

CITY OF TORONTO

BY-LAW No. 29-2007(OMB)

To amend former City of North York By-law No. 7625, as amended, with respect to lands municipally known as 650 and 672 Sheppard Avenue East.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 2479, dated September 1, 2006 upon hearing the appeal of BBT Devgroup Inc., determined to amend the former City of North York By-law No. 7625, as amended, with respect to lands municipally known as 650 and 672 Sheppard Avenue East; and

WHEREAS authority is given to the Ontario Municipal Board under Sections 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Section 15.1.0 of Part B - Major Policies of the Official Plan of the former City of North York, and Official Plan Amendment No. 392 to that Plan, contains provisions relating to the authorization of increases in 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the 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 the City of Toronto has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

THEREFORE the Ontario Municipal Board orders as follows:

1. Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule "1" of this By-law.

2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20 – A (144) RM6(144)

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” is defined as 175.46 metres above sea level.
- (c) For the purposes of this exception, “underground” is defined as below established grade.
- (d) For the purpose of this exception, “retirement home” shall mean a multiple family dwelling containing dwelling rooms with a common lounge, kitchen, and dining facility. The common areas shall be made available to all residents of the retirement home on a daily basis and shall not function as facilities available to the general public. The building shall be maintained and operated to provide social, recreational and/or other services for senior citizens 65 years of age or over. The dwelling rooms shall be used as the principal residence of the occupants and shall not be provided on a transient basis. Retirement home shall exclude a boarding or lodging house and a hotel.
- (e) For the purposes of this exception, “dwelling room” shall mean separate living quarters with or without a kitchen designed or intended for use or used by an individual or individuals and which shall include at least one room and separate sanitary conveniences with a private entrance from outside and/or from a common hallway or stairway inside.
- (f) For the purpose of this exception, “gross floor area” shall mean the total area of all of the floors in a building, measured between the outside walls of the building at the level of each floor but excluding:
 - (i) any below grade areas and all mechanical areas;
 - (ii) any area used for vehicle parking area, including that contained in an above-grade parking structure, provided the structure does not exceed three storeys in height above grade and, provided that its roof deck is fully landscaped and made directly accessible to adjacent residential projects;
 - (iii) the floor area of unenclosed balconies; and
 - (iv) the floor area of the indoor private recreational amenity area up to a maximum of 1.5 m² per dwelling unit.

- (g) For the purpose of this exception, “Mechanical Floor Area” means the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment.
- (h) For the purpose of this exception, “Front Lot Line” shall mean Sheppard Avenue.
- (i) For the purpose of this exception, Buildings “A”, “B”, “C” and “D” shall be those buildings shown on Schedule “RM6(144)”.
- (j) For the purpose of this exception, “parking space” including an angled parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres.
- (k) For the purpose of this exception, a “two-way driveway” shall have a minimum width of 6 metres.

PERMITTED USES

- (l) As shown on Schedule “RM6(144)”, the only permitted uses shall be:
 - (i) Apartment house dwellings and uses accessory thereto, including private recreational amenity areas, and all commercial uses permitted in a ‘C1’-General Commercial zone;
 - (ii) Multiple attached dwellings;
 - (iii) Retirement home and uses accessory thereto, including recreational amenity area; and
 - (iv) Nursing Home.
- (m) Use Qualifications
 - (i) Outdoor private recreational amenity areas may be located on rooftop terraces.
 - (ii) All permitted commercial uses shall be located on the ground floor.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (n) The maximum permitted residential gross floor area including a Retirement Home and/or Nursing Home shall be 70,275 m².
- (o) The maximum permitted commercial gross floor area shall be 980 m².

DWELLING UNITS

- (p) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55 m² for bachelor units; or,
 - (ii) 70 m² for one-bedroom dwelling units; or,
 - (iii) 80 m² for two-bedroom dwelling units; or,
 - (iv) 120 m² for three-bedroom dwelling units; or,
 - (v) any combination thereof.
- (q) The maximum number of dwelling units shall be 484;

RETIREMENT HOME

- (r) The maximum number of dwelling rooms shall be 103.

LANDSCAPING

- (s) The provisions of Section 15.8 (landscaping) shall not apply.

LOT AREA

- (t) The provisions of Sections 16.2.1 and 20-A.2.1 (lot area) shall not apply.

LOT COVERAGE

- (u) The provisions of Sections 16.2.2 and 20-A.2.2 (lot coverage) shall not apply.

FRONTAGE

- (v) The provisions of Sections 16.2.3 and 20-A.2.3 (street and lot frontage) shall not apply.

FLOOR AREA

- (w) The provision of Section 16.2.5 (floor area) shall not apply.

RECREATIONAL AMENITY AREA

- (x) A minimum of 1.0 m² of outdoor private recreational amenity area per dwelling unit shall be provided, which may be provided at or above grade.

YARD SETBACKS

- (y) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule “RM6(144)”.
- (z) The minimum yard setbacks for underground parking structures shall be 0 metres.
- (aa) The minimum yard setbacks for covered ramps and associated design features such as, but not limited to, a trellis leading to an underground parking structure shall be 0 metres.

PERMITTED PROJECTIONS

- (bb) The provisions of Section 6(9) shall not apply.
- (cc) Exterior stairways, roof overhangs and cornices, wheelchair ramps, canopies, open balconies, bay windows, and porches and decks, shall be permitted to project into the minimum yard setbacks.

DISTANCE BETWEEN BUILDINGS

- (dd) The separation distance between Building “B” and “C” shall be as set out in Schedule “RM6(144)” and the provisions of Section 20-A.2.4.1 for distance between buildings and/or portions of buildings forming courts shall not apply.
- (ee) The provisions of Section 16.3.2 (Distance Between Buildings) shall not apply.

HEIGHT

- (ff) The maximum building heights, excluding landscape open structures, shall not exceed the maximum heights in metres and number of storeys shown on Schedule “RM6(144)”. Irregardless of the number of permitted storeys, the maximum building height shall not exceed the height in metres shown on Schedule “RM6(144)”.
- (gg) One-storey roof access enclosures shall be permitted to exceed the noted height limit locations as shown on Schedule “RM6(144)”.
- (hh) The maximum height of Building “D” shall not exceed the horizontal distance between the building or structure or any portion thereof, and the north property line, measured from established grade.

RESIDENTIAL PARKING

- (ii) Notwithstanding Section 6A(2), the following parking rates shall apply:
 - (i) for Buildings “B” and “C”, a maximum of 1.5 parking spaces per apartment house dwelling unit, of which 0.2 parking spaces per dwelling

unit shall be for the use of visitors, provided the parking ratio for the entire lands which are the subject of this zoning exception 64.20-A(144) does not exceed 1.4 parking spaces per apartment house dwelling inclusive of 0.2 parking spaces per dwelling unit for the use of visitors. For Buildings “B” and “C” there shall be a minimum of 1.2 parking spaces per apartment house dwelling unit, of which 0.2 parking spaces per dwelling unit shall be for the use of visitors;

- (ii) for Building “A”, a maximum of 1.3 parking spaces per apartment house dwelling unit, of which 0.2 parking spaces per dwelling unit shall be for the use of visitors, provided the parking ratio for the entire lands which are the subject of this zoning exception 64.20-A(144) does not exceed 1.4 parking spaces per apartment house dwelling inclusive of 0.2 parking spaces per unit for the use of visitors. For Building “A”, there shall be a minimum of 1.2 parking spaces per apartment house dwelling unit, of which 0.2 parking spaces per dwelling unit shall be for the use of visitors;
- (iii) a maximum of 2.20 parking spaces per multiple attached dwelling unit of which 0.2 parking spaces per dwelling unit shall be for the use of visitors;
- (iv) a maximum of 0.42 spaces per retirement home dwelling room of which, 0.2 spaces per dwelling room shall be for the use of visitors; and
- (v) parking for a Nursing Home shall not exceed a maximum of 43 spaces.

NON-RESIDENTIAL PARKING

- (jj) Parking for commercial uses shall be provided at a rate of one (1) space per 28 square metres of gross floor area, of which up to 50 percent of the required parking spaces may be shared with the required visitor parking spaces for dwelling units and dwelling rooms.

PARKING SPACES/DRIVEWAY DIMENSIONS

- (kk) The following parking space dimensions and driveway widths shall apply:
 - (i) Notwithstanding Section 6A(3)(a), a “parking space” including an angled parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres; and
 - (ii) Notwithstanding Section 6A(5)(b)(ii), a “two-way driveway” shall have a minimum width of 6.0 metres.

LOADING SPACES

- (ll) The provisions of Section 6A(16)(a)(iv) and 6A(16)(c)(i) for loading shall not apply. A minimum of 3 loading spaces shall be provided, of which 2 shall be provided for Buildings “A”, “B”, “C” and the Townhouses and 1 loading space shall be for Building “D”.

LOCKER SPACE

- (mm) A minimum of 346 m² of locker space shall be provided for Buildings “A”, “B” and “C”.

DIVISION OF LANDS

- (nn) 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.

SECTION 37 AGREEMENT

- (oo) The owner of the lands as shown in Schedule “RM6(144)” shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure at the owner’s expense, 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. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to 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 maximum gross floor areas cited in the Gross Floor Area clauses (n) and (o) of this exception:
- (i) The provision for a minimum of 1.5 m² of indoor private recreational amenity area per dwelling unit not exceeding a maximum gross floor area of 726 m² provided that such gross floor area is used solely for the purposes of a private recreational amenity area, and such area shall be exempted from the calculation of gross floor area in clauses (n) and (o);
 - (ii) The provision of a place of worship on the lands as shown on Schedule “RM3(10)” not exceeding a maximum gross floor area of 3,918 m²;
 - (iii) Prior to the issuance of the first building permit for this development, the payment of \$10,000.00 to the City of Toronto by a certified cheque, for the purpose of future traffic monitoring to be undertaken, such payment to be to the satisfaction of the Chief Financial Officer and Treasurer;
 - (iv) Prior to the issuance of the first building permit for this development, the delivery of a letter of credit or certified cheque payable to the City of Toronto in an amount equivalent to 1% of the land value for the

provision of public art on publicly-accessible or publicly visible portions of the lands, which may include abutting City-owned lands;

- (v) Prior to the issuance of the first building permit for this development, the payment of \$450,000.00 to the City of Toronto by a certified cheque, for park improvements and community facilities in the area, such payment to be to the satisfaction of the Chief Financial Officer and Treasurer;
- (vi) Prior to the issuance of the first building permit for this development, the payment of \$60,000.00 to the City of Toronto by a certified cheque, to be used for amenities for the tenants of the rental apartment buildings at 640-644 Sheppard Avenue East, such amenities to be determined in consultation with the tenants and the local City Councillor;
- (vii) Prior to the issuance of the first building permit for this development, the payment of \$20,000.00 to the City of Toronto by a certified cheque for a recreational needs assessment study to be undertaken by the City's Parks, Forestry and Recreation Division, such payment to be to the satisfaction of the Chief Financial Officer and Treasurer.

Building permit issuance for the proposed development shall be dependant upon satisfaction of the provisions in this zoning by-law amendment and in the Section 37 Agreement relating to building permit issuance, including the payment of the amounts noted above to the City of Toronto.

The agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, shall be registered on title to the lands to which this exception applies prior to the issuance of any building permit for the proposed development.”

- 3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(144)” attached to this by-law.
- 4. Section 64.18 of By-law No. 7625 is amended by adding the following subsection:

“64.18(10) RM3(10)

PERMITTED USES

- (a) The only permitted uses shall be a religious institution and a place of worship with accessory uses such as a community hall and a residence for a caretaker or heads of the congregation, and a day nursery.

GROSS FLOOR AREA

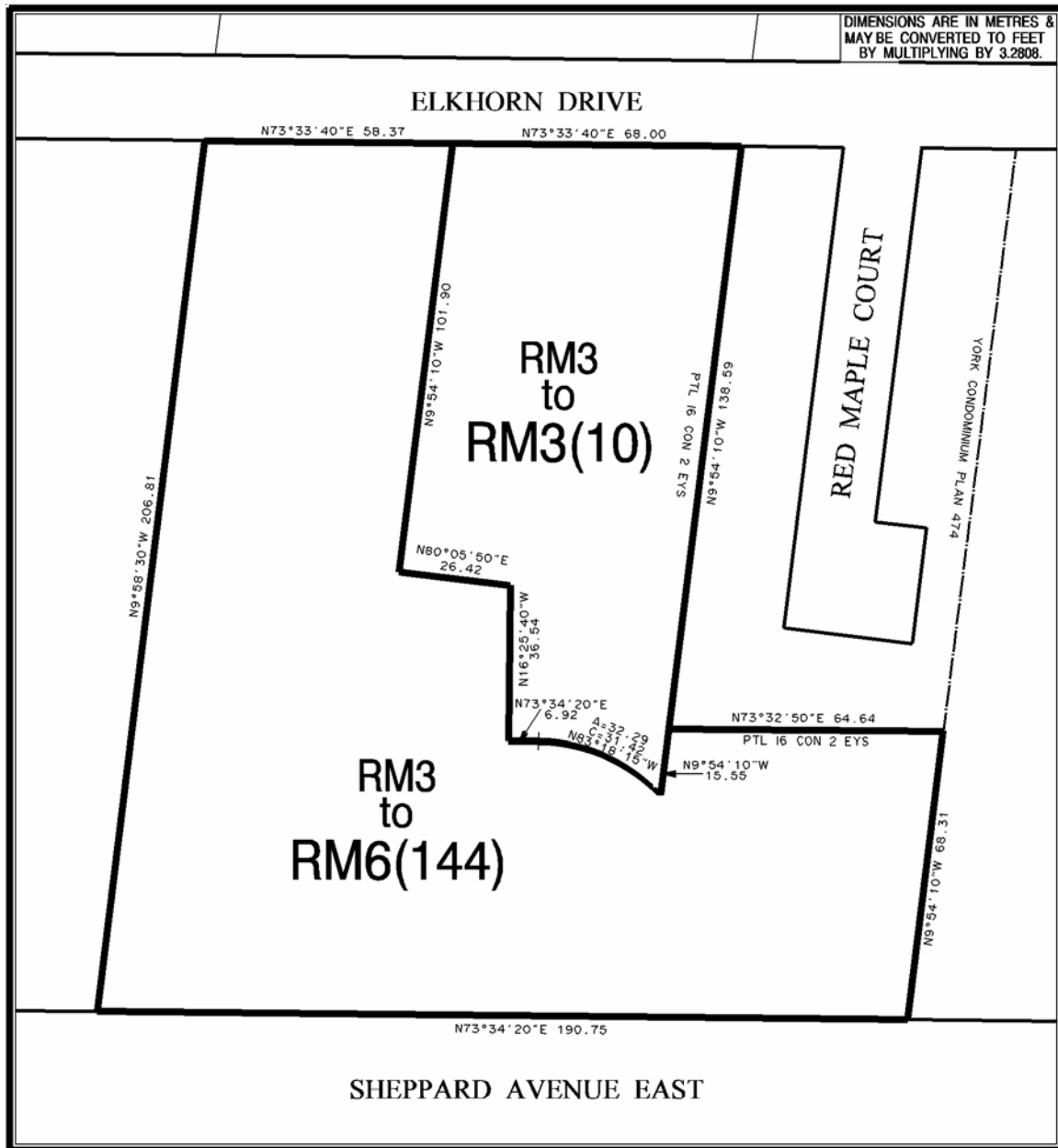
- (b) The maximum permitted gross floor area shall be 3,918 m².

LOT COVERAGE

- (c) The maximum lot coverage shall be 25%.”

PURSUANT TO ORDER/DECISION NO. 0648 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MARCH 25, 2004 AND ORDER/DECISION NO. 2479 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 1, 2006 IN FILE NO. PL030678.

SCHEDULE "1"



This is Schedule " 1 " to By-Law _____
 passed the _____ day of _____, 20 ____

(Sgd.)

CLERK

(Sgd.)

MAYOR



Location: Part of Lot 16, Concession 2, East of Yonge Street, City of Toronto

File: TB CMB 2002 0017

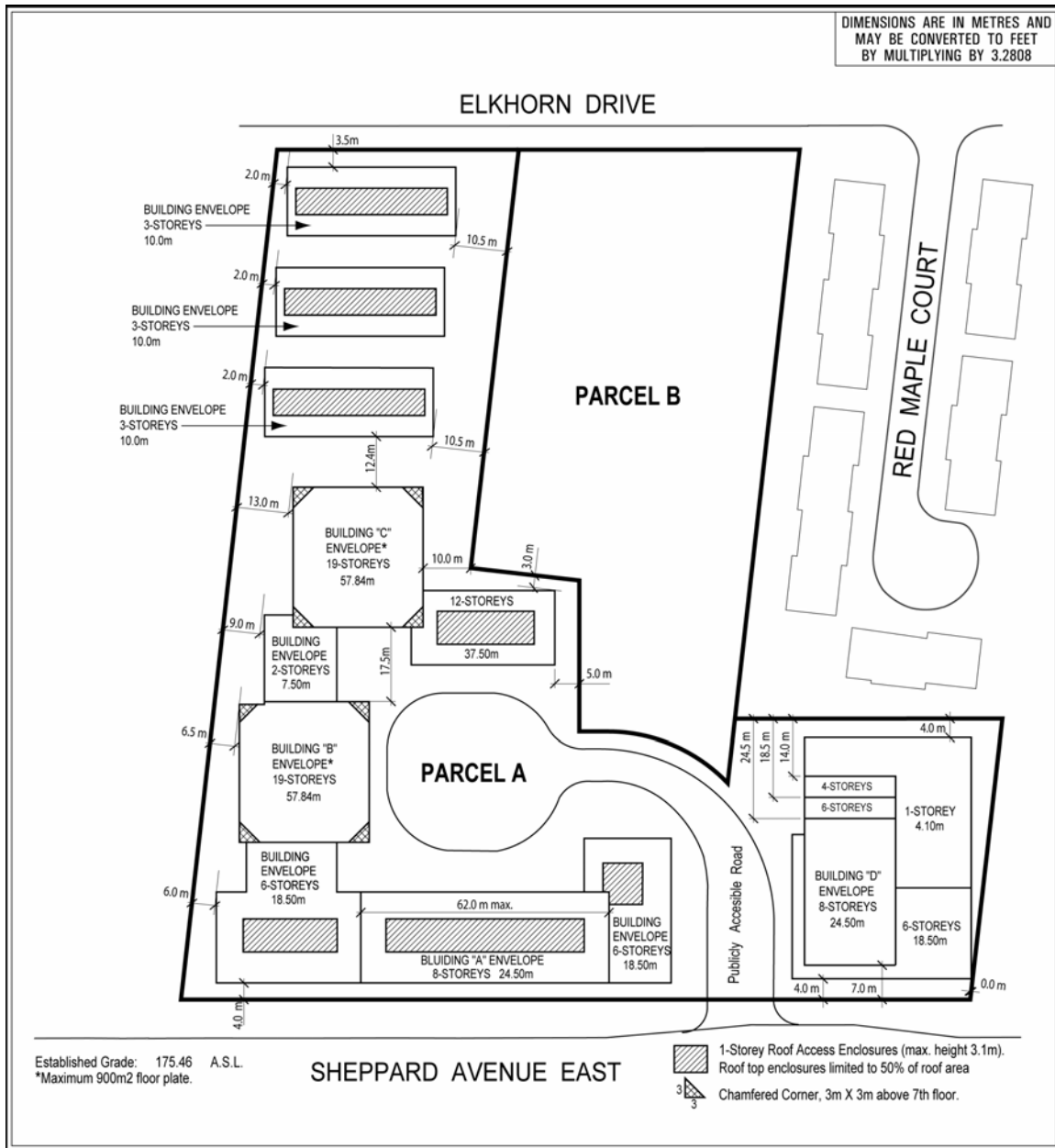
Prepared by: A.K.

Approved by: S.F.

Date: March, 2004

Filename: RM6(144)_1

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

SCHEDULE "RM6(144)"

This is Schedule " RM6(144)" to By-Law _____

passed the _____ day of _____, 20____

(Sgd.)

CLERK

(Sgd.)

MAYOR



SUBJECT
PROPERTY

Location: Part of Lot 16, Concession 2, East of Yonge Street, City of Toronto

File No. TB CMB 2002 0017

Prepared by: A.K.

Approved by: S.F.

Date: June 10, 2004

Filename: RM6(144).ai

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.