

Authority: Toronto and East York Community Council Item 23.12,
adopted as amended, by City of Toronto Council on May 7, 8, 9 and 10, 2013

CITY OF TORONTO

BY-LAW No. 817-2013

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 2, 6 and 8 Gloucester Street and 601 - 613 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; 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 Council of the City of Toronto, at its meeting on May 7, 8, 9 and 10, 2013, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2013 as 2, 6, and 8 Gloucester Street and 601 - 613 Yonge Street; and

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; and

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. 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 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 4(r) of this By-law.
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 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.

3. Except as otherwise provided herein, the provisions of By-law No. 438-86 of the former City of Toronto, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a), 4(5)(b), 4(12), 4(13), 4(14)(a), 4(16), 8(3) Part I, 8(3) Part I 3(a), 8(3) Part III 1(a), 12(2) 260(i) & (ii) of By-law No. 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 land 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 or use of a *mixed-use building* on the lands municipally known as 2, 6, and 8 Gloucester Street and 601-613 Yonge Street (hereinafter referred to as 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 21,400 square metres;
 - (c) the *residential gross floor area* shall not exceed 20,500 square metres;
 - (d) the *non-residential gross floor area* shall not exceed 900 square metres;
 - (e) the number of residential *dwelling units* shall not exceed 232 within the heavy line on Map 2;
 - (f) no portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
 - (i) canopies, awnings and building cornices are permitted outside the heavy line shown on Map 2;
 - (ii) balconies, except levels 4, 5, and 6 only on the north elevations which may extend to a maximum horizontal projection from an exterior building wall of 1.85 metres that may extend beyond the heavy lines; and
 - (iii) lighting fixtures, ornamental elements, parapets, trellises, eaves, roofing materials, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on Map 2;
 - (g) for the *heritage building* only the following features attached to the *heritage building* may project beyond its building envelope: light fixtures, eaves, parapets, roof and wall vents, guardrails, stairs and landings, terraces, wheelchair ramps,

fences and gates, retaining and landscape walls, planters, landscape elements and public art features;

- (h) the *height* of any building or structure shall not exceed 34 storeys, not including the mechanical penthouse, parapets or roofing materials;
- (i) the *height* of any building or structure or portion thereof, not including parapets and roofing materials, shall not exceed those *heights* as indicated on Map 2, and in addition:
- (i) the minimum *height* for the first level shall be no less than 3.9 metres; and
- (ii) the minimum *height* for the second level shall be no less than 8.4 metres, and the minimum *height* for the third level shall be no less than 12.9 metres;
- (j) a minimum of 66 *parking spaces* shall be provided and maintained on the lands delineated by heavy lines on Map 1 for use by residents, and no *parking spaces* for visitors are required to be provided;
- (k) despite the minimum width and length dimensions for *parking space* in Section 4(17)(a) - (e) of By-law No. 438-86 of the former City of Toronto, as amended, 32 of the required *parking spaces* for residents are permitted to have a minimum width of 2.5 metres and a minimum length of 4.9 metres;
- (l) a minimum of 228 resident *bicycle parking spaces* shall be provided in a *stacked bicycle parking system* with the following minimum dimensions:
- | | |
|--------------------------------------|-------------|
| vertical clearance | 1.2 metres |
| centre-to-centre separation distance | 0.35 metres |
| length | 1.6 metres |
- (m) a minimum of 60 *bicycle parking spaces* - visitor shall be provided in a *stacked bicycle parking system* with the following minimum dimensions:
- | | |
|--------------------------------------|-------------|
| vertical clearance | 1.2 metres |
| centre-to-centre separation distance | 0.35 metres |
| length | 1.6 metres |
- (n) a minimum of 228 square metres of *residential amenity space*-outdoor shall be provided and maintained on the *lot*;
- (o) a minimum of 490 square metres of *residential amenity space*-indoor shall be provided and maintained on the *lot*;
- (p) within the building or structure to be located within the area delineated by heavy lines on Map 2, a minimum of ten percent (10%) of the residential units shall have at least three bedrooms;

- (q) despite Section 8(3) Part II 1(a)(ii), windows of the proposed building shall be permitted within 5.5 metres of the existing *heritage building* on the *lot*;
 - (r) a *temporary sales office* shall be permitted on the *lot*; and
 - (s) 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, and that such agreement has been registered on title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.
5. Issuance of a building permit for any building or structure shall be dependent upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86 of the former City of Toronto, as amended, with the exception of the following:
- (a) "*grade*" means 111.0 metres Canadian Geodetic Datum;
 - (b) "*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
 - (c) "*stacked bicycle parking system*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
 - (d) "*temporary sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
8. The lands zoned with the "(h)" symbol delineated by heavy lines on Map 1 shall not be used for any purpose other than those uses and buildings as existed on the site as of June 1, 2013, until such time as the "(h)" symbol has been removed. An amending by-law to remove the "(h)" symbol will be enacted by City Council when the following condition has been fulfilled:
- (a) satisfactory arrangements have been made with Engineering and Construction Services for the removal of the existing 150 mm watermain on Gloucester Street and the installation of a new 300 mm watermain, including the provision of financial security, engineering and inspection fees, and insurance, as required.

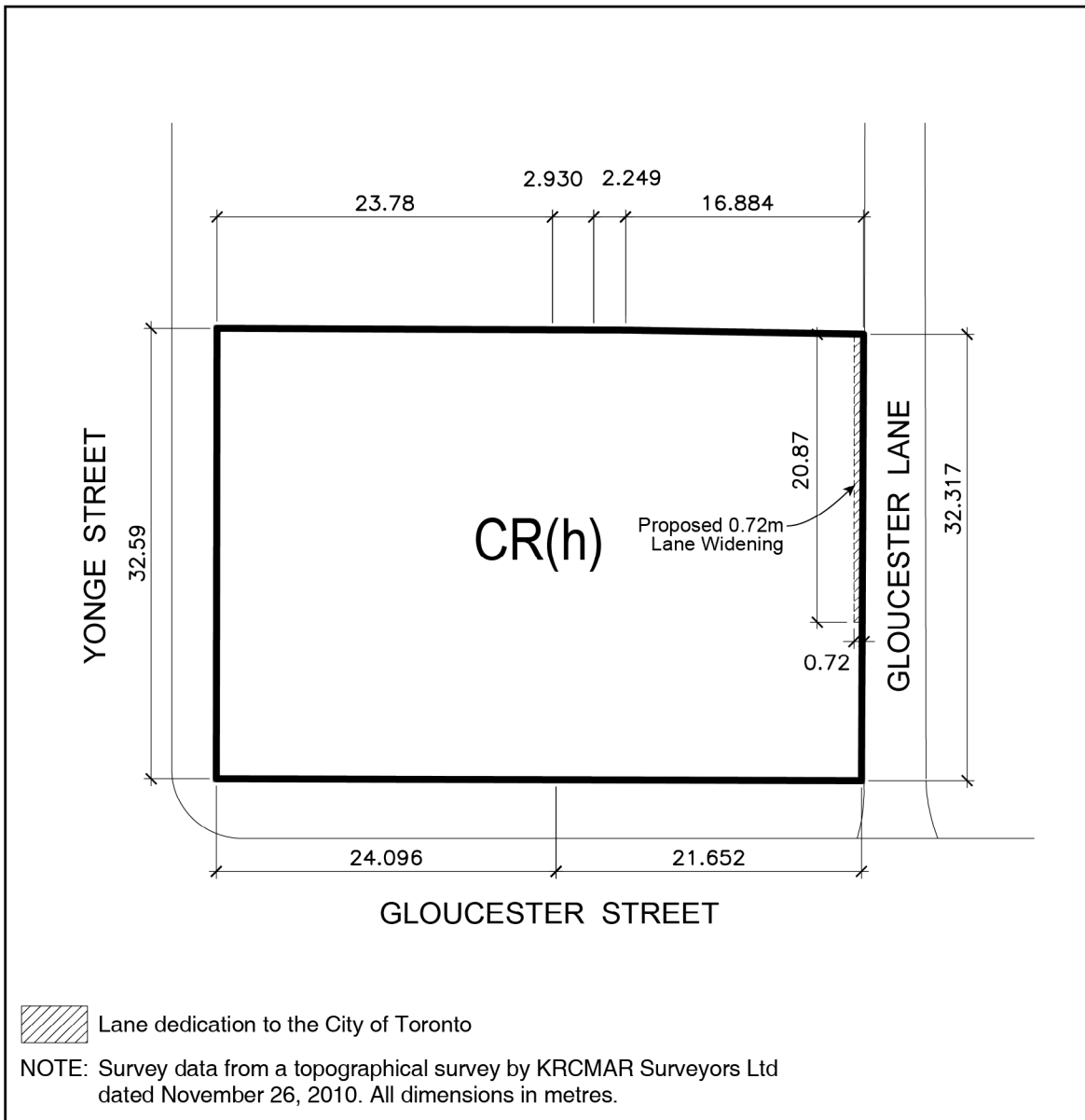
- 9.** Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all watermains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 10.** Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 of the former City of Toronto, as amended, shall continue to apply to the *lot*.

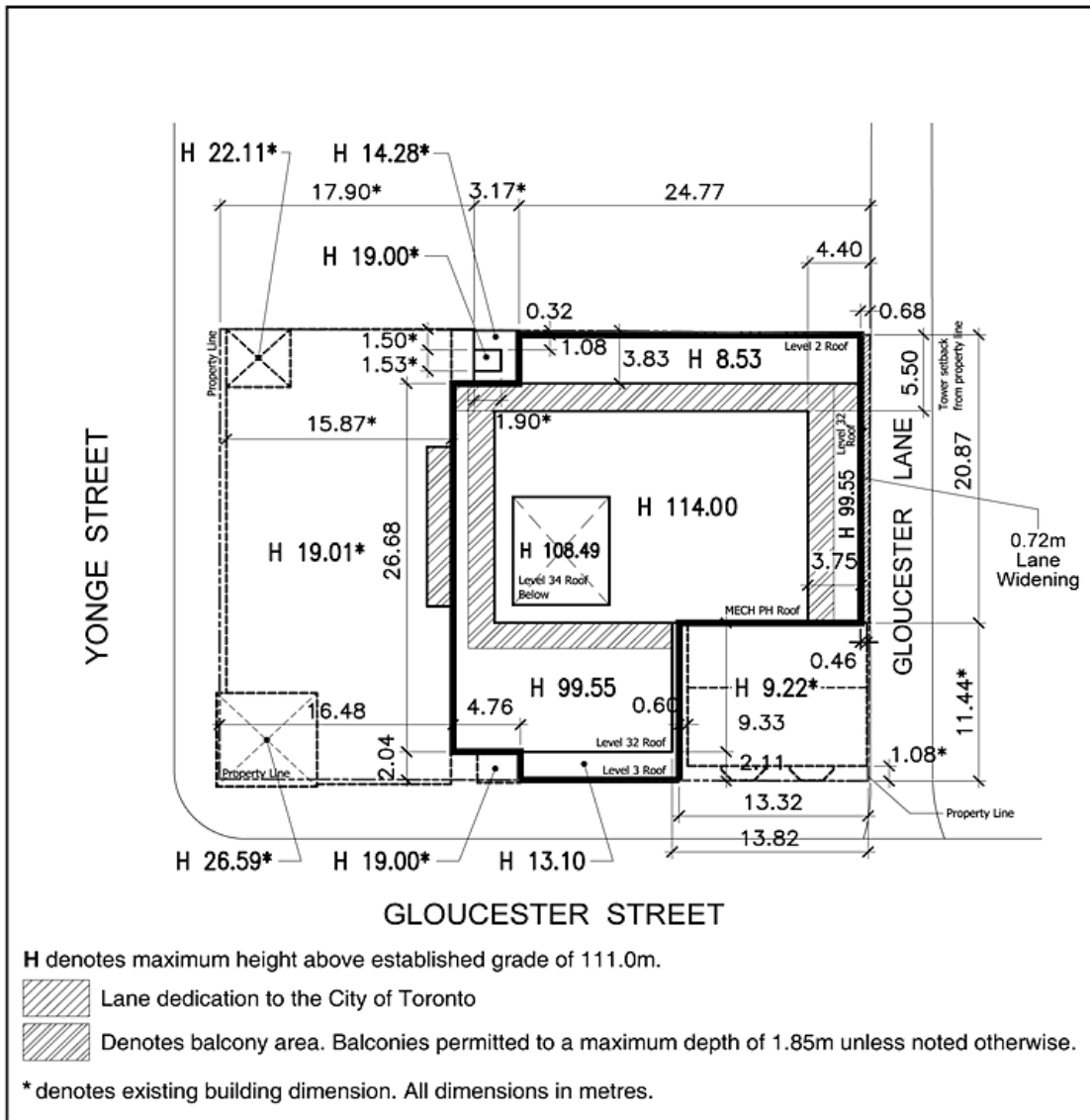
Enacted and passed on June 13, 2013.

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:

The community benefits to be secured in the Section 37 agreement are as follows:

- (a) Prior to the issuance of the first above-*grade* building permit, a cash payment of \$1,400,000 payable as follows:
 - (i) \$140,000 for the purpose of capital improvements to Toronto Community Housing Corporation residential facilities in Ward 27;
 - (ii) \$500,000 for the purpose of capital improvements to the Toronto Reference Library; and
 - (iii) \$760,000 for the purpose of local streetscape and parkland improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
- (b) The *owner* shall provide verification that a minimum of \$100,000 has been spent towards the design and installation of a public art feature to be located on-site, prior to condominium registration, to the satisfaction of the Chief Planner and Executive Director.
- (c) The amounts identified in (a) and (b) above shall be increased in accordance with any increase in 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.
- (d) The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (i) A strata conveyance for right-of-way lane widening purposes along the east side of the site with a minimum width of 0.72 metres as shown on Maps 1 and 2, and to a minimum depth of 0.75 metres, prior to the registration of the final plan of condominium for the Development. Such lands to be free and clear of 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 a public highway.