

Authority: Toronto and East York Community Council
Item ●, adopted as amended, by City of Toronto Council on January 24, 2024

CITY OF TORONTO

BY-LAW #####-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 33 Davisville Avenue and 60 Balliol Street.

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; and

Whereas pursuant to Section 39 of the *Planning Act*, as amended, the council of a municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

By-law 569-2013, as amended, of the City of Toronto is further amended 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, except as otherwise provided.
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 in heavy black lines from a zone label of R (d0.6)(x913) and R (d0.35)(x216) to R (d0.6)(x **192**) and O, as shown on Diagram 2 attached to this by-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 **Exception Number 192** so that it reads:

(192) Exception R 192

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 in the year 2023 as 33 Davisville Avenue and 60 Balliol Street as shown on Diagram 1 to By-law #####-2024, if the requirements of By-law #####-2024 are complied with, a **building** or structure including or not including **public parking**, may be erected and used in compliance with Regulations (B) to (HH) below;

- (B) For the purposes of this exception, the above ground portions of **buildings** and **structures** permitted on the **lot** include "Building A" and "Building B", as shown on Diagram 3 to By-law #####-2024, where:
- (i) "Building A" means an addition to Building B on the **lot**, and as shown on Diagram 3, including portions below ground; and
 - (ii) "Building B" means the existing **apartment building** municipally known as 33 Davisville Avenue, as shown on Diagram 3, as well as uses, **ancillary structures**, including portions below ground and an underground **parking garage** and enclosed garage entry ramp, located on the **lot** in the year 2023;
- (C) In addition to the permitted uses listed in clauses 10.10.20.10 and 10.10.20.20, the following non-residential uses are permitted in an **apartment building** on the **lot**:
- (i) **Public parking**
 - (ii) Office uses lawfully existing as of the date of the passing of By-law #####-2024, in Building B;
 - (iii) **Recreation use**, to a maximum **gross floor area** of 1,050 square metres in Building B; and
 - (iv) Car share **parking spaces** where they do not replace a **parking space** that is a required occupant, visitor or accessible **parking space**;
- (D) Despite Regulation 10.10.40.1(5), with respect to **building** orientation to a **street**, does not apply;
- (E) Regulation 10.10.40.30(1)(B), with respect to **building depth**, does not apply;
- (F) 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 154.5 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite regulation 10.5.40.10(1), the height of Building A as shown on Diagram 3 of By-law #####-2024, is the distance between the Canadian Geodetic Datum elevation of 154.5 metres and the elevation of the highest point of the **building** or **structure**;
- (H) Despite regulations 10.10.40.10(1) and (7), the permitted maximum height for Building A and Building B as shown on Diagram 3 of By-law #####-2024 is:
- (i) With respect to Building A, the number in metres following the "HT" symbol as shown on Diagram 3 of By-law #####-2024; and
 - (ii) With respect to Building B, the height of such **building**, inclusive of all rooftop projections, as it existed on the **lot** at the time of the passing of By-law #####-2024 and subject to permitted projections for the functional operation of a **building** as set out in regulation 10.5.40.10(3);

- (I) Despite regulations 10.5.40.10(2)(A) and (3), and 10.10.40.10(9) and (10), and (F) above, the following equipment and **structures** may project beyond the permitted maximum height of Building A shown on Diagram 3 of By-law #####-2024:
- (i) equipment used for the functional operation of the **building** such as electrical, utility, mechanical and ventilation equipment, elevator shafts and elevator machine rooms to a maximum of 7.0 metres;
 - (ii) stairs, enclosed stairwells, roof access, maintenance equipment storage, chimneys, pipes, vents and cooling towers, **building** maintenance units, and window washing equipment, may further exceed the permitted maximum height projection in (i) to a maximum of 3.0 metres;
 - (iii) antennae, may further exceed the permitted maximum height projection in (i) to a maximum of 4.0 metres;
 - (iv) elements and **structures** associated with a **green roof**, may further exceed the permitted maximum height projection in (i) to a maximum of 3.0 metres;
 - (v) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, by a maximum of 7.0 metres;
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety, wind or noise protection to rooftop **amenity space**, by a maximum of 4.5 metres;
 - (vii) outdoor furniture, bollards and wheelchair ramps, by a maximum of 2.0 metres;
 - (viii) architectural features and parapets, by a maximum of 1.2 metres; and
 - (ix) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
- (J) Despite regulation 10.5.40.10(4), equipment, **structures** or parts of a **building** that exceed the permitted maximum height for a **building** permitted in (I)(i), (ii), and (iii) above may cover no more than 70% of the area of the roof, measured horizontally;
- (K) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** for Building A and Building B as shown on Diagram 3 of By-law #####-2024 is as follows:
- (i) The total **gross floor area** of Building A, as shown on Diagram 3 of By-law #####-2023 must not exceed 30,500 square metres; and
 - (ii) The **gross floor area** of Building B must not exceed the **gross floor area** existing therein at the time of the passing of By-law #####-2024;
- (L) In addition to the areas listed in regulation 10.5.40.40(4), with respect to Building A and Building B as shown on Diagram 3 of By-law #####-2024, the **gross floor area** of a **building** is also reduced by the areas in the **building** used for:

- (i) Within Building A:
 - (a) areas occupied by any non-structural architectural grid system or architectural or ornamental features or panels or cladding that are attached to and project from the **main wall** of a **building**, or any areas that are partially enclosed by such features;
 - (b) electrical, utility, mechanical and ventilation rooms above ground;
 - (c) the area of a void in a floor if there is a vertical clearance of more than 4.5 metres between the top of the floor below the void and the ceiling directly above it;
- (ii) Within Building B:
 - (a) areas provided as indoor **amenity space**;
- (M) Despite regulation 10.10.40.50(1), a minimum of 3.0 square metres of **amenity space** must be provided for each **dwelling unit** in Building A as shown on Diagram 3 of By-law ~~#####~~-2024, of which:
 - (i) a minimum of 1.5 square metres per **dwelling unit** in Building A is indoor **amenity space**;
 - (ii) a minimum of 40 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;
 - (iii) no more than 25% of the outdoor component may be a **green roof**; and
 - (iv) pet friendly amenities and bicycle/stroller washing areas are included in the calculation of **amenity space**;
- (N) Despite Regulation 10.10.40.50(1), with respect to Building B as shown on Diagram 3 of By-law ~~#####~~-2024, **amenity space** existing as of the date of the passing of By-law ~~#####~~-2024, is deemed to comply with the requirements of By-law 569-2013, as amended;
- (O) Despite all of clauses 10.5.40.70, 10.10.40.70, and 10.10.40.80, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above ground level are as shown on Diagram 3 of By-law ~~#####~~-2024;
- (P) Despite regulations 10.5.40.50(2) and (O) above, and clause 10.5.40.60, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:
 - (i) Decks, porches, and balconies, by a maximum of 1.5 metres;
 - (ii) Canopies and awnings, by a maximum 3.0 metres;

- (iii) Site servicing features and window washing equipment including **building** maintenance unit or crane, by a maximum of 3.0 metres;
 - (iv) Trellises and pergolas, by a maximum of 5.0 metres;
 - (v) Guardrails, balustrades and light fixtures, by a maximum of 3.0 metres;
 - (vi) Panels and cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres;
 - (vii) Architectural or ornamental features, such as pilaster, decorative column, cornice, sill, belt course, or chimney breast and window projection, by a maximum of 1.0 metre;
 - (viii) Eaves, by a maximum of 0.5 metres;
 - (ix) Satellite dishes, antennae, vents and pipes, safety and wind mitigation/protection features, by a maximum of 1.0 metres;
 - (x) Public art installations, art, outdoor amenity, children's play area, landscaping features, privacy screens, planters, retaining walls, and ventilation shafts by a maximum of 4.0 metres; and
 - (xi) Stairs, bollards, guards, railings, safety railings, enclosed stairwells, wheelchair ramps, access ramps and elevating devices if it is no closer to a **lot line** than 0.6 metres;
- (Q) Despite regulation 10.5.50.10(4), the **lot** must have:
- (i) a minimum of 15% of the area of the **lot**, excluding the area labeled Parkland Dedication as shown on Diagram 3 of By-law ~~#####~~-2024, will be used for **landscaping**, and
 - (ii) a minimum of 25% of the **landscaping** required in (i) above, must be **soft landscaping**;
- (R) Despite regulation 10.5.50.10(5), a 1.5 metre wide strip of **soft landscaping** along any part of a **lot** line abutting another **lot** in the Residential Zone category is not required;
- (S) Despite Regulation 10.5.100.1(4),
- (i) any **driveway** on the **lot**, existing as of the date of the passing of By-law ~~#####~~-2024 is deemed to comply with the requirements of By-law 569-2013, as amended; and
 - (ii) a two-way **driveway** may have a maximum total width of 7.5 metres;
- (T) Despite regulation 10.5.100.1(5), with respect to Building A as shown on Diagram 3 of By-law ~~#####~~-2024, an unobstructed vehicular access between the

street and the principal entrance to Building A so that a **vehicle** can enter and leave the **lot** while driving forward in one continuous movement is not required;

- (U) Despite regulation 200.5.1(3), any **drive aisles** on the **lot**, existing as of the date of the passing of By-law #####-2024, are deemed to comply with the requirements of By-law 569-2013, as amended;
- (V) Despite regulations 10.5.80.1(1) and 200.10.1(1) and (2), **parking spaces** for visitors may be provided on a non-exclusive basis and may be located within a **public parking** use on the **lot**; and
- (W) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the total number of **parking spaces** provided may have a minimum required **parking space** width of 2.6 metres with or without a fixed object or obstruction within 0.3 metres of one or both sides of the **parking space**, measured at right angles;
- (X) Despite Regulation 200.5.1.10(2)(D), electric **vehicle** infrastructure, including electrical **vehicle** supply equipment or an **energized outlet**, does not constitute an obstruction to a **parking space**;
- (Y) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided as follows:
 - (i) A minimum of 2 **parking spaces** plus 0.01 **parking space** per **dwelling unit** must be provided for residential visitors;
 - (ii) A minimum of 2 car-share **parking spaces**; and
 - (iii) With respect to Building B as shown on Diagram 3 of By-law #####-2024, no **parking spaces** are required for non-residential uses;
- (Z) Regulation 200.5.10.11(1)(C) as it relates to **parking space** requirements for a **lawfully existing building** does not apply;
- (AA) Despite regulations 200.15.1 (1) and (3), accessible **parking spaces** must comply with the following provisions:
 - (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres;
 - (c) vertical clearance of 2.1 metres; and
 - (ii) A 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;
- (BB) Accessible **parking spaces** 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) and shortest route from the required entrances in [\(i\)](#) and [\(ii\)](#).
- (CC) Despite regulations 220.5.10.1(1) and (2), a minimum of one Type "G" **loading space** must be provided for Building A, and a minimum of one Type "C" **loading space** must be provided for Building B;
- (DD) Despite Regulation 230.5.1.10(9)(B)(iii), with respect to Building A as shown on Diagram 3 of By-law ~~###~~-2024, a required "long-term" **bicycle parking space** for a **dwelling unit** may be located on levels of the **building** below-ground;
- (EE) Despite regulation 230.5.1.10(10), a "short-term" and "long-term" **bicycle parking space** on the **lot** may be a **stacked bicycle parking space**;
- (FF) Despite regulation 230.5.10.1(5), with respect to Building B as shown on Diagram 3 of By-law ~~###~~-2024, no **bicycle parking spaces** are required for **dwelling units** in Building B;
- (GG) Regulation 230.10.1.20(2) with respect to the location of "short-term" **bicycle parking spaces** relative to a **building** entrance does not apply, provided that a **bicycle parking space** may not be located above the first **storey** of a **building** and not within the third level below-ground of a **building** on the **lot**;
- (HH) Despite any Regulation of this Exception and of By-law 569-2013, as amended, Building B shown on Diagram 3 of By-law ~~####~~-2024 may be occupied by residents during construction of Building A without the provision of required **parking spaces** and **loading spaces**;
- (II) For the purpose of this exception, each word or expression that is in bold font in this exception shall have the same meaning as each word or expression as defined in Chapter 800 of this By-law, as amended, except for the following:
- (iii) "Building A" means an addition to Building B on the **lot**, and as shown on Diagram 3 of By-law ~~####~~-2024, including portions below ground;
 - (iv) "Building B" means the existing **apartment building** municipally known as 33 Davisville Avenue, as shown on Diagram 3 of By-law ~~####~~-2024, including portions below ground, an underground **parking garage**, and enclosed garage entry ramp, located on the **lot** in the year 2023;
 - (v) "Car share" means 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 may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable;

- (vi) “Car share **parking space**” means a **parking space** exclusively reserved and actively and signed for a **vehicle** used only for “car share” purposes; and

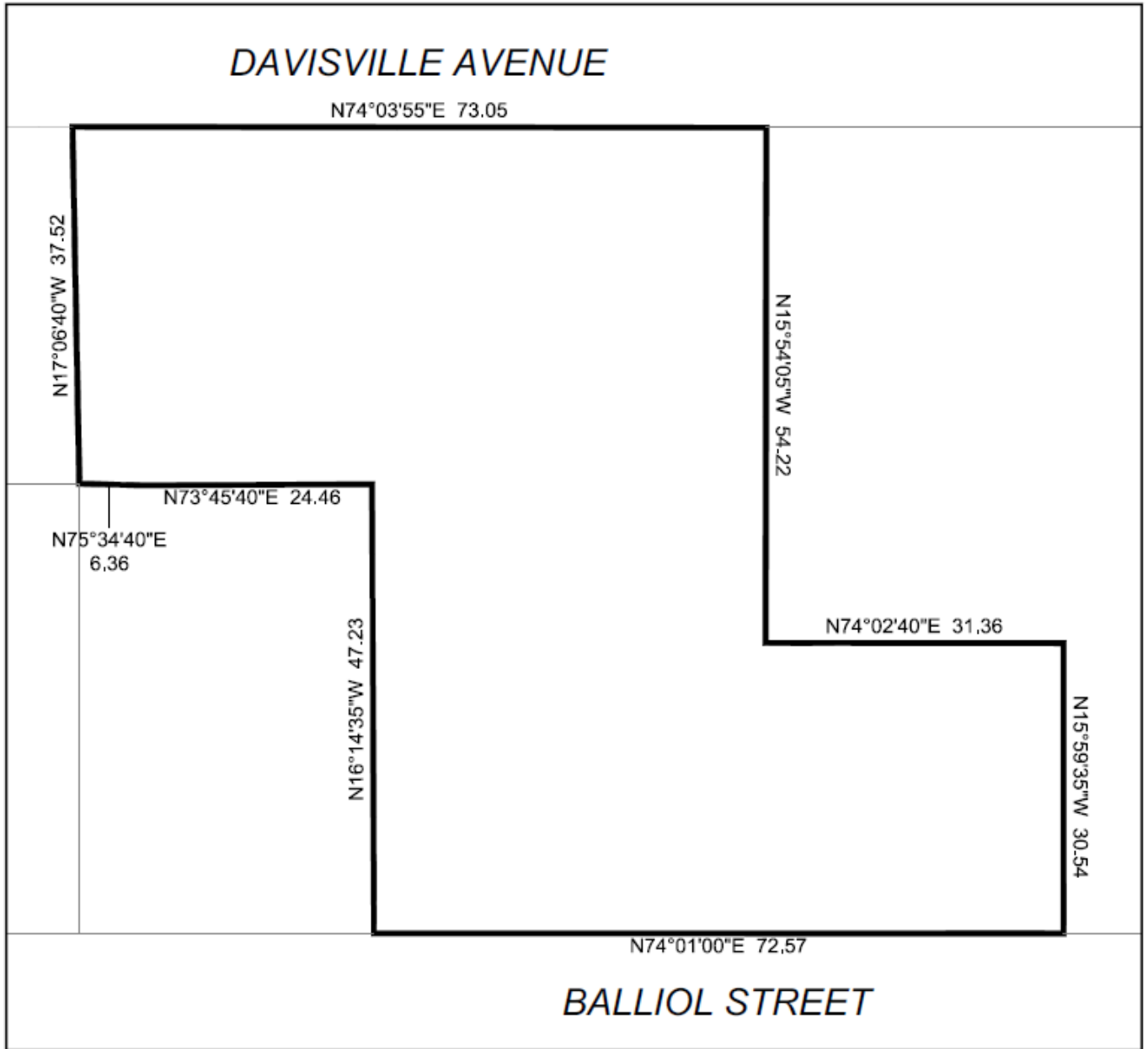
Prevailing By-laws and Prevailing Sections: (none)

5. Despite any existing or future severance, partition or division of the **lot** shown on Diagram 1 of By-law ~~####~~-2024 the provisions of this By-law and By-law 569-2013, as amended, shall apply to the whole of the **lot** as if no severance, partition or division had occurred.
6. Temporary Use:
- (A) None of the provisions of this Exception as amended, or By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales, leasing or construction office on the **lot**, which means a **building, structure**, facility, trailer or portion thereof, with a maximum height of 5.0 metres, used exclusively for the purpose of construction, marketing, sale, lease or rental of **dwelling units** in Building A as shown on Diagram 3 of By-law ~~####~~-2024.

Enacted and passed on ●, 2024.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk



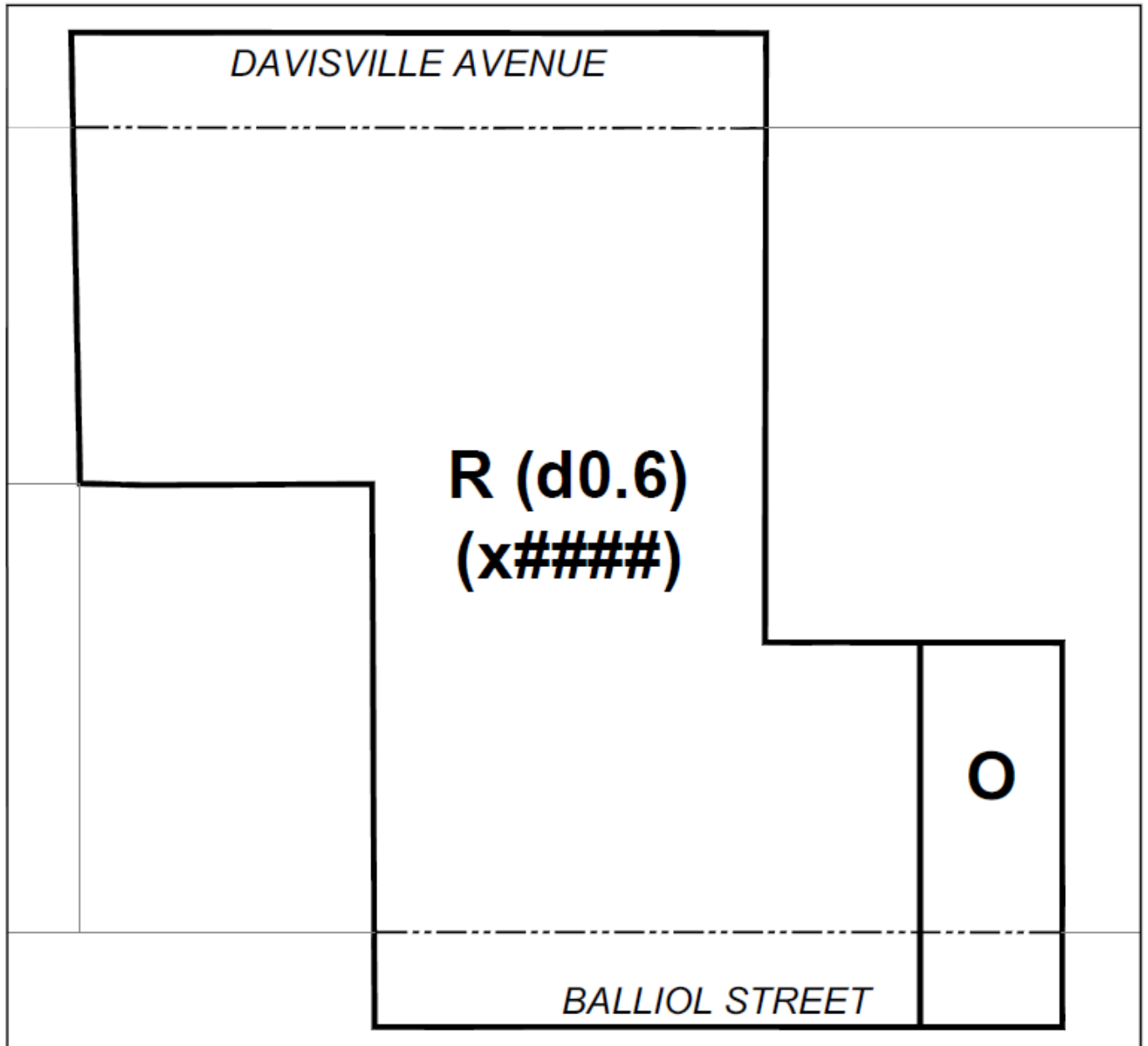
33 Davisville Avenue and 60 Balliol Street

Diagram 1

File #22 162082 STE 12 OZ



Not to Scale



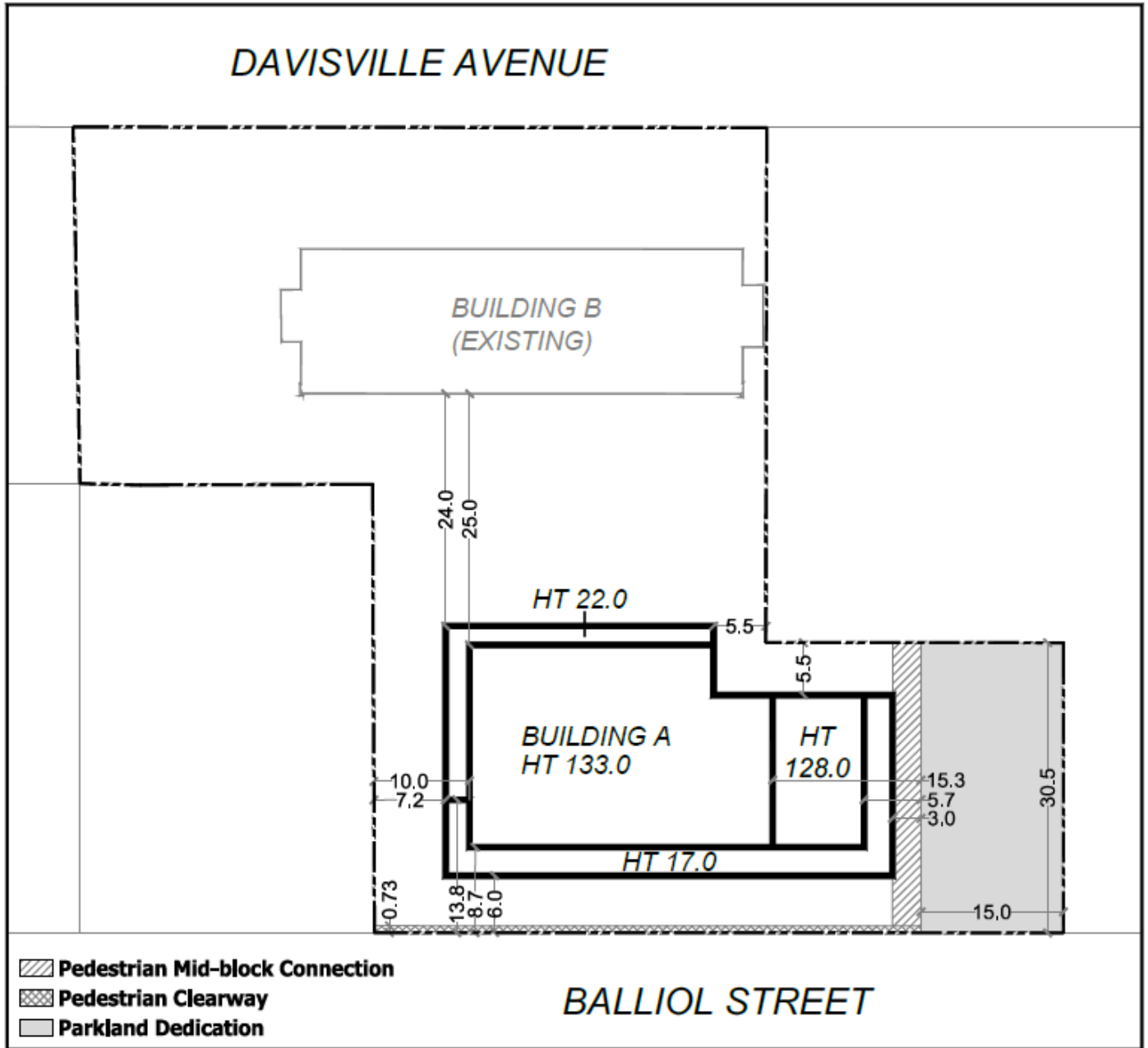
33 Davisville Avenue and 60 Balliol Street

Diagram 2

File #22 162082 STE 12 OZ



Not to Scale



TORONTO
Diagram 3

33 Davisville Avenue and 60 Balliol Street

File #22 162082 STE 12 OZ



Not to Scale