

Authority: Ontario Municipal Order issued on November 23, 2015, in Board File No. PL131208

CITY OF TORONTO

BY-LAW No. 69-2016(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 2221 Yonge Street.

Whereas the Ontario Municipal Board, pursuant to its Order No. PL131208 issued on November 23, 2015, determined to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands municipally known as 2221 Yonge Street; and

Whereas the Official Plan for the City of Toronto contains such 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 matter 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 No. 438-86, 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;

By-law No. 438-86, of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board:

1. None of the provisions of Section 2(1) with respect to the definitions of *artist live/work studio*, *bicycle parking space- occupant*, *bicycle parking space-visitor*, *live-work unit*, *Lot*, *grade*, *height* and Sections 4(2)(a); 4(4); 4(12); 4(13)(a, b, c); 4(17)(b); 8(3) PART I 1, 2 and 3(a); 8(3) PART II 1(a)(i) and (ii); 8(3) Part XI 2(i) and (ii); 12(2)118; 12(2)119; 12(2)(269); 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 or use of a *mixed-use building* on the *Lot*, subject to the following:
 - (a) The total *residential gross floor area* shall not exceed 40,875 square metres.

- (b) The total *non-residential gross floor area* shall not exceed 950 square metres.
- (c) No residential uses shall be permitted on the second storey of the *mixed use building*, save and except for *live-work units*, which may be located only in units adjacent to the Yonge Street frontage. *Live/work units* shall not be permitted in the remainder of the *mixed use building*.
- (d) No residential uses shall be permitted in the north facing units on the third, fourth, fifth or sixth storey of the *mixed use building*, save and except for *residential amenity space*.
- (e) No portion of the building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2, with the exception of the following:
 - (i) Stairs, stair enclosures, wheelchair ramps, underground garage ramps, trellises, wind screens, canopies, skylights, landscape and public art features may project beyond the heavy lines shown on Map 2;
 - (ii) Window washing equipment, parapets, cornices, eaves, lighting fixtures and ornamental elements may project beyond the heavy lines shown on Map 2; and
 - (iii) Balconies and terraces may project to a maximum 1.8 metres beyond the heavy lines shown on Map 2.
- (f) A minimum 25 metre separation distance from the building face of the tower (i.e. the seventh storey and higher), exclusive of balconies and other permitted projections as listed in (e)(i)-(iii) above, shall be provided from the north face of the Quantum North building located at 2191 Yonge Street.
- (g) The *height* of any building or structure shall not exceed those heights as indicated by the numbers following the symbol H on Map 2, with the exception of the following:
 - (i) The maximum *height* for parapets, terrace guards and dividers, planters, railings, decorative screens, and window washing equipment shall be the sum of 2 metres and the applicable height limit shown on Map 2; and
 - (ii) A mechanical penthouse and equipment may project above the height shown by the heavy lines and symbol H on Map 2 to a maximum height of 10 metres (193.5 metres) and with a maximum horizontal projection of 1.8 metres.
- (h) A minimum of 0.35 *parking spaces* per residential *dwelling unit* shall be provided (inclusive of visitor parking), with no parking required for any non-residential uses (including office and retail uses).
- (i) The *parking spaces* required by subsection 1(g) above may be provided in a *parking stacker* within a below *grade* parking garage on the *Lot*.

- (j) *Indoor residential amenity* space shall be provided at a minimum rate of 2 square metres per dwelling unit.
- (k) A minimum of 1282 square metres of indoor *residential amenity space* shall be provided. Such space shall be located in a multi-purpose room or multi-purpose rooms, at least one of which contains a kitchen and a washroom.
- (l) A minimum of 840 square metres of *outdoor residential amenity space* shall be provided.
- (m) Where there is more than one *residential amenity space* located outdoors, only one location is required to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*, at a minimum of 40 square metres.
- (n) *Bicycle parking spaces* shall be provided and maintained on the *Lot* in accordance with the following:
- (i) For *occupant bicycle parking*, a minimum of 0.9 bicycle parking space per *dwelling unit* shall be provided;
 - (ii) For *visitor bicycle parking* a minimum of 0.10 bicycle parking spaces per *dwelling unit* shall be provided;
 - (iii) *Visitor bicycle parking* spaces may be located in a secured room, enclosure or bicycle locker provided such space is accessible to visitors; and
 - (iv) *Bicycle parking spaces* may be permitted to be provided in a *stacked bicycle parking* system, locker or rack and with the following minimum dimensions:

| | |
|-----------------|----------------------------------------------------------|
| Horizontal rack | 0.6 metre width by 1.8 metre length by 1.9 metres height |
| Vertical rack | 0.6 metre width by 1.2 metre length by 1.9 metres height |
| Locker | 0.9 metre width by 1.8 metre length by 1.9 metres height |
| Stacked Rack | 0.6 metre width by 1.8 metre length by 1.2 metres height |

2. Maps 1 and 2, attached, form part of this By-law.

3. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86 of the former City of Toronto, as amended, with the exception of the following:
- (a) "*Lot*" means the lands outlined with heavy lines on Map 1.
 - (b) "*Grade*" means 159.64 metres Canadian Geodetic Datum.
 - (c) "*Height*" means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law.
 - (d) "*Parking stacker*" means a mechanical motor vehicle parking facility with *parking spaces* which are positioned above each other.
 - (e) "*Parking Spaces*" shall mean spaces that:
 - (i) have dimensions of not less than 2.6 metres by 5.6 metres, except that the platform of such parking space may have dimensions of not less than 2.3 metres by 5.2 metres;
 - (ii) may not be readily accessible at all times without manoeuvring another vehicle or a device; and
 - (iii) in the event that protective railings are provided on one/or both sides of the *Parking Stackers*, any space immediately adjacent to such a railing will be considered as obstructed and the width of such space shall be increased by 0.3 metres.
 - (f) "*Stacked bicycle parking*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
 - (g) "*Occupant bicycle parking space*" means bicycle parking spaces for use by the occupants or tenants of a building.
 - (h) "*Bicycle Parking Spaces*" means *occupant bicycle parking space* or *visitor bicycle parking space*".
 - (i) "*Visitor bicycle parking space*" means bicycle parking spaces for use by visitors to a building.
 - (j) "*Live-work unit*" means a *dwelling unit* that is also used for work purposes for the resident of such *dwelling unit*, or in addition thereto for work purposes for the person or persons not residing at such *dwelling unit*.
4. Except as otherwise provided in this By-law, the provisions of By-law No. 438-86 of the former City of Toronto, as amended, shall continue to apply to the *Lot*.
5. The *owner* of the *Lot* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development the *Lot* have been built or

secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade building permit.

6. A "*Sales Office*" is a permitted use and means an office or sales trailer, used exclusively for the initial sale and/or initial leasing of *dwelling units*, or the non-residential uses to be erected on the *Lot*.
7. Despite any existing or future consent, partition or division the *Lot*, the provisions of this By-law shall apply to the whole of the *Lot* as if no consent, partition or division had occurred.
8. Section 37 of the *Planning Act*:
 - (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* is permitted in return for the Owner's election to provide, at the Owner's expense, 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 satisfactory to the City Solicitor and registered on title to the *lot*;
 - (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.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON NOVEMBER 23, 2015 IN BOARD CASE NO. PL131208.

Schedule "A"
Section 37 Provisions

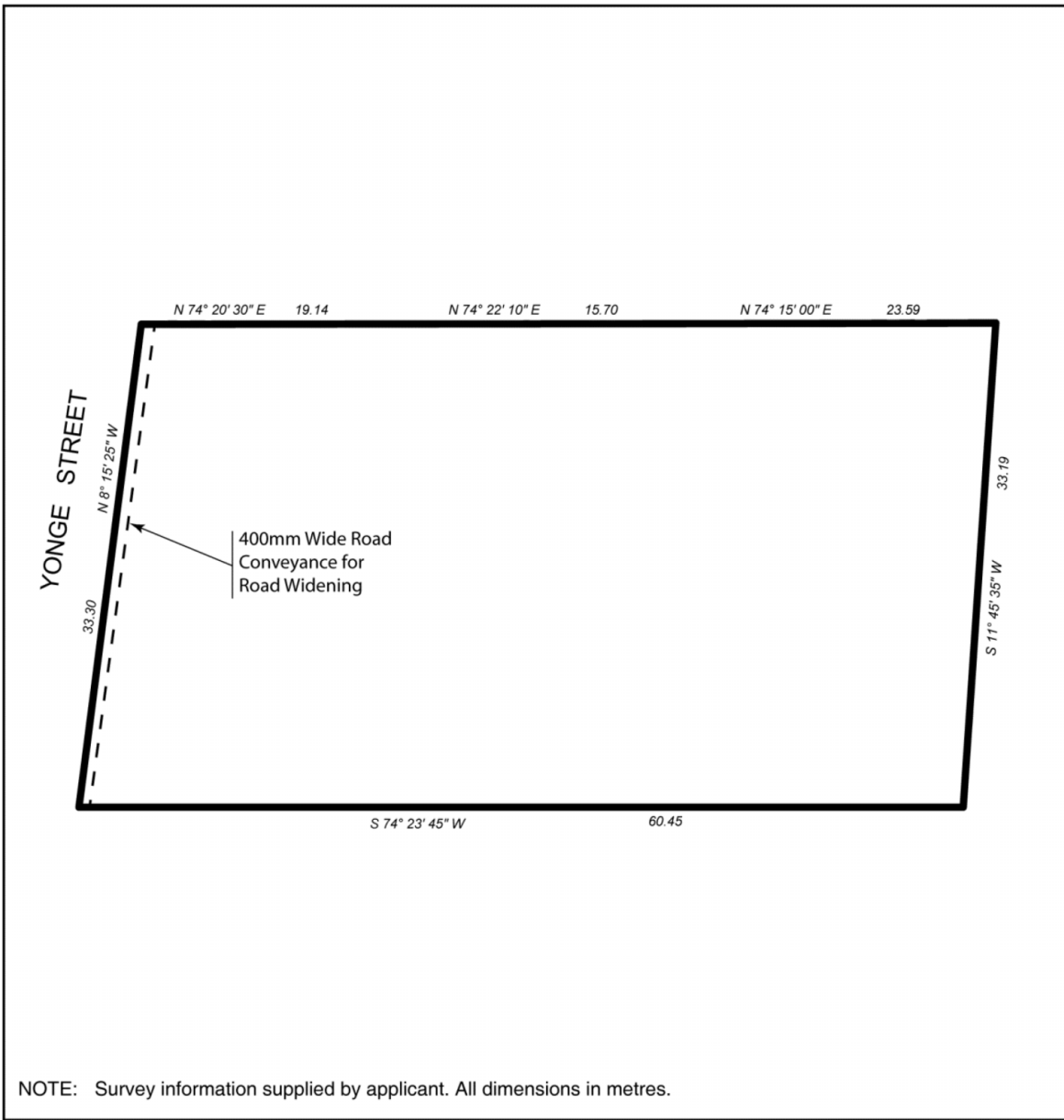
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

Financial Contributions to Public Facilities, Services or Matters

1. Prior to the issuance of the first Above-Grade Building Permit for the Lands, the Owner shall pay to the City the sum of one million eight hundred thousand dollars (\$1,800,000.00) (the "Financial Contribution") in a form satisfactory to the Chief Financial Officer, to be allocated for community services and facilities in the vicinity of the Lands, with such community services and facilities to be determined by the Chief Planner in consultation with the local Councillor.
2. The amount of the payment required above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of this agreement is executed by the Owner to the date of payment.
3. The timing for the expenditure of the Financial Contribution and the design of the public facilities, services or matters shall be in the sole discretion of the City.

Additional Matters secured as a Legal Convenience

4. The Owner shall, at its sole expense, construct a Pedestrian Walkway, along the eastern boundary of the Lands measuring a minimum of 1.5m from the east property line, to be paved with materials suitable for pedestrian use and appropriately lighted, to the satisfaction of Engineering and Construction Services.
5. Prior to the registration of the Condominium, the owner shall transfer to the City an easement along the surface of the lands which shall constitute the Pedestrian Walkway, to the satisfaction of the City Solicitor.

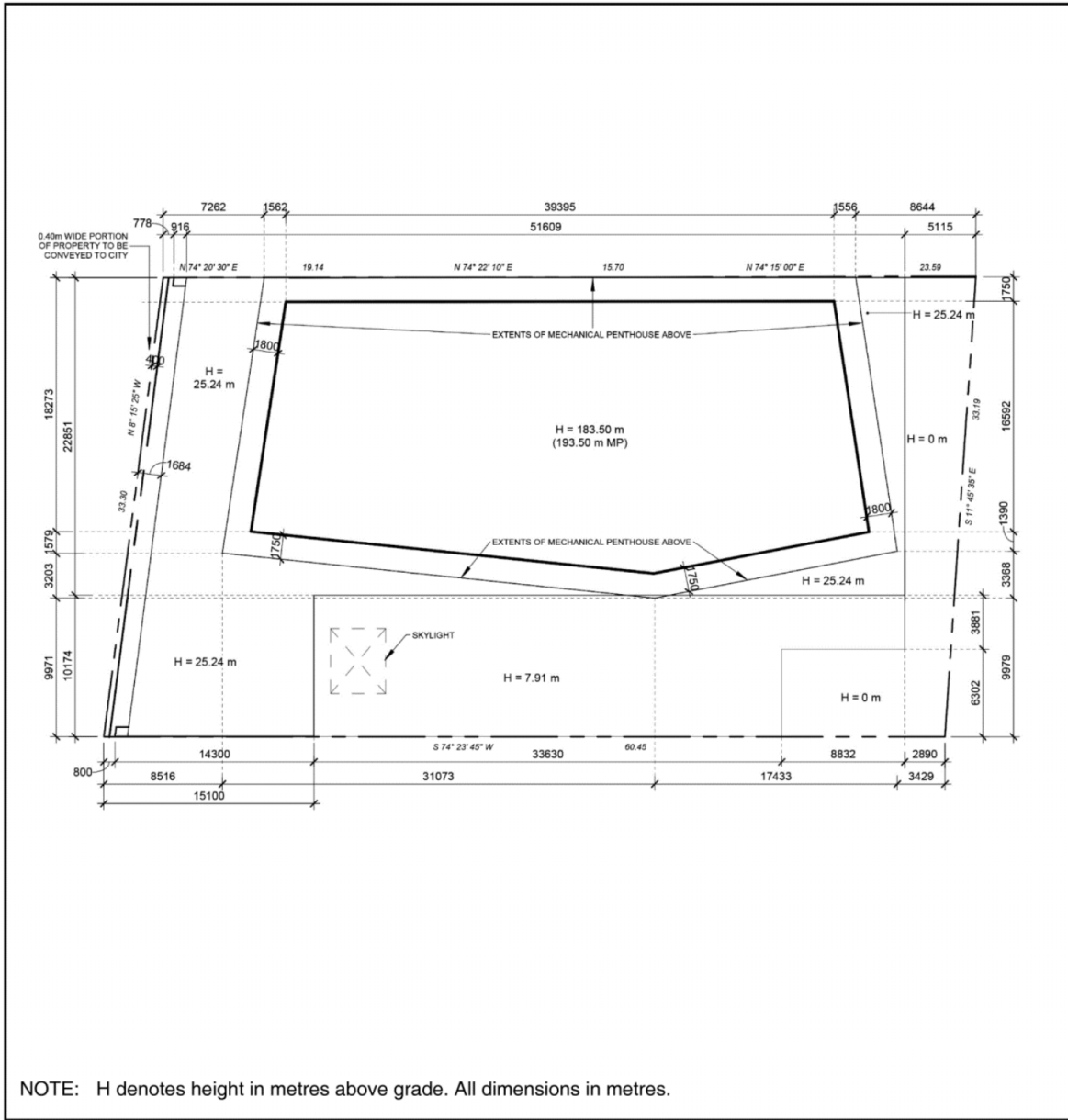


2221 Yonge Street

Map 1

File # 12 296517 STE 22 OZ

↑
Not to Scale
12/03/2015



2221 Yonge Street

Map 2

File # 12 296517 STE 22 0Z



Not to Scale
12/03/2015