

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

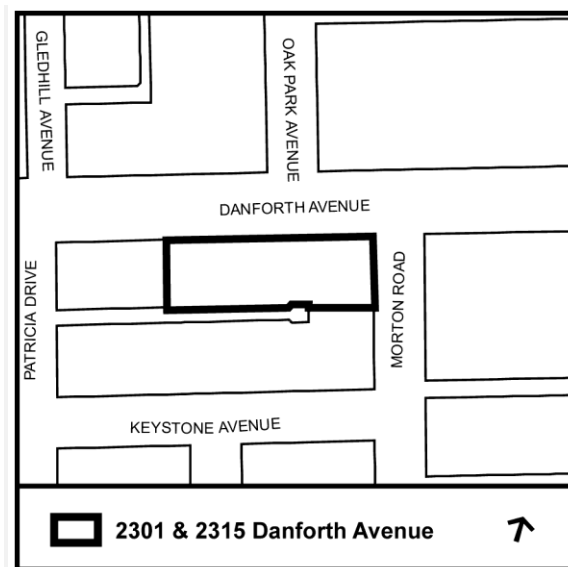
<b>Date:</b>	August 15, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches-East York
<b>Reference Number:</b>	15 242710 STE 32 OZ (Zoning By-law Amendment) 15 242712 STE 32 RH (Rental Housing Demolition and Conversion)

**SUMMARY**

This application proposes an 8-storey mixed-use building with 381m<sup>2</sup> of at-grade retail space and 170 residential units at 2301 and 2315 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 an appropriate transition in scale and density as it steps down from the Danforth Avenue mixed use corridor to the low density neighbourhood to the south;
- (b) the proposed development achieves the City's public realm objectives, including desired sidewalk width on Danforth Avenue;
- (c) an Avenue Segment Review submitted in support of the development at 2359 Danforth Avenue 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 an appropriate location for intensification. The site is on Danforth Avenue, in close proximity to both Woodbine and Main subway stations, and close to retail, service, entertainment facilities, and places of employment;
- (e) the proposed development satisfies the City's objectives with respect to maintaining affordable rental housing by providing for 14 replacement rental units with rents at or below affordable rates; and
- (f) the Section 37 benefits that would be secured as a result of approval and construction of this development include contributions towards improvements to local parks in the vicinity of the proposed development.

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

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

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. 9 to the report (August 12, 2016) from the Director, Community Planning, Toronto and East York District.
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. 10 to the report (August 12, 2016) 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:

Prior to the issuance of above grade permits provide a cash contribution of \$400,000.00 which is to be used for the following:

- i. \$400,000.00 towards improvements to local parks; and
- ii. In the event the cash contributions referred to in Section (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.

5. 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 rents set at 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;
  - 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.
6. City Council approve the application for a Section 111 permit in accordance with Municipal Code Chapter 667 to allow the demolition of the existing 14 rental dwelling units located at 2301-2315 Danforth Avenue subject to the following conditions:
  - i. The owner shall provide and maintain 14 rental dwelling units, comprising 4 bachelor and 10 one-bedroom units in the development for a period of at least 20 years as shown on the plans submitted to the City Planning Division dated July 5, 2016;
  - ii. The owner shall provide at least 2 bachelor and 5 one-bedroom replacement rental dwelling units with rents set at 80% of affordable rents, which shall be offered to tenants on the centralized waiting list for housing, and no more

than 2 bachelor and 5 one-bedroom replacement rental dwelling units at affordable rents, which may be offered to tenants on the centralized waiting list for housing;

- iii. The owner shall enter into and register on title one or more Section 111 Agreement(s) to secure the conditions outlined in (i) and (ii) above and as described in the Draft Zoning By-law Amendment which is Attachment No. 9 and 10 to the report dated August 12, 2016 to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and
  - iv. The owner shall enter into and register on title, 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 rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning or her 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.
7. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval for the application under Municipal Code Chapter 667 for the demolition of the 14 rental dwelling units at 2301-2315 Danforth Avenue after all of the following have occurred:
- i. The Zoning By-law Amendments have come into full force and effect;
  - ii. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant Plan to Section 114 of the City of Toronto Act, 2006; and
  - iii. The issuance of excavation and shoring permits for the approved development of the site.
8. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 8 for the existing residential rental dwelling units.
9. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the *Planning Act* for the existing residential units at 2301-2315 Danforth Avenue no earlier than the issuance of the first Building Permit for the foundation of the development and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 8, which permit may be included in the demolition permit for Chapter 667, of the Municipal Code, on condition that:

- i. The owner erect a residential building on site no later than 3 years from the day demolition of the buildings is commenced; and
- ii. Should the owner fail to complete the new building within the time specified in Condition 9(i), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On, February 23, 2016 the Toronto and East York Community Council adopted a Preliminary Report dated January 27, 2016, 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/2016/te/bgrd/backgroundfile-90208.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

This application proposes an 8-storey mixed use building containing 170 residential units of which 14 will be rental housing replacement. A total of 381 m<sup>2</sup> of non-residential gross floor area will be at-grade and the total gross floor area (GFA) of the development will be 12,097 m<sup>2</sup>. The proposed structure is 8-storeys plus a mechanical penthouse and elevator building to access the outdoor amenity space. The height of the building to the top of the 8<sup>th</sup> floor is 24.3 metres and to the top of the roof-top building is 28.3 metres. The proposed building is stepped in the back beginning the third floor by 0.6 to 3.0 metres. Where there is an adjacent public laneway, the building is located 7.5 metres from the neighbourhood to the south. For the portion of the building where there is no public laneway and there is a back-to-side relationship to the neighbourhood to the south, the rear yard setback is 3.9 metres.

A total of 105 vehicle parking spaces are proposed in two levels of underground parking. Access to the underground garage is proposed to be from the public laneway in the back of the site. The proposal would require the demolition of two buildings, one of which contains 14 rental dwelling units. (See Appendix 7 – Application Data Sheet).

Since the original application, revisions have been made to the proposal that resulted in a decrease in the number of units from 172 to 170, an increase in the number of parking spaces from 100 to 105, and a decrease in density from 4.8 times the area of the lot to 4.6 times the area of the lot. The front façade (north elevation) has been revised to emulate the main street character of Danforth Avenue. Step backs in the rear have been revised to correspond with the portion of the site where the laneway does not exist. The live/work uses along Danforth Avenue have also been revised to all non-residential uses.

## **Site and Surrounding Area**

The property is located on the southwest corner of Danforth Avenue and Morton Road. The property has a frontage of 85.8 metres on Danforth Avenue. A public laneway exists in the rear of the site but is not continuous to Morton Road. The site has an existing 3-storey mixed use building and a one-storey institutional building (former Canada Post). The existing 3-storey mixed use building contains 14 rental dwelling units, consisting of 4 bachelor and 10 one-bedroom units. At the time of application, all 14 rental dwelling units were vacant. 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 east is a two-storey heritage hydro building. Immediately to the west is a gas bar and associated convenience store. The south side of the property abuts a low density neighbourhood with 2-storey dwellings.

## **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. Policy 4.7 states that the Official Plan is the most important vehicle for implementation of the PPS. 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. The Danforth Avenue study is currently in progress and future development proposals will be influenced by the results but the subject application predates the Danforth Avenue study.

The Official Plan designates the property *Mixed Use Areas* which 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 T3.0 C2.0 R2.5 in the former City of Toronto Zoning By-law 438-86 and CR 3.0(c2.0;r2.5)SS2(x2219), in the 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.

## **Avenues and Mid-Rise Buildings Study**

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as

an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines, which is targeted for the fourth quarter of 2017. Refer to the Council Decision:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

The subject application was submitted in October 2015. As the proposed development has undergone extensive review including three public consultations, there is less opportunity to apply the Mid-Rise Building Performance Standards Addendum in this instance.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. At the time of writing this report a Site Plan Control application had not been submitted.

### **Rental Housing Demolition and Conversion By-law**

The Rental Housing Demolition and Conversion By-law implements the City's Official Plan policies protecting rental housing. Where an application for rezoning triggers an application for rental demolition or conversion, City Council typically considers both applications at the same time. The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of 14 rental dwelling units which was reviewed with the application to rezone the lands.

### **Reasons for Application**

The proposal is for an 8-storey, 24.3 metre high building, plus mechanical, with a density of 4.6 times the area of the lot. The proposed density exceeds the 3.0 times the lot area and height limit of 14 metres prescribed in by-laws 438-86 and 569-2013. Zoning By-law amendments are therefore required for both zoning by-laws.

### **Community Consultation**

The applicant hosted a community consultation meeting on November 9, 2015. City Planning staff attended to observe. Attendees expressed concern with respect to the appearance of the Danforth elevation, mainstreet character of Danforth Avenue, appropriateness of the live/work units, height, number of storeys, massing, traffic impacts, on-street parking, proximity to existing dwellings, sun/shadow impact, and overlook.

City Planning hosted a community consultation meeting on March 7, 2016. At this meeting the applicant presented revised plans showing greater articulation of the building at the lower levels. The intent of the revision was to emulate the mainstreet character of Danforth Avenue. The live/work units were also replaced with entirely non-residential units. Attendee's concerns were largely reflective of the November 9, 2015 meeting.

The Ward Councillor's designate (Councillor Mihevc) held an open house on June 20, 2016 for the community to review the current plans for the proposed development. The applicant and City staff were available to answer questions from the community.



## **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 Golden Horseshoe.

### **Avenue Segment Review (ASR)**

Development applications on Avenues in Mixed Use Area prior to an Avenue Study are required to be accompanied by an Avenue Segment Review (ASR), which discusses the potential implications of the proposed development on the remaining segment of the Avenue and whether the proposed development would be setting a negative precedent for future development of the remainder of the Avenue. ASRs were submitted as part of the review process for the mixed-use developments at 2055 and 2057 Danforth Avenue (Carmelina Condos), and 2359 Danforth Avenue. The lands that are subject to the current development application were captured in both of the ASRs. Staff have reviewed both ASRs for planning context within the respective segments on Danforth Avenue.

The ASR by The Planning Partnership dated June 28, 2009 reviewed the mixed-use development at 2055 and 2057 Danforth Avenue (Carmalina Condos) within the identified segment on Danforth Avenue. The subject lands at 2301 and 2315 Danforth Avenue were in the Avenue Segment but not identified as having development potential at the time.

A more recent ASR by Walker, Nott, Dragicevic Associates Limited dated May 22, 2013 was submitted in support of the mixed-use development at 2359 Danforth Avenue. The ASR includes properties on Danforth Avenue between the Cedarvale Avenue and Main Street.

The ASR identified and reviewed six soft sites that could have potential for redevelopment. The consultant chose sites that have characteristics 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 11,084 square metres of retail space and approximately 727 additional residential units. Some of these sites may not redevelop in the near future, but may redevelop as the avenue segment intensifies over time. The subject lands were included in the ASR and identified as having potential for a 7-storey building on 2315 Danforth Avenue. 2301 Danforth Avenue (Wise Guys building) was not predicted as a soft site.

The proposed development combines 2315 Danforth Avenue (former Canada Post) and 2301 Danforth Avenue (Wise Guys) into one site and would construct an 8-storey mixed-use building. The ASR did not anticipate an 8-storey building on an assembled site. The current application suggests that emerging developments exceed what was predicted in the ASR. It is staff's opinion

that incremental development within the segment, even if larger than anticipated, would not adversely impact adjacent *Neighbourhoods* and is supportable by available infrastructure. The development proposal at 2301 and 2315 Danforth Avenue demonstrates a level of reurbanization that is in keeping with the Official Plan policies for *Avenues*. The appropriateness of an 8-storey building is further discussed in the Height and Built Form sections of this report.

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 and within the design framework of the Danforth Avenue study as it proceeds. Staff will have 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 acceptable as the variations are minor and there is limited 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 seek 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 applicant's initial proposal included live/work units at-grade with residential units on upper levels. The City has had limited success with live/work on *Avenues* which has the potential of becoming entirely residential. The absence of non-residential uses along Danforth Avenue would detract from the street's commercial character.

The revised development proposes 381 m<sup>2</sup> of non-residential space at-grade which is in-keeping with the commercial character of Danforth Avenue. Staff have determined that the revised mix of uses 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, with a 5 metre mechanical. The proposed building has a height of 24.3 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.

It is this planned context that staff considered when reviewing the proposal. As many of the people attending the community meetings stated an 8-storey, 28.3 metre high building, is quite a bit taller than the existing context of Danforth Avenue which consists of 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, depending on local character.

In the case of this proposal, the height of the building is 24.3 metres plus a 4 metre high roof-top structure that provides cover for mechanicals and an elevator lobby to the outdoor amenity space. Thus the total height of the building is 28.3 metres. The massing of the building up to 24.3 metres is within the angular planes with minor intrusion, but the mechanical penthouse/lobby that reaches 28.3 metres penetrates the angular plane in the back in approximately 38% of the roof length. Overall, the rooftop structure is small relative to the floors below and does not significantly add to the massing of the structure. Staff are of the opinion that the rooftop structure is acceptable because the portion of the building above 24.3 metres is for functionality and not living space. Through Site Plan approval staff will require screening for the lobby area to prevent overlook. The proposed height of 24.3 metres to the top of the 8<sup>th</sup> floor and 28.3 metres to the top of the rooftop structure is acceptable.

## **Built Form and Sunlight/Shadow**

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 7<sup>th</sup> floor on the north facade to provide an appropriate pedestrian scale along Danforth Avenue. The building projects minimally 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. The scale and treatment of facades relating to attributes of local character on Danforth Avenue will be reviewed through the Danforth Avenue study which may influence future development proposals.

The 8<sup>th</sup> floor of the building steps back from Danforth Avenue by 1.3 metres, 5.5 metres from the west lot line, and 3.8 metres from the east lot line. These stepbacks significantly reducing the mass of the building above 21.3 metres (7<sup>th</sup> floor). Below the 8<sup>th</sup> floor, the building is not set back from the front property line and presents as a continuous streetwall, but provides a reveal above the second floor to emphasize a pedestrian scale consistent with the rest of Danforth. No windows are located on the portion of the west elevation of the building where the building is not set back 5.5 metres from the property line. The building steps back after the first 2 floors on the south elevation by between 0.6 to 3.0 metres per floor to provide a transition to the *Neighbourhoods* to the south of the site. These stepbacks mean that the floor plate of each floor gets smaller towards the upper floors.

Performance Standard 5A of the Mid-rise and Avenues Study outlines the angular plane requirements for the rear of buildings on shallow lots. These requirements ensure that an 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 and the 45 degree angular plane is measured from a height of 10.5 metres above the 7.5 metre setback line. The stepbacks on the south elevation respect the angular plane with minor penetrations on the 6<sup>th</sup> to 8<sup>th</sup> floors. The purpose of this Performance Standard is to ensure an appropriate transition 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 south.

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. There is an increased shadow during the evening hours on the Toronto Hydro building to the east.

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.

### **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 Keystone 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 Keystone Avenue, and the garages and backyards associated with these dwellings, increases on higher floors of the new building. In addition, through Site Plan approval, staff will require screening on balconies and terraces to prevent overlook.

### **Access and Parking**

The proposed development will provide parking access from the rear public lane that runs east off of Patricia Drive. The applicant proposes 12 surface parking spaces including two spaces for car share. There will be 93 below-grade parking spaces. The applicant will be seeking relief for 105 on-site parking spaces whereas the Zoning By-law requires 106 parking spaces. The implementing zoning by-law must contain provisions to implement the reduced parking standard and car-share. Transportation Services has determined that the proposed parking supply is acceptable.

### **Loading**

Engineering and Construction Services advises that the applicant will be required to pay for and construct upgrades to municipal services if required. Engineering and Construction Services will continue to review and evaluate the proposal during the Site Plan Review process.

The development will have one Type C loading area internal to the building with separate rooms for commercial and residential waste. Residential waste is eligible for City of Toronto collection but the owner is required to arrange for private waste collection for non-residential waste. The implementing zoning by-law contains a provision to permit the one loading space.

### **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 provision 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 acquisition priority area.

The application is for a zoning by-law amendment to permit an 8-storey mixed use building consisting of 170 residential units and 381 m<sup>2</sup> of non-residential area along Danforth Avenue.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 2,253 m<sup>2</sup> or 89.19% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement for this proposal is 254 m<sup>2</sup>. The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as the dedication of 254 m<sup>2</sup> cannot be appropriately configured to develop a programmable park within the existing context of this development site. Nor does the site abut an existing city park which could be expanded through this dedication. However, this site is approximately 170 metres from Terry Fox Recreation Centre, a 17,725 m<sup>2</sup> centre fronting on Gledhill Avenue. The site is also approximately 390 metres from Stephenson Park, a 12,166 m<sup>2</sup> park fronting on Stephenson Avenue. Section 37 and cash-in-lieu of parkland monies can benefit the amenities in these parks which include a baseball diamond field, outdoor table tennis, playground, sports pad area, wading pool, and multiple access pathways. The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. 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 a 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 the laneway at the rear of the property, accessed from Patricia Drive. The building is set back on the Danforth Avenue frontage to provide for a 5.2 metre wide sidewalk width, which is in excess of what is required by the City's Mid-rise Guidelines. The proposed setback to the road edge is sufficient to allow for a vibrant City streetscape.

Street trees and enhanced landscaping along the Danforth Avenue frontage will be secured through the Site Plan Approval process.

## **Historical Listed Property**

The subject lands are adjacent to the historical listed property owned by Toronto Hydro at 2357 Danforth Avenue. The applicant has submitted a Heritage Impact Assessment (HIA) by ERA Architect Inc. in support of the proposed development which has been reviewed by staff. Heritage Preservation Services will need to review the design of the building as part of the Site Plan Approval in order to ensure that it appropriately responds to adjacent heritage buildings.

## **Rental Housing**

A total of 14 residential rental units currently exist on the site, comprising 4 bachelor and 10 one-bedroom units. The existing units are fairly compact, averaging 31 m<sup>2</sup>, yet offer decent quality, well designed accommodation. The applicant has proposed to replace the existing 14 units on the second floor of the building. The same number of units, type and size will be replaced and maintained as rental housing for at least 20 years. The new units will be larger than the existing housing, on average 39.5 m<sup>2</sup> and ranging in size from 29 m<sup>2</sup> for a bachelor unit to 49 m<sup>2</sup> for a one-bedroom unit. The units will have access to full amenities, storage lockers and bike parking as well as have individual washers and dryers included in the unit.

## **Replacement Rents and Tenant Selection**

A key objective of the City's rental housing policies is that housing that may be lost as the result of a development application is replaced with similar accommodation in order to continue to serve the needs of renter households in the community. The 14 rental units served as a rental housing option for low-income tenants in the area for many years.

At the time the owner purchased the building in 2015, the building was not occupied. However records indicate that tenants were living in the building up until late 2014 or early 2015. As well, in 2013 City Planning staff undertook a site visit of the building with a previous owner's representative and at that time the building was fully tenanted, serving low-income, vulnerable residents who were paying on average \$640 per month.

A central tenet of Policy 3.2.1.6 of the Official Plan is that tenants be given the right to return to a replacement rental unit at the same rent they previously paid. The current owner attempted to track down previous tenants in order to provide them with tenant relocation and assistance they may not have received prior to leaving their units under previous ownership, but was unable to get in contact with them.

To acknowledge the contribution these low rent units provided in the rental housing market, the owner has agreed to set half of the replacement units, comprising 2 bachelor and 5 one-bedroom units, at 80% of affordable rents. The remaining 7 replacement units, also comprising 2 bachelor and 5 one-bedroom units, will be set at affordable rents. Affordable rents are equal to average market rents for the City of Toronto. Affordable rents for a one-bedroom unit in 2016 must not exceed \$1,110 per month inclusive of utilities. This approach will help to ensure that the replacement units continue to offer much needed affordable rental accommodation in the neighbourhood.

The owner has also agreed to work with the City to house tenants from the centralized waiting list, where the City's Housing Connections office is able to do so, for the 7 units set at 80% of affordable rents. If available, housing allowances or rent supplements may be provided to eligible tenants in order to house tenants in need of rent-geared-to-income housing or housing that offers a deep level of affordability. The owner has also agreed to explore opportunities to house tenants from the centralized waiting list for the remaining 7 affordable units.

Rents for all 14 units will be secured for a period of 10 years from the date of first occupancy. After the 10 year period, should a sitting tenant continue to reside in the unit, their rent will be maintained until they move from their unit or the 20 year rental tenure period has expired.

The owner's rental housing replacement proposal conforms with the Official Plan and will support the maintenance of a full range of housing available to households with a mix of incomes in new developments.

## **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 and Cycling Infrastructure. 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 m<sup>2</sup> and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 m<sup>2</sup>, and/or increases the height significantly.

In this case, the total gross floor area of the proposed building is 12,097 m<sup>2</sup>. The gross floor area of the proposed development is increased by 4,270 m<sup>2</sup> over and above the permitted gross floor area (3.0 FSI = 7,827 m<sup>2</sup>) and approximately 10.3 metres over the permitted height (14 metres).

Staff recommend the following community benefits to be secured in the Section 37 agreement for the 8-storey mixed-use development as follows:

Prior to the issuance of above grade permits unless indicated otherwise provide a cash contribution of \$400,000 which is to be used for the following:

- i. \$400,000 towards improvements to local parks, or other park or public realm improvements within Ward 32; and
- ii. In the event the cash contributions referred to in Section (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, 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 an 8-storey mixed-use building on Danforth Avenue be approved. The building as proposed complies with the Official Plan by intensifying an underutilized 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**

Derrick Wong, Community Planner  
Tel. No. (416) 392-0776  
Fax No. 416-392-1330  
E-mail: [dwong3@toronto.ca](mailto:d Wong3@toronto.ca)

## **SIGNATURE**

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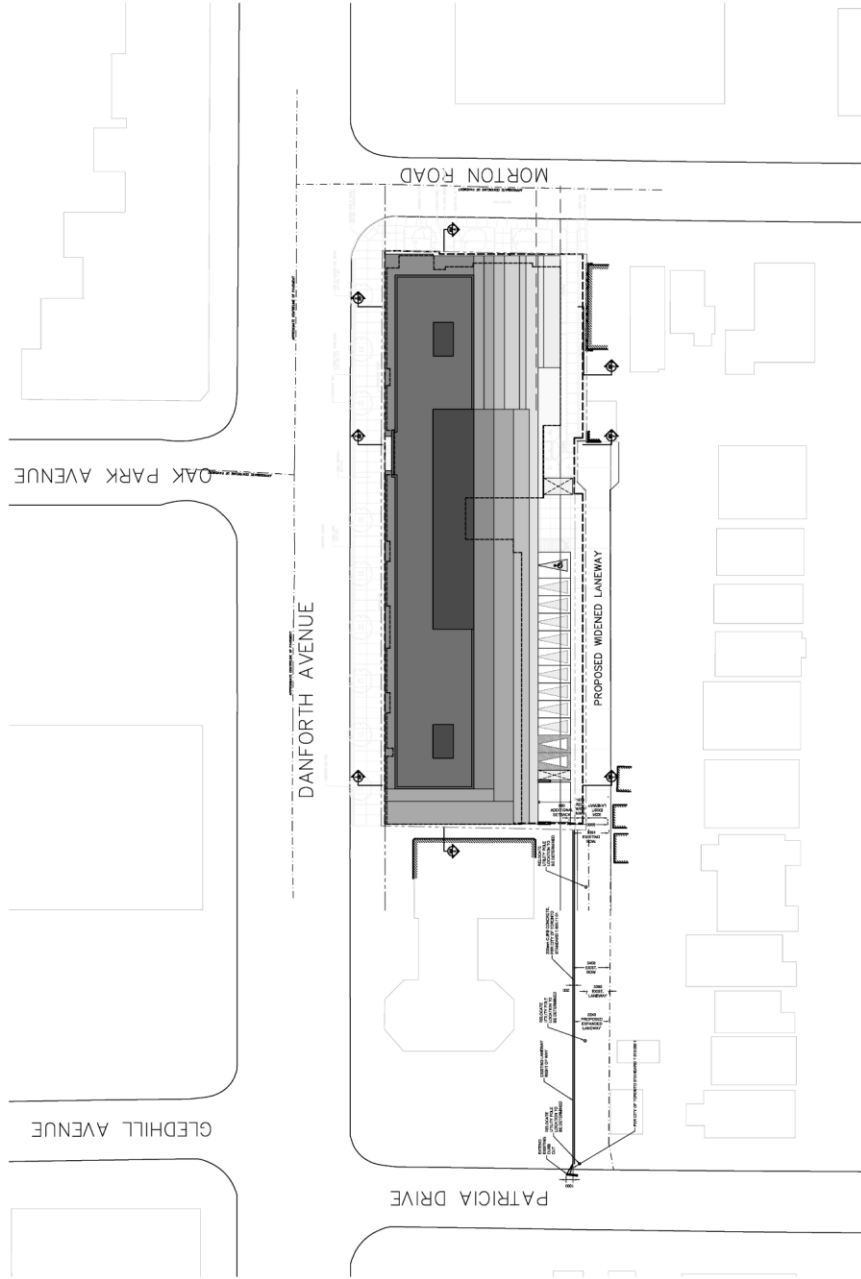
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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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: Official Plan
- Attachment 8: Application Data Sheet
- Attachment 9: Draft Zoning By-law Amendment to By-law 438-86
- Attachment 10: Draft Zoning By-law Amendment to By-law 569-2013

**Attachment 1: Site Plan**



**Site Plan**

Applicant's Submitted Drawing

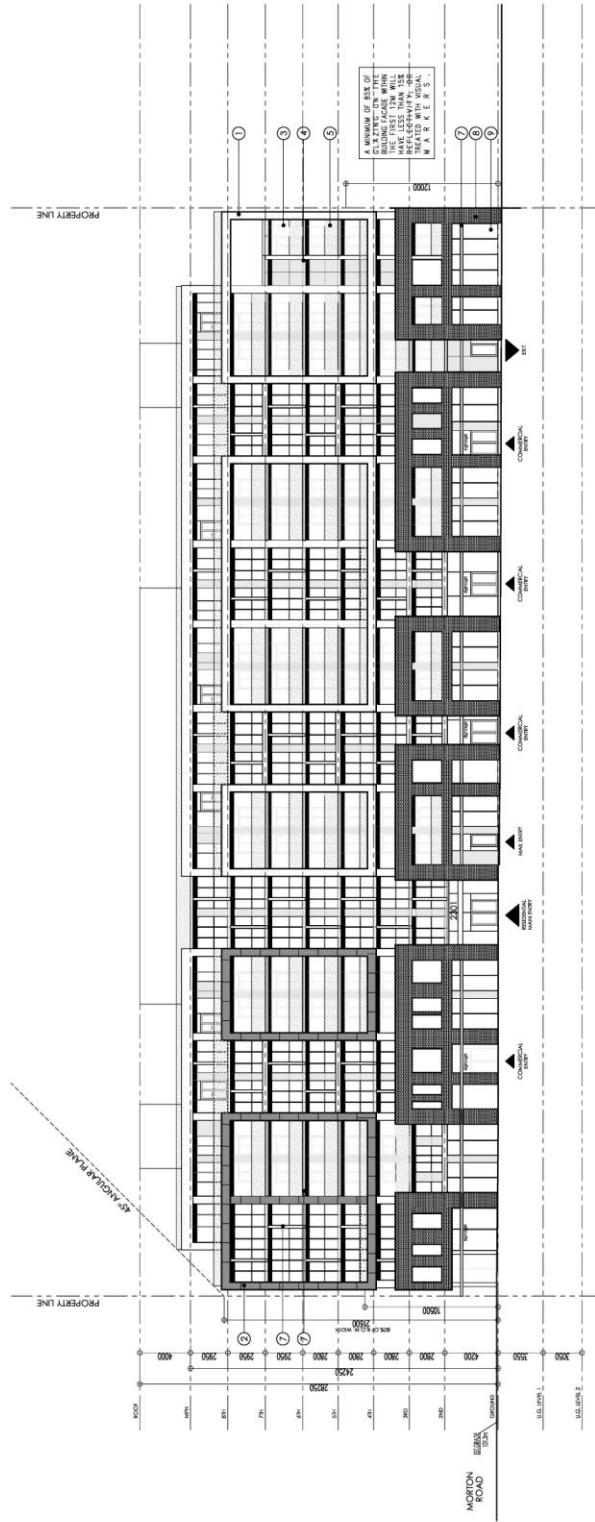
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07/13/2016



**2301-2315 Danforth Avenue**

File # 15 242710 STE 32 0Z

Attachment 2: North Elevation



North Elevation

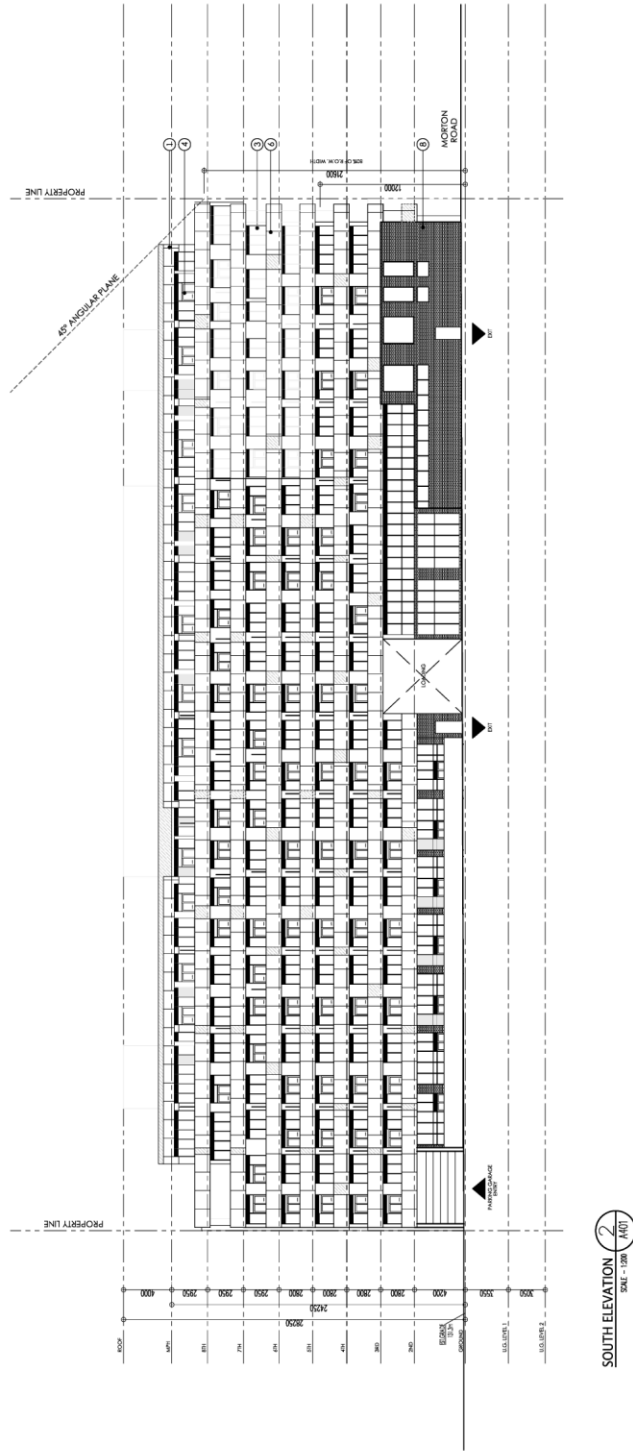
2301-2315 Danforth Avenue

File # 15 242710 STE 32 0Z

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
07/13/2016

**Attachment 3: South Elevation**



South Elevation

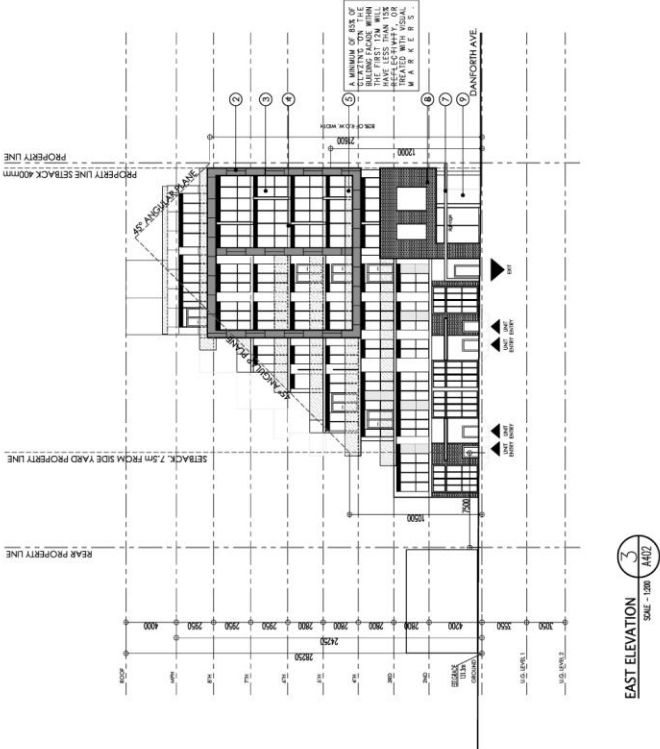
**2301-2315 Danforth Avenue**

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 07/13/2016

File # 15 242710 STE 32 0Z

Attachment 4: East Elevation



East Elevation

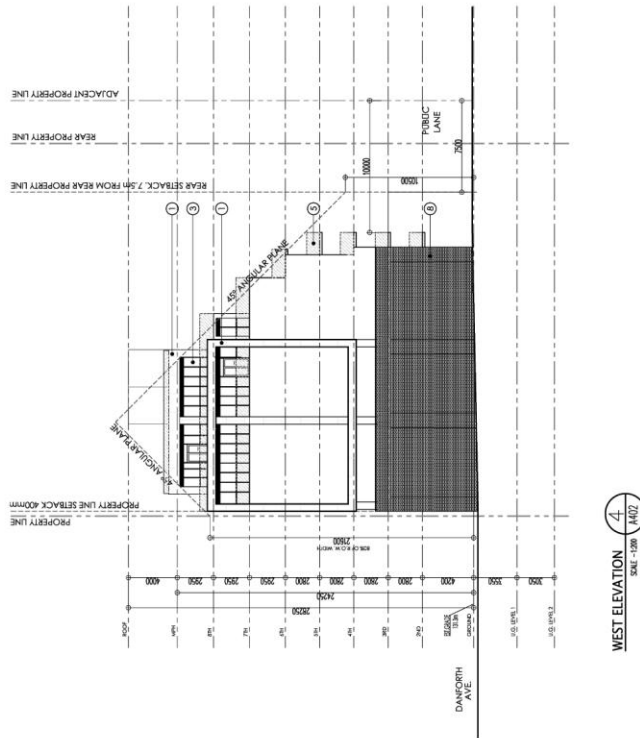
2301-2315 Danforth Avenue

Elevations  
 Applicant's Submitted Drawing

File # 15 242710 STE 32.0Z

Not to Scale  
 07/13/2016

# Attachment 5: West Elevation



West Elevation

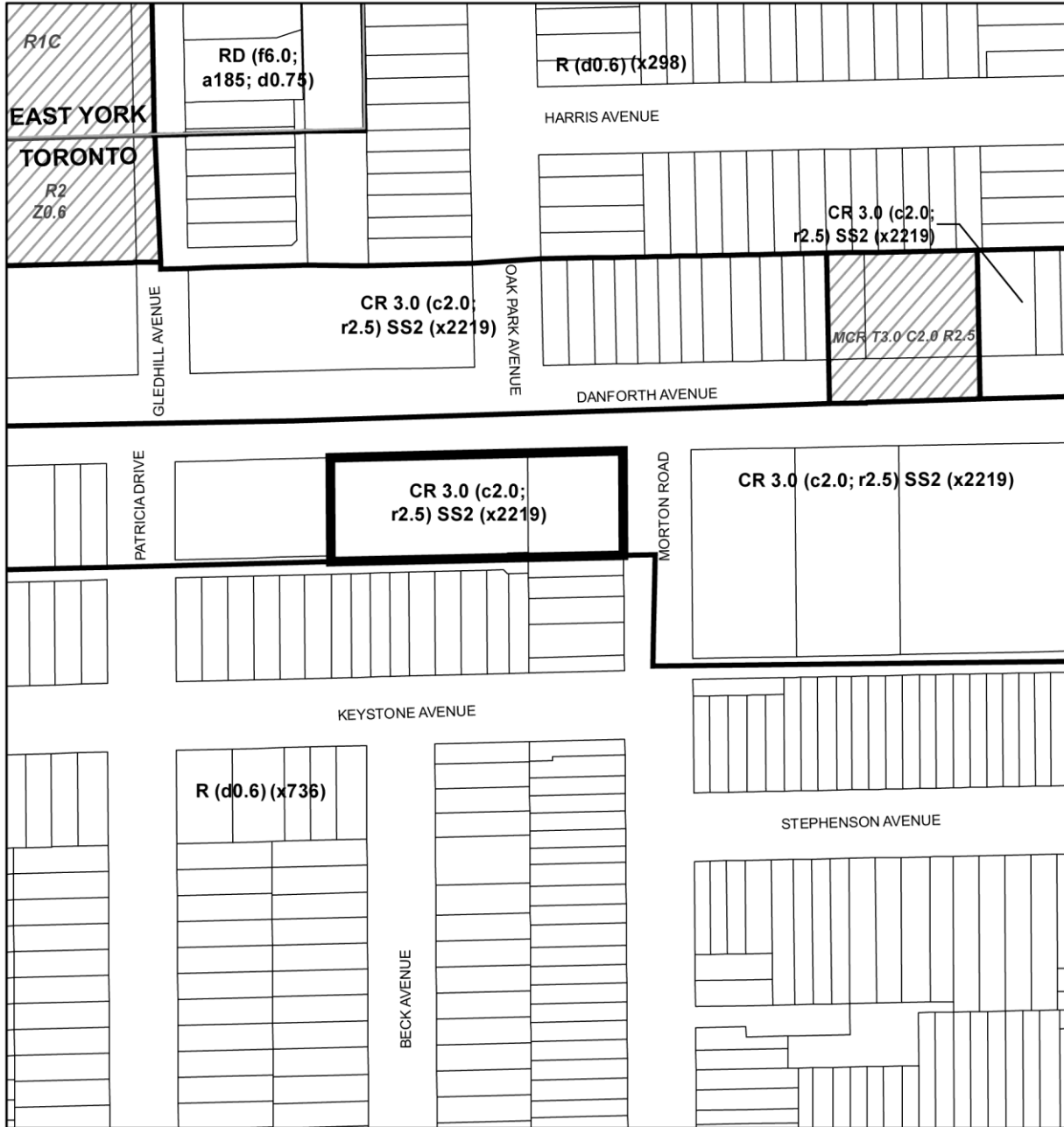
2301-2315 Danforth Avenue

Elevations  
Applicant's Submitted Drawing

Not to Scale  
07/13/2016

File # 15 242710 STE 32 0Z

## Attachment 6: Zoning



**Zoning By-Law No. 569-2013**

**2301-2315 Danforth Avenue**

**File # 15 242710 STE 32 OZ**



Location of Application

R Residential

RD Residential Detached  
CR Commercial Residential



See Former City of Toronto By-Law No. 438-86

R2 Residential District  
MCR Mixed-Use District

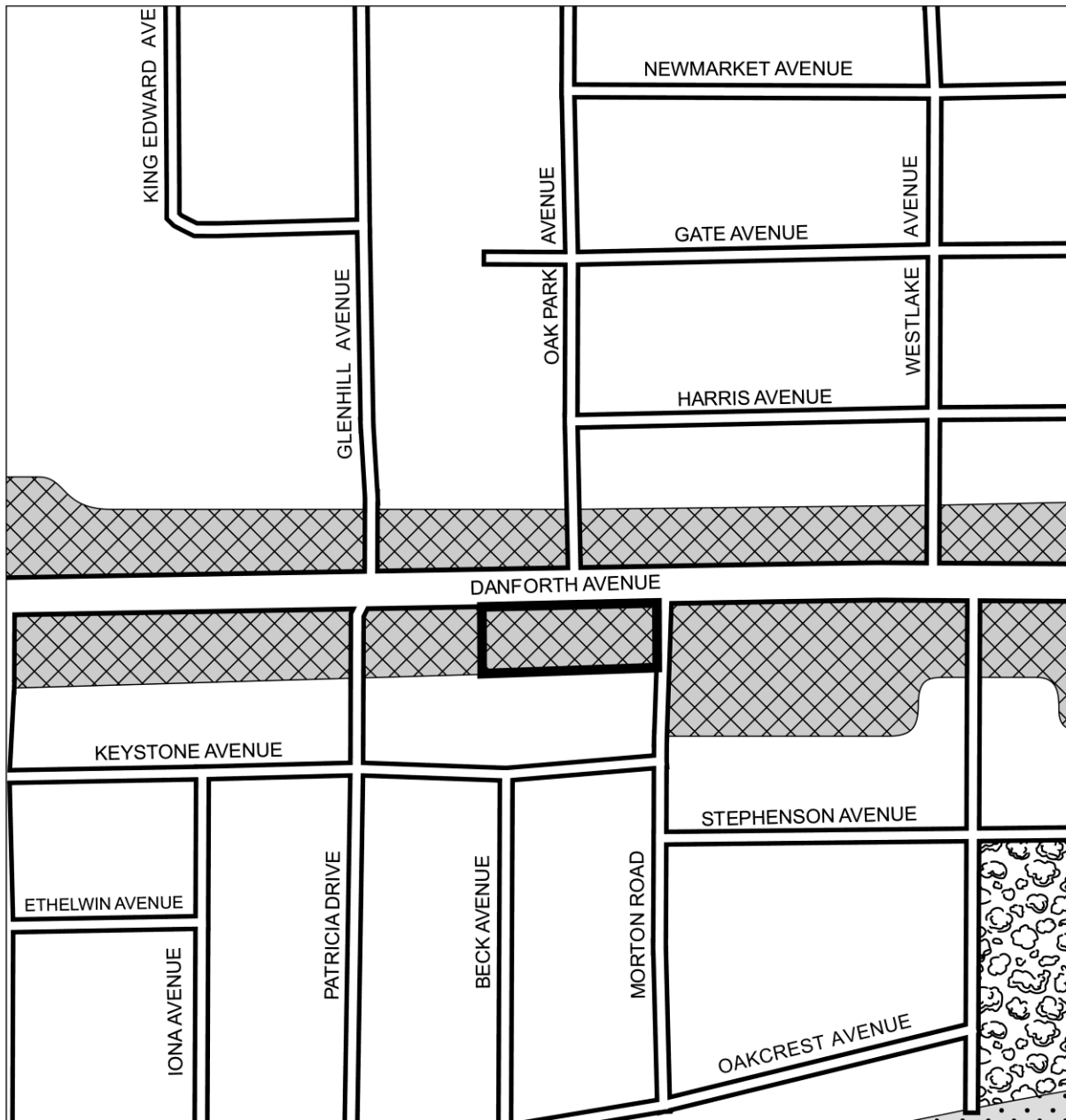
See Former Borough of East York By-Law No. 6752

R1C Low Density Residential



Not to Scale  
Extracted: 11/12/2015

# Attachment 7: Official Plan



**TORONTO** City Planning  
**Extract from Official Plan**

**2301 - 2315 Danforth Avenue**

File # 15 242710 STE 32 0Z

- |   |  |   |
|---|--|---|
|  Site Location   |  Parks & Open Space Areas |  Utility Corridors |
|  Neighbourhoods  |  Parks                    |   |
|  Mixed Use Areas |  |   |



Not to Scale  
 11/20/2015



## Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	15 242710 STE 32 OZ
Details	Rezoning, Standard	Application Date:	October 26, 2015
Municipal Address:	2301 and 2315 DANFORTH AVENUE		
Location Description:	PLAN 478E LOT 25 **GRID S3202		
Project Description:	The application proposes a new 8-storey mixed use building having a gross floor area of 12,097 square metres with 170 residential units (of which 14 will be rental replacement units). 381.0 square metres of at-grade commercial use are also proposed along Danforth Avenue. A total of 105 vehicular parking spaces will be provided.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields Inc. c/o Laurie Mcpherson		Graziani + Corazza Architects Inc.	East Village Development Inc

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 3.0(c2.0; r2.5)SS2 (x2219) in 569-2013 MCR T3.0 C2.0 R2.5 in 438-86	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	2 609	Height: Storeys:	8
Frontage (m):	86	Metres:	24.3
Depth (m):	31		
Total Ground Floor Area (sq. m):			<b>Total</b>
Total Residential GFA (sq. m):	11716	Parking Spaces:	105
Total Non-Residential GFA (sq. m):	381	Loading Docks	2
Total GFA (sq. m):	12097		
Lot Coverage Ratio (%):	0.63		
Floor Space Index:	4.6		

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo, Freehold	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m): 11716	0
Bachelor:	4	Retail GFA (sq. m): 381	0
1 Bedroom:	100	Office GFA (sq. m): 0	0
2 Bedroom:	66	Industrial GFA (sq. m): 0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m): 0	0
Total Units:	170		

**CONTACT: PLANNER NAME: Derrick Wong, Planner**  
**TELEPHONE: (416) 392-0776**

## **Attachment 9: 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(14), 4(17)(e), 8(3)(Part I), 8(3)(Part II) 4, and 8(3)(Part IV) 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:
  - 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
Parapets	Maximum height	1.0 metres	none
Trellis	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

- 5) the number of *dwelling units* shall not exceed 170;
  - 6) the total combined *residential gross floor area* and *non-residential gross floor area* erected on the lot does not exceed 12,175 square metres;
  - 7) the *residential gross floor area* of the building erected on the *lot* does not exceed 11,795 square metres;
  - 8) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 390 square metres;
  - 9) a minimum of 270 square metres *residential amenity space – indoor* and 340 square metres of *residential amenity space – outdoor* is provided and maintained on the *lot*;
  - 10) 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 *visitor parking spaces*, and 2 shall be exterior *car-share parking space*.
  - 11) provide and maintain a minimum of one Type G *loading space*.
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 on the Danforth Avenue frontage of 131.3 metres above Canadian Geodetic Datum;

- (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.
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 agreement's 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

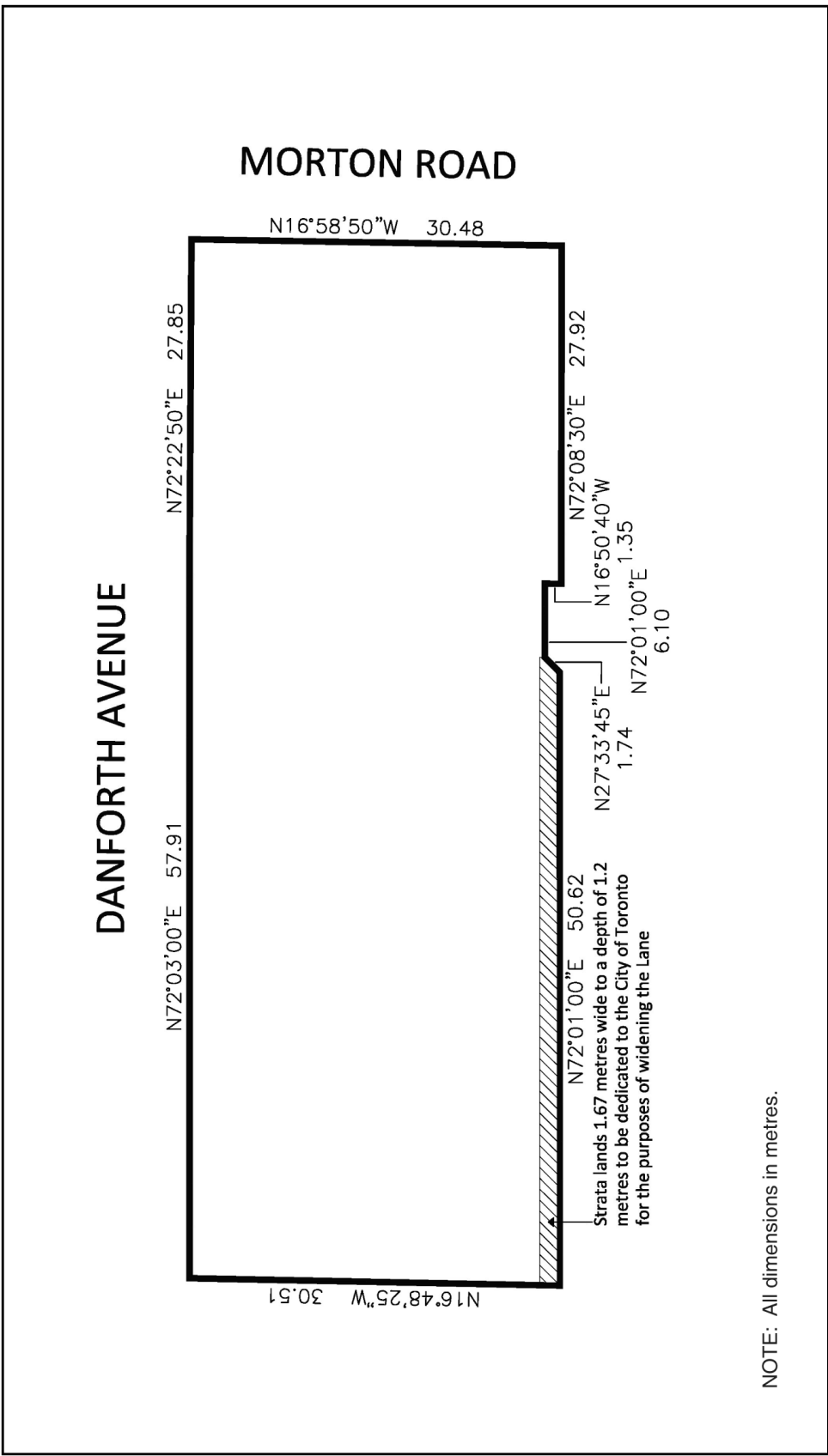
(Corporate Seal)

**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 above grade permits provide a cash contribution of \$400,000.00 which is to be used for the following:
  - i. \$400,000.00 towards improvements to local parks; and
  - ii. In the event the cash contributions referred to in Section (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.
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 10: 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 (K) below;
- (B) 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 ##];
- (C) The height of a **building** or **structure**, is measured from the Canadian Geodetic Datum elevation of 131.3 metres;
- (D) 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 ##];
- (E) Despite Sections 40.5.40.10 and 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) 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
  - (iii) 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
- (F) Despite Sections 40.5.40.10 and 40.10.40.60, 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; and
  - (ii) 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

- (G) The maximum number of **dwelling units** permitted is 170;
- (H) 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
- (I) 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
- (J) 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**;
- (K) Despite Chapter 220, one Type G loading space must be provided.

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

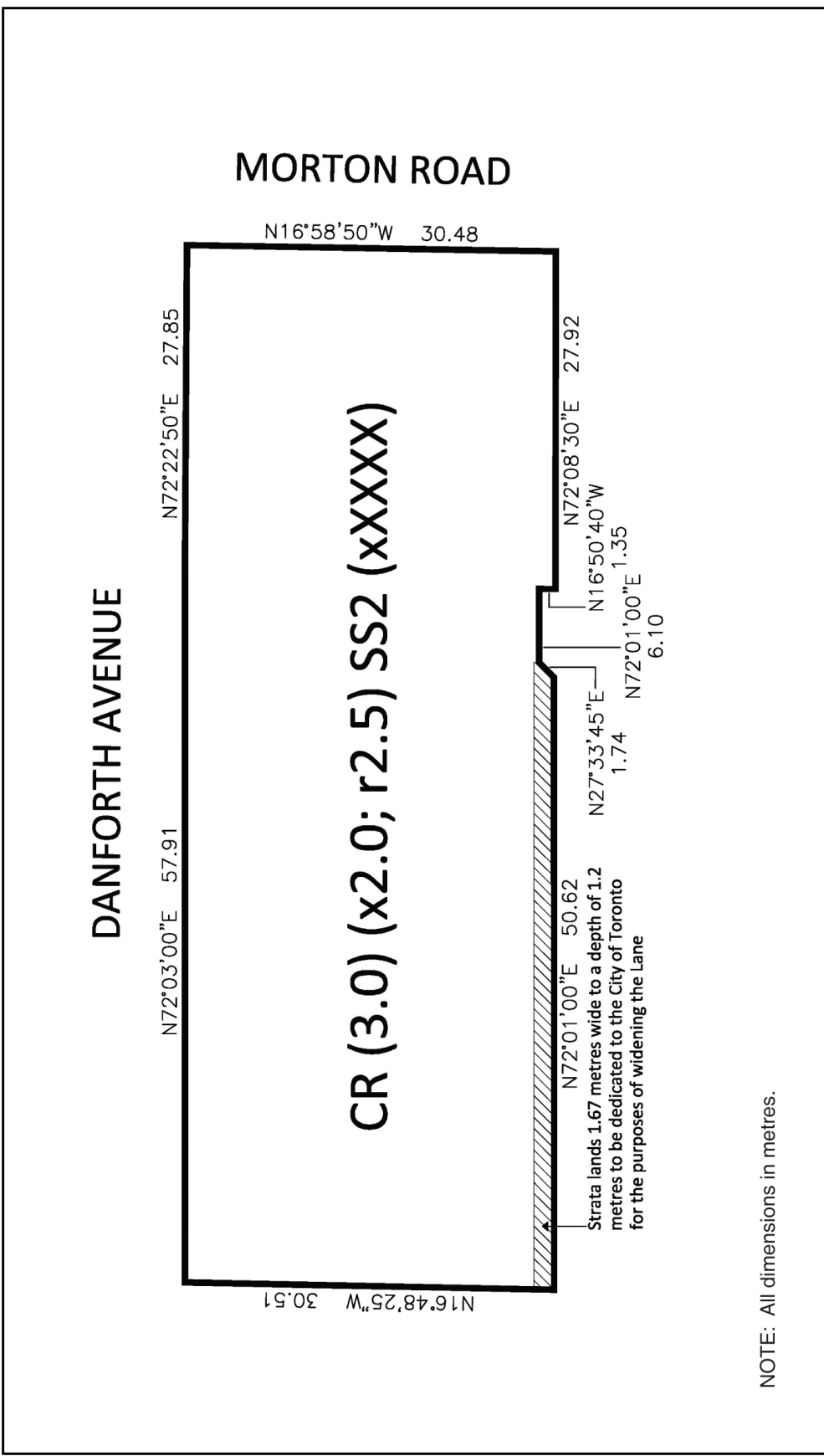
(Corporate Seal)

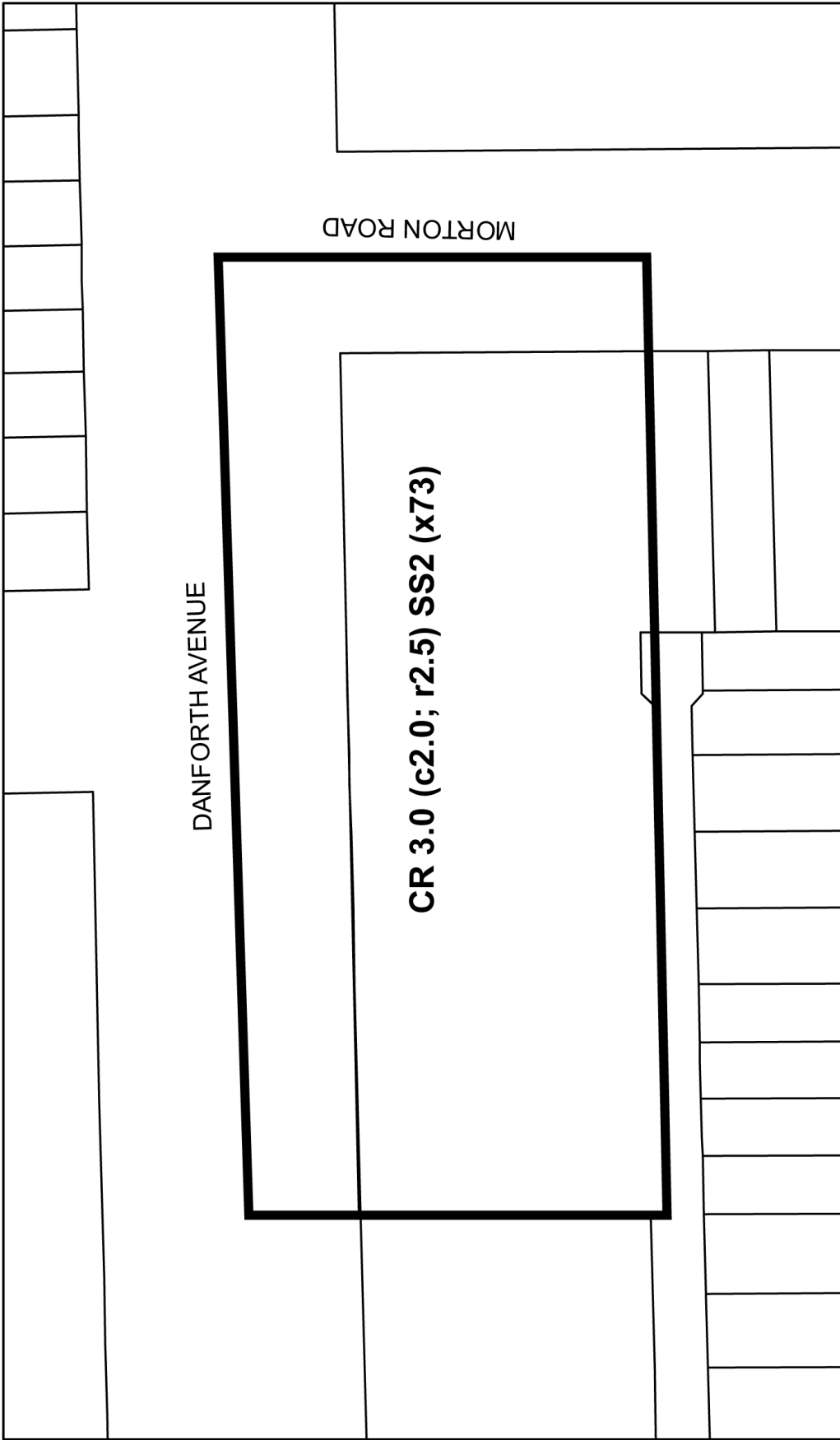
## SCHEDULE A Section 37 Provisions

**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. Prior to the issuance of above grade permits provide a cash contribution of \$400,000.00 which is to be used for the following:
  - i. \$400,000.00 towards improvements to local parks; and
  - ii. In the event the cash contributions referred to in Section (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.
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.





2301-2315 Danforth Avenue

Diagram 2

File # 15 242710 STE 32 0Z



Not to Scale  
Extracted: 08/18/2016



