

**5009-5021 Yonge Street - Official Plan and Zoning By-law Amendment Applications – Final Report**

<b>Date:</b>	March 25, 2015
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	14 122673 NNY 23 OZ

**SUMMARY**

This application proposes to amend the Official Plan and Zoning By-law to permit a two-storey commercial building, to be used as a restaurant with a second storey outdoor terrace at 5009-5021 Yonge Street.

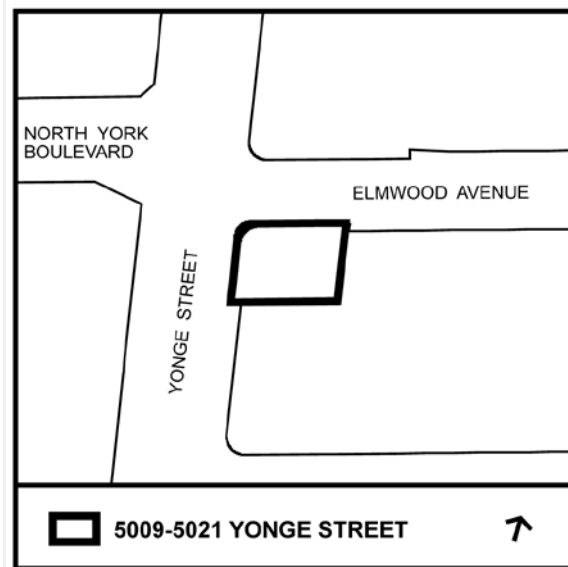
The proposal meets the North York Centre Secondary Plan objectives for supporting a range of uses, developing prime retail frontages on Yonge Street, and enhancement of street animation on Yonge Street and treatment of side streets.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Official Plan, for the lands at 5009-5021 Yonge Street substantially in accordance with the draft Official Plan Amendment attached as Attachment 6.
2. City Council amend the Zoning By-



law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Zoning By-law Amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

Staff prepared a Preliminary Report that went before North York Community Council on May 13, 2014, which can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-68791.pdf>

A Community Consultation Meeting was held June 24, 2014. Since the Community Consultation Meeting changes have been made to the building, landscaping and site design that will be discussed further in this report.

### **ISSUE BACKGROUND**

#### **Proposal**

These applications for an amendment to the Official Plan and Zoning Bylaw seek permission for a two-storey 958 m<sup>2</sup> restaurant with a 300 m<sup>2</sup> second storey outdoor terrace. The main entrance is proposed on Yonge Street.

This two storey commercial development will help complete the Yonge Street frontage on this block between Hollywood Avenue north to Elmwood Avenue. Loading is proposed to be located at the rear with access from Elmwood Avenue. No vehicular or bicycle parking is proposed on site.

#### **Site and Surrounding Area**

The site is located on the south east corner of Yonge Street and Elmwood Avenue. The subject property has lot frontage of 23.2 m (76.12 ft) on Yonge Street and a depth of 36.56 m (199.94 ft) with a total lot area of 1,019 m<sup>2</sup> (10,968.42 ft<sup>2</sup>). A one-storey commercial building and a two-storey commercial building are currently located on the subject lands.

Surrounding uses are as follows:

North: North of Elmwood Avenue along Yonge Street to Hillcrest Avenue are low scale commercial buildings with high rise commercial and residential uses. To the northwest of the site is the North York Civic Centre, Mel Lastman Square and the Toronto District School Board building.

South: To the south of the subject site are high-rise office uses (Royal Bank building).

East: To the east of the site are high-rise residential uses.

West: To the west of the site, across Yonge Street is the Trans America Office building.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject site is designated as Mixed Use Areas in the Official Plan. The Mixed Use Areas designation provides for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces.

The site is also subject to policies of the North York Centre Secondary Plan (NYCSP). The NYCSP is intended to provide for the development of a vibrant North York Centre comprising of a mix of residential, commercial, parks and open space and institutional uses through the establishment of development policies. The plan states that lands fronting along Yonge Street should contain substantial office buildings, or other commercial uses including retail and entertainment uses. Building design should reflect the importance of this location, and provide for a pleasant pedestrian environment. At grade, street-related retail uses are required within Prime Frontage Areas. The site is designated Mixed Use Area "A" under the NYCSP, which permits commercial, institutional, public parks and recreational uses and transit terminals. Residential uses are not permitted.

The North York Centre Secondary Plan also contains specific policies on density, height and transportation and parking management within the Centre. The Secondary Plan permits a maximum density of 4.5 and height of 100 metres on the subject lands.

Sections 4.6 and 4.7 of the Secondary Plan establish provisions for parking supply and transportation demand management. Section 4.6.1 (a) states the objectives to regulate the supply of parking in the North York Centre in order to attain targets for modal splits. To achieve a reduced auto driver modal split, a parking policy has been established for the North York Centre which is included as an Appendix to this Secondary Plan.

## **Zoning**

The subject lands at 5009-5021 Yonge Street were excluded from the new City of Toronto Zoning By-law 569-2013 and the former City of North York Zoning By-law continues to apply.

The lands at 5009-5021 Yonge Street are zoned General Commercial (C1) in the North York By-law No. 7625. This zoning designation permits restaurants and other uses, provided that they are wholly enclosed buildings. An outdoor café in conjunction with a restaurant on the same lot is permitted, subject to the provisions in Subsection 6(22) of the By-law.

## **Site Plan Control**

The applicant has submitted a concurrent Site Plan Control application (14 122692 NNY 23 SA). The site plan is still under review.

## **Reasons for the Application**

The proposed two-storey restaurant requires a site specific zoning amendment for relief to applicable parking standards, as well as zoning provisions with respect to loading, lot coverage, gross floor area and rear yard setback requirements. A Secondary Plan amendment has also been submitted for relief from Appendix 1 of the North York Centre Secondary Plan, North York Centre Motor Vehicle Parking Policy, to provide that no parking be required for the proposed restaurant.

## **Community Consultation**

A Community Consultation meeting to discuss the proposal was held on June 20, 2013 at the North York Civic Centre. The meeting was attended by the Ward Councillor's Assistant, City Planning staff, Transportation staff, the applicant, owner and approximately 40 members of the public.

Issues raised by area residents in discussion of the proposal, which have been considered in the review of the application, are generally related to the following matters:

- Location of loading spaces and waste pickup;
- Noise and odour concerns, with particular regard to the outdoor patio;
- Overall capacity of the restaurant;
- Parking rates required for the development;
- Space for pedestrians on the boulevard, and;
- Vehicular access to the proposed development.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that a range of land uses be provided and that intensification and redevelopment opportunities are identified and promoted.

The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS in this regard. The proposed land use provides a compact built form that supports an efficient use of land and existing transit infrastructure.

The proposal also conforms to the Growth Plan for the Greater Golden Horseshoe which states that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. As this site is located in a built up area designated for growth in the City’s Official Plan, the proposal conforms to the Growth Plan.

### **Land Use**

The proposed two-storey 958 m<sup>2</sup> restaurant with a 300 m<sup>2</sup> second storey outdoor terrace complies with the policies of the North York Centre Secondary Plan which encourages commercial uses along the Yonge Street Corridor. The proposal represents a similar height and built-form as the surrounding commercial development along Yonge Street.

The proposed restaurant is a permitted use for this area. The North York Centre Secondary Plan identifies that priority will be given to uses which add animation and

activity to the sidewalk those sites that abut Yonge Street in the Prime Frontage Area as shown on Map 8-2 of the Secondary Plan. This proposal meets that objective.

The proposed design was modified to meet the design criteria for Prime Frontage Areas. The proposed built form contributes to the definition of the street edge and maintains an attractive pedestrian environment along the public sidewalk. This is an important objective of the North York Centre Secondary Plan.

### **Density, Height, and Built Form**

The North York Centre Secondary Plan provides for a base density of 4.5 FSI for commercial uses. The proposed development has an FSI of 0.94 which is well below the maximums prescribed in the Secondary Plan.

Section 5.3.2 of the North York Centre Secondary Plan contains urban design policies for development on Yonge Street that address the pedestrian oriented animation of the street and reflect the importance of Yonge Street as the spine of the North York Centre. These objectives are met through providing entrances at grade, windows that allow for views of and from the street, and for retail or service commercial use that wrap around onto side streets maintaining the ground orientation.

The design of the façade at-grade along the Yonge Street frontage was modified to promote visibility and connection to the pedestrian realm. The façade at-grade now includes larger areas of glazing to allow pedestrians to have a visual connection into the restaurant. The façade at-grade is encouraged to be permeable with openings to the exterior during warmer seasons to accommodate indoor/outdoor dining on Yonge Street within the setback. Additional glazing was provided along north side of building to animate the building façade.

The visibility to the second floor exterior terrace was hidden by louvers on the façade. The louver height was lowered to allow the exterior terrace to be visible from the street, providing increased visual connection to the surrounding area.

The North York Centre Secondary Plan requires buildings to be set back approximately 4 metres from the property line adjacent to Yonge Street in order to create a publicly accessible boulevard approximately 10 metres in width from the roadway. This setback also establishes a build-to line to ensure a continuous building façade. Through staff review of this application, it was accepted that this requirement on smaller site would not be feasible. It was agreed that a 3.9 m setback (which includes a 3.0 m easement) was acceptable given that the corner of the entry is recessed from the corner of Yonge and Elmwood and provides open space in the streetscape.

This unobstructed easement will be secured upon the finalization of a Site Plan Agreement.

## Traffic Impact, Access, Parking

The North York Centre Secondary Plan transportation and parking policies require new development to demonstrate consistency with achievement of the overall average auto modal split value and the North York Centre Parking Policy as provided for in Appendix 1 - North York Centre Motor Vehicle Parking Policy. The North York Centre Secondary Plan also provides that a minimum and maximum motor vehicle parking requirement will be applied to all projects requiring a rezoning for increased density or change in use.

While this project does not propose an increase to the density permitted on the site from the perspective of the North York Centre Secondary Plan, it does represent an increase to the Gross Floor Area permitted in the Zoning By-law

No parking spaces are proposed for this project. The North York Centre Parking Policy requires a parking rate of 0.9 spaces per 100 m<sup>2</sup> of GFA for commercial uses. Although this site is not subject to the provisions of the City-wide Zoning By-law 569-2013, the parking rates from this By-law can be used as a guideline, as they are based upon more recent data. By-law 569-2013 does not require any parking for Eating Establishments within Policy Areas 1, 2, 3 and 4.

The applicant submitted a parking and loading study dated February 25, 2014. The study surveyed three existing Keg restaurants. Part of the survey was to determine the peak occupancy times. In general, occupancy peaked between 7:30 pm to 8:00 pm from Monday-Thursday and after 6 pm on Friday. The study surveyed existing parking lots and garages within 450 m of the subject site to determine occupancy rates during the peak Keg times. The data shows that there are parking spaces available in multiple parking lots in the area.

With respect to loading, the site's proposed loading space is on the northeast corner of the site and is 11.0 m in length by 3.6 m in width and 4.5 m in height which meets the requirements of By-law 7625. There were concerns that the loading vehicle cannot enter and exit the site in a forward direction. The location of the loading space requires a loading vehicle to either reverse into the space through the right-of-way or reverse out of the space through the right-of-way.

Loading surveys were conducted at 3 existing Keg restaurants within the City. The average number of loading vehicles between 6:00 am and 6:00 pm was 8 vehicles which included trucks, vans and small vehicles. The consultant noted that most of the deliveries occurred before 3:00 pm.

The applicant subsequently submitted a loading management plan with a letter to the City dated June 13, 2014 which proposed the following:

- Weekday peak period restrictions (Monday-Friday - 7-9 am and 4-6 pm);
- Trained staff overseeing the overall loading vehicle entry and exit, and;
- Appropriate signage on Elmwood Avenue advising pedestrians and vehicles of the presence of the driveway and delivery vehicles.

These measures will help to maintain the safety of the loading manoeuvres. There will also be a requirement for the presence of a certified flag person to be on site at the time of deliveries. These loading details and requirements will be secured through Site Plan Control Approval.

Transportation Services have indicated that they have no concerns with the proposed parking and loading plan. It is the intent of Zoning By-law No. 569-2013 and the North York City Centre Parking Policy to reduce auto-driver modal split. The availability of parking spaces in the vicinity of the site has been demonstrated. The monitoring of transportation patterns will be secured through Site Plan Control Approval by tracking the origin and destination of the patrons in relation to the catchment area and providing information about available parking in the area.

## **Servicing**

The applicant has provided a Site Grading and Servicing Plan, Functional Servicing and Stormwater Management Reports, Downstream Sanitary Sewer Analysis Plan, Sanitary Hydraulic Analysis, and Functional Servicing Report.

The proposed development is also required to comply with the Best Management Practices for Stormwater Management and the City of Toronto, Wet Weather Flow Management Guidelines, which requires grades that allow overland water flow. The project has been designed to meet the City's minimum requirements for overland water flow.

Further discussions on sewer connections and elevations, grading, and drainage are necessary and will be addressed as part of site plan approval.

## **Open Space/Parkland**

The proposal is to construct a 2 storey commercial building. The application proposes 958 m<sup>2</sup> of non residential uses on a site with a net area of 866 m<sup>2</sup>. The non-residential use is subject to a 2% parkland dedication as per City Wide Parkland Dedication By-law 1020-2010. In total the parkland dedication requirement is 17.3m<sup>2</sup>.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. This is appropriate as the parkland dedication requirement for the subject site is too small to be functional. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.



## **Streetscape**

The proposed commercial development fronts onto Yonge Street which will provide animation to the streetscape. The applicant is also proposing to plant five new trees within the right-of-way and is providing additional landscaping to provide appropriate relationship between the sidewalk and front of the building. Implementation of the Yonge Street Special Street streetscape will be secured through Site Plan Control Approval.

## **Noise**

One of the main concerns raised by residents in attendance at the Community Consultation Meeting was the potential for noise generated by the development. In November 2014, the applicant submitted a noise report from J.E. Coulter Associates Limited to evaluate existing sound levels in the neighbourhood and to determine the amount of noise reduction required and to recommend noise reduction measures.

The majority of the second floor patio is covered while the uncovered portion fronts on to Yonge Street away from nearby residential buildings. With respect to the rooftop patio, the applicant has indicated that there will not be more than two televisions located in the covered bar area. As part of the final design of the building, the applicant will consult with their acoustic consultant to mitigate noise to keep the sound within the patio. The hours of operation of the patio will be from 11 am to 11 pm and will be required to comply with the City's Noise By-law.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure the two bicycle parking spaces which are a required Tier 1 development feature.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. These include landscaping, bird friendly glazing, the provision of "cool roof", high albedo surface material and water quality.

## **Conclusion**

The proposed Official Plan and Zoning By-law Amendment will allow for the proposed restaurant and implements development standards to regulate the proposed development.

The proposal provides for a commercial use that will increase the vitality and interest of the Yonge Street streetscape consistent with the objectives of the North York Centre

Secondary Plan. The proposed development reinforces the existing and planned built form context along Yonge Street and the building design will contribute to and enhance the public realm. The proposal allows for the appropriate and desirable development of the subject properties.

## **CONTACT**

Allison Meistrich, Senior Planner  
Tel. No. (416) 395-7127  
Fax No. (416) 395-7155  
E-mail: ameistr@toronto.ca

## **SIGNATURE**

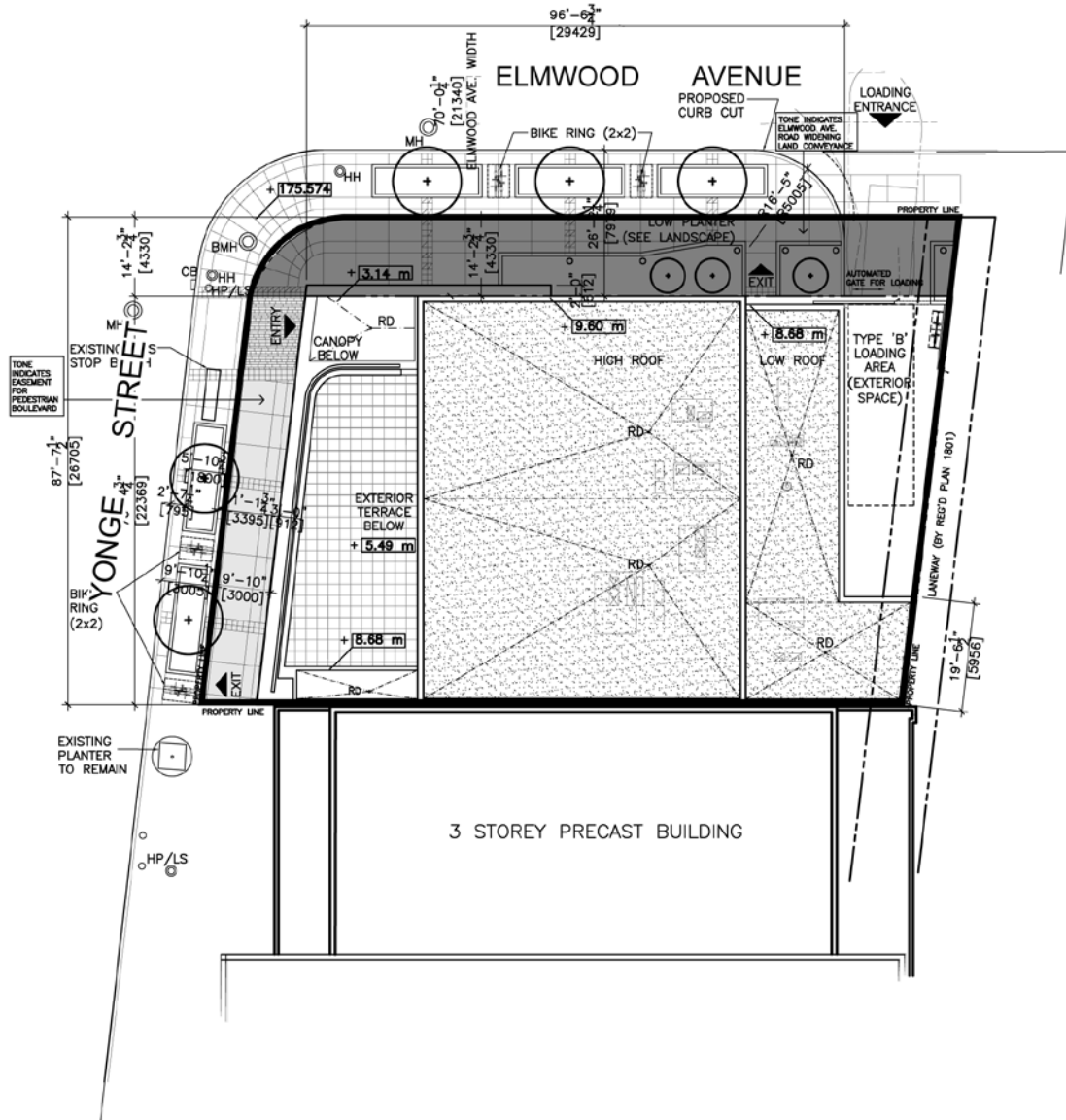
---

Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1:	Site Plan
Attachment 2:	a. North Elevation
	b. West Elevation
	c. East Elevation
Attachment 3:	Zoning
Attachment 4:	Official Plan
Attachment 5:	Application Data Sheet
Attachment 6:	Draft Official Plan Amendment
Attachment 7:	Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

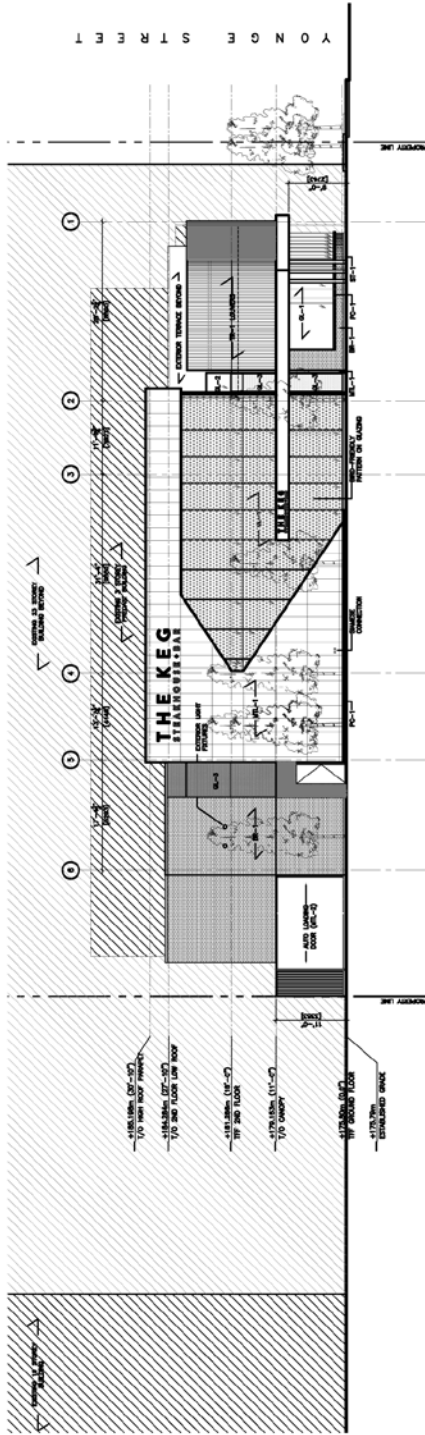
5009-5021 Yonge Street

Applicant's Submitted Drawing

Not to Scale  
03/06/2015

File # 14 122673 NNY 23 0Z

# Attachment 2a: North Elevation



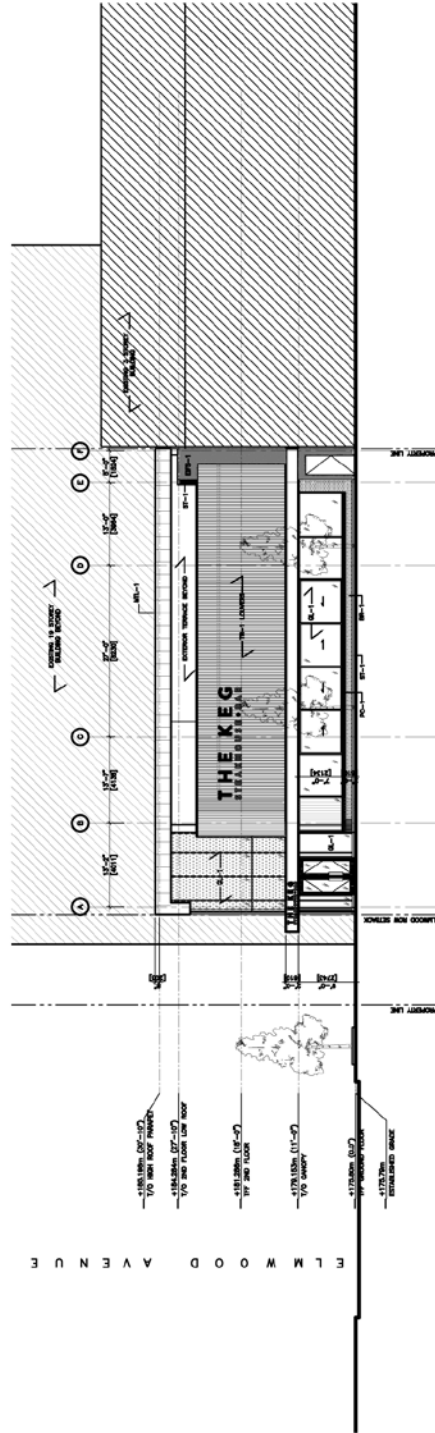
5009-5021 Yonge Street

File # 14 122673 NINY 23 0Z

North Elevation  
 Applicant's Submitted Drawing

Not to Scale  
 03/06/2015

Attachment 2b: West Elevation



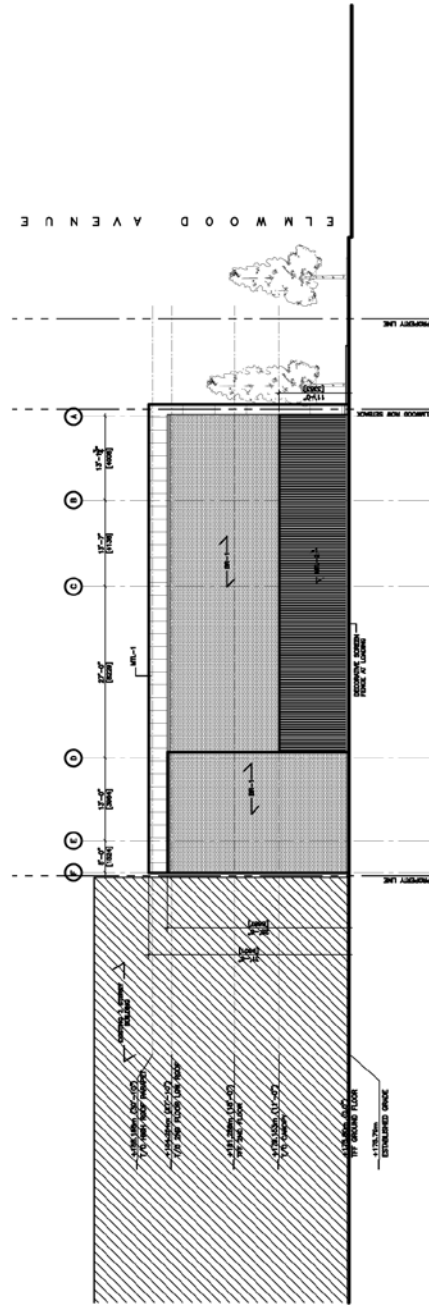
5009-5021 Yonge Street

File # 14 122673 NNY 23 0Z

West Elevation  
 Applicant's Submitted Drawing

Not to Scale  
 03/06/2015

Attachment 2c: East Elevation



East Elevation

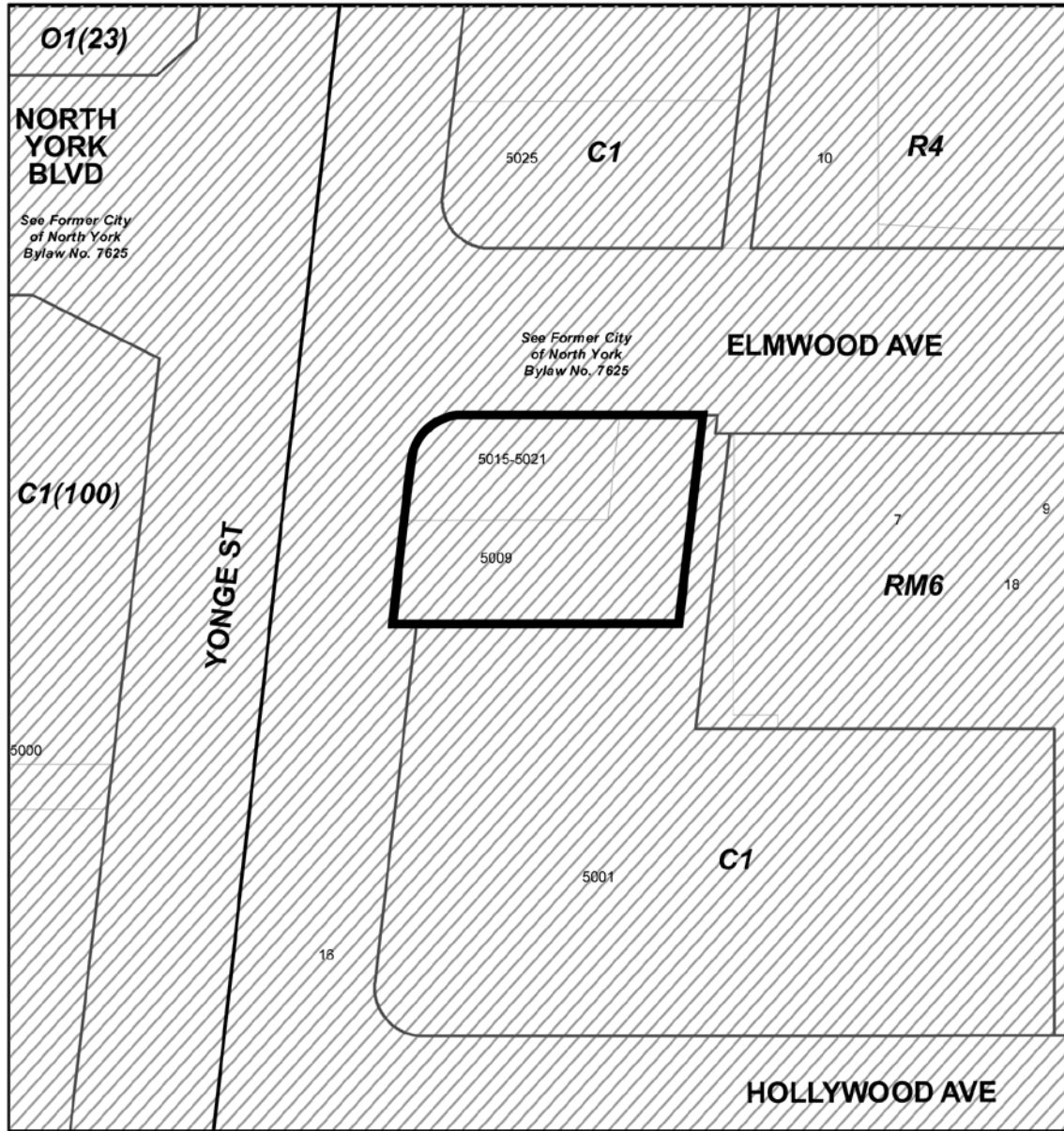
Applicant's Submitted Drawing

Not to Scale  
03/06/2015

5009-5021 Yonge Street



File # 14 122673 NINY 23 0Z

### Attachment 3: Zoning



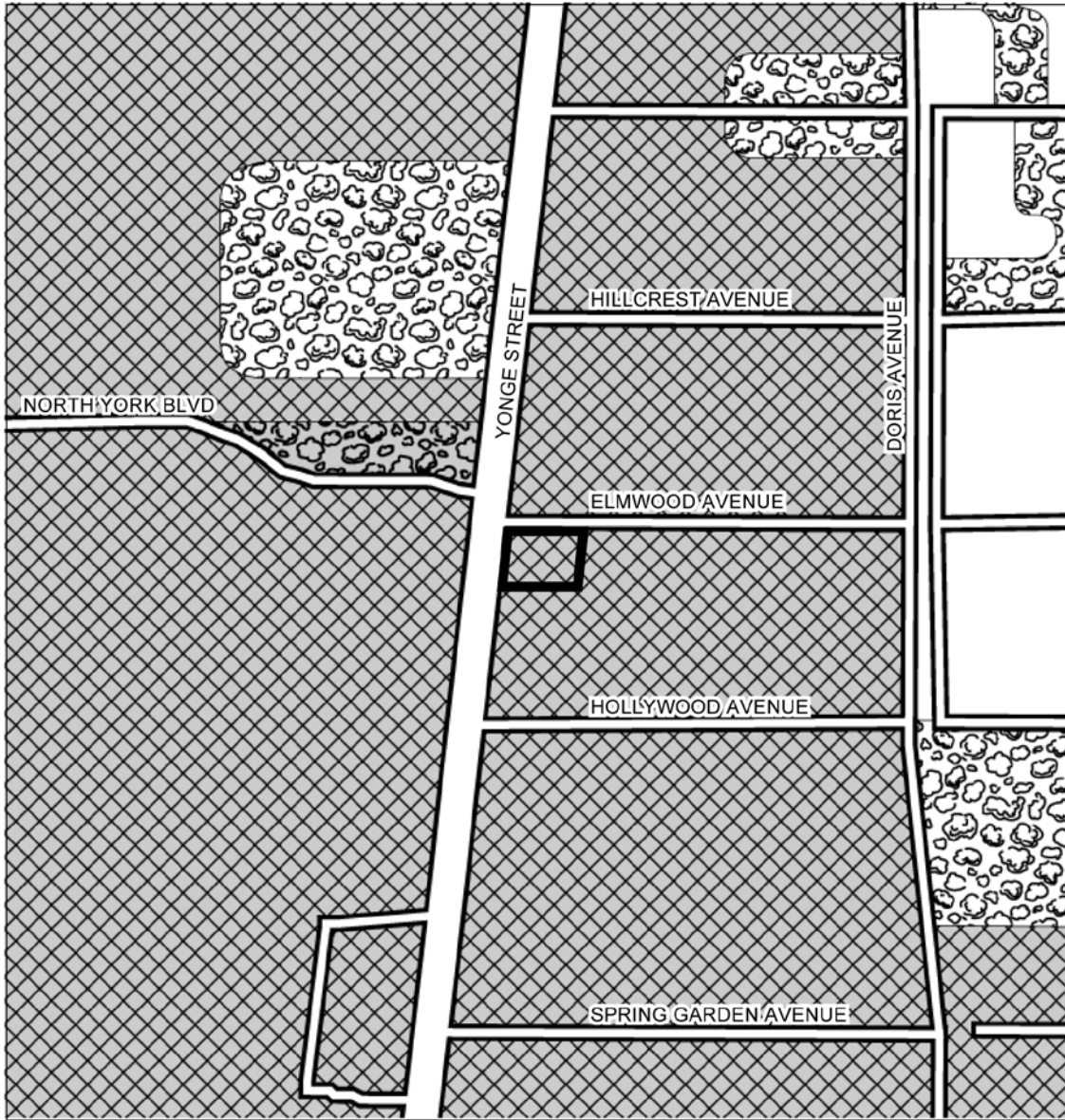
**TORONTO** City Planning  
**Zoning By-law 569-2013**

**5009-5021 Yonge Street**  
 File # 14 122673 NNY 23 0Z

-  Location of Application
-  See Former
- R4* One-Family Detached Dwelling Fourth Density Zone
- RM6* Multiple-Family Dwellings Sixth Density Zone
- C1* General Commercial Zone
- O1* Open Space Zone
- XX* Xx

↑  
 Not to Scale  
 Extracted 03/27/2014







Attachment 4: Official Plan



**TORONTO** City Planning  
 Extract from Official Plan

5009-5021 Yonge Street

File # 14 122673 NNY 23 02

- |   |  |
|---|--|
|  Site Location   |  Parks & Open Space Areas |
|  Neighbourhoods  |  Parks                    |
|  Mixed Use Areas |  Other Open Space Areas   |

  
 Not to Scale  
 04/01/2014



## Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	14 122673 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	February 27, 2014

Municipal Address: 5009-5021 YONGE Street

Location Description: PLAN 1801 LOT 5 AND PT LOT 4 PT LANE RP 64R12263 PARTS 1 AND 5 \*\*GRID N2304

Project Description: This application proposes to demolish all existing buildings on site and amend the Zoning By-law and Official Plan to permit a two-storey 958m<sup>2</sup> restaurant with a 300m<sup>2</sup> second storey outdoor terrace. The main entrance is proposed on Yonge Street. Loading is proposed to be located at the rear with access from Elmwood Avenue.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MACNAUGHTON HERMESN BRITTON CLARKSON PLANNING LTD	Andrew Palumbo	Giannone Petricone Associates	ARNOLD SCHONBERG

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C1	Historical Status:
Height Limit (m):		Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	1019	Height:	Storeys:	2	
Frontage (m):	23.2		Metres:	8.5	
Depth (m):	36.56				
Total Ground Floor Area (sq. m):	678				<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	0	
Total Non-Residential GFA (sq. m):	958		Loading Docks	1	
Total GFA (sq. m):	958				
Lot Coverage Ratio (%):	66.54				
Floor Space Index:	0.94				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	958	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Allison Meistrich, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-395-7127</b>

**Attachment 6: Draft Official Plan Amendment**

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To adopt Amendment 290 to the Official Plan for the City of Toronto  
respecting the lands known municipally in the year 2015 as  
5009 – 5021 Yonge Street**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 290 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 290 TO THE OFFICIAL PLAN**  
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2015 AS**  
**5009 – 5021 Yonge Street**

---

The Official Plan of the City of Toronto is amended as follows:

**Clause 1**

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by modifying Section 12, North York Centre South Specific Policies by adding the following Site Specific Policy 12.32:

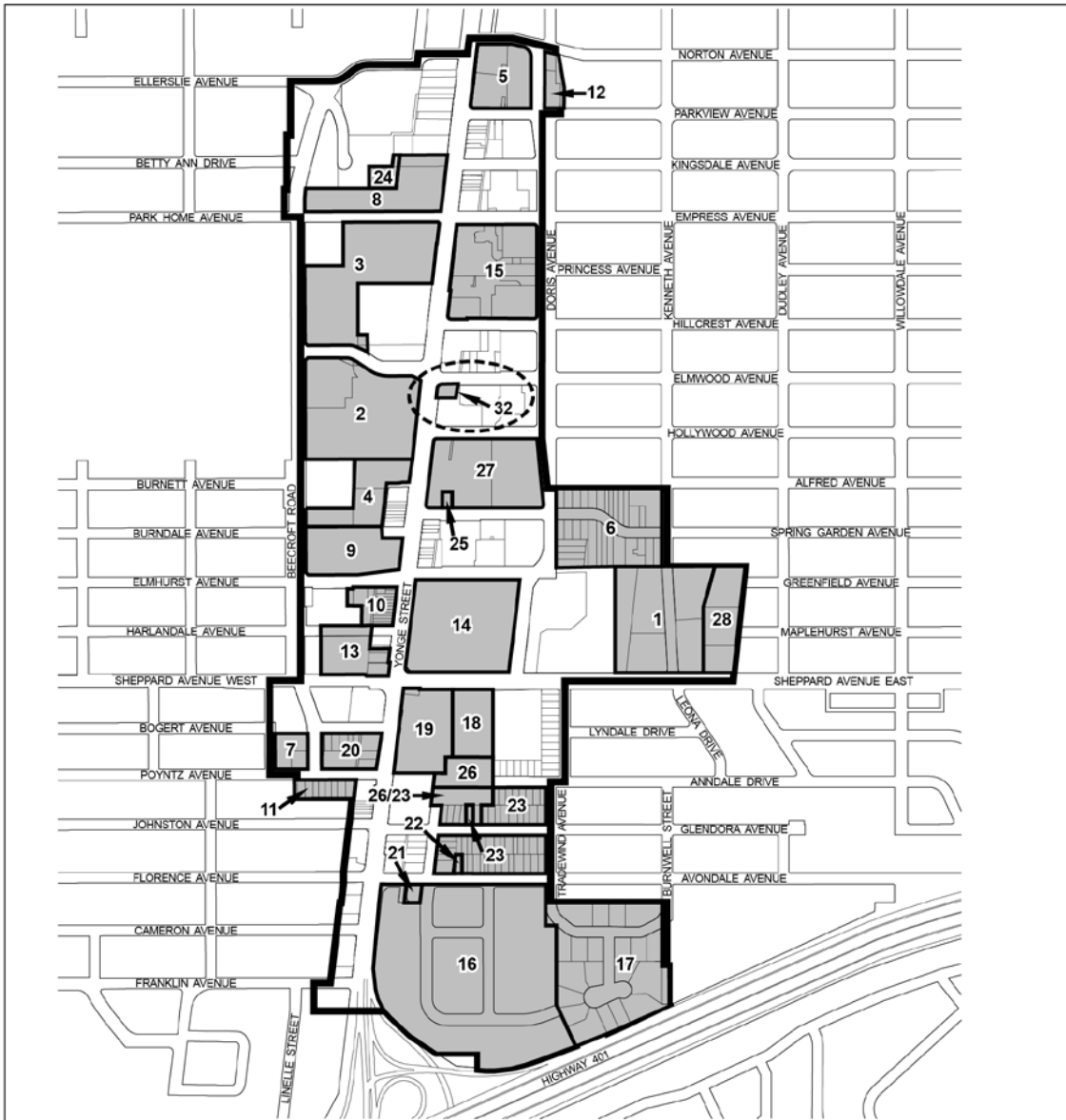
**32. 5009 – 5021 Yonge Street**

- a) Notwithstanding the provisions of Section 4.6.1 (c) and the commercial parking standards set out in Section 2.1 of Appendix 1 of this Secondary Plan, the required parking rate for a restaurant of 960 square metres of gross floor area with a 310 square metre outdoor terrace on these lands shall be as follows:
  - (i) A minimum of 0 parking spaces; and
  - (ii) A maximum of 3 parking spaces per 100 square metres of Gross Floor Area.

**Clause 2**

Map 8-12 of Chapter Six, Section 8 (North York Centre Secondary Plan) titled, "North York Centre South Site Specific Policies" is amended in accordance with Schedule '1' attached.

# SCHEDULE 1






**TORONTO** City Planning

## Official Plan Amendment # 290

Revision to North York Centre Secondary Plan Map 8-12, North York Centre South Site Specific Policies

5009-5021 Yonge Street

File # 14 122673 NNY 23 0Z

-  Site Location
-  Secondary Plan Boundary
-  Site Specific Policy Areas

  
Not to Scale  
03/19/2015

## **Attachment 7: Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2015

Enacted by Council: ~, 2015

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2015**

**To amend the former City of North York Zoning By-law No. 7625, as amended with respect to lands municipally known as, 5009, 5015, and 5023 Yonge Street**

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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” attached to this By-law.
2. Section 64.23 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.23(143) C1(143)**

### **EXCEPTION REGULATIONS**

#### **GROSS FLOOR AREA**

- a. The gross floor area of a building on a lot shall not exceed 112 percent of the lot area.

#### **LOT COVERAGE**

- b. The maximum lot coverage shall be 80%.

#### **PARKING AND LOADING REGULATIONS**

- c. The required parking rate for a restaurant of 960 square metres of gross floor area with a 310 square metre outdoor terrace on these lands shall be as follows:
  - (i) A minimum of 0 parking spaces; and

- (ii) A maximum of 3 parking spaces per 100 square metres of Gross Floor Area.
- d. Access to a loading space shall be provided by way of an unobstructed driveway with a minimum width of 4.5 metres.

### **YARD SETBACKS**

- e. The minimum yard setbacks for buildings and structures, including balconies, above Established Grade shall be as shown on Schedule “C1(143)”.

### **BICYCLE PARKING**

- f. Two bicycle parking spaces shall be provided on the lot.

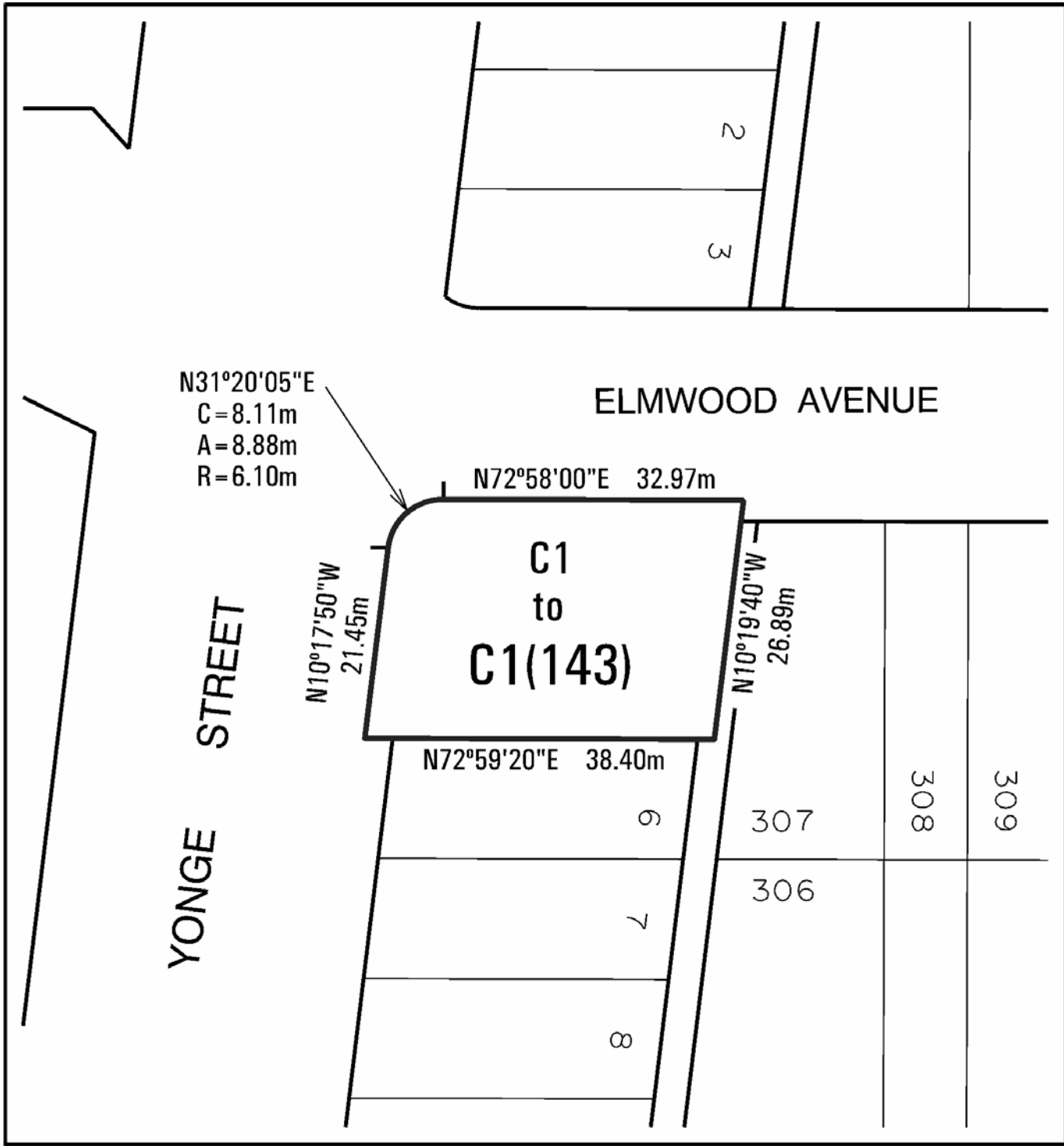
### **EXCLUSIONS**

- g. Section 6A(2)(a) – Parking Regulations, Access to Loading Spaces, Section 6A(16)(a) – Number of Loading Spaces, Section 6A(16)(d)(iv) – Access to Loading Spaces, Section 23.2.1 (Lot Coverage), and Section 23.2.2 (Yard Setbacks), shall not apply.
- 3. Section 64.23 of By-law No. 7625 of the former City of North York is amended by adding Schedule C1(143) attached to this By-law.
- 4. Except as provided herein, By-law No. 7625 of the former City of North York shall continue to apply.
- 5. 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.
- 6. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.

ENACTED AND PASSED this ~ day of ~, A.D. 2015.

JOHN TORY,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk



Lot 5, Part of Lot 4 & Part of the Lane (closed by By-Law 30828), R.P. 1801, City of Toronto  
 Peter N. Aubrey, Ontario Land Surveyor  
 Date: 03/12/2015  
 Approved by: J. Brander

File # 14 122673 NNY 23 0Z





