

Authority: Scarborough Community Council Item SC31.4,  
as adopted by City of Toronto Council on May 11 and 12,  
2022

## CITY OF TORONTO

### BY-LAW 838-2022

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 3459, 3461, 3465, 3467 and 3471 Sheppard Avenue East.**

Whereas Council of the City of Toronto has the authority to 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 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 Council of the City of Toronto enacts:

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 adding the lands subject to this by-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 2.5 (c0.5; r2.0) SS3 (x517) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying no label as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 36.0, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying no label as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1 and applying no label as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 517 so that it reads:

(517) Exception CR 517

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 3459, 3461, 3465, 3467 and 3471 Sheppard Avenue East, as shown on Diagram 1 of By-law 838-2022, if the requirements of Section 10 and Schedule A of By-law 838-2022 are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Sections (B) to (N) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum of 178.5 metres and elevation of the highest point of the **building or structure**;
- (C) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 54 percent;
- (D) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as the non-residential use portions of the **building** provided the **dwelling units** are located to the rear of the non-residential uses on the first **storey** and have direct access to Aragon Avenue;
- (E) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building or structure** is the number following the HT symbol in metres as shown on Diagram 7 of by-law 838-2022;

- (F) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the ST symbol as shown on Diagram 7 of By-law 838-2022;
- (i) for the purpose of this exception, elements for the functional operation of a **building**, such as mechanical equipment, air units, boilers generators, elevator equipment, tanks, and other architectural features including screen walls, parapets and architectural articulations does not constitute a **storey**;
- (G) Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the height limits to a maximum of 6 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 6 metres;
- (iii) architectural features, parapets, and elements and **structures** associated with a **green roof** may project above the height limits to a maximum of 6 metres;
- (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of 6 metres; and
- (v) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 6 metres;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 17,819 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 17,037 square metres; and
- (ii) the required minimum **gross floor area** for non-residential uses is 782 square metres;
- (I) Despite Regulation 40.10.40.70 and 40.10.40.80, the required minimum building setbacks and above-ground distances between main walls are as shown in metres on Diagram 7;
- (J) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:

- (i) a minimum of 0.78 residential occupant **parking spaces per dwelling unit**;
  - (ii) a minimum of 0.16 residential visitor **parking spaces** for each **dwelling unit**; and
  - (iii) a minimum of 0.96 **parking spaces** for each 100 square metres of non-residential **gross floor area**;
- (K) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
  - (i) a reduction of four resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
    - (a) four multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number;
  - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
  - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (L) Despite regulation 230.5.1.10(4)(A), the required minimum width of a **bicycle parking space** is:
  - (i) length of 1.8 metres;
  - (ii) width of 0.6 metres; and
  - (iii) vertical clearance of 1.9 metres;
- (M) Despite Regulation 230.5.1.10(4)(A)(ii), the required minimum width of a **stacked bicycle parking space** is:
  - (i) length of 1.8 metres;
  - (ii) width of 0.45 metres; and
  - (iii) vertical clearance of 1.25 metres;
- (N) A minimum of 15 percent of the total number of **dwelling units** on the **lot** must contain a minimum of two bedrooms and a minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms;

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
10. Section 37 Provisions:
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 of 838-2022 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; and
  - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,  
Speaker

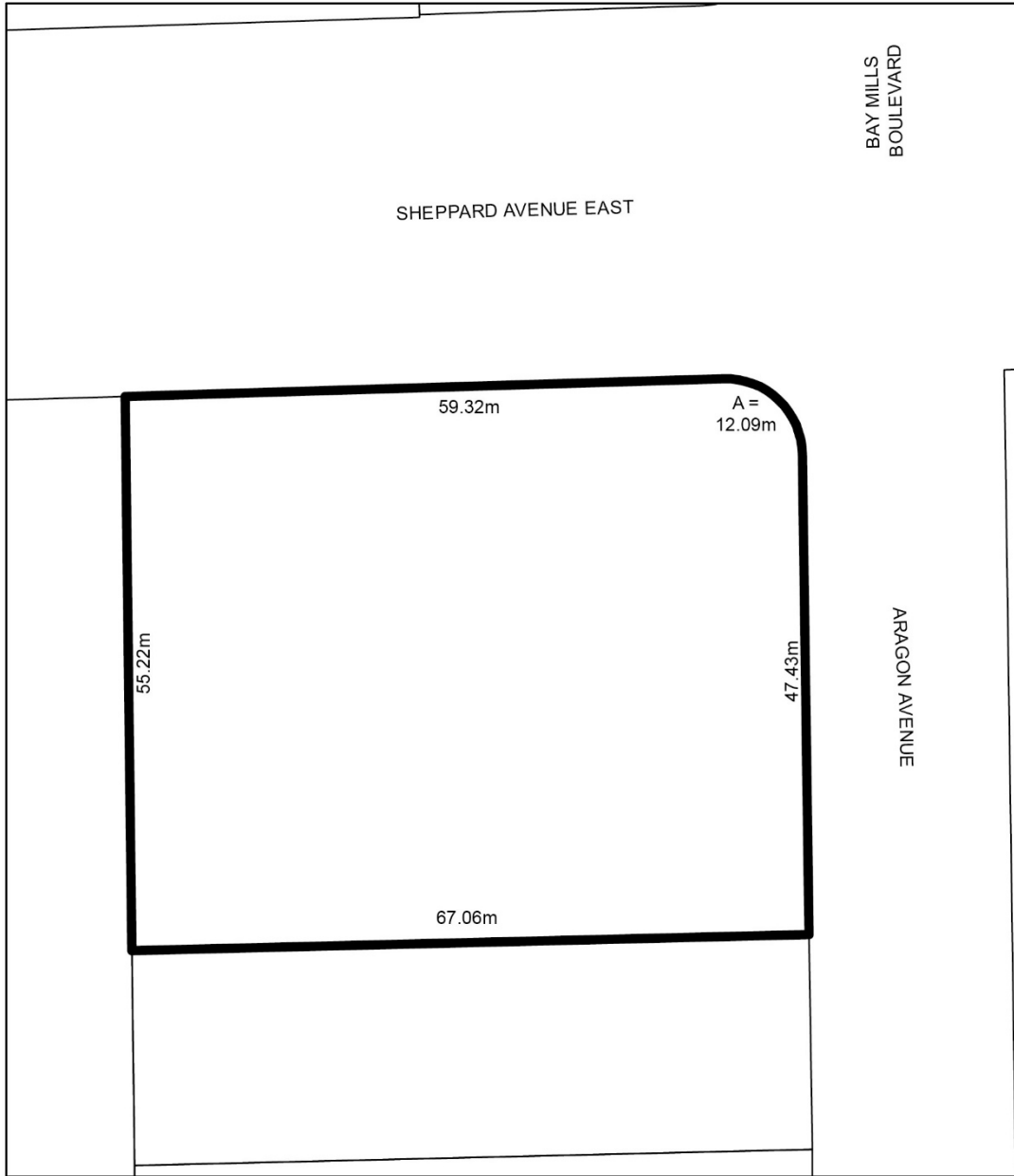
John D. Elvidge,  
City Clerk

(Seal of the City)

**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 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:

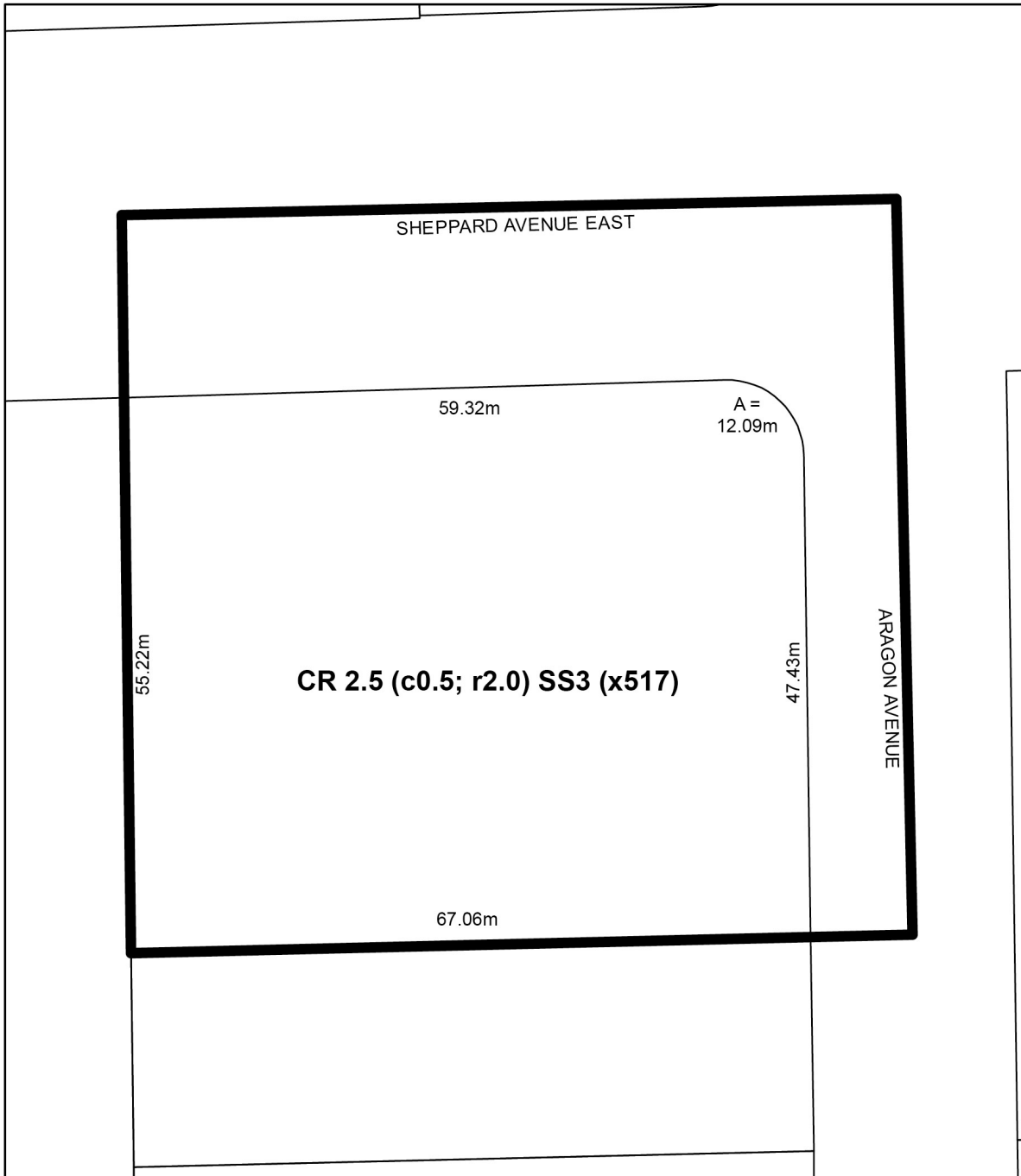
1. An indexed cash contribution of \$1,000,000.00 to be paid by the owner prior to the issuance of the first above-grade building permit for the new residential building, to be allocated towards improvements to parks and community facilities in Ward 22 provided that purpose is identified in the Toronto Official Plan and will benefit the community, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The cash contribution set out in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the cash contribution by the owner to the City.
3. In the event the cash contribution in Section 1 above has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
4. The Owner will construct and maintain the development of the lands in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the lands.
5. Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.



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Diagram 1

3459-3471 Sheppard Avenue East

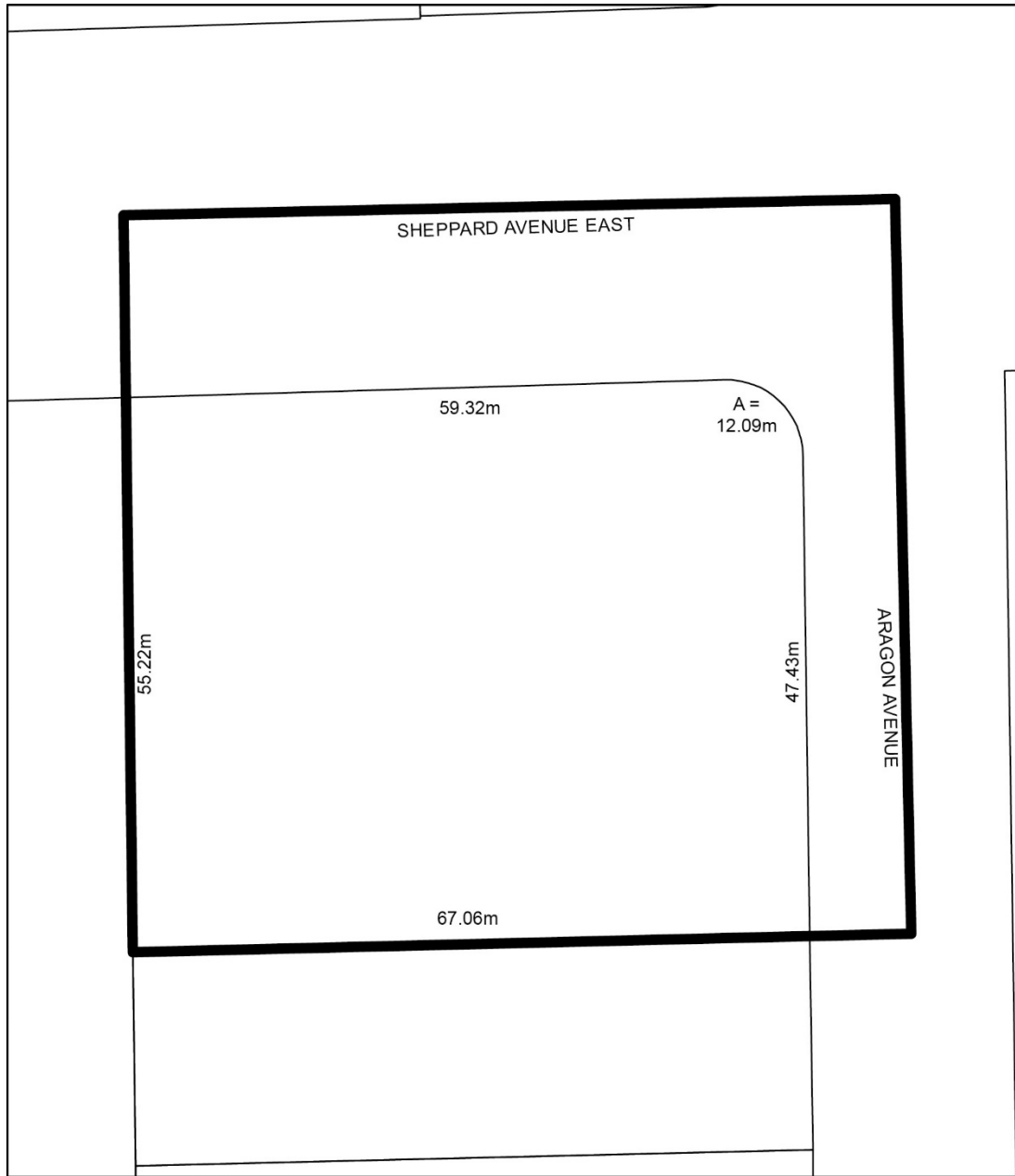
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 **TORONTO**  
Diagram 2

3459-3471 Sheppard Avenue East


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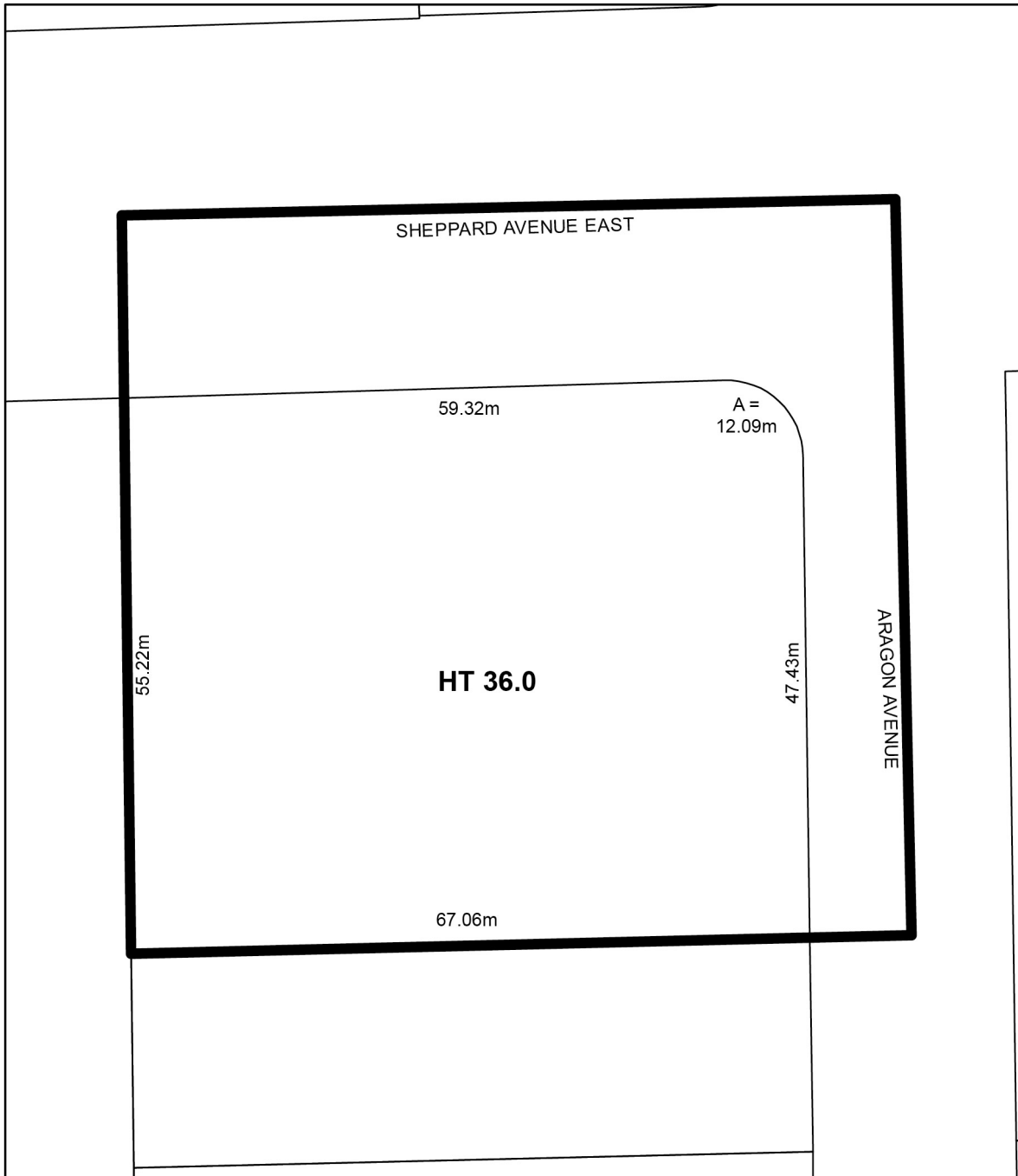


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Diagram 3

3459-3471 Sheppard Avenue East

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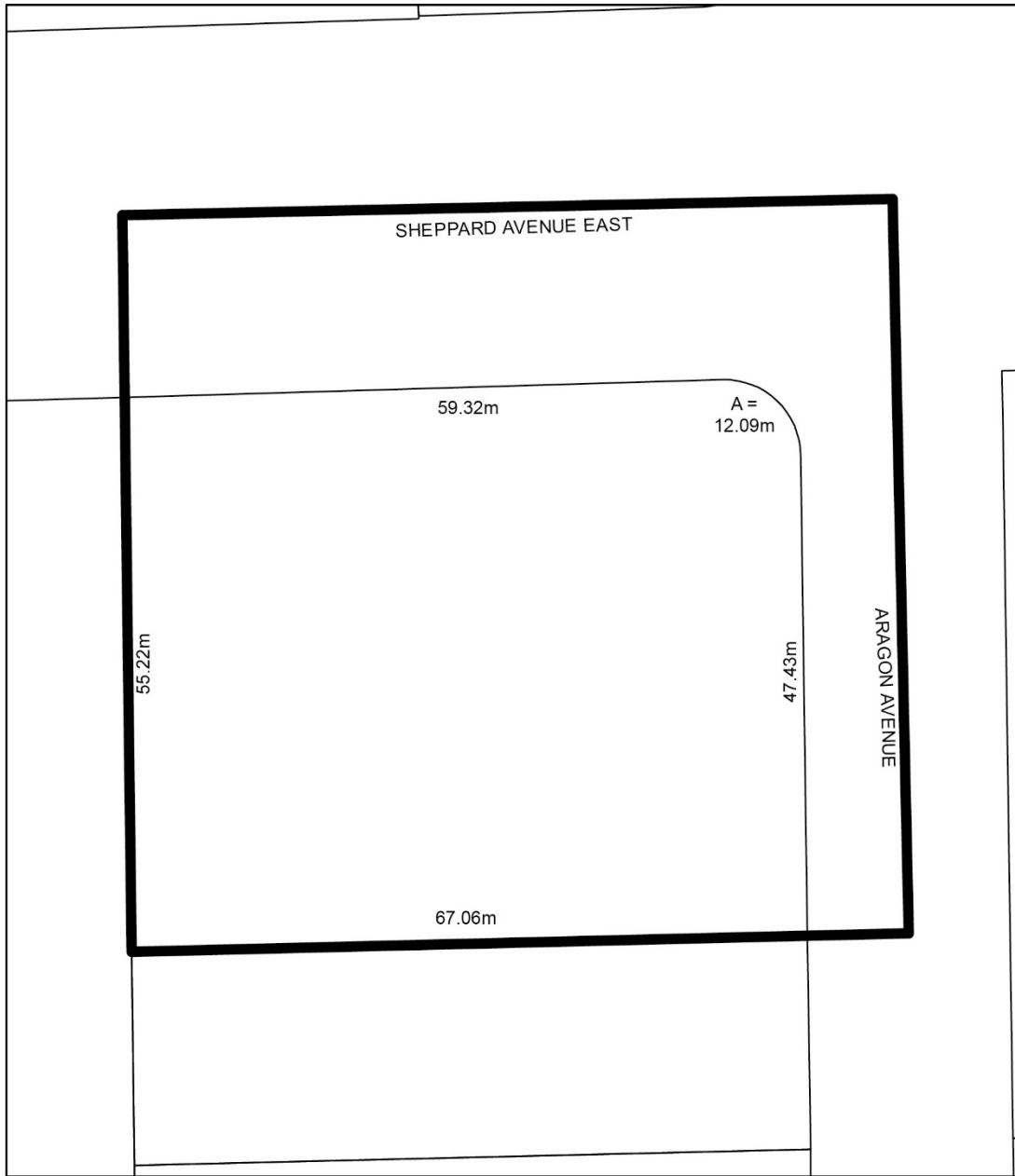
  
City of Toronto By-law 569-2013  
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 **TORONTO**  
Diagram 4

3459-3471 Sheppard Avenue East

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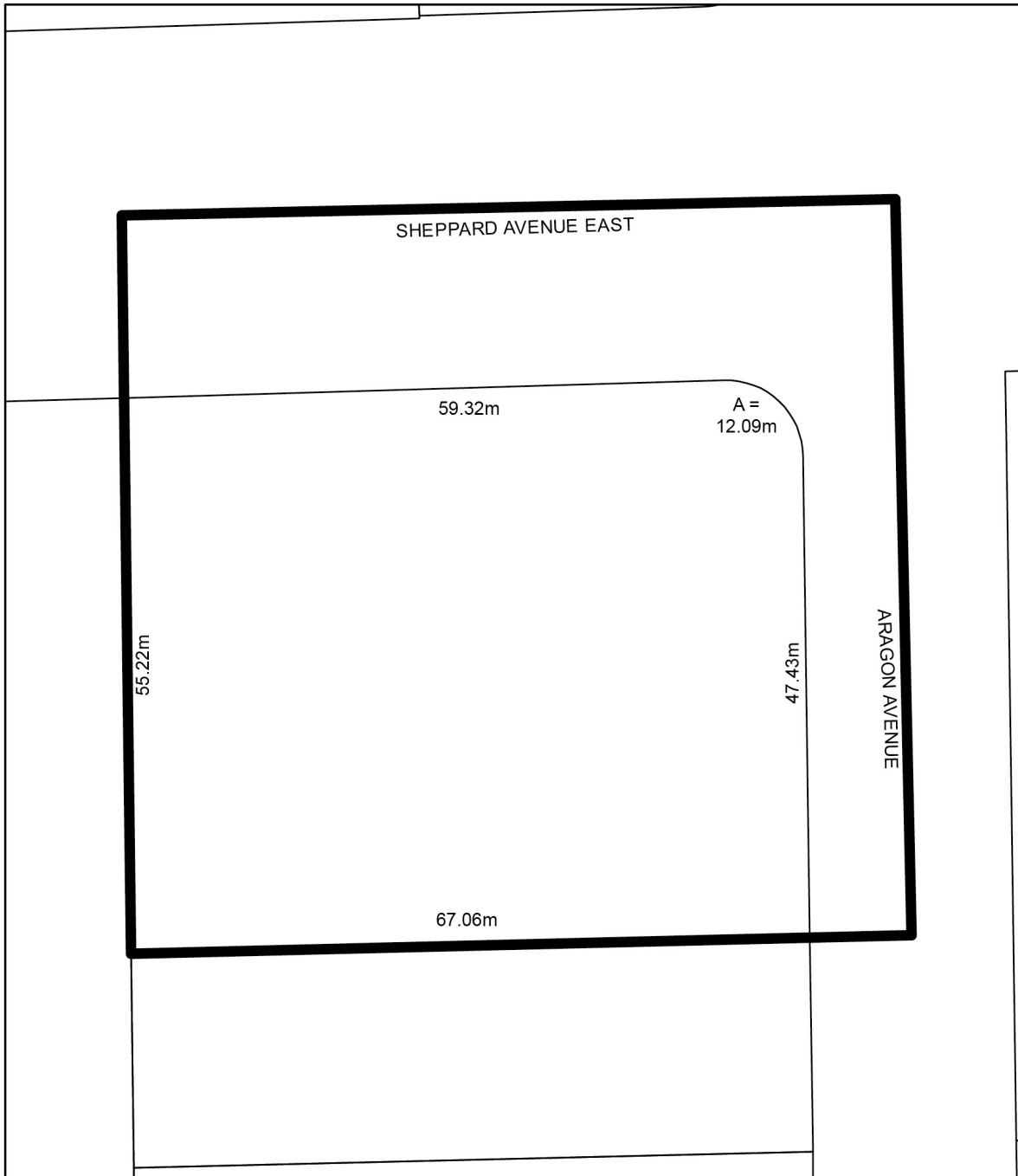


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Diagram 5

3459-3471 Sheppard Avenue East

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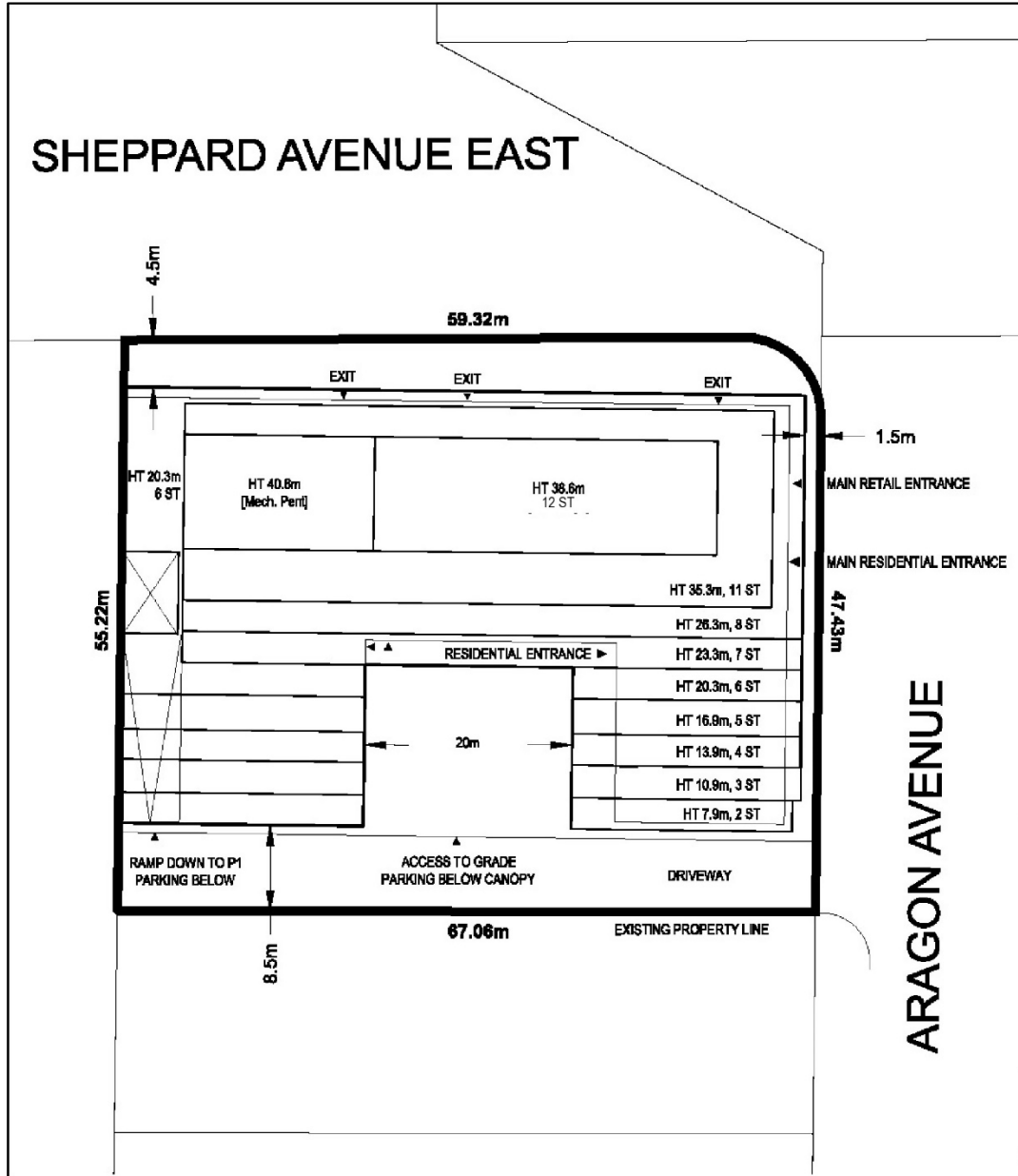
  
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 **TORONTO**  
Diagram 6

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 0Z



 **TORONTO**  
Diagram 7

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
03/31/2022