

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

## CITY OF TORONTO

Bill No. ~

**BY-LAW No. XXXX-20XX**

**To amend Zoning By-law No. 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 to 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;

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;

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; 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 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 7.8(C4.5; R7.8) SS1 (x126), 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 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 [Clerks to supply by-law ##] 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 [Clerks to supply by-law ##];
- (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 following "H" in the locations shown on Diagram 3 of By-law [Clerks to supply by-law ##], subject to the following height exceptions:
  - a. 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 [Clerks to supply by-law ##];
  - b. lightning rods;
  - c. **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 [Clerks to

supply by-law ##]; and

- d. 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 [Clerks to supply by-law ##].
- (D) No portion of any **building** or **structure** above-grade may extend beyond the areas delineated by heavy lines on Diagram 3 of By-law [Clerks to supply by-law ##], with the exception of:
- a. 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 [Clerks to supply by-law ##];
  - b. Balconies may project no more than 2.0 metres beyond the heavy lines shown on Diagram 3 of By-law [Clerks to supply by-law ##]; and
  - c. 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 and:
- a. The total **gross floor area** for non-residential uses must not exceed 15,350 square metres; and
- (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:
- a. a minimum of 210 **parking spaces** for residents of the **dwelling units** must be provided within a below-grade **parking garage**; and
  - b. a minimum of 80 **parking spaces**, which may be provided in a

below-grade **parking garage** or **public parking** use, for the shared use of:

- i. those visiting residents of the **dwelling units**; and
  - ii. the non-residential uses;
- (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:
  - a. length of 5.6 metres;
  - b. width of 3.9 metres; and
  - c. 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:
  - a. a minimum of two Type "B" **loading spaces**;
  - b. a minimum of one Type "C" **loading space**;
  - c. 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:
  - a. For the **dwelling units**, a minimum of 1 **bicycle parking space** per **dwelling unit**, in accordance with the following ratios:
    - i. 0.9 "long term" **bicycle parking spaces** per **dwelling unit** for occupants of the **dwelling units**; and
    - ii. 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:
  - a. 816 square metres for storeys 12 to 58 (North Tower);

- b. 900 square metres for storeys 10 to 48 (South 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.
- (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.

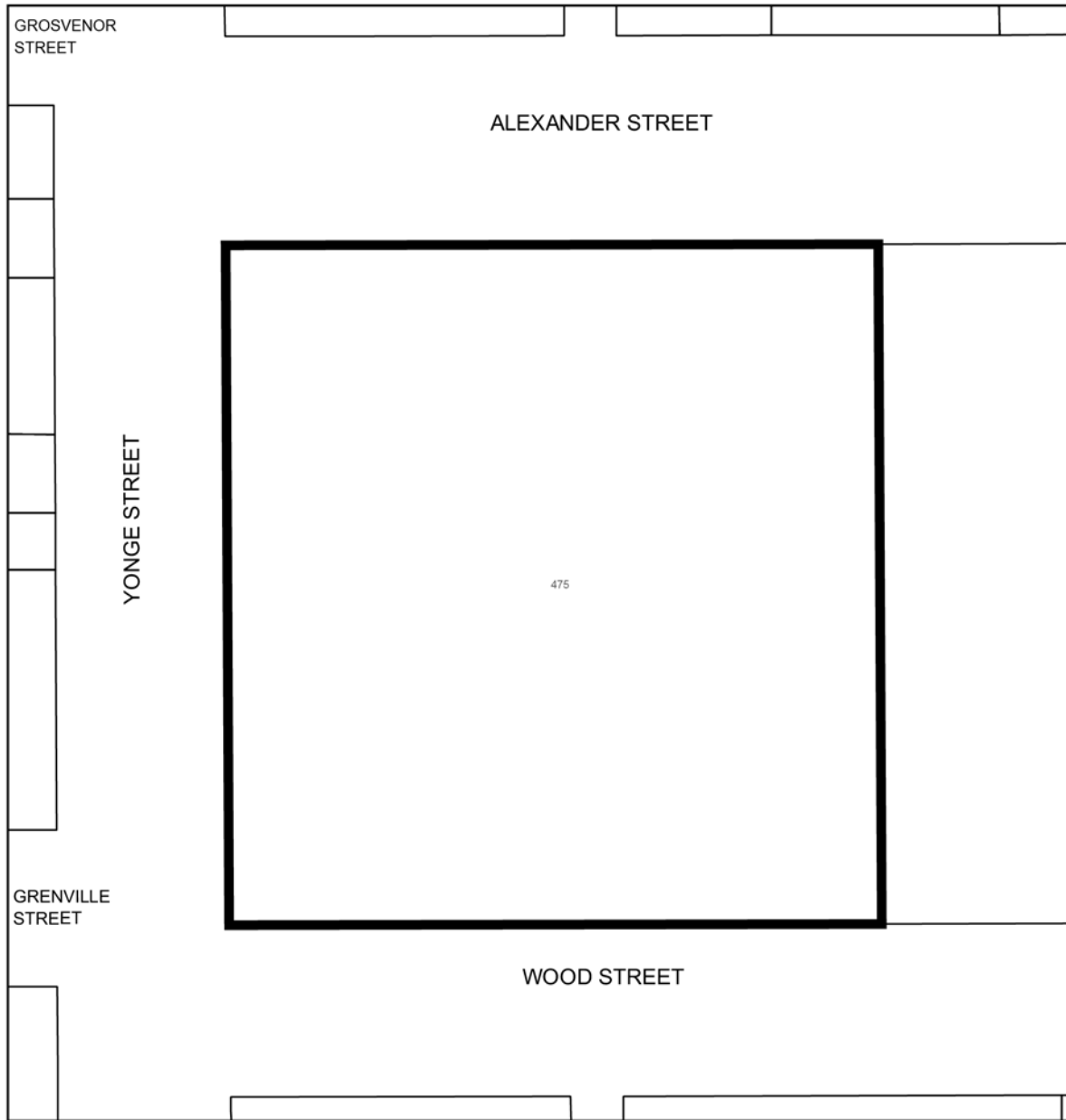
Enacted and passed on **month ##, 20##.**

**Name,**

Speaker

Ulli S. Watkiss,  
City Clerk

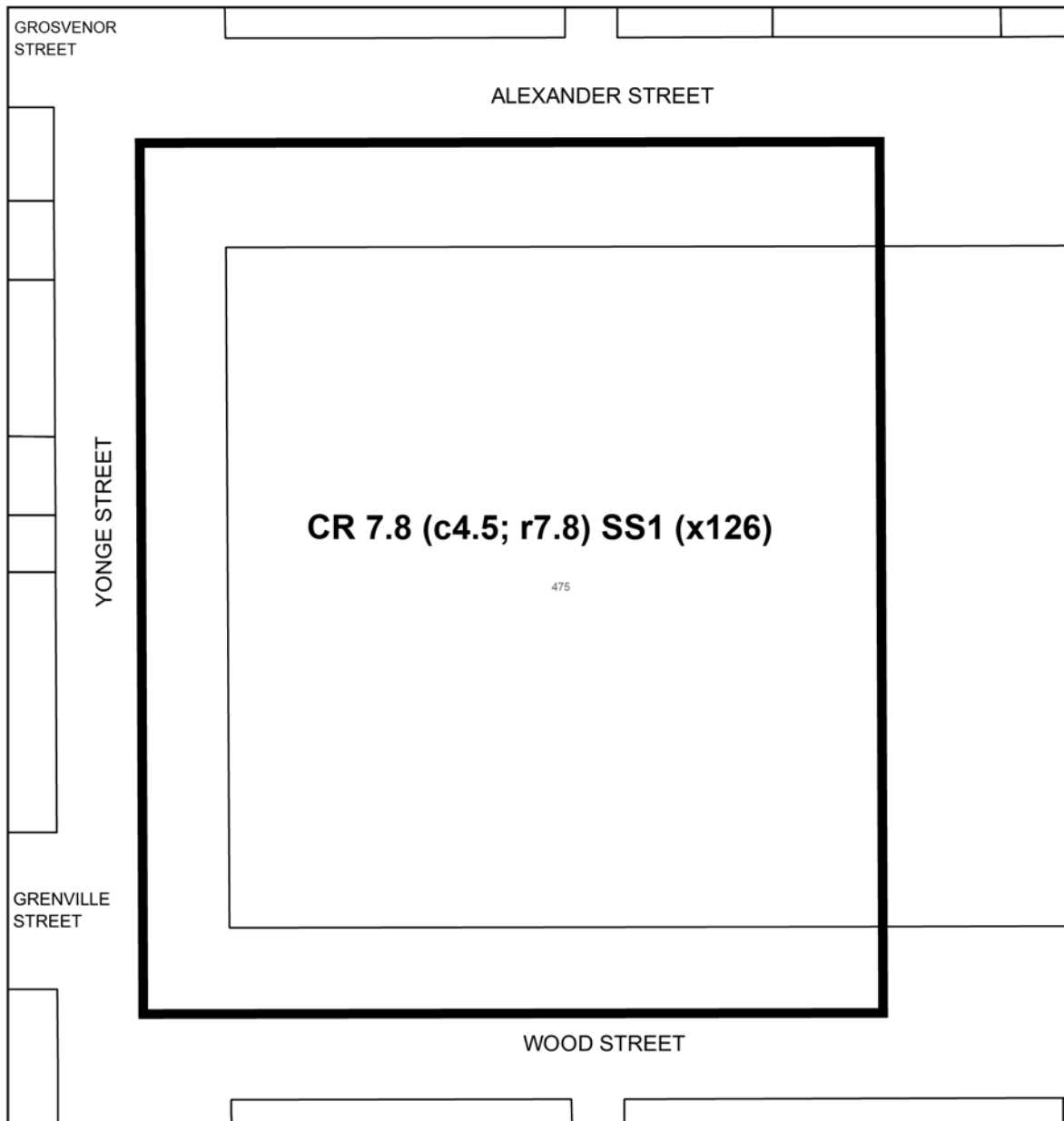
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 **TORONTO**  
Diagram 1

**475 Yonge Street**

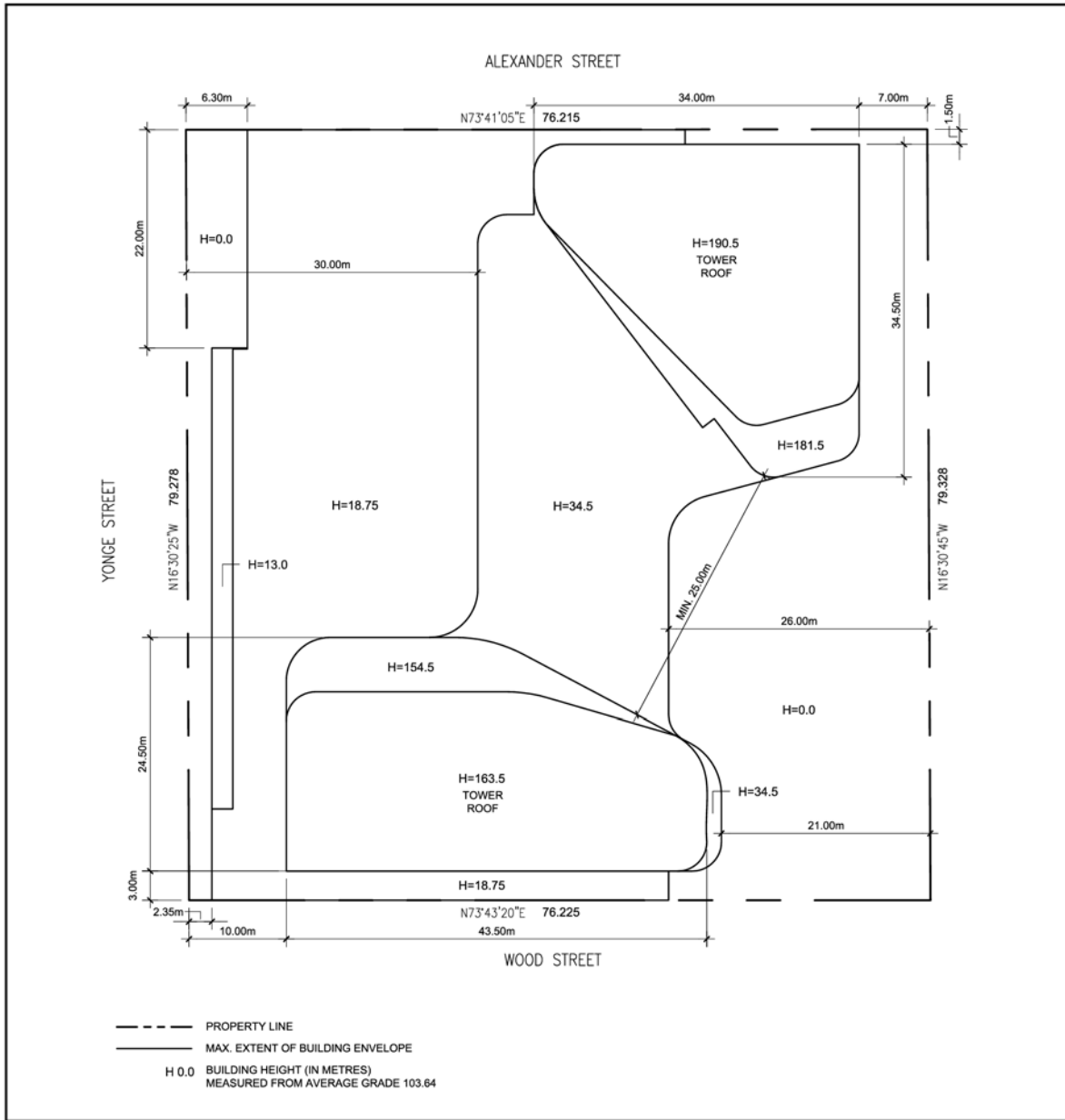
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 **TORONTO**  
Diagram 2

**475 Yonge Street**

File # 16 125715 STE 27 0Z



**TORONTO**  
Diagram 3

**475 Yonge Street**

File # 16 125715 STE 27 0Z



City of Toronto By-Law 569-2013  
Not to Scale  
10/10/2017



**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 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 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) Prior to issuance of an above grade building permit, the Owner shall make an indexed cash contribution to the City in the amount of \$11,400,000 to be allocated towards the following:
- a. \$9,120,000 to be allocated towards local area park or streetscape improvements, in consultation with the Ward Councillor.
  - b. \$1,140,000 to be allocated towards existing community, recreation and/or cultural space improvements in the ward, in consultation with the Ward Councillor.
  - c. \$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 Section 37 Agreement to the date the payment is made.

- (2) The following matters are also recommended to be secured in the Section 37 Agreement as legal convenience to support the development:
- a. The provision of a public park at grade (strata title) with a minimum size of 908 square metres and a depth of not less than 1.5 metres on terms and conditions set out in Attachment No. 12 to the report of the Director, Community Planning, Toronto and East York District dated September 29, 2017, all to the satisfaction of the General Manager Parks, Forestry and Recreation;
  - b. A Privately-Owned Publicly Accessible Space (POPS) with a minimum size of 125 square metres at the northwest corner of the site (Yonge Street and Alexander Street) be provided, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in consultation with the Ward Councillor.
  - c. The Owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms; and,
  - d. The Owner 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 lands at 475 Yonge Street.

- (3) 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 lands.

