

CITY OF TORONTO

BY-LAW 948-2021

To amend Zoning By-law 569-2013, 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1, attached to 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 990.1 respecting the lands outlined by heavy

black lines to CR 4.25 (c2.0; r3.0) SS2 (x427), as shown on Diagram 2, attached to and forming part of this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 427, so that it reads:

Exception CR 427

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 1365-1375 Yonge Street, if the requirements in Section 6 and Schedule A of By-law 948-2021 are complied with, a **building** that includes non-residential uses and a **nursing home, residential care home or retirement home** may be constructed, used or enlarged in compliance with (B) to (Q);
- (B) Despite regulation 40.5.40.10(1) and 40.5.40.10(2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum elevation of 142.01 metres and the highest point of the **building or structure**;
- (C) Despite regulation 40.10.40.1(1), residential use portions of the **building** may be located at the same level as non-residential use portions of the **building**;
- (D) Despite regulation 40.10.40.1(2)(A), for any non-residential use the floor level of the first **storey** must be within 0.8 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance;
- (E) Despite regulation 40.10.40.10(2), the permitted maximum height of any part of a **building or structure** is the numerical value, in metres, following the letters "HT" shown on Diagram 3 of By-law 948-2021;
- (F) Despite (E) above and regulations 40.5.40.10(3), 40.5.40.10(4), 40.5.40.10(6) and 40.5.40.10(7), 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, trellises, 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 (F)(iv) above, including a parapet, chimneys, pipes, vents, cooling towers, cooling tower perimeter walls, elevator overruns, roof drainage components, and thermal and waterproofing assembly, all of which may project up to a maximum of 7.5 metres;
- (G) Despite regulation 40.5.40.10(5), the total area of all equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a building, as permitted by (F) above, may cover no more than 50 percent of the total area of the roofs on the **lot**, measured horizontally;
- (H) Despite regulation 40.10.40.40(1) the permitted maximum **gross floor area** is 20,400 square metres, provided:
- (i) the total residential **gross floor area** of a **nursing home**, **residential care home** or **retirement home** does not exceed 19,800 square metres; and
 - (ii) the non-residential **gross floor area** does not exceed 600 square metres;
- (I) Despite regulations 5.10.40.70(1), 40.5.40.70(1) and 40.10.40.70(2) 40.10.40.80(2) the required minimum **building setbacks** and minimum required above-ground separation distances between **main walls** of **buildings** or **structures** with or without windows are as shown on Diagram 3 of By-law 948-2021;
- (J) Despite regulations 40.5.40.60(1) and 40.10.40.70(2), the following **building** elements and **structures** may encroach into the required minimum **building setbacks**:
- (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, gas meters,

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; and

- (ii) balconies may encroach a maximum of 7.5 metres from the **main wall** identified on Diagram 3;
- (K) Despite Clause 200.5.10.1, **parking spaces** must be provided at a minimum rate of 0.3 for each **dwelling unit** or **bed-sitting room** in a **nursing home, residential care home** or **retirement home**, and no **parking spaces** are required for all other uses on the **lot**;
- (L) Despite Regulation 200.5.10.1(1), car-share **parking spaces** may replace required **parking spaces**;

For the purpose of this exception, 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, and a "car-share **parking space**" means a **parking space** exclusively reserved and used for a car-share purposes where the **vehicle** is accessible to at least the occupants of the building;

- (M) Despite Regulation 200.5.1.10(2), 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;
- (N) Despite regulation 200.15.1(1) and By-law 579-2017, accessible **parking spaces** must comply with the following:
 - (i) accessible **parking spaces** must be located on the same level as a barrier free passenger elevator that provides access to the first **storey** of the **building**;
 - (ii) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;

- (b) width of 3.4 metres; and
- (c) vertical clearance of 2.1 metres;
- (O) Despite regulation 220.5.10.1(1), a minimum of one (1) Type "G" **loading space** and one (1) Type "B" **loading space** must be provided on the **lot**;
- (P) Regulation 40.10.100.10(1)(C) regarding **vehicle** access does not apply; and
- (Q) For the purposes of this Exception, facilities to store or heat food are not considered to be food preparation facilities in a **bed-sitting room**.

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

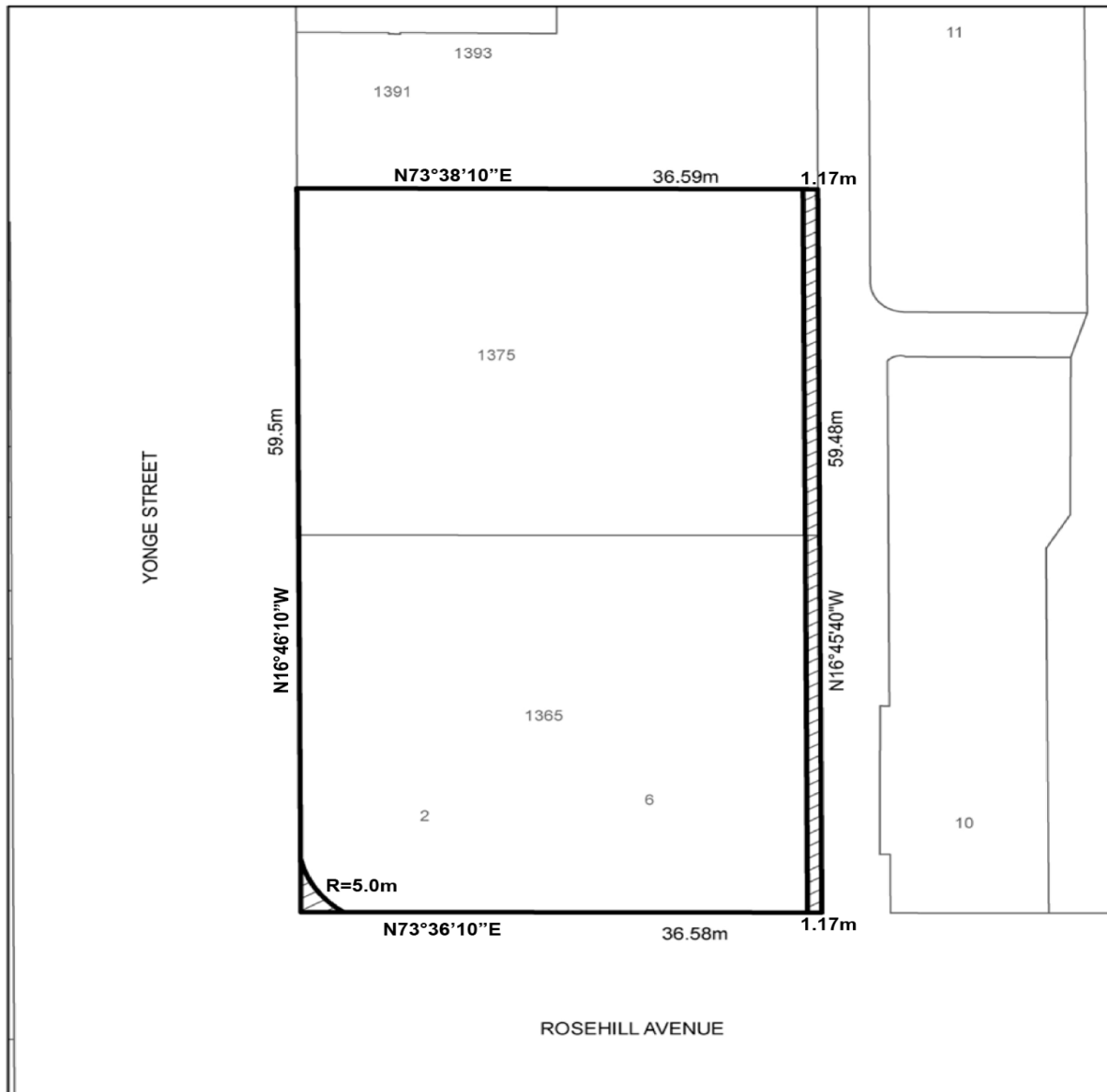
- 5. Despite any existing or future severance, partition or division of lands, the provisions of this By-law apply to whole of the lands as if no severance, partition or division occurred.
- 6. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown Diagram 2 of By-law 948-2021 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 By-law 948-2021 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 By-law 948-2021 unless all provisions of Schedule A are satisfied.

Enacted and passed on November 12, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk



(Seal of the City)




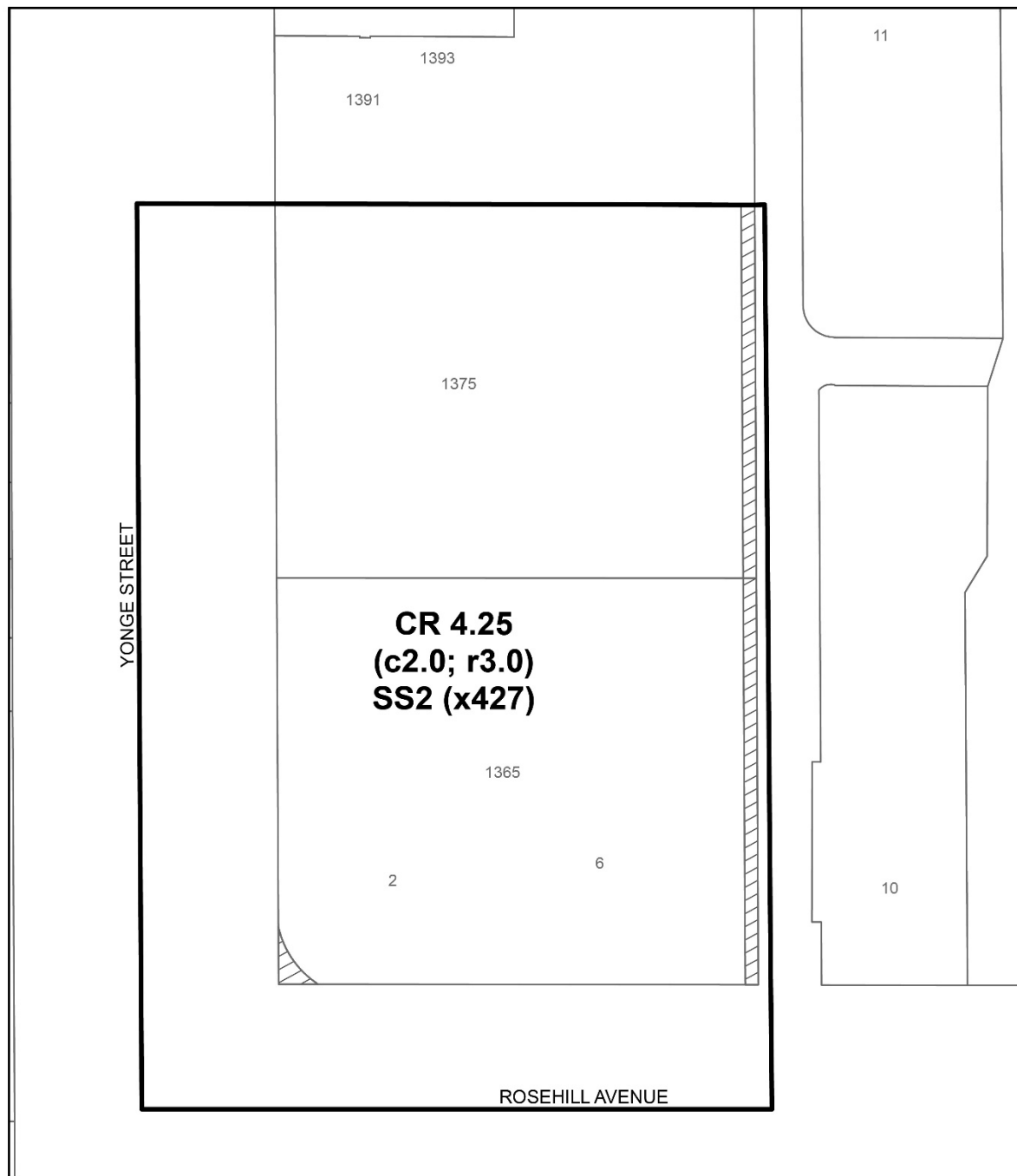
Toronto
Diagram 1

1365 - 1375 Yonge Street

File # 18 151554 STE 22 OZ

-  Location of Application
-  Laneway Widening and Corner Rounding




 City of Toronto By-law 569-2013
 Not to Scale
 11/26/2020




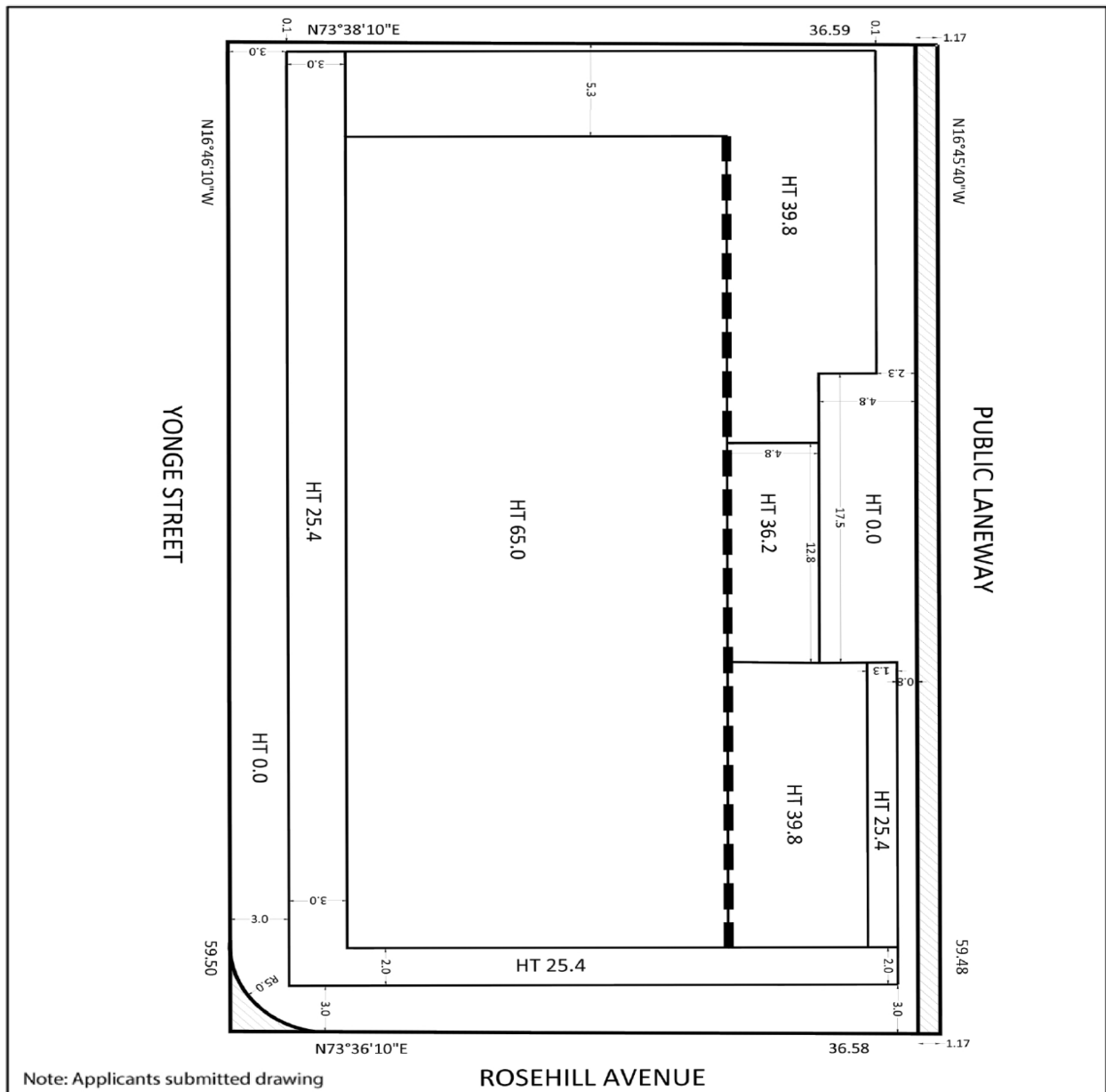
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Diagram 2

1365 - 1375 Yonge Street

File # 18 151554 STE 22 OZ

-  Location of Application
-  Laneway Widening and Corner Rounding





City of Toronto By-law 569-2013
Not to Scale
11/09/2021



Toronto
Diagram 3

1365 - 1375 Yonge Street

File # 18 151554 STE 22 02

-  Location of Application
-  Laneway Widening and Corner Rounding
-  Main Wall Where Balcony Projections are Permitted per Section 4(J)(ii)

City of Toronto By-law 569-2013
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.