

CITY OF TORONTO

BY-LAW No. 1348-2007(OMB)

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the property municipally known as 23 and 33 Sheppard Avenue East.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 2751 dated October 18, 2007, upon hearing the appeal of Minto Gardens Inc. and Minto L8 Inc. under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend By-law No. 7625 of the former City of North York;

THEREFORE the Ontario Municipal Board HEREBY APPROVES as follows:

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

“64.20-A(171) RM6(171)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purpose 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 from both an internal corridor system and directly from the outside.

BICYCLE STORAGE SPACE

- (b) For the purpose of this exception, “bicycle storage space” shall mean an area below grade, equipped with one or more bicycle racks or lockers exclusively for the purpose of parking and securing bicycles for residents of the building, but not used for general storage, and shall include any corridors used exclusively to access said racks or lockers.

ESTABLISHED GRADE

- (c) For the purpose of this exception, “established grade” shall mean the elevation as fixed by the City of the centre line of Sheppard Avenue East at the mid-point of the abutting lot line, being the geodetic elevation of 172.0 m.

GROSS FLOOR AREA

- (d) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas to be used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) below grade space used exclusively for motor vehicle parking; and
 - (iii) the floor area of unenclosed residential balconies.

GROSS SITE

- (e) For the purpose of this exception, “gross site” shall mean the lands comprising Parts 1, 2, 3, 4, 5, 6 and 7, Plan 66R-19563, having an area of 9,539 m², together with the lands comprising Part 1, Plan 66R-20482, having an area of 856.2 m², together comprising a total area of 10,395.2 m².

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

NET SITE

- (g) For the purpose of this exception, “net site” shall mean the gross site minus lands along the southern edge of the site described as Part 1, Plan 66R-20482 and having an area of 856.2 m², with such net site comprising an area of 9,539 m². The net site is defined for the purpose of calculating the maximum permitted gross floor area.

PERMITTED USES

- (h) The only permitted uses shall be:

RESIDENTIAL

- (i) apartment house dwellings and accessory uses including private recreational amenity areas;

NON-RESIDENTIAL

- (ii) Financial Institutions, Communications and Broadcasting, Commercial Gallery, Commercial Recreation, Retail Stores, Service Shops, Personal Service Shops, Restaurants, Studios, Dry-Cleaning and Laundry Collecting Establishments, Synthetic Dry-Cleaning Establishments, Automatic Laundry Shops, Custom Workshops making articles to be sold at retail on the premises, Take-out Restaurants, Billiard Parlours, Fitness Centres, Clubs, Outdoor Café in conjunction with a Restaurant, or any combination thereof;

and accessory uses thereto.

- (iii) All non-residential uses shall be restricted to the one-storey podium located within 21 m of the Sheppard Avenue East property line.
- (iv) A minimum of three (3) units for non-residential use shall be provided along the Sheppard Avenue frontage of the site.
- (v) The unit for each non-residential use provided on the site shall have a maximum width of 20 m measured along the Sheppard Avenue East frontage of the site.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (i) The maximum gross floor area permitted on the gross site lands shall be calculated on the basis of the net site area of 9,539 m² times 4.5 FSI and shall not exceed 42,925.5 m².

NUMBER OF DWELLING UNITS

- (j) The maximum number of dwelling units shall be 755 units, of which a maximum of 377 units are permitted in the Phase 1 tower and a maximum of 378 units are permitted in the Phase 2 tower.

BUILDING HEIGHT

- (k) The building height shall be regulated in accordance with the following requirements:
 - (i) The building height shall not exceed the maximum heights in metres and numbers of storeys shown on Schedule “RM6(171)” excluding mechanical penthouses and stairwells to access the roof.

- (ii) The maximum building height of all buildings and structures shall not exceed the horizontal distance between the building or structure and the Relevant Residential Property Line (RRPL), as shown on Schedule “1”.

BUILDING ENVELOPE

- (l) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule “RM6(171)”. Notwithstanding this requirement, the following projections are permitted:
 - (i) open balconies, roof overhangs and cornices may project beyond the building envelope to a maximum of 2.1 m;
 - (ii) exterior stairways, porches and decks may project beyond the building envelope to a maximum of 6 m; and
 - (iii) canopies may project beyond the building envelope to a maximum of 2.1 m.

YARD SETBACKS

- (m) The minimum yard setbacks shall be as shown on Schedule “RM6(171)”.

PARKING

- (n) Parking spaces shall be provided within the gross site lands in accordance with the following requirements:
 - (i) for residential uses, a minimum of 0.9 parking spaces and a maximum of 1.1 parking spaces per residential unit, plus 0.1 parking space per residential unit for residential visitors;
 - (ii) for non-residential uses, a minimum of 0.9 parking spaces per 100 square metres gross floor area and a maximum of 1.04 parking spaces per 100 m² gross floor area;
 - (iii) a parking space, including an angled parking space, shall have a minimum width of 2.7 m and a minimum length of 5.5 m;
 - (iv) a parallel parking space shall have a minimum width of 2.7 m and a minimum length of 6.7 m;
 - (v) notwithstanding (c) above, 36 existing parking spaces in the Phase 1 development may have minimum dimensions of 5.0 m (length) by 2.7 m (width) by 1.8 m (height);

- (vi) in all other aspects, the parking is to comply with the North York Centre Parking Policy, By-law No. 31770 in relation to disabled parking spaces, and Zoning By-law No. 7625.

LOADING

- (o) A minimum of 2 loading spaces shall be provided on the net site, including a minimum of 1 loading space in the existing Phase 1 building and 1 loading space in the Phase 2 building. Loading space requirements, including dimensions and accessibility, are to comply with Zoning By-law No. 7625.

LANDSCAPING

- (p) A minimum of 1,132.5 m² of landscaping shall be provided on the gross site lands.

OUTDOOR RECREATIONAL AMENITY AREA

- (q) A minimum of 1.5 m² per dwelling unit of outdoor recreational amenity area shall be provided on the gross site lands, to be made available only to the occupants of the residential portion of the development.

INDOOR RECREATIONAL AMENITY AREA

- (r) A minimum of 1.5 m² per dwelling unit of indoor recreational amenity area shall be provided on the gross site lands, to be made available only to the occupants of the residential portion of the development.

PROVISIONS NOT APPLICABLE

- (s) The general provisions of Zoning By-law No. 7625, as amended, with respect to lot depth, lot area, and lot coverage, do not apply.

INCREASED DENSITY

- (t) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (v) of this exception are:

SECTION 37 AGREEMENT

- (u) The owner of the subject lands 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 such 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

matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:

- (i) a minimum of 1.5 m² per dwelling unit of indoor recreational amenity area, to be made available only to the occupants of the residential portion of the building;
- (ii) a minimum of 851.5 m² of gross floor area for non-residential uses located on the ground floor podium level, fronting onto and directly accessible from Sheppard Avenue East, and located within 21 m of the Sheppard Avenue East property line;
- (iii) a minimum of 1,394.7 m² for bicycle storage space provided below grade;
- (iv) the conveyance to the City, no later than five (5) months from the date of the issuance of the demolition permit, for a nominal sum and free and clear of all tenancies, encumbrances and structures, of the property known municipally as 4 Anndale Drive, being Lot 2, PL 3421 North York S/T TB816402, Toronto (N York), City of Toronto, of area 395 m²;
- (v) a monetary contribution to be provided, \$700 000 of which is to be provided within 30 days of the date of final approval of this by-law and the remainder of which is to be provided prior to the issuance of the first above grade Building Permit, to fund 9,400.7 m² (101,191.6 square feet) of proposed gross floor area at a rate of \$38.00 per square foot as determined by the Director of Real Estate Services, toward the cost of the City acquiring lands necessary for the completion of planned service roads, associated road network and buffer areas in the North York Centre, the total amount to be indexed according to the provisions of the s. 37 Agreement;
- (vi) funds to pay for any administrative, legal, planning/appraisal or other consulting costs that may be incurred by the City in relation to the City's expropriation pursuant to the terms of the *Expropriations Act*, including a Section 30 acquisition, of the property known municipally as 2 Anndale Drive, to a maximum amount of \$125,000;

ADDITIONAL GROSS FLOOR AREA

- (v) Notwithstanding subsection (j) of this exception, additional gross floor area may be permitted on the gross site lands shown on Schedule "RM6(171)", limited to the following:
 - (i) a maximum of 1.5 m² per dwelling unit of gross floor area for the provision of private indoor recreational amenity space, provided that the area is used exclusively for recreational purposes;

- (ii) a maximum of 851.5 m² of gross floor area for the provision of non-residential uses located on the ground floor podium level, fronting onto and directly accessible from Sheppard Avenue East, and located within 21 m of the Sheppard Avenue East property line;
- (iii) a maximum of 1,394.7 m² of gross floor area for the provision of below grade bicycle storage space;
- (iv) a maximum of 1,386 m² of gross floor area attributed to density transferred from the off-site property known municipally as 4 Anndale Drive;
- (v) a maximum of 9,400.7 m² of gross floor area attributable to the monetary contribution specified in (u)(v) above.

SEVERANCE

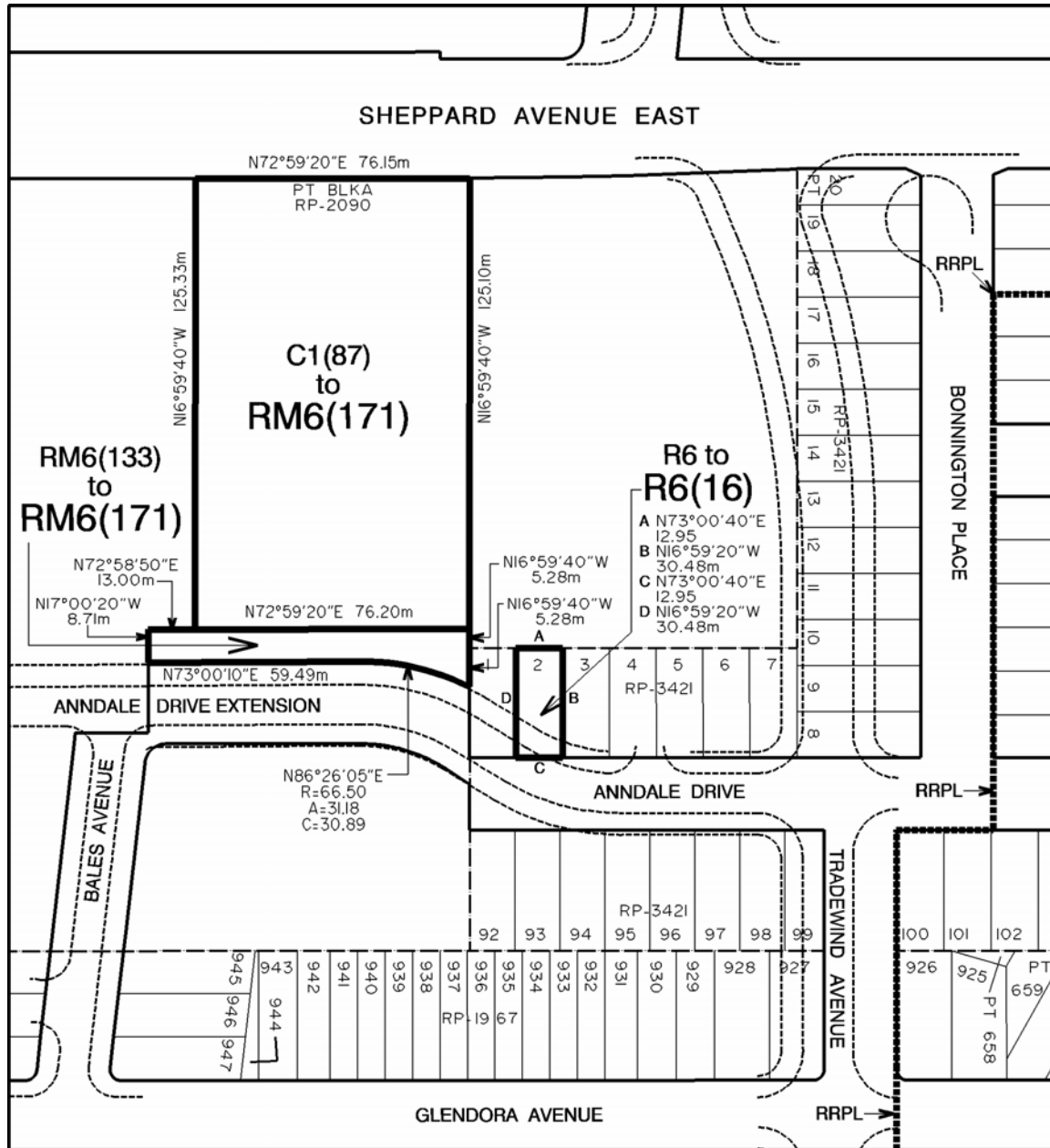
- (w) Notwithstanding any future severance, partition or division of the net site shown on Schedule “RM6(171)”, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(171)” attached to this By-law.
 4. Section 64.14-A of By-law No. 7625 is amended by adding the following subsection:

“64.14-A(16) R6(16)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area shall be 0.0 m².”
5. Zoning By-law No. 492-2000(OMB), with respect to 43 Sheppard Avenue East, Map 26, is repealed upon the Decision/Order of the Ontario Municipal Board authorizing and effecting this new site-specific zoning by-law respecting 23 and 33 Sheppard Avenue East.

PURSUANT TO ORDER/DECISION NO. 2751 OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON OCTOBER 18, 2007 IN BOARD CASE NO. PL060567.

SCHEDULE "1"

Schedule " 1 " to Bylaw _____

Compiled from surveys supplied by J.D. Barnes Ltd, March 5, 2002
and R. Avis Surveying Inc, June 4, 2003

File # 05_211881

Date: 06/15/07
Approved by: C.C.

↑
Not to Scale

SCHEDULE "RM6(171)"