

Authority: Toronto and East York Community Council Item 25.11,
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013

CITY OF TORONTO

BY-LAW No. 1072-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally as 145 and 185 Davenport Road.

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 such 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 or 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 matter 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, a 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. 438-86, 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. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in *height* and density of development on the *lot* is permitted in return for the *owner's* election to provide, at the *owner's* expense, the facilities, services and matters set out in Appendix 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *Lands*.

3. Where Appendix 1 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. 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 Appendix 1 are satisfied.
4. None of the provisions of Section 2(1) with respect to the definition of *grade* and *height* and Sections 4(2)(a), 4(5)(b), 4(5)(i), 4(12), 4(16), 8(3) PART I 1, 2 and 3, 8(3) PART II 1(a), 8(3) PART II 2(a), 8(3) PART III 1(a), 12(2) 132, 12(2) 137 of Zoning By-law No. 438-86, as amended, 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", shall apply to prevent the erection and use on the lands shown delineated by heavy lines on Map 1 attached hereto of a *mixed use building* and *accessory* uses thereto on the lands shown delineated by heavy lines on Map 1 (hereinafter referred to as the *lot*), provided that:
 - (a) the *lot* on which the building is to be located comprises at least those lands within the heavy line on Map 1, attached to and forming part of this By-law;
 - (b) the total aggregate *non-residential gross floor area* and *residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 11,150 square metres;
 - (c) the *residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 10,650 square metres;
 - (d) the *non-residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 1,140 square metres;
 - (e) no portion of any building or structure on the *lot* is permitted have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, except for:
 - (i) parapets, railings, roof drainage, thermal insulation and roof ballast terraces, terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, wall or structure enclosing such elements and railings extending to a maximum vertical projection of 1.2 metres above the *height* limits shown on Map 2; and
 - (ii) window washing equipment, stair towers, partitions, landscape elements, green roof elements, lighting fixtures, vents, flues, pipes, access roof hatch, generators, outdoor furniture, heating, cooling or ventilating equipment or a fence, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may extend above the *height* limits shown on Map 2;

- (f) no portion of any building or structure erected and used above *grade* on the *lot* 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, subject to the following:
 - (i) cornices, canopies, terraces, entry portals, eaves, guardrails, landscape elements, ornamental elements, trellises, retaining walls, lighting fixtures, stairs and railings, ramps, window washing equipment and vents may project beyond the heavy lines shown on Map 2; and
 - (ii) balconies may project beyond the heavy lines shown on Map 2 into the shaded areas identified as Zone A, Zone B, Zone C, Zone D and Zone E on Map 3, attached to and forming part of this By-law, to a maximum horizontal projection of 1.6 metres;
- (g) *residential amenity space* is provided in accordance with the following:
 - (i) a minimum of 190 square metres of indoor *residential amenity space* is provided, of which 30 square metres of indoor *residential amenity space* may be provided in the form of a guest suite; and
 - (ii) a minimum of 60 square metres of outdoor *residential amenity space* is provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (h) *parking spaces* must be provided and maintained below *grade* on the *lot* in accordance with the following:
 - (i) 0.3 *parking space* for each *bachelor dwelling unit*;
 - (ii) 0.5 *parking space* for each one *bedroom dwelling unit*;
 - (iii) 0.8 *parking space* for each two *bedroom dwelling unit*;
 - (iv) 1.0 *parking space* for each three or more *bedroom dwelling unit*;
 - (v) a minimum of 12 *parking spaces* shall be provided for residential visitor use;
 - (vi) a minimum of 3 *parking spaces* shall be provided for *non-residential gross floor area* used for retail purposes;
 - (vii) a minimum of 0.35 *parking space* shall be provided for each 100 square metres of *non-residential gross floor area* used for office purposes;
- (i) a *commercial parking garage* is permitted on the *lot*;
- (j) *parking spaces* required for residential visitors and *non-residential gross floor area* are permitted to be located within a *commercial parking garage*;

- (k) on walls parallel to the south *lot* lines, east *lot* line and west *lot* lines as identified on Map 2, windows for *dwelling units* are not permitted to be located closer than:
 - (i) 4.6 metres of the south *lot* lines;
 - (ii) 2.3 metres of the east *lot* line; and
 - (iii) 7.1 metres of the west *lot* lines;
 - (l) notwithstanding the definition of *bicycle parking space - occupant* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors may be provided outside of a secured room;
 - (m) notwithstanding the definition of *bicycle parking space - visitor* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors may be provided within a secured room.
5. For the purpose of this By-law, the terms set forth in italics have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except that the following definitions shall apply:
- (a) "*grade*" means 118.44 metres Canadian Geodetic Datum; and
 - (b) "*height*" means the vertical distance between *grade* and the highest point of the building or structure, excluding permitted projections identified in section 5(e) of this By-law.
6. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law apply to the whole lot as if no severance, partition or division occurred.

Enacted and passed on July 19, 2013.

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 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. Within 30 days of the Site Specific Zoning By-law coming into full force and effect, the *owner* shall make the following payments to the City:
 - (a) An indexed payment of \$200,000. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with 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.
 - (b) An indexed payment of \$100,000. The funds are to be used towards capital improvements to Ramsden Park, to the satisfaction of the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor, with 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.
2. Prior to the issuance of an above-grade building permit, the *owner* shall make the following payments to the City:
 - (a) An indexed payment of \$150,000. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with 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.
 - (b) An indexed payment of \$450,000. The funds are to be used for streetscape improvements, specifically the utility burial initiative to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, with 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.
 - (c) An indexed payment of \$100,000. The funds are to be used towards capital improvements to affordable housing in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, with 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.

3. The *owner* shall provide and maintain the following:
- (a) The *owner* shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials, including but not limited to limestone and brick, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - (b) The *owner* shall provide and maintain an at-grade "pet friendly" area with disposal facilities for the residents of the proposed building and the mixed-use building to the immediate west to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - (c) The *owner* shall provide and maintain privacy screening and/or landscaping on the second floor patio to the satisfaction of the Chief Planner and Executive Director, City Planning Division.





