

Authority: North Community Council Report No. 4, Clause No. 18, as adopted by City of Toronto Council on May 30, 31 and June 1, 2001; and Notice of Motion J(19), moved by Councillor Feldman, seconded by Councillor Li Preti, as adopted by City of Toronto Council on June 26, 27 and 28, 2001

Enacted by Council: June 28, 2001

## **CITY OF TORONTO**

### **BY-LAW No. 601-2001**

#### **To amend former City of North York By-law No. 7625 in respect of lands municipally known as 5000 Yonge Street.**

WHEREAS authority is given to Council by Sections 34 and 37 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 Amendment No. 506 of the Official Plan of the former City of North York contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, the Council of a Municipality may, in a By-law passed under Section 34 of the *Planning Act*, R.S.O., c.P. 13, as amended, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS sub section 37(3) of the *Planning Act*, R.S.O. 1990, c.P. 13, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the residential density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-laws Nos. 31292 and 33133 is to be 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 owners of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in residential density in connection with the aforesaid lands as permitted by this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. THAT Schedules "B" and "C" of By-law No. 7625, as amended, are hereby amended in accordance with Schedule "1" of the By-law.

2. Section 64.23 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.23 (100) C1 (100)**

**DEFINITIONS**

- (a) For the purpose of this exception the following definitions will apply:

“MECHANICAL FLOOR AREA” means the space within the building which is necessary to house the mechanical equipment required to physically operate the building such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment, but shall not be construed to mean areas of the building used for pedestrian circulation, general maintenance, parking or similar non-leasable or leasable uses;

“COMMON OUTDOOR SPACE ” for non-residential buildings means an area that is unenclosed exterior area; shall adjoin and be directly accessible from a street or public park; shall be accessible to the public at all times; shall include landscaping and outdoor seating; and may include other features including public art; and

“GROSS FLOOR AREA” shall mean the aggregate of the areas of each floor, measured between the outside of the exterior walls of the building at the level of each floor, including all areas used as enclosed balconies, but excluding:

- (i) any part of the building used for mechanical floor area;
  - (ii) any area used for vehicle parking, including that contained in an above-grade parking structure, provided the structure does not exceed three (3) storeys in height above-grade and provided that its roof deck is fully landscaped and made directly accessible to adjacent redevelopment projects;
  - (iii) the gross floor area of the density attributable to the lands required for road widenings conveyed to the City in respect of the development of the lands as shown on Schedule C1 (100) to a maximum of 10,804 m<sup>2</sup>; and
  - (iv) the gross floor area of recreational uses and recreational clubs to a maximum of 1,077 square metres.
- (b) **PERMITTED USES**

The only uses permitted shall be:

- (i) Residential Uses as follows:

- apartment house dwelling, multiple attached dwellings; and  
(ii) Non-residential Uses as follows:

restaurants, retail stores, personal service shops, service shops, branches of financial institutions, business and professional offices, studios, dry-cleaning and laundry collecting establishments, custom workshops making articles or products to be sold at retail on the premises, taverns, theatres and uses ancillary thereto, cinemas, art galleries, assembly halls, banquet halls, clubs, commercial schools, billiard parlours, bowling alleys, professional medical offices, recreational uses, day nurseries, outdoor cafes in conjunction with a restaurant on the same lot, subject to the provisions of Section 6.22 of this by-law, public parking structures, car rental agencies, including storage of motor vehicles for hire, and public parking lots; PROVIDED THAT the use of the first floor along the Yonge Street frontage of any building shall be restricted to retail stores, service shops, personal service shops, restaurants, outdoor cafes in conjunction with a restaurant on the same lot subject to the provisions of Section 6.22 of this by-law, custom workshops, art galleries, service areas; and office lobby and business and professional offices provided the building is used for commercial uses above the third floor level; PROVIDED THAT a branch of a financial institution may be located on Yonge Street only in the north office building as shown on Schedule C1 (100).

#### **EXCEPTION REGULATIONS**

- (c) **MAXIMUM GROSS FLOOR AREA:**

- (i) a total of 169,945 square metres of gross floor area is permitted;
- (ii) of the maximum gross floor area permitted by (i) above, a maximum of 70,000 m<sup>2</sup> may be used for residential uses provided that no residential uses shall be located within the hatched area as shown Schedule C1 (100).

- (d) **MAXIMUM NUMBER OF DWELLING UNITS:**

- (i) a maximum of 595 dwelling units shall be permitted.

- (e) **MAXIMUM WIDTH OF FRONTAGE OF COMMERCIAL UNITS FRONTING ON YONGE STREET:**

- (ii) office entrance lobby – 12.0 metres; provided that only one office entrance lobby shall be permitted on Yonge Street;
- (ii) retail stores, restaurants, branch of financial institutions, personal service shops, service shops – 14.0 metres.

(f) **MINIMUM AND MAXIMUM PARKING REQUIREMENTS:**

For the purposes of calculating required parking, only those areas listed in paragraph (i) and (ii) in the definition of Gross Floor Area as defined above, shall be excluded.

(i) parking spaces shall be provided in accordance with the following:

(A) Non-residential: - minimum 0.9 parking spaces per 100m<sup>2</sup> of gross floor area; and

- maximum 1.18 parking spaces per 100m<sup>2</sup> of gross floor area;

(B) Residential: - minimum 1.0 parking spaces per dwelling unit of which 0.1 parking spaces per dwelling unit is reserved for visitor parking; and

- maximum 1.2 parking spaces per dwelling unit of which 0.1 parking spaces per dwelling unit is reserved for visitor parking;

(ii) a charge may be made for the use of parking spaces except for the residential visitor parking space requirements.

(iii) in calculating the maximum parking requirements, a parking space shall be any area for automobiles, including tandem parking spaces (which are areas designed and marked for the temporary accommodation of automobiles, accessible only through another such area), and shall not include driveways or loading areas.

(g) **MAXIMUM BUILDING HEIGHT:**

(i) the maximum height of all buildings and structures shall be as shown on Schedule C1(100); and

(ii) in any case, the height of any part of a building or structure including mechanical structures shall not exceed the horizontal distance between that part of the building or structure and the “Relevant Residential Property Line”, as shown on Schedule C1(100).

(h) **YARD SETBACKS:**

(i) along the Yonge Street frontage, at the 4 metre build-to-line, buildings shall have minimum height of 8 m to a maximum height of 25 m;

- (ii) along the Yonge Street frontage, above the 8 to 25 m height, buildings shall be setback a minimum of 10 m for 2/3 of the frontage; and
- (iii) along North York Boulevard, above the height of 12 m, buildings shall be set back a minimum of 5.3 m, and must provide a pedestrian weather protected canopy.

For the purpose of this subsection Yonge Street frontage means the area bounded by North York Boulevard, Yonge Street, the new north-south private road and the new east-west private road.

- (i) RECREATIONAL SPACE:
  - (i) a minimum of 1.5m<sup>2</sup> per dwelling unit of indoor recreational amenity area shall be provided; and
  - (ii) a minimum of 1.5m<sup>2</sup> per dwelling unit of outdoor open space shall be provided.

### **SECTION 37 AGREEMENT**

- (j) The owner of the site, at their expense, and in accordance with and subject to the Section 37 Agreement shall provide the following services, matters and facilities.
  - (i) Project Phasing:
    - (A) provision that the office building at the north east portion of the site consisting of a minimum gross floor area of 37,160 m<sup>2</sup> (400,000 ft<sup>2</sup>) and a non-residential podium with a minimum height of 8 metres must be built at the same time or prior to any residential uses along Yonge Street frontage.
  - (ii) Municipal Services:
    - (A) provision of all site servicing improvements associated with the development identified by Works and Emergency Services (Development Services).
  - (iii) Transportation:
    - (A) provision of all transportation improvements associated with the development identified by Works and Emergency Services (Transportation); and
    - (B) provision that the private roads will have a minimum pavement width of 8.5m as per the Public Roads Policy and that the private roads are publicly accessible at all times;

- (iv) Public Art
  - (A) provision for a public art program for public art on publicly accessible or publicly visible portions of lands including abutting City owned lands. Such contribution, its maintenance, the selection criteria and process is to be finalized prior to the issuance of a building permit;
- (v) Construction Staging and Routing Plan
  - (A) provision for a Construction Staging and Routing Plan to the satisfaction of the Directors of Works and Emergency Services (Transportation Services and Development Services) that detail the staging of construction and the routing of construction vehicles;
- (vi) Toronto Centre for the Arts:
  - (A) provision for parking agreements with the Toronto Centre for the Arts with respect to 10 employees parking spaces; and
  - (B) provision for shared parking arrangements with the Toronto Centre for the Arts with respect to shared evening parking to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services. And the pedestrian circulation and signage plan associated with the parking arrangements; and
  - (C) provision for improvements to the drop-off circle and east exterior wall and providing weather enhanced pedestrian access at grade from the Yonge Street sidewalk to the Toronto Centre for the Arts;
- (vii) Underground Connections:
  - (A) provision of underground pedestrian connections linking the site to properties to the north (5100 Yonge Street) and to the south (4950 Yonge Street).

All of the above conditions must be met at no cost to the City.

**PERMITTED USES AND EXCEPTION PURSUANT TO SECTION 37 AGREEMENT**

- (k) Despite the provision of subsections (c), (d) and (e) above, and subject to the owner of the lands entering into one or more agreements with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, as amended, in accordance with the conditions of subsection (j), the following provisions apply.

**EXCEPTION REGULATIONS**

## (l) GROSS FLOOR AREA

(i) the maximum gross floor area for residential uses shall be 138,059 m<sup>2</sup> permitted on the entire site and maximum gross floor area for non-residential gross floor area shall be 120,770m<sup>2</sup> provided:

(A) the total gross floor area does not exceed 169,945 m<sup>2</sup>; and

(B) that 37,160 m<sup>2</sup> of office building shall be constructed at the same time or prior to any residential gross floor area along the Yonge Street frontage.

(C) the following uses are exempt from the calculation of gross floor area for the purposes of this subsection:

(i) the gross floor area of first floor restaurants, retail stores, personal service shops, service shops, branches of financial institutions, studios, custom workshops making articles or products to be sold at retail on the premises, and art galleries, provided that they have frontage on and direct access from Yonge Street for a depth of 30m to a maximum of 5,233 square metres;

(ii) the gross floor area of below-first floor pedestrian circulation areas, restaurants, retail stores, personal service shops, service shops, branches of financial institutions, studios, dry-cleaning and laundry collecting establishments, synthetic dry-cleaning establishments, automatic laundry shops, custom workshops making articles or products to be sold at retail on the premises, theatres and uses ancillary thereto, cinemas, art galleries, taverns, clubs, commercial schools, billiard parlours and bowling alleys to a maximum of 12,163 square metres: PROVIDED that all buildings along the Yonge Street frontage are non-residential;

(iii) the gross floor area of day nurseries to a maximum of 1,000 m<sup>2</sup>.

(m) the only uses permitted on the first floor level along the Yonge Street frontage shall be those listed above in section (b)(ii), and there must be an entrance every 14.5 m along the Yonge Street frontage with a minimum of six entrances, except for office lobbies.

(n) an office lobby shall have a maximum frontage of 18 m along Yonge Street.

- (o) MAXIMUM NUMBER OF UNITS:
  - (i) a maximum of 1850 dwelling units shall be permitted
- (p) UNIT SIZES:
  - (i) a minimum of 25 % of the total number of residential units constructed are to be provided as follows:
    - (a) one bedroom and bachelor units having a maximum gross floor area of 70 m<sup>2</sup>; or
    - (b) two bedroom units having a maximum gross floor area of 80 m<sup>2</sup>; or
    - (c) three bedroom units having a maximum gross floor area of 120 m<sup>2</sup>; or
    - (d) any combination of the above.
- (q) COMMON OUTDOOR SPACE FOR NONRESIDENTIAL GROSS FLOOR AREA:
  - (a) provide a minimum common outdoor space equal to 4 % of the non-residential gross floor area or 10 % of the site, whichever is greater.
- (r) UNDERGROUND CONNECTIONS:
  - (a) all buildings on the site must be connected by a continuous underground weather protected connection to a subway station.
- (s) The provisions for Lot Coverage and Landscaping of By-law No. 7625 shall not apply to this site.
- (t) LAND DIVISION:
 

The provisions of this exception and the provisions of By-law No. 7625 shall apply collectively to the lands identified on Schedule C1(100) attached hereto, notwithstanding their future severance, partition or division for any purpose.

3. Section 64.39 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.39 (3) O3(3)**

**PERMITTED USES**

- (a) The only permitted use shall be a Performing Arts Centre, comprising theatres, concert halls, museums, art galleries, cultural heritage centres and cinemas and



ancillary uses such as assembly halls, banquet halls, retail stores, taverns, clubs, restaurants, commercial schools, outdoor cafes in conjunction with a restaurant on the same lot subject to the provisions of Section 22.9.1 of this by-law, and day nurseries;

#### **EXCEPTION REGULATION**

(b) Parking:

A Performing Arts Centre is exempt of the parking regulations of this by-law.

(c) Gross Floor Area:

The maximum non-residential gross floor area of 14,650 square metres, excluding mechanical floor area.

4. Section 64.37 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.37 (23) 01 (23)**

#### **PERMITTED USES**

(a) The only permitted uses shall be Landscaped open space, paved surfaces and public utilities. No buildings shall be permitted above ground level;

5. Section 64.23, Section 64.39 and Section 64.37 of the former City of North York is amended by adding Schedule C1 (100), attached to this by-law.
6. By-laws Nos. 31292 and 33133 of the former City of North York are hereby repealed.

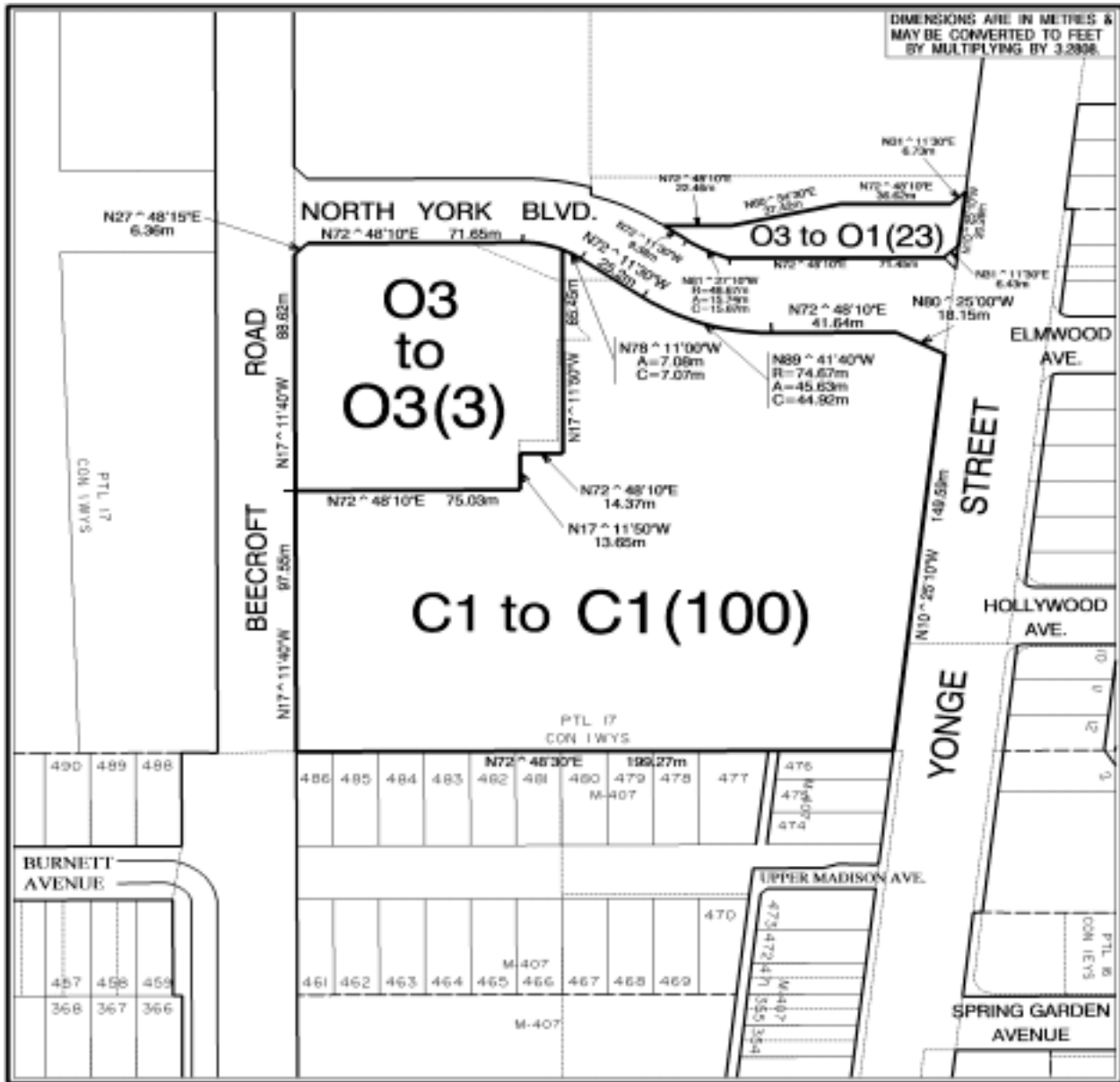
ENACTED AND PASSED this 28th day of June, A.D. 2001.

CASE OOTES,  
Deputy Mayor

JEFFREY A. ABRAMS,  
Acting City Clerk

(Corporate Seal)

**SCHEDULE "1"**




**This is Schedule " 1 " to By-Law \_\_\_\_\_**  
**passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_**

(Sgd.) \_\_\_\_\_ (Sgd.) \_\_\_\_\_  
 CLERK MAYOR

**Location:**


File: TB CMB 2000 0002	Prepared by: A.A.	Approved by: P.B.	Date: June 26, 2001	Filename: C1(100)
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Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.  
 Street lines represent street dedications/road allowances and do not represent actual on-built curb lines of streets.

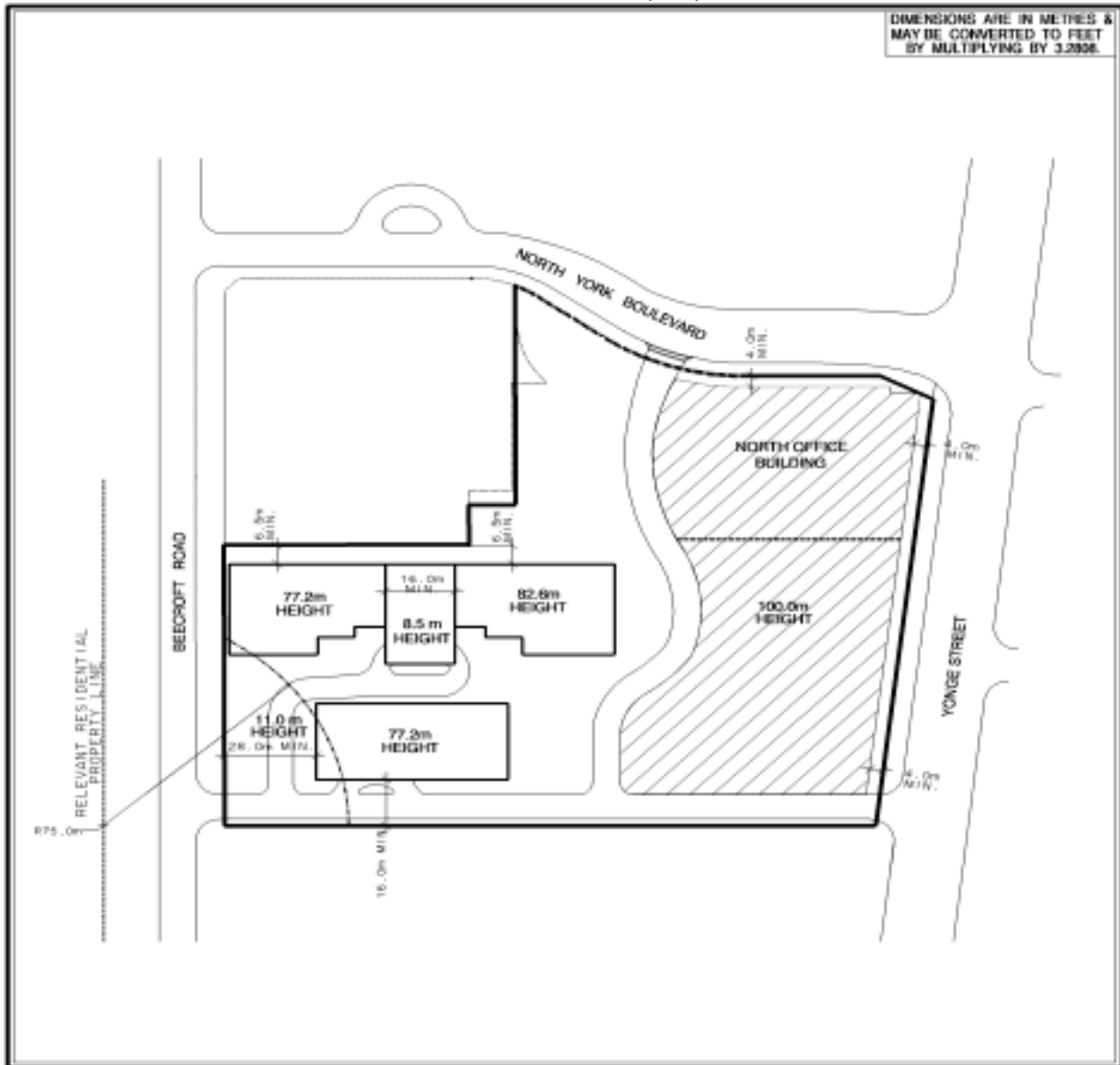


City Planning (116.006)  
TRAFFIC SERVICES

SUBJECT  
PROPERTY



**SCHEDULE "C1(100)"**



DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.

This is Schedule " C1(100) " to By-Law _____ passed the _____ day of _____, 20____		 City Planning Division 3900 SHEPPARD AVENUE EAST, TORONTO, ONT. M2N 6L9
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: _____		
File: TB CMB 2000 0002	Prepared by: A.K.	Approved by: P.B.
Date: June 26, 2001		Filename: C1(100)site
<small>Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.                  Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.</small>		