

Authority: Local Planning Appeal Tribunal Order issued on July 19, 2019 in Tribunal File PL160319

CITY OF TORONTO

BY-LAW 1220-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in 2019 as 342, 344 and 346 Davenport Road.

Whereas the Local Planning Appeal Tribunal pursuant to its Order issued on July 19, 2019, in relation to Tribunal File PL160319 determined to amend By-law 569-2013, as amended, with respect to the lands known municipally as 342, 344 and 346 Davenport Road; and

Whereas the Local Planning Appeal Tribunal 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 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, the municipality, and the Local Planning Appeal Tribunal on appeal, 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 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;

By-law 569-2013, as amended, is further amended by the Local Planning Appeal Tribunal:

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 given in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.0 (c2.0; r1.5) SS2 (x181) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding a new Exception (181) to Article 900.11. 10 so that it reads:

Exception CR 181

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

Site Specific Provisions

- (A) On 342, 344 and 346 Davenport Road, if the requirements of Section 5 and Schedule A of By-law 1220-2019(LPAT) are complied with, a **building** or **structure** may be erected or constructed in compliance with (B) to (U) below;
- (B) The total **gross floor area** of all **buildings** or **structures** must not exceed 6,500 square metres;
- (C) Despite 40.10.20.100(17), the total **gross floor area** for all non-residential uses is a maximum of 800 square metres;
- (D) Despite 40.5.40.10(1), height is measured as the distance between the Canadian Geodetic Datum elevation of 120.34 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite 40.10.40.10 (2) the maximum height of a **building** or **structure** must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 in 1220-2019(LPAT);
- (F) Despite 600.10.10 (1) (A) Tall Building Overlay, the required tower setbacks are not required;
- (G) Despite (E) above and despite 40.5.40.10 (4) to (7), the following elements of a **building** may exceed the maximum **building** height indicated by the numbers following the HT shown on Diagram 3 of By-law 1220-2019(LPAT) to:
- (i) a maximum of 2.75 metres for terrace or balcony guards and dividers, guards, guardrails, fences, retaining walls, landscape elements, elevated pool deck, and **structures** located on the roof used for outside or open air recreation purposes;
 - (ii) a maximum of 1.7 metres for planters, ornamental elements, fixed outdoor furniture, elevated pool;

- (iii) a maximum of 4.6 metres for elevator over run, cooling tower, stairs, stair enclosures, screens, architectural elements, heating, cooling or ventilating equipment, wall or **structure** enclosing elements, and partitions; and
 - (iv) a maximum of 5.7 metres for cornices, parapets, roof drainage, thermal insulation and roof ballast, balustrades, window washing equipment, **green roof** elements, vents, flues, pipes, access roof hatch and safety railings, and **structures** located on the roof used for safety or wind protection purposes;
- (H) Despite (E) and (G) above and despite 40.5.40.10 (4) and (5), the mechanical penthouse:
 - (i) may project up to a maximum of 4.5 metres above a height of 32.0 metres if the elements of the mechanical penthouse that are more than 3.5 metres in height, above the permitted height of 32.0 metres, are set back a minimum of 1.0 metre from the edge of the main mechanical penthouse footprint below;
 - (ii) may project up to a maximum of 3.5 metres above a height of 32.0 metres for those areas not in compliance with (i) above; and
 - (iii) may have elements listed in (G)(iv) which project above the permitted height of 32.0 metres and the mechanical penthouse areas;
- (I) Despite regulations 40.5.40.70(1)(A) and 40.10.40.70(2) the minimum **building setbacks** above ground are as shown on Diagram 3 of By-law 1220-2019 (LPAT);
- (J) Despite clause 40.10.40.60 and (I) above, the following elements of a **building** may encroach into a required **building setback** a maximum of:
 - (i) 0.5 metres for cornices, light fixtures, ornamental elements, building cladding, parapets, art and landscape features, **landscaping** elements, flutes, piers, pillars, pergolas, trellises, window sills, stair enclosures, stairs, site servicing features, retaining walls, wheel chair ramps and vehicular parking ramps; and
 - (ii) 3.1 metres for columns, balcony exoskeleton **structures** and cladding, guardrails, terraces, balconies, terrace or balcony platforms, terrace or balcony guards, dividers and railings, screens, awnings and canopies, and balconies;
- (K) Despite 40.10.40.1(1), residential/shared service areas are permitted on the ground floor;

- (L) Despite 40.10.40.1(2)(A), for any non-residential use, the floor level of the first **storey** may be within 0.3 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance;
- (M) Despite 40.10.40.50, no indoor or outdoor **amenity space** is required;
- (N) Despite 200.5.10.1(1), **parking spaces** must be provided and maintained in accordance with the following:
- (i) 0.3 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.5 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) 0.8 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) 1.0 **parking spaces** for each three bedroom **dwelling unit**;
 - (v) No **parking spaces** are required for residential visitors; and
 - (vi) No **parking spaces** are required for non-residential uses;
- (O) Despite 200.5.10.10, a maximum of 10 **parking spaces** that are obstructed on only one side do not need to provide an increased width of 0.3 metres on the side that is obstructed;
- (P) Despite 200.15.1(4) the accessible **parking spaces**:
- (i) may not be the closest **parking spaces** to the entrance of the **building**;
and
 - (ii) must be located a maximum of 26.0 metres from the passenger elevator that provides access to the first storey of the building;
- (Q) Despite 220.5.1.10 (8)(D) and 220.5.10.1, a minimum of one **loading space** must be provided and maintained on the lands and must have a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a vertical clearance of 5.4 metres;
- (R) Despite 230.40.1.20 (2) the short-term **bicycle parking spaces** must be located a maximum of 53.0 metres from a pedestrian entrance to the **building** (measured as straight line distance and not as walking path distance);

- (S) Despite 230.5.1.10(4), (5) and (9), **bicycle parking spaces** must be provided and maintained in accordance with the following:
- (i) for residential uses, a minimum of 1.0 **bicycle parking** for each **dwelling unit**, space must be provided and maintained, comprised of:
 - (a) 0.87 **bicycle parking spaces** for each **dwelling unit** for residents; and
 - (b) 0.12 **bicycle parking spaces** for each **dwelling unit** for visitors; and
 - (ii) for non-residential uses, no **bicycle parking spaces** are required;
- (T) Despite 230.5.1.10(4), (5) and (9):
- (i) a **bicycle parking space** for residents may be provided in the form of a **stacked bicycle parking space** with a minimum vertical clearance of at least 1.0 metre, a minimum width of at least 0.3 metres, and a minimum length of 1.6 metres; and
 - (ii) a **bicycle parking space** for visitors may have a minimum vertical clearance of at least 1.9 metres, a minimum width of at least 0.6 metres, and a minimum length of at least 1.8 metres; and
- (U) Despite any existing or future severances, partition, or division of the lands, the provisions of this By-law will apply to the whole of the lands as if no severance, partition, or division had occurred.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2)132 of former City of Toronto By-law 438-86.

5. Section 37 Provisions

1. 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 3 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, service and matters set out in Schedule A to this By-law and 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.
2. 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.

3. The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to exceptions of By-law 569-2013, as amended, unless the provisions of Schedule A of this By-law are satisfied.

Local Planning Appeal Tribunal Order issued on July 19, 2019, in Tribunal File PL160319.

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 shown in Diagram 3 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 (other than building permit for a temporary sales office/pavilion) for the proposed development, the owner shall provide a cash contribution of \$100,000 to improvements to the Designer Walk Lane to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of LPAT approval to the date the payment is made. These funds shall be used in accordance with Official Plan policy 5.1.1 and be determined in consultation with the Ward Councillor and to the satisfaction of Chief Planner and Executive Director, City Planning.
2. In the event the cash contribution referred to in paragraph 1 above has not been used for the intended purpose within three years of the amending Zoning 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, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan policy 5.1.1 and will benefit the community in the vicinity of the lands.

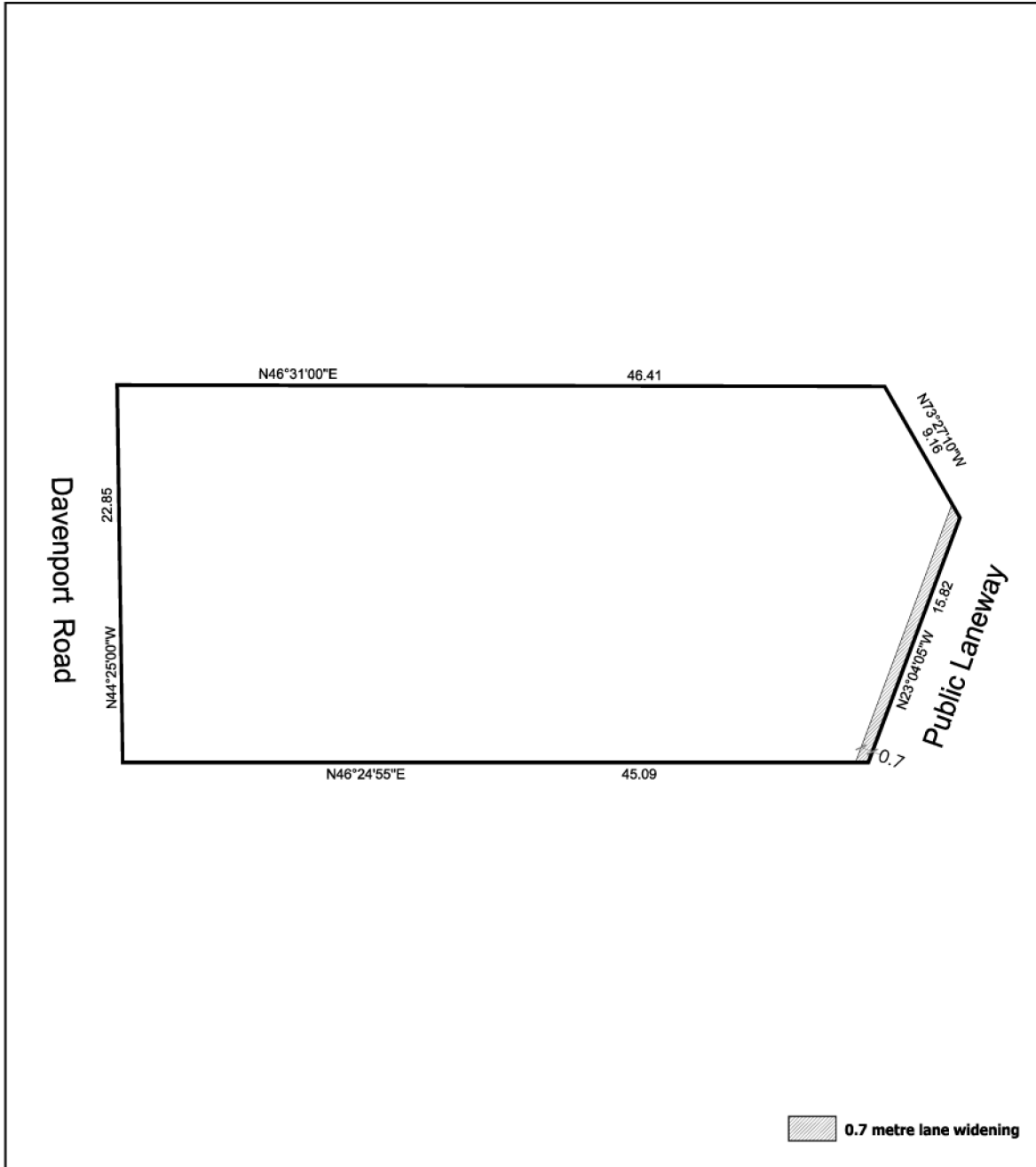
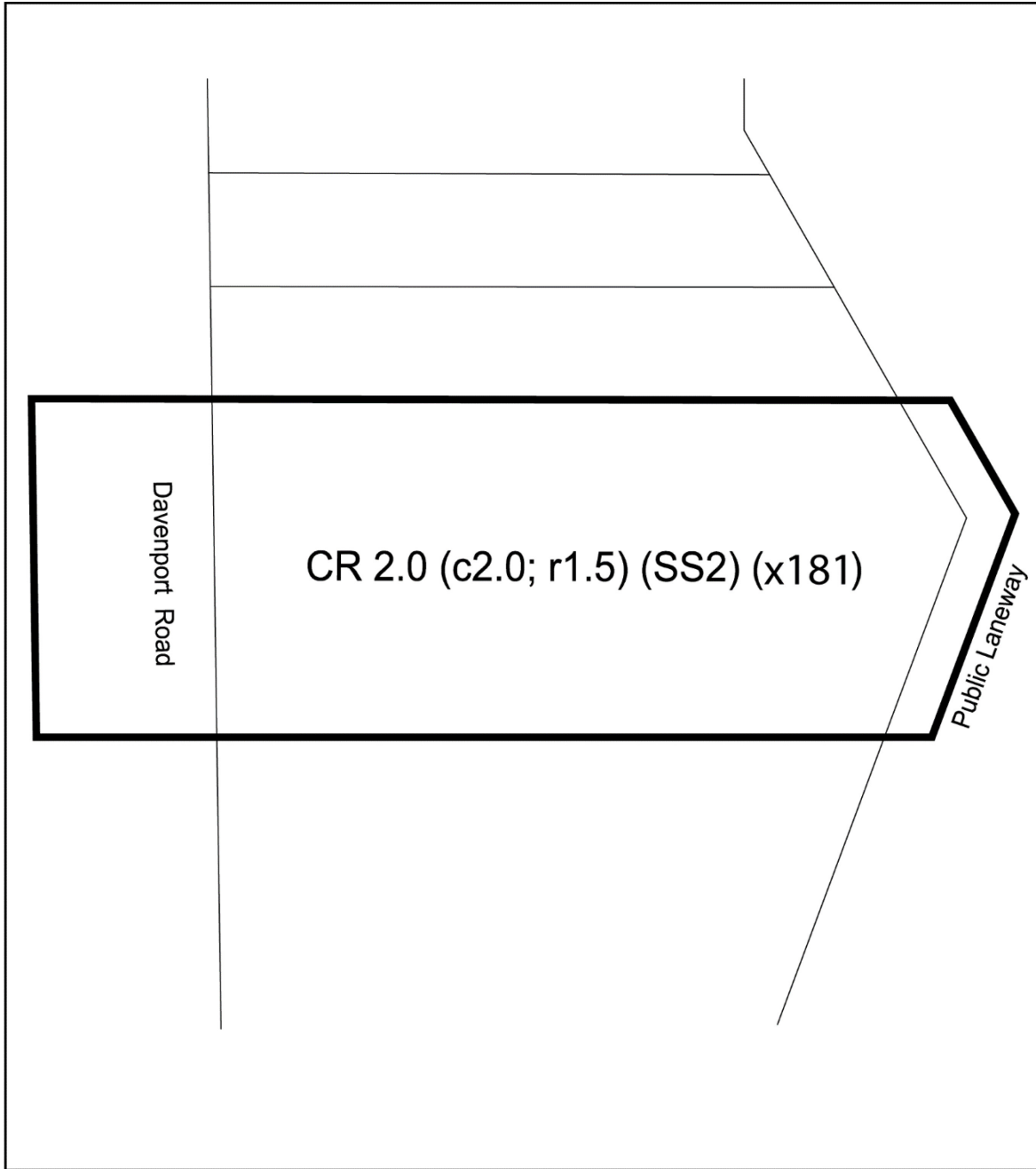
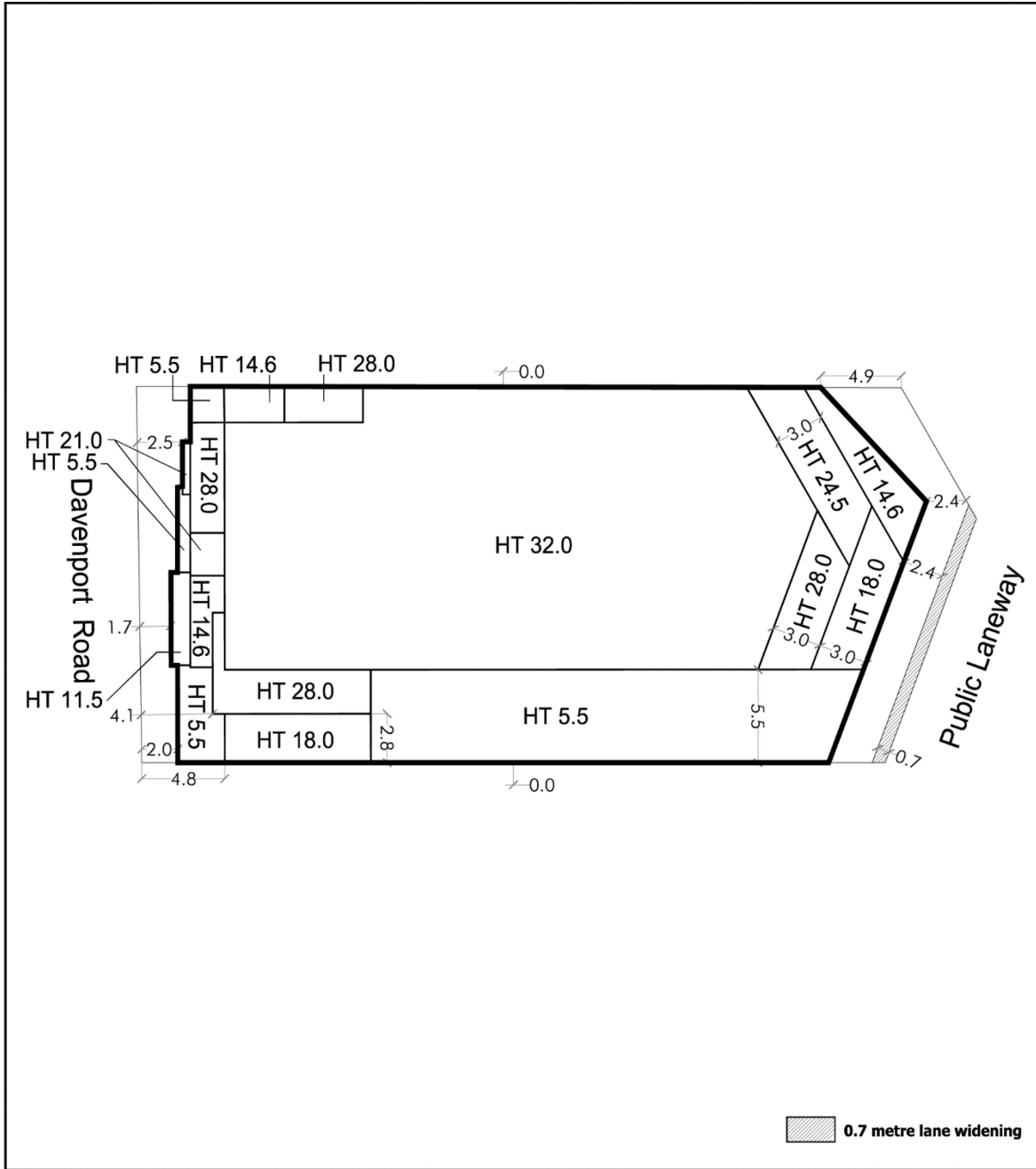



Diagram 1

342-346 Davenport Road

File # 15 238605 STE 20 0Z






 **TORONTO**
Diagram 3

342-346 Davenport Road

File # 15 238605 STE 20 0Z


City of Toronto By-law 569-2013
Not to Scale
05/15/2019