

Authority: North York Community Council Item NY33.6,  
as adopted by City of Toronto Council on July 19 and 20,  
2022

## CITY OF TORONTO

**Bill 797**

**BY-LAW -2022**

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 2674, 2676, and 2704 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 (“COVID-19 Economic Recovery Act, 2020”) came into force, 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[1]law; and

Whereas subsection 37(3) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 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 lands outlined by heavy black lines to CR 3.0 (c0.5;r3.0) SS2 (x764) and OR, as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 764 so it reads:

**(764) Exception CR**

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 2674-2704 Yonge Street, if the requirements of Section 6 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (U) below;
- (B) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 163.48 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2) and the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (D) Despite Regulations 40.5.40.10 (4) and (8), and Provision (C) above, the following equipment or **structures** may project beyond the permitted maximum height as shown on Diagram 3 of By-law [Clerks to supply by-law ##], as follows:
  - (a) elevator overrun, **landscaping** and **green roof** elements, stair and stair enclosures, vertical screens including canopies, planting, cladding, architectural elements, lighting fixtures, and window washing equipment, to a maximum of 1.5 metres;
  - (b) guardrail, parapet, railings, terraces, pipes, vents and raised planter to a maximum of 1.5 meters;
  - (c) roof membrane, roof drains and roof insulation to a maximum of 1.0 metre;
  - (d) dividers to a maximum of 2.0 metres; and
  - (e) pools, hot-tubs, open-air recreation elements, trellises, pergolas, and unenclosed **structures** providing safety or wind mitigation/protection to

rooftop outdoor **amenity space** may project above the height limits to a maximum of 3 metres;

- (E) Despite Regulation 40.5.40.10(5)(A), the total area of all equipment, **structures**, or parts of a **building** for functional operation of a **building**, may cover more than 30% of the area of the roof, measured horizontally;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 10,850 square metres, of which:
  - (a) a maximum **gross floor area** of 10,350 square metres may be used for residential uses; and
  - (b) no residential **gross floor area** may be located above a height of 32.6 metres, measured from the Canadian Geodetic Datum elevation of 163.48 metres;
- (G) A **building, structure**, addition, or enlargement that contains more than 80 **dwelling units**, is subject to the following:
  - (a) a minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms; and
  - (b) a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
  - (c) an additional 15 percent of the total number of **dwelling units** must be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**; and
  - (d) convertible **dwelling units**, as described in (G)(c) above, may be converted using accessible or adaptable design measures such as but not limited to, knock-out panels;
- (H) Despite Regulations 40.10.40.50(1)(A) and (B), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the minimum requirements:
  - (a) a minimum of 1.34 square metres of indoor **amenity space** for each **dwelling unit**; and
  - (b) a minimum of 0.93 square metres of outdoor **amenity space** for each **dwelling unit**;
- (I) Despite Regulations 40.10.40.70(2) and (4), the required minimum **building setbacks** are shown on Diagram 3 of By-law [Clerks to supply by-law ##];

- (J) Despite Clause 40.10.40.60 and Provision (I) above, the following elements are permitted to encroach into the required minimum **building setbacks** as shown on Diagram 3 of By-law [Clerks to supply by-law ##], as follows;
- (a) balustrades, cornices, eaves, guardrails, landscape and green roof elements, lighting fixtures, ornamental elements, architectural elements, public art features, railings, stair enclosures, stairs, trellis, underground garage ramps, wheelchair ramps, wind mitigation features and window sills, canopies, window washing equipment, satellite dishes, screens, cabanas, antennae, flag poles, and terraces may encroach up to a maximum of 1.5 metres;
  - (b) vents, pipes, mullions, elevator equipment, window washing equipment, guardrails, parapets, green roof elements, planters, access stairs, telecommunication equipment and green technology equipment may encroach up to a maximum of 1.0 metre;
  - (c) balconies and partially enclosed balconies attached to the south main wall, and associated elements such as, parapet and architectural frame elements, may encroach up to a maximum of 2.0 metres between a height of 4.5 metres and a height of 12.5 metres, measured from a Canadian Geodetic Datum elevation of 163.48 metres;
  - (d) rooftop terraces, including terraces on top of the projections permitted in (J)(c) above;
  - (e) balconies and partially enclosed balconies mentioned in (J)(c) above, and rooftop terraces mentioned in (J)(d) above, may have elements that can vertically project as follows:
    - (i) landscape and green roof elements, planting, cladding, architectural elements, lighting fixtures, may extend to a maximum of 1.5 metres;
    - (ii) guardrail, parapet, railings, terraces, pipes, vents and raised planter may extend a maximum of 1.5 meters;
    - (iii) roof membrane, roof drains and roof insulation to a maximum of 1.0 metre;
    - (iv) dividers to a maximum of 2.0 metres; and
    - (v) open-air recreation elements, trellises, pergolas, wind mitigation/protection to rooftop outdoor amenity space may project above the height limits to a maximum of 3 metres;
  - (f) structures related to outdoor amenity space; and

- (g) masonry fence and decorative fence;
- (K) Despite Clause 40.5.40.60, a canopy, awning or similar **structure**, with or without structural support, may encroach into required minimum **building setbacks** to a **lot line** abutting Alexandra Boulevard or to a **lot line** abutting the OR zone, if no part of the canopy, awning or similar **structure** is located more than 5.5 metres above the elevation of the ground directly below it;
- (L) Despite Regulation 40.10.40.80(2), no minimum above-ground distance is required between **main walls** with or without windows that are facing each other, and separated by articulation breaks with a maximum depth of 0.5 metres that is measured along a plane parallel to the respective **main walls** with or without windows;
- (M) Non-residential uses provided on a **lot** along Yonge Street, must have a pedestrian entrance at the **first floor**:
  - (a) located no closer than 5 metres from another pedestrian entrance on the same **lot**; and
  - (b) face onto Yonge Street;
- (N) Despite Regulation 40.10.40.1(1), residential uses may be located on the same **storey** as non-residential uses in accordance with the following:
  - (a) pedestrian entrances of residential uses are located to face onto lot lines other than the lot line abutting Yonge Street; and
  - (b) the residential uses may be located no closer than 9.0 metres from the **lot line** abutting Yonge Street
- (O) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** or portion thereof, used for residential uses is 2.4 metres, and is measured between the floor of the first residential **storey** or portion thereof and the ceiling of the first residential **storey** or portion thereof;
- (P) The required minimum depths of non-residential uses on the **first floor**, are as follows:
  - (a) 11.0 metres for at least 74% of the Yonge-Street facing **front walls** of the **first floor** portions that contain non-residential uses;
  - (b) 13.0 metres for at least 11% of the Yonge-Street facing **front walls** of the **first floor** portions that contain non-residential uses;
  - (c) for the purposes of calculating the aggregate width of **front walls** in (P)(a) and (b) above, **main walls** on the east side of the **building**, that face away from Yonge Street are not included; and

- (d) the required minimum depths required in (P)(a) and (b), are to be measured along a plane perpendicular to and starting from, the exterior of the **front walls** that faces Yonge Street;
- (Q) Despite Regulation 200.5.10.1.(1), Table 200.5.10.1, **parking spaces** must be provided on the lot in accordance with the following:
  - (a) 0.5 **parking spaces** for each bachelor **dwelling unit**;
  - (b) 0.5 **parking spaces** for each one bedroom **dwelling unit**;
  - (c) 0.75 **parking spaces** for each two bedroom **dwelling unit**;
  - (d) 0.75 **parking spaces** for each three or more bedroom **dwelling unit**;
  - (e) 0.06 **parking spaces** per **dwelling unit** for visitors; and
  - (f) 1.0 **parking spaces** per 100 square metres of **gross floor area** for retail or **personal service shop** uses;
- (R) Despite Regulation 200.15.1(4), the nearest point of an accessible **parking space** must be located no more than 18.0 metres, unobstructed by walls, from the nearest door of a vestibule or lobby which leads to a barrier-free elevator that provides access to the first **storey** of the **building**;
- (S) Despite Regulations 220.5.10.1(2), (3), (4) and (5), a minimum of 1 'Type G' **loading space** is required with the following:
  - (a) minimum length of 13.0 metres;
  - (b) minimum width of 4.0 metres; and
  - (c) minimum vertical clearance of 6.1 metres
- (T) Despite Regulation 230.5.1.10.(4), the minimum width of a **bicycle parking space**, including a **bicycle parking space** placed in a vertical position on a wall, **structure** or mechanical device and a stacked **bicycle parking space** is 0.45 metres;
- (U) A minimum area of 482 square metres of privately-owned publicly accessible open space, covered and uncovered by a **building**, shall be provided on the ground level set out in Schedule A of By-law [Clerks to supply by-law ##] and generally as shown on Diagram 4 of By-law [Clerks to supply by-law ##]. The privately-owned publicly accessible open space generally located in the area hatched on Diagram 4, shall be in accordance with the following:

- (a) may be covered by a **building** or **structure**, where permitted on Diagram 3;
- (b) a **building** or **structure** allowed under (U)(a) above, may be located no closer than 4.5 meters above the Canadian Geodetic Datum elevation of 163.48 metres; and
- (c) despite (U)(b) above, pillars or columns that support the **building** or **structure** mentioned in (U)(a) above, are permitted;

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any severance, partition or division, of the lands, the provisions of this By-law shall apply as if no severance, partition or division 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 on Diagram 1 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 this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.
  - (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 this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
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 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:

**Community Benefits**

- (1) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City, a cash contribution in the amount of three hundred thousand dollars (\$300,000.00) to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, for the following matters:
  - (i) public park improvements;
  - (ii) public art; and/or
  - (iii) streetscape improvements within proximity of the lands in the Ward. Any streetscape improvements will be designed to comply with the Streetscape Manual or are to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (2) The cash contribution referenced in this schedule is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the date City Council adopts the zoning by-law amendment to the date of payment;
- (3) In the event the cash contribution referred to in this schedule has not been used for the intended purpose(s) within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- (4) Prior to issuance of Notice of Approval Conditions in a site plan control application(s), the owner shall submit plans and materials sufficient to show the cost, location, configuration, and design of the reconstruction and restoration of the historic gates and columns located at the northwest and southwest corners of the intersection of Alexandra Boulevard and Yonge Street ("Gate Restoration"), to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager of Transportation Services, in consultation with the Ward Councillor and the Lytton Park Residents' Organization. The owner shall post an irrevocable Letter of Credit in the amount of 120 percent of the cost of the Gate Restoration, to the satisfaction of the Chief Planner and Executive Director of City Planning and the City Solicitor; and



- (5) Prior to the earlier of any non-residential or residential use or occupancy, and the registration of the first condominium on the lands, the owner shall demonstrate that the Gate Restoration has been undertaken and completed in accordance with the plans and materials submitted and approved in the context of site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager of Transportation Services.
- (6) Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

**The following matter(s) are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:**

*Rental Housing Demolition and Replacement*

- (7) The owner shall provide and maintain replacement rental dwelling units and provide tenant relocation and assistance to affected tenants in accordance with the following conditions:
  - (i) The owner shall provide and maintain thirty-one (31) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. The thirty-one (31) replacement rental dwelling units shall be comprised of twenty-three (23) one-bedroom units and eight (8) two-bedroom units and collectively contain a total gross floor area of at least 2,090.5 square metres, as generally illustrated in the plans prepared by Studio JCI and dated April 11 and 26, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - (ii) The owner shall provide and maintain at least eighteen (18) one-bedroom replacement rental dwelling units and one (1) two-bedroom replacement rental unit at affordable rents, as currently defined in the Toronto Official Plan, and the remaining five (5) one-bedroom replacement rental units and seven (7) two-bedroom replacement rental units at mid-range rents, as currently defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit;
  - (iii) The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the thirty-one (31) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents, the provision of alternative accommodation

at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

- (iv) The owner shall provide tenants of all thirty-one (31) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;
- (v) The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- (vi) The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- (vii) The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking on the same terms and conditions as any other resident of the development;
- (viii) The thirty-one (31) replacement rental dwelling units required in (i) above shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (ix) The owner shall enter into, and register on title to the lands at 2674, 2676, 2678, and 2704 Yonge Street, one or more agreement(s) to secure the conditions outlined in (i) through (viii) above, including an agreement pursuant to Section 111 of the City of Toronto Act, 2006, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

#### *Toronto Green Standard*

- (8) The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

#### *Pedestrian Wind Comfort*

- (9) Prior to the issuance of Notice of Approval Conditions in a site plan control application(s), the owner will demonstrate substantial compliance with the wind comfort conditions of the sensor locations shown in pedestrian level wind study dated August 31, 2020 by Gradient Wind, to the satisfaction of the Chief Planner and Executive Director of

City Planning. The owner will endeavour to achieve ideal wind comfort conditions for the various location types of the site and adjacent public areas.

*Publicly-accessible, privately-owned space*

- (10) The owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 482 square metres at grade for use by the general public as publicly accessible, privately-owned open space ("POPS"), in a location generally identified in the Zoning By-law Amendment, with the location configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning, and secured in a Site Plan Agreement with the City;
- (11) Prior to the earlier of any non-residential or residential use or occupancy and registration of the first condominium on the lands, the owner shall have completed construction of the POPS referred to in this schedule and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, a public access easement in perpetuity in favour of the City over the POPS, including rights of support as applicable, on such terms and conditions as are set out in the Section 37 agreement and the Zoning By-law Amendment, including provision for insurance and indemnification associated with public access easements;

*Parkland dedication*

- (12) Prior to the issuance of the first above grade building permit, the owner shall satisfy the parkland dedication requirement for the development as set out in the following:
  - (i) prior to the first above grade building permit, the owner shall convey an onsite parkland dedication having an area of approximately 127.2 square metres (located along the southern edge of the property with frontage on Yonge Street adjacent to Snider Parkette) with the remaining 103.54 square metres satisfied through a cash-in-lieu payment under Section 42 of the Planning Act and the City's parkland dedication By-law (as reflected in Chapter 415 of the City's Municipal Code) all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor. The value of the residual cash-in-lieu will be appraised through Real Estate Services, upon the submission of an application for the first above grade building permit, and is valid for six months; and
  - (ii) the parkland dedication shall be conveyed to the City in base park condition, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition. The owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.

*Toronto Transit Commission*

- (13) Prior to the issuance of the first building permit or first below-grade building permit, the owner shall demonstrate a minimum distance of 3 metres between the building, including all below and above grade structures, to all Toronto Transit Commission infrastructure, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto Transit Commission;

Diagram 1

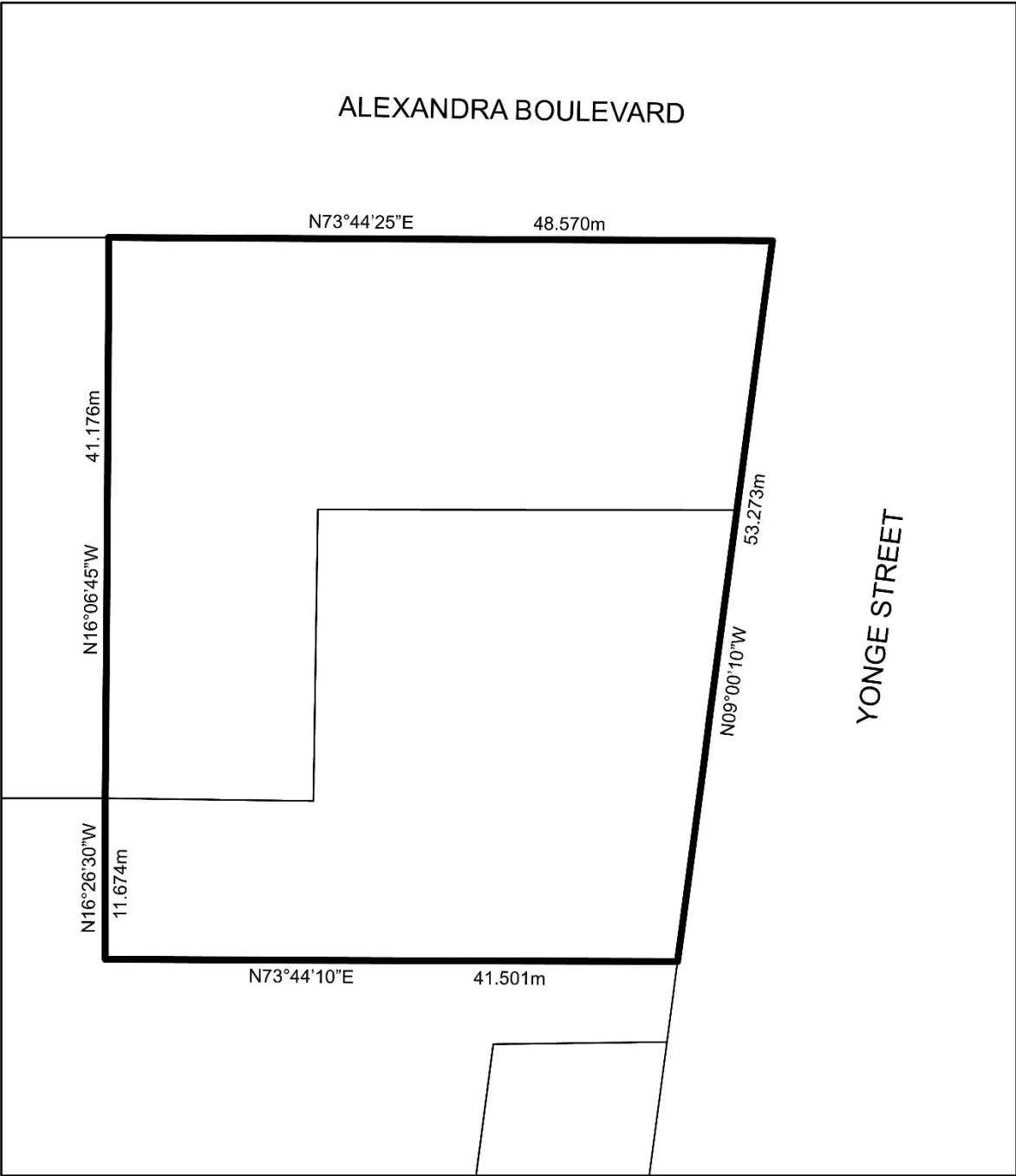


Diagram 2

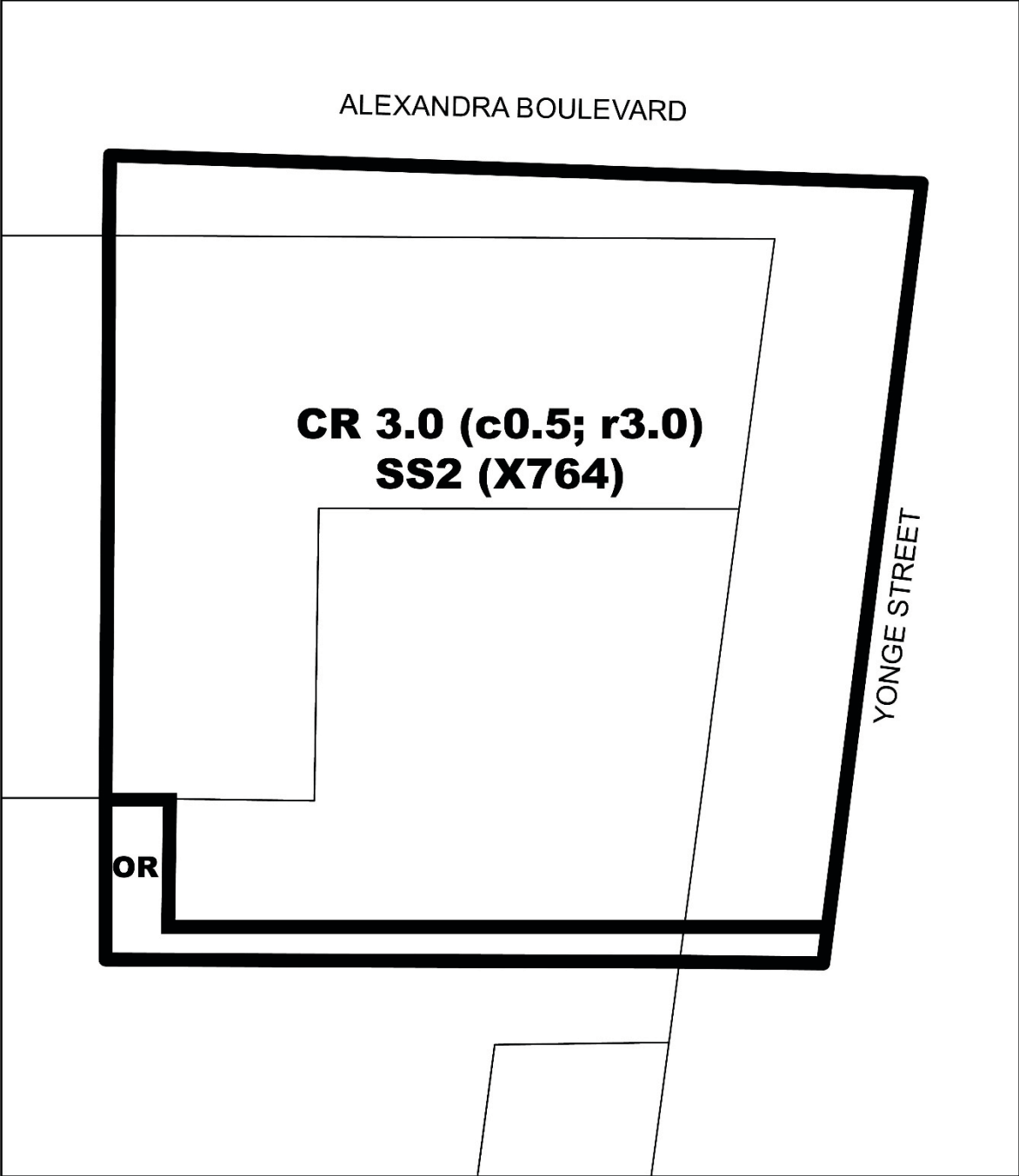


Diagram 3

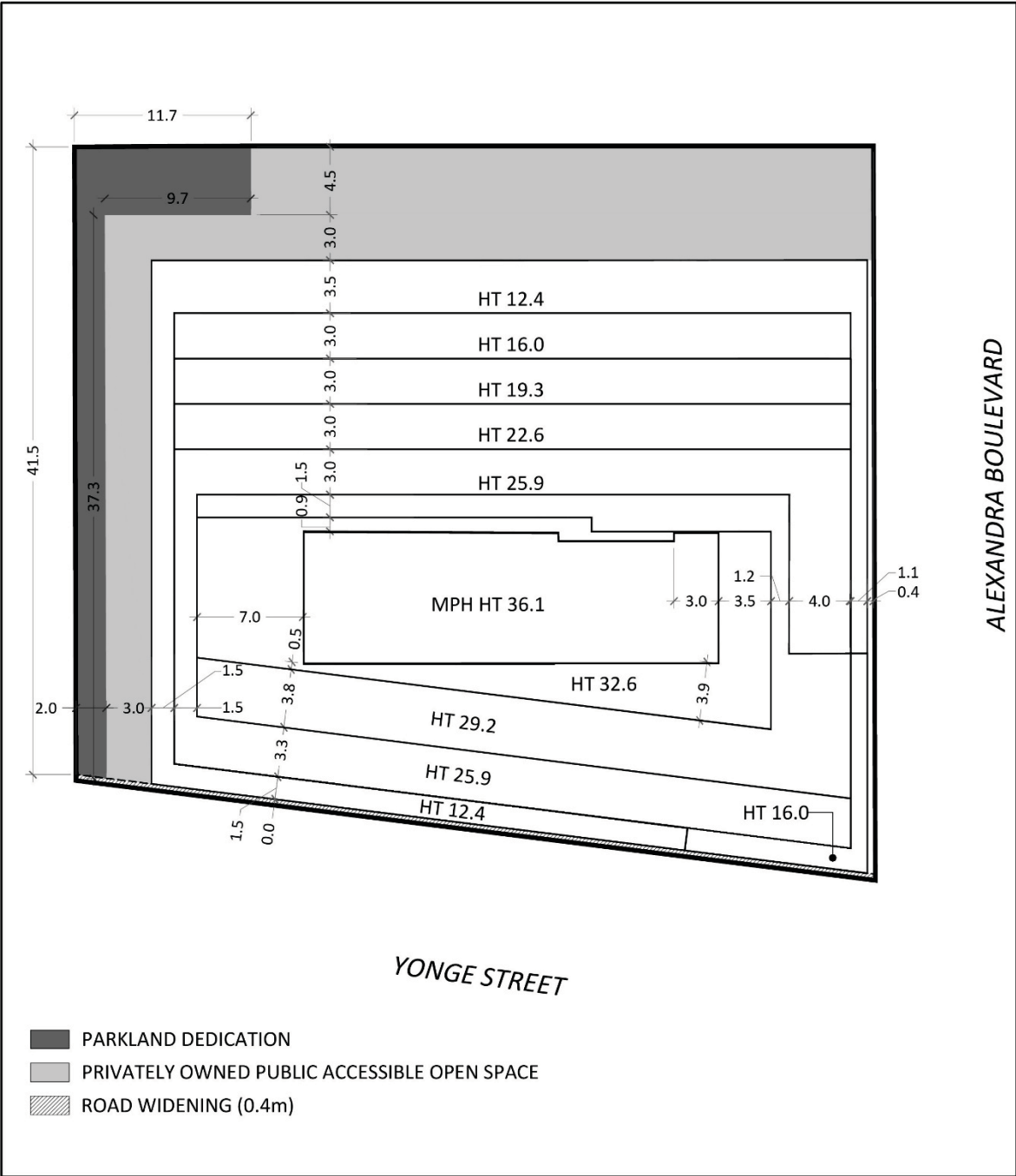


Diagram 4

