

CITY OF TORONTO

BY-LAW 41-2022(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2019 as 4 and 6 Tippett Road.

Whereas the Local Planning Appeal Tribunal by its Decision/Order issued on April 3, 2019 for File PL161278, approved amendments to former City of North York Zoning 7625, as amended, with respect to the lands known municipally as 4 and 6 Tippett Road; and

Whereas the Local Planning Appeal Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended to pass this by-law; 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;

The Ontario Land Tribunal Orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended by rezoning the lands identified on Schedule 1 attached to this By-law from "M2 – Industrial Zone Two" to "Multiple Family Dwellings Sixth Density Zone – RM6(273)" and "Open Space Zone – O1(53)".
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-A(273) RM6(273)**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) "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" 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.
 - (vi) "Car Share" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
 - (vii) "Car Share Parking Space" shall mean a parking space that is exclusively reserved and actively used for car sharing.
 - (viii) "Established Grade" shall mean 187.6 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
 - (ix) "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;

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- (C) loading spaces and bicycle parking space 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.
- (x) "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.
 - (xi) "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, and shall also include a guest suite.
 - (xii) "Software Development and Processing" shall mean premises used for software development and testing, or for the collection, analysis, processing, storage or distribution of electronic data.
 - (xiii) "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.
 - (xiv) "Type 'C' loading space" shall mean a loading space that is a minimum of 3.5 metres wide, a minimum of 6.0 metres long and has a minimum vertical clearance of 3.0 metres.

PERMITTED USES

- (b) The following uses shall be permitted:
 - (i) Apartment House Dwelling and uses accessory thereto; Multiple Attached Dwelling; Live-work Use; Art Gallery; Artist Studio; Showroom; Industrial Sales and Service; Business Office; Commercial Gallery; Commercial Recreation; Commercial Parking Garage; Commercial

School; Adult Education School; College; Community Centre; Custom Workshop; Day Nursery; Dry Cleaning and

- (ii) 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 64(22); Personal Service Shop; Professional Medical Office; Wellness Centre, Professional Office; Communications and Broadcasting; Health Science Research Laboratory; Research Laboratory; and Software Development and Processing; **Restaurant**; Retail Store; Service Shop; **Take-out Restaurant**; Temporary Rental Office and Temporary Sales Office; and Veterinary Clinic.

USE QUALIFICATIONS

- (c) Non-residential uses shall be restricted to the first two storeys of the buildings.
- (d) A **Restaurant** or **Take-Out Restaurant** shall not have a drive-through facility.
- (e) Outdoor Residential **Recreational Amenity Areas** may be located on balconies, terraces and rooftop terraces or at grade.

EXCEPTION REGULATIONSLOT COVERAGE

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

YARD SETBACKS

- (g) The minimum front, side and rear yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule RM6(273).
- (h) The minimum yard setback for a parking structure and structures associated thereto below Established Grade is 0.0 metres.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (i) Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), terraces, porches, decks, decorative or screen walls and exterior steps located at grade, may be permitted to project into minimum yard setbacks and from all building elements shown on Schedule RM6(273) by a maximum of 3.6 metres.
- (j) Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), balconies, canopies, bay windows, box windows, projecting windows, roof overhangs, eaves, or roofs of dormer windows, chimneys, pilasters, and projecting columns may be permitted to project into minimum yard setbacks and from all building elements shown on Schedule RM6(273) by a maximum of 2.0 metres.

- (k) For portions of buildings at or below a height of 210.0 metres above sea level permitted projections outlined in (j) above may project a maximum of 2.0 metres:
- (i) into the minimum above-ground distance between the north and south buildings as shown on Schedule RM6(273);
 - (ii) into the minimum building setbacks required from Tippett Road and the future public road; and
 - (iii) the total length of all permitted projections in (k) does not exceed 20 percent of the building face on each storey.
- (l) Notwithstanding (j) above, canopies for weather protection may project into minimum yard setbacks required along Tippett Road and the future public road, and at main residential entrance areas up to 3.0 metres.
- (m) Exit stairs to a below grade garage, stair enclosures, and transformer vaults may project beyond building envelopes into the minimum yard setbacks except above grade in the minimum yard setbacks along Tippett Road, the future public road and the public park.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS FORMING COURTS

- (n) The minimum separation between buildings shall be as shown on Schedule RM6(273), provided that balconies and canopies may be permitted to project into minimum separation distances by a maximum of 2.5 metres.

BALCONIES

- (o) Notwithstanding subsection (j) above, balconies are not permitted to project into the required building setbacks above a height of 210.0 metres above sea level shown as being subject to "Balcony Restrictions" on Schedule RM6(273).

GROSS FLOOR AREA

- (p) The maximum gross floor area for all uses on lands zoned as RM6(273) shall be 45,270 square metres, subject to the following:
- (i) the maximum gross floor area for residential uses shall be 42,240 square metres; and
 - (ii) the minimum gross floor area for non-residential uses shall be 3,030 square metres, of which a minimum of 1,515 square metres is located on the second floor of the north building as shown on Schedule RM6(273) and is used only for the following non-residential uses:
 - a. any business, clerical, administrative and professional use including, but not limited to:

Business office; Professional Medical Office; Wellness Centre, Professional Office; Communications and Broadcasting; Health Science Research Laboratory; Research Laboratory; and Software Development and Processing.

BUILDING HEIGHT

- (q) Notwithstanding Schedule 'D' of By-law 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(273). 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(273) as shown by the number following "MGE" (being maximum geodetic elevation) on Schedule RM6(273).
 - (iii) In no case shall any building or structure, inclusive of any accessory component, exceed 243.0 metres above sea level.
 - (iv) Chimneys, screens, antennae, elevator machine rooms, mechanical penthouses and parapet walls shall be permitted to project a maximum of 5.0 metres above the maximum Building Height provided that subsection (p)(iii) above has been complied with.
 - (v) Trellises, stairways and stair enclosures, guard rails, pergolas, eaves, roof drainage, architectural features, landscaping, skylights, vents shall be permitted to project a maximum of 3.0 metres above the maximum Building Height provided that subsection (p)(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(273) zone shall be provided within the RM6(273) zone.

- (u) Notwithstanding Section 6A(2)(Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be provided in accordance with the following:
 - (i) Residential:
 - a. Bachelor – 0.6 parking spaces per dwelling unit;
 - b. 1-Bedroom – 0.7 parking spaces per dwelling unit;
 - c. 2-Bedroom – 0.9 parking spaces per dwelling unit;
 - d. 3 or more Bedroom – 1.0 parking space per dwelling unit; and
 - e. Visitors – 0.1 parking spaces per dwelling unit.
 - (ii) Non-residential:
 - a. 1.0 parking space per 100 square metres of gross floor area for non-residential uses and up to a maximum of 4.0 parking spaces per 100 square metres of gross floor area for non-residential uses.
- (v) Parking spaces provided for residential visitors and parking spaces for non-residential uses may be shared. A parking charge is permitted for parking for non-residential uses.
- (w) A maximum of 4 car share parking spaces may be provided on the site. For every car share parking space provided, the minimum number of parking spaces required by subsection (u)(i) may be reduced by 4 parking spaces.
- (x) The total number of parking spaces required to be provided under subsection (u) above may be reduced by 10 percent if the following Travel Demand Management (TDM) measures are provided:
 - (i) Publicly accessible car-share spaces;
 - (ii) Bicycle parking for residents and visitors in accordance with (y) below;
 - (iii) An Electric vehicle charging parking space; and
 - (iv) TV monitor to display real time transportation information.

BICYCLE PARKING REQUIREMENTS

- (y) Bicycle parking shall be provided on the lands shown on Schedule RM6(273) in accordance with the following:

- (i) Residential:
 - a. 0.68 long-term bicycle parking spaces per dwelling unit; and
 - b. 0.07 short-term bicycle parking spaces per dwelling unit.
- (ii) Non-residential:
 - a. 0.13 long-term bicycle parking spaces per 100 square metres of non-residential gross floor area; and
 - b. 3 short-term bicycle parking spaces plus 0.25 short-term bicycle parking spaces per 100 square metres of non-residential gross floor area.
- (z) Bicycle parking spaces may be provided in bicycle stackers with the following dimensions:
 - (i) minimum width of 0.45 metres;
 - (ii) minimum length of 1.8 metres; and
 - (iii) minimum vertical clearance of 1.0 metres.

LOADING SPACE REQUIREMENTS

- (aa) None of the provisions of Section 6A(16) (Loading Requirements) of By-law 7625 shall apply to the lands shown on Schedule RM6(273).
- (bb) A minimum of two Type 'G' loading spaces and one Type 'C' loading space shall be provided on the lands shown on Schedule RM6(273).
- (cc) Notwithstanding subsection (a)(xiv) above, a Type 'C' loading space provided on the private road may have the following dimensions: a minimum of 2.6 metres wide; a minimum of 8.5 metres long; and has a minimum vertical clearance of 3.0 metres.

LAND DIVISION

- (dd) 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.

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. A contribution of \$500,000 toward local improvements in Ward 10, to be determined in consultation with City Planning, the local community and the local Councillor. The contribution shall be indexed in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of the Section 37 Agreement to the date of submission of the funds by the owner to the City. The sum of \$500,000 (indexed) is to be paid as follows: \$300,000 prior to the issuance of the first shoring permit, except for a temporary sales office, on the lands and \$200,000 prior to the issuance of the first foundation permit, except for a temporary sales office, on the lands.
 - ii. A contribution of \$1,100,000 toward local improvements in Ward 10, to be determined in consultation with City planning, the local community and the local Councillor. The contribution shall be indexed in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of the Section 37 Agreement to the date of submission of the funds by the owner to the City. The sum of \$1,100,000 (indexed) is to be paid as follows: \$150,000 prior to issuance of the first above grade building permit, except for a temporary sales office, for the south building and \$950,000 prior to issuance of the first above grade building permit, except for a temporary sales office, for the north building.
 - iii. The provision of public art, having a minimum value of \$500,000 or such greater amount as the owner may in its discretion determine, to be provided by the owner in accordance with the Percent for Public Art Program.
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule RM6(273) attached to this By-law.
 4. Section 64.37 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.37 (53) O1(53)

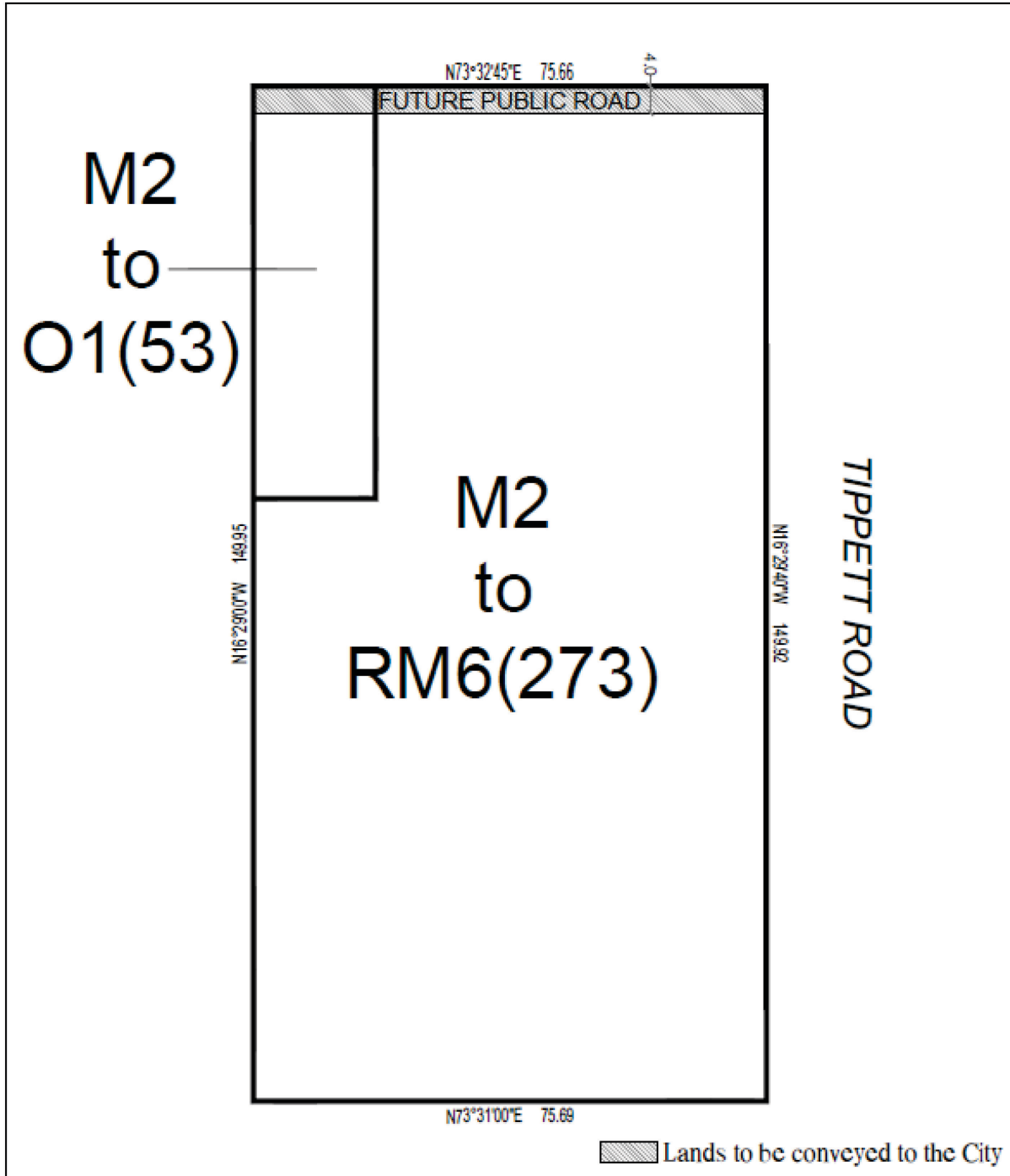
PERMITTED USES


- (a) The following uses shall be permitted:
 - (i) construction staging and stockpiling;
 - (ii) all uses permitted in the Open Space Zone (O1).

5. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect 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 the Local Planning Appeal Tribunal Decision and Order dated October 3, 2019 in Tribunal Case PL161278.

SCHEDULE 1



 Lands to be conveyed to the City

SCHEDULE RM6 (273)

