

Authority: Ontario Land Tribunal Decision issued on October 7, 2022 with an effective date of August 5, 2022 in Tribunal File OLT-21-001055

## **CITY OF TORONTO**

### **BY-LAW 1248-2022(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 3180, 3182, 3184, 3186, 3188, 3190, 3192, 3194, 3196, 3198, 3200 and 3202 Yonge Street.**

Whereas the Ontario Land Tribunal pursuant to its Decision/Order issued on October 7, 2022 with an effective date of August 5, 2022 in respect of Tribunal File OLT-21-001055, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 3180, 3182, 3184, 3186, 3188, 3190, 3192, 3194, 3196, 3198, 3200 and 3202 Yonge Street; 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;

Now therefore pursuant to the Order of the Ontario Land Tribunal, By-law 569-2013, as amended, is further amended 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 by heavy black lines from a zone label of CR 3.0 (c2.0, r2.5)(SS2)(x2444) to a zone label of CR 3.0 (c2.0, r2.5)(SS2)(x787) 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 787 so that it reads:

(787)Exception CR 787

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

Site Specific Provisions:

- (A) On 3180, 3182, 3184, 3186, 3188, 3190, 3192, 3194, 3196, 3198, 3200 and 3202 Yonge Street, if the requirements of By-law 1248-2022(OLT) are complied with, a **building or structure**, may be constructed, used or enlarged in compliance with (B) to (N) 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 165.85 metres ASL and the elevation of the highest point of the **building or structure**;
- (C) Despite Regulation 40.10.40.1(1), residential use portions of a **building** may be located on the same level or below non-residential use portions of a **building**;
- (D) Despite Regulation 40.10.40.10(2) and 40.10.40.10(7), the permitted maximum height of a **building or structure** is the numerical value, in metres, following the letters "HT" and the permitted maximum number of **storeys** is specified by the numerical values following "ST" on Diagram 3 of By-law 1248-2022(OLT);
- (E) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.9 metres;
- (F) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1248-2022 (OLT);
  - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance, equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.0 metres;

- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 5.5 metres;
  - (iii) chimneys, pipes, and vents, may further exceed the permitted maximum height by 3.0 metres as set out in (ii) above;
  - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres, and
  - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 12,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 11,500 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 650 square metres;
  - (iii) the required minimum **gross floor area** for non-residential uses is 400 square 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 1248-2022(OLT);
- (I) Despite Clause 40.10.40.60 and (H) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) decks, porches, and balconies, by a maximum of 2.5 metres, or to the abutting property line, whichever is the lessor;
  - (ii) canopies and awnings, by a maximum of 1.5 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
  - (iv) cladding added to the exterior surface of the **main wall** of a building, by a maximum of 1.5 metres;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
  - (vi) window projections, including bay windows and box windows, by a maximum of 0.5 metres; and

- (iv) eaves, by a maximum of 1.0 metre;
- (J) Despite Regulation 40.10.40.70(2) and (H) and (I) above, no decks, porches or balconies may encroach into the building setback on storeys 3 to 5, within 36 metres of the north property line;
- (K) Despite Regulation 200.5.10.1(1), Table 200.5.10.1 and 900.11.10(2), **parking spaces** must be provided in accordance with the following:
  - (i) a minimum of 0.5 residential occupant **parking spaces** for each bachelor or one bedroom **dwelling unit**;
  - (ii) a minimum of 0.75 residential occupant **parking spaces** for each **dwelling unit** with two or more bedrooms;
  - (iv) a minimum of 0.06 residential visitor **parking space** for each **dwelling unit**; and
  - (vi) a reduction of four (4) residential occupant **parking spaces** will be permitted for each car-share **parking spaces** provided;
- (L) For the purposes of this Exception:
  - (i) "Car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
  - (ii) "Car share **parking space**" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-sharing" purposes;
- (M) Despite Regulation 230.5.10 and Table 230.5.101(1), **bicycle parking spaces** must be provided in accordance with the following:
  - (i) A minimum of 0.07 "short term" **bicycle parking spaces** for each **dwelling unit** for residential visitors;
  - (ii) A minimum of 0.68 "long term" **bicycle parking spaces** for each **dwelling unit** for residential occupants; and
  - (iii) No **bicycle parking spaces** are required for non-residential uses;
- (N) The provision of **dwelling units** are subject to the following:
  - (i) a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
  - (ii) a minimum of 10 percent of the total number of **dwelling units** must have

three or more bedrooms;

- (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
- (iv) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;

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

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall 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 and density 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 and to enter into an agreement 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.

Pursuant to Ontario Land Tribunal Decision issued on October 7, 2022 with an effective date of August 5, 2022 in Tribunal File OLT-21-001055.

**SCHEDULE A**  
**Section 37 Provisions**

Prior to issuance of the any building permit, the Chief Planner and Executive Director, City Planning, under delegated authority, has approved the Rental Housing Demolition application 20 225871 NNY 08 RH under Chapter 667 of the Toronto Municipal Code, pursuant to Section 111 of the City of Toronto Act, 2006.

Prior to the issuance of any building permit, the Owner shall enter into an agreement 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 community benefits below.

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - i. The Owner shall pay a cash contribution of \$1,200,000.00 dollars to be allocated towards capital improvements in Ward 8 in the vicinity of the proposed development at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor for Ward 8;
  - ii. The cash contribution referred to in Recommendation a.i. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;
  - iii. In the event the cash contribution referred to in Recommendation a.i. 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 the Official Plan and will benefit the community in the vicinity of the lands;
- b. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. The Owner will enter into a financially secured agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development;
  - ii. The Owner will provide a tenant relocation and assistance plan and will secure rental housing related-matters necessary to implement the Chief Planer's decision on Rental Housing Demolition application 20 225871 NNY 08 RH;

- iii. The Owner will submit a revised Transportation Impact Study, including an updated Parking and Loading Study and Transportation Demand Management strategy and matters arising from such study will be secured, if required;
- iv. Should the accepted Transportation Demand Management Plan include any cash contribution toward Transportation Demand Management measures, such cash contribution shall be paid by the Owner to the City prior to the issuance of the first above-grade building permit for the development and allocated in accordance with the Transportation Demand Management Plan, and such cash contribution shall be indexed upwardly, calculated from the date of the approval of the Zoning By-law to the date of payment;
- v. Prior to Site Plan Approval, or such other time acceptable to the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Transportation Service, the Owner will:
  - a. Prepare all documents and convey a Corner Rounding Easement to the City to secure a 6.0 metre corner rounding, at a minimum height of two storeys above finished grade, at the southwest corner of the intersection of Yonge Street and Woburn Avenue, together with rights of support;
  - b. Prepare all documents, and convey for nominal consideration, a 0.4 metre road widening along the frontage of the property on Yonge Street, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the City Solicitor;
  - c. Agree to construct a 2.1 metre wide sidewalk in the City's right-of-way, at no cost to the City, along Woburn Avenue, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, which shall be secured through Site Plan Control;
  - d. Agree to provide for signage and pavement markings in the private driveway to the west of the site, which provide for one way north-bound circulation of vehicular traffic exiting from the development, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Transportation Services;
  - e. Agree to provide for a pick-up and drop-off area on the property, adjacent to the private driveway to the west of the property;
  - f. Submit a revised Noise Impact Study, including a peer review paid for by the Owner, that identifies all mitigation measures to be implemented for this development and the owner will thereafter construct and maintain any required mitigation measures, which shall be secured through Site Plan Control;

- g. Agree to provide for an on-site dog relief area with proper disposal facilities for existing and new residents or a dog relief station within the new building, substantially in accordance with the landscape buffer shown on Plan A005, dated June 7, 2022, and prepared by Richard Wengle Architects Inc.;
- h. Agree to provide for a 1.5 metre-wide landscape buffer on the west side of the private driveway, substantially in accordance with the landscape buffer shown on Plan A005, dated June 7, 2022, and prepared by Richard Wengle Architects Inc.;
- i. Submit a detailed landscaping plan showing soil volumes and species for the proposed trees to be planted on the City-owned right-of-way on Woburn Avenue and Yonge Street, to the satisfaction of the Chief Planner in consultation with the Director, Urban Forestry;
- j. Agree to the inclusion of warning clauses and signage of the Toronto Catholic District School Board and the Toronto District School Board in the conditions of site plan approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- k. The Owner will satisfy the requirements of the Toronto Transit Commission in relation to the Toronto Transit Commission infrastructure and their Limited Scope Technical Review, to the satisfaction of the Manager of Technical Review, Toronto Transit Commission;
- l. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard applicable at the time of the site plan application for the development; and
- m. Prior to commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan 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 matters: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queueing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, including matters related to the construction of streets or infrastructure, and any other matters requested by the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Engineer and Executive Director, Engineering and Construction Services.

Diagram 1

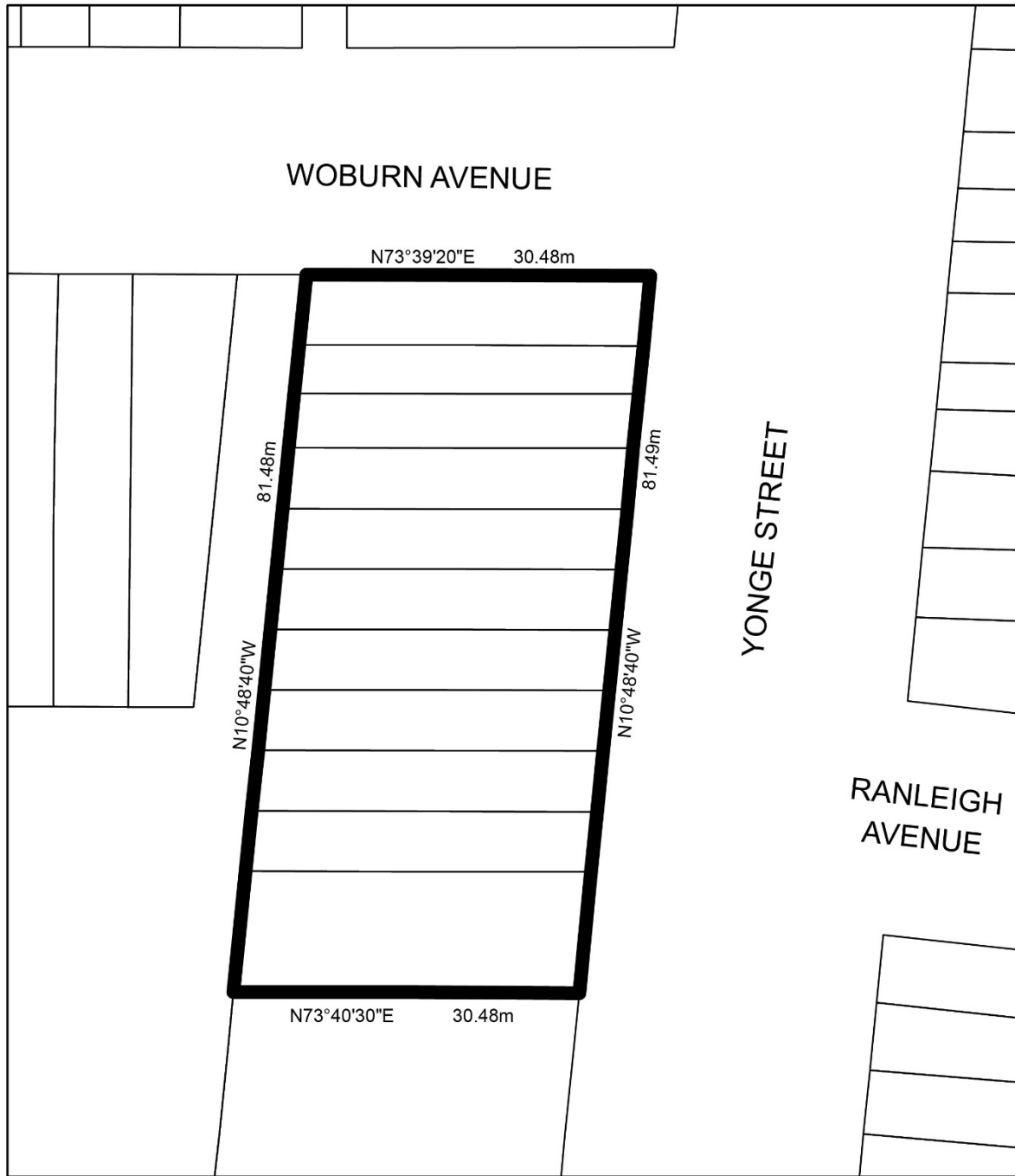


Diagram 2

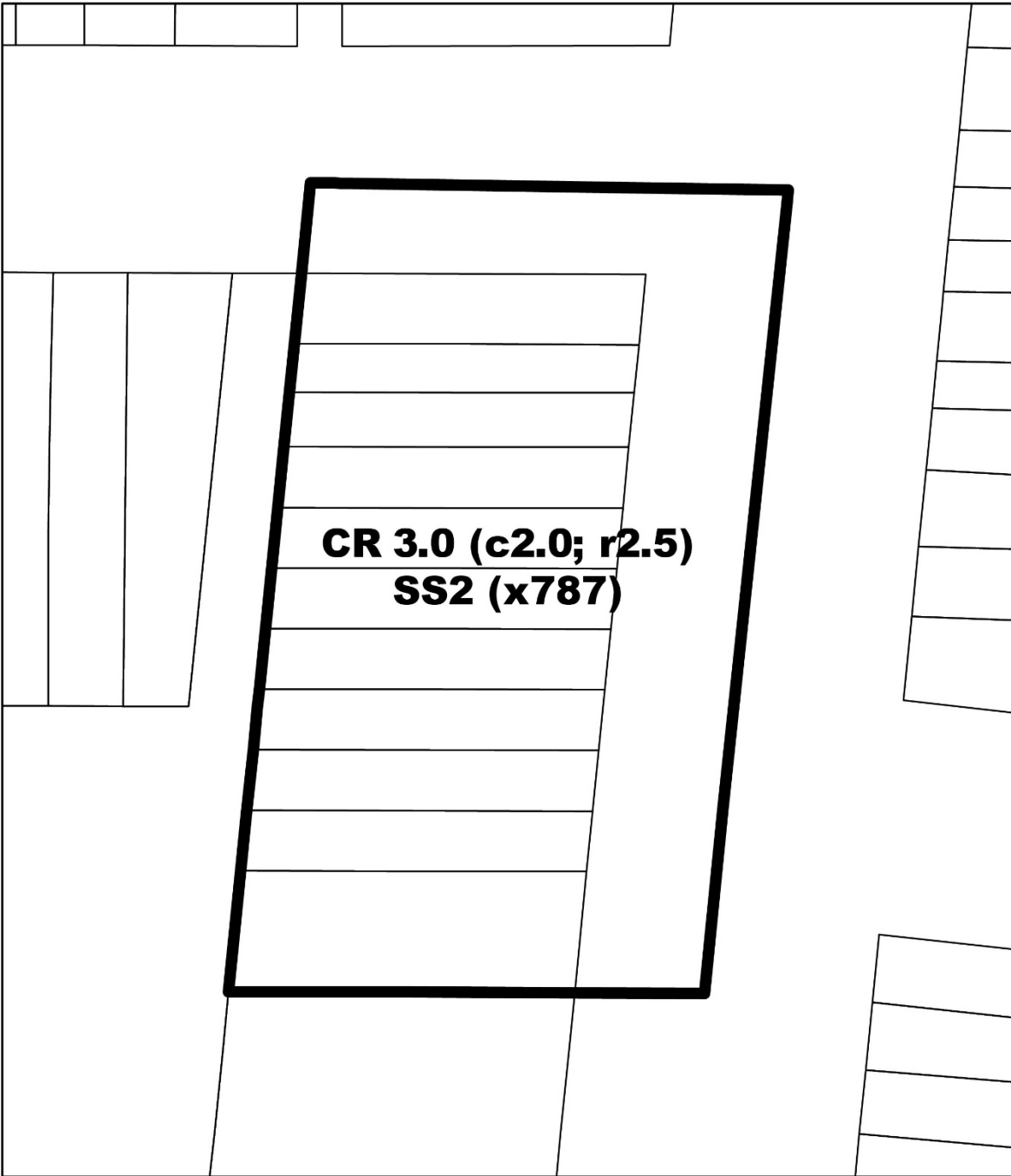


Diagram 3

