

Authority: North York Community Council Item 32.45,
as adopted by City of Toronto Council on March 31 and April 1, 2010
Enacted by Council: June 9, 2010

CITY OF TORONTO

BY-LAW No. 595-2010

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands known municipally as 4759-4789 Yonge Street.

WHEREAS authority is given to Council of the City of Toronto 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 has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedules 1 and 2 of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

"64.20-A(191) RM6(191)

DEFINITIONS

(a) **BAKERY**

For the purpose of this exception, "bakery" shall mean a restaurant or retail store that sells food products baked on the premises directly to the public, in which flour or meal is the principal ingredient, including but not limited to bread, biscuits, ice-cream cones, cakes, pies, buns, doughnuts and bagels.

BICYCLE PARKING

- (b) For the purpose of this exception, "bicycle room" shall mean one of three common indoor spaces located at the southwest corner on the first level of the parking garage in close proximity to the elevators, stairs and TTC entrance, readily accessible from the outside, that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (c) For the purpose of this exception, "bicycle parking space" shall mean a space with minimum vertical clearance of 1.9 m, minimum horizontal dimensions of 0.6 m by 1.2 m and maximum floor area of 2.0 m², including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite.

COMMON OUTDOOR SPACE

- (d) 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

- (e) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 176.22 metres.

GROSS SITE

- (f) For the purpose of this exception, "gross site" shall mean Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 21 and 23 on Plan 66R-24871 comprising an area of 15,136.30 m².

GROSS FLOOR AREA

- (g) 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) any space in a parking garage at or below grade used exclusively for motor vehicle and bicycle parking and access thereto, including loading areas, other than bicycle rooms and associated shower/change facilities located at the southwest corner of the first level of the parking garage; and
 - (iii) the floor area of unenclosed residential balconies.

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, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment, and crawl spaces for servicing mechanical equipment located at the 2nd and 13th levels of the podium and north tower respectively.

NET SITE

- (i) For the purpose of this exception, "net site" shall mean the gross site minus Parts 2, 3, 4, 5, 6 and 7 of Plan 66R-24871, conveyed for road widening purposes to the City of Toronto, with the net site being Parts 1, 8, 9, 10, 11, 12, 13, 14, 15, 18, 21 and 23 on Plan 66R-24871 and comprising an area of 12,604.70 m². Any lands within the net site conveyed to the City for TTC infrastructure purposes shall continue to be considered part of the net site.

TTC SPACES

- (j) For the purposes of this exception, "TTC spaces" shall mean the gross floor areas of continuous indoor and/or underground pedestrian connections from the north and south towers of the development to the Yonge-Sheppard transit terminal, to be owned, operated, controlled or used exclusively by or for the Toronto Transit Commission or its successor.

PERMITTED USES

- (k) The only permitted uses shall be as follows:

RESIDENTIAL

- apartment house dwellings and accessory uses, including recreational amenity areas.

The gross floor area of all residential uses, including recreational amenity areas, shall be limited to a maximum of 61,140 m², of which a maximum of 30,556 m² shall be contained in the 35 storey south tower building and the remainder in the 45 storey north tower building and the second floor of the 5 storey podium building, shown on Schedule RM6(191).

NON-RESIDENTIAL

Office Uses

- accessory uses;
- adult education schools;
- business and professional offices, including banks and other financial institutions;
- clinics;
- commercial schools;
- health science research laboratories;
- information processing centres or facilities;
- professional medical offices; and
- schools.

A minimum of 23,200 m² of floor space shall be devoted solely to Office Uses, of which at least 19,000 m² shall be located in the first 12 storeys of the 12 storey/45 storey north tower building and the remainder in the 5 storey podium building shown on Schedule RM6(191).

Retail and Service Commercial Uses

- accessory uses;
- art galleries;
- automatic teller machines;
- bakeries;
- car rental agencies;
- car share services;
- car washes;
- commercial galleries;
- custom workshops making articles or products to be sold at retail on the premises;
- day nurseries;
- dry-cleaning and laundry collecting establishments;
- fitness centers;
- outdoor cafes;
- personal service shops;
- restaurants including take-out;
- retail branches of banks and other financial institutions;
- retail stores (including grocery stores, supermarkets and pharmacies);
- studios; and
- theatres.

A minimum of 6,200 m² of floor space shall be devoted solely to Retail and Service Commercial Uses. No Retail and Service Commercial Uses shall be located in or above the second floor of any building shown on Schedule RM6(191). A minimum of 5,600 m² of this floor space shall front onto and be directly accessible from the public sidewalk or common outdoor spaces on Yonge Street, Sheppard Avenue or Anndale Drive.

Other Uses

- TTC spaces.

A minimum of 700 m² of TTC spaces shall be provided.

Only non-residential uses, except for residential lobby and amenity areas and TTC spaces, plus residential elevators, stairs and mechanical and service areas located within the core, shall be contained in the first 12 storeys of the 12 storey/45 storey north tower building and the 5 storey podium building shown on Schedule RM6(191). The gross floor area of all non-residential uses, except for TTC spaces, shall be a minimum of 29,400 m².

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (l) Except as provided for in subsection (z) of this exception, the maximum gross floor area permitted on the net site shall not exceed 68,114 m² attributable to the gross site.

NUMBER OF DWELLING UNITS

- (m) The maximum number of dwelling units shall be 695.

BUILDING ENVELOPE

- (n) 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(191) except for canopies and driveway entrance and architectural features which may project beyond the building envelope.

BUILDING HEIGHT

- (o) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule RM6(191) excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

NUMBER OF STOREYS

- (p) The number of storeys shall not exceed the maximums shown on Schedule RM6(191) excluding mechanical penthouses, stairwells to access the roof, mezzanine spaces located between the ground and second floor levels, and crawl spaces for servicing mechanical equipment located at the 2nd and 13th levels of the podium and north tower respectively.

MOTOR VEHICLE PARKING

- (q) Motor vehicle 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 allocated for visitor use;
 - (ii) a maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for visitor use;
 - (iii) a minimum of 0.90 parking spaces per 100 m² of gross floor area devoted to non-residential uses; and

- (iv) a maximum of 1.00 parking spaces per 100 m² of gross floor area devoted to non-residential uses.

No parking spaces shall be permitted outside any building; all parking spaces shall be located in parking garages contained within the building complex. Non-residential parking spaces and residential visitor parking spaces may be made available to the general public and a charge may be imposed for the use of such spaces, whether by tenants, visitors or the public.

BICYCLE PARKING

- (r) Bicycle parking shall be provided in three common bicycle rooms, two serving residential units and another serving commercial uses, at minimum rates of 0.1 per dwelling unit and 1.0 per 2,000 m² of commercial area respectively. One shower/change facility for each gender shall be provided within, or adjacent to, the commercial bicycle room. In addition, bicycle parking spaces may be provided in identified bicycle parking areas throughout the parking garage.

LOADING

- (s) Six (6) loading spaces shall be provided on the net site.

COMMON OUTDOOR SPACE

- (t) A minimum of 2,000 m² of common outdoor space shall be provided on the net site.

RECREATIONAL AMENITY AREA

- (u) A minimum of 1.5 m² per dwelling unit of outdoor recreational amenity area shall be provided on the roof of the 1 storey podium shown on Schedule RM6(191).

YARD SETBACKS

- (v) The minimum yard setbacks shall be as shown on Schedule RM6(191).

PROVISIONS NOT APPLICABLE

- (w) The provisions of Sections 6A(8), 15.8 and 20-A do not apply.

INCREASED DENSITY

- (x) 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 (z) of this exception are:

SECTION 37 AGREEMENT

- (y) 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 for or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
- (i) conveyance, at no cost to the City, of Lot 8 on Registered Plan 3421, identified by PIN 10104-0589(LT) and municipally known as 2 Bonnington Place, comprising an area of 441 m²;
 - (ii) conveyance, at no cost to the City, of Lot 12 on Registered Plan 3421, identified by PIN 10104-0585(LT) and municipally known as 10 Bonnington Place, comprising an area of 441 m²;
 - (iii) a minimum of 5,608 m² of retail and service commercial area fronting onto and directly accessible from Yonge Street, Sheppard Avenue or Anndale Drive;
 - (iv) three bicycle rooms containing bicycle racks or lockers at minimum rates of 0.1 per dwelling unit and 1.0 per 2,000 m² of commercial area respectively;
 - (v) a minimum of 1.50 m² per dwelling unit of indoor recreational amenity area;
 - (vi) a minimum of 700 m² of TTC spaces;
 - (vii) a monetary contribution towards the cost of acquiring lands necessary for completion of planned service roads, associated road network and buffer areas in the North York Centre; and
 - (viii) at least 23,200 m² of office floor space and at least 6,200 m² of retail and service commercial floor space, of which a minimum of 19,000 m² of office floor area shall be located in the first 12 storeys of the 12 storey/45 storey north tower building and the remainder in the 5 storey podium building shown on Schedule RM6(191).

With respect to subsection (vii), the amount of the monetary contribution shall be equal to the market value, based on land value, of the gross floor area specified in (z)(vii) below as determined by City Council at its meeting held on May 25, 26 and 27, 2009 on the advice of the Director of Real Estate Services, shall be secured by letter of credit, and shall be subject to being offset by costs incurred by the owner to provide the TTC spaces as specified in the Section 37 agreement.

With respect to subsection (viii), no uses, other than the Office Uses specified in subsection (k) above, shall be permitted in the second to twelfth floors of the 12 storey/45 storey north tower building and the third to fifth floors of the 5 storey podium building shown on Schedule RM6(191) as specified in the Section 37 agreement.

ADDITIONAL GROSS FLOOR AREA

- (z) Notwithstanding subsection (l) of this exception, additional gross floor area may be permitted on the net site shown on Schedule RM6(191), limited to the following:
- (i) a maximum of 1,543.5 m² attributable to a transfer of all density on the lands specified in (y)(i) above;
 - (ii) a maximum of 1,543.5 m² attributable to a transfer of all density on the lands specified in (y)(ii) above;
 - (iii) a maximum of 5,609 m² of retail and service commercial area fronting onto and directly accessible from Yonge Street, Sheppard Avenue or Anndale Drive, provided that the area is used exclusively for retail and service commercial purposes;
 - (iv) a maximum of 247 m² for three bicycle rooms provided that the rooms are designed and used exclusively for parking and storing bicycles;
 - (v) a maximum of 1.50 m² per dwelling unit of indoor recreational amenity area, provided that the area is used exclusively for recreational purposes;
 - (vi) a maximum of 1,000 m² for TTC spaces, provided that the area is used exclusively for pedestrian connections to the transit terminal located at Yonge Street and Sheppard Avenue; and
 - (vii) a maximum of 12,511 m² attributable to the payment specified in (y)(vii) above.

SEVERANCE

- (aa) Notwithstanding any future severance, partition or division of the net site shown on Schedule RM6(191), 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(191) attached to this By-law.

4. Section 64.14-A of By-law No. 7625 is amended by adding the following subsection:

"64.14-A(21) R6(21)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area permitted on Lot 8 of Registered Plan 3421, identified by PIN 10104-0589(LT) and municipally known as 2 Bonnington Place, is 0.0 m².
- (b) The maximum gross floor area permitted on Lot 12 of Registered Plan 3421, identified by PIN 10104-0585(LT) and municipally known as 10 Bonnington Place, is 0.0 m²."

ENACTED AND PASSED this 9th day of June, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)





