

Authority: Toronto and East York Community Council Item TE31.6, as adopted by City of Toronto Council on April 24, 25, 26 and 27, 2018

## **CITY OF TORONTO**

### **BY-LAW 650-2018**

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 219 and 231 Dundas Street East.**

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 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 matter 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 and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are 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. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the lot of the following facilities, services and matters set out in Schedule A, 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 lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, the lot 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 requirements.

3. This by-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
4. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply.
5. None of the provisions of Section 2 with respect to the definition of the terms *lot*, *grade* and *height*, and Sections 4(2)(a), 4(3), 4(5)(b), 4(8), 4(12), 4(13), 4(17), 8(3)PART I, 8(3)PART II, 8(3) Part III, 8(3)PART XI, 12(2)270, 12(2) 380 of Bylaw 438-86 of the former City of Toronto, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of lands 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", as amended, shall apply to prevent the erection or use of a *mixed use building* on the lands municipally known as 219 and 231 Dundas Street East in the year 2018 (hereafter referred to as the *lot*), provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
  - (b) for the purposes of this By-law the front lot line shall be Dundas Street East;
  - (c) the *residential gross floor area* shall not exceed 14,900 square metres;
  - (d) the minimum *non-residential gross floor area* shall be 190 square metres;
  - (e) no portion of the building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
  - (f) no part of any building or structure erected on the *lot* shall be located above the building *heights* shown in metres specified by the number following the symbol HT on Map 2;
  - (g) notwithstanding Section 5(e) and (f), no portion of any building or structure shall extend beyond the solid and dashed lines delineating the building envelope and above the height shown on Map 2 attached, with the exception of:
    - (i) Bollards, cornices, lighting fixtures, awnings, canopies, architectural features, ornamental structures, parapets, trellises, balconies, balcony roof or canopies, privacy screens, mechanical and architectural screens, elevator overrun, terraces, columns, eaves, window sills, window washing equipment, chimneys, vents, stacks, mechanical fans, guardrails, balustrades, railings, stairs, covered stairs and/or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, retaining walls, monitor wells, driveways, bicycle parking areas, walkways, patios, fences and safety railings, planters and elements or structures on the roof of the building used for outside or open air recreation, wheelchair ramps, underground garage ramps and their

associated structures, green roofs, safety or wind protection purposes, and landscape features, all of which may extend beyond the heavy lines and above the heights on the attached Map 2 within the *lot*;

- (h) notwithstanding Section 4(3) of Zoning By-law 438-86 *parking spaces* must be provided and maintained on the *lot* in accordance with the following:
    - (i) A minimum of 0.27 parking spaces per *dwelling unit*;
    - (ii) A minimum of 0.06 visitor parking spaces per *dwelling unit*;
    - (iii) A minimum of two (2) *car share* spaces; and
    - (iv) 0 parking *spaces* for non-residential uses;
  - (i) the total number of parking spaces which do not comply with Section 4(17)(e) of Zoning By-law 438-86 shall not exceed six(6);
  - (j) the total number of parking spaces which do not comply with Section 4(17)(a) of Zoning By-law 438-86 shall not exceed eight (8);
  - (k) a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided on the *lot* in a multi-purpose room or rooms at least one of which contains a washroom and a kitchen;
  - (l) a minimum of 0.73 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor residential amenity space;
  - (m) notwithstanding Section 4(13) a minimum of 195 *bicycle parking spaces – occupant* and 20 *bicycle parking spaces – visitor* shall be provided on the *lot*;
  - (n) *bicycle parking spaces – visitor* may be located in a secured room or unsecured room;
  - (o) *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* may be located in a bicycle stacker with a minimum height of 1.2 metres for each space; and
  - (p) a minimum of one *loading space - type G* shall be provided and maintained on the *lot*.
6. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.

7. Definitions:

- (a) For the purposes of this By-law, the terms set forth in italics, have the same meaning as such terms have for the purposes of By-law 438-86 of the former City of Toronto, as amended; and
- (b) The following definitions shall apply:
  - (i) "*Grade*" means 89.00 metres Canadian Geodetic Datum;
  - (ii) "*Height*" means the highest point of the roof above *grade* except for those elements prescribed in this By-law which may contain a maximum height of 8.0 metres;
  - (iii) "*Lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law; and
  - (iv) "*Car share*" means the practice where a number of people share the use of one or more cars that owned by a profit or non-profit car-sharing organization and where such organization may require that use of the 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.

8. None of the provisions of By-law 438-86 of the former City of Toronto, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales office.

Enacted and passed on May 24, 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

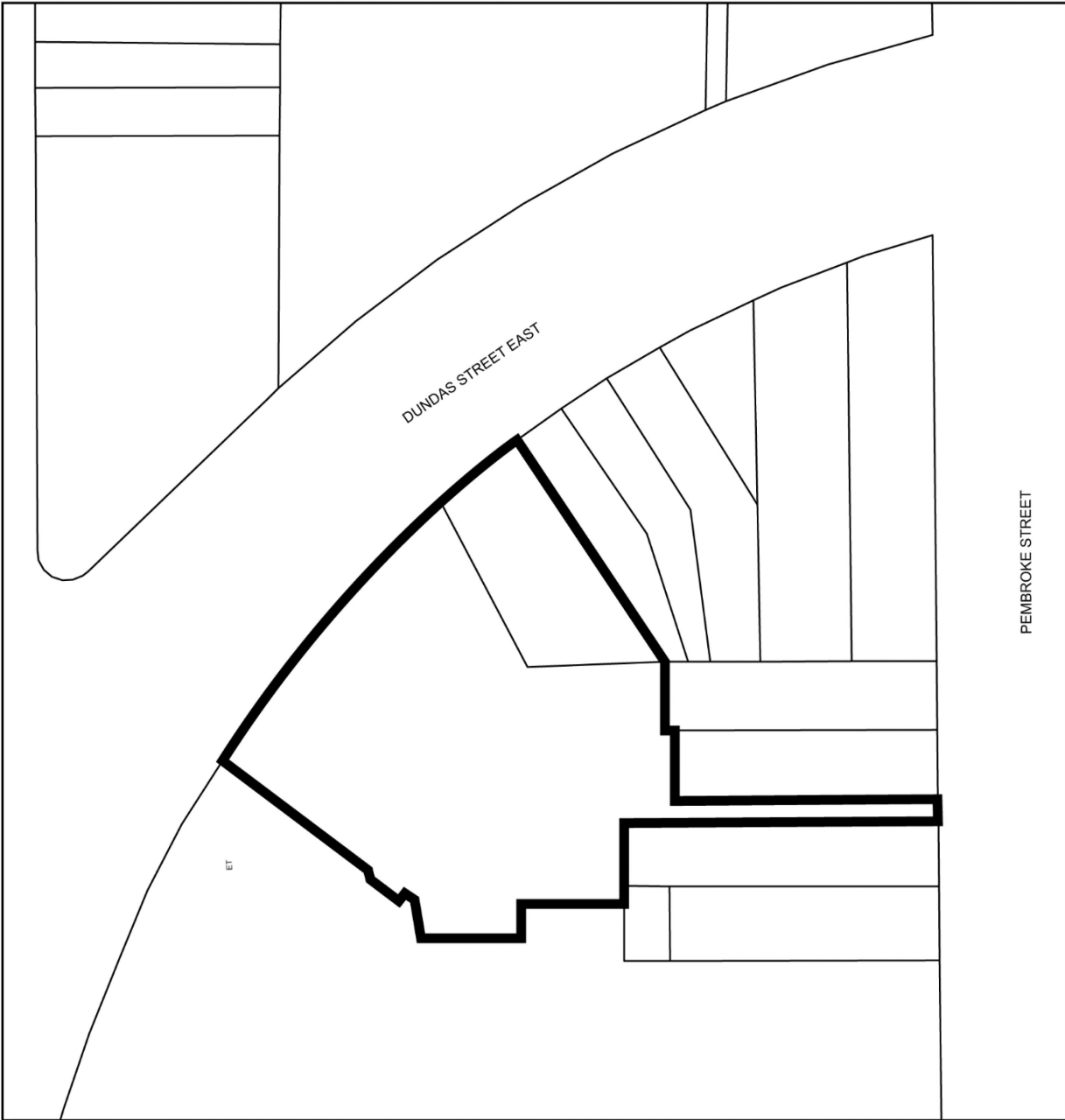
(Seal of the City)

## 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 shown on Map 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the **owner** agrees as follows:


- a. Prior to the issuance of a permit, the **owner** shall provide a contribution in the amount of \$1.5 million (\$1,500,000) in community benefits to be allocated 1/3 to park improvements and/or streetscape improvements, 1/3 to community, recreation and/or cultural space improvements and 1/3 for land for purpose built rental housing with mid-range or affordable rents and/or land for affordable housing and/or affordable ownership housing with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office;
- b. The cash contribution referred to in Section a. shall be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;
- c. In the event the cash contributions referred to in Section a. have not been used for the intended purpose within three (3) years of this By-law 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 Division, in consultation with the Ward Councillor, provided the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot; and
- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. confirmation be required from St. Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path.



 **TORONTO**  
Map 1

**219-231 Dundas Street East**

File # 16 137850 STE 27 OZ

  
City of Toronto By-Law 438-86  
Not to Scale  
2/12/2018

