

Authority: Etobicoke York Community Council Item EY32.2, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

## CITY OF TORONTO

### BY-LAW 1264-2018

**To amend Zoning By-law 569-2013, as amended, to permit the development of lands known in the year 2018 as 2978-2988 Dundas Street West and 406-408 Pacific Avenue.**

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;

The Council of the City of Toronto enacts:

1. By-law 954-2015 pertaining to the development of lands known in the year 2015 as 2978-2982 Dundas Street West and 406-408 Pacific Avenue, is repealed.
2. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
3. The words highlighted in bold type in this By-law have the 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 4.5 (c0.6; r3.9) SS2 (x 30), as shown on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number [30] so that it reads:

Exception CR [30]

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 2978-2988 Dundas Street West and 406-408 Pacific Avenue, none of the provisions of 40.5.40.10 (4), 40.10.40.10 (2), 40.10.40.10(5), 40.10.40.40(1), 40.10.40.60 (1)(C)(i), 40.10.40.70 (2)(C), 40.10.40.70(2)(E) and (F), 40.10.40.70 (2)(G), 40.10.40.80(2)(B) 40.10.80.20, 220.5.1(2), 220.5.10.1 and 220.5.20.1(A)(ii) will prevent the erection or use of a **building, structure**, addition or enlargement if it complies with the requirements of (B) to (O) below;
- (B) The total floor space index of all **buildings** on the **lot** does not exceed 4.5, of which:

- (i) the floor space index of **residential** uses on the **lot** does not exceed 3.9;  
and
  - (ii) the floor space index of **non-residential** uses on the **lot** does not exceed 0.6;
- (C) The maximum number of **dwelling units** on the **lot** does not exceed 80 **dwelling units**;
- (D) At least 25 percent of all **dwelling units** on the **lot** must have two or more bedrooms, and at least 10 percent of all **dwelling units** on the **lot** must have three or more bedrooms;
- (E) The height of any **building** or **structure**, as measured from an elevation of 118.72 metres, must not exceed the height in metres specified by the number following the symbol HT on Diagram 3 of By-law 1264-2018;
- (F) Despite (E) above, the following **building** elements and **structures** are permitted to exceed the maximum heights on Diagram 3 of By-law 1264-2018:
- (i) Railings - a maximum vertical projection of 1.2 metres above the heights shown on Diagram 3;
  - (ii) Fences, privacy screens - a maximum vertical projection of 2.5 metres above the heights shown on Diagram 3;
  - (iii) Parapets - a maximum vertical projection of 1.0 metres above the heights shown on Diagram 3; and
  - (iv) **Structures** used for outside or open air recreation, safety or wind protection purposes, provided these **structures** must not enclose space so as to constitute a form of penthouse or other room or rooms - a maximum vertical projection of 3.0 metres above the heights shown on Diagram 3;
- (G) No portion of any **building** or **structure** can extend beyond the areas delineated by heavy lines shown of Diagram 3 of By-law 1264-2018;
- (H) Despite (G) above, the following **building** elements and **structures** are permitted to encroach beyond the heavy lines specified on Diagram 3 of By-law 1264-2018, subject to the following limitations:
- (i) Eaves, cornices, window sills, light fixtures, railings, bollards, wheelchair ramps, stairs, stair enclosures, landscape planters and other similar architectural projections may extend beyond the heavy lines by 0.6 metres;  
and
  - (ii) Canopies, awnings or similar **structures** may extend beyond the heavy lines by 1.5 metres;

- (I) The required minimum height of the first **storey**, as measured between the floor of the first **storey** and the floor of the second **storey**, is 4.0 metres;
- (J) A platform attached to the front **main wall** of a **building** may be located above the first **storey**;
- (K) Where the **main wall** of a **building** has windows or openings, the **main wall** must be set back 5.5 metres from a **side lot line** if that **side lot line** does not abut a **street**;
- (L) A **parking space** that is not in a **building** or **structure** must be set back at least 6.0 metres from a **lot** in the Residential Zone category;
- (M) One Type 'G' **loading space** must be provided on the **lot**;
- (N) None of the provisions of By-law 569-2013 will apply to prevent the erection or use of a temporary sales office or temporary construction office.

Prevailing By-law and Prevailing Sections:

- (A) Section 12(2) 270 (a) of former City of Toronto By-law 438-86.

**6. Section 37 Provisions**

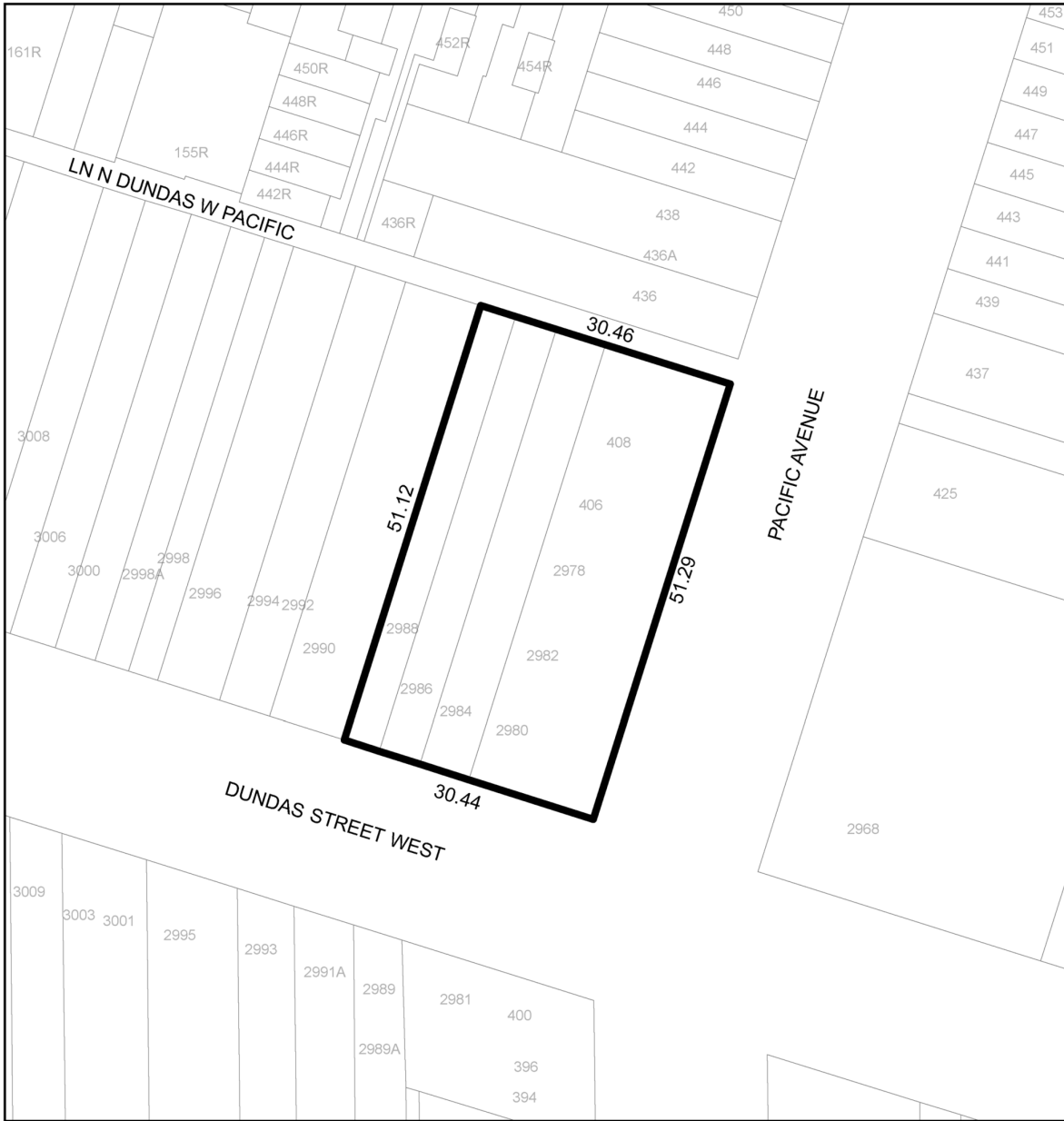
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, 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.
- (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 July 27, 2018.

Glenn De Baeremaeker,  
Deputy Speaker

Ulli S. Watkiss,  
City Clerk

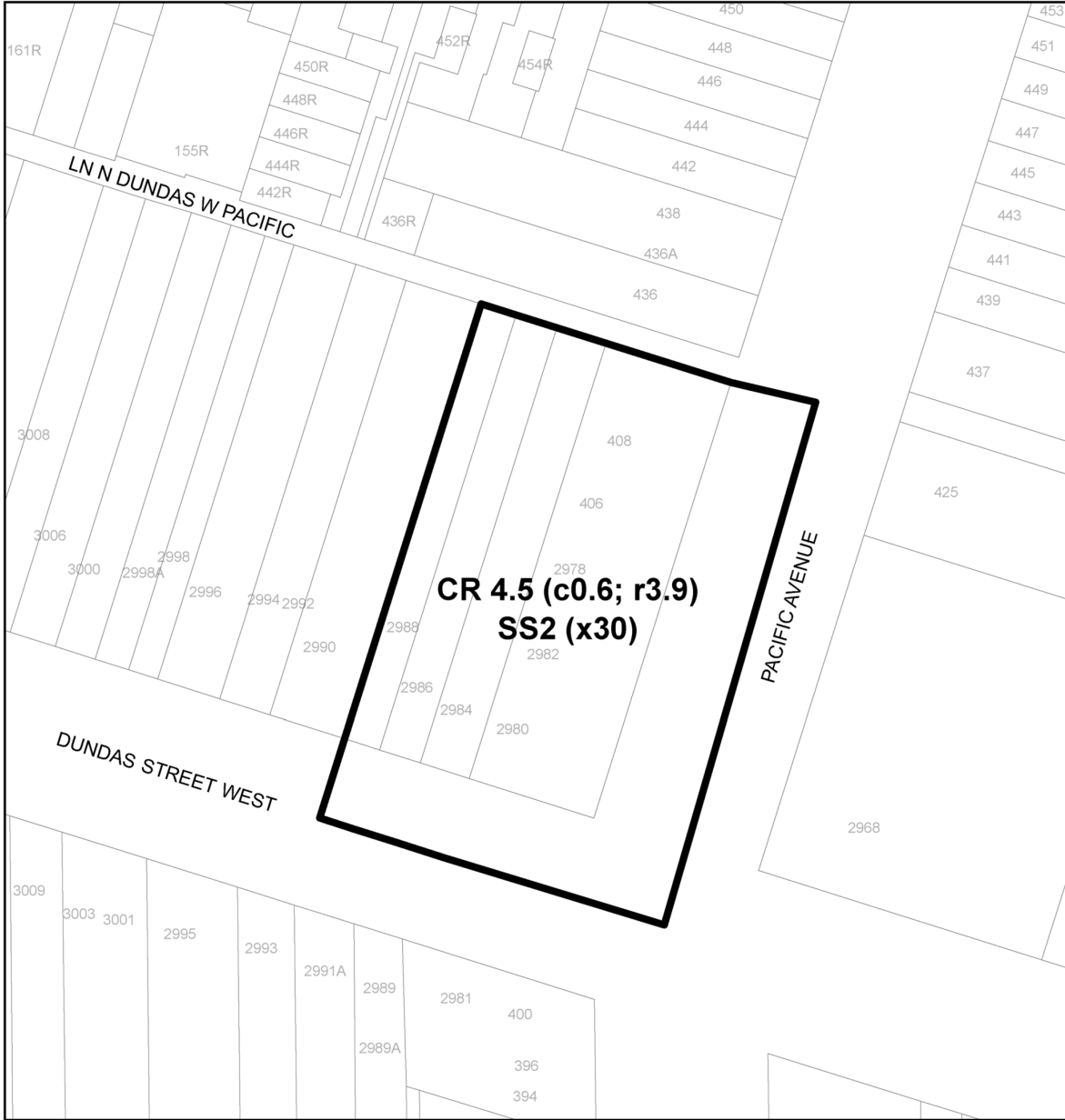
(Seal of the City)



 **TORONTO**  
Diagram 1

**2978 - 2988 Dundas Street West &  
406 - 408 Pacific Avenue**

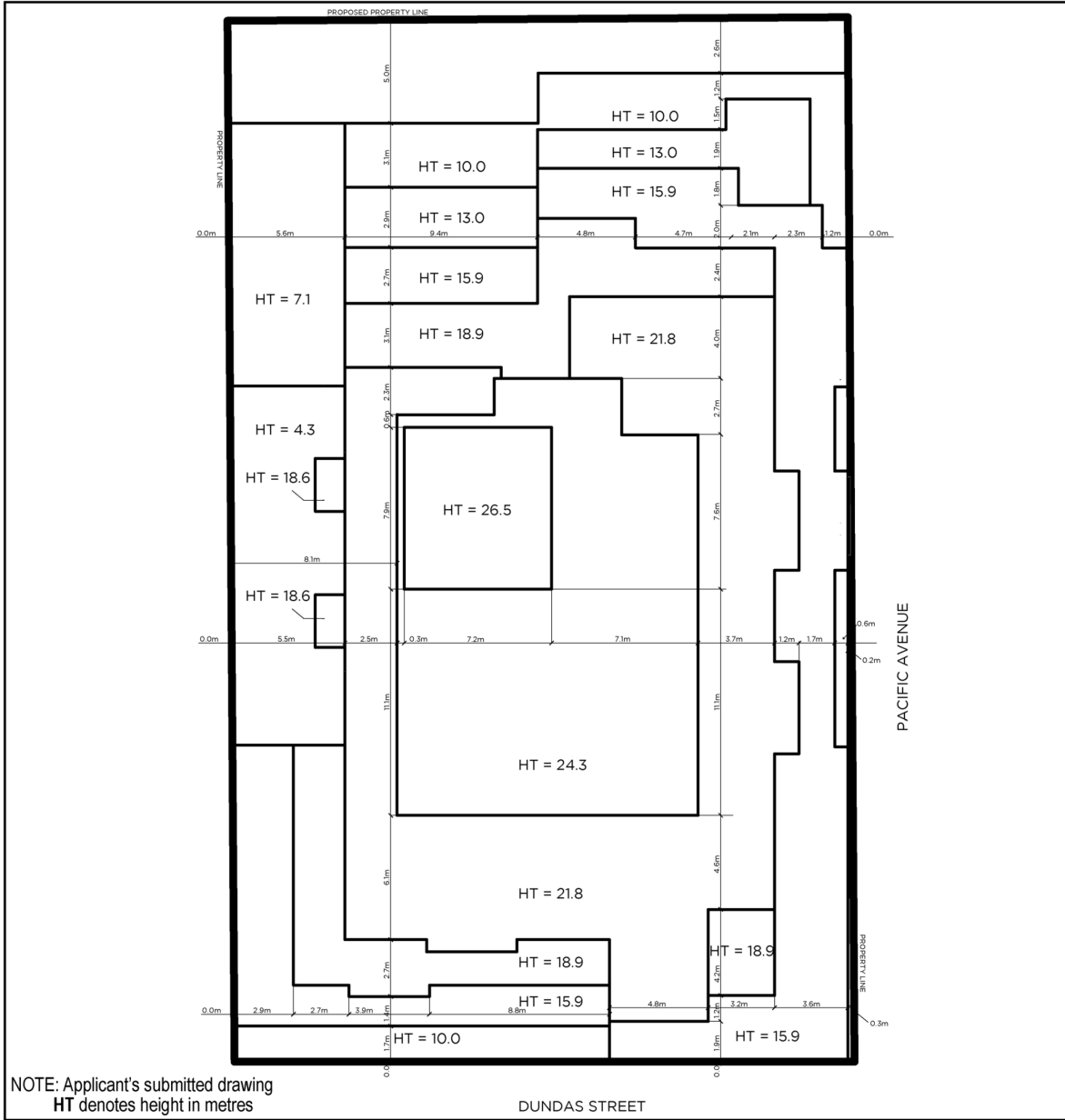
File # 16 137330 WET 13 OZ



 **TORONTO**  
Diagram 2

**2978 - 2988 Dundas Street West &  
406 - 408 Pacific Avenue**

File # 16 137330 WET 13 OZ



**TORONTO**  
Diagram 3

2978 - 2988 Dundas Street West &  
406 - 408 Pacific Avenue  
File # 16 137330 WET 13 0Z

**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 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) The owner shall provide the following to support the development of the lands:
  - i. The owner shall provide and maintain not less than 7 replacement rental dwelling units, comprised of 1 bachelor unit, 2 one-bedroom units, 3 two-bedroom units and 1 three-bedroom unit, at 2978-2988 Dundas Street West and 406-408 Pacific Avenue for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated January 8, 2018. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - ii. The owner shall provide at least 1 bachelor, 2 one-bedroom, and 1 two-bedroom replacement rental dwelling units at affordable rents, at least 2 two-bedroom and 1 three-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date of first occupancy.
  - iii. The owner shall provide ensuite laundry in all replacement rental dwelling units.
  - iv. The owner shall make available storage lockers to tenants of the replacement rental dwelling units on the same basis as the occupants of the remainder of the building.
  - v. The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building.
  - vi. The owner shall provide tenants of the replacement rental dwelling units with access to both vehicle parking spaces and bicycle parking spaces on the same basis as the occupants of the remainder of the building.
  - vii. The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - viii. The owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in i. to vii. above and as detailed in the Draft Zoning By-law Amendments (Attachment 4 and 5) to the report from the Director, Community Planning, Etobicoke York District dated 15 June, 2018, to

the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.

- ix. The owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 7 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning or his designate, to assist with the securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.
- x. The owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any building permit.
- xi. 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 Committee, as further amended by City Council from time to time.