

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

CITY OF TORONTO

BY-LAW 897-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to 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 569-2013, 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; 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:

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: "CR 3.0 (c0.5; r3.0) SS2 (x203)", as shown on Diagram 2 attached to By-law 897-2020(LPAT).
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1, and applying the

following Policy Area Overlay label to these lands: PA3, as shown on Diagram 3 attached to By-law 897-2020(LPAT).

5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 18.0 as shown on Diagram 4 attached to this By-law 897-2020(LPAT).
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label to these lands: B3, as shown on Diagram 5 attached to this By-law 897-2020(LPAT).
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law 897-2020(LPAT).
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (x203) so that it reads:

Exception CR (x203)

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 2779-2781 Yonge Street, 15-17 & 19-21 Strathgowan Avenue, if the requirements of Section 10 and Schedule A of By-law 897-2020(LPAT) are complied with, **buildings** and or **structures** may be erected or constructed in compliance with (B) to (T) below;
- (B) Despite regulation 40.10.40.1(1), residential use portions of the **mixed-use building** may be located on the same level as the non-residential use portions;
- (C) Despite regulation 40.10.40.40(1), the maximum **gross floor area** on the **lot** must not exceed 13,300 square metres, provided:
 - (i) the residential **gross floor area** must not exceed 12,750 square metres;
 - (ii) the non-residential **gross floor area** must not exceed 550 square metres;
- (D) Despite regulations 40.5.40.10(1) and (2) the height of a **building** or **structure** is measured as the vertical distance between Canadian Geodetic Datum elevation of 165.27 metres and the highest point of the **building** or **structure**;

- (E) Despite 40.10.40.10(5), the minimum height of the first **storey** is 3.3 metres;
- (F) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters HT as shown on Diagram 7 of By-law 897-2020(LPAT);
- (G) Despite clause 40.5.40.10 and (F) above:
- (i) **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 Diagram 7 of By-law 897-2020(LPAT) by a maximum of 2.0 metres; and
 - (ii) window washing equipment may exceed the applicable height limits shown on Diagram 7 of By-law 897-2020(LPAT) by a maximum of 5.0 metres;
- (H) Despite regulation 40.10.40.70(2), the minimum above ground **building setbacks** for each level of the **building** are as shown on Diagram 7 of By-law 897-2020(LPAT);
- (I) Despite (H) above and clause 40.10.40.60, **building** elements are permitted to encroach into the required **building setbacks** as follows:
- (i) eaves, cornices, window sills, light fixtures, ornamental elements, guardrails, columns, balconies, balcony dividers, bollards, wheelchair ramps, stairs, stair enclosures, landscape planters and other similar architectural projections may encroach a maximum distance of 2.0 metres;
- (J) Despite clause 40.10.40.60 and subsections (F) and (H) above, a bay window, box window or other window projection from a **main wall** of a **building**, which increases floor area or enclosed spaces, may project into the minimum required **building setbacks** shown on Diagram 7 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 **storey**;
- (K) Despite regulation 40.10.40.50(1), a minimum of 2.0 square metres of indoor **amenity space**, and 2.0 square metres of outdoor **amenity space** for each **dwelling unit** must be provided;
- (L) For the purpose of this exception, a maximum of 45 square metres of **interior** floor area of one guest suite may be included for the purposes of satisfying the indoor **amenity space** required by (K) above;

-
- (M) Despite Table 200.5.10.1, a minimum of 105 residential **parking spaces** shall be provided for **dwelling units** in a **mixed use building**;
 - (N) Despite Table 200.5.10.1, a maximum of 155 residential **parking spaces** may be provided for **dwelling units** in a **mixed use building**;
 - (O) Despite Table 200.5.10.1, a minimum of 9 **parking spaces** shall be provided for visitors of the residential **dwelling units** in a **mixed use building**;
 - (P) Despite Table 200.5.10.1, a minimum of 5 **parking spaces** must be provided for non-residential uses;
 - (Q) Despite 20.15.10(1), a minimum of 6 accessible parking spaces must be provided in a **mixed use building**;
 - (R) Despite 200.5.1.10(2), a maximum of 4 compact **parking spaces** may be provided in a **mixed use building**, having the following minimum dimensions:
 - (i) length of 5.0 metres;
 - (ii) width of 2.6 metres; and
 - (iv) vertical clearance of 2.0 metres;
 - (S) Despite clause 220.5.10.1, **loading spaces** must be provided and maintained on the lands as follows:
 - (i) one (1) shared type "G" and type "B" **loading space**; and
 - (T) Prevailing Section 12(2) 107 of former City of Toronto By-law 438-86 does not apply.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 269 of former City of Toronto By-law 438-86; and
 - (B) Section 12(2) 270 of former City of Toronto By-law 438-86.
9. None of the provisions of By-law 569-2013 shall apply to prevent a **sales office** on the lot, which means a building, structure, facility or trailer on the lot used for the purpose of sale and/or leasing of **dwelling units** or non-residential uses.
 10. The owner must 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.

11. 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 Diagrams 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 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; 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.

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

SCHEDULE A
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 lands as shown in Diagram 1 in this By-law 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**.

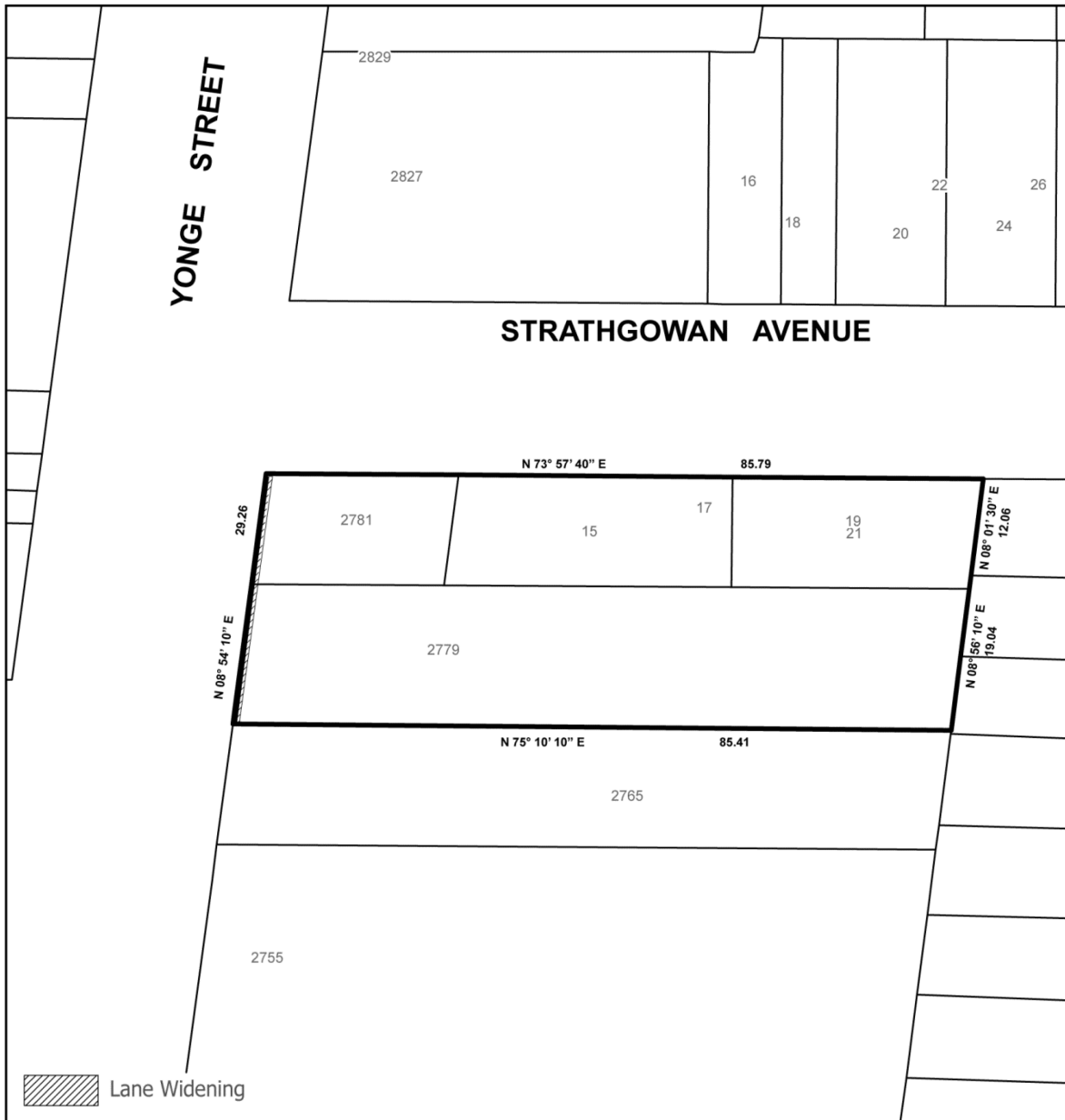
Sidewalk

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 **mixed 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.



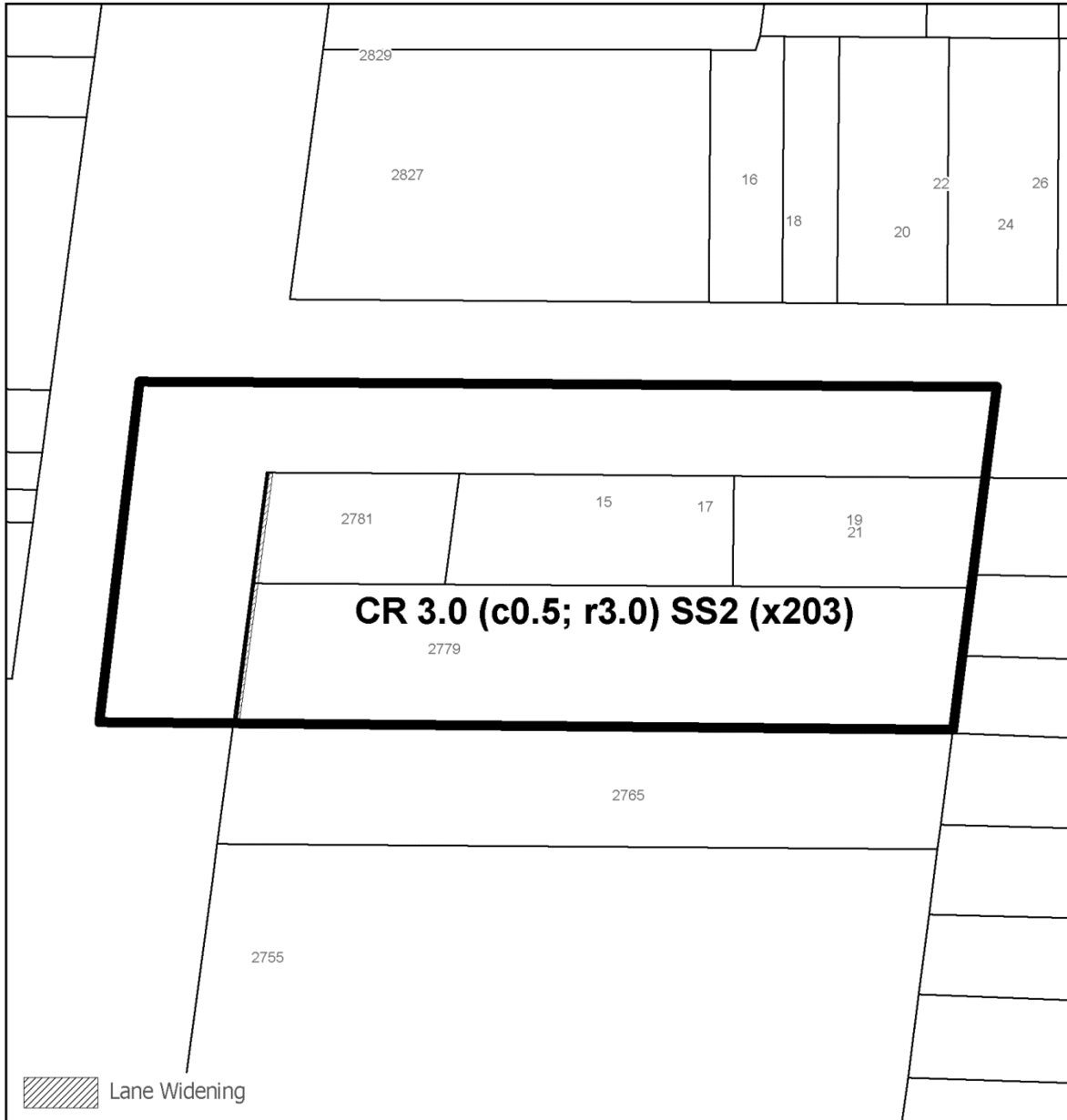
 **TORONTO**
Diagram 1

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

File # 13 123068 NNY 25 0Z



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



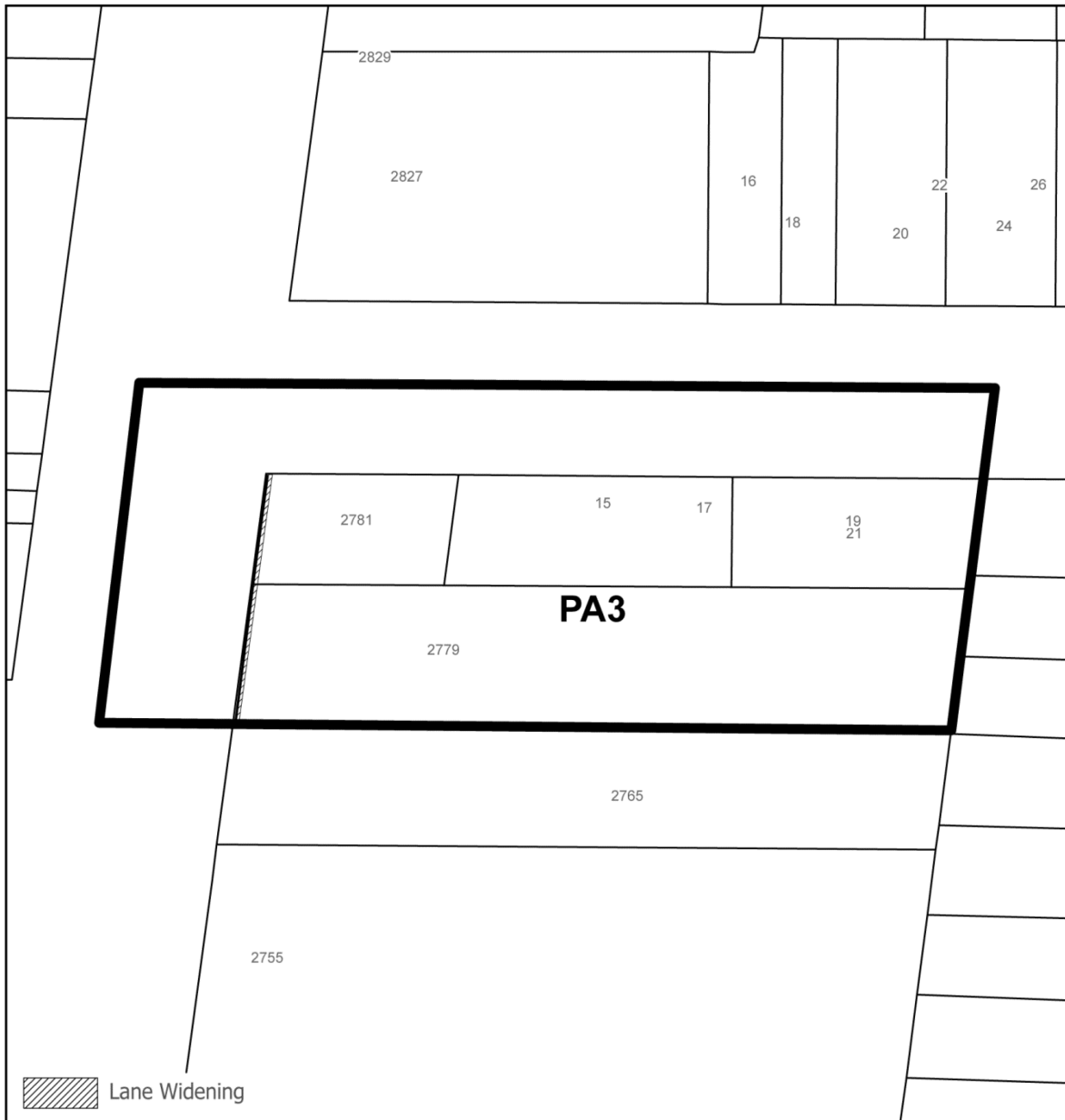
 **TORONTO**
Diagram 2

**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
7/8/2019



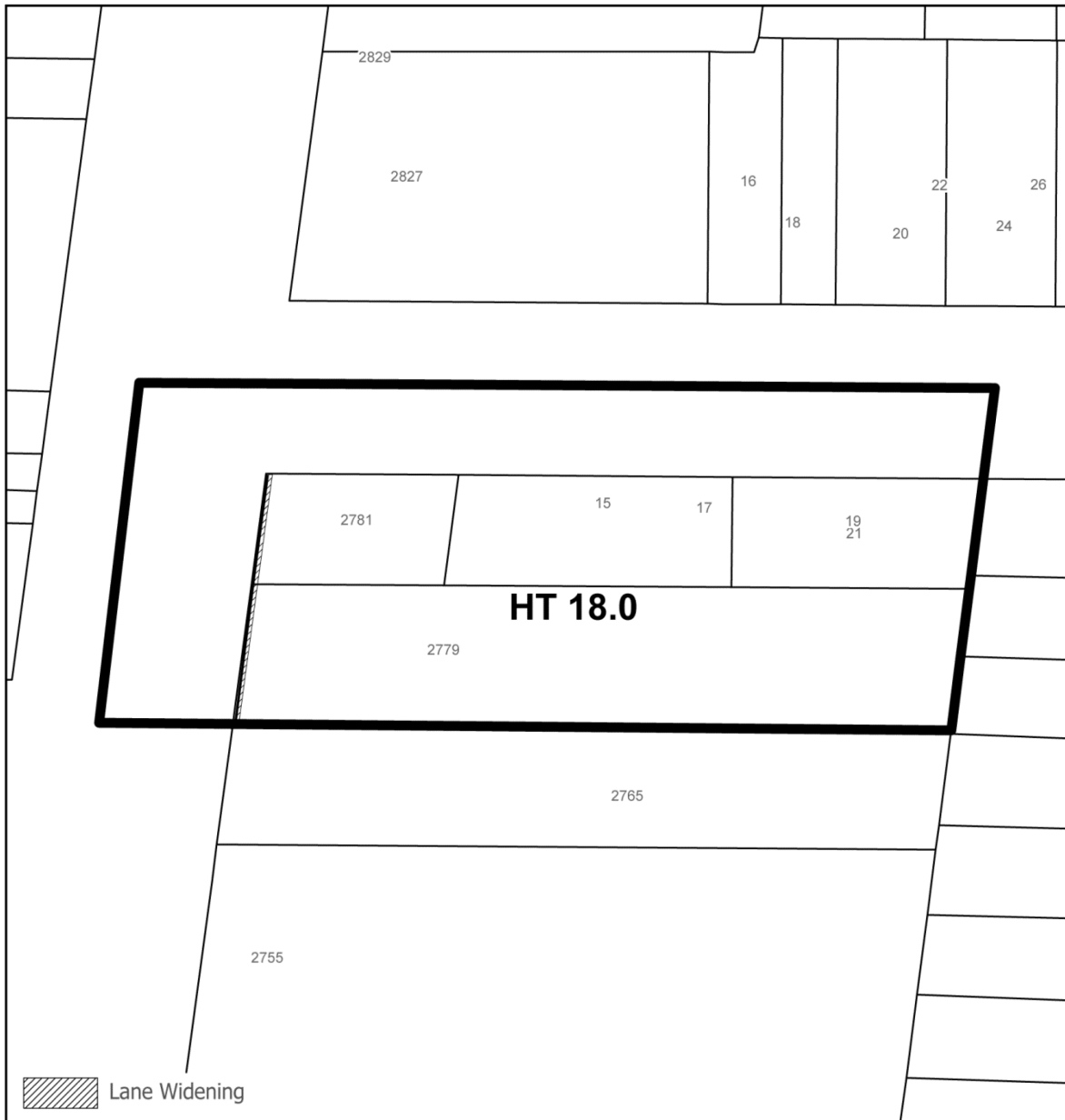
 **TORONTO**
Diagram 3

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

File # 13_123068 NNY 25 0Z



City of Toronto By-Law 569-2013
Not to Scale
7/8/2019



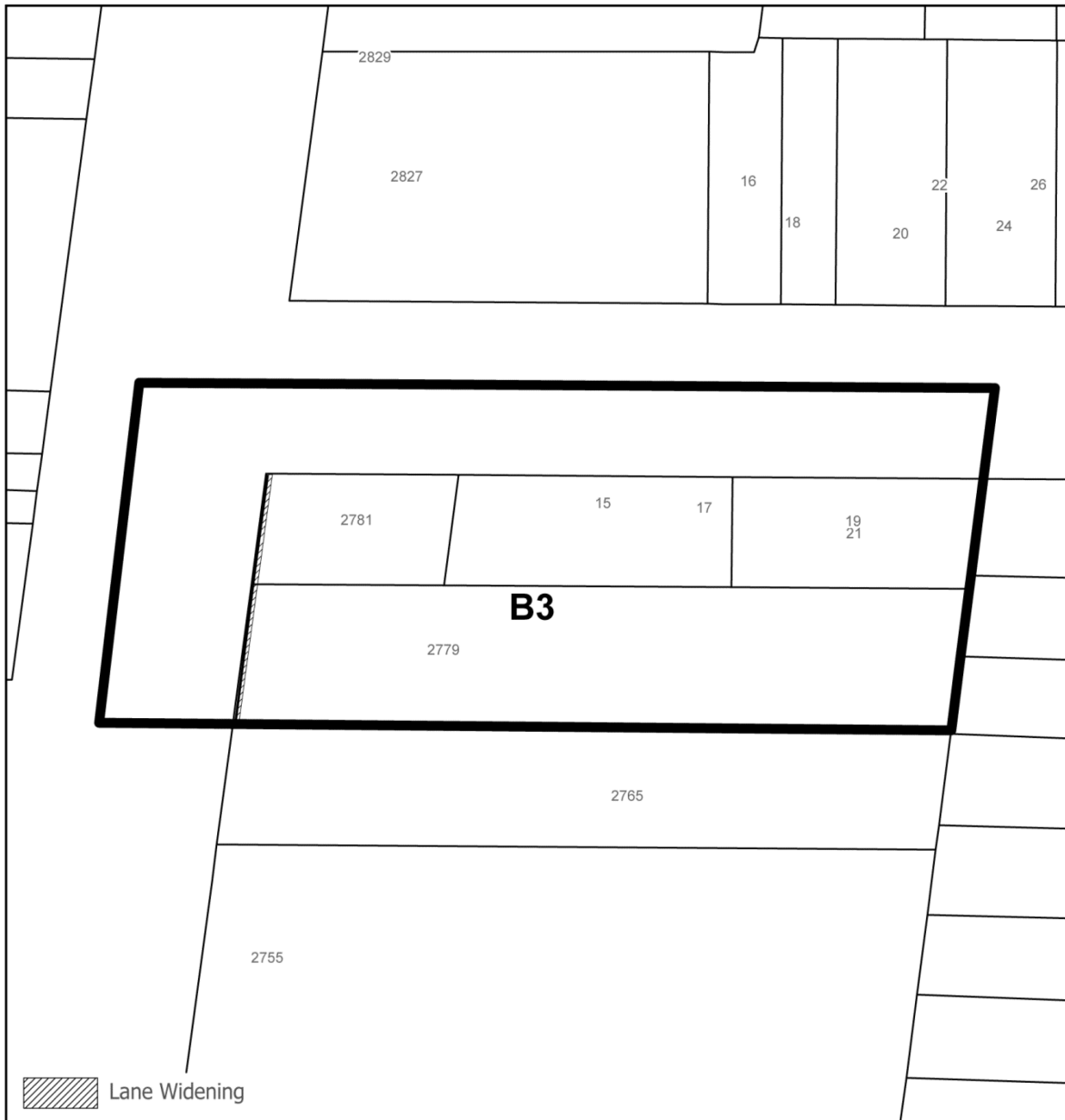
 **TORONTO**
Diagram 4

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

File # 13_123068 NNY 25 0Z



City of Toronto By-Law 569-2013
Not to Scale
7/8/2019



 **TORONTO**
Diagram 5

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

File # 13_123068 NNY 25 0Z



City of Toronto By-Law 569-2013
Not to Scale
7/8/2019



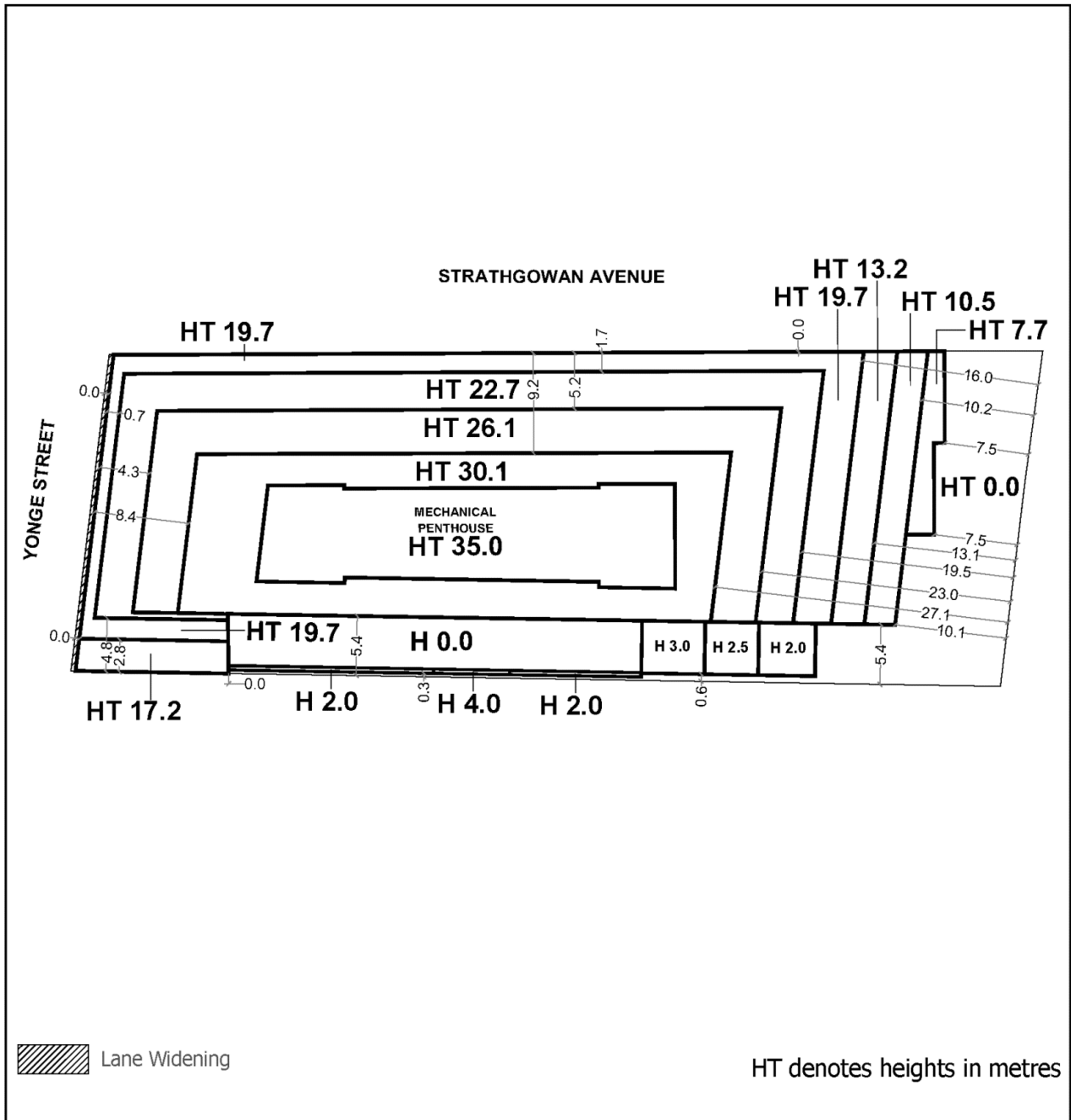
 **TORONTO**
Diagram 6

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

File # 13_123068 NNY 25 0Z



City of Toronto By-Law 569-2013
Not to Scale
7/8/2019



TORONTO
Diagram 7

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

File # 13_123068 NNY 25 OZ