

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 651-2018

To amend Zoning By-law 569-2013, 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 to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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, 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 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 569-2013, 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. This by-law applies to the lands delineated by heavy lines on Diagram 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the regulations of Zoning By-law 569-2013 continue to apply to the lands delineated by the heavy lines on Diagram 1 attached to and forming part of this By-law.
3. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. 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 1.5 (c1.0; r1.0) SS2 (x145), and R (d1.0)(x984) as shown on Diagram 2 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (145) so that it reads:

Exception CR 145

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 219 and 231 Dundas Street East, if the requirements in Section 6 and Schedule A are complied with, none of the provisions of 40.10.40.10(2), or 40.10.40.40(1), apply to prevent the erection or use of a **mixed use building** permitted in compliance with (B) to (V) below;
- (B) For the purposes of this By-law, the **Front Lot Line** is be Dundas Street East;
- (C) Despite regulation 40.10.40.40(1), the maximum residential **gross floor area** of all **buildings** must not exceed 14,500 square metres;
- (D) Despite regulation 40.10.40.40(1), a minimum non-residential **gross floor area** is 190 square metres;
- (E) Despite regulation 40.5.40.10(1), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 89.00 metres and the highest point of the **building** or **structure**;
- (F) Despite regulations 40.5.40.10(3)-(7) and 40.10.40.10(2), the height of any **building** or **structure** must not exceed the maximum height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law 651-2018, excluding:
 - (i) a **structure** on the roof of the **building** used for outside or open air recreation, a roof top amenity room, roof top stair enclosure, roof top mechanical equipment that includes a chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of a **building**, elevator overrun, antennae, staircases or enclosures, privacy screens, mechanical and architectural screens, balcony and terrace guards and dividers, railings, access hatches, airshafts, landscaping, planters and other landscaping structures, elements of a **green roof**, may exceed the **height** limit on the attached Diagram 3 by no more than 5.5 metres, in addition to the projections permitted in regulation 40.5.40.10 (3)-(7), where these sections do not conflict with the items above;

- (G) Despite regulation 40.10.40.60, all portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 3 of By-law 651-2018, excluding the following in addition to the exemptions listed in 40.10.40.60:
- (i) cornices, lighting fixtures, awnings, canopies, architectural features, balconies and guards, balcony roof or canopies, privacy screens, mechanical and architectural screens, window sills, chimneys, vents, stacks, mechanical fans, stairs, stair landings, covered stairs and/or stair enclosures associated with an entrance or exit from an underground parking garage, retaining walls and curbs, monitor wells, bicycle parking areas, fences and safety railings, terraces, planters, balustrades, bollards, wheelchair ramps, underground garage ramps and their associated **structures**, and landscape and public art features by no more than 5.0 metres, in addition to the encroachments permitted in regulation 40.10.40.60, where these sections do not conflict with the items above;
- (H) Regulation 40.10.40.70(2) with respect to **building** setbacks do not apply;
- (I) Despite regulation 40.10.40.50 (1) with respect to **amenity space**:
- (i) a minimum 2.0 square metres of indoor **amenity space** per **dwelling unit** must be provided; and
 - (ii) a minimum of 0.73 square metres of outdoor **amenity space** per **dwelling unit** must be provided;
- (J) Regulation 40.10.40.1(1) with respect to location of commercial uses in a **mixed use building**, does not apply;
- (K) Regulation 40.10.50.10(2)-(3) with respect to fence requirement and **landscaping** does not apply;
- (L) Regulation 40.10.40.70(2) with respect to setbacks and **angular planes** does not apply;
- (M) Despite regulation 200.5.10.1 and 900.11.10(2)(B) **Parking spaces** must be provided and maintained in accordance with the following requirements:
- (i) A minimum of 0.27 **parking spaces** per **dwelling unit** must be provided for residents;
 - (ii) A minimum of 0.06 **parking spaces** per **dwelling unit** must be provided for visitor parking; and
 - (iii) A minimum of 2 **parking spaces** may be used for car share purposes;

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- (N) Despite regulation 200.5.1.10(2), a maximum of 6 **parking spaces** may be obstructed and 8 **parking spaces** may be a minimum of 5.4m in length;
 - (O) Despite regulation 220.5.10.1 (2) – (9) and 40.10.90.40(3) a minimum of one type "G" **loading space** must be provided and may have access through the **main wall** that faces a **street**;
 - (P) Regulation 200.15.1.5 with respect to location of Accessible **Parking Spaces** does not apply;
 - (Q) Regulation 200.15.1 and 200.15.1 with respect to Accessible **Parking** does not apply;
 - (R) Regulation 230.5.1.10(4) with respect to **bicycle parking space** dimensions does not apply;
 - (S) Despite regulation 230.5.10.1(5) **bicycle parking spaces** must be provided as follows:
 - (i) a minimum of 195 long-term **bicycle parking spaces** must be provided on the **lot**;
 - (ii) minimum of 20 short-term **bicycle parking spaces** must be provided on the **lot** and may be located within an enclosure or secured room at ground level; and
 - (iii) all **bicycle parking spaces** may be located in a bicycle stacker with a minimum height of 1.2 metres;
 - (T) Regulation 230.5.1.10(9) with respect to long term **bicycle parking space** location does not apply;
 - (U) Despite regulation 600.10.10, setbacks are as shown on Diagram 3; and
 - (V) Despite any existing or future severance, partition, or division of the **lot**, the provisions of this by-law must apply to the whole of the **lot** as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections: None apply

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 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; and
- (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 May 24, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

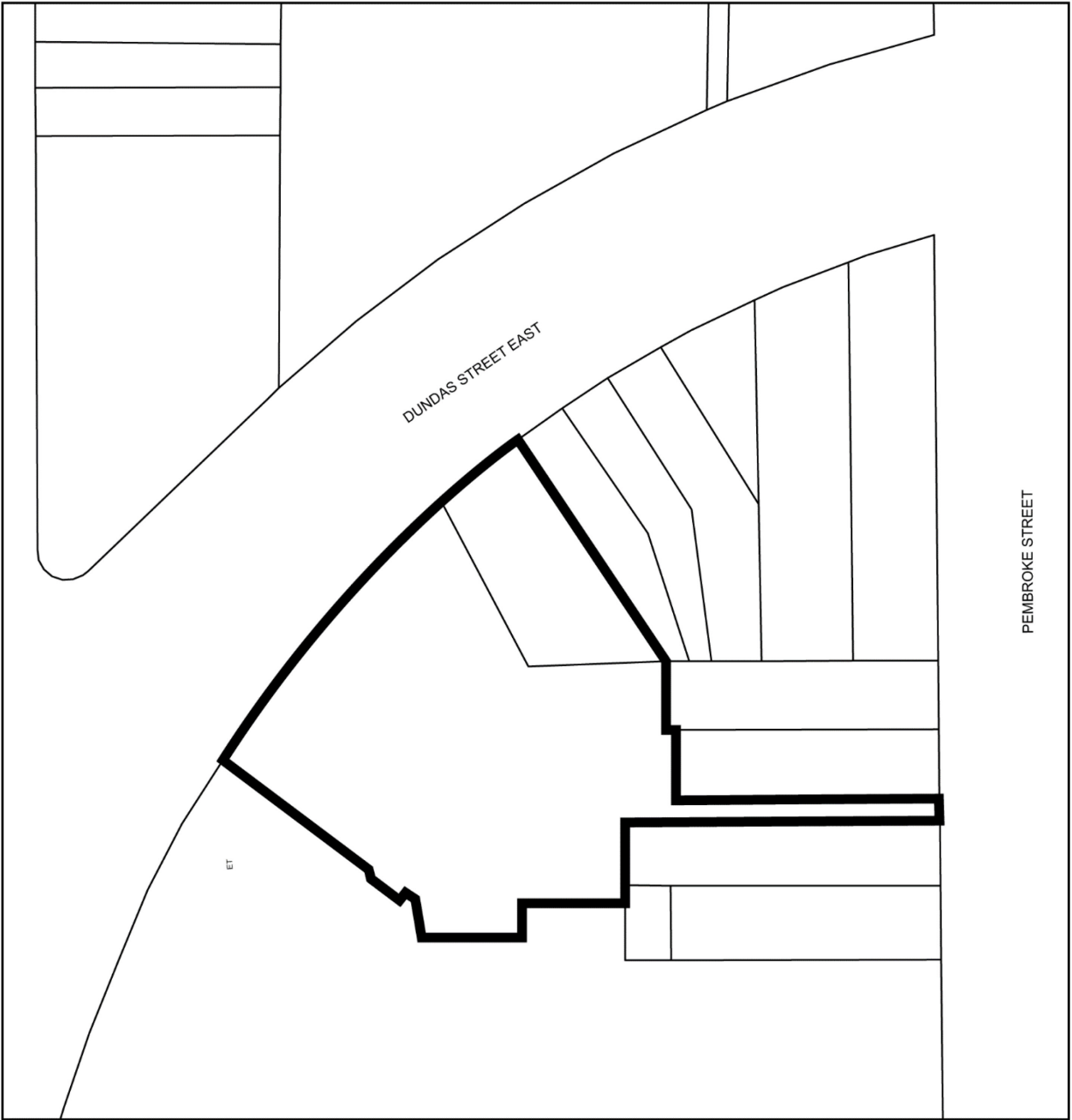
(Seal of the City)

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 Diagram 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:

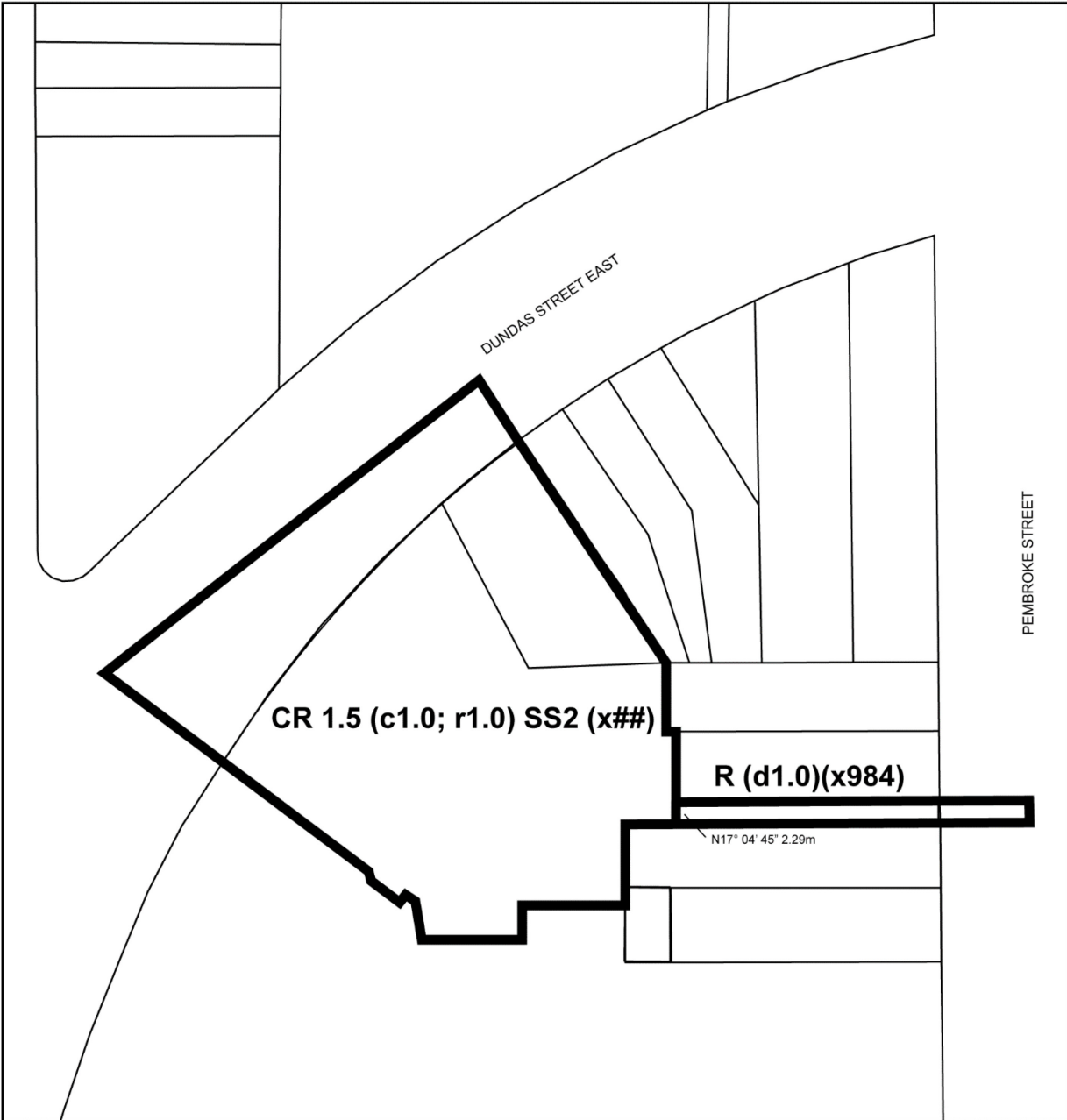
- a. Prior to the issuance of a permit, the **owner** shall provide a contribution in the amount of \$1.5 million (\$1,500,000) in community benefits to be allocated 1/3 to park improvements and/or streetscape improvements, 1/3 to community, recreation and/or cultural space improvements and 1/3 for land 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**
Diagram 1

219-231 Dundas Street East


File # 16 137850 STE 27 OZ

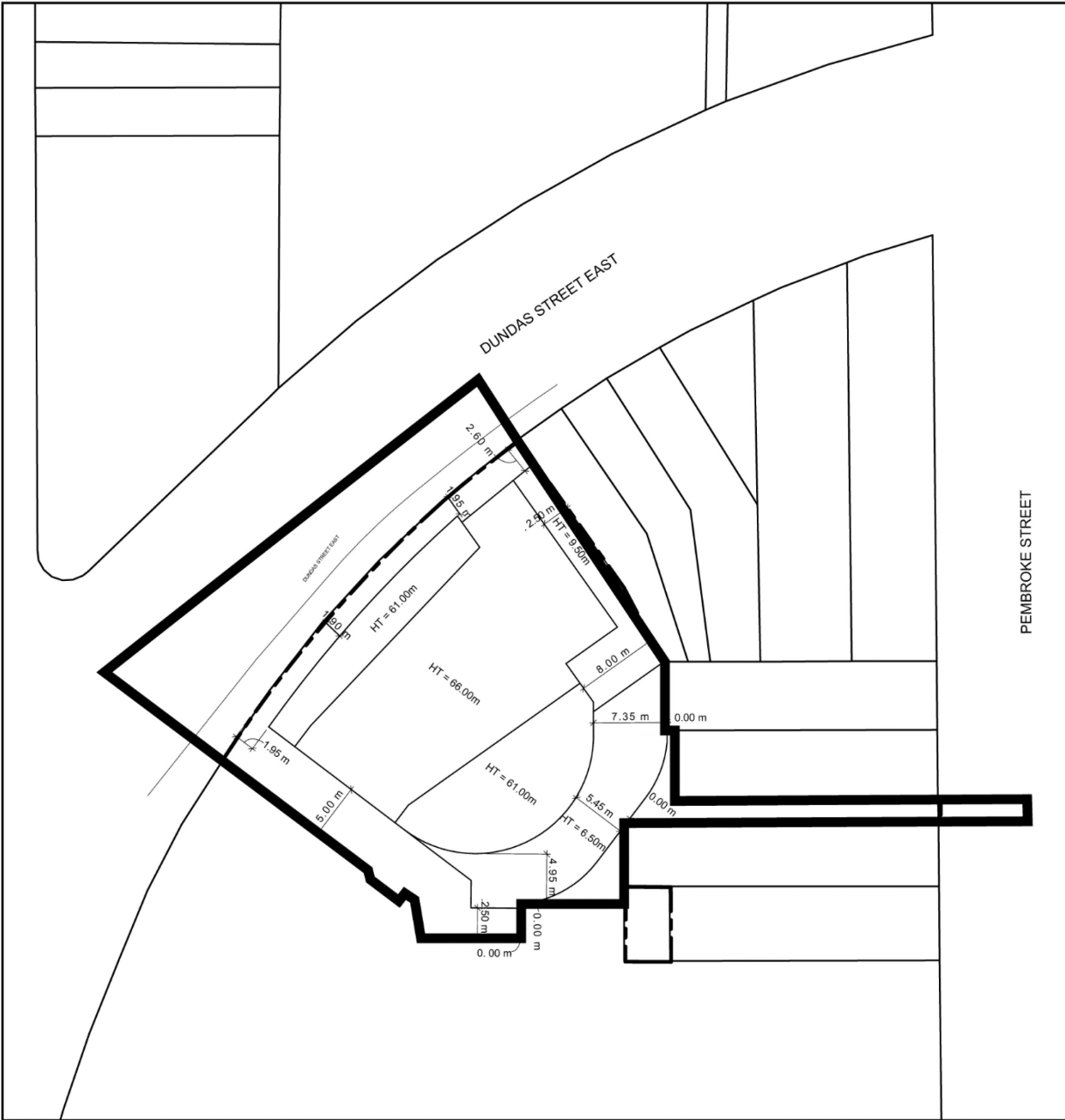


 **TORONTO**
Diagram 2

219-231 Dundas Street East

File # 16 137850 STE 27 OZ



City of Toronto By-Law 569-2013
Not to Scale
2/12/2018



 **TORONTO**
Diagram 3

219-231 Dundas Street East

File # 16 137850 STE 27 OZ


City of Toronto By-Law 569-2013
Not to Scale
2/21/2018