

Authority: Ontario Municipal Board Decision issued June 22, 2015 and Order issued June 20, 2016 in Board File No. PL140124

CITY OF TORONTO

BY-LAW No. 1049-2016(OMB)

To amend former City of North York Zoning By-law No. 7625, as amended, in respect of lands municipally known as 500 Sheppard Avenue East.

Whereas the Ontario Municipal Board, by way of its Decision issued June 22, 2015 and Order issued on June 20, 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 500 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 amend By-law No. 7625; 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 500 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/or 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. 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.

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

64.20-A (234) RM6(234)

DEFINITIONS

- (a) For the purpose of this exception, the following definitions will apply:
- (i) "*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;
 - (ii) "*Established Grade*" shall mean a geodetic elevation of 184.0 metres;
 - (iii) "*Front Lot Line*" shall mean the property line abutting Sheppard Avenue East;
 - (iv) "*Gross Floor Area*" shall mean the total area of all floors in a building, measured between the outside walls of the building at the level of each floor, but excluding:
 - A. any floor area in a parking garage used for storage, lockers, or for motor vehicle parking and access thereto including ancillary areas, ramps, driveways, loading, pick-up and staging areas;
 - B. any required loading spaces at the *lower ground floor*;
 - C. any floor area used exclusively for bicycle parking, bicycle storage, or associated shower/change facilities (where required);
 - D. any part of the building used for *mechanical floor area*;
 - E. the floor area of unenclosed terraces or balconies;
 - F. the floor area of exit stairwells in the building; and
 - G. amenity space required by this by-law;
 - (v) "*Live-work Unit*" shall mean an *apartment house dwelling* unit located at the *lower ground floor* and *upper ground floor* levels permitted to accommodate a *live-work use*;
 - (vi) "*Live-work Use*" means the following uses located within an *apartment house dwelling* unit: retail store, artist studio, business and professional office, custom workshop or personal service shop;

- (vii) "*Lot*" shall mean the lands outlined in heavy black lines on Schedule 1 attached to this By-law, comprising an area of 5,730.4 square metres;
 - (viii) "*Lower Ground Floor*" shall mean the floor level located immediately below *established grade* and above the first level of underground parking;
 - (ix) "*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 including, but not limited to, heating, ventilation, air conditioning, electrical, telephone, telecommunication, cable, garbage chutes and compactors, plumbing, fire protection, elevator shafts and equipment, stormwater management and irrigation facilities;
 - (x) "*Net Site*" shall mean the area of the *lot* excluding those parts conveyed to the City for parkland dedication and road widening purposes, comprising an area of 5,190.4 square metres. Any other lands within the *net site* conveyed to the City shall continue to be considered part of the *net site*;
 - (xi) "*Storey*" shall be as defined in Zoning By-law No. 7625, except that it shall be located at or above *established grade*, and shall exclude the mechanical penthouse level of a building;
 - (xii) "*Temporary Sales Office*" shall mean an office located on the *net site* in a temporary or existing building, structure, facility or trailer satisfactory to the City's Chief Planner, used exclusively for the purpose of selling or leasing the residential dwelling units or the non-residential *gross floor area* to be erected within the site;
 - (xiii) "*Two Way Driveway*" shall have a minimum width of 6 metres; and
 - (xiv) "*Upper Ground Floor*" shall mean the floor level generally at *established grade*;
- (b) Except as provided herein, Section 2 to Zoning By-law No. 7625 shall continue to apply;

PERMITTED USES

- (c) The only permitted uses on those lands zoned RM6(234) shown on Schedule RM6(234) shall be a mixed use building consisting of an *apartment house dwelling*, and accessory uses thereto, including private recreational amenity areas; *live-work uses*; clinics; veterinary clinics; day nurseries; *temporary sales office*, and all commercial uses permitted in a "C1" General Commercial Zone except for commercial bath houses, motels, hotels, apartment hotels, billiard parlours, bowling alleys, industrial sales and service, showroom and car rental agencies, service stations and accessory uses, gasoline stations and accessory uses, and car washing establishments;

- (d) Use Qualifications
- (i) A *live-work use* shall:
 - A. occupy no more than 50 percent of the total *gross floor area* of the *apartment house dwelling* unit in which it is located;
 - B. be located on the street level along Sheppard Avenue East; and
 - C. be conducted only by a member or members of the household that resides in the *apartment house dwelling* unit, and the *apartment house dwelling* unit is their principal residence;
 - (ii) Private outdoor recreational amenity area may be provided at or above *established grade* or on rooftop terraces;
 - (iii) Only non-residential uses shall be contained in the *lower ground floor*, *upper ground floor* and second floor levels of the building, except for *live-work units*, and accessory residential uses including, but not limited to, residential lobby floor area, mail rooms, garbage/recycling rooms, *mechanical floor area*, exit stairs and corridors; and
 - (iv) Exterior play space in association with a day nursery may be located on the rooftop portion of the building identified as 1-storey / 6.0 metres on Schedule RM6(234), and such exterior play space shall have a minimum area of 290 square metres;

EXCEPTION REGULATIONS

- (e) The following provisions of Zoning By-law No. 7625 shall not apply:
- (i) Section 6(9)(f) and (i);
 - (ii) Section 6A(2)(a) (Parking Requirements);
 - (iii) Section 6A(6)(g);
 - (iv) Section 6A(8);
 - (v) Section 6A(16)(a)(ii)(C) and Section 6a(16)(a)(iv) (Loading Spaces);
 - (vi) Section 15.8 (Landscaping); and
 - (vii) Section 20-A;

BUILDING ENVELOPE

- (f) No portion of any building or structure erected and used at or above the *lower ground floor* level shall be located otherwise than within the areas delineated by heavy lines, and dashed lines as the case may be, as identified on Schedule RM6(234), except for:
- (i) The minimum yard setbacks for underground parking structures shall be 0 metres;
 - (ii) Projections permitted in Section 6(9) of the By-law as well as canopies, lights, open or unenclosed stairs, balconies, and other architectural features which may project beyond the building envelope; and
 - (iii) Balcony projections permitted by clause (ii), above, shall be subject to the following:
 - A. permitted projections shall not exceed a maximum horizontal projection of 2.0 metres measured from the main wall(s) to which they are attached; and
 - B. no balcony projection will be located closer than 3 metres from an exterior corner of a building above the 9th *storey*;

MAXIMUM GROSS FLOOR AREA

- (g) Except as provided for in subsection (w) of this exception, the maximum residential *gross floor area* permitted on the *net site* shall be 17,191.2 square metres;
- (h) In addition to the residential *gross floor area* permitted in subsection (g) above, the maximum commercial *gross floor area* on the *net site* shall be 3,364 square metres;

NUMBER OF DWELLING UNITS

- (i) The maximum number of *apartment house dwelling* units shall be 310;

LANDSCAPING

- (j) A minimum of 1,535 square metres of landscaping shall be provided on the *net site*. Landscaping may include plantings, paths, and patios and walkways, but shall not include driveways, ramps, lanes or parking areas or any other space within or on the roof of a building;

OUTDOOR RECREATIONAL AMENITY AREA

- (k) A minimum of 2.0 square metres of outdoor private recreational amenity area shall be provided per *apartment house dwelling* unit;

INDOOR RECREATIONAL AMENITY AREA

- (l) A minimum of 2.0 square metres of indoor private recreational amenity area shall be provided per *apartment house dwelling* unit;

BUILDING HEIGHT

- (m) Notwithstanding Section 20-A.2.6 (Building Height):
- (i) The maximum building height of any portion of the building or structure shall not exceed the height in metres above *established grade* shown for that portion of the building or structure on Schedule RM6(234), excluding mechanical penthouses, parapets and other architectural features, mechanical equipment, rooftop trellises, outdoor recreational and landscape features, and other elements necessary for the functional operation of the building, and stairwells to access the roof;
- (n) A minimum floor to floor height of 4.5 metres shall be provided on the *upper ground floor* adjacent to lands zoned "O1" on Schedule 1;

MAXIMUM NUMBER OF STOREYS

- (o) The number of storeys measured from *established grade* shall not exceed the maximum number of storeys shown on Schedule RM6(234), excluding mechanical penthouses, parapets and other architectural features, mechanical equipment, rooftop trellises, outdoor recreational and landscape features, and other elements necessary for the functional operation of the building, and stairwell to access the roof;

MOTOR VEHICLE PARKING

- (p) A minimum residential parking rate of 1.1 parking spaces per *apartment house dwelling* unit shall apply, of which 0.2 parking spaces per dwelling unit shall be for the use of visitors;
- (q) Parking for commercial uses shall be provided at a rate of 1 space per 56 square metres of *gross floor area*, of which over 50 percent of the required parking spaces may be shared with and satisfied by the required visitor parking spaces for the *apartment house dwelling*, up to a maximum of 31 spaces. Parking (including pick-up and drop-off) for a non-profit day nursery use will be accommodated within the shared commercial/residential visitor supply;

BICYCLE PARKING

- (r) Bicycle parking shall be provided at a minimum rate, as follows:
- (i) A resident parking rate of 0.6 spaces per *apartment house dwelling* unit;
 - (ii) A residential visitor parking rate of 0.15 spaces per *apartment house dwelling* unit;
 - (iii) A parking rate for office uses of 0.13 spaces per 100 square metres of *gross floor area*;
 - (iv) A parking rate for retail uses of 0.13 spaces per 100 square metres of *gross floor area*;
 - (v) A visitor parking rate for office uses equal to the greater of 0.15 spaces per 100 square metres of *gross floor area* or 6 spaces; and
 - (vi) A visitor parking rate for retail uses of the greater of 0.25 spaces per 100 square metres of *gross floor area* or 6 spaces;

LOADING

- (s) Loading shall be provided at a rate of one Type B and one Type G loading spaces, as follows:
- (i) Type B Loading Space shall have minimum dimensions of 3.5 metres wide, 11.0 metres long and a vertical clearance of 4.0 metres; and
 - (ii) Type G Loading Space shall have minimum dimensions of 4.0 metres wide, 13.0 metres long and a vertical clearance of 6.1 metres;

INCREASED DENSITY – SECTION 37

- (t) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *net site* as set out in subsection (w) of this By-law is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the *lot* to the satisfaction of the City Solicitor;

SECTION 37 AGREEMENT

- (u) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on the satisfaction of same;

- (v) Where the agreement in subsection (t) requires the provision of a facility, service or matters as a precondition of a building permit, the owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all the provisions of Schedule A are satisfied in accordance with the specified timeframes therein;

ADDITIONAL GROSS FLOOR AREA

- (w) Notwithstanding subsections (g) and (h) of this exception, additional *gross floor area* up to a maximum of 6,850.5 square metres, shall be permitted on the lands zoned RM6(234), as follows:
- (i) A maximum of 557.4 square metres of non-profit day nursery *gross floor area*;
 - (ii) A maximum 2,229.6 square metres of residential *gross floor area* attributable to the *gross floor area* associated with a 557.4 square metres non-profit day nursery;
 - (iii) A maximum of 2.0 square metres per *apartment house dwelling* unit of indoor private recreational amenity space within the building up to 620 square metres; and
 - (iv) A maximum of 3,443.5 square metres of residential *gross floor area* attributable to other on site benefits including the benefits specified in Schedule A, Item (iv), (vi) and (ix);

LAND DIVISION

- (x) Notwithstanding any severance, partition or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the *lot* as if no severance, partition or division has occurred;
- (y) Except as otherwise provided herein, the provisions of By-law No. 7625 shall continue to apply to the *lot*;

OTHER PROVISIONS

- (z) The floor plate above the 9th storey shall not exceed 760 square metres of *gross floor area*;
- (aa) None of the provisions of Zoning By-law 7625 or this By-law including, but not limited to, Maximum Gross Floor Area, Building Height, Number of Storeys, Building Envelope, shall apply to elevated decks covering any courtyard, surface parking areas, vehicle pick-up and drop-off areas, loading areas or an entrance to the underground parking garage; and
- (bb) No regulations shall apply to a *temporary sales office*.

4. Section 64.20-A of By-law No. 7625 is amended by adding Schedule RM6(234) attached hereto and forming part of this By-law.

Pursuant to the Decision of the Ontario Municipal Board issued June 22, 2015 and Order issued June 20, 2016, in Board File No. PL140124

SCHEDULE A

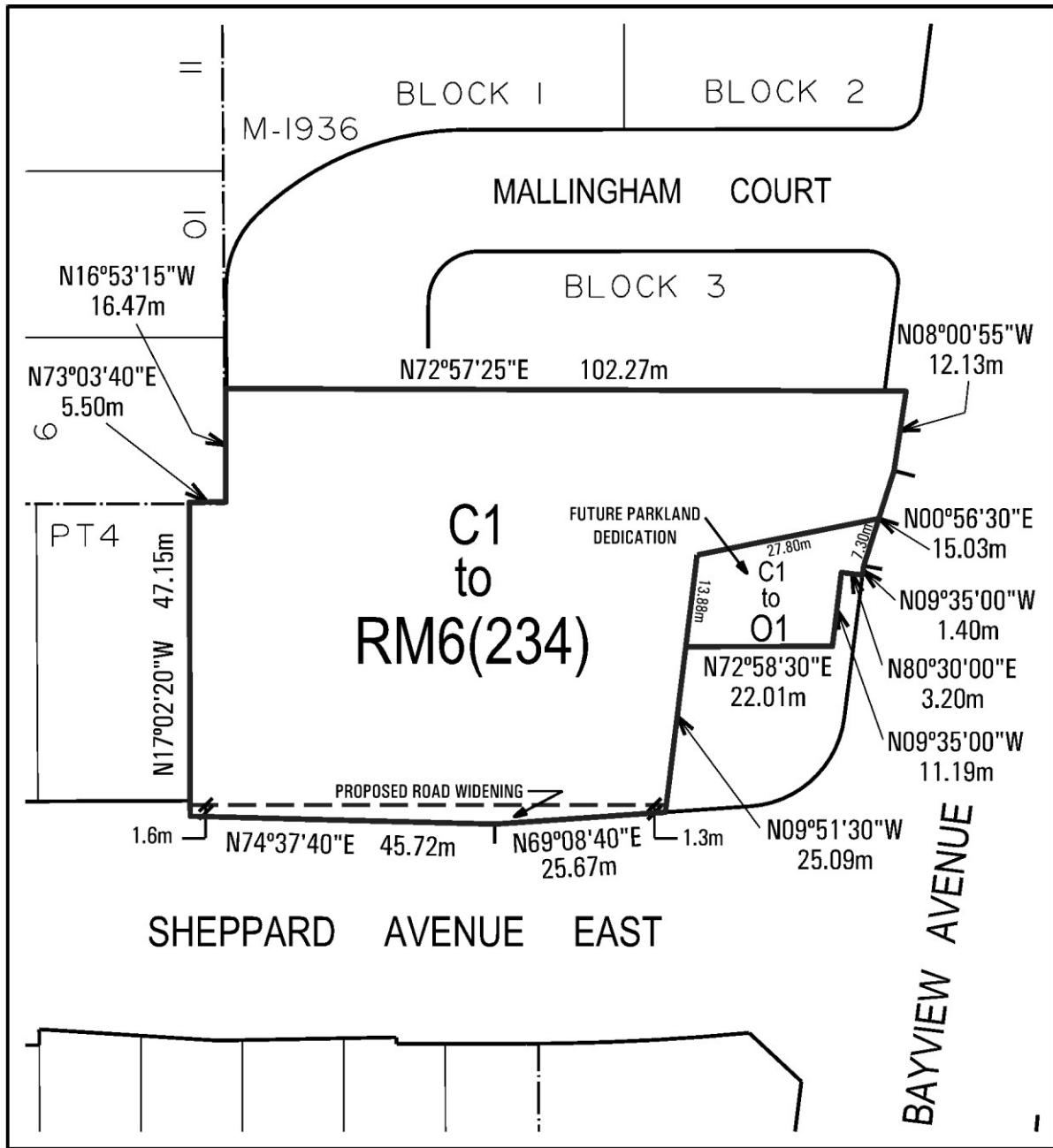
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development under subsection (u) of this exception on the lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act*, whereby the Owner agrees as follows:

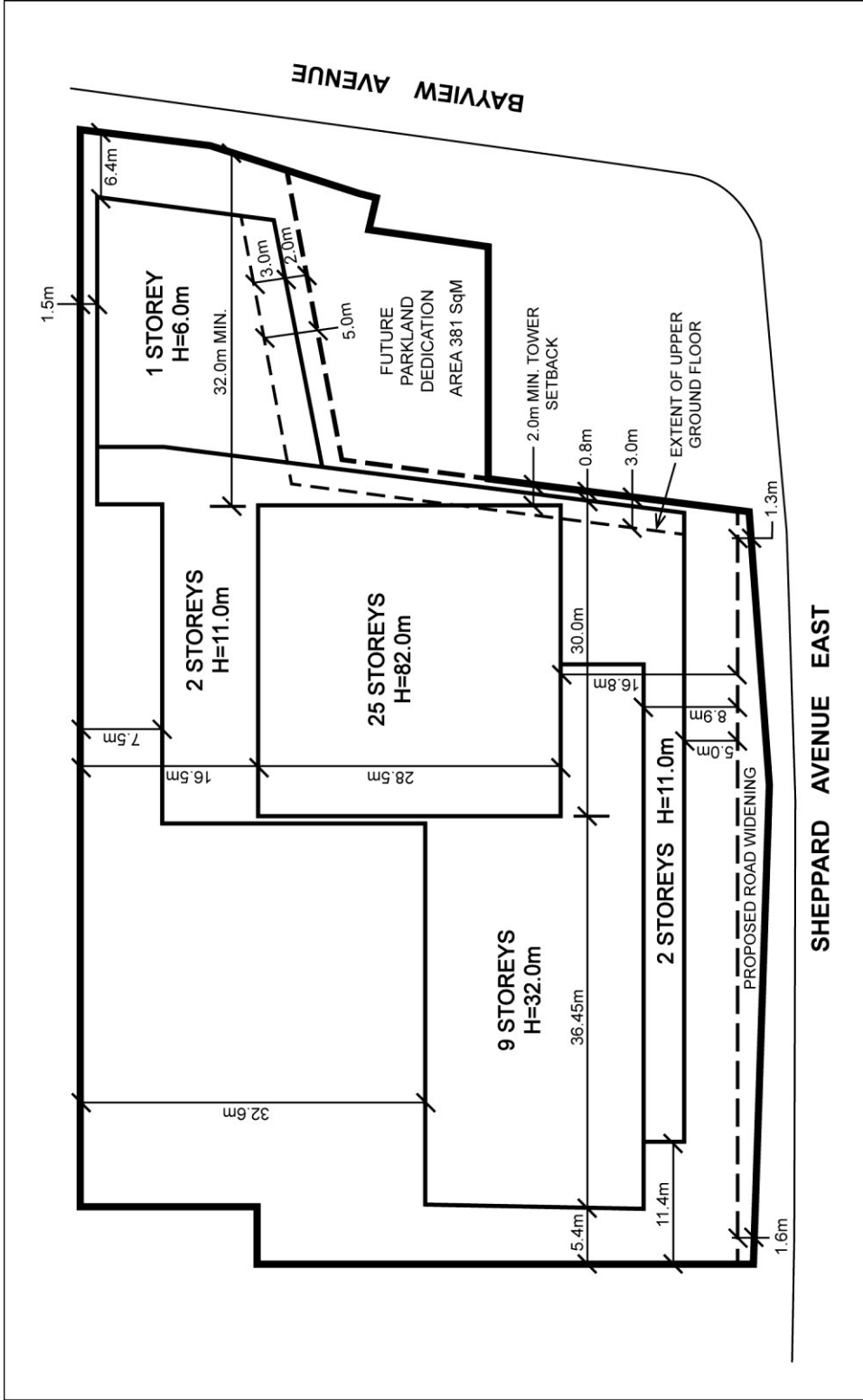
1. Provision of a minimum 557.4 square metres non-profit day nursery facility with no more than 290 square metres of exterior play space, subject to terms and conditions to be contained in the Section 37 agreement, and in the general location as shown on the plan prepared by Page + Steele Architects (A03: Second Floor Plan) dated June 1, 2015.
2. Provision of 381 square metres of public parkland ("New Park") as shown on Schedule 1 to be improved pursuant to a design prepared by the Owner and to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Owner, subject to terms and conditions to be contained in the Section 37 agreement (the "Park Design").
3. Prior to the issuance of the first above-grade building permit, excluding a permit for demolition, a rental/sales centre or maintenance for the existing development, the Owner shall register a Section 118 Restriction pursuant to the Land Titles Act, on the 381 square metre parcel of land to be conveyed as New Park as follows:

"No sale, transfer, lease, disposition, charge or other dealing with Part X on Plan 66M-_____ City of Toronto, or any part thereof, shall be registered without the written consent of the General Manager, Parks, Forestry and Recreation, City of Toronto, or his or her designate".
4. Provision of park improvements to the existing City-owned park ("Existing Park") located at the northwest corner of Bayview Avenue and Sheppard Avenue East (the "Existing Park Improvements") in accordance with the Park Design, subject to terms and conditions to be contained in the Section 37 agreement, to a maximum value of \$500,000.00 (inclusive of all taxes and fees including landscape consulting not to exceed 10 percent) The Existing Park Improvements will be shown on the Park Design prepared by the Owner and to the satisfaction of the General Manager, Parks, Forestry and Recreation, and the Owner;
5. Prior to the issuance of the first above-grade building permit, excluding a permit for demolition, a rental/sales centre or maintenance for the existing development, the Owner shall provide a Letter of Credit in the amount of \$500,000.00, to guarantee the costs of the Existing Park Improvements, where such amount shall 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 the Letter of Credit is provided.
6. The Owner shall maintain the New Park after conveyance to the City as well as the Existing Park at its sole expense, subject to terms and conditions to be contained in the Section 37 agreement, to the satisfaction of the General Manager, Parks, Forestry and

recreation, together with the provisions for protection and indemnification of the City to the satisfaction of the City Solicitor.

7. Prior to the issuance of the first above-grade building permit, excluding a permit for demolition, a rental/sales centre or maintenance for the existing development, the Owner shall submit the necessary plans and cost estimate for the Base Park and Above Base Park Improvements for the new park to be approved by the General Manager, Parks, Forestry and Recreation.
8. Prior to the issuance of the first above-grade building permit, excluding a permit for demolition, a rental/sales centre or maintenance for the existing development, the Owner shall provide a irrevocable Letter of Credit in the amount of 120 percent of the value of the Base Park Improvements and Above Base Park Improvements for the new Park to the satisfaction of the General Manager, Parks Forestry and Recreation.
9. Provision and maintenance of a pedestrian connection between Mallingham Court and Sheppard Avenue East at the westerly limit of the *lot* in the general location shown on the plans prepared by Page + Steele Architects (A07: Roof Plan) dated June 1, 2015. The Owner shall, at its sole cost, register an easement allowing for pedestrian only access across this connection in a form and content satisfactory to the City Solicitor. The Security for this obligation shall be provided by the Owner as a condition of site plan approval.
10. Provision and maintenance of a minimum of 2.0 square metres per dwelling unit of indoor recreational amenity space.





Schedule RM6(234)

File # 11 173715 NNY 23 0Z

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Not to Scale

Toronto City Planning

From Applicant's Drawing

Date: 06/30/2015
Approved by: S. McAlpine