

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 333-2021(LPAT)**

**To amend Zoning By-law 569-2013, 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 City of Toronto Zoning By-law 569-2013, 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 569-2013, 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. 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 in heavy black

lined to CR 1.0 (c1.0; r0.0) SS3 (x347) 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 Lot Coverage Overlay Map in Section 995.30.1 for the lands subject to this By-law, from a lot coverage label of 50 percent to 90 percent as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 347 so that it reads:

Exception CR 347

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 179 and 181 Sheppard Avenue East, if the requirements of Section 5 and Schedule A of By-law 333-2021(LPAT) are complied with, a **building, structure**, addition or enlargement may be erected in compliance with (B) to (M) below;
- (B) Despite Regulation 40.10.2040(1), a **mixed use building** containing **dwelling units** is permitted;
- (C) Despite regulation(s) 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between Canadian Geodetic Datum elevation of 172.10 metres and the highest point of the **building** or **structure**;
- (D) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** for all uses on the **lot** is 15,000 square metres, of which:
  - (i) the permitted maximum **gross floor area** for residential uses is 13,635 square metres; and
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 1,365 square metres;
- (E) In addition to the items listed in clause 40.5.40.40(3), **gross floor area** in the **mixed use** building is reduced by the elevator lobbies belowground;
- (F) Despite regulation 40.10.40.1(1), residential **amenity space** is permitted on the ground floor;
- (G) Despite regulations 40.10.40.10(3) and (7), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters "HT" and the permitted maximum number of **storeys** is the number following the letters "ST" as shown on Diagram 4 attached to By-law 333-2021(LPAT);

- (H) Despite regulation (G) above and regulations 40.5.40.10(3) to (8) inclusive and clauses 40.5.40.60 and 40.10.40.60, 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, 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 Diagram 4 attached to By-law 333-2021(LPAT);
- (I) Despite clause 40.10.40.70, the required minimum **building setbacks** in metres are as shown on Diagram 4 attached to By-law 333-2021(LPAT);
- (J) Despite clause 40.10.40.60 and (I) 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 a maximum of 3 metres beyond the **building setbacks** shown on Diagram 4 attached to By-law 333-2021(LPAT);
- (K) Despite clause 200.5.10.1(1), **parking spaces** must be provided at the following minimum rates:
- (i) 0.6 **parking spaces** per bachelor **dwelling unit**;
  - (ii) 0.7 **parking spaces** per one-bedroom **dwelling unit**;
  - (iii) 0.8 **parking spaces** per two-bedroom **dwelling unit**;
  - (iv) 0.9 **parking spaces** per three-bedroom **dwelling unit**;
  - (v) 0.1 **parking spaces** per dwelling unit for residential visitors; and
  - (vi) 1.0 **parking spaces** per 100 square metres of **gross floor area** for retail uses;
- (L) 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 By-law 333-2021(LPAT), 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 **lot**, and a "car-share

**parking space**" means a **parking space** exclusively used for the parking of a car-share **vehicle**; and

- (M) Despite regulation 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following for a **retail store**:
  - (i) A minimum of 4 "long-term" **bicycle parking spaces**; and
  - (ii) A minimum of 8 "short-term" **bicycle parking spaces**;

Prevailing By-laws and Sections: (None Apply)

- 6. Despite any severance, partition or division of the lands shown on Diagram 1 of By-law 333-2021(LPAT), the regulations of this By-law shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.
- 7. 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 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.
  - (B) 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.
  - (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 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.

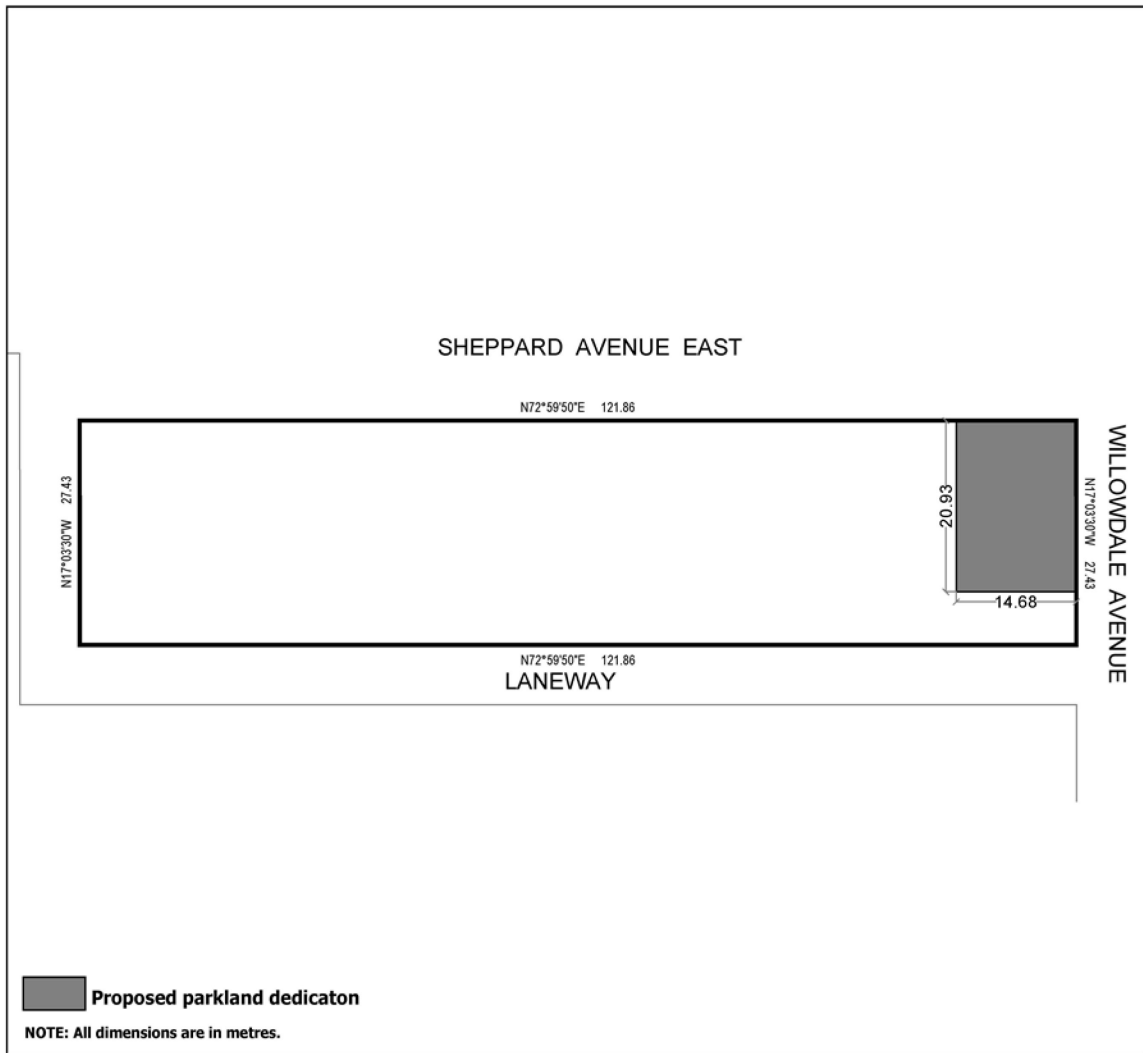
## SCHEDULE A

### 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 Diagram 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.



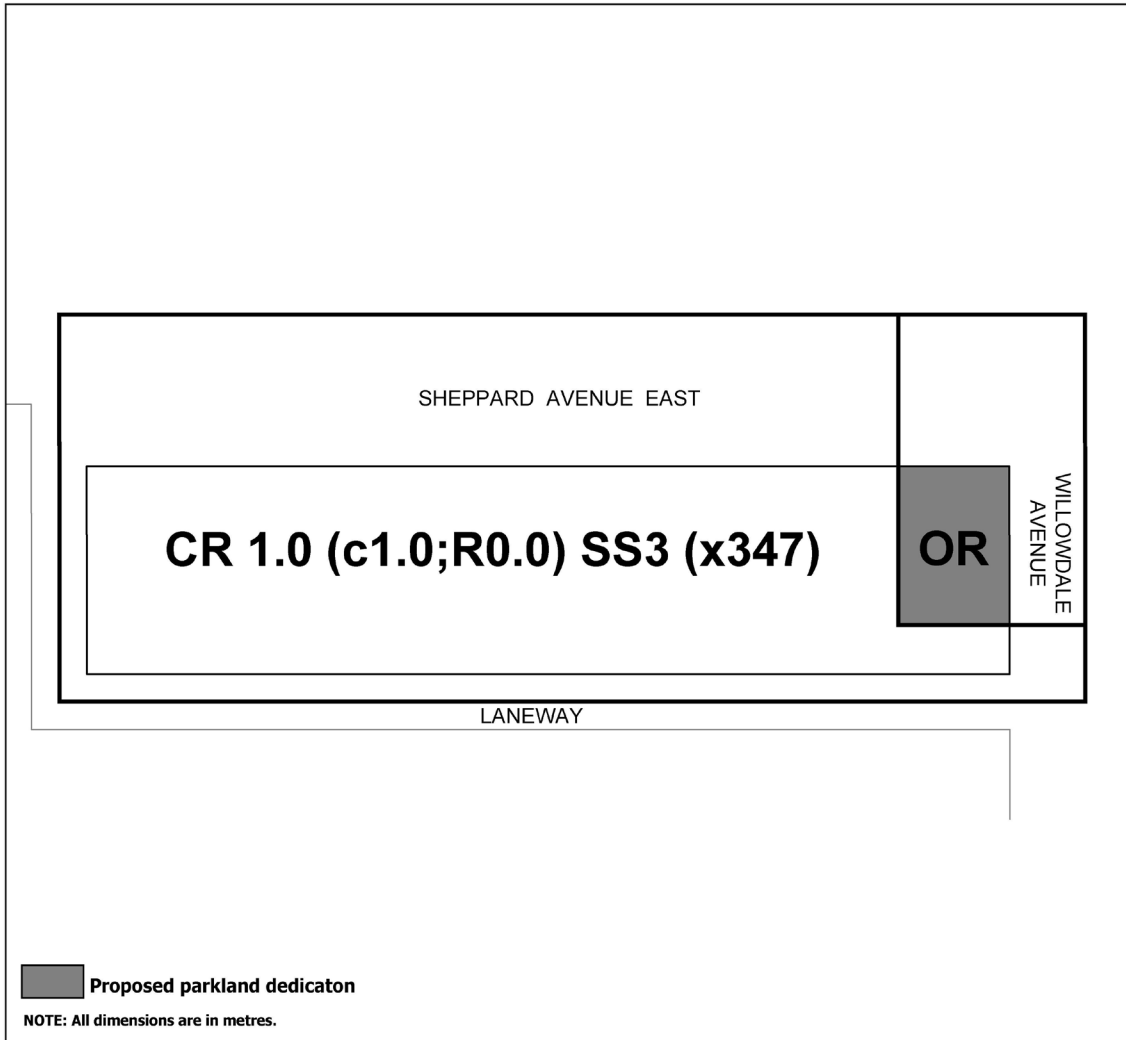
179-181 Sheppard Avenue East, Toronto

# Diagram 1

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

Not to Scale





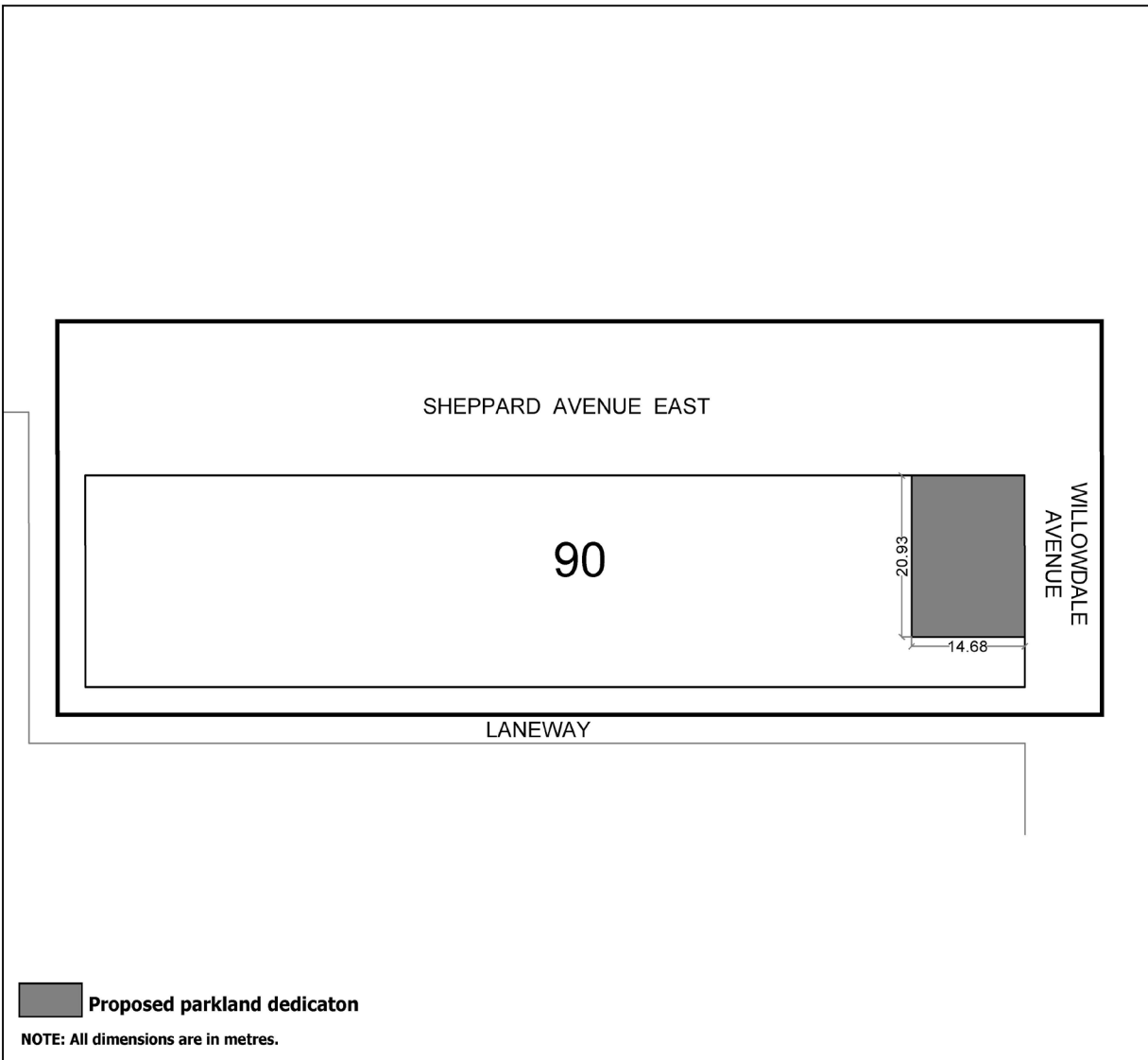
179-181 Sheppard Avenue East, Toronto

Diagram 2

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

Not to Scale





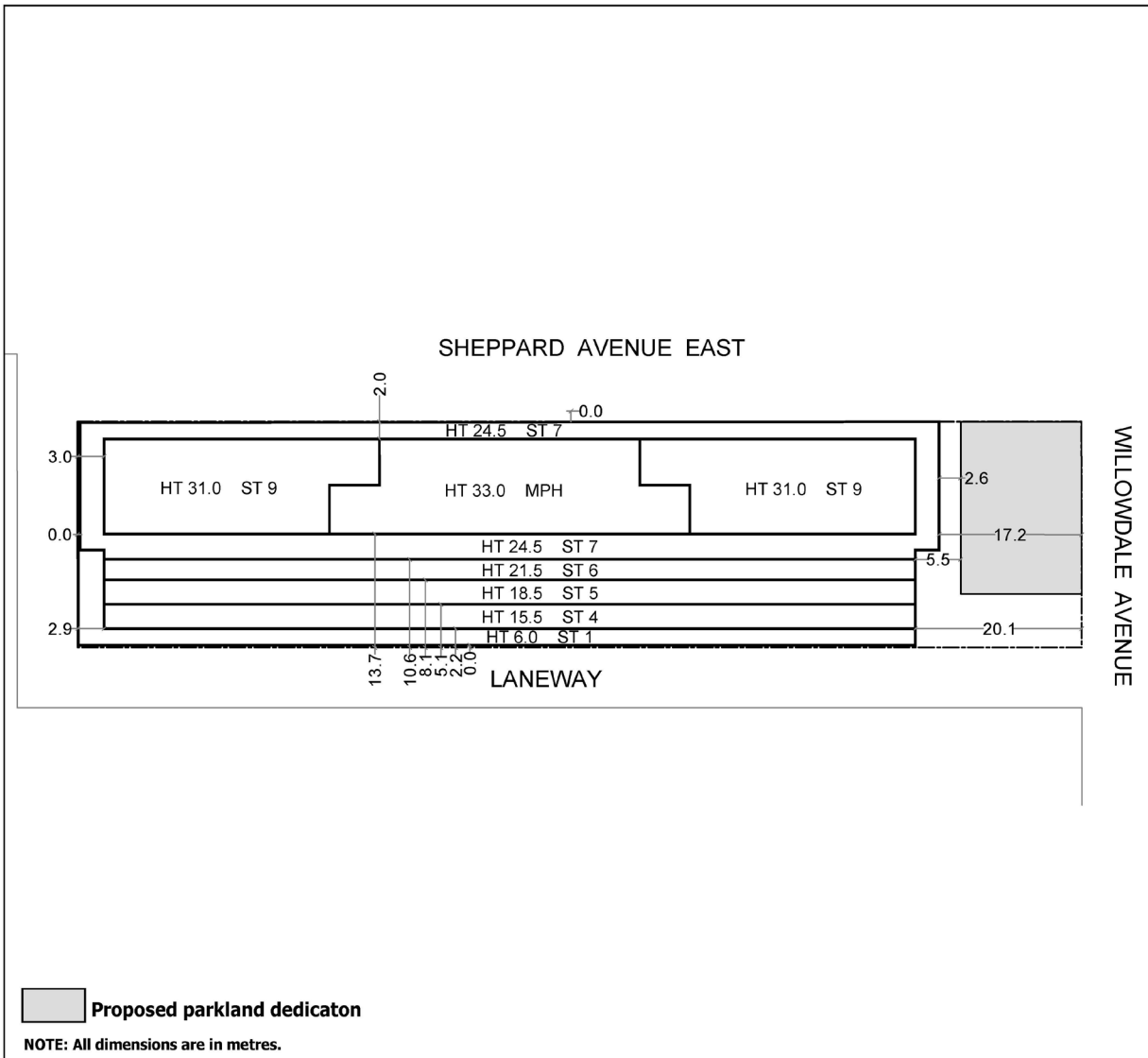
179-181 Sheppard Avenue East, Toronto

### Diagram 3

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

Not to Scale





179-181 Sheppard Avenue East, Toronto

# Diagram 4

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

Not to Scale

