

Authority: Etobicoke York Community Council Item  
EY3.2, as adopted by City of Toronto Council on  
February 26, 2019

## CITY OF TORONTO

### BY-LAW 82-2020

**To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code and By-law 717-2006 with respect to the lands municipally known as 4125, 4127, 4129 and 4133 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 authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas Council has provided notice of the intent to pass this By-law to remove the holding symbol (H); 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 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 the 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 land elects to provide facilities, services or 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 or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by the former City of Etobicoke Zoning Code, 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 (the "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. The zoning maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law 11,737 (Etobicoke Zoning Code), and attached as Schedule A-1 to Zoning By-law 717-2006 be and the same are hereby amended by amending the classification of lands from General Commercial – Avenues – Holding (CG-AV-H) to General Commercial – Avenues (CG-AV) as described in Schedule 1 attached to this By-law.

Pursuant to Section 37 of the Planning Act, the heights 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 site of the facilities and services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.

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 and services and matters set out in Appendix 1 hereof, 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.

Notwithstanding the Etobicoke Zoning Code and By-law 717-2006, the following provisions and development standards shall apply to the Lands.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law 717-2006, the provisions of this By-law shall apply.

## 2. **Definitions**

The following definitions shall be amended to include:

- a) "Bicycle Parking Spaces – Long-term" means bicycle parking spaces intended for use by residents and employees;
- b) "Bicycle Parking Spaces – Short-term" means bicycle parking spaces intended for use by visitors;
- c) "Building Envelope" means the area delineated by heavy lines and identified on Schedule 2 attached to this By-law;
- d) "Building Permit" means a permit issued under Section 8 of the Building Code Act, 2005, including a permit for exaction or shoring;
- e) "Grade" means the average grade is the unaltered grade taken at the side lot lines identified as interior and flankage along Kingsway Crescent at the required front yard setback, identified as 109.44 metres Canadian Geodetic Datum;

- f) "Gross Floor Area" shall have the same meaning as the Etobicoke Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Penthouse, Mechanical Floor Area, Indoor Amenity Areas, storage areas, bicycle parking areas, loading areas and unenclosed balconies;
- g) "Storey" means any full floor above the Canadian Geodetic Datum of 109.44 metres, excluding loft or mezzanines provided they do not exceed 65 percent of the area below and excluding the following:
- i. Any mechanical equipment, window washing equipment, Mechanical Penthouse, parapets, railings, trellises, landscape planters, stairs and stair enclosures, elevator overrun located on the roof of the building, provided the maximum height of such elements is no higher than 5 metres above the roof surface of the building and no greater than 40 percent of the roof area;
  - ii. Minor Projections which project from a stepped-back wall of the building;
- h) "Height" to be measured from Grade as defined to the highest point of the roof surface of the building, excluding the following:
- i. Any mechanical equipment, window washing equipment, Mechanical Penthouse, parapets, railings, trellises, landscape planters, stairs and stair enclosures, elevator overrun located on the roof of the building, provided the maximum height of such elements is no higher than 5 metres above the roof surface of the building and no greater than 40 percent of the roof area;
  - ii. Minor Projections which project from a stepped-back wall of the building;
- i) "Indoor Amenity Area" means an indoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;
- j) "Lands" means the lands described in Schedule 1 attached to By-law 82-2020;
- k) "Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;
- l) "Mechanical Penthouse" means an enclosed structure and/or area located on the roof of the building that may include mechanical equipment such as generators, cooling towers, chillers, electrical equipment, and elevator shafts;
- m) "Minor Projections" means minor building elements which may project from the main walls of the building beyond the Building Envelope, including balconies, bay windows, roof eaves, window sills, railings, cornices, guard rails, balustrades, doors, canopies, exterior stairs and covered ramps, parapets and vents, all to a maximum projection of 2.0 metres;

- n) "Outdoor Amenity Area" means an outdoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

### **3. Permitted Uses**

Section 320-95 of the Etobicoke Zoning Code and Section 3(A) of By-law 717-2006, shall apply to prevent the erection and use of a mixed-use building or a residential building on the Lands, provided:

- (a) A total of 12 rental replacement dwelling units shall be provided on the Lands pursuant to the conditions in Appendix 1.

### **4. Building Heights**

Despite Section 320-97 of the Etobicoke Zoning Code and Sections 3(B)(1) and 3(B)(3) of By-law 717-2006, the maximum Height permitted, in metres above Grade and storeys, is as shown on Schedule 2, attached to this By-law.

### **5. Maximum Gross Floor Area**

Despite Section 3(D)(2) and Schedule A-6 of By-law 717-2006, the maximum Gross Floor Area permitted on the Lands is 9,900 square metres.

### **6. Amenity Space**

Despite Section 3(F)(2) of By-law 717-2006, outdoor residential amenity space may be provided in an a location that is not adjoining or directly accessible from the indoor residential amenity space.

### **7. Building Setbacks and Yard Requirements**

- (a) Despite Section 320-80 of the Etobicoke Zoning Code and Sections 3(L)(1) of By-law 717-2006:
- i. No building or structure shall be located other than within the Building Envelope shown on Schedule 2; and
  - ii. Minor Projections are permitted outside the Building Envelope.
- (b) Despite Section 7(a)(i) of this By-law, any portion of the building or structure which is located below Grade may be located outside the Building Envelope shown on Schedule 2.

## **8. Parking Requirements**

Despite Section 320 of the Etobicoke Zoning Code and Sections 3(E)3 and 3(E)(4) of By-law 717-2006, vehicle parking shall be provided on the Lands at the following minimum rates:

- (a) 0.7 parking spaces per unit for studio units;
- (b) 0.8 parking spaces per unit for one-bedroom units;
- (c) 0.9 parking spaces per unit for two-bedroom units;
- (d) 1.1 parking spaces per unit for three-bedroom units; and
- (e) 0.15 parking spaces per unit for visitors.

If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, there may not be less than one parking space.

## **9. Loading Requirements**

Despite By-law 717-2006, a minimum of one loading space shall be provided at minimum dimensions of 4.0 metres in width, 13.0 metres in length and 6.1 metres in height.

## **10. Bicycle Parking Requirements**

Despite Section 3(O)(a) and (b) of By-law 717-2006, vehicle parking shall be provided on the Lands at the following minimum rates:

- (a) 0.75 long-term bicycle parking spaces per unit; and
- (b) 0.08 short-term bicycle parking spaces per unit.

If the calculation of the minimum bicycle parking spaces results in a fraction of a bicycle parking spaces being required, the number of required bicycle parking spaces must be rounded up to the next whole number.

## **11. Treatment at Grade**

Despite Section 3(H)(5) of By-law 717-2006, the finished main floor area for residential uses shall be constructed at a minimum of 0.35 metres and no greater than 0.90 metres above grade.

## **12. Removal of the 'H' symbol**

By-law 717-2006 is amended by removing the Holding Symbol (H) from the Lands shown on the attached Schedule 1.

**13. Section 37 Provisions**

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 Schedule 1 and Schedule 2 in return for the provision, by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 to this By-law and which are secured by 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.

Whereas Appendix 1 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.

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 Appendix 1 are satisfied.

- 14.** Despite any severance, partition or division of Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
- 15.** Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
82-2020 January 29, 2020	Lands located on the south side of Dundas Street West, known as 4125, 4127, 4129 and 4133 Dundas Street West.	To provide site specific development standards to permit a residential development at 4125, 4127, 4129 and 4133 Dundas Street West.

Enacted and passed on January 29, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

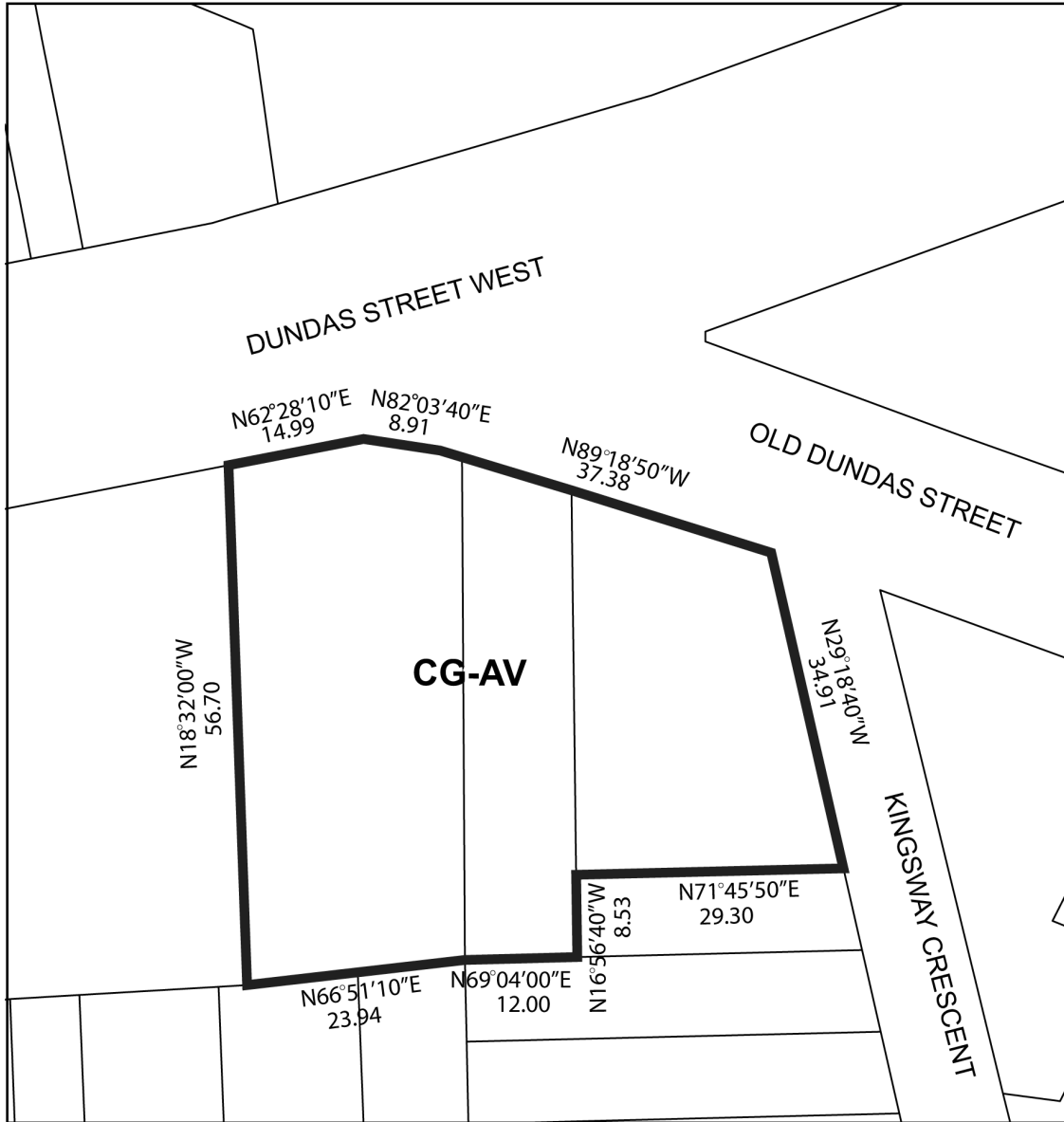
(Seal of the City)

**Appendix 1**  
**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 Schedule 1 and Schedule 2 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:

- (a) The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- (i) The owner shall provide and maintain not less than 12 replacement rental dwelling units, comprised of 2 bachelor units, 3 one-bedroom units, 6 two-bedroom units and 1 three-bedroom unit, at 4125, 4127 and 4133 Dundas Street West for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated July 11, 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 2 bachelor, 3 one-bedroom, and 4 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 at least 6 vehicle parking spaces with returning tenants who were using one of the existing resident parking spaces receiving first priority, and bicycle parking spaces generated 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 Amendment (Attachment 5) to the report from the Director, Community Planning, Etobicoke York District dated January 28, 2019 in Item EY3.2, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.



 **TORONTO**  
Schedule 1

4125 - 4133 Dundas Street West

File # 16 110541 WET 05 0Z

  
Former Etobicoke By-Law 11,737  
Not to Scale  
1/14/2019

