

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX- 2021

To amend the City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 212 and 218 Dundas Street East and 279 ½ George Street

Whereas Council of the City of Toronto has the authority to 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*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases 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/or 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 the development, the 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 No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law 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 enacts:

1. This by-law applies to the lands delineated by heavy black lines on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the same 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 1.5 (c1.0; r1.0) SS2 (x415) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number CR (415) so that it reads:

Exception CR (415)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

- (A) On 212 and 218 Dundas Street East and 279 ½ George Street, if the requirements of Section 6 and Schedule A of By-law [NTD: Clerks to provide By-law ##] are complied with, a **mixed-use building** may be constructed in compliance with (B) to (X) below;
- (B) The **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law ### [NTD: City Clerk to provide By-law #]
- (C) Despite regulation 40.5.40.10 (1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 89.60 metres and the highest point of the **building** or **structure**;
- (D) Despite regulations 40.5.40.10(8) and 40.10.40.10(2) , the permitted maximum height of the **building** or **structure**, including a mechanical penthouse, is the height measured in metres specified by the numbers following the symbol “HT” as shown on Diagram 3 of By-law ### [NTD: City Clerk to provide By-law ##]
- (E) Despite Clause 40.5.40.10, and Regulation (C) above, the following elements of a **building** or **structure** may project above the permitted maximum height specified in metres by the numbers following the symbol HT as shown on Diagram 3 of By-law {XXX clerks to insert} as follows:
- i. a **structure** on the roof of the **building** used for outside or open air recreation, roof top stair enclosure, roof top mechanical equipment that includes a chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of a **building**, elevator overrun, antennae, staircases or enclosures, privacy screens, mechanical and architectural screens, balcony and terrace guards and dividers, railings, access hatches, airshafts, landscaping, planters and other landscaping structures, elements of a **green roof**, heritage signage, and marquee signage by no more than 5.5 metres;
- (F) Despite 40.10.40.10 (5) the minimum height of the first **storey** is 3.0 metres;
- (G) Despite 5.10.30.20 the **Front Lot Line** is Dundas Street East;
- (H) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed a maximum of 34,000 square metres, of which:

- (i) A maximum of 32,000 square metres for residential uses; and
 - (ii) A minimum of 1,200 square metres for non-residential uses;
- (I) Despite regulation 40.5.40.40(3) the **gross floor area** of a **mixed-use building** also excludes areas used for;
- i. All open to below areas;
 - ii. Hallways and elevator vestibules below ground; and
 - iii. Electrical, utility, mechanical and ventilation rooms on any level of the **building** above or below ground;
- (J) Despite regulation 40.10.40.50 (1) and (2), **amenity space** must be provided in accordance with the following:
- i. A minimum of 2.5 square metres of indoor **amenity space** for each **dwelling unit**; and
 - ii. A minimum of 1.0 square metres of outdoor **amenity space** for each **dwelling unit**;
- (K) Despite (I) above respecting indoor **amenity space**, a maximum of 70 percent of the required indoor **amenity space**, may be provided above ground within a **fitness club**, provided:
- a. the balance of the indoor **amenity space** otherwise required by this by-law and not located within the **fitness club**:
 - i. is provided elsewhere within the **mixed-use building** for the exclusive use of its residents, and is not be required to be contiguous to the **fitness club**
- (L) Despite Regulation 40.10.40.70(2), and Section 600.10, the required minimum **building setbacks** are shown on Diagram 3, of By-law ### [NTD: City Clerk to provide By-law #];
- (M) Despite Clauses 40.5.40.60 and 40.10.40.60, and Regulation (K) above, the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** as shown on Diagram 3 of By-law ### [NTD: City Clerk to provide By-law ##] as follows:
- cornices, lighting fixtures, awnings, canopies, architectural features, balconies and guards, balcony roof or canopies, trellises, privacy screens, mechanical and architectural screens, window sills, chimneys, vents, stacks, mechanical fans, stairs, stair landings, covered stairs and/or stair enclosures associated with an entrance or exit from an underground parking garage, retaining walls and curbs, monitor wells, bicycle parking areas, fences and safety railings, terraces, planters, balustrades, bollards, wheelchair ramps, underground garage ramps and their associated **structures**, and landscape and public art features, marquee signage, by no more than 5.0 metres,;
- (N) Regulation 40.10.50.10(3) with respect to required **landscaping** does not apply;

- (O) Regulation 40.10.40.70(2)(G) with respect to **angular planes** does not apply;
- (P) Despite Regulation 40.10.100.10 (1) **vehicle** access may be from Dundas Street East;
- (Q) Regulation 40.10.150.1(1)(A) with respect to waste and recyclable materials storage does not apply;
- (R) Despite Regulations 200.5.10.1 and 900.11.10(2)(B) **parking spaces** must be provided and maintained on the **lot**, in accordance with the following requirements:
- i. A minimum of 0.1 **parking spaces** per **dwelling unit** must be provided for residents;
 - ii. A maximum of 28 **parking spaces** must be provided for non-residential/commercial uses; and
 - iii. despite regulation 200.5.10.1(2) related to minimum **parking space** dimensions, a total of ten (10) **parking spaces** can be obstructed on one side without the requirement to increase the minimum width on each obstructed side by 0.3m;
- (S) Despite Regulation 200.5.1(3) the required minimum width of a one-way **drive aisle** is 4.5 metres;
- (T) Despite Regulation 40.10.90.40 (1) and 220.5.10.1 , a minimum of 1 shared type “G” and Type “B” **loading space** and 1 type “C” **loading space** must be provided, and may be accessible from Dundas Street East;
- (U) Despite Regulation 200.15.10(1), a minimum of 3 accessible **parking spaces** must be provided on the **lot**;
- (V) Despite Regulation 230.5.10.1(5) **bicycle parking spaces** must be provided as follows:
- i. a minimum of 0.9 "long-term" **bicycle parking spaces** and 0.1 "short-term" bicycle **parking spaces** for each **dwelling unit** ; and
- (W) Despite Regulations 230.5.1.10(4), (6) and (9) (10), **bicycle parking spaces** must be provided and maintained in accordance with the following:
- (i) Both "long-term" and "short-term" **bicycle parking spaces** may be provided above or below ground and in a **stacked bicycle parking space**;
 - (ii) "long-term" and "short-term" bicycle parking spaces may be located outdoors or indoors including within a secured room or enclosure or unenclosed space, or bike locker or combination thereof.

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- (iii) for **stacked bicycle parking space**, the required minimum dimensions of a **bicycle parking space** is:
- a) minimum width of 0.35 metres,
 - b) minimum length of 2.0 m; and
 - c) minimum vertical clearance of 1.3 metres;
- (iv) the minimum width of a **bicycle parking space** is:
- a) 0.45 metres

(X) For the purposes of this exception, the maximum tower floor plate is 780 square metres.

(Y) Despite Regulation 600.20.10(1) the first **storey** of a **mixed-use building** must provide a minimum of 50 percent of the **lot frontage** abutting the priority retail **street** for one or more of the following uses:

- Art Gallery**
- Artist Studio**
- Automated Banking Machine**
- Clinic
- Club**
- Community Centre**
- Custom Workshop**
- Day Nursery**
- Eating Establishment**
- Education Use**
- Entertainment Place of Assembly**
- Financial Institution**
- Library
- Massage therapy**
- Medical Office
- Office
- Performing Arts Studio**
- Personal Service Shop**
- Pet Services**
- Place of Assembly**
- Place of Worship**
- Private School**
- Production Studio**
- Recreation Use**
- Retail Service**
- Retail Store**

Service Shop
Sports Place of Assembly
Take-out Eating Establishment
Veterinary Hospital
Wellness centre

- i. For each use provided in (X) above a minimum of 50 percent of the surface area of the **main wall** of the first **storey** facing the priority retail **street** must be windows or doors; and
- ii. Regulation (X) above, exempts the portion of the **building** that is a **heritage site**.

(Z) Prevailing By-laws and Prevailing Sections: CR 2389 does not apply

5. Despite any future severance, conveyance, partition or division of the **lot**, the provisions of By-law ### - 2021 shall continue to apply to the whole of the **lot** as if no severance, conveyance, partition or division has occurred.

4. 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 of this By law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 requires the owner to 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.
- (c) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to exception CR(x415) of By law 569-2013, as amended, unless the provisions of Schedule A of such By law are satisfied.

ENACTED AND PASSED this day of , A.D. 2021.

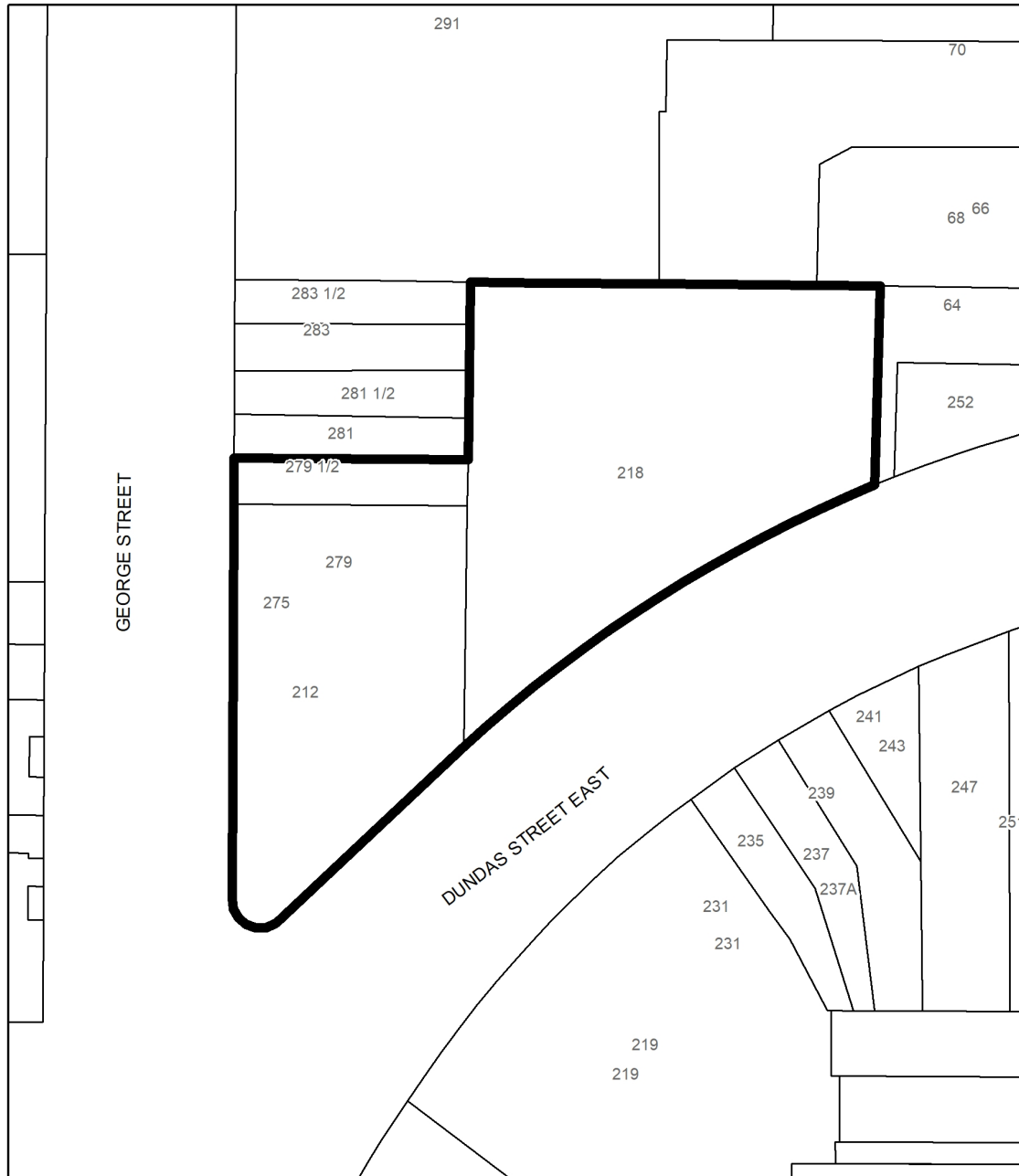
Frances Nunziata,
 Speaker

John D. Elvidge,
 Interim City Clerk

(Corporate Seal)

Schedule A

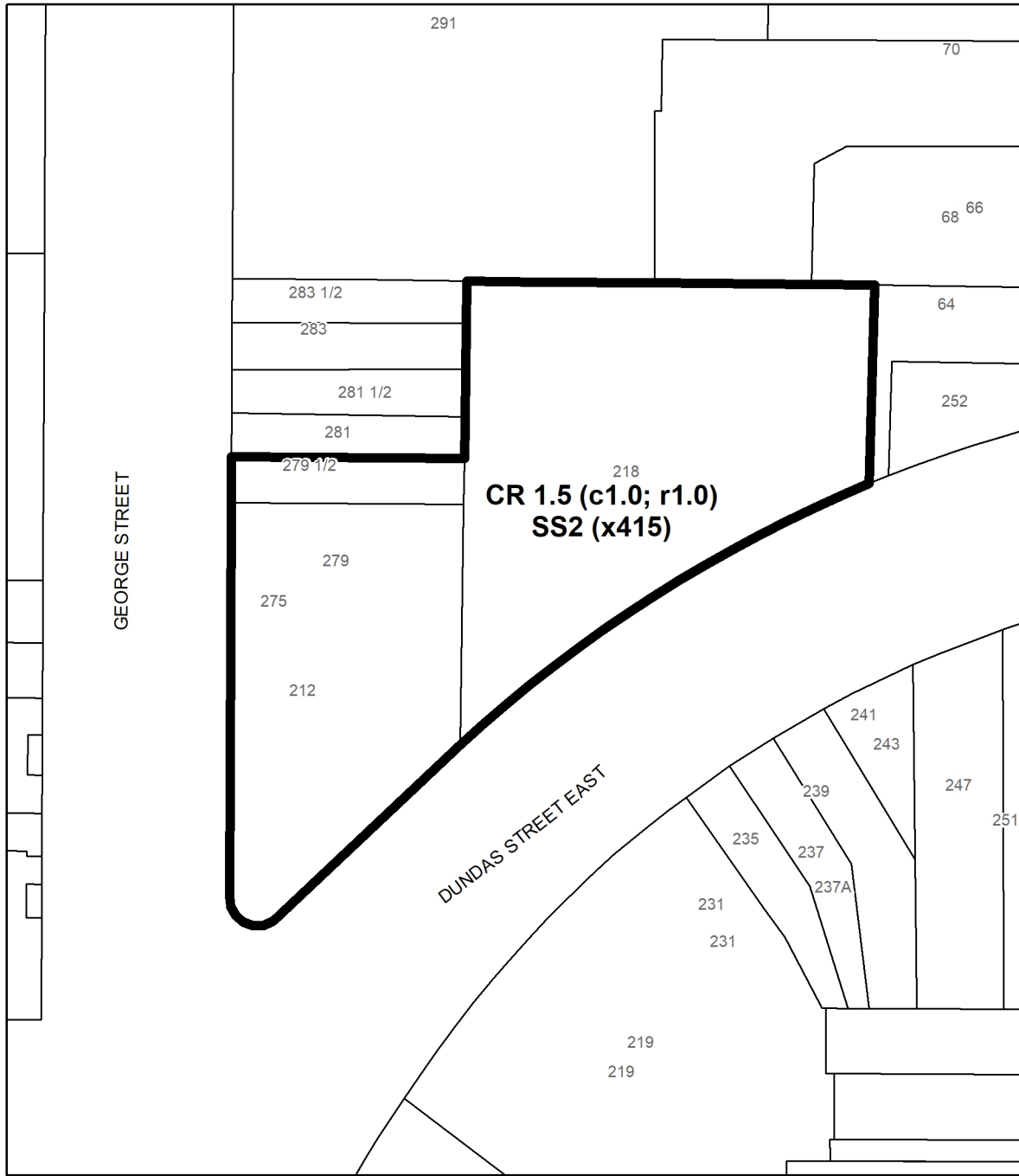
[Section 37 provisions to be inserted]



 **TORONTO**
Diagram 1

**212-218 Dundas Street East
and 279½ George Street**

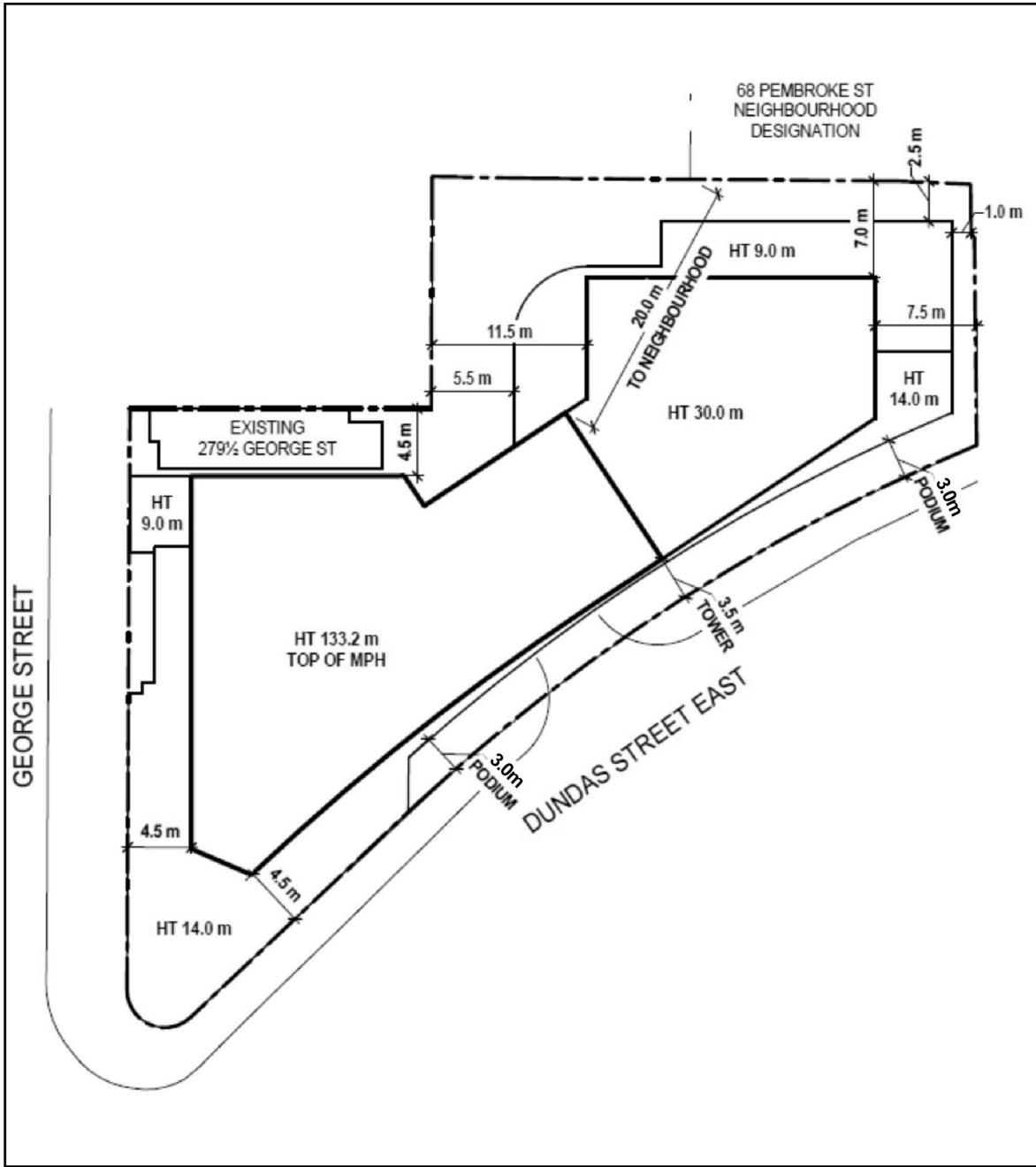
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 **TORONTO**
Diagram 2

**212-218 Dundas Street East
and 279½ George Street**

File # 20 151363 STE 13 0Z



 **TORONTO**
Diagram 3

212-218 Dundas Street East and 279 1/2 George Street

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