

Authority: Local Planning Appeal Tribunal Decision dated January 27, 2020 and Ontario Land Tribunal Order issued March 25, 2022 in Tribunal File PL171293

CITY OF TORONTO

BY-LAW 1182-2022(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 3000 Dufferin Street and to repeal former City of North York By-laws 20495 and 20462.

Whereas the Local Planning Appeal Tribunal, by its Decision issued on January 27, 2020 and Ontario Land Tribunal Order issued on March 25, 2022 in Tribunal Case PL171293, approved amendments to the former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 3000 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 as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, whereby City Council or the Tribunal on an appeal may, in a by-law enacted 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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;

Now 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. The land subject to this By-law are outlined by heavy black lines on Schedule 1 attached to this By-law.
2. 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.

3. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

64.20-A(265) RM6(265)

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 Space" means an area used for parking and storing a bicycle that is not located within a dwelling unit, on a balcony or within a storage locker, and "Long-term Bicycle Parking Space", "Short-term Bicycle Parking Space" and "Stacked Bicycle Parking Space" have the following meaning:
 - (a) "Long-term Bicycle Parking Space" shall mean a bicycle parking space for use by the occupants or tenants of a building;
 - (b) "Short-term Bicycle Parking Space" shall mean a bicycle parking space for use by visitors to a building; and
 - (c) "Stacked Bicycle Parking Space" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
 - (iii) "Building A" shall mean the building identified as Building A on Schedule RM6(265).
 - (iv) "Building B" shall mean the building identified as Building B on Schedule RM6(265).
 - (v) "Building Height" shall mean the vertical distance between the Established Grade and the highest point of the building or structure (top of structural slab), exclusive of all accessory components such as but not limited to, mechanical penthouse, elevator overruns, safety railings, screens, green roof assemblies, tower structures, cupolas, steeples, antennae, parapets, landscape open structures, acoustic and or wind 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 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 the Canadian Geodetic Datum elevation of 176.56 metres.
- (ix) "Existing Building" shall mean the building and associated structures that existed on the lands as of January 6, 2020, as shown on RM6(265), including any alterations and internal modifications that do not result in any additional gross floor area.
- (x) "Gross Floor Area" shall mean 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, excluding:
 - (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) indoor residential recreational amenity area as required by this By-law;
 - (f) elevator shafts;
 - (g) garbage shafts;
 - (h) mechanical penthouse; and
 - (i) exit stairwells in the building.
- (xi) "Main Wall" shall mean any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area.
- (xii) "Residential 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.

- (xiii) "Tower" shall mean the portions of Building B which collectively enclose the entirety of a storey higher than 24.0 metres above established grade.
- (xiv) "Tower Floor Plate" shall mean the total built area within a tower measured from the exterior of the main walls at each floor, but excluding balconies.
- (xv) "Type 'G' loading space" shall mean a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

PERMITTED USES

- (B) The following uses shall be permitted:
 - (i) Apartment House Dwelling;
 - (ii) Personal Service Shop;
 - (iii) Retail Store;
 - (iv) Restaurant;
 - (v) Take-out Restaurant; and
 - (vi) Outdoor Cafe.

USE QUALIFICATIONS

- (C) Outdoor Residential Recreational Amenity Areas may be located on roof top terraces, balconies, private terraces or at grade.
- (D) Non-residential uses shall be located on the ground floor of the building.
- (E) A Restaurant or Take-Out Restaurant shall not have a drive-through facility.
- (F) An Outdoor Cafe shall be combined with a Restaurant or Take-out Restaurant and shall have a maximum permitted area of the greater of 30 square metres or 30 percent of the interior floor area of the premises it is associated with.

EXCEPTION REGULATIONS

LOT COVERAGE

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

LOT FRONTAGE

- (H) The provisions of Section 20-A.2.3 shall not apply.

NUMBER OF UNITS

- (I) The maximum number of dwelling units on the lot shall not exceed 795, of which a maximum of 287 dwelling units are permitted in the Existing Building.

YARD SETBACKS

- (J) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply.
- (K) The minimum yard setbacks for buildings and structures above established grade are shown on Schedule RM6(265).
- (L) The minimum yard setbacks for parking structures and structures associated thereto below established grade shall be 0.0 metres from any lot line.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS OF BUILDINGS FORMING COURTS

- (M) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.
- (N) The minimum separation between buildings and/or portions of building shall be as shown on Schedule RM6(265).

GROSS FLOOR AREA

- (O) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (P) The maximum gross floor area for all uses on lands zoned as RM6(265) shall be 57,200 square metres, of which:
- (i) A maximum of 21,670 square metres of residential gross floor area shall be permitted in the Existing Building;
 - (ii) A maximum of 15,230 square metres of residential gross floor area shall be permitted in Building A;
 - (iii) A maximum of 400 square metres of non-residential gross floor area shall be permitted in Building A; and
 - (iv) A maximum of 19,900 square metres of residential gross floor area shall be permitted in Building B.

MAXIMUM TOWER FLOOR PLATE

- (Q) The maximum tower floor plate of Building B shall not exceed 750 square metres, exclusive of balconies.

RESTRICTIONS ON BALCONY LOCATIONS

- (R) On Building A, no projecting balconies shall be located closer than 2.0 metres to an outermost exterior corner intersection of main walls of the building between the 7th and 12th storeys.
- (S) On Building B, no projecting balconies shall be located closer than 2.0 metres to an outermost exterior corner intersection of the main walls of the building between the 7th and 23rd storeys, with the exception of projecting balconies on the southern-most main wall, which are permitted to be located closer than 2.0 metres to an outermost exterior corner intersection of the main walls of the building between the 7th and 23rd storeys.

BUILDING HEIGHT

- (T) Notwithstanding Section 20-A.2.6 and Schedule 'D' of By-law 7625:
- (i) The maximum number of storeys for Building A and Building B shall not exceed the number of storeys, identified by the symbols "ST", as shown for that portion of the building on Schedule RM6(265);
 - (ii) The maximum building height for Building A and Building B shall not exceed the height measured in metres above the established grade, identified by the symbols "HT" as shown for that portion of the building on Schedule RM6(265);
 - (iii) The maximum number of storeys for the Existing Building is 18 storeys, excluding the mechanical penthouse;
 - (iv) The maximum heights for the Existing Building, Building A and Building B, as shown on Schedule RM6(265), may be exceeded as follows:
 - (a) elevator overruns and associated enclosures, cornices, canopies, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, vents, stacks, wind or privacy screens, landscape elements (including green roofs), terraces, skylights, flues, access roof hatch, outdoor furniture, chimneys, structures on the roof used for outside or open air recreation, roof finishing materials (including insulation, protection boards, drainage, roof ballast, and paving), decorative or architectural features heating, cooling or ventilating equipment, wall or structure enclosing such elements are permitted to a project

above the maximum heights as shown on Schedule RM6(265) by a maximum height of 3.0 metres; and

- (b) mechanical penthouses are permitted to project above the maximum heights as shown on Schedule RM6(265) by a maximum height of 6.5 metres.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (U) Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), the following may be permitted to project into the minimum yard setback areas:
 - (i) exterior stairways, cornices, canopies, chimneys, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, wheel chair ramps, vents, fences, wind or privacy screens, landscape elements (including green roofs), terraces, decorative or architectural features, bay windows, ramps, ramp enclosures, parking garage ramps and associated structures, retaining walls, elevator overruns, heating, cooling or ventilating equipment, pilasters and sills, and porches and decks, either excavated or unexcavated, which may project beyond the building envelope shown on Schedule RM6(265) by a maximum of 3.0 metres.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (V) A minimum of 2.0 square metres of indoor residential recreational amenity area per dwelling unit shall be provided for Building A and Building B.
- (W) A minimum of 2.0 square metres of outdoor residential recreational amenity area per dwelling unit shall be provided for Building A and Building B.
- (X) The existing residential recreational amenity area for the Existing Building shall be maintained as of the date of passing of By-law 1182-2022(OLT).

PARKING REGULATIONS

- (Y) The provisions of Section 6A(2)(Parking Requirements) and Section 6A(8)(a) (Parking Regulations for RM Zones) shall not apply.
- (Z) Residential parking for the shared use of the Existing Building, Building A and Building B shall be provided as follows:
 - (i) A minimum rate of 0.57 parking spaces for each dwelling unit for residents;

- (ii) A minimum of rate 0.06 parking spaces per dwelling unit for residential visitors;
- (iii) Parking spaces required by (Z)(i) and (Z)(ii) may be used as car-share parking spaces;
- (iv) No parking shall be required for non-residential uses;
- (v) The provision of a car-share parking space will reduce the residential parking requirement by up to 3 parking spaces for each car-share parking space up to a maximum reduction of 6 multiplied by (total number of dwelling units divided by 60), rounded down to the nearest whole number; and
- (vi) A maximum of 264 existing parking spaces and associated existing drive aisles are permitted with their existing dimensions as of the date of passing of By-law 1182-2022(OLT).

BICYCLE PARKING SPACES

(AA) Bicycle parking shall be provided and maintained as follows:

- (i) A minimum of 20 bicycle parking spaces will be provided for residents of the Existing Building;
- (ii) A minimum of 1.0 bicycle parking space for each dwelling unit, allocated as 0.9 long-term bicycle parking space per dwelling unit and 0.1 short-term bicycle parking space shall be provided for each dwelling unit for Building A and Building B;
- (iii) A minimum of 3 plus 0.3 bicycle parking spaces for each 100 square metres of non-residential interior floor space for short-term bicycle parking shall be provided in Building A;
- (iv) A minimum of 0.2 bicycle parking spaces for each 100 square metres of non-residential interior floor space for long-term bicycle parking used for shall be provided in Building A;
- (v) A bicycle parking space must be located on the same lot as the use for which it is required;
- (vi) Long-term bicycle parking spaces must be located in a building;
- (vii) A short term bicycle parking space may be no more than 30 metres from a main pedestrian entrance to the apartment building on the lot;
- (viii) A long-term bicycle parking space may be located in a stacked bicycle parking space; and

- (ix) Bicycle parking spaces will comply with the following minimum dimensions:
 - (a) Minimum length of 1.8 metres, minimum width of 0.6 metres and minimum vertical clearance from the ground of 1.9 metres;
 - (b) Minimum length of 1.2 metres, minimum width of 0.6 metres and minimum vertical clearance from the ground of 1.9 metres if placed in a vertical position on a wall, structure or mechanical device; and
 - (c) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres and the minimum width is 0.4 metres.

LOADING SPACES

- (BB) Section 6A(16) shall not apply.
- (CC) Loading spaces shall be provided in accordance with the following:
 - (i) One Type 'G' loading space will be provided for Building A; and
 - (ii) One Type 'G' loading space will be provided for the shared use of the Existing Building and Building B.

LANDSCAPING

- (DD) The provisions of Section 15.8 (Landscaping) shall not apply.

OTHER PROVISIONS

- (EE) The provisions of Section 6(6) (Lot Reduced by Road Construction) shall not apply.
- (FF) The provisions of Section 6(7) (Frontage on a Street) shall not apply.

LAND DIVISION

- (GG) Notwithstanding any existing or future severance, partition or division of the lands shown on Schedule 1, the provisions of this By-law shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.

SECTION 37

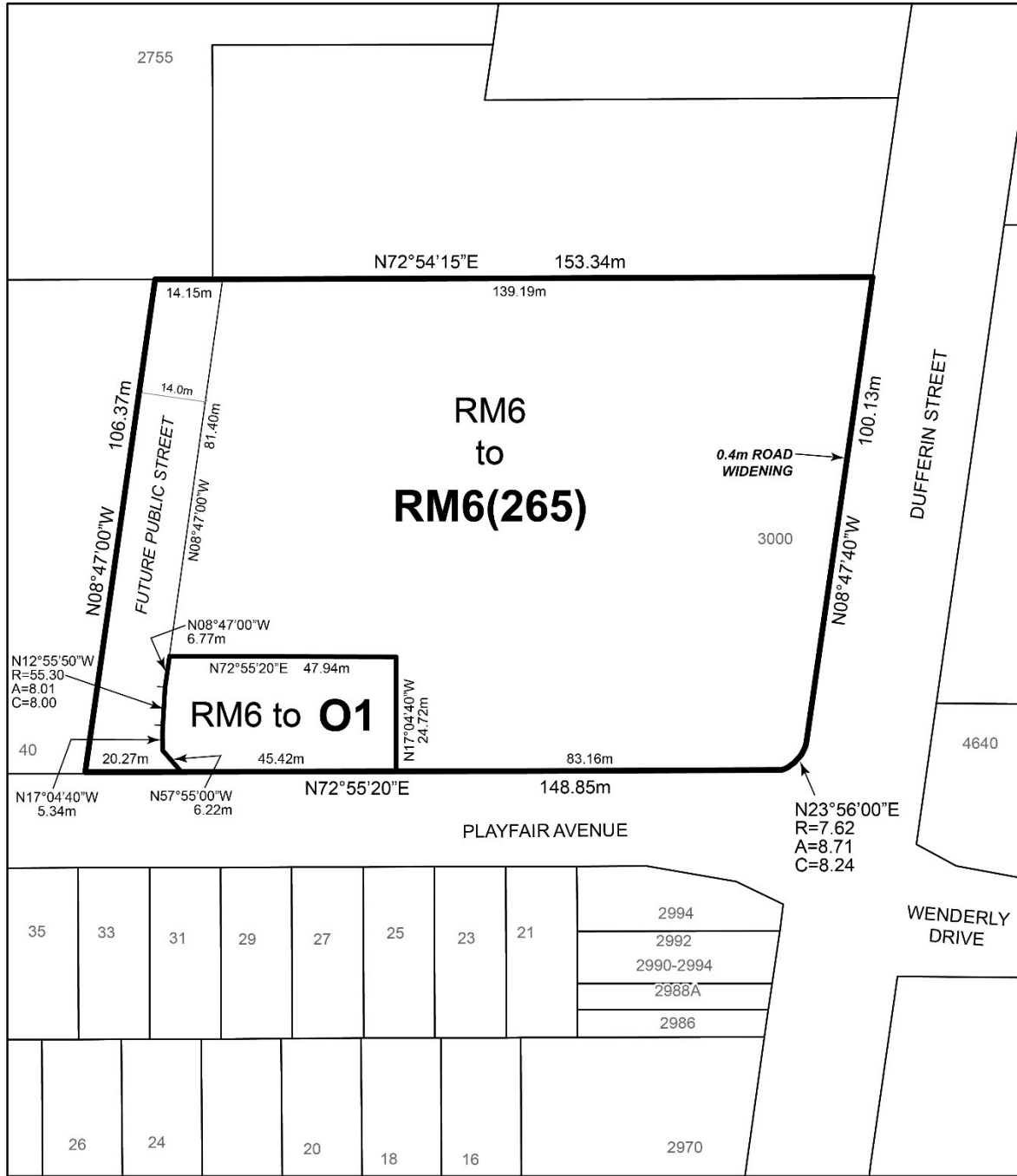
- (HH) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 attached to this

By-law, in return for the provision by the owner, at the owner's expense of the 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.

- (II) 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.
 - (JJ) 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 the provisions of Schedule A of this By-law are satisfied.
4. Section 64.20-A of By-law 7625 is amended by adding Schedule RM6(265) attached to this By-law.
 5. None of the provisions of By-law 7625, as amended, apply to prevent a temporary leasing or sales office on the lot.
 6. Former City of North York By-laws 20495 and 20462 are hereby repealed.
 7. Within the lands shown on Schedule RM6(265) attached to this By-law, no person shall use any land or erect or use any building or structure except for work related to any below grade building permit for Building B, 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 watermains and sanitary sewers, and appropriate appurtenances have been installed and are operational.

Pursuant to Local Planning Appeal Tribunal Decision dated January 27, 2020 and Ontario Land Tribunal Order issued March 25, 2022 in Tribunal File PL171293.

Schedule 1



Toronto
Schedule 1

3000 Dufferin Street

File #: 17 200922 NNY 15 OZ
17 200956 NNY 15 SB



Former City of North York By-law 7625
Not to Scale
02/22/2022

SCHEDULE A

Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, 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:

1. A cash contribution of \$2,100,000 to be paid by the applicant to the City and which shall be allocated to local parks and community facility improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to be payable as follows:
 - a. \$900,000 to be payable prior to the issuance of the first above-grade building permit for the building labelled "Building A" on the Revised Plans dated November 1, 2019, in Confidential Attachment 3 to the report (November 19, 2019) from the City Solicitor in Item 2019.CC12.3; and
 - b. \$1,200,000 to be payable prior to the issuance of the first above-grade building permit for the building labelled "Building B" on the Revised Plans, dated November 1, 2019, in Confidential Attachment 3 to the report (November 19, 2019) from the City Solicitor in Item 2019.CC12.3.
2. The \$2,100,000 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of payment.
3. The provision by the applicant of ten (10) one-bedroom affordable rental dwelling units to be located in Building A or B; the affordable rental dwelling units will be rented at affordable rents as defined in the Official Plan; the average unit size of the affordable rental dwelling units will be at least the same as the average unit size of the proposed one-bedroom market units; the affordable rental dwelling units shall be provided in contiguous (vertically and/or horizontally) groups of at least six (6) dwelling units; the ten (10) units shall remain as rental units for a minimum of twenty (20) years, and shall remain as affordable rental units for at least the first fifteen (15) years of the minimum twenty (20) year rental tenure; and all of the above shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. The applicant shall continue to provide and maintain the existing 287 residential dwelling units in the existing apartment building labelled as "Building C" on the Revised Plans dated November 1, 2019, in Confidential Attachment 3 to the report (November 19, 2019) from the City Solicitor in Item 2019.CC12.3 as rental housing for a period of at least twenty (20) years; the Applicant shall also provide and maintain all existing and new associated facilities and amenities related to Building C for that same period; the period of twenty (20) years referenced above shall commence from the date of the Zoning By-laws associated with the development coming into full force and effect; during the twenty (20) year period, no applications for demolition or conversion from the residential rental use is permitted; and all the above shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
5. The applicant shall provide improvements to Building C and its associated amenities, with no pass-through to the existing tenants; these improvements shall include: the renovation of the lobby lounge; refinishing and painting the indoor swimming pool; renovating the pool change rooms; addition of outdoor seating area; addition of bicycle racks; relocating the existing outdoor waste storage areas indoors; and improving the outdoor amenity areas and pedestrian walkways, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. The applicant shall convey to the City an on-site parkland dedication of 1,205 square metres, in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act, and which shall be located in the southwest corner of the site as generally shown on the Revised Plans dated November 1, 2019, in Confidential Attachment 3 of the report (November 19, 2019) from the City Solicitor in Item 2019.CC12.3; the final location and configuration of the on-site parkland shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation; and the on-site parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and is to be conveyed to the City prior to the issuance of the first above-grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
7. The applicant shall provide a construction mitigation plan and tenant communication strategy to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
8. The applicant shall construct and maintain the proposed development in accordance with the Tier 1 performance measure of the Toronto Green Standards.
9. The applicant shall provide a minimum of ten percent of the new dwelling units constructed in the development as units containing three or more bedrooms.
10. The applicant shall construct and convey to the City a new 14 metre north-south public street running along the west lot line of the subject property and connecting to Playfair Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor.

11. In the event the cash contribution(s) referred to in Section 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.