

Authority: Ontario Land Tribunal Decision issued on February 24, 2022 and Order issued on August 12, 2022 in File OLT-21-001872

CITY OF TORONTO

BY-LAW 1189-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2021 as 717, 719, 723 and 733 Mount Pleasant Road.

Whereas the Ontario Land Tribunal, by its Decision and its Interim Order issued on February 24, 2022 in File OLT-21-001872 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known in the year 2021 as 717, 719, 723 and 733 Mount Pleasant Road; 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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;

By-law 569-2013, as amended, of the City of Toronto is further amended by the Ontario Land Tribunal as follows:

1. The lands subject to this By-law are outlined by 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 in heavy black lines from zone label of CR 3.0 (c2.0; r2.5) SS2 (x2417) to a zone label of CR 3.0 (c2.0; r2.5) (SS2) (x522) 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 (522):

(522) Exception CR 522

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 717, 719, 723 and 733 Mount Pleasant Road, as shown on Diagram 1 of By-law 1189-2022(OLT), if the requirements of Section 6 and Schedule A of By-law 1189-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (GG) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 158.2 metres and elevation of the highest point of the **building** or **structure**;
- (C) Regulations 40.10.20.100(8) and (9), with respect to location of and access to **public parking** on the **lot** do not apply;
- (D) Regulations 40.10.20.100(1) and (17), with respect to the permitted maximum **interior floor area** of all **eating establishments**, **take-out eating establishments** and **retail services** on the **lot** does not apply;
- (E) The required minimum **depth** of non-residential uses on the **first floor** is at least 8.5 metres from the interior of the **front wall**;
- (F) Despite Regulation 40.10.40.1(1), all residential use portions of a **mixed-use building** must be located above the non-residential use portions of the **building**, except for the following:
 - (i) residential lobby access and ancillary uses;
 - (ii) rental office and ancillary uses;
 - (iii) service rooms;
- (G) Despite Regulation 40.10.40.1(6), secondary residential entrances are permitted within 12.0 metres of a **lot** in the Residential Zone category;

- (H) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value in metres following the letters "HT" as shown on Diagram 3 of By-law 1189-2022(OLT);
- (I) Despite Regulations 40.5.40.10(3) to (8), and Provision (H) above, the following equipment and **structures** may project beyond the permitted maximum heights shown on Diagram 3 of By-law 1189-2022(OLT) as follows;
- (i) equipment used for the functional operation of a **building** including electrical, utility, mechanical and ventilation equipment, maintenance equipment storage, elevator shafts, to a maximum of 6.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) of Provision (I), inclusive of a mechanical penthouse, to a maximum of 6.0 metres;
 - (iii) **building** maintenance units and window washing equipment, to a maximum of 3.0 metres;
 - (iv) renewable energy equipment, provided that the area of such equipment covers no more than 30% of the roof area, measured horizontally, to a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, terraces, light fixtures, and elements of a **green roof**, to a maximum of 3.0 metres;
 - (vi) architectural features, such as a pilaster, sills, parapets, balustrades, eaves, and roof drainage, enclosed stairwells, roof access, chimneys, and vents, to a maximum of 3.0 metres;
 - (vii) guard rails, and divider screens on a balcony and/or terrace, to a maximum of 3.0 metres;
 - (viii) trellises, pergolas, awnings and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, to a maximum of 4.0 metres; and
 - (ix) vents, lightning rods, elements of a **green roof**, and **building** maintenance units and window washing equipment, may project beyond the permitted height limit for the mechanical penthouse as set out in (ii) of Provision (I), to a maximum of 3.0 metres;
- (J) Despite Clause 40.5.40.40, in a Commercial Zone category, the **gross floor area** of a **building** or **mixed-use building**, or portions thereof, is also reduced by the area in the **building** used for an enclosed or partially enclosed driveway located on a level at **established grade** or at any elevation of the ground;

- (K) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 17,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 17,200 square metres; and,
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 500 square metres;
- (L) A **building** containing more than 80 **dwelling units**, must be in accordance with the following:
- (i) A minimum of 15 percent of the total number of **dwelling units** must have two bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) An additional 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**; and
 - (iv) **Dwelling units**, as described in (iii) of Provision (L), may be converted using accessible or adaptable design measures such as knock-out panels;
- (M) Despite Regulations 40.10.40.70(2) and 40.5.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1189-2022(OLT);
- (N) Despite Clause 40.10.40.60 and Provision (M) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) balconies and associated fixtures and structures, to a maximum of 2.0 metres;
 - (ii) in addition to (i) of Provision (N), on the east **main walls** of **building** portions above a height of 22.5 metres in accordance with Provision (B), a maximum of 3 balconies are permitted on each **storey**;
 - (iii) despite (i) of Provision (N), at or above a height of 22.5 metres in accordance with Provision (B), balconies shall not be within the areas labelled "Balcony restricted areas" on Diagram 4 of By-law 1189-2022(OLT); and
 - (iv) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, pillars, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings

and canopies, and underground garage ramps and associated structures, maintenance access holes and sampling ports, to a maximum of 1.5 metres;

- (O) Despite Regulation 40.5.40.60(1), an awning, canopy or similar **structure** may be located more than 5.0 metres above the elevation of the ground directly below it;
- (P) Regulations 40.10.50.10(2) and (3) with respect to **landscaping** requirements if abutting the Residential Zone category do not apply;
- (Q) Despite Regulation 40.10.80.10(1) outdoor surface **parking spaces** are not permitted in the portion of the **front yard**, that abuts a **front lot line** or portion thereof that is adjacent to Mount Pleasant Road;
- (R) Regulations 40.10.90.40(1)(A) and 40.10.100.10(A), with respect to access to **parking** and **loading spaces**, do not apply;
- (S) Despite Regulation 40.10.100.10(1)(C), two **vehicle** accesses are permitted;
- (T) Despite Exception 900.11.10(2), Regulation 200.5.10.1(1), and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.27 **parking spaces** per **dwelling unit** for the use of the residents; and
 - (ii) A minimum of 0.1 **parking spaces** per **dwelling unit** for the shared use of residential visitors and non-residential uses in a **building**;
- (U) Despite the Regulation 200.5.1.10(2), a maximum of 3 **parking spaces** may have a minimum length of 5.4 metres and a minimum width of 2.5 metres;
- (V) Despite Regulation 200.5.1.10(2), equipment for the charging of one electric **vehicle** is permitted within a **parking space**, subject to the equipment being located in the same **parking space** as the **vehicle** to be charged and:
 - (i) being within 0.25 metres of two adjoining sides of the **parking space** which are not adjacent and parallel to a **drive aisle** from which **vehicle** access is provided, measured at right angles; or
 - (ii) being at least 5.35 metres from a **drive aisle** from which **vehicle** access is provided, measured at right angles, and at least 1.0 metre from the ground;
- (W) Regulation 200.5.1.10(2)(A)(iv), with respect to the minimum width of **parking spaces** when obstructed on one or both sides, as described in Regulation 200.5.1.10(2)(D), does not apply;
- (X) Despite Regulation 200.5.1.10(12)(C), the **vehicle** entrance or exit to a **building** must be at least 3.2 metres from the **lot line** abutting Mount Pleasant Road;

- (Y) Despite Regulation 200.15.1(1), an accessible **parking** space 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;
- (Z) Despite Regulation 200.15.1(3), an accessible barrier-free aisle or path of 1.5 metres in width is required along the entire length of one side of an accessible **parking space** and such aisle or path may be shared by two accessible **parking spaces**;
- (AA) Despite Regulation 200.15.1(4), the nearest point of an accessible **parking space**, where such a point is adjacent to a **drive aisle**, must be located along a path that is not more than 21.0 metres of a barrier free entrance to a **building** or passenger elevator that provides access to the first **storey** of a **building**. The path may include doors or overhead doors, but must not be obstructed by **parking spaces**, **bicycle parking spaces**, walls, fences, parking curbs, and other immovable **structures** or fixtures;
- (BB) One Type "G" **loading space** must be provided and maintained on the **lot** having the following minimum dimensions:
- (i) length of 13.0 metres;
 - (ii) width of 4.0 metres; and
 - (iii) vertical clearance of 6.1 metres;
- (CC) Regulations 220.5.10.1(3), (4), (5) and (8), with respect to non-residential **loading space** requirements, do not apply;
- (DD) Despite Regulations 230.5.1.10(4)(A) and (C), a **stacked bicycle parking space** shall have the following minimum dimensions:
- (i) length of 1.8 metres;
 - (ii) width of 0.4 metres; and
 - (iii) vertical clearance of 1.2 metres for each **bicycle parking space**;
- (EE) Despite Regulation 230.5.1.10(9)(B), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be located on any level below-ground, or on the first or second **storey** of a building;

- (FF) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be provided in any combination of vertical, horizontal or stacked positions; and
- (GG) Regulation 230.40.1.20(2) with respect to the location of a "short-term" **bicycle parking space** relative to a **building** entrance, does not apply.

Prevailing By-laws and Prevailing Section(s): (None Apply)

5. Despite any severance, partition or division of the lands, the provisions of this By-law; will apply 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 of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 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 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.

Ontario Land Tribunal Decision issued on February 24, 2022 and Order issued on August 12, 2022 in File OLT-21-001872.

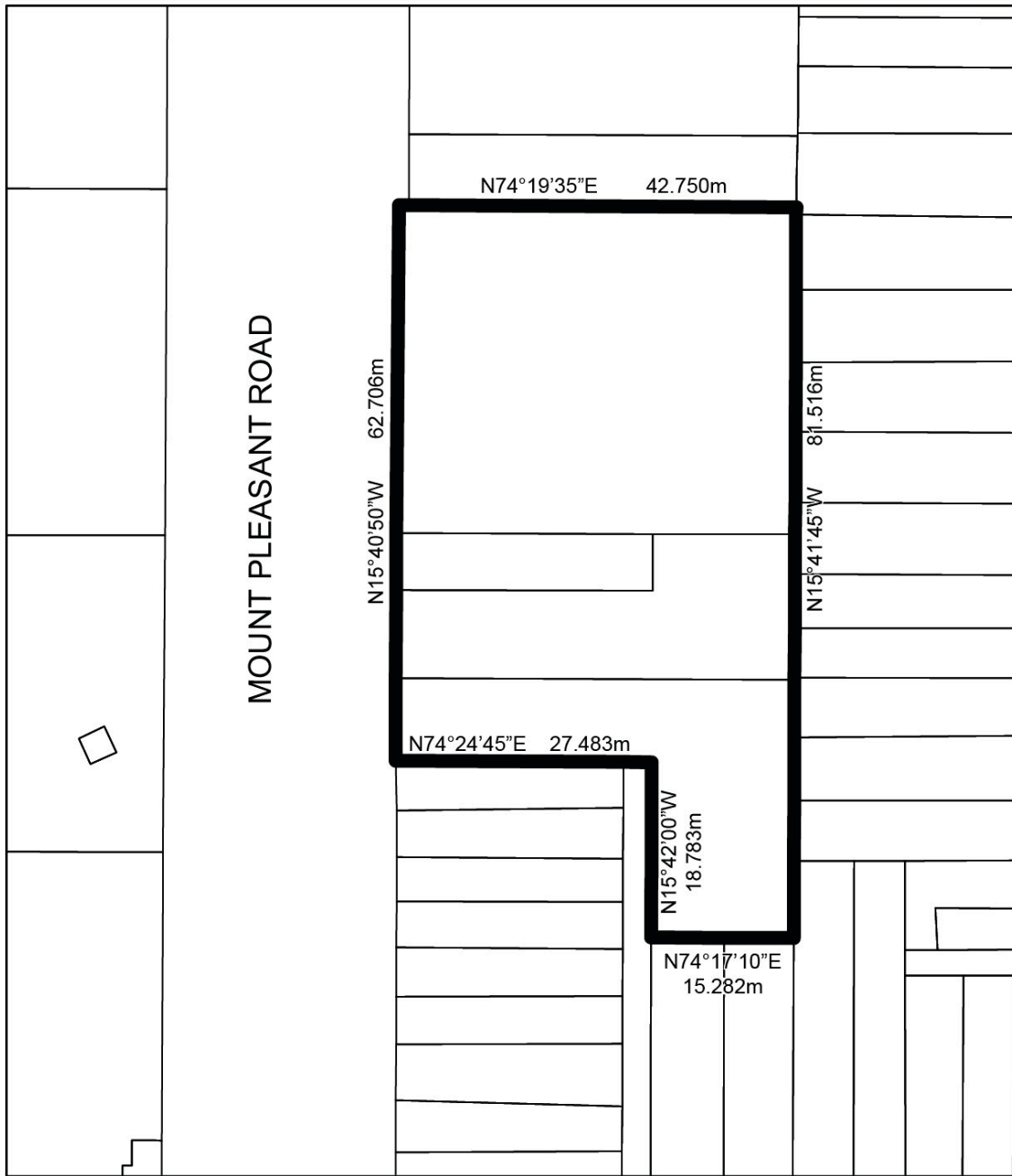
SCHEDULE A
Section 37 Provisions

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 1 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:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the facilities, services or matters set out below.
2. Prior to the issuance of an above-grade building permit of the proposed development, a cash contribution of \$1,600,000.00 to be allocated for community improvements in the vicinity of the lands in Ward 15 at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
3. The \$1,600,000.00 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment; all cash contributions will be payable prior to issuance of the first above-grade building permit;
4. In the event the cash contribution referred to in Part 1 above has not been used for the determined purpose within three years of the amending Zoning By-law 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, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
5. The Owner shall provide for the design, construction, and conveyance, of lands by the Owner to the City of Toronto, being 7.5 metres in width at the rear of the Subject Site, for the purpose of a future north-south public laneway, as shown on Diagram 3 of this By-law, free and clear of all encumbrances other than the permitted encumbrances consisting of, irrigation and lighting within the public laneway that will be provided through an encroachment agreement between the Owner and the City of Toronto and the existing surface easements in favour of adjacent landowners located at the south end of the lands to the satisfaction of the Chief Planner and Executive Director, City Planning, as required by the Yonge-Eglinton Secondary Plan;
6. The Owner shall provide for the design, construction, installation, and ongoing maintenance by the Owner to the City of Toronto of the 1.5 metre wide landscaped buffer located along the east lot line, located within the lands to be conveyed to the City for the new north-south public laneway, of the lands, as shown on Diagram 3 of this By-law, the

design of which shall be secured through the site plan process, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

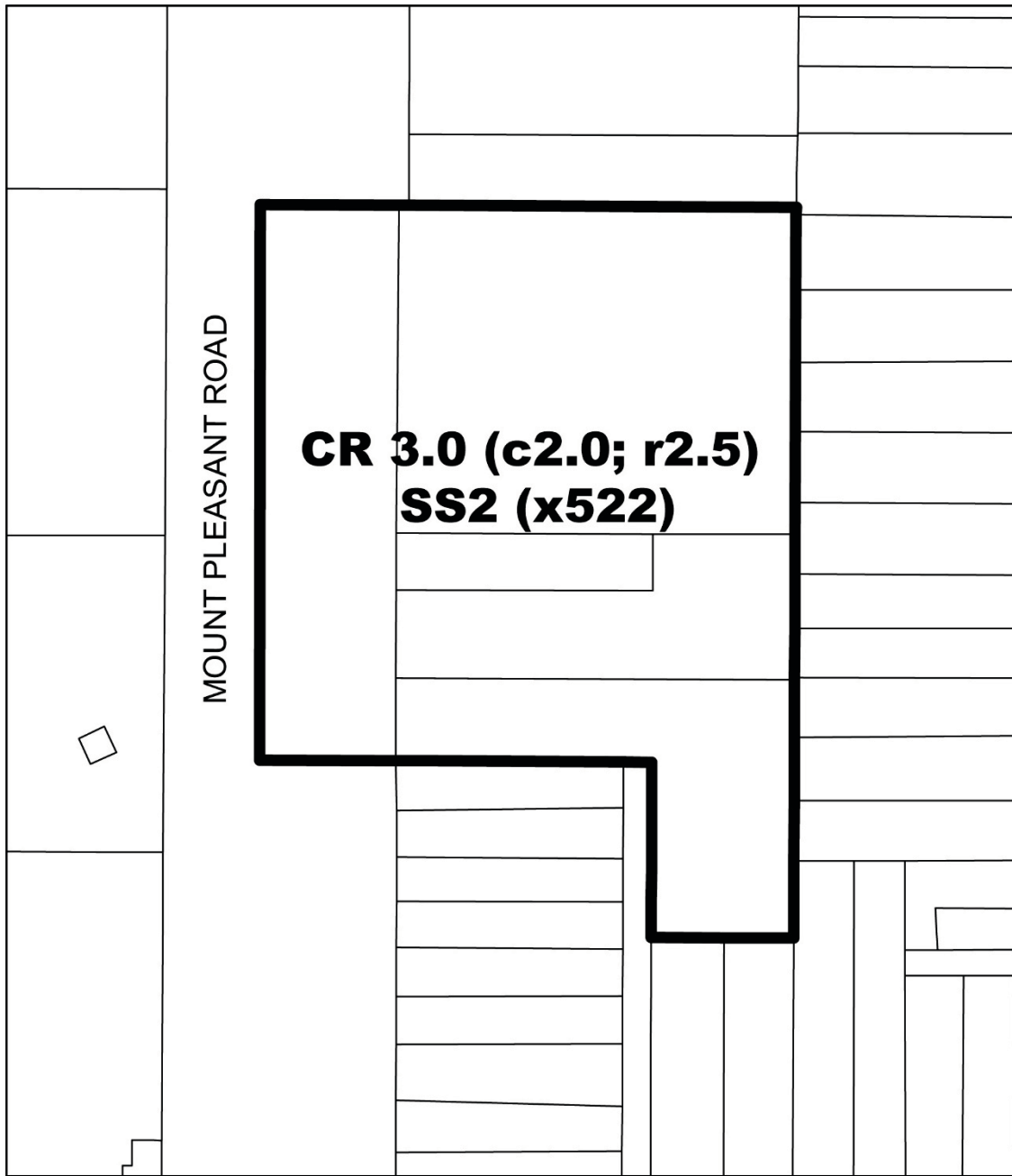
7. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time.



 **TORONTO**
Diagram 1

717, 719, 723 and 733 Mount Pleasant Road

File # 19 263788 NNY 15 0Z



 **TORONTO**
Diagram 2

717, 719, 723 and 733 Mount Pleasant Road

File # 19 263788 NNY 15 0Z

