

Authority: North York Community Council Item NY8.36, adopted as amended, by City of Toronto Council on July 12, 13 and 14, 2011 and MM21.43, moved by Councillor Christin Carmichael Greb, seconded by Councillor James Pasternak, as adopted by City of Toronto Council on October 5, 6 and 7, 2016

CITY OF TORONTO

BY-LAW No. 1093-2016

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 4050 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*; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or 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 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 or matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters, as set out in this By-law; and

Whereas the increases in the height and density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 7625 of the former City of North York, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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 are amended in accordance with Schedules 1, 2 and 3 attached to this By-law.

2. Section 64.23 –**EXCEPTIONS TO C1 ZONE (GENERAL COMMERCIAL ZONE)** of By-law No. 7625 is amended by adding the following subsection:

64.23 (132) C1(132)

DEFINITIONS

- (a) For the purposes of this exception, the following definitions apply:
- (i) **Established Grade** means the geodetic elevation of 133.1 metres above sea level.
 - (ii) **Landscaping** means trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not **Landscaping**.
 - (iii) **Soft Landscaping** means **landscaping**, and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways or other hard-surface landscape-architectural elements.

PERMITTED USES

- (b) The following are the only permitted uses subject to the Exception Regulations below:
- (i) business use;
 - (ii) information processing use;
 - (iii) financial institution;
 - (iv) restaurant;
 - (v) outdoor café;
 - (vi) open space;
 - (vii) professional medical offices;
 - (viii) professional office use;
 - (ix) retail store;
 - (x) personal service shop;
 - (xi) service shop; and

- (xii) hotel, including accessory uses such as restaurant, café, conference centre and banquet hall.

EXCEPTION REGULATIONS

(c) Building Height/Storeys

- (i) The maximum building height, including superstructures and mechanical enclosures, shall not exceed the heights in metres above established grade and storeys as shown on Schedule 3;
- (ii) A mezzanine level located between the first and second floor is not a storey;
- (iii) Notwithstanding (b) (i), skylights and elevator overruns are permitted to exceed the heights on Schedule 3; to a maximum of an additional 2.5 metres; and
- (iv) The maximum number of storeys is 9 for a hotel use and 7 for office use; mechanical enclosures shall not be considered a storey.

(d) Yard Requirements

- (i) The minimum yard setbacks is shown on Schedules 2 and 3; and
- (ii) A ground floor canopy is permitted to encroach into the front, rear and side yard setbacks.

(e) Loading

- (i) A minimum of two (2) Type B and two (2) Type C loading spaces must be provided.

(f) Gross Floor Area

- (i) The maximum total gross floor area is 44,670 square metres;
- (ii) The minimum retail gross floor area is 360 square metres;
- (iii) The interior floor area of a portion of a building that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in a basement, parking space, loading space, or a drive aisle used to access a parking space or loading space, is not included as gross floor area for the purpose of calculating parking space requirements; and
- (iv) Below grade mechanical and mechanical storage areas are excluded from gross floor area.

- (g) Parking
 - (i) On-site vehicular parking must be provided as follows:
 - (A) Business & Professional Offices:
 - (I) Minimum – 1.0 spaces per 100 square metres GFA; and
 - (II) Maximum – 2.0 spaces per 100 square metres GFA.
 - (B) Financial Institutions:
 - (I) Minimum – 2.0 spaces per 100 square metres GFA; and
 - (II) Maximum – 4.5 spaces per 100 square metres GFA.
 - (C) Professional Medical Offices:
 - (I) Minimum – 1.5 spaces per 100 square metres GFA; and
 - (II) Maximum – 6.0 spaces per 100 square metres GFA.
 - (D) Personal Service Shops:
 - (I) Minimum – 1.0 spaces per 100 square metres GFA; and
 - (II) Maximum – 4.0 spaces per 100 square metres GFA.
 - (E) Retail Stores:
 - (I) Minimum – 1.0 spaces per 100 square metres GFA; and
 - (II) Maximum – 4.0 spaces per 100 square metres GFA.
 - (F) Service Shops:
 - (I) Minimum – 1.0 spaces per 100 square metres GFA; and
 - (II) Maximum – 4.0 spaces per 100 square metres GFA.
 - (G) Restaurants:
 - (I) Minimum – 0 spaces; and
 - (II) Maximum – 5.0 spaces per 100 square metres GFA.

- (H) Hotels:
- (I) Minimum – 1 space per 47 square metres of bedroom area, plus the requirement set out in this section for accessory uses.
- (I) Restaurants (accessory to a Hotel use)
- (I) for a restaurant that is less than 250 square metres in GFA, 1 space per 9.8 square metres of GFA; and
- (II) For a restaurant that has a gfa of 250 square metres or more, the parking rate is 1 space per $[100/(GFA \times 0.005) + 9.8]$ square metres of gross floor area.
- (J) Conference Centres (accessory to a Hotel use)
- (I) Minimum – 1 space per 7.18 square metres of GFA.
- (K) In determining the minimum number of vehicular parking spaces required, the following shared parking rates apply:

Use	Shared Parking Rates		
	Morning	Mid-Day	Evening
Hotel	95%	70%	95%
Conference Centre	65%	100%	100%
Restaurant (Ancillary to Hotel - 9th Floor)	20%	100%	70%
Restaurant (Portion of Hotel Lobby Area)	0%	0%	0%
Office	100%	100%	10%
Sales Centre (Office)	100%	100%	10%
Retail	35%	100%	95%
Restaurant (Ground Floor)	30%	75%	100%

- (ii) On-site bicycle parking must be provided as follows:
- (A) Business and Professional Offices:
- (I) Short Term - 3, plus 0.15 spaces for each 100 square metres GFA; and
- (II) Long Term - 0.13 spaces per 100 square metres GFA.

- (B) Professional Medical Offices:
 - (I) Short Term - 3, plus 0.1 spaces for 100 square metres GFA; and
 - (II) Long Term - 0.1 per 100 square metres GFA.
- (C) Personal Service Shops and Service Shops:
 - (I) Short Term - 3, plus 0.25 spaces for each 100 square metres GFA; and
 - (II) Long Term - 0.13 per 100 square metres GFA.
- (D) Retail Stores:
 - (I) Short Term - 3, plus 0.25 spaces for each 100 square metres GFA; and
 - (II) Long Term - 0.13 spaces per 100 square metres GFA.
- (E) Restaurant:
 - (I) Short Term - 3, plus 0.25 spaces for each 100 square metres GFA; and
 - (II) Long Term - 0.13 spaces per 100 square metres GFA.
- (F) A minimum of 1 shower and change facilities must be provided for each gender.
- (G) A minimum of 20 short-term bicycle parking spaces must be located in a weather protected bicycle parking area at grade.
- (iii) If providing more than the minimum parking spaces required, any additional parking spaces must provide roughed-in conduits to allow for future electrical outlets for plug-in electric vehicles or spaces must be provided for dedicated priority parking for carpooling.
- (h) Buildings or structures and/or portions of buildings or structures, with the exception of a ground floor canopy and above-grade restaurant terrace, are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope O1(45) Zone as shown on Schedule 1. Bank stabilization works may be permitted within this area.
- (i) The provisions of Sections 6A-1, 22.10, 22.10.2, 22.10.3, 22.12.5, and Section 23 shall not apply.

3. Section 64.37 – **EXCEPTIONS TO O1 ZONE (OPEN SPACE ZONE)** of By-law 7625 is amended by adding the following subsection:

64.37 (45) O1 (45)

DEFINITIONS

- (a) For the purposes of this exception, the following definitions apply:
- (i) **Landscaping** means trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not **Landscaping**.
 - (ii) **Soft Landscaping** means **landscaping**, and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways or other hard-surface landscape-architectural elements.
- (b) The following are the only permitted uses subject to the Exception Regulations below:
- (i) Cafés and patios ancillary to a restaurant use within the **C1(132) Zone**;
 - (ii) **Landscaping**; and
 - (iii) **Soft landscaping**.

EXCEPTION REGULATIONS

- (c) Landscaping
- A minimum of 1,780 square metres of **landscaping** must be provided.
- (d) Soft Landscaping
- A minimum of 1,060 square metres of **soft landscaping** must be provided.
- (e) Cafés and patios ancillary to a restaurant use may not exceed an area of 250 square metres.
- (f) Buildings or structures and/or portions of buildings or structures, with the exception of a ground floor canopy and above-grade restaurant terrace, are not permitted within, above or below grade, the 10 metre top-of-slope area as shown on Schedule 1. Bank stabilization works are permitted within this area.

4. **SECTION 37 – INCREASED HEIGHT/DENSITY**

- (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on

the lot is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:

- (i) Prior to the release of the first above grade building permit, provide a cash contribution of \$1,500,000, which is to be used for the following:
 - (A) Upgrades to the existing TTC York Mills Station passenger pick-up and drop-off parking area along Old York Mills Road;
 - (B) Path and trail improvements/connections within the West Don River Valley area adjacent to the site, York Mills Park and York Mills Valley Park; and
 - (C) Parks improvements to Woburn Park, the Douglas Greenbelt and Old Orchard Park and streetscape improvements.
 - (ii) Require that the cash amounts identified above must be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and
 - (iii) Provide and maintain public art pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site.
- (b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- (i) The owner is required to submit a Reference Plan for all or portions of the lands below the top-of-bank, to the satisfaction of the Toronto and Region Conservation Authority, and convey all or portions of the subject site below top-of-bank to the Toronto and Region Conservation Authority; and
 - (ii) The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption item PG32.3 of the Planning and Growth Committee.
5. 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 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

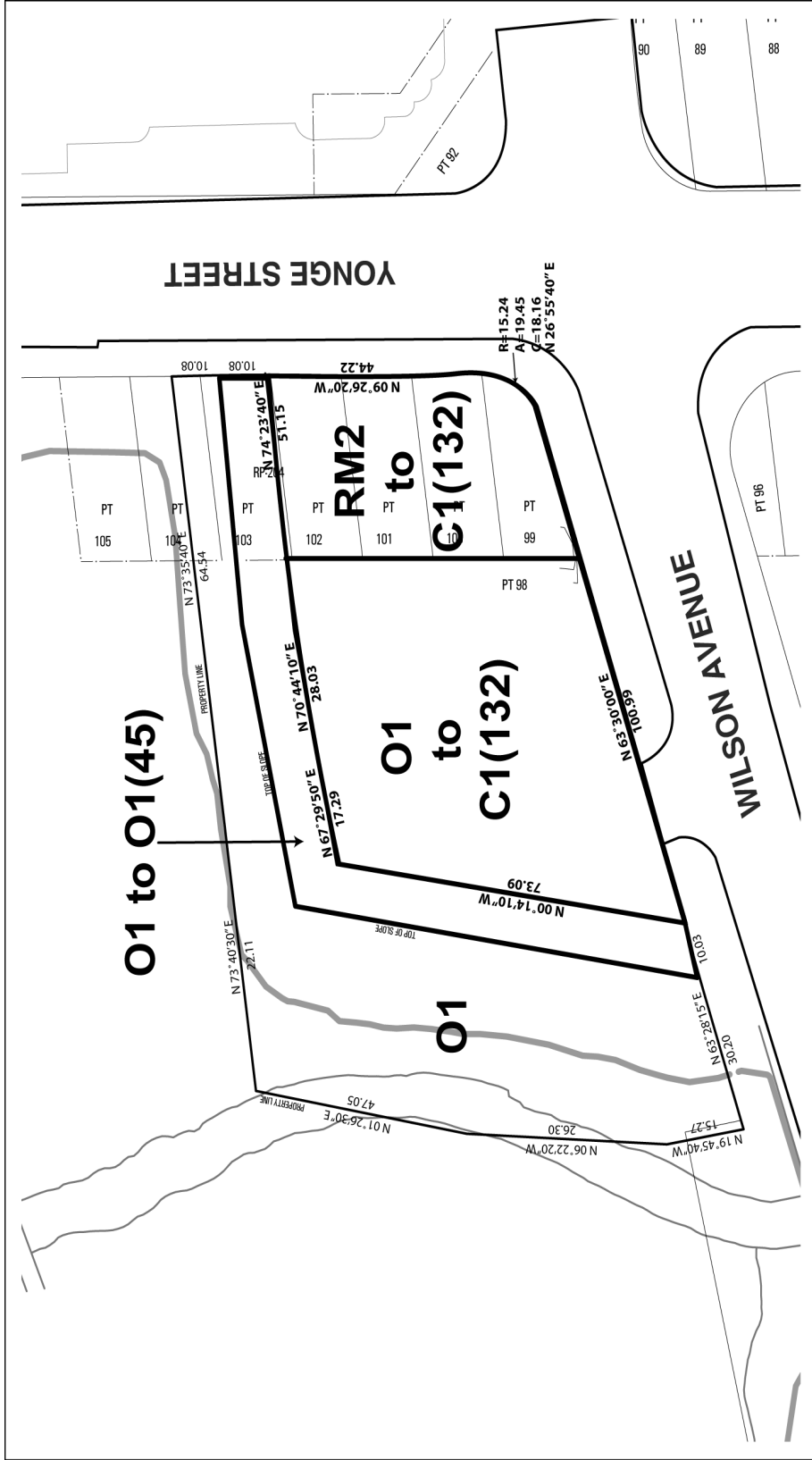
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 6.** The provisions of this By-law shall apply collectively to this land as shown on Schedule 1 attached to this By-law, notwithstanding its future division into two or more parcels.

Enacted and passed on November 9, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



Schedule 1

Part of Lot 11, Concession 1, West of Yonge Street and Part of Lots 98, 99, 100, 101, 102, 103, & 104

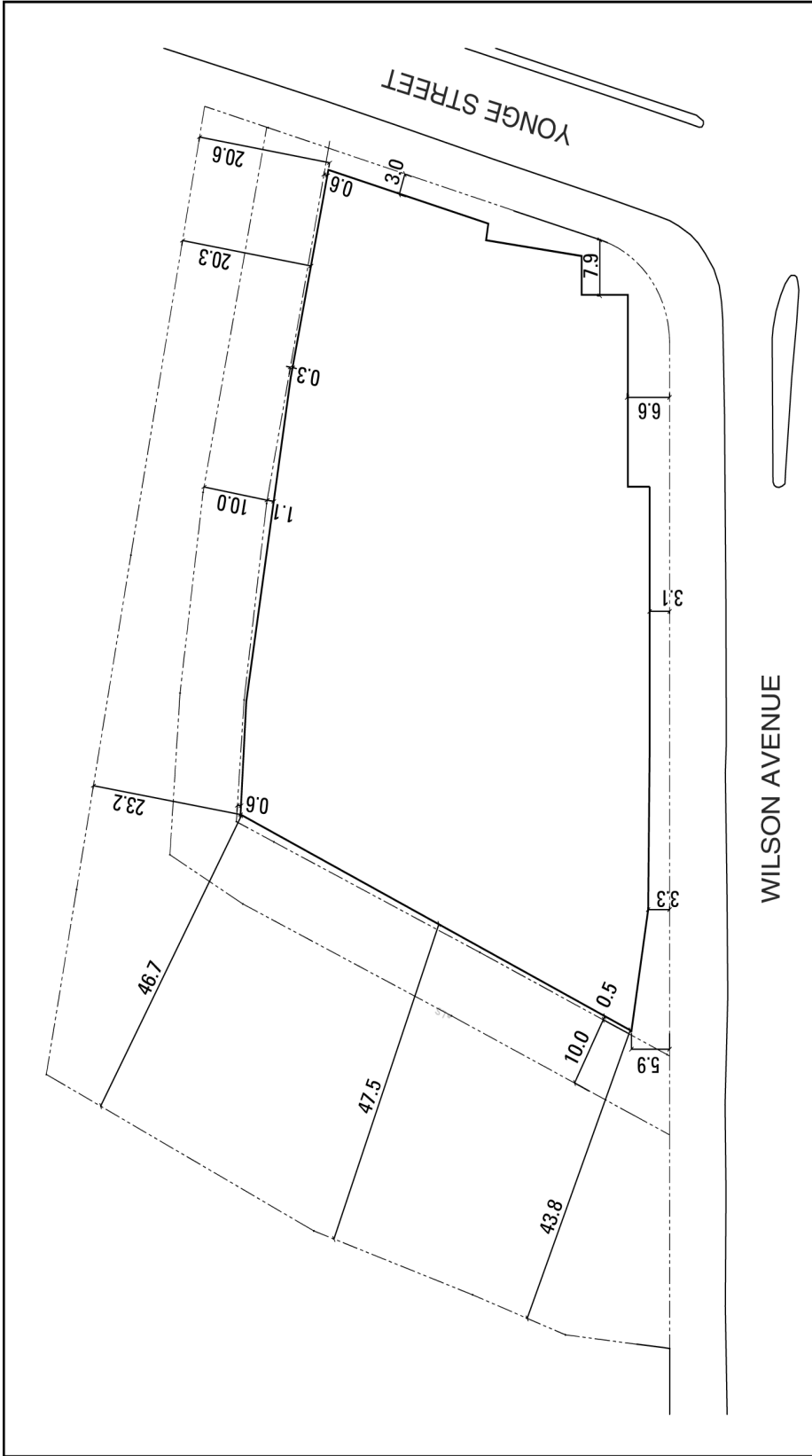
Registered Plan 204, City of Toronto.
J.D.Barnes Ltd. February 2010.

Date: 05/31/2011
Approved by: J.A.

File # 10 167159 MNY 16 0Z



Not to Scale



Schedule 2

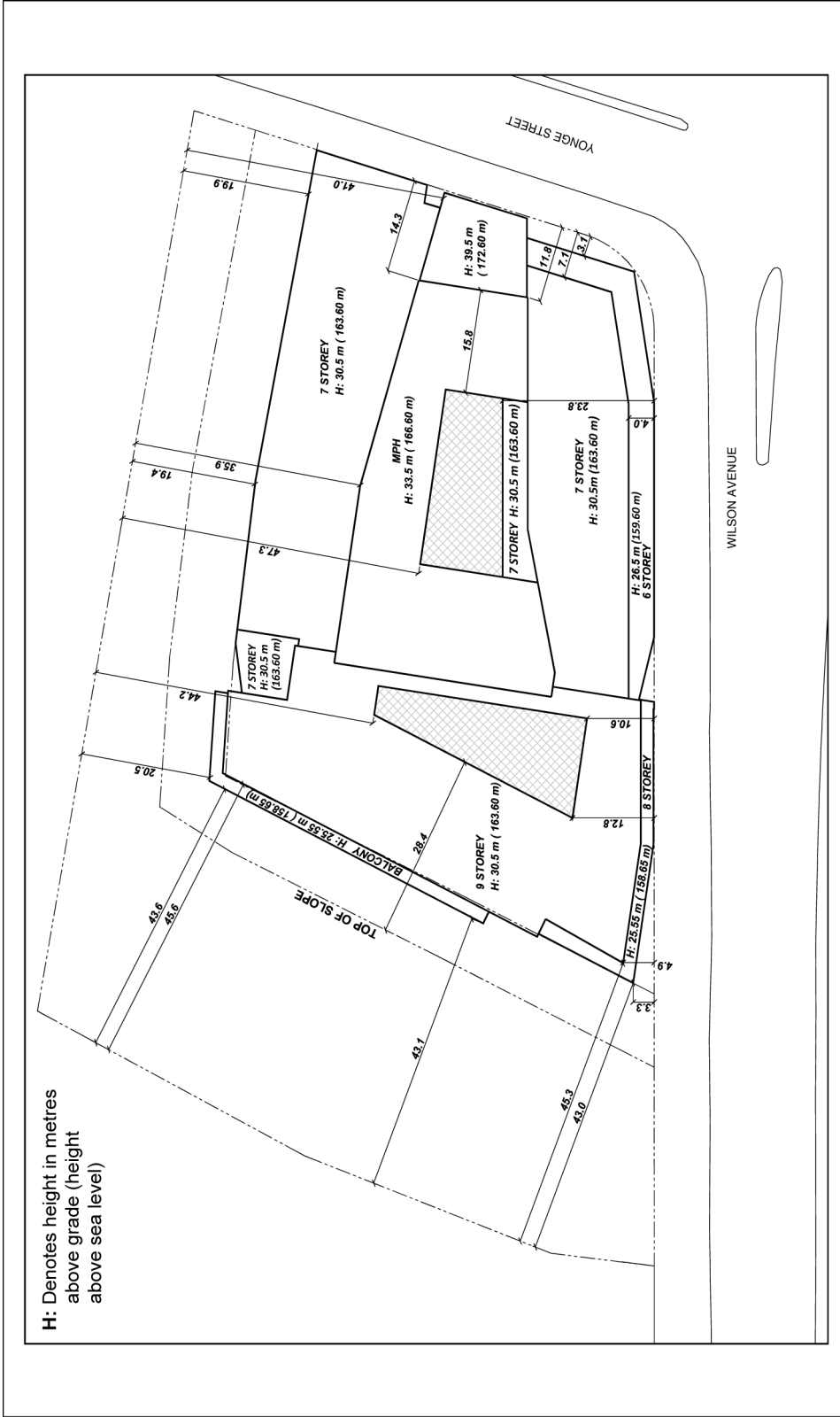
Ground Floor Setbacks

From Applicant's Drawing
Date: 08/29/2016
Approved by: B. D.R.

File # 10 167159 NNY 16 0Z



Not to Scale



Schedule 3

Heights & Roof Setbacks

From Applicant's Drawing

Date: 08/29/2016

Approved by: B. D.R.

File # 10 167159 NMY 16 0Z



Not to Scale