

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. 646-2015

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 836-850 Yonge Street and 1-9A Yorkville Avenue.

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out 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 and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c2.5 r3.0) SS1 (x19), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 19 so that it reads:

Exception CR (x19)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 836-850 Yonge Street and 1-9A Yorkville Avenue, if the requirements of By-law No. 646-2015 are complied with, none of the provisions of 5.10.40.70, 40.5.40.10, 40.10.40.10(1), 40.10.40.40(1), 40.10.40.50(1), 40.10.40.60, 40.10.40.70(1)(a), Table 200.5.10.1, 220.5.10.1, 230.5.10.1, and 230.5.1.10(9) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in By-law No. 646-2015;
- (B) Height shall be measured from the Canadian Geodetic Datum elevation of 116.35 metres;
- (C) The height of any **building** or **structure** erected on the lands must not exceed the maximum height in metres permitted as indicated by the numbers following the letter "H" as shown on Diagram 3 of By-law No. 646-2015;
- (D) Despite (C) and regulations 40.5.40.10(3)-(7), the following may exceed the height by 3.0 metres indicated by the numbers following the letter "H" as shown on Diagram 3 of By-law No. 646-2015: parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, roof drainage, window washing equipment, lightning rods, architectural features, **landscaping** and elements of a **green roof**;
- (E) The total **gross floor area** of all **buildings** and **structures** must not exceed a maximum of 40,600.0 square metres, and must not exceed:
- (i) 38,776.0 square metres for residential uses permitted in regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B); and
- (ii) 1,824.0 square metres for non-residential uses permitted in regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A);
- (F) **Amenity space** shall be provided at a minimum rate of 3.4 square metres for each **dwelling unit**, of which:
- (i) at least 2.0 metres for each **dwelling unit** is indoor **amenity space**;
- (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
- (iii) no more than 25% of the outdoor component may be a **green roof**;

- (G) No portions of a **building** or **structure** above grade shall extend beyond the areas delineated by heavy lines on Diagram 3 attached to and forming part of this By-law, with the exception of:
- (i) the permitted encroachments listed in Clause 40.5.40.60; and
 - (ii) cornices, light fixtures, ornamental elements, parapets, art and **landscaping** features, architectural flutes, patios, pillars, pergolas, trellises, terraces, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures;
- (H) **Parking spaces** shall be provided and maintained as follows:
- (i) a minimum of 0.28 residential **parking spaces** for each **dwelling unit**;
 - (ii) no visitor **parking spaces** are required on the lands;
 - (iii) no **parking spaces** are required for non-residential uses permitted in regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A); and
 - (iv) up to 80 of the **parking spaces**, including 4 car share **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;
- (I) A minimum of 327 **bicycle parking spaces** must be provided and maintained on the lands, of which:
- (i) a minimum of 7 **bicycle parking spaces** shall be allocated for short-term **bicycle parking spaces**; and
 - (ii) a minimum of 320 **bicycle parking spaces** must be allocated for long-term **bicycle parking spaces**;
- (J) A minimum of one Type "G" **loading space** and one Type "C" **loading space** shall be provided and maintained on the lands;
- (K) A minimum of 10 percent of the total number of **dwelling units** on the **lot** shall have a minimum area of 74.0 square metres and shall contain at least three bedrooms;
- (L) A minimum of 7 rental replacement **dwelling units** shall be provided contiguously on the lands pursuant to the terms of Schedule A of By-law No. 646-2015 and shall be comprised of 4 one bedroom **dwelling units** and 3 bachelor **dwelling units**;
- (M) The **buildings** comprising the **heritage sites**, being those structures identified in Diagram 2 with a dashed outline and noted as "Heritage Structures To Be Retained", shall be conserved in accordance with the Heritage Easement

Agreement registered on title and the terms of Schedule A to By-law No. 646-2015; and

- (N) Exception CR(x19) shall apply to all of the lands collectively regardless of future severance, partition or division.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 132 of former City of Toronto By-law No. 438-86; and
(B) Section 12(2) 259 of former City of Toronto By-law No. 438-86.

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on June 12, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

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 lands as shown in Diagram 3 in this By-law 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 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 Clause (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.
- (3) All cash contributions shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

Rental Replacement

- (4) The owner shall provide and maintain not less than 7 rental replacement **dwelling units**, 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

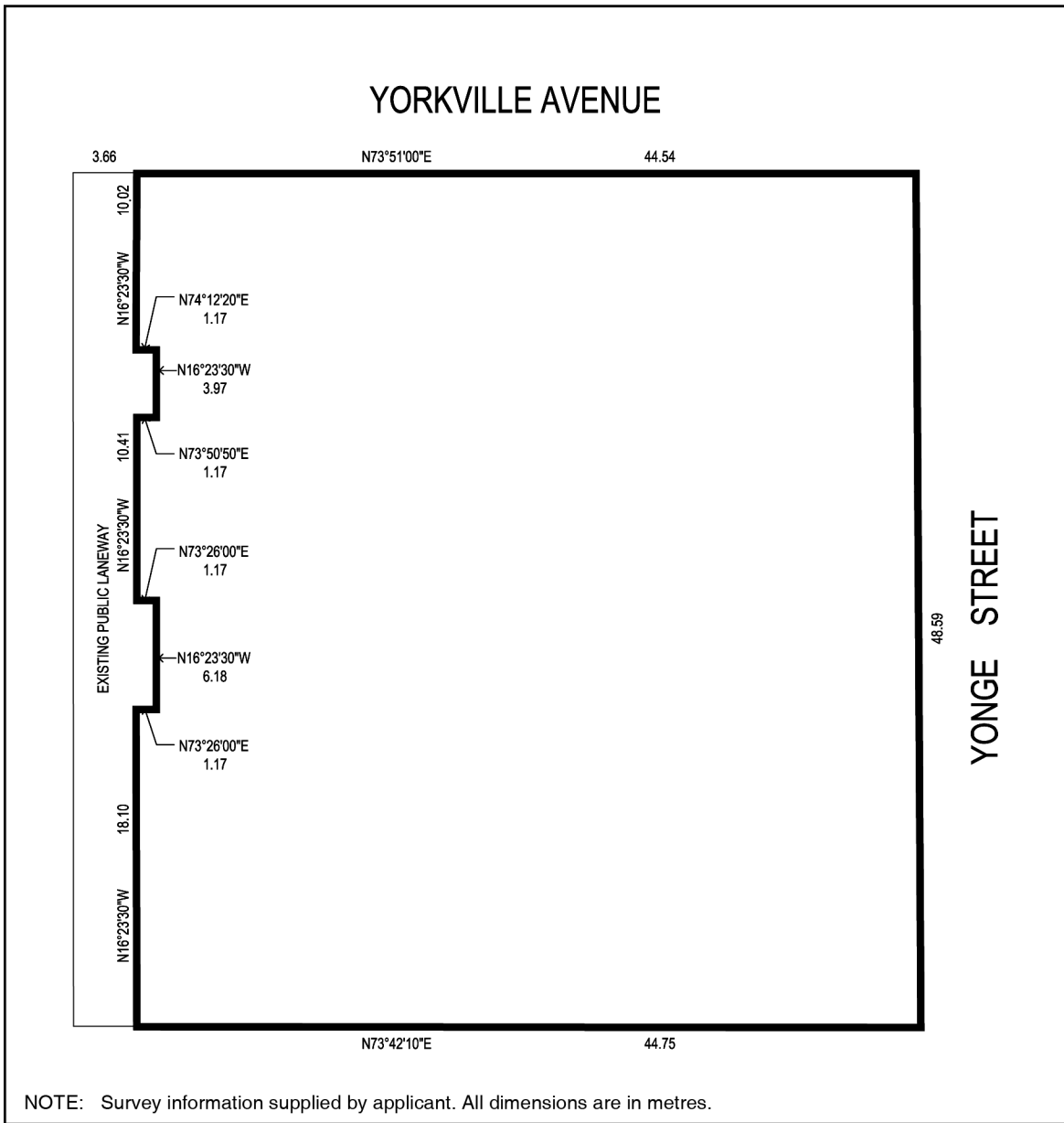
- (5) The owner shall provide tenant relocation assistance to the tenants of the existing units affected by the demolition, in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner, and Executive 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 **dwelling unit**;
 - c. Returning tenants will choose their rental replacement **dwelling 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

- (6) 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.

General

- (7) In the event the cash contribution(s) referred to in Section(s) (1) and (2) *have* not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



NOTE: Survey information supplied by applicant. All dimensions are in metres.



836 - 850 Yonge Street and 1 - 9A Yorkville Avenue

Diagram 1

File # 13 246101 STE 27 OZ



Not to Scale
06/04/2015

