

Authority: Etobicoke York Community Council Item  
EY33.1, as adopted by City of Toronto Council on July 19,  
20, 21 and 22, 2022

## **CITY OF TORONTO**

### **BY-LAW 959-2022**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 36 and 38 Fieldway 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 By-law 959-2022.
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 Map in Section 990.10 and applying the following zone label to these lands: CR 2.0 (c.0.5; r.2.0) SS2 (x615) as shown on Diagram 2 attached to By-law 959-2022.
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 and applying the following Policy Area label to these lands: 2, as shown on Diagram 3 attached to By-law 959-2022.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1 and applying the following height label to these lands: HT 15.0, as shown on Diagram 4 attached to By-law 959-2022.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1 and applying the following lot coverage label to these lands: 30, as shown on Diagram 5 attached to By-law 959-2022.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1 and applying no value.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 615 so that it reads:

(615) Exception CR 615

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

Site Specific Provisions:

- (A) On lands known municipally as 36 and 38 Fieldway Road as shown on Diagram 1 of By-law 959-2022, a **building** or **structure** may be erected, used or enlarged in compliance with regulations (B) to (V) below:
- (B) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 9,600 square metres, provided:
- (i) the maximum residential **gross floor area** is 9,600 square metres; and
  - (ii) the maximum non-residential **gross floor area** is 550 square metres;
- (C) In addition to the elements, which reduce **gross floor area** listed in Regulations 40.5.40.40(3) and (5), the **gross floor area** of a **mixed use building** or an **apartment building** is also reduced by the area in the **building** used for:
- (i) all **bicycle parking spaces** provided at and above ground level;
  - (ii) storage rooms and areas, waste collection and recycling areas, electrical, utility, mechanical, and ventilation rooms and areas, provided below, at or above ground level;
  - (iii) ventilation ducts, utility shafts, and vehicular ramps;
  - (iv) all indoor **amenity space**; and
  - (v) the area of a void in a floor if there is a vertical clearance of more than 2.95 metres between the top of the floor below the void and the ceiling directly above it;
- (D) Despite Regulation 40.10.30.40(1), the permitted maximum **lot coverage** is 45 percent;
- (E) Despite Regulation 40.10.40.1(1), residential use portions of a **building** may be located below or on the same level as non-residential use portions of a **building**;
- (F) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the distance between the Canadian Geodetic Datum elevation of 120.88 metres and the highest point of the **building** or **structure**;

- (G) Despite Regulations 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters "HT" on Diagram 6 of By-law 959-2022;
- (H) Despite (G) above and Regulations 40.5.40.10(3) to (8) and 40.5.75.1(2), the following **building** elements and **structures** are permitted to project beyond the permitted maximum **building** and **structure** height limits shown on Diagram 6 of By-law 959-2022 and the area and coverage restrictions for rooftop **building** element and **structure** projections do not apply:
- (i) guard rails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, fences, skylights, railings, planters, cornices, seating areas, retaining walls, balcony and terrace dividers, decorative screens, privacy screens, access ramps and ramps to underground, safety and wind protection/mitigation features, parapets and elements of a **green roof** and **solar energy** devices may project by a maximum of 3.0 metres;
  - (ii) ornamental elements, landscape elements, structures used for outside **amenity space** or open air recreation; including pools and associated equipment, light monitors, light fixtures, pergolas, architectural features and trellises may project by a maximum of 4.0 metres;
  - (iii) canopies, awnings, and related architectural elements may project by a maximum of 8.0 metres;
  - (iv) public art features, exoskeleton structures, stairs, stair towers and enclosures, roof access, flues, vents, air intakes, antennas, satellite dishes and cellular arrays may project by a maximum of 7.0 metres;
  - (v) **building** elements and **structures** such as window washing equipment, including Building Maintenance Unit (BMU) and cranes, may project by a maximum of 7.0 metres;
  - (vi) mechanical penthouse, perimeter walls, mechanical equipment, indoor **amenity space**, washrooms, enclosures of mechanical equipment and unenclosed heating equipment, provided they are located in the area labelled "MPH Floor" on Diagram 6 of By-law 959-2022, may project by a maximum of 7.0 metres;
  - (vii) **building** elements and **structures** such as elevator overruns, lightning rods, ventilation or cooling equipment such as chimneys, stacks, flues, vents, air intakes, antennas, satellite dishes, cellular arrays, roof access, parapets and elements of a **green roof**, provided they are located in the area labelled "MPH Floor" on Diagram 6 of By-law 959-2022, may project by a maximum of 7.5 metres; and

- (viii) **building** elements and **structure** height projections permitted in (i) to (v) above are also permitted within the area labelled "MPH Floor " on Diagram 6 By-law 959-2022;
- (I) Despite Regulation 40.10.40.10(5), the minimum height of the first **storey** for non-residential uses, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.8 metres, and the minimum height of the first **storey** for residential uses, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 2.8 metres;
- (J) Despite Regulation 40.5.40.60(1) and 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law 959-2022;
- (K) Despite Clauses 40.10.40.70 and 40.10.40.80, no **angular planes** or related **main wall** separation requirements are applicable to the lands identified on Diagram 1 of By-law 959-2022;
- (L) Despite (J) above and Clause 40.10.40.60, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) elements and features such as eaves, window sills, damper equipment to reduce **building** movement, architectural flues, pillars and satellite dishes may encroach a maximum of 1.0 metres into any required **building setback**;
  - (ii) elements and features such as balconies and platforms may encroach a maximum of 2.0 metres into any required **building setback**;
  - (iii) elements and features such as pergolas, cabanas, guardrails, balustrades, railings, decorative/acoustic doors and screens, light fixtures, awnings and canopies may encroach a maximum of 3.0 metres into any required **building setback**;
  - (iv) despite subsection (iii) above, a canopy, awning or similar structure, with or without structural support, may encroach without limitation into a required minimum **building setback** that abuts a **street**, if no part of the **canopy**, awning or similar structure is located more than 8.0 metres above the elevation of the ground directly below it;
  - (v) elements and features such as trellises and planters may encroach a maximum of 5.0 metres into any required **building setback**;
  - (vi) elements and features such as ventilation shafts, and elements required for the functional operation of a building, site servicing features, stairs, stair enclosures, wheelchair ramps and fences may encroach a maximum of 6.0 metres into any required **building setback**; and

- (vii) elements and features such as public art installations, art and landscape features, satellite dishes, lightning rods, antennae, flag poles and window washing equipment including Building Maintenance Unit (BMU) and crane may encroach a maximum of 1.0 metres into any required **building setback**;
- (M) The maximum number of **dwelling units** permitted is 135 **dwelling units**, subject to compliance with the following:
- (i) a minimum of 10 percent of the total **dwelling units** must have three or more bedrooms;
  - (ii) a minimum of 15 percent of the total **dwelling units** must have two bedrooms; and
  - (iii) if either of the calculations as a percentage of total **dwelling units** pursuant to subsections (i) and (ii) above results in a percentage with a decimal place, the percentage will be rounded up to the nearest whole number from 0.5 or above;
- (N) Despite Regulations 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**; and
  - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**;
- (O) Despite Regulations 40.5.80.1(1) and 200.5.1(2), Clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.64 **parking spaces** for each **dwelling unit** for the use of residents of the **building**;
  - (ii) a minimum of 0.10 **parking spaces** for each **dwelling unit** for the use of residential visitors to the **building**; and
  - (iii) a minimum of 2 "car-share parking spaces" for the use of residents of the **building**.
    - (a) for the purposes of this exception "car-share" means the practice where a number of people share the use of one or more cars that are owned by a for-profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing

organization, including the payment of a membership fee that may or may not be refundable; and

- (b) for the purposes of this exception "car-share parking space" means a parking space that is reserved and actively used for "car-share" purposes;
- (P) Despite Regulations 200.5.1.10(2)(A) and (D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (Q) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
  - (i) minimum length of 5.6 metres;
  - (ii) minimum width of 3.4 metres; and
  - (iii) minimum vertical clearance of 2.1 metres;
- (R) Despite Clauses 40.10.90.1 and 220.5.10.1, **loading spaces** must be provided and maintained as follows:
  - (i) a minimum of one (1) Type "G" **loading space**;
- (S) Despite Regulations 230.5.10.1(1) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following minimum rates:
  - (i) 0.68 "long-term" **bicycle parking spaces** for each **dwelling unit**; and
  - (ii) 0.07 "short-term" **bicycle parking spaces** for each **dwelling unit**;
- (T) Despite Regulations 230.5.1.10(4) and (5), a **stacked bicycle parking space** must have the following minimum dimensions:
  - (i) a minimum length of 1.6 metres;
  - (ii) a minimum width of 0.45 metres; and
  - (iii) a minimum vertical height of 1.1 metres;
- (U) Despite Regulations 230.5.1.10(9) and (10) and 230.40.1.20(1), "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions, and may be located in a secured room or area on the first floor, mezzanine or second floor of a **building** above ground or any level below ground without any **bicycle parking space** occupation increment requirements;

- (V) Despite Regulations 230.5.1.10(9) and (10) and Clause 230.40.1.20, "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions, may be located in a secured room or area on the first floor, mezzanine or second floor of a **building** above ground or any level below ground and may be located more than 30 metres from a pedestrian entrance.

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

9. Despite any future severance, partition or division of the lands as shown on Diagram 1 of By-law 959-2022, the provisions of this By-law shall apply as if no severance, partition or division occurred.
10. None of the provisions of this By-law or By-law 569-2013, as amended, shall apply to prevent a Construction Office/Sales Office on the lands identified on Diagram 1 of By-law 959-2022, where a Construction Office/Sales Office means **buildings, structures**, facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing **dwelling units** on the lands identified on Diagram 1 of By-law 959-2022.

Enacted and passed on July 22, 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

Diagram 1

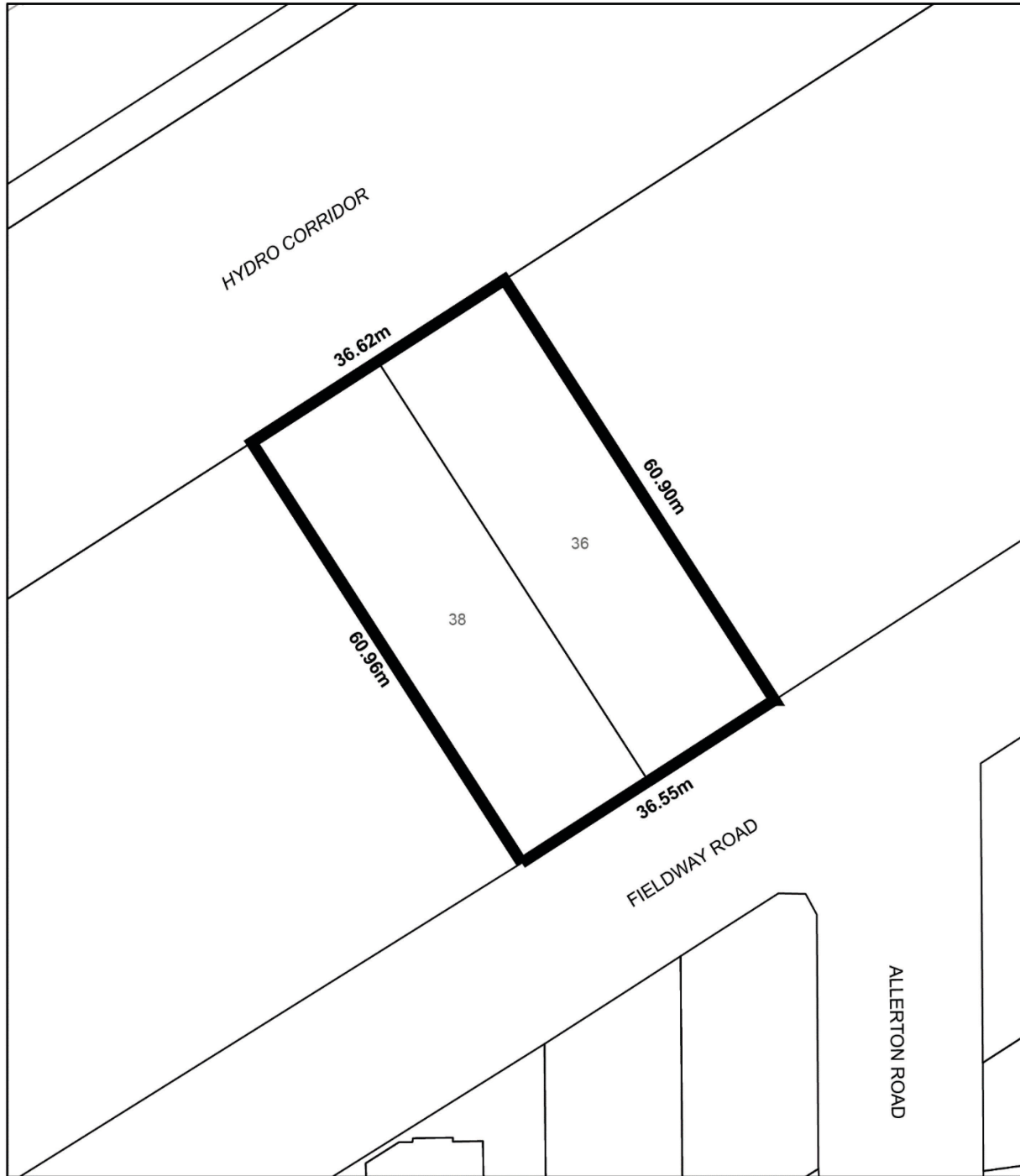
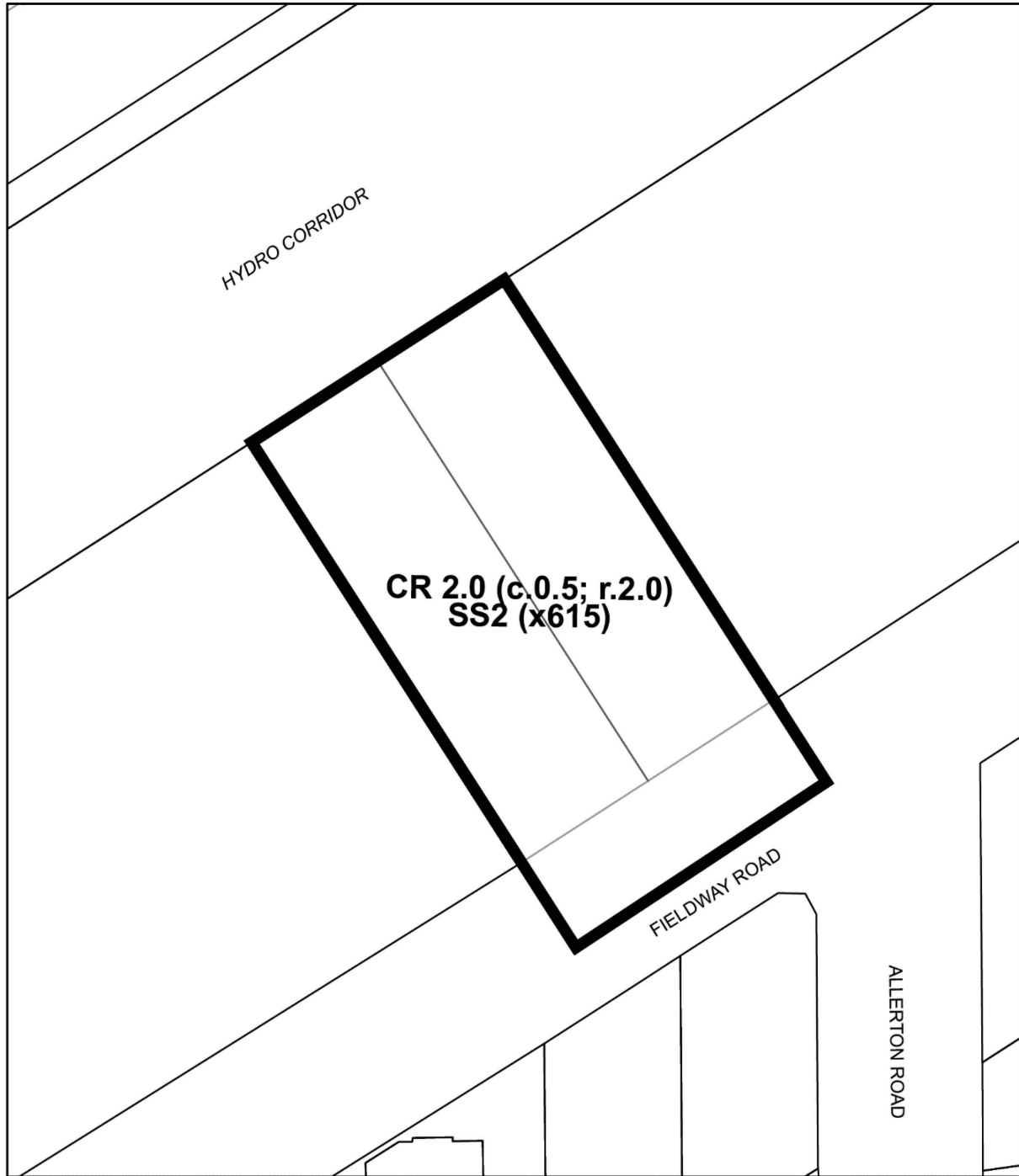


Diagram 2



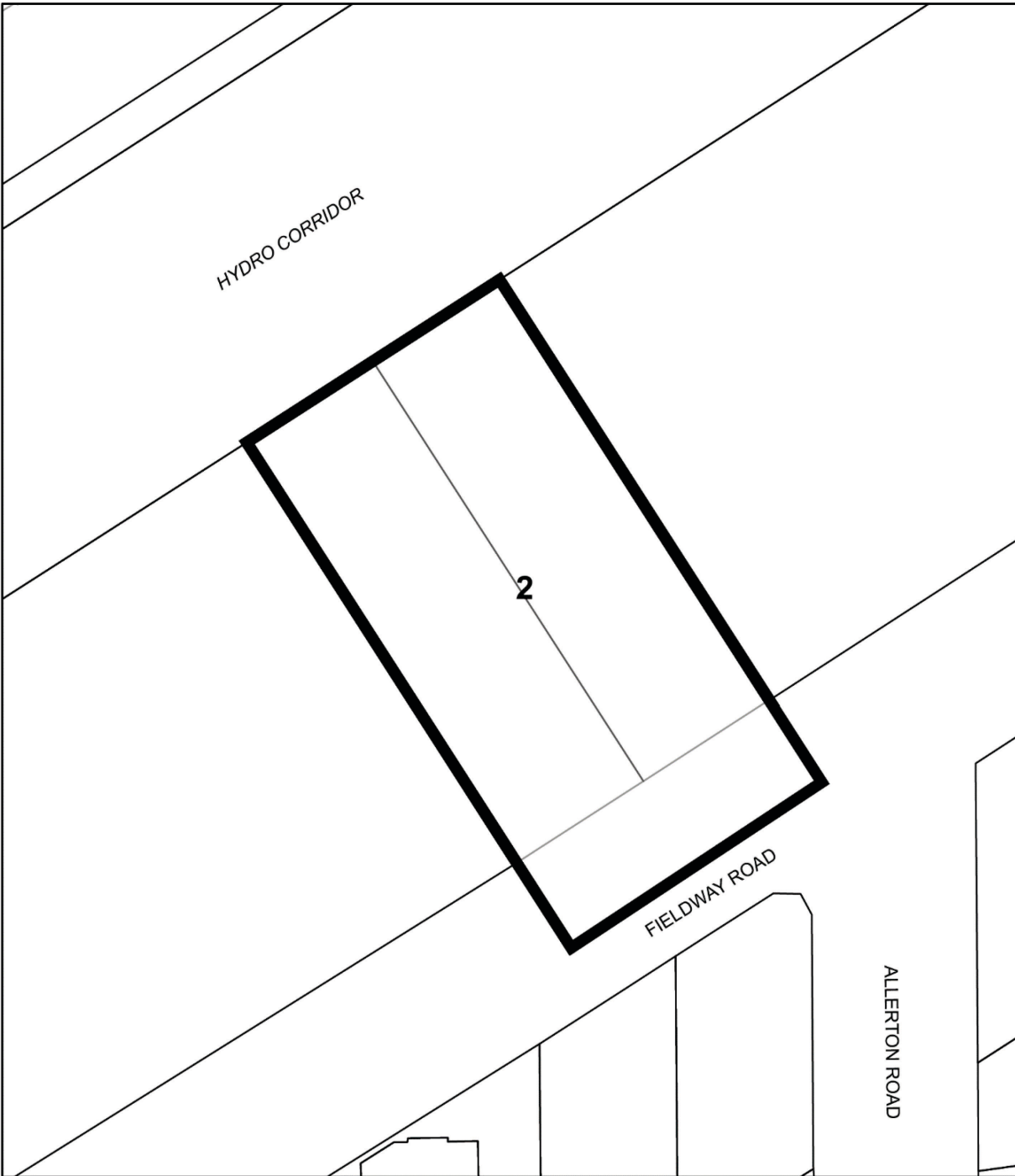
 **TORONTO**  
Diagram 2

**36 & 38 Fieldway Road**

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**Diagram 3**

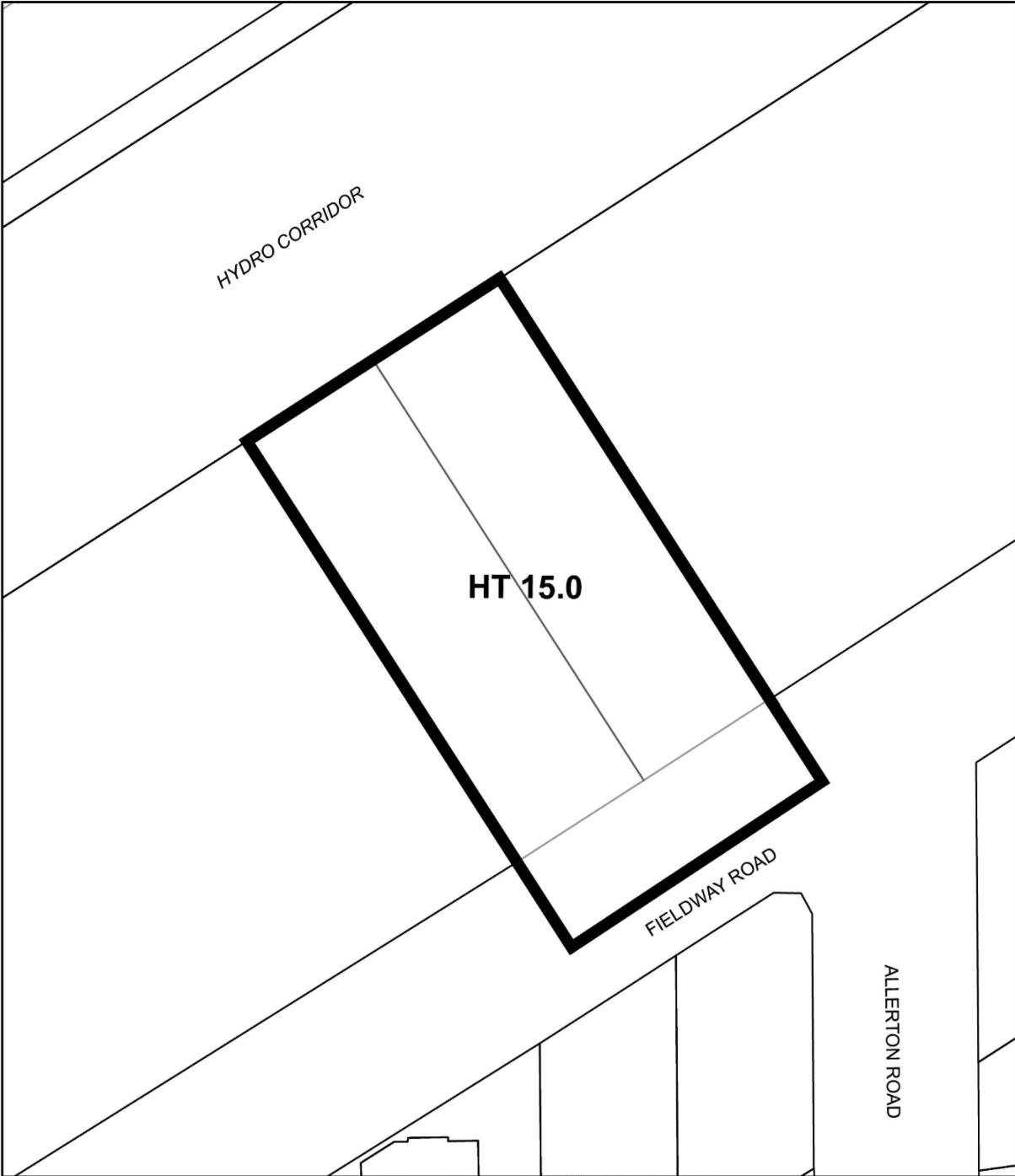


 **TORONTO**  
Diagram 3

**36 & 38 Fieldway Road**

File #: 20 233568 WET 03 0Z

Diagram 4

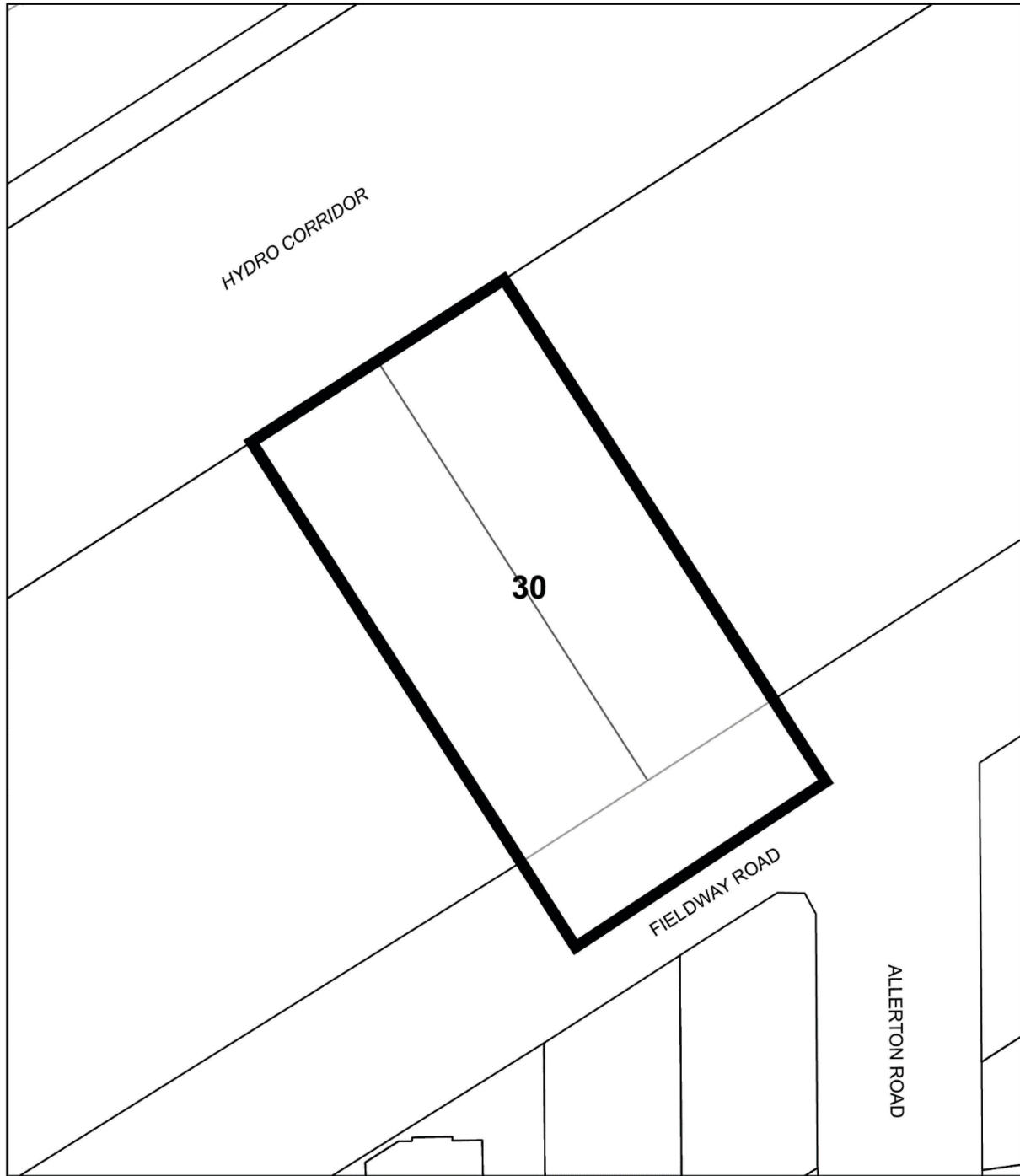


 **TORONTO**  
Diagram 4

**36 & 38 Fieldway Road**

File #: 20 233568 WET 03 0Z

**Diagram 5**



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Diagram 5

**36 & 38 Fieldway Road**

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Diagram 6

