

Authority: Ontario Municipal Board Order issued
October 22, 2013 and November 20, 2013 in
Board File PL120752

CITY OF TORONTO

BY-LAW 218-2022(OMB)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 1200, 1210 and 1220 Sheppard Avenue East.

Whereas the Ontario Municipal Board, pursuant to its Decision issued on October 22, 2013 and November 20, 2013 in Board File PL120752, determined to amend Zoning By-law 7625 with respect to lands municipally known in the year 2013 as 1200, 1210 and 1220 Sheppard Avenue East; and

Whereas pursuant to Section 37 of the Planning Act, the Council of a municipality may in 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 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 height or density of development, the municipality may require the owner to enter into an agreement with the municipality dealing with the facilities, services or matters; and

Whereas, upon execution and registration of an agreement with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out herein, the lot is subject to the provisions of this by-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements; and

Whereas the owner of the lands, in order to enhance its development wishes to improve and refurbish the existing office buildings municipally known at the date of enactment of this By-law as 1210 and 1220 Sheppard Avenue East. In this regard the Owner agrees to undertake the refurbishment program within a specified period of time; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth;

Therefore the Ontario Municipal Board Orders that By-law 7625 of the former City of North York as amended, is further amended as follows:

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 64.23(84) of By-law 7625 is hereby repealed and replaced by the following:

"64.20-A (218) RM6 (218)A and RM6(218)B

Definitions

For the purposes of this By-law "*Building 1*" shall mean Building 1 as shown on Schedule RM6(218)A to this By-law.

For the purpose of this By-law "*Building 2*" shall mean Building 2 as shown on Schedule RM6(218)B to this By-law and includes *Tower 2* and its corresponding base building.

For the purpose of this By-law "*Building 3*" shall mean Building 3 as shown on Schedule RM6(218)B to this By-law and includes *Tower 3A*, *Tower 3B* and *Tower 3C* and their corresponding base building.

For the purpose of this By-law "*Tower 2*" shall mean Tower 2 as shown on Schedule RM6 (218)B to this By-law consisting of the storeys above the sixth floor above established grade of Building 2.

For the purposes of this By-law "*Tower 3A*" shall mean Tower 3A as shown on Schedule RM6(218)B to this By-law consisting of the storeys above the 6-storey and the 8-storey components above established grade of Building 3.

For the purposes of this By-law "*Tower 3B*" shall mean Tower 3B as shown on Schedule RM6(218)B to this By-law consisting of the storeys above the eighth floor above established grade of Building 3.

For the purposes of this By-law "*Tower 3C*" shall mean Tower 3C as shown on Schedule RM6(218)B to this By-law consisting of the storeys above the eighth floor above established grade of Building 3.

For the purposes of this By-law "*Retained Office Buildings*" means the existing retained office buildings municipally known at the date of enactment of this By-law as 1210 and 1220 Sheppard Avenue East and as shown on Schedule RM6(218)A.

For the purposes of this By-law "*Open Space A*" shall mean Open Space A located at the south limit of the lot as generally shown on Schedule RM6(218)B to this By-law and generally bounded by the *front lot line* to the south, the Canadian National Railway to the west and the new proposed public road to the north and east.

For the purpose of this By-law "*Open Space B*" shall mean Open Space B located central to the lot as generally shown on Schedule RM6(218)B to this By-law and generally bounded by Private Road B and the south limit of Building 2 to the north Private Road A and the north limit of Building 3 to the south, the East Don River Valley to the east and the new proposed public road to the west.

For the purposes of this By-law "*Open Space C*" shall mean Open Space C located at the north limit of the lot as generally shown on Schedule RM6(218)A to this By-law and generally bounded by Private Road D to the north, Private Road C to the south, Private Road E to the east and Private Road F to the west.

For the purpose of this By-law "North Ravine Access" shall mean the pedestrian access on the lot leading to the East Don River Valley from the new proposed public road as generally shown on Schedule RM6 (218)A to this By-law. The final location and alignment of the access will be determined at the Site Plan Control stage.

For the purpose of this By-law "East Ravine Access" shall mean the pedestrian access on the lot leading to the East Don River Valley from the new proposed public road as generally shown on Schedule RM6(218)B to this By-law. The final location and alignment of the access will be determined at the Site Plan Control stage.

For the purposes of this exception the following definitions shall apply:

APARTMENT HOUSE DWELLING

- (a) Means a building containing more than four dwelling units, with each unit having access either from an interior corridor system or direct access from grade, or any combination thereof;

ESTABLISHED GRADE

- (b) For *Building 1* means a geodetic elevation of 143.26 metres;
- (c) For *Building 2* and *Building 3* means a geodetic elevation of 141.60 metres;

FRONT LOT LINE

- (d) Means the lot line that abuts Old Leslie Street;

TEMPORARY SALES OFFICE

- (e) Means a structure on the lot used for the purposes of marketing and sales related to the use(s) permitted on the lot and a *temporary sales office* shall only be permitted for a period of six years following the issuance of the first above-grade building permit issued for the first building to be constructed.

PERMITTED USES

- (f) The only permitted uses shall be:

Residential Uses:

Apartment House Dwelling and related accessory uses; and

Home Occupation

Commercial Uses:

Business and Professional Office;

Professional Medical Office;

Retail Store;

Restaurant, including an accessory outdoor cafe;

Take-out Restaurant;

Personal Service Shop;

Service Shop;

Studio;

Dry Cleaning and Laundry Collection Establishment;

Automatic Laundry Shop;

Financial Institution;

Fitness Centre;

Commercial School;

Day Nursery;

Temporary Sales Office; and

Uses accessory to those permitted uses

EXCEPTION REGULATIONS

LOT COVERAGE

(g) The provisions of Section 20-A.2.2 of Zoning By-law 7625 shall not apply.

SETBACKS

(h) Minimum yard setbacks for buildings above *established grade* shall be as follows:

(i) Minimum setback to Old Leslie Street - 5.0 metres;

- (ii) Minimum setback to all other public roads - 1.0 metre;
 - (iii) Minimum setback from *apartment house dwellings* to the Canadian National Railway right-of-way- 25.0 metres; and
 - (iv) Minimum setback to the East Don River Valley - 0 metres.
- (i) Notwithstanding Clause 2(h) of this By-law, minimum yard setbacks for any portion of any building or structure on the lot which is located below *established grade* shall be 0.0 metres, except that the minimum yard setback to Old Leslie Street shall be 5.0 metres between *established grade* and the finished surface of the pavement along Old Leslie Street.
 - (j) Notwithstanding Clause 2(i) of this By-law, a minimum yard setback of 3.0 metres shall be required from *Building 3* to Old Leslie Street to a minimum depth of 1.5 metres below the finished surface of the pavement along Old Leslie Street.
 - (k) Notwithstanding Sub-clause 2(h)(ii) of this By-law, a minimum yard setback of 3.0 metres shall be required from *Building 3* to the new proposed public road between the grade of the finished surface of the adjacent sidewalk of the new proposed public road and the second floor, measured above the finished surface of the adjacent sidewalk of the new proposed public road of *Building 3*.
 - (l) Notwithstanding Sub-clause 2(h)(ii) and Clause 2(k) of this By-law, a minimum yard setback of 3.0 metres shall be required from *Building 3* to the new proposed public road to a minimum depth of 0.6 metre below the finished surface of the pavement of the new proposed public road.
 - (m) The underground parking structure south of Private Road B as shown on Schedule RM6(218)B shall not be located above the level of the finished grade of *Open Space B*.
 - (n) The setback of the *Retained Office Buildings* above *established grade*, shall not be reduced by more than 1.0 metre.
 - (o) Notwithstanding Clause 2(h) of this By-law, minimum yard setbacks for a *Temporary Sales Office* shall be 0.0 metres.

BUILDING STEPBACKS

- (p) Building tower stepbacks will not be less than the minimum in metres as shown on Schedule RM6(218)A AND RM6(218)B.

SEPARATION DISTANCES

- (q) The provisions of Section 20-A.2.4.1 of Zoning By-law 7625 shall not apply.

- (r) The minimum separation distances shall be as follows:
- (i) Between those portions of *Building 1* below the seventh storey above established grade and *Building 2* below the seventh storey above established grade: 19 metres;
 - (ii) Between those portions of *Building 1* above the sixth storey above, established grade and *Tower 2*: 25 metres;
 - (iii) Between *Tower 2* and *Tower 3A*: 47 metres;
 - (iv) Between *Tower 3A* and *Tower 3B*: 30 metres;
 - (v) Between *Tower 3B* and *Tower 3C*: 35 metres; and
 - (vi) Between the *Retained Office Buildings* and *Tower 2*: 15 metres.

FLOORPLATE SIZE

- (s) The maximum floor plate size, excluding balconies, for buildings and building towers shall be as follows:
- (i) For *Building 1* - storeys 1 to 6: 1,700 square metres;
 - (ii) For *Building 1* - storeys 7 to 10: 1,285 square metres;
 - (iii) For *Building 1* - storeys 11 to 12: 1,025 square metres; and
 - (iv) For *Tower 2*, *Tower 3A*, *Tower 3B* and *Tower 3C*: 750 square metres.

ENCROACHMENTS AND PROJECTIONS

- (t) Projections outside of building envelopes and into yard setbacks, building setbacks and separation distances permitted in this Clause are as follows:
- (i) Belt courses, cornices, eaves or gutters, pilasters and sills may project up to 0.5 metre beyond permitted building envelopes into minimum yard setbacks, building setbacks and separation distances;
 - (ii) Canopies and awnings below the second floor may project up to 5.5 metres beyond building envelopes into minimum yard setbacks, building setbacks and separation distances;
 - (iii) Notwithstanding Sub-clause 2(t)(ii) of this By-law, canopies and awnings above the first floor may project up to 2.5 metres beyond building envelopes into minimum yard setbacks, building setbacks and separation distances;

- (iv) Lighting fixtures, trellises, guardrails, fences and screens, crash walls, transformer vaults, vents, utilities, railings, stairs, stair enclosures, access ramps, elevating devices and landscape features or structures may project beyond building envelopes into minimum yard setbacks, building setback and separation distances except that transformer vaults are not permitted in the minimum yard setbacks to public roads;
- (v) Notwithstanding any setback, setback or separation distance requirements, balconies shall be permitted to encroach up to 1.83 metres beyond building and tower envelopes into minimum yard setbacks, building setback and separation distances; and
- (vi) Notwithstanding Sub-clause 2(t)(v) of this By-law, balcony projections shall not be located closer than 2.0 metres from the exterior corner of a building tower, with the exception of a rounded exterior building tower corner condition with a minimum radius of 6.0 metres.

BUILDING HEIGHTS AND STOREYS

- (u) Building heights will not exceed the maximums in metres and storeys as follows and as further shown on Schedule RM6 (218)A and RM6 (218)B as measured from *established grade*:
 - (i) *Building 1* - 12 storeys (43 metres);
 - (ii) *Tower 2, Tower 3A* and *Tower 3B*-31 storeys (101 metres); and
 - (iii) *Tower 3C*-19 storeys (65 metres).
- (v) Notwithstanding Clause 2(u) of this By-law, a rooftop mechanical penthouse or other rooftop structure that is used to house mechanical equipment of the building, stairwells or elevator lobbies to access the roof shall not be included in the calculation of building height and number of storeys.
- (w) A roof mechanical penthouse or other roof structure that is used to house mechanical equipment of the building, stairwells or elevator lobbies to access the roof shall be restricted to a height of 6.0 metres and to an area equivalent to 60 percent of the area of the roof.
- (x) Notwithstanding Clause 2(u) of this By-law, a mezzanine level located between the first storey and second storey of a building does not constitute a storey for the purposes of calculating building height, provided that the gross floor area of the mezzanine level shall not exceed 50 percent of the floor area of the first storey of the building.
- (y) Notwithstanding Clause 2(u) and Schedules RM6 (218)A and RM6(218)B of this By-law, the maximum building height for a *Temporary Sales Office* shall be 11.5 metres.

GROSS FLOOR AREA

- (z) The maximum permitted total gross floor area on the lot shall be 159,779 square metres.
- (aa) A minimum gross floor area of 1,860 square metres of office, studio, financial institution, fitness centre, or commercial school, as permitted pursuant to Clause 2(f) of this By-law, shall be located within the base building of *Building 3*.
- (bb) A minimum combined total gross floor area of 1,702 square metres of retail commercial uses, as permitted pursuant to Clause 2(f) of this By-law, shall be located within the base building of *Building 1, Building 2 and Building 3* collectively, of which a minimum 1,200 square metres of retail commercial uses shall be located within *Building 3*.
- (cc) The minimum gross floor area of commercial uses, as permitted pursuant to Clause 2(f) of this By-law, within the *Retained Office Buildings* shall be 27,632 square metres.
- (dd) Notwithstanding Clause 2(aa) and Clause 2(bb) of this By-law, the commercial uses indicated in Clause 2(aa) and 2(bb) of this By-law shall be permitted on the first floor of *Building 1* and *Building 2* and below the fourth floor of *Building 3*.

APARTMENT HOUSE DWELLING UNITS

- (ee) The maximum number of *apartment house dwelling* units on the lot shall be 1,478.
- (ff) *Apartment house dwelling units* shall only be permitted within *Building 1, Building 2 and Building 3*.
- (gg) A minimum of 10 percent of the *apartment house dwelling* units will have a minimum gross floor area of 92 square metres.

RECREATIONAL AMENITY AREA

- (hh) Recreational amenity area shall be provided in accordance with the following requirements:
 - (i) A minimum 1.5 square metres of indoor recreational amenity area for each *apartment house dwelling* unit; and
 - (ii) A minimum 1.5 square metres of outdoor recreational amenity area for each *apartment house dwelling* unit.
- (ii) The gross floor area of indoor recreational amenity area shall be excluded from the calculation of gross floor area.

- (jj) Outdoor recreational amenity areas may be provided at *established grade*, on rooftop terraces and base building rooftop terraces.
- (kk) Minimum recreational amenity area requirements for individual *apartment house dwellings* on the lot can be satisfied on an overall lot basis utilizing all the recreational amenity areas provided on the lot, provided that the minimum overall requirement for recreational amenity area for all *apartment house dwellings* is provided on the lot.
- (ll) No outdoor recreational amenity areas shall be located within 5 metres of the outside edge of the roof parapet of the north and west facing walls of *Building 1 and Tower 3C*.
- (mm) No outdoor recreational amenity areas on the *Building 3* roof terrace shall be located west, south and north of *Tower 3C*.
- (nn) Outdoor recreational amenity areas located in *Open Space A, Open Space B and Open Space C* provided at finished grade shall be publicly accessible, including the *North Ravine Access* and the *East Ravine Access*.

LANDSCAPING

- (oo) The provisions of Section 15.8 of Zoning By-law 7625 shall not apply.

PARKING

- (pp) For *apartment house dwellings*, resident parking shall be provided:
 - (a) At a minimum rate of:
 - (i) 0.6 stall for each bachelor dwelling unit (up to 45 square metres);
 - (ii) 1.0 stall for each bachelor dwelling unit (over 45 square metres);
 - (iii) 0.7 stall for each one bedroom dwelling unit;
 - (iv) 0.9 stall for each two bedroom dwelling unit;
 - (v) 1.0 stall for each three or more bedroom dwelling unit; and
 - (b) At a maximum rate of:
 - (i) 0.9 stall for each bachelor dwelling unit (up to 45 square metres);
 - (ii) 1.3 stalls for each bachelor dwelling unit (over 45 square metres);

- (iii) 1.0 stall for each one bedroom dwelling unit;
 - (iv) 1.3 stalls for each two bedroom dwelling unit; and
 - (v) 1.5 stalls for each three or more bedroom dwelling unit
- (c) In addition to the required resident parking, a minimum of 0.1 stall per dwelling unit shall be provided for the exclusive use of visitors.
- (qq) For office uses within *Building 1, Building 2* or *Building 3*, parking shall be provided at a minimum rate of 1.0 space for each 100 square metres of gross floor area and a maximum rate of 2.0 spaces for each 100 square metres of gross floor area.
- (rr) For medical office uses within *Building 1, Building 2* or *Building 3*, parking shall be provided at a minimum rate of 1.5 spaces for each 100 square metres of gross floor area and a maximum rate of 6.0 spaces for each 100 square metres of gross floor area.
- (ss) For day nursery uses within *Building 1, Building 2* or *Building 3*, parking shall be provided at a minimum rate of 0.4 space for each 100 square metres of gross floor area and a maximum rate of 0.8 space for each 100 square metres of gross floor area.
- (tt) For retail uses, parking shall be provided at a minimum rate of 1.0 space for each 100 square metres of gross floor area and a maximum rate of 4.0 spaces for each 100 square metres of gross floor area.
- (uu) For office, medical office and day nursery uses within the *Retained Office Buildings*, parking shall be provided at a minimum rate of 1.0 space per 48 square metres of gross floor area.

BICYCLE PARKING

- (vv) For *apartment house dwellings*, bicycle parking shall be provided at a minimum rate of 0.6 occupant bicycle parking space per unit and 0.15 visitor bicycle parking space per unit.
- (ww) In addition to the occupant bicycle parking requirements for *apartment house dwellings*, a minimum of 5 percent of required occupant bicycle parking shall be provide at grade, either indoor or outdoor, or at the first storey of the building below *established grade*.
- (xx) For office and medical office uses within *Building 3*, bicycle parking shall be provided at a minimum rate of 0.13 occupant bicycle parking space for each 100 square metres of gross floor area and the greater of 0.15 visitor bicycle parking space for each 100 square metres of office gross floor area or 6 visitor bicycle parking spaces.

- (yy) For retail uses within *Building 1, Building 2* and *Building 3*, bicycle parking shall be provided at a minimum rate of 0.13 occupant bicycle parking space for each 100 square metres of gross floor area and the greater of 0.25 visitor bicycle parking space for each 100 square metres of gross floor area or 6 visitor bicycle parking spaces.

LOADING SPACES

- (zz) Loading spaces shall be provided as follows:

Use	Type	Minimum Quantity
Residential, Retail Commercial	Type 'G' - (4.0 metres x 13.0 metres x 6.1 metres)	3
	Type 'B' - (3.5 metres x 11.0 metres x 4.2 metres)	1
	Type 'C' - (3.5 metres x 6.0 metres x 3.0 metres)	1
Office	Type 'B' – (3.5 metres x 11.0 metres x 4.2 metres)	3

- (aaa) Minimum loading spaces for each individual Building can be located at any location within the parking structure(s) located below *established grade* within the lot.

DIVISION OF LANDS

- (bbb) Notwithstanding any severance, partition, division, consolidation, lot addition or merging of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition, divisions, consolidation, lot addition or merging of the lot occurred.

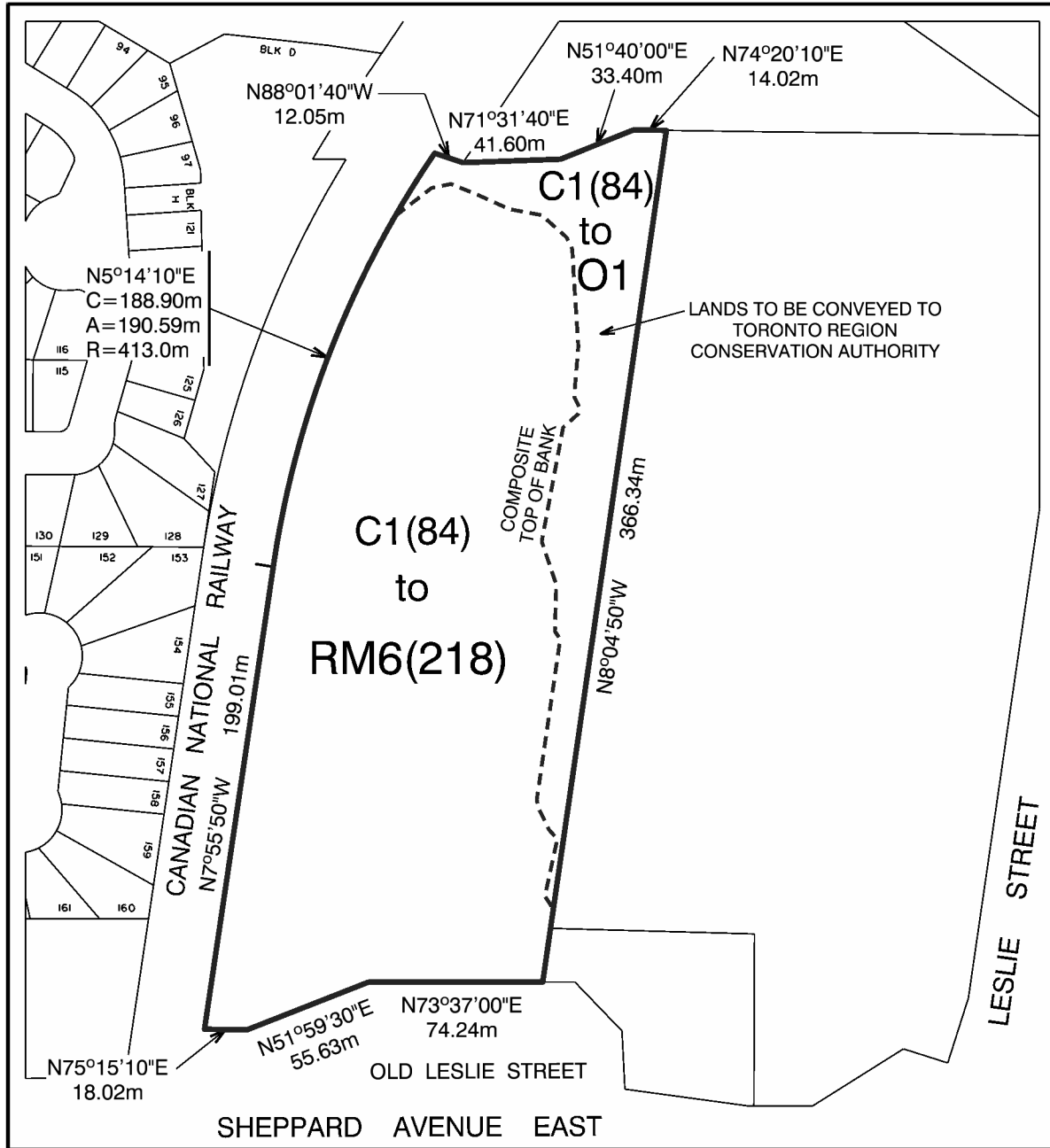
SECTION 37 CONSIDERATIONS

- (ccc) The density and height of development permitted by this By-law is permitted subject to compliance with the conditions set out herein and provided that the owner satisfies the following conditions at its expense and in accordance with and subject to the agreement referred to in this By-law:
- (i) The density and height of development permitted by this By-law is permitted provided the owner enters into an agreement satisfactory to the City of Toronto, pursuant to section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided herein and such agreement has been registered as a first priority against the title to the lot.

- (ii) Where these section 37 conditions require the provision of a matter prior to and as a precondition of building permit issuance, save and except for a building permit for interior alterations of the office buildings municipally known as 1200, 1210, and 1220 Sheppard Avenue East and any demolition permits and a *temporary sales office*, building permit issuance shall be dependent upon satisfaction of the provisions of this By-law as they relate to facilities, services and matters to be provided under this By-law pursuant to section 37 of the *Planning Act*, including the provision of monetary payments and the provision of financial securities.
- (iii) Prior to the issuance of the first above-grade building permit, other than a building permit for interior alterations of the office buildings municipally known as 1200, 1210, and 1220 Sheppard Avenue East and any demolition permits and a building permit for a *temporary sales office*, the owner shall provide a cash contribution of \$1,700,000.00 to be used by the City in its sole discretion towards a public community facility to be located in Ward 24. The contribution shall be indexed in accordance with the Statistics Canada Quarterly Capital Expenditure Price Statistics from the date of the Decision of the Ontario Municipal Board approving this by-law to the date of submission of the funds by the owner.
- (iv) The owner shall provide for the installation of landscaping, both hard and soft, up to a maximum contribution of \$560,000.00 to upgrade the City-owned boulevard lands located between Old Leslie Street and Sheppard Avenue, immediately to the south of the development lands. The contribution shall be indexed in accordance with the Statistics Canada Quarterly Capital Expenditure Price Statistics from the date of the Decision of the Ontario Municipal Board approving this by-law to the date of expenditure of the funds by the owner. The plans for the above-noted works will be included in the first application for Site Plan Control approval, other than Site Plan Control approval for a *temporary sales office* (if required), and the work will be completed by the owner no later than two years after obtaining approval for the first Site Plan Control application.
- (v) (a) The owner shall, at its sole expense, design and construct a pedestrian connection from the north limit of the property to the existing pedestrian bridge within the East Don River Valley trail system as a condition within the first Site Plan Notice of Approval Conditions and to the satisfaction of the General Manager of Parks Forestry and Recreation and the Toronto and Region Conservation Authority. Security for this obligation shall be provided by the owner prior to the issuance of site plan approval. The Owner will pay for, construct and complete the pedestrian connection from the north limit of the Property to the existing pedestrian bridge within the East Don River Valley trail system prior to the registration of the first condominium plan on the property;

- (b) The owner shall, at its sole expense, design and construct a pedestrian connection from the south-east limit of the property to the East Don River Valley trail system as a condition within the first Site Plan Notice of Approval Conditions and to the satisfaction of the General Manager of Parks Forestry and Recreation and the Toronto and Region Conservation Authority. Security for this obligation shall be provided by the owner prior to the issuance of site plan approval. The Owner will pay for, construct and complete the pedestrian connection from the south-east limit of the Property to the East Don River Valley trail system prior to the registration of the first condominium plan on the property; and
 - (c) While the owner estimated that the total cost of the contribution for the works in (v)(a) and (v)(b) above is approximately \$459,000.00, if the final cost is greater than this estimate that total cost shall be wholly borne by the owner.
 - (vi)
 - (a) The owner shall refurbish the *Retained Office Buildings*. Work to refurbish the *Retained Office Buildings* shall commence no later than at the time of the issuance of any above-grade building permit for the third residential tower (in chronological order) and such refurbishment work will be completed no later than the time when the final above-grade building permit has been issued for the 1,034th unit of the total permitted residential units on the lot;
 - (b) The refurbishment of the *Retained Office Buildings* will be subject to Site Plan Approval and will be addressed through a Context Plan; and
 - (c) The refurbishment of the *Retained Office Buildings* shall include the installation of a green roof with a minimum coverage of 60 percent of the available roof space, recladding of the entire building exteriors and replacement of all exterior windows on each of the *Retained Office Buildings*.
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedules RM6(218)A and RM6(218)B attached to this By-law.
4. Where the provisions of this By-law conflict with former City of North York Zoning By-law 7625, the provisions of this By-law shall apply."

Pursuant to the decision of the Ontario Municipal Board Order issued October 22, 2013 and November 20, 2013 in Board File PL120752.



Schedule 1

Part of Lot 16, Concession 2, East of Yonge Street, City of Toronto

File # 11 331945 NY OZ

R. Avis Surveying Inc.

Date: 07/15/2013

Approved by: Lynn Poole



