

Authority: Local Planning Appeal Tribunal Decision  
issued on February 26, 2020 and Ontario Land Tribunal  
Order issued on August 8, 2022 in Tribunal Case  
PL171520

## **CITY OF TORONTO**

### **BY-LAW 1118-2022(OLT)**

**To amend former City of North York Zoning By-law 7625, as amended, with respect to lands located at 5294 to 5306 Yonge Street.**

Whereas the Local Planning Appeal Tribunal Decision issued on February 26, 2020 and Ontario Land Tribunal Order issued on August 8, 2022, in Tribunal Case PL171520, approved amendments to the City of Toronto Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2021 as 5294-5306 Yonge Street; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, a by-law under Section 34 of the Planning Act may authorize increases in height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions of such facilities, services or matters as are set out in the by-law; and

Whereas the North York Centre Secondary Plan of the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the density of development in return for the mandatory provision of specified capital facilities expressly associated with those increases; and

Whereas subsection 37(3) of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, provides that where an owner of land elects to provide facilities, services and 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 owners of the lands hereinafter referred to have elected to provide the capital facilities or funding therefor hereinafter set out in return for the additional density thereby permitted by the North York Centre Secondary Plan; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the former City of North York Zoning By-law 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

Therefore pursuant to the Order of the Ontario Land Tribunal, By-law 7625, the General Zoning By-law of the former City of North York, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule 1 attached to this By-law (the "Lands").

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2. 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. a site servicing review has been submitted to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance to determine the storm water runoff, sanitary flow, hydrogeology studies, and water supply demand resulting from this development demonstrating how the development can be serviced and whether the existing municipal infrastructure is adequate;
  - b. should it be determined that any improvements or upgrades to municipal infrastructure are required, a financially secured development agreement has been entered into for the construction of any necessary improvements;
  - c. all new public roads necessary to serve the building or structure have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - d. all water mains and sanitary sewers, and appropriate appurtenances, necessary to serve the building or structure are installed and operational.
3. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 and Schedule RM6(274) attached to this Bylaw.
4. Section 64-20-A of By-law 7625, as amended, is further amended by adding the following subsection:

**64.20-A (274) RM6(274)**

**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. An area used for parking and storing a bicycle that is not located within a dwelling unit, on a balcony or within a storage locker, and "Long-term Bicycle Parking Space", "Short-term Bicycle Parking Space" and "Stacked Bicycle Parking Space" have the following meaning:
    - (a) "Long-term Bicycle Parking Space" shall mean a bicycle parking space for use by the occupants or tenants of a building;
    - (b) "Short-term Bicycle Parking Space" shall mean a bicycle parking space for use by visitors to a building; and

- (c) "Stacked Bicycle Parking Space" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
- ii. A bicycle parking space must comply with the following dimensions:
  - (a) minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.8 metres for bicycles parking in a horizontal position or 0.6 metres by 1.2 metres for bicycles parking in vertical position; and/or,
  - (b) for a stacked bicycle parking space that is in a horizontal bicycle parking space position above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces, 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.

#### CAR-SHARE

- c. For the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more vehicles that are owned and operated by a profit or non-profit car-sharing organization, and such car-share vehicles are made available to at least the occupants of the building for short term rental, including hourly rental.

#### CAR-SHARE PARKING SPACE

- d. For the purpose of this exception, "car-share parking space" means a parking space exclusively reserved and signed for a car used only for car-share purposes.

#### ESTABLISHED GRADE

- e. For the purpose of this exception, "established grade" shall mean the geodetic elevation of 177.96 metres;

#### GUEST SUITE

- f. For the purpose of this exception, "guest suite" shall mean a suite, other than a dwelling unit, which 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 any part of the building used for:

- i. mechanical floor area;
- ii. any space in a parking garage below established grade or on the first level used exclusively for motor vehicle and bicycle parking and access thereto, including loading areas;
- iii. storage lockers below established grade; and
- iv. 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 exercise or entertainment rooms, indoor swimming pools, change rooms, library space, lounges, meeting or party rooms, which is common to all residents in 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, irrigation facilities, and mechanical penthouse.

#### LOADING SPACE

- j. For the purpose of this exception, "Type G loading space" shall mean a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

#### OUTDOOR RECREATIONAL AMENITY AREA

- k. For the purpose 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

- l. 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 Lands.

## STOREY

- m. For the purpose of this exception, "storey" shall mean that portion of a building other than a cellar which is included either between one floor level and the next higher floor level between the highest floor level and the underside of the roof of a building. A mechanical penthouse shall not be considered a storey. A mezzanine level located between the first storey and the second full storey of a building shall not be considered a storey, provided that the gross floor area of the mezzanine level shall not exceed 50 percent of the gross floor area of the first storey in the building.

## PERMITTED USES

5. The following uses shall be permitted:

### RESIDENTIAL

- i. Dwelling, Apartment House Dwelling, Multiple Family and accessory uses thereto including indoor recreational amenity areas and outdoor recreational amenity areas and guest suites.

### NON-RESIDENTIAL

- ii. 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, places of worship, fitness centres, outdoor cafes in conjunction with a restaurant, personal service shops, professional offices, professional medical offices, restaurants including take-out restaurants, retail stores (including grocery stores, supermarkets and pharmacies), sales offices, studios, theatres, and accessory uses thereto; and
- iii. All non-residential uses, other than mechanical floor area, shall be permitted only on the first storey and second storey of an Apartment House Dwelling above grade.

## EXCEPTION REGULATIONS

### LOT COVERAGE

6. The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

### LOT FRONTAGE

7. The provisions of Section 20-A.2.3 shall not apply.

### YARD SETBACKS

8. Notwithstanding the provisions of Section 20-A.2.4 (Yard Setbacks), the minimum yard setbacks shall be as shown on Schedule RM6(274).

- 9.** Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), the following may be permitted to project into the minimum yard setback areas:
- a. lighting fixtures, cornices, sills, eaves, awnings, guardrails, balustrades, railings, planters, patios, porches, balconies, stoops, pillars, pergolas, trellises, screens, ventilation shafts, flues, vents, stacks, stairs and stair enclosures, wheelchair ramps, window washing equipment, public art features, landscape features, canopies, roof insulation, roof ballast, roof membrane, and other architectural features, which may project beyond the building envelope up to a maximum of 1.5 metres.

#### MAXIMUM GROSS FLOOR AREA (PRIMARY GFA)

- 10.** Except as provided for in subsection 22 of this exception, the maximum gross floor area permitted on the Lands shall not exceed 9,510.15 square metres, of which a minimum of 470 square metres of non-residential gross floor area shall be provided.

#### BUILDING HEIGHT

- 11.** Notwithstanding Section 20-A.2.6 and Schedule 'D' of By-law 7625:
- a. The maximum number of storeys shall not exceed the number of storeys identified by the symbols "ST", as shown for that portion of the building on Schedule RM6(274);
  - b. The maximum building height shall not exceed the height measured in metres above the established grade, identified by the symbols "HT" as shown for that portion of the building on Schedule RM6(274);
  - c. The maximum building heights, as shown on Schedule RM6(274), may be exceeded as follows:
    - i. parapets, lighting fixtures, cornices, sills, eaves, awnings, guardrails, balustrades, railings, planters, patios, porches, stoops, pillars, pergolas, trellises, screens, ventilation shafts, flues, vents, stacks, stairs and stair enclosures, window washing equipment, public art features, landscape features, canopies, roof insulation, roof ballast, roof membrane, and other architectural features, and stairwells to access the roof, are permitted to project above the maximum heights as shown on Schedule RM6(274) by a maximum height of 3.0 metres; and
    - ii. mechanical equipment and other elements necessary for the functional operation of the building, mechanical penthouses and architectural features are permitted to project above the maximum heights as shown on Schedule RM6(274) by a maximum height of 6.0 metres.

**VEHICLE PARKING**

- 12.** The provisions of Section 6A(2) (Parking Requirements) and Section 6A(8)(a) Parking Regulations for RM Zones) shall not apply.
- 13.** Vehicle parking spaces shall be provided in accordance with the following requirements:
  - a. a minimum of 0.65 parking spaces for each dwelling unit;
  - b. a minimum of 0.1 parking spaces for each dwelling unit for residential visitors;
  - c. a minimum of 0.9 parking spaces for each 100 square metres of non-residential gross floor area; and
  - d. a maximum of 10 parking spaces required by (b) above may also be used by the non-residential uses on the lot.
- 14.** For each car-share parking space provided on the Lands, the minimum number of parking spaces for residents required pursuant to provision (13) a. of this exception above may be reduced by four (4) parking spaces, up to a maximum reduction as calculated by the following formula:  $4 \times (\text{the total number of dwelling units on the Lands divided by } 60)$ , rounded down to the nearest whole number.

**BICYCLE PARKING**

- 15.** Bicycle parking shall be provided as follows:
  - a. a minimum of 0.68 long-term bicycle parking spaces per dwelling unit;
  - b. a minimum of 0.07 short-term bicycle parking spaces per dwelling unit;
  - c. a minimum of 3 plus 0.25 bicycle parking spaces for each 100 square metres of non-residential interior floor space for short-term bicycle parking; and
  - d. a minimum of 0.13 bicycle parking spaces for each 100 square metres of non-residential interior floor space.

**LOADING**

- 16.** Section 6A(16) shall not apply.
- 17.** A minimum of one (1) Type 'G' loading space shall be provided for the building.

**RESIDENTIAL RECREATIONAL AMENITY AREA**

- 18.** A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided on the Lands.

19. A minimum of 1.5 square metres per dwelling unit of outdoor recreational amenity area shall be provided on the Lands and may be located on a rooftop adjacent to the indoor recreational amenity area.

#### LANDSCAPING

20. The provisions of Section 15.8 (Landscaping) shall not apply.

#### OTHER PROVISIONS NOT APPLICABLE

21. The provisions of Section 6(6) (Lot Reduced by Road Construction) shall not apply.

#### ADDITIONAL GROSS FLOOR AREA (INCENTIVE GFA)

22. Notwithstanding the maximum gross floor area of 9,510.15 square metres set out in subsection 9 of this exception, if a place of worship is provided, an additional gross floor area up to a maximum of 13,539.85 square metres as described below shall be permitted on the Lands and if a place of worship is not provided, an additional gross floor area up to a maximum of 13,289.85 square metres as described below shall be permitted on the Lands. The total gross floor area of all buildings permitted on the Lands shall not exceed a total aggregate maximum of 23,050 square metres if a place of worship is provided and a total aggregate maximum of 22,800 square metres if a place of worship is not provided. The allocation of additional gross floor area is limited as follows:

##### *First 33 percent of additional gross floor area*

- (a) Up to a maximum of 3,138.15 square metres of additional density is permitted as follows:
- (i) a maximum of 1.5 square metres per dwelling unit of indoor residential recreational amenity space;
  - (ii) if a place of worship is not provided, a maximum of 338.71 square metres of street related retail located on the ground floor along the Yonge Street frontage and, if a place of worship is provided, a maximum of 307 square metres of street related retail located on the ground floor along the Yonge Street frontage;
  - (iii) if a place of worship is not provided, a maximum of 133.65 square metres of mezzanine level retail and, if a place of worship is provided, a maximum of 123.65 square metres of mezzanine level retail;
  - (iv) a maximum of 148 square metres in exchange for the provision of parkland over dedication;
  - (v) a maximum of 263.57 square metres in exchange for the provision of a mid-block pedestrian connection as a privately-owned publicly accessible open space;

- (vi) a maximum of 193.4 square metres in exchange for the provision of a public art contribution in the amount of \$250,000;
- (vii) At the election of the owner and to the satisfaction of the City, up to a maximum of 1,563 square metres for the provision of a place of worship use on the second floor of the building, to be constructed and conveyed to a religious organization. If a place of worship is provided, it shall have a minimum area of 750 square metres;
- (viii) in the event there is additional density within the initial 3,138.15 square metres of incentive density that is unaccounted for by the above incentives, additional density, up to a total maximum of 3,138.15 square metres, in exchange for the provision of an upwardly indexed cash payment in Canadian funds, in a form satisfactory to the City, calculated at a rate of one thousand two hundred and ninety-one dollars and sixty-seven cents (\$1,291.67) per square metre of additional density.

*Additional gross floor area*

If a place of worship is provided, up to a maximum of 10,401.5 square metres of additional density is permitted and, if a place of worship is not provided, up to a maximum of 10,151.5 square metres of additional density is permitted in exchange for the provision of an upwardly indexed cash payment of one million nine hundred and fifty thousand dollars (\$1,950,000.00).

SEVERANCE

- 23. Notwithstanding any past or future severance, partition or division of the Lands shown on Schedule RM6(274), the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
- 24. 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.

SECTION 37 PROVISIONS

- 25. Pursuant to Section 37 of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the Lands shown on Schedule 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Subsection 37(3) of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, that are in a form and registered on title to the Lands, to the satisfaction of the City Solicitor.

26. Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
27. The owner shall not use, or permit the use of, a building or structure erected with an increase height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued on February 26, 2020 and Ontario Land Tribunal Order issued on August 8, 2022 in Tribunal Case PL171520

**SCHEDULE A**  
**Section 37 Provisions**

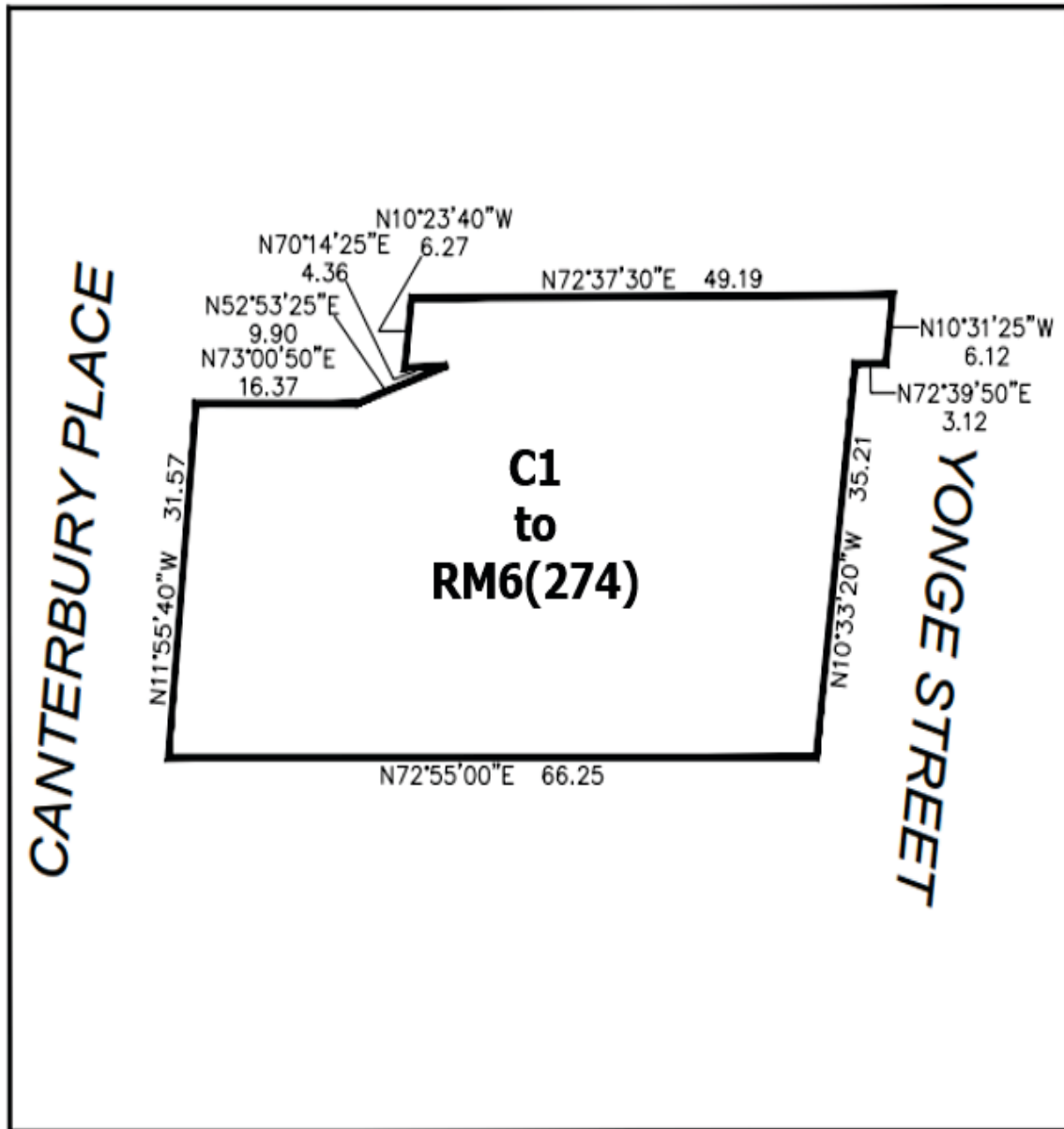
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the Lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, whereby the owner agrees to provide as follows:

- (1) Prior to issuance of an above grade building permit, the owner shall:
  - (i) Provide a parkland dedication of not less than 397 square metres. 148 square metres of the total parkland dedication represents an over-dedication of parkland over and above what is required pursuant to the City's Park Land Dedication By-law and will be eligible as a density incentive, in accordance with the Local Planning Appeal Tribunal decision issued on February 26, 2020 regarding Case PL171520 and with subsection 22 (a)(iv) of this exception;
  - (ii) Provide for a public art contribution in the amount of \$250,000 with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The public art contribution can be made in cash or secured through a Section 37 Agreement to the satisfaction of the City Solicitor, and is eligible as an incentive for up to 193.5 square metres of gross floor area in accordance with subsection 22 (a)(vi) of this exception;
  - (iii) Make a cash payment in Canadian funds, in a form satisfactory to the City, calculated at a rate of one thousand two hundred and ninety-one dollars and sixty-seven cents (\$1,291.67) per square metre of additional density unaccounted for by the density incentives set out in subsection 22(a)(i)-(vii) of this by-law and up to a maximum of 3,138.15 square metres for the first 33 percent density incentive, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;
  - (iv) Make a cash payment of one million nine hundred and fifty thousand Canadian dollars (\$1,950,000.00) for the additional density permitted above and beyond the first 33 percent density incentive in accordance with subsection 22(b) of this by-law, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
  - (v) In the event the owner elects to provide a place of worship on the Lands as a density incentive, provide a letter of credit to the Chief Planner in the amount of one thousand two hundred and ninety-one dollars and sixty-seven cents (\$1,291.67) multiplied by the gross floor area attributable to the place of worship in square

metres with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the letter of credit is posted.

- (2) The owner shall provide and maintain the following:
- (i) indoor residential recreational amenity space at a size of not less than 1.5 square metres per dwelling unit, eligible as a density incentive in accordance with subsection 22 (a)(i) of this exception;
  - (ii) street related retail space located on the ground floor along the Yonge Street frontage of an area not less than 338.71 square metres if a place of worship is not provided and 307 square metres if a place of worship is provided, eligible as a density incentive in accordance with subsection 22 (a)(ii) of this exception;
  - (iii) mezzanine-level retail space of an area not less than 133.65 square metres if a place of worship is not provided and 123.65 square metres if a place of worship is provided, eligible as a density incentive in accordance with subsection 22 (a)(iii) of this exception; and
  - (iv) a mid-block pedestrian connection of no less than 263.57 square metres in area, with a minimum width of 3.2 metres at grade, as a privately-owned publicly accessible open space, to be secured with a public access easement through site plan approval. The mid-block pedestrian connection will be eligible as a density incentive, in accordance with the Local Planning Appeal Tribunal decision issued on February 26, 2020 regarding Case PL171520 and with subsection 22 (a)(v) of this exception.
- (3) The owner may elect to provide and maintain up to a maximum of 1,563 square metres for the provision of a place of worship use on the second floor of the building, to be secured to the satisfaction of the City through site plan approval, and to be constructed and conveyed to a religious organization. If a place of worship is provided, it shall have a minimum area of 750 square metres and shall be eligible as a density incentive in accordance with subsection 22 (a)(vii).

### Schedule 1



5294 - 5304 & 5306 Yonge Street

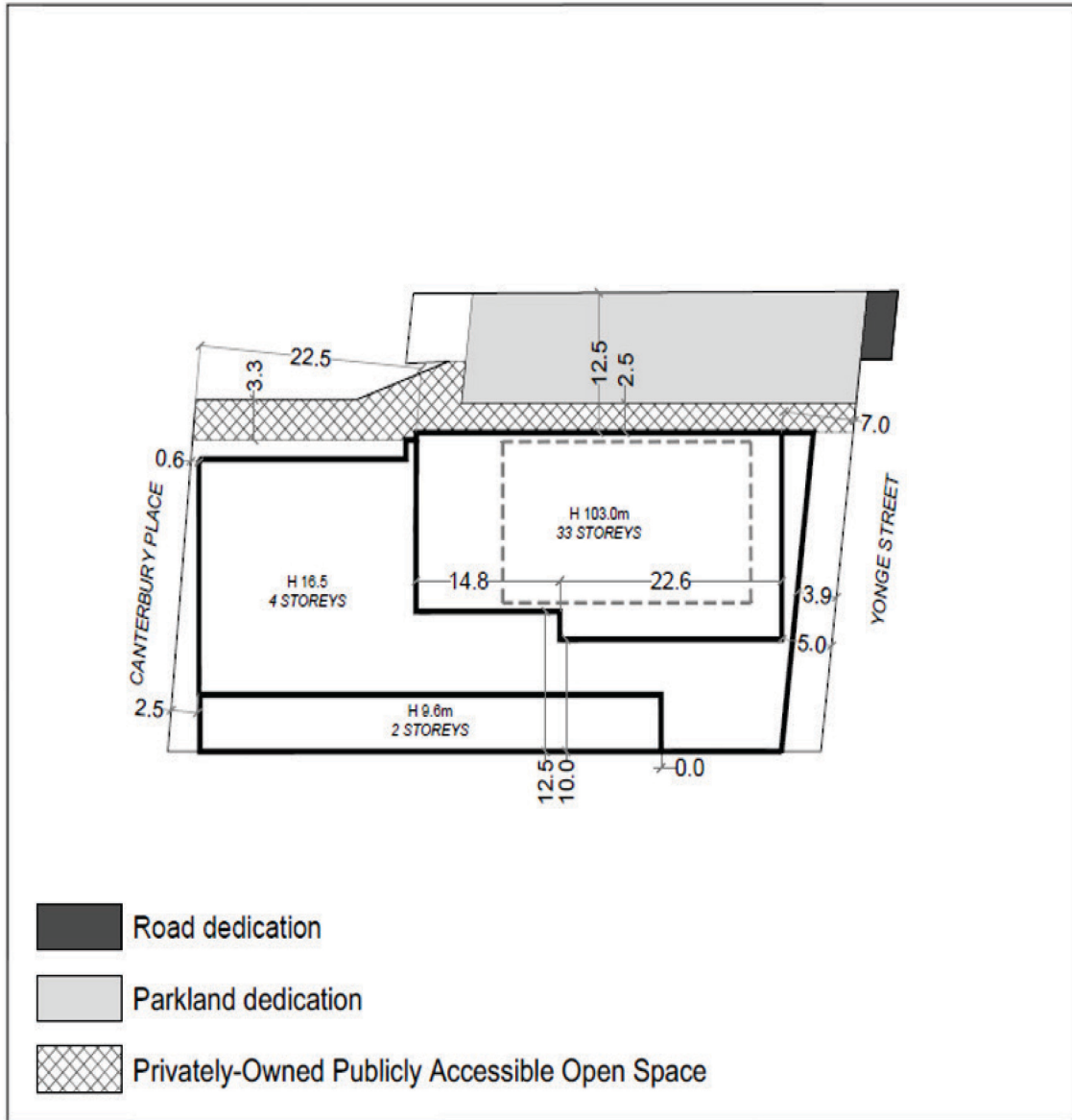
File # 17 218341 NNY 23 02

Part of Lot 19, Concession 1  
West of Yonge Street  
(Geographic Township of York)  
City of Toronto  
Krcmar Surveyors Ltd.

Former City of North York By-law 7625  
Not to Scale



### Schedule RM6(274)



5294 - 5304 & 5306 Yonge Street

File # 17 218341 NNY 23 0Z



Former City of North York By-law 7625  
Not to Scale