

Authority: Local Planning Appeal Tribunal Decision  
issued on March 11, 2019 and Order issued on March 12,  
2020 in File PL170084

## CITY OF TORONTO

### BY-LAW 321-2020(LPAT)

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2019 as 767, 769, 771 and 773 Yonge Street.**

Whereas the Local Planning Appeal Tribunal pursuant to its Decision issued on March 11, 2019, and Order issued on March 12, 2020 in respect of File PL170084, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to lands municipally known in the year 2019 as 767, 769, 771 and 773 Yonge Street; 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;

Pursuant to the Order of the Local Planning Appeal Tribunal, By-law 569-2013, as amended, is further amended as follows:

1. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of 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 (x220) 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 [CR 220], so that it reads:

**(220) Exception CR (x220)**

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 767, 769, 771 and 773 Yonge Street, if the requirements in Section 6 and Schedule 1 of By-law 321-2020(LPAT) are complied with, a **building** or **structure** may be constructed in compliance with regulations (B) to (Y) below;
- (B) Despite regulations 40.10.40.40(1) and (2), the permitted maximum **gross floor area** of all **buildings** and **structures** will be 13,900 square metres;
- (C) A minimum of ten percent of the total number of **dwelling units** must contain three or more bedrooms;
- (D) Regulation 40.10.40.1, with respect to the location of residential use portions of the **building** does not apply, except that no **dwelling units** may be located in the first **storey** of the **building**;
- (E) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 116.05 metres to the highest point of a **building** or **structure**;
- (F) Despite regulation 40.10.40.10(1), the height of any **building** or **structure** may not exceed the height limit of the numbers following the symbol HT on Diagram 3 of By-law 321-2020(LPAT);
- (G) Despite (F) above, as well as regulations 40.5.40.10(6) and (7), the following elements or portion of any **building** or **structure** may project above the **height** indicated by the numbers following the symbol HT on Diagram 3 of By-law 321-2020(LPAT):
  - (i) architectural features, ornamental elements, parapets, trellises, pergolas, lighting fixtures, lightning rods, window washing equipment, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, all of which may project up to a maximum of 3.0 metres;

- (ii) screens and partitions, which may project to a maximum of 2.5 metres;
  - (iii) landscape planters and elements of a **green roof**, which may project to a maximum of 2.0 metres; and
  - (iv) roof topping and finishes, railings and balustrades, which may project to a maximum of 1.0 metres;
- (H) Despite regulation 40.5.40.10(5)(A), the total area of all equipment, **structures**, or parts of a **building** may cover no more than 85 percent of the area of the roof, measured horizontally;
- (I) Despite regulation 40.5.40.10(5)(B), if any equipment, **structures**, or parts of a **building** are located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to the **street**, may not exceed 85 percent of the width of the **building's main walls** facing that **street**;
- (J) Despite regulation 40.5.40.10(6), unenclosed **structures** providing safety or wind protection to rooftop **amenity space** and that are located closer than 2.0 metres from the interior face of any **main wall** may also be permitted to exceed the maximum permitted height by 3.0 metres;
- (K) Despite regulation 40.5.40.10(4) and subject to (H), (I) and (J) above, elevator shafts, window washing equipment and mechanical equipment used for the functional operation of the **building** may exceed the permitted maximum height of the **building** by 6.0 metres;
- (L) Despite regulations 40.5.40.70(1) and 40.10.40.70(1), the required minimum **building setbacks** are shown on Diagram 3 of By-law 321-2020(LPAT);
- (M) Regulation 40.10.40.10(5) with respect to the minimum height of the first **storey** does not apply;
- (N) Despite (I) above, and regulations 5.10.40.70(1), 40.10.40.60(1), (2), (3), (6), the following are permitted to encroach into the required minimum **building setbacks** on Diagram 3 attached to and forming part of this By-law:
- (i) balconies, canopies, window projections, window washing equipment, patios and awnings may encroach up to a maximum of 1.8 metres;
  - (ii) lighting fixtures may encroach to a maximum of 1.0 metres; and
  - (iii) ramps, stairs, stair enclosures, and servicing areas and associated **structures** and elements required for the functional operation of the **building**;

- (O) The south face of a **building** must not have any transparent glazing above a height of 14.0 metres;
- (P) Despite regulation 40.10.40.80(2), if a **building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the required minimum aboveground separation distance between those **main walls**, excluding architectural recesses in a **main wall** and **main walls** around inset balconies and entrances, is:
- (i) a minimum of 3.0 metres if there are no windows in one or both of those **main walls**; and
  - (ii) a minimum of 6.0 metres if each **main wall** has windows;
- (Q) Despite regulations 40.10.40.50(1) and (2), **amenity space** must be provided and maintained in accordance with the following:
- (i) a minimum of 270 square metres of indoor **amenity space**, which may be shared with non-residential uses;
  - (ii) a minimum of 135 square metres of outdoor **amenity space**, which may be shared with non-residential uses;
  - (iii) the indoor **amenity space** may be provided in multipurpose rooms which are not contiguous; and
  - (iv) no **amenity space** is required for non-residential uses of the **building**;
- (R) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- (i) a minimum of 22 **parking spaces** for residents of the **building**; and
  - (ii) no **parking spaces** are required for visitors or non-residential uses;
- (S) Despite regulations 200.15.1(1) and 200.15.10(1), a minimum of 2 accessible **parking spaces** must be provided and maintained in accordance with the following dimensional requirements:
- (i) a minimum length of 5.6 metres;
  - (ii) a minimum width of 3.4 metres;
  - (iii) a minimum vertical clearance of 2.1 metres; and

- (iv) the entire length must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (T) Regulations 200.15.1(4) and 200.15.1.5(1), with respect to the location of the accessible **parking spaces**, do not apply;
- (U) Despite regulation 200.5.1.10(12), the **vehicle** entrance and exit to the **building** must be at least 1.0 metres from the **lot line** abutting the **street**;
- (V) Despite regulation 200.5.1.10(13), access to a **parking space** may be provided by motor **vehicle** elevators, provided a minimum of two (2) motor **vehicle** elevators are provided and maintained in the **building** for the use of residents;
- (W) Despite regulation 230.5.1.10(4)(A) and (C), a **bicycle parking space** must comply with the following:
  - (i) for a **staked bicycle parking space**, a minimum length of 1.6 metres, a minimum width of 0.45 metres and a minimum vertical clearance of 1.0 metres;
  - (ii) for a **bicycle parking space** that is not a **stacked bicycle parking space**, a minimum length of 1.6 metres, a minimum width of 0.45 metres and a minimum vertical clearance of 1.9 metres;
- (X) Despite regulations 230.5.10.1(10), 230.40.1.20(1) and (2), a "long-term" and "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**, which may be located within a secure room below ground or within the **building**; and
- (Y) Despite regulations 220.5.10.1(2), (3), (4), (5), (6), (8), a minimum of one Type "G" **loading space** must be provided and maintained.

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

5. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this exception will apply as if no severance, partition or division has 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 1 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 1 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 1 are satisfied.

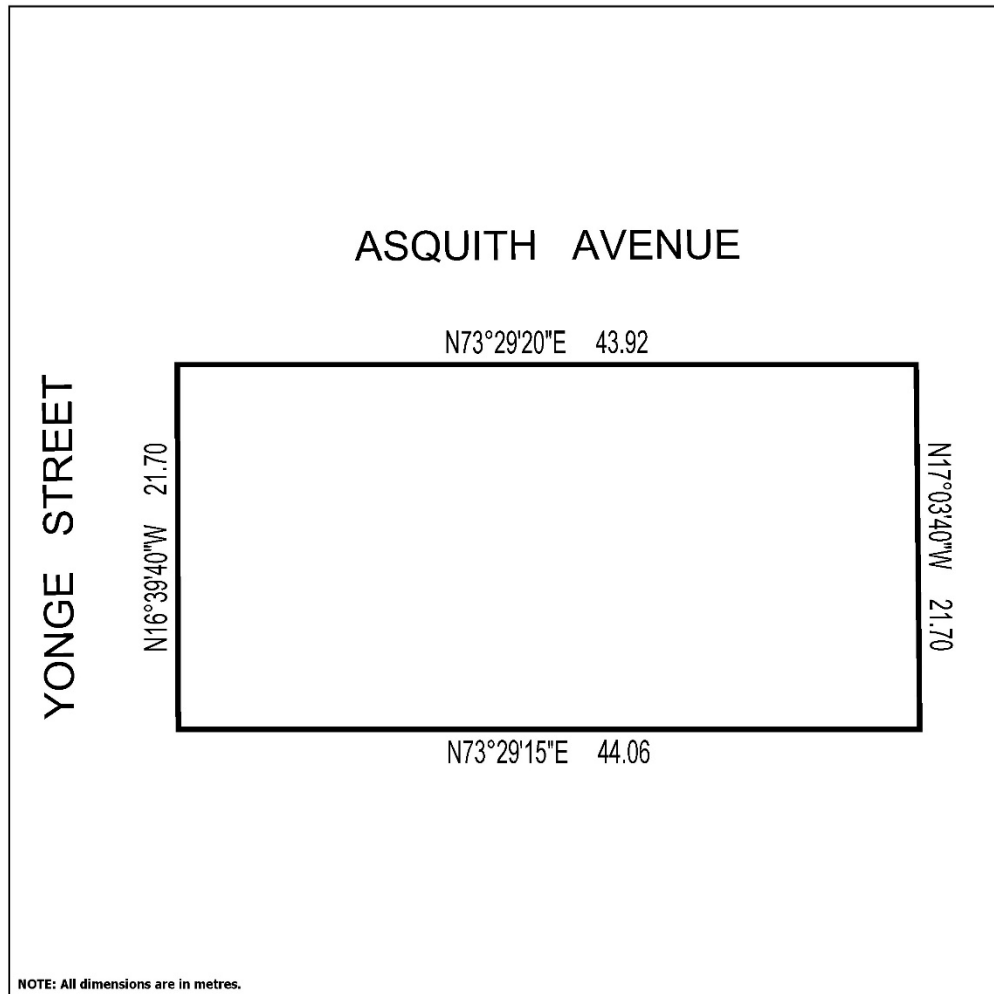
Local Planning Appeal Tribunal Decision issued on March 11, 2019 and Order issued on March 12, 2020 in File PL170084.

## Schedule 1

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lands at their expense to the City in accordance with 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:

1. The provision of community benefits pursuant to Section 37 of the Planning Act in the amount of not less than \$1,880,000 to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following benefits:
  - (A) An indexed cash contribution of \$626,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated towards local area park or streetscape improvements, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - (B) An indexed cash contribution of \$627,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated towards existing community, recreation and/or cultural space improvements in the ward, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - (C) An indexed cash contribution of \$627,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated towards new or existing Toronto Community Housing and/or affordable housing;
2. The cash contributions referred to in No. 1 above are to be indexed in accordance with the Non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the registration of the Section 37 Agreement to the date the payment is made to the City; and
3. In the event the cash contributions referred to above have not been used for the intended purposes within 3 years of the site specific By-law coming into full force and effect, the cash contributions may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



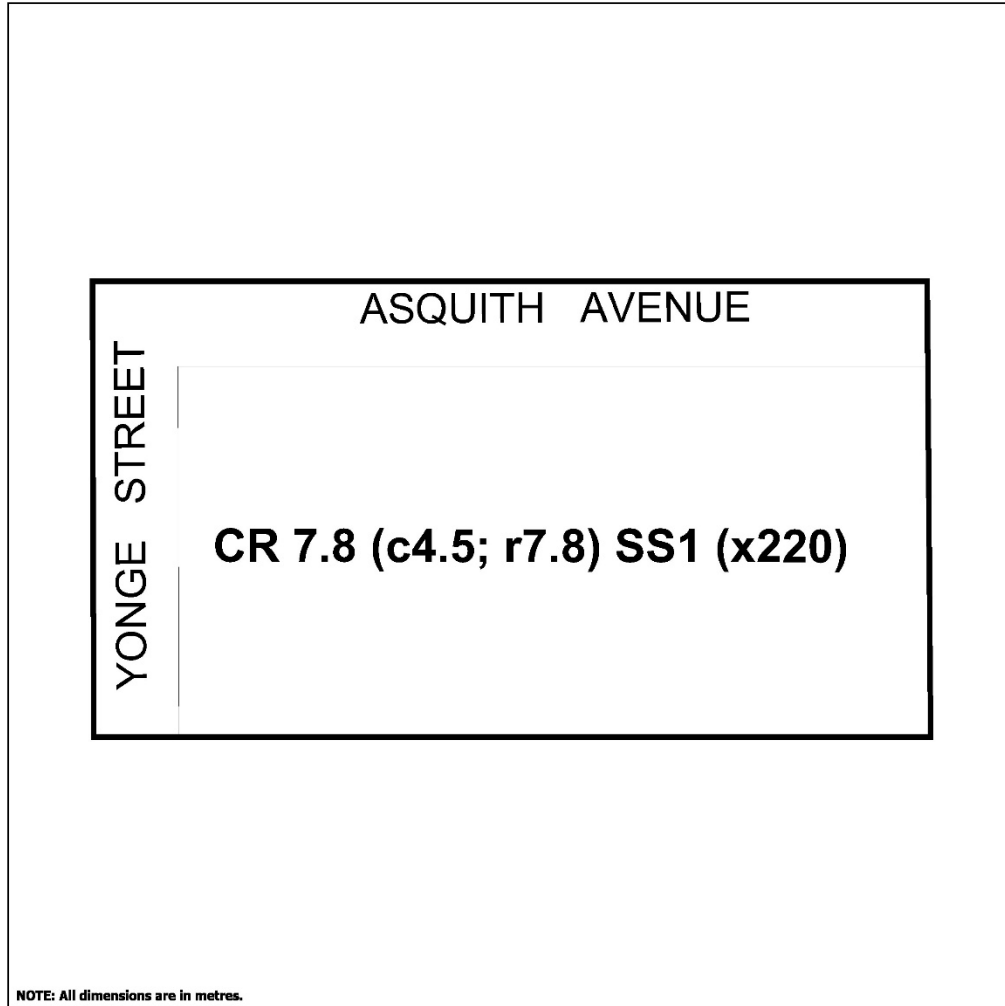
**767, 769, 771 and 773 Yonge Street, Toronto**

**Diagram 1**

File #16 \_\_\_\_\_



Not to Scale



NOTE: All dimensions are in metres.



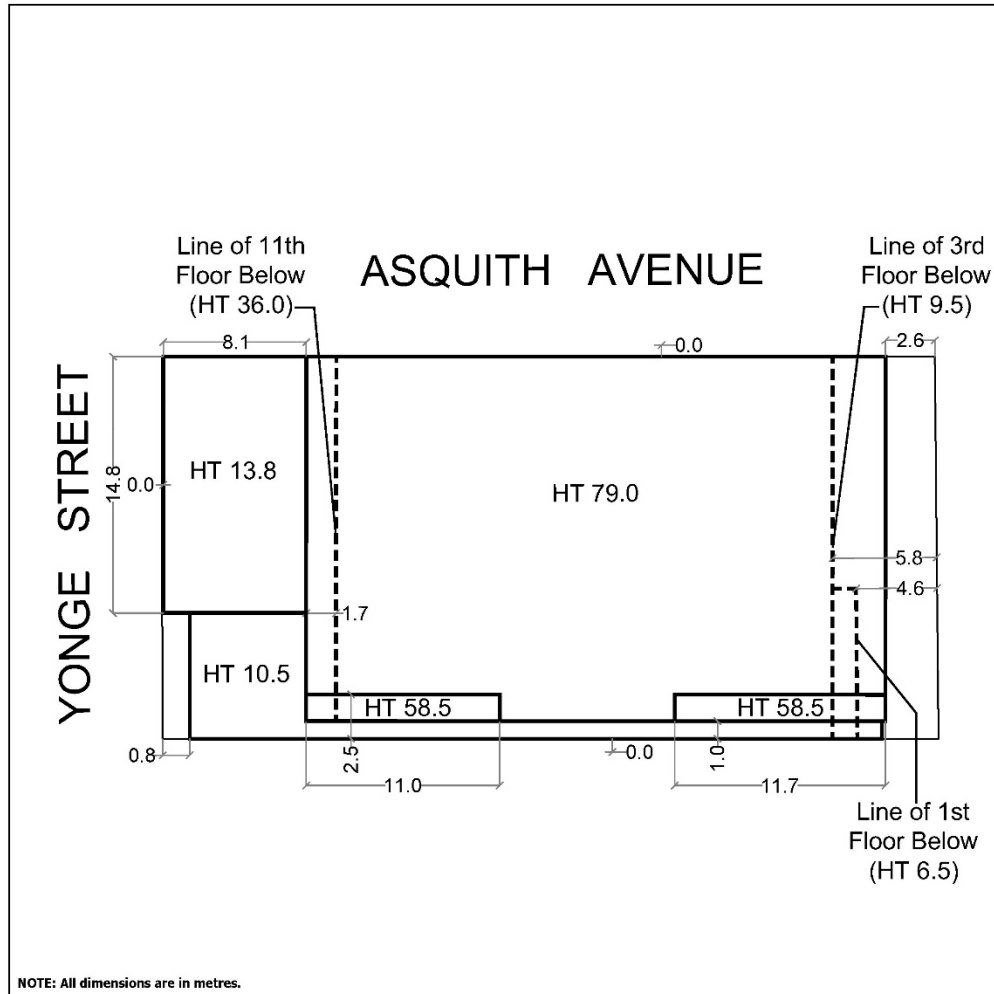
**767, 769, 771 and 773 Yonge Street, Toronto**

**Diagram 2**

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Not to Scale



767, 769, 771 and 773 Yonge Street, Toronto

Diagram 3

File #16



Not to Scale