

Authority: Toronto and East York Community Council Item 19.14,
as adopted by City of Toronto Council on October 29 and 30, 2008
Enacted by Council: November 6, 2008

CITY OF TORONTO

BY-LAW No. 1174-2008

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 1815 Yonge Street and 25 Merton Street.

WHEREAS authority is given to Council by 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 an increase in height and 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 and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definition of *grade* and Sections 4(2)(a), 4(4)(b), 4(12), 4(14)(a)(ii), 4(16), 8(3) Part I 1., 8(3) Part I 3(a), and 8(3) Part II 1(a)(i) of Zoning 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 and use of an *apartment building*, including uses *accessory* thereto, on the *lot* provided:

- (1) the *lot* consists of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (2) subject to Section 1(3) of this By-law, the *residential gross floor area* of the building erected on the *lot* shall not exceed 16,730 square metres;
- (3) despite clause (i)C. of the definition of *residential gross floor area* in Section 2(1) of By-law No. 438-86, as amended, a part of the building or structure that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space*, or other *accessory* use located on a floor level below *grade* or the first floor level above *grade* that is closest to *grade* shall be excluded from the calculation of *residential gross floor area*;
- (4) no portion of any building above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, except for the following:
 - (a) cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills/surrounds, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, vents, underground garage ramps and their associated structure, fences, screens, and landscape and public art features;
 - (b) balconies, which may extend to a maximum horizontal projection from an exterior building wall of 2.2 metres beyond the wall to which they are attached, provided the *height* of such structure is no higher than the portion of the building to which it is attached;
 - (c) a glass screen wall may project outside the heavy lines shown on Map 2, provided that it is located within the hatched/shaded area shown as Glass Screen Wall and has a maximum *height* in metres specified by the numbers following the symbol H on the attached Map 2; and
 - (d) supporting structures attaching the glass screen wall to the building.
- (5) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, except for the following:
 - (a) a wall or structure enclosing a stair tower, elevator shaft, or heating, cooling, and ventilating equipment, provided such elements are located within the area shown as Mechanical Penthouse on Map 2 and shall not exceed the *height* in metres specified by the number following the symbol H for the Mechanical Penthouse on Map 2;
 - (b) roof parapets and railings, and the underground garage and associated structures, provided the maximum vertical dimension of such elements shall not exceed the sum of 4.5 metres and the applicable maximum *height* in metres as specified on the attached Map 2;

(c) the projections identified in Section 1(4) of this By-law, subject to the limitations contained therein;

(6) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

Residents' Parking:

- (a) a minimum of 0.3 *parking spaces* per *bachelor dwelling unit*;
- (b) a minimum of 0.7 *parking spaces* per one *bedroom dwelling unit*;
- (c) a minimum of 1.0 *parking spaces* per two *bedroom dwelling unit*;
- (d) a minimum of 1.2 *parking spaces* per three or more *bedroom dwelling unit*;

Visitor Parking:

(e) a minimum of 0.12 *parking spaces* per *dwelling unit* for visitors;

(7) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:

- (a) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit*, comprised of a multi-purpose room or rooms, which need not be contiguous, at least one of which contains a kitchen and a washroom;
- (b) a minimum of 2 square metres of outdoor *residential amenity space* for each *dwelling unit*, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;

(8) Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the *lot* by this By-law, are permitted in return for the provision by the *owner* of the following facilities, services and matters to the City at the *owner's* sole expense:

- (i) the *owner* enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the lot by the City to secure facilities, services and matters required to be provided by this Section, and consents to the registration of such agreement or agreements against title to the *lot*.

- (ii) at such time that this By-law comes into force, and prior to issuance of any above or below grade building permit, the *owner* shall provide the following cash contributions:
 - (a) \$200,000.00 for the redesign and reconstruction of the existing street parking on the north side of Frobisher Avenue between Oriole Parkway and Lascelles Boulevard. Redesign and reconstruction will allow for the construction of new handicapped accessible spaces for use by all special needs visitors to Oriole Park and including visitors to the new Neshama (accessible) playground;
 - (b) \$150,000.00 for the reconstruction of the two existing tennis courts in Oriole Park;
 - (c) \$420,000.00 for deposit to the parkland acquisition and development fund that will be established to purchase, design and construct a new park in Yonge-Eglinton Centre; and
 - (d) \$130,000.00 for Beltline Park (south of Oriole Park) improvements which will include, pathway surface upgrade and drainage ditch construction;
- (iii) prior to the issuance of the first building permit (including an excavation permit), the *owner* shall provide:
 - (a) a construction mitigation plan and resident communication strategy, to be implemented by the *owner*, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division; and
 - (b) elevation drawings showing exterior building materials, on 1:50 scale drawings, of the Yonge Street and Merton Street frontages, with building materials labelled to the approval of the Chief Planner and Executive Director subject only to changes made pursuant to the site plan approval process, said exterior building materials to be incorporated in the construction of the building.

2. Definitions:

For the purposes of this By-law, the terms set forth in italics have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except for the following:

- (1) “*grade*” means 148.85 m Canadian Geodetic Datum; and
- (2) “*owner*” means the owner of the *lot*.

3. None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales office or a *commercial parking lot*.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition, or division occurred.
5. Section 13 of By-law No. 438-86 shall be amended by adding, 'By-law No. 1174-2008' respecting 1815 Yonge Street and 25 Merton Street.
6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this 6th day of November, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



