

Authority: Toronto and East York Community Council
Item TE9.9, as adopted by City of Toronto Council on
December 13, 14 and 15, 2023
City Council voted in favour of this by-law on
December 15, 2023
Written approval of this by-law was given by Mayoral
Decision 30-2023 dated December 15, 2023

CITY OF TORONTO

BY-LAW 1252-2023

To amend Zoning by-law 569-2013, and former City of Toronto Zoning By-law 438-86, with respect to the lands municipally known in the year 2022 as 317 Dundas Street West.

Whereas Council of the City of Toronto has the authority 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 Plan 1 attached to this By-law.
2. Former City of Toronto By-law 438-86, as amended, is further amended as follows:
 - (a) None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking spaces*, *grade*, *height* and *lot* and Sections 4(2)(a), 4(5), 4(8), 4(13), 8(2)5., 8(2)7., 8(3) PART I, 8(3) PART III 1. and 12(2) 226 of Zoning By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a building or buildings for a *public art gallery* and *restaurant* uses, and uses *accessory* thereto, on the *lot*, provided that:
 - (i) the *lot* comprises at least those lands delineated by a heavy line on Plan 1 attached hereto and identified as Parcel A, Parcel B, Parcel C, and Parcel D;
 - (ii) the *total floor area* on the *lot* shall not exceed 49,600 square metres of which not more than 2,880 square metres of *total floor area* shall be used for commercial *accessory* uses to a *public art gallery*;
 - (iii) the *total floor area* for *restaurant* uses that are not *accessory* commercial uses to a *public art gallery* shall not exceed 600 square metres;

- (iv) no portion of any building or buildings above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2;
- (v) the *height* of any building or structure shall not exceed those *heights*, in metres above *grade*, following the symbol "H" shown on Plan 2, but this paragraph does not prevent the erection or use of a structure identified in Section 4(2)(a)(ii) of By-law 438-86 provided that:
 - (A) the maximum *height* of the top of the structure is no higher than the sum of 3.0 metres and the *height* limits shown on Plan 2; and
 - (B) the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
- (vi) notwithstanding 2(a)(v) above, in the area identified as Parcel D on Plan 1 and Plan 2, no heating, cooling or ventilation equipment or a fence, wall or structure enclosing such elements are permitted beyond any portion of the building or buildings above a *height* of 49.0 metres shown on Plan 2;
- (vii) the following building elements and structures are permitted beyond the heavy lines and above the *height* limits shown on Plan 2;
 - (A) cornices, lighting fixtures, awnings, canopies, signs, ornamental elements, ornamental architectural elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, landscape and public art features;
 - (B) structures on the roof of a building used for an accessible terrace, including roof assembly and insulation and other terrace elements for the portion of the building identified as having a height of 28.0 metres on Plan 2 to of this By-law, to a maximum of 0.5 metres;
 - (C) a boiler chimney; and
 - (D) bay windows to a maximum of 0.5 metres;
- (viii) none of the provisions of this By-law shall apply to prevent the erection and use of an above *grade* portion of the building or buildings within Area A as shown on Plan 1 and Plan 2;
- (ix) none of the provisions of this By-law shall apply to prevent the erection and use of any above or below *grade* portion of the building or buildings within Area B as shown on Plan 1 and Plan 2;
- (x) only the following building elements and structures shall be permitted above the finished ground level of the area identified as Parcel C on Plan 1 and Plan 2:

- (A) cornices, lighting fixtures, awnings, canopies, signs, ornamental elements, ornamental architectural elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, wheel chair ramps, landscape and public art features;
- (xi) bicycle parking racks shall be provided to accommodate a minimum of 60 bicycle parking spaces on the *lot*;
- (xii) a minimum of two *loading spaces - type B* shall be provided and maintained on the *lot*;
- (xiii) a minimum of 525 square metres of *landscaped open space* shall be provided on the *lot*; and
- (xiv) the owner of Parcel A and Parcel C enters into one or more agreements pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13 to secure the following facilities, services and matters:
 - (A) the implementation and maintenance of a parking strategy satisfactory to the Commissioner of Works and Emergency Services prior to the issuance of a building permit.
- (b) Definitions:
 - (i) The terms set forth in italics, subject to Section 2(b)(ii) of this By-law, have the same meaning as such terms have in Zoning By-law 438-86, as amended; and
 - (ii) The following definitions shall apply:
 - "grade"* means 96.16 metres Canadian Geodetic Datum;
 - "height"* means the vertical distance measured between the *grade* and the highest point of the roof; and;
 - "lot"* means those lands outlined by heavy lines on Plan 1 attached hereto and identified as Parcel A, Parcel B, Parcel C and Parcel D.
- 3. Former City of Toronto By-law 438-86, as amended, is further amended by inserting the following in the Schedule within Section 13 – Certain Existing By-laws to Prevail:
 - By-law 1252-2023 respecting 317 Dundas Street West.
- 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 I 2.0 (x88) to a zone label of I 2.0 (x757) as shown on Diagram 1 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.30.10 Exception Number 757, so that it reads:

(757) Exception I 757

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 the lands, a **post-secondary school** is permitted.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 132 of former City of Toronto By-law 438-86; and

- (B) City of Toronto By-law 1252-2023.

6. Zoning By-law 569-2013, as amended, is further amended by replacing the Prevailing By-laws and Prevailing Sections in Article 900.30.10 Exception Number 88 with the following:

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 132 of former City of Toronto By-law 438-86; and

- (B) On 20 Grange Road, 100 McCaul Street, 100R McCaul Street, the even numbered addresses of 74-76 McCaul Street, and 80 McCaul Street, City of Toronto By-law 714-01.

7. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

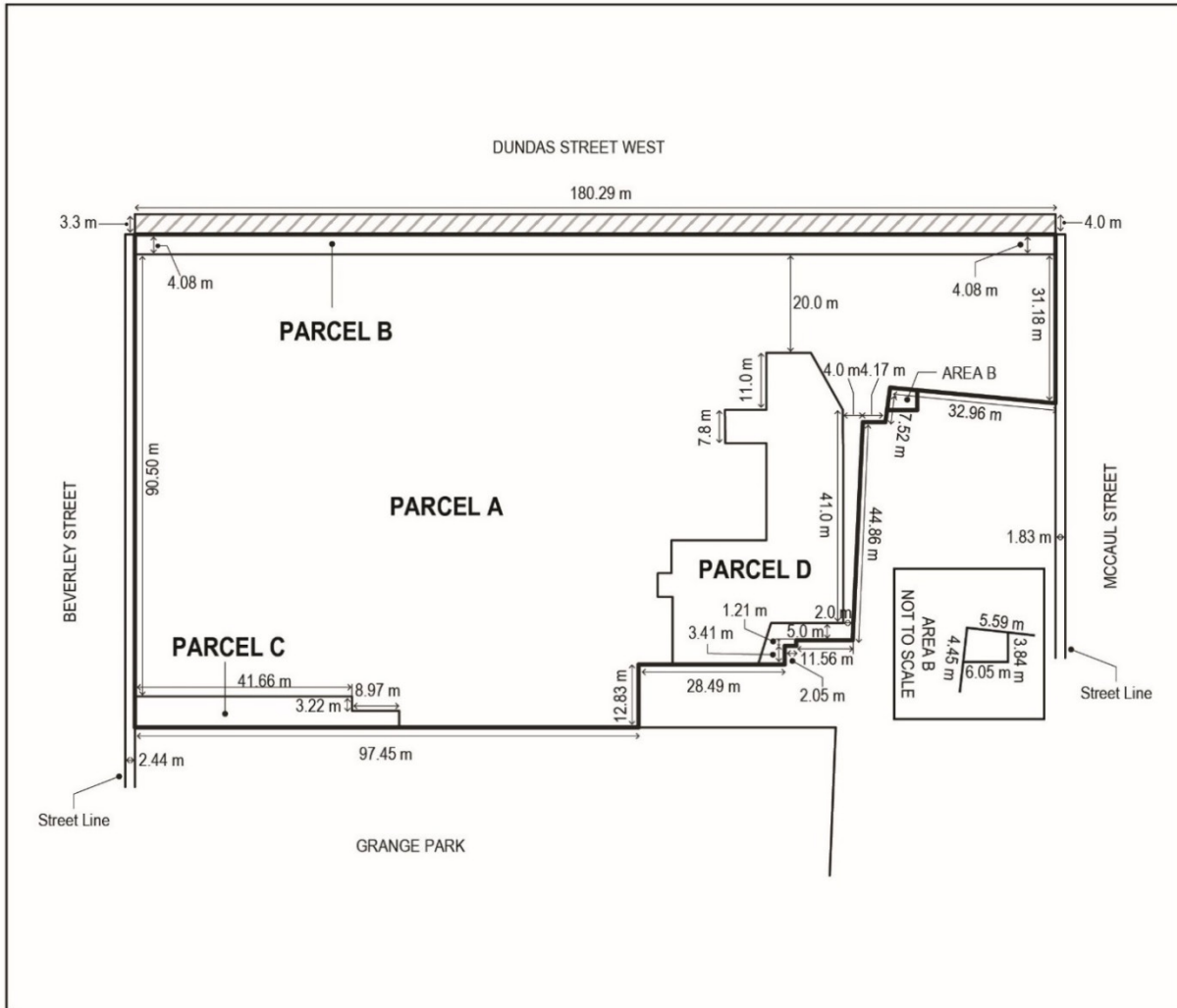
Enacted and passed on December 15, 2023.



Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

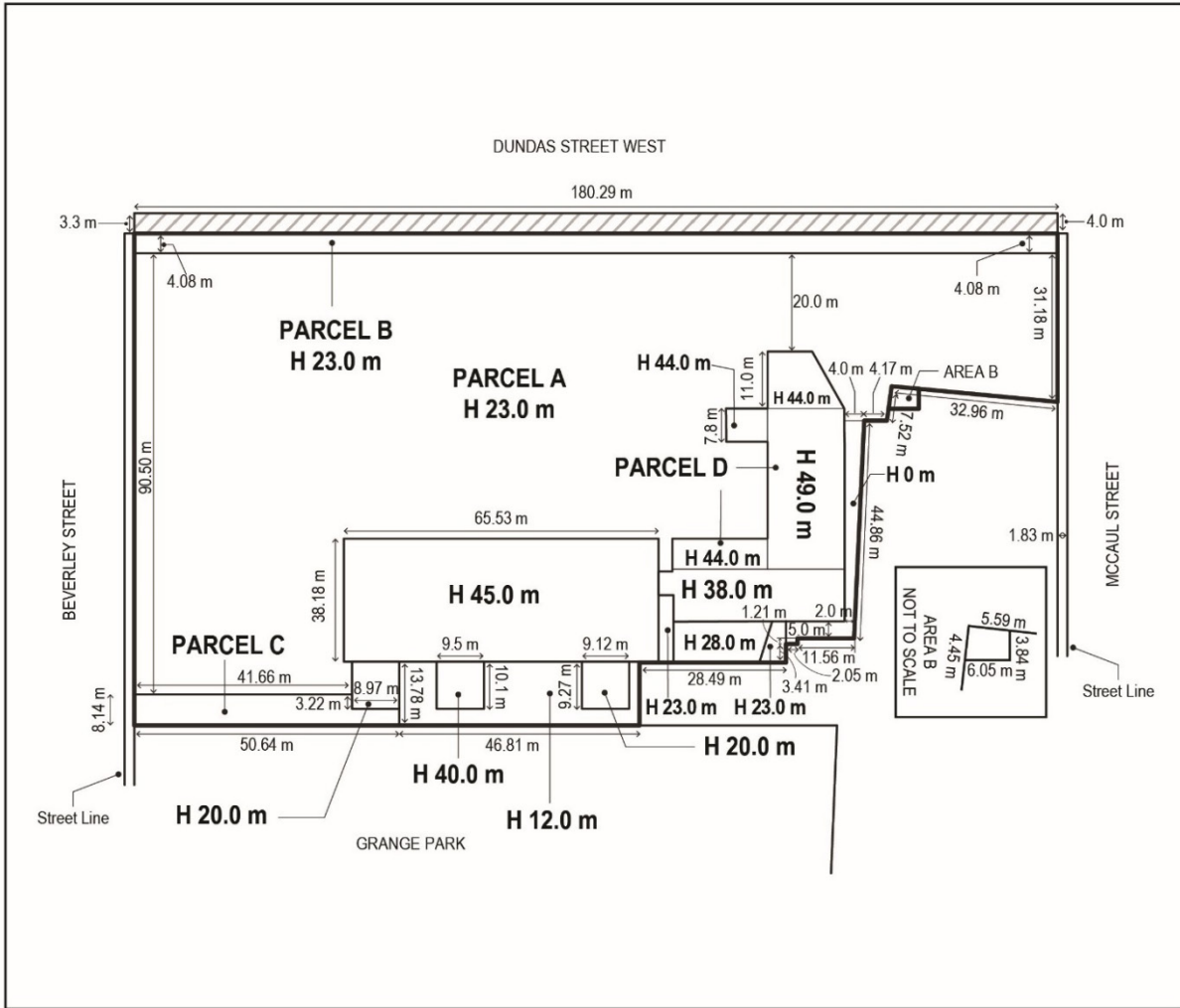
(Seal of the City)

Plan 1



-  Subject Site
-  Area A

Plan 2



 Subject Site

 Area A

H Denotes maximum height in metres above grade


 Not to Scale

