

Authority: Ontario Land Tribunal Decision issued on August 19, 2021 and Ontario Land Tribunal Order issued on December 8, 2022 in File OLT-22-003709

CITY OF TORONTO

BY-LAW 89-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 5995 and 5997 Yonge Street.

Whereas the Ontario Land Tribunal, by way of Decision issued on August 19, 2021, in Tribunal File PL200313, 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 City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2021 as 5995 and 5997 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, 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, 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 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 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 subject to this By-law

from a zone label of CR 1.0 (c1.0; r1.0) SS3 (x260) to a zone label of CR 1.0 (c1.0; r1.0) SS3 (x814) 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 Exception Number [x814] so that it reads:

Exception CR (814)

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

Site Specific Provisions:

- (A) On 5995 and 5997 Yonge Street, if the requirements of By-law 89-2023(OLT) are complied with, a **building** or **structure** may be constructed, used, or enlarged, in compliance with Regulations Sections (B) to (S) 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 elevation of 189.45 metres and the highest point of the **building** or **structure**;
- (C) Regulation 40.10.30.40(1)(A) with respect to maximum **lot** coverage does not apply;
- (D) Despite Regulation 40.10.40.1(1), residential uses are permitted to be located on the first **storey** provided they have direct access to Wedgewood Drive;
- (E) Despite Regulation 40.10.40.10(3) and (7), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law 89-2023(OLT);
- (F) Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) wind screens, elevator overruns, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, and elements of a green roof, may project above the height limits to a maximum of 3.0 metres;
 - (ii) stairs and stair enclosures, may project above the height limits to a maximum of 3.5 metres; and
 - (iii) mechanical equipment and any associated structures, may project above the height limits to a maximum of 6.0 metres;

- (G) 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 4.0 metres;
- (H) Despite Regulations 40.10.40.40(1) the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 31,000 square metres, of which;
- (i) the required minimum **gross floor area** for non-residential uses is 500 square metres;
- (I) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 3.86 square metres for each **dwelling unit** of which at least 2.0 square metres for each **dwelling unit** is **indoor amenity space**;
- (J) Despite Regulation 40.10.40.70 (3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 89-2023(OLT);
- (K) Despite Regulations 40.10.40.60(1), (2), and (3), and (J) above, the following elements may encroach into the required minimum **building setbacks** and separation distances:
- (i) balconies to a maximum extent of 2.5 metres;
- (ii) eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, railings and fences, planters, trellises, window sills, underground garage ramps, to a maximum extent of 2.0 metres;
- (iii) Canopies to a maximum extent of 4.5 metres;
- (L) Despite Regulations 40.10.50.10(2) and (3), fencing and **soft landscaping** is not required along the **rear lot line**;
- (M) Despite Regulations 40.5.80.10(1), 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 0.41 **parking spaces** per **dwelling unit** for residential occupant **parking spaces**;
- (ii) a minimum of 0.10 **parking spaces** per **dwelling unit** for residential visitor **parking spaces**;
- (iii) no **parking spaces** are required for non-residential uses; and
- (iv) a maximum of 15 **parking spaces** required by (i) and (ii) above may be located within 50 metres of the **lot**;
- (N) Despite Regulation 200.5.10.1(1), "car-share **parking spaces**" may replace **parking spaces** otherwise required for residential occupants, subject to the following:

- (i) A reduction of four residential occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) four multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
 - (ii) For the purpose of this exception, "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 kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (iii) For the purpose of this exception, "car-share parking space" means a **parking space** that is exclusively reserved and signed for a vehicle only for "car-share" purposes;
- (O) 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;
- (P) Despite Clause 220.5.10.1(3), no **loading space** is required for non-residential uses;
- (Q) Despite Regulation 230.5.1.10(4), each **stacked bicycle parking space** must have a minimum width of 0.46 metres, and a minimum length of 1.8 metres;
- (R) Despite Regulation 230.5.1.10(9)(A)(iii) and (B)(iii), "long-term" **bicycle parking spaces** may be located:
- (i) On levels of the **building** below-ground; and
- (S) Despite Regulation 230.40.1.20(2), "short-term" **bicycle parking spaces** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

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

5. Despite any existing or future severance, partition or division of the **lot** shown on **Diagram 1** of By-law 89-2023(OLT), the provisions of this By-law and By-law 569-2013, as amended, shall apply to the whole of the **lot** as if no severance, partition or division occurred.

6. Section 37 Requirements:

- (i) 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 By-law 89-2023(OLT) in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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;
- (ii) 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
- (iii) 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 of this By-law are satisfied.

Pursuant to the Ontario Land Tribunal Order Decision issued on August 19, 2021 and Ontario Land Tribunal Order issued on December 8, 2022 in File OLT-22-003709.

SCHEDULE A
Section 37 Provisions

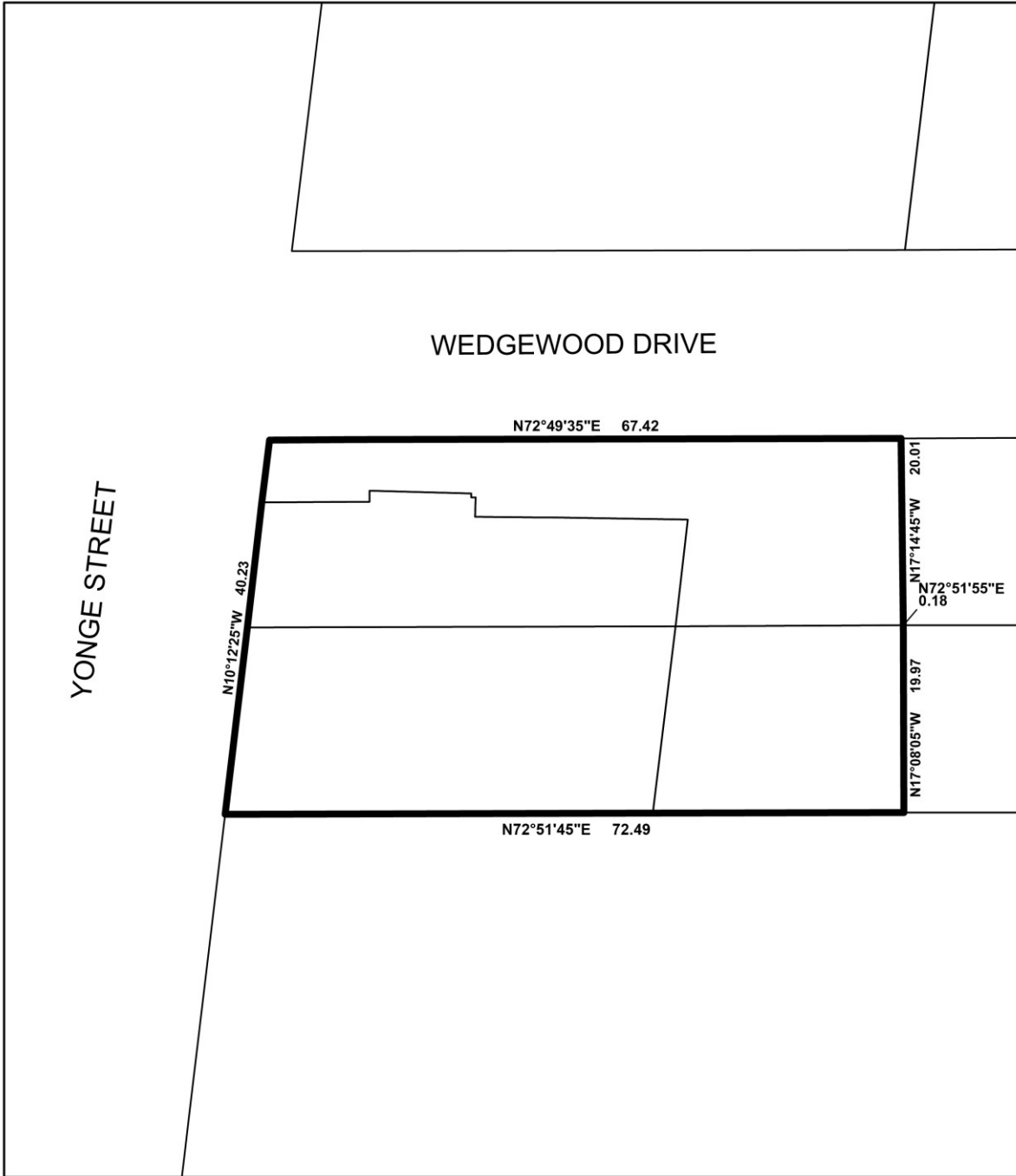
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lands and secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, whereby the owner agrees as follows:

Section 37 Contribution

1. To provide an indexed cash contribution to the City of \$1,990,000, prior to the issuance of the first above-grade building permit for the proposed development, to be allocated by the Chief Planner in consultation with the Ward Councillor for community facilities for purposes that are identified in the Official Plan and will benefit the community in the vicinity of the lands. The cash contribution will be indexed upwardly in accordance with the Non Residential Construction Price Index for the Toronto Census Metropolitan Area from the date of the agreement or agreements under Section 37(3) of the Planning Act to the date of payment.

Matters Secured as a Legal Convenience

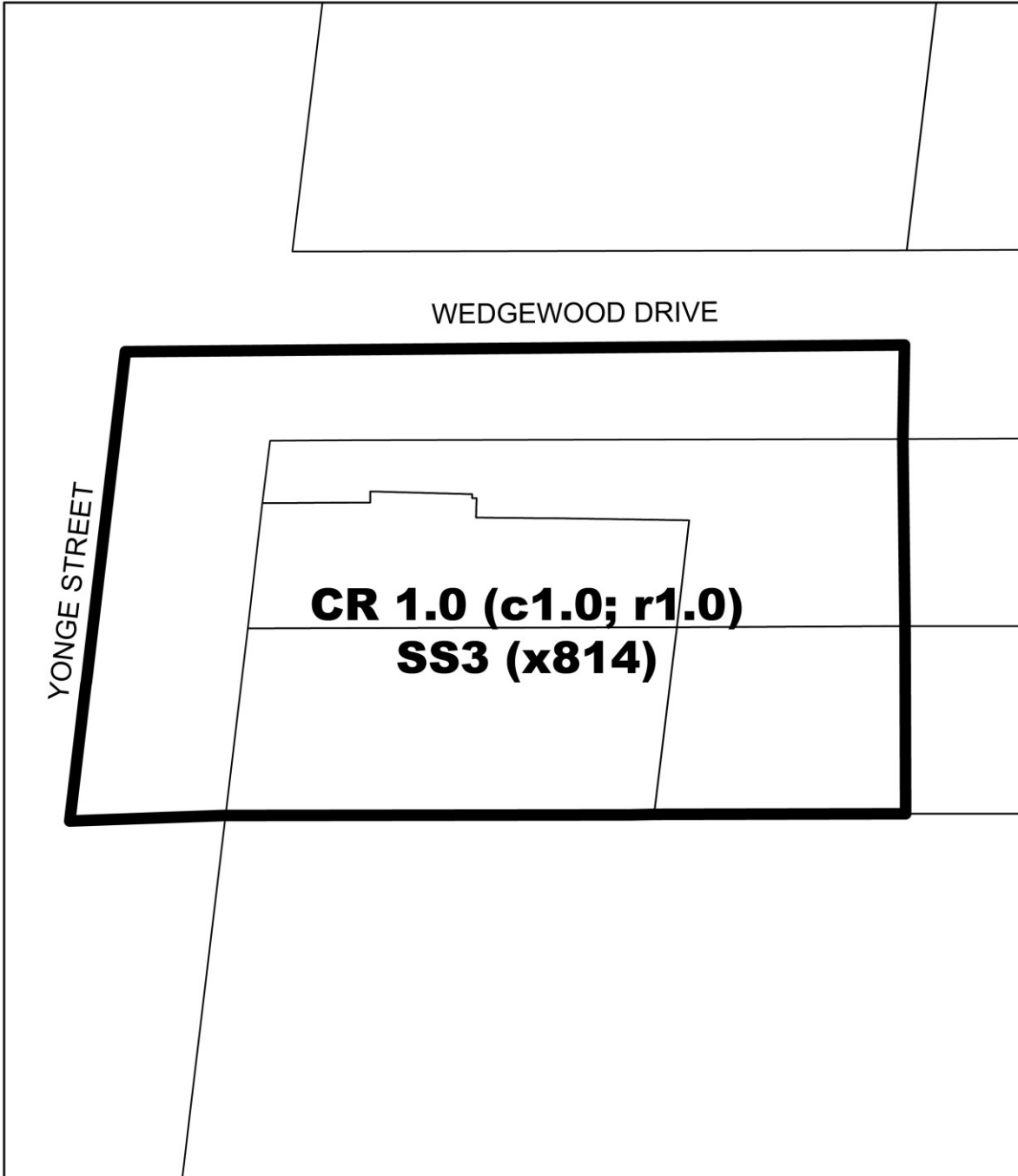
1. To provide a minimum of thirty percent (30%) of dwelling units within the proposed development as two-bedroom dwelling units and a minimum of seven percent (7%) of dwelling units within the proposed development as three-bedroom units. In the event less than ten percent (10%) of dwelling units are provided as three-bedroom dwelling units, the Owner, in its sole, unfettered, and subjective discretion, shall designate dwelling units for a knock-out panel, so as to provide for a total of ten percent (10%) of the dwelling units within the proposed development to be available as three-bedroom dwelling units, inclusive of those achieved through conversion.
2. To provide a parkland contribution in respect of the proposed development on the lands which shall be satisfied through the payment of cash-in-lieu, and that such contribution satisfies all current and future City requirements applicable to the Owner for parkland dedication or cash-in-lieu of parkland payments in connection with the development on the lands, under the Planning Act, the Condominium Act or otherwise.
3. Prior to the issuance of the first Above-Grade Building Permit for the Development, the Owner shall pay a cash-in-lieu of parkland contribution to the City, in accordance with Section 42 of the Planning Act and the City's Parkland Dedication By-law, as they read on May 11, 2021.

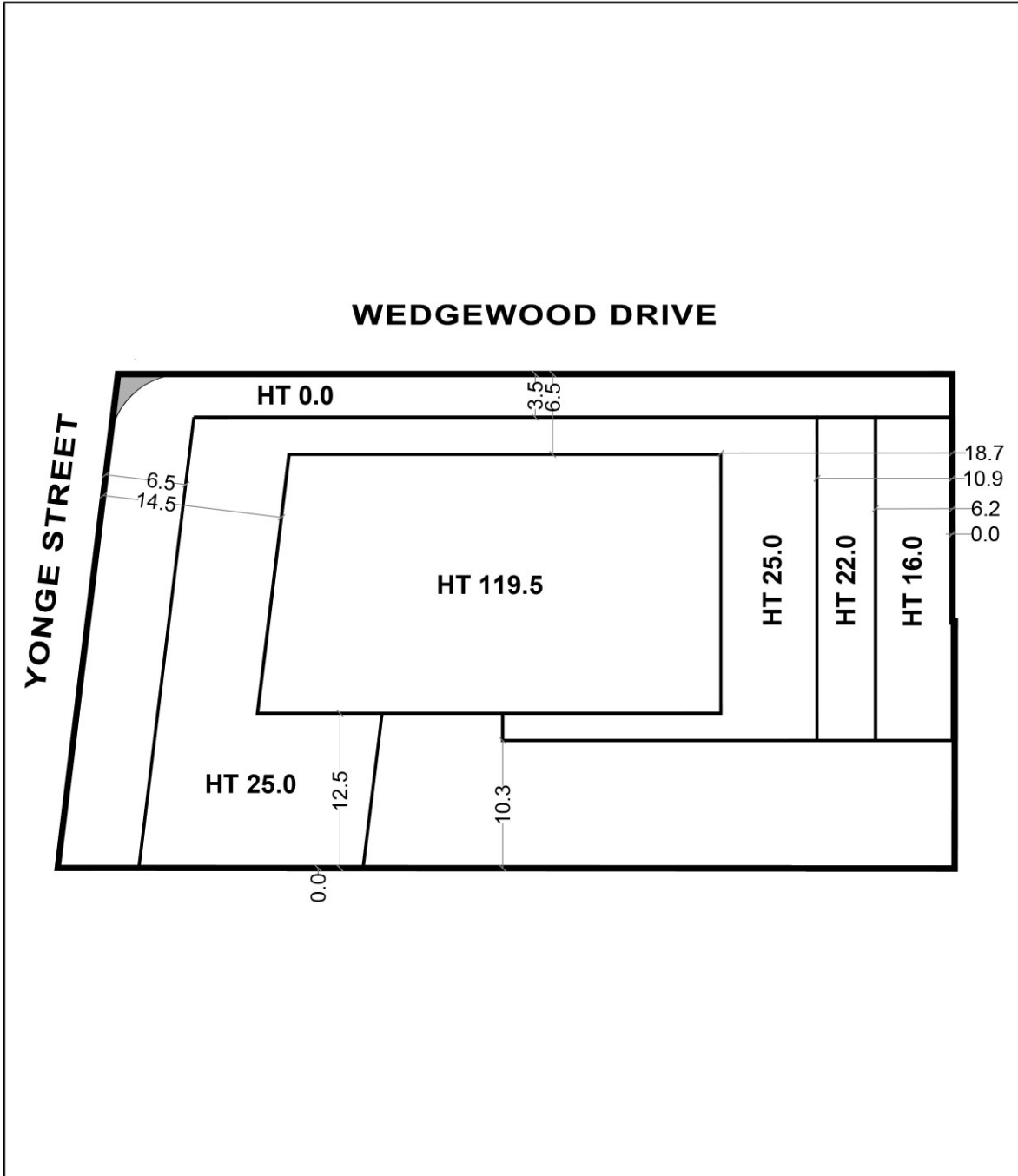


 **TORONTO**
Diagram 1

5995 & 5997 Yonge Street

File # 19 251072 NNY 18 0Z






 **TORONTO**
Diagram 3

5995 & 5997 Yonge Street

File # 19 251072 NNY 18 0Z

 Road Widening to be Conveyed to the City


City of Toronto By-law 569-2013
Not to Scale
08/02/2022