

Authority: Toronto and East York Community Council Item 33.15,  
adopted as amended, by City of Toronto Council on July 8, 9, 10 and 11, 2014

## CITY OF TORONTO

### BY-LAW No. 697-2014

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 2359 Danforth Avenue.**

Whereas authority is given to Council to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to the lands known municipally in the year 2014 as 2359 Danforth Avenue; and

Whereas Council 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 the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, 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 any increase in the 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 or matters as are hereinafter set forth; and

Whereas the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted subject to the provision of the facilities, services or matters set out in this By-law and to be secured by one or more agreements between the *owner* of the lands and the City of Toronto (hereinafter referred to as the "City"); and

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

Whereas Council has required the *owner* of the aforesaid lands to enter into one or more agreements to secure certain facilities, services or matters in connection with the aforesaid lands set forth in the By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreement's pursuant to Section 37(3) of the *Planning Act*.

2. 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 and 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.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86*, as amended shall continue to apply to the *lot*.
5. None of the provisions of Sections 4(2)(a), 4(12), 4(13)(c), (17)(e), 8(3)(Part I), and 8(3)(Part II)(4c) of *By-law No. 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 10-storey *mixed-use building* on the *lot* provided that:
  - (a) 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;
  - (b) 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;
  - (c) the height of any building or structure, as measured from *grade* along the Danforth Avenue frontage 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;
  - (d) notwithstanding Section 5.2 and 5.3 of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the *heights* shown on Map 2:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Eaves, cornices, window sills, vents, ornamental elements	Required setback from <i>lot</i> line	0.2 metres	none

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Fences, Safety railings and Guard rails	Required setback from <i>lot</i> line	No restriction	Height of fence or safety railing not to exceed 1.2 metres
Retractable awnings	Required setback from <i>lot</i> line	No restriction	Projection at the ground floor only
Parapets	Maximum height	1.0 metres	none
Trellis	Maximum height	3 0 metres	Setback a minimum of 3.0 metres from building envelope
Balconies	Maximum height	2.6 metres	On the east and west elevations of the building only, and not within the hatched area shown on Map 2
Terrace and Balcony dividers and planters	Maximum height	3.0 metres	none
Underground garage ramp and their associated structures	Required setback from <i>lot</i> line	No restriction	Maximum vertical projection does not exceed 0.5 metres above finished ground level

- (e) the total combined *residential gross floor area* and *non-residential gross floor area* erected on the lot does not exceed 9,600 square metres;
- (f) the *residential gross floor area* of the building erected on the *lot* does not exceed 9,120 square metres;
- (g) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 480 square metres;
- (h) a minimum of 100 square metres *residential amenity space - indoor* and 70 square metres of *residential amenity space - outdoor* is provided and maintained on the *lot*;
- (i) the total number of *parking spaces* that do not comply with Section 4(17)(e) of By-law No. 438-86 may not exceed nine, of which one may have a width of 2.6 metres, two may have a width of 2.5 metres, four may have a width of 2.389 metres notwithstanding that they are obstructed on one side by a wall or column extending beyond 1.0 metres from the front of the parking space and, and two may have a length of 5.388 metres;

- (j) a minimum of 144 bicycle parking spaces shall be provided, consisting of 104 spaces for residents, 29 spaces for residential visitors and 12 spaces for the retail component; and
  - (k) provide drive aisles which have direct access to a parking space with maximum slopes of 5.0 percent.
- 6.** For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86 of the former City of Toronto, as amended, with the exception of the following:
- (a) "*lot*" means those lands outlined on Map 1 attached hereto; and
  - (b) "*grade*" means the established grade on the on the Danforth Avenue frontage of 128.75 metres above Canadian Geodetic Datum.
- 7.** 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.
- 8.** Former City of Toronto By-law No. 209-91, being "A By-law to amend By-law No. 438-86 respecting certain lands known as No. 2359 Danforth Avenue", is repealed.

Enacted and passed on July 11, 2014.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**APPENDIX 1**

## Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City of Toronto at the owner's expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit, other than for a temporary sales office, the *owner* shall make a cash contribution to the City in the amount of \$230,000.00 which will be used by the City for the following:
  - (i) \$150,000 to be deposited with the City for a Public Art Program, administered by the City's Culture Division, in the vicinity of the development site; and
  - (ii) \$80,000 towards improvements to Stephenson Park.
2. In the event the cash contributions referred to in Section 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The cash amounts identified in 1 (i) and (ii) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.



