

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 687-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 3450 Dufferin Street.

Whereas the Local Planning Appeal Tribunal, pursuant to its decision in respect of Board File PL160073 issued on November 15, 2019 after hearing the appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, with respect to 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 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 and 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, the 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 569-2013 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;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, By-law 569-2013, as amended, is further amended as follows:

- 1.** The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2.** The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
- 3.** Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 1.0 (c1.0; r0.0) SS2 (x204) and OR as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, the Lot Coverage Overlay Map in Section 995.30.1, and the Rooming House Overlay Map in Section 995.40.1 with no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 45 as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 204 so that it reads:

(204) Exception CR 204

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 3450 Dufferin Street, if the requirements of Section 8 and Schedule A of By-law 687-2020(LPAT) are complied with, a building, structure, addition or enlargement may be constructed or used if it complies with (B) to (CC) below.
- (B) Despite regulation 40.10.20.40 (1) (B), a Mixed Use Building is a permitted building type for dwelling units.
- (C) A minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms, provided that 10 percent need not be provided in each individual **building**.
- (D) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** or **structures** is 63,689 square metres, of which:
 - (i) The minimum required non-residential **gross floor area** is 520 square metres; and
 - (ii) The permitted maximum residential **gross floor area** is 63,169 square metres.
- (E) A Child Care Facility provided as part of a Section 37 agreement will not be considered **gross floor area**.
- (F) An enclosed transformer vault or utility room located within the ground floor will not be considered **gross floor area**.

- (G) Despite regulation 40.10.40.10(2) the permitted maximum height of any **building** or **structure** the ground floor and above is the numerical value, in metres, following the letters "HT" on Diagram 5 of By-law 687-2020(LPAT).
- (H) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in any **building** is specified by the numbers following the symbol ST on Diagram 5 of By-law 687-2020(LPAT).
- (I) The permitted maximum number of **storeys** shall not include a mezzanine level located between the first **storey** and the second full **storey** of a **building** 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**.
- (J) Despite (G) and (H) above, the permitted maximum height of any **building** or **structure** may not exceed the geodetic heights for each **building** as follows:
- (i) 278.5 metres above Canadian Geodetic Vertical Datum 1928 for the westernmost **building** with a maximum height of 87.5 metres shown on Diagram 5 of By-law 687-2020(LPAT);
 - (ii) 284.4 metres above Canadian Geodetic Vertical Datum 1928 for the centre **building** with a maximum height of 93.4 metres shown on Diagram 5 of By-law 687-2020(LPAT); 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 Diagram 5 of By-law 687-2020(LPAT).
- (K) Where a conflict exists between the permitted maximum height and the permitted maximum geodetic height, the lesser height prevails.
- (L) Despite (G), (H) and (I) above and regulations 40.5.40.10(4), (5), (6) and (7), the following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 5 of By-law 687-2020(LPAT) or the geodetic heights in (J) above, as applicable:
- (i) Mechanical penthouses are permitted to a maximum height of 7.0 metres and may extend above the maximum number of **storeys**;
 - (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; and
 - (iv) For clarity, the vertical extension permitted in (L)(i) and (ii) above may not be combined.

- (M) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown on Diagram 5 of By-law 687-2020(LPAT).
- (N) Despite (M) above, the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 5 of By-law 687-2020(LPAT):
- (i) Architectural projections may encroach up to 0.75 metres;
 - (ii) Balconies may encroach up to 1.8 metres; and
 - (iii) Balconies may not be placed within 3 metres of the outermost corner of a building.
- (O) No portion of a **building** or **structure** may penetrate a 45 degree **angular plane** projected over the **lot**, measured at a line parallel to and at a height of 24 metres above a **lot line** abutting Dufferin Street.
- (P) For the purposes of item (O) above, the **lot line** abutting Dufferin Street is shown as a dashed line on Diagram 3.
- (Q) Where a conflict exists between the permitted height shown on Diagram 5 of By-law 687-2020(LPAT), including any vertical extension beyond, and the **angular plane** described in (O), the **angular plane** prevails.
- (R) Despite regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 3.0 square metres for each **dwelling unit**, of which:
- (i) At least 1.5 square metres per **dwelling unit** is indoor **amenity space**;
 - (ii) At least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) No more than 25 percent of the outdoor component may be a **green roof**.
- (S) Despite regulation 200.5.10.1(1), **parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.6 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.7 **parking spaces** for each one-bedroom **dwelling unit**;
 - (iii) 0.9 **parking spaces** for each two-bedroom **dwelling unit**;
 - (iv) 1.0 **parking spaces** for each three or more bedroom **dwelling unit**;
 - (v) 0.1 **parking spaces** per **dwelling unit** for residential visitors;

- (vi) 1.0 **parking spaces** per 100 square metres of **retail store gross floor area**; and
 - (vii) 0.4 **parking spaces** per 100 square metres of **day nursery gross floor area**; and
 - (viii) 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.
- (T) All required **parking spaces** must be provided below-ground with the exception of surface **parking spaces** used for short term parking and delivery, which must be clearly identified and marked for that purpose.
- (U) A surface **parking space** must be set back a minimum of 3.0 metres from any **lot line** abutting a **street**.
- (V) Despite regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path, which can be shared between two adjacent accessible **parking spaces**.
- (W) Despite regulation 200.15.10(1), a minimum of 5 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces** must comply with all regulations for an accessible **parking space**.
- (X) Despite clause 220.5.10.1, a minimum of 1 Type "C" **loading space** and a minimum of 3 Type "G" **loading spaces** must be provided and maintained on the **lot**.
- (Y) Despite regulation 230.5.1.10 (11), **bicycle parking** must be provided 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**.
- (Z) Despite regulation 230.5.1.10(4), if a staggered and **stacked bicycle parking 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.
- (AA) Despite regulation 40.10.100.10, two **vehicle** accesses are permitted to the **lot**.
- (BB) The permitted maximum **gross floor area** of individual floor levels is as follows:
- (i) The floorplate of the 29-**storey** tower shown on Diagram 5 of By-law 687-2020(LPAT) must have a maximum **gross floor area** of 800 square metres; and
 - (ii) The floorplates of the 23 and 27-**storey building** shown on Diagram 5 of By-law 687-2020(LPAT) must each have a maximum **gross floor area** of 750 square metres.
 - (iii) Regulation (BB) above does not apply to the podium portion of any **building**, being the first 4 storeys above ground.

Prevailing By-laws and Prevailing Sections: (None Apply)

7. Notwithstanding any severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred
8. 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 density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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

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 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:

1. 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;

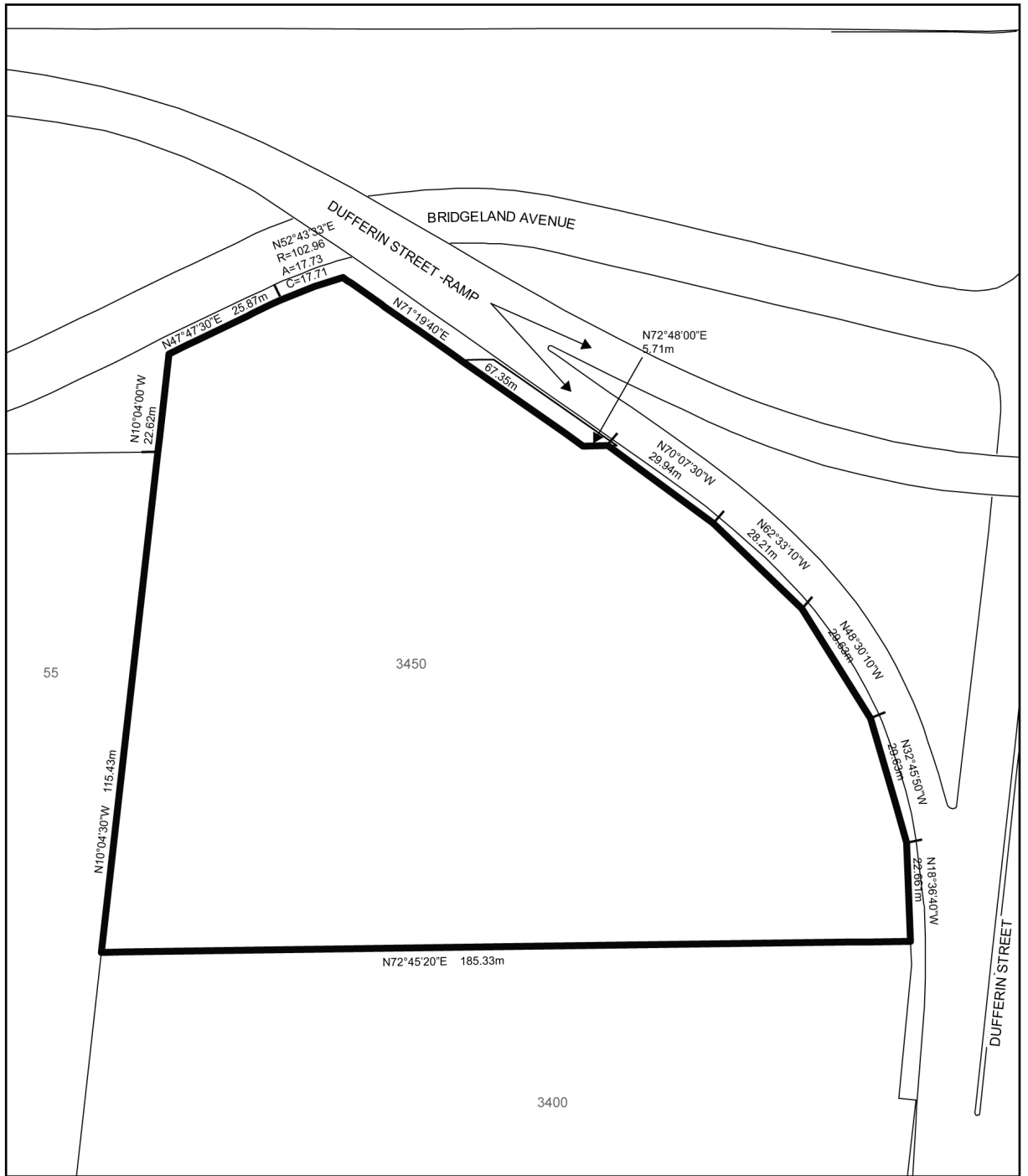
- e. The Child Care Facility shall be leased to the City for one 99-year term, completely rent free, other than a nominal rent of two dollars. The owner shall be responsible for the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, 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.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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:
 - i. enhanced transit stop infrastructure and connections between the Development and the transit stop locations on Bridgeland Avenue closest to the Site;
 - ii. enhanced transit stop infrastructure and connections between the Development and the transit stop locations on Dufferin Street closest to the Site; and
 - iii. 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.
8. The specific location, configuration, and design of the transportation demand measures listed in items 7a to 7l 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.
9. 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.

10. 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.

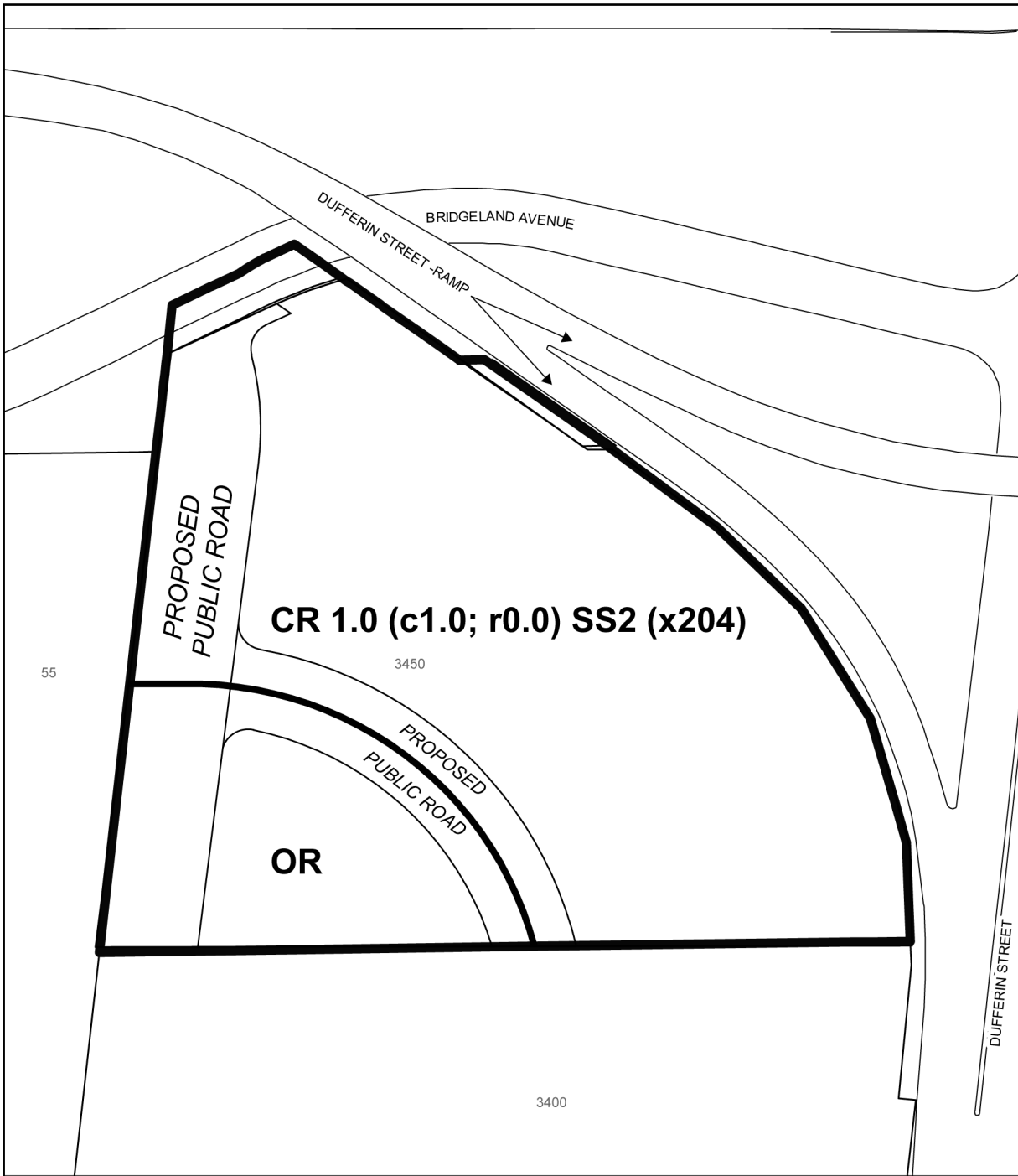


 **TORONTO**
Diagram 1

3450 Dufferin St.

File # 16 216502 NNY 15 0Z





 **TORONTO**
Diagram 2

3450 Dufferin St.

File # 16 216502 NNY 15 0Z



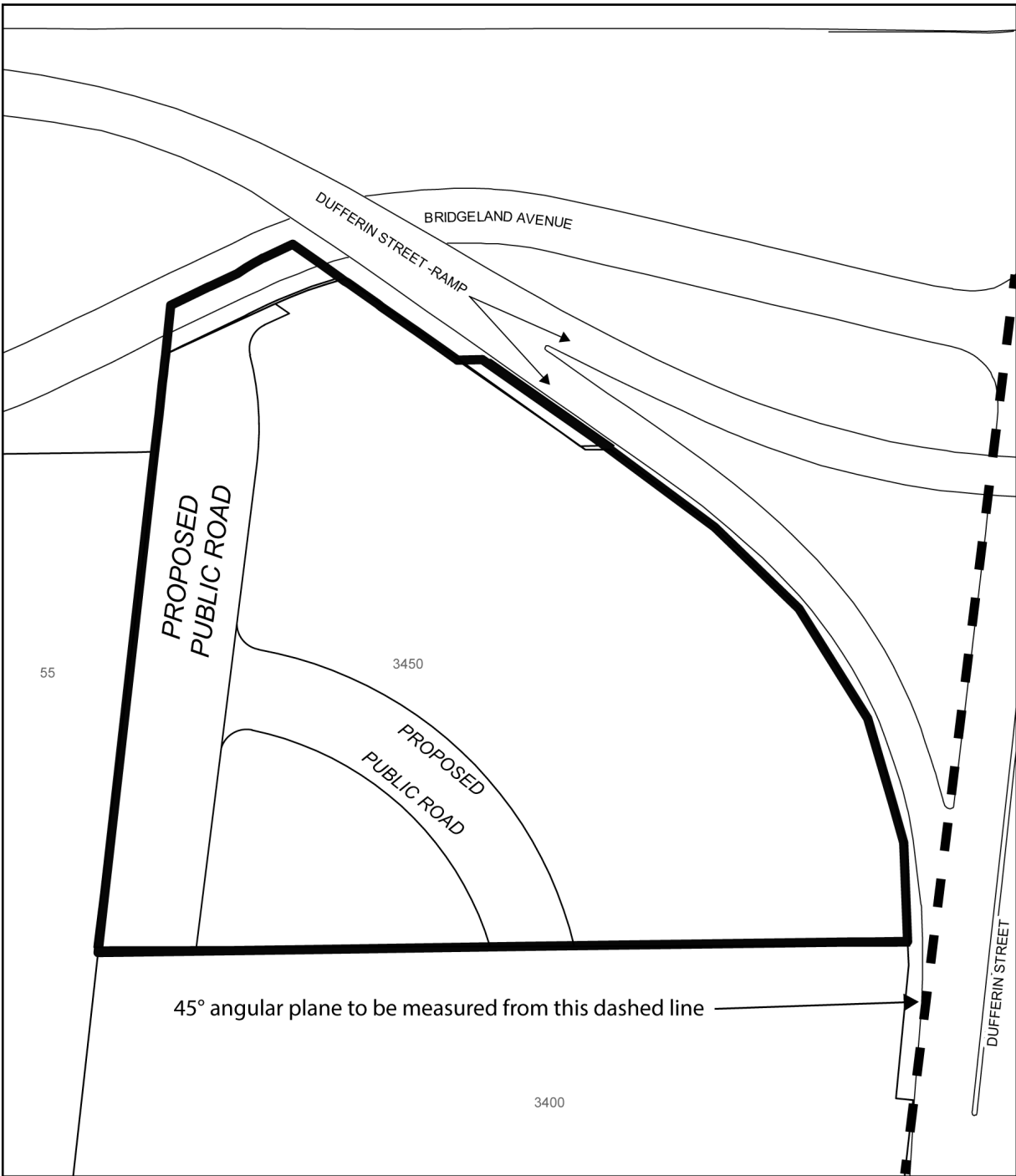
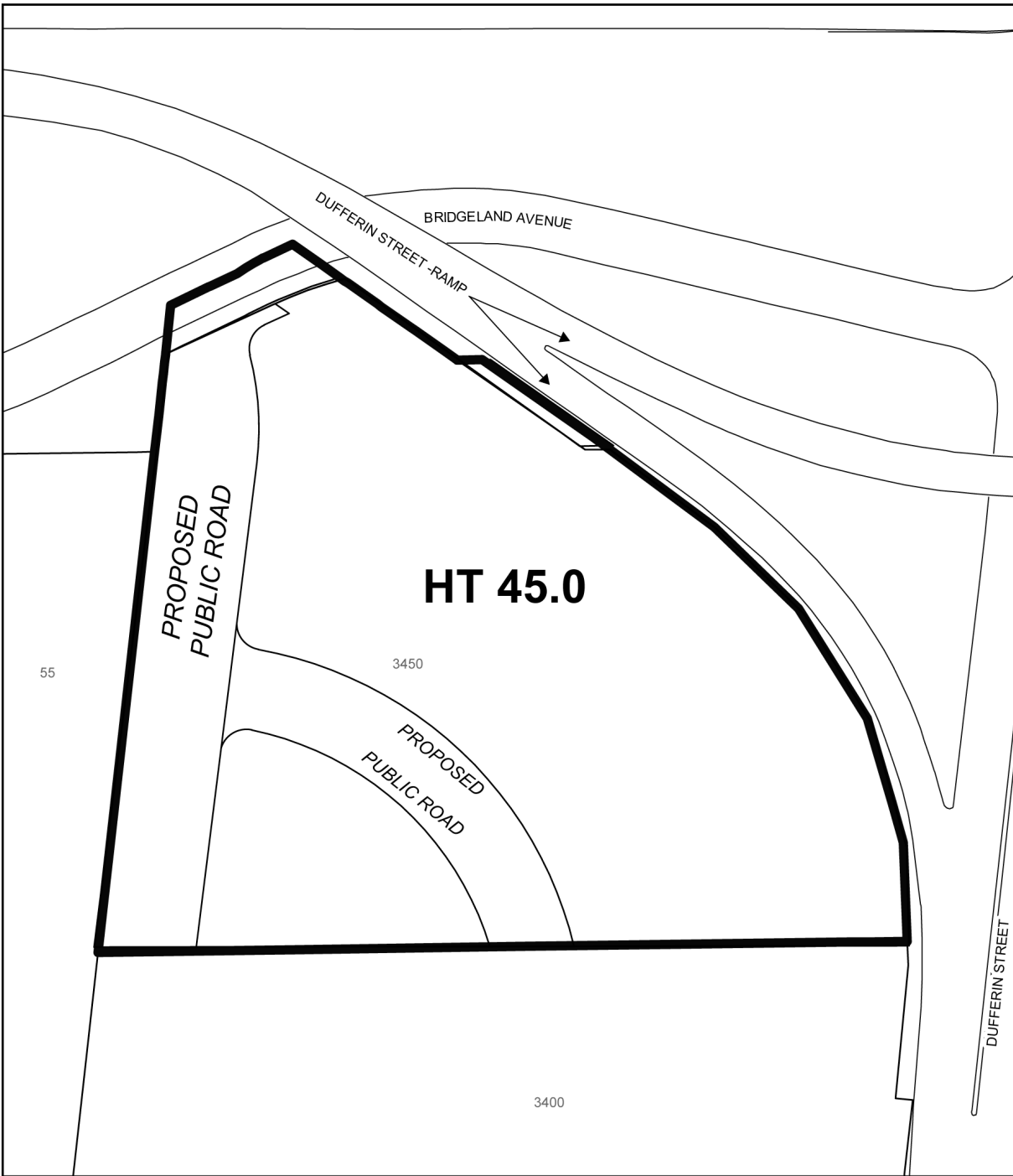



Diagram 3

3450 Dufferin St.

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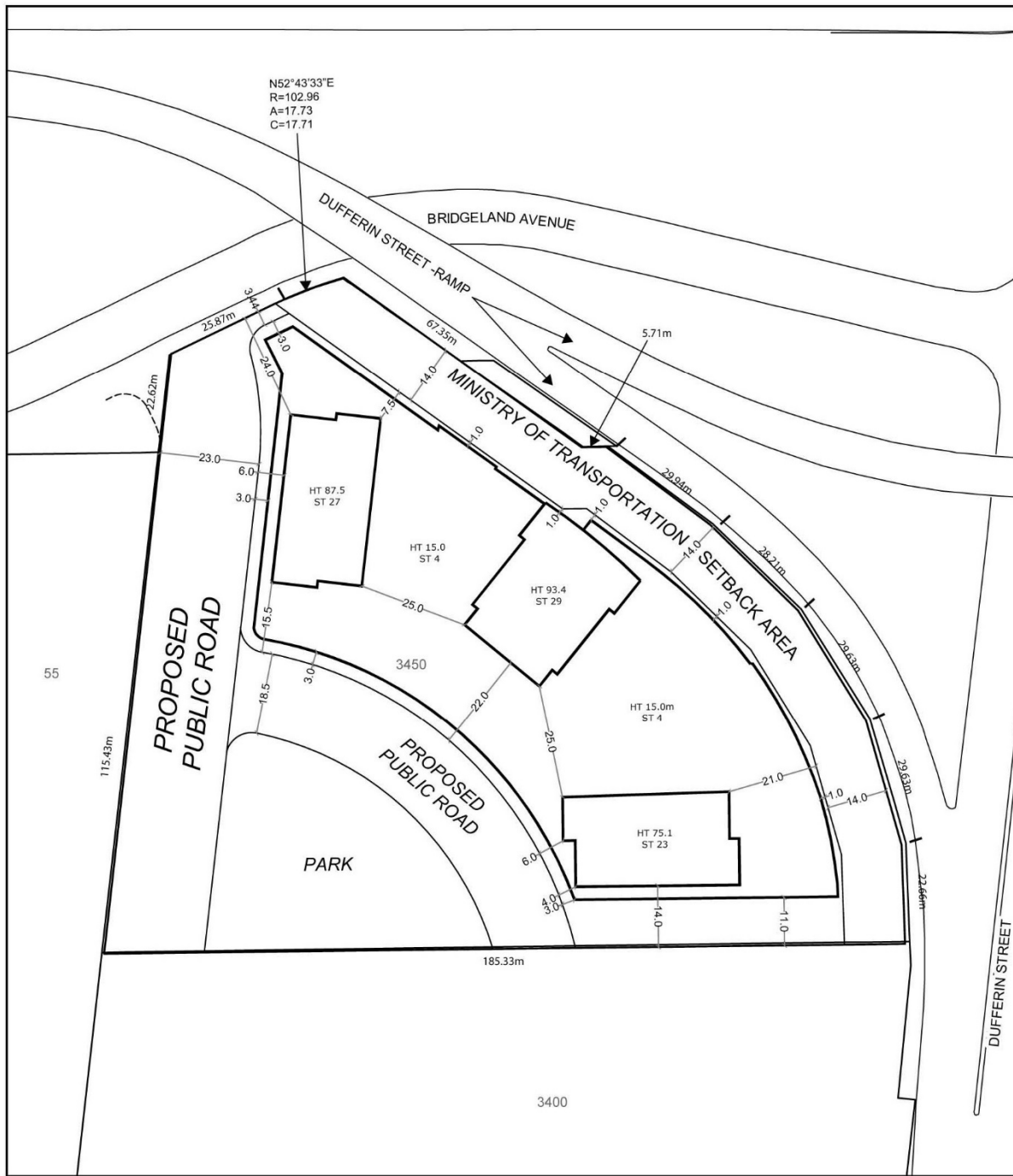
 **TORONTO**
Diagram 4

3450 Dufferin St.

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City of Toronto By-law 569-2013
Not to Scale
8/20/2019



 **TORONTO**
Diagram 5

3450 Dufferin St.

File # 16 216502 NNY 15 0Z

