

Authority: Toronto and East York Community Council
Item ●, adopted as amended, by City of Toronto Council on ●, 2022

CITY OF TORONTO

BY-LAW ####-2022

To amend Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 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*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; 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 438-86, as amended, of the former City of Toronto is further amended as follows:

1. The provisions of By-law 438-86, as amended, shall continue to apply to the lands outlined by heavy lines on Map 1 of this By-law, except as otherwise provided herein.
2. The provisions of this By-law shall apply to the lands outlined by heavy lines on Map 1 attached.
3. None of the provisions of Sections 2(1) with respect to the definition of *grade*, *height*, *residential amenity space* and *residential gross floor area*, and Sections 4(2), 4(4)(b), 4(6), 4(10), 4(11), 4(12), 4(13), 4(16), 6(1)(b), 6(3) Part I, 6(3) Part II, 6(3) Part IX 1.(b), 12(2) 118, 12(2) 119, 12(2) 193, 13: 113-70 and 22535 of Zoning By-law No. 438-86 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", as amended, shall apply to prevent the erection and use of *apartment buildings*, a *commercial parking garage*, or *accessory* structures on the *lot* and uses *accessory* thereto, provided that:
 - (a) The *lot* consists of the lands delineated by heavy lines on Map 1 attached to this By-law;
 - (b) Notwithstanding any provision of this By-law or By-law 438-86, as amended, to the contrary, any buildings, structures and uses, including *Building B* existing at the time of the passing of this By-law are permitted, subject to alterations and internal modifications subject to (e)(ii) below;

- (c) A *commercial parking garage* and a fitness club are permitted;
- (d) Despite any Regulation to the contrary, *Building B* as shown on Map 2, including portions below ground, existing on the *lot* at the time of the passing of this By-law are permitted;
- (e) The total *gross floor area* of all buildings and structures is limited to the following:
 - (i) The total *gross floor area* of *Building A* shall not exceed 31,000 square metres; and
 - (ii) The total *gross floor area* of *Building B* is as existing at the time of the passing of this By-law, plus any alterations and internal modifications thereto, up to a combined maximum *gross floor area* of 300 square metres;
- (f) The calculation of *gross floor area* does not include the areas occupied by any non-structural architectural grid-system or ornamental features that are attached to and project from the main wall of a building, or any areas that are partially enclosed by such;
- (g) No part of a building or structure shall exceed the *height* limits in metres, inclusive of mechanical penthouse, as specified by the numbers following the symbol "HT" as shown on the attached Map 2, with the exception of the following:
 - (i) Structures, elements and enclosures permitted by (i) below;
 - (ii) Parapets, structures used for maintenance, safety, noise or wind protection purposes, elements of a green roof, window washing equipment and chimneys, vents, stacks and their associated enclosures, landscape features, trellises, light fixtures, stairs and stair enclosures, awnings, canopies, elevator enclosures and related structural elements, elevator overrun, heating, cooling or ventilating equipment, architectural and privacy screens, roof ladder, emergency generators, mechanical equipment and their exhaust, and airwell, may exceed the maximum **building** height by a maximum of 7.5 metres; and
 - (iii) Structures on any roof used for outdoor *amenity space* or open air recreation may exceed the permitted maximum building *height* by a maximum of 3.0 metres;
- (h) The permitted maximum *height* of the *Building B* is the height of such building as it existed on the *lot* at the time of the passing of this By-law;

- (i) No portion of any building or structure above finished ground level is located other than wholly within the areas delineated by heavy lines on Map 2 attached to this By-law, with the exception of the following:
 - (i) Lighting fixtures, railings, cornices, sills, eaves, canopies, awnings, privacy screens, planters, stairs, enclosed stairs, ramps to underground parking areas and associated structures, bollards, safety railings, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities, ornamental or architectural features, landscape features;
 - (ii) balconies to maximum horizontal projection of 2.0 metres;
 - (iii) Architectural or ornamental features/panels, and cladding, all of which may project up to a maximum of 0.5 metres beyond the main walls of *Building A*; and
 - (iv) Structures, elements and enclosures permitted by regulation (g) above;
- (j) Non-structural architectural grid-system, architectural or ornamental features/panels, and cladding permitted by (i)(iii) above, including the areas that may be fully or partly enclosed by such features, are not main walls;
- (k) A minimum of 3.0 square metres of *residential amenity space* shall be provided for each *dwelling unit* in *Building A* in accordance with the following:
 - (i) A minimum of 1.5 square metres of indoor *residential amenity space* per *dwelling unit* must be provided within *Building A* in a multi-purpose room or rooms, whether or not such rooms are contiguous and one of which must contain a kitchen and a washroom;
 - (ii) a minimum of 40 square metres of outdoor *residential amenity space* must be provided in a location directly accessible from an area containing indoor *residential amenity space* within *Building A*; and
 - (iii) Pet friendly amenities and bicycle/stroller wash rooms are included in the calculation of *residential amenity space*.
- (l) *Parking spaces* shall be provided and maintained on the *lot* for *Building A* and the *Existing Buildings* as follows:
 - (i) A minimum of 0.2 *parking spaces* per *dwelling unit* shall be provided for residents;
 - (ii) A minimum of 2 *parking spaces* plus 0.01 *parking spaces* per *dwelling unit* shall be provided for visitors;
 - (iii) No *parking spaces* are required for non-residential uses; and

- (iv) *Parking spaces* required in accordance with (ii) above may be provided on a non-exclusive basis within a **public parking** facility on the **lot**;
- (m) Any *parking spaces*, drive aisles, driveways and ramps existing as of the date of the passing of this By-law are permitted and are deemed to comply, and may be used for the purpose of determining compliance with (l) above;
- (n) If the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
- (o) *Bicycle parking space* requirements for *Building A* are as follows:
 - (i) A minimum of 0.9 *bicycle parking spaces – occupant per dwelling unit*;
 - (ii) A minimum of 0.1 *bicycle parking spaces – visitor per dwelling unit*; and
 - (iii) A *bicycle parking space* existing on the *lot* as of the date of the passing of this By-law, is deemed to comply with the requirements of By-law 438-86, as amended, and may be used to determine compliance with (i) and (ii) above;
- (p) The *bicycle parking spaces - occupant* required by ((o) above may be provided in the form of *stacked bicycle parking spaces*;
- (q) One *loading space – type G* shall be provided and maintained on the *lot* for *Building A*;
- (r) Any *loading spaces* on the *lot* serving *Building B*, existing as of the date of the passing of this By-law, that has dimensions that are lesser than the minimum required, such *loading space* is permitted and are deemed to comply;
- (s) Any driveway or passageway providing access to a *loading space*, as existing at the time of the passing of this By-law are deemed to comply;
- (t) *Building B* may be occupied by residents during construction of *Building A* without the provision of required *parking spaces, loading spaces, bicycle parking spaces and landscaped open space*;
- (u) None of the provisions of this By-law as amended, or By-law 438-86, as amended, apply to prevent a temporary sales office on the *lot*, which means a building, structure, facility, trailer or portion thereof used exclusively for the purpose of the initial sale, lease or rental of *dwelling units* in *Building A*;

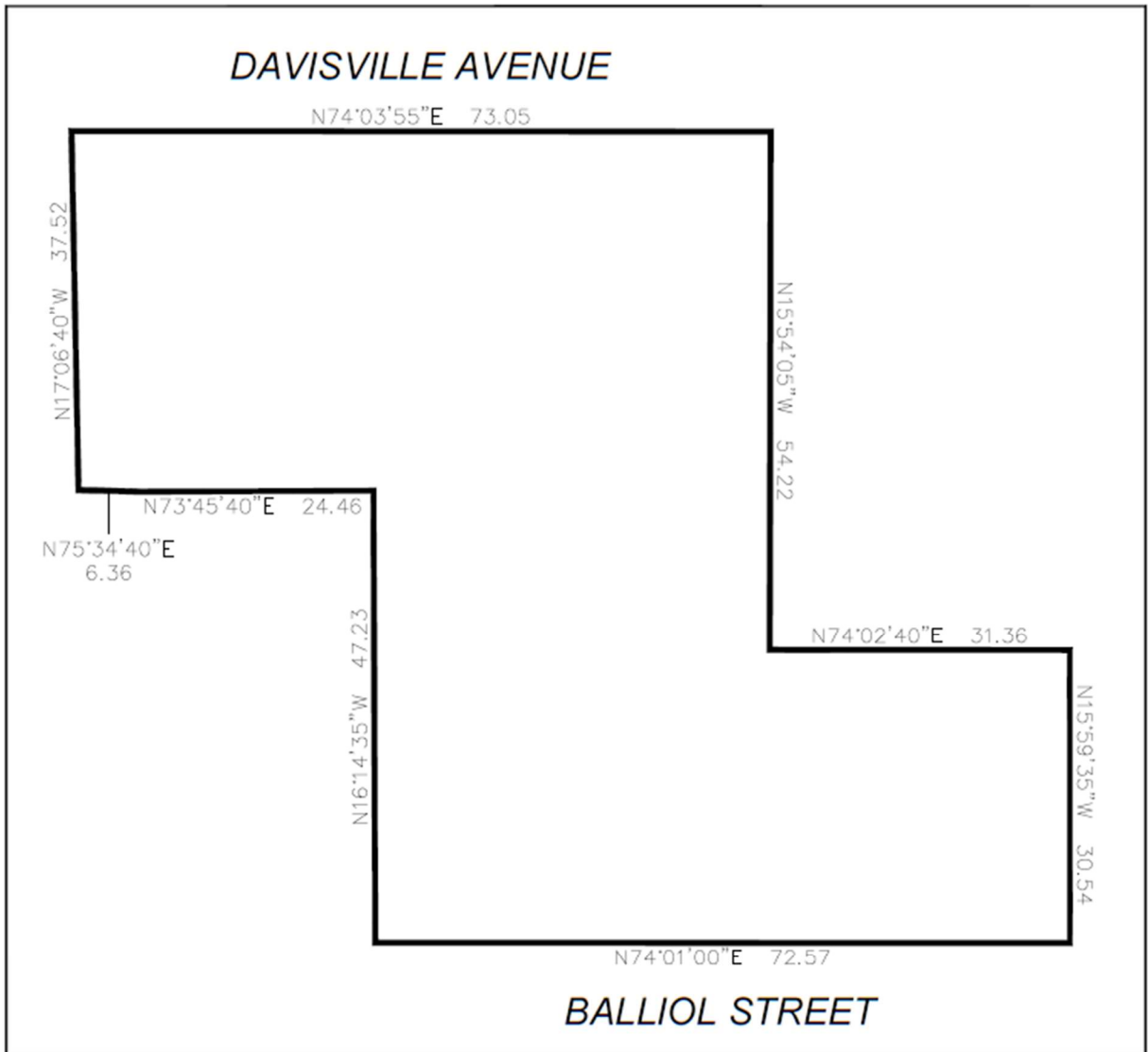
- (v) For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw No. 438-86, as amended, with the exception of the following:
- (i) “*Building A*” means the buildings or portions of a building on the *lot* shown as *Building A* on Map 2;
 - (ii) “*Building B*” means the existing *apartment building* municipally known as 33 Davisville Avenue as shown on Map 2, and *accessory structures*, including an underground *parking garage* and enclosed garage entry ramp as located on the *lot* at the time of the passing of this By-law;
 - (iii) “*grade*” means the Canadian Geodetic Datum of 154.5 metres;
 - (iv) “*height*” means the vertical distance between *grade* and the highest point of the building or structure, except for those elements prescribed in this By-law;
 - (v) “*lot*” means the lands outlined by heavy lines on Map 1 of this By-law;
 - (vi) “*residential amenity space*” means an indoor or outdoor space on a *lot* that is communal and available for use by the occupants of a building on the *lot* for recreational or social activities and may also be available for use by guests and visitors to a building;
 - (vii) “*gross floor area*” means the sum of the total area of each floor level of a building or structure, above and below the ground, measured from the exterior of the main wall of each floor level, and reduced by the area in the building used for:
 - a) parking, loading and bicycle parking below *grade*;
 - b) required loading spaces and required *bicycle parking spaces* at or above *grade*;
 - c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the *basement*;
 - d) shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - e) indoor *residential amenity space* required by this By-law;
 - f) elevator shafts;
 - g) garbage shafts;
 - h) mechanical penthouse; and

- i) exit stairwells in the building;
 - (viii) “*stacked bicycle parking spaces*” 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*, with a minimum vertical dimension of 1.2 metres;
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

Enacted and passed on ●, 2022.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk



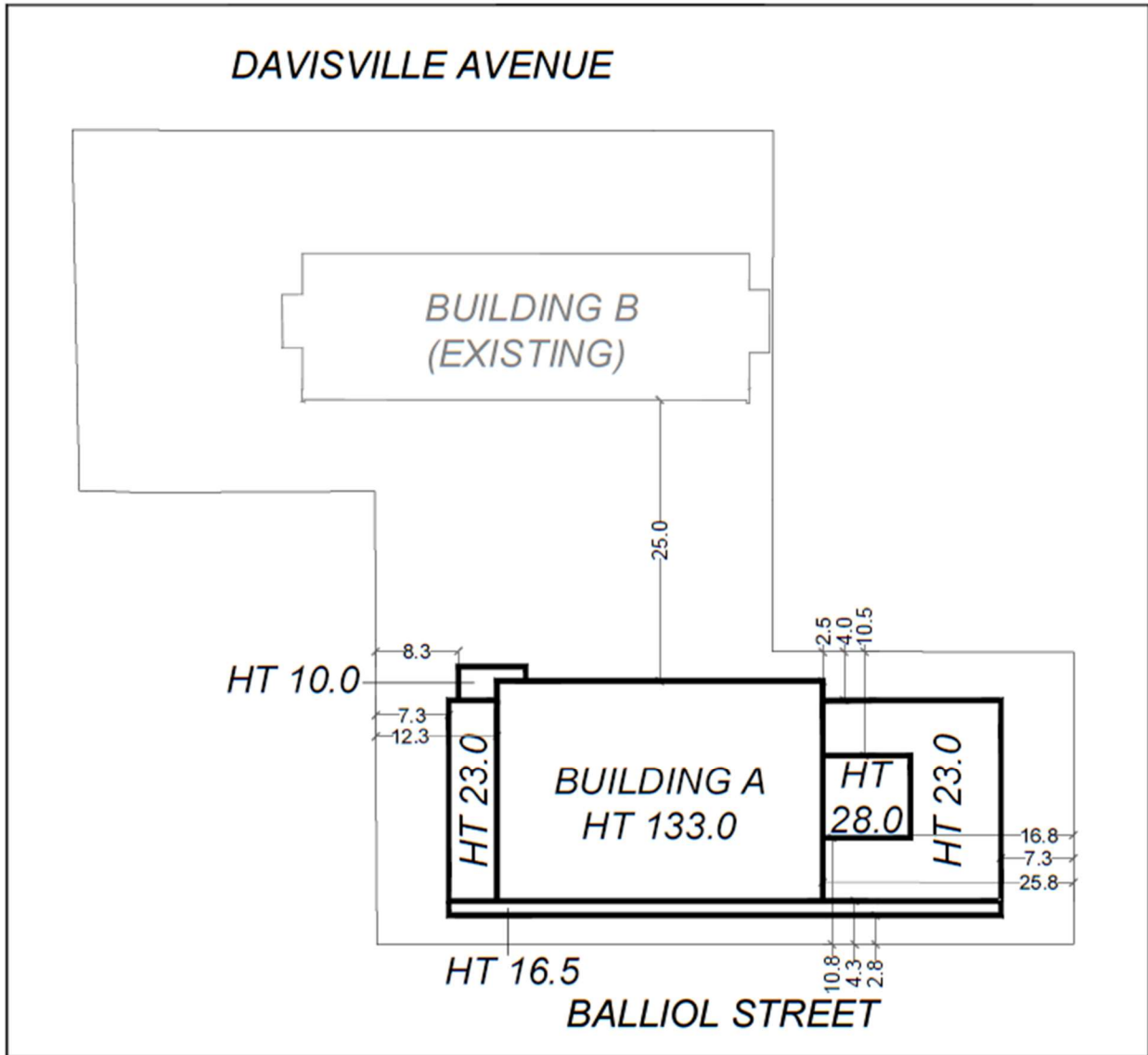
33 Davisville Avenue and 60 Balliol Street, Toronto

Map 1

File #22 _____



Not to Scale



33 Davisville Avenue and 60 Balliol Street, Toronto

Map 2

File #22_____



Not to Scale