

Authority: Toronto and East York Community Council  
Item ●, adopted as amended, by City of Toronto Council on ●, 2023

## CITY OF TORONTO

### BY-LAW ####-2023

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 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 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 990.2.10 respecting the lands outlined in heavy black lines from a zone label of R (d.06)(x913) and R (d0.35)(x216) to R (d0.6)(x ###), 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 ### so that it reads:

#### **(###) Exception R ###**

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 2022 as 33 Davisville Avenue and 60 Balliol Street as shown on Diagram 1 to By-law ####-2023 [**Clerks to insert number**], if the requirements of By-law ####-2023 [**Clerks to provide number**] are complied with, an **apartment building** or **structure**, and **public parking** facility may be erected and used in compliance with (B) to (MM) below;

- (B) The **lot** consists of the lands delineated by heavy lines on Diagram 1 attached to By-law #####-2023 [**Clerks to provide number**];
- (C) The **buildings** and **structures** permitted on the **lot** include "Building A" and "Building B" as shown on Diagram 3 to By-law #####-2023 (**Clerks to provide number**) as follows:
- i. for the purpose of this Regulation, "Building A" means an addition to Building B on the **lot**, and as shown on Diagram 3, including **ancillary structures** and portions below ground; and
  - ii. for the purpose of this Regulation, "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 2022, and subject to alterations and internal modifications permitted by [\(M\)\(ii\)](#) below;
- (D) In addition to the permitted uses 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** facility;
  - ii. Office in Building B;
  - iii. **Massage therapy** in Building B; and
  - iv. **Recreation use** in Building B;

#### **ACCESS TO LOT**

- (E) Despite Regulation 10.5.100.1(4),
- i. any **driveway** on the **lot**, existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], are deemed to comply with the requirements of By-law 569-2013, as amended; and
  - ii. a **driveway** may have a maximum total width of 7.5 metres;
- (F) Regulation 10.5.100.1(5) with respect to driveway access to **apartment buildings** does not apply;

#### **PRINCIPAL BUILDING REQUIREMENTS**

- (G) Regulation 10.10.40.1(5) with respect to **building** orientation to a **street** does not apply;
- (H) Regulation 10.10.40.30(1) with respect to **building depth** does not apply;

## HEIGHT

- (I) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** 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**;
- (J) For the purpose of this Exception, none of the following **building** elements are considered a **storey**:
- i. a partial level of a **building** located between the Canadian Geodetic Datum elevation of 154.5 metres and 161.5 metres; and
  - ii. a mechanical penthouse;
- (K) Despite Regulations 10.5.40.10(3) and (4), and 10.10.40.10(1), (7), (9), and (10), the permitted maximum **building** height of Building A as shown on Diagram 3 attached to By-law #####-2023 [Clerks to provide number], inclusive of mechanical penthouse, is the numerical value in metres following the HT symbol, with the exception of the following permitted projections:
- i. light fixtures;
  - ii. awnings, canopies, eaves, parapets, **structures** used for maintenance, safety, or noise, window washing equipment, stacks and their associated enclosures, airwell, water supply facilities, roof ladder, emergency generators, stairs, enclosed stairwells, guards, guardrails, roof access, maintenance equipment storage, electrical, utility, mechanical equipment and their exhaust, ventilation, landscape and public art features, planters, trellises, privacy screens, railings, retaining walls, ramps, underground garage ramps and their associated **structures**, bicycle parking facilities, bollards, **structures** used for safety or wind protection, elevator machine room and overruns, elevator shafts and structures that enclose, screen or cover such elements, chimneys, pipes, and vents, may project up to a maximum of 6.5 metres; and
  - iii. **structures** on any roof used for outside or open air recreation, including **amenity space**, and for maintenance, safety, wind protection or **green roof** purposes, and vestibules providing access to outdoor **amenity spaces** may project up to a maximum of 4.5 metres;
- (L) The permitted maximum height of Building B, as shown on Diagram 3 of By law #####-2023 [**Clerks to provide number**], is 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 #####-2023 [**Clerks to provide number**], and subject to permitted projections for the functional operation of a **building** as set out in Regulation 10.5.40.10(3); [**NTD to City: we do not have the approved drawings, and suggest to permit the building as it currently exists. No addition to height to the existing building is proposed.**]

## FLOOR AREA

- (M) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is as follows:
- i. The total **gross floor area** of Building A, as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**], must not exceed 31,000 square metres; and
  - ii. The **gross floor area** of Building B shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**] must not exceed the **gross floor area** existing therein at the time of the passing of By-law #####-2023 [**Clerks to provide number**], plus any alterations and internal modifications thereto, up to a combined maximum **gross floor area** of 300.0 square metres; [**NTD to City: We request some additional GFA to the existing building to permit potential future improvements to the existing building.**]
- (N) In addition to the elements which reduce **gross floor area** listed in Regulation 10.5.40.40.(4), and despite Regulations 10.5.40.40.(4)(C) and (E) and 970.30.15.10(1), the following areas also reduce the **gross floor area** of a **building**:
- i. 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 features; [**NTD to City: the projecting non-structural grid system or ornamental features will not be main walls, as defined in 569-2013. In the past, we've had the experience of the areas between such projecting architectural features interpreted as GFA, and we are trying to clarify that these areas are not main walls, to avoid future mis-interpretations. Similar language has been accepted by the City in other by-laws.**];
  - ii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
  - iii. indoor **amenity space**;
  - iv. 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;

## AMENITIES

- (O) 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 #####-2023 [**Clerks to provide number**], of which:
- i. a minimum of 1.5 square metres per **dwelling unit** is indoor **amenity space** in Building A; and

- 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 wash rooms are included in the calculation of **amenity space**;

### SETBACKS

- (P) 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 #####-2023 [**Clerks to provide number**];
- (Q) Despite Clauses 10.5.40.50, 10.5.40.60, and (P) above, 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. lighting fixtures, railings, eaves, privacy screens, planters, stairs, enclosed stairwells, ramps to underground parking areas and associated structures, bollards, safety railings, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities, **structures** used for safety or wind protection purposes, window washing equipment, and landscape and public art features;
  - ii. canopies, awnings, and balconies to a maximum horizontal projection of 2.0 metres; and
  - iii. architectural or ornamental features/panels, cladding, sills, cornices, all of which may project up to a maximum of 0.5 metres beyond the **main walls** of Building A as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**];
- (R) Non-structural architectural grid system, architectural or ornamental features or panels, and cladding permitted by (Q)(iii) above, including the areas that may be fully or partly enclosed by such features, are not **main walls**;

### YARDS

- (S) Regulations 10.5.50.10(4) and (5), with respect to landscaping and soft landscaping do not apply;

### PARKING

- (T) **Parking spaces** for residents and visitors may be provided for the residents and visitors of Building A and Building B as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**] within a **public parking** facility on the **lot**;
- (U) Despite Regulation 200.5.1(2), **parking spaces** for residents and visitors of Building B may be provided:

- i. within a **public parking** facility on the **lot**; and
  - ii. on lands municipally known in the year 2022 as 111 Davisville Avenue;
- (V) Despite Regulation 200.5.1(3), any **drive aisles** on the **lot**, existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], are deemed to comply with the requirements of By-law 569-2013, as amended;
- (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)(E), equipment for the charging of one electric **vehicle** is permitted within a **parking space**, subject to the equipment being located in the same **parking space** as the **vehicle** to be charged and:
- i. being within 0.5 metres of two adjoining sides of the parking space which are not adjacent and parallel to a drive aisle from which vehicle access is provided, measured at right angles; or
  - ii. being at least 5.1 metres from a drive aisle from which vehicle access is provided, measured at right angles, and at least 1.0 metre from the ground
- (Y) Despite Regulations 200.5.1.10(2), (3), (12), (13), (14), 200.5.200.5(2) and [\(DD\)](#) below, any **vehicle** access to a **building**, a **parking space** and an accessible **parking space** on the **lot**, existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], that has dimensions that are lesser than the minimum required or greater than the maximum permitted, and which may not be equipped with an energized outlet, is deemed to comply with the requirements of By-law 569-2013, as amended, and such **parking space** may satisfy the requirements of Regulation 200.15.10.1(1), and Clauses 200.15.10.5 and 200.15.10.10;
- (Z) 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**;
- (AA) Regulation 200.5.10.11(1)(C) as it relates to **parking space** requirements for a **lawfully existing building** does not apply;
- (BB) Car share **parking spaces** are permitted;
- (CC) For the purpose of this Exception,
- i. “Car share” or “car sharing” means the practice where a number of people share the use of one of more motor **vehicles** that are owned by a profit or non-profit “car-sharing” organization and where such organization may require that use of motor **vehicles** 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;

- ii. “Car share **parking space**” means a **parking space** exclusively reserved and signed for a motor **vehicle** used only for “car-share” purposes;
- (DD) Despite Regulations 200.15.1 (1), (3) and (4), 200.15.15.4 (1) and (2), accessible **parking spaces** must comply with the following provisions: **[NTD to City: it is not clear what type of transition Regulation 200.15.15.4 addresses, so we’ve included it here for now.]**
- i. an accessible **parking space** must have the following dimensions:
    - (a) Length of 5.6 metres;
    - (b) Width of 3.4 metres; and
    - (c) Vertical clearance of 2.1 metres;
  - 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**;

#### **LOADING**

- (EE) Despite Regulations 220.5.10.1(1) and (2), and 220.5.10.11(3), 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, as shown on Diagram 3 of By-law #####-2023 **[Clerks to provide number]**;
- (FF) Despite any provision of this Exception or By-law 569-2013, as amended, **parking spaces, drive aisles, driveways** and ramps existing as of the date of the passing of By-law #####-2023 **[Clerks to provide number]**, may be maintained, and are deemed to comply with the requirements of By-law 569-2013, as amended;

#### **BICYCLE PARKING**

- (GG) Despite Regulation 230.5.1.10(9), a required “long-term” **bicycle parking space** for a **dwelling unit** in an **apartment building** may be located:
- i. on the first **storey** of the **building**;
  - ii. on the partial level located between the first **storey** and the second **storey** of the **building**;
  - iii. on the second **storey** of the **building**; and
  - iv. on levels of the **building** below-ground;
- (HH) Despite Regulations 230.5.1.10(10) and 230.5.10.1(5), **bicycle parking spaces** must be provided and maintained on the **lot** for **dwelling units** in Building A as

shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**] in accordance with the following:

- i. A minimum of 0.9 “long-term” **bicycle parking spaces** per **dwelling unit** in Building A; and
  - ii. A minimum of 0.1 “short-term” **bicycle parking spaces** per **dwelling unit** in Building A;
  - iii. A “short-term” and “long-term” **bicycle parking space** on the **lot** may be located in a stacked **bicycle parking space**; and
  - iv. A **bicycle parking space** existing on the **lot** as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], is deemed to comply with the requirements of By-law 569-2013, as amended;
- (II) Despite Clause 230.5.1.10 and Regulation 230.5.10.1(5), a **bicycle parking space** existing on the **lot** as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], is deemed to comply with the requirements of By-law 569-2013, as amended;
- (JJ) 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;
- (KK) Regulation 230.5.10.20(1) as it relates to payment-in-lieu of bicycle parking does not apply;
- (LL) Section 600.30 with respect to inclusionary zoning does not apply;
- (MM) Despite any Regulation of this Exception and of By-law 569-2013, as amended, Building B shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**] may be occupied by residents during construction of Building A without the provision of required **parking spaces, loading spaces, bicycle parking spaces and landscaping**;

Prevailing By-laws and Prevailing Sections: (None Apply) [**NTD to City: we request that none of the currently listed site specific exceptions of x913 and x216 prevail.**]

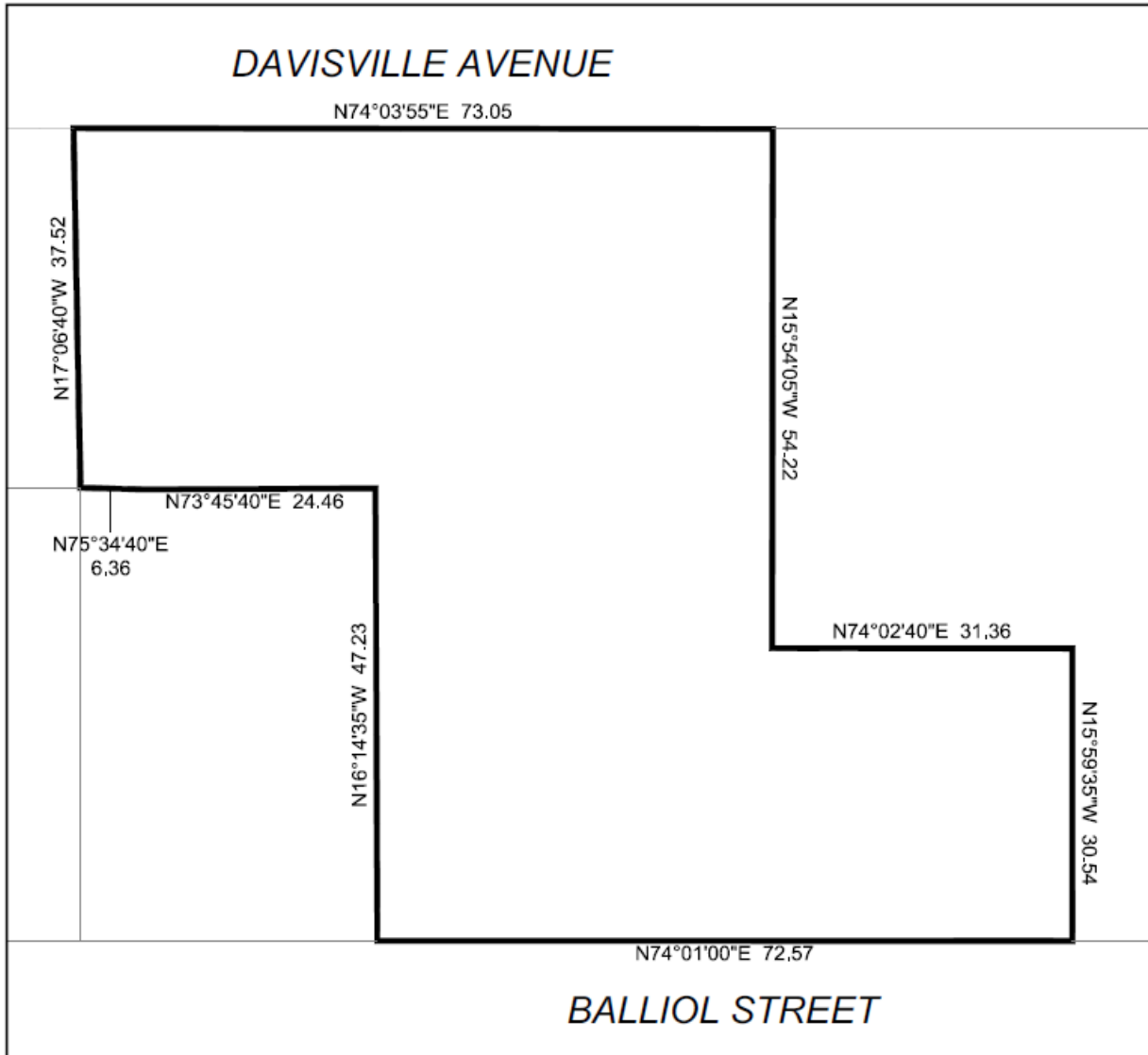
5. Despite any existing or future severance, partition or division of the **lot** shown on Diagram 1 of By-law #####-2023 [**Clerks to provide number**] the provisions of this By-law and By-law 569-2013, as amended, shall apply to the whole of the **lot** as if no severance, partition or division had 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 used exclusively for the purpose of marketing, sale, lease or rental of **dwelling units** in Building A as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**].



Enacted and passed on ●, 2023.

Frances Nunziata,  
Speaker  
(Seal of the City)

John D. Elvidge,  
City Clerk



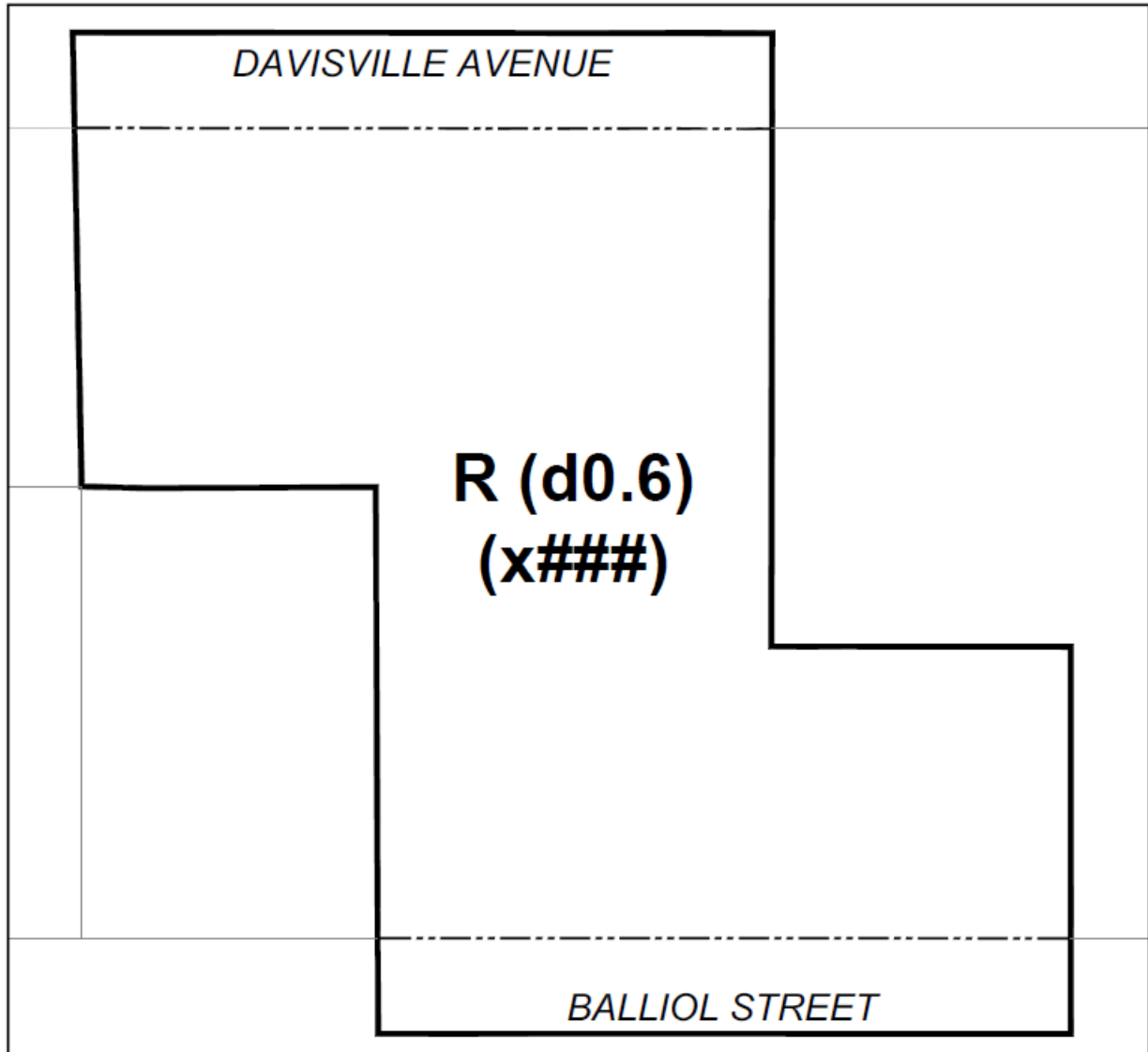
**33 Davisville Avenue and 60 Balliol Street**

**Diagram 1**

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Not to Scale



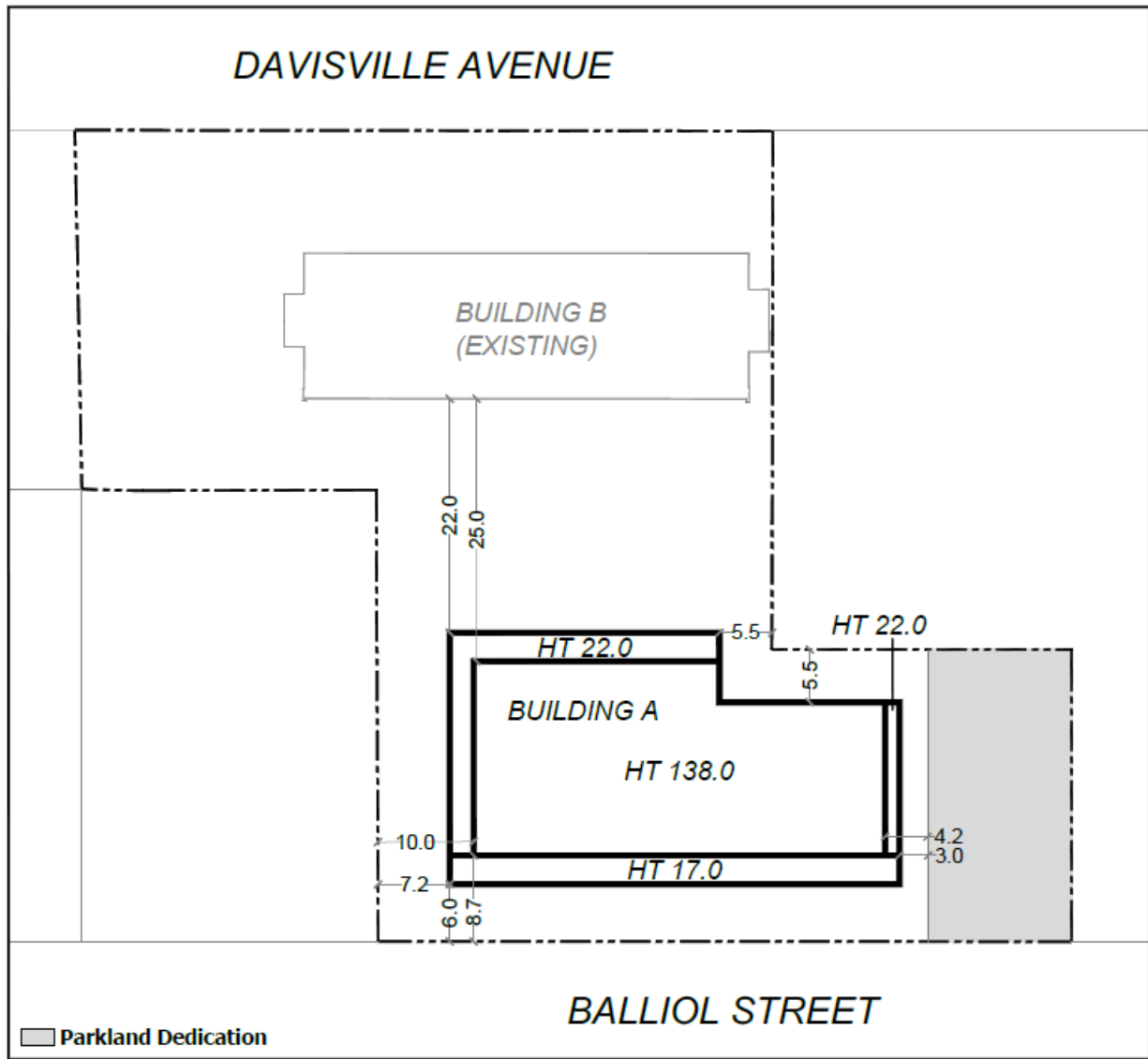
33 Davisville Avenue and 60 Balliol Street

Diagram 2

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Not to Scale



  
**Diagram 3**

**33 Davisville Avenue and 60 Balliol Street**

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