

Authority: Local Planning Appeal Tribunal  
Decision issued on August 27, 2019 and Ontario  
Land Tribunal Order issued on June 22, 2021 in  
PL161159

## **CITY OF TORONTO**

### **BY-LAW 697-2021(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2020 as 3-11 Scollard Street and 874-878 Yonge Street.**

Whereas the Local Planning Appeal Tribunal Decision issued on August 27, 2019 and Ontario Land Tribunal Order issued on June 22, 2021 in File PL161159, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, has determined to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known in the year 2020 as 3-11 Scollard Street and 874-878 Yonge Street; and

Whereas Regulation of 1.5.6(2) of the City of Toronto Zoning By-law 569-2013, as amended, provides, that where such applies, it supersedes By-law 438-86 (being the Zoning By-law for the former City of Toronto), as amended, and any predecessor zoning by-laws as are applicable; 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;

The Ontario Land Tribunal orders as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1, attached hereto 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 3.0 (c2.5 r3.0) SS1 (x324), 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 324 so that it reads:

**Exception CR (324)**

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 lands municipally known as 3-11 Scollard Street and 874-878 Yonge Street in the year 2020, if the requirements of Section 5. and Schedule A of By-law 697-2021(OLT) are complied with, **buildings** and **structures** may be constructed, enlarged, or used on the lands identified on Diagram 1 of By-law 697-2021(OLT) in compliance with (B) to (W) below;
- (B) Despite regulation 40.10.40.40(1), the permitted maximum total **gross floor area** of the **building** is 20,600 square metres, of which a minimum of 70 square metres must be available for non-residential uses;
- (C) In addition to the provisions of regulation 40.5.40.40(3) and for the purposes of regulation 200.5.1.10(11), the **gross floor area** of a **mixed use building** is also reduced by:
  - (i) Below finished ground level, the area occupied by any **main walls** and interior **building** walls;
- (D) Despite regulation 40.10.40.1(1), **dwelling units** must be located above the first **storey** of a **building**;
- (E) Despite regulations 40.10.40.70(1) and 600.10.10, the required minimum **building setbacks** above finished ground are shown on Diagrams 3A and 3B of By-law 697-2021(OLT);
- (F) Despite regulations 5.10.40.70(1) and (2), 40.5.40.70(1), clause 40.10.40.60 and (E) above, the following encroachments are permitted into the required minimum **building setbacks** shown on Diagrams 3A and 3B of By-law 697-2021(OLT):
  - (i) Lighting fixtures, excluding air craft warning lights, cornices, sills, eaves, architectural or ornamental features, structural elements including columns and structural slabs, to a maximum of 0.5 metres into a required **building**

- setback**, provided such encroachments are no higher than the roof of that portion of the **building** to which such encroachments are attached;
- (ii) Canopies or awnings, including supporting structures, to a maximum of 1.5 metres into a required **building setback**, provided the height of such encroachments is no more than 4.0 metres above ground;
  - (iii) planters, retaining walls, bollards, gas meters, wheel chair ramps, public art, guardrails, railings, and landscape features, provided the height of such encroachments is no more than 2.0 metres above ground; and
  - (iv) Structures and elements permitted by (J) below, to a maximum projection of 7.4 metres into a required **building setback**;
- (G) Balconies are permitted provided such balconies comply with the minimum **building setbacks** shown on Diagrams 3A and 3B of By-law 697-2021(OLT), subject to encroachments permitted in (F) above;
- (H) 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 116.0 metres and the highest point of the **building** or **structure**;
- (I) Despite regulation 40.10.40.10(1), no portion of a **building** or **structure** erected on the lands above ground may exceed the maximum permitted **building** heights in metres specified by the numbers following the HT symbol as shown on Diagrams 3A and 3B of By-law 697-2021(OLT);
- (J) Despite Regulations 40.5.40.10(3), (4), (5), (6), (7), and (8) and (I) above, the following may project above the permitted maximum **building** heights shown on Diagrams 3A and 3B of By-law 697-2021(OLT):
- (i) elements of a green roof and parapets to a maximum of 2.0 metres above the maximum permitted **building** height;
  - (ii) window washing equipment to a maximum of 2.5 metres above the maximum permitted **building** height;
  - (iii) Elements or structures on any portion of a roof used for outside or open air recreation, including required residential **amenity space**, terraces, screens, to a maximum of 3.0 metres above the maximum permitted **building** height;
  - (iv) chimneys, vents, air craft warning lights, stacks and structures for wind protection; and
  - (v) Structures or elements permitted by (F) above;

- (K) For the purpose of this Exception, the term "**established grade**" is the Canadian Geodetic Datum elevation of 116.0 metres;
- (L) Regulations 200.5.1(3), 200.5.1.10 (5), (10) and (13), 200.10.1(1) and (2), 200.15.1(3) and (4), and 200.15.15.4(2) do not apply if resident or visitor **parking spaces** are provided in an "automated **parking garage**";
- (M) Despite regulations 200.5.1.10(2) and (6), 200.10.1(3), 200.15.1(1), 200.15.15.4(1) a **parking space** or an accessible **parking space** provided on a parking pallet within an "automated **parking garage**" is subject only to the following minimum dimensions:
- (i) width of 2.1 metres; and
  - (ii) length of 5.4 metres;
- (N) If **parking spaces** are provided within an "automated **parking garage**", the requirement to provide accessible **parking spaces** set out in regulations 200.15.10(1) and 200.15.15.4(3) is satisfied with the provision of **parking spaces** provided in accordance with (M) above;
- (O) Despite 40.10.100.10(1)(C), a maximum of two **vehicle** accesses are permitted;
- (P) Despite regulations 230.5.1.10(4)(A)(ii) and (B)(ii), the width of a **bicycle parking space** must be a minimum of 0.35 metres;
- (Q) In addition to the provisions of regulation 230.5.1.10(9)(B), a "long-term" **bicycle parking space** may also be located on the third **storey** of the **building**;
- (R) Despite regulation 230.5.1.10(10), a "long-term" **bicycle parking space** and a "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (S) Regulation 230.40.1.20(2) does not apply to a "short-term" **bicycle parking space** located in a **building**;
- (T) For the purpose of this Exception, an "automated **parking garage**" means a mechanical system for the purpose of parking and retrieving **vehicles** without drivers in the **vehicle** during parking and without the use of ramps or **drive aisles**, and which may include but is not limited to, a vertical lift and the storage of **vehicles** on parking pallets;
- (U) Regulation 40.10.40.50(2) does not apply with respect to **amenity space** for **buildings** with non-residential uses;
- (V) Section 600.20 with respect to Priority Retail Streets does not apply; and

- (W) Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law 697-2021(OLT), the provisions of this Exception and By-law 569-2013, as amended, apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.

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

**5. Section 37 Provisions**

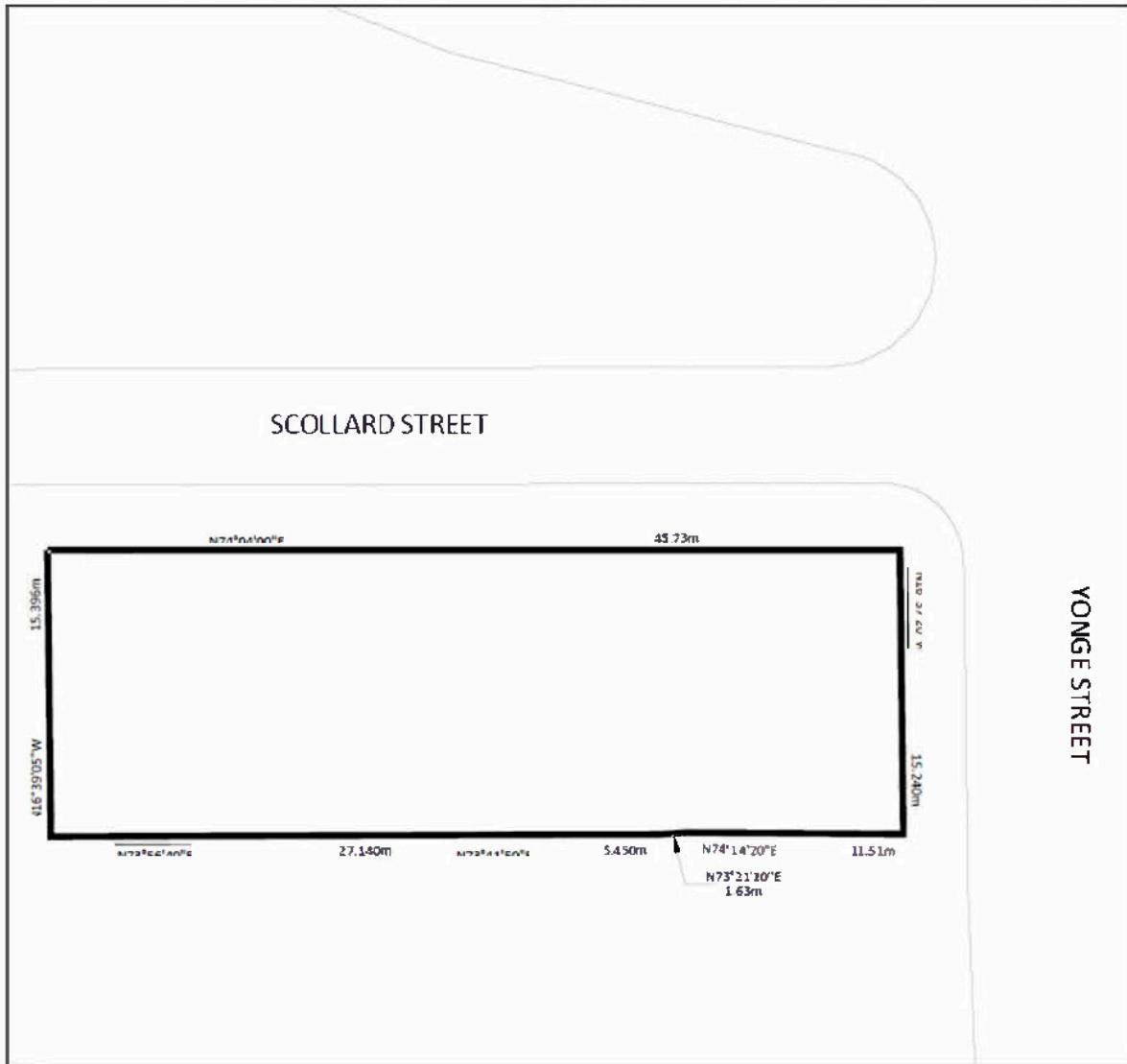
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of this By law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 must not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to exception CR(x324) of By-law 569-2013, as amended, unless the provisions of Schedule A of such By-law are satisfied.

Local Planning Appeal Tribunal Decision issued on August 27, 2019 and Ontario Land Tribunal Order issued on June 22, 2021 in File PL161159.

**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 on Diagram 1 of this By-law, subject to and as secured in a registered agreement or agreements under Section 37(3) of the Planning Act, whereby the owner agrees as follows:

1. A cash contribution of \$3,100,000.00 to be allocated towards community improvements within the vicinity of the **lot**, satisfactory to the Chief Planner in consultation with the Ward Councillor, to be paid prior to the issuance of the first above-grade building permit.
2. As a matter recommended to be secured in the Section 37 Agreement as a legal convenience to support the development, the owner shall convey a pedestrian clearway easement along the Yonge Street frontage of the **lot**, having a maximum width of 0.65 metres and a vertical height of 3.0 metres, prior to the registration of a plan of condominium on the **lot**. The design of the pedestrian clearway easement shall be determined at the time and through the Site Plan Approval process and the specific location and configuration shall be determined prior to the registration of a plan of condominium on the lot.



Not to Scale

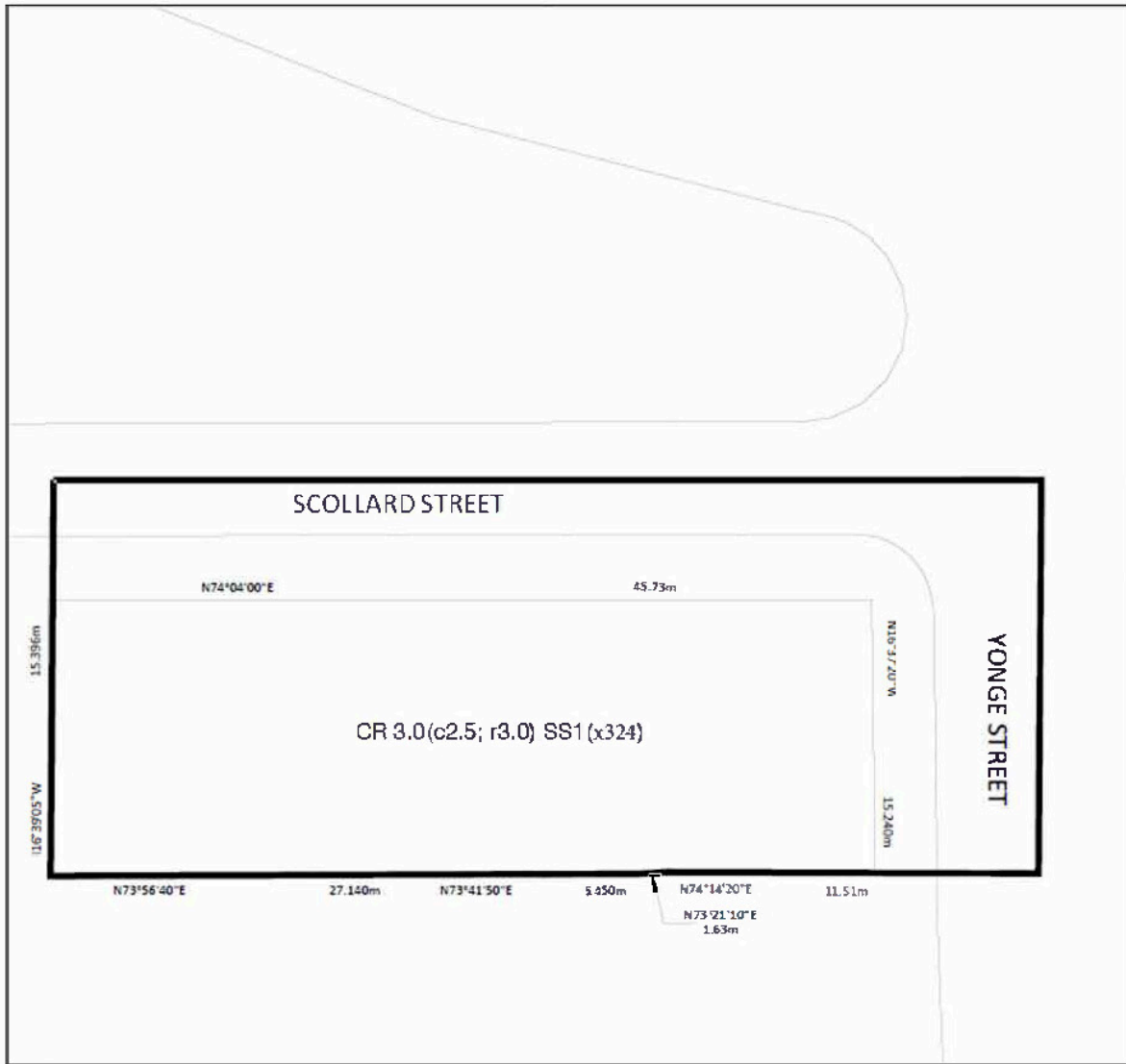
# DIAGRAM 1

## Zoning By-law Amendment

874-878 Yonge Street & 3-11 Scollard Street  
City of Toronto

Lands Subject to this By-law





Not to Scale

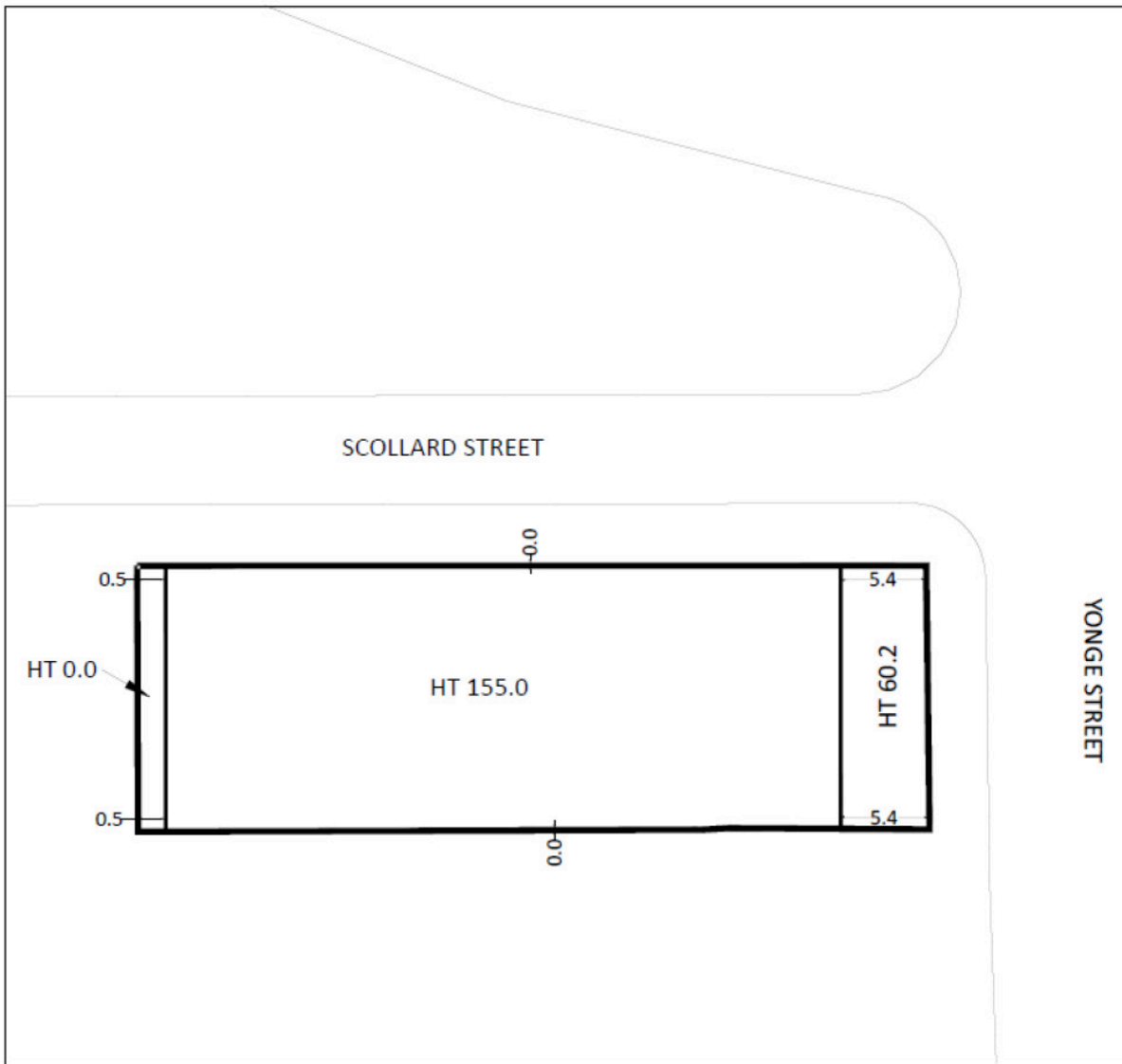
## DIAGRAM 2

### Zoning By-law Amendment

874-878 Yonge Street & 3-11 Scollard Street  
City of Toronto

Lands Subject to this By-law





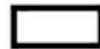
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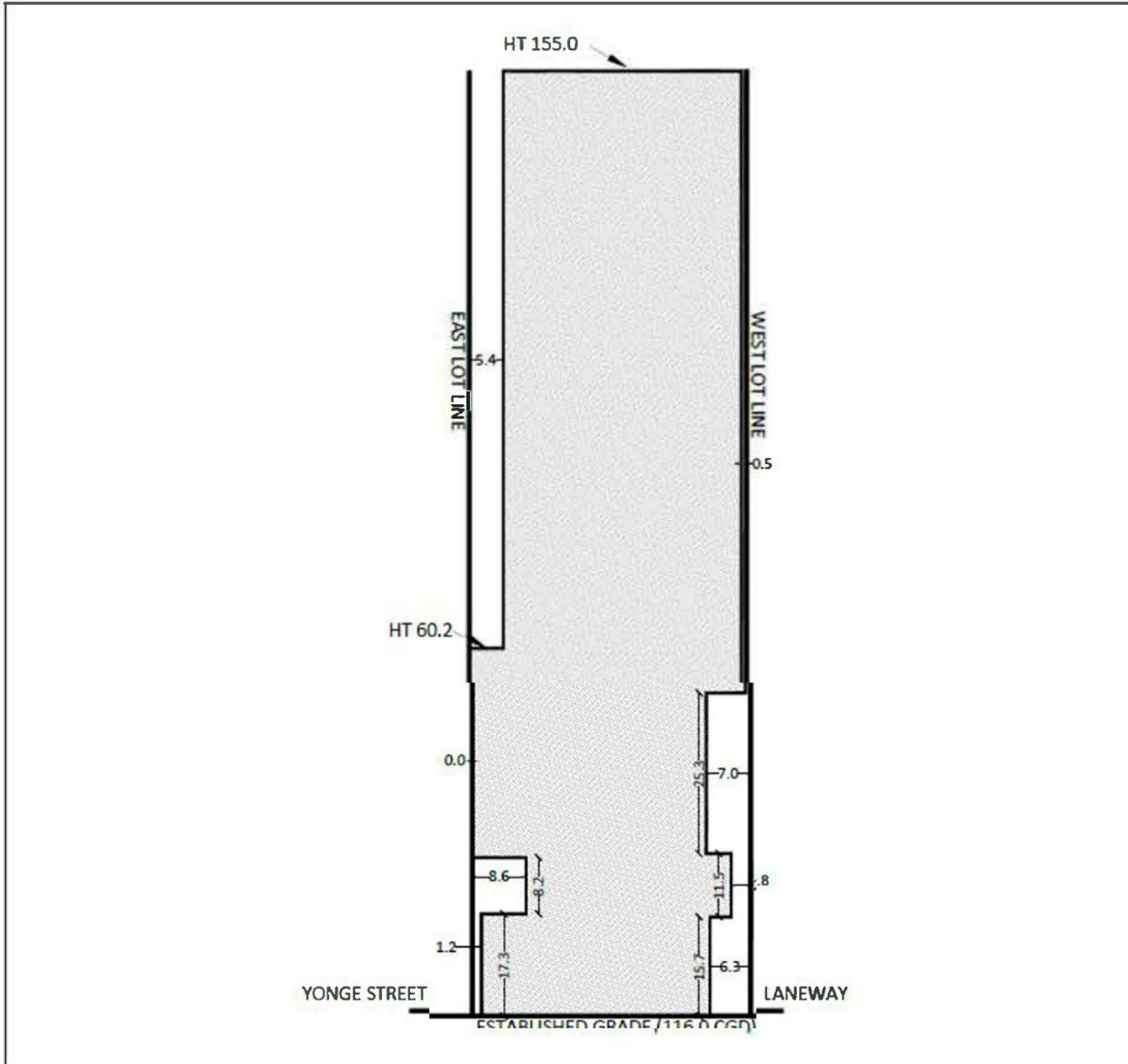
# DIAGRAM 3A

## Zoning By-law Amendment

874-878 Yonge Street & 3-11 Scollard Street  
City of Toronto

Lands Subject to this By-law





Not to Scale

### DIAGRAM 3B

Northerly Building Elevation 

Zoning By-law Amendment

874-878 Yonge Street & 3-11 Scollard Street  
City of Toronto