

Authority: Local Planning Appeal Tribunal Decision issued on July 31, 2019 and Order issued on January 22, 2021 in Tribunal File PL171355

CITY OF TORONTO

BY-LAW 153-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands known municipally in the year 2021 as 2161 Yonge Street.

Whereas the Local Planning Appeal Tribunal, by its decision issued on July 31, 2019 and Order issued on January 22, 2021, in Tribunal Case PL171355 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands; 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, are to be 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;

Therefore, pursuant to the Decision of the Local Planning Appeal Tribunal issued July 31, 2019 and the Order issued January 22, 2021 in Tribunal File PL171355, Zoning By-law 569-2013 is hereby amended as follows:

1. This By-law applies to the lands delineated by a heavy line 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 5.0 (c4.0; r3.0) SS2 (253) as shown on Diagram 2 attached to this By-law;

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (253), so it reads:

Exception CR 253

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 2161 Yonge Street, if the requirements of Section 7 and Schedule A of By-law 153-2022(OLT) are complied with, a **building, structure**, addition or enlargement is permitted in compliance with (B) to (P);
- (B) Despite regulations 40.5.40.10(1) and (2), the height of a **building or structure** is measured from the Canadian Geodetic Datum elevation of 156.88 metres in the year 2017 and the elevation of the highest point of the **building or structure**;
- (C) Despite regulation 40.10.40.40(1), the permitted maximum gross floor area of all buildings and structures on the **lot** is 31,325 square metres, subject to the following:
- i) the total gross floor area for residential uses must not exceed 22,440 square metres;
 - ii) the total non-residential **gross floor area** must not exceed 8,885 square metres; and
 - iii) the minimum **gross floor area** for office uses is 8,094 square metres;
- (D) A minimum of ten percent of the total number of **dwelling units** must contain three bedrooms or more;
- (E) In addition to the number of three bedroom **dwelling units** required in (D) above, a minimum of fifteen percent of the total number of **dwelling units** must contain two bedrooms or more;
- (F) Despite regulation 40.10.40.10(2), the permitted maximum height is specified, in metres, by the numbers following the symbol HT on Diagram 3 of By-law 153-2022(OLT);
- (G) Despite (F) above and regulations 40.5.40.10 (4), (5), (6), (7) and (8) the following **building** elements may exceed the permitted maximum height:
- i) equipment used for the functional operation of the **building**, to a maximum of 6.5 metres;

- ii) chimneys, vents, window washing equipment and elevator overruns and associated machine rooms, to a maximum of 7.5 metres;
 - iii) a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the **building**, provided that the maximum vertical dimension of any such parapet does not exceed a maximum of 1.5 metres; and
 - iv) **structures** on the roof of the **building** used for outside or open air recreation, awnings, architectural features, elements of a **green roof**, public art features, partitions dividing outdoor recreation areas, screens, guard rails, safety railings and fences, trellises, planters, landscape features, and walls or **structures** enclosing such elements to a maximum of 4.0 metres;
- (H) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 153-2022(OLT);
- (I) Despite (H) above, Regulation 40.5.40.60(1), and clause 40.10.40.60 the following **building** elements may encroach into the required minimum **building setbacks** as follows:
- i) awnings, canopies, parapets, trellises, pillars, fences, screens, guardrails, balustrades and windows to a maximum of 2.5 metres;
 - ii) architectural, art and landscape features, chimneys, vents, cornices, window sills, pilasters and eaves to a maximum of 1.0 metres; and
 - iii) railings, retaining walls, stairs, stair enclosures, doors, wheelchair ramps, site servicing features, and underground garage ramps and associated **structures** to a maximum of 2.0 metres;
- (J) Despite Regulation 200.5.10.1(1), **parking spaces** must be provided on the **lot** as follows:
- i) a minimum of 0.3 **parking spaces** per **dwelling unit** for residents of the **building**;
 - ii) a minimum of 43 **parking spaces** for non-residential uses;
 - iii) residential visitor and non-residential **parking spaces** may be shared;
 - iv) a minimum of 2 "car-share" **parking spaces**; and
 - (v) for each car-share **parking space** provided on the **lot**, the minimum number of required residential **parking spaces** may be reduced by 4 **parking spaces**;

- (K) Despite Regulation 200.15.10(1) 4 accessible **parking spaces** must be provided on the **lot**;
- (L) Despite Regulation 200.15.1(4) the closest portion of an accessible **parking space** must be provided within 30 metres of a barrier free entrance to a passenger elevator that provides access to the first **storey** of the **building**;
- (M) Despite Regulations 230.5.1.10(9), (10) and 230.40.1.20(1) both "long-term" and "short-term" **bicycle parking spaces** may be located in **stacked bicycle parking spaces** and may be located on any level of the **building** below-ground within a secured room, in a stacked manner and/or in bicycle lockers;
- (N) Despite Regulations 230.5.1.10(4)(A) and (5) a **stacked bicycle parking space** must be provided in accordance with the following dimensions:
- i) a minimum length of 1.8 metres;
 - ii) a minimum width of 0.45 metres; and
 - iii) a vertical clearance of 1.2 metres;
- (O) Despite Regulations 230.40.1.20(2), "short-term" **bicycle parking spaces** may be located further than 30 metres from a pedestrian entrance to the **building** on the **lot**; and
- (P) Despite Regulations 220.5.10.1(2), (3), (5) and (9), a minimum of three Type "C" **loading spaces** must be provided and maintained on the **lot**.

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

5. Car-share means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
6. Despite any existing or future severances, partition, or division of the lands subject to this Exception, the provisions of this Exception will apply to the whole of the lands as if no severance, partition, or division had occurred.
7. 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 attached to and forming part 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;

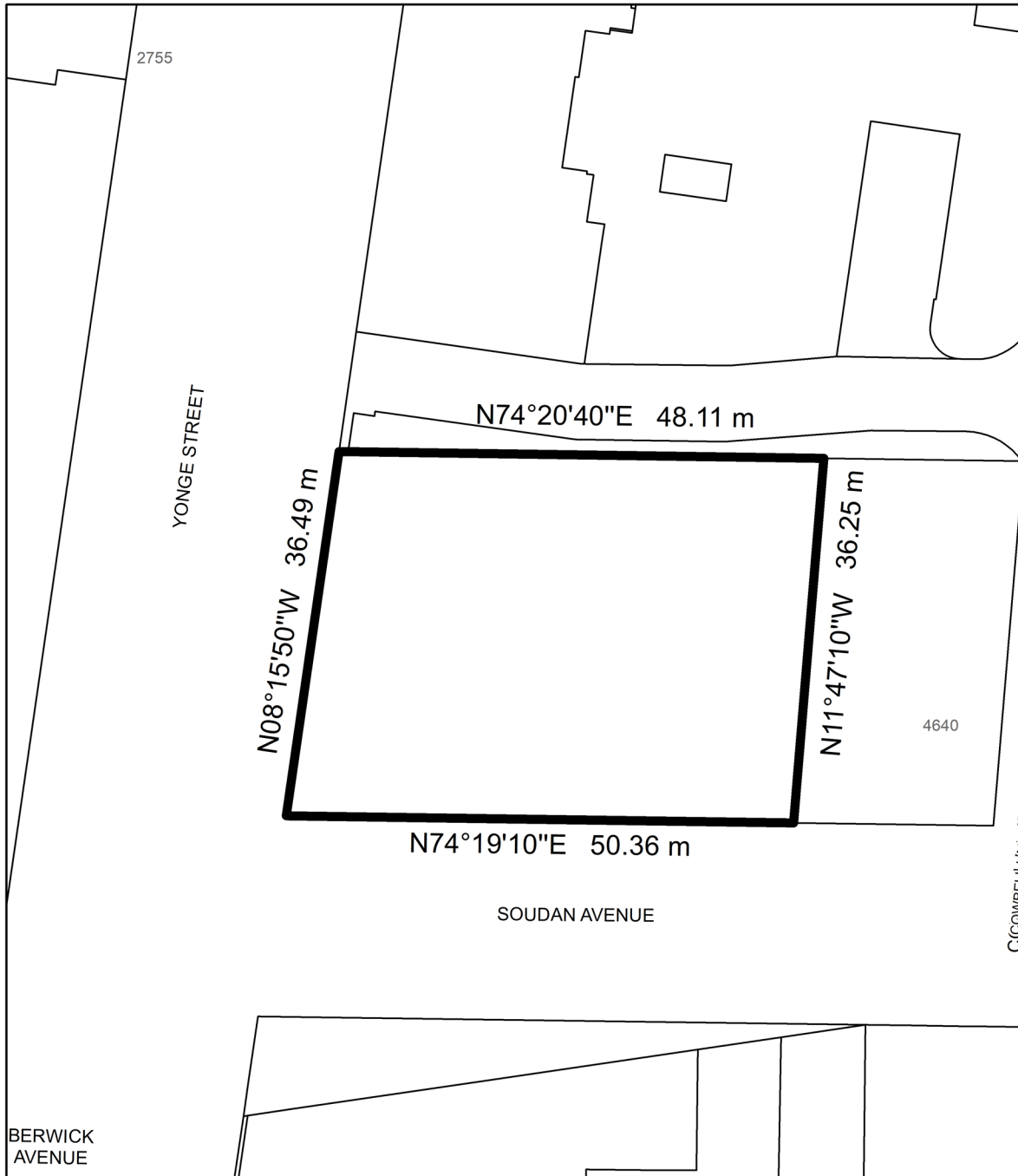
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in **height** and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Pursuant to Local Planning Appeal Tribunal Decision issued on July 31, 2019 and Order issued on January 22, 2021 in Tribunal File PL171355.

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

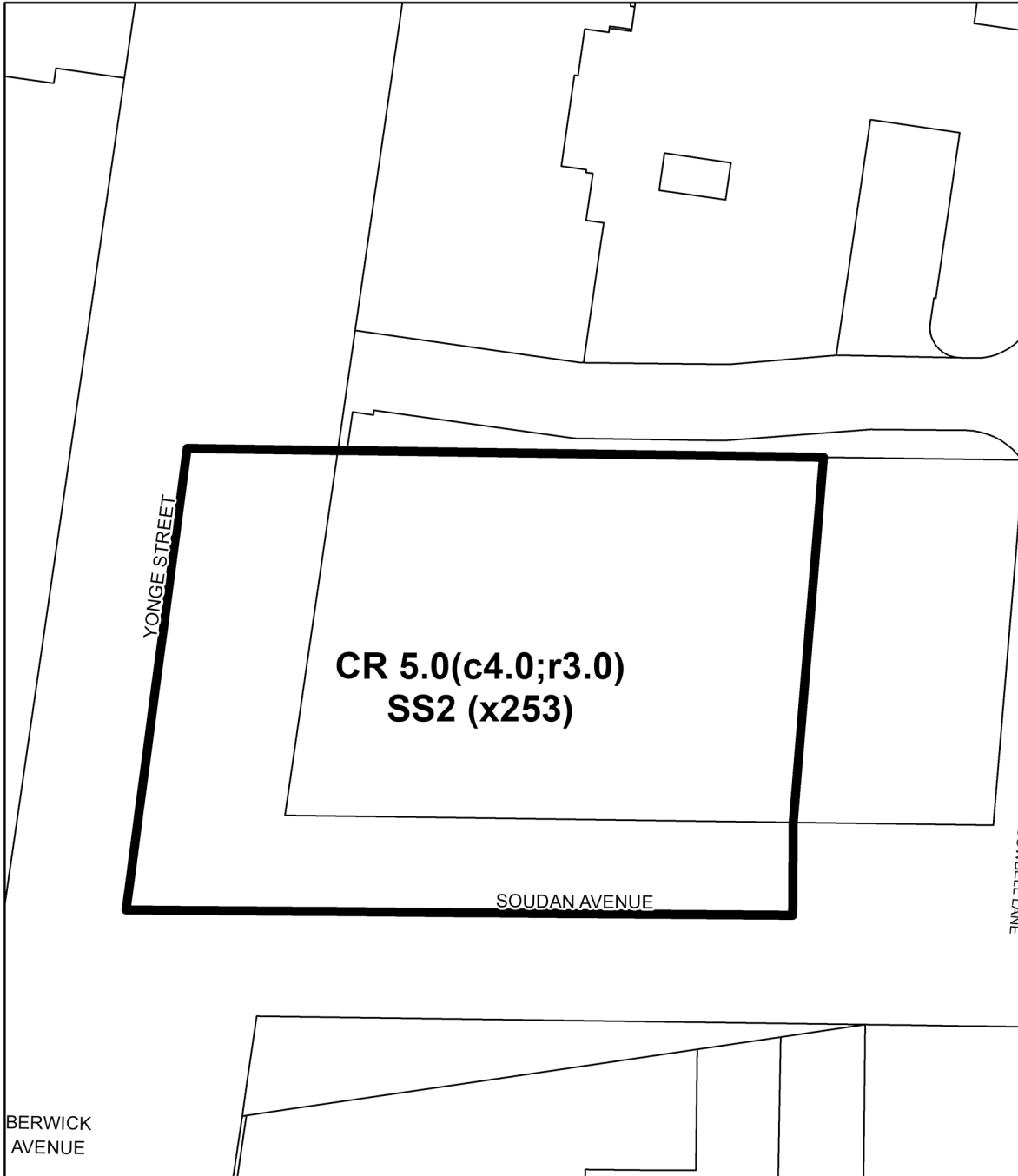
1. Prior to the issuance of the First Above Grade Building Permit, the Owner shall make a financial contribution of three million five hundred thousand dollars (\$3,500,000.000 CAN) to the City to be allocated to any one or more of the following: public realm improvements in the Yonge-Eglinton Secondary Plan area; public art; upgrades to the Davisville Community Centre recreational facilities; and/or additional community services and facilities in the Yonge-Eglinton Secondary Plan area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor
2. The financial contribution set out above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto and calculated from the date of this Agreement to the date of payment by the Owner to the City.
3. In the event the cash contribution above has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the Lands.



 **TORONTO**
Diagram 1

2161 Yonge St

File #: 17 186503 STE 22 0Z





 **TORONTO**
Diagram 3

2161 Yonge St

File #: 17 186503 STE 22 0Z

