

Authority: Local Planning Appeal Tribunal Decision issued on April 18, 2018 and Ontario Land Tribunal Order issued on November 3, 2022 in File PL170923

CITY OF TORONTO

BY-LAW 1264-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2851 Yonge Street.

Whereas the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal), by its Decision issued on April 18, 2018, and Order issued on November 3, 2022, in Tribunal File PL170923, approved amendments to Toronto Zoning By-law 569-2013, as amended with respect to the lands; and

The Ontario Land Tribunal, by Order, amends By-law 569-2013 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 same 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 subject to this By-law, as outlined by heavy black lines to CR 3.9 (c0.5; r3.9) SS2 (x823), as shown on Diagram 2 of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 823 so that it reads:

(823) Exception CR 823

The lands, or portion thereof as noted below, are subject to a new Site Specific Provisions, Prevailing By-laws and Prevailing Sections, as listed below:

Site Specific Provisions

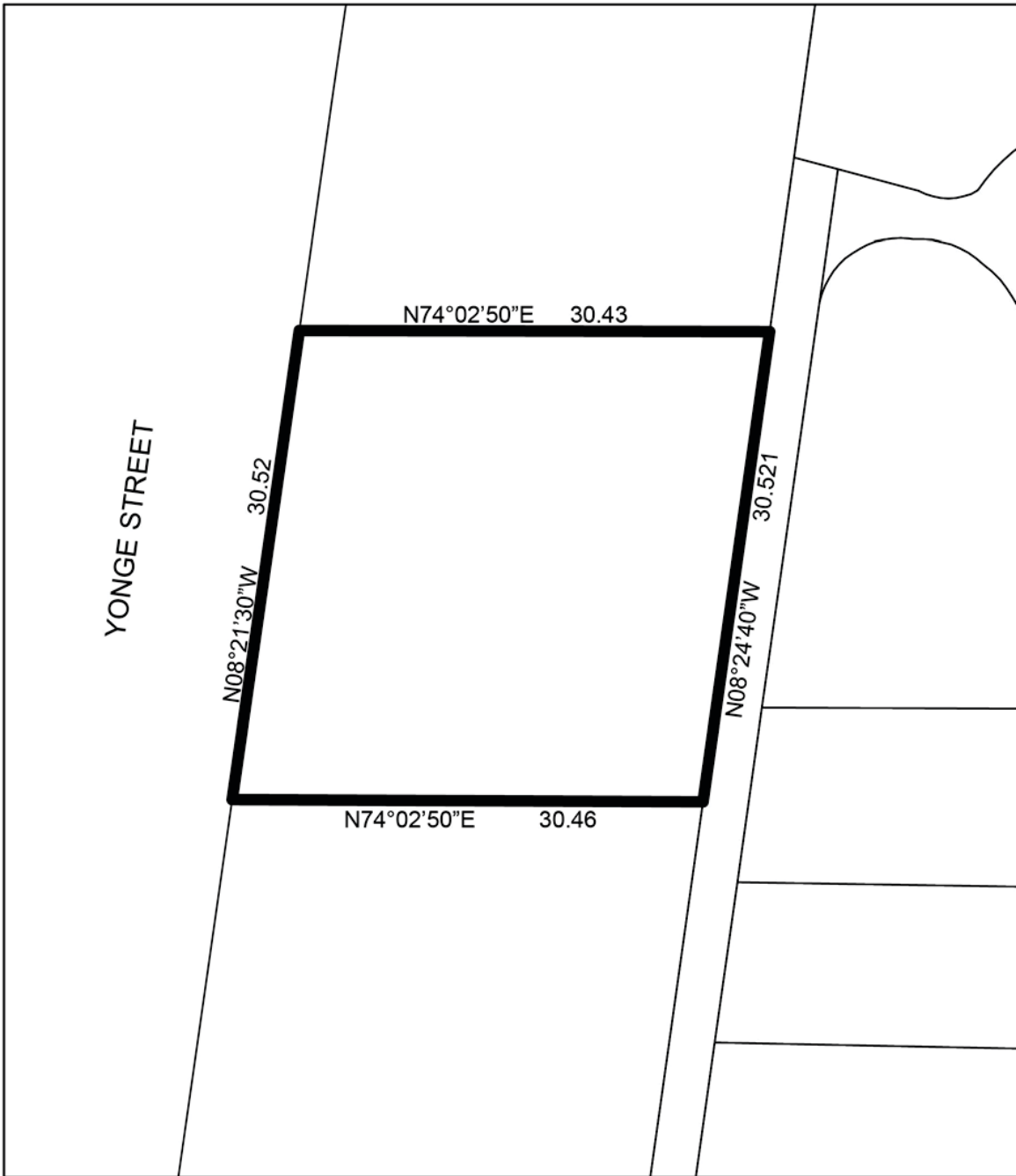
- (A) On 2851 Yonge Street, if the requirements of By-law 1264-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) through (O) below;
- (B) The permitted maximum number of **dwelling units** is 29;
- (C) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 164.1 metres and elevation of the highest point of the **building** or **structure**;

- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** is the numerical value in metres following the "HT" symbol, as shown on Diagram 3 of By-law 1264-2022(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 3.8 metres;
- (F) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST", as shown on Diagram 3 of By-law 1264-2022(OLT);
- (i) for the purpose of this exception, a mechanical penthouses, stair enclosure, and elevator overruns do not constitute a **storey**;
- (G) 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 1264-2022(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 6 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 6 metres; and,
- (iii) railings, roof build-up, parapets and guardrails by a maximum of 2 metres;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 3,510 square metres, of which:
- (i) the maximum permitted **gross floor area** for non-residential uses is 50 square metres;
- (I) Regulation 40.10.40.1(1) shall not apply;
- (J) Despite (I) above, no residential dwellings on the ground floor may be permitted within 5 metres of the front lot line;
- (K) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1264-2022(OLT);
- (L) Despite Regulation 40.10.40.60(1)(A), and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) railing, decks, porches, and balconies no higher than the floor level of the first storey of the building, by a maximum of 4.5 metres, on the east side of the building;
 - (ii) railings, decks, porches, and balconies at the third and fourth **storeys** of the **building**, by a maximum of 1.5 metres, on the east side of the **building**;
 - (iii) planters at the third and fourth **storeys** of the **building**, by a maximum of 1 metres, on the east side of the **building**;
 - (vi) railings and planters at the fifth and sixth **storey** of the **building**, by a maximum of 3.15 metres, on the east side of the **building**;
 - (viii) railings and planters at the seventh **storey** of the **building**, by a maximum of 3.6 metres, on the east side of the **building**;
 - (ix) railings and planters at the mechanical penthouse of the **building**, by a maximum of 3.1 metres, on the east side of the **building**;
 - (x) railings at the mechanical penthouse of the **building**, by a maximum of 5.5 metres, on the north of the **building**;
 - (xi) railings at the mechanical penthouse of the **building**, by a maximum of 2.5 metres, on the west side of the **building**;
 - (xii) railings at the mechanical penthouse of the **building**, by a maximum of 5.7 metres, on the south side of the **building**;
- (M) Despite Regulation 40.10.50.10(3), no **soft landscaping** strip is required along the rear property line where it abuts a **lot** in the Residential Zone category;
- (N) Regulation 40.10.40.60(9) shall not apply;
- (O) Despite Clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** will be provided as follows:
- (i) a minimum of 0.50 **parking spaces** are required for each bachelor dwelling unit;
 - (ii) a minimum of 0.50 **parking spaces** are required for each 1-bedroom dwelling unit;
 - (iii) a minimum of 0.75 **parking spaces** are required for each 2-bedroom dwelling unit;
 - (iv) a minimum of 0.75 **parking spaces** are required for each 3-bedroom dwelling unit;

- (v) a minimum of 0.06 visitor **parking spaces** are required for each **dwelling unit**; and
- (vi) no commercial **parking spaces** are required.
- (P) All **parking spaces** for residential **dwelling units** may be **stacked parking spaces**;
- (Q) Despite Regulation 220.5.10.1(2), 1 Type "C" **loading space** is required on the site for residential and commercial uses combined;
- (R) Despite Regulation 220.5.1.10(8)(C)(ii), a Type "C" **loading space** must have a minimum width of 3.0 metres.

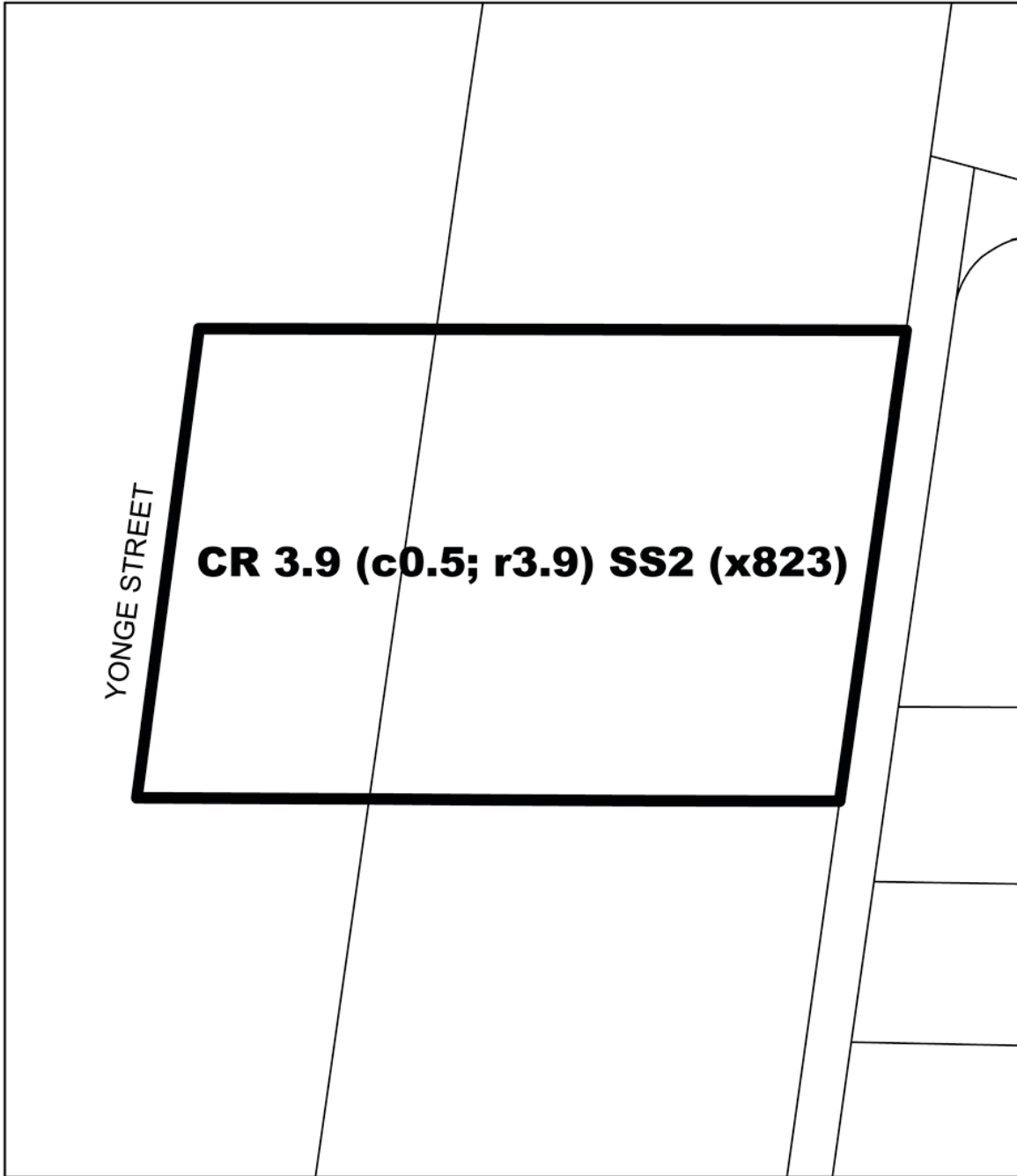
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Diagram 1

2851 Yonge Street

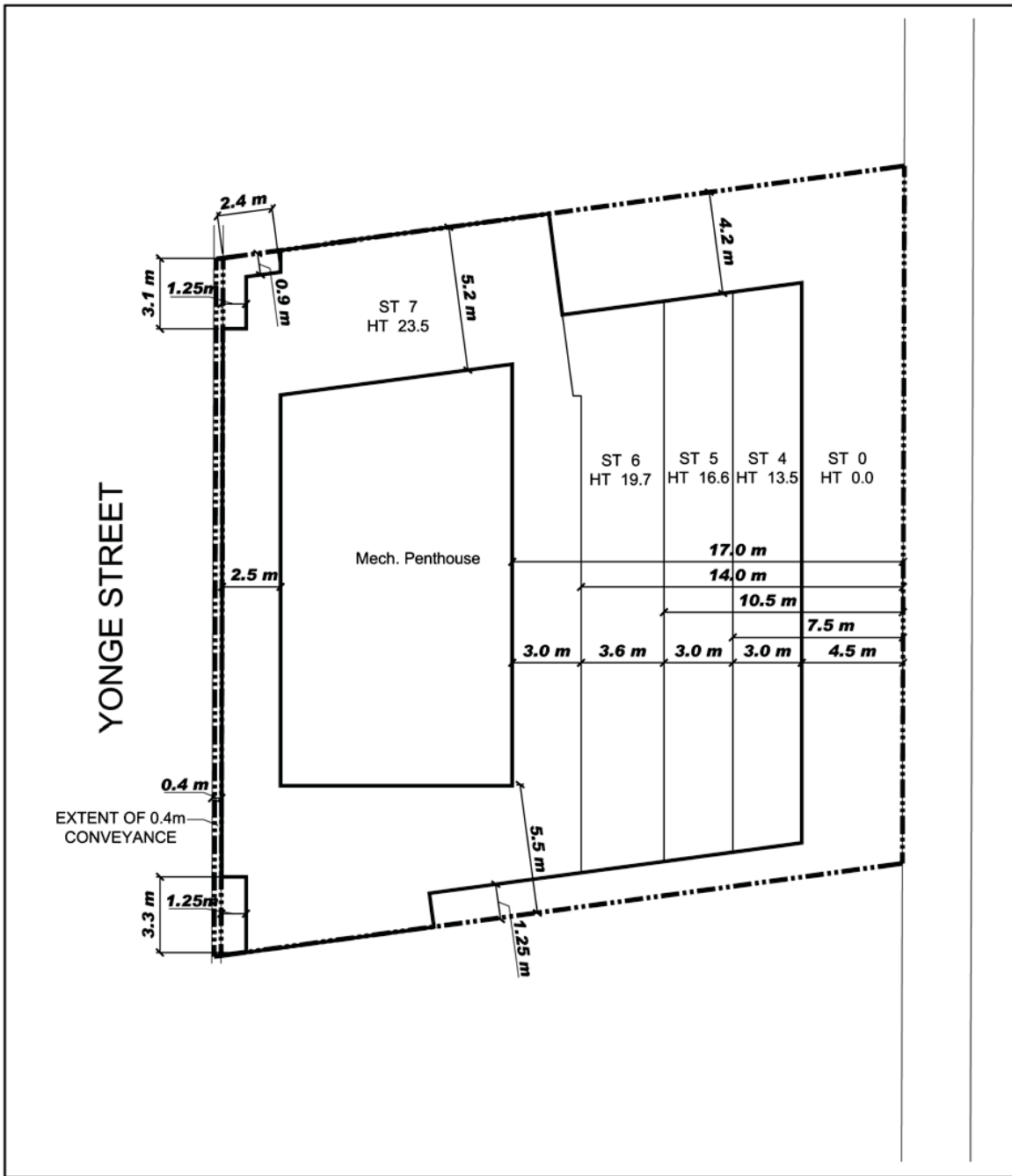
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 **TORONTO**
Diagram 2

2851 Yonge Street

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 **TORONTO**
Diagram 3

2851 Yonge Street

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