

Authority: Toronto and East York Community Council Item TE5.4, adopted as amended, by City of Toronto Council on May 5, 6 and 7, 2015

## **CITY OF TORONTO**

### **BY-LAW No. 645-2015**

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known as 836-850 Yonge Street and 1-9A Yorkville Avenue.**

Whereas authority is given to 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 June 10, 11 and 12, 2015, determined to amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2015 as 836-850 Yonge Street, 1-9A Yorkville Avenue;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, *height* and *residential gross floor area* and Sections 4(5)(b), 4(8), 4(12), 4(13), 4(17), 8(1)(a), 8(3) Part I, 8(3) Part II 1, 2 and 12(2) 260 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use of a *mixed-use building* with underground parking on the *lot* delineated by dashed lines on the attached Map 1, provided that:

- (a) the *lot* upon which the proposed building and structure is erected or used comprises at least the lands shown outlined by dashed lines on the attached Map 1;

#### **Gross Floor Area**

- (b) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 40,600.0 square metres, subject to the following:
      - (i) the *residential gross floor area* of buildings and structures shall not exceed 38,776.0 square metres; and
      - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 1,824.0 square metres;

### **Family Size Units**

- (c) a minimum of 10 percent of the total number of *dwelling units* constructed on the *lot* shall have a minimum area of 74.0 square metres and shall contain at least three bedrooms;

### **Amenity Space**

- (d) a minimum of 2.0 square metres of indoor *residential amenity space* for each dwelling unit and 1.4 square metres of outdoor *residential amenity space* for each dwelling unit shall be provided on the *lot*;

### **Height**

- (e) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
  - (i) the maximum *height* for mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof having a maximum height of the sum of 3.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;

### **Setbacks**

- (f) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
  - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural flutes, patios, decks, pillars, pergolas, trellises, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures, all of which may extend beyond the dashed lines shown on Map 2;

### **Rental Replacement Units**

- (g) a total of 7 *rental replacement dwelling units*, comprised of 4 one-bedroom units and 3 bachelor units shall be contiguous pursuant to Appendix 1;

### **Heritage Buildings**

- (h) the *Heritage Buildings* shall be conserved in accordance with the Heritage Easement Agreement registered on title;

### **Vehicle Parking**

- (i) parking shall be provided and maintained on the lot in accordance with the following requirements:
  - (i) 0.28 *residential parking spaces* for each *dwelling unit*;
  - (ii) no parking is required for the non-residential uses; and,
  - (iii) no visitor *parking spaces* are required on the *lot*;
- (j) up to 80 of the *parking spaces*, including 4 car share *residential parking spaces*, may have a minimum width of 2.35 metres, a minimum length of 4.39 metres, and a minimum height of 2.0 metres;

### **Bicycle Parking**

- (k) a minimum of 327 *bicycle parking spaces* shall be provided on the *lot*, of which, a minimum of 320 shall be for residents and a minimum of 7 shall be for visitors; and

### **Loading**

- (l) one *loading space - type "G"* and one *loading space - type "C"* shall be provided and maintained on the *lot*.

### **Definitions**

#### **2. For the purposes of this By-law:**

- (a) "*grade*" means 116.35 metres Canadian Geodetic Datum;
- (b) "*rental replacement dwelling unit*" means a *dwelling unit* which replaces one of the rental units existing on the *lot* at the time of enactment of this By-law, as required pursuant to Section 111 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11 and Appendix 1; and
- (c) "*Heritage Buildings*" means the structures identified on Map 2 with a dashed outline and noted as "Heritage Structures To Be Retained";
- (d) "*residential gross floor area*" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
  - (i) indoor *residential amenity space*;
  - (ii) parking, loading and bicycle parking below established grade;

- (iii) parking, loading and bicycle parking at or above established grade;
  - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (v) shower and change facilities required by this By-law for required *bicycle parking spaces*;
  - (vi) elevator shafts;
  - (vii) garbage shafts;
  - (viii) mechanical penthouse; and
  - (ix) exit stairwells in the building; and
- (e) Each word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.
- 3.** Notwithstanding any 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 had occurred.

Enacted and passed on June 12, 2015.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

### **Appendix 1: Community Benefits**

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

#### **Community Benefits**

1. Prior to the issuance of the first above-grade building permit the owner shall provide a cash contribution to the City in the amount of \$4,750,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, Yorkville BIA capital projects, capital improvements to Toronto Community Housing in Ward 27, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. Prior to the issuance of the first above-grade building permit, the City at its sole discretion may opt to use any or all of the \$4,750,000 identified in Condition 1, in conjunction with any other funding sources at its discretion, for the purpose of parkland acquisition in the vicinity of the project, such parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation.

#### **Rental Replacement**

3. The *owner* shall provide and maintain not less than 7 *rental replacement dwelling units* on the *lot*, subject to the following:
  - a. The 7 *rental replacement dwelling units* shall be provided entirely on the *lot*;
  - b. The 7 *rental replacement dwelling units* shall be provided with all related facilities and services, and generally be of a similar size and unit mix as the existing units on the site at the date of enactment of this By-Law, with any modifications to the satisfaction of the Chief Planner, subject to the following:
    - (i) The *rental replacement dwelling units* shall comprise a unit mix of at least three bachelor and four one-bedroom units;
    - (ii) The combined floor areas of the 7 *rental replacement dwelling units* will not be less than 407.2 square metres, subject to the following:
      - a) The three (3) bachelor units shall be provided at not less than 35.5 square metres, with one (1) unit being not less than 51.0 square metres; and
      - b) The four (4) one bedroom units shall be provided with one (1) at not less than 55.0 square metres, one (1) at not less than

66.0 square metres, one (1) at not less than 70.0 square metres, and the final one will be at not less than 90.0 square metres;

- (iii) The 7 *rental replacement dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the *owner* obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units. No application may be submitted for condominium or for any other conversion of these units to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
- (iv) All of the *rental replacement dwelling units* shall be ready and available for occupancy no later than the date by which 80 percent of the other *dwelling units* erected on the *lot* pursuant to this By-law amendment are available and ready for occupancy;
- (v) A minimum of 1 bachelor *rental replacement dwelling unit* shall be provided as an affordable *rental replacement dwelling unit* and a minimum of 5 *rental replacement dwelling units* shall be provided as mid-range *rental replacement dwelling units*, subject to the following:
  - a) The *owner* shall provide and maintain affordable rents charged to the tenants who rents the affordable *rental replacement dwelling unit* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;
  - b) The *owner* shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 5 mid-range *rental replacement dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent times 1.5 for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;

- c) Rents charged to tenants occupying the affordable *rental replacement dwelling unit* or a mid-range *rental replacement dwelling unit* at the end of the 10 year period set forth in subsections a) and b) above shall be subject only to annual increases which do not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases, so long as they continue to occupy their unit or until the expiry of the rental tenure period set forth in subsection (iii) above with a subsequent phase-in period of at least three years for rent increases;
  - d) Rents charged to tenants newly occupying a *rental replacement dwelling unit* after the completion of the 10 year period set forth in subsections a) and b) will not be subject to restrictions by the City of Toronto under the terms of subsections a) and b); and
  - e) The *owner* is entitled to charge an unrestricted rent for 1 one-bedroom unit;
- (vi) A minimum of 7 *bicycle parking spaces*, and 7 storage lockers shall be made available for the use of the *rental replacement dwelling units* at no extra charge.

#### **Tenant Relocation Assistance**

4. The *owner* shall provide tenant relocation assistance to the tenants of the existing units affected by the demolition, in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner, and Executive Director, City Planning. The assistance shall include at least:
- a. an extended notice period before having to vacate for demolition;
  - b. the right to return to a rental replacement unit;
  - c. returning tenants will choose their rental replacement units by seniority, with provisions for special needs tenants, if required; and
  - d. all tenants deemed 'eligible' shall receive financial assistance to assist with relocation beyond the amounts required by provincial legislation, with extra provisions for tenants with special needs.

#### **Heritage**

5. The Owner shall enter into a Heritage Easement Agreement for the properties at 836-850 Yonge Street and 1-9A Yorkville Avenue to the satisfaction of the Manager, Heritage Preservation Services.





