

Authority: Toronto and East York Community Council  
Item TE14.4 as adopted by City of Toronto Council on  
May 28, 2020

## CITY OF TORONTO

### BY-LAW 655-2020

**To amend former City of Toronto Zoning By-law 438-86, as amended, and Site Specific Zoning By-law 728-2006 with respect to lands within Phase 6 of the Davenport Village Area and municipally known in the year 2019 as 900 and 980 Lansdowne and lands identified as PIN 213250433.**

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 authority is given to Council by Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, for use of a holding symbol ("H") in conjunction with any use designation, to specify the use of which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the zoning by-law; and

Whereas there are official plan policies in effect addressing the use of the holding symbol in the subject lands; and

Whereas it is appropriate that the 'H' holding symbol be removed in relation to the subject lands; 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 or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions of such facilities, services or matters as 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 and 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities,

services and matters set out in this By-law which are secured by one or more agreements between the owner of the lands 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. District Map 48J-322 contained in Appendix "A" of By-law 438-86, as amended and "Map 2" contained in By-law 728-2006, is further amended by removing the (h) on the lands outlined by heavy lines from "R4(H)" to "R4" and the lands identified as PIN 213250433 from "R4(H)" to "U" as shown on Map 2, attached hereto;
3. None of the provisions of Section 2(1) with respect to the definition of grade, height, owner and lot and Sections 4 (2)(a), 4(11), 4(12), 4(16), 6(1)(a), S 6 (3) PART I, S 6 (3) PART II S. 1, 2, 3 4, 5, 6, 7 and 8, S 6 (3) PART III, S 6 (3) PART IV 1 (e), (2), (3) and (4), 6 (3) Part VI, 6 (3) PART VII, 6(3) PART IX and PART XI 1(a) of the aforesaid By-law 438-86, as amended, shall apply, to prevent the erection and use of an apartment building, rowplexes, day nursery, parking garage and accessory uses, including but not limited to a barrier wall or acoustical wall or fence permitted on Block 5 and part of Block 6 of by By-law 728-2006, as shown on Map 1 attached hereto and forming part of this by-law provided that:
  - a. the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
  - b. notwithstanding separation distance, stepback and setback provisions of By-law 728-2006, the separation distances, stepbacks and setback shown on Map 3 attached to and forming part of this By-law shall apply;
  - c. notwithstanding the height and minimum lot frontage shown on Map 48J-322, the height and minimum lot frontage shown on Map 3 attached to and forming part of this By-law shall apply;
  - d. no portion of any *building* or structure on the lot shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 3 attached to and forming part of this By-law, except for:
    - i. parapets, balustrades, cornices, elevator overrun, guardrails, landscape and green roof elements, mechanical equipment, railings, stair enclosures, stairs, trellis, vents and wind mitigation features which may exceed the *height* limits by a maximum of 1.4 metres;
    - ii. public art features may exceed the height limits by a maximum of 3 metres.
  - e. section 4(2) of By-law 728-2006, as amended, is further amended by replacing the number "1084" with the number "1319";

- f. Notwithstanding Section 4(14) of By-law 728-2006, the maximum floor plate area is 750 square metres for Buildings A and B above the base of a maximum height of 23.76 metres; the maximum floor plate area for Building C is 966 square metres above the base height of 18.48 metres.
  - g. In addition to the parking rate for rowplexes listed in 4(9) of By-law 728-2006, the following minimum parking rates apply to the apartments and the day nursery:
    - i. Buildings A, B and C
      - A. Resident Parking – 0.63 spaces per dwelling unit;
      - B. Visitor Parking – 0.2 spaces per dwelling unit;
    - ii. Day nursery
      - A. Day nursery Parking – 1 space per 100 square metres of GFA ;
4. No person shall use any land or erect or use any building or structure within the lot 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;
  - b. All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational; and
  - c. None of the provisions of this By-law shall apply to prevent the use of the land or the erection of a building or structure within the lot prior to the completion of any realignment and reconstruction of Brandon Avenue and all associated water mains and sanitary sewers, and appropriate appurtenances in such local road.
5. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86 of the former City of Toronto, as amended, with the exception of the following:
- a. "grade" means the geodetic datum elevation of:
    - i. 119.00 for Building "A";
    - ii. 125.50 for Building "B" and Building "C";
    - iii. 122.96 for Building "D";
    - iv. 119.91 for Building "E"; and

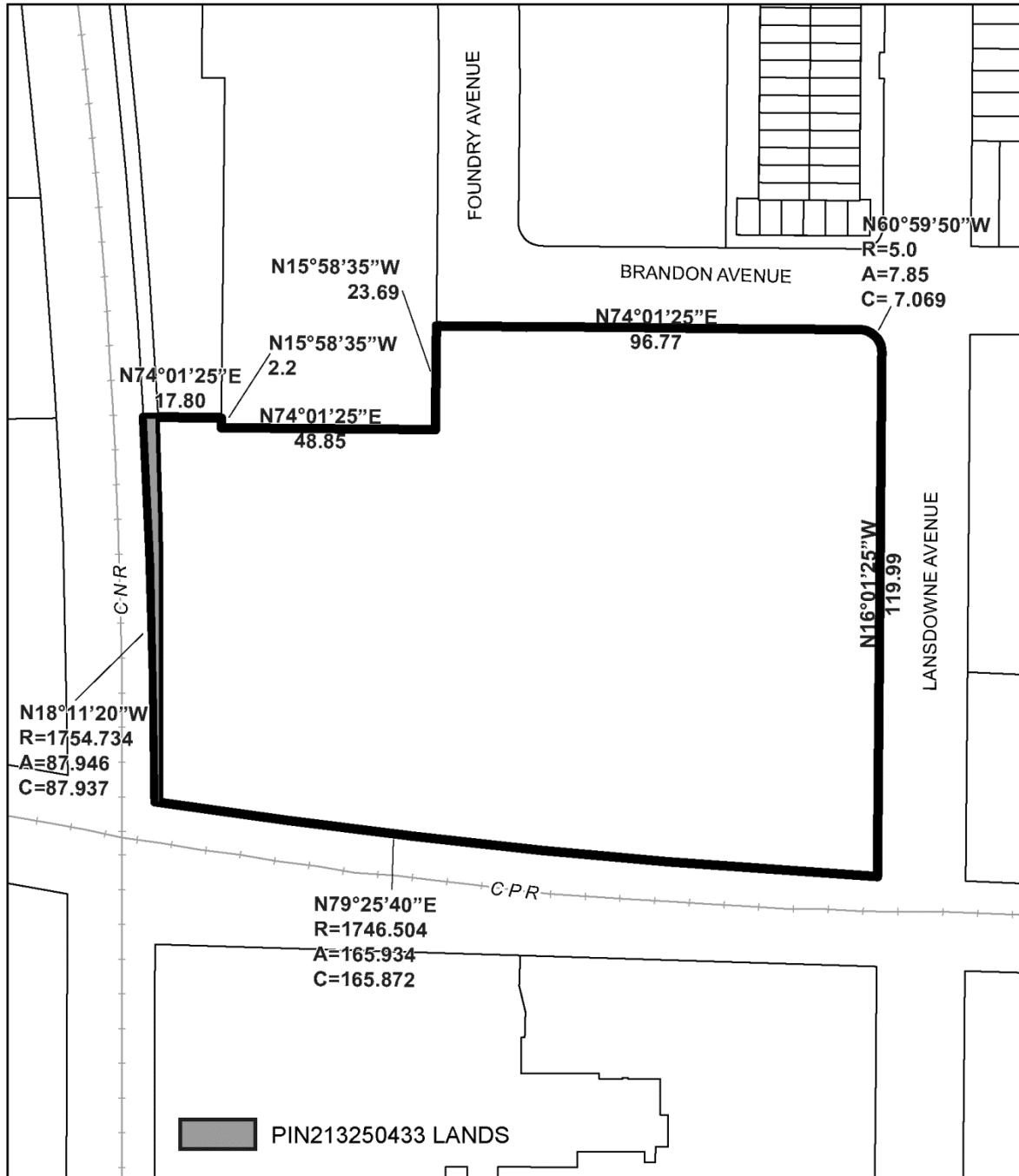
- v. 125.75 for Building "F".
  - b. "lot" means those lands delineated by heavy black lines on the attached Map 1, as identified as Block 5 and a portion of Block 6 solely for the purposes of setting out setbacks.
- 6. Section 37 provisions**
- a. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown as Map 1 attached to this By-law, in return for the provisions by the owner, at the owner's expense of the facilities, service and matters set out in Schedule A hereof 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;
  - 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 building permit is dependent on satisfaction of the same; and
  - c. The owner must not use, or permit the use of, a building or structure erected with an increase in the height pursuant to this By-law unless the provisions of Schedule A of this By-law are satisfied.

Enacted and passed on July 29, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



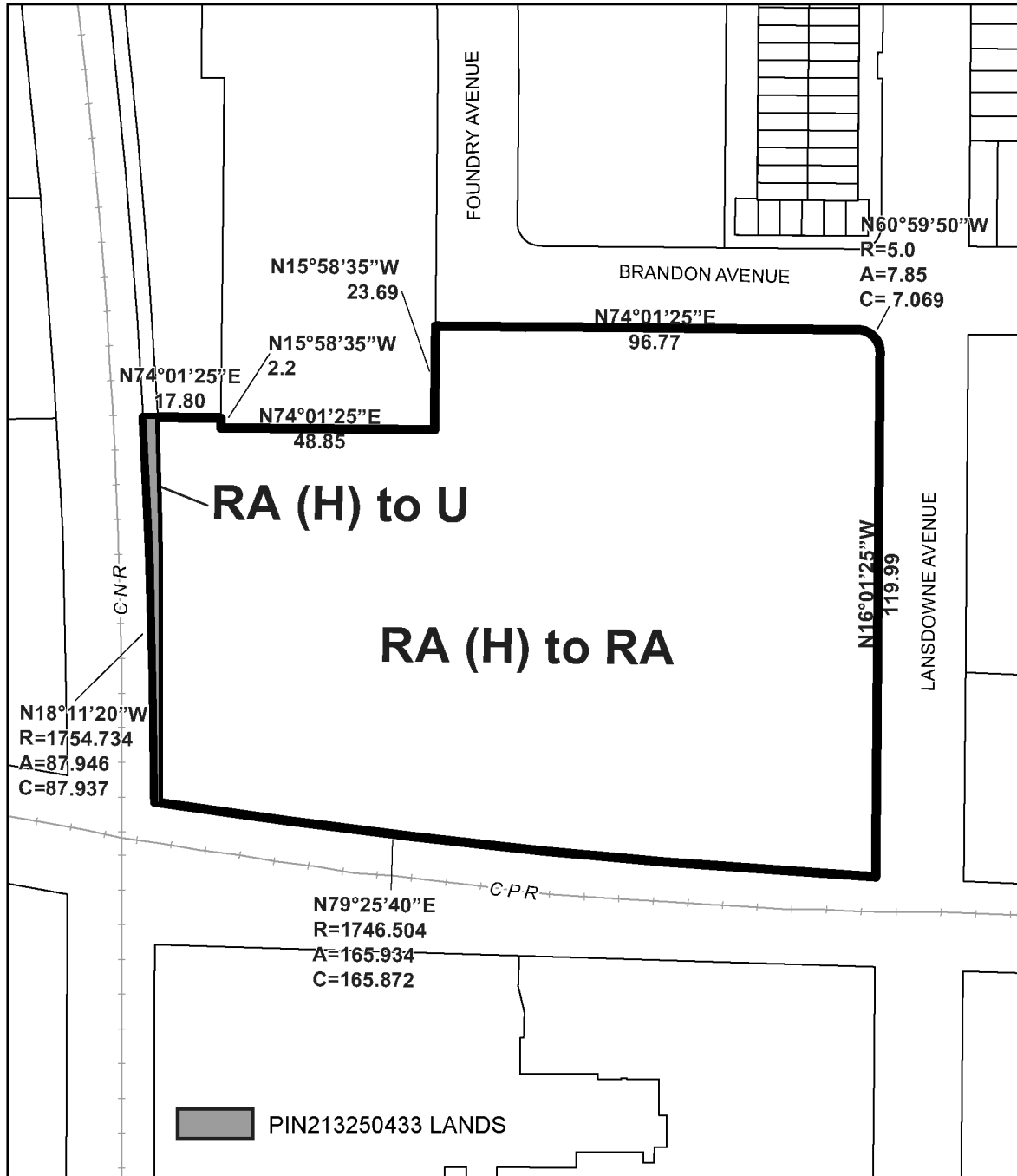
**TORONTO**  
Map 1

**900 & 980 Lansdowne Avenue  
and PIN213250433**

File # 17 185378 WET 17 OZ

Blocks 3 and 6 Registered Plan 66M-2496  
City of Toronto.  
Holding Jones Vanderveen Inc.

City of Toronto By-law 438-86  
Not to Scale  
10/07/2019



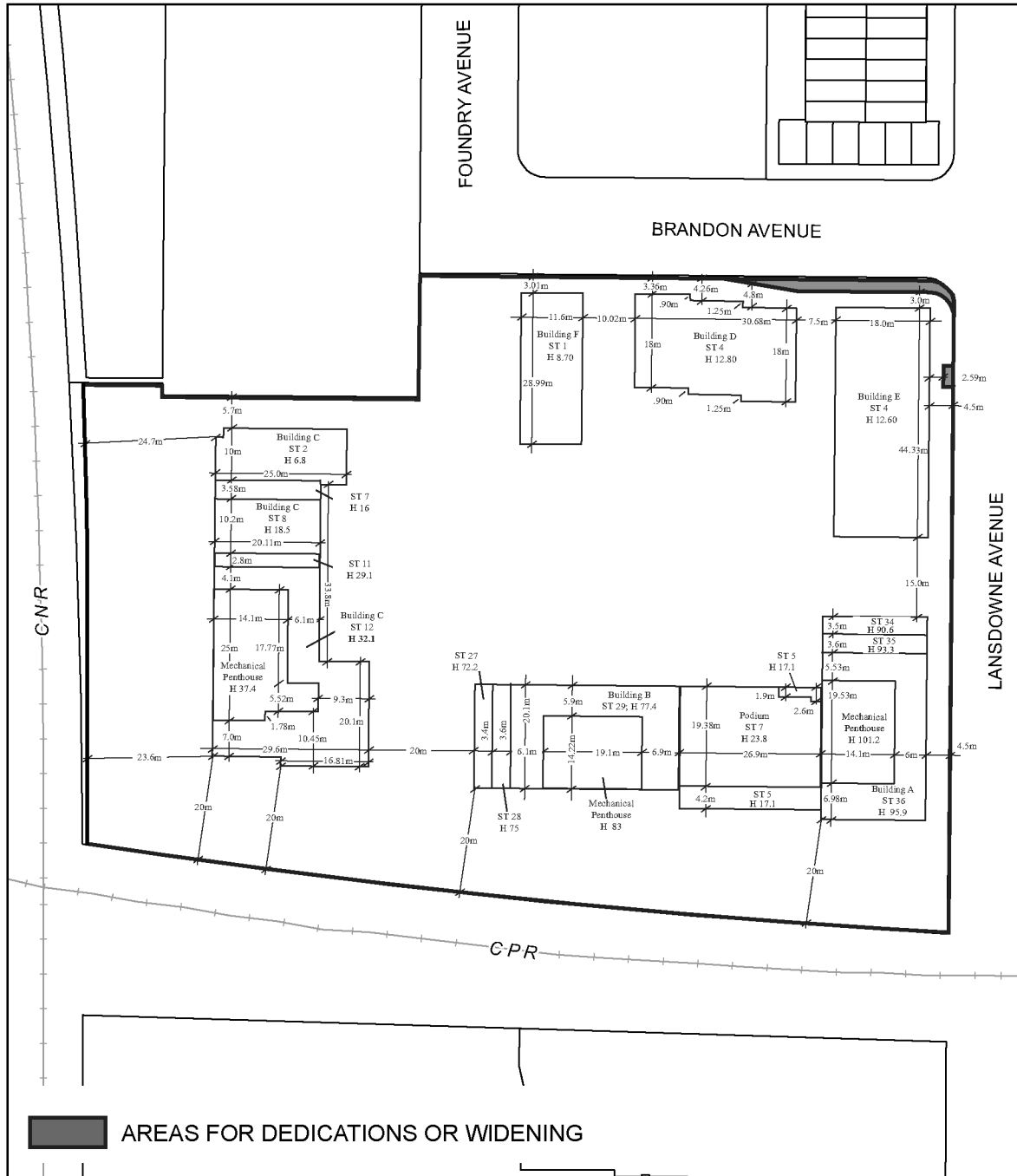
**Toronto**  
Map 2

**900 & 980 Lansdowne Avenue  
and PIN213250433**

File # 17 185378 WET 17 02

Blocks 3 and 6 Registered Plan 66M-2496  
City of Toronto.  
Holding Jones Vanderveen Inc.

City of Toronto By-law 438-86  
Not to Scale  
02/06/2020



**900 & 980 Lansdowne Avenue**

File # 17 185378 WET 17 0Z

Applicant's Submitted Drawings.

City of Toronto By-law 438-86  
Not to Scale  
02/06/2020

## 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.

The owner agrees as follows:

1. Prior to the issuance of the first above grade building permit for any building within Phase 6, a cash contribution to be paid to the City to be allocated within Ward 9 Davenport, as follows:
  - a. The owner shall pay to the City the sum of \$1.2 million to be allocated towards the Capital Revolving Reserve Fund for Affordable Housing (XR1058) to be directed to 640 Lansdowne Avenue, to the satisfaction of the Executive Director, Housing Secretariat and the Ward Councillor.
  - b. The owner shall pay to the City the sum of \$300,000 to be directed toward public art, parkland and/or streetscape improvements within the local area.
  - c. The cash contributions referred to in 1 a. and b. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, for the period from the date of the execution of the Section 37 Agreement to the date of payment.
  - d. In the event the cash contributions referred to in Sections 1.a. and b. above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions 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 that the purpose is identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. In addition to the cash contributions in Sections 1.a. and b. above, prior to the issuance of the first Above Grade Building Permit for any building within Phase 6, the Owner shall fund, design and construct a splash pad addition to the Davenport Village Park, to a minimum value of \$280,000.00 being the local park at 18 Foundry Avenue, in consultation with the City's Parks, Forestry and Recreation staff and the ward Councillor, to the satisfaction of the General Manager, Parks, Forestry and Recreation as per the following:
  - a. the splash pad is a local park improvement that would address the requirements of Section 1.1 of the Section 37 Agreement executed on August 14, 2006 and



registered on July 19, 2007 as Instrument AT1511978 (the "2006 Section 37 Agreement"), wherein the Owner is required to pay \$200.00 per unit to the City indexed as per the Construction Price Index;

- b. the funds directed to the splash pad shall be considered a minimum, and the Owner shall pay all additional costs required to design and construct the splash pad addition as required; if the splash pad addition is provided for less than the indexed value described in Section 2 a. above, the difference shall be paid as a cash contribution to the City to be directed toward public art, parkland and/or streetscape improvements within the local vicinity;
  - c. prior to the commencement of Park Construction for the splash pad addition the Owner shall provide a Letter of Credit to the City in the amount of \$56,000.00; this Letter of Credit will be released two years after substantial park completion as identified by the General Manager, Parks, Forestry and Recreation, provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation;
  - d. prior to construction of the splash pad the Owner shall obtain a Park Access Agreement from Parks, Forestry and Recreation's Park Supervisor for that Ward; the Park Access Agreement will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation;
  - e. the owner shall indemnify the City against any claim during any interim use of or work carried out by the applicant on the park; and
  - f. in the event the splash pad is not constructed in accordance with the requirements in Section 2 above, the Owner shall provide a cash contribution in accordance with Section 2 a. above which if not used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions 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 that the purpose is identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The owner shall enter into a Section 37 Agreement as a legal convenience to support development which will include the following:
- a. The owner shall develop a Tenant Access Plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning, to ensure each phase and/or building within the phase is marketed initially to the local community to provide opportunities for local residents to move into the development.
  - b. The owner shall enter into a financially secured agreement with the City that contains the following improvements/requirements:

- i. The owner shall make any traffic control signal timing adjustments at signalized intersections in the immediate area to improve the overall level-of-service in accordance with the Traffic Impact and Operations Study by GHD dated November 1, 2018 as amended, at no cost to the City of Toronto to the satisfaction of General Manager, Transportation Services.
  - ii. The owner shall design and install at no cost to the City traffic control signals at the intersection of Lansdowne Avenue and Brandon Avenue in the ultimate road location and shall provide detailed engineering design drawings for the traffic control signals, including any associated pavement marking and signage information, and the associated road works to the satisfaction of the General Manager, Transportation Services. The owner also agrees that the cost for the physical road widening on the south side of Brandon Avenue west of Lansdowne Avenue, and property conveyances to accommodate this widening, shall be undertaken to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services.
  - iii. The owner shall conduct an environmental site assessment for lands to be conveyed to the City in accordance with terms and conditions as set out by the City of Toronto, including providing payment for a peer reviewer and submission of a Record of Site Condition (RSC) at no cost to the City and all to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services.
  - iv. Prior to the issuance of the first above-grade permit for any building in Phase 6, the owner shall construct a new four-way intersection, consisting of Foundry Road, Brandon Avenue, the existing Phase 4 driveway and the proposed Phase 6 driveway, all four legs of which shall be stop-controlled, complete with the installation of all-way 'stop' signage with 'all-way' tabs, all of which is to be undertaken at no cost to the City, and to the satisfaction of General Manager, Transportation Services.
  - v. The owner shall provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development.
- c. Through the Site Plan review process, the owner shall convey the lands required for the relocated bus shelter on Lansdowne Avenue, construct the new level brush concrete platform, install the new bus shelter, provide noise attenuation for the units immediately adjacent to the future bus shelter, and provide warning clauses in the purchase and sale agreements or tenancy agreements to future purchasers and/or tenants of the units immediately adjacent to the future bus shelter to warn of the potential for noise from bus operations, all at no cost to the City, to be secured in the Site Plan Agreement, to the satisfaction of the Toronto Transit Commission and the General Manager, Transportation Services.

- d. Through the Site Plan review process, for any building in Phase 6, the owner shall provide to the City for nominal consideration Privately Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS of approximately 3,963 square metres located on the south and west perimeter of the Phase 6 lands, for public access and provisions for rights of support if necessary, encumbrances and insurance and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning and the City Solicitor in consultation with the Ward Councillor. The owner shall own, operate, maintain and repair the POPS and install signage in a location to be determined through the Site Plan review process, at its own expense, stating that members of the public shall be entitled to the use of the POPS at any time, 365 days a year. The final design and program of the POPS will be determined through the site plan review process and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- e. Through the Site Plan review process, the owner shall install and maintain children's play structures for youth ages 2.5 to 5 years and 5 to 12 years within the outdoor amenity area between Buildings A, B, D and E, and identified as "Play Area" on the site plan, and that the "Play Area" be expanded, if necessary, to accommodate sufficiently sized equipment, to be secured in the Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- f. Through the Site Plan review process, the owner shall erect signs requested by the Toronto Lands Corporation (TLC) and include the requirements of TLC and the Toronto Catholic District School Board to include warning clauses in the tenancy agreements and/or purchase and sale agreements to be secured in the Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- g. The owner shall submit with the next re-submission of the Site Plan Control application updated Noise and Vibration Studies as requested by Metrolinx, have these studies peer reviewed, undertake any revisions if necessary and have those revisions peer reviewed and to address matters identified by the City's peer reviewer at the owner's expense. The owner shall also agree that the mitigation measures and conditions required by Metrolinx and Canadian Pacific Railway (CPR) be secured in the Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning, Metrolinx and Canadian Pacific Railway.
- h. The owner shall submit building design drawing details to verify that the crash wall structure will be structurally isolated from the residential towers to the satisfaction of the City and the City's rail safety peer reviewer as part of the site plan review process and the owner shall agree to pay for the peer review of the drawings. The owner shall also agree to consult with Metrolinx (and their technical advisor) and the Canadian Pacific Railway (and their technical advisor) regarding the rail safety study submitted and the owner shall agree to Metrolinx

and CPR requirements, conditions and mitigation to be secured in the Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning, Metrolinx and the Canadian Pacific Railway.

- i. The owner shall address and incorporate Metrolinx's requirements addressing construction measures, warning clauses and other rail safety requirements, as noted in the Metrolinx letter dated December 9, 2019, during the site plan review process to the satisfaction of the Chief Planner and Executive Director, City Planning and Metrolinx.
- j. The owner shall address the Canadian Pacific Railway requirements related to the property line fence, drainage and dewatering, and to include warning clauses in the tenancy agreements and/or purchase and sale agreements to advise of the existence of the railway and their operations and that, regardless of attenuating noise and vibration measures, the railway would not be responsible for complaints or claims arising from the use of its facilities and/or operations all to be secured in the Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning and Canadian Pacific Railway.
- k. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.