

Authority: North York Community Council Item ●, as adopted by City of Toronto Council on July ●, 2022

CITY OF TORONTO

BY-LAW No. XXX-2022

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known in the year 2021 as 1350 Sheppard Avenue West

Whereas Council of the City of Toronto has the authority pursuant to Section 34 and Section 37 of the *Planning Act*, R. S. O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas authority is given to Council 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 to remove the Holding Symbol (H) when Council is satisfied that the conditions relating to the Holding Symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of a 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 Section 37.1 of the *Planning Act* provides that Subsections 37(1) to (4) of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and

Whereas pursuant to Section 37 of the *Planning Act*, 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* 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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York, as amended, are amended in accordance with Schedule "1" of this By-law.
2. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - a. all new public roads necessary to serve the building or structure have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - b. all water mains and sanitary sewers, and appropriate appurtenances, necessary to serve the building or structure are installed and operational.
3. Schedule "D" is amended in accordance with Schedule RM6(XXX)(H) attached to this By-law.
4. None of the provisions of By-law No. 7625, as amended, shall apply to prevent a *sales office* on the *lot*.
5. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A(XXX) RM6(XXX)(H)

DEFINITIONS

- (a) For the purpose of this exception, the following definitions will apply:
 - (i) "*Apartment building*" means a *building* that has five or more *dwelling units*, with at least one *dwelling unit* entirely or partially above another, and each *dwelling unit* has a separate entrance directly from outside or through a common inside area.
 - (ii) "*Area A*" means that portion of the lands identified as Area A on Schedule RM6(XXX)(H) and is a lot.
 - (iii) "*Area B*" means that portion of the lands identified as Area B on Schedule RM6(XXX)(H) and is a lot.
 - (iv) "*Average Grade*" means the average elevation of the finished ground surface, around all sides of a building or structure, measured where the building or structure meets the ground surface, excluding:
 - (A) the part of the ground along any one main wall where there is a permitted vehicle entrance into the building or structure; and
 - (B) parts of the ground along each main wall, up to a cumulative maximum of 25% of the horizontal length of the main wall, where there are pedestrian entrances or window wells.

- (v) “*Bed-sitting rooms*” means a room used as separate living accommodation that:
 - (A) has a private entrance from a hallway inside a building; and
 - (B) may have sanitary facilities but not food preparation facilities.
- (vi) “*Bicycle parking*” means an area used for parking or storing a bicycle.
- (vii) “*Car share*” shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may, or may not be refundable.
- (viii) “*Car share parking space*” means a parking space that is exclusively reserved and actively used for car-sharing.
- (ix) “*Day Nursery*” means premises providing temporary care or guidance for more than five children, for a continuous period not exceeding twenty-four hours and is regulated as a home child care agency under the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, Sched. 1. A recreational program operated by or for the City is not a *day nursery*.
- (x) “*Gross floor area*” means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, excluding the following areas in the building used for:
 - (A) Parking, loading and bicycle parking below ground;
 - (B) Required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (C) Storage rooms, washrooms, electrical, utility, and ventilation rooms below finished ground level;
 - (D) Mechanical rooms in any storey of the building;
 - (E) Shower and change facilities for *bicycle parking spaces*;
 - (F) Elevator, elevator shafts, garbage shafts, lifts;
 - (G) Mechanical penthouse, rooftop vestibule; and,
 - (H) Exit stairwells in the *building* or structure.
- (xi) “*long-term bicycle parking spaces*” are bicycle parking spaces for use by the occupants or tenants of a building;

- (xii) “*Multiple attached dwelling*” shall mean a *building* divided vertically and horizontally into a series of *dwelling units* each having direct access from the outside.
- (xiii) “*Nursing Home*” means *premises* used to provide living accommodation and regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas.
- (xiv) “*Pet Services*” means premises used to provide for the grooming of domestic animals. A veterinary hospital or a kennel are not pet services.
- (xv) “*Premises*” means the whole or part of lands, *buildings* or *structures*, or any combination of these.
- (xvi) “*Residential Care Home*” means supervised living accommodation that may include associated support services, and:
 - (A) Is licensed or funded under Province of Ontario or Government of Canada legislation;
 - (B) Is for persons requiring semi-independent or supervised group living arrangements; and
 - (C) Is for more than ten persons, exclusive of staff.
- (xvii) “*Retail Store*” means *premises* in which goods or commodities are sold, rented or leased.
- (xviii) “*Retirement Home*” means *premises* used for semi-independent living accommodation for senior citizens primarily in *bed-sitting rooms*, with common dining and lounge areas. A seniors community house is not a retirement home.
- (xix) “*Seniors Community House*” means premises operated by a non-profit organization providing living accommodation for up to ten senior citizens in bed-sitting rooms, if there is:
 - (A) a maximum of two persons for each bed-sitting room,
 - (B) accommodation for one staff person,
 - (C) a common lounge and dining area, and
 - (D) one or two kitchens shared by all residents.
- (xx) “*short-term bicycle parking spaces*” are bicycle parking spaces for use by visitors to a building.

PERMITTED USES

- (b) Despite Section 15.12, 20-A.1 (a) and (b), the following use shall be permitted:
 - (i) A Day Nursery;
- (c) In addition to the permitted uses of Section 20-A.1(a), the following uses shall be permitted:
 - (i) Residential Care Home;
 - (ii) Retirement Home;
 - (iii) Seniors Community House;
 - (iv) Retail Store;
 - (v) Nursing Home;
 - (vi) Restaurant;
 - (vii) Financial Institution;
 - (viii) Office Use;
 - (ix) Veterinary Clinic;
 - (x) Personal Service Shop; and
 - (xi) Pet Services.

USE QUALIFICATIONS

- (d) Section 20-A.1(b)(iv) as it relates to nursing homes does not apply.

EXCEPTION REGULATIONS

Landscaping

- (e) Section 15.8 as it relates to landscaping does not apply.

Lot Coverage

- (f) Section 20-A.2.2 as it relates to lot coverage does not apply.

Gross Floor Area

- (g) Despite Section 20-A.2.5, the maximum cumulative gross floor area of all buildings and structures permitted on Area A and Area B together on Schedule RM6(XXX)(H) to this By-law shall be 140,000 square metres, of which, a minimum of 5,000 square metres of non-residential uses shall be required.

- (h) For the portion of a building which collectively enclose the entirety of a storey higher than 21.0 metres above the finished ground surface, the maximum gross construction floor area of any storey shall not exceed 750 square metres. The calculation of the gross construction floor area includes all built area within the building, excluding balconies.
- (i) The calculation of gross floor area does not include the areas occupied by any non-structural architectural grid system or ornamental features that are attached to and project from the main wall of a building, or any areas that are partially enclosed by such features.

Pedestrian Mid-Block Connection

- (j) Pedestrian mid-block connection must be provided in Area B identified on Schedule RM6(XXX)(H).
- (k) At least one surface walkway with a minimum width of 15.0 metres must be located in the general location of the pedestrian mid-block location in Area B identified on Schedule RM6(XXX)(H).

Privately Owned Publicly Accessible Open Space (POPS)

- (l) POPS comprising landscaping must be provided as follows:
 - (i) a minimum of 300 square metres located in the general location of the POPS adjacent to the intersection of Sheppard Avenue West and Keele Street identified on Schedule RM6(XXX)(H) attached to By-law; and
 - (ii) a minimum of 200 square metres located in the general location of the POPS adjacent to the intersection of Sheppard Avenue West and Street A identified on Schedule RM6(XXX)(H) attached to By-law.

Building Separation

- (m) Despite Section 20-A.2.4.1, the required minimum above-ground separation distance between the main walls of two or more buildings is:
 - (i) 15 metres between a low-rise and a low-rise building, a low-rise and a mid-rise building, a low-rise and a tall building, and a mid-rise and a mid-rise building.
 - (A) Where there is a lot line located between two buildings, the minimum building setback to the lot line shall be no less than 7.5 metres.
 - (ii) Low-rise buildings are 4 storeys or less which may be in the form of an apartment building or multiple attached dwelling.
 - (iii) Mid-rise buildings are buildings that are no taller than the adjacent right-of-way, up to a maximum height of 11 storeys (36 metres).
 - (iv) 20 metres between a mid-rise and a tall building.

- (v) 25 metres between a tall building and another tall building above 21.0 metres.
 - (A) Where there is a lot line located between two buildings, the minimum setback to the lot line shall be no less than 12.5 metres.
- (vi) Tall buildings are buildings with a height that is greater than the width of the adjacent right-of-way or the wider of the two streets if located at an intersection.
- (vii) Light standards, eaves, roof overhangs, rainwater leaders, gutters, scuppers, and balconies, may encroach into a required separation distance.
- (n) Section 20-A.2.6 as it relates to building height does not apply.

Height

- (o) The height of a building or structure is the distance between the average established grade and the highest point of the building or structure.
- (p) Despite Sections 6(13), 6(26)(b), and 20-A.2.6, no part of any building or structure erected or used shall exceed the building height in metres as specified by the numbers following the “H” symbol as shown on Schedule RM6(XXX)(H) of this By-law.
- (q) Despite (p) above, the following elements of a building or structure may project above the permitted maximum building height limits shown on Schedule RM6(XXX)(H) of this By-law by no more than 5 metres:
 - (i) architectural elements, cornices, ornamental elements, pillars, trellises, stairs, stair enclosures, doors, eaves, landscape features, light fixtures, stairs and stair enclosures, awnings, canopies, elevator enclosures and related structural elements, elevator overrun, heating, cooling or ventilating equipment, architectural and privacy screens, window washing equipment/building maintenance equipment, damper equipment to reduce building movement, structures used for outside or open air recreation, safety or wind protection purposes and structures associated with an outdoor patio on the roof;
 - (ii) Equipment, structures or parts of a building exceeding the permitted maximum height for a building, as permitted by regulation (q) (i) above, must comply with the following:
 - (A) the total area of all equipment, structures, or parts of a building may cover no more than 30% of the area of the roof, measured horizontally; and
 - (B) if any equipment, structures, or parts of a building are located within 6.0 metres of a lot line abutting a street, their total horizontal

dimension, measured parallel to the street, may not exceed 20% of the width of the building's main walls facing that street.

- (iii) Parapets, wheel chair ramps, balustrades, guardrails, bollards, elements associated with a green roof, green energy and renewable energy facilities, railings, retaining walls, mechanical fans, vents, stacks, chimneys; and
- (iv) structures, elements and enclosures permitted by (y) below.
- (r) The required minimum height of the first storey of any building that abuts Keele Street and Sheppard Avenue West and is within Area A and Area B on Schedule RM6(XXX)(H) to this By-law, as measured between the floor of the first storey and the ceiling of the first storey is 4.5 metres.
- (s) The ground floor elevations of any building or structure shall be above, and not more than 0.9 metres above the average established grade along the frontage of:
 - (A) Sheppard Ave West;
 - (B) Keele Street:
 - (C) Street A; and
 - (D) O1-Open Space Zone.
- (t) The maximum height of any midrise building in Area B abutting Sheppard Avenue West shall be 36 metres.
- (u) No midrise building shall penetrate a 45 degrees angular plane, measured at a line parallel to and at a height above a lot line that abuts a street and is not a rear lot line, equal to 80% of the width of the street right-of-way on which the lot fronts.

Yard Setbacks

- (v) Despite Sections 6(26)(a) and 20-A.2.4,
 - (i) For Area A on Schedule RM6(XXX)(H) to this By-law:
 - (A) The minimum building setback for any building or structure shall be:
 - (I) A minimum of 6.0 metres from the lot line abutting Keele Street; and,
 - (II) A minimum of 3.0 metres and a maximum of 6.0 metres from the lot line abutting any other street.

- (ii) For Area B on Schedule RM6(XXX)(H) to this By-law:
 - (A) The building setback for any building or structure shall be a minimum of 3.0 metres and a maximum of 6.0 metres from the lot line abutting a street.
- (iii) For Area A and Area B on Schedule RM6(XXX)(H) to this By-law:
 - (A) The building setback above ground for any building shall be set back a minimum of 5 metres to any lot that is adjacent to the O1-Open Space Zone.
 - (B) The minimum yard setback for parking structures and structures associated thereto below ground may be 0.0 metres from any lot line abutting a street.
- (w) In addition to the building setbacks required in (v) above, for any portion of a building at a height of 15.0 metres or more, the main wall of the building facing a public street and O1-Open Space Zone must be setback an additional minimum of 3.0 metres.
- (x) In addition to the building setbacks required above, for any portion of a tall building with a height of 21.0 metres or more, the main wall of the building facing a public street and O1-Open Space Zone must be setback an additional minimum of 5.0 metres.

Permitted Projections Into Yard Setbacks

- (y) Despite Section 6(9), every part of any minimum yard setback shall be open, and unobstructed by any structure, from the ground to the sky, except for the following by no more than 1.5 metres:
 - (i) Architectural elements, light fixtures, ornamental elements, landscape features and art installations, eaves, window sills, ventilation shafts, stairs, stair enclosures, underground garage ramps and associated structures, railings, balustrades, planters, patios, bollards, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities;
 - (ii) privacy screens;
 - (iii) cornices, sills, eaves, exterior building cladding materials, exterior doors and windows and ornamental or architectural features;
 - (iv) awnings and canopies including supporting structures; and
 - (v) structures, elements and enclosures permitted by (q) above.
- (z) For the purpose of this exception, non-structural ornamental architectural elements permitted by (y) above, including the areas that may be fully enclosed by such features, are not main walls.

- (aa) A platform or balcony attached to the main wall with a floor level higher than the floor level of the first storey of the building must not project into the yard setbacks.

Building Length

- (bb) A low-rise building in the form of a multiple attached dwelling shall not exceed a maximum building length of 36 metres.
- (cc) A low-rise building in the form of an apartment building shall not exceed a maximum building length of 60 metres.
- (dd) A mid-rise building shall not exceed a building length of 60 metres.

Residential Recreational Amenity Area

- (ee) A building with 20 or more dwelling units must provide amenity space at a minimum rate of 4.0 square metres for each dwelling unit, of which:
 - (i) At least 2.0 square metres per dwelling unit is indoor amenity space;
 - (ii) At least 2.0 square metres per dwelling unit is outdoor amenity space; and
 - (iii) Pet friendly amenities and bicycle/stroller wash rooms are included in the calculation of amenity space.

PARKING REQUIREMENTS

- (ff) Despite Section 6(A)(2)(a), parking spaces must be provided and maintained in accordance with the following:
 - (i) A minimum of 0.40 parking spaces per dwelling unit must be provided for residents;
 - (ii) A minimum of 0.10 parking spaces per dwelling unit must be provided for residential visitors;
 - (iii) A minimum of 0.30 parking spaces per dwelling unit or bed-sitting room must be provided for Nursing Home, Retirement House, Seniors' Community House;
 - (iv) A minimum of 1.0 parking spaces per 100 square metres of gross floor area for retail store use;
 - (v) Parking spaces are not required for any other non-residential uses; and
 - (vi) A reduction of 4 resident parking spaces will be permitted for each of the car share parking spaces provided, and that the maximum reduction permitted by this means be capped by the application of the following formula:

4 x (Total No. of dwelling units ÷ 60), rounded down to the nearest whole number.

- (gg) Despite Section 6A(3)(a), the minimum dimensions of a parking space shall be:
 - (i) Length: 5.6 metres;
 - (ii) Width: 2.6 metres; and,
 - (iii) Vertical clearance: 2.0 metres.
- (hh) Section 6A(4) as it relates to location of parking spaces does not apply.
- (ii) Accessible parking spaces shall be provided in accordance with the following:
 - (i) a minimum of 5 accessible parking spaces plus 1 accessible parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces.
- (jj) An accessible parking space shall have the following minimum dimensions:
 - (i) Length: 5.6 metres;
 - (ii) Width: 3.4 metres; and,
 - (iii) Vertical clearance: 2.1 metres.
- (kk) The entire length of an accessible parking space must be 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.

BICYCLE PARKING REQUIREMENTS

- (ll) If the calculation of the minimum bicycle parking spaces for all uses results in a fraction of a bicycle parking space being required, the number of required bicycle parking spaces must be rounded up to the next whole number.
- (mm) Bicycle parking spaces shall be provided as follows:
 - (i) A minimum of 0.75 bicycle parking spaces for each dwelling unit, allocated as 0.68 long-term bicycle parking space per dwelling unit and 0.07 short-term bicycle parking space per dwelling unit; and,
 - (ii) For a non-residential use, short term bicycle parking spaces shall be provided at a rate of 3 spaces plus 0.25 spaces for each 100 square metres of gross floor area. Long term bicycle spaces shall be provided at a rate of 0.13 spaces per 100 square metres of gross floor area.

LOADING SPACE REQUIREMENTS

(nn) Despite Section 6A(16), loading spaces shall be provided as follows:

(i) A building with dwelling units must provide loading spaces as follows:

Number of Units	Minimum Number of Loading Spaces required
0 to 30 dwelling units	None required
31 to 399 dwelling units	1 Type "G"
400 dwelling units or more	1 Type "G" and 1 Type "C"

(ii) A building with non-residential uses must provide loading spaces as follows:

Gross Floor Area	Minimum Number of Loading Spaces required
0 to 499 square metres	None required
500 to 1,999 square metres	1 Type "B"
2,000 to 4,999 square metres	2 Type "B"

(iii) A building with a grocery stores or supermarket must provide loading spaces as follows:

Gross Floor Area	Minimum Number of Loading Spaces required
0 to 499 square metres	None required
500 to 999 square metres	1 Type "B"
1,000 to 1,999 square metres	Type "A"

(oo) No type "G" loading space is required if a building has less than 30 dwelling units and is on a lot with a lot area of less than 1,000 square metres.

(pp) An apartment building with 400 dwelling units or more, may satisfy the requirement for a Type "C" loading space by providing instead one of the following loading spaces:

- (i) Type "A";
- (ii) Type "B"; or

- (iii) a second Type "G".
- (qq) A loading space is subject to the following:
 - (i) A Type "A" loading space must have a:
 - (A) Minimum length of 17.0 metres;
 - (B) Minimum width of 3.5 metres; and,
 - (C) Minimum vertical clearance of 4.4 metres.
 - (ii) A Type "B" loading space must have a:
 - (A) Minimum length of 11.0 metres;
 - (B) Minimum width of 3.5 metres; and,
 - (C) Minimum vertical clearance of 4.0 metres.
 - (iii) A Type "C" loading space must have a:
 - (A) Minimum length of 6.0 metres;
 - (B) Minimum width of 3.5 metres; and,
 - (C) Minimum vertical clearance of 3.0 metres.
 - (iv) A Type "G" loading space must have a:
 - (A) Minimum length of 13.0 metres;
 - (B) Minimum width of 4.0 metres; and,
 - (C) Minimum vertical clearance of 6.1 metres.

NUMBER OF DWELLING UNITS

- (rr) The maximum cumulative number of dwelling units permitted on Area A and Area B on Schedule RM6(XXX)(H) together shall be 1400.

UNIT MIX AND SIZE

- (ss) The required minimum percentages of 2-bedroom and 3-bedroom dwelling units, and the minimum gross floor area for these dwelling units, that will be provided in Area A and Area B separately is as follows:
 - (A) 15% of the total number of dwelling units in each phase must have a minimum of 2-bedrooms and must have a minimum gross floor area of 87 square metres;

(B) an additional 10% of the total number of dwelling units in each phase must have a minimum of 3-bedrooms and must have a minimum gross floor area of 100 square metres; and

(C) an additional 15% of the total number of dwelling units in each phase must have either a minimum of 2-bedrooms with a minimum gross floor area of 87 square metres or a minimum of 3-bedrooms with a minimum gross floor area of 100 square metres.

LAND DIVISION

- (tt) Notwithstanding any existing or future severance, partition or division of the lands shown on Schedule RM6(XXX)(H) of this By-law, the regulations of this exception shall continue to apply to the whole of the lands as if no severance, partition or division had occurred, save and except for any land conveyances for roads, widenings and parkland.

HOLDING SYMBOL

- (uu) The lands zoned with the "(H)" holding symbol delineated by heavy lines and identified as Area A or Area B on Schedule RM6(XXX)(H) attached and forming part of this By-law shall not be used for any purposes other than the uses located in the buildings and structures existing on the lands as of [DATE OF BY-LAW] until the "(H)" holding symbol for that Area has been removed. An amending by-law to remove the "(H)" holding symbol may be enacted by City Council when the following conditions have been fulfilled by the owner for each respective Area to the satisfaction of the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor as follows:

- (i) The owner shall provide the following plans and studies and secure appropriate conditions related to the conclusion of those studies through an agreement or agreements pursuant to Sections 111 or 114 of the City of Toronto Act or Sections 37, 41, 45, 51 or 53 of the Planning Act, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor and City Council:

(A) Urban and Architectural Design Guidelines Update and to include the following:

- (a) Public Realm Plan Update
- (b) Demonstration Plan Update
- (c) Shadow Study Update
- (d) Wind Tunnel Testing Study and Analysis
- (e) Design of the Privately Owned Publicly Accessible plazas and mid-block connections

(B) Transportation Impact Study Update

(C) Functional Servicing Report Update

(D) Housing Issues Report Update

(E) Natural Heritage Impact Study Update, including an Ecological Management Plan

(F) Compliance to Airport Height Restrictions or the removal of the restrictions as part of the Update Downsview Study

(G) Registration of a Plan of Subdivision

(H) Satisfactory site plan for each block and/or phase

(J) Implementation Strategy to consider financial implications and the timing of the provision of municipal infrastructure and services.

6. Section 64.20-A of By-law No. 7625, as amended, is amended by adding Schedule "RM6(XXX)(H)" attached to this By-law.

7. **SECTION 37 REQUIREMENTS**

- (vv) Pursuant to Section 37 of the *Planning Act*, 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 Schedule 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 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (ww) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and enter into an agreement or agreements prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (xx) 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.

8. Section 64.37 of By-law 7625, as amended, is amended by adding the following subsection:

"64.37(XX) O1(XX)

PERMITTED USES

The only permitted uses are a public park, a public recreational centre, and accessory uses thereto."

ENACTED AND PASSED this _____ day of _____, 2022.

JOHN TORY,
Mayor
(Seal of the City)

JOHN ELVIDGE,
City Clerk

SCHEDULE A

Section 37 Provisions

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 Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

a. Prior to the issuance of any Building Permit, the owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force to secure the facilities, services or matters set out below.

b. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

i) The Owner shall provide an indexed cash contribution of \$7,000,000.00 towards the design and/or construction of the future Downsview Community Centre, with \$1,500,000.00 of this amount paid within 60 days of the date of approval of the attached Zoning By-law and the other \$5,500,000.00 paid within 60 days of the conveyance of the development blocks at the time of subdivision registration.

ii) The financial contribution pursuant to Item b(i) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment.

iii) A minimum amount of affordable housing must be achieved on the William Baker District Phase 1 lands in accordance with the following conditions:

aa) The minimum amount of affordable housing will be equal to the greater of 220 units or 20 percent of the total number of residential units approved on the Phase 1 lands and will be provided as affordable rental housing with affordable rents no greater than 80% of Average Market Rent secured for a period of at least 25 years.

bb) The affordable housing requirements outlined in Item b.iii.aa., above, may be met in part through alternative, equivalent, delivery mechanisms to the satisfaction of the Chief Planner and Executive Director, City Planning. This may include, but is not limited to the conveyance of land, conveyance of units, or affordable ownership units, provided that at least 50% of the affordable housing units are delivered as affordable rental units.

cc) Affordable housing will be provided as a proportionate share of each development block that includes residential uses.

dd) The affordable housing contribution will be subject to terms and conditions, to the satisfaction of the Chief Planner and Executive Director, City Planning.

iv) The Owner shall prepare a Public Art Master Plan for the provision of Public Art within the lands, and shall submit the Public Art Master Plan to the City, to the satisfaction of the Chief

Planner and Executive Director, City Planning, in consultation with the Toronto Public Art Commission, and to City Council for approval.

v) The Owner shall provide financial security in the form of a Letter of Credit to a maximum of \$1,000,000.00 to secure the commission and installation of future public art with a cap of \$1,000,000.00 at the northeast corner of Sheppard Avenue West and Keele Street, or other appropriate location, in accordance with the Public Art Master Plan.

c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i) The owner shall provide 10% of all new residential units as 3-bedrooms units.

ii) The owner shall provide 15% of all new residential units as 2-bedroom units.

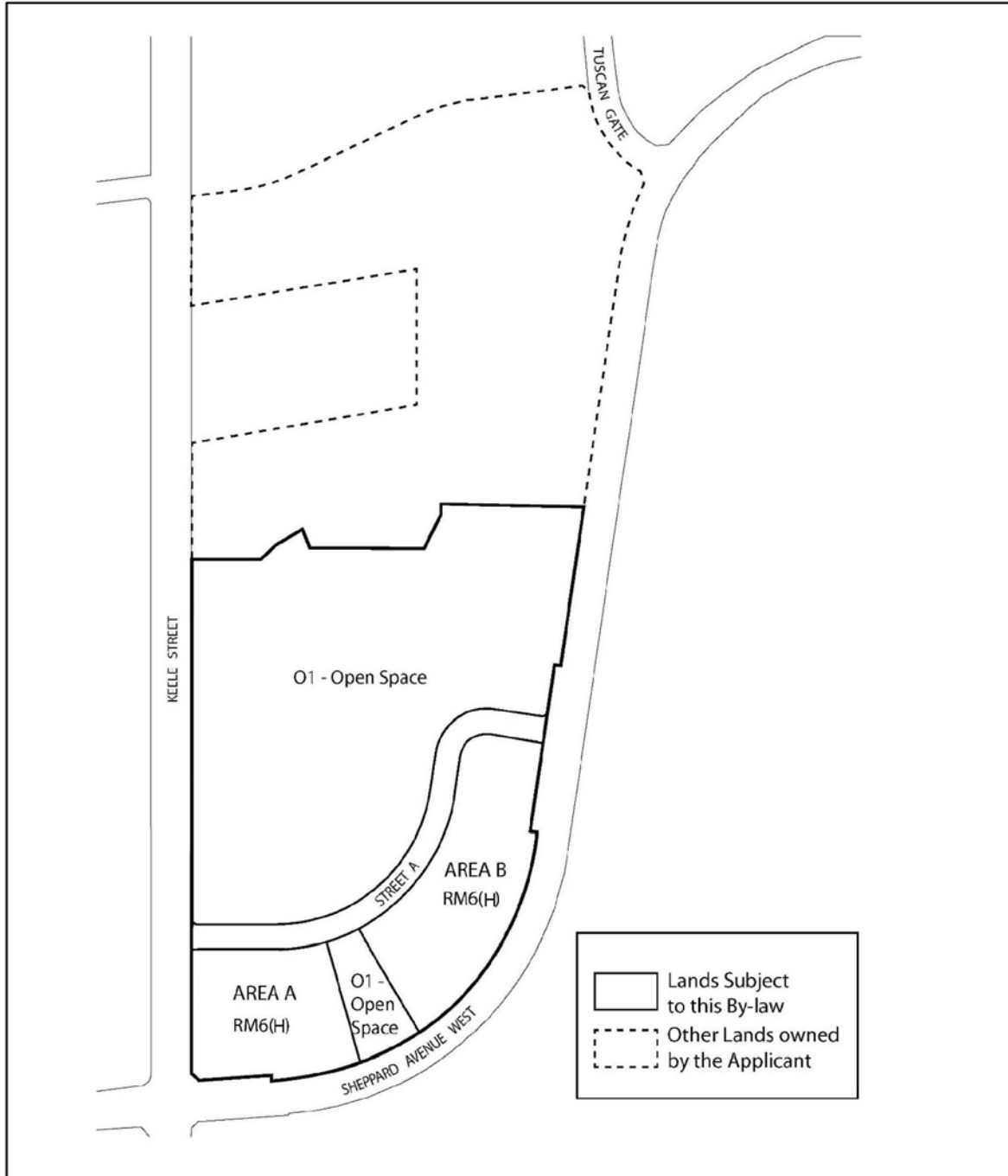
iii) The owner shall provide a minimum of an additional 15% of all new residential units as either 2- or 3-bedroom units.

iv) The conveyance of the 18,667 square metre statutory parkland dedication and the 24,413.33 square metre parkland over-dedication, to the satisfaction of the General Manager, Parks, Forestry & Recreation and the City Solicitor.

v) All the finalized Travel Demand Management (TDM) measures acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services.

vi) The Owner shall initiate the design and approval process and initiate construction prior to the issuance of the final building permit for the William Baker District Phase 1 lands for a new accessible public pedestrian and cycling bridge with a cap of \$5,000,000.00 spanning the public right-of-way of Sheppard Avenue West, and shall provide a direct connection to Downsview Park.


vii) The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

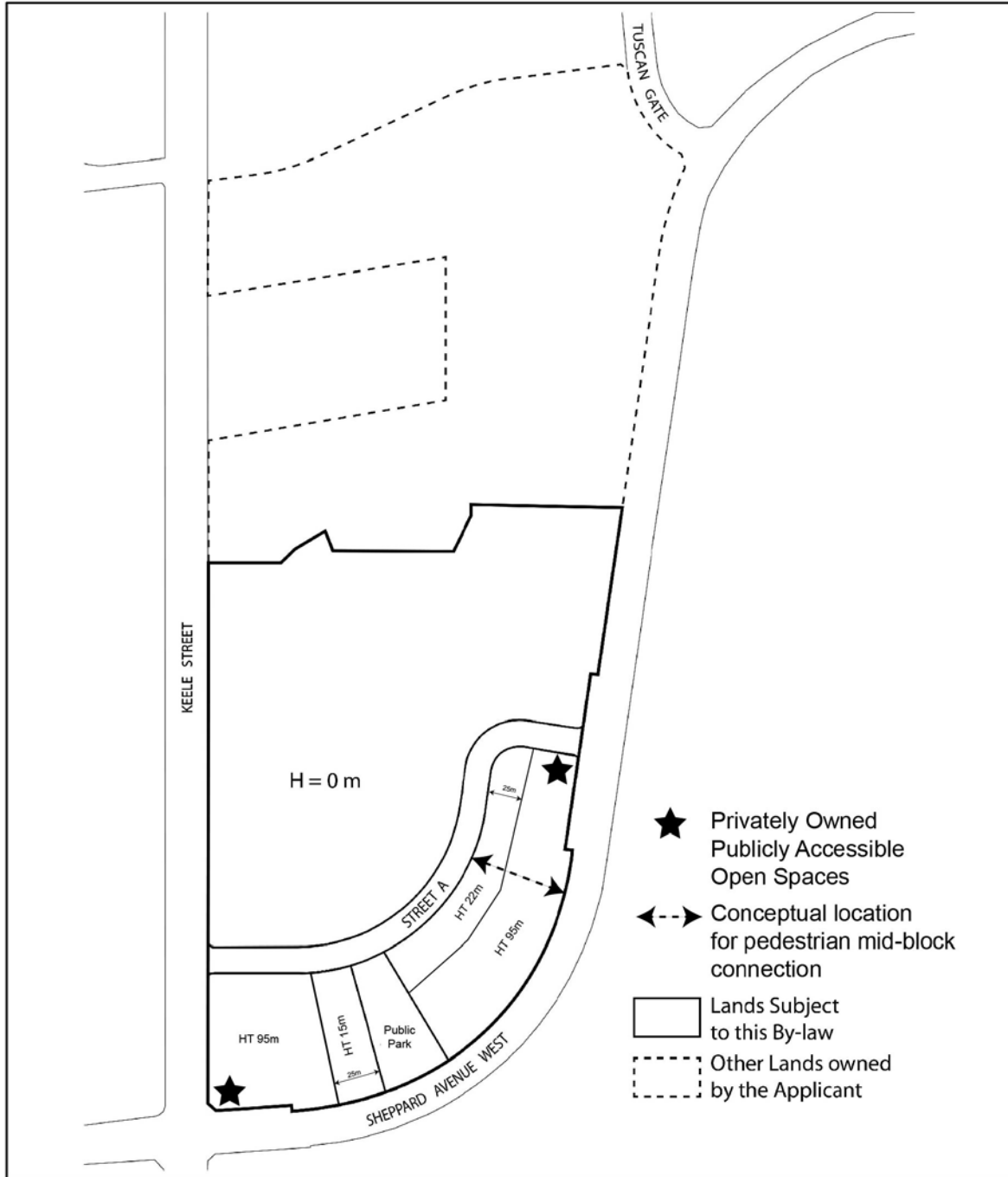


 **TORONTO**
Schedule 1

1350 Sheppard Avenue West

File #: 21 119571 NNY 06 0Z
File #: 21 119572 NNY 06 SB


Former North York By-law 7625
Not to Scale
06/21/2022



TORONTO
 Schedule RM6(XXX)(H)

1350 Sheppard Avenue West

File #: 21 119571 NNY 06 0Z
 File #: 21 119572 NNY 06 SB

City of Toronto By-law 7625
 Not to Scale
 06/21/2022