

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

## CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the General Zoning By-law No. ~, of the former City of Toronto with respect to the lands municipally known as 501-521 Yonge Street, 6-8 Alexander Street, 23 Maitland Street.**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to the lands known municipally in the year 2013 as 501-521 Yonge Street, 6-8 Alexander Street, 23 Maitland 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 pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, 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 any 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 or matters; and

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services or matters as are hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted subject to the provision of the facilities, services or matters set out in this By-law and to be secured by one or more agreements between the *owner* of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements to secure certain facilities, services or matters in connection with the aforesaid lands set forth in the By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in 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 *lot* of the facilities,

services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreement's pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* 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 requirements.
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*, as amended shall continue to apply to the *lot*.
5. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height*, *bicycle parking space – occupant*, and *bicycle space – visitor*, 4(2)(a), 4(5)(b)(f), 4(12), 4(13)(a) and (d), 8(3) Part I 1 and 3(a), 8(3) Part III 1(a), 12(2) 160, 12(2) 260, 12(2) 208 of *By-law No. 438-86* of the former City of Toronto, shall apply to prevent the erection or use of a *mixed-use building* within the *lot* which may contain *dwelling units* and non-residential uses and *accessory* uses thereto including a *parking garage* provided that all of the provisions of this By-law are complied with.
  - (a) the *lot* on which the uses are located shall comprise the *Parcel A Lands* and *Parcel B Lands* as shown on Map 1 attached to and forming part of this By-law;
  - (b) the *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 53,190 square metres;
  - (c) the *residential gross floor area* shall not exceed 51,920 square metres;
  - (d) the *non-residential gross floor area* shall not exceed 1,270 square metres;
  - (e) the total *dwelling units* erected or used on the *loti* shall not exceed 776;
  - (f) at least ten per cent (10%) of all total *dwelling units* erected or used on the *lot* shall have three or more bedrooms;
  - (g) the minimum ground floor height along Yonge Street, Maitland Street and Alexander Street shall be 5 metres for a minimum depth of 5 metres;
  - (h) continuous weather protection with a minimum depth of 3 metres shall be provided along Yonge Street;

- (i) a minimum amount of outdoor *residential amenity space* shall be provided and maintained on the lot equal to the greater of 635 square metres or 0.818 square metres per dwelling unit in a location adjoining or directly accessible from a portion of the indoor *residential amenity space*;
- (j) a minimum amount of indoor *residential amenity space* shall be provided and maintained on the lot equal to the greater of 1,646 square metres or 2.1 square metres per dwelling unit to be provided in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom;
- (k) no portion of the *mixed-use building* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law and no portion of the *mixed-use building* including the mechanical and roof top elements shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2;
- (l) notwithstanding Section 5(i) above the height of each portion of a building or structure erected above-grade on the *lot*, in respect of each *building envelope* area, has a maximum height in metres as shown following the symbol “H” on Map 2, including mechanical and roof top elements, except for:
  - (i) canopies, awnings and building cornices;
  - (ii) window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, wind mitigation, chimney stack, exhaust flues, garbage chute overrun, and public art elements;
- (m) no part of any building or structure erected on the *lot* shall be located above grade other than within a *building envelope*, except for:
  - (i) canopies, awnings and building cornices;
  - (ii) window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, partitions dividing outdoor recreation area, trellises, wind mitigation and public art elements;

- (n) *parking spaces* shall be provided and maintained on the *site* in a *parking garage* accordance with the following minimum requirements:
- (i) *bachelor dwelling units* – a minimum of 0.3 *parking spaces* for each *bachelor dwelling unit*;
  - (ii) *one-bedroom dwelling units* – a minimum of 0.5 *parking spaces* for each *one-bedroom dwelling unit*;
  - (iii) *two-bedroom dwelling units* – a minimum of 0.8 *parking spaces* for each *two-bedroom dwelling unit*;
  - (iv) *three and more bedroom dwelling units* – a minimum of 1.0 *parking spaces* for each *dwelling unit* containing three or more bedrooms;
  - (v) a minimum of 0.1 *parking spaces* for visitors for each *dwelling unit*;
  - (vi) no *parking spaces* shall be required for non-residential uses on the *lot*;
  - (vii) for each *car-share parking space* provided on the *site*, the minimum resident parking required may be reduced by four *parking spaces*;
- (o) at least one *Loading space-Type G* and one *Loading space-Type B* is provided and maintained on the *lot*;
- (p) the minimum number of *bicycle parking spaces* to be provided on the *lot* shall be as follows:
- (i) for residential uses, a minimum of 1.0 *bicycle parking spaces* per *dwelling unit*, of which 0.8 *bicycle parking spaces* – *occupant per dwelling unit* and 0.2 *bicycle parking spaces* – *visitor per dwelling unit*; and,
  - (ii) for uses listed in Section 8(1)(f)(b)(iv), (v), and (vi) of By-law No. 438-86, *bicycle parking spaces* shall be provided in accordance with Section 4(13) of By-law No. 438-86;
- (q) if the *mixed-use building* is constructed in phases, the first phase of construction shall occur on *Parcel A* and notwithstanding Sections 5(b), (c), (d), (j), (k), (l), (n) above, prior to the completion of construction on *Parcel B*:
- (i) the combined *residential gross floor area* and *non-residential gross floor area* on *Parcel A* shall not exceed 42,405 square metres, of which not more than 41,135 square metres shall be *residential gross floor area* and not more than 1,270 square metres shall be *non-residential gross floor area*;

- (ii) a minimum of 109 *parking spaces* for residents, 36 *parking spaces* for visitors and 3 *car-share parking spaces* shall be provided and maintained on the *lot*;
  - (iii) notwithstanding Section 5(o)(ii) above, up to 23 of the required visitor *parking spaces* may be provided off-site in a parking facility located within 300 metres of the *lot*;
  - (iv) a minimum of 892 square metres of indoor *residential amenity space* and a minimum of 306 square metres of outdoor *residential amenity space* shall be provided and maintained on the *lot*; and
  - (v) a minimum of 486 *bicycle parking spaces* shall be provided and maintained on the *lot* for residents and a minimum of 115 *bicycle parking spaces* shall be provided and maintained on the *lot* for visitors to the *mixed-use building*.
  - (r) none of the provisions of this By-law shall apply to prevent a *temporary sales office* on the *lot*.
6. Within the *lot*, 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.
7. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
- (a) "*grade*" means the established grade of 105.56 metres Canadian Geodetic Datum shown on Map 2;
  - (b) "*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
  - (c) "*lot*" means
  - (d) "*building envelope*" means a building envelope for each height area within the *lot* as shown by an "H" and as delineated by the lines on Map 2;
  - (e) "*residential gross floor area*" means the aggregate of the areas of each floor and the space occupied by walls and stairs, above and below *grade*, of the residential portion of a *mixed-use building*, measured between the exterior faces of the

exterior walls of the building or structure, at the level of each floor exclusive of the following areas:

- (i) a room or enclosed area, including its enclosing walls within the building above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves the building;
  - (ii) loading facilities above or below *grade* required by this By-law;
  - (iii) a part of the building above or below *grade* that is used for the parking or storage of motor vehicles or bicycles;
  - (iv) *residential amenity space*; and
  - (v) a part of the building below *grade* that is used for storage or other *accessory* use.
- (f) "*non-residential gross floor area*" means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building at the level of each floor, exclusive of the following areas:
- (i) a room or enclosed area, including its enclosing walls, within the building above or below *grade* that is use exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that service the building;
  - (ii) loading facilities above or below *grade* required by this By-law;
  - (iii) a part of the building above or below *grade* that is used for the parking or storage of motor vehicles or bicycles; and
  - (iv) a part of the building below *grade* that is used for storage or other *accessory* use;
- (g) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle stacker or locker for the purpose of parking and securing bicycles, and:
- (i) where the bicycles are to be parked in a horizontal position, and except in the case of a bicycle stacker, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
  - (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;

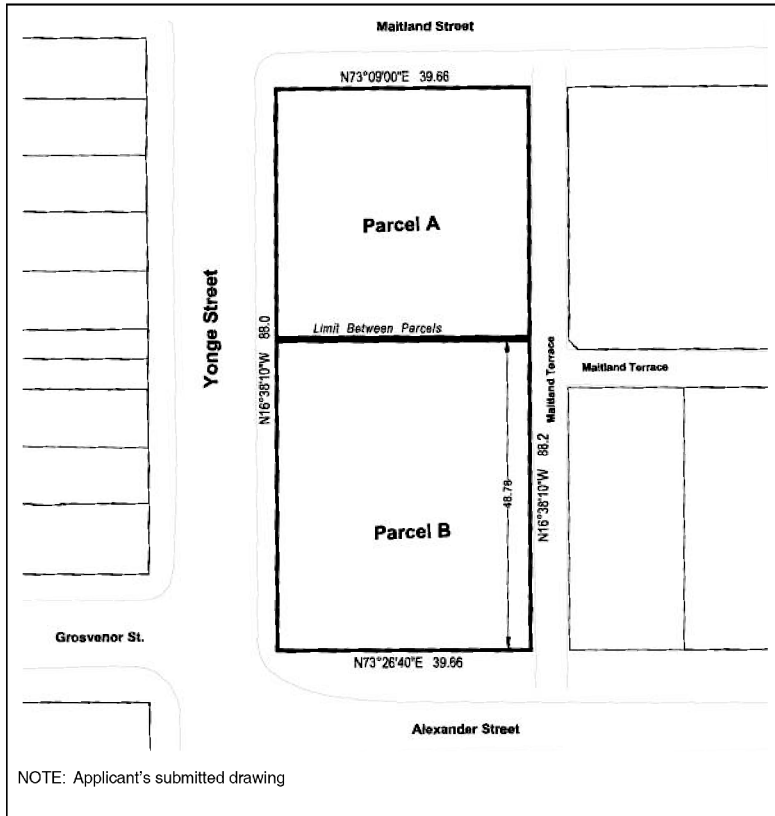
- (h) *"bicycle parking space – occupant"* means a *"bicycle parking space"* provided in a secured room or area;
  - (i) *"bicycle parking space – visitor"* means a *"bicycle parking space"* that may be provided outdoors or indoors but not within a secured room, enclosure or locker;
  - (j) *"car-share parking space"* means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
  - (k) *"car-share"* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
  - (l) *"Parcel A"* and *"Parcel B"* shall mean the areas identified as *Parcel A* and *Parcel B* respectively on Map 1 attached to and forming part of this By-law;
  - (m) *"temporary sales office"* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.
8. Notwithstanding any existing or future severances, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
9. Within the *lot*, 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

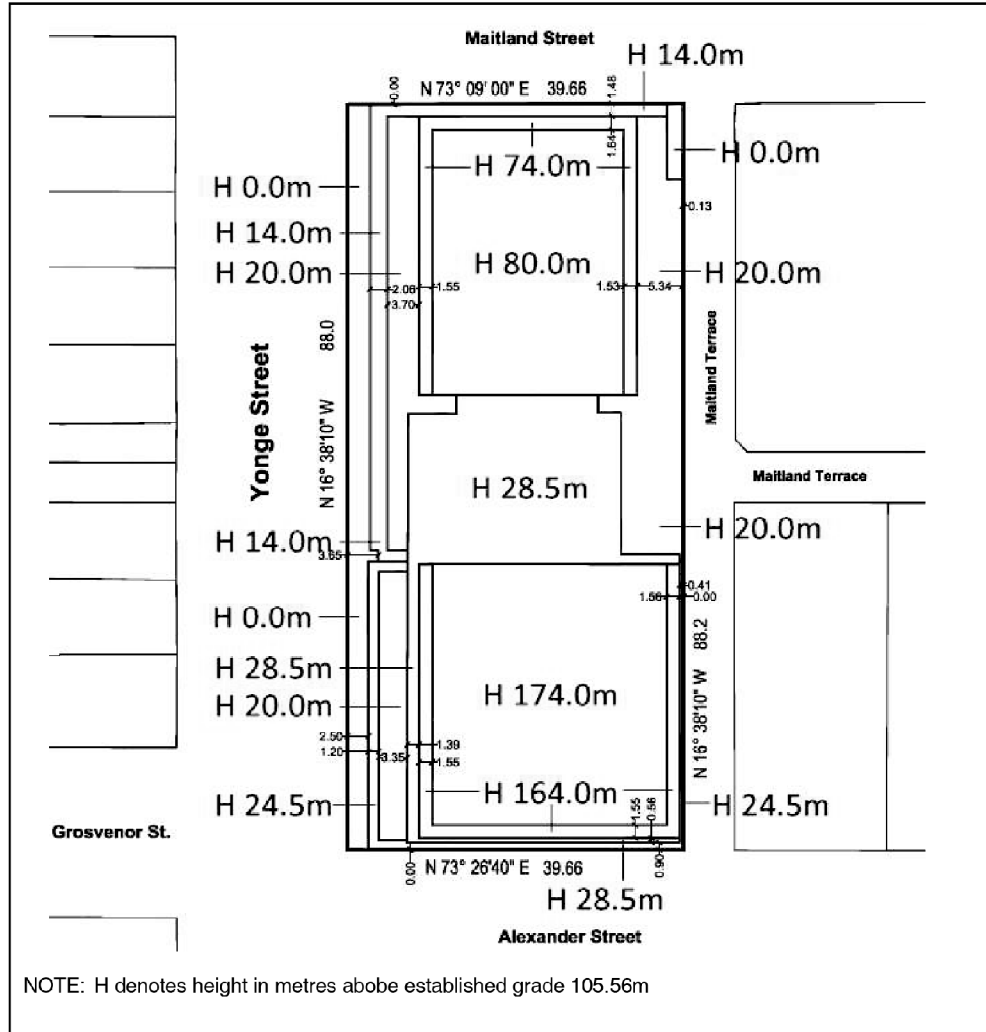
ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)







**APPENDIX 1**  
Section 37 Provisions

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

The community benefits to be secured in the Section 37 agreement are as follows:

Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into one or more Agreement(s) pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with appropriate civic officials and the Ward Councillor:

- a. Prior to the issuance of above grade permits unless indicated otherwise provide a cash contribution of \$5,000,000 which is to be used for the following:
  - i. \$3,350,000 local streetscape improvements and laneway improvements not abutting the site in the area including along Yonge Street and Maitland Terrace;
  - ii. \$450,000 for affordable housing and Toronto Community Housing capital improvements within Ward 27;
  - iii. \$500,000 towards public art to be paid at time of first building permit in accordance with the Percent for Public Art Program;
  - iv. \$200,000 for capital improvements to The Hincks-Dellcrest Treatment Centre, a non-profit facility located on Jarvis Street; and
  - v. \$500,000 for parkland acquisition and/or (park) improvements in the area.
- b. Require that the cash amounts identified in 5a above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
- c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience prior to the issuance of site plan approval to support development all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with the appropriate civic officials and the Ward Councillor:

- i. The owner agrees to an additional contribution for local area park acquisition and/or improvements in the immediate area which may include 5 to 25 Wellesley Street West and 14 to 26 Breadalbane Street;
- ii. The wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable;
- iii. At least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code;
- iv. Require the owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to infrastructure are required to support the development;
- v. Require the owner to design and construct upgraded streetscape for Yonge Street and Maitland Terrace from Maitland Street to Alexander Street and Alexander Street and Maitland Street along the frontage of the site including a pedestrian walkway (laneway only), upgraded pavement treatment and landscaping to be secured through the site plan process;
- vi. Require the owner to design and construct upgraded façade treatment for the above grade parking, pedestrian weather protection to a minimum of 3 metres in width along Yonge Street, Maitland Street and Alexander Street and to provide a maximum frontage for a retail unit of 5 metres along Yonge Street substantially in accordance with the plans for file 11-187996 STE 27 OZ dated 21/03/2013 revision #3 dated 02/07/2013 entitled "Project Renderings", "North, West Elevations" and "South, East Elevations".
- vii. As a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) for 24-hour public access to the pedestrian area over the setback area along the Yonge Street, Alexander Street and Maitland Street frontages, (the "City Easements"), for nominal consideration and to the satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services; and
- viii. As a condition of site plan approval and prior to the issuance of any permits require a detailed construction management plan for the site.