

Authority: Local Planning Appeal Tribunal
Decision issued on June 28, 2019 and Order issued
on December 2, 2020 in LPAT File PL171338

CITY OF TORONTO

BY-LAW 66-2021(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2019 as 306, 310, 314, 320 and 326 Davenport Road.

Whereas the Local Planning Appeal Tribunal Decision issued on June 28, 2019 and Order issued December 2, 2020 in Tribunal File PL171338, following an appeal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 306, 310, 314, 320 and 326 Davenport Road; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law passed under Section 34 of the Planning Act may authorize increases in height and density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the by-law; 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 subsection 37(3) of the *Planning Act* provides that where an owner of lands elects to provide facilities, services and matters in return for an increase in 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 lands known at the date of the enactment of this by-law as 306, 310, 314, 320 and 326 Davenport Road (the "Lands") has elected to provide the facilities, services and matters as set out in this by-law; and

Whereas the increase in height and density of development permitted under this by-law beyond that otherwise permitted on the Lands by Zoning By-law 569-2013, as amended, is to be permitted in return for the provision of facilities, services and matters as 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; and

Whereas pursuant to Section 39 of the Planning Act, a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Local Planning Appeal Tribunal Orders:

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 provided 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 (x255), as shown on Diagram 3 attached to this By-law;
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 255 so that it reads:

(255) Exception CR 255

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

- (A) On 306, 310, 314, 320 and 326 Davenport Road, if the requirements of Section 7 and Schedule A of By-law 66-2021(LPAT) are complied with, a **building, structure**, addition or enlargement may be constructed or used in compliance with (B) to (Z) below;
- (B) Regulation 40.10.20.100(17), with respect to the permitted maximum **interior floor area** of a **retail services**, does not apply;
- (C) Despite Regulations 40.5.40.10(1), and (2), the height of a **building or structure** is measured as the vertical distance between Canadian Geodetic Datum elevation of 119.8 metres, and the highest point of the **building or structure**;
- (D) Despite Regulations 40.10.40.10(2) and (7), the permitted maximum height of a **building or structure** is the numerical value following the symbol "HT" and the permitted maximum number of **storeys** is the numerical value following the symbol "ST" as shown on Diagram 2 of By-law 66-2021(LPAT);
- (E) Despite Regulation (D) above, in addition to the elements permitted to project above the permitted maximum height by Clause 40.5.40.10, the following elements may project above the permitted maximum height: parapets, guard rails, railings and dividers, trellises, roof drainage, window washing equipment, lightning rods, **landscaping** and elements of a **green roof**, up to a maximum vertical projection of 3.0 metres;
- (F) Despite Regulation (D) above, in addition to the elements permitted to project above the permitted maximum height by Clause 40.5.40.10, **building** maintenance units and associated screening may project above the permitted maximum height, up to a maximum vertical projection of 5.0 metres;
- (G) For the purposes of determining the maximum number of **storeys** permitted by Regulation (D) above, a portion of the **building** used in conjunction with **dwelling units** below and not exceeding 295 square metres of **gross floor area** is not considered a **storey** if located within the following areas on Diagram 2 of By-law 66-2021(LPAT):
 - (i) The areas identified with an ST symbol; or

- (ii) The area within which a maximum height of 80.70 metres is permitted;
- (H) Despite Clauses 40.5.40.70 and 40.10.40.70, the required minimum **building setbacks** are shown in metres on Diagram 2 of By-law 66-2021(LPAT).
- (I) Despite Regulation (H) above, the following required minimum **building setbacks**, measured from the **lot line** to the exterior wall of a building or structure, are required at the elevations specified:
- (i) A minimum building setback of 2.5 metres must be provided from the lot line along Davenport Road to the exterior wall, as measured at the surface of the ground;
 - (ii) A minimum building setback of 2.0 metres must be provided from the lot line along Davenport Road to the exterior wall, as measured at a height of 5.5 metres;
 - (iii) A minimum building setback of 1.5 metres must be provided from the lot line along Davenport Road to the exterior wall, as measured at a height of 9.0 metres;
 - (iv) A minimum building setback of 1.5 metres must be provided from the lot line along Bedford Road to the exterior wall, as measured at the surface of the ground;
 - (v) A minimum building setback of 1.0 metre must be provided from the lot line along Bedford Road to the exterior wall, as measured at a height of 5.5 metres;
 - (vi) A minimum building setback of 0.5 metres must be provided from the lot line along Bedford Road to the exterior wall, as measured at a height of 9.0 metres.
- (J) Despite Regulations (H) and (I) above and Clause 40.10.40.60, the following **building** elements may encroach into a required **building setback**:
- (i) Cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, mullions and mullion caps, and underground garage ramps and associated **structures**;
- (K) No portion of the **building** may be located within the area identified as "STRATIFIED ABOVE GRADE LANE WIDENING" on Diagram 2 of By-law 66-2021(LPAT) unless it is located a minimum vertical distance of 1.2 metres below the ground throughout the area identified as "STRATIFIED ABOVE GRADE LANE WIDENING" on Diagram 2 of By-law 66-2021(LPAT).

- (L) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings or structures** is 24,320 square metres, of which the **gross floor area** occupied by residential uses must not be more than 22,000 square metres;
- (M) Regulation 40.10.40.1(1), with respect to the location of residential uses in a **mixed-use building**, does not apply;
- (N) Despite Regulation 40.10.40.50.(1), **amenity space** must be provided as follows:
 - (i) Minimum of 2.1 square metres of indoor **amenity space** per **dwelling unit** must be provided; and
 - (ii) A minimum of 1.7 square metres of outdoor **amenity space** per **dwelling unit** must be provided and is not required to be in a location which is directly accessible to the indoor **amenity space**;
- (O) Regulation 40.10.40.80(2), with respect to required separation distances between **main walls**, does not apply;
- (P) Regulation 40.10.100.10(1)(C), limiting the number of **vehicle** accesses to one, does not apply;
- (Q) Regulation 200.5.1.10(12), respecting **vehicle** entrances, does not apply;
- (R) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, off street **parking spaces** must be provided and maintained in accordance with the following:
 - (i) A minimum of 0.5 **parking spaces** per one bedroom **dwelling unit**, a minimum of 0.80 **parking spaces** per two bedroom **dwelling unit** and a minimum of 1.00 **parking spaces** per three bedroom **dwelling unit** must be provided for the exclusive use of residents of the **dwelling units**;
 - (ii) A minimum of 0.10 **parking spaces** per **dwelling unit** must be provided for residential visitors; and
 - (iii) A minimum of 1.0 **parking spaces** for each 100 square metres of non-residential **gross floor area** must be provided for non-residential uses;
- (S) The maximum parking rates of Regulation 200.5.10.1(1) and Table 200.5.10.1 do not apply.
- (T) **Parking spaces** provided for the use of residential visitors or for non-residential uses on the lands may be shared on a non-exclusive basis;
- (U) Regulation 200.15.1(4), respecting the location of accessible **parking spaces**, does not apply.

- (V) **Bicycle parking spaces** must be provided and maintained in accordance with the following:
- (i) A minimum of 0.10 **bicycle parking spaces** per **dwelling unit** must be allocated for short-term **bicycle parking spaces**;
 - (ii) A minimum of 0.90 **bicycle parking spaces** per **dwelling unit** must be allocated for long-term **bicycle parking spaces**;
 - (iii) Despite Regulation 230.5.1.10(9), long-term **bicycle parking spaces** may be located on any level below-ground;
 - (iv) Not less than 3 plus 0.3 short-term **bicycle parking spaces** per 100 square metres of **gross floor area** for non-residential uses must be provided;
 - (v) Not less than 0.2 long-term **bicycle parking spaces** per 100 square metres of **gross floor area** for non-residential uses must be provided;
- (W) Despite 230.5.1.10(4), if a **stacked bicycle parking space** is provided, its minimum dimensions must comply with the following:
- (i) Minimum length of 1.8 metres;
 - (ii) Minimum width of 0.4 metres; and
 - (iii) Minimum vertical clearance of 1.2 metres;
- (X) Regulation 230.40.1.20(2), respecting the location of short-term **bicycle parking spaces**, does not apply;
- (Y) Despite Clause 220.5.10.1, a minimum of one Type "G" and one Type "B" **loading space** must be provided on the lands;
- (Z) Article 600.10.10, respecting **building setbacks** for towers, does not apply;

Prevailing By-laws and Prevailing Sections: (None Apply)

5. None of the provisions of By-law No. 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law, which means a **building, structure**, facility, trailer or portion thereof used exclusively for the purpose of the sale, leasing or rental of **dwelling units** or non-residential units to be erected on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.
6. This By-law shall apply collectively to all of the lands subject to this By-law regardless of future severance, partition or division.

7. Section 37 Provisions

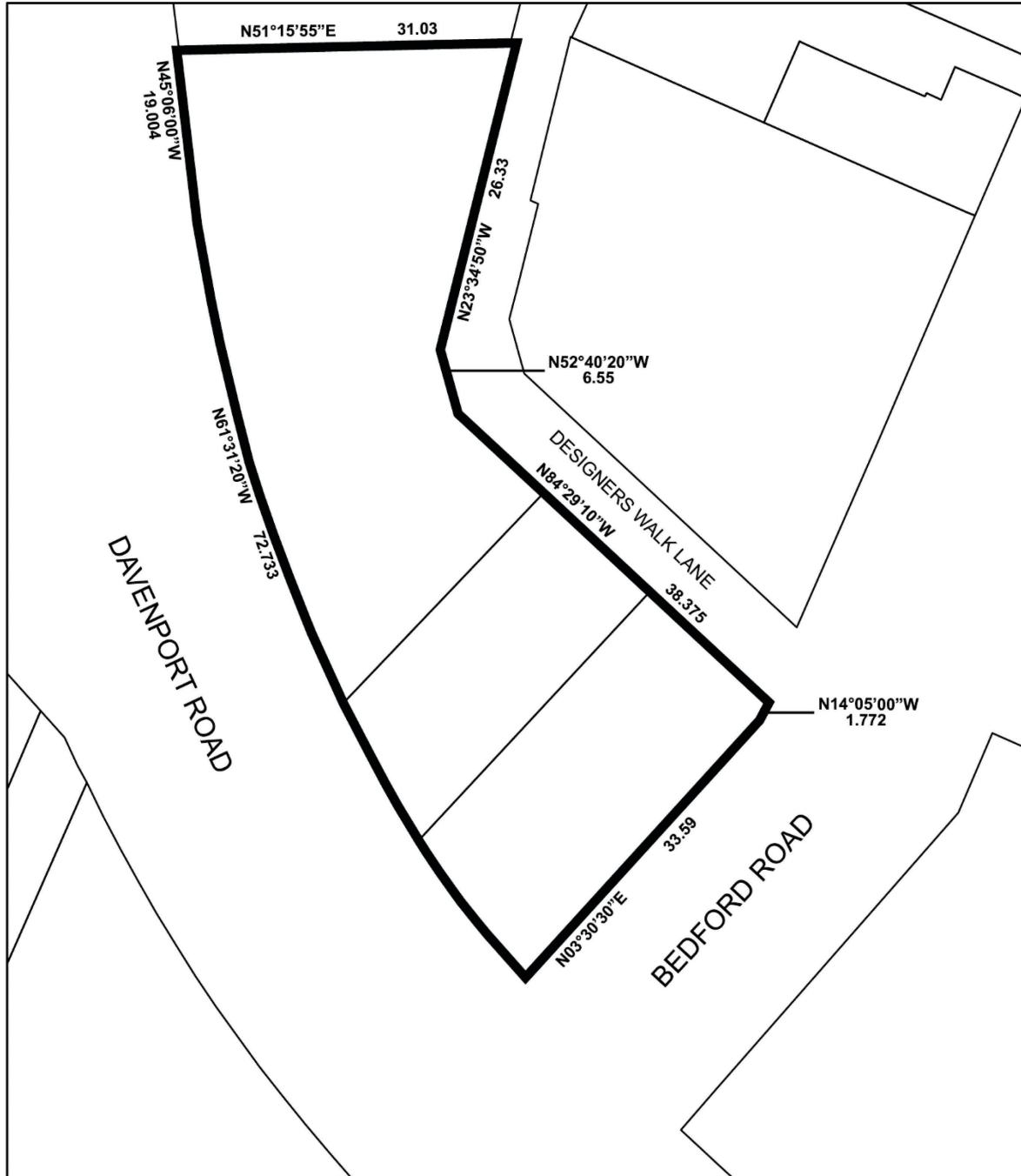
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services 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 permit shall be dependent on satisfaction of the same.
- (C) 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 Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued on June 28, 2019 and Order issued on December 2, 2020 in LPAT File PL171338.

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lot at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST termination and unwinding, and registration and priority of agreement:

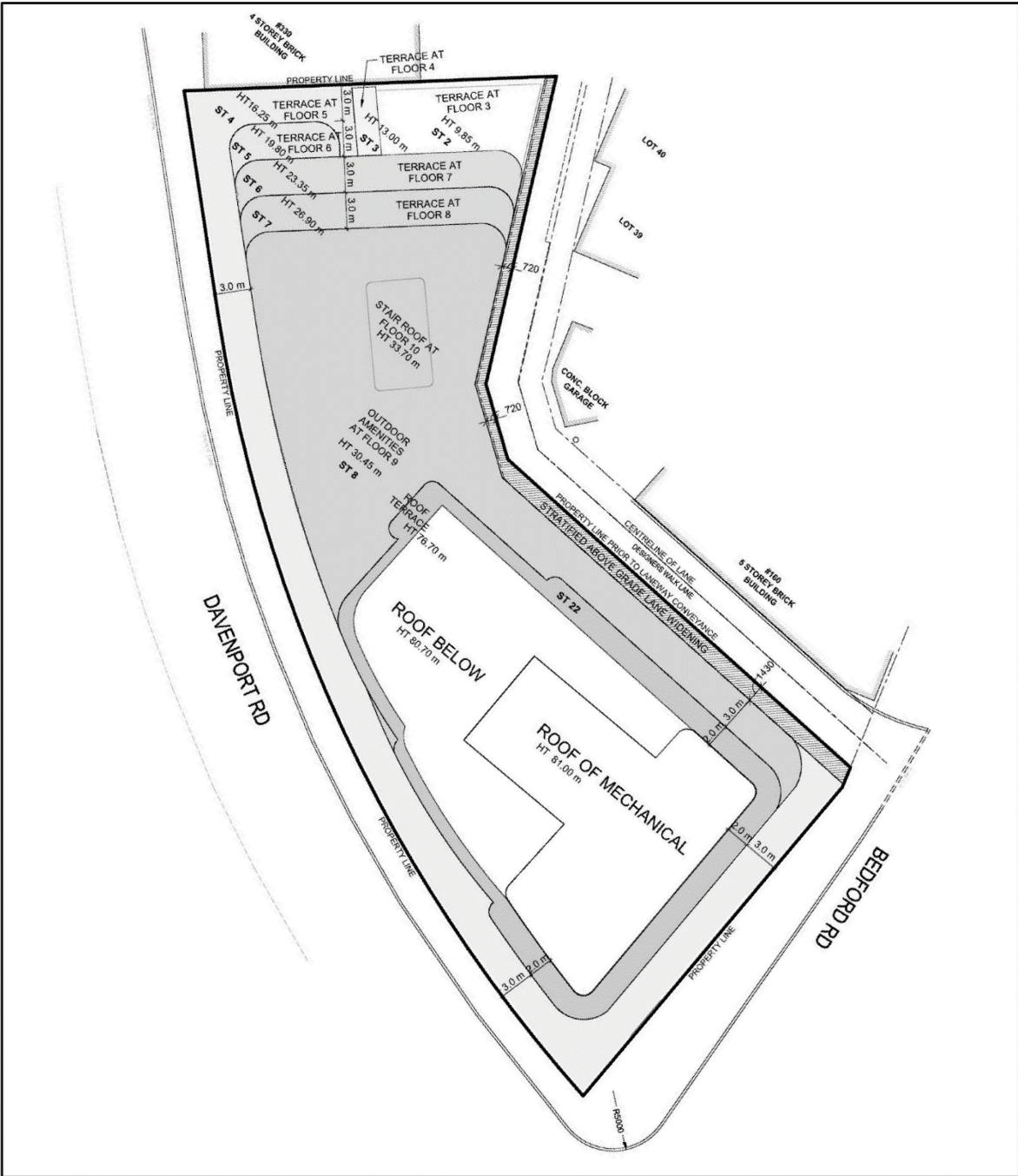
1. Section 37 contributions in the amount of \$3,086,340 to be allocated as follows:
 - (A) Prior to the issuance of the first Above-Grade Building Permit a cash contribution of \$500,000 towards affordable housing in Ward 11.
 - (B) Streetscape improvements to Designers Walk Lane (including costs of design and construction) for the portion of the lane that abuts the Site at a cost equal to \$1,000,140, to be completed no later than three years following the earlier of the first residential or commercial occupancy of the building;
 - (C) Streetscape improvements to Designers Walk Lane (including costs of design and construction) for the balance of the lane way north to Dupont Street excluding the laneway lands which abut 346 Davenport Road at a cost equal to \$1,586,200 to be completed no later than three years following the earlier of the first residential or commercial occupancy of the building;
 - (D) The provision and design of privately owned, publicly accessible walkways to connect Davenport Road to Designers Walk Lane to be completed no later than 18 months following the first residential occupancy of the building; and
 - (E) The amounts in (A), (B) and (C) above shall 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 the payment is made.



 **TORONTO**
Diagram 1

306-326 Davenport Road


File # 13 191712 STE 20 0Z

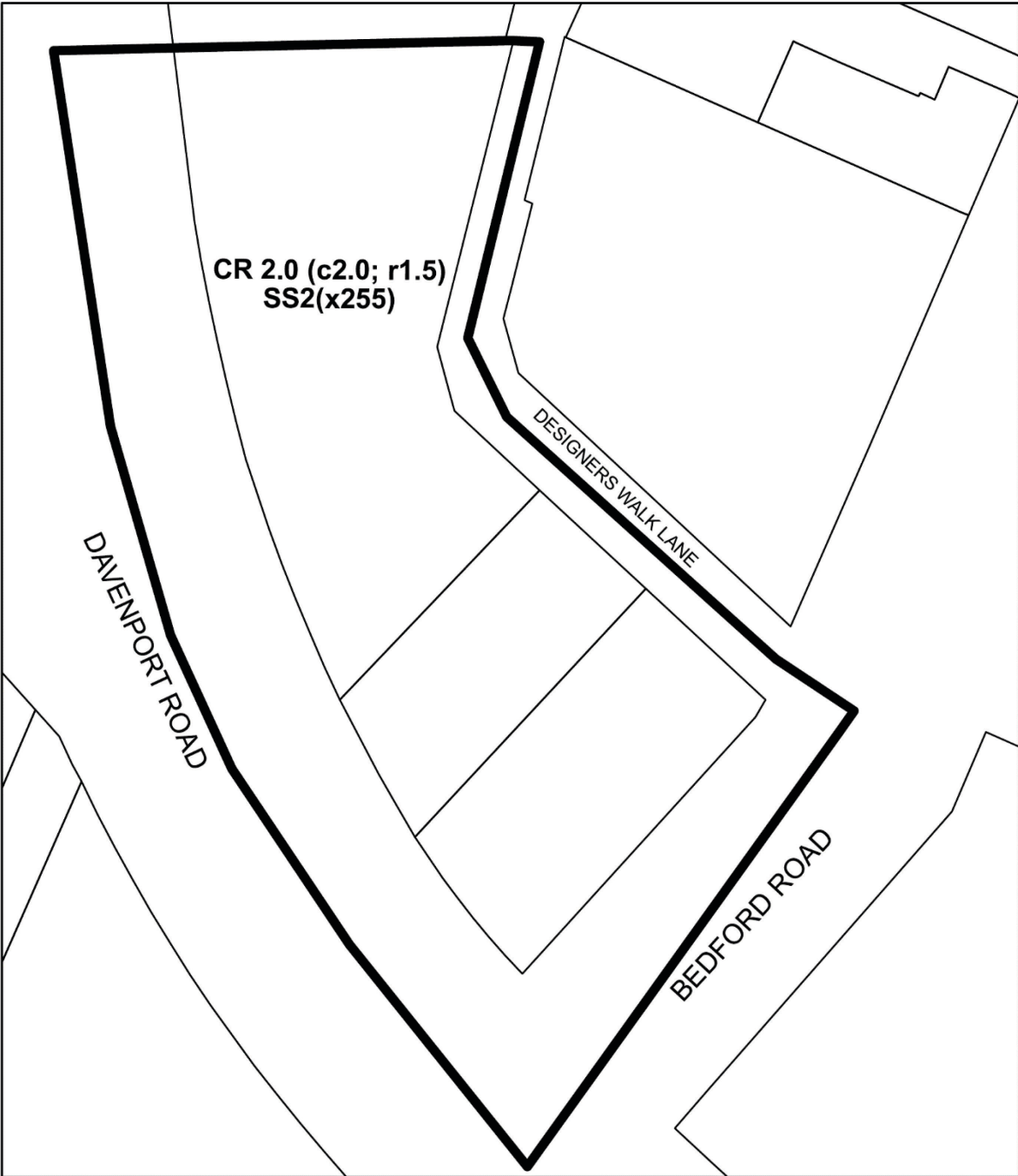


 **TORONTO**
Diagram 2

306-326 Davenport Road

File # 13 191712 STE 20 0Z


City of Toronto By-law 569-2013
Not to Scale
11/24/2020



 **TORONTO**
Diagram 3

306-326 Davenport Road

File # 13 191712 STE 20 0Z