

Authority: North York Community Council Item 34.26,
as adopted by City of Toronto Council on June 8 and 9, 2010
Enacted by Council: December 16, 2010

CITY OF TORONTO

BY-LAW No. 23-2011

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert 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*;

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

1. By-law No. 107-2001(OMB) of the former City of North York is hereby repealed.
2. 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.
3. 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, but shall not include road widenings or road conveyances; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
4. Section 64.20-A of By-law No. 7625, as amended, is further amended by adding the following subsection:

"64.20-A(196) RM6(196)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purpose of this exception, "apartment house dwelling" shall mean dwelling units having access only from an internal corridor system.

BICYCLE PARKING

- (b) For the purpose of this exception, "bicycle parking" shall mean an area 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.
- (c) For the purpose of this exception, "bicycle parking space" shall mean a space with a minimum vertical clearance of 1.9 metres, minimum horizontal dimensions of 0.6 metres by 1.2 metres 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.

BUILDING HEIGHT

- (d) For the purpose of this exception, "building height", measured from the established grade, shall not exceed the maximum heights in metres shown on Schedule RM6(196) excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof. The mechanical penthouses, parapets and other architectural features, and stairwells to access the roof shall project a maximum 13.5 metres for the 30-storey building (west building) and a maximum 16.0 metres for the 40-storey building (east building).

NUMBER OF STOREYS

- (e) For the purpose of this exception, the number of storeys shall not exceed the maximum shown on Schedule RM6(196), excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

CAR-SHARE MOTOR VEHICLE

- (f) For the purpose of this exception, "car-share motor vehicle" means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the site.

CAR-SHARE PARKING SPACE

- (g) For the purpose of this exception, "car-share parking space" means a parking space used exclusively for the parking of a car-share motor vehicle.

COMMON OUTDOOR SPACE

- (h) 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

- (i) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 179.00 metres.

The floor elevation of the non-residential space located on the ground floor level of any building shown on Schedule RM6(196) fronting onto and directly accessible from Yonge Street and Poyntz Avenue shall be level with the elevation of the adjacent exterior pedestrian walkway, up to a minimum depth of 12 metres within the building.

GROSS SITE

- (j) For the purpose of this exception, "gross site" shall mean Parts 1, 2, 3, 4, 5, 6, 7, 9, 10 and 12 of Plan 66R-24757, comprising an area of 7,012.4 square metres.

GROSS FLOOR AREA

- (k) 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.

GUEST SUITE

- (l) 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

- (m) 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, telephone, telecommunication, cable, garbage chute and elevator equipment.

NET SITE

- (n) For the purpose of this exception, "net site" shall mean the gross site minus the area of any lands conveyed to the City, as shown on Schedule RM6(196). The net site has an area of 5,969.3 square metres and consists of Parts 1, 2, 3 and 4 on Plan 66R-24757.

RECREATIONAL AMENITY AREA

- (o) For the purpose of this exception, "recreational amenity area" shall mean an area set aside for social and/or recreational purposes, which is common to all occupants of the building. Social and/or recreational purposes include indoor or outdoor space, such as playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms, change rooms, library space, meeting or party rooms and other similar uses.

PERMITTED USES

- (p) The only permitted uses shall be:

RESIDENTIAL

apartment house dwellings and accessory uses, including private recreational amenity areas;
five (5) car-share motor vehicle parking spaces; and,
four (4) guest suites;

NON-RESIDENTIAL

business and professional offices;
car-share parking space;
day nurseries;
professional medical offices (restricted to 2nd or 3rd floors);
retail and service commercial uses;
 retail stores,
 service shops,
 personal service shops,
 restaurants,
 out-door café in conjunction with a restaurant,
 banquet halls (restricted to 2nd or 3rd floors);
 art galleries,
 artist studios (restricted to 2nd or 3rd floors);
 commercial galleries,
 dry-cleaning and laundry collecting establishments,
 synthetic dry-cleaning establishments,
 car rental agencies, (car-rental agency vehicles are to be located off-site),
 commercial schools (restricted to 2nd or 3rd floors);
 financial institutions, including banks,

information processing (restricted to 2nd or 3rd floors);
studios (restricted to 2nd or 3rd floors);
takeout restaurants,
fitness centres (restricted to 2nd or 3rd floors);
clubs (restricted to 2nd or 3rd floors);
recreational uses (restricted to 2nd or 3rd floors);
commercial recreation facilities (restricted to 2nd or 3rd floors); and,
automatic teller machines,
transit station pedestrian connection; and,
accessory uses.

No mezzanine level shall be located in or above the non-residential uses located on the ground floor level of any building shown on Schedule RM6(196), except for washrooms and exit corridor and stairs for these washrooms.

Non-residential uses shall not be permitted above the 3rd floor level.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (q) Except as provided for in subsection (ff) of this exception, the maximum gross floor area permitted on the net site, shall not exceed 31,556 m² attributable to the gross site, of which a minimum 10,500 m² of non-residential gross floor area shall be provided.

NUMBER OF DWELLING UNITS

- (r) The maximum number of dwelling units shall be 565.

BUILDING ENVELOPE

- (s) 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(196), except for canopies, lights, stairs and other architectural features which may project beyond the building envelope.

MOTOR VEHICLE PARKING

- (t) 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 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 square metres of gross floor area devoted to non-residential uses, including a visitor parking allowance of 0.1 spaces per 100 square metres;
- (iv) a maximum of 1.00 parking spaces per 100 square metres of gross floor area devoted to non-residential uses, including a visitor parking allowance of 0.1 spaces per 100 square metres.
- (v) an additional 74 parking spaces that may be shared for the use of the social facility, located on the Lansing United Church lands zoned R4(99), municipally known as 49 Bogert Avenue;
- (u) Non-residential parking spaces, including the 74 parking spaces that may be shared for the use of the social facility located on the Lansing United Church lands zoned R4(99), 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.
- (v) A maximum of 72 parking spaces may have minimum parking space dimensions of 2.2 metres width by 4.9 metres length, which will be signed accordingly.

BICYCLE PARKING

- (w) Bicycle parking spaces shall be provided within the net site in accordance with the following requirements:
 - (i) a minimum of 0.1 bicycle parking spaces per dwelling unit; and
 - (ii) a minimum of 1 bicycle parking spaces per 2,000 square metres of gross floor area devoted to retail, service commercial and office uses.

The minimum number of required bicycle parking spaces shall be provided in one or more at-grade common bicycle rooms. For the purposes of this exception, "at-grade common bicycle rooms" shall mean on the ground floor of the building conveniently accessible from the outside.

LOADING

- (x) Provide a minimum of four (4) loading spaces;
 - 2 loading spaces shall have minimum dimensions of 4 metres wide, 13 metres long with a minimum vertical clearance of 6.1 metres;
 - 2 loading spaces shall have minimum dimensions of 3.5 metres wide, 11 metres long, with a minimum vertical clearance of 6.1 metres;

Access to the loading spaces shall be provided by means of a one way unobstructed driveway which has minimum width of 4 metres.

LANDSCAPING

- (y) A minimum of 1,445 square metres of landscaping shall be provided on the net site, including the required outdoor recreational amenity area and the required common outdoor space, including areas located on the podium roof.

COMMON OUTDOOR SPACE

- (z) A minimum of 597 square metres of common outdoor space shall be provided on the net site.

OUTDOOR RECREATIONAL AMENITY AREA

- (aa) A minimum of 1.5 square metres of outdoor recreational amenity area shall be provided on the net site, on the podium roofs adjacent to the residential indoor recreational area.

INDOOR RECREATIONAL AMENITY AREA

- (bb) A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided on the net site.

PROVISIONS NOT APPLICABLE

- (cc) The provisions of Sections 6(22)(b), 6(22)(c), 6(29), 6A(2), 6A(8) (f), 6A(16), 15.8 and 20-A of By-law No. 7625 do not apply.

INCREASED DENSITY

- (dd) 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 (ff) of this exception are:

SECTION 37 AGREEMENT

- (ee) 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 in exchange for the increased density hereinafter set out:
 - (i) the transfer of 15,336 square metres of density from the Lansing United Church lands, west of Beecroft Road and municipally identified as 49 Bogert Avenue, being the aggregate of historically transferred density

and density being transferred by this By-law;

- (ii) a minimum of 1,528 square metres of street related retail and service commercial uses fronting onto and directly accessible from Yonge Street and Poyntz Avenue and located within 30 metres of the property line;
- (iii) bicycle rooms containing a total minimum 57 bicycle parking spaces for the residential uses and a minimum 6 bicycle parking spaces for the commercial uses, located on the ground floor accessible from the outside;
- (iv) a minimum of 1.50 square metres per dwelling unit of indoor recreational amenity area;
- (v) a minimum gross of 136 square metres for a pedestrian connection to the TTC transit station; and
- (vi) submit to the City a monetary contribution, equal to the market value of the 10,440 square metres of gross floor area obtained through the incentive for social facility space, in the form of a certified cheque.

With respect to subsection (vi), the amount of the monetary contribution shall be equal to the market value, based on a land value, of the gross floor area specified in (ff) (vi) below as determined by the Director of Real Estate Services, and shall be secured in the form of a certified cheque.

ADDITIONAL GROSS FLOOR AREA

- (ff) Notwithstanding subsection (q) of this exception, additional gross floor area may be permitted on the net site shown on Schedule RM6(196), limited to the following:
 - (i) a maximum gross floor area of 15,336 square metres attributable to the transfer of density from the Lansing United Church lands, west of Beecroft Road and municipally identified as 49 Bogert Avenue;
 - (ii) a maximum gross floor area of 1528 square metres of retail and service commercial space fronting onto and directly accessible from Yonge Street and Poyntz Avenue and located within 30 metres of the property line;
 - (iii) at-grade common bicycle rooms, of an aggregate maximum gross floor area of 126 square metres, conveniently accessible from the outside;
 - (iv) 1.50 square metres per dwelling unit of indoor residential recreational amenity space, up to a maximum gross floor area of 848 square metres;
 - (v) a maximum gross floor area of 136 square metres for a pedestrian connection to the TTC transit station; and

- (vi) a maximum gross floor area of 10,440 square metres attributable to a 2,610 square metre social facility incentive derived from a monetary contribution to the City;

SEVERANCE

- (gg) Notwithstanding any existing or future severance, partition or division of the net site shown on Schedule RM6(196), the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.

PREVAILING PROVISIONS

- (hh) Except as otherwise provided herein, the provisions of By-law No. 7625 shall continue to apply to the site."
5. Section 64.20–A of By-law No. 7625, as amended, is further amended by adding Schedule RM6(196).
 6. Section 64.13 of By-law No. 7625, as amended, is further amended by adding the following subsection:

"64.13(99) R4(99)

DEFINITIONS

BUILDING HEIGHT

- (a) For the purpose of this exception, "building height", measured from the established grade, shall not exceed the maximum heights in metres shown on Schedule R4(99) excluding mechanical penthouses, parapets and other architectural features, including church towers or steeples, and stairwells to access the roof, as well as the roof pitch of the existing church building.

ESTABLISHED GRADE

- (b) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 180.62 metres.

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) any space in a parking garage at or below grade used exclusively for motor vehicle and bicycle parking and access thereto, including loading areas.

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, telephone, telecommunication, cable and elevator equipment.

SOCIAL FACILITY

- (e) For the purpose of this exception, "social facility" shall mean a multi-purpose building or a portion of multi-purpose building operated by a religious, government or non-profit organization and used for religious, worship, community, social or cultural activities and uses accessory thereto, owned and operated by a religious, government or non-profit organization, such as but not limited to a community centre, day nursery; child, elder, co-generational daycare; counseling or crisis centre; community hall; multi-purpose hall or facilities, family resources centre, or public meeting spaces.

COMMUNITY CENTRE

- (f) For the purpose of this exception, "community centre" shall mean premises operated by or on behalf of a religious, government or non-profit organization and used for the purposes of providing community activities, such as arts, crafts, recreational, social, charitable or educational activities or any other facility operated or directly funded by a religious, government agency or non profit organization for the purpose of providing human services.

PERMITTED USES

- (g) The only permitted uses shall be:
 - social facility;
 - place of worship; and,
 - accessory uses.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (h) A minimum gross floor area of 2,610 square metres is required to be provided on the site shown on Schedule R4(99).

BUILDING HEIGHT

- (i) The building height shall not exceed the maximum heights in metres shown on Schedule R4(99).

BUILDING ENVELOPE

- (j) 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 R4(99) except for mechanical penthouses, parapets and other architectural features, including church towers or steeples, canopies and stairs which may project beyond the building envelope.

MOTOR VEHICLE PARKING

- (k) A maximum of 22 surface parking spaces on-site shall be permitted, within a parking area located in the southwest portion of the site adjacent to Frizzell Road and Poyntz Avenue. Driveway access to be from Frizzell Road.
- (l) An additional 74 parking spaces that may be shared, available and accessible from the underground parking garage located on the lands zoned RM6(196). For greater certainty, the first occupancy permit for the R4(99) lands may precede the first occupancy permit for the lands zoned RM6(196).
- (m) A charge may be imposed for the use of on-site permitted parking spaces.

LOT COVERAGE

- (n) The maximum permitted building coverage is 35 per-cent of the site.

LANDSCAPING

- (o) A minimum of 1,600 square metres 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 site, including the playground area, shown on Schedule R4(99). Motor vehicle parking areas and access shall not be considered, for the purposes of this section.

PROVISIONS NOT APPLICABLE

- (p) The provisions of Sections 6(20), 6(26), 6A(2), 6A(4)(a), 6A(14), 6A(16), 7.4A and 13 of By-law No. 7625 do not apply.

INCREASED DENSITY

- (q) 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 (s) of this exception are:

SECTION 37 AGREEMENT

- (r) 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, subject to the terms of such agreements, provide 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 minimum 2,610 square metre social facility on the R4(99) lands.

ADDITIONAL GROSS FLOOR AREA

- (s) additional gross floor area may be permitted on the site shown on Schedule R4(99), limited to the following:
- (i) the uses identified in sub-section (g) of this exception and exempted from the calculation of gross floor area.

SEVERANCE

- (t) Notwithstanding any existing or future severance, partition or division of the site shown on Schedule R4(99), the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.

PREVAILING PROVISIONS

- (u) Except as otherwise provided herein, the provisions of By-law No. 7625 shall continue to apply to the site."

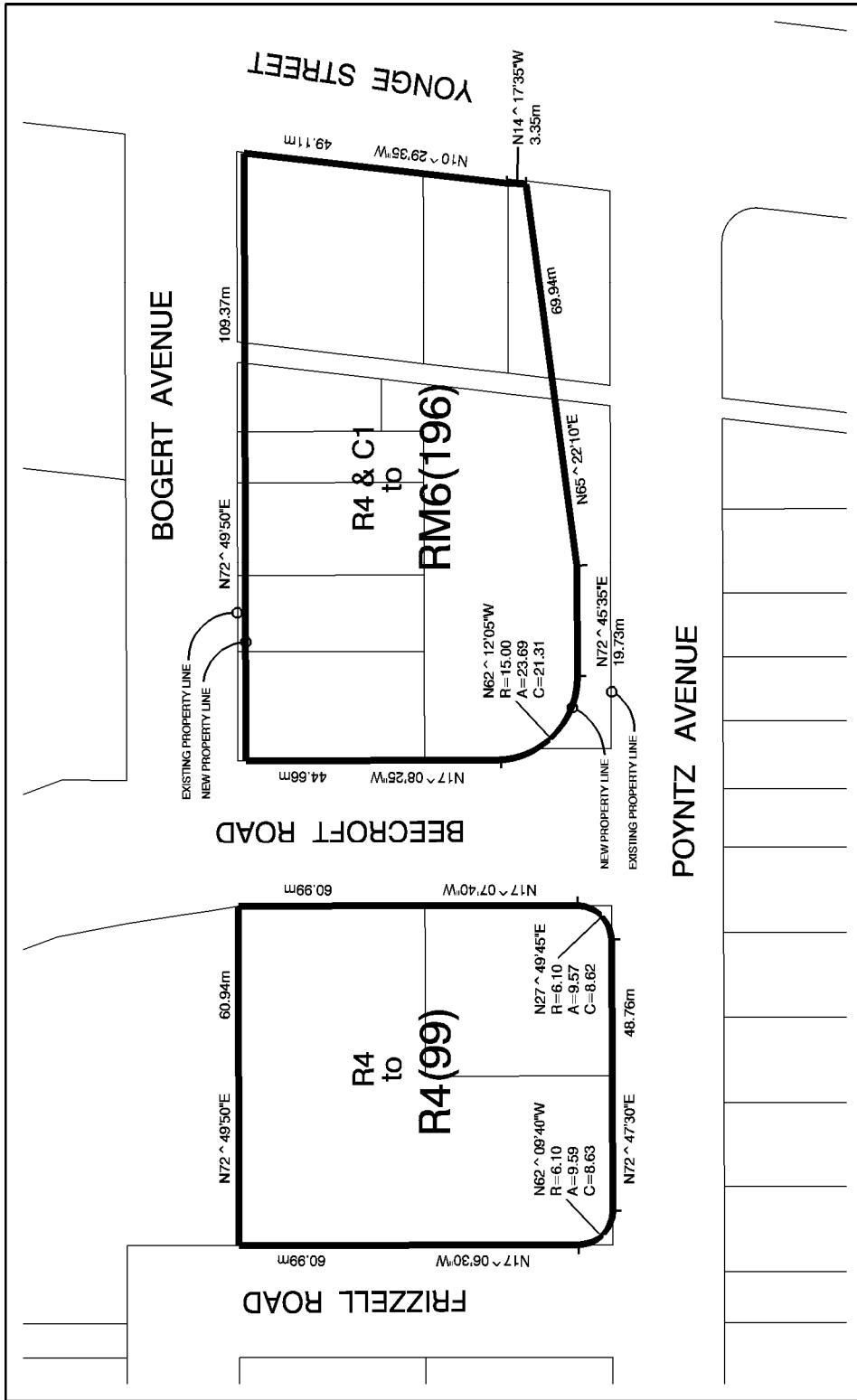
7. Section 64.13 of By-law No. 7625, as amended, is further amended by adding Schedule R4(99).

ENACTED AND PASSED this 16th day of December, A.D. 2010.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



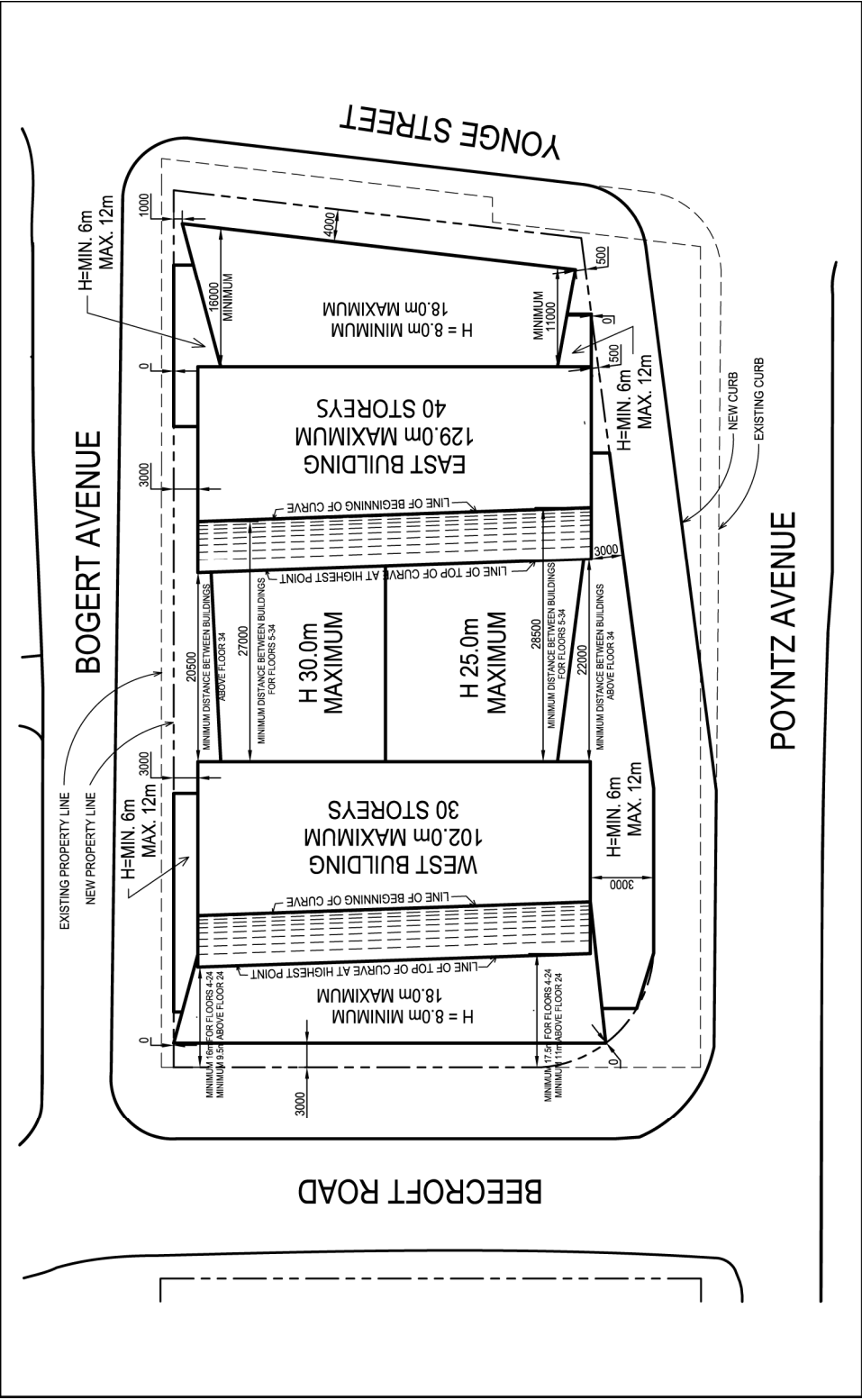
Schedule 1

File # 08_178556

All of Lots 762-769 inclusive & 905-913 inclusive & Part of Lots 754-761 inclusive, 770 & 914 and Lane, RP 1743, City of Toronto - KRCMAR Surveyors Ltd., 2010
Lots 774-778, both inclusive, Lots 918-925, both inclusive, RP 1743, City of Toronto - Speight, Van Nostrand & Gibson Limited

Date: 08/24/2010
Approved by: M.C.

Not to Scale



Schedule RM6(196)

All of Lots 762-769 inclusive & 905-913 inclusive & Part of Lots 754-761 inclusive, 770 & 914 and Lane. RP 1743, City of Toronto
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