

Authority: North York Community Council Item NY8.11, adopted as amended by City of Toronto Council on November 8 and 9, 2023; and MM17.19, by Councillor Shelley Carroll, seconded by Councillor Chris Moise, as adopted by City of Toronto Council on April 17, 18 and 19, 2024

CITY OF TORONTO

Bill 398

BY-LAW -2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 2135 Sheppard Avenue East.

Whereas Council of the City of Toronto has the authority 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, as amended; 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas the Ontario Municipal Board in its orders issued on October 28, 2014, December 8, 2015 and November 8, 2016, amended By-law 7625, as amended, being By-law 1182-2016(OMB) which is a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; 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 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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 has elected to provide certain facilities, services and matters in return for

certain increases in density and height as set out in the Zoning by-law Amendment herein in addition to those secured through By-law 7625, as amended; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 1182-2016(OMB), as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

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, as amended, 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 990.1, and applying the following zone label to these lands: CR 1.0 (c1.0; r0.0) SS2 (x907) and "OR", 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: PA4, 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 the following height and storey label to these lands: HT 11.0, ST 3.0, as shown on Diagram 4 attached to this By-law.
6. 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.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 907 so that it reads:

(907) Exception CR (907)

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 lands municipally known as 2135 Sheppard Avenue East, if the requirements

- of By-law [**Clerks to insert By-law number**] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (AA) below;
- (B) For the purpose of this exception, mechanical penthouse and mezzanine levels are not considered a **storey**, and a mezzanine is defined as one floor level situated immediately above the first floor, which is contiguous with a residential use on the first floor;
- (C) Despite regulations [40.5.40.10(1) and (2)], the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 173.75 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **mixed use building** on the lot;
- (E) The provision of dwelling units must comply with the following:
- (i) The maximum number of **dwelling units** permitted is 279;
 - (ii) A minimum of 30 percent of the total number of **dwelling units** on the lot must contain two-bedrooms, with a minimum of 25 percent of these two-bedroom units having a minimum size of 87 square metres of gross floor area; and
 - (iii) A minimum of 10 percent of the total number of **dwelling units** on the lot must contain three-bedrooms or more than three-bedrooms, with a minimum of 30 percent of these three-bedroom or more than three-bedroom units having a minimum size of 100 square metres of gross floor area.
- (F) Clause 40.10.30.40, regarding permitted maximum **lot coverage**, does not apply;
- (G) Despite regulation [40.10.40.1(1)], residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building** provided they are located on or below the second **storey**;
- (H) 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 Diagram 5 of By-law [**Clerks to insert By-law number**];
- (I) Despite regulation [40.10.40.10(5)], the required minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 5.7 metres;
- (J) 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 Diagram 5 of By-law [**Clerks to insert By-law number**];

- (K) Despite regulations [40.5.40.10(3) to (8) and ([J)] above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law [**Clerks to insert By-law number**]:
- (i) equipment used for the functional operation of the **building** including mechanical penthouse, mechanical penthouse and equipment enclosures, elevator shafts, overruns and machine rooms, telecommunications equipment, electrical, utility, mechanical and ventilation equipment, cooling tower, roof access, maintenance equipment storage, lightning rods, to a maximum of 6.5 metres;
 - (ii) enclosed stairwells, garbage chute overruns, chimneys, and vents, air shafts, exhaust flues, wind and privacy screens, **building** maintenance and safety units and window washing equipment, structural/non-structural architectural columns/piers, ornamental elements, to a maximum of 5.0 metres;
 - (iii) architectural features, parapets, roof drainage components, **green roofs** and thermal and waterproofing assembly, to a maximum of 2.5 metres;
 - (iv) balcony and terrace guards, dividers, railings, guard rails, divider screens on a balcony and/or terrace, to a maximum of 3.0 metres;
 - (v) planters and **landscaping** features, to a maximum of 1.5 metres; and
 - (vi) trellises and pergolas, to a maximum of 4.0 metres.
- (L) Despite regulation [40.10.40.40(1)], the permitted maximum **gross floor area** of all **buildings** and **structures** is 24,100 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 21,044.5 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 3,055.5 square metres, of which a minimum of 1,858 square metres is required on the first **storey**;
- (M) On the first **storey**, the only non-residential uses that are permitted are the following, subject to conditions found in regulation 40.10.20.20 and clause 40.10.20.100:
- (i) **Art Gallery**
 - (ii) **Automated Banking Machine**
 - (iii) **Club**
 - (iv) **Community Centre**

- (v) **Day Nursery**
 - (vi) **Eating Establishment**
 - (vii) **Entertainment Place of Assembly**
 - (viii) **Financial Institution**
 - (ix) Library
 - (x) Medical Office
 - (xi) **Museum**
 - (xii) **Performing Arts Studio**
 - (xiii) **Personal Service Shop**
 - (xiv) **Pet Services**
 - (xv) **Recreation Use**
 - (xvi) **Retail Service**
 - (xvii) **Retail Store**
 - (xviii) **Service Shop**
 - (xix) **Sports Place of Assembly**
 - (xx) **Take-out Eating Establishment**
 - (xxi) **Veterinary Hospital**
- (N) Despite regulation [40.10.40.50(1) and (2)], **amenity space** must be provided at the following rate:
- (i) at least 1.5 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (ii) at least 1.5 square metres of outdoor **amenity space** for each **dwelling unit**.
- (O) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law [**Clerks to insert By-law number**];
- (P) Despite regulation 40.10.40.80 (2), the required separation of **main walls** are as shown in metres on Diagram 5 of By-law [**Clerks to insert By-law number**];

- (Q) Despite Clause [40.10.40.60] and (O) and (P) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, to a maximum extent of 3.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum extent of 1.0 metres;
 - (v) architectural features, such as a pilaster, a decorative column or cornice, sill, belt course, or chimney breast to a maximum extent of 1.0 metres;
 - (vi) eaves, to a maximum extent of 2.0 metres; and
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes, safety and wind protection/mitigation features, damper equipment to reduce **building** movement, and elements required for the functional operation of a **building**, to a maximum of 2.0 metres.
- (R) Despite Regulation 200.5.1.10(2), a maximum of 10 percent of the **parking spaces** may have minimum dimensions of:
- (i) length of 5.3 metres;
 - (ii) width of 2.4 metres; and
 - (iii) vertical clearance of 2.1 metres.
- (S) Despite regulation [200.5.1.10(2)(A)(iv)], 10 percent of the required **parking spaces** may be obstructed on one side 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**;
- (T) Despite (S) above, where a **parking space** is obstructed on both sides as described in regulation [200.5.1.10(2)(D)], an additional clearance of 0.3 metres for each side is required;
- (U) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.54 **parking spaces** for each **dwelling unit** for the use of residents of the **building**;
 - (ii) a minimum of 0.10 **parking spaces** for each **dwelling unit** for the use of

residential visitors to the **building**;

- (iii) a minimum of 1 **parking spaces** per 100 square metres of **gross floor area** for non-residential uses;
 - (iv) parking spaces for non-residential uses may also be used by residential visitors on a non-exclusive basis;
 - (v) a maximum of 0.9 **parking spaces** for each bachelor (up to 450 square metres) **dwelling unit** for the use of residents of the **building**;
 - (vi) a maximum of 1.3 **parking spaces** for each bachelor (more than 450 square metres) **dwelling unit** for the use of residents of the **building**;
 - (vii) a maximum of 1.0 **parking spaces** for each 1-bedroom **dwelling unit** for the use of residents of the **building**;
 - (viii) a maximum of 1.3 **parking spaces** for each 2-bedroom **dwelling unit** for the use of residents of the **building**;
 - (ix) a maximum of 1.5 **parking spaces** for each **dwelling unit** containing 3 bedrooms or more, for the use of residents of the **building**; and
 - (x) a maximum of 4.0 **parking spaces** per 100 square metres of **gross floor area** for non-residential uses.
- (V) Despite Article 200.15.1:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) a length of 5.6 metres;
 - (b) a width of 3.4 metres; and
 - (c) a vertical clearance of 2.1 metres.
 - (ii) an accessible **parking space** that is adjacent and parallel to a **drive aisle** from which **vehicle** access is provided must have the following minimum dimensions:
 - (a) a length of 7.1 metres;
 - (b) a width of 2.6 metres; and
 - (c) a vertical clearance of 2.1 metres.
 - (iii) the entire length of an accessible **parking space** must be adjacent to a 1.5

metre wide accessible barrier free aisle or path; and

- (iv) accessible **parking spaces** are required to be within 20 metres of a barrier free entrance to the **building** and passenger elevator that provides access to the first **storey** of the **building**.
- (W) Despite regulation [230.5.1.10(4)(A)], the required minimum dimensions of a **bicycle parking space** is:
 - (i) length of 1.6 metres;
 - (ii) width of 0.3 metres; and
 - (iii) vertical clearance of 1.9 metres.
- (X) Despite regulation [230.5.1.10(4)(A)(ii)], the required minimum dimensions of a **stacked bicycle parking space** are:
 - (i) length of 1.6 metres;
 - (ii) width of 0.3 metres; and
 - (iii) vertical clearance of 1.1 metres.
- (Y) Despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.13 "long term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for non-residential uses on the **lot**; and
 - (ii) 3 "short-term" **bicycle parking spaces** plus 0.25 **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses on the **lot**;
- (Z) Despite regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**; and
- (AA) Despite Regulation 220.5.10.1 a minimum of one Type "G" **loading space** and a minimum of one Type "B" **loading space** must be provided on the **lot**.

Prevailing By-laws and Prevailing Sections: None Apply

8. Temporary Use(s):

- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of temporary sales centre on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect.

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
10. Section 37 Provisions
- (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 came into force, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted in By-law 7625, as amended, 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 certain facilities, services and matters set out in Schedule A hereof and as such 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied; and
- (D) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (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 to secure the community benefits above.

Enacted and passed on April , 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

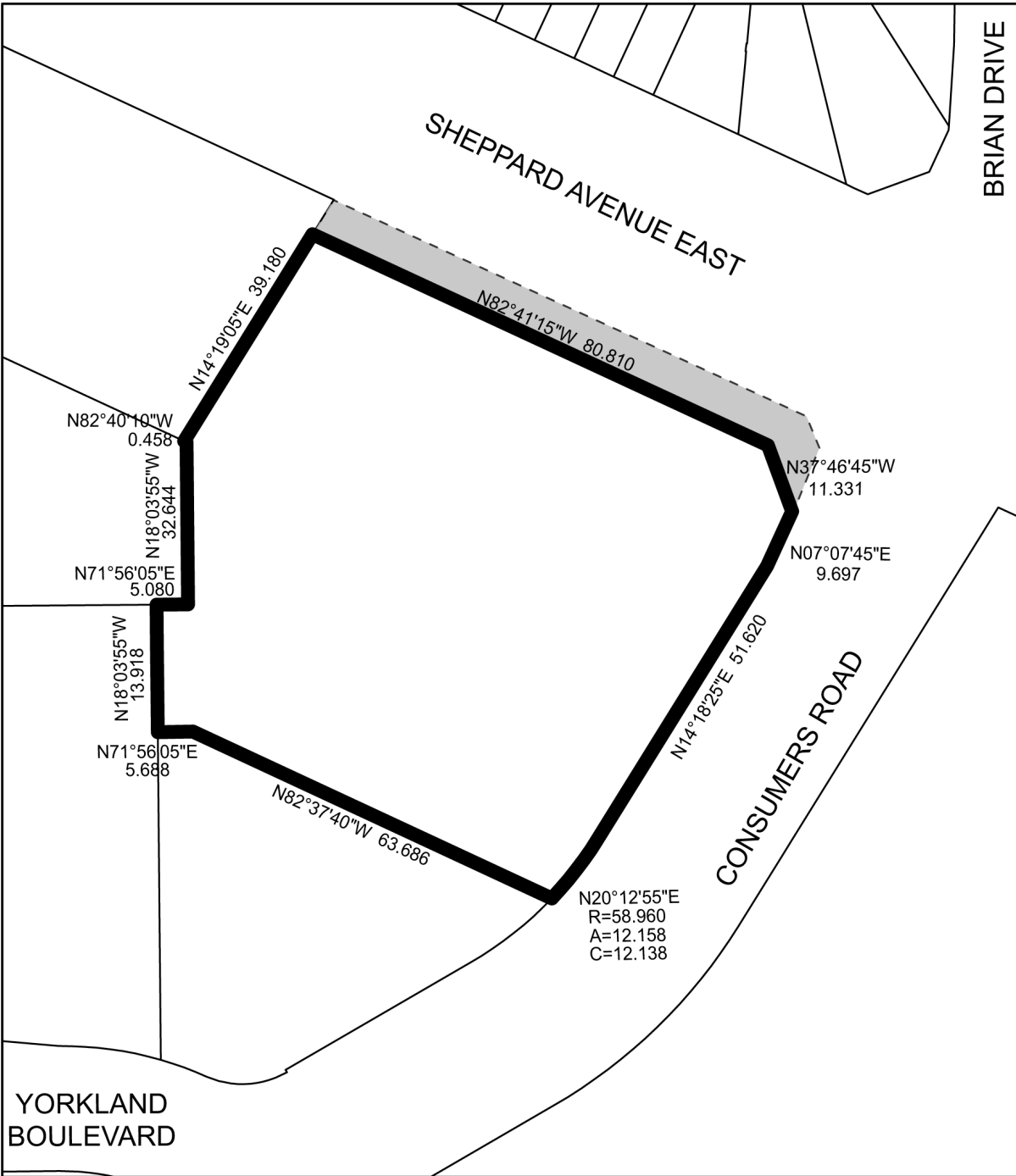
(Seal of the City)

SCHEDULE A
Section 37 Provisions

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 came into force, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out therein provides for the following, in addition to the benefits secured by By-law 1182-2016(OMB) on the lands:

- (i) the owner shall provide a cash contribution prior to the issuance of the first above-grade building permit for the first building to be erected on the site in the amount of \$1,350,000.00 for community and recreational facility improvements, including the Toronto Public Library, within the vicinity of the lands.

Diagram 1



 **TORONTO**
Diagram 1

2135 Sheppard Avenue East

File # 22 110192 NNY 17 OZ
File # 21 193763 NNY 17 OZ

 Road Widening



City of Toronto By-law 569-2013
Not to Scale
11/01/2023

Diagram 2

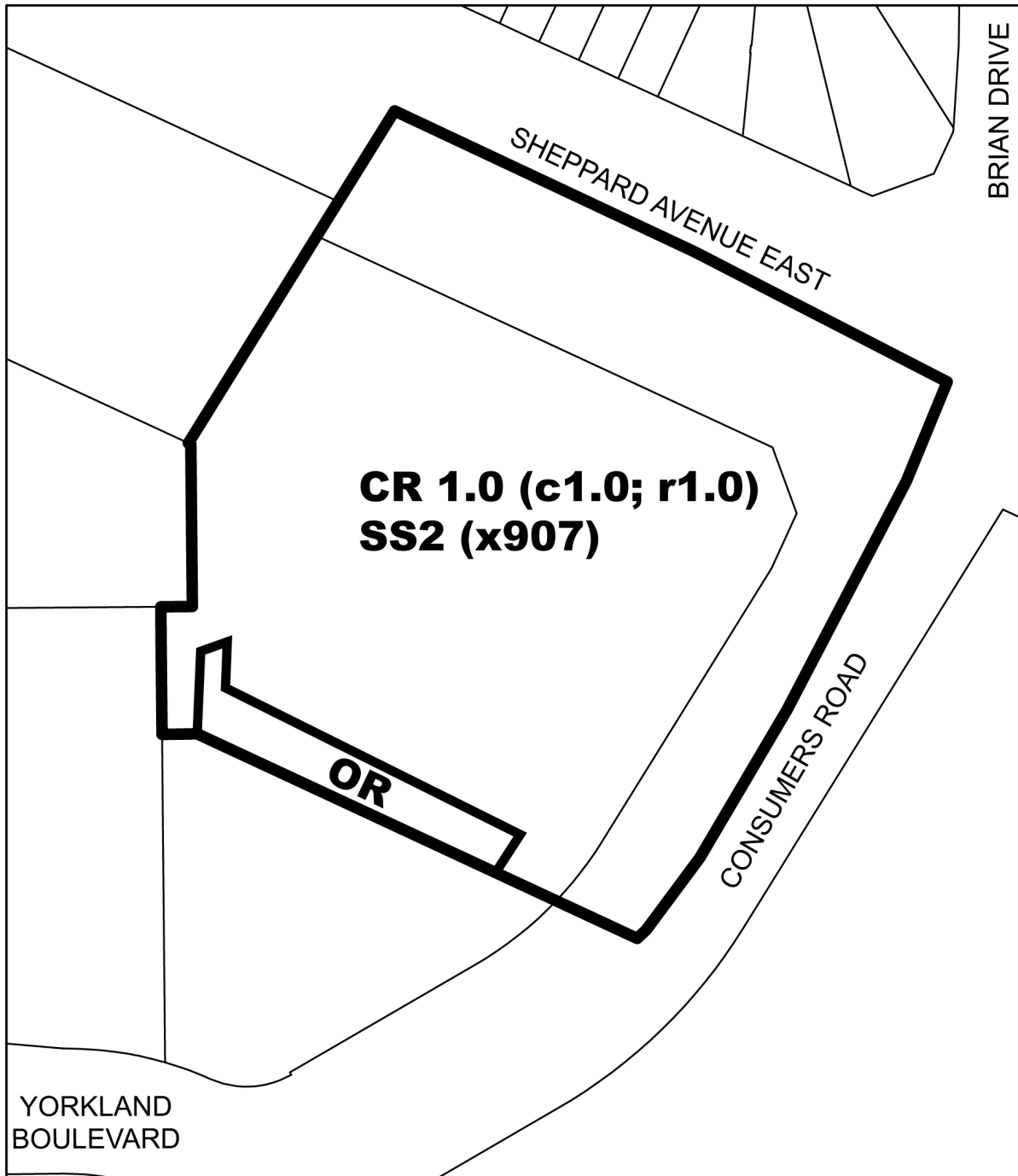
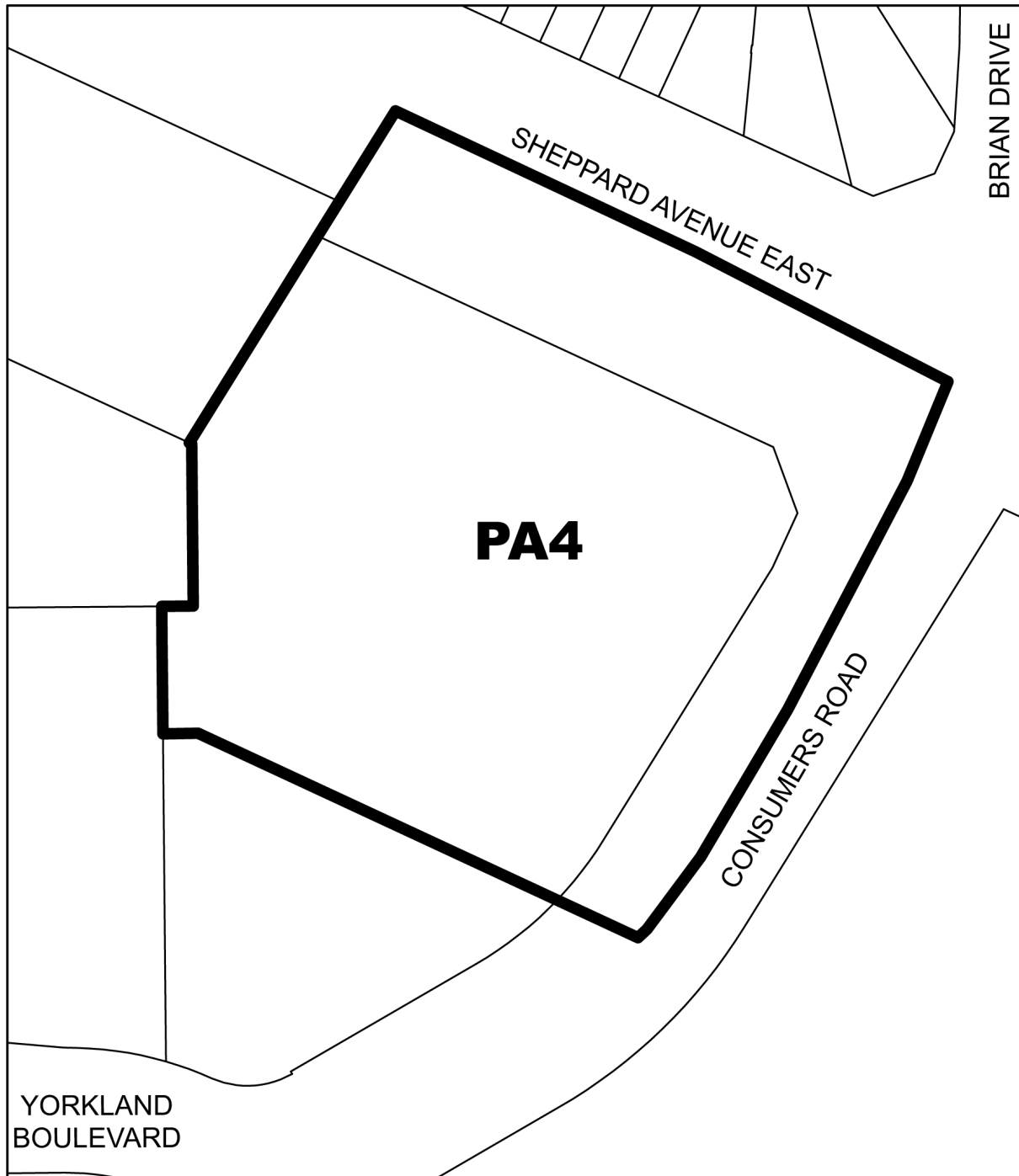


Diagram 3

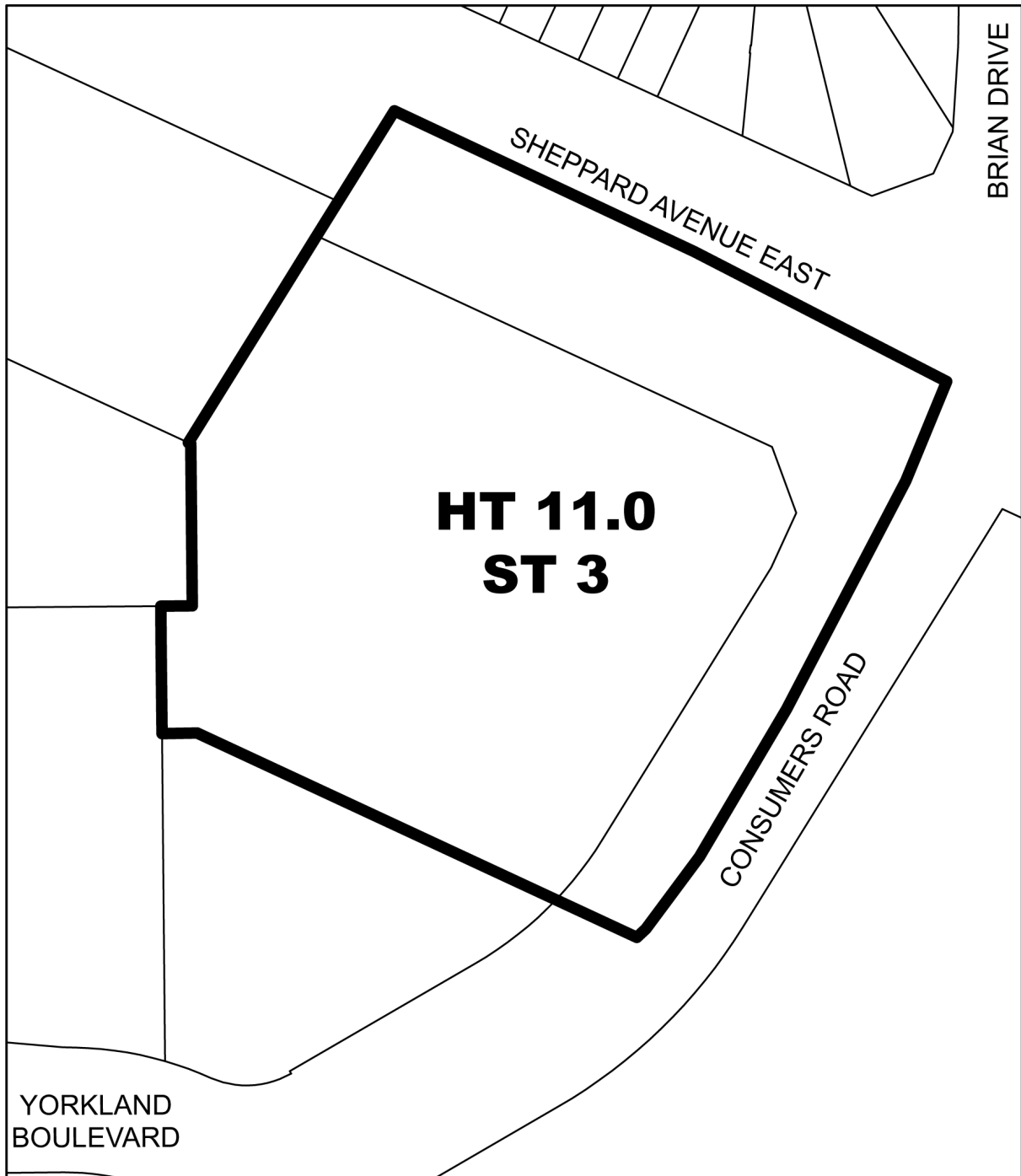


 **TORONTO**
Diagram 3

2135 Sheppard Avenue East

File # 22 110192 NNY 17 OZ
File # 21 193763 NNY 17 OZ

Diagram 4



 **TORONTO**
Diagram 4

2135 Sheppard Avenue East

File # 22 110192 NNY 17 0Z
File # 21 193763 NNY 17 0Z

Diagram 5

