

Authority: Local Planning Appeal Tribunal Decision  
issued January 23, 2019 and Order issued January 27, 2020  
in Tribunal File PL16113.

## CITY OF TORONTO

### BY-LAW 258-2020(LPAT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 625 and 627 Sheppard Avenue East and 6, 8, 10 and 12 Greenbriar Road.**

Whereas the Local Planning Appeal Tribunal Decision/Order January 23, 2019, in Tribunal File PL161113 and Order issued January 27, 2020 in Tribunal File PL161113, upon hearing an appeal under Sections 17(40) and 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, with respect to lands municipally known as 625 and 627 Sheppard Avenue East, and 6, 8, 10 and 12 Greenbriar Road; 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, authorize increases in the height or 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 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 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, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Local Planning Appeal Tribunal orders:

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.75 (c3.65; r0.1) SS2 (x218) and OR as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by amending the Policy Areas Overlay Map in Section 995.10.1 for the lands subject to this Bylaw, to PA 3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 218 so that it reads:

**(218) Exception CR 218**

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 625 and 627 Sheppard Avenue East, and 6, 8, 10 and 12 Greenbriar Road, if the requirements of Section 6 and Schedule A of By-law 258-2020(LPAT) are complied with, a **building, structure**, addition or enlargement may be erected or used in compliance with (B) to (S) 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 distance between the Canadian Geodetic Datum elevation 174.0 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 as shown on Diagram 4, of By-law 258-2020(LPAT);
- (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 4 of By-law 258-2020(LPAT);
  - (i) Equipment used for the function and operation of the **building**, antennas, air conditioners, satellite dishes, vents, pipes, canopies, 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) For the purposes of calculating the number of **storeys** permitted by regulation (C) above, the number of **storeys** does not include a mezzanine level located between the first **storey** and the second full **storey** of a **building** if the **gross floor area** of the mezzanine level does not exceed 65 percent of the **gross floor area** of the first **storey** in the **building**;

- (F) Despite clause 40.5.40.70, and 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 4 of By-law 258-2020(LPAT);
- (G) Despite clauses 40.5.40.60, 40.10.40.60, and regulation (F) above, the following may encroach into the required minimum **building setbacks** on Diagram 4 of By-law 258-2020(LPAT);
- (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) Regulation 40.10.30.40(1)(A) restricting **lot coverage** does not apply;
- (I) 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:
    - (a) the **dwelling units** have direct access to a **street** which is not a major **street** on the Policy Overlay Map; and
    - (b) the **dwelling units** are located to the rear of the non-residential use on the first storey;
- (J) Despite regulation 40.10.40.1(2)(A), the floor level of the first **storey** of a **non-residential** use must be within 0.3 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance;
- (K) Despite regulation 40.10.50.10(3), a minimum 1.2 metre wide strip of land used only for **soft landscaping** must be provided along the part of the west **lot line** abutting the **lot** known municipally in 2019 as 18 Dervock Crescent;
- (L) 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, 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**.
- (M) Despite regulation 40.10.40.40 (1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 16,750 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 16,250 square metres; and
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 500 square metres;
- (N) Despite regulation 40.10.40.50, **amenity space** must be provided at a minimum rate of 3.6 square metres for each **dwelling unit**, of which:
- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**; and
  - (ii) at least 35.0 metres is outdoor **amenity space** in a location adjoining or directly accessible to indoor **amenity space**.
- (O) Despite regulation 200.5.10.1 and Table 200.5.10.1, a minimum of 145 **parking spaces** must be provided and maintained on the **lot**, of which:
- (i) a minimum of 125 **parking spaces** must be provided for residents of **dwelling units**; and
  - (ii) a minimum of 20 **parking spaces** must be for the shared use of visitors to **dwelling units** and of non-residential uses;
- (P) Despite section 200.15, 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;
- (ii) accessible **parking spaces** must be located at the same level as a pedestrian entrance to the **building** or at the same level as a barrier free passenger elevator that provides access to the first **storey** of the **building**;
  - (iii) of the **parking spaces** required by regulation (O) above, a minimum of 5 must meet the requirements of an accessible **parking space**;
  - (iv) for the purpose of this exception, "accessible" means free of physical, architectural or design barriers that would restrict access of use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.
- (Q) Despite regulation 200.5.1.10(2)(A), a maximum of 1 **parking space** may have minimum dimensions of 5.6 metres by 2.6 metres with a height of 2.0 metres when obstructed on one of two sides;
- (R) Despite regulations 230.5.10.1 and Table 230.5.10.1(1), a minimum of 194 **bicycle parking spaces** be for the shared use of residents of the **dwelling units**, visitors to **dwelling units** and of non-residential uses must be provided and maintained on the **lot**; and
- (S) 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.

Prevailing By-laws and Prevailing Sections:

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

6. 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 3 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 to Exception CR 218, as amended, unless all provisions of Schedule A are satisfied.

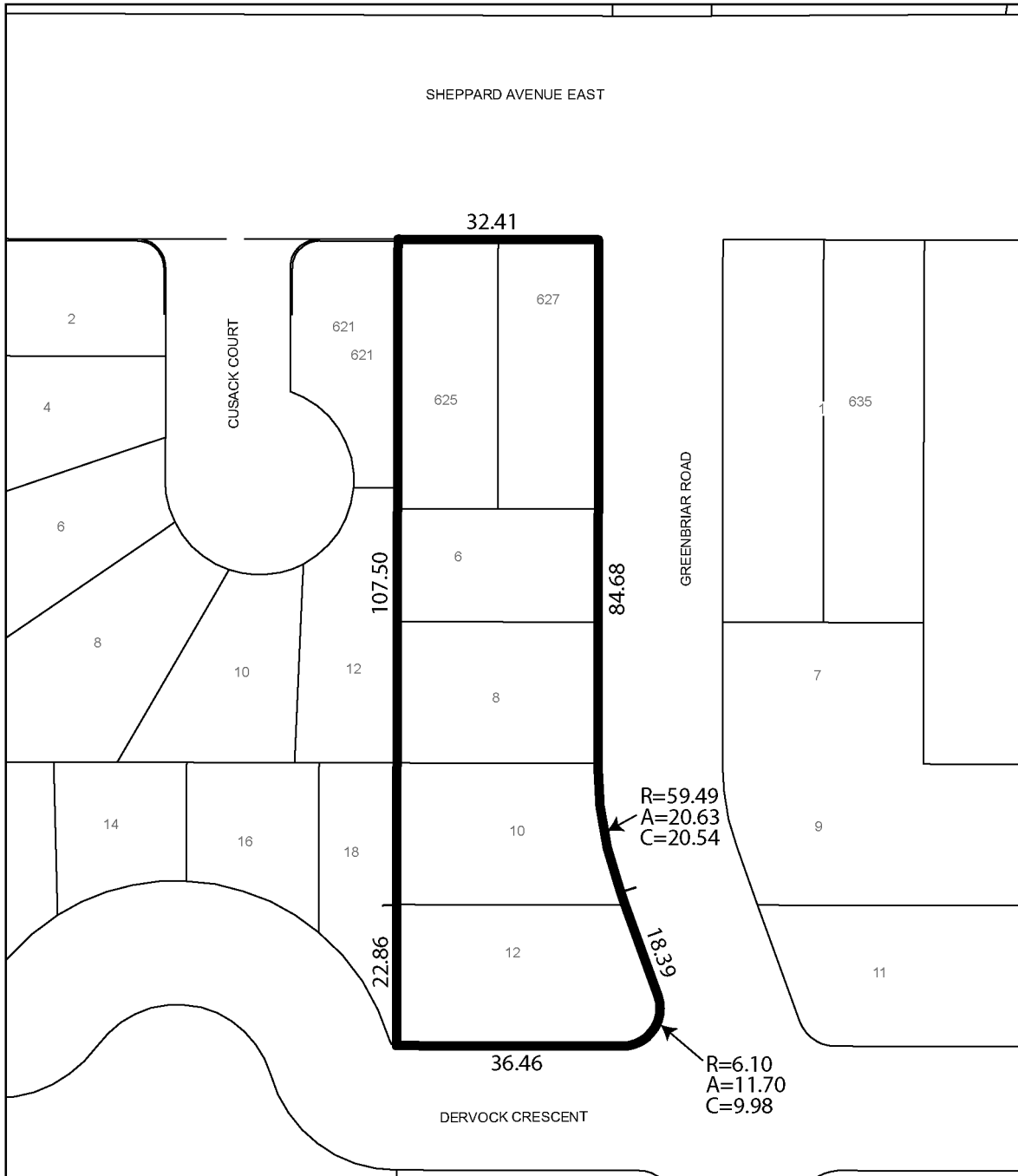
Local Planning Appeal Tribunal Decision issued January 23, 2019 and Order issued January 27, 2020 in Tribunal File PL161113.

**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 on Diagram 1 of the By-law, subject to and as secured in an registered 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 of the Lands shall provide a cash contribution to the City in the amount of \$1,250,000.00 toward any one or more of the following:
  - a. streetscape improvements on Sheppard Avenue in proximity to the Site; and,
  - b. improvements to local community facilities,

such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.



 **TORONTO**  
Diagram 1

**625 & 627 Sheppard Avenue East  
and 6, 8, 10 & 12 Greenbriar Road**

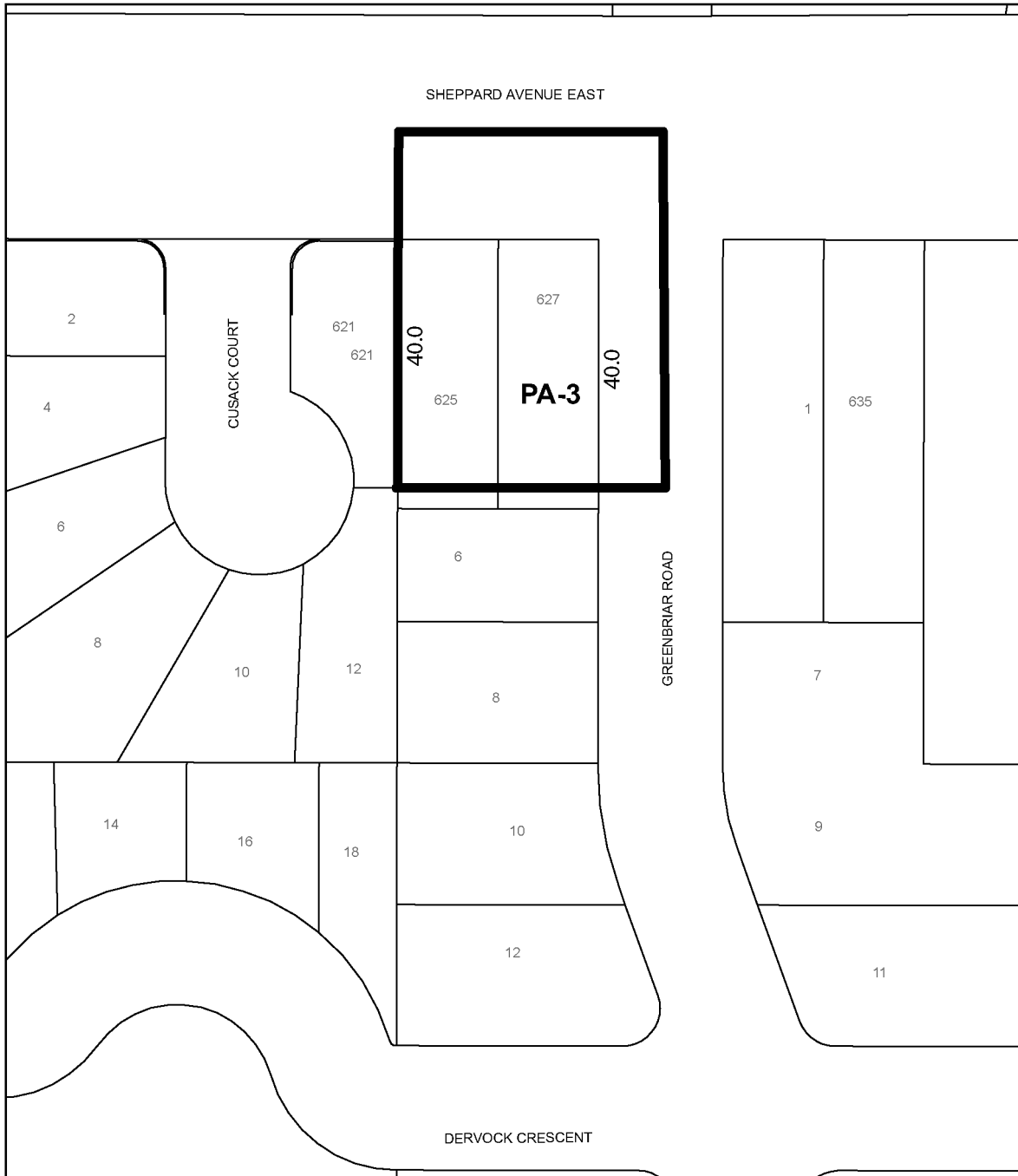
File # 16 118618 NNY 24 OZ



 **TORONTO**  
Diagram 2

**625 & 627 Sheppard Avenue East  
and 6, 8, 10 & 12 Greenbriar Road**

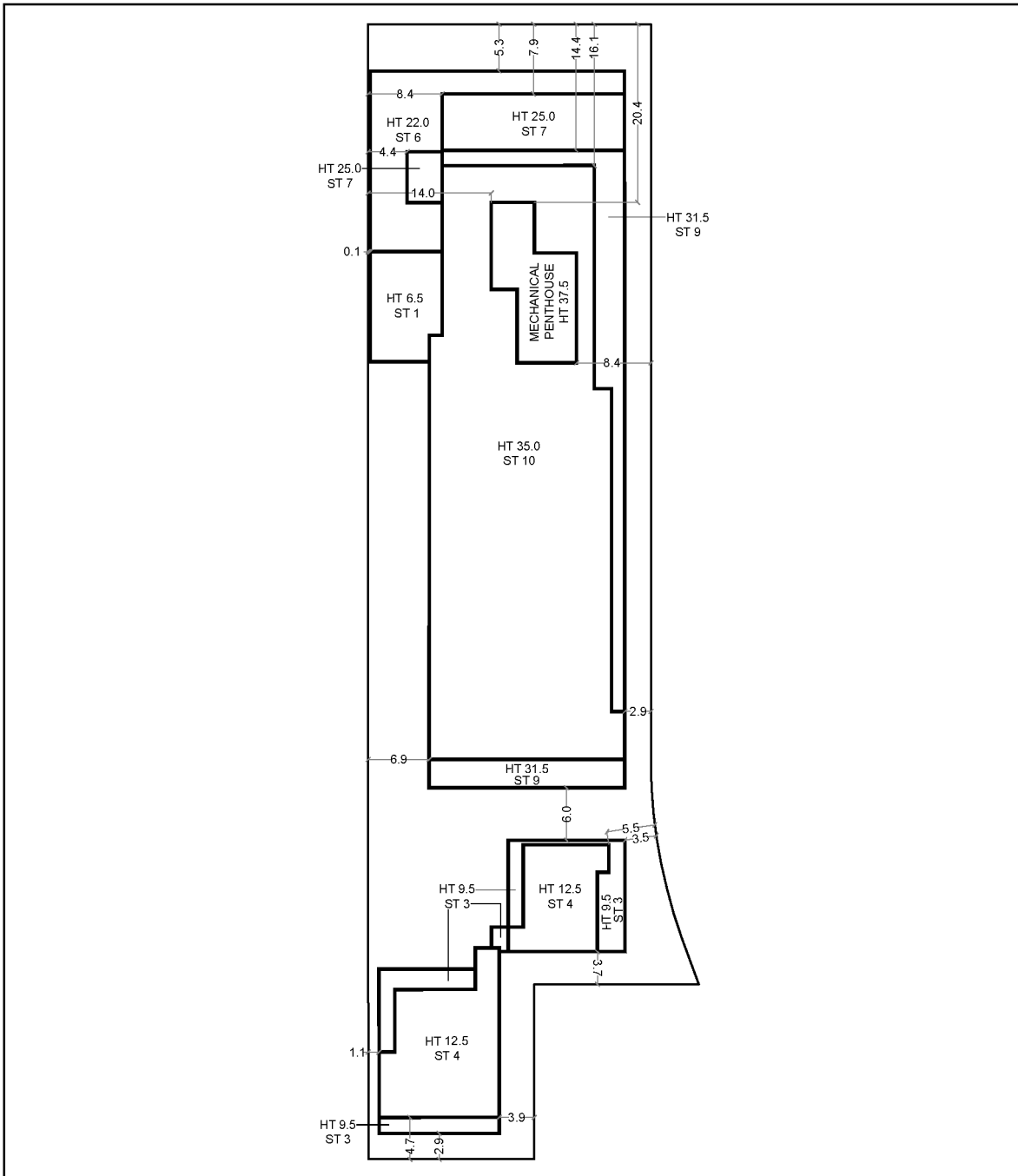
File # 16 118618 NNY 24 0Z



 **TORONTO**  
Diagram 3

**625 & 627 Sheppard Avenue East  
and 6, 8, 10 & 12 Greenbriar Road**

File # 16 118618 NNY 24 OZ



**Toronto**  
Diagram 4

**625 & 627 Sheppard Avenue East  
and 6, 8, 10 & 12 Greenbriar Road**

File # 16 118618 NNY 24 OZ