

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

CITY OF TORONTO

BY-LAW NO. XXXX - 2022

To amend Zoning By-law No. 569-2013, as amended, of the City of Toronto with respect to the lands municipally known in the year 2021 as 2323 and 2329 Yonge Street

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws;

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*;

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 Section 37.1 of the *Planning Act* provides that Subsections 37(1) to (4) 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the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 matter 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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

WHEREAS Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

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 outlined in heavy black lines to a zone label of CR 2.0 (c2.0; r2.0) SS2 (x759) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (759) so that it reads:

(759) Exception CR 759

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

Site Specific Provisions:

- a. On 2323 and 2329 Yonge Street, if the requirements of by-law [Clerks to supply by-law ##] are complied with, a **building** or **structure**, may be constructed, used or enlarged in compliance with Regulations (b) to (aa) below:
- b. For the purposes of this exception, the **lot** consists of those lands shown on Diagram 1 attached to By-law [Clerks to insert by-law ##];
- c. Despite Regulation 40.10.40.1(1), residential lobby access is permitted to be located on the same storey as non-residential use portions of the building;
- d. Despite Regulation 40.5.40.10(1) and (2) the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 166.35 metres and the highest point of the **building** or **structure**;

- e. Despite 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 insert by-law ##];
- f. Despite 40.5.40.10(3) to (7) and (e) above, the following elements of a **building** or **structure** may project above the permitted maximum **building** heights as shown on Diagram 3 of By-law [Clerks to insert by-law ##]:
 - (i) wind screens, elevator overruns, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project above the height limits shown on Diagram 3 by 5.0 metres;
 - (ii) mechanical equipment and any associated structures, by 7.0 metres;
- g. Despite Regulation 40.5.40.60 a canopy may be located up to a height of 7.5 metres from the ground below;
- h. Despite Regulation 40.10.40.70(2) the required minimum **building setbacks** are as shown in metres on Diagram 3 [clerks to insert By-law #];
- i. Despite Clause 40.10.40.60 and (h) above, the following elements may encroach into the required minimum **building setbacks** as follows:
 - (i) Canopies, cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, 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 by 4.0 metres;
 - (ii) Balconies by a maximum of 2.5 metres;
- j. For the purposes of this exception, a mezzanine does not constitute a storey and may not exceed 40 percent of the gross floor area of the storey in which it is located;
- k. Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 30,600 square metres, of which:

- (i) the residential **gross floor area** shall not exceed 23,900 square metres; and,
 - (ii) the non-residential **gross floor area** shall not be less than 6,700 square metres;
 - (iii) for the permitted non-residential uses, the minimum **gross floor area** for office uses shall be 5,295 square metres.
- l. The provision of **dwelling units** is subject to the following:
- (i) A minimum of 25 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 may be rounded down to the nearest whole number.
- m. Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
- (i) at least 2.25 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 1.75 square metres for each dwelling unit as outdoor **amenity space**;
- n. Despite 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 0.16 residential occupant **parking spaces** for each **dwelling unit** for the use of the residents of the building,
 - (ii) a minimum of 4 **parking spaces** for the use of residential visitors or non-residential uses;

- (iii) the **parking spaces** required for residential visitors and non-residential uses may be provided on a non-exclusive basis and may be provided as **public parking**;
 - (iv) 2 **car-share parking spaces**; and
- o. 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 4 resident 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:
 - (ii) 4 multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
- p. for the purpose of this exception, "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
- q. for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a vehicle used only for "car-share" purposes;
- r. 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.
- s. Despite Regulation 200.5.1.10(2)(iv), a maximum of 10 percent of the total number of **parking spaces** provided may have a minimum width of 2.6 metres with an obstruction on one or two sides;
- t. Despite Regulation 200.5.1.10(12)(c), the vehicle entrance or exist to the **building** must be at least 4.0 metres from the lot line abutting the street.

- u. Despite Regulation 200.5.1.10(14), 25 percent of the residential and non-residential **parking spaces** in the **building** must include an energized outlet capable of providing Level 2 charging or higher.
- v. Despite regulations 200.15.1(1), an accessible **parking spaces** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- w. Despite Regulation 200.15.1(4) accessible **parking spaces** must be located within 16 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first storey of the **building**;
- x. Despite 230.5.1.10(9), “long-term” **bicycle parking spaces** may be located anywhere in the **building** below ground;
- y. Despite Regulation 230.5.1.10(10), both “long-term” and “short-term” **bicycle parking spaces** may be located in stacked **bicycle parking spaces**;
- z. For the purpose of this exception, if a building has uses, other than dwelling units, for which a "long-term" bicycle parking space is required, shower and change facilities must be provided for each gender at the following rate:
 - (A) none if less than 5 required "long-term" bicycle parking spaces;
 - (B) 1 for 5 to 60 required "long-term" bicycle parking spaces;
 - (C) 2 for 61 to 120 required "long-term" bicycle parking spaces;
 - (D) 3 for 121 to 180 required "long-term" bicycle parking spaces; and
 - (E) 4 for more than 180 required "long-term" bicycle parking spaces.
- aa. Despite 220.5.10.1(1), (2), (3), (5), and (9) one Type “G” **loading space** and three Type “C” **loading spaces** must be provided and maintained on the **lot**;

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

- 5. Despite any future severance, partition or division of the lands the provisions of this By-law shall apply as if no severance, partition or division occurred.

6. Temporary Uses:

- a. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office, which is a temporary **building, structure**, facility, or trailer on the lands used exclusively for the purpose of marketing or sale of **dwelling units** or non-residential gross floor area to be erected on the **lot** for a period of not more than three years from the date this By-law comes into full force and effect.

7. Section 37 Requirements:

- 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 of this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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 enter into an agreement or agreements prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the 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 this _____ day of _____ 2022.

Name,
Speaker

Name,
City Clerk

(Seal of the City)

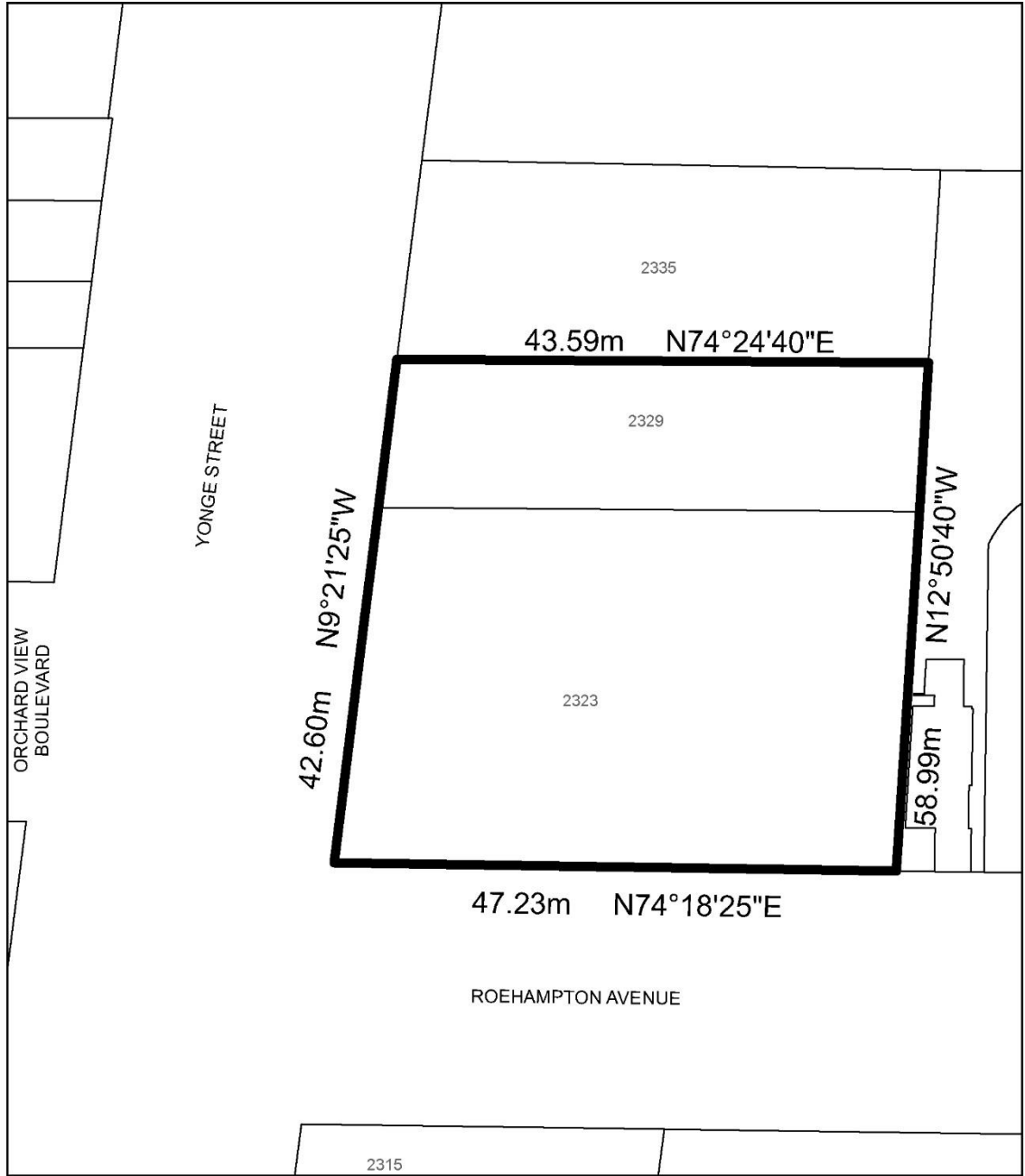
SCHEDULE A
Section 37 Requirements

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 and the agreement shall be registered on title to the lands 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 facilities, services or matters set out below:
 - a) a financial contribution in the amount of \$4,200,000.00 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;
 - b) the amount will be indexed upwardly in accordance with the 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
 - c) in the event the cash contribution referred to in Recommendations 1.a) above has not been used for the intended purpose within three (3) years of the amending zoning by-law coming 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.
2. City Council direct that the following be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:
 - a) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be

resubmitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;


- b) Prior to the earlier of Site Plan Approval or the first building permit for shoring and excavation, the owner shall submitted the following materials for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - i. Functional Servicing and Stormwater Management Report;
 - ii. Hydrogeological Report;
 - iii. Servicing Report Groundwater Summary Form; and
 - iv. Hydrogeological Review Summary Form.

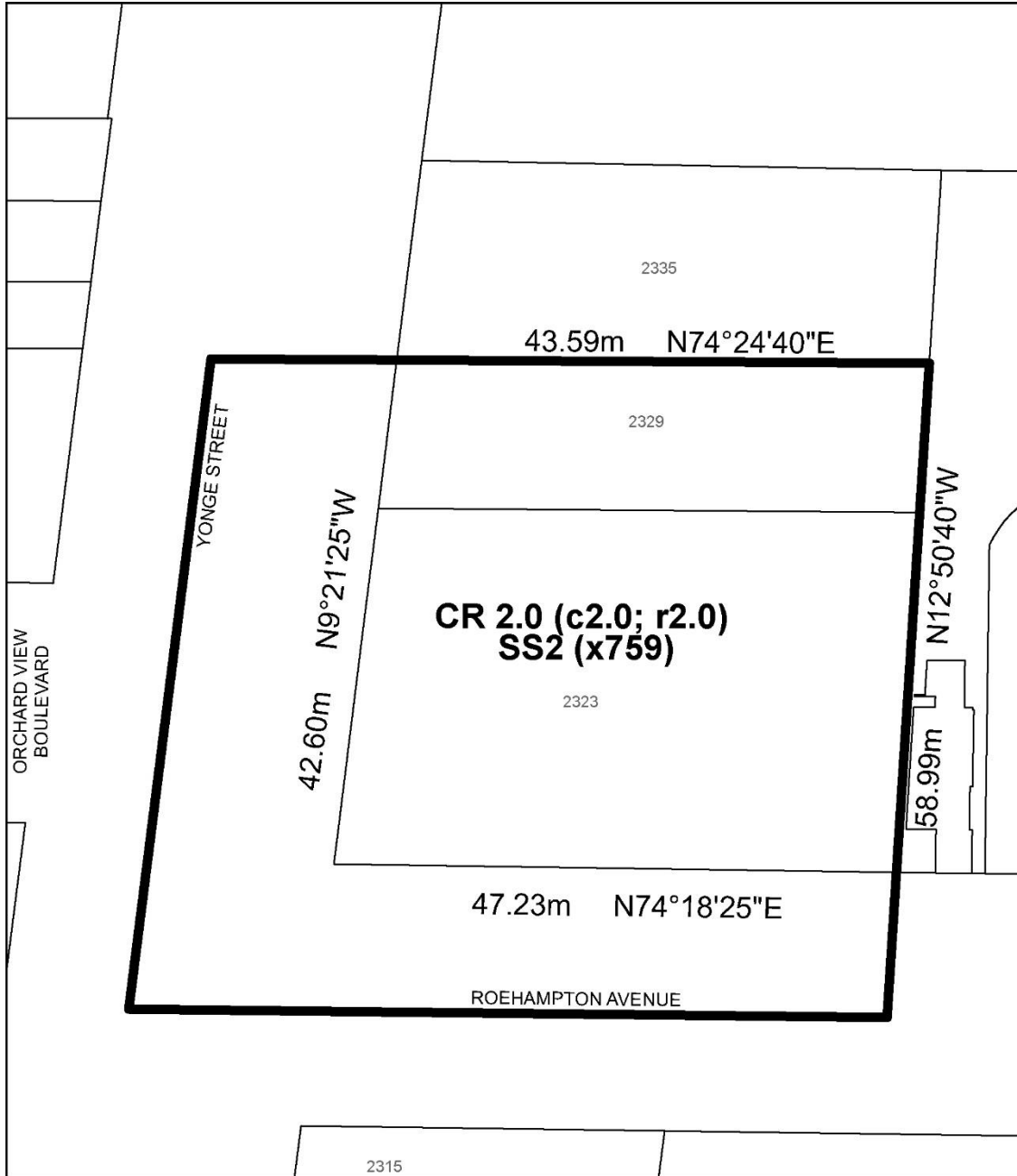


 **TORONTO**
Diagram 1

2323-2329 Yonge Street

File # 20 157138 STE 12 OZ



City of Toronto By-law 569-2013
Not to Scale
06/28/2022

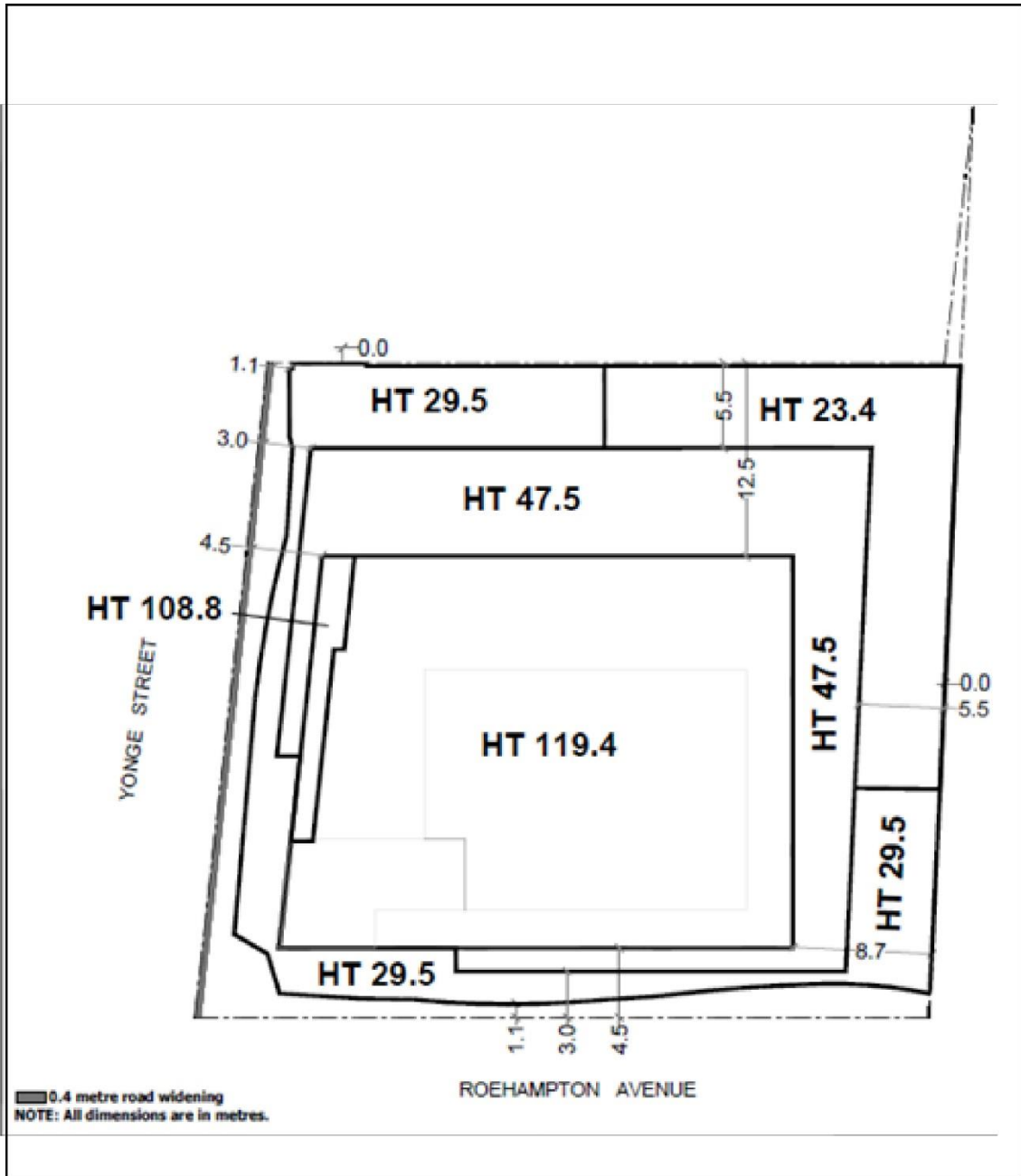


 **TORONTO**
Diagram 2

2323-2329 Yonge Street

File # 20 157138 STE 12 OZ



City of Toronto By-law 569-2013
Not to Scale
06/28/2022



 **TORONTO**
Diagram 3

2323-2329 Yonge Street

File # 20 157138 STE 12 OZ


City of Toronto By-law 569-2013
Not to Scale
05/20/2022