

Authority: Toronto and East York Community Council Item 23.3, as adopted by City of Toronto Council on May 7, 8, 9 and 10, 2013 and MM45.22, moved by Councillor Perks, seconded by Councillor Carroll, as adopted by City of Toronto Council on December 16, 17 and 18, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 1720-2013**

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 2789 and 2803 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*;

The Council of the City of Toronto enacts:

1. This By-law applies to the lands delineated by heavy black lines as shown on Map 1 attached to and forming part of this By-law (the "Lands").
2. District Map 48J-321 contained in Appendix "A" of By-law No. 438-86, as amended, is further amended by rezoning the lands outlined by heavy lines as shown on Map 1, attached hereto from "MCR T2.5 C1.0 R2.0" to "MCR".
3. Height and Minimum Lot Frontage Map 48J-321 contained in Appendix "B" of By-law No. 438-86 is amended to establish a maximum permitted *height* in metres as shown on Map 2 attached hereto.
4. None of the provisions of Section 2(1) with respect to the definition of "grade", and Sections 4(2)(a)(i) and (ii), 4(6), 4(12), 4(13)(a)(c) and (d), 8(1), and 8(3) Part I 1-3(a), Part II 4(c)(i) and (ii) & (d), 4(3)(a) and (b) and 4(10)(c) of By-law No. 438-86 as amended, apply to prevent the erection or use of the Lands for the purposes of a *mixed-use* building, provided that:

#### **(1) PERMITTED NON-RESIDENTIAL USES**

(a) Only the following non-residential uses are permitted:

- (i) *bake-shop*
- (ii) *dry-cleaning shop*
- (iii) *dry-cleaner's distribution station*
- (iv) *duplicating shop*
- (v) *laundry shop*
- (vi) *personal grooming establishment*
- (vii) *pet shop*
- (viii) *private art gallery*
- (ix) *restaurant*
- (x) *retail store*

- (xi) *service, rental or repair shop*
- (xii) *showroom*
- (xiii) *tailoring shop*
- (xiv) *take-out restaurant*
- (xv) *Clinic*
- (xvi) *Day Nursery*
- (xvii) *Post Office*
- (xviii) *Performing Arts Studio*
- (xix) *Bank Branch*
- (xx) *Caterer's Shop*
- (xxi) *Courier Service*
- (xxii) *Artist's or Photographer's Studio*
- (xxiii) *Custom Workshop*
- (xxiv) *Publisher*
- (xxv) *Software design and development establishment*
- (xxvi) *Data processing establishment*
- (xxvii) *Car share parking space*

**(2) GROSS FLOOR AREA**

- (a) The total permitted combined *residential gross floor area* and *non-residential gross floor area* on the Lands shall be as follows:
  - (i) *residential gross floor area* (including the live/work units):  
7,869.0 square metres;
  - (ii) non-residential gross floor area: 955.8 square metres; and
  - (iii) total combined residential and non-residential gross floor area:  
8,724.8 square metres.

**(3) DWELLING UNITS**

- (a) The maximum permitted number of dwelling units shall be 109, of which a minimum of 4 shall be *live-work* units.

**(4) LIVE-WORK UNITS**

- (a) The maximum permitted number of *live-work units* shall be 5.
- (b) *Live-work units* shall only be permitted adjacent to the public lane.

**(5) SETBACKS**

- (a) The minimum yard setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out in Map 2, attached hereto.

**(6) ANGULAR PLANE PROJECTIONS**

- (a) The building will be contained within 45 degree angular planes projected over the Lands as described below:
  - (i) For the portion of the building facing Indian Grove Road to the east of the property, a 45 degree plane will be measured 16.0 metres from grade (defined for the purposes of this Section as 117.99 metres Canadian Geodetic Datum) at the east property line; and
  - (ii) For the portion of the building facing the public lane adjacent to the south, a 45 degree angular plane shall be measured from a point 10.5 metres above grade as defined in this By-law, at a point 7.5 metres from the north property line of the adjacent property immediately south of the lane.
- (b) Projections will be permitted into the angular plane as described below:
  - (i) For the angular plane as described in 4(6)(a)(i):
    - a. a horizontal projection of no more than 2.2 metres at the roof slab of the 7<sup>th</sup> floor;
    - b. a horizontal projection of no more than 1.0 metre at the roof slab of the 6<sup>th</sup> floor; and
    - c. a horizontal projection of no more than 1.8 metres at the roof slab of the 5<sup>th</sup> floor.
  - (ii) For the angular plane as described in 4(6)(a)(ii):
    - a. a horizontal projection of no more than 1.7 metres for the roof of the rooftop mechanical enclosure;
    - b. a horizontal projection of no more than 1.0 metre for the roof slab of the 7<sup>th</sup> floor;
    - c. a horizontal projection of no more than 2.0 metres for the roof slab of the 6<sup>th</sup> floor;
    - d. a horizontal projection of no more than 1.0 metre for the roof slab of the 5<sup>th</sup> floor;
    - e. a horizontal projection of no more than 1.0 metre for the roof slab of the 4<sup>th</sup> floor; and

- f. a horizontal projection of no more than 1.53 metres for the roof slab of the 3<sup>rd</sup> floor.
- (c) Notwithstanding 6(b)(i) and (II) of By-law No. 438-86, a vertical projection shall be permitted in accordance with Section 7(a)(i) and (ii) of this By-law.
- (d) Where there is a conflict between the above-noted angular plane projections in Section 4(6) and the provisions for building setbacks as provided for in Map 2, the provisions of Section 4(6) shall prevail.

## **(7) HEIGHT**

- (a) Only the following elements may exceed the maximum permitted *heights* as shown on Map 2 and such elements may exceed the maximum permitted *heights* by no more than 3.5 metres:
  - (i) Parapets, guard rails, screens, balustrades, terrace and balcony railings and dividers;
  - (ii) Landscape elements, including, planters, trellises and other decorative landscape elements and structure, including elements of a green roof;
  - (iii) Solar panels and solar hot water heaters; and
  - (iv) Cooling towers/cooling tower stacks, stair enclosure, window washing equipment, chimney stacks, makeup air units, emergency generator, garbage chute overruns, lightning rods and exhaust stacks.

## **(8) PARKING**

- (a) *Parking spaces* shall be provided as follows:
  - (i) A minimum of 0.70 and a maximum of 1.0 *parking space* per bachelor unit;
  - (ii) A minimum of 0.80 and a maximum of 1.2 *parking spaces* per one bedroom unit;
  - (iii) A minimum of 0.90 and a maximum of 1.3 *parking spaces* per two bedroom unit;
  - (iv) A minimum of 1.1 and a maximum of 1.6 *parking spaces* per three or more bedroom unit;
  - (v) A minimum of 0.10 visitor parking space per unit;

- (vi) A minimum of 3 non-residential *parking spaces*; and
- (vii) A maximum of 1 car-share *parking space*.

**(9) LOADING**

- (a) A minimum of 1 *Type-G loading space* shall be required to be shared between the residential and non-residential uses in the building.

**(10) RAMP SLOPE**

- (a) The maximum permitted ramp slope shall be 15.5%.

**(11) AMENITY SPACE**

- (a) The required residential amenity space shall be provided as follows:
  - (i) A minimum of 1.5 square metres per unit of indoor *residential amenity space* in a multi-purpose room or contiguous multi-purpose rooms, at least one of which will contain a kitchen and a washroom; and
  - (ii) A minimum of 12.3 square metres of outdoor residential amenity space, to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*.

**(12) DEFINITIONS**

For the purposes of this exception, all italicized terms shall have the same meaning as Section 2(1) of By-law No. 438-86, except as noted below:

- (a) "*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 be reserved in advance, charge fees based on time and/or kilometers 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*" means a parking space that is reserved and actively used for car-sharing; and
- (c) "*grade*" shall mean 117.73 metres Canadian Geodetic Datum.

**(13) DIVISION OF LAND**

- (a) Notwithstanding any future severance, partition or division of the Lands, the provision of this By-law shall continue to apply as if no severance, partition or division occurred.

**(14) MUNICIPAL SERVICES**

- (a) Within the lands shown on Map 1, attached hereto, 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:
  - (i) All new public roads have been constructed to a minimum of base curb and asphalt and are connected to an existing public highway; and
  - (ii) All water mains and sanitary sewers and appropriate appurtenances, have been installed and are operational.

Enacted and passed on December 18, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



