

Authority: Local Planning Appeal Tribunal Decision
issued on September 12, 2019, and Order issued on
June 9, 2020, in Board File PL171374

CITY OF TORONTO

BY-LAW 544-2020(LPAT)

To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known in the year 2019 as 2433 Dufferin Street in the City of Toronto.

Whereas the Local Planning Appeal Tribunal (LPAT), pursuant to its Decision issued on September 12, 2019 and Order issued on June 9, 2020, in Board File PL171374, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 1-83, as amended, for the City of Toronto with respect to lands municipally known in the year 2019 as 2433 Dufferin Street;

The Local Planning Appeal Tribunal Orders:

1. That Section 16 of Zoning By-law 1-83, as amended, is hereby further amended by adding the following as a new subsection 16 (468):

16 (468) LANDS – 2433 DUFFERIN STREET

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Map 1 attached to and forming part of this By-law, and municipally known as 2433 Dufferin Street may be used for the purposes of an apartment house with retail at grade, subject to the following provisions:

MAXIMUM GROSS FLOOR AREA

- (a) The maximum permitted gross floor area is 9,665 square metres, provided that the maximum apartment house gross floor area is 9,465 square metres, and the maximum retail gross floor area is 200 square metres.

BUILDING HEIGHT

- (b) Notwithstanding the requirements of Section 11.3.1(1), the maximum height in metres including appurtenances, equipment or other projections shall not exceed the value in metres shown on Map 2 attached to and forming part of this By-law. Height shall be measured from grade, which is established as the Canadian Geodetic Datum value of 172.60 metres. The following permitted exceptions to the maximum height are:
 - (i) a parapet to a maximum projection of 1.5 metres;
 - (ii) roof drainage, thermal insulation or roof ballast, safety railings and fences, lighting fixtures, stair enclosures, terraces, trellises or privacy screens,

located at each of the roof levels of the building, provided the maximum vertical distance of the structures do not exceed 3.0 metres; and

- (iii) equipment or structures used for the functional operation of the building, and structures that enclose, screen or cover the equipment or structures and may project beyond the height limits to a maximum projection of 3.0 metres.
- (c) The minimum required 1st (ground) floor height of the retail floor area of the building is 4.5 metres.

YARD SETBACKS

- (d) Notwithstanding the requirements of Sections 11.3.1(3) and 11.3.1(4) the minimum required yard setbacks shall be as shown on the attached Map 2, attached to and forming part of this By-law, except that the following are permitted to encroach into the required yard setbacks:
 - (i) on the north side, 1.5 metres for terraces on the 1st (ground) **storey** only;
 - (ii) on the east side, 1.5 metres for balconies on 2nd to 7th **storeys**;
 - (iii) on the south side, 1.0 metre for terraces on the 1st (ground) **storey** and for balconies on the 2nd and 3rd **storeys**;
 - (iv) on the south side, 1.5 metres for structural columns on the 1st (ground) and 2nd **storeys** and for structures at the 3rd storey to support and screen the balconies above;
 - (v) on the west side, 0.5 metre for balconies on the 2nd to 5th **storeys** and for architectural features on the 5th to 7th **storeys**; and
 - (vi) on the west (front) side, a 3 metre maximum continuous canopy over the 1st (ground) floor.

FLOOR SPACE INDEX

- (e) Notwithstanding the requirements of Section 11.3.1(5), the maximum Floor Space Index shall be 4.8.

PARKING

- (f) Notwithstanding the requirements of Section 3.2.1 the minimum number of required vehicular parking spaces is as follows:
 - (i) a minimum of 70 parking spaces for apartment house uses;
 - (ii) a minimum of 15 parking spaces for apartment house visitors; and

- (iii) no parking for retail.
- (g) Notwithstanding the requirements of Section 3.2.1, one parking space may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres without obstructions.

BICYCLE PARKING

- (h) The minimum required number of bicycle parking spaces is as follows:
 - (i) a minimum of 107 bicycle parking spaces for the apartment house units;
 - (ii) a minimum of 14 bicycle parking spaces for apartment house visitors; and
 - (iii) a minimum of 5 bicycle parking spaces for retail uses.

LOADING

- (i) Notwithstanding the requirements of Section 3.2.2, one Type G loading space shall be provided on the lot.

SEVERANCE

- (j) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, conveyance, partition, or division of the lot.

AMENITY SPACE

- (k) A minimum of 250 square metres of indoor amenity space and 150 square metres of outdoor amenity space must be provided.

DWELLING UNITS

- (l) The permitted maximum number of dwelling units is 99.
- (m) The permitted minimum number of three bedroom dwelling units is 10 percent of the total number of dwelling units.

SALES PRESENTATION CENTRE

- (n) Nothing in this By-law shall prevent the construction and use of a sales presentation centre on the lot for the purpose of selling dwelling units to be constructed on the lot.

DEFINITIONS

- (o) For the purposes of this By-law the following definitions shall apply:

- (i) "grade" means an elevation of 172.60 metres Canadian Geodetic Datum;
 - (ii) "height" means the vertical distance between grade and the highest point of the building or structure; and
 - (iii) equipment or structures used for the functional operation of the building, and structures that enclose, screen or cover the equipment or structures, all projecting a maximum of 3.0 metres above the building height in subsection b (iii), do not constitute a storey.
2. Within the lands shown on Map 1 attached to this By-law, 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 water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
3. All other provisions of this By-law shall continue to apply except in the case where provisions of this Subsection are in conflict, in which case the provisions of this Subsection shall prevail.

Pursuant to Local Planning Appeal Tribunal Decision issued on September 12, 2019 and Order issued on June 9, 2020, in Board File PL171374.



