

Authority: Ontario Land Tribunal Decision issued on April 29, 2022 and Order issued on September 6, 2023 in Tribunal File OLT-21-001193

CITY OF TORONTO

BY-LAW 1218-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 1109 Bathurst Street and 246-248 Albany Avenue.

Whereas the Ontario Land Tribunal, in its Decision issued on April 29, 2022 and its Order issued on September 6, 2023, in file OLT-21-001193 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 the lands municipally known in the year 2022 as 1109 Bathurst Street and 246-248 Albany Avenue;

Therefore, the Ontario Land Tribunal, by Order, amends Zoning By-law 569-2013 as follows:

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: EL 2.0 (x22) 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: PA1, 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 14.0, 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 no value.

7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.21.10 Exception Number 22 so that it reads:

(22) Exceptions EL (22)

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 1109 Bathurst Street and 246-248 Albany Avenue, if the requirements of By-law 1218-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (K) below;
- (B) Despite Regulations 60.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 122.13 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 60.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law 1218-2023(OLT);
- (D) Despite Regulations 60.5.40.10(4) and (5), 60.5.75.1(2), 60.10.40.10(2), and (C) above, the following **building** elements, equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law 1218-2023(OLT), and where such projections are located on the roof of a **building**, area, coverage, horizontal dimension and locational restrictions are not applicable:
- (i) electrical, utility, mechanical and ventilation equipment used for the functional operation of the **building** and **structures**, and window washing equipment, as well as **structures** that enclose, screen or cover the equipment, by a maximum of 4.0 metres;
 - (ii) enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, elevator overruns, vents, lightning rods, stacks, flues, air intakes, cellular arrays, and solar panels, by a maximum of 4.0 metres; and
 - (iii) railings, bollards, balustrades, fences, screens, skylights, cornices, eaves, roof drainage, parapets, planters, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres.
- (E) Despite Clause 60.5.40.40, and Regulation 60.10.1.10(3), the permitted maximum **gross floor area** of all **buildings** and **structures** is 13,600 square metres;
- (F) Despite Clause 60.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law 1218-2023(OLT);

- (G) Despite Clause 5.10.40.70(1), and (F) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) screens, trellises, guardrails, balustrades, railings, window washing equipment, access and underground garage ramps, by a maximum of 1.5 metres;
 - (ii) cornices, light fixtures, window sills, mullions, eaves, pilasters, columns, belt courses, and chimney breasts, by a maximum of 0.6 metres;
 - (iii) air conditioners, lightning rods, antennae, flagpoles, pipes, satellite dishes, elements required for the function operation of a **building** and related screening, site servicing features, exterior stairs and stair enclosures, and ventilation shafts, by a maximum of 1.0 metre; and
 - (iv) art and landscaping features, fences, planters, awnings, parapets, and canopies, by a maximum of 2.0 metres.
- (H) Despite Section 200.25, Article 200.15.10, Regulation 200.5.1.10(1) and 200.5.10.1(1) and Tables 200.5.10.1 and 200.15.10.5, **parking spaces** and accessible **parking spaces** are to be provided in accordance with the following:
- (i) a minimum of 0.09 **parking spaces** per 100 square metres of **Self-storage Warehouse gross floor area**; and
 - (ii) a minimum of 1.0 **parking space** required by (H)(i) above shall be an accessible **parking space** in accordance with Clause 200.15.1.
- (I) Despite Regulations 200.5.1.10(2)(A)(iv) and (D), and 200.5.1.10(14), electric vehicle infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (J) Despite Regulations 220.5.1.10 (1), (3) and (4) and 220.5.10.1(7), a minimum of two (2) Type "B" **loading spaces** must be provided and maintained on the **lot**; and
- (K) Despite Section 230.90, Regulation 230.5.10.1(1) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following:
- (i) 4 "short-term" **bicycle parking spaces**; and
 - (ii) 2 "long-term" **bicycle parking spaces**.
8. 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.

Diagram 1

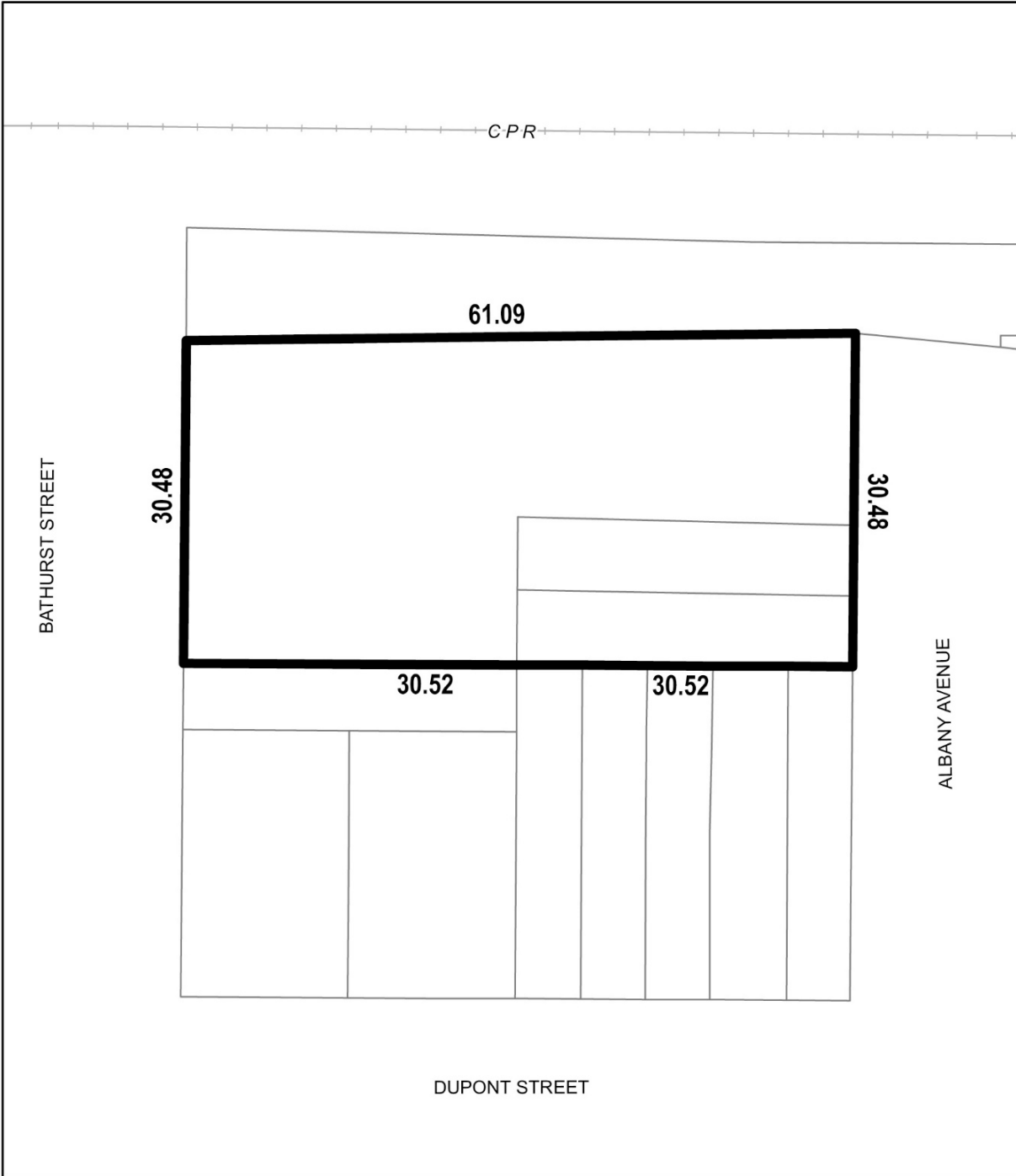
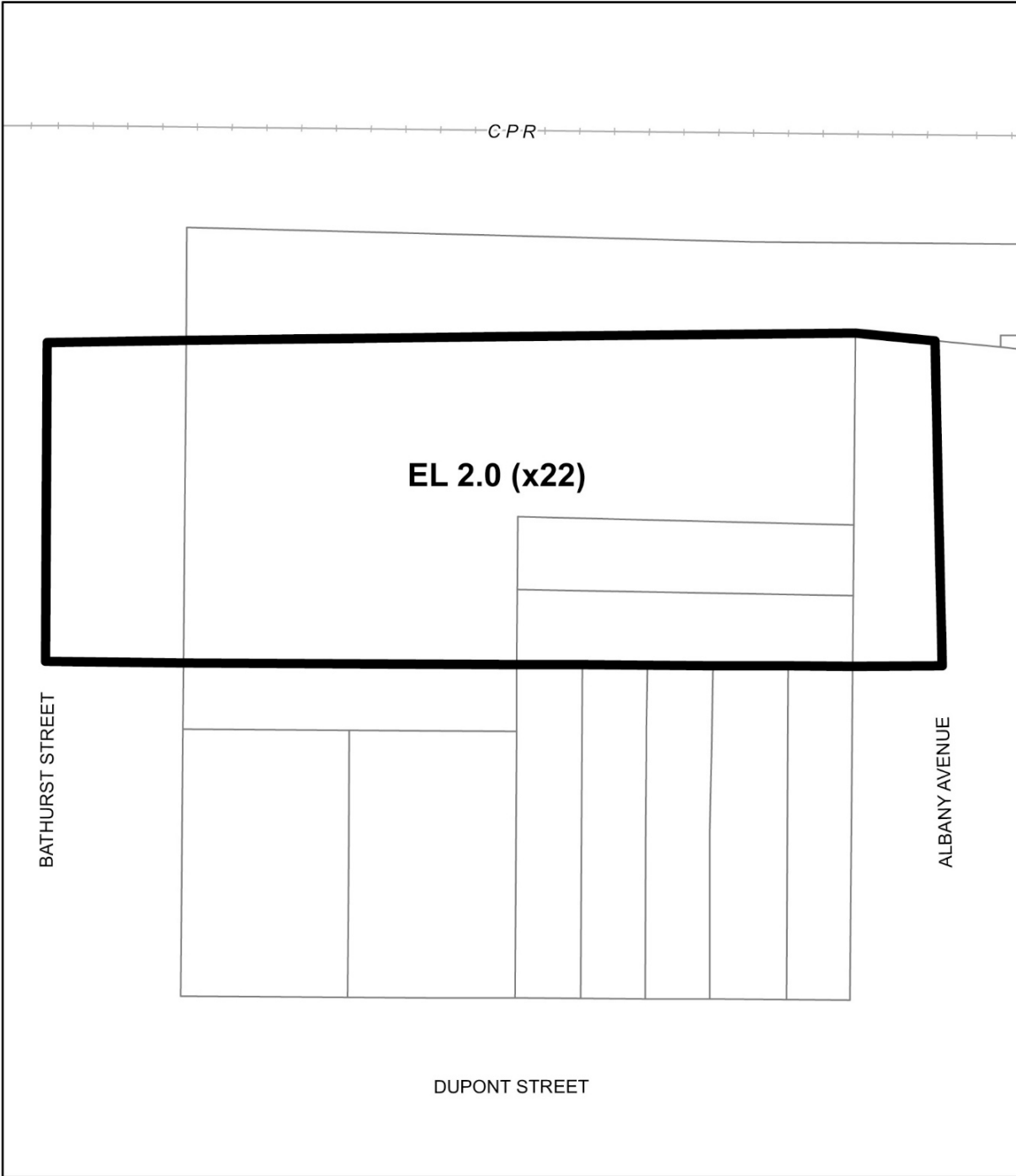


Diagram 2



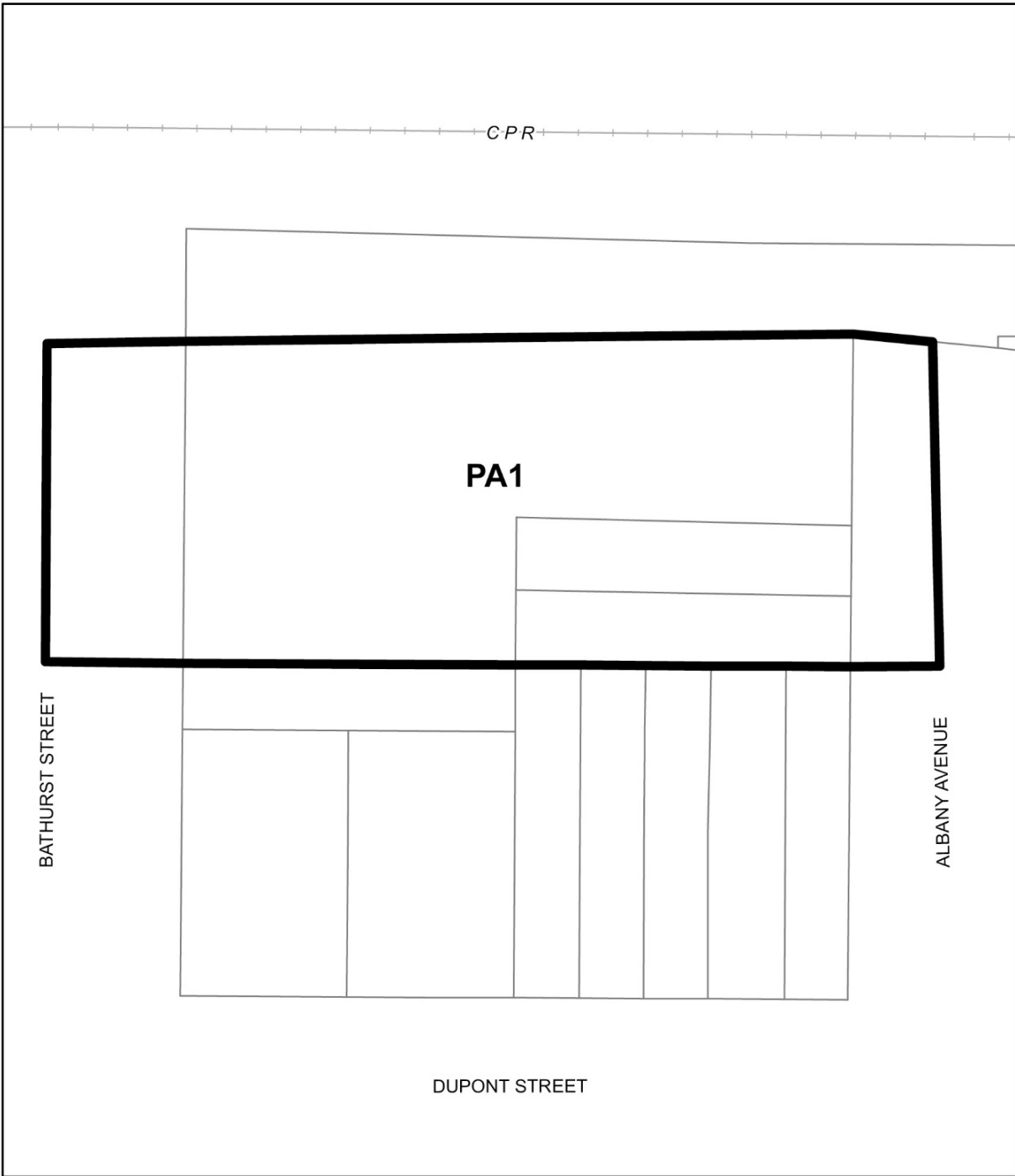
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Diagram 2

**1109 Bathurst Street &
246-248 Albany Avenue**

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Diagram 3



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Diagram 3

**1109 Bathurst Street &
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Diagram 4

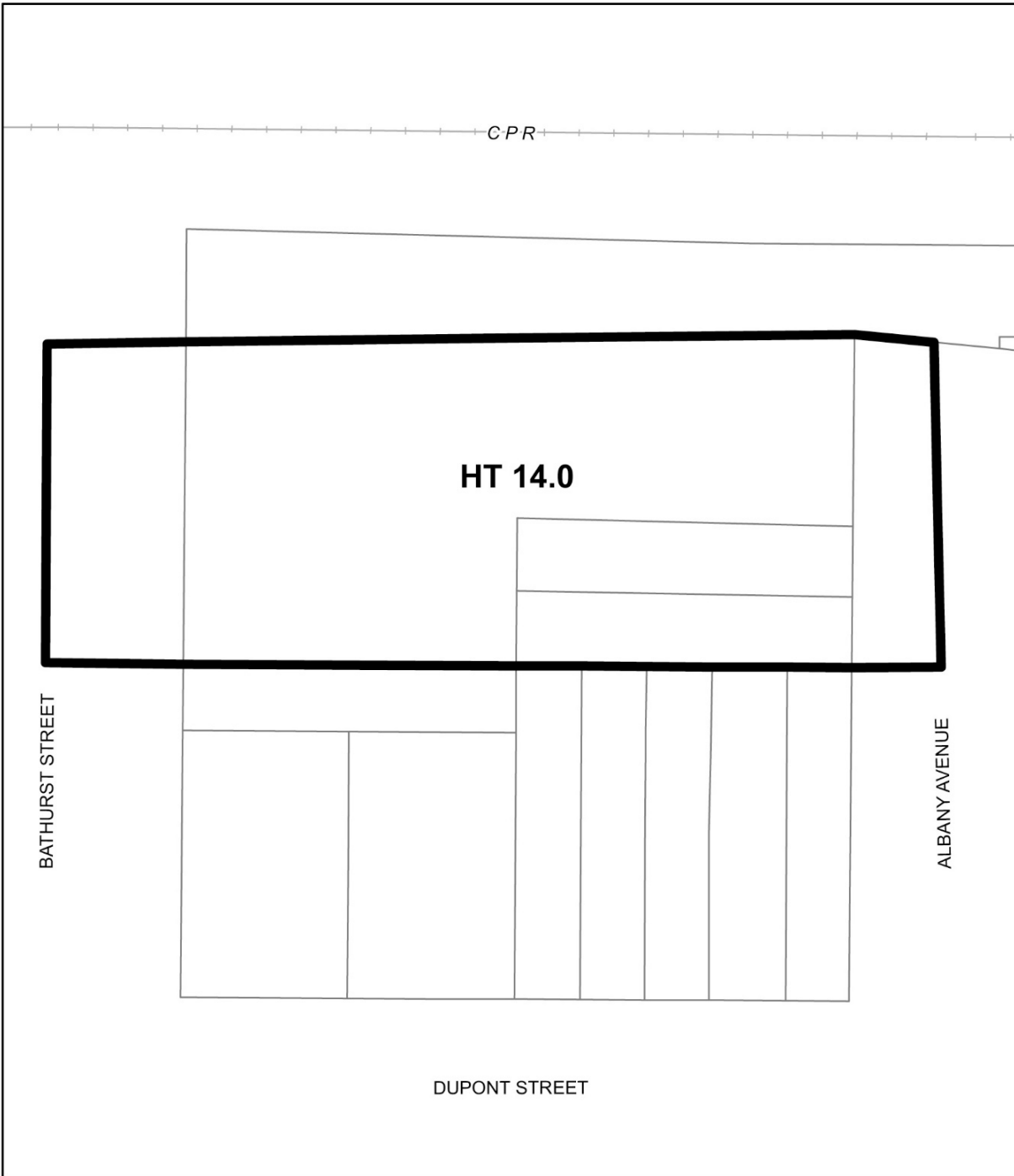
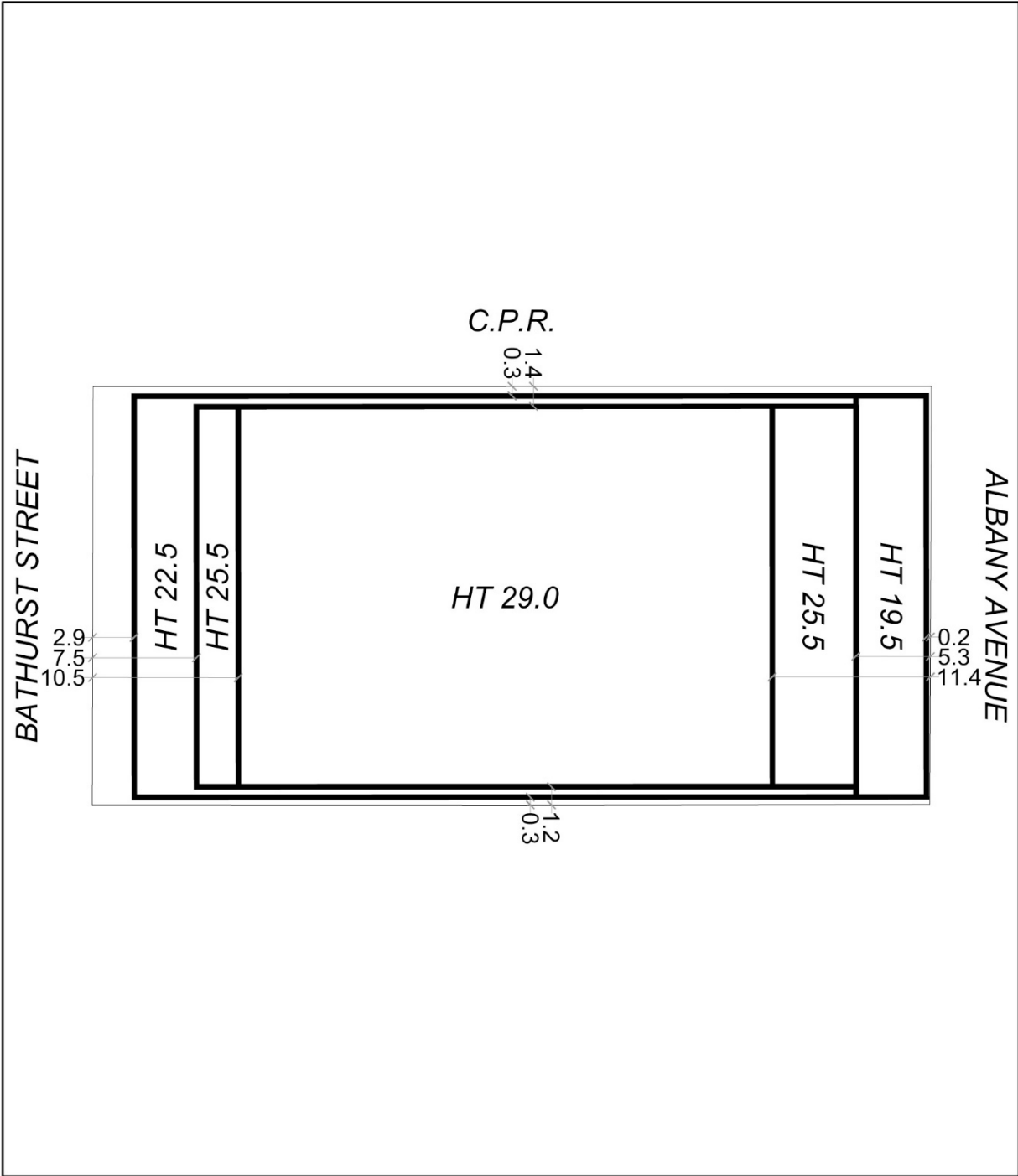


Diagram 5



 **TORONTO**
Diagram 5

**1109 Bathurst Street &
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