

Authority: Ontario Municipal Board Decision and Interim Order issued on January 23, 2015 and Order issued on August 22, 2016 in Board File No. PL130718

CITY OF TORONTO

BY-LAW No. 888-2016(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally as 625-637 Yonge Street and 1-9 Isabella Street.

Whereas the owner of the lands known municipally in the year 2015 as 625-637 Yonge Street and 1-9 Isabella Street appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its Decision and Interim Order issued on January 23, 2015 and Order issued on August 22, 2016, in Board File No. PL130718, approved amendments to the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to those lands;

The Ontario Municipal Board orders as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the *site* 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 requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. None of the provisions of Section 2 with respect to the definition of *grade*, *bicycle parking space*, *bicycle parking space - occupant*, *bicycle parking space - visitor*, Section 4(2)(a); 4(5)(b); 4(12); 4(13); 4(14)(a)(iii); 4(16); 8(3) Part I 1, 2 and 3; 8(3) Part III 1(a); and 12(2) 260 of *By-law No. 438-86*, shall apply to prevent the erection and use of a *mixed-use building* on the *site*, provided that all of the provisions of this by-law are complied with.
6. The *lot* on which the building is located comprises at least the *site*.

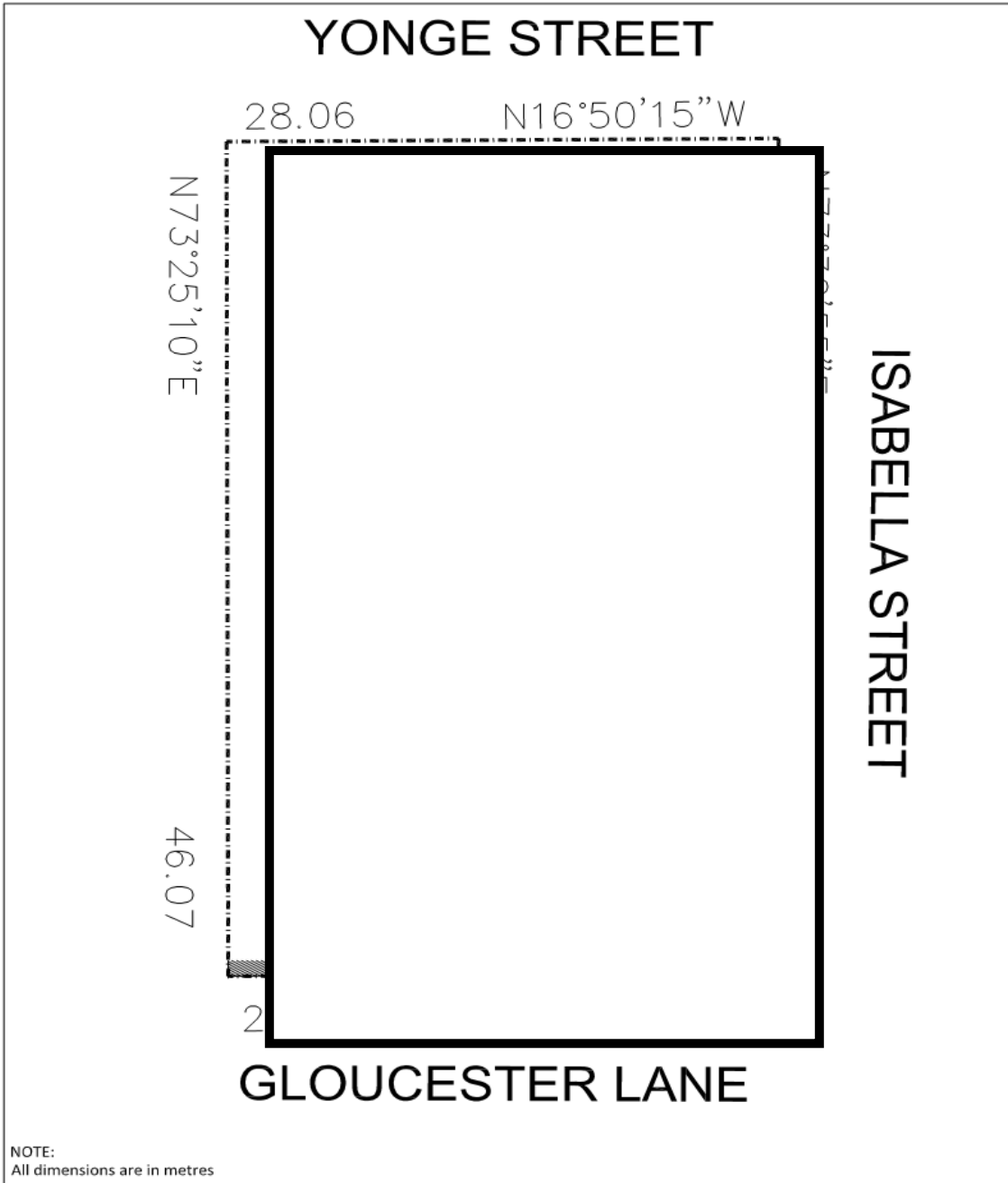
7. The total combined *residential gross floor area* and *non-residential gross floor area* on the *site* shall not exceed 27,200 square metres, of which:
 - (a) the total *residential gross floor area* shall not exceed 26,630 square metres; and
 - (b) the total *non-residential gross floor area* shall not be less than 350 square metres.
8. At least ten per cent (10%) of all *dwelling units* erected or used on the *site* shall have a minimum *residential gross floor area* of 83.61 square metres with each unit having at least two bedrooms plus a den, or three or more bedrooms, in compliance with the provisions of the Ontario Building Code.
9. A minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *site* in a common area or areas provided for the use of the residents of the building for recreational or social purposes, and may include up to 39 square metres of *residential gross floor area* dedicated to the ground floor lobby sitting area (unwalled and open area) and up to a maximum of 137 square metres of *residential gross floor area* dedicated to guest suites.
10. A minimum of 1.8 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *site*.
11. Notwithstanding any other provision of this By-law, no part of any building or structure erected on the *site*, other than those balconies shown projecting through the 79 degree angular plane at the 37th storey and 45th storey on Map 3:
 - (a) between 18.0 metres above *grade* and 56.15 metres above *grade*, is located above the angular plane drawn from the Yonge Street lot line of the *site*, commencing at a height of 18 metres above *grade* and then angling upwards at an angle of 75 degrees away from Yonge Street over the *site*, as shown on Map 3;
 - (b) above 56.15 metres above *grade*, is located above the angular plane drawn from the Yonge Street lot line of the *site*, commencing at a height of 18 metres above *grade*, and then angling upwards at an angle of 79 degrees away from Yonge Street over the *site*, as shown on Map 3; and
 - (c) on the ground floor as measured from *grade* up to a minimum height of 3.9 metres, is permitted within the area identified as 'Area A' on Map 2, except for canopies.
12. In addition to complying with the *angular plane* requirements of the previous section, each portion of a building or structure erected within any part of the *site*, shall, in respect of each *building envelope area*:
 - (a) have a maximum *height* in metres for the corresponding *building envelope area*, as shown following the symbol "H" on Map 2, (for clarity, this does not apply to prevent those structural projections permitted to be outside a *building envelope* by Section 13 of this By-law); and

- (b) also have the maximum number of *storeys*, excluding a mezzanine on the main floor and mechanical penthouse where shown on Map 2, for the corresponding *building envelope* area, where so specified on Map 2, by reference to "ST".
13. No part of any building or structure erected on the *site* shall be located above *grade* other than within a *building envelope*, except for:
- (a) cornices, canopies, eaves, awnings, skylights, ornamental elements, trellises, lighting fixtures, window sills, screens, fences, landscape elements, retaining walls, ramps to an underground garage, stairways, railings, architectural fins, and public art features;
- (b) balconies, on the south side of the tower above the 10th storey, provided they neither extend more than 1.8 metres beyond the *building envelope* nor more than 1.8 metres into the southerly 5.5 metre tower setback as shown on Map 2;
- (c) balconies on the east side of the tower provided they neither extend more than 1.8 metres beyond the *building envelope* nor into the lane widening as shown on Map 2;
- (d) balconies, on the north side of the tower, provided they neither extend more than 1.8 metres beyond the *building envelope* nor into the northerly 1.15 metre *tower* setback as shown on Map 2;
- (e) balconies, on the west side of the tower from and including the 5th storey to and including the 17th storey, provided they neither extend more than 1.8 metres beyond the *building envelope* nor into the 10 metre tower setback as shown on Map 2; and
- (f) balconies, on the west side of the tower above the 17th storey to the 46th storey, provided they don't extend more than 1.8 metres beyond the *building envelope*.
14. *Parking spaces* shall be provided and maintained on the *site* in accordance with the following requirements:
- (a) a minimum of 0.29 *parking spaces* shall be provided for each *dwelling unit* for residents;
- (b) 4 *car-share parking spaces*; and
- (c) a minimum of 20 *parking spaces* to be shared as residential visitor parking and non-residential parking.
15. *Bicycle parking spaces* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) a minimum of 0.9 *bicycle parking spaces* shall be provided for each *dwelling unit* for residents; and

- (b) a minimum of 0.1 *bicycle parking spaces* shall be provided for each *dwelling unit* for visitors.
16. Within the *site*, no person shall use any land or erect or use any building or structure 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.
17. Despite any existing or future severance, partition or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division occurred.
18. None of the provisions of this By-law shall apply to prevent a *temporary sales office* on the *site*.
19. For the purposes of the By-law, the following expressions shall have the following meaning:
- (a) "*building envelope*" means a building envelope as delineated by heavy lines on Map 2 attached to this By-law;
- (b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto;
- (c) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles and:
- (i) where the bicycles are to be parked in a horizontal position, except in the case of a bicycle stacker and bicycle ring, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
- (iii) where the bicycles are to be parked in a stacker and bicycle ring, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.4 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres;

- (d) "*car-share parking space*" means a parking space used exclusively for the parking of a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*;
- (e) "*City*" means the City of Toronto;
- (f) "*grade*" shall mean, 111.94 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
- (g) "*height*" shall mean the vertical distance between *grade* and the highest point of a building or structure;
- (h) "*owner*" means the owner of the fee simple of the *site* or any part thereof;
- (i) "*site*" means the lands delineated by heavy lines on Map 1 attached to this By-law;
- (j) "*temporary sales office*" means a building, structure, facility or trailer on the *site* used for the purpose of the sale of *dwelling units* to be erected on the *site*; and
- (k) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

Pursuant to Ontario Municipal Board Decision and Interim Order issued on January 23, 2015 and Order issued on August 22, 2016 in Board File No. PL130718

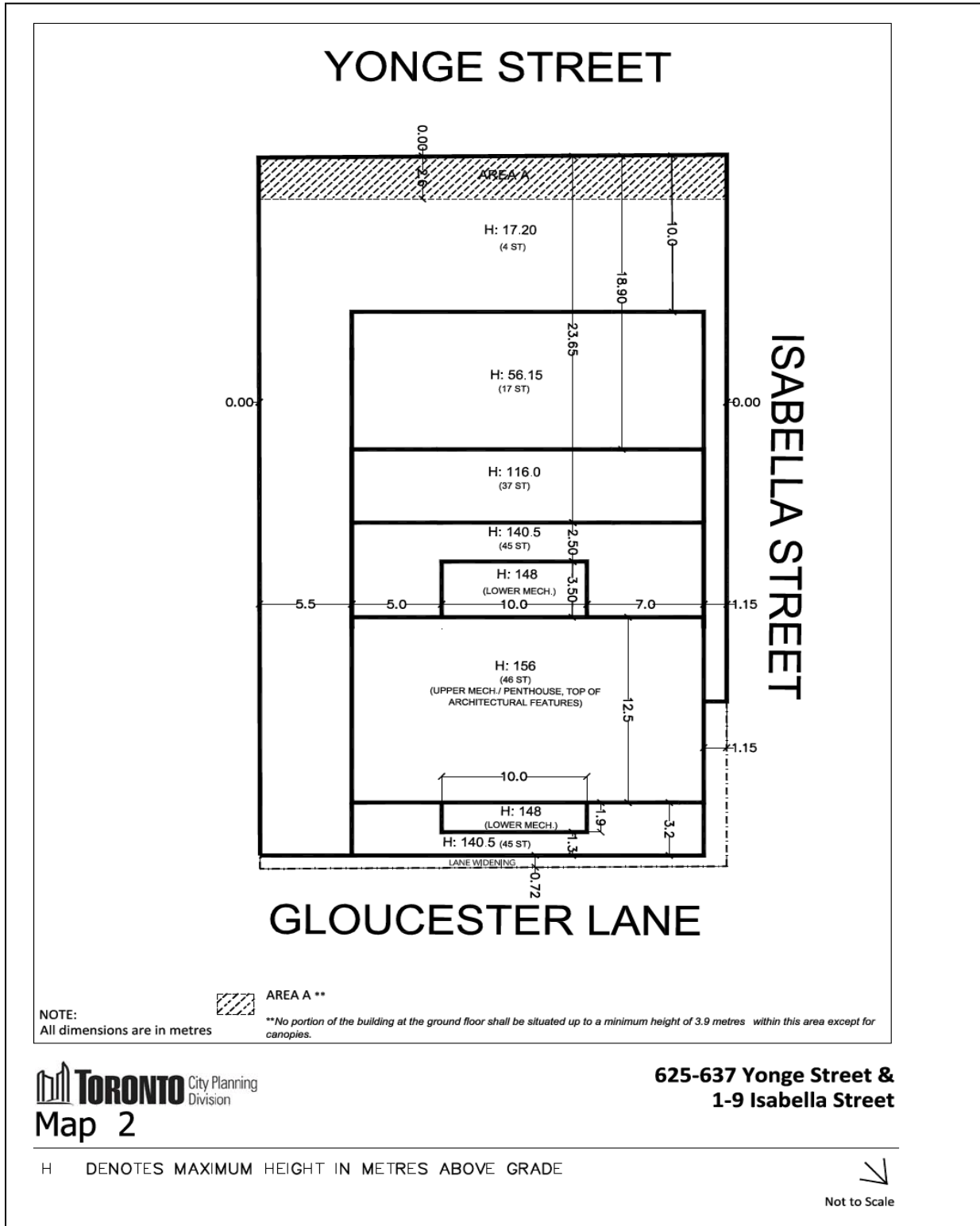


625-637 Yonge Street &
1-9 Isabella Street

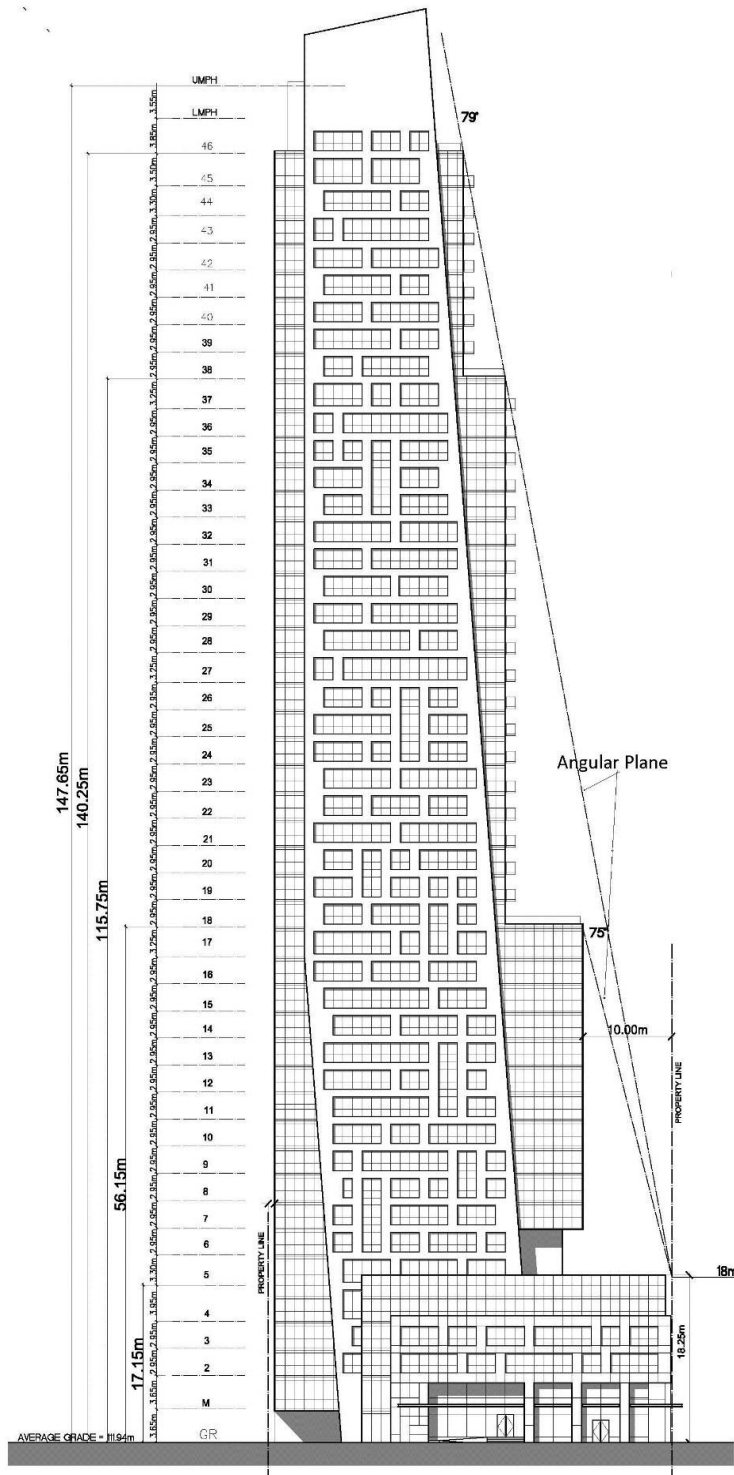
 **TORONTO** City Planning
Division
Map 1

 LANE WIDENING


Not to Scale



ST DENOTES MAXIMUM NUMBER OF STOREYS



APPENDIX 1

The facilities, services and matters set out below are required to be provided by the *owner* of the *lot* at its expense to the City of Toronto in accordance with one or more agreements pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above-grade building permit, the *owner* must pay to the *City* a cash contribution in the amount of \$2,000,000.00, to be allocated as follows:
 - a. \$200,000.00 for the creation of new affordable housing and/or capital improvements in Toronto Community Housing buildings in Ward 27, in consultation with the Ward Councillor and Chief Planner;
 - b. \$200,000.00 for the creation of new community recreational and/or cultural space in Ward 27, in consultation with the Ward Councillor and Chief Planner;
 - c. \$1,200,000.00 for Norman Jewison Park improvements (including a \$65,000.00 allocation for consulting and engineering services for Norman Jewison Park), in consultation with the Ward Councillor and Chief Planner; and
 - d. \$400,000.00 for Public Art on or adjacent to the property at 625-637 Yonge Street and 1-9 Isabella Street.
2. In the event the cash contributions referred to in Sections 1 a. and 1 b. have not been used for the intended purpose within three (3) years of the Date of Final Approval of the Amending By-law, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner, in consultation with the local Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the Site.
3. At least ten percent (10%) of the total number of dwelling units to be constructed on the lot shall contain family sized units of two bedrooms plus den and three or more bedrooms in compliance with the provisions of the Ontario Building Code, subject to a requirement that these family sized units will be a minimum size of 900 square feet.
4. The *owner* agrees that, if requested as a condition of site plan approval, the *owner* will agree to the conveyance of the lane widening, as shown on Map 2, to the City at no cost.