

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2022

CITY OF TORONTO

BY-LAW NO. ##### - 2022

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1406-1428 Yonge Street

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; 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 such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 39 of the *Planning Act*, the Council of a Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; 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 or 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, a 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;

Whereas the increase in height permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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 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 No. 569-2013, Chapter 800 Definitions;

3. Zoning By-law No. 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 CR 4.25 (c2.0; r3.0) SS2 (x2518), CR 4.25 (c2.0; r3.0) SS2 (x2519) and OC to CR 4.25 (c2.0; r3.0) SS2 (x633), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (x633) so that it reads:

(633) Exception CR x633

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 1406-1428 Yonge Street, if the requirements of By-law [Clerks to insert By-law Number] are complied with, a **building, structure** may be constructed, used or enlarged in compliance with (B) to (M) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum of 143.37 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to supply by-law #];
- (D) Despite Regulations 40.5.40.10 (3) to (8), and (C) above, the following **building** elements and **structures** are permitted to project above the permitted maximum heights shown on Diagram 3 of By-law [Clerks to supply by-law #];
 - (i) Architectural features, air intake and air handling units, communication equipment, cooling tower, elevator overruns, exit stairs, stairs, stair enclosures, fences, flues, landscape and public art features, noise attenuation walls, pipes, window washing equipment, and elevator machine room to a maximum of 6.5 metres;
 - (ii) Awnings, chimneys, bicycle racks, bollards, guardrails, lighting fixtures, Planters, ornamental elements, cornices, platforms, railings, retaining walls, parapets, railings, balustrades, roof drainage systems, screens, stacks, terraces, **green roof**, trellises, insulation and roof surface materials, vents, wind mitigation screens, and window sills, to a maximum of 2.5 metres;
 - (iii) Elements or **structures** on any portion of a roof used for outside or open air recreation, including required residential **amenity space** to a maximum of 3.0 metres.
- (E) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 28,000 square metres, of which:

- (i) The permitted maximum **gross floor area** for residential uses is 27,760 square metres;
- (F) Despite Regulation 40.10.40.50(1), **amenity space** must be provided as follows:
- (i) at least 1.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 308 square metres of outdoor **amenity space**, of which at least 40.0 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25% of the outdoor component may be a green roof;
- (G) Despite Regulation 40.5.40.70(1) and Regulation 40.10.40.70(2), the required minimum **building setbacks** are identified in metres on Diagram 3 of By-law [Clerks to supply by-law #];
- (H) Despite Regulations 40.10.40.60(1) to (8) and (G) above, the following **building elements and structures** may encroach into the required minimum **building setbacks** as follows:
- (i) awnings and canopies, light fixtures, pergolas, pillars, patios, decks, guard rails and railings, wind screens and privacy and/or divider screens, air vents and intakes and site servicing features, to a maximum of 2.0 metres; and
 - (ii) juliette balconies to a maximum of 0.5 metres; and
 - (iii) structural columns located in the north setback.
- (I) Regulation 40.10.40.70(2)(G), with respect to **angular plane** requirements does not apply;
- (J) Despite Regulation 200.5.1.10(2), Regulation 200.5.10.1(1), Regulation 200.15.10(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the lands in accordance with the following:
- (i) a minimum of 0 **parking spaces** for residential uses;
 - (ii) a minimum of 0 **parking spaces** for non-residential uses;
 - (iii) a minimum of 0 **parking spaces** for visitors; and
 - (iv) a minimum of 0 accessible **parking spaces**;
 - (v) despite (i) above **parking spaces** must be provided at a maximum rate of:
 - (a) 0.3 for each bachelor **dwelling unit** up to 45 square metres and

- 1.0 for each bachelor **dwelling unit** greater than 45 square metres; and
 - (b) 0.5 for each one bedroom **dwelling unit**; and
 - (c) 0.8 for each two bedroom **dwelling unit**; and
 - (d) 1.0 for each three or more bedroom **dwelling unit**;
- (K) Despite Regulations 200.5.1.10(2)(A)(iv), 200.5.1.10(2)(B)(iv), and 200.5.1.10(2)(C)(iv), no additional space is required when the side of a **parking space** is obstructed by any part of a wall, column, bollard, fence or pipe;
- (L) Despite Clause 40.10.90.1, and Regulation 220.5.10.1(2), **loading spaces** must be provided as follows:
- (i) one (1) Type “B” **loading space**, which may be provided on a turntable; and
 - (ii) one (1) Type “C” **loading space**;
- (M) Despite Regulation 230.5.1.10(9)(A), “long-term” **bicycle parking spaces**, including **stacked bicycle parking spaces**, may be located in a secured room, in a locker, or area on any floor of a **building** above or below ground level. in any combination of vertical, horizontal or stacked positions if a bicycle elevator is provided;
- (N) Despite Regulation 230.40.1.20(2), a "short term" **bicycle parking space** may be located more than 30 metres from a pedestrian entrance and may be located on any floor of a **building** above or below ground level.
- (O) Despite Regulation 230.5.1.10(4) and (5) **stacked bicycle parking spaces** must have minimum dimensions as follows:
- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.45 metres, and
 - (iii) minimum vertical clearance for each **bicycle parking space** of 1.0 metres;

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

5. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.
6. Temporary Uses
 - A. None of the provisions of this By-law or By-law No. 569-2013, as amended, apply to prevent the erection and use of a Construction Office/Sales Office on the lands identified on Diagram 1 of this By-law where a Construction Office/Sales Office means **buildings, structures**, facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing dwelling units and/or non-residential **gross floor area** on the lands identified on Diagram 1 of this By-law.
7. 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 same.; and
- (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.

Enacted and passed on [month day, year].

[full name],
Speaker
(Seal of the City)

[full name],
City Clerk

Schedule A Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lot at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. 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.

2. a financial contribution in the amount of \$3,380,000.00 payable prior to the issuance of the first above-grade building permit to go towards community services and facilities, parks, and/or streetscaping improvements that comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager Parks, Forestry and Recreation, and the General Manager of Transportation Services;

3. the amount will be indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135- 01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment which will be no later than issuance of first above grade building permits; and

4. in the event the cash contribution referred to in 2. above has not been used for the intended purpose within three (3) years of the amending zoning by-law coming into 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.

5. the following matters are also recommended to be secured in the Section 37 Agreement as matters required to support the development of the site:

i. As a condition of Site Plan approval, the owner agrees to submit a relocation strategy for the existing street tree currently located in front of the property at 1406 Yonge Street, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

ii. As a condition of Site Plan Approval, the owner shall submit a Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and the outdoor areas of the podiums to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;

iii. As a condition of Site Plan Approval, a Construction Management Plan and Neighbourhood Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Executive Director, Engineering and Construction Services and the Ward Councillor;

v. As a condition of Site Plan Approval, the owner agrees to register a Limiting Distance Agreement between 1406-1428 Yonge Street, 1404 Yonge Street and the City of Toronto, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning;

vi. The owner shall provide an acceptable tenant relocation and assistance plan to all existing tenants of the four (4) rental dwelling units proposed to be demolished at 1406, 1408, 1414, 1418, 1428 (the "Lands"). The tenant relocation and assistance plan shall be consistent with the City's standard practices and developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning, addressing the following:

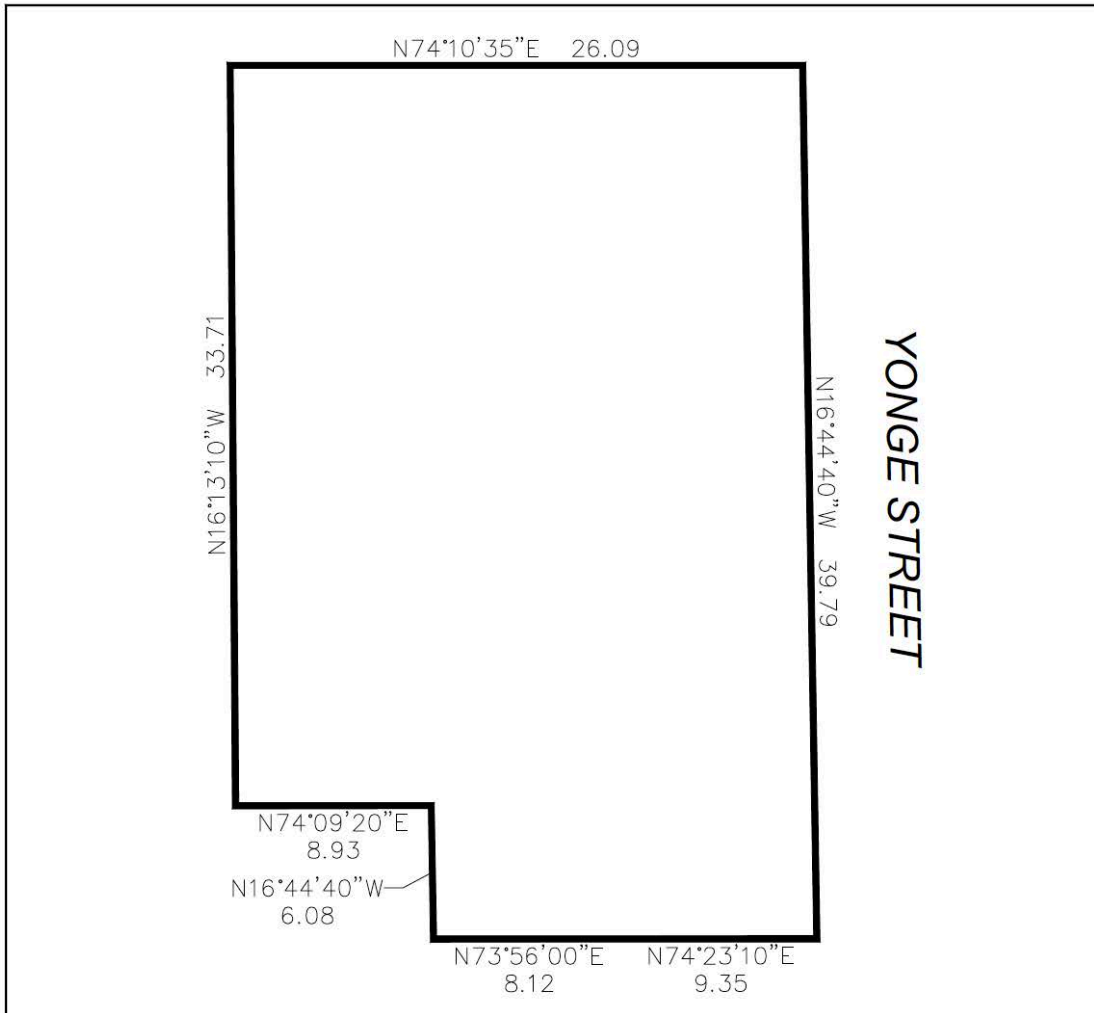
a. Minimum financial compensation and notice as required under the Residential Tenancies Act, 2006 when a tenant receives a notice of termination to terminate their tenancy for the purposes of demolition;

b. Additional compensation above and beyond Residential Tenancies Act, 2006 requirements including rent gap payments to mitigate hardship;

c. Additional notice of the date of termination of the each existing tenant's tenancy, above and beyond the minimum notice required under the Residential Tenancies Act, 2006;

d. A moving allowance of \$1,500 for each existing tenant; and

e. Special needs compensation for any existing tenant who suffers from a physical and/or mental health challenge, and/or is sixty-five (65) years of age or older; and



1406 - 1428 Yonge Street, Toronto

Diagram 1

File #21 185451 STE 12 OZ



Not to Scale

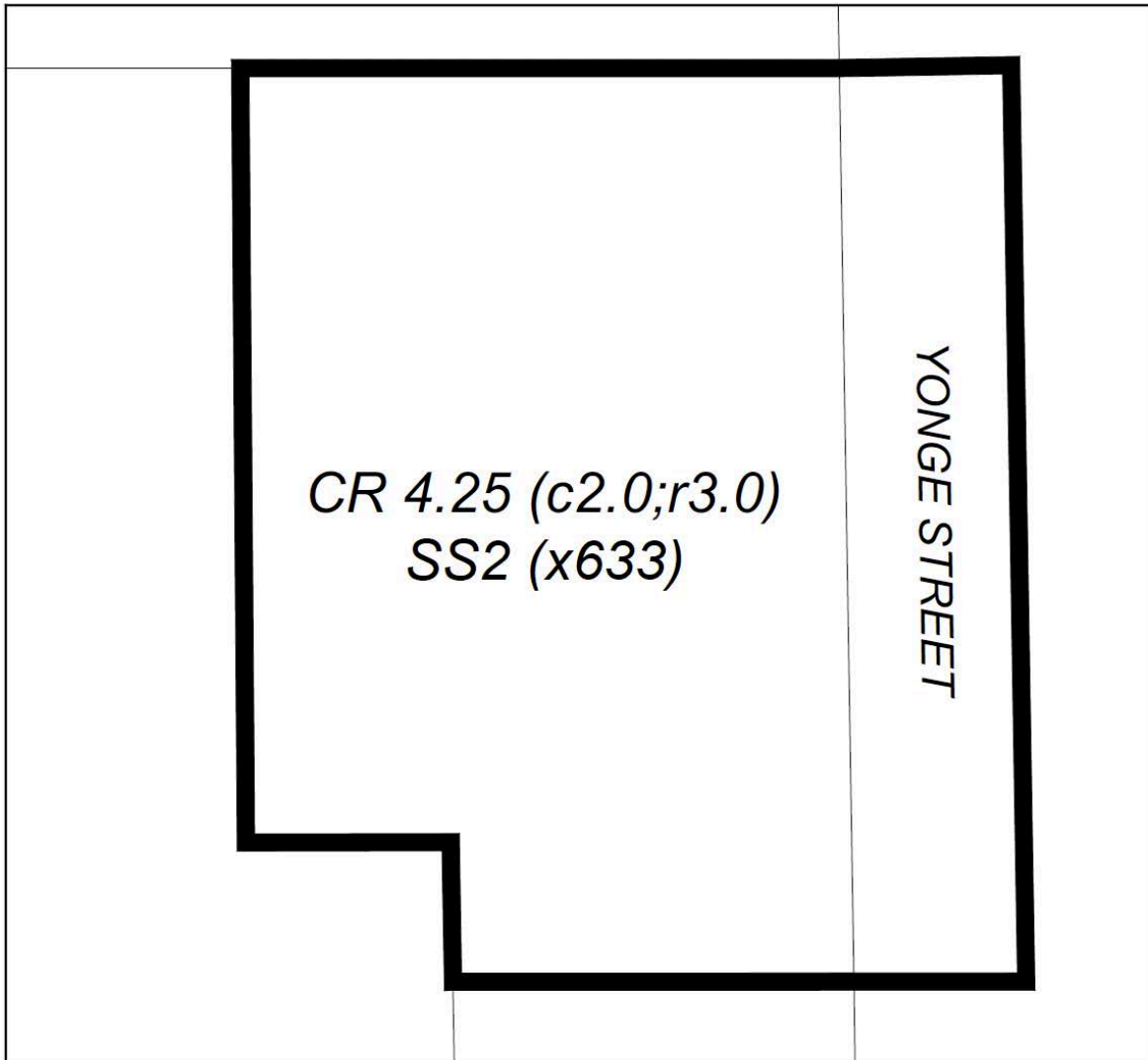


Diagram 2

1406 - 1428 Yonge Street, Toronto

File #21 185451 STE 12 OZ



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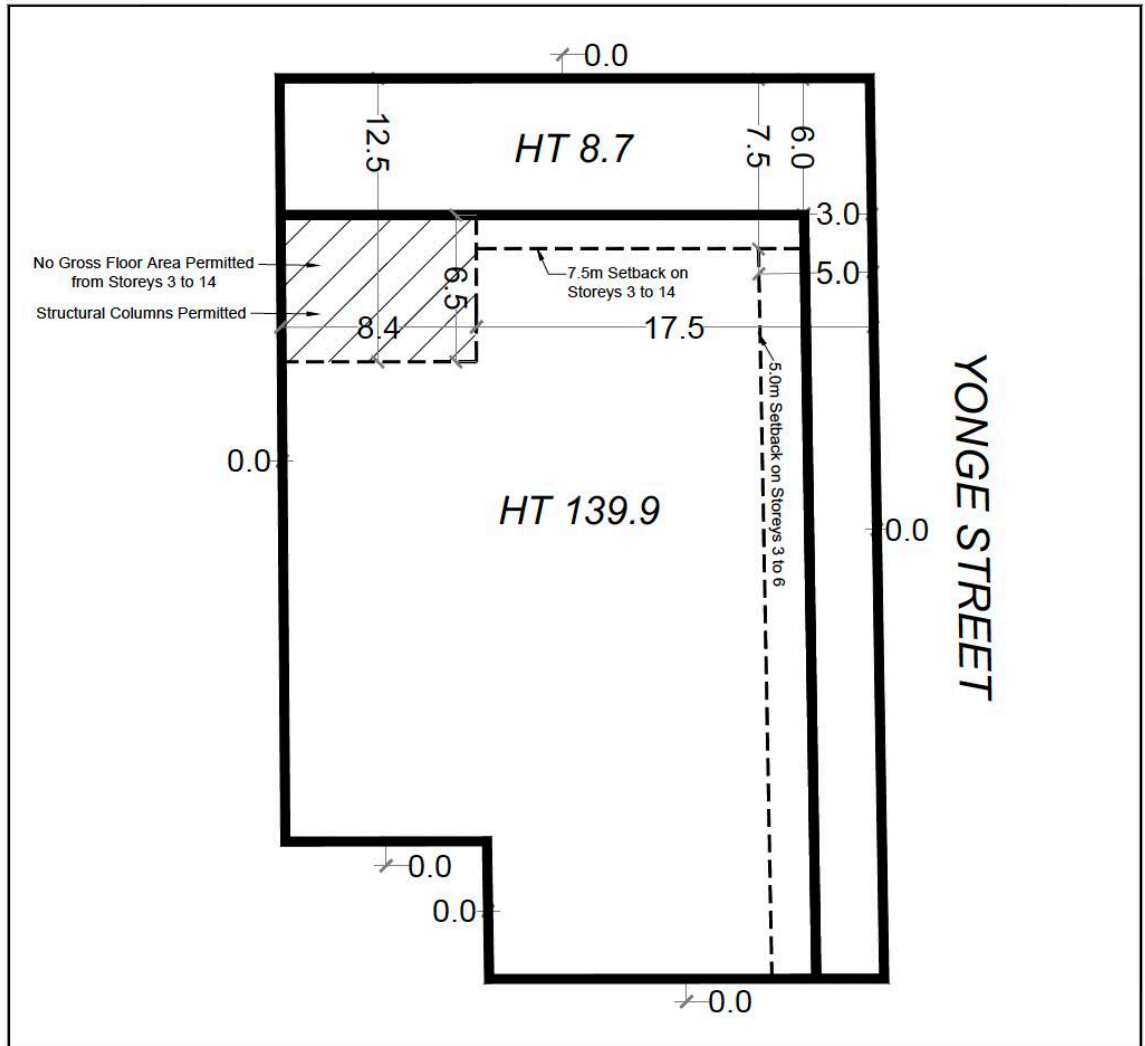


Diagram 3

1406 - 1428 Yonge Street, Toronto

File #21 185451 STE 12 OZ



Not to Scale