

Authority: Toronto and East York Community Council Item TE22.33, as adopted by City of Toronto Council on March 9, 2017, Item TE23.8, as adopted by City of Toronto Council on April 26, 27 and 28, 2017 and MM35.27, by Councillor Kristyn Wong-Tam, seconded by Councillor Janet Davis, as adopted by City of Toronto Council on December 5, 6, 7 and 8, 2017

## CITY OF TORONTO

### BY-LAW 505-2018

#### **To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known as 826-834 Yonge Street and 2-8 Cumberland Street.**

Whereas authority is given to Council of the City of Toronto pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law with respect to the lands known municipally in the year 2017 as 826-834 Yonge Street and 2-8 Cumberland Street; 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 or 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 the height and density permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are permitted in return for the provision of the facilities, services and matters set out in this By-law and to be further secured by one or more agreements between the owner of the lands and the City of Toronto; and

Whereas Council of the City of Toronto at its meeting on April 26, 27 and 28, 2017, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2017 as 826-834 Yonge Street and 2-8 Cumberland Street;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are municipally known in 2017 as 826-834 Yonge Street and 2-8 Cumberland Street, as outlined by heavy black lines on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 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 the heavy black lines to CR 3.0 (c.2.5; r3.0) SS1(x102) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 102 so that it reads:

**Exception CR (102)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 826-834 Yonge Street and 2-8 Cumberland Street, if the requirements of Section 4 and Schedule A of By-law 505-2018 are complied with, none of the provisions of Sections 40.10.40.40(1), 40.10.40.50(1) and (2), 200.5.1.10(2), 200.15.1.5, 230.5.1.10(9) and 600.10 apply to prevent the erection or use of a **building, structure**, addition or enlargement if it is in compliance with regulations (B) to (K) below;
- (B) Despite regulation 5.10.40.70(1) and 600.10.10, a **building** or **structure** must be located entirely within the area delineated by heavy lines shown on Diagram 3 of By-law 505-2018;
- (C) Despite regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 116.00 metres in the year 2017;
- (D) Despite regulations 40.5.40.10(3)-(7) and 40.10.40.10(1) and (5), no portion of any **building** may exceed the **height** in metres specified by the numbers following the symbol H on Diagram 3 of By-law 505-2018, with the exception of the following:
  - (i) 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, ventilation shafts, public art, landscaping and elements of a **green roof** are permitted to extend a maximum of 3.0 metres above the applicable **heights** shown on Diagram 3 of By-law 505-2018; and
  - (ii) an architectural feature located along the western edge of the roof level (163.0-metre **height** limit) may extend a maximum of 8.5 metres above the **heights** shown on Diagram 3 of By-law 505-2018;
- (E) Despite clause 40.10.40.60 and regulation 40.10.40.70(1), no portion of any **building** or **structure** above-grade may extend beyond the areas delineated by heavy lines on Diagram 3 of By-law 505-2018, with the exception of:

- (i) balconies located west of the dashed line shown on the attached Diagram 3, which are on the north and south façades of the **building** above the sixth **storey** of the **building** above-grade may encroach a maximum of 1.0 metres into the required minimum **building** setback; and
  - (ii) cornices, landscape features at grade level, architectural features fronting the laneway at grade level, ventilation shafts forming part of a landscape feature or at a height of at least 5.0 metres above-grade, light fixtures guardrails, balustrades, railings, doors, wheelchair ramps, awnings and canopies, all of which may extend beyond the dashed line shown on the attached Diagram 3;
- (F) The maximum permitted **gross floor area** of all **buildings** and **structures** on the lands as shown on Diagram 3 of By-law 505-2018, must not exceed 29,500 square metres, of which:
  - (i) residential uses must not exceed 28,250 square metres; and
  - (ii) non-residential uses must not exceed 1,250 square metres;
- (G) **Amenity space** must be provided and maintained at a minimum rate of 3.0 square metres for each **dwelling unit**, of which:
  - (i) indoor **amenity space** must be provided at a minimum rate of 2.0 square metres for each **dwelling unit**; and
  - (ii) at least 40 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;
- (H) Despite clauses 200.5.10.1 and 200.15.10(1), the minimum number of required **parking spaces** is:
  - (i) 0.28 **parking spaces** for each **dwelling unit**;
  - (ii) no visitor **parking spaces** are required;
  - (iii) no **parking spaces** are required for non-residential uses; and
  - (iv) 4 accessible **parking spaces** are required;
- (I) Despite clause 200.5.1.10:
  - (i) a maximum of 30 **parking spaces** may have the following minimum dimensions: length of 5.0 metres, width of 2.4 metres, and height of 2.0 metres; and
  - (ii) a maximum of 4 **parking spaces** may have the following minimum dimensions: length of 5.2 metres, width of 2.6 metres, and height of 2.0 metres;

- (J) Despite clause 220.5.10.1, a minimum of one Type G **loading space** is required;
- (K) Despite clause 230.5.1.10, a minimum of 379 **bicycle parking** spaces are required, of which:
  - (i) a minimum of 38 must be for short-term **bicycle parking spaces**; and
  - (ii) a minimum of 334 must be for long-term **bicycle parking spaces**.

Prevailing By-laws and Prevailing Sections (None Apply)

**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 1 subject to the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A to the City and in accordance with and subject to one or more agreements pursuant to Section 37 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 of this By-law are satisfied in accordance with and subject to the agreement required in (A) above.

Enacted and passed on April 27, 2018.

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 by the owner of the lands at the owner's expense in accordance with this By-law and as further specified in one or more agreements pursuant to Section 37 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, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

1. Prior to the issuance of the first above-grade building permit for all or any part of the land, the owner shall pay to the City the sum of FOUR MILLION TWO HUNDRED THOUSAND DOLLARS (\$4,200,000.00) and the funds are to be allocated as follows, toward community benefits in the vicinity of the land, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and subject to upwards indexing as set out in Item 1 f. below:
  - a. the sum of TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) to be allocated towards the expansion of the Toronto Bike Share program;
  - b. the owner will provide and maintain public art on the land in accordance with the City of Toronto Public Art Program to a minimum value of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00).

Prior to the issuance of the first above-grade building permit for all or any part of the land, the owner shall:

- i. Prepare a public art plan detailing the proposed design and construction of any public art installations on the land, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, and obtain the approval of the City Council to such public art plan; or
  - ii. In the alternative to i. above, the owner shall pay to the City the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) towards the City's capital budget for public art programs;
- c. the sum of THREE HUNDRED FORTY FIVE THOUSAND DOLLARS (\$345,000.00) to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing, in consultation with the Ward Councillor;
- d. the sum of THREE HUNDRED FORTY FIVE THOUSAND DOLLARS (\$345,000.00) to be allocated towards capital improvements for new or existing cultural and/or community space, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

- e. the sum of TWO MILLION SEVEN HUNDRED AND SIXTY THOUSAND DOLLARS (\$2,760,000.00) towards local area park or streetscape improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Parks, Forestry and Recreation, and the Ward Councillor;
  - f. the payments and public art requirements in Items 1, a. to e. above shall be increased by upwards indexing in accordance with the Non-Residential Building Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date each such payment is made; and
  - g. in the event the cash contribution(s) required in Items 1 a., c., d. and e. above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the land.
- 2.
- a. the owner shall provide, construct and maintain, at its sole own expense, a privately owned and publicly-accessible open space ("POPS") on the south and west frontage of the land, extending approximately 37.16 metres in depth from the Cumberland Street property line of the land, having a width of approximately 7 metres running along the widened public lane (with additional widths at the 4th, 5th and part of the 6th storeys), and a height of not less than 21.5 metres, with a pedestrian walkway at the west portion of the land with the specific location, configuration, and design of the POPS to be determined in the context of the Site Plan Approval process and further secured in a Site Plan Agreement with the City to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, and including provision by the owner of insurance and indemnity;
  - b. prior to the issuance of the first above-grade building permit for all or any part of the land, the owner shall at its expense convey and register to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning Division a non-exclusive easement in perpetuity respecting the POPS, in favour of the City of Toronto for use by the City and the general public 24 hours a day, 7 days a week, as publicly accessible, privately owned, open space for pedestrian, cycling and open space use, for nominal consideration, free and clear of encumbrances other than encumbrances permitted to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
  - c. prior to any residential use of land, excluding the residential use of any building erected on the date of enactment of this By-law and a temporary sales centre used exclusively for the initial sale and/or initial leasing of **dwelling units**, the owner shall complete the construction of the POPS to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

3. The owner shall at its sole expense provide, construct and maintain on the land, on-site off-leash dog amenities with proper disposal facilities and/or dog relief stations within the building for building residents, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
4. The owner shall provide at least ten percent (10 percent) of the total number of **dwelling units** on the land as family sized units, and these units shall each have a minimum **gross floor area** of 79.0 square metres and contain at least two bedrooms, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. Prior to the issuance of any building permit, the owner shall, at its sole expense:
  - a. provide a functional servicing report, stormwater management report and hydrogeological report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager of Transportation Services; pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development; and
  - b. design, and provide financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted functional servicing report, stormwater management report, and hydrogeological report to support the development permitted by this By-law, all to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager of Transportation Services, should it be determined that improvements or upgrades are required to support such development, according to the functional servicing report, stormwater management report and hydrogeological report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager of Transportation Services.
6. Prior to the issuance of the earlier of any site plan approval or any building permit issuance, the owner shall pay for, construct, complete and make operational any upgrades or required improvements to the existing municipal infrastructure identified in the accepted functional servicing report, stormwater management report, and hydrogeological report to support the development permitted by this By-law, all to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager of Transportation Services, should it be determined that improvements or upgrades are required to support such development, according to the functional servicing report, stormwater management report, and hydrogeological study, accepted by the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager of Transportation Services.
7. The owner at its sole expense shall pay to the City any and all costs for and associated with expropriation of the approximately 52 square metre area of lands adjacent to the westerly boundary of the land (the "Expropriation Lands") intended to be expropriated by the City, save and except that in no event shall the owner's payment of such

expropriation costs exceed the amount set out in Confidential Attachment 1 to the report (December 4, 2017) from the Deputy City Manager, Internal Corporate Services, adopted by City Council at its meeting on December 5, 6, 7 and 8, 2017 (Item MM35.27), (hereafter "Item MM35.27"), all to the satisfaction of the Director, Real Estate Services, as follows:

a. prior to earlier of:

- i. The publishing of any Notice of Application for Approval to Expropriate; and
- ii. The issuance of any building permit for all or any part of the land;

the owner shall pay to the City by certified cheque half of the amount set out in Item MM35.27, and provide the City a letter of credit in the amount equal to the remaining half of the amount set out Item MM35.27 to secure the full payment of the costs, all to the satisfaction of the Director, Real Estate Services.

8. The owner at its sole expense shall be responsible for an environmental assessment of the Expropriation Lands and any associated costs and remediation works required as a result of such assessment. The owner shall pay any and all costs for and associated with the environmental remediation of the Expropriation Lands to City standards for laneway purposes and shall provide the City with security for such costs and carry out such works as follows:

a. prior to the earlier of:

- i. the publishing of any Notice of Application for Approval to Expropriate; and
- ii. issuance of any building permit for all or any part of the land;

the owner shall provide the City a letter of credit in an amount satisfactory to the Director, Real Estate Services, to secure the costs of remediation of the Expropriation Lands; and

b. prior to the earlier of:

- i. any new residential use of the land; and
- ii. any condominium registration of all or any part of the land;

the owner shall submit all required documentation, to satisfy the Chief Engineer and Executive Director, Engineering and Construction Services that such lands meet the City's environmental standards for laneways and as to the satisfactory completion of any required remediation.

9. Prior to the commencement of any excavation and shoring work, and prior to the issuance of any building permit, for all or any part of the land the owner shall submit a



Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction.

The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director City Planning or the General Manager of Transportation Services, in consultation with the Ward Councillor.

10. Prior to the issuance of final site plan approval pursuant to section 114 of the City of Toronto Act, 2006 and section 41 of the Planning Act for all or any part of the land the owner shall:
  - a. provide final site plan drawings that are satisfactory to the Senior Manager, Heritage Preservation Services, including drawings related to a Conservation Plan approved by such Senior Manager that is satisfactory to such Senior Manager and is prepared by a qualified heritage consultant, and that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 862, 828, 830, 832, and 834 Yonge Street and 2, 4, 6, and 8 Cumberland Street prepared by GBCA Architects, dated November 8, 2016;
  - b. provide an Interpretation Plan for the land, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - c. provide a Heritage Lighting Plan that describes how the heritage properties on the land will be sensitively illuminated to enhance their heritage character, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - d. provide a detailed Landscape Plan for the land, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such plan; and
  - e. submit a Signage Plan for the proposed development, to the satisfaction of the Senior Manager, Heritage Preservation Services.
11. Prior to the issuance of any permit for all or any part of the land, including a heritage permit pursuant to the Ontario Heritage Act or a building permit, the owner shall:
  - a. obtain final approval for the necessary zoning by-law amendments required for the alterations to the properties at 862, 828, 830, 832, and 834 Yonge Street and 2, 4, 6, and 8 Cumberland Street, such that such amendments have been enacted by City Council and have come into full force and effect in a form and with content

acceptable to the City Council as determined by the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;

- b. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - c. provide a letter of credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services, to secure all work included in the approved Conservation Plan, the approved Heritage Lighting Plan, the approved Landscape Plan, and the approved Interpretation Plan. Prior to the release of the letter of credit, the owner shall:
    - i. have obtained final site plan approval for the proposed development permitted by this By-law, issued by the Chief Planner and Executive Director, City Planning;
    - ii. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the approved Conservation Plan, the approved Heritage Lighting Plan, Landscape Plan, and the approved Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
    - iii. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - d. provide full documentation of the existing heritage properties at 862, 828, 830, 832, and 834 Yonge Street and 2 Cumberland Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services.
12. The owner shall enter into and register on title to the land one or more agreements with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, to assist with securing the facilities, services and matters set forth in this Schedule A.

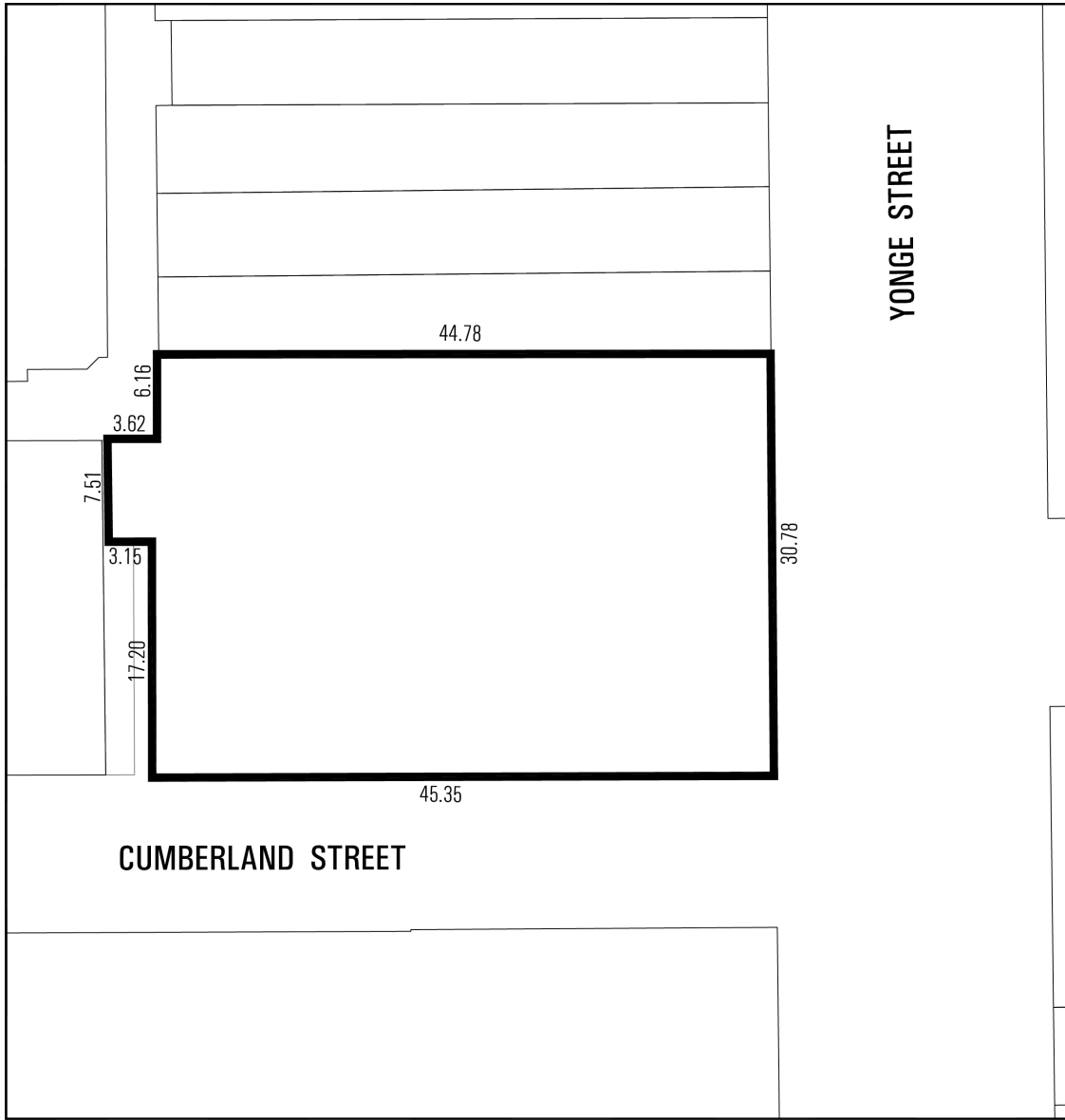
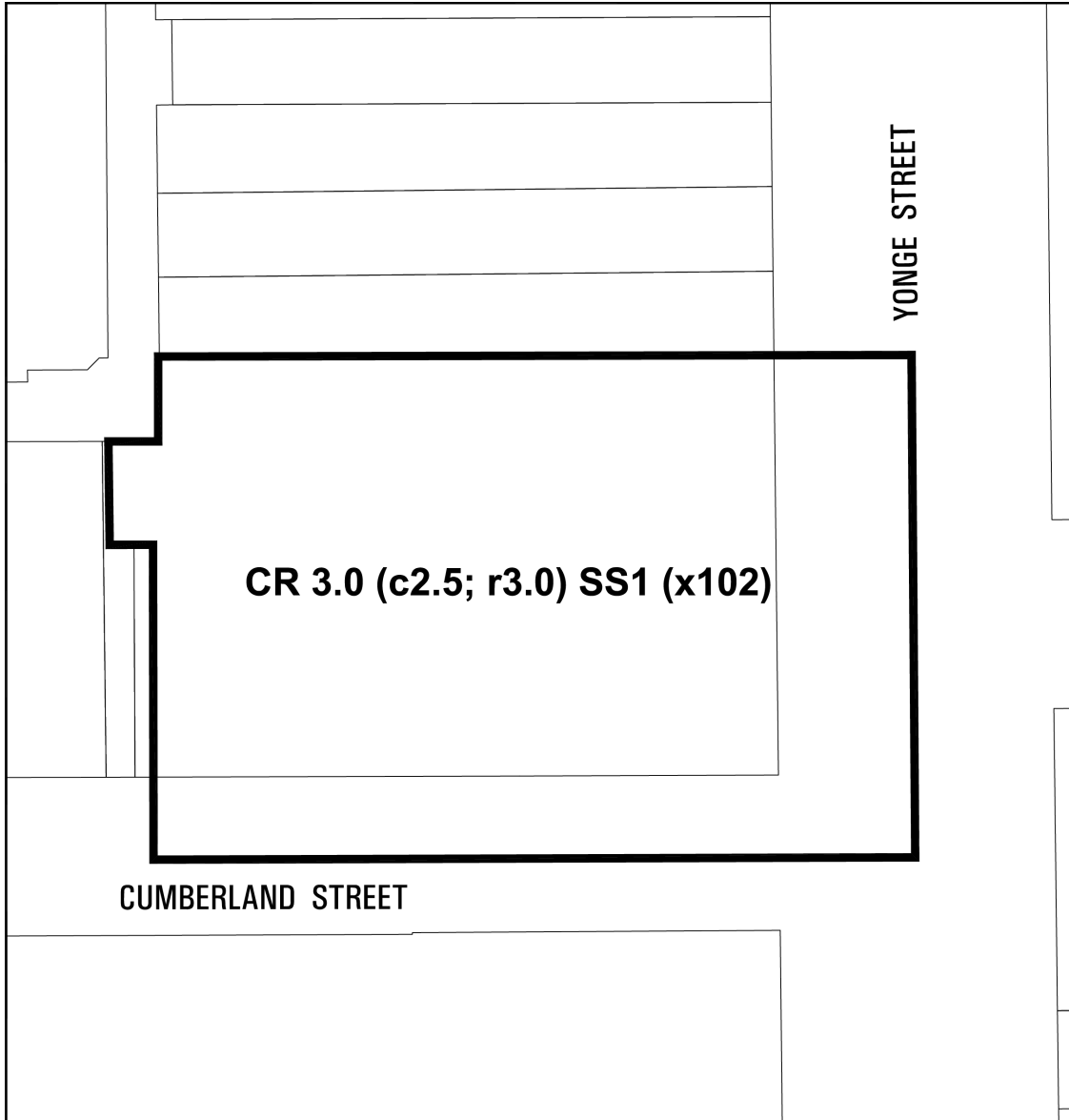


  
Diagram 1

826-834 Yonge Street and  
2-8 Cumberland Street

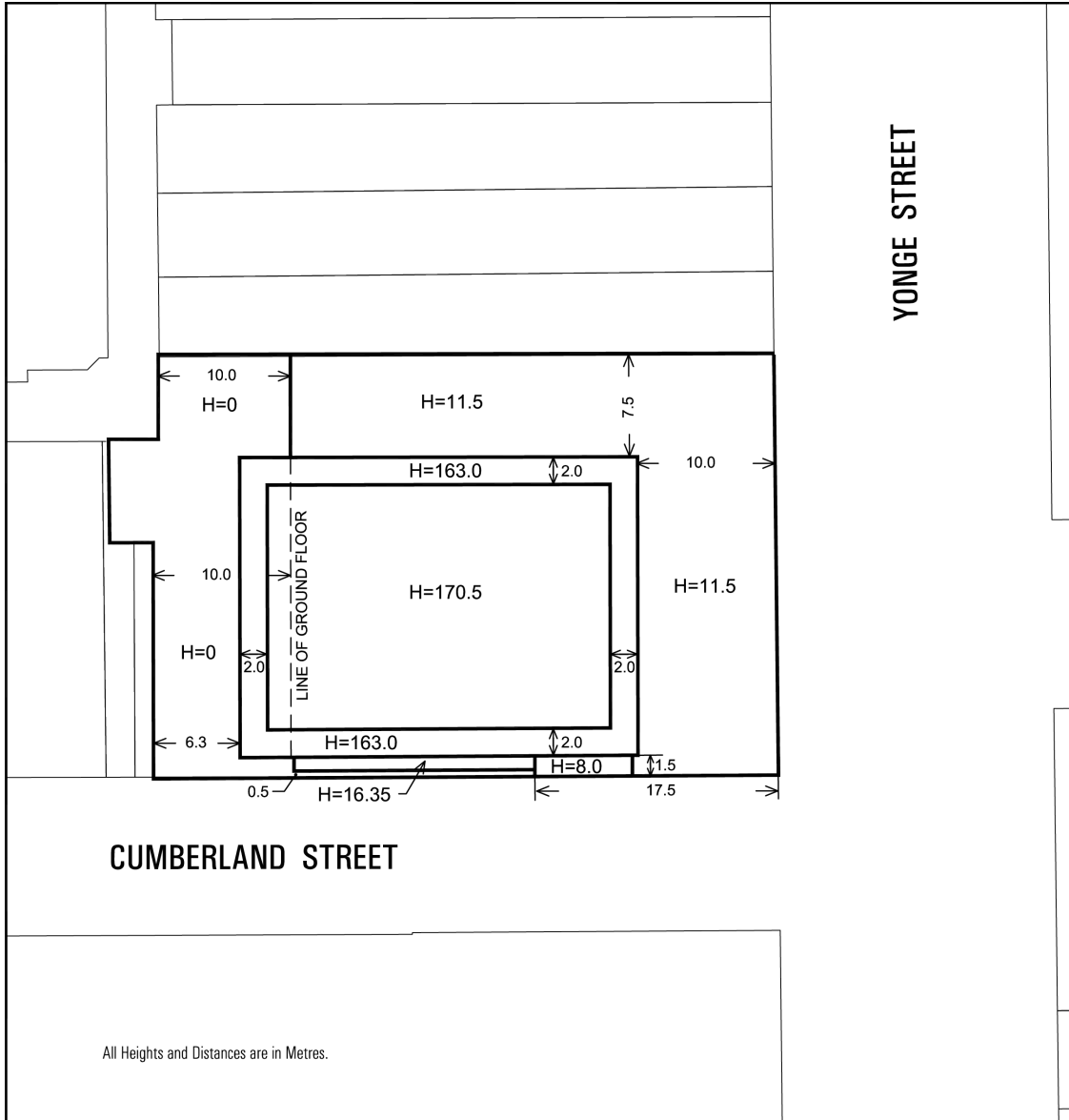
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 **TORONTO**  
Diagram 2

**826-834 Yonge Street and  
2-8 Cumberland Street**

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**TORONTO**  
Diagram 3

826-834 Yonge Street and  
2-8 Cumberland Street

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