

Authority: Scarborough Community Council Item SC31.2,
as adopted by City of Toronto Council on May 11 and 12,
2022

City Council voted in favour of this by-law on February 8,
2023

Written approval of this by-law was given by Mayoral
Decision 2-2023 dated February 8, 2023

CITY OF TORONTO

BY-LAW 154-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 250 Danforth Road.

Whereas Council of the City of Toronto has the authority to 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 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 lands are the subject of by-law 951-2009 enacted by City Council on October 1, 2009, being a by-law described in subsection 37(1) of the Planning Act as it read on the day before section 1 of COVID-19 Economic Recovery Act, 2020 came into force; and

Whereas pursuant to Section 37.1(3) of the Planning Act, if the local municipality has passed a by-law described in subsection 37(1) as it read on the day before section 1 of COVID-19 Economic Recovery Act, 2020 came into force before the day that it passes a community benefits charge by-law under Section 37(2), then Subsections 37 (1) to (4), as they read on the day before section 1 of COVID-19 Economic Recovery Act, 2020 came into force continue to apply with respect to the by-law and the lands that are the subject of the by-law; and

Whereas Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; 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. 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 adding the lands subject to this by-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands in the heavy black lines as shown on Diagram 2 attached to this By-law:

CR 4.5 (c0.3; r4.2) SS3 (x362)

CR 1.75 (c0.05; r1.75) SS3 (x367)

RT (x307)
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying no value.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 362 so that it reads:

(362) Exception CR 362

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

Site Specific Provisions:

- (A) On 250 Danforth Road, as shown on Diagram 1 of By-law 154-2023, if the requirements of Section 12 and Schedule A of By-law 154-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (P) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 148.80 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10 (3)(B) and 40.10.40.10(7)(B), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres and the permitted maximum number of **storeys** is the number following the ST symbol as shown on Diagram 3 of by-law 154-2023; and
 - (i) for the purpose of this exception, a mezzanine, mechanical penthouse or enclosed roof access does not constitute a **storey**;
- (D) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the height limits to a maximum of 6.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 6.5 metres;
 - (iii) architectural features, parapets, and elements and structures associated with a **green roof** may project above the height limits to a maximum of 2.5 metres;
 - (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, ornamental or architectural features, patios, cabanas, planters, safety and guard rails, and divider screens on a balcony and/or terrace may project above the height limits to a maximum of 2.5 metres; and
 - (vi) trellises, pergolas, public art features, lighting fixtures, ramps, stairs or stair enclosures, mechanical lift and unenclosed **structures** providing safety, noise or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 3.0 metres;

- (E) Despite Regulation 40.10.40.10(5), the required minimum floor to ceiling height of the first **storey** is 3.0 metres, provided that the residential lobby has a minimum floor to ceiling height of 3.6 metres and the **retail store** and the **home occupation** units have a minimum floor to ceiling height of 4.0 metres, and:
- (i) for the purpose of this exception, a mezzanine, mechanical penthouse or enclosed roof access does not constitute a **storey**.
- (F) Regulation 40.10.40.1(2) with respect to the location of entrances and first floor elevation for non-residential uses does not apply;
- (G) Despite regulation 40.10.40.1(1), residential use portions of the **building** may be located adjacent to non-residential use portions on the ground floor of the **building**;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** for all **buildings** and **structures** on the **lot** is 14,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 14,360 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 140 square metres;
- (I) Regulation 40.10.40.1(6) with respect to the location of entrances when abutting residential does not apply;
- (J) Despite Regulation 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** of which at least 310 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**.
- (K) Despite Regulation 40.10.40.70 (3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of by-law 154-2023;
- (L) Despite Regulation 40.10.40.80 (2), the required separation of **main walls** are as shown in metres on Diagram 3 of by-law 154-2023;
- (M) Despite Clause 40.10.40.60 and (K) and (L) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
- (i) decks, porches, and balconies, to a maximum extent of 2.2 metres;
 - (ii) canopies and awnings, to a maximum extent of 2.2 metres;

- (iii) exterior stairs, access ramps and elevating devices, to a maximum extent of 2.2 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum extent of 0.5 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, to a maximum extent of 2.2 metres;
 - (vi) window projections, including bay windows and box windows, to a maximum extent of 0.5 metres;
 - (vii) eaves, to a maximum extent of 2.2 metres;
 - (viii) a dormer, to a maximum extent of 2.2 metres; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes to a maximum extent of 1.0 metres.
- (N) A minimum of 25 percent of the **lot** must be used for **landscaping** and the **landscaping** and **soft landscaping** requirements under regulation 40.10.50.10(1)(2)(3) do not apply;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following:
- (i) a minimum of 0.7 residential occupant **parking spaces** for each bachelor **dwelling unit**;
 - (ii) a minimum of 0.8 residential occupant **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 0.9 residential occupant **parking spaces** for each two bedroom **dwelling unit**;
 - (v) a minimum of 1.1 residential occupant **parking spaces** for each three bedroom and greater **dwelling unit**;
 - (vi) a minimum of 0.15 residential visitor **parking spaces** for each **dwelling unit**; and
 - (vii) no **parking spaces** are required for non-residential uses.
- (P) Despite regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and

- (iii) vertical clearance of 2.1 metres.

Prevailing By-laws and Prevailing Sections: None Apply

9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 367 so that it reads:

(367) Exception CR 367

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

Site Specific Provisions:

- (A) On 250 Danforth Road, as shown on Diagram 1 of By-law 154-2023, if the requirements of Section 12 and Schedule A of By-law 154-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (Q) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 148.80 metres and elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10 (3), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres and the permitted maximum number of **storeys** is the number following the ST symbol as shown on Diagram 3 of by-law 154-2023;
 - (i) for the purpose of this exception, a mezzanine, mechanical penthouse or enclosed roof access does not constitute a **storey**;
- (D) Despite Regulations 40.5.40.10(3) to (8) and (B) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the height limits to a maximum of 3.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 3.0 metres;
 - (iii) architectural features, parapets, and elements and structures associated with a **green roof** may project above the height limits to a maximum of 2.5 metres;

- (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace may project above the height limits to a maximum of 2.5 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 3.0 metres.
- (E) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.0 metres, and:
- (i) for the purpose of this exception, a mezzanine, mechanical penthouse or enclosed roof access does not constitute a **storey**.
- (F) Regulation 40.10.40.50(1) with respect to **amenity space** for buildings with 20 or more dwelling units does not apply;
- (G) Despite Regulation 40.10.40.70 (3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of by-law 154-2023;
- (H) Despite Regulation 40.10.40.80 (2), the required separation of **main walls** are as shown in metres on Diagram 3 of by-law 154-2023;
- (I) Despite Clause 40.10.40.60 and (G) and (H) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
- (i) decks, unenclosed porches/patios and terraces to a maximum of 2.2 metres;
 - (ii) balconies and privacy screens may encroach to a maximum of 1.7 metres;
 - (iii) unenclosed stairs, exterior steps or ramps or intake shafts and exhausts to a maximum of 1.7 metres;
 - (iv) waste chutes to a maximum of 1.7 metres;
 - (v) cantilevered bay window, box window or other projecting window to a maximum of 0.3 metres; and
 - (vi) roof overhang, canopies, eaves, porticoes, eaves or roofs of dormer window to a maximum of 1.7 metres.
- (J) Regulation 40.10.40.1(6) with respect to the location of entrances when abutting residential does not apply;

- (K) Regulation 40.10.40.10(4) with respect to the required minimum height in certain CR zones does not apply;
- (L) Regulation 40.10.50.10(2) with respect to fence requirements if abutting a **lot** in the Residential or Residential Apartment Zone Category does not apply;
- (M) A minimum of 26 percent of the **lot** must be used for **landscaping** and the **landscaping** and **soft landscaping** requirements under regulation 40.10.50.10(1)(2) and (3) do not apply;
- (N) Despite regulation 200.5.10.1(1) and Table 200.5.10.1 **parking spaces** must be provided on the **lot** at the following minimum rates:
 - (i) 0.7 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.8 **parking spaces** for each one-bedroom **dwelling unit**;
 - (iii) 0.9 **parking spaces** for each two-bedroom **dwelling unit**;
 - (iv) 1.1 **parking spaces** for each three-bedroom or greater **dwelling unit**;
 - (v) 0.15 **parking spaces** for each **dwelling unit** for residential visitor parking and
 - (vi) No **parking spaces** are required for non-residential uses.
- (O) Despite regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres.
- (P) Despite Regulation 220.5.10.1(2), no **loading space** is required;
- (Q) Despite Regulation 230.5.10.1(1) and (5) and Table 230.5.10.1(1), no **bicycle parking spaces** are required.

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

10. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 307 so that it reads:

(307) Exception RT 307

Site Specific Provisions

- (A) On 250 Danforth Road, as shown on Diagram 1 of By-law 154-2023, if the requirements of Section 12 and Schedule A of By-law 154-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (K) below;
- (B) Despite regulation 10.5.40.10(1), the height of a **building** is measured from **average grade** to the top of the highest point of the **building**;
- (C) Despite Regulation 10.60.40.10(1)(B) and 10.60.40.10(2)(B), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres and the permitted maximum number of **storeys** is the number following the ST symbol as shown on Diagram 3 of by-law 154-2023; and
- (i) for the purpose of this exception, a mezzanine, mechanical penthouse or enclosed roof access does not constitute a **storey**;
- (D) Despite Regulations 10.5.40.10(2) and (3) and (B) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) Lighting fixtures, cabanas, planters, balustrades, bollards, trellises, parapets, privacy screens, safety railings, guardrails, chimneys, vents, stacks and exhaust stacks, and ornamental or architectural features to a maximum of 2.5 metres; and
- (ii) Mechanical penthouses and equipment such as heating and cooling stacks, air units, and an emergency generator may extend to a maximum of 4.0 metres.
- (E) Despite regulation 10.60.40.40(1)(B), the permitted maximum **gross floor area** is 3,900 square metres;
- (F) Despite regulation 10.60.30.20(1)(B), the required minimum **lot frontage** for each **townhouse dwelling unit** is 6.0 metres;
- (G) Despite regulation 10.60.30.10(1)(C), the required minimum **lot area** is 4,115 square metres;
- (H) Despite regulation 10.60.30.10(2), the required minimum **lot area** for each **townhouse dwelling unit** is 130 square metres;

- (I) Despite clauses 10.60.40.70 and 10.60.40.80 and regulation 10.5.40.70(1), the required minimum **building setbacks** and separation distances are shown in metres on Diagram 3 attached to By-law 154-2023;
- (J) Despite Clause 10.5.40.60, the following may encroach into the required minimum **building setbacks** and separation distances shown on Diagram 3 of By-law 154-2023, as follows:
 - (i) decks and unenclosed porches/patios to a maximum of 3.0 metres;
 - (ii) balconies and privacy screens may encroach to a maximum of 1.7 metres;
 - (iii) exterior steps or ramps or intake shafts and exhausts to a maximum of 3.0 metres;
 - (v) cantilevered bay window, box window or other projecting window to a maximum of 0.3 metres; and
 - (vi) roof overhang, canopies, eaves, porticoes, eaves or roofs of dormer window to a maximum of 2.0 metres.
- (K) Clause 10.5.50.10 with respect to **landscaping** and **soft landscaping** does not apply.

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

- 11. Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.
- 12. 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 3 of By-law 154-2023 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; and
 - (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.

Enacted and passed on February 8, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City by the owner at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Diagram 1 of By-law 154-2023; in accordance with and as secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force in a form satisfactory to the City (the "Section 37 Agreement"), whereby the owner agrees as follows:

- (1) Prior to the issuance of any Building Permit, the owner shall enter into and register on title an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits as set out below.

Section 37 Contribution

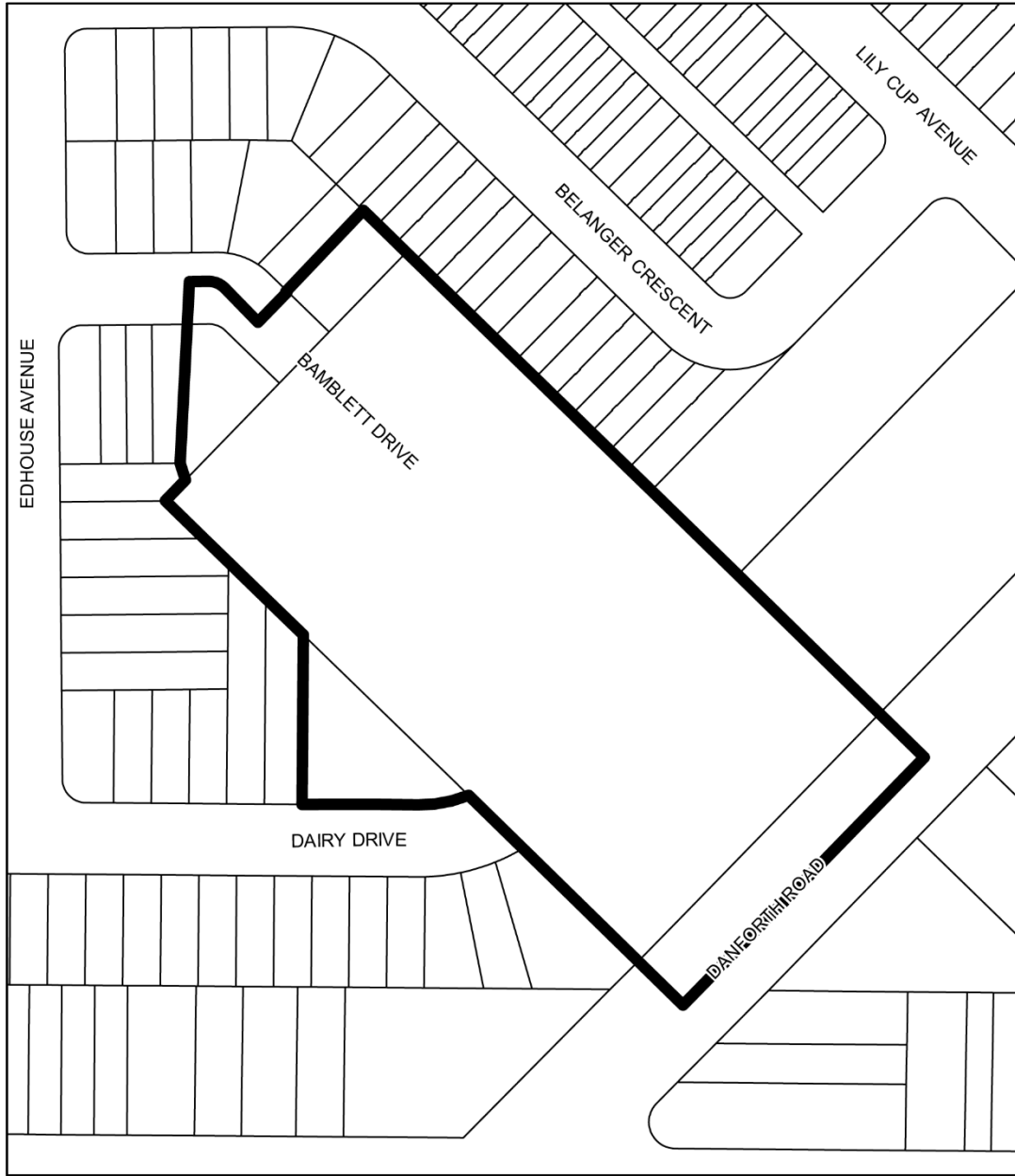
- (2) Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of eight hundred thousand dollars (\$800,000.00) towards community facilities in the Warden Woods Community, with such value upwardly indexed in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
- (3) In the event the cash contribution referred to above has not been used for the intended purpose within three 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, City Planning, in consultation with the local Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the land; and
- (4) Prior to the issuance of the first above-grade building permit for any residential use on the subject lands, the owner shall submit a public art plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, detailing the design and construction of an on-site public art installation with a minimum value of \$700,000.00, with such value upwardly indexed in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of delivery of the financial security required by City Council's decision.

Matters Secured as a Legal Convenience

- (5) The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance

standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

Diagram 1



 **TORONTO**
Diagram 1

250 Danforth Rd

File # 15 158919 ESC 35 0Z

Diagram 2

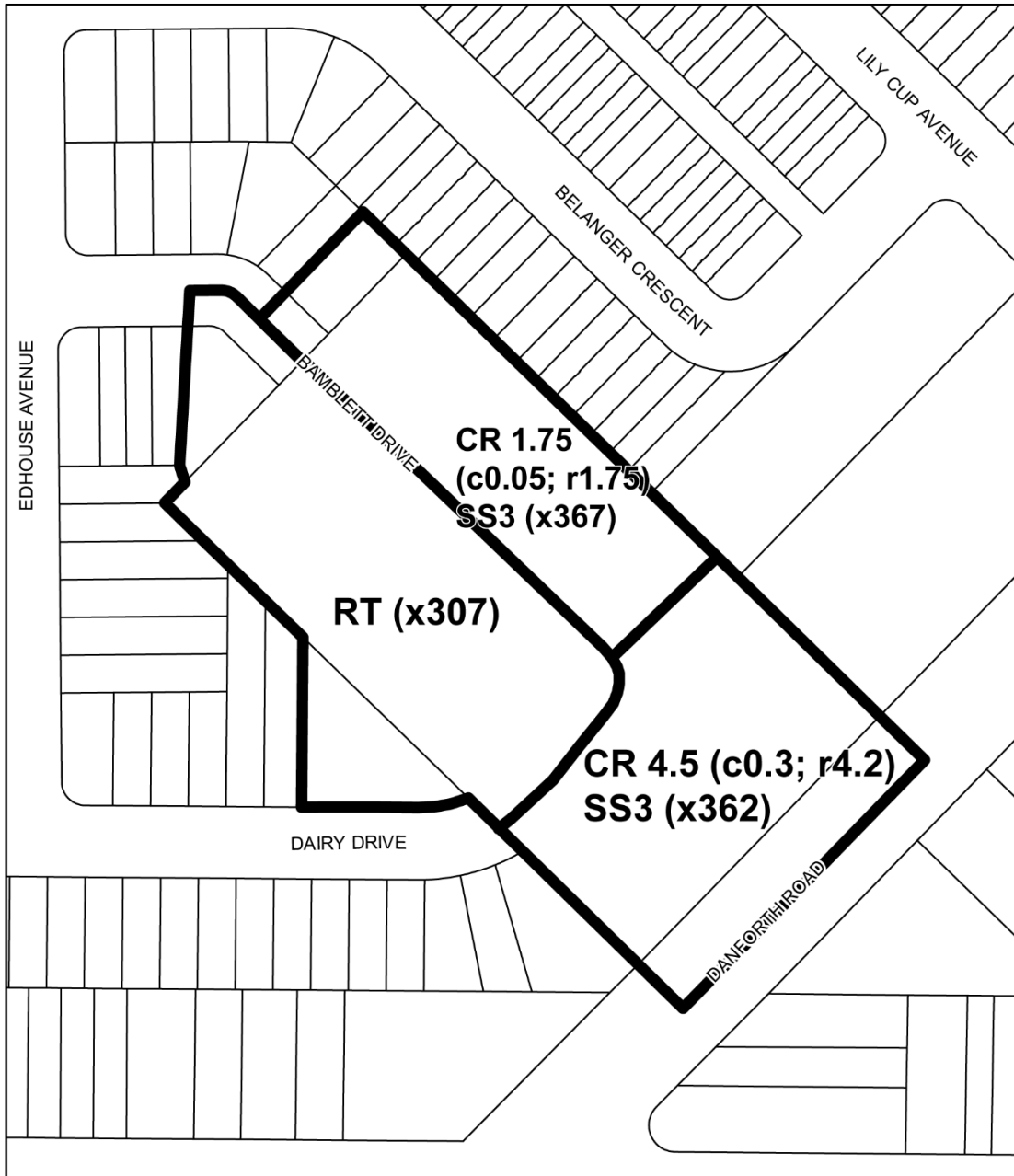
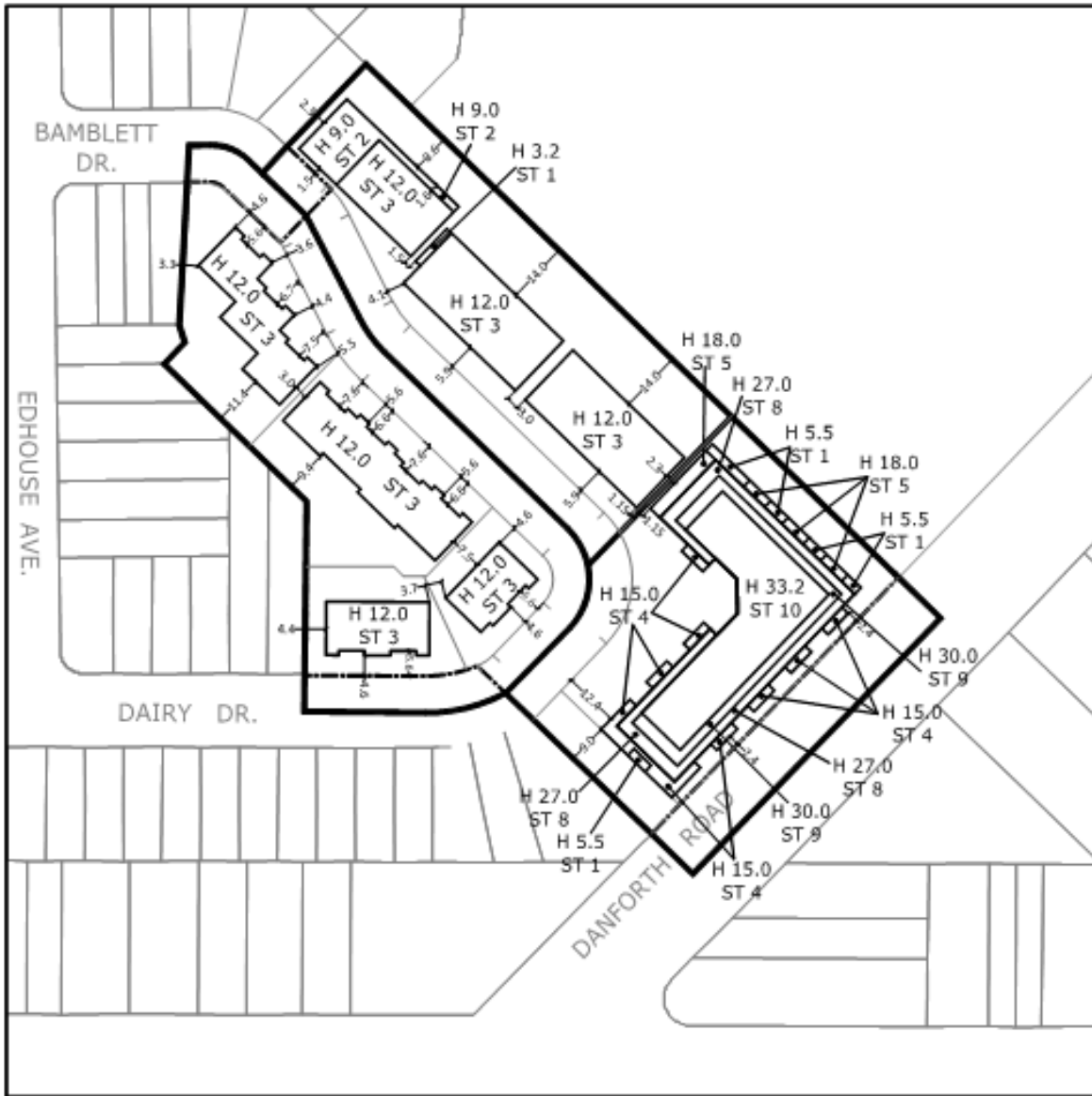


Diagram 3



250 Danforth Road, Toronto



Diagram 3

File # _____

J. D. Barnes Limited
Stephane E. Lapointe
Ontario Land Surveyor

Not to Scale

