

Authority: Ontario Land Tribunal Decision issued on September 12, 2022 and Order issued on January 9, 2023 in Case OLT-22-002383 (formerly PL210208)

## **CITY OF TORONTO**

### **BY-LAW 1341-2023(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2872-2882 Kingston Road.**

Whereas the Ontario Land Tribunal, in its Decision issued on September 12, 2022 and its Order issued on January 9, 2023, in Case OLT-22-002383 (formerly PL210208), 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 2021 as 2872-2882 Kingston Road; and

Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that 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 the holding symbol "(H)"; and

Whereas pursuant to Section 39 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may 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, by Order, amends 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: (H) CR 0.4 (c0.4; r0.0) SS3 (x 766) 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 766 so that it reads:

(766) Exception CR 766

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 2872-2882 Kingston Road, if the requirements of By-law 1341-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below:
- (B) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **mixed use building**;
- (C) 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 182.2 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 1341-2023(OLT);
- (E) Regulation 40.10.30.40(1)(A) regarding maximum permitted **lot coverage** does not apply;
- (F) 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 3.9 metres;
- (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 3 of By-law 1341-2023(OLT); and
  - (i) for the purpose of this exception, a mechanical penthouse, stair overrun, stair entrance, elevator overrun, elevator entrance and elevator lobby providing access to the rooftop **amenity space** does not constitute a **storey**;
- (H) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1341-2023(OLT):
  - (i) elements of the roof of the **building** or **structure** used for **green roof** technology or alternative roofing system, parapets, railings, terraces, patios, planters, balustrades, bollards, guard railings, retaining walls, wheelchair ramps, and garbage chutes and vents to a maximum of 1.5 metres;
  - (ii) mechanical and ventilation equipment and any associated enclosure **structures**, heating and cooling units, towers, stacks and associated components, elevator shafts, make-up air units, emergency generator, and mechanical penthouses to a maximum of 3.0 metres, within the area labelled as "Mechanical Penthouse" on Diagram 3 of By-law

1341-2023(OLT);

- (iii) eaves, **building** cornices, light fixtures, ornamental and architectural elements, trellises, porches, landscape and public art features, stairs or stair enclosures, mechanical lift, window washing equipment and lightning rods to a maximum of 3.0 metres;
  - (iv) **structures** on any roof used for **amenity space** or open air recreation, safety, noise and wind protection and/or mitigation purposes, awnings and other similar shade devices and associated **structures**, chimneys, vents and stacks to a maximum of 3.0 metres; and
  - (v) elevator overrun to a maximum of 6.0 metres, within the area labelled as "Mechanical Penthouse" on Diagram 3 of By-law 1341-2023(OLT);
- (I) Despite Regulation 40.5.40.10(5)(B), mechanical and ventilation equipment must:
- (i) be located no closer than 5.0 metres from a **lot line** abutting a **street**; and
  - (ii) have a total horizontal dimension, measured parallel to the **street**, not exceeding 50 percent of the **building's main wall** facing Kingston Road;
- (J) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 9,300 square metres, of which:
- (i) the required minimum **gross floor area** for non-residential uses is 285 square metres;
- (K) Despite Regulation 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1341-2023(OLT);
- (L) Despite Clause 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) stairs;
  - (ii) balconies attached to the rear **main wall** to a maximum of 1.5 metres, and all other balconies to a maximum of 2.8 metres;
  - (iii) eaves, **building** cornices, light fixtures, ornamental and architectural elements, pilasters, parapets, railings and fences, trellises, window sills, window box, bay window or projecting window, landscape and public art features, window washing equipment, to a maximum of 0.3 metres; and
  - (iv) porches to a maximum of 2.5 metres;

- (M) Despite Regulations 220.5.10.1(1), (2) and (3), a minimum of one Type "G" **loading space**, in accordance with the minimum dimensions required in Regulation 220.5.1.10(8)(D), must be provided on the **lot** and may be used for both non-residential use and residential use purposes;
- (N) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a maximum of 0.52 residential occupant **parking spaces** for each **dwelling unit**; and
  - (ii) a minimum of 24 **parking spaces** are required to be shared for residential visitors and non-residential uses;
- (O) Despite (N)(i) above, "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of 4 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) 4 multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
  - (ii) a minimum of 3 "car-share" **parking spaces** must be provided on the **lot**;
  - (iii) 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
  - (iv) 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;
- (P) Despite Regulation 200.15.10, a minimum of 2 of the required **parking spaces** on the **lot** are required to be accessible **parking spaces**;
- (Q) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
- (i) a minimum length of 5.6 metres;
  - (ii) a minimum width of 3.4 metres; and
  - (iii) a minimum vertical clearance of 2.1 metres;

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- (R) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
  - (S) 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) 0.68 "long-term" **bicycle parking spaces** for each **dwelling unit**;
    - (ii) 0.07 "short-term" **bicycle parking spaces** for each **dwelling unit**; and
    - (iii) 4 "short-term" **bicycle parking spaces** for all non-residential uses on the **lot**;
  - (T) One "privately-owned publicly-accessible open space" with a minimum area of 79 square metres must be provided on the ground level; and
    - (i) for the purpose of this exception, "privately owned publicly-accessible open space" means a space on the **lot** situated at ground level that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas and ornamental **structures** and is used principally for the purpose of sitting, standing and other recreational uses.

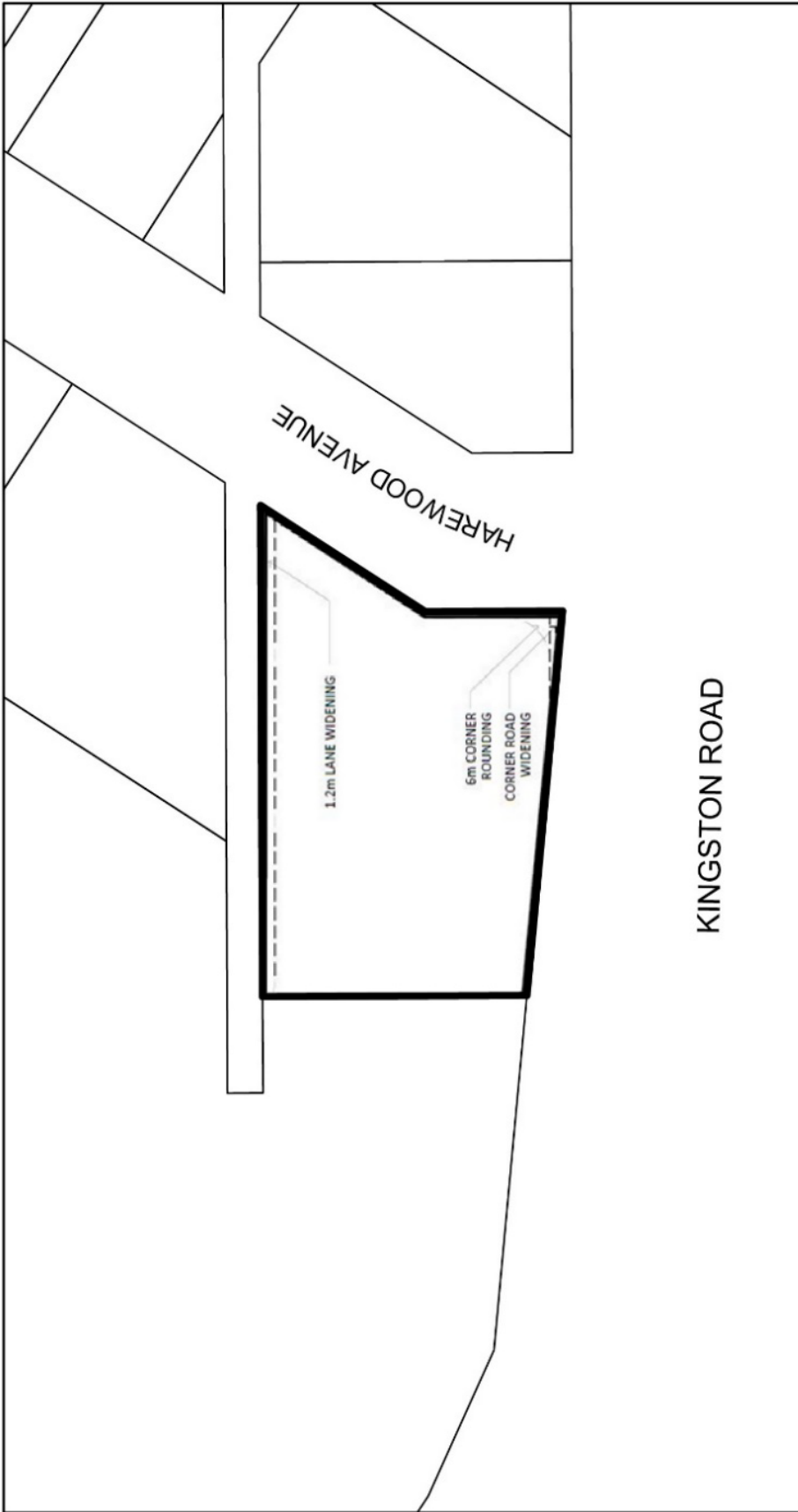
Prevailing By-laws and Prevailing Sections: None Apply

- 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.
- 6. Temporary uses:
  - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot**, which shall mean a **building** or **structure** used for the purpose of the sale of **dwelling units**, for a period of not more than 3 years from the date this By-law comes into full force and effect.
- 7. Holding Provision:
  - (A) Prior to the lifting of the (H) holding in whole or in part, the following applies:
    - (i) The lands zoned with the "(H)" symbol pursuant to Section 36 of the Planning Act, delineated by heavy lines on Diagram 2 attached to and forming part of this By-law, may not be used for any purpose other than those uses and buildings existing on the site as of January 9, 2023, until the "(H)" symbol has been removed.

- (B) An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
- (i) The owner shall submit a revised Functional Servicing Report demonstrating sufficient capacity to accommodate the servicing demand for this development, to the satisfaction of the Executive Director, Engineering and Construction Services; and
  - (ii) The owner shall enter agreement(s) for the construction of any improvements to existing municipal infrastructure, as required, to the satisfaction of the Executive Director, Engineering and Construction Services.

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Diagram 1



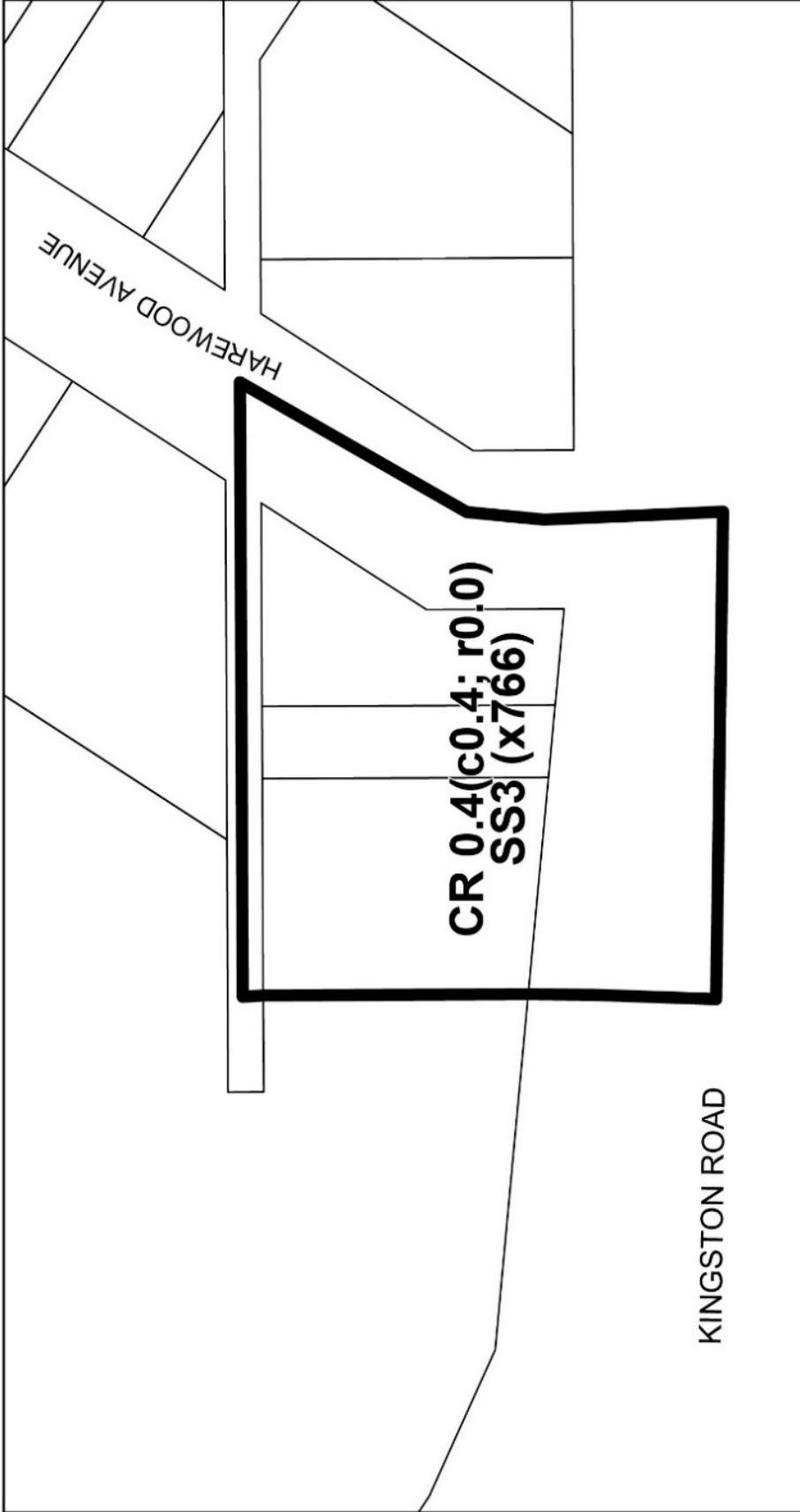
2872-2882 Kingston Road

File # 18 255250 ESC 36 0Z



City of Toronto By-law 569-2013  
Not to Scale  
08/22/2022

Diagram 2



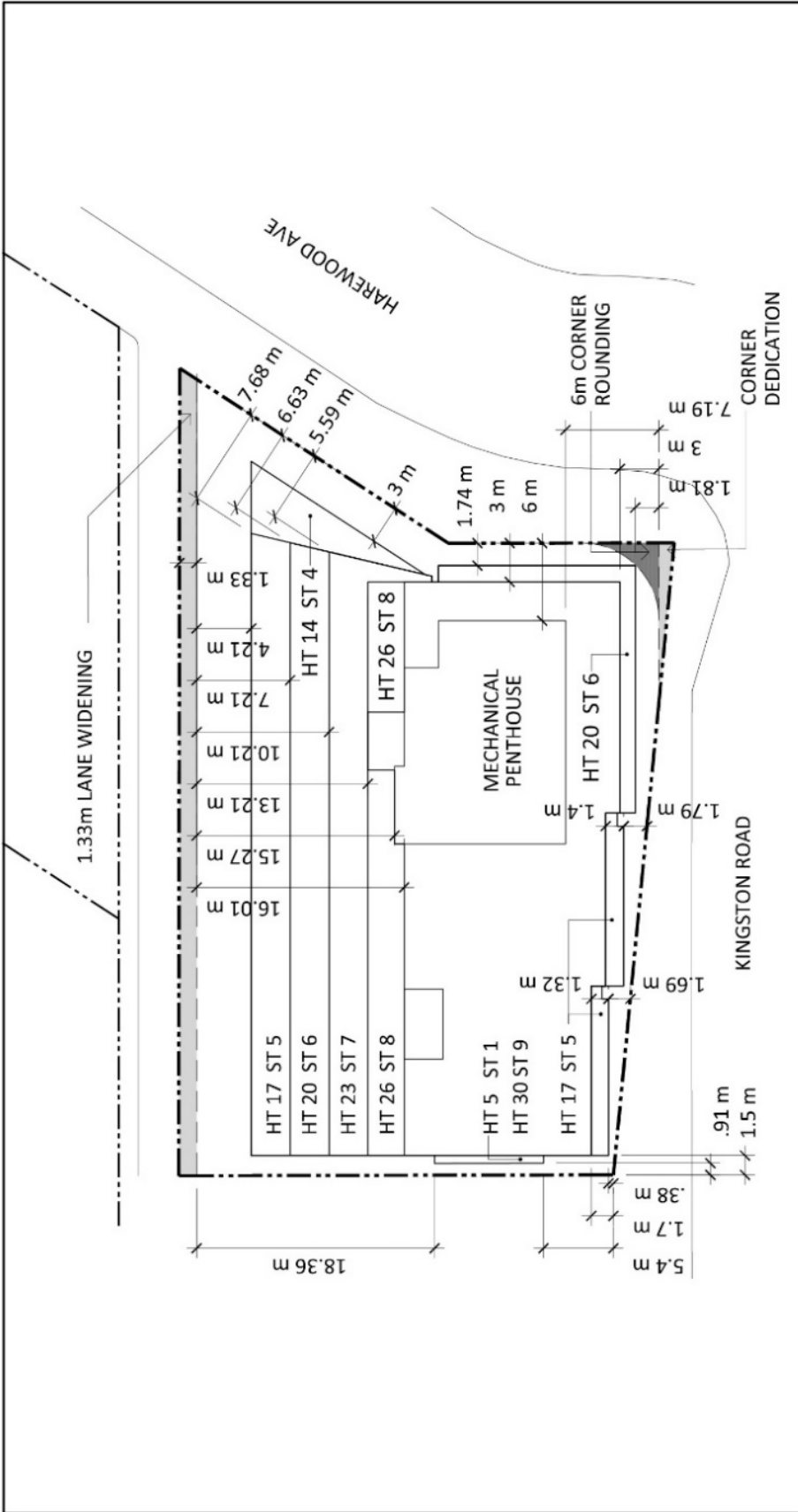
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Diagram 3



2872-2882 Kingston Road

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Not to Scale  
12/16/2022