

**35 Tangiers Road – Zoning By-law Amendment  
Application and Lifting the 'H' – Final Report**

<b>Date:</b>	May 30, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 8 – York West
<b>Reference Number:</b>	12 273550 NNY 08 OZ

**SUMMARY**

This application proposes to amend former City of North York Zoning By-law No. 7625 for the lands at 35 Tangiers Road to permit the development of an eight (8) storey, 35.4 metre high, medical office building with commercial uses at grade and on the second floor, including a drive-through facility. The proposed building would have a density of 2.5 FSI and would provide 260 parking spaces, 10 of which would be at grade and 250 would be located in two levels of underground parking.

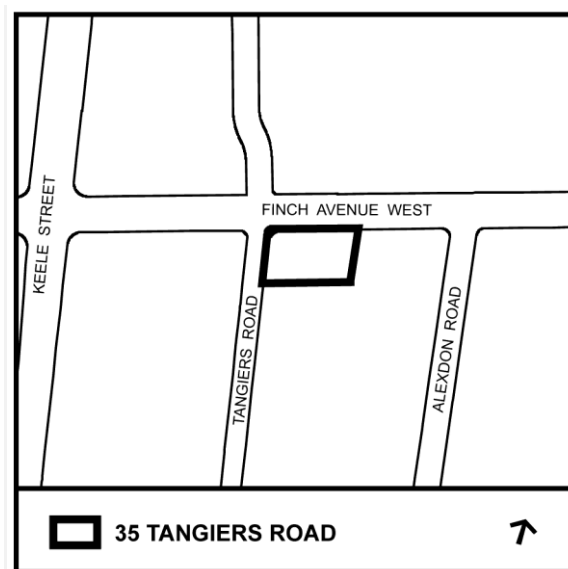
This application also proposes to lift the 'H' symbol tied to the subject property. The H requires that a Traffic Impact Study be submitted, reviewed and found acceptable to City staff. This condition has been satisfied.

This report reviews and recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law No. 7625 for the lands at 35 Tangiers Road substantially in



accordance with the draft Zoning By-law Amendments attached as Attachment No. 5 A and B to report dated May 20, 2014.

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. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a. A \$250,000 cash payment to be used for local park land improvements, including Fountainhead Park and/or streetscape improvements on Finch Avenue West in the vicinity of the Finch West TTC Subway station, \$50,000 of which is to be paid prior to the enactment of the Bills and the remaining \$200,000 is to be paid prior to the issuance of the first above grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement registration to the date of payment.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A Preliminary Report for this application was considered by North York Community Council at its meeting of January 22, 2013. This report can be found at: <http://www.toronto.ca/legdocs/mmis/2013/ny/bgrd/backgroundfile-53988.pdf>. A motion was passed to extend the notice area.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal is for an eight storey medical office building having a height of 35.4 metres and containing retail uses at grade and on the second floor. Also proposed is a one way drive-through facility located at the east side of the building. The development would have a total GFA of 15,000m<sup>2</sup> and an FSI of 2.5. The ground floor commercial space, which includes a drive-through facility, would have a GFA of 2,622m<sup>2</sup>. The proposed ground floor height is 5 metres. The second floor would be comprised of a mix of office and restaurant uses totalling 2,242m<sup>2</sup> of GFA. The majority of the parking would be located in a two level underground garage. The access is two-ways from Tangiers Road and it feeds into the two-way ramp to the underground parking. There is a single stacking lane for the drive-through facility also entering from Tangiers Road and exiting right only onto Finch Avenue West. A total of 260 parking spaces would be provided in the underground garage and 10 spaces would be located at grade at the rear (south) of the building. Also proposed are 36 bicycle parking spaces to be located in the underground

parking garage. The two loading spaces are integrated into the rear of the building and are accessed through the same two way driveway from Tangiers Road.

A 3.44m road widening along the 35 Tangiers Road frontage and a 6.1m corner rounding at Tangiers Road and Finch Avenue West are required. No road widening is required on Finch Avenue West. A minimum of 1.8 metre landscape buffer is proposed along the rear and south side yards, with a 1.8 metre high board on board fence. The front yard setback ranges from 2 metres (to a portion of the building overhang and canopies) to 4.18 metres to the main wall. The setback along Tangiers Road ranges from a minimum of 4.2 metres (from the property line to the building overhang), to 13 metres (from the property line to the building face). The sidewalk widths along both Finch Avenue West and Tangiers Road are 1.7 metres with a 1 metre hard surface adjacent to it. A total of 4 trees and a series of planters and landscape features will be located within the Finch Avenue West frontage, located between the curb and the sidewalk, and one street tree and several planters will be located on Tangiers Road between the curb and sidewalk. Individual canopies are proposed above each at grade commercial unit entrance.

Additionally, the proposal requests to lift the 'H' on the subject site which requires the approval of a Traffic Impact Study.

### **Site and Surrounding Area**

The site is located on the southeast corner of Finch Avenue West and Tangiers Road. The closest major intersection is Finch Avenue West and Keele Street, to the west. The site has an area of 5,955m<sup>2</sup>, with a frontage of 92m on Finch Avenue West and a frontage of 52m on Tangiers Road. The site is currently vacant but was previously occupied by a gas station, car wash and a drive through facility.

The site is approximately 300 metres to the future Finch West Station on the Toronto-York Spadina Subway Extension. It would also front the future Finch West LRT line.

Land uses surrounding the subject site include:

North: On the north side of Finch Avenue West is an industrial storage facility located in an *Employment Area*, several one and two storey commercial plazas and an 8 storey office building with retail uses at grade located in a *Mixed Use Area*.

East: Several one and two storey retail and commercial buildings on the south side of Finch Avenue West as well as a 6 storey office building with retail uses at grade located within an *Employment Area*.

South: Largely one and two storey commercial and industrial buildings. The entire south side of this portion of Finch Avenue West is designated as an *Employment Area*.

West: One storey retail buildings as well as a 5 storey office building with retail uses at grade. On the west side of Keele Street is a two storey plaza with retail and office uses.

Further to the west is a *Neighbourhoods* designation with one and two storey detached dwellings.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan and Municipal Comprehensive Review**

The Official Plan designates the site as *Employment Areas*. *Employment Areas* are places of business and economic activity and include uses such as office, manufacturing, warehousing, distribution, utilities, media facilities, hotels, retail outlets ancillary to the preceding uses and restaurants.

At its meeting of December 18, 2013, City Council approved the recommendations outlined in a City staff report titled Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations on Conversion Requests. The amendment is known as Official Plan Amendment 231 and it, among other things, results in the Official Plan renaming *Employment Districts* as *Employment Areas* and to further designate *Employment Areas* as *Core* or *General Employment*. The subject site is now designated as *General Employment*, which are areas reserved for business and economic activities generally located on the periphery of *Employment Areas* and would permit retail service and restaurant business activities in addition to manufacturing, warehousing, transportation facilities, offices, research and development facilities and trade schools. Additionally, the application was deemed to be Gold Star and this type of office development in an MC zone, with close proximity to higher order transit, is encouraged.

### **Zoning**

The subject site is currently zoned Industrial Commercial (MC) (H) Zone, under former City of North York Zoning By-law No. 7625 and is exempt from the City wide Zoning By-law No. 569-2013. The uses permitted in the MC Zone include office uses, manufacturing, industrial sales and servicing, financial institutions, custom workshops,

fitness centres and health science research laboratory. The holding provision (H) specifically limits the size of retail, personal service and office use space. In each instance, retail stores/personal service shops and office uses are not to exceed an FSI of 0.5 or a combined total GFA of 5,000m<sup>2</sup>, whichever is the lesser. In order to lift the "H" symbol, certain requirements must be met, under the former City of North York Official Plan for properties zoned MC. In this instance, a Traffic Impact Study must be submitted, reviewed and found acceptable to City staff.

Former City of North York Zoning By-law No. 7625 was amended by City Council in 2002 with respect to drive-through facilities. By-law No. 778-2002 permits a drive-through facility on this site as it is located in an M zone and the entirety of the facility and stacking lanes are more than 30 metres from a lot in any R or RM zone.

The site also falls under Schedule "D", Airport Hazard Map, of former City of North York Zoning By-law No. 7625, which limits heights of buildings due to the flight paths of the Bombardier Aerospace facility. The height limit for this site is 15.24m and the height of the proposed building is 35.4m.

### **Site Plan Control**

A Site Plan Control Application has been submitted and is being reviewed concurrently with the subject application (file no. 12 273567 NNY 08 SA).

### **Reasons for Application**

The current proposal does not meet certain requirements of the MC (H) Zone. The extent of the proposed office uses, the proposed height of 35.4m and the proposed density of 2.52 FSI all exceed the By-law permissions. An amendment to the Zoning By-law is required to accommodate the proposed development, and may include additional revisions to the performance standards of the site. In order to lift the "H" symbol, certain requirements must be met, under the former City of North York Official Plan for properties zoned MC. In this instance, a Traffic Impact Study must be submitted, reviewed and found acceptable to City staff.

### **Community Consultation**

A Community Consultation Meeting was held on March 26, 2013 at York Woods Library. The meeting was attended by the Ward Councillor, City Planning staff, the property owner, the applicant and approximately 30 members of the public.

The issues raised by area residents, which have been considered in the review of the application are as follows:

- Added traffic to already congested area; and
- Sufficient supply of parking to serve the proposed commercial uses.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the 2014 Provincial Policy Statement (PPS) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas which provide a healthy, liveable and safe community.

### **Land Use**

The *Employment Areas* policies speak to maintaining and growing business and economic activity, including offices. The proposed 8-storey office building supports the intent of the *Employment Areas* policies contained within the Official Plan and Official Plan Amendment 231, specifically with respect to Policy 6 which states that "new office development will be promoted in...*Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station." The office building would be approximately 300 metres from the Finch West subway station, therefore the site is ideal for an office building.

The former City of North York Zoning By-law no. 7625 permits office uses on this site. The By-law also permits drive-through facilities in this location.

### **Massing, Density, Height**

The proposed building is massed to frame Finch Avenue West and Tangiers Road by locating the main walls of the development parallel to the street edge. At the corner of Finch Avenue West and Tangiers Road, the main floor of the building is set back to provide a covered entrance and entry forecourt, open space.

The massing and materials would provide a unique element to the office building and the angled corner treatment and helps to break up the flanking wall along Tangiers Road and provides distinctive corner expression for the site. The two-storey portion of the building on Finch Avenue West helps to provide a pedestrian scale and transition to the drive-through facility at the east end of the site.

The proposed building is 8-storeys and 35.4m in height, stepping down to two-storeys ranging in height from 9.1m to 12.5m in height east on Finch Avenue West. A combination of green roof and amenity area is located on the roof of the second floor, along with the mechanical penthouse. Schedule 'D' – Airport Hazard Map – of North York Zoning By-law No. 7625, permits a maximum height of 15.24 metres for this site. The applicant has received written confirmation from Bombardier Flight Operations that the proposed height is acceptable.

## **Lifting the 'H'**

The existing MC zone permits a maximum density of 1.0 FSI, however, the holding provision (H) specifically limits the size of retail, personal service and office use space. In each instance, retail stores/personal service shops and office uses are not to exceed an FSI of 0.5 or a combined total GFA of 5,000m<sup>2</sup>, whichever is the lesser. The proposed density is 2.52 FSI and the total GFA is 14,995m<sup>2</sup>. The retail FSI is 0.44 and the office uses make up the remaining 2.07 FSI. Office uses and complementary retail uses are contemplated and encouraged in both the *Employment Areas* policies as well as Official Plan Amendment 231, specifically with respect to proximity to higher order transit. The Finch West stop of the Toronto-York Spadina Subway Extension will be located less than 300m from the proposal, at Finch Avenue West and Keele Street. The station is scheduled to open in the Fall of 2016. The Finch West LRT will also be in close proximity, originating from Finch West station and extending 11 kilometres west to Humber College.

## **Streetscape and Landscaping**

The Official Plan speaks to providing landscaping to create an attractive streetscape and to screen parking, loading and servicing areas. The setback along Finch Avenue West is appropriate for grade related retail and allows for landscaping and seating elements. The setback along Tangiers Road allows for a larger pedestrian gathering zone as well as landscaping and seating. The ground floor with a proposed height of 5 metres, and continual glazing provides animation to both street frontages and facilitates retail uses at grade. The at grade retail uses and main entrance would be weather protected and directly accessible to both flanking sidewalks.

A minimum of 1.8 metre landscape buffer is proposed along the rear and south side yards, with a 1.8 metre high board on board fence. The front yard setback ranges from 2 metres (to a portion of the building overhang and canopies) to 4.18 metres to the main wall. The setback along Tangiers Road ranges from a minimum of 4.2 metres (from the property line to the building overhang), to 13 metres (from the property line to the building face). The sidewalk widths along both Finch Avenue West and Tangiers Road are 1.7 metres with a 1 metre hard surface adjacent to it. A total of 4 trees and a series of planters and landscape features will be located within the Finch Avenue West frontage, located between the curb and the sidewalk, and one street tree and several planters will be located on Tangiers Road between the curb and sidewalk. Individual canopies are proposed above each at grade commercial unit entrance. Staff require a continuous canopy with a minimum depth of 3 metres. This will be secured in the Zoning By-law.

The building incorporates architectural elements on Finch Avenue West, including articulated balconies to create appropriate scale and visual interest. A total of 4 trees and several planters will be located within the Finch Avenue West frontage, located between the curb and the sidewalk. There will also be 14 outdoor bicycle racks located in front of the at-grade retail use.

Drive-through facilities can impact the streetscape and can be challenging to implement. In an effort to integrate the permitted facility into the office building and enhance the

streetscape, the drive-through facility on site will be further reviewed through the Site Plan Approval process.

The proposed development has been reviewed in the context of the public realm policies of the Official Plan and conforms with these policies.

### **Traffic Impact, Access, Parking**

The application proposes to take vehicular access off the flanking street, Tangiers Road. There are 10 proposed at-grade parking spaces and 250 spaces located on two levels of underground parking. The 250 parking spaces are based on the City wide Zoning By-law No. 569-2013. The drive-through facility will be accessed through the same entrance on Tangiers Road and would have a one way right turn exit only on Finch Avenue West. Also proposed are 36 bicycle parking spaces to be located on the two levels of underground parking and 26 at grade spaces. Traffic and sufficient parking were raised as issues at the community meeting. Staff are satisfied with the proposed access, drive-through, vehicular and bike parking.

In order to lift the 'H', the applicant was required to submit a Traffic Impact Study to the satisfaction of the City. The study has been reviewed and deemed acceptable to Transportation Services and the 'H' can be lifted.

### **Road Widening**

Transportation Services staff advise that a 3.44m road widening along the 35 Tangiers Road frontage and a 6.1m corner rounding at Tangiers Road and Finch Avenue West are required. The future road allowances are shown on the site plan and will be secured as a condition of Site Plan approval. No widening is required on Finch Avenue West.

### **Servicing**

Development Engineering staff have reviewed servicing submissions and have found them to be acceptable. The outstanding issue surrounds the sanitary by-pass plan and this will be secured as part of the Site Plan application.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject land is in an area with less than 300 people and is an *Employment Area*. The site is in a parkland priority area and is subject to the alternative parkland dedication rate through the City Wide Parkland Dedication By-law 1020-2010.

The application proposes an 8-storey building with 12,373m<sup>2</sup> of office space and 2,662m<sup>2</sup> of retail use within a site area of 0.5954ha/5,954.66m<sup>2</sup>. The proposal will be subject to 2% parkland dedication rate equivalent to 0.0119ha/119m<sup>2</sup>.



Parks, Forestry and Recreation Division (PFR) staff has requested the parkland dedication be satisfied by cash in-lieu. PFR has advised that this is appropriate as the required dedication would not generate a substantial park area. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

### **Section 37**

Community benefits are typically acquired through the application of Section 37 policies which have been incorporated into the Official Plan. The city's opportunity to utilize Section 37 is through an implementing Zoning By-law permitting a height and/or density increase for a specific development.

It is staff's opinion the proposed development constitutes good planning. It is consistent with the objectives and policies of the Official Plan and addresses the land use, built form and other policies of the Plan. The applicant has agreed to a Section 37 contribution of \$250,000.

The area is deficient in parks and there is potential to upgrade local parks such as priority improvements to Fountainhead Park. There is also potential to make upgrades to the Finch Avenue West streetscape. This report recommends this monetary contribution to be secured in the Section 37 Agreement as follows:

- a. A \$250,000 cash payment to be used for local park land improvements, including Fountainhead Park and/or streetscape improvements on Finch Avenue West in the vicinity of the Finch West TTC Subway station, \$50,000 of which is to be paid prior to the enactment of the Bills and the remaining \$200,000 is to be paid prior to the issuance of the first above grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement registration to the date of payment.

The following matter is also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. 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 held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

## **Site Plan**

The site plan application (no. 12 573567 NNY 08 SA) is currently being reviewed by City staff. A number of site plan details will be finalized and secured, including:

- Road widening;
- Corner rounding;
- Site landscape and streetscape for Finch Avenue West and Tangiers Road;
- Landscaping, fencing and street trees and planter/bench details;
- Quality of building material;
- Lighting, seating and pedestrian weather protection along street edges;
- Integrating the parking ramp into the building;
- TGS performance measures;
- Bicycle parking and shower facilities;
- Site servicing, including the sanitary by-pass plan; and
- Ground floor uses and grading relationship to adjacent sidewalks.

## **CONTACT**

Emily Rossini, Planner  
Tel. No. 416-395-7172  
Fax No. 416-395-7155  
E-mail: erossin@toronto.ca

## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North and West Elevations

Attachment 2b: South and East Elevations

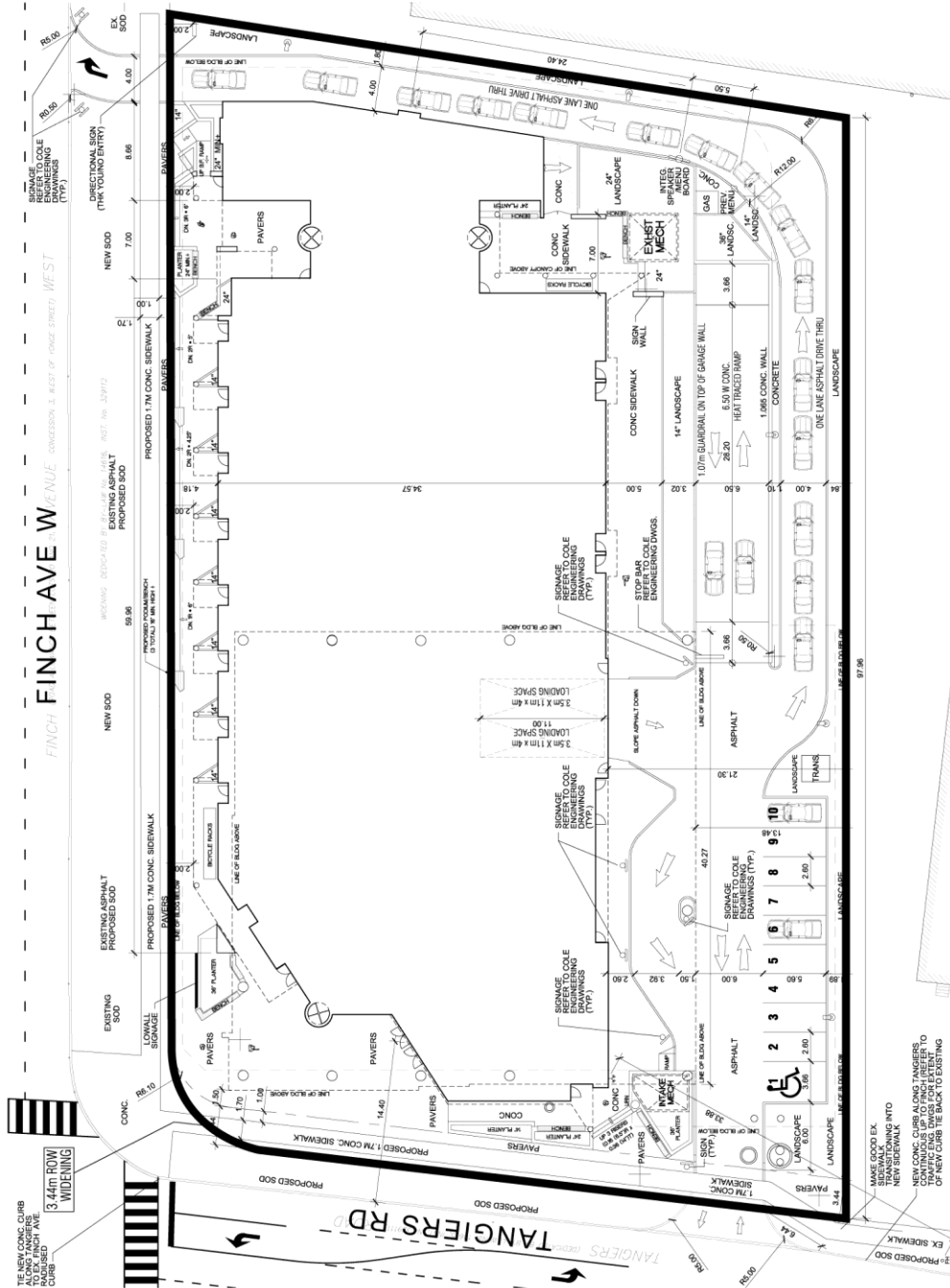
Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5a: Draft Zoning By-law Amendment to lift the H

Attachment 5b: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



35 Tangiers Road

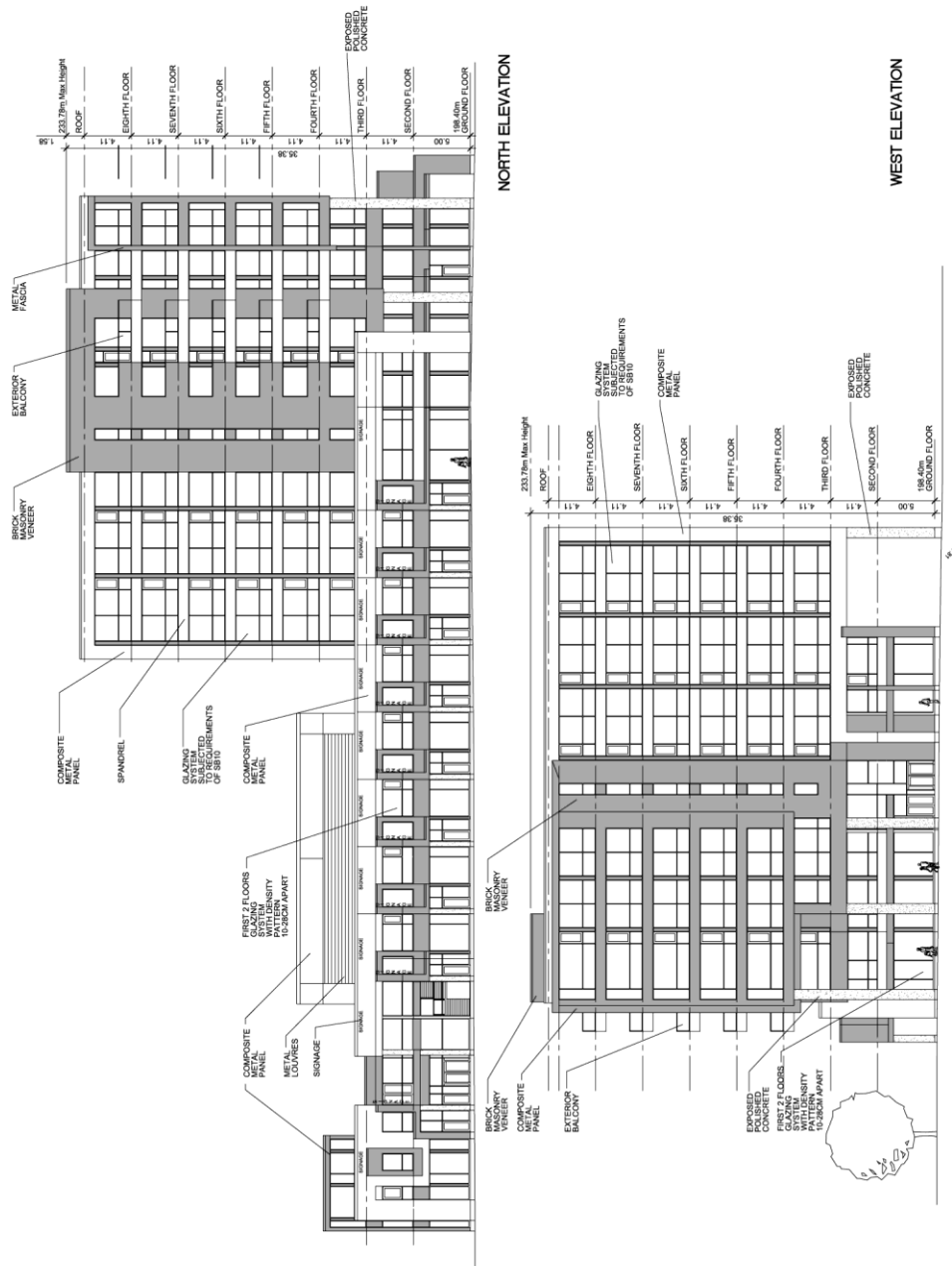
Site Plan

Applicant's Submitted Drawing

File # 12 273550 NNY 08 0Z

Not to Scale  
04/24/2014

# Attachment 2a: North and West Elevations



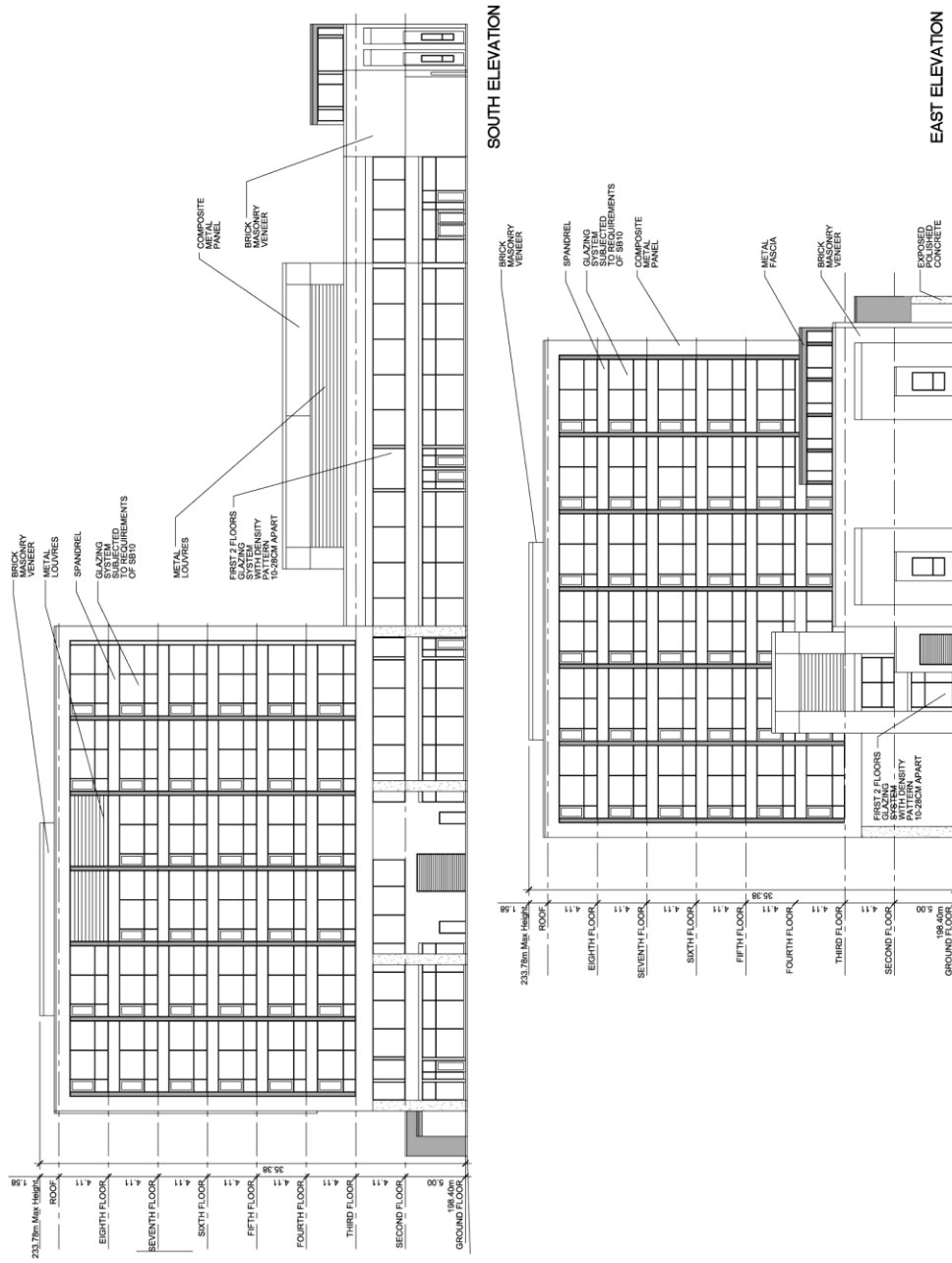
35 Tangiers Road

File # 12.273550 NNY 08 02

Elevations  
 Applicant's Submitted Drawing

Not to Scale  
 12/06/2012

# Attachment 2b: South and East Elevations



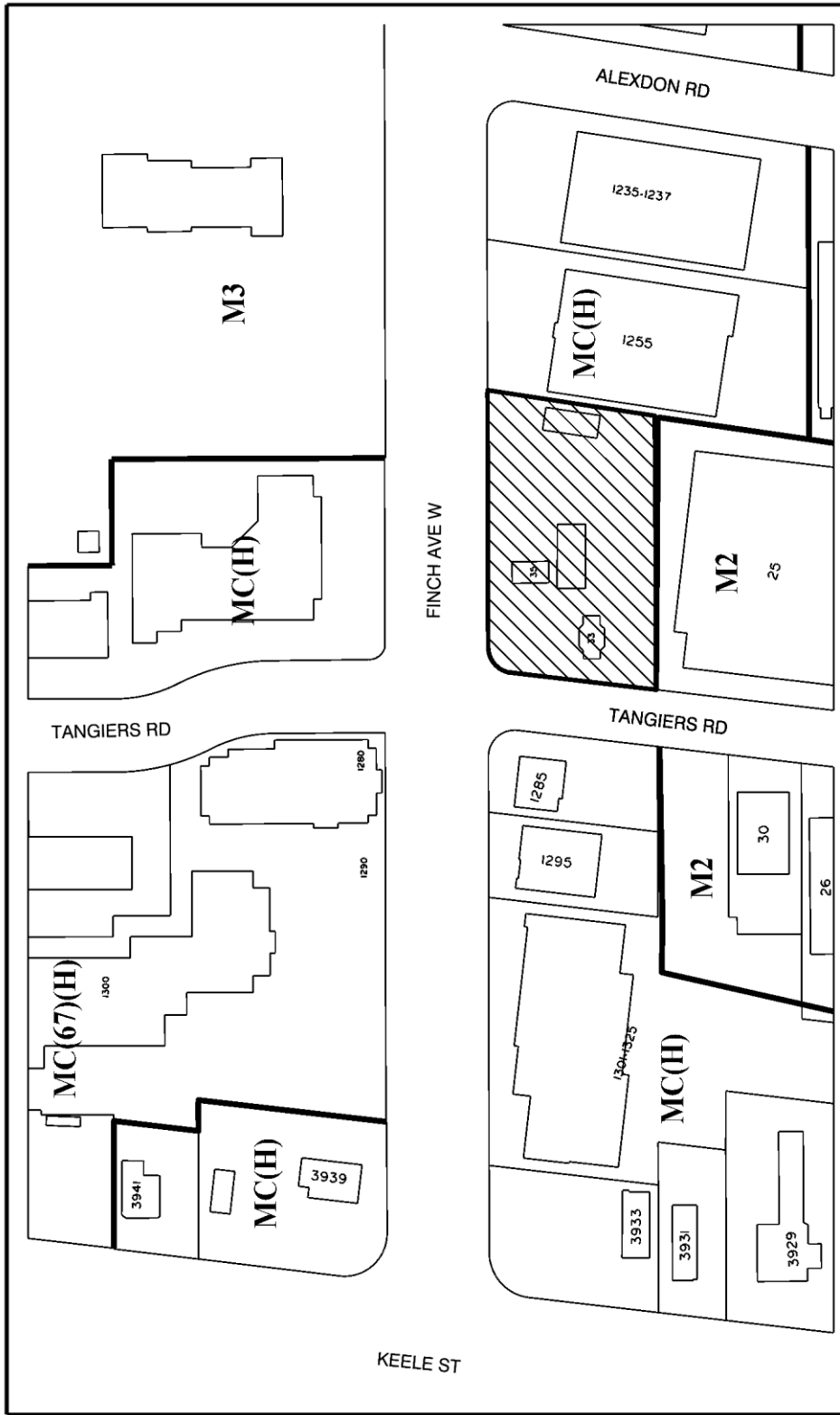
35 Tangiers Road

File # 12 273550 NNY 08 0Z

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
12/06/2012

### Attachment 3: Zoning



**Toronto** City Planning  
**Zoning**

**35 Tangiers Road**  
 File # 12 273550 NINY 08 SA



Not to Scale  
 Zoning Bylaw 7625  
 Extracted 12/06/2012

M2 Industrial Zone Two  
 M3 Industrial Zone Three  
 MC Industrial-Commercial Zone  
 NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

### Attachment 4: Application Data Sheet

Application Type      Rezoning      Application Number:      12 273550 NNY 08 OZ  
 Details      Rezoning, Standard      Application Date:      November 5, 2012

Municipal Address:      35 TANGIERS RD  
 Location Description:      CON 3 WY PT LOT 20 \*\*GRID N0807  
 Project Description:      The proposal of a eight storey office building with commercial at grade and on the second floor.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
M BEHAR PLANNING AND DESIGN INC. 25 Valleywood Dr. Unit 23, Markham, ON, L3R 5N9	MOIZE BEHAR 25 Valleywood Dr. Unit 23, Markham, ON, L3R 5N9	Allen Chui Architects Inc. 100 Sunrise Ave., Unit 102, Toronto, ON, M4A 1B3	2310039 ONTARIO INC 71 Marycroft Avenue, Suite 1. Vaughan, ON, L4L 5Y6

#### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N
Zoning:	MC(H)	Historical Status:	N
Height Limit (m):	NA	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	5954.66	Height:      Storeys:	8
Frontage (m):	92.06	Metres:	35.38
Depth (m):	60.96		
Total Ground Floor Area (sq. m):	2622		<b>Total</b>
Total Residential GFA (sq. m):	0	Parking Spaces:	260
Total Non-Residential GFA (sq. m):	14995	Loading Docks	2
Total GFA (sq. m):	14995		
Lot Coverage Ratio (%):	44.03		
Floor Space Index:	2.52		

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	2365
1 Bedroom:	0	Office GFA (sq. m):	11571
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	1059
Total Units:	0		

**CONTACT:**      **PLANNER NAME:**      **Emily Rossini, Planner**  
**TELEPHONE:**      **416-395-7172**      **Email: erossin@toronto.ca**



**Attachment 5a: Draft Zoning By-law Amendment to lift the H**

Authority: ~ Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

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

**To amend North York Zoning By-law No. 7625 , as amended by XXXX-2014  
to remove the holding symbol (H)  
with respect to the lands known municipally in the year 2013 as  
35 Tangiers Road**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. North York Zoning By-law No. 7625 is amended by removing the holding symbol (H) from the lands shown on the attached Schedule '1'.

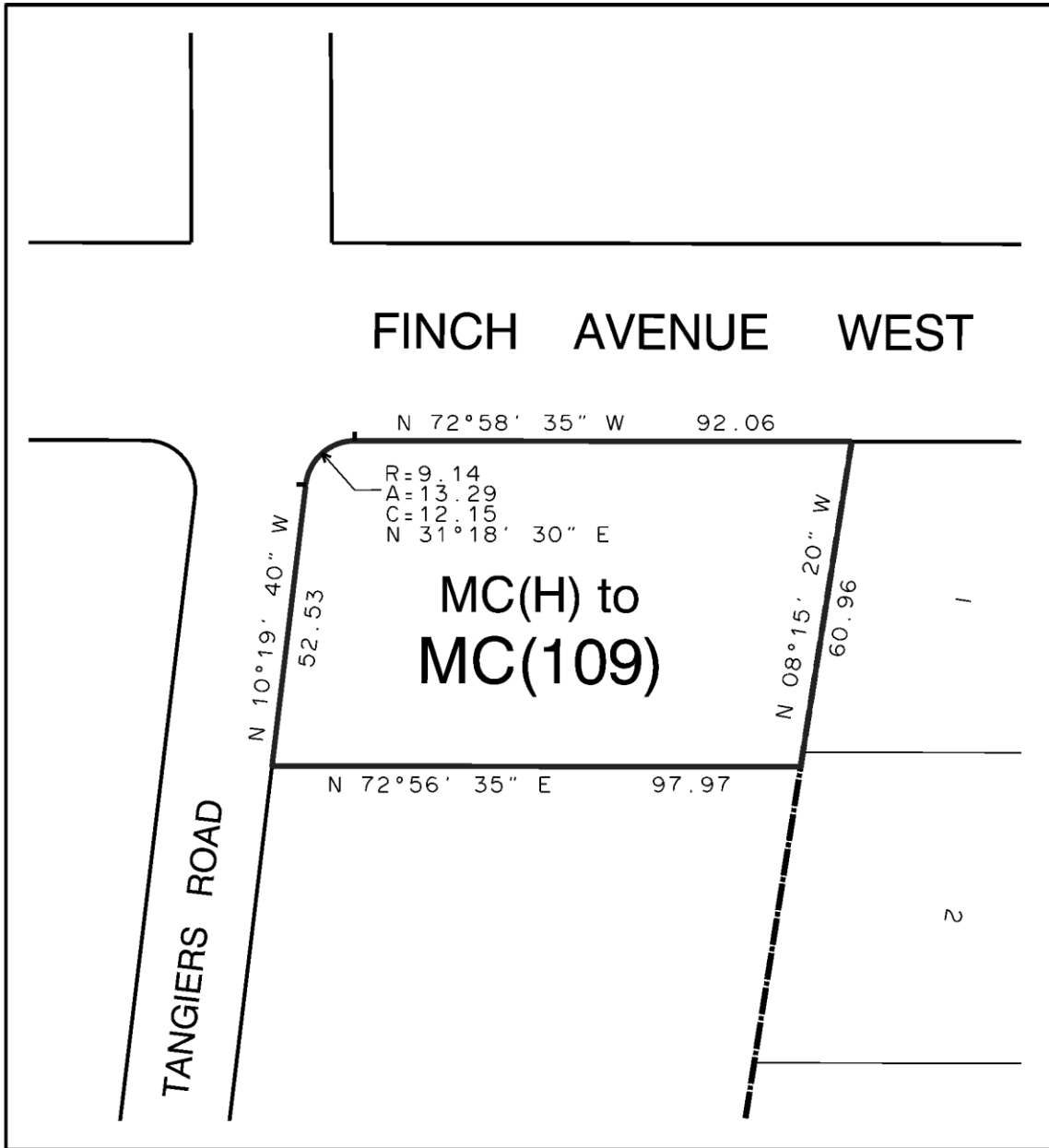
ENACTED AND PASSED this ~ day of ~ , A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE '1'**



**Schedule 1**

Enter Legal Description...  
PART OF LOT 20 CONCESSION 3, WEST OF YONGE STREET  
Date: 04/24/2014  
Approved by: E.R.

File # 12 273550 NNY 08 0Z



## **Attachment 5b: Draft Zoning By-law Amendment**

Authority: ~ Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

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

#### **To amend Zoning By-Law No. 7625 for the former City of North York, as amended, with respect to the lands municipally known as 35 Tangiers 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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of lands elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 7625 of the former City of North York, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this by-law are those lands outlined by a heavy dashed line and identified on Schedule '1' attached hereto.

2. With respect to the lands known municipally as 35 Tangiers Road, Part of Lot 20, Concession 3, West of Yonge Street, in the City of Toronto:

A. Schedule "B", "C" and "D" of By-law 7625 are amended as it relates to subjects lands, and replacing it with schedule '1' attached hereto.

B. Section 64.33 of By-law 7625, as amended, is amended by adding the following subsection:

"64.33 (109)

**A. Definitions** Notwithstanding Section 2 of By-law No. 7625, the following definitions shall apply to the Subject Lands.

**i) Building Height**

For the purposes of this exception, the maximum **Building Height** shall be 36 metres measured from **Established Grade**.

**ii) Established Grade**

For the purpose of this exception, **Established Grade** shall be 198.30 metres Canadian Geodetic Datum.

**iii) Front Lot Line**

For the purpose of this exception, **Front Lot Line** shall be Finch Avenue West.

**iv) Laboratory**

Shall mean a premises used for scientific or technical research, analysis, experimentation or development.

**v) Subject Lands**

Shall mean the lands shown on Schedule '1'.

**B. General Provisions** Notwithstanding Section 6 of By-law No. 7625, the following provisions shall apply to the **Subject Lands**.

**i) Permitted Projections into Minimum Yard Setbacks**

Landscaping features such as planters and benches are permitted within the minimum Front Yard Setback.

ii) A minimum 3 metre continuous pedestrian weather protection shall be provided along the Finch Avenue West frontage.

iii) Schedule D Height Limit

The maximum Height shall be as shown on Schedule MC(109) attached hereto.

### **C. Parking Regulations**

Notwithstanding Section 6A of By-law No. 7625, the following provisions shall apply to the **Subject Lands**.

i) Parking Requirements

Provide parking in accordance with the following minimum requirements:

#### Retail Use

1.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

#### Medical Office Use

1.5 spaces per 100 m<sup>2</sup> of Gross Floor Area;

#### Office Use

1.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

#### Laboratory Use

1.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

#### Restaurant Use

5.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

The on-site parking is subject to the following maximum requirements:

#### Retail Use

4.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

#### Medical Office Use

6.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

Office Use

2.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

Laboratory Use

2.0 spaces per 100 m<sup>2</sup> of Gross Floor Area;

ii) Loading Spaces Required

Two Type B loading spaces shall be provided on the **Subject Lands**.

iii) Dimensions of Loading Space

- a. A loading space shall have minimum dimensions of 11.0 metres long, 3.5 metres wide and a vertical clearance of 4.0 metres.
- b. A continuous minimum 4.0 metres vertical clearance shall be provided extending from the driveway access to and including the loading facility.

iv) Access to Loading Space

The provision of Section 6A(16)(d)(iii) (Access to Loading Spaces) of By-law 7625, shall not apply.

**D. Exception Regulations** Notwithstanding Section 33 of By-law No. 7625, the following permitted uses and provisions shall apply to the **Subject Lands**.

**a) Permitted Uses**

- i) In addition to the uses permitted in an Industrial – Commercial (MC) Zone, one Drive-Through Facility, containing one stacking lane, shall be permitted on the **Subject Lands**, provided:
  - a. It is not the sole use or building on the **Subject Lands**;
  - b. There is only one (1) drive-through lane.

**Floor Space Index**

- i) The total maximum Floor Space Index shall be 2.6.

**Yard Setbacks**

- i) Shown on Schedule MC(109); and

- ii) Pre-finished metal panel decorative features, canopies, planters, benches and columns are permitted to project a maximum of 1.5 metres into the side yard setback.

**c) Maximum Building Height**

- i) The maximum Building Height shall be as shown on Schedule MC(109) attached hereto.

**d) Minimum ground floor height**

- i) The minimum ground floor height shall be 5 metres.

**d) Minimum Landscaping**

- i) A minimum 25% of landscaping shall be located on the **Subject Lands**;
- ii) A minimum of 8% of soft landscaping shall be located on the **Subject Lands**.

1. All other provisions of By-Law No. 7625, as amended not inconsistent with the provisions of this By-law shall continue to apply to the subject lands.
2. Schedules '1' and 'MC(109)' attached hereto forms part of this By-law.
3. The provisions of Sections 33(6) (b) (i) and (ii) (Landscaping) of By-law 7625, shall not apply.
4. Within the lands shown on Schedule "1" 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:
  - (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.”
5. Pursuant to Section 37(1) of the Planning Act the heights and density of the development permitted in the By-law are permitted subject to compliance with all the conditions set out in this By-law including the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's expense and in accordance with and subject to the agreement referred to in Section 7 of this by-law.

6. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provisions of the facilities, services and matters set out in Appendix 1 hereof, the lot 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 of payment of any monetary contribution 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.

7. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

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

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk



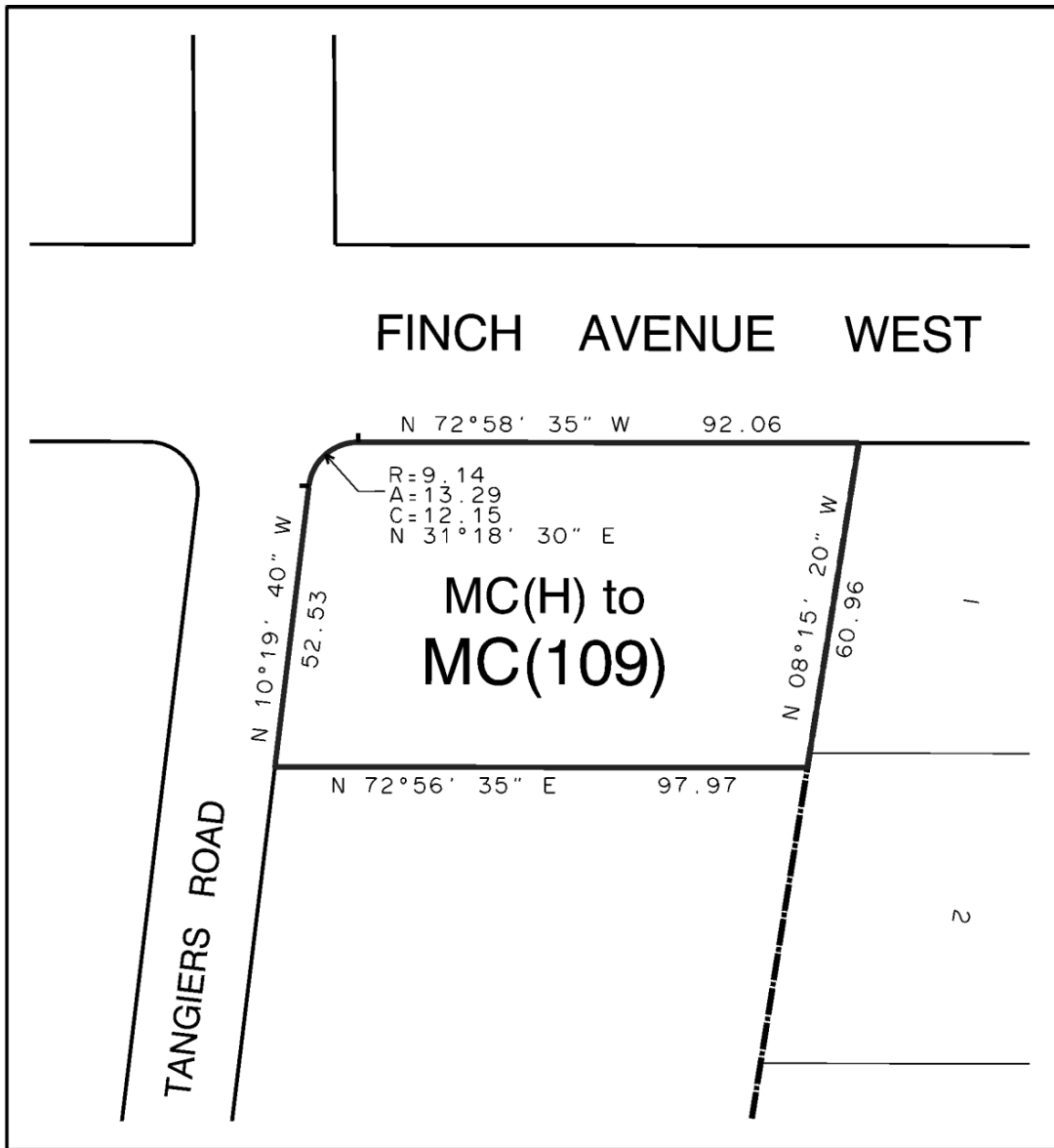
## Appendix "1"

### Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of that *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The community benefits are as follows:
  - i) Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
    - a. A \$250,000 cash payment to be used for local park land improvements, including Fountainhead Park and/or streetscape improvements on Finch Avenue West in the vicinity of the Finch West TTC Subway station, \$50,000 of which is to be paid prior to the enactment of the Bills and the remaining \$200,000 is to be paid prior to the issuance of the first above grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement registration to the date of payment.
2. The owner of the lot shall enter into and register on title to the lot and on title to the lands known municipally as 35 Tangiers Road, one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.
3. 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.

SCHEDULE '1'



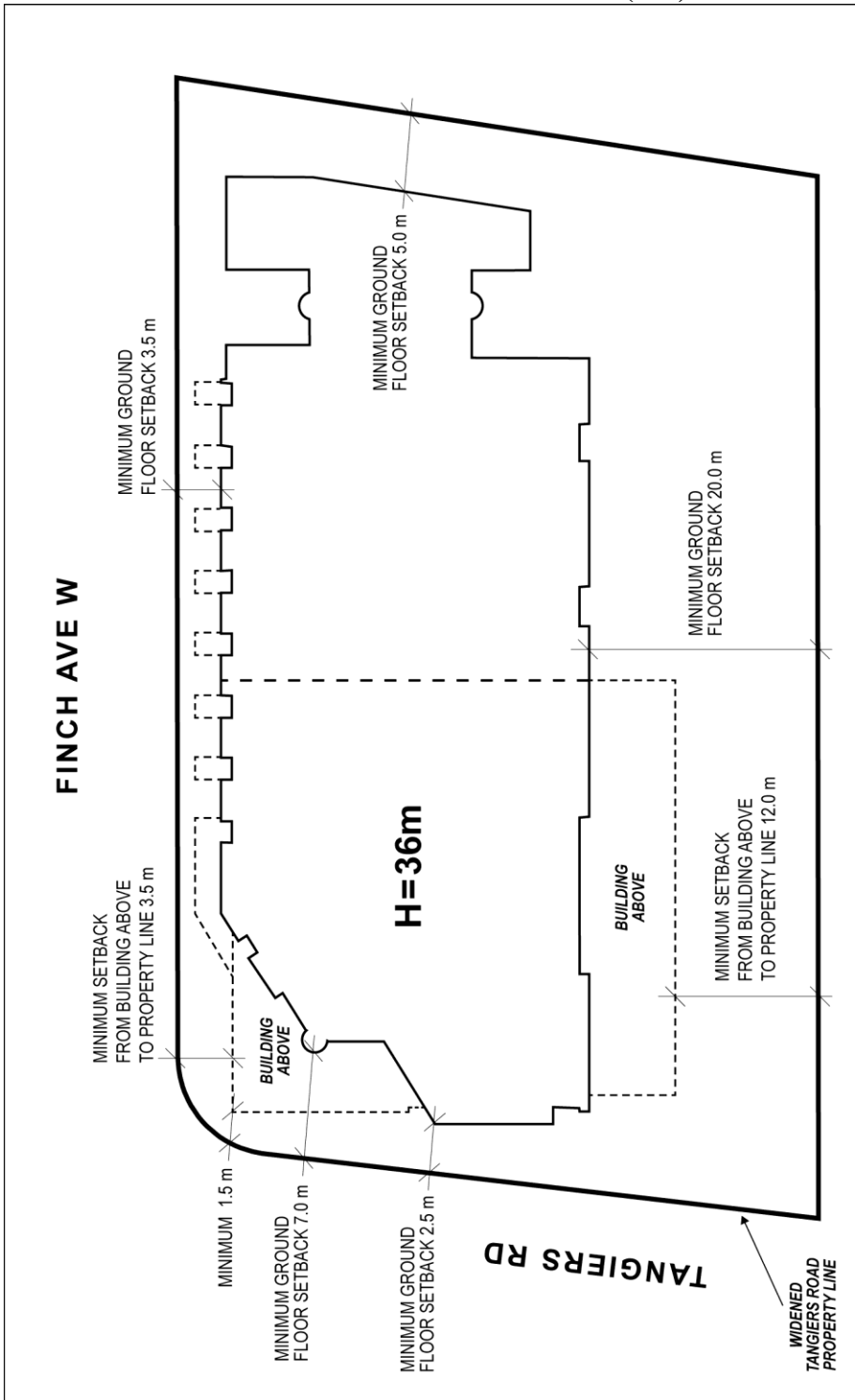
Schedule 1

Enter Legal Description...  
 PART OF LOT 20 CONCESSION 3, WEST OF YONGE STREET  
 Date: 04/24/2014  
 Approved by: E.R.

File # 12 273550 NNY 08 02



**SCHEDULE 'MC(109)'**



**Schedule MC(109)**

File # 12 273550 NNY 08 0Z



Not to Scale



From Applicant's Drawings

Date: 05/16/2014  
 Approved by: E.R.