

Authority: Ontario Municipal Board Decision/Order issued on August 17, 2016 in Board File PL150586

CITY OF TORONTO

BY-LAW 1119-2017(OMB)

To amend former City of Scarborough Sullivan Community Zoning By-law 10717, as amended, with respect to the lands municipally known as 3105-3133 Sheppard Avenue East.

Whereas the owner of the lands shown on Schedule 1 attached applied for a zoning by-law amendment for the development of the lands shown on Schedule 1 attached and appealed that application to the Ontario Municipal Board; and

Whereas pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c. P.13, as amended, the council of a Municipality, and the Ontario Municipal Board on appeal, may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, 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 lands elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with such facilities, services or matters; and

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

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law 10717 of the Sullivan Community is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner and the City of Toronto (hereinafter referred to as the "City");

Pursuant to the Decision/Order of the Ontario Municipal Board issued on August 17, 2016, in Board Case PL150586, By-law 10717 of the Sullivan Community, of the former City of Scarborough, as amended, is further amended as follows:

1. SCHEDULE "A" of the Sullivan Community Zoning By-law 10717, as amended, is further amended by deleting the current zoning for the lands known as 3105 to 3133 Sheppard Avenue East and replacing it with the following Schedule '1' so that the amended zoning shall read as follows:

CR – 131 – 134 – 135 – 142 – 143 – 144 – 214 - 314 – 321 – 338 - 451 – 453 - 478

2. SCHEDULE "B" PERFORMANCE STANDARDS CHART, is amended by adding the following performance standards:

INTENSITY OF USE

214. Gross floor area, building height and number of dwelling units shall be provided as follows:

- (a) **Gross Floor Area** means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
 - (i) indoor amenity space;
 - (ii) parking, loading and bicycle parking below established grade;
 - (iii) parking, loading and bicycle parking at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building;
- (b) Maximum **gross floor area** covered by this By-law, as shown on Schedule 'I' attached hereto shall be in accordance with the following:
 - (i) 4.65 times the gross area of the entire parcel;
 - (ii) residential uses shall not exceed 21,770 square metres; and
 - (iii) non-residential uses shall not exceed 1,337 square metres;
- (c) Maximum gross floor area shall be based on the entire parcel covered by this By-law, as shown on Schedule 'I' attached hereto;
- (d) Maximum 18 **storeys** or 59.5 metres in **height**, whichever is lesser, excluding **basements**, rooftop equipment and associated structures, appurtenances for green roofs as well as indoor and outdoor **amenity space** and a mechanical penthouse;
- (e) **Height** shall be measured from **Established Grade**;

- (f) **Established Grade** shall be 182.08 metres CGD (Canadian Geodatic Datum); and
- (g) Maximum 280 **dwelling units**, of which, a minimum 12 **dwelling units** shall be 3-bedroom **dwelling units** or larger.

BUILDING SETBACKS

338. Building **setbacks** shall be provided as follows:

- (a) Minimum building **setback** of 3.0 metres from the north property line to the first through seventh **storeys** above grade. Balconies shall not project more than 1.5 metres into this **setback** and shall not be considered part of the **main wall**:
 - (i) the total length of all balconies in (a) above shall not exceed 50 percent of the building face on each storey;
- (b) Minimum building **setback** of 4.5 metres from the north property line to the eighth through eighteenth **storeys** above grade. Balconies shall not project more than 0.75 metres into this **setback** and shall not be considered part of the **main wall**;
- (c) Minimum building **setback** of 3.0 metres from the west property line to the first through eighteenth **storeys** above grade. Balconies shall not project more than 0.75 metres into this **setback** and shall not be considered part of the **main wall**:
 - (i) the total length of all balconies on the first through seventh **storeys** above grade shall not exceed 50 percent of the building face on each storey;
- (d) Each **storey** from the first through seventh **storeys** above grade, including balconies, terraces and canopies on the south building face shall not exceed a 45-degree angular plane measured from the **established grade** along the **rear lot line**:
 - (i) notwithstanding (d) above, railings and parapets can penetrate into the 45-degree angular plane;
- (e) Minimum building **setback** of 24.1 metres from the south property line to the eighth through eighteenth **storeys** above grade. Balconies shall not project more than 1.5 metres into this **setback** and shall not be considered part of the **main wall**;
- (f) Minimum building **setback** of 4.5 metres from the east property line to the first through seventh **storeys** above grade. Balconies shall not project

more than 0.75 metres into this **setback** and shall not be considered part of the **main wall**:

- (i) the total length of all balconies in (f) above shall not exceed 50 percent of the building face on each storey;
- (g) Minimum building **setback** of 50.4 metres from the east property line to the eighth through eighteenth **storeys** above grade. Balconies shall not project more than 0.75 metres into this **setback** and shall not be considered part of the **main wall**;
- (h) Maximum depth of all balconies shall be 1.5 metres:
 - (i) notwithstanding (h) above, a maximum balcony depth of 1.8 metres shall be permitted along the north face of the building at or below a height of 24.0 metres or seven **storeys**, whichever is greater, provided that the balcony projection is not more than 0.75 metres from the **main wall**;
- (i) Maximum length of all individual balconies above a height of 24.0 metres or seven **storeys**, whichever is lesser on the ninth through eighteenth storeys above grade is 3.4 metres;
- (j) Notwithstanding (i) above, a maximum of one balcony is permitted along each of the north and south building faces on each **storey** shall have a maximum length of 6.4 metres;
- (k) A rooftop mechanical penthouse shall be provided as follows:
 - (i) a maximum area of 360 square metres;
 - (ii) a maximum height of 5.5 metres above the roof of the eighteenth **storey**, except that vents and chimneys may have a vertical projection of up to 6.7 metres above the roof of the eighteenth **storey**;
 - (iii) a setback from the **main wall** of the eighteenth **storey** closest to the Sheppard Avenue street line shall be a minimum of 5.0 metres;
 - (iv) a setback from the **main wall** of the eighteenth **storey** closest to the Pharmacy Avenue street line shall be a minimum of 5.0 metres;
 - (v) a setback from the **main wall** of the eighteenth **storey** closest to the south property line shall be a minimum of 5.0 metres; and
 - (vi) a setback from the **main wall** of the eighteenth **storey** closest to the east property line shall be a minimum of 5.0 metres;

- (l) Equipment and structures used for the functional operation of the building and not located in the area identified in (k) above may exceed the maximum permitted height by 3.0 metres;
- (m) Canopies shall not project more than 2.0 metres into the **setback** areas and shall not be considered part of the **main wall**; and
- (n) Minimum building **setbacks** shall not apply to underground structures.

MISCELLANEOUS

142. **Amenity Space** shall be provided at a minimum rate of 4.0 square metres per **dwelling unit** on the following basis:
- (a) a minimum of 2.0 square metres per **dwelling unit** shall be for indoor **amenity space**.
143. The maximum floor plate of each storey above the seventh **storey** shall be 750 square metres, which shall include the total built area measured from the exterior of the **main walls** at each floor.
144. Minimum floor to floor **height** of the **first floor** shall be 5.3 metres.

PARKING

453. Parking shall be provided at the following rates:
- (a) For non-residential uses: Minimum 1.0 **parking space** per 100 square metres of non-residential **gross floor area**, except that:
 - (i) for education and bank uses a minimum of 2.0 **parking spaces** per 100 square metres of non-residential **gross floor area** shall be provided; and
 - (ii) for medical offices, a minimum of 1.5 **parking spaces** per 100 square metres of non-residential **gross floor area** shall be provided;
 - (b) Required visitor **parking spaces** and **parking spaces** for non-residential uses may be shared;
 - (c) A maximum of 29 at-grade **parking spaces** are permitted and shall not be located in the Sheppard Avenue East and Pharmacy Avenue street yards;
 - (d) The provisions of Clause VII, Subsection 1.1, Table of Required Parking Rates shall not apply; and

- (e) The provisions of Clause VII, Subsection 2.1.4, Garages, Carports and Other Accessory Buildings shall not apply.

BICYCLE PARKING

478. **Bicycle parking spaces** shall be provided at a rate of:

- (a) 0.68 long-term **bicycle parking spaces** for each **dwelling unit**;
- (b) 0.07 short-term **bicycle parking spaces** for each **dwelling unit**;
- (c) 0.13 long-term **bicycle parking spaces** for each 100 square metres of non-residential gross floor area;
- (d) 3 short-term **bicycle parking spaces**, plus 0.25 short-term **bicycle parking spaces** for each 100 square metres of non-residential gross floor area and where;
- (e) Meaning of long-term **bicycle parking spaces** and short-term **bicycle parking spaces**:

(1) the terms "long-term" **bicycle parking space** and "short-term" **bicycle parking space** have the following meaning:

(A) "long-term" **bicycle parking spaces** are **bicycle parking spaces** for use by the occupants or tenants of a **building**;
and

(B) "short-term" **bicycle parking spaces** are **bicycle parking spaces** for use by visitors to a **building**;

(2) Bicycle Parking Space Dimensions

A **bicycle parking space** must comply with the following:

(A) The minimum dimension of a **bicycle parking space** is:

(i) minimum length of 1.8 metres;

(ii) minimum width of 0.6 metres; and

(iii) minimum vertical clearance from the ground of 1.9 metres;

(B) The minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:

- (i) minimum length or vertical clearance of 1.9 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.2 metres;
- (C) The following minimum dimensions shall apply to a **stacked bicycle parking space**:
- (i) minimum length of 1.65 metres;
 - (ii) minimum width of 0.45 metres;
 - (iii) minimum vertical clearance of 1.2 metres; and
 - (iv) minimum horizontal clearance from the wall; and of 1.2 metres;

(3) Vertical Clearance of a Bicycle Parking Area

An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:

- (A) 2.4 metres if it is a **stacked bicycle parking space**; and
- (B) 1.9 metres in all other cases;

(4) Long-Term Bicycle Parking Space Locational Requirement

"Long-term" **bicycle parking spaces** must be located in a **building**;

(5) Change and Shower Facilities

If a **building** has uses, other than **dwelling units**, for which a "long-term" **bicycle parking space** is required, shower and change facilities must be provided for each gender at the following rate:

- (A) None if less than 5 required "long-term" **bicycle parking spaces**;
- (B) 1 for 5 to 60 required "long-term" **bicycle parking spaces**;
- (C) 2 for 61 to 120 required "long-term" **bicycle parking spaces**;

(D) 3 for 121 to 180 required "long-term" **bicycle parking spaces**; and

(E) 4 for more than 180 required "long-term" **bicycle parking spaces**;

(6) Bicycle Parking Space Located with Use

A **bicycle parking space** must be on the same **lot** as the use for which it is required;

(7) Long Term Bicycle Parking Space Location

(A) Required "long-term" **bicycle parking space** for uses other than **dwelling units** may be located:

(i) on the first **storey** of the **building**;

(ii) on the second **storey** of the **building**; and

(iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided.;

(8) Bicycle Parking Space - Storage Location

A "long-term" **bicycle parking space** for a **dwelling unit** in an **apartment building** may not be:

(A) in a **dwelling unit**;

(B) on a balcony; or

(C) in a storage locker;

(9) Location Relative to Building Entrance

A "short-term" **bicycle parking space** must be located in a bicycle parking area at grade within 35.0 metres from a pedestrian entrance to the **building** on the **lot**.

(10) Stacked Bicycle Parking Spaces

A "long-term" **bicycle parking space** may be located in a **stacked bicycle parking space**.

(11) Gross Floor Area Exclusions for Bicycle Parking Space Calculations

To calculate **bicycle parking space** requirements for other than **dwelling units**, the **gross floor area** of a **building** is reduced by the area 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, mechanical and ventilation rooms in the **basement**;
- (D) shower and change facilities required by this By-law for required **bicycle parking spaces**;
- (E) elevator shafts;
- (F) mechanical penthouse; or
- (G) exit stairwells in the **building**.

3. SCHEDULE "C" of the Sullivan Community Zoning By-law 10717, **EXCEPTIONS LIST**, is amended as follows:

19. On those lands identified as Exception No. 19 on the accompanying Schedule "C", the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Apartment Building**
- **Personal Service Shops**
- Restaurants
- Retail Stores
- Business and Professional Offices
- Banks
- Financial Institutions
- Educational and Training Facilities
- Massage Therapy
- Medical Offices
- Performing Arts Studio
- Ambulance Depot
- Fire Hall
- Police Station
- Art Gallery
- Artist Studio

- Community Centre
- **Custom Workshop**
- Day Nursery
- Home Occupation
- Library
- Production Studio
- Private Home Daycare
- Public Utility
- Recreation Use
- Renewable Energy
- **Service Shop**
- Transportation Use

- (b) For the purposes of (a), custom workshop shall mean premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass production;
- (c) For the purposes of (a), **service shop** shall mean premises used for servicing, repairing or refurbishing goods, other than **vehicles**. A **personal service shop** is not a service shop;
- (d) **Personal Service Shops**, Restaurants, Retail Stores, Business and Professional Offices, Banks, Financial Institutions, Educational and Training Facilities, Massage Therapy, Medical Offices, Performing Arts Studios, Ambulance Depots, Fire Halls, Police Stations, Art Galleries, Artist Studios, Community Centres, Custom Workshops, Day Nurseries, Libraries, Production Studios, Public Utilities, Recreation Uses, Renewable Energy, Service Shops and Transportation Uses shall only be permitted in the first storey of an **apartment building**; and
- (e) A maximum of 1,337 square metres of **gross floor area** shall be used for **Personal Service Shops**, Restaurants, Retail Stores, Business and Professional Offices, Banks, Financial Institutions, Educational and Training Facilities, Massage Therapy, Medical Offices, Performing Arts Studios, Ambulance Depots, Fire Halls, Police Stations, Art Galleries, Artist Studios, Community Centres, Custom Workshops, Day Nurseries, Libraries, Production Studios, Public Utilities, Recreation Uses, Renewable Energy, Service Shops and Transportation Uses.

4. SCHEDULE "C" of the Sullivan Community Zoning By-law 10717, **EXCEPTION MAP** and **EXCEPTIONS LIST**, is amended by adding Exception Number 43 to the lands shown as Schedule '2' as follows:

43. On those lands identified as Exception No. 43 on Schedule "C", the following provisions apply:

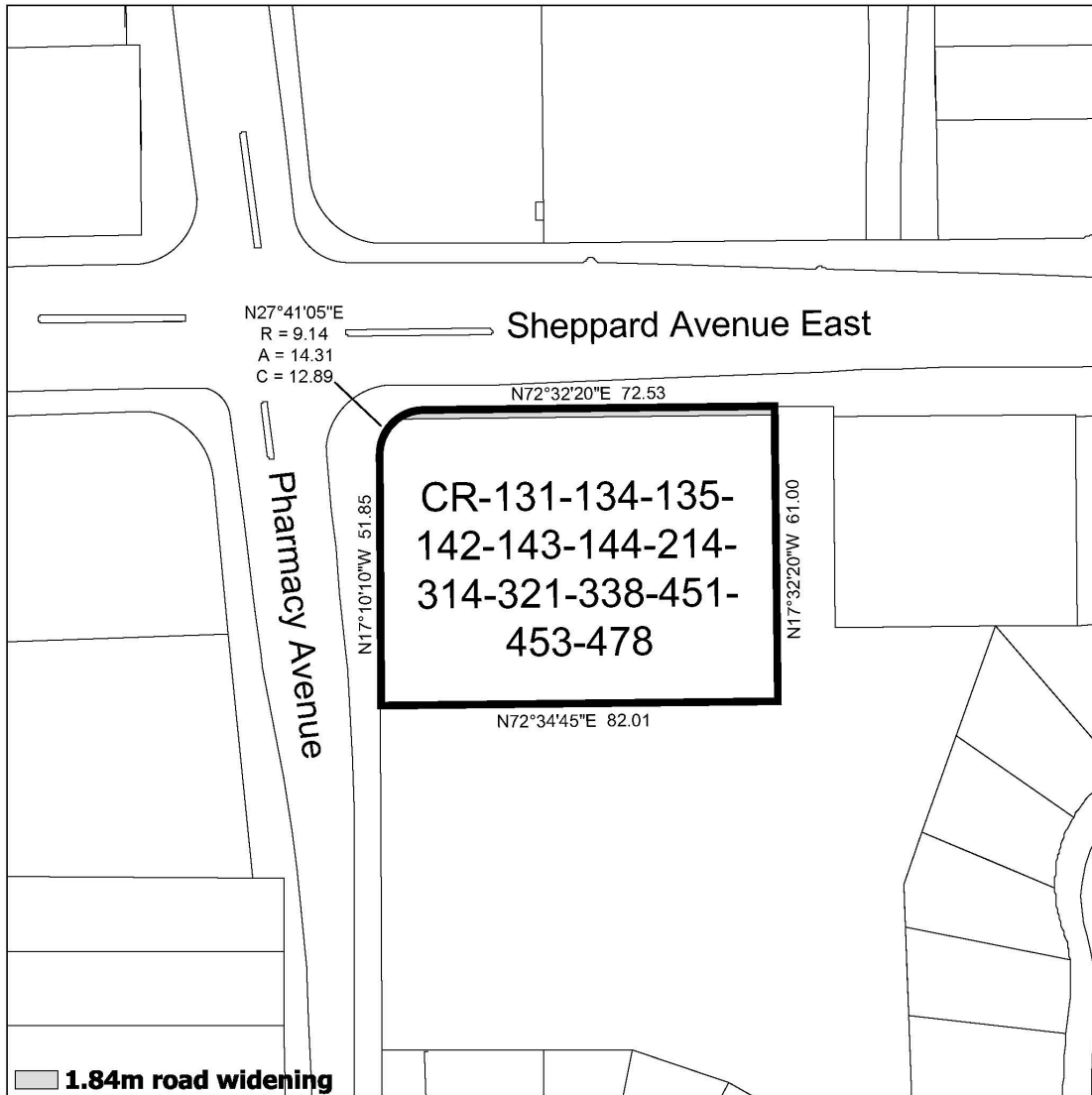
Pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and subject to compliance with the provisions of this By-law, the increase in height

and density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense:

- (1) The Owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title and to the satisfaction of the City Solicitor, to secure the following:
 - (i) \$650,000 payable prior to issuance of the first above grade building permit, to be used at the discretion of the Chief Planner and Executive Director of City Planning Division, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Ontario Municipal Board Decision/Order issued on August 17, 2016 in Board File PL150586

SCHEDULE '1'



3105-3133 Sheppard Avenue East

Zoning By-Law Amendment

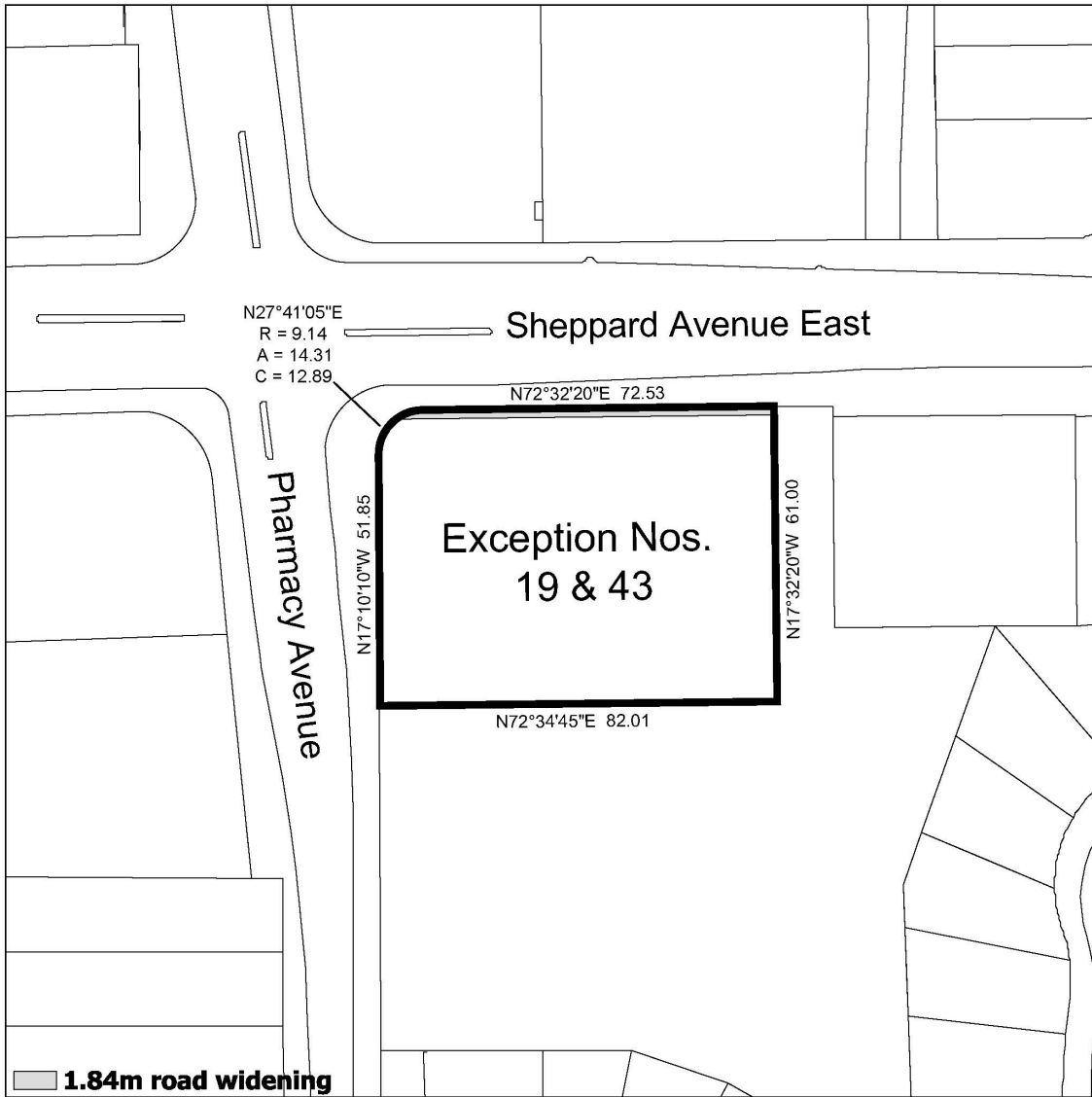
File # _____

 Area Affected By This By-law



Not to Scale

SCHEDULE '2'



3105-3133 Sheppard Avenue East

Zoning By-Law Amendment

File # _____

 Area Affected By This By-law



Not to Scale