

Attachment 5: Draft 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 2020 as 1-15 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 1-15 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) Despite 40.10.20.10 and 40.10.20.20, within 10 metres of the west **lot** line, the only uses permitted at grade are **art gallery, artist studio, education use, massage therapy**, medical office, office, **outdoor patio**, park, **production studio**, and **wellness centre**;

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

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

(E) 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 2020 and the highest point of the **building** or **structure**;

(F) 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 #];

(G) Despite (F) 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 [Clerks to supply by-law #];

(ii) parapets, balustrades, bollards, elements associated with a green roof, insulation and building envelope membranes, decking, pavers, built-in planter boxes, pools, pool decks, heating, ventilation, and air conditioning condensing units within the required outdoor amenity space by not more than 1.5 metres above the height limits shown on Diagram 3 of By-law [Clerks to supply by-law #];

(iii) ornamental elements, railings, guardrails, architectural elements, pergolas, trellises, landscape features, light fixtures, mechanical, architectural, acoustical and privacy screens, sound and wind barriers, structures used for open air recreation or weather protection purposes within the required outdoor **amenity space** by not more than 4.0 metres above the height limits shown on Diagram 3 of By-law [Clerks to supply by-law #];

(H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 35,700 square metres, provided:

- (i) the residential **gross floor area** does not exceed 34,000 square metres; and
- (ii) the non-residential **gross floor area** does not exceed 1,700 square metres;

(I) The average **gross floor area** for each **storey** above the first **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;

(J) 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 #];

(K) 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**:

- (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, provided no such encroachment exceeds 2 metres;

(ii) residential entrance canopy, provided no such encroachment exceeds 3 metres;

(L) 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; and

(ii) a minimum of 9 parking spaces for non-residential uses and residential visitors, which may be provided in a commercial parking garage on a non-exclusive basis;

(M) Despite regulation 200.5.1.10(2), a maximum of 12 **parking spaces** may be obstructed and shall have the following minimum dimensions:

(i) length of 5.6 metres;

(ii) width of 2.6 metres; and

(iii) vertical clearance of 2.0 metres;

(N) The minimum required **parking spaces** for residents can be reduced by up to 4 **parking spaces** for each dedicated car-share **parking space** provided on the **lot**, where the maximum number of car-share **parking spaces** permitted is capped by the application of the formula (total number of **dwelling units** divided by 60, rounded down to the nearest whole number);

(O) 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** and five (5) Type “C” **loading spaces** must be provided on the **lot** or within 100 metres of the **lot** on an adjacent property with an underground connection to the **lot**, subject to the appropriate legal easements for site access and use of the adjacent property;

(P) Despite Regulations 230.5.1.10(4):

(i) the required minimum width of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is 0.4 metres; and

(ii) if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.15 metres; and

(Q) Despite Regulation 230.5.1.10(5)(A), an area used to provide a stacked bicycle parking space must have a minimum vertical clearance of 2.3 metres.

Prevailing By-laws and Provisions:

(A) 12(2) 267 of former City of Toronto By-law 438-86; and

(B) 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;

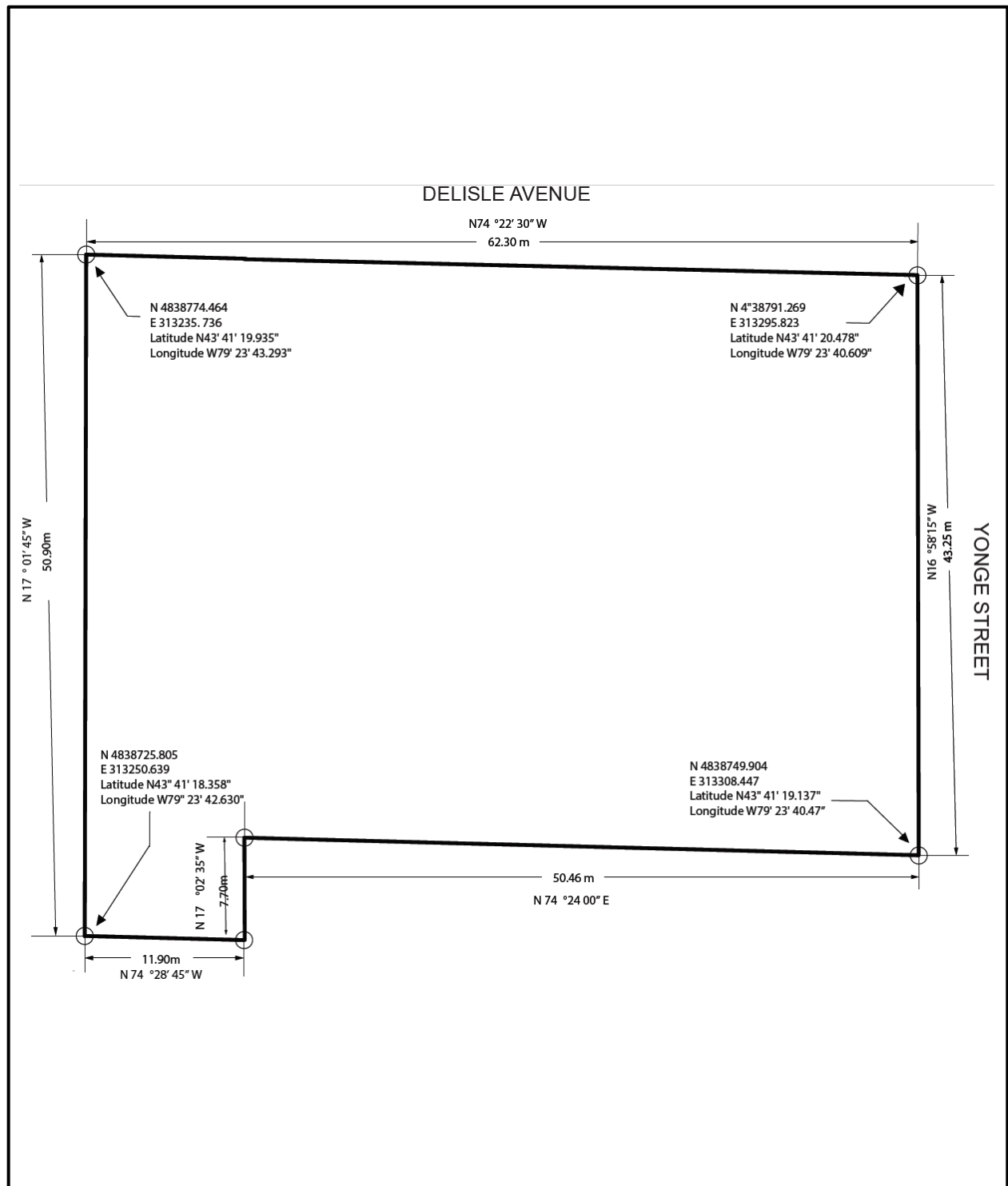
(B) Where Schedule A of By-law [Clerks to supply by-law #] requires the owner to provide certain facilities, services or matters prior to the issuance of a **building** permit, the issuance of such permit shall be dependent on satisfaction of the same; and

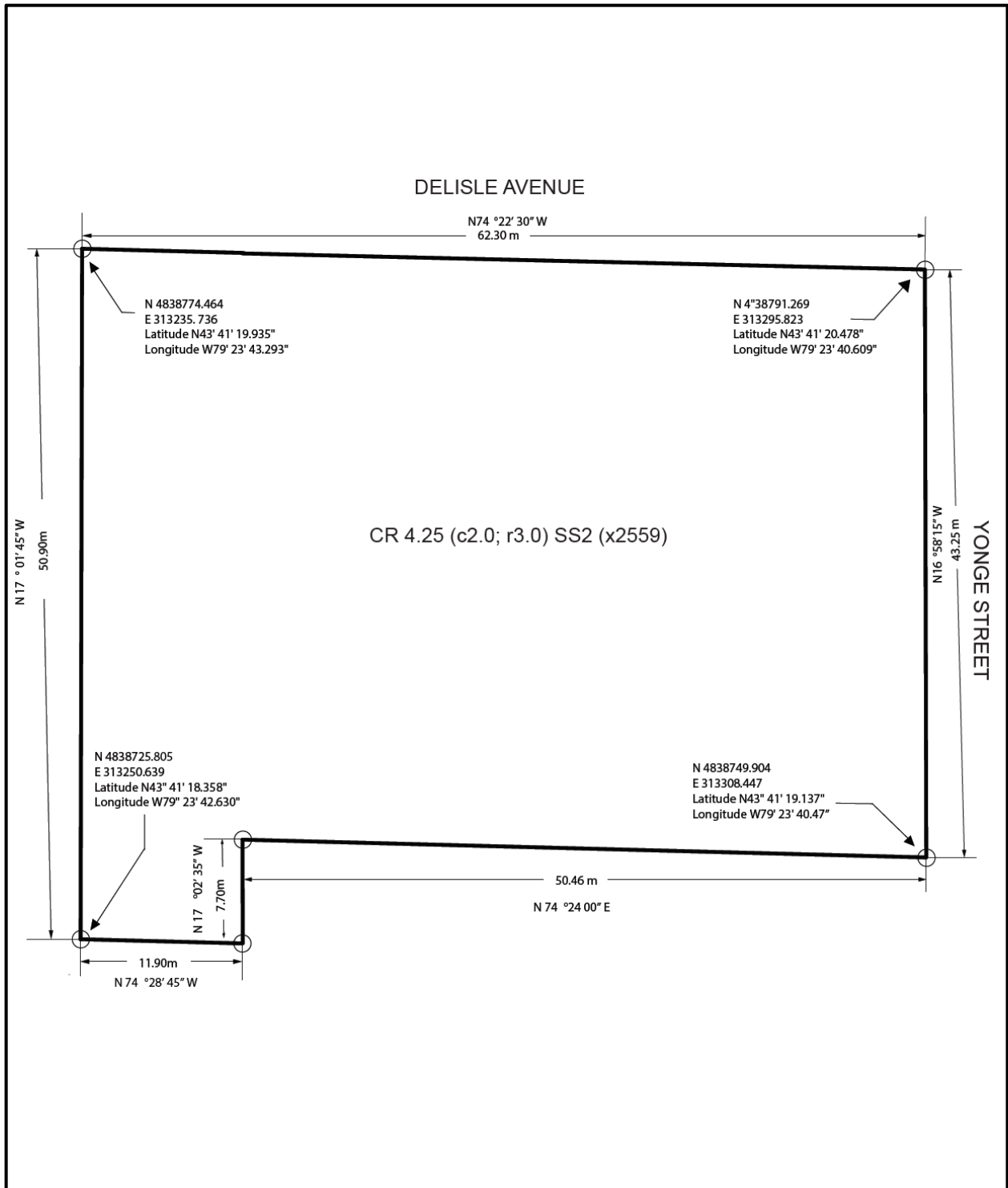
(C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to By-law [Clerks to supply by-law #] unless all provisions of Schedule A are satisfied.

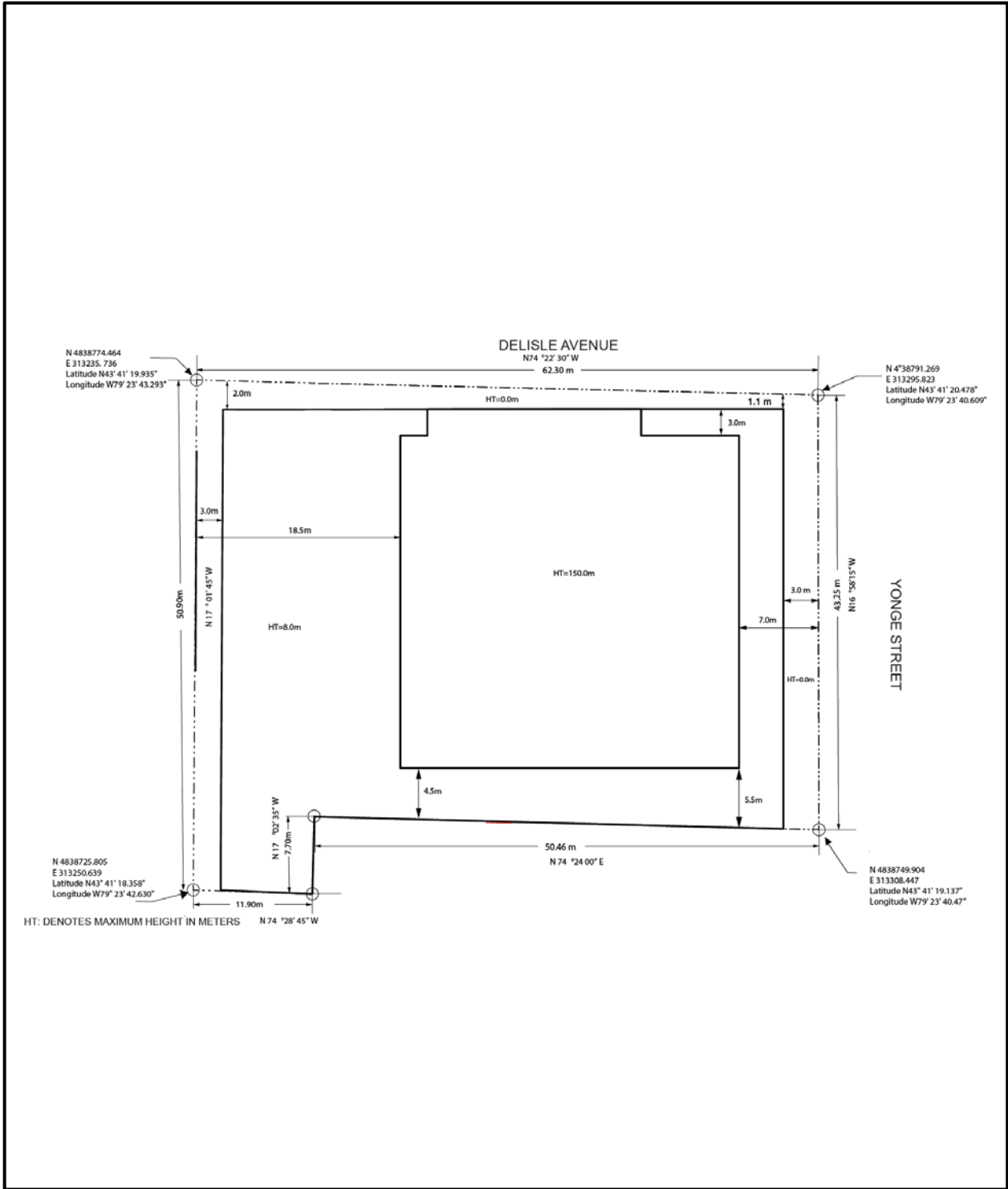
Enacted and passed on _____, 20~.

Frances Nunziata, John D. Elvidge
Speaker Interim 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.