

Authority: Toronto and East York Community Council Item TE27.6, as adopted by City of Toronto Council on November 7, 8 and 9, 2017

CITY OF TORONTO

BY-LAW 1473-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 475 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 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; and

Whereas pursuant to Section 39 of the *Planning Act*, the Council of a Municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the By-law;

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 990.10 respecting the lands outlined by heavy black lines to CR 7.8(C4.5; R7.8) SS1 (x126), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 126 so that it reads:

Exception CR 126

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 475 Yonge Street, if the requirements of By-law 1473-2017 are complied with, none of the regulations of Clause and Regulations 5.10.40.70, 40.10.40.10(5), 40.10.20.100(1), 40.10.10.1(1), 40.10.40.50(2), 40.10.40.60, 40.10.40.70(1), 40.10.40.80, 40.10.50.10(2), 40.10.50.10(3), 40.10.90.40(3), 150.100.30.1, 200.5.1.10(12)(C), 200.10.1(2), 200.10.1(2), 200.15.1.5, 220.5.10.1, 220.5.20.1(2)(A), 230.5.1.10(9)(B), 230.5.10.1(2), 230.5.10.1(5), 230.40.1.20(2) and 600.10 apply to prevent the erection or use of a **building, structure**, addition of enlargement and uses **ancillary** thereto such as, permitted in By-law 1473-2017;
- (B) Despite Regulation 40.5.40.10(1), the height of the **building or structure** is measured as the distance between Canadian Geodetic Datum elevation of 103.64 metres and the highest point of the **building or structure**;
- (C) Despite Regulation 40.10.40.10(1), the maximum permitted height of a **building or structure** is specified by the numbers in metres following the letter H in the locations shown on Diagram 3 of By-law 1473-2017, subject to the following height exceptions:
- i. lighting fixtures, patios, cabanas, planters, balustrades, bollards, trellises, window washing equipment, parapets, privacy screens safety railings, guardrails, chimneys, vents, flues, stacks and exhaust stacks, ornamental or architectural features may extend a maximum of 2.0 metres above the heights shown on the attached Diagram 3 of By-law 1473-2017;
 - ii. lightning rods;
 - iii. **building** elements or **structures** used for **green roof** technology or alternative roofing system may extend a maximum of 0.6 metres above the heights shown on Diagram 3 of By-law 1473-2017; and
 - iv. mechanical equipment such as, but not limited to, elevator and associated overrun, heating and cooling towers/heating and cooling stacks, air units, emergency generator, lighting fixtures, ornamental elevations, trellises, wind mitigation features and walls may extend a maximum of 3.0 metres above the heights shown on Diagram 3 of By-law 1473-2017.

- (D) No portion of any **building** or **structure** erected or used above finished ground shall be located outside the areas delineated by heavy lines on Diagram 3 of By-law 1473-2017, with the exception of:
- i. Privacy screens, cornices sills, eaves, canopies, stairs, covered stairs or stair enclosures, awnings, underground garage ramps and ancillary **structures**, retaining walls, wheelchair ramps, ornamental or architectural features may extend a maximum of 1.0 metre beyond the heavy lines shown on Diagram 3 of By-law 1473-2017;
 - ii. Balconies may project no more than 2.0 metres beyond the heavy lines shown on Diagram 3 of By-law 1473-2017; and
 - iii. Structures and elements related to **outdoor patios** at grade;
- (E) Despite Regulation 40.10.40.40(1), the total residential and non-residential **gross floor area** of all **building** and **structures** on the **lot** must not exceed 99,250 square metres;
- (F) Despite Regulation 40.10.40.50(1)(B), a minimum of 40 square metres of outdoor **amenity space** must be provided in a location adjoining or directly accessible to a minimum of one of the areas used as indoor **amenity space**;
- (G) Despite Regulation 40.10.100.10(C), a maximum of three **vehicle** accesses are permitted;
- (H) Despite Clauses and Regulations 200.5.10.1 and 200.5.10.1(1), **parking spaces** must be provided and maintained in accordance with the following:
- i. **parking spaces** must be provided and maintained for occupants of **dwelling unit** at a minimum rate of 0.21 **parking spaces** per **dwelling unit**;
 - ii. **parking spaces** must be provided and maintained for visitors to **dwelling units** at a minimum rate of 0.067 **parking spaces** per **dwelling unit**;
 - iii. **parking spaces** must be provided and maintained for non-residential uses in accordance with the parking requirements set out in 200.5.10.1(1), with the exception that **parking spaces** required for a **hotel** use must be provided at a minimum rate of 0.14 **parking spaces** per 100 square metres of **gross floor area**; and
 - iv. the **parking spaces** required under ii and iii above may be provided in a shared below-grade **parking garage** or **public parking** use;
- (I) Despite Regulation 200.5.1.10(2), a maximum number of 28 **parking spaces** which are obstructed on one side are permitted to have a minimum width of 2.6 metres;

- (J) Despite Section 200.15, a minimum of 16 of the **parking spaces** required under (H) above, must be provided as accessible **parking spaces**, each with the following minimum dimensions:
- i. length of 5.6 metres;
 - ii. width of 3.9 metres; and
 - iii. vertical clearance of 2 metres;
- (K) Despite Regulations 220.5.10.1(1), 220.5.10.1(2), 220.5.10.1(3) and 220.5.10.1(6), **loading spaces** must be provided and maintained on the **lot** to serve both residential uses and non-residential uses in accordance with the following:
- i. a minimum of two Type "B" **loading spaces**;
 - ii. a minimum of one Type "C" **loading space**; and
 - iii. a minimum of one Type "G" **loading space**;
- (L) Despite Regulation 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- i. For the **dwelling units**, a minimum of 1 **bicycle parking space** per **dwelling unit**, in accordance with the following ratios:
 - a. 0.9 "long term" **bicycle parking spaces** per **dwelling unit** for occupants of the **dwelling units**; and
 - b. 0.1 "short-term" **bicycle parking spaces** per **dwelling unit** for visitors of residents of the **dwelling units**;
- (M) The maximum area of the tower floor plate, excluding balconies, as measured from the exterior of the **main wall** on each **storey** is as follows:
- i. 816 square metres for storeys 12 to 58 (northerly tower); and
 - ii. 900 square metres for storeys 10 to 48 (southerly tower);
- (N) Despite any existing or future severance, partition or division of the **lot**, the provisions of this By-law apply to the whole **lot** as if no severance, partition or division occurred;

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2)259 of former City of Toronto By-law 438-86

5. Section 37 Provisions

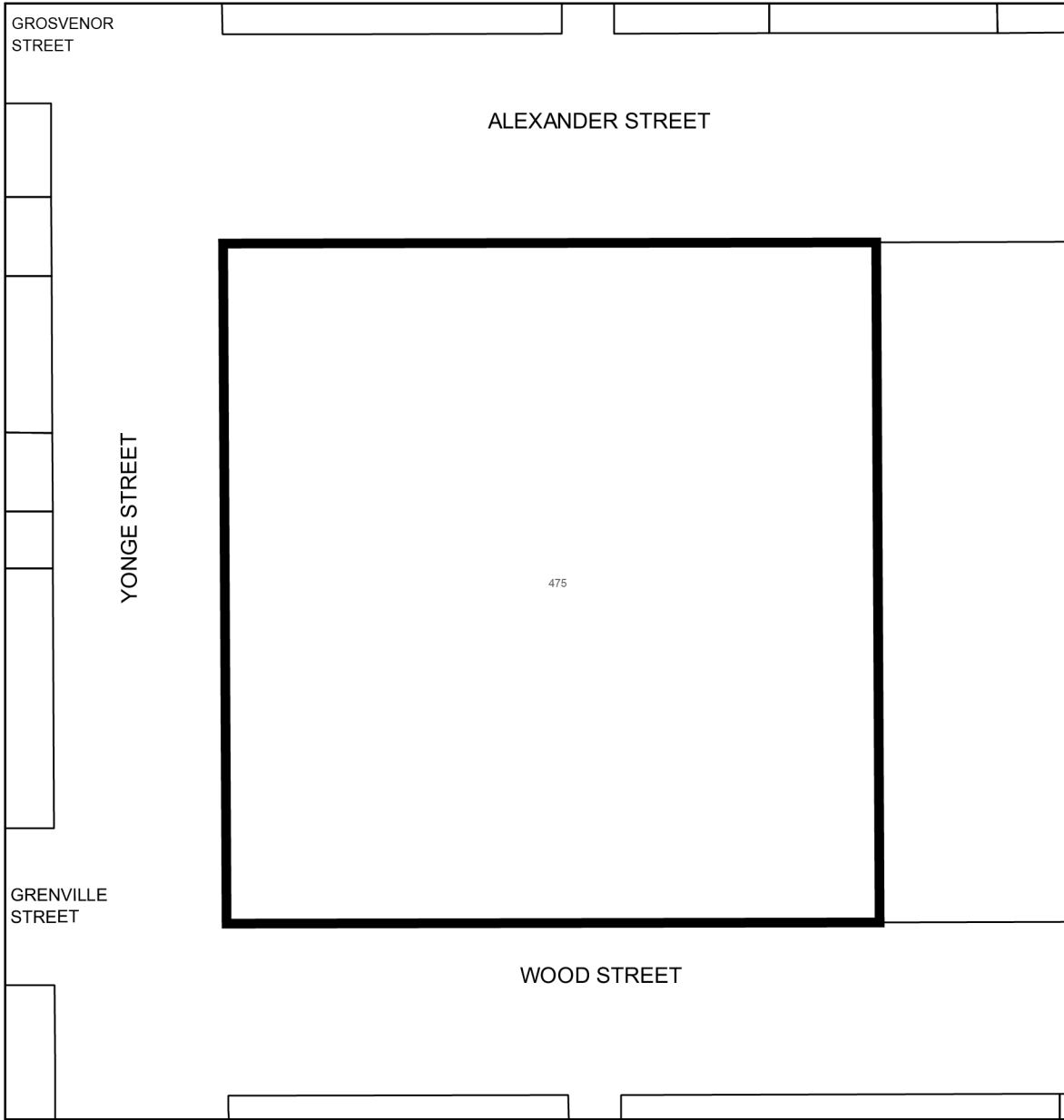
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, 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 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 this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on December 8, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

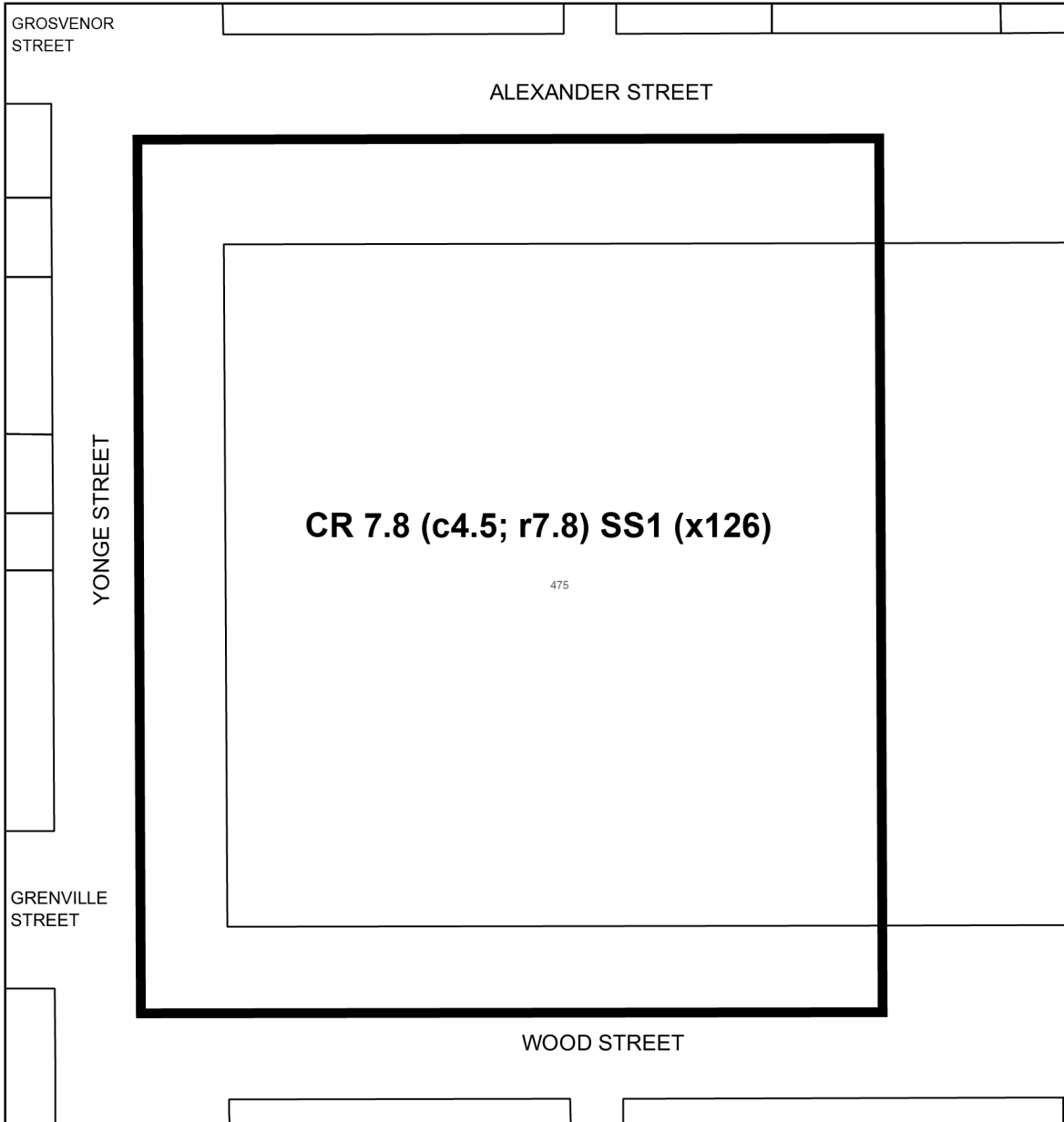
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 **TORONTO**
Diagram 1

475 Yonge Street

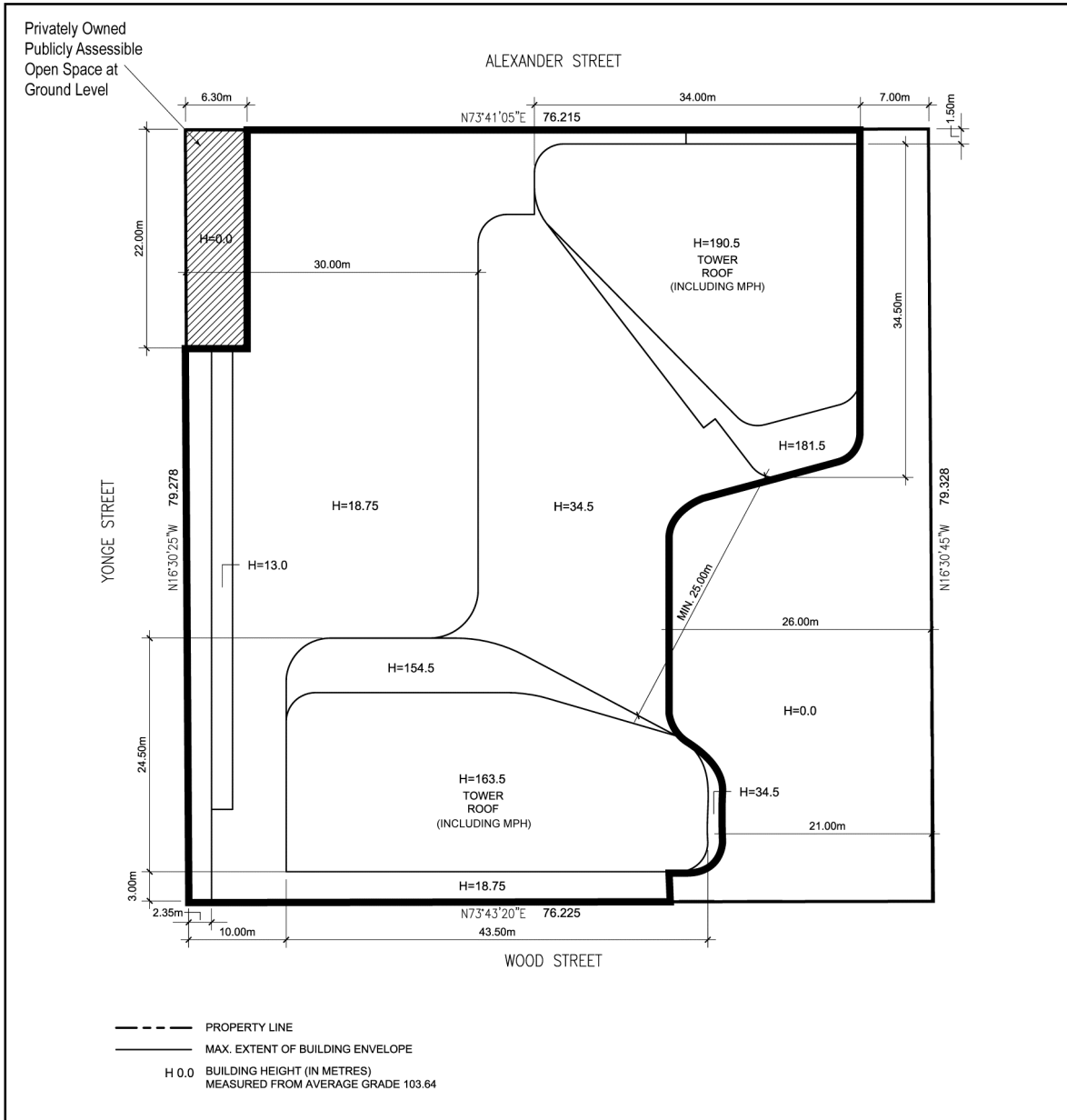
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 **TORONTO**
Diagram 2

475 Yonge Street

File # 16 125715 STE 27 0Z



475 Yonge Street

File # 16 125715 STE 27 OZ

City of Toronto By-Law 569-2013
Not to Scale
12/07/2017

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** as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement.

- (1) a. Prior to issuance of the first above grade building permit, the owner shall make an indexed cash contribution to the City in the amount of eleven million four hundred thousand dollars (\$11,400,000) payable by certified cheque to the City of Toronto and to be allocated toward capital improvements at the discretion of the Chief Planner and Executive Director, City Planning, as follows:
- i. \$9,120,000 to be allocated towards local area park or streetscape improvements, in consultation with the Ward Councillor;
 - ii. \$1,140,000 to be allocated towards existing community, recreation and/or cultural space improvements in the ward, in consultation with the Ward Councillor; and
 - iii. \$1,140,000 to be allocated towards new or existing Toronto Community Housing and/or affordable housing.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the execution of the Section 37 Agreement to the date the payment of the funds by the owner to the City;

- b. In the event the cash contribution(s) referred to in Section (1) has not been used for the intended purpose 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 Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**;
- (2) In support of the development on the **lot**:
- a. the owner of the **lot** shall convey to the City an on-site stratified parkland dedication with a minimum size comprising an area of not less than nine hundred and eight (908) square metres with a lower limit extending at least 1.5 metres below the finished grade and with no upper limit, to be conveyed to the City in partial fulfilment of the owner's required parkland dedication pursuant to section 42 of the *Planning Act*, and to be secured in the Section 37 Agreement required in this Schedule A, all to the satisfaction of the Chief Planner, the General Manager, Parks Forestry and Recreation;

- b. the owner shall complete the conveyance of the parkland to the City to the satisfaction of the General Manager, Parks Forestry and Recreation and the City Solicitor prior to the earlier of the following:
- i. prior to any residential use of all or any part of the **lot**;
 - ii. prior to the date that is two years after the issuance of the first above grade building permit for all or any part of the **lot**; and
 - iii. prior to any condominium registration of all or any part of the **lot**;
- c. the construction of the base park improvements shall be completed within the earlier of: (a) three years after the issuance of the first above grade building permit for all or any part of the **lot**, and (b) one year after the first condominium registration of all or any part of the **lot**, to the satisfaction of the General Manager, Parks, Forestry and Recreation subject to extensions for timing at the sole discretion of the General Manager, Parks, Forestry and Recreation;
- d. the construction of the above base park improvements shall be completed by the owner at its expense within the earlier of: (a) three years after the issuance of the first above grade building permit for all or any part of the **lot**, and (b) one year after the condominium registration of all or any part of the **lot**, all to the satisfaction of the General Manager, Parks, Forestry and Recreation. No building permits shall be issued after the three year period in subsection (a) above unless the construction of the above base park improvements have been completed to the satisfaction of the General Manager, Parks, Forestry and Recreation, provided that unforeseen delays (e.g. weather) resulting in the late delivery of the park improvements may be taken into consideration and the date for completion may be extended;
- e. prior to the issuance of the first above grade permit, excluding a permit for demolition or for a rental/sales centre, the owner of the **lot** shall:
- i. register a Section 118 Restriction pursuant to the *Land Titles Act*, on the 908 square metre area of the **lot** which is to comprise the parkland, to the satisfaction of the City Solicitor in consultation with the General Manager, Parks, Forestry and Recreation substantially as follows:

" _____, the registered owner of the lands described herein, hereby requests that the Land Registrar for the Land Registry Office of the Land Titles Division of Toronto (No. 66) attach a restriction on the lands described herein, prohibiting the transfer or charge of such lands without the consent of the General Manager, Parks, Forestry and Recreation, City of Toronto, or his or her designate";
 - ii. pay to the City by certified cheque the sum of money that is equal to the difference between the value of the stratified conveyance of the 908 square metres of land required to be conveyed to the City in subsection a. and the value of an on-site fee simple conveyance of

530 square metres of the **lot**;

- iii. submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - iv. post an irrevocable Letter of Credit in the amount of 120 percent of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - v. submit a design and cost estimate for above base park improvements to be approved by the General Manager, Parks, Forestry and Recreation, and a Letter of Credit equal to 120 percent of the Parks and Recreation Development Charges payable for the development, all to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
 - vi. submit working drawings, specification and landscape plans showing the scope and detail of the work for the above base park improvements for review and approval by the General Manager, Parks, Forestry and Recreation.
- (3) Prior to the earlier of any residential use or occupancy, including interim occupancy pursuant to the *Condominium Act, 1998* and any registration of any condominium on all or part of the **lot**, the owner at its own expense:
- a. provide and thereafter maintain an at-grade exterior Privately-Owned Publicly Accessible Space (POPS) having the total area of not less than 125 square metres at the northwest corner of the **lot** (Yonge Street and Alexander Street) in the location as illustrated on Diagram 3 of this By-law to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in consultation with the Ward Councillor with the specific configuration and design to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - b. prepare all documents and convey, in perpetuity for nominal consideration and at no cost to the City in accordance with the terms of the section 37 Agreement, a public access easement to the City, together with support rights as applicable, for use by the City and the general public for purposes intended, including but not limited to passive recreational uses consistent with use as public open space, in a form and substance satisfactory to the City Solicitor.
- (4) The owner shall provide and maintain a minimum of 10 percent of the total number of **dwelling units** erected within the development as at least three bedroom **dwelling units** to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (5) The owner of the **lot** shall withdraw their site specific appeal to the Ontario Municipal Board of Official Plan Amendment No. 183, the North Downtown Area Specific Policy 382 (for Phases I and II of the appeals) upon the coming into force of the site specific Zoning By-law Amendments for the **lot**.