

Draft Zoning By-law Amendment 438-86

Authority: Toronto and East York Community Council Item No. [INSERT ITEM NUMBER] adopted by City of Toronto Council on [INSERT DATE], 2023

CITY OF TORONTO

BY-LAW No. [INSERT REFERENCE NUMBER] – 2023

To amend Zoning By-law No. 438-86, as amended with respect to lands municipally known in the year 2021 as 39, 41, 47, 49, 53 Fraser Avenue, 8, 38, 42 Pardee Avenue, and 135 Liberty Street

WHEREAS Council of the City of Toronto has the authority 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*;

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

1. None of the provisions of Section 2(1) with respect to the definition of “*lot*”, “*grade*”, “*height*”, “*non-residential gross floor area*,” “*parking space*” and “*bicycle parking spaces*”; and Sections 4(2)(a), 4(6), 4(13), 9 Part I (2) and (3), 12(2) 270, 12(2) 298 of By-law No. 438-86, as amended for the former City of Toronto, being “A by-law to regulate the use of land and the erection use, bulk, height, spacing of land and other matters relating to the 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 *non-residential buildings* on the *lot*, provided that:
 - a. the *lot* comprises of the lands delineated by heavy lines on Map 1 attached to and forming part of this by-law;
 - b. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*;
 - c. The following uses are permitted on the *lot*:
 - i. the uses permitted in the IC zone pursuant to Section 9(1)(f)(b)(i), and 9(2) of By-law 438-86; and
 - ii. Notwithstanding subsection (i) above, all of the uses permitted in the IC zone by the chart in Section 9(1)(f)(b)(iv) under the heading RETAIL AND SERVICE SHOPS shall only be located on the ground floor of a *building* or *structure* on the *lot*.
 - d. The following uses are not permitted in any *building* or *structure* on the *lot*:
 - i. *artist live/work studio*;

- e. The total *non-residential gross floor area* on the *lot* does not exceed 47,500 square metres, of which;
 - i. the minimum *non-residential gross floor area* for *existing buildings* to be retained shall be 16,465 square metres;
 - ii. the maximum permitted *non-residential gross floor area* of *Building A* shall be 12,900 square metres;
 - iii. the maximum permitted *non-residential gross floor area* of *Building B* shall be 17,875 square metres;
 - iv. the maximum permitted *non-residential gross floor area* for retail and service uses shall be 300 square metres on Building A; and
 - v. the maximum permitted *non-residential gross floor area* for retail and service uses shall be 1,075 square metres on Building B;
- f. A privately-owned publicly-accessible open space with a minimum area of 100 square metres shall be provided on the ground level within the hatched area shown on Map 4 attached to and forming part of this By-law;
- g. Pedestrian walkways will provide public access during regular operating hours and will be provided on the ground level within the general location of the arrows shown on Map 4 attached to and forming part of this By-law;
- h. A minimum of 1,140 square metres of outdoor *non-residential amenity space* shall be provided for use on the lot, in accordance with the following:
 - i. a minimum of 415 square metres of outdoor *non-residential amenity space* shall be provided for *Building A*; and
 - ii. a minimum of 725 square metres of outdoor *non-residential amenity space* shall be provided for *Building B*;
- i. No portion of a *building* or *structure* erected or used above finished ground level on the *lot* shall exceed the *height* limits above *grade* in metres specified by the number following the symbol “HT” as shown on Map 2, with the exception of the following:
 - i. parapets, awnings, guard rails, railing and dividers, balustrades, eaves, terraces, landscaping, planters, which may project to a maximum height of 2.0 metres;
 - ii. The erection or use of *structures* on any roof used for heating, elevator overrun, cooling and ventilating equipment, structures used for safety or wind protection outdoor amenity space, elements of a green roof, insulation, and roof surface materials, maintenance, roof drainage, safety, wind protection purposes, window washing equipment, signage, mechanical and architectural screens, lightning rods, light fixtures, architectural and landscape features, trellises, wheel chair ramps, stair and stair enclosures,

bollards, canopies, balconies, ornamental elements, sustainable features or equipment, skylights, public art, structures for open air recreation, chimneys, vents, stacks, and mechanical fans may project to a maximum of 5.0 metres above the permitted building heights shown on Map 2;

- j. No portion of a *building* or *structure* located above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
 - i. Art and landscape features, wheel chair ramps, structures for outside or open-air recreation, light fixtures, stairs and stair enclosures, awnings, canopies, framing, mullions, railings, fences vents, shafts, stacks, chimneys, retaining walls, wind screening elements, underground garage and loading ramps and their associated structures, screens, architectural features, and window washing equipment up to a maximum of 5.0 metres;
 - ii. Cornices, architectural features, ornamental elements, parapets, patios, decks, pillars, thermal insulation, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, doors, fences, site servicing features, gas manifolds and associated structures may project up to a maximum of 2.0 metres; and
- k. A minimum of 4 *loading spaces* shall be provided on the lot in accordance with the following:
 - i. 2 *loading spaces* – *type B* provided and;
 - ii. 2 *loading spaces* – *type C* provided that, for the purpose of this provision, a *loading space* – *type C* shall have the following dimensions:
 - A. length of 8.0 metres;
 - B. width of 3.5 metres; and
 - C. vertical clearance of 4.0 metres;
- l. Notwithstanding the provisions of Section 4(4), a minimum of 67 *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum standards:
 - i. all *parking spaces* shall be located below finished *grade*;
 - ii. a minimum of 39 *parking spaces* shall be provided for *Building A*;
 - iii. a minimum of 28 *parking spaces* shall be for *Building B*; and
 - iv. a maximum of 7 spaces may be used for *car share parking spaces*;

- m. *bicycle parking spaces* shall be provided in accordance with the following requirements:
- i. a minimum of 138 *bicycle parking spaces* shall be provided and maintained on the *lot* containing:
 - A. A minimum of 27 *long-term bicycle parking spaces* shall be provided for *Building A*;
 - B. A minimum of 33 *short-term bicycle spaces* shall be provided for *Building A*;
 - C. A minimum of 42 *long-term bicycle parking spaces* shall be provided for *Building B*; and
 - D. A minimum of 36 *short-term bicycle spaces* shall be provided for *Building B*;
 - ii. a *bicycle parking space* parked in a horizontal position shall have the following minimum dimensions:
 - A. length of 1.8 metres;
 - B. width of 0.6 metres; and
 - C. vertical clearance from the ground of 1.9 metres;
 - iii. a *bicycle parking space* if placed in a vertical position on a wall, structure or mechanical device shall have the following minimum dimensions:
 - A. length or vertical clearance of 1.9 metres;
 - B. width of 0.6 metres; and
 - C. horizontal clearance from a wall of 1.2 metres;
 - iv. a *stacked bicycle parking space* shall have the following minimum dimensions:
 - A. length of 1.8 metres;
 - B. width of 0.45 metres; and
 - C. a vertical clearance of 2.4 metres;
 - v. *short-term bicycle parking spaces* and *long-term bicycle parking spaces* may be located within the first lower level of the existing building at 53 Fraser Avenue and/or within the ground level of *Building A* and/or *Building B*, located outdoors or indoors and may be located, a secured room, enclosure or bicycle

locker;

- n. A minimum of 2 shower-change facilities shall be provided on the lot for each gender;
- o. Notwithstanding any other provisions, a maximum of two enclosed pedestrian bridges are permitted to connect to and span between *Building A* and *Building B* within the hatched area shown on Map 3, provided that:
 - i. the bridges are used only for the purpose of an enclosed pedestrian walkway;
 - ii. each bridge has a minimum vertical clearance of 20 metres above finished ground level;
 - iii. each bridge has a maximum exterior width of 6 metres;
 - iv. the minimum internal width of the walkway within each bridge is 3.0 metres free and clear of all physical barriers and encumbrances with the exception of supporting columns, beams, guards, railings and handrails; and
 - v. the minimum internal vertical clearance of the walkway within each bridge is 2.7 metres free and clear of all physical barriers and encumbrances.
- p. The development of the buildings and structures as shown as *Building A* and *Building B* on Map 3 attached to and forming part of this By-law, may be built in separate phases;
- q. notwithstanding Section (p) above, the *existing buildings* situated within the shaded area on Map 3 attached to and forming part of this By-law, shall be permitted and none of the provisions of this By-law shall prevent the use of *existing buildings* for any purposes prohibited by this By-law if such *existing building* was lawfully used for such purpose on the date of the passing of this By-law, so long as it continues to be used for that purpose.
- r. notwithstanding subsection (q) above, in the event of a phased development, *parking spaces* will not be required for the non-residential uses within the *existing buildings* on the *lot* during the construction of the *non-residential Building B*;
- s. For the purposes of this By-law, all italicized words and expressions shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms which shall have the meaning stated;

"*Bicycle parking spaces*" means an area used for parking or storing a bicycle;

"*Building A*" means those lands comprising the westerly portion of the *lot* identified as Building A on Map 3 attached to this By-law;

"*Building B*" means those lands comprising the easterly portion of the *lot* identified as Building B on Map 3 attached to this By-law;

"*Car-share*" means the practice where a number of people share the use of one

or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles 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 membership fee that may or may not be refundable;

"*Car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;

"*Existing building*" means a building identified as "existing building" on Map 3 attached to this By-law; and that lawfully existed on the date of the passing of this By-law, so long as it continues to be used for that purpose.

"*Grade*" means 89.87 metres Canadian Geodetic Datum for *Building A*, and 89.44 metres Canadian Geodetic Datum for *Building B* as shown on Map 3 attached to this By-law;

"*Green roof*" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code, as amended;

"*Height*" means the highest point of the (of the roof above grade) building or structure above *grade*, except for permitted projections prescribed by this By-law;

"*Heritage building*" means a building or structure or part thereof, included in the City of Toronto Inventory of Heritage Properties, listed as being of historical, architectural, archaeological or cultural heritage value or interest, or designated as such pursuant to the *Ontario Heritage Act* R.S.O 1990, c.O.18 as amended;

"*Long-term bicycle parking space*" means a *bicycle parking space* for use by the occupants or tenants of a *non-residential building*;

"*Lot*" means those lands identified on Map 1 attached to this By-law;

"*Non-residential amenity space*" means a common area or areas within a *lot* which are provided for the exclusive use of tenants and occupants of a *non-residential building* for recreational or social purposes;

"*Non-residential gross floor area*" means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below grade, of a non-residential building, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:

- i. Parking, and bicycle parking below *grade*;
- ii. Required loading at the ground level and required bicycle parking

spaces at *grade*;

- iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
- iv. Shower and change facilities and bicycle maintenance facilities required by this By-law for required *bicycle parking spaces*;
- v. *Non-residential amenity space*;
- vi. Elevator shafts;
- vii. Garbage shafts;
- viii. Mechanical penthouse; and
- ix. Exit stairwells in the building;

"*Parking space*" means an area used for the parking or storing of a vehicle;

"*Privately-owned publicly-accessible open space*" means a space on the *lot* situated at ground level that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses;

"*Public parking*" means premises having an area for the parking of one or more vehicles as a principal use and the parking of a vehicle is available for public use with or without a fee;

"*Short-term bicycle parking space*" means a bicycle parking space for use by visitors to a *non-residential building*; and

"*Stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.

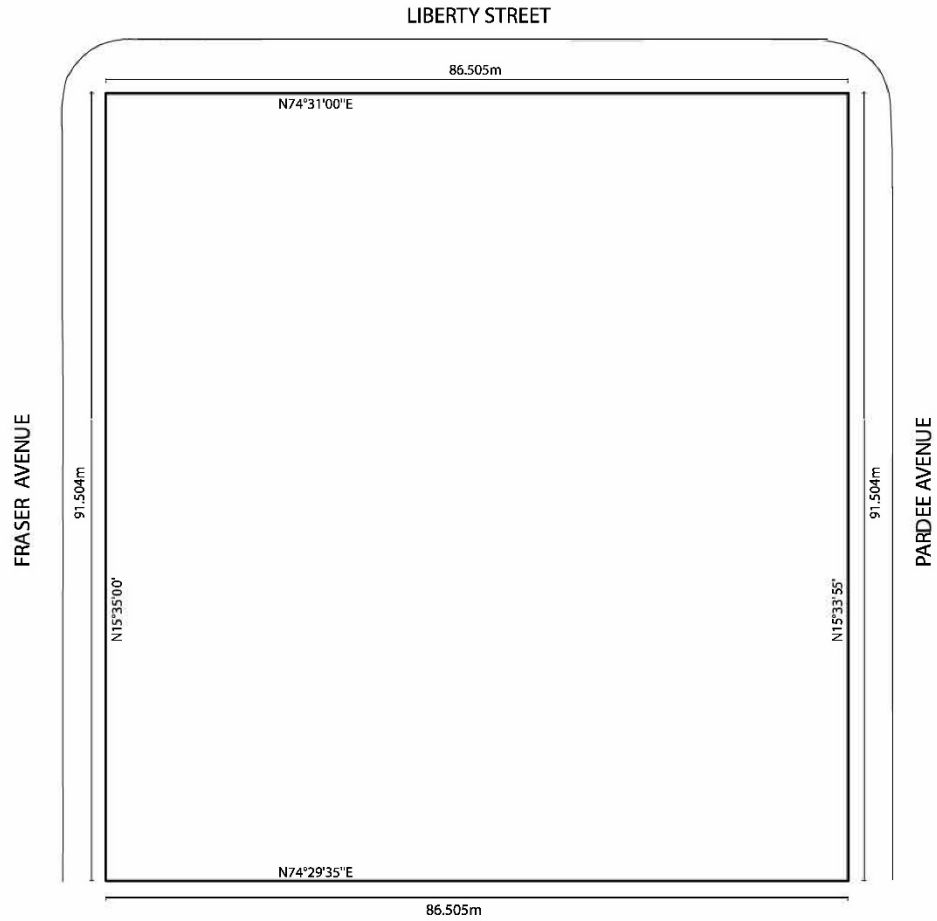
2. Within the lands shown on Map 1 attached to the By-law, no person shall use any land or erect any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - a. all new public roads have been constructed 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.
3. Notwithstanding any existing or future severance, partition or division of the *lot*, the provisions of this Bylaw and By-law No. 438-86, as amended, shall apply to the whole of the lot as if no severance, partition or division had occurred.

Enacted and passed on Month, Day, 2023.

Frances Nunziata,
Speaker

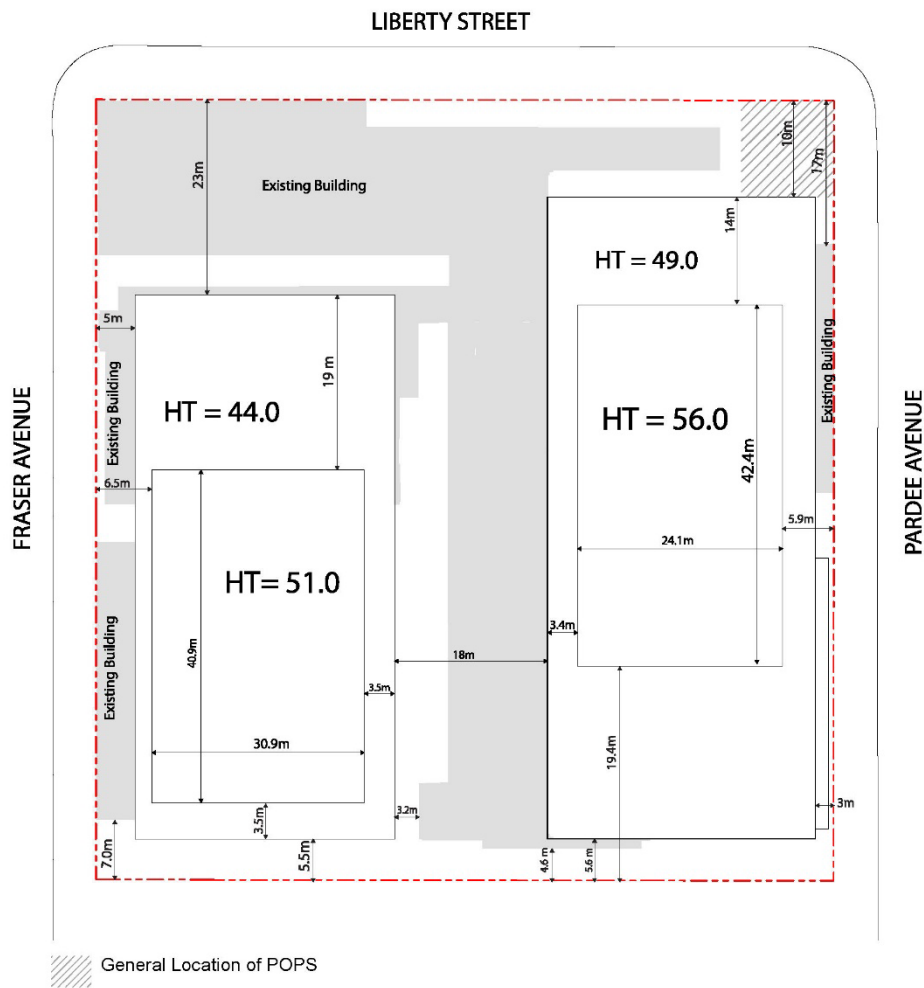
John D. Elvidge,
City Clerk

(Seal of the City)



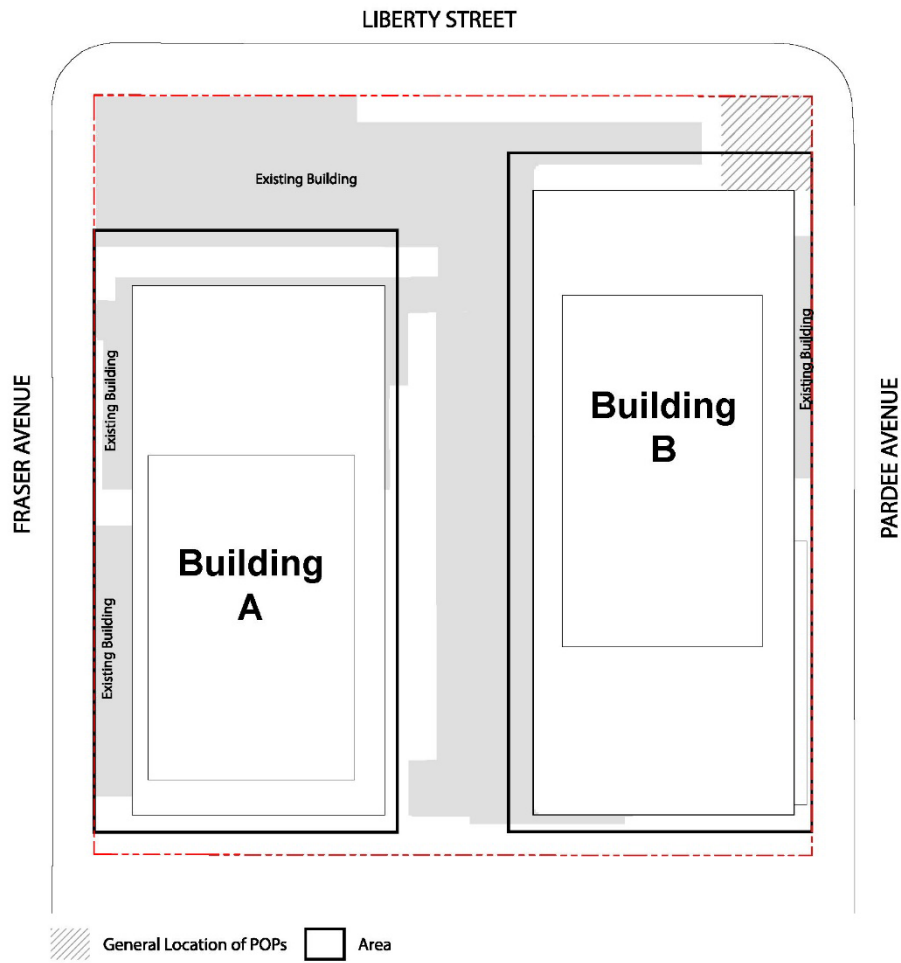
Map 1

39-53 Fraser Avenue, 8-42 Pardee Avenue
and 135 Liberty Street, Toronto



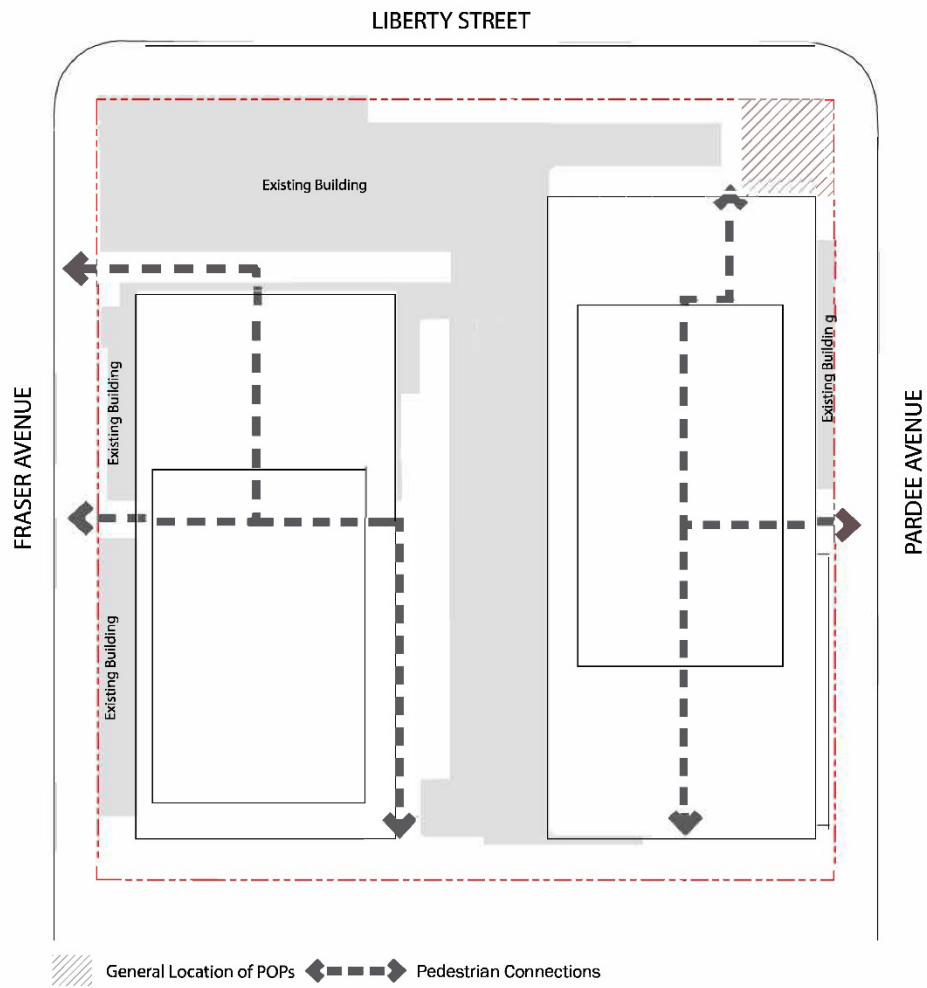
Map 2

39-53 Fraser Avenue, 8-42 Pardee Avenue and 135 Liberty Street, Toronto



Map 3

39-53 Fraser Avenue, 8-42 Pardee
Avenue and 135 Liberty Street, Toronto



Map 4

**39-53 Fraser Avenue, 8-42 Pardee Avenue
and 135 Liberty Street, Toronto**