

Authority: North York Community Council Item NY29.1, adopted as amended by City of Toronto Council on April 6 and 7, 2022.

CITY OF TORONTO

Bill 303

BY-LAW 2022

To amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 824 Sheppard Avenue West and 177-181 Cocksfield Avenue.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, 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 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, 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; 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; and

Whereas 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined in 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CR 1.0 (c1.0; r1.0) SS3 (x215) to (H) CR 1.0 (c1.0; r1.0) SS3 (x430) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 430 so that it reads:

(430) Exception CR 430

The lands are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 824 Sheppard Avenue West and 177-181 Cockfield Avenue, as shown on Diagram 1 of By-law #-2022 [Clerks to insert By-law number], if the requirements of section 7 and Schedule A of By-law #-2022 [Clerks to insert By-law number] are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Sections (B) to (J) below;
- (B) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings and structures** on the **lot** must not exceed 20,500 square metres, of which:
 - (i) residential uses must not exceed 17,500 square metres; and
 - (ii) non-residential uses must not exceed 400 square metres;
- (C) Despite regulations 40.5.40.10(1) and (2) the height of a **building or structure** is measured from the Canadian Geodetic Datum elevation of 191.2 metres in the year 2020 to the highest point of the **building or structure**;
- (D) Despite regulation 40.10.30.40(1)(A), there shall be no maximum **lot coverage**.
- (E) Despite regulations 40.5.40.10(3) to (8), and 40.10.40.10(3) no portion of a **building or structure** may exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law #-2022 [Clerks to insert By-law number] with the exception of the following:

- (i) wind screens, parapets, terrace or balcony guardrails, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, privacy screens, stair enclosures, skylights, mechanical equipment, mechanical and architectural screens, access hatches, roof assemblies, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, pavers, elements of a green roof, structures located on the roof used for outside, open air recreation or elevator overruns to a maximum of 3.0 metres.
 - (ii) mechanical penthouse enclosures to a maximum of 6.0 metres.
- (F) Despite clause 40.5.40.60, 40.10.40.60, and regulation 40.10.40.70(3), no portion of a **building** or **structure** may extend beyond the areas delineated by heavy lines on Diagram 3 of By-law #-2022 with the exception of the following:
 - (i) cornices, light fixtures, ornamental and architectural features, parapets, art and landscape features, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, mechanical penthouse enclosures, wheelchair ramps, fences, covered walkways, screens, site servicing features, awnings and canopies including support structures, window washing equipment, bicycle parking facilities and underground garage ramps and associated structures to a maximum of 1.5 metres;
 - (ii) Canopies and awnings to a maximum of 2.5 metres;
 - (iii) structures, elements and enclosures permitted by (E) above to a maximum of 1.5 metres;
- (G) Despite regulation 40.10.50.10(1)(B)(i), no **landscaping** strip is required.
- (H) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following minimum requirements:
 - (i) 182 **parking spaces** for residents of the **dwelling units**; and
 - (ii) 28 **parking spaces** shared for residential visitors and all other non-residential uses.
- (I) Despite regulation 220.5.10.1(1), one Type “G” **loading space** must be provided on the **lot**;
- (J) Despite regulations 230.5.10.1(1) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following minimum requirements:
 - (i) 0.68 "long-term" **bicycle parking spaces** per **dwelling** unit for residential occupants;

- (ii) 0.07 "short-term" **bicycle parking spaces** per **dwelling unit** for residential visitors;
- (iii) no **bicycle parking spaces** are required for non-residential uses;

Prevailing By-laws and Prevailing Sections:

- (A) Schedule "D" Airport Hazard Map from City of North York Zoning By-law 7625.

5. Holding Provisions:

Prior to the lifting of the (H) holding in whole or in part, the following applies:

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the lands as of the date of the passing of this By-law until the "(H)" symbol has been removed.
- (B) An amending by-law to remove the Holding provision in 5(A) above, in whole or in part, shall be enacted by City Council when the following condition(s) has been fulfilled to the satisfaction of Council:

That satisfactory arrangements are made with Engineering & Construction Services and/or appropriate agreement(s) are entered into with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Chief Engineer & Executive Director of Engineering and Construction Services, which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

- 6. Despite any future severance, partition or division of the **lot** as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.

7. Section 37 Provisions

- (A) 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 Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A 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.
- (B) Where Schedule A of 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.

- (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.

Enacted and passed on April , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

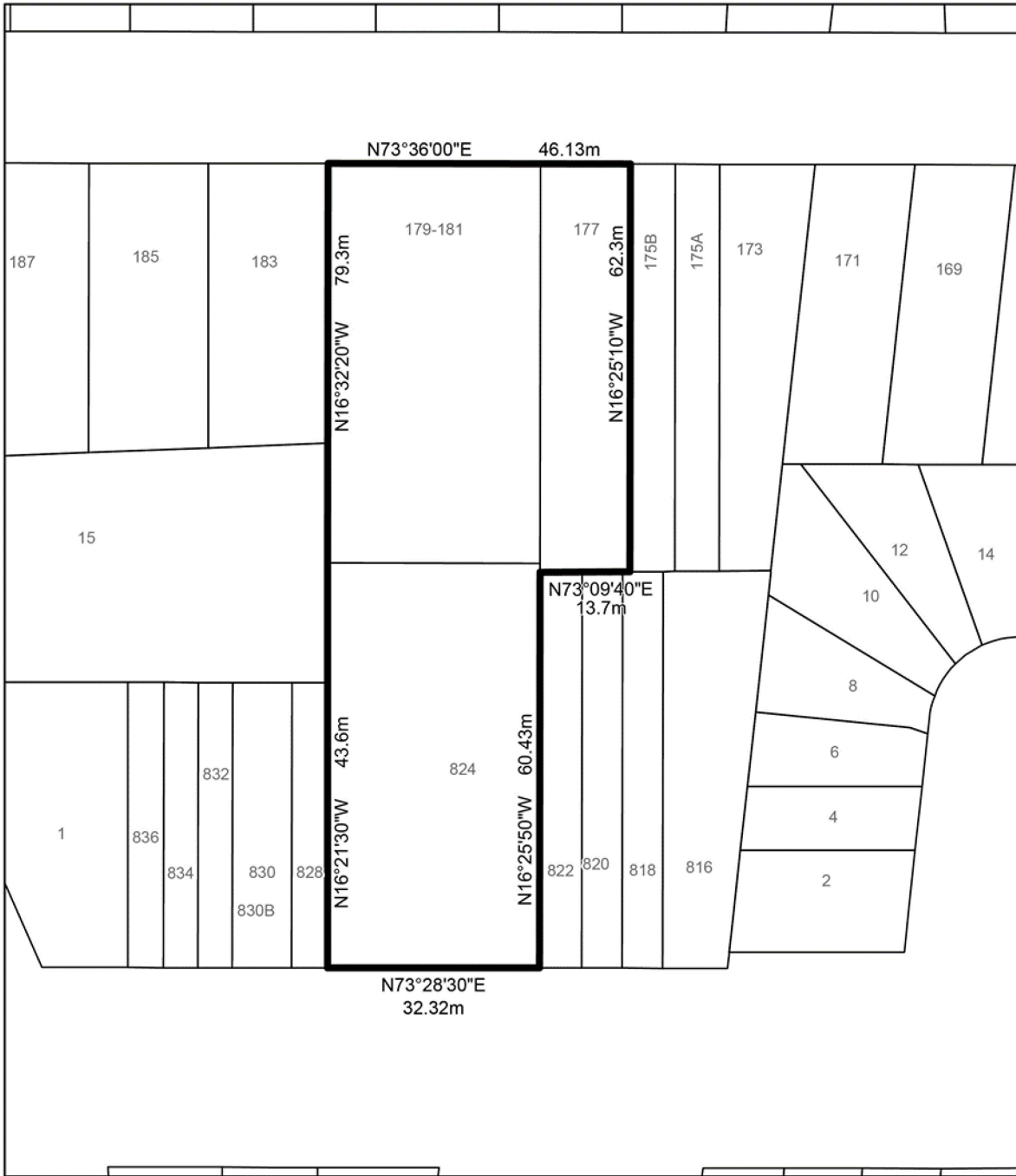
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - (i) Prior to the issuance of the first above grade building permit the Owner shall provide a financial contribution to the City in the amount of \$1,400,000.00 to be allocated towards improvements to parks, community facilities and/or the public realm located within Ward 6 and/or the vicinity of the application site, such allocation be at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - (ii) The financial contributions referred to in Part 1(i). above shall be indexed in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City;
 - (iii) In the event the financial contribution referred to in Part 1(i). above has not been used for the intended purpose prior to the expiry of the third anniversary of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

2. 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 Construct the development in accordance with the approved Transportation Demand Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (ii) Prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan & Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and thereafter the owner shall implement such strategy;
 - (iii) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;

- (iv) The Owner shall provide and maintain all new residential dwelling units on the subject site as rental tenure for a period of at least 20 years beginning from the date that each new residential dwelling unit is first occupied, as generally illustrated in the plans submitted to the City Planning Division dated July 16, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (v) The Owner shall provide and maintain fifteen (15) replacement rental dwelling units, comprised of fifteen (15) two-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, and as shown on the architectural plans titled 824 Sheppard Avenue West, Rental Floor Plans, dated June 28, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (vi) The Owner shall, as part of the fifteen (15) replacement rental dwelling units required above, provide all fifteen (15) two-bedroom replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date that each replacement rental dwelling units is first occupied;
- (vii) The Owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed building at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
- (viii) The Owner shall provide all fifteen (15) replacement rental dwelling units with a balcony or terrace;
- (ix) The Owner shall provide tenants of the replacement rental dwelling units with access to all bicycle parking, visitor parking, and storage lockers on the same terms and conditions as any other resident of the building;
- (x) The Owner shall provide all replacement rental dwelling units with ensuite laundry facilities at no additional cost to the tenants;
- (xi) The Owner shall provide central air conditioning in each replacement rental dwelling unit;
- (xii) The Owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing rental dwelling units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
- (xiii) The Owner shall enter into and register on title one or more agreement(s) pursuant to of the City of Toronto Act, 2006 to secure the conditions outlined in (i) through

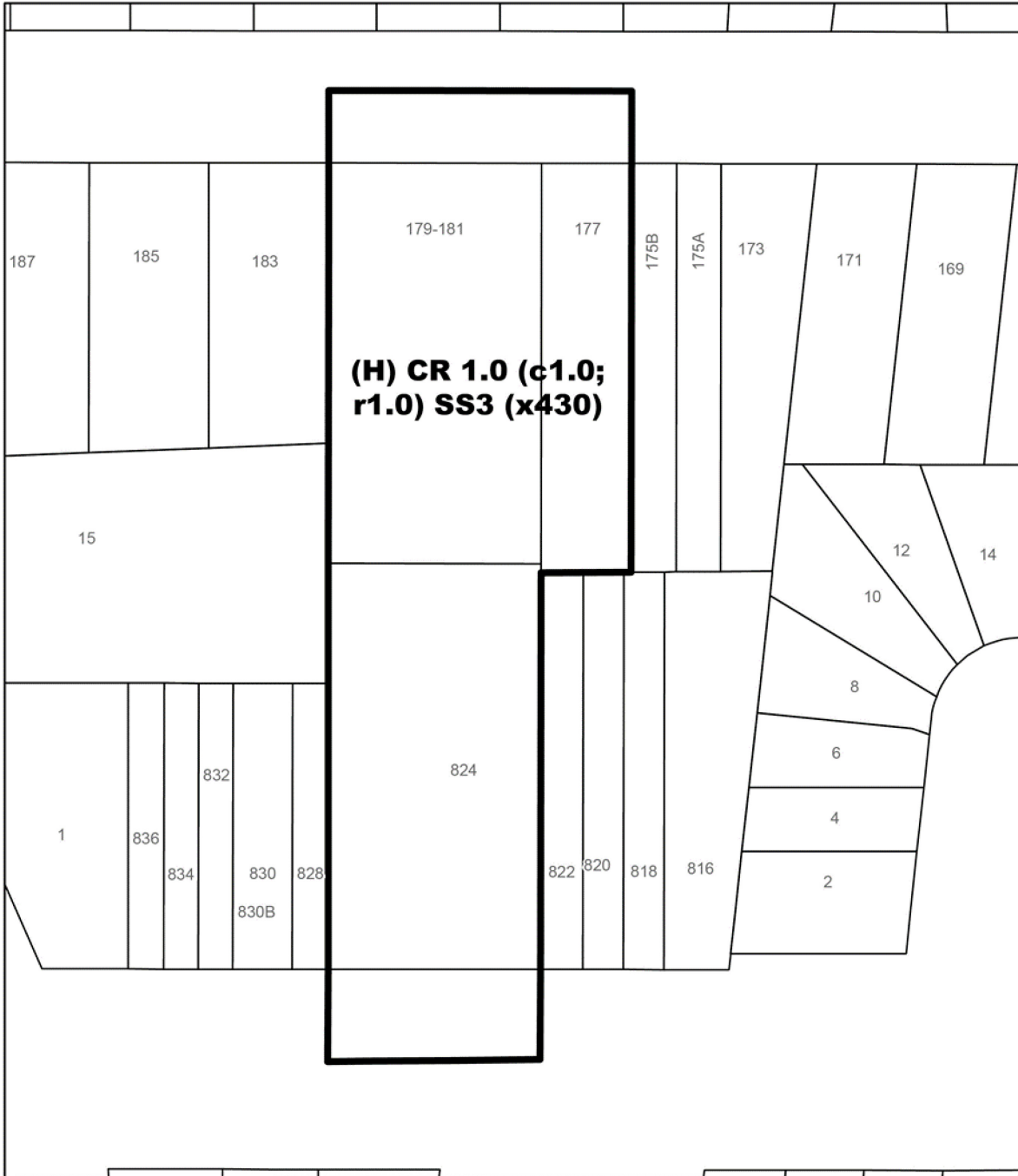
(xiii) above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.



 **TORONTO**
Diagram 1

**824 Sheppard Avenue West and
177, 179 & 181 Cocksfield Avenue**

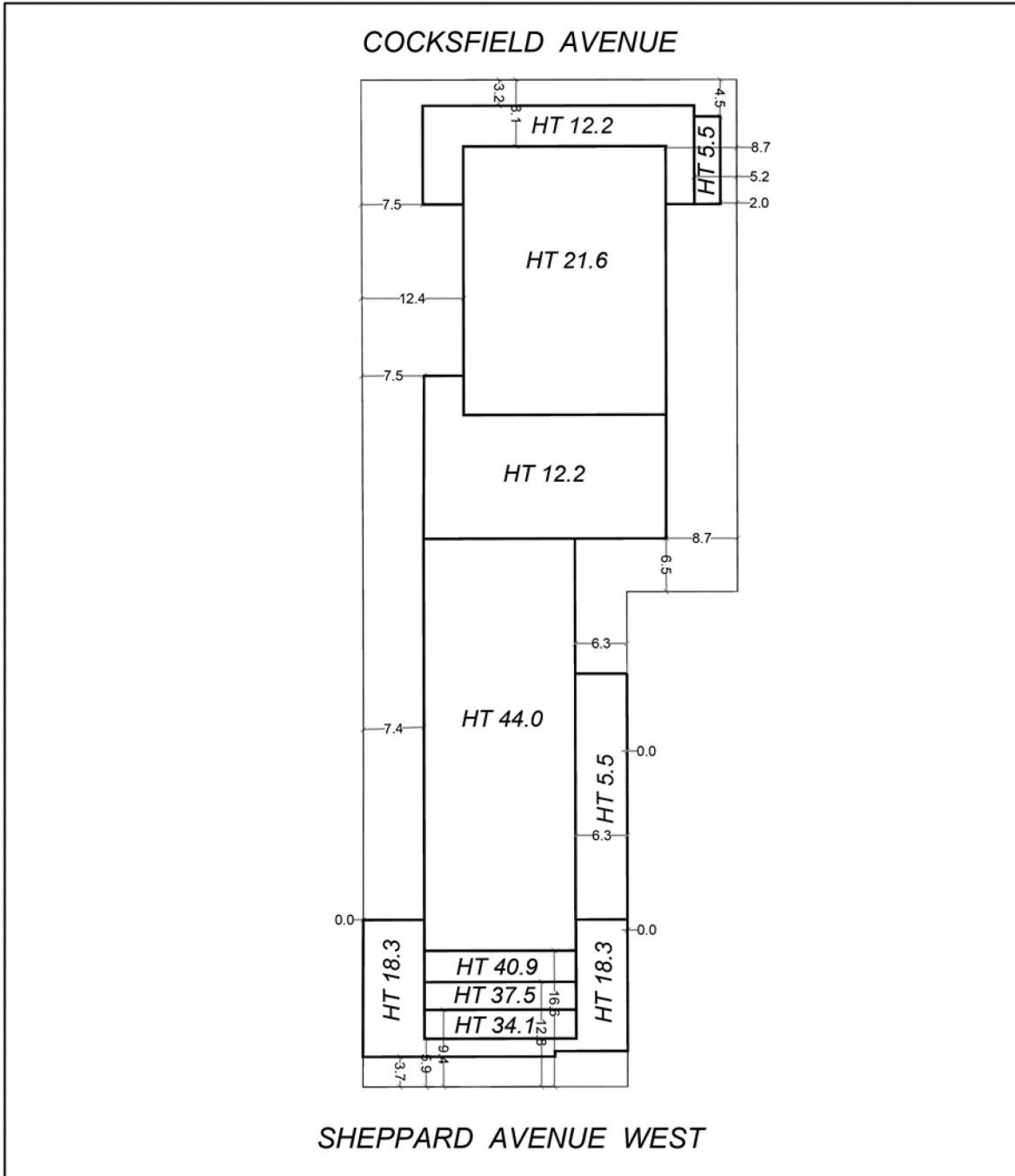
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 **TORONTO**
Diagram 2

**824 Sheppard Avenue West and
177, 179 & 181 Cocksfield Avenue**

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 **TORONTO**
Diagram 3

**824 Sheppard Avenue West and
177, 179 & 181 Cocksfield Avenue**

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