

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 770 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 7.0 (c 0.5; r 6.5) SS2 (x523), OR (x34) and ON (x21) 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 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 523 so that it reads:

(523) Exception CR 523

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 770 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 (RR) 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 1 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 **streets** identified as New Public **Street A** and New Public **Street B**, as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], are constructed to a minimum base curb and base asphalt or concrete and are connected to Eglinton Avenue East and Don Mills Road; and;
 - (ii) all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the **streets** identified as New Public **Street A** and New Public **Street B**, 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 Regulation 40.10.40.1(3), in "Area A" and "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], a **building** with a **dwelling unit** may be located so that another **building** is between any **main wall** of the **building** and the **street** of which the **building** fronts;
- (F) Despite Regulations 40.5.40.10(1) and (2) in "Area A" as shown on Diagram 2 the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 128.00 metres and the highest point of the **building** or **structure**, and in "Area B" as shown on Diagram 2 the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 128.50 metres and the highest point of the **building** or **structure**;
- (G) 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];
- (H) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a base **building** is 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), (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]: 115 metres;
 - (ii) in "Area A" as shown on Diagram 2 and "Tower 2" on Diagram 8 attached to By-law [Clerks to insert By-law Number]: 148.5 metres; and
 - (iii) in "Area B" as shown on Diagram 2 and "Tower 3" on Diagram 8 attached to By-law [Clerks to insert By-law Number]: 125 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
 - (ii) in "Area B" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number]: 40 percent
- (N) The portions of a **building** or **structure** located above a height of 6 **storeys** (25 metres) must not exceed a maximum floor area of 750 square metres, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor;
- (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 87,730 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 6,191 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 and a minimum of 5,109 square metres is required for a **public school**;

- (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) all **community centres**;
 - (vii) all space for a **non-profit organization**;
 - (viii) all **day nurseries** space;
 - (ix) all **public school** space;
 - (x) all City-owned non-residential facilities;
 - (xi) elevator shafts;
 - (xii) garbage shafts;
 - (xiii) mechanical penthouse; and
 - (xiv) exit stairwells in the **building**.
- (R) Despite Regulation 40.10.40.1(1) the following residential use portions of the building may be located at the same level as non-residential use portions of a building:
- (i) Residential lobby access;
 - (ii) **Ancillary** uses such as mail room, management room, office management, and storage; and
 - (iii) Residential indoor **amenity space**;
- (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**;
 - (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) of 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:
 - (a) In Area A 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 Regulations 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 Supply By-law Number]
- (V) In "Area A" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], vestibules for the purpose of a pedestrian entrance may encroach 3.0 metres into the required minimum **front yard** as shown on Diagram 7 attached to By-law [Clerks to insert By-law Number] in accordance with the following:
- (i) the vestibules shall not exceed 25% of the **main wall** of the **building** facing a front **lot line**; and
 - (ii) the vestibules shall not exceed a height of 5.5 metres.
- (W) In addition to the permitted encroachments in Clause 40.5.40.60 and Regulation 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.
- (X) Despite Regulation 40.10.50.10(1), in Area A and Area B as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], outdoor space must be provided as follows:
- (i) a minimum of 330 square metres of children's play area must be provided for all **day nursery** uses; and
 - (ii) a minimum of 3,100 square metres of **public school** yard must be provided.
- (Y) Publicly-accessible open space comprising **landscaping** must be provided as follows:
- (i) a publicly accessible pedestrian connection providing a connection between the east **lot line** of "Area A" and "New Public **Street A**" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number], with a minimum width of 5 metres must be provided in the general location of the 'pedestrian connection' identified on Diagram 7 attached to By-law [Clerks to insert By-law Number];

- (ii) for the purposes of this by-law, a 'pedestrian connection' is a landscaped surface that forms a continuous connection from one area to another; and
 - (iii) publicly accessible spaces must be provided in the general location as identified on Diagram 7 attached to By-law [Clerks to insert By-law Number]
- (Z) **Soft landscaping**, along all **side lot lines**, **rear lot lines** or any **lot lines** that abuts a **street** is not required for a **lot** with a **public school**;
- (AA) 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;
- (BB) 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 "New Public **Street B**" as shown on Diagram 2;
- (CC) 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;
- (DD) Despite Regulations 200.5.1.10(10) and 200.10.1(2), only **parking spaces** required for **public school** and **day nursery** uses must be clearly identified and marked:
- (EE) 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**;
- (FF) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following Regulations:
- (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;
 - (iii) A minimum of 2 **parking spaces** for **day nursery** uses; and
 - (iv) A minimum of 8 **parking spaces** for **public school** uses.
- (GG) A maximum of 15 percent of the provided **parking spaces** may be obstructed in accordance with Regulation 200.5.1.10(2)(D);
- (HH) 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

- (II) **Public parking** is not permitted for **parking spaces** required for **day nursery** and **public school** uses;
- (JJ) 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) A "car-share **parking space**" is a **parking space** that is exclusively reserved and actively used for car-sharing;
- (KK) Despite Regulation 200.15.1 accessible **parking spaces** must be provided in accordance with the following:
- (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;
- (LL) 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**.
- (MM) Despite Regulations Clause 220.5.10.1 and Regulations 40.10.90.1(2) and 220.5.1.10(1), two Type "C" **loading spaces** are required on the **lot** at project completion;
- (NN) Despite Regulation 40.10.90.10(1), all **loading spaces** must be located inside a

building;

- (OO) 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;
- (PP) Despite Regulation 230.5.1.10(7), shower and change facilities are not required;
- (QQ) 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 **public school** space;
 - (x) all City-owned non-residential facilities;
 - (xi) elevator shafts;
 - (xii) garbage shafts;
 - (xiii) mechanical penthouse; and
 - (xiv) exit stairwells in the **building**.
- (RR) 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 at 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 900.41 Exception Number 21 so that it reads:

(21) Exception ON 21

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 770 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 (C) below;
- (B) For the purposes of this exemption, the **lot** is comprised of "Area C" as shown on Diagram 2 attached to By-law [Clerks to insert By-law Number];
- (C) Despite Regulations 90.20.20.10 and 90.20.20.20 only the following uses are permitted: **Public Utility** and **Transportation Use**.

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

10. Zoning By-law 569-2013, as amended, is further amended by addition article 900.42 Exception Number 34 so that it reads:

(34) Exception OR 34

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 770 Don Mills Rd, 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 comprised of "Area D" 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)

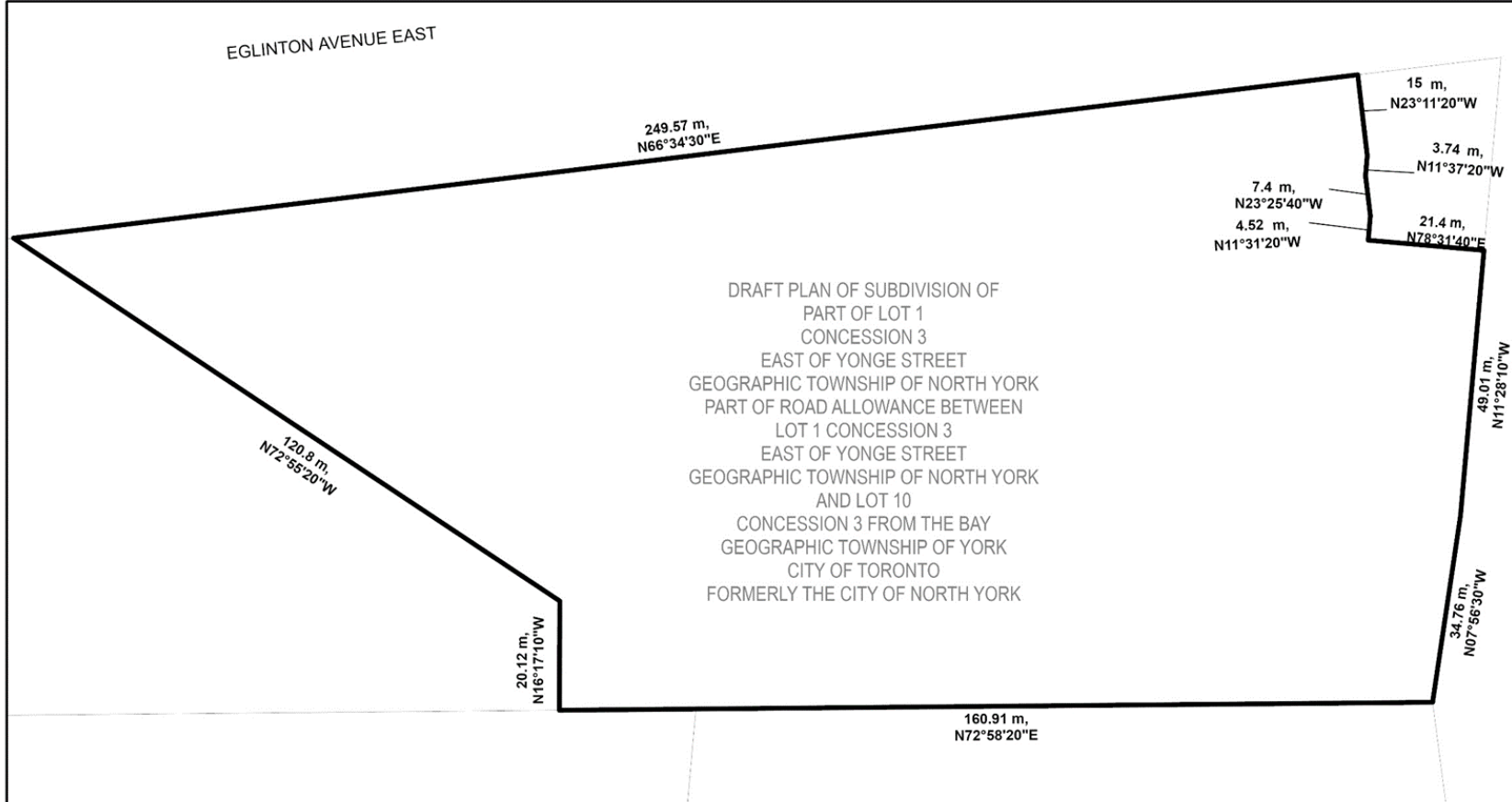
11. Despite any future severance, partition or division of lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred

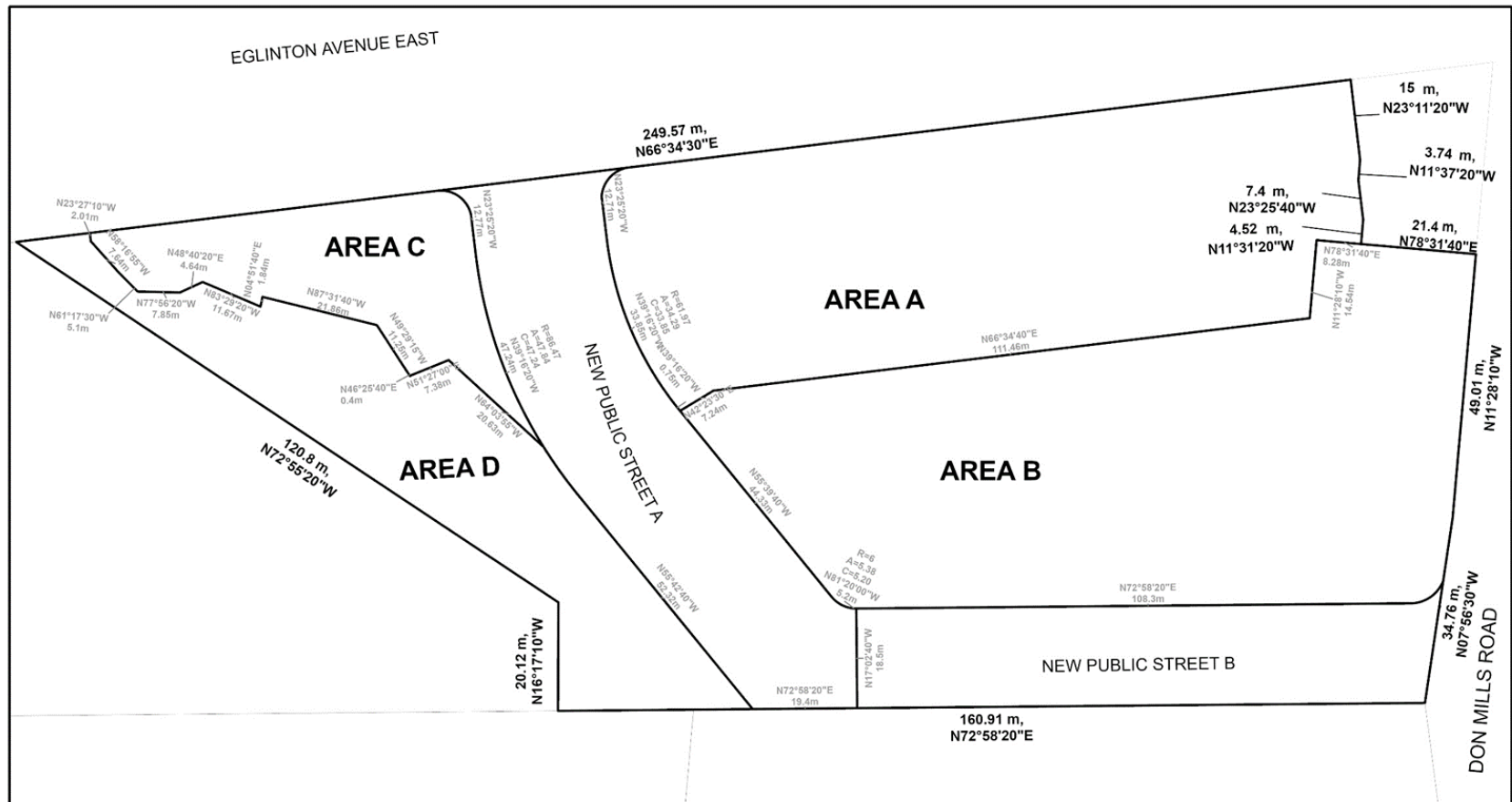
Enacted and passed on _____, 2022.

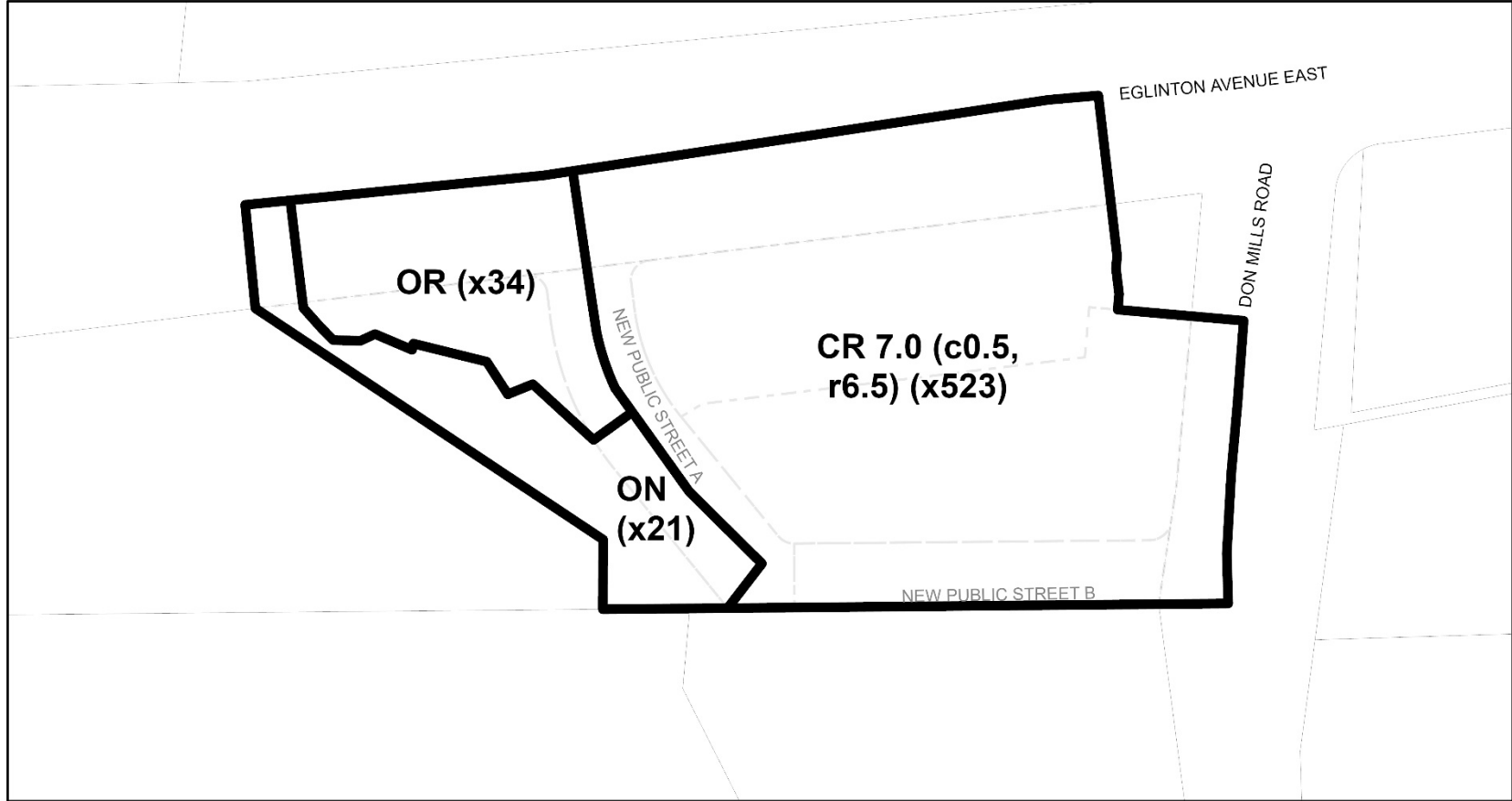
Frances Nunziata
Speaker

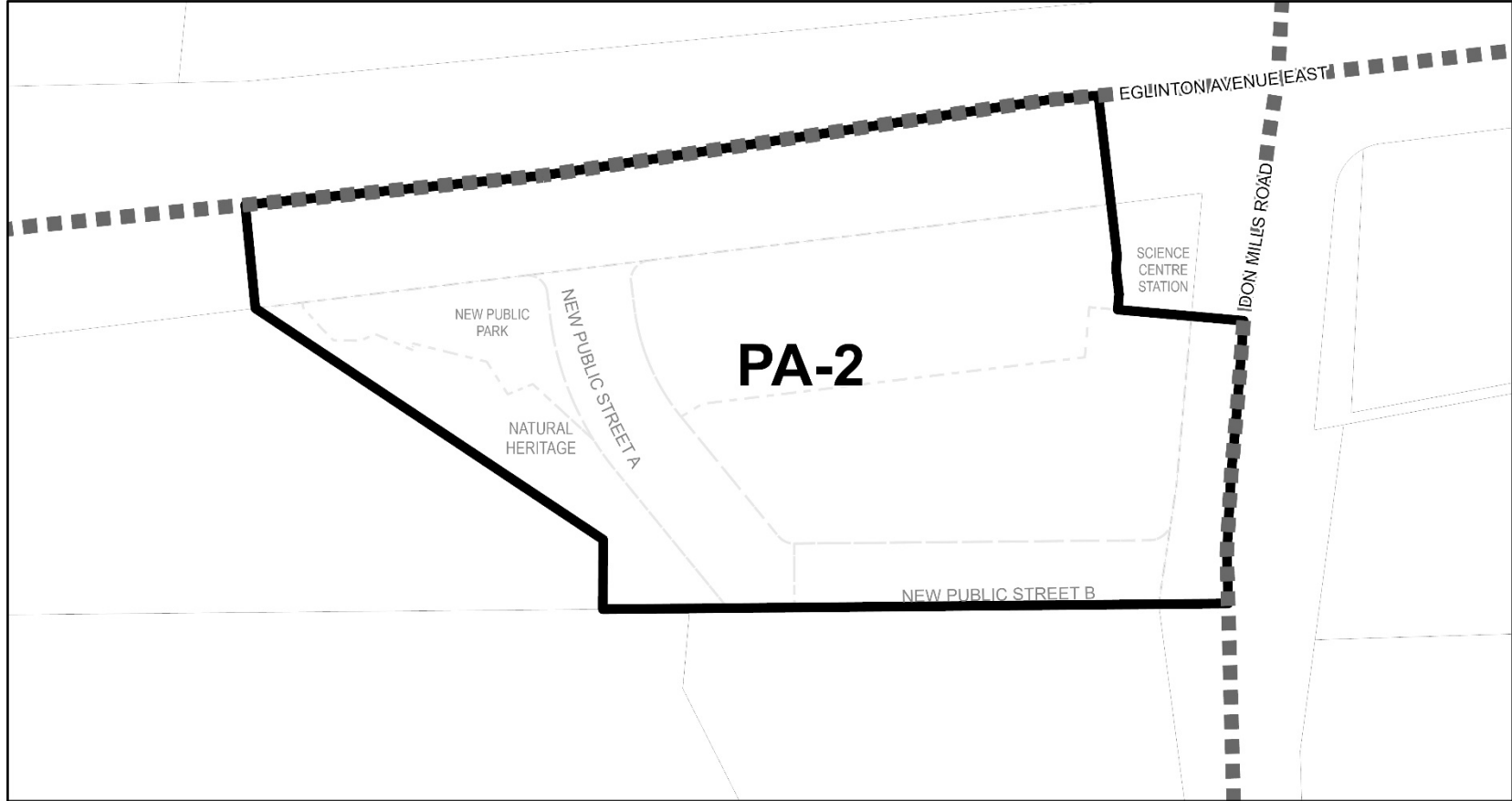
John D. Elvidge
City Clerk

(Seal of the City)



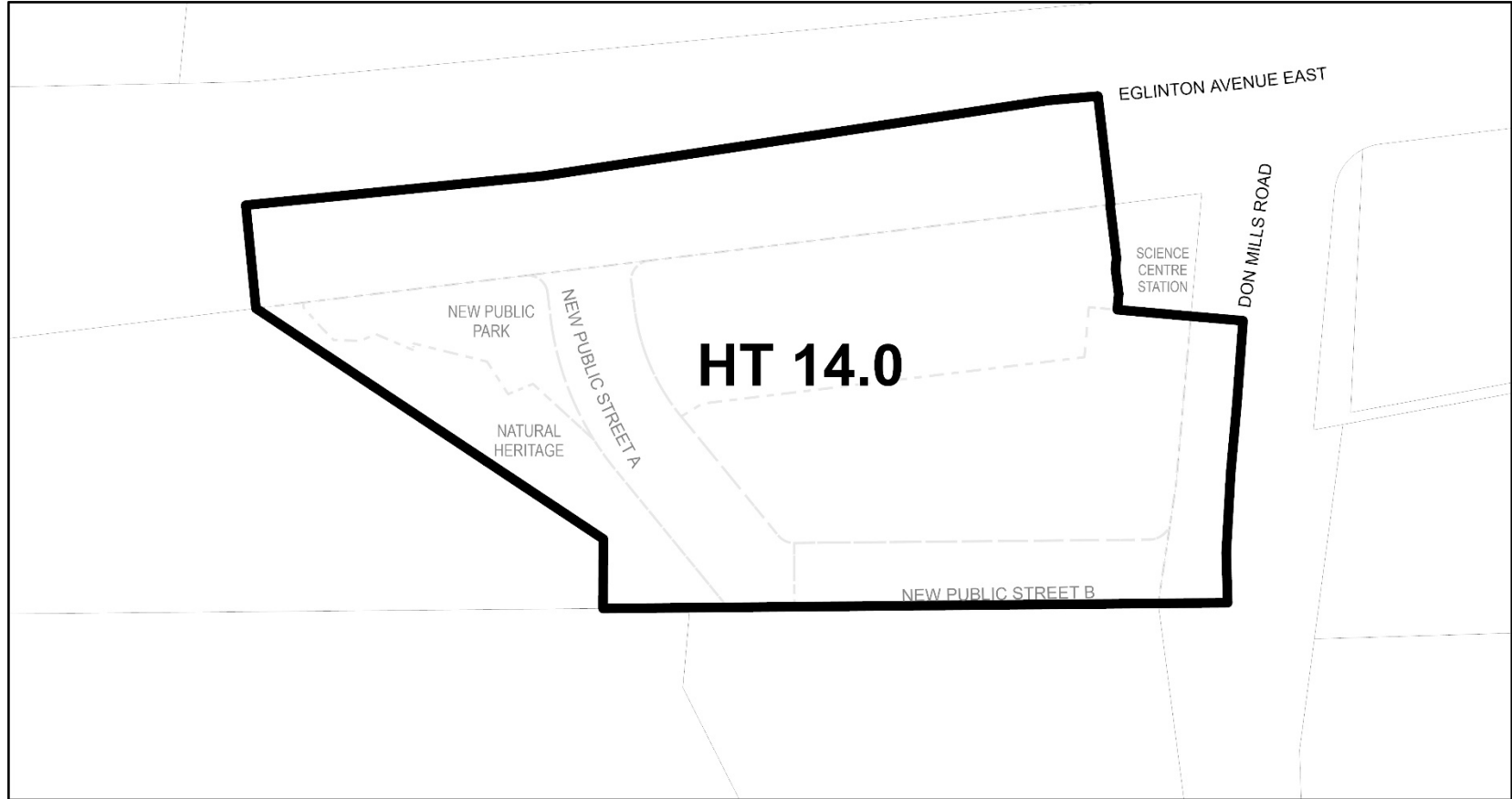


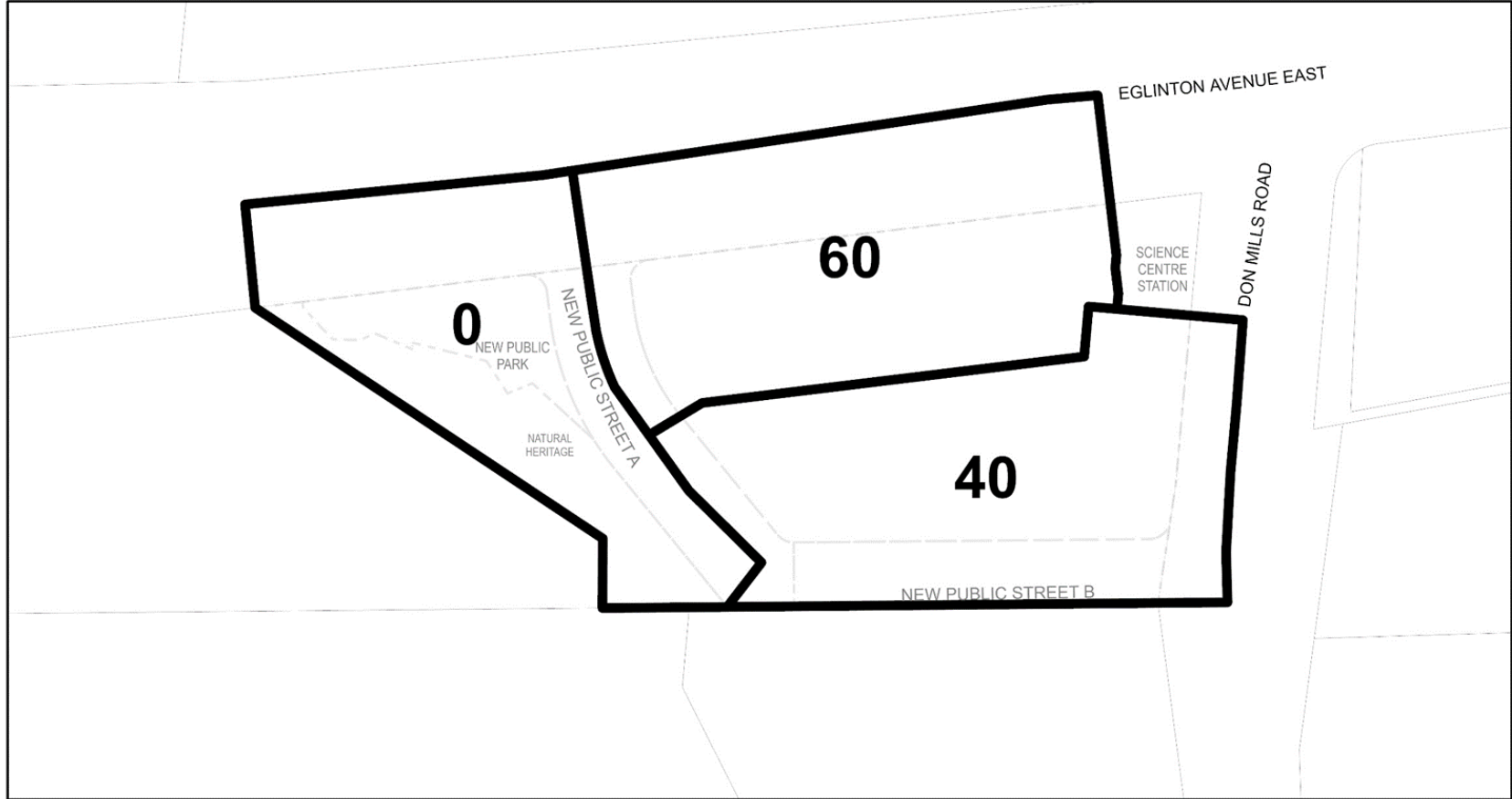


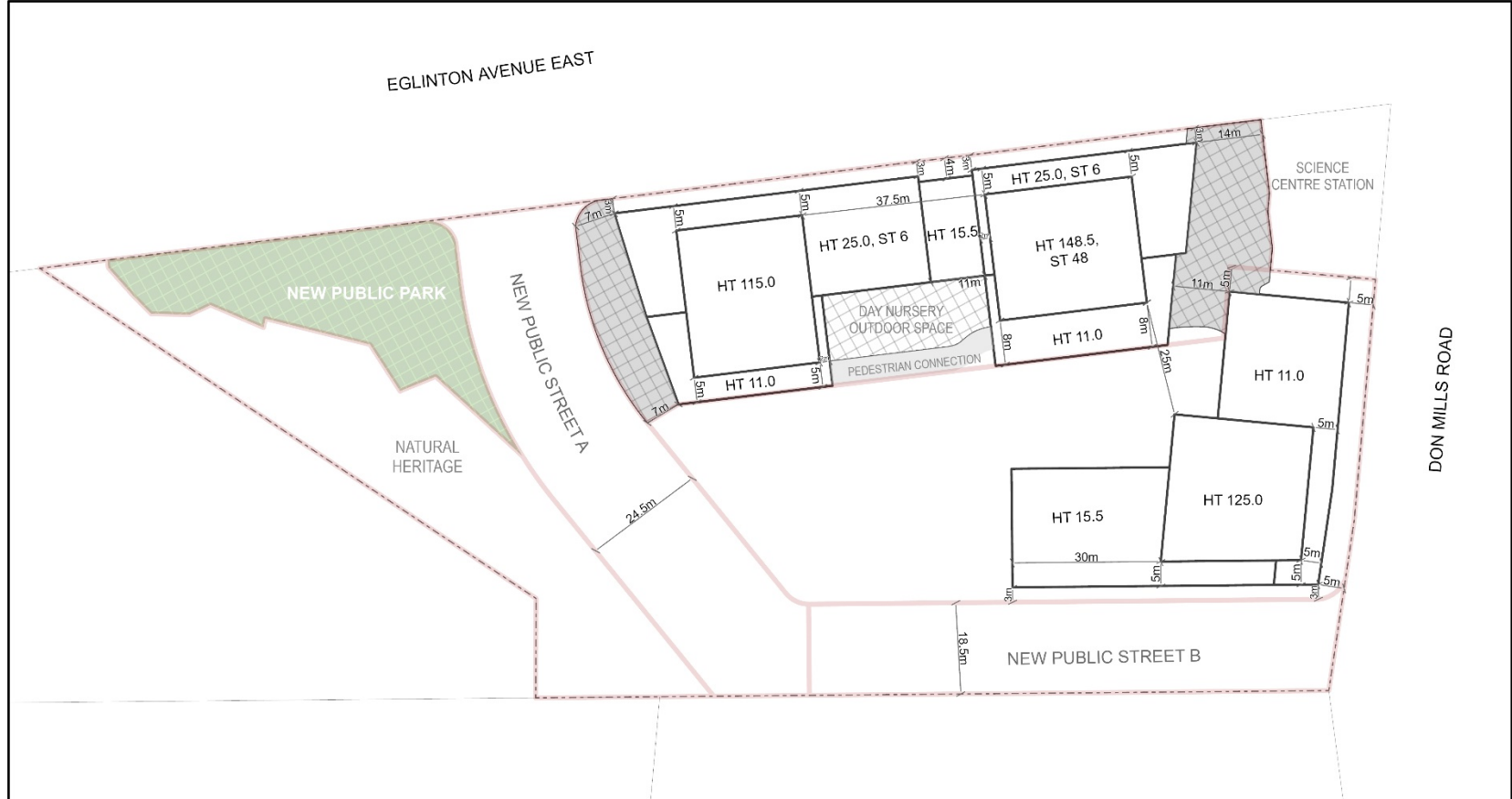


Major Street












TORONTO
Diagram 7


770 Don Mills Road

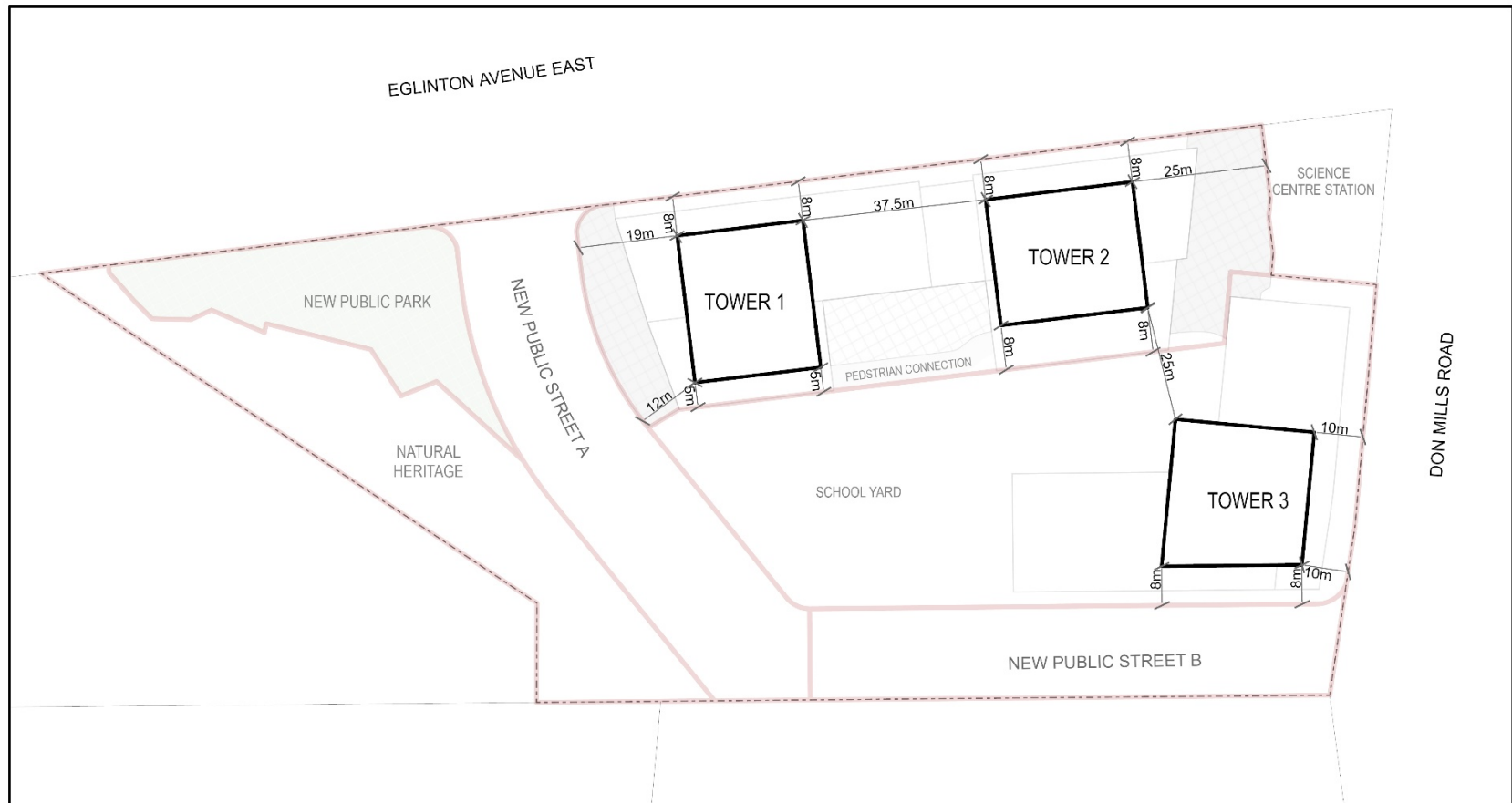
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-  Day Nursery Outdoor Space
-  Blocks
-  Publicly-Accessible Space

 New Public Park

City of Toronto By-law 569-2013
Not to Scale
05/16/2022





TORONTO
Diagram 8

770 Don Mills Road

File # 21 190984 NNY 16 02

 Blocks

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