

Authority: Toronto and East York Community Council
Item TE29.3, adopted as amended, by City of Toronto
Council on December 15, 16 and 17, 2021

CITY OF TORONTO

BY-LAW 916-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 700 University Avenue.

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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 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 and 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 in 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 7.8 (c7.8; r6.0) SS1 (x440) 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 CR (X440) so that it reads:

(440) Exception CR (440)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 700 University Avenue, if the requirements of Sections 6 and Schedule A, of By-law 916-2022 are complied with, a **mixed use building** or **structure** may be erected or constructed in compliance with (B) to (P) below;
- (B) Despite Regulation 40.10.40.40(1), the **gross floor area** of the **mixed use buildings** must not exceed 173,700 square metres, of which:
 - (i) a maximum of 41,500 square metres may be used for residential uses; and
 - (ii) a maximum of 132,200 square metres may be used for non-residential uses;
- (C) 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 100.8 metres and the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10(1), the permitted maximum height of the **building** or **structure**, including a mechanical penthouse, is the height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law 916-2022;
- (E) Despite Regulations 40.5.40.10(3) to (8) and Regulation (D) above, the following elements of a **building** or **structure** may project above the permitted maximum height limits as shown on Diagram 3 of By-law 916-2022, as follows:
 - (i) structures on any roof used for maintenance or wind mitigation purposes a maximum of 3.0 metres;
 - (ii) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material a maximum of 2.0 metres;
 - (iii) window washing equipment, safety anchors, lightning rods, safety railings, guard rails, railings, terraces, patios, landscape features, balustrades, bollards, ornamental or architectural features a maximum of 3.0 metres;
 - (iv) satellite dishes, antennae, acoustical barriers, signage, cabanas and trellises a maximum of 4.0 metres;

- (v) parapets, terrace guards/landscape planters and, vents, stacks, ladders, garbage chute vents a maximum of 2.0 metres;
- (F) Despite Regulations 40.10.40.70(1), 40.10.40.80(1), and Section 600.10, the required minimum **building setbacks** are as shown on Diagram 3 of By-law 916-2022;
- (G) Despite Clause 40.10.40.60 and Regulation (F) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law 916-2022:
 - (i) wind mitigation features, cornices, lighting fixtures, awnings, ornamental elements, commercial signage, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, stairs, stair enclosures, vents, underground garage ramps and their associated **structures**, fences, screens, landscaping, planter boxes, intake and exhaust vents to a maximum of 1.5 metres;
 - (ii) wind mitigation features including canopies and awnings to a maximum of 5.0 metres;
- (H) Despite regulations 40.5.80.1(1), 40.5.80.10(1), 200.5.10.1(1), 200.5.10.11(4) and Table 200.5.10.1 **parking spaces** must be provided and maintained, in accordance with the following:
 - (i) a minimum of 0.09 **parking spaces** are required per residential **dwelling unit** and may be provided on another **lot** within 500 metres on an exclusive basis as **public parking**; and
 - (ii) a minimum of 457 **parking spaces** are required for the residential visitor uses and non-residential uses, and may be provided on another **lot** within 500 metres on an non-exclusive basis as **public parking**;
- (I) Despite Regulation 230.5.1.10.(4), long-term and short term **bicycle parking spaces** may be provided in the form of a **stacked bicycle parking space** and must comply with the following:
 - (i) a minimum vertical clearance of 1.0 metre;
 - (ii) a minimum width of 0.4 metres, and
 - (iii) minimum length of 1.6 metres;
- (J) a total of 40 percent of the **dwelling units** are to be multi-bedroom units, of which:
 - (i) a minimum of 15 percent of the **dwelling units** must have two bedrooms; and

- (ii) a minimum of 10 percent of the **dwelling units** must have three bedrooms;
 - (iii) if the calculations to achieve the required percentage of multi-bedroom **dwelling units** result in a number with a fraction, the number must be rounded down to the nearest whole number;
- (K) Despite Regulation 40.10.20.100(17), the maximum **interior floor area** of all **retail services** on the **lot** must not exceed 17,100 square metres;
- (L) For the purposes of the exception the addition on the south west corner containing the **dwelling units** is considered a separate **building**;
- (M) Despite Regulation 40.10.100.10.(1)(C), two **vehicle** access points are permitted;
- (N) Despite Regulation 200.15.10(1) and (2) one accessible **parking space** is required;
- (O) Despite Clause 220.5.10.1 **loading spaces** must be provided as follows:
- (i) One (1) Type G **loading space**;
 - (ii) One (1) Type B **loading space**; and
 - (iii) Four (4) Type C **loading spaces**;
- (P) Despite Regulation 40.10.40.50(2) outdoor **amenity space** is not required for the non-residential uses.

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

5. Despite Regulation 2.1.1(3), notwithstanding any existing or future severance, partition or division of the lot, the provisions of By-law 916-2022 shall apply to the whole of the lot 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 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.

- (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 7.8 (c7.8; r6.0) SS1 (x440) of By law 569-2013, as amended, unless the provisions of Schedule A of such By law are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

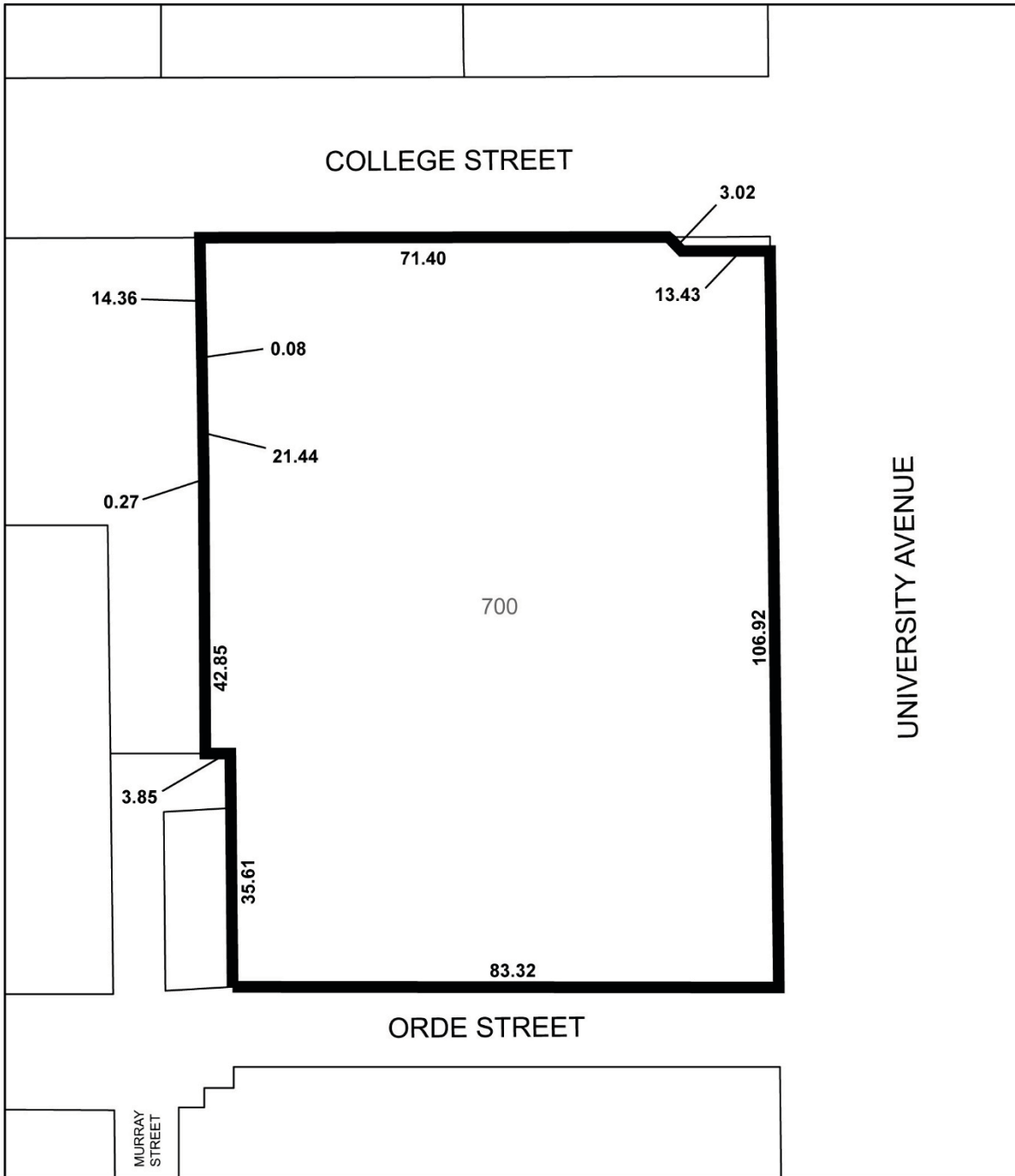
SCHEDULE A
Section 37 Provisions

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 3 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:

- a) The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Prior to the issuance of the first above-grade building permit, a cash contribution of \$8,250,000 towards the provision of affordable housing in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the Executive Director, Housing Secretariat.
 - ii. The cash contribution referred to in Recommendation (a)i shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made.
 - iii. In the event the cash contribution referred to (a)i has not been used for the intended purposes within 3 years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 11.
- b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor, in consultation with the Toronto District School Board through the Toronto Lands Corporation and the local community, and thereafter shall implement the plan during the course of construction; the Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the Toronto District School Board through the Toronto Lands Corporation and the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City

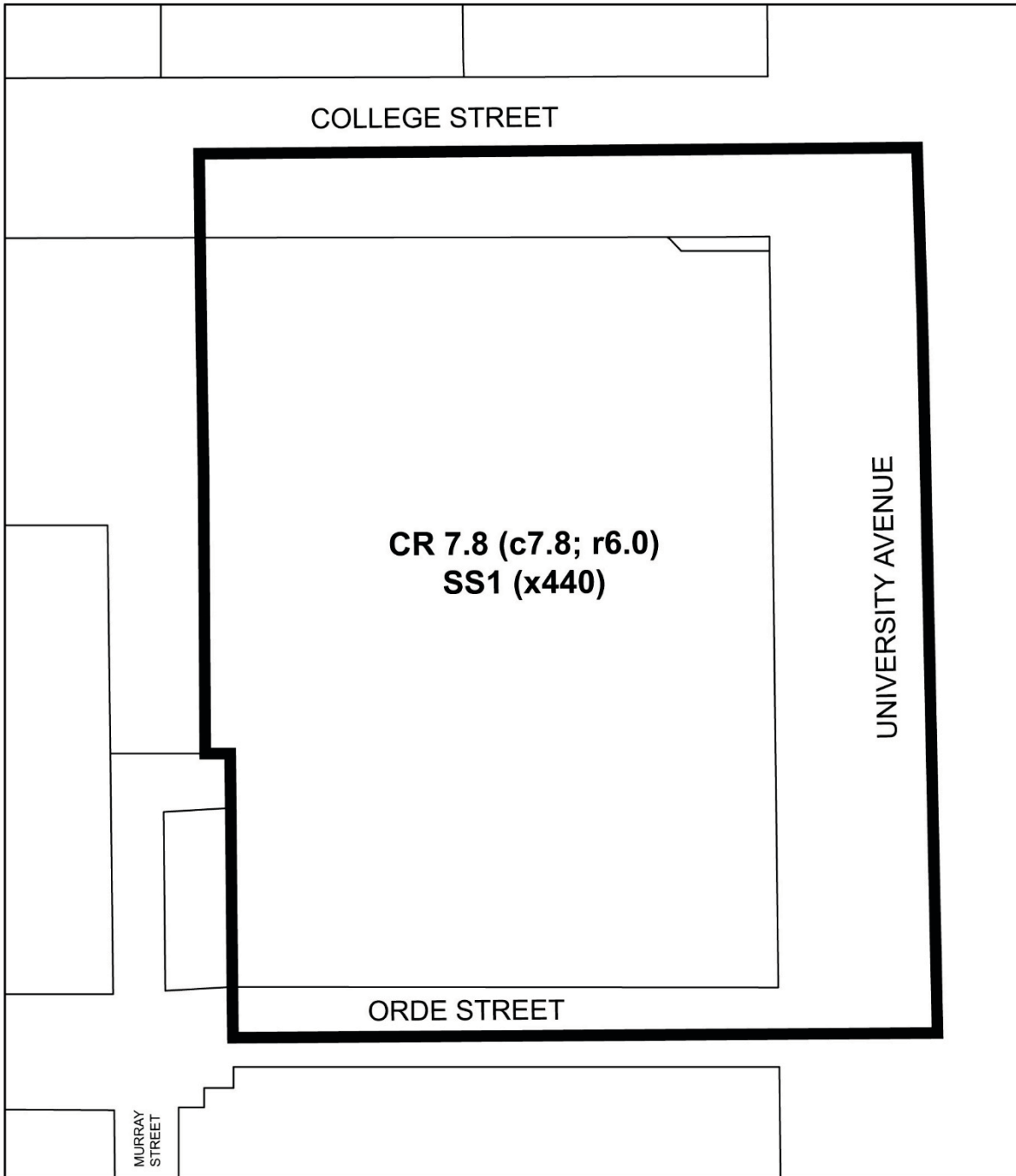
Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor; and

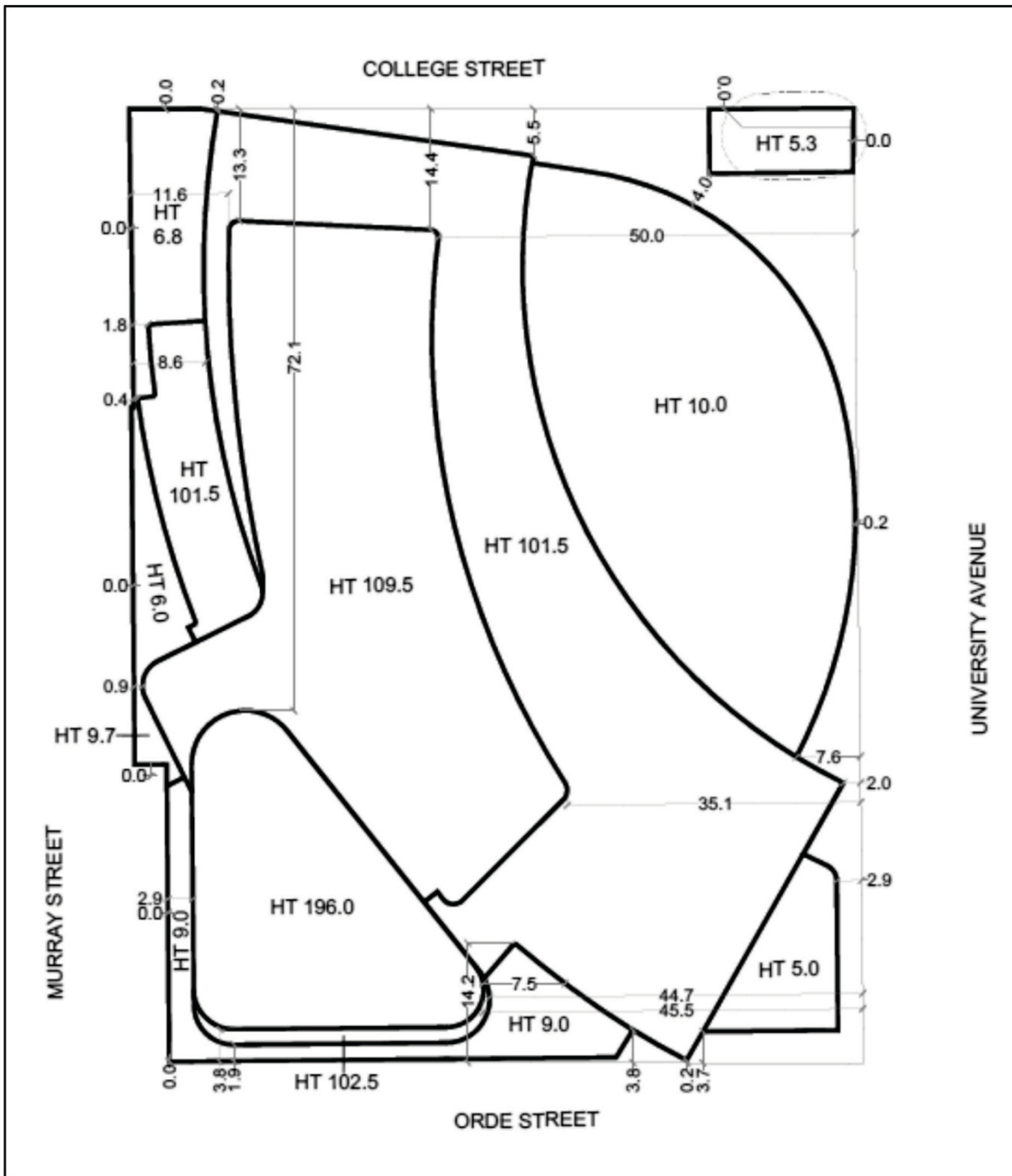
- ii. prior to the commencement of any excavation and shoring work, and as part of the Construction Management Plan, the owner submit an air quality and dust management plan prepared by a third party, and to the satisfaction of the Chief Planner and Executive Director, City Planning and subject to peer review, and thereafter shall implement the plan during the course of construction; the owner shall be responsible for any costs associated with the mitigation measures recommended as part of the air quality and dust management plan such as, but not limited to, HVAC upgrades to the Orde Street School, as may be solely required or related to and during the period of its construction activities; and the owner shall also be responsible for any costs related to peer review of the air quality and dust review if deemed necessary by the Chief Planner and Executive Director, City Planning.



 **Toronto**
Diagram 1

700 University Avenue
File #: 19 181659 STE 11 0Z





 **TORONTO**
Diagram 3

700 University Avenue
File #: 19 181659 STE 11 0Z