

Authority: Toronto and East York Community Council Item TE24.5, as adopted by City of Toronto Council on May 24, 25 and 26, 2017

## CITY OF TORONTO

### BY-LAW 1263-2017

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 480, 482, 484, 486, 490, 492 and 494 Yonge Street and 3 Grosvenor 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 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c2.0; r3.0) SS1 (x133)], 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 133 so that it reads:

**Exception CR 133**

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 480, 482, 484, 486, 488, 490 and 494 Yonge Street and 3 Grosvenor Street, if the requirements of Section 5 and Schedule A of By-law 1263-2017 are complied with, then buildings or structures may be constructed in compliance with regulations (B) to (R) below;
- (B) Despite Regulation 40.5.40.10(1), the height of a **building** or **structure** is measured as the distance between Canadian Geodetic Datum elevation of 104 metres and the highest point of the **building** or **structure**;
- (C) Despite Regulations 40.10.40.10(1) and 40.10.40.10(5), and subject to complying with item 3 in Schedule A of By-law 1263-2017, the maximum height of a **building** or **structure** or portion thereof is specified in metres above grade by the numbers following HT and specified in **storeys** above grade by the numbers preceding ST in the locations shown on Diagram 3 of By-law 1263-2017;
- (D) Despite the definition of **storey** in Chapter 800, a mezzanine level is part of the ground level **storey** for the purposes of identifying the maximum number of **storeys** as specified on Diagram 3 of By-law 1263-2017; for identifying the maximum area of tower floor plates as described in (G) below and applying the provisions in (I)(ii) below;
- (E) Despite Regulation 40.10.40.40(1), the **gross floor area** as reduced in accordance with Regulation 40.5.40.40(3), must not exceed the following:
  - (i) the total **gross floor area** must not exceed 34,300 square metres;
  - (ii) the **gross floor area** of residential uses must not exceed 31,700 square metres; and
  - (iii) the **gross floor area** of non-residential uses must not exceed 2,600 square metres;
- (F) Non-residential uses are subject to the following conditions:
  - (i) the non-residential **gross floor area** on the ground level must be divided into a minimum of 3 non-residential units, one of which must provide direct access to the non-residential space located on the second storey; and
  - (ii) the maximum area of a non-residential unit located on the ground level is 450 square metres;
- (G) The maximum area of the tower floor plate as measured from the exterior of the **main wall** on each storey is as follows:

- (i) storeys 4-5: 1,030 square metres;
  - (ii) storeys 6-18: 1,070 square metres;
  - (iii) storeys 19-34: 857 square metres;
  - (iv) storeys 35-36: 617 square metres;
  - (v) storeys 37-38: 578 square metres; and
  - (vi) mechanical penthouse: 485 square metres;
- (H) The total number of **dwelling units** must not exceed 451, of which:
- (i) at least forty percent (40 percent) must have two bedrooms or two bedroom plus den; and
  - (ii) at least ten percent (10 percent) must have three bedrooms;
- (I) Despite Regulations 40.5.40.70(1)(B), 40.10.40.70(1)(A), 40.10.40.70(1)(B) and 600.10.10(1), **building setbacks** from the **lot lines** must be in accordance with the limits of the **building** as shown on Diagram 3 of By-law 1263-2017 subject to the following exceptions:
- (i) despite regulations 40.10.40.60(1) and (5), and subject to complying with items 2 and 3 in Schedule A of By-law 1263-2017, balconies, including any attached architectural framing, may project beyond the heavy lines shown on Diagram 3 of By-law 1263-2017 to a maximum of 2.48 metres; and
  - (ii) despite regulations 40.10.40.60(1) and (5) and despite 4(I)(i) above, and subject to complying with items 2 and 3 in Schedule A of By-law 1263-2017, balconies, including any attached architectural framing, located on the north side on storeys 35 and 36 may project beyond the heavy lines shown on Diagram 3 of By-law 1263-2017 to a maximum of 3.6 metres;
- (J) Despite Regulation 150.100.30(2), an **eating establishment** with an **interior floor area** greater than 1,000 square metres is permitted on the **lot**;
- (K) Despite Regulation 40.10.40.50(1), the amount of **amenity space** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor residential **amenity space** per **dwelling unit**; and
  - (ii) a minimum of 1.06 square metres of outdoor **amenity space** per **dwelling unit**;

- (L) Despite Regulation 40.10.100.10(C), a maximum of three **vehicle** accesses are permitted;
- (M) Despite Clauses and Regulations 200.5.10.1, 200.5.10.1(1), 200.15.1.5 and 200.15.10.(1), **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 82 **parking spaces** for residents of the **dwelling units**, of which 2 **parking spaces** may be used for car-share; and
  - (ii) subject to item 4(d) of Schedule A of By-law 1263-2017 requiring at least 3 **parking spaces** be provided and maintained for the use of residents of rental replacement dwelling units erected on the **lot**, a minimum of 35 additional **parking spaces**, of which not more than 35 **parking spaces** may be provided in **public parking**, for the shared use of residents of rental **dwelling units**, visitors to all **dwelling units**, non-residential visitors and non-residential occupants, and may be located in a **public parking** area;
- (N) Despite Articles and Regulations 200.15.1, 200.15.10 and 200.15.10.(1), a minimum of 3 accessible **parking spaces** must be provided and maintained on the **lot**, each with the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.9 metres; and
  - (iii) vertical clearance of 2.1 metres;
- (O) Despite Regulations 220.5.10.1.(2) and 220.5.10.1.(3), **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 one **loading space – Type G**; and
  - (ii) a minimum of one **loading space – Type B**;
- (P) Despite Regulations 230.5.10.1(1), 230.5.1.10(9)(B) and 230.40.1.20(2), **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 412 long-term **bicycle parking spaces** for occupants of the **dwelling units**;
  - (ii) a minimum of 46 short-term **bicycle parking spaces** for residential visitors;
  - (iii) a minimum of 5 long-term **bicycle parking spaces** for occupants of the non-residential uses;

- (iv) a minimum of 10 short-term **bicycle parking spaces** for visitors to the non-residential uses;
  - (v) the required **bicycle parking spaces** for occupants of the **dwelling units** must be located on parking level 1 (P1) or parking level 2 (P2) with a maximum of 125 **bicycle parking spaces** on P2;
  - (vi) the required **bicycle parking spaces** for occupants of the non-residential uses must be located on parking level 1 (P1) or parking level 2 (P2); and
  - (vii) the required **bicycle parking spaces** for both residential visitors and visitors to the non-residential uses must be located on parking level 1 (P1), parking level 2 (P2) or at ground level and if located on parking level 2 (P2), **bicycle parking spaces** must be directly accessible by elevator;
- (Q) Despite Regulation 230.5.1.10.(7)(B), shower and change room facilities are not required; and

Prevailing By-laws and Prevailing Sections:

- (R) 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/or 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 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 **lot**, 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on November 9, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense in accordance with this By-law and as further specified in one or more agreements pursuant to 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 in return for the increase in height and/or density of the proposed development on the lot as follows, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
  - a. Prior to the issuance of the first above-grade building permit for all or any part of the **lot**, the owner shall pay to the City the sum of \$4,600,000 to be allocated towards local area park, streetscape improvements and/or public art in association with such streetscape improvements, within an area bounded by Wellesley Street, Church Street, Gould Street / Edward Street and Queen's Park / University Avenue, in consultation with the Ward Councillor, in compliance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - b. Prior to the issuance of the first above-grade building permit for all or any part of the **lot**, the owner shall pay to the City the sum of \$1,000,000 to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in Ward 27, in consultation with the Ward Councillor;
  - c. Prior to the issuance of the first above-grade building permit for all or any part of the **lot**, the owner shall pay to the City the sum of \$1,000,000 to be allocated towards capital improvements for new or existing cultural and/or community space, in consultation with the Ward Councillor;
  - d. The owner will provide and maintain public art on the **lot** in accordance with the City of Toronto Public Art Program to a minimum value of \$1,000,000. Prior to the issuance of the first above-grade building permit for all or any part of the **lot**, the owner shall:
    - i. prepare a public art plan detailing the proposed design and construction of any public art installations on the **lot**, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, and obtain the approval of City Council to such public art plan; or
    - ii. in the alternative to i. above, the owner must pay to the City the sum of \$1,000,000 towards the City's capital budget for public art programs;
  - e. Prior to the issuance of the first above-grade building permit for all or any part of the **lot**, the owner shall pay to the City the sum of \$100,000 to be allocated towards the expansion of Toronto Bike Share;

- f. The payments and public art requirements required in item 1 a. to e. above must be increased by upwards index in accordance with the Non-Residential Building Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date each such payment is made; and
    - g. In the event the cash contributions required in items 1(a), (b), (c) and (e) above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.
2. Despite and in addition to any other provisions of By-law 1263-2017, balcony projections must be limited as follows:
  - a. On storeys 4 and 5, residential dwelling units located within a horizontal distance of 6.12 metres from the planned location of the historic clock tower on the **lot**, which is 0.9 metres east of its original location, must not have any balcony that projects beyond the exterior east wall of the 6th storey; and
  - b. On storeys 6, 7, 8 and 9, residential dwelling units located behind the historic clock tower within a horizontal distance of 4.0 metres from the planned location of the clock tower on the **lot**, which is 0.9 metres east of its original location, must not have any balcony that projects beyond 150 millimetres from the exterior east wall of the building.
3. Despite any height permissions, height exemptions, encroachments, or projections permitted by By-law 569-2013, former City of Toronto By-law 438-86, or By-law 1263-2017, no portion of the building, structure, equipment or element may extend beyond the building envelope defined by the heavy lines on Diagram 3 of By-law 1263-2017 that would cause additional incremental shadow on the park at 11 Wellesley Street West beyond that shown in the shadow study comprising Schedule 2 of the Minutes of Settlement (between the City of Toronto, KingSett Captial Inc., Bay Cloverhill Community Association and Church Wellesley Neighbourhood Association) comprising Attachment 5 of the Ontario Municipal Board decision issued on December 22, 2016, regarding Case No. PL131355 (the "Shadow Study"). Prior to the issuance of any site plan approval pursuant to section 114 of the *City of Toronto Act, 2006*, and section 42 of the *Planning Act* and prior to the issuance of any above-grade building permit for all or any part of the **lot**, the owner shall provide a shadow study that demonstrates there is no additional shadow impact on the park at 11 Wellesley Street West beyond that shown in the Shadow Study, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
4. Replacement rental dwelling units shall be provided and maintained on the **lot** in accordance with the following conditions:
  - a. the owner shall provide and maintain twenty-six (26) replacement rental dwelling units, comprised of eight (8) bachelor, twelve (12) one-bedroom, two (2) two-

- bedroom and four (4) three-bedroom units on the **lot** for a period of at least twenty (20) years commencing with first occupancy of each such unit, as generally shown on the plans submitted to the City Planning Division dated February 7, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- b. the owner shall provide and maintain at least the eight (8) required bachelor replacement rental dwelling units, and seven (7) of the required one-bedroom replacement rental dwelling units, at affordable rents, and shall provide and maintain an additional five (5) of the required one-bedroom replacement rental dwelling units and one (1) of the required two-bedroom replacement rental dwelling units at rents not exceeding mid-range rents, all for a period of at least ten (10) years commencing with the first occupancy of each such unit;
- c. en-suite laundry facilities shall be provided and maintained in all replacement rental dwelling units;
- d. in addition to the 82 **parking spaces** required in subsection 5(n) By-law 1263-2017 for the use of residents of the **lot**, at least three (3) **parking spaces** shall be provided and maintained on the **lot** for the use of the tenants of the replacement rental dwelling units, for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and, should any of such three (3) **parking spaces** not be required by any such tenants for any given month of the year, the owner shall make such spaces available to residential visitors of the **lot** free of charge by request of a residential occupant of the **lot**, including tenants of the replacement rental dwelling units and under no circumstance shall any of such three (3) **parking spaces** be available to or used by non-residential visitors or non-residential occupants;
- e. at least fourteen (14) storage lockers shall be provided and maintained for the use of the tenants of the replacement rental dwelling units, for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, each having a minimum depth of 1200 millimetres, a minimum width of 900 millimetres, and a minimum height of 750 millimetres;
- f. in addition to access facilities, tenants of the replacement rental dwelling units shall have access to all indoor and outdoor amenities, bicycle parking (occupant and visitor) and visitor parking on the **lot**, on the same terms and conditions as other residents of the building; and
- g. the owner shall provide tenant relocation and assistance to all eligible tenants of the buildings existing on the **lot** on the date of By-law 1263-2017, including the right to return to a replacement rental dwelling unit on the **lot**, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management



Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor.

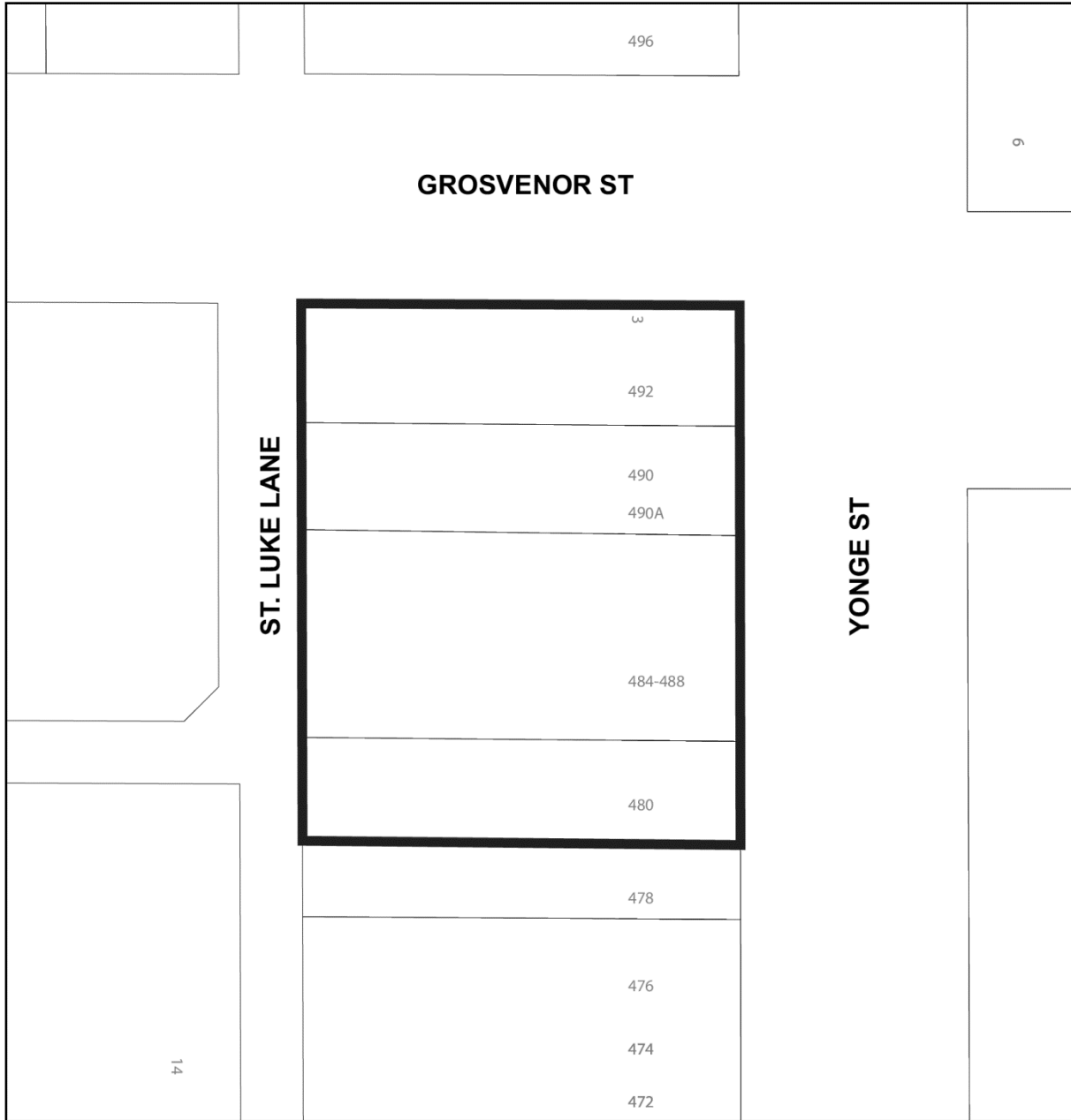
6. Prior to issuance of final Site Plan approval pursuant to section 114 of the *City of Toronto Act, 2006* and section 41 of the *Planning Act* ("site plan approval") for all or any part of the **lot**, the owner shall:
  - a. provide final site plan drawings that are satisfactory to the Senior Manager, Heritage Preservation Services, including drawings related to a Conservation Plan approved by such Senior Manager that is satisfactory to such Senior Manager and is prepared by a qualified heritage consultant, and that is consistent with the conservation strategy set out in the Heritage Impact Assessment and Addendum for 480 Yonge Street and 484 Yonge Street prepared by ERA Architects Inc., dated February 10, 2017 and March 16, 2017 (the "Approved Conservation Plan");
  - b. provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - c. provide a Heritage Lighting Plan that describes how the heritage properties on the **lot** will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
  - d. provide a detailed Landscape Plan for the **lot**, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such plan; and
  - e. submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.
7. Prior to the issuance of any permit for all or any part of the *lot*, including a heritage permit pursuant to the *Ontario Heritage Act* or a building permit, but excluding permits for demolition of 490 Yonge Street and for repairs and maintenance and usual and minor works for the existing heritage buildings located on that portion of the **lot** comprising 480 Yonge Street or 484 Yonge Street on the date of By-law 1263-2017 as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
  - a. obtain final approval for the necessary zoning by-law amendments required for the alterations to the properties at 480-484 Yonge Street, such that such amendments have been enacted by City Council and have come into full force and effect in a form and with content acceptable to City Council as determined by the

Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;

- b. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the Approved Conservation Plan required in item 6.a. above, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - c. provide a letter of credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the Approved Conservation Plan, the approved Heritage Lighting Plan, the approved Landscape Plan, and the approved Interpretation Plan. Prior to the release of the letter of credit, the owner shall:
    - i. have obtained final site plan approval for the proposed development, issued by the Chief Planner and Executive Director, City Planning;
    - ii. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Approved Conservation Plan, the approved Lighting Plan, the approved Landscape Plan, and the approved Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
    - iii. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - d. provide full documentation of the existing heritage properties at 480 Yonge Street and 484 Yonge Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services.
8. Prior to the earlier of the issuance of any Site Plan Approval for all or any part of the **lot** or the issuance of any below grade heritage permit issued pursuant to the *Ontario Heritage Act* or the issuance of any below-grade building permit, the owner shall:
- a. provide an updated Site Servicing and Stormwater Management Report and updated Hydrogeological Investigation Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
  - b. design, financially secure, construct and make operational, any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development permitted by this By-law, according to the Site Servicing and Stormwater Management Report accepted by the Chief Engineer and

Executive Director, Engineering and Construction Services, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

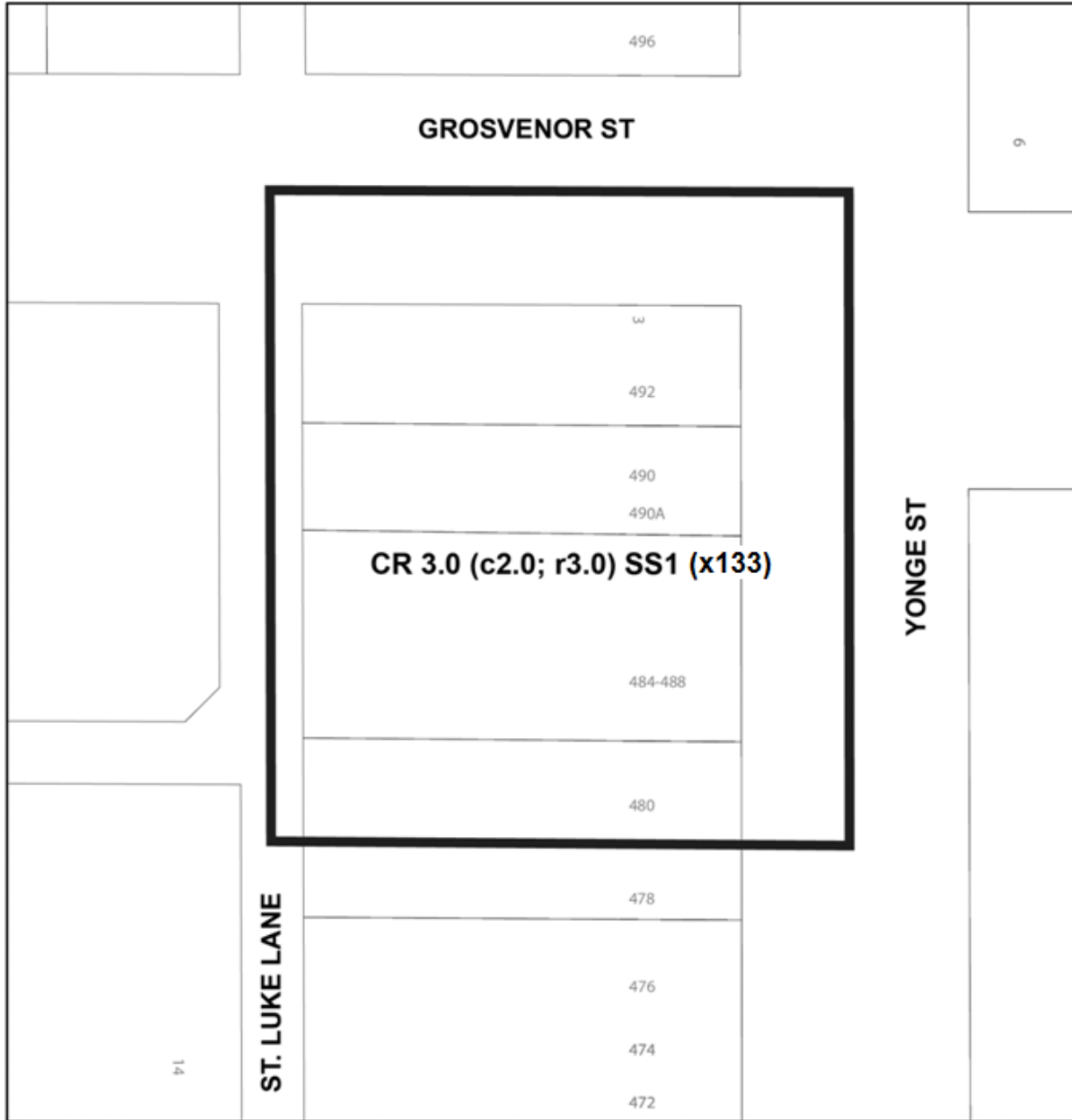
9. The owner shall enter in to and register an agreement shall enter into and register on title to the *lot* one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning Division, to assist with securing the facilities, services and matters set forth in this Schedule A.



 **TORONTO**  
Diagram 1

**480-494 Yonge Street**

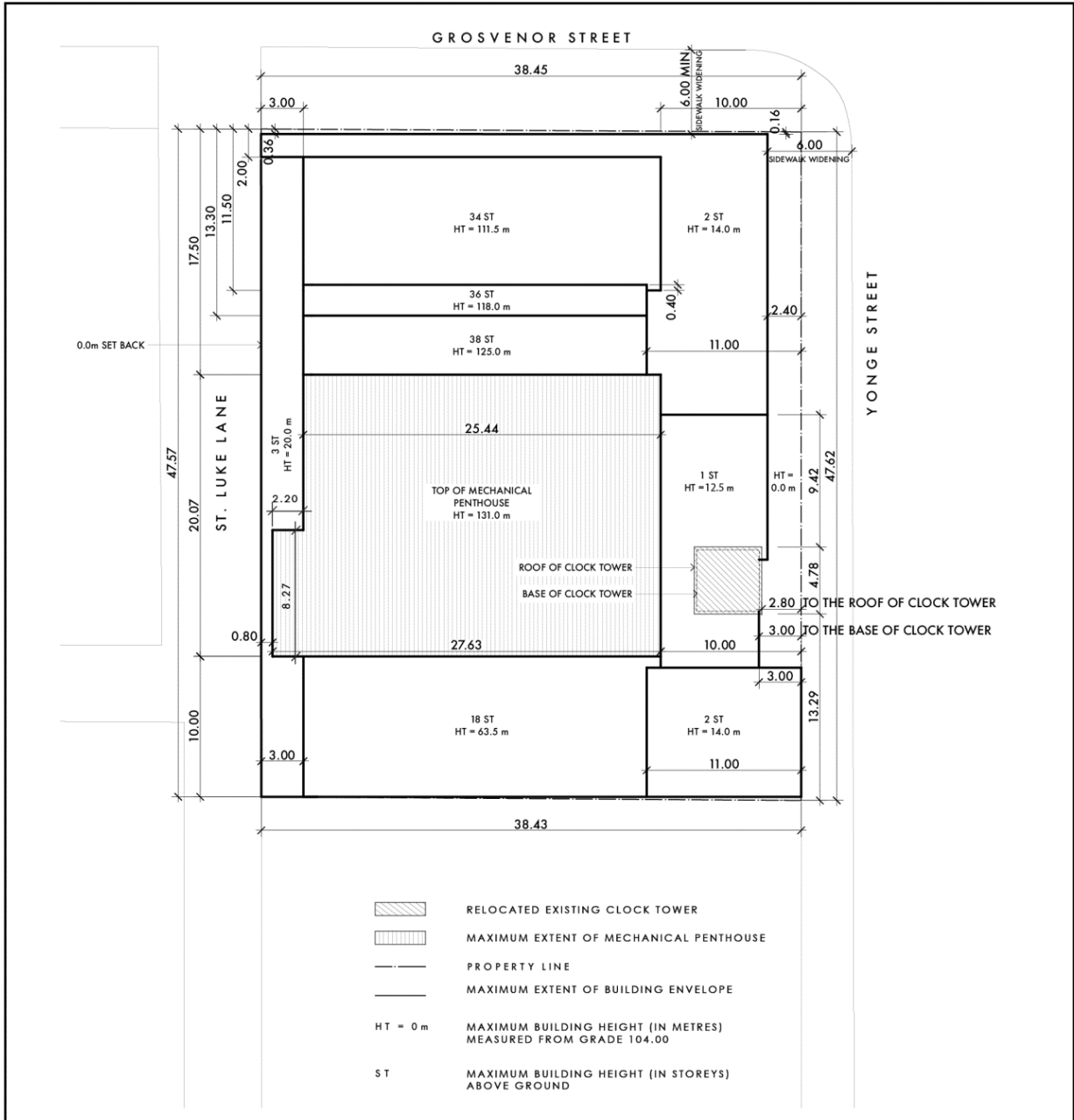
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 **TORONTO**  
Diagram 2

**480-494 Yonge Street**

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**TORONTO**  
 Diagram 3

**480-494 Yonge Street**

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