

Authority: Planning and Housing Committee Item PH3.3,
as adopted by City of Toronto Council on May 10, 11 and
12, 2023
City Council voted in favour of this by-law on May 12,
2023

CITY OF TORONTO

BY-LAW 428-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 5207 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. Where the provisions of this By-law conflict with the provisions of Zoning By-law 569-2013, as amended, as it pertains to 5207 Dundas Street West, the provisions of this By-law shall apply.
2. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this by-law.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. 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 from a zone label of CR 5.0 (c1.5; r3.5) SS1 (x377) to a zone label of CR 5.0 (c1.5; r3.5) SS1 (x849) as shown on Diagram 2.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 849 so that it reads:

(849) Exception CR 849

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-law and Prevailing Sections.

Site Specific Provisions:

- (A) On 5207 Dundas Street West, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (LL) below;

- (B) For the purpose of this exception, the **lot** is comprised of the area outlined by heavy black lines on Diagram 1 of By-law 428-2023;
- (C) Despite clause 5.10.30.20, the **lot line** abutting Dundas Street West is the **front lot line**;
- (D) In addition to those uses of which an **outdoor patio** must be combined with listed in regulation 40.10.20.100(21)(A), a **retail store** is also a permitted use which can be combined with an **outdoor patio**;
- (E) Regulation 40.10.40.1(1) does not apply;
- (F) Despite Clause 40.10.30.40, the permitted maximum **lot coverage** does not apply;
- (G) The provision of **dwelling units** must comply with the following:
 - (i) a minimum of 25 percent of the total number of **dwelling units** on the **lot** must contain a minimum of two bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms containing a minimum **interior floor area** of 87 square metres each;
 - (iii) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms;
 - (iv) a minimum of 7 percent of the total number of **dwelling units** must contain three or more bedrooms containing a minimum **interior floor area** of 100 square metres each;
 - (v) for the purpose of this exception, if the calculation of the number of required **dwelling units** in (i)(ii)(iii)(iv) above result in a number with a fraction, the number is rounded down to the nearest whole number;
 - (vi) for the purpose of this exception, if the **interior floor area** of a **dwelling unit** is a number with a fraction, the number is rounded mathematically to the nearest whole number;
 - (vii) at least 14 **dwelling units** which abut the "Landscaped Courtyard Area" are required as part of the **mixed use building**, and each of those **dwelling units** shall have exclusive use of a private outdoor space comprised of a minimum area of 18.0 square metres of combined **landscaping** and **soft landscaping**; and
 - (viii) for the purpose of this exception, guest suites do not constitute **dwelling units**;

- (H) 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 126.25 metres and the elevation of the highest point of the **building** or **structure**;
- (I) Despite regulation 40.10.40.10(5), the required minimum height of the first floor level above ground, measured between the floor and the floor, ceiling, or roof immediately above it, is:
- (i) 4.5 metres for non-residential uses;
 - (ii) 3.0 metres for residential uses; and
 - (iii) a mezzanine shall not constitute a **storey** or floor as described in (I) above;
- (J) Despite regulations 40.10.40.10(1), and 40.10.40.10(7), the permitted maximum height of portions of the **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 428-2023 as shown on Diagram 3 of By-law 428-2023;
- (K) Despite regulation 40.5.40.10(4) and 40.5.40.10(6), and in compliance with regulation 40.5.40.10(5), the following equipment and **structures** located on the roof of the "Base Building" may exceed the permitted maximum permitted **building** height:
- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment, storage, elevator shafts, chimneys, vents, and water supply facilities to a maximum extent of 4.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, structures and parts of a building listed in (i) above to a maximum extent of 4.0 metres; and
 - (iii) screens or other unenclosed **structures** used to mitigate wind or noise, balustrades, railings, guards, dividers, pergolas, trellises, eaves, privacy screens, skylights, access hatches, window washing equipment, lightning rods, terraces, **landscaping** elements, play structures and **structures** located on the roof used for outdoor **amenity space** and outside or open air recreation, including swimming pools, swimming pool decks and associated equipment, to a maximum extent of 3.0 metres;
- (L) Despite regulation 40.5.40.10(7), all parapets may exceed the permitted maximum height for a **building** by 2.0 metres;

- (M) Despite regulation 40.5.40.10(8), the following equipment and **structures** on the roof of a "Tower" may exceed the permitted maximum **building** height as specified:
- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment, storage, chimneys, vents, and water supply facilities to a maximum extent of 4.0 metres;
 - (ii) elevator shafts and **structures** that enclose, screen or cover the equipment, structures and parts of a building listed in (i) above to a maximum extent of 7.0 metres;
 - (iii) exterior chimneys, pipes and vents may further exceed the permitted maximum **building** height, or exceed the permitted maximum height by an amount in addition to that described in (i) above by 3.0 metres; and
 - (iv) screens or other unenclosed **structures** used to mitigate wind or noise, balustrades, railings, guards, dividers, pergolas, trellises, eaves, privacy screens, skylights, access hatches, window washing equipment, lightning rods, terraces, **landscaping** elements, and **structures** located on the roof used for outdoor **amenity space** and outside or open air recreation, to a maximum extent of 4.0 metres;
- (N) the definition of "Tower" in By-law 428-2023 prevails over the definition of "tower" described in regulation 40.5.40.10(8);
- (O) Despite regulation 40.5.75.1(2)(A)(ii), a photovoltaic **solar energy** device or a thermal **solar energy** device that is located on a **building** may exceed the permitted maximum height for a **building** by 2.0 metres, and where located on top of a mechanical penthouse, the devices may exceed the additional permitted maximum height of the mechanical penthouse by 2.0 metres;
- (P) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 64,700 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 59,000 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses is 4,700 square metres; and
 - (iii) for the purpose of this exception, **gross floor area** does not include elements listed in (T)(i) below;

- (Q) Despite regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is reduced by the area in the **building** used for:
- (i) all areas located below ground;
 - (ii) all **loading spaces**;
 - (iii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
 - (iv) all storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms that are not within a **dwelling unit**;
 - (v) all shower and change facilities not within a **dwelling unit**;
 - (vi) all indoor **amenity space**;
 - (vii) elevator shafts;
 - (viii) garbage shafts;
 - (ix) mechanical penthouse;
 - (x) exit stairwells; and
 - (xi) all areas open to below or voids in floors;
- (R) The permitted maximum area of the tower floor plate located in a "Tower" is 750.0 square metres, as measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, excluding inset balconies and other elements listed in (T)(i) below;
- (S) Despite regulations 40.10.40.70(1), 40.10.40.70(4) and 40.10.40.80(1) , the required minimum **building setbacks** and **main wall** separation distances are as shown in metres on Diagram 3 of By-law 428-2023;
- (T) Despite (S) above and Clauses 40.10.40.60 and 40.5.40.60, the following **building** elements may encroach into required **building setbacks** and separation distances as follows:
- (i) Architectural features and parapets, cornices, piers, eaves, pre-cast elements, roof overhands, mouldings, sills, scuppers, rain water leaders, lighting fixtures and bay windows to a maximum of 0.9 metre;
 - (ii) Balconies, guard rails and window washing equipment, to a maximum of 1.5 metres;
 - (iii) Doors to a maximum of 1.0 metres;

- (iv) Retaining walls, stairs and ventilation shafts, to a maximum of 2.5 metres; and
 - (v) Decks, porches, canopies and awnings, stoops, trellises, privacy screens, awnings and/ or other similar shade devices and their associated structural elements, utility meters and their associated enclosures, railings, vents and wind mitigation structures to a maximum of 4.0 metres;
- (U) Two pedestrian accesses to the "Landscaped Courtyard Area", identified as "Gateway to Open Space Zones" must have minimum widths and vertical clearances as shown on Diagram 3 of By-law 428-2023 and must comply with the following:
- (i) The northern "Gateway to Open Space Zone" must have a minimum vertical clearance of 8.5 metres; and
 - (ii) The southern "Gateway to Open Space Zone" must not have any vertical obstructions by a **building** or **structure**;
- (V) Despite regulation 40.10.40.50(1), **amenity space** must be provided in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**;
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit**;
 - (iii) at least 40.0 square metres of outdoor **amenity space** is required to be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iv) no portion of the **green roof** is considered outdoor **amenity space**;
- (W) Regulation 40.10.40.50(2), with regards to **amenity space** for **buildings** with non-residential uses in SS1 areas, does not apply;
- (X) Despite regulation 40.10.50.10(1)(A):
- (i) a combined minimum of 1,825 square metres of **landscaping** and **soft landscaping** are required to be provided on the **lot** within the "Landscaped Courtyard Area", of which also:
 - (a) forms a continuous connection between the two "Gateway to Open Space Zones" identified on Diagram 3 of By-law 428-2023;
 - (b) is "publicly accessible space";

- (c) the provision of an **outdoor patio** which is **ancillary** to non-residential uses reduces the required **landscaping** and **soft landscaping** described in (X)(i) above to a maximum of 10 percent of that required area; and
 - (d) The **landscaping** and **soft landscaping** provided for the exclusive use as a private yard for **dwelling units** abutting the "Landscaped Courtyard Area" do not satisfy the requirements of (X)(i) above;
- (Y) Despite regulations 40.10.80.10(1) and 40.10.80.20(1) and (2), **parking spaces** are not permitted to be located above ground;
- (Z) Despite regulation 40.10.90.10(1), all **loading spaces** must be located inside a **building**;
- (AA) Despite clauses 40.10.90.40 and 40.10.100.10, all **vehicle** access and access to **loading spaces** are required to be from St. Alban's Road, Adobigok Pathway or Biindagen Trail;
- (BB) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of obstructed **parking spaces** are not required to provide 0.3 metres of additional width for each obstructed side;
- (CC) Despite regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (DD) Despite regulation 200.5.1.10(12)(C), a **vehicle** entrance or exit to the **building** must be at least 3.5 metres from the **lot line** abutting the **street**;
- (EE) Despite regulation 40.5.80.10(1), a maximum of 30 percent of the required residential visitor and non-residential **parking spaces** may be provided on "the lands located northeast of the intersection of Kipling Avenue and Dundas Street West";
- (FF) Despite regulation 200.5.1.10(2) and 200.5.1(3), any **parking space** provided as part of **public parking** may have a minimum length of 5.2 metres, provided they are accessed by a **drive aisle** having a width of 7.0 metres or greater;
- (GG) Despite regulation 200.15.1(4), accessible **parking spaces** must be **parking spaces** located closest to a pedestrian access to a **building** or a passenger elevator that provides access to the first **storey** of the **building**;

- (HH) Despite Clause 220.5.10.1 and regulation 40.10.90.1, a minimum of 2 Type "B" **loading spaces**, 1 Type "C" **loading space** and 1 Type "G" **loading space**, are required to be provided on the **lot**;
- (II) Regulation 220.5.20.1(2) regarding **loading space** access does not apply;
- (JJ) Despite regulation 230.5.1.10(10), both "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (KK) Regulation 230.5.1.10(4) will apply with the exception that, 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 minimum required width of each such **stacked bicycle parking space** is 0.43 metres;
- (LL) Despite regulation 230.5.10.1(6), to calculate **bicycle parking space** requirements for other than **dwelling units**, the **interior floor area** of a **building** is reduced by the area in the **building** used for:
- (i) all areas located below ground;
 - (ii) all **loading spaces**;
 - (iii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
 - (iv) all storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
 - (v) all shower and change facilities;
 - (vi) all indoor **amenity space**;
 - (vii) elevator shafts;
 - (viii) garbage shafts;
 - (ix) mechanical penthouse;
 - (x) exit stairwells; and
 - (xi) all areas open to below or voids in the floor;

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

6. For the purposes of this By-law, each word or expression that is bolded in this By-law shall have the same meaning as each such word or expression as defined in By-law 569-2013, as amended, except for the following:

- (A) "Base Building" means all parts of a **building** that are not labelled "Tower 1" or "Tower 2" on Diagram 3 of this by-law;
- (B) "Gateway to Open Space Zone" means the areas identified on Diagram 3 of this by-law where pedestrian access to the "Landscaped Courtyard Area" must be provided based on the minimum criteria described in this By-law;
- (C) "Landscaped Courtyard Area" means the required area comprised of **landscaping** and **soft landscaping**, which is open to the sky, except as noted in Section 5(U) above, forming a continuous connection between the two "Gateways to Open Space";
- (D) "Publicly-accessible space" means an area which is accessible to both occupants and non-occupants (all members of the general public) of a **building**;
- (E) "The lands located northeast of the intersection of Kipling Avenue and Dundas Street West" means the future lot intended to be the future location of the Etobicoke Civic Centre;
- (F) "Tower" means, despite regulation 40.5.40.10(8), the portions of a **building** which collectively enclose the entirety of a **storey** with a height greater than:
- (i) 35 metres for Tower 1; and
 - (ii) 29 metres for Tower 2 as shown on Diagram 3 of this by-law;
7. 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 – Block 1

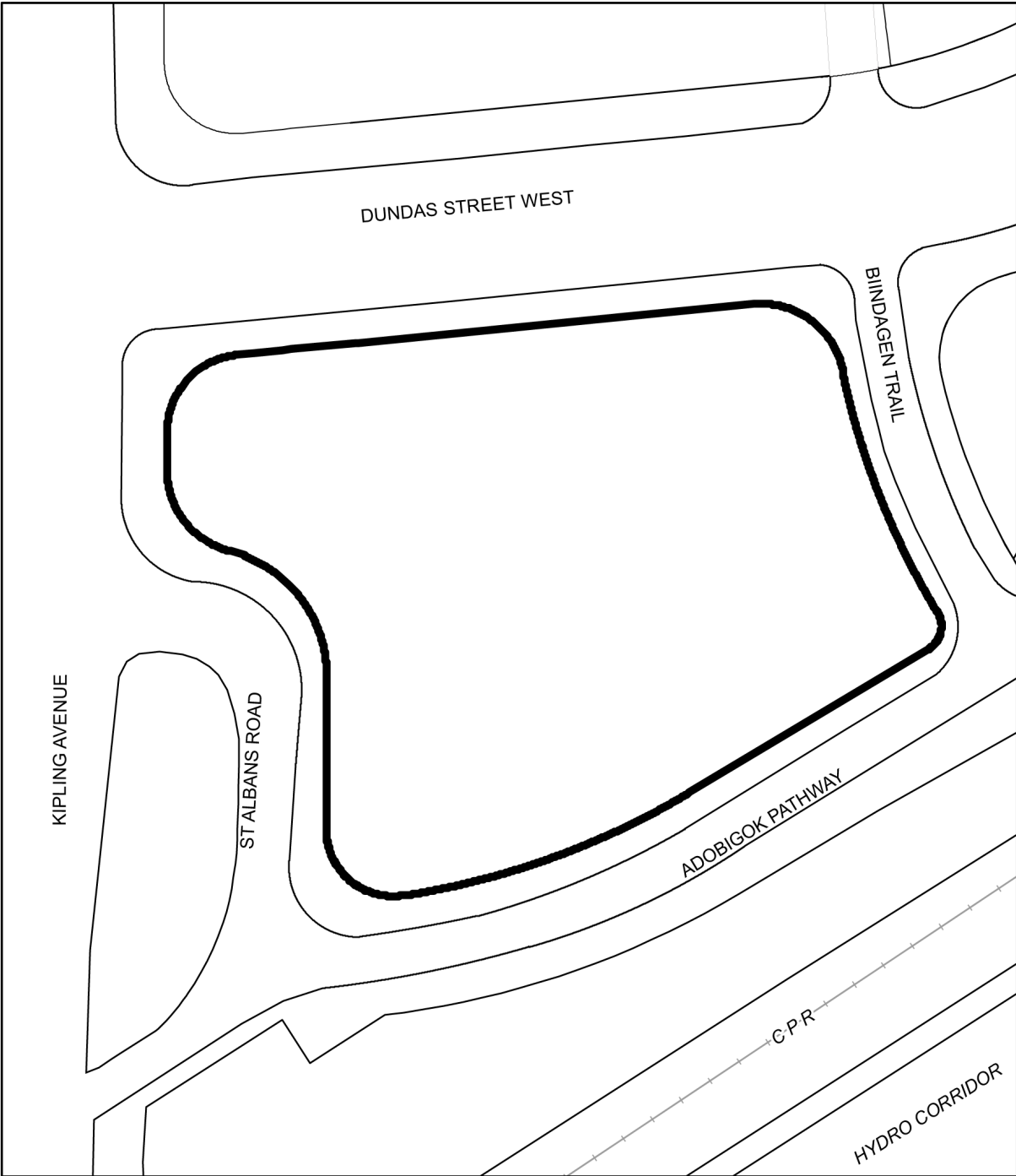


Diagram 1 - Block 1

5207 Dundas Street West

File # 19 259429 WET 03 02



Diagram 2 – Block 1

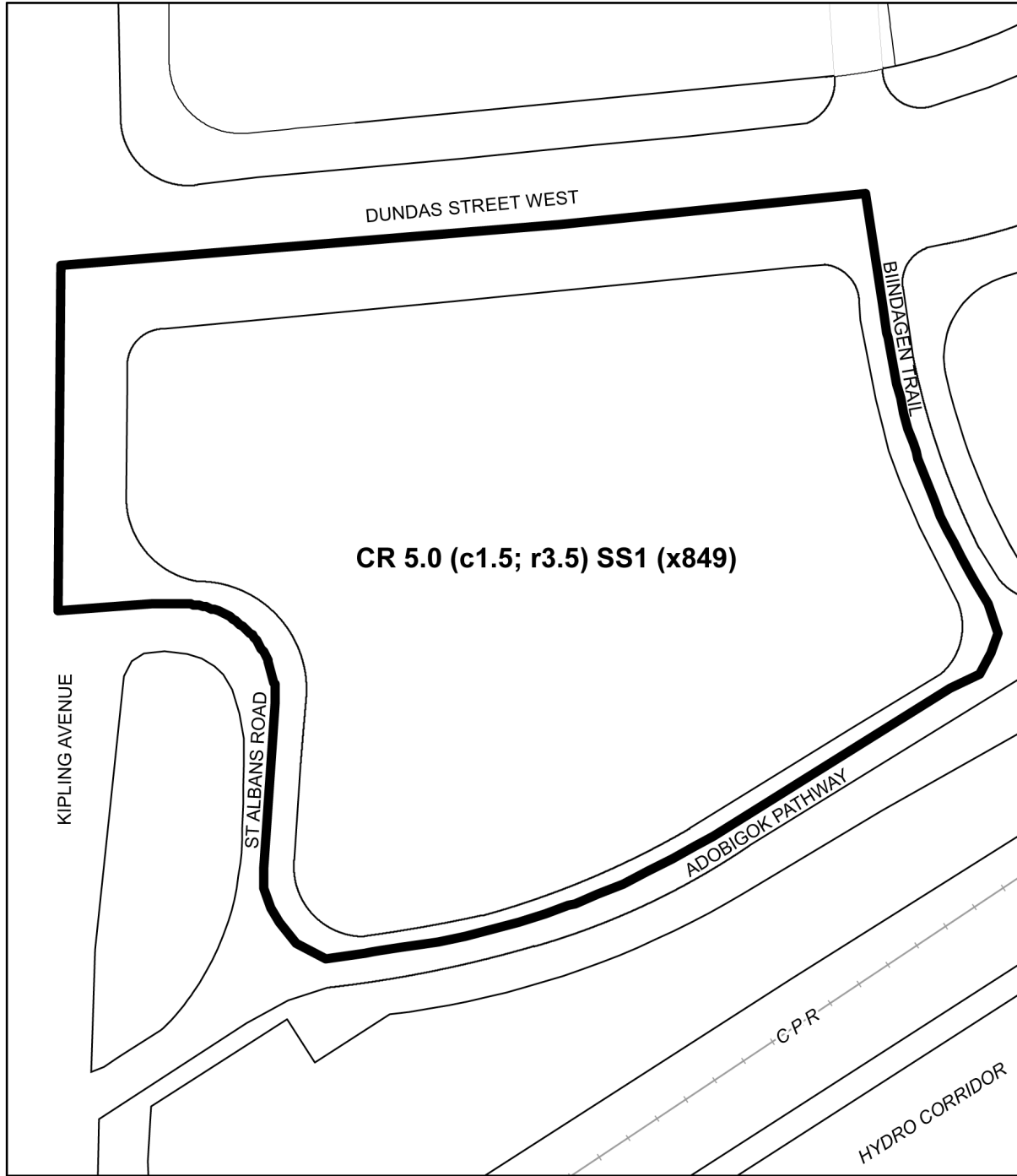


Diagram 2 - Block 1

5207 Dundas Street West

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Diagram 3

