

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 685-2020(LPAT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 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, determined to amend By-law 569-2013, 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 authority is given to the Local Planning Appeal Tribunal under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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;

By-law 569-2013, as amended, is further amended by the Local Planning Appeal Tribunal as follows:

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 (x62) and CR 3.0 (c2.0; r3.0) SS1 (x62), 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 62 so that it reads:

**Exception CR (62)**

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 760-762 Yonge Street, 768-784 Yonge Street and 1-11 Bloor Street West, if the requirements of Section 6 and Schedule A of By-law 685-2020(LPAT) are complied with, **buildings** or **structures** may be constructed in compliance with (B) to (T) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 115.8 metres in the year 2019 and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(1), no portion of a **building** or **structure** erected on the lands may exceed the **height** in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 685-2020(LPAT);
- (D) Despite (C) above, and regulations 40.5.40.10(3) to (7), the following building elements are permitted to project above the heights shown on Diagram 3 of By-law 685-2020(LPAT):
  - (i) window washing equipment, **building** maintenance units, trellises, canopies and outdoor amenity **structures** – a maximum vertical projection of 5.3 metres;  
1.2
  - (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 Diagram 3;  
1.3
  - (iii) parapets, railings, guard rails and lightning rods – a maximum vertical projection of 1.8 metres;

- (iv) wind protection screens, stairs, and stair and elevator enclosures and terrace dividers – a maximum vertical projection of 3.0 metres;
  - (v) roof drainage – a maximum vertical projection of 0.5 metres;
  - (vi) architectural features, pillars, columns, piers, beams, hybrid exoskeleton **structures** and hybrid exoskeleton cladding – a maximum vertical projection of 16.5 metres above the height within the area identified as HT 292.5 as shown on Diagram 3 of By-law 685-2020(LPAT); and
  - (vii) hard and **soft landscaping** and public art;
- (E) Regulation 600.10.10 with respect to Building Setbacks does not apply;
- (F) Despite Claus 5.10.40.70, and regulations 40.10.40.70(1) and 40.10.40.80(1), the required minimum **building setbacks** and above ground separation distance between **main walls** are as shown on Diagram 3 of By-law 685-2020(LPAT);
- (G) Despite (D) above, the minimum **building setbacks** of the ground floor of a **building** or **structure** on Parcel 1 will be shown on Diagram 4 of By-law 685-2020(LPAT);
- (H) Despite (D) above, the minimum **building 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, 265.0 metres and 271.0 metres, will be as shown on Diagram 5 of By-law 685-2020(LPAT);
- (I) Despite (D) above and regulations 40.10.40.60(2) to (9), the following encroachments are permitted to encroach into the required minimum **building setbacks** and above ground separation distance between **main walls** on Diagram 3 of By-law 685-2020(LPAT):
- (i) awnings and canopies – a maximum of 6.6 metres; and
  - (ii) doors, revolving doors, signage, roof drains, gutters, flashing, tie-ins to adjacent **buildings**, cornices, ornamental elements, parapets, architectural flutes, ornamental louvers, piers, pillars, 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;
- (J) Balconies are not permitted to encroach into the required minimum **building setbacks** and above ground separation distance between **main walls** shown on Diagram 3 of By-law 685-2020(LPAT);

- (K) Despite Regulation 40.10.40.40(1) the total **gross floor area** of all **buildings** and **structures** on Parcel 1 and Parcel 2 as shown on Diagram 3 of By-law 685-2020(LPAT), must not exceed 80,000 square metres, provided:
- (i) residential uses symbolized by the letter 'r', permitted by Regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B), must not exceed 62,500 square metres;
  - (ii) non-residential uses symbolized by the letter 'c', permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), must not exceed 18,000 square metres excluding **public parking**; and
  - (iii) for the purposes of this By-law, in addition to Section 40.5.40.40(1), the calculation of **gross floor area** also excludes the floor area associated with mechanical rooms and indoor **amenity space**;
- (L) a minimum of 10 percent of the total number of **dwelling units** must:
- (i) have a minimum area of 79.0 square metres; and
  - (ii) contain at least two bedrooms;
- (M) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 3.5 square metres for each **dwelling unit**, of which:
- (i) at least 1.7 square metres for each **dwelling unit** is indoor **amenity space**;
  - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
  - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (N) Despite 40.10.40.50(2), no outdoor **amenity space** is required for non-residential uses;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, a minimum of 296 **parking spaces** must be provided and maintained as follows:
- (i) **parking spaces** may be shared between residents, residential visitors and non-residential uses;
  - (ii) **parking spaces** for residents, residential visitors and non-residential uses may be located within **public parking**;
  - (iii) a minimum of 277 **parking spaces** must be provided within **public parking**, of which, a minimum of 200 **parking spaces** must be available to residents;

- (iv) a minimum of 4 car-share **parking spaces** must be provided;
  - (v) a minimum of 15 short-term **parking spaces** must be provided, of which, 5 short-term **parking space** may be obstructed on one side; and
  - (vi) despite Clauses 200.15.1 and 200.15.1.5 and (M)(v) above, at least one short-term **parking space** must have a minimum width of 3.9 metres, a minimum length of 5.6 metres and a minimum vertical clearance of 2.1 metres and may be located below-ground, and would satisfy the requirements of regulation 200.15.10;
- (P) Despite Section 200.5.1.10(2)(A)(iv), a maximum of 33 **parking spaces** may be obstructed on one side and have the following dimensions;
- (i) a minimum width of 2.6 metres;
  - (ii) a minimum length of 5.6 metres; and
  - (iii) a minimum vertical clearance of 2.1 metres;
- (Q) Despite regulation 200.5.1.10(2)(A), 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;
- (R) Despite Regulation 200.5.1.10(5) 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 **stacked parking spaces**;
- (S) Despite the dimensions outlined in Regulation 200.5.1.10(2), **stacked parking spaces** can have:
- (i) a minimum width of 2.6 metres;
  - (ii) a minimum length of 5.6 metres;
  - (iii) a minimum vertical clearance of 1.5 metres; and
  - (iv) **stacked parking spaces** mechanisms and equipment located within these dimensions;
- (T) Despite Regulations 220.5.10.1(1) to (9), the following minimum number of **loading spaces** must be provided and maintained on the lands:
- (i) one Type "G" **loading space**;
  - (ii) one Type "B" **loading space**; and

- (iii) three Type "C" **loading spaces**;
- (U) Despite Regulation 230.5.1.10(9), long-term **bicycle parking spaces** and short-term **bicycle parking spaces** can be located below ground and in **stacked bicycle parking spaces**;
- (V) Despite the dimensions set out in Regulations 230.5.1.10(4) and (5), **stacked bicycle parking spaces** provided on the lands shall have the following dimensions:
  - (i) a minimum width of 0.6 metres;
  - (ii) a minimum length of 1.8 metres; and
  - (iii) a minimum vertical clearance of 1.2 metres;

Prevailing By-law and Prevailing Sections:

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

5. Despite any severance, partition or division of lands, the provisions of this By-law apply to the whole of the lands as if no severance, partition or division 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 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 save and except for Parcel 2 as shown on Diagram 3, 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.

Pursuant to 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, 202 and Order issued on August 4, 2020 in Tribunal File PL160431.

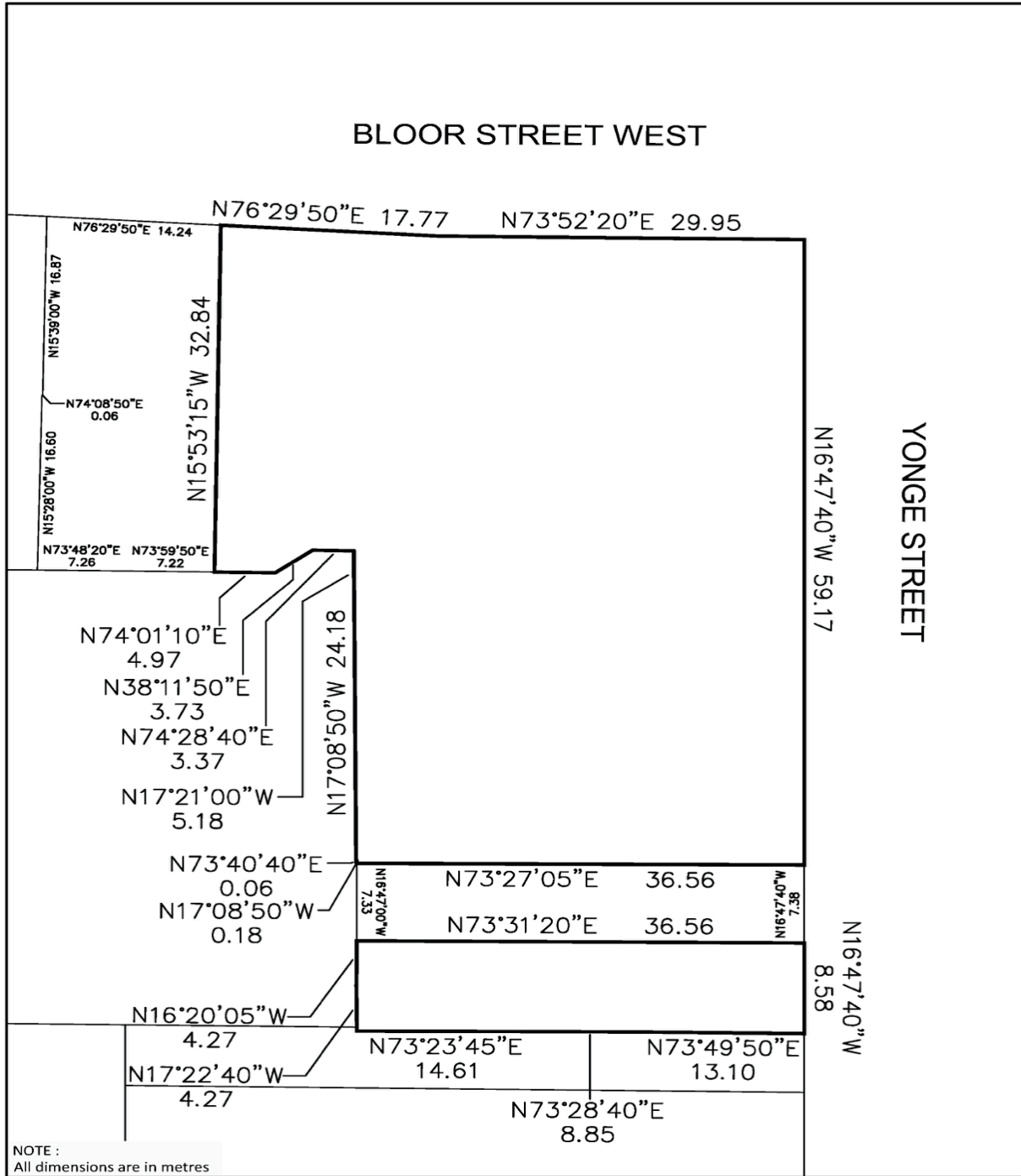
**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided by the owner of the lands, save and except Parcel 2 as shown on Diagram 3, 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 lands save and except for Parcel 2 as shown on Diagram 3, 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:

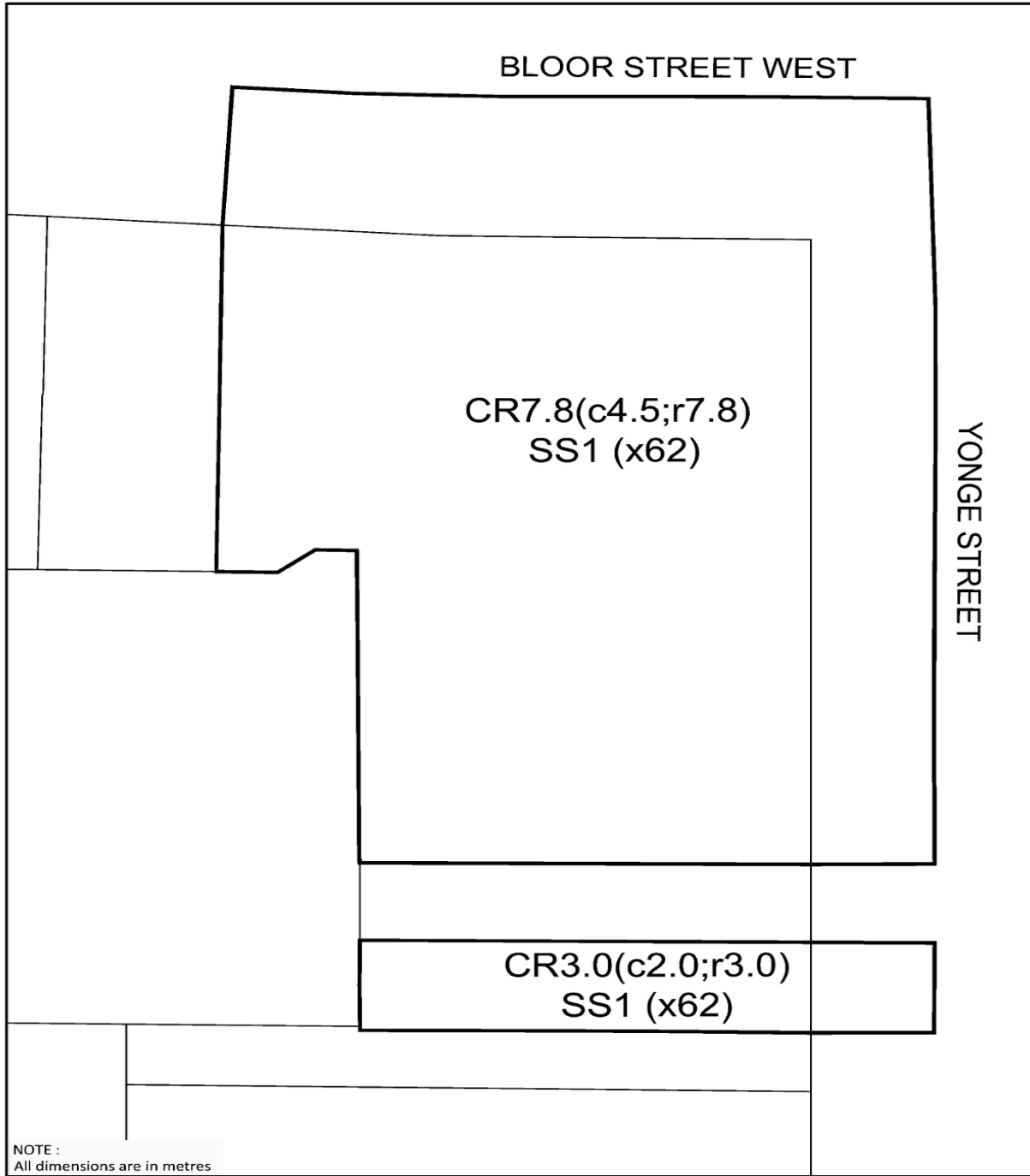
1. Prior to the issuance of the first Building Permit for a part or all of the lands, the Owner shall pay to the City the sum of TWENTY-ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$21,900,000.00) in Canadian funds (herein referred to as the "**Cash Contribution**") and the Cash Contribution shall be 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 lands as described in the Section 37 Agreement and the issuance of the first Above Grade Building Permit for a part or all of the lands, 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



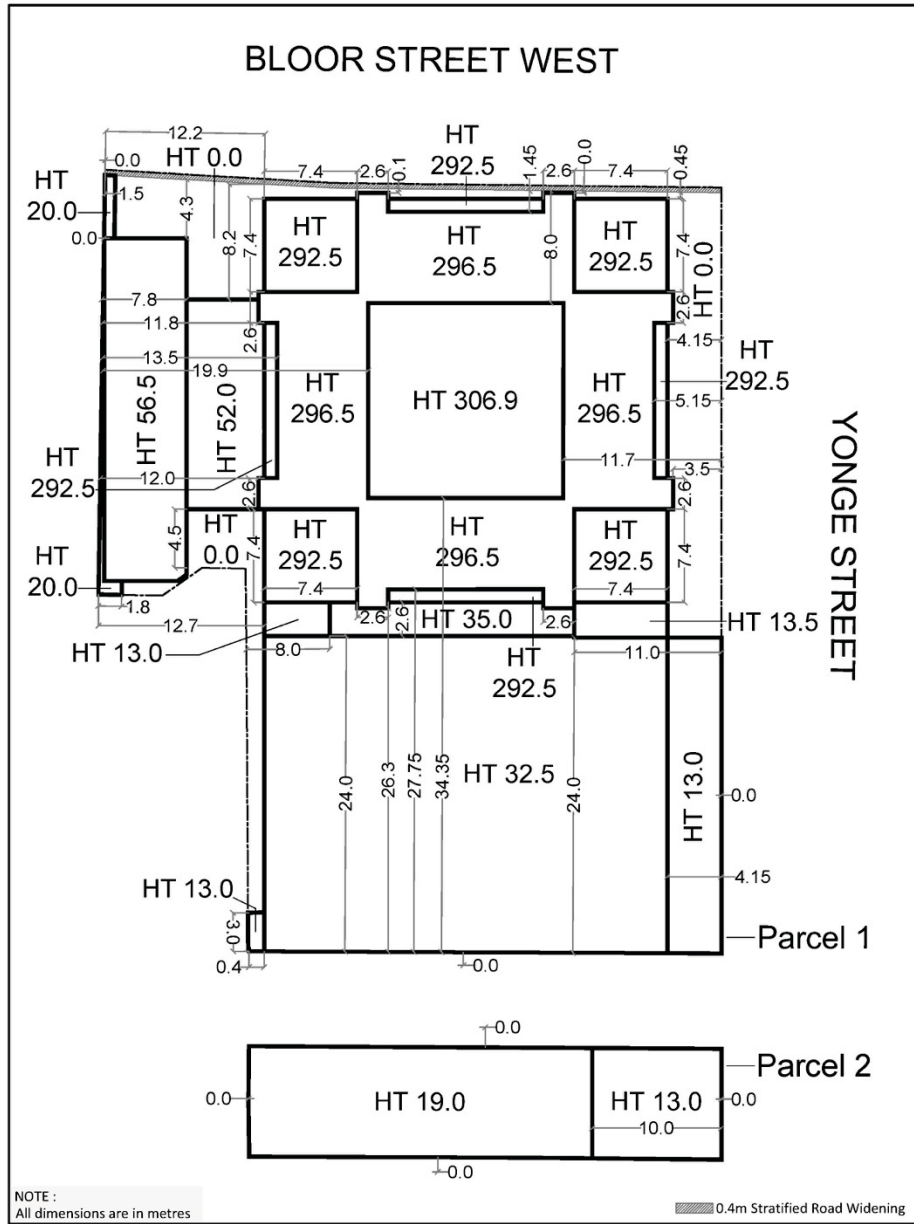
NOTE:  
All dimensions are in metres

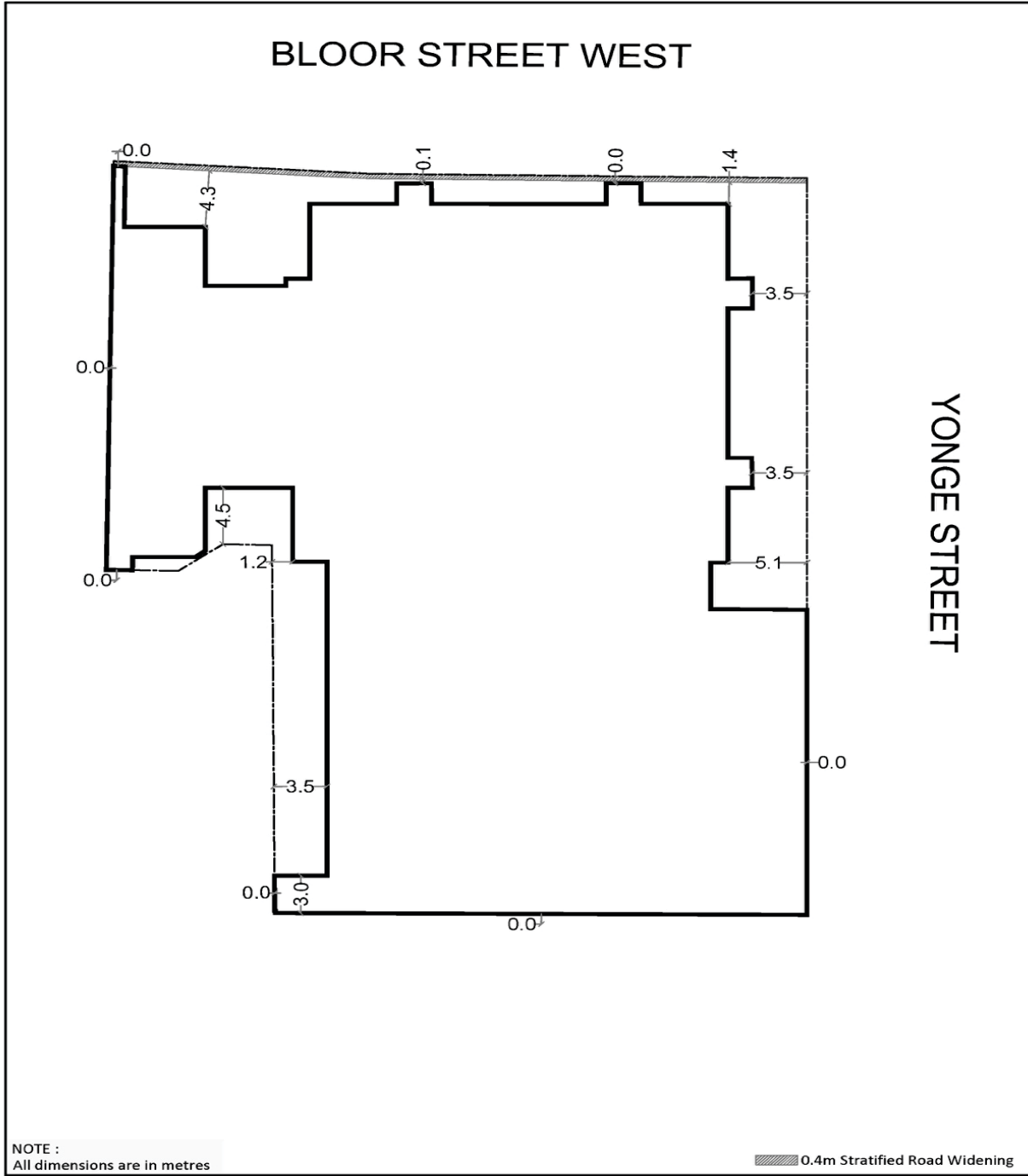
1 Bloor Street West, Toronto



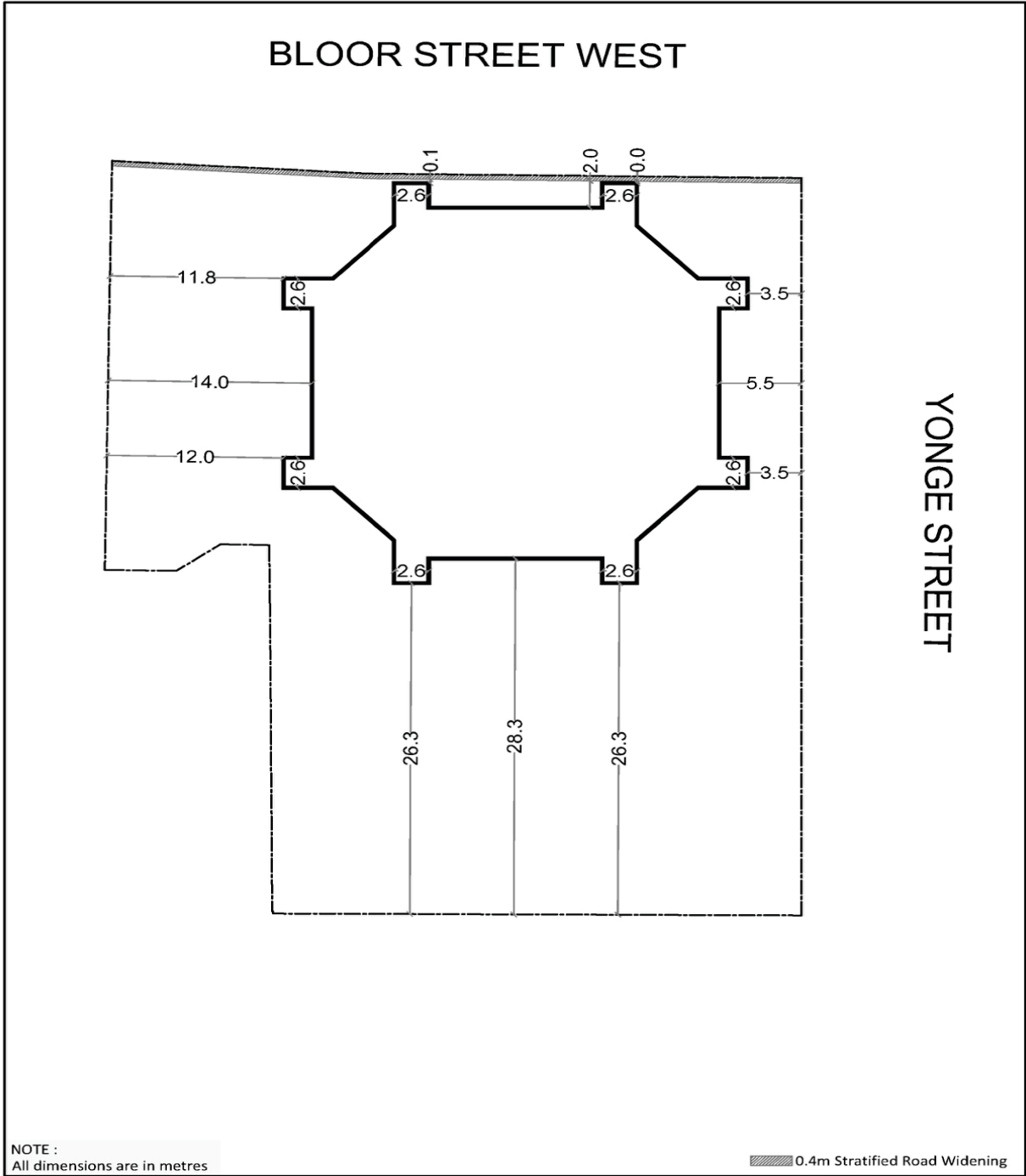
Diagram 2

↑  
Not to Scale





1 Bloor Street West, Toronto



1 Bloor Street West, Toronto