

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 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 111 and 141 Davisville Avenue.

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 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;

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

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 adding the zone label on the Zoning By-law Map in Section 990.2.10 respecting the lands outlined in heavy black lines to R (d.06) (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 2021 as 111 and 141 Davisville Avenue as shown on Diagram 1 to By-law #####-2022 **[Clerks to insert number]**, if the requirements of By-law #####-2022 **[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 (JJ) below;

- (B) The **lot** consists of the lands delineated by heavy lines on Diagram 1 attached to By-law #####-2022 [**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 #####-2022 (**Clerks to provide number**) as follows:
- i. for the purpose of this Regulation, "Building A" means an addition to Building B on the **lot** as shown on Diagram 3, including **ancillary structures** and portions below ground;
 - ii. for the purpose of this Regulation, "Building B" means the existing **apartment building** municipally known as 141 Davisville Avenue as shown on Diagram 3, as well as uses, **ancillary structures**, including an underground parking garage and enclosed garage entry ramp, located on the **lot** in the year 2021, and subject to alterations and internal modifications permitted by (L)(ii) below; and
- (D) Despite any Regulation to the contrary, Building B as shown on Diagram 3, including uses, and portions below ground, existing on the **lot** at the time of the passing of By-law #####-2022 [**Clerks to provide number**] are permitted;
- (E) In addition to the permitted uses in Clause 10.10.20.10 and despite all of Regulation 10.10.20.100(12) the following non-residential uses are permitted in an **apartment building** on the **lot**:
- i. A **public parking** facility;

ACCESS TO LOT

- (F) Despite 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) For the purpose of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 154.0 metres;
- (J) With respect to Building A as shown on Diagram 3 attached to By-law #####-2022 [**Clerks to provide number**], and despite Clauses 10.5.40.10 and 10.10.40.10, the permitted maximum **building** height above the level of the finished ground, as measured between **established grade** to the highest point of the **building**, is the numerical value in metres following the HT symbol, with the exception of the following permitted projections:

- i. **Structures**, elements and enclosures permitted by regulation (P) 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, roof ladder, emergency generators, mechanical equipment and their exhaust, and airwell, may exceed the maximum **building** height by a maximum of 6.5 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;
- (K) The permitted maximum height of Building B as shown on Diagram 3 of By law #####-2022 [**Clerks to provide number**] is the height of such **building** as it existed on the **lot** at the time of the passing of By-law #####-2022 [**Clerks to provide number**], subject to permitted projections for the functional operation of a **building** as set out in Regulation 10.5.40.10(3);

FLOOR AREA

- (L) 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 #####-2022 [**Clerks to provide number**], must not exceed 25,000 square metres; and
 - ii. The **gross floor area** of Building B shown on Diagram 3 of By-law #####-2022 [**Clerks to provide number**] must not exceed the **gross floor area** existing therein at the time of the passing of By-law #####-2022 [**Clerks to provide number**], plus any alterations and internal modifications thereto, up to a combined maximum **gross floor area** of 300.0 square metres;
- (M) 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 features;

AMENITIES

- (N) 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 #####-2022 [**Clerks to provide number**], of which:
- i. a minimum of 1.5 square metres per **dwelling unit** must be provided as indoor **amenity space** in Building A;
 - ii. a minimum of 40 square metres is outdoor **amenity space** in a location adjoining or is 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

- (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 is shown on Diagram 3 of By-law #####-2022 [**Clerks to provide number**];
- (P) Despite Regulations 5.10.40.70(1) and Clauses 10.5.40.50, 10.5.40.60, and 0 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, 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 the Building A as shown on Diagram 3 of By-law #####-2022 [**Clerks to provide number**]; and
 - iv. **Structures**, elements and enclosures permitted by regulation (J) above;
- (Q) Non-structural architectural grid system, architectural or ornamental features or panels, and cladding permitted by (P)(iii) above, including the areas that may be fully or partly enclosed by such features, are not **main walls**;

YARDS

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

PARKING

- (S) Despite Regulations 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided for the **building** on the **lot** in accordance with the following:
 - i. A minimum of 0.2 **parking spaces** per **dwelling unit** for residents; and
 - ii. A minimum of 2 **parking spaces** plus 0.1 **parking spaces** per **dwelling unit** for visitors; and
 - iii. **Parking spaces** required in accordance with (ii) above may be provided on a non-exclusive basis within a **public parking** facility on the **lot**;

- (T) Despite Regulation 200.5.1(3), any **drive aisles** on the **lot**, existing as of the date of the passing of By-law #####-2022 [**Clerks to provide number**], are deemed to comply;
- (U) Despite Regulation 200.5.1.10(12), any **vehicle** access to a **building** on the **lot** existing as of the date of the passing of By-law #####-2022 [**Clerks to provide number**], is deemed to comply;
- (V) Despite Regulations 200.15.1 (1), (3) and (4) accessible **parking spaces** must comply with the following provisions:
- 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; 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**;
- (W) For the purpose of this Exception, the rate for calculating effective **parking spaces** is:
- i. 0.8 for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres; and
 - ii. 0.9 for each one bedroom **dwelling unit**; and
 - iii. 1.0 for each two bedroom **dwelling unit**; and
 - iv. 1.2 for each three or more bedroom **dwelling unit**;
- (X) Despite Regulation 200.15.10(1), accessible **parking spaces** must be provided for Building A, as follows:
- i. A minimum 5 accessible **parking spaces** plus 1 accessible **parking space** for every 50 effective **parking spaces** or part thereof in excess of 100 **parking spaces**;
- (Y) Despite Regulations 200.5.1.10(2) and (3), and (S) and (X) above, a **parking space** and an accessible **parking space** on the **lot**, existing as of the date of the passing of By-law #####-2022 [**Clerks to provide number**], that has dimensions that are lesser than the minimum required or greater than the maximum permitted dimensions is permitted and such **parking space** may satisfy the requirements of Regulations (S) and (X) above;

LOADING

- (Z) Despite Regulation 220.5.10.1(1), a minimum of one Type "G" **loading space** must be provided in Building A as shown on Diagram 3 of By-law #####-2022 **[Clerks to provide number]**;
- (AA) Despite Regulation 220.5.20.1(1)(A)(ii) a **driveway** to a **loading space** must have a minimum width along its entire length of 5.0 metres for a two-way **driveway**;
- (BB) 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 #####-2022 **[Clerks to provide number]**, may be maintained, are deemed to comply with the provisions of By-law 569-2013, as amended, and may be used for the purpose of determining compliance with (S), (V), (X) and (Z) above;
- (CC) Despite Regulation 220.5.1.10(8), the **loading space** on the **lot** serving Building B, existing as of the date of the passing of By-law #####-2022 **[Clerks to provide number]**, that has dimensions that are lesser than the minimum required, such **loading space** is permitted and such **loading space** may satisfy the requirements of Regulations 220.5.1.10(6), and 220.5.10.1(1) and (2);
- (DD) Despite Regulations 220.5.20.1(1), (2) and (3), any **loading space** access and **driveway** access thereto on the **lot** as shown on Diagram 1 of #####-2022 **[Clerks to provide number]**, as existing at the time of the passing of By-law #####-2022 **[Clerks to provide number]** are deemed to comply;

BICYCLE PARKING

- (EE) Despite Regulations 230.5.1.10(7) and (10), 230.5.10.1(1) and Table 230.5.10.1(1), and 230.5.10.1(5), **bicycle parking spaces** must be provided and maintained on the **lot** for **dwelling units** in Building Addition as shown on Diagram 3 of By-law #####-2022 **[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 Addition; and
 - ii. A minimum of 0.1 "short-term" **bicycle parking spaces** per **dwelling unit** in Building A;
 - iii. A 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 #####-2022 **[Clerks to provide number]**, is deemed to comply with the requirements of By-law 569-2013, as amended, and may be used to determine compliance with (i) and (ii) above;
- (FF) Despite Regulation 230.5.1.10(9), a required "long-term" **bicycle parking space** for a **dwelling unit** may be located:
 - i. On the first **storey** of the **building**;

- ii. On the second **storey** of the **building**;
 - iii. On levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments, until all required **bicycle parking spaces** have been provided;
- (GG) Regulation 230.10.1.20 with respect to the location of “short-term” **bicycle parking spaces** relative to a **building** entrance does not apply;
- (HH) Despite any Regulation of this Exception and of By-law 569-2013, as amended, Building B shown on Diagram 3 of By-law #####-2022 [**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**;
- (II) Section 600.30 with respect to inclusionary zoning does not apply;
- (JJ) None of the provisions of this Exception as amended, or By-law 569-2013, 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 as shown on Diagram 3 of By-law #####-2022 [**Clerks to provide number**].

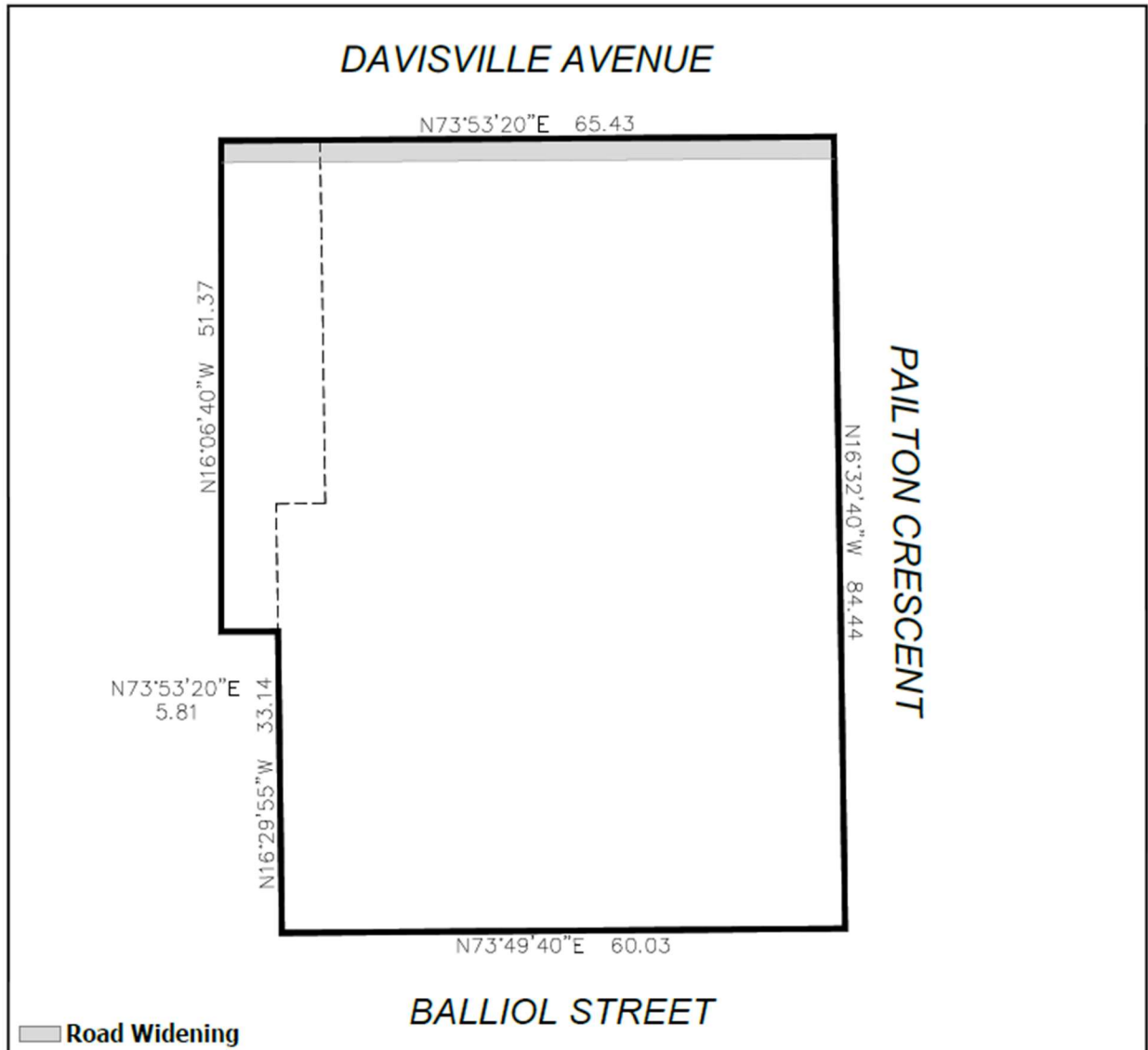
Prevailing By-laws and Prevailing Sections: (none)

5. Despite any existing or future severance, partition or division of the **lot** shown on Diagram 1 of By-law #####-2022 [**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.

Enacted and passed on ●, 2022.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk



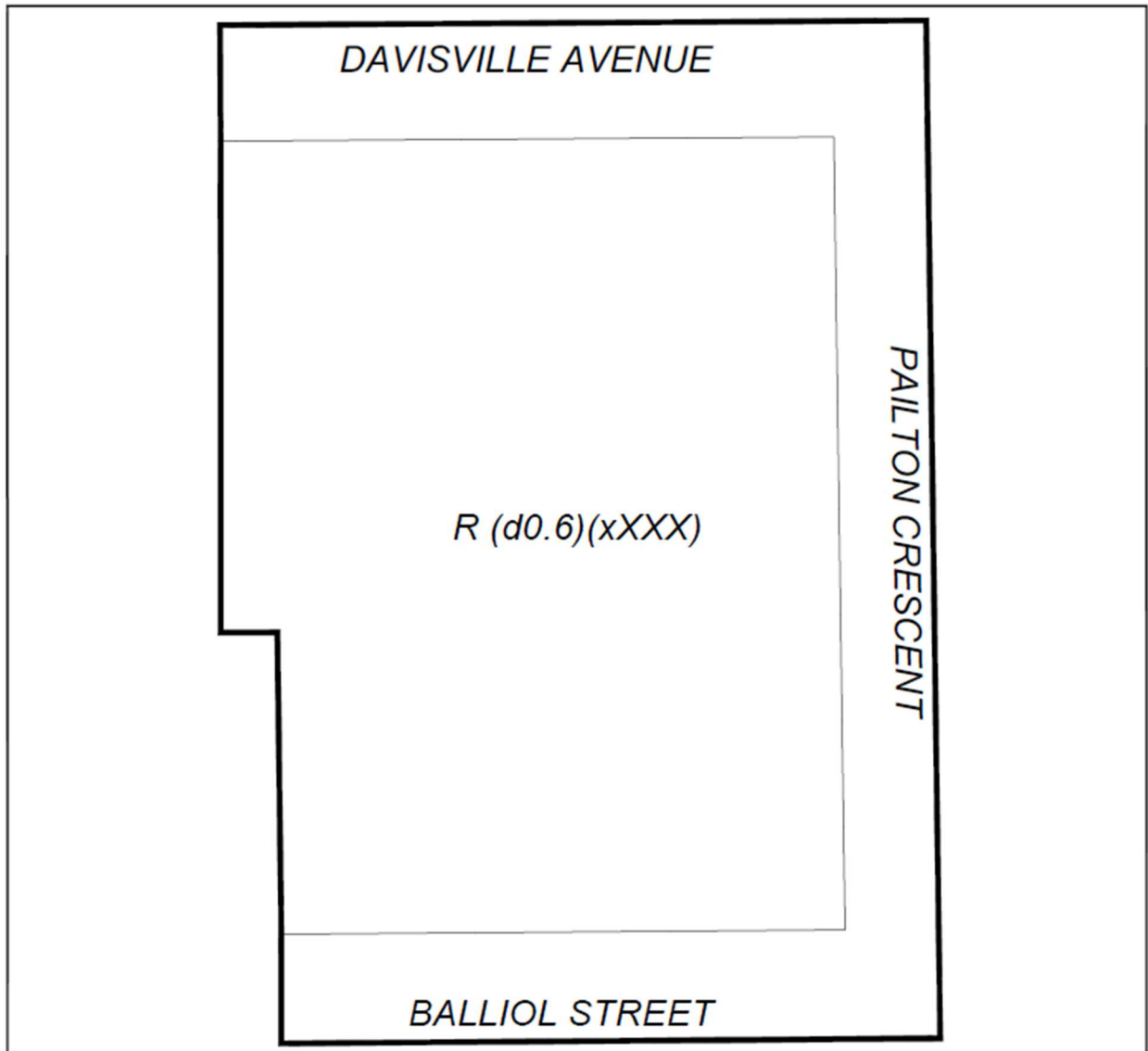
111-141 Davisville Avenue, Toronto

Diagram 1

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Not to Scale



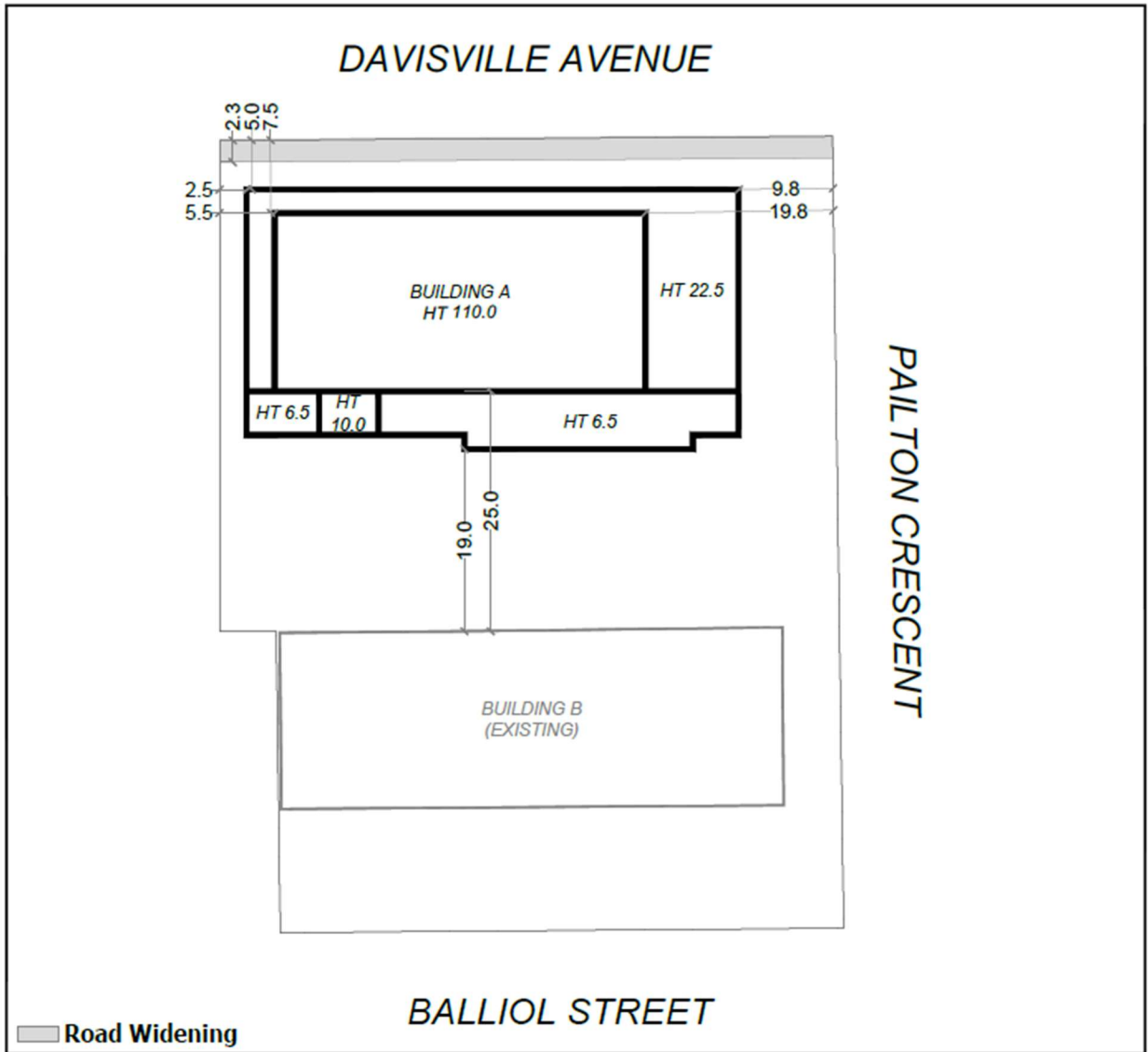
111-141 Davisville Avenue, Toronto

Diagram 2

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111-141 Davisville Avenue, Toronto

Diagram 3

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