

Authority: North York Community Council  
Item NY20.2, adopted by City of Toronto  
Council on December 16, 17 and 18, 2020

## CITY OF TORONTO

### BY-LAW 75-2021

**To amend By-law 64-2021(LPAT), being a by-law to amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 5799-5915 Yonge Street (Newtonbrook Plaza), and 46 and 47 Averill Crescent.**

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 the Official Plan of the City of Toronto contains provisions relating to the authorization of increase in height and 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 owner 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 height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, 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 enacts:

1. Section 64.20-A of By-law 64-2021(LPAT), Subsection 64.20-A(235)RM6(235) is amended as follows:
  - a) Subsection 64.20-A(235)RM6(235)(5) of By-law 64-2021(LPAT), headed "PERMITTED USES" is amended by deleting i Residential Uses and replacing it as follows:

i. Residential Uses

Apartment house dwellings and accessory uses, including indoor and outdoor amenity spaces.

a. Maximum Gross Floor Area

The gross floor area of all residential uses shall be limited to a maximum of 136,785 square metres of which up to:

- A. 66,520 square metres may be provided on Block 1;
- B. 63,165 square metres may be provided on Block 2; and
- C. 7,100 square metres may be provided on Block 3;

Each Block is identified on Schedule 1 to this By-law.

b) Subsection 64.20-A(235)RM6(235)(6) of By-law 64-2021(LPAT), headed "EXCEPTION REGULATIONS", is amended by deleting a. Maximum Gross Floor Area and b. Number of dwelling units as follows:

a. Maximum Gross Floor Area

As provided for in the following subsections, the maximum Gross Floor Area permitted on the Net Site, shall be 161,375 square metres, such gross floor area being permitted by meeting the requirements herein pursuant to Section 37 of the Planning Act as described in Section 10.

b. Number of dwelling units - the maximum number of dwelling units shall be 1,769, of which up to:

- i. 810 may be provided on Block 1;
- ii. 867 may be provided on Block 2; and
- iii. 92 may be provided on Block 3;

Notwithstanding subsection b)b, i to iii above, where the maximum permitted units on Block 1 are not provided, the shortfall in units may be provided on Block 2. Provided that on Block 2 a minimum of 58 percent of the units are 2- and 3-bedroom units, of which a minimum of 8 percent are 3-bedroom units.

Each Block as identified on Schedule 1 to this By-law.

c) Subsection 64.20-A(235)RM6(235)(7) of By-law 64-2021(LPAT), headed "LOADING REGULATIONS, MOTOR VEHICLE PARKING REGULATIONS

AND BICYCLE PARKING REGULATIONS" is amended by deleting Subsection b. Parking Regulations Paragraph A as follows:

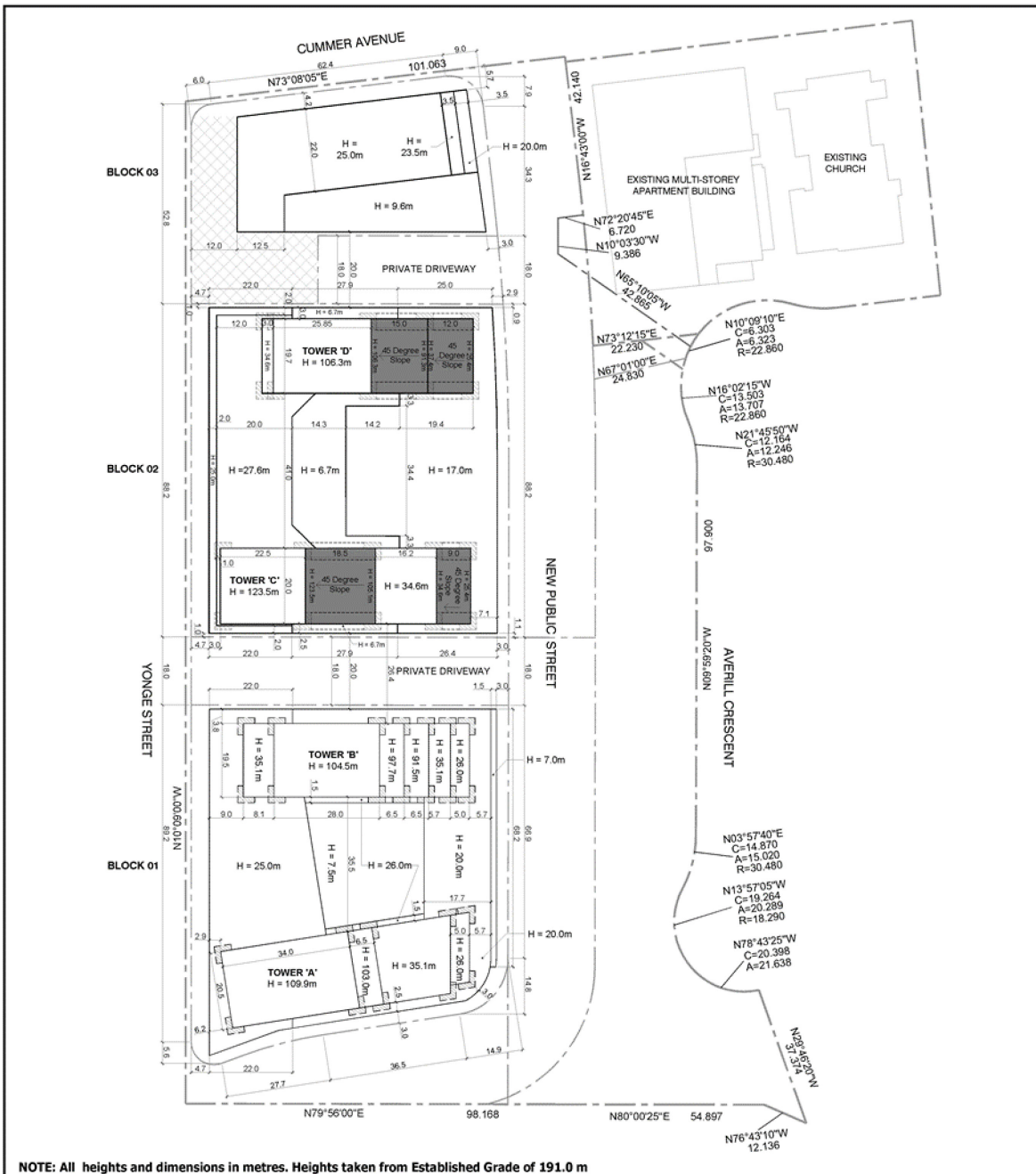
- A. A minimum of 0.65 parking space per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for visitor use
- d) Subsection 64.20-A(235)RM6(235)(10) of By-law 64-2021(LPAT), headed "INCREASED DENSITY" is amended by deleting "A Social Facility of a minimum of 3,232 square metres" in subsection F with "A Social Facility of a minimum of 5,190 square metres" and by adding the following under subsection F:
  - 4. "A payment of \$3,900,000.00 from the City of Toronto's Parkland Acquisition Reserve Fund, prior to the conveyance to the City of the Social Facility, which payment shall be indexed annually, from the date By-law 75-2021 is in force, in accordance with the Construction Price Index".
- e) Schedule 1 is replaced with Schedule 1 attached to this By-law.

Enacted and passed on February 18, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
Interim City Clerk

(Seal of the City)



5799-5915 Yonge Street, 45 & 53 Cummer Avenue,  
and 46 & 47 Averill Crescent  
File # 11 287471 NNY 24 0Z

- Hatch denotes Approximate location of Privately Owned Publicly Accessible Open Space at Ground Level
- Hatch denotes areas where balconies are not permitted within 3m of corner of Tower footprints

Hatch denotes Building Height Slope

Former City of North York By-law 7625  
 Not to Scale  
 10/30/2020