

Authority: Ontario Municipal Board Order issued on December 18, 2015 in Board File No. PL140840

CITY OF TORONTO

BY-LAW No. 381-2016(OMB)

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 9 Tippet Road and 525 Wilson Avenue.

Pursuant to the Order of the Ontario Municipal Board issued on December 18, 2015, in Board Case No. PL140840, By-law No. 7625 of the former City of North York, as amended, is further amended 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 64.31(74) of By-law No. 7625 of the former City of North York is deleted.
3. Section 64.20-A(173) of By-law No. 7625 of the former City of North York is amended by:
 - (a) replacing subsection (a)(viii) with the following:

"Site means the land zoned "RM6(173)" and "RM6(237)" for the purpose of paragraph (aa) of this exception."
 - (b) replacing subsection (t)b. with the following:

"All required residential parking spaces for the "RM6(173)" zone shall be provided within the "RM6(173)" zone."
 - (c) replacing subsection (v) with the following:

"Parking for non-residential uses shall be provided in the "RM6(173)" zone."
 - (d) deleting subsection (w); and
 - (e) deleting subsection (x).
4. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A(237) RM6(237)

DEFINITIONS

- (a) For the purpose of this exception the following definitions will apply:

- (i) "Apartment House Dwelling" means a building containing more than four (4) dwelling units, each having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (ii) "Bicycle parking" means an area used for parking or storing a bicycle.
- (iii) "Bicycle parking space, short term" means a bicycle parking space for use by visitors to a building.
- (iv) "Bicycle parking space, long term" means a bicycle parking space for use by the occupants or tenants of a building.
- (v) "Building Height" means the height measured in metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment), inclusive of mechanical penthouse but exclusive of all accessory components such as but not limited to, tower structures, cupolas, steeples, antennae, parapets, landscape open structures, ornamental structures, and mechanical equipment.
- (vi) "Custom Workshop" means a building or part of a building used by a trade craft or guild for the manufacture in small quantities of made-to-order articles and includes accessory retail.
- (vii) "Established Grade" means 186.25 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- (viii) "Gross floor area" means 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:
 - (A) indoor recreational amenity area;
 - (B) parking, loading and bicycle parking below established grade;
 - (C) loading spaces and bicycle parking spaces at or above established grade;
 - (D) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (E) elevator shafts;
 - (F) garbage shafts;
 - (G) mechanical penthouse; and

- (H) exit stairwells in the building.
- (ix) "Live-Work Use" means an Artist Studio, Business or Professional Office, Custom Workshop or Personal Service Shop located within a Dwelling Unit, providing the following conditions shall apply: Live-Work Uses shall only be conducted by a member or members of a household that reside in the Dwelling Unit; the work component of the Dwelling Unit shall not exceed a maximum Gross Floor Area of 30 percent of the total Gross Floor Area of the dwelling unit and, for an Apartment House Dwelling the Live-Work Use shall be restricted to the street level of the Apartment House Dwelling.
- (x) "Mechanical Floor Area" means floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.
- (xi) "Recreational amenity area" means an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms and other similar uses.
- (xii) "Tower floor plate" means the floor area of each floor measured from the outside of the exterior walls, but excluding inset and projecting balconies.
- (xiii) "Type 'B' loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 11.0 metres long and has a minimum vertical clearance of 4.0 metres.
- (xiv) "Type 'G' loading space" means a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

PERMITTED USES

- (b) On the lands shown on Schedule RM6(237), the only permitted uses are:
- (i) Apartment House Dwellings and uses accessory thereto; Art Gallery; Artist Studio; Automatic Laundry Shop; Business Office; Clinic; Club; Commercial Gallery; Commercial Recreation; Commercial School; Communication and Broadcasting; Custom Workshop; Day Nursery; Dry Cleaning and Laundry Collecting Establishment; Financial Institution; Fitness Centre; Laundry; Live-Work Use; Museum; Outdoor Café in conjunction with a Restaurant or Take-out Restaurant on the same lot, subject to the provisions of Subsection 64(22); Personal Service Shop; Professional Medical Office; Professional Office; **Restaurant**; Retail Store; Service Shop; **Take-out Restaurant**; Veterinary Clinic.

USE QUALIFICATIONS

- (c) Non-residential uses shall be restricted to the first two storeys of the building.
- (d) Outdoor Residential **Recreational Amenity Areas** may be located on roof top terraces.
- (e) A **Restaurant** or **Take-out Restaurant** shall not have a drive-through facility.

EXCEPTION REGULATIONS**LOT AREA**

- (f) The provisions of Section 20-A.2.1 (Lot Area) do not apply.

LOT COVERAGE

- (g) The provisions of Section 20-A.2.2. (Lot Coverage) do not apply.

DWELLING UNITS

- (h) A maximum of 500 dwelling units are permitted.

YARD SETBACKS

- (i) The minimum yard setbacks for buildings and structures above Established Grade is shown on Schedule RM6(237).
- (j) Notwithstanding (h) above, the minimum yard setback for parking structures and structures associated thereto above Established Grade shall be 0.0 metres.
- (k) The minimum yard setback for parking structures and structures associated thereto below Established Grade is 0.0 metres.
- (l) The maximum tower floor plate is 750 square metres above a height of 27.0 metres, measured from Established Grade.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (m) Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), balconies and canopies may be permitted to project into minimum yard setbacks and from all building elements shown on Schedule RM6(237) by a maximum of 1.5 metres.
- (n) Exit stairs to a below grade garage, stair enclosures, transformer vaults are permitted to project beyond building envelopes into the minimum yard setbacks except above grade in the minimum yard setbacks along Tippet Road and the future public road.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS FORMING COURTS

- (o) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) do not apply.
- (p) The minimum separation distances between buildings is shown on Schedule RM6(237), provided that balconies and canopies may be permitted to project into minimum separation distances by a maximum of 1.5 metres.

BALCONIES

- (q) Notwithstanding subsections (l) and (o) above, in no case shall any projecting balconies be located within 3.0 metres of the corners of buildings above a height of 25.5 metres, measured from Established Grade.

GROSS FLOOR AREA

- (r) The maximum gross floor area for all uses on lands zoned as "RM6(237)" is 36,232 square metres, of which the maximum gross floor area for residential uses shall be 35,164 square metres.

BUILDING HEIGHT

- (s) Notwithstanding Schedule 'D' of By-law No. 7625:
 - (i) The maximum number of storeys of any portion of a building or structure shall not exceed the number of storeys shown for that portion of the building on Schedule RM6(237). A mechanical penthouse does not constitute a storey.
 - (ii) The maximum Building Height of any portion of a building or structure shall not exceed the height measured in metres above sea level for that portion of the building on Schedule RM6(237) as shown by the number following "MGE" (being maximum geodetic elevation) on Schedule RM6(237).
 - (iii) In no case shall any building or structure, inclusive of any accessory component, exceed 243.0 metres above sea level.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (t) A minimum of 1.5 square metres per dwelling unit of indoor residential recreational amenity area must be provided.
- (u) A minimum of 1.5 square metres per dwelling unit of outdoor residential recreational amenity area must be provided.

PARKING REQUIREMENTS

- (v) All required parking spaces for the "RM6(237)" zone must be provided within the "RM6(237)" zone.
- (w) Notwithstanding Section 6A(2) (Parking Requirements) of By-law No. 7625, the minimum number of parking spaces must be calculated in accordance with the following:
 - (i) Residential:
 - Bachelor – 0.6 spaces per dwelling unit;
 - 1-Bedroom – 0.7 spaces per dwelling unit;
 - 2-Bedroom – 0.9 spaces per dwelling unit;
 - 3 or more Bedrooms – 1.0 space per dwelling unit; and
 - Visitors – 0.15 spaces per dwelling unit;
 - (ii) Commercial/Retail:
 - 1.0 space per 100 square metres of gross floor area for non-residential uses.
- (x) Sections 6A(6)(g) (Non-residential Parking Regulations) and 6A(10) (Parking Regulations for Industrial Zones) of By-law No. 7625 do not apply.

BICYCLE PARKING REQUIREMENTS

- (y) Bicycle parking must be provided on the lands shown on Schedule RM6(237) in accordance with the following:
 - (i) Residential:
 - 0.68 long-term bicycle parking spaces per dwelling unit;
 - 0.07 short-term bicycle parking spaces per dwelling unit;
 - (ii) Non-Residential:
 - 3 short-term bicycle parking spaces plus 0.25 short-term bicycle parking spaces per 100 square metres of non-residential gross floor area; and
 - 0.13 long-term bicycle parking spaces per 100 square metres of non-residential gross floor area.

- (z) Despite subsection (x) above, if a bicycle parking space is required for uses on lands shown on Schedule RM6(237), other than a dwelling unit, and the total gross floor area of all such uses on lands shown on Schedule RM6(237) is 2,000 square metres or less, then no bicycle parking is required.

LOADING SPACE REQUIREMENTS

- (aa) None of the provisions of Section 6A(16) (Loading Requirements) of By-law No. 7625 apply to the lands shown on Schedule RM6(237).
- (bb) A minimum of one Type 'G' loading space and one Type 'B' loading space must be provided on the lands shown on Schedule RM6(237).

OTHER PROVISIONS

- (cc) The main entrance to each building or unit shall, if the entrance faces an existing or future planned public right-of-way, be at an elevation no greater than 0.8 metres above or below the grade of the existing or future planned public right-of-way at the property line.

LAND DIVISION

- (dd) Notwithstanding any severance, partition or division of the site, the regulations of this exception continue to apply to the whole of the site as if no severance, partition or division had occurred.

SECTION 37 AGREEMENT

- (ee) Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements, pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the terms and conditions set out therein provides for the following:
- (i) prior to the issuance of the above-grade building permit for the proposed development, the owner must provide a cash contribution of \$1,400,000, to secure the following:
- (A) a multi-user space to serve lands in the vicinity; and/or
- (B) acquisition of lands for the expansion and/or improvement of Champlain Parkette; and/or
- (C) other capital improvements to City assets, community facilities, child care facilities, affordable housing, streetscapes or the creation of a public plaza to service lands in the vicinity;

- (ii) should the funds referred to in (i) above be used for a multi-user service space, the owner must lease the multi-user service space for all age groups, including seniors, to the City for a term of 99 years on a turn-key basis. The lease must ensure that the City does not pay any rent or any facility fees or other charges, and that the owner is responsible for the cost of all utilities and municipal services supplied to the facility, caretaking costs of the building's common areas, repair and maintenance costs (excluding reasonable wear and tear), realty taxes and any local improvement charges);
- (iii) prior to the issuance of the first above-grade building permit for the proposed development, the owner must provide a minimum contribution in the amount of \$300,000 for on-site public art or, in lieu of a monetary contribution, the owner must at its election provide public art on-site with a minimum value of \$300,000;
- (iv) the owner must provide a minimum of 1,068 square metres of non-residential gross floor area;
- (v) the owner must provide a minimum of 700 square metres of privately-owned publicly-accessible space (POPS);
- (vi) the owner must dedicate of a unencumbered strip of land a minimum of 9.25 metres wide along the south property boundary for a future east/west road;
- (vii) in conjunction with the foregoing, the owner must provide a temporary turning bulb at grade;
- (viii) the owner must provide a 3.0 metre wide pedestrian access easement along the east property line for a pedestrian walkway to contribute to the Mud Creek Pathway;
- (ix) the owner must make best efforts to provide an east-west pedestrian connection along the north property line to connect Tippet Road with the above-noted north-south connection;
- (x) the owner must provide a minimum of 25 affordable ownership residential units on-site; and
- (xi) the owner agrees that no projecting balconies will be constructed within 3 metres of the corners of buildings above 25.5 metres in height, measured from Established Grade.

5. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule RM6(237) attached to this By-law.

- 6.** 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.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER 18, 2015 IN BOARD CASE NO. PL140840.



