

**CITY OF TORONTO**

**BY-LAW 42-2022(LPAT)**

**To amend Zoning By-law 569-2013, 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 City of Toronto Zoning By-law 569-2013, 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. 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black

lines from E1.0(x318) to CR 0.1 (c0.1; r0.1) SS2 (x446) and O, as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 446 so that it reads:

**(446) Exception CR 446**

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

- (A) On 4 and 6 Tippett Road, if the requirements of Clause 6 and Schedule A of By-law 42-2022(LPAT) are complied with, the erection or use of a **building, structure**, addition or enlargement is permitted in compliance with (B) to (R) below:
- (B) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings and structures** on the **lot** must not exceed 45,270 square metres, of which:
- (i) the total **gross floor area** for residential uses symbolized by the letter 'r', permitted by Regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B), must not exceed 42,240 square metres; and
  - (ii) the **gross floor area** for non-residential uses symbolized by the letter 'c', permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), must be a minimum of 3,030 square metres;
- (C) A minimum of 1, 515 square metres of the non-residential **gross floor area** required in (B)(ii) above, must:
- (i) be provided on the second **storey** of the north **building** as shown on Diagram 3 of By-law 42-2022(LPAT); and
  - (ii) may only be used for the following non-residential uses: **laboratory**; **medical office**; **office**; **production studio**; **software development and processing**; and **wellness centre**;
- (D) Despite regulation 40.5.40.10(1), height is measured from the Canadian Geodetic Datum elevation of 187.6 metres and the elevation of the highest point of the **building**;
- (E) Despite regulations 40.10.40.10(2) and 40.10.40.10(7), the height for any portion of a **building or structure** must not exceed the maximum height permitted by the following as shown on Diagram 3 of By-law 42-2022(LPAT):
- (i) The maximum number of **storeys** of any portion of a **building or structure** must not exceed the number of **storeys** as indicated by

- numbers following the letters ST shown for that portion of the **building or structure** as shown on Diagram 3 of By-law 42-2022(LPAT);
- (ii) For the purpose of calculating (i) above, a mechanical penthouse is not included in the maximum number of **storeys**; and
  - (iii) The maximum height of any portion of a **building or structure** must not exceed the height in metres as indicated by the numbers following the letters HT for that portion of the **building or structure** as shown on Diagram 3 of By-law 42-2022(LPAT);
- (F) Despite regulations 40.5.40.10(3)-(7) and (E) above the following may project above the height limits shown on Diagram 3 of By-law 42-2022(LPAT) as follows:
- (i) chimneys, antennae, elevator machine rooms, mechanical penthouses and parapet walls up to a maximum of 5.0 metres; and
  - (ii) trellises, stairways and stair enclosures, guard rails, pergolas, eaves, roof drainage, architectural features, landscaping, skylights, vents up to a maximum of 3.0 metres;
- (G) Despite (E), and (F), above, in no case may any **building or structure**, inclusive of any accessory component, exceed a height of 243.0 metres above sea level;
- (H) Despite regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and distances between **main walls of buildings and structures** are shown in metres on Diagram 3 of By-law 42-2022(LPAT);
- (I) Despite (H) above and clause 40.10.40.60, the following **building** elements may encroach into the required minimum **building setbacks** and distances between **main walls of buildings and structures** on Diagram 3 of By-law 42-2022(LPAT) as follows:
- (i) Decks, porches, terraces, decorative or screen walls and exterior steps located at grade, may encroach up to a maximum of 3.6 metres;
  - (ii) Balconies or similar **structures**, ramps, bay windows, box windows or other projecting windows, roof overhangs, eaves, roofs of dormer windows, chimneys, pilasters, and projecting columns, may encroach up to a maximum of 2.0 metres; and
  - (iii) For portions of **buildings** at or below a height of 22.4 metres permitted encroachments outlined in (ii) above may encroach a maximum of 2.0 metres:
    - (a) into the minimum above-ground distance between the north and south **buildings** as shown on Diagram 3;

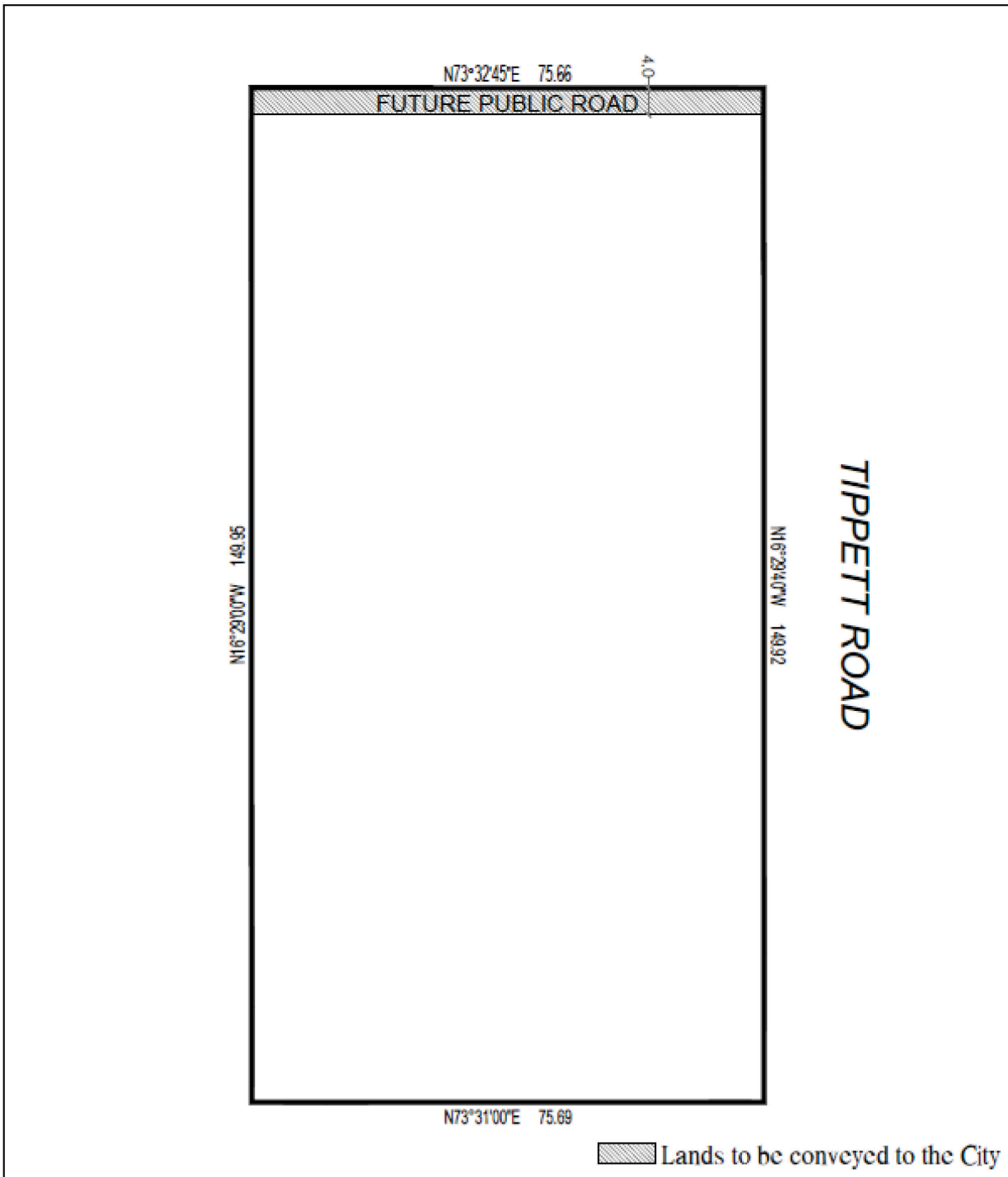
- (b) into the minimum **building setbacks** required from Tippett Road and the future public road; and
  - (c) the total length of all permitted encroachments in (iii) above does not exceed 20 percent of the **building** face on each **storey**;
  - (iv) Despite (ii) above, balconies are not permitted to project into the required **building setbacks** above a height of 22.4 metres shown as being subject to "Balcony Restrictions" on Diagram 3;
  - (v) Despite (ii) above, canopies for weather protection of the ground level may project into the minimum **building setbacks** required along Tippett Road and the future public road, and at main residential entrance areas up to 3.0 metres;
- (J) Despite regulation 40.10.40.50(1), for the purposes of calculating required indoor **amenity space**, the **interior floor area** of guest suites may be included;
- (K) **Parking spaces** must be provided in accordance with the following:
  - (i) Residential:
    - a. a minimum of 0.6 **parking spaces** per bachelor **dwelling unit**;
    - b. a minimum of 0.7 **parking spaces** per 1 bedroom **dwelling unit**;
    - c. a minimum of 0.9 **parking spaces** per 2 bedroom **dwelling unit**;
    - d. a minimum of 1.0 **parking spaces** per 3 or more bedroom **dwelling unit**; and
    - e. a minimum of 0.1 **parking spaces** per **dwelling unit** for visitor use;
  - (ii) Non-residential use:
    - a. a minimum of 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;
- (L) Despite 200.5.10.1(5), residential visitor and non-residential **parking spaces** may be provided on a non-exclusive basis and may be shared;
- (M) A maximum of 4 car share **parking spaces** may be provided on the site. For every car share **parking space** provided on the lands, the minimum number of **parking spaces** required by paragraph (K)(i) may be reduced by 4 **parking spaces**;

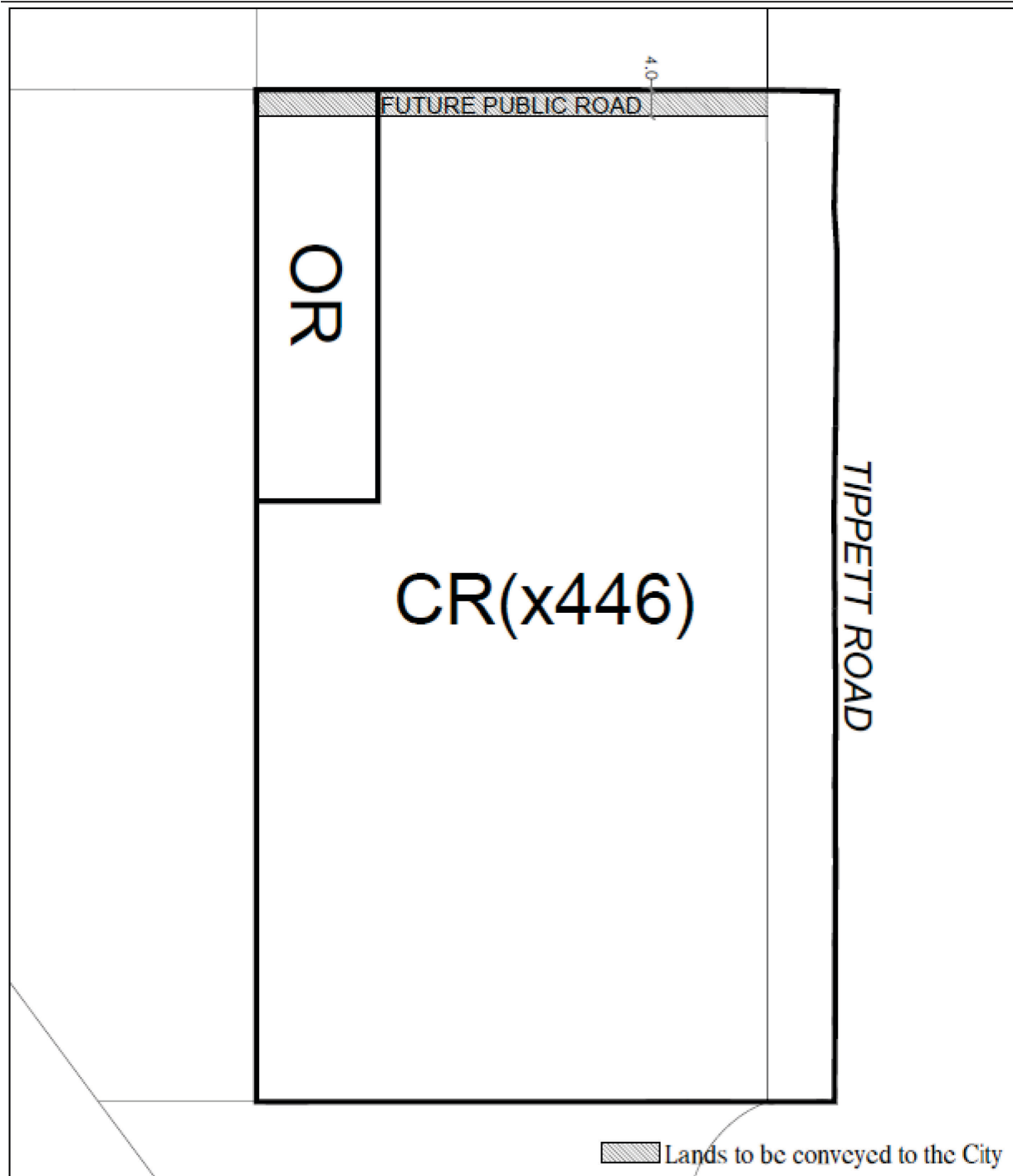
- (N) The total number of **parking spaces** required to be provided in (K) above may be reduced by 10 percent if the following are provided;
- (i) Publicly accessible car-share **parking spaces**;
  - (ii) **Bicycle parking** for residents and visitors in accordance with (O) below;
  - (iii) A **parking space** with electrical vehicle charging; and
  - (iv) TV monitor to display real time transportation information;
- (O) Despite Table 230.5.10.1(1), **bicycle parking spaces** must be provided on the **lot** at a minimum rate of:
- (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**;
- (P) Despite 230.5.1.10(4), a **stacked bicycle parking space** must have 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;
- (Q) Despite 220.5.10.1, a minimum of two Type G **loading spaces** and one Type C **loading space** must be provided on the **lot**; and
- (R) Despite 220.5.1.10(8)(C), a Type C **loading space** provided on the private road must 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.

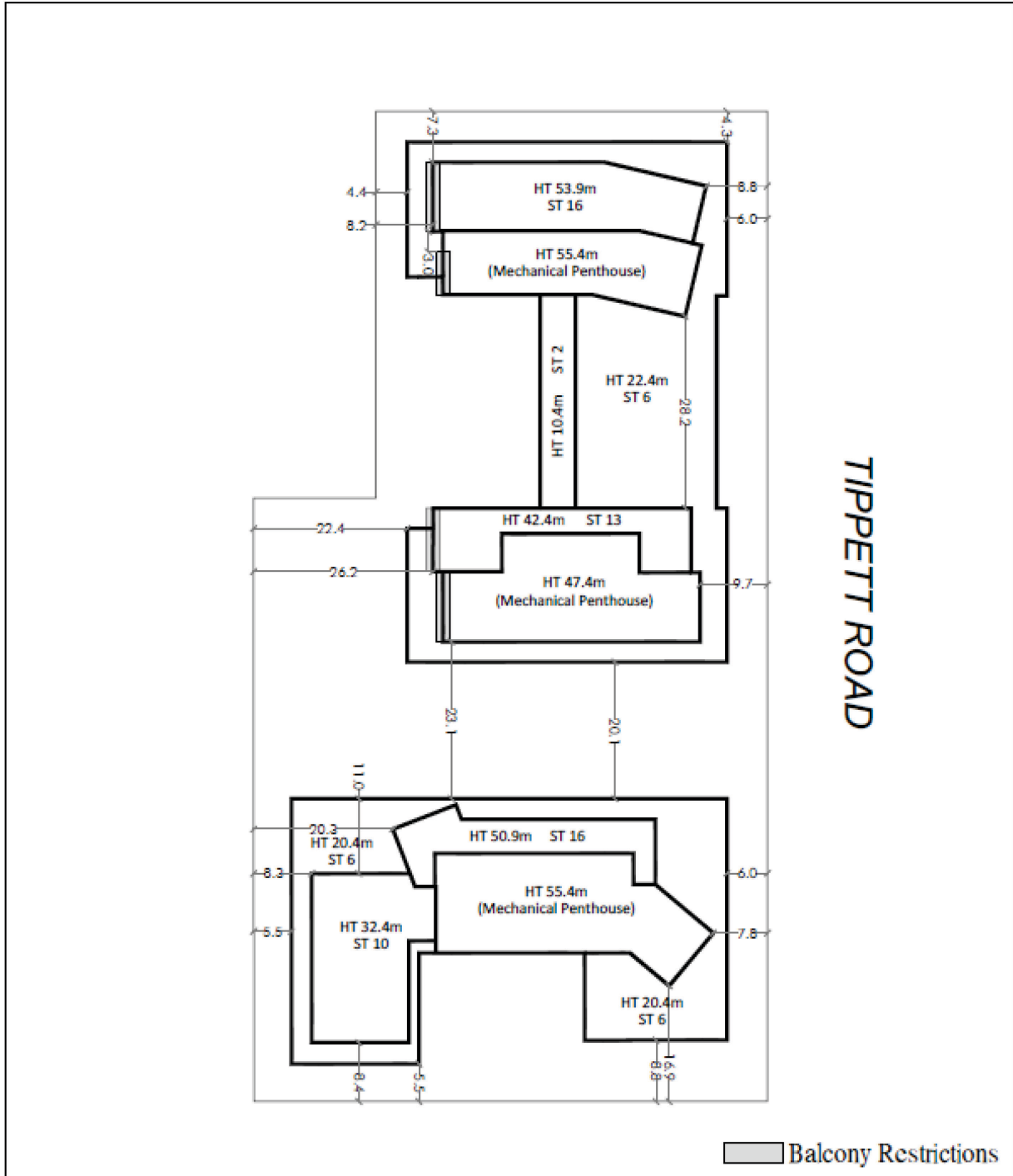
Prevailing By-laws and Prevailing Sections: (None Apply)

5. Despite any existing or future consent, severance, partition or division of the **lot**, the provisions of this By-law, apply to the lands, as identified on Diagram 1, as one **lot** as if no consent, severance, partition or division occurred.
6. 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 as CR (x446) on Diagram 2 of this By-law, 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 matter prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
  - (C) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to Exception CR (x446) of By-law 569-2013, as amended, unless the provisions of Schedule A of such By-law are satisfied.

Pursuant to the Local Planning Appeal Tribunal Decision and Order dated October 3, 2019 in Tribunal Case PL161278.







**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 shown as CR (x446) on Diagram 2 of this By-law, and secured in an agreement or agreements pursuant to Section 37(3) of the Planning Act, whereby the owner agrees as follows:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - 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.