

**741 and 747 Sheppard Avenue West – Official Plan
Amendment and Zoning Amendment Applications –
Final Report**

Date:	May 27, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 10 – York Centre
Reference Number:	12 139344 NNY 10 OZ

SUMMARY

This application proposes to amend the Official Plan and former City of North York Zoning By-law No. 7625 to permit the development of a 9-storey, mixed-use building with 107 residential units and 310m² of commercial space at grade, at 741 and 747 Sheppard Avenue West. There are 122 parking spaces proposed in a 2-level underground garage.

The redevelopment proposal is in keeping with the objectives of the Sheppard West – Dublin Secondary Plan to encourage a diversity of commercial and residential uses along Sheppard Avenue West while protecting the abutting lower density residential uses and improving the streetscape.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 741 and 747 Sheppard



Avenue West substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to report dated May 27, 2015.

2. City Council amend Zoning By-law 7625, for the lands at 741 and 747 Sheppard Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to report dated May 27, 2015.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, the Owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, as follows:
 - a) A \$55,000 cash payment to be used toward improvements to local parks and/or City facilities in the area, in consultation with the Ward Councillor and appropriate City staff, to be paid prior to the issuance of the first 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 to the date of payment.; and
 - b) 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.

DECISION HISTORY

In 1987, 741 Sheppard Avenue West (the eastern portion of the subject lands) was rezoned from One Family Detached Dwelling Fourth Density Zone (R4) to General Commercial Zone (C1), by By-law 30126, to permit only professional medical offices.

A preliminary report on the Planning Act applications was adopted by North York Community Council on May 15, 2012 authorizing staff to conduct a community consultation meeting, with an expanded notification area. This report can be found at:

<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-46740.pdf>

ISSUE BACKGROUND

Proposal

The applicant is proposing a 9-storey (26.0-metre), 107-unit, midrise building with 310m² of commercial uses on the ground floor and residential units above, on the southwest corner of Sheppard Avenue West and Harlock Boulevard. A total of 9,646m² of gross floor area is proposed which would result in a density of 3.99 times the area of the lot. Of the 107 residential units, 21 are proposed to be 1-bedroom units, 80 are proposed to be 2-bedroom units and 6 are proposed to be 3-bedroom units. Vehicular access is provided by a driveway from Harlock Boulevard. One type 'G' loading space is proposed at the rear of the building. A total of 122 parking spaces are proposed on 2 underground levels, including 106 spaces for residents, 4

barrier-free spaces, 8 spaces for residential visitors and 8 spaces shared between residential visitors and commercial uses. A total of 88 bicycle parking spaces are proposed, including 8 spaces at grade and 80 spaces on the first level of the underground garage. Thirty percent of the roof area is proposed to be a green roof. Additional site statistics are presented in the Application Data Sheet (Attachment 5).

Site and Surrounding Area

The site is located on the southwest corner of Sheppard Avenue West and Harlock Boulevard. The site has a frontage of approximately 55 metres on Sheppard Avenue West, a depth of approximately 44 metres and an area of 2,420m². The land is relatively flat. Land uses surrounding the site are as follows:

North: low-rise single detached dwellings on Sheppard Avenue West.

West: 3.5-storey townhouses on Sheppard Avenue West.

South: low-rise single detached dwellings on Alexis Boulevard.

East: a place of worship and an 8-storey, 202-unit, mixed-use building on Sheppard Avenue West.

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

The site is located within the area covered by the Sheppard West/Dublin Secondary Plan and is designated *Mixed Use Area B* on Map 23-1. The objective of the Secondary Plan is to encourage and maintain a diversity of residential, institutional, service commercial, office and open space uses along the corridor stretching from Bathurst Street in the east, towards Allen Road and the Downsview Subway Station in the west.

In *Mixed Use Area B* of the Sheppard West/Dublin Secondary Plan, the preferred form of mixed use development includes ground floor commercial uses with upper floor residential uses. The Secondary Plan provides greater densities for development parcels that provide a mix of commercial and residential uses and which have a frontage on Sheppard Avenue West greater

than 30 metres. Given the proposed mix of uses and 55 metre lot frontage, the maximum permitted density for the site under the Secondary Plan is 2.0 times the area of the lot. The maximum building height under the Secondary Plan is 5 storeys.

In addition to the policy requirements of the overall Official Plan, the Sheppard West/Dublin Secondary Plan also contains further measures requiring buffering between new development on Sheppard Avenue West and properties to the rear of these sites which are designated *Neighbourhoods*. These measures include the provision and maintenance of suitable fencing and a 1.5 metre landscape strip containing trees along the property lines between new developments and *Neighbourhoods*. Also, the height of any new building is not to exceed the horizontal distance separating the building from adjacent lands designated *Neighbourhoods*. This horizontal distance cannot be less than 9.5 metres.

In addition, this portion of Sheppard Avenue West is identified on Map 2 of the Official Plan as an *Avenue*. *Avenues* are corridors along major streets intended for incremental reurbanization to create new residential, commercial, and retail opportunities while improving the overall pedestrian environment, the appearance of the street and accessibility to transit for community residents.

Zoning

The west portion of the subject lands (747 Sheppard Avenue West) is zoned One Family Detached Dwelling Fourth Density Zone (R4), as indicated in Attachment 4. The R4 zoning permits detached dwellings and accessory buildings as well as various recreational and institutional uses. The east portion of the subject lands (741 Sheppard Avenue West) is zoned General Commercial Zones (C1) by By-law 30126, which permits professional medical offices only.

Site Plan Control

An application for Site Plan Control was submitted on April 7, 2014 and it still under review.

Reasons for Application

The Sheppard West/Dublin Secondary Plan provides for the subject lands to be developed with a mixed use building having a maximum density of 2.0 times the area of the lot and a maximum building height of five storeys. An application to amend the Sheppard West/Dublin Secondary Plan is required as the applicant is proposing a 9-storey mixed use building with a density of 3.99 times the area of the lot.

An amendment to the former City of North York Zoning By-law No. 7625 is required to permit the proposed mixed use development at the proposed height and density and to establish appropriate performance standards.

Community Consultation

A community consultation meeting was held on August 9, 2012 to present the proposal to the community and receive their feedback. Approximately 25 members of the public attended the meeting in addition to staff, the applicant and the local ward councillor. At the meeting, residents had the following comments and concerns:

- Traffic and infiltration on local roads;

- Shadow impacts;
- Driveway access preferred on Sheppard Avenue West, not Harlock Boulevard;
- The suitability of the number of proposed parking spaces;
- The possibility of visitor parking spilling on to local roads;
- The proposed height and density of the building;
- Issues of privacy and overlook for rear yards on Alexis Boulevard;
- The desire for a high quality architectural design;
- The relationship to the existing townhouses to the west, built to the westerly lot line of the site; and
- Tree preservation.

Other issues received through correspondence include:

- Conformity with the Sheppard West/Dublin Secondary Plan;
- The relationship to the existing 8-storey building at 701 Sheppard Avenue West;
- Potential noise impacts; and
- Risk of damage to the existing townhouses to the west during construction.

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 Province of Ontario has recently issued an updated PPS which was effective as of April 30, 2014 and applies to any planning decisions made on or after that date. This application was reviewed for consistency with the new PPS.

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It would efficiently use land in an area that is well served by municipal infrastructure. It proposes a mix of residential unit sizes. It promotes intensification along an arterial which is well served by public transit.

Land Use

The City of Toronto Official Plan directs future growth in the City to areas that are well served by public transit. Specifically, residential growth is intended to be directed to major arterial corridors identified by the *Avenues* overlay on Map 2. In addition to falling within an *Avenues* segment, the subject site is located within the Sheppard West – Dublin Secondary Plan area that promotes residential intensification along Sheppard Avenue West, well served by public transit. The site is also designated *Mixed Use Areas* which permits a broad range of residential and commercial uses intended to absorb much of the future residential growth in the city. This designation is further refined by the Sheppard West – Dublin Secondary Plan which promotes a mix of uses and comprehensive redevelopment by granting additional density to development parcels which provide commercial uses at grade and have a frontage greater than 30 metres on Sheppard Avenue West.

The proposed mid-rise building is similar in form, scale and intensity to other proposals in the Secondary Plan Area approved through site specific policies and implementing zoning. Commercial uses at grade will provide a lively pedestrian amenity with an improved streetscape. The proposed development would promote additional ridership on public transit. The proposed development therefore conforms to the land use provisions of the Official Plan and the site is appropriate for intensification.

Density, Height, Massing

The Sheppard West/Dublin Secondary Plan includes policies intended to protect abutting lands designated *Neighbourhoods* from the increased level of development along the corridor. These policies form the framework that guides the review of any development proposed within the Secondary Plan area, particularly those which request an amendment to the Plan for additional heights or densities.

The applicant is proposing a building with a height of 9 storeys (26.0 metres) and a density of 3.99 times the area of the lot. A ground floor height of 4.2 metres is proposed.

The building is proposed to be set back a minimum of 9.5 metres from the rear property line and provides a 1.65-metre treed landscape strip across the rear property line, which slightly exceeds the minimum 1.5-metre landscape strip required by the Secondary Plan. The landscape strip will contain trees and a 1.8-metre tall fence to buffer the proposed midrise building from existing detached dwellings. The applicant has also demonstrated that the building falls entirely beneath the 45 degree angular plane required by the Secondary Plan. This angular plane pushes the higher and denser parts of the building towards Sheppard Avenue and away from the lower scale residential neighbourhood to the south, providing an appropriate transition in built form. This results in acceptable conditions of overlook, views and privacy between the proposed development and the adjacent neighbourhood.

The building provides a step-back at the fourth floor to create a 3-storey base and a pedestrian scale street edge with directly accessible commercial uses at grade on Sheppard Avenue West. Additional step-backs are provided at the eighth and ninth floors. The articulation on the front elevation of the building provides for maximum visual interest along Sheppard Avenue West as encouraged by the built form policies of the Official Plan. The main entrance addresses the intersection of Sheppard Avenue West and Harlock Boulevard with a strong vertical element to demarcate the corner of the building. On the west side of the building, the 3-storey base abuts the adjacent 3-storey townhouses and matches their height. The fourth storey is then set back 4.35 metres from the townhouses along the west property line, to provide privacy. The density, height and massing has regard for the Avenues and Mid-Rise Buildings Study. This height and density is appropriate as the proposal meets the transitioning provisions of the Secondary Plan while providing an active and articulated street frontage along Sheppard Avenue West.

Sun, Shadow, Wind

The applicant's architect conducted a shadow analysis of the proposal. The project's location on the south side of Sheppard Avenue West results in minimal shadowing on the abutting residential properties designated *Neighbourhoods* to the south, as the shadow falls toward the north.

Traffic Impact, Access, Parking

In order to assess the traffic impacts of this proposal, the applicant's transportation consultant (Read, Voorhees and Associates) prepared an updated Traffic Impact Study (TIS) to reflect

previous comments raised by City staff. The consultant estimates that the proposed development will generate approximately 44 and 64 two-way trips during the a.m. and p.m. peak hours, respectively. Given these estimated trips, the consultant concludes that changes in site traffic volume will have a minor impact on the street system. Transportation Services staff accepts the revised conclusions of the study.

Access to the site will be provided by a full moves entrance driveway off Harlock Boulevard, approximately 30 metres south of Sheppard Avenue West, as widened.

There are a total of 122 parking spaces proposed on 2 underground levels, including 106 spaces for residents, 4 barrier-free spaces, 8 spaces for residential visitors and 8 spaces shared between residential visitors and commercial uses. A total of 88 bicycle parking spaces are proposed, including 8 spaces at grade and 80 spaces on the first level of the underground garage.

The parking rates, vehicular access from Harlock Boulevard and the loading space are acceptable to Transportation Services staff.

Servicing

The proposed development will increase an existing surcharge condition of the sanitary system during dry weather flow. This increase of the existing surcharge will be dealt with through a proportional payment to deal with the required upgraded sewer. In addition, the applicant has proposed a sanitary storage tank to be provided to protect the proposed development due to surcharging during a wet weather flow scenario. Due to the size of the proposed tank, an application may be required to obtain Environmental Compliance Approval from the Ministry of Environment and Climate Change (MOECC).

Due to the outstanding servicing issues, planning staff are recommending the subject lands be zoned with a holding provision ("H") until such time as an acceptable sanitary system solution is deemed acceptable by the Director, Engineering and Construction Services. This may include the applicant obtaining Ministry of Environment Environmental Compliance Approval for a sanitary storage tank on site or upgrading the existing municipal infrastructure off site.

The proposed draft by-law incorporates the use of an 'H' (holding provision) that can be lifted once the servicing issues are resolved. There are also other servicing matters related to site plan approval that will need to be addressed.

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 lands which are the subject of this application are in an area with 1.57 – 2.99 hectares of parkland per 1,000 people. The site is in the fourth quintile of current provision of parkland. The site is in a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

The applicant has submitted an application to construct a 9-storey mixed-use building within a site area of 2,420 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010 and a cap of 10% which is applied for sites less than 1 hectare in size, the parkland dedication requirement for the residential component would be 0.02027 hectares (203 square metres). The non-residential component will be subject to a 2% parkland dedication

requirement of 0.000125 hectares (1.25 square metres). Therefore, the total parkland dedication is 204 square metres.

The parkland dedication for the subject site is too small to be functional. The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. 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*, as required as a condition of the building permit application process.

Amenity Space

Indoor amenity space is proposed at a rate of 1.5m² per unit in the form of an exercise room, associated change rooms and a party room. Outdoor amenity space is proposed at a rate of 1.5m² per unit and will be provided in the form of a common terrace on the 9th floor and private balconies.

Streetscape

This proposal supports the objectives of the Toronto Official Plan to achieve an aesthetically pleasing streetscape in the following manner:

- The Sheppard Avenue West right-of-way will be widened pursuant to the Official Plan;
- The building is sited along Sheppard Avenue West and Harlock Boulevard with minimal setbacks to define the street edge and gives prominence to the corner;
- The provision of 8 street trees will enhance the appearance of the building and the pedestrian experience;
- The building incorporates architectural elements including a base building and articulated balconies, canopies and ground floor lighting to create a pedestrian scale while providing visual interest along Sheppard Avenue West and Harlock Boulevard; and
- The commercial units at grade are accessible from the Sheppard Avenue West sidewalk, which will encourage pedestrian activity.

The applicant must also restore those sections of municipal boulevard where they propose to close the existing driveways, replacing the access points with appropriate landscaping and continuous poured raised concrete curb.

Section 37

The application proposes a total gross floor area of 9,646m² which is below the minimum threshold of 10,000 m² noted in the Official Plan for consideration of a community benefit contribution under Section 37 of the *Planning Act*.

However, the applicant has agreed to a voluntary contribution under Section 37 of the *Planning Act* of \$55,000, to go toward local parks and/or City facilities in the area, in consultation with the Ward Councillor and appropriate City staff.

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.

Conclusion

The redevelopment proposal for a 9-storey, mixed-use building is in keeping with the objectives of the Sheppard West – Dublin Secondary Plan to encourage a diversity of commercial and residential uses along Sheppard Avenue West, while protecting the abutting lower density residential uses and improving the streetscape.

CONTACT

Doug Stiles, Planner
Tel. No. 416-395-7145
Fax No. 416-395-7155
E-mail: dstiles@toronto.ca

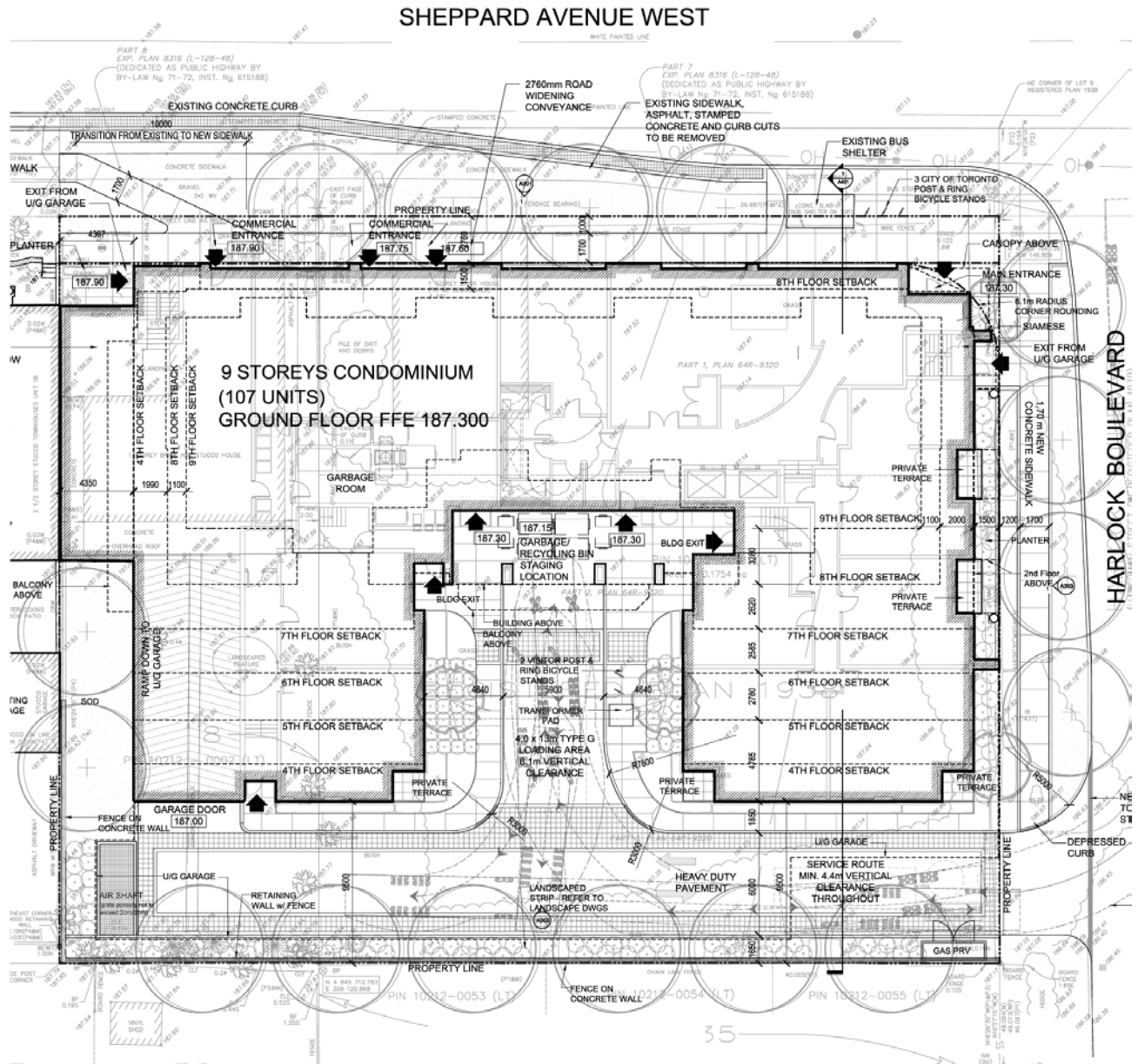
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North Elevation (Sheppard Avenue West)
Attachment 2b: East Elevation (Harlock Boulevard)
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment


Attachment 1: Site Plan



Site Plan

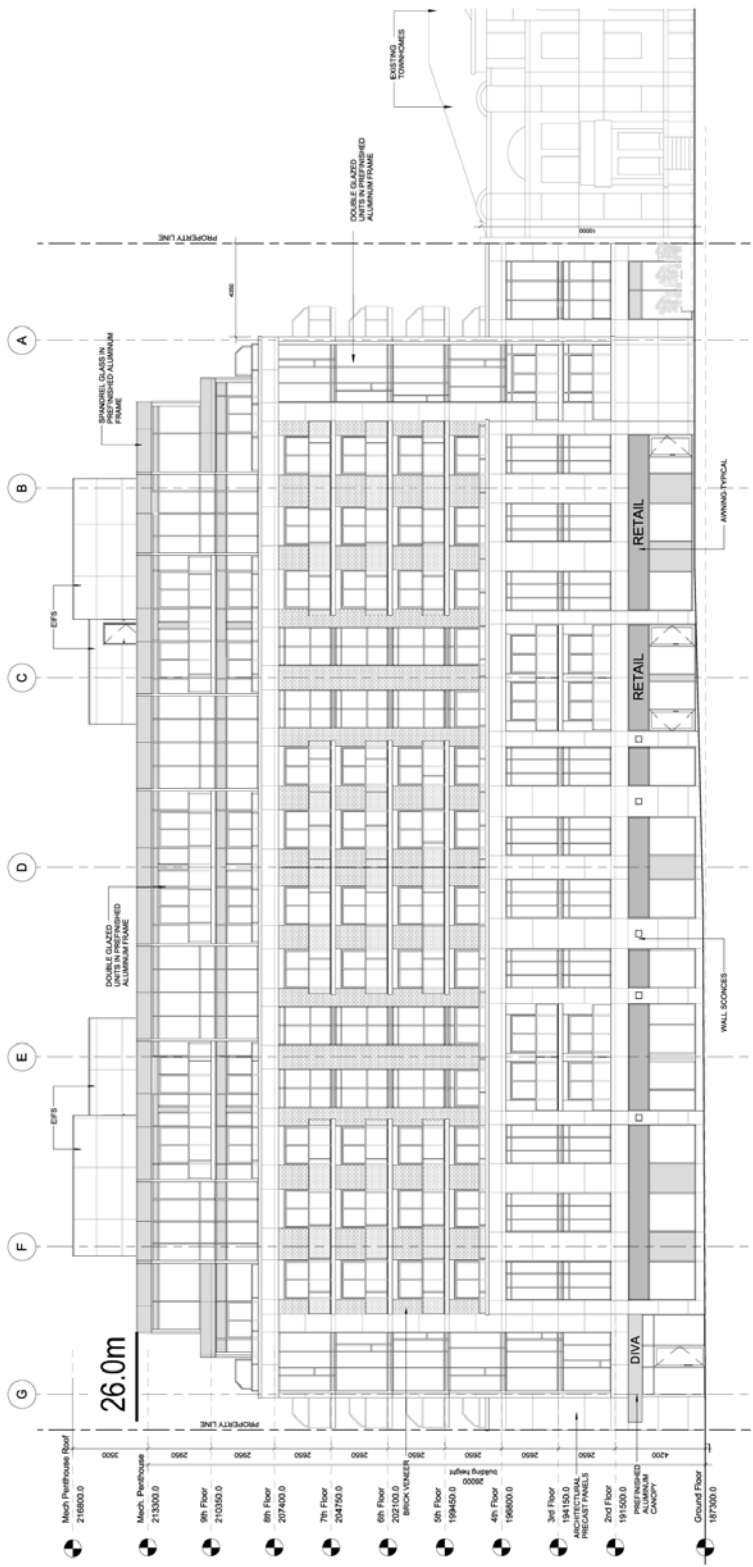
741-747 Sheppard Avenue West

Applicant's Submitted Drawing

Not to Scale 

File # 12 139344 NNY 10 02

Attachment 2a: North Elevation (Sheppard Avenue West)



741-747 Sheppard Avenue West

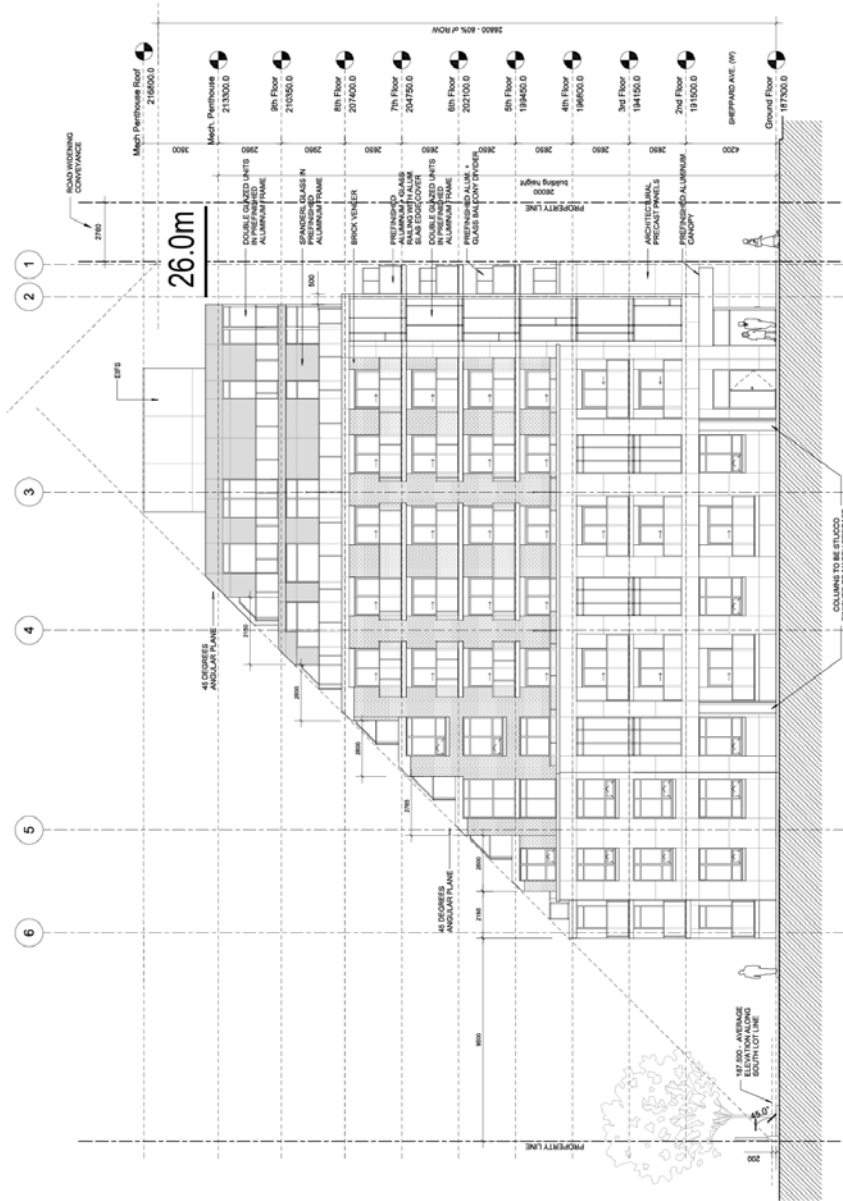
North Elevation

Applicant's Submitted Drawing

Not to Scale
05/07/2015

File # 12 139344 NNY 10 02

Attachment 2b: East Elevation (Harlock Boulevard)

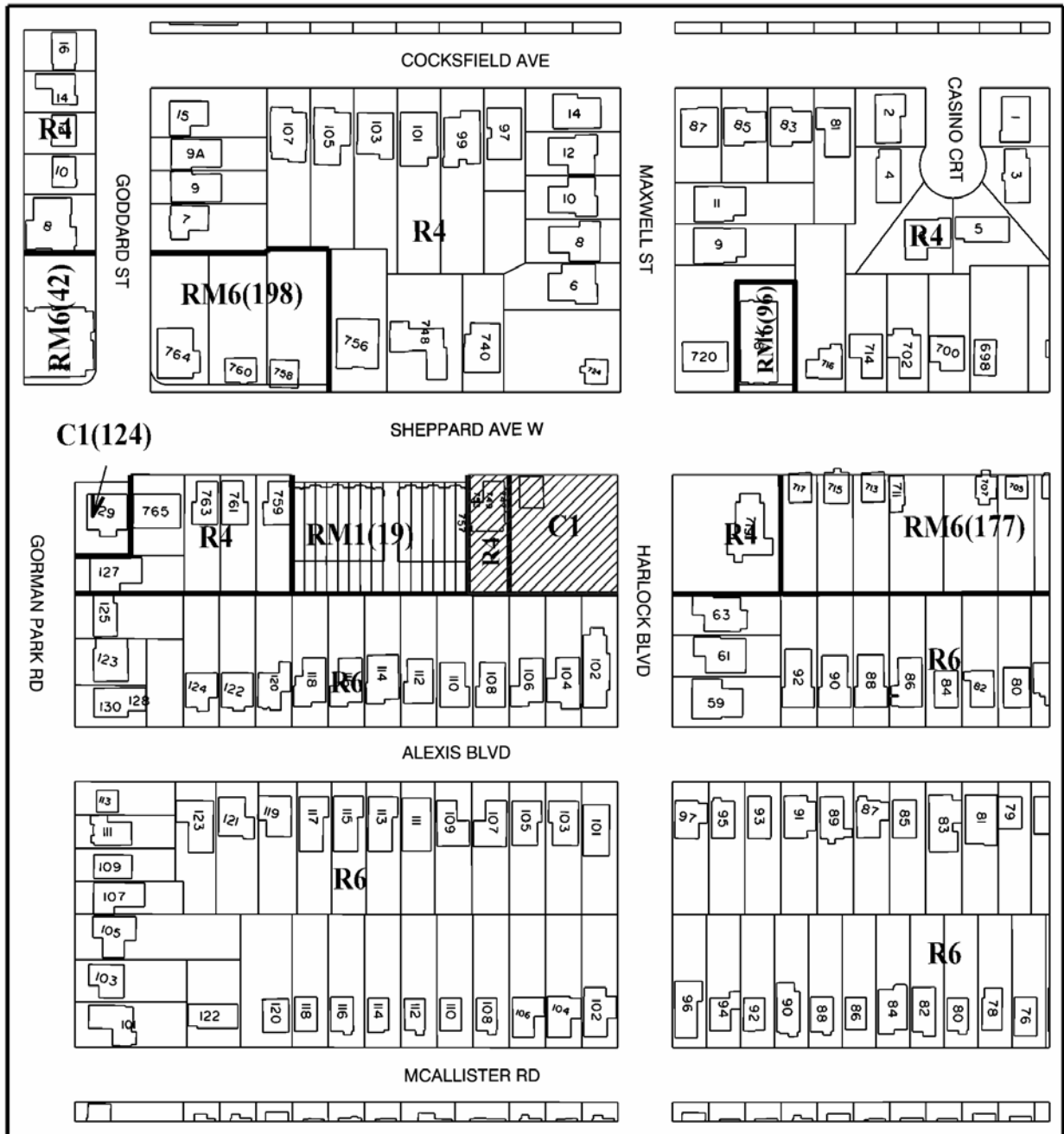


741-747 Sheppard Avenue West

East Elevation
 Applicant's Submitted Drawing
 Not to Scale
 05/07/2015

File # 12 139344 NNY 10 0Z

Attachment 3: Zoning



741-747 Sheppard Avenue West
File # 12 139344 NNY 10 0Z

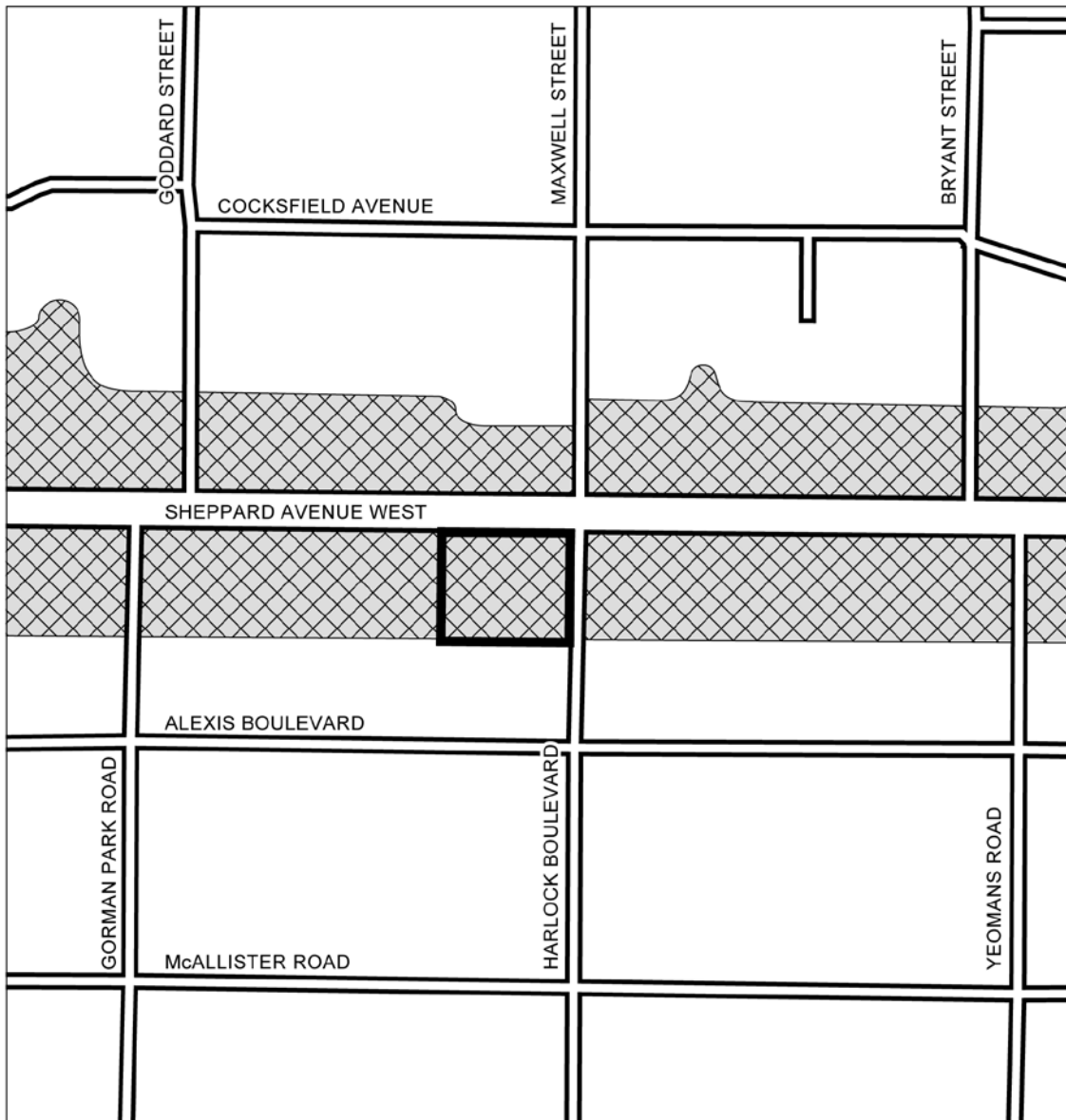
- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

C1 General Commercial Zone



Not to Scale
Zoning By-law 7625
Extracted 03/28/2012

Attachment 4: Official Plan



TORONTO City Planning
Official Plan

741-747 Sheppard Avenue West

File # 12 139344 NNY 10 0Z

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas


 Not to Scale
 03/28/2012

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	12 139344 NNY 10 OZ
Details	OPA & Rezoning, Standard	Application Date:	March 20, 2012

Municipal Address: 741 – 747 SHEPPARD AVENUE WEST
 Location Description: PLAN 1938 PT LOT 9 RP 64R9320 PARTS 1 TO 3
 Project Description: Proposed 9-storey, mixed-use building with 107 residential units and 310m2 of commercial space at grade.

Applicant:	Owner:
KREGG FORDYCE ARCHITECT	2270415 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	R4 and C1	Historical Status:	
Height Limit (m):	8.8, 0, 0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2420	Height:	Storeys:	9	
Frontage (m):	40		Metres:	26	
Depth (m):	43.9				
Total Ground Floor Area (sq. m):	1219.6				Total
Total Residential GFA (sq. m):	9335.5		Parking Spaces:	122	
Total Non-Residential GFA (sq. m):	310		Loading Docks	1	
Total GFA (sq. m):	9645.5				
Lot Coverage Ratio (%):	50.4				
Floor Space Index:	3.99				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	9335.5	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	21	Office GFA (sq. m):	310	0
2 Bedroom:	80	Industrial GFA (sq. m):	0	0
3 + Bedroom:	6	Institutional/Other GFA (sq. m):	0	0
Total Units:	107			

CONTACT: **PLANNER NAME:** **Doug Stiles, Planner**
 TELEPHONE: **416-395-7145**

Attachment 6: Draft Official Plan Amendment

AMENDMENT NO. 265 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2014 AS 741 AND 747 SHEPPARD AVENUE WEST

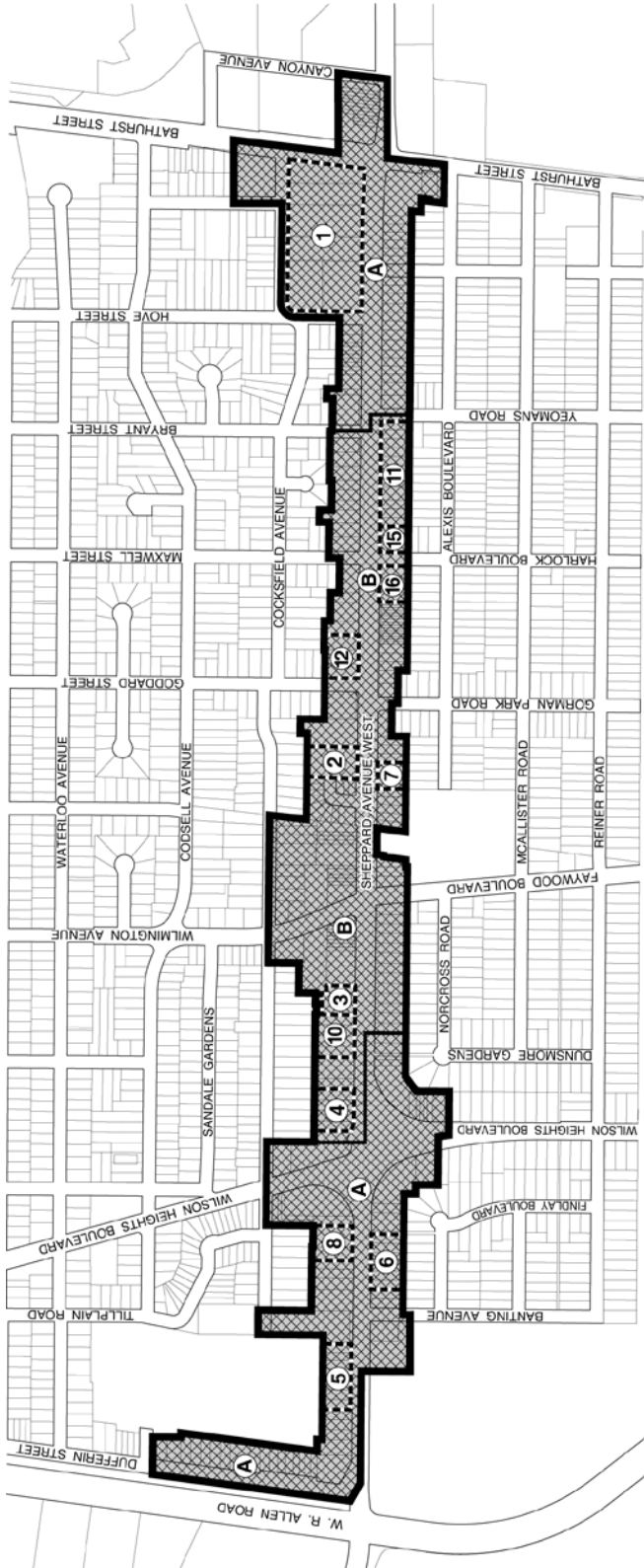
The Official Plan of the City of Toronto is amended as follows:

1. Map 23-1, Consolidated Land Use Map, of Chapter 6, Section 23 (Sheppard West/Dublin Secondary Plan) is amended by adding the lands known municipally in 2014 as 741 and 747 Sheppard Avenue West as Site and Area Specific Policy Area 16, as shown on the attached Schedule “A”.
2. Chapter 6, Section 23 (Sheppard West/Dublin Secondary Plan) is amended by adding the following to Section 4.0 (Specific Policies):

‘4.16 741 and 747 Sheppard Avenue West (16 on Map 23-1)

An apartment building with grade-related commercial uses, having a maximum density of 3.99 times the lot area and a maximum height of 9 storeys and 26.0 metres, excluding the mechanical penthouse, is permitted.’

Schedule "A"



Not to Scale

Toronto City Planning
Official Plan Amendment #264 — Schedule A
719 Sheppard Avenue West
 File # 13 115551 MNY 10 0Z

Map 23-1, Sheppard West / Dublin Secondary Plan Land Use Areas Map of Chapter 6, Secondary Plans,
 23. Sheppard West / Dublin Secondary Plan is amended by adding Site and Area Specific Policy Area 264
 April 2015

- Secondary Plan Boundary
- ▨ Mixed Use Areas
- ② Site and Area Specific Policy Areas

Attachment 7: Draft Zoning By-law Amendment

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 ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
741 and 747 Sheppard Avenue West**

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 of the City of Toronto contains provisions relating to the authorization of increase in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and 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 or matters in return for an increase in the 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 and 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 increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto; and

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 pass this By-law and 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.

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

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule "1" of this By-law.
2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (226) RM6 (226)

DEFINITIONS:

- (a) For the purposes of this exception, “apartment house dwelling” shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system, or any combination thereof.
- (b) For the purposes of this exception, "floor area, gross" shall mean the total area of all of the floors in a building above or below grade measured from the outside walls but shall exclude mechanical rooms and elevator shafts above grade and exclude the following areas below grade: car parking areas, bicycle parking areas, storage areas for lockers, elevator shafts, elevator lobby, mechanical and electrical rooms and stairwells.
- (c) For the purposes of this exception, “established grade” shall mean the elevation as fixed by the municipality at the centre line of the street at the midpoint of the lot line abutting Sheppard Avenue West, being the geodetic elevation of 187.4 m.

PERMITTED USES:

- (d) The only permitted uses shall be an apartment house dwelling and uses accessory thereto including private recreational amenity areas.
- (e) The following commercial uses on the ground floor only: professional office, personal service shop, professional medical office, retail store, and service shop.

EXCEPTION REGULATIONS

Dwelling Units:

- (f) A maximum of 107 residential dwelling units shall be permitted.

Lot Coverage:

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

Yard Setbacks:

- (h) The minimum yard setbacks for buildings and structures above established grade

shall be shown on Schedule “RM6(226)”.

- (i) Notwithstanding (h) above, the minimum yard setbacks for parking structures and structures associated thereto below established grade shall be 0.0 m for all property lines.

Distance between Buildings and/or Portions of Buildings forming Courts:

- (j) The provisions of Section 20A.2.4.1 (Distance between Buildings and/or Portions of Buildings forming Courts) shall not apply.

Gross Floor Area:

- (k) A maximum gross floor area of 9,646m² shall be permitted, of which a minimum of 310m² shall be for commercial uses listed in (e) above.

Building Height:

- (l) The building height shall not exceed 26.0m above established grade.
- (m) Notwithstanding (l) above, one-storey mechanical rooms shall be permitted to exceed this height limit.
- (n) Notwithstanding (l) above, the height of any portion of a building or structure above established grade, including balcony railings, mechanical penthouses and mechanical rooms, shall not exceed the horizontal distance between the building and the south lot line of the property.

Landscaping:

- (o) The provisions of Section 15.8 (Landscaping) shall not apply.
- (p) A minimum 1.65m wide landscape strip shall be provided along the south property line.
- (q) A 1.8-metre tall wood board-on-board fence is required along the southerly lot line.

Recreational Amenity Area:

- (r) A minimum of 1.5m² per unit of indoor amenity space shall be provided.
- (s) A minimum of 1.5m² per unit of outdoor amenity space shall be provided.

Parking:

- (t) Parking for residential uses within the site shall be provided in accordance with the following:
 - (A) A minimum of 0.8 parking spaces per 1 bedroom.
 - (B) A minimum of 0.9 parking spaces per 2 bedroom.

- (C) A minimum of 1.1 parking spaces per 3 bedroom.
- (D) A minimum of 0.15 parking spaces per dwelling unit shall be for the use of residential visitors.
- (E) A minimum of 1 parking spaces per 100m² shall be for the use of commercial visitors.
- (F) A maximum of 8 visitor spaces may be shared between commercial uses and the residential visitor parking.
- (u) The provisions of Section 6A(8)(c) and (d) (Parking Regulations for RM Zones Other Than RM2 Zones) shall not apply.

Bicycle Parking:

- (v) A minimum of 24 short term bicycle parking spaces and 64 long term bicycle parking spaces shall be provided, for a total of 88 bicycle parking spaces.

Loading:

- (w) Notwithstanding Sections 6A(16)(c) and 6A(16)(d), 1 loading space shall be required with minimum dimensions of 11.0m long, 3.6m wide and a vertical clearance of 4.2m, with access provided by means of an unobstructed driveway with a minimum width of 6.0m, and a maximum slope of a driveway leading to the loading space shall be 10%.

DIVISION OF LANDS

- (x) Notwithstanding any severance, partition or division of the lands shown on Schedule "1", the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.

HOLDING PROVISIONS

- (y) An "H" shall be appended to the zone symbol "RM6(226)" as shown on Schedule "1".
- (z) Prior to the removal of the "H", the lands shown on Schedule "1" shall only be used for uses existing as of the date of passing of this By-law.
- (aa) The "H" shall be lifted from the lands shown on Schedule "1" at such a time as the sanitary servicing solution is acceptable, to the satisfaction of the Executive Director of Engineering and Construction Services, North District.
- (bb) Following the lifting of the "H", the uses permitted in the RM6(226) zone shall be permitted as shown on Schedule "1".

3. SECTION 37

- (a) The owner of the lands as shown on Schedule "1" shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure

the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands, to which this By-law applies in the manner and to the extent specified in the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the higher density uses cited in Section 2, Clauses (d) and (e) which form part of this By-law:

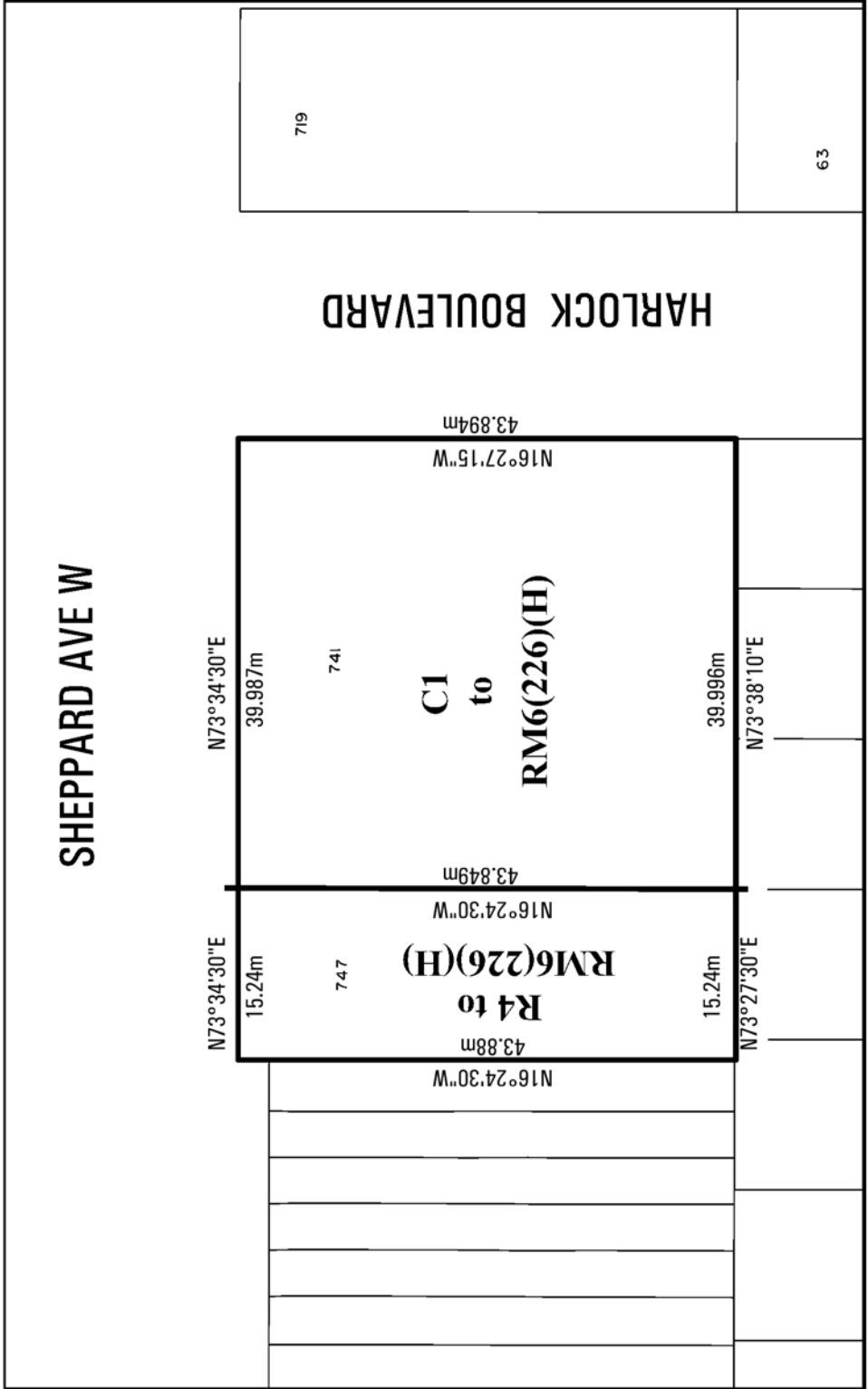
A \$55,000 cash payment to be used for local parks and/or City facilities in the area, in consultation with the Ward Councillor and appropriate City staff, to be paid prior to the issuance of the first building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

4. By-law 30126, including Schedule A, as it pertains the former City of North York Zoning By-law No. 7625, is hereby repealed.
5. 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 this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk



Schedule 1

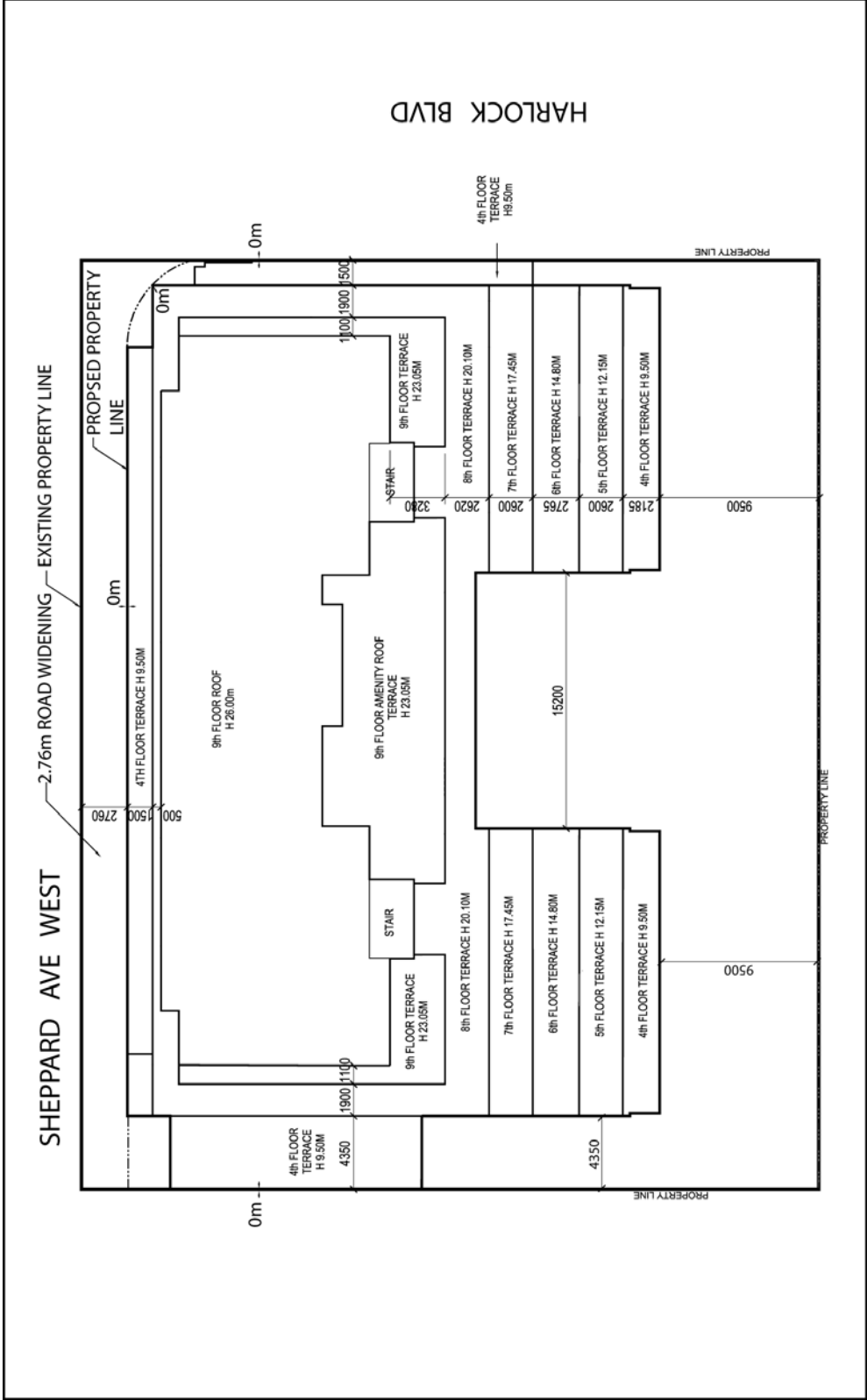


File # 12 139344 NNY 10 0Z

Part of Lots 8 & 9 Registered Plan 1938 City of Toronto (Formerly City of North York Municipality of Metropolitan Toronto)

KRCMAR O.L.S.
 Date: 04/30/2015
 Approved by: D.S.

Not to Scale



Schedule RM6(226)

Toronto City Planning

From Applicant's Drawing

Date: 03/12/2015
Approved by: Doug Stiles



Not to Scale

File # 12 139344 NNY 10 0Z