

Authority: North York Community Council Item NY31.1,
as adopted by City of Toronto Council on May 11 and 12,
2022

CITY OF TORONTO

BY-LAW 835-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 3621 Dufferin Street.

Whereas Council of the City of Toronto has the authority to 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 increases 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, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; 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, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is 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 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 OR and CR (f70, a16,995, d2.75) (SS2) (x519), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, to a height label of HT 40 metres, 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 to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900. 11.10 Exception Number [519] so that it reads:

Exception CR [519]

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 3621 Dufferin Street, as shown on Diagram 1 of By-law 835-2022, if the requirements of By-law 835-2022 are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below;
- (B) Despite Regulation 40.10.20.10, a Self-Storage Warehouse is a permitted use;
- (C) Despite Regulation 40.5.40.10 (1), the height of a **building or structure** is the distance between Canadian Geodetic Datum elevation of 190.15 metres and the highest point of **the building or structure**;
- (D) Despite Regulation 40.10.40.10, (1), the permitted maximum height of a **building or structure** is the number following the HT symbol in metres shown on Diagram 3 of By-law 835-2022;
- (E) Despite Regulations 40.5.40.10 (4), (5), and 40.10.40.60 (5):
 - i) a ladder for maintenance purposes may project to a maximum of 11 metres; and
 - ii) a marquee may project to a maximum of 13 metres;
- (F) Despite Regulation 40.5.40.60 (1), does not apply;
- (G) Despite Regulation 40.10.40.1 (1), does not apply, save and except residential, offices and self-storage accesses and lobby areas shall be maintained and kept separate for each use;

- (H) Despite Regulation 40.10.40.40 (1), the permitted maximum gross floor area shall be 46,600 square metres, of which:
 - i) Self Storage Warehouse uses shall not exceed 50 percent of the total Gross Floor Area up to a maximum of 23,300 square metres, whichever is the lesser;
- (I) Dwelling units shall be provided as follows:
 - i) a maximum of 160 dwelling units shall be permitted, of which the following shall apply:
 - a) A minimum of 15 percent of the total number of dwelling units on the lot must contain two bedrooms; and
 - b) A minimum of 10 percent of the total number of dwelling units must contain a minimum of three bedrooms;
- (J) Despite Regulations 40.10.40.60 (5), a marquee, ornamental, decorative or architectural element is permitted to encroach to a maximum of 0.2 metre into the side yards, save and except on the portion of the building where it is setback 0 metres to a lot line;
- (K) Despite Regulation 40.10.40.70 (2) (A) to (F), the required minimum building setbacks is as shown on Diagram 3;
- (L) Despite Clause 40.10.50.10 (1) (A), shall not apply;
- (M) Despite Regulation 40.10.80.10, (1), a maximum of 4 at-grade parking spaces may be located in the yard adjacent to the Dufferin Street frontage for the self-storage use;
- (N) Despite Article 40.10.90, Loading, a minimum of 4 Loading Spaces (one Type G, one Type A and two Type B) will be required and located within the Building or Structure;
- (O) Despite Regulation 200.5.10.1 (1), the minimum parking space rates that shall apply are as following:

Unit Type	Ratio
Studio	0.7 per dwelling unit
1BD	0.8 per dwelling unit
2 BD	0.9 per dwelling unit
3 BD	1.1per dwelling unit
Visitor	0.15 per dwelling unit
Office	1.0 per 100 square metres of GFA
Retail	1.0 per 100 square metres of GFA

Self-Storage 0.11 per 100 square metres of GFA

- (P) Despite Regulation 230.5.10.1 (5), a minimum of 161 **Bicycle Parking spaces** will be provided as follows:
- i) A minimum of 108 residential "long-term" spaces;
 - ii) A minimum of 12 residential "short-term" spaces;
 - iii) A minimum of 6 retail "long-term" spaces;
 - iv) A minimum of 11 retail "short-term" spaces;
 - v) A minimum of 12 office "long-term" spaces; and
 - vi) A minimum of 12 office "short-term" spaces;
- (Q) Despite any severance, partition or division of the lands as shown in Diagram 3, save and except for the portion of lands denoted as the future north south street, the provisions of this By-law shall apply as if no severance, partition or division occurred.

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

7. 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 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.
- (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.
- (D) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

Enacted and passed on July 22, 2022.

Francis Nunziata,
Speaker

John D. Elvidge,
City Clerk

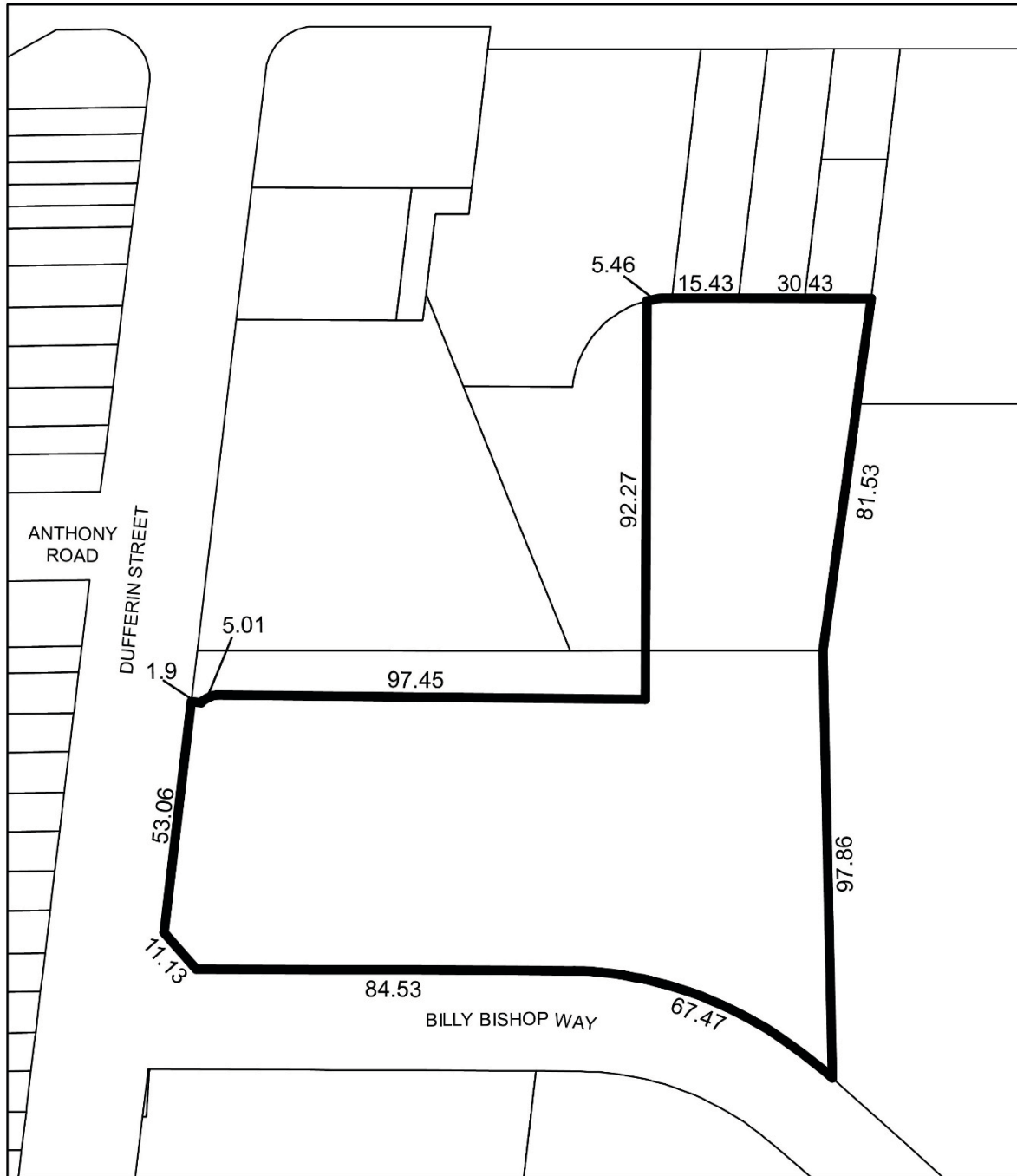
(Seal of the City)

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 lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

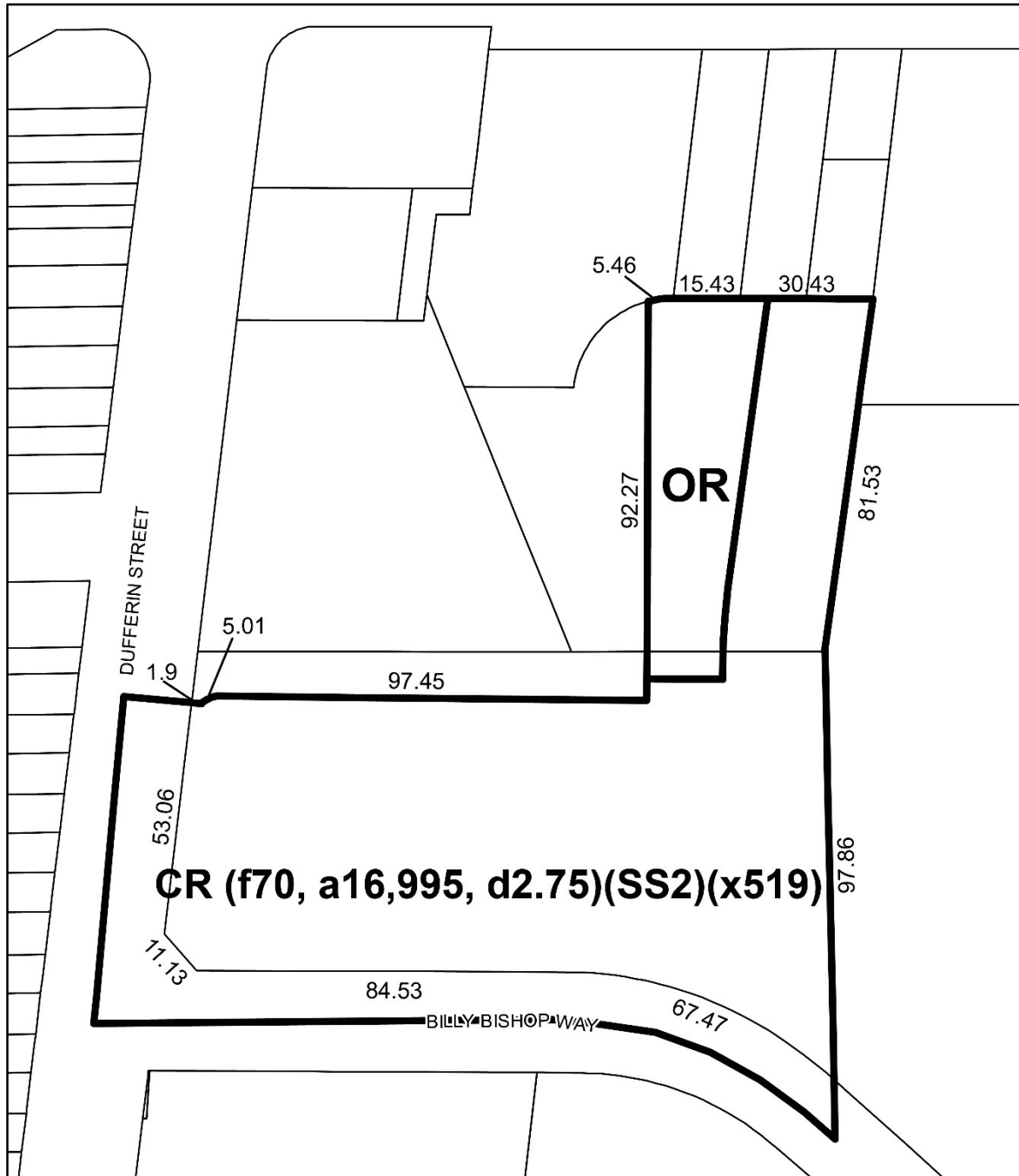
1. The Community Benefits recommended to be secured in the Section 37 Agreement are as follows:
 - (A) Prior to issuance of an above grade building permit, a Community Benefits monetary contribution of \$2,700,000.00 towards area parks improvements, and/or community center or streetscape improvements, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
 - (B) In the event the cash contribution(s) referred to in 1. (A) has not been used for the intended purpose 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 of City Planning, in consultation with the local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (A) At the time of the registration of plan of subdivision, or at the time of Condominium registration for the Lands, whichever is earlier, the Owner shall convey to the City an on-site parkland dedication, having a minimum size of 699 square metres located in the north portion of the site with frontage on the new public right-of-way, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
 - (B) At the time of the registration of the plan of subdivision, or at the time of Condominium registration for the Lands, whichever is earlier, the Owner shall convey to the City an 824 square metre over-dedication of parkland, located in the north portion of the site with frontage on the new public right-of-way, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
 - (C) The specific provisions to secure the on-site parkland dedications in 2 (A) and (B) will be secured through the Plan of Subdivision process and in the Subdivision Agreement.

- (D) At the time of the registration of the Plan of Subdivision or at the time of Condominium registration for the Lands, whichever is earlier, the Owner shall convey to the City a 23-metre wide strip of land as identified in Diagram 2, for a future north-south street, to the satisfaction of the Chief Planner and the Chief Engineer Chief Planner, Executive Director, City Planning and the Chief engineer, Executive Director, Engineering and Construction Services;
- (E) As part of the Plan of Subdivision or Condominium process the owner shall be required to construct or provide for the cost of the north-south roadway and any improvements to the existing servicing infrastructure deemed required to accommodate the proposed development to the satisfaction of the Chief Engineer, Executive Director, Engineering and Construction Services;
- (F) As part of the Site Plan Approval process the Owner will be required to provide final pavement markings and signage along the New Public Street, including any safety, access, and transportation requirements related to these matters all to the satisfaction of the General Manager, Transportation and shall be at no cost to the City.



 **TORONTO**
Diagram 1

3621 Dufferin Street
File # 17 280210 NNY 09 0Z

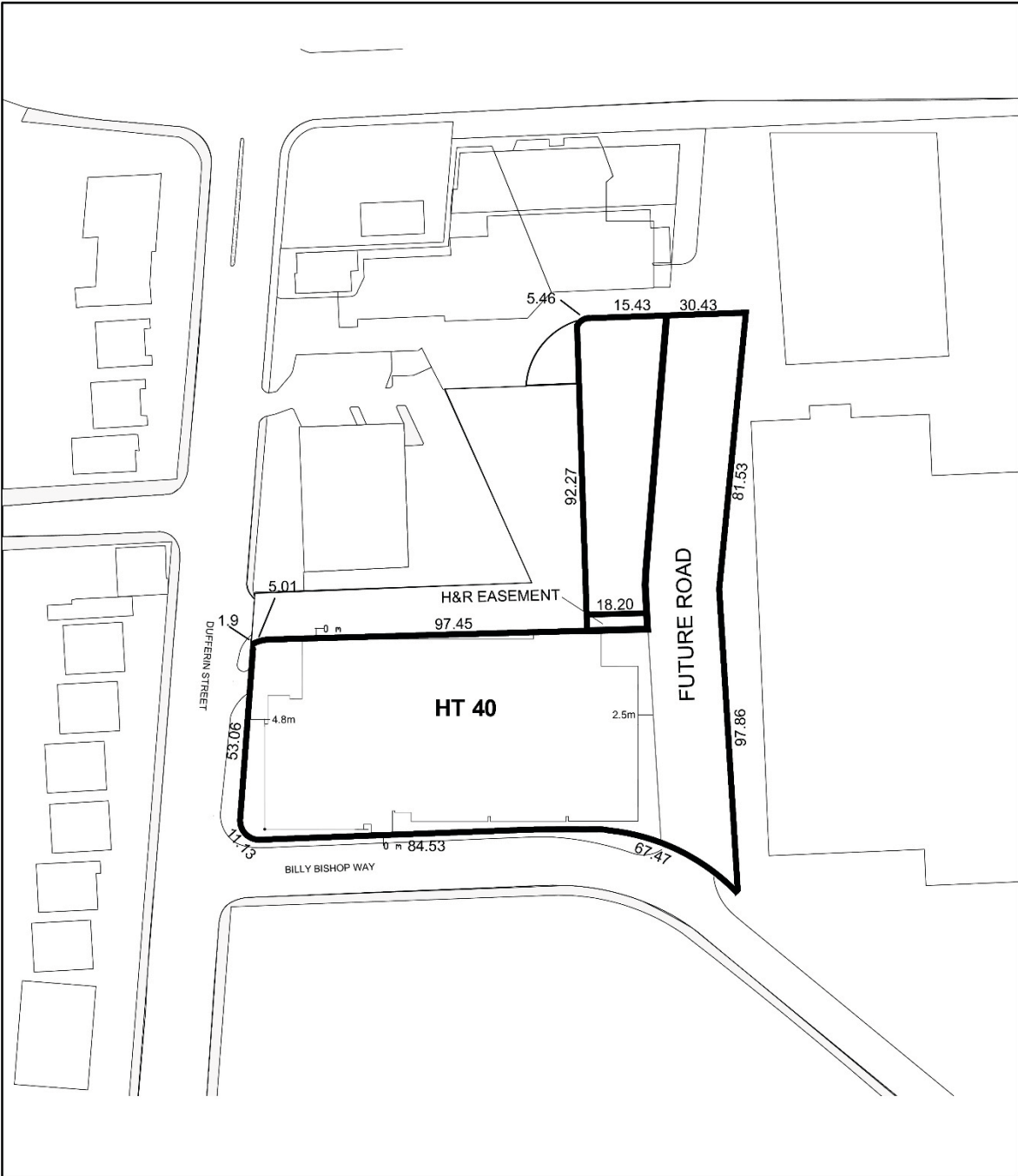


 **TORONTO**
Diagram 2

3621 Dufferin Street

File # 17 280210 NNY 09 0Z





 **TORONTO**
Diagram 3

3621 Dufferin Street
File # 17 280210 NNY 09 0Z