

Authority: Scarborough Community Council Item 33.21,
as adopted by City of Toronto Council on July 8, 9, 10 and 11, 2014

CITY OF TORONTO

BY-LAW No. 1002-2014

To amend former City of Scarborough Sullivan Community Zoning By-law No. 10717, as amended by By-law No. 129-2012, with respect to the lands municipally known as 3260 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*; 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 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 or 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, as amended, is further amended by deleting the current zoning, including removing the holding provision, for the lands known as 3260 Sheppard Avenue East (Pt Lot 33 Con 3 of the former City of Scarborough) and replacing it with the following provisions as shown on Schedule 'I' attached hereto and forming part of this By-law:

CR - 128A - 129A - 130A - 131 - 134 - 135A - 136A - 209A - 213 - 307 - 308 - 310 -
312A - 314 - 316A - 317A - 320A - 321 - 325 - 326 - 332A - 405A - 405B - 450 - 451A -
475A - 476

M - 132 - 134 - 135 - 207 - 207A - 209A - 213 - 310A - 311A - 312 - 323 - 324 - 332 - 402 - 451A - 475A

2. **CLAUSE V - INTERPRETATION (f) Definitions**, is amended by adding the following:

Bed sitting room

means a room used as separate living accommodation that:

- (a) Has a private entrance from a hallway inside a building; and
- (b) May have sanitary facilities but not food preparation facilities.

Community Centre

means premises operated by or on behalf of a government or **non-profit organization** providing community activities, such as arts, crafts, recreational, social, charitable and educational activities.

Non-profit organization

means:

- (a) A corporation without share capital to which the provisions of Part III of the *Corporations Act*, R.S.O. 1990, c.C.38, as amended, apply; or
- (b) A **non-profit organization**, a charitable organization or a registered charity, as those terms are defined in the *Income Tax Act*, R.S.C. 1985, Chapter 1 (5th Supp.), as amended.

Retirement Home

means premises used for semi-independent living accommodation for senior citizens primarily in **bed-sitting rooms**, with common dining and lounge areas.

Wellness centre

means premises providing services for therapeutic and wellness purposes.

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

MISCELLANEOUS

128A **Amenity Space** for buildings containing 20 or more **dwelling units** shall be provided at a minimum rate of 6.5 square metres for each **dwelling unit**, on the following basis:

- (a) A minimum of 4 square metres for each **dwelling unit** shall be indoor **amenity space** (including the **community centre**);
- (b) A minimum of 40.0 square metres shall be outdoor **amenity space** adjoining or directly accessible to the indoor **amenity space**; and

- (c) A minimum of 1.5 square metres of outdoor **amenity space** shall be provided within the base of the two 30-storey towers fronting on Sheppard Avenue East.
- 129A A mechanical penthouse shall cover no more than 70% of the roof area and extend no more than 8.0 metres in height above the roof of the uppermost floor, excluding a 3.8 metre elevator machine room on top of the east tower mechanical penthouse.
- 130A Minimum average floor to floor height of the **first floor** shall be 4.2 metres for that portion of a building within 15.0 metres of the Sheppard Avenue East **street** line.
- 135A Within the lands shown on Schedule '1' of this By-law, no person shall use any land or erect any building or structure, excepting all or any part of a building below grade and located within that part of the lands subject to Exception No. 41 shown on Schedule '2' attached to and forming part of this By-law, 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.
- 136A **Main Wall** length:
 - (a) On the Sheppard Avenue East frontage, length of the **main wall** of the first 10.5 metres of a buildings **height** facing a **street** shall be no less than 70% of the adjacent **street** line frontage or flankage.

INTENSITY OF USE

- 207A Minimum **Gross Floor Area** shall be 1.0 times the area of the lot or parcel.
- 209A Maximum **Gross Floor Area** shall be no more than 5.2 times the gross area of the entire parcel covered by this By-law, including both the CR and M zones, as shown on Schedule '1' attached hereto.
- 213 Maximum 805 **dwelling units** for the entire parcel covered by this By-law, including both the CR and M zones, as shown on Schedule '1' attached hereto.

BUILDING SETBACKS

- 310A Minimum building **setback** shall be 3.0 metres from all other **streets**, except minimum building **setback** shall be 1.0 metre from the north side of the temporary cul-de-sac easement, as referenced on 'Revised Draft Plan of Proposed

Subdivision", drawing number 0669-2-47dp, prepared by Bousfields, dated July 24, 2014, dated stamped by City Planning Division July 29, 2014.

- 311A Minimum **rear yard setback** to a rear building wall shall be 7.5 metres but this shall not apply to a **rear yard** deck not more than 1.0 metre above grade, for which a **rear yard setback** shall not be less than 5.0 metres.
- 312A Buildings, including the mechanical penthouse, shall not exceed a 45 degree **angular plane** from the lot line of an abutting "S" Zone.
- 316A For that portion of a building above 16.0 metres in **height**, buildings shall be setback:
- (a) A minimum of 3.0 metres from that portion of the building closest to the Sheppard Avenue East lot line; and
 - (b) A minimum of 1.0 metre from that portion of the building closest to the east and west lot lines.

For the purposes of this Performance Standard, the wall below 16.0 metres in **height** shall be no less than 70% in length of the overall length of the wall facing all **street** lines.

- 317A A building, including the mechanical penthouse, facing a **street** that forms the north lot line shall not exceed a 45 degree **angular plane** taken from a height along said lot line equal to 80% of the width of the **street** right-of-way.
- 320A Maximum building length for any one building shall not exceed 36.0 metres for that portion of the building above 32 metres in **height**, measured along the direction generally perpendicular to Sheppard Avenue East.

HEIGHT

- 332A The finished floor of **dwelling units** on the first floor of a building shall be located a maximum 0.9 metres above the average finished grade measured at the **street** line.
- 405A For buildings fronting the north side of Sheppard Avenue East, the east tower shall have a maximum **height** of 89 metres (30 **storeys**) and the west tower shall have a maximum **height** of 93 metres (30 **storeys**) excluding **basements**, roof top mechanical penthouses and structures and appurtenances for green roofs.
- 405B For buildings fronting the south side of any other **street**, the maximum **height** shall be 37 metres (11 **storeys**) excluding **basements**, roof top mechanical penthouses, and structures and appurtenances for green roofs as well as indoor and outdoor amenity.

PARKING

451A CLAUSE VII - GENERAL PARKING REGULATIONS FOR ALL ZONES, Subsection 1.1 Table of Required Parking Rates, shall not apply.

Minimum vehicle **parking spaces** as follows:

- (a) 0.6 **parking spaces** per bachelor/studio (up to 45 square metres) **dwelling unit**;
- (b) 0.7 **parking spaces** per one bedroom **dwelling unit**;
- (c) 0.9 **parking spaces** per two bedroom **dwelling unit**;
- (d) 1.1 **parking spaces** per three or more bedroom **dwelling unit**;
- (e) 1.0 **parking spaces** per **townhouse** unit; and
- (f) 0.2 **parking spaces** per **dwelling unit** for both visitors and non-residential uses.

Maximum vehicle **parking spaces** as follows:

- (a) 1.0 **parking spaces** per bachelor/studio (up to 45 square metres) **dwelling unit**;
- (b) 1.2 **parking spaces** per one bedroom **dwelling unit**;
- (c) 1.3 **parking spaces** per two bedroom **dwelling unit**;
- (d) 1.6 **parking spaces** per three or more bedroom **dwelling unit**;
- (e) 1.2 **parking spaces** per **townhouse** unit; and
- (f) 0.3 **parking spaces** per **dwelling unit** for both visitors and non-residential uses.

BICYCLE PARKING

475A **Bicycle parking spaces** shall be provided at a rate of:

- (a) 0.4 long term **bicycle parking spaces** for each **dwelling unit**;
- (b) 0.08 short term **bicycle parking spaces** for each **dwelling unit**; and where:
 - (i) long term bicycle parking are **bicycle parking spaces** for use by the occupants or tenants of a building and must be located in a secure, weather protected and enclosed bicycle parking area within 35.0 metres from a pedestrian entrance to the principal building on the lot; and
 - (ii) short term bicycle parking are **bicycle parking spaces** for use by visitors and non-residential users and shall be located in bicycle parking area at-grade within 35.0 metres from a pedestrian entrance to the principal building on the lot.

A **bicycle parking space** for a **dwelling unit** shall not be located:

- (a) In a **dwelling unit**;
- (b) On a balcony;
- (c) In a storage locker; or
- (d) In an area used for **ancillary** commercial space.

A **bicycle parking space** shall have the following dimensions:

- (a) If located in a horizontal position (on the ground):
 - minimum length of 1.8 metres;
 - minimum width of 0.6 metres;
 - minimum vertical clearance from the ground of 1.9 metres; and
- (b) If located in a vertical position (on the wall):
 - minimum length or vertical clearance of 1.9 metres;
 - minimum width of 0.6 metres;
 - minimum horizontal clearance from the wall of 1.2 metres.

4. **SCHEDULE 'C', EXCEPTIONS LIST** is amended by adding Exceptions 41 and 42 to the lands shown on Schedule '2' as follows:

41. On those lands identified as Exception 41 on Schedule 'C', the following provisions apply:

- (a) The following uses are also permitted:
community centre
retirement home
wellness centre

provided that:

community centre shall be a minimum of 1,900 square metres
retirement home shall consist of at least 30 bed sitting rooms
wellness centre and medical offices shall be a minimum of 1,100 square metres combined.

42. On those lands identified as Exception 42 on Schedule 'C', the following provisions apply:

- 1. 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 land contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters 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 land, to the satisfaction of the City Solicitor:

- (a) Prior to issuance of the first above-grade building permit for a building or structure on the lands the owner shall make a cash contribution to the City in the amount of \$975,000.00, to be directed towards capital improvements to the Agincourt District Branch of the Toronto Public Library which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment;
- (b) The owner shall construct and maintain the development in accordance with Tier 1 - required measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Planning and Growth Management Committee Item 32.3 and also in accordance with Tier 2 - voluntary measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Planning and Growth Management Committee Item 32.3 and further, shall provide the City with documentation of LEED registration and certification of the proposed development to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (c) The owner shall provide and maintain interim landscape works following completion of phase one (comprised of the two 30-**storey** towers and associated interior facilities), substantially in conformity with the landscape design identified on Phase One Landscape Masterplan, L1-d, prepared by NAK Design Group, dated April 24, 2014, to the satisfaction of the Chief Planner and Executive Director, the details of which will be refined on approved plans and drawings in the context of site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City;
- (d) Provision of the following matters in support of development at the owners expense:
 - (i) streetscape improvements to the right-of-way abutting the subject property, including but not limited to: TTC bus stop re-location, street lighting, pavers, street furniture and tree trench installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, the Executive Director, Transportation Services Division and the General Manager, Toronto Transit Commission which details shall be submitted for review and approval in the context of site plan approval pursuant to Section 114 of

the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended and secured in a Site Plan Agreement with the City; and

- (ii) Construction of required improvements to municipal infrastructure, both internal and external to the development, in connection with a Servicing and Stormwater Management Report, submitted to and accepted by the Executive Director of Engineering and Construction Services.
- 2. Where Exception 42, Section 1 above 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.
- 3. 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 Exception 42, Section 1 above are satisfied.
- 4. In the event the cash contribution referred to in Exception 42, Section 1(a) above has 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(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the land.

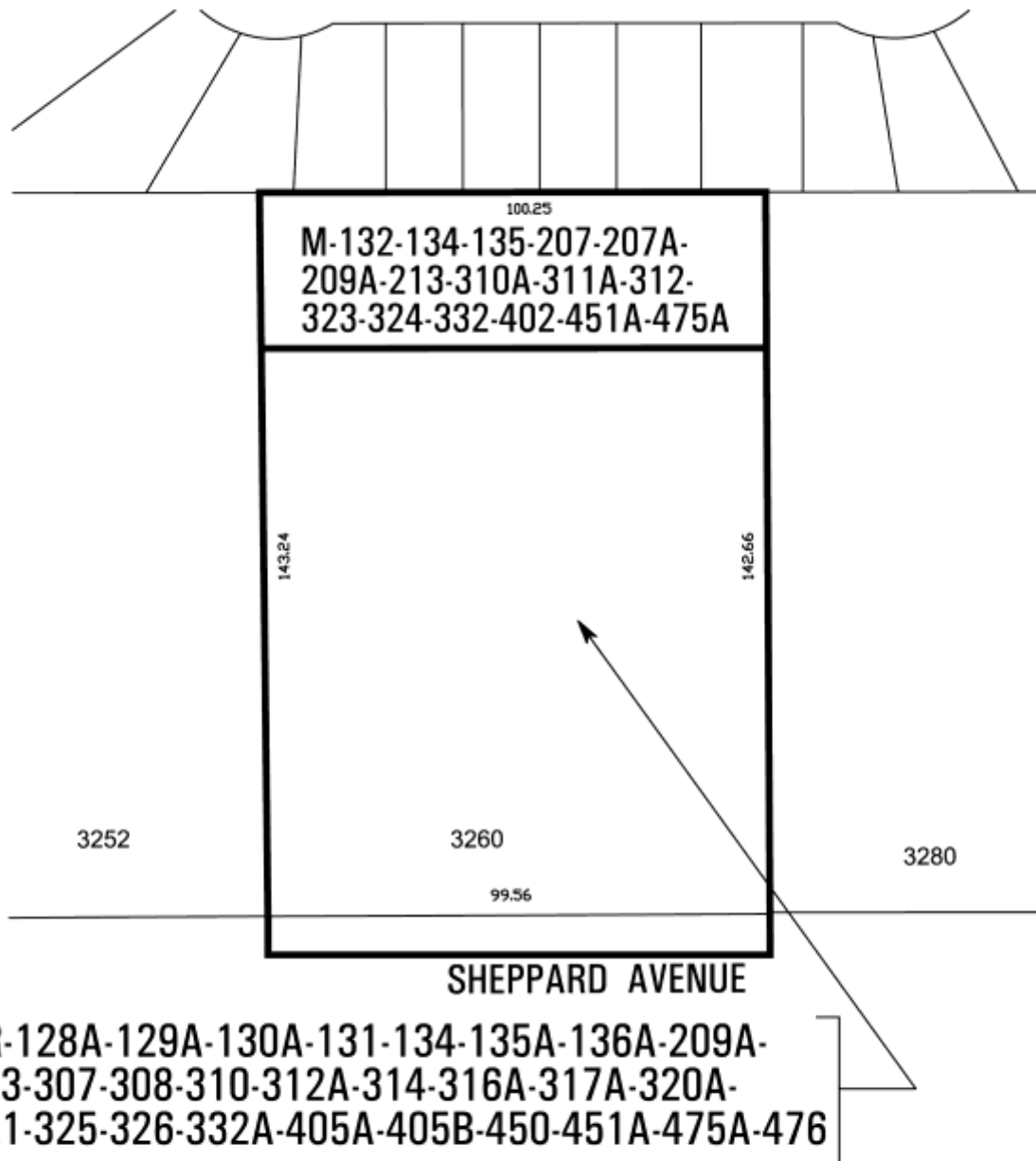
Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'



Zoning By-Law Amendment

3260 Sheppard Avenue East

File # 12 297629 ESC 40 SB, 13 240117 ESC 40 SA

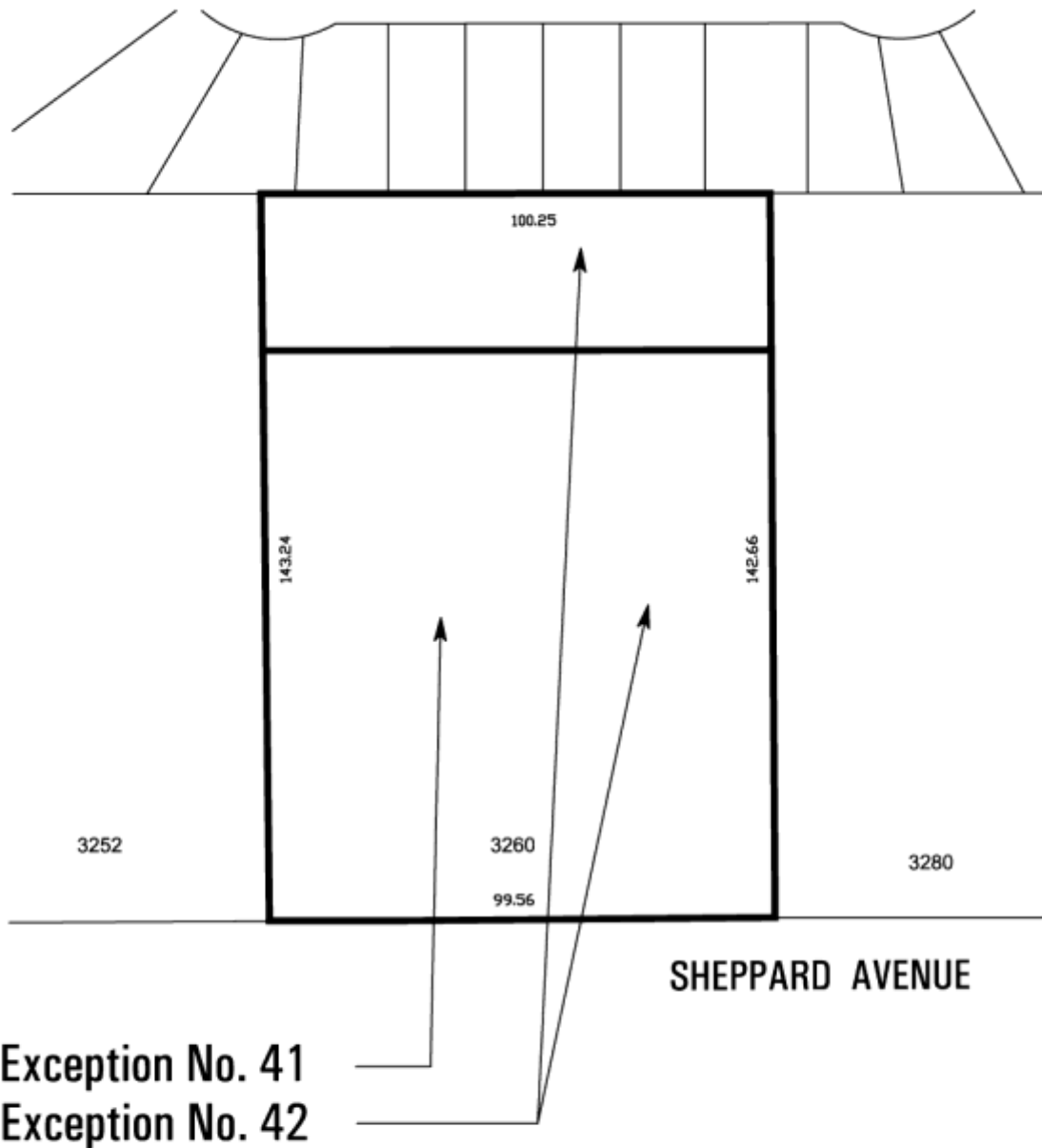


Area Affected By This By-Law

Sullivan Community By-law
Not to Scale
8/15/14



Schedule '2'



Toronto City Planning
Division
Zoning By-Law Amendment

3260 Sheppard Avenue East
File # 12 297629 ESC 40 SB, 13 240117 ESC 40 SA

 Area Affected By This By-Law

Sullivan Community By-law
Not to Scale
5/28/14
