

Authority: Ontario Municipal Board Interim Order issued on May 12, 2015 and Final Order issued on April 26, 2016, in Board Case No. PL140131

## CITY OF TORONTO

### BY-LAW No. 670-2016(OMB)

#### To amend former City of North York Zoning By-law No. 7625, as amended, respecting lands municipally known in 2015 as 591 and 593 Sheppard Avenue East.

Whereas the Ontario Municipal Board, by way of its Interim Order issued on May 12, 2015, and Final Order issued on April 26, 2016, determined to amend the former City of North York Zoning By-law No. 7625 with respect to lands known municipally in the year 2015 as 591 and 593 Sheppard Avenue East; and

Whereas authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and

Whereas pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services or 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 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 lands known at the date of enactment of this By-law as 591 and 593 Sheppard Avenue East (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

Whereas the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

The Ontario Municipal Board orders as follows:

1. Schedules "B" and "C" of By-law No. 7625 are 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 (233) RM6(233)**

#### DEFINITIONS

- (a) 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, but excluding:

- (i) indoor recreational amenity area;
  - (ii) areas used for parking, loading and bicycle parking;
  - (iii) required loading spaces and required bicycle parking spaces at or above established grade;
  - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (v) elevator shafts;
  - (vi) garbage shafts;
  - (vii) mechanical penthouse; and
  - (viii) exit stairwells in the building.
- (b) For the purpose of this exception, "bicycle parking" shall mean an area below established grade or at grade that is equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use.
- (c) For the purpose of this exception, "recreational amenity area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms, and other similar uses.
- (d) For the purpose of this exception, "established grade" shall mean 171.15 metres Canadian Geodetic Datum.
- (e) For the purpose of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct access at grade, or any combination thereof.
- (f) For the purpose of this exception, "temporary sales and leasing centre" shall mean a building or a portion of a building, or sales trailer, used exclusively for the marketing, initial sale and/or initial leasing of dwelling units or space for non-residential uses to be erected on any portion of the lands delineated by heavy lines on Schedule 1.

#### **PERMITTED USES**

- (g) On the lands identified on Schedule RM6(233), the only permitted uses shall be:

- (i) Residential: apartment house dwellings, multiple attached dwellings, and accessory uses including private recreational amenity areas; and
- (ii) Non-residential: all commercial and institutional uses permitted in a "C1" General Commercial Zone, as well as, temporary sales and leasing centre.

### **EXCEPTION REGULATIONS**

#### **GROSS FLOOR AREA**

- (h) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (i) The maximum permitted total residential gross floor area shall be 14,767 square metres.
- (j) The maximum permitted commercial gross floor area shall be 1,493 square metres.
- (k) The maximum permitted place of worship gross floor area shall be 1,279 square metres.

#### **DWELLING UNITS**

- (l) The maximum number of dwelling units shall be 205, of which:
  - (i) a maximum of 2 studio/bachelor units with a minimum floor area of 36 square metres shall be provided;
  - (ii) a maximum of 39 one bedroom units with a minimum floor area of 39 square metres shall be provided;
  - (iii) a maximum of 123 one bedroom plus den units with a minimum floor area of 52 square metres shall be provided;
  - (iv) a minimum of 3 three bedroom units with a minimum floor area of 88 square metres shall be provided;
  - (v) a minimum of 3 three bedroom plus den units with a minimum floor area of 103 square metres shall be provided.

#### **LOT COVERAGE**

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

#### **LANDSCAPING**

- (n) The provisions of Sections 6(26)(d) (Landscaping Requirements for Places of Worship) and 15.8 (Landscaping) shall not apply.

**RECREATIONAL AMENITY AREA**

- (o) A minimum of 2.9 square metres of indoor private recreational amenity area per dwelling unit shall be provided.
- (p) A minimum of 1.5 square metres of outdoor private recreational amenity area per dwelling unit shall be provided.

**YARD SETBACKS**

- (q) The provisions of Sections 6(26)(a) (Yard Setbacks) and 20-A.2.4 (Yard Setbacks) shall not apply.
- (r) The minimum yard setbacks for all buildings and structures above established grade shall be as shown on Schedule RM6(233); where there is no minimum yard setback indicated on Schedule RM6(233), the minimum yard setback shall be 0 metres.
- (s) The minimum yard setbacks for structures below established grade shall be 0 metres.

**PROJECTIONS**

- (t) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply.
- (u) Exterior stairways, portions of underground parking structures, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks shall be permitted to project into the minimum yard setbacks.

**BUILDING HEIGHT**

- (v) The provisions of Sections 6(26)(b) (Height Requirements) and 20-A.2.6 (Building Height) shall not apply.
- (w) The maximum number of storeys above established grade and the maximum building height in metres for all buildings shall be as shown on Schedule RM6(233). The number of storeys and measurement of building height shall exclude mechanical penthouses, parapets, any roof structures used only as ornaments, green roof elements, stairwells to access the roof and stair enclosures.

**PARKING**

- (x) The provisions of Section 6A(2)(a) (Parking Requirements) shall not apply.
- (y) The minimum number of parking spaces shall be calculated in accordance with the following:

**Residential:**

- Bachelor – 0.6 spaces per dwelling unit;
- 1-Bedroom – 0.7 spaces per dwelling unit;
- 2-Bedroom – 0.9 spaces per dwelling unit;
- 3 or more Bedrooms – 1.0 space per dwelling unit; and
- Visitors – 0.1 spaces per dwelling unit.

**Commercial/Retail:**

- 1.0 space per 100 square metres of gross floor area.

**Place of Worship:**

- 18.0 spaces per 100 square metres of gross floor area of the worship hall.

- (z) The maximum number of parking spaces shall be calculated in accordance with the following:

**Residential:**

- Bachelor – 0.9 spaces per dwelling unit;
- 1-Bedroom – 1.0 space per dwelling unit;
- 2-Bedroom – 1.3 spaces per dwelling unit; and
- 3 or more Bedrooms – 1.5 spaces per dwelling unit.

**Commercial/Retail:**

- 4.0 spaces per 100 square metres of gross floor area.

**Place of Worship:**

- 29.0 spaces per 100 square metres of gross floor area of the worship hall.

- (aa) Section 6A(6)(g) (Non-residential Parking Regulations) of By-law No. 7625 shall not apply.

**BICYCLE PARKING**

- (bb) A minimum of 160 bicycle parking spaces shall be provided, of which a minimum of 130 bicycle parking spaces shall be allocated to occupants, and a minimum of 30 bicycle parking spaces shall be allocated to visitors.

**LOADING**

- (cc) Notwithstanding Section 6A(16) (Loading Requirements) of By-law No. 7625, loading shall be provided as follows:

- (i) a minimum of one (1) Type 'G' loading space shall be provided.
- (dd) A Type 'G' loading space means a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

### **DIVISION OF LANDS**

- (ee) 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.

### **OTHER**

- (ff) Within the lands shown on Schedule RM6(233) 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:
  - (i) 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
  - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

### **SECTION 37 AGREEMENT**

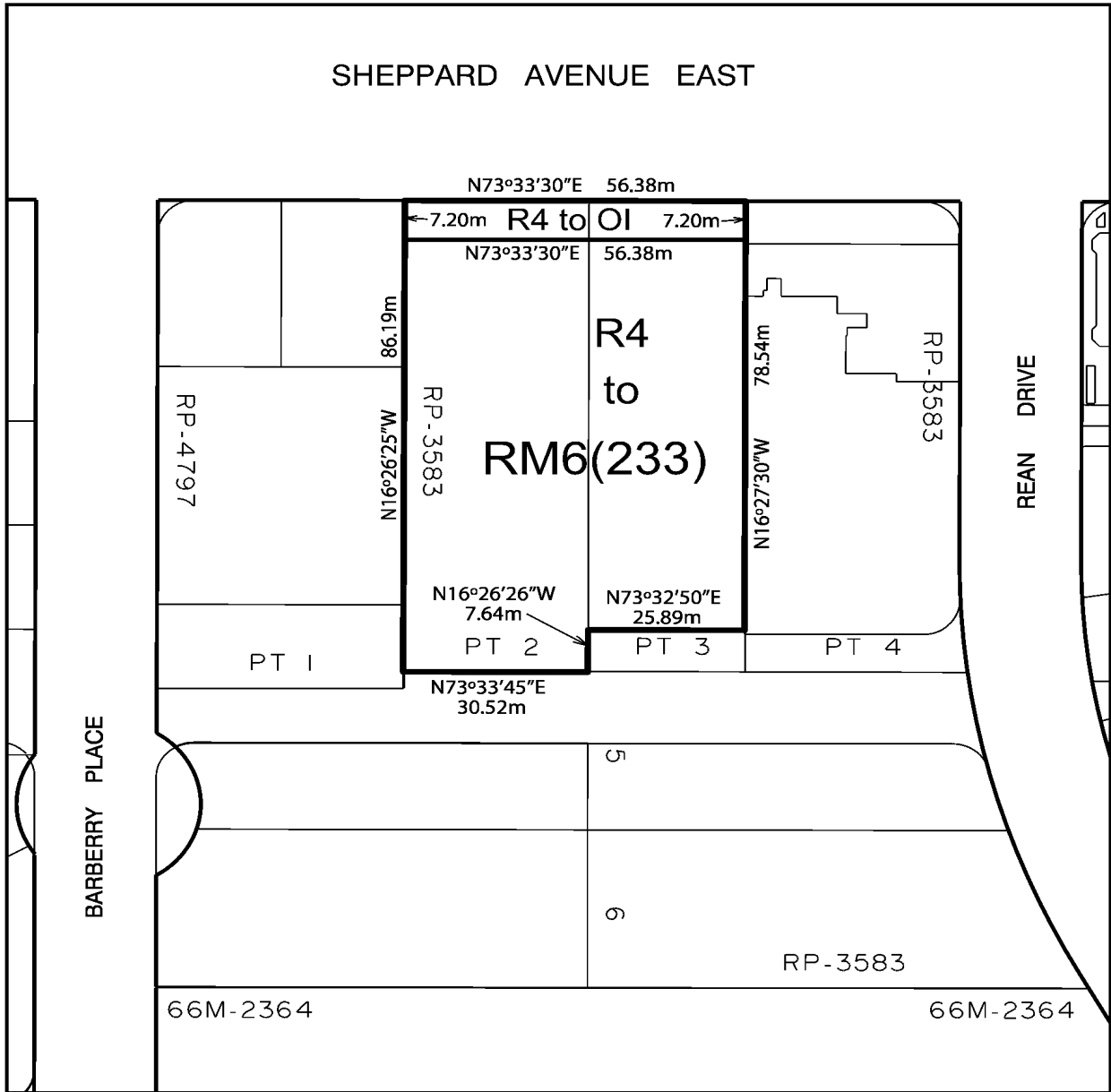
- (gg) Pursuant to Section 37 of the *Planning Act* the owner of the lands shown on Schedule RM6(233), at the owner's expense and in accordance with, and subject to the agreement(s) referred to subsection (i) below, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in the maximum gross floor area cited in the Gross Floor Area sections 2(i), (j) and (k) of this exception:
  - (i) the Owner shall enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the lands subject to this exception to secure:
    - (A) the provision for a minimum of 2.9 square metres of indoor private recreational amenity area per dwelling unit to a maximum of 602 square metres provided that such gross floor area is used solely for the purposes of indoor private recreational amenity area, and such area shall be exempted from the calculation of gross floor area in sections (i) and (j);
    - (B) the provision for a place of worship with a maximum gross floor area of 1,279 square metres provided that such gross floor area is used solely for the purposes of a place of worship, and such area

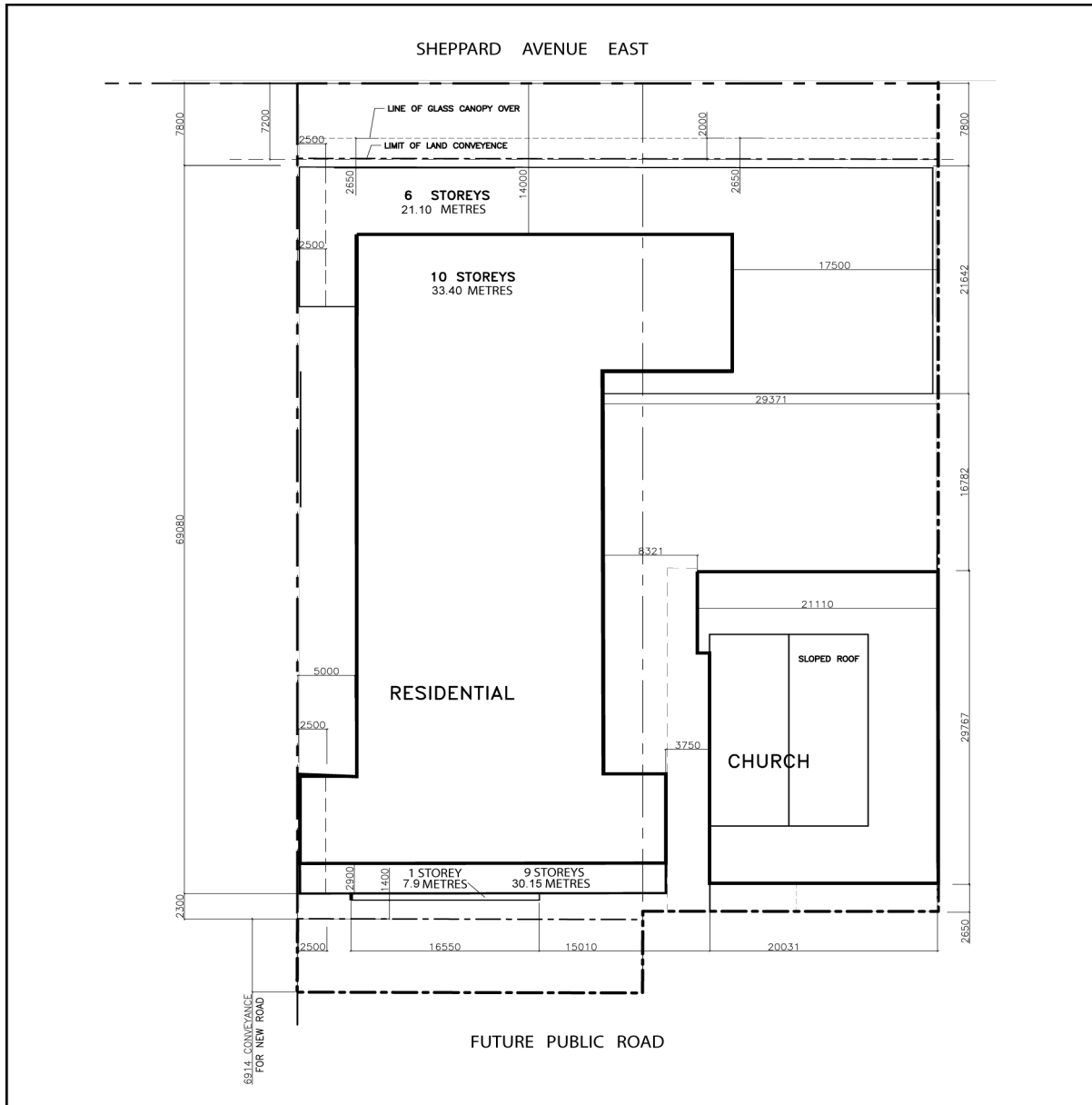
shall be exempted from the calculation of gross floor area in sections (i) and (j);

- (C) the provision of a cash contribution of \$500,000 to be allocated to capital improvements that will benefit the community in the vicinity of the development such as, but not limited to, community centres, recreation facilities, parks, local streetscape or traffic calming measures, and public art, in consultation with the appropriate City division and the ward Councillor; with such contribution 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 Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment; and
- (D) the requirement to 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.

3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule RM6(233) attached to this By-law.

PURSUANT TO INTERIM ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MAY 12, 2015 AND DECISION ISSUED APRIL 26, 2016 IN BOARD CASE NO. PL140131.





Schedule RM6(233)

From Applicant's Drawing

File # 12 298398 NNY 24 OZ

Date: 12/14/2015  
Approved by: S.F.

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Not to Scale