

Authority: Toronto and East York Community Council Item TE13.5, as adopted by City of Toronto Council on February 3 and 4, 2016

CITY OF TORONTO

BY-LAW No. 443-2016

To amend Zoning By-law No. 569-2013 with respect to the lands municipally known in 2016 as 45-77 Dunfield 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act*, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters, as hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements by the owner of the land and the City of Toronto;

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 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 black lines to R (f 12.0, a400)(x22) as shown on Diagram 2 attached to this by-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding regulation 900.2.10(22), so that it reads:

Exception R 22

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 45-77 Dunfield Avenue, if the requirements of By-law 443-2016 are complied with, none of the provisions of Chapter 10.5.40.60, 10.5.50.10(4)(A), 10.5.50.10(5), 10.5.100.1(5), 10.10.40.40(1), 10.10.40.1(2), 10.10.40.10(1), 10.10.40.30(1)(B), 10.10.40.70(1), 10.10.40.70(2), 10.10.40.70(3)(C)(ii), 10.10.40.80(1)b, 10.10.40.80(1)c, 150.45.40.1(1), 150.45.50.1(1), 200.5.10.1(1), 220.5.10.1(2), 220.5.20.1(A)ii, and 230.5.1.10(4), apply to prevent the erection and use of a **building, structure**, addition or enlargement permitted in By-law 443-2016;
- (B) The total residential **gross floor area** erected or used on the lands must not exceed 90,000 square metres;
- (C) A **day nursery** must have:
- (i) at least 531 square metres of total **interior floor area**; and
 - (ii) at least 254 square metres of dedicated outdoor play area; and
- (D) On Parcel "A" and Parcel "B" as identified on Diagram 1 of By-law 443-2016, **amenity space** is required as follows:
- (i) on Parcel "A":
 - (a) at least 216 square metres of indoor **amenity space**
 - (b) at least 216 square metres of outdoor **amenity space**
 - (ii) on Parcel "B":
 - (a) at least 2,110 square metres of indoor **amenity space**
 - (b) at least 1,260 square metres of outdoor **amenity space**
- (E) No part of a **building** or **structure** above ground may be closer to a **lot line** than the distance shown between a **main wall** and the corresponding **lot line** as shown on Diagram 3 of By-law 443-2016;
- (F) The following elements of a **building** may encroach into a required **building setback** required by (E) above to a maximum of:
- (i) 1.5 metres for canopies and balconies

- (ii) 0.45 metres for eaves, cornices, lighting fixtures
- (G) Except where a heavy line shown on Diagram 3 is contiguous with the boundary of the lands, nothing will prevent the following elements from projecting beyond the heavy lines shown on Diagram 3:
 - (i) fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, and public art features;
- (H) Despite regulation 10.5.40.10(1), the height of a building is measured from the Canadian Geodetic Datum elevation of 160.88 metres to the highest point of the **building**;
- (I) Excluding **building** elements identified in regulation 10.5.40.10(2)(3)(4), no part of any **building** or **structure** may exceed the maximum height permitted by the numbers following the symbol "H" on Diagram 4 of By-law 443-2016;
- (J) Equipment and **structures** on the roof of a **building** may exceed the permitted maximum height of that **building** by 6.0 metres subject to the regulations of 10.5.40.10(4);
- (K) A minimum of 27 percent of the **lot area** must be maintained as **landscaping**;
- (L) On Parcel "A", as shown on Diagram 1 of By-law 443-2016, **parking spaces** must be provided for the residents and their visitors and employees as follows:
 - (i) for residents, at least 0.3 **parking spaces** for each **dwelling unit**; and
 - (ii) for visitors and employees at least 0.1 **parking spaces** for each **dwelling unit**;
- (M) On Parcel "B", as shown on Diagram 1 of By-law 443-2016, **parking spaces** must be provided as follows:
 - (i) for residents, at least 0.35 **parking space** for each bachelor **dwelling unit**;
 - (ii) for visitors, at least 0.06 **parking space** for each **dwelling unit**;
 - (iii) for non-residential uses, at least 0.4 **parking spaces** for each 100 square metres of non-residential **gross floor area**;

- (N) Despite regulation 10.5.100.1(4), the minimum width of a two lane **drive aisle** in the **lawfully existing** below-ground garage shall be at least:
- (i) 4.5 metres in width at the **loading space**; and
 - (ii) a minimum of 5.12 metres for all other two lane **drive aisles**;
- (O) No more than 174 **parking spaces** in the **lawfully existing** below-ground **parking garage** may have the following minimum dimensions:
- (i) length of 5.9 metres; and
 - (ii) width of 2.2 metres;
- (P) At least 1 Type "G" **loading space** must be provided on the lands;
- (Q) **Bicycle parking spaces** must be provided as follows:
- (i) at least 1.0 long-term **bicycle parking spaces** for each **dwelling unit**;
 - (ii) at least 0.2 short-term **bicycle parking spaces** for each **dwelling unit**;
 - (iii) at least 0.2 long-term **bicycle parking spaces** for each 100 square metres of non-residential **gross floor area**;
 - (iv) at least 6 short-term **bicycle parking spaces** for non-residential uses;
- (R) A **stacked bicycle parking space** must:
- (i) have a minimum width of 0.46 metres;
 - (ii) have a minimum length of 1.85 metres; and
 - (iii) the stacker must be located in an area with a vertical dimension of at least 1.2 metres;
- (S) Short-term **bicycle parking spaces** may be provided in a **stacked bicycle parking space**; and
- (T) a **bicycle parking space** must comply with the following dimensions:
- (i) at least a length of 1.8 metres;
 - (ii) at least a width of 0.6 metres;
 - (iii) at least a vertical clearance from the ground of 1.9 metres; and

- (U) the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is at least:
- (i) a length or vertical clearance of 1.9 metres;
 - (ii) a width of 0.6 metres;
 - (iii) a horizontal clearance from the wall of 1.2 metres;

5. Section 37 Provisions

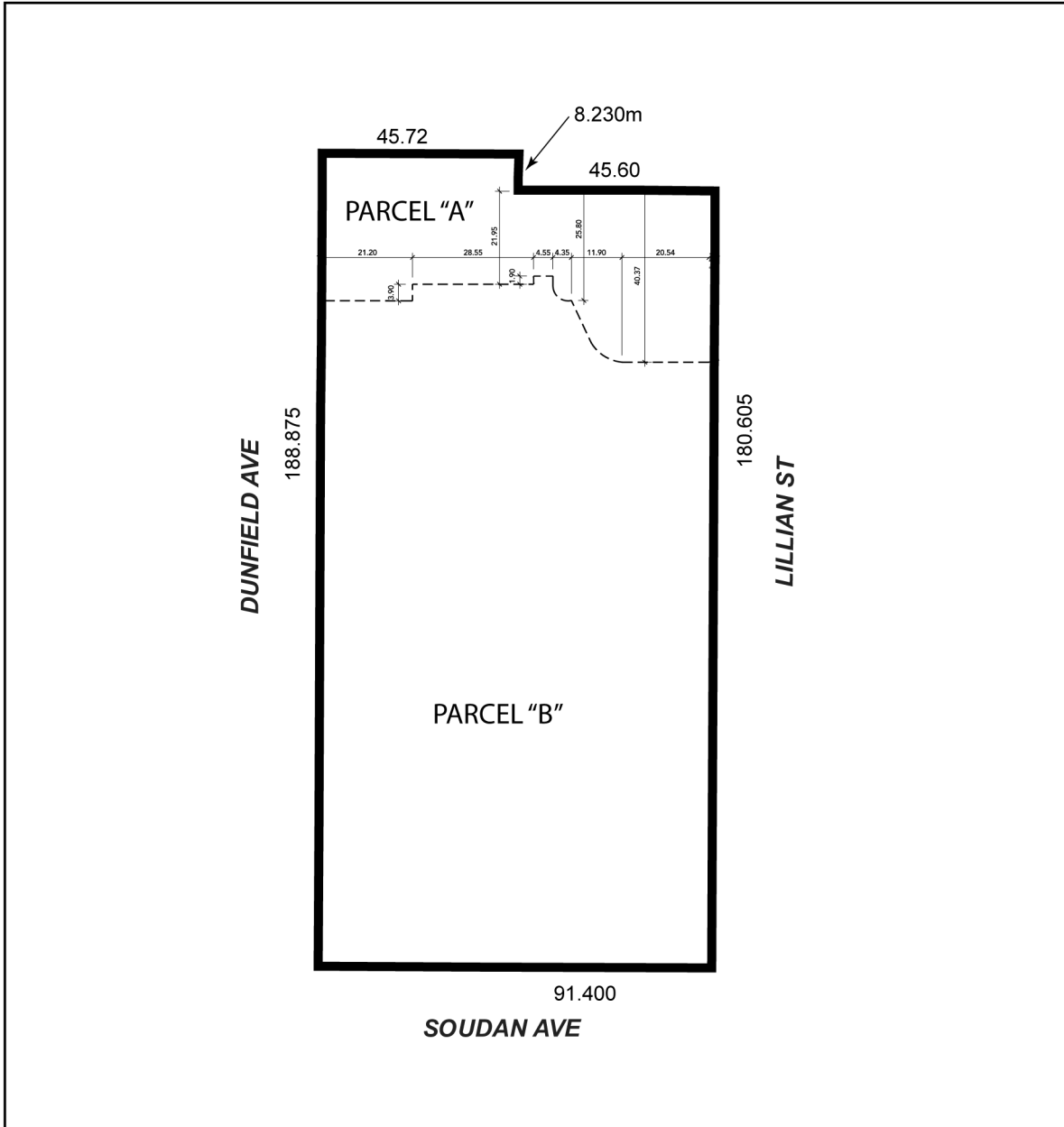
- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

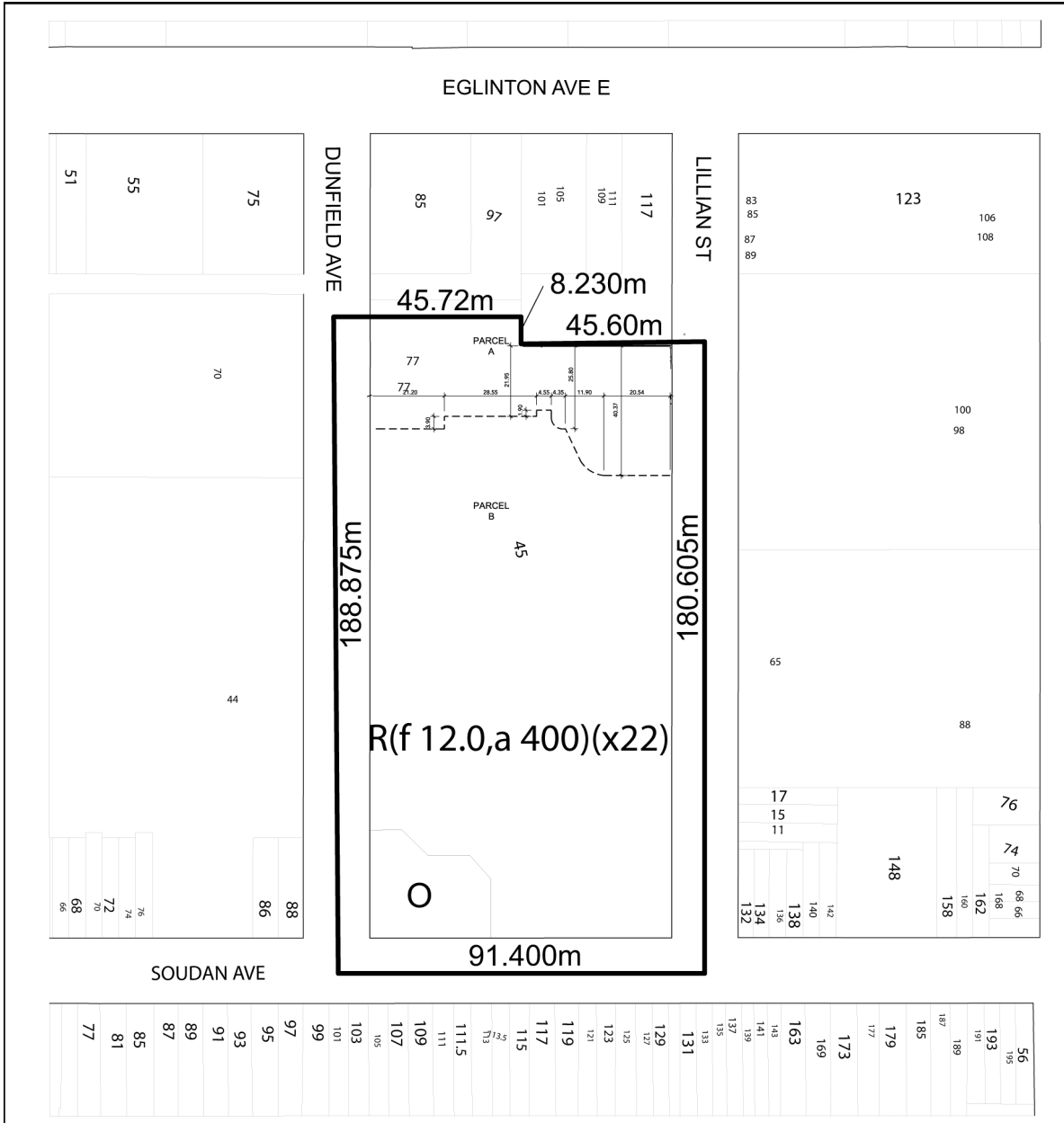
Enacted and passed on May 5, 2016.

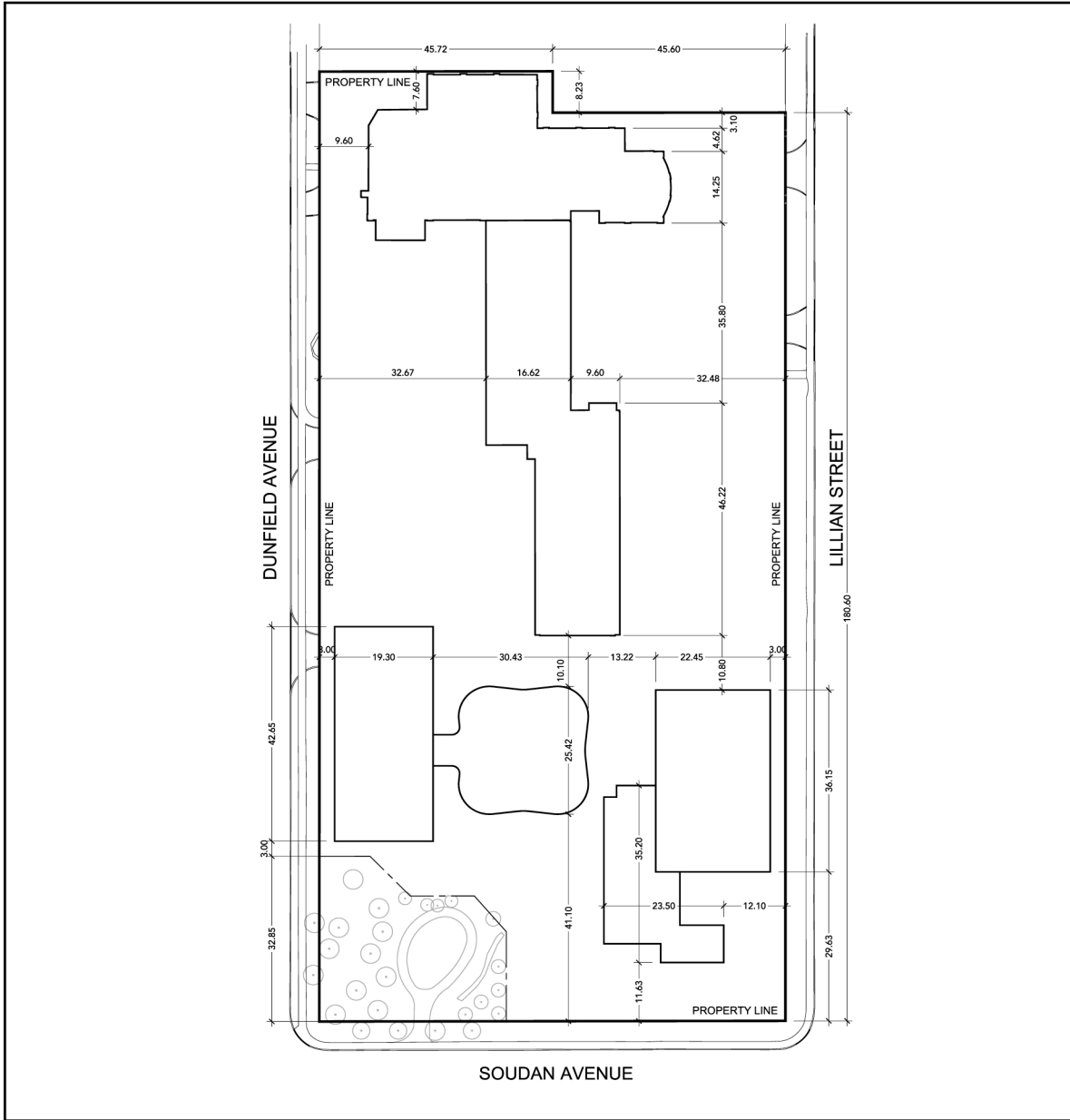
Frances Nunziata,
Speaker

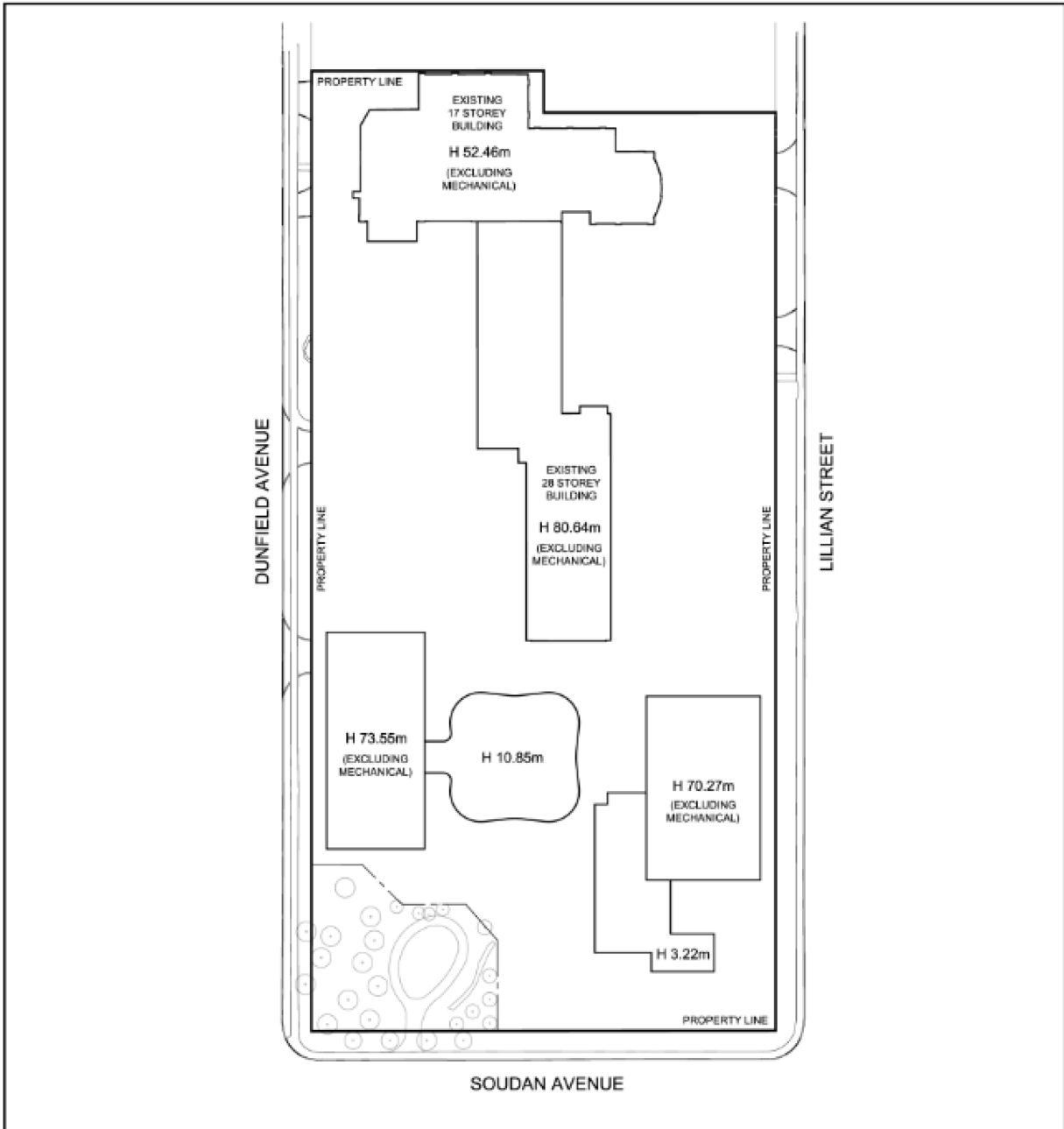
Ulli S. Watkiss,
City Clerk

(Seal of the City)









SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements, pursuant to Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) Prior to issuance of an above grade building permit, the owner shall provide:
 - a. a one-time cash contribution of \$180,000 to a replacement reserve fund to replace appliances and large equipment for the child care facility due to wear and tear; and
 - b. a one-time cash contribution of \$150,000 to start-up costs for the defrayment of operational deficits during the child care facility's first year of operation.

With such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) The owner shall provide and maintain the following:
 - a. the construction, finishing, furnishing and equipping of a non-profit licensed child care facility to accommodate at least 52 children, including 10 infants, 10 toddlers and 32 preschoolers in two groups of 16, comprising 531 square metres of interior space and 254 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision of a minimum of 3 child care-pick-up and drop-off parking spaces and 3 parking spaces for child care facility staff adjacent to the child care facility;
 - b. prior to the issuance of the final building permit, the completion Child Care Facility and the entering into a lease agreement with the City for one 99-year term; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes and local improvement charges;
- (3) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a. an easement for the provision of 6,060 square metres of privately owned, publicly accessible open space all located on the site;
 - b. the owner shall provide and maintain 177 existing dwelling units at 77 Dunfield Avenue and 575 existing dwelling units at 45 Dunfield

Avenue on the site as rental housing for the period of at least 20 years, from the date of the Zoning By-Law being in-force and effect, with all the new and retained associated facilities and amenities of the buildings to be secured for the rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;

- c. the Owner shall provide and maintain 519 new rental units on the site as rental housing for the period of at least 10 years, with no application for demolition or conversion for a period of at least 10 years from the date of first occupancy;
- d. the Owner shall provide a Construction Mitigation Plan that includes provisions for special needs tenants, mitigation for tenants during construction periods, including compensation for the removal of facilities currently associated with the units, a respite room and other measures as may be deemed reasonable and appropriate to the satisfaction of the Chief Planner and Executive Director, City Planning Division, without cost-pass through to tenants; and
- e. the Owner shall provide a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division.