

Authority: Etobicoke York Community Council Item EY23.2, as adopted by City of Toronto Council on July 4, 5, 6 and 7, 2017

## CITY OF TORONTO

### BY-LAW 827-2017

#### **To amend former City of York By-law 1-83, as amended, in respect of lands municipally known in 2017 as 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue.**

Whereas authority is given to Council by 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 held at least one public meeting in accordance with the *Planning Act*; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increase in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter 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 and 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 hereinafter set out; and

Whereas the increase in height permitted beyond that otherwise permitted on the aforesaid lands by City of York By-law 1-83, as amended, is permitted in return for the provision of facilities, services and matters set out in this by-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas the Council has determined to amend City of York By-law 1-83, as amended;

The Council of the City of Toronto enacts:

1. That Section 6 of Zoning By-law 1-83, as amended, be further amended by adding a new Subsection (194) as follows:

#### **Lands - 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue.**

"(194) MAP 20

By changing the area shown on District Map 20 more particularly shown on Schedule 'A' hereto, from a Commercial Employment (CE) and Residential Zone 2 (R2) to Main Street Commercial/Residential Zone (MCR)(H1) and Section 16 (194)."

2. That Section 16 of Zoning By-law 1-83, as amended, of the former City of York, be further amended by adding a new subsection (194) as follows:

**"(194) Lands - 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue.**

- 1) Notwithstanding the provisions of Section 12 of this By-law, the lands municipally known as 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue, as shown on Schedule 'A' to this By-law and to this Subsection may be only used for the following purposes:

Apartment Building  
Dwelling Unit  
Home Occupation  
Retail Store  
Office  
Eating Establishment (not including licensed establishments)  
Take-out Eating Establishment  
Any use Accessory to any of the foregoing uses

Provided that the following regulations are complied with:

- a) Notwithstanding the provisions of Section 12.3 of this By-law, the maximum height of any building or structure, or portion thereof, shall not exceed the height limits in metres specified by the numbers following the symbol H as shown on Schedule 'B' except for the following:
- i. any mechanical penthouse, structures for noise attenuation, cooling towers, chimney stacks, makeup air units, emergency generator, lighting rods, garbage chute overruns, exhaust stacks, outside or open air recreation, stair enclosures, safety or wind protection purposes in addition to the height exemptions listed in Section 3.7.1 of By-law 1-83, as amended, provided that the maximum height of the top of such element or enclosure is no higher than the sum of 6.0 metres plus the height limit otherwise applicable as shown on Schedule 'B'; and
  - ii. any curbs, guard rails, balustrades, balcony railings parapets, terrace guards and dividers, planters, railings, decorative screens, trellises and other decorative landscape elements, flues, vents and window washing equipment, roof assemblies including decking and paver, solar panels and solar hot water heaters including those located on the roof of the building, provided that the maximum height of the top of such elements is no higher than the sum of 1.8 metres plus the height limit otherwise applicable as shown on Schedule 'B';
- b) No portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by heavy lines as shown on Schedule 'B', with the exception of the following:

- i. Rooftop architectural features, canopies, awnings, building cornices, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, fences, retaining walls and landscape features; and
  - ii. Balconies may extend a maximum of 2.0 metres beyond the heavy lines shown on Schedule 'B' as measured perpendicular to the exterior walls of the building;
- c) Notwithstanding Section 12.3(5) of this By-law, the maximum Gross Floor Area shall be 26,600 square metres:
  - i. The maximum Gross Floor Area used for non-residential uses is 3,500 square metres;
- d) Residential amenity space shall be provided and maintained on the Lands shown as MCR S16(194) on Schedule 'A' in accordance with the following:
  - i. a minimum of 2.0 square metres of indoor amenity space for each dwelling unit must be provided and maintained in two multi-purpose rooms, that may or may not be contiguous with one another, and at least one of which must contain a kitchen and a washroom; and
  - ii. a minimum of 2.0 square metres of outdoor amenity space for each dwelling unit must be provided of which at least 200 square metres must be in a location adjoining or directly accessible from the indoor amenity space required in (i) above;
- e) Parking spaces for the dwelling units must be provided and maintained in accordance with the following:
  - i. a minimum of 0.7 parking spaces per bachelor or studio dwelling unit;
  - ii. a minimum of 0.8 parking spaces per one bedroom dwelling unit;
  - iii. a minimum of 0.9 parking spaces per two bedroom dwelling unit;
  - iv. a minimum of 1.1 parking spaces per three bedroom dwelling unit; and
  - v. a minimum of 0.15 visitor parking spaces per dwelling unit;
- f) The number of bicycle parking spaces shall be provided in accordance with the following provisions:

- i. a minimum of 0.60 bicycle parking spaces – occupant per dwelling unit;
  - ii. a minimum of 0.15 bicycle parking spaces – visitor per dwelling unit.
- g) Notwithstanding the residential parking requirements outline in subsection f(i) through f(iv) above, a maximum of 30 residential *parking spaces* shall be provided in the form of tandem parking spaces; and
- h) None of the provisions of this Zoning By-law shall apply to prevent a temporary sales office on the Lands.
- i) For the purposes of this By-law the following definitions shall apply:

"Ancillary" means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, building or structure.

"Apartment Building" means a building that has five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area. A building that was originally constructed as a detached house, semi-detached house or townhouse and has one or more secondary suites is not an apartment building.

"Dwelling Unit" means living accommodation for a person or persons living together as a single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

"Eating Establishment" means premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service, but do not include licensed eating establishments.

"Grade" means 117.5 metres Canadian Geodetic Datum.

"Gross Floor Area" means the sum of the total area of each floor level of the building, above and below the ground, measured from the exterior of the main wall of each floor level except for the area in the building used for:

- (A) parking, loading and bicycle parking below-ground;
- (B) required loading spaces at the ground level and required bicycle parking spaces at or above ground;

- (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) amenity space required by this By-law;
- (F) elevator shafts;
- (G) garbage shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the building.

"Home Occupation" means a business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator. The business use shall be limited to 30 percent of the gross floor area of the unit.

"Office" means a room, set of rooms, or building used as a place for commercial, professional work, excluding medical offices.

"Recreational use" means premises used for sports, physical play or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An amusement arcade and a sports place of assembly is not a recreation use.

"Retail Store" means premises in which goods or commodities are sold, rented or leased.

"Temporary Sales Office" means a building, structure, facility or trailer on the Lands used exclusively for the initial sale of dwelling units to be erected on the lands.

"Take-out Eating Establishment" means premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises.

3. Despite any existing or future consent, severance, partition or division of the lands, the provisions of this By-law shall apply to the Lands as if no consent, severance, partition or division occurred.
4. 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 Schedule 'A' in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 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 Appendix 1 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; and
  - (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 Appendix 1 are satisfied.
5. Within the lands shown on Schedule 'A', attached to and forming part of this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. All other provisions of former City of York Zoning By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

Enacted and passed on July 7, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

## APPENDIX 1

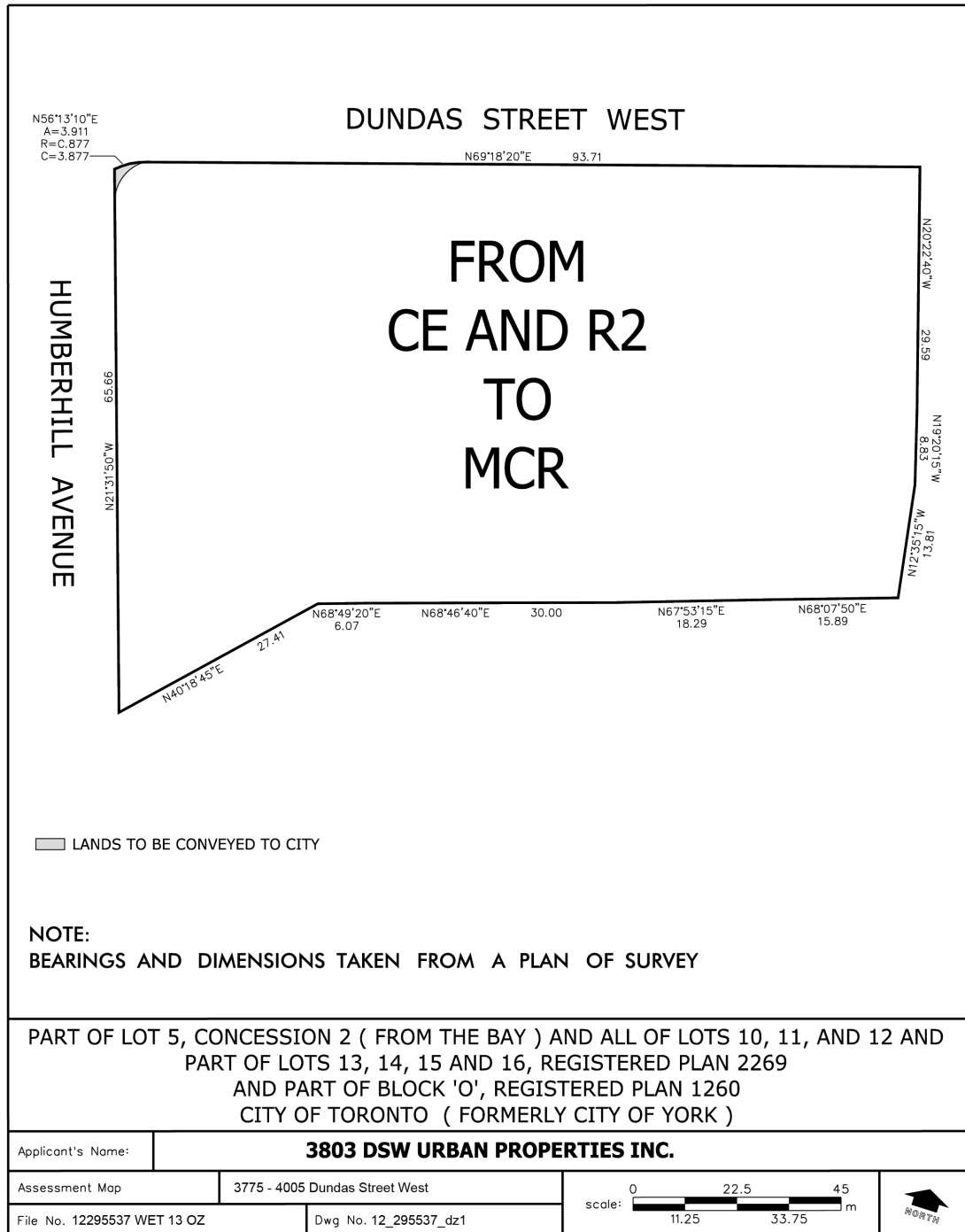
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Schedule 'A' in this By-law and secured in an agreement or agreements under Section 37(3)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

1. Prior to the issuance of the first-above grade building permit, the owner shall pay to the City the sum of \$525,000 to be allocated as follows:
  - a. \$325,000 towards capital improvements to Lambton Park, Florence Gell Park and/or Magwood Park, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor;
  - b. \$100,000 towards capital improvements to Lambton House to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - c. \$50,000 towards capital improvements to the Jane/Dundas Toronto Public Library Branch to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Librarian, in consultation with the Ward Councillor; and
  - d. \$50,000 to Toronto Community Housing to be used towards capital improvements at Dundas Gooch or Cooper Mills Townhomes to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The payment amounts identified in a. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
3. In the event the cash contributions referred to in Item 1 (a) – (d) above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - a. The inclusion of a requirement that, should the owner make an application to unitize parking spaces within the development through a plan of condominium, any tandem parking spaces shall be created as one unit;

- b. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues;
- c. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009; and
- d. The owner shall submit a certified cheque in the amount of \$100,000 to the City as a cash contribution for upgrading the Warren Park Sewage Pumping Station to support the development. The City will be responsible for completing these upgrades and the details of which will be secured in the Section 37 Agreement as a legal convenience.



**Toronto** Schedule 'A' BY-LAW



**TORONTO** Schedule 'B' BY-LAW

