

Authority: Local Appeal Tribunal Decision issued on June 24, 2019 and Ontario Land Tribunal Decision/Order issued on March 30, 2022 in Tribunal File PL171337

CITY OF TORONTO
BY-LAW 398-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1200 Dundas Street West.

Whereas the Local Appeal Tribunal Decision issued on June 24, 2019 and Ontario Land Tribunal Decision/Order issued on March 30, 2022, in Tribunal File PL171337, 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 the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 1200 Dundas Street West;

Now therefore pursuant to the Order of the Ontario Land Tribunal, City of Toronto Zoning By-law 569-2013 is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 of this By-law.
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.5 (c1.0; r2.0) SS2 (x407) as shown on Diagram 2, attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 407 so that it reads:

(407) Exception CR 407

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 the lands municipally known in the year 2021 as 1200 Dundas Street West, as shown on Diagram 1 of By-law 398-2022(OLT), a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (X) below:
- (B) For the purpose of this exception, the **lot** comprises the lands outlined by heavy black lines as shown on Diagram 1 of By-law 398-2022(OLT);

- (C) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 101.12 metres and the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is 6,605 square metres, of which:
- i. a maximum **gross floor area** of 6,250 square metres is permitted for residential uses;
 - ii. a minimum **gross floor area** of 355 square metres is required for non-residential uses; and
 - iii. a maximum **gross floor area** of 400 square metres is permitted for non-residential uses;
- (E) Of the total number of **dwelling units** provided on the **lot**:
- i. a minimum of 15 percent must be two-bedroom **dwelling units**;
 - ii. a minimum of 10 percent must be three-bedroom **dwelling units** or larger; and
 - iii. if the calculation of the minimum two-bedroom or three-bedroom percentage **dwelling units** results in a fraction of a unit being required, the number of required **dwelling units** will be rounded up to the nearest whole number;
- (F) Despite Regulation 40.10.40.10(2)(A), the height of the **building** or **structure** must not exceed the height in metres specified by the number following the symbol "HT" on Diagram 3 of By-law 398-2022(OLT);
- (G) Despite (F) above and Regulations 40.5.40.10(4), (5), (6) and (7) the following **building** elements may exceed the permitted maximum height;
- i. equipment used for the functional operation of the **building** including electrical, utility, and ventilation equipment, chimneys, vents and ventilation shafts up to a maximum of 6.0 metres;
 - ii. **structures** associated with a **green roof**, awnings, telecommunication equipment and window washing equipment, site servicing features, elevator enclosures and overruns, stairs and stair enclosures up to a maximum of 6.0 metres;
 - iii. wind screens, shade **structures**, weather protection canopy, fences, guard rails, railings, pergolas, trellises, balustrades, privacy screens and dividers, partitions dividing outdoor recreation or **amenity space**, landscape

- elements and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** up to a maximum of 3.0 metres; and
- iv. light fixtures, architectural features, ornamental elements, and cornices, up to a maximum of 1.5 metres;
- (H) Despite regulation 40.10.40.10(7)(B), the permitted maximum number of **storeys** is the number following the symbol ST on Diagram 3 of By-law 398-2022(OLT);
- (I) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** is 2.6 metres;
- (J) Despite (I) above, and despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** containing non-residential uses specified in Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A) is 3.99 metres;
- (K) Despite Regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and **main wall** separation distances are as shown in metres on Diagram 3 of By-law 398-2022(OLT);
- (L) Despite (K) above, and despite Regulations 40.5.40.60(1) and 40.10.40.60(1)(2)(3)(5) (8) and (9) the following **building** elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as shown on Diagram 3 of By-law 398-2022(OLT):
- i. dividers, screens, railings, guard rails, fences, planters, canopies, cornices, light fixtures, architectural features, bicycle racks, elevator enclosures and overruns, stairs and stair enclosures, underground garage ramps and their associated **structures**, walkways, **driveways**, wheel chair ramps, ornamental elements, art and landscape features, trellises, eaves, window sills, ventilation shafts, balustrades, structural columns and cladding, mechanical equipment, exhaust fans, exhaust flues, **green roof** and site servicing features up to a maximum of 3.0 metres; and
- ii. balconies, balcony platforms, and balcony guards up to a maximum of 2.0 metres;
- (M) Despite Regulations 40.10.40.50(1)(A) and (B), **amenity space** must be provided at a minimum rate of:
- i. 1.5 square metres of indoor **amenity space** per **dwelling unit**;
- ii. 1.0 square metre of outdoor **amenity space** per **dwelling unit**; and
- iii. outdoor **amenity space** is not required to be in a location adjoining or directly accessible from the indoor **amenity space**;

- (N) Despite Regulation 200.5.10.1(1) and (5), and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- i. a minimum of 25 **parking spaces** are required for the use of the residential occupants;
 - ii. a minimum of 3 **parking spaces** are required and may be provided on a non-exclusive basis for the use of residential and non-residential visitors; and
 - iii. The **parking spaces** required under (ii) above may be located within a **public parking** facility on the **lot**;
- (O) Despite Regulation 40.10.20.100(8) the entrance or exit to land with **public parking** may be through a residential zone category;
- (P) The permitted maximum slope of a ramp leading directly to a below ground **parking garage** is 17.5 percent;
- (Q) In addition to the elements that reduce **gross floor area** for a **mixed use building** listed in Regulation 40.5.40.40(3), areas used for **public parking** also reduce **gross floor area**;
- (R) Despite Regulation 200.5.1.10(2)(A)(iv), up to a maximum of 6 **parking spaces** obstructed on one or both sides may have a required minimum width of 2.6 metres;
- (S) Despite Regulations 200.15.1(1)(B), 200.15.1(4) and 200.15.10(1)(B) accessible **parking spaces** must comply with the following:
- i. A minimum of 1 of the required **parking spaces** provided on the **lot** must be an accessible **parking space**;
 - ii. an accessible **parking space** must be located no more than 10.0 metres from the nearest point of a barrier-free elevator that provides access to the first **storey** of the **building**; and
 - iii. an accessible **parking space** must have a minimum width of 3.4 metres;
- (T) Despite Clause 220.5.10.1, a minimum of one Type "G" **loading space** must be provided and maintained on the **lot**;
- (U) Despite Regulations 230.5.10.1(1) and (5) and Table 230.5.10.1(1) **bicycle parking spaces** must be provided on the **lot** as follows:
- i. a minimum of 0.9 "long term" **bicycle parking spaces** for each **dwelling unit**;

- ii. a minimum of 0.1 "short term" **bicycle parking spaces** for each **dwelling unit**; and
 - iii. no **bicycle parking spaces** are required for non-residential uses;
- (V) Despite Regulation 230.5.1.10(10) **bicycle parking spaces** may be located as follows:
- i. both "long-term" and "short-term" **bicycle parking spaces** may be provided in a **stacked bicycle parking space**, caged locker or bicycle rack and for the purposes of this exception a **stacked bicycle parking space** may include horizontal or vertical **bicycle parking spaces**; and
 - ii. a "long-term" **bicycle parking space** may be located adjacent to and within 0.3 metres of a **parking space** provided that the **bicycle parking space** does not encroach into the **parking space** and such **parking space** is not considered to be obstructed in accordance with regulation 200.5.1.10(2)(D) provided that no portion of the adjacent **bicycle parking space** is situated more than 1.2 metres from the front or rear of the **parking space**;
- (W) Despite Regulation 230.5.1.10(9) "long-term" **bicycle parking spaces** must be located on the ground floor; and
- (X) Despite Regulations 230.5.1.10 (4) and (5) **bicycle parking spaces** may have the following dimensions:
- i. if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the required minimum width of each **stacked bicycle parking space** is 0.35 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Despite any severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law shall apply to the whole of the lands, as if no severance, partition or division had occurred.

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 **TORONTO**
Diagram 1

1200 Dundas Street West

File # 19 251518 STE 09 SA





 **TORONTO**
Diagram 2

1200 Dundas Street West

File # 19 251518 STE 09 SA

