

Authority: Toronto and East York Community Council Item 24.6, as adopted by City of Toronto Council on June 11, 12 and 13, 2013

CITY OF TORONTO

Bill No. 1394

BY-LAW No. -2013

To amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 1331 Yonge Street.

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass zoning by-laws;

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*;

Whereas pursuant to Section 37 of the *Planning Act*, the council of a municipality may, in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law;

Whereas Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for an increase in *height* and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the increase in the density or *height* permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are 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 such land and the City of Toronto (hereinafter referred to as the "City");

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Sections 4(2)(a), 4(4)(b) and (c), 4(13)(a) and (c), 4(17), 8(3) Part II, 2 and 3, 8(3) Part II, and 8(3) Part III 1, 8(3)IV, 8(3)IV2 of Zoning By-law No. 438-86, of the former City of Toronto, as amended, shall apply to prevent the erection or use of any buildings or structures 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 total *residential gross floor area* erected or used on the *lot* does not exceed 17,385 square metres;
 - (c) the total *non-residential gross floor area* erected or used on the *lot* does not exceed 1,000 square metres;

- (d) the maximum number of *dwelling units* erected or used on the *lot* shall not exceed 153;
- (e) no portion of the building or structure erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following which may extend beyond the areas delineated by such heavy lines:
 - (i) cornices, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, railings, awnings and canopies; and
 - (ii) balconies may extend up to 3.0 metres from the walls to which they are attached;
- (f) notwithstanding (e), the first storey above grade shall be set back a minimum of 2.0 metres from the south lot line;
- (g) the *height* of any building or structure, or portion thereof including mechanical penthouse, does not exceed those *height* limits as indicated by the numbers and storeys following the symbol H on the attached Map 2, with the exception of the following:
 - (i) railings, parapets, balconies, cornices, window washing equipment, lighting fixtures, ornamental elements, stair towers, trellises, planters, partitions dividing outdoor recreation areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, architectural features, landscape elements, roof access ladders, elements of a green roof, lightning rods, mechanical equipment, pressurization equipment, and exhaust flues, located above the *height* of each of the roof levels of the building;
- (h) parking will be provided in accordance with the following standards:
 - (i) resident spaces: minimum 1.0 space/unit;
 - (ii) visitor spaces: minimum 0.1 space/unit; and
 - (iii) retail use: minimum 0.0 space/unit, maximum 0.0 space per unit;
- (i) a maximum of 180 parking spaces will be permitted;
- (j) a maximum of 3 levels of underground parking will be permitted;
- (k) a minimum of 2 parking spaces internal to the site at ground level dedicated for short term pick-up and drop-off purposes shall be provided;
- (l) a *commercial parking garage* is a not permitted use despite Sections

8(1)(f)(b)(vii) and 12(2)262(a) of Zoning By-law 438-86;

- (m) a minimum of 105 *bicycle parking spaces – occupant* shall be provided and maintained on the *lot* for the use of residents of the *lot*;
- (n) a minimum of 12 *bicycle parking spaces – visitor (residential)* shall be provided and maintained on the *lot*;
- (o) a minimum of 2 *bicycle parking spaces – retail* shall be provided and maintained on the *lot*;
- (p) a minimum of 6 *bicycle parking spaces – visitor (retail)* shall be provided and maintained on the *lot*;
- (q) one *loading space – type “G”* shall be provided and maintained on the lot;
- (r) the minimum dimensions of a *parking space* shall be:
 - (i) length 5.6 metres
 - (ii) height 2.0 metres
 - (iii) width 2.6 metres
- (s) the driveway intended for motor vehicles shall not have any portion inclined at a slope of greater than three metres vertical to each 20 metres horizontal (15%);

Exceptions:

- (t) Restrictive Exception 12(2)324 shall not apply to the property at 1331 Yonge Street;
- (u) Restrictive Exception 12(2)260(I) & (II) shall not apply to the property at 1331 Yonge Street.

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, as amended, with the exception of the following:

- (a) "*commercial parking garage*" means a parking facility that is used for the temporary parking of motor vehicles as a principal use on a *lot*;
- (b) "*grade*" means 140.92 metres Canadian Geodetic Datum;
- (c) "*lot*" means the lands delineated by heavy lines shown on Map 1;
- (d) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;

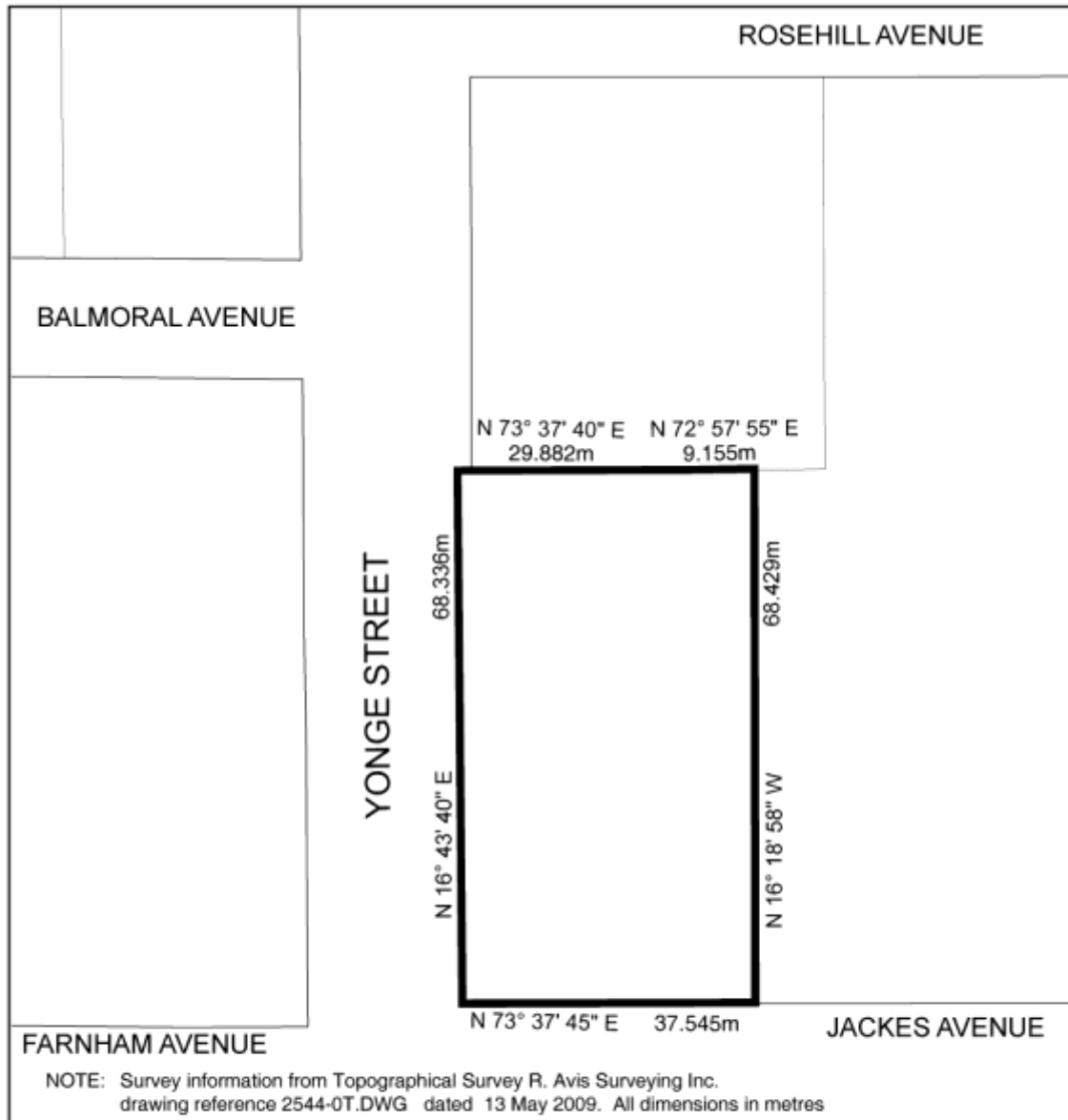
- (e) “*parking space*” means an unimpeded area having minimum dimensions of 5.6 metres in length and 2.6 metres in width which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle;
4. Despite any existing or future severance, 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.
5. 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 including the provision by the *owner* of the *lot* of the facilities, services or matters set out in Appendix 1 hereof, to the City at the *owner’s* sole expense and in accordance with and subject to the agreement referred to in Section 6 of this By-law.
6. 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 or matters set out in Appendix 1 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.
7. Within the lands shown on Map 1 attached to this By-law, 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.

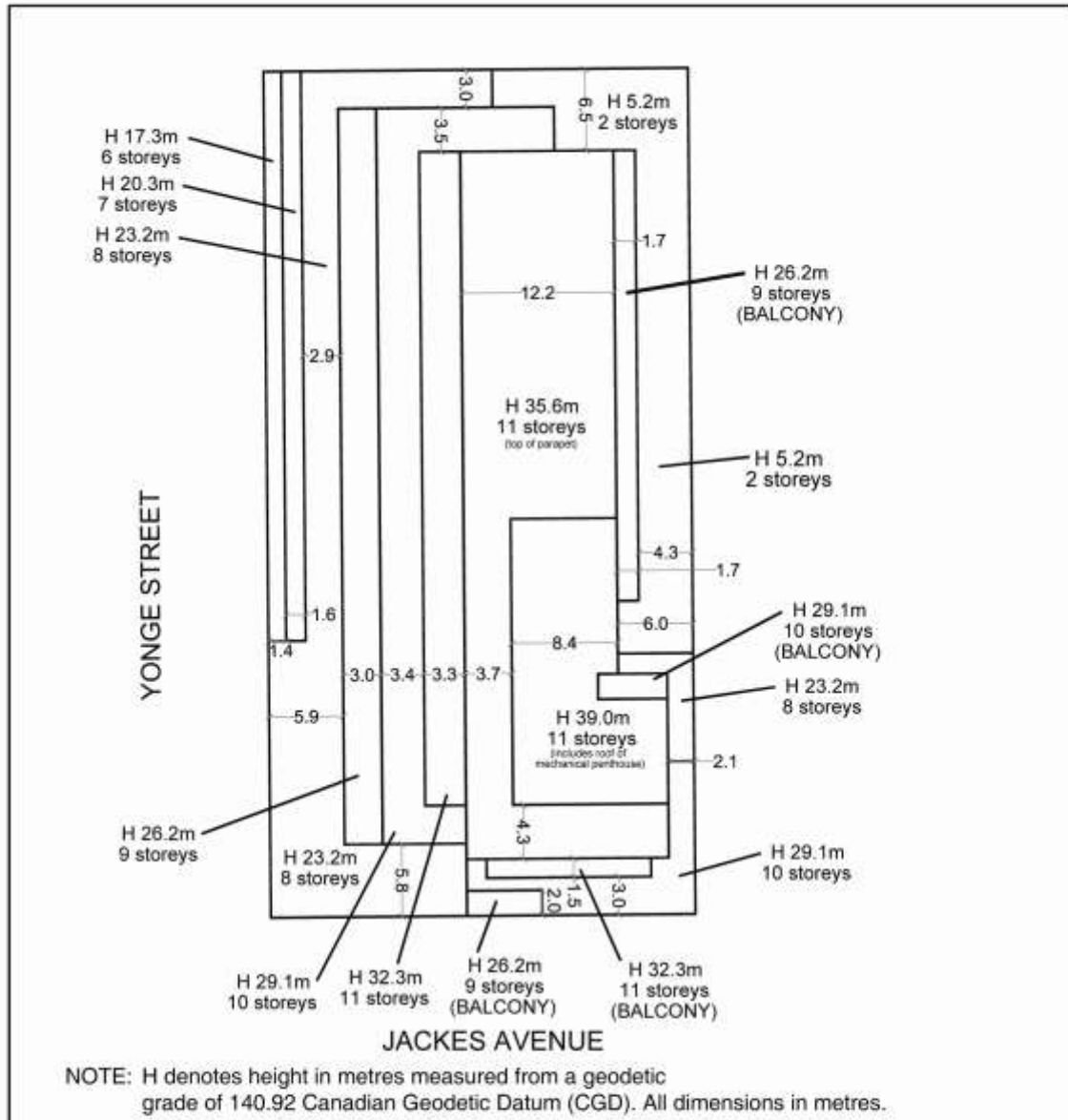
Enacted and passed on October , 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





APPENDIX 1
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, HST, termination and unwinding, and registration and priority of agreement:

- a. Prior to the issuance of the first above-grade building permit for any structure on the *lot*, the *owner* will provide to the City the sum of \$6,000 for the production by Heritage Toronto of a historic plaque to be installed on the *lot*. The plaque will commemorate the historical significance of Gallows Hill, including the role it played in the Rebellion of 1837. The *owner* will provide to the City in advance of the installation, a site plan showing the location of the plaque to the satisfaction of the Executive Director of Heritage Toronto. The *owner* will provide consent to the installation of the plaque on the *lot*.
- b. Prior to the first above-grade building permit for any structure on the *lot*, the *owner* will provide the City with an indexed cash payment of \$375,000. Such payment will be deposited to the Planning Act Reserve Fund to be used for the construction and associated costs of streetscape improvements on the east side of Yonge Street between Heath Street and Woodlawn Avenue East as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
- c. Prior to the issuance of the first above-grade building permit for any structure on the *lot*, the *owner* will provide an indexed cash payment of \$350,000 for the purpose of park improvements to the David Balfour Park/Vale of Avoca Ravine.
- d. The *owner* will provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost.

The amounts identified in a-c above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.