

Authority: Toronto Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by
City of Toronto Council on ~, 2015
Enacted by Council: ~, 2015

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~2015
To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
629, 633 and 675 Eastern Avenue

WHEREAS authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law and to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; 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. That District Map 52G-324 of By-law No. 438-86, as amended, of the former City of Toronto, be further amended by rezoning the lands identified on Map 1 from "I2 D5" to "(H)I2 D5".

2. None of the provisions of Section 4(2), 4(4), 4(6), 4(11), 9(3) and 12(2)270 of By-law No. 438-86 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", shall apply to prevent the erection and use of a non-residential buildings on the lands known municipally in the year 2015 as 629, 633 and 675 Eastern Avenue, provided:

- (a) the lands comprise the area shown on Map 1 attached hereto;
- (b) the aggregate *non-residential gross floor area* erected or used on the lands shown on Map 1 does not exceed 115,000 square metres;
- (c) in addition to the uses permitted by Section 9(1)(f)(b), the following additional non-residential uses are permitted:
 - (i) *bake-shop*;
 - (ii) *office*;
 - (iii) *private art gallery*;
 - (iv) *restaurant*;
 - (v) *take-out restaurant*;
 - (vi) *retail store*;
 - (vii) *hotel*

- (viii) *commercial parking garage*
 - (ix) *production studio*
 - (x) *artist studio*
 - (xii) *film and media training facility*
 - (xiii) *software development and processing*
- (d) the maximum *non-residential gross floor area* dedicated to *retail store* uses shall be 14,100 square metres, and no single *retail store* unit shall exceed a maximum of *non-residential gross floor area* of 5,200 square metres.
- (e) the minimum *non-residential gross floor area* dedicated to *performing arts studio, communication and broadcasting establishment, production studio, artist studio* and *film and media training facility* uses shall be 9,000 square metres.
- (f) no portion of any building or structure shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the following:
- (i) a structure used for outside or open air recreation, safety or wind protection purposes, elements of a green roof, mechanical penthouses, a chimney stack or other heating, cooling or ventilating equipment, a screen around such equipment, window washing equipment, ornamental elements, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, guardrails and railings to a maximum height of sum of 5 metres and the height shown on Map 2;
- (g) the following minimum and maximum parking ratios shall apply:
- (i) a minimum ratio of 2.0 *parking spaces* per 100 square metres of *non-residential gross floor area* and a maximum of 4.0 *parking spaces* per 100 square metres of *non-residential gross floor area* dedicated to the following uses:
 - a. *retail store*
 - b. *restaurant*
 - c. *take-out restaurant*
 - d. *financial institution*
 - e. *private art gallery*
 - f. *bake-shop*
 - g. *artist or photographer's studios*
 - h. *artist studio*
 - (ii) a minimum ratio of 2.0 *parking spaces* per 100 square metres of *non-residential gross floor area* and a maximum of 2.5 *parking spaces* per 100 square metres of *non-residential gross floor area* dedicated to office uses;
 - (iii) a minimum ratio of 0.5 *parking spaces* per 100 square metres of *non-residential gross floor area* dedicated to *hotel* uses; and,
 - (iv) a minimum ratio of 2.15 *parking spaces* per 100 square metres of *non-residential gross floor area* dedicated to *communications and broadcasting establishments performing arts studios, production studios, software development and processing* and *film and media training facilities*.
- (h) the following shared parking occupancy factors shall apply:

- (i) a 20% occupancy rate during the *morning*, a 100% occupancy rate during the *afternoon*, and a 100% occupancy rate during the *evening* for the following uses:
 - a. *retail store*
 - b. *restaurant*
 - c. *take-out restaurant*
 - d. *financial institution*
 - e. *private art gallery*
 - f. *bake-shop*
 - g. *artist or photographer's studios*
 - h. *artist studio*
 - (ii) a 100% occupancy rate during the *morning*, a 60% occupancy rate during the *afternoon*, and a 0% occupancy rate during the *evening* for office uses;
 - (iii) a 80% occupancy rate during the *morning*, a 75% occupancy rate during the *afternoon*, and a 100% occupancy rate during the *evening* for *hotel* uses; and,
 - (iv) a 100% occupancy rate during the *morning*, *afternoon*, and *evening* for *communications and broadcasting establishments, production studios, performing arts studios and film and media training facilities*.
- (i) the minimum number of parking spaces required shall be calculated as follows:
- (i) for each of the morning, afternoon, and evening parking periods, the minimum number of *parking spaces* required for each use is calculated using the respective parking space rate and occupancy rate;
 - (ii) the minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period; and
 - (iii) the minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period.
- (j) the following minimum loading spaces shall apply:
- (i) the minimum number of loading spaces for *retail store, restaurant, take-out restaurant, financial institution, private art gallery, bake-shop, artist and photographer studio and artist studio* uses shall be as follows:
 - a. 0 to 499 m² of *non-residential gross floor area* – None Required
 - b. 500 to 1,999 m² of *non-residential gross floor area* – 1 Type B
 - c. 2,000 to 4,999 m² of *non-residential gross floor area* – 2 Type B
 - d. 5,000 to 9,999 m² of *non-residential gross floor area* – 3 Type B
 - e. 10,000 to 19,999 m² of *non-residential gross floor area* - 1 Type A and 3 Type B
 - f. 20,000 to 29,999 m² of *non-residential gross floor area* - 1 Type A, 3 Type B and 1 Type C
 - g. 30,000 m² or greater of *non-residential gross floor area* - 1 Type A, 3 Type B and 1 Type C
 - (ii) the minimum number of loading spaces for office uses shall be as follows:
 - a. 0 to 499 m² of *non-residential gross floor area* – None Required
 - b. 500 to 999 m² of *non-residential gross floor area* – 1 Type B
 - c. 1,000 to 1,999 m² of *non-residential gross floor area* – 1 Type B and 1 Type C

- d. 2,000 to 3,999 m² of *non-residential gross floor area* – 1 Type B and 2 Type C
- e. 4,000 to 27,999 m² of *non-residential gross floor area* – 2 Type B and 2 Type C
- f. 28,000 to 51,999 m² of *non-residential gross floor area* – 2 Type B and 3 Type C
- g. 52,000 m² or greater of *non-residential gross floor area* - 2 Type B and 3 Type C

(iii) the minimum number of loading spaces for *hotel* uses shall be as follows:

- a. 0 to 4,999 m² of *non-residential gross floor area* – 1 Type B
- b. 5,000 to 9,999 m² of *non-residential gross floor area* – 1 Type B and 1 Type C
- c. 10,000 to 19,999 m² of *non-residential gross floor area* – 2 Type B and 1 Type C
- d. 20,000 to 49,999 m² of *non-residential gross floor area* – 2 Type B and 2 Type C
- e. 50,000 m² or greater of *non-residential gross floor area* - 1 Type A, 1 Type B and 2 Type C

(iv) *communication and broadcasting establishment, performing arts studio, production studio, software development and processing and film and media training facility* uses shall be exempt from loading requirements.

(v) existing buildings that were constructed prior to the passing of this By-law and are renovated to include *retail store, restaurant, take-out restaurant, financial institution, private art gallery, bake-shop, artist and photographer studio, artist studio* or office uses, shall be permitted to provide the required *loading spaces* anywhere within the site boundaries in either a shared configuration with a new building constructed after the passing of this By-law, or within a specially designated area on the site.

(k) the following minimum number of *bicycle parking spaces* shall be required

(i) a minimum ratio of 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for Long-Term *Bicycle Parking spaces* and a minimum of 3 *bicycle parking spaces* plus a ratio of 0.3 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for Short-Term *Bicycle Parking spaces*, dedicated to the following uses:

- a. *retail store*
- b. *restaurant*
- c. *take-out restaurant*
- d. *financial institution*
- e. *private art gallery*
- f. *bake-shop*
- g. *artist or photographer's studios*
- h. *artist studio*

- (ii) a minimum ratio of 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for *Long-Term Bicycle Parking* and a minimum of 3 *bicycle parking spaces* plus a ratio of 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for *Short-Term Bicycle Parking*, dedicated to office uses.
 - (iii) a minimum of 3 *bicycle parking spaces* plus a ratio of 0.1 per 100 square metres of *non-residential gross floor area* for *Long-Term Bicycle Parking* and a minimum of 3 *bicycle parking spaces* plus a ratio of 0.2 spaces per 100 square metres of *non-residential gross floor area* for *Short-Term Bicycle Parking*, dedicated to hotel uses.
- (l) a *bicycle parking space* must have the following dimensions:
- (i) if located in a horizontal position (on the ground):
 - (a) a minimum length of 1.8 metres,
 - (b) a minimum width of 0.6 metres,
 - (c) a minimum vertical clearance from the ground of 1.9 metres,
 - (ii) if located in a vertical position on the wall, structure, or mechanical device:
 - (a) a minimum length of 1.9 metres,
 - (b) a minimum width of 0.6 metres,
 - (c) a minimum horizontal clearance from the wall of 1.2 metres,
 - (iii) if a stacked *bicycle parking space* is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres.
- (m) *Long-Term Bicycle Parking* for all uses shall:
- (i) be located in a secure storage facility located on the site;
 - (ii) be permitted to be located in a centralized facility on the site for all uses.
- (n) shower and change facilities must be provided for each gender at the following rate:
- (i) none if less than 5 required;
 - (ii) 1 for 5 to 60 required *Long-Term bicycle parking spaces*;
 - (iii) 2 for 61 to 120 required *Long-Term bicycle parking spaces*;
 - (ii) 3 for 121 to 180 required *Long-Term bicycle parking spaces*;
 - (ii) 4 for more than 180 *Long-Term bicycle parking spaces*;
- (o) the required shower and change facilities shall be permitted to be located in a centralized facility on the site for all uses.

3. The lands zoned with the ("H") symbol delineated by heavy lines on Map 1 attached to and forming part of this By-law shall only be used for the permitted uses listed in Section 9 of By-law 438-86, as of the day before the date of enactment of this By-law, until the ("H") symbol has been removed. An amending by-law to remove the ("H") symbol from all or part of the lands shall be enacted by City Council when the following condition(s) has been fulfilled to the satisfaction of Council:

- (a) A surface easement in favour of the City and the general public has been secured to the satisfaction of the City for the purpose of a new north/south thoroughfare between

Eastern Avenue and Lakeshore Boulevard, with the location and design of the thoroughfare and the terms of the easement to be to the satisfaction of the City;

- (b) Detailed final engineering plans, demonstrating the manner in which the lands shall be serviced, have been provided to the satisfaction of the City; in respect of the lands that will no longer have an (“H”) symbol; and
- (c) Notice of Approval Conditions for Site Plan Approval have been issued by the City in respect of the lands that will no longer have an (“H”) symbol

4. For the purposes of this By-law:

- (i) “*grade*” shall mean 78.0 metres Canadian Geodetic Datum;
- (ii) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
- (iii) “*morning*” shall mean the hours between 6a.m to 12p.m., “*afternoon*” shall mean the hours between 12p.m. and 6p.m., and “*evening*” shall mean the hours between “6p.m. and 6a.m.”;
- (iv) “*Long-Term Bicycle Parking*” shall mean *bicycle parking spaces* for use by the occupants or tenants of a building;
- (v) “*Short-Term Bicycle Parking*” shall mean *bicycle parking spaces* for use by visitors to a building.
- (vi) “*production studio*” shall mean premises used for producing digital media, live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a production studio.
- (vii) “*film and media training facility*” shall mean premises used for training and education related to the production of digital media, broadcasts, motion pictures, or audio or video recordings or transmissions.
- (viii) “*artist studio*” shall mean premises used for creating art or craft.
- (ix) “*software development and processing*” means premises used for software development and testing, or for the collection, analysis, processing, storage or distribution of electronic data.

Each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

5. Despite any future severance, partition or division of the lands as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division has occurred.



