

Authority: Local Planning Appeal Tribunal Decision
issued on November 15, 2019 and Order issued on
April 22, 2020 in Tribunal Case PL160073

CITY OF TORONTO

BY-LAW 686-2020(LPAT)

To amend the former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2019 as 3450 Dufferin Street.

Whereas the Local Planning Appeal Tribunal, by its Decision issued on November 15, 2019 and Order issued on April 22, 2020, in Tribunal Case PL160073, approved amendments to the former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 3450 Dufferin Street; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the height or 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 provisions 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 or 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;

Therefore pursuant to the Order of the Local Planning Appeal Tribunal, By-law 7625, the General Zoning By-law of the former City of North York, as amended, is further amended as follows:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.33(35) MC(35)H of By-law 7625 of the former City of North York, as amended, is deleted.
3. Section 64.23 of By-law 7625 of the former City of North York, as amended, is amended by adding the following Section:

64.23(147) C1(147) DEFINITIONS

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

- (i) "Gross Floor Area" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level. Gross floor area may be reduced by the area in a the building used for:
 - (A) parking, loading and bicycle parking below-ground;
 - (B) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (D) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (E) amenity space required by this By-law;
 - (F) elevator shafts;
 - (G) garbage shafts;
 - (H) mechanical penthouse; and
 - (I) exit stairwells in the building.
- (ii) "Storey" shall mean that portion of a building other than a cellar which is included either between one floor level and the next higher floor level between the highest floor level and the underside of the roof of a building. A mechanical penthouse shall not be considered a storey. A mezzanine level located between the first storey and the second full storey of a building shall not be considered a storey, provided that the gross floor area of the mezzanine level shall not exceed 50 percent of the gross floor area of the first storey in the building.
- (iii) "Type C loading space" shall mean a loading space having a minimum length of 6.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 3.0 metres;
- (iv) "Type G loading space" shall mean a loading space having a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres.

USE QUALIFICATIONS

- (b) Outdoor Residential Recreational Amenity Areas may be located on roof top terraces.

EXCEPTION REGULATIONS

LOT COVERAGE

- (c) The provisions of Section 23.2.1 (Lot Coverage) shall not apply.
- (d) The provisions of Section 20.2.2 (Lot Coverage) shall not apply.
- (e) The provisions of Section 14.2.4 (Lot Coverage) shall not apply.

LANDSCAPING

- (f) The provisions of Section 15.8 (Landscaping) shall not apply.
- (g) Within the 3 metre setback indicated on Schedule 2, a minimum of 1 metre of landscaping is required along the property line in front of residential uses. Residential patios, where they exist, are permitted beyond the 1 metre minimum of landscaping.

YARD SETBACKS

- (h) The provisions of Section 23.2.2 (Yard Setbacks) of By-law 7625 shall not apply.
- (i) The provisions of Section 20.2.4 (Yard Setbacks) of By-law 7625 shall not apply.
- (j) The provisions of Section 14.2.3 (Yard Setbacks) of By-law 7625 shall not apply.
- (k) The minimum yard setbacks and building setbacks for buildings and structures above established grade are shown on Schedule 2.
- (l) The minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres from any lot line.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (m) The permitted projections into required yard setbacks shall be as set out in Section 6(9) of By-law 7625, with the exception of:
 - (i) Sills, belt courses, eaves, gutters, chimney breasts and pilasters may extend up to 0.75 metres; and
 - (ii) Balconies may project up to 1.8 metres.
 - (iii) Balconies may not be placed within 3 metres of the outermost corner of a building.

GROSS FLOOR AREA

- (n) Notwithstanding Sections 22.10 (Gross Floor Area) and 20.2.5 (Gross Floor Area) of By-law 7625, the maximum total gross floor area shall be 63,689 square metres, of which:
 - (i) The minimum required non-residential gross floor area shall be 520 square metres; and
 - (ii) The maximum permitted residential gross floor area shall be 63,169 square metres.
- (o) An enclosed transformer vault or utility room located within the first floor will be not be considered as gross floor area.
- (p) Any gross floor area for the provision of facilities secured through a Section 37 agreement, including a day nursery, will not be considered as gross floor area.

BUILDING HEIGHT

- (q) The provisions of Section 6(13) (Schedule D Height Limit), shall not apply.
- (r) The maximum height shall be the number of metres measured from the ground floor and above for all buildings and structures as shown on Schedule 2 and the maximum number of storeys for all buildings and structures are shown by a number following "ST" on Schedule 2.
- (s) The maximum geodetic heights for each of the buildings are:
 - (i) 278.5 metres above Canadian Geodetic Vertical Datum 1928 for the westernmost building with a maximum height of 87.5 metres shown on Schedule 2;
 - (ii) 284.4 metres above Canadian Geodetic Vertical Datum 1928 for the centre building with a maximum height of 93.4 metres shown on Schedule 2; and
 - (iii) 266.1 metres above Canadian Geodetic Vertical Datum 1928 for the easternmost building with a maximum height of 75.1 metres shown on Schedule 2.
- (t) Where a conflict exists between the permitted maximum height and the geodetic maximum height, the lesser height prevails.
- (u) The maximum height shown on Schedule 2 or the geodetic heights in 3(s) may be exceeded as follows:
 - (i) Mechanical penthouses are permitted to a maximum height of 7.0 metres;

- (ii) Architectural features such as parapets, screen walls, and spires are permitted to a maximum height of 10.0 metres;
- (iii) Those building elements which must necessarily be located above the mechanical penthouse such as window washing equipment, chimneys, boiler flues and stacks;
- (iv) The heights outlined in (u)(i) and (ii) are not permitted to be combined.

ANGULAR PLANE

- (v) An angular plane is to be extended at a 45 degree angle measured at a height of 24m at the property line abutting Dufferin Street. No portion of a building may penetrate that angular plane.
- (w) For the purposes of item (v) above, the property line is shown as a dashed line on Schedule 3.
- (x) Where a conflict exists between the permitted height shown on Schedule 2 and the angular plane described in (v), the angular plane prevails.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (y) A minimum of 1.5 square metres per dwelling unit of indoor recreational amenity area shall be provided.
- (z) A minimum of 1.5 square metres per dwelling unit of outdoor recreational amenity area shall be provided.

PARKING

- (aa) All required parking shall be provided below-grade with the exception of surface parking spaces intended for short term parking and delivery.
- (bb) No at-grade parking spaces are permitted within 3.0 metres of any property line of a public street.
- (cc) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, Retail Store parking shall be provided at a rate of a minimum of 1.0 parking spaces per 100 square metres of **Retail Store gross floor area**.
- (dd) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, Day Nursery parking shall be provided at a rate of a minimum of 0.4 parking spaces per 100 square metres of **Day Nursery gross floor area**.
- (ee) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, residential parking shall be provided as follows:

Type of Apartment House Dwelling Unit	Minimum Required Parking Spaces per Dwelling Unit for Residents	Minimum Required Parking Spaces per Dwelling Unit for Visitors
Bachelor	0.60	0.10
One-bedroom	0.70	0.10
Two-bedroom	0.90	0.10
Three-bedroom	1.00	0.10

- (ff) Sections 6A(6)(g) (Non-residential Parking Regulations) of By-law 7625 shall not apply.
- (gg) For all other uses, the required minimum number of parking spaces is to be provided in accordance with the minimum parking space rates applicable to Policy Area 3 as set out in regulation 200.5.10.1(1) and regulation 200.5.1.10(1) does not apply to prevent applying the Policy Area 3 parking space rates.

BICYCLE PARKING

- (hh) Bicycle parking will be provided on the lands shown on Schedule 1, as follows:
- (i) A minimum of 1.0 bicycle parking spaces for each dwelling unit, allocated as 0.9 "long-term" bicycle parking space per dwelling unit and 0.1 "short-term" bicycle parking space per dwelling unit;
 - (ii) A minimum of 3 plus 0.3 bicycle parking spaces for each 100 square metres of interior floor space for "short-term" bicycle parking used for a retail store; and
 - (iii) A minimum of 0.2 bicycle parking spaces for each 100 square metres of interior floor space for "long-term" bicycle parking used for a retail store.
- (ii) Bicycle parking spaces will comply with the following minimum dimensions:
- (i) Minimum length of 1.8 metres, minimum width of 0.6 metres and minimum vertical clearance from the ground of 1.9 metres;
 - (ii) Minimum length of 1.9 metres, minimum width of 0.6 metres and minimum vertical clearance from the ground of 1.2 metres if placed in a vertical position on a wall, structure or mechanical device; and
 - (iii) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.
 - (iv) If a stacked bicycle space is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent

bicycle, the minimum required width of each such stacked bicycle parking space is 0.375 metres.

LOADING

- (jj) Section 6A(16) shall not apply.
- (kk) A minimum of 3 Type G loading spaces and one Type C loading space shall be provided for all uses on the lot.

FLOOR PLATES

- (ll) The floorplate of the 29-storey tower shown on Schedule 2 shall have a maximum gross floor area of 800 square metres.
- (mm) The floorplates of the 23- and 27-storey building shown on Schedule 2 shall each have a maximum gross floor area of 750 square metres.
- (nn) Regulations (ll) and (mm) above do not apply to the podium portion of any building, being the first 4 storeys above ground.

OTHER PROVISIONS

- (oo) A minimum of 10 percent of the total number of dwelling units constructed on the lands shown on Schedule 1 shall contain three or more bedrooms, provided that 10 percent need not be provided in each individual building.
 - (pp) Regulation 23.2.4.2 shall not apply.
 - (qq) Regulation 23.2.4.3 shall not apply.
4. Section 64.37 of By-law 7625 of the former City of North York, as amended, is amended by adding the following Section:

64.37(50) O1(50)

PERMITTED USES

- (a) In addition to those uses set out in Section 64.37(1), a temporary road is permitted.
5. Section 64.23 of By-law 7625 of the former City of North York is amended by adding Schedule 1, Schedule 2 and Schedule 3 attached to this By-law.
6. Notwithstanding any severance, partition or division of the lands shown on Schedule 1, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.

7. Section 37 Agreement

- (a) Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this exception are permitted subject to compliance with the conditions set out in this exception and in return for the provision by the owner of the lands shown on Schedule 1 of the facilities, services and matters set out below, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.
- (b) Upon execution and registration of the said agreement or agreement(s), the said lands are subject to the provisions of this exception, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
- (c) The owner, at the owner's expense and in accordance with and subject to the said agreement(s), shall provide or fund the following facilities, services and/or matters:

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 lands as shown on Map 1 of this By-law (the "Site") and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (i) No later than the earlier of registration of the condominium corporation in the second most easterly building on the Site, the first residential occupancy of the easterly building on the Site, registration of a condominium corporation in the easterly building on the Site or three years after the issuance of an above-grade building permit for any building on the Site, the owner at its sole expense agrees to construct, complete to a level of substantial performance as defined in the Construction Act, with all systems commissioned, operating, fully functional and in good repair, a Child Care Facility in the podium between the two easterly buildings on the Site, including associated exterior play space in compliance with the City of Toronto Child Care Development Guideline September 2016, and, as applicable, Toronto Children's Services Early Learning & Child Assessment for Quality Improvement, 2014 (AQI), the Toronto Accessibility Guidelines, 2004 and all then-current criteria necessary to obtain a license to operate the Child Care Facility, technical standards issued by governing authorities for child care facilities, all provincial legislation, regulations and codes, municipal by-laws and regulations as may be amended, including, without limitation: the Child Care and Early Years Act, 2014; CAN/CSA-Z614-03 Children's Play Spaces & Equipment or equivalent, Annex H; the Accessibility for Ontarians with

Disabilities Act; and the Tier 1, Toronto Green Standard, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

- A. The Child Care Facility shall comprise of not less than 884 square metres of interior gross floor area, and not less than 280 square metres of contiguous exterior play area, immediately adjacent to or above the interior space, including outdoor storage. The Child Care Facility is to be located on the ground floor of the building, and if floor space is limited, may be located over two floors but in this case the Facility must have a dedicated elevator, exclusive to the Child Care Facility, on the parking level where the Child Care Facility parking spaces are located, accessing all floor levels related to the Child Care Facility, to the satisfaction of the Director, Real Estate Services, in consultation with the General Manager, Children's Services;
- B. The 884 square metres of interior space do not include any required space related to the Child Care Facility beyond the Child Care Facility's demising walls, including but not limited to space required for any elevator vestibule and shaft, parking spaces, and lobby and building common areas;
- C. The Child Care Facility shall have a dedicated entrance on the ground level for the exclusive use of the Child Care Facility, which space shall be included within the 884 square metres;
- D. No floor area associated with the Child Care Facility shall be considered gross floor area for the purposes of the applicable zoning by-law and Official Plan policy, and no additional parking or loading spaces will be required beyond applicable zoning by-law requirements. Access to loading, parking, garbage room, pick-up and drop off will be provided and finalized through the approval of drawings through Site Plan Approval;
- E. The Child Care Facility shall be leased to the City for one 99-year term, completely rent free, other than a nominal rent of two dollars. The owner shall be responsible for the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes and local improvement charges, but the owner shall have no obligation to replace, repair or maintain the supplies, equipment, fixtures, furnishings or other property of the subtenant/operator;
- F. Land transfer taxes will be the responsibility of the owner provided that the Owner may seek reimbursement from the applicable governmental authorities for any land transfer taxes payable once the Lease has been registered on title to the Lands and the land transfer taxes have been paid. If the City receives the benefit of

any refunds, exemptions or rebates of land transfer tax in connection with the Lease, such benefits shall be held by the City in trust for the Owner and the City shall pay to the Owner the value of any such refund, exemption or rebate received by the City;

- G. Priority placement at the Child Care Facility will be provided for the children of the owners/occupiers and employees of the future condominium corporation operating on the Site;
 - H. The owner shall not be responsible for any operational costs incurred in the operation of the Child Care Facility, including but not limited to staffing, teaching/office supplies, supplies, content insurance and caretaking;
 - I. The owner shall be responsible for all up-front development and construction cost and related to the Child Care Facility including but not limited to Building Permit fees, applicable Development Charges, and park levies.
- (ii) Prior to the issuance of the first above grade building permit for the proposed development on the Site, the owner shall pay a \$400,000.00 cash contribution to the City as a contribution to a capital reserve fund for the Child Care Facility, which payment shall be paid in a form satisfactory to the City, indexed upwardly in accordance with the Construction Price Index, calculated from the date of the Tribunal Order approving this By-law to the date of first Above-Grade Building Permit.
- In the event that the cash contribution has not been used for the intended purposes within three (3) years after the date the Amending By-law comes into full force and effect, the cash contribution may be redirected for another purpose or purposes, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose or purposes are identified in the Official Plan and will benefit the community in the vicinity of the Site.
- (iii) Prior to issuance of the first above grade building permit for the proposed development on the Site, the owner shall pay an additional \$700,000.00 cash contribution to the City for other public benefits in the vicinity of the Site, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, which payment shall be paid in a form satisfactory to the City, indexed upwardly in accordance with the Construction Price Index, calculated from the date of the Tribunal Order approving this By-law to the date of first Above-Grade Building Permit.
- (iv) Prior to the earlier of the first residential occupancy of the second building on the Site or 30 months from the issuance of the first above grade building permit, the Owner shall dedicate no less than 2,331 square metres

of Park Land to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Park Land shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements; except for a 4.5 metre wide temporary driveway connecting the future public roads being provided within the Development, and for which the terms shall be set out in the Section 37 Agreement for the Site.

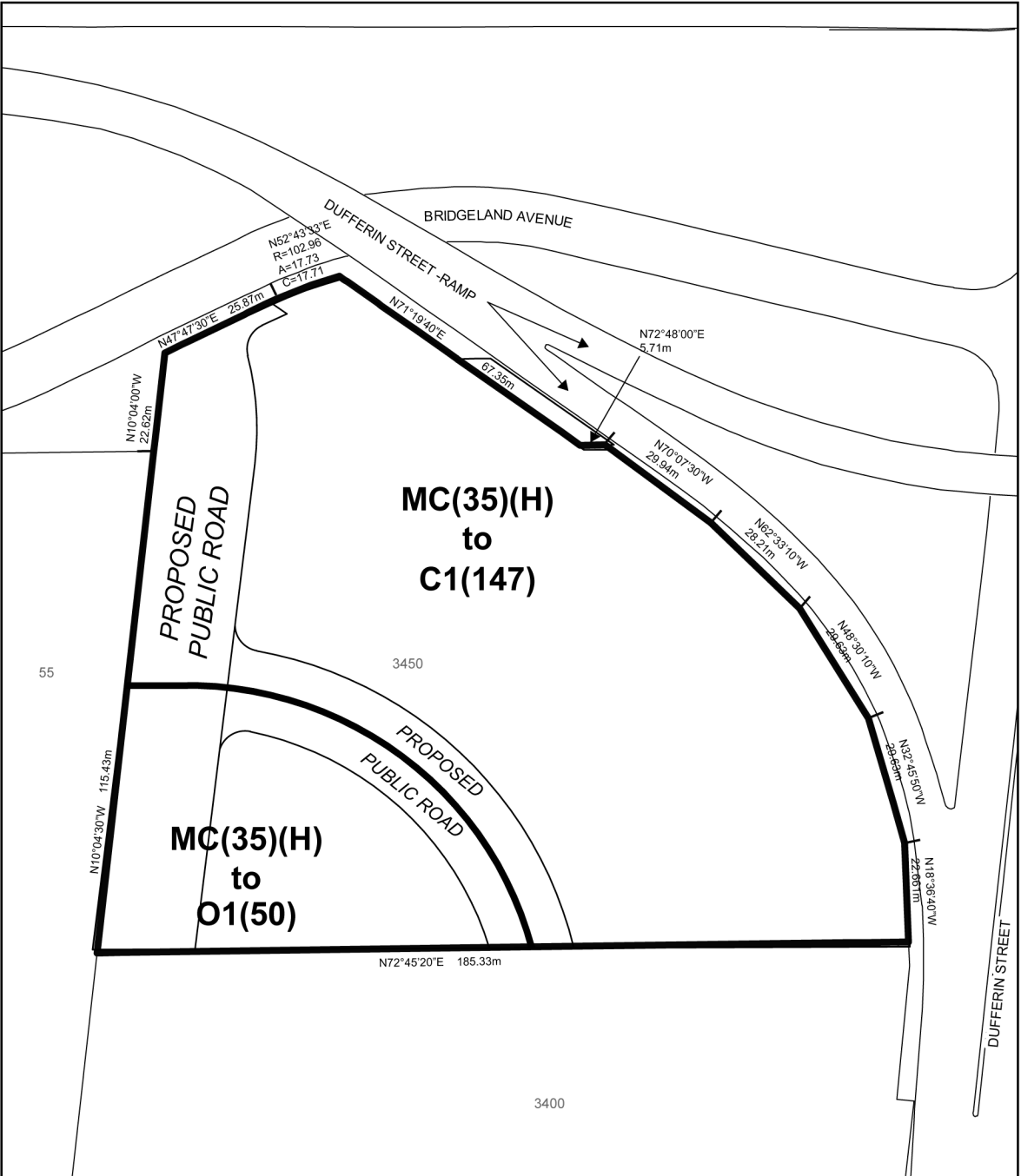
- (v) The Owner shall design, construct, operate and maintain a midblock connection as generally reflected on the plans dated December, 2018 and filed with the City on March 19, 2019.
- (vi) The Owner shall construct and maintain the development at a minimum in accordance with Tier 1 performance measures 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.
- (vii) The Owner shall provide the following Transportation Demand Measures, to the satisfaction of the Director of Community Planning, North District:
 - A. a private shuttle bus service to facilitate enhanced linkage between each building on the Site and the Yorkdale TTC Station. The private shuttle bus service shall be operated either by the condominium corporation(s) or be secured through a SmartCommute membership agreement. The private shuttle bus service shall initially operate on a minimum fifteen minute headway during peak weekday periods and be scaled to respond to demand from residents and other occupants of the Development. The private shuttle service may be expanded to connect the Site to other destinations requested by residents and other occupants of the Development;
 - B. pre-paid Presto transit cards to all new purchasers of condominium units, or new tenants of rental units, each with a minimum value of \$200.00;
 - C. twenty-three (23) car-share spaces at publicly accessible locations; and secured with one or more service agreements with one or more car-share companies;
 - D. three (3) carpool spaces at publicly accessible locations;

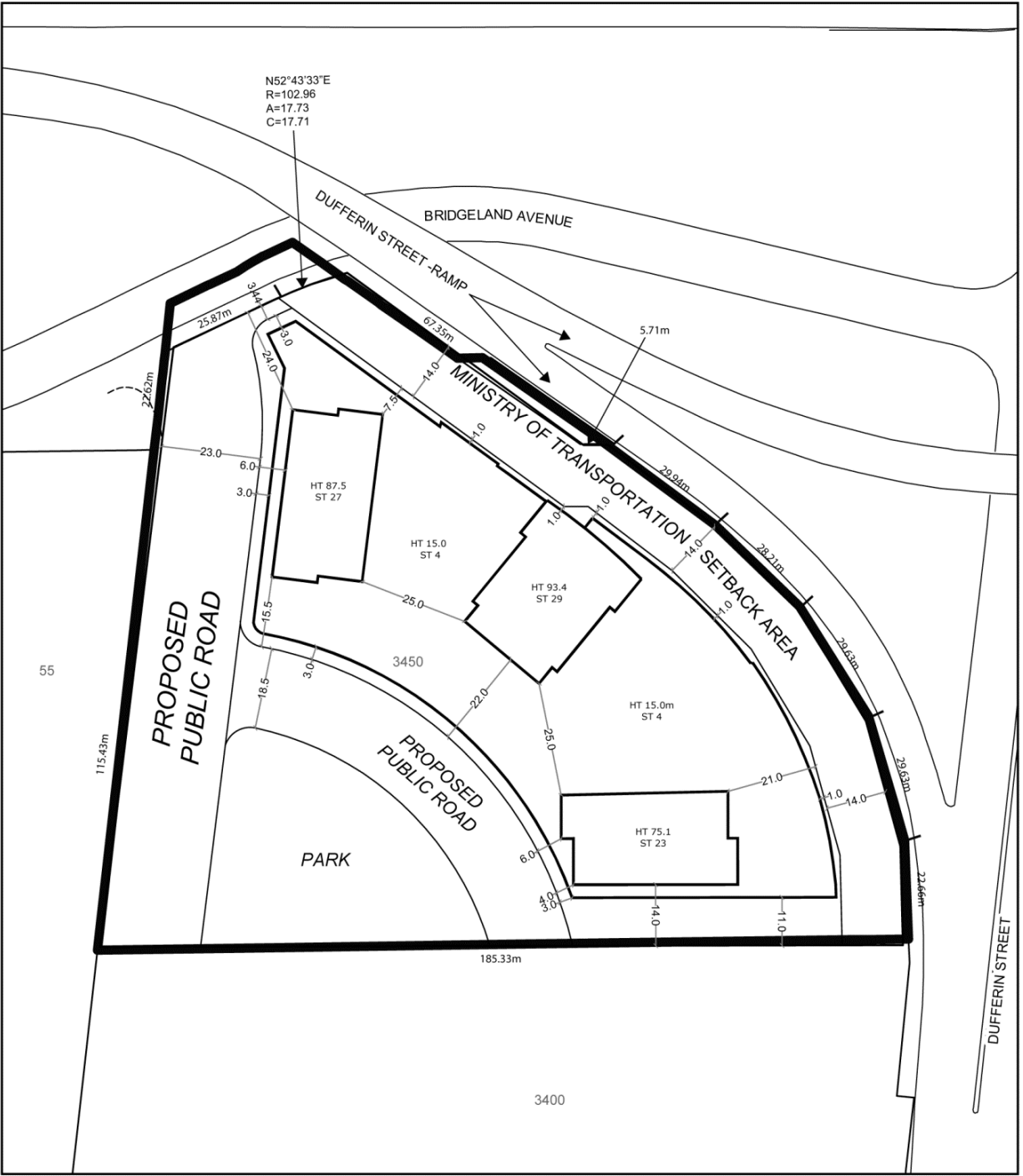
- E. seventeen (17) resident parking spaces installed with Electric Vehicle Supply Equipment ("EVSE");
- F. two (2) visitor parking spaces installed with EVSE;
- G. thirty-nine (39) resident parking spaces, designed with conduits to allow future installation of EVSE;
- H. five (5) visitor parking spaces, designed with conduits to allow future installation of EVSE;
- I. a smart transportation information display in the lobbies of each of Building A, Building B, and Building C;
- J. two (2) bike repair stations for each of Building A, Building B, and Building C; one in each building to be situated within the long-term resident parking area, and one in each building to be situated proximate to the visitor bike parking area;
- K. the equivalent financial contribution to four, 11-position bike share docking stations at \$50,000.00 per station or a total of \$200,000.00 (the "TDM Contribution"), to be used by the City to deploy docking stations within the City's right-of-way in proximity to the proposed cycling interchange identified in the Dufferin Street Secondary Plan, subway stations, public parks and community centres in the Dufferin Street Secondary Plan Area;
- L. enhanced pedestrian connections to Dufferin Street, Bridgeland Avenue, and the on-Site public park. In particular the Owner shall provide:
 - 1. enhanced transit stop infrastructure and connections between the Development and the transit stop locations on Bridgeland Avenue closest to the Site;
 - 2. enhanced transit stop infrastructure and connections between the Development and the transit stop locations on Dufferin Street closest to the Site; and
 - 3. an enhanced pedestrian crossing environment across the Dufferin Street corridor at the junction of Dufferin Street and the future public road opposite Yorkdale Shopping Centre.
- M. The specific location, configuration, and design of the transportation demand measures listed in items 1 to 12 inclusive above shall be determined in the context of the Site Plan Application process, pursuant to Section 114 of the City of Toronto Act, 2006, as amended, and as applicable, Section 41 of

the Planning Act, as amended, and secured in the Site Plan Agreement for the Site.

- N. The TDM Contribution is to be paid by the Owner to the City prior to the issuance of an Above Grade Building Permit for the Development of the Site.
- O. The amount of the TDM Contribution shall be paid in a form satisfactory to the City, indexed upwardly in accordance with the Construction Price Index, calculated from the date of the LPAT Order approving the Amending By-laws to the date of first Above-Grade Building Permit.

Pursuant to Local Planning Appeal Tribunal Decision/Order issued on November 15, 2019 and April 22, 2020 in Tribunal Case PL160073.

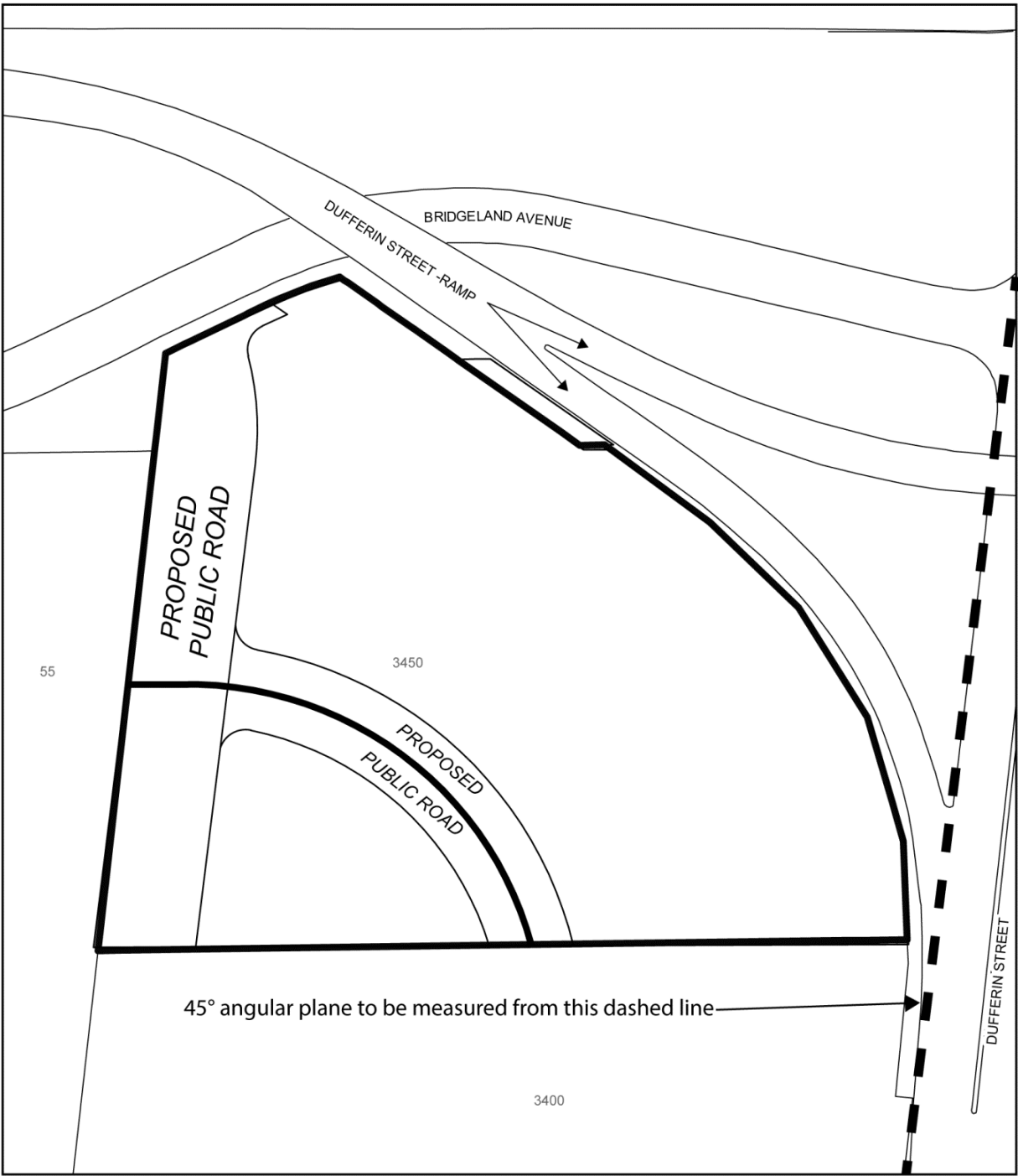




 **TORONTO**
Schedule 2

3450 Dufferin St.

File # 16 216502 NNY 15 0Z



 **TORONTO**
Schedule 3

3450 Dufferin St.

File # 16 216502 NNY 15 02

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Former City of North York By-law 7625
Not to Scale
8/20/2019