

Draft Zoning By-law Amendment (438-86), October 14, 2020

CITY OF TORONTO

BY-LAW No. XXX-2020

To further amend former City of Toronto Zoning By-law No. 438-86, as amended by By-law 525-2002, with respect to the land municipally known as 74, 82, 130, 150, 160 and 162 Dunn Avenue, 1, 3, 5, 7, 9, 11, 13, 15 and 17 Close Avenue and 74 and 78 Springhurst Avenue

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*; and

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or density of development; and

WHEREAS subsection 37.1(1) of the *Planning Act* provides that repealed subsections 37(1) to (4) continue to apply until a certain applicable date has passed; and

WHEREAS the certain applicable dates described in subsection 37.1(5) have not yet passed; and

WHEREAS pursuant to section 37 of the *Planning Act* as it read on and before September 17, 2020, a by-law under section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law for the provision of such facilities, services or matter as are set out in the by-law; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The following provisions apply to the lands known municipally as 74, 82, 130, 150, 160 and 162 Dunn Avenue, 1, 3, 5, 7, 9, 11, 13, 15 and 17 Close Avenue and 74 and 78 Springhurst Avenue:
 - a. Pursuant to section 37 of the *Planning Act* as it read on September 17, 2020, the height and density of development is permitted subject to compliance with the conditions set out in this By-law and Schedule A, the provisions of

which shall be secured by agreement pursuant to subsection 37(3) of the *Planning Act*, as it read on September 17, 2020.

- b. Upon execution and registration of the agreement described in Schedule A, the lands are subject to the provisions of this By-law provided that in the event the agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, such building may not be erected or used until the requirement has been satisfied.
 - c. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to section 37 of the *Planning Act* as it read on September 17, 2020, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
 - d. Except as otherwise provided herein, the provisions of By-law No. 438-86 shall continue to apply on the lands.
2. City of Toronto By-law 525-2002 amending the former City of Toronto By-law 438-86, as amended, is amended as follows:
- a. Section 1 is amended by deleting the words “None of the provisions of Sections 6(1)(a), 6(3) Part II 2(ii) and 5, 6(3) Part IX 1(a) and (b), 4(2)(a) of By-law No. 438-86” and replacing them with the words “None of the provisions of Section 2(1) of By-law 438-86, as amended, with respect to the definition of, “*lot*”, “*grade*”, and “*height*”, and Sections 4(2), 4(4), 4(6), 4(13), 6(1), 6(3) PART I, 6(3) PART II, 6(3) PART III, 6(3) PART IV, 6(3) PART IX of By-law No. 438-86”.
 - b. Map 1 is deleted and replaced with the attached Map 1, to include the additional properties, 74 and 82 Dunn Avenue, 1, 3, 5 and 7 Close Avenue and 74 and 78 Springhurst Avenue.
 - c. Map 2 is deleted and replaced with the attached Map 2.
 - d. Map 3 is deleted and replaced with the attached Map 3.
 - e. Subsection 1(1) is deleted in its entirety and replaced with the following:
 - “(1) No portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol “H” identified on Map 2 attached to and forming part of this by-law, with the exception of the following:

- i. a mechanical penthouse and mechanical screening may exceed the applicable *height* limits shown on Map 2 to a maximum of 5.0 metres;
 - ii. parapets, roof access hatches or stairs, mechanical equipment and any associated enclosures or structures, elevator overruns, chimneys, stacks, heating and cooling equipment, maintenance and safety equipment, wind and privacy screens, structures used for open air recreation, pergolas, landscape garden amenities, elements of a green roof, planters, ornamental elements, antennae, flagpoles, satellite dishes, structures that enclose, screen or cover these elements may exceed the applicable *height* limits shown on Map 2 to a maximum of 6 metres.”
- f. Subsection 1(2) is amended by deleting the words “200 *parking spaces*” and replacing it with the words “185 *parking spaces*”.
- g. Subsection 1(3) is deleted in its entirety and replaced with the following:
 - “(3) Existing *parking spaces*, existing barrier free aisles or paths and existing drive aisles within their existing dimensions at the date of the passing of this By-law are permitted.”
- h. Subsection 1(4) is deleted in its entirety and replaced with the following:
 - “(4) any portion of a building or structure to be constructed above *grade* shall be located wholly within the *Building Zone* on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. eaves, cornices, window sills, lighting fixtures, awnings, canopies, ornamental elements, trellises, guardrails, balustrades, railings, bollards, wheel chair ramps, stairs, stair enclosures, vents, shafts, satellite dishes, retaining walls, underground garage ramps and their associated structures, fences, screens, landscape and public art features, and window washing equipment to a maximum of 11.5 metres; and
 - ii. a courtyard will be provided generally in the location shown on Map 2.”

- i. Subsection 1(5) is deleted in its entirety and replaced with the following:
- “(5) A minimum of 15 *bicycle parking spaces* shall be provided and maintained on the lot.”
- j. The following new Subsection 1(6) is added as follows:
- “(6) A minimum of 6 Type ‘G’ *loading spaces* shall be provided on the *lot* in accordance with the following minimum dimensions:
- i. A Type ‘G’ loading space shall have a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres.”
- k. The following new Subsection 1(7) is added as follows:
- “(7) An amendment to the Site Plan Approval (19 193057 STE 04 SA) is required if the land shown cross hatched on Map 2 were to be developed.”
- l. Section 2 is deleted in its entirety and replaced with the following:
- “2. Notwithstanding any provisions to the contrary, lands known as 130, 150, 160 and 162 Dunn Avenue shall be treated as a single lot for zoning purposes.”
- m. Section 3 is deleted in its entirety and replaced with the following:
- “3. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.”
- n. The following new Section 4 is added as follows:
- “4. All existing buildings or structures on the lands shown on Map 2 at the date of the passing of this By-law shall be permitted.”
- o. The following new Section 5 is added as follows:
- “5. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined by the said By-law 438-86, as amended, except for the following:
- (i) “*grade*” shall mean 94.898 metres Canadian Geodetic Datum;

- (ii) “*lot*” shall mean the lands outlined by heavy black lines on Map 1 attached to this By-law;
- (iii) “*height*” shall mean the vertical distance between grade and the highest point of the building or structure on the lot, excluding the mechanical penthouse and all other permitted projections identified by Section 1(1) of this By-law; and
- (iv) “*building zone*” shall mean the area shown on Map 2 attached to and forming part of this By-law.”

p. The following new Section 6 is added as follows:

- “6. None of the provisions of Sections 6(1)(a), 6(3) Part II 1, and 6(3) Part IX 1 (a) and (b) of By-law No. 438-86, being “A by-law to regulate the use of land and 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 the lands municipally addressed as 9, 11, 13, 15 and 17 Close Avenue, as shown on Map 3, for parking, loading and access to serve the adjacent lands municipally addressed as 130, 150 160 and 162 Dunn Avenue.”

ENACTED AND PASSED this XXth day of XXXX, 2020.

JOHN TORY
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the Owner's (presently University Health Network) expense for the proposed development on the lands as shown on Map 1 attached to this By-law and secured in an agreement or agreements under subsection 37(3) of the *Planning Act* as it read on September 17, 2020 whereby the Owner agrees as follows:

- a. The Owner of the lands set out in Map 1 shall enter into one or more agreements with the City of Toronto pursuant to section 37 of the *Planning Act* as it read on September 17, 2020 to secure facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies (the "Lands") in the manner and the extent specified in the agreements. The following matters will be secured in a Section 37 Agreement as a legal convenience to support the development:
 - i. The Owner shall secure and maintain 12 affordable rental dwelling units collectively on the properties at 5, 7, 9, 11, 13 and 15 Close Avenue, 74 and 78 Springhurst Avenue and 74 and 82 Dunn Avenue as rental housing for a period of at least 49 years from the date that the Zoning By-law comes into full force and effect (the "Term"). The Owner covenants and agrees that during the Term, it shall not apply to convert any of the existing rental dwelling units to a non-residential purpose, demolish any of the existing rental dwelling units or register the existing rental dwelling units under the *Condominium Act*, 1998, without replacing any such rental dwelling units on the Lands or on lands in close proximity to the Lands;
 - ii. Subject to (i), the Owner acknowledges that it shall maintain the existing rental dwelling units at 5, 7, 9, 11, 13 and 15 Close Avenue, 74 and 78 Springhurst Avenue and 74 and 82 Dunn Avenue or any replacement units in accordance with the City's Property Standards By-law (Chapter 629 of the Toronto Municipal Code), all to the satisfaction of the Executive Director, Municipal Licensing and Standards Division;
 - iii. Subject to (i), the Owner acknowledges that it shall, maintain the existing rental dwelling units at 5, 7, 9, 11, 13 and 15 Close Avenue, 74 and 78 Springhurst Avenue and 74 and 82 Dunn Avenue or any replacement units in accordance with the *Ontario Building Code*, O. Reg. 332/12, all to the satisfaction of the Chief Building Official and Executive Director, Toronto Building Division;
 - iv. The Owner agrees that if a planning application is submitted to the City, or initiated by the City with approval of the Owner, to increase the existing residential permissions on any of the lands municipally known as 1, 3, 5, 7, 9, 11, 13, 15 and 17 Close Avenue, 74 and 78 Springhurst Avenue and 74,

82, Dunn Avenue, Council may, in its sole unfettered discretion, require the replacement of any of the 12 rental dwelling units proposed to be demolished and any rental dwelling units that have been demolished or deemed uninhabitable as of the date of the report supporting this by-law. For clarity, such rental dwelling units that have been demolished or deemed uninhabitable were previously located at 1, 3 and 17 Close Avenue;

- v. Despite section (iv.) above, nothing herein shall prevent or delay the approval of a site plan or the issuance of any building permits by the City in respect of the development located within the *Building Zone* identified on Map 2.
- vi. Prior to final Site Plan Approval for any redevelopment of the rental dwelling units, the Owner shall provide a Construction Mitigation and Tenant Communication Strategy and, thereafter, the Owner shall implement such strategy.