

Authority: Toronto and East York Community Council  
Item TE12.5, adopted as amended, by City of Toronto  
Council on January 29, 2020

## CITY OF TORONTO

### BY-LAW 817-2020

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 250 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 the Official Plan for the City of Toronto contains such 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 or 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, a 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 By-law 569-2013, as amended, is to be permitted in return for the provision of the 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;

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 Article 900.11.10 Exception Number 2398 so that it reads:

**Exception CR 2398**

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 250 Dundas Street West, if the requirements of Section 6 and Schedule A of By-law 817-2020 are complied with, then a **building** or **structure** may be constructed in compliance with regulations (B) to (R) below;
- (B) Despite regulations 40.10.20.10(1) and 40.10.20.20(1), **public parking** is a permitted use;
- (C) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** for all uses on the **lot** is 46,800 square metres, allocated as follows:
  - i. The permitted maximum **gross floor area** for residential uses is 31,450 square metres; and
  - ii. The permitted maximum **gross floor area** for non-residential uses is 15,350 square metres;
- (D) In addition to the exclusions listed in Clause 40.5.40.40, the **gross floor area** of a **building** is also reduced by:
  - i. **Amenity space** not required by this by-law;
- (E) A minimum of 10.0 percent of the **dwelling units** must contain three bedrooms and 27 percent of the **dwelling units** must contain two bedrooms;
- (F) Despite regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 95.1 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite regulation 40.10.40.10(1), the permitted maximum **height** of any **building** or **structure** on the **lot** is the numerical value, in metres, following the symbol "HT" on Diagram 2 attached to By-law 817-2020;
- (H) Despite Clause 40.5.40.10 and regulation (G) above, the following elements of a **building** may exceed the permitted maximum height as follows:
  - i. Wind screens, parapets, terrace or balcony guardrails, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, privacy screens, stair enclosures, skylights, mechanical equipment, mechanical and architectural screens, access hatches, roof assemblies, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, pavers, elements of a **green roof, structures**

located on the roof used for outside or open air recreation, which may project above the **height** limits shown on Diagram 2 attached to By-law 817-2020 by no more than 3.0 metres; and

- ii. Elevator overrun which may project above the **height** limits shown on Diagram 2 attached to By-law 817-2020 by no more than 4 metres.
- (I) Despite clause 40.5.40.70 and regulations 600.10.10(1), 40.10.40.70(1), and 40.10.40.80(1) the required minimum **building setbacks** and minimum distance between **main walls** must be provided as shown in metres on Diagram 2 of By-law 817-2020, except that any **main wall** of the first **storey** of the **building** must be set back a minimum of 3.0 metres from the **lot line** abutting Dundas Street West;
- (J) Despite regulations 600.10.10(1) and 40.5.40.60(1), clause 40.10.40.60 and regulation (I) above, the following elements of a **building** may encroach into the required **building setback** or separation distance as follows:
- i. Cornices, eaves, light fixtures, parapets, art and **landscaping** features, trellises, window sills, vertical window screens, ornamental elements, ventilation shafts, mechanical equipment, balustrade, railings, wheelchair ramps, site servicing features, window washing equipment, mullion cap extensions, screening, stair enclosures, fences underground garage ramp and associated **structures**, up to a maximum of 0.5 metres; and
  - ii. Awning and canopies, up to a maximum of 2.0 metres;
- (K) Article 600.10.10 with respect to **building setbacks** does not apply;
- (L) Despite regulation 40.10.40.50(1) and (2), **amenity space** must be provided as follows:
- i. A minimum of 2.0 square metres per **dwelling unit** of indoor **amenity space**;
  - ii. A minimum of 1.74 square metres per **dwelling unit** of outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
  - iii. No outdoor **amenity space** is required for non-residential uses;
- (M) Despite regulation 200.5.10.1(1), (2), (3) and (5), **parking spaces** must be provided as follows:
- i. A minimum of 54 **parking spaces** for residents of **dwelling units**; and
  - ii. A minimum of 31 **parking spaces** for non-residential uses, of which:

- a. **3 parking spaces** must be exclusively reserved and signed and located on the first level of underground parking for short-term pick up and drop off activities;
- (N) Despite regulation 200.5.1.10(12)(c) the vehicular entrance or exit to the **building** may be less than 6.0 metres from the **lot line** abutting the **street**;
  - (O) Despite clause 40.10.90.1 and regulations 220.5.10.1 (1), (2), (3) and (5), at least one type "G" **loading space** and one type "C" **loading space**, and one type "B" **loading space** must be provided and maintained;
  - (P) Despite regulation 230.5.1.10 (4) and (5), a "**bicycle parking space**" must comply with the following:
    - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.46 metres by 1.93 metres and a vertical dimension of at least 1.22 metres; and
    - ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - (Q) Despite clause 230.5.10.1 **bicycle parking spaces** must be provided on the **lot** for residential and non-residential uses as follows:
    - i. A minimum of 499 "long-term" **bicycle parking spaces** must be provided for residential and non-residential occupants; and
    - ii. A minimum of 90 "short-term" **bicycle parking spaces** must be provided for residential and non-residential visitors;
  - (R) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be located more than 30 metres from a pedestrian entrance.
- 4. Prevailing By-laws and Prevailing Sections: (None Apply)
  - 5. Despite any existing or future severance, partition or division of the **lot** shown in Diagram 2 of this by-law, the provisions of this By-law apply to the whole **lot** as it no severance, partition or division occurred.
  - 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 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 of this By-law 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on October 2, 2020.

Frances Nunziata,  
Speaker

John D. Elvidge,  
Interim 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 lot as shown in Diagram 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:

1. Prior to the issuance of the first above-grade building permit, the owner shall submit a letter of credit in a value no less than \$500,000.00 in the City's standard form to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning.
2. Prior to the issuance of the first above-grade building permit, the owner shall submit a public art plan detailing the design and construction of a public art installation, in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor; and details of the public art process to the satisfaction of City Council.
3. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$120,000.00 to be allocated towards local streetscape improvements located within Ward 11 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Neighbourhood Improvements Unit within the Design and Project Management Section, Transportation Services Division, the Ward Councillor, the General Manager, Parks, Forestry and Recreation and the General Manager, Transportation Services.
4. The financial contribution identified in Section 3 above shall be paid by certified cheque to the City, and the amount set out in Section 1 and 3 herein shall be increased by upwards indexing in accordance with the non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City.
5. In the event that the cash contributions referred to in Section 3 above has not been used for the intended purposes within three (3) years of the By-laws 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 11.
6. Prior to the issuance of any building permit, including permits for excavation and shoring, and subject to the project qualifying for Open Doors, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") with the City to design, construct, provide, maintain and contribute to the provision and maintenance of twenty-six (26) new affordable rental housing dwelling units on the lot at a value of at least \$8,000,000 from the owner, with terms in accordance with such contribution agreement, including that the average monthly rents of such twenty-six (26) units shall be at or below 90 percent of the CMHC rents for a period of thirty (30) years inclusive of a

5 year phase-out period from first occupancy of each such unit as affordable rental housing in accordance with such contribution agreement, all to the satisfaction of the Director, Affordable Housing Office, the Chief Planner and Executive Director, City Planning and the City Solicitor. And the owner shall thereafter provide such affordable rental housing dwelling units in accordance with the contribution agreement entered into with the City.

7. The affordable rental housing dwelling units will be comprised of the following:
  - (a) at least 19 one-bedroom units having a minimum size of at least 39 square metres;
  - (b) at least 7 two-bedroom units having a minimum size of at least 59 square metres; and
  - (c) average unit sizes will be higher than the minimum sizes.
  
8. The following general provisions for the affordable rental housing dwelling units will be:
  - (a) tenants of the affordable rental housing shall have access to the indoor and outdoor amenity spaces associated with the building on the same basis as other units within the development with no separate or additional charges;
  - (b) all affordable rental housing units will have laundry facilities on the same basis as other units within the development, with no extra charges for appliances;
  - (c) the tenants of the affordable rental housing will have access to permanent and visitor bicycle parking/bicycle lockers in accordance with the zoning by-law and on the same basis as other units within the development;
  - (d) parking will be provided consistent with the by-law requirements on the same basis as other units within the development and is not included as a part of rent. The maximum monthly parking charge to the tenants in the 1st year of the building's occupancy will be agreed to at the time of site plan application to the satisfaction of the Chief Planner and Executive Director, City Planning, and annual increases thereafter will be limited to the same percentage for annual rent increases as the Guideline increase permitted under provincial legislation;
  - (e) storage lockers will be made available to rent at the same residential unit to storage locker ratio as the entire building;
  - (f) rents will be set at affordable rents, where the total monthly shelter cost (including heat, hydro and hot water, excluding parking and internet/cable charges) is at or below 90 percent of the Average Market Rent for the City of Toronto, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report;
  - (g) if utilities are not included in the rent and are to be paid by the tenant, a utility allowance will be delivered by way of setting off the amount of the utility

allowance against the monthly rental payment, for each separately metered utility, as determined and updated annually by the City, or to the satisfaction of the Chief Planner and Executive Director, City Planning and the Director of Housing Stability Services in writing; and

- (h) When entering into a tenancy agreement for an affordable unit, household income cannot exceed four times the annual equivalent of the rent for the unit.
9. Prior to site plan approval for all or any part of the lot, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning and to the Director, Affordable Housing Office, the proposed unit layouts and floor plans for any areas of buildings that provide or relate to the provision of the new affordable rental dwelling units required in clauses 3 and 4 above.
10. The owner will submit an Open Door Affordable Rental Housing Program application for approval by the Executive Director, Housing Secretariat, to be eligible for the City's Open Door Program incentives as described in the Recommendations of this report. Subject to approval under the program, during the affordability period:
- (a) affordable rents must be provided for a minimum of 30 years from initial occupancy, inclusive of a 5-year phase-out period during which rents can be set at market levels when a tenant vacates a unit. Thereafter rents may be charged in accordance with the Residential Tenancies Act or successor legislation;
  - (b) the owner will provide an affordable housing access plan and first occupancy report satisfactory to the Director of Housing Stability Services or designate, no later than six months before first occupancy to report on rents at occupancy; and
  - (c) the owner will provide to the Director of Housing Stability Services an annual occupancy report at the end of each calendar year to report on rents during the year and information on the household incomes of units rented to new tenants during the year.
11. In the event the project does not qualify for Open Doors, as required in clause 6 of this Schedule, the owner shall in any event provide and maintain on the lot at least 26 new affordable rental housing dwelling units distributed throughout the lot with rents that remain at 90 percent AMR for at least 26 years. The affordable rental units will be comprised of the following:
- (a) at least 19 one-bedroom units having a minimum size of at least 39 square metres;
  - (b) at least 7 two-bedroom units having a minimum size of at least 59 square metres; and
  - (c) average unit sizes will be higher than the minimum sizes.
12. The affordable rental units of the building shall be maintained as rental housing for at least a 49-year period and the owner shall not apply to convert any of the units to any

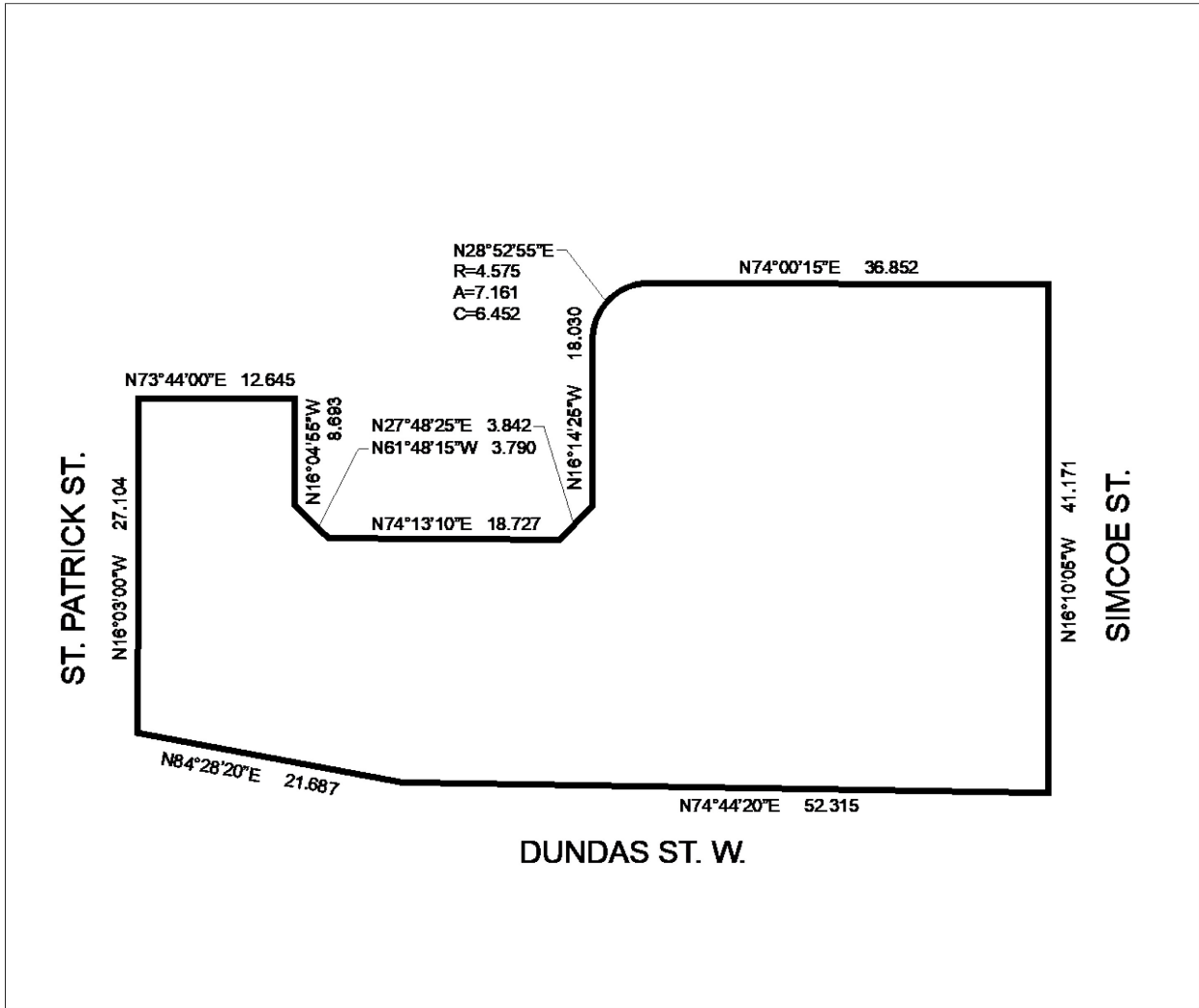


non-rental housing purposes, nor to demolish the rental housing without replacement as rental housing on the site, during this period. The owner shall also not apply for approval of a Description with respect to any portion of the rental housing, nor register any of the rental housing under the Condominium Act or for any other form of ownership tenure, such as but not limited to, life lease or co-ownership as defined in Chapter 667 of the Toronto Municipal Code that provide a right to exclusive possession of a unit.

13. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - (a) prior to issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") to provide Open Door Affordable Housing Program incentives for up to 26 affordable rental housing dwelling units to be developed on the lands at 250 Dundas Street West, subject to the approval of an Open Door Application by the Executive Director, Housing Secretariat. The owner shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.
  - (b) prior to the issuance of Final Site Plan Approval, the owner shall have addressed the requirements for the removal of private and City trees on the site and adjacent property as required by the City of Toronto Tree Bylaw as outlined in the memorandum from Urban Forestry Services staff dated October 31, 2019.
  - (c) Prior to the issuance of the first above grade building permit, the owner shall submit a revised Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and any outdoor amenity space on the site and to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - (d) Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City

Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

- (e) As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the owner will be required to convey an off-site parkland dedication equal to the value of the parkland on-site dedication. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
- (f) In the event that the off-site parkland dedication is substantially less than the value of the on-site parkland dedication, then the owner will be responsible for the shortfall of parkland dedication requirement through a payment of cash-in-lieu, to be paid for prior to the issuance of the first above grade building permit.
- (g) In the event that the owner is unable to acquire a suitable off-site parkland dedication, after reasonable commercial efforts, the owner will be required to satisfy the parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted based upon the submission to Toronto Building prior to the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.
- (h) 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 Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.



250 Dundas Street West, Toronto

Diagram 1

File #18 150969 STE 20 OZ

↑  
Not to Scale

