

Authority: Toronto and East York Community Council Item 26.13, as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013 and MM45.1, moved by Councillor Wong-Tam, seconded by Councillor Mihevc, as adopted by City of Toronto Council on December 16 and 17, 2013

CITY OF TORONTO

Bill No. 1796

BY-LAW No. -2013

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 454 - 464 Yonge Street.

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 2013 as 454 - 464 Yonge Street;

Whereas the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

Whereas the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former 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 by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 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* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* 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 requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement 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. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. None of the provisions of 4(2)(a), 4(5)(b), 4(8)(b), 4(12), 4(17), 8(2)14, 8(3) Part I (1-3a), 8(3) Part III 1(a), 12(2) 260(i) & (ii), of *By-law No. 438-86*, shall apply to prevent the erection or use of a *mixed-use building* within the *site* which may contain *dwelling units* and non-residential uses and *accessory* uses thereto including a *parking garage* provided that all of the provisions of this By-law are complied with.

6. The *lot* on which the uses are located shall comprise at least the *site*.
7. The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *site* shall not exceed 45,550 square metres.
8. The total *residential gross floor area* erected or used on the *site*, including the gross floor area of any *live/work units* located within the *site*, shall not exceed 43,284 square metres and the total number of *dwelling units* erected or used on the *site* shall not exceed 636.
9. Any *live/work units* may be located within only the third and fourth storeys of the *mixed use building*, provided that mezzanine space shall not be counted as a separate storey for purposes of that calculation.
10. The total *non-residential gross floor area* erected or used on the *site*:
- shall not exceed 2,351 square metres; and
 - which, for clarity, shall be exclusive of the gross floor area of any *live/work units* located within the *site*.
11. At least ten per cent (10%) of the total number of *dwelling units* erected or used on the *site* shall have at least three bedrooms.
12. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within a *building envelope*, except for the type of structures listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. canopies, awnings and building cornices	No restrictions	No qualifications
B. balconies.	Not more than 2.0 metres from the associated <i>building envelope</i>	No qualifications
C. window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel	No restrictions	No qualifications

chair ramps, vents, underground garage ramps, landscape and green roof elements, partitions dividing outdoor recreation area, trellises, wind mitigation and public art elements		
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13. The *height* of each portion of a building or structure erected above *grade* within the *site*, shall in respect of each *building envelope* area have a maximum *height* in metres as shown following the symbol H on the attached Map 2 for the corresponding *building envelope* area.
14. The preceding section 13 of this By-law does not apply to prevent the erection or use above the said *height* limits of those structural projections permitted to be outside a *building envelope* by section 12 hereof provided the restrictions set out therein are complied with.
15. A continuous pedestrian weather protection consisting of a building overhang, colonnade or canopy, with a minimum horizontal width of 3.0 metres, shall be provided along the Yonge Street and Grenville Street frontages of the *site* as shown on Map 2.
16. A minimum of 321 square metres or 0.48 square metres for each *dwelling unit*, whichever is greater, of outdoor *residential amenity space* shall be provided within the *site*.
17. A minimum of 1,320 square metres or 2 square metres for each *dwelling unit*, whichever is greater, of indoor *residential amenity space* shall be provided in the *mixed-use building*.
18. The minimum ground floor height shall be 5 metres for any component of *mixed-use building*, other than a mail room area, a bicycle parking area and a storage area.
19. The maximum at-grade frontage for any retail unit located within the *mixed-use building* along the Yonge Street frontage shall be 25 metres.
20. A minimum of one *loading space - type "G"* and one *loading space - type "B"*, shall be provided and maintained on the *site*.
21. *Parking spaces* shall, subject to section 22 of this By-law, be provided and maintained in an underground *parking garage* within the *site* in accordance with the following minimum and maximum requirements:
 - (a) *bachelor dwelling units* – a minimum of 0.10 *parking spaces* for each *bachelor dwelling unit*;

- (b) one-bedroom *dwelling units* – a minimum of 0.2 *parking spaces* for each one-bedroom *dwelling unit*;
 - (c) two-bedroom *dwelling units* – a minimum of 0.54 *parking spaces* for each two-bedroom *dwelling unit*;
 - (d) three and more bedroom *dwelling units* – a minimum of 1.0 *parking spaces* for each *dwelling unit* containing three or more bedrooms;
 - (e) a minimum of 0.021 *parking spaces* for visitors for each *dwelling unit*, with *visitor parking* permitted to be provided by *parking spaces* for the *non-residential* uses within the *site*;
 - (f) no minimum requirement for *non-residential parking spaces*;
 - (g) for each *car-share parking space* provided on the *site*, the minimum resident parking required may be reduced by four *parking spaces*, up to a maximum reduction as calculated by the following formula: 4 x (the total number of *dwelling units* within the *mixed-use building* divided by 60), rounded down to the nearest whole number; and
 - (h) no minimum requirement for *live/work units*.
22. Notwithstanding the preceding section 21 of this By-law, the minimum number of *parking spaces*, required to be provided and maintained in an underground *parking garage* within the *site*, shall be 50 *parking spaces* less than the minimum number of *parking spaces* otherwise required by section 21.
23. *Bicycle parking spaces* shall be provided and maintained within the *site* in accordance with the following minimum and maximum requirements:
- (a) for residential uses, a minimum of 1.0 *bicycle parking spaces* per *dwelling unit*, in accordance with the following ratio: 0.8 *bicycle parking spaces* – occupant per *dwelling unit* and 0.2 *bicycle parking spaces* – visitor per *dwelling unit*; and
 - (b) for the uses listed in Section 8(1)(f)(b)(iv), (v), and (vi) of *By-law No. 438-86*, *bicycle parking spaces* shall be provided in accordance with Section 4(13) of *By-law No. 438-86*.
24. The *bicycle parking spaces* provided and maintained within the *site*,
- (a) may be provided in *stacked bicycle parking spaces*; which
 - (b) despite the minimum dimensions of a *bicycle parking space* in Section 2(1) of *By-law No. 438-86*, shall have a minimum vertical dimension of at least 1.2 metres and a minimum horizontal dimension of at least 0.45 metres in width and 1.8 metres in length;

25. None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *site*.
26. Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.
27. Within the *site*, 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.
28. For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) "*building envelope*" means a building envelope for each height area as shown by an "H", and as delineated by the heavy lines on Map 2 attached hereto;
 - (b) "*By-law No. 486-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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";
 - (c) "*car-share parking space*" means a parking space used exclusively for the parking of a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*;
 - (d) "*City*" means the City of Toronto;
 - (e) "*grade*" means the Canadian Geodetic elevation of 102.35 metres;
 - (f) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
 - (g) "*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 persons not residing at such *dwelling unit*;
 - (h) "*owner*" means the fee simple owner(s) of the *site*;

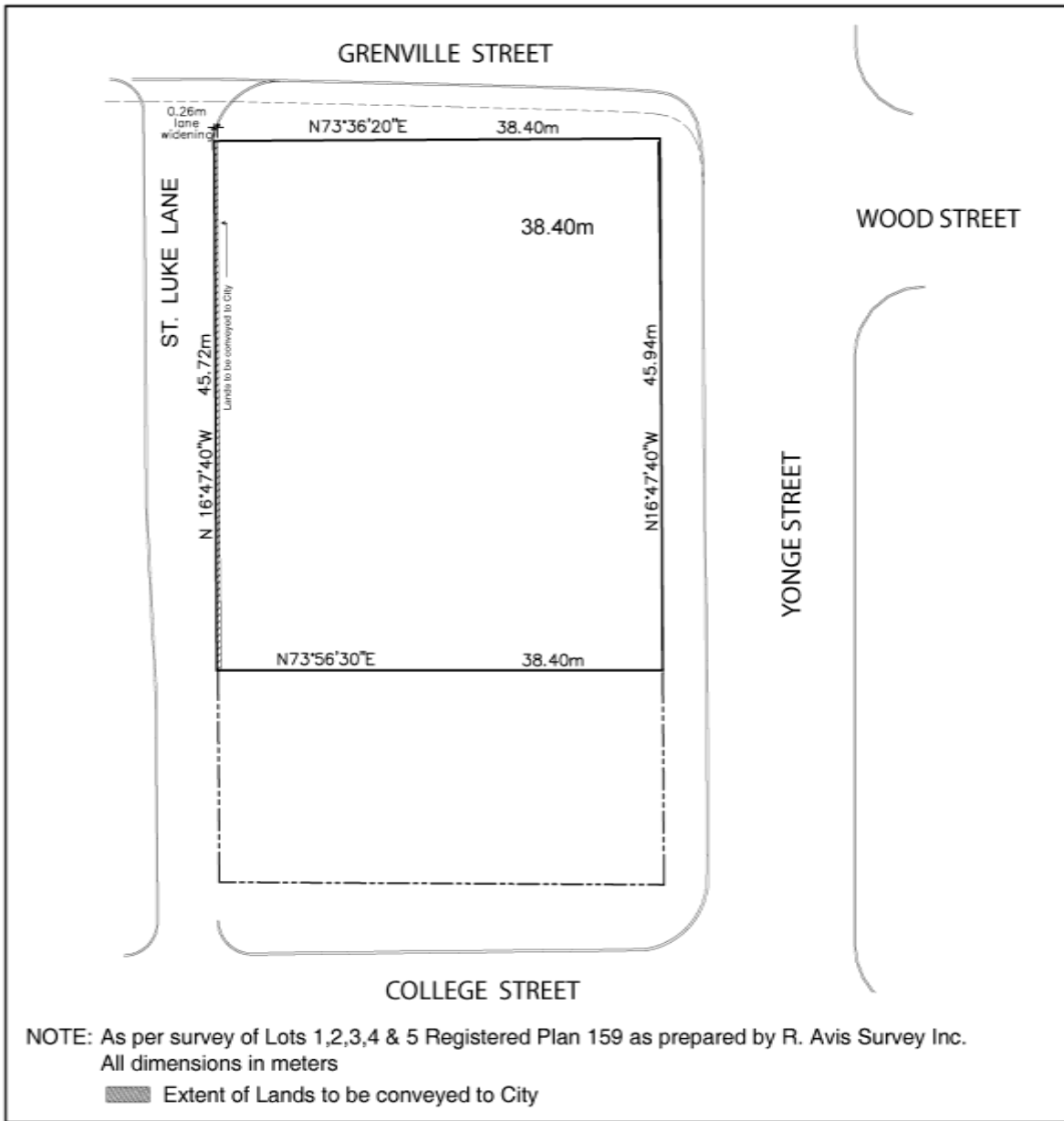
- (i) "*sales office*" means an office, or sales trailer, used exclusively for the initial sale and/or initial leasing of *dwelling units* or the non residential uses to be erected on the *site*;
- (j) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto; and
- (k) each other word or expression, which is italicized in this by-law shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

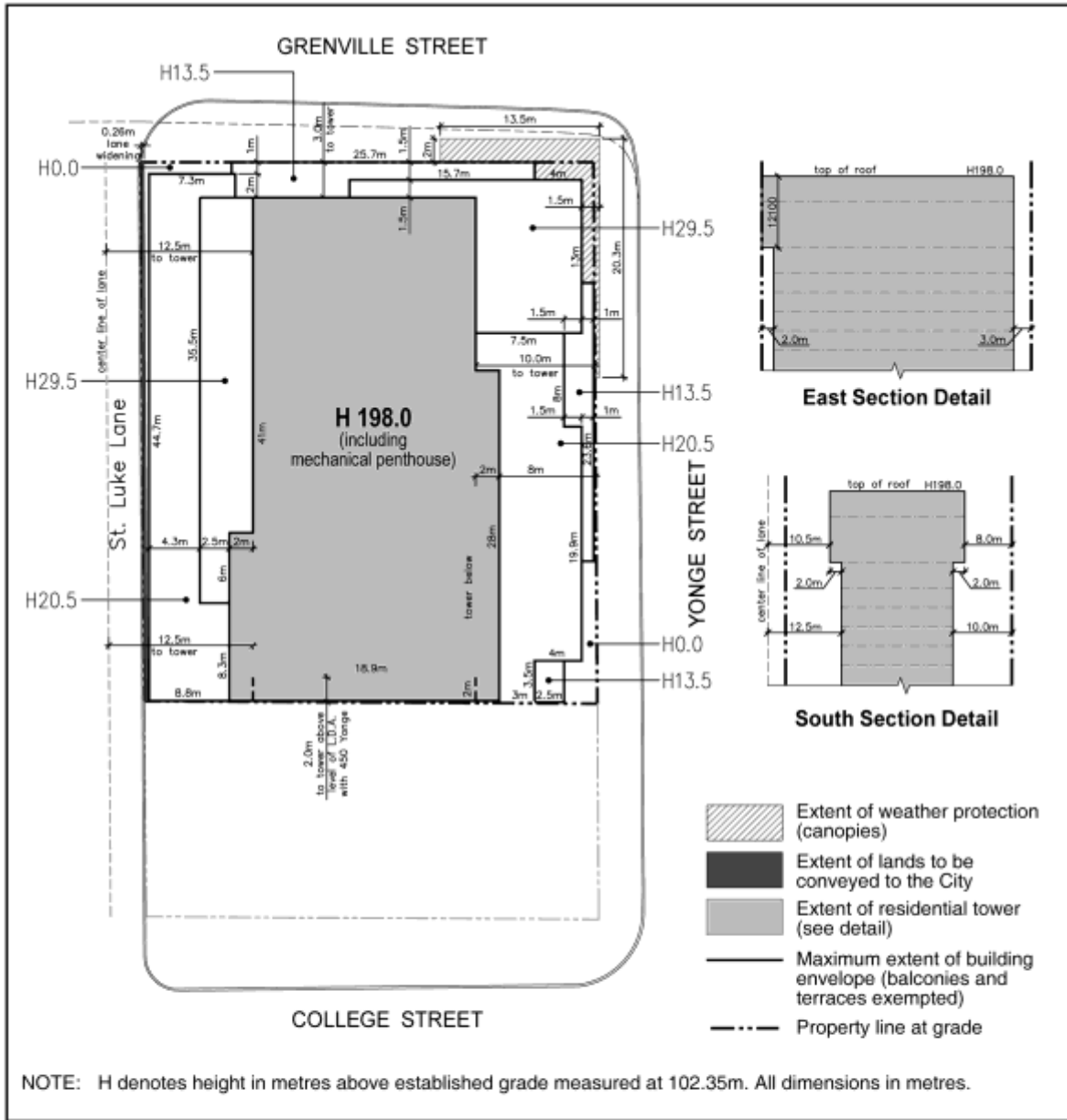
Enacted and passed on December , 2013.

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 facilities, services and matters required to be provided by the *owner* of the *site* 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 with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

1. The owner shall, prior to the issuance of above grade permit unless indicated otherwise, provide a cash contribution of \$5,500,000, which is to be used for the following:

- (a) streetscape improvements, transit upgrades, affordable housing within Ward 27, and/or local area park improvements, or for such other purposes as the Chief Planner may determine in consultation with the ward councillor;
- (b) \$100,000 to be directed to the Church Wellesley Business Improvement Area in accordance with the North Downtown Yonge Street Urban Design Guidelines and/or the Church Wellesley Village Business Improvement Area public realm plan, or for such other purposes as the Chief Planner may determine in consultation with the ward councillor;
- (c) \$500,000 for bicycle share stations in the area, or for such other purposes as the Chief Planner may determine in consultation with the ward councillor;
- (d) \$500,000 public art contribution in accordance with the Percent for Public Art Program to be paid at time of first building permit; and

the cash amounts identified in paragraphs (a), (b), (c) and (d) 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.

- 2. The wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable.
- 3. At least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code.
- 4. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to infrastructure are required to support the development.

5. The owner shall make appropriate arrangements to secure an appropriate legal agreement with the owner immediately to the south at 450 Yonge Street (Oddfellows' Hall) to the satisfaction of the Chief Building Official, such agreement to be executed prior to the introduction of Bills for enactment of the Zoning By-law.
6. The owner be required to enter into as a condition of condominium registration a shared-use agreement with 450 Yonge Street (Oddfellows' Hall) to secure access to garbage facilities and parking for use of the Oddfellows' Hall and that the agreement be satisfactory to the Chief Planner and Executive Director City Planning.
7. As a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) over the setback area along the Yonge Street frontage, (the "City Easements"), for nominal consideration and to the satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services.
8. As a condition of site plan approval the owner shall convey to the City maximum width of 0.26 metres from a point 1.2 metres below finished grade, to the sky along the westerly property boundary, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes.