

Authority: Local Planning Appeal Tribunal Decision
issued January 23, 2019 and Order issued January 27, 2020
in Tribunal File PL161113

CITY OF TORONTO

BY-LAW 257-2020(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2019 as 625 and 627 Sheppard Avenue East and 6, 8, 10 and 12 Greenbriar Road.

Whereas the Local Planning Appeal Tribunal Decision/Order January 23, 2019, in Tribunal File PL161113 and Order issued January 27, 2020 in Tribunal File PL161113, upon hearing an appeal under Sections 17(40) and 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, with respect to lands municipally known as 625 and 627 Sheppard Avenue East, and 6, 8, 10 and 12 Greenbriar Road; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter 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 and 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Local Planning Appeal Tribunal orders:

1. Schedules "B" and "C" of By-law 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 7625 of the former City of North York is amended by adding the following Section:

"64.20-A (262) RM6 (262) 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. Parking, loading and bicycle parking below-ground;
 - ii. required loading spaces and required bicycle parking spaces at or above-ground;
 - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv. shower and change facilities required by this By-law for required bicycle parking spaces;
 - v. recreational amenity areas;
 - 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, at grade, or on a mezzanine floor 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 173.93 metres Canadian Geodetic Datum;

PERMITTED USES

- (e) On the lands identified on Schedule RM6(262), the only permitted uses shall be:
- i. apartment house dwellings, multiple attached dwellings, and accessory uses thereto, including recreational amenity areas, all commercial and institutional uses permitted in a "C-1" General Commercial Zone, a temporary sales office and a temporary rental office;
- (f) The provisions of Section 20-A.1(b)(i) (Use Qualifications) do not apply;

EXCEPTION REGULATIONS GROSS FLOOR AREA

- (g) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply;
- (h) The maximum permitted residential gross floor area shall be 16,250 metres square;
- (i) The maximum permitted non-residential gross floor area shall be 500 metres square;

LOT COVERAGE

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

LANDSCAPING

- (k) The provisions of Section 15.8 (Landscaping) shall not apply;

RECREATIONAL AMENITY AREA

- (l) Amenity space must be provided at a rate of 3.6 square metres for each dwelling unit, of which:
 - i. at least 2.0 square metres for each dwelling unit is indoor amenity space; and
 - ii. at least 35.0 square metres is outdoor amenity space in a location adjoining or directly accessible to an indoor amenity space;

YARD SETBACKS

- (m) The provisions of Sections 6(26)(a) (Yard Setbacks), 20-A.2.4 (Yard Setbacks) and 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply;
- (n) The minimum yard setbacks for all buildings and structures above established grade shall be as shown on Schedule RM6(262); where there is no minimum yard setback indicated on Schedule RM6(262), the minimum yard setback shall be 0 metres;
- (o) The minimum yard setbacks for structures below established grade shall be 0 metres, except that a minimum 3.0 metre setback is required from the front lot line, which shall be the lot line that abuts Sheppard Avenue East;

BUILDING HEIGHT

- (p) The provisions of Sections 6(26)(b) (Height Requirements) and 20-A.2.6 (Building Height) shall not apply;
- (q) 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(262), except that:
 - i. The measurement of building height shall not include antennas, air conditioners, satellite dishes, vents, pipes, canopies, wind screens, parapets, guard rails, roofing materials, railings and dividers, dormers, pergolas, trellises, eaves, screens, stairs, stair enclosures, elevator overruns, roof drainage, window washing equipment, lightning rods, architectural features, landscaping, and elements of a green roof, which may have a maximum height of 5.0 metres above the applicable height limit; and
 - ii. The number of storeys shall not include a mezzanine level located between the first storey and the second full storey of a building provided that the gross floor area of the mezzanine level shall not exceed 65 percent of the gross floor area of the first storey in the building;

PARKING

- (r) The provisions of Section 6A(2)(a) (Parking Requirements) and Section 6A(6)(g) (Non-residential Parking Regulations) shall not apply;
- (s) A minimum of 145 parking spaces shall be provided, of which a minimum of 20 spaces shall be for visitors;
- (t) Visitor parking spaces may be shared with non-residential parking spaces;

The minimum required parking for residential uses can be reduced by up to 4 parking spaces for each dedicated car share parking space, which is defined as a parking space exclusively reserved and signed for a car used only for car-share purposes and such car-share is for the use of at least the occupants of the building; in this regard, car-share is defined as the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and to use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable - cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis;

- (u) The maximum allowable reduction in the minimum residential parking requirement is calculated by 4 times the total number of units, divided by 60, rounded down to the nearest whole number;
- (v) Notwithstanding the provisions of Section 6A(3)(a)(i) of By-law 7625, a maximum of 1 parking space may have a minimum width of 2.6 metres despite being obstructed on one side;

ACCESSIBLE PARKING

- (w) An accessible parking space must have the following minimum dimensions:
 - i length of 5.6 metres;
 - ii. width of 3.4 metres;
 - iii. vertical clearance of 2.1 metres; and
 - iv. the entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (x) Accessible parking spaces must be located at the same level as a pedestrian entrance to the building;
- (y) A total of 5 clearly identified off street accessible parking spaces must be provided on the lot;

BICYCLE PARKING

- (z) A minimum of 194 bicycle parking spaces shall be provided, of which a minimum of 174 bicycle parking spaces shall be allocated to occupants, and a minimum of 20 bicycle parking spaces shall be allocated to visitors and non-residential uses;

LOADING

- (aa) The provisions of Section 6A(16) (Loading Requirements) shall not apply;
- (ab) One loading space having minimum dimensions of 4.0 metres x 13.0 metres and a minimum vertical clearance of 6.1 metres shall be provided;

PROJECTIONS

- (ac) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply;

- (ad) Art and landscape features, antennas, air conditioners, satellite dishes, vents, pipes, balconies, cladding, cornices, light fixtures, ornamental elements, parapets, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures may project no more than 3.0 metres beyond the heavy lines shown on Schedule RM(262).

DIVISION OF LANDS

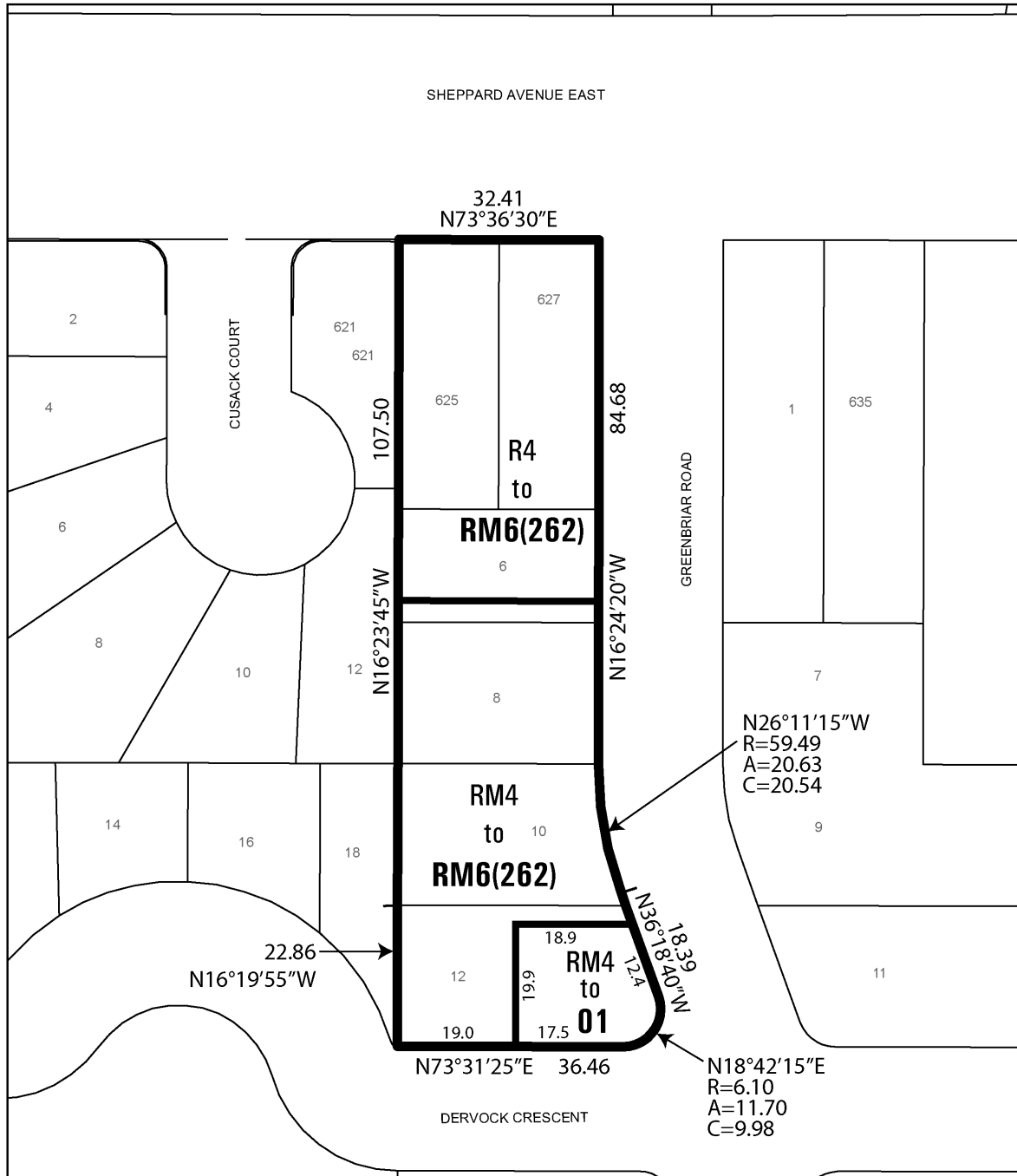
- (ae) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot; and

SECTION 37 AGREEMENT

- (ah) In order to permit an increase in the maximum gross floor area cited in clauses 2(h) and 2(i) of this exception, the owner of the Lands shall enter into and register against title to the Lands an agreement or agreements pursuant to Section 37 of the Planning Act securing the provision of the following facilities, services or matters, to the satisfaction of the City Solicitor:
- i. Prior to the issuance of the first above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,250,000.00 toward any one or more of the following:
 - A. streetscape improvements on Sheppard Avenue in proximity to the Site; and
 - B. improvements to local community facilities;

such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule RM6(262) attached to this By-law.

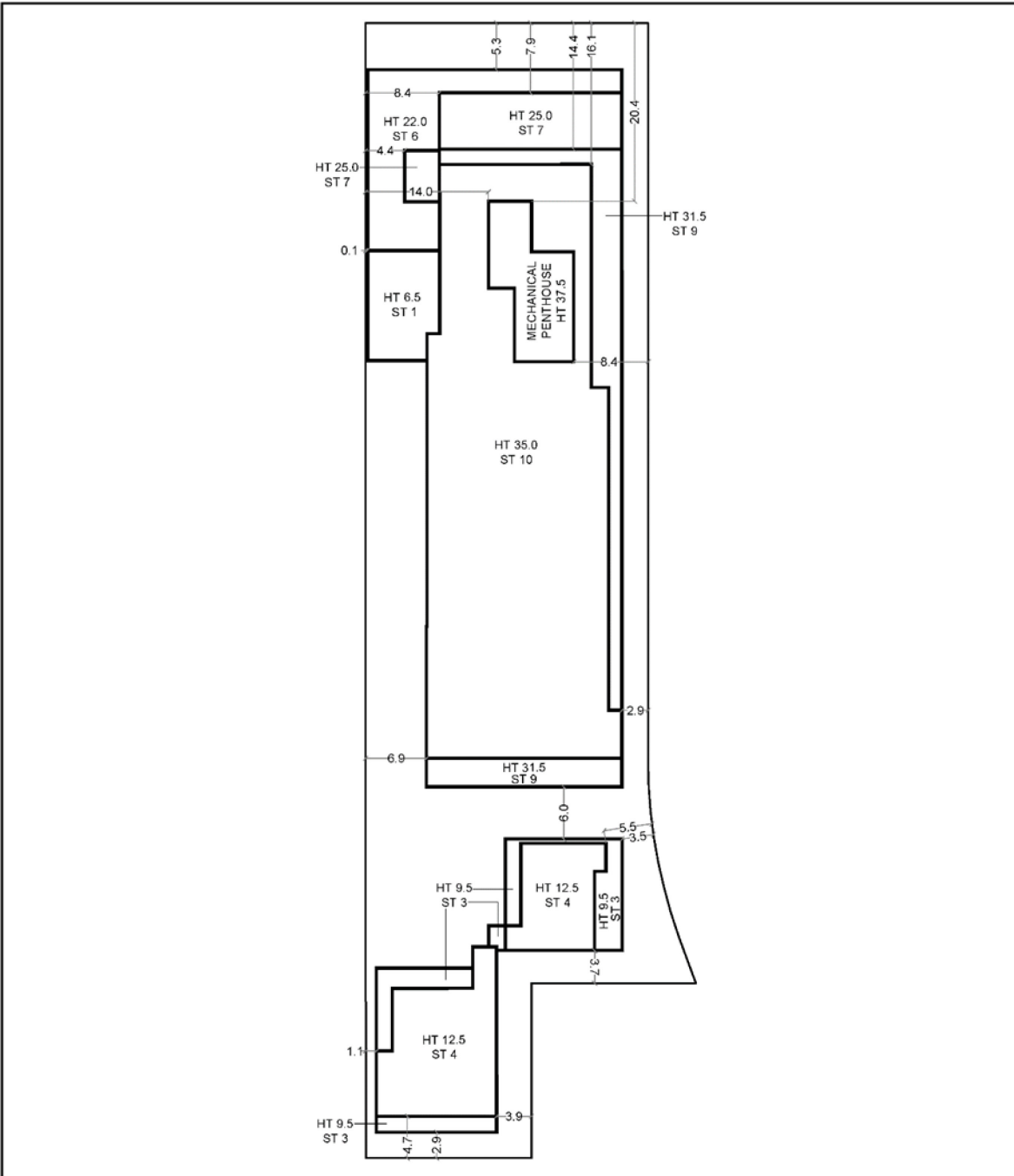
Local Planning Appeal Tribunal Decision issued January 23, 2019 and Order issued January 27, 2020 in Tribunal File PL161113.



 **TORONTO**
Schedule 1

**625 & 627 Sheppard Avenue East
and 6, 8, 10 & 12 Greenbriar Road**

File # 16 118618 NNY 24 0Z



Toronto
Schedule RM6(262)

**625 & 627 Sheppard Avenue East
and 6, 8, 10 & 12 Greenbriar Road**

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