

CITY OF TORONTO

Authority: Toronto East York Community Council
Item [#], as adopted by City of Toronto
Council on [date]

BY-LAW NO. XXXX - 2020

To amend Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known municipally as 2946-2968 Dundas Street West.

Whereas authority is given to the Council of a municipality 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 authorization of increased in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts as follows:

1. District Map No. 47J-323 in Appendix "A" By-law 438-86, being "'A Bylaw 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, is further amended by re-designating a portion of the *lot* from "R2 Z0.6" and "I1 D2" to "MCR T2.5 C1.0 R2.0" as shown on Map 1 attached to and forming part of this By-law.

2. None of the provisions of Section 2 with respect to "*grade*", "*height*", "*residential gross floor area*" and "*lot*", and Sections 4(2)(a), 4(3)(a), 4(4)(b), 4(6)(b) and (c), 4(8), 4(12), 4(13), 8(2) 5, 8(2) 7(a)(i), 8(2) 7(b), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3, 8(3) Part II 1(b), 8(3) Part II 4(c), 8(3) Part II 2, 8(3) Part XI 1, and 12(2)(270) of By-law No. 438-86 of the former City of Toronto, 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 *mixed-use building* on the *lot*, provided:
- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) notwithstanding 8(3) Part I 1 and 8(3) Part I 3, the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 15,500 square metres, provided
 - (i) the *residential gross floor area* does not exceed 11,500 square metres;
 - (ii) the *non-residential gross floor area* does not exceed 4,000 square metres; and
 - (iii) the *non-residential gross floor area* is no less than 2,000 square metres;
 - (c) no portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the numbers following the "H" symbol as shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (i) parapets, awnings, guard rails, railings and dividers, balustrades, eaves, screens, stairs, roof drainage, window sills, window washing equipment, building envelope membranes, bollards, architectural features and landscaping elements which may project above the *height* limits shown on Map 2 by a maximum of 1.5 metres; and
 - (ii) green roof and associated elements, including parapets and slopped toppings, which may project above the *height* limits shown on Map 3 by a maximum of 2.0 metres;

- (iii) divider, visual and privacy screens, sound barriers, acoustical screens, wind screens and structures for outside or open air recreation, which may project above the height limits shown on Map 2 by a maximum of 2.0 meters;
- (d) no portions of a building or structure located above ground shall be located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, with the exception of the following:
 - (i) parapets, awnings, guard rails, railings and dividers, balustrades, eaves, screens, stairs, roof drainage, window sills, window washing equipment, building envelope membranes, bollards, architectural features and landscaping elements may extend beyond the areas delineated by heavy lines on Map 2 to a maximum of 2.0 metres; and
 - (ii) Patios, wheelchair ramps, canopies, awnings or similar structures may extend beyond the areas delineated by heavy lines on Map 2 to a maximum of 1.5 metres;
- (e) notwithstanding 8(3) Part II 1(b), the windows of a *dwelling unit* may be a minimum of 3.6 metres to the windows of another *dwelling unit* on the same *lot*;
- (f) notwithstanding 4(12), *residential amenity space* shall be provided at a minimum rate of 4.0 square metres per *dwelling unit* of which:
 - (i) a minimum of 2.0 square metres per *dwelling unit* shall be indoor *residential amenity space*; and
 - (ii) a minimum of 2.0 square metres per *dwelling unit* shall be outdoor *residential amenity space*;
- (g) notwithstanding 4(3) and 4(4), *parking spaces* for the *mixed-use building* shall be provided and maintained in accordance with the following:
 - (i) 0.50 *parking spaces* per bachelor and one-bedroom *dwelling unit* for residents of the building;
 - (ii) 0.75 *parking spaces* per two or more bedroom *dwelling unit* for residents of the building;
 - (iii) 0.06 visitor *parking spaces* per *dwelling unit* for residents of the building;

- (iv) 1.0 *parking spaces* shall be provided for each 100 square metres of *non-residential gross floor area*; and
 - (v) *parking spaces* required for non-residential uses may be shared with residential visitors;
 - (h) *bicycle parking spaces* shall be provided on the *lot* as follows:
 - (i) a minimum of 0.9 *bicycle parking spaces – occupant* for each dwelling unit the use of residents of the building shall be provided;
 - (ii) a minimum of 0.1 *bicycle parking spaces – visitor* for each dwelling unit for visitors to the building shall be provided;
 - (iii) notwithstanding the definition of *bicycle parking space – occupant* in Section 2(1) of Zoning By-law 438-86, as amended, a bicycle parking space may be provided in a *stacked bicycle parking space*;
 - (i) notwithstanding 4(6)(b) and 4(6)(c), a minimum of one *loading space – type B*, one *loading space – type G*, and one *loading space – type C*, shall be provided and maintained on the *lot*;
3. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*.
4. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
5. For the purposes of this By-law, each work or expression that is italicized in the By-law shall have the same meaning as each such work or expression as defined in By-law 438-86, as amended, with the exception of the following terms:
- (a) “*bicycle parking space*” means an areas used for storing bicycles having the following minimum dimensions:
 - (i) where the bicycles are to be parked on a horizontal surface, the bicycle parking space shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, the bicycle parking space shall have a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.6 metres and a minimum horizontal clearance from the wall of at least 1.2 metres; and

- (iii) where the bicycles are to be parked in bicycle stacker, each bicycle parking space shall have a minimum vertical clearance of 1.2 metres;
 - (b) “*grade*” shall mean the 118.75 metres Canadian Geodetic Datum;
 - (c) “*gross floor area*” means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
 - (i) parking, loading and bicycle parking below-ground;
 - (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below grade;
 - (iv) required amenity space;
 - (v) elevator shafts
 - (vi) garbage shafts;
 - (vii) mechanical penthouses; and
 - (viii) exit stairwells in the building;
 - (d) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure, except for those elements otherwise expressly permitted in this By-law; and
 - (e) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law.
 - (f) “*stacked bicycle parking space*” shall mean a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*, having horizontal dimensions of at least 0.6 metres by 1.8 metres and a minimum vertical clearance of at least 1.2 metres per *bicycle parking space*.
6. Despite any future severance, partition or division of the *lot*, the provisions of this By-law shall apply as if no severance, partition or division occurred.
7. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on [month] [day], 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss
City Clerk

(Seal of the City)

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 expense in return for the increase in height of the proposed development on the lands as shown on Map 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1 (a). The owner shall provide to the City:

i. The owner shall design and construct six (6) affordable rental dwelling units comprising at least 464.5 square metres of residential Gross Floor Area within an approved development at 2946-2968 Dundas Street West, substantially in accordance with the Affordable Rental Housing Terms and Conditions, with any amendments to such terms as deemed appropriate by the Chief Planner and Executive Director, City Planning Division, the Executive Director, Housing Secretariat, and the City Solicitor, in consultation with the Ward Councillor;

ii. The six (6) affordable rental dwelling units referenced in 1.a)i above shall be provided and maintained as two (2) one-bedroom units, two (2) two-bedroom units and two (2) two three-bedroom units in the new mixed-use building, as follows:

A. The total Gross Floor Area of the affordable rental dwelling units shall be at least 464.5 square metres.

B. The general configuration, unit size and layout of the six (6) affordable rental dwelling units in the new mixed-use building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

C. The owner shall provide and maintain the six (6) affordable rental dwelling units as rental dwelling units for a minimum of 99 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 99 years from the date of first occupancy. Upon the expiration of the 99 year period, the owner shall continue to provide and maintain the affordable rental

dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.

D. During the first 99 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline.

- 1.(b). The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- i. An acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing eight (8) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division.
 - ii. The owner shall construct and maintain, at its own expense, an area of not less than 85.95 square metres in a plaza on the north east corner of Dundas Street West and Pacific Avenue, for use by the general public as privately owned publicly accessible open space (POPS) with the specific location, configuration and design to be determined and secured in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - iii. Prior to the issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - iv. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a road widening of 0.98 metres along the rear of the property for the laneway to the City across the full width of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor.
 - v. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public pedestrian and vehicular use of the rear access having a width of not less than 3.05 metres from the north property

boundary at the north east corner of the site and a length of 6.10 metres from the east property boundary to the west then widening to a width of not less than 4.57 metres for the remaining full width of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor. Such access easement shall include use associated with properties adjacent to the east to provide a pedestrian and vehicular link to Jackson Lane and public connection from Jackson Lane to Pacific Avenue.

vi. The owner shall, at its own expense, construct and maintain the rear access lands, referred to in Recommendation 1.b.v. above, to the standard required of a public lane to the satisfaction of the General Manager, Transportation Services, with the design, details and configuration to be determined and secured in the context of site plan approval.

vii. The owner shall, at its own expense, construct and maintain the rear access lands, referred to in Recommendation 1.b.v. above, to the standard required of a public lane to the satisfaction of the General Manager, Transportation Services, with the design, details and configuration to be determined and secured in the context of site plan approval.

viii. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

ix. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

x. The owner shall satisfy the requirements of Metrolinx and Canadian Pacific Railway, particularly regarding noise and vibration attenuation requirements and operational easement requirements, and shall insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration.

xi. The conveyance of any easement or fee simple interest of lands to the City as contemplated in this Recommendation 1, shall be at no cost to the City, for nominal consideration and free and clear of encumbrances to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning as well as the General Manager, Transportation Services, as the case may be, and the cost of preparation and deposit of accepted reference plans shall also be at the owner's expense.

xii. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:

A. Incorporation in the construction of the building of exterior materials shown on 1:50 scale drawings as approved by the Chief Planner and Executive Director and submitted as part of the Site Plan Approval process;

B. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;

C. Reconstruction of the City sidewalks to City standards along the frontages of Dundas Street West and Pacific Avenue Road, to the satisfaction of the General Manager, Transportation Services;

D. Incorporation of signage to identify the proposed privately owned publicly accessible open space (POP) to be located in a plaza on the north and east corner of Dundas Street West and Pacific Avenue; and

E. The construction management plan include on-site contact during the construction process for residents and stakeholders to contact.

2. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site. The Owner shall construct and maintain the development in accordance with Tier 1.



