

Authority: Scarborough Community Council Item 33.20,
as adopted by City of Toronto Council on July 8, 9, 10 and 11, 2014

CITY OF TORONTO

BY-LAW No. 999-2014

To amend former City of Scarborough Sullivan Community Zoning By-law No. 10717, as amended, with respect to the lands municipally known as 2933 Sheppard Avenue East.

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 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 the Official Plan for the City of Toronto contains such 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 or density of development beyond those otherwise permitted in the by-law and that will be permitted in return for the provision of such facilities, services or matter 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, a 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 facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted on the aforesaid lands by By-law No. 10717, 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 of more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. **SCHEDULE 'A'** of the Sullivan Community Zoning By-law No. 10717 is amended by deleting the current zoning provision of the lands known as 2933 Sheppard Avenue East and replacing them with the following provisions as shown on Schedule '1' attached:

CR-138-139-140-141-213-337-452-475

2. **SCHEDULE 'B' PERFORMANCE STANDARD CHART**, is amended by adding the following performance standards:

INTENSITY OF USE

213. i) Maximum **gross floor area** of 4.1 times the lot area.

- ii) Maximum 179 **dwelling units**.
- iii) A minimum of 280 square metres and a maximum of 300 square metres of **gross floor area** shall be used for retail store, **personal service shop** Business and Professional Offices and/or restaurant uses.
- iv) Maximum 18 **storeys** and 52 metres in height, not including **basements** and a 5.7 metre mechanical penthouse.
- v) A 5.7 metre mechanical penthouse shall be permitted in addition to the permitted **height**, not exceeding the 45 degree angular plane from the south property line.
- vi) Maximum building **coverage** of 44%.

BUILDING SETBACKS

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

- i) Minimum building **setback** of 3.0 metres from the north property line to the first through fifth **storeys** above grade. Balconies on the second **storey** may project a maximum of 2.0 metres into this **setback** and shall not be considered part of the **main wall**. Balconies on the 3rd to 5th **storeys** may project a maximum of 0.6 metres into this **setback**.
- ii) Minimum building **setback** of 6.0 metres from the north property line to the 6th through 16th **storeys** above grade. Balconies on the sixth **storey** may project a maximum of 4.0 metres into this **setback** and shall not be considered part of the **main wall**. Balconies on the 7th to 16th **storeys** may project a maximum of 0.6 metres into this **setback**.
- iii) Minimum building **setback** of 7.0 metres from the north property line to the 17th through 18th **storeys** above grade. Balconies may project a maximum of 0.6 metres into this **setback** and shall not be considered part of the **main wall**.
- iv) Minimum building **setback** of 20.0 metres from the south property line.
- v) Minimum building **setback** of 4.2 metres from the west property line for the ground floor **storey**. Above grade balconies may not project into this **setback**.
- vi) Minimum building **setback** of 7.0 metres from the west property line for the 2nd through 5th **storeys**. Above grade balconies may not project into this **setback**.

- vii) Minimum building **setback** of 10.5 metres from the west property line to the 6th through 18th **storeys**. Above grade balconies may not project into this **setback**.
- viii) Minimum building **setback** of 8.7 metres from the east property line for the ground floor **storey**. Above grade balconies may not project into this **setback**.
- ix) Minimum building **setback** of 7.5 metres from the east property line to the 2nd through 18th **storeys**. Balconies on the 2nd to 5th storeys may project a maximum of 2m into this **setback**. Balconies on 6th to 18th storeys may not project into this **setback**, except for those within 7 metre **setback** from Sheppard Avenue East street line, which may project a maximum of 0.25 metres into the 7.5 metre **setback** from the east property line.
- x) Minimum building **setbacks** shall not apply to underground structures.
- xi) The tower portion of the buildings shall not exceed a 45-degree **angular plane** from the south lot line.
- xii) The podium or base of the building shall not exceed the 45 degree **angular plane** of the east lot line where it abuts 52 and 54 Commons Drive.

MISCELLANEOUS

138. The provisions of Clause VI, Section 6. **Coverage**, shall not apply.
139. **Amenity Space** shall be provided as follows:
- i) Minimum indoor **amenity space** to be provided: 2.0 square metres per **dwelling unit**.
 - ii) Minimum outdoor **amenity space** and/or landscaped **amenity space** to be provided: 5.0 square metres per **dwelling unit**.
140. The floor to ceiling **height** of the ground floor shall be a minimum of 4.8 metres.
141. 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 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, have been installed and are operational.

PARKING

452. Parking shall be provided at the following rates:

- i) Bachelor 0.7 spaces/**dwelling unit**
1 Bedroom 0.8 spaces/**dwelling unit**
2 Bedroom 0.9 spaces/dwelling unit
3 Bedroom 1.1 spaces/**dwelling unit**
- ii) Minimum 0.15 **parking spaces** per **dwelling unit** shall be provided for visitors.
- iii) Retail Stores, **Personal Service Shops**, Business and Professional Offices and Restaurant: Minimum 1.0 parking spaces per 100 square metres **gross floor area**.
- iv) The provisions of Clause VII, Subsection 1.1, Table of Required Parking Rates shall not apply.
- v) The provisions of Clause VII, Subsection 2.1.4, Garages, Carports and Other Accessory Buildings shall not apply.

3. **SCHEDULE 'C', EXCEPTIONS LIST**, is amended by adding the following EXCEPTIONS to the lands as shown outlined on Schedule '2'.

39. On those lands identified as Exception 39 on Schedule "C", the following provisions shall apply:

- (a) Only the following uses shall be permitted:
 - **Apartment Building**
 - Business and Professional Offices
 - **Day Nurseries**
 - **Personal Service Shops**
 - Restaurants
 - Retail Stores
- (b) **Personal Service Shops**, Restaurants, Business and Professional Offices and Retail stores shall only be permitted on the ground floor of an **apartment building**.

40. On those lands identified as Exception 40 on Schedule "C", the following provisions shall apply:

- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lands is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule 3

hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the lands.

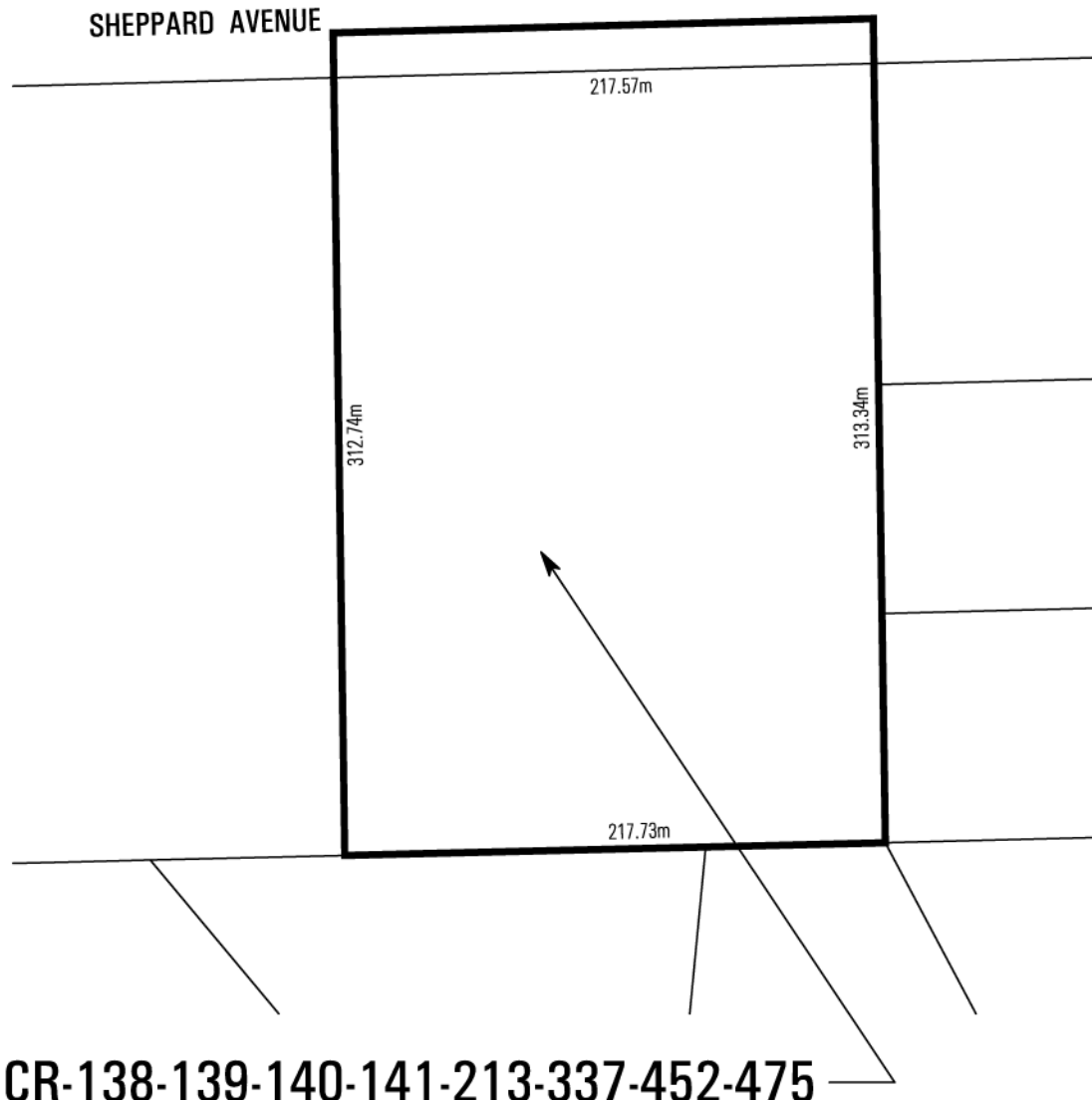
- (b) Where Schedule 3 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 3 are satisfied.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'

Zoning By-Law Amendment

2933 Sheppard Avenue East

File # 13 131300 ESC 40 OZ

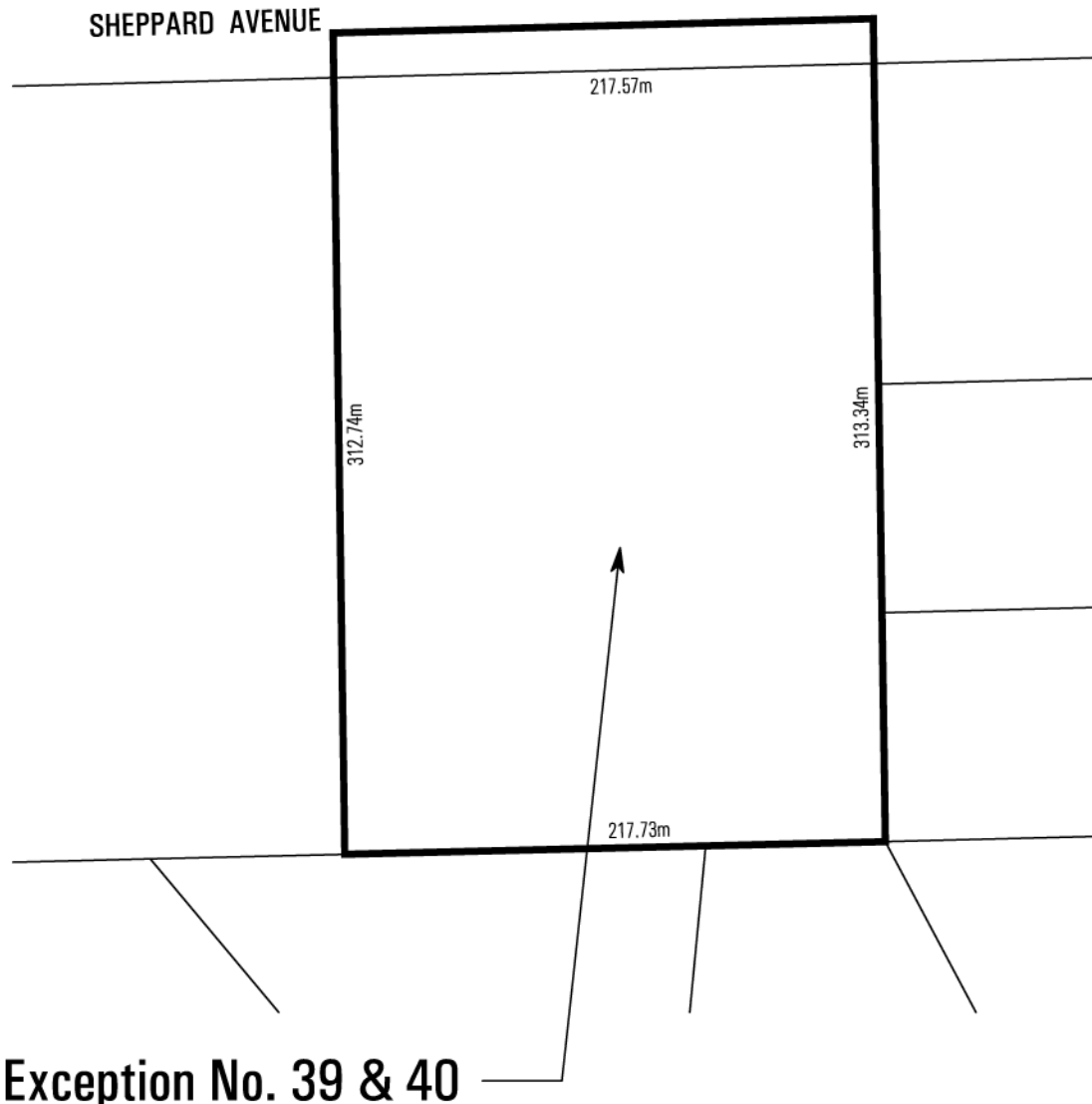


Area Affected By This By-Law

Sullivan Community By-law
Not to Scale
5/20/14



Schedule '2'



Schedule 3

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 lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

- (1) Prior to the issuance of the first above grade building permit, the Owner shall:
 - (i) Make a cash payment to the City of \$425,000.00, together with any increases to reflect increases in the Statistics Canada Residential Construction Price Index for Toronto from the date of the Section 37 agreement, towards capital improvements to Tam O'Shanter Park (\$240,000), and Scarden Park (\$185,000), or towards other capital facilities as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.
- (2) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - (i) A requirement that all offers and agreements of purchase and sale entered into shall include a warning clause advising of the potential future access restrictions to Sheppard Avenue East.
 - (ii) 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.
 - (iii) The Owner shall design and construct the building substantially in conformity with the architectural design identified on plans on file with the Chief Planner, prepared by Keith Loffler Architects, dated April 30, 2014, to the satisfaction of the Chief Planner, the further details of which, including exterior materials, will be refined on approved plans and drawings as part of any site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, and shall be further secured in any Site Plan Agreement with the City for the project.
 - (iv) The Owner agree to post and maintain signs on site and include warning clauses in all offers of purchase and sale advising purchasers of the status of local Toronto District School Board public school accommodation.
- (3) The Owner of the lands shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act*, which are registered on title to the lands by the City to secure the matters provided for in 1 and 2 above.