

Authority: Ontario Municipal Board Decision issued on May 3, 2017, Local Planning Appeal Tribunal Order issued on February 18, 2020, amending Order issued on February 26, 2020 and Order issued on August 4, 2020 in Tribunal File PL160431

CITY OF TORONTO

BY-LAW 684-2020(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect with lands known as 760-762 Yonge Street, 768-784 Yonge Street and 1-11 Bloor Street West.

Whereas the Ontario Municipal Board Decision issued on May 3, 2017, Local Planning Appeal Tribunal Order issued on February 18, 2020, amending Order issued on February 26, 2020 and Order issued on August 4, 2020, in Tribunal File PL160431 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally as 760-762 Yonge Street, 768-784 Yonge Street and 1-11 Bloor Street West; and

Whereas the Official Plan for the City of Toronto contains such 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 or 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, a 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 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Pursuant to the Order of the Local Planning Appeal Tribunal, By-law 438-86, the Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

- 1.** Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law on the lands identified as the *lot* on Map 1 forming part of this By-law are permitted subject to compliance with the conditions set out in By-law and in return for the provision by the owner of the *lot*, of the facilities, services and matters set out in Schedule A of this By-law, the provisions of which shall be secured by one or more agreements pursuant to Section 37(3) of the Planning Act.

2. Upon execution and registration of one or more agreements between the City and the owner of the *lot* on title pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Schedule A of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) require the provision of a facility, service or matter as a precondition to the issuance of a building permit or a permit issued pursuant to the Ontario Heritage Act, such building may not be erected or used until the owner of the *lot* has satisfied the said requirement.
3. None of the provisions of Section 2 with respect to the definitions of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, *lot* and *residential gross floor area* and Sections 4(2)(a), 4(5)(b), 4(8), 4(12), 4(13), 4(17), 8(1)(a), 8(3) Part I, 8(3) Part II 1, 2, 12(2)132, 12(2)260, and 12(2)380 of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use of a *mixed-use building* on the *lot* delineated by dashed lines on the attached Map 1, provided that:
 - (a) the *lot* upon which the proposed building and structure is erected or used comprises at least the lands shown outlined by dashed lines on the attached Map 1;
 - (b) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures on Parcel 1 and Parcel 2 as shown on Map 2 shall not exceed 80,000 square metres, subject to the following:
 - (i) the *residential gross floor area* of buildings and structures shall not exceed 62,500 square metres; and
 - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 18,400 square metres excluding the *commercial parking garage* and mechanical rooms.
 - (c) a minimum of 10 percent of the total number of *dwelling units* shall have a minimum area of 79.0 square metres and shall contain at least two bedrooms;
 - (d) despite the definition of *residential amenity space* in Section 2(1) of By-law 438-86, *residential amenity space* can be shared and does not need to be provided for the exclusive use of residents of a building;
 - (e) *residential amenity space* shall be provided and maintained on the *lot* at a minimum rate of 3.5 square metres per *dwelling unit*, of which:
 - (i) a minimum of 1.7 square metres per *dwelling unit* for indoor *residential amenity space*, of which, a kitchen does not have to be provided in a multi-purpose room;

- (ii) at least 40.0 square metres is outdoor *residential amenity space* in a location adjoining or directly accessible to the indoor *residential amenity space*; and
 - (iii) no more than 25 percent of the outdoor component may be a green roof.
- (f) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
- (i) the maximum *height* for trellises, canopies, outdoor amenity structures, building maintenance units and window washing equipment, having a maximum height of the sum of 5.3 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (ii) main entrance canopies – a maximum vertical projection of 14.0 metres above the height within any area not having a height limit shown on Map 2;
 - (iii) the maximum *height* for parapets, guard rails, railings, lightning rods and elements of a green roof having a maximum height of the sum of 1.8 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (iv) the maximum *height* for mechanical equipment and any associated enclosure structures, wind protection screens, stairs, stair and elevator enclosures, terrace dividers and having a maximum height of the sum of 3.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (v) the maximum *height* for roof drainage having a maximum height of the sum of 0.5 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (vi) the maximum *height* for pillars, columns, piers, architectural features, beams, hybrid exoskeleton structures and hybrid exoskeleton cladding having a maximum height of the sum of 16.5 metres and the applicable *height* limit shown on Map 2 shall be permitted within the area identified as H 292.5 on Map 2; and
 - (vii) hard and soft landscaping and public art can extend beyond the applicable *height* limit shown on Map 2 within any area on Map 2.
- (g) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:

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- (i) awnings and canopies – a maximum of 6.6 metres beyond the heavy lines shown on Map 2; and
 - (ii) doors, revolving doors, signage, roof drains, gutters, flashing, tie-ins to adjacent buildings, cornices, ornamental elements, parapets, architectural flutes, columns, piers, pillars, ornamental louvres, beams, hybrid exoskeleton structures, hybrid exoskeleton cladding, window sills, light fixtures, art and landscape features and site servicing features – a maximum of 1.2 metres beyond the heavy lines shown on Map 2.
- (h) balconies are not permitted to project beyond the heavy lines shown on Map 2;
- (i) Despite (g) above, the minimum setbacks of the ground floor of a building or structure on Parcel 1 will be shown on Map 3;
- (j) Despite (g) above, the minimum setbacks of the tower floor plates of a building or structure on Parcel 1 between the heights of 69.0 metres and 75.0 metres, 132.0 metres and 138.0 metres, 196.0 metres and 202.0 metres, and 265.0 metres and 271.0 metres, will be shown on Map 4;
- (k) a minimum total number of 296 *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) a *commercial parking garage* is permitted on the *lot*;
 - (ii) *parking spaces* are permitted to be shared between residents, residential visitors and non-residential uses;
 - (iii) *parking spaces* for residents, residential visitors and non-residential uses are permitted to be located within a *commercial parking garage*;
 - (iv) a minimum of 277 *parking spaces* shall be provided within a *commercial parking garage*, of which a minimum of 200 *parking spaces* shall be provided for residents;
 - (v) a minimum of 4 *car-share parking spaces* shall be provided; and
 - (vii) a minimum of 15 short-term *parking spaces* shall be provided, of which, 5 short-term *parking spaces* may be obstructed on one side and at least one short-term *parking space* shall have a minimum width of 3.9 metres, a minimum length of 5.6 metres and a minimum vertical clearance of 2.1 metres.
- (l) the additional requirements outlined in Sections 2(1) and 4(17) of By-law 438-86 for obstructed *parking spaces* do not apply to a maximum of 33 *parking spaces* that are obstructed on one side and that are required in order to satisfy the residential parking requirements, as set out in section (k) above;

- (m) a maximum of 3 small car *parking spaces* may be provided and accessed by a drive aisle with a minimum width of 5.4 metres, each having a dimension of a minimum width of 3.2 metres, a minimum length of 5.1 metres and a minimum vertical clearance of 2.0 metres;
- (n) despite the definition of *parking space*, a maximum of 78 *parking spaces* that are required in order to satisfy the residential parking requirements, as set out in section (k) above, may be provided as 39 *tandem parking spaces*, of which, 35 *tandem parking spaces* may be provided in *parking stackers*;
- (o) despite the definition of *parking stacker* in Section 2(1) of By-law 438-86 and the minimum dimensions set out in Section 4(17) of By-law 438-86, *parking spaces* provided in a *parking stacker* shall have:
 - (i) a minimum length of 5.6 metres;
 - (ii) a minimum width of 2.6 metres;
 - (iii) a minimum vertical clearance of 1.5 metres; and
 - (iv) *parking stacker* mechanisms and equipment located within these dimensions.
- (p) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) a minimum of 0.9 *bicycle parking spaces* – occupant per *dwelling unit*;
 - (ii) a minimum of 0.1 *bicycle parking spaces* – visitor per *dwelling unit*;
 - (iii) a minimum of 0.2 *bicycle parking spaces* – occupant per 100 square metres of *interior floor area* used for an office;
 - (iv) a minimum of 3 plus 0.2 *bicycle parking spaces* – visitor per 100 square metres of *interior floor area* used for an office;
 - (v) a minimum of 0.2 *bicycle parking spaces* – occupant per 100 square metres of *interior floor area* used for a *restaurant* and *retail store*; and
 - (vi) a minimum of 3 plus 0.3 *bicycle parking spaces* – visitor per 100 square metres of *interior floor area* used for a *restaurant* and *retail store*.
- (q) to calculate *bicycle parking space* requirements for other than *dwelling units*, the gross floor area of a building is reduced by the area in the building used for:
 - (i) parking, loading and bicycle parking below-ground;

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- (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) elevator shafts;
 - (vi) mechanical penthouse and mechanical rooms;
 - (vii) exit stairwells in the building; or
 - (viii) floor area associated with a *commercial parking garage*.
- (r) if a building has uses, other than *dwelling units*, for which a *bicycle parking space – occupant* is required, shower and change facilities must be provided for each gender at the following rate:
- (i) none if less than 5 required *bicycle parking spaces – occupant*;
 - (ii) 1 for 5 to 60 required *bicycle parking space – occupant*;
 - (iii) 2 for 61 to 120 required *bicycle parking spaces – occupant*;
 - (iv) 3 for 121 to 180 required *bicycle parking spaces – occupant*; and
 - (v) 4 for more than 180 required *bicycle parking spaces – occupant*.
- (s) loading spaces shall be provided on the *lot* in accordance with the following:
- (i) one *loading space – type "G"*;
 - (ii) one *loading spave – type "B"*; and
 - (iii) three *loading space – type "C"*.
4. In addition to the permitted uses identified in Section 1, a temporary *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.
5. For the purposes of this By-law:
- (a) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle locker or a room or bicycle rack for the purpose of parking and securing bicycles, and

- (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not be subject to the dimensions outlined in (i) and (ii) above.
- (b) "*bicycle parking space – visitor*" means an area that is equipped with a room or a bicycle rack for the purpose of parking and securing bicycles, and
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not be subject to the dimensions outlined in (i) and (ii) above.
- (c) "*car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-sharing vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven;
- (d) "*car-share parking space*" means a parking space exclusively for a car used only for car--sharing purposes;
- (e) "*grade*" means 115.8 metres Canadian Geodetic Datum;
- (f) "*height*" means the vertical distance between grade and the heighest point of the building or structure except for those elements otherwise prescribed in this By-law;

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- (g) "*interior floor area*" means the floor area of any part of a building, measured to:
- (i) the interior side of a main wall;
 - (ii) the centreline of an interior wall; or
 - (iii) a line delineating the part being measured.
- (h) "*residential gross floor area*" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) indoor *residential amenity space*;
 - (ii) parking, loading and bicycle parking below established grade;
 - (iii) parking, loading and bicycle parking at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical rooms; and
 - (ix) exit stairwells in the building.
- (i) "*tandem parking space*" means an area that includes two *parking spaces*, one of which is not readily accessible for parking and removal of a motor vehicle without the necessity of moving another vehicle;
- (j) "*sales presentation centre*" means a building, structure or facility on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
- (k) Each word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law 438-86, as amended, unless otherwise defined in this By-law.
6. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

7. 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 Map 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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.

8. Within the *lot*, no person shall use any land or erect any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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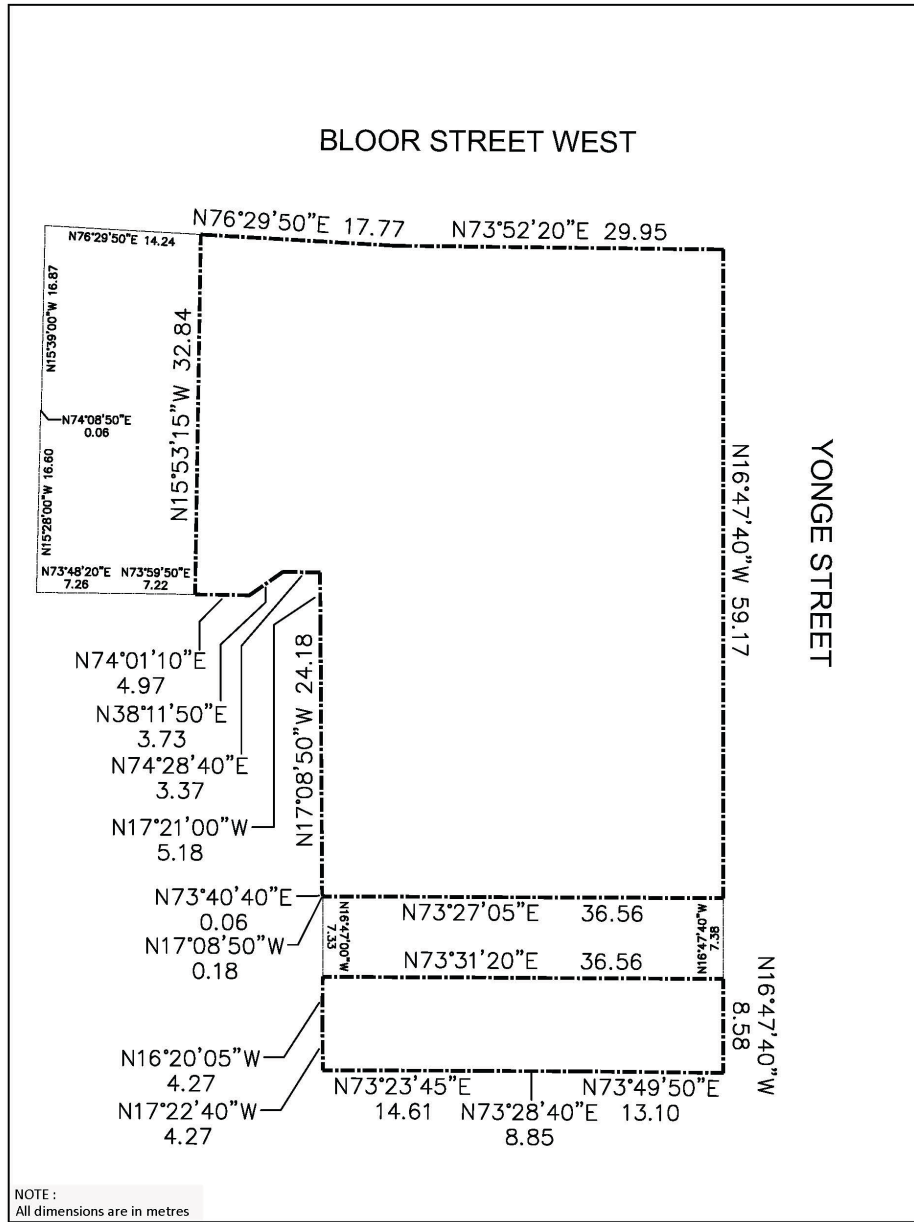
SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the *lot*, save and except Parcel 2 as shown on Map 2, 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 and registered against title to the *lot*, save and except Parcel 2 as shown on Map 2, 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 the issuance of the first Building Permit for a part or all of the *lot*, the Owner shall pay to the City the sum of TWENTY-ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$21,900,000.00) in Canadian funds (herein referred to as the "**Cash Contribution**") and the Cash Contribution shall be indexed in accordance with the terms of the Section 37 Agreement and used by the City for the purpose of community benefits in accordance with the terms of the Section Agreement on the proportions set out below:
 - (a) 10 percent directed to new or existing affordable housing facilities to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (b) 10 percent directed to new or existing cultural and community facilities to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - (c) 80 percent to be directed to any future publicly accessible underground pedestrian tunnel and related connections through buildings to be added as a part of the existing pedestrian pathway network in the vicinity of the lands as more particularly described in the Section 37 Agreement, local streetscape improvements including Yonge Street Revitalization, and local park improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. Prior to the earlier of Release for Construction of a storm sewer which will service the development on the *lot* as described in the Section 37 Agreement and the issuance of the first Above Grade Building Permit for a part or all of the *lot*, the Owner shall provide the City with financial security indexed in accordance with the Section 37 Agreement to guarantee the satisfactory performance and completion of said storm sewer in an amount and form to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
3. Prior to the issuance of the first Above Grade Building Permit for a part or all of the lands, the Owner shall deliver to the City financial security in an amount equivalent to one hundred percent (100 percent) of the monetary value of the lands municipally known in the year 2019 as 14 Dundonald Street, to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Director, Real Estate Services, to

secure the Owner's conveyance in fee simple of 14 Dundonald Street to the City for the purpose of public parkland, free and clear of all physical obstructions and encumbrances above, upon, and below the surface of said lands including, but not limited to, above and below grade buildings, structures, foundations, utilities and services, all paved areas and associated base and foundation material, unless otherwise permitted in writing by the General Manager, Parks, Forestry and Recreation, and in accordance with terms and conditions of the amended and restated Section 37 Agreement.

4. Prior to the issuance of the first Above Grade Building Permit for any part or all of the lands, the owner shall submit a cost estimate and all plans for base park improvements to 14 Dundonald Street, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
5. Prior to the issuance of the first Above Grade Building Permit for a part or all of the lands, the Owner shall deliver to the City financial security satisfactory to the General Manager, Parks, Forestry and Recreation in an amount equivalent to one hundred and twenty percent (120 percent) of the monetary value of base park improvements to 14 Dundonald Street, as required by the amended and restated Section 37 Agreement, to secure the Owner's delivery of said base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation.



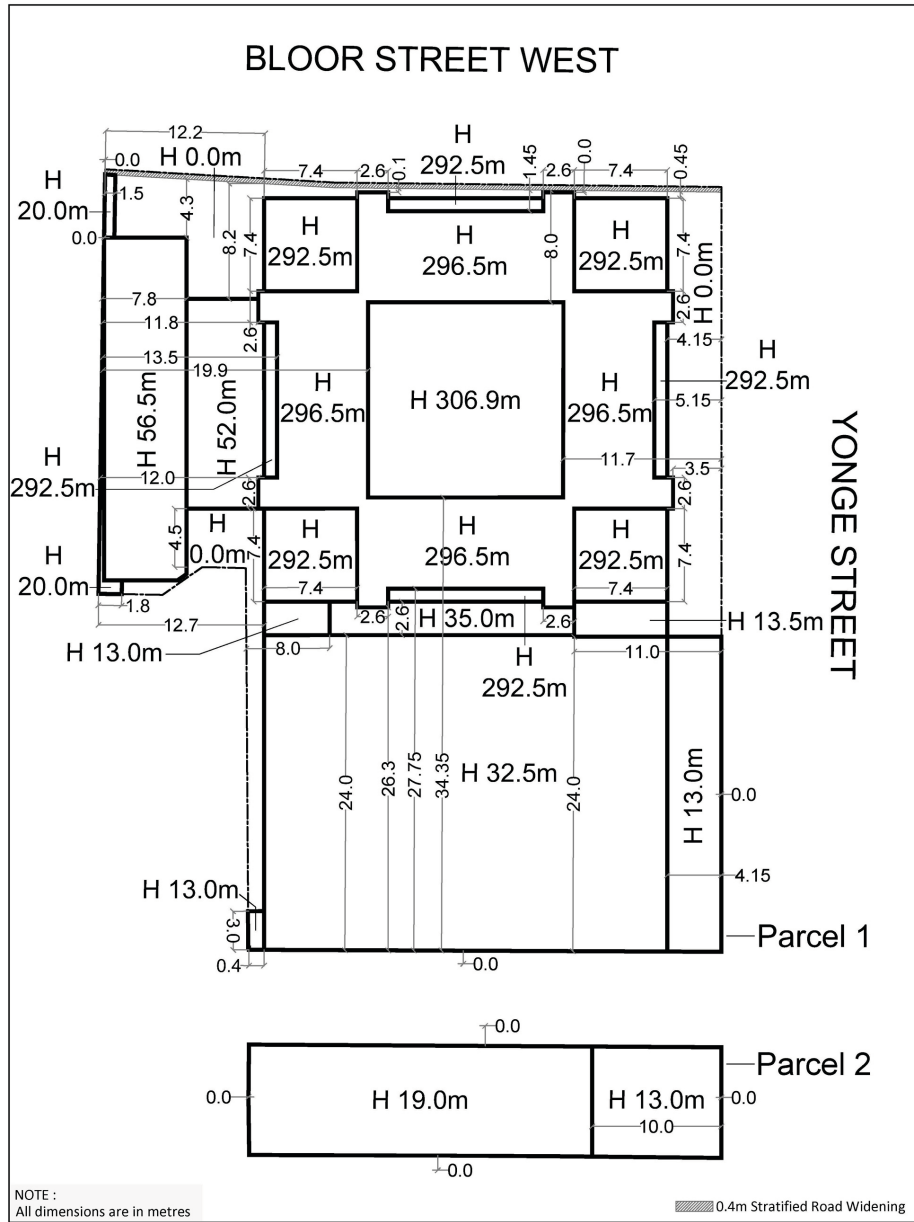
1 Bloor Street West, Toronto

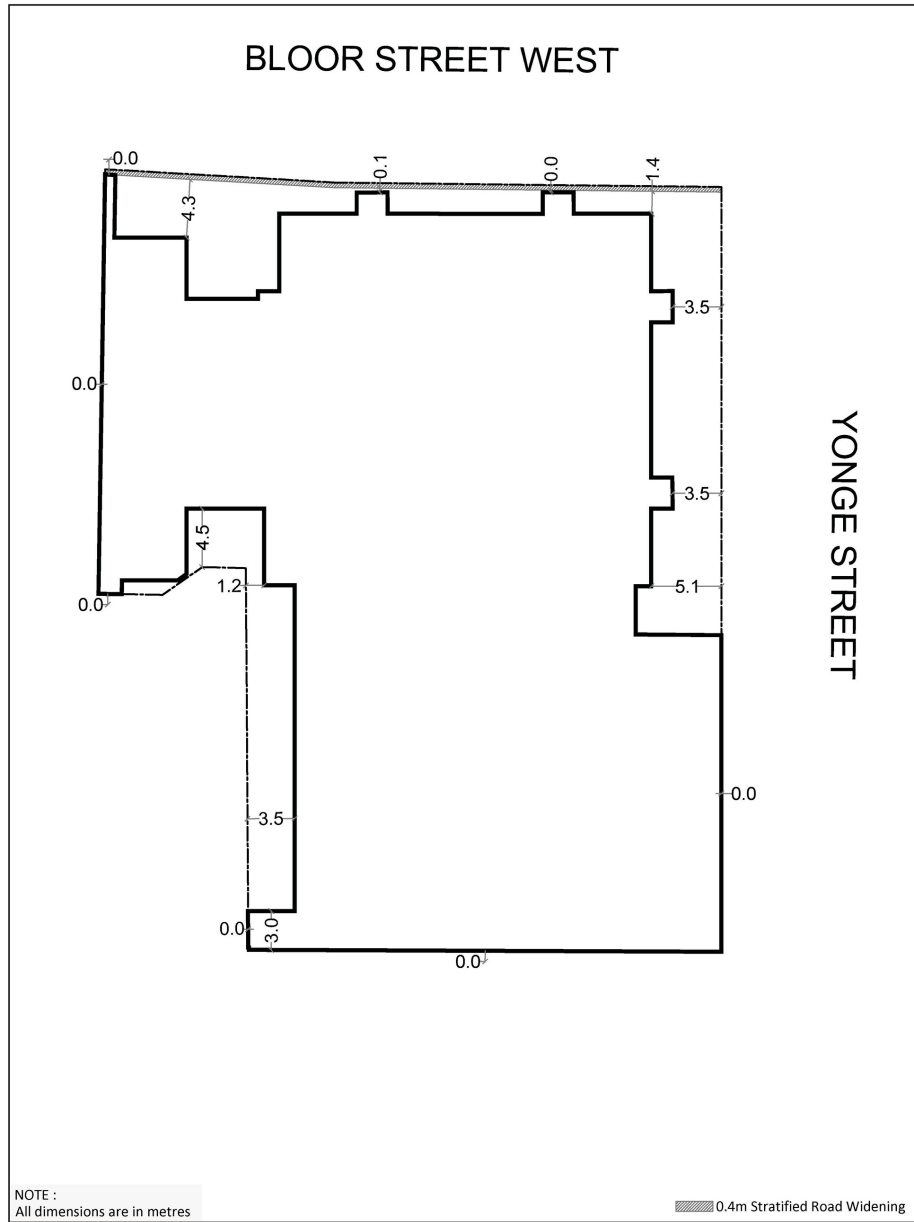


Map 1



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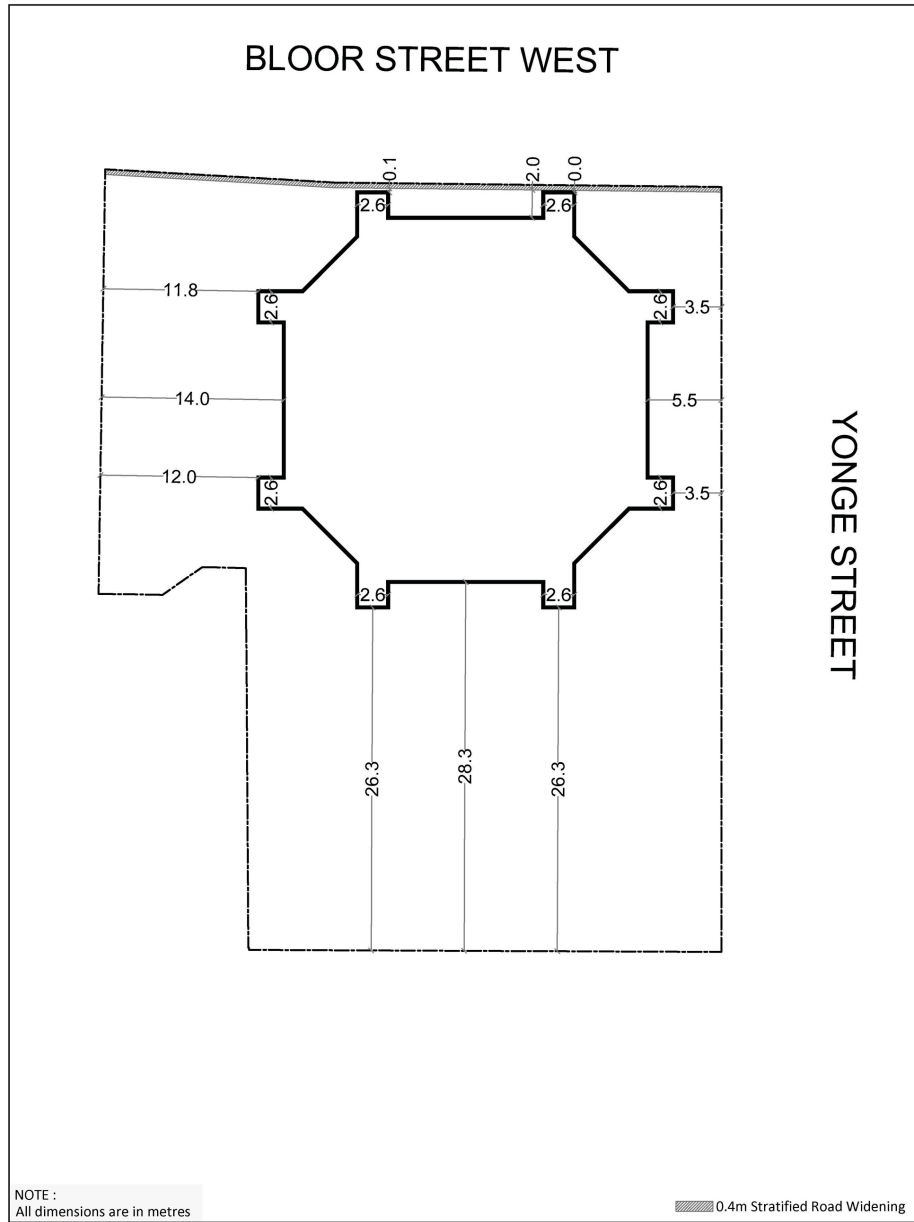
1 Bloor Street West, Toronto



Map 3



Not to Scale



NOTE :
All dimensions are in metres

0.4m Stratified Road Widening

1 Bloor Street West, Toronto



Map 4



Not to Scale