

Authority: Toronto and East York Community Council Item TE6.1, as adopted by City of Toronto Council on June 10, 11 and 12, 2015

CITY OF TORONTO

BY-LAW No. 1172-2015

To amend former City of Toronto Zoning By-law No. 438-86 with respect to the lands municipally known in the year 2015 as 2112 and 2114 Yonge Street and a portion of the adjacent lane to the rear of 2112 and 2114 Yonge Street.

Whereas Council of the City of Toronto has the authority 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 such 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 or 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 matter 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, a 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 set out in this By-law; 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 aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to "*grade*", "*lot*", and Sections 4(2)(a), 4(12), 4(16), 4(17)(a), 8(3) Part I(1) and (3)(a), Part II 1(b)(ii) and 4(c)(i) and, and 12(2)118(iv) 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 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 or a *residential building* on the *lot*, provided that:
 - (a) the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

- (b) the maximum gross floor area is 7,225 square metres, of which:
 - (i) a maximum of 6,825 square metres of gross floor area may be used for residential uses; and
 - (ii) a maximum of 400 square metres of gross floor area may be used for non-residential uses;
- (c) the minimum yard setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out in Map 2, attached hereto;
- (d) notwithstanding Section 4(2)(a)(i) of By-law No. 438-86, as amended the following elements may exceed the maximum permitted heights as shown on Map 2, subject to the following limitations:
 - (i) elements associated with a green roof - a maximum vertical projection of 0.5 metres above the heights shown on Map 2;
 - (ii) railings - a maximum vertical projection of 1.2 metres above the heights shown on Map 2;
 - (iii) fences, privacy screens - a maximum vertical projection of 2.0 metres above the heights shown on Map 2;
 - (iv) vents, stacks, chimneys - a maximum vertical projection of 3.5 metres above the heights shown on Map 2;
 - (v) parapets - a maximum vertical projection of 1.0 metres above the heights shown on Map 2; and
 - (vi) structures used for outside or open air recreation, safety or wind protection purposes and the structures shall not enclose space so as to constitute a form of penthouse or other room or rooms - a maximum vertical projection of 3.0 metres above the heights shown on Map 2;
- (e) notwithstanding Section 3(b) of this By-law, the following elements are permitted to project horizontally beyond the heavy lines and building envelopes other than a *lot* line as specified on Map 2, subject to the following limitations:
 - (i) eaves, cornices, window sills, landscape features, wheelchair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards - no limitations; and
 - (ii) awnings, canopies - a maximum of 1.5 metres beyond the exterior of the wall to which such awnings and canopies are attached;

- (f) notwithstanding Section 4(12), a minimum of 315 square metres of *residential amenity space* shall be provided on the *lot* of which:
 - (i) at least 150 square metres of *residential amenity space* is located indoors;
 - (ii) at least 40.0 square metres of the *residential amenity space* located outdoors must be adjoining or directly accessible to *residential amenity space* located indoors; and
 - (iii) no more than 25 percent of the *residential amenity space* located outdoors may be provided as a green roof;
 - (g) notwithstanding Section 12(2)118(iv), *parking spaces* for residents on the *lot* must be provided and maintained in accordance with the following minimum standards:
 - (i) 0.5 *parking spaces* for each *bachelor dwelling unit*; or *one-bedroom dwelling unit*;
 - (ii) 0.75 *parking spaces* for each two or more *bedroom dwelling unit*;
 - (iii) 0.06 *parking spaces* for each *dwelling unit* for shared use by residential and non-residential visitors; and
 - (iv) where the calculation of the required number of *parking spaces* results in a number containing a fraction, the number is rounded down to the nearest whole number, but there may not be less than a requirement of one *parking space*;
 - (h) notwithstanding Section 4(17)(a), a maximum of 20 *parking spaces* may have a width of 2.6 metres when obstructed on one side.
2. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (a) *grade* shall mean 154.79 metres Canadian Geodetic Datum;
 - (b) *lot* shall mean the parcel of land outlined by heavy lines on Map 1 and known municipally as 2112 and 2114 Yonge Street, and a portion of the adjacent lane to the rear of 2112 and 2114 Yonge Street, in the year 2015; and
 - (c) *temporary sales office* shall mean an office, *showroom* or sales trailer used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential units to be erected on the *lot*.

3. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule 1 hereof 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 lot, to the satisfaction of the City Solicitor.
4. Where Schedule 1 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.
5. 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 1 are satisfied.
6. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot* as of the date of the passing of this By-law.
7. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
8. Within the lands delineated by heavy lines on Map 1 attached, no persons shall use any land or erect or use any building or structure on the lot 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 water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on November 4, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule 1

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 1 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:

1. Prior to issuance of an above grade building permit the owner shall make a cash contribution to the City in the amount of \$50,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward any one or more of the following:
 - a) Public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan;
 - b) Local streetscape improvements;
 - c) Local parks improvements; and
 - d) Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

2. In the event the cash contribution(s) referred to in Section 1 has 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, 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.
3. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, as accepted by the Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure is required to support this development;
 - b) Prior to the issuance of any building permit for the site, including shoring and excavation, the owner shall have obtained title to the lands shown on Map 1 as "Lane to be purchased by Applicant"; and
 - c) Prior to the issuance of any building permit for the site, the owner shall provide an Overland flow route easement to the satisfaction of the Executive Director, Engineering and Construction Services.



