

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. 698-2014**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as 2359 Danforth Avenue.**

Whereas authority is given to Council 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 has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; 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 Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an 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 and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding a new (B) to Article 900.11.10 (2219), under the heading 'Site Specific Provisions:' so that it reads:

## Site Specific Provisions:

- (B) On 2359 Danforth Avenue, if the requirements of Section 4 of By-law No. 698-2014 are complied with then a building of structure may be constructed in compliance with the following development standards:
- (i) The requirements of former City of Toronto By-law No. 209-91 do not apply;
  - (ii) None of the provisions of 5.10.40.70 (1) and (2), 40.5.1.10 (3)(a)(ii), 40.5.40.10 (4), (5), and (7), 40.10.20.40 (1)(B) and (D), 40.10.20.100 (17), 40.10.40.10 (2), 40.10.40.40 (1)(A) and (C), 40.10.40.50 (1), 40.10.40.60 (1)(A) and (C), 40.10.40.60 (5), (7), (8), and (9), 40.10.40.70 (2)(B), (C), (E)(ii), (F)(ii) and (iii), and (G), 40.10.40.70 (5), 40.10.40.80 (2), 200.5.1.10, 200.5.10.1, 230.10.1.20 (2) and (3), and 230.40.1.20 (2) and (3) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in by (B) (i) through (x) below;
  - (iii) No portion of any **building** or **structure** is located otherwise than wholly within the areas delineated by heavy lines shown on Diagram 2 of By-law No. 698-2014;
  - (iv) The height of any **building** or **structure**, as measured from the Canadian Geodetic Datum elevation of 128.75 metres, does not exceed the height in metres specified by the numbers following the symbol H on Diagram 2 of By-law No. 698-2014;
  - (v) Despite Section (B) and (C), the following **building** elements and structures are permitted to extend above the heights shown on Diagram 2 of By-law No. 698-2014 and may encroach into a required building setback as follows:
    - (a) Eaves, cornices, window sills, vents, ornamental elements a maximum projection of 0.2 metres from the required setback from the **lot** line;
    - (b) Fences, safety railings and guard rails not more than 1.2 metres above the maximum height;
    - (c) Retractable awnings not above the first storey;
    - (d) Parapets a maximum of 0.6 metres above the maximum height;
    - (e) Trellis a maximum of 3.0 metres high, if setback 3.0 metres plus the required building setback shown on Diagram 2 of By-law No. 698-2014;

- (f) Balconies a maximum projection of 2.6 metres from the required setback from the **lot** line on the east and west elevations of the building only, and not within the hatched area shown on Diagram 2;
  - (g) Terrace and Balcony dividers and planters rails not more than 3.0 metres above the maximum height; and
  - (h) Underground garage ramp and their associated structures a maximum projection from the required setback from the lot line of not more than a vertical projection of 0.5 metres above finished ground level;
- (vi) The total **gross floor area** on the lot does not exceed:
- (a) 9,600 square metres for all **buildings**;
  - (b) 9,120 square metres for the residential **gross floor area** of the **building**; and
  - (c) 480 square metres for the non-residential **gross floor area** of the **building**;
- (vii) A minimum of 100 square metres indoor **amenity space** and 70 square metres of outdoor **amenity space** is provided and maintained on the **lot**;
- (viii) A maximum of nine parking spaces may are not required to comply with the required parking space dimensions, 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;
- (ix) The requirement of long-term bicycle parking spaces and short term parking spaces are satisfied through the provision 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
- (x) Provide **drive aisles** which have direct access to a **parking space** with maximum slopes of 5.0 percent.

Prevailing By-laws and Prevailing Sections: (None Apply)

#### 4. 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 density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law

No. 698-2014 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 11, 2014.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
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 of Toronto at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law 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 an above grade building permit the owner shall provide a cash contribution of \$230,000 which is to be used 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 have 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 subsections 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.



