

**CITY OF TORONTO**

**BY-LAW No. XXX-2020**

**To amend Zoning By-law 569-2013, as amended, 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*;

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the use of section 37 of the *Planning Act* to conserve rental housing in accordance with the provisions of the Official Plan and as a mechanism to secure capital facilities required to support development; and

WHEREAS the Owner has agreed to certain matters hereinafter set out which is secured by one or more agreements between the Owner of the land and the City of Toronto;

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

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 900.2 and 990.30, and applying the following zone labels: R (d.10) and I (x####) as shown on Diagram 2 of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.31.10 Exception Number (x####):

**Exception I (x####)**

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) Despite Regulation 80.10.40.40(1), the maximum gross floor area must not exceed 36,500 square metres.

- (B) Despite Regulation 80.10.20.100(6), a day nursery may be located on the first storey and above the first storey of a building.
- (C) Despite Clause 80.10.40.70, the required minimum **building setbacks** are identified on Diagram 3 of By-law [**Clerks to insert By-law Number**].
- (D) Despite Clause 80.10.40.60 and (C) above, the following are permitted to encroach into the required minimum **building setbacks** are identified on Diagram 3 of By-law [**Clerks to insert By-law Number**]:
- a. 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.
- (E) A courtyard will be provided generally in the location shown on Diagram 3.
- (F) Despite Regulation 80.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 94.898 to the highest point of the building.
- (G) Despite Regulation 80.10.40.10(1), the permitted maximum height of any **building** or **structure** must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law [**Clerks to insert By-law Number**].
- (H) Despite Clause 80.5.40.10(2), 80.5.40.10(3), 80.5.40.10(4), 80.5.40.10(5) and (G) above, the following **building** elements and **structures** may project above the permitted maximum height shown on Diagram 3 of By-law [**Clerks to insert By-law Number**]:
- a. a mechanical penthouse and mechanical screening to a maximum of the sum of 5.0 metres and the heights in metres specified by the numbers following the symbol HT on Diagram 3;
  - b. 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 to a maximum of the sum of 6 metres and the heights in metres specified by the numbers following the symbol HT on Diagram 3.
- (I) An amendment to the Site Plan Approval (19 193057 STE 04 SA) is required if the land shown cross hatched on Diagram 3 were to be developed.

- (J) Despite Regulation 80.10.50.10(1), the entire front yard excluding a permitted **driveways** and parking areas must be landscaping, and minimum of 40% of the **front yard landscaping** must be **soft landscaping**.
- (K) Despite Regulation 80.10.50.10(2), a minimum of 25% of the area of the lot not covered by **buildings** or **structures** must be **soft landscaping**.
- (L) Despite Regulation 200.5.1(1), Table 200.5.10.1 and Regulation 200.15.10, a minimum of 185 **parking spaces** must be maintained on the lands of which a minimum of 18 must be accessible **parking spaces**.
- (M) Despite Regulation 80.10.80.20(1), a **parking space** which is not in a building or structure must be at least 0.4 metres from a lot line.
- (N) Despite Regulation 200.15.1(3), ten existing accessible **parking spaces** on the lands to the east of the Bickle Centre are not required to be adjacent to a 1.5 metre barrier free aisle or path.
- (O) Despite Regulation 230.5.1 and Table 230.5.10.1(1), a minimum of 15 short-term **bicycle parking spaces** shall be provided and maintained on the lands.
- (P) Despite Regulations 220.5.1.10(1), 220.5.1.10(8)(D) and 220.5.1.10, a minimum of 6 Type 'G' **loading spaces** shall be provided on the lands in accordance with the following minimum dimensions:
- a. 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.
- (Q) Notwithstanding any provisions to the contrary, lands known as 130, 150, 160 and 162 Dunn Avenue and identified as I (x####) on Diagram 2 shall be treated as a single lot for zoning purposes. 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.
5. All existing buildings or structures on the lands at the date of the passing of this By-law are permitted, as shown on Diagram 3.
6. None of the provisions of By-law 569-2013, 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 Diagram 4, for parking, loading and access to serve the adjacent lands municipally addressed as 130, 150, 160 and 162 Dunn Avenue.
7. Section 37 Provisions
- (A) Pursuant to section 37 of the *Planning Act* as it read on September 17, 2020, and subject to compliance with this By-law, the development is permitted on the lands shown on Diagram 1 in return for the provision by the owner of the facilities, services

and matters set out in Schedule A, secured by one or more agreements that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

- (B) Any building or structure erected pursuant to this By-law may not be used unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this\_\_ day of \_\_\_\_\_, 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 Diagram 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 Diagram 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 Diagram 3.
- 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.