

TE14.8 - Attachment 7

Attachment 7: Draft Zoning By-law Amendment (By-law 569-2013)

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

CITY OF TORONTO

BY-LAW No. XXXX-20~

To amend the City of Toronto By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2019 as 1-11 Delisle Avenue and 1496-1510 Yonge Street.

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 No. 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 No. 569-2013, Chapter 800 Definitions;

3. Zoning By-law No. 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 to CR 4.25 (c2.0; r3.0) SS2 (x2559), as shown on Diagram 2 attached to this By-law;

4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 2559, so it reads:

(2559) Exception CR 2559

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 1-11 Delisle Avenue and 1496-1510 Yonge Street, if the requirements in Section 6 and Schedule A of By-law [Clerks to supply by-law #] are complied with, a **building**, or **structure** addition or enlargement may be constructed or used in compliance with (B) to (Q);

(B) A minimum of ten (10) percent of the total number of **dwelling units** must have three or more bedrooms;

(C) A minimum of twenty (20) percent of the total number of **dwelling units** must have two bedrooms;

(D) Despite regulation 40.5.40.10(1) and 40.5.40.10(2), the height of any **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 148.7 metres in the year 2019 and the highest point of the **building** or **structure**;

(E) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters following the "HT" on Diagram 3 of By-law [Clerks to supply by-law #];

(F) Despite (E) above and regulations 40.5.40.10(4), 40.5.40.10(5), 40.5.40.10(6) and 40.5.40.10(7), the following **building** elements may exceed the permitted maximum height:

(i) Window washing equipment and architectural screens enclosing such elements, provided the maximum height of such elements is not higher than 5 metres above the height limits shown on Diagram 3 of By-law ###-2020;

(G) In addition to those uses permitted by Section 40.10.20.10(1), car-share **parking spaces** and **public parking** are permitted;

(H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 34,200 square metres, provided:

(i) the residential **gross floor area** does not exceed 33,500 square metres; and

(ii) the non-residential **gross floor area** does not exceed 700 square metres;

(I) In addition to the provisions of Regulation 4.5.40.40(5) and 40.5.40.40(3), the **gross floor area** of a **mixed use building** is reduced by the area in the **building** used for **amenity space**;

(J) The average **gross floor area** for each **storey** above the eighth **storey** must not exceed 750 square metres provided that:

(i) the average **gross floor area** for each **storey** between and including the twenty-eighth and thirty-fifth **storey** must not exceed 720 square metres; and

(ii) the average **gross floor area** for each **storey** between and including the thirty-sixth and forty-fourth **storey** must not exceed 670 square metres;

(K) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 4.0 square metres for each **dwelling unit** between indoor **amenity space** and outdoor **amenity space**;

(L) Despite regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and minimum above-ground distance between **main walls** are shown on Diagram 3 of By-law [Clerks to supply by-law #];

(M) Despite regulations 40.5.40.60(1), 40.10.40.60(1), 40.10.40.60(2), 40.10.40.60(5) and 40.10.40.60(6), the following **building** elements may encroach into the required minimum **building setbacks** and minimum above-ground distance between **main walls**, provided no encroachment exceeds 2 metres:

(i) Eaves, cornices, parapets, window sills, landscape features, trellises, wheel chair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, canopies, balconies, ornamental elements, architectural elements; architectural fins, elements associated with a **green roof**, railings, fences, mechanical, architectural and privacy screens, vents, stacks, chimneys, retaining walls, underground garage ramp and its associated **structures**, damper equipment to reduce **building** movement, **structures** used for outside or open air recreation, and safety or weather protection purposes;

(N) Despite regulation 200.5.10.1(1), **parking spaces** must be provided as follows:

(i) a minimum rate of 0.41 **parking spaces** for each **dwelling unit** for residents;

(ii) a minimum of 9 **parking spaces** for residential visitors; and

(iii) a minimum rate of 1.0 **parking space** per 100 square metres of **gross floor area** for non-residential purposes;

(O) Residential visitor **parking spaces** and retail **parking spaces** required pursuant to subsection (N) can be provided in a shared supply of non-residential **parking spaces** with a minimum of 9 **parking spaces** located on the lot and the remainder provided within an adjacent commercial parking facility on a shared non-exclusive basis, subject to the appropriate legal easements for site access and use of the adjacent property;

(P) Despite Regulations 220.5.10.1(2), 220.5.10.1(3), 220.5.10.1(4) and 220.5.10.1(5), a minimum of one (1) Type "G" **loading space**, five (5) Type "C" **loading spaces** and two (2) reserved small **vehicle loading spaces** must be provided on the **lot** and/or on the adjacent lands municipally known in the year 2019 as 2-40 St. Clair Avenue West, subject to the appropriate legal easements for site access and use of the adjacent property; and

(Q) Despite (A), (B), (C), (D), and (E) under "Prevailing By-law and Prevailing Sections" Section 12(2)260, Section 12(2)262, Section 12(2)263, Section 12(2)267, and Section 12(2)270(a) of By-law 438-86 of the former City of Toronto, as amended and does not apply.

Prevailing By-laws and Provisions:

- (A) 12(2) 260 of former City of Toronto By-law 438-86;
- (B) 12(2) 262 of former City of Toronto By-law 438-86;
- (C) 12(2) 263 of former City of Toronto By-law 438-86;
- (D) 12(2) 267 of former City of Toronto By-law 438-86; and
- (E) 12(2) 270(a) of former City of Toronto By-law 438-86.

4. For the purpose of this By-law, "**car-share**" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization 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 a "car-share **parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes.

5. Despite any existing or future severances, partition, or division of the lands shown on Diagram 1, the regulations of this By-law will continue to apply to the whole of the lands as if no severance, partition, or division had occurred.

6. 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 Diagram 2 of By-law [Clerks to supply by-law #] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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;

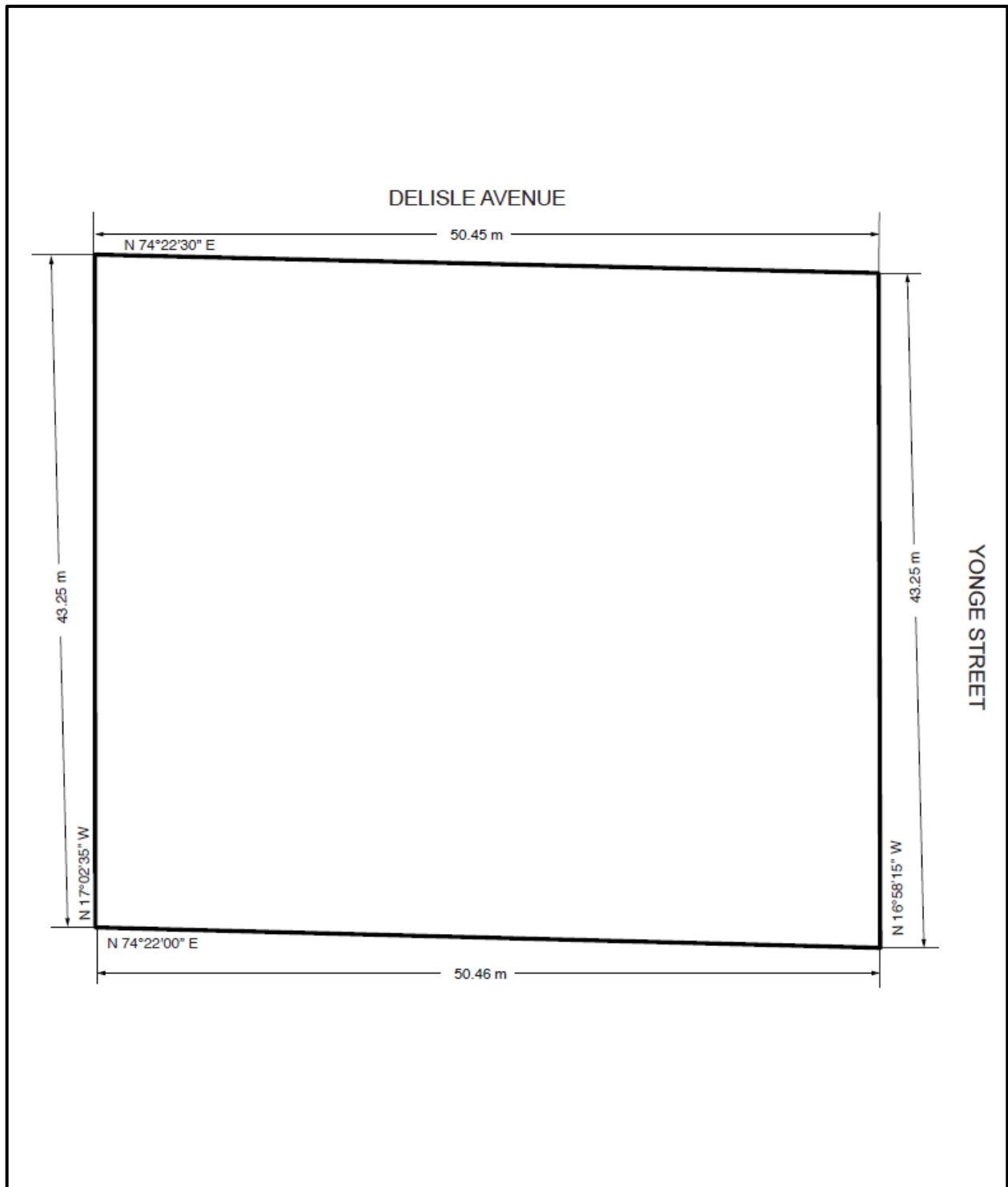
(B) Where Schedule A of By-law [Clerks to supply by-law #] requires the owner to provide certain facilities, services or matters prior to the issuance of a **building** permit, the issuance of such permit shall be dependent on satisfaction of the same; and

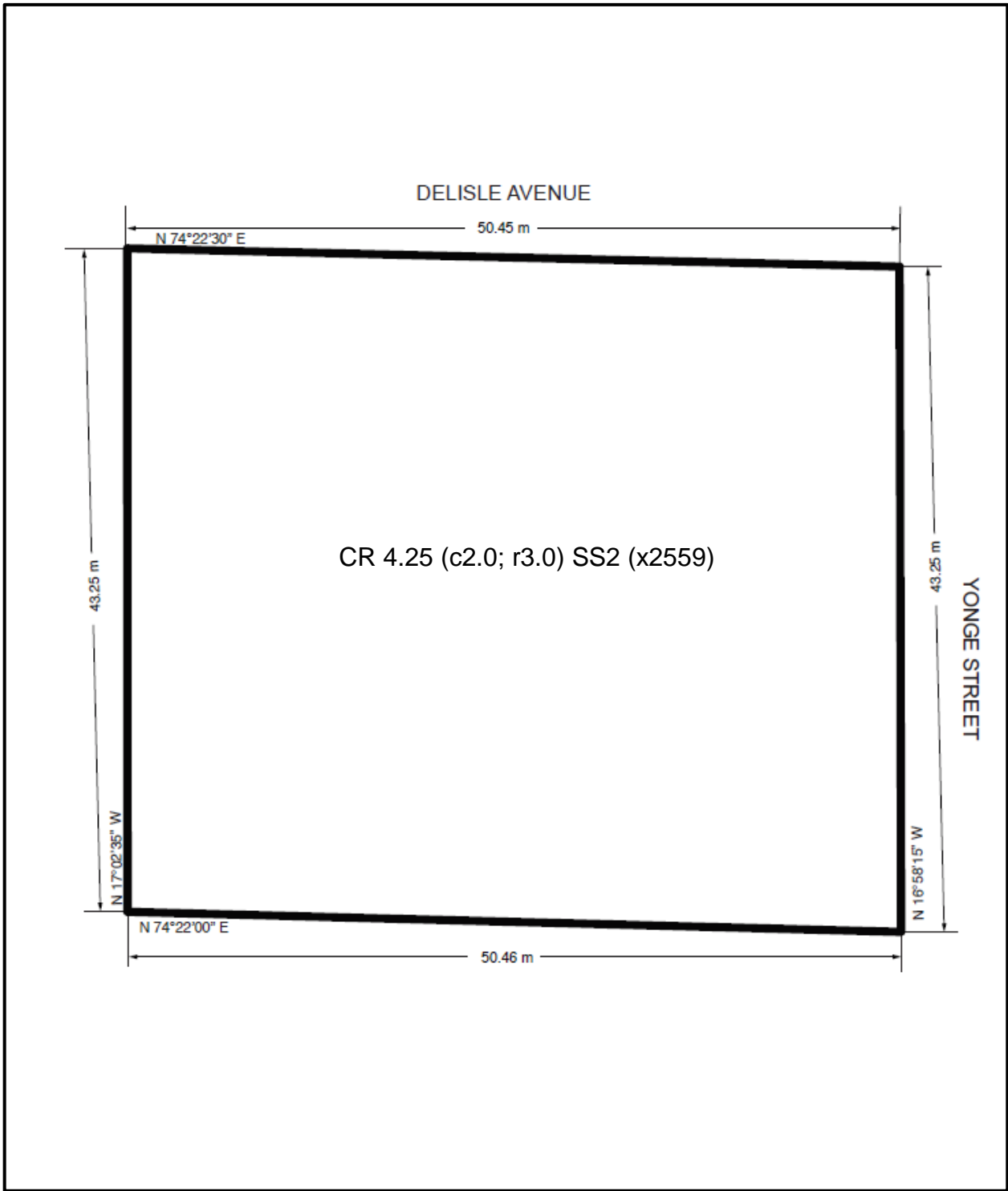
(C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to By-law [Clerks to supply by-law #] unless all provisions of Schedule A are satisfied.

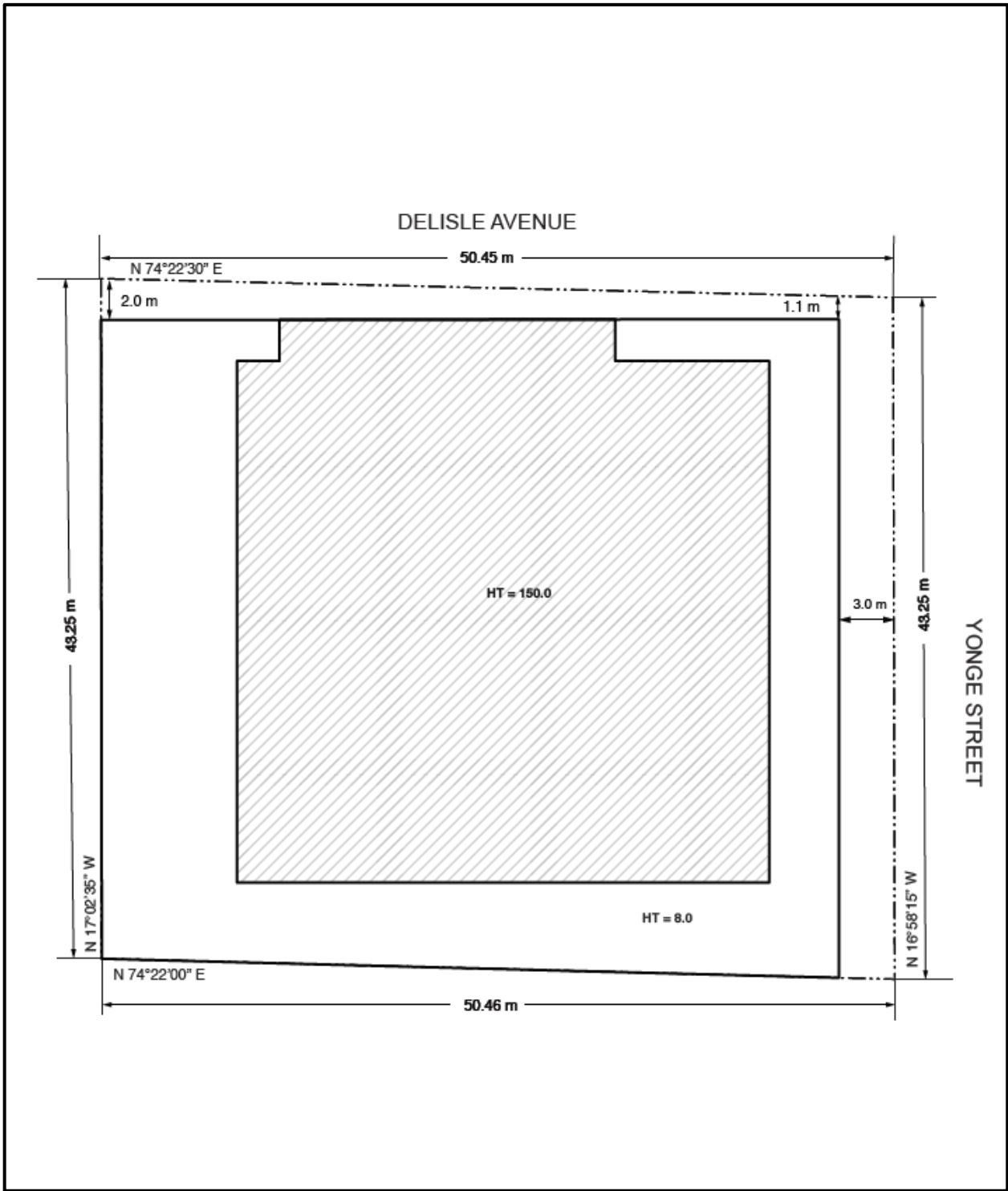
Enacted and passed on _____, 20~.

Frances Nunziata, Ulli S. Watkiss
Speaker 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 at the Owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act*, and any other necessary agreement(s), whereby the owner agrees as follows:

Community benefits and matters of legal convenience will be inserted.