

Authority: Toronto and East York Community Council Item TE18.6, adopted as amended, by City of Toronto Council on October 5, 6 and 7, 2016

CITY OF TORONTO

BY-LAW No. 978-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 2301 and 2315 Danforth Avenue.

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*; 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 By-law 978-2016.
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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lot outlined by heavy black lines to CR 3.0(c2.0; r2.5)SS2(x73) as shown on Diagram 2;

Exception CR 73

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 2301 and 2315 Danforth Avenue, if the requirements of Section 4 and Schedule A of By-law 978-2016 are complied with then a **building** or **structure** may be constructed in compliance with regulations (B) to (N) below;
- (B) On 2301 and 2315 Danforth Avenue, if the requirements of By-law 978-2016 are complied with, none of the provisions of 40.10.40.1, 40.10.40.10(5), 40.10.50.10(3), 40.10.80.20(2), 40.5.40.70, and 200.5.1.10(2)(B) apply to prevent the erection or use of a **building**, **structure**, addition or enlargement permitted in By-law 978-2016 provided the **building** or **structure** complies with subsections (C) to (N) of By-law 978-2016;
- (C) Despite Section 40.10.40.70 and 40.10.40.80, no portion of any **building** or **structure** is located otherwise than wholly within the areas delineated by heavy lines shown on Diagram 3 of By-law 978-2016;
- (D) The height of a **building** or **structure**, is measured from the Canadian Geodetic Datum elevation of 131.3 metres in the year 2016;
- (E) Despite section 40.10.40.10, no portion of the **building** may exceed the height in metres specified by the numbers following the symbol H on Diagram 3 of By-law 978-2016;
- (F) Despite Section 40.10.40.60, the following **building** elements and **structures** are permitted to extend into required **building** setbacks shown on Diagram 3 of By-law 978-2016 as follows:
 - (i) Eaves, cornices, window sills, vents, ornamental elements a maximum projection of 0.2 metres from the required setback from the **lot** line;
 - (ii) Canopies on the ground floor north elevation only may extend a maximum of 2.5 metres and may extend beyond the **lot** line;
 - (iii) Architectural elements on the north, east, and west elevations may extend a maximum of 0.5 metres beyond the balconies;
 - (iv) Balconies encroach a maximum of 2.6 metres into a required **building setback** on the north, south, and east elevations of the **building** only; and
 - (v) Underground garage **structure** may encroach to the property line as shown on Diagrams 1 and 3 of By-law 978-2016;

- (G) Despite Section 40.5.40.10, the following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 3 of By-law 978-2016 as follows:
- (i) Roof-top parapets a maximum of 1.0 metres above the maximum height;
 - (ii) Architectural elements on the north, east, and west elevations to a maximum of the building height; and
 - (iii) Trellis a maximum of 3.0 metres high, if setback 3.0 metres from the interior face of the main wall as shown on Diagram 3 of By-law 978-2016; and
 - (iv) Stairwell enclosures on the roof to a maximum of 3.0 metres;
- (H) The maximum number of **dwelling units** permitted is 170;
- (I) Despite Section 40.10.40.40, the total gross floor area must not exceed:
- (i) 12,175 square metres for all **buildings**;
 - (ii) 11,795 square metres for the residential **gross floor area** of the **building**; and
 - (iii) 390 square metres for the non-residential **gross floor area** of the **building**;
- (J) Despite Section 40.10.40.50, minimum amenity space must be provided and maintained accordingly:
- (i) 270 square metres indoor; and
 - (ii) 340 square metres outdoor;
- (K) Despite Section 200.5.10.1, the minimum number of required **parking spaces** for 170 **dwelling units** and 390 square metres of non-residential uses is 105, of which:
- (i) 10 **parking spaces** must be exterior visitor parking spaces; and
 - (ii) 2 of the exterior **parking spaces** may be used for a **car-share parking space**;
- (L) Despite Chapter 220, a minimum of one **loading space - Type G** must be provided and maintained on the **lot** to serve both residential uses and non-residential uses on the **lot**;
- (M) A **temporary sales presentation centre** may be permitted on the **lot**, and none of the other provisions of By-law 978-2016 apply to such use;

- (N) For the purposes of By-law 978-2016 the terms set forth in bold type must have the same meaning as such terms have for the purposes of By-law No. 569-2013 as amended, except that the following definitions must apply:
- (i) "*car-share motor vehicle*" shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
 - (ii) "*car-share parking space*" shall mean a **parking space** used exclusively for the parking of a *car-share motor vehicle*; and
 - (iii) "*temporary sales presentation centre*" shall mean an office, *showroom* or sales trailer used exclusively for the initial sale and/or initial leasing of **dwelling units** or non-residential units to be erected on the **lot**.

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 attached hereto 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; and
- (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 October 7, 2016.

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 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. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor pursuant to Section 37 of the Planning Act, to secure the following facilities, services and matters:
 - (i) a cash contribution in the amount of \$400,000.00 payable prior to the issuance of the first above-grade building permit, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, to be used for improvements to local parks; and
 - (ii) in the event the cash contributions referred to in Section (i) above 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, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (i) the Owner shall provide and maintain 14 residential rental dwelling units on the subject site as rental housing for a period of at least 20 years, comprising 4 bachelor and 10 one-bedroom units, as shown on the plans submitted to the City Planning Division dated July 5, 2016 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Of these units, at least 2 bachelor and 5 one-bedroom units shall have 80 percent of affordable rents, which shall be offered to tenants on the centralized waiting list for housing; and 2 bachelor and 5 one-bedroom units shall have affordable rent, which may be offered to tenants on the centralized waiting list for housing; Rents will be secured for at least a 10 year period. Commencing in year 11, any new tenants may be charged unrestricted market rents;
 - (ii) the Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the rental replacement units outlined above and as detailed in the draft Zoning By-law Amendments which are Attachment No. 9 and 10 to the report (August 12, 2016) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

- (iii) the Owner shall enter into and register a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 14 replacement residential rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.

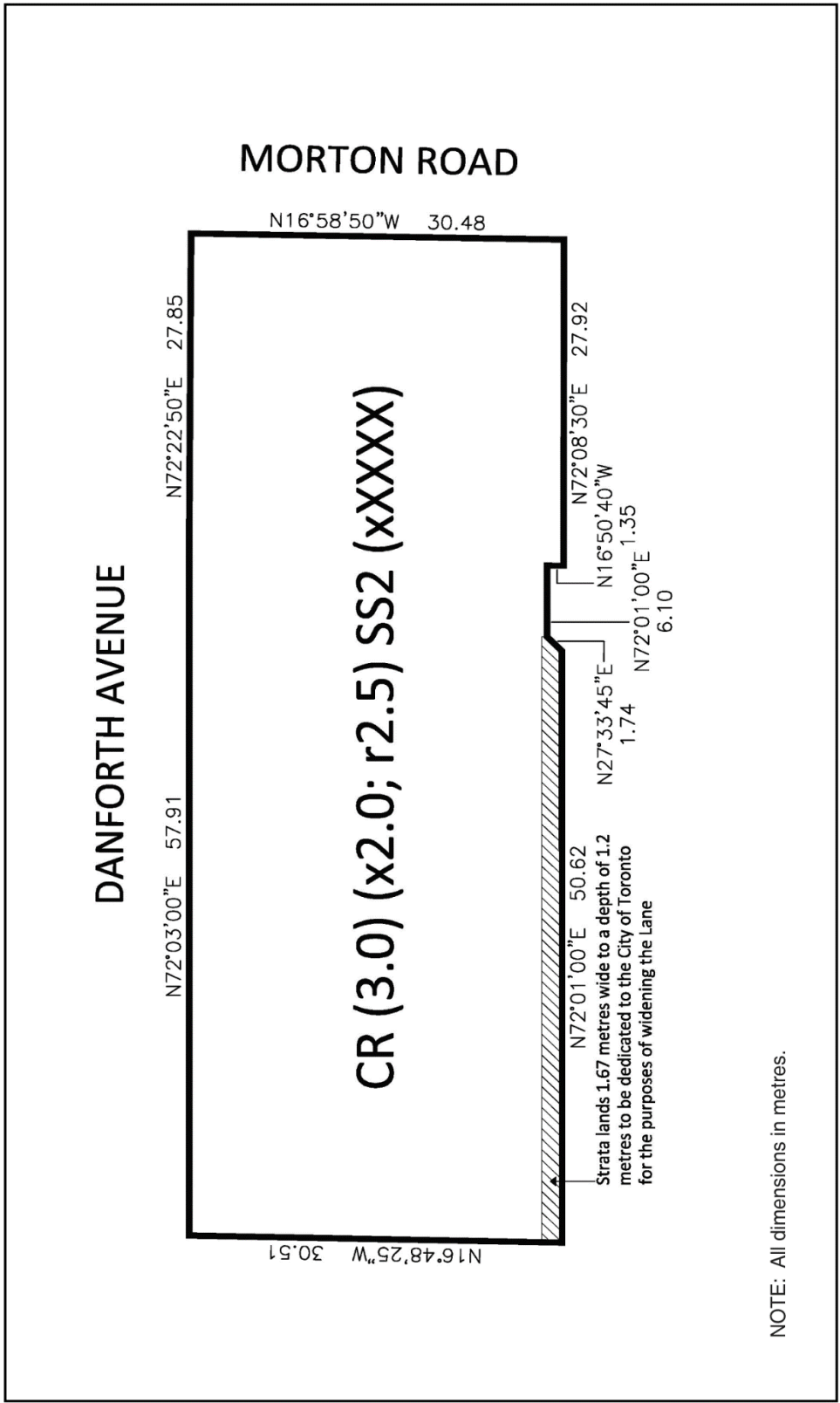
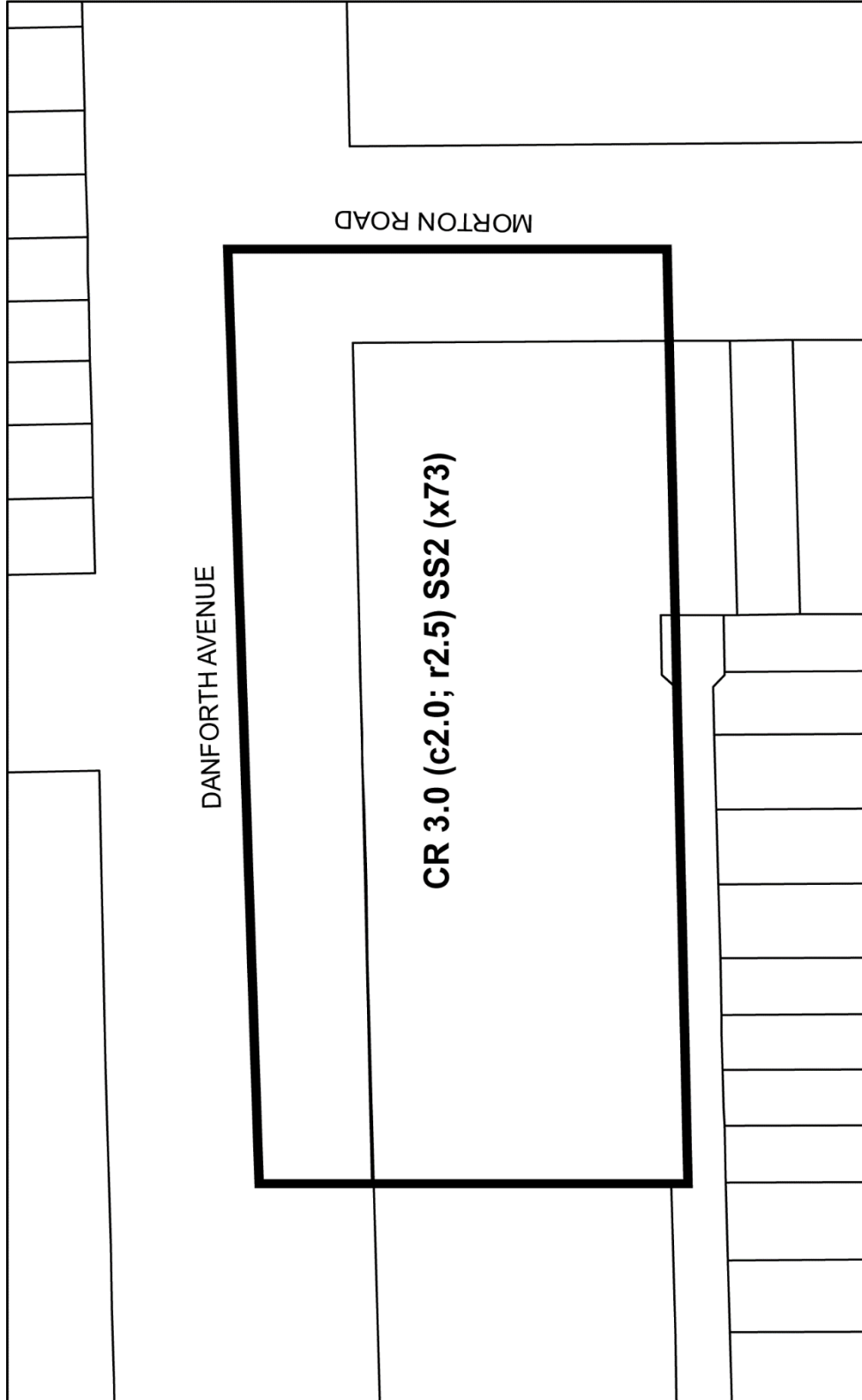


Diagram 1

2301-2315 Danforth Avenue

File # 15 242710 STE 32 0Z

City of Toronto By-Law 569-2013
Not to Scale
07/13/2016



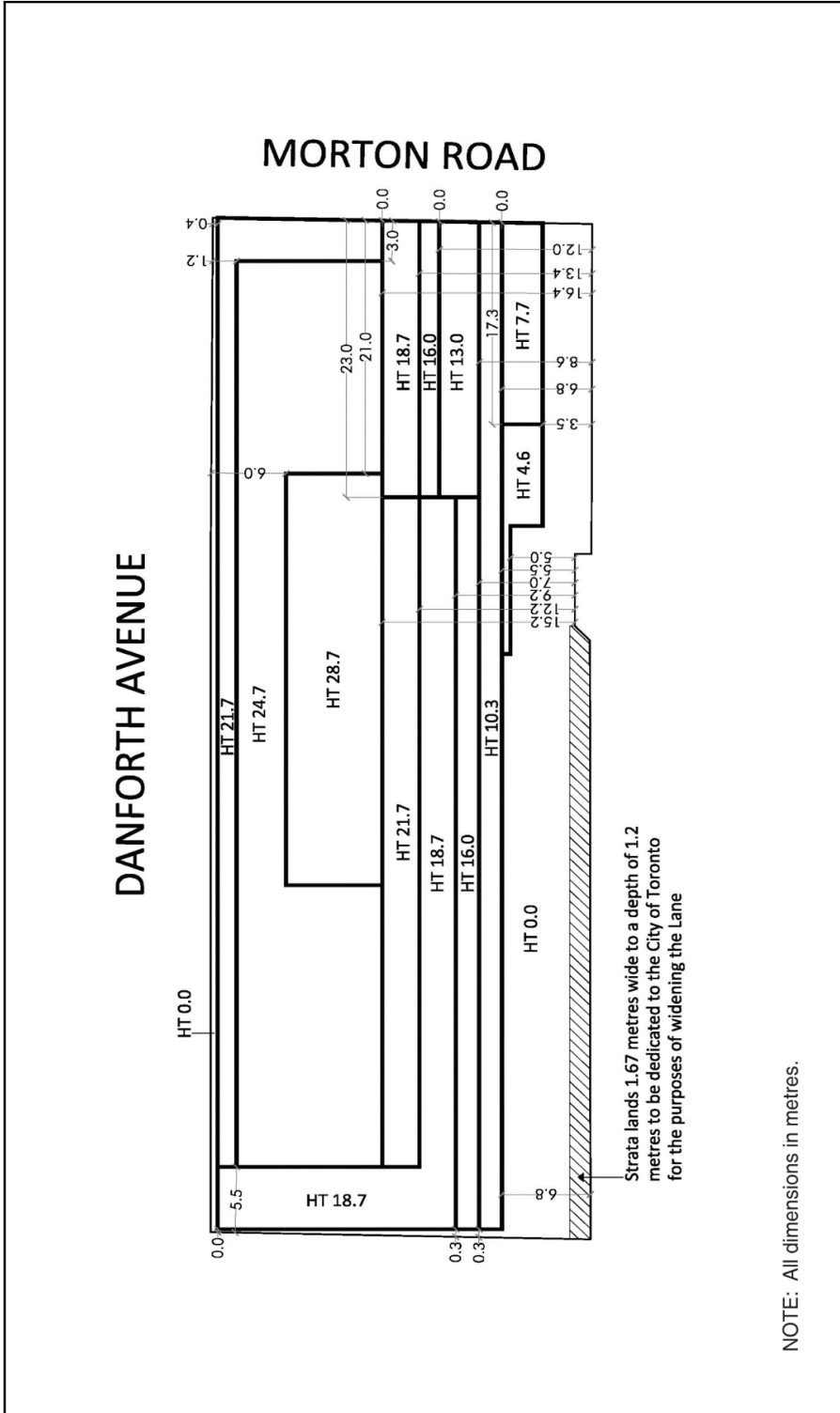
2301-2315 Danforth Avenue

Diagram 2

File # 15 242710 STE 32 0Z



Not to Scale
Extracted: 08/18/2016



NOTE: All dimensions in metres.

