

Authority: Toronto and East York Community Council Item 36.14,
as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 999-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 1994-2008 Yonge Street and 17 Glebe Road West.

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*;

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

1. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. 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 all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3 of this By-law.
3. 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 or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
4. 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.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
6. Despite any existing or future consent, severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no consent, severance, partition or division occurred.

7. None of the provisions of Sections 4(2)(a); 4(3)(a); 4(4)(b); 4(16); 8(3) Part I 1 & 3(a); 8(3) Part II (4)(c)(i); 8(3) PART XI 2.(ii); 12(2)118 (iv); 12(2)119 iii, iv and viii of Zoning 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, shall apply to prevent the erection and use of one *mixed-use building* containing a combination of residential uses and non-residential uses, including *accessory* uses thereto on the *lot*, provided:
- (1) the *lot* comprises those lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) the combined total of the *residential gross floor area* and the *non-residential gross floor area* erected and used on the *lot* shall not exceed 16,500 square metres;
 - (3) the total *residential gross floor area* shall not exceed 15,500 square metres;
 - (4) the total *non-residential gross floor area* shall not exceed 965 square metres, of which each individual retail space shall be less than 550 square metres;
 - (5) the *height* of any *mixed-use building* or structure erected, or portion thereof, does not exceed those *heights* in metres as shown on the attached Map 2;
 - (a) notwithstanding the above, the area identified as H 39.7m shall be limited to a stair tower, elevator shaft, chimney stack or other heating and cooling or ventilation equipment on the roof of the building or a fence, wall or structure enclosing such elements.
 - (6) the following *mixed-use building* elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the *heights* shown on Map 2, save and except those items listed in (b) below;
 - (a) canopies, cornices, lighting fixtures, awnings, ornamental elements, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, fences including acoustical walls, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;
 - (b) balconies to a maximum projection of 1.5 metres from the wall to which it is attached, except that no balconies are permitted to project into the area identified as H 24.9m and adjacent to Yonge Street; balconies to a maximum projection of 1.8 metres from the wall to which it is attached in those locations that do not front onto Yonge Street or Glebe Road West; parapets to a maximum height of 1.2m from the level upon which it is erected; and trellises/division fences to a maximum *height* of 2m.

- (7) *parking spaces* shall be provided at the following rates:
- A total of 0.5 *parking spaces* for each Bachelor *dwelling unit*;
 - A total of 0.7 *parking spaces* for each 1-Bedroom *dwelling unit*;
 - A total of 1.0 *parking spaces* for each 2-Bedroom *dwelling unit*;
 - A total of 1.2 *parking spaces* for each *dwelling unit* with 3 or more bedrooms; and
 - A total of 0.12 visitor *parking spaces* per *dwelling unit*
8. None of the provisions of By-law No. 438-86 shall apply to prevent a "*sales office*" on the *lot* as of the date of the passing of this By-law.
9. Within the *lot*, 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:
- (1) 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
 - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
10. Definitions:
- (1) For the purposes of this By-law and subject to Section 11(2) below, all italicized words and expressions in this By-law have the same meanings as defined in By-law No. 438-86, as amended.
 - (2) the following definition shall apply:
 - (a) "*sales office*" shall mean a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - (b) "*grade*" means 157 metres Canadian Geodetic Datum;
 - (c) "*owner*" means the registered owner of the *lot* or any part thereof.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Appendix "1"

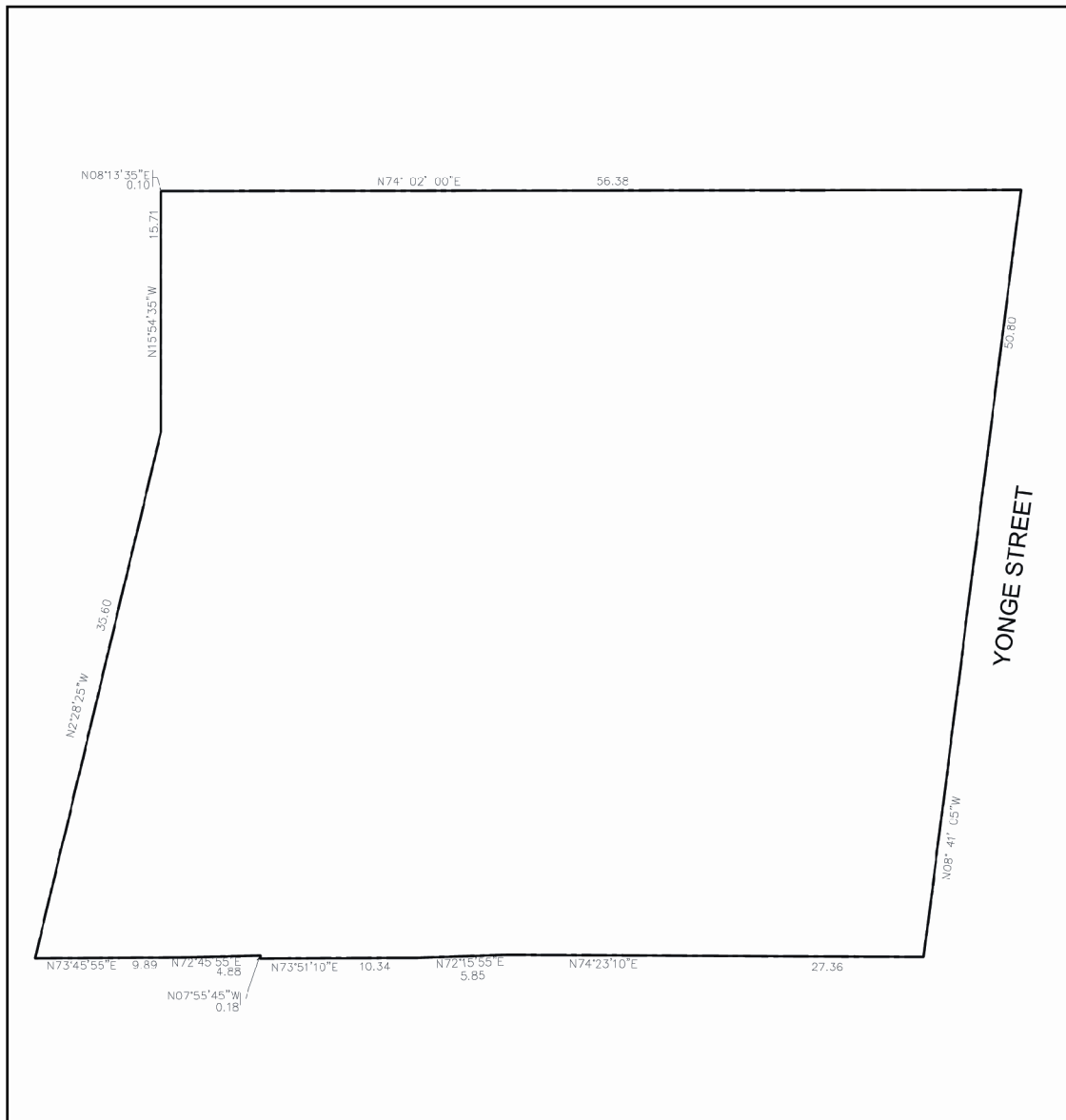
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, taxes, termination and unwinding, and registration and priority of the agreement:

1. Prior to the introduction of Bills in City Council, City Council require the owner of the lands at 1994-2008 Yonge Street and 17 Glebe Road West to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - (a) Prior to the issuance of the first building permit for the development, an indexed cash payment of \$300,000, such payment to be deposited to the *Planning Act* Reserve Fund and to be used for the construction and associated cost of the Neshama Accessible Playground at Oriole Park and/or for the purchase, design and construction of a new park on the lands south of the TTC bus barns at Yonge Street and Eglinton Avenue West, the allocation of such funds to be at the discretion of the Chief Planner and Executive Director of the City Planning Division in consultation with the local Ward Councillor.
 - (b) Prior to the issuance of the first building permit for the development, at the sole discretion of the Chief Planner in consultation with the Ward Councillor, either an indexed cash payment of \$200,000 to be used for the beautification of the terminus of Glebe Road West, including streetscape improvements, or a letter of credit, in a form satisfactory to the City Solicitor, in the amount of \$200,000 in order to secure the works associated with the beautification of the Glebe Street terminus, to be determined in consultation with the Chief Planner and secured via an amendment to the Section 37 Agreement.
 - (c) As part of the Site Plan Approval process, the owner and its consultants shall participate in the design of the Glebe Street terminus improvements at the sole cost and expense of the owner and at no cost to the City.
 - (d) As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the specific portion of building and relevant elevations along Yonge Street and Glebe Road West of the first 3 floors, with building materials labelled.
 - (e) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- (f) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure is required to support this development.
- 2. The *owner* of the *site* entering into and registering on title to the *lot* one or more agreements with the *City* pursuant to Section 37 of the *Planning Act*, to the satisfaction of the *City* Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.



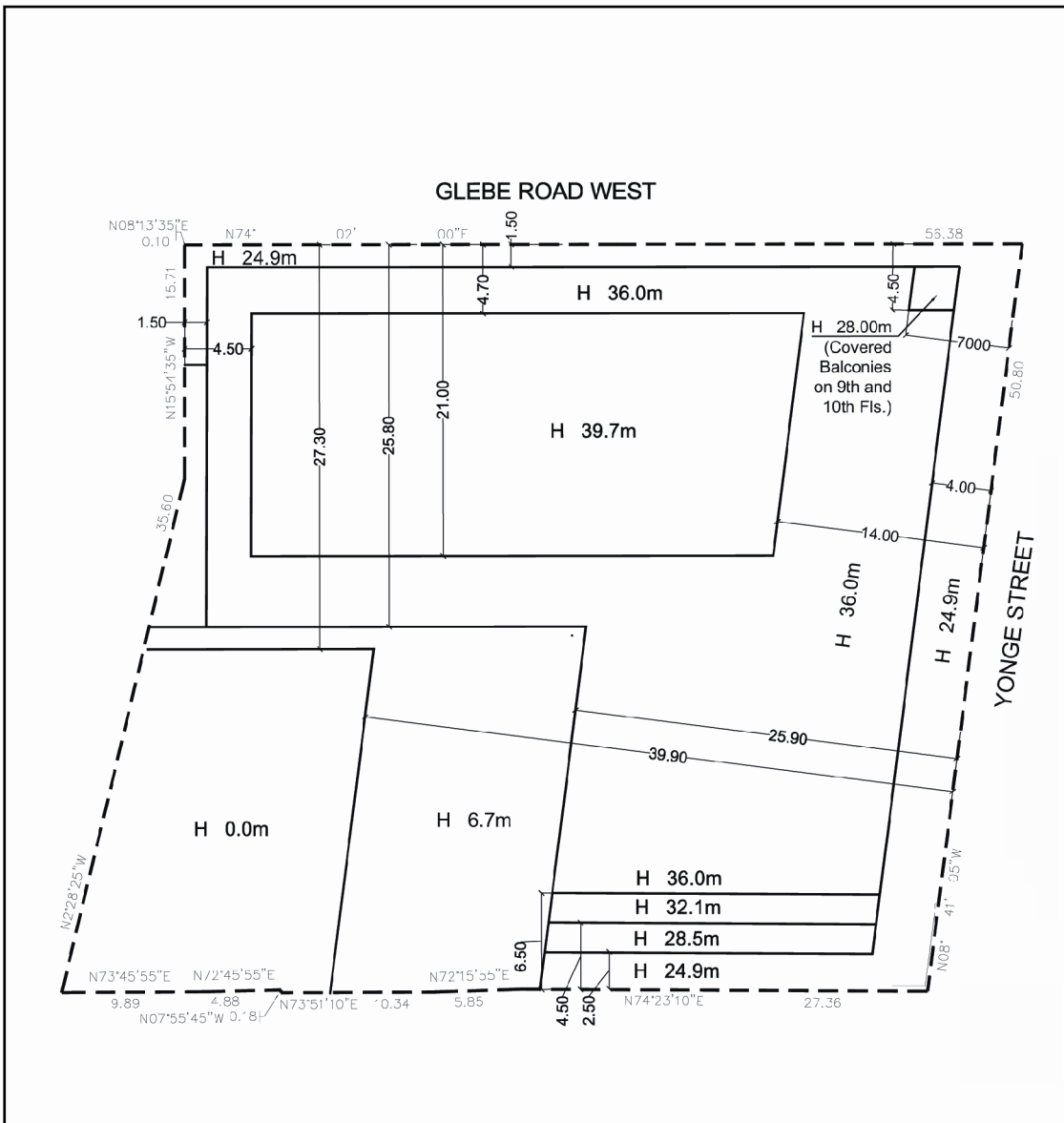
Toronto City Planning
Map 1

**1994-2008 Yonge Street &
 17 Glebe Road West**

File # 09_115302



Not to Scale
 07/16/2010



Toronto City Planning

Map 2

1994-2008 Yonge Street &
17 Glebe Road West

File # 09_115302



Not to Scale
07/16/2010