

Authority: Toronto and East York Community Council Item 24.10, as adopted by City of Toronto Council on June 11, 12 and 13, 2013, MM37.65, moved by Councillor Wong-Tam, seconded by Councillor McMahon, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013 and MM41.16, moved by Councillor Wong-Tam, seconded by Councillor McConnell, as adopted by City of Toronto Council on November 13, 14, 15 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1522-2013

To adopt Amendment No. 219 to the Official Plan for the City of Toronto respecting the lands known municipally as 197, 197R and 201 Yonge Street.

Whereas authority is given to Council under 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 enacts:

1. The attached Amendment No. 219 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on November 18, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

AMENDMENT NO. 219 TO THE OFFICIAL PLAN**LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS
197, 197R and 201 YONGE STREET**

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by amending Site and Area Specific Policy No. 174 for area described as Yonge Street Between Queen Street and North of Gerrard Street to add the following policy to address the lands known municipally in 2012 as 197, 197R and 201 Yonge Street, as follows:
 - 174.** (d) In addition to the policies found in this Site and Area Specific Policy No. 174, the following policies shall apply to any zoning by-law amendment for the redevelopment of all or any part of 197, 197R and 201 Yonge Street (the "*site*") in the event that any such redevelopment requires increases in height or density beyond that permitted on the *site* in the year 2012.
 - (i) The existing heritage building located on the *site* (the "*heritage building*") is retained *in situ* in any new development in accordance with an agreement, or an amending agreement registered on the *site* (excepting the *conveyed lands* as defined herein following their conveyance to *Massey* as defined herein) and entered into by the *owner* of such lands with the City, to the City's satisfaction, pursuant to Section 37 of the *Ontario Heritage Act* (the "*heritage easement agreement*");
 - (ii) New buildings and additions to buildings on all or any portion of the *site* will be designed to integrate with Massey Hall known municipally in 2012 as 15 Shuter Street ("*Massey Hall*"), particularly below grade. Shared access and loading is also to be co-ordinated between the *site* and *Massey Hall* and with other adjacent lands including those with rear access onto St. Enoch's Square. Redevelopment along St. Enoch's Square shall address access, loading and garbage location to maximize the width of the laneway and create a shared pedestrian vehicular area also in keeping with CPTED principles;
 - (iii) The owner of the *site* shall, convey at nominal cost, the rear approximately 446 square metre portion of the *site* adjacent to *Massey Hall* comprising Parts 1-9, 39, 43-47 and 54-56 on Reference Plan 66R-27069 for the City of Toronto, (the "*conveyed lands*") to the owner of *Massey Hall* being The Corporation of Massey Hall and Roy Thomson Hall ("*Massey*"), a not-for-profit charitable organization, such *conveyed lands* to be consolidated with the *Massey Hall* lands, and such conveyance to include the fee simple conveyance of such portion of the *site* together with

appropriate easements over portions of the *site* for construction, access, and future operations, together with rights to *Massey* to construct an addition in a timely fashion and in accordance with a construction phasing plan (the "*construction phasing plan*") and thereafter to maintain such addition, and subject to appropriate easements for access for the *site* and other adjacent lands. The *conveyed lands* are to be used for the sole purpose of expansion to *Massey Hall* in order to implement a maximum 6-storey addition to the existing designated building on the *Massey Hall* lands, such addition to be constructed to the rear of the existing *Massey Hall* auditorium and to be used as a cultural facility;

- (iv) An agreement pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City shall be entered into and registered on title to the *site* which shall include amongst other matters, a requirement that the owner of the *site* enter into and register against title to the *site* and to the *Massey Hall* lands, a three party agreement between the City, the owner and *Massey* (the "*Three Party Agreement*"), to secure the conveyance to *Massey* of the *conveyed lands* together with appropriate easements over portions of the *site* for construction, access, and future operations, to ensure the limited purposes of such conveyance for an expansion to *Massey Hall* for cultural facility purposes, the timing of such conveyance and related matters, the rights to *Massey* to construct in a timely fashion and in accordance with the construction phasing plan and thereafter to maintain such addition, and subject to appropriate easements for access for the *site* and other adjacent lands, and, to require an agreement pursuant to Section 37 of the *Ontario Heritage Act* (the "*Massey Heritage Easement Agreement*") be entered into by *Massey* and registered on title to the *Massey Hall* lands and the *conveyed lands*, to the satisfaction of the City;
- (v) The maximum *gross floor area* permitted on the *site* excluding the *conveyed lands* (the "*net site*"), shall not exceed 50,000 square metres, the maximum building height permitted on the *net site* shall not exceed 208 metres (inclusive of all mechanical penthouse and architectural elements), and the maximum number of residential units permitted on the *net site* shall not exceed 699;
- (vi) The *heritage building* shall be restored in keeping with the provisions of the *heritage easement agreement* registered on title and in accordance with a conservation plan satisfactory to the City;
- (vii) Any new development on the *site*, excluding the *conveyed lands* subsequent to being conveyed to *Massey*, shall be required to maintain a setback of a minimum 12.5 metres to the property lines

to the north and south and a minimum of 20 metres setback to the west property line;

- (viii) New residential development on the *site* shall only permit residential units with primary windows facing east or west;
- (ix) Balconies of residential units on *the site* shall only be permitted on the east and west facing elevations of any new building or new portion of a building erected on the *site* after the enactment of this official plan amendment; and
- (x) Despite clauses (vii) to (ix) above, a building substantially in accordance with the related site specific zoning by-law amendment enacted on the date of enactment of this official plan amendment, and permitted by the City pursuant to the *heritage easement agreement* may be permitted provided clauses (i) to (vi) and (xi) herein are complied with and provided a permit is issued by the City pursuant to Section 33 of the *Ontario Heritage Act*;
- (xi) Prior to the issuance of any permit including pursuant to the *Ontario Heritage Act* or the *Building Code Act, 1992*, but excluding permits for repairs, maintenance and conservation work, for all or any portion of the *net site* the owner of the *net site* shall:
 - i. Submit final building permit plans and drawings for the alterations and new construction, to the satisfaction of the City's Manager, Heritage Preservation Services;
 - ii. Amend the existing *heritage easement agreement* registered on the *site* to the City's satisfaction;
 - iii. Obtain final approval for any necessary zoning by-law amendments required such that they are in full force and effect; and
 - iv. Complete the conveyance of the *conveyed lands* to *Massey*, to the satisfaction of the City Solicitor.