

Authority: Planning and Housing Committee ##, as adopted by City of Toronto Council on
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CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2019]

To amend Zoning By-law No. 569-2013, as amended, with respect to a portion of the lands municipally known in the year 2019 as 705 Warden Avenue.

Whereas Council of the City of Toronto has the authority to pursuant to 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.9 (c0.2; r3.7) SS2 (x1186), CR 5.0 (c0.2; r4.8) SS2 (x1186), CR 2.2 (c2.2; r0.0) SS2 (x1186), ON and OR, as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the Policy Areas Overlay Map in Section 995.10.1 for the lands subject to this By-law to PA 3, as shown on Diagram 3 attached to this By-law; and
5. Zoning By-law No. 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law to HT 59, HT 38, HT 32, and HT 22 as shown on Diagram 4 attached to this By-law; and
6. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 1186 so that it reads:

(1186) Exception CR 1186

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands at 705 Warden Avenue subject to By-law [Clerks to insert number], a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (EE) below.
- (B) For the purposes of this exception, the **lot** is defined as the lands outlined as Area A, Area B and Area C by black lines on Diagram 1 attached to By-law [Clerks to insert number].
- (C) Despite regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), the only permitted non-residential uses are:
- (i) in Area A, **public parking**, provided it is located below ground, office, **day nursery** and retail, service and entertainment uses listed in (D) below;
 - (ii) in Area B, **public parking**, provided it is located below ground, and **day nursery**; and
 - (iii) in Area C, office and **transportation uses**.
- (D) Despite regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), retail, service and entertainment uses limited to **art gallery, artist studio, automated banking machine, financial institution, eating establishment, massage therapy, medical office, outdoor patio, personal service shop, pet services, recreation use, retail service, retail store or take-out eating establishment**, provided any **eating establishment** may have a maximum of 6 percent of the total **interior floor area** up to a maximum of 50 square metres for dance floor, stage, teletheatre gambling, disc jockey, sound room, areas dedicated to recreational activities, and any other entertainment area, and all uses must be entirely in the **building** with the **eating establishment**.
- (E) The permitted maximum **building** height must not exceed the height in metres specified by the numbers following the symbol HT as shown on Diagrams 5a and 5b attached to By-law [Clerks to insert number].
- (F) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building or structure** is the distance between the following Canadian Geodetic Data and the elevation of the highest point of the **building or structure**:
- (i) in Area A, 146.7 metres;
 - (ii) in Area B, 147.3 metres; and
 - (iii) in Area C, 150.5 metres.
- (G) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagrams 5a and 5b of By-law [Clerks to insert number].
- (H) Despite regulation 40.10.40.70(2):

- (i) in Area A, as shown on Diagram 1 attached to By-law [Clerks to insert number], a **building** or **structure**, except the **structures** identified in (W) below, may not penetrate:
 - (a) a 45 degree **angular plane**, measured at a line parallel to and at a height of 24 metres above the average elevation of the ground along a **lot line** that abuts Warden Avenue; and
 - (b) a 45 degree **angular plane**, measured at a line parallel to and at a height of 16 metres above the average elevation of the ground along a **lot line** that abuts Roper Road; and
 - (ii) in Area C, as shown on Diagram 1 attached to By-law [Clerks to insert number], a **building** or **structure** may not penetrate:
 - (a) a 45 degree angular plane projected from the average elevation of the ground along a **lot line** of a Residential Zone category **lot**; and
 - (b) a 45 degree **angular plane**, measured at a line parallel to and at a height of 14.8 metres above the average elevation of the ground along a **lot line** that abuts the New Public Street.
- (I) In Area A, any above-ground portion of a **building**, excluding a pedestrian connection or walkway, must have a minimum separation distance of 15 metres, measured between **main walls**, from any above-ground portion of a **building** on the opposite side of Publicly-accessible Open Space 1 and the Publicly-accessible Pedestrian Connection identified on Diagram 1 attached to By-law [Clerks to insert number].
- (J) In Area A, as shown on Diagram 1 attached to By-law [Clerks to insert number], the portions of a **building** or **structure** located above the first five **storeys** of the **building** must be set back a minimum of 3 metres from the exterior of any **main wall** at the first five **storeys** that faces a **lot line** abutting a **street**.
- (K) In Area B, as shown on Diagram 1 attached to By-law [Clerks to insert number], the portions of a **building** or **structure** located above the first four **storeys** of the **building** must:
- (i) be set back a minimum of 5 metres from the exterior of the **main wall** from the first to fourth **storeys** of the **building**, excluding the **main wall** facing the **rear lot line**; and
 - (ii) not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 750 square metres.
- (L) Despite regulation 40.10.40.60(1), a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of the **building**:
- (i) may not be provided on the **main wall** directly above and adjacent to

- (within 1 metre) of the outdoor area associated with the **day nursery** use;
- (ii) must be inset and must not be located closer to a **lot line** than the **main wall** to which it is attached:
 - (a) in Area A, between the second and fifth **storeys** of the **building** inclusive; and
 - (b) in Area B, between the second and fourth **storeys** of the **building** inclusive; and
 - (iii) may project a maximum of 1.5 metres from the **main wall** to which it is attached:
 - (a) in Area A, above the first five **storeys** of the **building**; and
 - (b) in Area B, above the first four **storeys** of the **building**.
- (M) The permitted maximum **gross floor area** of all **buildings** and **structures** on the lands is 58,200 square metres, excluding the area occupied by a **parking garage** or **public parking** below ground, provided:
- (i) the permitted maximum **gross floor area** for residential uses is 44,000 square metres;
 - (ii) despite Clause 40.10.20.100, the combined required minimum **gross floor area** for retail, service and entertainment uses listed in (D) above is 400 square metres and the combined permitted maximum **gross floor area** is 1,500 square metres;
 - (iii) a minimum **gross floor area** of 800 square metres must be provided for **day nursery** uses; and
 - (iv) the permitted maximum **gross floor area** for office and **transportation uses** is 13,000 square metres.
- (N) A minimum outdoor area of 278 square metres associated with the **day nursery** use must be provided contiguous with the **interior floor area** of the **day nursery** and must be set back at least 1.5 metres from a **lot line**.
- (O) Despite regulation 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of a **building**, other than:
- (i) residential lobby access;
 - (ii) related residential uses such as mail room, management office, and storage;
 - (iii) **dwelling units** located in the first **storey** of a **building** if the **dwelling units** have direct access to a **street**; and

- (iv) **dwelling units** located in Area A, if the **dwelling units** have access facing the south **lot line** as shown on Diagram 1 attached to By-law, **[Clerks to insert number]**.
- (P) Publicly-accessible open space comprising **landscaping** must be provided as follows:
- (i) a minimum of 300 square metres in the general location of Publicly-accessible Open Space 1 identified on Diagram 1 attached to By-law **[Clerks to insert number]**; and
 - (ii) a minimum of 100 square metres located in the general location of Publicly-accessible Open Space 2 identified on Diagram 1 attached to By-law **[Clerks to insert number]**; and
 - (iii) a pedestrian connection that is publicly accessible must be provided in the general location of the Publicly-accessible Pedestrian Connection identified on Diagram 1 of By-law **[Clerks to insert number]**.
- (Q) Despite regulation 200.5.10.1(1), **parking spaces** must be provided, in accordance with the following:
- (i) A minimum of 0.43 **parking spaces** for each **dwelling unit** for the residents;
 - (ii) A minimum of 0.1 **parking spaces** for each **dwelling unit** for visitors to the **dwelling units**;
 - (iii) A minimum of 2 **parking spaces** must be provided for **day nursery** uses;
 - (iv) a minimum rate of 1.0 **parking spaces** for each 100 square metres of **gross floor area** and a maximum rate of 2.0 **parking spaces** for each 100 square metres of **gross floor area** for office and **transportation uses** in Area C, as shown on Diagram 1 attached to By-law **[Clerks to insert number]**;
 - (v) The minimum required parking for residents can be reduced by up to 4 **parking spaces** for each dedicated car-share space, provided;
 - (a) the maximum allowable reduction in the minimum required parking for residents is calculated by $4 * (\text{Total number of units} / 60)$, rounded down to the nearest whole number; and
 - (vi) No **parking spaces** is required for retail, service and entertainment uses permitted in (D) above.
- (R) Despite regulation 40.5.80.1(1), a portion of the **parking spaces** required by

regulations (Q)(i) and (ii) above may be provided for the shared use of residents, residential visitors, non-residential uses on the lands and other uses as part of a **public parking** use.

- (S) Despite regulations 200.5.1.10(2) and 200.5.1(3), the **public parking parking spaces** permitted by regulation (R) above may have a minimum length of 5.2 metres, provided they are accessed by a **drive aisle** having a width of 7.0 metres or more.
- (T) Despite clause 220.5.10.1, **loading spaces** must be provided in accordance with the following:
- (i) in Area A, a minimum of 1 Type “G” **loading space**;
 - (ii) in Area B, a minimum of 1 Type “G” **loading space**; and
 - (iii) in Area C, a minimum of 2 Type “B” **loading spaces**;
- (U) A minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms.
- (V) A minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms.
- (W) Despite regulation 40.5.40.10(4), the following equipment and **structures** located on the roof of a **building** may exceed the permitted maximum height for that **building** by 5.0 metres, subject to regulation (X) below:
- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
 - (ii) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
 - (iii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) and (ii) above.
- (X) Despite regulation 40.5.40.10(5), equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a **building**, as permitted by regulation (W) above, must comply with the following:
- (i) the total area of all equipment, **structures**, or parts of a **building** may cover no more than 30% of the area of the roof, measured horizontally; and

- (ii) if any equipment, **structures**, or parts of a **building** are located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to the **street**, may not exceed 20% of the width of the **building's main walls** facing that **street**.
- (Y) Despite regulation 40.5.40.10(7), a parapet wall for a **green roof** may exceed the permitted maximum height for a **building** by 2.0 metres.
- (Z) Despite regulation 40.10.40.10(5), in Areas A and B, as shown on Diagram 1 attached to By-law **[Clerks to insert number]**, the required minimum height of the first **storey**, is measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.5 metres for non-residential uses and 3.0 metres for residential uses.
- (AA) Despite regulation 40.5.80.10(1), a **parking space** must be on the same **lot** as the use for which the **parking space** is required.
- (BB) Despite section 200.15, accessible **parking spaces** must be provided in accordance with the following:
 - (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
 - (iii) accessible **parking spaces** must be provided at the following minimum rates:
 - (a) if the number of required **parking spaces** is 25 to 100, a minimum of 1 **parking space** for every 25 **parking spaces** or part thereof; and
 - (b) if the number of required **parking spaces** is more than 100, a minimum of 4 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**; and
 - (iv) for the purpose of this exception, "accessible" means free of physical, architectural or design barriers that would restrict access of use to a person with a disability as defined in the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11; and
 - (v) Accessible **parking spaces** must be the **parking spaces** located closest to a main pedestrian access to a **building**.

- (CC) Despite regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.43 metres.
- (DD) Despite regulation 230.5.1.10(9), a required "long-term" **bicycle parking space** for **dwelling units** and uses other than **dwelling units** may be located:
- (i) on the first **storey** of the **building**;
 - (ii) on the second **storey** of the **building**; or
 - (iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50% of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided.
- (EE) Despite regulation 5.10.30.1(1), within the lands shown on Diagram 1 attached to By-law [Clerks to insert number], no land may be used and no **building** or **structure** may be erected or used, except for below-ground **structures** and foundations, unless:
- (i) the **street** identified as New Public Street, as shown on Diagram 1 attached to By-law [Clerks to insert number], is constructed to a minimum base curb and base asphalt or concrete and is connected to an existing **street**; and
 - (ii) all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the street identified as New Public Street, as shown on Diagram 1 attached to By-law [Clerks to insert number], and are operational.

Prevailing By-laws and Prevailing Sections: (None Apply)

7. Car-share means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

8. Car-share **parking space** means a **parking space** that is exclusively reserved and actively used for car-sharing.

Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

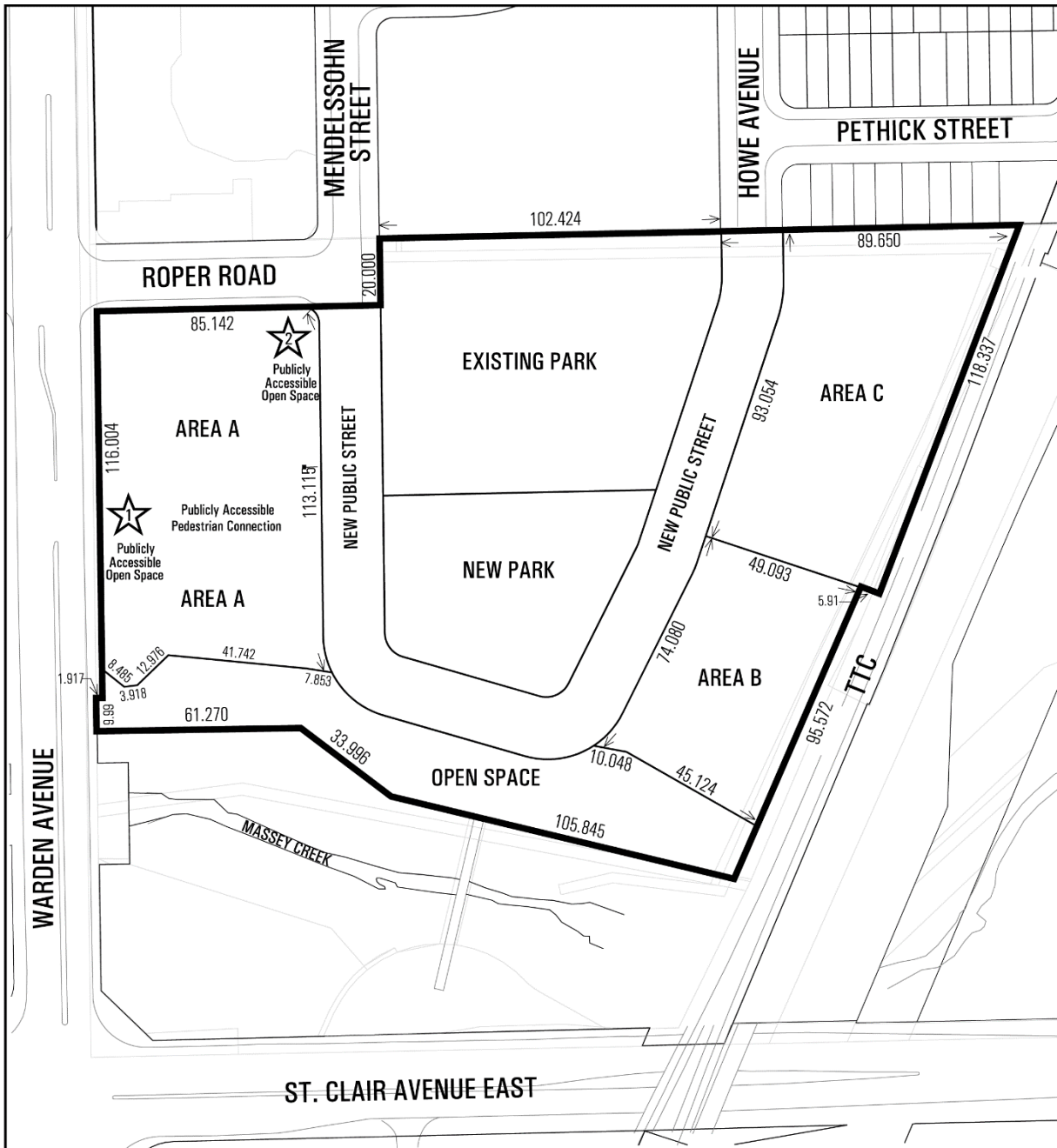
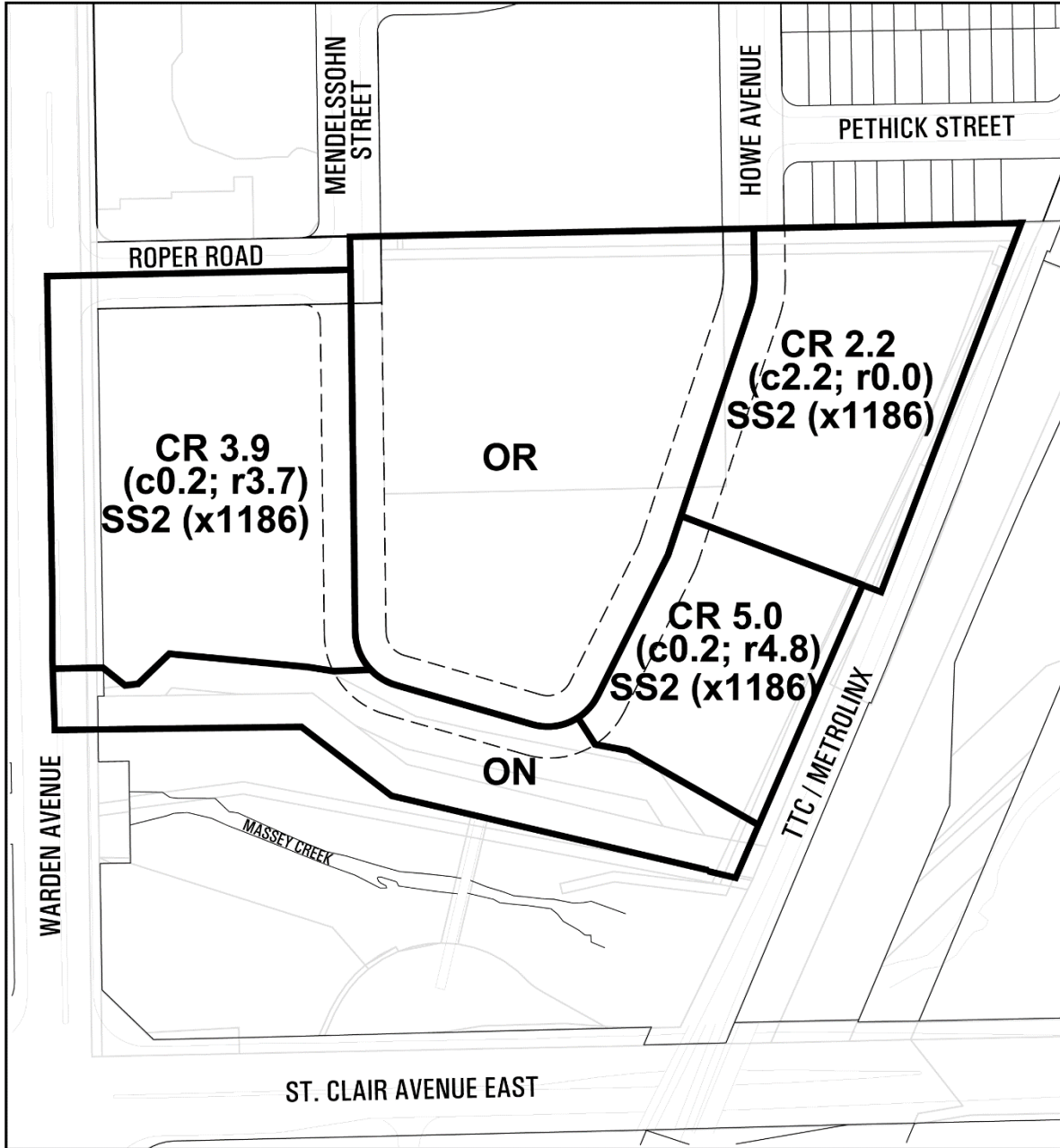



Diagram 1

705 Warden Avenue

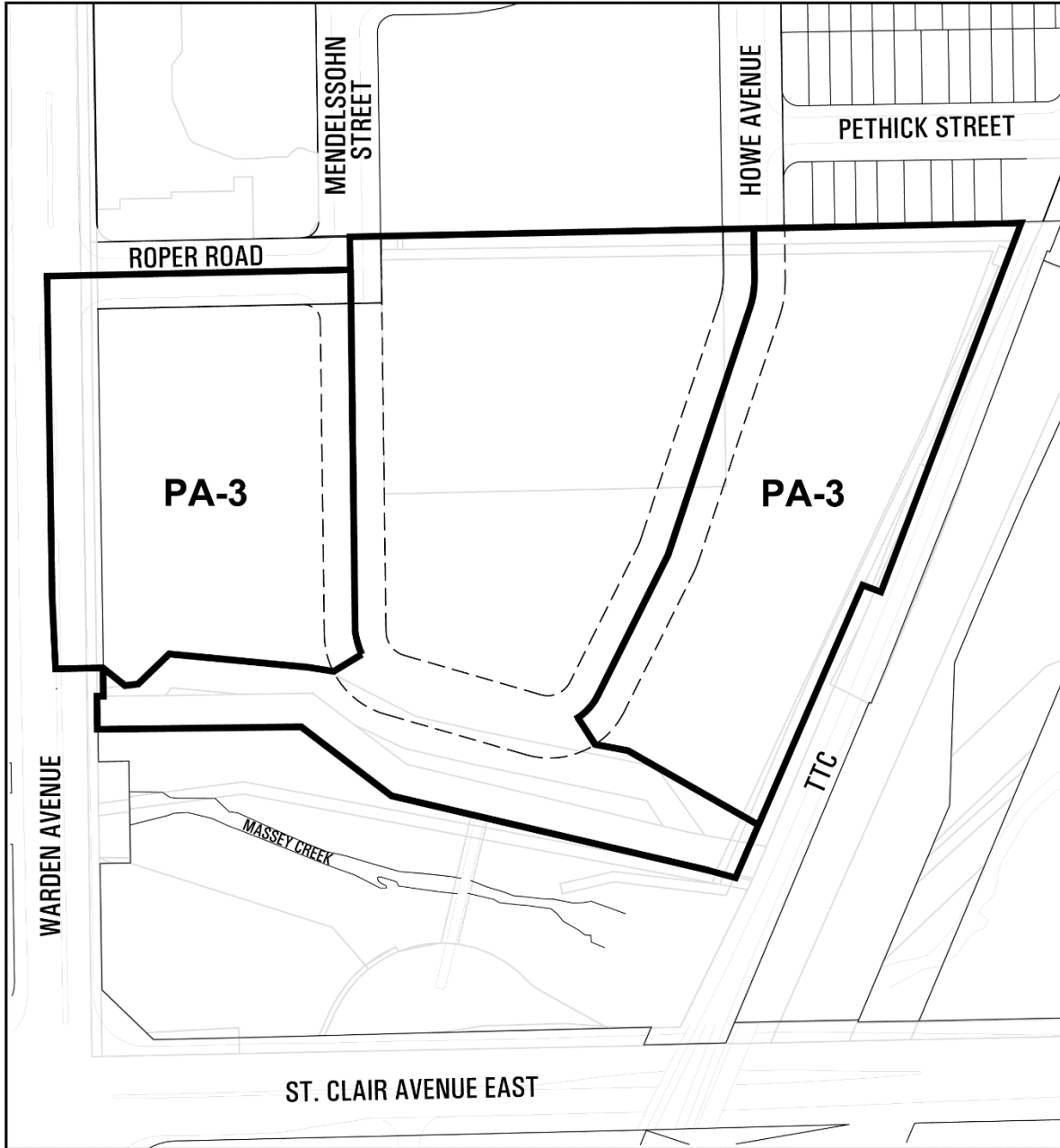
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 **Toronto**
Diagram 2

705 Warden Avenue

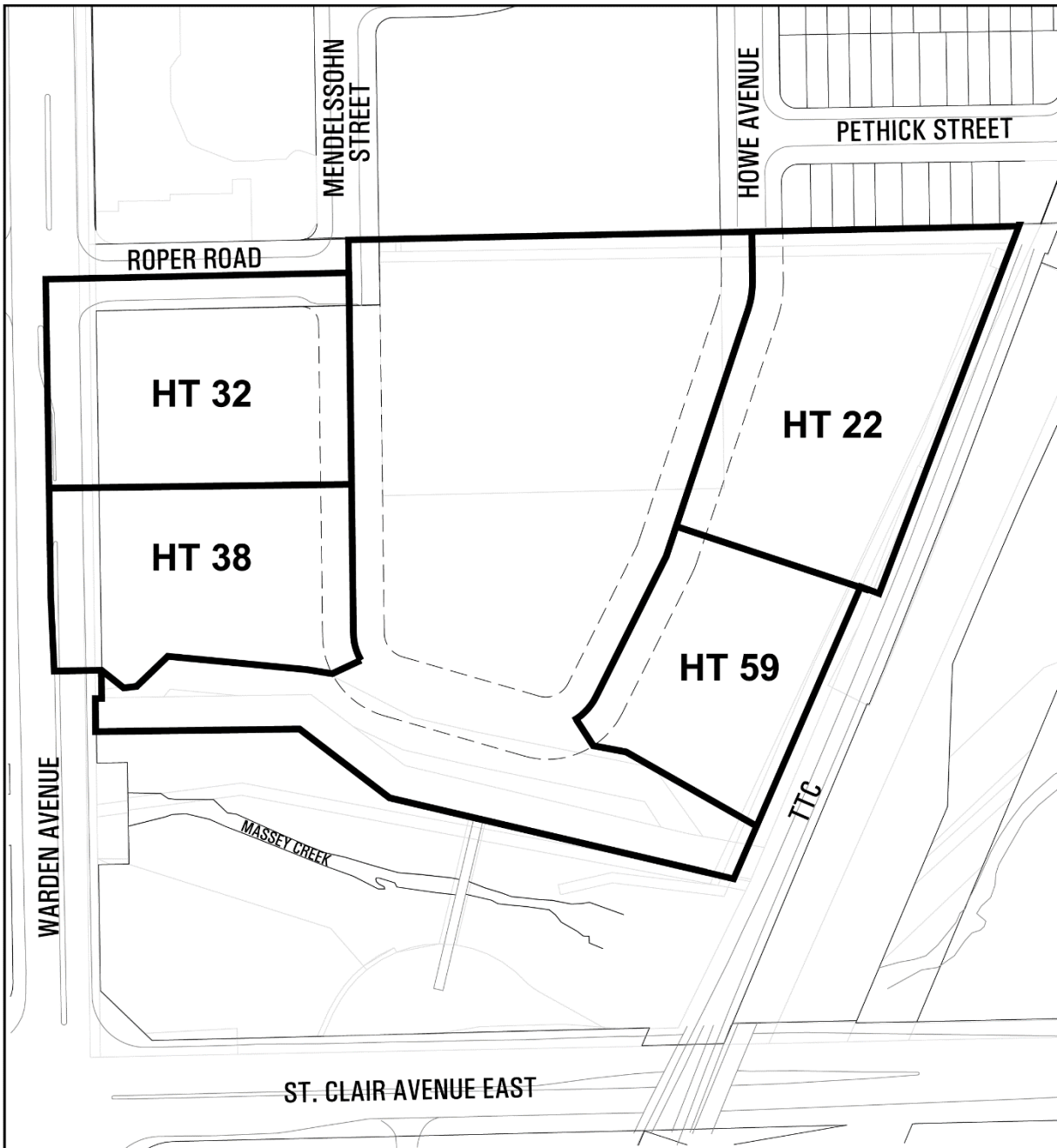
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 **Toronto**
Diagram 3

705 Warden Avenue

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 **TORONTO**
Diagram 4

705 Warden Avenue

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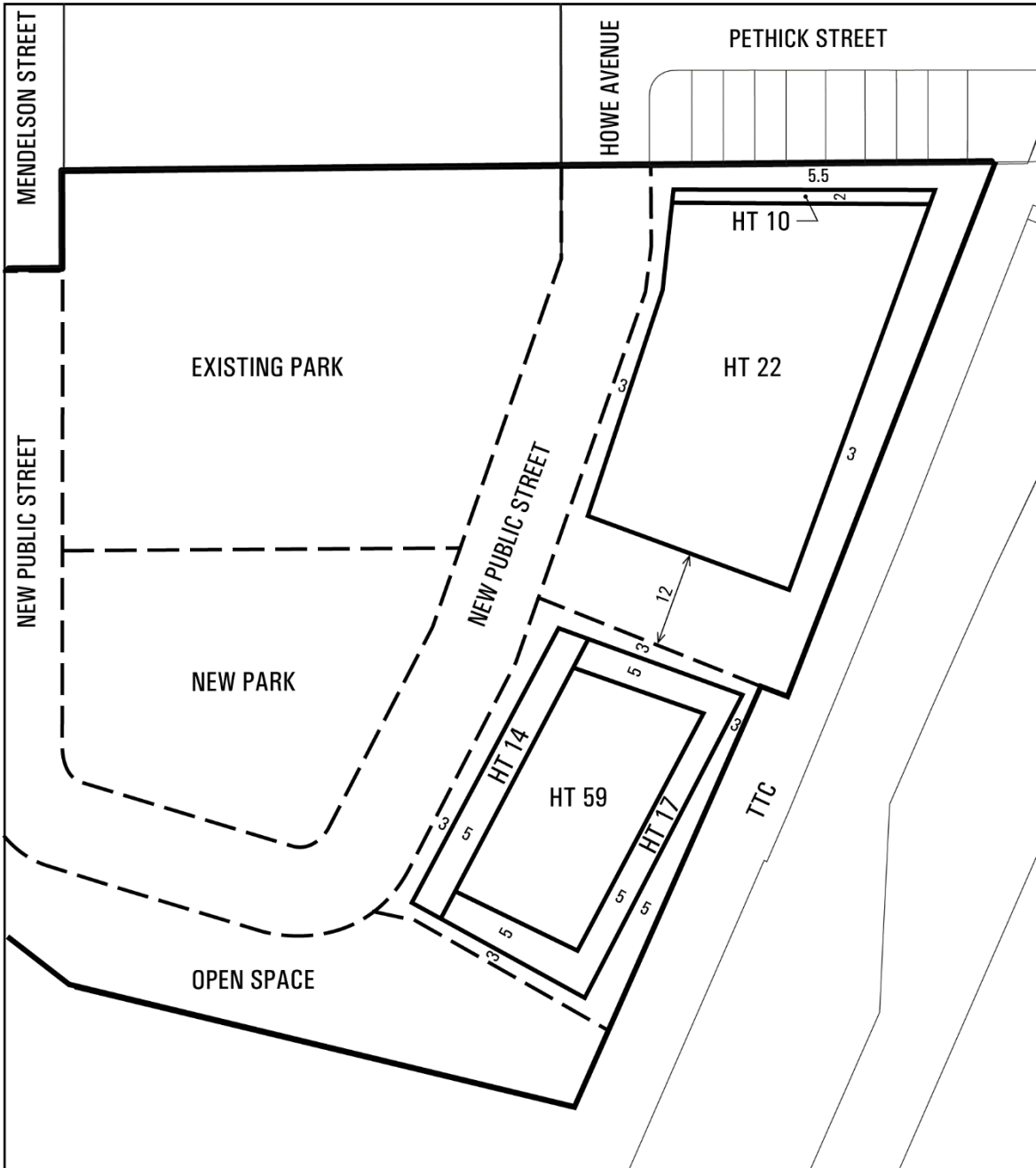


Diagram 5(b) - Areas B and C

705 Warden Avenue

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