

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. 977-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in 2015 as 2301 and 2315 Danforth Avenue.

Whereas the Council of the City of Toronto has been requested 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 2016 as 2301 and 2315 Danforth Avenue; 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 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 A 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 A 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(3), 4(4), 4(12), 4(13), 4(14), 4(17), 8(3)Part I, 8(3)Part II 1(b) and 4, 8(3)Part IV, and 8(3) Part XI 2(ii) 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 an 8-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(b) and 5(c) 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, lighting fixtures, guardrails, balustrades, stairs, stair enclosures, railings, wheel chair ramps, landscape, and green roof elements.	Required setback from <i>lot</i> line	0.2 metres	none
Canopy	Ground floor, north elevation	2.5 metres	May encroach beyond front property line
Architectural elements	North, east, and west elevations	0.5 metres beyond the balconies	May not exceed the height of the building
Parapets	Maximum height	1.0 metres	none
Trellis, mechanical equipment, guardrails, balustrades, stairs, stair enclosures, railings, landscape and green roof elements, and elevator overrun.	Maximum height	3 metres	Setback a minimum of 3 metres from the interior face of the main wall as shown on Map 2
Balconies	Maximum height	2.6 metres	On the north, south, and east elevations of the building only
Underground garage structure	Underground	No restriction	May encroach to property line as shown on Maps 1 and 2

- (e) the number of *dwelling units* shall not exceed 170;
- (f) the total combined *residential gross floor area* and *non-residential gross floor area* erected on the *lot* does not exceed 12,175 square metres;
- (g) the *residential gross floor area* of the building erected on the *lot* does not exceed 11,795 square metres;
- (h) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 390 square metres;

- (i) a minimum of 270 square metres of indoor *residential amenity space* and 340 square metres of outdoor *residential amenity space* is provided and maintained on the *lot*;
 - (j) the minimum number of *parking spaces* for 170 *dwelling units* and 390 square metres of *non-residential gross floor area* shall be 105, of which 10 shall be exterior *parking spaces* for visitors, and 2 may be exterior car-share *parking spaces*;
 - (k) the minimum dimensions of a *parking space*, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the *parking space*, shall be:
 - (i) length 5.6 metres;
 - (ii) height 2.0 metres; and
 - (iii) width 2.6 metres
 - (l) provide and maintain a minimum of 152 bicycle parking spaces - occupants and 17 bicycle parking spaces - visitors;
 - (m) 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*; and
 - (n) none of the provisions of Zoning By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.
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;
 - (b) "*grade*" means the established grade on the Danforth Avenue frontage at 131.3 metres above Canadian Geodetic Datum in the year 2016;
 - (c) "*car-share*" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit *car-sharing* organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the *car-sharing* organization, including the payment of a membership fee that may or may not be non-refundable;
 - (d) "*car-share parking space*" shall mean a *parking space* that is reserved and actively used for *car-sharing*, including non-residents; and

- (e) "*temporary sales office*" 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*.
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.

Enacted and passed on October 7, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

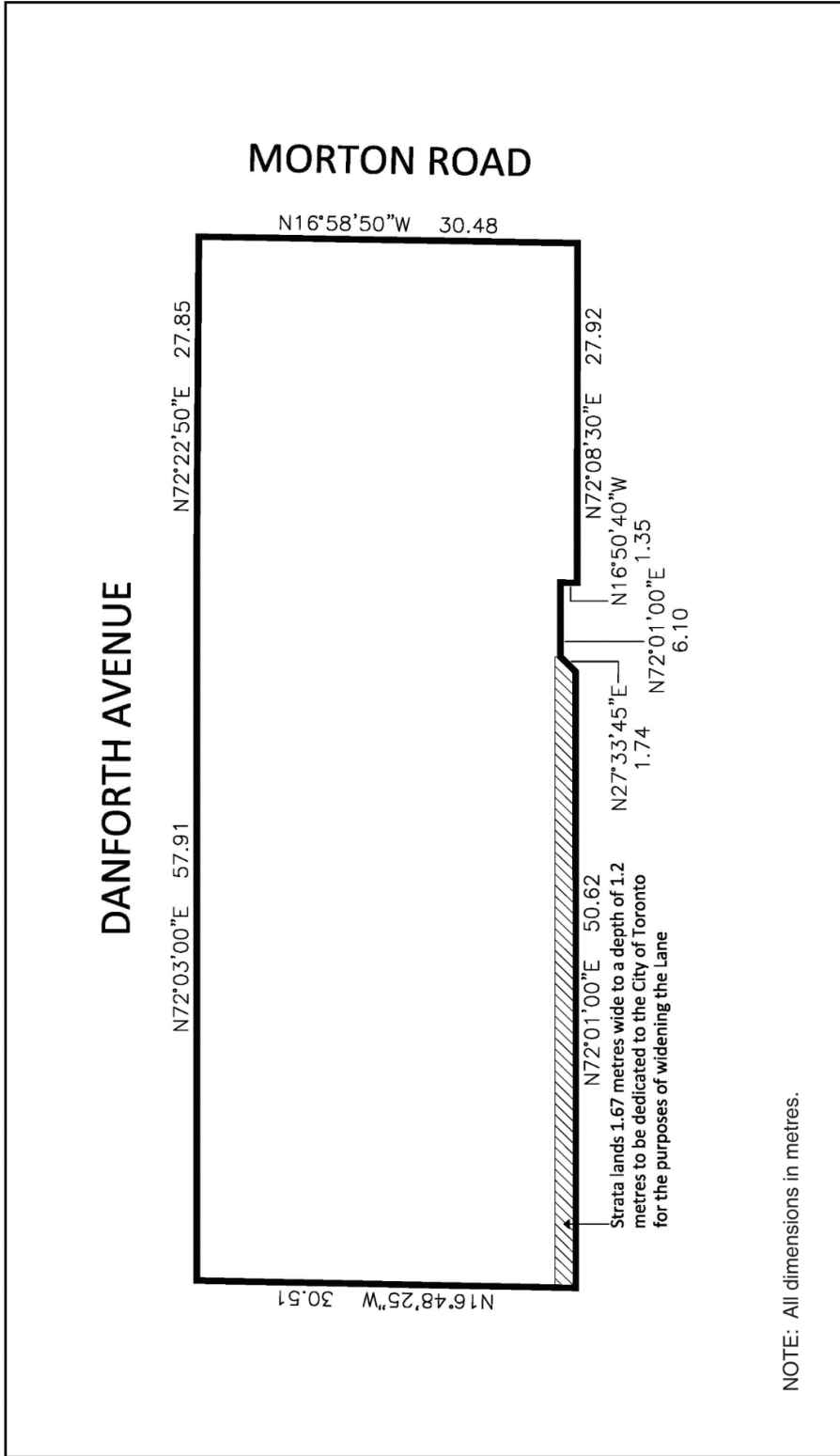
APPENDIX A
Section 37 Provisions

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 *lot* 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 put towards 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 80percent 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

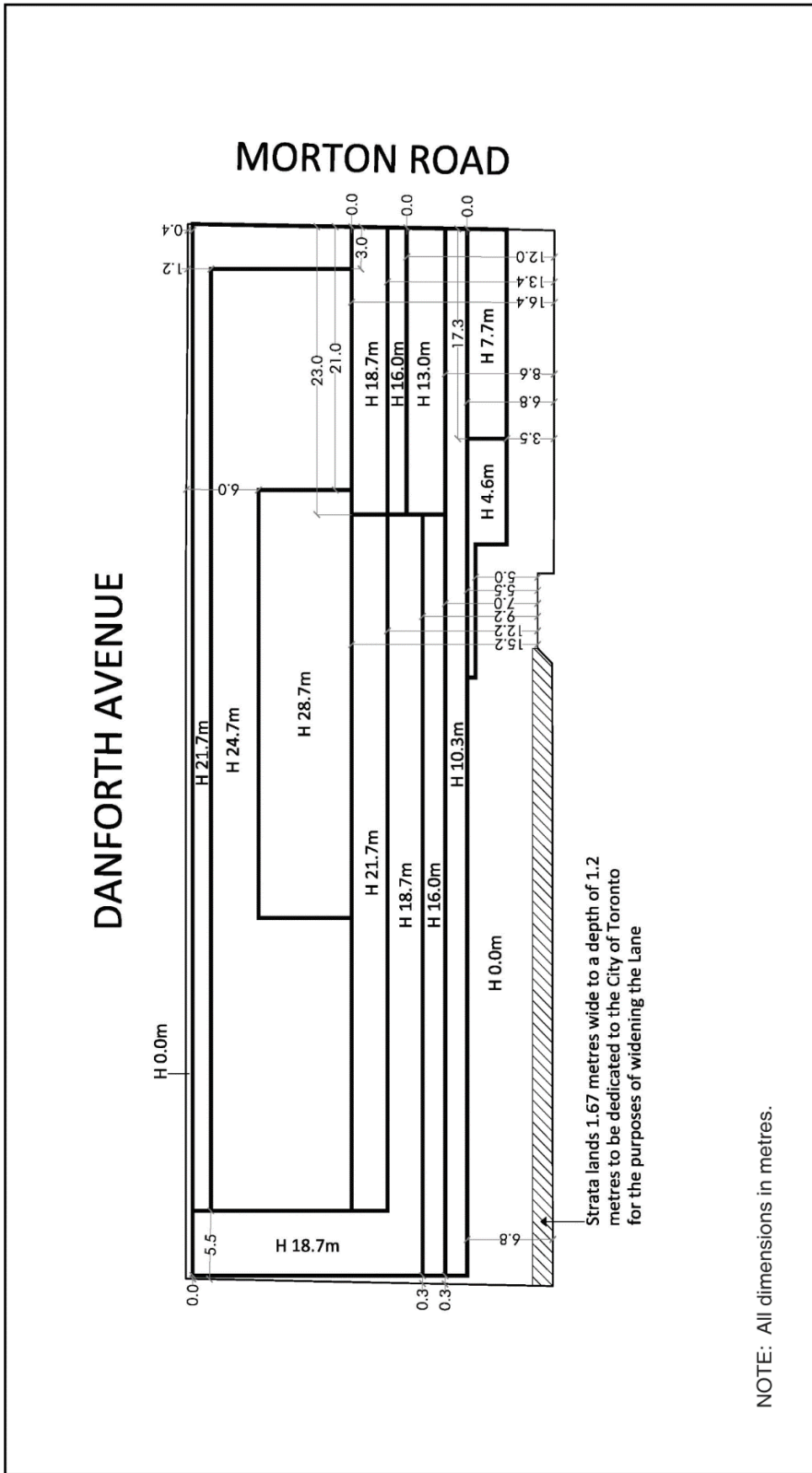
- (iii) the Owner shall enter into and register a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 14 replacement residential rental dwelling units, without the written consent of the 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.



2301-2315 Danforth Avenue

File # 15 242710 STE 32 0Z

City of Toronto By-Law 438-86
Not to Scale
07/13/2016



2301-2315 Danforth Avenue

Map 2

File # 15 242710 STE 32 0Z

