

**8-14 Gladstone Ave – Zoning Amendment Application –  
Final Report**

<b>Date:</b>	August 23, 2011
<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>	11 121351 STE 18 OZ

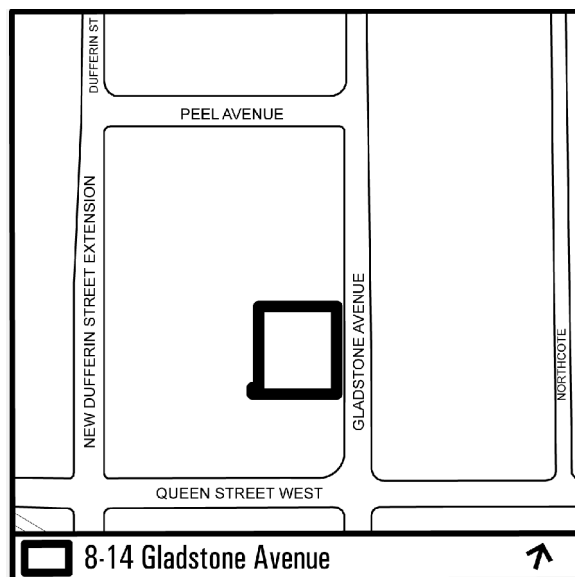
**SUMMARY**

This report reviews and recommends approval of the application for an 8-storey, mixed-use building at 8-14 Gladstone Avenue. Retail uses will be located at-grade with 89 residential units above. Parking is provided underground for residents and visitors, and loading is located at the rear of the building with access from the laneway on the south side of the building.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, as amended, for the lands at 8-14 Gladstone Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to report dated August 23<sup>rd</sup>, 2011.
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.

## **ISSUE BACKGROUND**

### **Proposal**

The subject site is located on the west side of Gladstone Avenue, north of Queen Street West. The applicant proposes to construct an 8-storey condominium building which will contain 89 residential dwelling units and retail uses at grade. The proposed 8-storey building will have a gross floor area of approximately 7,039 square metres, of which 671 square metres would be allocated to ground floor retail uses. The overall height of this building is approximately 26.4 metres, and the proposed density will be 4.29 times the lot area.

The applicant proposes to provide 76 below grade parking spaces to serve this development. The underground parking garage will connect to the below grade parking structure of the building under construction at 2 Gladstone Avenue and both buildings will access the parking via a shared driveway and parking ramp located between the two buildings.

### **Site and Surrounding Area**

The subject site is located on the west side of Gladstone Avenue, north of Queen Street West. The site has an overall area of approximately 1,512 square metres and all buildings on the site have been demolished.

The surrounding built form and uses include:

- East: Opposite the subject site, on the east side of Gladstone Avenue, is a grocery store with a surface parking lot. South of the grocery store is the Gladstone Hotel, a heritage designated building located on the northeast corner of Queen Street West and Gladstone Avenue.
- North: Directly adjacent to the north property line of the subject site is a 2-storey building used for commercial purposes, and north of this building is a row of residential townhomes.
- South: Directly south of the subject property is a new 8-storey condominium known as 2 Gladstone Avenue. This building is currently under construction.
- West: The site is bounded on the west by a private lane which is partially owned by the properties fronting Gladstone Avenue, including the subject property, as well as by the property on the west side of the lane, known as 11 Peel Street, occupied by a low-rise industrial warehouse.

### **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 subject site is designated "*Mixed Use Areas*" in the City of Toronto Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The development criteria in "*Mixed Use Areas*" include, but are not limited to:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

## **Zoning**

The property is subject to former City of Toronto Zoning By-law No. 438-86, as amended, and is zoned Light Industrial I1 D2. This permits industrial uses to a maximum density of 2.0 times the area of the lot and a height limit of 14.0 metres.

## **Site Plan Control**

A Site Plan Approval application was submitted on February 7, 2011 and city staff expect to complete the review of the application shortly.

## **Reasons for Application**

The application does not comply with the existing zoning on the site for a variety of reasons, including but not limited to the change of use from industrial to residential and retail uses, permitted height and density and required setbacks.

## Community Consultation

A Community Consultation meeting was held on April 19, 2011 with the local Councillor, planning staff, the applicant and approximately 25 members of the public. The meeting started with presentations from planning staff and the applicant followed by questions and concerns from those in attendance.

Concerns raised included:

- the appropriateness of the proposed height on the subject site, and also the precedent it will have on heights north of the site on Gladstone towards Peel Street;
- the treatment of the north elevation of the building;
- the provision of family-sized units;
- the status of this application and its relationship to the studies that are ongoing in the immediate area;
- the provision of employment uses on the subject site;
- the application of Section 37 to the development; and
- the "green" features of the building.

An online petition was also started which stated concerns with the height and density of the proposal as well as the fit of the building in the surrounding context.

These issues are addressed 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 have determined that it is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

### Land Use

The proposed commercial and residential uses are land uses which are permitted in the *Mixed Use Area* designation of the Official Plan and are therefore appropriate.

One of the concerns raised at the community meeting was the loss of employment in the area and its replacement with primarily residential buildings with commercial at grade. The proposed building does have 671 square metres of non-residential density which can be used for a variety of uses including retail, offices and studios. The *Mixed Use Area* designation in the Official Plan directs that the site should be developed with a mixed-use building and other sites designated as *Employment Areas* will continue to provide sites for other types of employment uses that cannot be accommodated in a mixed-use buildings.

## Height, Density and Massing

The proposed height of 26.4 metres, including the mechanical penthouse, for the majority of the building, stepping down to 19.6 metres for the northernmost 5.5 metres of the building is appropriate for the site. The overall height is lower than the height of the building at 2 Gladstone Avenue to the south, and the stepping down towards the north provides transition to the properties adjacent to the site to the north. The stepping also sets a clear intent to have the future heights of buildings on the west side of Gladstone Avenue step down towards the *Neighbourhoods* on the north side of Peel Avenue.

The proposed density of 4.29 times the area of the lot is lower than the approved density at 2 Gladstone Avenue (5.96 times the area of the lot) and is appropriate given the allocation of density on the site. Planning staff used the Mid-Rise Guidelines, among other tools, to review the allocation of density on the site as discussed below.

### Mid-Rise Guidelines

In 2010, City Council adopted the Avenues and Mid-Rise Buildings Study. The study includes guidelines which are intended to encourage the construction of better designed mid-rise buildings on the City's Avenues where growth is expected and desirable.

These Guidelines apply to mid-rise developments which are proposed to be constructed on the Avenues. This site is not located on an Avenue on Map 2 of the Official Plan, however the site has similar characteristics to Avenues including a *Mixed Use Area* designation in the Official Plan, and a 20 metre right-of-way, and the proposal is for a mixed-use, mid-rise building which is the type of building that the Guidelines address.

In addition, the staff report on the Mid-Rise Study noted that although the Guidelines were to provide performance standards and recommendations for mid-rise buildings on the Avenues, they may also be appropriate and useful to guide the review of proposals for mid-rise buildings in *Mixed Use Areas* not on Avenues.

The Mid-Rise Guidelines include various building performance standards. The performance standards which are relevant to this application have been met through the design of the proposed building as follows:

1. Buildings may be required to be set back at grade to provide a minimum sidewalk zone.

The proposed building provides a 1 metre setback from the eastern property line which will allow for a minimum 4 metre wide sidewalk along Gladstone Avenue.

2. There should be breaks at upper storeys that provide sky views and mitigate the pedestrian perception of height.

The proposed building complies with this guideline by providing stepbacks at the 5<sup>th</sup> and 7<sup>th</sup> floors along Gladstone Avenue. These stepbacks allow the building to fall substantially within a 45 degree angular plane from 16 metres of height as set out by the guidelines. The parapet on the top floor of the building and a balcony railing are the only portions of the building that project

beyond the angular plane. These setbacks create a comfortable pedestrian environment along Gladstone Avenue by mitigating the perception of height.

3. Appropriate separation distances are required at the rear of a proposed mixed-use building when it abuts *Employment Areas* to the rear.

The building at 8-14 Gladstone Avenue is only setback 3 metres from the rear property line for the first 6 storeys and 5 metres for the top two storeys. However, Streetcar Developments, the owner of the property also owns the property to the rear, municipally known as 11 Peel Avenue. The existing facing distance between the proposed building on Gladstone Avenue and the existing building at 11 Peel Avenue is 12 metres (and 14 metres for the top 2 storeys).

Streetcar Developments has agreed to provide an easement over the property at 11 Peel Avenue in favour of 8-14 Gladstone which would ensure that a minimum of 12 metres between the proposed building at 8-14 Gladstone and any future building at 11 Peel Avenue is maintained.

4. Blank side walls should be designed as architecturally finished surfaces and large expanses of blank sidewalls should be avoided.

Concerns were raised at the community meeting about the design of the north elevation, as it will be highly visible and contain no windows due to its location on the north property line of the site.

Details of the proposed building's north zero-lot-line walls have been provided with the applicant's site plan application (1:50 scale drawings, to be secured in the Site Plan Agreement). These walls will be finished with a combination of materials and patterned in a way to provide visual interest. In addition, the site to the north acts as a buffer and transition between the new development and the row of residential buildings further to the north.

The proposed building also complies with a number of other of the Guidelines including:

- the balconies and projections do not negatively impact the public realm;
- the building materials, which will be secured in the Site Plan Agreement, are of high quality;
- the access has been combined with the building at 2 Gladstone to the south to minimize the number of curb cuts; and
- the loading and servicing is located at the rear of the building and does not detract from the use or attractiveness of the pedestrian realm.

### **Sun, Shadow, Wind**

The Official Plan requires that new development in *Mixed Use Areas* maintains adequate light for residents of abutting neighbourhoods. A design performance standard for mid-rise buildings is that the building envelope should allow for a minimum of 5 hours of sunlight on the (arterial) sidewalks between March 21<sup>st</sup> and September 21<sup>st</sup>.

While zoned and designated for mixed use development, Gladstone Avenue is not an arterial road. However, the applicant's shadow study for the months of March, June and September, as accepted by City staff, shows that the proposed building meets this standard.

### **Traffic Impact, Access, Parking**

Section 2.2 of the Official Plan, "Structuring Growth in the City: Integrating Land Use and Transportation," indicates that future growth within Toronto will be directed to areas that are well served by transit and the existing road network, have properties with redevelopment potential the redevelopment of which will have no significant impact on existing traffic flow or pedestrian safety, and that provide appropriate parking and site access.

A Parking and Loading Study was provided by the applicant. The study was reviewed and accepted by the City's Transportation Services Division. Based on the following findings, the study concludes that the site is well-suited for the proposed residential development from a transportation perspective.

This development will share a driveway and parking ramp with the building at 2 Gladstone Avenue which only requires one curb cut and minimizes the interaction between pedestrians and vehicles entering and exiting the building. This curb cut will also provide access to the one Type G loading space located at the rear of the building. Seventy-six parking spaces for residents and six visitor vehicular parking spaces solely for use by visitors to the building, are provided which is adequate given the total number of units. Fifty-two bike parking spaces for residents and 13 spaces for visitors at grade are provided on-site with additional bike parking on rings adjacent to the curb along Gladstone Avenue.

The site is also in close proximity to the extension of Dufferin Street which contains a bus route connecting to the Bloor/Danforth subway line at Dufferin station and Queen Street West which has a 24-hour streetcar line with connections to the University/Spadina line of the subway at Osgoode station.

### **Tenure**

All residential units are proposed to be condominiums.

### **Family Sized Units**

At the community meeting a question was asked about the provision of family sized units in the building. Currently there are 60 one bedroom units and 29 two bedroom units proposed, and no 3 bedroom units. When the questions were asked at the meeting Streetcar Developments indicated that there is not a strong market for 3 bedroom units in this area, but they would merge 2 units if a buyer requested a larger unit. Staff are satisfied with the unit breakdown proposed given the relative size of the proposal.

### **Ward 18 Local Area Study and the Area Specific Official Plan Review of Gladstone and Peel**

There are two ongoing studies that have study areas that include the subject site. This application had been submitted to the City prior to the initiation of both studies, however, staff have reviewed the application within the context of each study and believe that the proposal on the subject site is appropriate and will not conflict with the outcome of either study.

### **Ward 18 Local Area Study**

City Council directed staff in March 2011 to initiate an area specific study for the area on the east side of the rail corridor that runs along the west side of Ward 18 generally between Queen and Dupont Streets. The study is reviewing the transportation network (vehicular and for bicycles), the pedestrian connections, connections to the Railpath, quality of open spaces and parks, possible deficiencies in community services and incentives to encourage employment uses. The study is not looking at land use as that is being covered in the ongoing Municipal Comprehensive Review.

This site falls within the area of the Ward 18 Local Area Study. Staff have reviewed the proposal with respect to the topics covered in the study and have determined that the proposal will not negatively impact the outcome of the study, and that it addresses the relevant topics. Specifically, the laneway between 8 Gladstone and 2 Gladstone Avenue will act as a pedestrian connection linking Gladstone Avenue to the property at 11 Peel Avenue and an easement over the property at 11 Peel Avenue in favour of 8-14 Gladstone will ensure a proper setback between any future buildings or open space at 11 Peel Avenue.

### **Area Specific Official Plan Review of Gladstone and Peel**

The Official Plan Review of Gladstone and Peel, initiated in April 2011, is studying the properties designated as *Mixed Use Areas* in the area generally bounded by Queen Street West, Northcote Avenue, Peel Avenue and Dufferin Street. The purpose of the study is to identify the appropriate built form on the *Mixed Use Area* properties, and the appropriate relationship between the *Mixed Use Areas* and the adjacent *Neighbourhoods*. The subject site is within the study area and is designated as *Mixed Use*.

A community meeting was held on June 16<sup>th</sup>, 2011 with approximately 15 members of the public, property owners, the local Councillor, and planning staff. General principles were developed at the meeting which included a stepping down of the building heights along the west side of Gladstone Avenue towards Peel and the Neighbourhoods on the north side of Peel.

A follow up community meeting was held on September 13<sup>th</sup>, 2011 at which planning staff presented the built form options discussed at the first community meeting. This included a general stepping down towards the north on the west side of Gladstone Avenue, from the building at 8-14 Gladstone Avenue to a 12 metre height limit on the southwest corner of Peel Street and Gladstone Avenue. The community was generally supportive of the options presented at the meeting, including incorporation of the 8-14 Gladstone project as currently proposed, and staff will be reporting back to City Council shortly.

The proposed building at 8-14 Gladstone is 8 storeys, stepping down to 6 storeys at the north end of the site. This reduction in the height towards the north is consistent with the generally principles agreed upon at the first and second community meeting and sets a precedent for a stepping down of heights to the north. Staff believe that the recommended approval of this application will not restrict the potential outcomes of the Area Specific Official Plan Review.

### **Servicing**

The applicant has submitted a stormwater management report and site servicing plan in support of the proposed development to the Executive Director of Technical Services for review as part of the Site Plan Approval process.



## **Streetscape**

Section 4.5.2(f) of the Official Plan requires that new development within *Mixed Use Areas* provide an attractive, comfortable and safe pedestrian environment. Policy (e) of that section also requires new development to locate and mass buildings to frame the edge of streets. The front wall of a mixed use mid-rise building is generally expected to be built to the front property line unless there is a setback required by the zoning by-law or unless the existing sidewalk width is insufficient.

There is no front yard setback required on the subject site but the proposal sets the building back 1 metre from the front property line to increase the width of the sidewalk and to line the building up with 2 Gladstone Avenue to the south. The pairing of 2 Gladstone Avenue and 8-14 Gladstone Avenue creates a strong street wall along the west side of the south end of Gladstone Avenue and the addition of street trees, a wide sidewalk, commercial uses at grade and shared access with only 1 curb cut creates a safe and attractive pedestrian environment.

## **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 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposed 89 residential units on a total site area of 0.1512 hectares (1,512 m<sup>2</sup>). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.1146 hectares (1,146 m<sup>2</sup>). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.01512 hectares (151.2 m<sup>2</sup>). The non residential component of the development would be subject to a 2% parkland dedication requirement under By-law 1020-2010, which came into effect on May 3, 2011.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 151.2 m<sup>2</sup> would not be of a useable size and the site would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance 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. Among other measures, the applicant is proposed to provide 47% of (366 square metres) the available roof area as a green roof.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

## **Section 37**

One of the participants at the community meeting inquired about the applicability of Section 37 for this application.

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. The proposed gross floor area of the proposed building is 7,039 square metres and the Official Plan policies regarding Section 37 do allow for the application of Section 37 below the 10,000 square metre threshold, if agreed to by the owner. Given the size of this proposal, and that Section 37 was not used in the approvals of the companion building at 2 Gladstone, the owner has not agreed to provide community benefits through Section 37 for this proposal.

## **Development Charges**

It is estimated that the development charges for this project will be \$684,634.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Sarah Phipps, Senior Planner  
Tel. No. (416) 392-7622  
Fax No. (416) 392-1330  
E-mail: sshipps1@toronto.ca

## **SIGNATURE**

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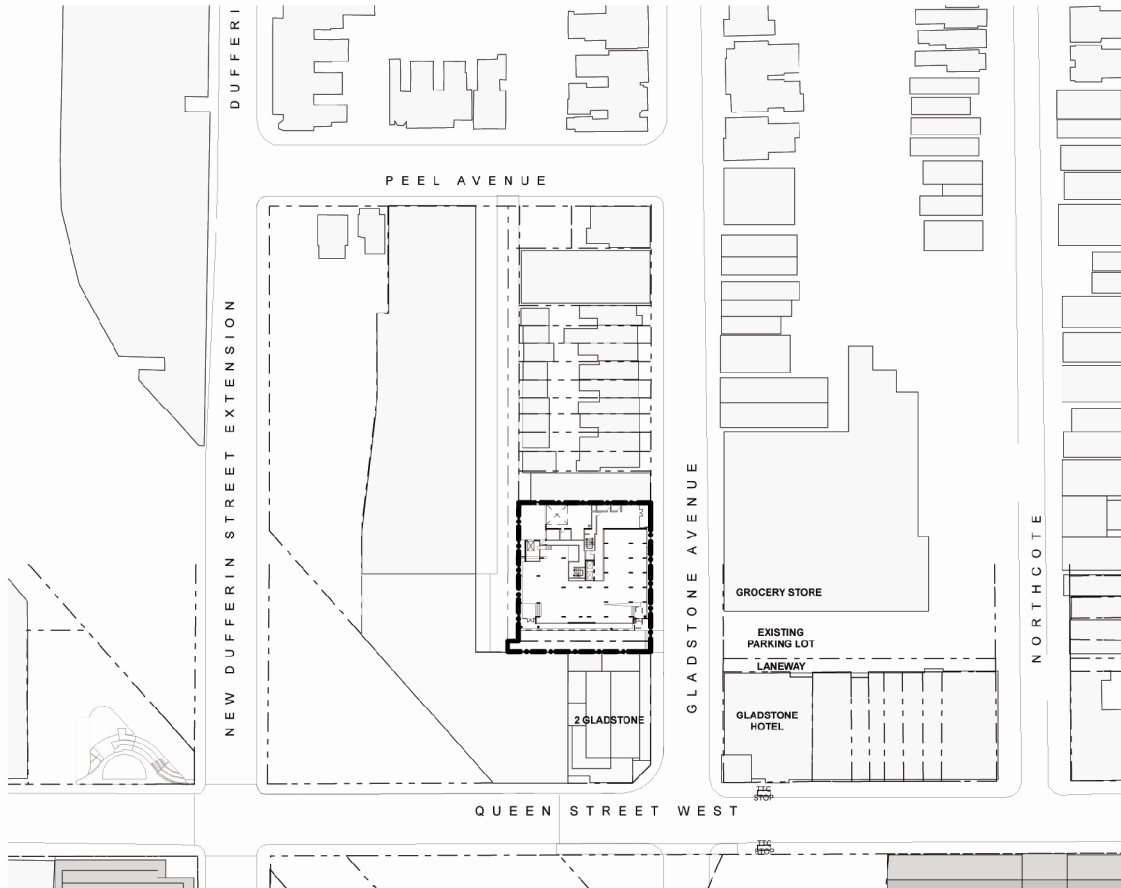
Gregg Lintern, Director, MCIP, RPP  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Context Plan  
Attachment 2: Ground Floor Plan  
Attachment 3: East Elevation  
Attachment 4: West Elevation  
Attachment 5: North Elevation  
Attachment 6: South Elevation  
Attachment 7: Zoning  
Attachment 8: Application Data Sheet  
Attachment 9: Draft Zoning By-law Amendment

# Attachment 1: Context Plan



## Context Plan

8 - 14 Gladstone Avenue

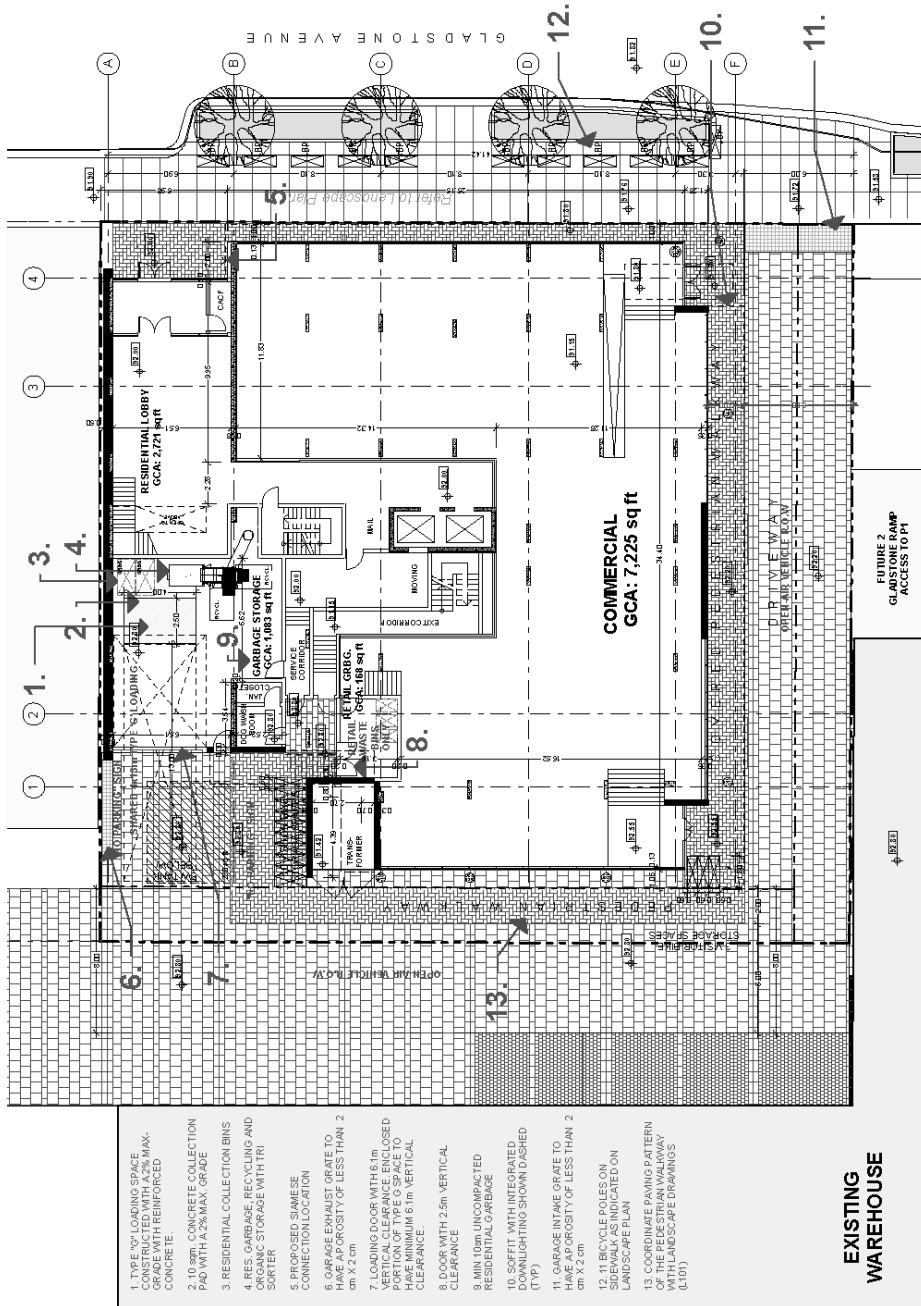
Applicant's Submitted Drawing

Not to Scale  
02/28/11



File # 11\_121351\_02

# Attachment 2: Ground Floor Plan



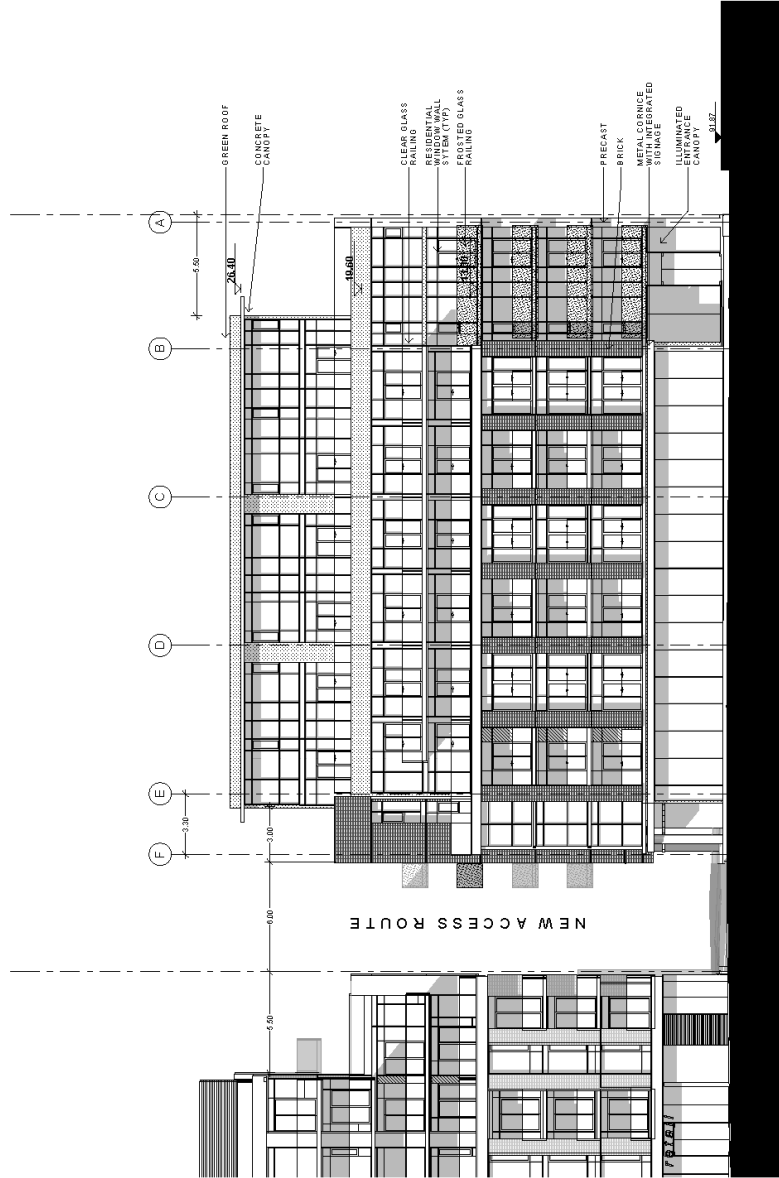
8-14 Gladstone Avenue

Ground Floor Plan  
 Applicant's Submitted Drawing

Not to Scale  
 08/15/2011

File # 11 121351 0Z

### Attachment 3: East Elevation



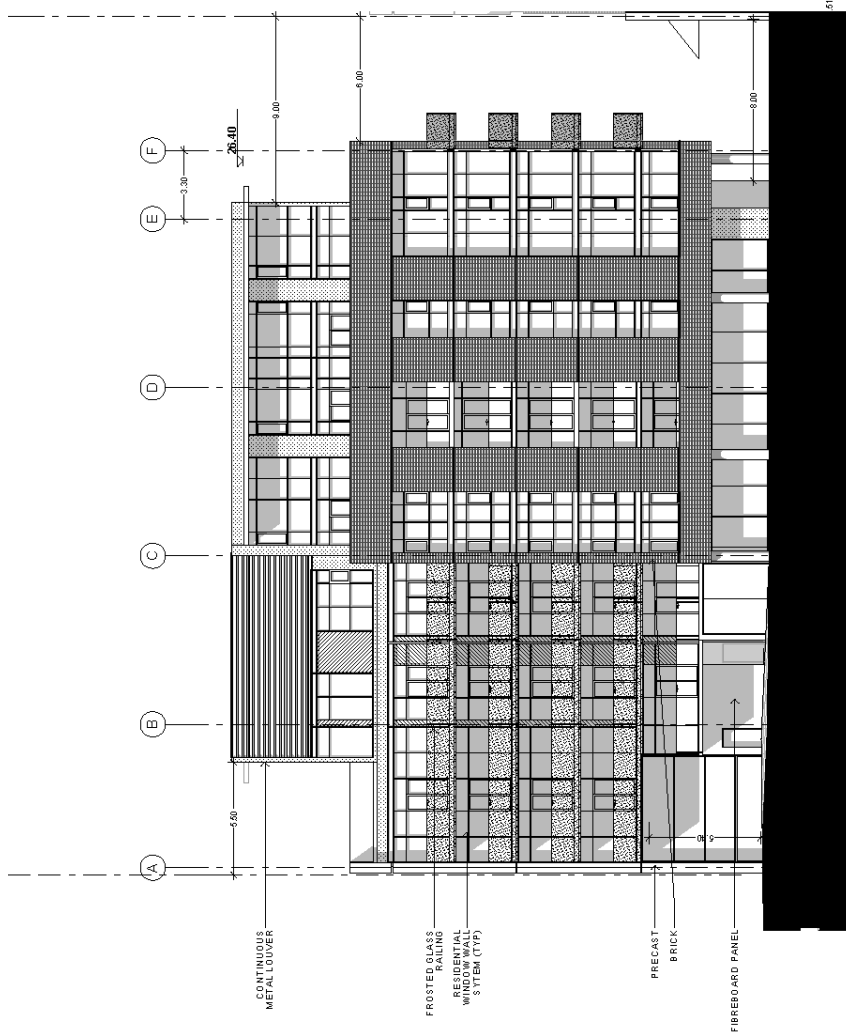
8-14 Gladstone Avenue

File # 11 121351 0Z

Elevations  
 Applicant's Submitted Drawing

Not to Scale  
 08/15/2011

**Attachment 4: West Elevation**



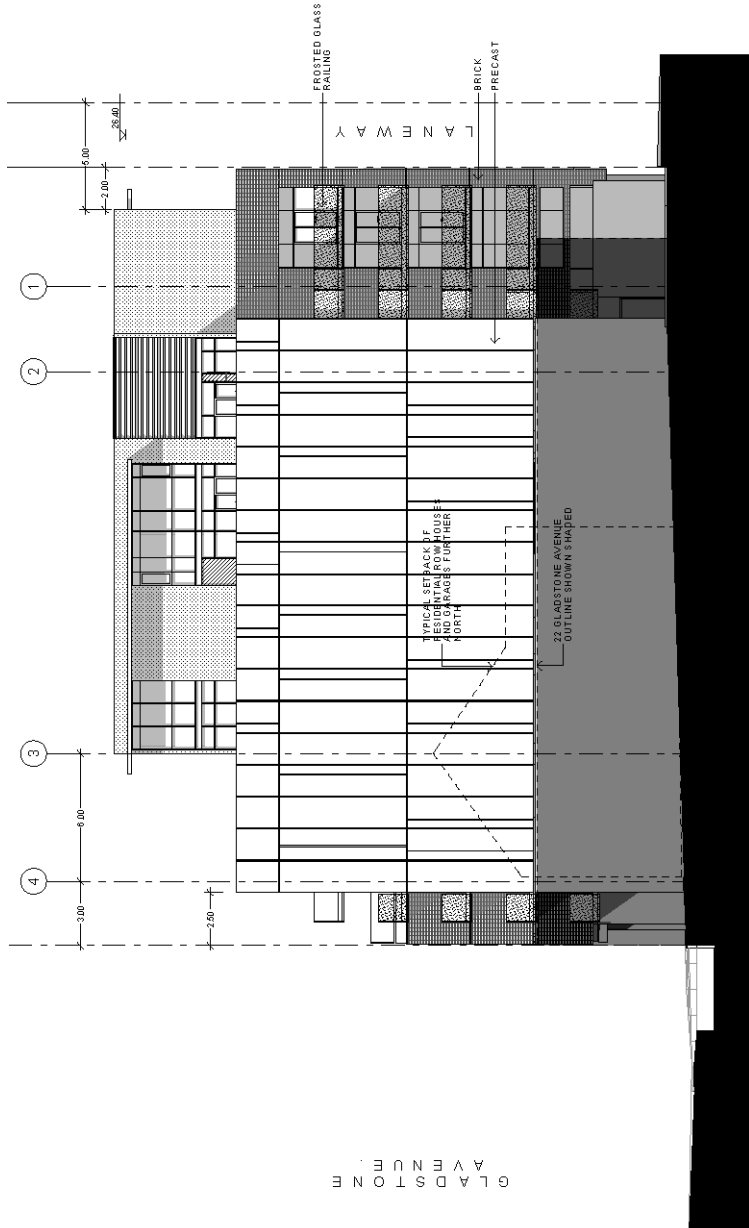
West

**8-14 Gladstone Avenue**

**File # 11 121351 0Z**

**Elevations**  
**Applicant's Submitted Drawing**  
 Not to Scale  
 08/15/2011

**Attachment 5: North Elevation**



North

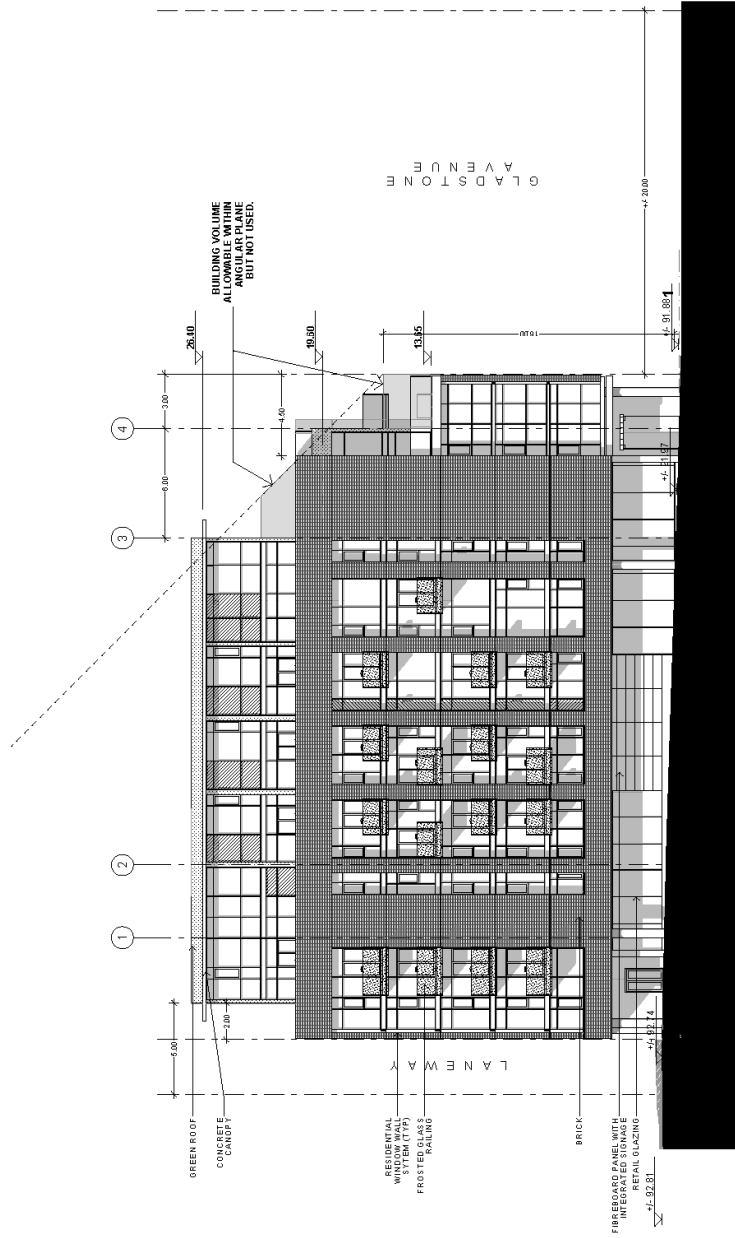
**8-14 Gladstone Avenue**

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 08/15/2011

File # 11 121351 0Z

# Attachment 6: South Elevation



8-14 Gladstone Avenue

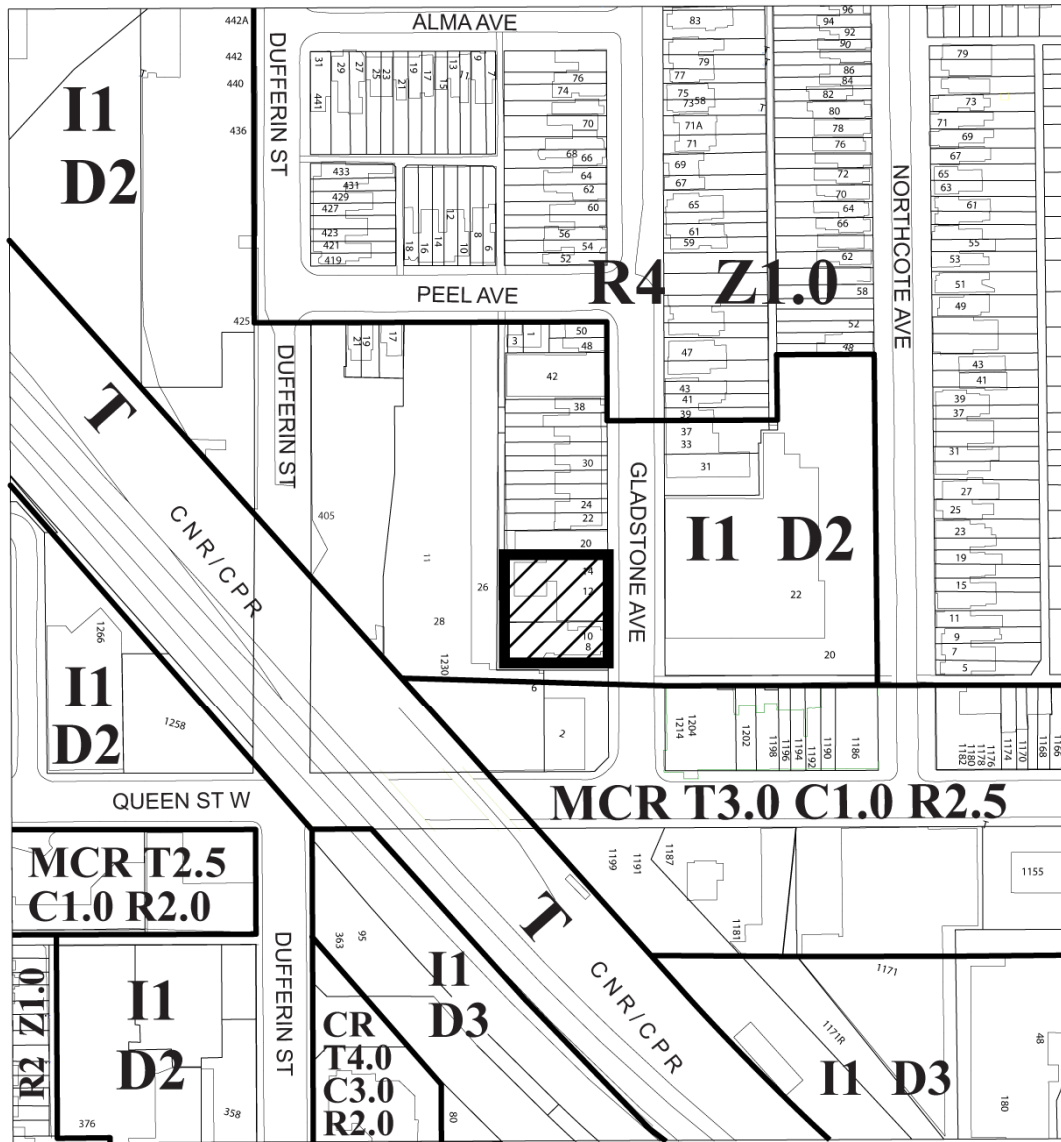
Elevations  
Applicant's Submitted Drawing

Not to Scale  
08/15/2011

File # 11 121351 0Z



# Attachment 7: Zoning



**Zoning** City of Toronto By-law 438-86

8 - 14 Gladstone Avenue

File # 11\_121351\_0Z

- R4 Residential District
- R2 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District
- I1 Industrial District
- T Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 03/08/2011

### Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	11 121351 STE 18 OZ
Details	Rezoning, Standard	Application Date:	February 7, 2011
Municipal Address:	8 Gladstone Ave		
Location Description:	CON 1 FB PT PARK LOT 28 **GRID S1807		
Project Description:	Rezoning application for a new mixed use building with retail at-grade. An 8 storey building with 89 residential units and 2 levels below grade parking with 76 spaces, 52 resident bike parking spaces with 13 visitor spaces. See 11 121362 STE 18 SA for site plan approval application.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Streetcar Development Inc		Tact Architecture Inc.	Oronzo Dirauso

#### Planning Controls

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	I1 D2	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

#### Project Information

Site Area (sq. m):	1639	Height: Storeys:	8
Frontage (m):	41.4	Metres:	26.4
Depth (m):	36.6		
Total Ground Floor Area (sq. m):	1060		<b>Total</b>
Total Residential GFA (sq. m):	6367	Parking Spaces:	76
Total Non-Residential GFA (sq. m):	671	Loading Docks	1
Total GFA (sq. m):	7039		
Lot Coverage Ratio (%):	70.1		
Floor Space Index:	4.29		

#### Dwelling Units

#### Floor Area Breakdown (upon project completion)

	Condo		Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	6367	0
Bachelor:	0	Retail GFA (sq. m):	671	0
1 Bedroom:	60	Office GFA (sq. m):	0	0
2 Bedroom:	29	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	89			

<b>Contact:</b>	<b>Planner Name:</b>	<b>Sarah Phipps, Senior Planner</b>
	<b>Telephone:</b>	<b>416-392-7622</b>

## Attachment 9: Draft Zoning By-law

Enacted by Council: ~, 2011

### CITY OF TORONTO

#### BY-LAW No. xxx - 2011

**To amend the General Zoning By-law No. 438-86 for the former City of Toronto, as amended, with respect to lands municipally known as 8-14 Gladstone 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*;

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

1. None of the provisions of Section 2 with respect to *height* and *grade* and Sections 4(2), 4(3), 4(4)(b), 4(6)-(7), 4(12), 4(13), 4(16), 9, 12(1)307 and 12(2)270 of By-law No. 438-86, being “A By-law and specific amending 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* and uses and structures *accessory* thereto, on the *lot*, provided:
  - (1) the *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

#### **GROSS FLOOR AREA**

- (2) the *residential gross floor area* of the *mixed use building* on the *lot* shall not exceed 6, 370 square metres;
- (3) the minimum *non-residential gross floor area* on the *lot* shall be 650 square metres;
- (4) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 7045 square metres;

#### **UNIT TYPE**

- (5) the *mixed use building* contains not more than 89 *dwelling units* of which a minimum of 28 *dwelling units* will have 2 or more bedrooms;

## PROJECTIONS

- (6) no portion of any building or structure is located otherwise than wholly within the area delineated by heavy lines on Map 2, attached hereto and forming part of this By-law, with the exception of the following:
- i) cornices, sills, pilasters, parapets, light fixtures, ornamental elements, eaves, and balustrades which may project 0.4 metres outside of the heavy lines on the attached Map 2;
  - ii) underground garage ramps and their associated structures, retaining walls, fencing, balconies (only within the area shaded on Map 2) canopies, decks, railings, air vents or intake grills and planters, which may extend beyond the heavy lines on the attached Map 2 of this By-law;

## HEIGHT

- (7) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, with the exception of the following:
- i) the maximum height for parapets, terrace and balcony guards and dividers, planters, elements of a green roof, vents, flues, light fixtures, , railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.8 metres and the applicable height limit shown on Map 2;

## RESIDENTIAL AMENITY SPACE

- (8) *residential amenity space* shall be provided in accordance with the following:
- i) a minimum of 90 square metres of contiguous indoor *residential amenity space* containing a kitchen and washroom shall be provided;
  - ii) a minimum of 10 square metres of outdoor *residential amenity space* shall be provided; and
  - iii) the outdoor *residential amenity space* shall be directly accessible from the indoor *residential amenity space*;

## **PARKING AND LOADING**

- (9) *parking spaces* shall be provided and maintained at or below *grade* on the lot in accordance with the following:
- (i) 0.3 *parking spaces* for each bachelor dwelling unit;
  - (ii) 0.7 *parking spaces* for each one bedroom dwelling unit;
  - (iii) 1.0 *parking spaces* for each two bedroom dwelling unit;
  - (iv) 1.2 *parking spaces* for each *dwelling unit* having three or more bedrooms;
  - (v) 0.12 *parking spaces* for every dwelling unit for visitor use.
  - (vi) notwithstanding subsections (i) to (v) above, the total number of *parking spaces* required by these ratios for the residents of *dwelling units* may be reduced by 8 *parking spaces* and the total number of *parking spaces* required for visitors may be reduced by 5 *parking spaces*;
  - (vii) notwithstanding subsections (i) to (vii) above 7 *parking spaces* shall be provided for the exclusive use of residents in the buildings known municipally as 2 Gladstone Avenue;
  - (viii) notwithstanding the provisions of 4(17), 8 *parking spaces* may have widths of 2.6 metres with one side of the *parking space* obstructed;
- (10) A minimum of 65 *bicycle parking spaces* be provided, 52 for occupants located at or below grade and 13 for visitors located at grade;
- (i) not more than 50 percent of *bicycle parking spaces-occupant* shall be provided in a manner that requires a person to park the bicycle in a vertical position;
  - (ii) *bicycle parking spaces* required by (10) above shall not be provided within a *dwelling unit* or a balcony thereof nor within a commercial suites;
- (11) One Type G loading space shall be provided and maintained on the lot;

## **PERMITTED USES**

- (12) No person shall use a lot or erect or use a building within the site for any purpose except one or more of the following uses:

- i) a *mixed use building*;
- ii) any use permitted in the MCR zone Section 8 (1) b); and
- iii) uses accessory thereto, including a *parking area* located below and above finished ground level.

(13) No *dwelling units* to be located below *grade*;

#### **NON-RESIDENTIAL GROSS FLOOR AREA**

(14) With respect to the required *non-residential gross floor area*:

- (i) the main floor is located within 0.4 metres from *grade*;
- (ii) a minimum first *storey* floor-to-floor height of 4.3 metres shall be provided;
- (iii) all exterior entrance doors which provide access to a non-residential use within the building, other than service entry doors, shall be directly accessible from the public sidewalk or publicly accessible open space by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%); and
- (iv) a *designers studio* is permitted;

## **2. Definitions**

(1) For the purposes of this By-law, the terms set forth in italics, subject to Section 2.(i) & (ii) of this By-law, have the same meaning as such terms have for the purposes of By-law 438-86, as amended; and

(2) the following definitions shall apply:

*grade* means 91.87 metres above Canadian Geodetic Datum;

*height* shall mean the vertical distance between *grade* and the highest point of the structure; and

**3.** Within the lands shown on Map 1 attached to this By-law, no person shall use any land or use any building or structure unless the following municipal services are provided to the lot line and the following are complied with:

- (1) 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,

- (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2011

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

