

## CITY OF TORONTO

### BY-LAW 947-2021

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2020 as 1365-1375 Yonge Street.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; 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 Council of the City of Toronto enacts:

1. None of the provisions of Sections 4(2)(a), 4(3), 4(4), 4(6), 4(10), 4(12), 4(14), 4(17), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(a), 8(3) Part IV 1, 12(2)260, 12(2)267, 12(2)270(a) and 12(2)324 of By-law 438-86 of the former City of Toronto 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 in various areas of the City of Toronto", as amended, or By-law 346-77 of the former City of Toronto shall apply to prevent the erection of a *mixed-use building* that includes non-residential uses and a *nursing home, convalescent home or rest home* or *home for the aged* and *car-share parking spaces* on

the *lot* and uses *accessory* thereto, on the lands municipally known as 1365-1375 Yonge Street in the year 2020, provided that:

- (a) The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the lot shall not exceed 20,400 square metres, subject to the following:
  - (i) The *residential gross floor area* of a *nursing home, convalescent home or rest home*, or *home for the aged* shall not exceed 19,800 square metres; and;
  - (ii) The *non-residential gross floor area* of uses permitted in Section 8(1)(f)(b) shall not exceed 600 square metres;
- (b) No portion of the building or structure erected above *grade* on the *lot* is located above the maximum height in metres as indicated by the numbers following the letters "HT" as shown on Map 2, attached to and forming part of this By-law;
- (c) Notwithstanding Section 1(b) of this By-law above, the following building elements and structures may exceed the permitted maximum building height:
  - (i) A parapet, roof drainage components, or thermal and waterproofing assembly located at each of the roof levels of the building, all of which may project up to a maximum of 1.5 metres;
  - (ii) Safety railings, fences and guardrails at each of the roof levels of the building, all of which may project up to a maximum of 1.8 metres;
  - (iii) Structures on the roof of any part of the building used for outside or open air recreation, green roof elements, planters, wind mitigation elements, noise mitigation elements, screens, landscape features, telecommunications equipment and antennae, and partitions dividing outdoor recreation areas, all of which may project up to a maximum of 2.5 metres;
  - (iv) Mechanical penthouses, equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, stairs, stair enclosures, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, and garbage chute overruns, and structures that enclose, screen or cover the equipment, structures and parts of a building listed in this section, all of which may project up to a maximum of 5.0 metres; and
  - (v) **building** elements on top of a **building** element or **structure** listed in (c)(iv) above, including chimneys, pipes, vents, cooling towers, cooling tower perimeter walls, elevator overruns, a parapet, roof drainage

components, and thermal and waterproofing assembly, all of which may project up to a maximum of 7.5 metres;

- (d) No portion of the building or structure erected above *grade* on the *lot* is located otherwise than wholly within the areas delineated by the heavy lines on Map 2 attached to and forming part of this By-law, except for the following permitted projections into the required setback areas:
  - (i) Lighting fixtures, architectural features, structural/non-structural architectural columns/piers, window washing equipment, parapets, parapet flashing, roof and terrace scuppers, roof overhang, gutter, downspout, trellises, window sills, guardrails, balustrades, railings, wind mitigation and acoustic screens and features, planters, wheel chair ramps, mechanical exhaust and intake components, underground garage ramps and their associated structures and elements, retaining walls, fences, Siamese connections and privacy screens, all of which may encroach a maximum of 2.0 metres;
  - (ii) Balconies may encroach a maximum of 7.5 metres from the main wall identified on Map 2; and
  - (iii) Awnings and canopies may encroach a maximum of 3.0 metres;
- (e) *Parking spaces* shall be provided and maintained on the lot at a rate of 0.3 for each *dwelling unit* or *bed-sitting room* in a *nursing home, convalescent home or rest home or home for the aged*, and no parking spaces are required for all other uses on the lot;
- (f) *Car-share parking spaces* may replace required *parking spaces*;
- (g) A maximum of 10 percent of the required *parking spaces* may have minimum dimensions of:
  - (i) length of 5.1 metres;
  - (ii) width of 2.4 metres;
  - (iii) vertical clearance of 1.7 metres; and
  - (iv) the side of the *parking space* may be obstructed;
- (h) An accessible *parking space* must be located on the same level as a barrier free passenger elevator that provides access to the first storey of the building must have the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 3.4 metres; and

- (iii) vertical clearance of 2.1 metres; and
  - (i) One (1) *loading space – type G* and one (1) *loading space – type B* shall be provided and maintained on the *lot*;
2. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law 438-86, as amended, with the exception of the following:
- (a) *Bed-sitting room* means a room used as separate living accommodation that has a private entrance from a hallway inside a *building*, and may have sanitary facilities but not food preparation facilities, with facilities to store or heat food not considered to be food preparation facilities;
  - (b) *Car-share* means the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit automobile-sharing organization and where such organization may require that use of automobiles reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the automobile-sharing organization, including the payment of a membership fee that may or may not be refundable;
  - (c) *Car-share parking space* means a parking space that is reserved for a motor vehicle for *car-share* purposes;
  - (d) *Grade* means 142.01 metres Canadian Geodetic Datum;
  - (e) *Height* means the vertical distance between *grade* and the highest point of the building or structure, subject to permitted projections;
  - (f) *Lot* means those lands outlined on Map 1 attached hereto;
  - (g) *Non-residential gross floor area* means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the non-residential portion of a *mixed-use building* at the level of each floor, but excluding:
    - (i) parking, loading and bicycle parking below *grade*;
    - (ii) parking, loading and bicycle parking at or above *grade*;
    - (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;

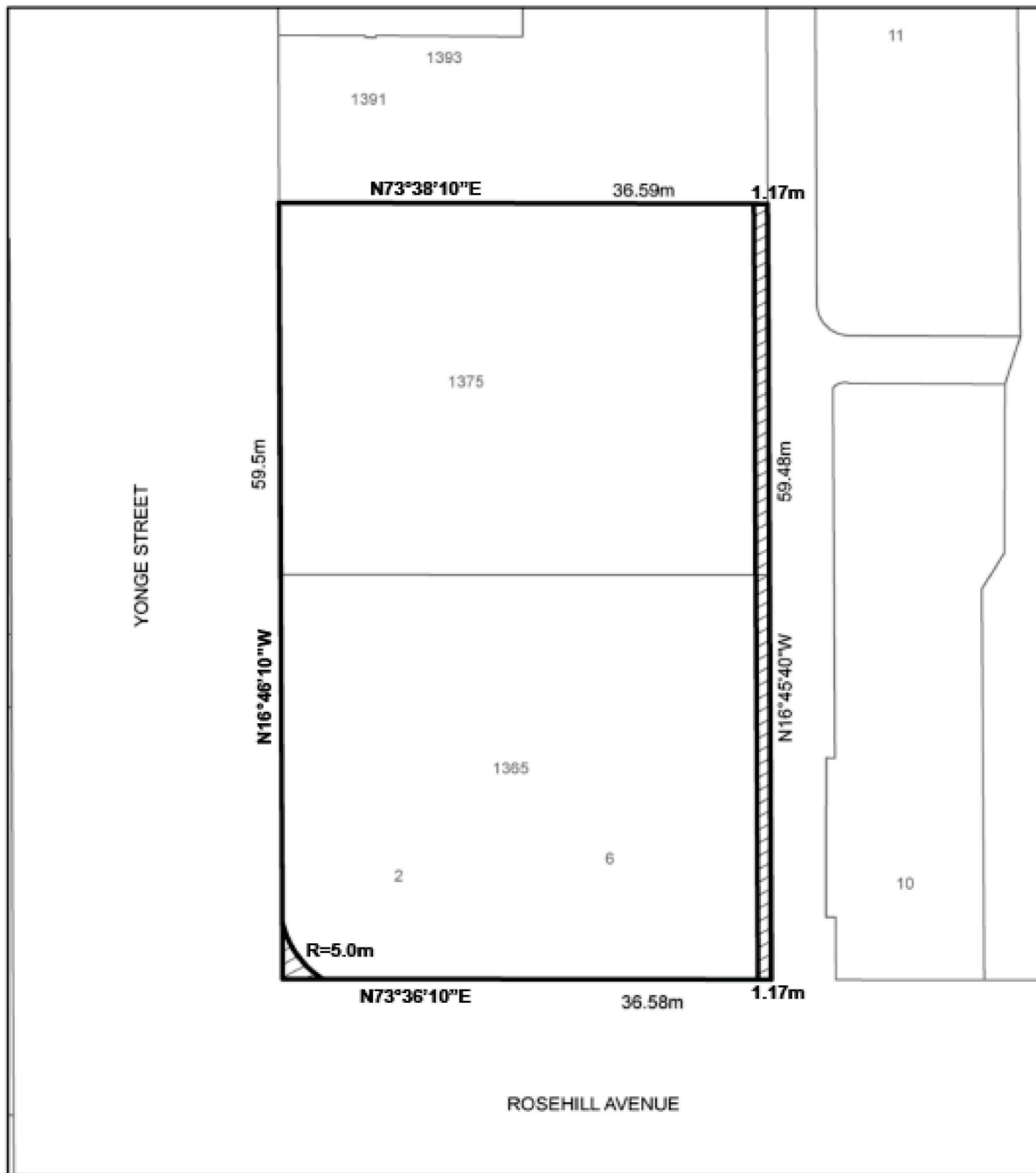
- (vi) garbage shafts;
  - (vii) mechanical penthouse; and
  - (viii) stairwells in the building.
- (h) *Residential gross floor area* means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the residential portion of a *mixed-use building* at the level of each floor, but excluding:
- (i) parking, loading and bicycle parking below *grade*;
  - (ii) parking, loading and bicycle parking at or above *grade*;
  - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (iv) *residential amenity space* required by this By-law;
  - (v) shower and change facilities required by this By-law for required *bicycle parking spaces*;
  - (vi) elevator shafts;
  - (vii) garbage shafts;
  - (viii) mechanical penthouse; and
  - (ix) stairwells in the building.
3. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
4. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities, services and matters set out in Schedule A of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
5. Upon execution and registration of an agreement or agreements with the owner of the site 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 site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.

Enacted and passed on November 12, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk



(Seal of the City)



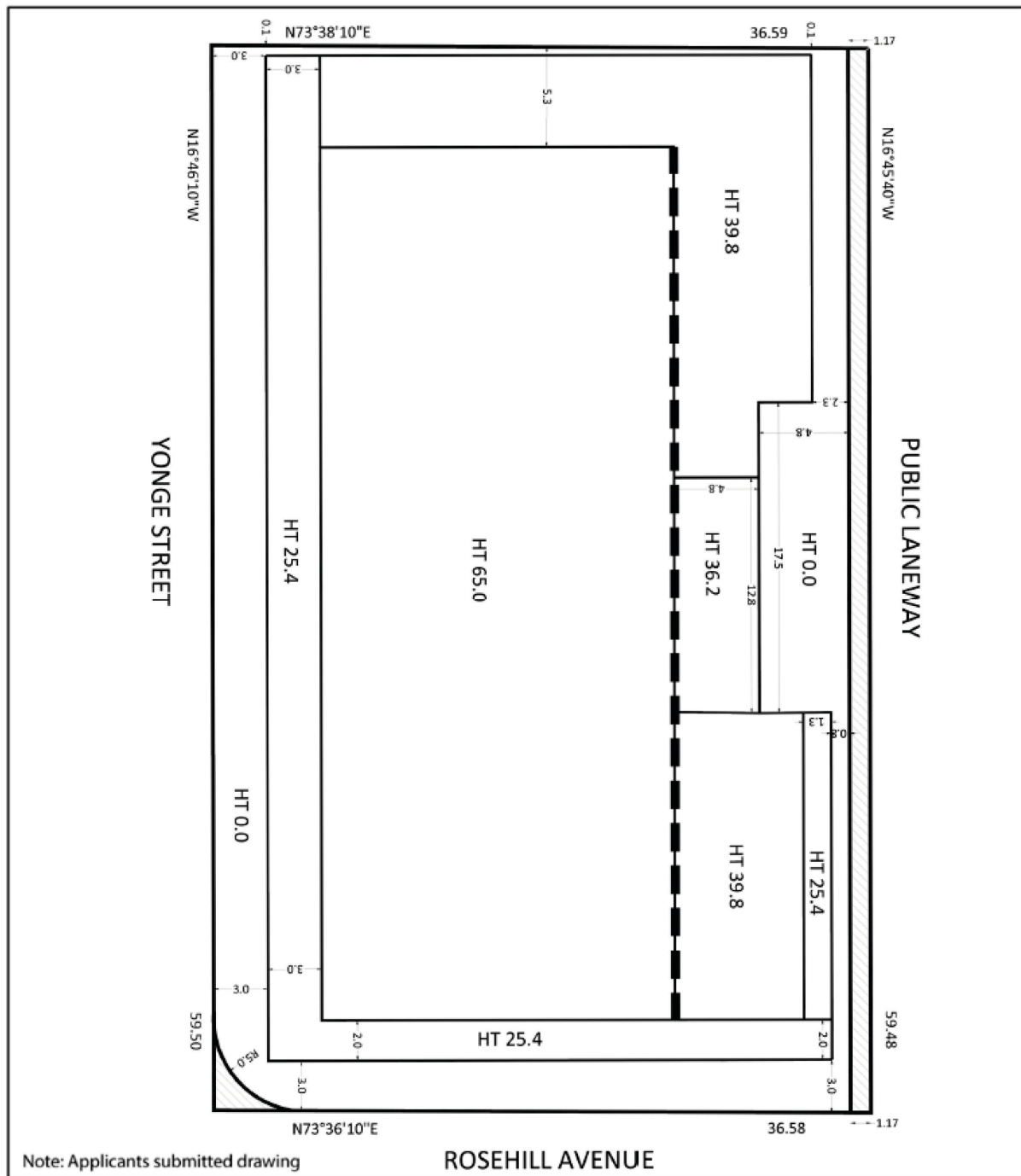
**Toronto**  
Map 1

1365 - 1375 Yonge Street

File # 18 151554 STE 22 OZ

-  Location of Application
-  Laneway Widening and Corner Rounding




  
City of Toronto By-law 438-86  
Not to Scale  
11/26/2020




 **Toronto**  
Map 2

1365 - 1375 Yonge Street

File # 18 151554 STE 22 OZ

-  Location of Application
-  Laneway Widening and Corner Rounding
-  Main Wall Where Balcony Projections are Permitted per Section 1 (d)(ii)

  
City of Toronto By-law 438-86  
Not to Scale  
11/26/2020



## SCHEDULE A

### Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the Owner, pursuant to Section 37 of the *Planning Act*, with conditions providing for without limitation, indexing escalation of Letters of Credit, development charges, indemnity, and registration satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the facilities, services and matters set out below are required to be provided to the City by the Owner of the lands at the Owner's expense in accordance with the By-law, and that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the Owner may not erect or use such building until the Owner has satisfied the following requirements:

1. Prior to the issuance of the first Above-Grade Building Permit for a Building within the Development, the Owner shall:
  - (A) make a cash contribution to the City in the amount of One Million Dollars (\$1,000,000.00) with such amount to be indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment. The funds shall be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following new and existing capital improvements:
    - (a) new or existing Toronto Community Housing and/or affordable housing in the Ward;
    - (b) new or existing cultural and/or community space in the Ward; and/or
    - (c) local area streetscape of park improvement in the Ward.

In the event that this cash contribution has not been used for the intended purposes within three (3) years after the Amending By-laws come into full force and effect, the cash contribution may be re-directed for other purposes at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Official Plan and will benefit the community in the vicinity of 1365-1375 Yonge Street;

- - (B) contribute Seven Hundred and Fifty Thousand Dollars (\$750,000.00) to the City for Public Art. Prior to the issuance of the first Above-Grade Building Permit for a Building within the Development, the Owner shall provide the City with a Letter of Credit in the amount of Nine Hundred Thousand Dollars (\$900,000.00), subject to upwards indexing as described in 1.(A) above, representing 120 percent of the Owner's Public Art contribution, to the satisfaction of the Chief Planner and

Executive Director, City Planning, in accordance with the City of Toronto Public Art Program; and

- (C) provide the City with a Letter of Credit in the amount of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), subject to upwards indexing as described in 1.(A) above, representing the total cost of Above-Base Lane Improvements, plus a twenty percent (20%) contingency and a payment for an inspection fee that is five percent (5%) of the amount identified above, plus an additional thirteen percent (13%) HST of the value of the Above Base Lane Improvements, to secure improvements to the Public Lane, in the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, that include, at a minimum, a mural and improvements to paving, lighting, and curbing. The specific details of the Above-Base Lane Improvements shall be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, at the time of and through the Site Plan approval process for the Development. The Above-Base Lane Improvements shall be completed no later than the first commercial occupancy of the Building on 1365-1375 Yonge Street, to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services. Upon completion of the Above-Base Lane Improvements, the Owner agrees that any amounts remaining from the Letter of Credit shall be re-directed towards the Capital Improvements listed in 1.(A) above at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. Prior to final Site Plan Approval for the Development, the Owner shall convey to the City, for nominal consideration, a non-exclusive surface easement on the Site in perpetuity for public pedestrian access over a 2.1 metre walkway. Prior to final Site Plan Approval for the Development, the Owner shall, at its sole expense, register a Pedestrian Walkway Easement over the walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the public walkway shall be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, at the time of and through the Site Plan Approval process.
3. The Owner shall pay for and construct any improvements to municipal infrastructure in connection with the Functional Servicing Report authored by GHD Limited, dated January 17, 2020, and revised on June 30, 2021, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should she/he determine that improvements to such infrastructure are required to support the Development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
4. Prior to the issuance of the first Building Permit for a part or all of 1365-1375 Yonge Street, the Owner shall provide and implement, at its sole cost and expense, a construction management plan to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

5. The Owner shall construct and maintain the Development in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard or higher, where appropriate, consistent with the performance standards of Toronto Green Standard applicable at the time of the Site Plan Application for each Building on 1365-1375 Yonge Street.