

Authority: Toronto and East York Community Council
Item TE24.5, as adopted by City of Toronto Council on
May 5 and 6, 2021 and MM36.41, by Councillor Ana
Bailao, seconded by Councillor Frances Nunziata as adopted
by City of Toronto Council on October 1 and 4, 2021

CITY OF TORONTO

BY-LAW 952-2021

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2021 as 1494-1502 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 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 as follows:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Section 2 with respect to the definitions of *grade, height, and lot* and sections 4(2)(a), 4(3), 4(4), 4(10), 4(12), 4(13), 8(3) Part I 1 and 3, 8(3) Part II 1(b)(i) and (ii) and 12(2) 270(a) of By-law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided that:
 - (a) the *lot* comprises the lands delineated by heavy black lines on Map 1, attached hereto and forming part of this By-law;
 - (b) the total combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 4,500 square metres, provided:
 - i. the total *residential gross floor area* shall not exceed 4,100 square metres; and
 - ii. the total *non-residential gross floor area* shall not exceed 400 square metres;
 - (c) the permitted maximum *non-residential gross floor area* on the first *storey* shall be contained within at least a minimum of two areas separated by demising walls, of which one unit must not exceed a *non-residential gross floor area* of 275 square metres;

- (d) no portion of the *mixed-use building* or structures erected or used above *grade* is located otherwise wholly within the areas delineated by heavy lines on the attached Map 2 with the exception of the following:
 - i. eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, railing and fences, planters, trellises, window sills, landscape and public art features; and
 - ii. balconies to a maximum of 1.8 metres;
- (e) no part of the *mixed-use building* shall exceed the height limits in metres specified by the numbers following the symbol "H" as shown on Map 2 attached hereto with the exception of any of the items listed below:
 - i. elevator overruns, mechanical equipment and any associated enclosed structures, parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof up to a maximum height of 2.1 metres;
- (f) *dwelling units* shall be provided in accordance with the following:
 - i. 25 percent of the total number of *dwelling units* shall contain 2-bedrooms; and
 - ii. 10 percent of the total number of *dwelling units* shall contain at least 3-bedrooms;
- (g) outdoor *residential amenity space* is not required to be in a location adjoining or directly accessible to indoor *residential amenity space* on the lot;
- (h) vehicular *parking spaces* may be located within a *parking stacker*, meaning a mechanical motor vehicle parking facility, which may be an automated system with *parking spaces* that:
 - i. are positioned above each other and/or adjacent to each other;
 - ii. have dimensions of not less than 2.6 metres by 5.6 metres except that the platform of such parking space may have dimensions of not less than 2.5 metres by 5.4 metres; and
 - iii. may not be readily accessible at all times without maneuvering another vehicle or a device;
- (i) vehicular *parking spaces* shall be provided on the *lot* in accordance with the following minimum requirements:
 - i. 18 *parking spaces* for residents of the dwelling units;

- ii. 0 *parking spaces* for residential visitors; and
 - iii. 0 *parking spaces* for non-residential uses;
 - (j) *bicycle parking spaces* shall be provided and maintained on the *lot*, and may be in the form of a *stacked bicycle parking space*, in accordance with the following:
 - i. 0.9 *bicycle parking spaces* per *dwelling unit* for the use of residents shall be provided; and
 - ii. 0.1 *bicycle parking spaces* per *dwelling unit* for the use of residential visitors;
 - (k) *stacked bicycle parking spaces* shall have a minimum width of 0.45 metres, a minimum length of 1.8 metres and a minimum vertical clearance of 1.1 metres;
 - (l) The required *loading space – type G* on the *lot* may be satisfied by the provision of 1 *loading space – type G* on the lands municipally known in the year 2021 as 646-648 Dufferin Street and 1-3 Boland Lane; and
 - (m) for the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
 - i. "*grade*" means an elevation of 105.90 metres Canadian Geodetic Datum;
 - ii. "*height*" means the height of land outlined by heavy lines on Map 1 attached to and forming part of this By-law; and
 - iii. "*lot*" means those lands outlined by heavy black lines on Map 1 attached hereto and forming part of this By-law.
3. Despite any future severance, partition or division of the lands as shown on Map 1, the provisions of this By-law shall apply to the whole lot as if no severance, partition or division has occurred.
4. Section 37 Provisions:
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, an increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 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 hereof 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 November 12, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. An indexed cash contribution of one hundred and twenty-five thousand (\$125,000.00) dollars to be paid by the owner prior to the issuance of the first above-grade building permit for the new residential building to be allocated towards community improvements in the surrounding area provided that purpose is identified in the Toronto Official Plan and will benefit the community, to the satisfaction of the Chief Planning and Executive Director, City Planning, in consultation with the Ward Councillor;
2. In the event that the cash contribution referred to in 1. above has not been used for the intended purpose set out in the Section 37 Agreement, within three (3) years of the Zoning By-law Amendments 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;
3. Prior to the issuance of the first above grade building permit, the owner shall enter into an off-site services agreement securing the provision of one shared loading space – Type G for the lands municipally known in 2021 as 1494-1502 Dundas Street West and register on title an easement to provide access to and use of the one shared loading space –Type G in favour of the lands municipally known in 2021 as 1494-1502 Dundas Street West, to be provided off-site at 646-648 Dufferin Street and 1-3 Boland Lane, to the satisfaction of the General Manager, Transportation Services; and
4. Prior to the earlier of six (6) months after condominium registration, or three (3) years after the issuance of the first above-grade building permit, the owner of the lands municipally known as 1494-1502 Dundas Street West shall obtain easements for access to and use of one shared loading space –Type G to be provided off-site on the lands municipally known as 646-648 Dufferin Street and 1-3 Boland Lane, which easements shall be granted by the owners of 646-648 Dufferin Street and 1-3 Boland Lane, to the satisfaction of the General Manager, Transportation Services.



