

Authority: Toronto and East York Community Council Item TE34.32, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014 and MM9.52, moved by Councillor Kristyn Wong-Tam, seconded by Councillor Maria Augimeri, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015

CITY OF TORONTO

BY-LAW No. 1050-2015

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known as 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street.

Whereas authority is given to Council of the City of Toronto 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*; and

Whereas pursuant to Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a bylaw passed under Section 34 of the *Planning Act*, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law; and

Whereas the increases in the density and heights 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"); and

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

Whereas the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

Whereas Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law;

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 including the provision by the *owner* of the *lot* of the 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 referenced in Section 2 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 or 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. None of the provisions of Section 4 with respect to "*lot*", "*grade*", and "*parking space*" and Sections 4(2), 4(5), 4(14), 4(16), 4(17), 8(3)Part I, 8(3)Part II(1)(a), 8(3)Part III(1)(a), 8(3) Part IV(1), 12(2)132, 12(2)259 and 12(2)304, 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 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 and use of a *mixed use* building on the *lot* which may contain *residential gross floor area*, *non-residential gross floor area* including a *commercial parking garage*, and uses *accessory* thereto, 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 total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* does not exceed 106,720 square metres, including:
 - (i) the *residential gross floor area* does not exceed 99,103 square metres, inclusive of a maximum of 15,926 square metres of *residential gross floor area* in a *parking garage* located at or above *grade*; and
 - (ii) the *non-residential gross floor area* does not exceed 7,617 square metres. For the purposes of this section, a *commercial parking garage* located below *grade* shall not be counted as *non-residential gross floor area*;
 - (c) a minimum of 10 percent of the total number of *dwelling units* constructed on the *lot* shall have a minimum area of 79.0 square metres and shall contain at least two bedrooms;
 - (d) the maximum tower floor plate sizes are as follows:
 - (i) north tower - 873 square metres of *residential gross floor area*;
 - (ii) south tower - 750 square metres of *residential gross floor area*; and
 - (iii) link building - 78.2 square metres of *residential gross floor area*;
 - (e) no portion of any building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
 - (f) the *height* of any building or structure, or portion thereof, does not exceed those *heights* in metres as shown on the attached Map 2;

- (g) notwithstanding Section 3(e) and 3(f) of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the *heights* shown on Map 2:
 - (i) awnings, balustrades, canopies, cornices, door swings, eaves, fences, guardrails, landscape features, lighting fixtures, ornamental elements, trellises, railings, stairs, stair enclosures, wheel chair ramps, vents, window sills, window washing equipment, underground garage ramps and their associated structures; and
 - (ii) parapets and screens to a maximum of 1.2 metres beyond the heavy lines of the building envelopes and the *heights* shown on Map 2;
 - (h) parking shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) a minimum of 0.3 *residential parking spaces* for each *dwelling unit*;
 - (ii) a total of 800 *commercial parking spaces* shall be provided in a *commercial parking garage*, inclusive of:
 - A. 0.06 *commercial parking spaces* for each *dwelling unit* for residential visitors on a non-exclusive basis; and
 - B. 1 *commercial parking space* for each 100 square metres of *non-residential gross floor area* used for retail and commercial purposes on a non-exclusive basis. For the purposes of this subsection, *non-residential gross floor area* contained within a *parking garage* and *commercial parking garage* does not require *commercial parking spaces*;
 - (i) notwithstanding Section 5(d) of this By-law, up to 46 of the parking spaces required by Section 4(h) of this By-law may be provided in spaces that have a length of no less than 5.0 metres and a width of no less than 2.6 metres and which may also be obstructed on one side; and
 - (j) at least 60 percent of the aggregate length of *frontages* of the *lot* abutting Yorkville Avenue and Cumberland Street, including public parks and open spaces, shall be provided as one or more of the uses listed in sections 8(1)(f)(b)(i), (ii) and (iv) of By-law No. 438-86.
4. None of the provisions of By-law No. 438-86 shall apply to prevent a "*Temporary Sales Office and Temporary Construction Office*" on the *lot* as of the date of the passing of this By-law.

5. For the purposes of this By-law:
- (a) "*commercial parking space*" means an area, accessed by a one-way or two way drive aisle having a width of 7.0 metres or more measured at the entrance to the parking space, that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle and shall have the following minimum dimensions:
 - length 5.2 metres;
 - height 2.0 metres; and
 - width 2.6 metres;
 - (b) "*lot*" means those lands outlined on Map 1 attached;
 - (c) "*grade*" means 116.07 metres Canadian Geodetic Datum;
 - (d) "*residential parking space*" means an area, accessed by a one-way or two way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space, that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle and shall have the following minimum dimensions:
 - length 5.2 metres;
 - height 2.0 metres; and
 - width 2.6 metres;
 - (e) "*Temporary Sales Office and Temporary Construction Office*" shall mean 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* and/or the administration and management of construction activity related to construction on the *lot*; and
 - (f) every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.
6. 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.

Enacted and passed on October 2, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

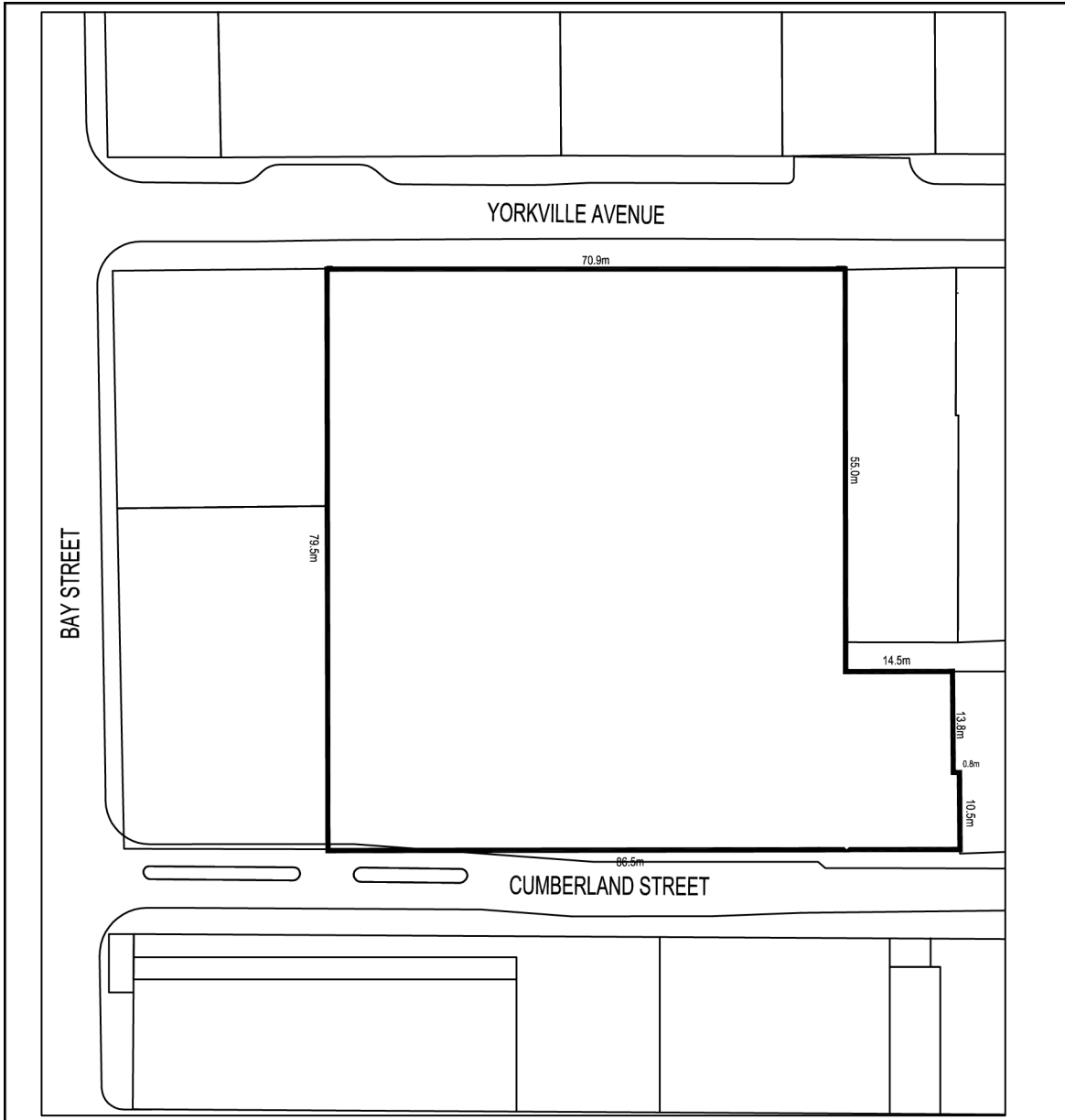
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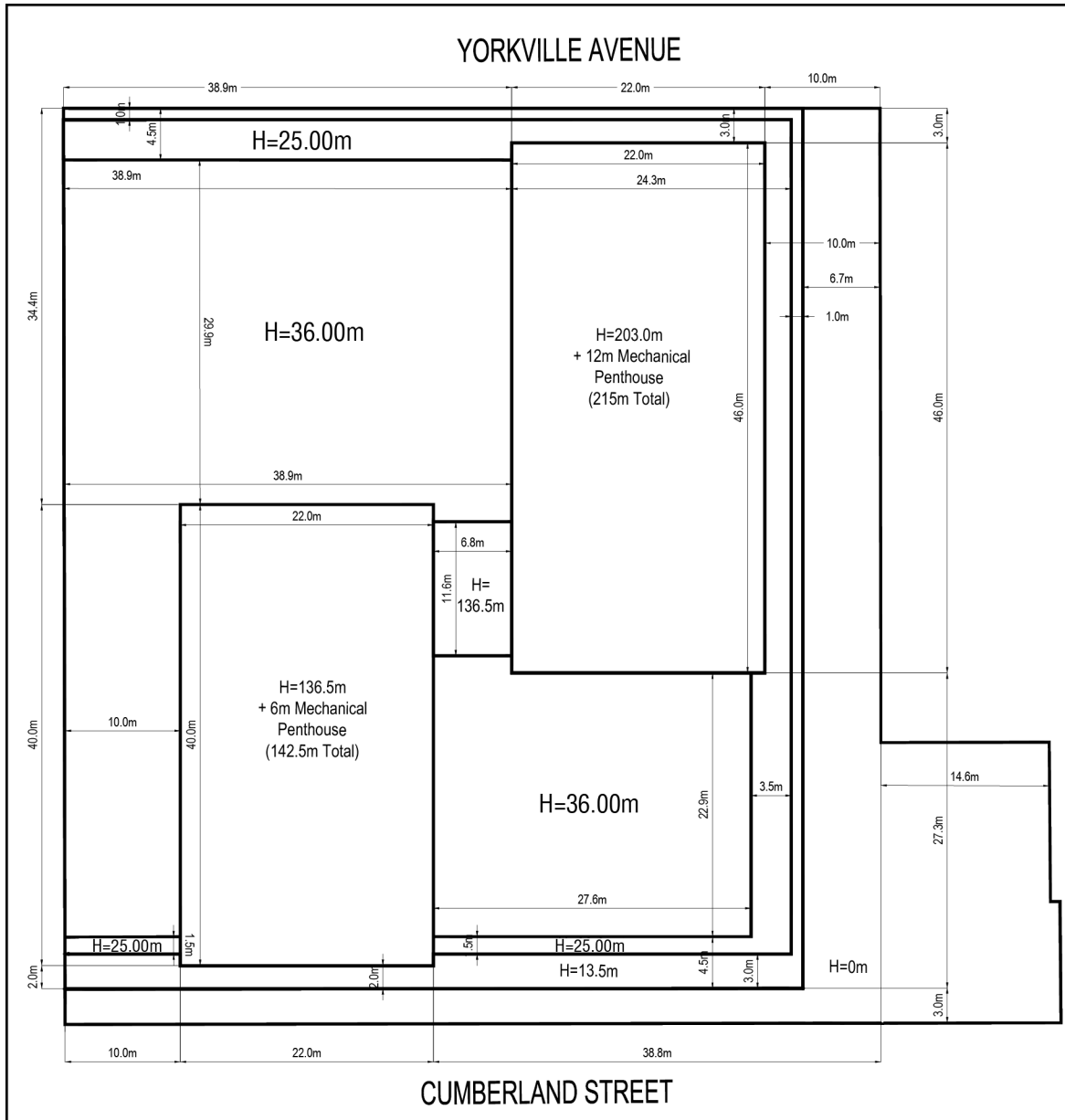
Appendix 1

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* and the owner agrees to provide as follows:

1. An indexed cash contribution and/or equivalent value of \$11,500,000 on the basis as set out below. The total amount will 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 of payment:
 - a. an indexed cash contribution of \$1,500,000 towards improvements to community space at Jesse Ketchum School, as secured in an agreement between the City of Toronto and the Toronto District School Board, to be paid within 30 days of the site specific zoning by-law coming into full force and effect. If an agreement is not reached between the City of Toronto and the Toronto District School Board to the satisfaction of the local Councillor, the cash contribution of \$1,500,000 shall be used towards community, cultural, recreational services and facilities in Ward 27;
 - b. an indexed cash contribution of \$3,500,000 towards new or existing community and/or cultural space, to be paid prior to the issuance of the first above-grade building permit;
 - c. an indexed value of \$850,000 towards public art on site (including the public open space), in accordance with the City of Toronto Public Art Program;
 - d. an indexed cash contribution of \$4,500,000 towards streetscape and park improvements, including new parkland acquisitions in the local area to be paid prior to the issuance of the first above-grade building permit; and
 - e. an indexed cash contribution of \$1,150,000 towards new or existing affordable housing including capital repairs of Toronto Community Housing in Ward 27, to be paid prior to the issuance of the first above-grade building permit.
2. In the event the cash contributions referred to above 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 is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands; and
3. The *owner* shall convey a 3.05 metre wide road widening along the Cumberland Street frontage of the *lot*.





27-37 Yorkville Avenue and 26-32, 50 Cumberland Street

Map 2

File # 12 _ 191650 _ STE 0Z & 14 _ 173892 _ STE 27 0Z



Not to Scale
09/24/2015