

Authority: Ontario Municipal Board Decision issued on August 11, 2016 in File PL140438, and the Ontario Land Tribunal Order dated August 11, 2022, in File OLT-22-004024

CITY OF TORONTO

BY-LAW 83-2023(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 3130 Dufferin Street.

Whereas the owner of the lands known municipally in the year 2016 as 3130 Dufferin Street appealed a proposed zoning by-law amendment to the former Ontario Municipal Board; and

Whereas the former Ontario Municipal Board by its decision issued August 11, 2016, and by the Ontario Land Tribunal Order dated August 11, 2022, in File OLT-22-004208, approved amendments to the former City of North York Zoning By-law 7625, as amended, with respect to those lands; 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 7625 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, by Order, amends By-law 7625 as follows:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding the following Section:

64.20-A (242)

DEFINITIONS

- (a) For the purpose of this exception the following definitions will apply:
- (i) "Amenity Space" means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building for recreational or social activities.
 - (ii) "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.
 - (iii) "Bicycle Parking" shall mean an area located at or below grade, used only for parking or storing bicycles.
 - (iv) "Bicycle Parking, Long Term" shall mean bicycle parking spaces for use by the occupants or tenants of a building.
 - (v) "Bicycle Parking, Short Term" shall mean bicycle parking spaces for use by the visitors to a building.
 - (vi) "Established Grade" shall mean a geodetic elevation of 180.13 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
 - (vii) "Gross Floor Area" shall mean the sum of the total area of each floor of a building, above and below the ground, measured from the exterior of the main wall of each floor level excluding:
 - (1) Parking, loading, and bicycle parking located below established grade;
 - (2) Required loading spaces located at grade;
 - (3) Required bicycle parking spaces located at or above- grade;
 - (4) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms located below grade;
 - (5) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - (6) Indoor residential amenity space;
 - (7) Elevator shafts;

- (8) Garbage shafts;
 - (9) Mechanical floor area and penthouses; and,
 - (10) Exit stairwells in the building.
- (viii) "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.
- (ix) "Site" shall mean the lands zoned "RM6(242)" as shown on Schedule 1 for the purpose of Schedule A of this exception.
- (x) "Storey" shall be as defined in By-law 7625 except that it shall not include any mechanical penthouse level of a building and it shall not include a mezzanine level located between the first and 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.
- (xi) "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.
- (xii) "Vehicle Dealership" shall mean a building or portion thereof, used for the sale, rental or lease of vehicles displayed or stored on site, excluding construction or agricultural vehicles.
- (xiii) "Vehicle" shall mean a wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction or agriculture.

PERMITTED USES

- (b) The following uses shall be permitted:
- i. Apartment House Dwelling;
 - ii. Business and Professional Office;
 - iii. Day Nursery;
 - iv. Dry Cleaning and Laundry Collecting Establishment;
 - v. Financial Institution;
 - vi. Fitness Centre;

- vii. Outdoor Café in conjunction with a Restaurant or Take-out Restaurant on the same lot;
 - viii. Personal Service Shop;
 - ix. Professional Medical Office;
 - x. **Restaurant;**
 - xi. Retail Store, excluding outdoor storage or display;
 - xii. **Take-out Restaurant;**
 - xiii. Vehicle dealership, excluding outdoor storage or display of vehicles; and
 - xiv. A temporary rental and/or sales office.
- (c) Notwithstanding clause 2(b), the existing vehicle dealership, including outdoor storage and display, shall be permitted on the lands until the building existing on the lands in the year 2016 is demolished pursuant to the issuance of a demolition permit.

USE QUALIFICATIONS

- (d) Non-residential uses shall only be located below grade, or in the first three storeys of any building.
- (e) A **Restaurant** or **Take-Out Restaurant** shall not have a drive-through facility.
- (f) Required Recreational Amenity Space may be located on balconies, private terraces or roof top terraces.

EXCEPTION REGULATIONS

LOT COVERAGE

- (g) The provisions of Section 20-A.2.2 (Lot Coverage) of By-law 7625 shall not apply.

LOT FRONTAGE

- (h) The provisions of Section 20-A.2.3 shall not apply.
- (i) Notwithstanding Section 6(7) (Frontage on a Street) of By-law 7625, buildings may be located on lands that front on a private right-of-way having a minimum width of 6.0 metres.

DWELLING UNITS

- (j) A maximum of 334 dwelling units shall be permitted.
- (k) A minimum of 10 percent of the total number of dwelling units constructed on the lands shown on Schedule RM6(242) shall contain three or more bedrooms.

YARD SETBACKS

- (l) The provisions of Sections 20-A.2.4 (Yard Setbacks) of By-law 7625 shall not apply.
- (m) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule RM6(242).
- (n) The minimum yard setback 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

- (o) The provisions of Sections 20-A.2.4.1 shall not apply.
- (p) The minimum distance between buildings and structures above established grade shall be as shown on Schedule RM6(242).

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (q) The permitted projections into required yard setbacks shall be as set out in Section 6(9) of By-law 7625 except that:
 - (i) Open balconies may project a maximum of 1.8 metres into any required yard provided that:
 - (1) Open balconies shall not be permitted to project into the 3 metre required yard of any portion of a building facing Dufferin Street above a height of 6 storeys; and,
 - (2) Open balconies shall not be permitted to project into the required yards shown on Schedule RM6(242) within 5 metres of the corner of any building above a height of 7 storeys.

GROSS FLOOR AREA

- (r) Notwithstanding Section 20-A.2.5 (Gross Floor Area) of By-law 7625, the maximum residential gross floor area shall be 26,000 square metres, the maximum non-residential gross floor area shall be 2,000 square metres and the maximum total gross floor area shall be 26,600 square metres.

BUILDING HEIGHT

- (s) Notwithstanding Sections 6(13) (Schedule D Height Limit), 20-A.2.6 (Building Height) and Schedule 'D' of By-law 7625, the maximum height shall be the number of metres above established grade for all buildings and structures as shown on Schedule RM6(242) and the maximum number of storeys for all buildings and structures shall be as shown on Schedule RM6(242).
- (t) The minimum height of the first storey shall be 4.5 metres.

LANDSCAPING

- (u) The provisions of Section 15.8 (Landscaping) of By-law 7625 shall not apply.

RESIDENTIAL AMENITY SPACE

- (v) A minimum of 2.0 square metres per dwelling unit of indoor amenity space shall be provided.
- (w) A minimum of 2.0 square metres per dwelling unit of outdoor amenity space shall be provided.

PARKING

- (x) All required parking shall be provided below-grade with the exception of surface parking spaces intended for short term parking and delivery.
- (y) No at-grade parking spaces are permitted within 5.0 metres of any property line of a public street.
- (z) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, non-residential parking shall be provided at a rate of a minimum of 1.0 parking space per 100 square metres of non-residential gross floor area.
- (aa) 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 < 45 square metres GFA	0.7	0.15
Bachelor > 45 square metres GFA	1.0	0.15
One-bedroom	0.8	0.15
Two-bedroom	0.9	0.15
Three or more bedroom	1.1	0.15

Type of Apartment House Dwelling Unit	Maximum Required Parking Spaces per Dwelling Unit for Residents	Maximum Required Parking Spaces per Dwelling Unit for Visitors
Bachelor < 45 square metres GFA	1.0	None
Bachelor > 45 square metres GFA	1.3	None
One-bedroom	1.2	None
Two-bedroom	1.3	None
Three or more bedroom	1.6	None

- (bb) Sections 6A(6)(g) (Non-residential Parking Regulations) and 6A(8)(e) (Parking Regulations for RM Zones) of By-law 7625 shall not apply.

BICYCLE PARKING

- (cc) A minimum of 1 bicycle parking space per dwelling unit shall be provided.
- (dd) A minimum of 3 bicycle parking spaces plus 0.25 bicycle parking spaces per 100 square metres non-residential gross floor area shall be provided.
- (ee) Long Term Bicycle Parking shall be located in a building located on the same lot as the use for which it is required:
- (i) on the first storey of the building;
 - (ii) on the second storey of the building; and
 - (iii) on levels of the building below-grade commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by bicycle parking spaces, until all required bicycle parking spaces have been provided.
- (ff) Short Term Bicycle Parking may be located not more than 30 metres from a pedestrian entrance to the building on the lot.

LOADING SPACE

- (gg) None of the provisions of Section 6A(16) (Loading Requirements) of By-law 7625 shall apply to the lands shown on Schedule RM6(242). One Type "G" loading space shall be provided on the lands shown on Schedule "RM6(242)".

FLOOR PLATES

- (hh) For the any building or portion thereof, with a height greater than 7 storeys, as shown on Schedule RM6(242), each floor located above a height of 7 storeys

shall contain no more than 750 square metres of gross floor area measured from the exterior faces of the exterior walls.

OTHER PROVISIONS

- (ii) The main entrance to each building or unit shall, if the entrance faces an existing or future planned public right-of-way, be at an elevation no greater than 0.8 metres above or below the grade of the existing or future planned public right-of-way at the property line.
- (jj) No regulations shall apply to a temporary rental and/or sales office.

LAND DIVISION

- (kk) Notwithstanding any severance, partition or division of the lands shown on Schedule RM6(242), the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.
3. Within the lands shown on Schedule RM6(242) attached to this By-law, no person shall use any land or erect or use any building or structure (excluding a temporary rental and/or sales office) 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 Order of the Ontario Municipal Board issued on August 11, 2016 in File PL140438 and the Ontario Land Tribunal Order dated August 11, 2022, in Tribunal File OLT-22-004208.

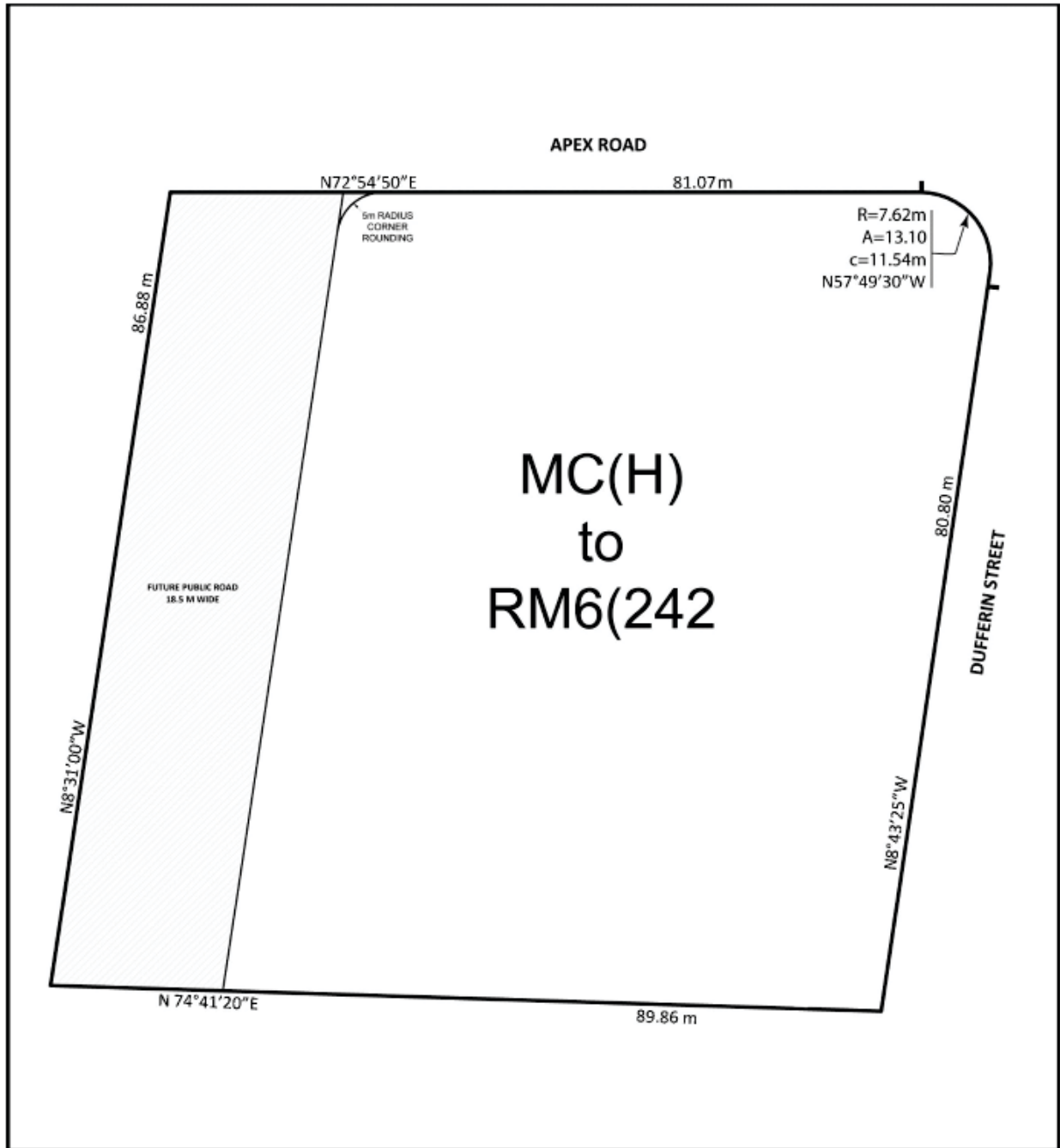
Schedule A
Section 37 Provisions

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 site as secured in and subject to, an agreement or agreements under subsection 37(3) of the Planning Act, registered on title to the satisfaction of the City Solicitor, whereby the owner agrees as follows:

- i. Prior to the issuance of the above-grade building permits for the proposed development, the owner will provide a contribution of \$875,000.00 to the City to be used for:
 - a. Capital improvements to local parks in the vicinity of the site, in particular, the park located across the Dufferin Street, north of Lawrence Avenue West, on Via Bagnota Street, which is replacing Dane Parkette; and/or
 - b. Capital improvements to the Glen Long Community Centre, and/or
 - c. Improvements to the median located on Dufferin Street, north of Lawrence Avenue West and south of Apex Avenue.
- ii. The cash contribution referred to in Part i. above shall be increased upwards by indexing in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made to the City.
- iii. In the event the cash contribution referred to in Part i. above has not been used for the intended purposes within three (3) years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the Ward.
- iv. Prior to the issuance of the above-grade building permits for the proposed development, the owner will provide a minimum contribution in the amount of 1 percent of the value of construction for on-site public art or, at the owner's discretion, a minimum of 0.5 percent of the value of construction for off-site public art, or a pro-rated combination of the foregoing.
- v. The owner will provide, in and through the subdivision approval process, for the construction and dedication of a public road to the City generally as located on Schedule 2 to the by-law. The plan of subdivision is to be registered prior to first occupancy of the new building.
- vi. The owner will provide, in and through the site plan approval process, for the conveyance to the City of a surface easement for reasonable public access over the "Privately-Owned Publicly Accessible Driveway" generally as located on Schedule 2 to the by-law. Such driveway and easement will be provided prior to first occupancy of the new building.

- vii. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.

Schedule 1



Schedule 1

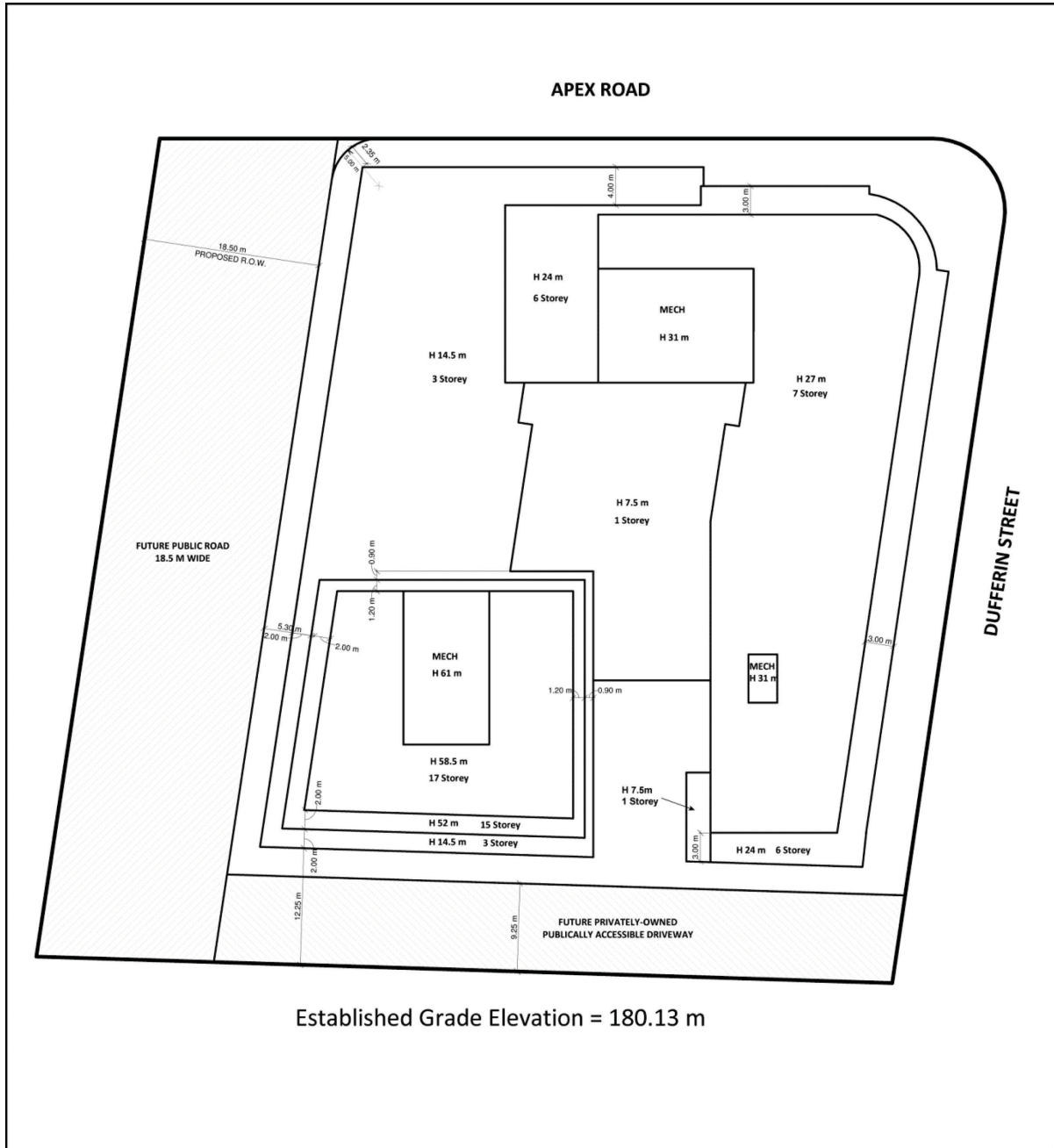
Part of Lot 6, Concession 3 West of Yonge Street
City of Toronto (Formerly City of North York)
R. Avis Surveying inc.
Date: 03/18/2016
Approved by: C.F.

File # 12 142013 NNY 15 0Z



Not to Scale

Schedule 2



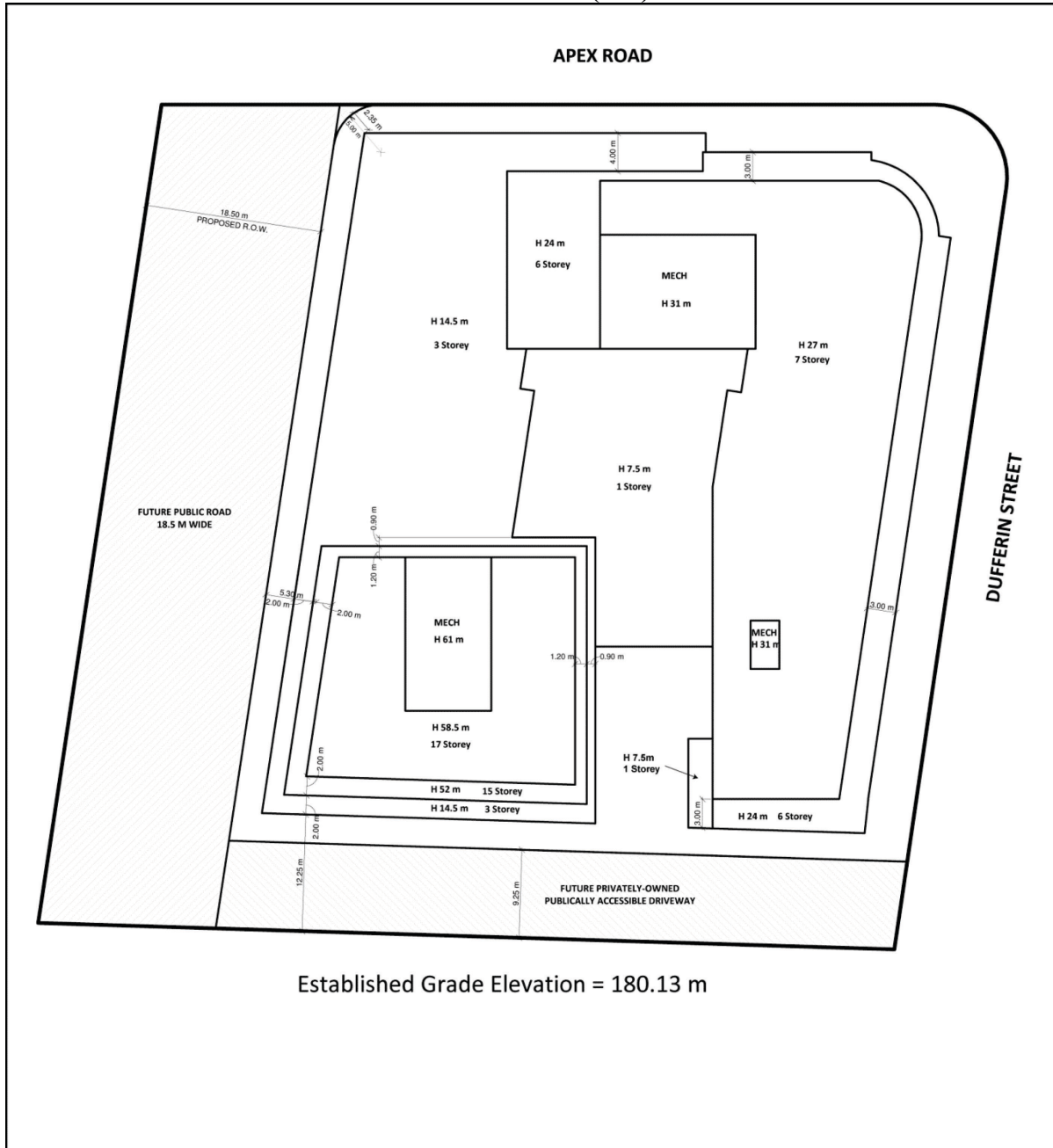
Schedule 2

File # 12 142013 NNY 15 0Z

Date: 06/03/2016
Approved by: C.F.

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Not to Scale

Schedule RM6(242)



Schedule RM6(242)

From Applicant's Drawing

File # 12 142013 NNY 15 0Z

Date: 06/03/2016
Approved by: C.F.

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