

Authority: Scarborough Community Council
Item SC26.1, as adopted by City of Toronto
Council on October 1 and 4, 2021

CITY OF TORONTO

BY-LAW 931-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 66 and 80 Dale 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increased 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 matters 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 pursuant to Section 39 of the Planning Act, the Council of the City of Toronto may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law; 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning Bylaw 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending and adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zoning labels to these lands: O and RA (x161), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands on 80 Dale Avenue with no label and removing the lands at 66 Dale Avenue from the Height Overlay Map in Section 995.20.1, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands at 80 Dale Avenue to the Rooming Housing Overlay Map in Section 995.40.1 with no label, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands at 80 Dale Avenue subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying the following Policy Area label to these lands: PA4 as shown on Diagram 4 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands at 80 Dale Avenue to the Lot Coverage Overlay Map in Section 995.30.1 and applying the following lot coverage label of 33 percent to these lands as shown on Diagram 5 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 161, so that it reads:

Exception RA 161

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

Site Specific Provisions:

- (A) On 80 Dale Avenue, if the requirements of Section 9 and Schedule A of By-law 931-2021 are complied with, an **apartment building** may be constructed in accordance with (B) through (L) below;
- (B) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 146.1 metres and the highest point of the **building** or **structure**;
- (C) Despite Regulation 15.10.40.10(1), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters "HT" as shown on Diagram 6 of By-law 931-2021;

- (D) Despite Regulation 15.10.40.10(2), the permitted number of **storeys** of a **building** or **structure** is the numerical value following the letters "ST" as shown on Diagram 6 of By-law 931-2021;
- (E) Despite Clause 15.5.40.10 and (B) and (C) above, the following elements of a **building** or **structure** may project above the permitted maximum **building** heights shown on Diagram 6 of By-law 931-2021:
- (i) elements of a green roof, parapets, awnings, guard rails, railings and dividers, balustrades, eaves, roof drainage and assemblies, scuppers, fall-arrest systems, chimneys, stacks, vents, windowsills, insulation and building envelope membranes, decking, pavers, bollards, and built-in planter boxes, bollards, columns, architectural features, screens, and weather vanes may project to a maximum of 1.5 metres;
 - (ii) wind, noise or privacy screens or other unenclosed structures/mitigation measures, balustrades, railings and dividers, pergolas, trellises, eaves, skylights, light fixtures, access hatches, window washing equipment, lightning rods, stair enclosures, terraces, ancillary mechanical equipment, and landscaping elements and structures located on the roof used for outside or open air recreation may project to a maximum of 3.0 metres; and
 - (iii) solar panels may project to a maximum of 5.0 metres;
- (F) Despite Regulation 15.10.40.40(1), the permitted maximum floor space index is 1.6;
- (G) Despite Regulation 15.10.40.70, the required minimum **building setbacks** are as shown on Diagram 6 of By-law 931-2021;
- (H) Despite Regulation 15.5.40.60 and (G) above, the following **building** elements and **structures** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 6 of By-law 931-2021:
- (i) Terraces and privacy screens located at grade to a maximum of 4.0 metres;
 - (ii) Safety railings located at grade to a maximum of 4.5 metres;
 - (iii) Canopies located at building entrances to a maximum of 3.6 metres;
 - (iv) Stairs to a maximum of 7.0 metres;
 - (v) light fixtures, fences, ornamental elements, ventilation shafts, mechanical equipment, guardrails, balconies, balcony dividers, bollards, accessibility ramps or other elevating devices, site servicing features, window washing equipment, building envelope membranes, screening, fences, pergolas,

trellises, and landscaping elements and features to a maximum of 2.5 metres; and

- (vi) vents, pipes, eaves, cornices, roof overhangs, roof drainage, parapets, balustrades, windowsills, pilasters, chimney breasts, bay windows, columns, stair enclosures and other minor architectural elements to a maximum of 1.5 metres;
- (I) Despite Regulation 15.10.40.80(2), the required minimum above-ground separation distance between the **main walls** of the **buildings** on the lands are as shown on Diagram 6 of By-law 931-2021;
- (J) The permitted maximum number of **dwelling units** is 285 and the provision of **dwelling units** is subject to the following:
 - (i) a minimum of 15 percent of the total number of **dwelling units** on the **lot** must have two bedrooms; and
 - (ii) a minimum of 5 percent of the total number of **dwelling units** on the **lot** must have three or more bedrooms;
- (K) Despite Regulation 200.15.1(1) and (3), an accessible **parking space** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**; and
- (L) Despite Regulation 220.5.10.1(3), a minimum of 1 Type "B" **loading space** and 1 Type "G" **loading space** is required.

Prevailing By-laws and Prevailing Sections (None apply).

- 9. On the lands outlined in Diagram 1 of By-law 931-2021, a temporary sales office is permitted for the purpose of the marketing and sales of the dwelling units on these lands, for a period of three (3) years from the date this By-law comes into full force and effect.
- 10. Despite any future severance, partition or division on the **lot** as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.

11. 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 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 November 12, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

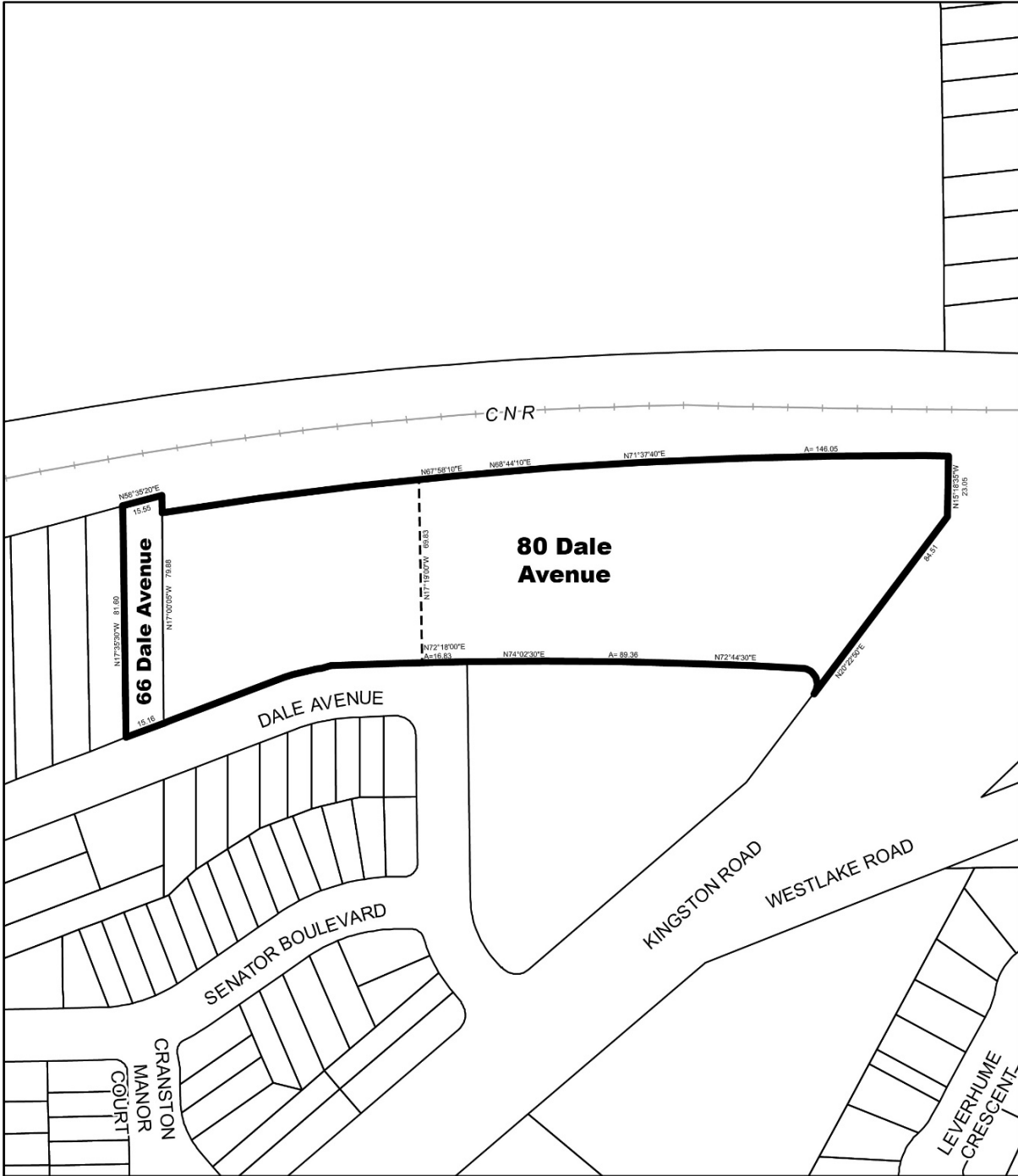
(Seal of the City)

SCHEDULE A
Schedule 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 at 80 Dale Avenue shown as on Diagram 2 of this By-law, and secured in an agreement or agreements pursuant to Section 37(3) of the Planning Act, whereby the owner agrees as follows:

- a. The community benefits secured in the Section 37 Agreement are as follows:
 1. Prior to the issuance of the first above grade building permit, the Owner shall make a cash contribution to the City in the amount of eight hundred thousand dollars (\$800,000) to be used for 'above base' improvements to the proposed public park located on Dale Avenue to the satisfaction of the General Manager of Parks, Forestry and Recreation (PFR).
 2. The cash contribution outlined above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor.
 3. In the event the cash contribution outlined above has not been used for the intended propose 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, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- b. The other matters secured in the Section 37 Agreement as a legal convenience to support the development are as follows:
 1. The owner shall construct and maintain, at its own expense, an area of not less than 2,438 square metres along the northern and western edges of the development site (80 Dale Avenue), for use by the general public as Privately Owned Publicly Accessible Open Space (POPS) walking trail with the specific location, configuration and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
 2. Prior to the issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

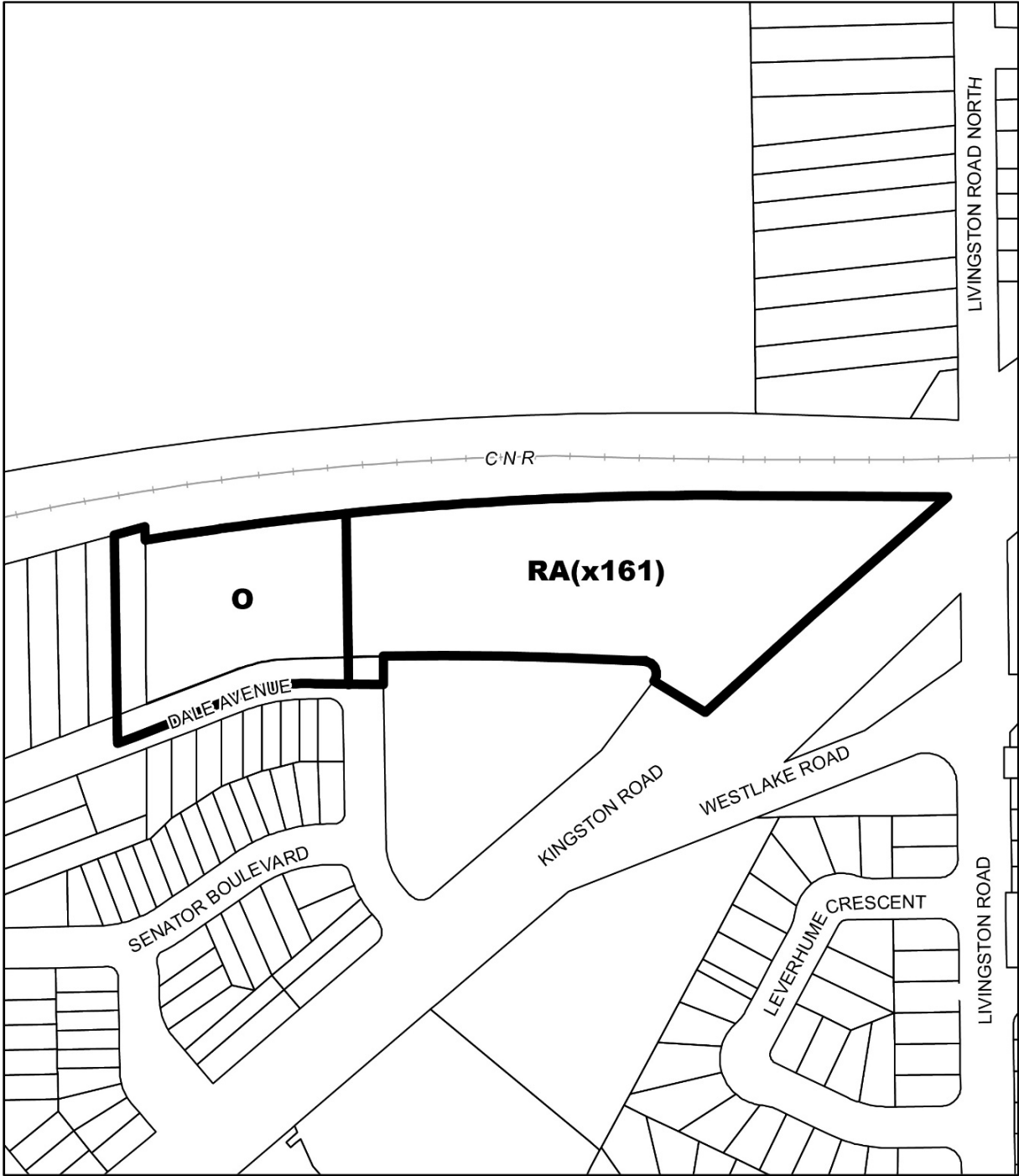
3. The owner shall at a minimum construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard. Through the site plan approval process, City staff will work with the owner to try and achieve the application of Tier 2 of the Toronto Green Standard, or higher, to the development where possible.
4. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - a. Incorporation in the construction of the building of exterior materials shown on 1:50 scale drawings as approved by the Chief Planner and Executive Director and submitted as part of the Site Plan Approval process;
 - b. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c. Construction of the City sidewalk to City standards from the proposed new driveway at 80 Dale Avenue to the existing driveway at 90 Dale Avenue that is closest to Kingston Road, to the satisfaction of the General Manager, Transportation Services;
 - d. Incorporation of signage to identify the proposed Privately Owned Publicly Accessible Open Space (POPS) walking trail to be located at the entrance of the development site;
 - e. Provision of a construction management plan which includes an on-site contact during the construction process for residents and stakeholders to contact;
 - f. Satisfy the requirements of Metrolinx and the Canadian National Railway, particularly regarding noise and vibration attenuation requirements and operational easement requirements, and insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration; and
 - g. Satisfy the applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.



 **TORONTO**
Diagram 1

66 and 80 Dale Avenue

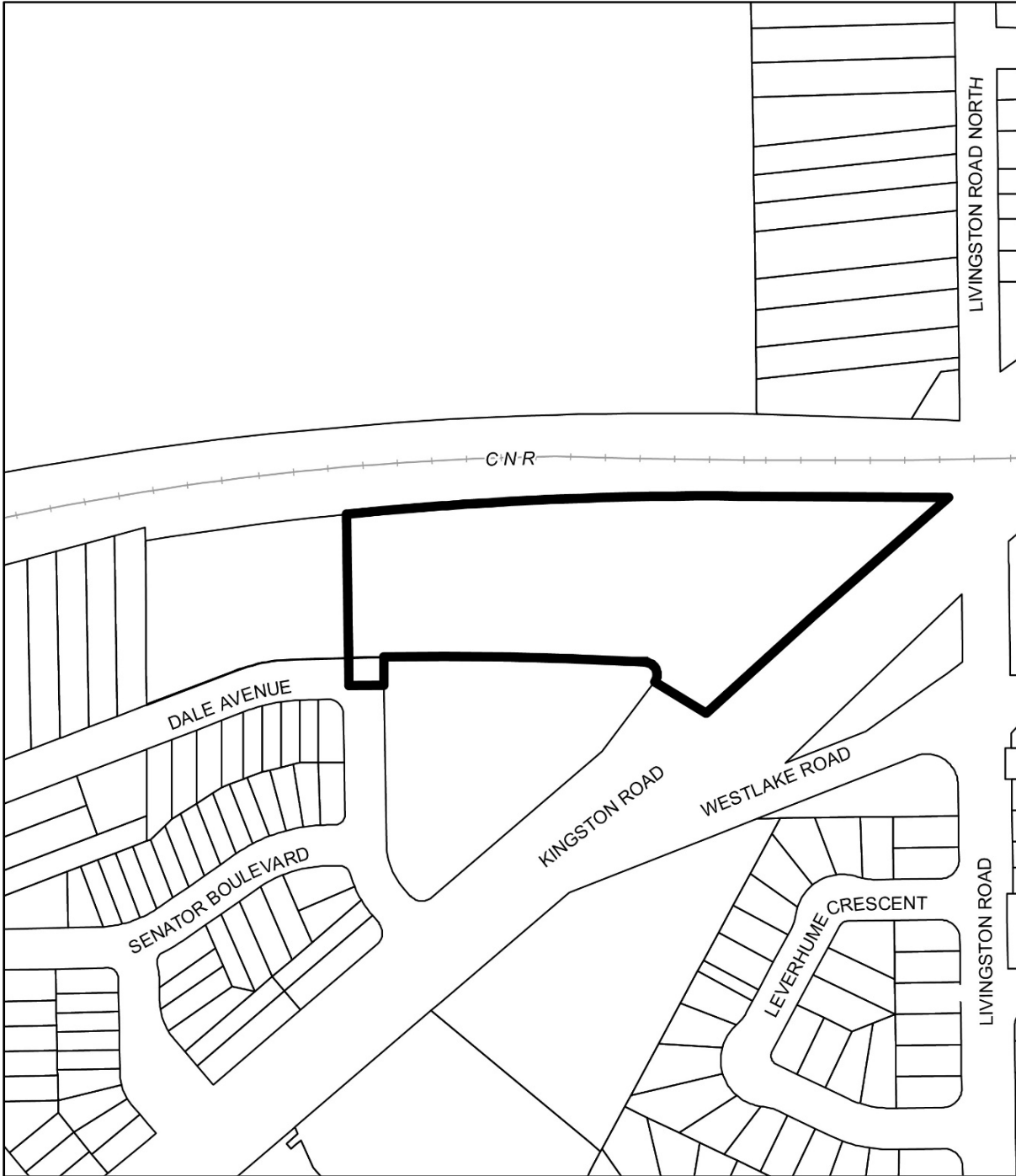
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 **TORONTO**
Diagram 2

66 and 80 Dale Avenue

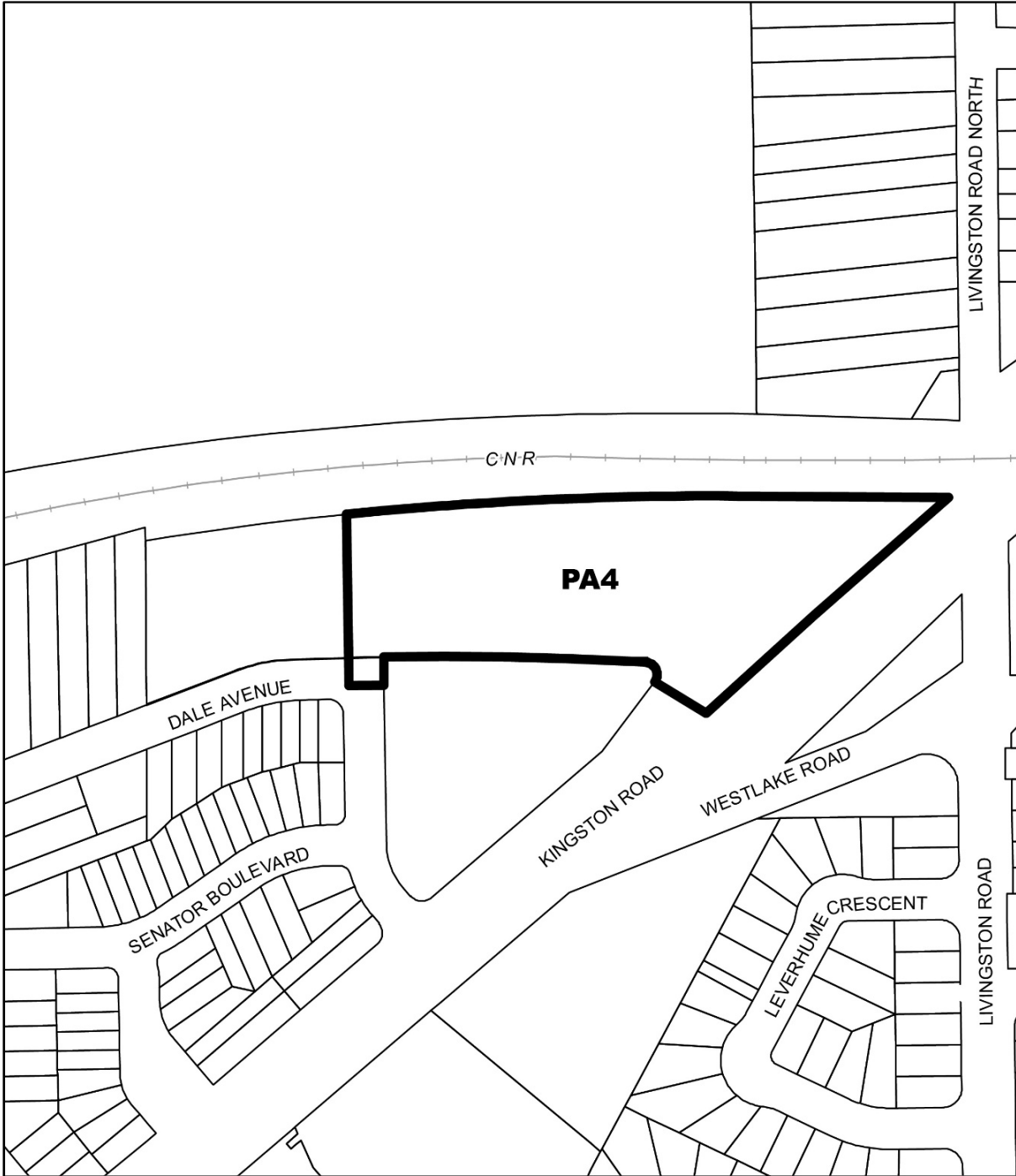
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 **TORONTO**
Diagram 3

66 and 80 Dale Avenue

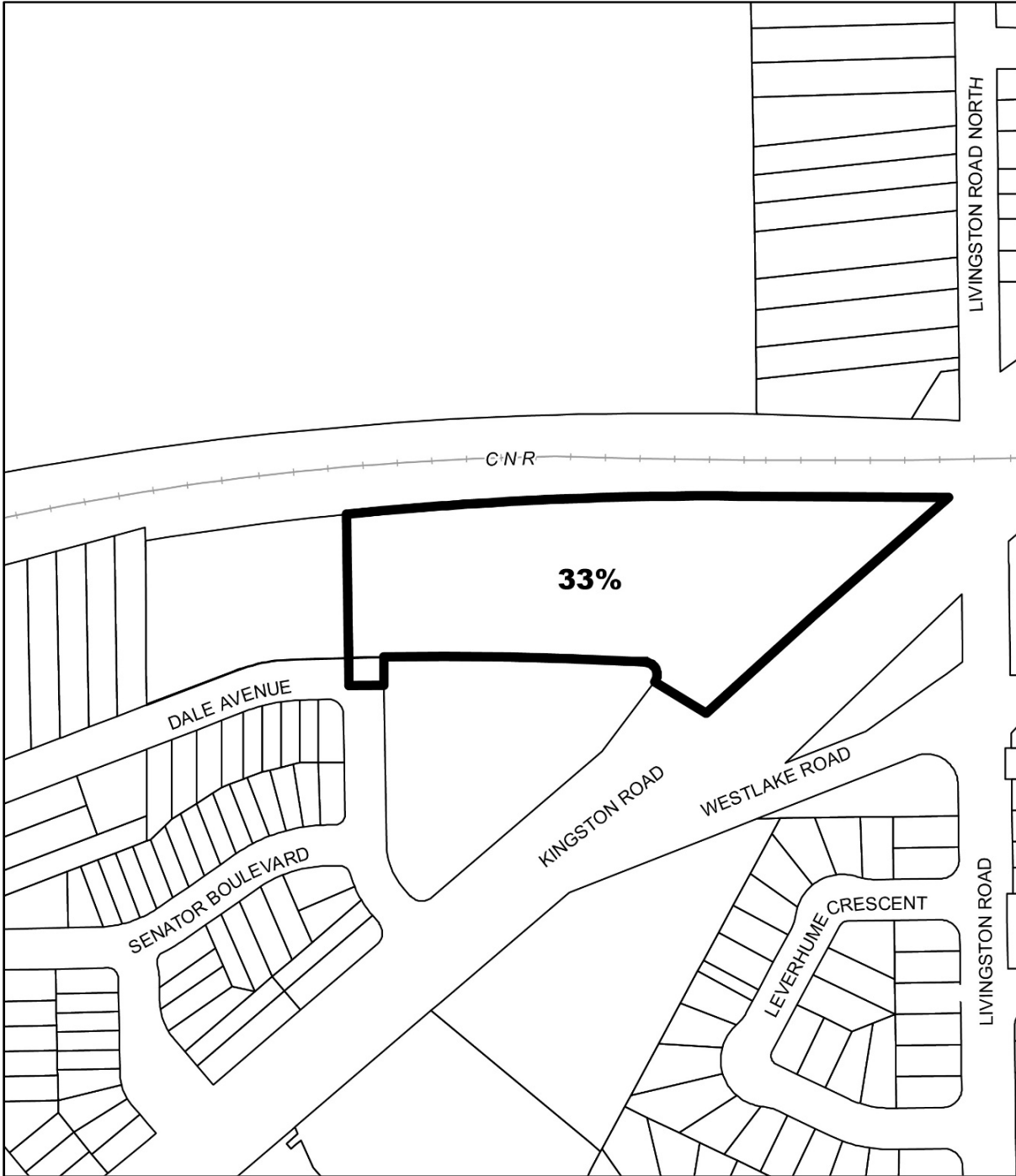
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 **TORONTO**
Diagram 4

66 and 80 Dale Avenue

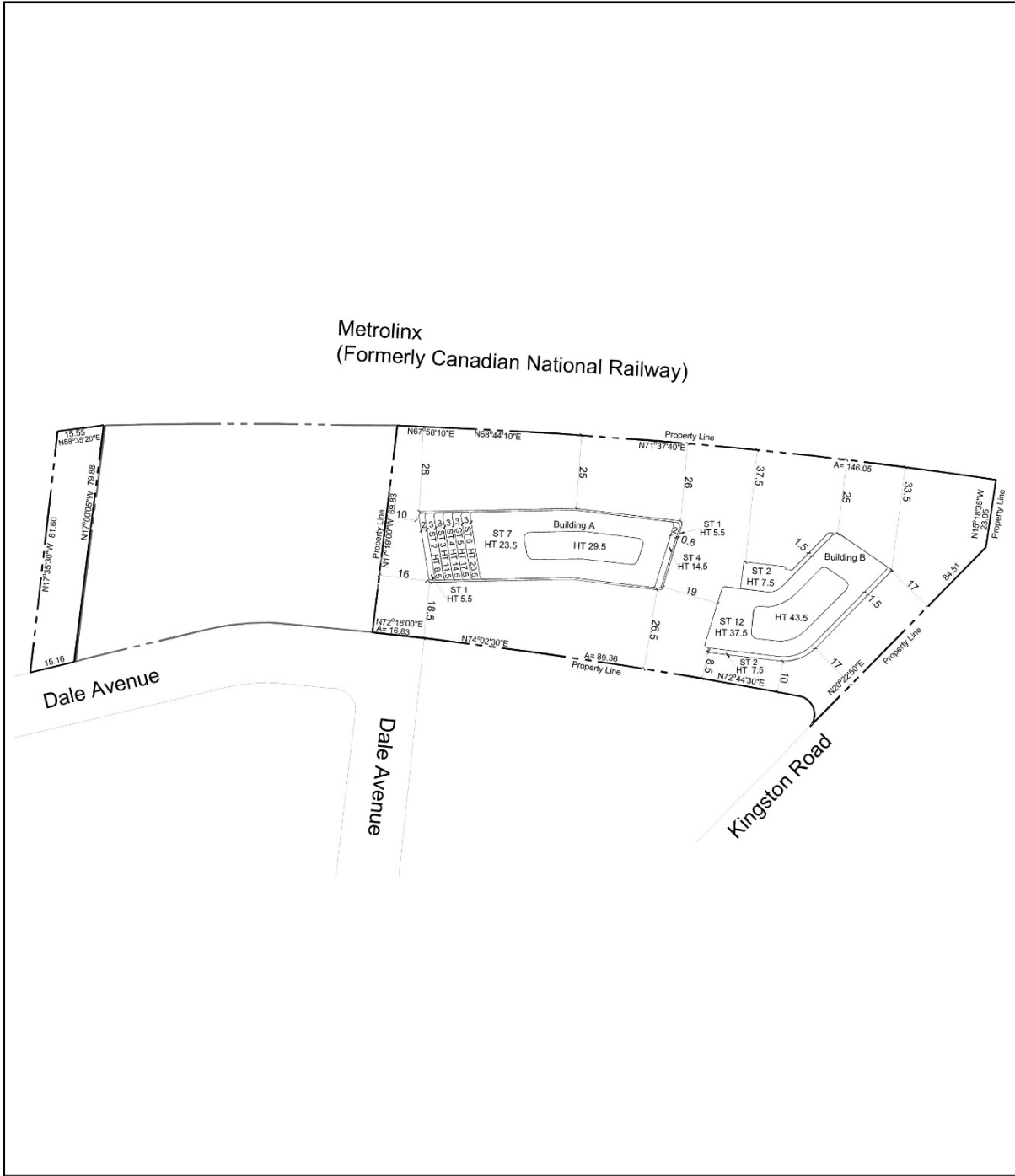
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 **TORONTO**
Diagram 5

66 and 80 Dale Avenue

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 **TORONTO**
Diagram 6

66 and 80 Dale Avenue

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