

*Draft Zoning By-law Amendment*

**CITY OF TORONTO**

**BY-LAW No. XXXX-2021**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 1196-1210 Yonge Street and 8 Birch Avenue**

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 amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands outlined by heavy lines on Diagram 1 to CR 3.0 (C2.0;R2.5) SS2 (XXXXX), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number XXXX so it reads:

(XXXX) Exception CR XXXX

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 as 1196-1210 Yonge Street and 8 Birch Avenue, a **mixed use building** may be constructed, used or enlarged in compliance with Sections (B) to (R) below;

(B) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** for all uses on the **lot** is 7920 square metres, of which:

- (i) a maximum of 7720 square metres of **gross floor area** may be used for residential uses; and

D

R

A

F

T

- (ii) a maximum of 200 square metres of **gross floor area** may be used for non-residential uses on the **lot**;
- (C) In addition to the **building** elements listed in regulation 50.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for:
- i. Hallways and elevator vestibules below ground;
  - ii. Balconies;
  - iii. mechanical rooms on any level of the **building**; and,
  - iv. areas provided as **amenity space** in excess of the required amount;
  - v. Ramps and car elevators to access **parking spaces** and the **automated parking system**;
- (D) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 25 percent of the total number of **dwelling units** must have two or more bedrooms;
  - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
  - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (E) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 123.13 metres CGVD2013 in the year 2021 and the elevation of the highest point of the **building** or **structure**;
- (F) Despite Regulations 40.5.40.10(1) and 40.10.40.10(2), the maximum height of any portion of a **building** or **structure** on the lot is the numerical value, in metres, following the letters "HT" as shown on Diagram 3 attached to this By-law, excluding:
- (i) guardrails, railings, bollards, balustrades, parapets, eaves, roof drainage, balcony and terrace guards, fences, skylights, planters, cornices, seating areas, retaining walls, balcony and terrace dividers, decorative/acoustic/privacy doors and screens, wheelchair ramps and ramps to underground, solar panels and equipment, ornamental elements, landscape elements, which may project a maximum of 3.0 metres above maximum permitted heights shown on Diagram 3 of this By-law;
  - (ii) structures used for outside or open air recreation including pools and associated equipment, light fixtures, pergolas, architectural features, trellises, awnings and canopies, elements of a green roof, which may project a maximum of 4.0 metres above maximum permitted heights shown on Diagram 3 of this By-law;
  - (iii) mechanical equipment, stairs and stair enclosures, enclosures of mechanical equipment, wind mitigation, elevator overruns, lighting rods, ventilation or

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cooling equipment, chimney stacks, flutes, vents, air intakes, antennas, satellite dishes, and cellular arrays, window washing equipment, which may project a maximum of 6.0 metres above maximum permitted heights shown on Diagram 3 of this By-law;

- (G) Despite Regulations 40.10.40.70(2), the required minimum building setbacks are as shown in metres on Diagram 3 of this By-law;
- (H) Despite Clause 40.10.40.60 and (H) above, the following elements of a building or structure are permitted to encroach into the required building setbacks shown on Diagram 3 of By-law:
- (i) Eaves, windowsills, damper equipment to reduce building movement, satellite dishes, pergolas, guardrails, balustrades, railings, parapets, planters may extend a maximum of 1.0 metres beyond the heavy lines shown on **Diagram 3** of this By-law;
  - (ii) Balconies, balcony and terrace dividers, pillars, Architectural features, decorative/acoustic/wind mitigation doors and screens, light fixtures, awnings and canopies, trellises, stairs and stair enclosures, wheelchair ramps, fences, public art installations, art and landscape features, ventilation shafts and elements required for the functional operation of a building, site servicing features, window washing equipment may extend a maximum of 3.0 metres beyond the heavy lines shown on **Diagram 3** of this By-law;
- (I) Despite 40.10.40.70(2) the minimum required building setbacks are as shown on Diagram 4 of this By-law;
- (J) Despite 40.10.40.80 the minimum distance between main walls will be as shown on Diagram 3.
- (K) Despite 40.10.40.70.2(b) and (c) the minimum distance between main walls will be as shown on Diagram 3.
- (L) Despite Clause 200.5.10.1, **parking spaces** must be provided and maintained on the lands in accordance with the following:
- (i) a maximum of 105 **parking spaces** for the use of the residents of the building;
  - (ii) 0 **parking spaces** are required for residential visitors and non-residential parking; and,
  - (iii) the **parking spaces** may be in an **automated parking system**;
- (M) **parking spaces** must comply with the **parking space** dimensions in clause 200.5.1.10 with the exception that:
- (i) the minimum length of a **parking space** is 5.4 metres;
  - (ii) the minimum width of a **parking space** is 2.2 metres; and,
  - (iii) **parking spaces** provided in excess of the quantity required in subsection (N) above, or within an **automated parking system** will not be subject to clause 200.5.1.10.
- (N) Despite 200.15 and By-law 579-2017,

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- (i) accessible **parking spaces** must have the following minimum dimensions:
    - 1. length of 5.6 metre;
    - 2. width of 3.4 metres; and
    - 3. vertical clearance of 2.1 metres.
  - (ii) the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path;
  - (iii) despite 200.15.1.5 and 200.15.1(4), accessible **parking spaces** within an **automated parking system** may be located anywhere above or below ground; and,
  - (iv) accessible **parking spaces** within an **automated parking system** do not need to comply with the dimensional requirements in (P)(i) and (P(ii)
- (O) Despite 200.5.1.10(13), the access requirements to **parking spaces** does not apply to an **automated parking system**
- (P) Despite Article 220.5.10, one Type "G" **loading space** must be provided and maintained on the **lot**.

Prevailing By-laws and Prevailing Sections: By-law 438-86 does not apply.

- 5. For the purposes of interpreting By-law XXX-202X "**automated parking system**" means a mechanical system for the purpose of parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of cars on parking pallets. Automated manoeuvring of other vehicles may be required in order for cars to be parked or to be retrieved. Parking pallets and parking elevators will not conform to the parking space and accessible parking space dimensions set out in City of Toronto Zoning By-law 569-2013 and above in By-law XXX-202X. For clarity, parking pallets will be considered as a parking space or as an accessible parking space for the purpose of determining compliance with the requirements in City of Toronto Zoning By-law 569-2013 and relevant clauses above in By-law XXX-202X.
- 6. Despite any future severance, partition or division of the lot as shown on Diagram 1, the provisions of this By-law must apply as if no severance, partition or division occurred.

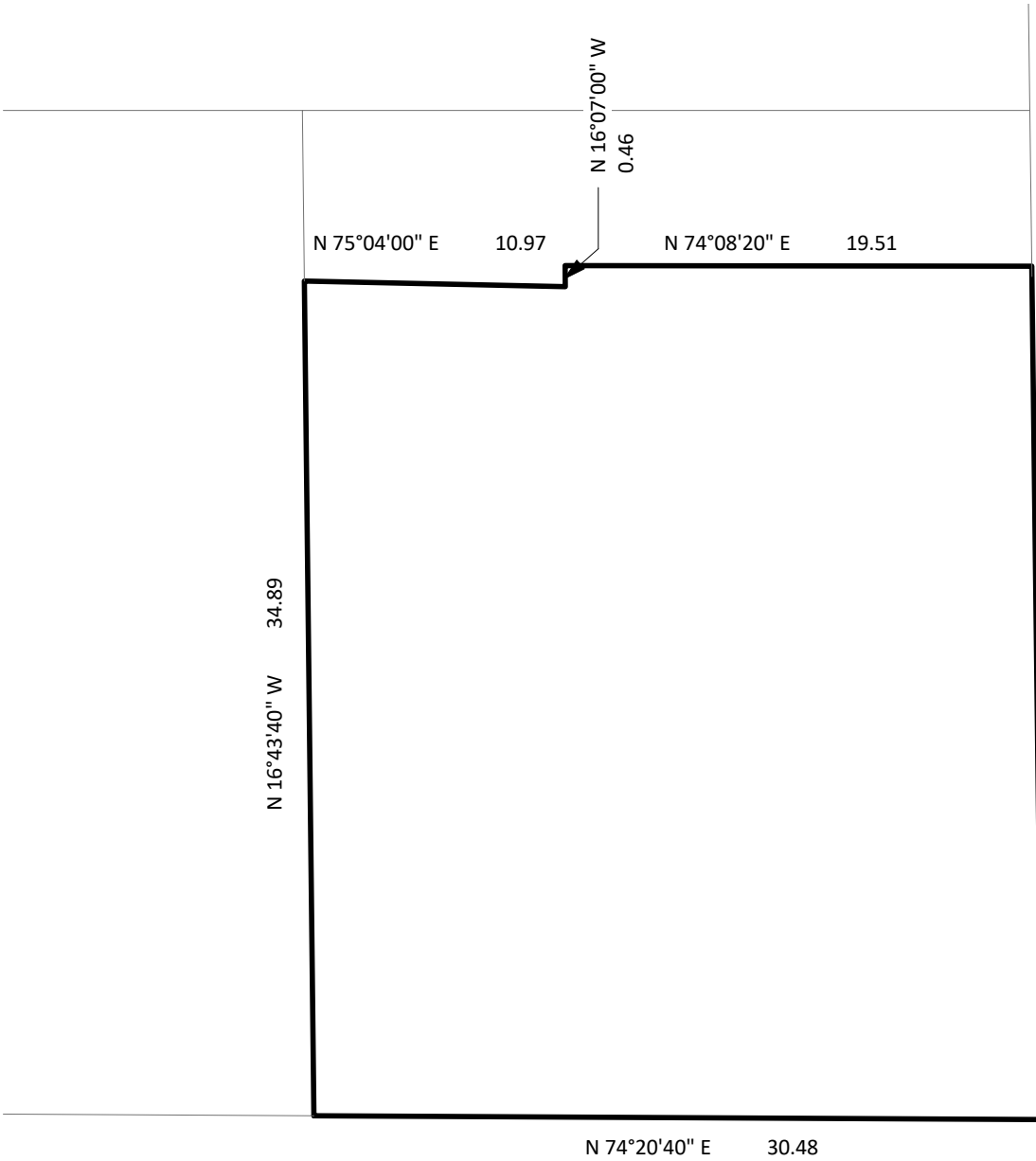
Enacted and passed on \_\_\_\_\_, 2021.

Frances Nunziata,  
Speaker

\_\_\_\_\_  
City Clerk

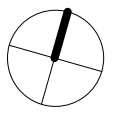
(Seal of the City)

**INSERT DIAGRAM 1 – LOCATION**



**YONGE STREET**

**BIRCH AVENUE**



**INSERT DIAGRAM 2 – ZONING**

*CR 3.0 (c2.0; r2.5)*  
*SS2 (xXXXX)*

*YONGE STREET*

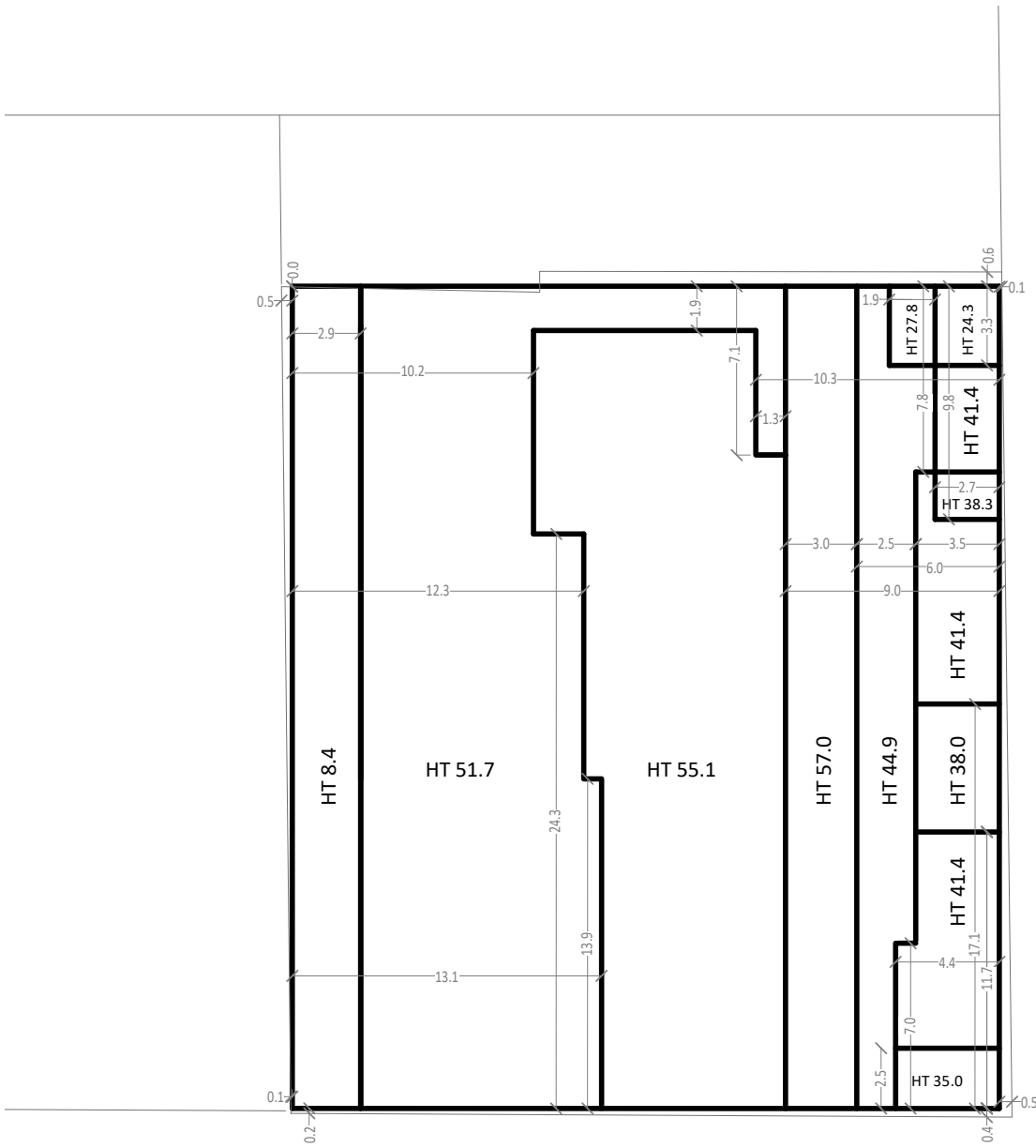
*BIRCH AVENUE*





**INSERT DIAGRAM 3 – HEIGHT/SETBACKS**

46374625.3  
46484976.1



**BIRCH AVENUE**

**YONGE STREET**

