

Authority: Toronto and East York Community Council  
Item TE7.13, adopted as amended by City of Toronto  
Council on July on 16, 17 and 18, 2019

## CITY OF TORONTO

### Bill 1640

### BY-LAW -2019

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2018 as 11-25 Yorkville Avenue and 16-18 Cumberland 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 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.11, respecting the lands municipally known in the year 2018 as 11-25 Yorkville Avenue and 16-18 Cumberland Street, as outlined by heavy

black lines to CR 3.0 (c1.75; r3.0) SS1 (x222), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11 Exception Number 222, so it reads:

**(222) Exception CR 222**

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 11-25 Yorkville Avenue and 16-18 Cumberland Street, if the requirements in Section 5 and Schedule A of By-law -2019 [Clerks to insert number] are complied with, none of the provisions of former City of Toronto By-law 503-77 will apply to prevent the use or erection of a **building, structure**, addition or enlargement, permitted in compliance with (B) to (X);
- (B) A maximum of 674 **dwelling units** are permitted on Parcel A, as delineated by a heavy line on Diagram 1 of By-law -2019 [Clerks to insert number];
- (C) A minimum of ten percent of the total number of **dwelling units** constructed on Parcel A, as delineated by a heavy line Diagram 1 of By-law -2019 [Clerks to insert number], must have three or more bedrooms;
- (D) Despite regulation 40.5.40.10(1), the height of a **building** is the distance between the Canadian Geodetic Datum elevation of 116.35 metres in the year 2018 and the highest point of the **building**;
- (E) Despite regulation 40.5.40.10(2), the height of a **structure** that is not a **building** is the distance between the Canadian Geodetic Datum elevation of 116.35 metres in the year 2018 and the highest point of the **structure**;
- (F) Despite regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** on the **lot** is the numerical value, in metres, following the letters following the HT on Diagram 3 of By-law -2019 [Clerks to insert number];
- (G) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** or **structure** on the **lot** is the numerical value following the letters ST on Diagram 3 of By-law -2019 [Clerks to insert number], excluding mezzanine, mechanical and roof top elements;
- (H) Despite (E) and (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) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed

- stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, all of which may project up to a maximum of 7.0 metres;
- (ii) architectural features, parapets, elements and **structures** associated with a **green roof**, **building** maintenance units, and window washing equipment all of which may project up to a maximum of 11.0 metres;
  - (iii) planters, landscape features, and guard rails, all of which may project up to a maximum of 2.2 metres;
  - (iv) divider screens, on a balcony and/or terrace, which may project up to a maximum of 2.5 metres; and
  - (v) trellis, pergolas and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, all of which may project up to a maximum of 4.0 metres;
- (I) In addition to those uses permitted by Section 40.10.20.10(1), **bed-sitting rooms** that have no food preparation facilities and are available for use on a temporary basis as overnight accommodation exclusively for persons visiting residents of the **building** are permitted on Parcel A, as delineated by a heavy line on Diagram 1 of By-law -2019 **[Clerks to insert number]**;
- (J) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** for Parcel A, as delineated by a heavy line on Diagram 1 of By-law -2019 **[Clerks to insert number]**, is 53,000 square metres, provided:
- (i) the residential **gross floor area** does not exceed 48,500 square metres; and
  - (ii) the non-residential **gross floor area** does not exceed 4,500 square metres;
- (K) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** for Parcel B, as delineated by a heavy line on Diagram 1 of By-law -2019 **[Clerks to insert number]**, is 850 square metres;
- (L) Despite Regulation 40.10.40.50(1), **amenity space** must be provided and maintained on Parcel A, as delineated by a heavy line on Diagram 1 of By-law -2019 **[Clerks to insert number]**, at a minimum rate of 2.0 square metres for each **dwelling unit** for indoor **amenity space** and 1.1 square metres for each **dwelling unit** for outdoor **amenity space**;
- (M) Despite regulations 40.10.40.70(1) and 40.10.40.80(1), the required minimum **building setbacks** are shown on Diagram 3 of By-law -2019 **[Clerks to insert number]**;

- (N) 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**:
- (i) trellis, pergolas and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, all of which may encroach up to a maximum of 4.0 metres;
  - (ii) balconies, terraces, cornices, canopies, window sills, parapets, trellises, pillars, patios, decks, guardrails, balustrades and railings, all of which may encroach to a maximum of 2.5 metres;
  - (iii) architectural, art and landscape features, pilasters and eaves, all of which may encroach to a maximum of 1.0 metres;
  - (iv) light fixtures, which may encroach to a maximum of 0.6 metres; and
  - (v) railings, stairs, wheelchair ramps, fences, screens, site servicing features, and underground garage ramps and associated **structures**;
- (O) Despite regulation 200.5.10.1(1), **parking spaces** must be provided and maintained on Parcel A, as delineated by a heavy line on Diagram 1 of By-law -2019 [Clerks to insert number], as follows:
- (i) a minimum rate of 0.25 **parking spaces** for each **dwelling unit** for residents;
  - (ii) a minimum rate of 0.03 **parking spaces** for each **dwelling unit** for visitors; and
  - (iii) no **parking spaces** are required for non-residential uses;
- (P) Despite regulation 200.5.10.1(1), no **parking spaces** are required on Parcel B, as delineated by a heavy line on Diagram 1 of By-law -2019 [Clerks to insert number];
- (Q) Despite regulation 200.5.1.10(2), a **stacked parking space** must be provided and maintained with the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 2.6 metres; and
  - (iii) vertical clearance of 2.0 metres;
- (R) The platform of a **stacked parking space** may have a minimum width of 2.4 metres and a minimum length of 5.0 metres;

- (S) Mechanisms and equipment associated with the **stacked parking spaces** are permitted within the dimensions outlined in (Q) above;
- (T) Despite regulation 230.5.1.10(9) and 230.5.1.10(10), long-term **bicycle parking spaces** and short-term **bicycle parking spaces** may be located on levels below-ground and in **stacked bicycle parking spaces**;
- (U) Despite regulations 230.5.1.10(4) and 230.5.1.10(5) **stacked bicycle parking spaces** must be provided and maintained with the following minimum dimensions:
- (i) length of 1.8 metres;
  - (ii) width of 0.4 metres; and
  - (iii) vertical clearance of 0.7 metres;
- (V) Despite Regulations 220.5.10.1(2) and 220.5.10.1(3), **loading spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of one Type "G" **loading space** and one Type "B" **loading space** must be provided on Parcel A, as delineated by a heavy line on Diagram 1 of By-law -2019 [Clerks to insert number]; and
  - (ii) a minimum of one Type "C" **loading space** must be provided on Parcel B, as delineated by a heavy line on Diagram 1 of By-law -2019 [Clerks to insert number];
- (W) Article 600.10.10. does not apply; and
- (X) Despite any existing or future severances, partition, or division of the lands subject to this Exception, the provisions of this Exception will apply to the whole of the lands as if no severance, partition, or division had occurred.

Prevailing By-laws and Provisions:

- (A) Section 12(2) 132 of former City of Toronto By-law 438-86;
- (B) Section 12(2) 259 of former City of Toronto By-law 438-86;
- (C) Section 12(2) 304 of former City of Toronto By-law 438-86; and
- (D) On 18 Cumberland St., former City of Toronto by-law 503-77.

**5. 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 -2019 [Clerks to insert number] 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;

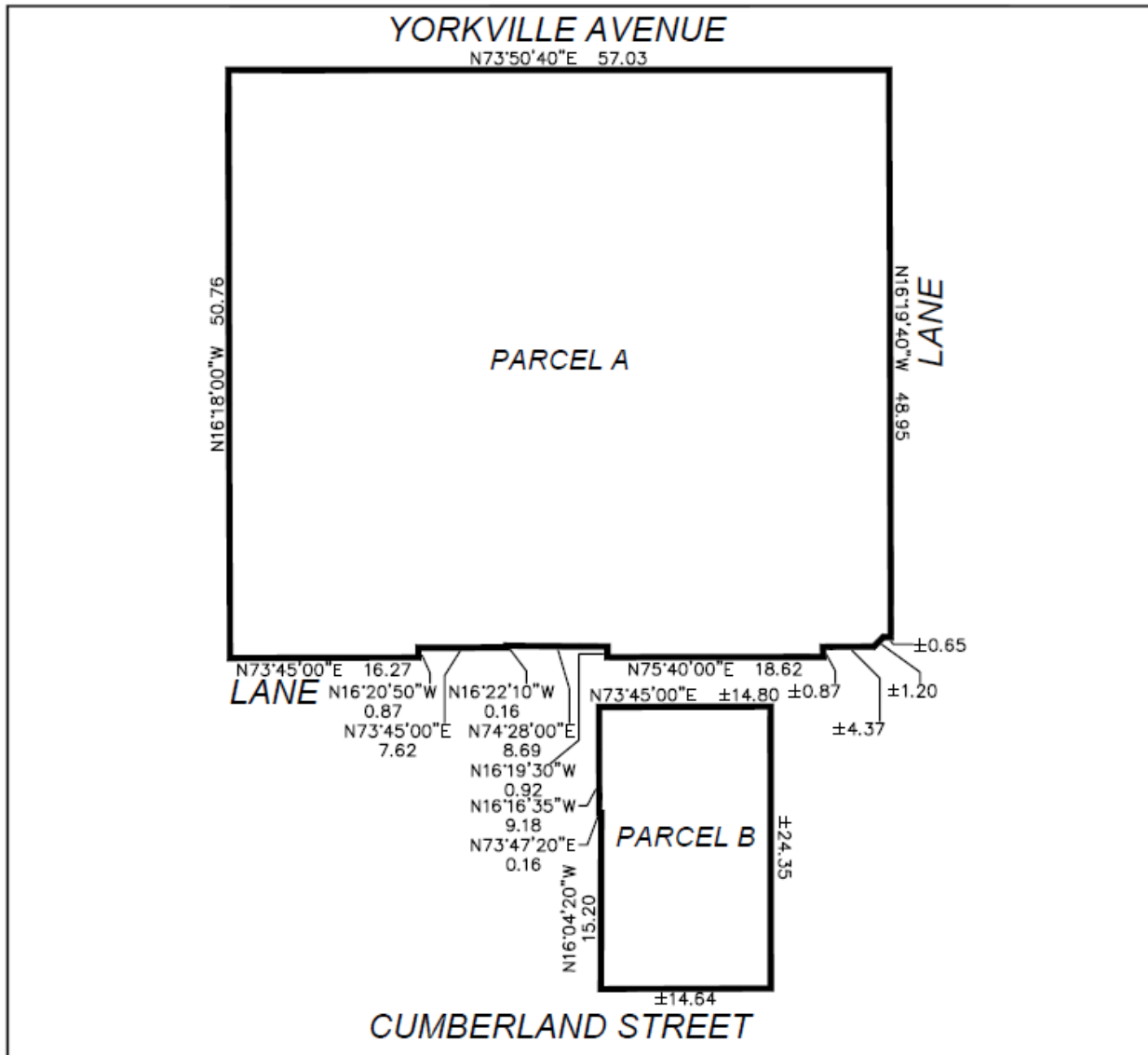
- (B) Where Schedule A of By-law -2019 [Clerks to insert number] requires the owner to provide certain facilities, services or matters prior to the issuance of a **building** permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to By-law -2019 [Clerks to insert number] unless all provisions of Schedule A are satisfied.

Enacted and passed on November , 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



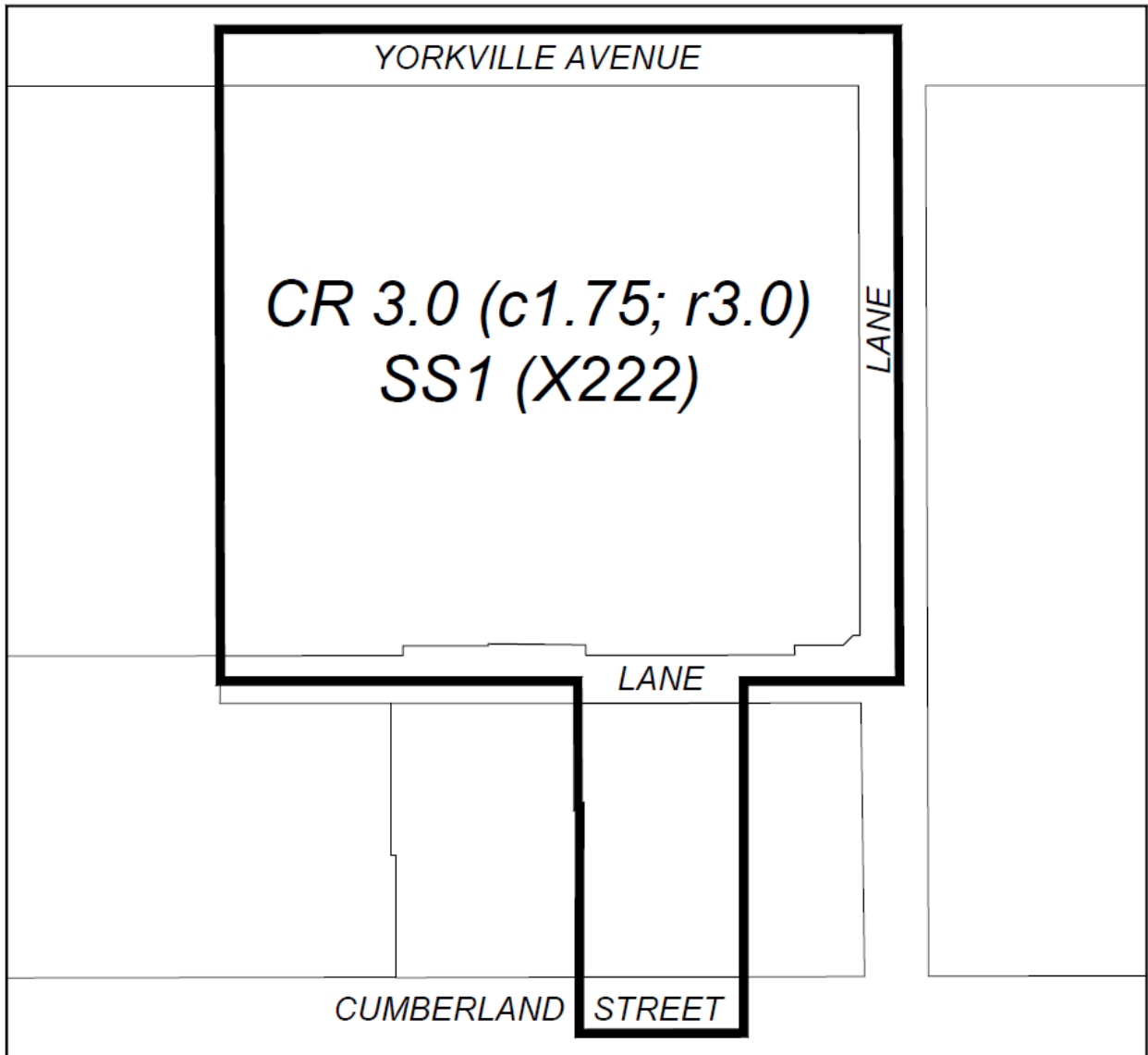
11-25 Yorkville Avenue and 16-18 Cumberland Street

Diagram 1

File # 18 135369 STE 27 OZ



Not to Scale



**11-25 Yorkville Avenue and 16-18 Cumberland Street, Toronto**

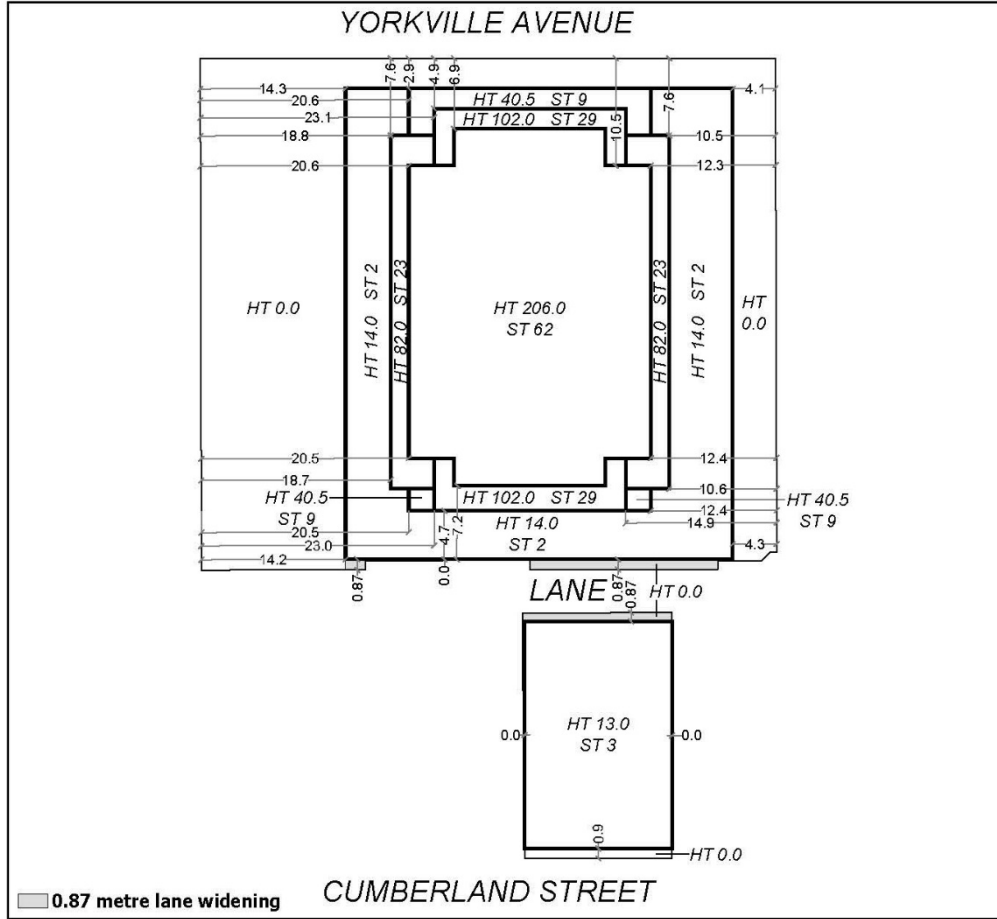
**Diagram 2**

File #18 \_\_\_\_\_



Not to Scale





11-25 Yorkville Avenue and 16-18 Cumberland Street, Toronto

Diagram 3

File #18 \_\_\_\_\_



Not to Scale

## 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 \$7,500,000.00 payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment. The funds shall be directed as follows:
- i. \$2,500,000.00 towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in consultation with the Ward Councillor;
  - ii. \$2,500,000.00 towards capital improvements for new or existing cultural and/or community space, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
  - iii. \$2,500,000.00 towards local area park or streetscape improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation, and the Ward Councillor;
- (B) An additional 149 square metres of on-site parkland dedication above the required on-site parkland contribution pursuant to Section 42 of the Planning Act;
- (C) The provision of twenty (20) of the eighty-one (81) replacement rental units at reduced rents, comprised of ten (10) bachelor units at rents reduced from mid-range rents to eighty per cent (80 percent) of affordable rents, and five (5) two-bedroom and five (5) three-bedroom units at rents reduced from mid-range rents to affordable rents, all as defined by the Official Plan, all for a period of 20 years, beginning from the date of first occupancy, and all shall be offered to tenants in accordance with a Tenant Access Plan to ensure the benefit of the affordable units is linked to households in need of affordable housing, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (D) Should the City elect to close the public lanes, generally shown as Laneway A and Laneway B in Attachment 15 to the report (June 24, 2019) from the Director, Community Planning, Toronto and East York District, the owner agrees, at its sole expense, to convert and/or construct the portions of the public lane, generally shown as Laneway A and Laneway B in Attachment 15 to the report (June 24, 2019) from the Director, Community Planning, Toronto and East York District, for public parkland purposes to the

satisfaction of the General Manager, Parks, Forestry and Recreation and General Manager, Transportation Services, and this may only occur if and when the north-south public lane along the eastern edge of the Site, is conveyed and assumed by the City to the satisfaction of the General Manager, Transportation Services;

- (E) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall provide and maintain a Privately-Owned and Publicly-Accessible Space (POPS), with a minimum area of 248 square metres, on the lot with the specific location, configuration and design secured in a Site Plan Agreement with the City to the satisfaction of the City Solicitor, pursuant to Section 114 of the City of Toronto Act, 2006, as amended and as applicable, Section 41 of the Planning Act, as amended;
  - ii. The owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms;
  - iii. The owner shall enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing and stormwater management report and/or any other engineering report accepted by, and to the satisfaction of, the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water;
  - iv. The owner shall provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681-10; and
  - v. The owner shall enter into a maintenance agreement for the 455 square metre parkland dedication and converted lane generally shown as Laneway A and Laneway B in Attachment 15 to the report (June 24, 2019) from the Director, Community Planning, Toronto and East York District.