

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-20XX

To amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2017 as 475 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;

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. 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 and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Schedule A hereof, 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 with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Schedule A hereof, 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, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
4. None of the provisions of Section 4(2)(a), 4(5)(b), 4(5)(h), 4(8), 4(13), 8(2)7, 8(3) Part I 1, 2 and 3, 8(3) Part II 1(a), 8(3) Part III 1(a), 12(1)9, 12(2)11, 12(2)132 and 12(2)380 of By-law No. 438-86 of the former City of Toronto, as amended shall apply to prevent the erection or use of a *mixed-use building* which may contain *dwelling unit* and non-residential uses including, but not limited to, hotel uses, a *parking garage* and a *commercial parking garage* below *grade* on the *lot* provided that:
 - a. The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. The combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 99,850 square metres;
 - c. The *non-residential gross floor area* shall not exceed 15,450 square metres;
 - d. Despite 8(1)(f), a *commercial parking garage* shall be a permitted use on the *lot* and any floor area below-*grade* dedicated to the *commercial parking garage* shall not be included in the calculation of *non-residential gross floor area*;
 - e. The *height* of any building or structure above *grade* shall not exceed those *heights* as indicated by the H symbol on Map 2 with the exception of the following:
 - i. lighting fixtures, patios, cabanas, planters, balustrades, bollards, fences, trellises, roofing assembly, roofs, window washing equipment, parapets, privacy screens, safety railings, guardrails, chimneys, vents, flues, stacks and exhaust stacks, ornamental or architectural features may extend a maximum of 2.0 metres above the heights shown on the attached Map 2 of **By-law XXX-2017**;
 - ii. lightning rods;
 - iii. building elements or structures used for green roof technology or alternative roofing system may extend a maximum of 0.6 metres above the heights shown on Map 2 of **By-law XXX-2017**;
 - iv. mechanical equipment such as, but not limited to, elevator and associated overrun, heating or cooling towers/heating or cooling stacks, air units, emergency generator, lighting fixtures, ornamental elements, trellises, wind mitigation features and walls may extend a maximum of 3.0 metres above the heights shown on Map 2 of **By-law XXX-2017**;
 - f. The maximum floorplate sizes of the tower measured from the exterior of the building shall be:

- i. storeys above grade 12-58: 816 square metres (North Tower);
 - ii. storeys above grade 10-48: 900 square metres (South Tower);
- g. No portion of any building or structure above-grade may extend beyond the areas delineated by heavy lines on Map 2 of **By-law XXX-2017**, with the exception of:
 - i. privacy screens, cornices, sills, eaves, canopies, stairs, covered stairs or stair enclosures, awnings, underground garage ramps and ancillary structures, retaining walls, wheelchair ramps, ornamental or architectural features may extend a maximum of 1.0 metres beyond the heavy lines shown on Map 2 of **By-law XXX-2017**;
 - ii. balconies may project no more than 2.0 metres beyond the heavy lines shown on Map 2 of **By-law XXX-2017**;
 - iii. structures and elements related to outdoor patios at *grade*;
- h. A minimum of two *loading spaces – Type B*, one *loading space – Type C* and one *loading space – Type G* shall be provided on the *lot* for the *mixed-use building*;
- i. *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. a minimum of 210 *parking spaces* for residents of the *dwelling units* shall be provided within the below-grade *parking garage*;
 - ii. a minimum of 80 *parking spaces* shall be provided within a below-grade *parking garage* or *commercial parking garage* for the shared use of:
 - i. those visiting residents of the *dwelling units*; and,
 - ii. the non-residential uses;
- j. Despite 4(17), a maximum of 28 *parking spaces* which are obstructed on one side are permitted to have a minimum width of 2.60 metres;
- k. *Bicycle parking spaces* shall be provided and maintained within the *lot* in accordance with the following minimum requirements:
 - i. For *dwelling units*, a minimum of 1.0 *bicycle parking space* per *dwelling unit* provided in the following proportion:
 - i. 90% as *bicycle parking spaces – occupant*; and,
 - ii. 10% as *bicycle parking spaces – visitor*;
 - ii. Notwithstanding Section 2 "*Bicycle parking spaces – visitor*" of the By-law 438-86, *bicycle parking spaces – visitor* may be located in a secured room;

iii. Despite 4(13) and Section 2 "*Bicycle parking spaces – occupant*" of By-law 438-86, *bicycle parking spaces – occupant* may be provided in any combination of stacked, vertical, or horizontal positions, provided that any stacked *bicycle parking space*, being a *bicycle parking space* located directly above or below another *bicycle parking space*, shall each have a minimum vertical dimension of 1.20 metres;

l. Despite Section 4(12) of By-law 438-86:

i. indoor *residential amenity space* may be provided in non-contiguous rooms located on different levels; and,

ii. at least 40.0 square metres of *outdoor residential amenity space* must be provided in a location adjoining or directly accessible to at least one of the areas used as indoor *residential amenity space*;

m. The owner of the *lot* has entered into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters required by and referred to in Appendix 1 of this By-law, all to the satisfaction of the City Solicitor;

n. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

i. "*grade*" means an elevation of 103.64 metres Canadian Geodetic Datum;

ii. "*height*" means the vertical distance between *grade* and the highest point of any building or structure erected on the *lot*, subject to the exceptions permitted by this By-law;

5. 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.

6. None of the provisions of this By-law shall apply to prevent the construction or use of a temporary sales office on the *lot*, for a maximum of 3 years from the dated of enactment of By-law 788-2017.

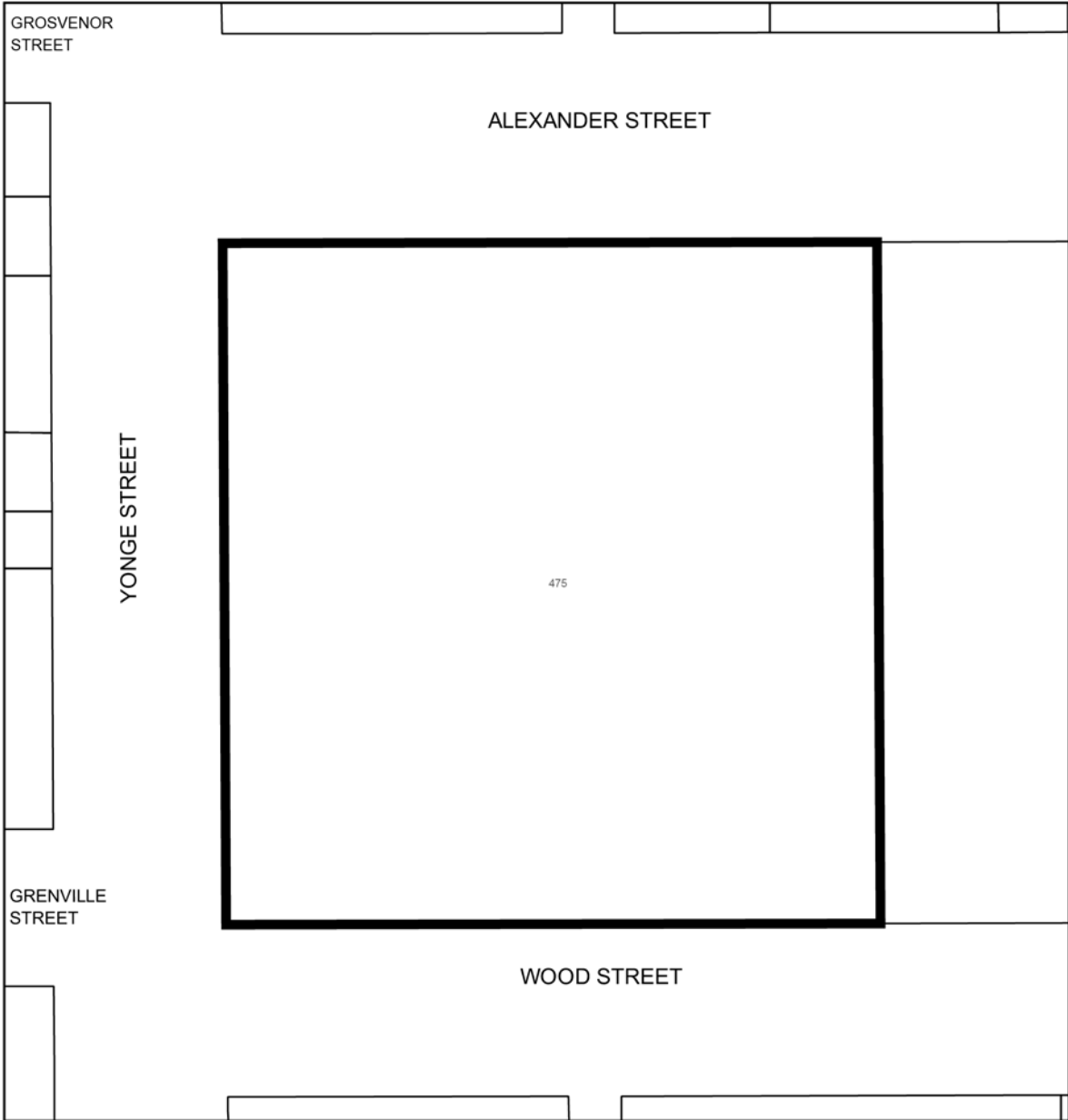
Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,
City Clerk


(Seal of the City)

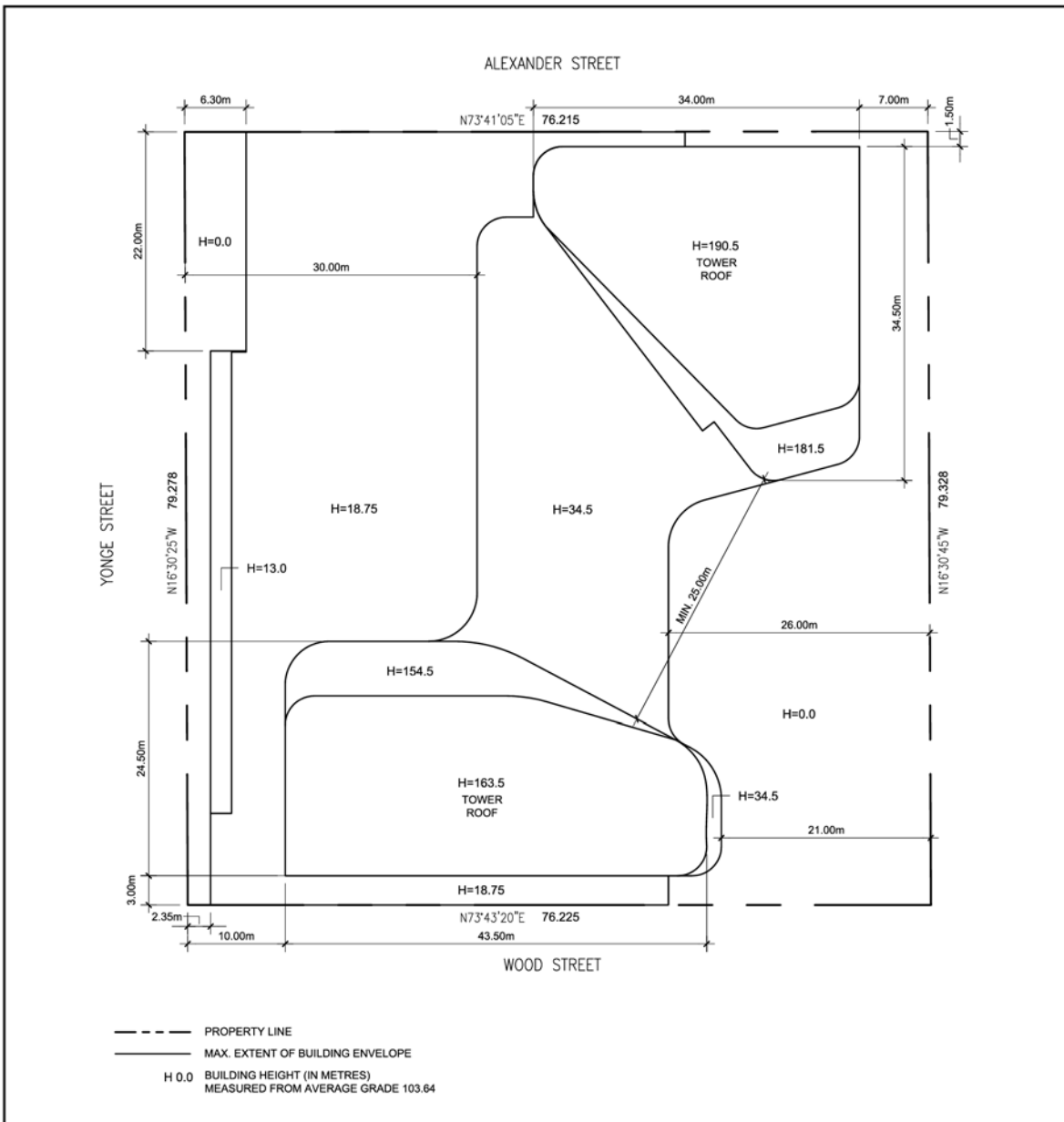


 **TORONTO**
Map 1

475 Yonge Street

File # 16 125715 STE 27 0Z


City of Toronto By-Law 438-86
Not to Scale
10/10/2017



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 in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement.

- (1) Prior to issuance of an above grade building permit, the Owner shall make an indexed cash contribution to the City in the amount of \$11,400,000 to be allocated towards the following:
 - a) \$9,120,000 to be allocated towards local area park or streetscape improvements, in consultation with the Ward Councillor.
 - b) \$1,140,000 to be allocated towards existing community, recreation and/or cultural space improvements in the ward, in consultation with the Ward Councillor.
 - c) \$1,140,000 to be allocated towards new or existing Toronto Community Housing and/or affordable housing.

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) The following matters are also recommended to be secured in the Section 37 Agreement as legal convenience to support the development:
 - a) The provision of a public park at grade (strata title) with a minimum size of 908 square metres and a depth of not less than 1.5 metres on terms and conditions set out in Attachment No. 12 to the report of the Director, Community Planning, Toronto and East York District dated September 29, 2017, all to the satisfaction of the General Manager Parks, Forestry and Recreation;
 - b) A Privately-Owned Publicly Accessible Space (POPS) with a minimum size of 125 square metres at the northwest corner of the site (Yonge Street and Alexander Street) be provided, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in consultation with the Ward Councillor.
 - c) The Owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms; and,
 - d) The Owner shall withdraw their site specific appeal to the Ontario Municipal Board of Official Plan Amendment No. 183, the North Downtown Area Specific Policy 382 (for Phases I and II of the appeals) upon the coming into force of the site specific Zoning By-law Amendments for the lands at 475 Yonge Street.
- (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 of 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.