

2301 and 2315 Danforth Avenue – Zoning Amendment and Rental Housing Demolition and Conversion Applications – Supplementary Report

Date:	October 4, 2016
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 32 – Beaches-East York
Reference Number:	P:\2016\Cluster B\PLN\CC16126 (15-242710 STE 32 OZ and 15-242712 STE 32 RH)

SUMMARY

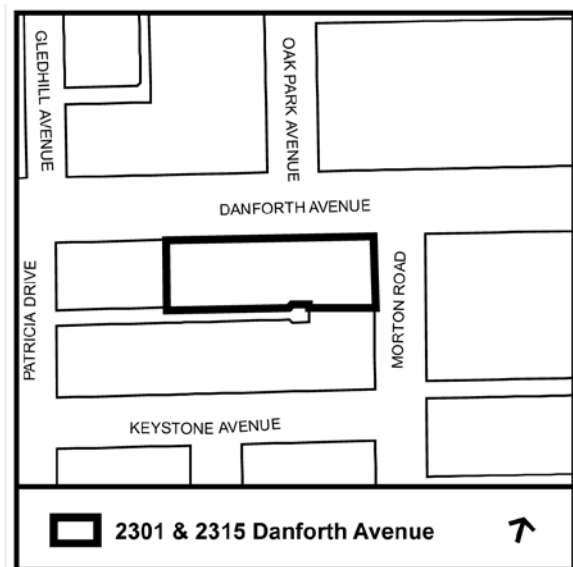
At its meeting of September 7, 2016, the Toronto and East York Community Council considered an application for an 8-storey mixed-use development at 2301 and 2315 Danforth Avenue. The Chief Planner and Executive Director, City Planning was requested to report directly to City Council on potential revisions to the proposal to provide greater articulation of the front elevation by way of step-backs and/or additional reveals and material changes.

This report provides a summary of proposed revisions to the development and amendments to the original recommendations contained in the report by the Director, Community Planning, Toronto and East York Community Council dated August 15, 2016.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council delete recommendations 1, 2 and 4 from Toronto and East York Community Council and



replace with the following:

1. City Council amend Zoning By-law 438-86, for the lands at 2301 and 2315 Danforth Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report (October 4, 2016) from the Director, Community Planning, Toronto and East York District; and
2. City Council amend Zoning By-law 569-2013, for the lands at 2301 and 2315 Danforth Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report (October 4, 2016) from the Director, Community Planning, Toronto and East York District; and
4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor pursuant to Section 37 of the Planning Act, to secure the following facilities, services and matters:
 - a. a cash contribution in the amount of \$400,000.00 payable prior to the issuance of the first above-grade building permit, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, allocated as follows:
 - (i) \$400,000.00 towards improvements to local parks; and
 - (ii) In the event the cash contributions referred to in Section a. (i) 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, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands; and
2. City Council determine that pursuant to Section 34(17) of the *Planning Act*, further public notice is not required.

Financial Impact

The recommendations in this report have no financial impact.

Site Plan Control

Planning is in receipt of a site plan control application submitted September 28, 2016. Staff will review the application to ensure adherence with the details identified in the staff reports to City Council.

COMMENTS

In accordance with the request of Toronto and East York Community Council, staff reviewed the proposed development for potential revisions, to provide greater articulation of the front elevation by way of step-backs and/or additional reveals and material changes. The applicant and City staff held a meeting on September 13, 2016 to discuss options to improve the elevations. The following describes the changes; Attachments 2 and 3 of this report illustrate the revisions the applicant has agreed to.

North Elevation

Staff have reviewed the north elevation as shown in Attachment 2 in the report by the Director, Community Planning, Toronto and East York Community Council dated August 15, 2016. The front facade of the building will be a continuous streetwall, but provides a reveal above the second floor to emphasize a pedestrian scale consistent with the rest of Danforth Avenue. The north elevation emulates the mainstreet character of existing buildings on this segment of Danforth Avenue. Greater articulation of the north elevation by way of step-backs and/or additional reveals and material changes are not necessary in this instance. The colour of the articulation for a portion of the north elevation has been lightened to improve aesthetics. Staff are satisfied that the revised north elevation of the development as shown in Attachment 2 achieves the objectives of the Mid-Rise Design Guidelines.

East Elevation

As indicated in the report by the Director, Community Planning, Toronto and East York Community Council dated August 15, 2016 the applicant submitted a Heritage Impact Assessment (HIA) by ERA Architect Inc. in support of the proposed development. Staff have reviewed the proposed development with respect to compatibility with the Toronto Hydro building at 2357 Danforth Avenue and required revisions. The east elevation has been revised by lightening the colour on the articulation and reducing by half the width of the frame protruding from a portion of the upper storeys; lightening the balcony guards of the upper storeys; increasing the amount of glazing and transparency on the curtain wall separating the protruding frame from the masonry street wall; and elongating the masonry street wall to the full extent of the east elevation. Attachments 2 and 3 of this report show the revised north and east elevations of the development. Staff are of the opinion that the revised elevations better respond to the adjacency to the historical listed property at 2357 Danforth Avenue. The revised elevations will be secured through the site plan control process.

Revised Draft Zoning By-law Amendments

Further to the report by the Director, Community Planning, Toronto and East York Community Council dated August 15, 2016 staff have revised the draft Zoning By-law Amendments for Zoning By-laws 438-86 and 569-2013. There are no changes to the development other than as indicated in this report. The changes to the revised Draft Zoning By-laws are resultant from further review by City divisions, i.e. interpretation of gross floor area and bicycle parking dimensions. Staff recommend replacing recommendations 1 and 2 in the report by the Director, Community Planning, Toronto and East York Community Council dated August 15, 2016 with Attachments 6 and 7 of this report.

Section 37 Agreement

Further to the report by the Director, Community Planning, Toronto and East York Community Council dated August 15, 2016 staff note that the Section 37 contribution is required to be indexed in accordance with the City's standard practice. Staff recommend replacing recommendation 4 in the report by the Director, Community Planning, Toronto and East York Community Council dated August 15, 2016 with recommendation 2 of this report to secure such indexing.

Conclusion

Staff recommend that City Council approve the proposal for an 8-storey mixed-use building at 2301 and 2315 Danforth Avenue with the recommendations attached to this report and use their power pursuant to Section 34(17) of the *Planning Act* to determine that no further notice is required.

CONTACT

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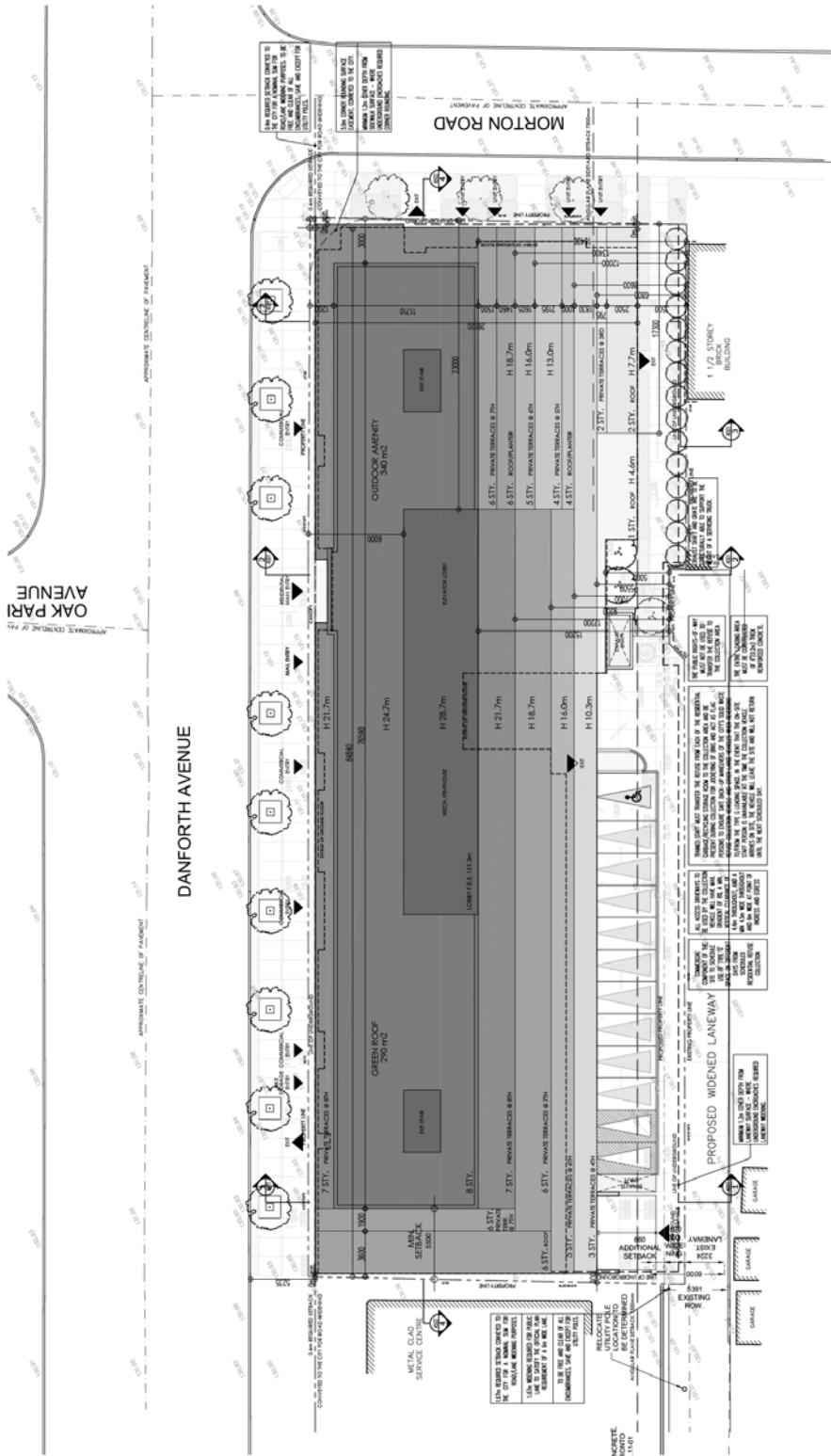
SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Revised North Elevation
- Attachment 3: Revised East Elevation
- Attachment 4: South Elevation
- Attachment 5: West Elevation
- Attachment 6: Revised Draft Zoning By-law Amendment to By-law 438-86
- Attachment 7: Revised Draft Zoning By-law Amendment to By-law 569-2013

Attachment 1: Site Plan



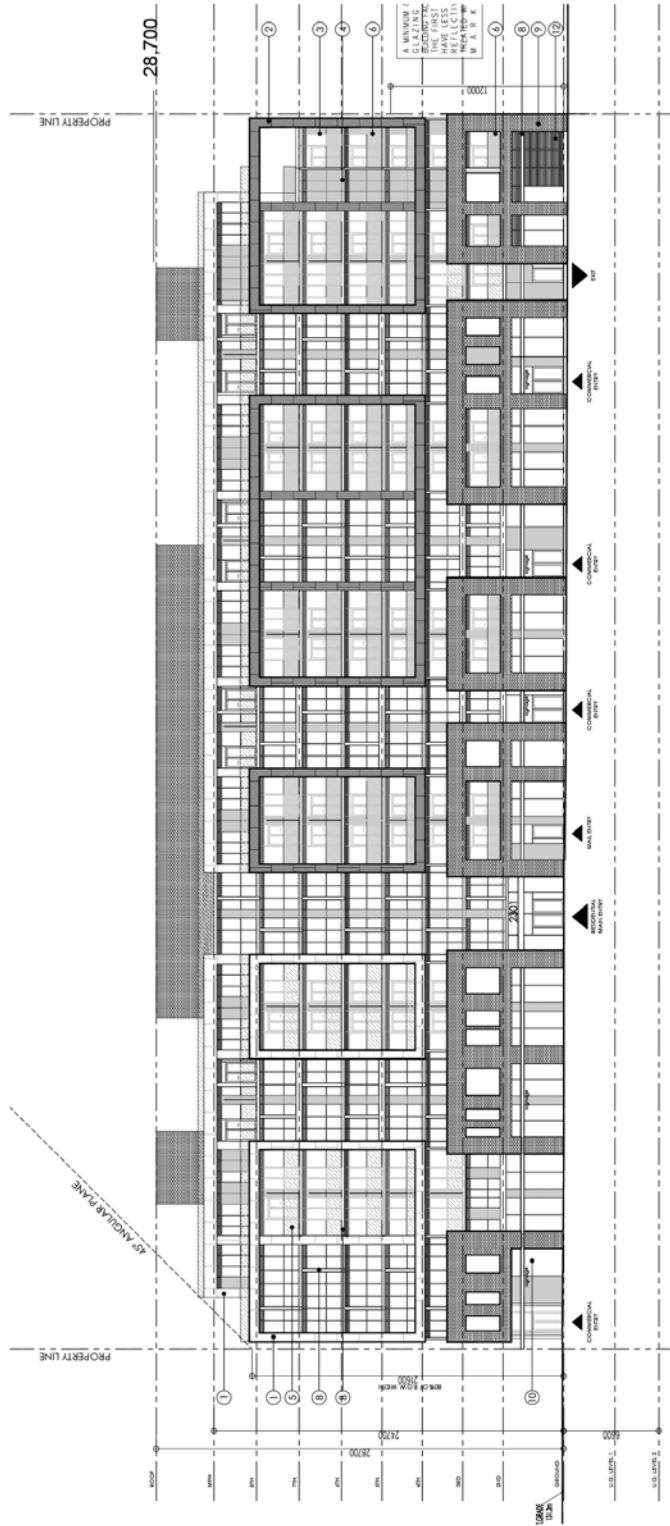
Site Plan
2301 & 2315 Danforth Avenue

Applicant's Submitted Drawing

09/28/2016

File # 15 242710 STE 32.0Z

Attachment 2: Revised North Elevation



2301 & 2315 Danforth Avenue

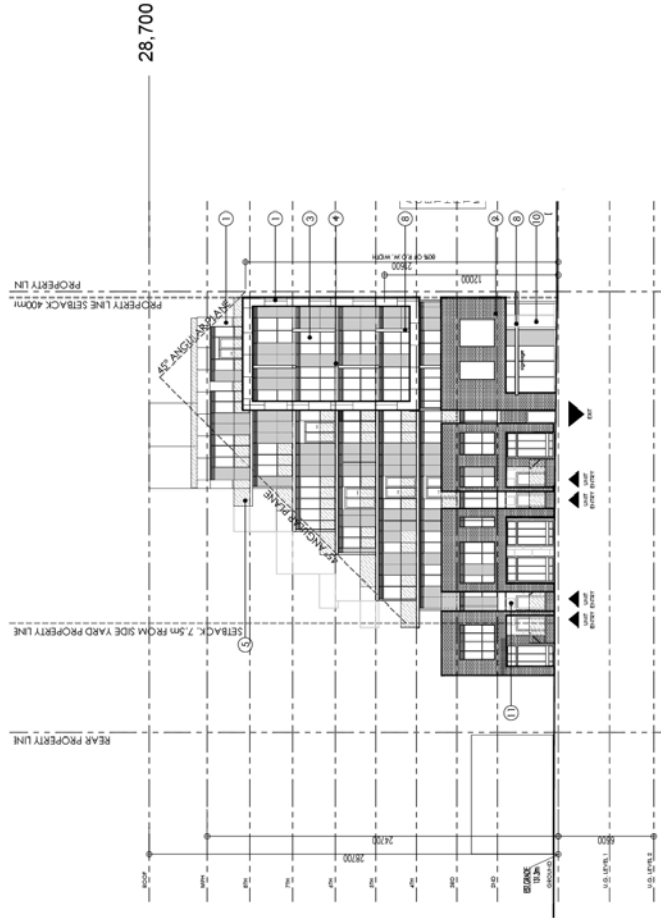
North Elevation

Applicant's Submitted Drawing

Not to Scale
09/28/2016

File # 15 242710 STE 32.0Z

Attachment 3: Revised East Elevation

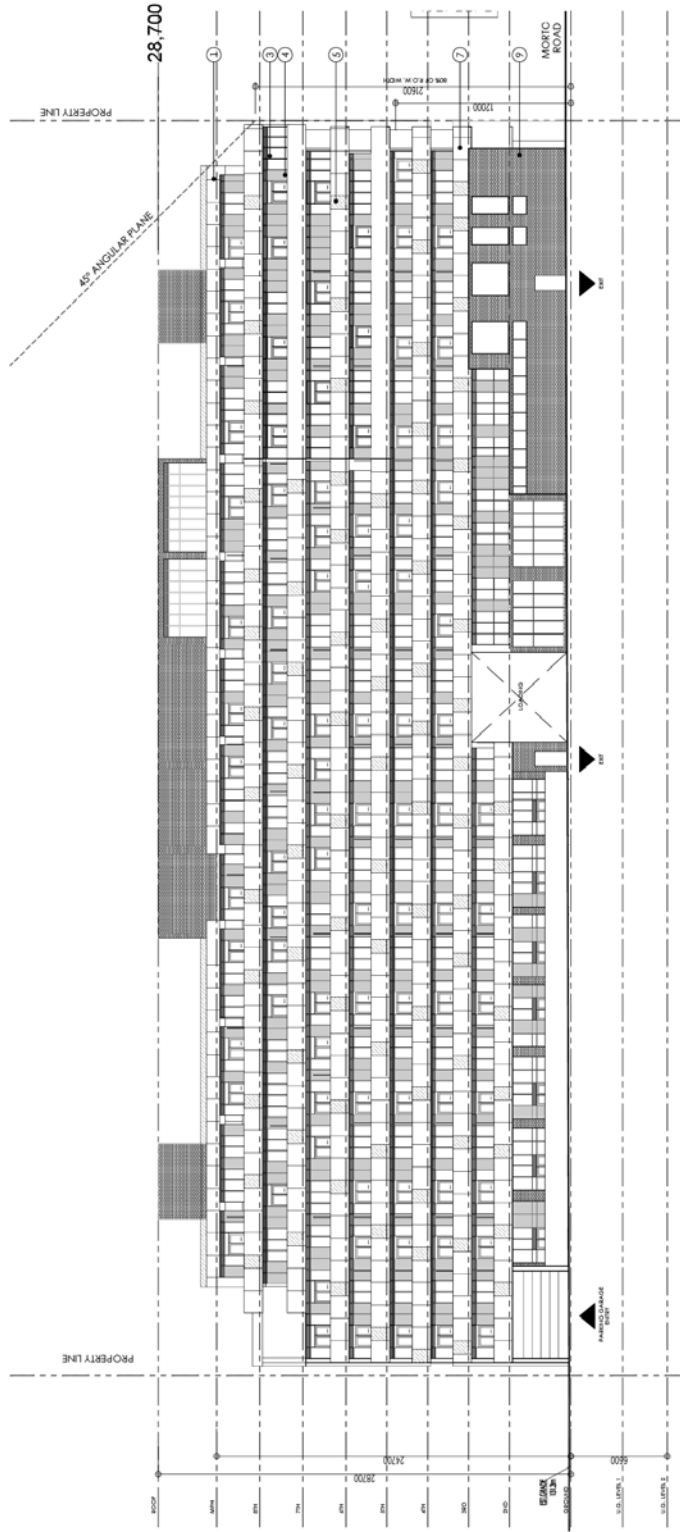


2301 & 2315 Danforth Avenue

File # 15 242710 STE 32 0Z

East Elevation
 Applicant's Submitted Drawing
 Not to Scale
 09/28/2016

Attachment 6: South Elevation



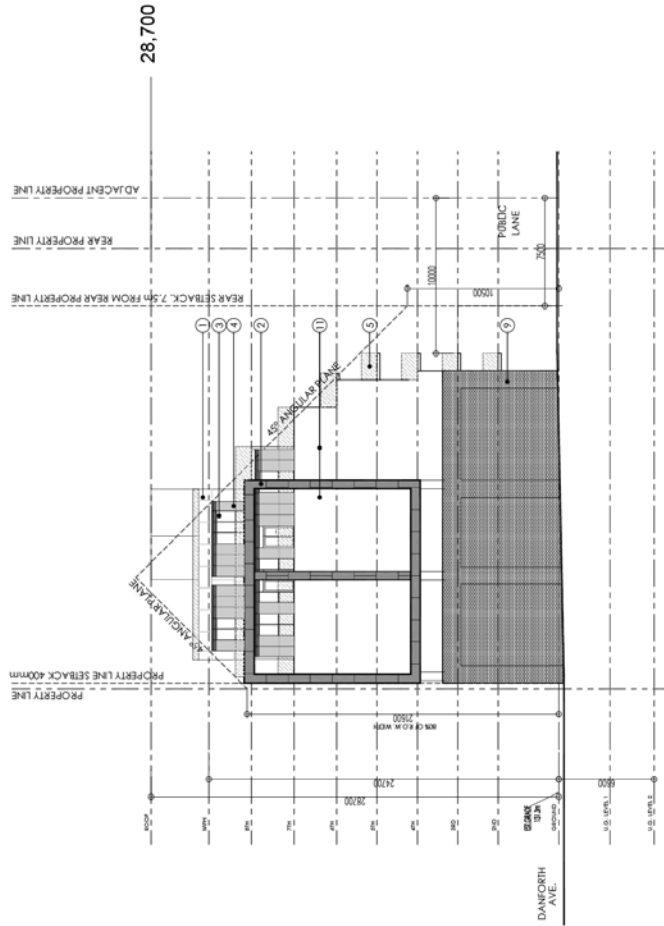
South Elevation
Applicant's Submitted Drawing
 Not to Scale
 09/29/2016

2301 & 2315 Danforth Avenue

File # 15 242710 STE 32 0Z

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Attachment 7: West Elevation



2301 & 2315 Danforth Avenue

West Elevation

Applicant's Submitted Drawing

Not to Scale
09/28/2016

File # 15 242710 STE 32 0Z

Attachment 6: Revised Draft Zoning By-law Amendment for 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 2301 and 2315 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 2016 as 2301 and 2315 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(3), 4(4), 4(12), 4(13), 4(14), 4(17), 8(3)Part I, 8(3)Part II 1(b) and 4, 8(3)Part IV, and 8(3) Part XI 2(ii) 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 an 8-storey *mixed-use building* on the *lot* provided that:
 - (a) 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;
 - (b) 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;
 - (c) 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;

- (d) notwithstanding Section 5(b) and 5(c) 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, lighting fixtures, guardrails, balustrades, stairs, stair enclosures, railings, wheel chair ramps, landscape, and green roof elements.	Required setback from <i>lot</i> line	0.2 metres	none
Canopy	Ground floor, north elevation	2.5 metres	May encroach beyond front property line
Architectural elements	North, east, and west elevations	0.5 metres beyond the balconies	May not exceed the height of the building
Parapets	Maximum height	1.0 metres	none
Trellis, mechanical equipment, guardrails, balustrades, stairs, stair enclosures, railings, landscape and green roof elements, and elevator overrun.	Maximum height	3 metres	Setback a minimum of 3 metres from the interior face of the main wall as shown on Map 2
Balconies	Maximum height	2.6 metres	On the north, south, and east elevations of the building only
Underground garage structure	Underground	No restriction	May encroach to property line as shown on Maps 1 and 2

- (e) the number of *dwelling units* shall not exceed 170;

- (f) the total combined *residential gross floor area* and *non-residential gross floor area* erected on the *lot* does not exceed 12,175 square metres;
 - (g) the *residential gross floor area* of the building erected on the *lot* does not exceed 11,795 square metres;
 - (h) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 390 square metres;
 - (i) a minimum of 270 square metres of indoor *residential amenity space* and 340 square metres of outdoor *residential amenity space* is provided and maintained on the *lot*;
 - (j) the minimum number of *parking spaces* for 170 *dwelling units* and 390 square metres of *non-residential gross floor area* shall be 105, of which 10 shall be exterior *parking spaces* for visitors, and 2 may be exterior car-share *parking spaces*;
 - (k) the minimum dimensions of a *parking space*, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the *parking space*, shall be:
 - length 5.6 metres
 - height 2.0 metres
 - width 2.6 metres
 - (l) provide and maintain a minimum of 152 bicycle parking spaces - occupants and 17 bicycle parking spaces - visitors;
 - (m) a minimum of one *loading space* - *Type G* must be provided and maintained on the *lot* to serve both residential uses and non-residential uses on the *lot*.
 - (n) none of the provisions of Zoning By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.
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;
 - (b) “*grade*” means the established grade on the Danforth Avenue frontage at 131.3 metres above Canadian Geodetic Datum in the year 2016;

- (c) “*car-share*” shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit *car-sharing* organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the *car-sharing* organization, including the payment of a membership fee that may or may not be non-refundable; and
 - (d) “*car-share parking space*” shall mean a *parking space* that is reserved and actively used for *car-sharing*, including non-residents.
 - (e) “*temporary sales office*” shall mean an office, *showroom* or sales trailer used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential units to be erected on the *lot*.
7. 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 agreements pursuant to Section 37(3) of the *Planning Act*.
 8. 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.
 9. 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.
 10. 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.

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

John Tory,
Mayor

ULLI S. WATKISS,
City Clerk

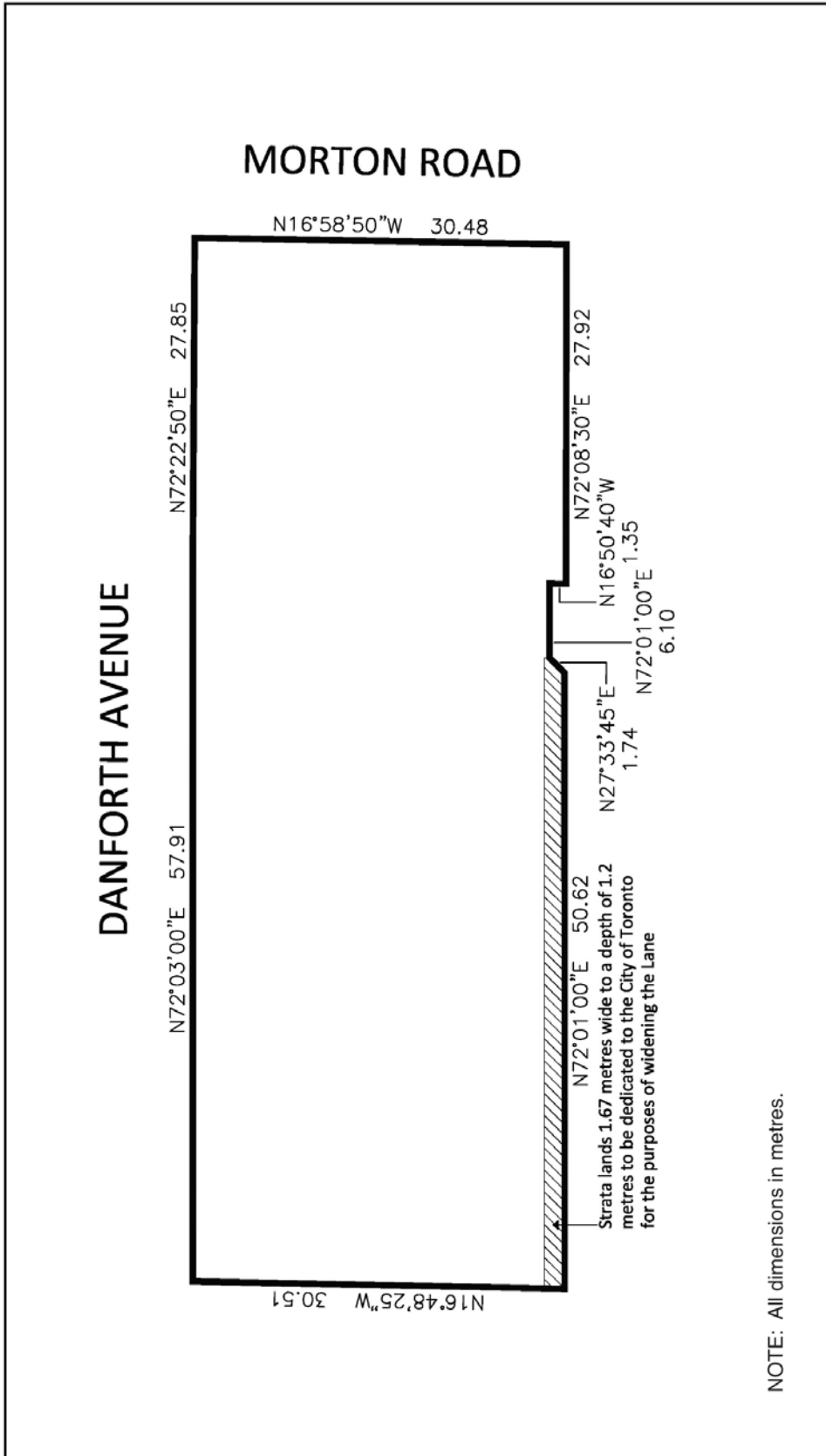
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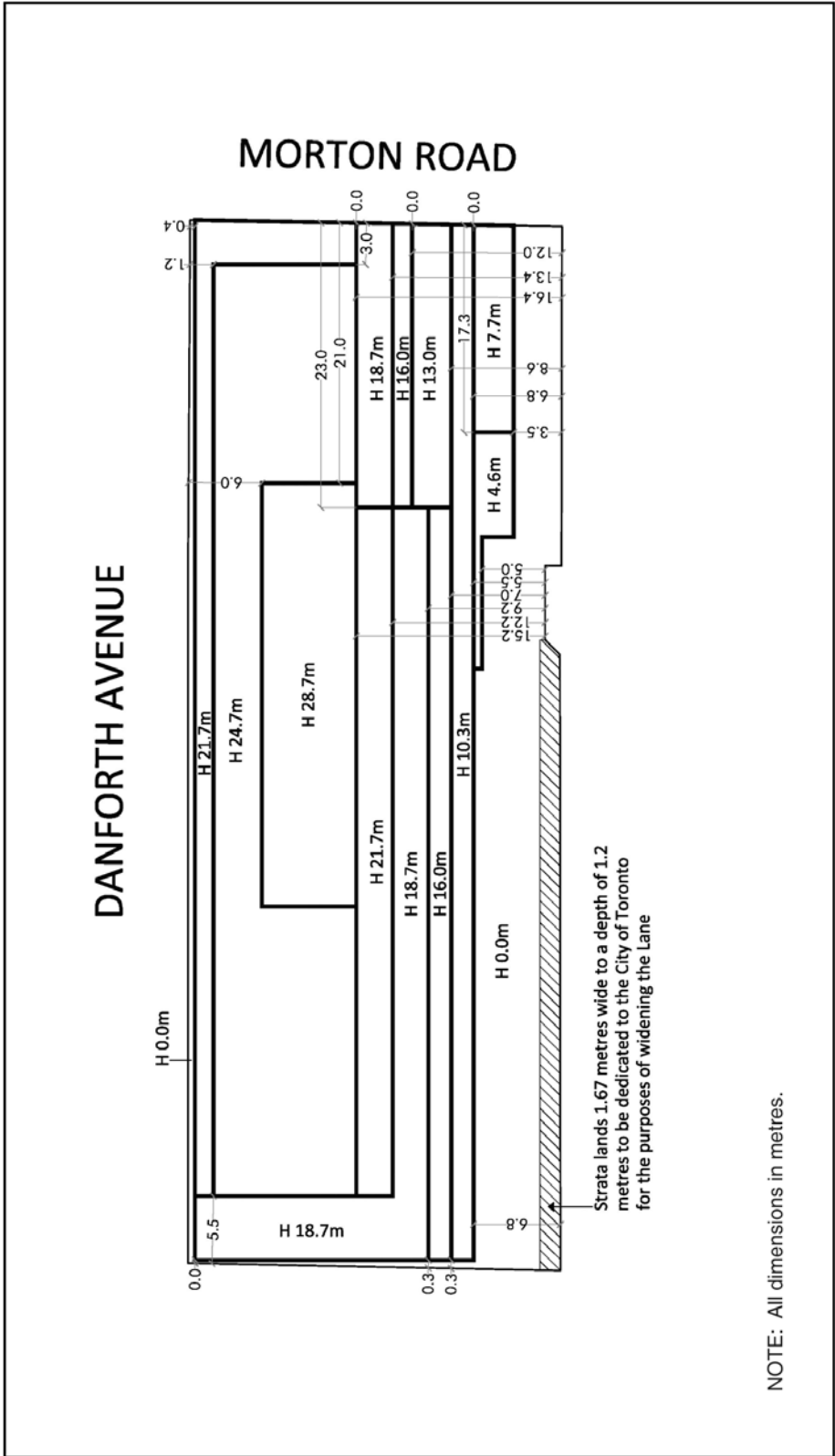
APPENDIX 1
Section 37 Provisions

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. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor pursuant to Section 37 of the Planning Act, to secure the following facilities, services and matters:
 - (i) a cash contribution in the amount of \$400,000.00 payable prior to the issuance of the first above-grade building permit, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, allocated as follows:
 - a. \$400,000.00 towards improvements to local parks; and
 - (ii) In the event the cash contributions referred to in Section (i) a. 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, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. the Owner shall provide and maintain 14 residential rental dwelling units on the subject site as rental housing for a period of at least 20 years, comprising 4 bachelor and 10 one-bedroom units, as shown on the plans submitted to the City Planning Division dated July 5, 2016 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Of these units, at least 2 bachelor and 5 one-bedroom units shall have 80% of affordable rents, which shall be offered to tenants on the centralized waiting list for housing; and 2 bachelor and 5 one-bedroom units shall have affordable rent, which may be offered to tenants on the centralized waiting list for housing; Rents will be secured for at least a 10 year period. Commencing in year 11, any new tenants may be charged unrestricted market rents;

- ii. the Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the rental replacement units outlined above and as detailed in the draft Zoning By-law Amendments which are Attachment No. 9 and 10 to the report (August 12, 2016) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
- iii. the Owner shall enter into and register a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 14 replacement residential rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.





Attachment 7: Revised Draft Zoning By-law Amendment for 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 2016 as, 2301 and 2315 Danforth Avenue.

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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to By-law [Clerks to supply 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lot outlined by heavy black lines to CR 3.0(c2.0; r2.5)SS2(x73) as shown on Diagram 2;

Exception CR 73

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 2301 and 2315 Danforth Avenue, if the requirements of Section 4 and Schedule A of By-law [Clerks to supply by-law ##] are complied with then a **building** or **structure** may be constructed in compliance with regulations (B) to (N) below;
- (B) On 2301 and 2315 Danforth Avenue, if the requirements of By-law [Clerks to supply by-law ##] are complied with, none of the provisions of 40.10.40.1, 40.10.40.10(5), 40.10.50.10(3), 40.10.80.20(2), 40.5.40.70, and 200.5.1.10(2)(B) apply to prevent the erection or use of a **building**, **structure**, addition or enlargement permitted in By-law [Clerks to supply by-law ##] provided the **building** or **structure** complies with subsections (C) to (N) of By-law [Clerks to supply by-law ##];
- (C) Despite Section 40.10.40.70 and 40.10.40.80, no portion of any **building** or **structure** is located otherwise than wholly within the areas delineated by heavy lines shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (D) The height of a **building** or **structure**, is measured from the Canadian Geodetic Datum elevation of 131.3 metres in the year 2016;
- (E) Despite section 40.10.40.10, no portion of the **building** may exceed the height in metres specified by the numbers following the symbol H on Diagram 3 of By-law [Clerks to supply by-law ##];
- (F) Despite Section 40.10.40.60, the following **building** elements and **structures** are permitted to extend into required **building** setbacks shown on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:
 - (i) Eaves, cornices, window sills, vents, ornamental elements a maximum projection of 0.2 metres from the required setback from the **lot** line;
 - (ii) Canopies on the ground floor north elevation only may extend a maximum of 2.5 metres and may extend beyond the **lot** line;

- (iii) Architectural elements on the north, east, and west elevations may extend a maximum of 0.5 metres beyond the balconies;
 - (iv) Balconies encroach a maximum of 2.6 metres into a required **building setback** on the north, south, and east elevations of the **building** only; and
 - (v) Underground garage **structure** may encroach to the property line as shown on Diagrams 1 and 3 of By-law [Clerks to supply by-law ##]; and
- (G) Despite Section 40.5.40.10, the following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:
- (i) Roof-top parapets a maximum of 1.0 metre above the maximum height;
 - (ii) Architectural elements on the north, east, and west elevations to a maximum of the building height;
 - (iii) Trellis a maximum of 3.0 metres high, if setback 3.0 metres from the interior face of the main wall as shown on Diagram 3 of By-law [Clerks to supply by-law ##]; and
 - (iv) Stairwell enclosures on the roof to a maximum of 3.0 metres;
- (H) The maximum number of **dwelling units** permitted is 170;
- (I) Despite Section 40.10.40.40, the total **gross floor area** must not exceed:
- (i) 12,175 square metres for all **buildings**;
 - (ii) 11,795 square metres for the residential **gross floor area** of the **building**; and
 - (iii) 390 square metres for the non-residential **gross floor area** of the **building**; and
- (J) Despite Section 40.10.40.50, minimum **amenity space** must be provided and maintained accordingly:
- (i) 270 square metres indoor; and
 - (ii) 340 square metres outdoor; and
- (K) Despite Section 200.5.10.1, the minimum number of required **parking spaces** for 170 **dwelling units** and 390 square metres of non-residential uses is 105, of which:
- (i) 10 **parking spaces** must be exterior visitor parking spaces; and
 - (ii) 2 of the exterior **parking spaces** may be used for a **car-share parking space**;
- (L) Despite Chapter 220, a minimum of one **loading space - Type G** must be

provided and maintained on the **lot** to serve both residential uses and non-residential uses on the **lot**;

- (M) A **temporary sales presentation centre** may be permitted on the **lot**, and none of the other provisions of [Clerks to supply by-law ##] apply to such use;
- (N) For the purposes of [Clerks to supply by-law ##], the terms set forth in bold type must have the same meaning as such terms have for the purposes of By-law No. 569-2013 as amended, except that the following definitions must apply:
 - i. "*car-share motor vehicle*" shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
 - ii. "*car-share parking space*" shall mean a **parking space** used exclusively for the parking of a *car-share motor vehicle*; and
 - iii. "*temporary sales presentation centre*" shall mean an office, *showroom* or sales trailer used exclusively for the initial sale and/or initial leasing of **dwelling units** or non-residential units to be erected on the **lot**.

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 attached hereto 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

(Corporate Seal)

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 an Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor pursuant to Section 37 of the Planning Act, to secure the following facilities, services and matters:
 - (i) a cash contribution in the amount of \$400,000.00 payable prior to the issuance of the first above-grade building permit, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, allocated as follows:
 - b. \$400,000.00 towards improvements to local parks; and
 - (ii) In the event the cash contributions referred to in Section (i) a. 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, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (i) the Owner shall provide and maintain 14 residential rental dwelling units on the subject site as rental housing for a period of at least 20 years, comprising 4 bachelor and 10 one-bedroom units, as shown on the plans submitted to the City Planning Division dated July 5, 2016 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Of these units, at least 2 bachelor and 5 one-bedroom units shall have 80% of affordable rents, which shall be offered to tenants on the centralized waiting list for housing; and 2 bachelor and 5 one-bedroom units shall have affordable rent, which may be offered to tenants on the centralized waiting list for housing; Rents will be secured for at least a 10

year period. Commencing in year 11, any new tenants may be charged unrestricted market rents;

- (ii) the Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the rental replacement units outlined above and as detailed in the draft Zoning By-law Amendments which are Attachment No. 9 and 10 to the report (August 12, 2016) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
- (iii) the Owner shall enter into and register a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 14 replacement residential rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.

