

Authority: North York Community Council Item 2.46,
as adopted by City of Toronto Council on February 5, 6, 7 and 8, 2007
Enacted by Council: February 6, 2007

CITY OF TORONTO

BY-LAW No. 91-2007

To amend former City of North York By-law No. 7625, as amended, with respect to a portion of land located east of Yonge Street between Byng Avenue and Church Avenue municipally known as 5435 Yonge Street and lands at 32 and 38 Byng Avenue and 31 Olive Avenue.

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. 447 of the Official Plan of the former City of North York, and the North York Centre Secondary Plan of the Toronto Official Plan, contain provisions relating to the authorization of increases in density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, 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*, 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 density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, 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;

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 64.25(5) of By-law No. 7625 is amended as follows:

- (a) All textual references to Schedule “C3(5)” in site-specific exception 64.25(5) of By-law No. 7625, as amended, existing on the date prior to the passing of this site-specific by-law, shall be deemed to refer to Schedule “C3(5)(A)” attached hereto.
- (b) In subsection (a), permitted uses, add the following to the end of subsection (a):

“For any buildings constructed on or after December 31, 2006, “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 accessible from the outside or from an internal corridor system or any combination thereof.

Notwithstanding the permitted uses listed above, in any building constructed on or after December 31, 2006 located within Building Envelope 2 having a height of 8 storeys / 25 metres, a “retirement home” shall be permitted.

For the purposes of this exception, a “retirement home” shall mean a multiple family dwelling containing dwelling rooms and/or dwelling units with a common lounge, kitchen and dining area and which may include other accessory uses such as, but not limited to, accessory office uses, a spa and wellness centre, a pub/piano lounge, an exercise and multi-purpose room and an art and craft centre. The common areas shall be available to all residents of the retirement home on a daily basis and shall not function as facilities available to the general public. The dwelling rooms and/or dwelling units shall be used as the principal residence of the occupants and shall not be provided on a transient basis. Retirement home shall exclude a boarding or lodging house, and a hotel.

For the purposes of this exception, a “dwelling room” shall mean separate living quarters designed or intended for use or used by an individual or individuals and which include at least one room and separate sanitary conveniences, with a private entrance from outside or from a common hallway or stairway, or any combination thereof.

For any buildings constructed on or after December 31, 2006 within Building Envelope 2, non-residential uses shall be permitted as follows:

- (i) non-residential uses and accessory residential uses shall only be permitted on the ground floor level of the 8 storey / 25 metre building along the Yonge Street frontage, on the ground floor level and second floor level of the 30 storey / 87 metre building along the Yonge Street frontage and on the ground floor level of the 30 storey / 87 metre building along the Byng frontage to a distance of 55 metres along Byng Avenue from the Yonge Street property line;

- (ii) the non-residential uses located on the ground floor level and fronting directly onto Yonge Street and/or Byng Avenue shall be directly accessible at grade level to the street or streets on which they front;
 - (iii) the non-residential units located on the ground floor level adjacent and directly accessible to Yonge Street and Byng Avenue shall have a maximum width of 14 metres, save and except for any non-residential unit located along Byng Avenue where the western limit of the unit is greater than 35 metres from the property line along Yonge Street;
 - (iv) any non-residential unit located on the ground floor level adjacent and directly accessible to both Yonge Street and Byng Avenue, either through one entrance or two, shall have a minimum width along Byng Avenue of 10 metres and a minimum width along Yonge Street of 8 metres;
 - (v) any non-residential unit located on the ground level adjacent and directly accessible to Yonge Street, which directly abuts an east-west at grade pedestrian connection between the 25 metres/8 storey building on Yonge Street and the 87 metres/30 storey building at the southeast corner of Byng Avenue and Yonge Street shall have a minimum width along Yonge Street of 8 metres; and
 - (vi) notwithstanding the permitted uses for buildings built after December 31, 2006, the non-residential uses permitted on the ground level adjacent and directly accessible to Yonge Street and Byng Avenue shall be retail stores, personal service shops, take-out restaurants, restaurants and outdoor cafés, banks, custom workshops making articles or products to be sold at retail on the premises, car rental agencies, dry cleaning and laundry collecting establishments, synthetic dry cleaning establishments and automatic laundry shops.”
- (c) In subsection (f), delete “8,339 m²” and replace it with “11,010 m²”, so that paragraph 1 of subsection (f) reads as follows:
- “The total gross floor area for all uses permitted on the lands shown on Schedule “C3(5)A” hereto shall not exceed 11,010 m² for non-residential uses, of which a minimum of 3,540 m² to a maximum of 4,300 m² shall be used for a grocery store.”
- (d) In subsection (f), add a second paragraph as follows:
- “The total gross floor area permitted on the lands shown on Schedule “C3(5)A” hereto shall not exceed 142,430 m², including both residential and non-residential uses.”

- (e) In subsection (g), add the following after (vi):
- “For the retirement home use located in the 25 metre/8 storey building in Building Envelope 2:
- (vii) notwithstanding subsections (i) – (vi), a minimum of 0.5 parking spaces per dwelling unit and/or dwelling room.
- Parking Spaces, Driveways and Parking Aisles shall be provided as follows:
- (viii) parking spaces shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres; and
- (ix) driveways and parking aisles shall have a minimum width of 6.0 metres.”
- (f) In subsection (j), add “and all such buildings and structures within the Building Envelope and Building Envelope 2 shall not exceed a lot coverage of 60%.” at the end of the first sentence and add the following after the end of the subsection:
- “Notwithstanding the foregoing, for buildings built after December 31, 2006 the following projections are permitted beyond the dashed lines shown on Schedule “C3(5)B”:
- (i) hard and soft landscaping elements and features;
- (ii) cornices, eaves or gutters, pilasters, sills and roof overhangs may project to a maximum of 0.9 metres;
- (iii) wheelchair ramps may project to a maximum of 2.5 metres;
- (iv) porches, decks, terraces, stairs, columns and balustrades may project to a maximum of 5.0 metres, except that exit stairs associated with an underground parking garage and any required air intake and exhaust vents for such underground parking garage shall not be so limited;
- (v) canopies may project to a maximum of 6.0 metres; and
- (vi) balconies may project to a maximum of 2.2 metres.”
- (g) In subsection (k), delete the “and” after “(i) two (2) storeys;” and add the following requirements after the end of (ii):
- “(iii) For the purpose of Building Envelope 2, the building height shall not exceed the height in metres and in storeys, as shown on Schedule “C3(5)B”. The established grade for the purpose of the 25 metre / 8 storey and 11.75 metre / 3 storey height limit on the west side of the C3(5) zone along Yonge Street and Northtown Way is 186.40 metres Canadian Geodetic Datum. The established grade for the purpose of the 87 metre / 30 storey and

11.75 metre / 2 storey height limit along Byng Avenue and Yonge Street is 189.0 metres Canadian Geodetic Datum. The established grade for the purposes of the 87 metre / 30 storey height limit along Doris Avenue is 187.4 metres Canadian Geodetic Datum;

- (iv) for any building constructed within the 25 metre/ 8 storey height limit along the west side of the C3(5) area, roof access enclosures and residential amenity space enclosures shall be excluded from the calculation of building height; and
 - (v) for any building constructed within the Building Envelope 2 elements, structures, enclosures used exclusively for mechanical equipment necessary to physically operate the building, such as heating and ventilation, air conditioning, electrical, plumbing, fire protection, wind protection and elevator equipment, and any architectural treatment of such elements, structures and enclosures, shall be excluded from the calculation of building height.”
- (h) In subsection (m)(i) with respect to increased height and density:
- (i) Delete paragraph (G) and replace it as follows:

“(G) the provision of a maximum of 2.5 m² per dwelling unit of bicycle storage space for buildings constructed on lands within Building Envelope 2 before December 31, 2006 and the provision of a total of 315 m² of bicycle storage space provided in either a secured or unsecured room or area for any condominium building constructed in Building Envelope 2 at the corner of Yonge Street and Byng Avenue on or after December 31, 2006.”
 - (ii) Add a new paragraph (I) as follows:

“(I) the conveyance to the City, within 30 days of the 2007 site-specific zoning by-law amendment for Building Envelope 2 coming into full force and effect, for a nominal sum and free and clear of tenancies, encumbrances and structures to the satisfaction of the City Solicitor, of the properties municipally known as 32 Byng Avenue, being Lot 50 on Registered Plan 2282, having an approximate area of 743 m²,”

(iii) Add a new paragraph (J) as follows:

“(J) the conveyance to the City, within 30 days of the 2007 site-specific zoning by-law amendment for Building Envelope 2 coming into full force and effect, for a nominal sum and free and clear of tenancies, encumbrances and structures to the satisfaction of the City Solicitor, of the properties municipally known as 38 Byng Avenue, being Lot 49 on Registered Plan 2282, having an approximate area of 743 m²,”

(iv) Add a new paragraph (K) as follows:

“(K) the conveyance to the City, within 30 days of the 2007 site-specific zoning by-law amendment for Building Envelope 2 coming into full force and effect, for a nominal sum and free and clear of tenancies, encumbrance and structures to the satisfaction of the City Solicitor, of the Service Road portion of the property municipally known as 31 Olive Avenue, being Lot 94 on Registered Plan 2282, having an approximate area of 14.5 m²,”

(v) Add a new paragraph (L) as follows:

“(L) either

a monetary contribution towards the City’s cost of constructing and furnishing 4,666 m² of public recreational centre or social facility, serving the North York Centre,

or

a monetary contribution towards the City’s cost of acquiring lands necessary for completion of planned Service Roads, associated road network and buffer areas in the North York Centre,

or any combination thereof.

The amount of the monetary contribution shall be equal to the market value, based on the land value of density in the North York Centre, of the gross floor area specified in (n)(i)(ix) below, as determined by the Director of Real Estate Services.”

(i) Delete the preamble to subsection (n) and replace it with the following:

“The gross floor area permitted on the lands shown on Schedule “C3(5)A” hereto for all permitted uses shall not exceed the sum of:

- (i) delete (i) and replace (i) with:

“the maximum base gross floor area of 142,430 m² for all permitted uses; plus”
- (ii) delete paragraph (iv) and replace it as follows:

“(iv) a maximum of 2.5 m² per dwelling unit of bicycle storage space for buildings constructed before December 31, 2006 on lands included in Building Envelope 2;”
- (iii) add a new paragraph (v) as follows:

“(v) a maximum total of 315 m² of bicycle storage space in either a secured or unsecured room or area for any condominium building constructed in Building Envelope 2 located at the corner of Yonge Street and Byng Avenue on or after December 31, 2006;”
- (iv) add a new paragraph (vi) as follows:

“(vi) a maximum of gross floor area of 2,787 m² attributable to density transferred from the off-site property known municipally as 32 Byng Avenue;”
- (v) add a new paragraph (vii) as follows:

“(vii) a maximum of gross floor area of 2,787 m² attributable to density transferred from the off-site property known municipally as 38 Byng Avenue;”
- (vi) add a new paragraph (viii) as follows:

“(viii) a maximum of gross floor area of 38 m² attributable to density transferred from the off-site property known municipally as 31 Olive Avenue;”
- (vii) add a new paragraph (ix) as follows:

“(ix) a maximum gross floor area of 18,663 m² attributable to the monetary contribution specified in (m)(i)(L) above;”
- (j) In subsection (o), delete the number “1,204” and replace it with “1,701” dwelling units, so that subsection (o) reads as follows:

“The maximum combined number of dwelling units and dwelling rooms shall be 1,701.”

- (k) In subsection (p), delete the “and” after “(i) as shown in storeys or metres on Schedule C3(5);” and add the following requirements after the end of (ii):
- “(iii) For the purpose of Building Envelope 2, the building height shall not exceed the height in metres and in storeys, as shown on Schedule “C3(5)B”. The established grade for the purpose of the 25 metre / 8 storey and 11.75 metre / 3 storey height limit on the west side of the C3(5) zone along Yonge Street and Northtown Way is 186.40 metres Canadian Geodetic Datum. The established grade for the purpose of the 87 metre / 30 storey and 11.75 metre / 2 storey height limit along Byng Avenue and Yonge Street is 189.0 metres Canadian Geodetic Datum. The established grade for the purposes of the 87 metre / 30 storey height limit along Doris Avenue is 187.4 metres Canadian Geodetic Datum;
 - (iv) for any building constructed within the 25 metre/8 storey height limit along the west side of the C3(5) area, roof access enclosures and residential amenity space enclosures on the roof shall be excluded from the calculation of building height; and
 - (v) for any building constructed within the Building Envelope 2 elements, structures, enclosures used exclusively for mechanical equipment necessary to physically operate the building, such as heating and ventilation, air conditioning, electrical, plumbing, fire protection, wind protection and elevator equipment, and any architectural treatment of such elements, structures and enclosures, shall be excluded from the calculation of building height.”
- (l) Add a new subsection (r) as follows:
- “For the buildings constructed on lands within Building Envelope 2 after December 31, 2006 the loading spaces shall not require an area of the same minimum length and width as the loading space in front of the loading space. A garbage/recycle room or area shall be provided in front of each of the loading spaces that is able to store six garbage/recycle bins each having a width of 1.0 metre and a length of 2.0 metres.”
- (m) Add a new subsection (s) as follows:
- “Section 25.2.1. with respect to minimum lot area shall not apply.
3. Section 64.25(5) of By-law No. 7625 is amended by deleting Schedule “C3(5)” and replacing it with the revised Schedule “C3(5)A” and a new Schedule “C3(5)B” attached to this By-law.

4. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

“64.13(87) R4(87)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area shall be 0.0 m².”

5. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

“64.13(88) R4(88)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area shall be 0.0 m².”

6. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

“64.13(89) R4(89)

EXCEPTION REGULATIONS

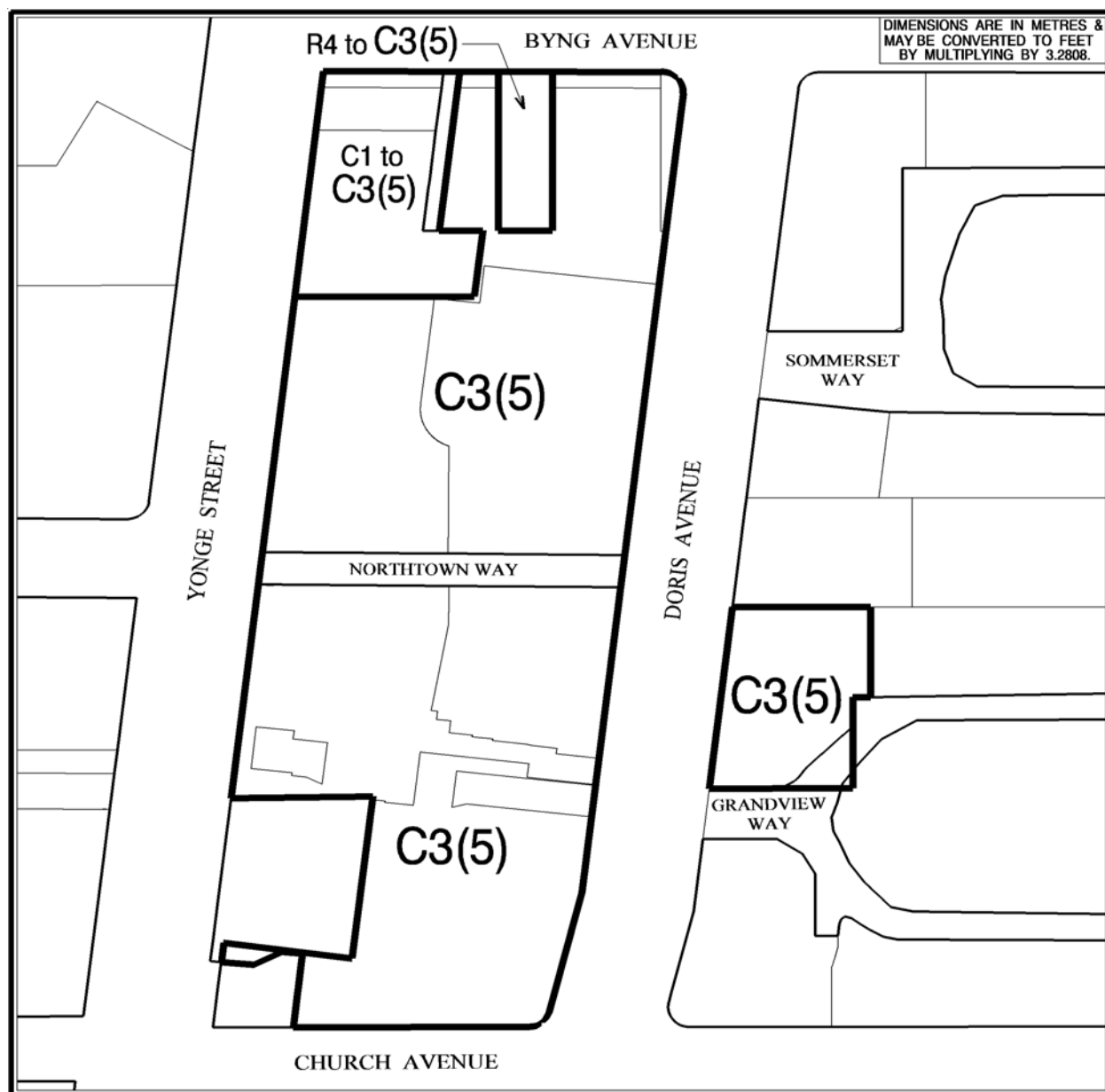
- (a) The maximum gross floor area shall be 0.0 m².”

ENACTED AND PASSED this 6th day of February, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "1"

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

(Sgd.)

CLERK

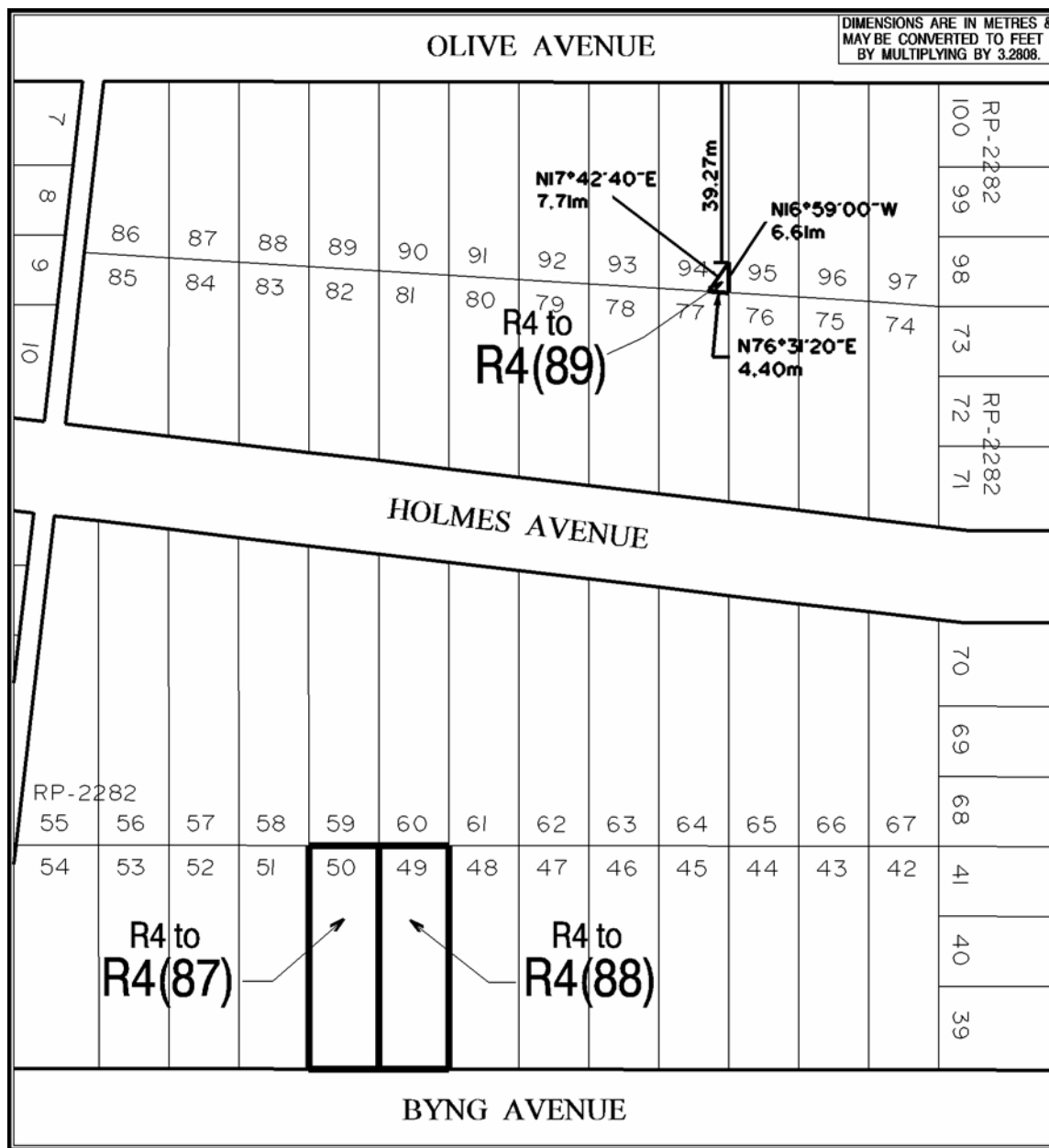
(Sgd.)

MAYOR

**Location: Northtown Lands****File: 03_035345****Prepared by: A.K.****Approved by: C.C.****Date: Aug. 22, 2006****Filename: C3(5)_1**

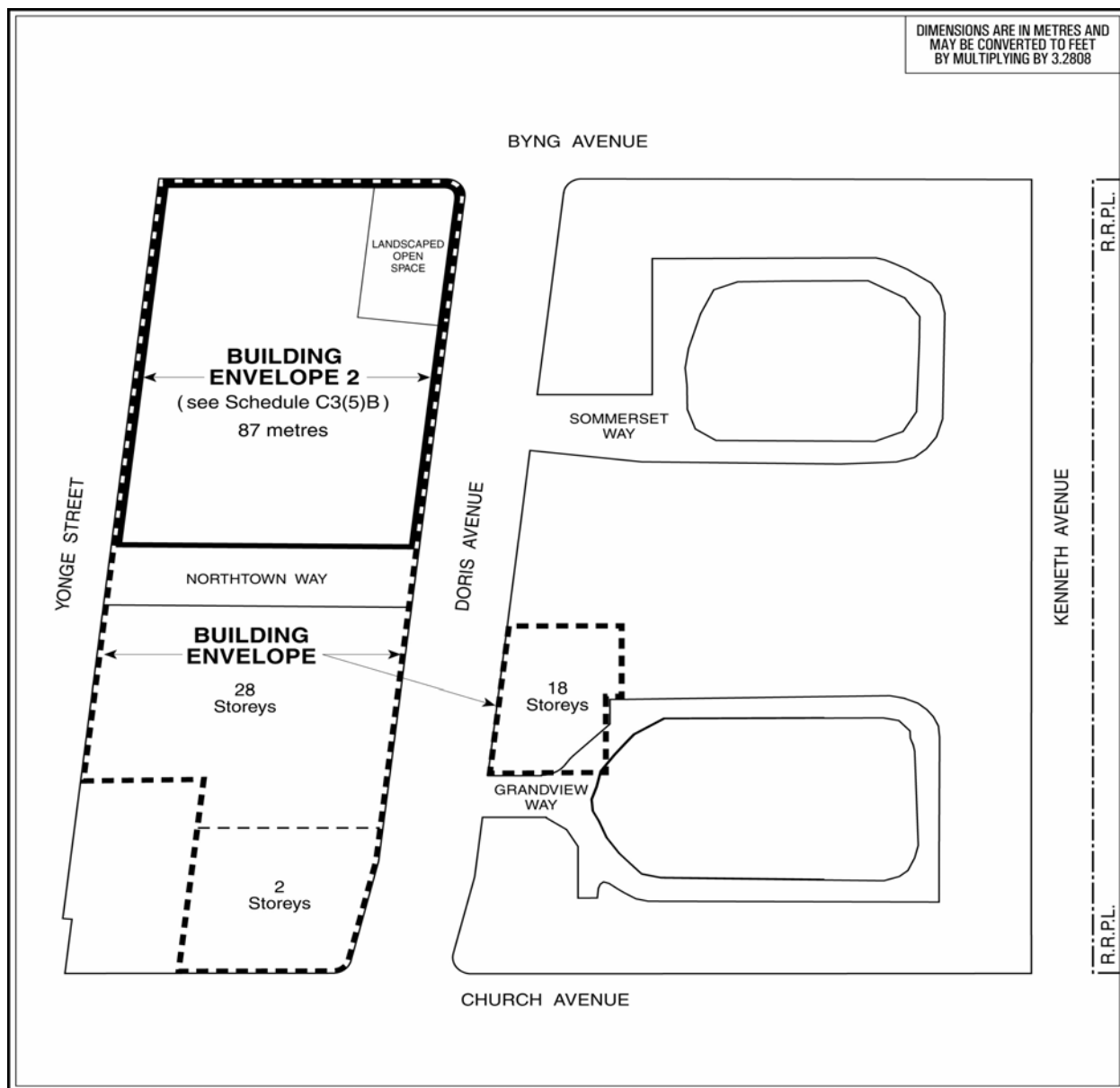
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

SCHEDULE "2"



<p>This is Schedule " 2 " to By-Law _____</p> <p>passed the _____ day of _____, 20 ____</p>		 Toronto <small>City Planning Division North District</small>
<p>(Sgd.) _____</p> <p>CLERK</p>	<p>(Sgd.) _____</p> <p>MAYOR</p>	
<p>Location: Lots 49, 50 & 94 Registered Plan 2282 City of Toronto</p>		
<p>File: 03_035345</p>	<p>Prepared by: A.K.</p>	<p>Approved by: C.C.</p>
<p>Date: Aug. 16, 2006</p>	<p>Filename: R4(87)-R4(89)</p>	
<p>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.</p>		

SCHEDULE "C3(5)A"



This is Schedule "C3(5)A" to Bylaw _____
passed the _____ day of _____, 20____

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

Location: Northtown Lands

File No: 03_035345

Drawn by: A.K.

Approved by: C.C.

Date: Aug. 24, 2006

Filename: C3(5)A.ai

Toronto
City Planning Division
Community Planning North

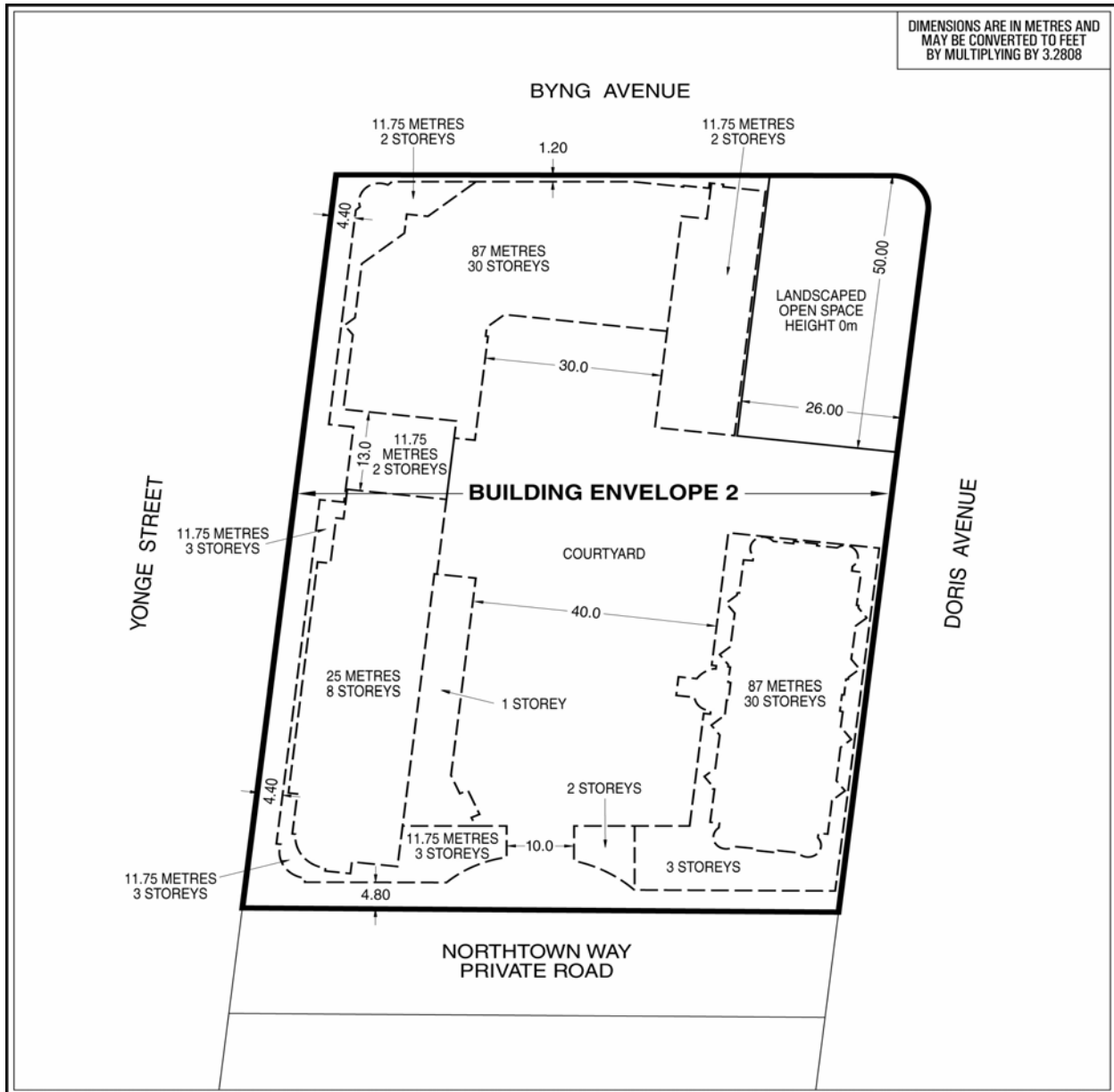


Subject Lands



Not to Scale

SCHEDULE "C3(5)B"



This is Schedule "C3(5)B" to Bylaw _____
passed the _____ day of _____, 20____

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

Location: Northtown Lands

File No: 03_035345

Drawn by: A.K.

Approved by: C.C.

Date: Sept. 25, 2006

Filename: C3(5)B.ai

Toronto
City Planning Division
Community Planning North



Subject Lands



Not to Scale