

CITY OF TORONTO

BY-LAW No. 756-2006(OMB)

To amend former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 5791 - 5793 Yonge Street.

WHEREAS the Ontario Municipal Board, by way of an Order No. 2303 issued on the August 15, 2006, determined to amend Zoning By-law No. 7625 in respect of lands known municipally in the year 2006 as 5791-5793 Yonge Street;

The Ontario Municipal Board orders as follows:

1. Schedules “B” and “C” of By-law No. 7625 are amended in accordance with Schedule “1” of this By-law.
2. Section 64.23 of By-law No. 7625, as amended, of the former City of North York is amended by adding the following subsection:

“64.23(122) C1(122)

None of the provisions of By-law No. 28732 as amended shall apply to prevent the erection and use of apartment house dwellings on lands identified in 2006 as 5791 and 5793 Yonge Street as shown on Schedule “C1(122)”.

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, guest suites and ground level dwelling units having access both from an internal corridor system and directly from the outside.

BICYCLE PARKING SPACE

- (b) For the purpose of this exception, “bicycle parking space – occupant” shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and
 - (i) where the bicycle is to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycle is to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres.

- (c) For the purpose of this exception, “bicycle parking space – visitor” shall mean an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and
- (i) where the bicycle is to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycle is to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.

ESTABLISHED GRADE

- (d) 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 net site lot line, being the geodetic elevation of 191.0 m.

GROSS SITE

- (e) For the purpose of this exception, “gross site” shall mean Part of Lot 22, Concession 1, East of Toronto, City of Toronto, comprising a total area of 5,384 m², and for the purpose of this by-law will be the same as the Net Site.

GROSS FLOOR AREA

- (f) For the purpose of this exception, “gross floor area” shall apply only to those buildings built after 2004 and 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;
 - (iii) the floor area of unenclosed residential balconies; and
 - (iv) common outdoor landscape features including enclosed trellises.

GUEST SUITE

- (g) For the purpose of this exception, “guest suite” shall mean a suite, other than a dwelling unit, that has no kitchen facilities and is available for use on a temporary basis as overnight accommodation for persons visiting residents of an apartment house dwelling.

MECHANICAL FLOOR AREA

- (h) 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.

(i) PARKING SPACE/DRIVEWAY AISLE DIMENSIONS

- (i) For the purpose of this exception, “parking space” including an angled parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres; and
- (ii) For the purpose of this exception, a “two-way driveway aisle” shall have a minimum width of 6 metres.

PERMITTED USES

- (j) The only permitted uses shall be:
- (i) apartment house dwellings and private recreational amenity areas;
- (ii) business and professional offices, professional medical offices; and
- (iii) retail uses, restaurant, and personal service shops, banks, dry-cleaning shops, studios, custom workshops making articles or products to be sold at retail on the premises, commercial clubs and schools, day nurseries, and outdoor cafe in conjunction with restaurant on the same lot: Such uses shall be located at-grade only, having direct access to the Yonge Street sidewalk and maximum frontage width of 14 metres.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (k) Except as provided for in subsection (bb) of this Exception, the maximum gross floor area permitted on the net site shall not exceed 32,004 m².

NUMBER OF DWELLING UNITS

- (l) The maximum number of dwelling units on the net site shall be 492, of which a minimum of 25 per cent of the total number of dwelling units 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; and
 - (iv) any combination of the above.

GUEST SUITES

- (m) The maximum number of guest suites shall be two.

BUILDING HEIGHT

- (n) The residential building height shall not exceed the maximum heights in metres and storeys shown on Schedule “C1(122)”, excluding mechanical penthouses and stairwells to access the roof.
- (o) The commercial building height shall not exceed the maximum heights 73.1 metres or 17 storeys, including mechanical penthouses and stairwells to access the roof.

BUILDING ENVELOPE

- (p) No portion of any residential building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule “C1(122)”, with the exception of:
- (i) open balconies, roof overhangs, canopies and cornices, all of which may project to a maximum of 2.5 metres beyond the building envelope;
 - (ii) any decorative landscape structures, fences and walls as well as stair enclosures in the rear yard; and
 - (iii) notwithstanding the provisions of subsection (p)(i) above, the canopy along the western face of the building, as shown on Schedule “C1(122)”, may project beyond the building envelope to a maximum of 3.0 metres from the west property line.

PARKING

- (q) Parking spaces shall be provided within the net site in accordance with the following requirements:
 - (i) for residential use, a minimum of 1.0 parking spaces per dwelling unit, including 0.1 parking spaces per dwelling unit reserved for visitor use;
 - (ii) for residential use, a maximum of 1.2 parking spaces per dwelling unit, including 0.1 parking spaces per dwelling unit reserved for visitor use;
 - (iii) for commercial use a minimum of 0.9 parking spaces per 100m² of commercial gross floor area and a maximum of 1.34 parking spaces per 100 m² of commercial gross floor area, such range to incorporate a visitor parking ratio of 0.1 space per 100 m²; and
 - (iv) a maximum seven surface parking spaces shall be permitted on the net site.
- (r) Notwithstanding Sections 6(A)(3) and 6(A)(5)(b) of By-law No. 7625, the following parking dimensions shall apply:
 - (i) Notwithstanding Section 6A(3), “parking space” including an angled parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres; and
 - (ii) Notwithstanding Section 6A(5)(b), a two-way “driveway aisle” shall have a minimum width of 6 metres.
- (s) a minimum of 30 bicycle parking spaces – occupant and a minimum of 20 bicycle parking spaces – visitors shall be provided on the net site.

LOADING

- (t) One regulation type loading space, plus one loading lay-by space shall be provided on the net site.

LOT COVERAGE

- (u) The maximum permitted building coverage is 43 per cent of the net site.

LANDSCAPING

- (v) A minimum of 2,114 m² of landscaping shall be provided on the net site.

PRIVATE INDOOR RECREATIONAL SPACE

- (w) A minimum of 1.5 m² per dwelling unit of indoor residential amenity space shall be provided within the building.

PRIVATE OUTDOOR RECREATIONAL SPACE

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

LOCKERSPACE

- (y) A minimum of 1 locker with a minimum area of 1.6 m² shall be provided for each apartment house dwelling unit.

YARD SETBACKS

- (z) The minimum yard setbacks for a commercial building shall be a minimum:

Front yard	0 metres
South side yard	5.5 metres
North side yard	5.5 metres
Rear yard	20.0 metres

COMMON OUTDOOR SPACE

- (aa) Common outdoor space shall be provided in an amount equal to 4 percent of the non-residential gross floor area or 10 percent of the net site, whichever is greater.

INCREASED DENSITY

- (bb) Matters which 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 (bb) of this exception are:

SECTION 37 AGREEMENT

- (cc) 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) secure the obligation that arrangements be made for a deferred conveyance to the City for a nominal amount, a triangular portion of land at the north-west corner of the site measuring approximately 8.7m and 24.0m along the west and north property lines respectively, upon provision of notice by the City that the lands are required for public road purposes;
 - (ii) a minimum of 1.5 m² per dwelling unit of indoor recreational amenity space;
 - (iii) An amount of \$300,000.00, to be used for the public art referenced in the Section 37 Agreement; and
 - (iv) An amount of \$350,000.00 related to the intersection improvements.
- (dd) Prior to the issuance of the first above-grade building permit for any building on the site, the Owner will:
- (i) Provide financial security relating to the \$300,000.00 for the public art referenced in the Section 37 Agreement;
 - (ii) submit to the City and have approved by the City a public art plan for the public art program; and
 - (iii) provide financial security in the amount of \$350,000.00 relating to the intersection improvements.

ADDITIONAL GROSS FLOOR AREA

- (ee) Notwithstanding subsection (k) of this exception, additional gross floor area may be permitted on the net site shown on Schedule "C1(122)", limited to a maximum of 1.5 m² gross floor area per dwelling unit of indoor recreational amenity space.
- (ff) Building permit issuance for the proposed development shall be dependant upon satisfaction of the provisions in this zoning by-law amendment and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

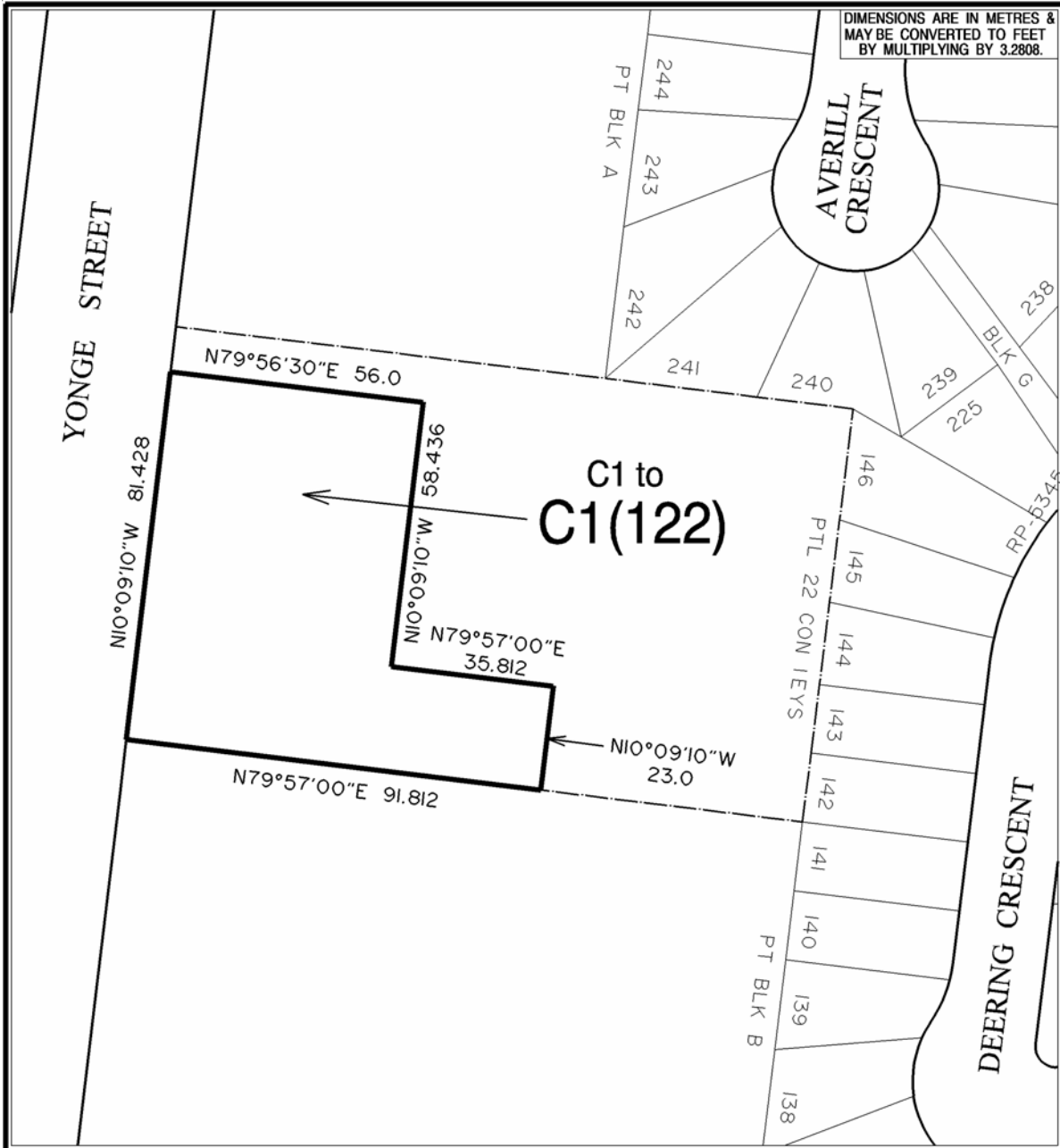
SEVERANCE

- (gg) Notwithstanding any future severance, partition or division of the net site shown on Schedule "C1(122)", 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 64.23 of By-law No. 7625 is amended by adding Schedule “C1(122)” attached to this By-law.

PURSUANT TO THE ORDER/DECISION NO. 2303 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 15, 2006 IN BOARD CASE NO. PL060094.

SCHEDULE "1"




This is Schedule " 1 " to By-Law _____
passed the _____ day of _____, 20 ____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR



Location: Part of Lot 22, Concession 1 East of Yonge Street, City of Toronto

File: 04_126102	Prepared by: A.K.	Approved by: P.B.	Date: Sept. 2, 2005
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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 as-built curb lines of streets.



City Planning Division
North District

SCHEDULE "C1(122)"

