

Authority: Toronto and East York Community Council Item 36.25,
as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1027-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 2055 and 2057 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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Sections 4(2)(a), 4 (4), 4(6)(b), 4(12), 6, 8(3)(Part 1) and 8(3)(Part 2) of By-law 438-86 of the former City of Toronto, 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 or use of a *mixed-use building* on the *lot* for:
 - (a) not more than 148 residential units;

- (b) any uses permitted in an MCR district under Zoning By-law No. 438-86, as amended.

provided that:

- (1) the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (2) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, except for the type of structure listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" are complied with:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
eaves or cornices	Required setback area from any lot line	0.45 metres	None
fences and safety railings	Required setback area from any lot line	No restriction	Height of fence or safety railing not to exceed 2.0 metres
exterior insulation and facing material, including any supporting foundation	Required setback area from any lot line	0.16 metres	None
balconies	Required setback area from any lot line	1.7 metres	None

- (3) the *height* of any building or structure, including the mechanical penthouse, as measured from the average grade of the subject property or portion thereof, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;
- (4) the *residential gross floor area* of the building erected on the *lot* does not exceed 10,978 square metres;
- (5) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 626 square metres;
- (6) no individual commercial space shall exceed an area of 255 square metres;

- (7) Provide parking for the residential condominium of this project, in accordance with the following minimum ratios:

<u>Unit Type</u>	<u>Parking Ratio</u>
Bachelor	0.3 space/unit
1 bedroom unit	0.7 space/unit
2 bedroom unit	1.0 space/unit
3 + bedroom units	1.2 space/unit
Visitor parking	0.12 spaces/unit

- (8) Provide one *loading space – type G*.
2. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
3. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
4. 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 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.
5. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Appendix "1"

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. the owner shall make a cash payment to the City in the amount of \$100,000 for improvements to East Lynn Park, such payment to be made prior to execution of the Section 37 agreement or December 31, 2010, whichever occurs first;
2. the owner shall make a cash payment to the City in the amount of \$100,000 for improvements to Stephenson Park, such payment to be made prior to execution of the Section 37 agreement or December 31, 2010, whichever occurs first;
3. the owner shall make a cash payment to the City in the amount of \$100,000 improvements to the Moncur Playground, such payment to be made prior to execution of the Section 37 agreement or December 31, 2009, whichever occurs first;
4. as part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the first 5 storeys of the north and south elevations of the building with materials labelled;
5. the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
6. the owner shall develop and implement to the satisfaction of the Director of Community Planning, Toronto and East York District, an appropriate Construction Mitigation Plan and Communication Strategy prior to the issuance of the first building permit (including excavation permit);
7. the owner shall agree to provide and maintain an irrigation system for the proposed trees within the public road allowances, including an automatic timer designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and construct with backflow preventer to the satisfaction of the General Manager of Parks, Forestry and Recreation; and
8. the owner shall agree to provide any necessary improvements to the municipal infrastructure in connection with the site servicing review, if it is determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services.



