

Authority: North York Community Council Item NY14.3,
as adopted by City of Toronto Council on May 28, 2020

CITY OF TORONTO

BY-LAW 917-2020

To amend former City of Toronto By-law 438-86, as amended, with respect to the lands known municipally in the year 2019 as 2490-2514 Yonge Street, Part of 567 Duplex Avenue, and 10-12 and Part of 20 Castlefield Avenue.

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2019 as 2490-2514 Yonge Street, Part of 567 Duplex Avenue, and 10-12 and Part of 20 Castlefield Avenue; and

Whereas Council 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy lines on Map 1, attached to and forming part of this By-law.
2. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, *temporary sales office*, *residential gross floor area*, *height* and Sections 4(2), 4(3), 4(4), 4(6), 4(10), 4(12), 4(13), 4(16), 8(2), 8(3) PART 1, 8(3) PART II, 8(3) PART IV, 8(3) PART XI, 12(2)118, 12(2)119, 12(2)270, 12(2)269, and 12(2)112 of By-law 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 a *mixed use building* and ancillary uses thereto, including a below-grade *commercial parking garage*

on the lands municipally known in the year 2019 as 2490-2514 Yonge Street, Part of 567 Duplex Avenue, and 10-12 and Part of 20 Castlefield Avenue (hereafter referred to as the *lot*) provided:

- (a) The total combined *residential gross floor area* and *non-residential gross floor area* of the building does not exceed 19,500 square metres;
- (b) In addition to those uses permitted on the *lot*, permitted uses shall include those contained within Sections 6(1) and 8(1);
- (c) No part of any building or structure on the *lot* erected or used above grade shall exceed the *height* limits shown in metres as indicated by the numbers following the letter "H" and in *storeys* as indicated by the numbers following the letter "S" in the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law;
- (d) Nothing in Section 2(c) above shall prevent the following elements from projecting above the *height* limits shown on Map 2, as follows:
 - (i) A parapet, roof drainage, thermal insulation or roof ballast, and roof construction assembly elements located at each of the roof levels of the building, provided the maximum vertical distance of any such railing does not exceed 1.8 metres;
 - (ii) Safety railings and fences at each of the roof levels of the building, provided the maximum vertical dimension of any such parapet does not exceed 1.8 metres, and having a maximum combined vertical dimension with (i) above of 2.75 metres above the height of each roof level of the building;
 - (iii) Structures on the roof of any part of the building used for outside or open air recreation, green roof elements, wind mitigation elements, landscape features, architectural elements, elevator overruns, public art features, private art features, telecommunications equipment and antennae, window washing equipment, stair towers, stair enclosures, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, walls or structures enclosing such elements, lightning rods and exhaust flues, swimming pools (elevated or otherwise), structures housing pool or spa maintenance or operational equipment, and life safety equipment provided the maximum vertical distance of such does not exceed 4.0 metres.
- (e) No portion of any building, erected on the lot above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines and building envelopes shown on Map 2, except for the following:
 - (i) Balconies, cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms ornamental or architectural elements, trellises, eaves, window sills, bay windows, canopies, guardrails, balustrades, railings, wind mitigation screens and features, planters, monuments, arbours, patios, piers,

decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features, to a maximum of 3.0 metres.

- (f) A minimum of a combined 4.0 square metres of indoor *residential amenity space* and outdoor *residential amenity space* per *dwelling unit* shall be provided on the *lot*.
- (g) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) A minimum of 0.7 *parking space*, and up to a maximum of 1.0 *parking space*, for a one-bedroom *dwelling unit*;
 - (ii) A minimum of 0.9 *parking space*, and up to a maximum of 1.3 *parking spaces*, for each two-bedroom *dwelling unit*;
 - (iii) A minimum of 1.0 *parking space*, and up to a maximum of 1.5 *parking spaces*, for each three-bedroom *dwelling unit*;
 - (iv) A minimum of 0.1 *parking space* for each *dwelling unit* for residential visitors;
 - (v) A minimum of 1.0 *parking spaces*, and up to a maximum of 4.0 *parking spaces*, for each 100 square metres of *non-residential gross floor area*;
 - (vi) For each *car-share parking space* provided on the *lot*, up to a maximum of 3 *car-share parking spaces*, the minimum number of parking spaces required by 2(g)(i) and (ii) above shall be reduced by 4 *parking spaces*; and
 - (vii) In the event that the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;
- (h) *Notwithstanding* Section 4(17) of By-law 438-86, a maximum of 10 *parking spaces* may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres, with or without obstructions.
- (i) *Parking spaces* required by this By-law for residential visitor and non-residential uses may be located within a *commercial parking garage*, as long as a minimum of 5 *parking spaces* are reserved for the exclusive use of visitors.
- (j) Despite the definitions of *bicycle parking space – visitor* and *bicycle parking space – occupant* of Section 2(1) of by-law 438-86, the required *bicycle parking spaces* may be provided in a stacked position with a minimum vertical clearance of 1.0 metres or within or outside of a *parking stacker – bicycle*, maintained on the *lot*.

- (k) One Type G *loading space* shall be provided and maintained on the *lot*.
 - (l) None of *the* provisions of By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot* as of the date of passing of this By-law.
 - (m) None of the *provisions* of By-law 438-86, as amended, or this By-law shall apply to prevent a *commercial parking garage* on the *lot* as of the date of passing of this By-law.
 - (n) The maximum *number* of floors shall be 14.
3. For the purposes of this by-law: all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law 438-86, as amended, except as herein provided:
- (a) *Bicycle parking space-occupant* shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles:
 - (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.27 metre by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - (ii) Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.25 metre by 1.8 metres and a vertical dimension of at least 1.0 metres.
 - (b) *parking stacker - bicycle* means a mechanical bicycle parking facility with bicycle parking spaces which:
 - (i) are positioned above each other;
 - (ii) the platform of such bicycle parking space may have dimensions of not less than 0.25 metre by 1.8 metres and a height allowance of 1.0 metres; and
 - (iii) may not be readily accessible at all times without manoeuvring another bicycle or device.
 - (c) *Bicycle parking space-visitor* shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and maybe within a secured room and/or within a parking stacker - bicycle:
 - (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.27 metre by 1.8 metres;
 - (ii) Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.25 metre by 1.0 metres; and
 - (iii) May be located indoors or outdoors including within a secured room or enclosure.

- (d) *car-share* shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or not be refundable.
- (e) *commercial parking garage* means a building or a portion of a building used for the temporary parking of motor vehicles.
- (f) *car-share parking space* shall mean a parking space that is reserved and actively used for car-sharing.
- (g) *grade shall* mean an elevation of 166.40 metres Canadian Geodetic Datum.
- (h) *height* shall be measured from "*grade*" to the highest point of the building.
- (i) *non-residential gross floor area* shall mean the sum of the total areas of each floor level of a *building*, above grade, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:
 - (i) Parking, loading and bicycle parking below ground;
 - (ii) Commercial Parking Garage;
 - (iii) Required loading spaces at the ground level and required bicycle parking spaces at or above ground;
 - (iv) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - (vi) Amenity space required by this By-law;
 - (vii) Elevator shafts;
 - (viii) Garbage shafts;
 - (ix) Mechanical penthouse; and
 - (x) Exit stairwells in the building.
- (j) *residential gross floor area* shall mean the sum of the total areas of each floor level of a *building*, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:
 - (i) Parking, loading and bicycle parking below ground;
 - (ii) Required loading spaces at the ground level and required bicycle parking spaces at or above ground;

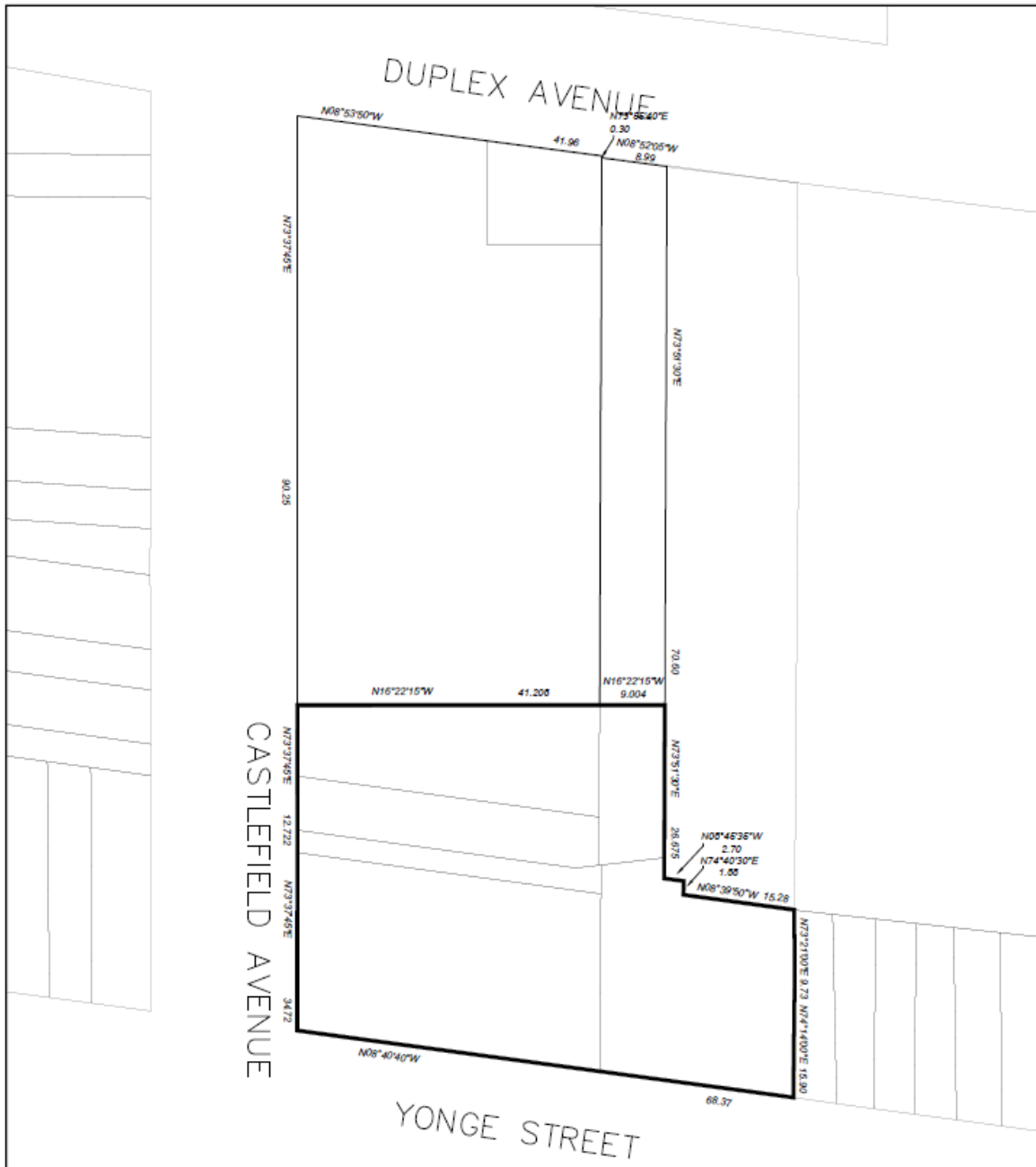
- (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) Amenity space required by this By-law; (vi) Elevator shafts;
 - (vi) Garbage shafts;
 - (vii) Mechanical penthouse; and
 - (viii) Exit stairwells in the building.
- (k) *temporary sales office* shall mean a building, structure, trailer or facility on the lot used exclusively for the sales, marketing, display and promotion of dwelling units or the leasing, sale, marketing of non-residential gross floor area.
4. 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 Map 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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.
5. 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.
6. 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.
7. Prevailing By-laws, Sections and Exceptions: None Apply.
8. 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.

Enacted and passed on October 30, 2020.

Frances Nunziata,
Speaker


John D. Elvidge,
Interim City Clerk


(Seal of the City)

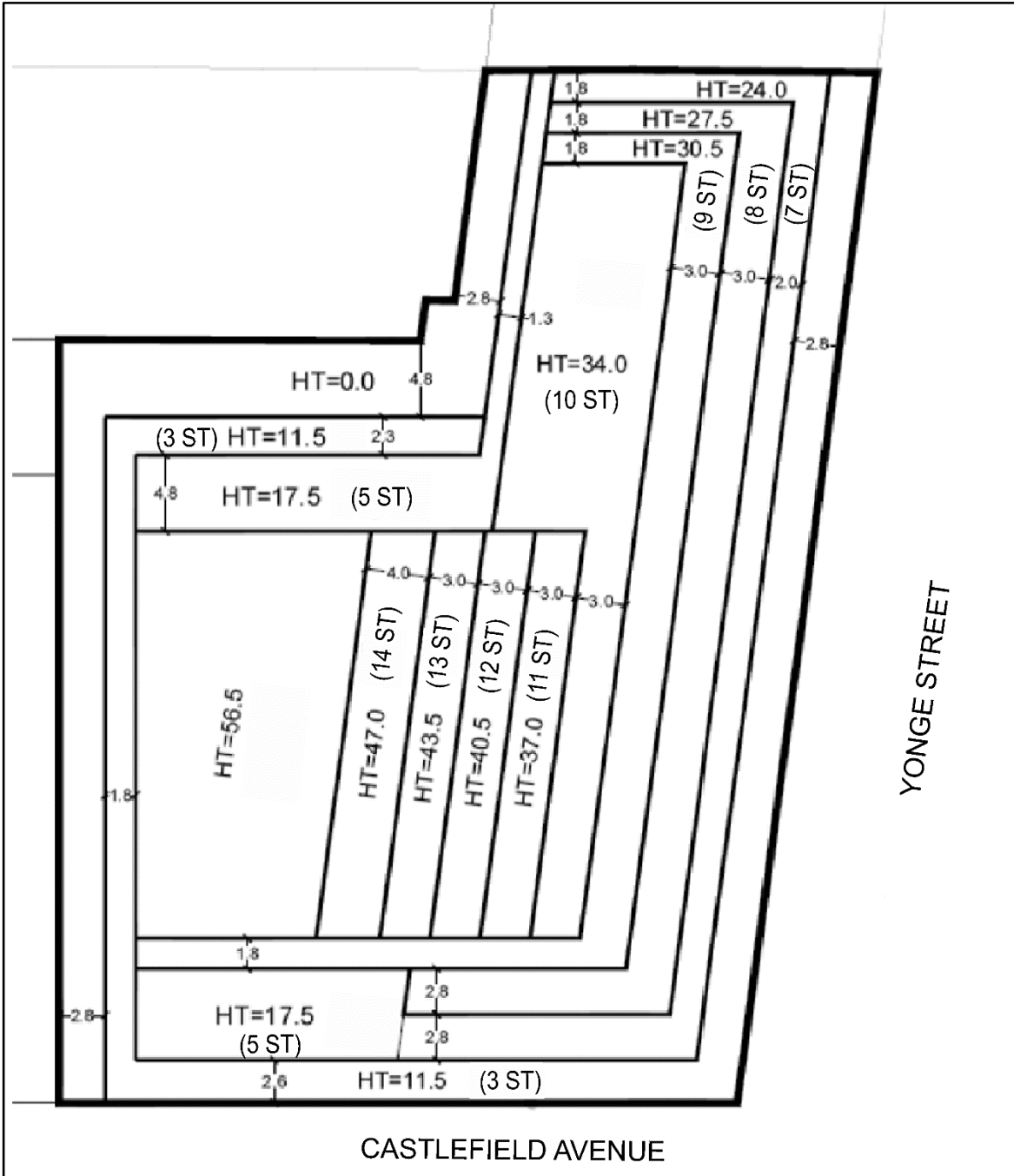


Map 1

2490-2514 Yonge Street, Part of 567 Duplex Avenue, and 10-12 and Part of 20 Castlefield Avenue

 Area affected by this By-law


Not to Scale



2490-2514 Yonge Street, 10-12 Castlefield Avenue and portions of
20 Castlefield Avenue and 567 Duplex Avenue

File # 18 186585 NNY 16 0Z

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Not to Scale
06/16/2020

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 indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (1) Prior to issuance of a foundation permit the *owner* shall:
 - i. Provide a cash contribution of \$1,500,00 of which:
 - a. \$1,000,000 will be allocated to the acquisition and improvement of public parks in the immediate vicinity; and
 - b. \$500,000 will be allocated to the Toronto Public Library - North District Branch improvements.
 - ii. Such amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table, or its successor, calculated from the date of registration of the agreement to the date of payment, or if the site specific by-laws for the project are appealed to the Local Planning Appeal Tribunal (LPAT), from the date of the LPAT order approving the by-laws, to the date of submission of the funds by the owner to the City.
- (2) The *owner* shall provide and maintain the following:
 - a. The *owner* shall enter into a Heritage Easement Agreement with the City for the property at 2490-2506 Yonge Street in accordance with the plans and drawings dated November 1, 2019, prepared by Turner Fleischer Architects, and on file with the Senior Manager, Heritage Preservation Services, the Heritage Impact Assessment prepared by GBCA Architects, October 31, 2019, and in accordance with the Conservation Plan required to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;
 - b. The owner shall provide a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment prepared by GBCA Architects, October 31, 2019, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. The *owner* shall incorporation in the construction of the building, the exterior materials as shown on 1:50 scale drawings as approved by the Chief Planner and

Executive Director, City Planning, and submitted as part of the Site Plan Control process;

- d. The *owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the TGS; and
 - e. The *owner* shall submit a Construction Management Plan for review and acceptance to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Chief Building Official and Executive Director, Toronto Building.
- (3) 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(s) are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.