

Authority: Toronto and East York Community Council
Item TE6.20, as adopted as amended, by City of Toronto
Council on July 19 and 20, 2023
City Council voted in favour of this by-law on July 20,
2023
Written approval of this by-law was given by Mayoral
Decision 8-2023 dated July 20, 2023

CITY OF TORONTO

BY-LAW 770-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 401 Dundas Street East.

Whereas authority is given to Council by 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 as follows:

1. This by-law applies to the lands delineated by heavy black lines on Diagram 1 attached to and forming part 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 from a zone label of CR 1.5 (c1.0; r1.0) SS2 (x2389) to CR 1.5 (c1.0; r1.0) SS2 (x861), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 861 so that it reads:

(861) Exception CR 861

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) For the purpose of this exception, regulation 900.11.10(2389) applies to the lands shown on Diagram 1 of By-law 770-2023;
- (B) Despite (A) above, on 401 Dundas Street East, if the requirements of By-law 770-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below;

- (C) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 6,740 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 6,450 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 290 square metres;
- (D) The provision of **dwelling units** is subject to the following:
- (i) A minimum of 10 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (E) Despite Regulation 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 88.5 metres and the highest point of the **building** or **structure**;
- (F) Despite Regulation 40.10.40.10(2) and (7), the permitted maximum height of any **building** or **structure** is the height in metres specified by the number following the HT symbol, and the number of **storeys** before the symbol ST, as shown on Diagram 3 of By-law 770-2023;
- (G) For the purposes of regulations 40.10.40.10(7) and (F) above, the following portions of a **building** are not a storey:
- (i) The mechanical penthouse level of the **building** shown as "MPH HT 39.95" on Diagram 3 of By-law 770-2023;
- (H) The area labelled "MPH HT 39.95" must only be used as a mechanical penthouse limited in use to areas for the functional operation of the **building** and access thereto, as well as a maximum of 96 square metres of indoor **amenity space**;
- (I) Despite regulations 40.5.40.10(4) to (7) and (F) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law 770-2023:

- (i) **structures** and elements related to outdoor flooring and roofing assembly, by a maximum of 0.5 metres;
 - (ii) safety railings, guard rails, parapets, terrace walls, planters, balustrades, bollards, retaining walls, access ramps, exterior stairs and ornamental or architectural features, by a maximum of 1.5 metres;
 - (iii) parapets and elements or **structures** associated with a **green roof**, by a maximum of 1.8 metres;
 - (iv) screens and unenclosed **structures** providing noise or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
 - (v) trellises, pergolas, cabanas, and unenclosed **structures**, by a maximum of 3.5 metres; and
 - (vi) elevator overrun, cooling towers, generators and associated screens by a maximum of 5.0 metres;
- (J) Despite regulation 40.10.40.70(2) and Article 600.10.10 the required minimum **building setbacks** are as shown on Diagram 3 of By-law 770-2023;
- (K) Despite Clause 40.10.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) Balconies, which may only be located on the south side of the **building** between the height of 8.0 metres and 15.0 metres, by a maximum of 1.5 metres;
 - (ii) Balconies, which may only be located on the north and south side of the **building** between the height of 17.9 metres and 33.6 metres, by a maximum of 1.5 metres;
 - (iii) cornices, sills, eaves, balustrades, and architectural trim bay, by a maximum of 0.75 metres;
 - (iv) trellises, canopies, and associated supporting **structures** by a maximum of 3.0 metres;
 - (v) despite (iv) above, canopies located below the 2nd **storey** on the east side of the **building** may encroach into a **building setback** by a maximum of 2.0 metres;
 - (vi) privacy screens and balcony guards by a maximum of 2.4 metres; and
 - (vii) railings around the **building's** roof to the same extent as the roof below;

- (L) Within "Area A", as shown on Diagram 3 of By-law 770-2023, no portion of the **building** shall be located between a height of 0.0 to 7.0 metres;
- (M) Regulation 40.10.50.10(2) with respect to a required fence does not apply;
- (N) Regulation 40.10.50.10(3) with respect to a required **soft landscaping** strip does not apply;
- (O) Despite regulation 200.5.10.1, Table 200.5.10.1 **Parking spaces** must be provided and maintained in accordance with the following requirements:
 - (i) For residential occupants:
 - (a) No minimum **parking spaces** are required; and
 - (b) A maximum of 0.56 **parking spaces** for each **dwelling unit**;
 - (ii) For residential visitors:
 - (a) A minimum of 2.0 plus 0.01 **parking spaces** for residential visitors per **dwelling unit**;
 - (b) A maximum rate of 1.0 per **dwelling unit** for the first five **dwelling units**; and
 - (c) A maximum rate of 0.1 per **dwelling unit** for the sixth and subsequent **dwelling units**.
 - (iii) no **parking spaces** are required for non-residential uses.
- (P) Despite Clause 220.5.10.1, a minimum of one type "G" **loading space** must be provided on the **lot**;
- (Q) Despite regulation 230.5.10.1(5) **bicycle parking spaces** shall be provided as follows:
 - (i) a minimum of 83 "long-term" **bicycle parking spaces** shall be provided on the **lot**;
 - (ii) a minimum of 10 "short-term" **bicycle parking spaces** shall be provided on the **lot for residential uses**; and
 - (iii) a minimum of 5 "short-term" **bicycle parking spaces** shall be provided on the **lot** for non-residential uses.
- (R) Despite Regulations 230.5.1.10(4), (6) and (9) (10), **bicycle parking spaces** must be provided and maintained in accordance with the following:

- (i) Both "long-term" and "short-term" **bicycle parking spaces** may be provided above or below ground and in a **stacked bicycle parking space**;
- (ii) "long-term" and "short-term" **bicycle parking spaces** may be located outdoors or indoors including within a secured room or enclosure or unenclosed space, or combination thereof, or bike locker.
- (iii) 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 dimension of a **bicycle parking space** is:
 - (a) minimum width of 0.35 metres;
 - (b) minimum length of 2.0 metres; and
 - (c) minimum vertical clearance of 1.3 metres;
- (iv) A **bicycle parking space** that is not a **stacked bicycle parking space** shall have the following dimensions:
 - (a) minimum length of 1.8 metres;
 - (b) minimum width of 0.45 metres; and
 - (c) minimum vertical clearance of 1.9 metres;
- (viii) Both a "short-term" and a "long-term" **bicycle parking space** may be located in a stacked bicycle parking space.

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

5. Despite any existing or future conveyance, severance, partition, or division of the lot, the provisions of this by-law must apply to the whole of the lot as if no severance, partition or division occurred.

Enacted and passed on July 20, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



401 Dundas Street East

File # 20 233607 STE 13 OZ



