

Authority: Ontario Land Tribunal Decision issued on November 30, 2021 and Order issued on August 10, 2022 in Tribunal Case PL200613

CITY OF TORONTO

BY-LAW 1178-2022(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to certain lands located on the west side of Yonge Street, municipally known in the year 2021 as 6080 Yonge Street and 11 Homewood Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on November 30, 2021 and Order issued on August 10, 2022 in respect of Tribunal Case PL200613, approved amendments to the former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2021 as 6080 Yonge Street and 11 Homewood Avenue; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990. c. P.13, as amended to pass this By-law; and

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

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an increase in the height or 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 as are set out in the By-law; and

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this 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 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. This By-law applies to the lands delineated by a heavy black line and identified as 6080 Yonge Street and 11 Homewood Avenue as shown on Schedule 1 attached to this By-law.

2. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedules 1 and RM6(276) of this By-law.
3. Section 64.20-A of By-law 7625, as amended, is further amended by adding the following subsection:

64.20-A (276) RM6 (276)

DEFINITIONS

BICYCLE PARKING

- (a) For the purpose of this exception, "bicycle room" shall mean a common indoor space, located below grade equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively for access said racks or lockers, but not intended for general storage use.
- (b) For the purpose of this exception, "bicycle parking space" shall mean a space with 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, including any associated access corridor area, 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.
- (c) For the purpose of this exception "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.
- (d) Despite the minimum dimensions of bicycle parking spaces in (c) above if bicycle parking spaces are provided in a stacked bicycle parking space then the minimum vertical dimension of a stacked bicycle parking space shall be at least 1.2 metres and the minimum horizontal dimensions shall be at least 0.45 metres width and 1.8 metres length.

COMMON OUTDOOR SPACE

- (e) 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, consist of hard or soft landscaping, provide pedestrian facilities such as outdoor seating, and may include public art.

OUTDOOR AMENITY SPACE

- (f) Shall mean outdoor communal areas that are available for the exclusive use by the occupants of a building for recreational or social activities and may consist of hard or soft landscaping.

ESTABLISHED GRADE

- (g) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 190.70 metres.

GROSS SITE

- (h) For the purpose of this exception, "gross site" shall mean 6080 Yonge Street and 11 Homewood Avenue comprising an area of 3,375 square metres inclusive of any future conveyances for road widenings and corner roundings.

GROSS FLOOR AREA

- (i) 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 fully enclosed areas used as balconies, but excluding:
- i. Parking, loading and bicycle parking below established grade;
 - ii. Required loading spaces at the ground level and required bicycle parking spaces at or above established grade;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms and fresh air shafts in the basement;
 - iv. Shower and change facilities for required bicycle parking spaces;
 - v. Indoor amenity space required by this by-law;
 - vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse; and
 - ix. Exit stairwells in the building.

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, fire protection and elevator equipment.

PERMITTED USES

- (k) The only permitted uses shall be as follows:

RESIDENTIAL

- i. apartment house dwellings; and
- ii. accessory uses.

NON-RESIDENTIAL

- i. commercial uses as per the C1 Zone of By-law 7625;
- ii. management office;
- iii. temporary sales office; and
- iv. temporary construction office.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (l) Except as provided for in the following subsections, the maximum gross floor area permitted on the "gross site" shall be 20,400 square metres.

BUILDING HEIGHT

- (m) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule RM6(276) excluding mechanical penthouses, parapets and other architectural features.

BUILDING ENVELOPE

- (n) 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(276) except for canopies, driveway entrance and architectural features which may project beyond the building envelope. Maximum projections beyond the building envelope are permitted up to 2.1 metres on ground level, and maximum balcony projections are up to 2.5 metres.

NUMBER OF STOREYS

- (o) The number of storeys shall not exceed the maximums shown on Schedule RM6(276) excluding mechanical penthouses, stairwells to access the roof, and mezzanine spaces located between the ground and second floor levels.

Maximum projection up to 3.5 metres for railings, parapets, garbage chute vent at roof, and window-washing equipment.

PARKING

- (p) Parking spaces shall be provided within the net site in accordance with the following requirements:
 - i. residential parking including visitors: 0.7 parking spaces per dwelling unit; and
 - ii. non-residential parking: 1 parking space per each 100 square metres.
- (q) A charge may be made for the use of residential parking spaces.
- (r) Notwithstanding provision 6A(3) electric vehicle infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a parking space.
- (s) Notwithstanding provision 6A(5)(a)(ii) an access driveway with a maximum width of 9.0m shall be permitted.

BICYCLE PARKING

- (t) Bicycle parking spaces shall be provided in accordance with the following requirements:
 - i. Long term – 0.68 bicycle parking spaces per residential dwelling unit; and
 - ii. Short term – 0.07 bicycle parking spaces per residential dwelling unit.

LOADING

- (u) A minimum of one (1) loading spaces shall be provided for the gross site with minimum dimensions of 13 metres by 4 metres with 6.1 metres of vertical clearance.

OUTDOOR RECREATIONAL AMENITY AREA

- (v) A minimum of 2.0 square metres per dwelling unit of private outdoor recreational amenity area shall be provided.

INDOOR AMENITY AREA

- (w) A minimum of 2.0 square metres per dwelling unit of common indoor amenity area shall be provided.

YARD SETBACKS

- (x) The minimum yard setbacks shall be as shown on Schedule RM6(276).

LANDSCAPING

- (y) Notwithstanding Section 15.8, a minimum of 800 square metres of landscape area shall be provided.

PROVISIONS NOT APPLICABLE

- (z) The provisions of Sections 6A(2), 6A(5), 6A(8), 6A(16), 15.6, and 20-A do not apply.

4. Section 64.20-A of By-law 7625, as amended, is further amended by adding Schedule RM6(276) attached to this By-law.

SEVERANCE

- (A) Notwithstanding any future severance, partition or division of the gross site shown on Schedules 1 and RM6(276), the provisions of this By-law shall apply to the whole of the gross site as if no severance, partition or division occurred.

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the *lot* 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 Section 37(3) of the Planning Act that are in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
- (B) 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.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

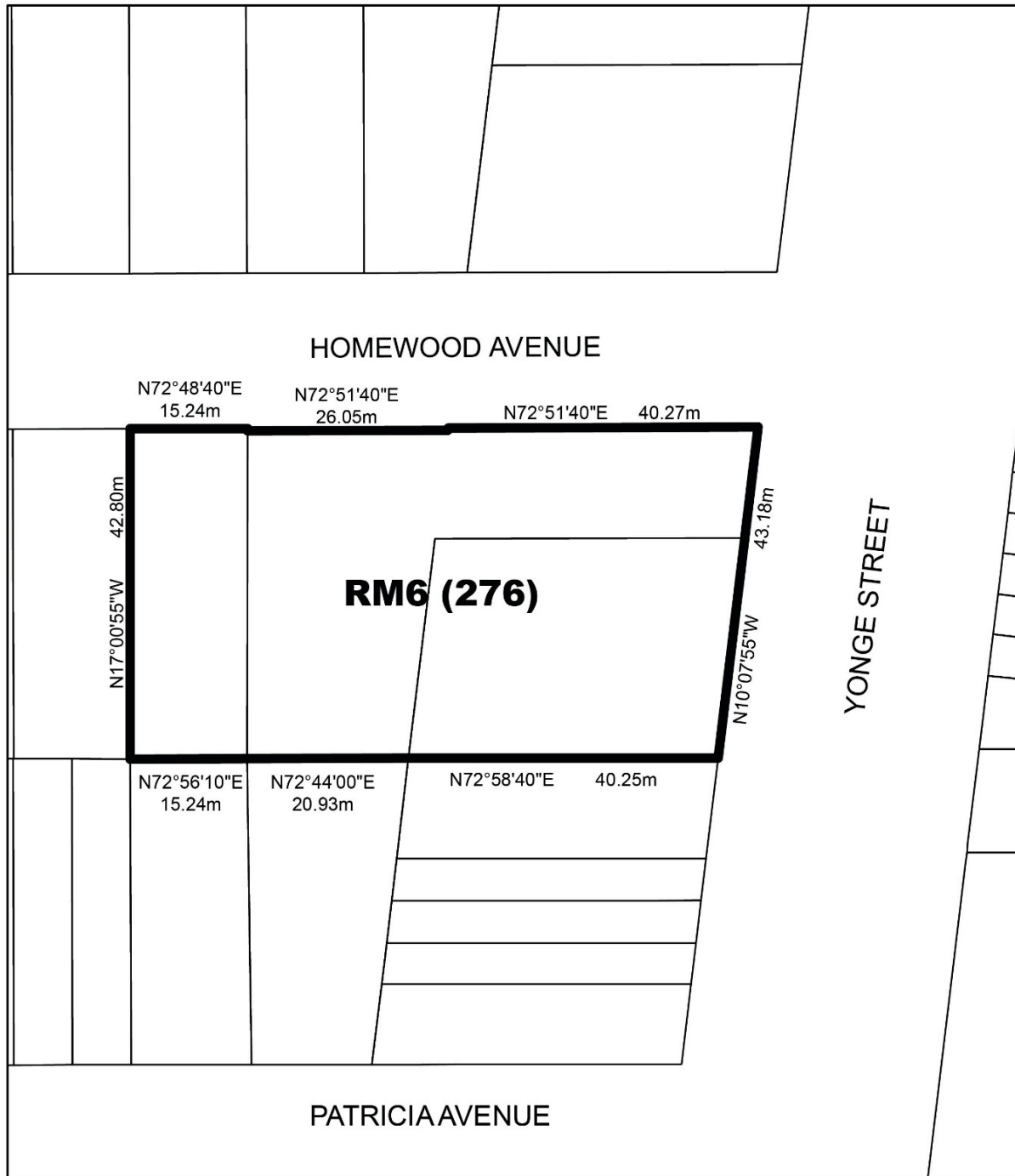
Pursuant to Ontario Land Tribunal Decision issued on November 30, 2021 and Order issued on August 10, 2022 in Tribunal Case PL200613.

SCHEDULE A
Section 37 Provisions

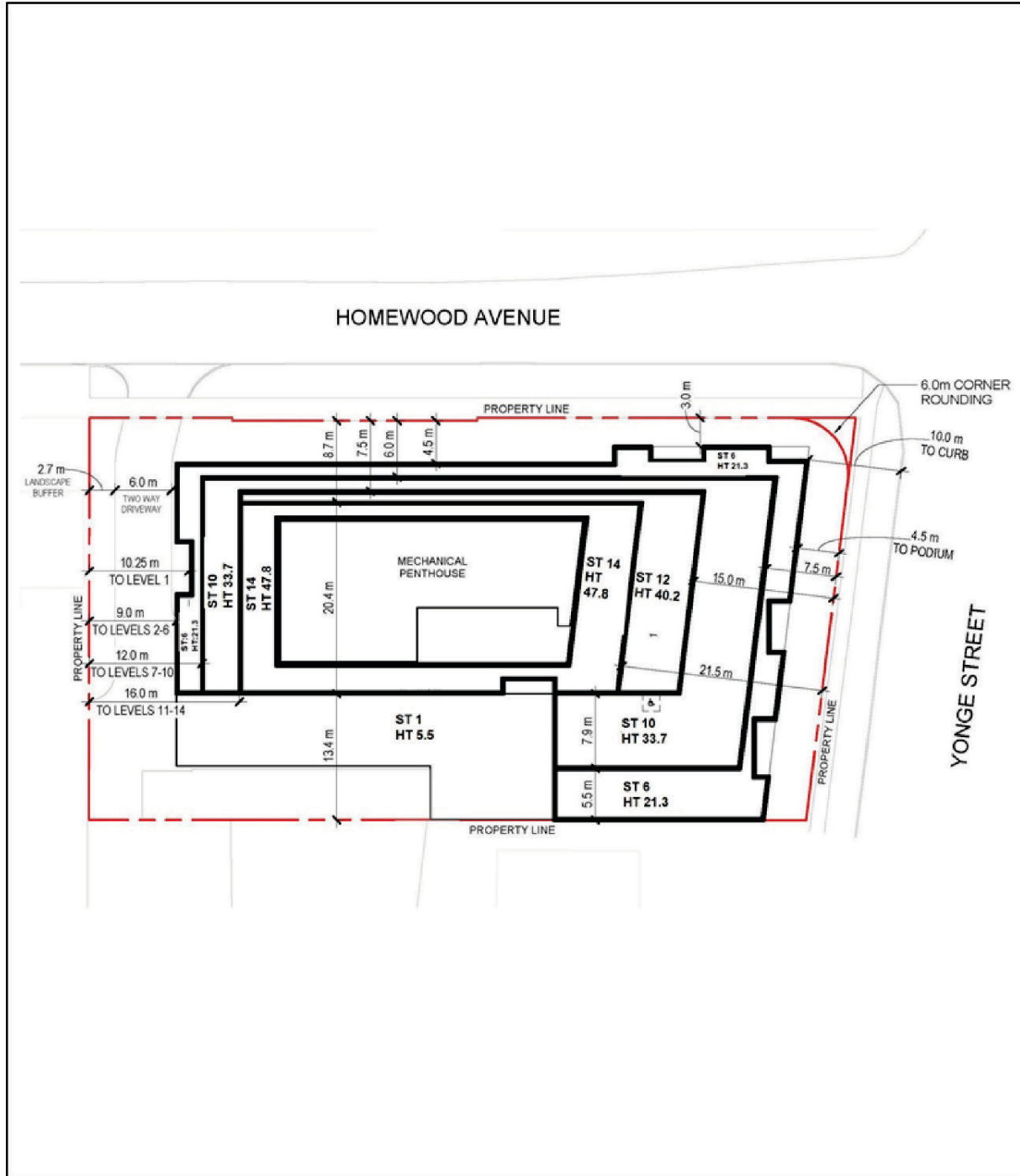
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the development on the lands shown on Map 1 in this By-law and secured in an agreement under Section 37(3) of the Planning Act where the owner agrees as follows:

1. A cash contribution of \$2,900,000.00 towards capital facilities within the vicinity of the subject lands, to be paid prior to issuance of the first above grade building permit for any *building* on the *lot*. [Note: The allocation will be determined by the owner and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and specified in the Section 37 Agreement].
2. The payment amount identified in Section 1. shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment.
3. In the event the cash contribution referred to above has not been used for the intended purpose(s) within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
4. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held October 27 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held December 5, 6, and 7, 2017
 - ii. The owner shall implement any required recommendations and/or mitigation measures from the accepted Environmental Noise and Vibration Assessment Report, wind study analysis, Traffic Impact Study, Traffic Demand Management Plan, Landscape Plan, Parking and Loading Study, through the Site Plan approval process for the Site, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Schedule 1



Schedule RM6(276)



Schedule RM6(276)

6080 Yonge Street and 11 Homewood Avenue

File # 20 158233 NNY 18 0Z



Former City of North York By-law 7625
Not to Scale
07/08/2022