

Revised Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item TE34.54, as adopted by City of Toronto Council on [-]

CITY OF TORONTO

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

To amend former City of Toronto Zoning By-law 438-86, as amended by By-law 141-2005, as amended, with respect to the lands municipally known in the year 2025 as 500 Dundas Street East

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Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and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Whereas Council at its meeting of February 16, 2005 enacted By-law 141-2005 being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1)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 141-2005; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86 as amended by By-law 141-2005, 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. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*;
2. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height*, and *lot*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 8(3) Part II, 8(3) Part III, and 12(1)465 of Zoning By-law 438-86, 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 that:
 - (A) the *lot* on which the building is to be located comprises at least those lands within the heavy lines on Map 1, attached to and forming part of this By-law;
 - (B) the total combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 29,000 square metres, of which a minimum of at least 200 square metres shall be *non-residential gross floor area*;
 - (C) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following:
 - (i) balconies on the east and west side of the building above a *height* of 21.75 metres, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, or a roof over a balcony, by a maximum of 2.0 metres;
 - (iii) architectural features, including a pilaster, decorative column,

cornice, sill, belt course or other similar architectural feature, and lighting fixtures, by a maximum of 0.9 metres;

- (iv) window washing equipment, by a maximum of 3.0 metres;
 - (v) eaves, by a maximum of 0.5 metres;
 - (vi) equipment, including a vent or pipe, by a maximum of 0.6 metres; and
 - (vii) terraces, wind screens, and railings on the building's roof, to the same extent as the roof below;
- (D) no portion of any building or structure erected and used above *grade* shall exceed the *height* limits in metres specified by the numbers following the symbol "HT" as shown on Map 2, attached to and forming part of this By-law, with the exception of the following:
- (i) equipment used for the functional operation of the building, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, maintenance equipment storage, elevator shafts and overrun, by a maximum of 6.5 metres;
 - (ii) structures that enclose, screen, or cover the equipment, structures and parts of a building listed in (i) above, including a mechanical penthouse, by a maximum of 6.5 metres
 - (iii) chimneys, vents, flues, garbage chutes, lightning protection, and roof access, by a maximum of 1.5 metres;
 - (iv) architectural features, parapets, and elements and structures associated with a green roof, by a maximum of 2.0 metres;
 - (v) building maintenance units and window washing equipment, by a maximum of 6.5 metres;
 - (vi) planters, landscaping features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
 - (vii) trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop *residential amenity space*, by a maximum of 4.0 metres;
 - (viii) roof assembly for rooftop *residential amenity space* or a terrace, including waterproofing, insulation, pavers, and supporting elements, by a maximum of 0.6 metres;
 - (ix) elements listed in subsection (iii), (iv) and (v) above may project

above the permitted height for the mechanical penthouse as set out in subsections (i) and (ii) above; and

- (x) the total area of all equipment, structures, or parts listed in (i) and (ii) above may cover no more than 530 square metres, measured horizontally;
- (E) 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 2 or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of *dwelling units* must have 3 or more bedrooms;
 - (iii) any *dwelling units* with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
 - (iv) an additional 15 percent of the total number of *dwelling units* must have 2 or more bedrooms;
 - (v) *dwelling units* required in (iv) above, may be satisfied in part or in whole by *dwelling units* with 2 or more bedrooms, that can be provided through the conversion of other, smaller *dwelling units* using accessible or adaptable design measures such as knock-out panels;
 - (vi) if the calculation of the number of required *dwelling units* in accordance with each of (i), (ii), and (iv), results in a number with a fraction, the number is rounded up to the nearest whole number, but there may not be less than one *dwelling unit*.
- (F) a *primary window* is not permitted on the east wall of the building below a *height* of 21.75 metres;
- (G) *residential amenity space* shall be provided at a minimum rate of 2.9 square metres per *dwelling unit*, of which:
- (i) At least 2.0 square metres per *dwelling unit* is indoor *residential amenity space*; and
 - (ii) A minimum of 40.0 square metres is outdoor *residential amenity space* in a location adjoining or directly accessible to the indoor *residential amenity space*;
- (H) *parking spaces* shall be provided on the *lot*, in accordance with the following:

- (i) a minimum of 0 *parking spaces* for the occupants of residential *dwelling units*;
 - (ii) a minimum of 3 *parking spaces* for residential visitors; and
 - (iii) 0 *parking spaces* are required for non-residential uses;
- (I) accessible *parking spaces* shall be provided on the *lot* in accordance with the following:
 - (i) a minimum of 0.02 accessible *parking spaces* per *dwelling unit*;
 - (ii) an accessible *parking space* shall have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (iii) the entire length of an accessible *parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path; and
 - (iv) accessible *parking spaces* must be located within 23 metres of a barrier free entrance to the building or passenger elevator that provides access to the first floor of the building;
- (J) loading spaces shall be provided on the *lot*, in accordance with the following:
 - (i) a minimum of one *loading space* – *Type "G"* and one *loading space* – *Type "C"*;
 - (ii) the *loading space* – *Type "G"* required by (I)(i) above shall be provided on the *lot* or off-site on an abutting *lot*;
- (K) *bicycle parking spaces* shall be provided on the *lot*, in accordance with the following:
 - (i) a minimum of 0.9 *bicycle parking spaces* – *occupant per dwelling unit*;
 - (ii) a minimum of 0.2 *bicycle parking spaces* – *visitor per dwelling unit*;
 - (iii) 0 *bicycle parking spaces* are required for non-residential uses;
 - (iv) *bicycle parking spaces* may be provided on a horizontal surface, in a vertical position or as a *stacked bicycle parking space*;

- (v) a *stacked bicycle parking space* shall have the following minimum dimensions:
 - (a) length of 1.8 metres;
 - (b) width of 0.6 metres; and
 - (c) vertical clearance of 1.2 metres;
- (vi) if a bicycle parked in a *bicycle parking space* or a *stacked bicycle parking space* has one wheel with a vertical clearance of at least 0.25 metres from that of an adjacent *bicycle parking space* or *stacked bicycle parking space*, the minimum width of each *bicycle parking space* or *stacked bicycle parking space* is 0.35 metres;
- (vii) a minimum of 5 percent of the required *bicycle parking spaces – occupant* must be *oversized bicycle parking spaces*, which must not be a *stacked bicycle parking space*;
- (viii) an *oversized bicycle parking space* shall have the following minimum dimensions:
 - (a) length of 2.4 metres;
 - (b) width of 1.0 metres; and
 - (c) vertical clearance of 1.9 metres;
- (ix) a *bicycle maintenance facility* must be provided in the building with the following minimum dimensions:
 - (a) length of 1.8 metres;
 - (b) width of 2.6 metres; and
 - (c) vertical clearance from the ground of 1.9 metres;
- (L) The number of *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* required by (K)(i) and (ii) above may be reduced, subject to the following:
 - (i) the number of *bicycle parking spaces – occupant* reduced is not more than half the amount required by (K)(i) above, rounded down to the nearest whole number;
 - (ii) the number of *bicycle parking spaces – visitor* reduced is not more than half the amount required by (K)(ii) above, rounded down to the nearest whole number;

- (iii) for each required *bicycle parking space* to be reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto; and
- (iv) the owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act

3. For the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except that the following definitions shall apply:

- (A) “*bicycle maintenance facility*” shall mean an area for bicycle repairs and maintenance which may include work space, a repair stand and an air pump for inflating bicycle tires;
- (B) “*grade*” shall mean 87.48 metres Canadian Geodetic Datum;
- (C) “*height*” shall mean the vertical distance between *grade* and the upper limit specified by the numbers following the symbol "HT" as shown on Map 2, attached to and forming part of this By-law, except for those elements prescribed by this By-law;
- (D) “*lot*” shall mean the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (E) “*oversized bicycle parking space*” shall mean means a horizontal *bicycle parking space* that is used for an extra-large bicycle or a bicycle with attachments;
- (F) “*primary window*” means a window in a *dwelling unit* other than a window of a bedroom, kitchen, bathroom, hallway, or storage area; and
- (G) “*residential gross floor area*” shall mean the aggregate of the areas of each floor and the space occupied by walls and stairs, above and below *grade*, of a *residential building* or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure, exclusive of the following areas:
 - (i) a room or enclosed area, including its enclosing walls within the building or structure above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves the building, including elevators;
 - (ii) loading facilities required by this By-law or any other zoning by-law;
 - (iii) a part of the building or structure that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space* or other *accessory* use, provided the floor level, excluding any access

ramp, is at least 0.9 metres below *grade*;

- (iv) above *grade residential amenity space* required by this By-law; and
- (v) above *grade bicycle parking spaces* required by this By-law.

(H) “*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*;

4. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

5. Within the lands shown on Map 1, attached to this By-law, no person shall use any land or erect or use any building or structure, except for below ground structures and foundations, unless the following municipal services are provided to the *lot* line and the following provisions are complied with:

- (A) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (B) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

6. 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/or density of development on the lot contemplated herein beyond that otherwise permitted in By-law 438-86 and By-law 141-2005, as amended, is permitted in return for the provision by the owner, at the owner's expense certain 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 shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied; and
- (D) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act as it read on

the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

Enacted and passed on [Clerks to insert date].

Frances Nunziata,
Speaker

John D. Elvidge,
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/or density of the proposed development on the lands as shown on Diagram 1 attached to this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force whereby the owner agrees as follows:

Community Benefits

1. a minimum of six (6) Affordable Rental Housing Units shall be designed, constructed, finished, maintained and provided by the owner on the lands known in 2025 as 500 Dundas Street East;
2. the unit mix of the Affordable Rental Housing Units shall be consistent with the overall unit mix in the development to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. the average unit size of the Affordable Rental Housing Units must be no less than the average unit size of all the market units, by unit type, in the proposed development, to the satisfaction of the Chief Planner and Executive Director, City Planning;
4. the minimum unit size of the Affordable Rental Housing Units must be no less than the minimum unit sizes of all market units, by unit type, in the proposed development, to the satisfaction of the Chief Planner and Executive Director, City Planning;
5. the general configuration, location and layout of the Affordable Rental Housing Units in the development must be to the satisfaction of the Chief Planner and Executive Director, City Planning;
6. tenants of the Affordable Rental Housing Units must be provided with access to, and use of all indoor and outdoor amenities in the development on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings, unless otherwise agreed to by the Chief Planner and Executive Director, City Planning;
7. all Affordable Rental Housing Units will be provided, at no extra charge, with central air conditioning and ensuite laundry facilities or common laundry room(s), to the satisfaction of the Chief Planner and Executive Director, City Planning;
8. tenants of the Affordable Rental Housing Units will be provided with access to long-term and short-term bicycle parking in accordance with the Zoning By-law, and on the same basis as other units within the development;

9. the initial rent (inclusive of utilities) charged to first tenants and upon turnover of the Affordable Rental Housing Units must not exceed Affordable Rent as defined in the Official Plan for a minimum 25-year period, beginning with the date each such unit is first occupied (the "Affordability Period"); during the Affordability Period, increases to initial rents charged to tenants occupying any of the Affordable Rental Housing Units must be in accordance with the Residential Tenancies Act and must not exceed the Provincial rent guideline, regardless of whether the Provincial rent guideline applies to the Affordable Rental Housing Units under the Residential Tenancies Act;

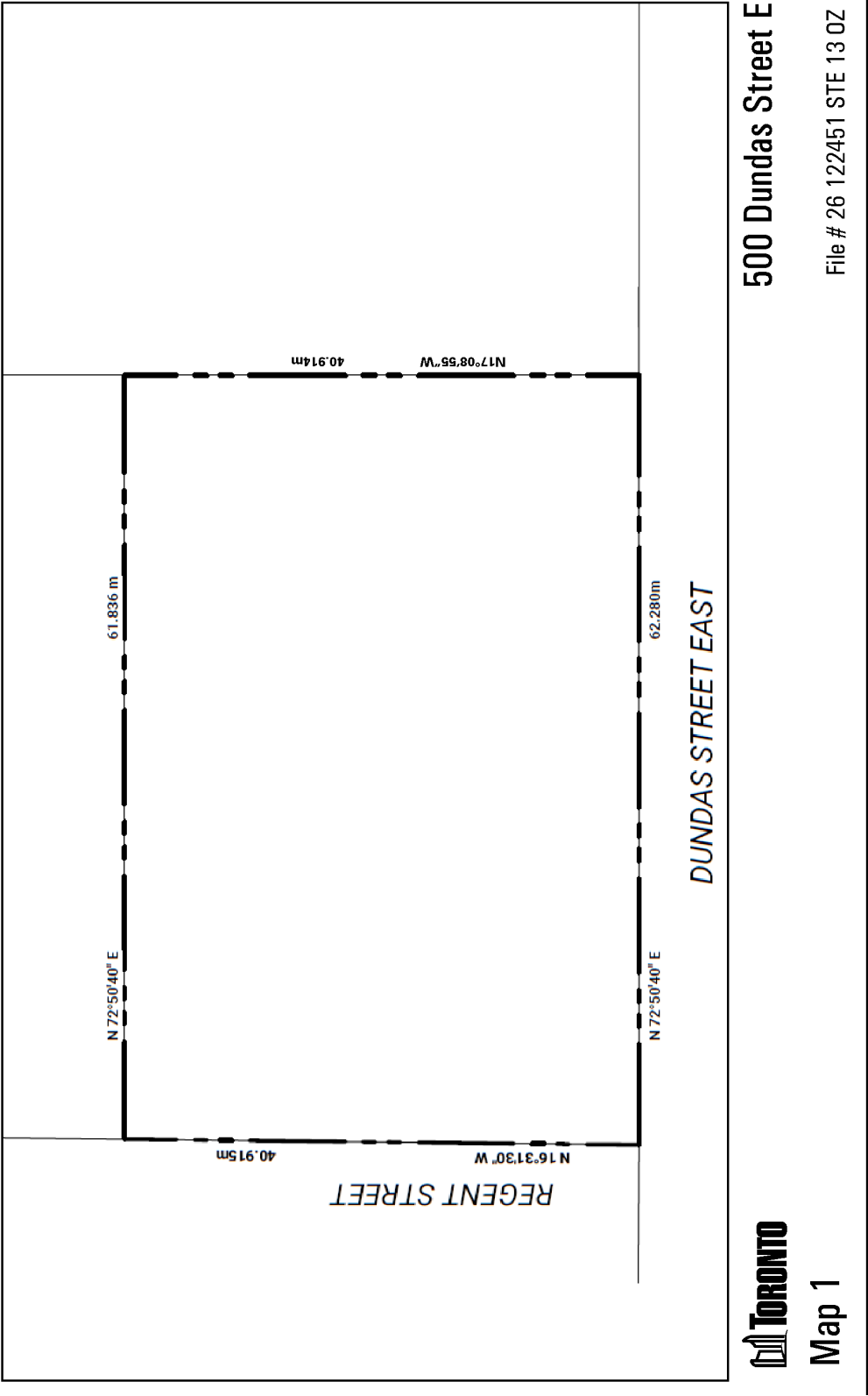
10. the Owner must provide and maintain the Affordable Rental Housing Units as rental dwelling units at the rents identified in Part 9 above for the duration of the Affordability Period; the Affordable Rental Housing Units must not be registered as a condominium or any other form of ownership, such as 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 Housing Unit will be made for the duration of the Affordability Period; and upon the expiration of the Affordability Period, the owner must continue to provide and maintain the Affordable Rental Housing Units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;

11. the Owner will use the City's Centralized Affordable Housing Access System, provided it is in place, or a non-profit referral agency satisfactory to the Executive Director, Housing Secretariat to advertise and select tenants for the Affordable Rental Housing Units, unless otherwise agreed to by the Executive Director, Housing Secretariat; and at least 6 months in advance of any Affordable Rental Housing Unit being made available for rent, the owner must develop and implement an Access Plan which will outline how the Affordable Rental Housing Units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat;

12. the Affordable Rental Housing Units must be made ready and available for occupancy no later than the date by which seventy percent (70 percent) of the new dwelling units in the proposed development erected on the site are available and ready for occupancy; and

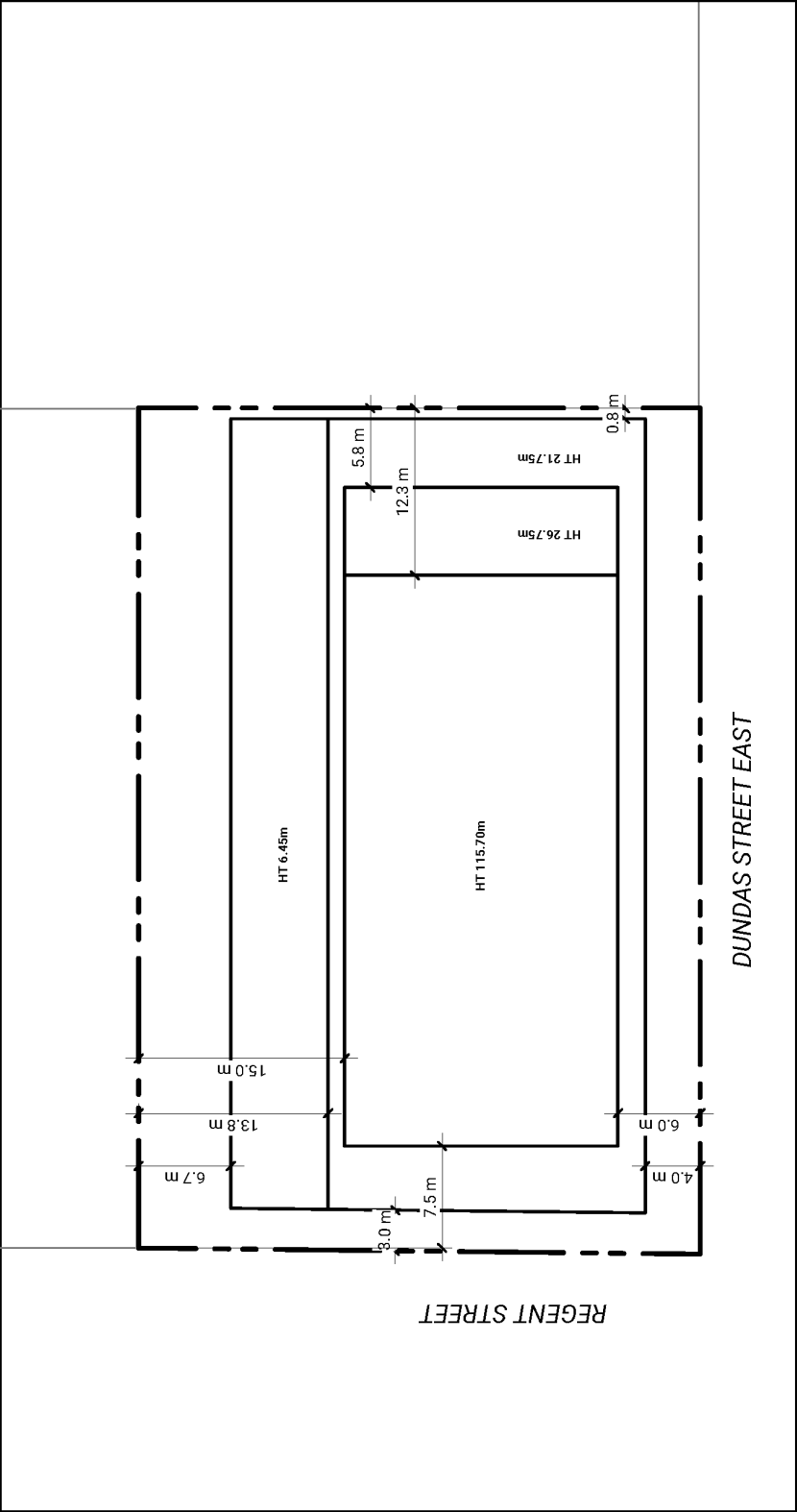
13. Affordable Rental Housing Units may instead be delivered as Affordable Ownership Housing Units, to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.

Map 1



↑
Former City of Toronto By-law 438.8
Not to Scale
06/17/2026

Map 2



Map 2

500 Dundas Street E

File # 26 122451 STE 13 0Z

Former City of Toronto By-law 438.8
Not to Scale
06/18/2026