

**1029 and 1075 Queen Street East – Zoning Amendment
Final Report**

Date:	April 3, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	13-156471 STE 30 OZ

SUMMARY

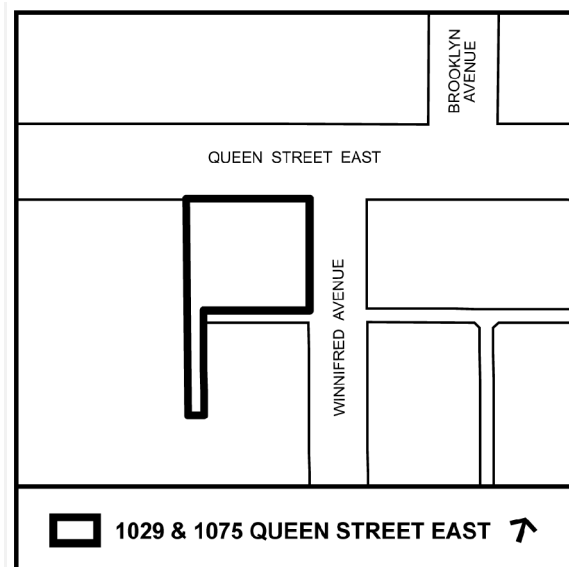
This application proposes a six-storey (19.5 metre) mixed-use building plus mechanical penthouse with 292 square metres of non-residential uses at grade and 48 residential dwelling units above at 1029 and 1075 Queen Street East. 23 parking spaces are proposed at the rear of the site with 20 of the spaces located in a parking stacker system. Access to the parking spaces would be from the laneway to the south (via Winnifred Avenue).

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 1029 and 1075 Queen Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report (April 3, 2014) 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.
3. City Council direct the Chief Planner and Executive Director, City Planning to secure, amongst others, the following matters to her satisfaction in a Site Plan Agreement pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act:
 - a. a lane widening at the rear of the subject property;
 - b. an indoor room for the storage of residential and non-residential waste bins associated with the proposed development; and
 - c. streetscaping along the Queen Street East and Winnifred Avenue frontages.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report was adopted by Toronto & East York Community Council on September 10, 2013, and a copy is available at:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60677.pdf>

In addition to holding a Community Consultation Meeting, City Planning staff were also directed to:

- review this application concurrently and in the context of the Queen Street East/Leslieville Planning Study;
- meet with the owner(s) of the adjacent property at 1027 Queen Street East and assess whether there are planning issues with respect to impacts of the proposed development on their property; and
- determine if the existing Toronto Water infrastructure is adequate for the requirements of the proposed development and thoroughly assess traffic and parking considerations.

ISSUE BACKGROUND

Proposal – Original and Revised

The original proposal submitted in April 2013 was for an eight-storey (25.0 metre) mixed-use building. 50 residential rental units were proposed with 327 square metres of non-residential gross floor area at grade. 23 parking spaces were proposed to be provided at the rear of the site, accessed via the public lane (from Winnifred Avenue).

The proposal has been revised since the Preliminary Report was written and the Community Consultation Meeting was held. The revised proposal is for a six-storey mixed-use building. A total of 48 residential rental units are proposed (4,140 square metres) with 292 square metres of non-residential uses at grade. The total density is 3.73 times the area of the lot. The total height of the building is 19.5 metres (23.5 metres including the mechanical penthouse).

The applicant proposes to provide 23 parking spaces at the rear of the site. 20 of the spaces would be located in a parking stacker system. 1 Type C loading space is proposed. Access to the parking and loading is via the laneway to the south (from Winnifred Avenue).

Refer to Attachment No. 7 for the Application Data Sheet.

Site and Surrounding Area

The subject site is located on the southwest corner of Queen Street East and Winnifred Avenue. The site area is approximately 1,187 square metres, with 33.93 metres of frontage along Queen Street East and 30.46 metres of frontage along Winnifred Avenue. The portion of the site at 1029 Queen Street East has a lot depth of approximately 59 metres, which creates a "panhandle" shaped lot. The properties are currently occupied by a former post office building and a single row house. The laneway to the south provides vehicular access to the subject site and the adjacent properties to the west at 1025 and 1027 Queen Street East

North: Across Queen Street East is a five-storey building at 1070-1080 Queen Street East that includes Jack Layton Seniors Housing and WoodGreen Community Services uses. Further north is a residential neighbourhood with two- and three-storey rowhouse, semi-detached and detached dwellings.

South: A residential neighbourhood with two- and three-storey rowhouse, semi-detached and detached dwellings.

East: To the east is a mix of residential and retail uses, primarily in two- and three-storey buildings.

West: Immediately west are two row houses that have commercial/live-work uses at grade. The row houses are currently connected to 1029 Queen Street East. West of the row houses is a mix of residential and retail uses, primarily in two- and three-storey buildings.

The topography of the site and the surrounding area is generally flat.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy

objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located on an *Avenue*, as shown on Map 2 – Urban Structure of the Official Plan.

Section 2.2.3 of the Official Plan describes *Avenues* as “important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents”.

The *Avenues* will be reurbanized incrementally on a site-by-site basis and over the course of several years. The framework for new development on each *Avenue* will be established through an Avenue Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. The zoning by-law will set out the mix of uses, heights, densities, setbacks and other zoning standards.

As stated in the Official Plan, “Some of the *Avenues* already serve as 'main streets' that are focal points for the local community with attractive and bustling sidewalks. The traditional 'main street' *Avenues* already have zoning in place to guide mixed-use development in a way that fits with the neighbourhood”. This portion of Queen Street East is such an *Avenue*.

The Official Plan also notes that not all *Avenues* are the same. "Each *Avenue* is different in terms of lot sizes and configurations, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no 'one size fits all' program for reurbanizing the *Avenues*".

The subject site is designated *Mixed Use Areas* in the City of Toronto Official Plan. The designation permits a broad range of commercial, residential and institutional uses, and includes policies and criteria to guide development.

The development criteria in *Mixed Use Areas* include:

- 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 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.

Mid-rise Guidelines

In 2010, Council adopted the Avenues and Mid-rise Building Study. The study includes guidelines for mid-rise developments along the City's *Avenues* that are identified on Map 2 of the Official Plan. Queen Street East was removed from the Avenues and Mid-rise Building Study map. The guidelines do not apply to Queen Street East or the subject site.

Queen Street East/Leslieville Planning Study

In June 2013, Council requested that the City Planning Division initiate a study of Queen Street East in Leslieville, between the railway crossing at Jimmie Simpson Park and Leslie Street. The purpose of the study is to develop urban design guidelines that support vibrant, high-quality mixed-use development that complies with Official Plan policies; respect the unique local character; and take into account community objectives.

In September 2013, Toronto and East York Community Council directed staff to review the subject application concurrently and in the context of the study.

Community consultation meetings led by an Independent Facilitator were held in October and November 2013, and February 2014. A final community meeting is scheduled for April 29, 2014. The applicant attended some of the community meetings and met with Planning staff to discuss the outcome of the meetings and implications for the subject site.

The Final Report for the study is anticipated to be considered by Toronto and East York Community Council at its meeting on June 17, 2014.

Zoning

The site is zoned MCR T2.5 C1.0 R2.0 by the former City of Toronto Zoning By-law 438-86, which permits a wide range of commercial and residential uses. The maximum permitted density is 2.5 times the area of the lot, of which a maximum of 1.0 times may be non-residential uses and a maximum of 2.0 times may be residential uses. The maximum permitted height is 14.0 metres.

Site Plan Control

The proposed development is subject to Site Plan Control. An application was submitted on March 28, 2014 and is under review by staff.

Reasons for the Application

The proposal is for a six-storey, 19.5 metre high building (23.5 metre including mechanical penthouse) with a density of 3.73 times the area of the lot. The proposed height exceeds the current height limit of 14 metres. The proposed density exceeds current permissions of 2.5 times the lot area. A Zoning By-law amendment is therefore required.

Community Consultation

A Community Consultation Meeting was held on October 28, 2013. City Planning staff, the applicant, the local Councillor and approximately 65 members of the public attended. Comments received at the meeting focused on building height and massing, parking and traffic concerns. Since October 2013, the applicant has worked with Planning staff and the local Councillor to address concerns raised by staff and members of the community. The applicant has also been resolving certain issues with the adjacent property owners.

At the February 2014 Community Consultation Meeting regarding the Queen Street East/Leslieville Planning Study, City Planning staff provided the community with an update regarding the revised proposal for the subject site. The revised proposal was also made available on the City Planning website.

On April 22, 2014, an open house was hosted by the applicant on-site to present the revised proposal to the community. City Planning staff and the local Councillor were in attendance to answer any questions and approximately 20 members of the public attended.

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 PPS, 2014. The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Avenue Segment Review (ASR)

The site is identified as an *Avenue* on Urban Structure – Map 2 of the Official Plan, which is an area identified for growth. *Avenues* Policy 2.2.3.3 in the Official Plan states that development may be permitted on the *Avenues* prior to the completion of an Avenue Study, provided an applicant has submitted an ASR as part of the application. Proposed development that is accompanied by an ASR will be considered on the basis of all of the policies of the Official Plan.

ASRs are required to discuss the implications for the portion of the *Avenue* resulting from the proposed development and incremental development of a similar size on larger, underutilized lots (soft sites). New development along the *Avenues* is to be compatible with and not adversely affect the *Neighbourhoods* that they serve

Staff have reviewed the ASR submitted by the applicant (prepared by Walker, Nott, Dragicevic Associates Limited and dated April 2013) in support of the application. The ASR includes properties fronting onto Queen Street East between Boston Avenue and Berkshire Avenue/Leslie Grove Park.

The ASR provides a review of the existing policy framework; built form; community services and facilities; transportation; and an analysis of the potential redevelopment of soft sites within the segment. The review identifies four soft sites that could have the potential for mixed-use redevelopment. The ASR suggests that these sites could accommodate buildings of five to six storeys in height (17 to 20 metres) based on the size of the lots. The review of each potential development site included identifying building height, non-residential density and number of residential dwelling units. The ASR anticipates that if all four sites were built out there would be approximately 2,300 square metres of additional non-residential gross floor area and 114 dwelling units within the segment.

It should be noted that two out of the four selected soft sites are currently under review by staff for Site Plan applications, namely 1001 and 1130 Queen Street East. The proposal for 1001 Queen Street East is for a three-storey non-residential addition over the existing one-storey automotive repair building. There are no residential units proposed for the site. The proposal for 1130 Queen Street East is for a five-storey mixed-use building that would contain approximately 230 square metres of retail use at grade and 14 residential dwelling units above. If approved, these applications would reduce the anticipated build-out projected in the ASR to 1,900 square metres of additional non-residential gross floor area and 84 dwelling units within the segment.

Planning staff are of the opinion that incremental development that is similar in scale and intensity to the subject proposal along this portion of Queen Street East would not adversely impact the adjacent *Neighbourhoods* or the *Avenue*.

Land Use

The subject site is designated *Mixed Use Areas* in the Official Plan. This designation is intended to accommodate most of the anticipated growth in the City with regard to retail, service employment and new housing. The applicant is proposing a six-storey building that would accommodate residential and employment opportunities. The proposed development can utilize existing public and transit infrastructure. The proposed development conforms to the land use provisions of the Official Plan and the site is appropriate for moderate residential intensification.

Density, Height, Massing

Mid-rise buildings are an important type of development that allow for new housing and employment opportunities, as well as help the City to meet its objectives for incremental intensification and reurbanization. The review of the development proposal was guided by the development criteria for *Mixed Use Areas*. The proposed development does not meet the minimum 10,000 square metre threshold for community benefits under Official Plan Policy 5.1.14 in relation to Section 37 of the Planning Act.

Zoning By-law 438-86 allows for a maximum building height of 14 metres along this portion of Queen Street East. The site is within a *Mixed-Use Area* that abuts a *Neighbourhood* to the south. As such, a transition in height to the adjacent *Neighbourhood* was an important consideration during the review of the proposal. The overall height of the building is 19.5 metres plus the mechanical penthouse. However, stepbacks are provided above the 10.5 metre height at the rear of the building.

Stepbacks are also provided above the 14 metre height along the Queen Street East and Winnifred Avenue frontages, which are reflected on Map 2 of the Draft Zoning By-law Amendment (Attachment 8). The stepback provided at the 14-metre height creates an appropriate streetwall height that contributes to the public realm and pedestrian experience along Queen Street East and Winnifred Avenue.

The proposed density is 3.73 times the area of the lot. Although the permitted density is 2.5 times the area of the lot, the proposed density is allocated to reduce the potential impact of the proposal on the public realm and on adjacent properties, and is in keeping with the development criteria of the Official Plan.

The proposed height, density and massing are appropriate and are supported by Planning staff.

Queen Street East/Leslieville Planning Study

Pursuant to the direction from Toronto and East York Community Council in September 2013, the application has been reviewed concurrently with the Queen Street East/Leslieville Planning Study. Draft Urban Design Guidelines for Queen Street East in

Leslieville are anticipated to be presented to Toronto & East York Community Council on June 17, 2014. The Study has included an analysis of the appropriate streetwall height in the study area, and the community has generally been supportive of the concept of stepbacks being provided above a height of 14 metres. The proposed building façades on Queen Street East and Winnifred Avenue will have a similar building rhythm to the prevailing character in the study area; and a transition will be provided down toward the adjacent *Neighbourhood*.

Sun and Shadow Studies

The applicant submitted a sun/shadow study for March and September in support of the revised proposal. The submitted study shows that there will be some minor shadow impact on the adjacent property to the west. However, the impact would be similar to the shadow cast by a permitted 14-metre mixed-use building. Staff consider the minor shadow impact to be acceptable.

Amenity Space

The applicant will be providing a minimum of 85 square metres of indoor amenity space and 50 square metres of outdoor amenity space. The outdoor amenity space would be located at the rear of the site, south of the laneway. Although the minimum required amenity space is 96 square metres (of indoor and outdoor space, respectively), the proposal is considered acceptable because the indoor amenity space is a modest reduction from the requirement, is an appropriate configuration and will be located at grade via Queen Street East. The proposed outdoor amenity space is a useable size and will be located at grade at the rear of the site.

Access, Parking and Loading

Pedestrian access to the residential and non-residential components of the building would be from Queen Street East. Access to the parking area at the rear of the site would be via the laneway to the south (from Winnifred Avenue). The rear laneway requires a widening of 1.98 metres as part of the subject proposal, which has been included on the plans / reports submitted by the subject proposal and will be secured through the Site Plan approval process.

The proposal includes 23 parking spaces, of which 20 would be located in a parking stacker system and allocated to residents, whereas the Zoning By-law requires 34 parking spaces for the proposed development. The applicant submitted a Parking and Loading Assessment in support of the reduced parking spaces. Transportation Services staff reviewed the assessment and determined that the trips generated by a residential building with 48 rental dwelling units could be accommodated by the proposed parking spaces.

The applicant is proposing a modified Type C loading space that would have a length of 6.4 metres and a width of 3.4 metres, rather than the required Type G loading space. Development Engineering staff, in consultation with Solid Waste Management staff have determined that a Type G loading space will not be required for the proposed development because the collection of waste materials for the building can occur on

Queen Street East rather than via the laneway to the rear. The waste bins will be stored internally in a waste room on non-collection days.

Bicycle Parking

The applicant is proposing 29 bicycle parking spaces for residents and 7 bicycle parking spaces for visitors. The visitor spaces will be located along the Winnifred Avenue frontage. The proposal meets the bicycle parking requirements.

Servicing

As part of the application, a Functional Servicing & Stormwater Management Report was submitted by the applicant and reviewed by City staff. The proposed development is within an area of severe basement flooding and was the subject of an Environment Assessment in 2012. The applicant has demonstrated that the proposed development will not have any negative impact on the existing flooding situation in the area and that the existing Toronto Water infrastructure is sufficient to service the proposed development.

1027 Queen Street East

Further to the direction from Toronto and East York Community Council on September 10, 2013, Planning staff and the applicant met with the owners of the adjacent property at 1027 Queen Street East on September 11, 2013, to discuss whether there were any planning issues with respect to impacts of the proposed development on their property. The planning-related issues included potential shadow impact at the front and rear of 1027 Queen Street East; the storage of waste bins; and access to/from their property via the public lane. Planning staff also met with the owners on-site on November 21, 2013.

Since the September and November 2013 meetings, the applicant has revised the proposal to address the planning-related concerns expressed by the owners of 1027 Queen Street East by: reducing the shadow impact on 1027 Queen Street East; including an indoor room for the storage of waste bins for the proposed development; and confirming that unrestricted access would continue via the widened public lane. The applicant has also had further discussions with the adjacent owners regarding other matters of mutual interest.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open space are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands that are the subject of this application are in an area with 0.42 – 0.78 hectares of parkland per 1,000 people, which is the second lowest provision level. The site is in a parkland priority area, as per Alternative Rate Parkland Dedication By-law No. 1020-2010.

The application proposes 48 residential units on the 1,187 square metre site. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.0666 hectares or 68.72 % of the net site area. For sites less than 1 hectare in size, a cap of 10 % for the residential portion of the development

applies. A 2% parkland requirement is applied to the non-residential portion. In total, the parkland dedication requirement of 0.0098 hectares or 98 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu, which is appropriate as the parkland requirement is too small to be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Through the Queen Street East / Leslieville Planning Study, the community has expressed an interest in the creation of additional parks and open space in the area.

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.

Applicable TGS performance measures will be secured through the Site Plan approval process.

CONTACT

Emily Caldwell, Acting Planner
Tel. No. 416-392-7574
Fax No. 416-392-1330
E-mail: ecaldwe@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

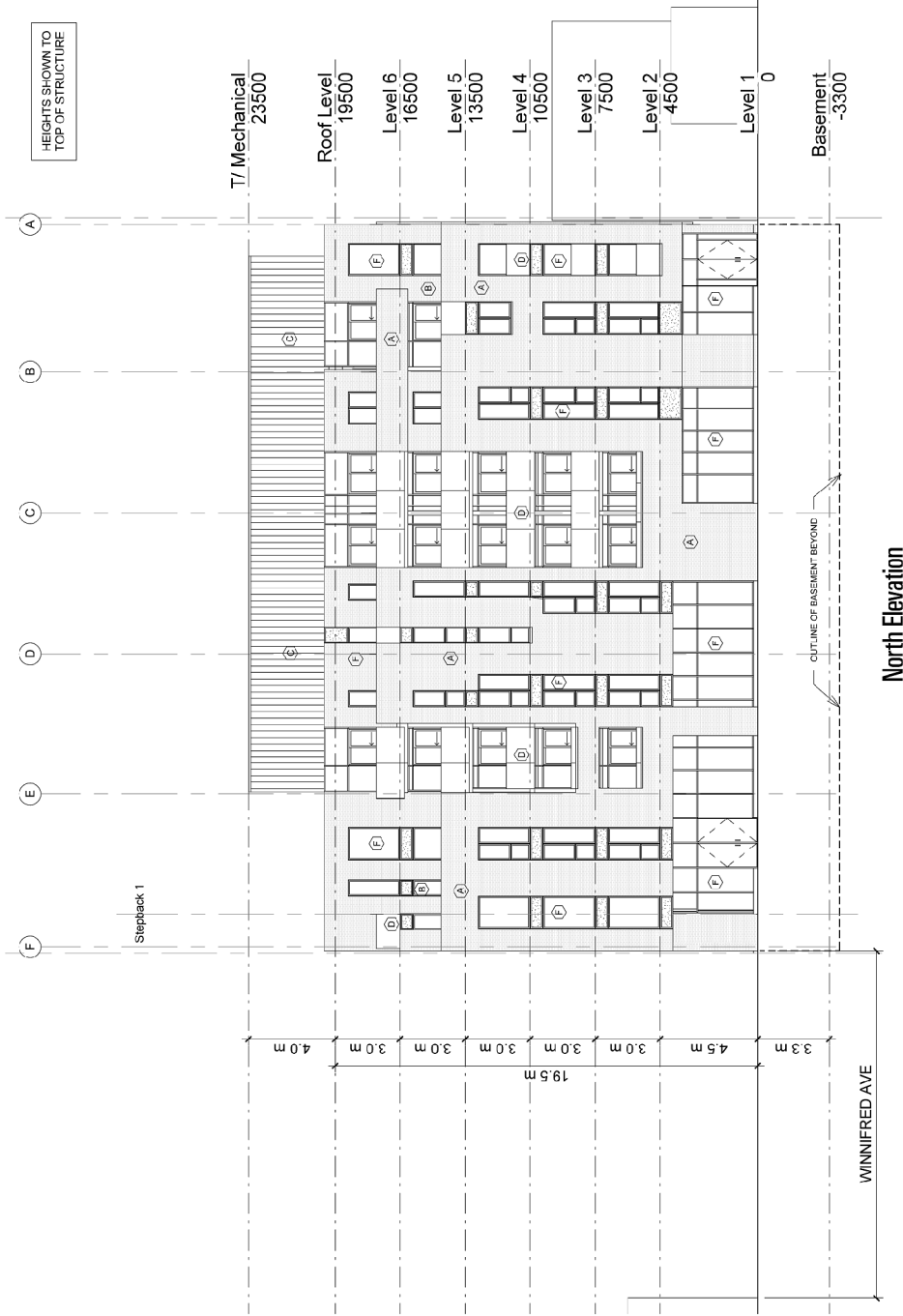
Attachment 5: West Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

Attachment 2: North Elevation



1029 & 1075 Queen Street East

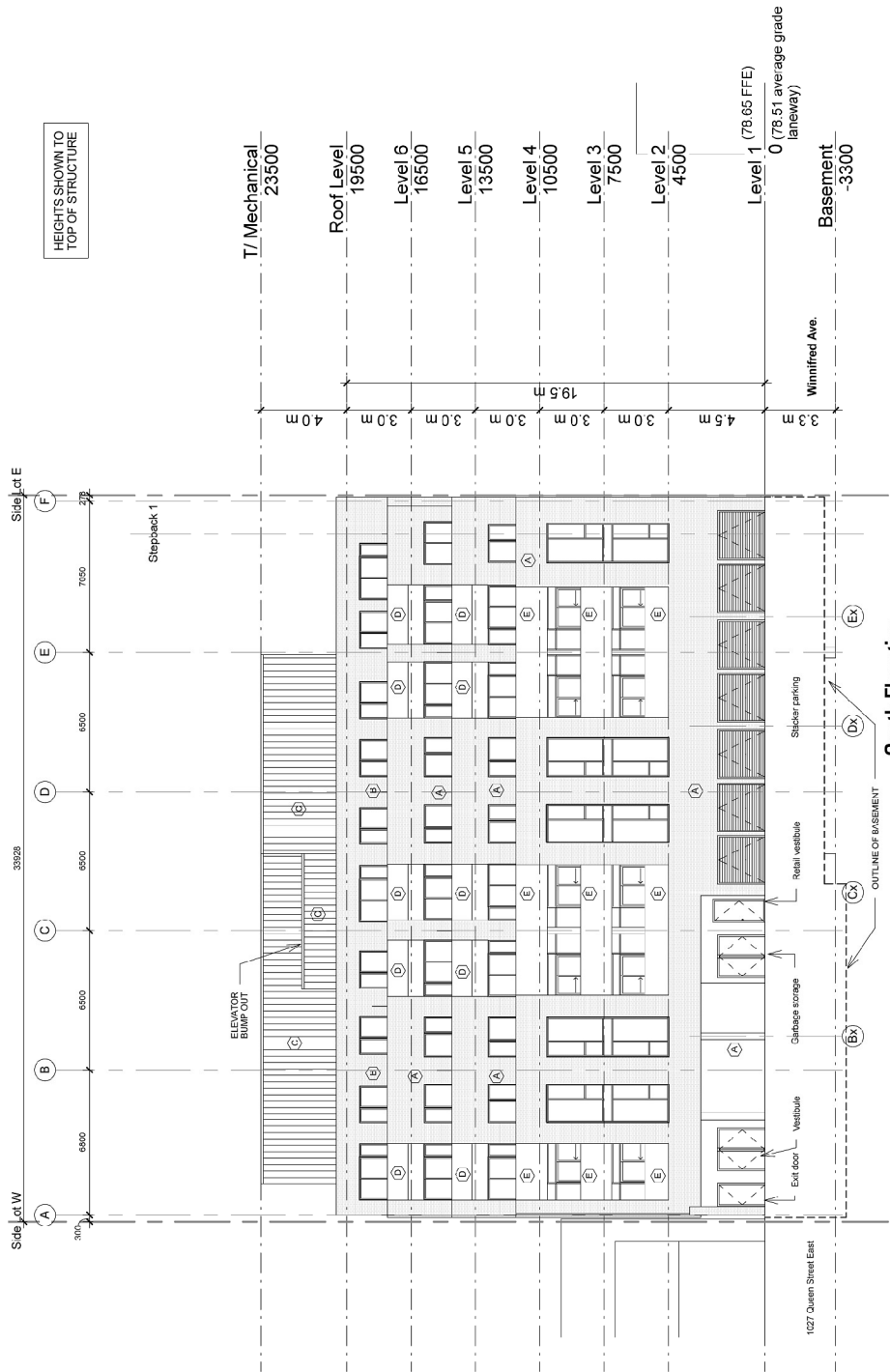
Elevations

Applicant's Submitted Drawing

Not to Scale
04/02/2014

File # 13 156471 0Z

Attachment 3: South Elevation



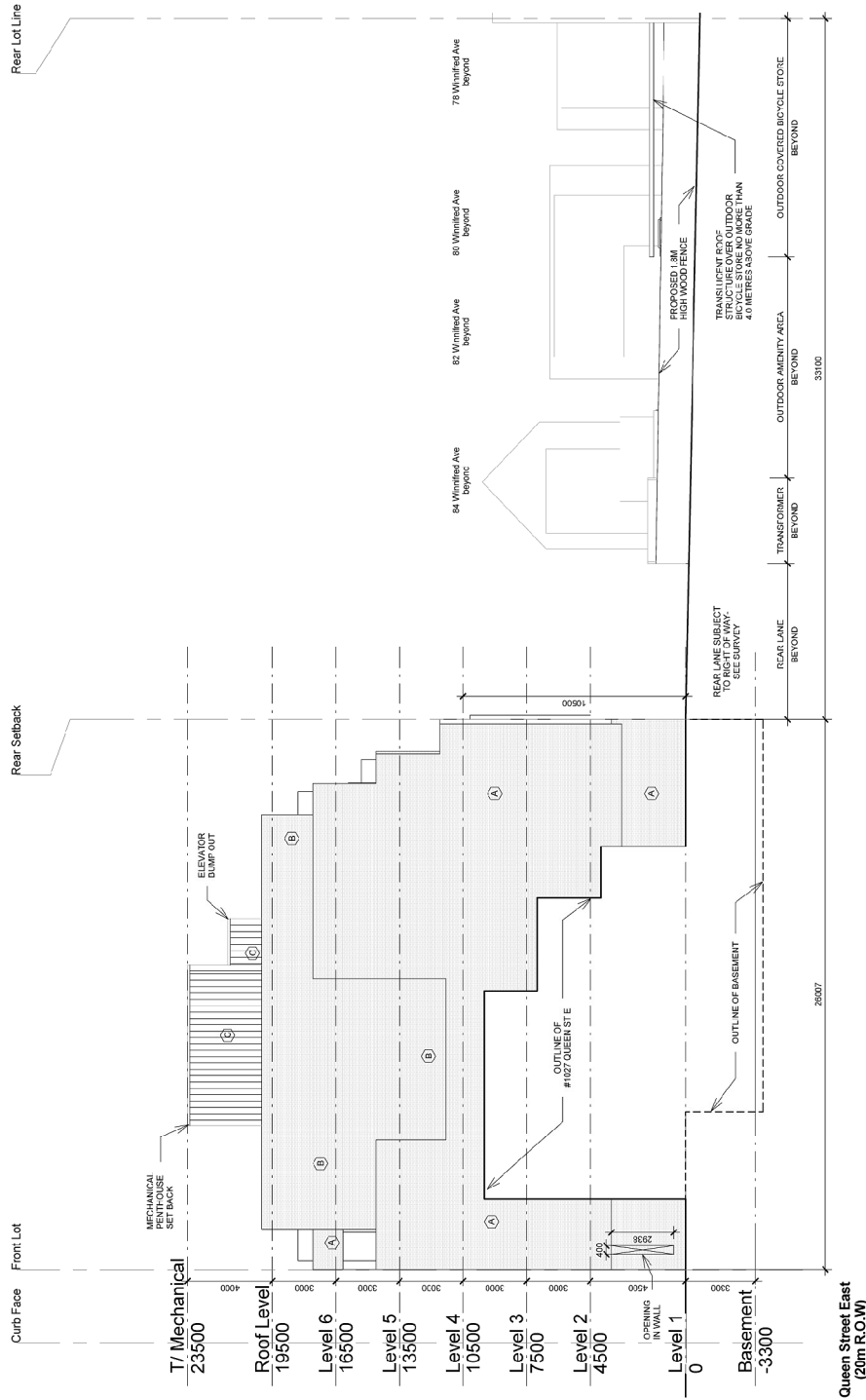
1029 & 1075 Queen Street East

Elevations
 Applicant's Submitted Drawing

Not to Scale
 04/02/2014

File # 13 156471 0Z

Attachment 5: West Elevation



West Elevation

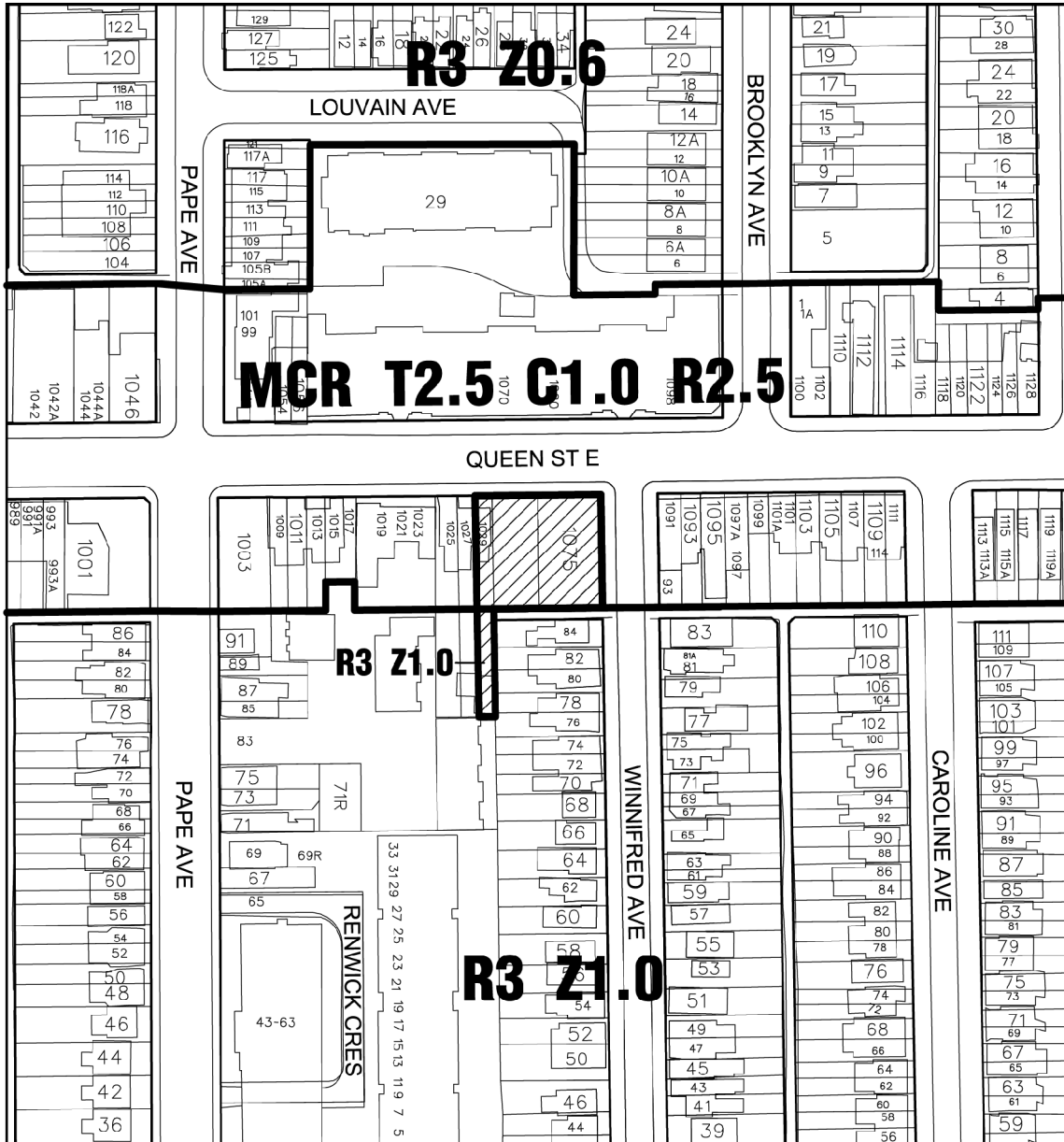
1029 & 1075 Queen Street East

Elevations
Applicant's Submitted Drawing

Not to Scale
04/02/2014

File # 13 156471 0Z

Attachment 6: Zoning



1029 & 1075 Queen Street East

File # 13 156471 0Z

R3 Residential District
MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 08/15/2013

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	13 156471 STE 30 OZ
Details	Rezoning, Standard	Application Date:	April 24, 2013
Municipal Address:	1029 & 1075 QUEEN ST E		
Location Description:	PLAN 56E LOT A B C **GRID S3013		
Project Description:	Proposal to construct a 6-storey mixed use building with 292 square metres of non-residential uses at grade and 48 dwelling units above. A total of 23 parking spaces are proposed in a parking stacker system. Parking would be accessed via the public lane to the south of the subject site (from Winnifred Avenue).		

Applicant:	Agent:	Architect:	Owner:
Walker, Nott, Dragicevic Associates Limited		Superkül Inc	1075 Queen East Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Zoning bylaw 438-86
Zoning:	MCR T2.5 C1.0 R2.0	Historical Status:	
Height Limit (m):	14, 0, 0	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	1187	Height:	Storeys:	6
Frontage (m):	30.46		Metres:	23.5
Depth (m):	33.93			
Total Ground Floor Area (sq. m):	734			Total
Total Residential GFA (sq. m):	4140		Parking Spaces:	23
Total Non-Residential GFA (sq. m):	292		Loading Docks	1
Total GFA (sq. m):	4432			
Lot Coverage Ratio (%):	61.8			
Floor Space Index:	3.73			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3992	148
Bachelor:	0	Retail GFA (sq. m):	292	0
1 Bedroom:	19	Office GFA (sq. m):	0	0
2 Bedroom:	28	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	48			

CONTACT: PLANNER NAME: Emily Caldwell, Planner
TELEPHONE: 416-392-7574

Attachment 8: Draft Zoning By-law Amendment

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. xxx – 20~

**To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
1029 and 1075 Queen Street East**

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 Sections 4(2)(a), 4(3), 4(6)(C), 4(12), 4(17), 8(3) Part II, 8(3) Part I 3(A), 8(3) Part II 1(b)(ii), 8(3) Part II 4(C)(I), 8(3) Part II 4(C)(III), 8(3) Part II 4(D)(IV) and 8(3) Part IV 1 of By-law 438-86 of the former City of Toronto 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 in various areas of the City of Toronto", as amended, shall apply to prevent the erection of a *mixed-use building* on the *lot* for:
 - (a) not more than 50 *residential* units;
 - (b) any uses permitted in an MCR district under Zoning By-law 438-86, as amended.

provided that:

- (1) the *lot* on which the proposed building is to be located comprises at least those lands delineated by the heavy lines on Map 1, attached to and forming part of this By-law;
- (2) the *height* of any building or structure, as measured from the average *grade* along the Queen Street East frontage of the subject property or portion thereof, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;

- (3) Notwithstanding Section 1.(2) of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the *heights* shown on Map 2:
 - (i) awnings, balconies, balustrades, canopies, cornices, door swings, eaves, fences, guardrails, landscape features, lighting fixtures, ornamental elements, parapets, trellises, railings, screens, stairs, stair enclosures, elevators, elevator overruns, wheel chair ramps, vents, window sills, window washing equipment, underground garage ramps and their associated structures, roof access ladders and roof access hatches;
 - (4) the total *gross floor area* of the building erected on the *lot* does not exceed 4,550 square metres;
 - (5) the *residential gross floor area* of the building erected on the *lot* does not exceed 4,250 square metres;
 - (6) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 300 square metres;
 - (7) a minimum of 85.0 square metres of *indoor residential amenity space* is provided and maintained on the *lot*;
 - (8) a minimum of 50.0 square metres of *outdoor residential amenity space* shall be provided and maintained on the lot, which is not required to be adjoin the *indoor residential amenity space*;
 - (9) a minimum of 23 *parking spaces* are provided and maintained on the lot;
 - (10) each parking space within the *parking stacker* has a minimum width of 2.4 metres and length of 5.0 metres;
 - (11) a loading space with a length of at least 6.4 metres, a width of at least 3.5 metres and a vertical clearance of at least 3.0 metres is provided on the *lot*; and
 - (12) an *accessory* structure having a maximum area of 60.0 square metres is permitted for the purposes of bicycle storage.
2. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended.
 3. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

