

Authority: North York Community Council Item 25.42,
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013

CITY OF TORONTO

BY-LAW No. 1047-2014

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands known municipally in the year 2014 as 5182-5192, 5200 and 5218 Yonge Street.

Whereas authority is given to Council by Section 34 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 enacts:

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 attached to this By-law.
2. Within the lands shown in heavy outline on Schedule 1 attached to this By-law (the "Lands"), 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 (216) RM6(216)

DEFINITIONS

BICYCLE PARKING

- (a) For the purpose of this exception, "bicycle room" shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles.
- (b) For the purpose of this exception, "bicycle parking space" shall mean:
 - (i) a bicycle parking space with a minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.8 metres for bicycles parked in a horizontal position and 0.6 metres by 1.2 metres for bicycles parked in a vertical position; and/or

- (ii) a stacked bicycle parking space that is a horizontal bicycle parking space positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces with a minimum vertical dimension of at least 1.2 metres and minimum horizontal dimensions of at least 0.45 metres width and 1.8 metres length; and
- (iii) "bicycle parking space" does not include an area located within a dwelling unit, balcony or commercial suite.

SOCIAL FACILITY SPACE

- (c) For the purpose of the community benefits provided for in this exception, "social facility space" shall mean a space operated by or on behalf of a government or non-profit organization and "social facility space", in addition to the uses provided for social facility space in the North York Centre Secondary Plan, shall include "community based retail activities" and uses accessory thereto. "Community based retail activities" shall mean small-scale retail stores, food vendors, restaurants, take-out restaurants and outdoor cafes in conjunction with a restaurant, which activities provide retail or food options which are alternatives to those of mainstream commercial retailers and restaurants. Without limiting the generality of the foregoing, "social facility space" shall include uses such as community meeting spaces, artist studios, child daycares and day nurseries.

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, adjoin a public street and consist of hard or soft landscaping. "Common outdoor space" may include pedestrian facilities and public art.

ESTABLISHED GRADE

- (e) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 175.315 metres.

GUEST SUITE

- (f) 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.

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, but excluding:

- (i) any part of the building used for mechanical floor area;
- (ii) any space in a parking garage below grade or on the first level above grade used exclusively for motor vehicle and bicycle parking and access thereto, including loading areas; and
- (iii) the floor area of unenclosed residential balconies.

INDOOR RECREATIONAL AMENITY AREA

- (h) For the purpose of this exception "indoor recreational amenity area" shall mean an area set aside for social and/or recreational purposes such as indoor swimming pools, exercise or entertainment rooms, change rooms, library space, lounges, meeting or party rooms and other similar uses, which is common to all residents on the building.

MECHANICAL FLOOR AREA

- (i) 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, telephone, telecommunication, cable and elevator equipment, garbage chutes and compactors, stormwater management and irrigation facilities.

LANDS & NET SITE

- (j) For the purpose of this exception, "Lands" shall mean the lands shown in heavy outline on Schedule 1 and "net site" shall mean the lands identified as Parts 1, 2 and 3 on Reference Plan 66R-26813, comprising an area of 5,488.7 square metres.

LANDSCAPING

- (k) 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.

OUTDOOR RECREATIONAL AMENITY AREA

- (l) For the purposes of this exception, "outdoor recreational amenity area" shall mean an area(s) set aside for social and /or recreational purposes such as playgrounds, outdoor swimming pools and seating areas, which is common to all residents of the building.

SALES OFFICE

- (m) For the purpose of this exception, "sales office" shall mean an office located on the Lands in a temporary or existing building, structure, facility or trailer satisfactory to the City's Chief Planner used exclusively for the purpose of selling or leasing the residential dwelling units or the non-residential gross floor area to be erected within the site.

PERMITTED USES

- (n) The only permitted uses on the Lands are:

RESIDENTIAL

- (i) apartment house dwellings and accessory uses thereto including private recreational amenity areas; and
- (ii) guest suites.

NON-RESIDENTIAL

- (i) retail and service commercial uses and office uses including, adult education schools, art galleries, automatic teller machines, bakeries, business offices, car share services, clinics, commercial and private schools, commercial galleries, commercial recreation facilities, custom workshops, day nurseries, dry-cleaning and laundry collecting establishments, financial institutions, fitness centers, information processing centres or facilities, outdoor cafes in conjunction with a restaurant, personal services shops, professional offices, professional medical offices, restaurants including take-out restaurants, retail stores (including grocery stores, supermarkets and pharmacies), sales offices, social facility space, studios, theatres, and accessory uses thereto; and
- (ii) all non-residential uses, other than mechanical floor area, shall be restricted to the 4-storey base-building.

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

- (o) Except as provided for in subsections (dd) and (ee) of this exception, the maximum gross floor area permitted on the net site shall not exceed 24,699.15 square metres attributable to the gross site, of which a minimum of 5,575 square metres of non-residential gross floor area shall be provided.

NUMBER OF DWELLING UNITS

- (p) The maximum number of dwelling units shall be 374.

BUILDING ENVELOPE

- (q) 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(216) except for the projections permitted in Section 6(9) of the By-law as well as canopies, lights, stairs and other architectural features which may project beyond the building envelope.

BUILDING HEIGHT

- (r) The building height, measured from established grade, shall not exceed the maximum height in metres shown on Schedule RM6(216) excluding mechanical penthouses, parapets and other architectural features, mechanical equipment and other elements necessary for the functional operation of the building, and stairwells to access the roof.

NUMBER OF STOREYS

- (s) The number of storeys shall not exceed the maximum shown on Schedule RM6(216) excluding mechanical penthouses, parapets and other architectural features, mechanical equipment and other elements necessary for the functional operation of the building, and stairwells to access the roof and, except that a mezzanine may be located within the Social Facility Space required under subsection (dd)(v) of this By-law in the area of the building adjacent to the Publicly Accessible Open Space as shown on Schedule RM6(216).

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 1.0 parking spaces per dwelling unit, which includes 0.10 parking spaces per dwelling unit allocated for visitor use;
 - (ii) a maximum of 1.2 parking spaces per dwelling unit, which includes 0.10 parking spaces per dwelling unit allocated for visitor use;
 - (iii) a minimum of 0.9 parking spaces per 100 square metres of gross floor area allocated to non-residential uses;
 - (iv) a maximum of 1.13 parking spaces per 100 square metres of gross floor area allocated to non-residential uses; and
 - (v) if the calculation of the number of required motor vehicle parking spaces results in a number with a fraction less than 0.5, the number shall be rounded down to the nearest whole number; if the fraction is equal to or greater than 0.5, the number shall be rounded up to the nearest whole number.

All motor vehicle parking spaces 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. Resident parking spaces above the minimum requirements shall be provided with roughed-in conduits for electric vehicles.

BICYCLE PARKING

- (u) Bicycle parking shall be provided as follows:
- (i) for residential uses, a minimum of 0.8 occupant bicycle parking spaces and/or stacked bicycle parking spaces per dwelling unit, plus a minimum of 0.2 visitor bicycle parking spaces and/or stacked bicycle parking spaces per dwelling unit;
 - (ii) for commercial uses, other than retail uses, a minimum of 0.2 occupant bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area, plus the greater of 0.2 visitor bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area or 6 bicycle parking spaces and/or stacked bicycle parking spaces;
 - (iii) for retail uses, a minimum of 0.2 occupant bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area and the greater of 0.3 visitor bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area or 6 bicycle parking spaces and/or stacked bicycle parking spaces;
 - (iv) a minimum of thirty-seven (37) of the required residential bicycle parking spaces and a minimum of four (4) of the required commercial/retail bicycle parking spaces shall be provided in one or more bicycle room(s) located on the ground floor accessible from the outside and such bicycle parking spaces shall meet the minimum dimensions required by Section 3(b)(i) Definition - Bicycle Parking of this By-law; and
 - (v) if the calculation of the number of required bicycle parking spaces results in a number with a fraction less than 0.5, the number shall be rounded down to the nearest whole number; if the fraction is equal to or greater than 0.5, the number shall be rounded up to the nearest whole number.

LOADING

- (v) A minimum of three (3) loading spaces shall be provided on the net site. Loading spaces shall have minimum dimensions as follows: one (1) loading space with minimum dimensions of 13.0 metres long, 4.0 metres wide and 6.1 metres high and two (2) loading spaces with minimum dimensions of 11.0 metres long, 3.5 metres wide and 4.0 metres high.

LOT COVERAGE

- (w) The maximum permitted building coverage shall be 60 percent of the net site.

INDOOR RECREATIONAL AMENITY AREA

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

OUTDOOR RECREATIONAL AMENITY AREA

- (y) A minimum of 1.2 square metres per dwelling unit of outdoor recreational amenity area shall be provided and may be located on a rooftop adjacent to the indoor residential amenity area.

COMMON OUTDOOR OPEN SPACE

- (z) A minimum of 549 square metres of common outdoor open space shall be provided within the net site and this may also include the area shown as publicly accessible open space on Schedule RM6(216).

YARD SETBACKS

- (aa) The minimum yard setbacks shall be as shown on Schedule RM6(216).

PROVISIONS NOT APPLICABLE

- (bb) The provisions of Sections 6(9)(f) and (i), 6A(6)(g), 6A(8), 6A(16) (d)(iv), 15.1, 15.8, 15.12, and 20-A do not apply.

SECTION 37 COMMUNITY BENEFITS

- (cc) Pursuant to Section 37 of the *Planning Act*, the density of development permitted in this By-law is permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the facilities, services or matters referred to herein at the owner's sole expense. In this regard, 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 herein, which agreement(s) may be registered against title to the Lands. In the event such agreement(s) require the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:
- (i) a minimum of 1,260 square metres of street related retail and service commercial uses located at grade on the ground floor along the Yonge Street frontage directly accessible from the street and located within 30 metres of the property line;

- (ii) bicycle room(s) containing a minimum of 37 bicycle parking spaces for the residential uses and a minimum of 4 bicycle parking spaces for the commercial/retail uses. Such areas shall be located on the ground floor at grade and shall be accessible from the outside and shall have a minimum area of 50 square metres;
- (iii) a minimum of 1.5 square metres per dwelling unit of indoor recreational amenity space;
- (iv) the owner shall provide a monetary contribution by way of a certified cheque in a form that is satisfactory to the City to fund up to 3,527.28 square metres of proposed gross floor area to be used by the City in its sole discretion toward the provision of public recreation centres and social facilities and/or toward the cost of constructing and furnishing such facilities and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre. The amount of a monetary contribution shall be equal to the market value, based on land value, of up to 3,527.28 square metres of proposed gross floor area, as determined by the Director of Real Estate Services. Such contribution shall be provided to the City prior to the issuance of the first building permit. Such contribution shall be indexed upwardly to the Toronto Real Estate Board Market Watch Index from the date of execution of the Section 37 Agreement;
- (v) the owner shall transfer to the City a minimum of 545 square metres of Social Facility Space in accordance with the provisions of this By-law and the agreement entered into pursuant to Section 37 of the *Planning Act*, which Social Facility Space shall include the following elements:
 - (1) the Social Facility Space shall be provided to the stage of base building completion, plus finished turn-key conditions, to the satisfaction of the Chief Corporate Officer or designate;
 - (2) the Social Facility Space shall be conveyed for nominal consideration as a freehold stratified fee simple interest, free of all encumbrances;
 - (3) the owner shall arrange for all of the proposed condominium corporation(s) and other owners of the Lands, who will share use of facilities within the Lands in common with the City's Social Facilities Space, to enter into an easement and cost sharing agreement with the City and with other owners of the Lands on terms to the satisfaction of the City;
 - (4) the Social Facility Space will be provided with access to such loading areas, garbage storage and pick-up areas and vehicle and

bicycle parking areas as are provided to serve the commercial owners and commercial condominium units in the building;

- (5) the Social Facility Space shall front on and be located adjacent to an east-west publicly accessible mews to be established on the Publicly Accessible Open Space, as shown on Schedule RM6(216); and
- (6) the gross floor area of the Social Facility Space, plus four (4) times the gross floor area of the Social Facility Space, is excluded from the calculation of gross floor area of the development proposal.

ADDITIONAL GROSS FLOOR AREA (INCENTIVE GFA)

- (dd) Notwithstanding the maximum gross floor area of 24,699.15 square metres set out in subsection (o) of this exception, additional gross floor area up to a maximum of 8,123.28 square metres as described in subsection (cc) shall be permitted on the net site. However, the total gross floor area of all buildings permitted on the Lands, shall not exceed a total aggregate maximum of 32,822.43 square metres. In addition, the allocation of additional gross floor area provided in subsection (cc) is limited as follows:
 - (i) a maximum of 1.5 square metres per dwelling unit of indoor recreational amenity area;
 - (ii) a maximum of 1,350 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street frontage, and is to include street related retail and service commercial uses located at grade within 30 metres of the property lines, provided that the retail and service commercial uses are directly accessible from Yonge Street;
 - (iii) a maximum of 50 square metres for the provision of at grade bicycle room(s) containing a total minimum of 37 bicycle parking spaces for the residential uses and a minimum of 4 bicycle parking spaces for the commercial uses, located on the ground floor easily accessible from the outside;
 - (iv) a maximum of 3,527.28 square metres for a monetary contribution in the form of a certified cheque that is satisfactory to the City, toward the provision of public recreation centres and social facilities, and/or constructing and furnishing such facilities, and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre;
 - (v) a density incentive of a maximum of 2,180 square metres for the provision of a minimum of 545 square metres of Social Facility Space to the City

fronting on an east-west publicly accessible open space as shown on
Schedule RM6(216); and

- (vi) a minimum of 545 square metres for the Social Facility Space to be provided.

SEVERANCE

- (ee) Notwithstanding any past or future severance, partition or division of the net site shown on Schedule RM6(216), 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(216) attached to this By-law.
 - 5. Where any provision or Schedule of By-law No. 7625 of the former City of North York, as amended, conflicts with this By-law, this By-law shall prevail.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



