

Authority: North York Community Council Item NY10.39, adopted as amended, by City of Toronto Council on December 9 and 10, 2015

CITY OF TORONTO

Bill No. 1392

BY-LAW No. -2015

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 30 Tippett 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 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 or 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, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 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;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule "1" and Schedule "RM6(238)" attached to this By-law.
2. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.20(238) RM6(238)

DEFINITIONS

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

- (i) "Apartment House Dwelling" shall mean 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) "Building Height" shall mean the vertical distance between the Established Grade and the highest point of the building or structure, exclusive of all accessory components such as but not limited to, mechanical penthouse, tower structures, cupolas, steeples, antennae, parapets, landscape open structures, ornamental structures and mechanical equipment.
- (iii) "Car Share" shall mean the operation of a car sharing programme either by an existing car share company or one established by a Condominium Corporation.
- (iv) "Established Grade" for the West building shall mean 185.31 metres above sea level and for the East Building shall mean 186.32 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- (v) "Live-Work Use" shall mean 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.
- (vi) "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, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.
- (vii) "Recreational Amenity Area" shall mean 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.
- (viii) "Type 'G' loading space" shall mean 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.
- (ix) "Site" shall mean the lands zoned "RM6(238)" as shown on Schedule 1 for the purpose of Schedule 'A' of this exception.

PERMITTED USES

- (b) The following uses shall be permitted:

Apartment House Dwelling;

Multiple Attached Dwelling;

Art Gallery;

Artist Studio;

Business Office;

Clinic;

Club;

Commercial Gallery;

Commercial Recreation;

Commercial School;

Community Centre;

Custom Workshop;

Day Nursery;

Dry Cleaning and Laundry Collecting Establishment;

Financial Institution;

Fitness Centre;

Museum;

Outdoor Café in conjunction with a **Restaurant** or **Take-out Restaurant** on the same lot, subject to the provisions of Subsection 6(22);

Personal Service Shop;

Private-Home Day Care;

Professional Medical Office;

Professional Office;

Restaurant;

Retail Store;

Service Shop;

Take-out Restaurant; and

Veterinary Clinic.

USE QUALIFICATIONS

- (c) A **Restaurant** or **Take-Out Restaurant** shall not have a drive-through facility.
- (d) Outdoor Residential **Recreational Amenity Areas** may be located on balconies, private terraces, roof top terraces or at grade.
- (e) Non-residential uses shall be restricted to the first storey of an Apartment House Dwelling.

EXCEPTION REGULATIONS

LOT AREA

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

LOT COVERAGE

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

DWELLING UNITS

- (h) A maximum of 396 residential dwelling units shall be permitted.

YARD SETBACKS

- (i) The minimum yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule "RM6(238)".
- (j) The minimum yard setbacks for parking structures and structures associated thereto below Established Grade shall be as follows:
- (i) a minimum of 0.6m to Wilson Avenue unencumbered by easements;
 - (ii) a minimum of 0.6m to the property lines adjacent to 545-555 Wilson Avenue; and
 - (iii) 0 m to all other property lines and easements.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (k) 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(238) by a maximum of 2.0 metres.
- (l) Canopies for weather protection at main residential entrances shall be permitted to project into required yard setback areas a distance of up to 3.0 metres.
- (m) Exit stairs to a below grade garage, stair enclosures, and 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, Wilson Avenue and the future public road.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS FORMING COURTS

- (n) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.
- (o) The minimum separation between buildings shall be as shown on Schedule "RM6(238)".

GROSS FLOOR AREA

- (p) The maximum gross floor area for all uses on lands zoned as "RM6(238)" shall be 29,343 square metres, of which the maximum gross floor area for residential uses shall be 27,901 square metres.

BUILDING HEIGHT

- (q) 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(238)".
 - (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(238)" as shown by the number (being maximum geodetic elevation) on Schedule "RM6(238)".
 - (iii) in no case shall any building or structure, inclusive of any accessory component, exceed the ASL elevation depicted on the Transitional Slope Line as shown on Schedule "RM6(238)".
 - (iv) parapets and railings shall be permitted to project 1.2 metres above the maximum Building Height provided that (q)(iii) above has been complied with.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (r) A minimum of 2.0 square metres per apartment house dwelling unit of indoor residential recreational amenity area shall be provided.
- (s) A minimum of 2.0 square metres per apartment house dwelling unit of outdoor residential recreational amenity area shall be provided.

PARKING REQUIREMENTS

- (t) All required residential parking spaces for the "RM6(238)" zone shall be provided within the "RM6(238)" zone.
- (u) Notwithstanding Section 6A(2)(Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:
- (i) Affordable Residential Units – 0.5 spaces per unit;
 - (ii) Studio or Bachelor Units – 0.6 spaces per unit;

- (ii) One-Bedroom Units – 0.7 spaces per unit;
 - (iii) Two-Bedroom Units – 0.9 spaces per unit;
 - (iv) Townhouse Units - 1.0 spaces per unit; and
 - (v) Non-residential uses – none required.
- (v) A minimum of two (2) and a maximum of seven (7) car share parking spaces may be provided on site. For every car share space provided the minimum number of parking spaces required by paragraph (u) shall be reduced by 4.0 spaces.
- (w) Three (3) shared surface spaces shall be provided for day-care drop-off/pick-up/delivery/taxi.
- (x) One publicly-accessible parking space shall be provided with an electrical charging facility.
- (y) The total number of parking spaces required to be provided under subsection (u) above may be reduced by not more than 10% if the following Travel Demand Management (TDM) measures are provided:
- (i) Publicly accessible car-share spaces;
 - (ii) Bicycle parking for residents and visitors;
 - (iii) Public bicycle parking including bike-share spaces;
 - (iv) Electric vehicle charging facility;
 - (v) Pick-up/drop off spaces;
 - (vi) TV monitor to display real time transportation information; and
 - (vii) Dedicated visitor parking.

SIZE OF PARKING SPACES

- (z) A parking space shall have the following minimum dimensions:
- (i) The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space shall be:
 - (A) 5.6 metres in length;
 - (B) 2.6 metres in width; and

(C) 2.0 metres in vertical clearance;

except that the minimum required width of a parking space shall be increased by 0.3 metres for each side of the parking space that is obstructed in accordance with paragraph (iii) below;

(ii) The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the parking space, shall be:

(A) 5.6 metres in length;

(B) 3.0 metres in width; and

(C) 2.0 metres vertical clearance;

except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space is obstructed in accordance with paragraph (iii) below;

(iii) For the purposes of this definition, the side of a parking space is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:

(A) within 0.3 metres of the side of the parking space, measured at right angles; and

(B) more than 1.0 metres from the front or rear of the parking space.

BICYCLE PARKING

(aa) Bicycle parking spaces shall be provided at the following minimum rates:

(i) Residential:

(A) 0.60 long-term bicycle parking spaces per dwelling unit; and

(B) 0.15 short-term bicycle parking spaces per dwelling unit

(ii) Non-Residential:

(A) 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

(B) 0.13 long-term bicycle parking spaces per 100 square metres of non-residential gross floor area.

LOADING SPACE REQUIREMENTS

- (bb) None of the provisions of Section 6A(16) (Loading Requirements) of By-law 7625 shall apply to the lands shown on Schedule "RM6(238)".
- (cc) A minimum of two Type 'G' loading spaces shall be provided on the lands shown on Schedule "RM6(238)".

OTHER PROVISIONS

- (dd) 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

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

3. 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 lands shown on Schedule RM6(238) 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 lands, 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 and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

4. Within the lands shown on Schedule "RM6(238)" 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.

Enacted and passed on December , 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule "A"
Section 37 Provisions

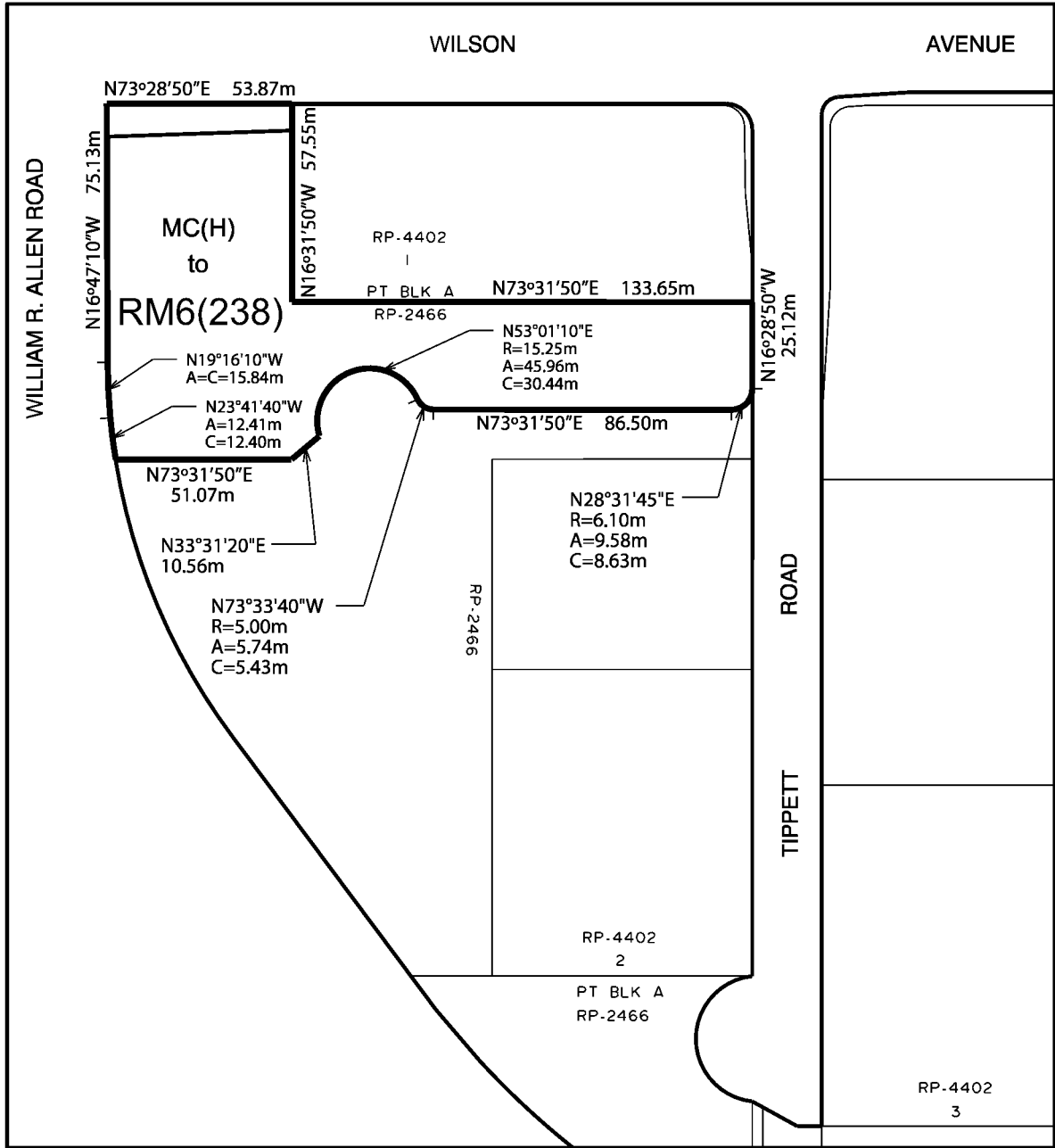
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the site and secured in an agreement or agreements under subsection 37(3) of the *Planning Act* whereby the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

- i. the provision of a minimum 464.5 square metres finished day care or community space in the base of Building A near to the Wilson Subway Station entrance, the specific location, configuration and design to be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- ii. Prior to the issuance of the first Above Grade Building Permit for the site, the Owner shall provide a financial contribution in the amount of \$200,000 to be used for either Public Art on the site, to furnish the daycare or community space being provided in recommendation (i) above, or for other amenities on the site. The allocation of the \$200,000 is to be determined in consultation with the local Councillor and City Planning.
- iii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway under/through Building A which shall have a minimum width of 12.0 metres and a minimum height of 6.0 metres, and shall provide a direct at-grade connection between the west end of the new public street located along the south property line of the subject site to the Wilson Subway Station entrance located west of the site and east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level through Building A" on Schedule 2 of the Zoning By-law Amendment, 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;
- iv. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway south of Building A which shall have a minimum width of 3.5 metres and a minimum height of 6.0 metres and shall provide a direct at-grade connection between the west end of the new public street located along the south property line of the subject site to the southwest corner of the subject site located east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level South of Building A" on Schedule 2 of the Zoning By-law Amendment, 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;
- v. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public open space north of Building A from the northwest corner to the northeast corner of the subject site along the Wilson Avenue frontage generally within the area identified as "Privately-Owned Publicly-Accessible Open Space at Ground Level North of Building A Along Wilson Avenue" on Schedule 2 of the Zoning By-law Amendment, 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;

- vi. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway within the Ministry of Transportation Building setback area along the west property line of the subject site which shall have a minimum width of 2.5 metres and shall provide a direct at-grade connection between the north end of the subject property at Wilson Avenue and the southwest corner of the property located east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level West of Building A" on Schedule 2 of the Zoning By-law Amendment, 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;
- vii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway under/through Building B which shall have a minimum width of 2.5 metres and a minimum height of 6.0 metres and shall provide a direct at-grade connection between the new public street located along the south property line of the subject site to the north lot line of the subject site north of Building B generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level through Building B" on Schedule 2 of the Zoning By-law Amendment, 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;
- viii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a privately owned publicly accessible (POPS) forecourt area located northwest of the cul-de-sac of the new public street located along the south property line of the subject site providing direct at-grade connections between the new public street and the pedestrian walkway described in iii) above generally within the area identified as "Privately-Owned Publicly-Accessible Space at Ground Level" on Schedule 2 of the Zoning By-law Amendment, 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; and
- ix. prior to registration of the first condominium on the lands, the Owner shall have completed construction of the publicly accessible walkway and forecourt referred to in iii) and viii) 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 access easements.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. The Owner is to provide 50 affordable rental residential units and 50 affordable ownership residential units in the proposed development to the satisfaction of the Director, Affordable Housing Office and the Chief Planner and Executive Director, City Planning Division.
- ii. Prior to the issuance of the first above-grade building permit, the Owner shall provide a conceptual plan that identifies public realm and safety improvements at the intersection of Tippett Road and Wilson Avenue with proportional cost sharing based on trip generation to the satisfaction of the Executive Director, Engineering and Construction Services.
- iii. The total number of parking spaces required to be provided by the Zoning By-law may be reduced by 10% if the following Travel Demand Management (TDM) measures are provided:
 - a) Publicly accessible car-share spaces;
 - b) Bicycle parking for residents and visitors;
 - c) Public bicycle parking including bike-share spaces;
 - d) Electric vehicle charging facility;
 - e) Pick-up/drop off spaces;
 - f) TV monitor to display real time transportation information; and
 - g) Dedicated visitor parking.
- iv. 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 of October 26 and 27, 2009.



Schedule 1

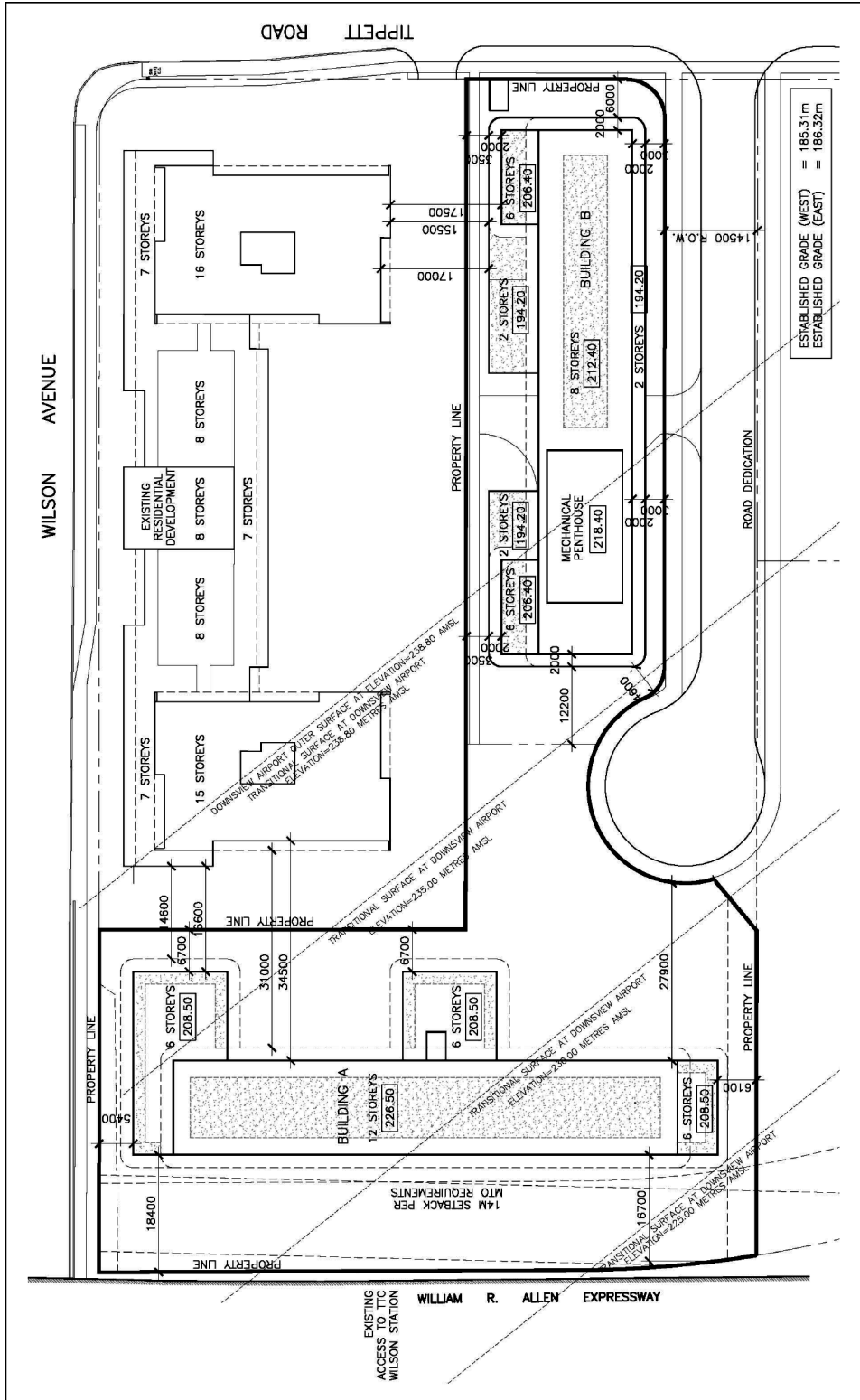
Part of Block A, R.P. 2466 & Part of Lot 2, R.P. 4402, City of Toronto
 Land & Property Surveys, City of Toronto

File # 12 294187 NNY 10 0Z

Date: 10/01/2015
 Approved by: C. Ferguson



i.



Schedule RM6(238)

From Applicant's Drawing

File # 12 294187 NNY 10 0Z

Date: 11/04/2015
 Approved by: C. F.

Not to Scale