

Authority: Toronto and East York Community Council Report 9, Clause 6, as adopted by City of Toronto Council on November 30, December 1 and 2, 2004, and Notice of Motion J(33), moved by Deputy Mayor Bussin, seconded by Councillor Rae, as adopted by City of Toronto Council on January 31, February 1 and 2, 2006
Enacted by Council: February 2, 2006

CITY OF TORONTO

BY-LAW No. 161-2006

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 2575 and 2625 Danforth Avenue.

WHEREAS authority is given to Council 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 12(1) of By-law No. 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, is further amended by replacing exception 396 with the following:

“396.

to prevent, in addition to the buildings, structures and uses that existed at the time of passing of this by-law, the erection and use of two *mixed-use buildings* on the *lot*, provided:

- (a) the *lot* comprises those lands delineated by heavy lines on the maps following this exception;
- (b) the combined *residential gross floor area* and *non-residential gross floor area* and *total floor area* of the new buildings shall not exceed:

Building	Residential Gross Floor Area	Non- Residential Gross Floor Area	Total Gross Floor Area
E	11,635 m ²	3,700 m ²	12,550 m ²
F	22,650 m ²	750 m ²	23,350 m ²

- (c) buildings A, C, D and F, as shown on Map 1, will be used exclusively as residential buildings, save and except for the daycare to be located in building F;

- (d) the former Community Centre located within the landscaped courtyard between existing buildings A, B, C and D, and the existing commercial building located to the south of building B and to the east of building C, shall be demolished prior to or in conjunction with the construction of building F and the existing non-residential building to the north of building A shall be demolished prior to the construction of building E;
- (e) a minimum of 600 square metres of indoor amenity space shall be provided and maintained in the development, of which at least 150 square metres shall be provided in the existing buildings;
- (f) no portion of the building above grade is located otherwise than wholly within the “Building Envelopes” as shown on the maps following this exception, with the exclusion of the proposed new garbage facility, any elevated landscaped open space (including the outdoor daycare space), future canopies and awnings and any required exiting stairs;
- (g) the “height” of the building to the top of the roof slab shall not exceed those heights, in metres above grade, following the symbol “H” shown on Maps 2 and 3, but this paragraph does not prevent the erection or use of roof mechanical penthouses to a maximum “height” of 6.0 metres and the mechanical penthouses may have an aggregate horizontal area that does not exceed 40% of the area of the roof of the building;
- (h) parking is provided in accordance with the following tables:

Office:	1 space/93 m ² of net floor area
Retail:	1 space/100 m ² of net floor area
Existing Residential:	
Bachelor Unit	0.3 spaces/unit
One or More Bedroom Unit	0.5 spaces/unit
Visitors	0.06 spaces/unit
New Residential:	
Bachelor Unit	0.3 spaces/unit
One Bedroom Unit	0.5 spaces/unit
Two Bedroom Unit	0.75 spaces/unit
Three or More Bedroom Unit	1.2 spaces/unit
Visitors	0.12 spaces/unit

Type of Use	Morning Demand	Afternoon Demand	Evening Demand
Residential Visitor	0%	35%	100%
Office	100%	60%	0%
Retail	20%	100%	100%

- (i) the bicycle parking, as required by 4(13)(a) shall be provided solely for the non-residential and visitor's components, as they apply to Buildings E and F only;
- (j) a minimum of 30% of the *lot* shall be used as *landscaped courtyard space*;
- (k) the Owner of the *lot* at its expense and in accordance with and subject to the agreement pursuant to Section 37 of the *Planning Act* referred to in this By-law enters into an agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters:
 - (i) the provision of a new non-profit daycare facility for a minimum of 65 children, including both indoor and outdoor space;
 - (ii) the provision of a school aged daycare room for up to 30 children, to be located in a shared tenant amenity space in Building F;
 - (iii) maintain the 1,123 existing rental units for a minimum period of 20 years commencing from the date of Final Approval of the Amending By-laws, making no application for condominium registration or for demolition to construct anything other than rental units;
 - (iv) improvements to the 4 existing rental buildings (A, B, C and D) at least as follows with no cost pass through in rents to the tenants:
 - (a) refurbishing of the lobby entrances of Buildings B and C;
 - (b) a minimum of 150 square metres of amenity space shall be provided in the existing buildings, exclusively for the use of residential tenants;
 - (c) the provision of new loading spaces adjacent to the 4 existing buildings;
 - (d) the construction of a new garbage storage area.
 - (v) construct and maintain Buildings E and F as mixed use buildings and those units that are residential remain as rental for at least 20 years commencing from the date of initial occupancy of each unit subject to the following:
 - (a) no application shall be made for condominium registration or for demolition to construct anything other than rental dwelling units during the 20-year period; if the tax rate were to increase such that the owner is paying more tax than they would if the rental units were registered as a condominium, the owner will have the right to apply for an Official Plan Amendment and Zoning By-law Amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this

- 20-year period, provided that all of the rental dwelling units remain as rental dwelling units until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the designated dwelling units as rental dwelling units;
- (b) as mid-range rental units, the initial rents and the rents upon turnover for all the new dwelling units during the first 5 years of the buildings' occupancy shall be below 1.5 times the average rents by unit type for the City of Toronto as reported by Canada Mortgage and Housing Corporation in their most recent annual Rental Market Survey Report;
 - (c) annual increases to tenants who occupy the units in the initial 5 year period shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, for as long as the tenant remains in the same unit or until the expiry of the 20 year period securing the rental tenure for that unit;
 - (d) rents charged to tenants newly occupying the units after the completion of the 5 year period set forth in (b) will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement;
- (vi) the owner shall provide a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director, Community Planning, Toronto and East York District, prior to the issuance of the first building permit;
 - (vii) building permit issuance for the proposed additional residential buildings shall be dependant upon satisfaction of the provisions in the zoning by-law amendment and in the Section 37 Agreement relating to building permit issuance, including the provision of financial securities, and the provision of the Construction Mitigation and Tenant Communication Strategy;
 - (viii) the agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, shall be registered on title to the lands to which this By-law applies prior to the issuance of any building permit for the proposed additional residential buildings;
 - (ix) a cash contribution of \$175,000.00 to the City for improvements to existing community centres, to be broken down as follows:
 - (a) \$100,00.00 for internal improvements to the Main Square Community Centre;

- (b) \$25,000.00 for landscape improvements to the Main Square Community Centre;
 - (c) \$25,000.00 for the purchase of equipment for the Main Square Community Centre; and
 - (d) \$25,000.00 for the purchase of equipment for the Secord Community Centre.
- (x) the provision of a minimum of 600 square metres of indoor tenant amenity space, of which at least 150 square metres shall be provided in the existing buildings.
 - (xi) the former Community Centre located within the landscaped courtyard between existing buildings A, B, C and D, and the existing commercial building located to the south of building B and to the east of building C, shall be demolished, prior to the construction of Building F.
- (l) with the exceptions of Sections 4(2), 4(3), 4(4), 4(12), 6(1), 6(3) Part I, 6(3) Part II and 6(3) Part III, all other provisions of this by-law are complied with.
2. Nothing shall prevent the conversion of the existing daycare in Building C to residential units once a new daycare facility is provided in building F.
 3. For the purposes of this By-law each word or expression which is italicized has the same meaning as each word or expression contained in By-law No. 438-86, as amended.
 4. For the purpose of this exception the word “height” shall be measured from the existing grade as measured from the point of intersection of the south limit of Danforth Avenue and the east limit of Main Street.
 5. For the purpose of this by-law and for the avoidance of doubt, the gross floor area, building location, height of any existing buildings or structures and any parking facilities on the lot, shall be deemed to comply on the date of passing of this by-law.
 6. Upon the coming into force of this by-law, By-law No. 328-68, and any amendments thereto, is repealed.

ENACTED AND PASSED this 2nd day of February, A.D. 2006.

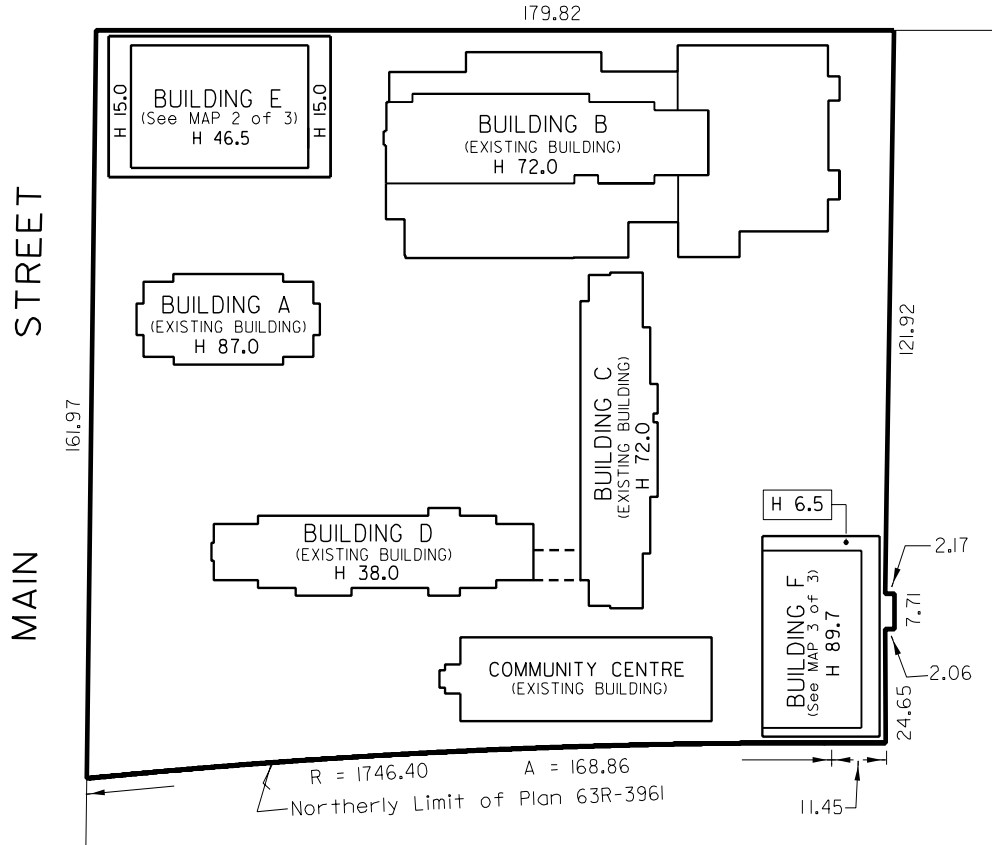
DAVID R. MILLER,
Mayor




ULLI S. WATKISS
City Clerk

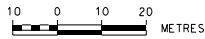
(Corporate Seal)

MAP 1 of 3

DANFORTH AVENUE



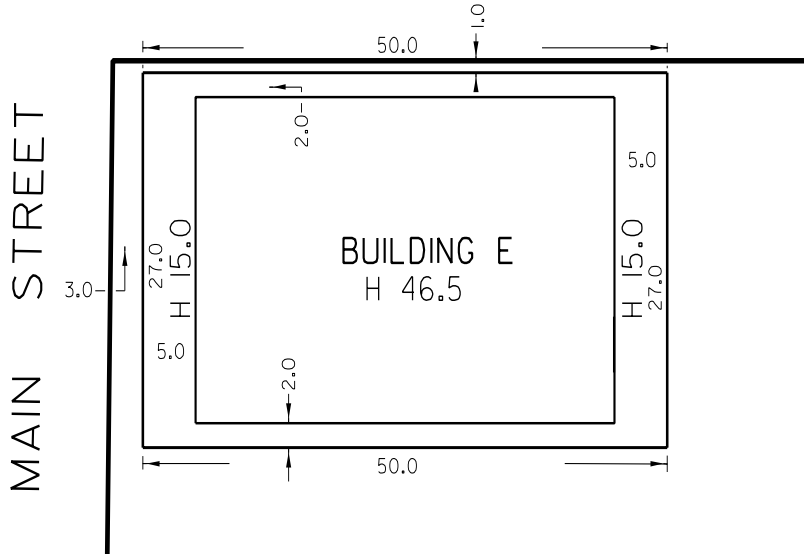
-  LANDS REFERRED TO IN SECTION 12(1)396
(Nos. 2575 and 2625 Danforth Avenue)
 -  EXISTING BRIDGE
 -  BUILDING ENVELOPES
- H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



TECHNICAL SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO JANUARY 2006
 SECTION/S121396A.DGN
 FILES: D2-Z2, 2402.53-3
 MAP No. 54H-323 DRAWN: VG

MAP 2 of 3

DANFORTH AVENUE



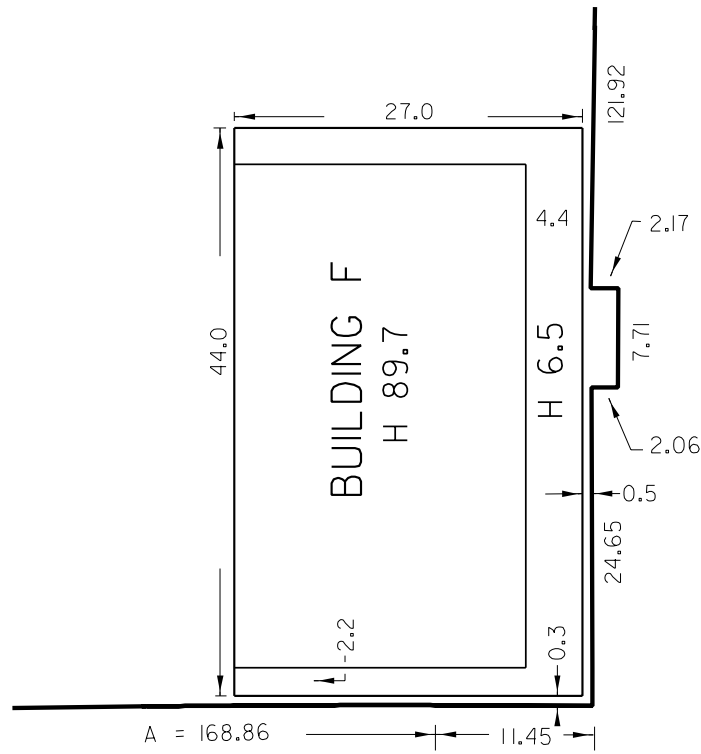
 LANDS REFERRED TO IN SECTION 12(1)396
(Nos. 2575 and 2625 Danforth Avenue)

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



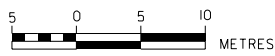
TECHNICAL SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JANUARY 2006
SECTION/S121396B.DGN
FILES: D2-Z2, 2402.53-3
MAP No. 54H-323 DRAWN: VG

MAP 3 of 3



 LANDS REFERRED TO IN SECTION 12(1)396
(Nos. 2575 and 2625 Danforth Avenue)

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



TECHNICAL SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JANUARY 2006
SECTION/S121396C.DGN
FILES: D2-Z2, 2402.53-3
MAP No. 54H-323 DRAWN: VG