

Authority: Toronto and East York Community Council
Item TE26.4, as adopted by City of Toronto Council on
July 14, 15 and 16, 2021

CITY OF TORONTO

BY-LAW 687-2021

To amend Zoning By-law 569-2013 with respect to the lands municipally known in the year 2020 as 33-45 Avenue Road and 136-148 Yorkville Avenue.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass Zoning By-laws; 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 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 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 heavy black lines, municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue,

as outlined in heavy black line to CR 3.0 (c2.5; r3.0) SS1 (x379), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area Overlay label to these lands: PA1, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue to the Height Overlay Map in Section 995.20.1 and applying the height label: HT 25.0 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue to the Rooming House Overlay Map in Section 995.40.1 and applying the following Rooming House label to these lands: B3, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 379 so that it reads:

Exception CR 379

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 33-45 Avenue Road and 136-148 Yorkville Avenue, if the requirements of Section 10 and Schedule A of By-law 687-2021 are complied with, a **mixed use building** may be constructed if it complies with (B) to (HH) below;
- (B) The **lot** consists of those lands shown on Diagram 1 attached to By-law 687-2021;
- (C) Regulations 40.10.20.100(1), 40.10.20.100(33) and 150.100.30.1(2), with respect to the size of an **eating establishment**, do not apply;
- (D) Regulation 40.10.20.100(21), with respect to the size of an **outdoor patio**, does not apply;
- (E) Regulation 40.10.20.100(1), with respect to the size of a **recreation use** for the purposes of a fitness club, does not apply;
- (F) Despite Regulations 40.10.20.20(1) and 40.10.20.100(4), a **hotel** room or suite may be located in the same **storey** as a **dwelling unit**;
- (G) Regulation 40.10.40.1(1), with respect to the location of residential use portion in a **mixed-use building**, does not apply;

- (H) Regulation 40.10.40.1(3), with respect to the orientation of residential uses to a **street**, does not apply;
- (I) Regulation 40.10.40.1(4), with respect to the orientation of a **hotel** to a **street**, does not apply;
- (J) Regulation 40.10.40.1(5), with respect to **building** orientation and **hotels** and **buildings** with **dwelling units**, does not apply;
- (K) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 116.0 metres and the highest point of the **building** or **structure**;
- (L) Despite Regulation 40.10.40.10(1), no portion of a **building** or **structure** erected on the lands may exceed the height in metres specified by the numbers following “HT” on Diagram 6 of By-law 687-2021;
- (M) Despite Regulations 40.5.40.10(3), (4), (5), (6) and (7), and (L) above, the following elements of a **building** or **structure** may also project above the maximum **building** heights shown on Diagram 6 of By-law 687-2021:
 - (i) wind screens, elevator overruns, building maintenance units, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, swimming pools and elements of a green roof, which may project up to a maximum of 5.0 metres above the height limits shown on Diagram 6;
 - (ii) parapets, which may project up to a maximum of 0.9 metres above the height limit shown on Diagram 6; and
 - (iii) canopies having a maximum vertical height of 17.0 metres above the height within any area not having a height limit shown on Diagram 6;
- (N) Despite Regulation 40.10.40.10(5), the height of the first **storey** must be at least 3.5 metres;
- (O) Despite Regulation 40.10.40.40(1), the total residential and non-residential **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 29,500 square metres, provided:
 - (i) the residential **gross floor area** must not exceed 25,600 square metres;
 - (ii) the non-residential **gross floor area** must not exceed 4,000 square metres; and

- (iii) a maximum of 2,000 square metres of non-residential **gross floor area** permitted by (O)(ii) above may be used for a **hotel**;
- (P) Regulation 40.10.40.50(2) with respect to **amenity space** for buildings with non-residential uses in SS1 Areas does not apply;
- (Q) Despite Regulations 5.10.40.70(4), 40.10.40.70(1), 40.10.40.80(1) and 600.10.10(1), the required minimum **building setbacks** and above ground separation distance between **main walls** are shown on Diagram 6 of By-law 687-2021;
- (R) Despite (Q) above, the minimum **building setbacks** and separation distances between **main walls** of a **building** or **structure** at the ground floor, up to a Canadian Geodetic Datum elevation 121.0 metres, are shown on Diagram 7 of By-law 687-2021;
- (S) In addition to the encroachments permitted by Clause 40.10.40.60 and despite Clauses (Q) and (R) above, the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 6 and 7 of By-law 687-2021;
 - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural features, patios, decks, swimming pools, pillars, trellises, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, and underground garage ramps and associated structures, which may extend a maximum of 2.5 metres into the required **building setbacks** shown on Diagram 6 and 7;
 - (ii) awnings and canopies, which may extend a maximum of 11 metres into the required **building setbacks** shown on Diagram 6 and 7; and
 - (iii) balconies, which may extend a maximum of 3.0 metres into the required **building setbacks** shown on Diagram 6;
- (T) Despite Regulation 40.5.40.60(1), an awning, canopy or similar **structure** may be located more than 5.0 metres above the elevation of the ground directly below it;
- (U) Despite Regulation 40.10.90.40(1), access to a **loading space** may be from a major **street**;
- (V) Despite Regulation 40.10.100.10(1), **vehicle** access may be from a major **street**;
- (W) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following requirements:
 - (i) a maximum rate of 2.3 **parking spaces** for each one-bedroom **dwelling unit**;

- (ii) a maximum rate of 2.3 **parking spaces** for each two-bedroom **dwelling unit**;
 - (iii) a maximum rate of 2.3 **parking spaces** for each three or more bedroom **dwelling unit**;
 - (iv) no **parking spaces** are required for non-residential uses; and
 - (v) 4 dedicated **parking spaces** for the purposes of valet parking, courier and delivery services;
- (X) In addition to the uses permitted by Clause 40.10.20.10 and 40.10.20.20, a car-share **parking space** is a permitted use on the **lot**;
- (i) for the purposes of Clause (X) above, car-share means the practice whereby a number of people share the use of one or more vehicles that are owned and operated by a profit or non-profit organization, and such car-share vehicles are made available to at least the occupants of the building for short term rental, including hourly rental; and
 - (ii) car-share **parking space** means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
- (Y) For each car-share **parking space** provided on the lands, the minimum number of **parking spaces** for residents required pursuant Regulation 200.5.10.1(1) and Table 200.5.10.1 may be reduced by four (4) **parking spaces**, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of dwelling units on the lands divided by } 60)$, rounded down to the nearest whole number;
- (Z) Despite Regulation 200.15.1(1) and 200.15.10(1), a minimum of 7 accessible **parking spaces** must be provided and maintained on the **lot** in accordance with the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (AA) Regulation 200.15.1(4), with respect to the location of accessible **parking spaces**, does not apply;
- (BB) Despite Regulation 220.5.10.1(1), one Type “G” **loading space** is required and must be provided and maintained on the **lot**;
- (CC) Despite Regulation 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained in accordance with the following minimum requirements:

- (i) 0.2 long-term **bicycle parking spaces** for each 100 square metres of non-residential **interior floor area** used for non-residential uses; and
 - (ii) 3 plus 0.3 short-term **bicycle parking spaces** for each 100 square metres of non-residential **interior floor area** used for non-residential uses;
- (DD) Regulation 230.5.1.10(9)(B)(iii), with respect to the location of a long-term **bicycle parking space** does not apply;
- (EE) Regulation 230.40.1.20(2), with respect to the location of a short-term **bicycle parking space** does not apply;
- (FF) Regulation 230.40.1.20(2) with respect to the location of a short-term **bicycle parking space** relative to a **building** entrance does not apply;
- (GG) Despite Regulations 230.5.1.10(4) and 230.5.1.10(10), both long-term and short-term **bicycle parking spaces** may be located in a **stacked bicycle parking space** having the following minimum dimensions:
- (i) length of 1.6 metres;
 - (ii) width of 0.45 metres;
 - (iii) vertical clearance of 1.2 metres; and
 - (iv) **stacked bicycle parking space** mechanisms and equipment may be contained within these dimensions noted in (i) through (iii) above; and
- (HH) Despite Regulations 230.5.1.10(10) and 230.40.1.20(1) long-term and short-term **bicycle parking spaces** may be located in a dedicated secure bicycle storage locker.
8. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred.
9. No provision in the former City of Toronto Zoning By-law 438-86 applies to the lands in Diagram 1 attached to By-law 687-2021.

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk

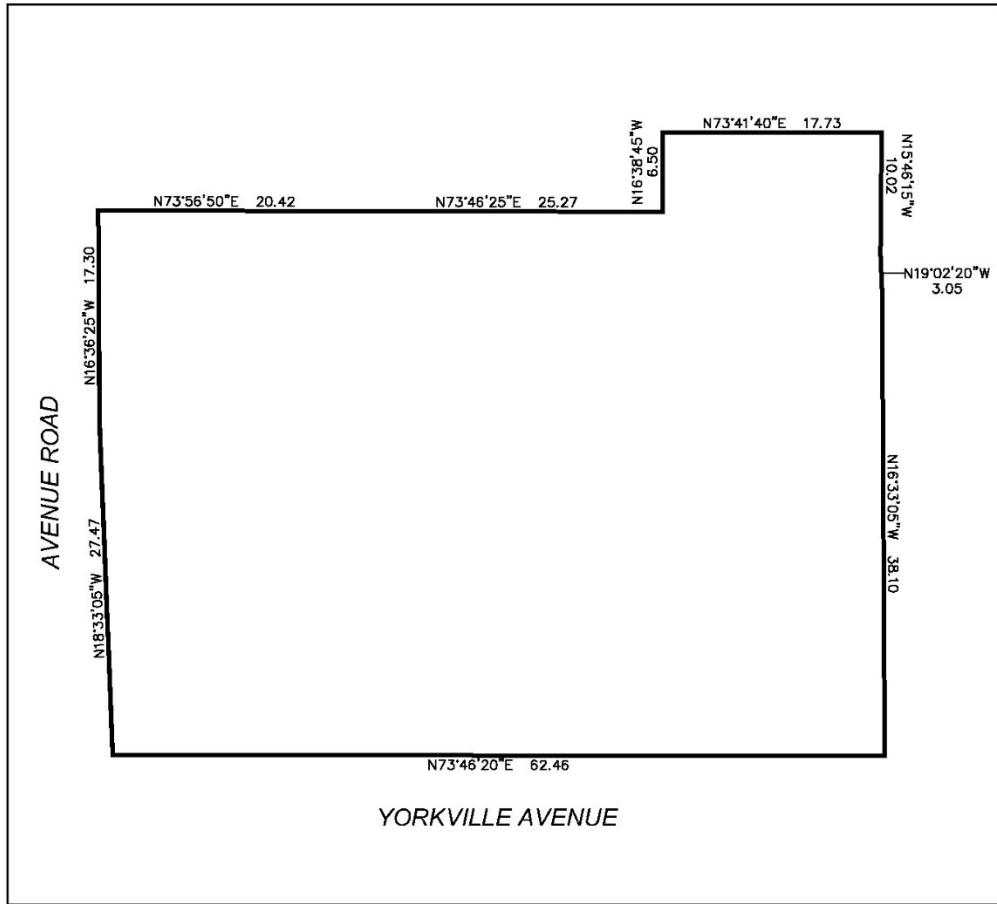
Schedule A

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 *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act*, in form and content satisfactory to the City, whereby the *owner* agrees as follows:

1. The *owner* shall provide to the City a cash contribution of \$1,747,550.00, prior to the issuance of an above-grade building permit for any development, indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment, for the following local community improvement initiatives:
 - (a) \$897,550.00 directed towards new and/or capital improvements to affordable housing; and
 - (b) \$850,000.00 directed towards streetscape or local area park improvements, and/or capital improvements for new or existing community facilities.
2. In the event the cash contribution referred to in Section 1(a) and (b) above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment 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 ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community; and
3. The following matters of convenience are also to be secured in the Section 37 Agreement:
 - (a) a Privately-Owned Publicly-Accessible Open Space of not less than 143 square metres fronting onto Yorkville Avenue;
 - (b) a 3.5 metre wide publicly-accessible pedestrian walkway on the west side of the Privately-Owned Publicly-Accessible Open Space connecting to Avenue Road;
 - (c) a 5.5 metre wide publicly-accessible pedestrian walkway on the east side of the Privately-Owned Publicly-Accessible Open Space connecting north to the Yorkville Village shopping centre;
 - (d) the owner shall 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

- (e) prior to the issuance of a demolition permit for the designated heritage property at 33 Avenue Road:
- (i) the owner shall provide a comprehensive Interpretation Plan that addresses the significant themes and values contained in the City's designation By-law for the subject property, including but not limited to arranging for a heritage plaque on the subject property within the public view through the Heritage Toronto Plaques and Markers Program that commemorates the lost heritage resource and the commemoration of the 1968 York Square development by Diamond and Myers, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;
 - (ii) the related site specific Zoning By-law Amendment giving rise to the proposed demolition have been enacted by the 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 Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning, Urban Design, City Planning;
 - (iii) 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 Planning, Urban Design, City Planning to secure all work included in the approved Interpretation Plan required in Section 3(e)(i) above; and
 - (iv) provide full documentation of the designated heritage property including comprehensive photo-documentation and measured drawings keyed to an existing site plan and elevations, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning; and
 - (v) prior to the release of the Letter of Credit required in Section 3(e)(iii) above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required interpretive work has been completed in accordance with the approved Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning.



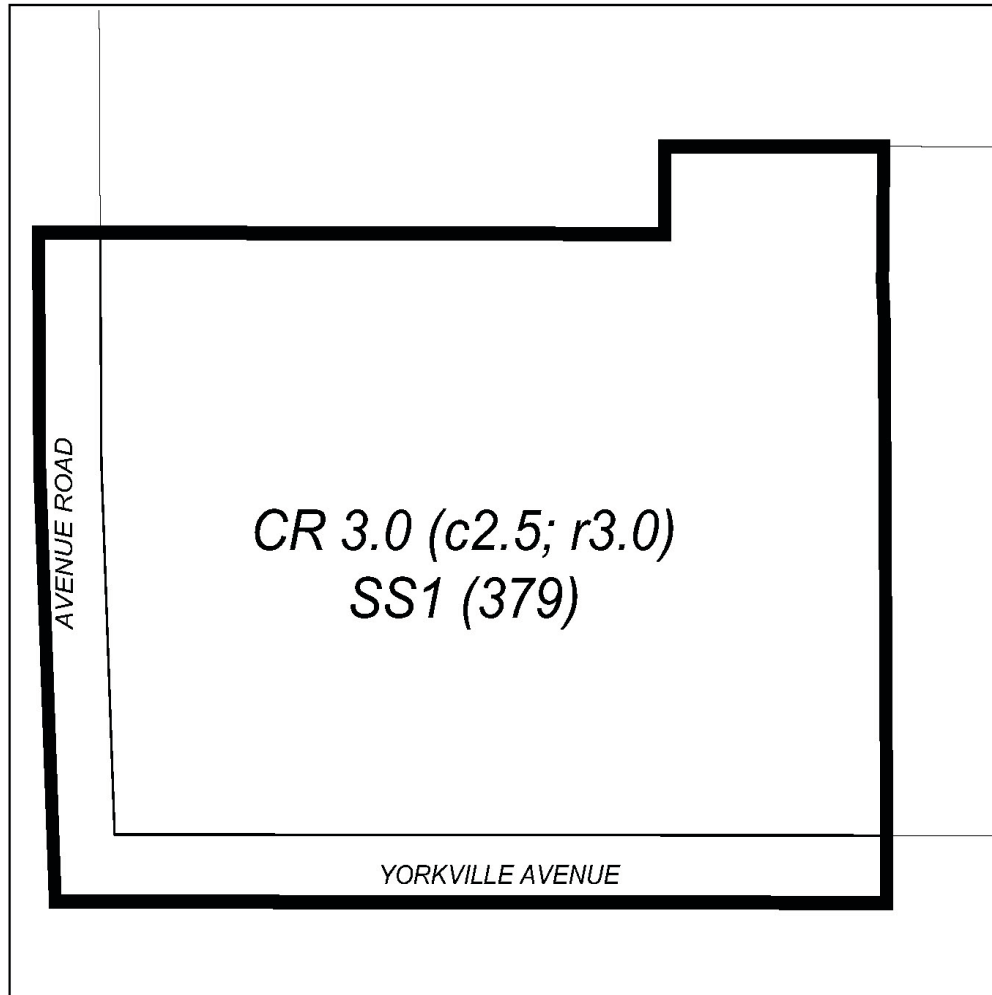
33 & 45 Avenue Road and 136-148 Yorkville Avenue, Toronto

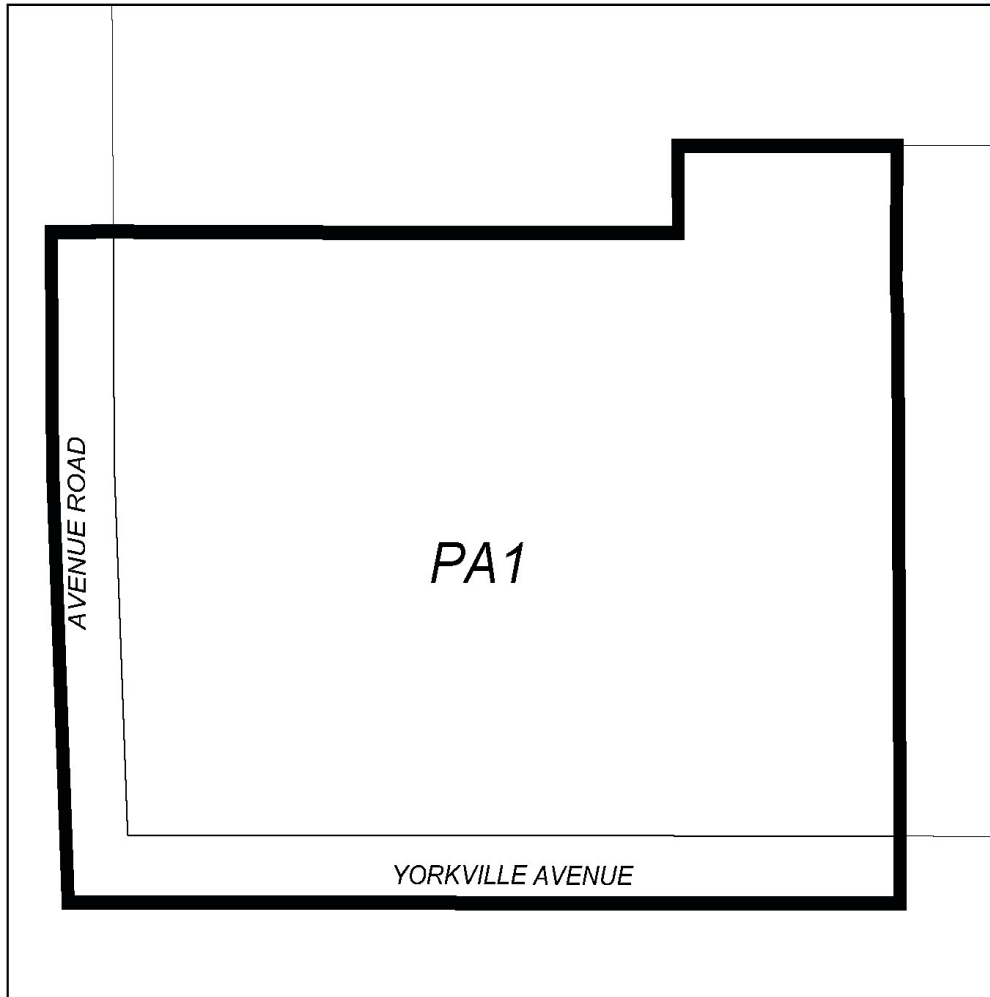
Diagram 1

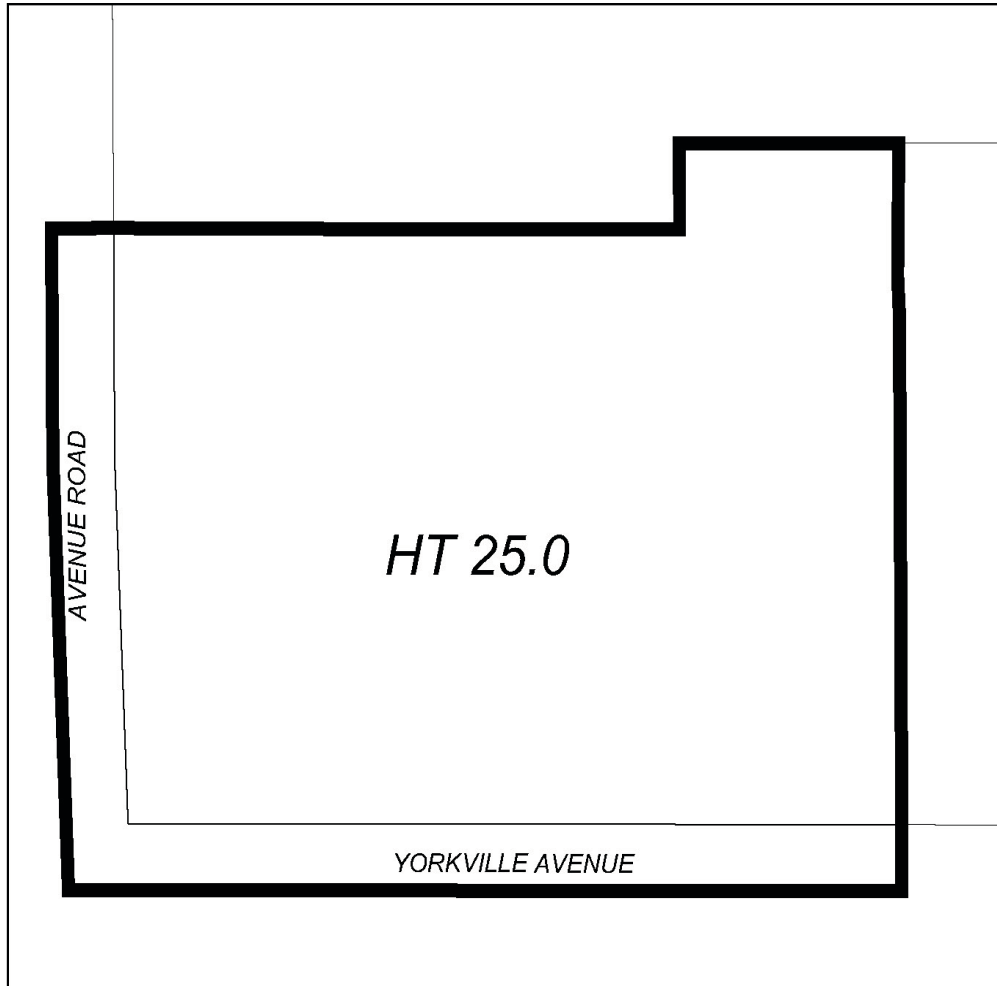
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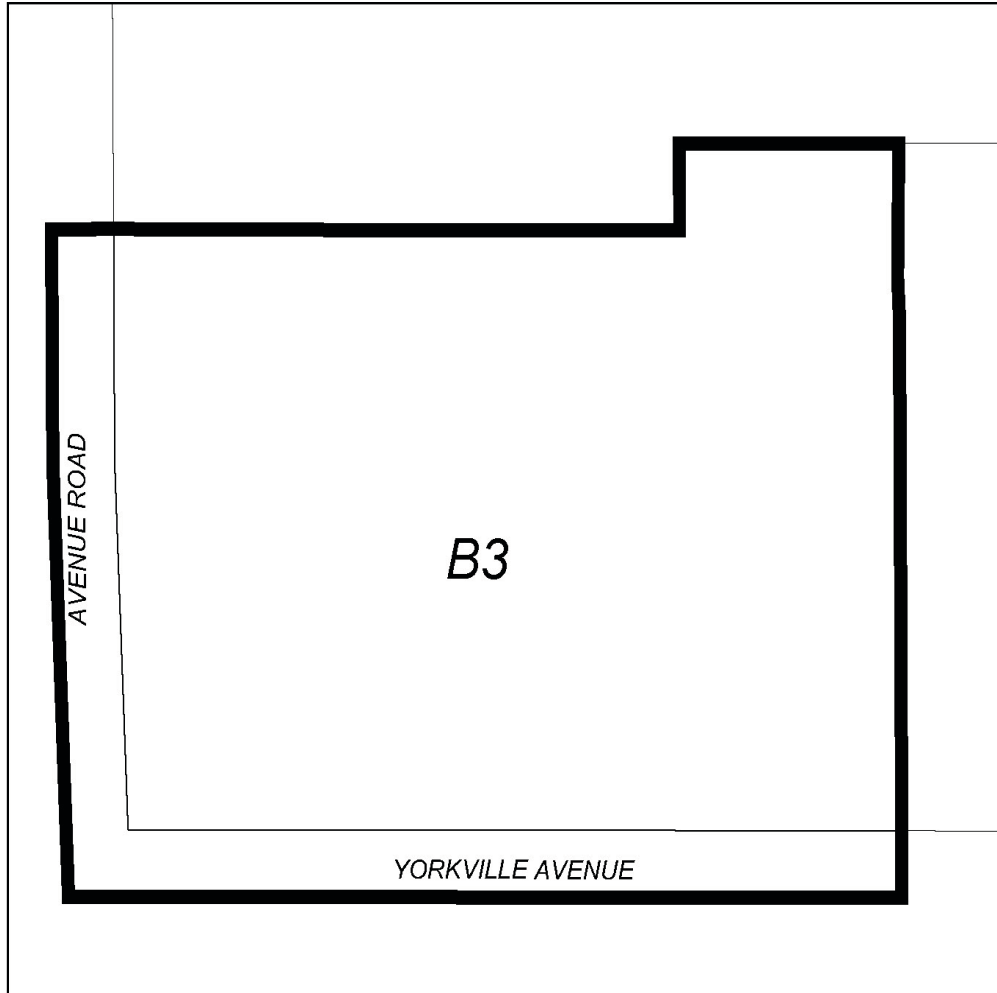


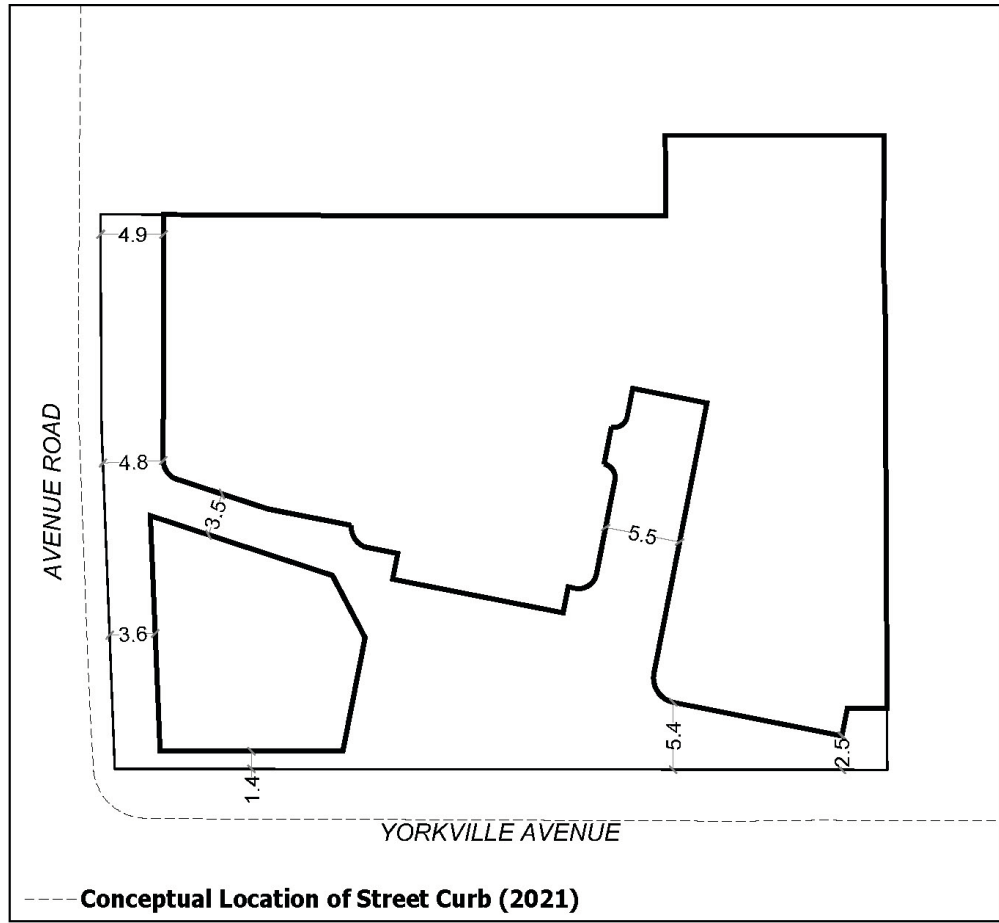
Not to Scale











33 & 45 Avenue Road and 136-148 Yorkville Avenue, Toronto

Diagram 7

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Not to Scale