

Authority: Etobicoke York Community Council Item  
EY7.3, as adopted by City of Toronto Council on October  
11 and 12, 2023  
City Council voted in favour of this by-law on October 12,  
2023  
Written approval of this by-law was given by Mayoral  
Decision 19-2023 dated October 12, 2023

## **CITY OF TORONTO**

### **BY-LAW 969-2023**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 5, 7 and 9 Jopling Avenue South.**

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 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 Map in Section 990.10, and applying the following zone label to these lands: CR 3.5 (c3.5; r3.0) SS1 (x893) as shown on Diagram 2 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 and applying the following Policy Area label to these lands: PA 2, as shown on Diagram 3 attached to this By-law.
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 and storey label to these lands: HT 60.0 as shown on Diagram 4 attached to this By-law.
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: 33, as shown on Diagram 5 attached to this By-law.
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 893 so that it reads:

(x893) Exception CR x893

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 5, 7 and 9 Jopling Avenue South, as shown on Diagram 1 of By-law 969-2023, if the requirements of By-law 969-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (CC) 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 of 132.80 metres and elevation of the highest point of the **building** or **structure**;
- (C) Clause 40.10.30.40 related to **lot coverage** does not apply;
- (D) Despite Regulation 40.10.40.1(1), lobby and amenity space associated with residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building**;
- (E) The provision of **dwelling units** must comply with the following:
  - (i) the maximum number of **dwelling units** permitted is 468;
  - (ii) a minimum of 15 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms;
  - (iii) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms; and
  - (iv) for the purpose of this exception, guest suites do not constitute **dwelling units**;
- (F) Despite Clause 40.10.40.10, the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 6 of By-law 969-2023;
- (G) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 6 of By-law 969-2023;
  - (i) for the purpose of this exception, mezzanine and mechanical penthouse do not constitute a **storey**;

- (H) Despite Regulations 40.5.40.10 (4), (5), (6), (7) and (8) and (F) and (G) above, the following elements may project beyond the permitted maximum height of a **building**:
- (i) equipment used for the functional operation of the **building** such as electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, flues and vents may project above the height limits by a maximum of 6.5 metres;
  - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 6.5 metres;
  - (iii) architectural features, parapets, and ornamental elements and **structures** associated with a **green roof** by a maximum of 1.5 metres;
  - (iv) **building** maintenance units, cooling tower, lightning rods, and window washing equipment by a maximum of 5.0 metres;
  - (v) planters, landscaping features, guard rails, and divider screens on a balcony and/or terrace by a maximum of 2.0 metres;
  - (vi) trellises, pergolas, railing, light fixtures, ornamental features, fences, screens, and elements or structures providing safety or wind protection to rooftop amenity by a maximum of 3.0 metres;
  - (vii) elements listed in subsection (H)(iii) above may project above the permitted height limit for the mechanical penthouse as set out in subsection (H)(i) and (ii) by a maximum of 1.5 metres; and
  - (viii) elements listed in subsection (H)(iv) may project above the permitted height limit for the mechanical penthouse as set out in subsection (H)(i) and (ii) by a maximum of 5.0 metres;
- (I) Despite Regulation 40.10.40.40(1) and 40.5.1.10(3), the permitted maximum **gross floor area** is 27,400 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 27,000 square metres; and
  - (ii) the required minimum **gross floor area** for non-residential uses is 210 square metres;
- (J) In addition to the areas which reduce **gross floor area** listed in Regulation 40.5.40.40(3), the **gross floor area** of a mixed use **building** is reduced by the area in the **building** used for:

- (i) storage rooms containing **bicycle parking spaces**;
  - (ii) all open to below areas; and
  - (iii) hallways and elevator vestibules;
- (K) Despite Regulation 40.10.40.50(1)(A), **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit** must be provided, of which:
  - (i) at least 2.0 square metres for each **dwelling unit** must be indoor **amenity space**;
  - (ii) at least 2.0 square metres for each **dwelling unit** must be outdoor **amenity space**; and
  - (iii) indoor **amenity space** may include guest suites that do not exceed an aggregate **gross floor area** of 100 square metres;
- (L) Despite Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law 969-2023;
- (M) Despite Regulation 40.10.40.70 (1) and (L) above, the mechanical penthouse must be setback a minimum of 0.5 metres from all **main walls** of the tower;
- (N) Despite Clause 40.10.40.60, 40.5.40.60 and (L) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
  - (i) planters, light fixtures, decorative screens, privacy screens, ornamental elements, art and landscape features, **landscaping**, public art, ventilation shafts, railings, fences, site servicing features, retaining walls, bollards, and wheel chair ramps, by a maximum of 3.0 metres;
  - (ii) balconies and balcony guards and dividers, by a maximum of 2.0 metres;
    - (a) where balconies are located on a "tower" **main wall** that is stepped back less than 4.5 metres from a "Base building", the balconies may encroach into the required minimum **building setbacks** and **main wall** separation distances by 1.5 metres; and
    - (b) the total horizontal extent of balconies at each **storey** must not exceed 60 percent of the width of the **main wall** they are located on;
  - (iii) canopies and awnings, and all vertical extensions of such awnings and canopies, lighting fixtures, architectural features, planters, guardrails, and stairs, by a maximum of 3.0 metres;

- (iv) eaves, roof drainage, light fixtures, parapets, window washing equipment, architectural flutes, window projections, and window sills, by a maximum of 1.0 metre; and
  - (v) cladding added to the exterior surface of a **main wall** of a **building** by a maximum of 0.5 metres;
- (O) A continuous weather protection canopy with a minimum depth of 1.5 metres along the south **street** frontage must be provided and maintained on the **lot**;
- (P) The permitted maximum "tower floor plate" for each **storey** of a **building** located above the seventh **storey** is 738 square metres;
- (Q) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 15 percent of the provided **parking spaces** may be either:
  - (i) small car **parking spaces** with a minimum width of 2.6 metres, length of 5.2 metres and vertical clearance of 2.0 metres; or
  - (ii) obstructed on one or two sides as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (R) Despite Regulations 200.5.1.10(2)(A)(iv) and 200.5.1.10(2)(D), electric **vehicle** infrastructure, including electrical **vehicle** supply equipment, does not constitute an obstruction to a **parking space**;
- (S) Regulation 200.5.1.10(12)(C) with regard to the required distance of a vehicle entrance or exit from the **lot line** abutting a **street** does not apply;
- (T) Despite Article 200.25.15 related to **parking space** regulation transition, the **parking space** rate requirements in Article 200.5.10.1 applies;
- (U) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 3.4 metres;
  - (iii) vertical clearance of 2.1 metres; and
  - (iv) be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (V) Despite Regulation 200.15.1(4), a minimum of 1.0 accessible **parking space** is required to be no more than 6.0 metres from a passenger elevator vestibule that provides access to the first **storey** of the **building**;

- (W) Despite Regulation 200.15.10.5(1) and (2), a minimum of 1.0 accessible **parking space** is required, plus an additional 1.0 accessible **parking space** per every 25 **parking spaces** provided on the **lot**;
- (X) Despite Clause 220.5.10.1, a minimum of one Type "G" **loading space** must be provided on the **lot**;
- (Y) Despite Regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** may be located in the first and second **storeys** of the **building** and on the first below ground level;
- (Z) In addition to Regulation 230.5.1.10(10), "short-term" bicycle parking spaces may also be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions;
- (AA) Despite Regulation 230.5.1.10(4)(A)(ii), the required minimum width of a **stacked bicycle parking space** is 0.45 metres;
- (BB) Despite Regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be no more than 65.0 metres from a pedestrian entrance to the **building** on the **lot**;
- (CC) For the purpose of this exception, each word or expression that is in bold font in this exception shall have the same meaning as each word or expression as defined in Chapter 800 of this By-law, as amended, except for the following:
  - (i) "Base building" means the portions of a **building** as shown on Diagram 6 of By-law 969-2023, not including any "tower" portion of the **building**;
  - (ii) "Tower" means the portion of a **building** as shown on Diagram 6 of By-law 969-2023, which collectively enclose the entirety of a **storey** with a height greater than 25 metres; and
  - (iii) "Tower floor plate" means the total built area of each **storey** within the "tower" as measured from the exterior of the **main wall** on each **storey**, excluding balconies.

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

- 9. 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.

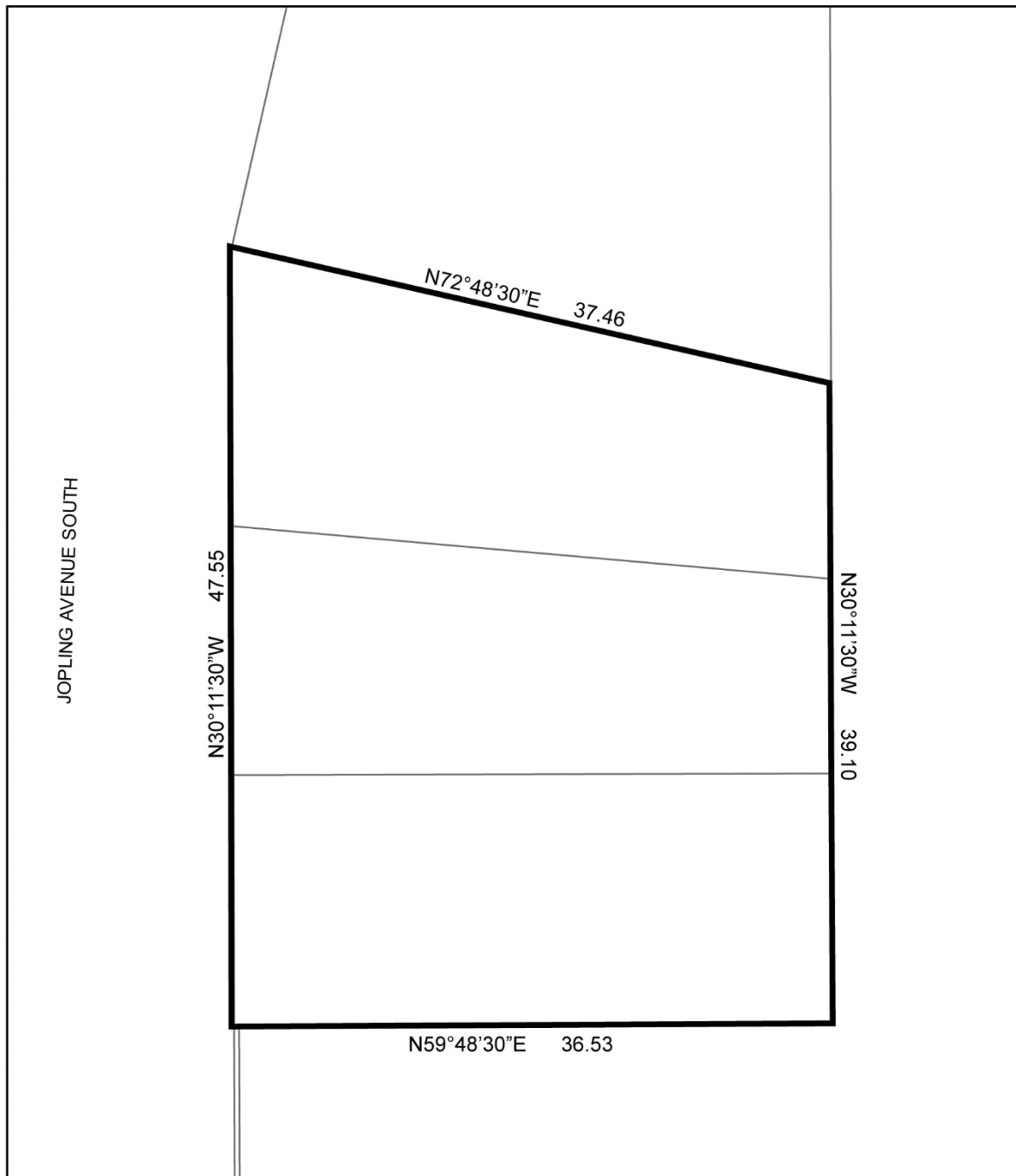
Enacted and passed on October 12, 2023.

Frances Nunziata,  
Speaker

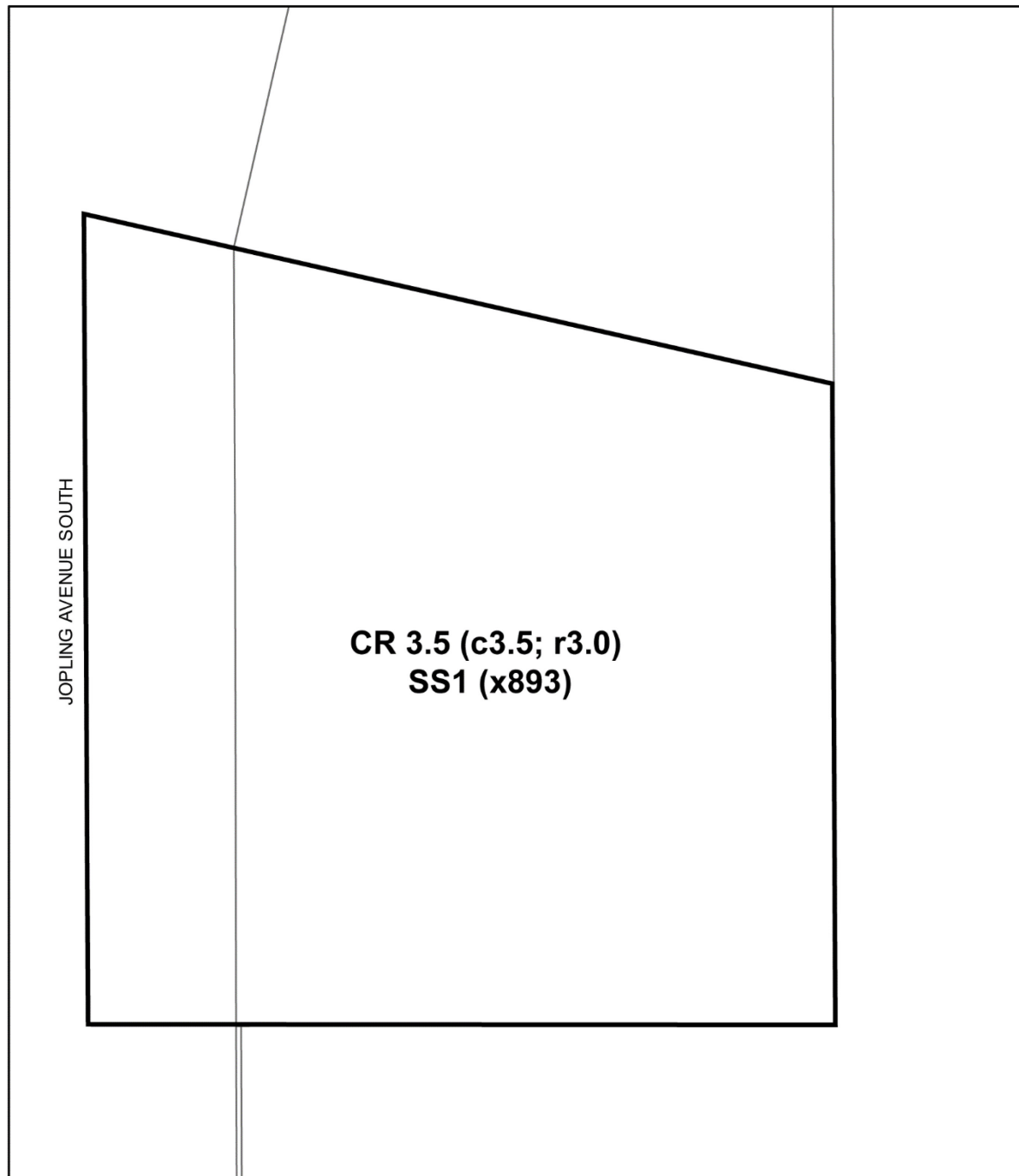
John D. Elvidge,  
City Clerk

(Seal of the City)

Diagram 1





**Diagram 2**

**Diagram 3**



 **Toronto**  
**Diagram 3**

**5-9 Jopling Avenue South**

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**Diagram 4**



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Diagram 4

**5-9 Jopling Avenue South**

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**Diagram 5**

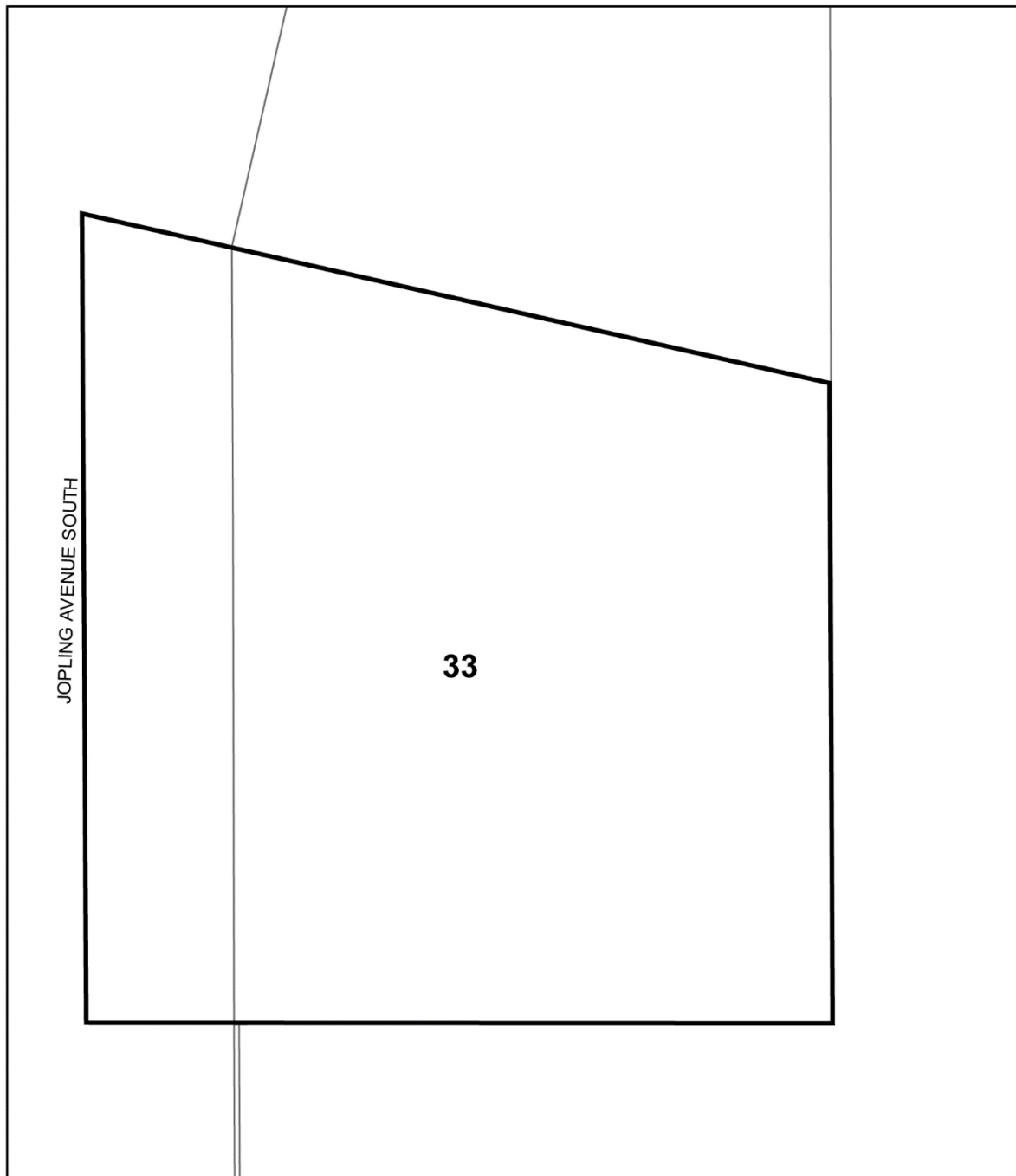
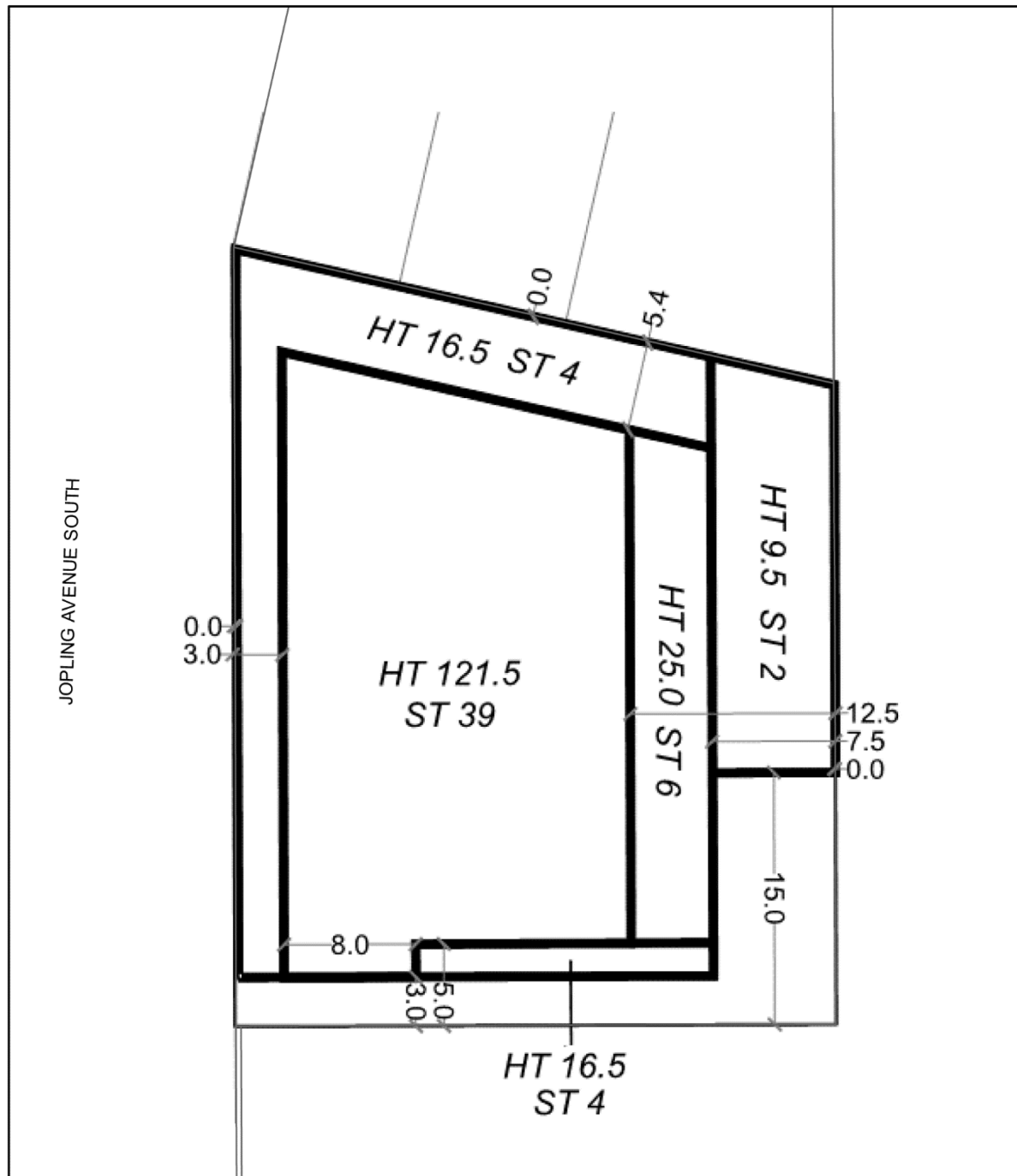


Diagram 6



 **Toronto**  
Diagram 6

5-9 Jopling Avenue South

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