

Authority: North York Community Council Item 32.44, as adopted by City of Toronto Council on March 31 and April 1, 2010 and Motion MM52.36, moved by Councillor Filion, seconded by Councillor Mihevc, as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1135-2010

To amend the former City of North York Zoning By-law No. 7625 with respect to lands located between Yonge Street and Beecroft Road north of Park Home Avenue, municipally known as 5170 Yonge Street and part of 5172 Yonge Street.

WHEREAS authority is given to the 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, as amended, are amended in accordance with Schedule 1 of this By-law.
2. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
3. Section 64.20-A of By-law No. 7625, as amended, is further amended by adding the following subsection:

"64.20-A(195) RM6(195)

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 directly accessible from the outside or from an internal corridor system or any combination thereof.

BAKERY

- (b) 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

- (c) For the purpose of this exception, "bicycle room" shall mean a common indoor space readily accessible from the outside that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (d) For the purpose of this exception, "bicycle parking space" shall mean a space with a minimum vertical clearance of 1.9 m and 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 provided within a dwelling unit, balcony or commercial suite.

COMMON OUTDOOR SPACE

- (e) 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 or public park or publicly accessible driveway, provide pedestrian facilities such as outdoor seating, and may include public art.

ESTABLISHED GRADE

- (f) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 176.03 metres.

GROSS SITE

- (g) For the purpose of this exception, "gross site" shall mean the lands identified by Parts 1, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15 on Plan 66R-25025, comprising an area of 15,011.7 m².

GROSS FLOOR AREA

- (h) 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; and
- (iii) the floor area of unenclosed residential balconies.

LIVE-WORK UNITS

- (i) For the purposes of this exception, a "live-work" unit shall mean a ground level dwelling unit directly accessible from the outside, designed and intended to also be used for work purposes by the resident(s) of the dwelling unit, with work purposes limited to business offices, professional offices and artist studios that contain no obnoxious uses.

MECHANICAL FLOOR AREA

- (j) 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.

NET SITE

- (k) For the purpose of this exception, "net site" shall mean the lands identified by Parts 1, 3, 5, 7, 9, 10 and 15 on Plan 66R-25025, comprising an area of 11,056.6 m² and consisting of the gross site minus lands 14.0 m² in area conveyed to the City for road widening purposes and 3,941.1 m² in area conveyed to the City for park purposes.

LANDSCAPING

- (l) For the purpose of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas and directly associated elements such as curbs or retaining walls.

PERMITTED USES

- (m) The only permitted uses are:

RESIDENTIAL

apartment house dwellings, including live-work units, and accessory uses thereto including private recreational amenity areas;

NON-RESIDENTIAL

retail and service commercial uses, including dry-cleaning and laundry collecting establishments, financial institutions, bakeries, outdoor cafes, business offices, professional offices, professional medical offices, restaurants, retail stores, personal service shops, fitness centre, day nursery, and accessory uses thereto.

All non-residential uses shall be restricted to the first two floors of the five-storey podium. Business offices, professional offices, professional medical offices, fitness centre and day nursery shall additionally be restricted to the second floor. These restrictions do not apply to the live-work units.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA (PRIMARY GFA)**

- (n) Except as provided for in subsection (dd) of this exception, the maximum gross floor area permitted on the net site shall not exceed 93,567 m² attributable to the gross site.

NUMBER OF DWELLING UNITS

- (o) The maximum number of dwelling units shall be 916, of which a maximum of 823 shall be tower apartments, a maximum of 82 shall be podium apartments and a maximum of 11 shall be live-work units within the podium.

BUILDING ENVELOPE

- (p) 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(195) except for the projections permitted in Section 6(9) and the limitations set out in that section.

BUILDING HEIGHT

- (q) The building height, measured from established grade, shall not exceed the maximum height in metres shown on Schedule RM6(195) excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

NUMBER OF STOREYS

- (r) The number of storeys shall not exceed the maximum shown on Schedule RM6(195) excluding mechanical penthouses and stairwells to access the roof.

MOTOR VEHICLE PARKING

- (s) 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 allocated to non-residential uses other than the Gibson House, including a visitor parking allowance of 0.10 spaces per 100 m²;
 - (iv) a maximum of 1.12 parking spaces per 100 m² of gross floor area allocated to non-residential uses other than the Gibson House, including a visitor parking allowance of 0.10 spaces per 100 m²;
 - (v) an additional 27 parking spaces allocated to staff and visitors to the abutting Gibson House property at 5172 Yonge Street.

Parking shall be permitted within the net site on lands zoned RM6(195) and O1(40).

All motor vehicle parking spaces, other than one handicapped parking space, shall be located in an underground parking garage contained within the net site. Non-residential parking spaces and residential visitor parking spaces may be commingled and made available to the general public, and a charge may be imposed for the use of such spaces.

BICYCLE PARKING

- (t) Bicycle parking shall be provided, at a minimum rate of 0.10 bicycle parking spaces per dwelling unit, including townhouse units, in two bicycle rooms located respectively on the ground floor and on a mezzanine floor immediately above the ground floor. Access to the ground floor bicycle room shall be through a door directly to the outside. Access to the mezzanine floor bicycle room shall be via a dedicated elevator located within the bicycle room that connects directly to the outside at the ground floor level. In addition, bicycle parking spaces may be provided outdoors and in identified bicycle parking areas throughout the parking garage.

LOADING

- (u) A minimum of two (2) loading spaces shall be provided on the net site for Buildings "A" and "B" shown on Schedule RM6(195). The loading space contained within Building "A" shall have minimum dimensions of 13.0 m long, 6.0 m wide and

6.0 m high. The loading space contained within Building "B" shall have minimum dimensions of 10.0 m long, 6.0 m wide and 4.5 m high.

LOT COVERAGE

- (v) The maximum permitted building coverage shall be 44 per cent of the net site.

LANDSCAPING

- (w) A minimum of 5,000 m² of landscaping shall be provided within the net site on lands zoned "RM6(195)" and "O1(40)".

OUTDOOR RECREATIONAL AMENITY AREA

- (x) A minimum of 400 m² of outdoor recreational amenity area shall be provided on the podium roof garden.

COMMON OUTDOOR SPACE

- (y) A minimum of 1,000 m² of common outdoor space shall be provided within the net site, immediately adjacent to the retail and service commercial space.

YARD SETBACKS

- (z) The minimum yard setbacks shall be as shown on Schedule RM6(195).

PROVISIONS NOT APPLICABLE

- (aa) The provisions of Sections 6A(8), 20-A and 6A(16)(d)(iv) do not apply.

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 (dd) 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 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) a bicycle room containing a minimum of 30 bicycle parking spaces, located on the ground floor with direct access from the outside;
- (ii) a minimum of 1.5 m² per dwelling unit of indoor recreational amenity space;
- (iii) a minimum of 1,306 m² of retail and service commercial space on the ground floor podium level, fronting onto and directly accessible from Yonge Street, Park Home Avenue or the Rose Garden Park shown on Schedule RM6(195) and located within 30 metres of the property line; and
- (iv) a continuous indoor and underground pedestrian connection to the building complex located at the southwest corner of Yonge Street and Park Home Avenue, known municipally as 5150 – 5160 Yonge Street and directly connected to the North York Centre transit terminal.

ADDITIONAL GROSS FLOOR AREA (INCENTIVE GFA)

- (dd) Notwithstanding subsection (n) of this exception, additional gross floor area may be permitted on the net site shown on Schedule RM6(195), limited to the following:
 - (i) a maximum of 61 m² for a bicycle room on the ground floor provided that this room is designed and used exclusively for parking and storing bicycles;
 - (ii) a maximum of 1.5 m² per dwelling unit of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes;
 - (iii) a maximum of 1,306 m² of retail and service commercial space on the ground floor podium level, provided that the area is used exclusively for the non-residential uses permitted by subsection (m); and
 - (iv) a maximum of 122 m² for a continuous indoor and underground connection to the building complex located at the southwest corner of Yonge Street and Park Home Avenue, known municipally as 5150 – 5160 Yonge Street and directly connected to the North York Centre transit terminal.

SEVERANCE

- (ee) Notwithstanding any past or future severance, partition or division of the net site, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."
4. Section 64.20-A of By-law No. 7625, as amended, is further amended by adding Schedule RM6(195) attached to this By-law.
 5. Where any provision or Schedule of By-law No. 31237 of the former City of North York, as amended, conflicts with this By-law, this By-law shall prevail.

6. Section 64.37 of By-law No. 7625, as amended, is further amended by adding the following subsections:

"64.37(39) O1(39)

PERMITTED USES

The only permitted uses are a public park and an underground access to the North York Centre transit terminal via the lands located on the south side of Park Home Avenue."

"64.37(40) O1(40)

PERMITTED USES

The only permitted uses are a public park, one handicapped parking space, and an underground parking structure and uses accessory thereto, including but not limited to a parking garage ramp, exit stairs, vents and shafts."

"64.37(41) O1(41)

PERMITTED USES

The only permitted uses are a public park."

"64.37(42) O1(42)

PERMITTED USES

The only permitted uses are those accessory to a museum and associated administrative offices within the building located at 5172 Yonge Street."

7. Section 64.37 of By-law No. 7625, as amended, is further amended by adding Schedules O1(39), O1(40), O1(41) and O1(42) attached to this By-law.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)





