

Authority: Local Planning Appeal Tribunal Decision dated January 27, 2020 and Ontario Land Tribunal Order issued March 25, 2022 in Tribunal File PL171293

CITY OF TORONTO

BY-LAW 1183-2022 (OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 3000 Dufferin Street.

Whereas the owner of the lands shown on Diagram 1 attached hereto applied for a zoning by-law amendment for the development of the lands shown on Diagram 1 attached hereto and appealed that application to the Local Planning Appeal Tribunal; and

Whereas the Local Planning Appeal Tribunal, by its decision issued on January 27, 2020 and Ontario Land Tribunal Order issued on March 25, 2022 in Tribunal Case PL171293 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 3000 Dufferin Street; 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, whereby City Council or the Tribunal on an appeal may, in a by-law enacted under Section 34 of the Planning Act, 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;

Therefore, pursuant to the Order of the Ontario Land Tribunal Decision issued March 25, 2022, in Tribunal Case PL171293, By-law 569-2013 of the City of Toronto, as amended, is further amended as follows:

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 RA (f30.0; a1370) (x430) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.7.10 Exception Number (430) so that it reads:

Exception RA 430

Site Specific Provisions:

- (A) On 3000 Dufferin Street, if the requirements of Section 9 and Schedule A of By-law 1183-2022(OLT) are complied with, a **building, structure**, addition or enlargement may be erected or used in compliance with (B) to (GG) below;
- (B) The **lot** consists of those lands shown on Diagram 1 attached to By-law 1183-2022(OLT);
- (C) In addition to the uses permitted in Clauses 15.10.20.10 and 15.10.20.20, an **Eating Establishment, Take-out Eating Establishment, and Personal Service Shop** are permitted;
- (D) In addition to the uses permitted in Clauses 15.10.20.10 and 15.10.20.20, an **Outdoor Patio** is permitted, provided:
 - (i) it is combined with an **Eating Establishment or Take-out Eating Establishment**;
 - (ii) the permitted maximum area is the greater of:
 - a. 30.0 square metres; or
 - b. 30 percent of the **interior floor area** of the **premises** it is associated with;
- (E) Despite Regulation 15.10.20.40(1), a dwelling unit is permitted in a **mixed use building** or an **apartment building**;

- (F) Despite Regulation 15.10.40.40(1)(B), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lot must not exceed 57,200 square metres, of which:
- (i) a maximum of 21,670 square metres of **gross floor area** is permitted for residential uses in the "Existing Building";
 - (ii) a maximum of 15,230 square metres of **gross floor area** is permitted for residential uses in "Building A";
 - (iii) a maximum of 400 square metres of **gross floor area** is permitted for non-residential uses in "Building A"; and
 - (iv) a maximum of 19,900 square metres of **gross floor area** is permitted for residential uses in "Building B";
- (G) For the purpose of this exception, **established grade** is the Canadian Geodetic Datum elevation of 176.56 metres;
- (H) Despite Regulation 15.10.40.10(1)(B), the height of any **building** or **structure** must not exceed the maximum height in metres specified by the numbers following the symbols "HT" on Diagram 3 of By-law 1183-2022(OLT);
- (I) Despite Regulation 15.10.40.10(2)(B), the height of any **building** or **structure** must not exceed the maximum height in **storeys** specified by the numbers following the symbols "ST" on Diagram 3 of By-law 1183-2022(OLT), excluding the mechanical penthouse;
- (J) Despite Regulation 15.5.40.10(2), (3), (5), (6) and (G) above, the following elements of a **building** or **structure**, related to the "Existing Building", "Building A" and "Building B", may project above the maximum **building** heights shown on Diagram 3 of By-law 1183-2022(OLT):
- (i) elevator overruns and associated enclosures, cornices, canopies, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, vents, stacks, wind or privacy screens, landscaping elements (including **green roofs**), terraces, skylights, flues, access roof hatch, outdoor furniture, chimneys, **structures** on the roof used for outside or open air recreation, roof finishing materials (including insulation, protection boards, drainage, roof ballast, and paving), decorative or architectural features, heating, cooling or ventilating equipment, or a wall or **structure** enclosing such elements which may project above the height limits shown on Diagram 3 by a maximum vertical projection of 3.0 metres; and
 - (ii) mechanical penthouses, which may project above the height limits shown on Diagram 3 by a maximum vertical projection of 6.5 metres;

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- (K) The maximum "tower floor plate" of "Building B" shall not exceed 750 square metres;
- (L) On "Building A", no balcony projections shall be located closer than 2.0 metres to an outermost exterior corner intersection of **main walls** of the **building** between the 7th and 12th **storeys**;
- (M) On "Building B", no balcony projections shall be located closer than 2.0 metres to an outermost exterior corner intersection of the **main walls** of the **building** between the 7th and 23th **storeys**, with the exception of projecting balconies on the southern-most **main wall**, which are permitted to be located closer than 2.0 metres to an outermost exterior corner intersection of the **main walls** of the **building** between the 7th and 23rd **storeys**;
- (N) Despite Clause 15.10.40.70, the required minimum **building setbacks** are as shown on Diagram 3 of By-law 1183-2022(OLT);
- (O) Despite Clause 15.5.40.60 and (N) above, the following elements of a **building** or **structure**, related to the "Existing Building", "Building A" and "Building B", are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law 1183-2022(OLT);
- i) exterior stairways, cornices, canopies, chimneys, waste storage and **loading space** enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, wheel chair ramps, vents, fences, wind or privacy screens, **landscaping** elements (including **green roofs**), terraces, decorative or architectural features, bay windows, ramps, ramp enclosures, **parking garage** ramps and associated **structures**, retaining walls, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, and porches and decks, either excavated or unexcavated, by a maximum horizontal projection of 3.0 metres;
- (P) Clause 15.10.30.40 with respect to maximum **lot coverage** does not apply;
- (Q) Despite Regulation 15.10.40.80(2), the required minimum above-ground separation distance between the **main walls** of **residential buildings** located on the same **lot** are shown on Diagram 3 of By-law 1183-2022(OLT);
- (R) Regulation 15.5.100.1(2) with respect to **driveway** access to **apartment buildings** does not apply;
- (S) Despite Regulation 15.10.40.1(2), the maximum number of **dwelling units** on the **lot** shall not exceed 795, of which a maximum of 287 **dwelling units** are permitted in the "Existing Building";

- (T) Regulation 15.5.40.50(2), as it relates to platforms in relation to **building setbacks**, does not apply;
- (U) Regulation 15.10.40.50(1) with respect to **amenity space** in the "Existing Building" does not apply;
- (V) Regulation 15.5.40.10(4), with respect to horizontal limits on elements for the functional operation of a **building** does not apply;
- (W) Regulation 15.5.50.10(1), with respect to **landscaping** requirements for **apartment buildings**, does not apply;
- (X) Regulations 15.10.20.100(13)(A) and (F), with respect to specific use conditions for **Retail Stores** in an **Apartment Building** does not apply;
- (Y) Regulation 150.100.30.1(1), with respect to fence requirements for **Eating Establishments**, does not apply;
- (Z) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for the "Existing Building", "Building A" and "Building B", shall be provided on the **lot** and maintained in accordance with the following minimum rates:
- (i) 0.57 **parking spaces** for each **dwelling unit** for residential occupants;
 - (ii) 0.06 **parking spaces** for each **dwelling unit** for residential visitors;
 - (iii) no **parking spaces** are required for non-residential uses; and
 - (iv) **parking spaces** required by (Z)(i) and (ii) may be used as a "car-share parking space" as permitted by (AA) below;
- (AA) "Car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) A reduction of 3 residential occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
6 multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number.
- (BB) Despite Regulations 200.5.1(3) and 200.5.1.10(2), a maximum of 264 existing **parking spaces** and the associated existing **drive aisles** are permitted with their existing dimensions as of the date of passing of By-law 1183-2022(OLT);
- (CC) Despite Regulation 200.15.1(4), accessible **parking spaces** must be located within 40 metres of a barrier free:
- (i) Entrance to a building; or

- (ii) Passenger elevator that provides access to the first storey of the building.
- (DD) Despite Regulation 220.5.10.1(2), one Type 'G' **loading space** will be provided for "Building A" and one Type 'G' **loading space** will be provided for the shared use of the "Existing Building" and "Building B";
- (EE) Despite Regulations 230.5.10.1(1), 230.5.10.1(5) and Table 230.5.10.1(1), **bicycle parking spaces** shall be provided and maintained on the **lot** as follows:
 - (i) a minimum of 20 "long term" **bicycle parking spaces** and no "short term" **bicycle parking spaces** shall be provided for residents of the "Existing Building";
 - (ii) a minimum of 0.9 "long-term" **bicycle parking spaces** per **dwelling unit** for residents of "Building A" and "Building B";
 - (iii) a minimum of 0.1 "short-term" **bicycle parking spaces** per **dwelling unit** for visitors of residents of "Building A" and "Building B";
 - (iv) a minimum of 3 plus 0.3 **bicycle parking spaces** for each 100 square metres of **interior floor area** for "short-term" bicycle parking used for non-residential uses in "Building A"; and
 - (v) a minimum of 0.2 **bicycle parking spaces** for each 100 square metres of **interior floor area** for "long-term" **bicycle parking spaces** used for non-residential uses in "Building B";
- (FF) Despite Regulation 230.5.1.10(4), a **stacked bicycle parking space** may have a minimum width of 0.4 metres.
- (GG) Despite Regulation 5.10.30.1(1) and (2), within the lands shown on Diagram 1 attached to By-law 1183-2022(OLT), Building B may not be erected or used above grade:
 - (i) Unless the street identified as Public Street on Diagram 1 of By-law 1183-2022(OLT), is constructed to a minimum base curb and base asphalt or concrete and is connected to an existing street; and
 - (ii) Unless all Municipal water-mains and Municipal sewers, and their appurtenances, are installed within the street identified as Public Street on Diagram 1 attached to By-law 1183-2022(OLT), and area operational to the satisfaction of the City.

Prevailing By-laws and Prevailing Sections (None Apply)

5. Former City of North York By-laws 20495 and 20462 do not apply to the lands outlined by heavy black lines on Diagram 1 of By-law 1183-2022(OLT).

6. For the purposes of this By-law:
- (A) "Existing Building" means the **building** that existed on the **lot** as of January 6, 2020, identified as "Existing 18 Storey Residential Building" on Diagram 3 of By-law 1183-2022(OLT), including any alterations and internal modifications that do not result in any additional **gross floor area**;
 - (B) "Building A" means the **building** identified as "Building A" on Diagram 3 of By-law 1183-2022(OLT);
 - (C) "Building B" means the **building** identified as "Building B" on Diagram 3 of By-law 1183-2022(OLT);
 - (D) "Car-share" means the practice where a number of people share the use of one or more motor **vehicles** that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of **vehicles** be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (E) "Car-share parking space" means a parking space that is exclusively reserved and actively used for car-sharing;
 - (F) "Tower" means the portions of "Building B" which collectively enclose the entirety of a storey higher than 24.0 metres above established grade; and
 - (G) "Tower Floor Plate" means the total built area within a "tower" measured from the exterior of the main walls at each floor, but excluding balconies.
7. Despite any severance, partition or division of the lands shown on Diagram 1 of By-law 1183-2022(OLT), the provisions of this By-law, shall apply as if no severance, partition or division occurred.
8. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the **lot**, used exclusively for the initial sale and/or initial leasing of **dwelling units** proposed on the same **lot**.
9. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, 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 attached to this By-law, 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020

came into force, 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 provide space on the **lot** for the installation of maintenance access holes and sampling ports for sanitary service connections, as close to the **lot line** as possible, in accordance with Section 681-10 of City of Toronto Municipal Code Chapter 681, Sewers.

Pursuant to Local Planning Appeal Tribunal Decision dated January 27, 2020 and Ontario Land Tribunal Order issued March 25, 2022 in Tribunal File PL171293.

SCHEDULE A**Section 37 Provisions**

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

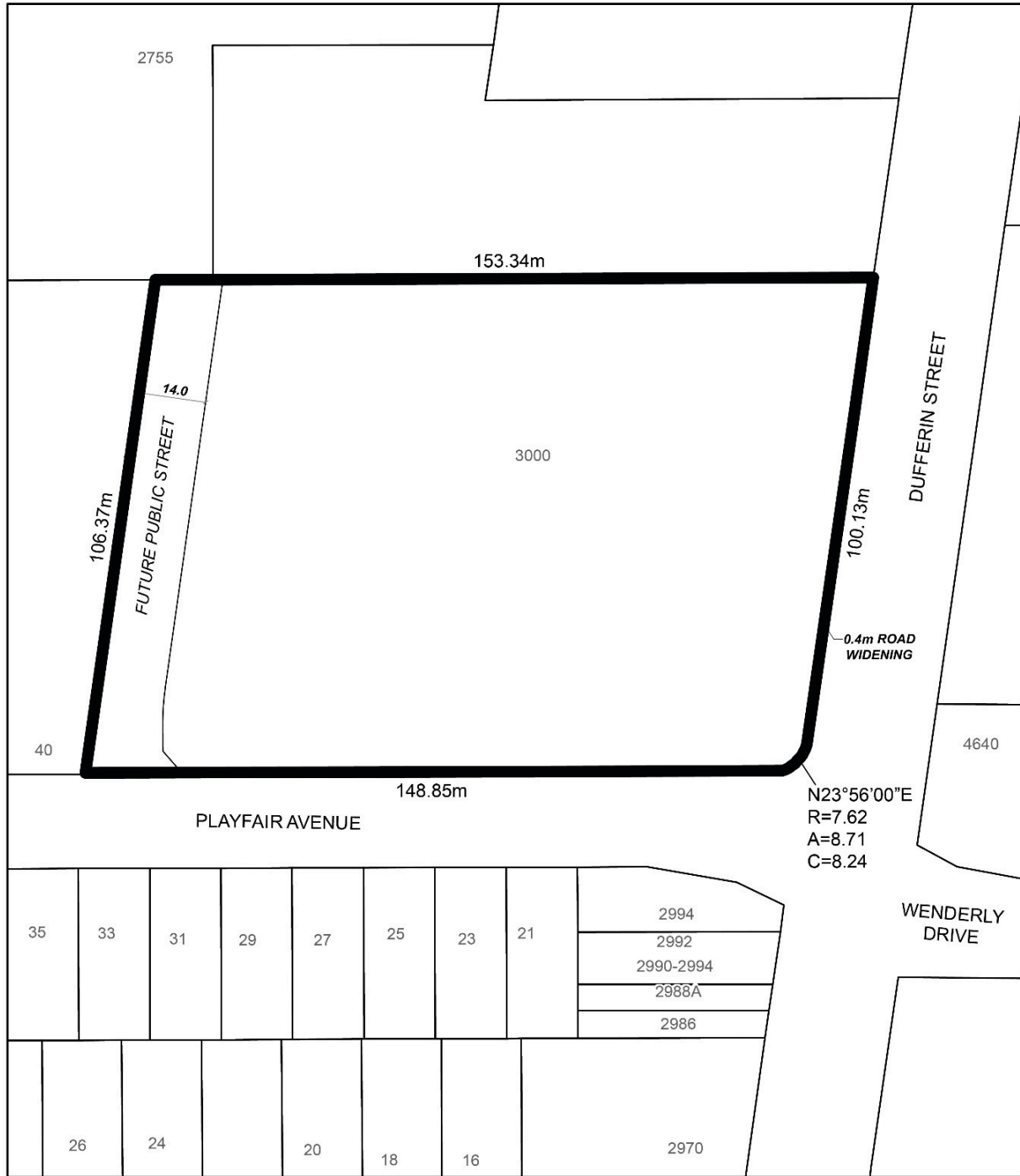
- (1) A cash contribution of \$2,100,000 to be paid by the applicant to the City and which shall be allocated to local parks and community facility improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to be payable as follows:
 - (i) \$900,000 to be payable prior to the issuance of the first above-grade building permit for the building labelled "Building A" on Diagram 3 of By-law 1183-2022(OLT); and
 - (ii) \$1,200,000 to be payable prior to the issuance of the first above-grade building permit for the building labelled "Building B" on Diagram 3 of By-law 1183-2022(OLT).
- (2) The \$2,100,000 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of payment.
- (3) The provision by the applicant of ten (10) one-bedroom affordable rental dwelling units to be located in "Building A" or "Building B", the affordable rental dwelling units will be rented at affordable rents as defined in the Official Plan; the average unit size of the affordable rental dwelling units will be at least the same as the average unit size of the proposed one-bedroom market units; the affordable rental dwelling units shall be provided in contiguous (vertically and/or horizontally) groups of at least six (6) dwelling units; the ten (10) units shall remain as rental units for a minimum of twenty (20) years, and shall remain as affordable rental units for at least the first fifteen (15) years of the minimum twenty (20) year rental tenure; and all of the above shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (4) The applicant shall continue to provide and maintain the existing 287 residential dwelling units in the existing apartment building labelled as "Existing Building" on Diagram 3 of By-law 1183-2022(OLT) as rental housing for a period of at least twenty (20) years; the Applicant shall also provide and maintain all existing and new associated facilities and amenities related to "Existing Building" for that same period; the period of twenty (20) years referenced above shall commence from the date of the Zoning By-laws associated

with the development coming into full force and effect; during the twenty (20) year period, no applications for demolition or conversion from the residential rental use is permitted; and all the above shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

- (5) The applicant shall provide improvements to "Existing Building" and its associated amenities, with no pass-through to the existing tenants; these improvements shall include: the renovation of the lobby lounge; refinishing and painting the indoor swimming pool; renovating the pool change rooms; addition of outdoor seating area; addition of bicycle racks; relocating the existing outdoor waste storage areas indoors; and improving the outdoor amenity areas and pedestrian walkways, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (6) The applicant shall convey to the City an on-site parkland dedication of 1,205 square metres, in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act, and which shall be located in the southwest corner of the site as generally shown on Diagram 3 of By-law 1183-2022(OLT); the final location and configuration of the on-site parkland shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation; and the on-site parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and is to be conveyed to the City prior to the issuance of the first above-grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
- (7) The applicant shall provide a construction mitigation plan and tenant communication strategy to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (8) The applicant shall construct and maintain the proposed development in accordance with the Tier 1 performance measure of the Toronto Green Standards.
- (9) The applicant shall provide a minimum of ten percent of the new dwelling units constructed in the development as units containing three or more bedrooms.
- (10) The applicant shall, at its own cost and expense, construct and convey to the City a new 14 metre north-south public street, together with associated municipal services, running along the west lot line of the subject property and connecting to Playfair Avenue, as shown on Diagram 3 of By-law 1183-2022(OLT), to the satisfaction of the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor.
- (11) Prior to issuance of any **building** permit for all or any part of the development on the lands, the owner shall:
 - (i) Enter into a financially secured subdivision agreement with the City pursuant to Section 51 of the Planning Act necessary to implement the plan of subdivision for the lands, including all required external works, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and

- (ii) Obtain release for construction of services in accordance with the terms of the subdivision agreement, to the satisfaction of the Chief Engineer and Executive Director Engineering and Construction Services.
- (12) Prior to the issuance of the first above-grade **building** permit for Building B, the plan of subdivision shall be registered to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (13) In the event the cash contribution(s) referred to in Section (1) 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.

Diagram 1

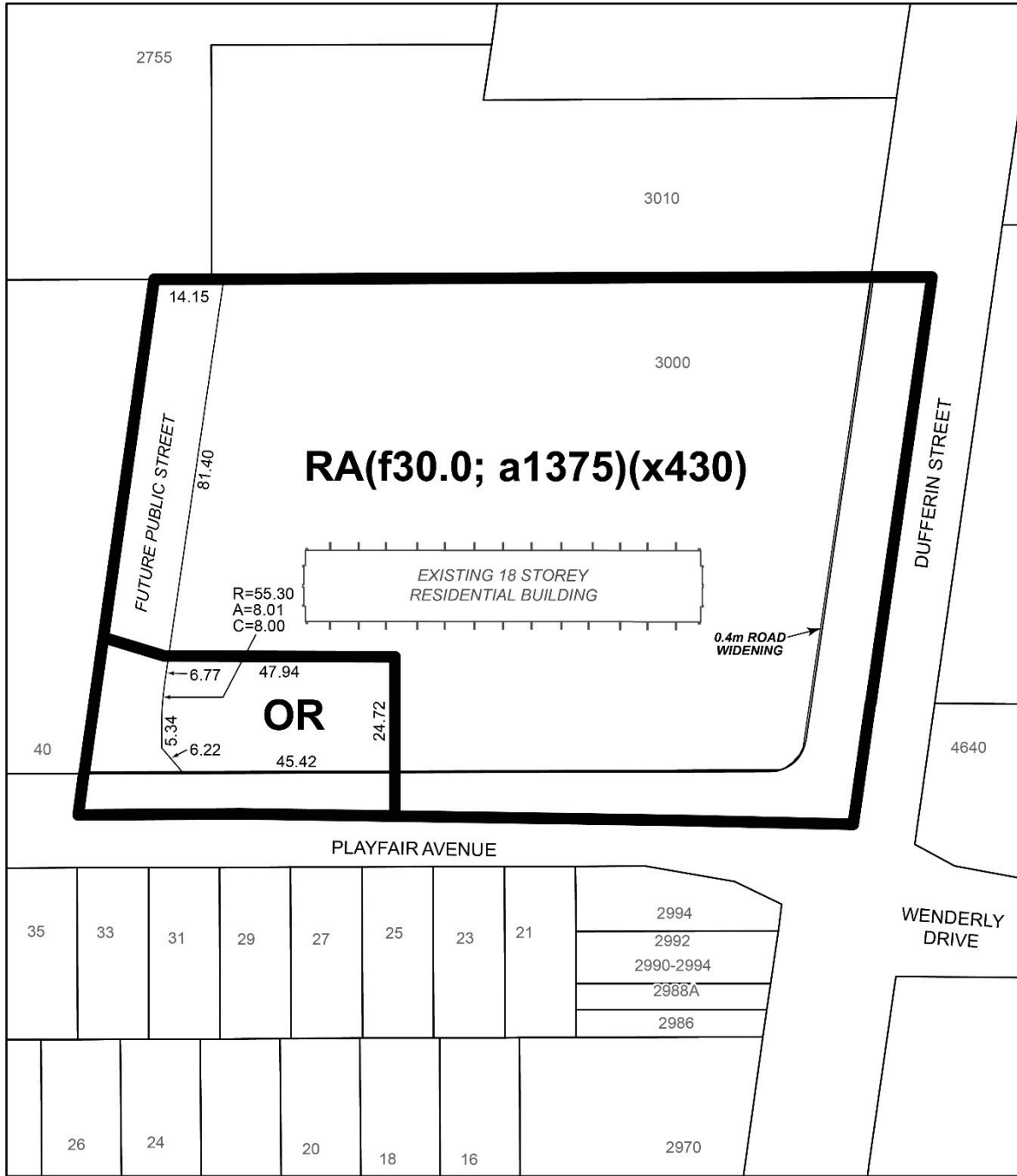


 **TORONTO**
Diagram 1

3000 Dufferin Street

File #: 17 200922 NNY 15 OZ
17 200956 NNY 15 SB

Diagram 2



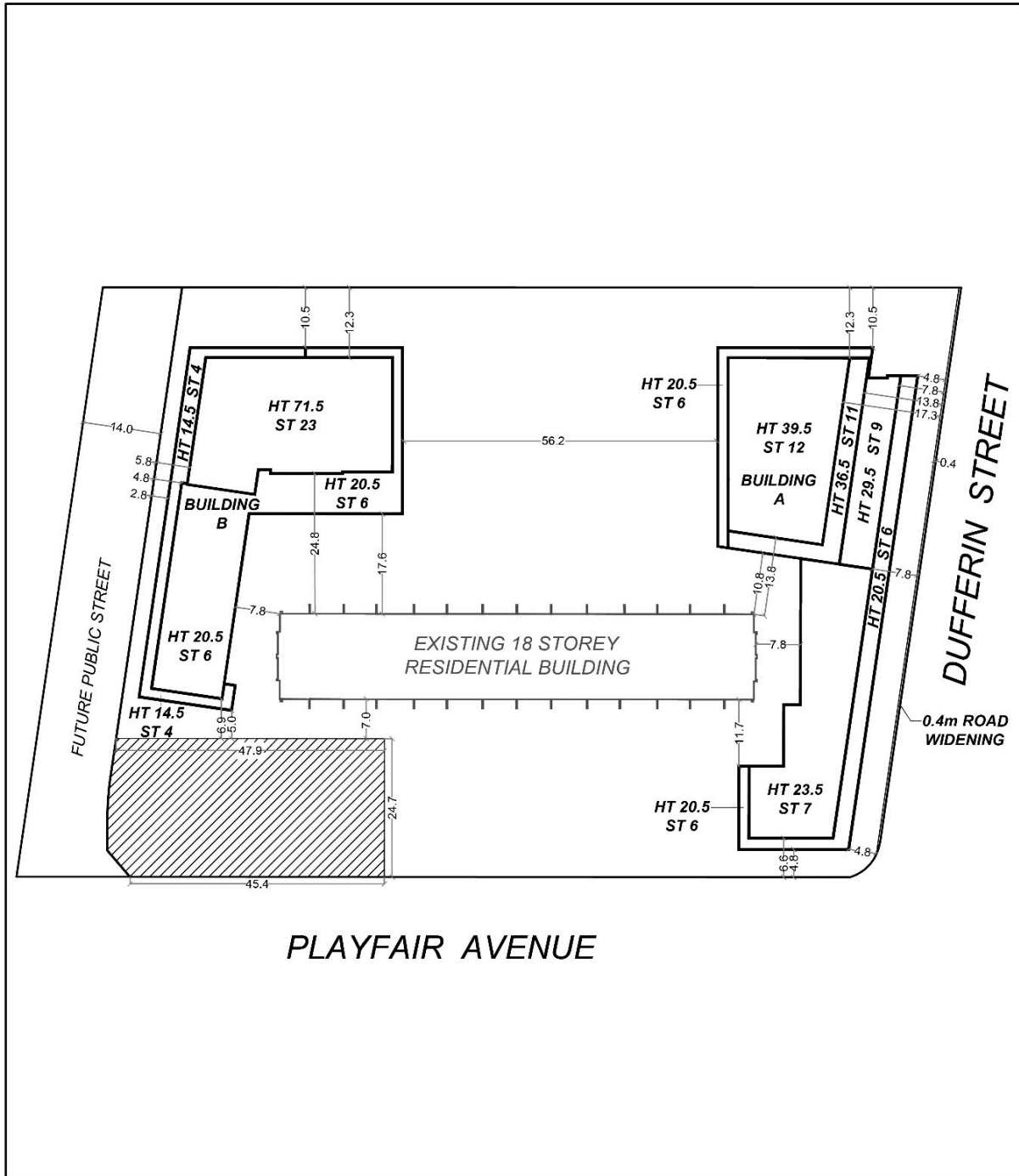
 **TORONTO**
Diagram 2

3000 Dufferin Street

File #: 17 200922 NNY 15 0Z
17 200956 NNY 15 SB





Diagram 3



TORONTO
 Diagram 3

3000 Dufferin Street

File #: 17 200922 NNY 15 OZ
 17 200956 NNY 15 SB

-  Parkland dedication to the City
-  0.4m Road Widening

