

Authority: Ontario Land Tribunal Order issued
on July 13, 2022 in Tribunal File PL200292

CITY OF TORONTO

BY-LAW 1157-2022(OLT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally as 655, 657, 659, 661 and 663 Queen Street West and 178 Bathurst Street.

Whereas the Ontario Land Tribunal, in its Decision issued on June 2, 2021 and its Order issued on July 13, 2022 in File PL200292, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of the Zoning By-law for the former City of Toronto, being By-law 438-86, as amended, with respect to lands municipally known in the year 2019 as 655, 657, 659, 661 and 663 Queen Street West and 178 Bathurst Street;

The Ontario Land Tribunal Orders:

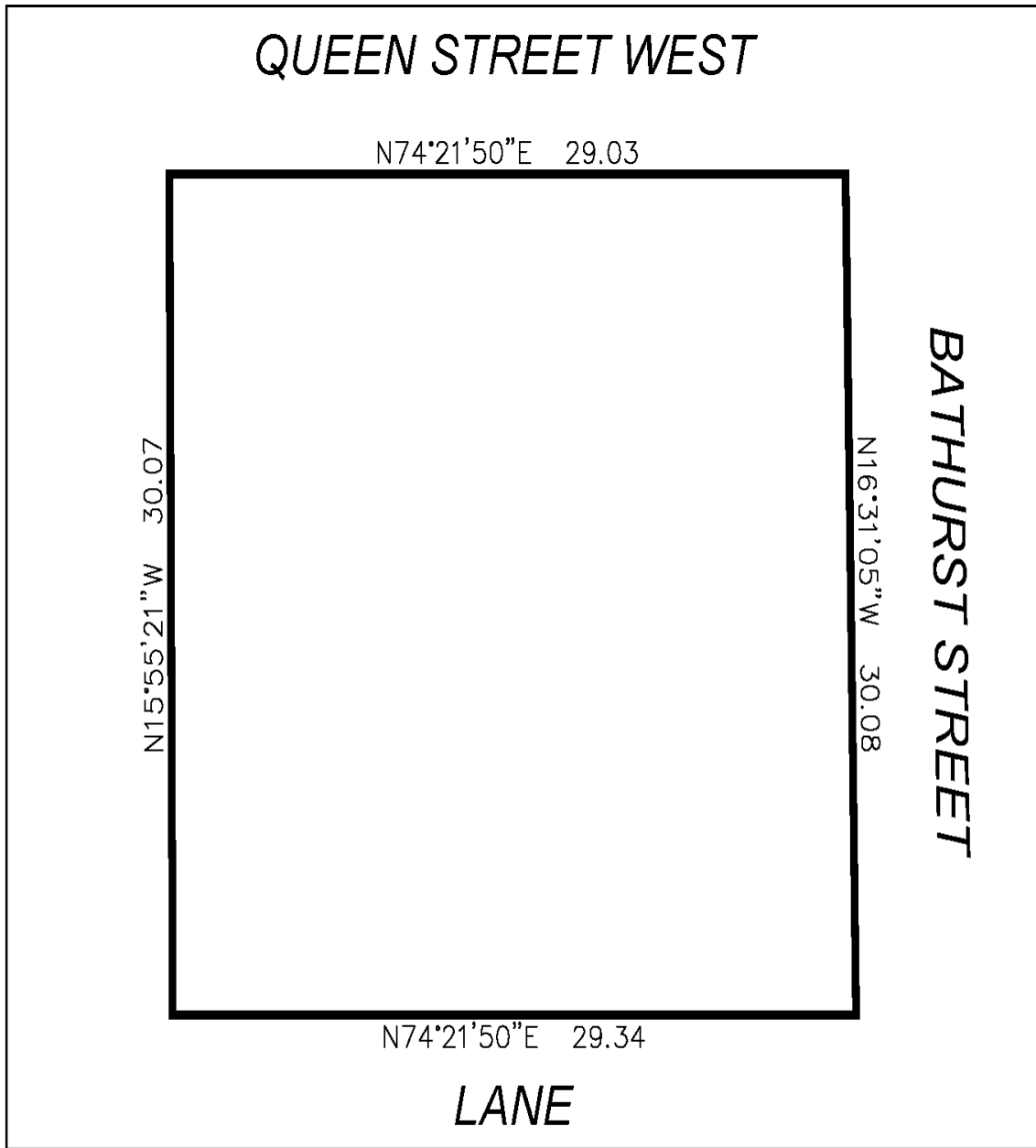
1. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *land*.
2. Notwithstanding the provisions of Section 2(1) with respect to "*grade*", "*height*", "*residential gross floor area*", and Sections 4(2)(a), 4(3), 4(4), 4(6), 4(13)(a), (c) and (d), 4(14), 4(16), 8(2)(5), 8(3) Part I(1), (2) and (3), 8(3) Part II(1), 8(3) Part III(1) and 12(2)(270) of By-law 438-86, as amended, the following development standards shall now be applicable to the lands.
 - (a) The lands subject to this By-law comprise the lands delineated by heavy black lines on Map 1, attached to and forming part of this By-law;
 - (b) The total combined *residential gross floor area* and *non-residential gross floor area* may not exceed 5,950 square metres, provided:
 - (i) the total *residential gross floor area* may not exceed 5,000 square metres;
and
 - (ii) the total *non-residential gross floor area* may not exceed 1,000 square metres;
 - (c) The *height* of any building or structure or portion thereof on the lands, does not exceed *height* by the numbers in metres following the symbol "H" as shown on Map 2 attached to and forming part of this By-law;
 - (d) Notwithstanding Section 3(c) of this by-law, the following building elements and structures are permitted to extend beyond the heights shown on Map 2:

- (i) antennae, flagpoles, satellite dishes, equipment used for the functional operation of the building, including electrical, utility, mechanical and ventilation and window washing equipment and their enclosures, and structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, elevators and elevator shafts, chimneys, vents and water supply facilities and their enclosures by no more than 5.0 metres;
 - (ii) unenclosed structures providing safety or wind protection to rooftop amenity spaces, guardrails, railings and dividers, structures for open air recreation, pergolas, trellises, balustrades, eaves, screens, roof drainage, windowsills, terraces, light fixtures, architectural features and ornamental elements, landscaping, and planters by no more than 3.0 metres; and
 - (iii) parapet walls, including those associated with a green roof, may extend beyond the heights shown on Map 2 and the height permitted for equipment and structures located on the roof of a building by (d)(i) above, by no more than 2.0 metres;
- (e) No portion of any building or structure to be erected above finished ground level on the *lot* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, except that the following elements may extend into a required building setback as follows:
- (i) platforms with no roof, such as a deck, porch, balcony or similar structure, canopies, awnings, exterior stairs, uncovered ramps, and elevating devices by not more than 1.5 metres;
 - (ii) air conditioners, satellite dishes, antennas, poles, vents and pipes by not more than 0.9 metres;
 - (iii) cornices, architectural features, light fixtures, ornamental elements, parapets, pillars, trellises, columns and support structures, thermal insulation, eaves, window sills, and site servicing features by no more than 0.75 metres; and
 - (iv) amenity spaces, patios, trellises, structures for outside or open air recreation, pergolas, terraces, guardrails, railings and dividers, balustrades, screens, planters by no more than 8.0 metres;
- (f) No *parking spaces* for any use on the lands shall be required;
- (g) *Bicycle parking spaces* shall be provided and maintained in accordance with the following minimum requirements:
- (i) a minimum of 0.94 *bicycle parking spaces - occupant* shall be provided per residential unit;

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- (ii) a minimum of 0.13 *bicycle parking spaces - visitor* shall be provided per residential unit;
 - (iii) a minimum of 0.2 *bicycle parking spaces – occupant* per 100 square metres of *non-residential gross floor area*; and
 - (iv) a minimum of 3 *bicycle parking spaces - visitor* plus 0.3 *bicycle parking spaces - visitor* per 100 square metres of *non-residential gross floor area*;
- (h) Of the *bicycle parking spaces – visitor* required by (g)(ii) and (iv) above, 4 shall be located on the *lot* and may be located within the first level below-ground, while the remainder may be located within the municipal right-of-way immediately adjacent to the *lot*;
- (i) One *loading space – type G* shall be provided and maintained on the lands.
3. None of the provisions of By-law 438-86 shall apply to prevent the erection or use of a *sales office* on the *lot*.
4. 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, with the exception of the following:
- (i) "*grade*" shall mean an elevation of 91.97 metres Canadian Geodetic Datum;
 - (ii) "*height*" shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
 - (iii) "*residential gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the *mixed-use building* is reduced by the area in the building used for:
 - i. Parking, loading and bicycle parking below-ground;
 - ii. *Loading spaces* at the ground level and *bicycle parking spaces* at, or above-ground;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv. Shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - v. *Residential amenity space* required by this By-law;

- vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse; and
 - ix. Exit stairwells in the building.
- 5.** Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

Ontario Land Tribunal Decision issued on June 2, 2021 and Ontario Land Tribunal Order issued on July 13, 2022 in Tribunal File PL200292.



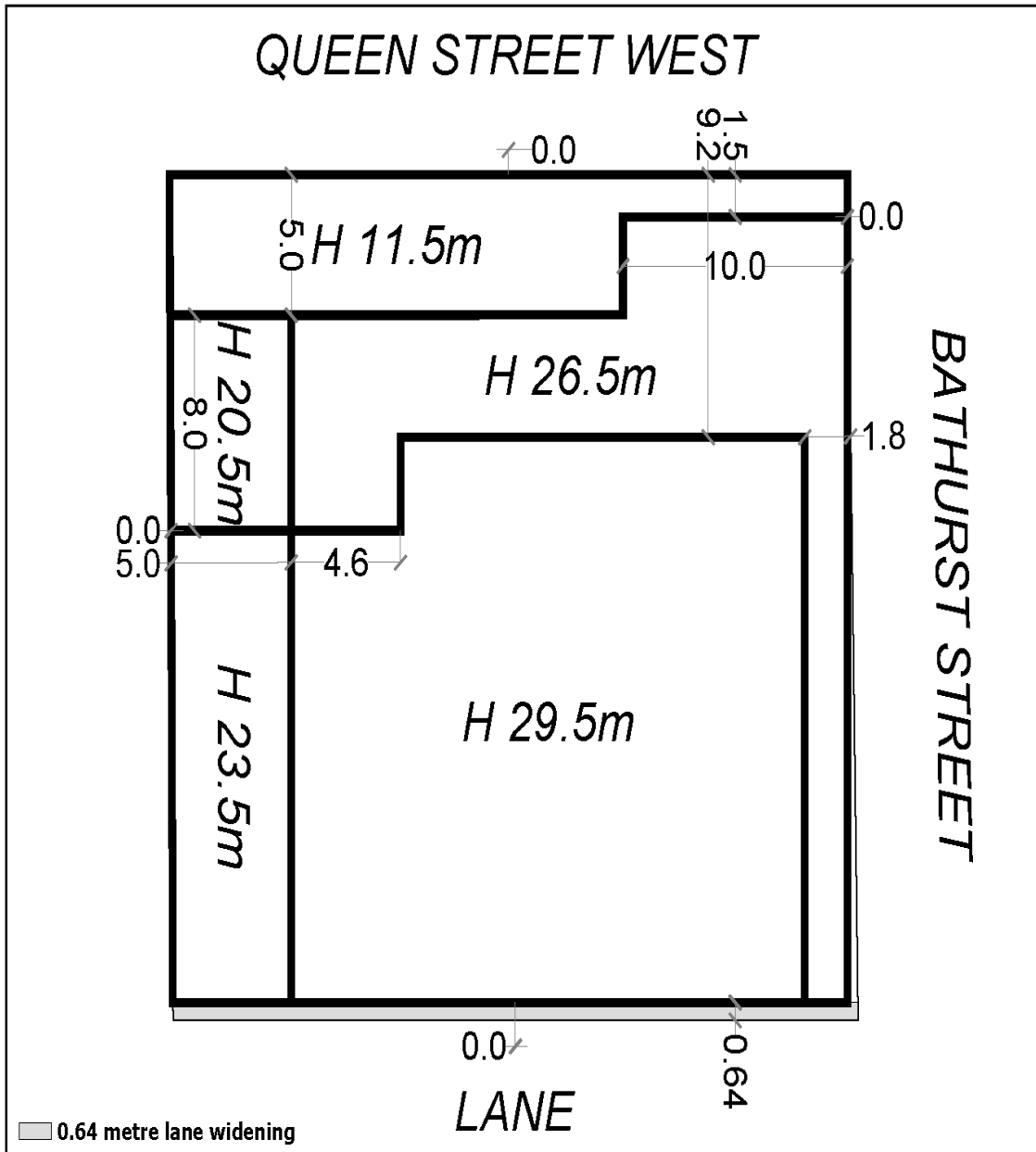
655-663 Queen Street West & 178 Bathurst Street, Toronto

Map 1

File #19 264479 STE 10 OZ



Not to Scale



655-663 Queen Street West & 178 Bathurst Street, Toronto

Map 2

File #19 264479 STE 10 OZ



Not to Scale