

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW NO. XXXX-2020

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 2946-2968 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;

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 569-2013, 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:

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands identified as Part A on Diagram 1 attached to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zoning label to these lands: CR 2.5 (c1.0; r2.0) SS2 (xXXX), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 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 identified as Parts B and C on Diagram 1 attached to this By-law to: CR 2.5 (c1.0; r2.0) SS2 (xXXX), as shown on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013 as amended, is further amended by adding the lands identified as Part A on Diagram 1 attached to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying the following label to these lands: PA4, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013 as amended, is further amended by amending the policy area label on the Policy Areas Overlay Map in Section 995.10.1, respecting the lands identified as Part C on Diagram 1 attached to this By-law, to: PA4, as shown on Diagram 3 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as Part A on Diagram 1 attached to this By-law the Height Overlay Map in Section 995.20.1 and applying the following label to these lands: HT 14.0, as shown on Diagram 4 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by amending the height label on the Height Overlay Map in Section 995.20.1, respecting the lands identified as Part C on Diagram 1 attached to this By-law, to: HT 14.0, as shown on Diagram 4 attached to this By-law.
9. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number XXX, so that it reads:

Exception CR XXX

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 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;
- (B) Despite regulation 40.10.20.100(1), the permitted maximum **interior floor area** of all **eating establishments, entertainment places of assembly, places of assembly, recreation uses and take-out eating establishments** on the lands subject to By-law XXXX-2020 is 2,000 square metres;

- (C) Despite regulation 40.10.20.100(17), the permitted maximum **interior floor area** of all **retail services** on the lands subject to By-law XXXX-2020 is 2,000 square metres;
- (D) Regulation 150.100.30.1, with respect to fence and separation requirements for **eating establishments** on a **lot** that abuts a **lot** in the Residential Zone category, does not apply;
- (E) Despite regulations 40.5.40.10(1) & (2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 118.75 metres to the highest point of the **building** or **structure**;
- (F) Despite regulations 40.10.40.10(2) the permitted maximum height of a **building** or **structure**, is the height in metres specified by the numbers following the symbol HT as shown on Diagram 5 of By-law XXXX-2020, which includes the equipment and structures used for the functional operation of the building and the screening of these equipment and structures;
- (G) Despite (F) above and in addition to clause 40.5.40.10, the following may project above the permitted maximum height as shown on Diagram 5 attached to By-law XXXX-2020 as follows:
- (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 by not more than 1.5 metres; and
 - (ii) **green roof** and associated elements, including parapets and sloped toppings by not more than 2.0 metres;
 - (iii) divider, visual and privacy screens, sound barriers, acoustical screens, wind screens and structures for outside or open air recreation, by not more than 2.0 metres;
- (H) Despite clause 40.10.40.70(2), the minimum required **building setbacks** are as shown on Diagram 5 of By-law XXXX-2020;
- (I) Despite (H) above and in addition to clause 40.10.40.60, the following may encroach into the required minimum **building setbacks** as follows:
- (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 by not more than 2.0 metres; and
 - (ii) Patios, wheelchair ramps, canopies, awnings or similar **structures** by not more than 1.5 metres;

- (J) Regulation 40.10.40.1(1), with respect to the location of commercial uses in a **mixed use building**, does not apply;
- (K) Despite regulations 40.10.40.80(2), where a main wall of the building has windows facing another main wall on the same lot which does or does not have windows, the minimum above-ground distance between the main walls is 3.6 metres;
- (L) Regulations 40.10.50.10(2) and (3), with respect to fence and landscaping requirements abutting a lot in the Residential or Residential Apartment Zone Category, do not apply;
- (M) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the lands in accordance with the following:
- (i) 0.50 **parking spaces** per bachelor and one-bedroom **dwelling unit** for residents;
 - (ii) 0.75 spaces **parking spaces** per two or more bedroom **dwelling unit** for residents;
 - (iii) 0.06 visitor **parking spaces** per **dwelling** unit for residents
 - (iv) 1.0 **parking spaces** per 100 square metres of non-residential **gross floor area**; and
 - (v) **parking spaces** required for non-residential uses can be shared with residential visitors;
- (N) 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) a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**.
- (O) Despite regulation 220.5.10.1(2), (3) & (5), **loading spaces** must be provided and maintained on the lands as follows:
- (i) one (1) Type “B” **loading space**;
 - (ii) one (1) Type “G” **loading space**; and
 - (iii) one (1) Type “C” **loading space**.

- (P) Regulation 40.10.90.10(1), with respect to loading space location, does not apply;
- (Q) Regulations 40.10.90.40(1)(A) and 40.10.100.10(1)(A), with respect to access to a loading space – restrictions and vehicle access – restrictions, do not apply;
- (R) Despite regulation 40.10.100.10(1)(C), two **vehicle** accesses are permitted;
- (S) Despite regulation 230.5.1.10(8), a “short-term” **bicycle parking space** may be located within the municipal right-of-way immediately adjacent to the **lot**;

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

10. Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law #####-2020, the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.

11. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner’s expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law required that the owner provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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 and density of the proposed development on the lands shown as **CRE (x10) on Diagram 2** of this By-law, and secured in an agreement or agreements pursuant to 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;

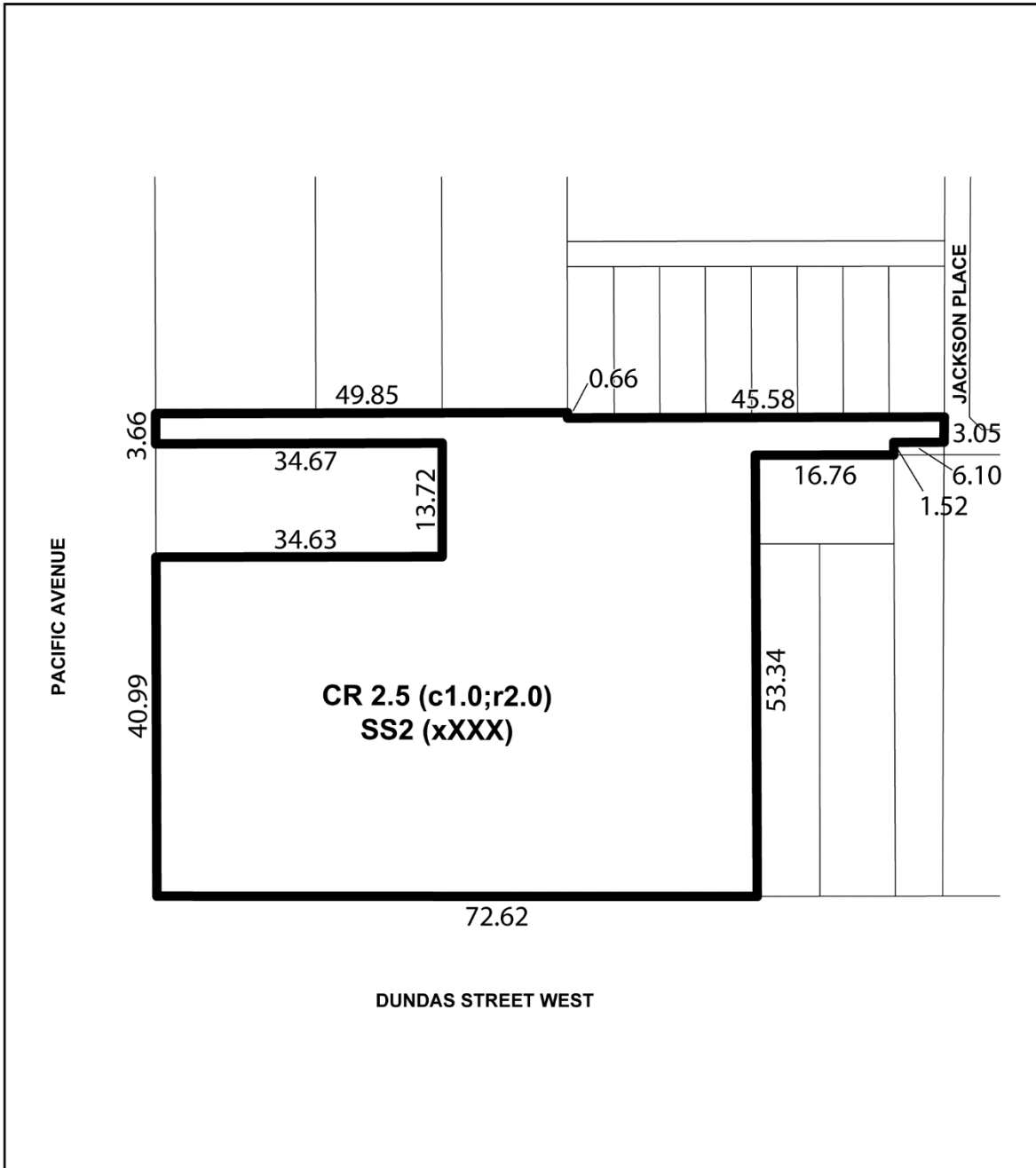
B. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;

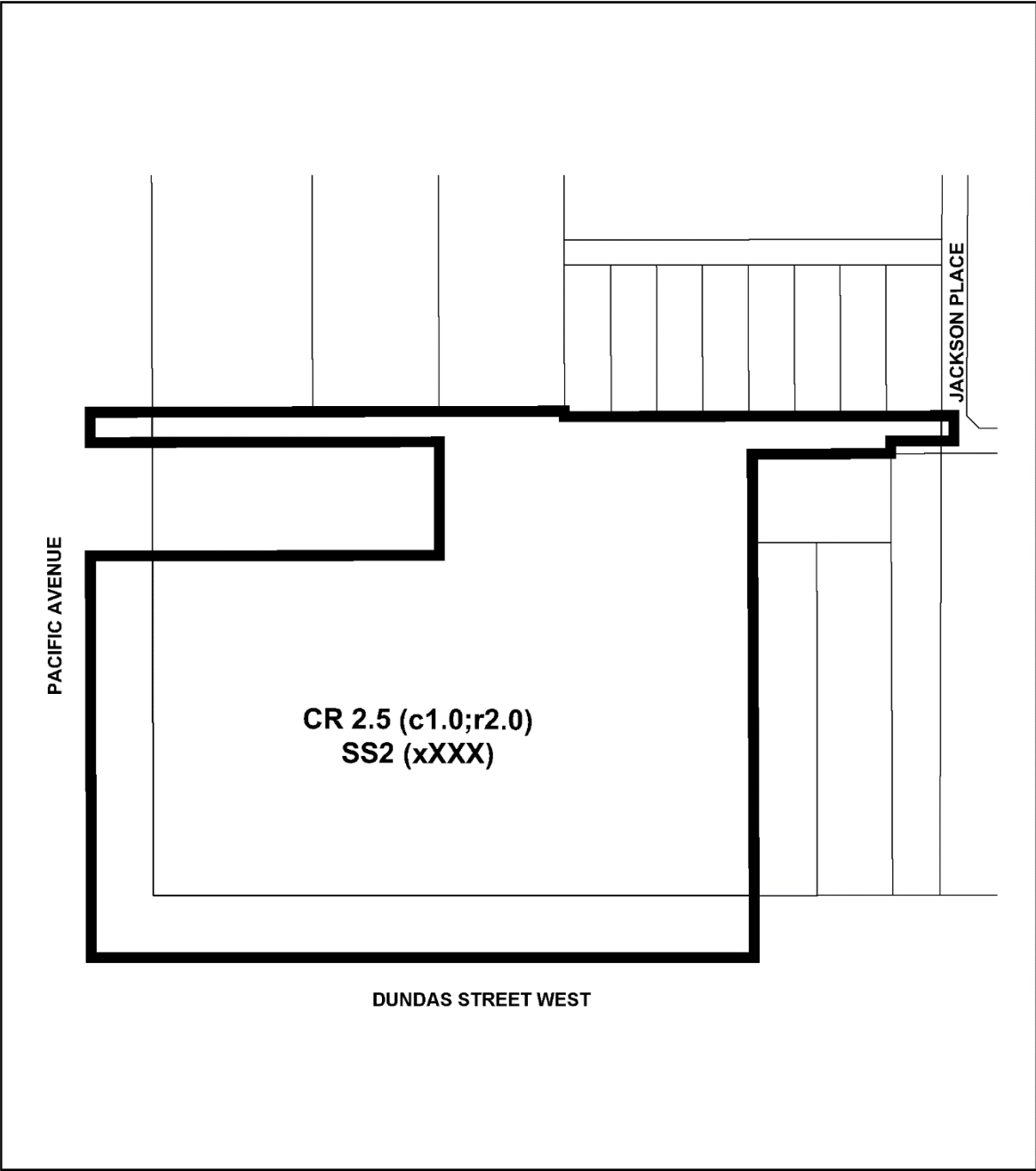
C. Reconstruction of the City sidewalks to City standards along the frontages of Dundas Street West and Pacific Avenue Road, to the satisfaction of the General Manager, Transportation Services;

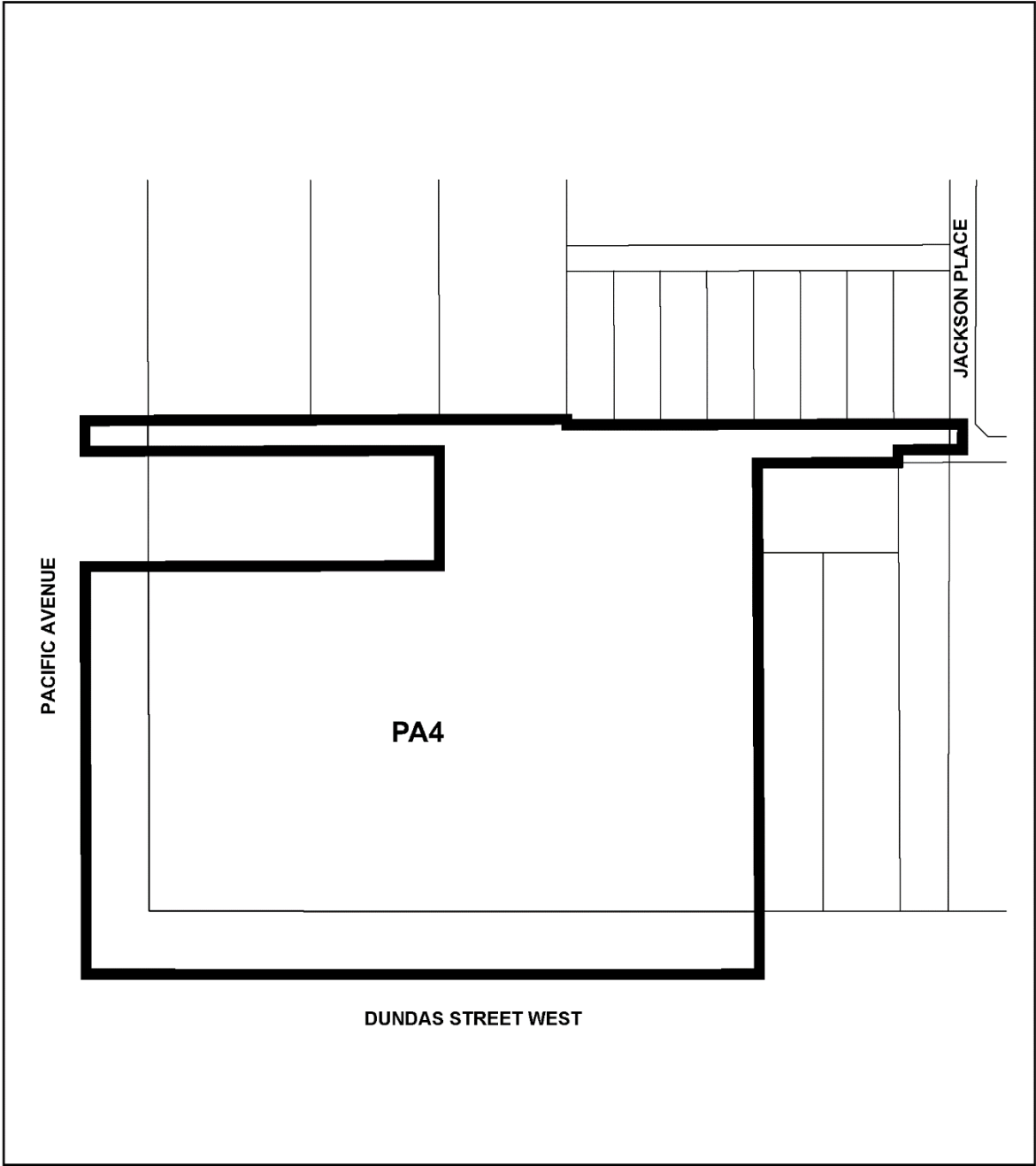
D. Incorporation of signage to identify the proposed privately owned publicly accessible open space (POP) to be located in a plaza on the north and east corner of Dundas Street West and Pacific Avenue; and

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.



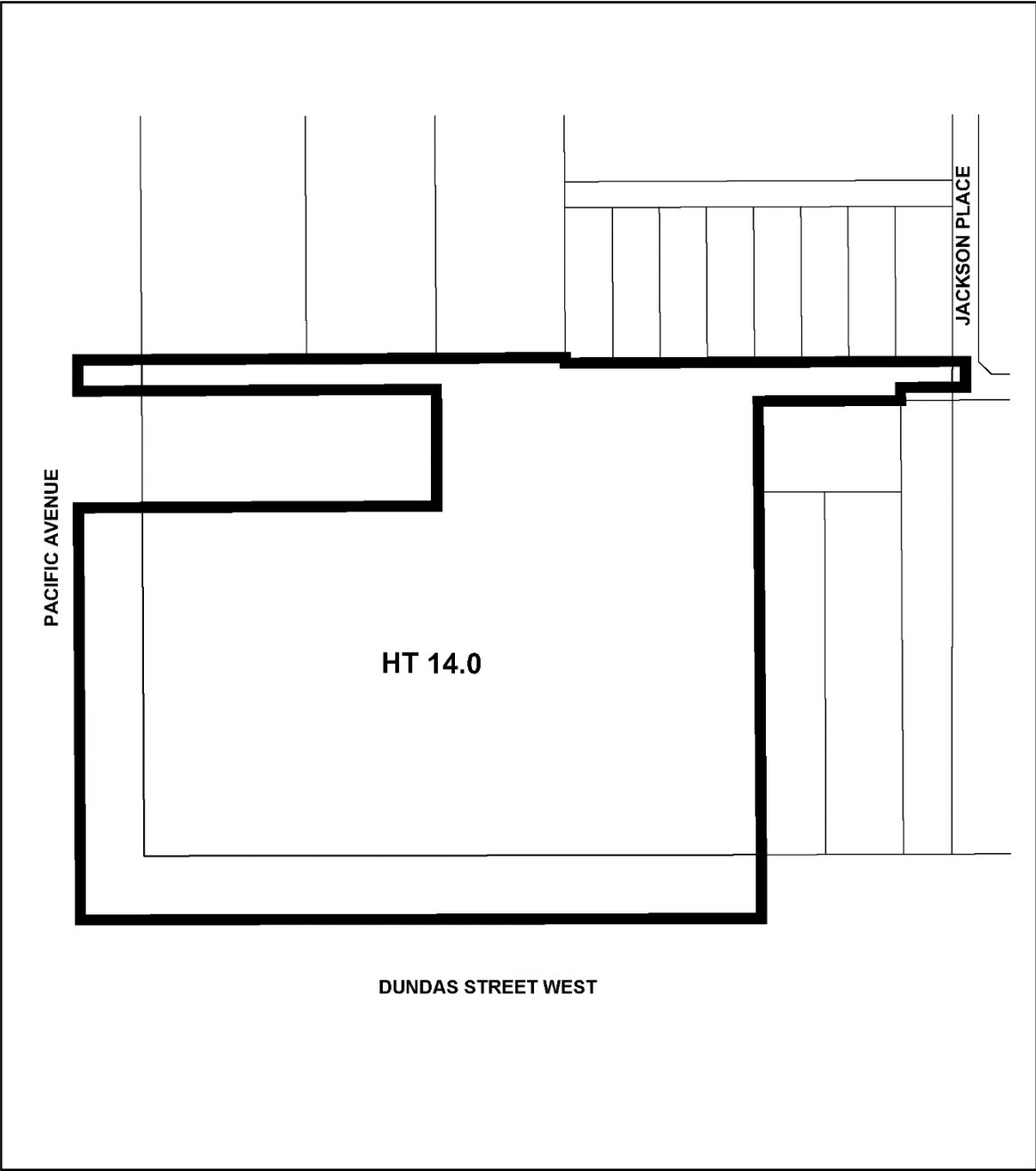




 **TORONTO**
Diagram 3

2946 Dundas Street West

File # 19 124750 STE 04 0Z



 **TORONTO**
Diagram 4

2946 Dundas Street West

File # 19 124750 STE 04 0Z

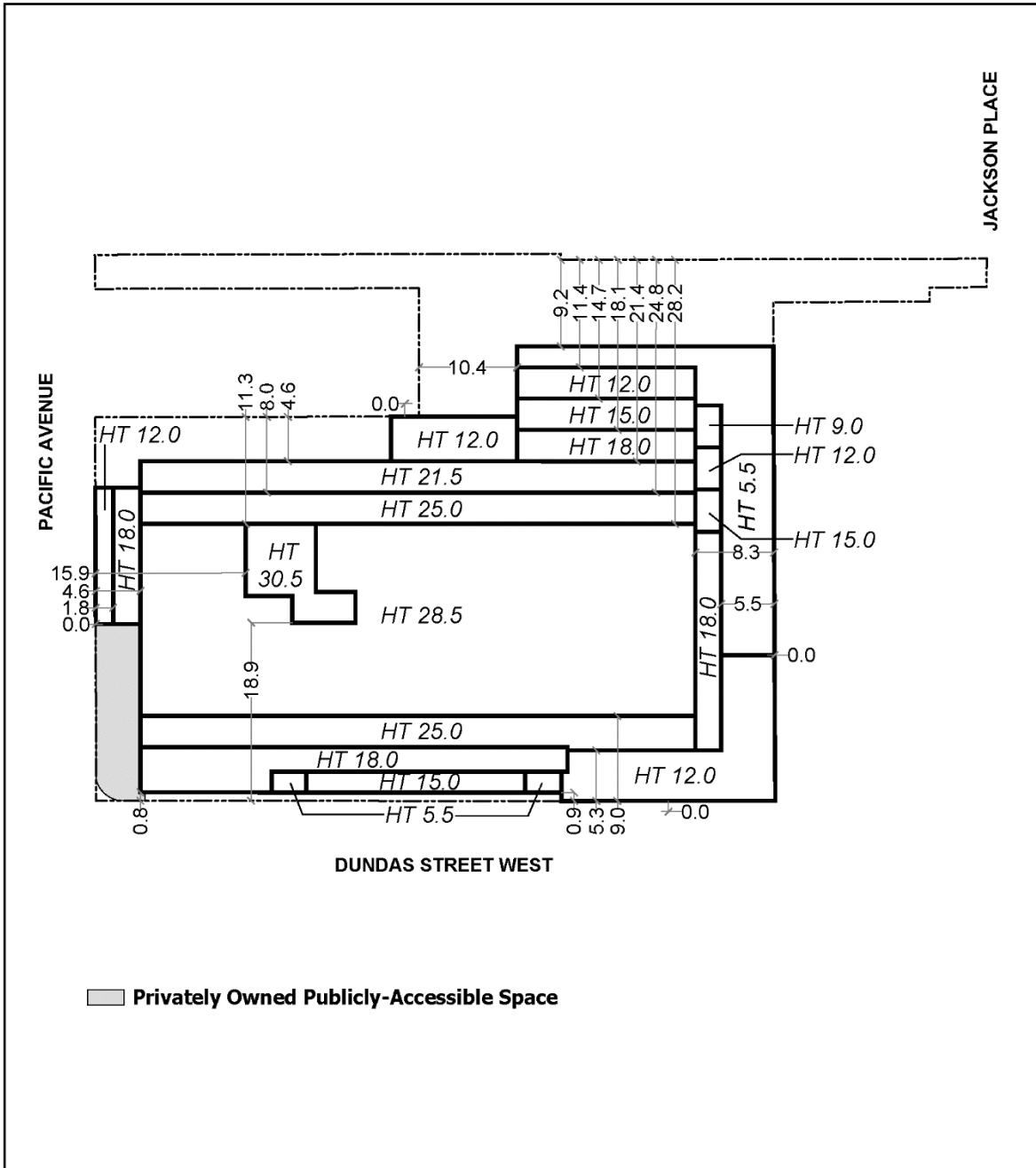



Diagram 5

2946 Dundas Street West

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