

399-405 Yonge Street – Zoning By-law Amendment Application – Decision Report – Approval

Date: August 31, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 13 - Toronto Centre

Planning Application Number: 22 162248 STE 13 OZ

SUMMARY

On June 14, 2022, a Zoning By-law Amendment application was submitted to permit a 75-storey mixed use building with 191.84 square metres of commercial space and 828 residential units at 399-405 Yonge Street.

The applicant appealed the application to the Ontario Land Tribunal (OLT) on November 21, 2022, due to Council not making a decision within the time frame in the Planning Act.

At its February 7, 2023 meeting, City Council adopted recommendations that the City Solicitor and appropriate staff attend to the OLT in opposition to the application as proposed at the time and to continue discussion with the applicant in an attempt to resolve outstanding issues.

City Council directed the Chief Planner and Executive Director, City Planning to bring forward a draft Zoning By-law Amendment permitting a 75-storey mixed-use building having a maximum height of 249.8 metres (252.3 metres inclusive of any mechanical projections), a minimum tall building setback of 5.5 metres from its east property line, and a social housing program after the applicant withdraws their appeal.

As directed, this report recommends the draft Zoning By-law Amendment which would permit a 75-storey building with 747 dwelling units including a social housing program at 399-405 Yonge Street.

RECOMMENDATIONS

The Director of Community Planning Toronto and East York District recommends:

1. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 399-405 Yonge Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment 2 to the report (August 31, 2023) from the Director, Community Planning, Toronto and East York District, as the draft Zoning By-law Amendment implements the proposal as set out in the settlement proposal that was accepted by City Council during its meeting of March 29, 30, and 31, 2021.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council direct the City Solicitor to withhold the necessary Bills for enactment until the owner has, at its sole cost and expense, pursuant to section 453.1 of the City of Toronto Act, 2006, entered into an agreement with the owner of the lands and operator of the social housing program to secure the provision of a social housing program on the lands and register it in priority against title to the lands, with such terms and conditions satisfactory to Executive Director, Housing Secretariat and the City Solicitor.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On February 7, 2013 City Council adopted the recommendations in a Request for Directions Report from the City Solicitor, dated January 26, 2023. The link to the Council decision can be found at: [Agenda Item History - 2023.CC3.7 \(toronto.ca\)](#)

On March 29, 2023 City Council adopted the recommendations in a Request for Directions Report from the City Solicitor dated March 13, 2023. The link to the Council decision can be found at: [Agenda Item History - 2023.CC5.22 \(toronto.ca\)](#)

COMMENTS

This report brings forward the draft Zoning By-law Amendment to permit a 75 storey building with a maximum height of 249.8 metres (252.3 metres inclusive of any mechanical projections), a minimum tall building setback of 5.5 metres from its east property line and includes a social housing program pursuant to section 453.1 of the

City of Toronto Act, 2006 in accordance with City Council direction at its meeting of March 29, 2023. There is a minimum required area of 1,754 square metres of gross floor area for a social housing program.

An application to alter the property under Section 33 of the Ontario Heritage Act was submitted on May 26, 2023. A report on the alteration will proceed to the same meeting of City Council as this report.

CONTACT

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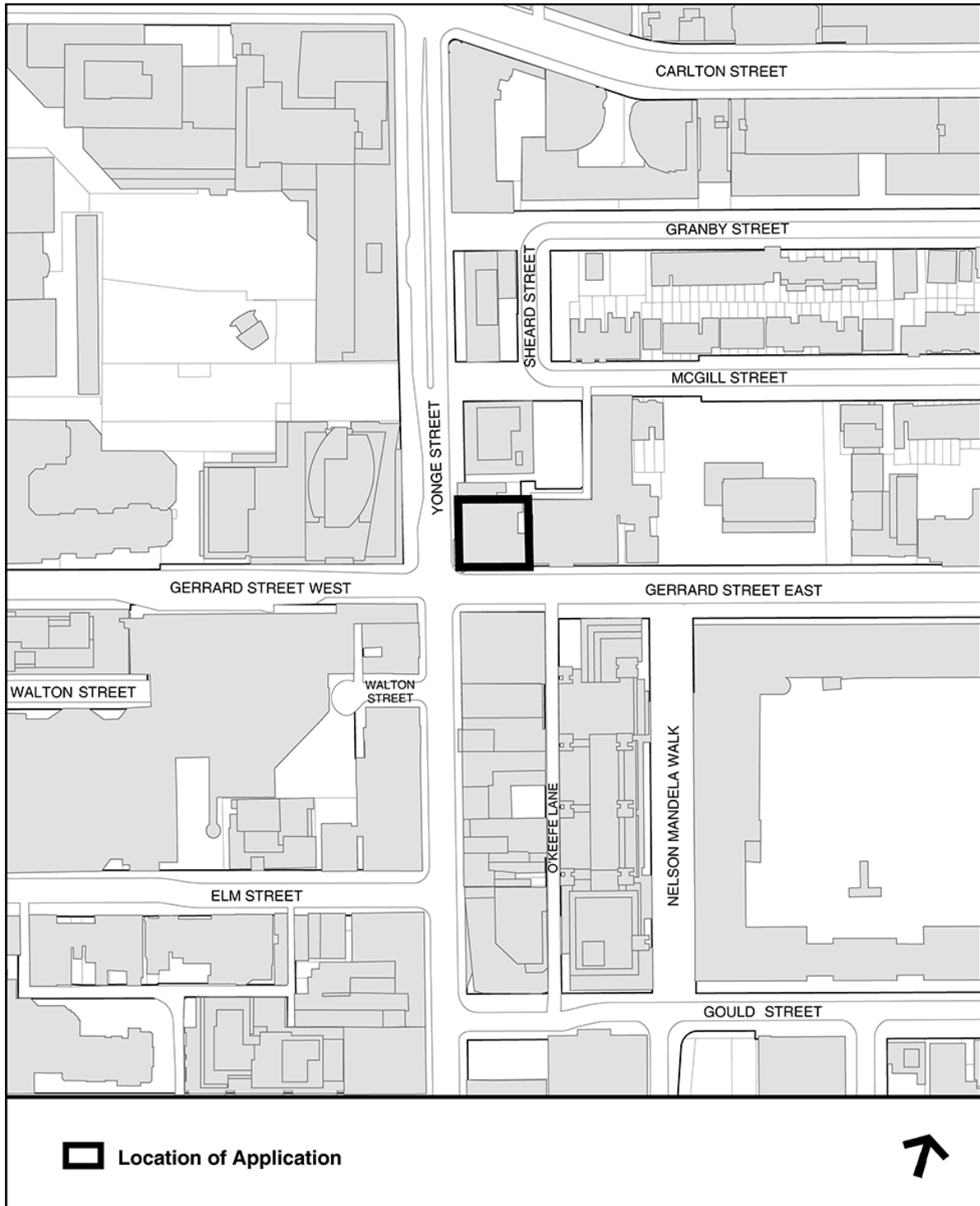
SIGNATURE

Oren Tamir
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment
To be provided prior to TEYCC meeting