

Authority: **Planning and Housing Committee** Item ##, as adopted by City of Toronto Council on ~, 20~

## CITY OF TORONTO

Bill No. ~

### BY-LAW No. **XXXX-2022**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 805 Don Mills Road;**

Whereas Council of the City of Toronto has the authority to 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*;

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 adding the lands subject to this By-law to the Zoning By-law Maps in Section 990.10, and applying the following zone label to these lands; CR 7.9 (c 0.5; r 7.4) SS2 (x524), and OR (x35) as shown on Diagram 3 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, for the lands subject to this By-law, and applying the following label to these lands; PA-2, and applying the major streets segment along Don Mills Avenue and Eglinton Avenue East as shown on Diagram 4 attached to this by-law.
5. Zoning By-law 569-2013, as amended is further amended by adding the lands subject to this By-law to the Height Overlay Map in Article 995.20.1, and applying the following 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 subject to this By-law to the Lot Coverage Overlay Map in Article 995.30.1 as shown on Diagram 6 attached to this by-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Article 995.40.1 for the lands subject to this By-law, and assigning a null value.
8. Zoning By-law 569-2013, as amended, is further amended by addition article 900.11.10 Exception Number 524 so that it reads:

(524) Exception CR 524

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-law and Prevailing Sections

Site Specific Provisions:

- (A) On 805 Don Mills Road, as shown on Diagram 1 attached to By-law [Clerks to insert By-law Number], a **building, structure**, may be constructed, used or enlarged in compliance with (B) to (PP) below;
- (B) For the purposes of this exemption, the **lot** is comprised of "Area A" and "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number];
- (C) Despite Regulation 5.10.30.1(1), within the lands shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], no land may be used and no **building** or **structure** may be erected or used, except for below-ground **structures** and foundations, unless:
  - (i) the **street** identified as New Public **Street C**, as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], is constructed to a minimum base curb and base asphalt or concrete and is connected to an Don Mills Road and Ferrand Drive; and;
  - (ii) all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the **street** identified as New Public **Street C**, as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], and are operational.
- (D) Pursuant to Regulation 5.10.30.20 the **lot line** abutting Eglinton Avenue East is the **front lot line**;
- (E) Despite Regulations 40.5.40.10(1) and (2) in "Area A" and "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number] the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 129.70 metres and the highest point of the **building** or **structure**;
- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of any **building** or **structure** is the height in metres specified by the number following the HT symbol as shown on Diagram 7 attached to By-law [Clerks to insert By-law Number];
- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first storey is 4.5 metres measured between the floor of the first storey and the floor of the second storey;
- (H) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** for the base **building** and the tallest tower are the number of **storeys** specified by the following ST symbol as shown on Diagram 7 attached to By-law [Clerks to insert By-law Number];

- (I) Despite Regulation (F) of this By-law, and despite Regulations 40.5.40.10(4), (5) and (8)(A) and (C), equipment **structures** or parts of a **building** listed in Regulation 40.5.40.10(4) located on the roof of the tower portion of a **building** may project above the permitted maximum height for that **building** by 7.0 metres, if the total area of all equipment, **structures**, or parts on the roof of the tower portion of the **building** cover no more than as follows:
- (i) 70% of the area of the roof, measured horizontally;
  - (ii) 100% of the area of the roof measured horizontally, if structures that enclose, screen or cover the equipment, **structures** and parts of a **building** are included;
- (J) **Dwelling units** must be located at or below the heights listed below:
- (i) In "Area A" as shown on Diagram 2 and "Tower 1" on Diagram 8 attached to By-law [Clerks to insert By-law Number]: 149.0 metres; and
  - (ii) In "Area B" as shown on Diagram 2 and "Tower 2" on Diagram 8 attached to By-law [Clerks to insert By-law Number]: 86.5 metres;
- (K) An exit vestibule for a **green roof** located above a mechanical penthouse as listed in Regulation 40.5.40.10(4), may project an additional 2.5 metres above the height limits noted;
- (L) Despite regulation 40.5.40.10(6) in Area A and Area B as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], unenclosed **structures** providing safety or wind protection on the rooftop of a **building** may exceed the permitted maximum height for that **building** by 3.0 metres if the **structure** is located at or setback from the interior face of the **main wall**;
- (M) Despite Regulation 40.10.30.40(1), the permitted maximum lot coverage is:
- (i) in "Area A" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number]: 60 percent; and
  - (ii) in "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number]: 70 percent;
- (N) The portions of a **building** or **structure** located above a height of 6 **storeys** (25 metres) must not exceed a maximum floor plate area measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor as follows:
- (i) In "Area A" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], 870 square metres;
  - (ii) In "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], 750 square metres;
- (O) Despite Regulation 40.10.40.40(1) in "Area A" and "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], the permitted maximum **gross floor area** is 64,557 square metres;
- (P) In "Area A" and "Area B" as shown on Diagram 2 attached to By-law [Clerks to

**insert By-law Number**], a minimum of 4,130 square metres total of non-residential **gross floor area** must be provided at project completion over both areas combined of which a minimum **gross floor area** of 929 square metres is required for **day nursery** uses;

- (Q) Despite (P) above, and Regulation 40.5.40.40(3), the following additional elements reduce **gross floor area** in a **mixed use building**:
- (i) all areas located below ground;
  - (ii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
  - (iii) all storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in common building areas and in the uses listed below;
  - (iv) all shower and change facilities;
  - (v) all indoor **amenity space**;
  - (vi) **community centres**;
  - (vii) all space for a **non-profit organization**
  - (viii) all **day nurseries** space;
  - (ix) all City-owned non-residential facilities;
  - (x) elevator shafts;
  - (xi) garbage shafts;
  - (xii) mechanical penthouse; and
  - (xiii) exit stairwells in the **building**.
- (R) Despite Regulation 40.10.40.1(1) residential use portions of the building may be located at the same level as non-residential use portions of a building;
- (S) Despite Regulation 40.10.40.50(1), in "Area A" and "Area B" as shown on Diagram 2 attached to By-law **[Clerks to insert By-law Number]**, **amenity space** must be provided in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**;
  - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit**; and
  - (iii) no more than 25% of the outdoor component may be a **green roof** that is accessible and exclusive to occupants of the **dwelling units**.
- (T) Despite Regulation 40.10.40.60(1), a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of the **building**:
- (i) May not be provided on the **main wall** directly above and adjacent to (within 1 metre) the children's play area associated with a **day nursery** use;
  - (ii) Must be inset and must not be located closer to the **lot line** than the **main wall** to which it is attached between the second and sixth **storeys** of the **building**;
  - (iii) Despite (ii) above, may project a maximum of 1.8 metres from the **main wall** to which it is attached on the tower portion of a building as shown on Diagram 8 attached to By-law **[Clerks to insert By-law Number]** in

accordance with the setbacks as shown on Diagram 7 attached to By-law [Clerks to insert By-law Number];

- (U) Despite Regulation 40.10.40.70(2) and 40.10.40.80(2), the minimum required **building** setbacks and separation distance for each level of the **buildings** above finished ground level are shown on Diagram 7 attached to By-law [Clerks to insert By-law Number];
- (V) In addition to the permitted encroachments in Regulations 40.5.40.60 and 40.10.40.60(2), in Area A and Area B as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], a canopy, awning or similar structure with or without structural support, providing safety or wind protection, may encroach 3.0 metres into the required minimum **building setback** that abuts a **street** or side yard.
- (W) Despite Regulation 40.10.50.10(1), outdoor space must be provided as follows:
  - (i) a minimum of 350 square metres of children's play area must be provided for all **day nursery** uses;
- (X) Publicly accessible open space comprising **landscaping** and a **driveway** must be provided as follows:
  - (i) a publicly accessible mid-block connection with a minimum width of 13.5 metres must be provided in the general location of the Mid-Block Connection identified on Diagram 7 attached to By-law [Clerks to insert By-law Number];
  - (ii) for the purposes of this by-law, a "mid-block connection" is a landscaped surface that serves the function of providing a continuous pedestrian connection from Eglinton Avenue East to "New Public **Street C**", and accommodates a shared **driveway** accessed from "New Public **Street C**" that provides **vehicle** access to **parking spaces** below ground, and **loading spaces** inside a **building**; and
  - (iii) the midblock connection shall not provide **vehicle** access to or from Eglinton Avenue East.
- (Y) Despite Regulation 150.50.50.10, no additional **landscaping** requirements shall apply for a **place of worship**;
- (Z) Despite Regulation 40.10.80.10(1), in "Area A" and "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number] **parking spaces** are not permitted to be located above ground;
- (AA) Despite Clause 40.10.90.40 and Regulation 40.10.100.10(1), all **vehicle** access and access to **loading spaces** for "Area A" and "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number] is required to be from the "New Public **Street C**" as shown on Diagram 2;
- (BB) Despite Regulation 200.10.1(1), no clear identification is required for all **driveways** or **drive aisles** that provide **vehicle** access to visitor **parking spaces** as part of a **public parking** use;

- (CC) Despite Regulation 200.5.1.10(10) and 200.10.1(2), only **parking spaces** required for **day nursery** uses must be clearly identified and marked;
- (DD) Despite Regulation 200.5.1.10(12)(C), the **vehicle** entrance or exit to the building must be at least 3.0 metres from the **lot line** abutting the **street**;
- (EE) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) There is no minimum parking rate for **dwelling units**, or non-residential uses not listed below;
  - (ii) A minimum rate of 2.0 **parking spaces** plus 0.01 **parking spaces** per **dwelling unit** for visitors; and
  - (iii) A minimum of 2 **parking spaces** for **day nursery** uses.
- (FF) A maximum of 15 percent of the provided **parking spaces** may be obstructed in accordance with Regulation 200.5.1.10(2)(D);
- (GG) Despite Regulation 40.5.80.1(1) and 200.5.10.1(6), a portion of the **parking spaces** provided may be shared for the use of residents, residential visitors, non-residential uses on the lands as part of a **public parking** use, up to a maximum equivalent to:
- (i) 42 percent of the **parking spaces** provided for residents of dwelling units
  - (ii) 100 percent of **parking spaces** provided for visitors of dwelling units
  - (iii) 100 percent of **parking spaces** provided for non-residential uses
- (HH) **Public parking** is not permitted for **parking spaces** required for **day nursery** uses;
- (II) Car share and car share **parking space** are permitted uses:
- (i) "Car-share" is the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where such organization and such car-share motor vehicles are made available to at least the occupants of the building or short term rental, including hourly rental;
  - (ii) "car-share **parking space**" means a **parking space** that is exclusively reserved, actively used and signed for a car used only for car-share purposes;
- (JJ) Despite Regulation 200.15.1 accessible **parking spaces** must be provided in accordance with the following Regulations;
- (i) an accessible **parking space** must have the following minimum dimensions
    - (a) length of 5.6 metre;
    - (b) width of 3.4 metres;
    - (c) vertical clearance of 2.1 metres.
  - (ii) the minimum dimensions of an accessible **parking space** that is adjacent

and parallel to a drive aisle from which vehicle access is provided is:

- (a) length of 7.1 metres;
  - (b) width of 2.6 metres;
  - (c) vertical clearance of 2.1 metres.
- (iii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path
- (iv) accessible **parking spaces** must be **parking spaces** located closest to a pedestrian access to a **building** or a passenger elevator that provides access to the first **storey** of the building;
- (KK) Despite Regulation 200.15.10(1), accessible **parking spaces** shall be provided as follows:
- (i) if the number of **parking spaces** is less than 13, a minimum of 1 accessible **parking space**;
  - (ii) if the number of **parking spaces** is 13 to 100, a minimum of 1 accessible **parking space** for every 25 **parking spaces** or part thereof; and
  - (iii) if the number of **parking spaces** is more than 100, a minimum of 4 accessible **parking spaces** plus 1 accessible space for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**.
- (LL) Despite Clause 220.5.10.1, and Regulations 40.10.90.1(2) and 220.5.1.10(1), two Type "G", two Type "B" **loading spaces** are required on the **lot** at project completion;
- (MM) Despite Regulation 40.10.90.10(1), all **loading spaces** must be located inside a **building**;
- (NN) Despite Regulation 230.5.1.10(4)(C), **stacked bicycle parking spaces** must be in accordance with the following:
- (i) a **stacked bicycle parking space** may overlap an **adjacent stacked bicycle parking space** on one or both sides on the same tier to a maximum of 0.18 metres per side;
  - (ii) the required minimum length of a **stacked bicycle parking space** is 1.84 metres; and
  - (iii) the required minimum vertical clearance from the ground for a stacked **bicycle parking space** is 1.4 metres for the lower tier and 1.2 metres for the upper tier of **stacked bicycle parking spaces** in a mechanical device;
- (OO) Despite regulation 230.5.10.1(6) to calculate **bicycle parking space** requirements for other than **dwelling units**, the **interior floor area** of a **building** is reduced by the area in the **building** used for:
- (i) all areas located below ground;
  - (ii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
  - (iii) all storage rooms, washrooms, electrical, utility, mechanical and ventilation

- rooms in common building areas, **day nursery** and **public school** uses;
- (iv) all shower and change facilities;
- (v) all indoor **amenity space**;
- (vi) all **community centres**;
- (vii) all space for a **non-profit organization**;
- (viii) all **day nurseries** space;
- (ix) all City-owned non-residential facilities;
- (x) elevator shafts;
- (xi) garbage shafts;
- (xii) mechanical penthouse; and
- (xiii) exit stairwells in the **building**.

(PP) In addition to Regulation 230.40.1.20(1) and despite Regulation 230.40.1.20(2); a "short-term" **bicycle parking space** may be located within publicly accessible portions of a **building** ground level and within the first level of a below-ground **parking garage**;

Prevailing By-laws and Prevailing Sections: (None Apply);

9. Zoning By-law 569-2013, as amended, is further amended by addition article 900.42 Exception Number 35 so that it reads:

(35) Exception OR 35

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-law and Prevailing Sections

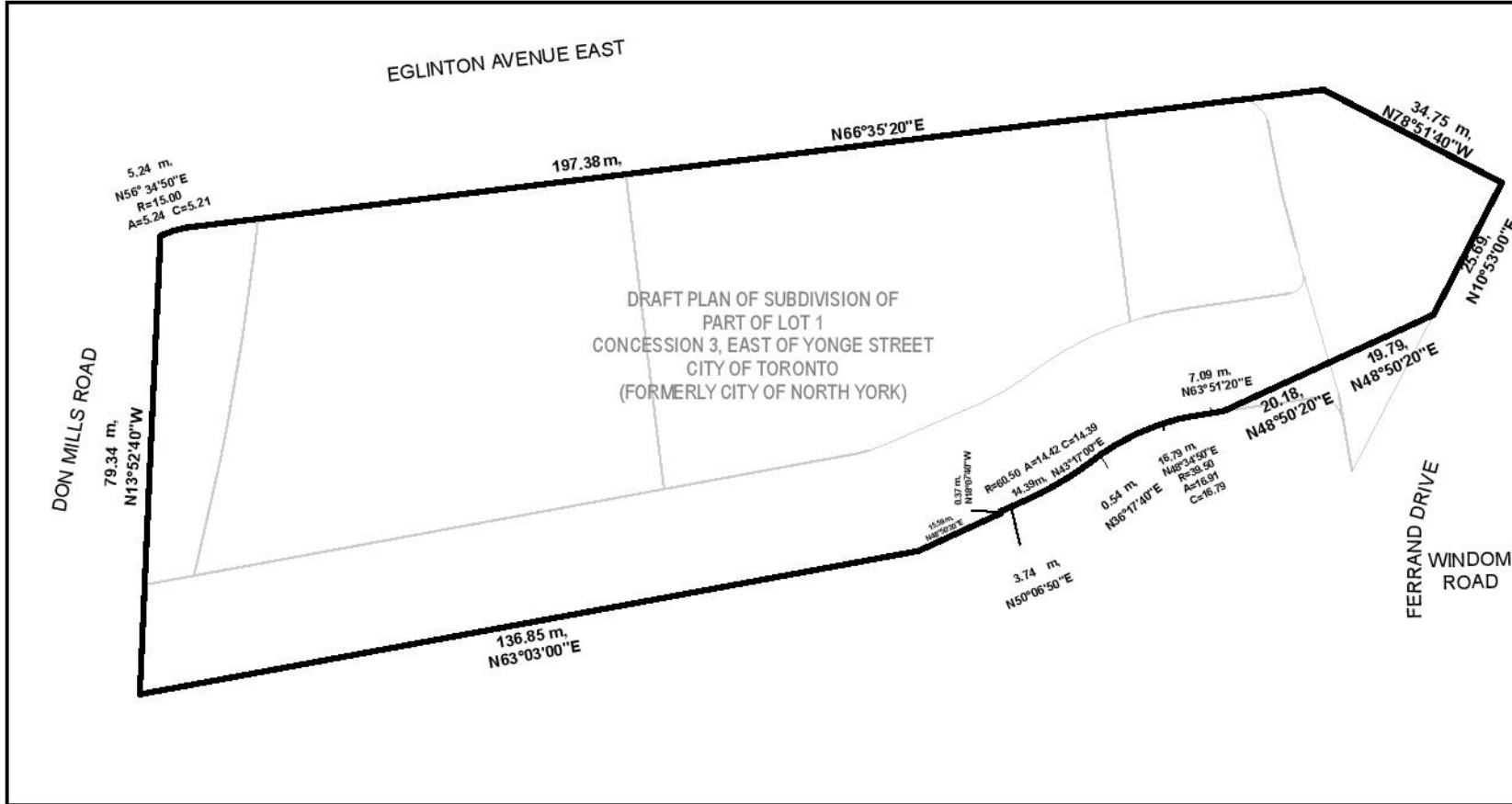
Site Specific Provisions:

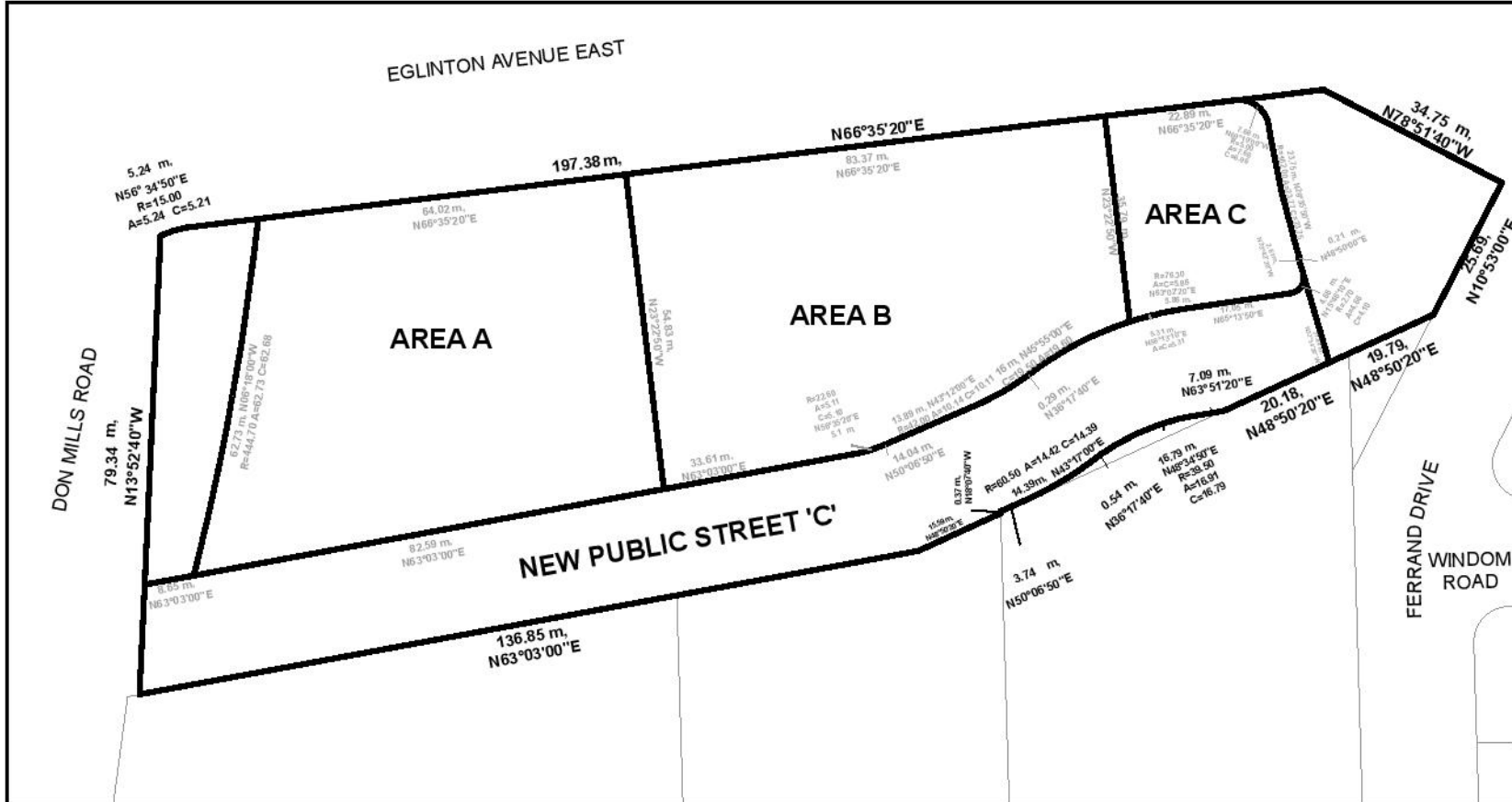
- (A) On 805 Don Mills Road, as shown on Diagram 1 attached to By-law [Clerks to insert By-law Number], a **building, structure**, may be constructed, used or enlarged in compliance with (B) to (D) below;
- (B) For the purposes of this exemption, the lot is "Area C" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number] ;
- (C) Despite Regulation 90.30.20.10 and 90.30.20.20 only the following uses are permitted: **Park, Public Utility, Recreation Use, Transportation Use**;
- (D) Despite Regulation 90.30.40.70(1)(C) the required minimum **front yard setback** is 3.0m.

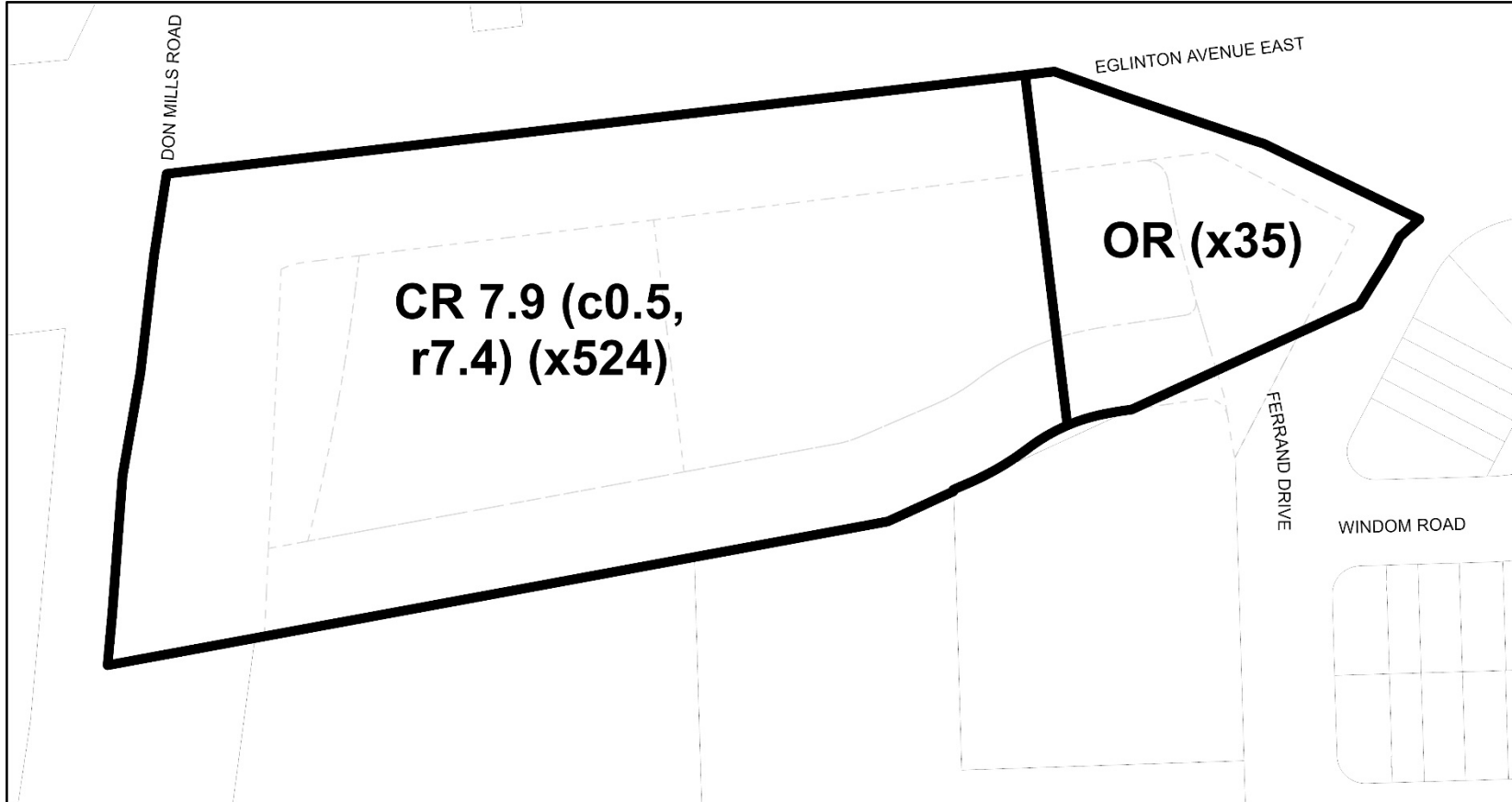
Prevailing By-laws and Prevailing Sections: (None Apply)

10. Despite any future severance, partition or division of lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.








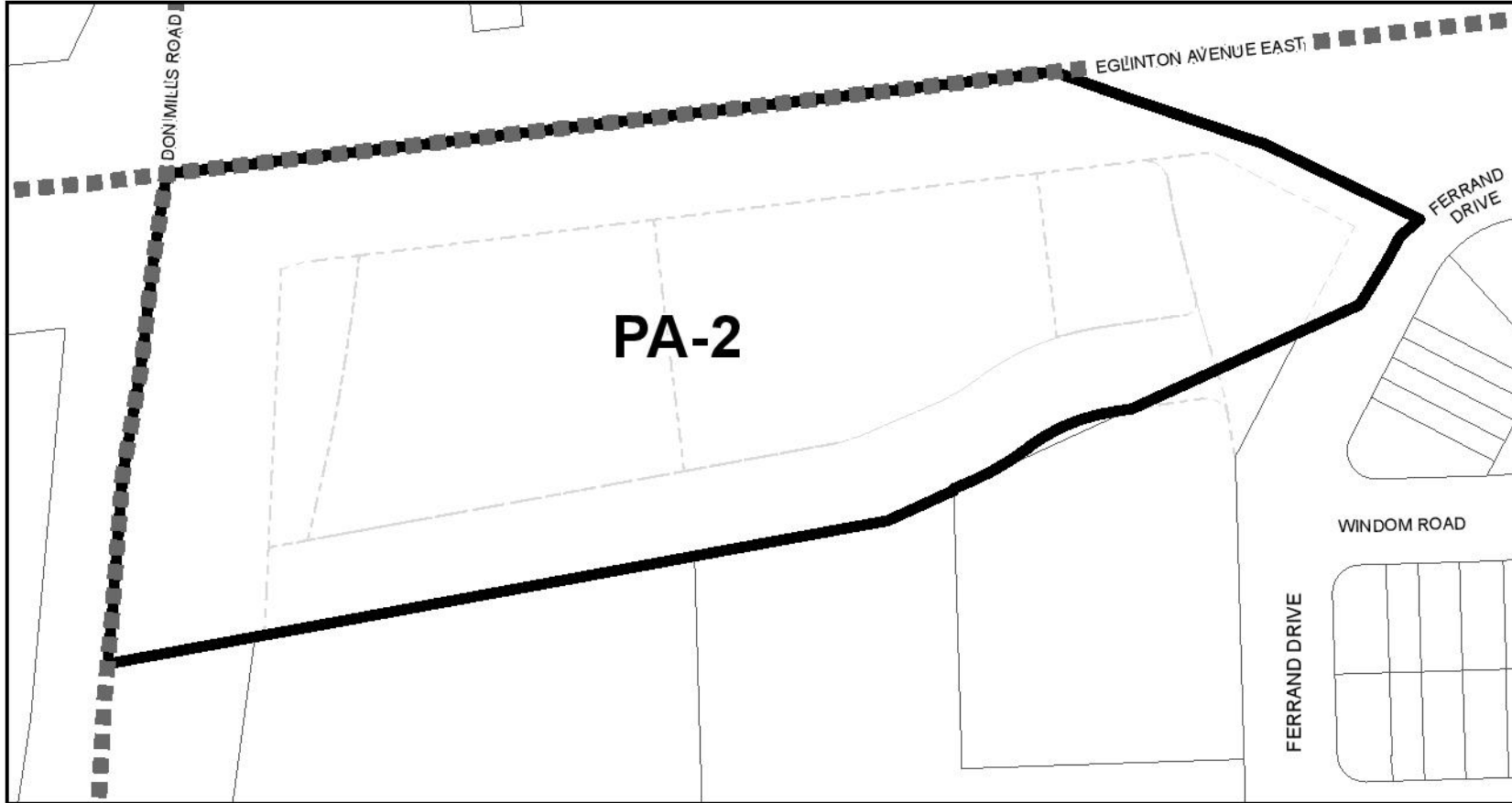


 **TORONTO**  
Diagram 3

805 Don Mills Road

File # 21 190993 NNY 16 02

  
City of Toronto By-law 569-2013  
Not to Scale  
05/13/2022



 **TORONTO**  
Diagram 4

**805 Don Mills Road**

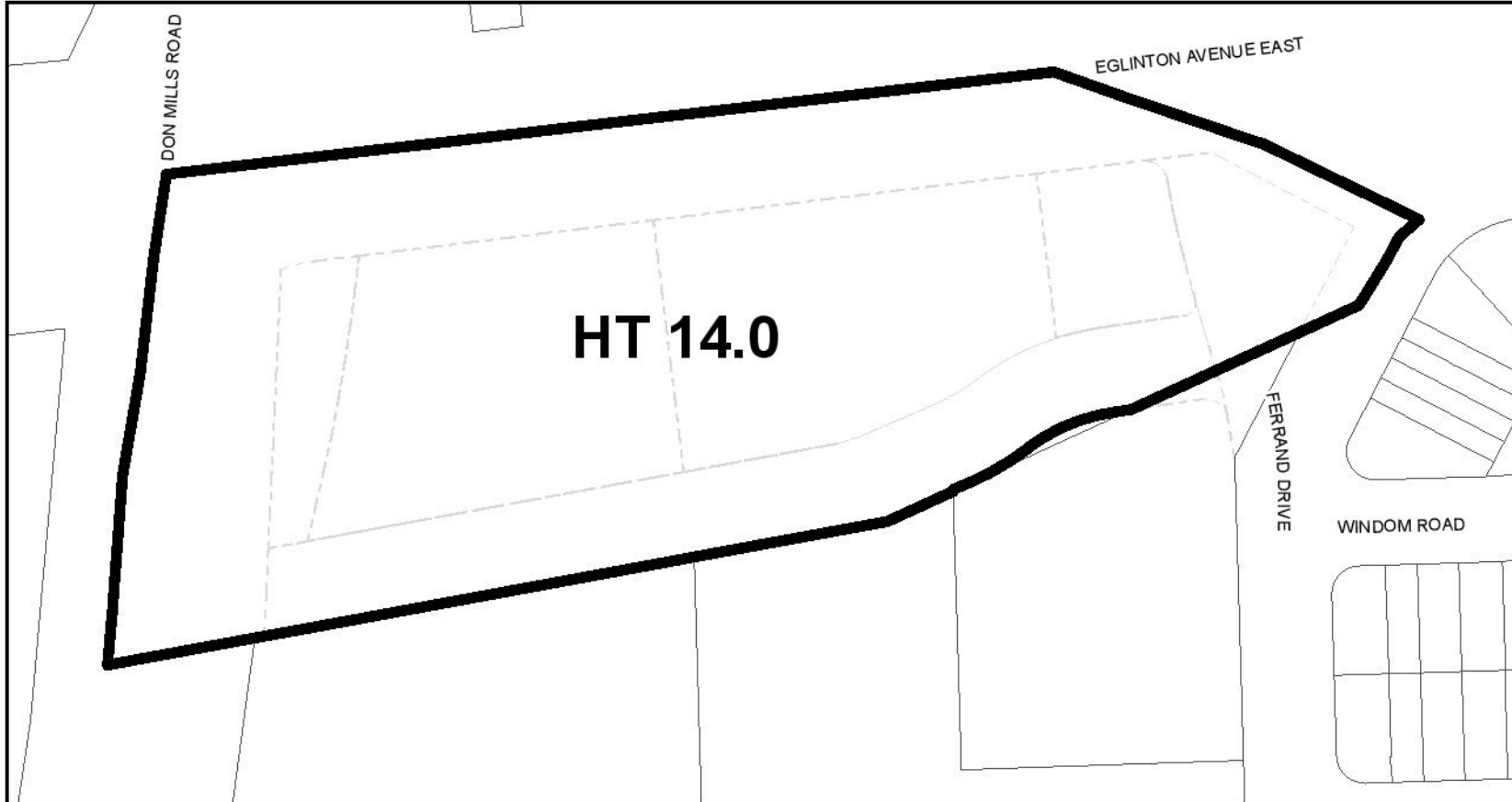
File # 21 190993 NNY 16 0Z



Major Street



City of Toronto By-law 569-2013  
Not to Scale  
05/03/2022

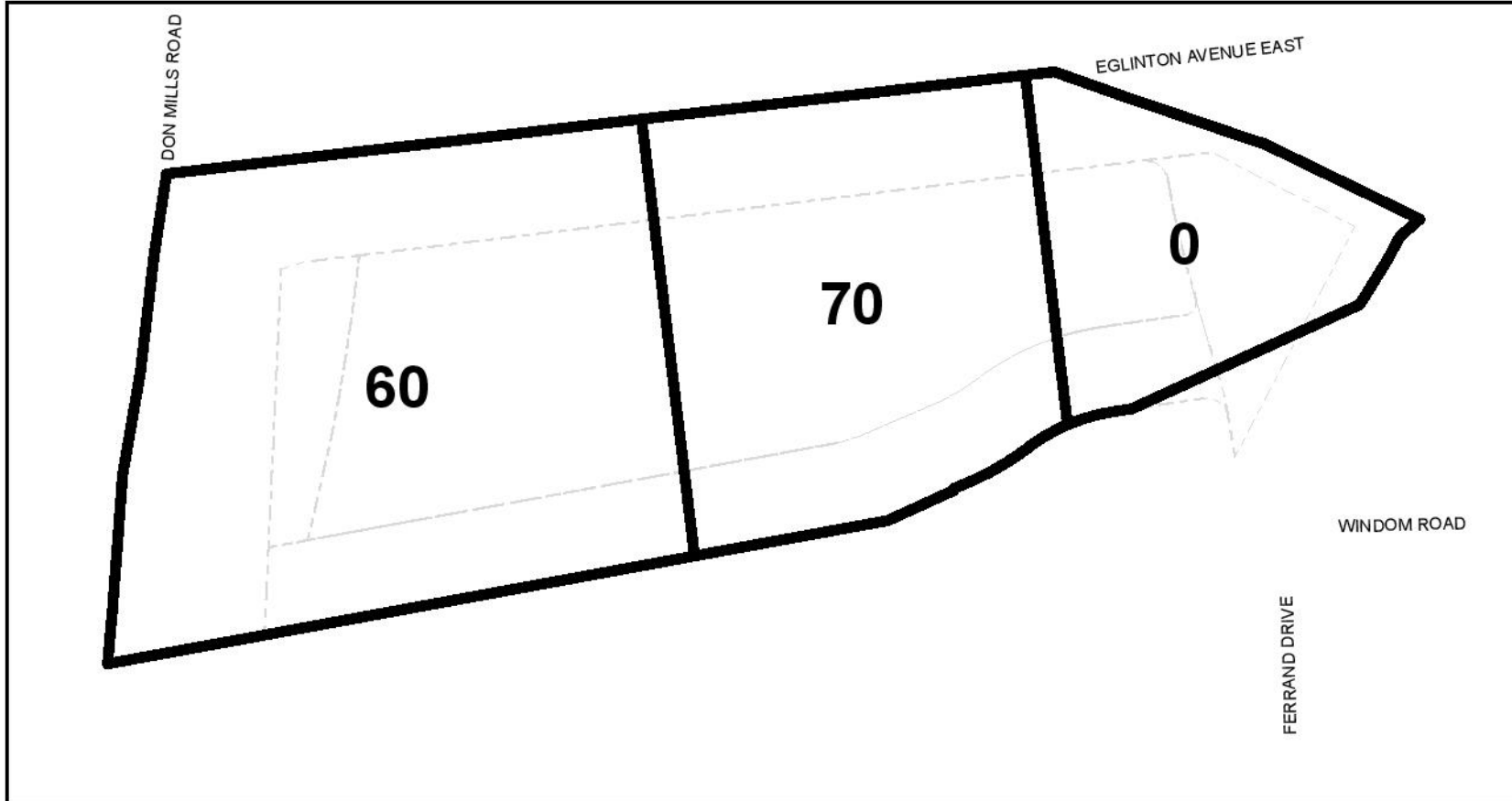


 **TORONTO**  
Diagram 5

**805 Don Mills Road**

File # 21 190993 NNY 16 02


  
City of Toronto By-law 569-2013  
Not to Scale  
05/03/2022



 **TORONTO**  
Diagram 6

**805 Don Mills Road**

File # 21 190993 NNY 16 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
05/03/2022



