

Authority: Etobicoke York Community Council Item EY32.2, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1263-2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known as 2978-2988 Dundas Street West and 406-408 Pacific 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 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, may authorize increases 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 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 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 and density is permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86 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 between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. By-law 953-2015 pertaining to the development of lands known in the year 2015 as 2978-2982 Dundas Street West and 406-408 Pacific Avenue, is repealed.
2. None of the provisions of Section 2(1) with respect to the definitions of "*grade*" and "*lot*", and Sections 4(2)(a), 4(3)(a), (b) and (f), 4(4), 4(6), 4(13)(c) and (d), 4(16), 8(3) Part I 1 and 3(a), Part II 1 and 4(c), and Part XI 1, of By-law 438-86 of the former City of Toronto, 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 a *mixed-use* building or a *residential building* on the *lot*, provided:

- (1) The *lot* consists of those lands delineated by heavy black lines shown on Map 1, attached to and forming part of this By-law.
- (2) No portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, with the exception of the following:
 - (i) Eaves, cornices, window sills, light fixtures, railings, bollards, wheelchair ramps, stairs, stair enclosures, landscape planters and other similar architectural projections may extend beyond the heavy lines by 0.6 metres; and
 - (ii) Canopies, awnings, or similar structures may extend beyond the heavy lines by 1.5 metres.
- (3) The *height* of any building or structure, as measured from an established *grade* of 118.72 metres, shall not exceed the maximum height in metres specified by the numbers following the symbol H on Map 2, with the exception of the following:
 - (i) Unenclosed structures providing safety or wind protection to rooftop amenity space may exceed the permitted maximum height by 3.0 metres;
 - (ii) Parapet walls may exceed the permitted maximum height by 1.0 metres;
 - (iii) Fences and privacy screens may exceed the permitted maximum height by 2.5 metres; and
 - (iv) Railings may exceed the permitted maximum height by 1.2 metres.
- (4) The *residential gross floor area* erected on the *lot* shall not exceed 6500 square metres.
- (5) The *non-residential gross floor area* erected on the *lot* shall not exceed 883 square metres.
- (6) The total number of residential *dwelling units* erected on the *lot* shall not exceed 80 *dwelling units*.
- (7) At least 25 percent of all *dwelling units* erected or used on the *lot* shall have two or more *bedrooms*, and at least 10 percent of all *dwelling units* erected or used on the *lot* shall have three or more *bedrooms*.
- (8) A total of 7 rental replacement *dwelling units* shall be provided on the site pursuant to the conditions in Appendix 1.
- (9) *Parking spaces* on the *lot* must be provided at a minimum rate of:
 - (i) 0.70 spaces per bachelor *dwelling unit*;

- (ii) 0.80 spaces per one-bedroom *dwelling unit*;
- (iii) 0.90 spaces per two-bedroom *dwelling unit*;
- (iv) 1.10 spaces per three-bedroom *dwelling unit*;
- (v) 0.15 spaces per *dwelling unit* for residential visitors; and
- (vi) 1.00 spaces per 100 square metres of non-residential *gross floor area*.

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.

- (10) In accordance with the minimum *parking spaces* standards required in (9), a minimum of 1 accessible *parking space* for every 25 *parking spaces* or part thereof must be provided on the *lot*.
- (11) A minimum of 81 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which:
 - (i) A minimum of 72 *bicycle parking spaces* shall be provided for residents; and
 - (ii) A minimum of 9 shared *bicycle parking spaces* shall be provided for visitors, and such *bicycle parking spaces* may be designated as shared retail/residential visitor *bicycle parking spaces*.
- (12) One *Type 'G' loading space* with minimum dimensions of 4.0 metres in width and 13.0 metres in length, and a vertical clearance of 6.1 metres, must be provided on the *lot*.
- (13) None of the provisions of Zoning By-law 438-86, as amended shall apply to prevent the erection or use of a temporary sales office and temporary construction office on the *lot*.
- (14) For the purposes of this By-law, the terms set forth in italics shall have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
 - (i) "*grade*" shall be measured from an established grade of 118.72 metres; and
 - (ii) "*lot*" shall mean those lands outlined by heavy lines on Map 1.
- (15) Despite any future severance, partition or division of the lot as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

3. Within the lands shown on Map 1, 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:
- (1) 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
 - (2) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Section 37 Provisions

4. 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 Map 1 in return for the provision, by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 and which are secured by 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.

Whereas 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.

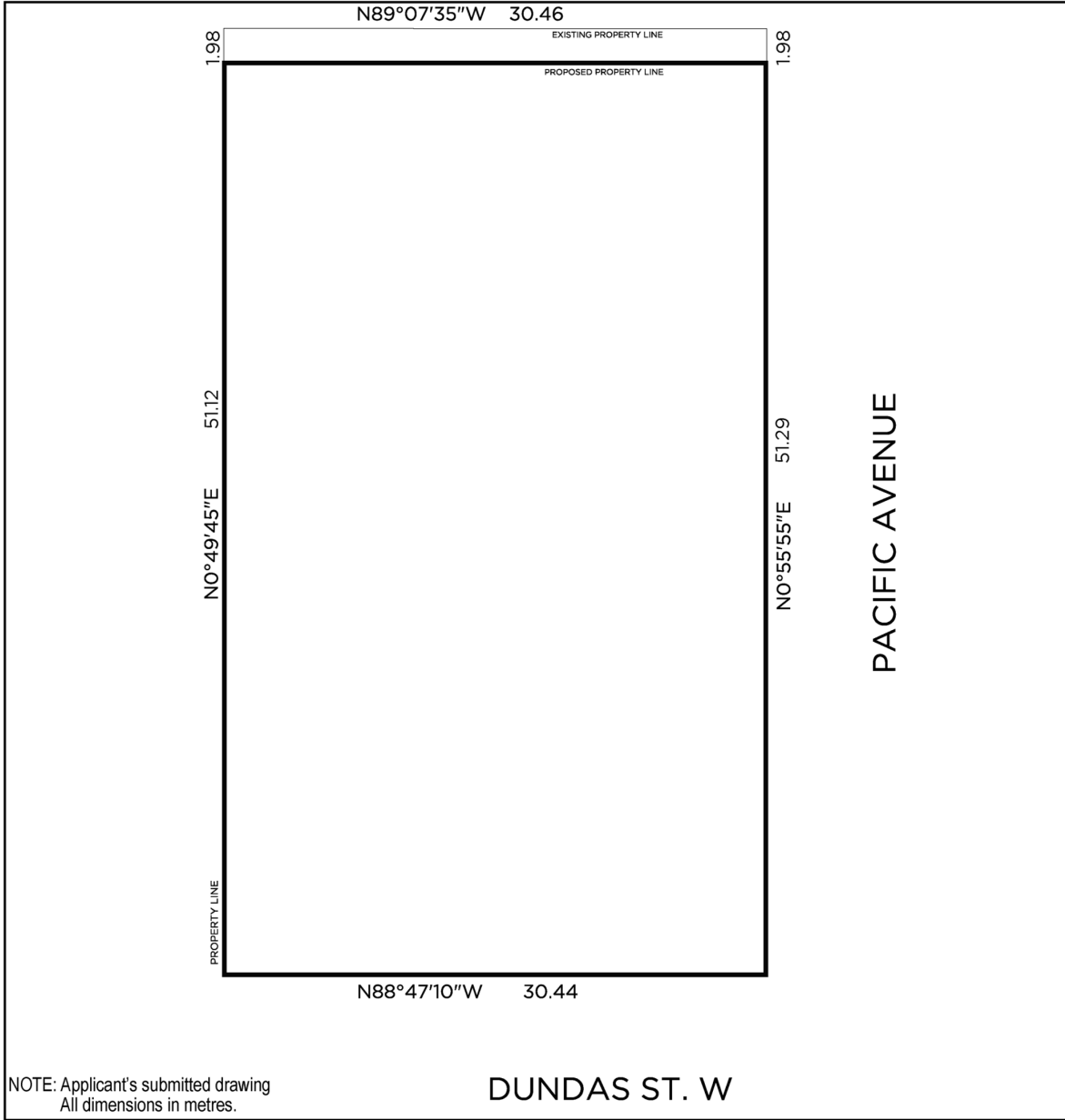
The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



NOTE: Applicant's submitted drawing
All dimensions in metres.



2978 - 2988 Dundas Street West &
406 - 408 Pacific Avenue

File # 16 137330 WET 13 OZ

Appendix 1
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 Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- a. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The owner shall provide and maintain not less than 7 replacement rental dwelling units, comprised of 1 bachelor unit, 2 one-bedroom units, 3 two-bedroom units and 1 three-bedroom unit, at 2978-2988 Dundas Street West and 406-408 Pacific Avenue for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated January 8, 2018. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - ii. The owner shall provide at least 1 bachelor, 2 one-bedroom, and 1 two-bedroom replacement rental dwelling units at affordable rents, at least 2 two-bedroom and 1 three-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date of first occupancy.
 - iii. The owner shall provide ensuite laundry in all replacement rental dwelling units.
 - iv. The owner shall make available storage lockers to tenants of the replacement rental dwelling units on the same basis as the occupants of the remainder of the building.
 - v. The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building.
 - vi. The owner shall provide tenants of the replacement rental dwelling units with access to both vehicle parking spaces and bicycle parking spaces on the same basis as the occupants of the remainder of the building.
 - vii. The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

- viii. The owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in i. to vii. above and as detailed in the Draft Zoning By-law Amendments (Attachment 4 and 5) to the report from the Director, Community Planning, Etobicoke York District dated June 15, 2018, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.
- ix. The owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 7 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning or his designate, to assist with the securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.
- x. The owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any building permit.
- xi. 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 held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.