

2359 Danforth Ave – Zoning Amendment Application – Final Report

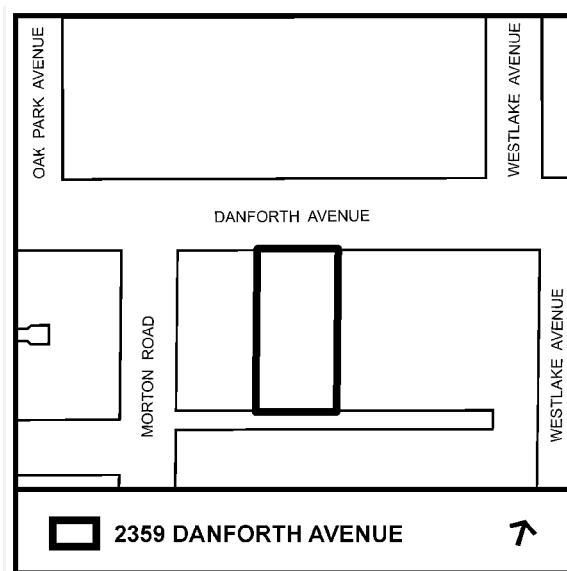
Date:	May 30, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	13 171352 STE 32 OZ

SUMMARY

This application proposes a 10-storey mixed-use building with retail space at grade and 136 residential units at 2359 Danforth Avenue.

The City Planning Division is recommending approval of the proposed development based on its location on an *Avenue* and on its planning and design attributes:

- (a) the proposed development provides a transition in scale and density as it steps down from the Danforth Avenue mixed use corridor to the low density neighbourhood;
- (b) the proposed development achieves the City's public realm objectives, including desired sidewalk width and adequate sunlight at pedestrian level on Danforth Avenue;
- (c) the applicant's Avenue Segment Review (as adopted by staff) indicates that incremental redevelopments of the same general scale within the identified Avenue Segment will not negatively impact the adjacent neighbourhoods;
- (d) the site is close proximity to both Woodbine and Main subway stations and the Danforth GO Station and has



excellent transit connections to most points within the City;

- (e) the site is on Danforth Avenue with close proximity to retail, service and entertainment facilities and places of employment; and
- (f) the Section 37 benefits that would be secured as a result of approval and construction of this development including contributions towards public art and a local park in the vicinity of the proposed development.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 2359 Danforth Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report (May 30, 2014) from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 569-2013, for the lands at 2359 Danforth Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to report (May 30, 2014) from the Director, Community Planning, Toronto and East York District].
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into one or more Agreement(s) pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with appropriate civic officials and the Ward Councillor:

Prior to the issuance of above grade permits unless indicated otherwise provide a cash contribution of \$230,000 which is to be used for the following:

- i. \$150,000 to be deposited with the City for a Public Art Program, administered by the city's Culture Division, in the vicinity of the development site; and
- ii. \$80,000 towards improvements to Stephenson Park; and
- iii. In the event the cash contributions referred to in Section (i) and (ii) above has not been used for the intended purpose within three (3) 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 of City Planning, in consultation with the local

Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On September 10, 2013, the Toronto and East York Community Council considered a Preliminary Report dated August 7, 2013, from the Director, Community Planning, Toronto and East York District and adopted the recommendations of that report which can be found at:

(<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60687.pdf>).

ISSUE BACKGROUND

Proposal

This application proposes a 10-storey 9,545 square metre mixed-use building at 2359 Danforth Avenue with retail uses at grade and 136 residential units. The proposed density is 5.1 times the area of the lot. Parking for 85 vehicles, including 7 visitor parking spaces, is to be provided in an underground garage with access off the public lane to the rear of the property. (See Appendix 7 – Application Data Sheet).

Since the original application, revisions were made to the proposal that resulted in the reduction of the number of units from 139 to 134, the increase in the number of parking spaces from 73 to 85 and the decrease in density from 5.61 times the area of the lot to 5.1 times the area of the lot.

Site and Surrounding Area

The property is located on the south side of Danforth Avenue, east of Morton Road. The property is currently occupied by a one-storey fire damaged building. The site, which is approximately 61 metres deep, is generally flat and is to the north of a public lane.

Properties on the north side of Danforth Avenue are generally 1 to 2 storey mixed-use buildings with retail and auto related uses at grade. Immediately to the west is a two-storey heritage hydro building. Immediately to the east is a two-storey apartment complex. The south side of the property abuts a neighbourhood with 2-storey homes.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of

conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan.

Avenues are “important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents”, according to Section 2.2.3 of the Plan.

The Avenues will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each Avenue will be established through an Avenue Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. The zoning by-law will set out the mix of uses, heights, densities, setbacks and other zoning standards.

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors (Policy 3.a) states that development may be permitted on the Avenues prior to an Avenue Study and will be considered on the basis of all of the policies of the Official Plan. This area has not been subject to an Avenue Study. Development applications on the Avenues prior to an Avenue Study are required to be accompanied by an Avenue Segment Study, which discusses the implications for the portion of the Avenue resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development of the remainder of the Avenue. An Avenue Segment Study has been submitted with this application and has been reviewed, as noted in this report.

The Official Plan designates the property *Mixed Use Area*.

Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Plan provides a list of development criteria for *Mixed Use Areas* that include:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;

- provide an attractive, comfortable and safe pedestrian environment;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

Zoning

The site is zoned MCR T2.0 C1.0 R2.0 by the former City of Toronto Zoning By-law 438-86 and CR 3.0 (c2.0 r2.5) SS2(x2219), by new City-wide Zoning By-law 569-2013, enacted by City Council on May 9, 2013 and currently under appeal to the Ontario Municipal Board. Both zoning by-laws would permit a wide range of commercial and residential uses with a maximum density of 3.0 times the area of the lot, of which a maximum of 2.0 times may be non-residential and a maximum of 2.5 times may be residential. The maximum permitted height is 14.0 metres at the front of the property and 12 metres at the rear.

Avenues and Mid-Rise Buildings Study

Toronto City Council, at its meeting of July 8, 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled Avenues and Mid-Rise Buildings Study and Action Plan, with modifications. The main objective of this City-wide Study is to encourage future intensification along Toronto's Avenues that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The Avenues and Mid-rise Buildings Study identifies a list of best practices, categorizes the Avenues based on historic, cultural and built form characteristics, establishes a set of performance standards for new mid-rise buildings and identifies areas where the performance standards should be applied.

The Performance Standards are intended to be used as tools to implement both the Official Plan's Avenues and Neighbourhood policies, maintaining a balance between reurbanization and stability. The Performance Standards give guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan. The application has been reviewed against the Performance Standards contained within the Avenues and Mid-Rise Buildings Study.

Site Plan Control

The proposed development is subject to Site Plan Control. An application has been submitted and is currently under review.

Reasons for Application

The proposal is for a 10-storey, 32.5 metre high building, including mechanical, with a density of 5.1 times the area of the lot. The proposed density exceeds current permissions of 3.0 times the lot area. The proposed height exceeds the current height limits of 14 and 12 metres. A Zoning By-law amendment is therefore required.

In addition the proposed development requires amendments to the by-law in relation to the number of parking spaces, the dimension of some of the proposed parking spaces, and the amount of amenity space.

Community Consultation

City Planning hosted a community consultation meeting on November 12, 2013. Although there was some concern expressed with respect to the proposed height and density, the majority of the concerns related to parking and traffic related issues. There was concern that the laneway was being used for access to the underground garage and that there would be an increase in traffic within the adjacent neighbourhood, as well as parking on the adjacent streets.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have reviewed the proposal and determined that it is consistent with the PPS, 2014. The proposal conforms to and does not conflict with the Growth Plan for the Greater

Avenue Segment Review (ASR)

In response to *Avenue* Policy 2.2.3.3 in the Official Plan, the applicant submitted the Danforth Avenue *Avenue* segment report (prepared by Walker, Nott, Dragicevic Associates Limited) on May 22, 2013 in support of their rezoning application. The review includes properties fronting on Danforth Avenue between the Cedarvale Avenue to the west and to Main Street to the east.

The ASR provides a background review of relevant policies and an inventory of existing built form, which helps to inform the impacts that incremental development may have on the Avenue Segment. Based on the background review, the ASR presents five General Principles that are later applied to the report's development scenario evaluations. The General Principles reflect the consultant's interpretation of the Official Plan's direction with respect to reurbanization on the *Avenues*.

The ASR identified and reviewed six soft sites that could have potential for redevelopment. The consultant chose sites that have characteristics that are similar to those of the subject site (for example, underutilized sites and larger lots), with the intent of projecting future densities and built forms. The consultant's review of each potential development site included identifying number of stories, commercial density, residential density and number of residential units. The ASR anticipates that heights would range between 6 and 9 stories on these sites and that if all were built out would result in an approximately 11,000 square metres of retail space and approximately 727 additional residential units. Given the recent renovations and additions to the existing Honda Car Dealership, some of these sites are not likely to redevelop in the near future, but rather may be proposed for redevelopment as the avenue segment intensifies over time.

Based on the consultant's preferred development scenario and planning rationale, it is staff's opinion that incremental development within the segment would not adversely impact adjacent *Neighbourhoods*

and that the proposed development at 2359 Danforth Avenue is supportable by available infrastructure. The development proposal demonstrates a level of reurbanization that is in keeping with the Official Plan policies for *Avenues*. The conclusions in the ASR with respect to appropriate building heights, densities and massing are not considered to be conclusive in terms of future consideration of any development applications that the City may receive. Any future development applications submitted in the Avenue Segment will be evaluated on their own merit, with staff having the benefit of reviewing full and detailed development proposal submission materials.

Midrise Guidelines

Toronto City Council, at its meeting of July 8, 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications. The main objective of this City-wide Study is to encourage future intensification along Toronto's *Avenues* that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The Avenues and Mid-rise Buildings Study identifies a list of best practices, categorizes the Avenues based on historic, cultural and built form characteristics, establishes a set of performance standards for new mid-rise buildings and identifies areas where the performance standards should be applied.

The Performance Standards are intended to be used as tools to implement both the Official Plan's *Avenues* and *Neighbourhoods* policies, maintaining a balance between reurbanization and stability. The Performance Standards give guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan.

The application has been reviewed against the Performance Standards contained within the Avenues and Mid-Rise Buildings Study. The applicant has been able to satisfy a majority of the 36 performance standards contained within the study and where they do not meet a specific performance standard it is minor, and there is no adverse impact on the surrounding properties.

Land Use

The Official Plan states that lands designated as *Mixed Use Areas* are intended to achieve a multitude of planning objectives by combining a broad array of residential, office, retail and service uses. *Mixed Use Areas* are intended to be areas which allow residents to live, work and shop in the same area, giving individuals an opportunity to be less dependent upon their automobiles, while creating districts along transit routes that are animated, attractive, and safe. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development. The highest buildings and greatest intensity will occur in the *Downtown*, with decreased intensity and scale in the *Centres* and along *Avenues*.

The development criteria contained within Section 4.5.2 of the Official Plan seeks to ensure that, among other matters, development in *Mixed Use Areas* creates a balance of high quality commercial, residential, institutional uses that reduce automobile dependency while meeting the needs of the local community. The development has non-residential space at grade along Danforth Avenue which is in keeping with the commercial character of the *Avenue* and residential units above.

Staff have determined that the proposed mid-rise development is appropriate for this site and complies with *Mixed Use Areas* policies contained within the Official Plan.

Height

The existing zoning on the site permits a building up to 14 metres at the front of the property and 12 metres in height at the rear, with a 5 metre mechanical. The proposed building has a height of 32.5 metres, and steps down with varying heights to the rear of the property (see height map in draft zoning by-law).

Performance Standard 1 of the Mid-rise and Avenues Study identifies that the maximum allowable height of the *Avenues* will be no taller than the width of the *Avenue* right-of-way. On Danforth Avenue, which has a right-of-way width of 27 metres, a mid-rise building consisting of commercial uses at grade and residential dwelling units above, can be 27 metres in height (roughly 9 residential storeys). The study also recognizes that building height is only one aspect of regulating building design. Performance Standard 13 – Roofs and Roofscapes, identifies that mechanical penthouses may exceed the maximum height limit by up to 5 metres, but may not penetrate the angular plane. Therefore, a 27 metre building with a mechanical penthouse of 5 metres, for a total of 32 metres is recognized.

It is this planned context that staff considered when reviewing the proposal. As many of the people attending the community meeting stated a 10-storey, 32.5 metre high building, is quite a bit taller than the existing context of Danforth Avenue which consists of 1, 2 and 3 storey buildings. However, the planned context anticipates a mid-rise built form fabric over time, which is identified as between 5 and 11 storeys in the mid-rise guidelines.

In the case of this proposal, the total height of the building is 32.5 metres, with a small stair tower, located within the angular plane above that height. The tallest part of the building is located towards Danforth Avenue, away from the residential properties to the south of the site. The portion of the building that reaches 32.5 metres of height is over 22 metres from the south property line, and approximately 37 metres from the closest residential dwelling.

The proposed building steps back from Danforth Avenue by 3.8 metres and from the east and west lot line by 5.5 metres each above the 7th floor, at a height of 22.5 m, significantly reducing the mass of the building above this height.

Built Form

The Official Plan identifies that developments may be considered not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. Section 4.5 of the Official Plan sets out criteria to evaluate development within the *Mixed Use Areas* designation. All new development within *Mixed Use Areas* is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives contained within the Plan. These objectives are addressed by ensuring that developments provide appropriate setbacks and/or stepping down of heights, between areas of different development intensity and scale, and by locating and massing of new buildings in a manner that is sensitive and limits shadow impacts during the spring and fall equinoxes.

The proposed building is stepped back above the 7th floor on the north facade to provide an appropriate pedestrian scale on Danforth Avenue. The 7th to 10th floors step back a further 3.8 metres. The building

does project into the angular plane required by the Midrise Guidelines on the Danforth Avenue frontage, but staff have looked at the impact of this protrusion and believe that there is minimal negative impact of allowing these penetrations given that a minimum of 5 hours of sunlight is still maintained on the sidewalk on the north side of Danforth Avenue, as required by the mid-rise guidelines.

Below the height of 7 stories, the building does not setback from the property line, within the first 13 metres, achieving the potential for a continuous streetwall. No windows are located on the portion of the east and west elevation of the building where the building is not setback 5.5 metres from the property line, with the exception of the north elevations where non-primary windows are located on the side wall. This window location is appropriate as it animates what would otherwise be an exposed blank wall for the foreseeable future due to the presence of the heritage Hydro building.

The building starts to step back after the first 3 floors on the south elevation by 3 metres per floor to provide a transition to the *Neighbourhoods* to the south of the site. These step backs mean that the floor plate of each floor gets smaller and smaller towards the upper floors, and that the taller part of the building is located closer to Danforth Avenue.

Performance Standard 5A of the Mid-rise and Avenues Study outlines the angular plane requirements for the rear of buildings on deep lots (over 41 metres deep), to ensure that appropriate transition occurs to the adjacent low-scale residential neighbourhood and to mitigate against potential shadow, privacy and overlook concerns. The building is required to be set back 7.5 metres from the south side of the public lane and with the 45 degree angular plane also being measured from the south side of the lane. The Performance Standard differs for lots that are deemed to be shallow lots (under 41 metres) where the building is still required to be set back from the south side of the lane by a minimum setback of 7.5 metres but the 45 degree angular plane is measured from a height of 10.5 metres above the 7.5 metre setback line. The purpose of this Performance Standard is to ensure that appropriate transition occurs to the adjacent low-scale residential neighbourhood and to mitigate against potential shadow, privacy and overlook concerns. Given that the subject site is located on the south side of the street, the proposed building will not result in any additional shadows being cast on the residential properties to the rear. In addition, there will be no balconies permitted at the rear of the building below the 10.7 metre height, minimizing any privacy and overlook issues for the adjacent houses. Each has a garage located at the rear of their property which creates a further buffering between the new building and the adjacent house.

Staff believe that the overall massing of the building is appropriate and that the minor protrusions into the angular planes do not have a negative impact on the surrounding properties or on adequate sunlight conditions on Danforth Avenue.

Sun, Shadow

The submitted shadow drawings show that during the spring and fall equinox the proposed building does cast a shadow on the sidewalk on the north side of Danforth Avenue but maintains sunlight for 5 hours, which is acceptable. The shadow does not extend past these properties into the neighbourhood to the north. There is an increased shadow during the evening hours on residential properties to the east.

Privacy and Overlook

Staff have reviewed the drawings with respect to potential privacy and overlook concerns from the new building to the houses fronting on Stephenson Avenue. The proposed building terraces away from the

residential properties as it gets taller. This means that the distance between the units in the new building, and the existing residential dwellings on Stephenson Street, and the garages and backyards associated with these dwellings, increases on higher floors of the new building. In addition, through Site Plan Approval, the city will require screening on balconies and terraces to help prevent overlook.

Access and Parking

The proposed development will provide parking access from the rear public lane that runs east off of Morton Road. The applicant proposes a total of 85 below-grade parking spaces and 144 bicycle parking spaces.

The former City of Toronto Zoning By-law 438-86 requires 85 parking spaces to be provided while By-law 569-2013 requires the provision of 119 spaces. Transportation staff have advised that the provision of 85 spaces, being 77 spaces for residents and 8 spaces for visitors, is acceptable.

Servicing

Engineering and Construction Services has reviewed the application and will continue to review and evaluate the proposal during the Site Plan Review process.

This proposal is eligible for bulk lift compacted garbage, recycling and organic collection services by the City. The non-residential components are not eligible for City of Toronto collection. The owner is required to store, transport and make arrangements for collection of all waste materials separately from the residential component.

Engineering and Construction Services has requested as a Site Plan Control post-approval condition that a Professional Engineer provide certification that the site servicing has been constructed in accordance with the accepted Site Servicing drawings.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 136 residential units and 681 m² of non-residential uses with a net area of 1,868 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.185 hectares or 104% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total the parkland dedication is 180 m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 180m² would not be of useable size (and the site would be encumbered with below grade parking).

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The proposal has the opportunity to create landscaped pedestrian-oriented street edge along Danforth Avenue. The applicant proposes retail units fronting onto Danforth Avenue, which will create retail along this portion of Danforth, where there has been limited retail in the past. Pedestrian access to the residential component of the building will also be provided along the Danforth Avenue frontage. No curb cuts will be necessary along the Danforth Avenue frontage, as vehicular access will be off of the laneway at the rear of the property, accessed off of Morton Road. The building is set back on the Danforth Avenue frontage to provide for a 4.8 metre wide sidewalk width, as required by the City's Mid-rise Guidelines to allow for the creation of a vibrant City streetscape.

Street trees and enhanced landscaping are proposed along the Danforth Avenue frontage and will be part of the Site Plan Approval Application.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure and the Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures, including Bird Friendly Design, will be secured through the Site Plan Approval process.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities or cash-in-lieu of the provision of those facilities as set out in policy 5.1.1.6 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development, including a minimum geographic relationship and addressing planning issues associated with the development.

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

In this case, while the total gross floor area is slightly below the 10,000 square metres threshold (9,545 square metres) the gross floor area of the proposed development is increased by 3,941 square metres over

and above the total gross floor area and approximately 20.5 metres over the height that is permitted by By-law 438-86.

The community benefits recommended to be secured in the Section 37 agreement for the 10-storey mixed-use development as follows:

Prior to the issuance of above grade permits unless indicated otherwise provide a cash contribution of \$230,000 which is to be used for the following:

- i. \$150,000 to be deposited with the City for a Public Art Program, administered by the city's Culture Division, in the vicinity of the development site;
- ii. \$80,000 towards improvements to Stephenson Park, or other park or public realm improvements within Ward 32; and
- iii. In the event the cash contributions referred to in Section (i) and (ii) above has not been used for the intended purpose within three (3) 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Conclusion

Staff recommend that this proposal for a ten-storey mixed-use building at Danforth Avenue be approved. The building as proposed complies with the Official Plan by intensifying a vacant site on an *Avenue*, providing transition from the taller portions of the building on the north side of the site to the *Neighbourhoods* to the south, maintaining the non-residential at-grade character of Danforth Avenue, and by providing sufficient parking and amenity space on site.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

Attachment 5: West Elevation

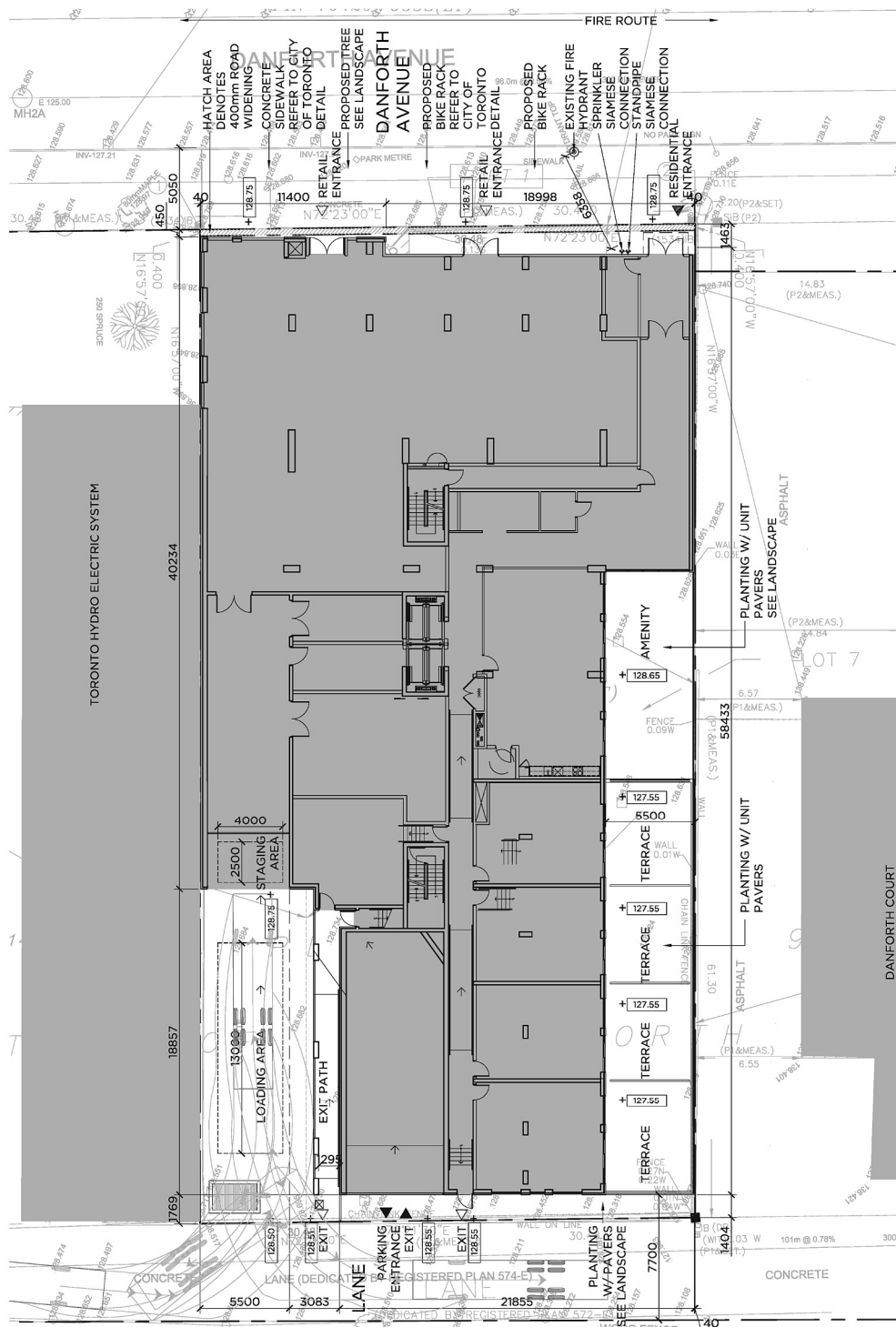
Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment to By-law 438-86

Attachment 9: Draft Zoning By-law Amendment to By-law 569-2013

Attachment 1: Site Plan



2359 Danforth Avenue

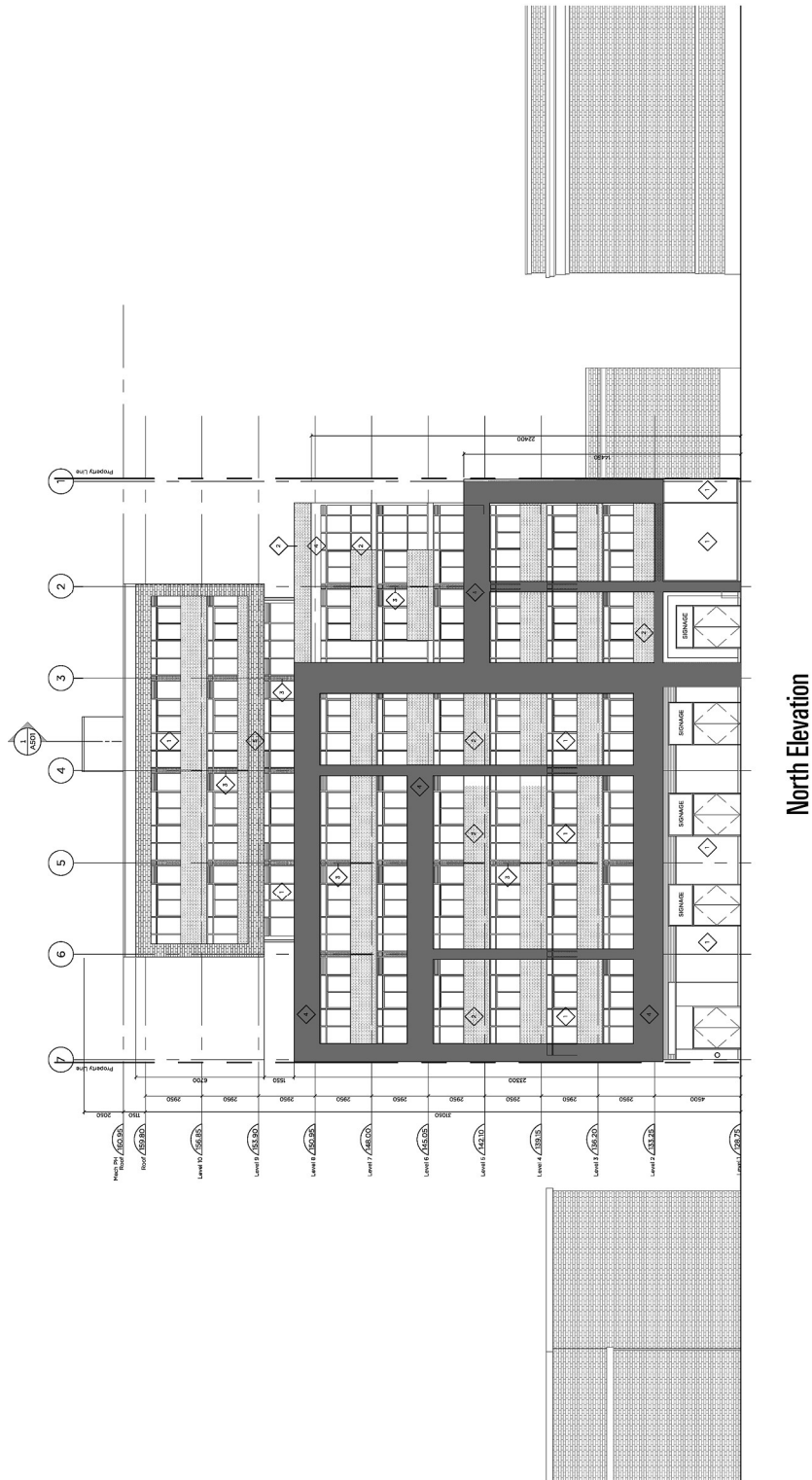
Site Plan

Applicant's Submitted Drawing

File # 13 171352 0Z

Not to Scale
05/21/2014

Attachment 2: North Elevation

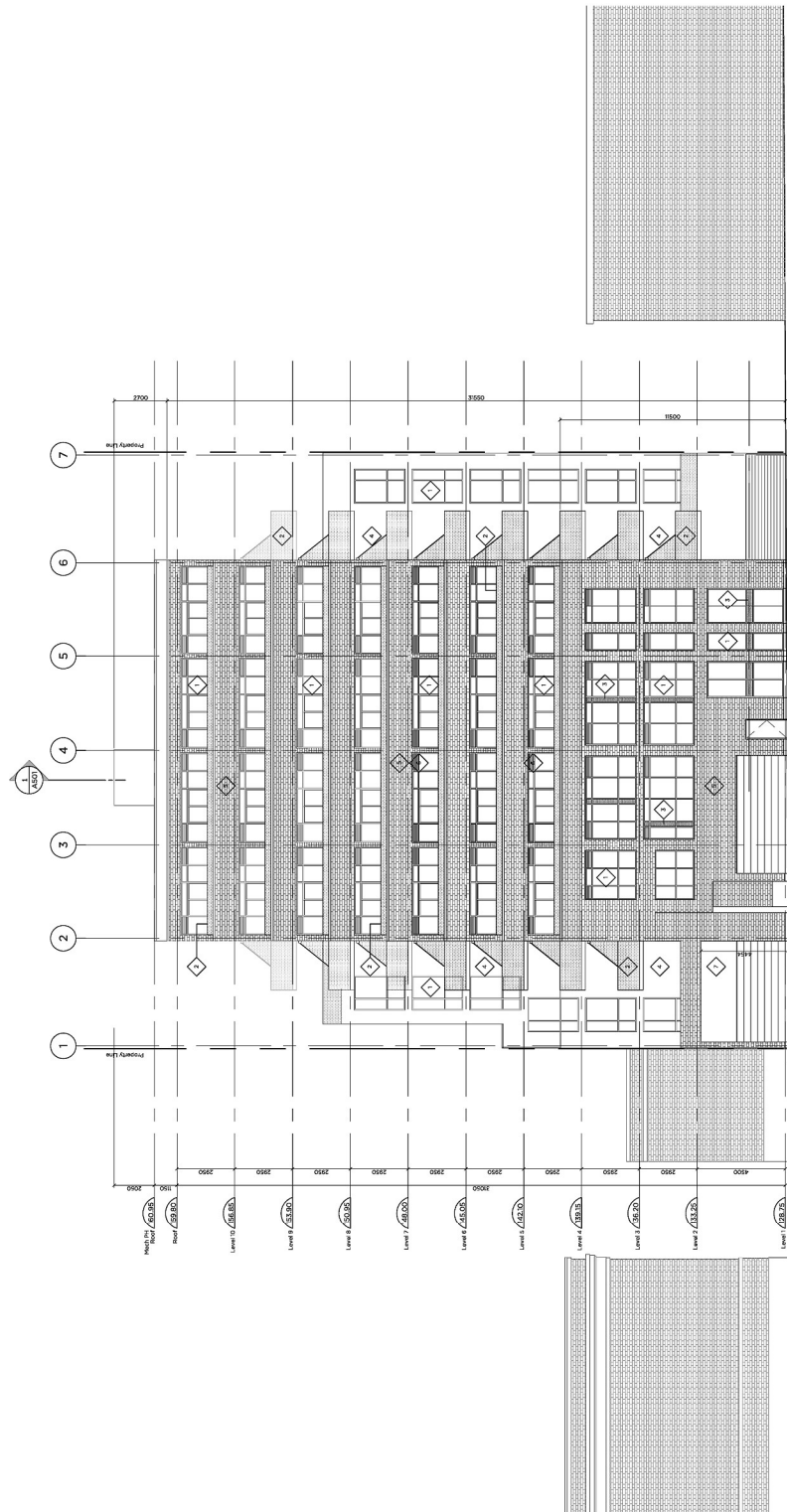


2359 Danforth Avenue

File # 13 171352 0Z

Elevations
Applicant's Submitted Drawing
Not to Scale
05/21/2014

Attachment 3: South Elevation



South Elevation

Elevations

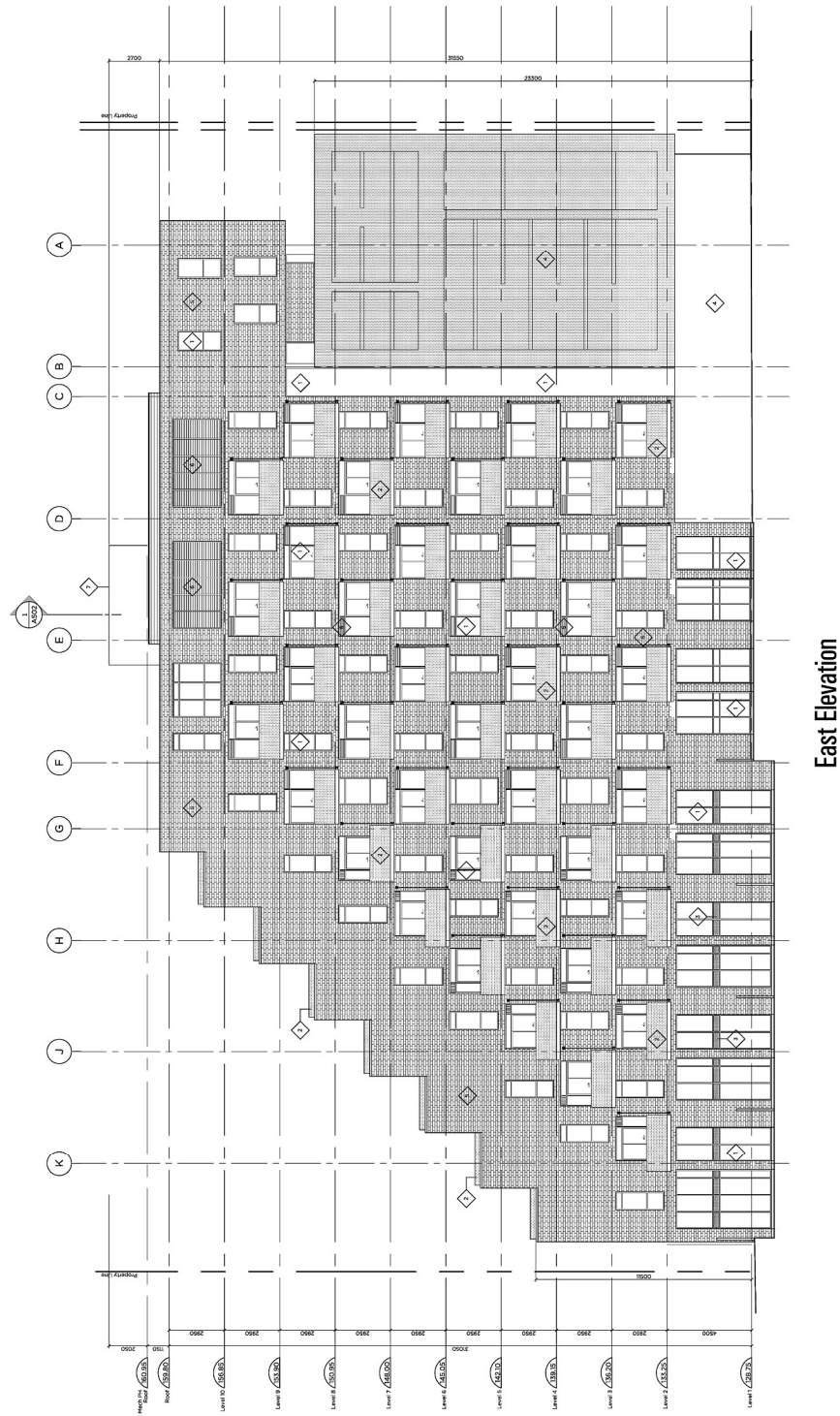
Applicant's Submitted Drawing

Not to Scale
05/21/2014

2359 Danforth Avenue

File # 13 171352 0Z

Attachment 4: East Elevation



East Elevation

Elevations

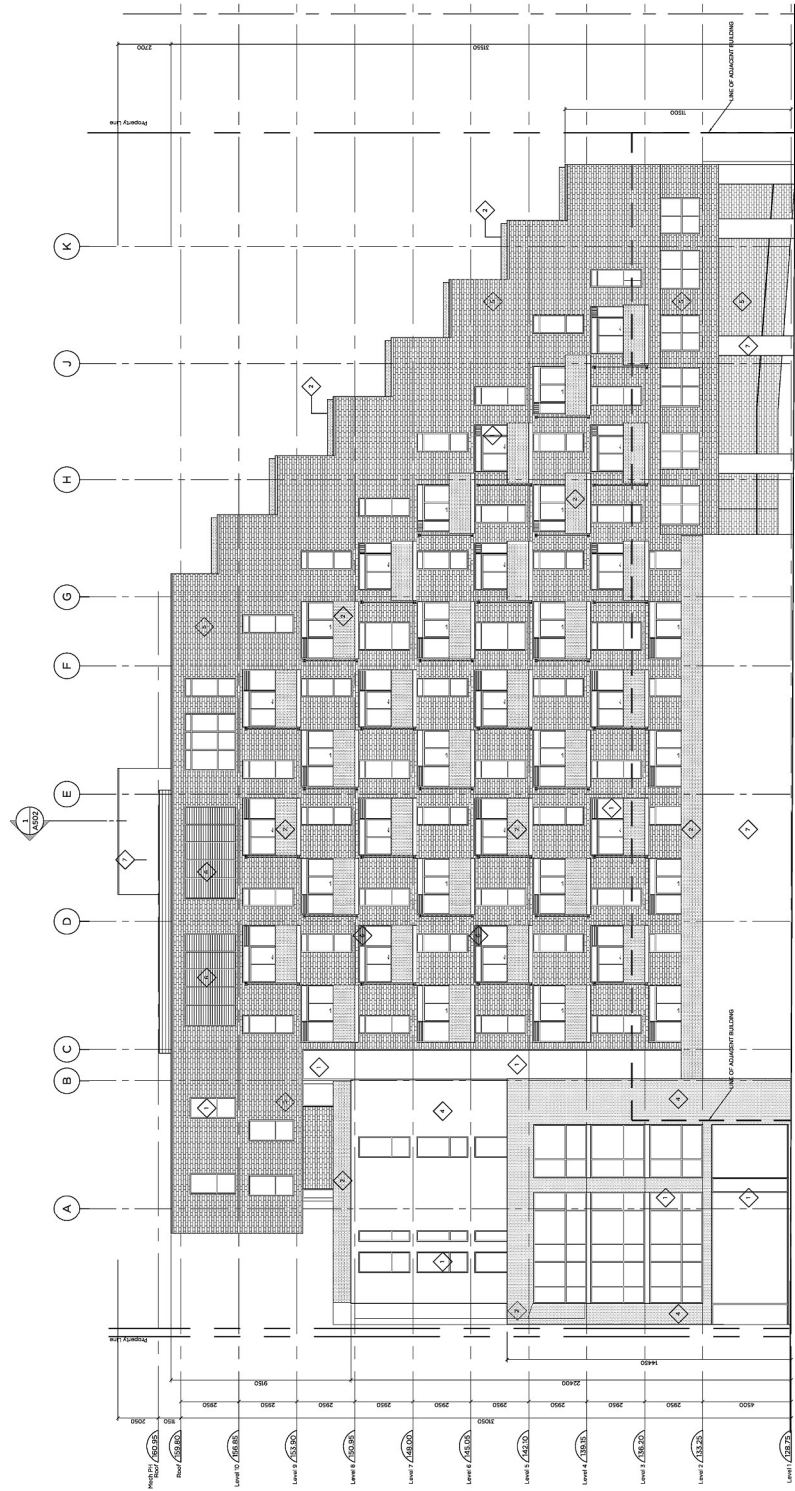
Applicant's Submitted Drawing

Not to Scale
05/21/2014

2359 Danforth Avenue

File # 13 171352 0Z

Attachment 5: West Elevation



West Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
05/21/2014

2359 Danforth Avenue

File # 13 171352 0Z

Attachment 6: Zoning



Toronto City Planning

Zoning By-law 569-2013

2359 Danforth Avenue

File # 13 171352 STE 32 OZ



Location of Application

R
CR
OR

Residential
Commercial Residential
Open Space Recreation



See Former City of Toronto Bylaw No. 438-86

MCR

Mixed-Use District



Not to Scale
Extracted 07/05/2013

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	13 171352 STE 32 OZ
Details	Rezoning, Standard	Application Date:	May 21, 2013
Municipal Address:	2359 DANFORTH AVE		
Location Description:	**GRID S3202		
Project Description:	Zoning By-Law Amendment for a 10-storey mixed use building comprising of 139 dwelling units (9790m ²) and 474m ² of non-residential gross floor area at grade. A total of 73 parking spaces will be provided.		

Applicant:	Agent:	Architect:	Owner:
Walker, Nott, Dragicevic Associates Limited	Walker, Nott, Dragicevic Associates Limited		Rubyk Enterprises Incorporated

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	MCR T3.0 C2.0 R2.5	Historical Status:
Height Limit (m):	12	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1868	Height:	Storeys:	10
Frontage (m):	30.48		Metres:	32.2
Depth (m):	61.31			
Total Ground Floor Area (sq. m):	1009			Total
Total Residential GFA (sq. m):	9080		Parking Spaces:	85
Total Non-Residential GFA (sq. m):	681		Loading Docks	1
Total GFA (sq. m):	9545			
Lot Coverage Ratio (%):	54			
Floor Space Index:	5.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	9080	0
Bachelor:	1	Retail GFA (sq. m):	465	0
1 Bedroom:	99	Office GFA (sq. m):	0	0
2 Bedroom:	32	Industrial GFA (sq. m):	0	0
3 + Bedroom:	4	Institutional/Other GFA (sq. m):	0	0
Total Units:	136			

CONTACT:	PLANNER NAME:	Leontine Major, Senior Planner
	TELEPHONE:	(416) 397-4079

Attachment 8: Draft Zoning By-law Amendment By-law 438-86

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW No. ~-20~

To amend former City of Toronto Zoning By-law No.438-86, as amended, with respect to the lands municipally known as 2359 Danforth Avenue

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to the lands known municipally in the year 2014 as 2359 Danforth Avenue; 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 pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, 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 or matters in return for any 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 or matters; and

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services or matters as are hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted subject to the provision of the facilities, services or matters 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 (hereinafter referred to as the “City”); and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements to secure certain facilities, services or matters in connection with the aforesaid lands set forth in the By-law.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are 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 Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreement's pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with 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 Appendix 1 hereof, 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, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86*, as amended shall continue to apply to the *lot*.
5. None of the provisions of Sections 4(2)(a), 4(12), 4(13)(c),(17)(e), 8(3)(Part I), and 8(3)(Part II)(4c) of *By-law No. 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 or use of a 10-storey *mixed-use building* on the *lot* provided that:
 - 1) the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - 2) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law;
 - 3) the height of any building or structure, as measured from *grade* along the Danforth Avenue frontage of the subject property or portion thereof, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;

- 4) notwithstanding Section 5.2 and 5.3 of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the *heights* shown on Map 2:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Eaves, cornices, window sills, vents, ornamental elements	Required setback from <i>lot</i> line	0.2 metres	none
Fences, safety railings and guard rails	Required setback from <i>lot</i> line	No restriction	Height of fence or safety railing not to exceed 1.2 metres
Retractable awnings	Required setback from <i>lot</i> line	No restriction	Projection at the ground floor only
Parapets	Maximum height	1.0 metres	none
Trellis	Maximum height	3 metres	Setback a minimum of 3 metres from building envelope
Balconies	Maximum height	2.6 metres	On the east and west elevations of the building only, and not within the hatched area shown on Map 2
Terrace and Balcony dividers and planters	Maximum height	3 metres	none
Underground garage ramp and their associated structures	Required setback from <i>lot</i> line	No restriction	Maximum vertical projection does not exceed 0.5 metres above finished ground level

- 5) the total combined *residential gross floor area* and *non-residential gross floor area* erected on the lot does not exceed 9,600 square metres;
- 6) the *residential gross floor area* of the building erected on the *lot* does not exceed 9,120 square metres;
- 7) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 480 square metres;

- 8) a minimum of 100 square metres *residential amenity space – indoor* and 70 square metres of *residential amenity space – outdoor* is provided and maintained on the *lot*;
 - 9) the total number of *parking spaces* that do not comply with Section 4(17)(e) of by law 438-86 may not exceed nine, of which one may have a width of 2.6 metres, two may have a width of 2.5 metres, four may have a width of 2.389 metres notwithstanding that they are obstructed on one side by a wall or column extending beyond 1.0 metres from the front of the parking space and, and two may have a length of 5.388 metres ;
 - 10) a minimum of 144 bicycle parking spaces shall be provided, consisting of 104 spaces for residents, 29 spaces for residential visitors and 12 spaces for the retail component; and
 - 11) provide drive aisles which have direct access to a parking space with maximum slopes of 5.0 percent.
6. 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) “*lot*” means those lands outlined on Map 1 attached hereto; and
 - (b) “*grade*” means the established grade on the on the Danforth Avenue frontage of 128.75 metres above Canadian Geodetic Datum.
7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure 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, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
8. By-law No. 209-91 being "A By-law to amend By-law No. 438-86 respecting certain lands known as No. 2359 Danforth Avenue" is repealed.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

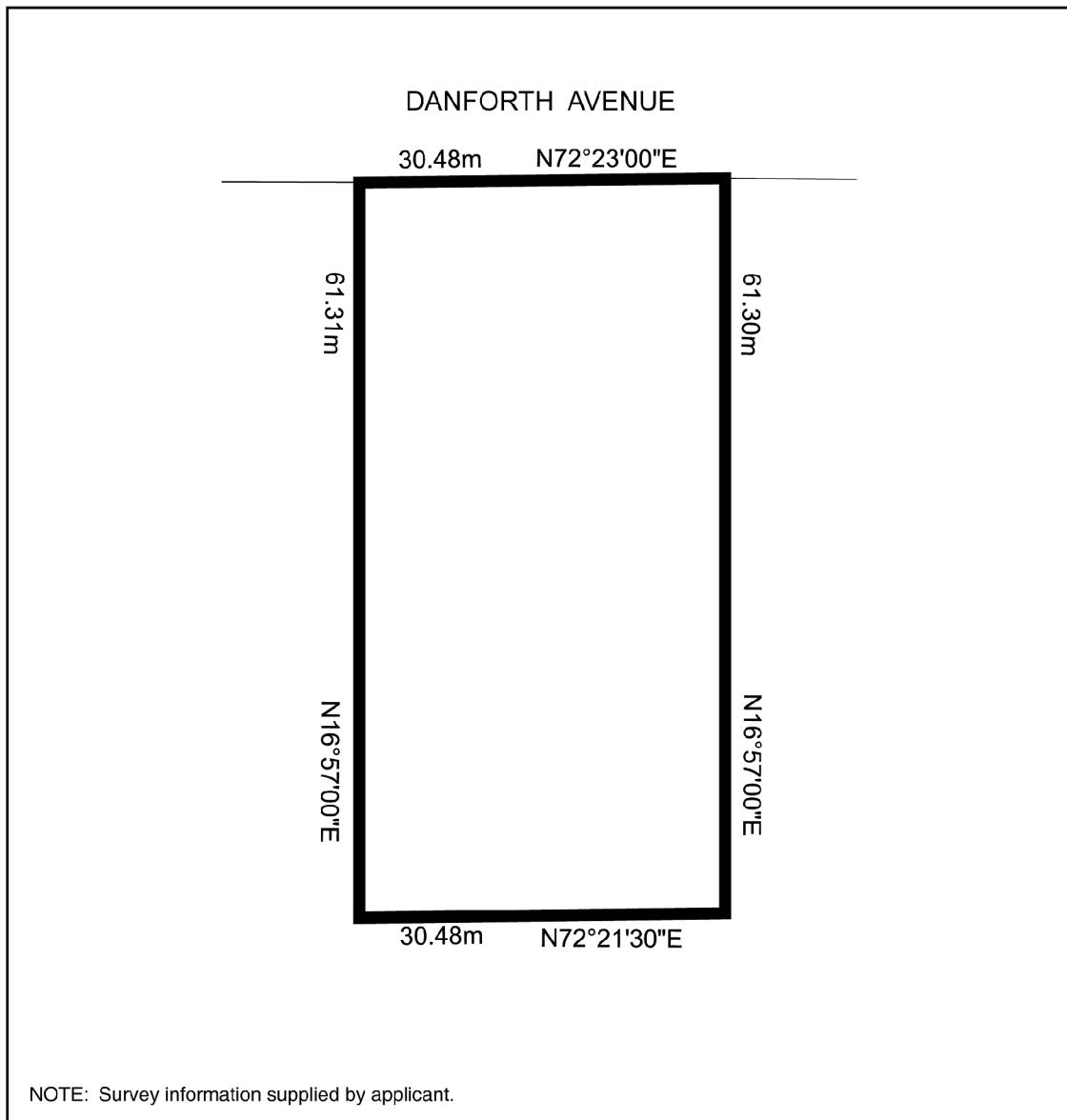
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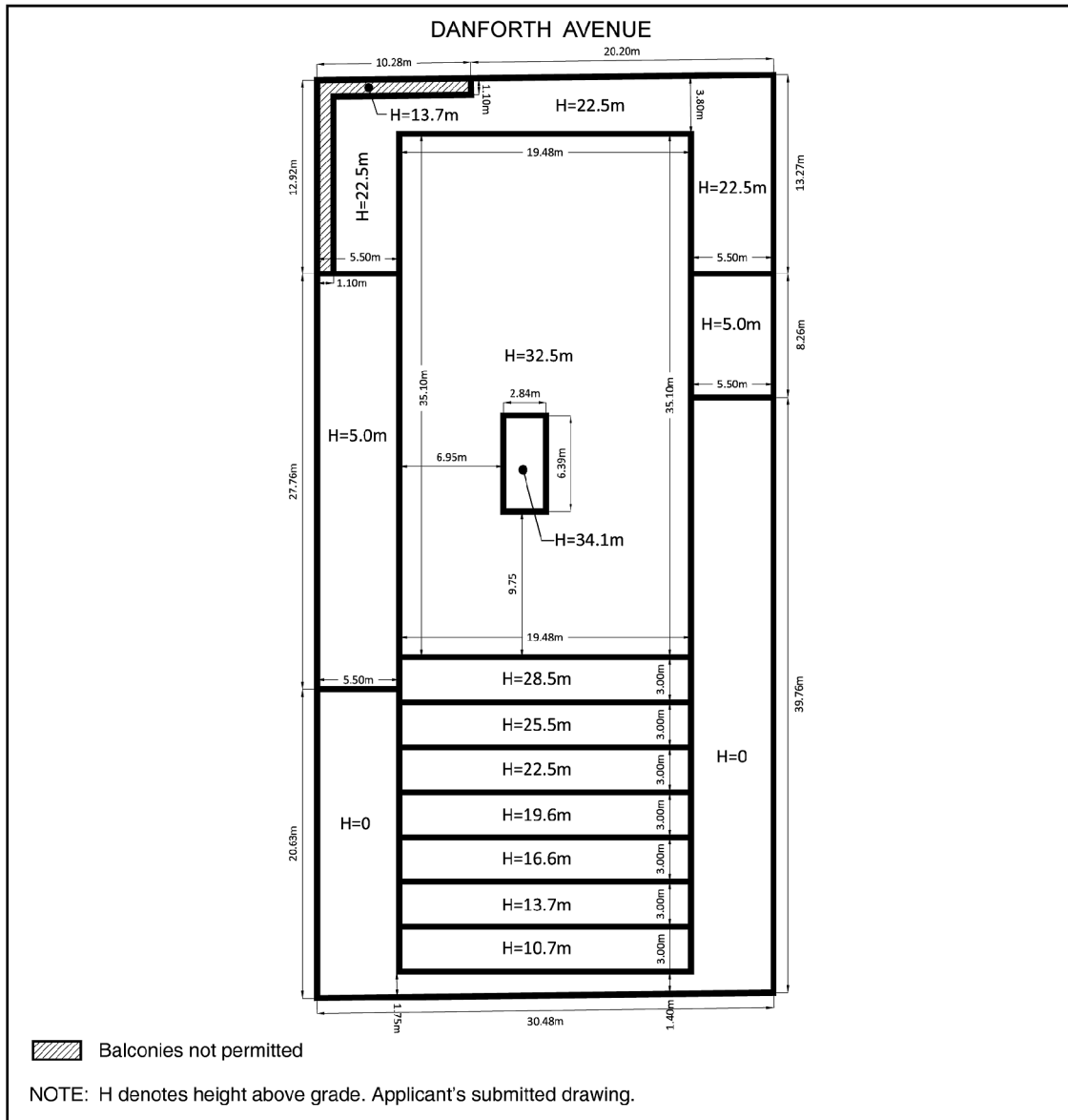
APPENDIX 1

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:

1. Prior to the issuance of the first above-grade building permit, other than for a temporary sales office, the *owner* shall make a cash contribution to the City in the amount of \$230,000.00 which will be used by the City for the following:
 - i) \$150,000 to be deposited with the City for a Public Art Program, administered by the city's Culture Division, in the vicinity of the development site; and
 - ii) \$80,000 towards improvements to Stephenson Park.
2. In the event the cash contributions referred to in Section 1 has not been used for the intended purpose within three (3) 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.





Attachment 9: Draft Zoning By-law Amendment By-law 569-2013

Authority: Toronto and East York Community Council Item ~ [or Report No. ~,
Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council; ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the Zoning By-law for the City of Toronto, being By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as, 2359 Danforth Ave

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;

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*;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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;

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;

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 No. 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 HEREBY ENACTS as follows:

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding a new (B) to Article 900.11.10 (2219), under the heading 'Site Specific Provisions:' so that it reads:

Site Specific Provisions:

(B) On 2359 Danforth Avenue, if the requirements of section 4 of by-law **[Clerks to supply by-law ##]** are complied with then a building or structure may be constructed in compliance with the following development standards:

- (i) The requirements of By-law 209-1991 do not apply;
- (ii) none of the provisions of 5.10.40.70 (1) and (2), 40.5.1.10 (3)(a)(ii), 40.5.40.10 (4), (5), and (7), 40.10.20.40 (1)(B) and (D), 40.10.20.100 (17), 40.10.40.10 (2), 40.10.40.40 (1)(A) and (C), 40.10.40.50 (1), 40.10.40.60 (1)(A) and (C), 40.10.40.60 (5), (7), (8), and (9), 40.10.40.70 (2)(B), (C), (E)(ii), (F)(ii) and (iii), and (G), 40.10.40.70(5), 40.10.40.80 (2), 200.5.1.10, 200.5.10.1, 230.10.1.20 (2) and (3), and 230.40.1.20 (2) and (3) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in by (B) (i) through (x) below;
- (iii) no portion of any **building** or **structure** is located otherwise than wholly within the areas delineated by heavy lines shown on Diagram 2 of By-law **[Clerks to supply by-law ##]**;
- (iv) the height of any **building** or **structure**, as measured from the Canadian Geodetic Datum elevation of 128.75 metres, does not exceed the height in metres specified by the numbers following the symbol H on Diagram 2 of By-law **[Clerks to supply by-law ##]**;
- (v) Despite Section (B) and (C), the following **building** elements and structures are permitted to extend above the heights shown on Diagram 2 of By-law **[Clerks to supply 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) Retractable awnings not above the first storey;
 - (d) Parapets a maximum of 0.6 metres above the maximum height;
 - (e) Trellis a maximum of 3.0 metres high, if setback 3.0 metres plus the required building setback shown on Diagram 2 of By-law **[Clerks to supply by-law ##]**;
 - (f) Balconies a maximum projection of 2.6 metres from the required setback from the **lot** line on the east and west elevations of the building only, and not within the hatched area shown on Diagram 2;
 - (g) Terrace and Balcony dividers and planter rails not more than 3.0 metres above the maximum height; and
 - (h) Underground garage ramp and their associated structures a maximum projection from the required setback from the lot line of not more than a vertical projection of 0.5 metres above finished ground level ;
- (vi) the total **gross floor area** on the lot does not exceed:
- (a) 9,600 square metres for all **buildings**;
 - (b) 9,120 square metres for the residential **gross floor area** of the **building**; and
 - (c) 480 square metres for the non-residential **gross floor area** of the **building**; and
- (vii) a minimum of 100 square metres indoor **amenity space** and 70 square metres of outdoor **amenity space** is provided and maintained on the **lot**;
- (viii) a maximum of nine parking spaces may be not required to comply with the required parking space dimensions, of which one may have a width of 2.6 metres, two may have a width of 2.5 metres, four may have a width of 2.389 metres notwithstanding that they are obstructed on one side by a wall or column extending beyond 1.0 metres from the front of the parking space and, and two may have a length of 5.388 metres;
- (ix) the requirement of long-term bicycle parking spaces and short term parking spaces are satisfied through the provision of 144 **bicycle parking spaces** shall be provided, consisting of 104 spaces for residents, 29 spaces for residential visitors and 12 spaces for the retail component; and
- (x) provide **drive aisles** which have direct access to a **parking space** with maximum slopes of 5.0 percent.

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

4. 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 of By-law [Clerks to supply by-law ##] 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 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20XX.

Name,
Mayor

ULLI S. WATKISS,
City Clerk

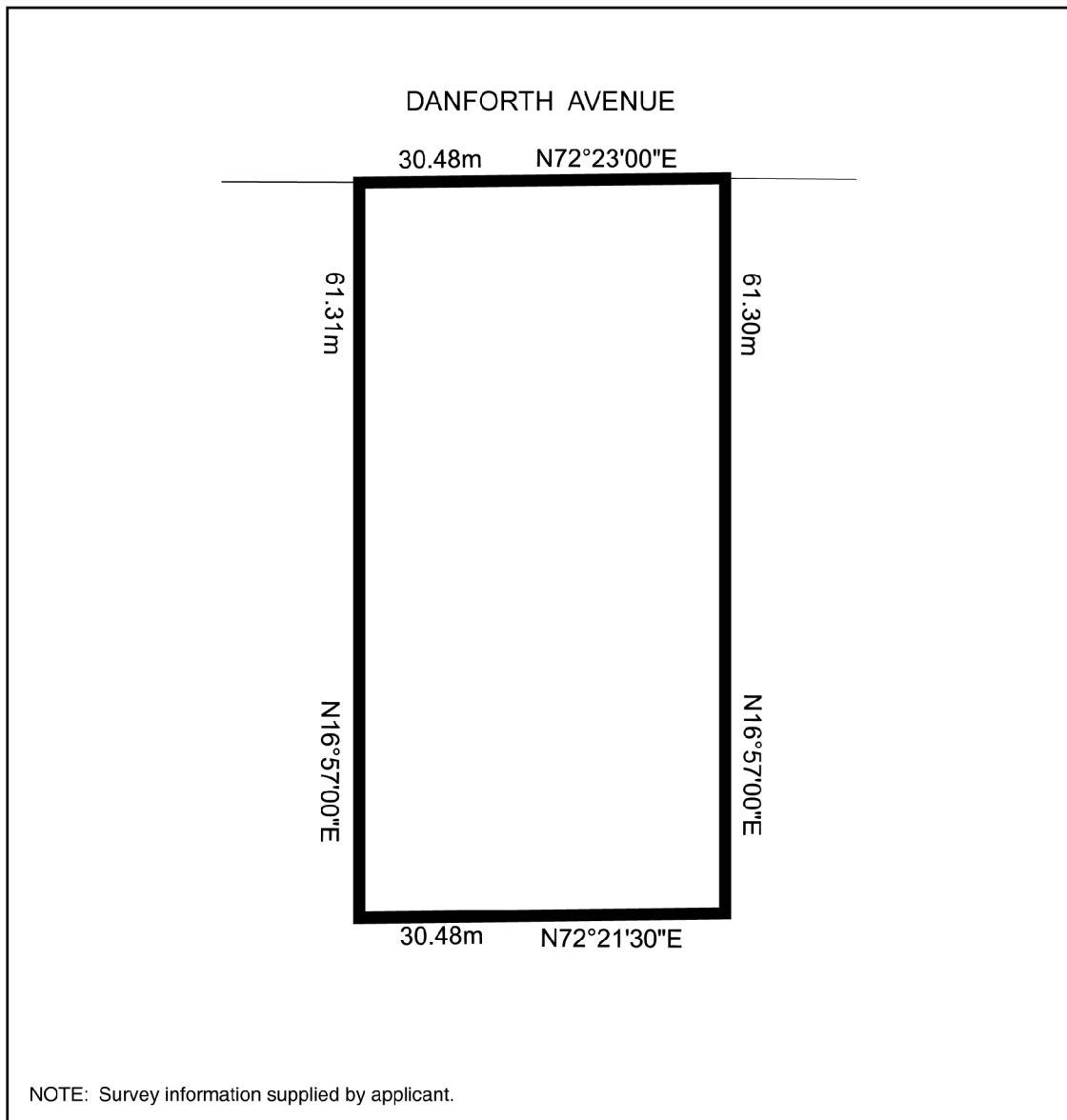
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SCHEDULE A

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 whereby the owner agrees as follows:

- (1) Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into one or more Agreement(s) pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with appropriate civic officials and the Ward Councillor:
 - a. Prior to the issuance of above grade permits, provide a cash contribution of \$230,000 which is to be used for the following:
 - i. \$150,000 to be deposited with the City for a Public Art Program, administered by the city's Culture Division, in the vicinity of the development site; and
 - ii. \$80,000 towards improvements to Stephenson Park.
- (2) In the event the cash contributions referred to in Section 1 has not been used for the intended purpose within three (3) 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



Toronto City Planning
Diagram 1

2359 Danforth Avenue

File # 13 171352 0Z



Not to Scale
05/20/2014

