

Authority: Toronto and East York Community Council Item TE6.1, as adopted by City of Toronto Council on June 10, 11 and 12, 2015

**CITY OF TORONTO**

**BY-LAW No. 1173-2015**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 2112-2114 Yonge Street.**

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 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;

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 6.7 (C0.37; R6.34 ) SS2 (x23) 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 "PA3" label to these lands, 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 (HT 16.0) to these lands, as shown on Diagram 4 attached to this By-law.
6. 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 the following Rooming House label of "B3" to these lands as shown on Diagram 5 attached to this Bylaw.
7. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [23] so that it reads:

**Exception CR [23]**

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 2112-2114 Yonge Street, if the requirements of By-law No. 1173-2015 are complied with, none of the provisions of; 5.10.40.70(2); 40.10.40.50(1); 40.10.40.60; 40.10.40.70(2); 200.5.1.10(2)(A)(iv); 200.5.10.1; Table 200.5.10.1; 230.5.1.10(9); 230.5.10.1(1); 230.5.10.1(1); Table 230.5.10.1(1); 230.5.10.1(5) apply to prevent the use or erection of a **mixed use building** that complies with the following:
  - (i) the **lot** comprises the lands delineated by heavy lines on Diagram 1 of By-law 1173-2015;
  - (ii) the **gross floor area** of the **mixed use building** does not exceed 7,200 square metres;
  - (iii) a maximum of 80 **dwelling units** are permitted;
  - (iv) no portion of any **building** or **structure** erected or used above grade on the **lot** may exceed the height limits above grade in metres specified by the numbers following the symbol "HT" as shown on Diagram 6 of By-law 1173-2015;
  - (v) no portion of any **building** or **structure** erected or used above grade is located otherwise than wholly within the areas delineated by heavy lines as shown on Diagram 6 of By-law 1173-2015;
  - (vi) nothing in (v) and (vi) above can prevent the following elements from projecting beyond the heavy lines and above the heights shown on Diagrams 6 of By-law 1173-2015:

- (a) eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, mechanical and architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated **structures**, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the **building** used for outside or open air recreation, green roof, safety or wind protection purposes;
- (vii) **amenity space** must be provided at a minimum rate of:
  - (a) 2.0 square metres per **dwelling unit** of outdoor **amenity space**; and
  - (b) 1.88 square metres per **dwelling unit** of indoor **amenity space**;
- (viii) **parking spaces** for the **mixed use building** must be provided and maintained on the **lot** in accordance with the following:
  - (a) a minimum of 0.6 **parking spaces** per bachelor **dwelling unit** or one bedroom **dwelling unit**;
  - (b) a minimum of 0.75 **parking spaces** per two or more bedroom **dwelling unit**;
  - (c) a minimum of 0.06 **parking spaces** per **dwelling unit** for visitors to the building;
  - (d) where the calculation of the required number of **parking spaces** results in a number containing a fraction, the number is rounded down to the nearest whole number, but there may not be less than a requirement of one **parking space**;
  - (e) no **parking spaces** are required for the first 400 square metres of **retail store gross floor area**; and
  - (f) a minimum of 1.0 **parking spaces** for each additional 100 square metres of **gross floor area** for **retail store** beyond the first 400 square metres;
- (ix) a maximum of 20 **parking spaces** may have a width of 2.6 metres when obstructed on one side; and
- (x) **bicycle parking spaces** for the **mixed use building** must be provided and maintained on the **lot** in accordance with the following:

- (a) a minimum of 0.8 "long term" **bicycle parking spaces** for each **dwelling unit**;
- (b) a minimum of 0.2 "short term" **bicycle parking spaces** for each **dwelling unit**; and
- (c) a minimum of 2 **bicycle parking spaces** for non-residential uses.

Prevailing By-laws and Prevailing Sections

- (A) Section 12(2) 270(a) of former City of Toronto By-law 438-86.

**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; and
- (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 November 4, 2015.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

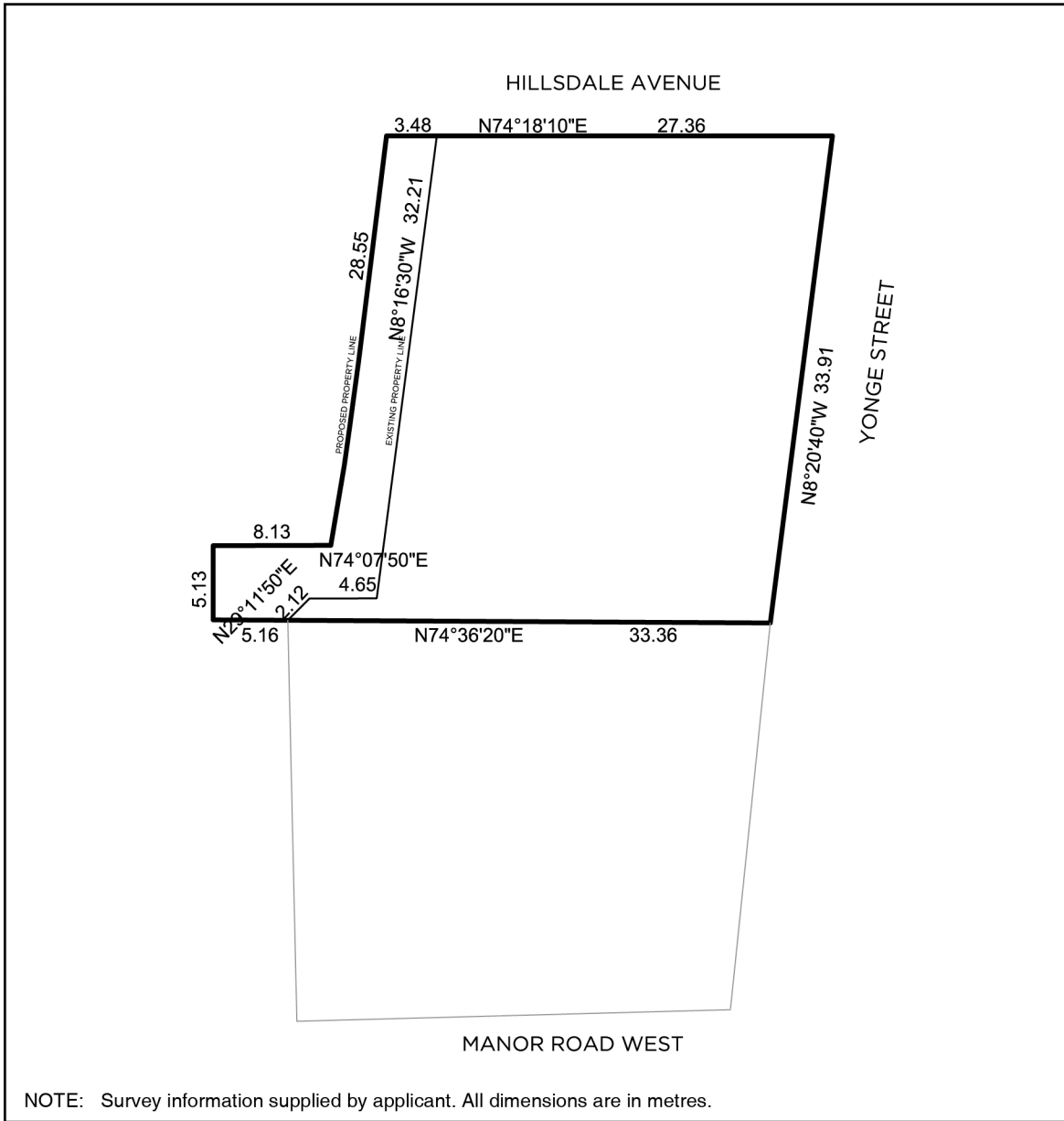
**SCHEDULE A**  
Section 37 Provisions

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 an above grade building permit the owner shall make a cash contribution to the City in the amount of \$50,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward any one or more of the following:
  - a) Public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan;
  - b) Local streetscape improvements;
  - c) Local parks improvements; and
  - d) Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

2. 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, City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - a) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, as accepted by the Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure is required to support this development;
  - b) Prior to the issuance of any building permit for the site, including shoring and excavation, the owner shall have obtained title to the lands shown on Diagram 1 as "Lane to be purchased by Applicant"; and
  - c) Prior to the issuance of any building permit for the site, the owner shall provide an Overland flow route easement to the satisfaction of the Executive Director, Engineering and Construction Services.



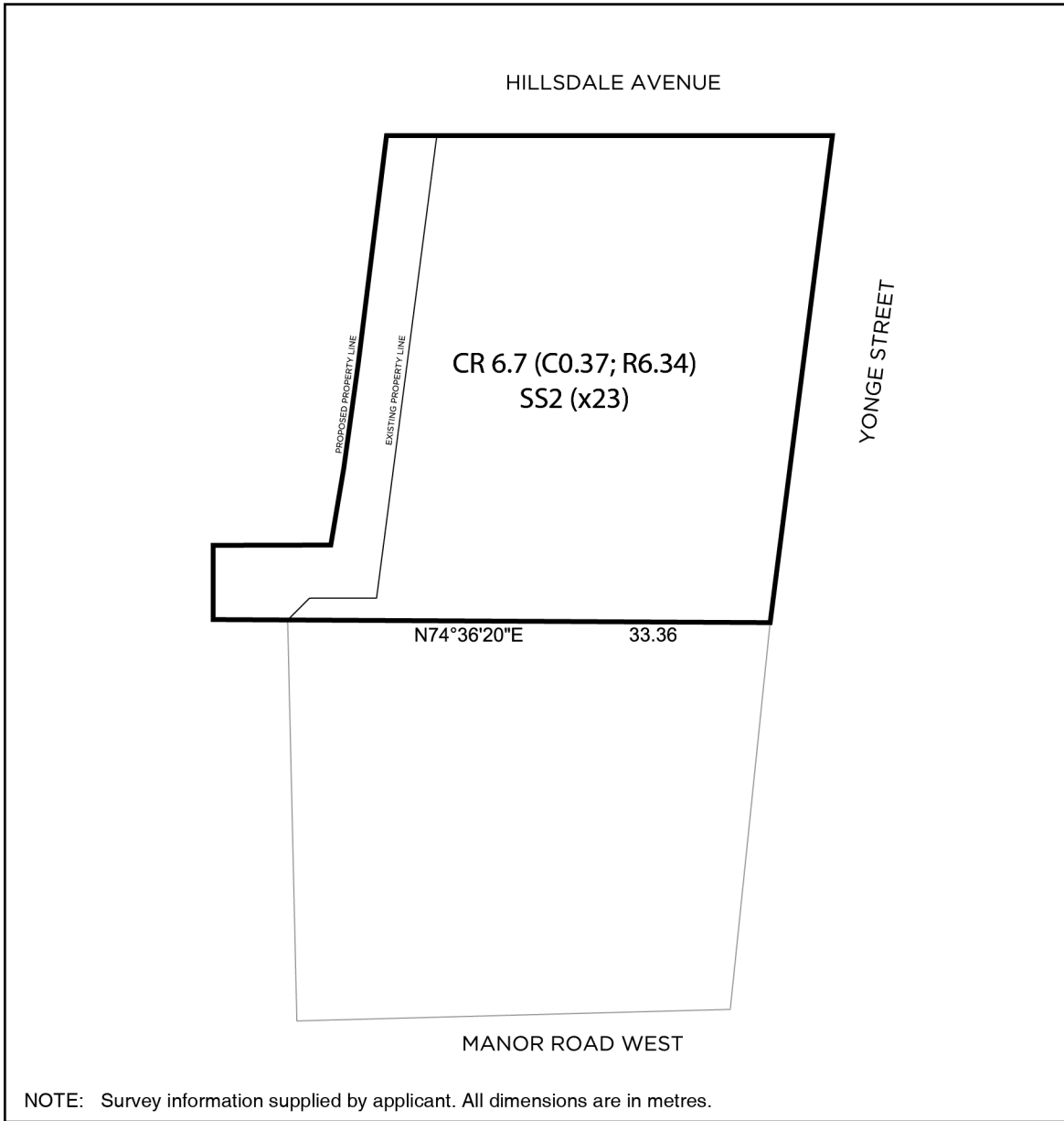
### 2112-2114 Yonge Street and Hillsdale Avenue

### Diagram 1

File # 10 140492 STE 22 0Z



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11/03/2015



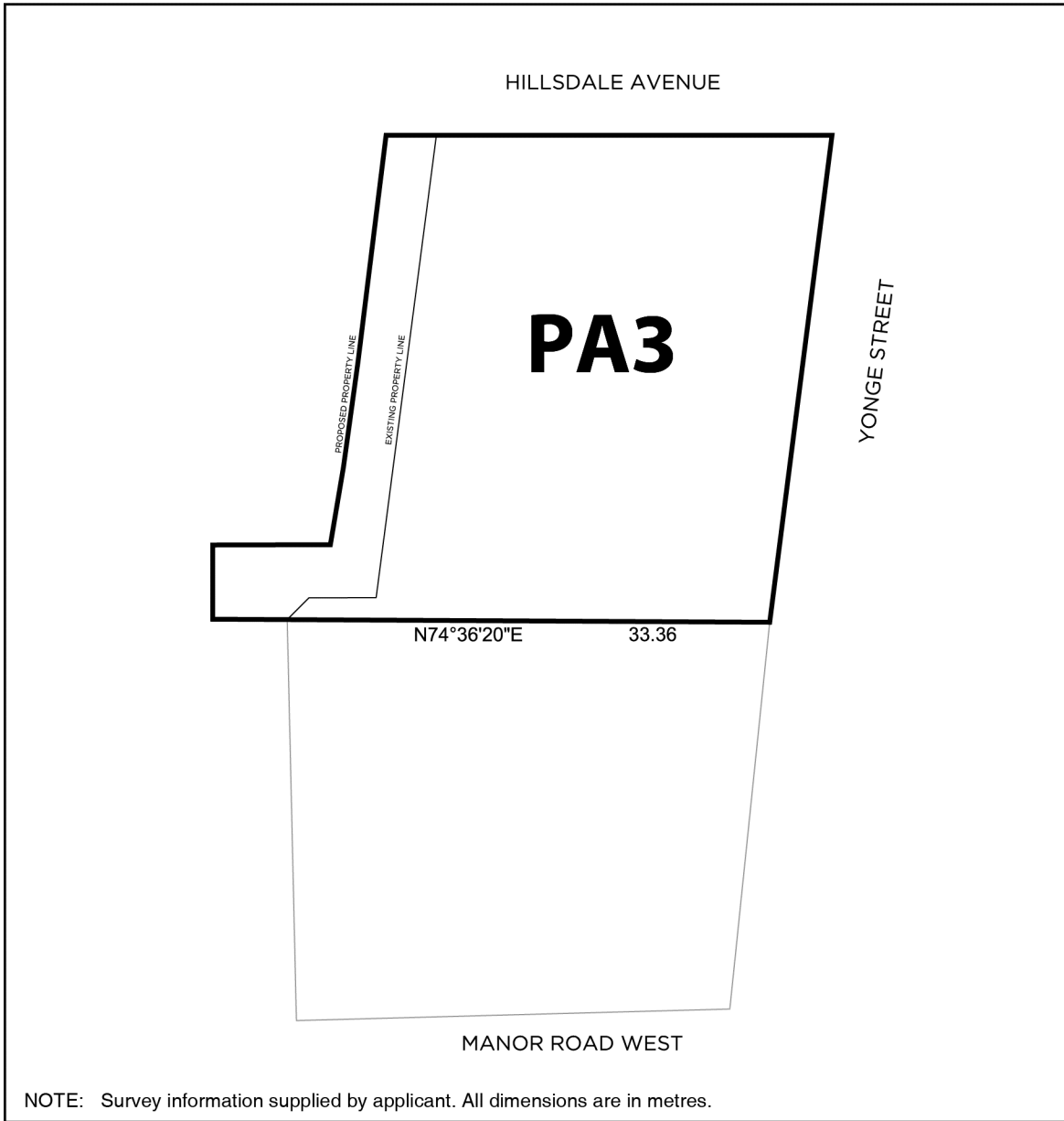
2112-2114 Yonge Street and Hillsdale Avenue

Diagram 2

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11/03/2015



2112-2114 Yonge Street and Hillsdale Avenue

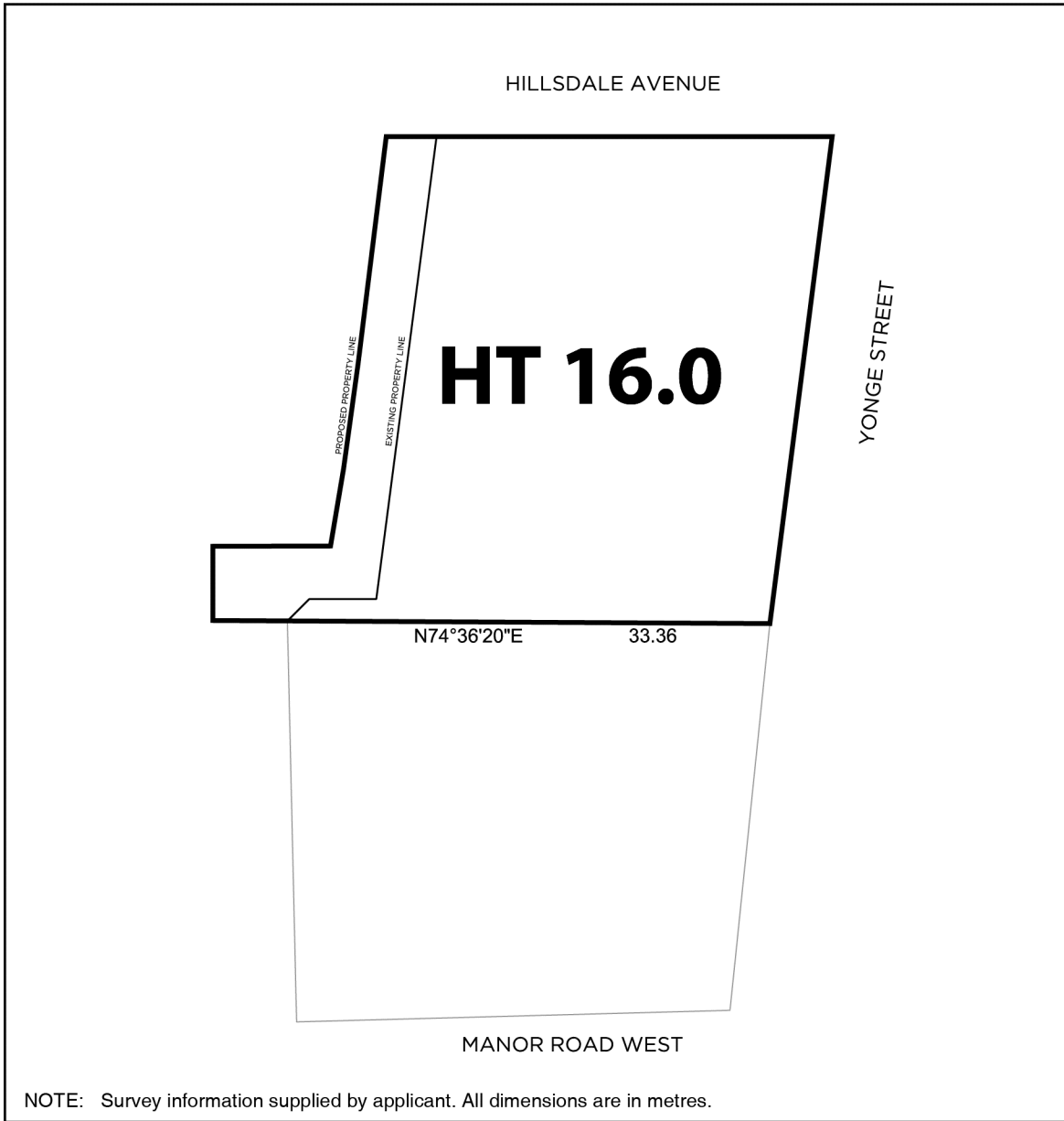
Diagram 3

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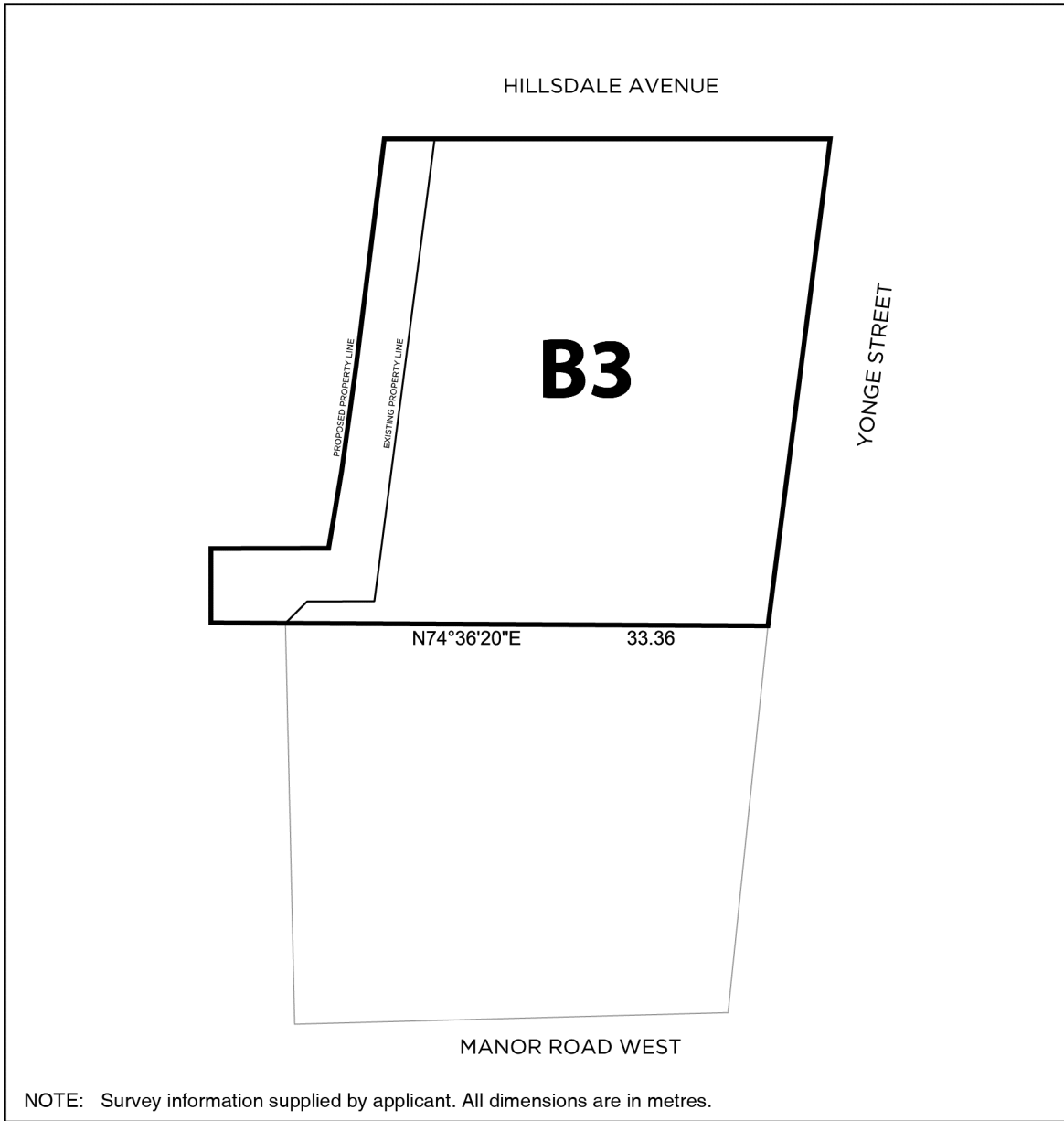
2112-2114 Yonge Street and Hillsdale Avenue

Diagram 4

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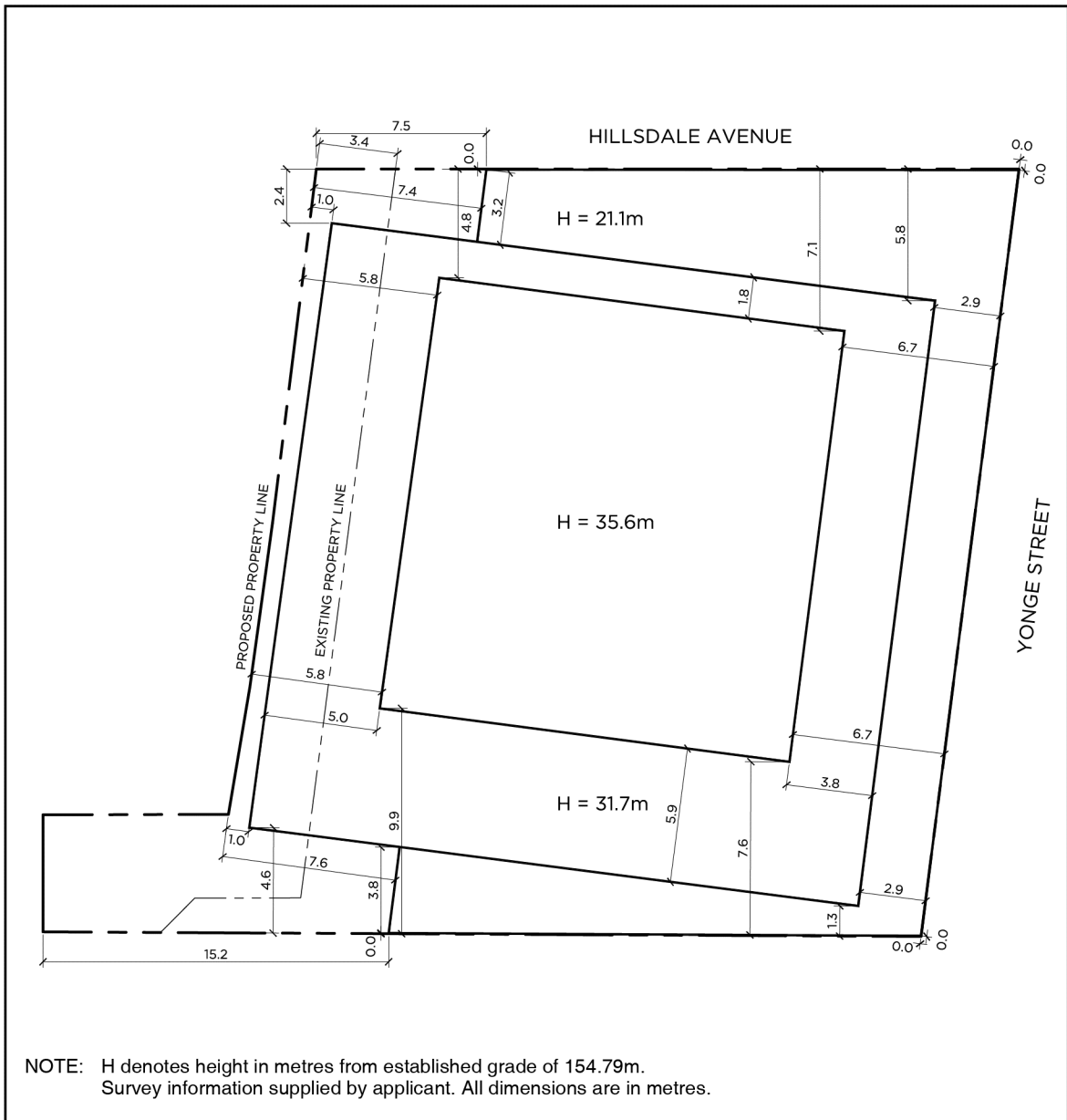
2112-2114 Yonge Street and Hillsdale Avenue

Diagram 5

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11/03/2015



2112-2114 Yonge Street and Hillsdale Avenue

Diagram 6

File # 10 140492 STE 22 0Z



Not to Scale  
11/03/2015

NOTE: H denotes height  
in metres from  
established grade of  
154.79m.  
All Dimensions in metres.