

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 1801-2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 225 Birmingham Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas pursuant to Section 39 of the Planning Act, the Council of the City of Toronto may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RT (d1.5) (x208) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for a portion of the lands subject to this By-law, to 40 as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 208 so that it reads:

(208) Exception RT 208

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) For the purposes of this exception, the **lot line** abutting Birmingham Street is the **front lot line**;
- (B) Despite regulation 10.60.40.40(1), the permitted maximum total **gross floor area** of all **buildings** and **structures** is 23,000 square metres;
- (C) Despite regulation 10.60.40.40(1), the permitted maximum **gross floor area** for residential uses is 22,000 square metres;
- (D) The required minimum **gross floor area** for non-residential uses is 557 square metres and must be located within Block 'A' on Diagram 4 attached to By-law 1801-2019;
- (E) Despite regulation 10.60.20.40(1), an **apartment building** is a permitted **residential building** type;
- (F) The maximum number of **apartment** and **townhouse dwelling units** is 200;
- (G) Regulation 5.10.30.1(2) does not apply;
- (H) Despite the uses listed in clause 10.60.20.20, **Home Occupation** and all uses permitted in clause 40.10.20.10 are permitted within the **residential buildings** within Area "A";
- (I) Measurements of required **building setbacks** and **landscaping** must be from either a private or public **street** line, and must not be affected by required corner roundings for a public road and horizontal curves along a private street;
- (J) Despite clauses 10.60.40.70 and 10.60.40.80, the required minimum **building setbacks** and separation distances are shown in metres on Diagram 4 attached to By-law 1801-2019;
- (K) Despite (J) above, and regulations 10.5.40.60(1), and (3)(A)(i)(ii), the following are permitted to encroach into the required minimum **building setback** or **landscaping**, by a maximum of 3 metres, but at no time shall be permitted to project into City property:
 - (i) 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, landscape stairs, 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, **ancillary structures**, including entrance and exit stairs, enclosed bicycle storage, ventilation shafts and mailrooms shall be located outside of the heavy lines indicated as **buildings** on Diagram 4 attached to By-law 1801-2019;
- (M) For the area identified as Area "B", no west oriented balconies and terraces are permitted on the west facing elevation of a **buildings** or **structures** located along the western **lot line**, and all balconies and terraces above the first floor must be a minimum of 11.0m from the western **lot line**;
- (N) For the purposes of this exception, front **main wall** is the **main wall** where the main entrance of the **dwelling unit** is located;
- (O) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 89.00 metres for Block "A" and 89.96 metres for all other areas on Diagram 4 attached to By-law 1801-2019;
- (P) Despite regulations 10.60.40.10(1) and (2), for any **buildings** or **structures** on the **lot**, the permitted maximum height 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 Diagram 4 of By-law 1801-2019;
- (Q) Despite (P) above, and regulation 10.5.40.10(2), (3), and (4), the following are permitted to exceed the permitted maximum **building** height, by a maximum of 3 metres:
 - (i) 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, enclosed mechanical equipment and roof access, ventilation shafts, guardrails, balustrades, railings, porches, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings, window washing equipment, cornices, stairs, mechanical equipment, covered stairs, elevator overruns, awnings , balustrades, underground garage ramps, landscape and public art features, wheel chair ramps, outdoor recreation and amenity area elements, partitions dividing outdoor recreation and amenity areas, wind mitigation, noise mitigation, elevator overruns, screens, window washing equipment, lightning rods, landscape and green roof elements, planters, chimney stack, exhaust flues, garbage chute overruns, and any architectural features;

- (R) For the purposes of this exception, enclosed roof accesses and mechanical equipment are not a **storey**;
- (S) Regulations 10.5.80.1(2) and 10.5.80.10(6) do not apply.
- (T) Despite regulation 200.5.10.1(1), **parking spaces** must be provided at a minimum rate of:
- (i) 1.0 per **dwelling unit** for residential use;
 - (ii) 0.15 per **dwelling unit** for visitor use; and
 - (iii) 1.0 per 100 square metres of non-residential **gross floor area**.
- (U) The minimum **parking spaces** for residential visitors and non-residential visitors may be shared;
- (V) Despite clause 200.15.1, an accessible parking space must 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.
- (W) Despite article 230.5.10, **bicycle parking spaces** for residential uses must be provided at a minimum rate of:
- (i) 0.68 per **dwelling unit** for "long-term" **bicycle parking space**; and
 - (ii) 0.07 per **dwelling unit** for "short-term" **bicycle parking space**.
- (X) Despite regulation 230.5.1.10(4), a "long-term" and "short-term" **bicycle parking space** must comply with the following:
- (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) Where the bicycles are to be parked in a bicycle stacker, has horizontal dimensions of at least 0.4 metres by 1.8 metres and has a vertical dimension for each bicycle parking space of at least 1.2 metres.

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- (Y) Despite regulation 230.10.1.20(1), a "long term" **bicycle parking space** may be located in a storage locker;
 - (Z) Despite regulation 230.5.1.10(10), a "long-term" and "short-term" **bicycle parking space** may be provided in a **stacked bicycle parking space**;
 - (AA) Regulation 230.10.1.20(2) does not apply;
 - (BB) Despite regulation 200.15.10(1), a minimum of four accessible **parking spaces** must be provided on the **lot**;
 - (CC) Regulation 200.15.1.5(1) does not apply;
 - (DD) Despite article 220.5.10, a minimum of one Type "G" **loading space** must be provided on the **lot** and must be available for the use of the residential and non-residential uses;
 - (EE) Despite regulations 10.5.50.10(1)(C)(D) and 10.5.50.10(3) and 10.5.50.10(4) and (5), a minimum of 45 percent of the **lot** must be **landscaping**;
 - (FF) A minimum of 1.9 square metres of outdoor **amenity space per dwelling unit** must be located in a location adjoining or directly accessible to the residential buildings on the lot;

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Section 39 Provisions

None of the provisions of By-law 569-2013, as amended, apply to 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.

7. 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 Diagram 1 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.

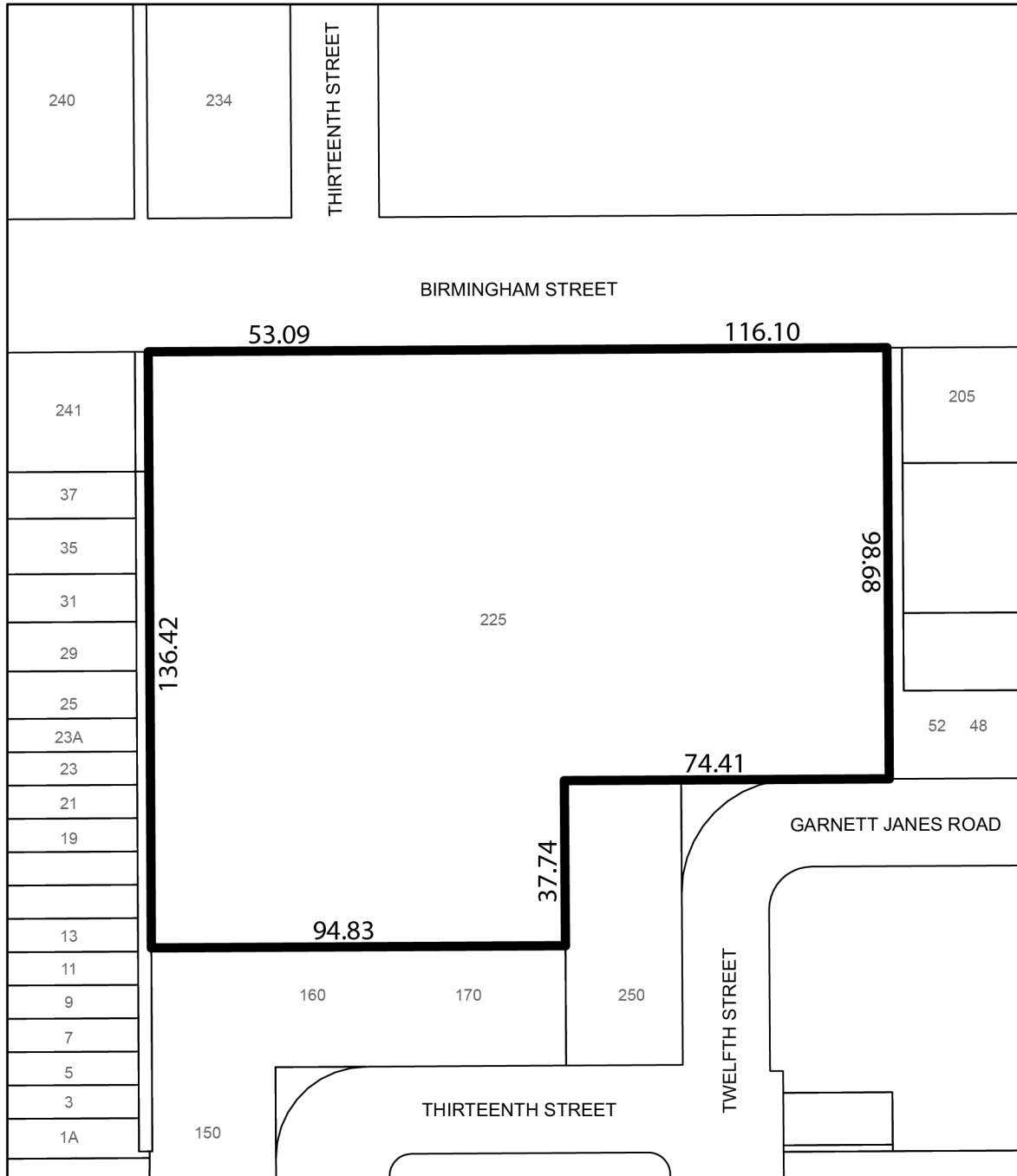
- (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.

Enacted and passed on December 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk


(Seal of the City)

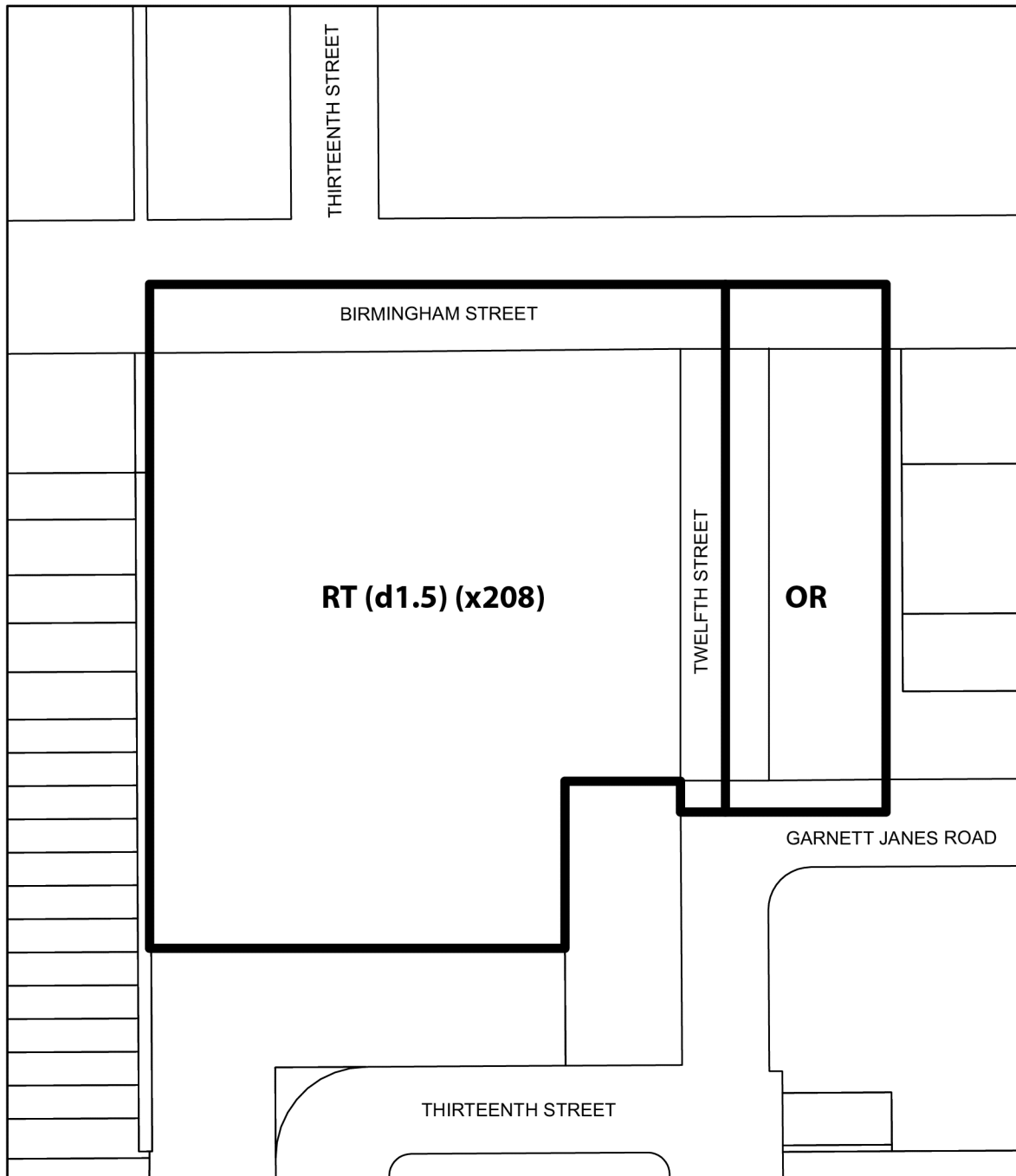


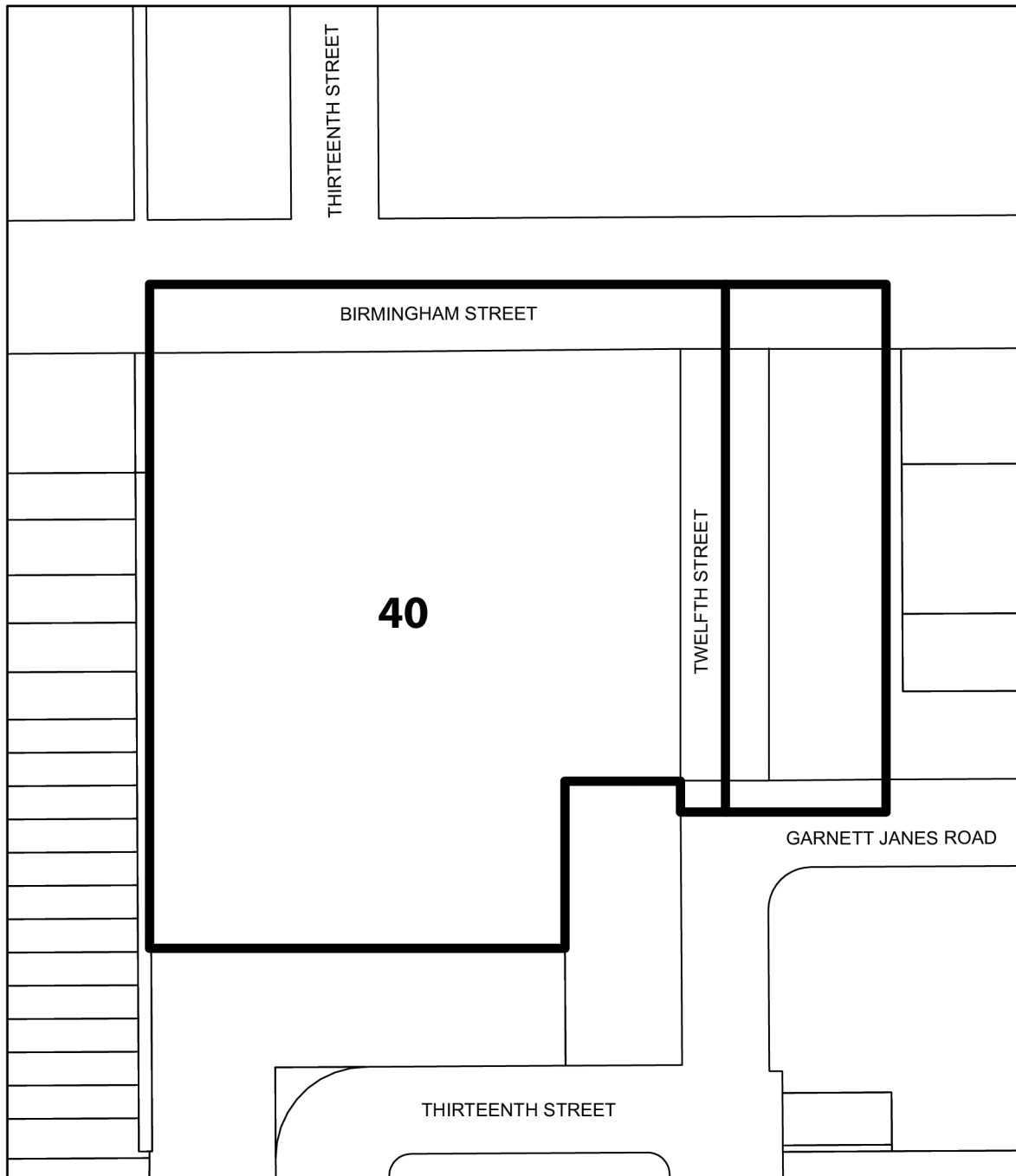
 **TORONTO**
Diagram 1

225 Birmingham Street

File # 16 118661 WET 06 02


City of Toronto By-law 569-2013
Not to Scale
11/27/2019

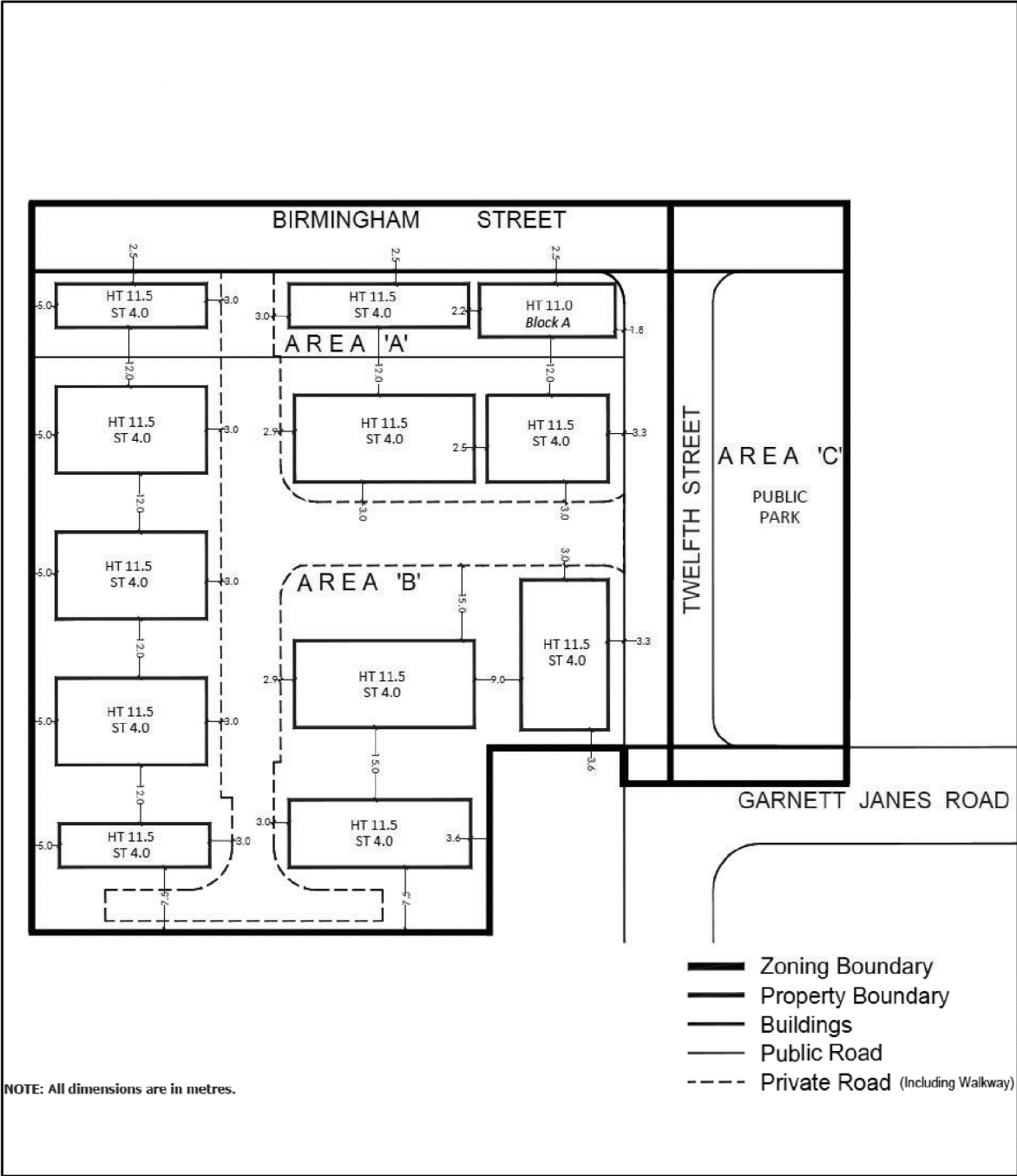




 **TORONTO**
Diagram 3

225 Birmingham Street

File # 16 118661 WET 06 0Z



TORONTO
 Diagram 4

225 Birmingham Street

File # 16 118661 WET 06 0Z

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 Diagram 1 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; and
4. The owner shall construct the retail, office and service commercial building in 'Block A' identified on Diagram 4 of this By-law prior to or in conjunction with the construction of the residential uses in Area 'B' identified on Diagram 4 of this By-law.