

Authority: Etobicoke York Community Council Item
EY3.2, as adopted by City of Toronto Council on March
29, 30 and 31, 2023
City Council voted in favour of this by-law on May 12,
2023

CITY OF TORONTO

BY-LAW 410-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 5251 Dundas Street West.

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;

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 3.5 (c1.0; r3.0) SS1 (x838) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1, and applying the following Policy Area label to these lands: 2, 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 Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 24.0, as shown on Diagram 4 attached to this By-law.
6. 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 the following lot coverage label to these lands: 33, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (838) so that it reads:

(838) Exception CR (838)

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 5251 Dundas Street West, if the requirements of By-law 410-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (X) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 129.0 metres and elevation of the highest point of the **building** or **structure**;
- (C) Despite Clause 40.10.30.40, no maximum **lot coverage** applies;
- (D) Despite Regulation 40.10.40.1(1), lobby and amenity space associated with residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building**;
- (E) The provision of **dwelling units** must comply with the following:
 - (i) the maximum number of **dwelling units** permitted is 595;
 - (ii) a minimum of 15 percent of the total number of **dwelling units** on the **lot** must contain a minimum of two bedrooms;
 - (iii) a minimum of 10 percent of the total number of **dwelling units** on the lot must contain three or more bedrooms;
 - (iv) any **dwelling units** with three or more bedrooms provided to satisfy (E)(iii) above are not included in the provision required by (E)(ii) above; and
 - (v) for the purpose of this exception, guest suites do not constitute **dwelling units**;
- (F) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the "HT" as shown on Diagram 6 of By-law 410-2023;
- (G) Despite Regulations 40.5.40.10(3) to (8) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6 of By-law 410-2023:

- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment by a maximum of 6.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (G)(i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
 - (iii) enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, flues and vents by a maximum of 3.0 metres;
 - (iv) architectural features, parapets, and ornamental elements and **structures** associated with a **green roof** by a maximum of 3.0 metres;
 - (v) **building** maintenance and window washing equipment by a maximum of 5.0 metres;
 - (vi) planters, **landscaping** features, guard rails, divider screens on a balcony and/or terrace, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** by a maximum of 3.0 metres;
 - (vii) elements listed in subsections (G)(iii) and (iv) above may project above the permitted height limit for the mechanical penthouse as set out in subsections (G)(i) and (ii) by a maximum of 3.0 metres; and
 - (viii) elements listed in subsection (G)(v) may project above the permitted height limit for the mechanical penthouse as set out in subsections (G)(i) and (ii) by a maximum of 5.0 metres;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 35,550 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 35,250 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 170 square metres;
- (I) In addition to the elements which reduce **gross floor area** listed in Regulation 40.5.40.40(3), the following elements also reduce the **gross floor area** of a **building**:
- (i) all open to below areas;
 - (ii) hallways and elevator vestibules below ground; and
 - (iii) rooms containing **bicycle parking spaces**;

- (J) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at a rate of 4.0 square metres for each **dwelling unit**, of which:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** of which 40.0 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
 - (iii) no more than 25 percent percent of the outdoor component may be a **green roof**; and
 - (iv) indoor **amenity space** may include guest suites that do not exceed an aggregate **interior floor area** of 100 square metres;
- (K) Despite Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law 410-2023;
- (L) In addition to Regulation 40.10.40.70(1) and (K) above, the mechanical penthouse must be setback a minimum of 1.1 metres from all **main walls** of the tower;
- (M) Despite Clause 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
- (i) balconies, by a maximum of 1.6 metres;
 - (ii) canopies, by a maximum of 4.0 metres;
 - (iii) awnings, cornices, lighting fixtures, ornamental elements, trellises, eaves, window sills, architectural features, planters, guardrails, balustrades, railings, stairs, stair enclosures, vents, fences and landscape features by a maximum of 2.0 metres;
 - (iv) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - (v) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metre;
 - (vi) window projections, by a maximum of 0.5 metre; and
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes by a maximum of 1.0 metre;

- (N) Despite (M)(i) above, within the area denoted as 'balcony zone' on Diagram 6 of By-law 410-2023 the total horizontal extent of balconies at each **storey** must not exceed 40 percent of the width of the **main wall** they are located on;
- (O) A continuous weather protection with a minimum depth of three metres along Dundas Street West and Auckland Road shall be provided and maintained on the lot;
- (P) The permitted maximum "tower floor plate" for each **storey** of a **building** located above the fourth **storey** is 782 square metres, and
- (i) For the purposes of this exception, "tower floor plate" means the total built area of each **storey** as measured from the exterior of **the main wall** on each **storey**, excluding balconies;
- (Q) A "Publicly Owned Privately Accessible Open Space" or "POPS" with a minimum area of 20 square metres must be provided within the shaded area as shown on Diagram 6 of By-law 410-2023; and
- (i) For the purpose of this exception, "Publicly Owned Privately Accessible Open Space" or "POPS" means a space on the **lot** situated at ground level within the hatched area shown on Diagram 6 of By-law 410-2023 that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses;
- (R) Despite Regulations 200.5.1.10(2)(A)(i) and 200.5.1.10(2)(A)(iv), maximum 15 percent of the provided **parking spaces** may be either:
- (i) small car **parking spaces** with a minimum width of 2.6 metres, length of 5.2 metres and vertical clearance of 2.0 metres; and
- (ii) be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (S) Despite Regulation 200.5.1.10(12)(C), if a **mixed use building** has an area for parking two or more **vehicles**, the **vehicle** entrance and exit to the **building** must be at least 1.0 metres from the **lot line** abutting a street;
- (T) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
- (ii) width of 3.4 metres;

- (iii) vertical clearance of 2.1 metres; and
- (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path on one side of the accessible **parking space**;
- (U) Despite Regulation 200.15.10.5, a minimum of five of the provided **parking spaces** on the **lot** are required to be accessible **parking spaces**;
- (V) Despite Regulation 200.15.1(4), three of the required accessible **parking spaces** in (T) above are required to be closest to a barrier-free passenger elevator that provides access to the first **storey** of the **building** or the shortest route from the required entrance to an elevator;
- (W) Despite 230.5.1.10(9)(B)(i)(ii) and (iii) **bicycle parking space** for **dwelling units** may be located in the first, second, and third **storeys** of the **building** and on all levels below-ground;
- (X) Despite 220.5.10.1(2), a **building** with more than 400 **dwelling units** and less than 595 **dwelling units** must provide 1 Type 'G' **loading space**;
- (Y) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**.

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

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Enacted and passed on May 15, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

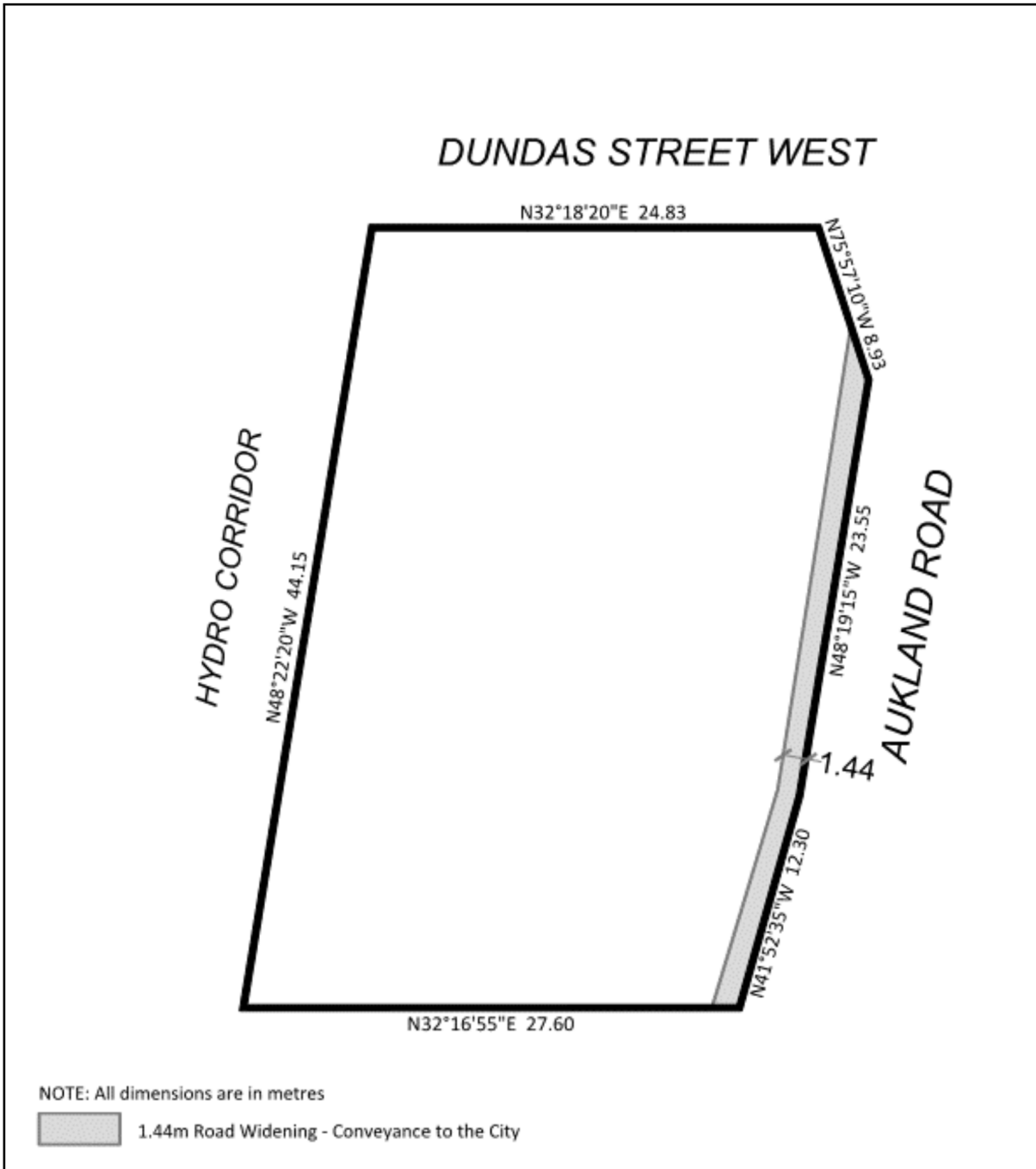


Diagram 2

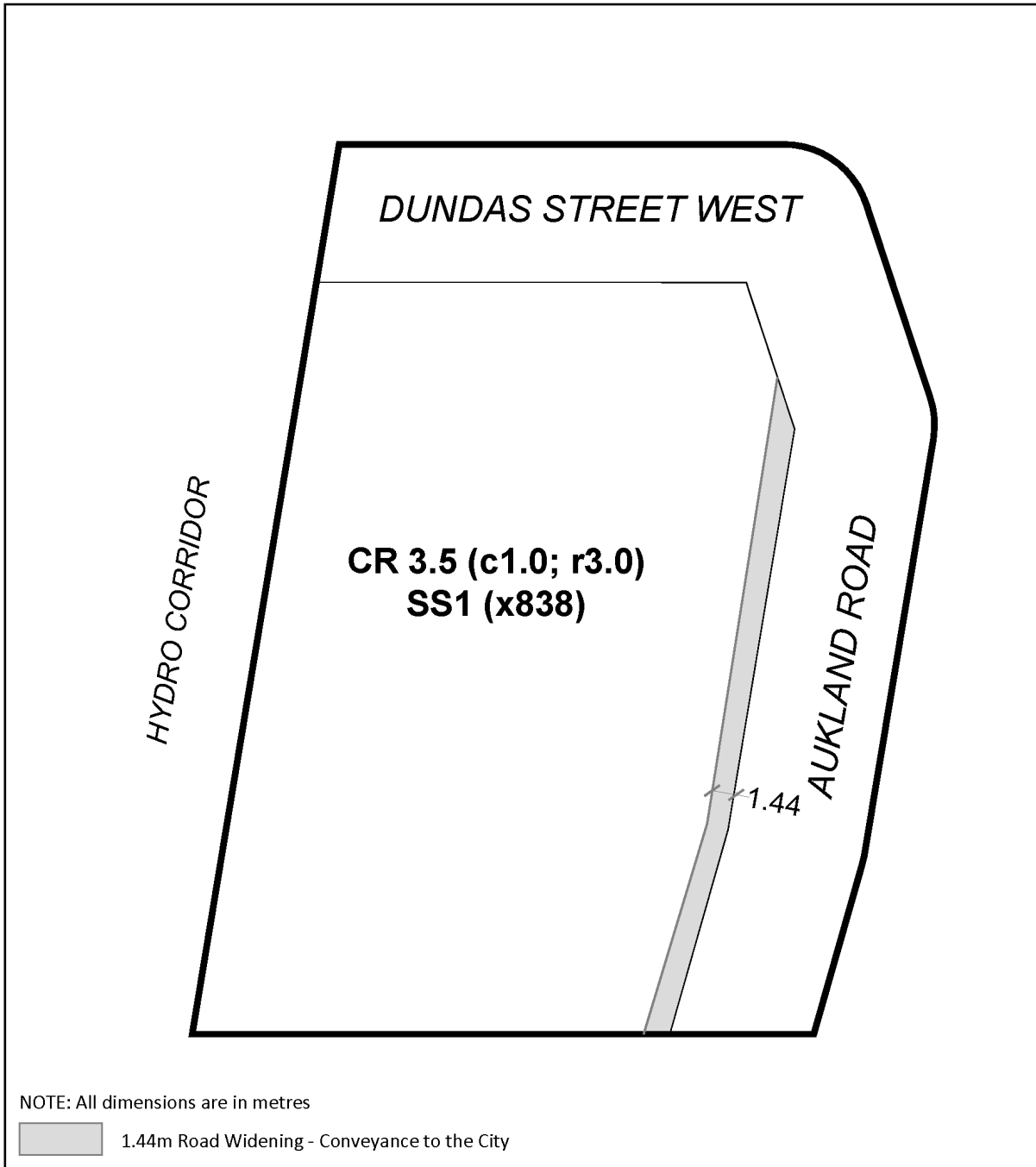


Diagram 3

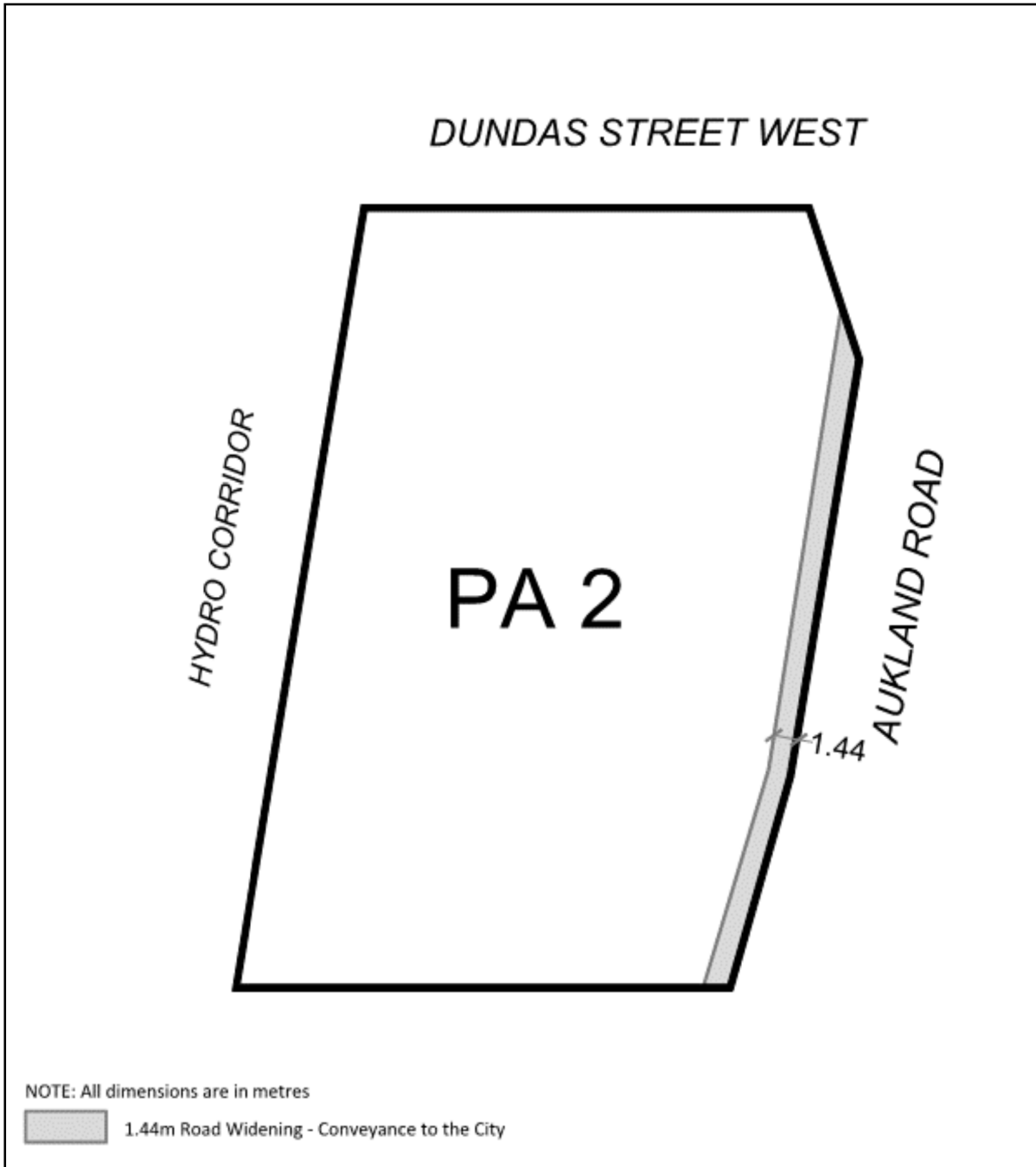


Diagram 4

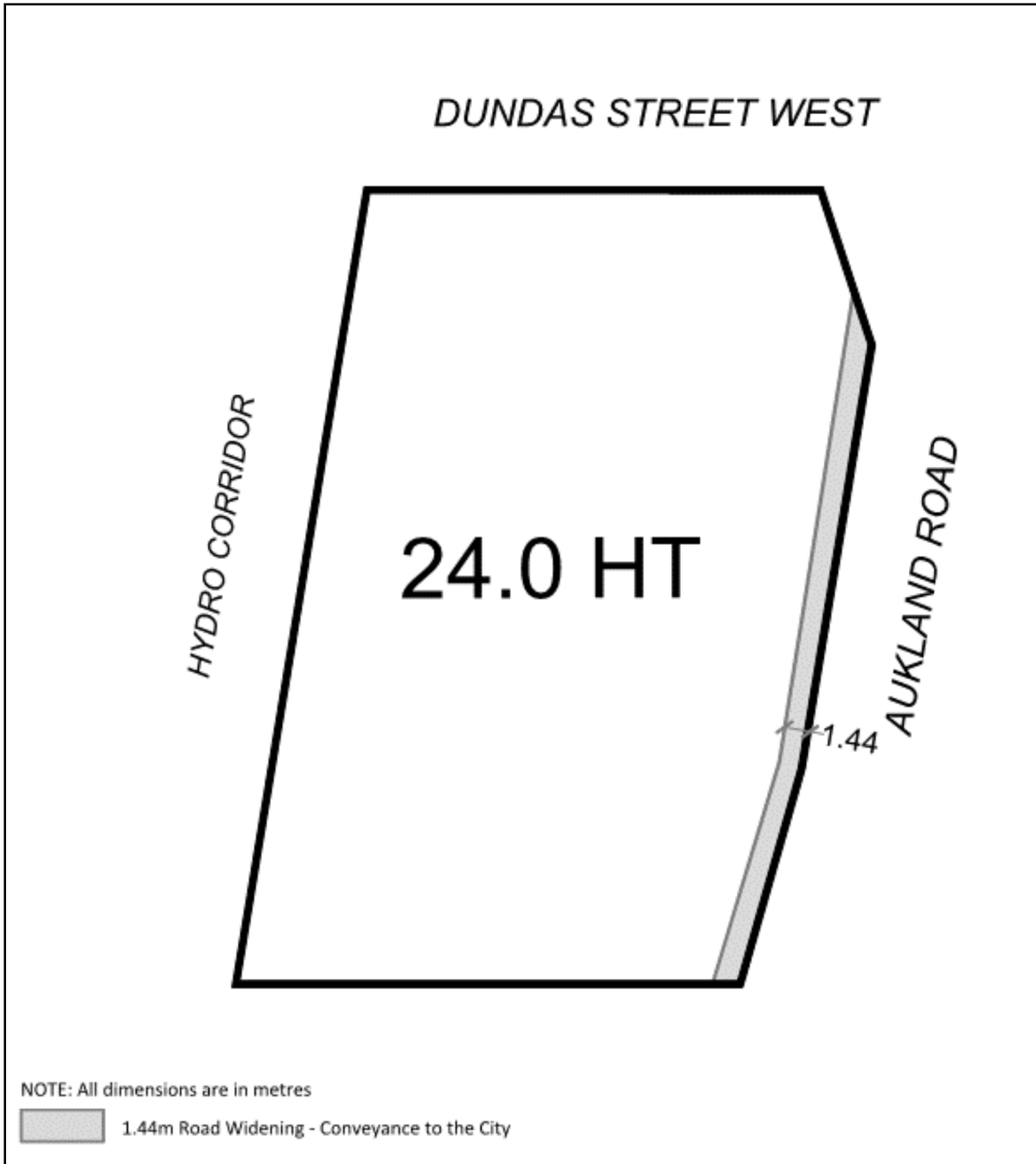


Diagram 5

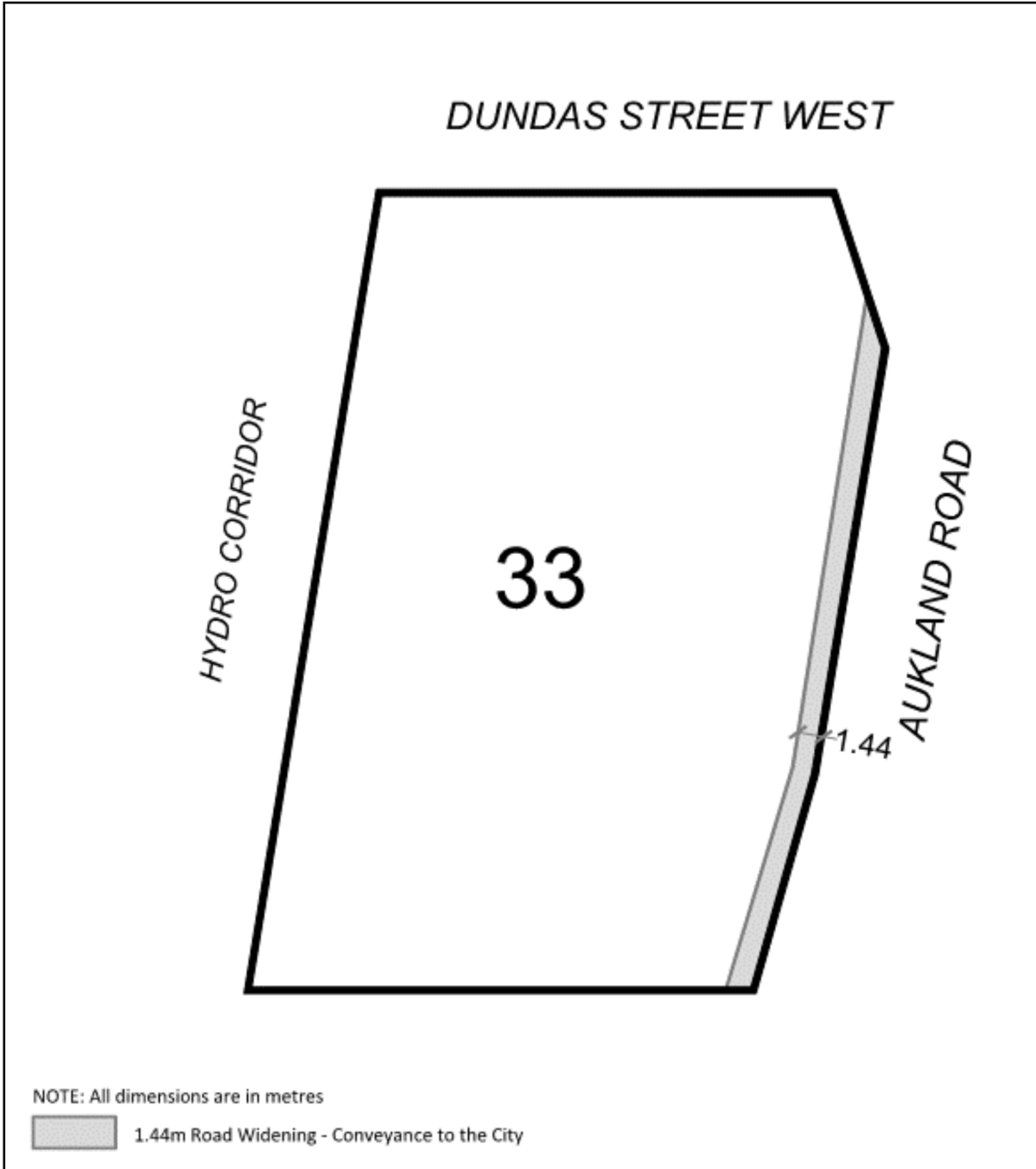


Diagram 6

