

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

CITY OF TORONTO

BY-LAW 1178-2019

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2019 as 3385 Dundas Street West.

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 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 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 between 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 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 CR 2.0 (c2.0; r0.0) SS2 (x193), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA4 , as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 14 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay Map in Section 995.40.1 with no label.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 193 so that it reads:

Exception CR 193

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

- (A) On 3385 Dundas Street West, if the requirements of Section 8 and Schedule A of By-law 1178-2019 are complied with, a **building, structure**, addition or enlargement may be erected or constructed if it complies with the requirements of (B) to (V) below;
- (B) Despite Regulation 40.10.20.40(1), a **mixed use building** containing **dwelling units** is permitted;
- (C) Despite Regulations 40.10.40.40(1), the permitted maximum **gross floor area** is 10,880 square metres of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 10,512 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 368 square metres and is restricted to a **retail store** use;
- (D) The permitted maximum number of **dwelling units** is 131;
- (E) Despite Regulation 40.5.40.10(1), the height of a **building** or **structure** is the distance between the Geodetic Datum elevation of 119.43 m and the elevation of the highest point of the **building** or **structure**;
- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the height in metres specified by the number following the symbol HT as shown on Diagram 5 of By-law 1178-2019;

- (G) Despite Regulation 40.10.40.10(7) the permitted maximum number of **storeys** is the numerical value followed by the symbol ST as shown on Diagram 5 of By-law 1178-2019;
- (H) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** for each level of the **building** above ground are shown on Diagram 5 of By-law 1178-2019;
- (I) Despite (F) and (G) above and Regulation 40.5.40.10(4), the following **building** elements and **structures** are permitted to project above the permitted maximum height up to 1.5 metres:
- (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, 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;
- (J) Despite (H) above and Clause 40.10.40.60, the following are permitted to encroach into a required **building setback** up to 2 metres:
- (i) rooftop architectural features, canopies, awnings, cornices, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, fences, retaining walls and landscape features;
- (K) Despite (H) above and Clause 40.10.40.60, the following are permitted to encroach into a required **building setback** up to 1.8 metres:
- (i) balconies and associated elements;
- (L) Despite (K) above, no portion of any balcony may be located on a main wall that is within 10 metres of a **lot line** abutting a **lot** in the Residential Zone category;
- (M) Regulation 40.5.40.70(1) does not apply to portions of the **building** located below-ground;
- (N) Regulations 200.15 40.10.40.1(1), 40.10.40.10(5), 40.10.40.60(1)(C), 40.10.40.80(2), 40.10.50.10.(3), 40.10.90.10(1)(B) and (C), and 40.10.100.10(1)(A) do not apply;
- (O) Despite Regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** for the **mixed use building** must be provided and maintained on the **lot** in accordance with the following:
- (i) A minimum of 111 **parking spaces** for tenants 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; and
 - (iv) The number of required **parking spaces** for tenants of **dwelling units**, pursuant to regulation (O)(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;
- (P) Accessible **parking spaces** must be provided and maintained in accordance with the following:
- (i) of the parking spaces required by (O) above, a minimum of 5 must be provided as accessible **parking spaces**;
 - (ii) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.9 metres;
 - (c) vertical clearance of 2.1 metres; and
 - (d) the minimum width required by (b) 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) accessible **parking spaces** must 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, "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.
- (Q) Despite 40.10.100.10(1), a maximum of two **vehicle** accesses are permitted from **streets** which are not a major **street** on the Policy Areas Overlay Map;
- (R) Despite 40.10.90.40(1), **vehicle** access to a **loading space** may be from a **street**, if the **street** is not a major **street** on the Policy Areas Overlay Map;

- (S) Despite any existing or future severance, partition, or division of the lands shown on Diagram 1 of By-law 1178-2019, the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred;
- (T) Despite Regulation 40.10.40.50(1), a minimum of:
 - (i) 262 square metres of indoor **amenity space** must be provided; and
 - (ii) 274 square metres of outdoor **amenity space** must be provided;
- (U) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 25 percent of all **dwelling units** on the **lot** must be 2- or more bedroom **dwelling units**;
 - (ii) a minimum of 10 percent of all **dwelling units** on the **lot** must be 3- or more bedroom **dwelling units**; and
 - (iii) if the calculation of the number of required **dwelling units** pursuant to (U)(i) and (U)(ii) above results in a number with a fraction, the number is rounded down to the nearest whole number;
- (V) For the purpose of this exception:
 - (i) "Car-share" means 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.
 - (ii) "Car-share **parking space**" means 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**.

8. 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 July 18, 2019.

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 under Section 37(3) of the Planning Act.

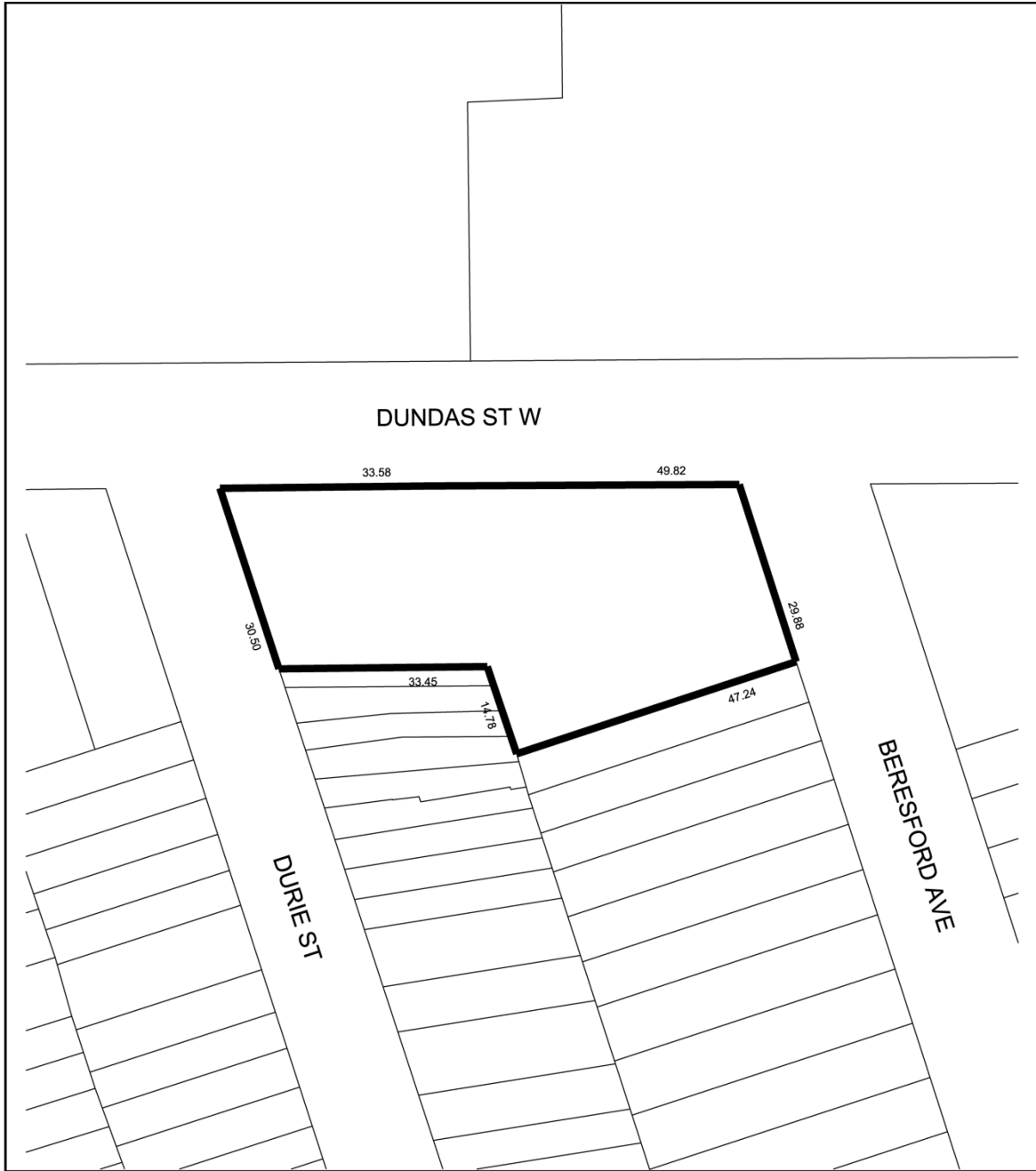
The term "*Affordable rental dwelling unit*" means a rental dwelling unit constructed on the lot and provided and maintained at affordable rent.

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

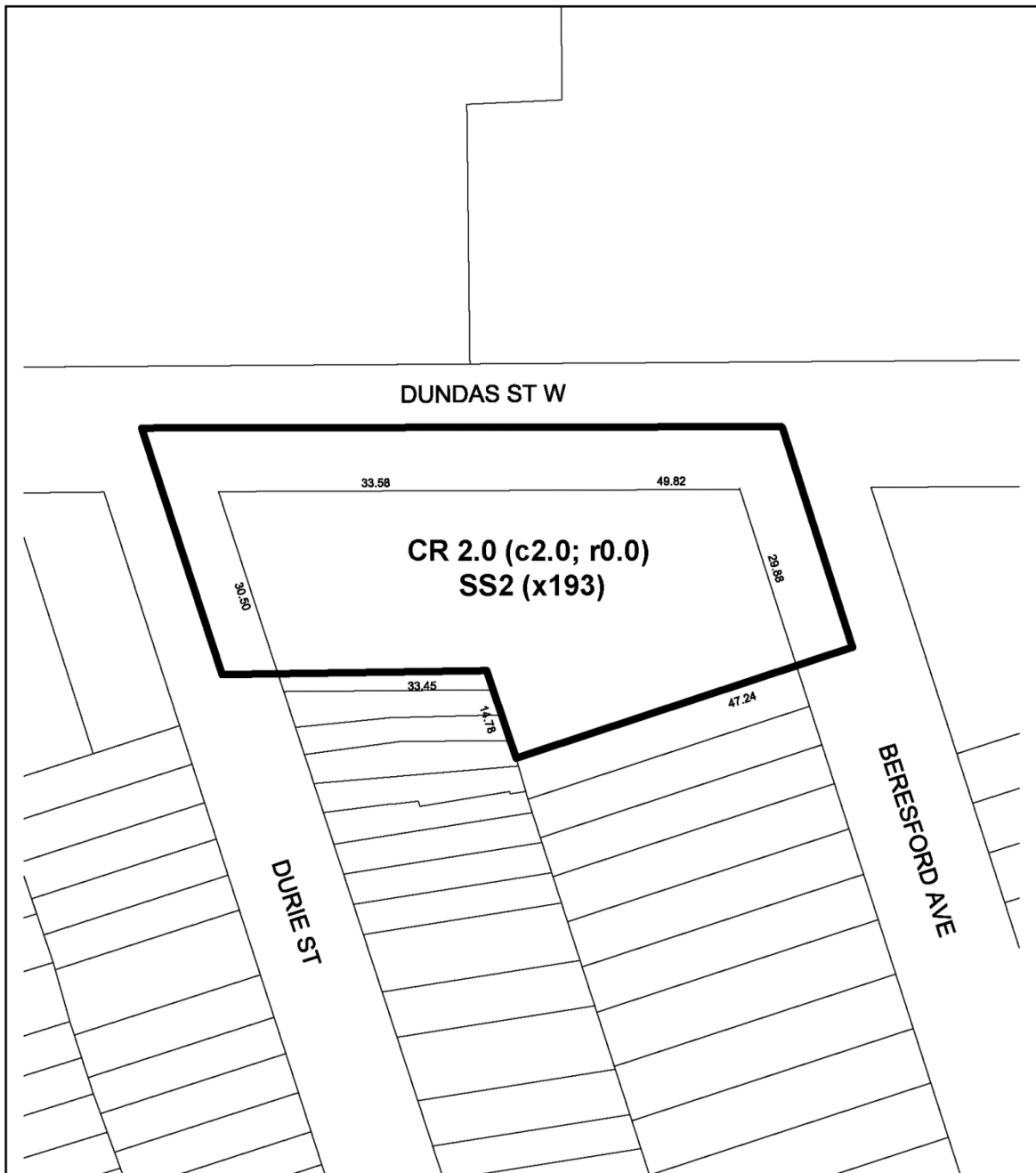
- (ii) a minimum of 30 percent of the affordable rental dwelling units, inclusive of the 10 percent three-bedroom units referenced above, shall be two-bedroom units or larger and shall have a minimum floor area of at least 64 square metres (685 square feet).
 - d. The owner shall provide and maintain 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 in consultation 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.



 **TORONTO**
Diagram 1

3385 Dundas Street West

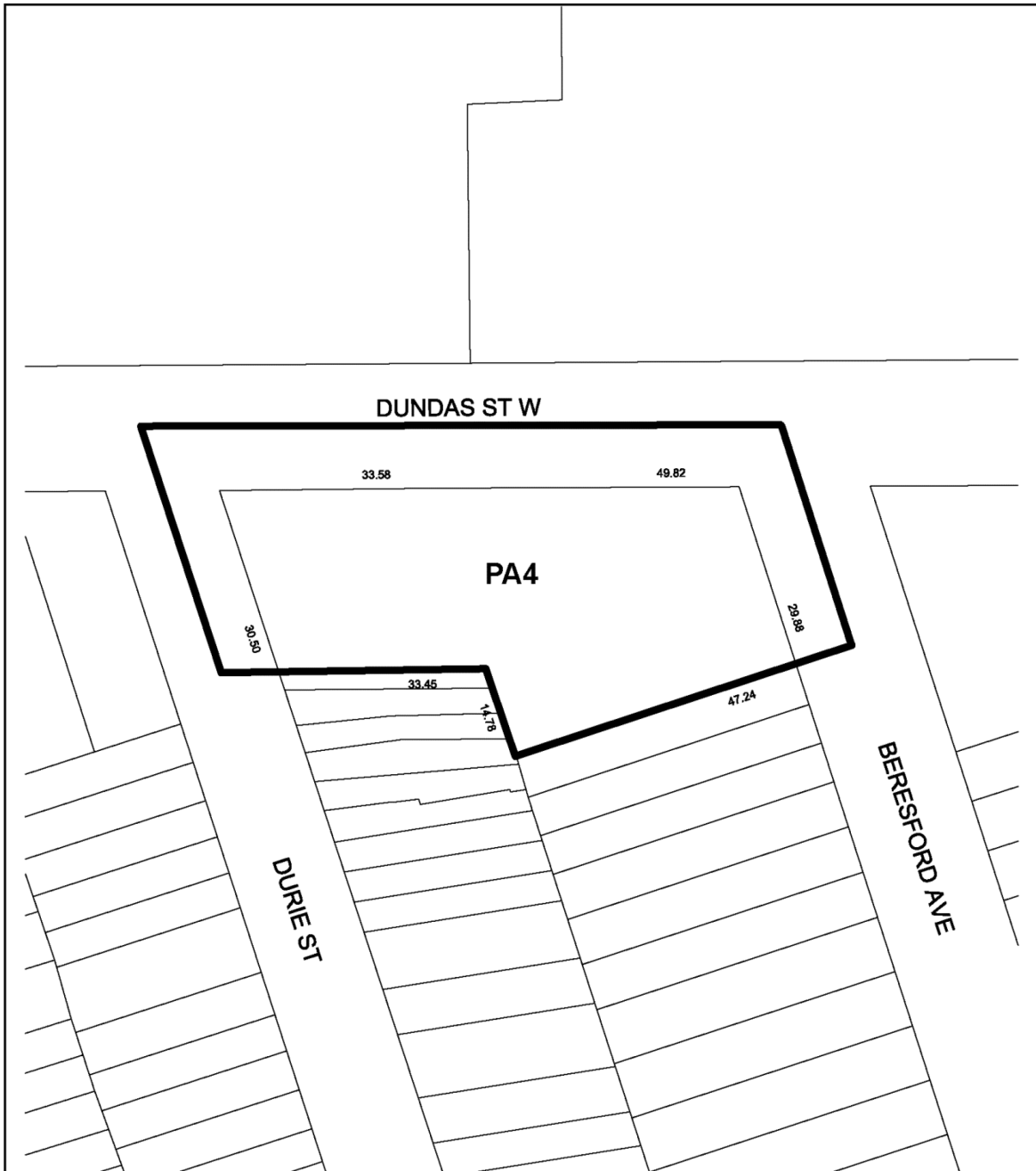
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 **TORONTO**
Diagram 2

3385 Dundas Street West

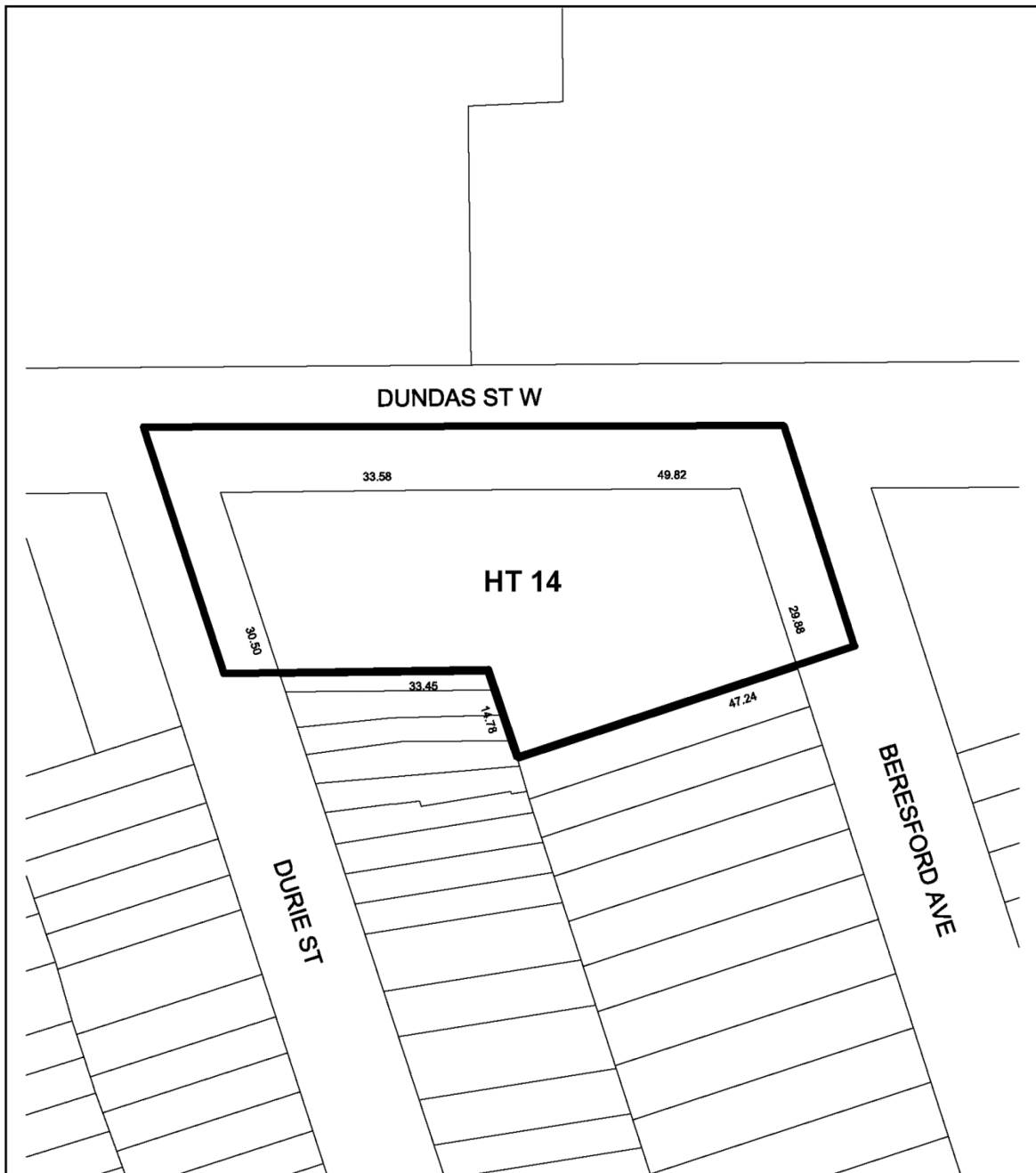
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 **TORONTO**
Diagram 3

3385 Dundas Street West

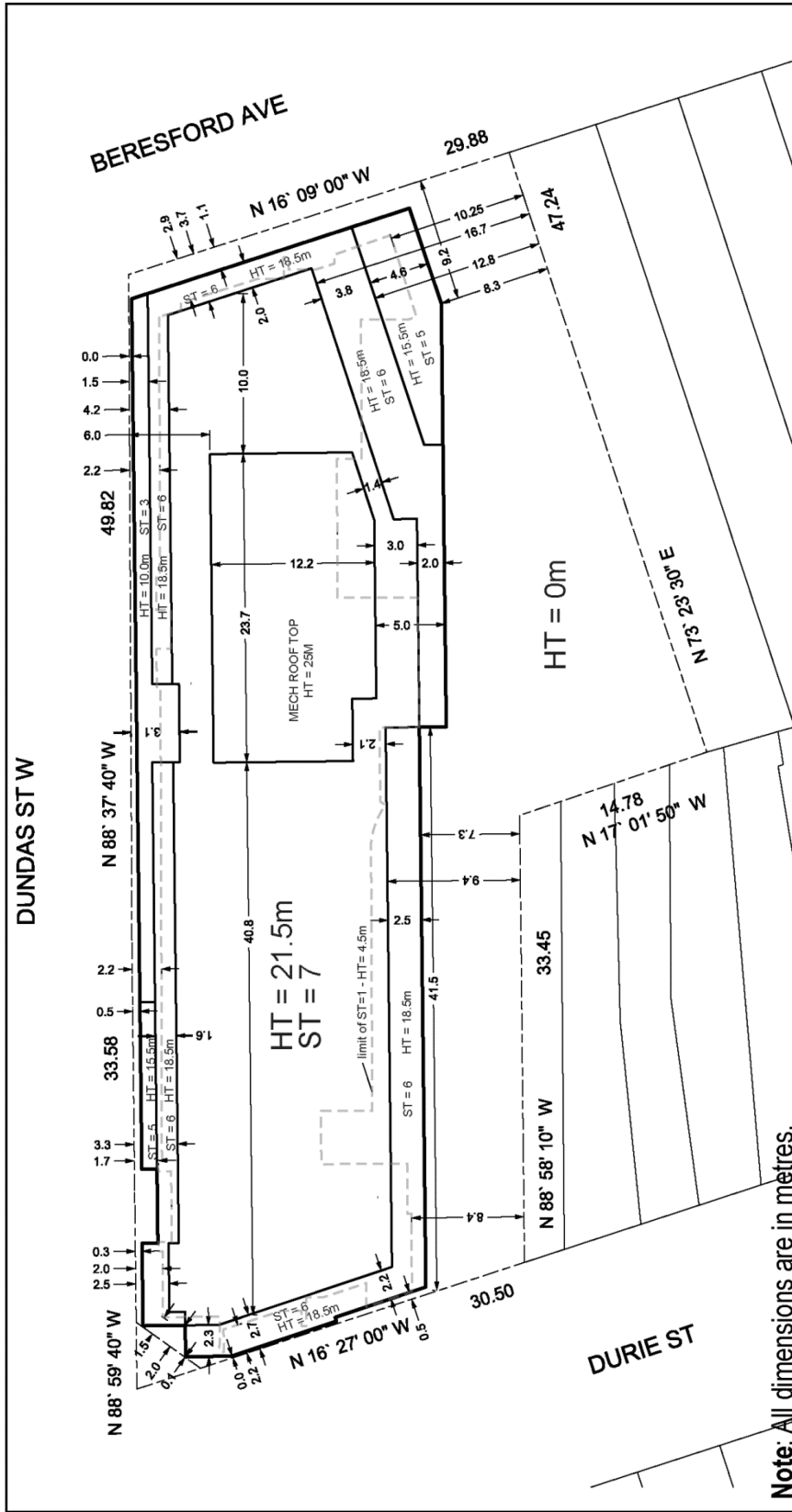
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 **TORONTO**
Diagram 4

3385 Dundas Street West

File # 16 163140 WET 13 0Z



Note: All dimensions are in metres.



3385 Dundas Street West

File # 16 163140 WET 13 0Z

City of Toronto By-law 569-2013
 Not to Scale
 06/04/2019