

Authority: Toronto and East York Community Council
TE34.24, as adopted by City of Toronto Council on July 19
and 20, 2022

CITY OF TORONTO

Bill 1009

BY-LAW - 2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 250 University 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; and

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

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 or 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, a 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 569-2013, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are 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 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 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 municipally known in the

year 2022 as 250 University Avenue from CR 12.0 (c8.0; r11.7) SS1 to CR 12.0 (c8.0; r11.7) SS1 (x751), as shown on Diagram 2 attached to this By-law;

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 751 so that it reads:

(751) Exception CR 751

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 250 University Avenue, as shown on Diagram 1 of By-law [Clerks to insert by-law number], if the requirements of Section 7 and Schedule A of By-law [Clerks to insert by-law number] are complied with, a **mixed use building** or **structure** may be constructed, used or enlarged in compliance with (B) to (CC) below;
- (B) For the purpose of this exception, the **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law [Clerks to insert by-law number];
- (C) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 89.36 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10 (1), the permitted maximum **height** of a **building** or **structure** is the number following the "HT" symbol as shown on Diagram 3 of By-law [Clerks to insert by-law number];
- (E) Despite Regulations 40.5.40.10 (4) to (8), and (D) above, the following **equipment** and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert by-law number]:
 - (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 3.5 metres;
 - (ii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in (i) above, excluding a mechanical penthouse, by a maximum of 3.5 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.5 metres;
 - (iv) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and

- (v) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres
 - (vi) building maintenance units and window washing equipment by a maximum of 5.0 metres;
- (F) Article 600.10.10 respecting **building setbacks, building** separation, separation of **main walls**, and projections and encroachments into **building setbacks** and **angular planes** does not apply;
- (G) Despite Clause 40.5.40.70 and Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [**Clerks to insert by-law number**];
- (H) Despite (D) & (G) above, **buildings** or **structures** may not be located between a **height** of 40.0 metres and a **height** of 33.0 metres, within the hatched area as shown on Diagram 3 of By-law [**Clerks to insert by-law number**];
- (I) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and Regulation 40.10.40.70(1), and (G) and (H) above, the following **building** elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) Awnings and canopies, to a maximum extent of 2.5 metres;
 - (ii) Landscape and public art features, planters, trellises, screens, balcony dividers, wind mitigation screens, wheel chair ramps, and their associated **structures**, to a maximum extent of 2.5 metres;
 - (iii) Architectural features, projecting panel system at exterior walls, eaves, fences, guardrails, lighting fixtures, ornamental elements, parapets, railings, and window sills, to a maximum extent of 1.0 metres;
 - (iv) Stairs and stair enclosures to a maximum extent of 2.0 metres; and
 - (v) Window washing and **building** maintenance equipment, to a maximum extent of 5.5 metres;
- (J) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is 48,000 square metres, of which:
- (i) the permitted maximum residential **gross floor area** is 35,100 square metres;
- (K) Despite Regulation 40.10.40.1(1), residential use portions of the **building** may be located below or on the same level as non-residential use portions of the **building**;
- (L) The provision of **dwelling units** is subject to the following:

- (i) A minimum of 30 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
 - (iii) Any **dwelling units** with three or more bedrooms provided to satisfy (L)(ii) above are not included in the provision required by (L)(i) above;
- (M) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rates:
- (i) 1.8 square metres of indoor **amenity space** for each **dwelling unit**;
 - (ii) 1.18 square metres of outdoor **amenity space** for each **dwelling unit**;
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (N) Regulation 40.10.40.50(2), with regards to **amenity space** for **buildings** with non-residential uses in SS1 areas does not apply;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following:
- (i) a minimum of 0.1 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) no **parking spaces** are required for residential visitors or non-residential uses;
 - (iii) **Parking spaces** may be provided as a **stacked parking space**;
 - (iv) **Parking spaces** may be provided within an "automated parking garage";
 - (v) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor vehicles and such "car-share" motor vehicles are made available to at least the occupants of the building for short-term rental, including hourly rental; and
 - (vi) for the purpose of this exception, "car-share parking space" means a parking space exclusively reserved and signed for a vehicle used only for "car-share" purposes.
- (P) An "automated parking garage" is subject to the following:
- (i) a minimum of 2 "entry cabins" must be provided;

- (ii) all "entry cabins" must have **driveway** access to a **street** that is direct and unobstructed, excluding a gate, moveable barrier or similar security feature;
 - (iii) for the purpose of this exception, "automated parking garage" means a mechanical system for the purpose of parking and retrieving **vehicles** without drivers in the **vehicle** during parking and without the use of ramps or **drive aisles**, and which may include but is not limited to, a vertical lift and the storage of **vehicles** on parking pallets and the automated manoeuvring of other **vehicles** during parking or retrieving operations; and
 - (iv) for the purpose of this exception, "entry cabin" means the component of an automated parking garage into which the driver of a **vehicle** deposits, and from which the driver retrieves, their **vehicle**.
- (Q) Despite regulations 200.5.1.10(2) and (3), a **parking space** provided as a **stacked parking space** must have the following minimum dimensions:
- (i) Length of 5.1 metres;
 - (ii) Width of 2.1 metres; and
 - (iii) Vertical clearance of 2.0 metres.
- (R) Regulation 200.5.1(3) regarding drive aisle width does not apply to **parking spaces** located within an "automated parking garage".
- (S) Regulations 200.5.1.10(2), (3) and (4) regarding the dimensions and vertical clearance for **parking spaces** do not apply to **parking spaces** located within an "automated parking garage".
- (T) Regulations 200.5.1.10(5) and (6) regarding **tandem parking spaces** do not apply to **parking spaces** located within an "automated parking garage".
- (U) Regulation 200.5.1.10(13) regarding access does not apply to **parking spaces** located within an "automated parking garage".
- (V) Despite Regulation 200.5.1.10(13), a **vehicle** elevator is not an obstruction to the access of a **parking space**, provided that a minimum of 2 **vehicle** queuing spaces are provided in a **stacking aisle** within the **building**;
- (W) Despite Article 200.15.10, no accessible **parking spaces** are required in relation to **parking spaces** located within an "automated parking garage".
- (X) Despite Regulations 230.5.1.10 (4) and (5), a **stacked bicycle parking space** must have the following minimum dimensions:

- (i) Length of 1.8 metres;
 - (ii) Width of 0.35 metres; and
 - (iii) Vertical clearance of 1.0 metre.
- (Y) Despite Regulation 230.5.1.10(7), no shower and change facilities are required on the **lot**;
- (Z) Despite Regulation 230.5.1.10 (9) and Clause 230.40.1.20, a "long-term"**bicycle parking space** may be located within a secured room, locker, area or enclosure on any **storey** of a **building** above or below ground level.
- (AA) Despite Regulation 230.5.1.10(10), and Clause 230.40.1.20, both "long-term"and short-term"**bicycle parking spaces** may be located in a stacked **bicycle parking space** arrangement and in any combination of vertical, horizontal or stacked positions;
- (BB) Despite Regulation 230.40.1.20(2), "short-term"**bicycle parking spaces** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**, provided that they are located:
- (i) on the first or second **storey** of the **building** in a publicly-accessible room, area or enclosure;
 - (ii) on the levels of the **building** below-ground in a publicly-accessible room, area or enclosure; or
 - (iii) outside the **building**, on the **lot**.
- (CC) Despite Clauses 40.10.90.1 and 220.5.10.1, a minimum of one Type "C"**loading space** and one Type "B"**loading space** shall be provided and maintained on the **lot**;

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

5. Despite any existing or future consent, severance, partition or division of the lot, the provisions of By-law [**Clerks to insert by-law number**], shall apply to the **lot**, as identified on Diagram 1, as if no consent, severance, partition or division occurred.
6. None of the provisions of this By-law or By-law 569-2013, as amended, shall apply to prevent a Construction Office/Sales Office on the **lot**, where a Construction Office/Sales Office means **buildings, structures**, facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing dwelling units and/or non-residential **gross floor area** on the **lot**;

7. Section 37 Provisions:

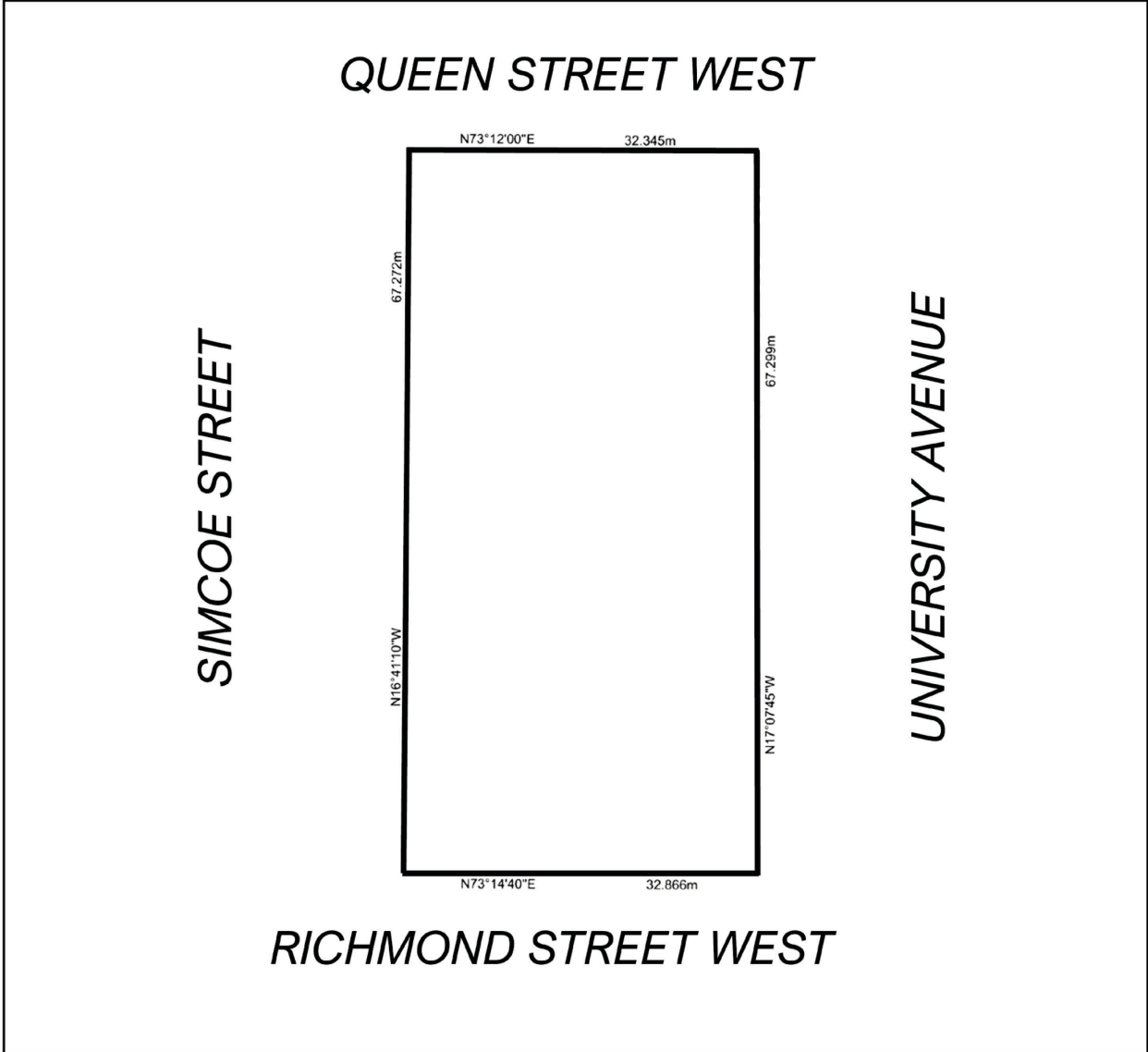
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof 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 upon 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 applicable provisions of Schedule A are satisfied; and

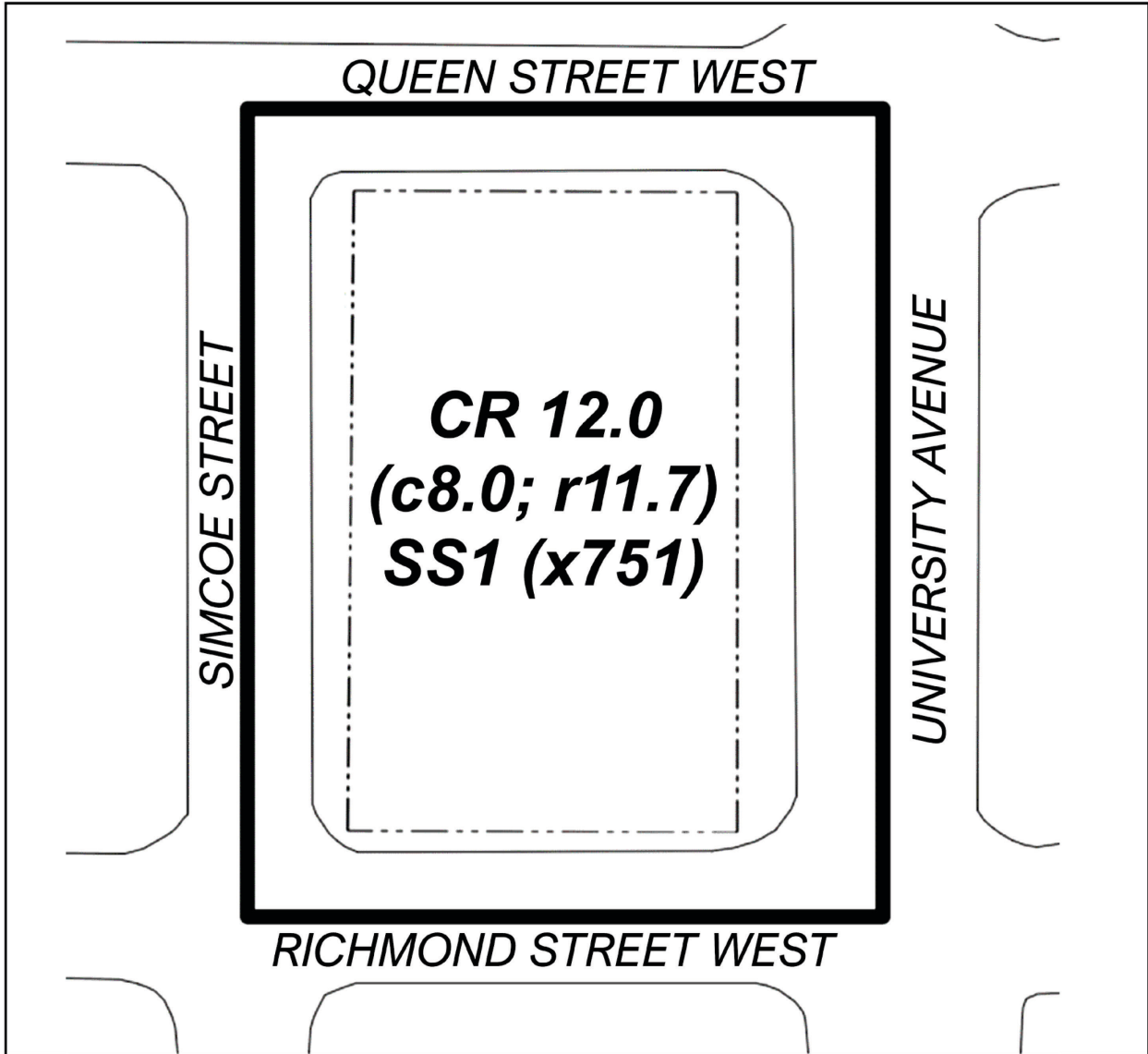
Enacted and passed on July , 2022.

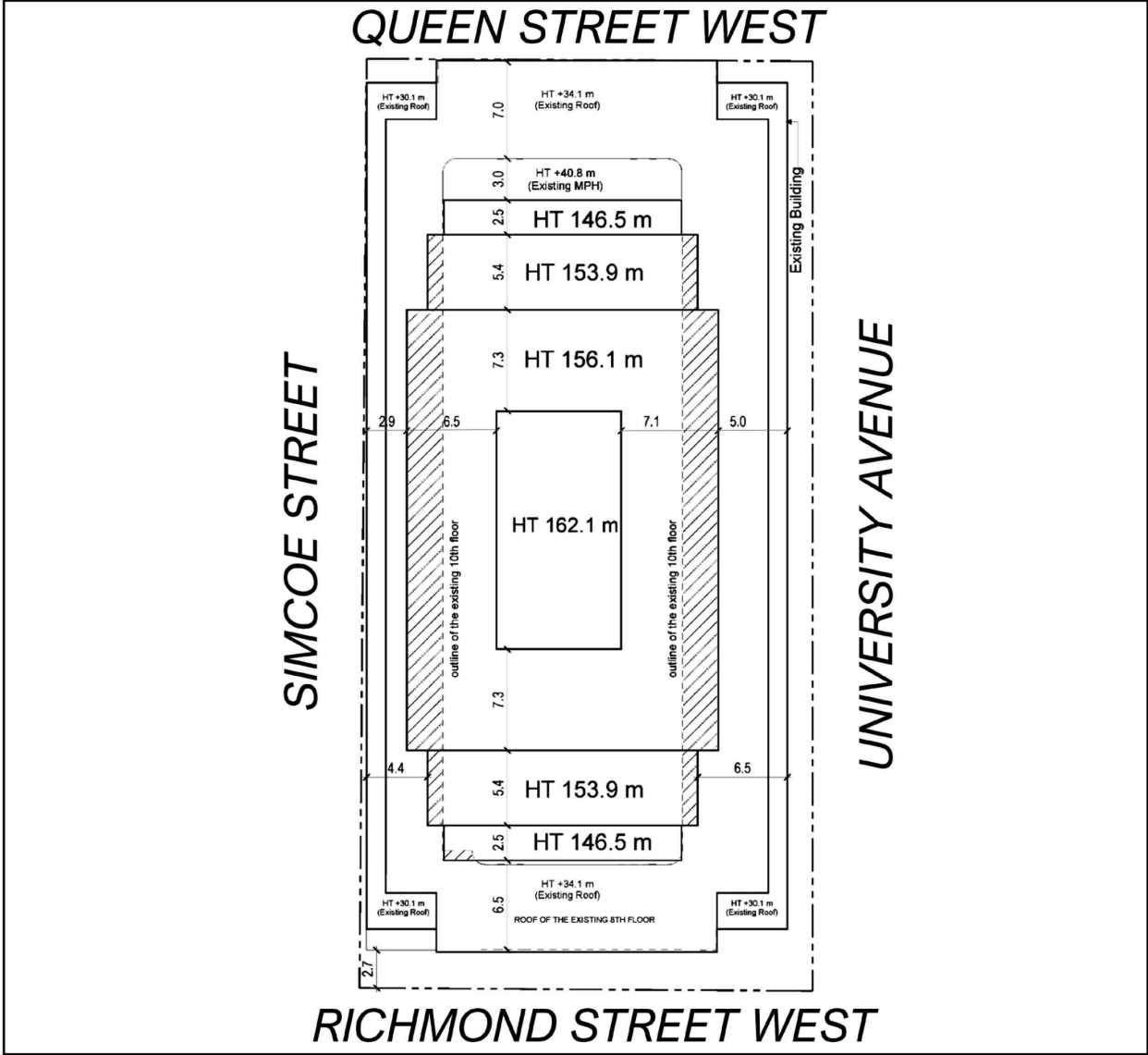
Frances Nunziata,
Speaker

John D. Elvidge,
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 development on the lands as shown on Diagram 1 of this By-law, as secured in a registered agreement or agreements under Section 37(3) of the Planning Act, as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, whereby the owner agrees as follows:

Community Benefits

- a. Prior to the issuance of the first Above-Grade Building Permit, the owner shall provide to the City a cash contribution of one million dollars (\$1,000,000.00) to be allocated towards the provision of new affordable housing and/or the Toronto Community Housing Corporation revolving capital fund for repairs to Toronto Community Housing Corporation housing in Ward 10, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- b. The amount above will be indexed upwardly in accordance with the Statistics Canada Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of payment which will be no later than issuance of first above grade building permit;
- c. In the event the cash contribution referred to in Recommendations (a) and (b) above has not been used for the intended purpose within three (3) years of the amending zoning by-law coming into force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
- d. Prior to the earlier of first residential occupancy or Condominium Registration, the owner shall, at its own sole cost and expense, design, construct and thereafter maintain, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Toronto Transit Commission (TTC), a fully-accessible entrance and below-grade pedestrian tunnel connection from 250 University Avenue connecting to the existing Line 1 (Yonge-University) Osgoode Subway Station in replacement of the stairs located within the Queen Street West sidewalk, generally in the configuration shown on the concept plan included as Attachment 10 to the Report from the Director, Community Planning, Toronto East York District (June 13, 2022).

Matters required to support the Development:

The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development, in accordance with the agreement or agreements under Section 37(3) of the Planning Act:

- a. The owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning and the Ward Councillor. 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 access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested, in consultation with the Ward Councillor;
- b. The owner shall submit a Functional Servicing Report to the City for review and acceptance by Engineering and Construction Services, which will determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;
- c. The owner shall enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- d. The owner shall prepare all documents and convey a Pedestrian Clearway Easement to the City to secure a pedestrian clearway between the south building face and the south property line along Richmond Street West (north of the existing Bell Canada conduit chamber), together with rights of support, such lands to be free and clear of all other physical obstructions and encumbrances, and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public pedestrian clearway purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended, and secured in a Site Plan Agreement with the City;
- e. As a condition of Site Plan Approval for the Lands, or any portion thereof, the owner shall, at its sole expense provide civil, functional, and traffic control signal plans for the design and construction of a curb re-alignment along the University Avenue frontage, in accordance with the City's Lane Width and Curb Radii Design Guidelines, as required by the General Manager, Transportation Services (the "Curb Realignment"). As a condition of Site Plan Approval, the owner shall be responsible for constructing the Curb Realignment, along with any related cycling infrastructure, intersection improvements or relocation of signal infrastructure, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, generally in accordance with a conceptual plan prepared by IBI Group Architects and dated December 21, 2021 with any modifications determined to be acceptable to the Chief Planner in consultation with the Chief Engineer and the General Manager, Transportation Services through the Site Plan Approval process.

- f. As a condition of Site Plan Approval, the owner shall make satisfactory arrangements and enter into any appropriate agreement(s) with the City to complete the Curb Realignment along with any related cycling infrastructure, intersection improvements or relocation of signal infrastructure; and the owner shall provide any related Letters of Credit and engineering fees to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
- g. As a condition of Site Plan Approval, a Transportation Demand Management Plan, identifying appropriate transportation demand management measures, will be submitted, and will contribute to a demonstrated reduction in travel demand, and shall include, but will not be limited to the following measures: two (2) car-share parking spaces; a \$50,000 payment for a bike-share station in the vicinity of the Lands; one (1) car-share membership per unit, offered for the first year of occupancy; one (1) bike-share membership per unit, offered for the first year of occupancy; one (1) pre-loaded Presto card (\$100 value), offered for the first year of occupancy; additional cycling-related amenities, including showers and change rooms; and a minimum of two (2) bike repair stations; and/or other transportation demand management measures.
- h. The specific location, configuration, quantity, and design of the transportation demand management measures shall be determined in the context of the Site Plan Application process, pursuant to Section 114 of the City of Toronto Act, 2006, and secured in the Site Plan Agreement for the Development. The owner shall provide and operate the Transportation Demand Measures identified in the approved Transportation Demand Management Plan, and secured in the Site Plan Agreement for the Development, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Transportation Services. and
- i. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application.