

Authority: MM5.9, moved by Councillor Glenn De Baeremaeker, seconded by Councillor Jim Karygiannis, as adopted by City of Toronto Council on March 31, April 1 and 2, 2015 and Scarborough Community Council Item SC34.30, adopted as amended, by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 392-2015

To amend former City of Scarborough Eglinton Community Zoning By-law No. 10048, as amended, with respect to the lands municipally known as 1340, 1350 and 1360 Danforth Road.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of *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 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, 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. **SCHEDULE "A"** of the Eglinton Community Zoning By-law No. 10048 is amended by deleting the existing zoning applying to the lands.
2. **SCHEDULE "A"** of the Eglinton Community Zoning By-law No. 10048 is amended by substituting new zoning on the subject lands as shown on Schedule 'A' (Schedule 'I' of this By-law) attached hereto and forming part of this By-law, together with the following letters and numerals:

A-25-32-83-89-445-446-448-451-453-455-457-458-510

A-441-442-443-444-445-447-449-450-452-454-456-457-458-511-512-513-514-515

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3. **SCHEDULE "B", PERFORMANCE STANDARD CHART** of the Eglinton Community Zoning By-law No. 10048, is amended by adding the following Performance Standards:

MISCELLANEOUS

Height of Buildings

441. Notwithstanding the definition of **height** in **CLAUSE V INTERPRETATION, Section (f), Definitions**, for the purposes of this by-law, the **height** of a building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law), is measured from an established grade of 158.8 metres and the elevation of the highest point on the building excluding, mechanical penthouse, elevator machine rooms, chimneys, skylights, vents, antennae, and parapet walls. Established grade means the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01 metres past each side lot line.
442. Maximum **height** of any building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law), shall not exceed 52.0 metres.
443. Mechanical penthouses, elevator machine rooms chimneys, vents, skylights, antennae, and parapet walls located on any building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law), shall not exceed a height of 5.0 metres.

Frontage on a Street

444. For any building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law), **CLAUSE VI, PROVISIONS FOR ALL ZONES, Section 4, Frontage on a Street**, shall not apply.

Vehicle Parking Spaces

445. The following provisions of **CLAUSE VII, GENERAL PARKING REGULATIONS FOR ALL ZONES**, are not applicable:
- 2.1.4(c) and (d) Garages, Carports and Accessory Buildings
446. Notwithstanding **CLAUSE VII, GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 2.1.1, Street Yard Parking** for buildings on "Parcel A" as shown on Schedule 'A' (Schedule '1' of this By-law), a maximum of 25 vehicle parking spaces may be located in any **street yard**.
447. Notwithstanding **CLAUSE VII, GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1.3.1(b), Parking Space and Driveway Dimensions**, the minimum required width of a **parking space** on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law), shall be increased by 0.2 metres when both sides of the **parking space** is obstructed. All other provisions of this section shall apply.

448. Vehicle **parking spaces** shall be provided on "Parcel A" as shown on Schedule 'A' (Schedule '1' of this By-law), as follows:
- i) A minimum of 390 resident **parking spaces** for buildings located on "Parcel A" as shown on Schedule 'A' (Schedule '1' of this By-law); and
 - ii) A minimum 44 visitor **parking spaces** for buildings located on "Parcel A" as shown on Schedule 'A' (Schedule '1' of this By-law).
449. Vehicle **parking spaces** shall be provided on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law), as follows:
- i) Minimum 0.64 resident **parking spaces** for each **dwelling unit** for buildings located on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law); and
 - ii) Minimum 0.12 visitor **parking spaces** for each **dwelling unit** for buildings located on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law).

Bicycle Parking Spaces

450. For a building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law), residential and visitor bicycle parking spaces shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker and shall be provided as follows:
- i)
 - (a) Minimum 0.6 Long-Term bicycle parking spaces within the building for each **dwelling unit**; and
 - (b) Minimum 0.15 Short-Term bicycle parking spaces at grade for each **dwelling unit**.
 - ii) Meaning of Long-Term and Short-Term Bicycle Parking Spaces:
 - (a) Long-Term bicycle parking spaces are for use by the occupants of a building; and
 - (b) Short-Term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.
 - iii) Where the bicycles are to be parked in a horizontal position (on the ground), the space shall have horizontal dimensions of at least 0.6 metres by 1.8 metres per bicycle and a vertical dimension of at least 1.9 metres.
 - iv) Where the bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 metres by 1.9 metres per bicycle and a vertical dimension of at least 1.9 metres.

Dwelling Units

451. Maximum - 578 **dwelling units** for lands identified as "Parcel A", as shown on Schedule 'A' (Schedule 'I' of this By-law).
452. Maximum - 277 **dwelling units** for lands identified as "Parcel B", as shown on Schedule 'A' (Schedule 'I' of this By-law).

Gross Floor Area

453. The maximum **gross floor area** for all buildings on "Parcel A" as shown on Schedule 'A' (Schedule 'I' of this By-law), shall not exceed 66,100 square metres.
454. The maximum **gross floor area** for all buildings on "Parcel B" as shown on Schedule 'A' (Schedule 'I' of this By-law), shall not exceed 21,800 square metres.

Amenity Space

455. Indoor amenity space for the residents of all buildings on "Parcel A" as shown on Schedule 'A' (Schedule 'I' of this By-law), shall be provided as follows:
- i) A minimum 149.0 square metres of indoor amenity space shall be provided on the ground floor in the building known municipally as 1340 Danforth Road;
 - ii) A minimum 224.0 square metres of indoor amenity space shall be provided on the ground floor in the building known municipally as 1350 Danforth Road; and
 - iii) A minimum of 61.0 square metres of indoor amenity space shall be provided in the building known municipally as 1360 Danforth Road.
456. For all buildings on "Parcel B" as shown on Schedule 'A' (Schedule 'I' of this By-law), indoor and outdoor amenity space shall be provided as follows:
- i) A minimum of 1.2 square metres for each **dwelling** shall be provided as indoor amenity space; and
 - ii) A minimum of 1.0 square metre for each **dwelling** shall be provided as outdoor amenity space.

Distance between Main Walls of Buildings on "Parcel A" and "Parcel B"

457. The distance between the **main wall** of the building on "Parcel A" to a **main wall** of building on "Parcel B" as shown on Schedule 'A' (Schedule 'I' of this By-law), shall be a minimum of 40.0 metres.

Provisions to Apply Collectively

458. The provisions of the By-law shall apply collectively to this land, notwithstanding its future division into three or more parcels of land.

BUILDING SETBACKS

510. **Main wall** building setbacks for a building on "Parcel A" as shown on Schedule 'A' (Schedule '1' of this By-law):
- i) Minimum 19.0 metres from the north lot line;
 - ii) Minimum 21.0 metres from the south lot line;
 - iii) Minimum 12.0 metres from the east lot line; and
 - iv) Minimum 3.5 metres from the west lot line.
511. **Main wall** building setbacks from the north lot line for a building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law):
- i) Minimum 22.0 metres from the north lot line at the 1st storey to the 17th storey above grade; and
 - ii) Minimum 20.0 metres from the north lot line at the 18th storey.
512. **Main wall** building setbacks from the south lot line for a building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law):
- i) Minimum 0.0 metres from the south lot line at the 1st storey to the 17th storey above grade; and
 - ii) Minimum 2.0 metres from the south lot line at the 18th storey.
513. **Main wall** building setbacks from the east lot line for a building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law):
- i) Minimum 36.0 metres from the east lot line at the 1st storey to the 18th storey above grade.
514. **Main wall** building setbacks from the west lot line for a building on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law):
- i) Minimum 4.0 metres from the west lot line at the 1st storey to the 18th storey above grade.
515. Notwithstanding the definition of **Main wall** in **CLAUSE V - INTERPRETATION** balconies, cornices, vertical architectural wing walls and horizontal architectural wing walls may project to a maximum of 1.75 metres for a building located on "Parcel B" as shown on Schedule 'A' (Schedule '1' of this By-law).
4. **SCHEDULE "C", EXCEPTIONS MAP**, is amended by adding the following Exception No. 72 for the lands shown on the accompanying Schedule "C" Map (Schedule '2' of this Zoning By-law):

72. On lands identified as "Parcel A" and "Parcel B" identified as Exception 72, the following provisions shall apply:
1. 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 contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters 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 lot, to the satisfaction of the City Solicitor:
 - (a) prior to issuance of the first above-grade building permit for a building or structure on the lot on Parcel B, the owner shall make a cash contribution to the City in the amount of \$450,000.00 which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment as follows:

A total of \$450,000.00 as follows:

 - (1) \$100,000 for improvements to Bendale Library (including decorative fencing around the reading garden and computer upgrades for library users);
 - (2) \$100,000 for improvements to the 45 Trudelle Street Park/Piazza;
 - (3) \$100,000 for Toronto Community Housing Corporation and/or Tropicana Community Services and/or the South Asian Autism Awareness Centre for playground/daycare/facility/office/program improvements at 3171/3181 Eglinton Avenue East and/or 400 McCowan Road (including the Children of Tomorrow Day Care) and/or 1970 Ellesmere Road (including recreational and program improvements for the autism centre);
 - (4) \$100,000 for Knob Hill/Bendale Library/McCowan Park improvements; and
 - (5) \$50,000 to Toronto Animal Services for improvements to the Feral Cat Recovery Centre.
 - (b) The following improvements and amenities will also be secured as community benefits in the Section 37 Agreement, with no cost pass-through to residents of the existing buildings, all to the satisfaction of the Chief Planner, Executive Director of City Planning and the City Solicitor:
 - (1) the owner of the existing 566 unit residential rental buildings, known as 1340, 1350 and 1360 Danforth Road,

- shall agree to secure the tenure of all existing units as well as the proposed new 12 units in the three existing rental buildings as rental housing, with no applications for demolition or conversion of the existing and proposed rental units to a non-rental purpose for a period of 20 years commencing from the date of Council's decision;
- (2) the owner, on or before the 183rd day following the issuance of the first above-grade building permit, will provide no less than 134 square metres (1,442 square foot) of multi-purpose amenity space within the building at 1340 Danforth Road, on the ground floor (at-grade level). The applicant will provide furnishings and finishes appropriate to its use, including washroom facilities for the use and enjoyment of all residents of the rental buildings at 1340, 1350 and 1360 Danforth Road;
 - (3) the owner, on or before the 183rd day following the issuance of an above-grade building permit, will provide for the use and enjoyment of all residents of the rental buildings at 1340, 1350 and 1360 Danforth Road, prior to the first above-grade building permit on Parcel B, an amenity space of at least 90 square metres (969 square foot) in the building at 1360 Danforth Road with furnishings and finishes appropriate to its use;
 - (4) prior to the issuance of the first above-grade building permit on Parcel B, the owner shall submit a letter of credit for 120 percent of the value of the matters set out in 1(b)(2) and 1(b)(3) above, to the satisfaction of the Chief Planner;
 - (5) the owner will continue to provide and maintain an amenity space of 224 square metres (2,411 square feet) within the building at 1350 Danforth Road for the use and enjoyment of all residents of the rental buildings at 1340, 1350 and 1360 Danforth Road with furnishings and finishes appropriate to its use;
 - (6) the owner shall ensure that the amenity space mentioned in 1(b)(2), (3) and (5) above will continue to be used for amenity purposes without the loss of existing rental units in a location agreeable to the Chief Planner, with the provisions of the Zoning By-law, with no application to be made by the owner or subsequent owner to amend the amenity space provisions of the Zoning By-law for at least 20 years, without the consent of the Chief Planner;
 - (7) prior the issuance of the first above-grade building permit on Parcel B, the owner will provide for the enhancement of each laundry room in the buildings existing on Parcel A at

the time of Council's decision, appropriate seating, security cameras painting and furnishings and finishes appropriate for its use;

- (8) the owner will provide and maintain a play area for the casual, everyday use and enjoyment of all the residents and occupants of the four buildings, not later than the occupancy of the new building on Parcel B, to be not less than 150 square metres (1,614 square feet) in area with play structures/equipment, and located to the north of the existing building at 1350 Danforth Road. The Section 37 Agreement shall include details respecting legal access for all residents of all buildings to the play space area/structures, continued maintenance, and shall include provisions respecting legal access for the condominium corporation of the new building for maintenance access to the play area/structures; and
 - (9) the owner will provide a barbeque pit amenity area with a minimum of two barbeque pits, two picnic tables, one chess/checkerboard table and a shade structure for the casual use and enjoyment of all the residents and occupants of the four buildings on the site and not later than the occupancy of the new building on Parcel B.
- (c) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development, with no cost pass-through to residents of the existing rental buildings, all to the satisfaction of the Chief Planner, Executive Director of City Planning and the City Solicitor:
- (1) the provision of pedestrian pathways including the following:
 - i) a realigned pathway, northeast of the building at 1340 Danforth Road;
 - ii) a realigned pathway, southeast of the building at 1350 Danforth Road;
 - iii) a new pathway south of the building at 1350 Danforth Road to connect with the new driveway/sidewalk from Danforth Road;
 - iv) a new pathway, to the north of the building at 1350 Danforth Road to connect with the new playground areas;
 - v) new seating and passive recreation areas; and

- vi) enhanced landscaping including new trees and shrubs/plantings.
- (2) on or before the 183rd day following the issuance of an above-grade building permit, the owner will provide a minimum of four security cameras within the underground parking garages of 1340 and 1360 Danforth Road to cover all entrances and exits within the respective garages;
- (3) on or before the 183rd day following the issuance of an above-grade building permit, the owner will provide a minimum of three new lighting structures; one near the underground parking entrance for 1340 Danforth Road and two near the underground parking entrance for 1360 Danforth Road;
- (4) prior to the issuance of the first above-grade building permit on Parcel B, the owner shall submit a letter of credit for 120 percent of the value of the matters set out in (2) and (3) above, to the satisfaction of the Chief Planner;
- (5) the owner of 1340, 1350 and 1360 Danforth Road will provide, prior to the issuance of the first building permit on Parcel B, a Construction Mitigation and Tenant Communication Strategy;
- (6) the owner will provide for access for tenant groups from the buildings at 1340, 1350 and 1360 Danforth Road to the meeting room space of the new condominium, to be provided for at least a 20 year period following construction of the new building. Details respecting legal access, means of access, cost sharing arrangements, scheduling and availability, all to be set out in the Section 37 Agreement;
- (7) site plan drawings to be submitted for Site Plan Approval are to include two, car-share vehicle parking spaces, at grade;
- (8) easements in favour of the City for pedestrian access along defined pathways/sidewalks through the site from Danforth Road to the west gate of Knob Hill Park;
- (9) an easement in favour of the City for vehicular access through the site from Danforth Road to the west gate of Knob Hill Park shall be provided; and

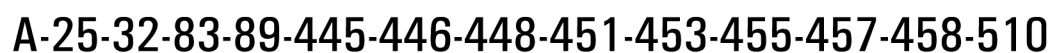
- (10) the applicant shall construct and maintain the development on Parcel B in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto.
2. Where Section 1 above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
3. 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 Section 1 above are satisfied.
4. In the event the cash contribution referred to in Section 1(a) 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, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.

Enacted and passed on April 2, 2015.

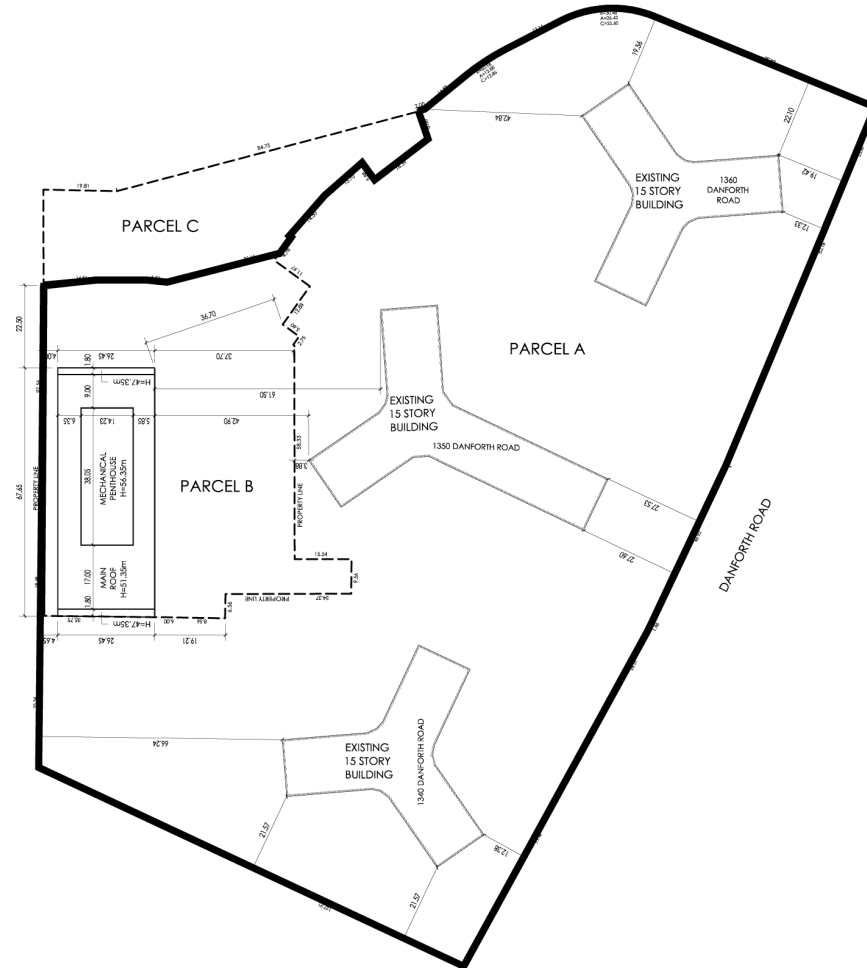
Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



Schedule '2'



Exception No. 72



Zoning By-Law Amendment

1340, 1350, 1360 Danforth Road

File # 12 247037 ESC 38 02



Area Affected By This By-Law

Eglinton Community Bylaw
Not to Scale
07/28/14

