

Authority: Local Planning Appeal Tribunal Decision issued July 20, 2018 and March 4, 2020 and Local Planning Appeal Tribunal Order issued October 26, 2020 in File PL160863

CITY OF TORONTO

BY-LAW 540-2023(LPAT)

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 as 5840, 5868 and 5870 Yonge Street.

Whereas authority is given to the Local Planning Appeal Tribunal, by Sections 34 and 37 of the Planning Act, R.S.O. 1990, c. P.13, as amended to approve this By-law; and

Whereas the Local Planning Appeal Tribunal, by its Order issued on July 20, 2018 and a decision dated March 4, 2020 in Tribunal Case PL160083, has approved amendments to Zoning By-law 7625 with respect to the lands known municipally as 5840, 5868 and 5870 Yonge Street; and

Whereas the North York Centre Secondary Plan of the Official Plan of 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, R.S.O. 1990, c.P.13, the approval authority may, in a by-law passed under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, 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 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 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 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; and

Whereas the Local Planning Appeal Tribunal 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 increase in density in connection with the aforesaid lands as permitted by this By-law;

Therefore, the Local Planning Appeal Tribunal approves as follows:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedules 1 and 2 of this By-law.

2. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

64.20-A RM6(271)

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 (b) 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;
- (e) "Car-share" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such carshare motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
- (f) "Car-share Parking Space" means a parking space exclusively reserved and used only for car-share purposes whereby the vehicle is accessible to at least the occupants of the buildings;

COMMON OUTDOOR SPACE

- (g) 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.

INDOOR AMENITY SPACE

- (h) Shall mean indoor communal areas that are available for the exclusive use by the occupants of a building for recreational or social activities, and shall include lounge areas, gyms, party rooms, study halls, meditation/quiet rooms, theatres and flexible amenity space.

OUTDOOR AMENITY SPACE

- (i) 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

- (j) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 192.15 metres.

GROSS SITE

- (k) For the purpose of this exception, "gross site" shall mean 5840, 5868 and 5870 Yonge Street comprising an area of 7,851.31 square metres.

GROSS FLOOR AREA

- (l) 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 enclosed 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 and bicycle parking and access thereto; and
 - (iii) the floor area of unenclosed residential balconies.

MECHANICAL FLOOR AREA

- (m) 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.

NET SITE

- (n) For the purpose of this exception "net site" shall mean the gross site minus area of lands to be zoned C1(151) and O1(52).

PERMITTED USES

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

RESIDENTIAL

- apartment house dwellings
- multiple attached dwelling units
- accessory uses

NON-RESIDENTIAL

- management office
- temporary sales office
- temporary construction office
- car share and car share parking spaces

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (p) Except as provided for in the following subsections, the maximum gross floor area permitted on the "net site" shall be 33,205 square metres.

BUILDING HEIGHT

- (q) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule 2 excluding mechanical penthouses, parapets and other architectural features

BUILDING ENVELOPE

- (r) 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 2 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 1.7 metres.

NUMBER OF STOREYS

- (s) The number of storeys shall not exceed the maximums shown on Schedule 2 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

- (t) Parking spaces shall be provided within the net site in accordance with the following requirements:
 - (i) residential parking: 0.65 parking spaces per dwelling unit.
 - (ii) residential visitor parking: 0.1 spaces per dwelling unit.
 - (iii) For each car-share parking space provided on lands, the minimum number of required residential parking spaces shall be reduced by 4 parking spaces.
 - (iv) A maximum of 2 car-share parking spaces may be provided within the lands shown on Schedule 2 to this Exception.
 - (v) 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.
- (u) Notwithstanding (t) above, up to ten (10) percent of the parking spaces provided for residents may have the following minimum dimensions:
 - (i) Length – 5.0 metres;
 - (ii) Width – 2.4 metres; and
 - (iii) Vertical clearance: 1.84 metres.
- (v) Notwithstanding provision 6A(3) electric vehicle infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a parking space.
- (w) Notwithstanding provision 6A(5)(a)(ii) an access driveway with a maximum width of 7.2 metres shall be permitted.

BICYCLE PARKING

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

LOADING

- (y) A minimum of one (1) loading spaces shall be provided for the residential component with minimum dimensions of 3.6 metres x 11.0 metres with 4.2 metres of vertical clearance.

OUTDOOR RECREATIONAL AMENITY AREA

- (z) A minimum of 2 square metres per dwelling unit of private outdoor recreational amenity area shall be provided.

INDOOR AMENITY AREA

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

YARD SETBACKS

- (bb) The minimum yard setbacks shall be as shown on Schedule 2.

OTHER REGULATIONS

- (cc) The provisions of Sections 6A(2), 6A(5), 6A(8), 6A(16), 15.6, 15.8 and 20-A do not apply.
- (dd) Within the lands shown on Schedule 1 attached to this By-law, no person shall use 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:
 - (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

INCREASED DENSITY

- (ee) 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 (p) of this exception are set out in Schedule A to this by-law.

SECTION 37 AGREEMENT

- (ff) 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 facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which the 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 or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
- (i) A public park with a minimum area of 734 square metres;
 - (ii) A minimum of 2.0 square metres per dwelling unit of indoor recreational amenity space;
 - (iii) Bicycle parking on the mezzanine level with an area of 174 square metres;
 - (iv) A bike repair room at-grade with a minimum area of 10 square metres;
 - (v) A 3.0 metre pedestrian walkway along the south property line connecting Yonge Street to the west limits of the subject lands; and
 - (vi) Commercial floor area within 30 metres of Yonge Street that includes the above grade automotive dealership gross floor area.
3. Section 64.20-A of By-law 7625, as amended, is further amended by adding Schedule 2 attached to this By-law.
4. Notwithstanding any future severance, partition or division of the gross site shown on Schedules 1 and 2, 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 64.23-A of By-law 7625 is amended by adding the following subsection:

64.23-C1(151)**DEFINITIONS**

BICYCLE PARKING

- (gg) For the purpose of this exception, "bicycle room" shall mean a common indoor space, located on the first level of the parking garage, readily accessible from the outside, that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (hh) 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.
- (ii) despite the minimum dimensions of bicycle parking spaces in (v) 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;

ESTABLISHED GRADE

- (jj) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 191.58 metres

GROSS SITE

- (kk) For the purpose of this exception, "gross site" shall mean 5840, 5868 and 5870 Yonge Street comprising an area of 7,851.31 square metres.

GROSS FLOOR AREA

- (ll) 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:
 - (i) any part of the building used for mechanical floor area;
 - (ii) all below grade accessory functions of the dealership including service bays and any space in a parking garage at or below grade used for the storage and display of new motor vehicles; and
 - (iii) any space in a parking garage at or below grade used exclusively for motor vehicle parking and access thereto.

MECHANICAL FLOOR AREA

- (mm) 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.

NET SITE

- (nn) For the purpose of this exception "net site" shall mean the gross site minus the area of lands to be zoned RM6(271) and O1(52).

PERMITTED USES

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

NON-RESIDENTIAL

- an automotive dealership;
- business and professional offices; and
- accessory uses
- temporary construction office

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (pp) Except as provided for in the following subsections, the maximum gross floor permitted on the non-residential portion of the site shall be 3,476 square metres.

BUILDING ENVELOPE

- (qq) 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 2 except for canopies, driveway entrance and architectural features which may project beyond the building envelope a maximum of 2.2 metres.

BUILDING HEIGHT

- (rr) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule 2 excluding mechanical penthouses, parapets and other architectural features which may project to a maximum of 1.2 metres.

NUMBER OF STOREYS

- (ss) The number of storeys shall not exceed the maximums shown on Schedule 2 excluding mechanical penthouses and stairwells to access the roof.

PARKING

- (tt) Parking spaces shall be provided in accordance with the following requirements:
- (i) Automotive vehicle dealership: minimum 3.0 parking spaces per 100 square metres of gross floor area;
 - (ii) Automotive service at a rate of 3.5 parking spaces per 100 square metres of gross floor area; and
 - (iii) Office: minimum 1.5 parking spaces per 100 square metres of gross floor area.

BICYCLE PARKING

- (uu) Bicycle parking spaces shall be provided in accordance with the following requirements:
- (i) Long term – 0.13 bicycle parking spaces per 100 square metres of gross floor area for office, commercial and retail uses.
 - (ii) Short term – 0.25 bicycle parking spaces per 100 square metres of gross floor area for commercial and retail uses.

LOADING

- (vv) One (1) loading spaces shall be provided having minimum dimensions of 3.6 metres x 11.0 metres with 4.2 metres of vertical clearance.

YARD SETBACKS

- (ww) The minimum yard setbacks shall be as shown on Schedule 2.

INCREASED DENSITY

- (xx) 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 (p) of this exception are set out in Schedule A to this by-law.

SECTION 37 AGREEMENT

- (yy) 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 facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which the 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 or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:

- (i) A public park with a minimum area of 734 square metres;
- (ii) A minimum of 2.0 square metres per dwelling unit of indoor recreational amenity space;
- (iii) Bicycle parking on the mezzanine level with an area of 174 square metres;
- (iv) A bike repair room at-grade with a minimum area of 10 square metres;
- (v) A 3.0 metre pedestrian walkway along the south property line connecting Yonge Street to the west limits of the subject lands; and
- (vi) Commercial floor area within 30 metres of Yonge Street that includes the above grade automotive dealership gross floor area.

OTHER REGULATIONS

- (zz) The provisions of Sections 6A(2), 6A(5), 6A(9), 6A(16), 22.9 (b), 22.10, 22.10.2, 22.12.5, 23.2.1, 23.2.2 and 23.2.2.1 do not apply.
 - (aaa) Within the lands shown on Schedule 1 attached to this By-law, no person shall use 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:
 - (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. Section 64.23-A of By-law 7625, as amended, is further amended by adding Schedule 2 attached to this By-law.
7. Notwithstanding any future severance, partition or division of the gross site shown on Schedules 1 and 2, the provisions of this By-law shall apply to the whole of the gross site as if no severance, partition or division occurred.
8. Section 64.37 of By-law 7625 is amended by adding the following subsection:

64.37 O1(52)

PERMITTED USE

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

- Public Park
- temporary construction office

SEVERANCE

(ccc) Notwithstanding any future severance, partition or division of the gross site shown on Schedules 1 and 2, the provisions of this By-law shall apply to the whole of the gross site as if no severance, partition or division occurred.

- 9.** Section 64.37 of By-law 7625, as amended, is further amended by adding Schedule 2 attached to this By-law.

Local Planning Appeal Tribunal Decision issued July 20, 2018 and March 4, 2020 and Local Planning Appeal Tribunal Order issued October 26, 2020 in File PL160863.

SCHEDULE A

Section 37 Provisions

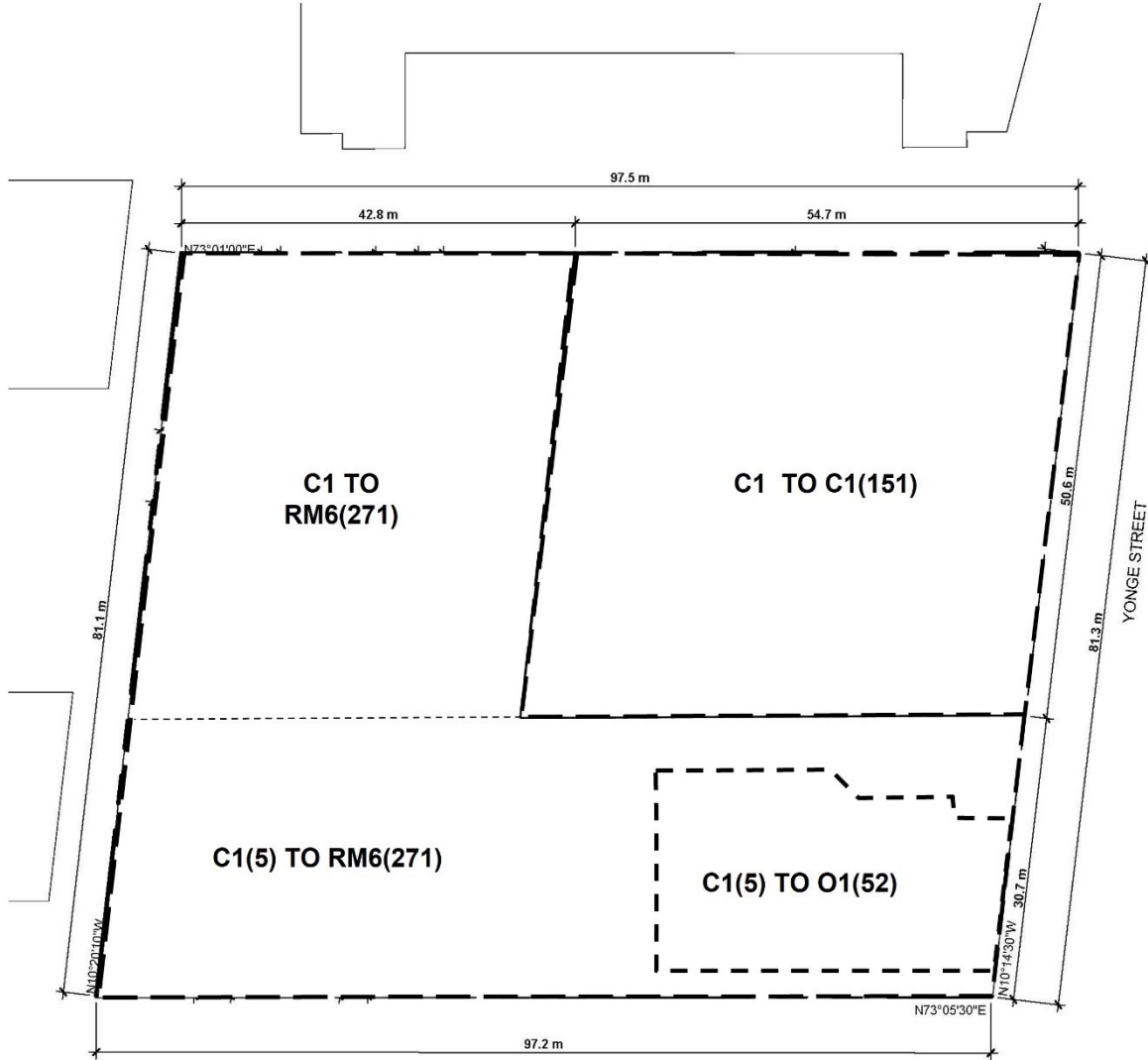
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lot as shown in Schedule 1, and secured in an agreement or agreements, pursuant to Section 37(3) of the Planning Act, whereby the owner agrees as follows:

1. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - a) The Owner will enter into an agreement or agreements with the City pursuant to Section 37 of the Planning Act, and register same in priority on title to the site, to the satisfaction of the City Solicitor, to secure the provision of a cash payment to the City in the amount of \$2,609,351.40, which shall be allocated to community benefits serving the area, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to be payable prior to issuance of the first above grade building permit on the site. The indexing of value of the contribution in this paragraph will be from the date of execution of the Section 37 Agreement to the date of payment. The contribution of \$2,609,351.40 will be used in the immediate vicinity of the site.
 - b) The Owner will convey to the City the fee simple interest in 734 square metres of the Subject Lands as parkland, in base park condition and in compliance with the City's Policy for Accepting Potentially Contaminated Lands under the Planning Act, as may be amended by City Council from time to time, at no cost to the City, prior to the issuance of condominium approval for the Subject Lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

In addition, the following would also be provided and secured by a Section 37 Agreement as a legal convenience:

- c) The Owner will construct and maintain the development in accordance with a Transportation Demand Management Plan provided to the satisfaction of the Chief Planner and Executive Director, City Planning or designate.
- d) Prior to issuance of the first above grade building permit for the site, the Owner will design, financially secure, enter into appropriate agreements with the City, and construct and make operational all municipal infrastructure required to facilitate the development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined by the Functional Servicing Report and any of the site-specific Stormwater Manager Report, Hydrogeological Report, the Geotechnical Report, and the Traffic Impact Study that upgrades are required to the existing municipal infrastructure to support the development.

- e) The Owner will construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as amended by City Council from time to time.
- f) Prior to the approval of a site plan control application for the Subject Lands, the Owner will design and secure the privately-owned publicly accessible open space (POPS) with a minimum area of 291 square metres along the south property line to the satisfaction of the Chief Planner and Executive Director, City Planning or designate and the Owner will construct the POPS in accordance with the approved site plan.
- g) Upon the earlier of (a) condominium registration of any part of a building on the Subject Lands and (b) the first residential occupancy of a building on the Subject Lands, and (c) 3 years from the date of the first above grade building permit for the Subject Lands, the Owner will grant an easement to the City along with all necessary rights of support, for nominal consideration to the satisfaction of the City Solicitor, over and upon the POPS for the purpose of privately-owned publicly accessible open space in favour of the general public, on terms satisfactory to the Chief Planner and Executive Director, City Planning or designate, in consultation with the City Solicitor. The Owner will ensure that any encumbrances on title to the POPS postpone their interest in the easement lands to the interest of the City.
- h) The Owner will convey its 734 square metres unencumbered park dedication in base park condition, in compliance with the City's Policy for Accepting Potentially Contaminated Lands under the Planning Act, as may be amended by City Council from time to time, prior to the issuance of condominium approval for the Subject Lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- i) To facilitate the construction and use of the shared driveway, a Building Permit shall not be issued for the Apartment Block until a foundation permit has been issued for the Car Dealership Block.



Schedule 1

Part of Lot 22, Concession WYS, City of Toronto
Tom Senkus, O.L.S.

File #16 109561 NNY 23 OZ

Date: 30/08/2019
Approved by:



