

## Attachment 6: Draft Zoning By-law Amendment 438-86

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 Former City of Toronto Zoning By-law No. 438-86, as amended,  
With respect to the lands municipally known in the year 2020 as  
2100-2110 Yonge Street and 8-12 Manor Road West**

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;

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");

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. None of the provisions of Sections 4(2)(a), 4(3), 4(5)(b), 4(8), 4(12), 4(13)(a) and (c), 4(17), 8(3) Part I 1, 8(3) Part I 3(A), 8(3) Part II 1(B), 8(3) Part II 4(C)(i), 8(3) Part II 7, 12(2)118, 12(2)119 of By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto” as amended, shall apply to prevent the erection and use of a *mixed-use* building on the *lot*, provided that:
- (a) The *lot* on which the buildings are to be located comprises the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) Notwithstanding 8(3) Part I 1 and 3(A), the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 7,750 square metres, provided:
    - (i) the *residential gross floor area* does not exceed 7,500 square metres; and
    - (ii) the *non-residential gross floor area* does not exceed 300 square metres;
  - (c) No portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the number following the “H” symbol as shown on Map 2 attached to and forming part of this By-law, excluding:
    - (i) eaves, cornices, lighting fixtures, ornamental elements, vents, insulation, thermal and moisture protection up to a maximum 0.45 metres;
    - (ii) architectural features up to a maximum 3.00 metres;
    - (iii) parapets up to a maximum 0.90 metres;
    - (iv) planters and guardrails up to a maximum of 1.20 metres;
    - (v) screens, elements of a green roof, exhaust flues, lighting rods, window washing equipment up to 3.00 metres;
    - (vi) mechanical penthouse, including elements of a green roof and indoor amenity area and associated structures up to a maximum of 5.5 metres.
  - (d) The portions of a building or structure above ground must be located within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, except that:
    - (i) eaves, cornices, lighting fixtures, ornamental elements, vents, insulation, thermal and moisture protection up to a maximum 0.45 metres;

- (ii) awnings and canopies;
- (iii) architectural features, columns or structural supports up to a maximum of 2.30 metres;
- (iv) emergency egress corridor up to a maximum 1.0 metres;
- (v) balconies up to a maximum 2.20 metres;
- (vi) stairwells and landscape planters up to a maximum 1.20 metres;
- (e) Notwithstanding 8(3) Part II 1 B(II), the windows of a *dwelling unit* may be setback less than 11 metres to the main window of another *dwelling unit* on the same *lot*;
- (f) Notwithstanding 8(3) Part II 1 B(II), the windows of a *dwelling unit* may be setback 3 metres from the north lot line provided the north facing windows above the 7<sup>th</sup> storey are secondary windows;
- (g) Notwithstanding 4(3), *parking spaces* for the *mixed-use building* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) a minimum of 22 *parking spaces* for the use of the residents of the buildings;
  - (ii) no *parking spaces* are required for visitor of residents;
  - (iii) no *parking spaces* are required for non-residential *gross floor area*;
- (h) Access to parking spaces may be provided by an automated parking system;
- (i) A minimum of 1 accessible *parking spaces* shall be provided and maintained on the *lot*;
- (j) An accessible *parking space* shall have the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 3.4 metres;
  - (iii) vertical clearance of 2.1 metres;
  - (iv) The entire length of an accessible *parking space* must be adjacent to a 1.5-metre-wide accessible barrier free aisle or path;
- (k) *Bicycle parking spaces* shall be provided on the *lot* as follows:
  - (i) a minimum of 0.9 *bicycle parking spaces* – *occupant* for each dwelling unit the use of residents of the building shall be provided;
  - (ii) a minimum of 0.1 *bicycle parking spaces* – *visitor* for each dwelling unit for visitors to the building shall be provided;

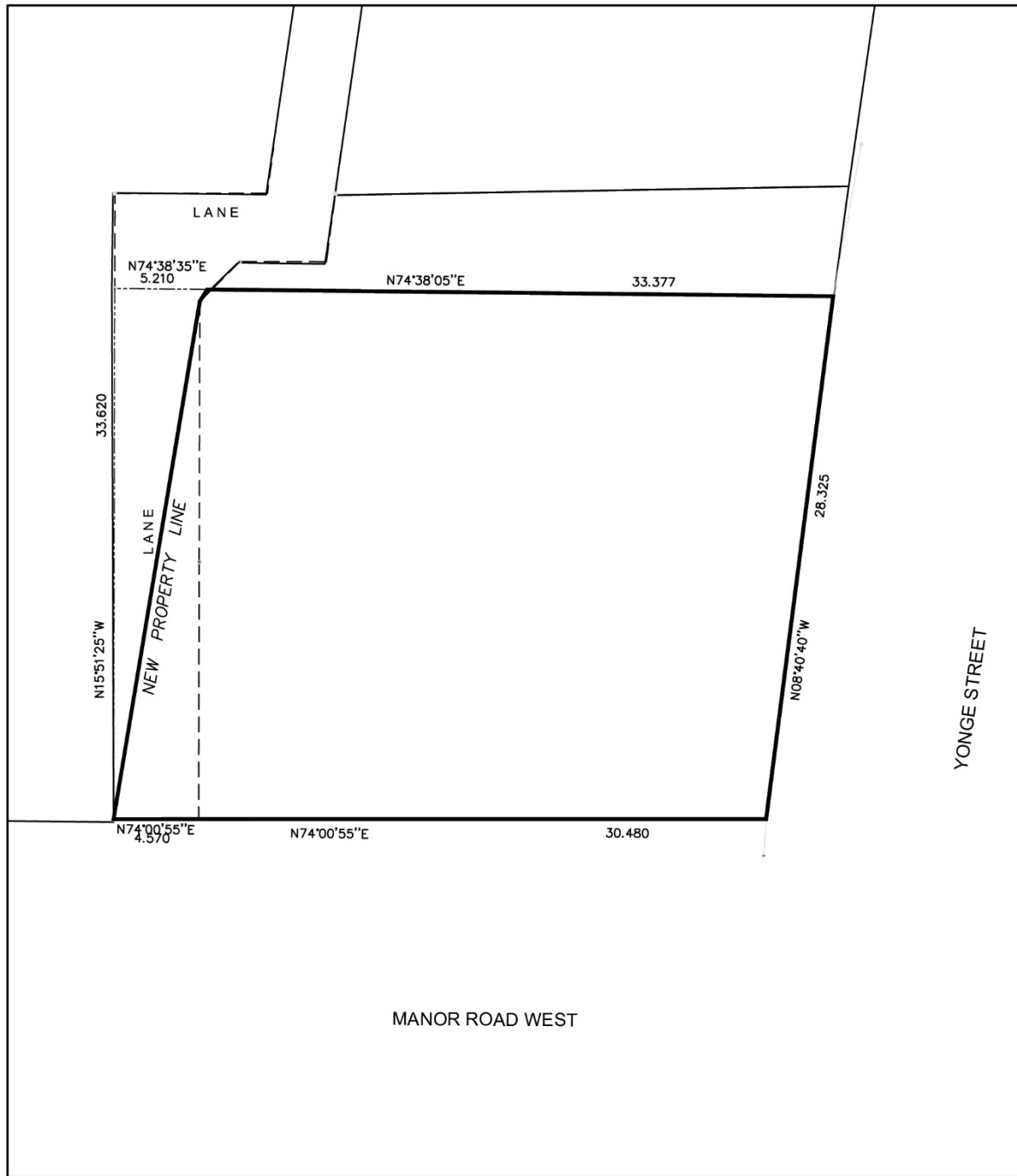
- (l) Notwithstanding the definition of *bicycle parking space – visitor* and *bicycle parking space – occupant* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* may be provided in a stacked *bicycle parking space* having a minimum width of 0.24 metres, a minimum length of 1.8 metres exclusive of the bicycle racking system.;
- (m) One *loading space - Type "G"* shall be provided and maintained on the *lot*;
3. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (i) “*automated parking system*” means a mechanical system for the purpose or parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or drive aisles. Automated maneuvering of other vehicles may be required in for for cars to be parked or retrieved.
  - (ii) “*grade*” shall mean 155.30 metres Canadian Geodetic Datum;
  - (iii) “*height*” shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
  - (iv) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law; and
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

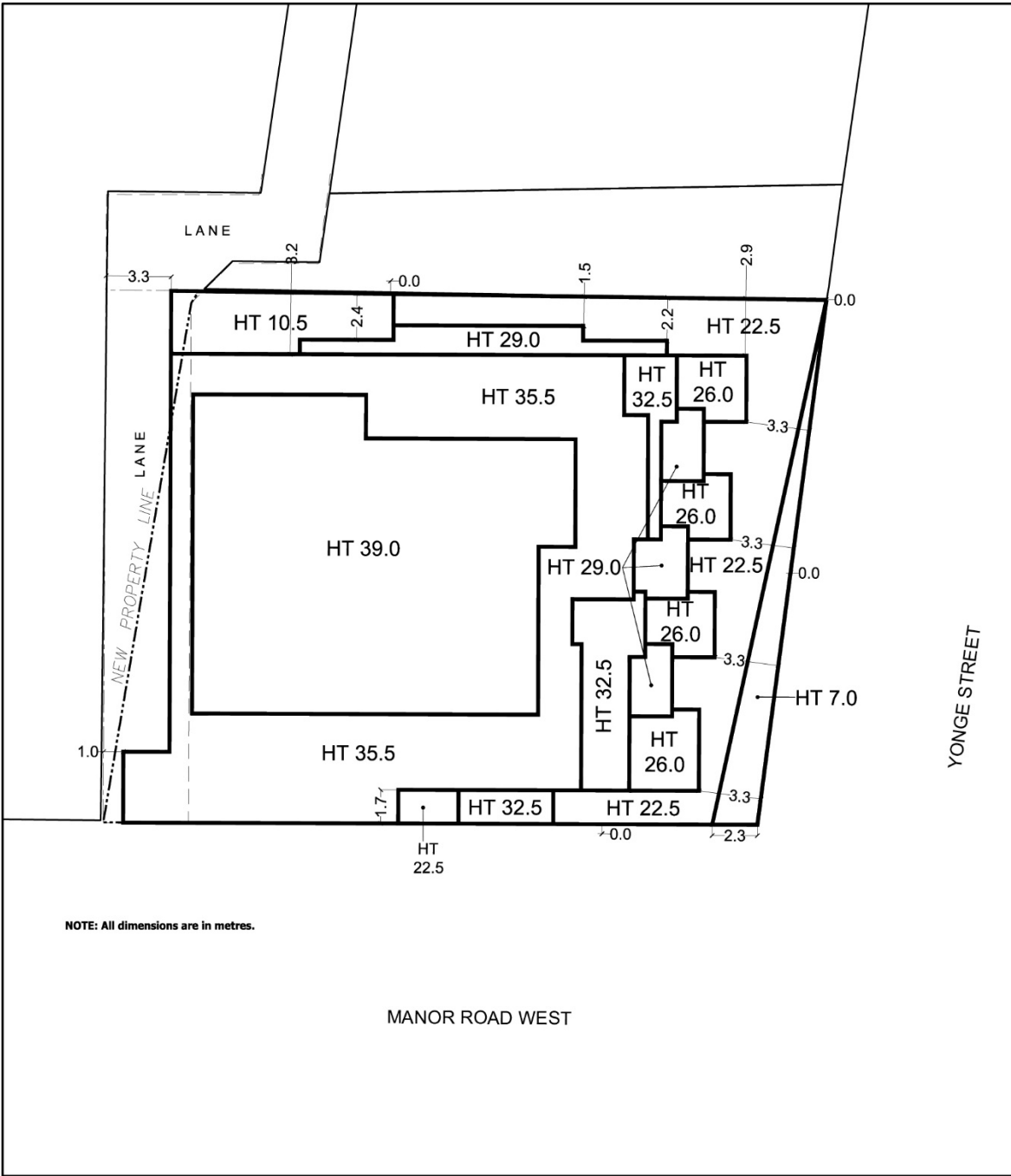
(Corporate Seal)



2100-2110 Yonge Street and 8-12 Manor Road West

File # 18 171536 STE 22 0Z

↑  
Former City of Toronto By-law 438-86  
Not to Scale  
09/14/2020



## 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 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

1. The owner shall provide and maintain seven (7) replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental dwelling unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, 20 year period; the seven (7) replacement rental dwelling units shall be comprised of six (6) one-bedroom units and one (1) two-bedroom units, as generally illustrated in the Architectural Plans prepared by RAW DESIGN submitted to the City Planning Division dated April 28, 2020. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
2. The owner shall, as part of the seven (7) replacement rental dwelling units required in Section 1. above, provide at least six (6) one-bedroom replacement rental dwelling units at mid-range rents, as currently defined in the City's Official Plan, all for a period of at least 10 years beginning from the date of first occupancy of each unit. The rents of the remaining one (1) two-bedroom replacement rental dwelling unit shall be unrestricted;
3. The owner shall provide tenant relocation and assistance to all Post Application Tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
4. The owner shall provide tenants of all seven (7) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed 12-storey mixed-use building at no extra charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
5. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed mixed-use building at no additional cost to tenants;
6. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed mixed-use building;
7. The owner shall provide tenants of the seven (7) replacement rental dwelling units with access to all bicycle parking on the same terms and conditions as any other resident of the proposed mixed-use building;

8. The owner shall provide seven (7) storage lockers to tenants of the replacement rental dwelling units; and
9. The owner shall provide a minimum of 15-percent of all new units in the proposed 12-storey mixed-use building as three-bedroom units and a minimum of 30-percent of all new units in the proposed 12-storey mixed-use building as two-bedroom units.