

CITY OF TORONTO

BY-LAW 896-2020(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2019 as 2779-2781 Yonge Street, 15-17 and 19-21 Strathgowan Avenue.

Whereas the Local Planning Appeal Tribunal, by its Decision/Order issued on January 9, 2020 in File PL141372, approved amendments to By-law 438-86, as amended, with respect to the lands municipally known in the year 2020 as 2779 - 2781 Yonge Street, 15-17 and 19-21 Strathgowan Avenue;

By-law 438-86, as amended, is further amended by the Local Planning Appeal Tribunal:

1. None of the provisions of Section 2 with respect to "*grade*", "*height*", "*residential gross floor area*", "*non-residential gross floor area*", and "*lot*" and Sections 4(2)(a), 4(12), 4(13), 4(16), 8(3)Part I, 8(3)Part II, 12(1)126, 12(2)107, 12(2)193, 12(2)269, and 12(2)270 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 lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed-use building* and uses accessory thereto on the *lot*, provided:
 - a. the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 13,300 square metres, of which:
 - i. The total *gross floor area* erected or used on the *lot* for residential uses shall not exceed 12,750 square metres; and
 - ii. The total *gross floor area* erected or used on the *lot* for non-residential uses shall not exceed 550 square metres;
 - c. a *commercial parking garage* is permitted within a mixed-use building;
 - d. no portion of any building or structure above *grade*, is located other than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. Cornices, canopies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, balconies, railings, stairs, stair enclosures, wheel chair ramps, vents, fences, screens, landscape elements (including green roof) may project beyond the heavy lines on the attached Map 2 by a

- maximum of 2.0 metres;
- e. despite subsection (b) and (d) above, a bay window, box window or other window projection from a main wall of a building, which increases floor area or enclosed spaces and touches the ground, may project into the minimum required setbacks shown on Map 2 up to 1.3 metres, provided the projections in total do not occupy more than 65 percent of the length of the lot frontage at each storey above the 2nd Floor;
- f. no portion of a building or structure above *grade* erected on the *lot* shall have a greater *height* in metres than those specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, except that:
- i. Buildings or structures used for maintenance, safety, or green roof purposes, chimneys, vents, stacks, shafts, mechanical fans, elevators, elevator machine rooms, and related structural elements wind screens, parapets, awnings, guard rails, railings and dividers, structures for outside or open air recreation, trellises, balustrades, eaves, screens, stairs, roof drainage, window sills, terraces, lightning rods, light fixtures, architectural features and screens and landscaping elements may exceed the applicable height limits shown on the attached Map 2 to a maximum of 2.0 metres;
- ii. Window washing equipment may exceed the applicable height limits shown on the attached Map 2 by a maximum of 5.0 metres;
- g. *Residential amenity space* shall be provided on the *lot* as follows:
- i. A minimum of 2.0 square metres of indoor *residential amenity space* shall be provided per dwelling unit;
- ii. A minimum of 2.0 square metres of outdoor *residential amenity space* shall be provided per dwelling unit; and
- iii. Outdoor *residential amenity space* is not required to be provided in a location adjoining or directly accessible from the indoor *residential amenity area*;
- h. vehicular parking shall be provided as follows:
- i. A minimum of 105 vehicular parking spaces shall be provided for *residential uses* on the *lot*;
- ii. A maximum of 155 vehicular parking spaces may be provided for *residential uses* on the *lot*;
- iii. A minimum of 5 vehicular parking spaces shall be provided for *non-residential uses* on the *lot*; and
- iv. A minimum of 9 vehicular parking spaces shall be provided for visitors of

the *residential uses* on the *lot*;

- i. a minimum of 6 accessible parking spaces shall be provided for and maintained on the *lot*;
 - j. a maximum of 4 compact vehicular parking spaces may be provided on the *lot*, having the following minimum dimensions:
 - i. Length of 5.0 metres;
 - ii. Width of 2.6 metres; and
 - iii. Vertical clearance of 2.0 metres;
 - k. a minimum of one shared *loading space – type G* and *loading space – type B* shall be provided and maintained on the *lot*;
 - l. *stacked bicycle parking spaces* are permitted on the *lot* and the requirements for *bicycle parking spaces* may be satisfied with the provision of *stacked bicycle parking spaces*; and
 - m. a *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.
2. This By-law shall apply to all of the lands, shown on Map 1 attached to this By-law, regardless of future severance, partition or division.
 3. The *owner* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this site have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a building permit, which for clarity, shall not include any permit for demolition, excavation or shoring.
 4. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the *owner*, at the owner's expense, of the facilities, services and matters set out in Schedule 1 of this By-law 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.
 5. 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.
 6. 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.

7. For the purposes of this By-law, all italicized words and expressions in this exception have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- a. "*grade*" means an elevation of 165.27 metres Canadian Geodetic Datum;
 - b. "*height*" means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in this By-law;
 - c. "*gross floor area*" means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
 - i. parking, loading and bicycle parking below-ground;
 - 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 below grade;
 - iv. required amenity space;
 - v. elevator shafts;
 - vi. garbage shafts;
 - vii. mechanical penthouses; and
 - viii. exit stairwells in the building;
 - d. "*lot*" shall mean the lands shown in heavy black lines on Map 1 to this By-law;
 - e. "*stacked bicycle parking space*" shall mean a horizontal bicycle parking space with horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.0 metres, that is positioned above or below another bicycle parking space in a bicycle stacker and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
 - f. "*residential amenity space*" may include a guest suite; and
 - g. "*sales presentation centre*" shall mean an office provided for the marketing or selling and/or leasing of *dwelling units*.
8. Despite any existing or future severance, partition, or division of lot, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

9. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the lands shown on Map 1.
10. Within the *lot* no person shall use any land or erect or use any building or structure unless the following municipal sewers are provided to the lot line and the following provisions are complied with:
- a. all new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway; and
 - b. all water mains and sanitary sewers and appropriate appurtenances have been installed and are operational.

Prevailing By-laws and Prevailing Sections: Section 12(1)3(b)

Local Planning Appeal Tribunal Decision/Order issued on January 9, 2020 in File PL141372.

SCHEDULE 1
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 *lot* and secured in an agreement or agreements under section 37(3) of the Planning Act whereby the *owner* agrees as follows:

Cash Contribution

1. Prior to the issuance of the first above-grade building permit for the *lot*, the *owner* shall pay to the City an indexed cash contribution of five hundred thousand (\$500,000) dollars.
2. The Financial Contribution shall be indexed upwardly in accordance with the Construction Price Index, commencing from the date of the Local Planning Appeal Tribunal Order approving this By-law to the date of payment of the respective funds by the *owner* to the City.

Amenity Space

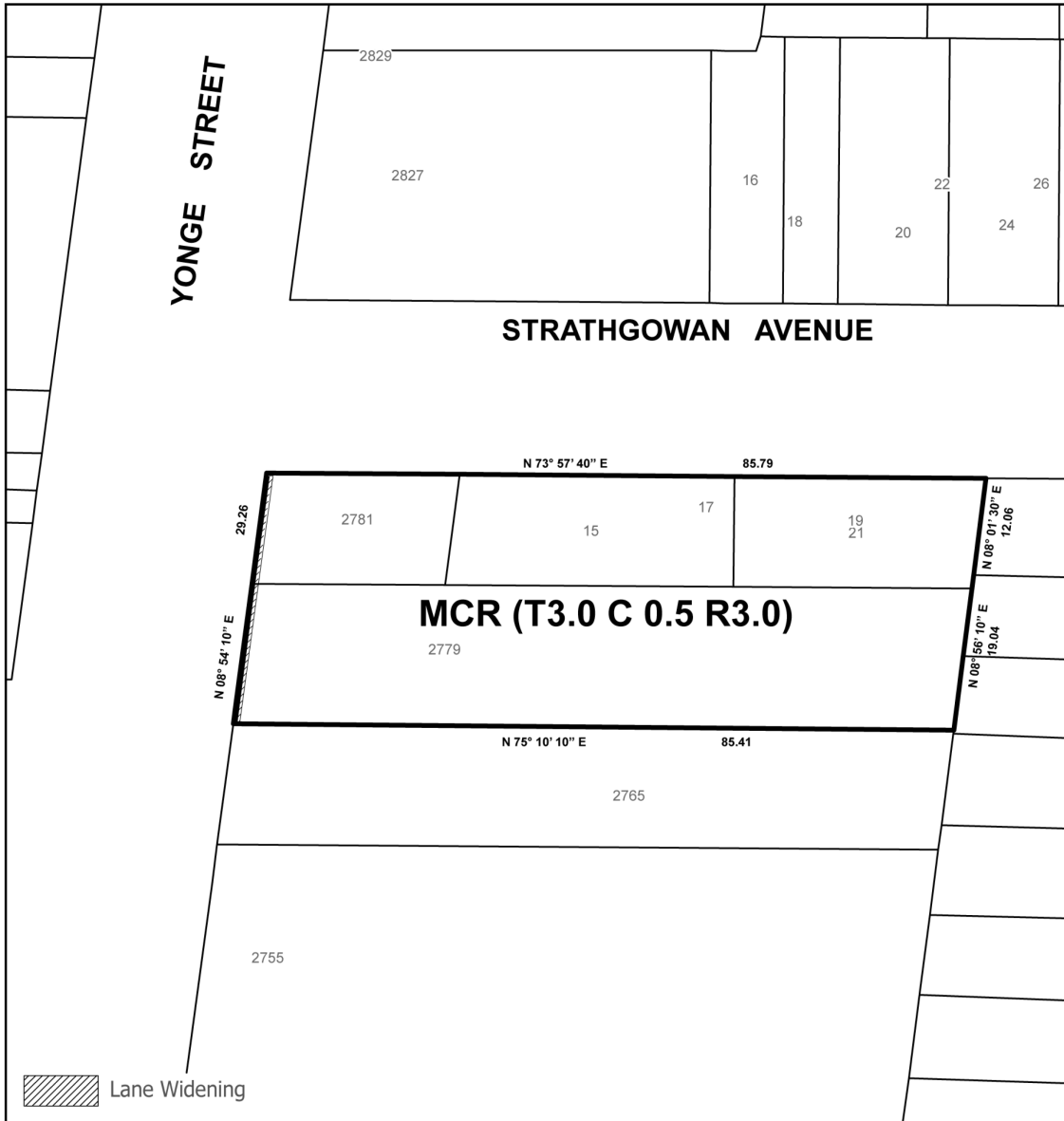
3. The *owner* agrees to provide and maintain private indoor recreation amenity space within the development on the *lot* at a size of not less than 2.0 square metres per dwelling unit.
4. The *owner* agrees to provide and maintain private outdoor recreation amenity space within the development on the *lot* at a size of not less than 2.0 square metres per dwelling unit.

Sidewalk

5. The *owner* shall, at its sole cost and expense, design and construct an extension of the public sidewalk along Strathgowan Avenue between Yonge Street and St. Hilda's Avenue, including the portions of the sidewalk that are beyond the property at 2779, 2781 Yonge Street and 15-17, 19-21 Strathgowan Avenue, with the location, design, and construction of the Sidewalk to be to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor.
6. Prior to Site Plan approval, the *owner* shall provide a letter of credit in an amount and form satisfactory to the General Manager, Transportation Services to secure the cost of the design and construction of the Sidewalk.
7. The construction of the Sidewalk shall be completed prior to the earlier of any residential use or occupancy, including interim occupancy pursuant to the Condominium Act, 1998, or any registration of any condominium on all or part of the *lot*.

Rental Housing

8. The *owner* shall provide, secure and maintain not less than 28 replacement rental dwelling units, comprised of at least 14 one-bedroom and 14 two-bedroom units, within the proposed 9-storey mixed-use building on the *lot*, for a period of at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied.
9. The *owner* shall provide, secure and maintain at least 3 one-bedroom and 3 two-bedroom replacement rental dwelling units at affordable rents, and 11 one-bedroom and 11 two-bedroom replacement rental dwelling units at mid-range rents, for a period of at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied.
10. The *owner* shall provide ensuite laundry in each replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
11. The *owner* shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed 9-storey mix-use building at no extra charge; access and use of these amenities shall be on the same terms and conditions as any resident of the non-replacement rental dwelling units without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings, to the satisfaction of the Chief Planner and Executive Director, City Planning.
12. The *owner* shall provide 14 vehicle parking spaces to tenants of the replacement rental dwelling units, to the satisfaction of the Chief Planner and Executive Director, City Planning.
13. The *owner* shall provide tenant relocation and assistance to all eligible tenants of the existing rental dwelling units, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
14. The *owner* shall provide tenant assistance to all past eligible tenants of the existing rental dwelling units, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning.



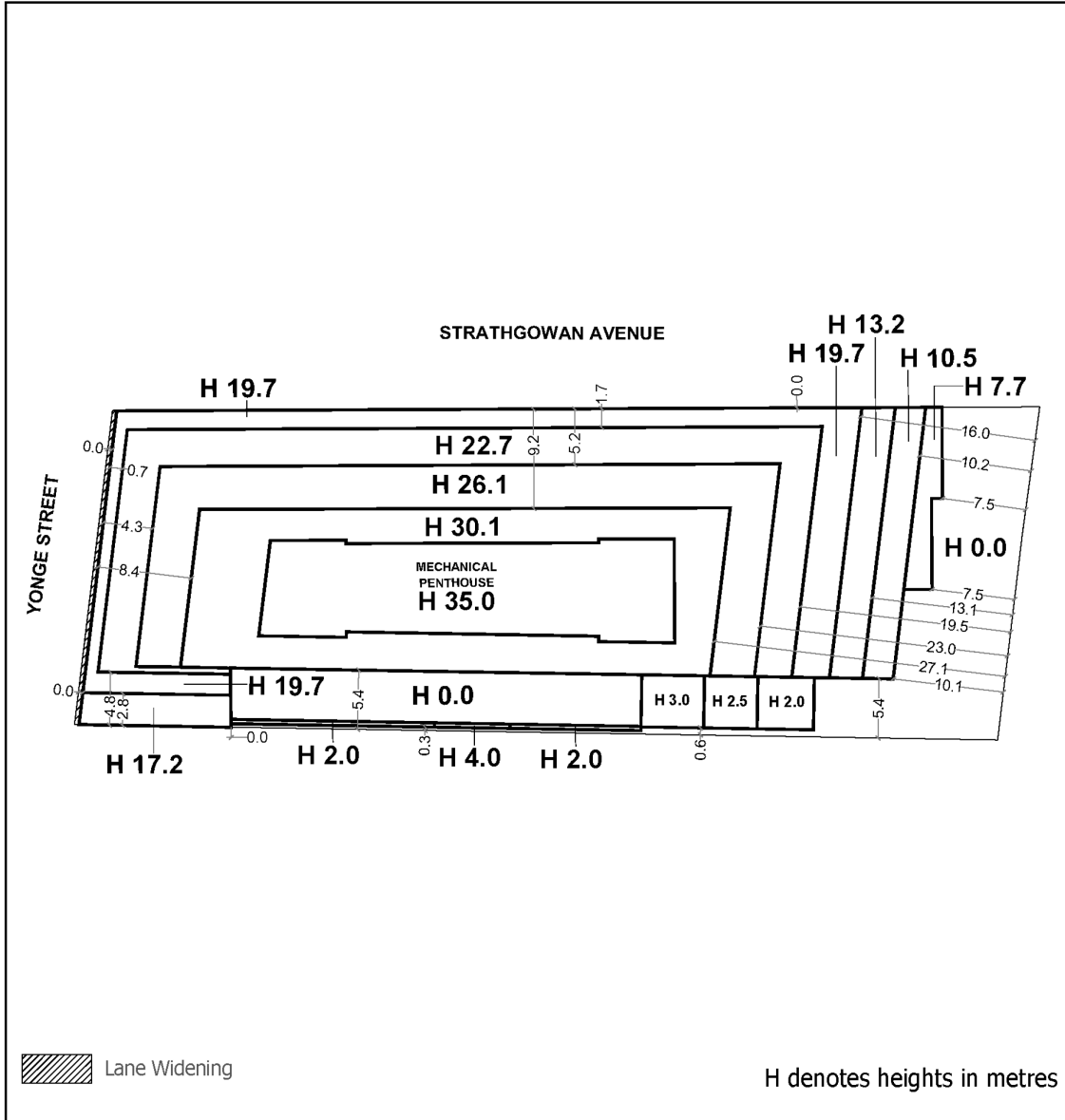
 **TORONTO**
Map 1

**2779 & 2781 Yonge Street and
15-17 & 19-21 Strathgowan Avenue**

File # 13 123068 NNY 25 OZ



City of Toronto By-Law 569-2013
Not to Scale
7/5/2019



 **TORONTO**
Map 2

2779 & 2781 Yonge Street and
15-17 & 19-21 Strathgowan Avenue

File # 13_123068 NNY 25 OZ



Former City of North York By-Law 7625
Not to Scale
11/05/2019