

Authority: MM42.32, by Councillor Shelly Carroll, seconded by Councillor Kristyn Wong-Tam, as adopted by City of Toronto Council on April 6 and 7, 2022; and North York Community Council Item NY25.2, as adopted by City of Toronto Council on July 14, 15, and 16, 2021

CITY OF TORONTO

Bill 444

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 699 Sheppard Avenue East.

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

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 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;

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 Council of the City of Toronto enacts:

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 4.16 (c0.03; r4.13) SS2 (x370) as shown on Diagram 2 attached to this By-law; and
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 Section 995.10.1, and applying the following Policy Area label to these lands: PA 3, as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by the adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 370 so that it reads:

(370) Exception CR 370

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 699 Sheppard Avenue East, if the requirements of Section 11 and Schedule A of by-law [Clerks to insert number] are complied with, a **building, structure**, addition or enlargement may be erected or used in compliance with (B) to (N) below;
- (B) Despite regulations 40.5.40.10 (1) and (2), for the purpose of this exception, the height of a **building or structure** is the vertical distance between the Canadian Geodetic Datum elevation 170.4 metres and the elevation of the highest point of the **building or structure**;

- (C) Despite regulations 40.10.40.10(2) and (7), the permitted maximum height and permitted maximum number of **storeys** of a **building** or **structure** are the numerical value following the letters "HT" and "ST" as shown on Diagram 7 of By-law [REDACTED]-2022;
- (D) Despite regulations 40.5.40.10(3), (4), (5), (6), (7), and (C) above, the following elements of a **building** may project above the permitted maximum height in Diagram 7 of By-law [REDACTED]-2022;
- (i) Equipment used for the function and operation of the **building**, antennas, air conditioners, satellite dishes, vents, pipes, wind screens, parapets, guard rails, roofing material, railings and dividers, dormers, pergolas, trellises, eaves, screens, stairs, stair enclosures, elevator overruns, roof drainage, window washing equipment, lightning rods, architectural features, and elements of a **green roof** up to a maximum of 5.0 metres above the applicable height limit;
- (E) Despite clause 40.5.40.70, regulations 40.10.40.70(2), and 40.10.40.80(2), the required minimum **building setbacks** for all **buildings** and **structures** are shown on Diagram 7 of By-law [REDACTED]-2022;
- (F) Despite regulation 5.10.40.70(2), the minimum distance between the **building**, including all below and above grade **structures**, to all TTC infrastructure is 3 metres.
- (G) Despite clauses 40.5.40.60, 40.10.40.60, and regulation (E) above, the following may encroach into the required minimum **building setbacks** on Diagram 7 of By-law [REDACTED]-2022;
- (i) art and landscape features, antennas, air conditioners, satellite dishes, vents, pipes, balconies, cladding, cornices, light fixtures, ornamental elements, parapets, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated **structures**, up to a maximum of 3.0 metres into the required **building setbacks**;
- (H) Despite regulation 40.10.40.40 (1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 10,830 square metres, of which the permitted maximum **gross floor area** for non-residential uses is 55 square metres;
- (I) Despite regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is reduced by the area in the **building** used for:
- (i) parking, loading and bicycle parking below-ground;

- (ii) **loading spaces** at the ground level and **bicycle parking spaces** at or above-ground;
 - (iii) storage rooms (including parcel storage), mail room not accessible to the public, washrooms, electrical, utility, mechanical, and ventilation rooms in the **basement**;
 - (iv) shower and change facilities required by this By-law for required **bicycle parking spaces**;
 - (v) **amenity space**;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the **building**;
- (J) Despite regulation 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of the **building**, other than:
- (i) residential lobby access; and
 - (ii) **dwelling units** may be located in the first **storey** of the **building** if the **dwelling units** are located to the rear of the non-residential use on the first **storey**;
- (K) Despite regulation 40.10.40.50, **amenity space** must be provided at a minimum rate for each **dwelling unit**, of which:
- (i) at least 1.95 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 3.0 square metres for each **dwelling unit** is outdoor **amenity space**; and
 - (iii) at least 85.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to indoor **amenity space**;
- (L) Despite regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot**, as follows:
- (i) a minimum of 0.47 **parking spaces** per **dwelling unit**, inclusive of **car share parking spaces** must be provided for residents; and

- (ii) a minimum of 0.10 **parking spaces** per **dwelling** unit must be provided for visitors and can include electric **vehicle parking spaces** provided for visitors;
 - (iii) The minimum required parking for residential uses can be reduced by up to 4 **parking spaces** for each dedicated car share **parking space**;
 - (iv) The maximum allowable reduction in the minimum residential parking requirement is calculated by 4 times the total number of units, divided by 60, rounded down to the nearest whole number;
 - (v) **For the purposes of this exception**, "car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-share **vehicle**, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees used for use are normally based on time and/or kilometres driven and do include the use of cars on an hourly basis; and
 - (vi) **For the purposes of this exception**, "car-share **parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes and such car-share is for the use of at least the occupants of the **building**;
- (M) Despite section 200.15.1, as amended, only the following provisions apply to accessible **parking spaces**:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres;
 - (c) vertical clearance of 2.1 metres; and
 - (d) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide barrier free aisle or path;
- (N) The lands identified with the symbol "(H)" in the zone label on Diagram 2 of By-law [Clerks to insert number] are restricted in use as specified by Section 10 of By-law [Clerks to insert number].

Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport Hazard Map from City of North York zoning by-law 7625.

9. Despite any existing or future severances, partition, or division of the **lot**, the provisions of this exception will apply to the whole of the **lot** as if no severance, partition, or division had occurred;

10. Holding Provisions:

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 site as of [Clerks to insert date By-law is enacted] until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council, on all or part of the lands, when the following condition(s) has been fulfilled to the satisfaction of Council.

(A) The lands shown on Diagram 2, shall not be used for any purpose other than those uses and **buildings** that currently exist on the site, 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, unless the municipal services are provided to the lot line and either of the following provisions are complied with:

- a. the Sanitary Sewer Upgrades (being the upgrade of the last three 300mmØ sanitary sewer legs upstream of the sanitary trunk sewer to 675mmØ, located at the north-west corner of Sheppard Avenue East and Leslie Street intersection), which works are being undertaken by the City of Toronto under the Design & Construction, Major Infrastructure Unit, Don & Central Waterfront District in the Engineering & Construction Services Division under project # SAP2020-GL-EASTDON-001, have been completely constructed and are operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; or
- b. in respect of individual parcels of land, the owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such acceptable solution has been implemented by the owner(s) at their sole cost to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.

11. 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 4 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 Exception CR (370), as amended, unless all provisions of Schedule A are satisfied.

Enacted and passed on May , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

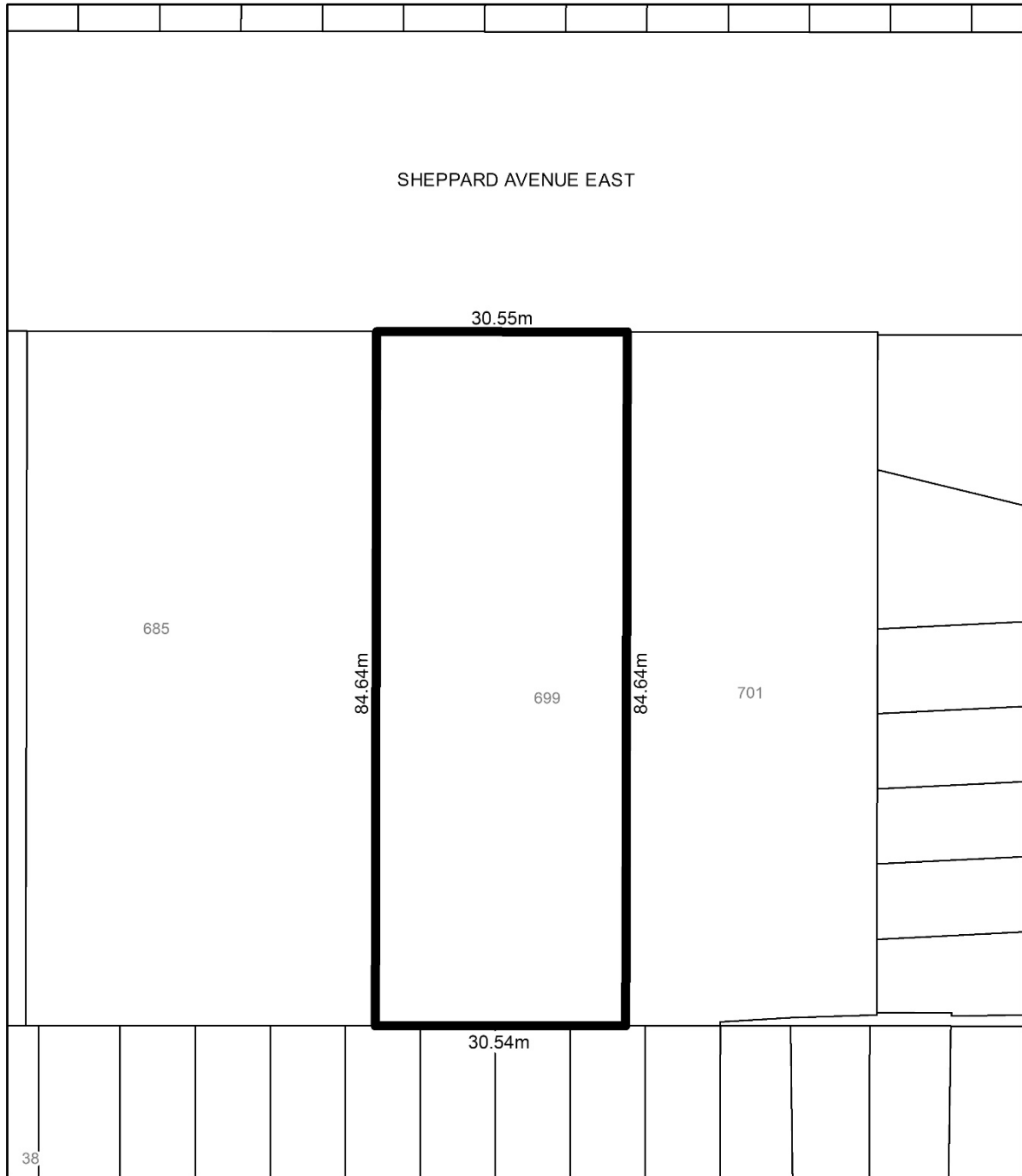
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SCHEDULE A
Section 37 Provisions

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 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) Prior to issuance of a the above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,025,000 toward any one or more of the following:
 - a. parkland and other community services and facility improvements within the area, as well as streetscape improvements and that the design of the streetscape improvements comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning,

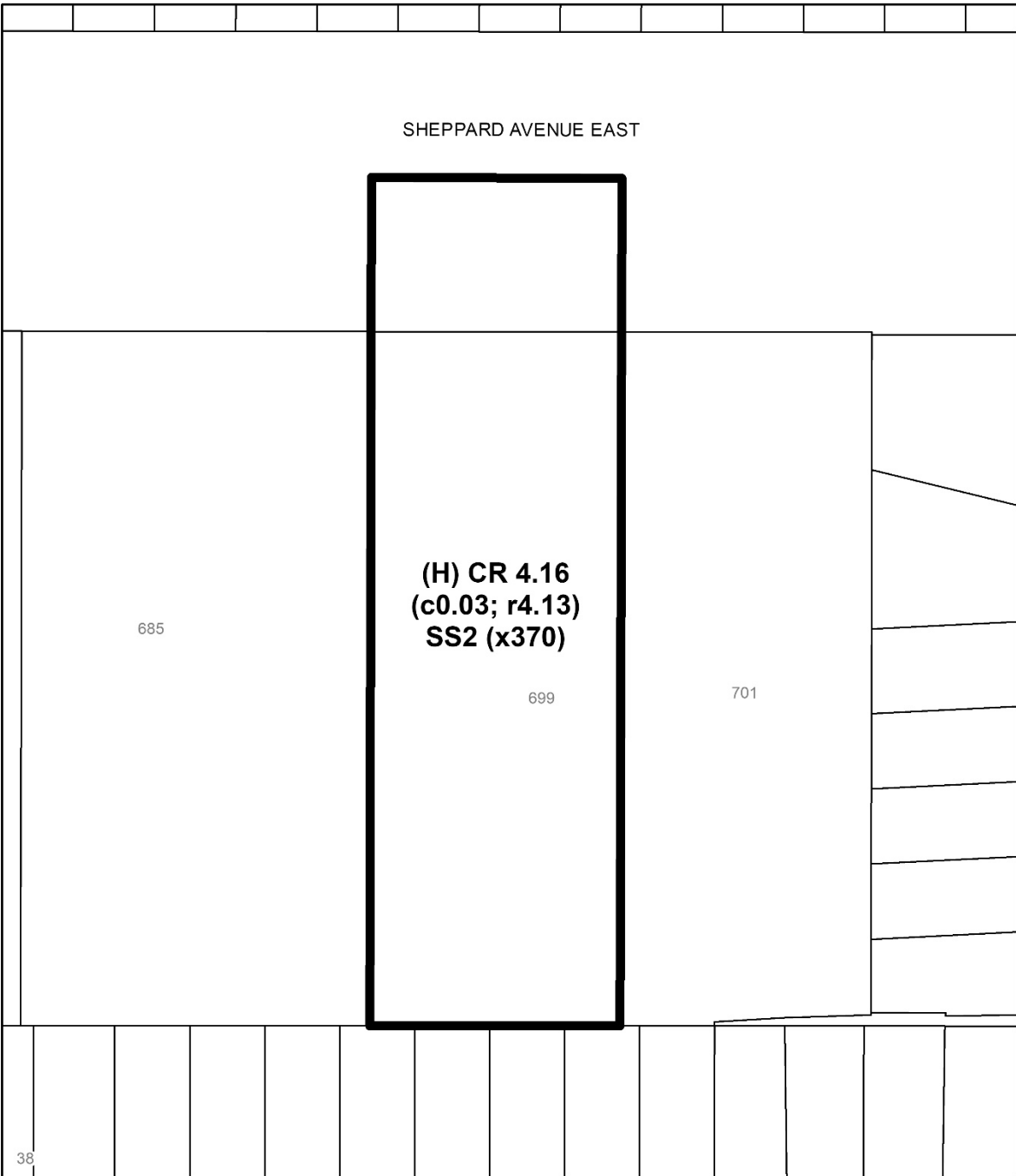
such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution referred to in Section (1) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

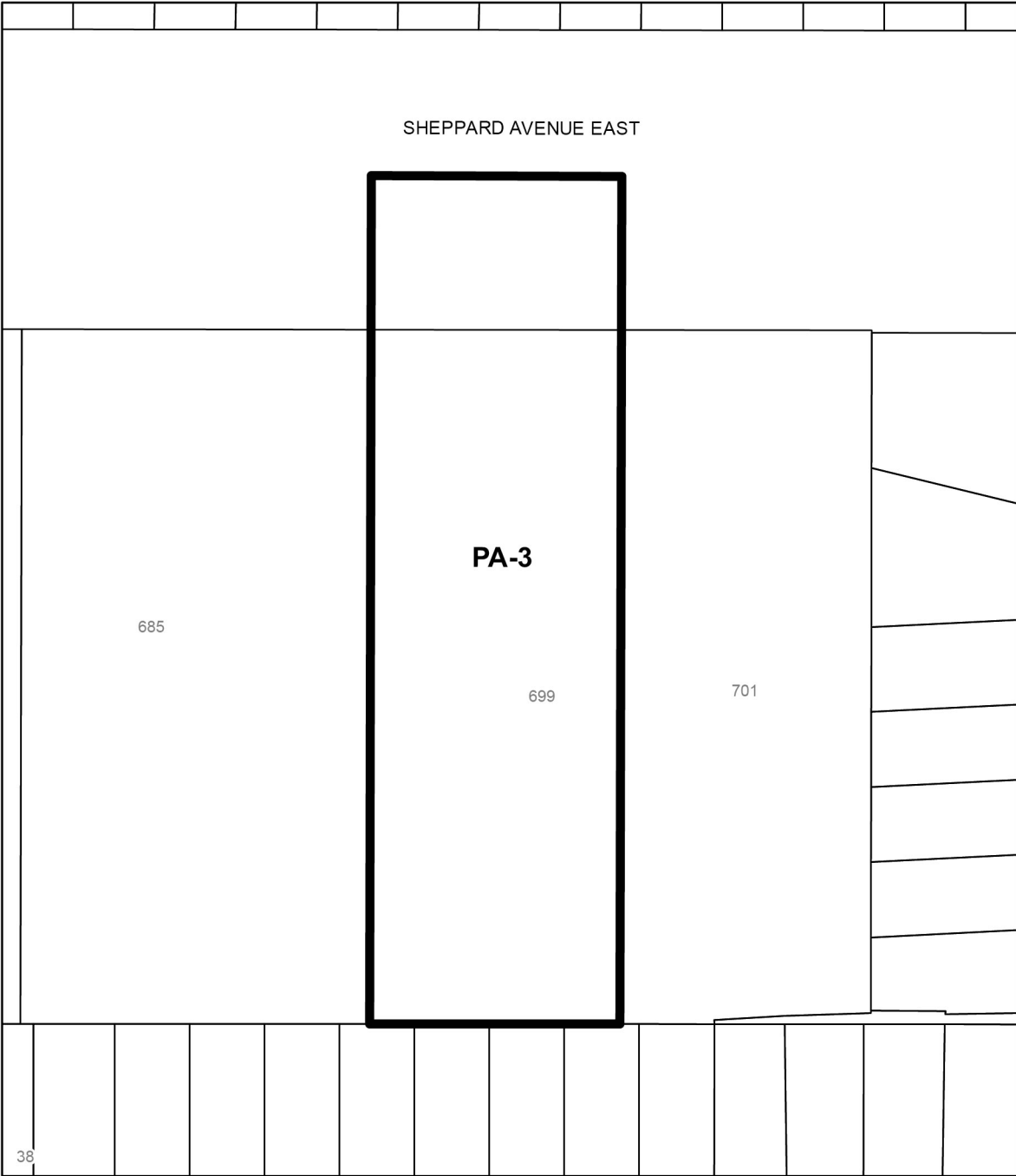


 **TORONTO**
Diagram 1

699 Sheppard Avenue East

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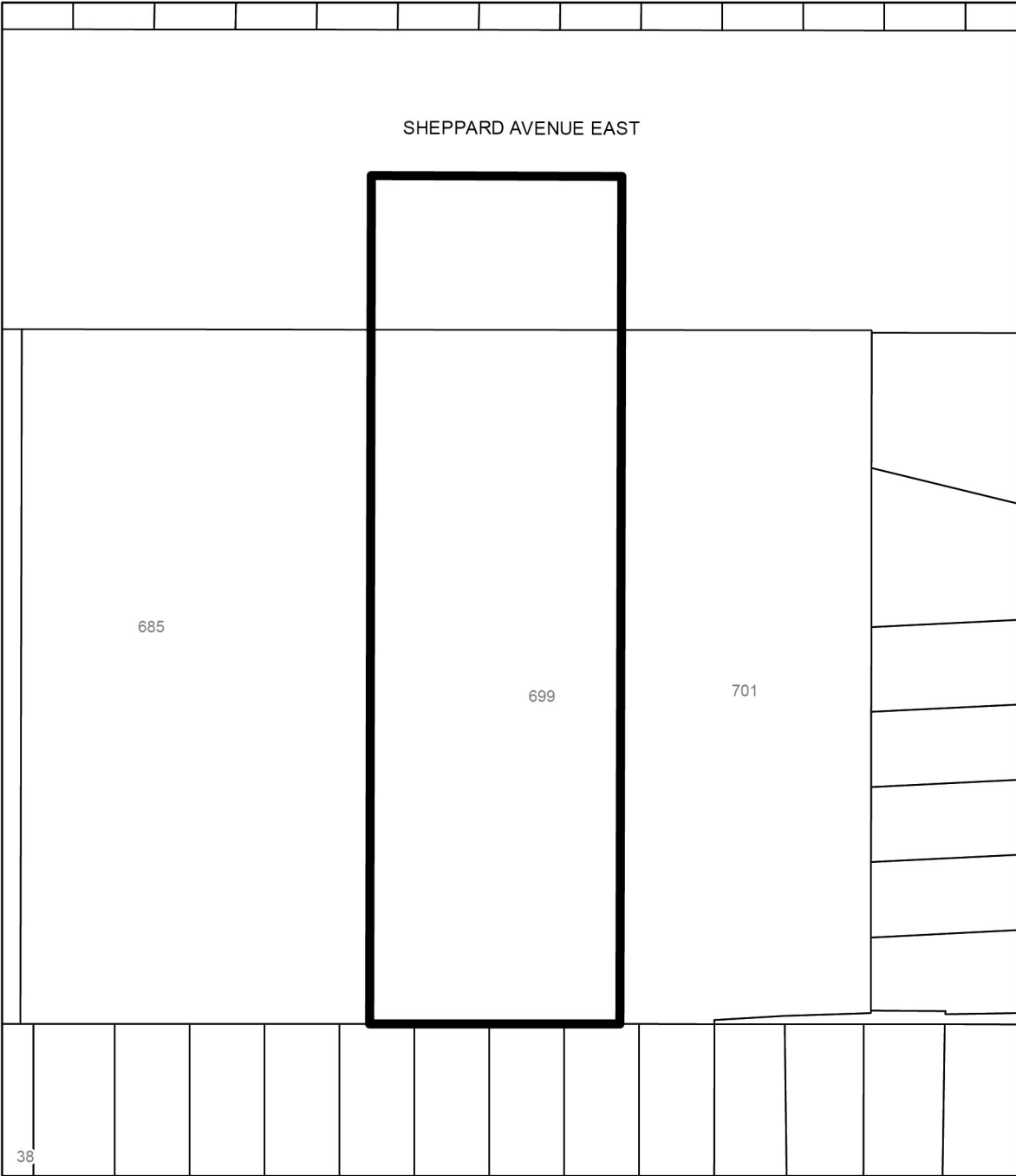




 **TORONTO**
Diagram 3

699 Sheppard Avenue East

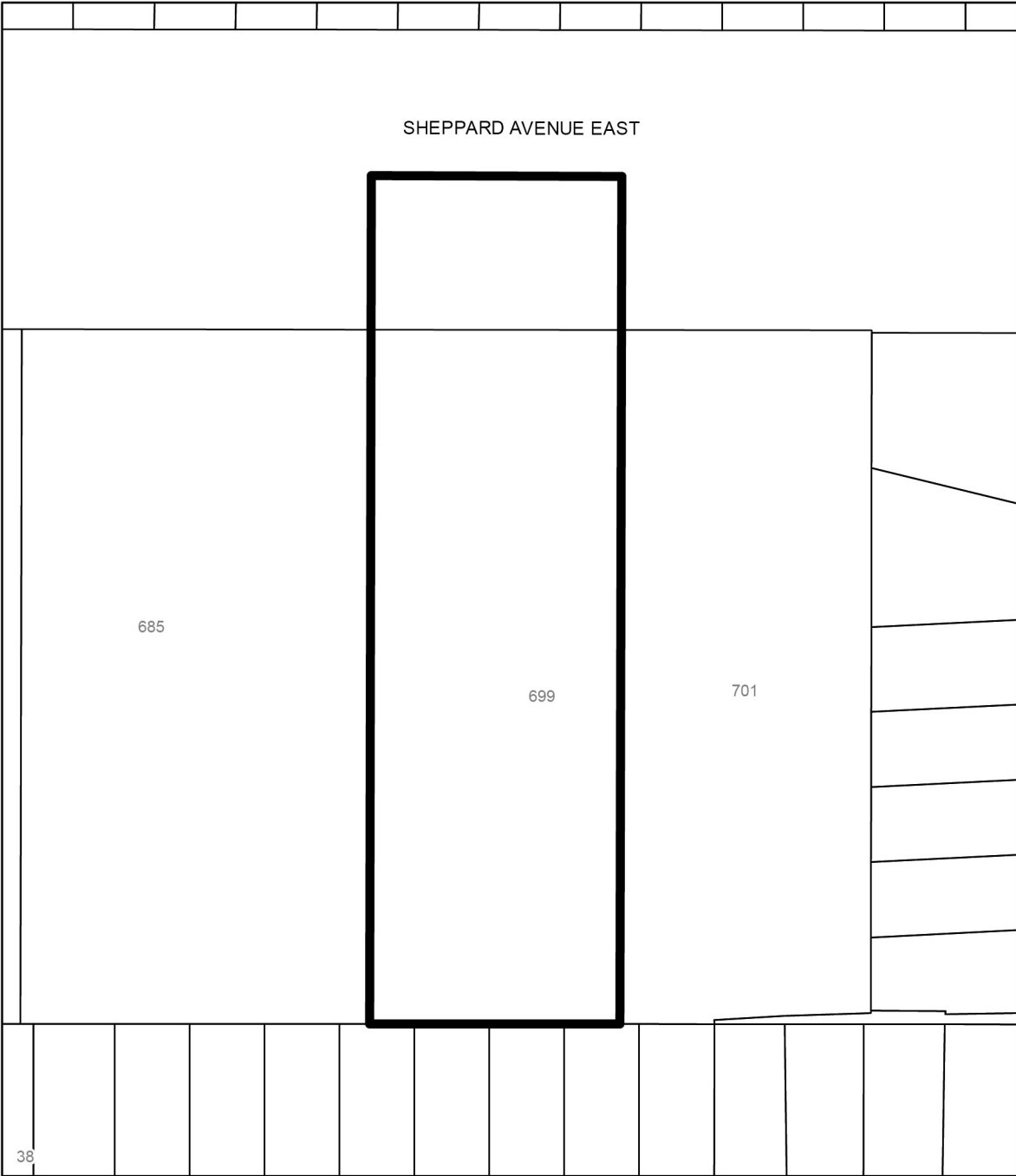
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 **TORONTO**
Diagram 4

699 Sheppard Avenue East

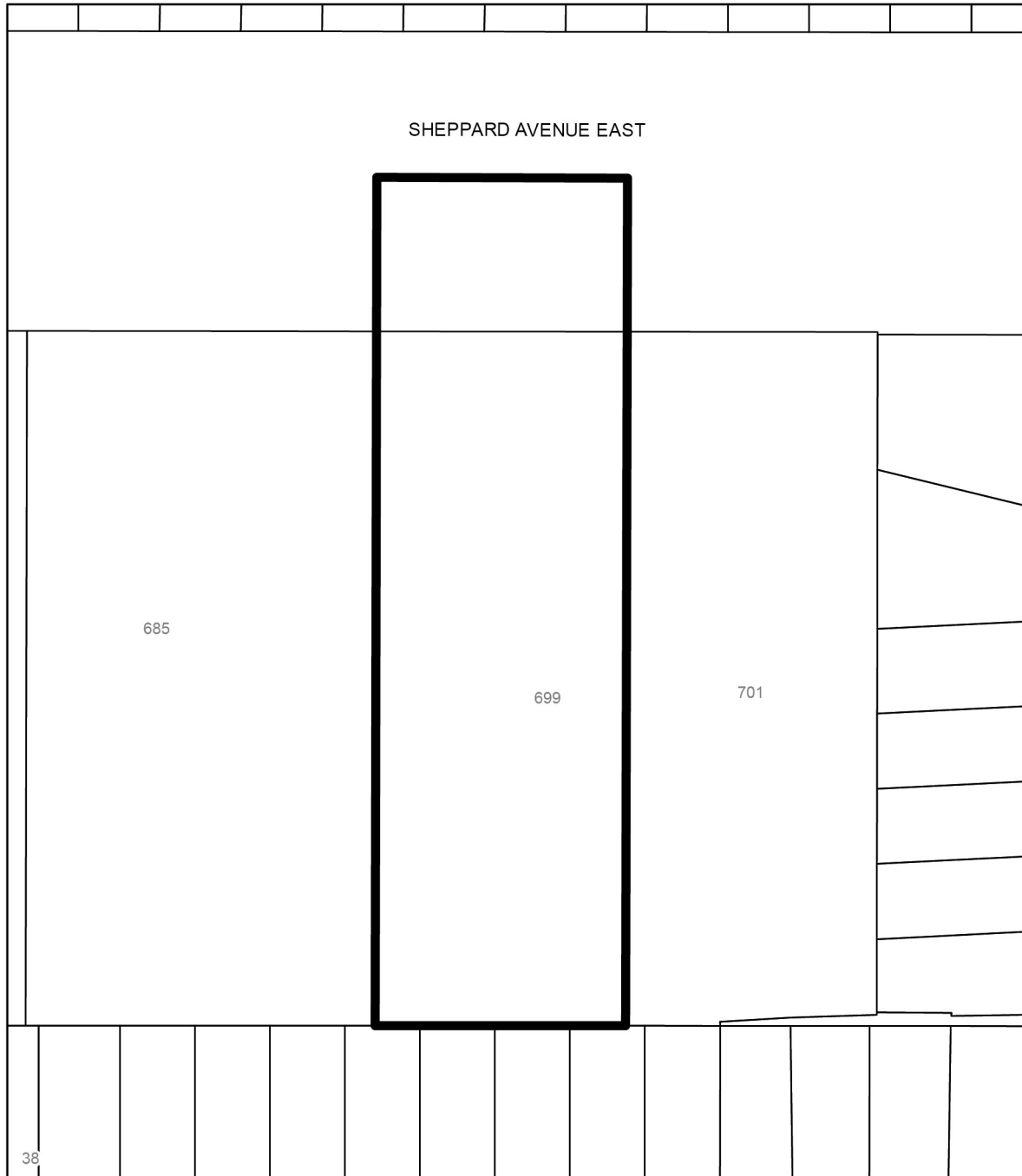
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 **TORONTO**
Diagram 5

699 Sheppard Avenue East

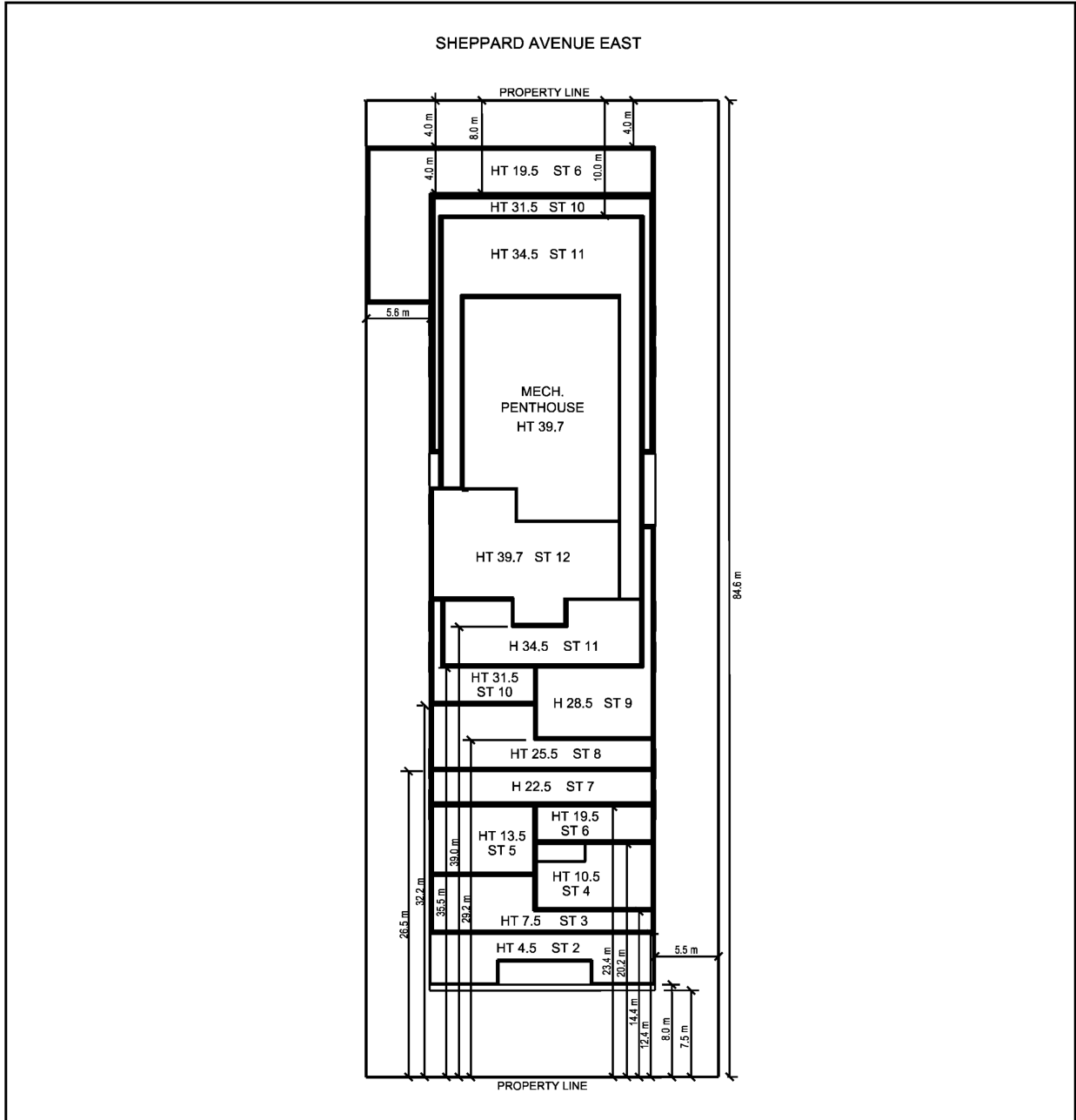
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 **TORONTO**
Diagram 6

699 Sheppard Avenue East

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699 Sheppard Avenue East

Diagram 7

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City of Toronto By-Law 569-2013
Not to Scale
06/01/2021