

Authority: North York Community Council Item 32.49, as adopted by City of Toronto Council on March 31 and April 1, 2010 and Motion MM10.11, moved by Councillor Karen Stintz, seconded by Councillor Parker, as adopted by City of Toronto Council on July 12, 13 and 14, 2011
Enacted by Council: July 14, 2011

CITY OF TORONTO

BY-LAW No. 971-2011

To amend By-law No. 20623 (as amended by By-law No. 110-68) and By-law No. 438-86, each of the former City of Toronto, with respect to the lands municipally known as 2300 Yonge Street, 20 Eglinton Avenue West, 411 Duplex Avenue and 33 Orchard View Boulevard.

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; 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law within the *site* 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 of this By-law, 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 of this By-law, 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 requirements.
3. For clarity,
 - (a) except as otherwise provided herein, the provisions of *By-law No. 110-68*, shall continue to apply to the *site*,
 - (b) notwithstanding any future severance partition, or division of the *site*, the provisions of *By-law No. 110-68* and this By-law shall continue to apply to the whole of the *site* as if no severance, partition, or division occurred, and
 - (c) Appendix 1 and Map 1 attached to this by-law are incorporated into this By-law and are deemed to be a part of this By-law.

4. *By-law No. 110-68* is amended as follows:
- a. the first paragraph of Section 2 is amended by replacing the phrase "and (13)" with the phrase "(13) and (14)",
 - b. Section 2(1) is deleted and replaced by the following as Section 2(1), "[deleted]",
 - c. Section 2(2) is amended to state: "the total *gross floor area* of all buildings and additions to existing buildings erected or used within the *site* shall not exceed 170,000 square metres;",
 - d. Section 2(6) is amended to state: "no part of any building located within the *site* shall be permitted above 14.02 metres above *grade*, other than within the building envelopes as delineated by heavy lines on *Map 1* and designated therein as "A", "B", "C", "D", "E" and "F";",
 - e. Section 2(9) is amended to state: "at least 4,435 square metres of *landscaped open space* shall be provided and maintained on the *site*, which may include *landscaped open space* located on the roof of a building provided the roof is no higher than 18 metres above *grade*";",
 - f. Section 2(10) is amended to state: "no part of such building located within the *site* shall, in respect of each of the building envelopes delineated by heavy lines on *Map 1* and designated therein as "A", "B", "C", "D", "E" and "F", have a *height* in metres greater than those shown following the corresponding symbol H on *Map 1*, exclusive of rooftop facilities, elements and structures otherwise permitted by, and subject to the provisions of, Section 4(2)(a)(i) of *By-law No. 438-86*";",
 - g. Section 2(11) shall be amended to state: "the owner or occupant of the building provides and maintains at least 756 *parking spaces*, in a below grade garage;",
 - h. Section 2(14) shall be added to state: "the owner or occupant of the building provides and maintains at least the following loading facilities:
 - a. 6 *loading space – type A*;
 - b. 4 *loading space – type B*; and
 - c. 3 *loading space – type C*";",
 - i. the final paragraph of Section 3 is deleted.
5. For the purposes of the amendments made by this By-law to *By-law No. 110-68*, a *parking space* or *drive-aisle* that existed, on the date of enactment of this By-law, within the garage in the basement of the building on the *site* shall be deemed to conform to the dimension standards for a *parking space* and a *drive aisle* as prescribed in *By-law No. 20623* to a maximum of 787 parking spaces, a maximum of 45 of which may be provided in tandem configuration.

6. For the purposes of the amendments made by this By-law to *By-law No. 110-68*, the following expressions shall have the following meaning:
- (a) "*By-law No. 20623*", "*By-law No. 110-68*", and "*By-law No. 438-86*", each respectively mean "*By-law No. 20623*", "*By-law No. 110-68*", and "*By-law No. 438-86*", as amended, of the former City of Toronto,
 - (b) "*City*" means the City of Toronto,
 - (c) "*grade*" shall mean 163.8 meters Canadian Geodetic Datum,
 - (d) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure,
 - (e) "*loading space – type A*" shall mean a loading space with a length of at least 17.0 metres, a width of at least 3.0 metres and a vertical clearance of at least 4.3 metres,
 - (f) "*loading space – type B*" shall mean a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres,
 - (g) "*loading space – type C*" shall mean a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of 3.0 metres,
 - (h) "*Map 1*" means the map attached to this By-law and identified as Map 1,
 - (i) "*owner*" means the owner in fee simple of the *site* or any part thereof,
 - (j) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c.P. 13, as amended,
 - (k) "*site*" means those lands described in Section 1 of *By-law No. 110-68*, which for clarity are also dimensioned on *Map 1*, and
 - (l) each other word or expression that is italicized in this By-law shall have the same meaning as such word or expression as defined in *By-law No. 20623*, or, as otherwise defined in Section 3 of *By-law No. 110-68*.

ENACTED AND PASSED this 14th day of July, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

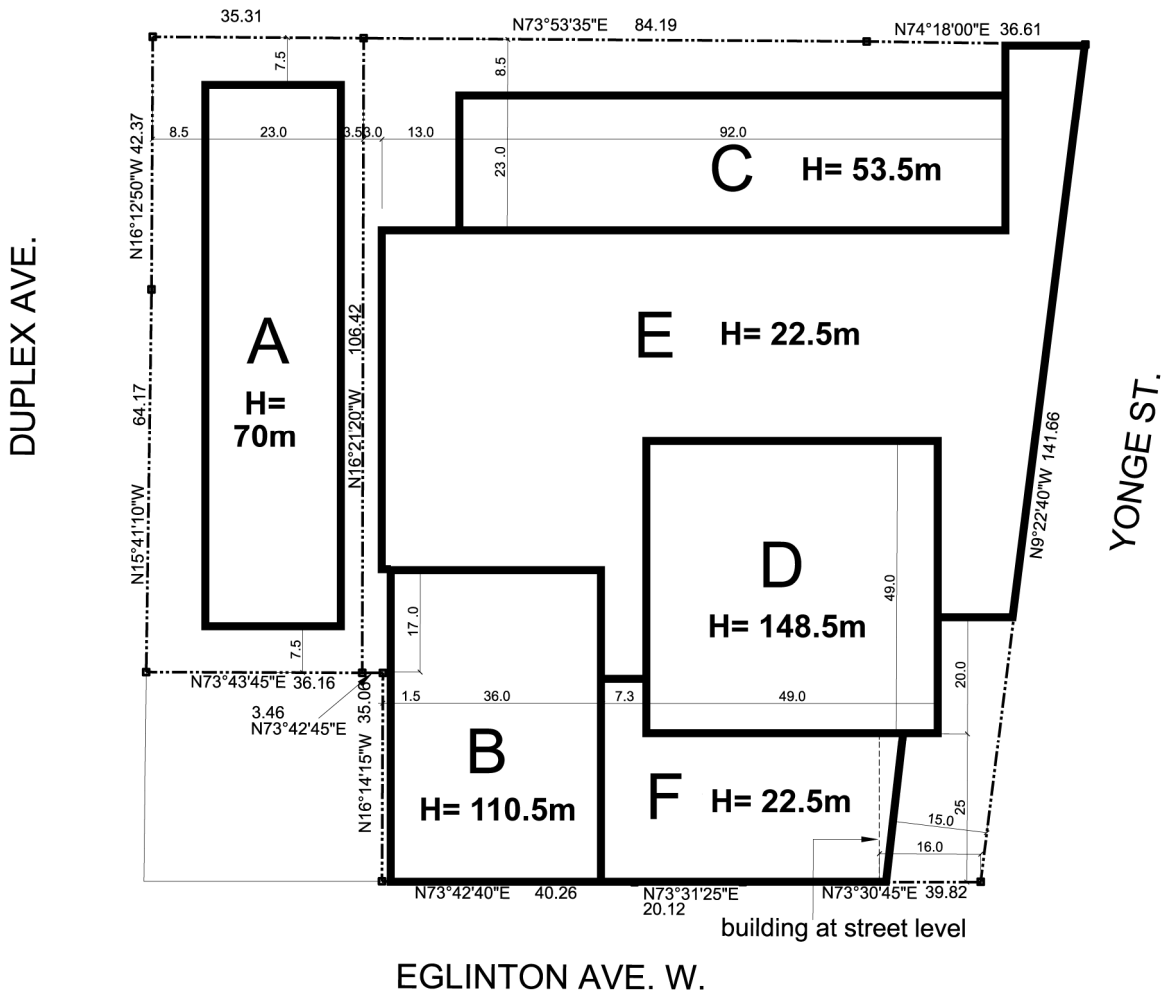
APPENDIX 1**SECTION 37 PROVISIONS**

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* to the *City* in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

1. Prior to the issuance of any building permit for additional office space above the existing office buildings on site, the *owner* make public art contribution of \$250,000 in accordance with the Percent for Public Art Program be located on a publicly accessible portion of the site to the satisfaction of the Chief Planner.
2. Prior to the issuance of any building permit for the retail addition, public access be secured over the open space at the corner of Yonge Street and Eglinton Avenue West and the open space on the roof of the proposed retail addition to the satisfaction of the City Solicitor and Chief Planner.
3. A Community Steering Committee to be established, in consultation with the Chief Planner and Executive Director, City Planning, the City's Public Realm Unit, and the local Councillor, to review the Site Plan Application for the subject lands as it relates to the design of the proposed at-grade open space at the corner of Yonge Street and Eglinton Avenue, and to assist with the programming of the open space, at grade and for the rooftop garden, and to assist with the re-location of the public art that is currently located on the square.
4. Creation of a historical museum on site to acknowledge the importance of North Toronto's History, through memorative plaques, tiles or pictures.
5. A \$20,000 contribution be made by RioCan for the purposes of funding community programming, the open space at grade, the rooftop garden and the renovated public garden, to be allocated in consultation with the Community Steering Committee.
6. The *owner* shall enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.

ORCHARD VIEW BLVD.



H= Maximum Height Above Grade

Map 1

Applicant's Submitted Drawing

Not to Scale
02/18/2010

2300 Yonge Street, 411 Duplex Avenue
and 33 Orchard View Boulevard

File # 09_110945