

Authority: North York Community Council Item NY3.1 as adopted by City of Toronto Council on February 26, 2019, and Item MM.8.31, by Councillor James Pasternak, seconded by Deputy Mayor Denzil Minnan-Wong, adopted by City of Toronto Council on June 18 and 19, 2019

CITY OF TORONTO

BY-LAW 900-2019

To amend By-law 546-2019 with respect to the lands municipally known as 30 Tippet Road.

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; and

Whereas provisions regarding benefits under section 37 of the Planning Act, including Schedule A were left out of By-law 546-2019 in error;

The Council of the City of Toronto enacts:

1. Section 2 of By-law 546-2019 is amended by adding the following new heading and new subsections (dd) and (ee):

SECTION 37

- (dd) Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height of development contemplated herein, beyond that otherwise permitted in By-law 7625, is permitted in return for the provision by the *owner*, at the *owner's* expense, of certain facilities, services and matters set out in Schedule A hereof, subject to and in accordance with an agreement pursuant to Section 37(3) of the Planning Act securing the following facilities, services and matters set out in Schedule A hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act that is in a form and registered on title to the site to the satisfaction of the City Solicitor.
- (ee) 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

2. By-law 546-2019 is amended by adding Schedule A as follows:

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the *City* and the *owner* with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of an above-grade building permit, the Owner shall make a financial contribution to the City in the amount of \$1,950,000.00 to be allocated as follows at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - i. \$1,950,000.00 towards improvements to parks, recreational facilities and/or the public realm located within Ward 6 and/or the vicinity of the application site.
2. The financial contributions referred to in Section 1 above shall be indexed in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.
3. In the event the financial contribution referred to in Section 1 above has not been used for the intended purpose within three years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, Privately-Owned Publicly-Accessible Open Spaces at the Ground Level of Buildings A and B, as identified on Context Plan and Privately-Owned Publicly-Accessible Open Spaces Diagram, Drawing A100, prepared by gh3 Architects, dated April 24, 2018, and revised to February 5, 2019, Revision 5, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City.
5. Prior to registration of the first condominium on the lands, the Owner shall have completed construction of the Privately-Owned Publicly-Accessible Open Spaces referred to in Section 4 above and shall convey public access easements to the City for nominal consideration, at no cost to the City and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, on such terms and conditions as set out in the

Section 37 Agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public easements.

6. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 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 on December 5, 6 and 7, 2017, through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.
7. The Owner shall provide the following Transportation Demand Management measures, to the satisfaction of the Director of Community Planning, North District:
 - i. the provision of three car-share spaces at publicly accessible locations;
 - ii. the provision for 20 percent of resident parking spaces designed with conduits to allow future installation of Electric Vehicle Supply Equipment;
 - iii. the provision for one visitor parking space installed with Electric Vehicle Supply Equipment;
 - iv. the provision of five vehicle pick-up/drop-off spaces to be available on a shared use basis for a taxi stand, pick-up/drop-off, ride share and service delivery;
 - v. the provision of a smart transportation information display in the northerly building lobby;
 - vi. the provision of \$50,000.00 in funding to support the bike share program, the location of the bike share station to be determined during the site plan control approval process; and
 - vii. the provision of two bicycle repair stations; the bicycle repair stations should be located near major cycling access points or bike parking locations.

Enacted and passed on June 19, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)