

Authority: Ontario Municipal Board Decision/Order issued on October 28, 2014, December 8, 2015 and November 8, 2016 in Board File No. PL140351

CITY OF TORONTO

BY-LAW No. 1182-2016(OMB)

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 2135 Sheppard Avenue East and 299 Yorkland Boulevard.

Whereas the owner of the lands shown on Schedule 1 attached hereto applied for a zoning by-law amendment for the development of the lands shown on Schedule 1 attached hereto and appealed that application to the Ontario Municipal Board; and

Whereas pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c. P.13, as amended, the council of a Municipality, and the Ontario Municipal Board on appeal, may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, that will be permitted 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 lands elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with such facilities, services or matters; and

Whereas the owner has elected to provide the facilities, services and matters as are 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 former City of North York By-law No. 7625 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 and the City of Toronto (hereinafter referred to as the "City"); and

Whereas pursuant to Section 39 of the *Planning Act*, the council of a Municipality may, in a by-law passed under section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

Pursuant to the Decision/Order of the Ontario Municipal Board issued on October 28, 2014, December 8, 2015 and November 8, 2016, in Board Case No. PL140351, By-law No. 7625 of the former City of North York, as amended, is further amended 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 64.23 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

"64.23 (142) C1(142)**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) parking, loading and bicycle parking below established grade;
 - (iii) parking, loading and bicycle parking at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) shower and change facilities required by this By-law for required *bicycle parking* spaces;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) 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:
- (i) "Type "A" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 17.0 metres long and has a minimum vertical clearance of 4.4 metres;
 - (ii) "Type "B" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 11.0 metres long and has a minimum vertical clearance of 4.0 metres;
 - (iii) "Type "C" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 6.0 metres long and has a minimum vertical clearance of 3.0 metres; and

- (iv) "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;
- (d) 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 and portions of a green roof;
- (e) For the purpose of this exception, "established grade" shall mean 174.0 metres Canadian Geodetic Datum;
- (f) For the purpose of this exception, "apartment house dwellings" 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;

PERMITTED USES

- (g) On the lands shown on Schedule C1(142), the only permitted uses shall be:
 - (i) residential: *apartment house dwellings*, multiple attached dwellings, and accessory uses including *recreational amenity areas*; and
 - (ii) non-residential: automatic laundry shops, banks, business and professional offices, clubs, commercial galleries, day nursery, commercial schools, dry-cleaning and laundry collecting establishments, financial institutions, fitness centres, personal service shops, professional medical offices, retail stores, sales offices, service shops, showrooms, studios, synthetic dry-cleaning establishments, restaurants (including accessory outdoor cafe) and temporary sales office;

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (h) The maximum *gross floor area* for all uses on the lands zoned as C1(142)A shall be 83,500.0 square metres, of which the maximum *gross floor area* for non-residential uses shall be 18,750.0 square metres;
- (i) The maximum *gross floor area* for all uses on the lands zoned as C1(142)B shall be 0.0 square metres;

DWELLING UNITS

- (j) The number of dwelling units shall not exceed 1,100.

BUILDING HEIGHT

- (k) The maximum number of storeys above *established grade* and the maximum building height in metres for all buildings shall be as shown on Schedule C1(142). The number of storeys and measurement of building height shall exclude mechanical penthouses, parapets, outdoor recreational amenity area, any roof structures used only as green roof, ornaments, above grade pedestrian bridges and any associated structures, stairwells to access the roof and stair enclosures;

BUILDING ENVELOPES

- (l) The maximum tower floorplate shall be:
- (i) 710.0 square metres *gross floor area* for portions of Building A as shown on Schedule C1(142) in excess of 18.5 metres in height;
 - (ii) 710.0 square metres *gross floor area* for portions of Building B as shown on Schedule C1(142) in excess of 18.5 metres in height; and
 - (iii) 710.0 square metres *gross floor area* for portions of Building D as shown on Schedule C1(142) in excess of 18.5 metres in height;

YARD SETBACKS

- (m) The minimum yard setbacks for all buildings and structures above *established grade* shall be as shown on Schedule C1(142); where there is no minimum yard setback indicated on Schedule C1(142), the minimum yard setback shall be 0.0 metres;
- (n) Notwithstanding (l) above, the first floor of Building C shall provide a minimum setback of 5.0 metres from the lot line along Consumers Road and the first floor of Building B along the east elevation of the building shall provide a minimum setback of 5.0 metres from the west property line of the O1(47) lands as outlined with the heavy dashed line on Schedule O1(47);
- (o) The minimum yard setbacks shown on Schedule C1(142) shall not apply to balconies, canopies, window sills, railings, lighting fixtures, architectural elements, ornamental elements, exterior stairways, wheelchair ramps and decks, ramps, pergolas and gazebos;
- (p) The minimum yard setbacks shown on Schedule C1(142) shall not apply to an above grade pedestrian bridge between Building B and Building C, and any associated structures provided that the bridge has a maximum width of 4.0 metres and is located above a height of 11.5 metres and below a height of 31.0 metres;
- (q) The minimum yard setbacks for below grade structures shall be 0.0 metres;

PARKING

- (r) All required parking spaces shall be provided within the lands shown on Schedule C1(142);
- (s) All required parking spaces shall be provided below *established grade* with the exception of surface and above grade parking spaces intended for short term parking and delivery;
- (t) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:

Residential:

- Bachelor (up to 45.0 square metres in size) – 0.6 spaces per dwelling unit;
- Bachelor (more than 45.0 square metres size) – 1.0 space 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
- Visitor – 0.1 spaces per dwelling unit;

Commercial/Retail:

- 1.0 spaces per 100.0 square metres of *gross floor area* for non-residential uses;

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

Residential:

- Bachelor (up to 45.0 square metres in size) – 0.9 space per dwelling unit
- Bachelor (more than 45.0 square metres in size) – 1.3 spaces per dwelling unit;
- 1-Bedroom – 1.0 space per dwelling unit;
- 2-Bedroom – 1.3 spaces per dwelling unit; and
- 3 or more Bedroom – 1.5 space per dwelling unit;

Commercial/Retail:

- 4.0 spaces per 100.0 square metres of *gross floor area* for non-residential uses;

- (v) Commercial/Retail parking required pursuant to subsections (t) and (u) above can be shared with Residential Visitor parking required pursuant to subsections (t) and (u) above, but shared parking spaces shall not contribute to the minimum number of Residential Visitor parking spaces required;

- (w) Sections 6A(6)(g) (Non-residential Parking Regulations) and 6A(9) (Parking Regulations for Commercial Zones) of By-law 7625 shall not apply;

BICYCLE PARKING

- (x) The minimum number of *bicycle parking* spaces shall be provided in accordance with the following:

Residential:

- Long-term (Resident) – 0.68 spaces per dwelling unit; and
- Short-term (Visitors) – 0.07 spaces per dwelling unit;

Commercial/Retail:

- Long-term – 0.13 spaces per 100.0 square metres of *gross floor area*; and
- Short-term – 3.0 spaces plus 0.25 space per 100.0 square metres of *gross floor area* for non-residential uses;

- (y) All *bicycle parking spaces* may be located below grade;

LOADING

- (z) Notwithstanding Section 6A(12) (Loading Requirements) of By-law 7625, loading shall be provided in accordance with the following minimum requirements:

Residential Apartment Use:

Number of Units	Minimum number of loading spaces required
0 to 30	None
31 to 399	1 Type "G"
More than 399	1 Type "G" and 1 Type "C"

Retail Store, Restaurant or Personal Service Shop Uses:

Gross Floor Area (square metres)	Minimum number of loading spaces required
0.0 to 499.9	None
500.0 to 1,999.9	1 Type "B"
2,000.0 to 4,999.9	2 Type "B"
5,000.0 to 9,999.9	3 Type "B"
10,000.0 to 19,999.9	1 Type "A" and 3 Type "B"
20,000.0 to 29,999.9	1 Type "A", 3 Type "B" and 1 Type "C"
More than 29,999.9	1 Type "A", 3 Type "B" and 1 Type "C"

Grocery Store and Supermarket Uses:

Gross Floor Area (square metres)	Minimum number of loading spaces required
0.0 to 499.9	None
500.0 to 999.9	1 Type "B"
1,000.0 to 1,999.9	1 Type "A"
2,000.0 to 4,999.9	1 Type "A" and 1 Type "B"
5,000.0 to 9,999.9	1 Type "A" and 2 Type "B"
10,000.0 to 19,999.9	2 Type "A" and 2 Type "B"
More than 19,999.9	2 Type "A" and 3 Type "B"

- (aa) Notwithstanding (z) above, if a mixed use building has a minimum of 30 dwelling units, the requirement for a *Type "A" loading space* or a *Type "B" loading space* is satisfied by the provision of a *Type "G" loading space*, referred to in (z) above;
- (bb) Notwithstanding (z) above, if a mixed use building has a minimum of 400 dwelling units, a *Type "C" loading space* required for the dwelling units is satisfied if a *Type "A", Type "B" or Type "C" loading space*, referred to in (z) above is provided for the non-residential uses in the same building;
- (cc) Notwithstanding s. 6A(16)(d)(iv) of By-law 7625, the area in front of a loading space may be less than the length and width of the loading space it serves;

RECREATIONAL AMENITY AREA

- (dd) Recreational amenity area shall be provided in accordance with the following:
- (i) a minimum of 1.5 square metres of indoor *recreational amenity area* per dwelling unit;
 - (ii) a minimum of 1.5 square metres of outdoor *recreational amenity area* per dwelling unit; and
 - (iii) a maximum of up to 25.0 percent of the outdoor *recreational amenity area* provided may be used as a green roof.

TEMPORARY USE UNDER S. 39 OF THE PLANNING ACT

- (ee) The following uses are permitted on the lands shown on Schedule C1(142) for a period not longer than the earlier of three years from the date of approval of this by-law:
- (i) car rental agencies permitted in the Industrial-Office Business Park (MO) zone under the City of North York Zoning By-law No. 7625; and
 - (ii) a motor vehicle dealership and a motor vehicle body repair shop as an accessory use as permitted in site specific exception (10) to the Industrial-

Office Business Park (MO) zone under the City of North York Zoning By-law No. 7625;

- (ff) The uses permitted in subsection (ee) are permitted only in any buildings existing on the lands shown on Schedule C1(142) as at the date of enactment of this by-law, as may be repaired from time to time, and are subject to the performance standards for those uses in the Industrial-Office Business Park (MO) zone or the site specific exception (10) to the Industrial-Office Business Park (MO) zone of the City of North York Zoning By-law No. 7625, as applicable;

DIVISION OF LANDS

- (gg) 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;

SECTION 37 AGREEMENT

- (hh) Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out therein provides for the following:
- (i) the owner shall provide a cash contribution prior to the issuance of the first above-grade building permit for the first building to be erected on the site as follows:
 - (A) \$575,000.00 to be used towards capital improvements to community facilities within the area bounded by Highway 401, Highway 404, Van Horne Avenue and Victoria Park Avenue;
 - (B) \$535,000.00 to be used towards parks improvements to Clydesdale Park, Van Horne Park, Muirhead Park, Old Sheppard Park and/or Pleasant View Park; and
 - (C) \$40,000.00 to be used towards streetscape improvements at the northwest and northeast corners of Brian Drive and Sheppard Avenue East;
 - (ii) the owner shall provide a cash contribution prior to the issuance of the first above-grade building permit for the second building to be erected on the site in the amount of \$850,000.00 for capital improvements to the Pleasant View Toronto Public Library, which may include a Digital Innovation Hub therein;

- (iii) the owner shall provide a cash contribution prior to the issuance of the first above-grade building permit for the third building to be erected on the site in the amount of \$1,000,000.00 for streetscape improvements within the Consumers Business Park in the immediate vicinity of the site;
- (iv) the owner shall provide land for public park purposes in partial satisfaction of any requirement therefor pursuant to the *Planning Act* and shall construct such park on the following terms and conditions:
 - (A) the land to be conveyed shall constitute 2,140.0 square metres, unless otherwise agreed in writing and shall be conveyed free and clear of all encumbrances except these permitted by the City and in a condition suitable for use as a public park in accordance with applicable provincial regulation;
 - (B) subject to any requirements as arise in the process of subdivision approval, the owner shall construct the base park improvements as provided for in the subdivision agreement at its sole expense;
 - (C) subject to any requirements as arise in the process of subdivision approval, the owner shall construct above-base park improvements as provided for in the subdivision approval process, to a maximum cost being the total amount of the Parks and Recreation component of the total Development Charge payable in respect of the development on the site;
 - (D) the owner shall receive a credit against the total Development Charge payable in respect of the development on the site in an amount being the lesser of the total spent on the above-base park improvements and the total amount of the Parks and Recreation component of the Development Charge otherwise payable; and
 - (E) the conveyance of the land to the City shall occur prior to the registration of the first residential building constructed on the site;
- (v) the owner shall provide a cash-in-lieu contribution in accordance with and in satisfaction of any outstanding parkland requirements under the *Planning Act* not provided for under section (hh)(iv), above;
- (vi) the owner shall construct and maintain the development in accordance with the Tier 1 performance measure of the Toronto Green Standard as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009; and
- (vii) the owner shall phase the construction of the development to coordinate and clearly identify the order of construction for the buildings containing residential and non-residential uses.

3. Section 64.23 of By-law No. 7625 of the former City of North York is amended by adding Schedule C1(142) attached to this By-law.
4. Section 64.37 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

"64.37 (47) O1(47)

PERMITTED USES

- (a) The following uses shall be permitted:
 - (i) construction staging and stockpiling; and
 - (ii) all uses permitted in the Open Space Zone (O1).
5. Section 64.37 of By-law No. 7625 of the former City of North York is amended by adding Schedule O1(47) attached to this By-law.

Pursuant to Ontario Municipal Board Decision/Order issued on October 28, 2014, December 8, 2015 and November 8, 2016 in Board File No. PL140351.



