

Authority: Etobicoke York Community Council Item
EY17.1, as adopted by City of Toronto Council on
November 13 and 14, 2024
City Council voted in favour of this by-law on
November 14, 2024
Written approval of this by-law was given by Mayoral
Decision 21-2024 dated November 14, 2024

CITY OF TORONTO

BY-LAW 1236-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 5359 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, as amended;

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, as amended, 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 (c3.5; r3.0) SS1 (x1044) 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: PA2, 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 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 no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Parking Zone Overlay Map in Article 995.50, and applying the following Parking Zone label to these lands: A, as shown on Diagram 5 Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 1044 so that it reads:

(1044) Exception CR 1044

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 lands municipally known as 5359 Dundas Street West, if the requirements of By-law 1236-2024 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) 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 129.20 metres and the elevation of the highest point of the **building** or **structure**;
- (C) The provision of **dwelling units** must comply with the following:
 - (i) the maximum number of **dwelling units** permitted is 615;
 - (ii) a minimum of 15 percent of the total number of **dwelling units** on the **lot** must have two or more bedrooms;
 - (iii) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must have three or more bedrooms;
 - (iv) any **dwelling units** with 3 or more bedrooms provided to satisfy (iii) above are not included in the provision required by (ii) above; and
 - (v) for the purpose of this exception, guest suites do not constitute **dwelling units**;
- (D) Despite regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 6 of By-law 1236-2024;
- (E) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey** in areas required for the functional operation of the **building** such as garbage rooms, storage rooms, loading and other ancillary spaces is 3.0 metres, measured between the established grade and the floor of the level above the ground floor;
- (F) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 6 of By-law 1236-2024; and
 - (i) for the purpose of this exception, a "mezzanine" and mechanical penthouse do not constitute a **storey**; and

- (ii) for the purpose of this exception, "mezzanine" means a partial level located above the **first floor** and below the second floor of a **building**, with a maximum **gross floor area** of 1,000 square metres;
- (G) Despite regulations 40.5.40.10(3) to (8), and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6 of By-law 1236-2024:
 - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, by a maximum of 7.5 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 7.5 metres;
 - (iii) the elements listed in (i) and (ii) above with a combined horizontal area of no more than 30 percent of the roof, by a maximum of 8.5 metres;
 - (iv) enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 3.0 metres;
 - (v) architectural features, parapets, ornamental elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (vi) **building** maintenance units and window washing equipment, by a maximum of 5.0 metres;
 - (vii) planters, **landscaping** features, guard rails, divider screens on a balcony and/or terrace, trellises, pergolas, and unenclosed **structures** providing safety for wind protection to outdoor **amenity space** by a maximum of 3.0 metres;
 - (viii) elements listed in subsections (G)(iv) and (v) above may project above the permitted height limit for the mechanical penthouse as set out in subsections (G)(i) (ii) and (iii) by a maximum of 3.0 metres; and
 - (ix) elements listed in subsection (G)(vi) may project above the permitted height limit for the mechanical penthouse as set out in subsections (G)(i) (ii) and (iii) 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** is 38,355 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 37,605 square metres; and

- (ii) the required minimum **gross floor area** for non-residential uses is 740 square metres;
- (I) In addition to the elements listed in regulation 40.5.40.40(3) that reduce **gross floor area**, the following elements will also apply to reduce the **gross floor area** of a **building**:
 - (i) all open to below areas or voids in the floor;
 - (ii) hallways and elevator vestibules below ground;
 - (iii) rooms for the storage of **bicycle parking spaces**; and
 - (iv) cladding;
- (J) Despite regulation 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:
 - (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres for each **dwelling unit** as outdoor **amenity space**;
 - (iii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;
 - (iv) indoor **amenity space** may include guest suites that do not exceed an aggregate **interior floor area** of 100 square metres; and
 - (v) no more than 25 percent of the outdoor component may be a **green roof**;
- (K) Despite regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law 1236-2024;
- (L) Despite Regulation 40.10.40.70 (1), and (K) above, the mechanical penthouse must be set back a minimum of 1.0 metre from all **main walls** of the "tower" as shown on Diagram 3 of By-law 1236-2024:
 - (i) For the purposes of this exception, "tower" means the portion of a building which collectively enclose the entirety of a storey above a height of 25.0 metres;
- (M) Despite Clause 40.10.40.60, and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) balconies, by a maximum of 2.0 metres;

- (ii) canopies, by a maximum of 4.0 metres;
 - (iii) awnings, cornices, lighting fixtures, ornamental elements, trellises, eaves, window sills, architectural features, planters, 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) the original building cladding on the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 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) The permitted maximum "floor plate area" for each **storey** of a tower above the fourth **storey** is 781 square metres, and
- (i) for the purposes of this exception, "floor plate area" means the total built area of each **storey** as measured from the exterior of **the main wall** on each **storey**, excluding balconies and cladding;
- (O) A maximum of 10 percent of the provided **parking spaces** are permitted to be either a small car **parking space** or an obstructed **parking space** as follows:
- (i) Despite Regulation 200.5.1.10(2), **parking spaces** may be 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) Despite Regulation 200.5.1.10(2)(A)(iv), **parking spaces** may 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;
- (P) Despite regulation 200.5.1.10(12)(C), if a **mixed use building** has an area for parking 2 or more **vehicles**, the **vehicle** entrance and exit to the **building** must be at least 3.5 metres from the **lot line** abutting a **street**;
- (Q) 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**;
- (R) Despite regulation 200.15.10.10(1) and (2), a minimum of 6 of the provided **parking spaces** on the **lot** are required to be accessible **parking spaces**;
- (S) Despite regulation 200.15.1(4), three of the required **accessible parking space** in (R) 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;
- (T) Despite regulation 220.5.10.1(2), a **building** with more than 400 **dwelling units** and less than 625 **dwelling units** must provide 1 Type 'G' **loading space**, and is not required to provide a Type C **loading space**;
- (U) Despite regulation 230.5.1.10(4)(A)(ii), the minimum dimensions of a **bicycle parking space** are;
 - (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.45 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres;
- (V) In addition to regulations 230.5.1.10(9)(B)(i)(ii) and (iii), "long-term" **bicycle parking spaces** may also be located on in the first level below-ground and in the P1 mezzanine level; and
- (W) In addition to Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions.

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

8. 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.

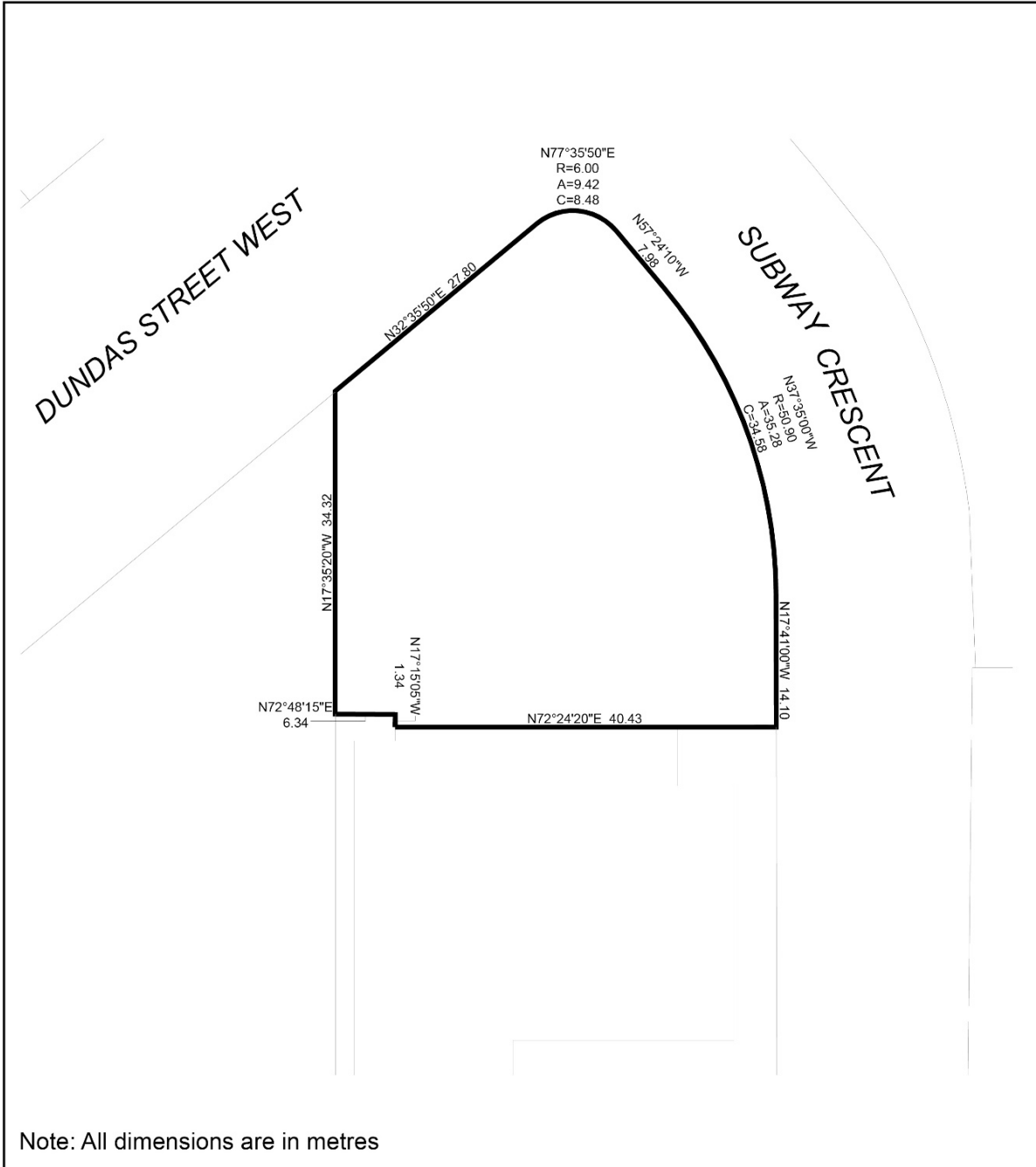
Enacted and passed on November 14, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



Toronto
Diagram 1

5359 Dundas Street West

File # 23 140448 WET 03 0Z

Diagram 2

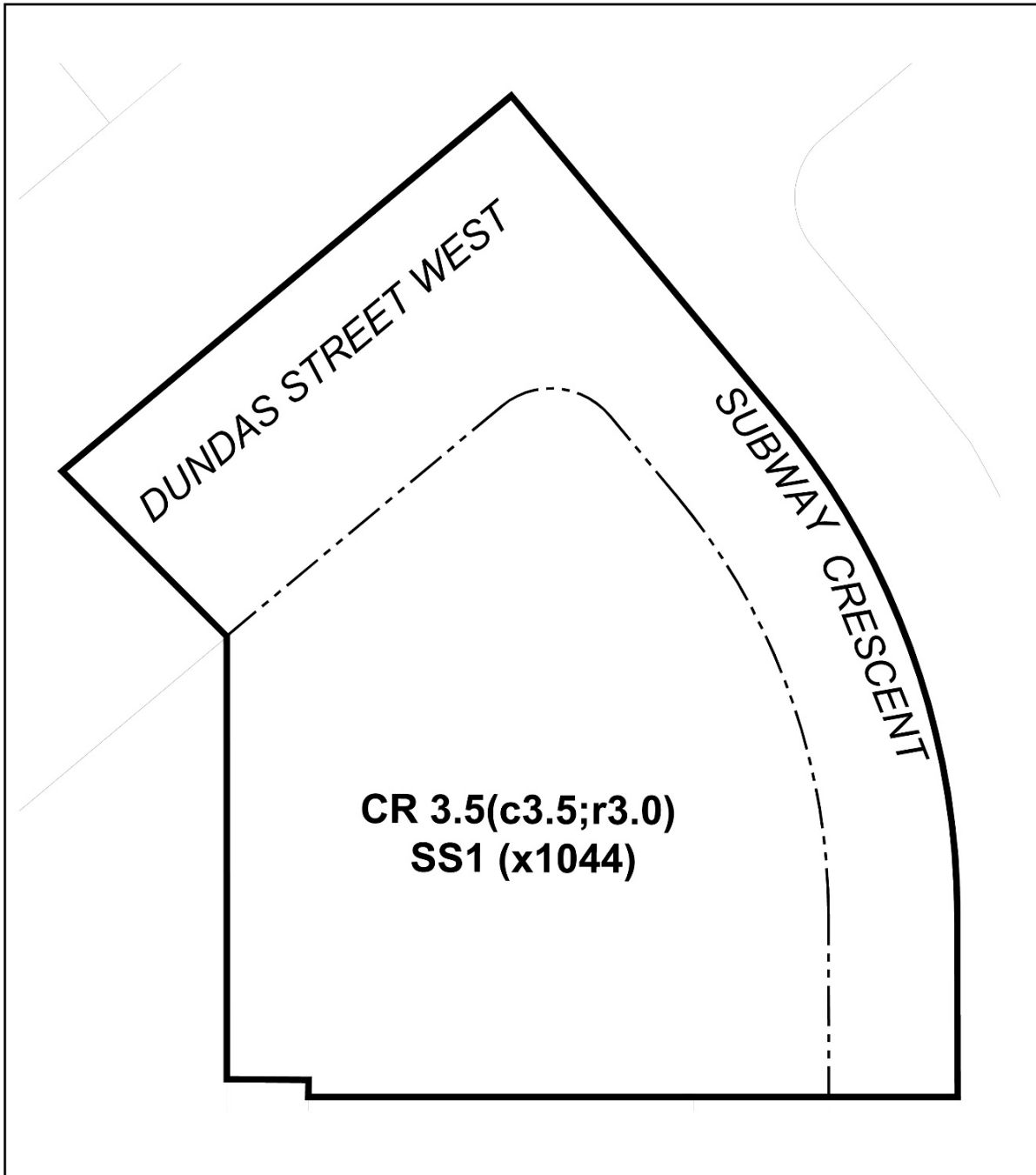
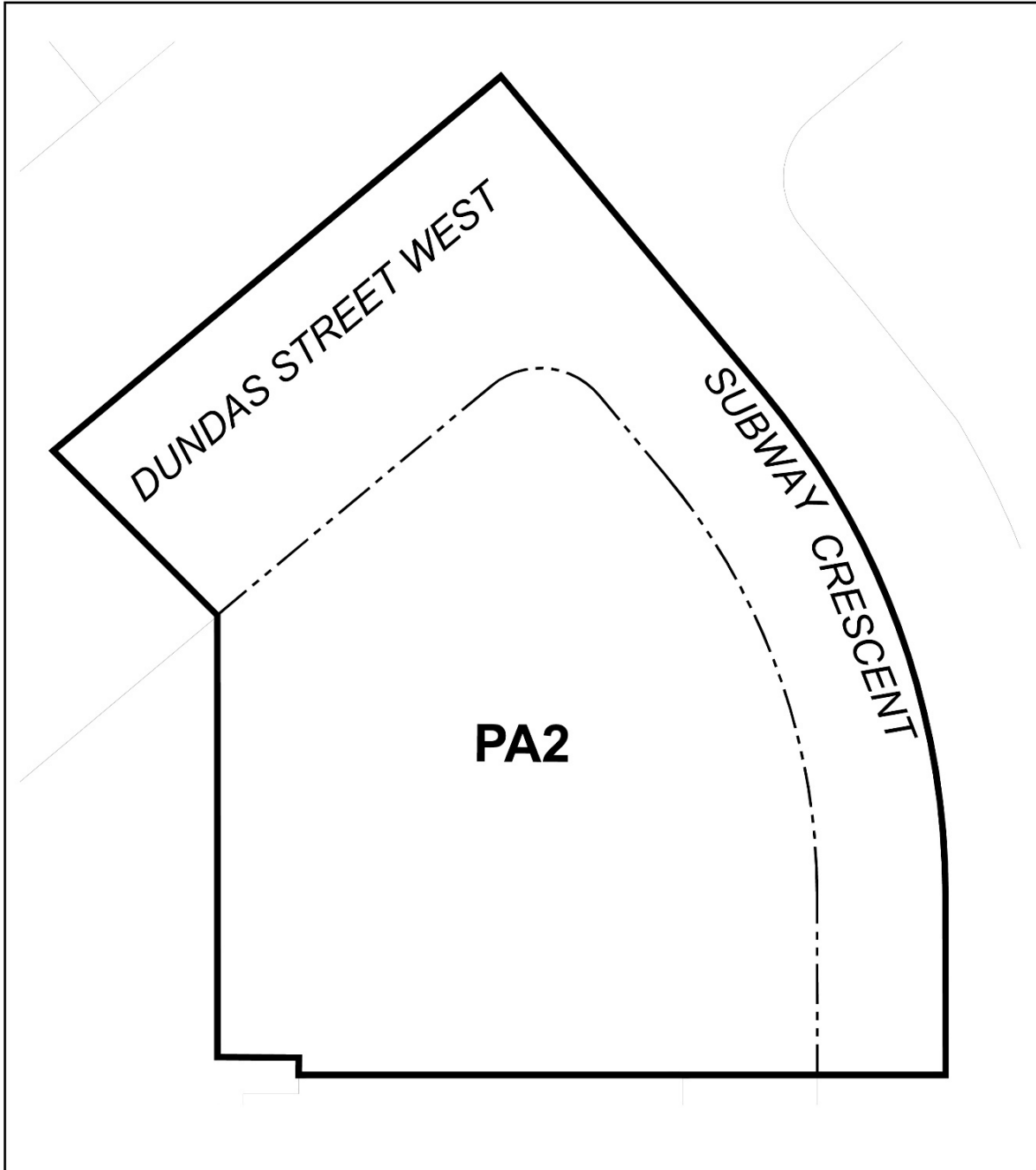


Diagram 3



 **TORONTO**
Diagram 3

5359 Dundas Street West

File # 23 140448 WET 03 0Z

Diagram 4

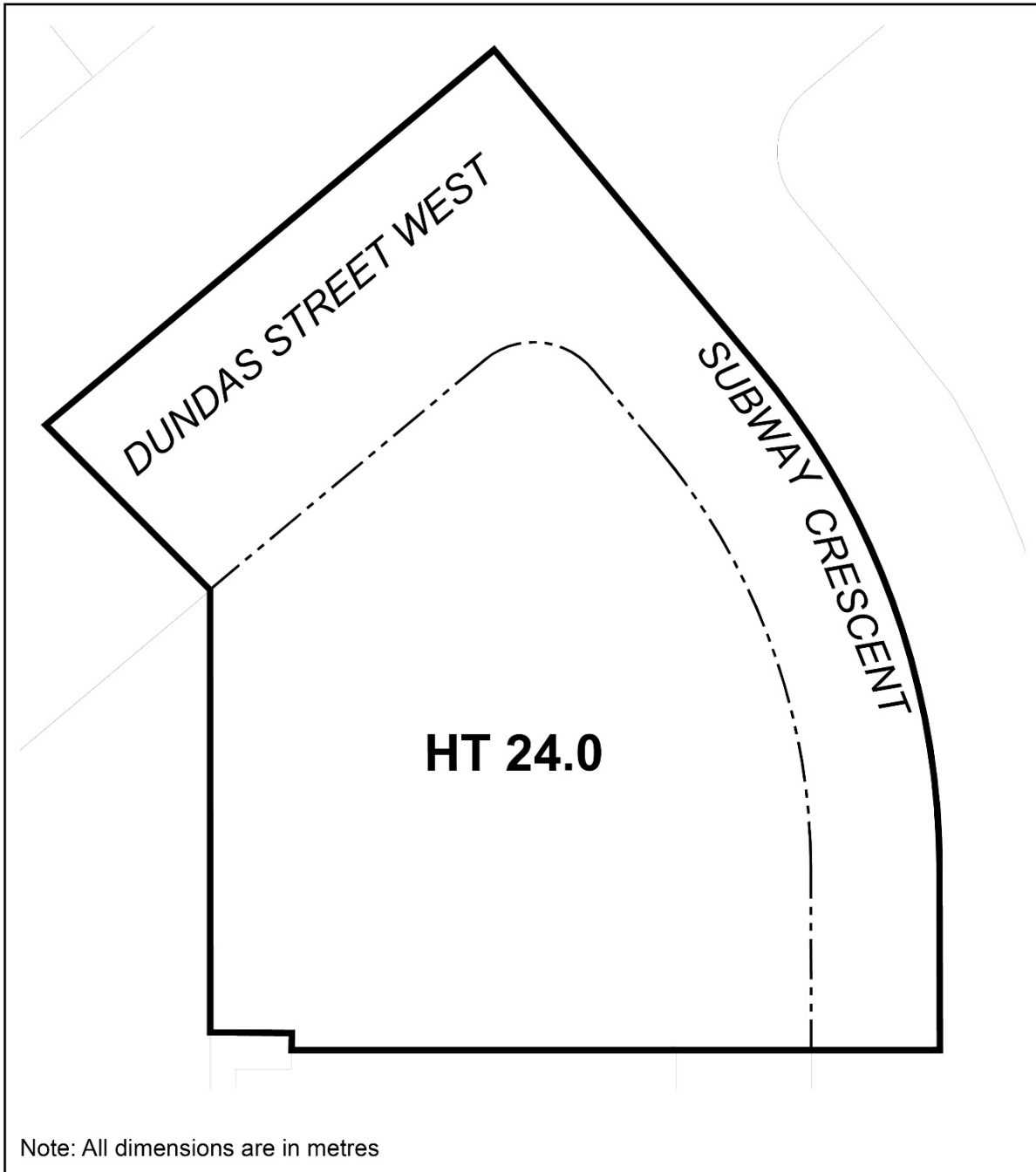


Diagram 5

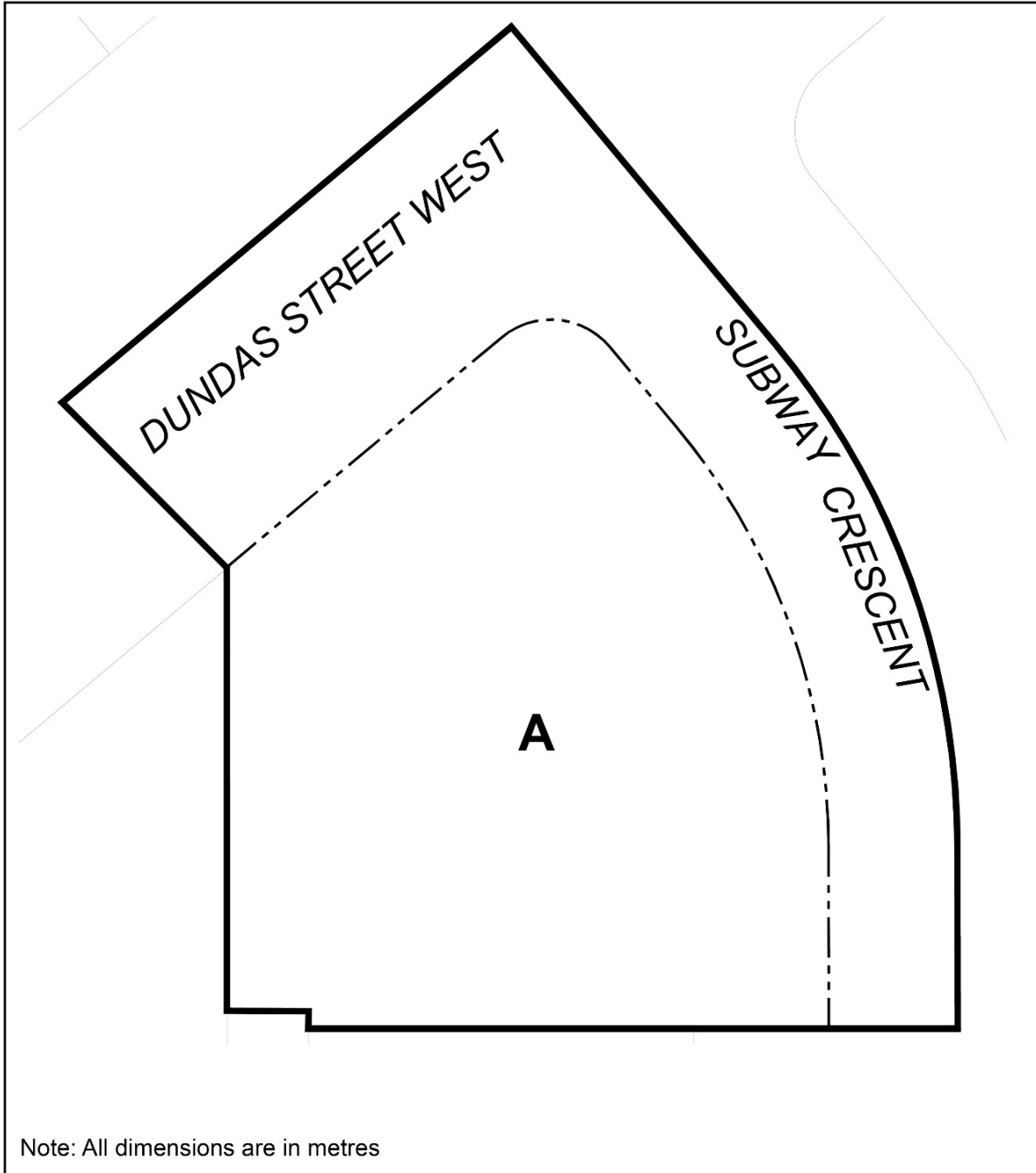


Diagram 6

