

## 30 Tippet Road (north) – Zoning By-law Amendment Application – Supplementary Report

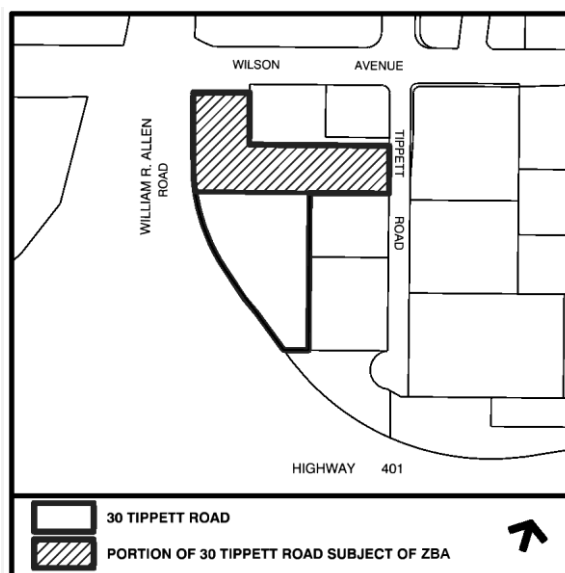
<b>Date:</b>	December 7, 2015
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward No. 10 – York Centre
<b>Reference Number:</b>	P:\2015\Cluster B\PLN\CC15148

### SUMMARY

On November 10, 2015 North York Community Council considered a report entitled 30 Tippet Road – Zoning By-law Amendment – Final Report from the Chief Planner and Executive Director, City Planning. The report provided the results of the evaluation of the requested Zoning By-law Amendment application and recommended approval, subject to conditions, for the north portion of lands known as 30 Tippet Road. These lands are owned by Build Toronto and are located in the southeast quadrant of William R. Allen Road and Wilson Avenue.

This supplementary report responds to a motion made by North York Community Council on November 10, 2015 directing staff to meet with the applicant in an effort to resolve the outstanding issues of parking standards, timing of servicing reports and daycare/community facility furnishings, and to report to City Council with a supplementary report on the results of those discussions. Staff were also directed to report on a motion put forward by Councillor Pasternak.

This report recommends approval of the Zoning By-law Amendment application, subject to revised conditions and the revised draft Zoning By-law Amendment in Attachment 1 to this report.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend the former City of North York Zoning By-law 7625, for the lands at 30 Tippet Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this supplementary report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council direct that before introducing the necessary Zoning Bills to City Council for enactment, City Council has adopted the Official Plan Amendment which establishes a development framework for the Tippet Road Area.
4. Before introducing the necessary Zoning Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following facilities, services and matters:
  - a. The following matters shall be secured as community benefits in support of the development:
    - i. the provision of a minimum 464.5 m<sup>2</sup> finished day care or community space in the base of Building A near to the Wilson Subway Station entrance, the specific location, configuration and design to be to the satisfaction of the Chief Planner and Executive Director, City Planning;
    - ii. Prior to the issuance of the first Above Grade Building Permit for the site, the Owner shall provide a financial contribution in the amount of \$200,000 to be used for either Public Art on the site, to furnish the daycare or community space being provided in recommendation (i) above, or for other amenities on the site. The allocation of the \$200,000 is to be determined by the Chief Planner and Executive Director, City Planning in consultation with the local Councillor.
    - iii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway under/through Building A which shall have a minimum width of 12.0 metres and a minimum height of 6.0 metres, and shall provide a direct at-grade connection between the west end of the new public street located along the south property line of the subject site to the Wilson Subway Station entrance located west of the site and east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level through Building A" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design

to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;

- iv. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway south of Building A which shall have a minimum width of 3.5 metres and a minimum height of 6.0 metres and shall provide a direct at-grade connection between the west end of the new public street located along the south property line of the subject site to the southwest corner of the subject site located east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level South of Building A" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- v. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public open space north of Building A from the northwest corner to the northeast corner of the subject site along the Wilson Avenue frontage generally within the area identified as "Privately-Owned Publicly-Accessible Open Space at Ground Level North of Building A Along Wilson Avenue" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- vi. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway within the Ministry of Transportation Building setback area along the west property line of the subject site which shall have a minimum width of 2.5 metres and shall provide a direct at-grade connection between the north end of the subject property at Wilson Avenue and the southwest corner of the property located east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level West of Building A" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- vii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway under/through Building B which shall have a minimum width of 2.5 metres and a minimum height of 6.0 metres and shall provide a direct at-grade connection between the new public street located along the south property line of the subject site to the north lot line of the subject site north of Building B generally within the area identified as "Privately-Owned Publicly-Accessible Walkway

at Ground Level through Building B" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;

- viii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a privately owned publicly accessible (POPS) forecourt area located northwest of the cul-de-sac of the new public street located along the south property line of the subject site providing direct at-grade connections between the new public street and the pedestrian walkway described in iii) above generally within the area identified as "Privately-Owned Publicly-Accessible Space at Ground Level" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City; and
  - ix. prior to registration of the first condominium on the lands, the Owner shall have completed construction of the publicly accessible walkway and forecourt referred to in iii) and viii) above and shall have conveyed public access easements to the City for nominal consideration, at no cost to the city and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, on such terms and conditions as set out in the Section 37 Agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. Prior to the issuance of the Notice of Approval Conditions letter for the Site Plan Control Application for the site, the Owner shall provide a conceptual plan that identifies public realm and safety improvements at the intersection of Tippet Road and Wilson Avenue with proportional cost sharing based on trip generation to the satisfaction of the Executive Director, Engineering and Construction Services.
  - ii. The total number of parking spaces required to be provided by the Zoning By-law may be reduced by not more than 10% if the following Travel Demand Management (TDM) measures are provided to the satisfaction of the Chief Planner and Executive Director, City Planning:
    - a) Publicly accessible car-share spaces;
    - b) Bicycle parking for residents and visitors;
    - c) Public bicycle parking including bike-share spaces;
    - d) Electric vehicle charging facility;

- e) Pick-up/drop off spaces;
  - f) TV monitor to display real time transportation information; and
  - g) Dedicated visitor parking.
- iii. 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.
- 6. City Council authorize the appropriate City Officials to take such actions as are necessary to implement the foregoing, including the implementation of the Section 37 Agreement.
- 7. Prior to the issuance of Draft Plan of Subdivision approval for file 15 220939 NNY 10 SB, the applicant be required to submit a revised South West Tippet Area Master Servicing Study to the satisfaction of the Executive Director, Engineering and Construction Services. If the revised study concludes that servicing improvements to the 30 Tippet Road site are required, conditions to secure these improvements will be included as conditions of Draft Plan of Subdivision approval.
- 8. Prior to the issuance of a Notice of Approval Conditions Letter for the associated Site Plan Control Approval application, the applicant be required to:
  - a. Submit a revised Functional Servicing Report and Stormwater Management Report to the satisfaction of the Executive Director, Engineering and Construction Services to provide increased capacity and redundancy in the 100 year system with the development to control runoff in excess of the 100-year storm runoff;
  - b. Continue discussions with City Planning staff regarding building articulation and building treatments, including balcony configurations and setbacks between the base of the buildings and balconies; and
  - c. Submit a revised Transportation Impact Study, if required, to the satisfaction of the Executive Director, Engineering and Construction Services.
- 9. The Owner is to provide 50 affordable rental residential units and 50 affordable ownership residential units in the proposed development subject to Council approving an affordable housing funding report from the Director of the Affordable Housing Office, and subject to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- 10. City Council determine that the revisions made to the proposed Zoning By-law are minor in nature and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed Zoning By-law.

### **Financial Impact**

The recommendations in this report have no financial impact.

## DECISION HISTORY

A statutory public meeting was held by North York Community Council on November 10, 2015 on the Final Report for the requested Zoning By-law Amendment for 30 Tippet Road (north). The report was received by the North York Community Council and was forwarded to the City Council meeting of December 9, 2015 without a recommendation.

The Final Report can be found at this link:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-85530.pdf>

## COMMENTS

At its meeting of November 10, 2015, North York Community Council directed the Chief Planner and Executive Director, City Planning, in consultation with the Director, Transportation Services, North York District, the General Manager, Children's Services, and the General Manager, Parks, Forestry and Recreation to meet with the applicant in an effort to resolve the outstanding issues related to parking standards, timing of servicing reports, and daycare/community facility furnishings, and to report directly to City Council for its meeting on December 9 and 10, 2015 on the results of those discussions and on a motion put forward by Councillor Pasternak.

## Parking Standards

A total of 213 parking spaces are proposed for this development in a one-level underground garage and no surface parking is proposed.

The City parking requirements recommended for the project as noted in the Final Report dated November 4, 2015 are the same as those contained in the Site Specific By-law 223-2010, which has been approved for the adjacent development at 545-555 Wilson Avenue (The Station). Application of these By-law standards require a total of 438 parking spaces to be provided for this development as shown in the table below. The applicant has proposed a total of 213 parking spaces in the underground structure.

Use	Units or gross floor area	Parking Rate (per By-law 223-2010)	No. of Spaces Required	No. of Spaces Proposed
Residential	396 units	0.9/dwelling unit	356	169
Visitor	396 units	0.15/dwelling unit	59	39
Day Care	424m <sup>2</sup>	1.0/28m <sup>2</sup>	15	3
Retail	228m <sup>2</sup>	1.0/28m <sup>2</sup>	8	none
Other				2 Car share
<b>Total</b>			<b>438</b>	<b>213</b>

The proposed parking supply of 213 spaces is insufficient and does not meet the requirements of the Transportation Services Division. Staff requested in the Final Report that the submitted Transportation Impact Study be revised to provide additional parking or provide a justification for parking reduction which is satisfactory to the City. It was recommended in the Final Report that the proposed Zoning Bills be held until the parking issues were resolved.

City staff met with the applicant on November 24, 2015 to discuss the proposed parking space supply. Considerable discussion ensued about what was an appropriate parking supply at a subway station and what had been done in other areas of the City. It was agreed that consideration would be provided for the Affordable Housing component, proximity to the subway station, and multi-modal infrastructure proposed. On November 26, 2015 the applicant's solicitor provided an email to City Planning staff with the applicant's revised parking standard proposal as follows:

	<b>Proposed Rate</b>	<b>Proposed No. of Units</b>	<b>Total Parking Proposed (Revised)</b>
Affordable Units	0.5 spaces per unit	100 units	50 spaces
Studio Unit	0.6 spaces per unit	12 units	07.2
One-bedroom Unit	0.7 spaces per unit	185 units	111.0 spaces
Two-bedroom Unit	0.9 spaces per unit	127 units	115.0 spaces
Townhouse Unit	1.0 spaces per unit	11 units	11.0 spaces
Residential Visitor Parking	0.1 spaces per unit	396 units	39.6 spaces (shared with non-residential)
Non-Residential	None Proposed		None Provided
<b>Total parking Proposed</b>			<b>333.8 spaces</b>

As can be seen from the table, the applicant has increased the parking supply by 114 spaces and is now proposing a total of 327 parking spaces for the development compared to the 213 parking spaces originally proposed. The revised parking rates are satisfactory to City staff.

The applicant has submitted a revised parking study and information on the proposed multi-modal infrastructure for this development which staff are reviewing. The package that is being proposed for this development to further enhance transportation options for area users and reduce vehicles trips and parking demand is as follows:

- The provision of three car-share spaces that are publicly accessible;
- The provision of three shared surface parking spaces for day-care pick-up-drop-off/delivery/taxi users;
- The provision of one publicly accessible parking space with an electrical vehicle charging facility;
- The unbundling of a parking space when purchasing a dwelling unit;
- The creation of approximately seven (7) parking spaces for shared mobility users on the north side of the new public street and cul-de-sac using parking lay-bys and bump-out design concepts;
- An additional 26 bicycle parking spaces at subway entrance areas for transit users and area users;
- Shared funding between the applicant and Build Toronto for one bike share station (10 bicycles) and publicly accessible space for the bike-share-station;
- One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display;
- 1-month Metropass (\$141.50/unit) to unit purchasers and renters;

- Participation in the Smart Commute program when service is available to residents and employees; and
- The provision of a transportation information package at the time of purchase.

In addition, the applicant will contribute proportional funding for improvements at the Tippet Road and Wilson Avenue intersection to ensure the highest quality of comfort and improve safety for active transportation users while potentially increasing the utilization of public infrastructures and further reducing vehicle use within the area. Functional plans for these improvements will be provided by the applicant at the Site Plan Control Application stage. These improvements include:

- the provision of a cycle track at the intersection;
- a reduction in the size of the intersection with shorter pedestrian crossings;
- the provision of new on-street parking on both sides of Tippet Road south of the new east/west public street to support the vibrant promenade and retail activities; and
- the provision of new on-street parking on the east side of Tippet Road north the new Public Street to facilitate additional on-street parking spaces for all area users.

Staff have completed the review of the proposed multi-modal package and have determined that the overall parking requirement may be reduced by 10%. The specific proposed multi-modal infrastructure will be described and secured in the Section 37 Agreement and Site Plan Agreement.

### **Timing of Servicing Reports**

City staff met with the applicant on this matter on Thursday, November 26 and December 3, 2015. City staff had previously requested that both the Master Servicing Study and the site specific Servicing Study for the development be revised to the satisfaction of the City prior to the Zoning Bills going forward to Council. Legal Services has provided the opinion that the Master Servicing Study could be made a requirement of the associated application for Draft Plan of Subdivision. City staff recommend that the Master Servicing Study be made a requirement of the associated application for Draft Plan of Subdivision Approval. If the revised study concludes that servicing improvements to the 30 Tippet Road site are required, conditions to secure these improvements will be included as conditions of Draft Plan of Subdivision approval (File No. 15 220939 NNY 10 SB).

With regard to the site specific servicing study, City staff now recommend that the revised Study be submitted and be to the satisfaction of the Executive Director, Engineering and Construction Services prior to the issuance of the Notice of Approval Conditions letter for the associated Site Plan Control application. The study is to provide for increased capacity and redundancy in the 100 year system with the development to control runoff in excess of the 100-year storm runoff.

### **Day Care/Community Facility Furnishings**

The applicant previously proposed a finished space of 424m<sup>2</sup> to be used for either a daycare or a space for community use. The direction from North York Community Council was to provide information on the typical cost of furnishing such a space.



### **Childcare Centre**

During the Tippet Road Area Regeneration Study process, it was determined through the Community Services and Facilities Study that one of the priorities for acquisition in the Study Area was childcare space. Through the Tippet Road Area Regeneration Study, the applicant committed to the provision of a 464m<sup>2</sup> space to be used for a daycare. The applicant has confirmed their commitment to a finished space of 464.5m<sup>2</sup> on the ground floor of Building A in a location proximate to the entrance of the Wilson Subway Station.

City Planning has discussed the potential daycare space with Children's Services. The *Child Care and Early Years Act* dictates the amount of space that is required for daycare facilities for both indoor and outdoor requirements. Children's Services identifies a range of sizes for daycare spaces, the smallest being for 52 children. A 52-space childcare centre accommodates 10 infants, 10 toddlers and 32 pre-schoolers.

As per North York Community Council's direction to City Planning staff to provide an estimate of the cost of furnishing a day care space, the General Manager of Children's Services has provided information. A commercial dishwasher and residential range hood are normally included in the construction contract as those items are required by Toronto Public Health to approve the centre. The remainder of the items are considered as loose furnishings and an approximate cost of furnishings for a 52-space child care centre, excluding the dishwasher and range hood, is estimated at approximately \$180,000.00.

### **Community Space (Parks, Forestry and Recreation)**

As per North York Community Council's direction to City Planning staff to consult with the General Manager, Parks, Forestry and Recreation on the suitability of the proposed space as a community space and the cost of furnishing it. A representative of Parks, Forestry and Recreation was consulted to determine whether the proposed space would be suitable for their programming and operational needs. City Planning staff have been advised that the size of the space is too small and Parks, Forestry and Recreation would not be interested in it based on its current size.

### **Motion from Councillor Pasternak**

At the meeting of North York Community Council on November 10, 2015 Councillor Pasternak presented a motion for consideration by Community Council members. Since this meeting, City staff have met with the applicant in an effort to resolve the issues related to parking standards, timing of servicing reports, facility furnishings and other potential financial contributions toward public art. As a result of these discussions, the Councillor's motion is no longer required as both the conditions to approval and the proposed Zoning By-law have been revised to address the agreed upon resolution of these issues.

### **Staff Report Recommendation**

The motion proposed a number of amendments to the Recommendations in the staff Final Report dated November 4, 2015 including the deletion of the requirement for a satisfactory Master Servicing Study, a revised Transportation Impact Study and the opportunity to continue discussions regarding the built form with the applicant prior to the Zoning Bills being brought forward to City Council. The motion proposed to move some outstanding items to the Site Plan Control stage including the requirement for a revised Transportation Impact Study and the ability

Staff report for action – Supplementary Report – 30 Tippet Road (north)

to continue discussions about the building articulation and building treatments such as the balcony configurations and setbacks between the base of the building and balconies. The applicant has not submitted a Site Plan Control Application. As noted above, on the advice of Legal Services, it has been determined that the requirement for a satisfactory Master Servicing Study can be made a condition of the associated Draft Plan of Subdivision Approval application (File No. 15 220939 NNY 10 SB). Following further review and discussions with the applicant, staff have no concerns with the amendments to require a revised Transportation Impact Study and to continue discussions regarding building articulation and building treatments, including the balcony configurations and setbacks between base of buildings and balconies with the applicant through the Site Plan Control process. These conditions have been revised in the recommendation section of this report.

The motion proposed that the requirement for ground level space in Building 'A' be flexible to allow the City to use the space for a childcare centre or a different community use. City staff have no concerns with this amendment which has been incorporated into the revised draft Zoning By-law.

### **Proposed Revisions to the Draft Zoning By-law**

The motion proposed a number of changes to the draft Zoning By-law.

The definition of loading space which has been incorporated into the draft Zoning By-law was for a Type 'B' loading space whereas Type 'G' loading spaces are required for this development. Secondly, when describing the width of a public walkway under Building B, reference was made to the width of 25.0 metres rather than the 2.5 metres that is desirable in Schedule 'A', Clause (vii) of the draft Zoning By-law. These typographical errors have been revised in the amended draft Zoning By-law attached in Attachment 1 to this report.

The motion included a requirement for monies to be directed towards Public Art in an amount to be determined in consultation with the Ward Councillor and City Planning. City Planning staff have had a discussion with the applicant concerning an appropriate monetary contribution for Public Art but have also agreed that this money could be used for other items such as furnishing the daycare or community space or for other amenities on the site. The applicant has agreed to contribute an amount of \$200,000.00 for this purpose. The amount will be described and secured in the Section 37 Agreement.

The motion proposed an increase to the North York standard of balcony projections from the face of the building from 1.5 metres to 2.0 metres. The By-law also incorporates a restriction on balconies being located within 3 metres of the corners of the building which the motion proposes to delete. Both of these clauses were intended to minimize shadow impacts at grade. However, following further discussions with staff these adjustments are acceptable. Further discussion with respect to building articulation and building treatments, including balcony configurations and setbacks between base of buildings and balconies will be undertaken during the Site Plan Approval process.

The motion also proposed to reduce the required parking rate in the draft Zoning By-law and proposes that the development not be required to provide any non-residential parking spaces as well as increasing the number of required car-share spaces from 2 spaces to 4 spaces. As discussed earlier in this report, a revised parking supply acceptable to the city is now proposed.

The motion is no longer required as several of the amendments have been refined and incorporated into a revised draft Zoning By-law Amendment (See Attachment 1). The amendments and refinements to the draft Zoning By-law include the following:

- Replace the definition of a loading space in Section 2, Clause (a)(viii) from a Type 'B' loading space to a Type 'G' loading space;
- Revised Section 2.(k) related to the maximum depth of balconies;
- Delete Section 2.(p) related to the location of balconies on buildings;
- Replace the parking rates in Section 2, Clause (u) to reflect the parking rates agreed to by the applicant, as follows:
  - affordable residential unit at 0.5 spaces per unit;
  - one bedroom residential unit at 0.7 spaces per unit;
  - two bedroom residential unit at 0.9 spaces per unit;
  - townhouse unit at 1.0 space per unit; and
  - residential visitor parking at 0.1 space per unit.
- Revise Schedule 'A', Clause i to provide flexibility in terms of the use of the identified community space to clarify that it may be used as community space or a daycare;
- Correct the typographical error in Schedule 'A', Clause vii related to the walkway width from 25.0 metres to 2.5 metres that is identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level through Building B";
- Revise Schedule A, Clause ii to include the monetary contribution agreed to by the applicant to be directed toward Public Art, furnishing the daycare or community space or for other one-site amenities in the Zoning By-law to be included in the Section 37 Agreement; and
- Replace the format of the By-law with the format currently being used by the City of Toronto.

## CONCLUSION

It is recommended that the application to amend the Zoning By-law be approved subject to the revised conditions and the revised draft Zoning By-law Amendment in Attachment 1 to this report.

## CONTACT

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## SIGNATURE

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Jennifer Keesmaat, MES, MCIP, RPP  
 Chief Planner and Executive Director  
 City Planning Division

## ATTACHMENTS

Attachment 1: Revised Draft Zoning By-law

### **Attachment 1: Revised Draft Zoning By-law**

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on  
~, 20~  
Enacted by Council: ~, 20~

#### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~20~**

**To amend Former City of North York Zoning By-law No. 7625, as amended,  
With respect to the lands municipally known as,  
30 Tippet Road**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; 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 or 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, 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; 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 Council of the City of Toronto HEREBY ENACTS 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” and Schedule "RM6(238)" 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 subsection:

**64.20(238) RM6(238)**

**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. "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.
- iii. "Car Share" shall mean the operation of a car sharing programme either by an existing car share company or one established by a Condominium Corporation.
- iv. "Established Grade" for the West building shall mean 185.31 metres above sea level and for the East Building shall mean 186.32 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- v. "Live-Work Use" shall mean an Artist Studio, Business or Professional Office, Custom Workshop or Personal Service Shop located within a Dwelling Unit, providing the following conditions shall apply: Live-Work Uses shall only be conducted by a member or members of a household that reside in the Dwelling Unit; the work component of the Dwelling Unit shall not exceed a maximum Gross Floor Area of 30 percent of the total Gross Floor Area of the dwelling unit and, for an Apartment House Dwelling the Live-Work Use shall be restricted to the street level of the Apartment House Dwelling.
- vi. "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.
- vii. "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.
- viii. "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.

- ix. “Site” shall mean the lands zoned “RM6(238)” as shown on Schedule 1 for the purpose of Schedule 'A' of this exception.

## PERMITTED USES

- (b) The following uses shall be permitted:

### **Apartment House Dwelling**

Multiple Attached Dwelling

Art Gallery

Artist Studio;

Business Office;

Clinic;

Club;

Commercial Gallery;

Commercial Recreation;

Commercial School;

Community Centre;

### **Custom Workshop;**

Day Nursery;

Dry Cleaning and 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 6(22);

Personal Service Shop;

Private-Home Day Care;

Professional Medical Office;

Professional Office;

### **Restaurant;**

Retail Store;

Service Shop;

### **Take-out Restaurant; and**

Veterinary Clinic.

## USE QUALIFICATIONS

- (c) A **Restaurant** or **Take-Out Restaurant** shall not have a drive-through facility.
- (d) Outdoor Residential **Recreational Amenity Areas** may be located on balconies, private terraces, roof top terraces or at grade.
- (e) Non-residential uses shall be restricted to the first storey of an Apartment House Dwelling.

## **EXCEPTION REGULATIONS**

### **LOT AREA**

- (f) The provisions of Section 20-A.2.1 (Lot Area) shall not apply.

### **LOT COVERAGE**

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

### **DWELLING UNITS**

- (h) A maximum of 396 residential dwelling units shall be permitted.

### **YARD SETBACKS**

- (i) The minimum yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule “RM6(238)”.
- (j) The minimum yard setbacks for parking structures and structures associated thereto below Established Grade shall be as follows:
  - i. a minimum of 0.6m to Wilson Avenue unencumbered by easements;
  - ii. a minimum of 0.6m to the property lines adjacent to 545-555 Wilson Avenue; and,
  - iii. 0 m to all other property lines and easements.

### **PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS**

- (k) Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), balconies and canopies may be permitted to project into minimum yard setbacks and from all building elements shown on Schedule RM6(238) by a maximum of 2.0 metres.
- (l) Canopies for weather protection at main residential entrances shall be permitted to project into required yard setback areas a distance of up to 3.0 metres.
- (m) Exit stairs to a below grade garage, stair enclosures, and transformer vaults are permitted to project beyond building envelopes into the minimum yard setbacks except above grade in the minimum yard setbacks along Tippet Road, Wilson Avenue and the future public road.

### **DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS FORMING COURTS**

- (n) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.
- (o) The minimum separation between buildings shall be as shown on Schedule “RM6(238)”.

### **GROSS FLOOR AREA**

- (p) The maximum gross floor area for all uses on lands zoned as "RM6(238)" shall be 28,553 square metres, of which the maximum gross floor area for residential uses shall be 27,901 square metres.

### **BUILDING HEIGHT**

- (q) Notwithstanding Schedule ‘D’ of By-law No. 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(238)”.
  - 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(238)” as shown by the number (being maximum geodetic elevation) on Schedule “RM6(238)”.
  - iii. in no case shall any building or structure, inclusive of any accessory component, exceed the ASL elevation depicted on the Transitional Slope Line as shown on Schedule "RM6(238)".
  - iv. parapets and railings shall be permitted to project 1.2m above the maximum Building Height provided that (q) iii above has been complied with.

### **RESIDENTIAL RECREATIONAL AMENITY AREA**

- (r) A minimum of 2.0 m<sup>2</sup> per apartment house dwelling unit of indoor residential recreational amenity area shall be provided.
- (s) A minimum of 2.0 m<sup>2</sup> 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(238)” zone shall be provided within the “RM6(238)” zone.
- (u) Notwithstanding Section 6A(2)(Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:
  - i. Affordable Residential Units – 0.5 spaces per unit;
  - ii. Studio or Bachelor Units – 0.6 spaces per unit
  - iii. One-Bedroom Units – 0.7 spaces per unit;
  - iv. Two-Bedroom Units – 0.9 spaces per unit;
  - v. Townhouse Units - 1.0 spaces per unit;
  - vi. Residential Visitor – 0.1 space/unit
  - vii. Non-residential uses – none required.
- (v) A minimum of two (2) and a maximum of seven (7) car share parking spaces may be provided on site. For every car share space provided the minimum number of parking spaces required by paragraph (u) shall be reduced by 4.0 spaces.
- (w) Three (3) shared surface spaces shall be provided for day-care drop-off/pick-up/delivery/taxi.
- (x) One publicly-accessible parking space shall be provided with an electrical charging facility.
- (y) The total number of parking spaces required to be provided under subsection (u) above may be reduced by not more than 10% if the following Travel Demand Management (TDM) measures are provided:
  - viii. Publicly accessible car-share spaces;
  - ix. Bicycle parking for residents and visitors;
  - x. Public bicycle parking including bike-share spaces;
  - xi. Electric vehicle charging facility;
  - xii. Pick-up/drop off spaces;
  - xiii. TV monitor to display real time transportation information; and
  - xiv. Dedicated visitor parking.

## **SIZE OF PARKING SPACES**

- (y) A parking space shall have the following minimum dimensions:
  - i. The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space shall be:
    - (a) 5.6 metres in length;
    - (b) 2.6 metres in width; and

(c) 2.0 metres in vertical clearance

except that the minimum required width of a parking space shall be increased by 0.3 metres for each side of the parking space that is obstructed in accordance with paragraph (iii) below;

ii. The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the parking space, shall be:

- (a) 5.6 metres in length;
- (b) 3.0 metres in width; and
- (c) 2.0 metres vertical clearance

except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space is obstructed in accordance with paragraph (iii) below;

iii. For the purposes of this definition, the side of a parking space is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:

- (a) within 0.3 metres of the side of the parking space, measured at right angles; and
- (b) more than 1.0 metres from the front or rear of the parking space.

## **BICYCLE PARKING**

(z) Bicycle parking spaces shall be provided at the following minimum rates:

- i. Residential:
  - (a) 0.60 long-term bicycle parking spaces per dwelling unit; and
  - (b) 0.15 short-term bicycle parking spaces per dwelling unit
- ii. Non-Residential:
  - (a) 3 short-term bicycle parking spaces plus 0.25 short-term bicycle parking spaces per 100 square metres of non-residential gross floor area; and
  - (b) 0.13 long-term bicycle parking spaces per 100 square metres of non-residential gross floor area.

## **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(238)".

(bb) A minimum of two Type 'G' loading spaces shall be provided on the lands shown on Schedule "RM6(238)".

## OTHER PROVISIONS

- (cc) 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.

## 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.

### 3. Section 37 Provisions

- i. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule RM6(238) 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.
- 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.
- iii. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

4. Within the lands shown on Schedule "RM6(238)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- i. 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
- ii. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## **Schedule 'A'**

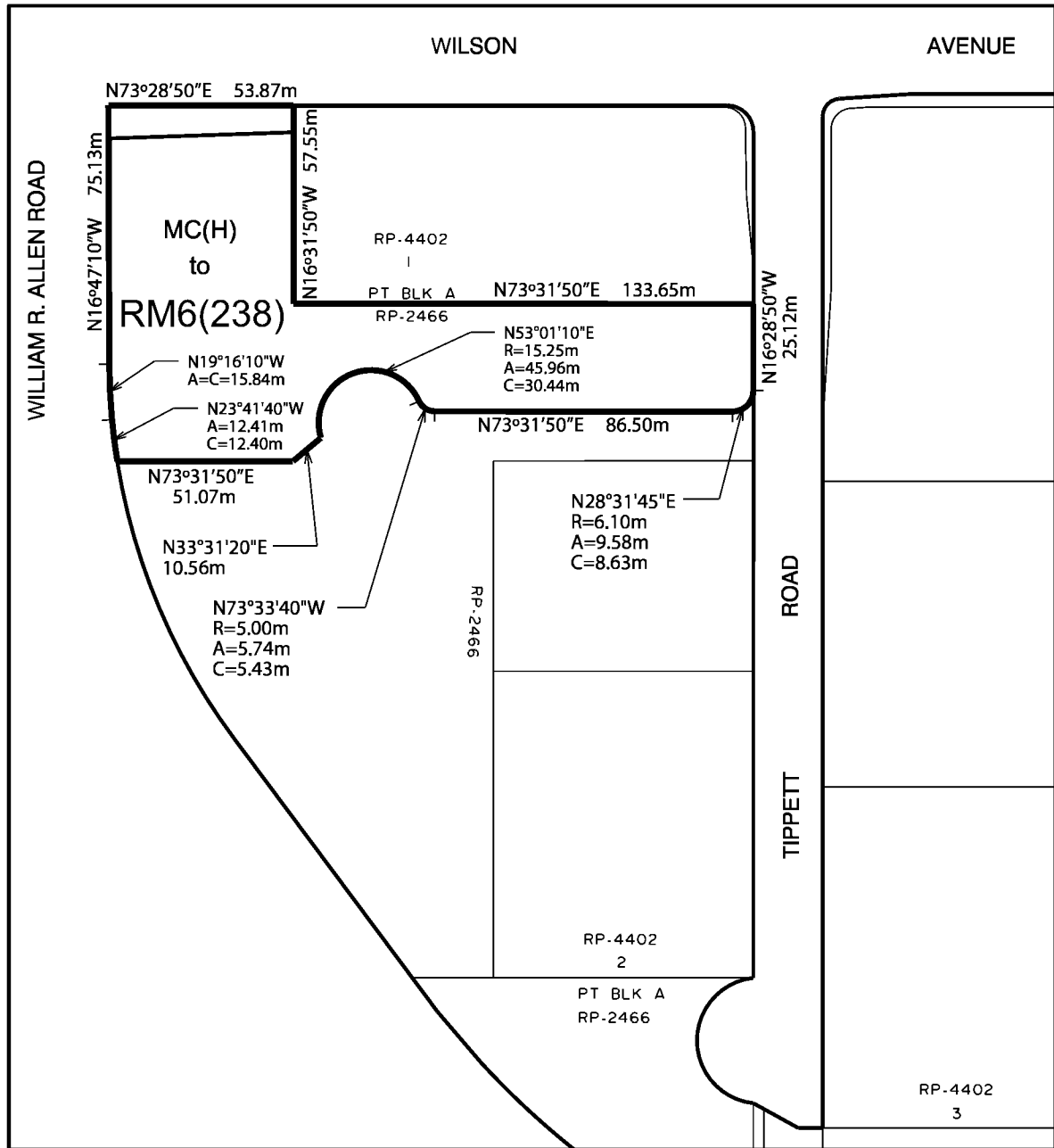
### Section 37 Provisions

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 and secured in an agreement or agreements under subsection 37(3) of the *Planning Act* whereby the owner agrees as follows:

- i. the provision of a minimum 464.5 m<sup>2</sup> finished day care or community space in the base of Building A near to the Wilson Subway Station entrance, the specific location, configuration and design to be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- ii. Prior to the issuance of the first Above Grade Building Permit for the site, the Owner shall provide a financial contribution in the amount of \$200,000 to be used for either Public Art on the site, to furnish the daycare or community space being provided in recommendation i above, or for other amenities on the site. The allocation of the \$200,000 is to be determined in consultation with the local Councillor and City Planning.
- iii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway under/through Building A which shall have a minimum width of 12.0 metres and a minimum height of 6.0 metres, and shall provide a direct at-grade connection between the west end of the new public street located along the south property line of the subject site to the Wilson Subway Station entrance located west of the site and east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level through Building A" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- iv. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway south of Building A which shall have a minimum width of 3.5 metres and a minimum height of 6.0 metres and shall provide a direct at-grade connection between the west end of the new public street located along the south property line of the subject site to the southwest corner of the subject site located east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level South of Building A" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;

- v. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public open space north of Building A from the northwest corner to the northeast corner of the subject site along the Wilson Avenue frontage generally within the area identified as "Privately-Owned Publicly-Accessible Open Space at Ground Level North of Building A Along Wilson Avenue" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- vi. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway within the Ministry of Transportation Building setback area along the west property line of the subject site which shall have a minimum width of 2.5 metres and shall provide a direct at-grade connection between the north end of the subject property at Wilson Avenue and the southwest corner of the property located east of the William R. Allen Road generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level West of Building A" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- vii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway under/through Building B which shall have a minimum width of 2.5 metres and a minimum height of 6.0 metres and shall provide a direct at-grade connection between the new public street located along the south property line of the subject site to the north lot line of the subject site north of Building B generally within the area identified as "Privately-Owned Publicly-Accessible Walkway at Ground Level through Building B" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- viii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a privately owned publicly accessible (POPS) forecourt area located northwest of the cul-de-sac of the new public street located along the south property line of the subject site providing direct at-grade connections between the new public street and the pedestrian walkway described in iii) above generally within the area identified as "Privately-Owned Publicly-Accessible Space at Ground Level" on Schedule 2 of the Zoning By-law Amendment, with the specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City; and

- ix. prior to registration of the first condominium on the lands, the Owner shall have completed construction of the publicly accessible walkway and forecourt referred to in iii) and viii) above and shall have conveyed public access easements to the City for nominal consideration, at no cost to the city and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, on such terms and conditions as set out in the Section 37 Agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. Prior to the issuance of the of the Notice of Approval Conditions letter for the Site Plan Control Application for the site, the Owner shall provide a conceptual plan that identifies public realm and safety improvements at the intersection of Tippet Road and Wilson Avenue with proportional cost sharing based on trip generation to the satisfaction of the Executive Director, Engineering and Construction Services.
  - ii. The total number of parking spaces required to be provided by the Zoning By-law may be reduced by not more than 10% if the following Travel Demand Management (TDM) measures are provided to the satisfaction of the Chief Planner and Executive Director, City Planning:
    - h) Publicly accessible car-share spaces;
    - i) Bicycle parking for residents and visitors;
    - j) Public bicycle parking including bike-share spaces;
    - k) Electric vehicle charging facility;
    - l) Pick-up/drop off spaces;
    - m) TV monitor to display real time transportation information; and
    - n) Dedicated visitor parking.
  - iii. 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.



**TORONTO** City Planning

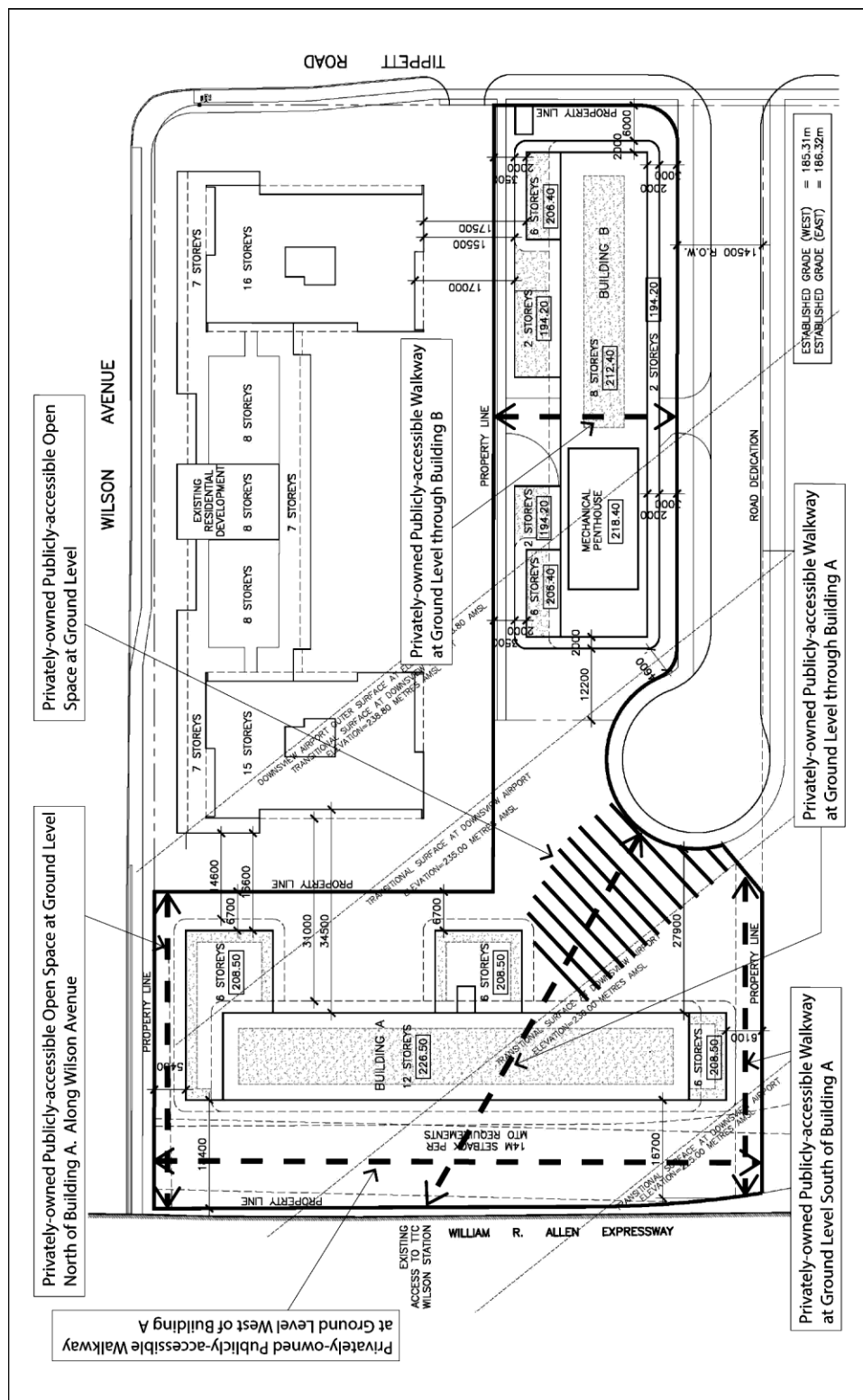
**Schedule 1**

Part of Block A, R.P. 2466 & Part of Lot 2, R.P. 4402, City of Toronto  
Land & Property Surveys, City of Toronto

File # 12 294187 NNY 10 0Z

Date: 10/01/2015  
Approved by: C. Ferguson

Not to Scale

**101 TORONTO**

## Schedule 2

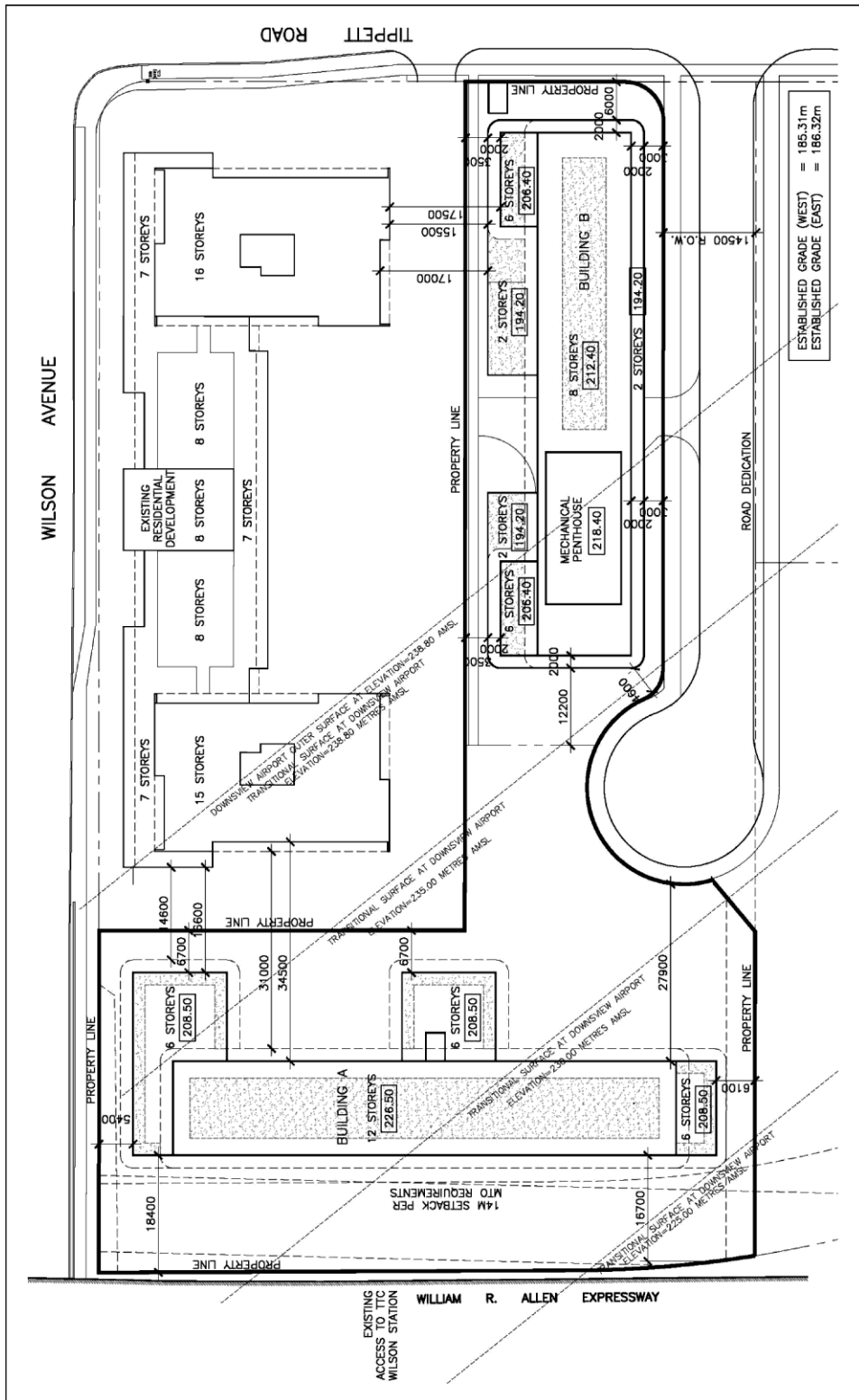
### From Applicant's Drawing

File # 12 294187 NNY 10 0Z

Date: 11/04/2015  
Approved by: C.F.

**Not to Scale**





# Toronto

## Schedule RM6(238)

### From Applicant's Drawing

File # 12 294187 NNY 10 0Z



Approved by: C.F.

**Not to Scale**