

Authority: Toronto and East York Community Council Item 30.9,
adopted as amended, by City of Toronto Council on March 20, 2014

CITY OF TORONTO

BY-LAW No. 303-2014

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known as 17 Dundonald Street.

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 Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in *height* or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

Whereas Subsection 37(3) of the *Planning Act* provides that, where an *owner* of lands elects to provide facilities, services and matters in return for an increase in *height* and density of development, the municipality may require the *owner* to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the *owner* of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the density and *height* permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the former City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the *owner* of such lands and the City of Toronto ("City"); and

Whereas Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in *height* and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *height* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements with the *owner* of the site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply on the lot.
5. None of the provisions of Sections 2(1) with respect to the definition of "grade", "height" and "lot, 4(2)(a), 4(5)(a) to (e), 4(12), 4(13) (c) (d), 4(16), 4(17), 6(3) Part I (1), 6(3) Part II(2) to (4), 6(3) Part II(8), and Part 6(3)III (1) of *Zoning By-law No. 438-86*, as amended, shall apply to prevent the erection or use of a *residential building* within the *site* which may contain dwelling units and non-residential uses and accessory uses thereto including a *parking garage* and *public transit station vestibule* provided that all the provision of this By-law are complied with.
6. For the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
7. The *lot* on which the uses are located shall comprise at least the *site*.
8. The total *residential gross floor area* erected or used on the *site* shall not exceed 9,105 square metres. For the purposes of this by-law, the *public transit station vestibule* shall not be considered as *residential gross floor area*.
9. A maximum of 141 *residential dwelling units* shall be erected on the *lot*.
10. The building height should be a maximum of 19 storeys in *height*, excluding any mezzanine area.
11. Parking spaces shall be provided and maintained on the lot as follows:
 - (a) Resident parking - a minimum of 54 parking spaces; and
 - (b) Residential Visitors - a minimum of 3 parking spaces.
12. A maximum of nine *small car* parking spaces are permitted with minimum dimensions of 2.6 metres in width and 5.6 metres in length, which are obstructed on one side by a wall or column which extends more than 1.0 metre from the front or rear of the parking space,

with such obstructions being located less than 0.3 metres from the side of the parking space, measured at right angles.

13. Indoor *residential amenity space* shall be provided in accordance to Section 4(12) of By-law No. 438-86.
14. The greater of 280 square metres or 1.9 square metres per *residential dwelling unit* of outdoor *residential amenity space* shall be provided.
15. No portion of any building erected above finished ground level is located outside 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:
 - (a) Lighting fixtures, cornices, sills, eaves, window washing equipment, parapets, railings, privacy screens, terraces, cabanas, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, ornamental or architectural features, landscape features, and art installations may extend beyond the heavy lines shown on attached Map 2;
 - (b) Canopies on the ground floors may extend a maximum of 1.5 metres beyond the heavy lines shown on Map 2, as measured perpendicular to the exterior walls of the building; and
 - (c) Balconies may extend a maximum of 1.8 metres beyond the heavy lines shown on Map 2, as measured perpendicular to the exterior walls of the building.
16. No person shall erect or use a building or structure on the lot having a greater *height*, above grade in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not prevent:
 - (a) The erection or use of the structures, elements and enclosures permitted by Section 13 of this By-law subject to the following additional requirements:
 - i. Railings to a maximum vertical projection of 2 metres above the *height* limits shown on Map 2;
 - (b) Elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 1.5 metres above the *height* limits shown on Map 2; and
 - (c) Rooftop stacks and vents to a maximum vertical projections of 1.5 metres above the *height* limits shown on Map 2.
17. A minimum of 15% of the area of the lot shall be in the form of hard and soft landscaped open space.

18. None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *site*.
19. Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of the By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.
20. *Bicycle parking spaces* for residents and visitors shall be provided and maintained in accordance with Section 4(13) of By-law No. 438-86, except that:
- (a) *Stacked bicycle parking spaces* may be used to meet requirements;
 - (b) Required visitor *bicycle parking spaces* may be provided on the lands known municipally as 15 Dundonald Street; and
 - (c) Despite the minimum dimensions of a *bicycle parking space* in Section 2(1) of By-law No. 438-86, the minimum dimension of a *bicycle parking space - occupant* may be 0.4 metres in width, 1.8 metres in length and 1.5 metres in height and the minimum dimension of a *bicycle parking space - visitor* may be 0.32 metres in width, 1.2 metres in length and 1.9 metres in height.
21. Within the *site*, 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 new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
22. For the purpose of this By-law, the following expressions shall have the following meanings:
- (a) "*Building envelope*" means a building envelope for each *height* area as shown by an "H", and as delineated by the heavy lines on Map 2 attached hereto;
 - (b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing 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";
 - (c) "*City*" means the City of Toronto;
 - (d) "*Grade*" means the Canadian Geodetic elevation of 110.65 metres;

- (e) "*Height*" means the vertical distance between *grade* and the highest point of the building or structure;
- (f) "*Owner*" means the fee simple *owner(s)* of the *site*;
- (g) "*Public transit station vestibule*" means an entrance vestibule, lobby and related facilities to be used for and operated by the Toronto Transit Commission as a secondary entrance and exit to the adjacent Wellesley subway station;
- (h) "*Sales office*" means an office, or sales trailer, used exclusively for the initial sale and/or initial leasing of dwelling units or the non-residential uses to be erected on the *site*;
- (i) "*Site*" mean those lands outlined by heavy lines on Map 1 attached hereto; and
- (j) "*Stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and may be equipped with a mechanical device providing floor level access to both bicycle parking spaces.

23. Each other word or expression, which is italicized in this by-law, shall have the same meaning as each word or expression as defined in By-law No. 438-86.

Enacted and passed on April 3, 2014.

John Parker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix "1"**Section 37 Provisions**

The facilities, services and matters set out herein are the matters required to be provided by the owner of that lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. The Toronto Transit Commission shall provide verification prior to condominium registration, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, that:
 - (a) A minimum of \$490,000 has been spent by the owner towards landscape improvements above base condition to the proposed landscape open space, sidewalk and Toronto Transit Commission walkway; and
 - (b) A minimum of \$60,000 has been spent by the owner towards continuation of the Toronto Transit Commission walkway south from the property line to Wellesley Street East;
2. The owner shall make a financial contribution of \$436,000 to the Toronto Transit Commission towards the redesign and incorporation of the second access to the Wellesley Street subway station into the proposed redevelopment. The Toronto Transit Commission shall provide confirmation that this financial contribution has been made prior to the issuance of the first above-grade building permit;
3. The owner shall make a financial contribution of \$100,000 prior to the first above-grade building permit towards capital improvement for Toronto Community Housing in Ward 27;
4. The owner shall make a financial contribution of \$225,000 prior to the first above grade building permit towards capital improvements to James Canning Gardens;
5. Prior to the issuance of the first above-grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, written acknowledgement from the Toronto Transit Commission that the owner has posted the necessary securities as required by the Toronto Transit Commission, and that the owner has completed the technical review of the proposed fully accessible entrance connection and entrance tunnel from 17 Dundonald Street to the Toronto Transit Commission concourse level at the Wellesley Station, which shall be constructed at the sole expense of the owner, to the satisfaction of the Toronto Transit Commission;

6. The Owner shall, at its sole cost and expense:
 - (a) Construct the Entrance Connection to the standards and satisfaction of the Toronto Transit Commission; and
 - (b) Enter into all agreements as required by the Toronto Transit Commission respecting the operation and maintenance by the Owner of the Entrance Connection;
7. Prior to the issuance of the first below-grade building permit for the Development, the Owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division written confirmation from the Toronto Transit Commission that the Owner has, at its sole cost and expense, fulfilled the following:
 - (a) Completed the Toronto Transit Commission technical review(s) respecting the Development and the Entrance Connection, and addressed all concerns arising from the technical review(s) to the satisfaction of the Toronto Transit Commission;
 - (b) Paid to the Toronto Transit Commission all fees in respect of the technical review(s) of the Development and Entrance Connection;
 - (c) Posted all securities as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection; and
 - (d) Enter into all agreements as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection;
8. Prior to Site Plan approval, the Owner shall provide a commemorative strategy, including the estimate of cost for the Commercial Travellers' Association of Canada building to the satisfaction of the Manager of Heritage Preservation;
9. Prior to the issuance of the demolition permit, the Owner shall provide a Letter of Credit to secure the implementation of the approved commemorative plan;
10. The owner shall provide at least 12 residential dwelling units in the building that are capable of being designed as three-bedroom dwelling units in compliance with the provisions of the Ontario Building Code, and these dwelling units will be shown on any marketing plans as three-bedroom units and will be marketed as potential three-bedroom dwelling units. These units ultimately may be sold and/or constructed with fewer bedrooms. The condominium documentation will allow for renovation of dwelling unit(s) to three-bedroom units; and
11. The owner of the lot shall enter into and register on title to the lot and on title to the lands known municipally in the year 2014 as 17 Dundonald Street, one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.



