

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

CITY OF TORONTO

BY-LAW 1158-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 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 Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 655, 657, 659, 661 and 663 Queen Street West and 178 Bathurst Street; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality 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 in the By-law;

The Ontario Land Tribunal Orders:

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone label of CR 3.0 (c1.5; r2.5) SS2 (x1770) to a zone label of CR 3.0 (c1.5; r2.5) SS2 (x619), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 619, so that it reads:

(619) Exception CR 619

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 655-663 Queen Street West and 178 Bathurst Street, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (N) below:

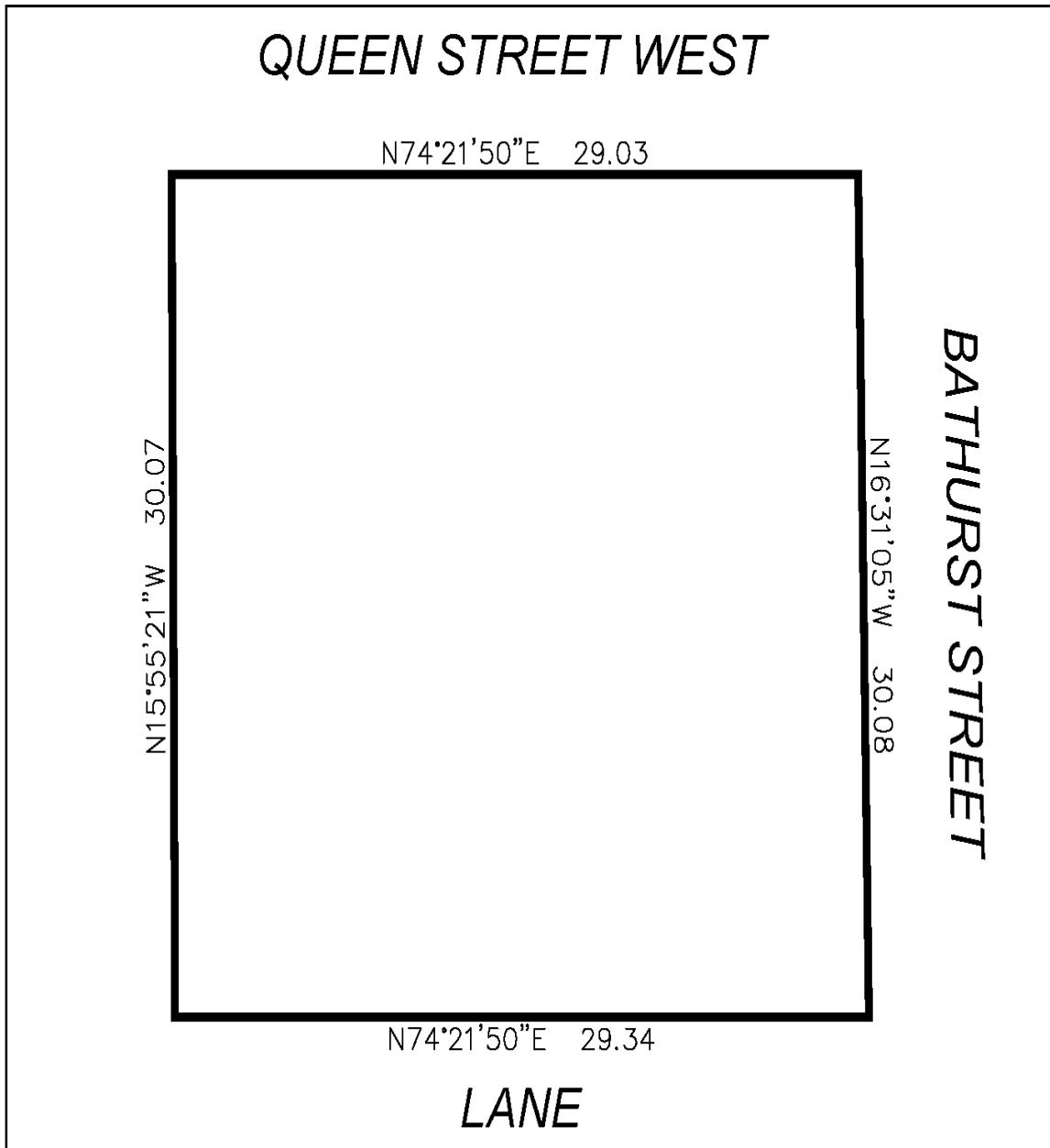
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 91.97 metres to the highest point of the **building** or **structure**;
- (C) Despite Regulations 40.10.20.100(1)(A), the permitted total **interior floor area** of all **service shops, eating establishments, take-out eating establishments, retail services and retail stores** may not exceed 1,000 square metres;
- (D) Despite Regulation 40.10.40.1(1), residential use portions of the **building** must be located above non-residential use portions of the **building**, other than residential lobby access, residential **bicycle parking spaces** and residential storage rooms;
- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure**, is the number following the HT symbol in metres as shown on Diagram 3 of By-law 1158-2022(OLT);
- (F) Despite Regulations 40.5.40.10(6) and (7) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) 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 may project above the height limits to a maximum of 3.0 metres; and
 - (ii) parapet walls, including those associated with a **green roof**, may project above the height limits of a **building** and the heights permitted for equipment and **structures** located on the roof of a **building** as per Regulation 40.5.40.10(4), to a maximum of 2.0 metres;
- (G) Despite Regulation 40.10.40.40(1) the permitted maximum **gross floor area** is 5,950 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 5,000 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 1,000 square metres;
- (H) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are shown in metres on Diagram 3 of By-law 1158-2022(OLT);
- (I) Despite Regulation 40.10.40.60(5) and (H) above, the following elements may encroach into the required minimum **building setbacks** as follows:

- (i) cornices, architectural features, light fixtures, ornamental elements, parapets, pillars, columns and support **structures**, thermal insulation, eaves, windowsills, and site servicing features to a maximum of 0.75 metres; and
 - (ii) unenclosed **structures** providing safety or wind protection to rooftop **amenity spaces**, patios, trellises, **structures** for outside or open air recreation, pergolas, terraces, guardrails, railings and dividers, balustrades, screens, planters to a maximum of 8.0 metres;
- (J) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, no **parking spaces** for any uses on the **lot** are required;
- (K) Despite Regulation 230.5.1.10(8), "short-term" **bicycle parking spaces** may be located within the municipal right-of-way immediately adjacent to the **lot**;
- (L) Despite Regulations 230.5.1.10(10) and 230.40.1.20(2), a "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**; and
- (i) A minimum of 4 "short-term" **bicycle parking spaces** must be provided on the **lot** and may be located within the first level below-ground;
- (M) Despite Regulation 230.5.10.1(5), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.94 "long-term" **bicycle parking spaces** for each **dwelling unit**; and
 - (ii) 0.13 "short-term" **bicycle parking spaces** for each **dwelling unit**;
- (N) A minimum of 31 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms and a minimum of 9.2 percent of the total number of **dwelling units** must contain a minimum of three bedrooms.

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

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply 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.



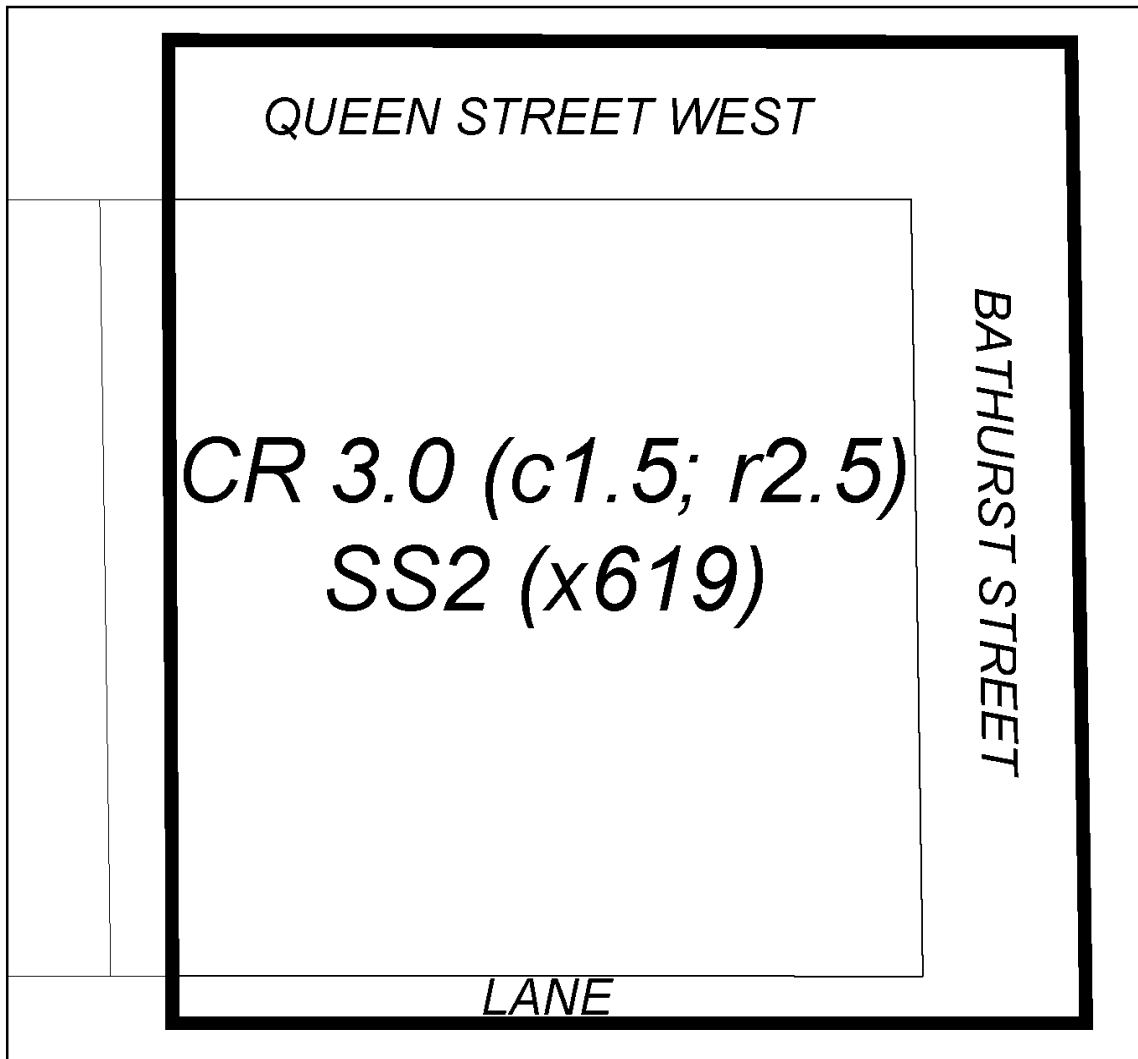
655-663 Queen Street West & 178 Bathurst Street, Toronto

Diagram 1

File #19 264479 STE 10 OZ



Not to Scale



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

Diagram 2

File #19 264479 STE 10 OZ



Not to Scale

