

Authority: Toronto and East York Community Council Item ~, adopted as amended by City of Toronto Council on ~

BY-LAW No. XXXX-2020

To amend the City of Toronto By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2020 as 185 Balliol Street and 8 Pailton 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*;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to the definition of ‘*height*’, ‘*grade*’, ‘*lot*’, ‘*residential gross floor area*’ and ‘*landscaped open space*’ and Sections 4(2), 4(4), 4(6), 4(12), 4(13), 6(3) PART I 1, 6(3) PART II, 6(3) PART III, 12(2) 118, 12(2) 119, 12(2) 270 of Zoning By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use on the *lot* of an *apartment building* and *accessory* uses thereto provided that:
 - (a) The total permitted maximum *residential gross floor area* shall not exceed 32,500 square metres, of which:
 - (i) the *residential gross floor area* must not exceed 32,300 square metres; and
 - (ii) the *non-residential gross floor area* must not exceed 200 square metres;
 - (b) No portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol “H” as shown on Map 2 attached hereto, other than:
 - (i) parapets and elements of a green roof up to a maximum of 2.1 metres;
 - (ii) equipment and structures on the roof of a building used for the functional operation of the building, such as electrical, utility, mechanical, ventilation equipment, enclosed stairwells, stairs, stair landings, roof access hatches, maintenance equipment storage, transformer vaults, elevator shafts, stacks, chimneys, vents, water supply facilities and structures that enclose, screen or cover the elements listed above, up to a maximum of 6.0 metres.

- (iii) elements or structures on the roof of a building used for outside or open air recreation, outdoor *residential amenity space*, fixed outdoor furniture, trellises, privacy screens, terrace or balcony dividers, railings, guardrails, fences, landscape elements or features, public art features, fire safety equipment and servicing, gas metres and associated privacy screens and window washing equipment up to a maximum of 3.0 metres; and
 - (iv) ramps or elevating device providing barrier free access;
- (c) No portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached hereto, other than:
- (i) balcony, terrace, platforms associated with a balcony or terrace, privacy screens, terrace or balcony dividers, railings, guardrails, fences, canopies and awnings up to a maximum of 3.0 metres;
 - (ii) architectural curtain wall projections, ornamental elements, exterior wall surfaces, window projections, flues, chimneys, stacks, lighting fixtures, and fire safety equipment and servicing, gas meters and associated privacy screens up to a maximum of 2.0 metres;
 - (iii) elements or structures associated with outdoor *residential amenity space*, including but not limited to fences, screens and fixed outdoor furniture, transformer vaults, vents, and window washing equipment, up to a maximum of 6.0 metres; and
 - (iv) ramps or elevating device providing barrier free access;
- (d) *residential amenity space* shall be provided on the *lot* in accordance with the following :
- (i) a minimum of 2.0 square metres for each *dwelling unit* of indoor *residential amenity space*; and
 - (ii) a minimum of 1.6 square metres for each *dwelling unit* of outdoor *residential amenity space*;
- (e) a minimum of 40 percent of the area of the *lot* must be *landscaped open space*, of which a minimum of 35 percent must be *soft landscaping*;
- (f) a minimum 0.5 metre wide strip of **soft landscaping** shall be provided along any part of a *lot line* abutting another *lot* in the Residential Zone category;
- (g) *parking spaces* shall be provided and maintained in accordance with the following ratios:

- (i) a minimum of 0.20 *parking spaces* per *dwelling unit* for residents of the building; and
 - (ii) a minimum of 0.05 *parking spaces* per *dwelling unit* for the combined use for residential visitors and non-residential uses;
- (h) a minimum of 3 accessible *parking spaces* shall be provided and maintained on the *lot*, with the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible *parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (i) bicycle parking spaces shall be provided and maintained on the lot in accordance with the following ratios:
- (i) a minimum of 0.9 *parking space – occupant per dwelling unit*;
 - (ii) a minimum of 0.10 *bicycle parking space – visitor per dwelling unit*;
- (j) notwithstanding the definition of *bicycle parking space – visitor* and *bicycle parking space – occupant* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* may be provided in a *stacked bicycle parking space* having a minimum vertical clearance of 1.2 metres, a minimum width of 0.4 metres, and a minimum length of 1.8 metres
- (k) a minimum of one *loading space – type G* shall be provided and maintained on the *lot*;
- (l) None of the provisions of By-law No. 438-86 shall apply to prevent a *Temporary Construction Office* on the *lot*; and
- (m) For the purposes of this exception, a Temporary Sales Office and Temporary Construction Office shall mean a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units or non-residential gross floor area uses to be erected on the lot and/or the administration and management of construction activity related to construction on the lot

2. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (a) “*height*” means the vertical distance between *grade* and the highest point of the buildings or structures, excluding permitted projections identified this By-law;
 - (b) “*grade*” means 154.85 metres Canadian Geodetic Datum;
 - (c) “*landscaped open space*” means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping.
 - (d) “*lot*” means the parcel of land delineated by heavy lines on Map 2 attached to and forming part of this By-law.
 - (e) “*non-residential gross floor area*” means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a *non-residential building* or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:
 - (i) parking, loading and bicycle parking below established grade;
 - (ii) required *loading spaces* and required *bicycle parking spaces* at or above established grade;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) indoor *residential amenity space* required by this By-law;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building.
 - (f) “*residential gross floor area*” means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a

residential building or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:

- (i) parking, loading and bicycle parking below established grade;
 - (ii) required *loading spaces* and required *bicycle parking spaces* at or above established grade;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) indoor *residential amenity space* required by this By-law;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building.
- (g) “*soft landscaping*” means *landscaped open space* excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.
- (h) “*stacked bicycle parking space*” means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
3. Notwithstanding the provisions of this By-law, no development shall occur in the grey shaded area illustrated on Map 2.
 4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the lands shown delineated by heavy lines on Map 1 attached hereto.
 5. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

Enacted and passed on ~ 2020.



