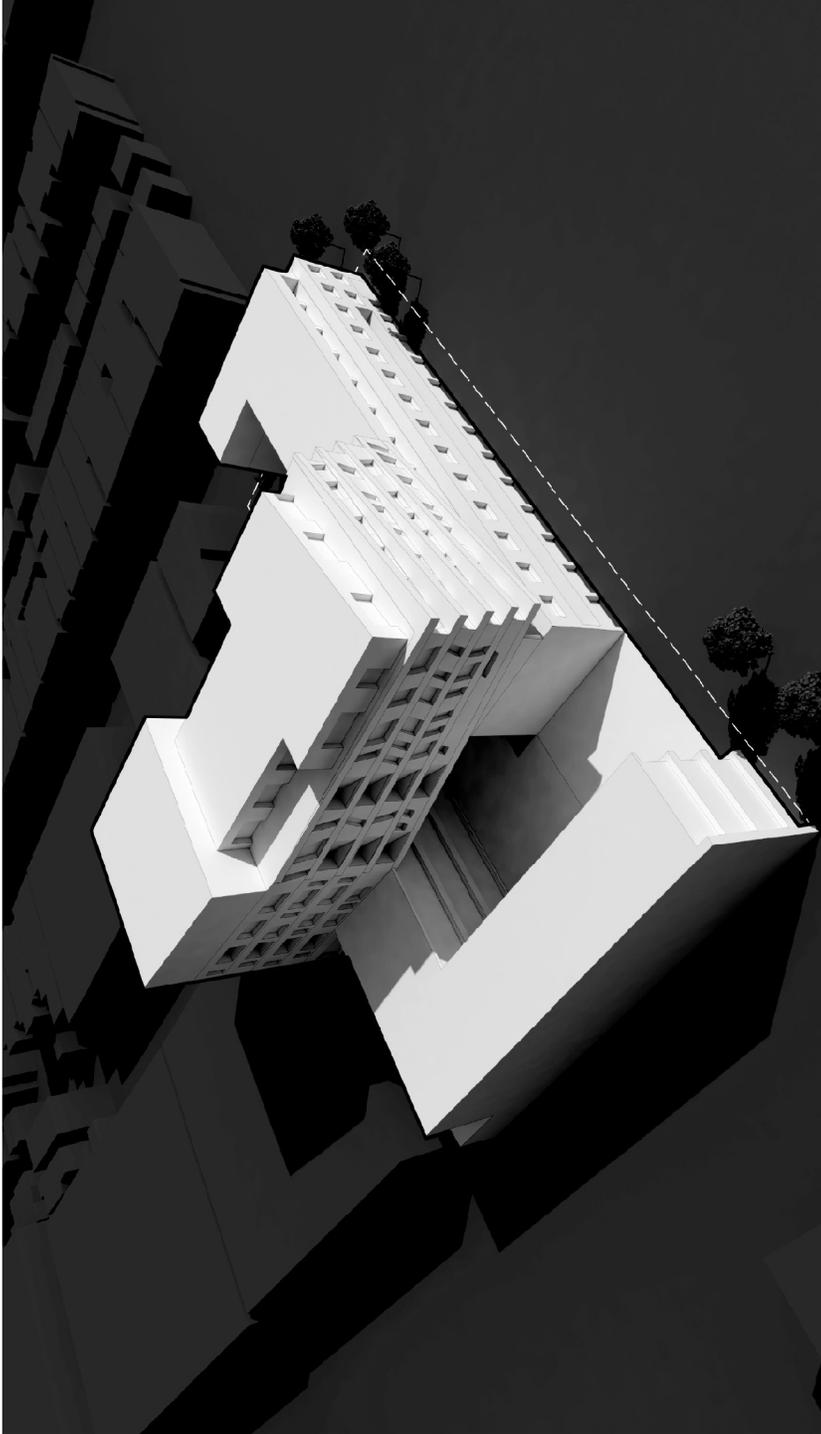
Applicant's Submitted Drawing

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**138 St. Helen's Avenue**

File # 12\_141001

**Attachment 9: Massing View from the South West**



**Massing-Aerial View from South West**

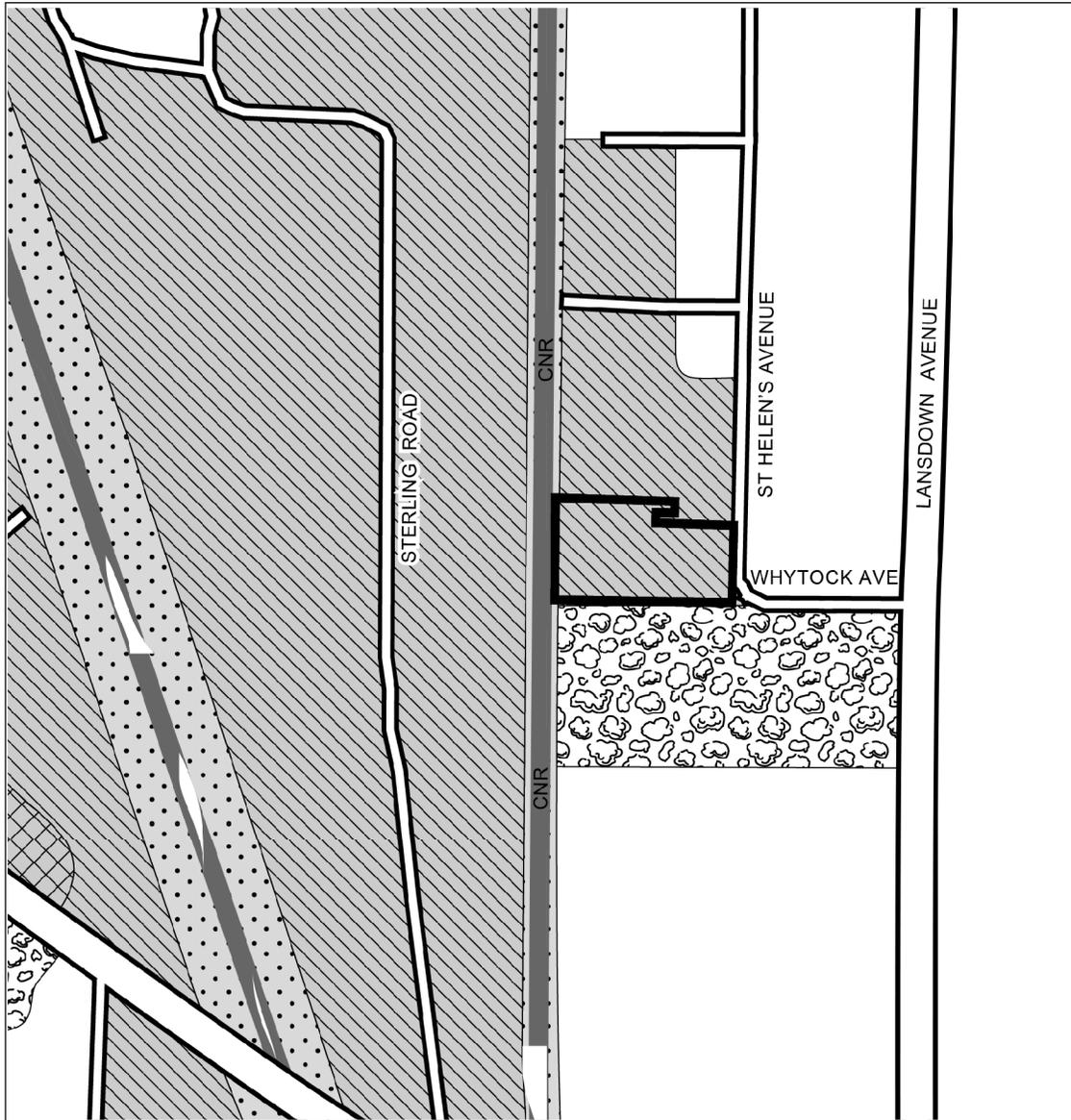
Applicant's Submitted Drawing

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**138 St. Helen's Avenue**

File # 12\_141001

# Attachment 10: Official Plan



**TORONTO** City Planning  
**Official Plan**

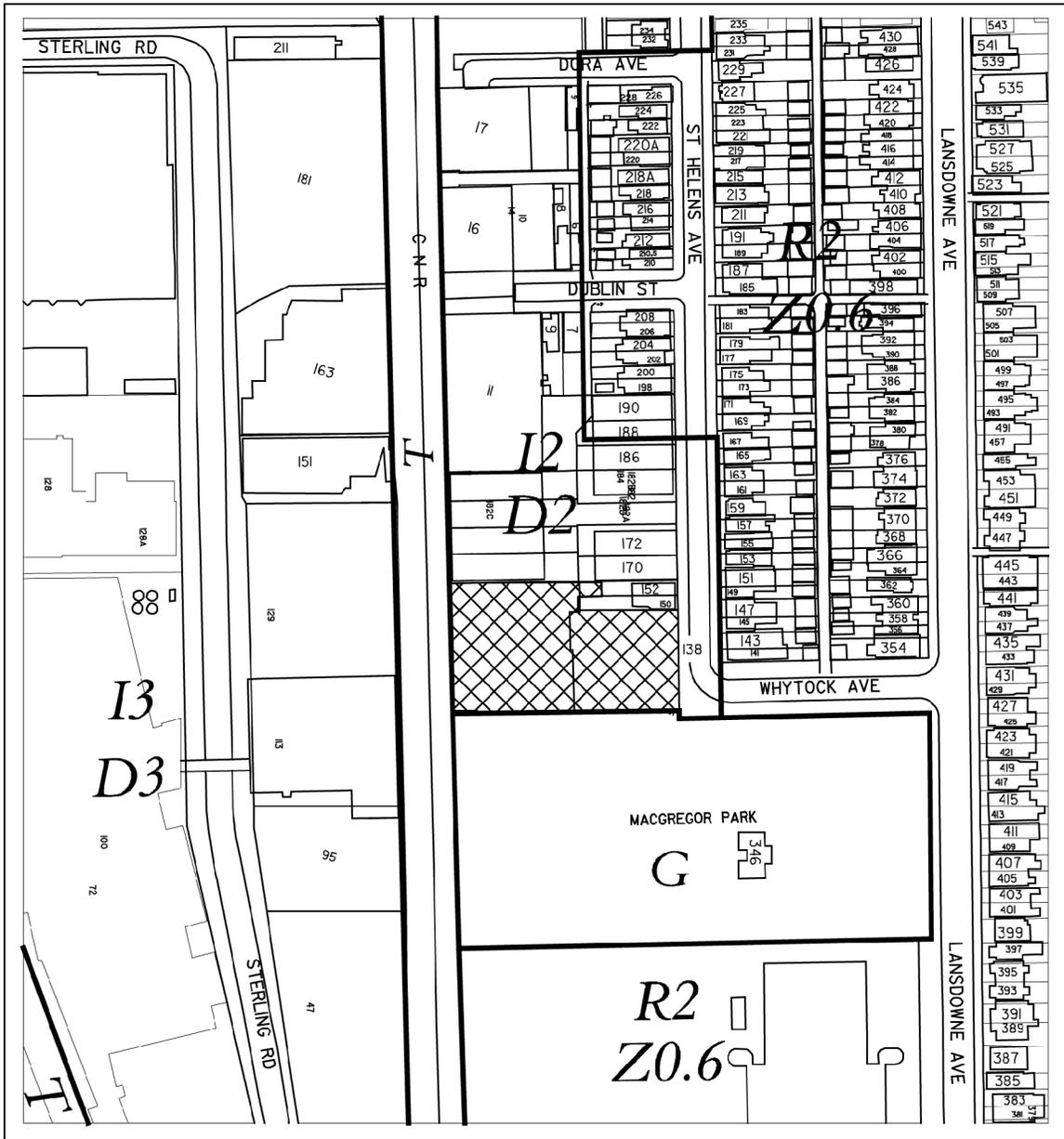
**138 St. Helen's Avenue**

File # 12\_141001\_0Z

 Site Location	 Parks & Open Space Areas	 Utility Corridors
 Neighbourhoods	 Parks	 Employment Areas
 Mixed Use Areas		

↑  
 Not to Scale  
 09/07/2013

# Attachment 11: Zoning



138 St. Helen's Avenue

File # 12\_141001\_02

- G Parks District
- R2 Residential District
- I2 Industrial District
- I3 Industrial District
- T Industrial District



Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 04/30/2012

## Attachment 12: Application Data Sheet

Application Type	Rezoning	Application Number:	12 141001 STE 18 OZ
Details	Rezoning, Standard	Application Date:	March 22, 2012
Municipal Address:	138 ST HELEN'S AVE		
Location Description:	CON 1 FB PARK PT LOT 32 RP 63R1502 PART 1 **GRID S1804		
Project Description:	Rezoning application to permit the redevelopment of the lands for the purposes of a new 9 storey building complete with 86 residential dwellings units and institutional space adjacent to the rail corridor - 94 vehicular parking spaces located below grade, 1 surface.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields Inc. Tony Volpentesta		Quadrangle Architects	Aragon (St Helens) Development (Ontario) Corporation

### PLANNING CONTROLS

Official Plan Designation:	Employment Lands	Site Specific Provision:	OP Policy #154
Zoning:	I2 D2 (Industrial)	Historical Status:	
Height Limit (m):	14 metres	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	3632	Height:	Storeys:	9
Frontage (m):	32.5		Metres:	27.6
Depth (m):	82.8			
Total Ground Floor Area (sq. m):	1746			<b>Total</b>
Total Residential GFA (sq. m):	7975		Parking Spaces:	95
Total Non-Residential GFA (sq. m):	1913		Loading Docks	1
Total GFA (sq. m):	9888			
Lot Coverage Ratio (%):	48			
Floor Space Index:	2.7			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	7975	0
Bachelor:	3	Retail GFA (sq. m):	0	0
1 Bedroom:	38	Office GFA (sq. m):	0	0
2 Bedroom:	40	Industrial GFA (sq. m):	0	0
3 + Bedroom:	5	Institutional/Other GFA (sq. m):	1913	0
Total Units:	86			

**CONTACT: PLANNER NAME: Sarah Phipps, Senior Planner**  
**TELEPHONE: (416) 392-7622**

### Attachment 13: Draft Zoning By-law

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

#### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

#### To amend Zoning By-law 438-86 of the former City of Toronto, as amended, with respect to the lands municipally known as 138 St. Helens 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*; and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Maps 1 and 2, attached, form part of this By-law.
2. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86 of the former City of Toronto, as amended, with the exception of the following:
  - (a) “*Grade*” means 109.50 metres Canadian Geodetic Datum.
  - (b) “*Height*” means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law.
  - (c) “*Lot*” means the lands outlined by heavy lines on Map 1.
3. Except as otherwise provided herein, the provisions of By-law 438-86 of the former City of Toronto, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(6), 4(11), , 4(16), 9(1), 9(3) Part I(2), and 12(2)270 of Zoning By-law 438-86, of the former City of Toronto, 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”, as amended, shall apply to prevent the erection or use of a *building*, containing the following uses: *residential uses, day nursery, brew on premises establishment, caterer's shop, bake-shop, dry-cleaning shop, personal grooming establishment, tailoring shop, artist or photographers studio, custom workshop, designers studio, performing arts*

*studio, publisher, software design and development establishment, offices, carpenters shop, trade school, public art gallery, premises of a charitable institution or non-profit institution, communication and broadcasting establishment, and trade school* subject to the following:

- (a) The total *residential gross floor area* shall not exceed 7,990 square metres.
- (b) The total *non-residential gross floor area* shall not exceed 1,950 square metres.
- (c) No portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2, subject to the following:
  - (i) Underground garage ramps, stairs, stair enclosures, wheelchair ramps, vents, bollards, bicycle racks, and landscape and public art features may be located outside the heavy lines shown on Map 2 up to a height of 2 metres.
  - (ii) Awnings, window sills, cornices, lighting fixtures and ornamental elements may extend beyond the heavy lines shown on Map 2 projecting no more than 3 metres.
- (d) The *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed the *heights* in metres indicated by the numbers following the symbol H on Map 2, with the exception of the following:
  - (i) Terrace guards and dividers, safety railings, roof access hatches, vents, stacks, pipes, chimneys, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may extend above the *heights* shown on Map 2 up to a height of 3 metres.
  - (ii) Within the area indicated as “Area A” on Map 2, no portion of any building or structure shall be located between a *height* of 0.0 metres and a *height* of 8.0 metres, with the exception of elements listed in Section 4(c)(i) and (ii) of this by-law.
- (e) *Parking spaces* shall be provided as follows:
  - (i) 0.7 *parking spaces* per bachelor unit.
  - (ii) 0.8 *parking spaces* per 1-bedroom unit.
  - (iii) 0.9 *parking spaces* per 2-bedroom unit.
  - (iv) 1.1 *parking spaces* per 3-bedroom unit or larger.
  - (v) shared *parking spaces* for residential visitors and to serve the *non-residential* building uses, which shall equal the greater of:

- A. 0.15 *parking spaces* per residential unit; or
  - B. 1 *parking space* per 100 square metres of *non-residential gross floor area*.
- (vi) The shared *parking spaces* referred to in paragraph (v) above shall be provided at no cost for the use of residential visitors.
- (f) One Type "G" and one Type "B" loading space must be provided on the *lot*.
- (g) No more than 90 dwelling units are permitted on the *lot*, of which a minimum of 5 units must have 3 bedrooms, and a minimum of 40 must have 2 bedrooms;
5. The *owner* will provide, prior to Site Plan approval, a public easement through the site, to allow for pedestrian access from St. Helen's Avenue to MacGregor Park to the satisfaction of the Chief Planner and Executive Director of City Planning.
6. The *owner* of the *lot* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of *Lot A* and *Lot B* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade building permit.
7. Despite any existing or future consent, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no consent, partition or division had occurred.

ENACTED AND PASSED this ~ day of ~, A.D. 2013.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

