

Authority: Toronto and East York Community Council  
Item TE9.5, as adopted by City of Toronto Council on  
December 13, 14 and 15, 2023  
City Council voted in favour of this by-law on  
December 15, 2023  
Written approval of this by-law was given by Mayoral  
Decision 30-2023 dated December 15, 2023

## **CITY OF TORONTO**

### **BY-LAW 1289-2023**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 403 Keele Street and 48 and 50 Heintzman Street.**

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, as amended; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once Council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)";

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, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as "Parcel A" on Diagram 6 to the Zoning By-law Map in Section 990.1, and amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands identified as "Parcel B" on Diagram 6 and applying the following zone label to both "Parcel A" and "Parcel B" as shown on Diagram 2: (H) CR 3.8 (c0.1; r3.8) (x 934).
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as "Parcel A" on Diagram 6 to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.

5. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as "Parcel A" on Diagram 6 to the Height Overlay Map in Article 995.20.1 and applying the following height label to these lands: HT 14.0 as shown on Diagram 5 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as "Parcel A" on Diagram 6 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 the lands identified as "Parcel A" on Diagram 6 to the Rooming House Overlay Map in Article 995.40.1 and applying the following rooming house label to these lands "B3", as shown on Diagram 4 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 934 so that it reads:

(934) Exception CR 934

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 lands municipally known as 403 Keele Street and 48 and 50 Heintzman Street, if the requirements of By-law 1289-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) 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 118.25 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 40.10.40.10 (2), 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 1289-2023;
- (D) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 2.7 metres;
- (E) 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 5 of By-law 1289-2023, excluding the mechanical penthouse;
- (F) Despite regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law 1289-2023:

- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.0 metres;
  - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 5.0 metres;
  - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.5 metres;
  - (iv) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
  - (v) antennae, flagpoles and satellite dishes, by a maximum of 4.0 metres; and
  - (vi) glass guards, overhead trellises, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
- (G) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 17,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 17,000 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 500 square metres; and
  - (iii) the required minimum **gross floor area** for non-residential uses is 250 square metres;
- (H) Despite regulation 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law 1289-2023;
- (I) Despite Clause 40.5.40.60, 40.10.40.60 and (H) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.1 metres;
  - (ii) canopies and awnings, by a maximum of 2.1 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;

- (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metres;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
  - (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
  - (vii) eaves, by a maximum of 1.0 metres;
  - (viii) a dormer, by a maximum of 1.0 metres; and
  - (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;
- (J) Despite Regulation 200.5.1.10(12)(A) and (B), the required minimum width for a **vehicle** entrance and exit to the **building** is 4.5 metres;
- (K) Despite regulation 970.10.15.5(5) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.06 residential occupant **parking spaces** for each **dwelling unit**;
  - (ii) a minimum of 2 residential visitor **parking spaces** plus 0.01 residential visitor **parking spaces** for each **dwelling unit**; and
  - (iii) A minimum of 2 "car-share parking spaces" are required; and
  - (iv) No **parking spaces** are required for non-residential uses;
- (L) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) A reduction of four residential occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
    - (a) Four multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
  - (ii) For the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and;

- (iii) For the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (M) Despite Regulation 200.15.1(1)(B), the required minimum width of an accessible **parking space** is 3.4 metres provided that the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path otherwise a width of 3.9 metres is required;
- (N) Despite regulation 970.10.15.5(11), a minimum of 1 **parking spaces** are required to be accessible **parking spaces** for every required 25 **parking spaces**;
- (O) Despite regulation 230.5.1.10(4)(A)(i) and (ii), the required minimum dimensions of a **stacked bicycle parking space** are;
  - (i) length of 1.4 metres;
  - (ii) width of 0.4 metres; and
  - (iii) vertical clearance of 1.2 metres;
- (P) Despite regulation 230.5.1.10(10), both "short-term" and "long term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (Q) Despite Regulation 230.5.1.10(4) and (12), a **bicycle maintenance facility** is not required;
- (R) Despite Regulation 230.5.10.1, **bicycle parking spaces** are not required for commercial uses;
- (S) Despite Regulation 230.40.1.20, A "short-term" **bicycle parking space** may be located on levels of the **building** below-ground;
- (T) Despite regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
  - (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
  - (ii) 0.15 "short-term **bicycle parking spaces** for each **dwelling unit**; and
  - (iii) No **bicycle parking spaces** are required for non-residential uses;
- (U) None of the provisions of Sections 12(1) 343 and 12(2) 270 (a) of former City of Toronto By-law 438-86 apply to prevent the erection and use of **buildings** or **structures** in compliance with (B) to (T) above;

- (V) None of the provisions of City of Toronto By-law 746-03 apply to prevent the erection and use of **buildings** or **structures** in compliance with (B) to (T) above;

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 270 (a) of former City of Toronto By-law 438-86;
- (B) On the lands municipally known as 403 Keele St. in 1993, Section 12(1) 343 of former City of Toronto By-law 438-86; and
- (C) On 403 Keele St, City of Toronto By-law 746-03.
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.
10. Holding Symbol Provisions
- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
- (i) a Functional Servicing and Stormwater Management Report has been submitted to the City satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services; and
- (ii) The condition above includes securing any required upgrades and/or construction to any municipal infrastructure to support the development.

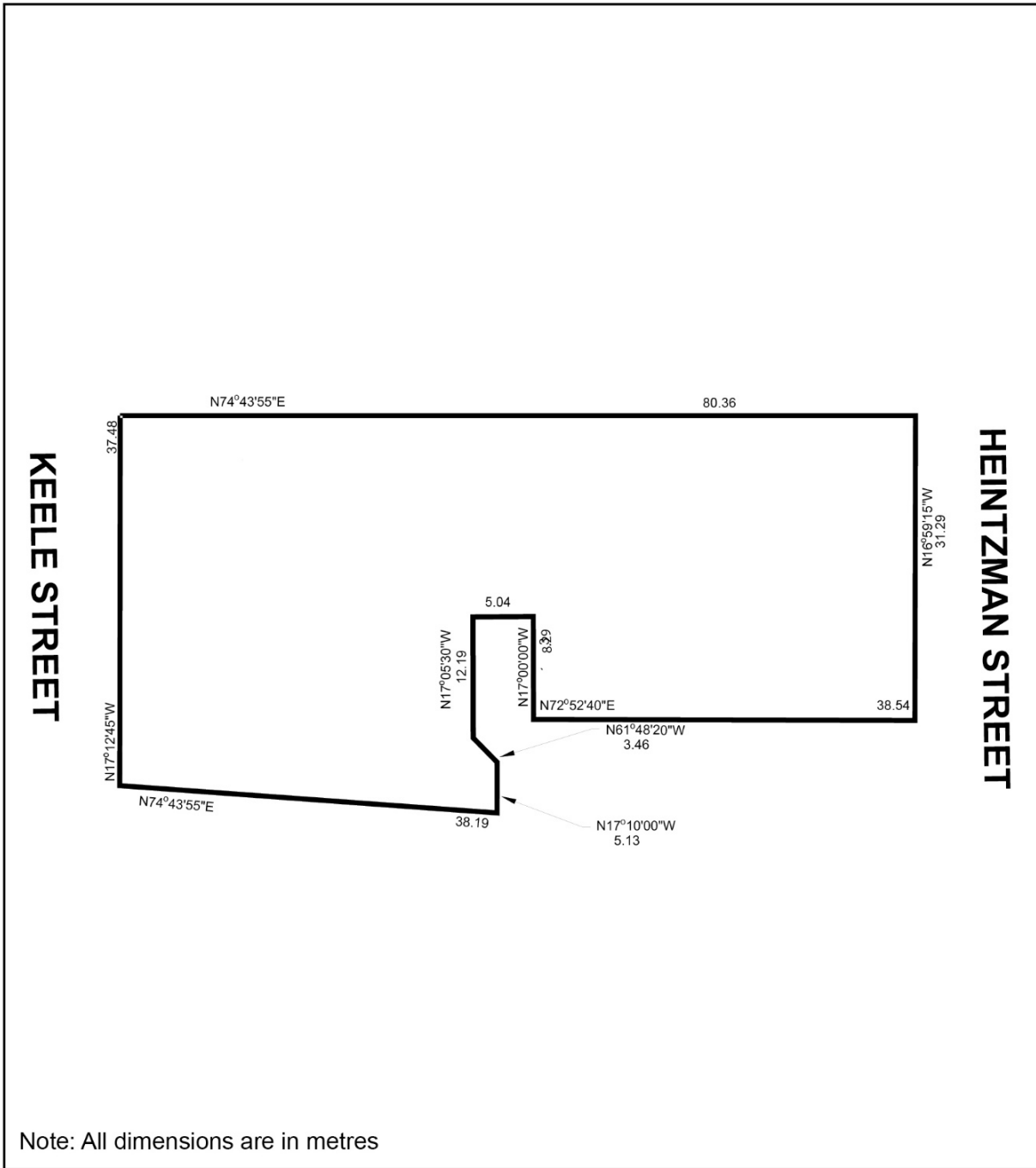
Enacted and passed on December 15, 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

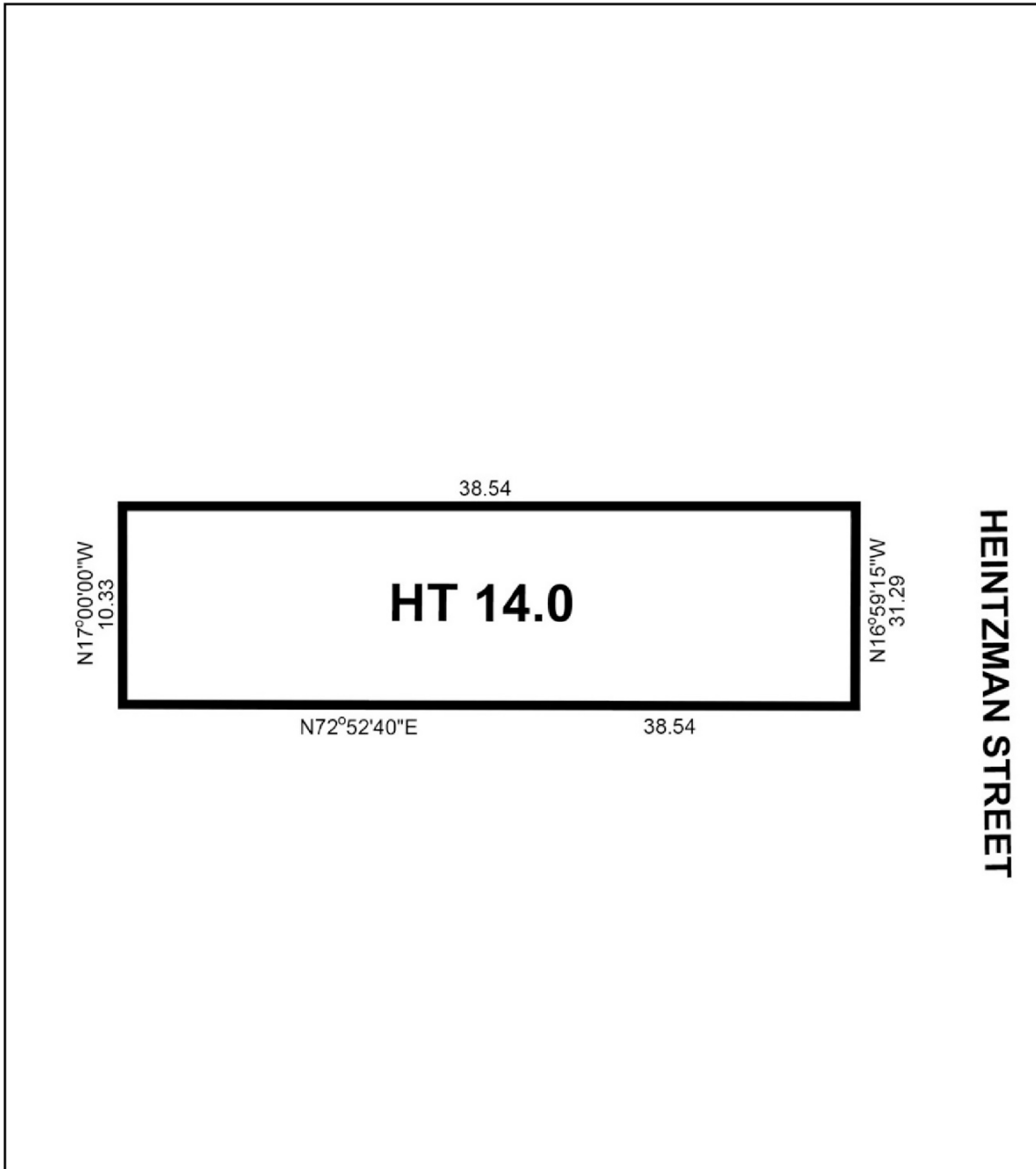
(Seal of the City)

Diagram 1





**Diagram 3**



**Diagram 4**

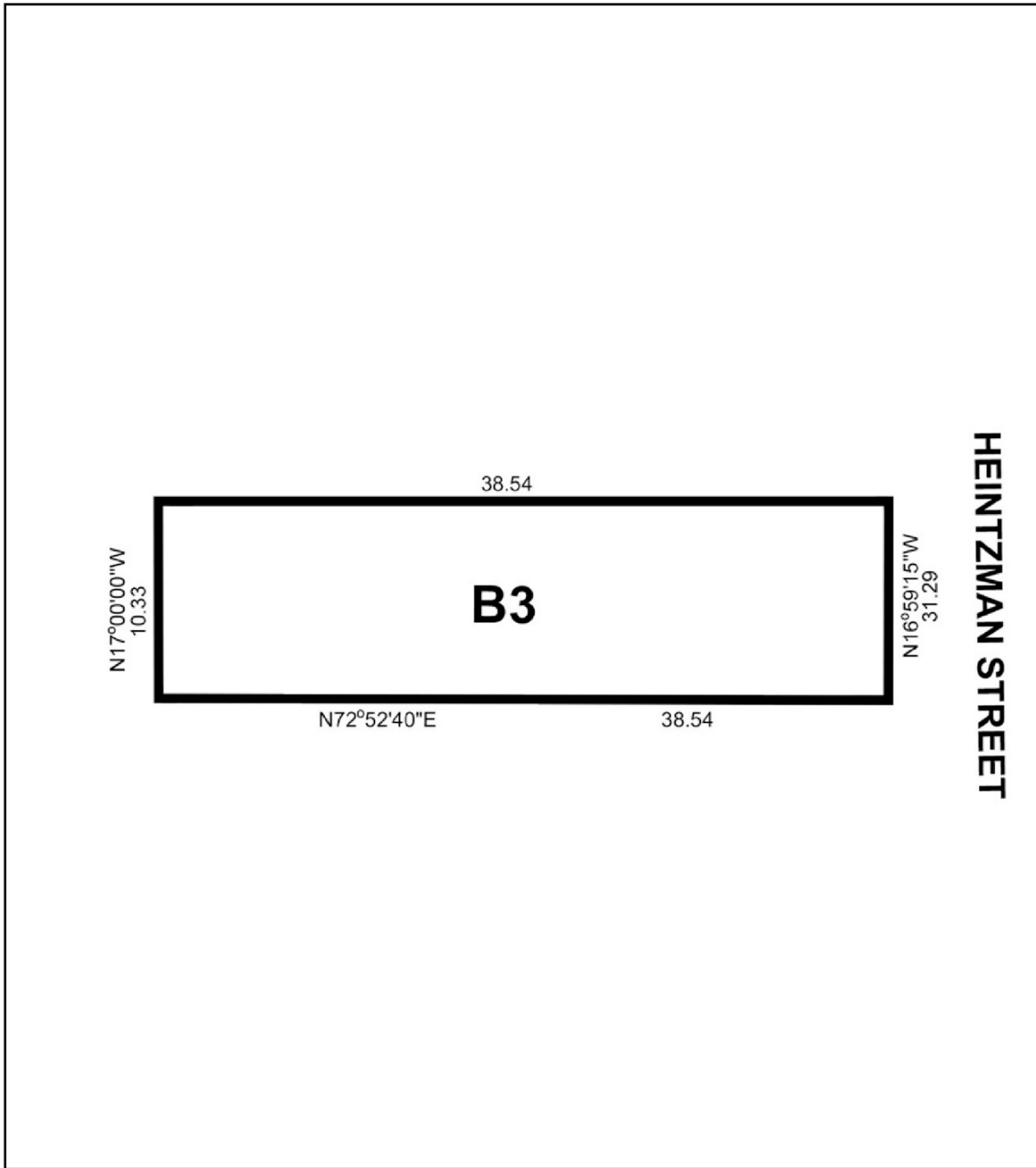


Diagram 5

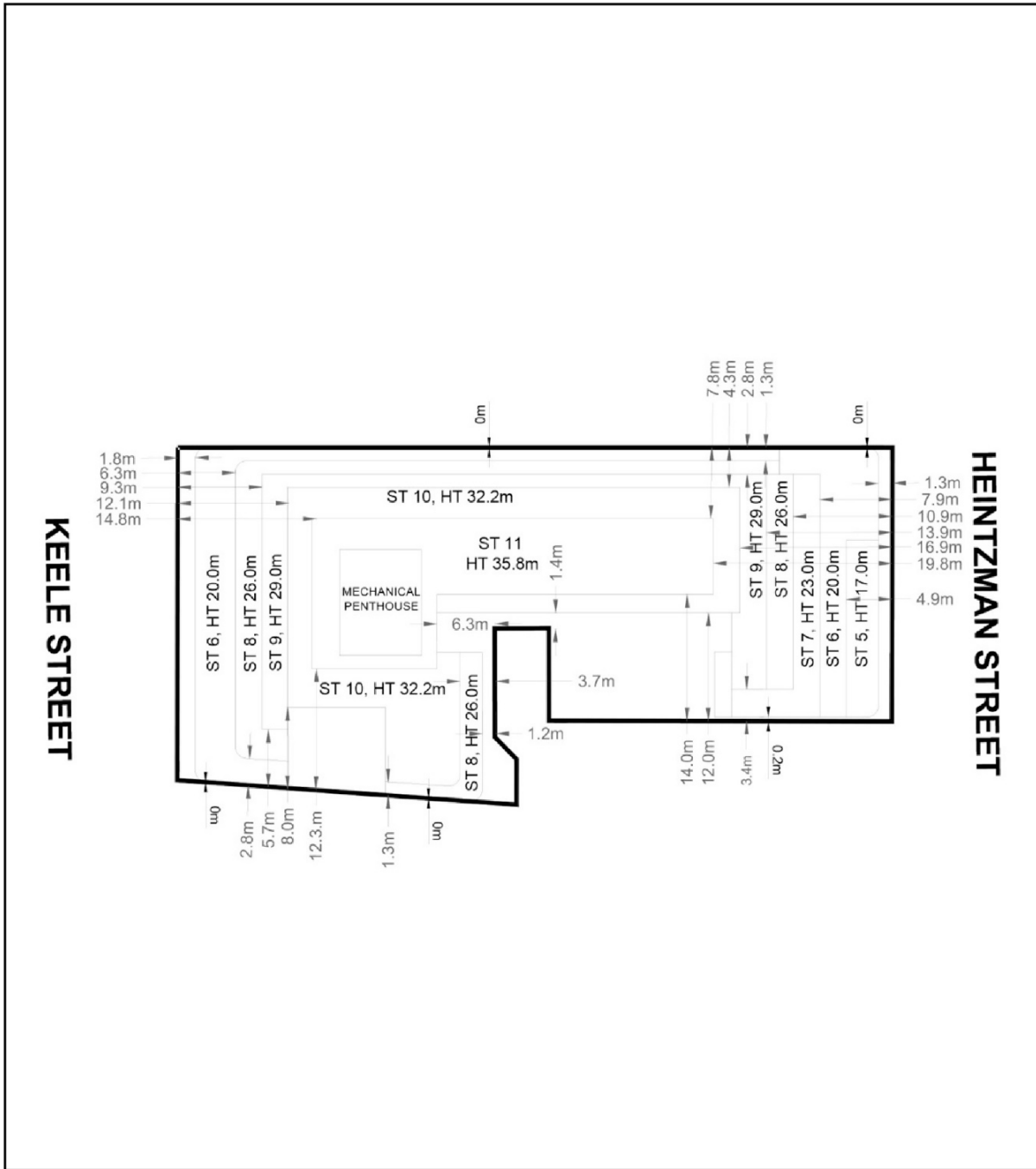


Diagram 6

