

Authority: Toronto and East York Community Council Item TE34.18, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1223-2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2018 as 1982-1984 Yonge 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 with respect to the lands known municipally in the year 2018 as 1982-1984 Yonge Street; 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/or 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas Council of the City, at its meeting on July 23, 24, 25, 26, 27 and 30, 2018, determined to amend the former City of Toronto Zoning By-law 438-86 with respect to lands known municipally, in the year 2018, as 1982-1984 Yonge Street; and

Whereas the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the density of development permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements between the City and the owner of the lot on title to the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, such building may not be erected or used until the owner of the lot has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) 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.
4. Height and Minimum Lot Frontage Map 50K-323 contained in Appendix 'B' of *By-law 438-86*, as amended, is further amended in accordance with Map 2 forming part of this By-law.
5. Except as otherwise provided herein, the provisions of *By-law 438-86* shall continue to apply to the *lot*.
6. None of the provisions of Sections 2(1) with respect to the definitions of *height* and *grade*, 4(2), 4(3)(a), 4(3)(d), 4(4)(b), 4(4)(c), 4(6), 4(7), 4(13), 8(3) Part I(1), 8(3) Part I(2), 8(3) Part I(3), 8(3) Part II(1), 12(2)(118), 12(2)(119), 12(2)(269), and 12(2)(270) of *By-law 438-86*, shall apply to prevent the erection and use of a mixed-use building containing residential and non-residential uses on the lands shown on Map 1 attached, including uses *accessory* thereto, provided:
 - (a) no part of any building or structure erected or used on the *lot* shall exceed the *heights* in metres as specified by the numbers following the symbol "H" shown on the attached Map 2, with the exception of the following:
 - i. Canopies, lightning rods, window washing equipment, satellite dishes, eaves, screens, landscape and ornamental features, trellises, cabanas, light fixtures, antennae, flag poles, associated mechanical equipment overrun, elevator/stair overrun and garbage chute overruns may extend to a maximum of 4.0 metres beyond the height stipulated on Map 2;

- ii. Wind mitigation, vents, roof access, solar panels, mechanical exhausts, flues, fans, chimneys, and parapets around the mechanical elements on the rooftop may extend to a maximum of 2.0 metres beyond the height stipulated on Map 2;
 - iii. Terrace and balcony dividers/privacy screens may extend to a maximum of 2.5 metres beyond the height stipulated on Map 2;
 - iv. Guardrails, railings, retaining walls, wheelchair ramps, roofing assembly and drainage, elements of green roof, parapets, cornices, balustrades, bollards, landscape and ornamental features may extend to a maximum of 1.5 metres beyond the height stipulated on Map 2;
- (b) no portion of any building or structure erected or used on the *lot*, above *grade* or above finished ground on the *lot*, shall be located other than wholly within the areas delineated by the building envelope on Map 2, with the exception of the following:
- i. Canopies, lightning rods, window washing equipment, satellite dishes, eaves, screens, landscape and ornamental features, trellises, cabanas, light fixtures, antennae, and flag poles may extend to a maximum of 0.6 metres beyond the lines depicting building setbacks/stepbacks shown on Map 2;
 - ii. Cornices, lighting features, trellises, eaves, window sills, guardrails, balustrades, railings, vents, and balconies above a height of 14 metres, may extend a maximum horizontal projection of 1.5 metres beyond the line depicting building setbacks/stepbacks shown on Map 2;
 - iii. awnings, screens, and landscape and ornamental elements may extend a maximum horizontal projection of 3.0 metres beyond the line depicting building setbacks/stepbacks shown on Map 2;
- (c) *Parking spaces* shall be provided and maintained on the *lot* in the following manner:
- A minimum of 2 *car-share parking spaces*;
- (d) 36 *bicycle parking spaces* may be parked in any combination of horizontal, vertical or stacked positions and shall be provided and maintained on the *lot* in the following manner on the site:
- i. A minimum of 30 *bicycle parking spaces – occupant* shall be provided for residential uses, and the spaces may be provided and maintained below *grade* on the *lot*;
 - ii. A minimum of 6 *bicycle parking spaces – visitor* shall be provided for and maintained on the *lot* at ground level;

- (e) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 3,300 square metres, of which:
 - i. The total *residential gross floor area* erected or used on the *lot* shall not exceed 2,700 square metres;
 - ii. The total *non-residential gross floor area* erected or used on the *lot* shall not exceed 600 square metres;
 - (f) a minimum of 60 square metres of indoor *residential amenity space* and 60 square metres of outdoor *residential amenity space* must be provided and maintained on the lot.
7. 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.
8. Notwithstanding the definitions provided in Section 2(1) of *By-law 438-86*, as amended, for the purposes of this By-law the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this By-law are not defined in this By-law, the definitions provided in Section 2(1) of *By-law 438-86*, will apply:
- i. "*grade*" means 156.18 metres Canadian Geodetic Datum;
 - ii. "*lot*" means the lands delineated by heavy lines on Map 1;
 - iii. "*height*" means the vertical distance between *grade* and the highest point of the building roof structure with exception of the permitted projections identified in this By-law;
 - iv. "*car-share*" means the practice where a number of people share the use of one or more motor vehicles. Such car-share motor vehicles shall be made available for short term rental, including hourly rental. Car-share operators may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing operator, including the payment of a membership fee that may or may not be refundable;
 - v. "*car share parking space*" shall mean a *parking space* that is reserved for *car-share* purposes.

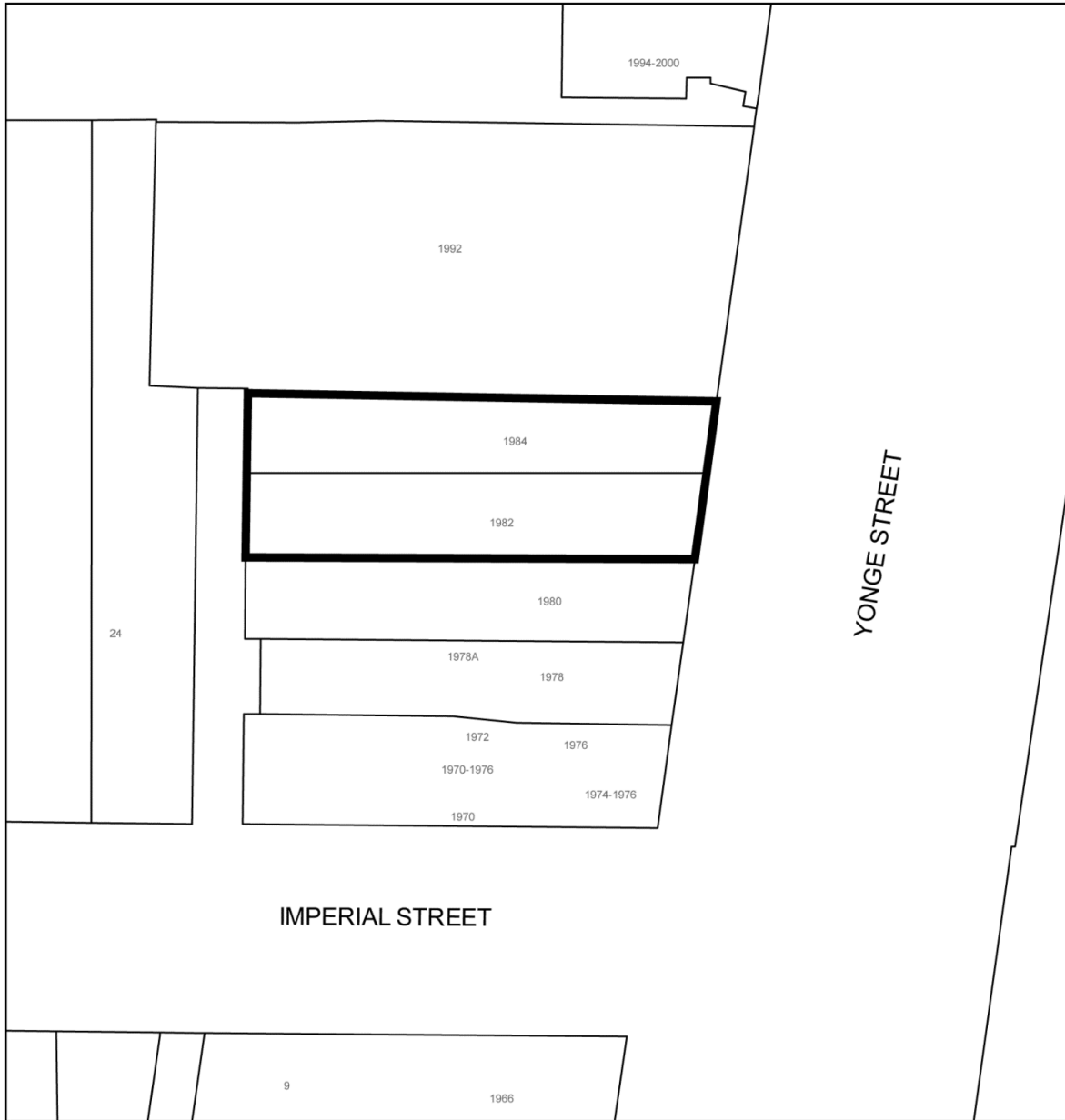
9. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

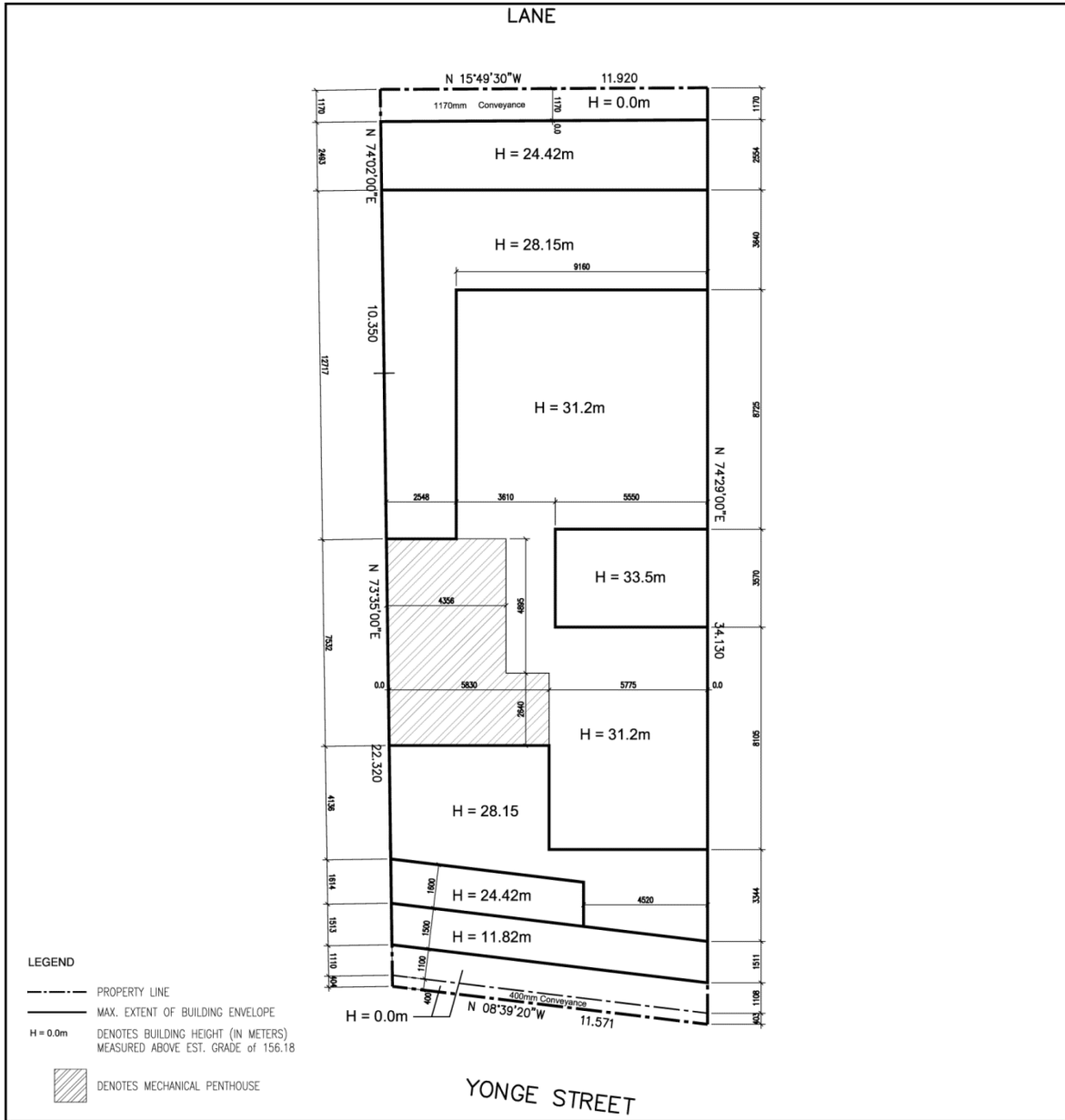
Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





1982-1984 Yonge Street

File # 16 270106 STE 22 OZ

SCHEDULE A
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* and the *owner* with conditions providing for termination and unwinding, and registration and priority of agreement in return for the increase in height and/or density of the proposed development on the lot, as follows, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

1. Prior to first residential use of any residential building the owner shall enter into an agreement to provide and maintain 30 new secured rental dwelling units at 1982-1984 Yonge Street for the period of at least 20 years beginning from the date that each new secured rental dwelling unit is first occupied. Any revisions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
2. Prior to first residential use of any residential building the owner shall enter into an agreement to provide one new secured rental dwelling unit at affordable rent for a period of at least 10 years beginning from the date that such new secured rental dwelling unit is first occupied.