

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 953-2021

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1494-1502 Dundas Street West.**

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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 900.10 respecting the lands outlined in heavy black lines to CR 2.5 (c1.0; r2.0) SS2 (x420), as shown as Diagram 2 attached to this By-law.
3. Zoning By-law 569-2013, as amended, is further amended by adding Exception CR 420 to Article 900.11.10 so that it reads:

(420) Exception CR 420

The lands are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 1494-1502 Dundas Street West, if the requirements of Section 5 and Schedule A are complied with, a **mixed use building** may be constructed, used or enlarged in compliance with Sections (B) to (R) below;
- (B) Despite Regulation 40.10.40.40(1) the permitted maximum **gross floor area** of a **mixed use building** is 4,500 square metres, provided that:
  - i. The maximum **gross floor area** for residential uses on the **lot** must not exceed 4,100 square metres; and

- ii. The maximum **gross floor area** for non-residential uses on the **lot** must not exceed 400 square metres;
- (C) The **first floor** of the **building** must contain a minimum of two non-residential units of which one must have a maximum non-residential **gross floor area** of 275.0 square metres;
- (D) **Dwelling units** are permitted in accordance with the following:
  - i. A minimum of 25 percent of the total number of **dwelling units** must contain 2 bedrooms; and
  - ii. a minimum of 10 percent of the total number of **dwelling units** must contain at least 3 bedrooms;
- (E) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 105.9 metres and the elevation of the highest point of the **building** or **structure**;
- (F) Despite Regulation 40.10.40.10(2), the maximum permitted height of a **building** or **structure** on the **lot** is the numerical value in metres following the symbol “HT” as shown on Diagram 3 of By-law 953-2021;
- (G) Despite Regulation 40.5.40.10(4) and (F) above, equipment and **structures** used for the functional operation of the **building** such as electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, elevator shafts and **structures** that enclose, screen or cover these elements and located on the roof of the building may exceed the permitted maximum height in an area restricted to HT 25.5 as shown on Diagram 3, by up to 4.0 metres;
- (H) Despite Regulations 40.5.40.10(5)(A) and (B), equipment and **structures** identified in (G) above may occupy 42 percent of the area of the roof, measured horizontally;
- (I) Despite Regulations 40.5.40.10(6) and (7) and (F) above, elements including guard rails, dividers, trellises, screens and unenclosed elements providing safety or wind protection, window washing equipment, lightning rods and **landscaping** elements and elements of a **green roof** may exceed the maximum height limits for a **building** by up to 3.0 metres;
- (J) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** measured between the first **storey** and the ceiling of the first **storey** is 3.6 metres;
- (K) Despite Clauses 40.5.40.70 and 40.10.40.60 and Regulations 40.10.40.70(2)(B) and 40.10.40.70(2)(E), no portion of any **building** or **structure** erected or used above ground may be located otherwise than wholly within the areas delineated by heavy lines as shown on Diagram 3 of By-law 953-2021;

- (L) Despite (K) above, the following elements of a **building** may encroach into the required **building setbacks** shown on Diagram 3 of By-law 953-2021:
- i. eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, railings and fences, planters, trellises, window sills, **landscaping** and public art features; and
  - ii. balconies to a maximum of 1.8 metres;
- (M) Despite regulation 40.10.40.50(1)(B), outdoor **amenity space** is not required to be in a location adjoining or directly accessible to indoor **amenity space** on the **lot**;
- (N) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following:
- i. a minimum of 18 **parking spaces** for residents of the **mixed use building**; and
  - ii. no residential visitor **parking spaces** are required; and
  - iii. **0 parking spaces** are required for non-residential uses;
- (O) Despite Regulation 200.5.1.10(2), the minimum dimensions of a **stacked parking space** must be:
- i. Length of 5.2 metres;
  - ii. Width of 2.4 metres; and
  - iii. Vertical clearance of 1.8 metres;
- (P) Despite Regulation 220.5.1(2), the required Type G **loading space** on the **lot** may be satisfied by the provision of 1 Type “G” loading space on the lands known in the year 2021 as 646-648 Dufferin Street and 1-3 Boland Lane;
- (Q) Despite Clause 200.15.10, 0 accessible **parking spaces** are required to be provided on the **lot**; and
- (R) Despite Regulation 230.5.1.10(4), a **stacked bicycle parking space** must have a minimum width of 0.45 metres, a minimum length of 1.8 metres and a minimum vertical clearance of 1.1 metres.

Prevailing By-laws and Prevailing Sections:

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

4. Despite any future severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred.

5. 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 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 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, 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.





