

Authority: Etobicoke York Community Council Item EY10.1, as adopted by City of Toronto Council on February 6 and 7, 2024
City Council voted in favour of this by-law on February 7, 2024
Written approval of this by-law was given by Mayoral Decision 2-2024 dated February 7, 2024

CITY OF TORONTO

BY-LAW 136-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 2 and 10 East Mall Crescent.

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;

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 amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines from a zone label of CR 0.5 (c0.5; r0.0) SS3 (x875) to a zone label of CR 0.5 (c0.5; r0.5) SS3 (x 938) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Policy Areas Overlay Map in Section 995.10 to include the lands subject to this By-law to Policy Area 4, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 938 so that it reads:

(938) Exception CR 938

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 2 and 10 East Mall Crescent, if the requirements of By-law 136-2024 are complied with, a building or structure may be

constructed, used or enlarged in compliance with Regulations (B) to (V) 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 127.00 metres and the elevation of the highest point of the building or structure;
- (C) Despite Clause 40.10.30.40(1), the permitted maximum lot coverage, as a percentage of the lot area, is 50 percent;
- (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 4 of By-law 136-2024;
- (E) 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 2.8 metres for residential uses and 4.5 metres for non-residential uses;
- (F) 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 4 of By-law 136-2024:
 - (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 8 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 6.5 metres;
 - (iii) exoskeleton **structure**, by a maximum of 6.5 metres;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 8 metres;
 - (v) public art features, by a maximum of 6.5 metres;
 - (vi) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres;
 - (vii) planters, **landscaping** features, ornamental elements, landscape elements, guard rails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, fences, skylights, light monitors, light fixtures, cornices, seating areas, retaining walls, wheelchair ramps and ramps to underground, solar panels, and decorative or divider screens on a balcony and/or terrace, by a maximum of 4 metres;

- (viii) lightning rods, antennae, flagpoles and satellite dishes, and cellular arrays, by a maximum of 8.0 metres;
 - (ix) trellises, pergolas, **structures** used for outside or open-air recreation including pools and associated equipment, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres; and
 - (x) architectural screens for screening of Type 'G' **loading spaces**, by a maximum of 6.1 metres;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum gross floor area of all buildings and structures is 40,550 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 40,200 square metres;
 - (ii) the permitted maximum gross floor area for non-residential uses is 350 square metres;
- (H) A **building** containing **dwelling units** must contain:
- (i) a minimum of 15 percent of the total **dwelling units** as two bedrooms; and
 - (ii) a minimum of 10 percent of the total **dwelling units** as three or more bedrooms;
- (I) For the purpose of this exception, "tower floorplate area" means the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure above the Canadian Geodetic Datum elevation of 182 metres;
- (J) The permitted maximum "tower floorplate area" is 792 square metres;
- (K) Despite 40.10.40.1(1), residential uses may be located on the same level as non-residential use portions of a building;
- (L) Despite Regulation 40.10.40.70 (3), the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law 136-2024;
- (M) Despite Regulation 40.10.40.80 (2), the required separation of **main walls** are as shown in metres on Diagram 4 of By-law 136-2024;
- (N) Despite Clause 40.10.40.60, Regulations 40.5.40.60(1), and (L) and (M) 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 2.0 metres;

- (ii) canopies, by a maximum of 5.6 metres to a maximum height of 6.5 metres, and a maximum of 3.0 metres above a height of 6.5 metres;
 - (iii) awnings, by a maximum of 2.0 metres;
 - (iv) columns, by a maximum of 8.5 metres;
 - (v) exterior stairs, wheelchair ramps, landscape wheelchair ramps, access ramps and elevating devices, and fences, by a maximum of 6.5 metres;
 - (vi) damper equipment to reduce building movement, by a maximum of 3.0 metres;
 - (vii) ventilation shafts, elements required for the functional operation of a building, and site servicing features, by a maximum of 6.5 metres;
 - (viii) architectural features, such as a screen, flue, pillar, pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 3.0 metres;
 - (ix) pergolas, guardrails, balustrades, railings, decorative/ acoustic doors and screens, and light fixtures, by a maximum of 3.0 metres;
 - (x) trellises and planters, art and **landscape** features, and public art installations, by a maximum of 5.0 metres;
 - (xi) window projections, including bay windows and box windows, by a maximum of 3.0 metres;
 - (xii) eaves, by a maximum of 3.0 metres;
 - (xiii) dormers, by a maximum of 3.0 metres; and
 - (xiv) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 3.0 metres; and
- (O) 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 minimum of 0.2 residential occupant parking spaces for each dwelling unit, but not exceeding the permitted maximum in Table 200.5.10.1 for dwelling units in a mixed-use building in all other areas of the city;
 - (ii) a minimum of 2.0 residential visitor parking spaces plus 0.05 residential visitor parking spaces for each dwelling unit; and
 - (iii) a minimum of 0.0 parking spaces for every 100 square metres of gross floor area devoted to non-residential uses, but not exceeding a maximum

of 1.0 parking spaces for each 100 square metres of gross floor area devoted to non-residential uses;

- (P) Despite Regulation 200.5.1.10(2)(D), a maximum of 10 percent of the required **parking spaces** may be obstructed without being required to provide additional width for the obstructed sides of the **parking space**;
- (Q) Despite Regulation 200.5.1.10(14), 20 percent of **parking spaces** shall be equipped with electric vehicle supply equipment (EVSE) capable of level 2 charging, while the remaining **parking spaces** must be designed to permit future EVSE installation;
- (R) For each car-share **parking space** provided, the minimum number of **parking spaces** for residents/tenants required, may be reduced by four (4) parking spaces, but there must not be less than one parking space, where for the purpose of this By-law:
 - (i) "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** that are owned by a profit or non-profit car-sharing organization and such car-share motor **vehicles** are made available to at least the occupants of the **building**;
 - (ii) a "car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
- (S) Despite Regulations 200.15.1(1) and (3), an accessible **parking space** must comply with the following:
 - (i) minimum length of 5.6 metres;
 - (ii) minimum width of 3.4 metres;
 - (iii) minimum vertical clearance of 2.1 metres; and
 - (iv) the entire length must be adjacent to a 1.5 metre wide accessible barrier free aisle;
- (T) Despite Regulations 230.5.1.10(9) and 230.40.1.20(2), **bicycle parking spaces** may be located on any floor of a building above or below ground level;
- (U) Despite Regulations 230.5.1.10 (4) and (5), for the purpose of this By-law:
 - (i) the minimum dimension of a **bicycle parking space** is:
 - (a) a minimum length of 1.8 metres;
 - (b) a minimum width of 0.46 metre; and

- (c) a minimum vertical dimension of 1.9 metres;
 - (ii) the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:
 - (a) a minimum length of 1.2 metres;
 - (b) a minimum width of 0.45 metre; and
 - (c) a minimum vertical dimension of 1.9 metres;
 - (iii) if a stacked **bicycle parking space** is provided, the minimum vertical clearance for each bicycle parking space is:
 - (a) a minimum length of 1.6 metres;
 - (b) a minimum width of 0.4 metre; and
 - (c) a minimum vertical dimension of 1.2 metres;
- (V) Two privately owned publicly-accessible open spaces (POPS) shall be provided at the finished ground level in the areas generally as shown on Diagram 4 attached to this By-law.
6. None of the provisions of this By-law will apply to prevent the existing **buildings**, as of February 7, 2024 on the lands outlined by heavy black lines on Diagram 1 of this By-law from being used for any purpose existing on such lands as of February 7, 2024 or for any use listed in regulations 40.10.20.10(1) and 40.10.20.20(1) that are permitted under the letter "C" of the CR zone.

Prevailing By-laws and Prevailing Sections: None Apply

7. 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.
8. None of the provisions of this By-law will apply to prevent a temporary sales office from being erected or used on the lands outlined by heavy black lines and identified on Diagram 1 of this By-law.

Enacted and passed on February 7, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

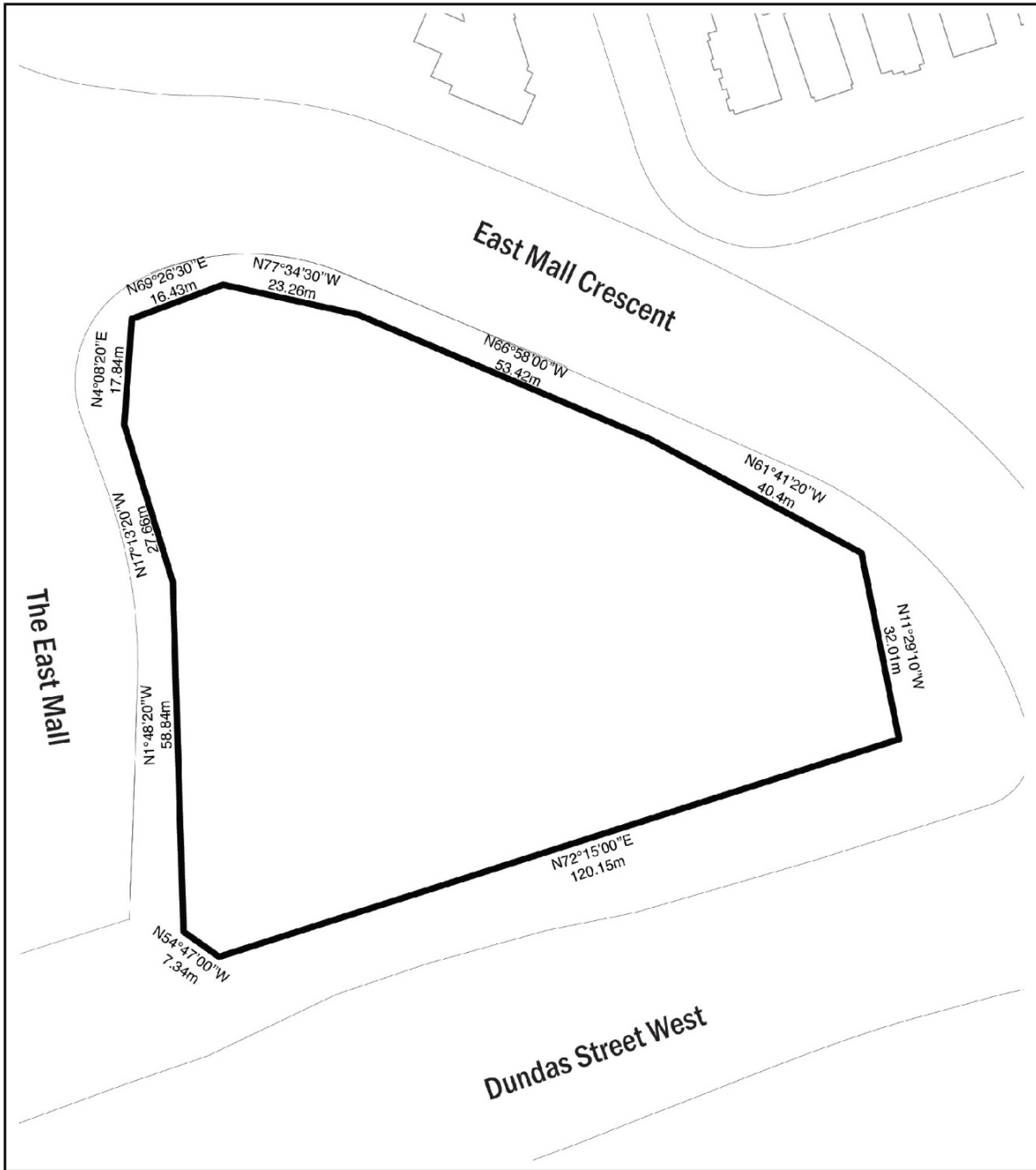


Diagram 2

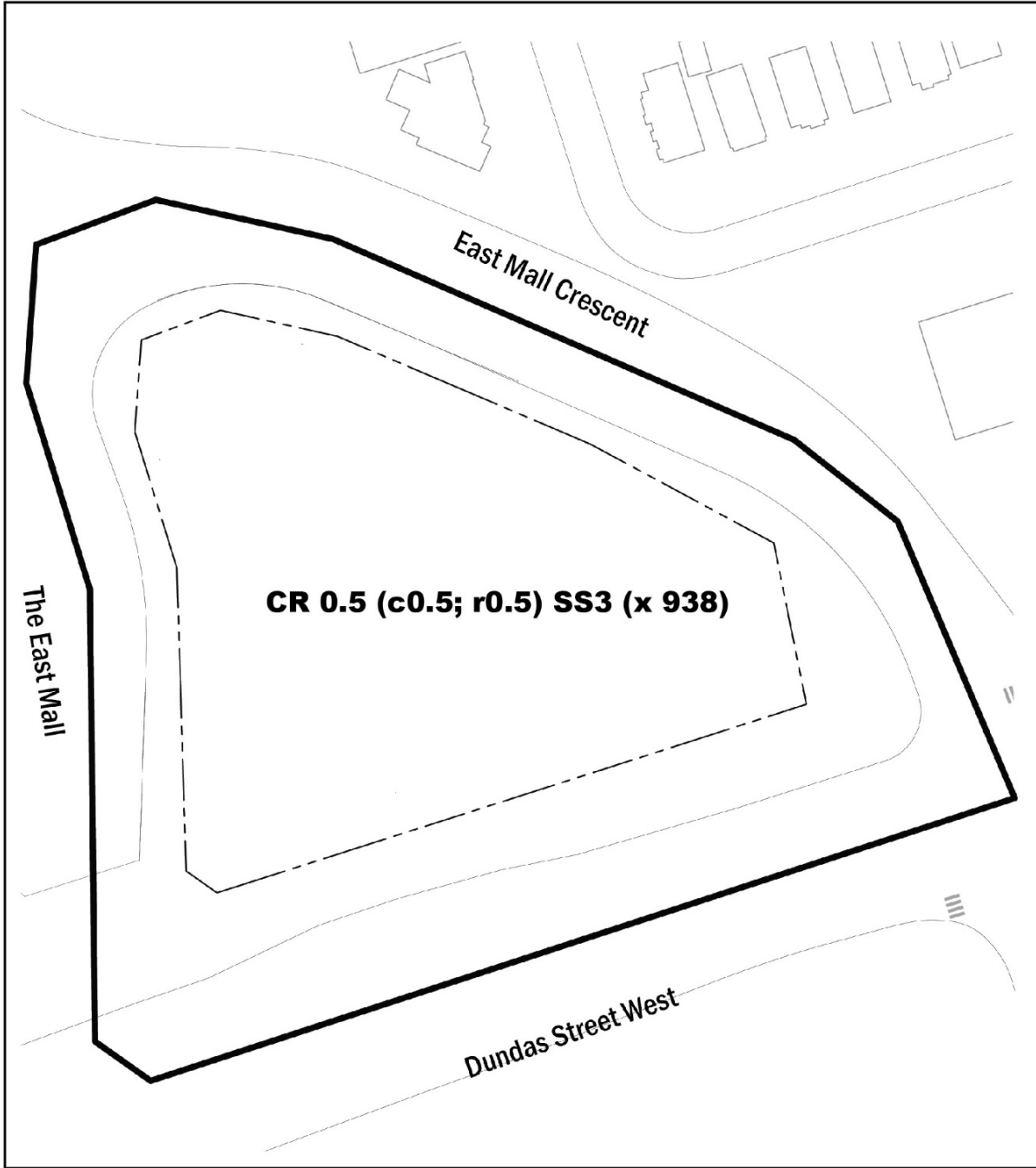


Diagram 3

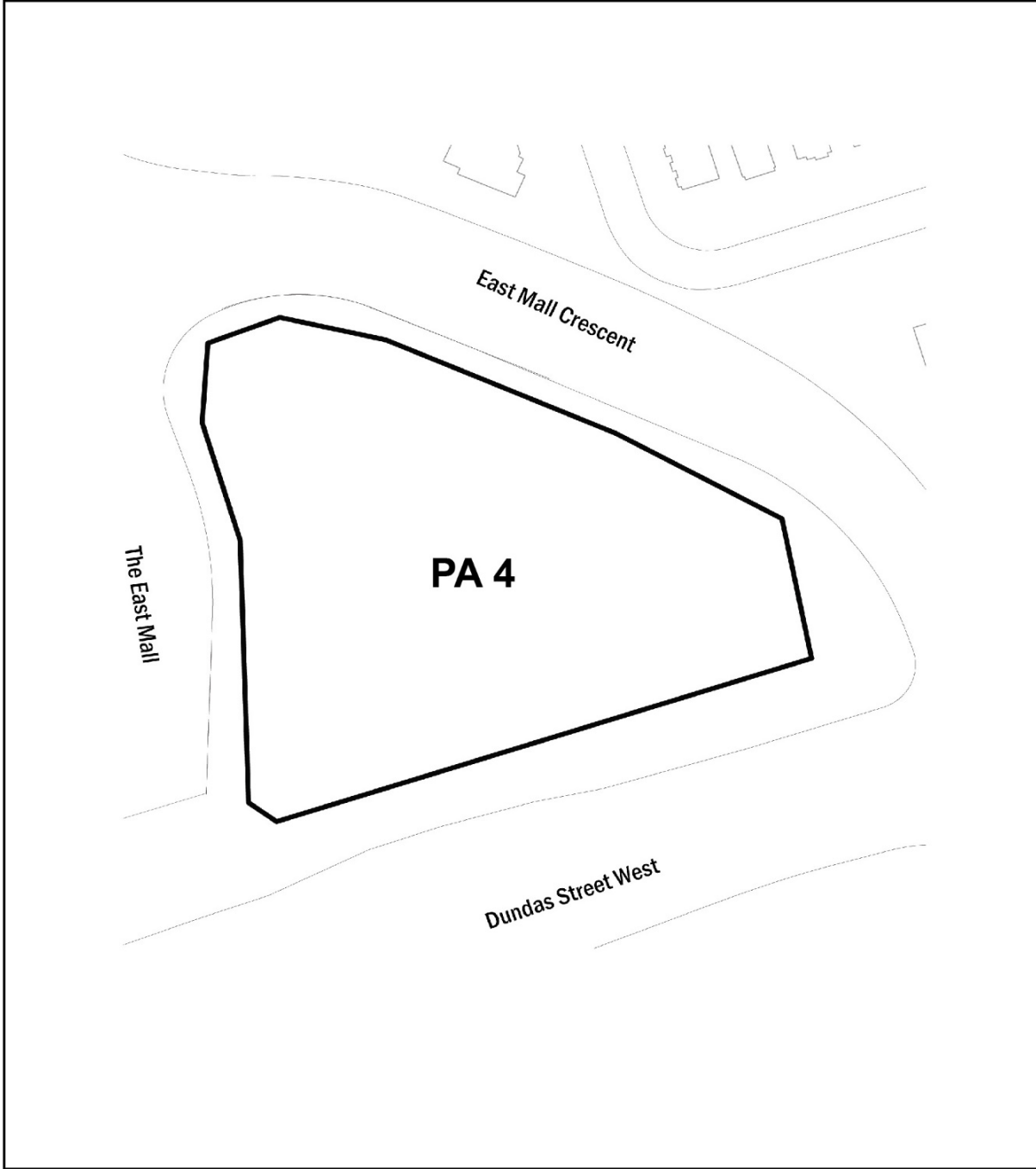


Diagram 4

