

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

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 817-2020, being a by-law to amend Zoning by-law 569-2013, with respect to the lands municipally known in the year 2024 as 250 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, as amended; and

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

Whereas pursuant to subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas Council enacted By-law 817-2020, being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the Owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning by-law Amendment herein in addition to those secured through By-law 817-2020; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law;

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 569-2013, as amended, Chapter 800 Definitions.
3. By-law 817-2020, is amended by deleting and replacing Paragraph 3 with the following:

“Zoning By-law 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 from a zone label of CR 4.0 (2.0; r3.5) SS1 (x2398) to the zone labels of CR 4.0 (2.0; r3.5) SS1 (x2398) and O as shown on Diagram 2 attached to this By-law.

Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.11.10 Exception Number 2398 in Zoning By-law 569-2013 and Section 3 of By-law 817-2020, so that it reads:

(2398) Exception CR 2398

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) On lands municipally known as 250 Dundas Street West, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below;
- (B) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 95.00 metres and the elevation of the highest point of the **building** or **structure**;

- (C) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres, following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (D) Despite regulations 40.5.40.10(4), 40.5.40.10(6), and 40.5.40.10(7), and (C) above, the following equipment and **structures** may project beyond the permitted maximum height as shown on Diagram 3 of By-law [Clerks to insert By-law number]:
- (i) Equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, and telecommunication equipment, by 5.0 metres;
 - (ii) **Structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, hatches, chimneys, vents, water supply facilities, and roof assemblies by a maximum of 5.0 metres;
 - (iii) **Structures** that enclose, screen, or cover the equipment, **structures**, and parts of a **building** listed in (i) and (ii) above, including **building** maintenance unit, elevator shafts and elevator overrun, by a maximum of 5.5 metres;
 - (iv) Architectural features, parapets, fencing, and elements and **structures** associated with a **green roof**, by a maximum of 2.5 metres;
 - (v) **Building** maintenance units and window washing equipment, by a maximum of 5.5 metres;
 - (vi) Planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.3 metres;
 - (vii) Signage, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a minimum of 4.0 metres;
 - (viii) vestibules providing access to outdoor amenity or recreation space, pool deck and swimming pool, pool equipment, mechanical equipment associated with pools, pool access stairs, and partitions

dividing outdoor recreation areas may project above the height limits by a maximum of 4.5 metres.

- (E) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** for all uses on the lands zoned CR (x2398) is 45,000 square metres, allocated as follows:
- (i) The permitted maximum **gross floor area** for residential uses is 44,750 square metres; and
 - (ii) The required minimum **gross floor area** for non-residential uses is 250 square metres;
- (F) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provisions required by (i) above; and
 - (iv) an additional 15 percent of the total number of **dwelling units** will be any combination of two-bedroom and three-bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two- and three-bedroom **dwelling units**; and
 - (v) Convertible **dwelling units**, as described in (F)(iv) above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (G) Despite regulations 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:
- (i) at least 1.7 square metres for each **dwelling unit** as **indoor amenity space**;
 - (ii) at least 0.6 square metres of outdoor **amenity space** for each **dwelling unit** of which 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and

- (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (H) Despite regulation 40.10.40.50 (2), no outdoor **amenity space** for non-residential uses is required if the non-residential **gross floor area** does not exceed the minimum requirements of (E) above;
- (I) Despite regulations 600.10.10(1)(A) and 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (J) Despite regulations 600.10.10(1)(D), (E) and (F) and 40.5.40.60(1), and clause 40.10.40.60 and (J) above, the following elements of a building may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) Decks and porches, by a maximum of 3.0 metres;
 - (ii) Balconies, as follows:
 - (iii) (a) On the north and west main walls of the building, by a maximum of 3.0 metres;
 - (b) On the south wall of the building, by a maximum of 2.0 metres;
 - (c) On the east wall of the building, by a maximum of 1.0 metres;
 - (iv) Canopies and awnings including wind mitigation, by a maximum of 3.5 metres;
 - (v) Exterior stairs, stair enclosures, railings, access ramps, underground garage ramps and associated **structures**, and elevating devices, by a maximum of 0.5 metres;
 - (vi) Site servicing features, including window washing equipment or projecting panel systems at exterior **main walls** by a maximum of 0.5 metres;
 - (vii) Architectural features, such as a pilaster, decorative column, cornice, sill, belt course, chimney breast, parapet, balustrade, signage, cladding added to the exterior surface of the **main wall** of a **building**, or other art features or ornamental elements, by a maximum of 0.6 metres;
 - (viii) **Landscaping** features, such as **landscaping**, fences, or trellises,

- by a maximum of 0.5 metres;
- (ix) Window projections, including bay windows, window sills, vertical window screens, mullion cap extensions, and box windows, by a maximum of 0.75 metres;
 - (x) Air conditioners, satellite dishes, antennae or pole used to hold an antennae, vents, pipes, ventilation shafts, mechanical equipment, and screening, by a maximum of 0.9 metres;
 - (xi) Light fixtures, by a maximum of 0.5 metres;
- (K) Despite regulations 200.5.10.1(1), 200.15.10.10(1) and (2), and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0 residential occupant **parking spaces** for each **dwelling unit** up to a maximum;
 - (a) 0.3 **parking spaces** for each studio **dwelling unit** up to 45 square metres and 1.0 for each studio **dwelling unit** greater than 45 square metres;
 - (b) 0.5 **parking spaces** for each one bedroom **dwelling unit**;
 - (c) 0.8 **parking spaces** for each two bedroom **dwelling unit**;
 - (d) 1.0 **parking space** for each three or more bedroom **dwelling unit**;
 - (ii) a minimum rate of 2.0 plus 0.01 per **dwelling unit** for residential visitor **parking spaces**;
 - (iii) a minimum of 0 visitor **parking spaces** for a **retail store**;
 - (iv) the greater of two (2) or 25 percent of total **parking spaces** must be accessible **parking spaces**;
- (L) Despite regulation 220.5.10.1(1), **loading spaces** must be provided in accordance with the following:
- (i) a minimum of one (1) Type "G" **loading space**; and
 - (ii) a minimum of one (1) Type "C" **loading space**;

- (M) Despite regulations 230.5.10.1(1), (4) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.9 “long-term” **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.2 “short-term” **bicycle parking spaces** for each **dwelling unit** and for each 100 square metres of non-residential **gross floor area**;
- (N) Despite regulation 230.5.1.10(4), the required minimum dimensions of a **bicycle parking space** are:
- (i) **Stacked bicycle parking spaces:**
 - (a) Length: 1.8 metres;
 - (b) Width: 0.45 metres;
 - (c) Vertical clearance: 1.2 metres;
 - (ii) Horizontal **bicycle parking spaces:**
 - (a) Length: 1.8 metres;
 - (b) Width: 0.6 metres;
 - (c) Vertical clearance: 1.2 metres;
 - (iii) Vertical **bicycle parking space:**
 - (a) Length: 1.2 metres;
 - (b) Width: 0.45 metres;
 - (c) Vertical clearance: 1.9 metres;
 - (d) Horizontal clearance: 1.2 metres;
- (O) Despite regulation 230.5.1.10(10), “short-term” **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (P) Despite regulation 230.40.1.20(2), a “short-term” **bicycle parking space** may be:
- (i) located outdoors and indoors at an area below the second floor, including a mezzanine level; and
 - (ii) located more than 30 metres from a pedestrian entrance to a **building**.

4. By-law 817-2020, is further amended as follows:

- (A) Diagram 1 and 2 of By-law 817-2020 are deleted and replaced with Diagram 1, 2 and 3 of By-law [Clerks to insert By-law number] attached

hereto;

- (B) Section 6 of Schedule A to By-law 817-2020 is deleted and replaced with the following:

“6. Prior to the issuance of any building permit, including permits for excavation and shoring, and subject to the project qualifying for Open Doors, the owner shall enter into a municipal capital facility agreement (“Contribution Agreement”) with the City to design, construct, provide, maintain and contribute to the provision and maintenance of nineteen (19) new affordable rental housing dwelling units on the lot at a value of at least \$8,000,000 from the owner, with terms in accordance with such contribution agreement, including that the average monthly rents of such nineteen (19) units shall be at or below 90 percent of the CMHC rents for a period of thirty (30) years inclusive of a 5 year phase-out period from first occupancy of each such unit as affordable rental housing in accordance with such contribution agreement, all to the satisfaction of the Director, Affordable Housing Office, the Chief Planner and Executive Director, City Planning and the City Solicitor. And the owner shall thereafter provide such affordable rental housing dwelling units in accordance with the contribution agreement entered into with the City.”

- (C) Section 7 of Schedule A of By-law 817-2020 is deleted and replaced with the following:

“(a) 4 studio units, with an average size of 34 square metres and a minimum unit size of 32 square metres;

(b) 8 one-bedroom units, with an average size of 51 square metres and a minimum unit size of 49 square metres; and

(c) 4 two-bedroom units, with an average size of 67 square metres and a minimum size of 65 square metres.”

(d) 3 three-bedroom units, with an average size of 86 square metres and a minimum size of 84 square metres.

- (D) Section 11 of Schedule A to By-law 817-2020 is deleted and replaced with the following:

“In the event the project does not qualify for Open Doors, as required in clause 6 of this Schedule, the owner shall in any event provide and maintain on the lot at least 19 new affordable rental housing dwelling units distributed throughout the lot with rents that remain at 90 percent AMR for at least 26 years. The affordable rental units will be comprised of the

following:

(a) 4 studio units, with an average size of 34 square metres and a minimum unit size of 32 square metres;

(b) 8 one-bedroom units, with an average size of 51 square metres and a minimum unit size of 49 square metres;

(c) 4 two-bedroom units, with an average size of 67 square metres and a minimum size of 65 square metres; and

(d) 3 three-bedroom units, with an average size of 86 square metres and a minimum size of 84 square metres.”

(E) Section 13 (a) of Schedule A to By-law 817-2020 is deleted and replaced with the following:

“(a) The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development: (a) prior to issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement (“Contribution Agreement”) to provide Open Door Affordable Housing Program incentives for up to 19 affordable rental housing dwelling units to be developed on the lands at 250 Dundas Street West, subject to the approval of an Open Door Application by the Executive Director, Housing Secretariat. The owner shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.”

(F) Section 13 (e) of Schedule A to By-law 817-2020 is deleted and replaced with the following:

“(e) terms and conditions related to the on-site parkland dedication, having a minimum size of 232.8 square metres, to the satisfaction of the General Manager, Parks and Recreation and the City Solicitor.”

(G) Sections 13 (f) and (g) of Schedule A of By-law 817-2020 are deleted and replaced with the following:

“(f) The owner will provide, a minimum of 962 square metres of gross floor area for affordable rental housing, should the non-residential gross floor area not be replaced, in lieu of the required non-residential gross floor area replacement, to provide for an additional 15 affordable rental housing

dwelling units, to the satisfaction of the Executive Director, Development Review and the City Solicitor.”

(H) Section 13 (h) of Schedule A to By-law 817-2020 is renumbered as 13 (g).

5. Despite severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

6. Temporary Use(s):

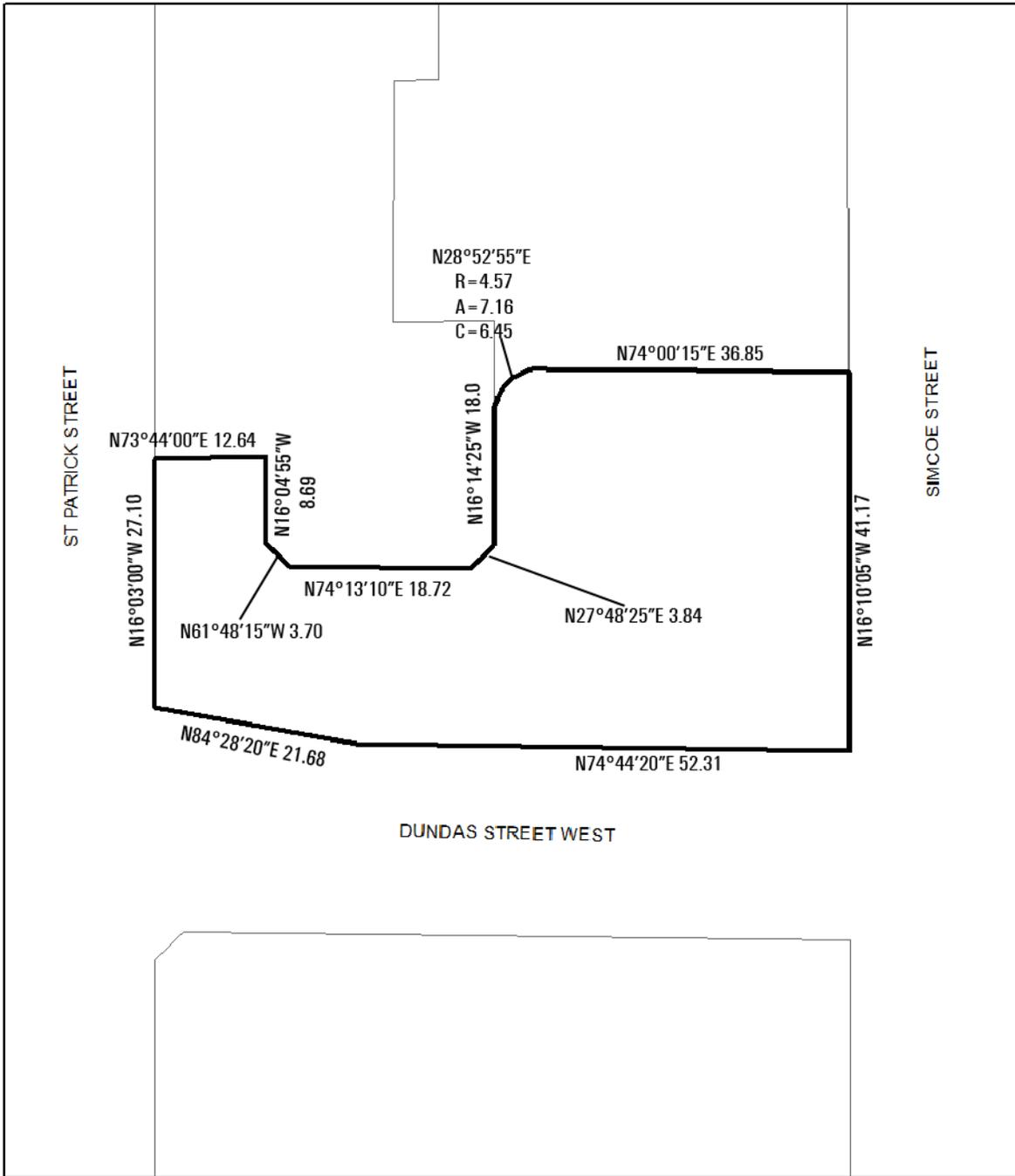
None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales office with a maximum height of 5.0 metres, used exclusively for the initial sale and/or initial leasing of **dwelling units** to be erected on the lot, for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Enacted and passed on [Clerks to insert date].

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

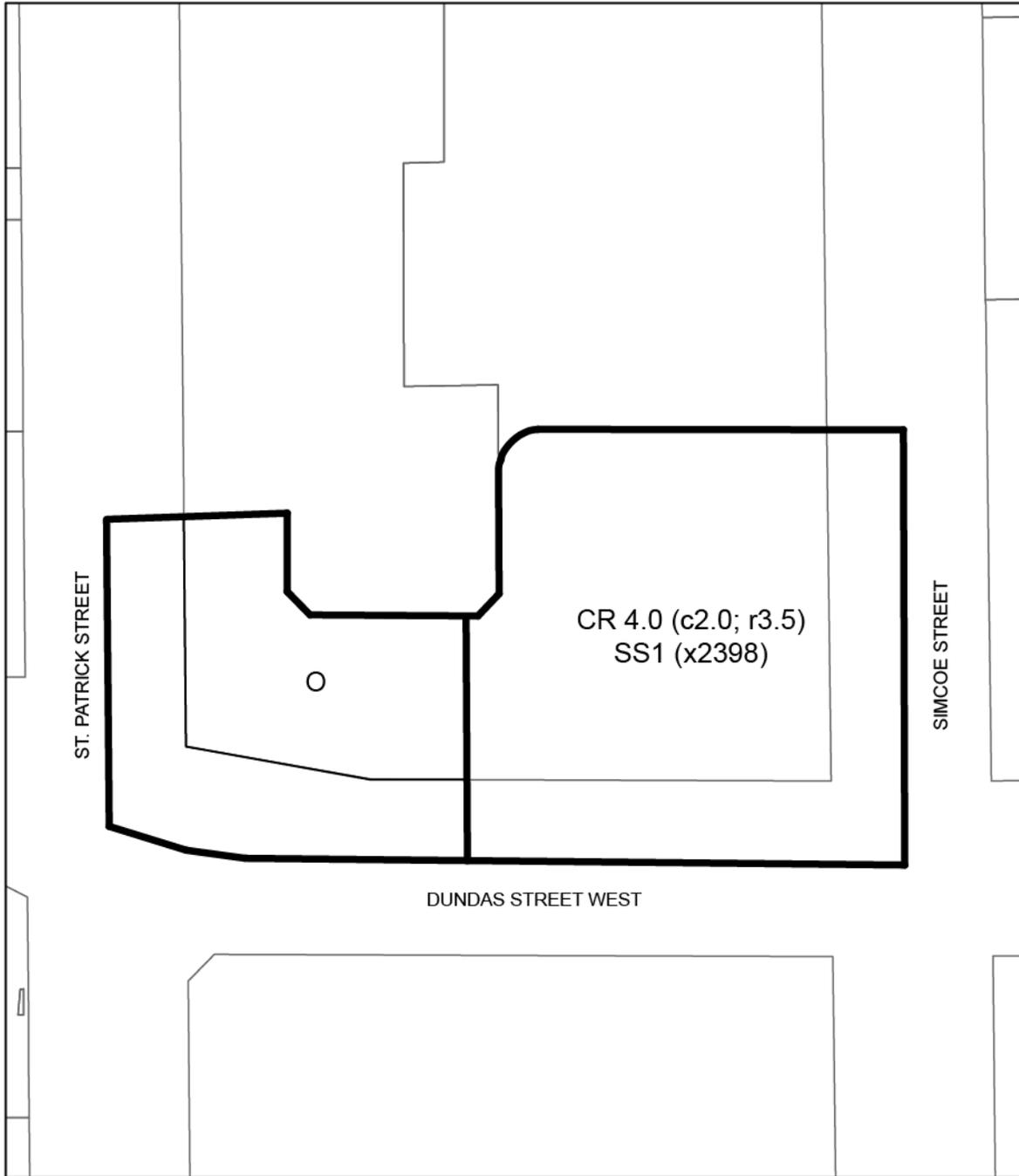
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 **TORONTO**
Diagram 1

250 Dundas Street West

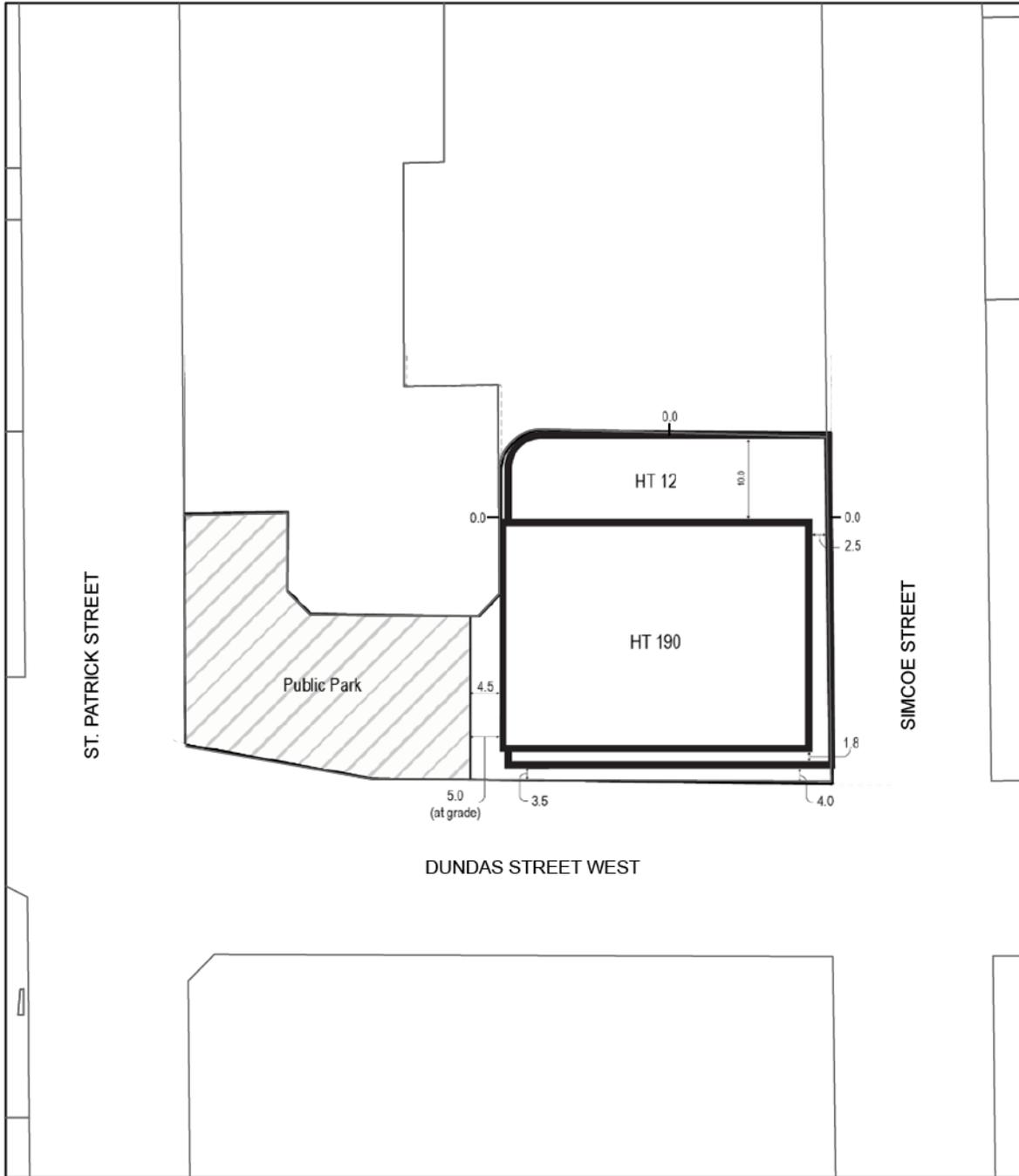
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 **TORONTO**
Diagram 2

250 Dundas Street West

File # 24 230187 STE 11 0Z



 **TORONTO**
Diagram 3

250 Dundas Street West

File # 24 230187 STE 11 0Z