

Authority: Toronto and East York Community Council,  
TE7.5, as adopted by the City of Toronto Council on  
July 16, 17 and 18, 2019

## CITY OF TORONTO

### BY-LAW 1177-2019

**To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known on the year 2018 as 3385 Dundas Street West.**

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 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 1-83 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. Section 6 of the former City of York Zoning By-law 1-83, as amended, is further amended by adding the following new Subsection (80):

**"Lands – South side of Dundas Street West between Durie Street and Beresford Avenue (3385 Dundas Street West)  
(80) Map 18**

By changing the area shown on District Map 18, municipally known as 3385 Dundas Street West, and as shown outlined in Schedule A hereto, from CE District to an MCR District and Section 16 (436) as shown on Schedule B hereto and by changing District Map 18 accordingly."

2. That Section 16 of the former City of York Zoning By-law 1-83, as amended, be further amended by adding the following as a new Subsection (436):

**"(436) Lands – 3385 Dundas Street West**

Notwithstanding the provision of Sections 3 and 12 of this By-law, the lands municipally known as 3385 Dundas Street West, as shown on Schedule B to this By-law and to this Subsection may only be used for the purpose of erecting a seven storey mixed use building subject to the following conditions:

- a. The maximum residential gross floor area of the building shall be 10,512 square metres.
- b. The maximum non-residential gross floor area of the building shall be 368 square metres.
- c. The following uses are permitted on the lot:
  - i. dwelling unit; and
  - ii. retail store provided it is located on the ground level only.
- d. For the purposes of this By-law gross floor area shall exclude any areas used for:
  - i. parking, loading and bicycle parking below-ground;
  - ii. required loading spaces at the ground level and required bicycle parking space at or above-ground level;
  - iii. storage room, washrooms, electrical, utility, mechanical, and ventilation rooms in the basement;
  - iv. shower and change facilities for bicycle parking spaces;
  - v. required amenity spaces;
  - vi. elevator shafts;
  - vii. garbage shafts;
  - viii. mechanical penthouse; and
  - ix. exit stairwells in the building.
- e. *Height* shall be measured from the Geodetic Datum value of 119.43 metres.

- f. 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 "H" as shown on Schedule B, attached hereto, except for the following:
- i. any appurtenances and equipment serving the building, elevator overruns, chimneys, parapets, pergolas, trellises, eaves, screens, stairs, roof drainage, roof access, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof, structures for noise attenuation, ornamental elements, terrace and balcony guard rails and dividers, railings, planters, decorative screens, vents and stairs to the roof, provided that the maximum height of the top of such element is no higher than the sum of 1.5 metres plus the *height* limit other applicable as shown on Schedule B.
- g. The permitted maximum number of storeys is the numerical value before the word 'Storey' or 'Storeys' as shown on Schedule B.
- h. No portion of the building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by the lines as shown on Schedule B hereto, as to provide the minimum and maximum setbacks shown on the site plan, 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 to a maximum of 2 metres; and
  - ii. Balconies projecting to a maximum of 1.8 metres.
- i. Despite (h)(ii) above, no portion of any balcony shall project within 10 metres of a lot line abutting a lot in the residential zone.
- j. Vehicular access to the lot shall only be provided from Beresford Avenue and Durie Street.
- k. Off-street parking shall be provided and maintained on the lot in accordance with the following:
- i. A minimum of 111 parking spaces for residents of dwelling units;
  - ii. A minimum of 19 parking spaces for visitors of dwelling units;
  - iii. A minimum of 3 parking spaces for non-residential uses;

- iv. The number of required parking spaces for residents of dwelling units, pursuant to (k)(i) above, can be reduced at a rate of 4 parking spaces for each car-share parking space provided, and the maximum reduction permitted is 8.
- l. Accessible parking spaces shall be provided as follows:
  - i. Of the parking spaces required in (k) above, a minimum of 5 must be provided as accessible parking spaces;
  - ii. An accessible parking space shall have the following minimum dimensions:
    - A. 5.6 metres in length;
    - B. 3.9 metres in width;
    - C. vertical clearance of 2.1 metres; and
    - D. the minimum width required in the second bullet above may be obstructed by a 1.5 metres wide accessible barrier-free aisle if the aisle extends the entire length of the accessible parking space;
  - iii. An accessible parking space shall be located on the same level as, and within 30 metres of a barrier free:
    - A. Entrance to the building; or
    - B. Passenger elevator that provides access to the first storey of the building;
  - iv. For the purpose of this exception (l), "accessible" means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.
- m. Bicycle parking shall be provided and maintained on the lot in accordance with the following rates:
  - i. A minimum of 0.90 long-term bicycle parking spaces per dwelling unit;
  - ii. A minimum of 0.10 short-term bicycle parking spaces per dwelling unit.
- n. Long term bicycle parking spaces may only 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 when at least 50 percent of the area of that level is occupied by bicycle parking spaces, until all required bicycle parking spaces have been provided.
- o. A long term bicycle parking space for a dwelling unit may not be located:
  - i. in a dwelling unit;
  - ii. on a balcony;
  - iii. in a storage locker; or
  - iv. in an area used for commercial space.
- p. A short-term bicycle parking space may be no more than 30 metres from a pedestrian entrance to the building on the lot.
- q. A minimum of one loading space shall be provided and maintained at the rear of the building with access from the flanking street in accordance with the following dimensions;
  - i. A minimum length of 13.0 metres;
  - ii. A minimum width of 4.0 metres; and
  - iii. A minimum of vertical clearance of 6.1 metres.
- r. A minimum of 262 square metres of common indoor amenity area shall be provided and maintained.
- s. A minimum of 274 square metres of common outdoor rooftop amenity area shall be provided and maintained.
- t. A minimum of:
  - i. 25 percent of all dwelling units on the lot must be 2- or more bedroom dwelling units; and
  - ii. 10 percent of all dwelling units on the lot must be 3- or more bedroom dwelling units;
  - iii. if the calculation of the number of required **dwelling units** pursuant to (t)(i) and (t)(ii) above results in a number with a fraction, the number is rounded down to the nearest whole number.

- u. Despite any existing or future severance, partition, or division of the lands shown on Map 1 of By-law 1177-2019, the provisions of this subsection shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred;
3. Notwithstanding Section 2, the following definitions shall apply:
- a. "Car-share" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to 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.
  - b. "Car-share parking space" shall mean a parking space that is reserved and actively used for car-sharing and must be for the exclusive use of the residents of the building.
4. Within the lands shown on Schedule A attached to 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 watermains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. All other provisions of the City of York Zoning By-law 1-83, as amended, shall continue to apply to the lands shown on Schedule A attached hereto, except in the cases where provisions of this Subsection are in conflict with the City of York Zoning By-law 1-83, as amended, the provisions of this subsection shall prevail.
6. 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 gross floor area of the development is permitted beyond that otherwise permitted on the lands shown as Map 1 attached to this By-law, in return for the provisions by the owner, at the owner's expense of the facilities, services and matters set out in Schedule C 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 C 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 building permit is dependent on satisfaction of the same; and

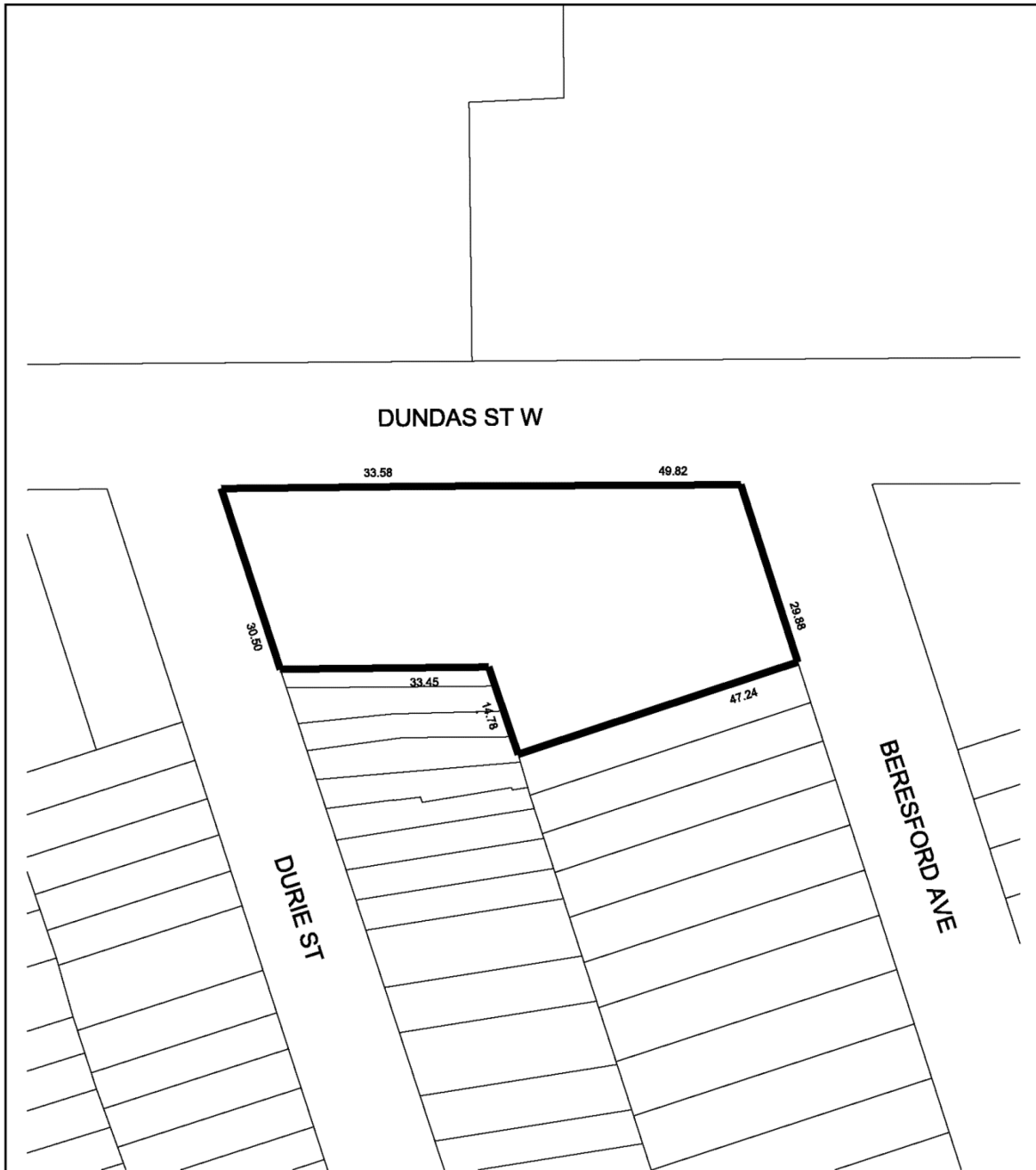
- c. The owner must not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless the provisions of Schedule C of this By-law are satisfied.

Enacted and passed on July 18, 2019.

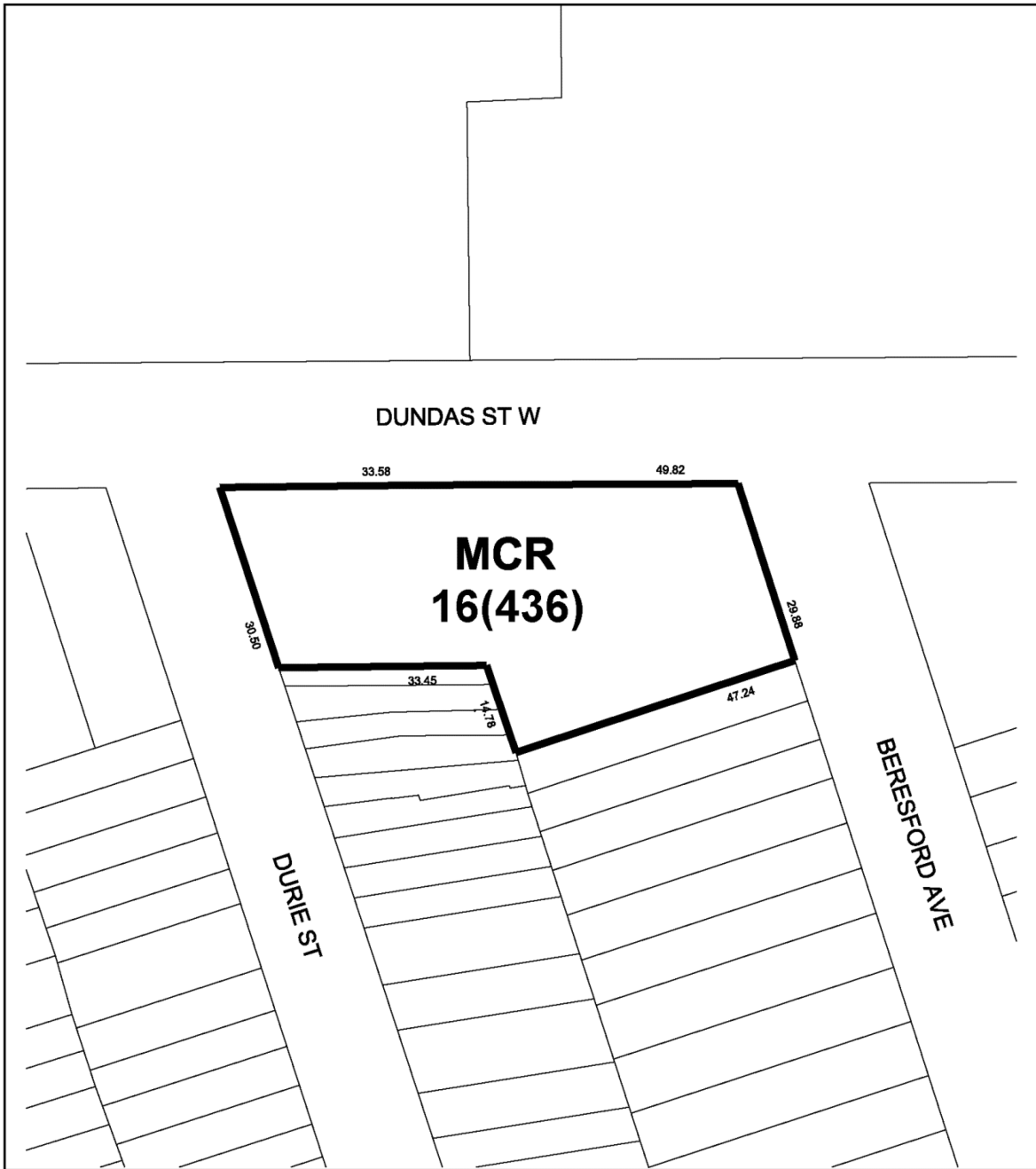
Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)






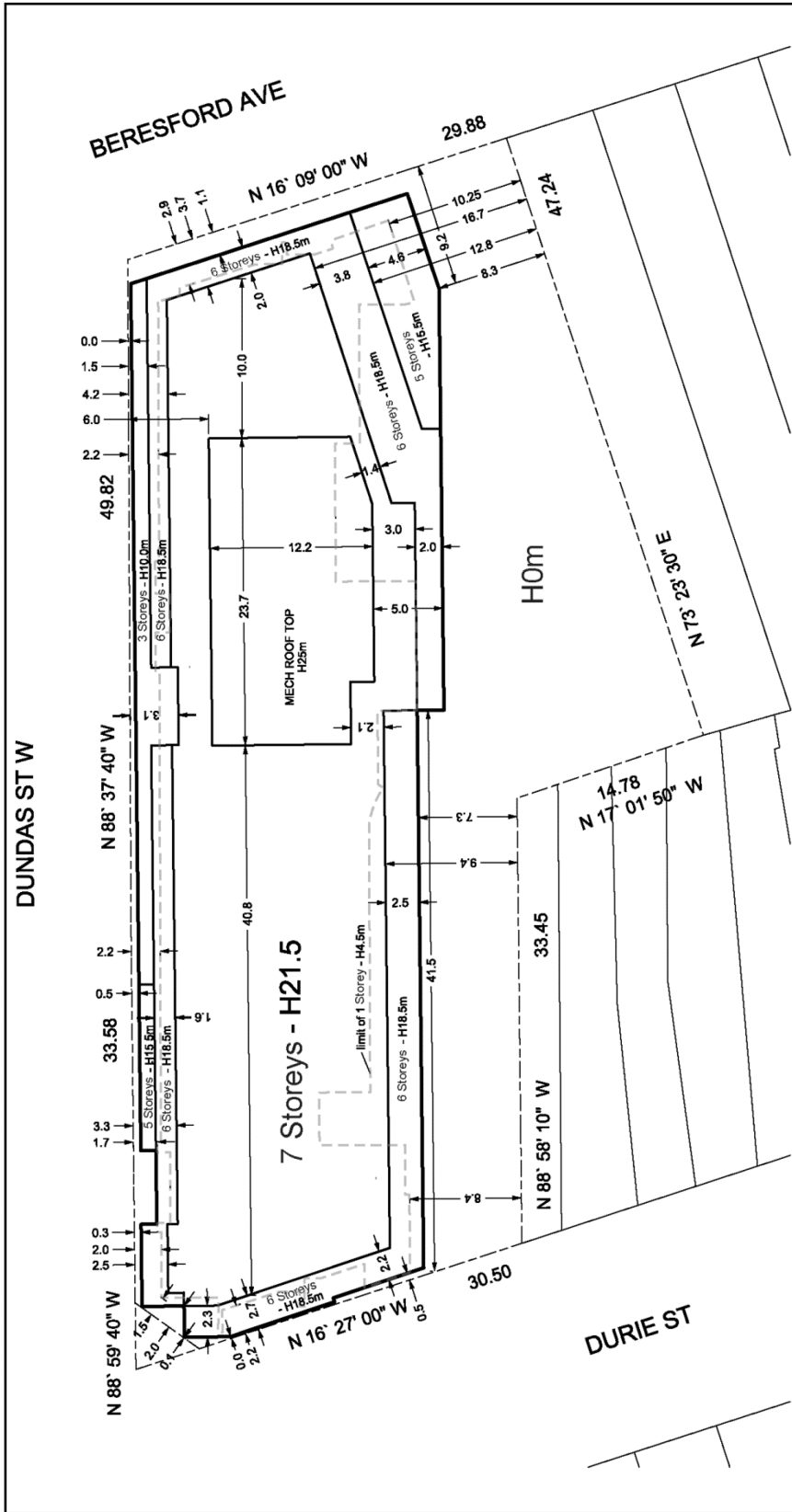


 **TORONTO**  
Schedule A

3385 Dundas Street West

File # 16 163140 WET 13 0Z

  
Former City of York By-law 1-83  
Not to Scale  
05/24/2019



3385 Dundas Street West

File # 16163140 WET 13 0Z

**Toronto**  
Schedule B

←  
Former City of York By-law 1-83  
Not to Scale  
05/31/2019

**SCHEDULE C**  
**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 Schedules A and B in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act.

The term "*Affordable rental dwelling unit*" means a rental dwelling unit constructed on the lot and provided and maintained at affordable rent;

The term "*Affordable rent*" means rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas, and water, but excluding vehicle parking, storage lockers, internet, telephone, and cable television charges) is at or below one time the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto

The owner agrees as follows:

1. a. The owner shall provide and maintain within the proposed mixed-use building on the lot at least 10 *affordable rental dwelling units* with a combined total gross floor area of at least 743 square metres (8,000 square feet). The affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. Any changes to the above conditions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. The owner shall provide and maintain the 10 *affordable rental dwelling units* as rental dwelling units for at least 20 years, beginning with the date that each such unit is first occupied. No *affordable rental dwelling unit* shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit can be made for at least 20 years from the date of first occupancy. When the 20 year period has expired, the owner shall continue to provide and maintain the *affordable rental dwelling units* as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
- c. The owner shall provide and maintain the *affordable rental dwelling units* with the following unit mix and unit size requirements:
  - i. a minimum of 10 percent of the *affordable rental dwelling units* shall be three-bedroom units or larger and shall have a minimum floor area of at least 90 square metres (965 square feet); and
  - ii. a minimum of 30 percent of the affordable rental dwelling units, inclusive of the 10 percent three-bedroom units referenced above, shall be two-

bedroom units or larger and shall have a minimum floor area of at least 64 square metres (685 square feet).

- d. The owner shall provide and maintain the *affordable rental dwelling units* at *affordable rents* for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to rents charged to tenants occupying any of the *affordable rental dwelling units* shall be in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline until the tenancy ends.
  - e. Prior to first occupancy of the *affordable rental dwelling units* referenced above, the owner shall work with the City's Shelter Support and Housing Administration staff and make every reasonable effort to select the first tenant for each such *affordable rental dwelling unit*, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration.
2. The owner shall enter into a Section 37 Agreement as a legal convenience to support development which will include the following:
- a. The owner shall agree to enter into a Pedestrian Clearway Easement as a NOAC and Site Plan Agreement Condition, to the satisfaction of the Executive Director, Engineering and Construction Services including the preparation of a draft Reference Plan as required.
  - b. The owner shall agree to the construction of the Pedestrian Clearway Easement, and all the sidewalks along Dundas Street West, Durie Street and Beresford Avenue to be paid for and constructed by the owner to the satisfaction of the General Manager of Transportation Services.
  - c. The owner shall agree to secure a car-share provider as a NOAC and Site Plan Agreement Condition to the satisfaction of the General Manager of Transportation Services.
  - d. The owner shall agree to implement the mitigation measures required for noise abatement under the Class 1 area site criteria as detailed in the HGC Noise Feasibility Study (revised May, 2019). The final design and applicable clauses would be secured through the Site Plan review process to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - e. The owner shall agree to erect the signs requested by the TCDSB and TDSB and include warning clauses as a NOAC and Site Plan Agreement Condition to the satisfaction of TCDSB and TDSB staff.