

Authority: Etobicoke York Community Council Item
EY11.1, as adopted by City of Toronto Council on
December 17 and 18, 2019

CITY OF TORONTO

BY-LAW 1800-2019

To amend Chapters 304, 350 and 352 of the Etobicoke Zoning Code, as amended, with respect to certain lands located on the south side of Birmingham Street east of Fourteenth Street, municipally known in the year 2019 as 225 Birmingham Street.

Whereas the matters herein set out are in conformity with the Official Plan Amendment 58-97;

The Council of the City of Toronto enacts:

1. That the Zoning Map referred to in Section 350-7, Article II of the Zoning Code, and originally attached to the Town of New Toronto By-law 2215, be and the same is hereby amended by changing the classification of the lands located in the former Town of New Toronto as described in Schedule A annexed hereto from Class 2 Industrial (I.C2) to Residential, Fourth Density (R4) and Parks District (G).
2. For the purposes of this By-law, **town house dwelling units** shall be defined as multiple dwellings consisting of a series of attached dwelling units with at least one dwelling unit entirely or partially above another, and each dwelling unit having a separate entrance directly from outside.
3. For the purposes of this By-law, a **home occupation** is permitted and shall be defined as meaning a business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator.
4. For the purposes of this by-law, **grade** shall mean the Canadian Geodetic Datum elevation of 89.00 metres for Block A and 89.96 metres for all other areas shown on Schedule B.
5. For the purposes of this by-law, in addition to the exclusions identified in the definition of residential and non-residential gross floor area as defined in the Etobicoke Zoning Code, the following shall also be excluded from the calculation of gross floor area:
 - (a) parking and loading;
 - (b) total area of all floors below **grade**;
 - (c) required loading spaces at or above **grade**;
 - (d) garbage shafts;
 - (e) parking ramp;

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- (f) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (g) mechanical penthouse; and
 - (h) covered entrance and exit stairwells to floors below grade and in the buildings.
6. Notwithstanding Chapter 350 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the zone R4 lands as described in Schedule A attached hereto:
- (a) **Home Occupations** shall be permitted on the ground floor of **dwelling units** facing Birmingham Street.
 - (b) **town house dwelling units** shall be permitted and all uses listed in 350-38 shall be permitted within Block "A";
 - (c) The maximum permitted total **gross floor area** is 23,000 square metres;
 - (d) The maximum permitted **residential gross floor area** is 22,000 square metres;
 - (e) The minimum required **non-residential gross floor area** is 557 square metres and shall be located within Block "A";
 - (f) A maximum of 200 **town house dwelling units** shall be permitted;
 - (g) The permitted maximum height for non-residential buildings is the height in metres specified by the number following the symbol HT on Schedule B.
 - (h) The permitted maximum height for residential buildings is the height in metres specified by the number following the symbol HT and the permitted maximum number of **storeys** is the numerical value following the symbol ST on Schedule B.
 - (i) The **lot line** abutting Birmingham Street shall be deemed as the **front lot line**;
 - (j) Measurements of required building setbacks and **landscaped open space** shall be from either a private or public street line, and shall not be affected by required corner roundings for a public road and horizontal curves along a private street;
 - (k) No portion of a **building** or **structure** erected or used above **grade** may encroach into a required building setback identified within the heavy lines on Schedule B or **landscaped open space** indicated by the heavy lines by Schedule B of By-law 1800-2019, with the exception of the following shall be permitted to encroach a maximum of 3 metres, but shall, at no time, project onto City property:
 - cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural flutes, pillars, pergolas, trellises, terraces, bay windows, window sills, planters, ventilation shafts, guardrails, balustrades, railings, porches, sunken

patios, stairs, covered stairs, stair enclosures including but not limited to the stairs associated with an entrance or exit from an underground garage, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and window washing equipment hydro meter, gas meter, low wall, retaining wall, paths, any architectural features; and signs;

(l) Despite (k) above, accessory structures, including entrance and exit stairs, enclosed stairs, bicycle storage, ventilation shafts and mail rooms, shall be located outside of the heavy lines shown on Schedule B;

(m) The following projections may encroach above the maximum building height as identified in (g) and (h), by a maximum of 3 metres:

Privacy screens, outdoor furniture, eaves, canopies, parapets, chimneys, vents, stacks, roof access hatches cornices, light fixtures, ornamental elements, art and landscape features, architectural flutes, pillars, pergolas, trellises, terraces, bay windows, window sills, planters, ventilation shafts, enclosed mechanical equipment and roof access, guardrails, balustrades, railings, porches, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings, and window washing equipment, mechanical equipment, covered stairs, elevator overruns, balustrades, underground garage ramps, landscape and public art features, trellises, wheel chair ramps, elements or structures of the roof of the building used for outside or open air recreation, partitions dividing outdoor recreation and amenity areas, wind mitigation and safety screens, noise mitigation, screens, lightning rods, green roof elements, planters, chimney stack, exhaust flues, garbage chute overruns, and any architectural features;

(n) The maximum combined building coverage shall not exceed 40 percent of the total land area, exclusive of those provisions included within 6(k) of this By-law;

(o) A minimum of 45 percent of the **lot** shall be **landscaped open space**;

(p) **Parking spaces** shall be provided at a minimum rate of 1.0 per **dwelling unit** for residential use and 0.15 per **dwelling unit** for visitor use;

(q) **Parking spaces** shall be provided at a minimum rate of 1.0 per 100 square metres of non-residential **gross floor area**;

(r) For the purposes of this By-law, a **parking space** shall have the following minimum dimensions:

(i) length of 5.6 metres;

(ii) width of 2.6 metres;

(iii) vertical clearance of 2.0 metres; and

- (iv) the minimum width in (ii) must be increased by 0.3 metres for each side of the **parking space** that is obstructed according to (s) below.
 - (s) The side of a **parking space** is obstructed if any part of fixed object such as a wall, column, bollard, fence or pipe is situated:
 - (i) Within 0.3 metres of the side of the **parking space**, measured at right angles, and
 - (ii) More than 1.0 metre from the front or rear of the **parking space**.
 - (t) A minimum of four accessible vehicle **parking spaces** must be provided on the lot. For the purposes of this By-law, the accessible **parking spaces** shall have the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) width of 3.9 metres; and
 - (iii) vertical clearance of 2.1 metres.
 - (u) The minimum **parking spaces** for residential visitors and non-residential visitors may be shared;
 - (v) A minimum of 1.9 square metres of **outdoor amenity** space per **dwelling unit** shall be in a location adjoining or directly accessible to the residential buildings on the lot. For the purposes of this By-law, **outdoor amenity** shall mean outdoor space on a lot that is communal or available for use by the occupants of a building on a lot for recreational or social activities.
 - (w) The townhouse blocks must fit within a 45 degree **angular plane** measured from the western property line. For the purposes of this by-law an **angular plane** means an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal.
 - (x) For the area identified as Area "B" on Schedule B, no balconies and terraces are permitted on the west facing elevation of a **building** or **structure** located along the western **lot line**. All balconies and terraces above the first floor must be a minimum of 11.0 metres from the western **lot line**;
7. None of the above By-law and Zoning Code standards shall prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale or initial leasing of **dwelling units** for a period not to exceed 3 years from the date of this by-law coming into full force and effect.
8. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

9. Despite any existing or future severance, partition or division of the **lot**, the provisions of this By-law shall apply to the lot as well as the buildings and structures on the **lot**.
10. Chapter 352, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Table 352-1 of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1800-2019 December 18, 2019	Lands located on the south side of Birmingham Street, east of Fourteenth Street known as 225 Birmingham Street.	To rezone the lands from Class 2 Industrial (IC2) to Fourth Density Residential (R4) and Parks District (G) to permit 200 dwelling units, subject to site specific development standards.

11. Section 37 Provisions

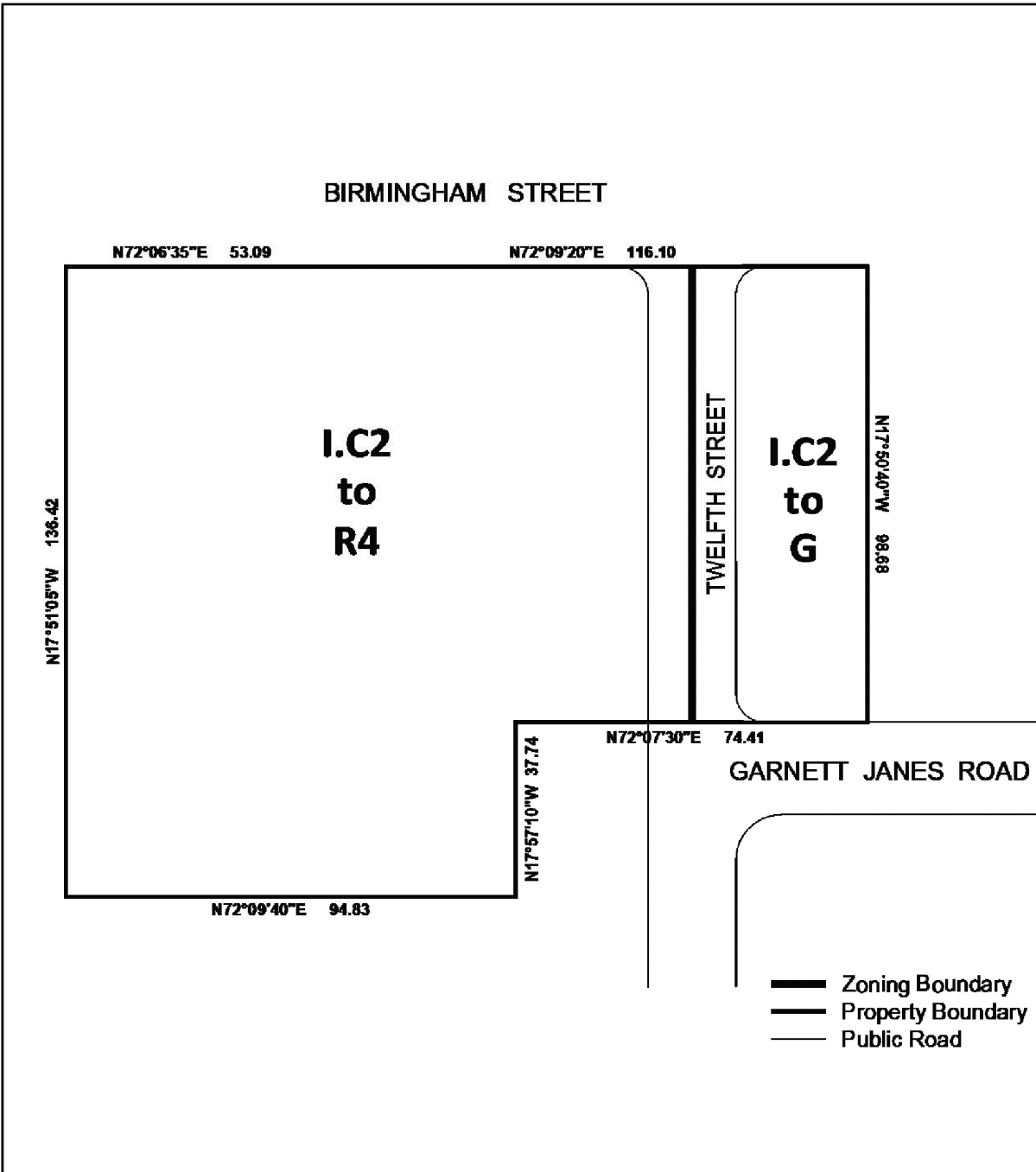
- (a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule A in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 1 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (b) Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.

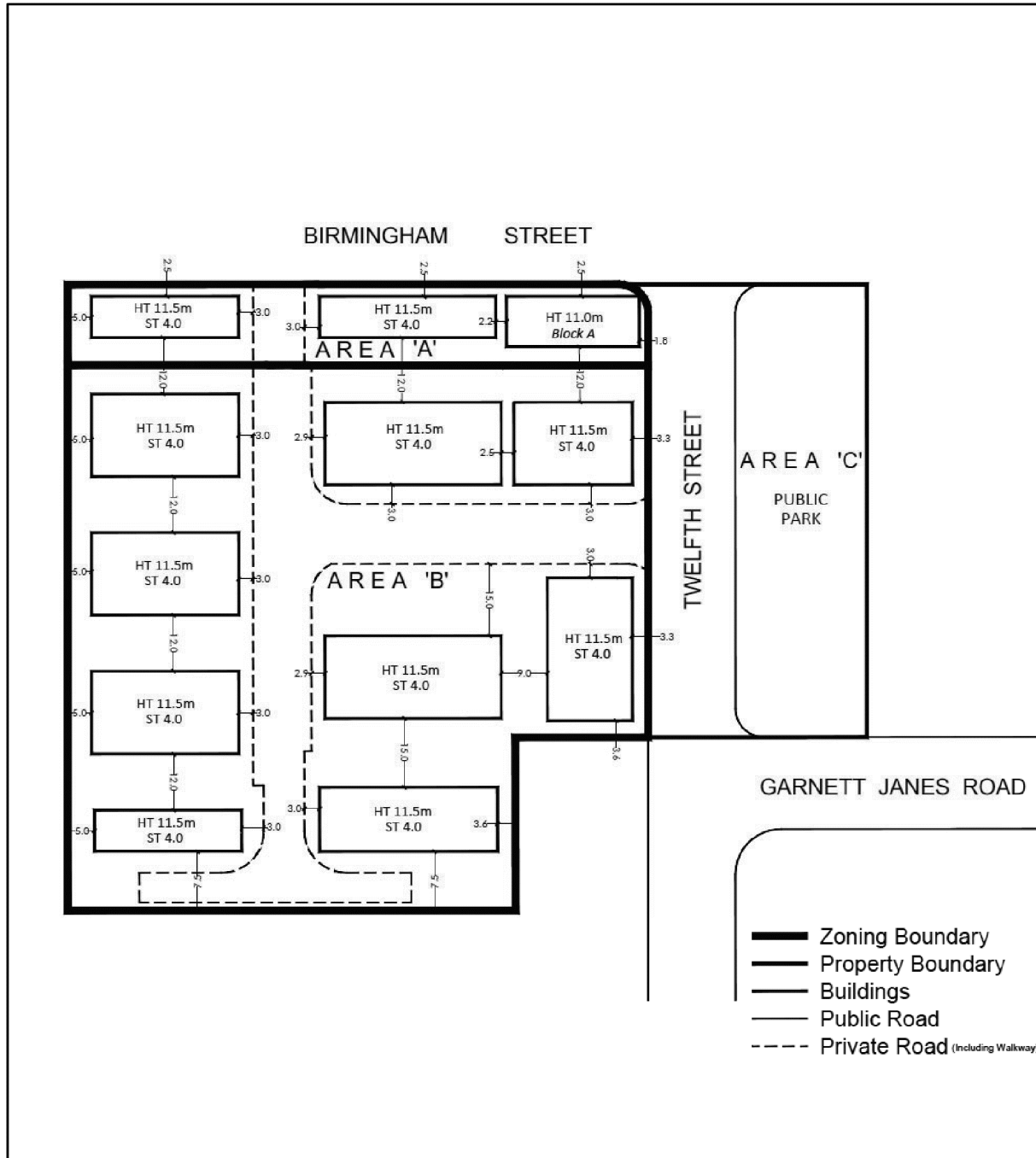
Enacted and passed on December 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





Schedule 1**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule A in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. A cash contribution of \$3,000,000.00 towards the relocation of the cenotaph currently located at 150 Eighth Street, improvements to the Franklin Horner Community Centre and/or park improvements within Ward 3 in the vicinity of the site.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Noise Feasibility Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's noise consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
2. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Air Quality Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's air quality consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
3. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time;
4. The owner shall construct the retail, office and service commercial building in 'Block A' identified on Schedule B of this By-law prior to or in conjunction with the construction of the residential uses in Area 'B' identified on Schedule B of this By-law.