

Attachment 9: Draft Zoning By-law Amendment 438-86

CITY OF TORONTO

BY-LAW XXX-2020

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in 2020 as 1365-1375 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. None of the provisions of Sections 4(2)(a), 4(3), 4(4), 4(6), 4(10), 4(12), 4(14), 4(17), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(a), 8(3) Part IV 1, 12(2)260, 12(2)267, 12(2)270(a) and 12(2)324 of By-law 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 in various areas of the City of Toronto", as amended, or By-law 346-77 of the former City of Toronto shall apply to prevent the erection of a *mixed-use building* that includes non-residential uses and a *nursing home, convalescent home or rest home* or *home for the aged* and *car-share parking spaces* on the *lot* and uses *accessory* thereto, on the lands municipally known as 1365-1375 Yonge Street in the year 2020, provided that:

- (a) The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the lot shall not exceed 20,400 square metres, subject to the following:
- (i) The *residential gross floor area* of a *nursing home, convalescent home or rest home, or home for the aged* shall not exceed 19,800 square metres; and;
 - (ii) The *non-residential gross floor area* of uses permitted in Section 8(1)(f)(b) shall not exceed 600 square metres
- (b) No portion of the building or structure erected above *grade* on the *lot* is located above the maximum height in metres as indicated by the numbers following the letters “HT” as shown on Map 2, attached to and forming part of this By-law;
- (c) Notwithstanding Section 1(b) of this By-law above, the following building elements and structures may exceed the permitted maximum building height:
- (i) A parapet, roof drainage components, or thermal and waterproofing assembly located at each of the roof levels of the building, all of which may project up to a maximum of 1.5 metres;
 - (ii) Safety railings, fences and guardrails at each of the roof levels of the building, all of which may project up to a maximum of 1.8 metres;
 - (iii) Structures on the roof of any part of the building used for outside or open air recreation, green roof elements, planters, wind mitigation elements, noise mitigation elements, screens, landscape features, telecommunications equipment and antennae, and partitions dividing outdoor recreation areas, all of which may project up to a maximum of 2.5 metres;
 - (iv) Mechanical penthouses, equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, stairs, stair enclosures, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, and garbage chute overruns, and structures that enclose, screen or cover the equipment, structures and parts of a building listed in this section, all of which may project up to a maximum of 5.0 metres; and
 - (v) **building** elements on top of a **building** element or **structure** listed in (c)(iv) above, including chimneys, pipes, vents, cooling towers,

cooling tower perimeter walls, elevator overruns, a parapet, roof drainage components, and thermal and waterproofing assembly, all of which may project up to a maximum of 7.5 metres;

- (d) No portion of the building or structure erected above *grade* on the *lot* is located otherwise than wholly within the areas delineated by the heavy lines on Map 2 attached to and forming part of this By-law, except for the following permitted projections into the required setback areas:
 - (i) Lighting fixtures, architectural features, structural/non-structural architectural columns/piers, window washing equipment, awnings, canopies, parapets, parapet flashing, roof and terrace scuppers, roof overhang, gutter, downspout, trellises, window sills, guardrails, balustrades, railings, wind mitigation and acoustic screens and features, planters, wheel chair ramps, mechanical exhaust and intake components, underground garage ramps and their associated structures and elements, retaining walls, fences, Siamese connections and privacy screens, all of which may encroach a maximum of 2.0 metres; and
 - (ii) Balconies may encroach a maximum of 7.5 metres;
- (e) *Parking spaces* shall be provided and maintained on the lot at a rate of 0.3 for each *dwelling unit* or *bed-sitting room* in a *nursing home, convalescent home or rest home* or *home for the aged*, and no parking spaces are required for all other uses on the lot;
- (f) *Car-share parking spaces* may replace required *parking spaces*;
- (g) A maximum of 10% of the required *parking spaces* may have minimum dimensions of:
 - (i) length of 5.1 metres;
 - (ii) width of 2.4 metres;
 - (iii) vertical clearance of 1.7 metres; and
 - (iv) the side of the *parking space* may be obstructed;
- (h) An accessible *parking space* must be located on the same level as a barrier free passenger elevator that provides access to the first storey of the building must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and

- (iii) vertical clearance of 2.1 metres;
 - (i) One (1) *loading space – type G* and one (1) *loading space – type B* shall be provided and maintained on the *lot*;
2. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw 438-86, as amended, with the exception of the following:
- (a) *Bed-sitting room* means a room used as separate living accommodation that has a private entrance from a hallway inside a *building*, and may have sanitary facilities but not food preparation facilities, with facilities to store or heat food not considered to be food preparation facilities;
 - (b) *Car-share* means the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit automobile-sharing organization and where such organization may require that use of automobiles reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the automobile-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (c) *Car-share parking space* means a parking space that is reserved for a motor vehicle for *car-share* purposes;
 - (d) *Grade* means 142.01 metres Canadian Geodetic Datum;
 - (e) *Height* means the vertical distance between *grade* and the highest point of the building or structure, subject to permitted projections;
 - (f) *Lot* means those lands outlined on Map 1 attached hereto;
 - (g) *Non-residential gross floor area* means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the non-residential portion of a *mixed-use building* at the level of each floor, but excluding:
 - (i) parking, loading and bicycle parking below *grade*;
 - (ii) parking, loading and bicycle parking at or above *grade*;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required *bicycle parking spaces*;

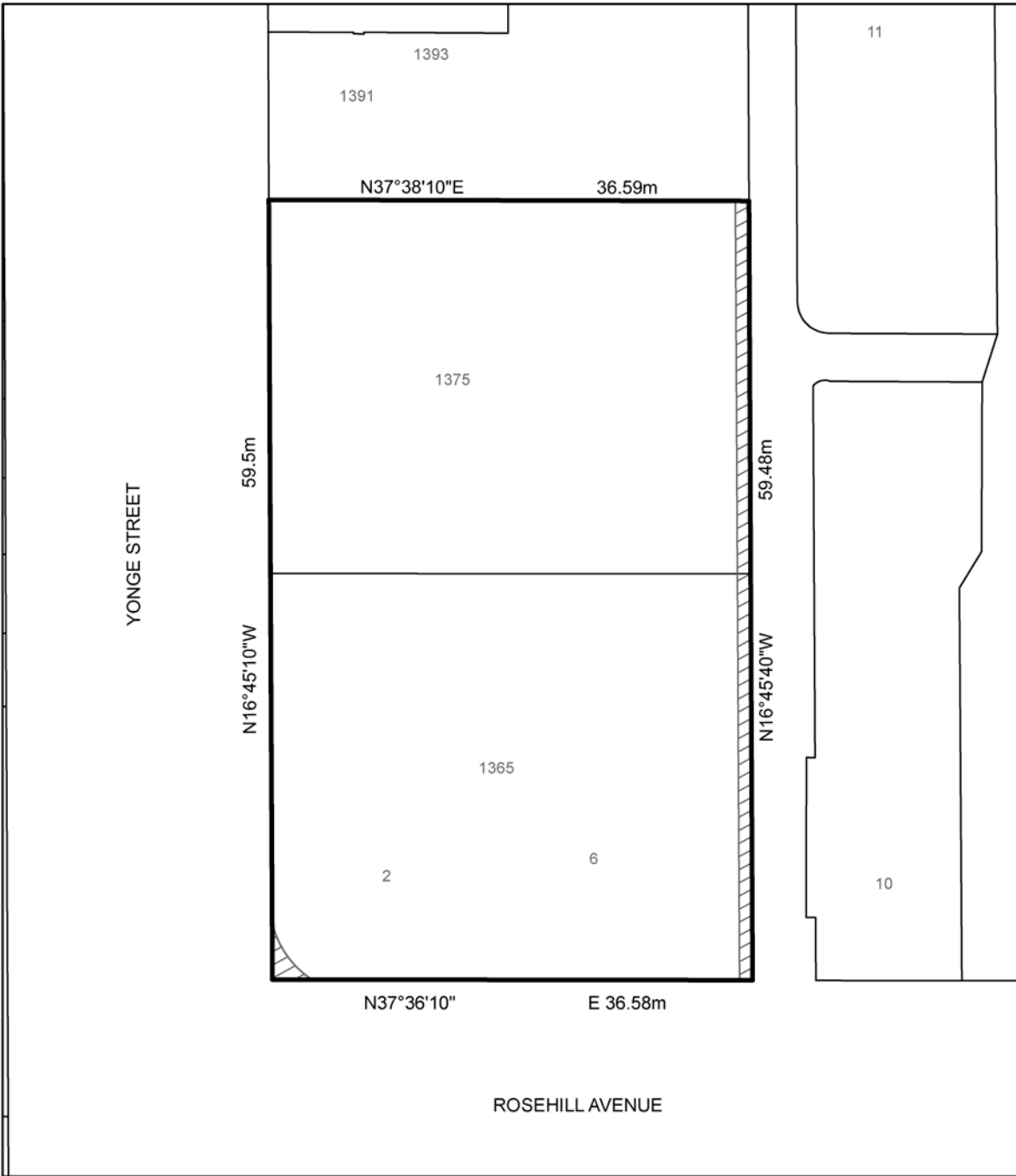
- (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) stairwells in the building; and
- (h) *Residential gross floor area* means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the residential portion of a *mixed-use building* at the level of each floor, but excluding:
- (i) parking, loading and bicycle parking below *grade*;
 - (ii) parking, loading and bicycle parking at or above *grade*;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) *residential amenity space* required by this By-law;
 - (v) shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) stairwells in the building;
3. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

Enacted and passed on XXX, 2020.

John Tory,
Mayor

Ulli S. Watkiss,
City Clerk



(Seal of the City)




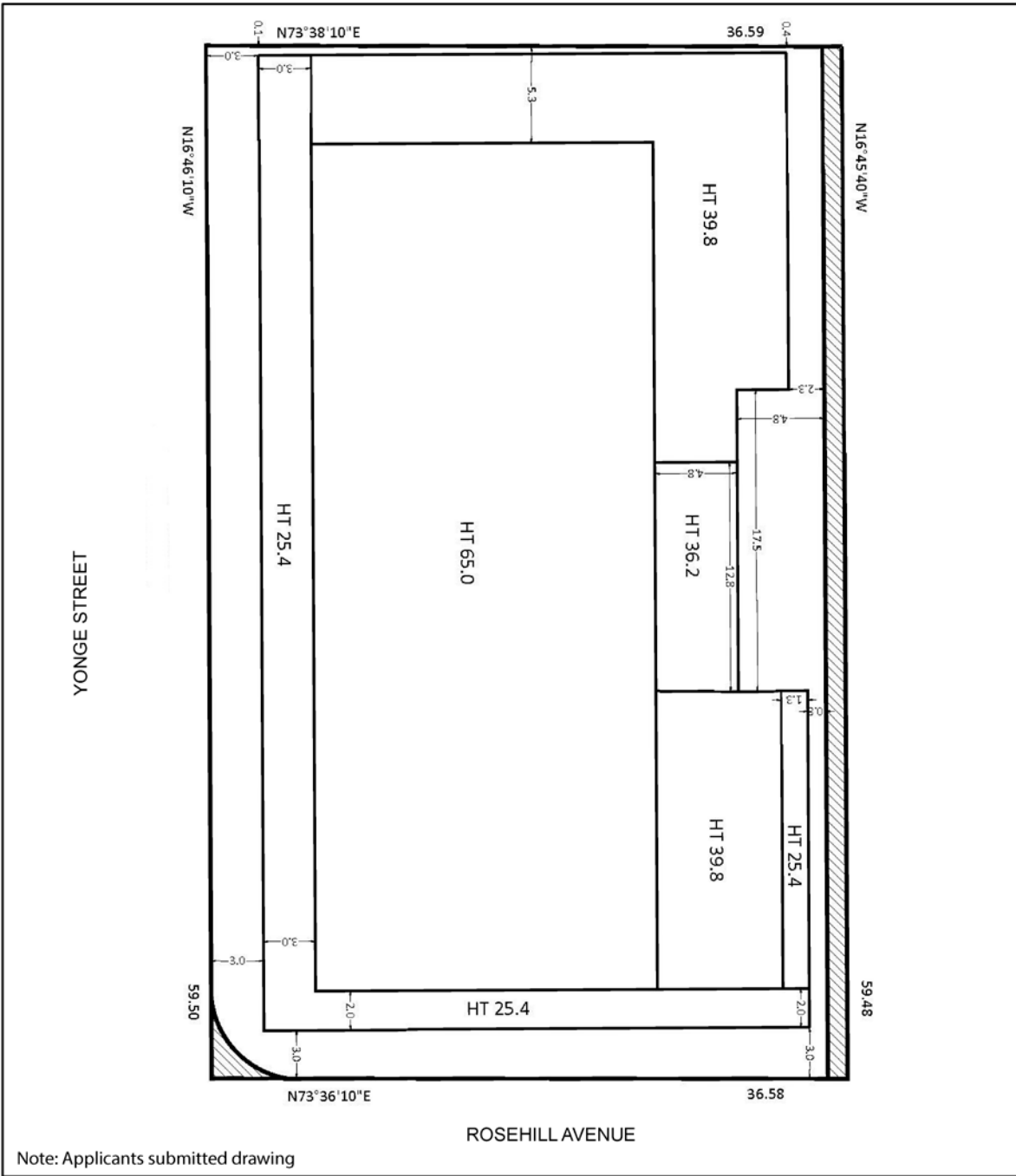
 **TORONTO**
Map 1

1365 - 1375 Yonge Street

File # 18 151554 STE 22 0Z

-  Location of Application
-  Laneway Widening and Corner Rounding




City of Toronto By-law 438-86
Not to Scale
11/26/2020





 Map 2

1365 - 1375 Yonge Street

File # 18 151554 STE 22 OZ

-  Location of Application
-  Laneway Widening and Corner Rounding


 City of Toronto By-law 438-86
 Not to Scale
 11/26/2020

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

- (A) a financial contribution in the amount of \$2,500,000.00 payable to the City which is paid or secured prior to issuance of the first above-grade building permit, with such amount to be 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. The funds shall be directed at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor for the following:
 - (i) a cash contribution for one or more the following: capital improvements for new or existing Toronto Community Housing and/or affordable housing in Ward Toronto-St. Paul's; capital improvements for new or existing cultural and/or community space in Ward Toronto-St. Paul's; and/or local area park or streetscape improvements in Ward Toronto-St. Paul's;
 - (ii) \$750,000.00 towards public art, in accordance with the City of Toronto Public Art Program; and
 - (iii) above base improvements to the public lane east of the site between Pleasant Boulevard and Rosehill Avenue, the details (including, as a minimum, a mural and improvements to paving, lighting and curbing) of which shall be secured as part of and through the Site Plan Approval process for the Development to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.