

Authority: Local Planning Appeal Tribunal Decision
issued on December 7, 2020 in Case PL180148 and Ontario
Land Tribunal Order issued on August 15, 2022 in Case
OLT-22-003585

CITY OF TORONTO

BY-LAW 1261-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 2901 Bayview Avenue and 630 Sheppard Avenue East.

Whereas the Ontario Land Tribunal, by way of Order/Decision PL180148 issued on December 7, 2020, following an appeal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2022 as 2901 Bayview Avenue and 630 Sheppard Avenue East; and

Whereas authority is given to the Ontario Land Tribunal by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and authority is given to Council to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas Regulation of 1.5.6(2) of the City of Toronto Zoning By-law 569-2013, as amended, provides, that where such applies, it supersedes By-law 7625 (being the Zoning By-law for the former City of North York), as amended, and any predecessor zoning by-laws as are applicable; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding (H) symbol with conditions in the zoning by-law; and

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

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020 c.18 came into force, a by-law under Section 34 of the Planning Act, may authorize increases in the height and 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 matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020 c.18 came into force, 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, the 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 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal, by Order, amends Zoning By-law 569-2013 as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: (H)CR 1.0 (c1.0; r0.0) SS2 (x821) and O (x5) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying no value.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying the following lot coverage label to these lands: 50, as shown on Diagram 7 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 821 so that it reads:

(821) Exception CR 821

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On the lands municipally known in the year as 2022 as 2901 Bayview Avenue and 630 Sheppard Avenue East, if the requirements of Section 11 and Schedule A of By-law 1261-2022(OLT), are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (CCC) below:

- (B) for the purpose of this exception, collectively "Parcel A", "Parcel B" and "Parcel C" as shown on Diagram 1 of By-law 1261-2022(OLT) are one **lot**;
- (C) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** on "Parcel A" as shown on Diagram 1 of By-law 1261-2022(OLT) is the distance between the Canadian Geodetic Datum of 179.40 metres, which for the purpose of "Parcel A" is the **established grade**, and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** on the portion of the **lot** labelled as "Parking Garage" as shown on Diagrams 4 and 6 of By-law 1261-2022(OLT) is the distance between the Canadian Geodetic Datum of 174.17 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** on "Parcel C" as shown on Diagram 1 of By-law 1261-2022(OLT) is the distance between the Canadian Geodetic Datum of 174.50 metres, which for the purpose of "Parcel C" is the **established grade**, and the elevation of the highest point of the **building** or **structure**;
- (F) Regulations 40.10.20.100(7)(8)(9)(10) and (11) regarding **public parking**, do not apply;
- (G) Despite Clause 40.10.20.40, **dwelling units** are permitted in **mixed use buildings**;
- (H) Despite Clause 40.10.20.100;
 - (i) Conditions (1) and (33), and Regulation 150.100 do not apply to an **eating establishment** on the **lot**;
 - (ii) Condition (1) does not apply to a **place of assembly, take-out eating establishment, entertainment place of assembly** or **recreation use** on the **lot**;
 - (iii) Condition (5) does not apply to a **retail store**;
 - (iv) Condition (6) does not apply to a **service shop**;
 - (v) Condition (17) does not apply to a **retail service** use;
 - (vi) Condition (20) does not apply to the outdoor sale or display of goods or commodities;
 - (vii) Condition (21) does not apply to an **outdoor patio**;

- (viii) Condition (25) and Section 150.96 do not apply to a **vehicle washing establishment**, provided such use, excluding any **stacking aisle(s)**, is located within a **building or structure**;
 - (ix) Condition (28) does not apply to a **private school**;
 - (x) Condition (55) does not apply to a **transportation use** on the **lot**;
 - (xi) Conditions (13) and (38) do not apply to **vehicle fuel stations** operated as electric **vehicle** charging stations; and
 - (xii) Despite any Regulation in Section 150.90, the outdoor display of up to three **vehicles** is permitted in connection with a **vehicle dealership**, provided such **vehicles** are not displayed in a required **parking space**.
- (I) Despite Regulation 40.10.20.100(10) and (F) above, one **building** for parking attendants is permitted on each of "Parcel A", "Parcel B" and "Parcel C" as shown on Diagram 1 of By-law 1261-2022(OLT), subject to the requirements of (A), (B) and (C) set out in Regulation 40.10.20.100(10);
- (J) For the purpose of this exception, an **outdoor patio** may include an outdoor patron area that is a non-residential use or **ancillary** to a non-residential use;
- (K) Despite any Regulations of By-law 569-2013 to the contrary, the **buildings, structures** and uses existing on the **lot** as of the date of the Order of the Ontario Land Tribunal approving By-law 1261-2022(OLT), are permitted on the **lot**, subject to permitted additions and alterations in accordance with the provisions of this Exception;
- (L) Despite Regulation 40.10.40.10(2) the permitted maximum height of a **building or structure** is the number in metres following the letters "HT" as shown on Diagrams 4, 5 and 6 of By-law 1261-2022(OLT);
- (M) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagrams 4, 5 and 6 of By-law 1261-2022(OLT); and
- (i) for the purpose of this exception, a mezzanine and mechanical penthouse does not constitute a **storey**.
- (N) Despite Regulations 40.5.40.10(3) to (8) and Regulation (L) and (M) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagrams 4, 5 and 6 of By-law 1261-2022(OLT):
- (i) Bollards by a maximum of 1.5 metres above the finished ground surface;
 - (ii) Planters and elements of a **green roof** to a maximum of 2.0 metres;

- (iii) **Structures** and elements for safety, noise and wind protection or mitigation, **structures** and elements for **solar energy** or **geo-energy** purposes, railings, vents chimneys, stacks and flues to a maximum of 2.5 metres;
 - (iv) Bicycle parking facilities including weather protection to a maximum of 3.0 metres above the finished ground surface;
 - (v) Parapets, privacy screens, terrace dividers and window washing equipment to a maximum of 3.0 metres;
 - (vi) Terraces, patios, landscape features, trellises, structures for outdoor residential **amenity space** or open air recreation, art installations and water features to a maximum of 4.0 metres;
 - (vii) Stairs, stair enclosure, roof access vestibules and elevator overruns, including associated enclosures and parapets to a maximum of 5.0 metres;
 - (viii) Driveway entrance structure, driveway light standards and catenary style lighting, including associated supports to a maximum of 6.5 metres above the finished ground surface; and
 - (ix) Light fixtures, guards, guardrails, retaining walls, underground garage ramps and associated to a maximum of 2.0 metres.
- (O) The portion of a **building** labelled "MPH" on Diagrams 4, 5 and 6 of By-law 1261-2022(OLT) and located above the permitted maximum building heights of 105.5 metres and 109.0 metres on "Parcel A" and above the permitted maximum **building** height limit of 23.5 metres and 67.0 metres on "Parcel C", as such Parcels are shown on Diagram 1 of By-law 1261-2022(OLT), must only be used for equipment and **structures** for the functional operation of a **building** including the elements described in Regulation 40.5.40.10(4)(A), (B) and (C), indoor **amenity space**, elevator lobby and roof top access vestibule;
- (P) The height of the Existing Buildings shown on Diagram 1 of By-law 1261-2022(OLT) as existing as of the date of the Order of the Ontario Land Tribunal approving By-law 1261-2022(OLT), are permitted, subject to the permitted projections in (N) above and additions, including roof top mechanical equipment and related screens and enclosures, no greater than 7.0 metres above the height of the Existing Buildings;
- (Q) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on each of "Parcel A", "Parcel B" and "Parcel C" as shown on Diagram 1 of By-law 1261-2022(OLT) is as follows:
- (i) On "Parcel A":

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- (a) A maximum of 66,400.0 square metres of **gross floor area** is permitted, of which a maximum of 51,000.0 square metres of **gross floor area** is permitted for residential uses; and
 - (b) A maximum of 11,200.0 square metres of **gross floor area** is permitted for a **building** or **structure** used for the purpose of a **parking garage** located on that portion of the **lot** labeled as "Parking Garage" as shown on Diagrams 4 and 6 attached to By-law 1261-2022(OLT).
- (ii) On "Parcel B", a maximum of 32,800 square metres of **gross floor area** is permitted for non-residential uses, of which 0.0 square metres of **gross floor area** is permitted for residential uses; and
 - (iii) On "Parcel C", a maximum of 40,000.0 square metres of **gross floor area** is permitted, of which a maximum of 31,000.0 square metres of **gross floor area** is permitted for residential uses.
- (R) In addition to the elements which reduce **gross floor area** listed in Clause 40.5.40.40, the following elements also reduce the **gross floor area** of a **building**:
- (i) areas occupied by or facilities providing access to a **transportation use** on "Parcel A" as shown on Diagram 1 of By-law 1261-2022(OLT), including interior walkways, corridors, hallways, stairs, stairwells, and escalators;
 - (ii) any **buildings** or **structures** operated in conjunction with any permitted outdoor sales or display or retail uses;
 - (iii) indoor **amenity space** and roof top vestibules;
 - (iv) interior walkways, corridors, **driveways**, **drive aisles** and vehicular access ramps; and
 - (v) the area of a **building** occupied by any non-structural architectural or ornamental features that are attached to and project from the **main wall** of a **building**.
- (S) Despite Regulations 40.10.40.50(1)(A) and (B), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
- (i) On "Parcel A" as shown on Diagram 1 of By-law 1261-2022(OLT) a minimum of 3.0 square metres of **amenity space** per **dwelling unit** must be provided on the **lot**, of which:
 - (a) A minimum of 1.5 square metres per **dwelling unit** must be provided as indoor **amenity space**; and

- (b) A minimum of 40.0 square metres of outdoor **amenity space** must be provided in a location that adjoins or is directly accessible from the indoor **amenity space**.
- (ii) On "Parcel C", as shown on Diagram 1 of By-law 1261-2022(OLT), a minimum of 3.0 square metres of **amenity space** per **dwelling unit** must be provided on the **lot**, of which:
 - (a) A minimum 1.5 square metres per **dwelling unit** must be provided as indoor **amenity space**; and
 - (b) A minimum of 40.0 square metres of outdoor **amenity space** must be provided in a location that adjoins or is directly accessible from the indoor **amenity space**.
- (T) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** above the finished ground surface are as shown in metres on Diagrams 4, 5, and 6 of By-law 1261-2022(OLT);
- (U) Despite Regulation 40.10.40.80(2), the required separation of **main walls** above the finished ground surface are as shown in metres on Diagrams 4, 5, and 6 of By-law 1261-2022(OLT);
- (V) Despite Clauses 40.5.40.60 and 40.10.40.60 and (T) and (U) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) cornices, sills, and eaves by a maximum of 1.0 metre;
 - (ii) balconies by a maximum of 3.0 metres;
 - (iii) canopies, awnings and similar **structures**, including related structural supports by a maximum of 4.0 metres;
 - (iv) wheelchair ramps by a maximum of 2.0 metres;
 - (v) ornamental or architectural features by a maximum of 3.0 metres; and
 - (vi) pedestrian bridges or ramps linking portions of **buildings** and **structures** on "Parcel A" to portions of **buildings** and **structures** on "Parcel B" as shown on Diagram 1 attached to By-law 1261-2022(OLT).
- (W) Despite Clause 40.10.80.20, Section 200.5 and Section 200.15, **drive aisles**, accessible **parking spaces**, and **parking spaces** existing on the **lot** as of the date of the Order of the Ontario Land Tribunal approving By-law 1261-2022(OLT) are permitted and such **parking spaces** and accessible **parking spaces** may be used to determine compliance with the requirements of (DD) below and Article 200.15.10;

- (X) Despite Regulation 200.5.1.10(2)(A)(iv), (B)(iv) and (C)(iv), a maximum of 15 percent of the provided **parking spaces** on "Parcel A" or "Parcel C", as shown on Diagram 1 of By-law 1261-2022(OLT) may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (Y) Despite Regulation 200.5.1.10(2)(A), a maximum of 10 **parking spaces** on each of "Parcel A" and "Parcel C" shown on Diagram 1 of By-law 1261-2022(OLT), may have the following minimum dimensions:
- (i) length of 5.2 metres;
 - (ii) width of 2.4 metres; and
 - (iii) vertical clearance of 2.0 metres.
- (Z) Despite Regulation 200.5.1(3)(A), a one way **drive aisle** in the **parking garage** on "Parcel A" shown on Diagram 1 of By-law 1261-2022(OLT) may have a minimum width of 3.0 metres;
- (AA) Despite Regulation 200.5.1.10(12)(B), if an **apartment building, mixed use building** or a **building** with non-residential uses, has an area for parking two or more **vehicles**, the **vehicle** entrance and exit for a one-way **driveway** into and out of the **building** on "Parcel A" must have a minimum width of 3.0 metres;
- (BB) Despite Regulation 200.5.1.10(12)(C), if an **apartment building, mixed use building** or a **building** with non-residential uses, has an area for parking two or more **vehicles**, the **vehicle** entrance and exit to the **building** on Parcel C must be at least 2.8 metres from the **lot line** abutting a **street**;
- (CC) Despite Clauses 40.10.80.10 and 40.10.80.20, Section 200.5 and Section 200.15, **drive aisles**, accessible **parking spaces**, and **parking spaces** existing on the **lot** as of the date of the Order of the Ontario Land Tribunal approving By-law 1261-2022(OLT) are permitted and such **parking spaces** and accessible **parking spaces** may be used to determine compliance with the requirements of (DD) below and Regulation 200.15.10;
- (DD) Despite Regulations 200.5.1.10(1) and 200.5.10.1(1) and Table 200.5.10.1, and Regulations 200.5.200.40 (1) and (2) **parking spaces** for uses on "Parcel A", "Parcel B" and "Parcel C" as shown on Diagram 1 of By-law 1261-2022(OLT) must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 0.6 residential occupant **parking spaces** to a maximum of 1.0 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) a minimum of 0.7 residential occupant **parking spaces** to a maximum of 1.2 **parking spaces** for each one bedroom **dwelling unit**;

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- (iii) a minimum of 0.9 residential occupant **parking spaces** to a maximum of 1.3 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.0 residential occupant **parking spaces** to a maximum of 1.6 **parking spaces** for each three bedroom and greater **dwelling unit**;
 - (v) a minimum of 1.0 **parking spaces** for each 100 square metres of non-residential **gross floor area** of non-residential uses on "Parcel A" must be provided on the **lot**;
 - (vi) no residential visitor **parking spaces** are required;
 - (vii) a minimum of 1.0 **parking spaces** for each 20 square metres of "gross leasable area" for non-residential uses on "Parcel B" and "Parcel C" must be provided on the **lot**; and
 - a) For the purpose of this exception, "gross leasable area" means the **gross floor area** of a **building**, excluding the areas of a **building** used for the following: a) **dwelling units**, b) hallways, stairways, and internal common areas and walkways, c) washrooms, change and shower facilities, d) maintenance, mechanical, electrical, and utility rooms, e) **vehicle** parking, loading, and bicycle parking areas within a **building**, and f) interior and exterior walls of a **building**.
 - (viii) Despite Regulations 40.5.80.1(1) and 200.5.1.10(10), non-residential **parking spaces** required by (v) and (vii) above may also be used by residential visitors on a non-exclusive basis.
- (EE) Despite Regulation (DD) above, no **parking spaces** are required for **retail stores** and **eating establishments** operated in an outdoor open air market.
- (FF) For the purpose of (DD)(vii), the "gross leasable area" of the Existing Buildings as shown on Diagram 1 of By-law 1261-2022(OLT) is deemed to be 32,608 square metres as of the date of the Order of the Ontario Land Tribunal approving By-law 1261-2022(OLT);
- (GG) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of 4 resident occupant **parking spaces** will be permitted for each "car-share parking space" up to a maximum of 20 "car-share parking spaces";
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such

"car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and

- (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes.
- (HH) Despite Regulation 200.15.1(1) and (3), 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) be located adjacent to a 1.5 metre wide accessible barrier free aisle or path and such aisle or path may be shared by two accessible **parking spaces**.
- (II) Despite Regulation 200.15.1(4), an accessible **parking space** must be the **parking spaces** located;
- (i) closest to a barrier-free passenger elevator on the same level that provides access to the **building**; or
 - (ii) within 40.0 metres as measured horizontally from the rear of the accessible **parking spaces** to a barrier-free passenger elevator on the same level providing access to the **building**.
- (JJ) Despite regulation 230.5.1.10(4)(A)(ii) and (B)(ii), the required minimum width of a **stacked bicycle parking space** is 0.35 metres;
- (KK) Despite Regulation 230.5.10.1(1) and Table 230.5.10.1(1), **bicycle parking spaces** are not required for the Existing Buildings as shown on Diagram 1 of By-law 1261-2022(OLT);
- (LL) In addition to the places a "long-term" **bicycle parking space** may be located listed in Regulations 230.5.1.10(9)(B)(i)(ii) and (iii), "long-term" **bicycle parking spaces** may also be located in the following locations:
- (i) On the first or second **storey** of a **building**; and
 - (ii) On all levels of a **building** below ground.
- (MM) Despite Clause 220.5.10.1, **loading spaces** for "Parcel A", "Parcel B" and "Parcel C" as shown on Diagram 1 of By-law 1261-2022(OLT) must be provided as follows:

- (i) On "Parcel A":
 - (a) A minimum of 1 Type "G" **loading space**; and
 - (b) A minimum of 2 Type "B" **loading spaces**.
- (ii) On "Parcel B":
 - (a) A minimum of 3 Type "A" **loading space**; and
 - (b) A minimum of 3 Type "B" **loading spaces**.
- (iii) On "Parcel C":
 - (a) A minimum of 1 Type "G" **loading space**; and
 - (b) A minimum of 2 Type "B" **loading spaces**.
- (NN) Despite Clauses 40.10.90.10, access **driveways, drive aisles, and loading spaces** existing on "Parcel B", as shown on Diagram 1 of By-law 1261-2022(OLT), as of the date of the Order of the Ontario Land Tribunal approving By-law 1261-2022(OLT) are permitted and are deemed to satisfy the requirements of Section 220.5 and Regulation (MM) above;
- (OO) Despite Regulation 220.5.1.10(5), **loading spaces** required for "Parcel B" and "Parcel C" as shown on Diagram 1 of By-law 1261-2022(OLT) may be shared between the uses on "Parcel B" and "Parcel C" and may be located on any or all of "Parcel B" or "Parcel C";
- (PP) Despite Regulation 230.5.1.10(10), both "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (QQ) A minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms;
- (RR) **Retail store, eating establishments and take-out eating establishments** are permitted on the **lot** outdoors and are not subject to Regulation 5.10.40.70(4);
- (SS) Despite Regulation 40.5.75.1(1) **renewable energy or cogeneration energy** devices which project into a required **building setback** shown on Diagrams 4, 5 and 6 must be located below ground;
- (TT) Regulation 40.10.40.1(1) does not apply with respect to the location of commercial uses in a **mixed use building**;
- (UU) Regulation 40.10.40.1(2) with respect to the location of entrances and first floor elevations does not apply;

- (VV) Regulations 40.10.40.1(5) does not apply with respect to use and **building orientation to a street**;
- (WW) Regulation 40.10.40.10(5) does not apply with respect to the height of the first **storey of a building or structure**; on "Parcel A" located on that portion of the **lot** labeled as **Parking Garage** on Diagrams 4 and 6 attached to By-law 1261-2022(OLT), as well as Parcel "B" and Parcel "C" on Diagram 1 attached to By-law 1261-2022(OLT);
- (XX) Regulation 40.10.90.40(1)(B) does not apply with respect to access to **loading spaces**;
- (YY) Regulations 40.10.100.10(1)(B) and (C) do not apply with respect to vehicular access;
- (ZZ) Article 200.10.1, does not apply with respect to visitor **parking spaces**;
- (AAA) Article 200.15.10 does not apply with respect to accessible **parking spaces** on "Parcel B" as shown on Diagram 1 of By-law 1261-2022(OLT);
- (BBB) Regulation 230.40.1.20(2) does not apply with respect to the location of "short term" **bicycle parking spaces**;
- (CCC) For the purpose of this exception a bicycle is not a **vehicle**;

Prevailing By-laws and Prevailing Sections:

- (A) On 2901 Bayview Avenue and 630 Sheppard Avenue East, former City of North York By-law 610-2001(OMB);
- (B) If the requirements of Section 11 and Schedule A of By-law 1261-2022(OLT) are complied with, former City of North York By-law 610-2001(OMB) does not apply as a prevailing by-law.
9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.40.10 Exception Number 5 so that it reads:

(5) Exception O 5

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions

- (A) In addition to the permitted uses listed in Regulation 90.90.20.10(1), on the lands zoned O, as shown on Diagram 2 of By-law 1261-2022(OLT), the following uses are also permitted:

- (i) any uses existing on the lands as of the date of the Order of the Ontario Land Tribunal approving By-law 1261-2022(OLT);
- (ii) uses and structures ancillary to or associated with the construction of buildings on Parcel B and Parcel C as shown on Diagram 1 of By-law 1261-2022(OLT); and
- (iii) below ground construction tie-backs.

Prevailing By-laws and Prevailing Sections:

- (A) On 2901 Bayview Avenue and 630 Sheppard Avenue East, former City of North York By-law 610-2001(OMB); and
- (B) If the requirements of Section 11 and Schedule A of By-law 1261-2022(OLT) are complied with, former City of North York By-law 610-2001 (OMB) does not apply as a prevailing by-law.

10. HOLDING REQUIREMENTS

- (A) The lands identified as Area A with a holding symbol (H) on Diagram 2 shall not be used for any purpose other than: those uses and **buildings** that existed on such lands as of July 1, 2020, and any new uses or **buildings**, where the use or construction of which does not conflict with the City's storm sewer easement, registered as Instrument AT524470, until such time as the (H) holding symbol has been removed. The removal of the (H) symbol shall be subject to the satisfaction of the following condition:
 - (i) The Owner has submitted municipal storm sewer relocation drawings with supporting documentation and made arrangements for the relocation of the existing City storm sewer, including the entering into and registration of a Section 37 Agreement to secure the storm sewer relocation and entering into all other appropriate agreements required by the City, the posting of the required financial security to guarantee the satisfactory performance and completion of the relocated storm sewer, and the granting of a new easement in favour of the City for the relocated storm sewer, all to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services and the City Solicitor.
- (B) The lands identified as Area B with a holding symbol (H) on Diagram 2, including Area A, shall not be used for any purpose other than those uses and **buildings** that existed on the lands subject to this By-law as of July 1, 2020, and any new uses or **buildings**, where the use or construction of which, will increase sanitary or private water or groundwater flows to municipal sewers, until such time as the (H) symbol has been removed, subject to the following exceptions:
 - (i) a **building** or **structure** used for the purpose of a **parking garage** located on that portion of the lands labeled as Parking Garage on Diagrams 4 and

6 attached to this By-law, provided no private water or groundwater is discharged to the municipal sanitary sewer in the short-term or long-term on account of such **building** or **structure**;

- (ii) internal renovations to the Existing Buildings shown on Diagram 1 of this By-law;
 - (iii) minor alterations to the Existing Buildings shown on Diagram 1 of this By-law;
 - (iv) demolition of existing **buildings** and **structures**; and
 - (v) any development, including the relocation of the municipal storm sewer located within a portion of the area subject to the City's existing storm sewer easement, registered as Instrument AT524470, and any building permits, satisfactory to the Chief Engineer and Executive Director of Engineering and Construction Services.
- (C) An amending by-law to remove the (H) symbol, which may be removed from the whole of or a portion of the lands, shall be enacted by City Council when the following condition has been fulfilled to the satisfaction of Council:
- (i) The upgrade of the last three 300 millimeter diameter sanitary sewer legs upstream of the sanitary trunk sewer to 675 millimeter diameter, located at the north west corner of Sheppard Avenue East and Leslie Street intersection, which works are being undertaken by the City of Toronto, are constructed and operational to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

11. SECTION 37 REQUIREMENTS:

- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020 c.18 came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020 c.18 came into force, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A attached to 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 satisfaction of the same; and

- (C) 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 provisions of Schedule A are satisfied.
- 12.** Despite any existing or future severance, partition or division of "Parcel A", Parcel "B" and "Parcel C" shown on Diagram 1 of this By-law, the provisions of this By-law and By-law 569-2013, as amended apply to the whole of "Parcel A", Parcel "B" and "Parcel C" collectively as one **lot** as if no severance, partition or division had occurred.

Pursuant to Local Planning Appeal Tribunal Decision issued on December 7, 2020 and Ontario Land Tribunal Order issued on August 15, 2022 in Case PL180148.

SCHEDULE A

Section 37 Requirements

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 on the lands as shown in Diagram 1 in this By-law and secured in an agreement under Section 37(3) of the Planning Act whereby the owner agrees as follows:

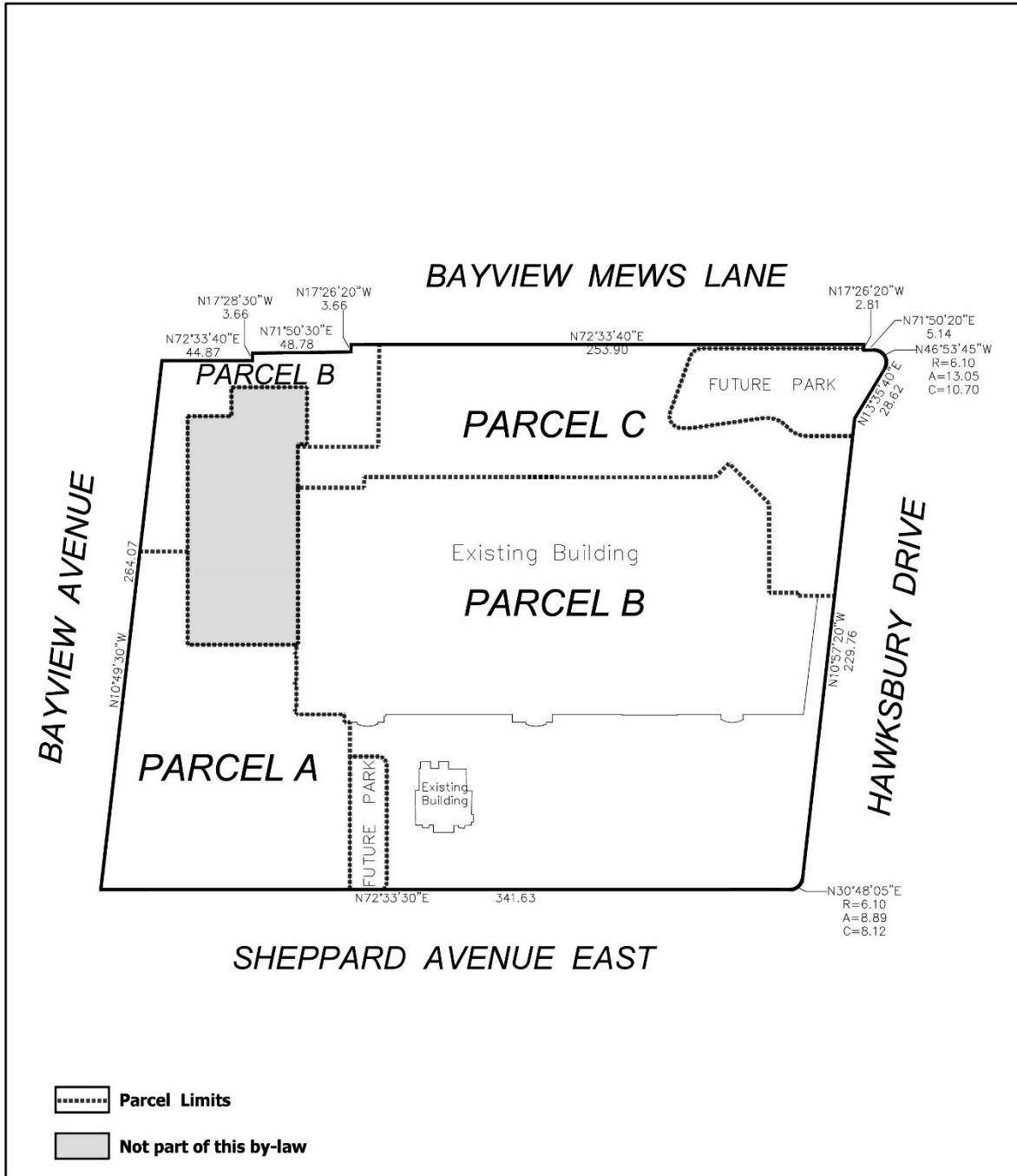
1. Prior to issuance of the first above-grade building permit for residential units within a building within "Parcel A" as shown in Diagram 1 in this By-law, the owner shall pay a cash contribution to the City in the amount of \$1,287,576 to be allocated towards capital facilities within the vicinity of the lands as shown in Diagram 1 in this By-law, which may include cycling facilities along Sheppard Avenue East, to the satisfaction of the Chief Planner and Executive Director, City Planning;
2. Prior to issuance of the first above-grade building permit for residential units within a building within "Parcel C" as shown in Diagram 1 in this By-law, the owner shall pay a cash contribution to the City in the amount of \$666,580 to be allocated towards capital facilities within the vicinity of the lands as shown in Diagram 1 in this By-law, which may include cycling facilities along Sheppard Avenue East, to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. The owner shall provide new affordable residential rental housing units within the lands shown in Diagram 1 in this By-law having a total net leasable area of a minimum of 2,648 square metres on a phased basis in accordance with the following:
 - (i) a minimum of 976 square meters of net leasable area shall be provided as new affordable residential rental units within "Parcel C" as shown in Diagram 1 in this By-law within the first 10 floors of the building;
 - (ii) a minimum of 1,626 square meters of net leasable area shall be provided as new affordable residential rental units in within "Parcel A" as shown in Diagram 1 in this By-law within the first 6 floors of the building;
 - (iii) at least 40 percent of the new affordable residential rental units shall be provided as two-bedroom units and three-bedroom units;
 - (iv) at least 10 percent of the new affordable residential rental units shall be provided as three-bedroom units;
 - (v) at least three of the new affordable residential rental units shall be provided as in accordance with the Ontario Building Code, with basic accessibility features such as a barrier-free path of travel and doorway into the kitchen, bedroom, living room and full bathroom; and

- (vi) such further terms and conditions of the Section 37 Agreement including, but not limited to, timing of completion of the new affordable residential rental units, tenure and duration of affordability, rent increases, terms of use of facilities and amenities for tenants of the new affordable residential rental units, screening of eligible tenants, tenancy agreement clauses, and easements in respect of the building in which the new affordable residential rental units are not located in the event the building is registered as a condominium pursuant to the Condominium Act, 1998;
4. Prior to the issuance of the first above grade building permit for residential units within a building located within "Parcel A" as shown on Diagram 1 in this By-law, the owner shall,
- (i) if the Toronto Transit Commission has approved access upgrades to the Bayview Subway Station entrance in the form of a new pedestrian connection from the lands through Bayview Avenue to the Bayview Avenue Subway Station (the scope of said works as generally described below to be secured by the letter of credit and referred to as the "Transit Station Access Upgrade") and the owner has entered into all agreements as required by the Toronto Transit Commission, provide the City with a letter of credit in the amount of \$3,000,000 to financially secure the owner's contribution to the construction of the excavation and construction of all aspects of the pedestrian tunnel within the lands and Bayview Avenue, the installation of all finishes and equipment needed for the operation of an entrance to the subway within the Transit Station Access Upgrade, including payment turnstiles and gates, to the satisfaction of the Toronto Transit Commission, and all other costs of construction and completion of the pedestrian tunnel connection needed in order to operate and provide access from the lands to the Bayview Subway Station, on such further terms and conditions set out in the Section 37 Agreement; or
 - (ii) if the TTC has not approved the Transit Station Access Upgrade and the owner has not entered into the aforementioned agreements for the Transit Station Access Upgrade, make a cash contribution to in the City in the amount of \$3,000,000 to be used at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
5. The letter of credit and the cash contribution described in section 4 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to, in the case of the letter of credit, the date of delivery by the owner to the City and, in the case of the cash payment, the date of the payment by the owner to the City;

6. The owner shall register a grant of easement in favour of the City and/or the Toronto Transit Commission for the purpose of permitting access by the City, the Toronto Transit Commission and the general public to, from, and through the portion of the Transit Station Access Upgrade located within the lands shown in Diagram 1 in this By-law in accordance with the terms and conditions of the Section 37 Agreement;
7. The owner shall submit a scoped Traffic Impact Study for any phase of the development permitted by this By-law which includes dwelling units in conjunction with each application for site plan approval, where such application is filed after the fifth anniversary of the date this By-law is final and binding, and where final site plan approval has been obtained in respect of any part of the lands, where the request for the extension of site plan approval is made after the fifth anniversary of the date this By-law is final and binding, and the owner shall be responsible for the implementation and cost of all improvements identified in a Traffic Impact Study which are attributable to the development of the lands, to the satisfaction of the General Manager, Transportation Services;
8. Prior to the condominium registration of the first residential building within "Parcel A" as shown in Diagram 1 in this By-law, the owner shall grant a non-exclusive surface easement to in favour of the City to secure a privately-owned, publicly accessible open space ("POPS") within the lands having a minimum area of 750 square metres (or such greater area as the owner may in its sole discretion determine) where the final location and configuration of which shall be determined as part of the Site Plan Approval and in accordance with the terms and conditions as are more particularly set out in the Section 37 Agreement. The improvements associated with the POPS will be completed prior to the registration of the first condominium within "Parcel A" as shown in Diagram 1 in this By-law and the owner shall provide the City with letter of credit on terms and in an amount satisfactory to the Chief Planner as financial security for the construction of the POPS as required. The timing and amount of the Letter of Credit, and the details for its release and draw downs by the City shall be determined as part of the Site Plan Approval process;
9. The owner shall provide an on-site parkland dedication as contemplated by Section 42 of the Planning Act, by the conveyance of two park blocks to the City comprising a minimum area of 4,926 square metres, to the satisfaction of General Manager, Parks, Forestry and Recreation, and on terms set out in the Section 37 Agreement as follows:
 - (i) a 1,201 square metre park block substantially in the location identified as "Future Park" on Diagrams 4 and 6 in this By-law (the "South Park"); and
 - (ii) a 3,725 square metre park block substantially in the location identified as "Future Park" on Diagrams 4 and 5 in this By-law (the "North Park").
10. The conveyance of parkland shall occur in accordance with the terms and conditions set out in the Section 37 Agreement including, but not limited to, the phasing of the parks conveyances, the requirements with respect to the design, cost and timing and delivery of base and above base park improvements, tiebacks, access arrangements and financial security;

11. Prior to the issuance of the first above-grade building permit for a building containing residential dwelling units on all or any part of the lands, the owner shall register in priority a restriction pursuant to section 118 of the Land Titles Act in favour of the City against title to the North Park, to the satisfaction of the City Solicitor; and
12. Matters of legal convenience in support of the development will be secured in the Section 37 Agreement and will be provided in accordance with the terms and conditions as set out in the Section 37 Agreement.

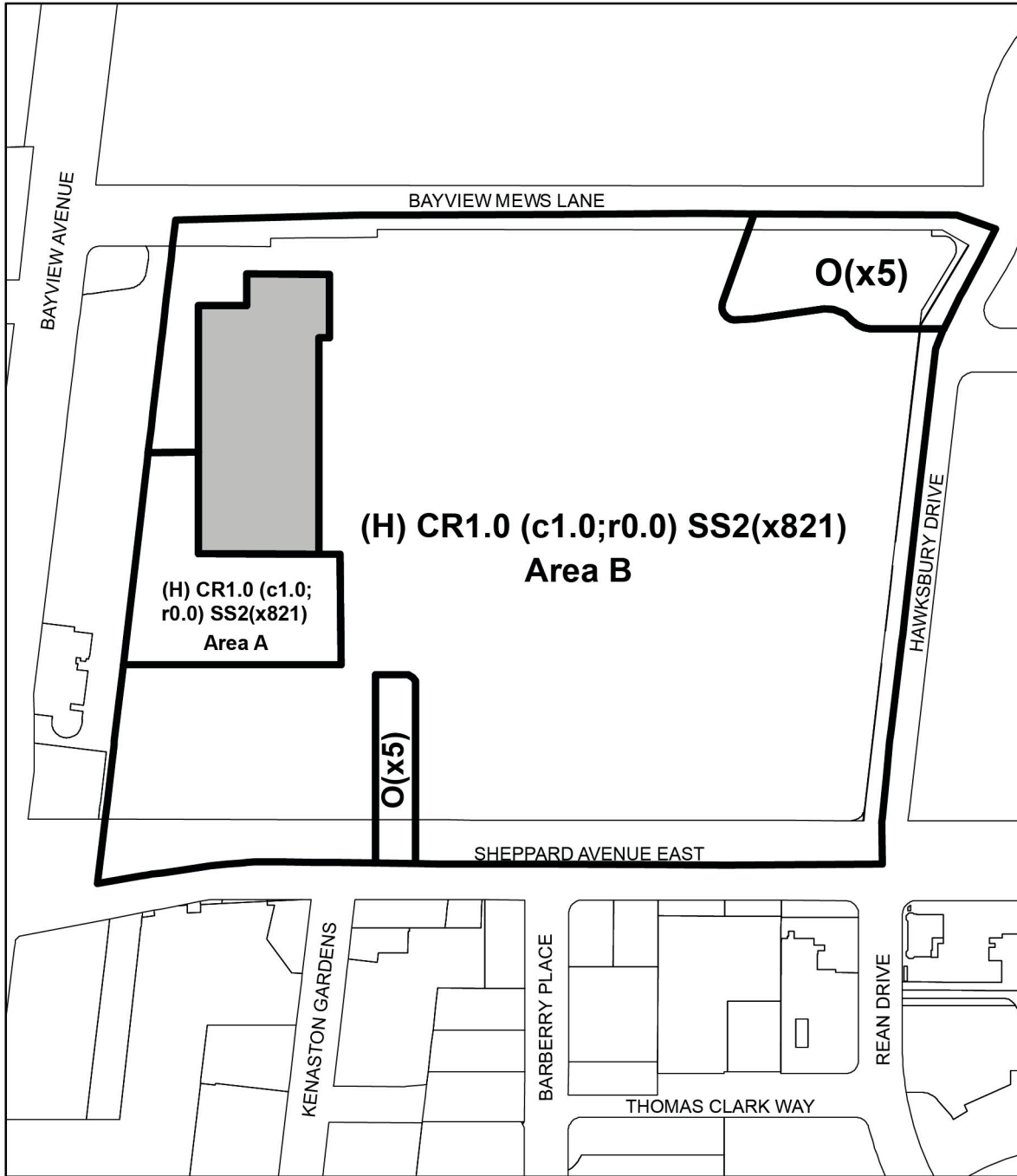
Diagram 1



2901 Bayview Avenue & 630 Sheppard Avenue East

File # 17 208789 NNY 24 0Z

Diagram 2



 **TORONTO**
Diagram 2

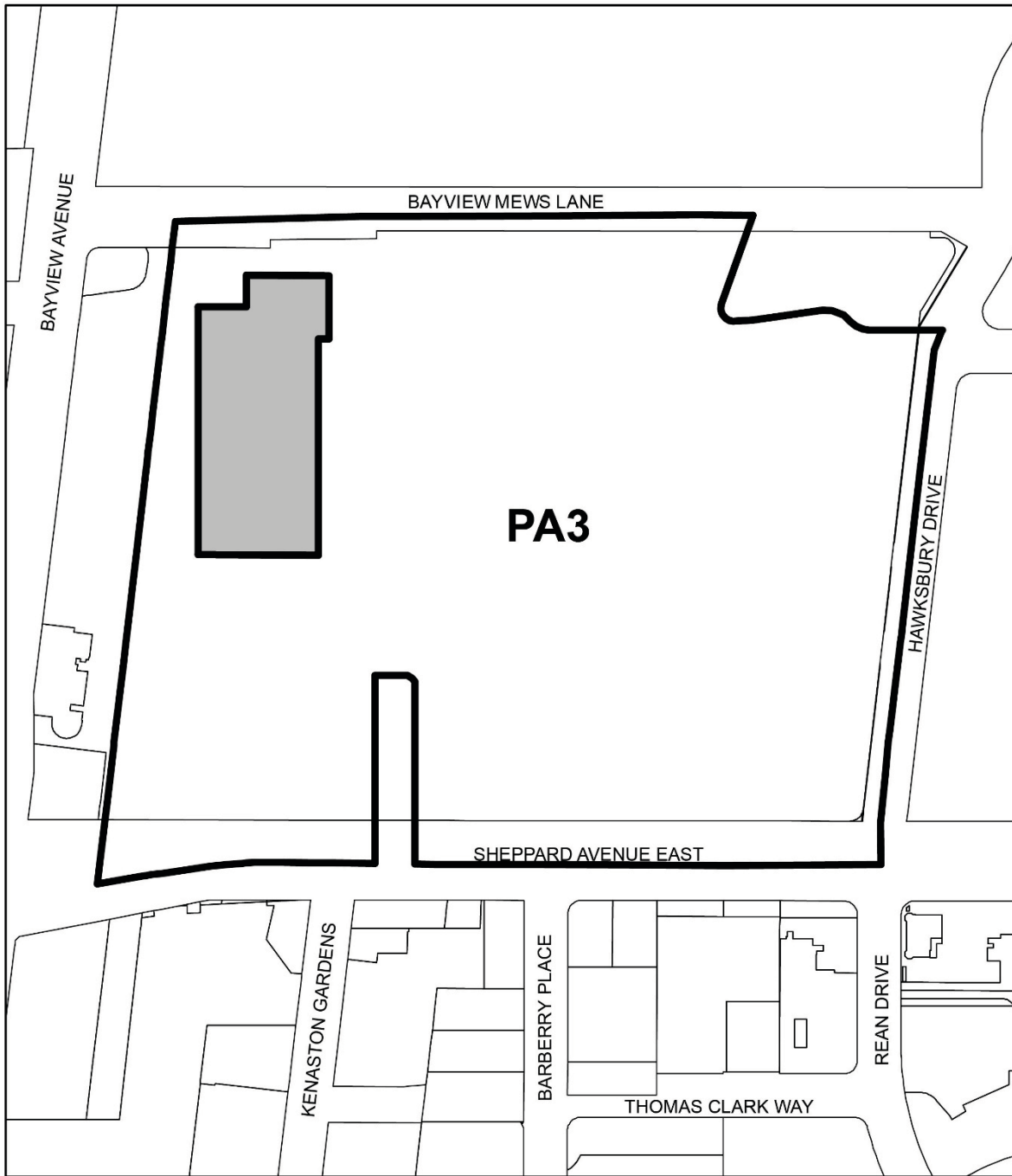
2901 Bayview Avenue & 630 Sheppard Avenue East

File # 17 208789 NNY 24 0Z

 Not part of this by-law


City of Toronto By-law 569-2013
Not to Scale
08/10/2022

Diagram 3



 **TORONTO**
Diagram 3

2901 Bayview Avenue & 630 Sheppard Avenue East

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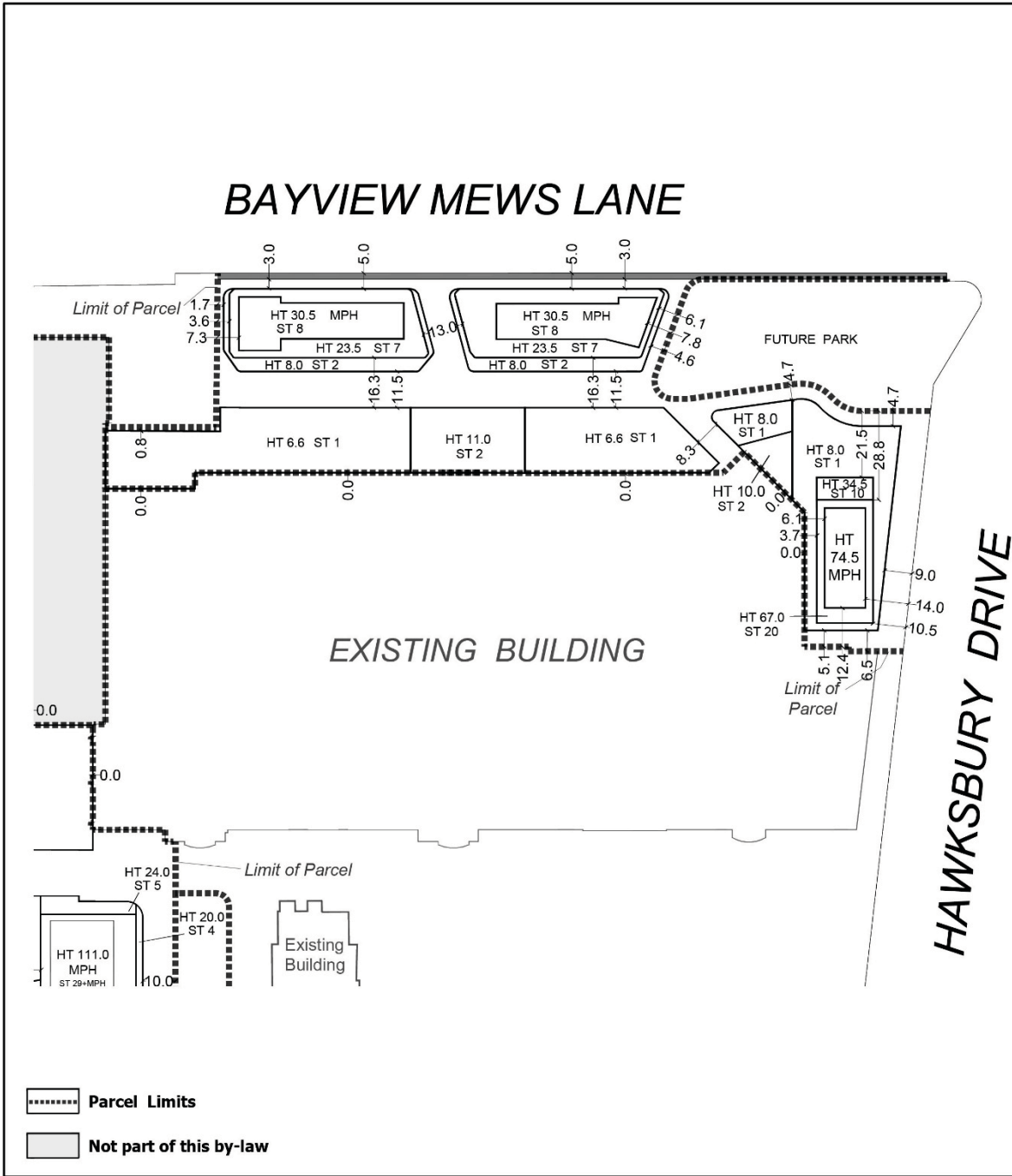

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Diagram 5



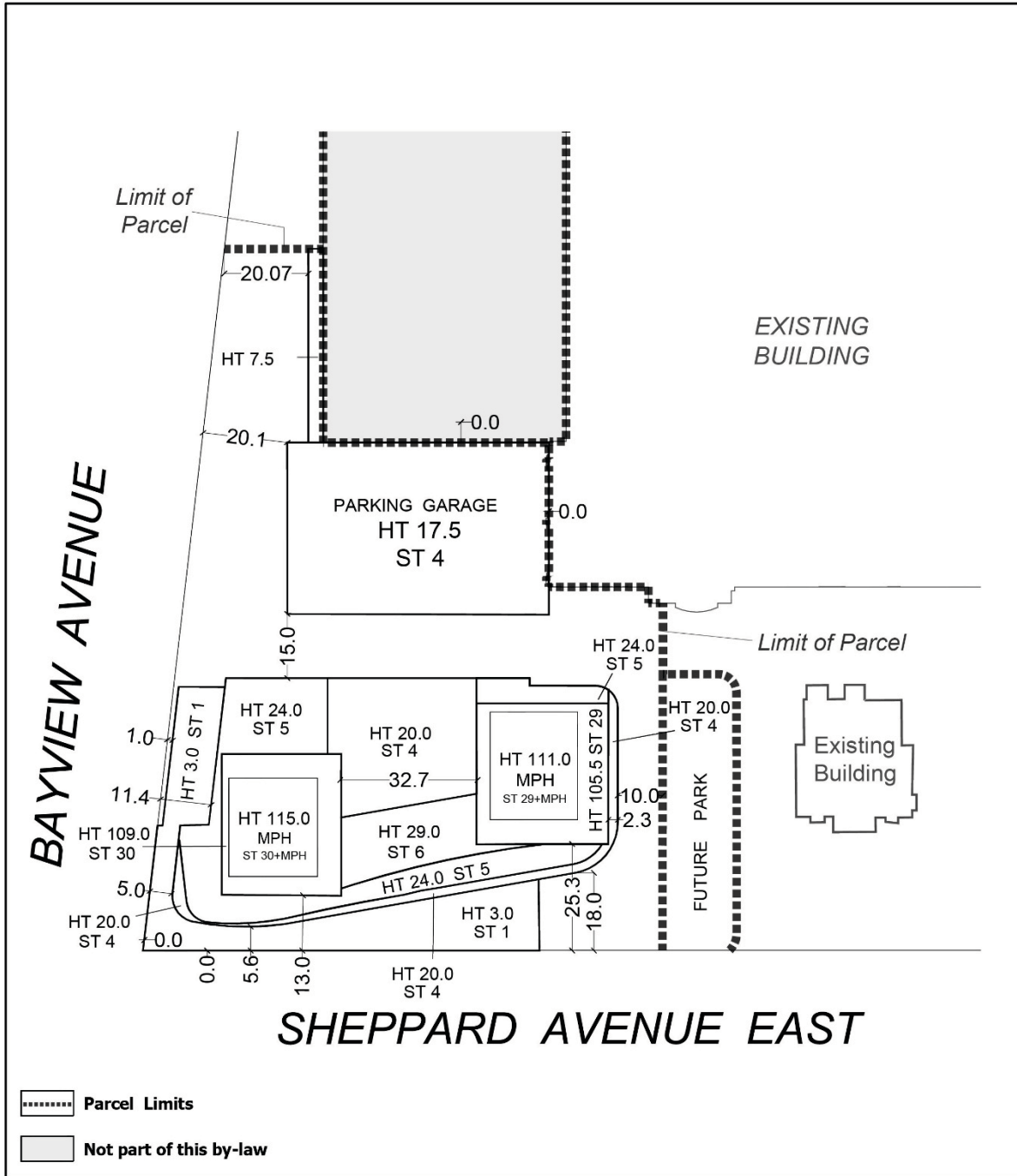
TORONTO
Diagram 5

2901 Bayview Avenue & 630 Sheppard Avenue East

File # 17 208789 NNY 24 0Z



Diagram 6

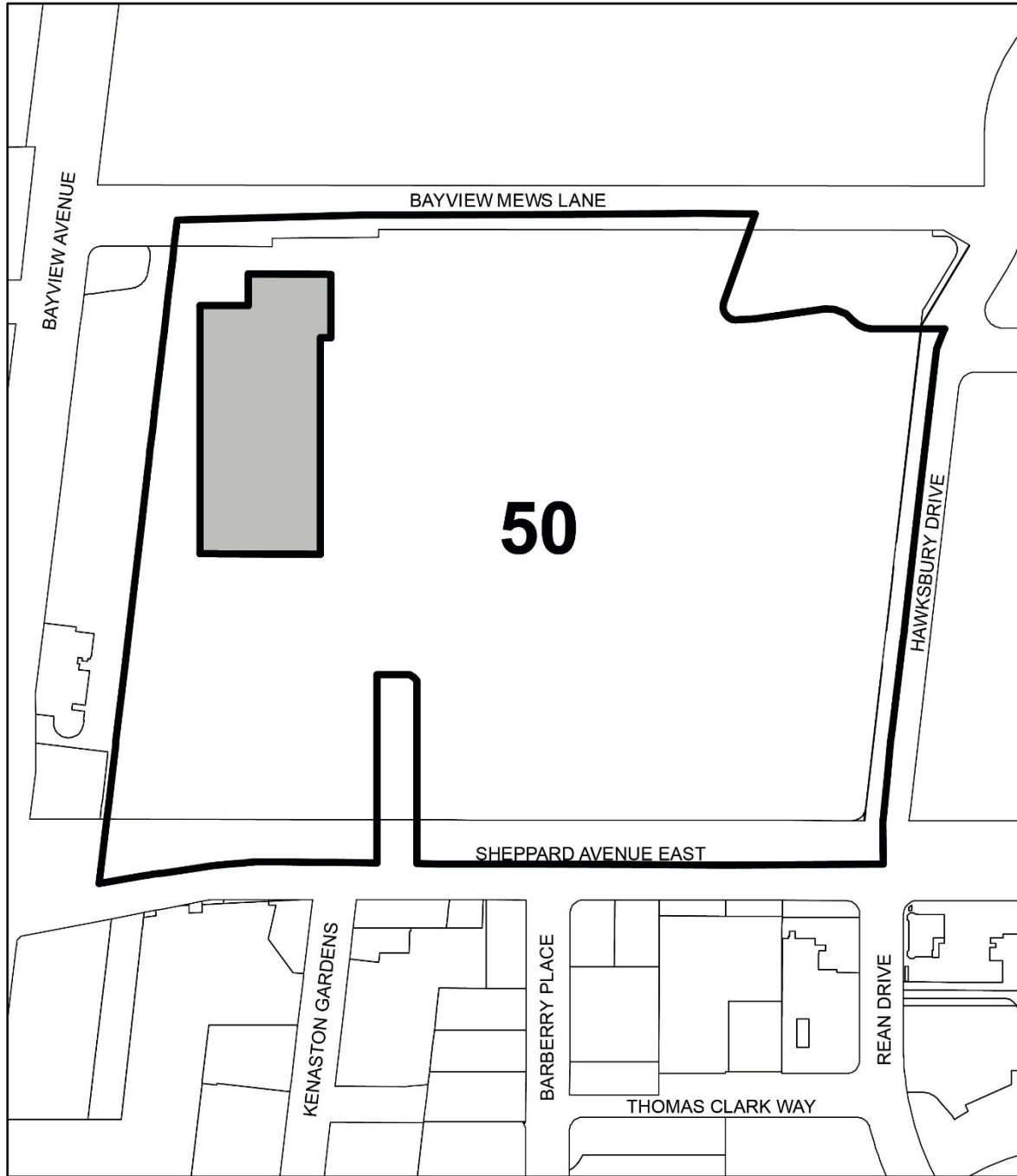


TORONTO
 Diagram 6

2901 Bayview Avenue & 630 Sheppard Avenue East

File # 17 208789 NNY 24 0Z

Diagram 7




 **TORONTO**
Diagram 7

2901 Bayview Avenue & 630 Sheppard Avenue East

File # 17 208789 NNY 24 02

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City of Toronto By-law 569-2013
Not to Scale
08/02/2022