

Authority: Local Planning Appeal Tribunal Decision  
issued on September 5, 2019 and Order Issued on  
April 8, 2021 in Tribunal Case MM170016

## **CITY OF TORONTO**

### **BY-LAW 332-2021(LPAT)**

**To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2020 as 179-181 Sheppard Avenue East.**

Whereas after hearing an appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, the Local Planning Appeal Tribunal, by its decision issued on September 5, 2019 and by its Order issued on April 8, 2021 in respect of Tribunal Case MM170016, approved amendments to former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 179-181 Sheppard Avenue East; and

Whereas the Official Plan for the City of Toronto contains provisions relating to 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 the development beyond those 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 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 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 7625, 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 Local Planning Appeal Tribunal orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.24 of By-law 7625 is amended by adding the following subsection:

**64.24(18) C2(18)**

**DEFINITIONS**

- (a) For the purposes of this exception, "Established Grade" for the purpose of establishing the permitted height shall mean the geodetic elevation of 172.10 metres;
- (b) For the purposes of this exception, "Bicycle Parking Spaces – Long Term" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for long-term uses;
- (c) For the purposes of this exception, "Bicycle Parking Spaces – Short Term" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be located outdoors or indoors but not within a secured room, enclosure or bike locker;
- (d) For the purpose of this exception "Gross Floor Area" shall mean the sum of the total area of each floor level of a building, above and below grade, measured from the exterior main wall of each floor level. In the Commercial Residential Zone category 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) Required loading spaces at the ground level and required 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 required by this By-law;
  - (vi) Elevator shafts;
  - (vii) Garbage shafts;
  - (viii) Mechanical penthouse; and
  - (ix) Exit stairwells in the building;
- (e) For the purpose of this exception, Type G Loading Space means a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres. A Type B Loading Space means a loading space

that is a minimum of 4.0 metres wide, 11.0 metres long and has a minimum vertical clearance of 4.0 metres;

### **PERMITTED USES**

- (f) In addition to all uses normally permitted in a C2 zone and C2(3) exception zone under Section 26(2), an apartment building with non-residential uses on the first floor is permitted;

### **EXCEPTION REGULATIONS**

#### **GROSS FLOOR AREA**

- (g) The maximum gross floor area shall not exceed 15,000 square metres, of which a maximum of 1,365 square metres shall be used for non-residential purposes;

#### **AREA**

- (h) Section 24.2.1 does not apply;

#### **YARD SETBACKS**

- (i) The minimum yard setbacks shall be shown on Schedule C2(18);
- (j) Despite subsection (h) above, cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures are permitted to encroach into the minimum building setbacks to a maximum of 3 metres;

#### **BUILDING HEIGHT**

- (k) The building height shall not exceed the maximum heights in metres and the number of storeys specified on Schedule C2(18) with the exception of the following.
  - (i) eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscaping elements, green roof elements, outdoor furniture, roof access hatches, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and

elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes may project a maximum of 3 metres above the permitted maximum heights shown on Schedule C2(18) of By-law 332-2021(LPAT);

#### LOT COVERAGE

- (l) The permitted maximum lot coverage is 90 percent;

#### AMENITY AREA

- (m) A minimum of 640 square metres of indoor recreational amenity area shall be provided;
- (n) A minimum of 100 square metres of outdoor recreational amenity area shall be provided;

#### PARKING & LOADING

- (o) Residential vehicular parking will be provided in accordance with the following rates:
  - (i) A minimum of 0.6 parking spaces per bachelor unit;
  - (ii) A minimum of 0.7 parking spaces per 1-bedroom unit;
  - (iii) A minimum of 0.8 parking spaces per 2-bedroom unit;
  - (iv) A minimum of 0.9 parking spaces per 3-bedroom unit; and
  - (v) A minimum of 0.1 parking spaces per residential unit will be provided for residential visitor parking;
- (p) For each car-share parking space provided on the lands, the minimum number of required parking spaces for residential uses may be reduced by 4 parking spaces. For the purposes of this by-law, a "car-share vehicle" means a vehicle available for rent, including an option for hourly rental, for the use of at least the occupants of the building erected on the lands, and a "car-share parking space" means a parking space used exclusively for the parking of a car-share vehicle;
- (q) Non-residential vehicular parking will be provided at a rate of 1.0 parking spaces per 100 square metres of non-residential gross floor area;
- (r) A minimum of one Type G Loading Space and one Type B Loading Space;

#### BICYCLE PARKING

- (s) Bicycle parking will be provided in accordance with the following:

- (i) A minimum of 0.68 Bicycle Parking Spaces – Long Term for each dwelling unit shall be provided for residential uses;
- (ii) A minimum of 0.07 Bicycle Parking Spaces – Short Term for each dwelling unit shall be provided for residential uses;
- (iii) A minimum of 4 Bicycle Parking Spaces – Long Term shall be provided for retail uses; and
- (iv) A minimum of 8 Bicycle Parking Spaces – Short Term shall be provided for retail uses;

#### OTHER REGULATIONS

- (t) The provisions of Sections 6(9), 6(13), 6A(2), 26(6) and 26(8) of By-law 7625 shall not apply;
- (u) Notwithstanding any future severance, partition or division of the lands shown on Schedule 1 the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred;
- (v) None of the provisions of this By-law or By-law 7625, as amended, shall apply to prevent the erection and use of a temporary sales office on the lot;
- (w) Within the lands shown on Schedule 1 attached to this By-law, no person shall use and 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:
  - (i) 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
  - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational;

#### SECTION 37 PROVISIONS

- (x) 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 Schedule 1 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;
- (y) Whereas 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; and

- (z) 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 A are satisfied.

Local Planning Appeal Tribunal Decision issued on September 5, 2019 and Order issued on April 8, 2021 in Tribunal Case MM170016.

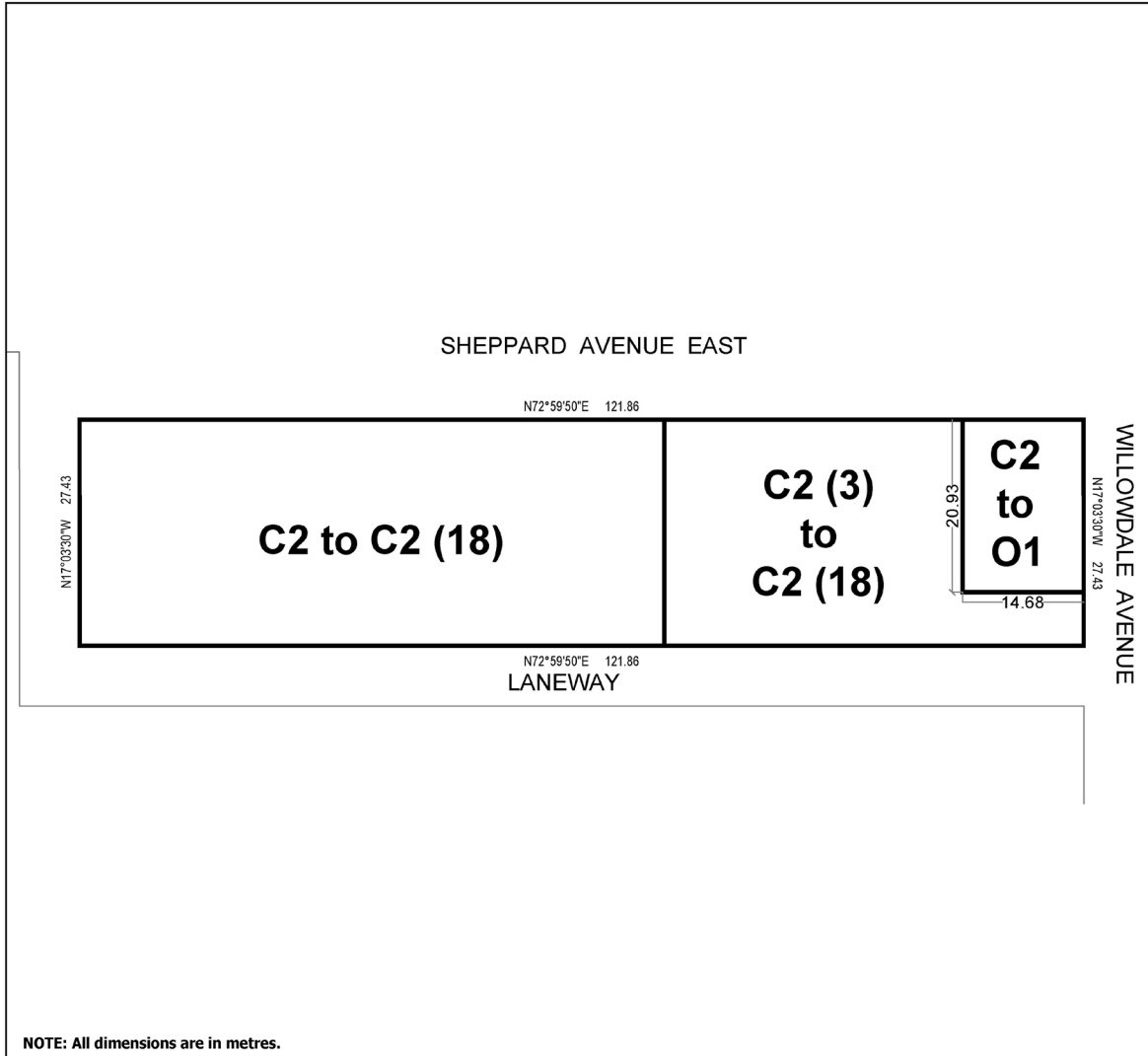
## SCHEDULE A

### 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 in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) The height and density of development permitted by this by-law is subject to the owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the Planning Act as follows:
  - (A) Prior to the issuance of the first Above Grade Permit for the Development, other than for a Temporary Sales Pavilion, the Owner shall make a cash payment to the City in the sum of ONE MILLION & ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) to be used by the City for improvements in the surrounding area of the Site.
  - (B) In the event that the cash contribution referred to in Section 1(A) above have not been used for the intended purpose within three (3) years of this Zoning By-law Amendment coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the Site.
  - (C) The Parties agree that the total contribution amount of \$1,100,000 set out in Section 1(A) above shall be indexed upwardly to reflect increases in the Construction Price Index from the date of this Agreement to the date of payment.
  - (D) Prior to the issuance of the first Above Grade Building Permit for the Development, the Owner shall convey the 0.0307 hectares (307 square metres) portion of the development site for parkland purposes to the satisfaction of the General Manager, Parks, Forestry and Recreation.
  - (E) The Owner shall provide the following Transportation Demand Measures, to the satisfaction of the Director of Community Planning, North District:
    - (i) pre-paid Presto transit cards to all new purchasers of condominium units, each with a value of \$156.00;
    - (ii) ten (10) resident parking spaces installed with Electric Vehicle Supply Equipment;
    - (iii) a smart transportation information display in the lobby of the Building;

- (iv) a bike repair station for the Building; and
  - (v) three (3) car-share spaces at publicly accessible locations.
- (F) The specific location, configuration, and design of the Transportation Demand Measures listed in subsections (E)(ii), (iii), (iv) and (v) shall be determined in the context of the Site Plan Application process, 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 the Site Plan Agreement for the Site.



NOTE: All dimensions are in metres.



179-181 Sheppard Avenue East, Toronto

# Schedule 1

File # \_\_\_\_\_

Not to Scale



