

Authority: North York Community Council Item NY31.7,
as adopted by City of Toronto Council on May 11, 2022
and MM47.96, by Councillor John Filion, seconded by
Councillor Joe Mihevc, as adopted by City of Toronto
Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 1037-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 6150 and 6160 Yonge Street, 9 and 11 Pleasant Avenue, and 18 Goulding Avenue.

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 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 blacklines to CR 1.0 (c1.0; r1.0) SS3 (x509), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20 for the lands subject to this By-law, to HT 10.5, ST3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30 for the lands subject to this By-law, to 33, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 509 so that it reads:

(509) Exception CR 509

The lands, or portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 6150 and 6160 Yonge Street, 9 and 11 Pleasant Avenue, and 18 Goulding Avenue as identified on Diagram 1 of By-law 1037-2022, if the requirements of By-law 1037-2022 are complied with, a **building** or **structure** may be constructed, used, or enlarged in compliance with (B) to (V) below;
- (B) In addition to the elements that reduce **gross floor area** listed in Regulation 40.5.40.40(3), the following elements also reduce the **gross floor area** of a **building**:
 - (i) **Transportation use**, related facilities, and any areas occupied by any non-structural architectural or ornamental features that are attached to and project from the **main wall** of a **building**, or any areas that are partially enclosed by such features, associated with **transportation use** in the **building**.
- (C) Despite Regulations 40.10.20.100(55), 40.10.40.70 (3) and 40.10.40.80(2), the portion of a **building** or **structure** used for a public **transportation use** is not subject to required **building setbacks** and required separation of **main walls**;
- (D) Despite Regulations 40.10.40.40(1) the permitted maximum **gross floor area** of all **buildings** and **structures** is 46,000 square metres;
- (E) The total number of **dwelling units** must not exceed 578 subject to the following:

- (i) a minimum of 30 percent of the total number of **dwelling units** must have two or more bedrooms; and
 - (ii) if the calculation of the number of required **dwelling units** with two or more bedrooms results in a number with a fraction, the number will be rounded down to the nearest whole number.
- (F) 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 190.26 metres to the highest point of the **building** or **structure**;
- (G) Regulation 40.10.30.40(1)(A) with regards to **lot coverage**, does not apply;
- (H) Despite Regulation 40.10.40.1(1), both residential and non-residential uses are permitted on the first **storey** provided that **dwelling units** located on the first **storey** have direct access to Pleasant Avenue or Goulding Avenue;
- (I) Despite Regulations 40.10.40.10(3) and (7), the permitted maximum height of a **building** or **structure** is the number following the "HT" symbol in metres as shown on Diagram 5 of By-law 1037-2022;
- (J) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** is 3.0 metres;
- (K) Despite Regulations 40.5.40.10(3) to (8) and (I) above, a mechanical penthouse, elevator overruns, parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs and stair enclosures, roof drainage, window washing equipment, lightning rods, architectural features, **landscaping** and elements of a **green roof** may project above the permitted maximum height shown on Diagram 5 of By-law 1037-2022 by a maximum of 7.5 metres;
- (L) Despite Regulations 40.10.40.70 (3) and 40.10.40.80(2) the required minimum **building setbacks** and required minimum separation of **main walls** are shown in metres on Diagram 5 of By-law 1037-2022;
- (M) Despite Clauses 40.5.40.60 and 40.10.40.60 and (L) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as shown on Diagram 5 of By-law 1037-2022 as follows:
 - (i) Canopies, balconies, eaves, **building** cornices, light fixtures, ornamental and architectural elements, parapets, railings, planters, trellises, window sills, underground garage ramps, landscape and public art features by a maximum of 2 metres.
- (N) Despite Regulation 40.10.50.10(3), a 1.5-metre wide strip of **landscaping** or **soft landscaping** must be provided along any **lot line** abutting a **lot** in the Residential Zone Category;

- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 0.42 **parking spaces** for each **dwelling unit** must be provided for residents;
 - (ii) A minimum of 0.10 **parking spaces** for each **dwelling unit** must be provided for residential visitors;
 - (iii) No **parking spaces** are required for non-residential uses;
 - (iv) **Parking spaces** required by (ii) above may be provided for the shared use of non-residential uses and residential visitors on a non-exclusive basis as **public parking**; and
 - (v) A minimum of 2 **parking spaces** must be provided as "car-share parking spaces".
- (P) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) A reduction of 4 resident **parking spaces** will be permitted for each "car-share parking space" provided that the maximum reduction permitted shall be 16 resident **parking spaces**;
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the building for short-term rental, including hourly rental; and
 - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes.
- (Q) Despite Regulation 200.15.1(1)(B), an accessible **parking space** must have a minimum width of 3.4 metres;
- (R) Regulation 200.15.10.5 as it relates to effective **parking spaces** does not apply;
- (S) Regulation 200.15.10.10 as it relates to parking rate – accessible **parking spaces** does not apply;
- (T) Despite Regulations 220.5.10.1(2) and (3), **loading spaces** must be provided and maintained as follows:
- (i) one type "G" **loading space**;

- (ii) one type "C" **loading space**; and
- (iii) no **loading space** is required for non-residential uses.
- (U) Despite Regulation 230.5.1.10(9), "long term" **bicycle parking spaces** may be located anywhere within the **building**; and
- (V) Despite Regulation 230.40.1.20(2), "short-term" **bicycle parking spaces** may be located anywhere outside of the **building** on the **lot** and anywhere within the first **storey** of the **building**.

Prevailing By-laws and Prevailing Sections: None Apply

7. Division of Lands:

- (A) Despite any consent, severance, partition or division of the lands shown on Diagram 1 of this By-law, the provisions of this By-law shall apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division had occurred.

8. 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 of By-law 1037-2022 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and 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 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.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

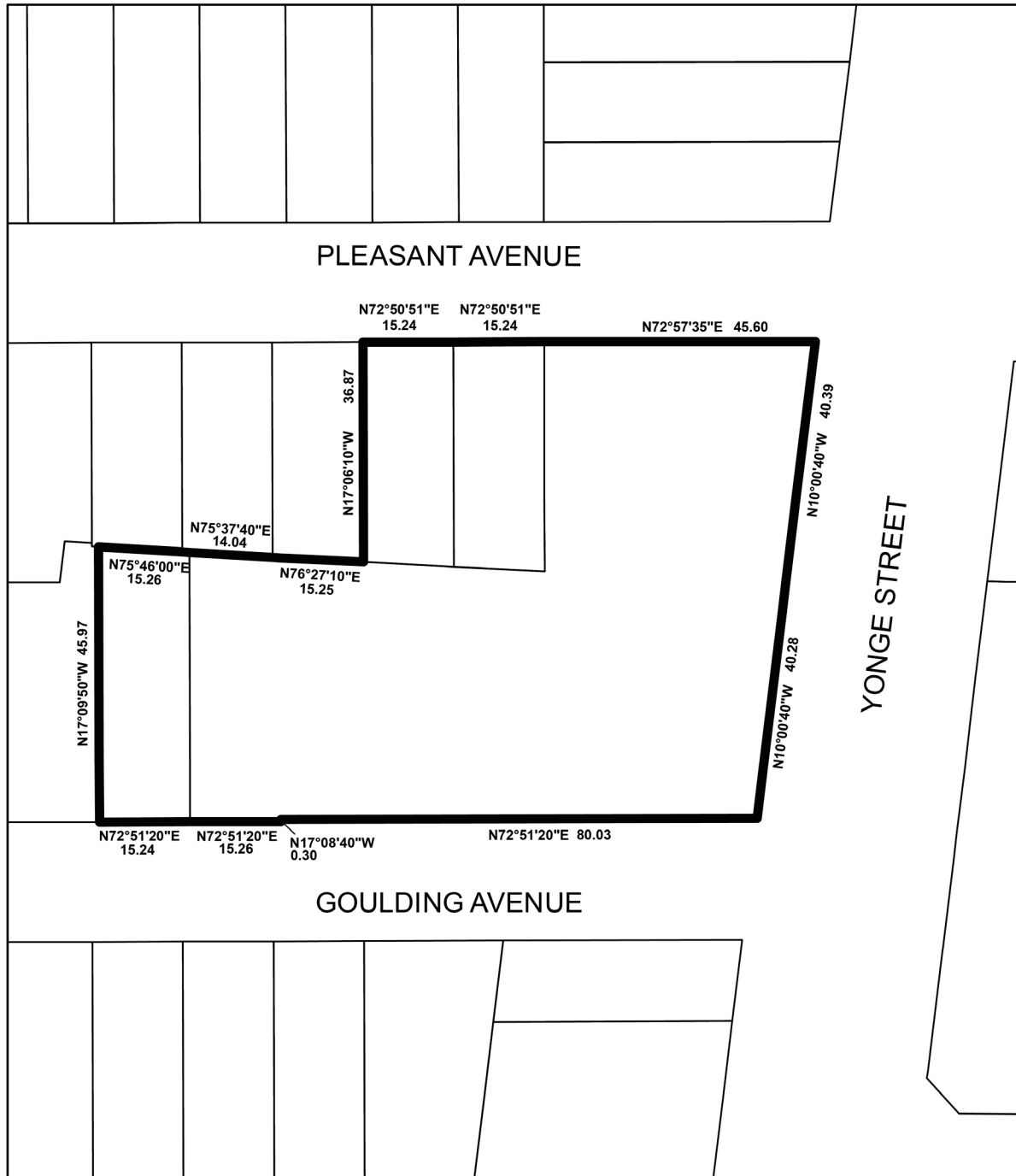
Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Diagram 1 of this By-law are 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:

1. Prior to the issuance of the first above-grade building permit for the development, the owner shall make a cash contribution to the City in the amount of three million four hundred thousand dollars (\$3,400,000.00) to be allocated towards parkland and other community services and facility improvements within the Ward as well as streetscape improvements which comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation and the General Manager, Transportation Services, in consultation with the Ward Councillor;
2. The cash contribution set out in 1. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date City Council adopts the zoning by-law amendment to the date of payment of the cash contribution by the owner to the City;
3. In the event that the cash contribution set out in 1. above has not been used for the intended purpose within three (3) years of the zoning by-law amendment coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the site;
4. Prior to the issuance of the first above-grade building permit for the development, the owner shall convey to the City lands, having an approximate size of 1,226 square metres, composed of the properties municipally known as 98 Patricia Avenue and 100 Patricia Avenue, for public parkland purposes, free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, in an acceptable environmental condition (the "Public Park"), all to the satisfaction of the General Manager, Parks, Forestry and Recreation, and on such terms and conditions as are set out in the Section 37 Agreement;
5. The owner shall pay for all of the costs of acquiring the Public Park, including the cost of purchasing the land; closing costs for the real estate transaction including reasonable legal fees, and any and all sales tax, harmonized sales tax and/or land transfer tax

(provincial or municipal) payable, and the owner shall pay for the costs of the preparation and registration of all relevant documents related to the Public Park;

6. In the event the value of the off-site parkland dedication is less than the value of the parks levy, the difference shall be made up via a cash-in-lieu payment for the remaining shortfall, on such terms and conditions set out in the Section 37 Agreement, payable prior to the issuance of the first above-grade building permit for the proposed development;
7. The owner shall undertake the Public Park's design and construction on such terms and conditions set out in the Section 37 Agreement, and the construction of the Base Park Improvements to the Public Park shall be completed prior to the earlier of any registration of a Condominium on the Lands or within one year after the issuance of the above-grade building permit for the development, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
8. The owner shall ensure the Public Park's completion and acceptance on such terms and conditions set out in the Section 37 Agreement;
9. The owner will construct and maintain the proposed development of the site in accordance with Tier 1, Toronto Green Standard and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan control application for the development; and
10. Prior to the issuance of the first building permit for the development, or a portion thereof, the owner shall provide at its expense to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services, a construction management plan for the development of the Lands or portion thereof, including excavation, on such terms and conditions as are set out in the Section 37 Agreement.

Diagram 1



 **TORONTO**
Diagram 1

**6150 - 6160 Yonge Street, 9 - 11 Pleasant Avenue
& 18 Goulding Avenue**

File # 19 243755 NNY 18 OZ



Diagram 2

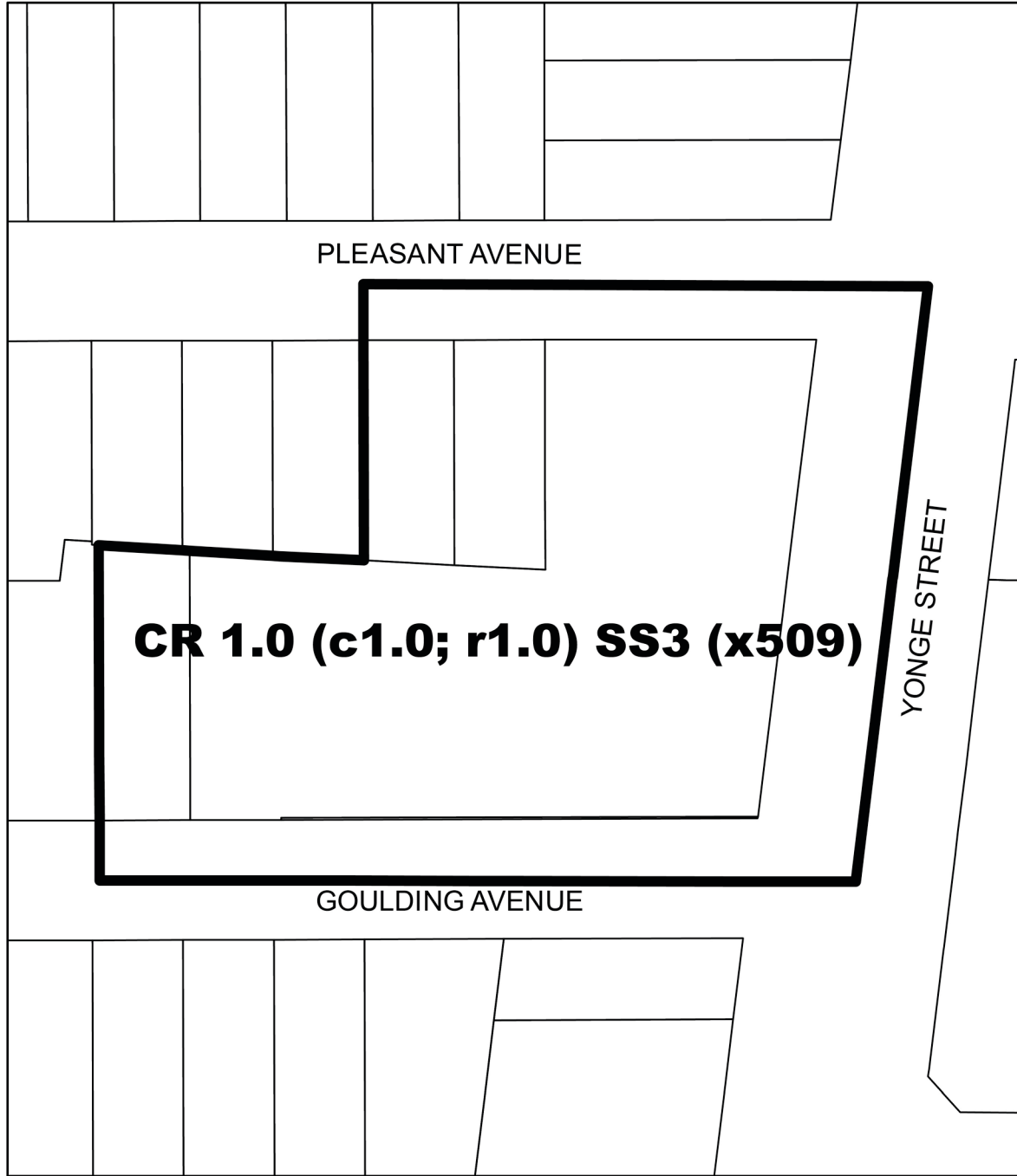


Diagram 3

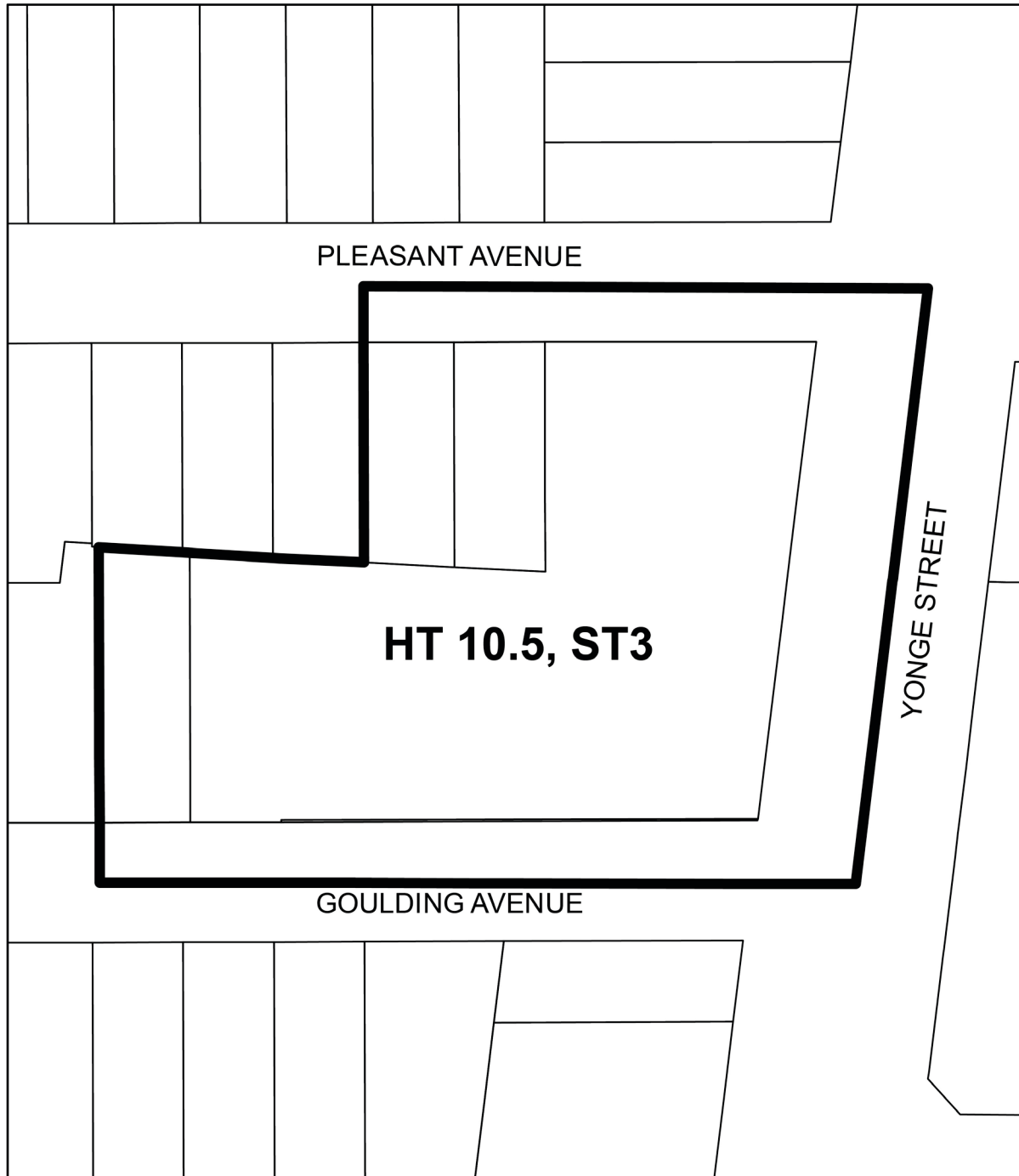


Diagram 4

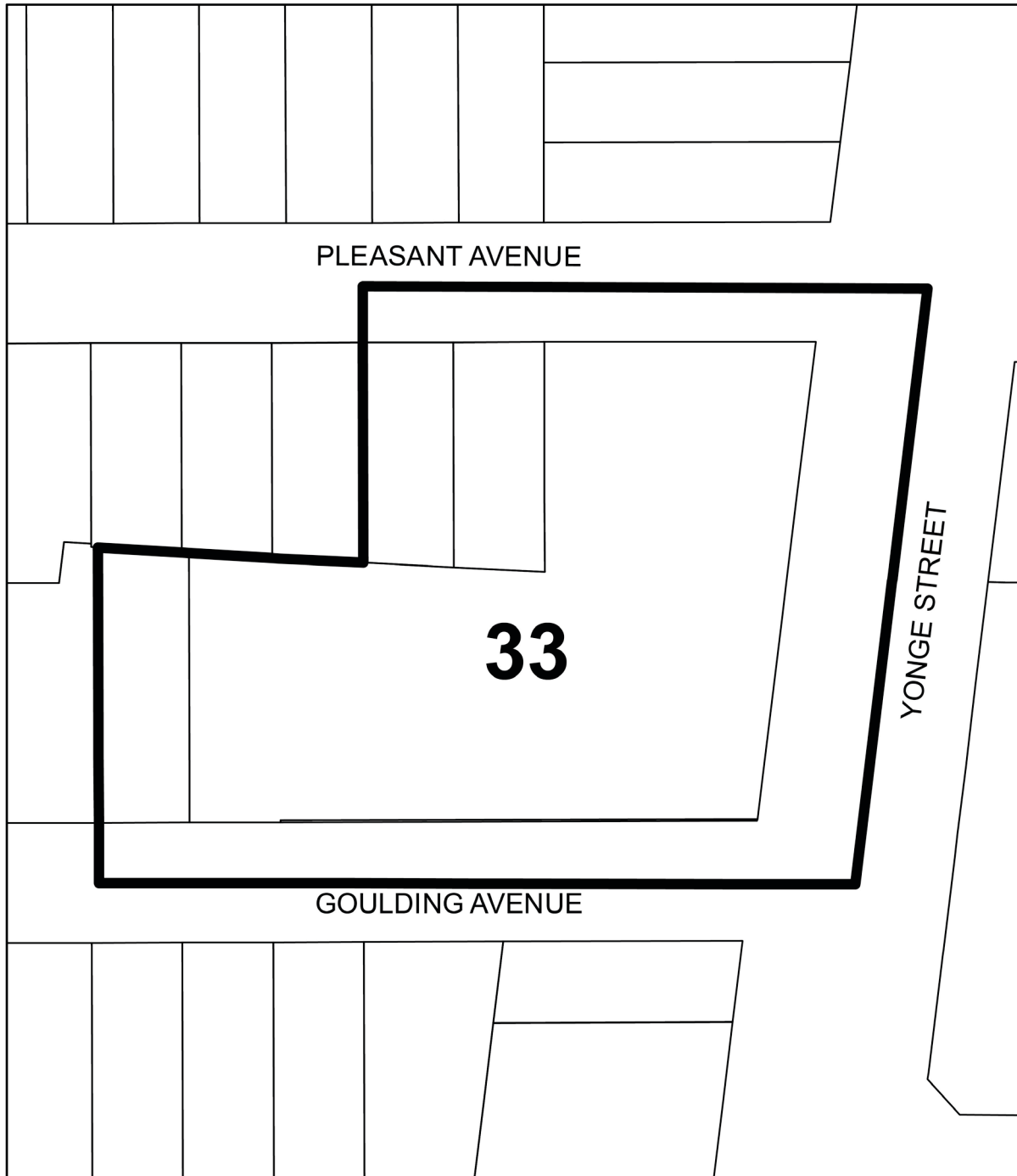
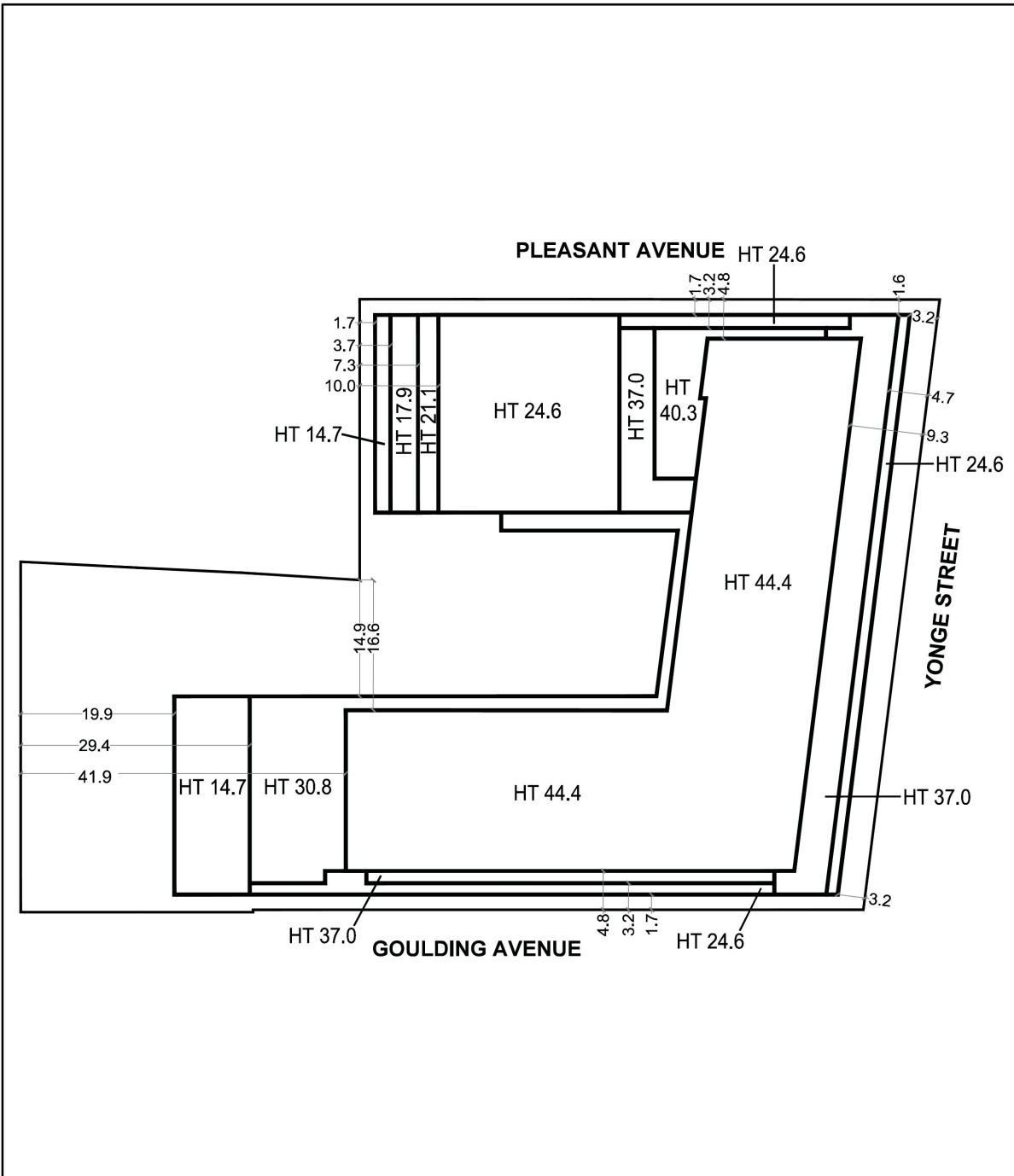


Diagram 5



 **TORONTO**
Diagram 5

6150 - 6160 Yonge Street, 9 - 11 Pleasant Avenue
& 18 Goulding Avenue

File # 19 243755 NNY 18 0Z