

Authority: Scarborough Community Council Item SC22.1,
as adopted by City of Toronto Council on May 21 and 22,
2025
City Council voted in favour of this by-law on May 22,
2025
Written approval of this by-law was given by Mayoral
Decision 8-2025 dated May 22, 2025

CITY OF TORONTO

BY-LAW 449-2025

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 799 Brimley Road.

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; 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 the holding symbol "(H)" is removed 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, 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 990.10 respecting the lands outlined by heavy black lines to (H) CR 0.4 (c0.4; r4.5) SS3 (x1086) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by replacing Article 900.11.10 Exception Number 1086 with the following:

(1086) Exception CR (1086)

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 799 Brimley Road, if the requirements of By-law 449-2025 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (X) 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 161.3 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 50 percent;
- (D) Despite Regulation 40.10.40.1(1), residential use portions of the **building**, including **dwelling units** and **amenity space**, are permitted to be located on the same **storey** as non-residential use portions of the **building**;
- (E) Despite Regulation 40.10.40.1(6), a pedestrian access for a **lot** which abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, or is separated from a **lot** in the Residential Zone category or Residential Apartment Zone category by a **lane** or a **street** may not be within 5.0 metres of a **lot** in the Residential Zone category or Residential Apartment Zone category other than:
 - (i) a service entrance;
 - (ii) an entrance to a residential use; or
 - (iii) an entrance or exit required by Federal or Provincial Regulations;
- (F) 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 449-2025;
- (G) 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 3.5 metres;
- (H) Despite Regulations 40.5.40.10(3) to (8) and (G) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 449-2025:
 - (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 6.5 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) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;
 - (vi) antennae, flagpoles and satellite dishes, by a maximum of 4.0 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
- (I) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 29,000 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 28,500 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 300 square metres;
- (J) In addition to the elements listed in regulation 40.5.40.40(3) that reduce **gross floor area**, the following elements also apply to reduce the **gross floor area** of a **building**:
 - (i) parking, loading and **bicycle parking spaces**, and associated circulation areas at any level above ground;
 - (ii) storage, electrical, utility, mechanical, and ventilation rooms, at any level of the **building** above and/or below grade;
 - (iii) voids and open-to-below areas that have no surface on which to stand at any level of the **building** above and/or below grade; and
- (K) Despite Regulation 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 449-2025;
- (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) decks, porches, and balconies, by a maximum of 2.5 metres;

- (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.5 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.5 metres;
 - (v) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
 - (vi) eaves, by a maximum of 1.5 metres; and
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres;
- (M) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (a) a maximum of 0.7 **parking spaces** for each bachelor dwelling unit;
 - (b) a maximum of 0.8 **parking spaces** for each one-bedroom dwelling unit;
 - (c) a maximum of 0.9 **parking spaces** for each two-bedroom dwelling unit; and
 - (d) a maximum of 1.1 **parking spaces** for each three-bedroom dwelling unit;
 - (i) a minimum of 22 visitor **parking spaces**; and
 - (ii) despite (i) above, a minimum of 1 "car share" **parking space**;
- (N) 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; and
 - (iii) vertical clearance of 2.0 metres;
- (O) Despite Regulation 200.15.1(4), an accessible **parking space** must be the **parking spaces** closest to a barrier free:
 - (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of the **building**; and

- (iii) shortest route from the required entrances in (i) and (ii);
- (P) Despite Regulation 200.15.10.5(1) , (2) and (3) and table 200.15.10.5, a minimum of 13 of the required **parking spaces** on the **lot** are required to be accessible **parking spaces**;
- (Q) Despite Clauses 40.10.90.1 (1) and 220.5.10.1, one Type "G" **loading space** must be provided and maintained on the lot;
- (R) Despite regulation 230.5.1.10(4)(A), the required minimum width of a **bicycle parking space** is:
 - (i) length of 1.2 metres;
 - (ii) width of 0.6 metres; and
 - (iii) vertical clearance of 1.2 metres;
- (S) Despite Regulation 230.5.1.10(4)(A) and (C), the required minimum width of a **stacked bicycle parking space** is:
 - (i) length of 1.8 metres;
 - (ii) width of 0.46 metres; and
 - (iii) vertical clearance of 1.2 metres;
- (T) In addition to the locations a "long-term" **bicycle parking space** may be located as in Regulations 230.5.1.10(9)(A) and (B), "long-term" **bicycle parking spaces** may also be located in the following locations:
 - (i) horizontal, vertical and/or **stacked bicycle parking spaces**, or any combination thereof;
 - (ii) any floor of a building at, or below, grade, on a mezzanine level, and/or on the second floor; and
 - (iii) "long-term" **bicycle parking spaces** and/or **stacked bicycle parking spaces** may be located within a secured room, enclosure or any combination thereof;
- (U) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (V) Despite Regulation 230.40.1.20 (2), "short term" **bicycle parking spaces** may be located more than 30 metres from a pedestrian entrance, and be located indoors or outdoors;

- (W) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 20 percent percent of the total number of **dwelling units** must have 2 or more bedrooms;
 - (ii) a minimum of 10 percent percent of the total number of **dwelling units** must have 3 or more bedrooms;
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) **dwelling units**, as described in (iv) above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (X) the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
- (i) "Car-share" means the practice where 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 where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
 - (ii) "Car-share parking space" means a **parking space** that is exclusively reserved and actively used for car-share.

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. Holding Provisions:
- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of 2024 until the "(H)" symbol has been removed; and
 - (B) An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following condition has been fulfilled to the satisfaction of City Council:

- (i) Before removing the (H) symbol, require the owner shall submit plans, drawings, and any required studies including, a revised Functional Servicing and Stormwater Management Report (including the downstream sanitary analysis), a revised Hydrogeological Investigation Report, a revised Servicing Report Groundwater Summary form, and a revised Hydrological Review Summary form to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
- (ii) Before removing the (H) symbol, require the owner shall submit a Hydrogeological Investigation Report that complies with the City of Toronto Foundation Drainage Guideline to the satisfaction of the General Manager of Toronto Water and the Chief Engineer and Executive Director of Engineering and Construction Services.

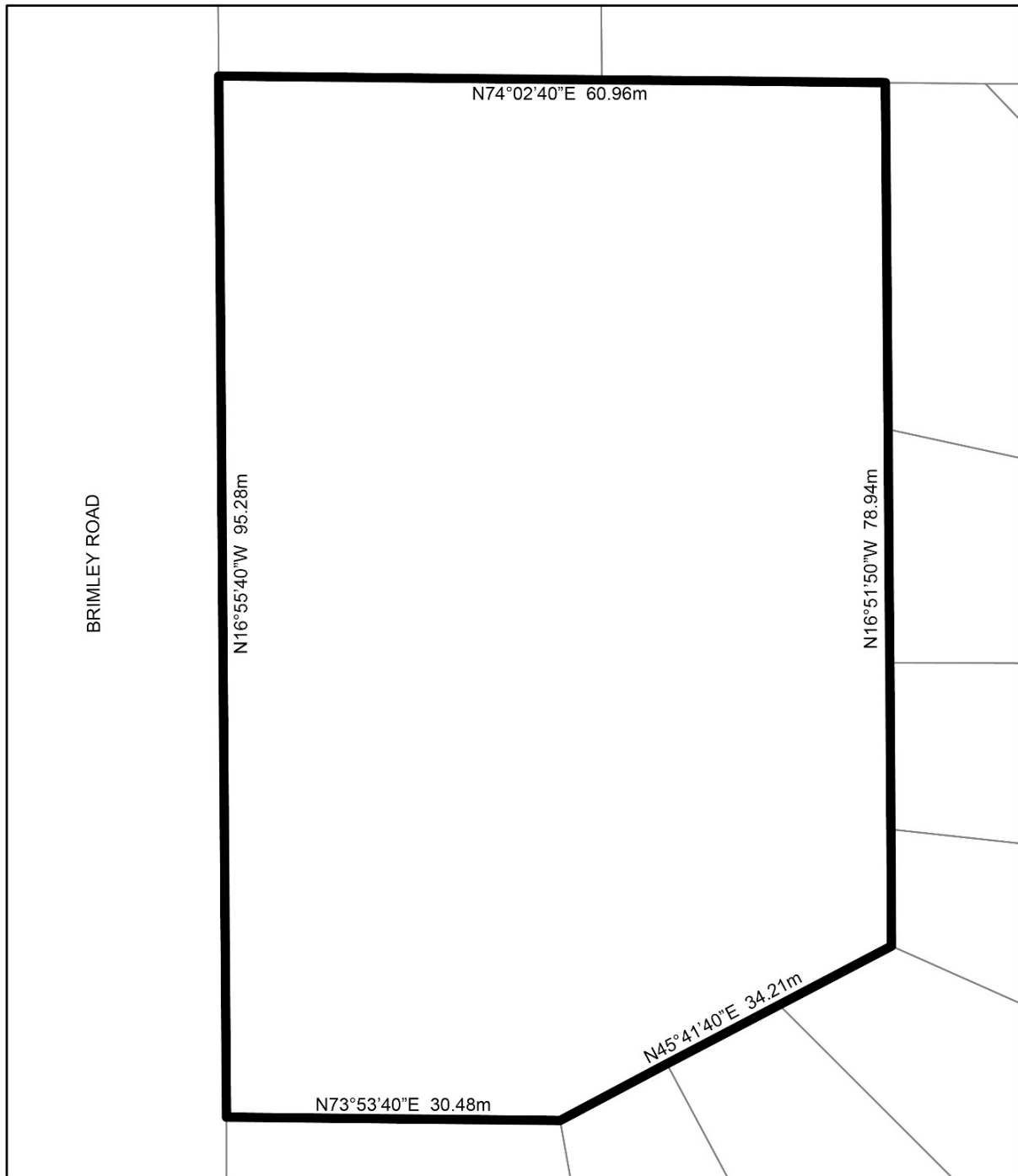
Enacted and passed on May 22, 2025.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

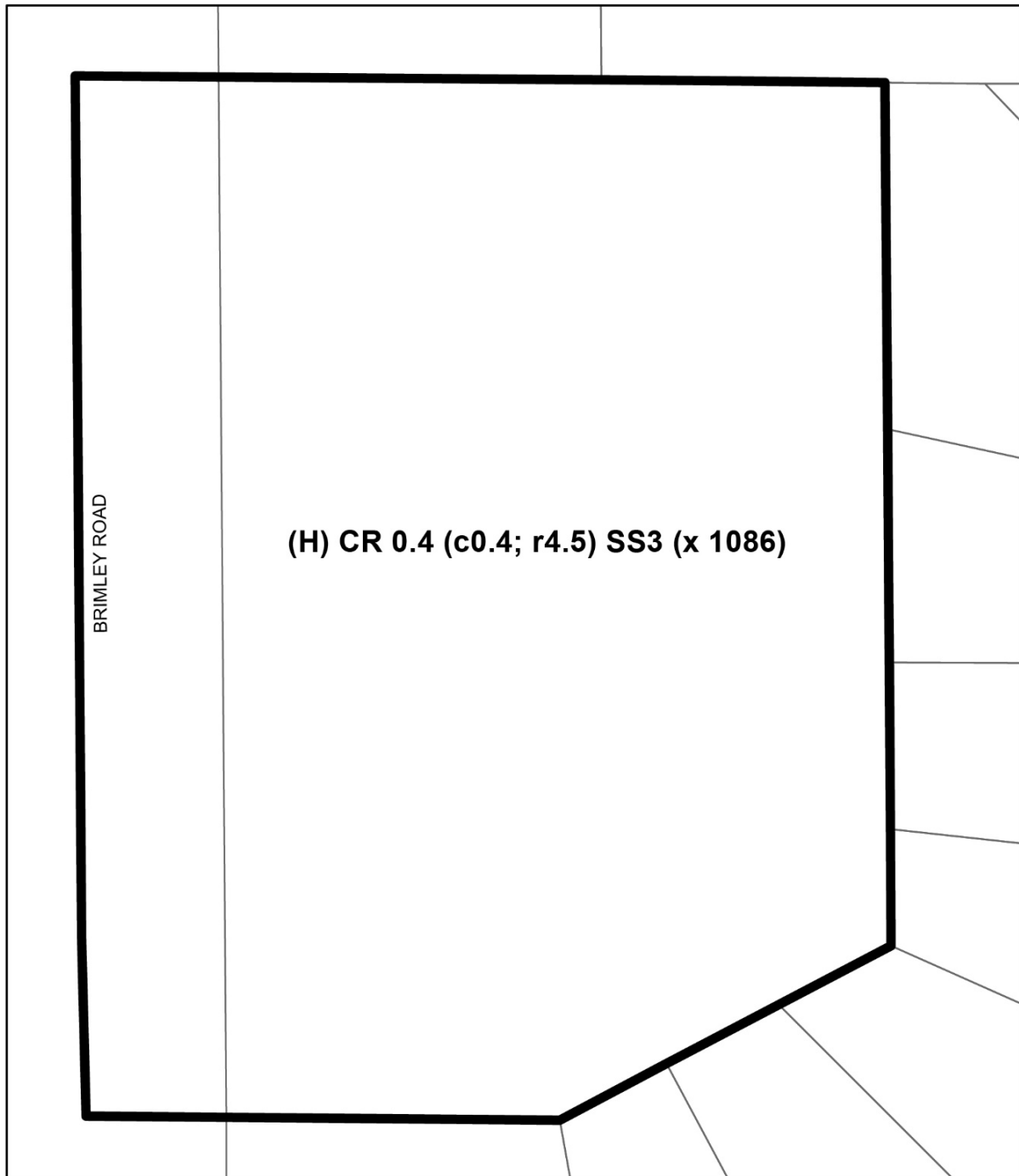


TORONTO
Diagram 1

799 Brimley Road

File # 23 122036 ESC 21 0Z

Diagram 2



 **TORONTO**
Diagram 2

799 Brimley Road

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Diagram 3

