

CITY OF TORONTO

BY-LAW No. 459-2005(OMB)

To amend the former City of North York By-law No. 7625 with respect to lands known municipally as 4917-4975 Yonge Street, 11-27 Hollywood Avenue, and 8-18 and 50 Spring Garden Avenue.

WHEREAS authority is given to the Ontario Municipal Board 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 the Ontario Municipal Board, pursuant to its Decision/Order No. 1123 dated May 2, 2005, has determined to amend By-law No. 7625 of the former City of North York; and

WHEREAS the North York Centre Secondary Plan of the Official Plan of the former City of North York contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, the approval authority may, in a By-law passed under Section 34 of the *Planning Act*, R.S.O. 1990, 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 subsection 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 density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, 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 to be secured by one or more agreements between the owners of such lands and the City of Toronto; and

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

THEREFORE:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" of this By-law.

2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20-A(155)RM6(155)

DEFINITIONS

BICYCLE STORAGE SPACE

- (a) For the purpose of this exception, “bicycle storage space” shall mean an area below grade equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively to access said racks or lockers, but not intended for general storage use.

COMMON OUTDOOR SPACE

- (b) For the purpose of this exception, “common outdoor space” shall mean unenclosed, exterior, publicly accessible areas of the net site that are adjacent to the building, consist of hard or soft landscaping, adjoin a public street, provide pedestrian facilities such as outdoor seating, and may include public art.

ESTABLISHED GRADE

- (c) For the purpose of this exception, “established grade” shall mean the elevation, as fixed by the City, of the centre line of Yonge Street at the mid-point of the abutting lot line on the east side of the road allowance, being the geodetic elevation of 176 metres.

GROSS SITE

- (d) For the purpose of this exception, “gross site” shall mean Parts 1, 20, 21, 22, 23 and 24 of Plan 66R-21466, comprising an area of 5,184 m².

GROSS FLOOR AREA

- (e) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) below grade space used exclusively for motor vehicle parking; and
 - (iii) the floor area of unenclosed residential balconies.

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

NET SITE

- (g) For the purpose of this exception, “net site” shall mean the gross site minus Parts 20, 21, 22, 23 and 24 of Plan 66R-21466 conveyed for road widening purposes to the City of Toronto, being Part 1 of Plan 66R-21466 and comprising an area of 4,713 m² as depicted on Schedule “RM6(155)”.

PERMITTED USES

- (h) The only permitted uses shall be:

RESIDENTIAL

apartment house dwellings and accessory uses, including private recreational amenity areas;

NON-RESIDENTIAL

accessory uses;
art galleries;
automatic laundry shops;
automatic teller machines;
banquet halls (restricted to 2nd & 3rd floors);
billiard parlours;
bowling alleys (restricted to 2nd & 3rd floors);
business and professional offices (restricted to 2nd & 3rd floors except for real estate offices, travel agencies);
car rental agencies;
cinemas (restricted to 2nd & 3rd floors except for entrances);
clubs (restricted to 2nd & 3rd floors);
commercial galleries;
commercial recreation facilities (restricted to 2nd & 3rd floors);
commercial and private schools (restricted to 2nd & 3rd floors);
custom workshops making articles or products to be sold at retail on the premises;
day nurseries (restricted to 2nd & 3rd floors);
dry-cleaning and laundry collecting establishments;
financial institutions including banks (restricted to 2nd & 3rd floors except for one institution at grade);
fitness centers (restricted to 2nd & 3rd floors);
outdoor cafes;
personal service shops;

pinball and video games arcades;
 professional medical offices (restricted to 2nd & 3rd floors except for walk-in clinics);
 recreational uses (restricted to 2nd & 3rd floors);
 restaurants including take-out;
 retail stores;
 service shops;
 social facilities (restricted to 2nd & 3rd floors);
 studios; and
 theatres (restricted to 2nd & 3rd floors except for entrances).

Only non-residential uses, except for residential lobby space, shall be contained in the first three floors of the building. No non-residential uses shall be permitted in the remainder of the building. The gross floor area of the non-residential uses shall be a minimum of 8,428 m².

Those uses permitted on the ground floor will be considered to be retail and service commercial uses. All ground floor uses fronting onto Yonge Street shall be directly accessible from the public sidewalk. Restaurants and retail stores on the ground floor shall not be restricted in frontage width but there must be a minimum of two retail and service commercial uses in each podium wing, to the north and south of the residential lobby area(s) in the centre of the building. Ground floor residential lobbies shall be limited to two (2) and be subject to a maximum frontage width of 10 metres. Ground floor office lobbies shall be limited to two (2) and be subject to a maximum frontage width of 6 metres. All other ground floor uses shall be subject to a maximum frontage width of 14 metres.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (i) Except as provided for in subsection (w) of this exception, the maximum gross floor area permitted on the net site shall not exceed 23,328 m² attributable to the gross site plus 3,449 m² attributable to allocation of part of the density from the lands zoned R4(44), identified as Parts 7, 9, 10 and 12 on Plan 66R-21466 and comprising an area of 8,204 m².

NUMBER OF DWELLING UNITS

- (j) The maximum number of dwelling units shall be 420, of which a minimum of 25 per cent of the total number of dwelling units built shall be subject to the following maximum floor area restrictions:
 - (i) 70 m² for a bachelor unit or a one-bedroom unit;
 - (ii) 80 m² for a two-bedroom unit;
 - (iii) 120 m² for a three-bedroom unit;
 - (iv) any combination of the above.

BUILDING HEIGHT

- (k) The building height shall not exceed the maximum heights in metres and number of storeys shown on Schedule “RM6(155)” excluding mechanical penthouses and stairwells to access the roof.

BUILDING ENVELOPE

- (l) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule “RM6(155)” except for a canopy or canopies along the Yonge Street frontage, which canopy or canopies may project a maximum of 2.5 m into the yard setback.

PARKING

- (m) Parking spaces shall be provided within the net site in accordance with the following requirements:
- (i) a minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
 - (ii) a maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
 - (iii) a minimum of 0.90 parking spaces per 100 m² of gross floor area devoted to retail, service commercial and office uses;
 - (iv) a maximum of 1.26 parking spaces per 100 m² of gross floor area devoted to retail, service commercial and office uses.

A charge may be made for the use of the non-residential parking spaces.

Any 40 of the commercial or residential parking spaces, excepting only spaces reserved for residential visitor parking, may be reserved for the use of the social facility located on the lands zoned C1(103) and known municipally as 6 Spring Garden Avenue, provided that none of the maximum or minimum limits specified in (i), (ii), (iii) or (iv) is breached.

Notwithstanding the requirement that parking spaces are to be provided within the net site, a maximum of 64 parking spaces may be contained, in whole or in part, in a directly accessible, underground parking garage located, in whole or in part, on abutting lands zoned “RM6(107)”.

No surface parking spaces shall be permitted other than a maximum of 40 temporary spaces on an interim basis for the use of the social facility located on the lands zoned C1(103) and known municipally as 6 Spring Garden Avenue, pending completion of the building to be located on lands zoned RM6(155).

LOADING

- (n) A minimum of two (2) loading spaces shall be provided on the net site.

LOT COVERAGE

- (o) The maximum permitted building coverage is 74 per cent of the net site.

LANDSCAPING

- (p) A minimum of 900 m² of landscaping shall be provided on the net site.

COMMON OUTDOOR SPACE

- (q) A minimum of 500 m² of common outdoor space shall be provided on the net site.

OUTDOOR AMENITY SPACE

- (r) A minimum of 1.5 m² per dwelling unit of private outdoor recreational space shall be provided on the commercial podium rooftop.

YARD SETBACKS

- (s) The minimum yard setbacks shall be as shown on Schedule "RM6(155)".

PROVISIONS NOT APPLICABLE

- (t) The provisions of Sections 6A(8), 6A(16)(c), (d) and 20-A.2.4.1 do not apply.

INCREASED DENSITY

- (u) Matters that are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (w) of this exception are:

SECTION 37 AGREEMENT

- (v) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreements referred to above shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:

- (i) a minimum of 1.50 m² per dwelling unit of indoor bicycle storage space without access corridors or 2.25 m² with access corridors or any combination thereof;

- (ii) a minimum of 1.50 m² per dwelling unit of indoor recreational amenity space;
- (iii) a minimum of 2,428 m² of retail and service commercial space on the ground floor for the uses permitted by subsection (h);
- (iv) a minimum of 6,000 m² of retail, service commercial and office space on the second and third floors.

ADDITIONAL GROSS FLOOR AREA

- (w) Notwithstanding subsection (i) of this exception, additional gross floor area may be permitted on the net site shown on Schedule “RM6(155)”, limited to the following:
 - (i) a maximum of 14,865 m² attributable to all of the social facility bonus derived from a school building of at least 3,716 m² constructed on the lands zoned R4(44);
 - (ii) a maximum of 2.25 m² per dwelling unit of indoor bicycle storage space, provided that no more than 1.50 m² per dwelling unit is used for bicycle rack or locker area(s) and provided further that no more than 0.75 m² per dwelling unit is used for access corridor to the bicycle rack or locker area(s);
 - (iii) a maximum of 1.50 m² per dwelling unit of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes;
 - (iv) a maximum of 2,643 m² of retail and service commercial space on the ground floor, provided that the area is used exclusively for the retail and service commercial uses permitted by subsection (h).

SEVERANCE

- (x) Notwithstanding any future severance, partition or division of the net site shown on Schedule “RM6(155)”, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.”
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(155)” attached to this By-law.
 4. Section 64.23 of By-law No. 7625 is amended by deleting Subsection 64.23(99) and Schedule C1(99).

5. Section 64.20-A of By-law No. 7625 is amended by deleting Subsection 64.20-A(107) in its entirety and adding the following subsection:

“64.20-A(107)RM6(107)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purpose of this exception, “apartment house dwelling” shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor or any combination thereof.

BICYCLE STORAGE SPACE

- (b) For the purpose of this exception, “bicycle storage space” shall mean an area below grade equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively to access said racks or lockers, but not intended for general storage use.

ESTABLISHED GRADE

- (c) For the purpose of this exception, “established grade” shall mean the elevation, as fixed by the City, of the centre line of Yonge Street at the mid-point of the abutting lot line on the east side of the road allowance, being the geodetic elevation of 176 metres.

GROSS SITE

- (d) For the purpose of this exception, “gross site” shall mean Parts 2, 3, 4, 5, 13, 14, 15, 16, 17, 25, 26, 27, 29, 32 and 33 of Plan 66R-21466, comprising an area of 10,532 m².

GROSS FLOOR AREA

- (e) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) below grade space used exclusively for motor vehicle parking; and
 - (iii) the floor area of unenclosed residential balconies.

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

NET SITE

- (g) For the purpose of this exception, “net site” shall mean the gross site minus Parts 13, 14, 15, 16, 17, 25, 26, 27, 29, 32 and 33 of Plan 66R-21466 conveyed for road widening purposes to the City of Toronto, being Parts 2, 3, 4 and 5 of Plan 66R-21466 and comprising an area of 9,722 m² as depicted on Schedule “RM6(107)”.

PERMITTED USES

- (h) The only permitted uses shall be:
- apartment house dwellings and accessory uses, including private recreational amenity buildings and areas; and
- parking spaces accessory to the future development of the abutting lands zoned RM6(155).

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (i) Except as provided for in subsection (v) of this exception, the maximum gross floor area permitted on the net site shall not exceed 47,394 m² attributable to the gross site plus 10,459 m² attributable to allocation of part of the density from the lands zoned R4(44), identified as Parts 7, 9, 10 and 12 on Plan 66R-21466 and comprising an area of 8,204 m².

NUMBER OF DWELLING UNITS

- (j) The maximum number of dwelling units shall be 684, of which a minimum of 25 per cent of the total number of dwelling units built shall be subject to the following maximum floor area restrictions:
- (i) 70 m² for a bachelor unit or a one-bedroom unit;
 - (ii) 80 m² for a two-bedroom unit;
 - (iii) 120 m² for a three-bedroom unit;
 - (iv) any combination of the above.

BUILDING HEIGHT

- (k) The building height shall not exceed the maximum heights in metres and number of storeys shown on Schedule “RM6(107)” excluding mechanical penthouses and stairwells to access the roof.

BUILDING ENVELOPE

- (l) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule “RM6(107)”.

PARKING

- (m) Parking spaces shall be provided within the net site in accordance with the following requirements:
 - (i) a minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
 - (ii) a maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use.

In addition, a maximum of 64 parking spaces accessory to the future development of the abutting lands zoned RM6(155) and vehicularly accessible only through those lands may be located, in whole or in part, within the net site.

No surface parking spaces shall be permitted.

LOADING

- (n) Two (2) loading spaces shall be provided on the net site.

LOT COVERAGE

- (o) The maximum permitted building coverage is 36 per cent of the net site.

LANDSCAPING

- (p) A minimum of 4,000 m² of landscaping shall be provided on the net site.

OUTDOOR AMENITY SPACE

- (q) A minimum of 1.5 m² per dwelling unit of private outdoor recreational space shall be provided on the net site.

YARD SETBACKS

- (r) The minimum yard setbacks shall be as shown on Schedule “RM6(107)”.

PROVISIONS NOT APPLICABLE

- (s) The provisions of Sections 6A(8), 6A(16)(c), (d) and 20-A.2.4.1 do not apply.

INCREASED DENSITY

- (t) Matters that are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (v) of this exception are:

SECTION 37 AGREEMENT

- (u) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreements referred to above shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
- (i) a minimum of 1.50 m² per dwelling unit of indoor bicycle storage space without access corridors or 2.25 m² with access corridors or any combination thereof;
 - (ii) a minimum of 1.50 m² per dwelling unit of indoor recreational amenity space.

ADDITIONAL GROSS FLOOR AREA

- (v) Notwithstanding subsection (i) of this exception, additional gross floor area may be permitted on the net site shown on Schedule "RM6(107)", limited to the following:
- (i) a maximum of 3,004 m² attributable to a transfer of all density on the lands zoned C1(103), identified as Parts 11, 18, 19 and 31 on Plan 66R-21466 and comprising an area of 668 m²;
 - (ii) a maximum of 2,923 m² attributable to all of the social facility bonus derived from a legion building of 730.8 m² retained on the lands zoned C1(103);
 - (iii) a maximum of 2.25 m² per dwelling unit of indoor bicycle storage space, provided that no more than 1.50 m² per dwelling unit is used for bicycle rack or locker area(s) and provided further that no more than 0.75 m² per dwelling unit is used for access corridor to the bicycle rack or locker area(s);

- (iv) a maximum of 1.50 m² per dwelling unit of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes.

SEVERANCE

- (w) Notwithstanding any future severance, partition or division of the net site shown on Schedule “RM6(107)”, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.”
6. Section 64.20-A of By-law No. 7625 is amended by deleting Schedule “RM6(107)” and adding Schedule “RM6(107)” attached to this By-law.
7. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20-A(154)RM6(154)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purpose of this exception, “apartment house dwelling” shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor or any combination thereof.

BICYCLE STORAGE SPACE

- (b) For the purpose of this exception, “bicycle storage space” shall mean an area below grade equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively to access said racks or lockers, but not intended for general storage use

ESTABLISHED GRADE

- (c) For the purpose of this exception, “established grade” shall mean the elevation, as fixed by the City, of the centre line of Yonge Street at the mid-point of the abutting lot line on the east side of the road allowance, being the geodetic elevation of 176 metres.

GROSS SITE

- (d) For the purpose of this exception, “gross site” shall mean Parts 6, 8, 28 and 30 of Plan 66R-21466, comprising an area of 4,402 m².

GROSS FLOOR AREA

- (e) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) below grade space used exclusively for motor vehicle parking; and
 - (iii) the floor area of unenclosed residential balconies.

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

NET SITE

- (g) For the purpose of this exception, “net site” shall mean the gross site minus Parts 28 and 30 of Plan 66R-21466 conveyed for road widening purposes to the City of Toronto, being Parts 6 and 8 of Plan 66R-21466 and comprising an area of 4,355 m² as depicted on Schedule “RM6(154)”.

PERMITTED USES

- (h) The only permitted uses shall be:
- apartment house dwellings and accessory uses, including private recreational amenity buildings and areas.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (i) Except as provided for in subsection (v) of this exception, the maximum gross floor area permitted on the net site shall not exceed 19,809 m² attributable to the gross site plus 9,919 m² attributable to allocation of part of the density from the lands zoned R4(44), identified as Parts 7, 9, 10 and 12 on Plan 66R-21466 and comprising an area of 8,204 m².

NUMBER OF DWELLING UNITS

- (j) The maximum number of dwelling units shall be 380, of which a minimum of 25 per cent of the total number of dwelling units built shall be subject to the following maximum floor area restrictions:
- (i) 70 m² for a bachelor unit or a one-bedroom unit;
 - (ii) 80 m² for a two-bedroom unit;
 - (iii) 120 m² for a three-bedroom unit;
 - (iv) any combination of the above.

BUILDING HEIGHT

- (k) The building height shall not exceed the maximum heights in metres and number of storeys shown on Schedule "RM6(154)" excluding mechanical penthouses and stairwells to access the roof.

BUILDING ENVELOPE

- (l) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule "RM6(154)".

PARKING

- (m) Parking spaces shall be provided within the net site in accordance with the following requirements:
- (i) a minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
 - (ii) a maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use.

No surface parking spaces shall be permitted.

LOADING

- (n) One (1) loading space shall be provided on the net site.

LOT COVERAGE

- (o) The maximum permitted building coverage is 48 per cent of the net site.

LANDSCAPING

- (p) A minimum of 1,600 m² of landscaping shall be provided on the net site.

OUTDOOR AMENITY SPACE

- (q) A minimum of 1.5 m² per dwelling unit of private outdoor recreational space shall be provided on the net site, at grade or on the recreation centre rooftop or any combination thereof.

YARD SETBACKS

- (r) The minimum yard setbacks shall be as shown on Schedule “RM6(154)”.

PROVISIONS NOT APPLICABLE

- (s) The provisions of Sections 6A(8), 6A(16)(c), (d), 15.6 and 20-A.2.4.1 do not apply.

INCREASED DENSITY

- (t) Matters that are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (v) of this exception are:

SECTION 37 AGREEMENT

- (u) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to, the agreements referred to above shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
- (i) a minimum of 1.50 m² per dwelling unit of indoor bicycle storage space without access corridors or 2.25 m² with access corridors or any combination thereof;
- (ii) a minimum of 1.50 m² per dwelling unit of indoor recreational amenity space.

ADDITIONAL GROSS FLOOR AREA

- (v) Notwithstanding subsection (i) of this exception, additional gross floor area may be permitted on the net site shown on Schedule “RM6(154)”, limited to the following:
- (i) a maximum of 2.25 m² per dwelling unit of indoor bicycle storage space, provided that no more than 1.50 m² per dwelling unit is used for bicycle rack or locker area(s) and provided further that no more than 0.75 m² per

dwelling unit is used for access corridor to the bicycle rack or locker area(s);

- (ii) a maximum of 1.50 m² per dwelling unit of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes.

SEVERANCE

- (w) Notwithstanding any future severance, partition or division of the net site shown on Schedule “RM6(154)”, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.”
8. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(154)” attached to this By-law.
 9. Section 64.13 of By-law No. 7625 is amended by deleting Subsection 64.13(44) in its entirety and adding the following subsection:

“64.13(44) R4(44)

DEFINITIONS

ESTABLISHED GRADE

- (a) For the purpose of this exception, “established grade” shall mean the elevation, as fixed by the City, of the centre line of Yonge Street at the mid-point of the abutting lot line on the east side of the road allowance, being the geodetic elevation of 176 metres.

GROSS SITE

- (b) For the purpose of this exception, “gross site” shall mean Parts 7, 9, 10 and 12 on Plan 66R-21466, comprising an area of 8,204 m².

GROSS FLOOR AREA

- (c) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
 - (i) any part of the building used for mechanical floor area; and
 - (ii) below grade space used exclusively for motor vehicle parking.

MECHANICAL FLOOR AREA

- (d) For the purpose of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of

mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

NET SITE

- (e) For the purpose of this exception, “net site” shall mean the gross site minus Part 12 of Plan 66R-21466 conveyed for road widening purposes to the City of Toronto, being Parts 7, 9 and 10 of Plan 66R-21466 and comprising an area of 7,537 m² as depicted on Schedule “R4(44)”.

PERMITTED USES

- (f) The only permitted uses shall be:
- schools and accessory uses, including day nurseries, live theatres and underground parking garages.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (g) The maximum gross floor area permitted on the net site shall not exceed 4,024 m².

BUILDING HEIGHT

- (h) The building height shall not exceed the maximum height in metres and number of storeys shown on Schedule “R4(44)” excluding mechanical penthouses and stairwells to access the roof.

BUILDING ENVELOPE

- (i) No portion of any building or structure erected and used above grade, adjacent to the building, shall be located otherwise than wholly within the building envelope identified on Schedule “R4(44)” except for canopies, balconies, a garbage enclosure and an electrical transformer, any of which may project into the yard setbacks.

PARKING

- (j) Parking spaces shall be provided within the net site in accordance with the following requirements:
- (i) one (1) surface space, designated as a handicapped space;
 - (ii) a minimum of 15 lay-by spaces along the east side of the driveway on the west side of the property, marked and signed for the purpose of student drop-off and pick-up;

- (iii) a minimum of 40 parking spaces in a parking garage underneath the building, with vehicular access to the street through the garage of the building constructed on the abutting property to the west.

Prior to construction of the building to the west, vehicular access to and from the underground parking garage shall be provided through the abutting property by means of a driveway of minimum width 6.0 m. During construction of the building to the west, parking shall be provided off site within 500 m of the net site.

LOADING

- (k) Two (2) loading spaces shall be provided on the net site.

LOT COVERAGE

- (l) The maximum permitted building coverage is 24 per cent of the net site.

LANDSCAPING

- (m) A minimum of 3,600 m² of landscaping, consisting of natural or artificial grass, planted or treed areas, safety surfacing, play structures, paved areas and other hard surface landscaping, shall be provided on the net site, including the playground area shown on Schedule “R4(44)”.

YARD SETBACKS

- (n) The minimum yard setbacks shall be as shown on Schedule “R4(44)”.

PROVISIONS NOT APPLICABLE

- (o) The provisions of Sections 6(26), 6A(6)(c), 6A(15) and 6A(16)(c) do not apply.

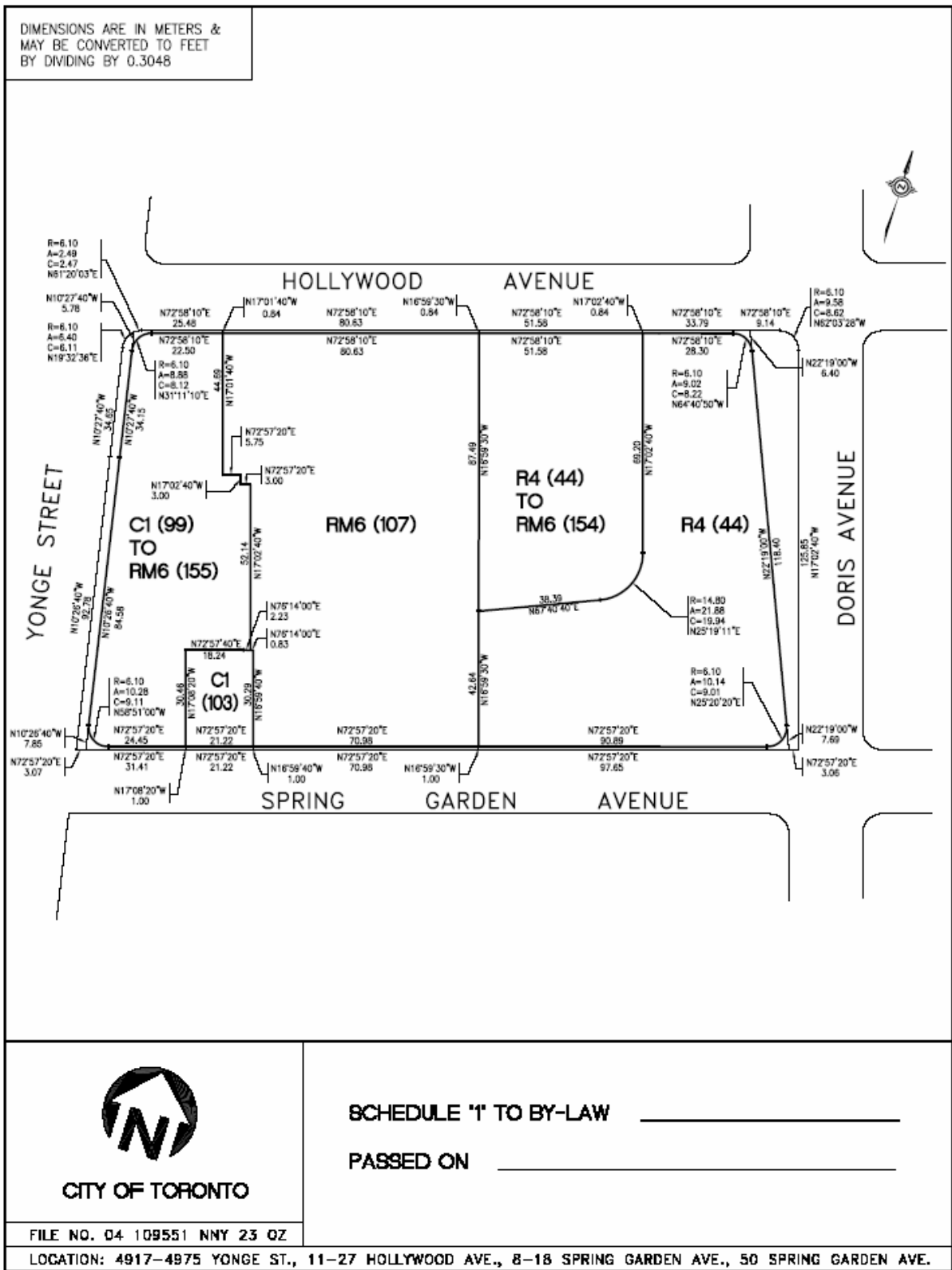
SEVERANCE

- (p) Notwithstanding any future severance, partition or division of the net site shown on Schedule “R4(44)”, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.”

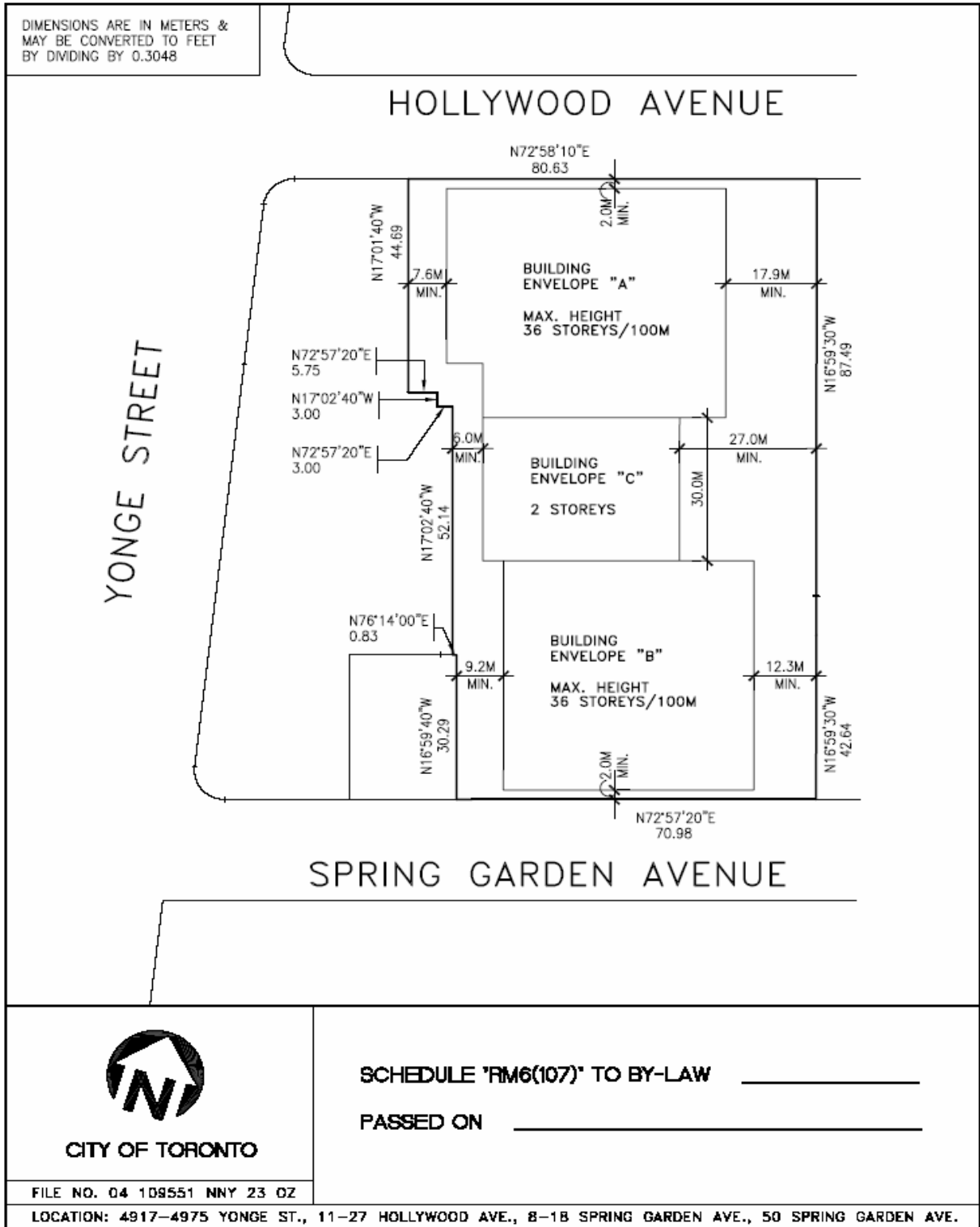
10. Section 64.13 of By-law No. 7625 is amended by deleting Schedule “R4(44)” and adding Schedule “R4(44)” attached to this By-law.

PURSUANT TO DECISION/ORDER NO. 1123 OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON MAY 2, 2005 IN BOARD FILE NO. PL040270.

SCHEDULE "1"



SCHEDULE "RM6(107)"



CITY OF TORONTO

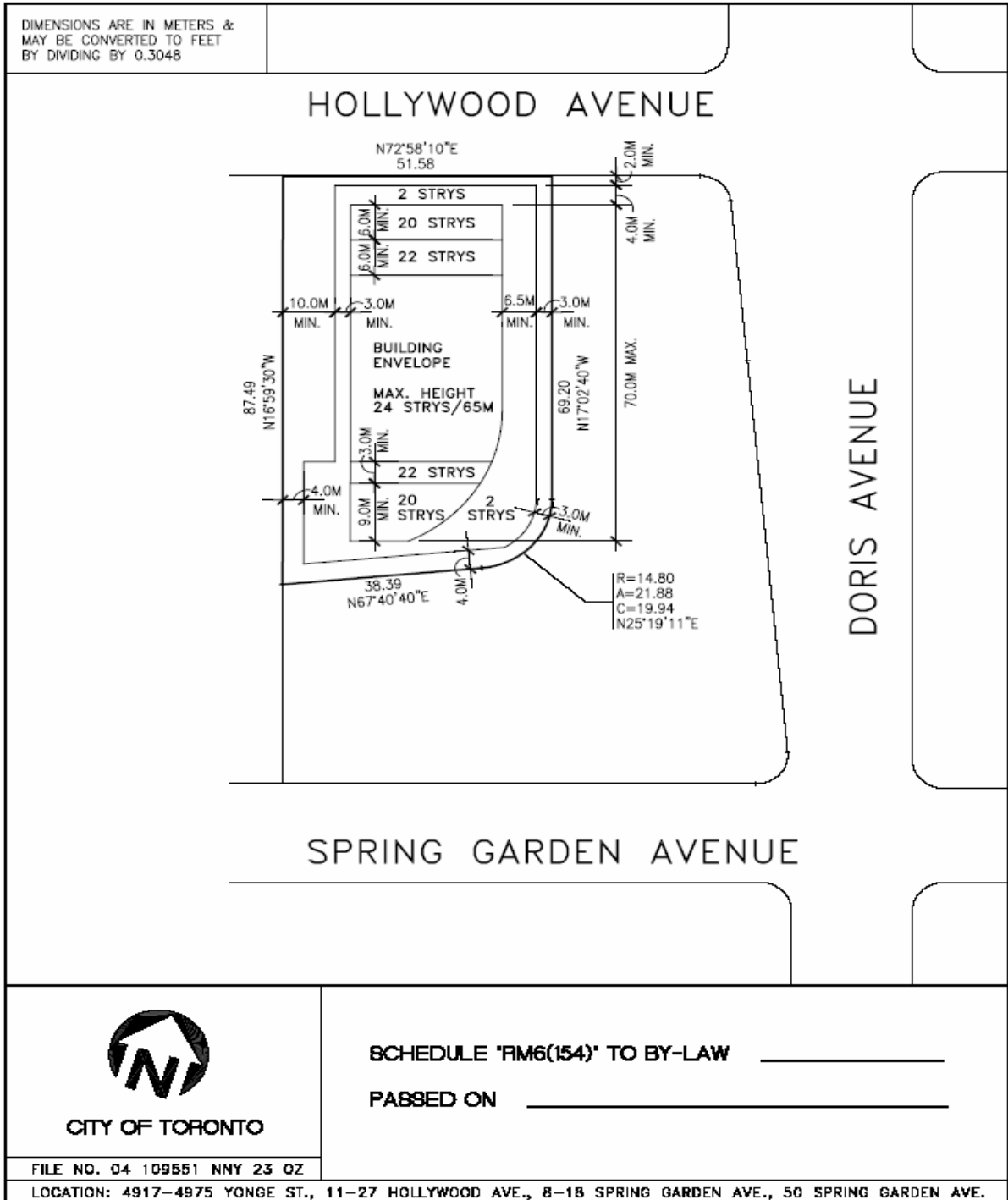
SCHEDULE "RM6(107)" TO BY-LAW _____

PASSED ON _____

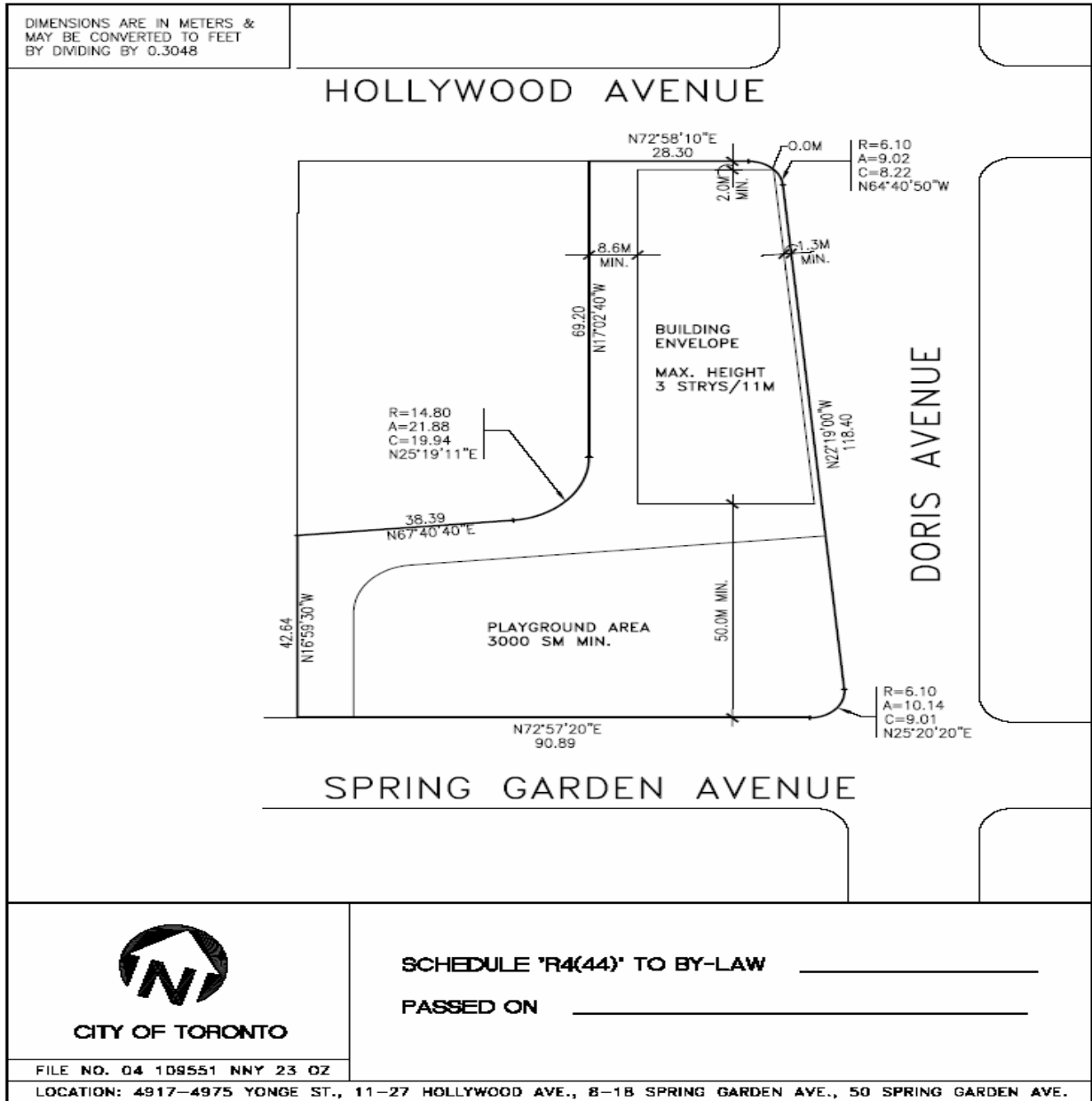
FILE NO. 04 108551 NNY 23 02

LOCATION: 4917-4975 YONGE ST., 11-27 HOLLYWOOD AVE., 8-18 SPRING GARDEN AVE., 50 SPRING GARDEN AVE.

SCHEDULE "RM6(154)"



SCHEDULE "R4(44)"



CITY OF TORONTO

SCHEDULE "R4(44)" TO BY-LAW _____

PASSED ON _____

FILE NO. 04 108551 NNY 23 02

LOCATION: 4917-4975 YONGE ST., 11-27 HOLLYWOOD AVE., 8-18 SPRING GARDEN AVE., 50 SPRING GARDEN AVE.