

CITY OF TORONTO

BY-LAW 582-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 805 Don Mills Road.

Whereas Council of the City of Toronto has the authority to pursuant to 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to 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 adding the lands subject to this By-law to the Zoning By-law Maps in Section 990.10, and applying the following zone label to these lands; CR 7.9 (c 0.5; r 7.4) SS2 (x524), and OR (x35) as shown on Diagram 3 attached to this By-law.
4. Zoning By-law 569-2013, as amended is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1, for the lands subject to this By-law, and applying the following label to these lands; PA-2, and applying the major streets segment along Don Mills Avenue and Eglinton Avenue East as shown on Diagram 4 attached to this By-law.
5. Zoning By-law 569-2013, as amended is further amended by adding the lands subject to this By-law to the Height Overlay Map in Article 995.20.1, and applying the following label to these lands: HT 14.0, as shown on Diagram 5 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Article 995.30.1 as shown on Diagram 6 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Article 995.40.1 for the lands subject to this By-law, and assigning a null value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 524 so that it reads:

(524) Exception CR 524

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) On 805 Don Mills Road, as shown on Diagram 1 attached to By-law 582-2022, a **building, structure**, may be constructed, used or enlarged in compliance with Regulations (B) to (PP) below;
- (B) For the purposes of this exemption, the **lot** is comprised of "Area A" and "Area B" as shown on Diagram 2 attached to By-law 582-2022;
- (C) Despite Regulation 5.10.30.1(1), within the lands shown on Diagram 2 attached to By-law 582-2022, no land may be used and no **building** or **structure** may be erected or used, except for below-ground **structures** and foundations, unless:
 - (i) the **street** identified as New Public **Street C**, as shown on Diagram 2 attached to By-law 582-2022, is constructed to a minimum base curb and base asphalt or concrete and is connected to an Don Mills Road and Ferrand Drive; and
 - (ii) all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the **street** identified as New Public **Street C** to the **lot line**, as shown on Diagram 2 attached to By-law 582-2022, and are operational;
- (D) Pursuant to Regulation 5.10.30.20 the **lot line** abutting Eglinton Avenue East is the **front lot line**;
- (E) Despite Regulations 40.5.40.10(1) and (2) in the **lot**, the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 129.70 metres and the highest point of the **building** or **structure**;
- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of any **building** or **structure** is the height in metres specified by the number following the HT symbol as shown on Diagram 7 attached to By-law 582-2022;
- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first storey is 4.5 metres measured between the floor of the first storey and the floor of the second storey;
- (H) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** of any **building** or **structure** is the number of **storeys** specified by the following ST symbol as shown on Diagram 7 attached to By-law 582-2022;
- (I) Despite Regulation (F) of this By-law, and despite Regulations 40.5.40.10(4), (5) and (8)(A) and (C), equipment, **structures** or parts of a **building** listed in Regulation 40.5.40.10(4) located on the roof of the tower portion of a **building**

may project above the permitted maximum height for that **building** by 7.0 metres, if the total area of all equipment, **structures**, or parts on the roof of the tower portion of the **building** cover no more than as follows:

- (i) 70% of the area of the roof, measured horizontally;
 - (ii) 100% of the area of the roof measured horizontally, if structures that enclose, screen or cover the equipment, **structures** and parts of a **building** are included;
- (J) **Dwelling units** must be located at or below the heights listed below:
- (i) In "Area A" as shown on Diagram 2 and "Tower 1" on Diagram 8 attached to By-law 582-2022: 149.0 metres; and
 - (ii) In "Area B" as shown on Diagram 2 and "Tower 2" on Diagram 8 attached to By-law 582-2022: 86.5 metres;
- (K) An exit vestibule for a **green roof** located above a mechanical penthouse as listed in Regulation 40.5.40.10(4), may project an additional 2.5 metres above the height limits noted;
- (L) Despite regulation 40.5.40.10(6) in the **lot**, unenclosed **structures** providing safety or wind protection on the rooftop of a **building** may exceed the permitted maximum height for that **building** by 3.0 metres if the **structure** is located at or setback from the interior face of the **main wall** as shown on Diagram 7 attached to By-law 582-2022;
- (M) Despite Regulation 40.10.30.40(1), the permitted maximum lot coverage is:
- (i) in "Area A" as shown on Diagram 2 attached to By-law 582-2022: 60 percent; and
 - (ii) in "Area B" as shown on Diagram 2 attached to By-law 582-2022: 70 percent;
- (N) The portions of a **building** or **structure** located above a height of 6 **storeys** (25 metres) must not exceed a maximum floor plate area measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor as follows:
- (i) In "Area A" as shown on Diagram 2 attached to By-law 582-2022, 870 square metres;
 - (ii) In "Area B" as shown on Diagram 2 attached to By-law 582-2022, 750 square metres;
- (O) Despite Regulation 40.10.40.40(1) in the **lot**, the permitted maximum **gross floor area** is 64,557 square metres;

- (P) In the **lot**, a minimum of 4,130 square metres total of non-residential **gross floor area** must be provided at project completion over both areas combined of which a minimum **gross floor area** of 929 square metres is required for **day nursery** uses;
- (Q) Despite (P) of this By-law, and Regulation 40.5.40.40(3), the following additional elements reduce **gross floor area** in a **mixed use building**:
- (i) all areas located below ground;
 - (ii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
 - (iii) all storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in common building areas and in the uses listed below;
 - (iv) all shower and change facilities;
 - (v) all indoor **amenity space**;
 - (vi) **community centres**;
 - (vii) all space for a **non-profit organization**
 - (viii) all **day nurseries** space;
 - (ix) all City-owned non-residential facilities; and
 - (x) garbage shafts;
- (R) Despite Regulation 40.10.40.1(1) residential use portions of the building may be located at the same level as non-residential use portions of a building;
- (S) Despite Regulation 40.10.40.50(1), in the **lot**, **amenity space** must be provided in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**;
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit**; and
 - (iii) no more than 25% of the outdoor component may be a **green roof** that is accessible and exclusive to occupants of the **dwelling units**;
- (T) Despite Regulation 40.10.40.60(1), a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of the **building**:
- (i) May not be provided on the **main wall** directly above and adjacent to (within 1 metre) the children's play area associated with a **day nursery** use;

- (ii) Must be inset and must not be located closer to the **lot line** than the **main wall** to which it is attached between the second and sixth **storeys** of the **building**;
 - (iii) Despite (ii) above, may project a maximum of 1.8 metres from the **main wall** to which it is attached on the tower portion of a building as shown on Diagram 8 attached to By-law 582-2022 in accordance with the setbacks as shown on Diagram 7 attached to By-law 582-2022;
- (U) Despite Regulation 40.10.40.70(2) and 40.10.40.80(2), the minimum required **building** setbacks and separation distance for each level of the **buildings** above finished ground level are shown on Diagram 7 attached to By-law 582-2022;
- (V) In addition to the permitted encroachments in Regulations 40.5.40.60 and 40.10.40.60(2), in the **lot**, a canopy, awning or similar structure with or without structural support, providing safety or wind protection, may encroach 3.0 metres into the required minimum **building setback** that abuts a **street** or side yard;
- (W) Despite Regulation 40.10.50.10(1), outdoor space must be provided as follows:
 - (i) a minimum of 350 square metres of children's play area must be provided for all **day nursery** uses;
- (X) Publicly accessible open space comprising **landscaping** and a **driveway** must be provided as follows:
 - (i) a publicly accessible mid-block connection with a minimum width of 13.5 metres must be provided in the general location of the Mid-Block Connection identified on Diagram 7 attached to By-law 582-2022;
 - (ii) for the purposes of this by-law, a "mid-block connection" is a landscaped surface that serves the function of providing a continuous pedestrian connection from Eglinton Avenue East to "New Public **Street C**", and accommodates a shared **driveway** accessed from "New Public **Street C**" that provides **vehicle** access to **parking spaces** below ground, and **loading spaces** inside a **building**; and
 - (iii) the midblock connection shall not provide **vehicle** access to or from Eglinton Avenue East;
- (Y) Despite Regulation 150.50.50.10, no additional **landscaping** requirements shall apply for a **place of worship**;
- (Z) Despite Regulation 40.10.80.10(1), in the **lot**, **parking spaces** are not permitted to be located above ground;
- (AA) Despite Clause 40.10.90.40 and Regulation 40.10.100.10(1), all **vehicle** access and access to **loading spaces** for the **lot**, is required to be from the "New Public **Street C**" as shown on Diagram 2 attached to By-law 582-2022;

- (BB) Despite Regulation 200.10.1(1), no clear identification is required for all **driveways or drive aisles** that provide **vehicle** access to visitor **parking spaces** as part of a **public parking** use;
- (CC) Despite Regulation 200.5.1.10(10) and 200.10.1(2), only **parking spaces** required for **day nursery** uses must be clearly identified and marked;
- (DD) Despite Regulation 200.5.1.10(12)(C), the **vehicle** entrance or exit to the building must be at least 3.0 metres from the **lot line** abutting the **street**;
- (EE) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) There is no minimum parking rate for **dwelling units**, or non-residential uses not listed below;
 - (ii) A minimum rate of 2.0 **parking spaces** plus 0.01 **parking spaces** per **dwelling unit** for visitors; and
 - (iii) A minimum of 2 **parking spaces** for **day nursery** uses;
- (FF) A maximum of 15 percent of the provided **parking spaces** may be obstructed in accordance with Regulation 200.5.1.10(2)(D);
- (GG) Despite Regulation 40.5.80.1(1) and 200.5.10.1(6), a portion of the **parking spaces** provided may be shared for the use of residents, residential visitors, non-residential uses on the lands as part of a **public parking** use, up to a maximum equivalent to:
 - (i) 42 percent of the **parking spaces** provided for residents of dwelling units;
 - (ii) 100 percent of **parking spaces** provided for visitors of dwelling units; and
 - (iii) 100 percent of **parking spaces** provided for non-residential uses;
- (HH) **Public parking** is not permitted in **parking spaces** required for **day nursery** uses;
- (II) Car share and car share **parking space** are permitted uses:
 - (i) "Car-share" is the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where such organization and such car-share motor vehicles are made available to at least the occupants of the building or short term rental, including hourly rental;
 - (ii) "car-share **parking space**" means a **parking space** that is exclusively reserved, actively used and signed for a car used only for car-share purposes;

- (JJ) Despite Regulation 200.15.1 accessible **parking spaces** must be provided in accordance with the following Regulations;
- (i) an accessible **parking space** must have the following minimum dimensions
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (iii) accessible **parking spaces** must be **parking spaces** located closest to a pedestrian access to a **building** or a passenger elevator that provides access to the first **storey** of the building;
- (KK) Despite Regulation 200.15.10(1), accessible **parking spaces** shall be provided as follows:
- (i) if the number of **parking spaces** is less than 13, a minimum of 1 accessible **parking space**;
 - (ii) if the number of **parking spaces** is 13 to 100, a minimum of 1 accessible **parking space** for every 25 **parking spaces** or part thereof; and
 - (iii) if the number of **parking spaces** is more than 100, a minimum of 4 accessible **parking spaces** plus 1 accessible space for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**;
- (LL) Despite Clause 220.5.10.1, and Regulations 40.10.90.1(2) and 220.5.1.10(1), two Type "G", two Type "B" **loading spaces** are required on the **lot** at project completion;
- (MM) Despite Regulation 40.10.90.10(1), all **loading spaces** must be located inside a **building**;
- (NN) Despite Regulation 230.5.1.10(4)(C), **stacked bicycle parking spaces** must be in accordance with the following:
- (i) a **stacked bicycle parking space** may overlap an **adjacent stacked bicycle parking space** on one or both sides on the same tier to a maximum of 0.18 metres per side;
 - (ii) the required minimum length of a **stacked bicycle parking space** is 1.84 metres; and

- (iii) the required minimum vertical clearance from the ground for a stacked **bicycle parking space** is 1.4 metres for the lower tier and 1.2 metres for the upper tier of **stacked bicycle parking spaces** in a mechanical device;
- (OO) In addition to the elements listed in Regulation 230.5.10.1(6), to calculate **bicycle parking space** requirements for other than **dwelling units**, the **interior floor area** of a **building** is reduced by the area in the **building** used for:
 - (i) all areas located below ground;
 - (ii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
 - (iii) all storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in common building areas, **day nursery** and **public school** uses;
 - (iv) all shower and change facilities;
 - (v) all indoor **amenity space**;
 - (vi) all **community centres**;
 - (vii) all space for a **non-profit organization**;
 - (viii) all **day nurseries** space;
 - (ix) all City-owned non-residential facilities; and
 - (x) garbage shafts;
- (PP) Despite Regulations 230.40.1.20(1) and (2), a "short-term" **bicycle parking space** may be located within publicly accessible portions of a **building** ground level and within the first level of a below-ground **parking garage**.

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

9. Zoning By-law 569-2013, as amended, is further amended by addition Article 900.42 Exception Number 35 so that it reads:

(35) Exception OR 35

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

Site Specific Provisions:

- (A) On 805 Don Mills Road, as shown on Diagram 1 attached to By-law 582-2022, a **building, structure**, may be constructed, used or enlarged in compliance with Regulations (B) to (D) below;

- (B) For the purposes of this exemption, the lot is "Area C" as shown on Diagram 2 attached to By-law 582-2022;
- (C) Despite Regulation 90.30.20.10 and 90.30.20.20 only the following uses are permitted: **Park, Public Utility, Recreation Use, Transportation Use;**
- (D) Despite Regulation 90.30.40.70(1)(C) the required minimum **front yard setback** is 3.0 metres.

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

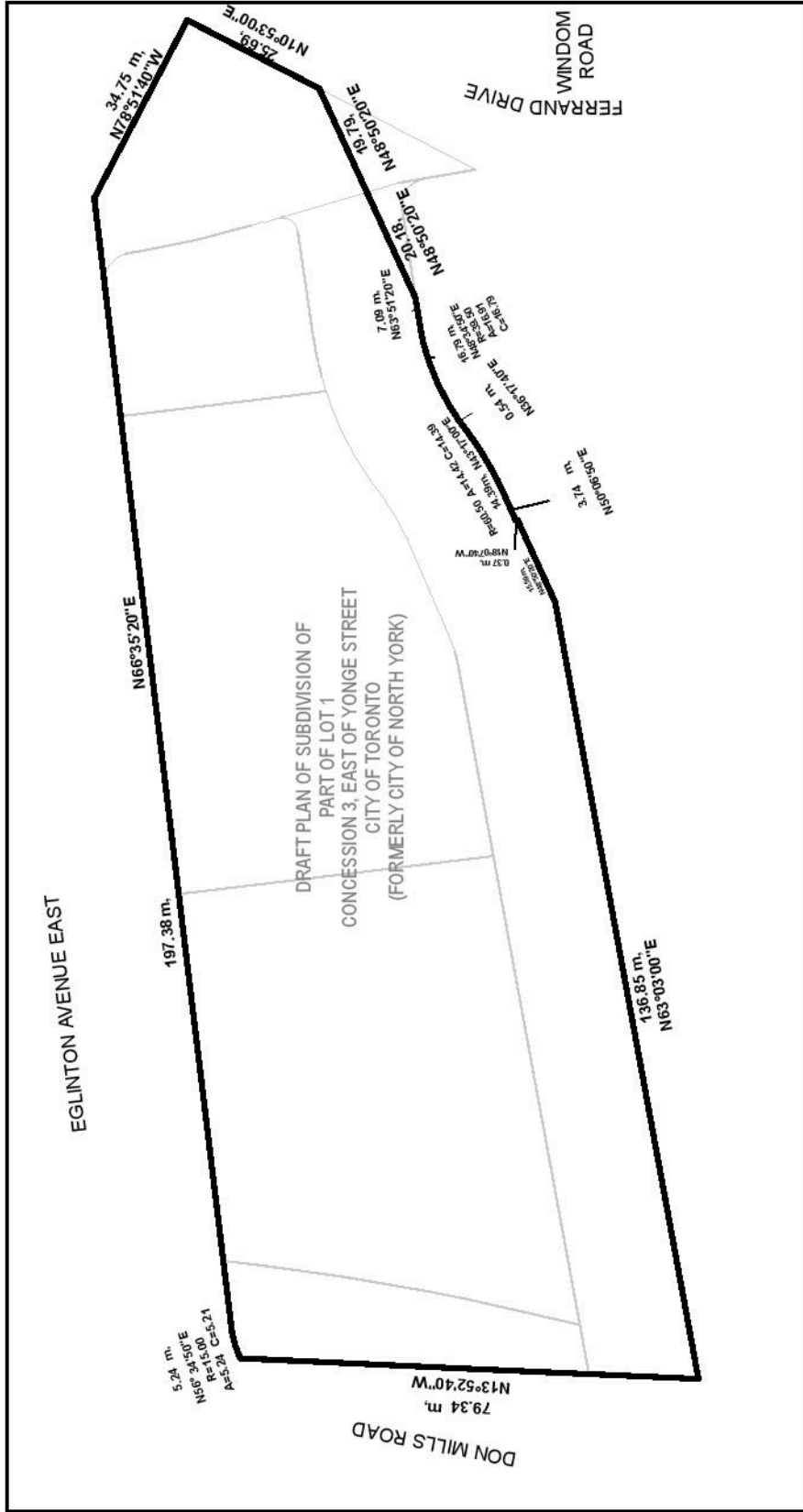
- 10.** Despite any future severance, partition or division of lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Enacted and passed on June 16, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

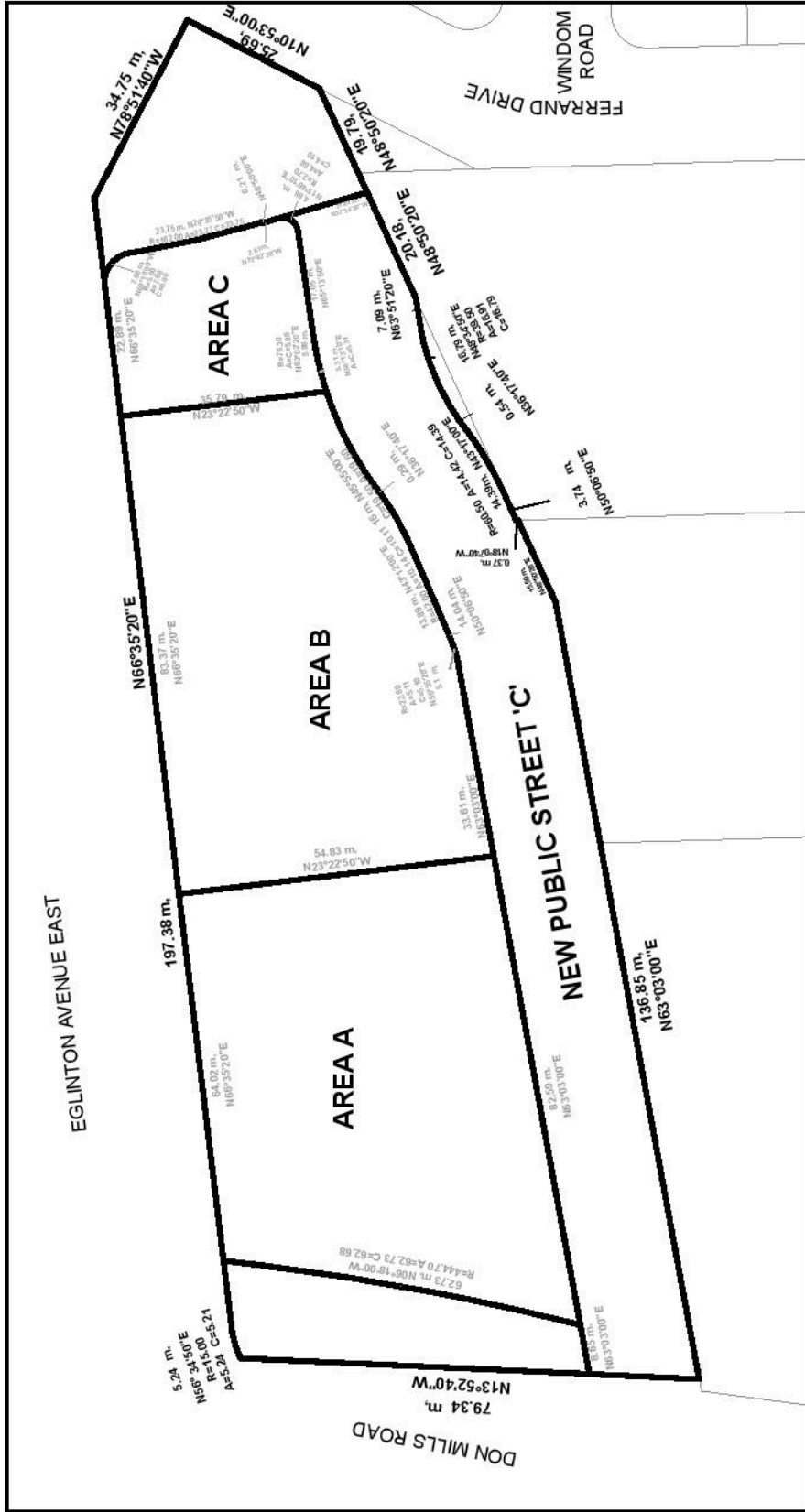


805 Don Mills Road

File # 21 190993 MNY 16 0Z



City of Toronto By-law 569-2013
Not to Scale
05/03/2022

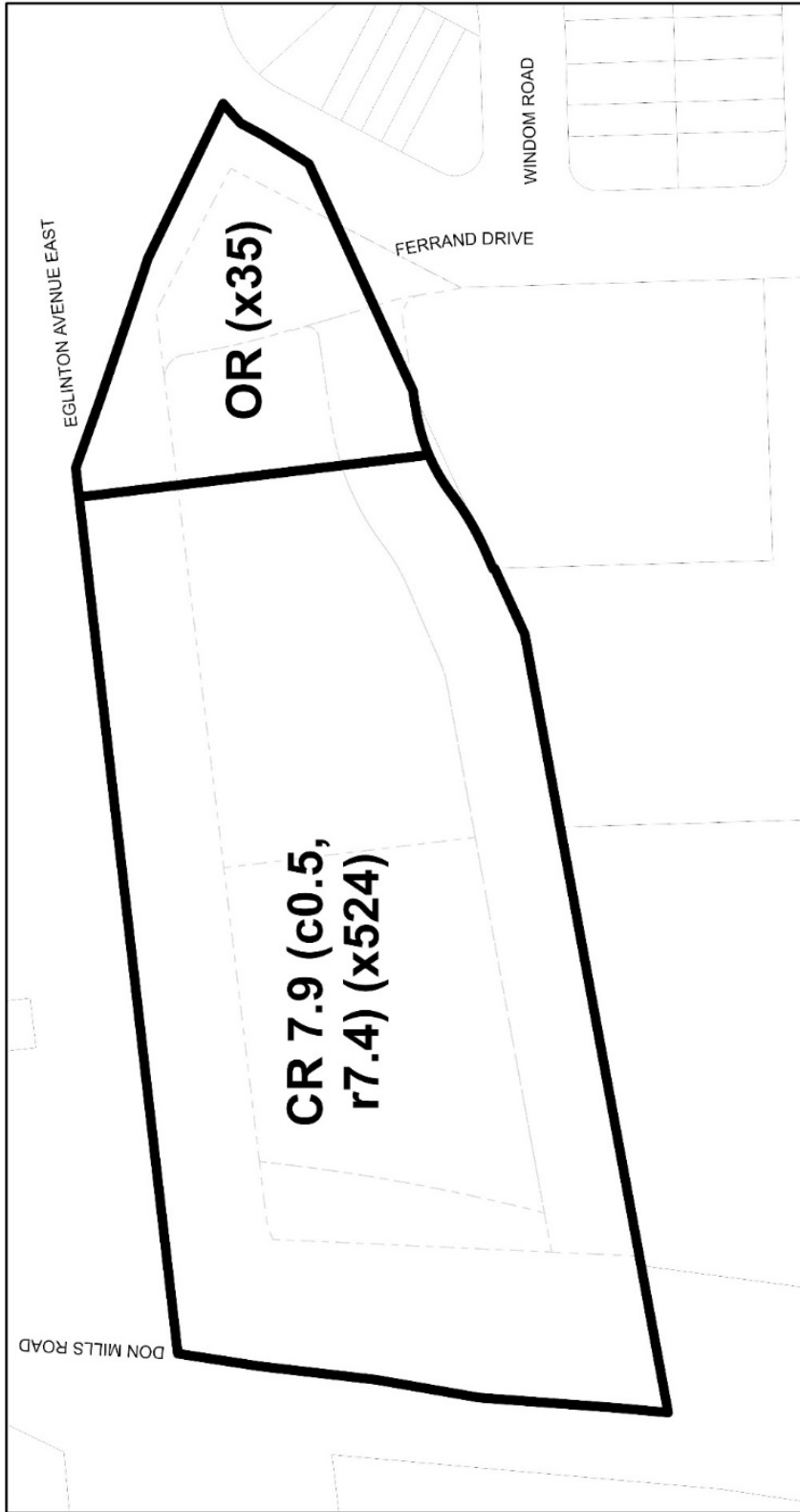


805 Don Mills Road

File # 21 190993 MNY 16 0Z



City of Toronto By-law 569-2013
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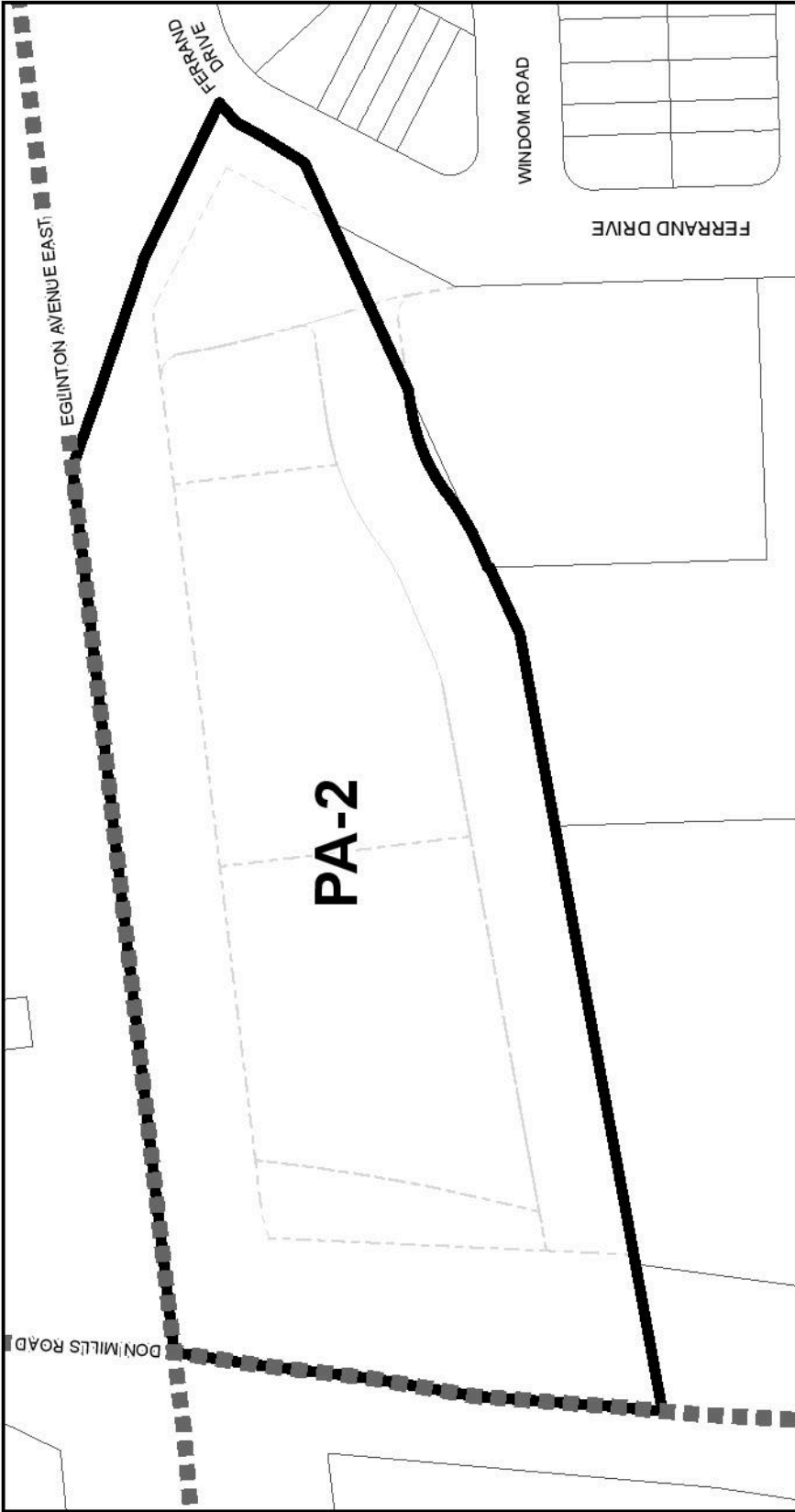
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Diagram 3

805 Don Mills Road

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City of Toronto By-law 569-2013
Not to Scale
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Diagram 4

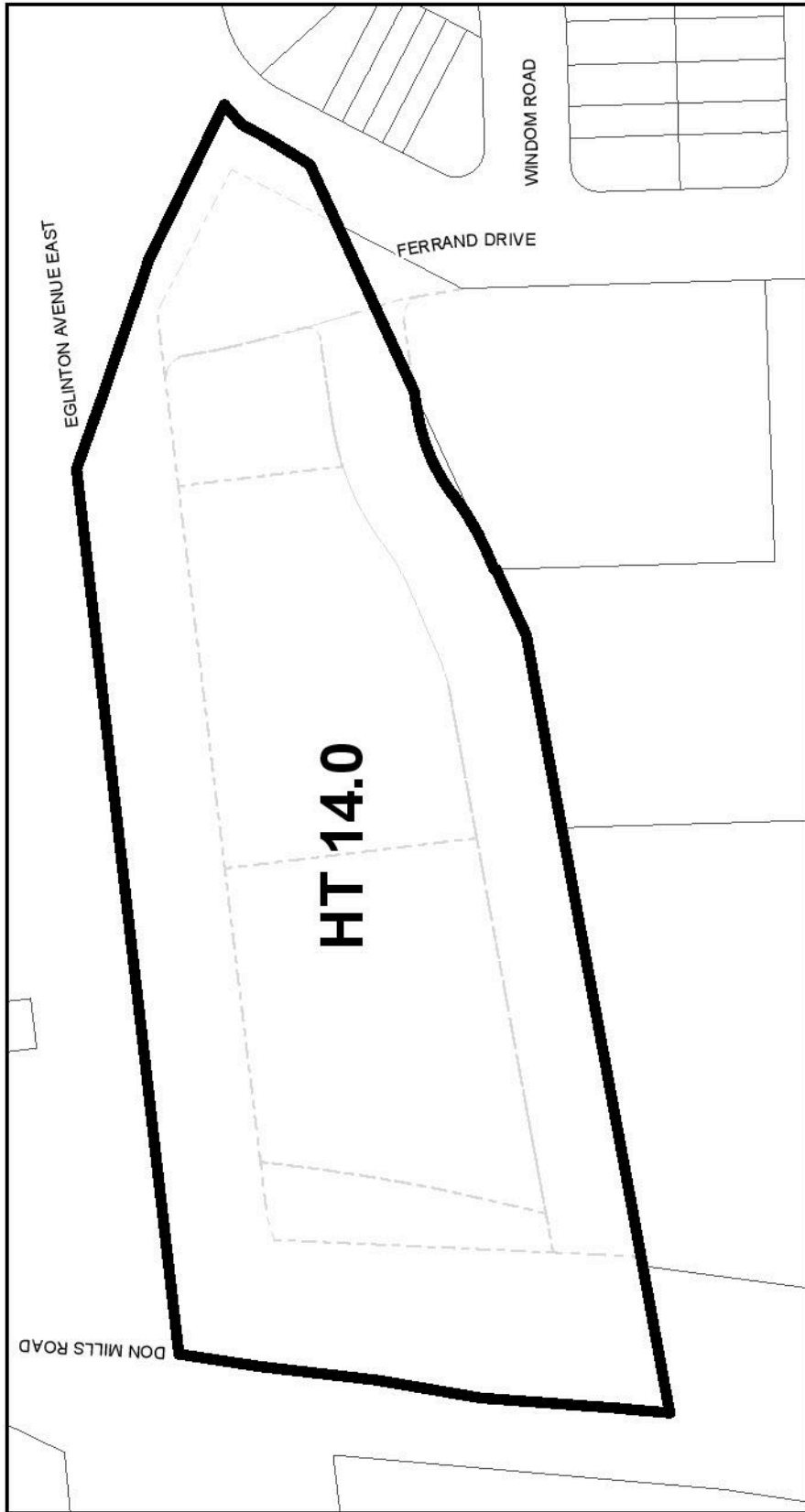
805 Don Mills Road

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Major Street



City of Toronto By-law 569-2013
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05/03/2022



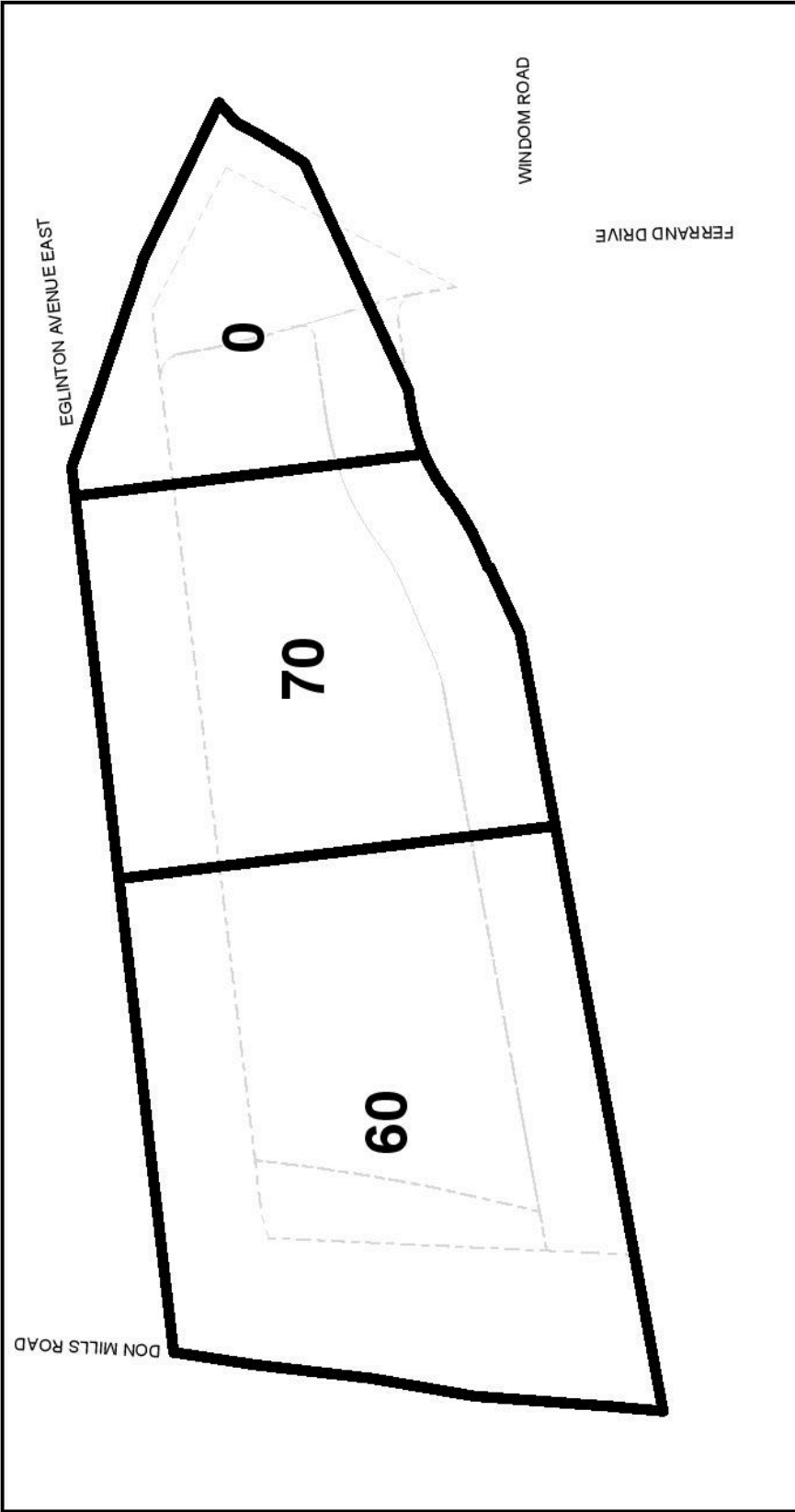
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Diagram 5

805 Don Mills Road

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City of Toronto By-law 569-2013
Not to Scale
05/03/2022



 **Toronto**
Diagram 6

805 Don Mills Road

File # 21 190993 MNY 16 0Z



City of Toronto By-law 569-2013
Not to Scale
05/03/2022



805 Don Mills Road

Toronto
 Diagram 7

File # 21 190993 NNY 16 0Z

City of Toronto By-law: 569-2013
 Not to Scale
 05/16/2022

-  Day Nursery Outdoor Space
-  Blocks
-  New Public Park



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Diagram 8

805 Don Mills Road

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Blocks



City of Toronto By-law 569-2013
Not to Scale
05/16/2022