

Authority: North York Community Council Item NY14.3,
as adopted by City of Toronto Council on May 28, 2020

CITY OF TORONTO

Bill 876

BY-LAW 2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 2490-2514 Yonge Street, Part of 567 Duplex Avenue, and 10-12 and Part of 20 Castlefield 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; 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;

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; and

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; and

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; and

Whereas pursuant to Section 39 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 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 lands outlined by heavy black lines to CR 3.0 (c2.0; r2.5) SS2 (x266), as shown on Diagram 2, attached hereto and forming part of this By-law; and
4. Zoning By-law No. 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, from a height and storey label of HT 16, to HT 50.5, ST 14, as shown on Diagram 4 attached to this By-law;
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 266 so that it reads:

(266) Exception CR 266

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 2490-2514 Yonge Street, Part of 567 Duplex Avenue, and 10-12 and Part of 20 Castlefield Avenue, if the requirements of section 8 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a mixed-use **building** and **ancillary** uses thereto, including below-ground **public parking**, may be constructed or used on the lot in accordance with (B) to (O) below;
- (B) Regulations 40.5.1.10 (3) and (4), 40.10.40.10 (5), 40.10.50.10 (2) and (3), 40.10.90.1, 40.10.100.10 (1)(a), 40.10.100.10 (2), 40.10.20.100 (1), (33), (21), (20), (46), (17), (24) and (21), 40.10.40.1 (1), 40.10.40.1(6), 40.10.40.1 (1), (2) and (6), do not apply;
- (C) Despite clause 40.10.40.70, the required minimum **building setbacks** in metres are as shown on Diagram 3 of By-law [insert by-law #];
- (D) Despite regulations 40.10.40.10(2), (5), and (7), the permitted maximum height of a **building** or structure is the height in metres specified by the numbers following the symbol HT and the permitted maximum number of **storeys** is the numerical value preceding the symbol ST on Diagram 3 of this By-law [insert by-law #];
- (E) Despite regulation 40.5.40.10(1) and 40.5.40.10(2), the height of a **building** or **structure** is the distance between Canadian Geodetic Datum elevation of 166.40 metres and the elevation of the highest point of the **building** or **structure**;
- (F) Despite regulation 40.10.40.40(1) the permitted maximum **gross floor area** is 19,500 square metres;

- (G) Despite clauses 40.5.40.60, 40.10.40.60, and regulation (D) above, the following **building** elements may project beyond the heavy lines shown on Diagram 3:
- i. Balconies, cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms, ornamental or architectural elements, trellises, eaves, window sills, bay windows, canopies, guardrails, balustrades, railings, wind mitigation screens and features, piers, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features, underground garage ramps and their associated **structures**, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features, to a maximum of 3.0 metres,
- (H) Despite regulations 40.5.40.10(3), (4), (5), (6), (7), and (C) above, the following **building** elements may project above the heights specified by the numbers following the symbol HT on Diagram 3:
- (i) A parapet, roof drainage, thermal insulation or roof ballast, and roof construction assembly elements, located at each of the roof levels of the **building**, provided the maximum vertical distance of any such **structure** does not exceed 1.8 metres;
 - (ii) Safety railings and fences at each of the roof levels of the **building**, provided the maximum vertical dimension of any such **structure** does not exceed 1.8 metres, and having a maximum combined vertical dimension with (i) above of 2.75 metres above the height of each roof level of the building;
 - (iii) **Structures** on the roof of any part of the **building** used for outside or open air recreation, **green roof** elements, wind mitigation elements, landscape features, architectural elements, elevator overruns, public art features, telecommunications equipment and antennae, window washing equipment, life safety equipment, stair towers, stair enclosures, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, walls or **structures** enclosing such elements, lightning rods and exhaust flues, swimming pools (elevated or otherwise), **structures** housing pool or spa maintenance or operational equipment, provided the maximum vertical distance of such does not exceed 4.0 metres.
- (I) Despite regulation 40.10.40.50(1)(A), a minimum of a combined 4.0 **square** metres of indoor **amenity space** and of outdoor **amenity space** per **dwelling unit** must be provided;
- (J) **Despite** clause 220.5.10.1, a minimum of 1 Type "G" **loading space** is required;

- (K) **Despite** regulation 200.5.10.1 and Table 200.5.10.1, the number of required **parking spaces** must be provided on the **lot** as follows:
- (i) A minimum of 0.7 **parking space**, and up to a maximum of 1.0 **parking space**, for each one-bedroom **dwelling unit**;
 - (ii) A minimum of 0.9 **parking space**, and up to a maximum of 1.3 **parking spaces**, for each two-bedroom **dwelling unit**;
 - (iii) A minimum of 1.0 **parking space**, and up to a maximum of 1.5 **parking spaces**, for each three-bedroom **dwelling unit**;
 - (iv) A minimum of 0.1 **parking space** for each **dwelling unit** for residential visitors;
 - (v) A minimum of 1.0 **parking spaces**, and up to a maximum of 4.0 **parking spaces**, for each 100 square metres of **non-residential gross floor area**;
 - (vi) For each car-share **parking space** provided on the **lot**, the minimum number of **parking spaces** required by (K)(i)(ii) and (iii) above is reduced by 4 **parking spaces** up to a maximum of 3 car-share **parking spaces**; and
 - (vii) In the event that the calculation of the number of required **parking spaces** results in a number with a fraction, the number is rounded down to the nearest whole number;
- (L) **Despite** regulation 40.5.80.1(1), required non-residential and residential visitor **parking spaces** in (K) above may be located within a **public parking** use on a non-exclusive basis;
- (M) **Despite regulation** 200.5.1.10(2), a maximum of 10 **parking spaces** may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres with or without obstruction;
- (N) **Despite Regulation** 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a **mechanical** device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.27 metres;
- (O) **Despite regulation** 230.5.1.10(4)(C), if a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.0 metre.

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

6. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the **lot**, used exclusively for the initial sale and/or initial leasing of **dwelling units** or non-residential units proposed on the same **lot**, for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

7. For the purposes of this By-law:

- (A) "car-share" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles 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 refundable; and
- (B) "car-share **parking** space" means a **parking space** that is reserved for car-sharing.

8. 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 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on October , 2020.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City 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 issuance of a foundation permit the owner shall:

Provide a cash contribution of \$1,500,000.00 of which:

- a. \$1,000,000 will be allocated to the acquisition and improvement of public parks in the immediate vicinity; and
- b. \$500,000 will be allocated to the Toronto Public Library - North District Branch improvements.

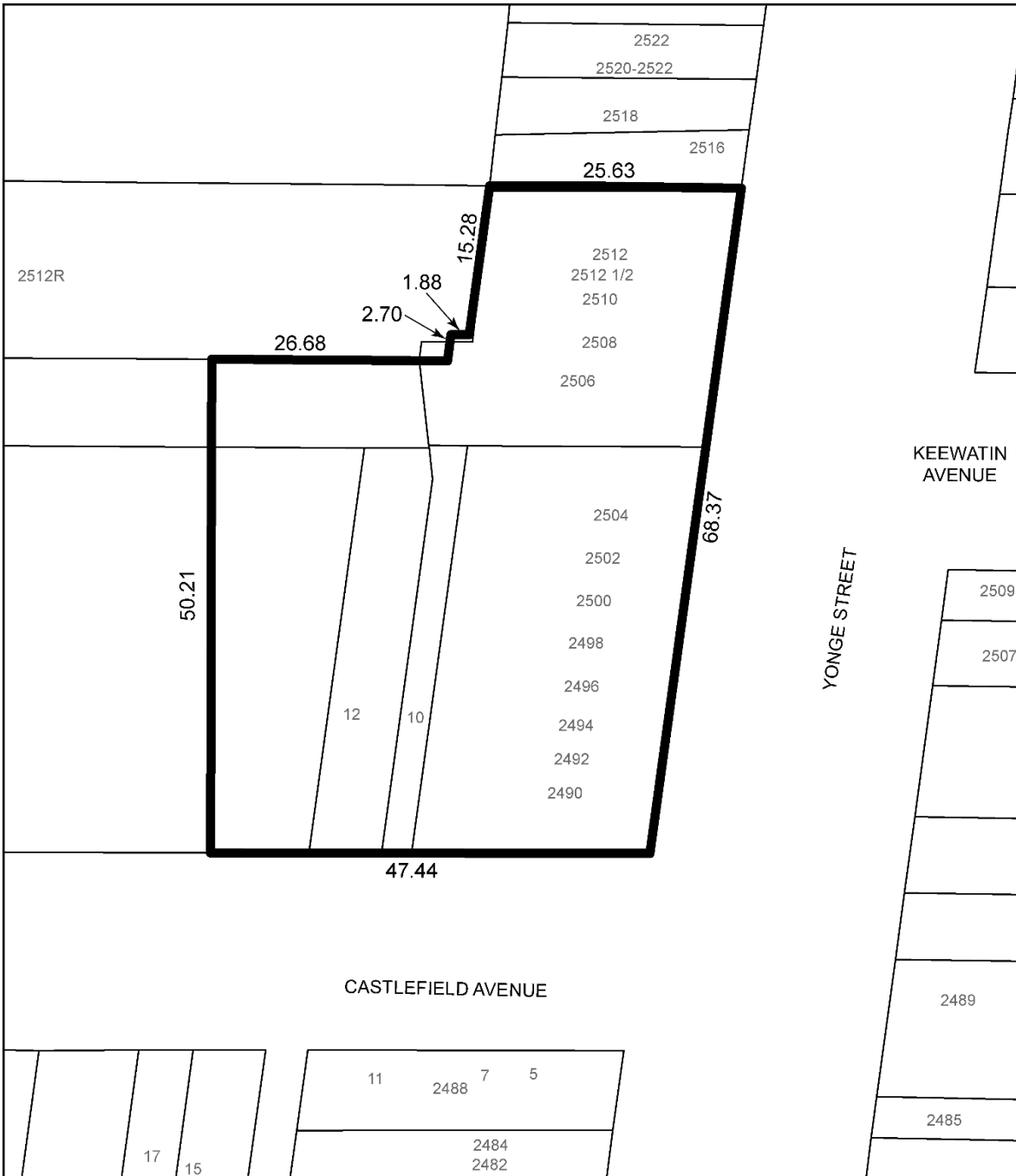
such amount to be indexed upwardly in accordance with the Statistics Canada [Non-Residential or Apartment Building-] Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) The owner shall provide and maintain the following:

- (A) The Owner shall enter into a Heritage Easement Agreement with the City for the property at 2490-2506 Yonge Street in accordance with the plans and drawings dated November 1, 2019, prepared by Turner Fleischer Architects, and on file with the Senior Manager, Heritage Preservation Services, the Heritage Impact Assessment prepared by GBCA Architects, October 31, 2019, and in accordance with the Conservation Plan required to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;
- (B) The owner shall provide a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment prepared by GBCA Architects, October 31, 2019, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (C) The owner shall incorporation in the construction of the building, the exterior materials as shown on 1:50 scale drawings as approved by the Chief Planner and Executive Director, City Planning Division, and submitted as part of the Site Plan Control process;
- (D) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the TGS; and

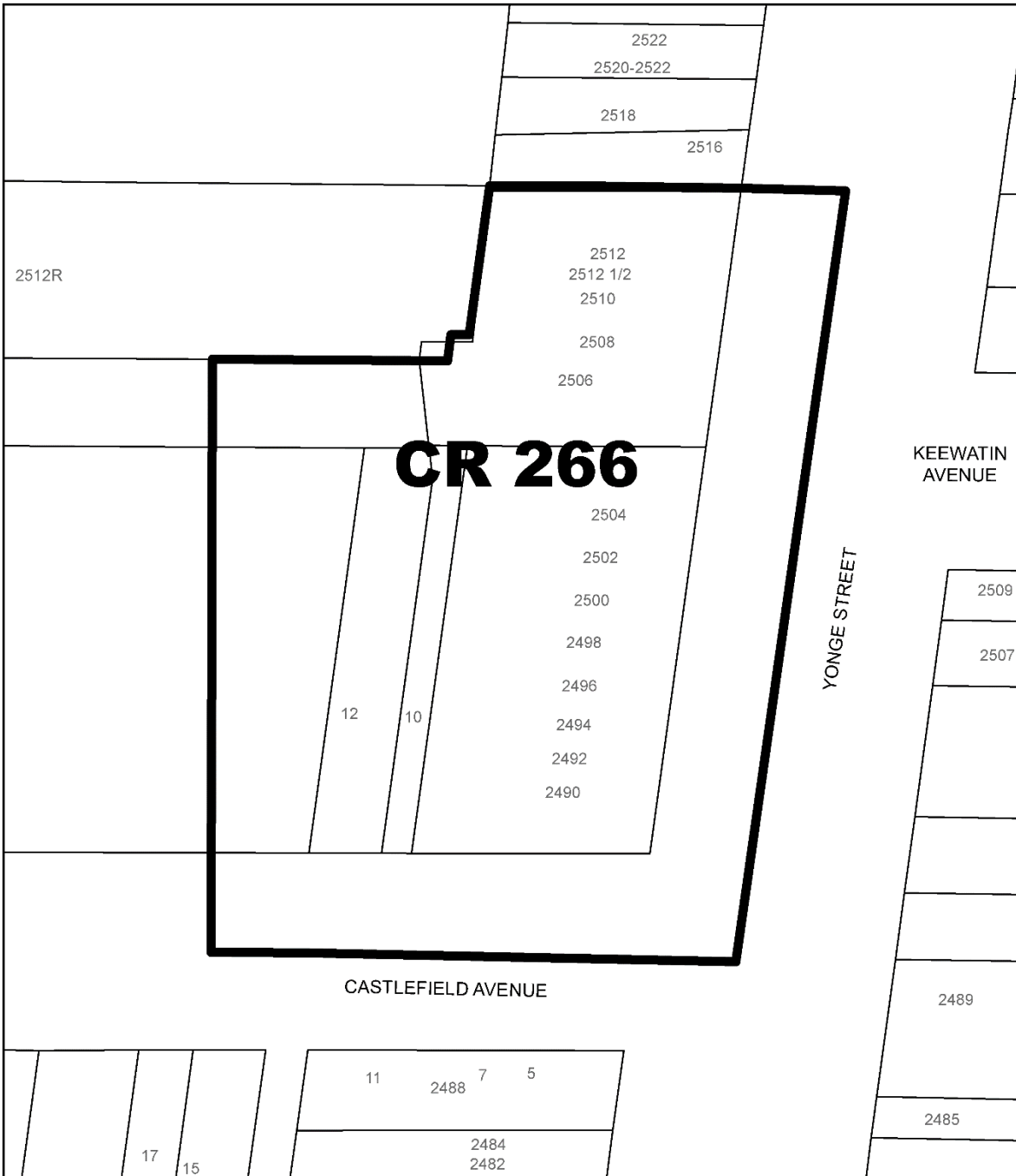
- (E) The owner shall submit a Construction Management Plan for review and acceptance to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the Chief Building Official.

- (3) In the event the cash contribution(s) referred to in Section(1) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



2490-2514 Yonge Street, 10-12 Castlefield Avenue and portions of
20 Castlefield Avenue and 567 Duplex Avenue

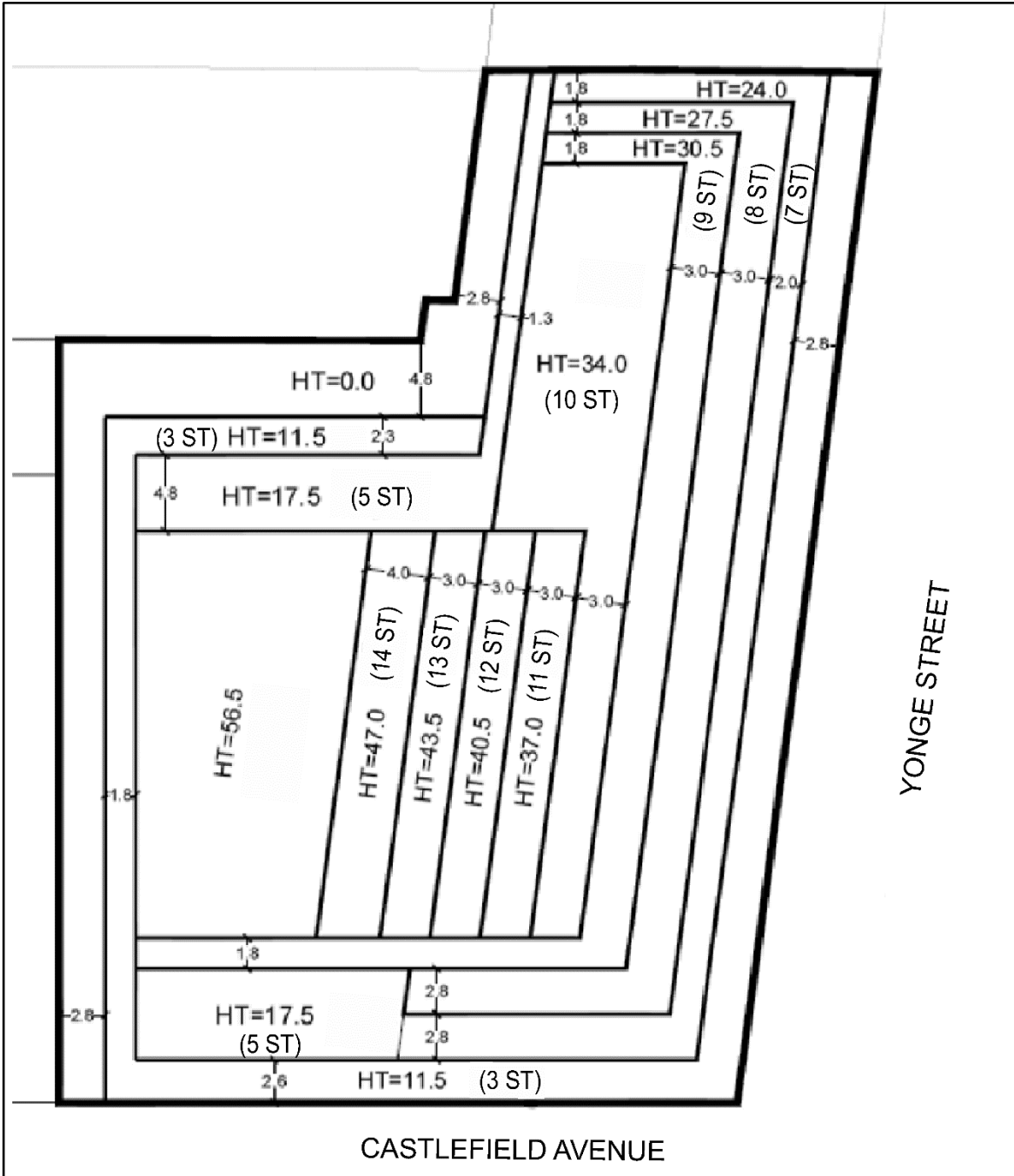
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Toronto
Diagram 2

2490-2514 Yonge Street, 10-12 Castlefield Avenue and portions of
 20 Castlefield Avenue and 567 Duplex Avenue

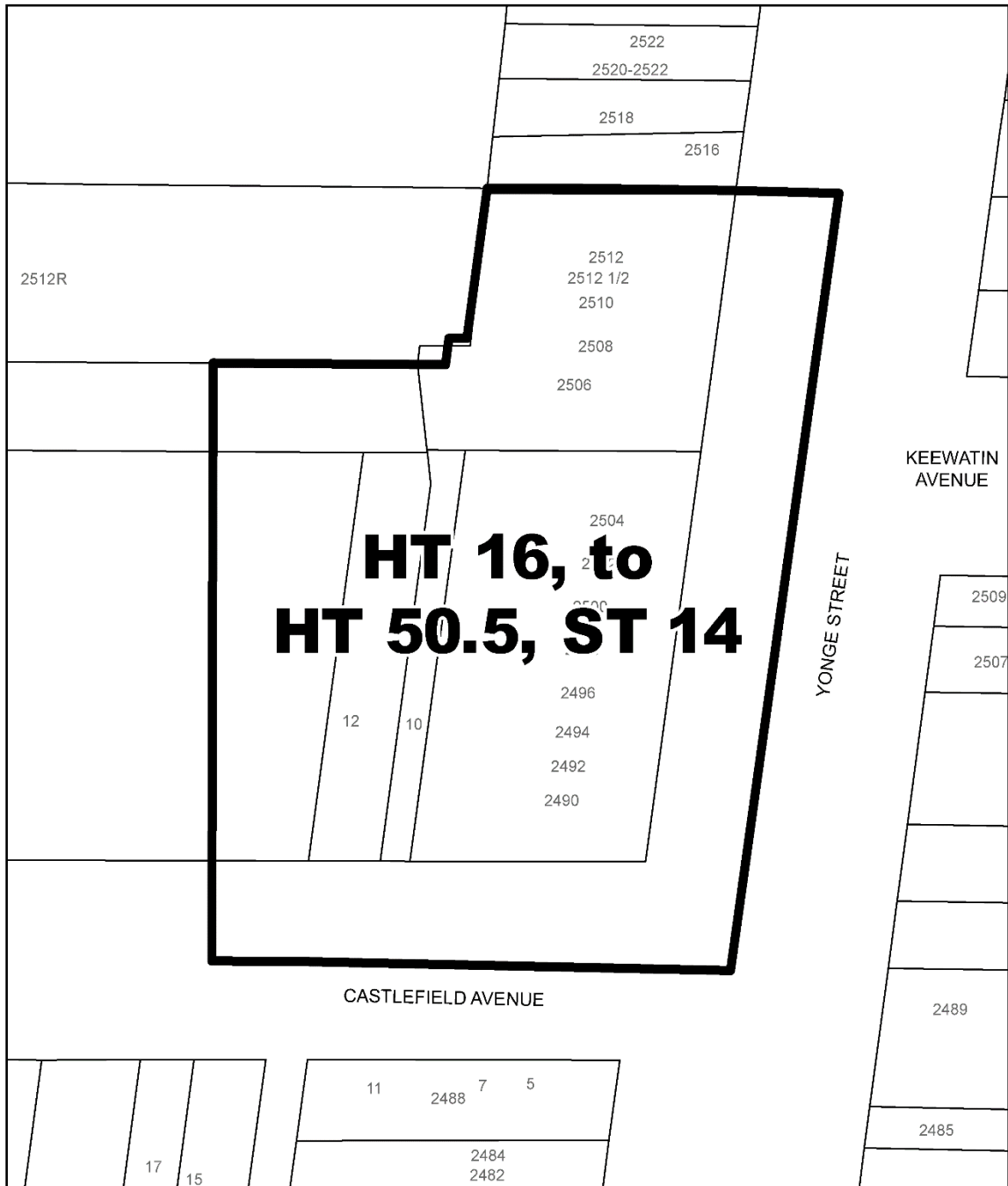
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 **TORONTO**
Diagram 3

2490-2514 Yonge Street, 10-12 Castlefield Avenue and portions of
20 Castlefield Avenue and 567 Duplex Avenue

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 **TORONTO**
Diagram 4

2490-2514 Yonge Street, 10-12 Castlefield Avenue and portions of
20 Castlefield Avenue and 567 Duplex Avenue

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