

Attachment 9: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ____-2023

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 475 Yonge Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to subsection 37.1(3) of the *Planning Act*, R.S.O. c. P.13 subsections 37(1) to (4) of the *Planning Act*, as they read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not repealed or amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed;

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the *Planning Act*;

Whereas Council at its meeting of November 7, 8 and 9, 2017 enacted By-law No. 1473-2017 being a by-law described in the repealed subsection 37(1) of the *Planning Act* and this By-law does not repeal By-law No. 1473-2017, or amend it to remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the *Planning Act*, as they read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, 2020 came into force continue to apply;

Whereas subsection 37(3) of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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;

Whereas the owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning by-law Amendment herein;

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owner and the City of Toronto; and

Whereas pursuant to Section 39 of the *Planning Act*, as amended, 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;

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 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 by heavy black lines from a zone label of CR 7.8 (c4.5; r7.8) SS1 (x126) to a zone label of CR 7.8 (c4.5; r7.8) SS1 (x126) and O as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending and replacing Article 900.11.10 Exception Number 126, so that it reads:

(126) Exception CR 126

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 475 Yonge Street, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (U) below:
- (B) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 15 percent of the total number of **dwelling units** in each of Building A and Building B, as shown on Diagram 3 of By-law [Clerks to insert By-law ##] must have two or more bedrooms;

- (ii) a minimum of 10 percent of the total number of **dwelling units** in each of Building A and Building B, as shown on Diagram 3 of By-law [Clerks to insert By-law ##] 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;
 - (iv) an additional 15 percent of the total number of **dwelling units** in each of Building A and Building B, as shown on Diagram 3 of By-law [Clerks to insert By-law ##] must have two or three bedrooms, or must be **dwelling units** that can be converted into two- and three-bedroom **dwelling units** through the use of accessible or adaptable design measures (such as knock-out panels); and
 - (v) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (C) Despite Regulation 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of the **building**, other than residential lobby access and **amenity space**;
- (D) 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 103.64 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.10(1), 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 Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
- (i) **structures** and elements related to outdoor flooring and roofing assembly, by a maximum of 0.5 metres;
 - (ii) railings, guard rails, parapets, terrace walls, planters, balustrades, bollards, retaining walls, access ramps, exterior stairs, and ornamental or architectural features, by a maximum of 2.0 metres;
 - (iii) parapets and elements or **structures** associated with a **green roof**, by a maximum of 1.8 metres;
 - (iv) **landscaping** features and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;

- (v) screens and unenclosed **structures** providing noise or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
 - (vi) trellises, pergolas, cabanas, and unenclosed **structures**, by a maximum of 3.5 metres;
 - (vii) equipment, **structures** or parts of the **building** used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, window washing equipment, maintenance equipment storage, elevator shafts and overruns, chimneys, vents, and water supply facilities, by a maximum of 9.0 metres, provided they are set back a minimum of 1.5 metres from the extent of the floor directly below on all sides of the **building** except for the west side where a setback of 0.5 metres is required; and
 - (viii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (vii) above, inclusive of a mechanical penthouse, by a maximum of 9.0 metres, provided they are set back a minimum of 1.5 metres from the extent of the floor directly below on all sides of the **building** except for the west side where a setback of 0.5 metres is required;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 127,000 square metres;
- (H) Despite Regulation 40.10.40.50(1), **amenity space** for each of Building A and Building B, as shown on Diagram 3 of By-law [Clerks to insert By-law ##] must be provided at a minimum rate of 2.7 square metres for each **dwelling unit**, of which at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
- (I) Despite Regulations 40.10.40.70(1), 40.10.40.80(1), and Article 600.10.10, the required minimum **building setbacks** and separation distances between **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (J) Despite Clause 40.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** and separation distances between **main walls** as follows:
- (i) eaves, cornices, window sills, ornamental or architectural features, architectural fins, light fixtures, chimneys, stacks, and vents, by a maximum of 0.8 metres;
 - (ii) projecting balconies, by a maximum of 1.5 metres along the north and south **main walls** of the **building**;

- (iii) despite (ii) above, no projecting balconies beyond the **main walls** of the **building** may be located within 3.0 metres of the corners of the **building**;
 - (iv) canopies and awnings, by a maximum of 2.0 metres; and,
 - (v) railings, patios, decks, pillars, trellises, wheelchair ramps, doors, pool equipment, guard rails, parapets, terrace walls, planters, balustrades, elements or **structures** associated with a **green roof**, platforms, **landscaping** features, divider screens, screens and unenclosed **structures** providing noise or wind protection to rooftop **amenity space**, trellises, pergolas, cabanas, and unenclosed **structures** on the **building's** roof may encroach into a **building setback** to the same extent as the floor directly below;
- (K) Despite Regulation 970.10.15.5(5) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
- (i) no **parking spaces** are required for residential occupants;
 - (ii) a minimum of 2 **parking spaces** are required for residential visitors in each of Building A and Building B, as shown on Diagram 3 of By-law [Clerks to insert By-law ##]; and
 - (iii) no **parking spaces** are required for non-residential uses;
- (L) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 4 **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (M) Despite Regulations 200.5.1(3), 200.5.1.10(12), and 970.10.15.5(4), **vehicle** access to the **parking spaces** may be provided by car elevator or an “automated parking system,” subject to the following:
- (i) for the purposes of this exception, an “automated parking system” means a mechanical system for the purpose of parking and retrieving **vehicles** with or without drivers in the **vehicle** during parking and without the use of ramping or **drive aisles**, and where automated maneuvering of other **vehicles** may be required for **vehicles** to be parked or retrieved;
 - (ii) the access to the elevating mechanism enclosure of the “automated parking system” must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.4 metres;

- c. vertical clearance of 2.1 metres; and
 - d. the entire length of the elevating mechanism enclosure must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (N) 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;
- (O) Despite Regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (P) Despite Regulation 200.15.1(4), accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of the **building**; and
 - (iii) shortest route from the required entrances in (i) and (ii);
- (Q) Despite Regulation 970.10.15.5(11), a minimum of 1 **parking space** in each of Building A and Building B, as shown on Diagram 3 of By-law [Clerks to insert By-law ##] must comply with all regulations for an accessible **parking space**;
- (R) Despite Regulations 220.5.10.1(2) to (9), a minimum of one Type “G” **loading space** and one Type “C” **loading space** must be provided in each of Building A and Building B, as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (S) Despite Regulation 230.5.1.10(10), both “long-term” and “short-term” **bicycle parking spaces** may be provided in a **stacked bicycle parking space**;
- (T) Despite Regulation 230.40.1.20(2), a “short-term” **bicycle parking space** may be located on the first level of the **building** below-ground; and
- (U) Regulations 230.90.15(1), 230.90.15.2(1) and (2), and 970.30.1(1) do not

apply, and each of Building A and B must comply with the requirements of Section 230.5 and Regulation 40.5.40.40(3);

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

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

6. Phasing of Development

Nothing in By-law [Clerks to insert By-law ###] shall apply to prevent the phased construction of the development, provided that requirements of Subsections 4 (B), (H), (K), (Q), (R), and (U) above are complied with at each phase and all other requirements of the by-law are complied with upon full development;

7. Temporary Uses

None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office, used exclusively for the initial sale and/or initial leasing of **dwelling units** to be erected on the lands, for a period of not more than 3 years from the date this By-law comes into full force and effect.

8. Section 37 Provisions

- (A) 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, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted in By-law No. 569-2013, as amended, on the lands shown on Diagram 1 attached to this By-law in return for the owner's election to provide for, at the owner's expense the facilities, services and matters set out in Schedule A hereof and which must be secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* 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 prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same;
- (C) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (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 to secure the community benefits above, which agreement shall be registered against the title of the lands to which this By-law applies; and
- (D) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law

unless the Agreement required pursuant to (C) has been entered into and registered, and all provisions of Schedule A are satisfied.

Enacted and passed on _____, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

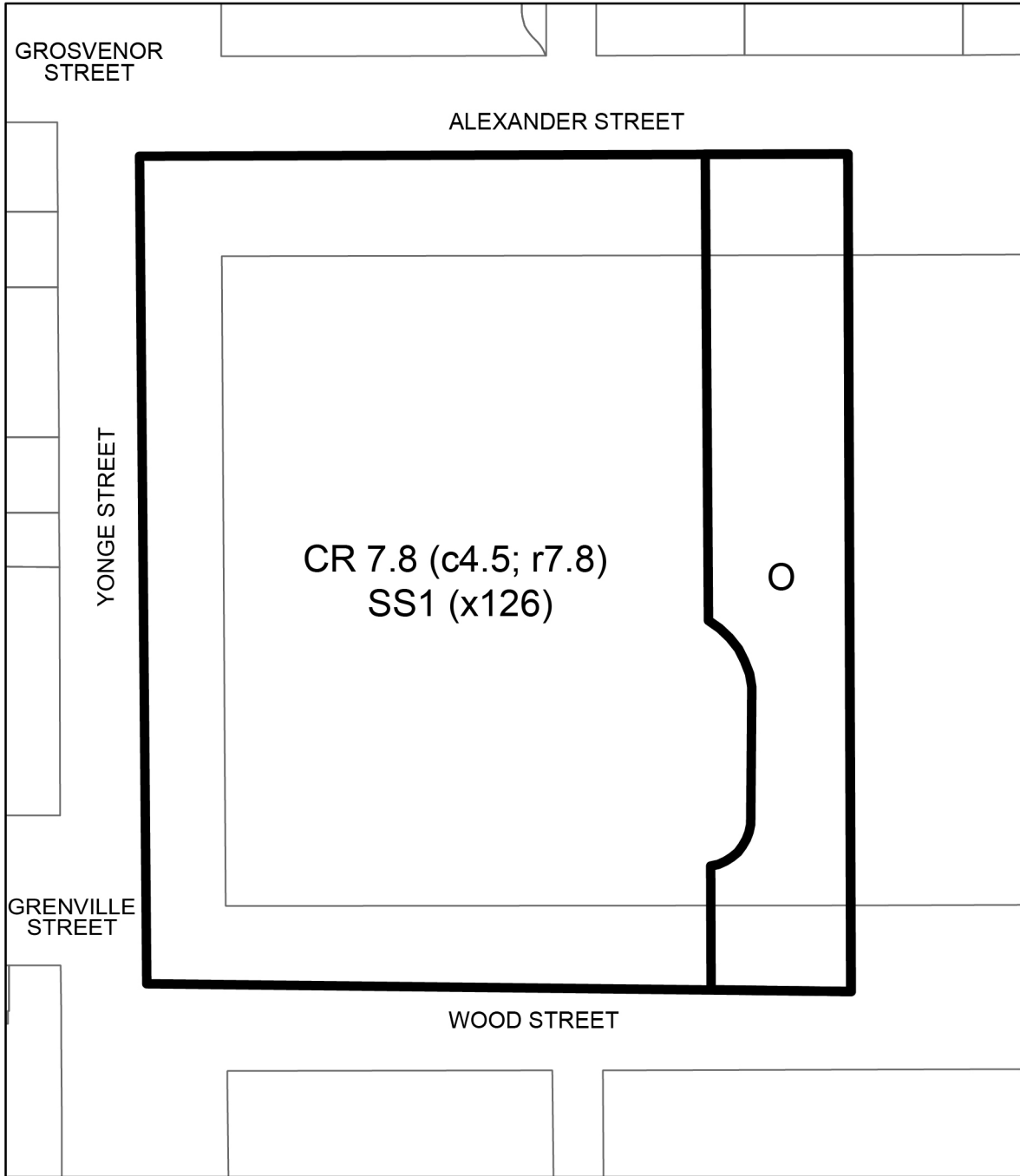


TORONTO
Diagram 1

475 Yonge Street

File # 21 214165 STE 13 0Z


City of Toronto By-law 569-2013
 Not to Scale
 07/18/2023

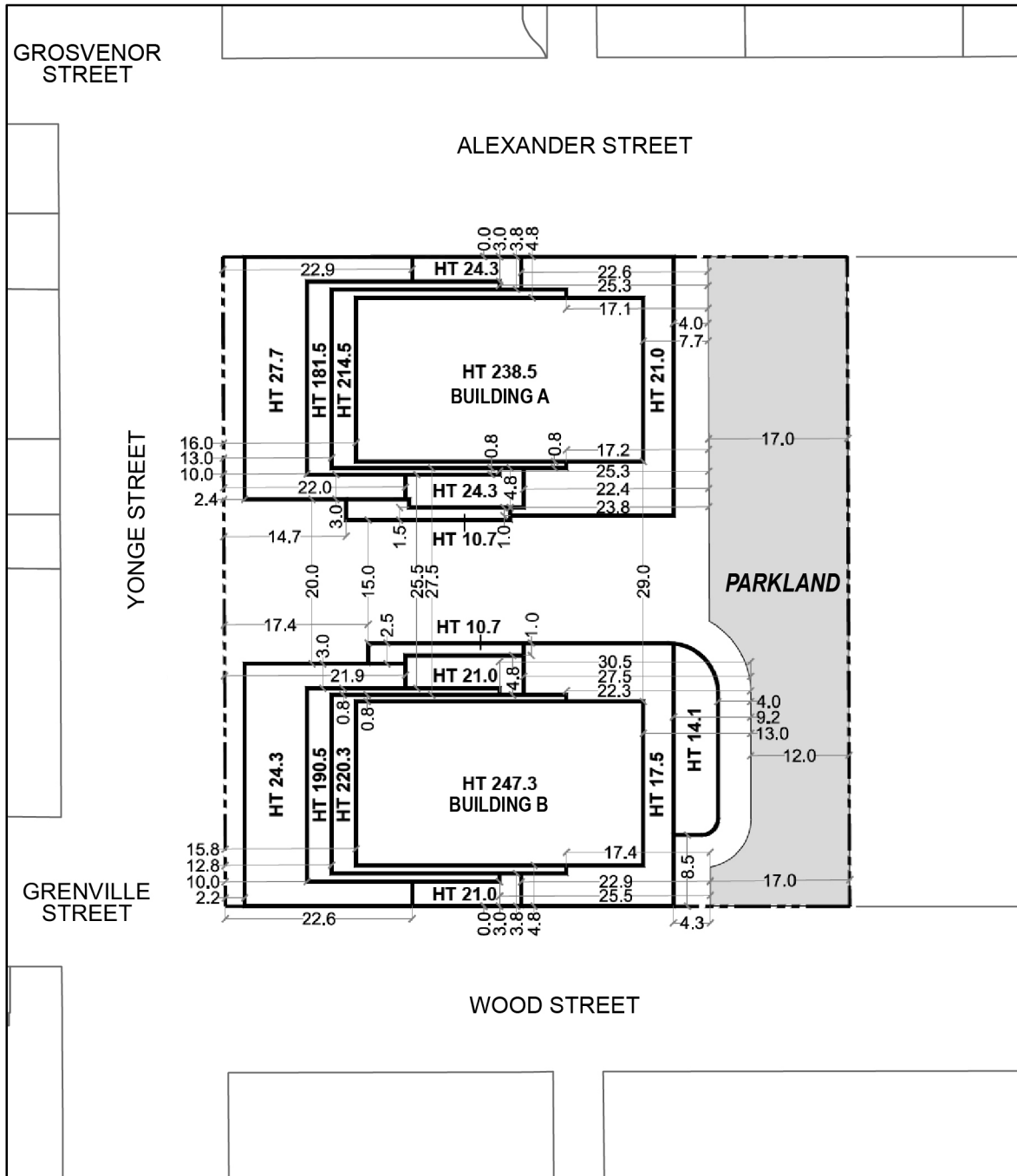


 **TORONTO**
Diagram 2

475 Yonge Street

File # 21 214165 STE 13 0Z


City of Toronto By-law 569-2013
Not to Scale
10/17/2023



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/or density of the proposed development on the lands as shown on Diagram 1 attached to this By-law 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:

Community Benefits

- (1) The owner shall convey to the City, for nominal consideration and at no cost to the City, a minimum of 1,218 square metres of land located on-site at 475 Yonge Street for public parkland purposes, of which 604 square metres shall represent the full parkland dedication requirement pursuant to Section 42 of the *Planning Act* for the development on the site and 614 square metres shall constitute an over-dedication of land, subject to the following:
 - (a) Prior to the first above grade building permit for the first building to be constructed on the site, the owner shall convey to the City a minimum of 916 square metres, consisting of the full parkland dedication requirement and 312 square metres of the 614 square metres over-dedication of land, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
 - (b) Prior to the first above grade building permit for the second building to be constructed on the site, the owner shall convey to the City a minimum of 302 square metres, consisting of the balance of the over-dedication of land, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor; and
 - (c) The owner, any related company, or owner of benefitting development land(s), with the approval of the owner and of City Council, may elect to use up to 302 square metres of the over-dedication of land as credit for the purpose of fulfilling (or partially fulfilling) parkland dedication requirements in relation to other benefitting development land(s), provided that the over-dedication lands are a good physical substitution for any on-site dedication and the value of the over-dedication credit is at least equal to the value of the on-site dedication that would otherwise be required. Any benefitting development land(s) must be located within 2 kilometres of 475 Yonge Street and within the same Ward, with the terms of any credit to be secured in the Section 37 Agreement, to the satisfaction of Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation, and the City Solicitor. In the event that the issuance of the first above grade building permit for the benefitting development land(s) occurs before the conveyance described in (b)

above, the owner of the benefitting development land(s) or the owner of 475 Yonge Street shall be required to provide the City with a Letter of Credit, in the City's standard form and in an amount satisfactory to the General Manager, Parks, Forestry and Recreation, which will be increased in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, as reported quarterly by Statistics Canada Table 18-10-0135-01 (formerly CANSIM 327-0058), or its successor, two years from the date it is received by the City and increased on each succeeding anniversary date by the amount of the Construction Price Index for the previous year, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor. If the conveyance described in (b) above has not occurred within six years from the date the Letter of Credit is first received by the City, the City may draw upon the Letter of Credit for cash-in-lieu of parkland in fulfilment of the parkland dedication requirements for the benefitting development land(s). The owner of 475 Yonge Street's obligation to convey the 302 square metres of over-dedication to the City prior to the first above grade building permit for the second building to be constructed on the 475 Yonge Street site shall remain, even in the event that the Letter of Credit has been drawn on by the City.

- (2) Prior to the earlier of condominium registration or first residential use of any residential unit on the site, the owner shall design, construct, and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 596 square metres of community space located on the first and second floors of Building B, subject to the following:
 - (a) The community space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - (b) Prior to the issuance of the first above grade building permit for the development, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction, and conveyance of the community space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - (c) Concurrent with or prior to the conveyance of the community space to the City, the owner and the City shall enter into, and register on title to the appropriate lands, an Easement and Cost Sharing Agreement for nominal

consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the community space;

- (d) The City may elect to accept a cash contribution of \$6,000,000.00, in lieu of the community space, to be allocated toward capital projects in the vicinity of the site in conformity with the City's Official Plan, with such election to occur prior to the issuance of Notice of Approval Conditions for the Site Plan Control application and with payment required prior to the issuance of the first above grade building permit, all to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
- (e) The financial contribution pursuant to (d) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment.

Privately Owned Publicly-Accessible Space

- (3) The owner shall construct and maintain a minimum of 653 square metres of privately owned publicly-accessible space (POPS) located at the ground level between Buildings A and B (with underground garage and utilities below), extending between the Yonge Street frontage and the on-site park, with specific configuration and design and timing for the delivery of the POPS to be determined in the context of Site Plan approval (which will include consideration for delivering the POPS in phases and permitting construction staging prior to public access), all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (4) Prior to final Site Plan approval, the owner shall prepare all documents and convey, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the POPS; and

Matters to be Delivered or Secured Through the Site Plan Control Application

- (5) The owner shall prepare all documents and convey a Pedestrian Clearway Easement to the City to secure a 3.7-metre wide pedestrian clearway along Yonge Street, to a minimum height of 3.0 metres above the finished grade, together with rights of support, such lands to be free and clear of all other physical obstructions and encumbrances, and subject to a right-of-way for access

and construction purposes in favour of the Grantor until such time as said lands have been laid out and dedicated for public pedestrian clearway purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services and the City Solicitor;

- (6) The owner shall submit comprehensive Construction Management Plans for each stage of the construction process; these plans must illustrate the location of employee and trades parking, heavy truck access points, material storage, construction site fencing and overhead cranes, and any other matters requested by the General Manager, Transportation Services or the Ward Councillor; and
- (7) The owner shall provide and maintain the following Transportation Demand Management (TDM) measures on-site:
 - (a) One (1) annual bike-share membership per unit, offered for the first year of occupancy;
 - (b) One (1) annual car-share membership per unit, offered for the first year of occupancy;
 - (c) One (1) Presto card per unit, preloaded with the value of a TTC monthly pass, offered for the first year of occupancy;
 - (d) A minimum of one (1) bike repair station in each building (total two [2] bike repair stations).