

Authority: Toronto and East York Community Council
Item TE27.5, as adopted by City of Toronto Council on
October 1 and 4, 2021

CITY OF TORONTO

BY-LAW 836-2022

To amend former City of Toronto Zoning By-law 483-86, as amended, with respect to the lands municipally known as in 2021 as 2494 Danforth Avenue and to repeal former City of Toronto By-laws 597-78, 524-78 and 617-86.

Whereas the Council of the City of Toronto has been requested to amend Zoning By-law 438-86 pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2020 as 2494 Danforth Avenue; and

Whereas the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting under Section 34 of the Planning Act regarding the proposed Zoning By-law amendment; 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 and 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, the 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 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;

The Council of the City of Toronto enacts:

1. By-laws 597-78, 524-78, and 617-86 of the former City of Toronto are hereby repealed.
2. Pursuant to Section 37 of the Planning Act, the density of development permitted by this By-law is 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 Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.

3. Upon execution and registration of an agreement or agreements between the City and 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 Schedule A, 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, such building may not be erected or used until the owner of the lot has satisfied the said requirements.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the lot.
5. None of the provisions of Sections 2(1) with respect to the definition of *average grade*, *Dwelling Unit*, *gross floor area*, *height*, *Senior Citizens Retirement Home Facility*, and *storey*, and Sections 4(2), 4(3), 4(4), 4(12), 4(13), 4(6), 4(17), 6, 8(3) Part I (1), (2), (3), 8(3) Part II (2), 8(3) Part II (4)(a)(b)(c), 8(3) Part III (1)(a)(b), 8(3) Part IV, 8(3) Part VII (1), and 8(3) Part XI (1)(2) of By-law 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 and use of a *Senior Citizens Retirement Home Facility* on the lot, provided that:
 - (i) the *lot* on which the *Senior Citizens Retirement Home Facility* is located is comprised of the lands outlined by heavy lines, and identified on Map 1 attached to and forming part of this By-law;
 - (ii) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 13,000 square metres;
 - (iii) No portion of any building or structure shall have a greater *height* in metres than the *height* limits specified in metres and number of storeys specified by the number following the symbols H and ST on Map 2;
 - (iv) Despite 5(iii) above, the following building elements and structures are permitted to extend above the heights shown on Map 2 of this By-law and may encroach into a required building setback as follows:
 - (a) Eaves, cornices, window sills, vents, ornamental elements a maximum projection of 0.2 metres from the required setback from the lot line;
 - (b) Fences, safety railings and guard rails not more than 1.2 metres above the maximum height;
 - (c) Parapets a maximum of 0.6 metres above the maximum height;

- (d) Balconies a maximum projection of 1.5 metres from the required setback from the lot line on all elevations of the building only, and not within the hatched area shown on Map 2;
- (e) Terrace and Balcony dividers and planter rails not more than 3.0 metres above the maximum height; and
- (f) Canopies with a maximum projection of 2.0 metres from the required setback from the lot line.

(v) *parking spaces* are provided on the *lot* in accordance with the following minimum standards:

- (a) 0.3 *parking spaces* for each *dwelling room* or *dwelling unit*; and
- (b) 1.0 *parking spaces* per 100 square metres of *non-residential gross floor area*.

(vi) Up to a maximum of 15 percent of the total number of *parking spaces* provided may have the following minimum dimensions, notwithstanding that such parking spaces are obstructed on one or two sides:

- (a) length of 5.6 metres;
- (b) width of 2.6 metres; and
- (c) vertical clearance of 2.0 metres.

(vii) If the calculation of the number of required *parking spaces* results in a number with a fraction, the number shall be rounded down to the nearest whole number;

(viii) *Parking spaces* provided for visitors and non-residential uses may be shared;

(ix) A required *parking space* may not be a *tandem parking space*;

(x) The minimum dimensions of an accessible parking space shall be 5.6 metres in length and 3.4 metres in width, in addition to an adjacent area having a minimum width of 1.5 metres, with a minimum vertical clearance of 2.0 metres;

(xi) Notwithstanding Section 5(vi) and (x) above, electric vehicle charging equipment shall be permitted to project into such minimum parking space dimensions.

6. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:

- (i) "*average grade*" shall mean 130.31 metres Canadian Geodetic Datum Elevation for the lands shown on Map 1 of this By-law, with all dimensions on elevations to be dimensioned from this point;

- (ii) "*Dwelling Room*" shall mean separate living quarters located within a Senior Citizens' Retirement Home Facility which shall include washrooms, and may include limited culinary facilities in units, but shall not contain a washroom and an oven;
- (iii) "*gross floor area*" shall have the same meaning as in By-law 569-2013;
- (iv) "*height*" shall mean the vertical distance between average grade as per (a) above and the highest point of the building or structure on the lot;
- (v) "*Senior Citizens Retirement Home Facility*" means a building or structure or part thereof designed primarily for seniors, where common facilities are provided for the preparation and consumption of food and which may include dwelling rooms, bedrooms, sitting rooms, amenity areas, and other areas; and
- (vi) "*storey*" means the portion of a building that is between the top of a floor and the top of the floor next above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it; and for the purpose of this by-law a mezzanine does not constitute a *storey*.

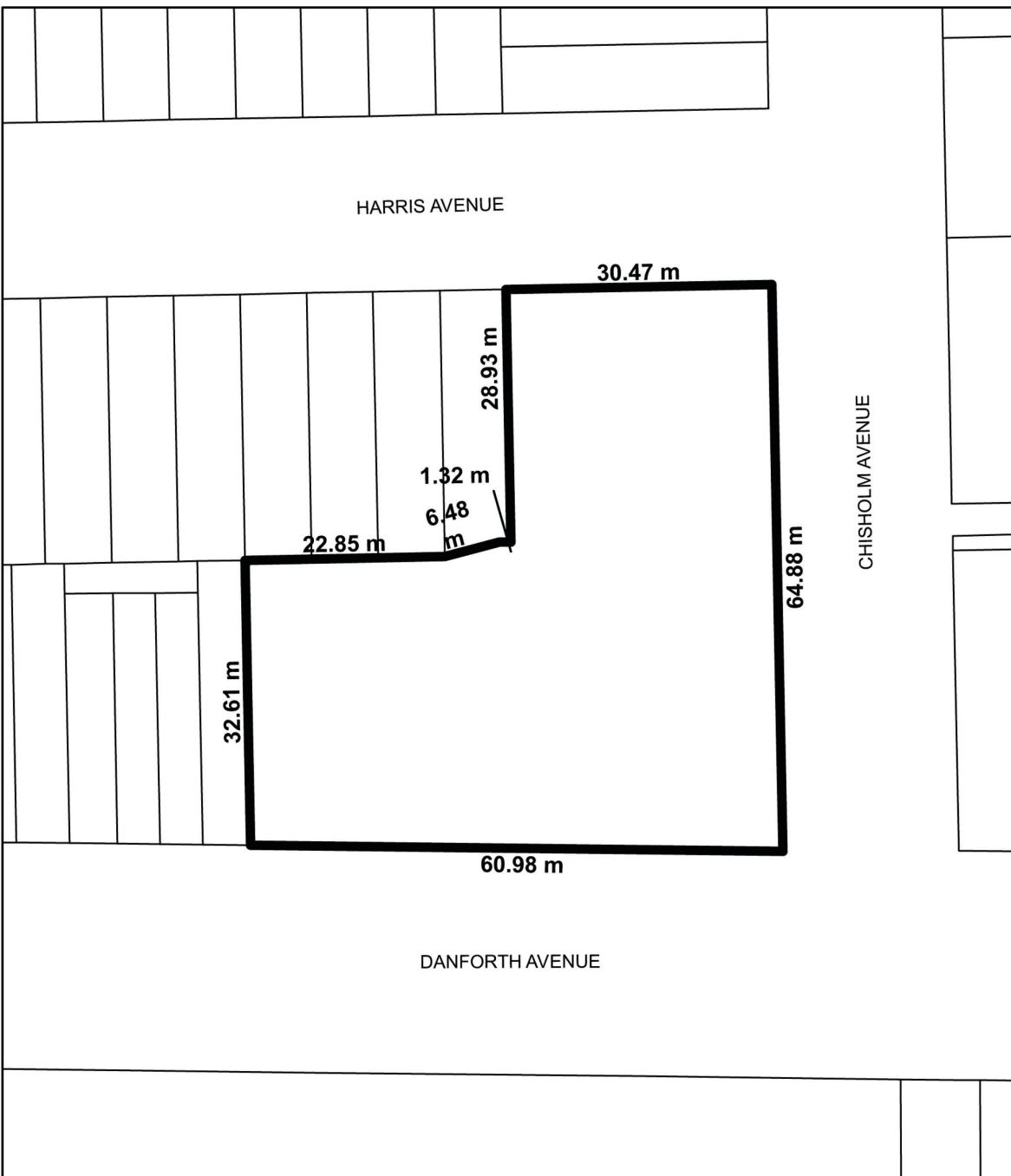
7. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

(Seal of the City)

John D. Elvidge,
City Clerk



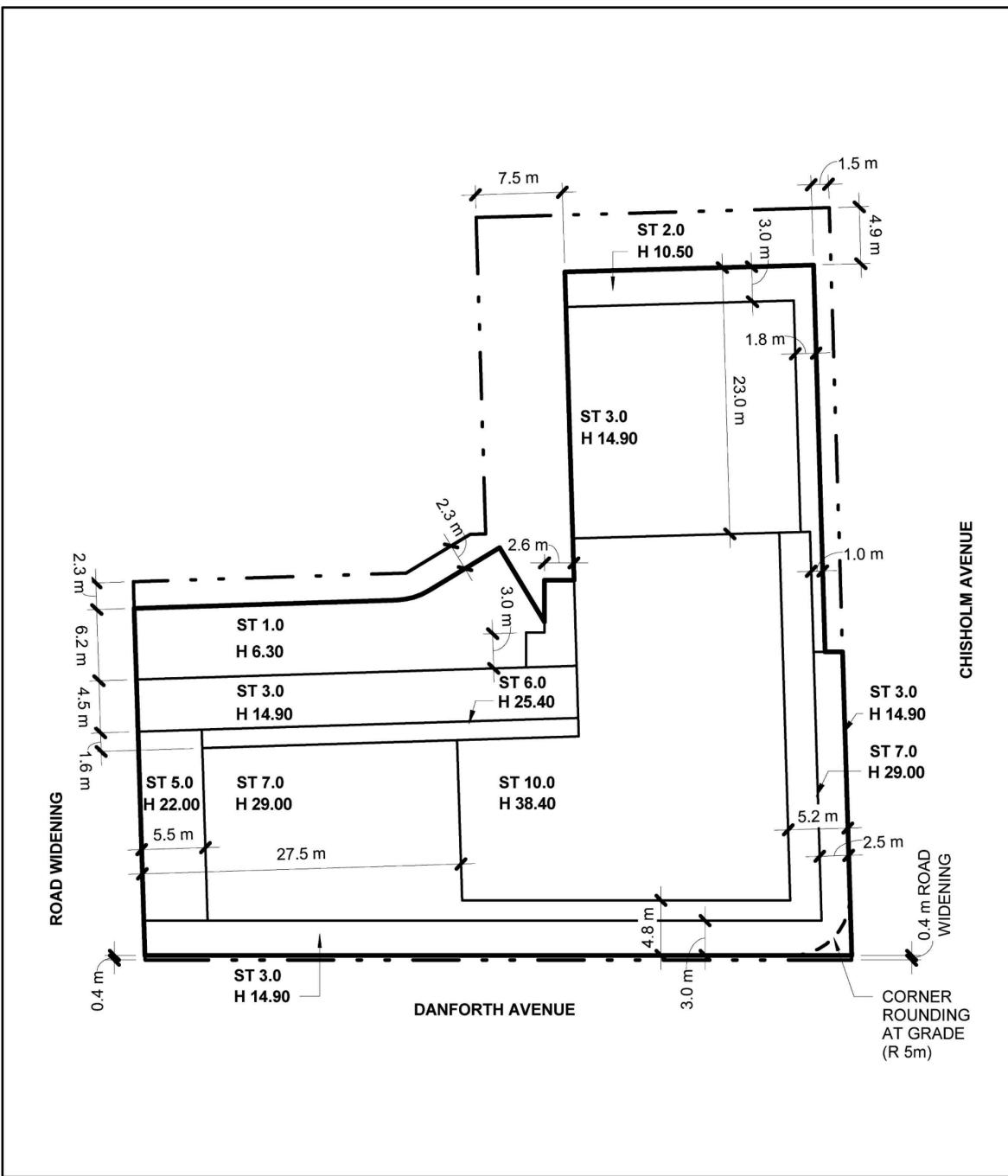
 **TORONTO**
Map 1

2494 Danforth Avenue

File #: 17 278384 STE 31 OZ



City of Toronto By-law 569-2013
Not to Scale
08/16/2021



 **TORONTO**
Map 2

2494 Danforth avenue

File #: 17 278384 STE 31 OZ

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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (A) A financial contribution in the amount of \$387,500.00 payable to the City prior to the issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment. The funds shall be allocated towards capital improvements that will benefit the community in the vicinity of the development, such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts-related community space, local streetscape improvements, BIA capital projects, capital improvements to Toronto Community Housing in Ward 19, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- (B) The following matters of convenience shall also be secured in the Section 37 Agreement:
 - (i) the owner to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development; and
 - (ii) the owner will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard, where appropriate.