

Authority: North York Community Council Item NY25.2, as adopted by City of Toronto Council on July 14, 15, and 16, 2021 and MM42.32, by Councillor Shelley Carroll, seconded by Councillor Kristyn Wong-Tam, as adopted by City of Toronto Council on April 6 and 7, 2022

CITY OF TORONTO

BY-LAW 469-2022

To amend former North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2021 as 699 Sheppard Avenue East.

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 such 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, 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 matter 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, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625 are hereby amended in accordance with Schedule 1 of this By-law.
2. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

64.20-A (269) RM6 (269) DEFINITIONS

- (a) For the purpose of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, each unit having access

either from an internal corridor system or direct access at grade, or any combination thereof;

- (b) For the purposes of this exception, "established grade" shall mean 170.40 metres Canadian Geodetic Datum;
- (c) For the purpose of this exception, the "gross floor area" of a mixed use building is reduced by the area in the building used for:
 - i. parking, loading and bicycle parking below-ground;
 - ii. loading spaces at the ground level and bicycle parking spaces at or above-ground;
 - iii. storage rooms (including parcel storage), mail room not accessible to the public, washrooms, electrical, utility, mechanical, and ventilation rooms in the basement;
 - iv. shower and change facilities required by this By-law for required bicycle parking spaces;
 - v. recreational amenity areas;
 - vi. elevator shafts;
 - vii. garbage shafts;
 - viii. mechanical penthouse; and
 - ix. exit stairwells in the building;
- (d) For the purposes of this exception, "underground" is defined as below established grade;

PERMITTED USES

- (e) On the lands identified on Schedule 1, the only permitted uses shall be:
 - i. apartment house dwellings including recreational amenity areas, and all commercial and institutional uses permitted in a "C-1" General Commercial Zone;

USE QUALIFICATIONS

- (f) Outdoor recreational amenity areas may be located on rooftop terraces;
- (g) Permitted non-residential uses shall be located on the ground floor only;

EXCEPTION REGULATIONS

LOT COVERAGE

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

YARD SETBACKS

- (i) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply;
- (j) The minimum yard setbacks for all buildings and structures above established grade shall be as shown on Schedule 2;
- (k) The minimum yard setbacks for structures below established grade shall be 0 metres, except that a minimum 2.47 metres setback is required from the front lot line, which shall be the lot line that abuts Sheppard Avenue East;
- (l) The minimum distance between the building, including all below and above grade structure, to all TTC infrastructure is 3 metres;

GROSS FLOOR AREA

- (m) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply;
- (n) The maximum permitted gross floor area shall be 10,830 square metres;
- (o) The maximum permitted non-residential gross floor area shall be 55 square metres;

BUILDING HEIGHT

- (p) The provisions of Section 20-A.2.6 (Building Height) shall not apply;
- (q) The maximum number of storeys above established grade and the maximum building height in metres shall be shown on Schedule 2;
- (r) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building does not constitute a storey and shall be disregarded in calculating the height of the building;

LANDSCAPING

- (s) The provisions of Section 15.8 (Landscaping) shall not apply;

RECREATIONAL AMENITY AREA

- (t) Amenity areas shall be provided at the following rates:

- i. at least 1.95 square metres for each dwelling unit is indoor amenity space; and
- ii. at least 3.0 square metres for each dwelling unit is outdoor amenity space;

PARKING

- (u) The provisions of Section 6A(2) (Parking Requirements) shall not apply. The minimum number of parking spaces shall be calculated in accordance with the following:
 - i. resident parking for an apartment dwelling unit 0.47 spaces per unit;
 - ii. visitor parking at a rate of 0.10 parking spaces per unit; and
 - iii. non-residential parking is not required;

LOADING SPACES

- (v) The provisions of Section 6A(12) (Loading) shall not apply. Loading shall be provided as follows:
 - i. A minimum of one Type G loading space shall be required with minimum dimensions of 4.0 metres by 13.0 metres with 6.1 metres of vertical clearance;

BICYCLE PARKING

- (w) Bicycle parking shall be provided as follows:
 - i. Long Term – 214 bicycle parking spaces;
 - ii. Short Term – 24 bicycle parking spaces inclusive of residential visitor and non-residential;

PROJECTIONS

- (x) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply;
- (y) Art and landscape features, antennas, air conditioners, satellite dishes, vents, pipes, balconies, cladding, cornices, light fixtures, ornamental elements, parapets, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures may project no more than 3.0 metres beyond the heavy lines shown on Schedule 2;

HOLDING PROVISIONS

- (z) The lands shown on Schedule 1, shall not be used for any purpose other than those uses and buildings that currently exist on the site, and any new uses or buildings where the use or construction of which will increase sanitary or private water or groundwater flows to municipal sewers, unless the municipal services are provided to the lot line and either of the following provisions are complied with:
- i. the Sanitary Sewer Upgrades (being the upgrade of the last three 300mmØ sanitary sewer legs upstream of the sanitary trunk sewer to 675mmØ, located at the north-west corner of Sheppard Avenue East and Leslie Street intersection), which works are being undertaken by the City of Toronto under the Design and Construction, Major Infrastructure Unit, Don and Central Waterfront District in the Engineering and Construction Services Division under project # SAP2020-GL-EASTDON-001, have been completely constructed and are operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; or
 - ii. in respect of individual parcels of land, the owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such acceptable solution has been implemented by the owner(s) at their sole cost to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

DIVISION OF LANDS

- (aa) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot; and

SECTION 37 AGREEMENT

- (bb) In order to permit an increase in the maximum gross floor area cited in Clauses 2(n) and 2(o) of this exception, the owner of the Lands shall enter into and register against title to the Lands an agreement or agreements pursuant to Section 37 of the Planning Act securing the provision of the following facilities, services or matters, to the satisfaction of the City Solicitor:
- i. Prior to the issuance of the first above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,025,000 towards any one or more of the following:
 - (a) parkland and other community services and facility improvements within the area, as well as streetscape improvements and that the

design of the streetscape improvements comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning,

such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made.

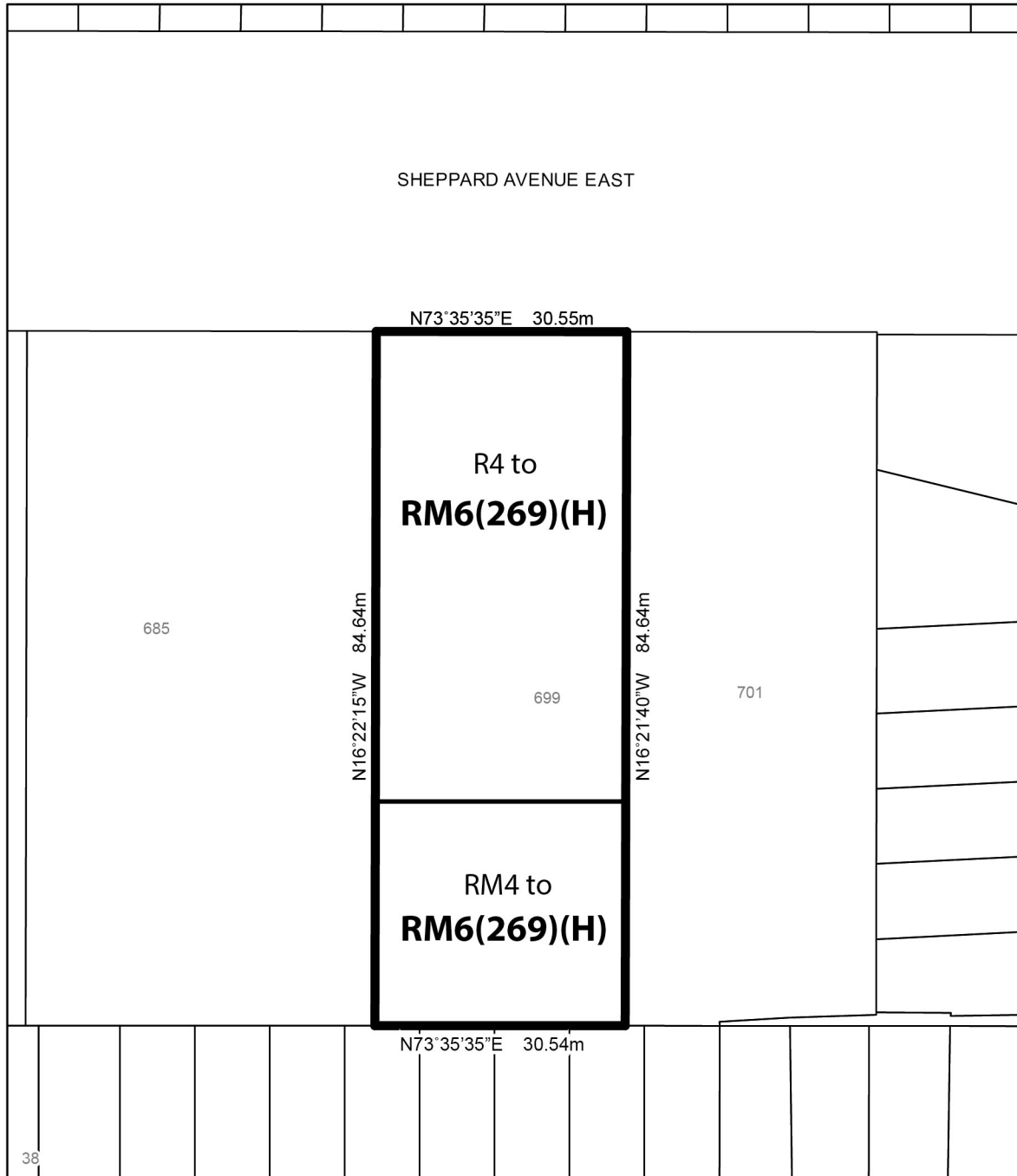
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule 2 attached to this By-law.
4. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are 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.

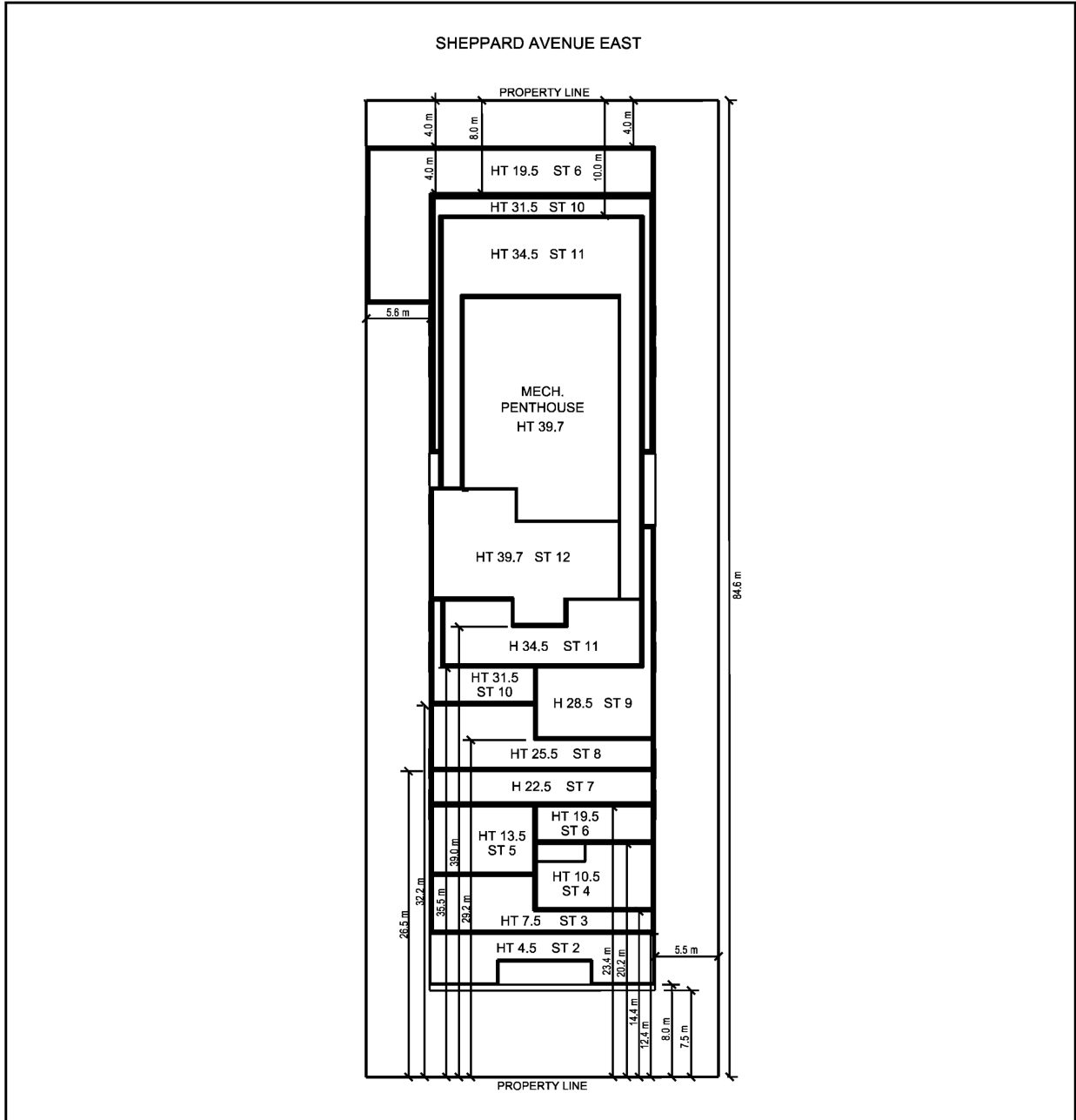
Enacted and passed on May 12, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)





699 Sheppard Avenue East

Schedule 2

File # 19 192154 NNY 17 OZ



Former City of North York By-Law 7625
Not to Scale
06/01/2021