

Authority: Local Planning Appeal Tribunal Decision issued on May 13, 2019 and on June 3, 2019 and Order issued on December 1, 2020 in Case PL170562

CITY OF TORONTO

BY-LAW 1113-2020(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2018 as 4800 Yonge Street.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision issued on May 13, 2019 and on June 3, 2019, and Order issued on December 1, 2020 in Board Case PL170562, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 4800 Yonge Street; and

Whereas pursuant to Section 37 of the Planning Act, a By-law passed under Section 34 of the Planning Act may authorize increases in height or density of development beyond that permitted otherwise 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 the height or density of development, a 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 owner of the lands known at the date of enactment of this By-law as 4800 Yonge Street (the "Lands") has elected to provide the facilities, services or matters as set out in this By-law; and

Whereas the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

The Local Planning Appeal Tribunal orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 of this By-law.
2. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding the following subsection:

"64.20-A (259) RM6 (259)

DEFINITIONS

ATRIUM

- (a) For the purpose of this exception, "atrium" shall mean an enclosed publicly accessible open space with an area of 130 square metres situated at ground level, within the shaded area shown on Schedule RM6(259)A of By-law 1113-2020(LPAT) that is accessible to the public, secured through appropriate legal agreements which provides public pedestrian access from the street to the connection to the TTC subway station and which may include seating areas and public art as well as functioning as the entrance to the office component of the building, and which is open to the public during TTC subway operating hours. Further the atrium area can be occupied by kiosk space within the area provided such area does not exceed 25 percent of the atrium area, exclusive of seating that may be used by general public. Public Art is permitted within this area.

BICYCLE PARKING

- (b) For the purpose of this exception, "bicycle room" shall mean an enclosed indoor space that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (c) For the purpose of this exception, "bicycle parking space" shall mean an area that is equipped with a bicycle rack, bicycle stacker, or a locker designed exclusively for the purpose of parking and securing bicycles.

CAR –SHARE

- (d) For the purpose of this exception, "car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may be refundable.
- (e) For the purpose of this exception, "car-share parking space" means a parking space that is exclusively reserved and actively used for car –sharing.

COMMON OUTDOOR SPACE

- (f) For the purpose of this exception, "common outdoor space" shall mean exterior, publicly accessible areas of the net site that are adjacent to the building, consistent of hard or soft landscaping, adjoin a public street, provide pedestrian facilities such as outdoor seating, and may include public art.

ESTABLISHED GRADE

- (g) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 177.22 metres.

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 or bicycle parking or access thereto, TTC lobby; and
 - (iii) the floor area of unenclosed residential balconies. For greater certainty, but not so as to restrict generality:
 - (A) *the calculation of gross floor area may exclude* – architectural features affixed to or extending beyond the exterior faces of exterior walls; floor slab openings and other voids, including pipe space enclosures throughout, including within residential units; mechanical areas within residential units, including HVAC spaces; stormwater storage tanks; parking ramps and aisles to or within a parking garage; bicycle rooms contained within a parking garage; accessory uses to parking areas within a parking garage including: airlock rooms adjacent to elevators or exits; exit stairs that lead directly from a parking garage to the exterior of the building without serving any other areas; curbs adjacent to parking areas; supporting columns, walls or other like structures in a parking garage; pedestrian walkways within a parking garage; motor vehicle loading spaces, access thereto and adjacent bin staging areas; dead areas adjacent to parking spaces between columns, in corners and around curves or provided to facilitate vehicular turnaround; other spaces in a parking garage not accessible and/or usable due to structural design; and
 - (B) *the calculation of gross floor area shall include* – general storage spaces of any kind, including lockers and rooms; bicycle rooms not contained within a parking garage; vestibules other than airlock rooms; garbage and recycling rooms; stairs, landings and hallways other than those that lead directly from a parking garage to the exterior of the building without serving any other areas; amenity spaces; elevator lobbies; the floor areas of elevator cabs.

GROSS SITE

- (i) For the purpose of this exception, "gross site" shall mean the lands identified as such on Schedule RM6(259)A, comprising an area of 4,145.2 square metres.

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, storm water storage, irrigation, fire protection and elevator equipment.

NET SITE

- (k) For the purpose of this exception, "net site" shall mean the lands identified as such on Schedule RM6(259)A, comprising an area of 3,565.7 square metres.

TYPE B LOADING SPACE

- (l) For the purpose of this exception, "Type B loading space" shall mean a loading space that has a minimum width of 3.5 metres, minimum length of 11.0 metres and minimum vertical clearance of 4.0 metres.

TYPE C LOADING SPACE

- (m) For the purpose of this exception, "Type C loading space" shall mean a loading space that has a minimum width of 3.5 metres, minimum length of 6.0 metres and minimum vertical clearance of 3.0 metres.

TYPE G LOADING SPACE

- (n) For the purpose of this exception, "Type G loading space" shall mean a loading space that has a minimum width of 4.0 metres, minimum length of 13.0 metres and minimum vertical clearance of 6.1 metres.

PERMITTED USES

- (o) The only permitted uses shall be as follows:
- (i) RESIDENTIAL
 - (A) accessory uses, including private recreational amenity areas;
 - (B) apartment house dwellings.

(ii) NON-RESIDENTIAL

(A) Office Uses

- (1) accessory uses;
- (2) business and professional offices, including banks and other financial institutions;
- (3) clinics;
- (4) health science research laboratories;
- (5) information processing centres or facilities; and
- (6) professional medical offices.

(B) The office uses in (a) are permitted on floors 2 to 7 of the podium shown on Schedule RM6(259)A.

(C) Retail and Service Commercial Uses

- (1) accessory uses;
- (2) art galleries;
- (3) automatic teller machines;
- (4) bakeries;
- (5) car rental agencies;
- (6) car-share services;
- (7) car washes;
- (8) clubs;
- (9) commercial galleries;
- (10) custom workshops making articles or products to be sold at retail on the premises;
- (11) day nurseries;
- (12) dry-cleaning and laundry collecting establishments;
- (13) fitness centres;

- (14) outdoor cafes;
 - (15) personal service shops;
 - (16) restaurants including take-out;
 - (17) retail branches of banks and other financial institutions;
 - (18) retail stores, including grocery stores, supermarkets and pharmacies;
 - (19) studios; and
 - (20) theatres.
- (p) A minimum of 15,000 square metres of gross floor area shall be devoted solely to Office Uses. A maximum of 100 square metres of gross floor area for Office Uses may form part of a connection to the TTC subway station. A minimum of 600 square metres of gross floor area devoted solely to Retail and Service Commercial Uses shall front onto and be directly accessible from the public sidewalk or common outdoor spaces on Yonge Street and/or Sheppard Avenue.
- (q) Only non-residential uses shall be contained in the podium shown on Schedule RM6(259)A, except for accessory residential uses (including but not limited to residential lobby space, residential amenity space, mail rooms, elevators, garbage and recycling rooms, bicycle rooms, management office, mechanical rooms, utility rooms, and exit stairs and corridors). No non-residential uses shall be permitted in the tower shown on Schedule RM6(259)A, situated above the podium.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (r) The maximum gross floor area permitted on the net site shall not exceed 33,353 square metres.

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(259)A except for canopies, light fixtures, architectural building features, ornamental elements, window sills, balustrades, columns, support structures, mechanical equipment, exhaust fans, exhaust flues, wheelchair ramps, safety railings, structures for outside or open air

recreation, partitions dividing outdoor recreation areas, terrace guard and dividers, signs and planters.

BUILDING HEIGHT

- (t) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule RM6(259)A excluding mechanical penthouses, parapets and other architectural features, stairwells to access the roof, safety railings, roof drainage, thermal insulation and roof ballast, structures for open air recreation, partitions dividing outdoor recreation areas, terrace guards and dividers, planters, decorative screens, elevator shafts, elevator shaft enclosures, lightning rods, mechanical equipment, exhaust fans, exhaust flues, building maintenance, and window washing equipment.

MOTOR VEHICLE PARKING

- (u) A minimum of 311 motor vehicle parking spaces, including a maximum of 92 parking spaces located under the portion of Bogert Avenue identified on Schedule RM6(259)B in association with a building permitted by the RM6(259) zone and 10 spaces reserved for car-share parking, shall be provided and maintained in an underground parking garage.
- (v) Notwithstanding (u) above, if the Owner elects to provide additional TDM measures in accordance with the provisions of (oo) (v) the minimum vehicle parking spaces may be reduced to 259 motor vehicle parking spaces to be provided in accordance with (u) above.
- (w) Notwithstanding (u) above, up to ten (10) percent of obstructed parking spaces provided may have the following minimum dimensions:
 - (i) Length – 5.6 metres;
 - (ii) Width – 2.6 metres; and
 - (iii) Vertical Clearance: 2 metres.
- (x) a minimum of 106 parking spaces will be dedicated for the use of residential tenants.
- (y) any parking spaces in the underground parking garage not dedicated to the use of residential tenants, including spaces for the use of residential visitors may be made available to the general public and a charge may be imposed for the use of such spaces, whether by tenants, visitors or the public.
- (z) any parking space in the underground parking garage may be accessed by a one-way aisle with a minimum width of 4.25 metres or a two-way aisle with a minimum width of 6.0 metres.

BICYCLE PARKING

- (aa) A minimum of 426 bicycle parking spaces shall be provided and maintained within the net site, of which:
 - (i) a minimum of 20 bicycle parking spaces shall be allocated for the use of office tenants;
 - (ii) a minimum of 26 bicycle parking spaces shall be allocated for the use of office visitors;
 - (iii) a minimum of 1 bicycle parking spaces shall be allocated for the use of retail tenants;
 - (iv) a minimum of 5 bicycle parking spaces shall be allocated for the use of retail visitors;
 - (v) a minimum of 339 bicycle parking spaces shall be allocated for the use of residential tenants; and
 - (vi) a minimum of 35 bicycle parking spaces shall be allocated for the use of residential visitors.
- (bb) A bicycle parking space shall have 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 square metres 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.
- (cc) A stacked horizontal "bicycle parking space" shall have minimum dimensions of 0.37 metres by 1.8 metres and a height of 1.2 metres.
- (dd) Access to mezzanine floor bicycle rooms shall be via dedicated stair or elevator connecting directly to the outside at the ground floor level.
- (ee) Bicycle parking space incentives will be permitted for bicycle parking spaces located on the P1 level and the 1st Floor Mezzanine level.
- (ff) Bicycle parking spaces may also be provided outdoors and in identified bicycle parking areas throughout the parking garage.

LOADING

- (gg) One (1) Type G, two (2) Type B and two (2) Type C loading spaces shall be provided within the net site.

INDOOR RECREATIONAL AMENITY AREA

- (hh) A minimum of 1.5 square metres per dwelling unit of private, residential recreational amenity area shall be provided within the residential tower shown on Schedule RM6(259)A.

OUTDOOR RECREATIONAL AMENITY AREA

- (ii) A minimum of 2 square metres per dwelling unit of private, outdoor residential recreational amenity area shall be provided on the roof of the podium shown on Schedule RM6(259)A.

YARD SETBACKS

- (jj) The minimum yard setbacks shall be as shown on Schedule RM6(259)A.

PROVISIONS NOT APPLICABLE

- (kk) The provisions of Sections 6(9), 6A(2), 6A(3)(a), 6A(4)(a), 6A(5)(a)(ii)D, 6A(5)(b)(iv)(B), 6A(5)(b)(iv)(C), 6A(6)(g), 6A(8), 6A(16), 15.8, and, 20-A shall not apply.

SECTION 37 MATTERS**INCREASED DENSITY**

- (ll) 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 (mm) of this exception, are:

SECTION 37 OBLIGATIONS REQUIRED IN RETURN FOR ADDITIONAL GROSS FLOOR AREA PERMITTED

- (mm) 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 capital facilities and/or matters referred to below, which agreement or agreements shall 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 and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out and the owner shall not use, or permit the use of, a building or structure on the Lands with an increase in density pursuant to this By-law unless all of the following provisions are satisfied:
- (i) a minimum of 600 square metres of retail space fronting onto and directly accessible to Yonge Street and/or Sheppard Avenue;

- (ii) a minimum of 553.3 square metres of bicycle rooms for the residential and commercial uses, provided that the bicycle rooms are directly accessible from grade and are located immediately at, immediately above or immediately below the ground floor;
- (iii) a minimum of 29.8 square metres for bicycle shower and change facilities provided for commercial uses;
- (iv) indoor recreational amenity space at a minimum of 1.5 square metres per dwelling unit;
- (v) a pedestrian connection to the subway station;
- (vi) removal of the Toronto Transit Commission stairway in the Sheppard Avenue West right of way/boulevard;
- (vii) at least 15,000 square metres of office floor space which may include up to 100 square metres of TTC connection floor area which will be located in the building shown on Schedule RM6(259)A;
- (viii) a monetary contribution in the amount of \$11,500,000.00, payable prior to the issuance of the first above grade building permit for the development, to be used by the City in its sole discretion toward the provision of parkland acquisition, parkland improvements, 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;
- (ix) the monetary contribution in mm (viii) above may be offset by up to \$5,000,000.00 by the costs of connecting the major office development to the subway including the costs of the removal of the subway entrance stairs in the Sheppard Avenue West right of way and any connection fees; and,
- (x) the cash component of the Section 37 contribution in mm (viii) above is to be indexed upwardly in accordance with the Statistics Canada Non Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 3270058, or its successor, calculated from February 26, 2019 to the date of payment.

ADDITIONAL GROSS FLOOR AREA PERMITTED IN RETURN FOR SECTION 37 OBLIGATIONS

- (nn) Notwithstanding subsection (r) of this exception, additional gross floor area may be permitted within the net site shown on Schedule 1, limited to the following:
- (i) 1,640 square metres for right-of-way conveyance;
 - (ii) 579 square metres for right-of-way conveyance;
 - (iii) a maximum of 4,249.8 square metres for road and park transfers;
 - (iv) a maximum of 1,930.1 square metres of residential gross floor area within the residential site attributable to (mm)(i), (mm)(ii), (mm)(iii), and (mm)(iv); and
 - (v) a maximum of 8,155.1 square metres of residential gross floor area within the residential site attributable to the payment specified in (mm)(viii) above.

ADDITIONAL MATTERS TO BE SECURED IN SECTION 37 AGREEMENT

- (oo) The following matters shall be secured in the Section 37 Agreement as a legal convenience to support the development:
- (i) any Toronto Transit Commission requirements regarding the Toronto Transit Commission pedestrian connection referred to in (mm)(v) and removal of the stairway in the public right of way referred to in (mm)(vi), which may include an Entrance Connection Agreement, fees and letters of credit and all of which can be offset in accordance with (mm)(ix);
 - (ii) the "atrium" shall be treated as a privately-owned publicly accessible open space, save and except for permitted uses outlined in section 2(a) with public access easements (similar to PATH connections/subway hours), which easements shall be secured through the site plan approval process as a condition of site plan approval, and shall be effective prior to the earlier of 90 days from the first occupancy for any use or the first registration of a condominium corporation on the Lands;
 - (iii) the owner shall work with City Planning staff through the site plan approval process to design and secure public art for the "atrium", to be secured through the site plan approval process as a condition of site plan approval;
 - (iv) the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the

satisfaction of the Chief Planner and Executive Director, City Planning in particular for the base building;

- (v) TDM measures to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning as set out in the approved TDM strategy;
- (vi) extension of the Yonge Street median adjacent to and in the vicinity of the Lands as contemplated in the North York Centre Secondary Plan and approved EA for the associated road network, details to be determined and secured through the site plan approval process as required to the satisfaction of General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning;
- (vii) the owner shall construct and maintain the Development in accordance with Tier 1 performance measures of the Toronto Green Standard;
- (viii) prior to the issuance of any above grade permit, the owner agrees to pay for, construct and have operational any improvements to the required municipal infrastructure in connection with the accepted Functional Servicing Report;
- (ix) the owner shall satisfy the City's parkland dedication requirements pursuant to section 42 of the Planning Act by way of an off-site parkland dedication and cash-in-lieu of parkland as permitted by 415-26(c)(3) of the City of Toronto Municipal Code to the satisfaction of the General Manager, Parks, Forestry and Recreation, subject to the following:
 - (A) The total required parkland dedication value will be \$5,000,000.00, comprised of one or more properties acceptable to the General Manager, Parks, Forestry and Recreation;
 - (B) The location of the off-site parkland dedication shall be to the satisfaction of the General Manager, Parks Forestry and Recreation;
 - (C) The off-site parkland dedication value may be adjusted downward to deduct reasonable costs incurred in connection with the acquisition of any property related to: legal fees, real estate commissions of up to 5 percent, land transfer tax, typical closing adjustments, water, and electrical and sanitary connections, all to the satisfaction of the General Manager, Parks Forestry and Recreation;
 - (D) If the value of the land acquired for the off-site dedication is less than \$5,000,000.00, indexed upwardly in accordance with the Non- Residential Construction Price Index for Toronto calculated from February 26, 2019 to the date of payment, net

of reasonable closing costs incurred, as described in (c), to the satisfaction of the General Manager, Parks Forestry and Recreation, the remainder will be paid to the City prior to the issuance of the first above grade permit for the development, and shall be used for parkland acquisition in Ward 18;

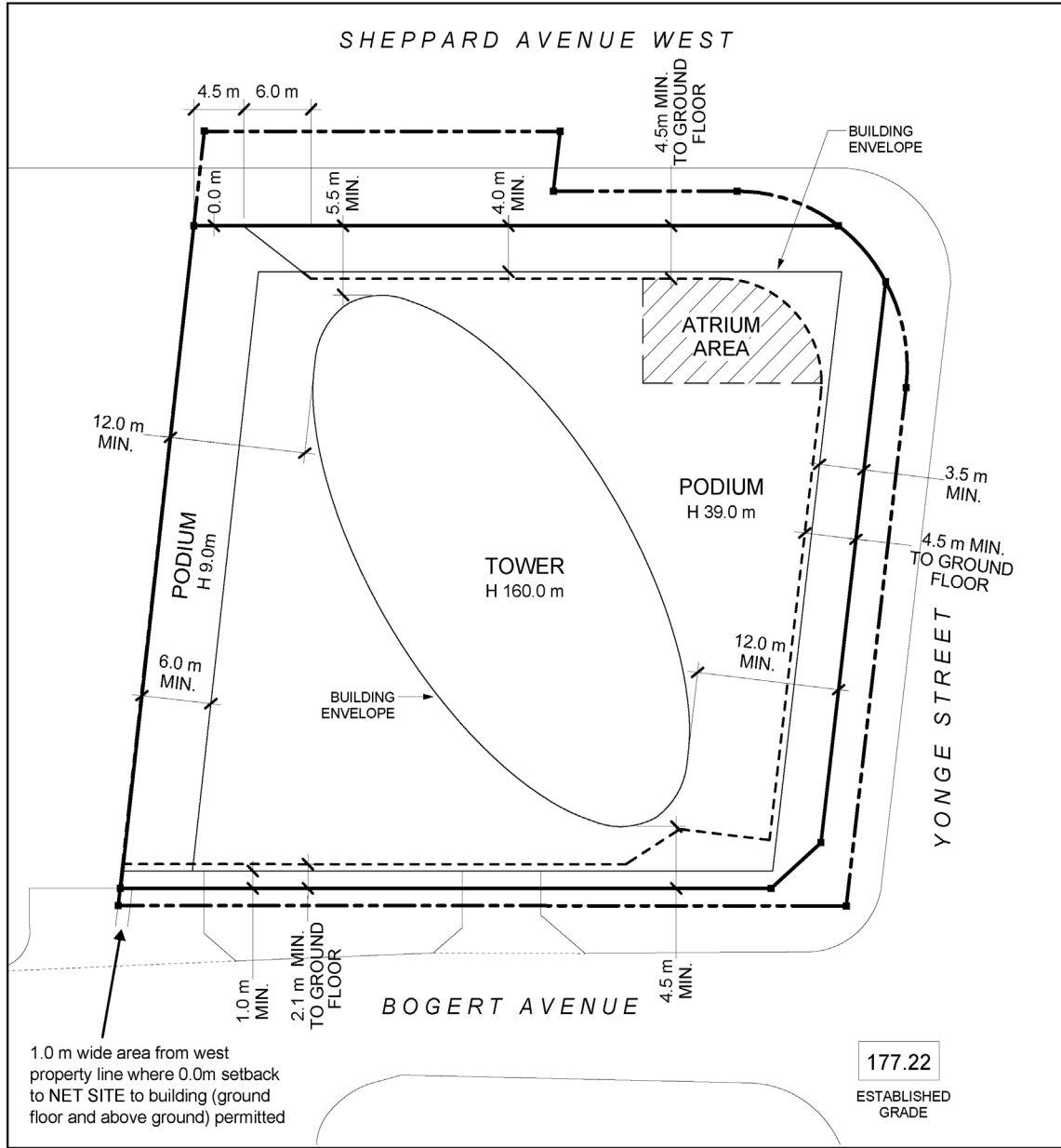
- (E) At least one acceptable property shall be acquired by the owner within one year of this By-law being approved by the Local Planning Appeal Tribunal and shall be conveyed to the City prior to the issuance of the first above grade permit for the development;
- (F) Should the owner not acquire at least one acceptable property identified by the City to the owner within one year of this By-law becoming final and binding, the off-site parkland dedication shall be determined at the time it is being fulfilled in accordance with the applicable policies in effect at the time and in accordance with the Planning Act; and
- (G) The land to be conveyed as off-site parkland dedication shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks Forestry and Recreation.

SEVERANCE

- (pp) Notwithstanding any existing or future severance, partition or division of the net site shown on Schedule RM6(259)A, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule 1, Schedule RM6(259)A and Schedule RM6(259)B attached to this By-law.
 4. 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.

5. Where any provision or Schedule of By-law 7625 of the former City of North York, as amended, conflicts with this By-law, this By-law shall prevail.
6. By-law 30687 of the former City of North York is repealed.

Local Planning Appeal Tribunal Decision and Order issued on May 13, 2019 and on June 3, 2019 and on December 1, 2020 in Case PL170562.



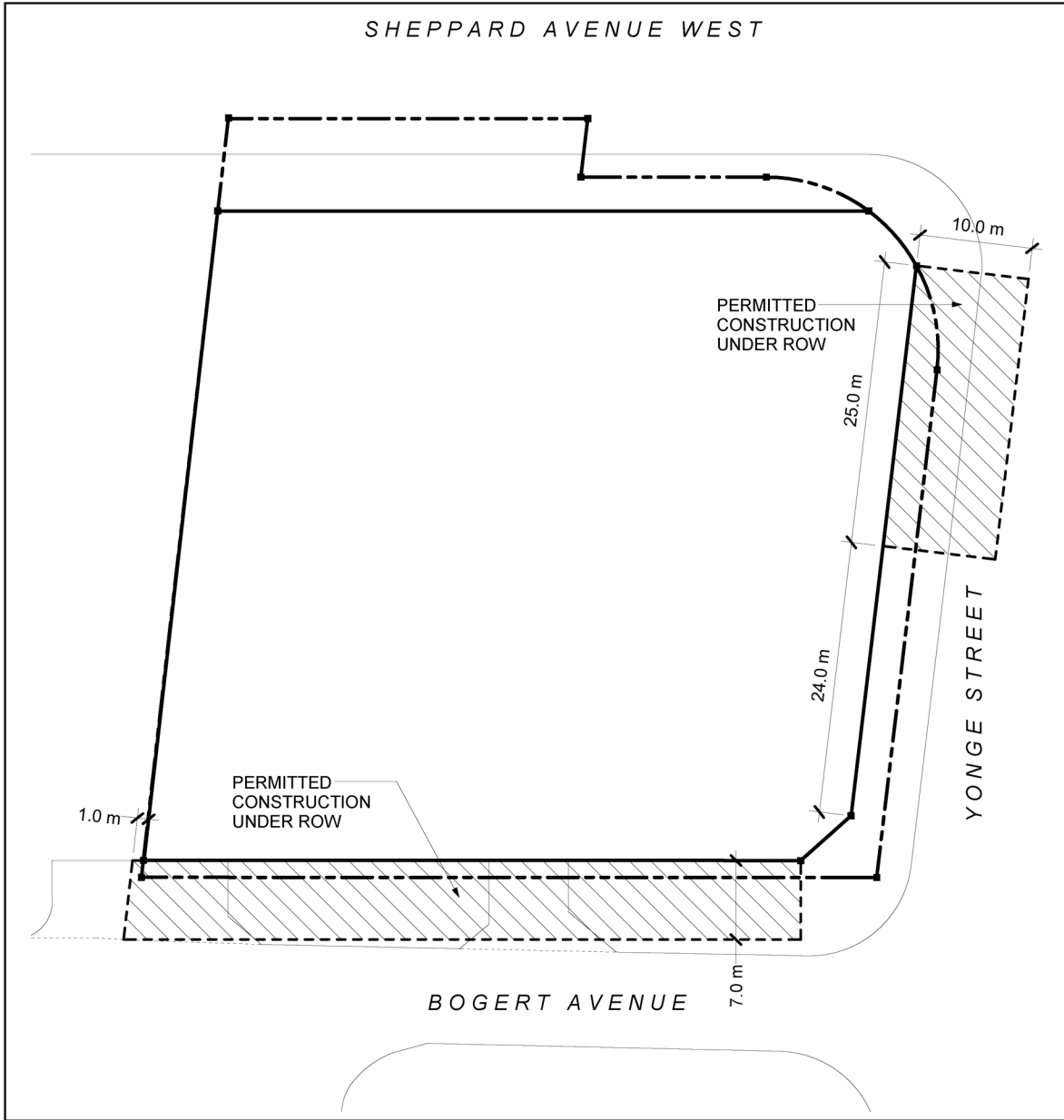
Toronto
 Schedule RM6(259)A

4800 Yonge Street

File # 16 118542 NNY 23 0Z

GROSS SITE ———
 NET SITE ———
 GROUND FLOOR - - - -




↑
 Not to Scale
 08/05/2020



TORONTO
Schedule RM6(259)B

4800 Yonge Street

File # 16 118542 NNY 23 0Z

- GROSS SITE 
- NET SITE 
- PERMITTED BELOW-GRADE CONSTRUCTION 


Not to Scale
08/05/2020