

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** February 24, 2025

**CASE NO(S):** OLT-23-001063

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant	Jacob's Tent Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the additional development of 5 new mixed-use buildings to the subject property
Reference Number:	22 196279 STE 19 OZ
Property Address:	2575 & 2625 Danforth Avenue
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-23-001063
OLT Lead Case No:	OLT-23-001063
OLT Case Name:	Jacob's Tent Inc. v. Toronto (City)

**Heard:** February 5, 2025 by video hearing

**APPEARANCES:**

**Parties**

Jacob's Tent Inc.  
("Applicant/Appellant")

City of Toronto ("City")

Metrolinx

Canadian Tire Real Estate Ltd.

Tri-Metro Investments Inc.

**Counsel**

Daniel Artenosi  
Rowan Barron

Jason Davidson

Robert Wood  
Callum Hutchinson

Matthew Lakatos-Hayward

Did not attend

Minto Communities on behalf of  
Minto (Dawes) GP Inc.

Belinda Schubert

Dandaw Developments Ltd.

Daniel Angelucci

## **DECISION DELIVERED BY K.R. ANDREWS AND INTERIM ORDER OF THE TRIBUNAL**

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[Link to the Order](#)

### **INTRODUCTION AND BACKGROUND**

[1] The appeal arises following a non-decision by the City regarding applications to amend the Former City of Toronto Zoning By-law 438-86 and the City of Toronto Zoning By-law 569-2013 (collectively, the “ZBAs”) to permit specific development at 2575 and 2625 Danforth Avenue (the “Subject Lands”). The Subject Lands are approximately 3.18 hectares (“ha”) in size, have dual frontage onto Danforth Avenue and Main Street in the City, and are currently occupied by four residential apartment buildings that range from nine to 29 storeys in height.

[2] Disposition of the matter has now come before the Tribunal as a settlement hearing.

[3] Originally, the sought after ZBAs were to facilitate development of five new mixed-use buildings on the underutilized portions of the Subject Lands, with heights of 15, 29, 33 and 55 storeys. The plan would have created 1,543 new residential units and 6,073 square metres (“m<sup>2</sup>”) of non-residential gross floor area (i.e., retail), while retaining the existing four apartment buildings and all of the within 1,123 residential rental units, except 19 units in one of the existing buildings would be lost to accommodate the proposed development.

[4] Pursuant to the proposed settlement, the Applicant/Appellant is now pursuing development of four new mixed-use buildings on the underutilized portions of the Subject Lands, with heights of 15, 55, 35 and 49 storeys. This plan creates 1,649 new residential units in the four proposed buildings, plus 1,439 m<sup>2</sup> of non-residential gross floor area within

three of the proposed buildings. The new plan also increases the number of residential rental units within the four existing apartment buildings from 1,123 to 1,127 as part of a planned modification to one of the existing buildings to facilitate the new development.

## **EVIDENCE AND SUBMISSIONS**

[5] In assessing the proposed settlement, the Tribunal confirms that it has received, reviewed and considered the following evidence, materials and submissions:

- the uncontested opinion evidence of Benjamin Larson (“Expert Larson”), a Registered Professional Planner and full member of the Canadian Institute of Planners, contained in his comprehensive affidavit sworn January 31, 2025 (marked as Exhibit 1);
- the document presented by the Applicant/Appellant and referred to as “Visual Planning Overview” (marked as Exhibit 2);
- the Parties’ oral submissions in support of the settlement; and
- a draft Interim Order (together with Attached draft ZBAs and Conditions for Final Approval) jointly submitted to give effect to the proposed relief sought.

## **DECISION**

[6] The Tribunal understands that the aforementioned sworn affidavit evidence of Expert Larson reflects revisions to the applications before the Tribunal that were reached through the cooperative efforts of the Parties.

[7] The Tribunal accepts the opinion evidence of Expert Larson as presented in his affidavit and similarly finds that the subject applications, as revised:

- will result in the intensification of the large, underutilized Subject Lands, within

a 5-minute walk to an existing subway station and GO station, and the proposed built form will be located, oriented, and massed to establish an appropriate relationship within its immediate and broader development context;

- represent a comprehensive, coordinated and integrated approach to intensification of the Subject Lands which promotes a mix of uses, residential intensification, delivery of key infrastructure that the City has planned for the area, and a carefully considered approach to the public realm and open space;
- will correspondingly advance and support relevant matters of provincial interest under section 2 of the *Planning Act*;
- are consistent with the Provincial Policy Statement (2024), insofar as it supports an appropriate level of intensification and the achievement of complete communities in a location that is well served by existing public transit, including higher order transit, and the redevelopment will optimize the use of the Subject Lands with a compatible built form that makes efficient use of existing infrastructure;
- conform to the City of Toronto Official Plan by:
  - proposing a mix of residential and commercial uses, amenities, pedestrian connections and public park that support the Mixed Use Areas designation
  - conforming to the general objectives and relevant policies for Mixed Use Areas in the Official Plan, including built form, and the development criteria for healthy neighbourhoods and for development within the Mixed Use Areas designation; and
  - achieving an appropriate transition to Neighbourhoods, prioritizing pedestrian infrastructure, representing a scale of development that is appropriate within the Subject Lands' existing and planned context, and

promoting use of transit;

- conform to the Site and Area Specific Policy (“SASP”) 552 (OPA 420) public realm related policies:
  - by expanding the network of parks, creating mid-block connections, and enhancing the public realm adjacent to the Subject Lands through widened sidewalks and an urban plaza at the corner of Danforth Avenue and Main Street;
  - as it relates to policies related to complete streets, by widening Danforth Avenue through conveyance; and
  - with respect to built form, by reinforcing the character of the area along Danforth Avenue with a 4-storey streetwall.
- conform to SASP 577 (OPA 478), which seeks to establish a complete, mixed-use community with an appropriate land use mix that includes a full range of housing, retail and commercial uses, employment uses, community service facilities, public parks and open spaces;
- achieve the minimum intensification targets for the Subject Lands within the boundaries of two Protected Major Transit Station Areas;
- have appropriate regard to relevant guidelines including the:
  - Danforth Avenue Urban Design Guidelines and its vision for vibrant, high quality, appropriately scaled mixed-use development within its Study Area;
  - Tall Building Guidelines with its recommendations related to the design of tall buildings, including tower separation and podium design;

- Avenues and Mid-Rise Buildings Study with its recommendations related to streetwall height, ground floor retail considerations, and sidewalk zones;
  - Growing Up Guidelines with its recommendations to achieve better functioning neighbourhoods (i.e public realm, pedestrian connections), buildings (i.e. daycare) and units (i.e. future SPA); and,
  - the Pet Friendly Design Guidelines.
- represent good planning and are in the public interest.

[8] It was further opined by Expert Larson, and accepted by the Tribunal, that the Proposed ZBAs should be approved in principle, but withhold a final order until the City and the Applicant have advised that the Preconditions have been satisfied.

**OLT-23-001063 IS NOT CONSOLIDATED WITH OLT-23-001064**

[9] The Tribunal notes that the present Appeal (the “ZBA Appeals”; OLT case no. OLT-23-001063) are not consolidated with a separate but related appeal concerning approval of plans or drawings for a site plan control area brought under s. 114(15) of the *City of Toronto Act* (the “Site Plan Appeal”; OLT case no. OLT-23-001064).

[10] The Tribunal makes this note for the sake of clarifying the record, after the Appellant made it clear upon filing the respective appeals that the two matters were to be dealt with separately, and that such a separation of the matters was noted within the decision of the first Case Management Conference for the present ZBA Appeals (decision issued March 11, 2024). However, in error, the Tribunal has referenced the Site Plan Appeal in the Title of Proceedings for the past two Case Management Conference decisions for the present ZBA Appeals.

## INTERIM ORDER

[11] **THE TRIBUNAL ORDERS** that, in accordance with provisions of section 34(26) of the *Planning Act*, as amended:

1. The appeal by Jacob's Tent Inc. of its applications for amendments to the Former City of Toronto Zoning By-law 438-86 and the City of Toronto Zoning By-law 569-2013, in respect of the Subject Lands, is allowed, in part;
2. The Zoning By-law Amendments included as **Attachment 1** and **Attachment 2** to this Interim Order are approved in principle;
3. The Tribunal shall withhold its final Order until such time as the Tribunal has been advised by City Solicitor that:
  - a. the Tribunal has received, and approved, the Zoning By-law Amendment submitted in a final form, confirmed to be satisfactory to the Director, Community Planning, Toronto East York District and the City Solicitor, in consultation with other appropriate divisions;
  - b. the owner has at the owner's expense:
    - i. provided confirmation of water, sanitary and stormwater capacity (and conformity with the accepted MFSR respecting Character Area C in Official Plan Amendment 478) to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the zoning by-law amendment;
    - ii. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the

accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;

- iii. submitted a pedestrian level wind study, including a wind tunnel test, acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and that such matters arising from such study, be secured if required;
  - iv. submitted a revised Transportation Impact Study, and a Parking and Loading Study acceptable to, and to the satisfaction of, the General Manager, Transportation Services and that such matters arising from such studies, be secured if required;
  - v. submitted a revised Landscape Plan which includes a notation that a volume of 30 cubic metres of soil will be provided for each tree with future financial securities to be provided through the Site Plan Approval process, to the satisfaction of the Chief Planner and the General Manager, Parks, Forestry and Recreation; and
  - vi. provided the City with correspondence from the owner of the adjacent site to the south confirming that the access at the south end of the Site from the private lands municipally known as 6 Dawes Road will be permitted by a pedestrian and vehicular access easement in favour of the Site over the 6 Dawes Lands;
- c. a revised Rental Housing Demolition Application (22 196262 19 RH) in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006, has been approved to permit the demolition of existing rental dwellings at 2575 and 2625 Danforth



Avenue and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters, including tenant relocation and assistance, necessary to implement City Council's decision;

- d. the owner has conducted a tenant survey, and secured appropriate improvements to the existing rental buildings at its sole expense and at no cost to tenants (including the provision of a Construction Mitigation and Tenant Communication Plan);
  - e. the owner has applied draft plan approval for a draft plan of subdivision application to secure, among other matters, the conveyance of land for and construction of new public roads and parkland; and
  - f. the owner has entered into an Agreement pursuant to Section 37 of the Planning Act, as it read the day before the day section 1 of Schedule 17 of the COVID-19 Economic Recovery Act, 2020 came into force (the "Section 37 Agreement"), and that agreement has been registered on title to 2575 and 2625 Danforth Avenue, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure the community benefits and matters of legal convenience at the owner's expense, as set out in the Settlement Offer prepared by Overland LLP dated June 17, 2024 and accepted by City Council at its meeting on June 26, 2024 (Item CC19.16).
- 4. The Member will remain seized for the purposes of reviewing and approving the final draft of the Zoning By-law Amendments and the issuance of the Final Order;
  - 5. If the Parties do not submit the final drafts of the Zoning By-law Amendments, and provide confirmation that all other contingent pre-requisites to the

issuance of the Final Order set out in paragraph 11(3) above have been satisfied, and do not request the issuance of the Final Order, by Monday, May 26, 2025, the Applicant and the City shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the draft Zoning By-law Amendments and issuance of the Final Order by the Tribunal; and

6. The Tribunal may, as necessary, arrange the further attendance of the Parties to determine the additional timelines and deadline for the submission of the final form of the instruments, the satisfaction of the contingent prerequisites and the issuance of the Final Order.

[12] The matter may be spoken to should there be any issues with the implementation this Interim Order.

*"K.R. Andrews"*

K.R. ANDREWS  
MEMBER

### **Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## Attachment 1

## CITY OF TORONTO

## BY-LAW No. XXXX-2024(OLT)

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 2575 and 2625 Danforth Avenue.**

Pursuant to the Ontario Land Tribunal Decision/Order issued XXXX, XXXX in Tribunal File OLT-23-001063, General Zoning By-law No. 438-86 of the former City of Toronto, as amended, is further amended as follows:

1. Section 12(1) of By-law No. 438-86, 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, is further amended by replacing exception 396 with the following:  
"396

to prevent, in addition to the buildings, structures and uses that existed at the time of passing of this by-law, the erection and use of four mixed-use buildings on the lot, provided:

- a. the lot comprises those lands delineated by heavy lines on the maps following this exception;
- b. the lot shall be rezoned from R4 Z2.0, MCR T3.0 C2.0 R2.5, and I1 D1 1.0 to MCR T3.0 C2.0 R2.5 and G in accordance with Map 2.
- c. Despite 5 of Zoning By-law 438-86, uses permitted within MCR are permitted below *grade* on G lands.
- d. despite 2(1) and 8(1), a *commercial parking garage* is a permitted use on the lot without qualifications and a "*commercial parking garage*" means a building or a portion of a building used for the temporary parking of motor vehicles for a fee that is either a principal use on a lot or may not be the principal use on a lot.
- e. Despite 8(3), the combined *residential gross floor area* and *non-residential gross floor area* and *total floor area* of the new buildings shall not exceed:

	Maximum Residential Gross Floor Area	Maximum Non-Residential Gross Floor Area	Maximum Combined Gross Floor Area
Building E	11,500 m2	500 m2	12,000 m2
Building F	44,000 m2	500 m2	44,500 m2
Building G	29,500 m2	500 m2	30,000 m2

Building H	40,000 m2	500 m2	40,500 m2
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- f. Despite 4(2), no portion of the building above grade is located otherwise than wholly within the "Building Envelopes" as shown on the maps following this exception, with the exclusion of:
- (i) decks, porches, balconies and balcony railings, guard rails and balustrades, by a maximum of 2.5 metres;
  - (ii) canopies and awnings, by a maximum of 3.0 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 4.0 metres;
  - (iv) cladding added to the exterior surface of the main wall of a building, by a maximum of 0.5 metres;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, and lighting fixtures by a maximum of 1.5 metres;
  - (vi) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
  - (vii) eaves, parapets, parapet flashing, roof and terrace overhangs, gutters and downspouts, by a maximum of 0.5 metres;
  - (viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres; and
  - (ix) window washing equipment, trellises, privacy screens, wind mitigation and acoustic screens and features, mechanical exhaust and intake components, underground garage ramps and their associated structures and elements, retaining walls, fences, by a maximum of 3.0 metres;
- g. Despite 2(1)*height* and 4(2), the "height" of the building to the top of the roof slab shall not exceed those heights, in metres above grade, following the symbol "H" shown on Map 3, but this paragraph does not prevent the erection or use of:
- (i) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 8.5 metres;
  - (ii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 8.5 metres;
  - (iii) architectural features, parapets, and elements and structures associated with a green roof, by a maximum of 2.0 metres;

- (iv) building maintenance units and window washing equipment, by a maximum of 8.0 metres;
  - (v) planters, landscaping features, lighting fixtures, insulation, drainage, roof surface materials, access hatches, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres; and,
  - (vi) unenclosed structures providing safety or wind protection to rooftop amenity space and acoustic barriers/screens trellises, pergolas, stairs and stair enclosures, by a maximum of 3.0 metres.
- h. Despite 4(3) and 4(4), parking is provided in accordance with the following:
- (i) a minimum of 0 parking spaces for residential uses;
  - (ii) a minimum of 0 parking spaces for non-residential uses;
  - (iii) a minimum of 0 parking spaces for residential visitors;
- i. Despite 2(1) and 4(13), bicycle parking spaces in the new buildings must be provided on the *lot* as follows:
- i. a minimum of 0.9 bicycle parking spaces per dwelling unit must be provided as long-term bicycle parking spaces for the dwelling units;
  - ii. a minimum of 0.2 bicycle parking spaces per dwelling unit must be provided as short-term bicycle parking spaces for the dwelling units;
  - iii. no bicycle parking spaces are required for the non-residential uses;
  - iv. the number of required bicycle parking spaces in (i) and (ii) above may be rounded down to the nearest whole number when the calculation results in a fraction;
  - v. for a stacked bicycle parking space, a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.0 metres;
  - vi. for a bicycle parking space that is not a stacked bicycle parking space, a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.9 m; and,
  - vii. bicycle parking may be located on any level below ground;
  - viii. Despite Regulation 230.40.1.20(2), a “short-term” bicycle parking space may be no more than 45 metres from a pedestrian entrance to the building on the lot.
- j. Despite 4(17), a maximum of 15% of the provided parking spaces may have a minimum width of 2.6 metres if the *parking space* is obstructed by a part of a fixed object such as a wall, column, bollard, fence or pipe;
- k. Despite 2(1), 4(6) and 4(7), loading spaces shall be provided and maintained on *lot* in accordance with the following minimum amounts:
- i. Number/size of loading spaces:

	<i>loading space(s) – type B</i>	<i>loading space(s) – type C</i>	<i>loading space(s) – type G</i>
Building E	1		
Building F	1		
Building G	1		1
Building H	1	2	1
Size	(i) minimum length of 11.0 metres; (ii) minimum width of 3.5 metres; and (iii) minimum vertical clearance of 4.0 metres	(i) minimum length of 6.0 metres; (ii) minimum width of 3.5 metres; and (iii) minimum vertical clearance of 3.0 metres;	(i) minimum length of 13.0 metres; (ii) minimum width of 4.0 metres; and (iii) minimum vertical clearance of 6.1 metres.

- ii. Loading spaces may be provided above ground, within a building, or below ground.

**l. Despite 4(12) of by-law 438-86:**

- i. New buildings with 20 or more dwelling units must provide amenity space at a minimum rate of 4.0 square metres for each dwelling unit, of which:
1. at least 2.0 square metres for each dwelling unit is indoor amenity space;
  2. at least 40.0 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space; and
  3. no more than 25% of the outdoor component may be a green roof.
- ii. the indoor *residential amenity space* does not need to be contiguous with the outdoor component, can be in separate rooms, and can be on different levels; and,
- iii. *residential amenity space* can be provided in rooms that are not contiguous and no more than 25 percent of the outdoor component may be a *green roof*;
- m. building permit issuance for the proposed additional residential buildings shall be dependent upon the owner of the *lot* entering into an agreement with the City under Section 37 of the Planning Act, as it read the day before the day section 1 of Schedule 17

of the COVID-19 Economic Recovery Act, 2020 came into force to secure the matters set out in clause (o) below;

- n. the agreement with the City of Toronto pursuant to Section 37 of the Planning Act, as set out in clause (m) above, shall be registered on title to the *lot* prior to the issuance of any building permit for the proposed additional residential buildings. For the avoidance of doubt, the Section 37 Agreement referred to in clause (m) above shall replace the existing Section 37 Agreement registered on title to the *lot* dated January 27, 2006.
- o. The Owner of the *lot* shall:
  - i. pay a cash contribution in the amount of \$4,000,000 (the “**Cash Contribution**”), which is to be allocated toward the construction, finishes, furnishings, and/or equipment for a public community recreation centre serving the geographic area covered by Official Plan Amendment 478 within the vicinity of the *lot*, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. The Cash Contribution is to be paid on a pro-rata basis as follows:
    - a. \$2,000,000 to be paid prior to the issuance of the first above-grade building permit for the first tower within the *lot*; and,
    - b. \$2,000,000 to be paid prior to the issuance of the first above-grade building permit for the third tower within the *lot*;
  - ii. the cash contribution referred to in 1.o.i. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of each payment; and
  - iii. in the event the cash contribution referred to in 1.o.ii above has not been used for the determined purpose within fifteen (15) years after the amending Zoning By-law coming into full force and effect, the cash contribution, or a portion thereof, may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of 2575 and 2625 Danforth Avenue;
  - iv. Prior to the issuance of the first above-grade building permit, enter into and register a 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge the parkland, which restriction may be released only upon the owner transferring the parkland to the City, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, which conveyance of a total of approximately 2,181 square meters represents the owner's Section 42 site parkland dedication requirement with any over dedication (i.e. the “**Excess**

**Land")** to be secured as an additional community benefit, and is to be conveyed to the City as early as possible recognizing the leasehold interests over the parkland.

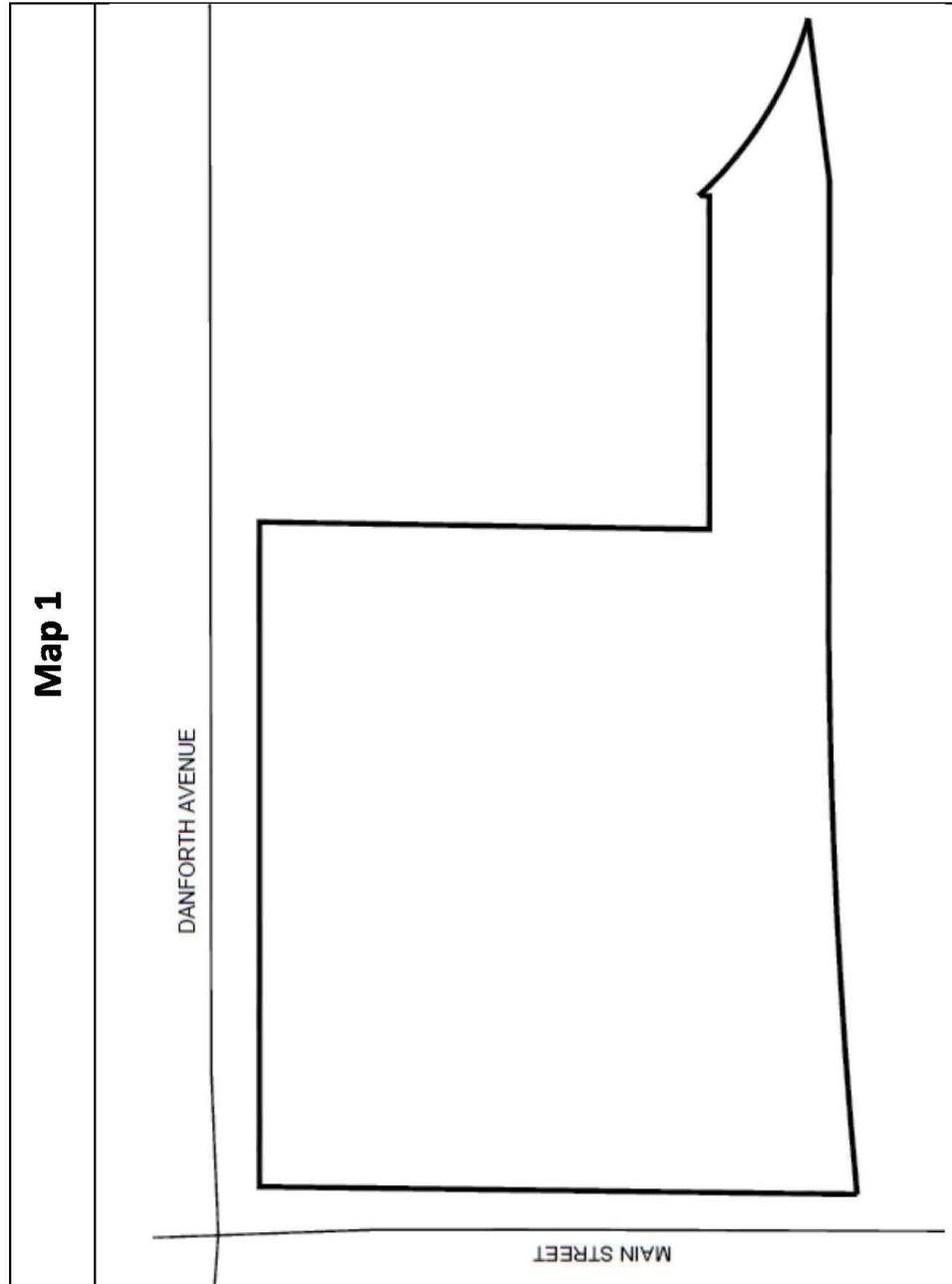
- v. implement any required recommendations and/or mitigation measures from the accepted Wind Tunnel analysis, Traffic Impact Study, Traffic Demand Management Plan, Landscape Plan, Parking and Loading Study, and Landscape Plan, through the Site Plan Approval process for the *lot*, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- vi. provide open space of not less than 400 square metres, which shall be shown on the plans and drawings submitted pursuant to Section 114 of the City of Toronto Act;
- vii. convey to the City required road widenings on Danforth Avenue and Main Street, as well as a portion of the new public street, with timing of said conveyances to be determined through the draft plan of subdivision approval process. The Owner of the *lot* will agree to address cost sharing, subject to commercially reasonable terms, respecting the new public road in accordance with Section 12 of OPA 478;
- viii. construct and maintain the development of the *lot* in accordance with Tier 1, Toronto Green Standard, and the owner of the *lot* will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for the development;
- ix. prior to the commencement of any excavation and shoring work on the Site, the owner of the *lot* shall submit a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Engineer and Executive Director, Engineering and Construction Services and thereafter shall implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to, the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, including matters related to the construction of streets or infrastructure, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- x. prepare all documents and convey a non-exclusive pedestrian access easement to the City in perpetuity for access over the pedestrian mid-block connections, all to the satisfaction of the Chief Planner and Executive Director, City Planning with such lands to be free and clear of all other physical and title



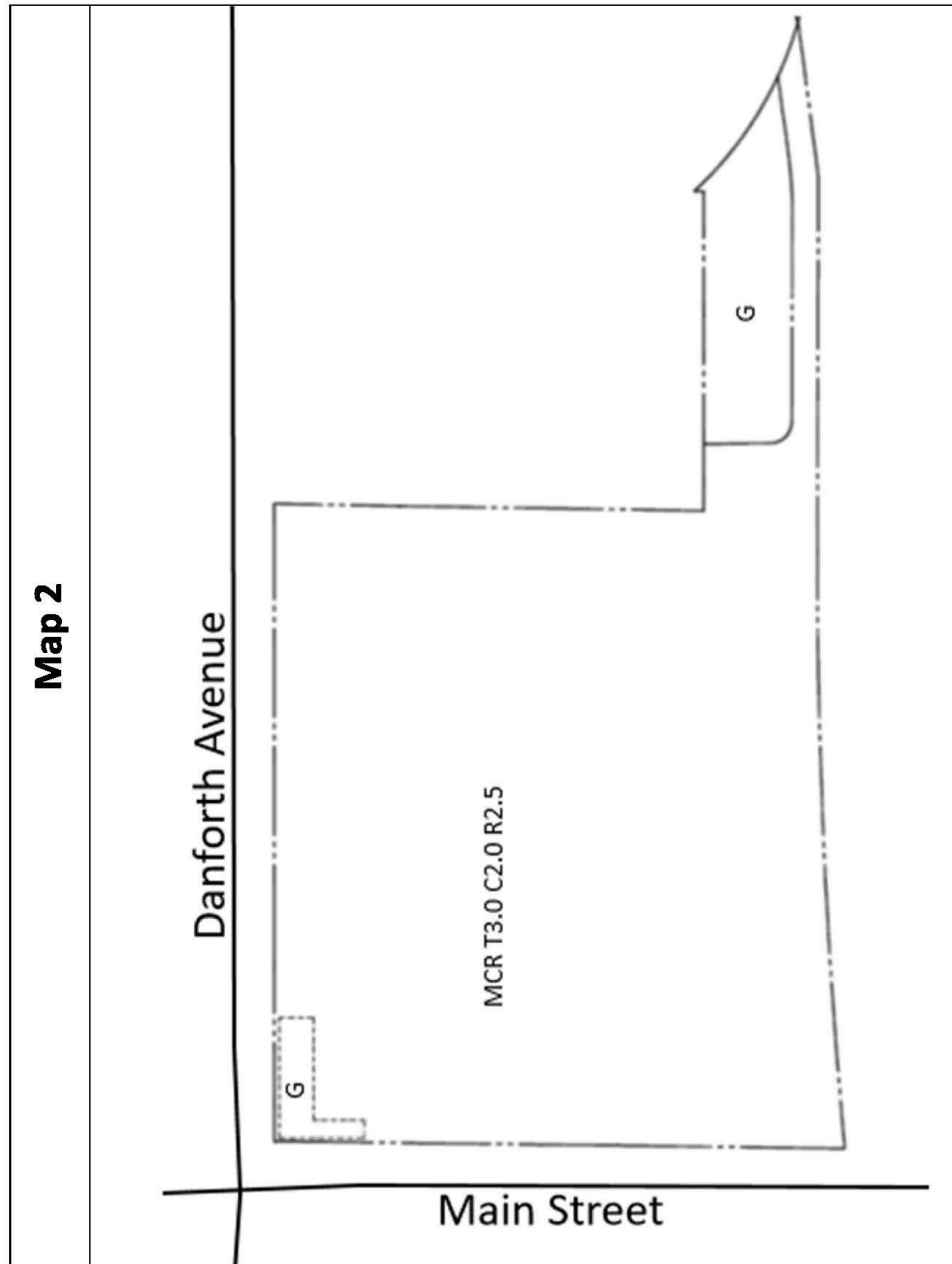
encumbrances (except those permitted at the discretion of the City Solicitor) in exchange for the release and discharge of any leasehold interest in favour of the City granting pedestrian access, to satisfaction of the City Solicitor; the owner of the *lot* shall submit to the Chief Engineer and Executive Director, Engineering and Construction Services a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System, with coordinate values shown on the face of the plan and delineating thereon, the easement to be conveyed to the City for review and approval, prior to depositing it in the Land Registry Office; prior to granting the pedestrian access easements, the owner shall ensure that barrier-free access will be provided from Main Street through the Site to allow pedestrian access to continue to Metrolinx's Danforth GO Station at all times during construction of the *lot*; for greater certainty, the area to be encumbered by the pedestrian access easements will be of a sufficient area, horizontally and vertically, to facilitate pedestrian access through the *lot*.

- xi. through the Site Plan Approval process, incorporate into the detailed design of the *lot* the following:
    - a. landscape buffering to reduce impacts of servicing on units in Buildings B, C, and G;
    - b. strategies to reduce the visibility of loading operations from lands to the south of the Site; and,
    - c. design that enhances the streetscape on Danforth.
  - xii. undertake improvements to the existing rental buildings at its sole expense and at no cost to tenants, and the owner shall also secure the provision of a Construction Mitigation and Tenant Communication Plan through the Site Plan Approval process. The total value of these improvements shall be set out and secured through the new Section 37 Agreement to the satisfaction of the parties.
- p. with the exceptions of Sections 4(2), 4(3), 4(4), 4(12), 6(1), 6(3) Part I, 6(3) Part II and 6(3) Part III, all other provisions of this by-law are complied with.
- 2. For the purposes of this By-law each word or expression which is italicized has the same meaning as each word or expression contained in By-law No. 438-86, as amended.
- 3. For the purpose of this exception the word "height" shall be measured from a Canadian Geodetic Datum of 130.05 metres and the elevation of the highest point of the building or structure.
- 4. For the purpose of this exception the word "non-residential gross floor area", "residential gross floor area", and "gross floor area" of a mixed use building or residential building is reduced by the area in the **building** used for:
  - a. parking, loading and bicycle parking below-ground;
  - b. required loading spaces and areas at, or below, the ground level and required bicycle parking spaces at any level;

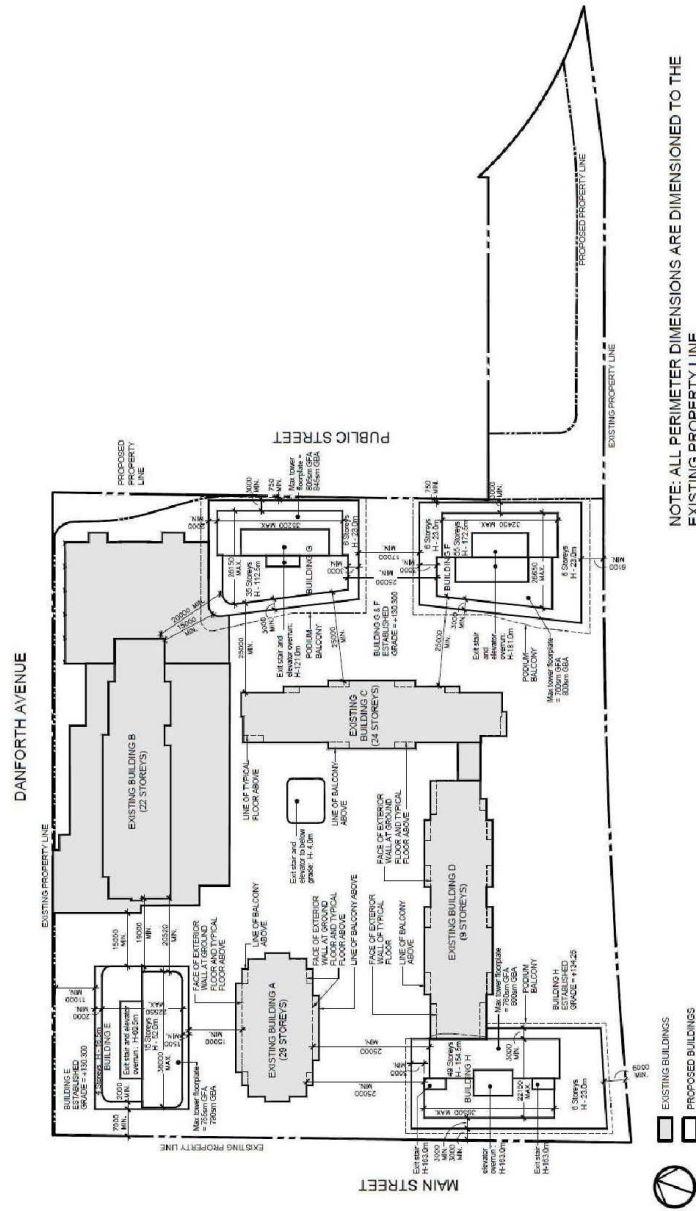
- c. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms on any level;
  - d. shower and change facilities and bicycle maintenance facilities required by this By-law for required bicycle parking spaces;
  - e. amenity space required by this By-law;
  - f. elevator shafts;
  - g. garbage shafts;
  - h. mechanical penthouse; and
  - i. exit stairwells in the building.
- 5. Nothing in this By-law shall apply to prevent the phased construction of the development on the lot, provided all other requirements of the By-law are complied with upon full development of the lot.
- 6. For the purposes of this by-law:
  - a. Existing Buildings include Building A, Building B, Building C & Building D, including existing areas below ground; and,
  - b. New Buildings include Building E, Building F, Building G & Building H.
- 7. Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.
- 8. For the purpose of this by-law and for the avoidance of doubt, the Existing Buildings or structures shall be deemed to comply with the Zoning By-law as amended herein. This includes, but is not limited to, requirements related the gross floor area, building location, height, automobile or bicycle parking, loading facilities on the lot.
- 9. Temporary use:
  - a. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a "temporary sales office" on the lot provided:
    - i. A "temporary sales office" means a **building, structure**, facility or trailer, or portion thereof, on the **lot** used for the purpose of the sale, marketing, leasing or rental of **dwelling units** to be erected on the **lot** and related to construction on the **lot**.



*Draft Dated January 29 2025*



# Map 3



## Attachment 2

## CITY OF TORONTO

## BY-LAW XXXX-2025(OLT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally  
known in the year 2024 as 2575 and 2625 Danforth Avenue**

Pursuant to the Ontario Land Tribunal Decision/Order issued XXXX, XXXX in Tribunal File OLT-23-001063, By-law 569-2013 of the City of Toronto, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 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 lands outlined by heavy black lines to CR 3.0 (C2.0;R2.5) SS2 (XXXX) and O, as shown on Diagram 2, attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 10.5; ST 3, as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, and applying no value.
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying no value.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number XXXX so that it reads:

(XXXX) Exception CR XXXX

(XXXX) Exception O XXXX

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

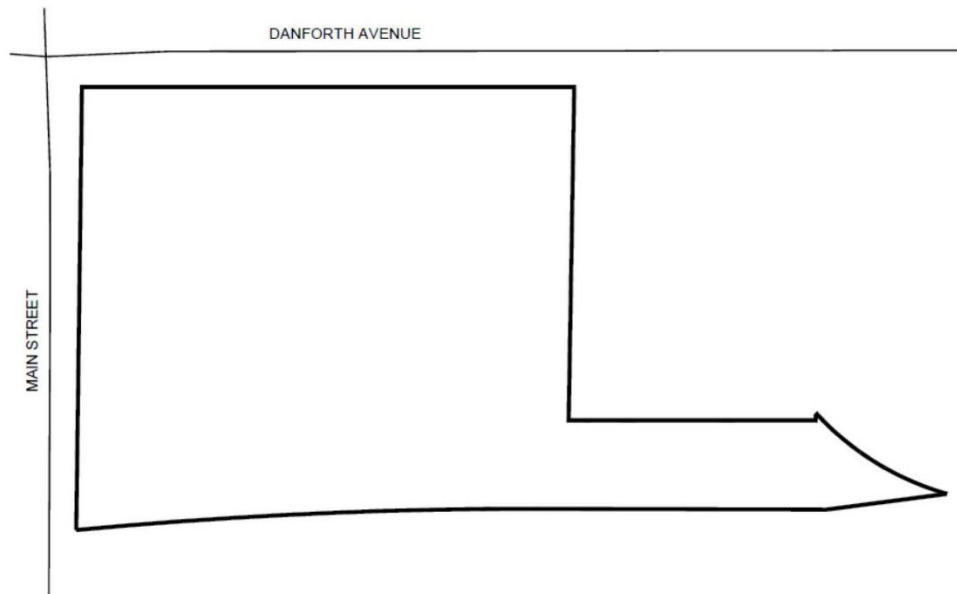
Site Specific Provisions:



(A) (None apply)

Prevailing By-laws and Prevailing Sections:

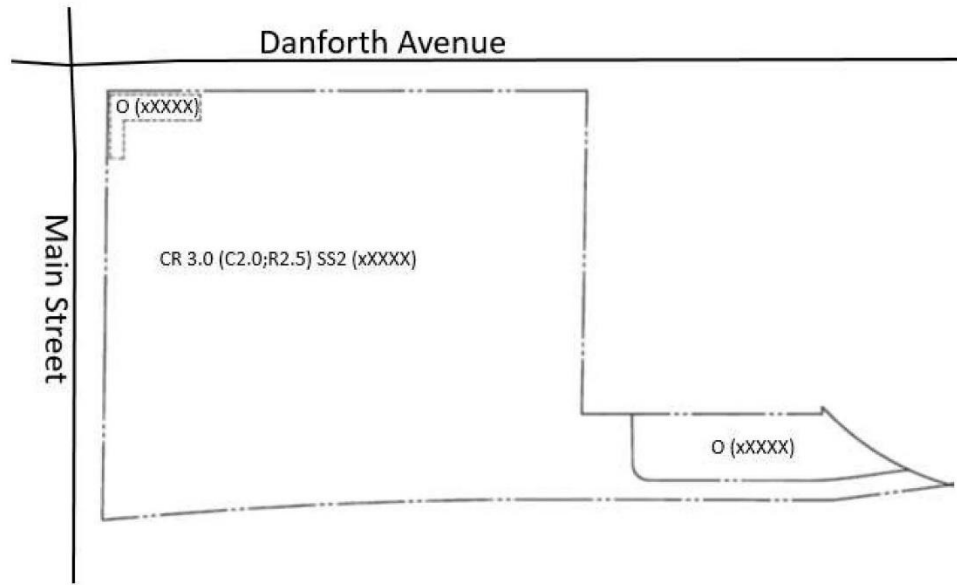
Section 12(1)(396) of By-law No. 438-86



9. Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.

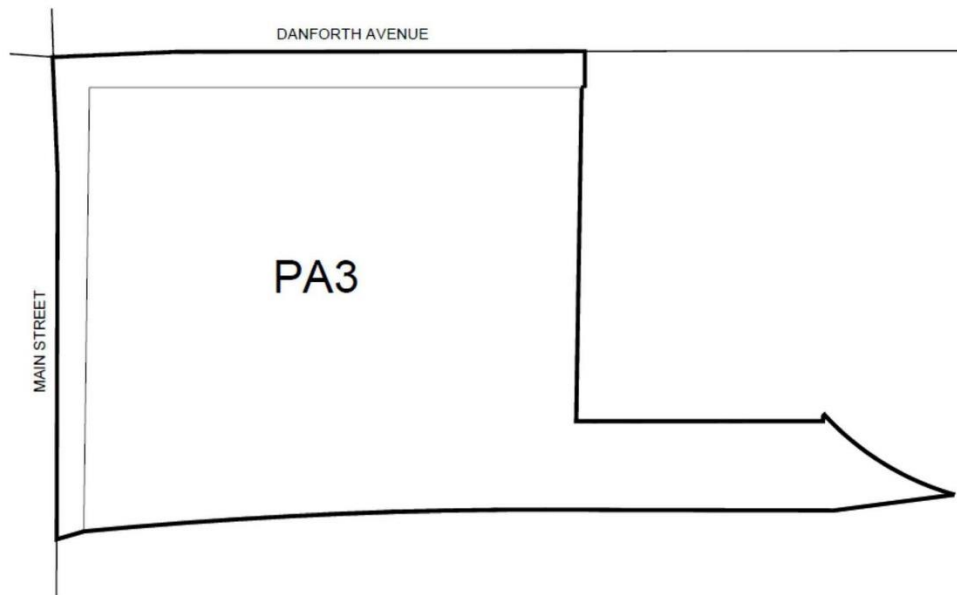




 <b>Diagram 1</b>	<b>2575 and 2625 Danforth Avenue</b>  <small>City of Toronto By-law 569-2013 Not to Scale</small>
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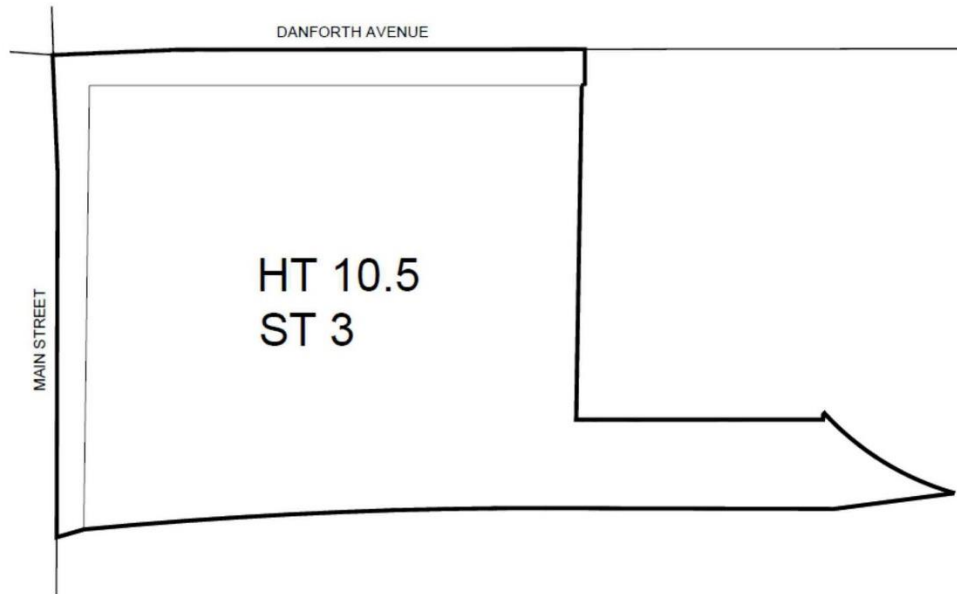






 <b>Diagram 2</b>	<b>2575 and 2625 Danforth Avenue</b>  <small>City of Toronto By-law 569-2013 Not to Scale</small>
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 <b>Diagram 3</b>	<b>2575 and 2625 Danforth Avenue</b>  <small>City of Toronto By-law 569-2013 Not to Scale</small>
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 <b>Diagram 4</b>	<b>2575 and 2625 Danforth Avenue</b>  <small>City of Toronto By-law 569-2013 Not to Scale</small>
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