

Authority: Scarborough Community Council Item SC28.2,  
as adopted by City of Toronto Council on December 15, 16  
and 17, 2021

## CITY OF TORONTO

### BY-LAW 1011-2022

**To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally known in the year 2021 as 3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road.**

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, 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, municipally known in the year 2021 as 3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road, 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: OR and CR 3.0 (c1.0; r2.0) SS3 (x413), 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 Area Overlay Map in Article 995.10.1 and applying the following Policy Area Overlay label to these lands: PA4, 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 subject to this By-law to the Lot Coverage Overlay Map in Article 995.30.1, and applying the following Lot Coverage label to these lands: 33, 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 Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 30.0, 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 subject to this By-law to the Rooming House Overlay Map in Article 995.40.1, and applying no label.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 413 so that it reads:

**(413) Exception CR 413**

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 3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road, if the requirements of Section 15 and Schedule A of By-law 1011-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (JJ) below:
- (B) For the purposes of this By-law, Blocks 1, 2, 3, 4, 5, 6 and 7 are identified as Blocks 1, 2, 3, 4, 5, 6 and 7 on Diagram 6 of By-law 1011-2022; and Public Streets A, B, C, D, and F are identified as Public Streets A, B, C, D and F on Diagram 6 of By-law 1011-2022; and Buildings 2A, 3A and 5C are identified as Buildings 2A, 3A, and 5C on Diagram 6 of By-law 1011-2022;
- (C) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in an **Apartment Building** or a **Mixed Use Building** or **Townhouses**;

- (D) Despite Regulation 40.10.30.40(1), the maximum **lot coverage** permitted on the lands identified on Diagram 1 of By-law 1011-2022 is 92, as a percentage of the area of such lands. Any part of a **building** or **structure** that is permitted by this By-law to encroach into a required **building setback**, is not included in the calculation of **lot coverage**;
- (E) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1), subject to the **gross floor area** reductions listed in Regulation (G) the maximum **gross floor area** permitted on the lands identified on Diagram 1 of By-law 1011-2022 must not exceed 369,200 square metres, of which:
- (i) the maximum **gross floor area** for non-residential uses is 37,000 square metres, of which
    - i. a minimum of 1,407 square metres of **gross floor area** shall be provided on Block 2 for **day nursery uses**, of which a minimum of 1,060 square metres shall be **interior floor space** and a minimum of 347 square metres shall be exterior space adjacent to the **interior floor space**; and
    - ii. a minimum of 1,090 square metres of **gross floor area** shall be provided on Block 2 for the use of a **non-profit organization**;
  - (ii) a minimum of 9,000 square metres of non-residential **gross floor area** must be for office uses; and
  - (iii) the maximum **gross floor area** for residential uses is 360,200 square metres;
- (F) Provided that the total **gross floor area** does not exceed the maximum identified in Regulation (E) and subject to the **gross floor area** reductions listed in Regulation (G) the maximum **gross floor area** permitted on each Block shown on Diagram 6 of By-law 1011-2022 is as follows:
- (i) 68,000 square metres on Block 1;
  - (ii) 12,000 square metres on Block 2;
  - (iii) 34,000 square metres on Block 3;
  - (iv) 73,000 square metres on Block 4;
  - (v) 81,000 square metres on Block 5;
  - (vi) 63,000 square metres on Block 6; and
  - (vii) 65,000 square metres on Block 7;

- (G) In addition to the **gross floor area** reductions listed in Regulations 40.5.40.40(1), (3), (5), (7) and (9) the **gross floor area** of any **building** is also reduced by the area in a **building** used for:
- (i) community service facilities;
  - (ii) garbage room(s) in the basement and garbage shafts;
  - (iii) **public parking** located below ground level and at ground level;
  - (iv) all **bicycle parking spaces** at or above-ground;
  - (v) areas devoted to escalators;
  - (vi) all inset and projecting balconies;
  - (vii) all indoor **amenity space**;
  - (viii) enclosed pedestrian walkways that provide direct access to **streets, parks, public buildings** or portions of **buildings** used for community service facilities, outdoor **amenity space** accessible to the public, **public transportation** uses, **public parking** or a similar walkway in an adjacent **building**; and
  - (ix) washrooms or sitting areas that have access to the enclosed pedestrian walkways described in (viii) above;
- (H) For the purpose of this By-law, community service facilities eligible for the exclusion in Regulation (G)(i) are limited to the following uses: **recreation use, community centre, library, day nursery**, and premises owned or operated by or for, or under the authority of, the City of Toronto, any agency of the City of Toronto, any other public authority or **non-profit organization** for the provision of public health services, human services, cultural services and employment services, including but not limited to: medical office, **wellness centre, club** and office uses;
- (I) Despite Regulation 40.10.40.1(1), residential use portions of a **building** may also be located below or on the same level as non-residential use portions of a **building**;
- (J) A minimum of 10 percent of the total **dwelling units** on the lands identified on Diagram 1 attached to By-law 1011-2022 must be 3-bedroom **dwelling units**;
- (K) A minimum of 15 percent of the total **dwelling units** on the lands identified on Diagram 1 attached to By-law 1011-2022 must be 2-bedroom **dwelling units**;
- (L) Despite Regulations 40.5.40.70(1), 40.10.40.70(3) and (4), the required minimum **building setbacks**, including any portion of a **building** with **dwelling units**

located in the first **storey** of a **building**, are as shown in metres on Diagram 6 of By-law 1011-2022;

- (M) Despite Regulation (L) and Regulations 40.5.40.70(1) and 40.10.40.70(3) no **angular planes** or **main wall**, with or without openings, **building setback** requirements apply;
- (N) Despite Regulation 40.10.40.80(2), a "tower" or "towers" may be located in any area identified as a "tower area" as shown on Diagram 6 of By-law 1011-2022 provided that:
- (i) for the purposes of this By-law, "tower" means the portion of a **building** which collectively encloses the entirety of a **storey** higher than 26.0 metres above the Canadian Geodetic Datum elevation identified for each Block in Regulation (S);
  - (ii) if a line projected at a right angle from a **main wall** of a "tower" on each of Blocks 1, 5, 6 and 7 intercepts another **main wall** of a "tower" on the same Block, those **main walls** must be separated by a minimum of 30.0 metres; and
  - (iii) if a line projected at a right angle from a **main wall** of a "tower" on Block 4 intercepts another **main wall** of a "tower" on Block 4, those **main walls** must be separated by a minimum of 25.0 metres;
- (O) Despite Regulations (N) and (X), Buildings 2A, 3A and 5C as identified on Diagram 6 of By-law 1011-2022 are not "towers";
- (P) Despite Regulations (L) and (N), Regulations 5.10.40.70(1), 40.5.40.60(1), 40.10.40.70(3) and (4), 40.10.40.80(2), and Clause 40.10.40.60, the following are permitted to encroach into a required **building setback**, separation distances between **main walls** and between **main walls** of "towers" and minimum separation distances shown on Diagram 6 of By-law 1011-2022:
- (i) **building** elements and **structures** such as balconies, bay windows, terraces, cornices, window sills, parapets, trellises, pillars, patios, decks, guardrails, balustrades and railings, ornamental elements, architectural features, art and **landscape** features, retaining walls, pilasters, eaves, light fixtures and standards, ornamental elements and railings by a maximum of 2.5 metres;
  - (ii) **building** elements and **structures** such as awnings, canopies and all vertical extensions of such awnings, canopies and related architectural elements by a maximum of 3.0 metres;
  - (iii) **building** elements and **structures** such as stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, air vents and air intakes, elevated pedestrian bridge, safety and wind mitigation elements,

and underground garage ramps and associated **structures** may encroach;  
and

- (iv) despite (i), on Block 4 identified on Diagram 6 of By-law 1011-2022 balconies may not project into the minimum **building setback** to the south **lot line**;
- (Q) Despite Regulation (P)(ii) and Regulation 40.5.40.60(1), a canopy, awning or similar **structure**, with or without structural support, may encroach without limitation into a required minimum **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 8.0 metres above the elevation of the ground directly below it;
- (R) Despite Regulations (L) and (N) and the **building setbacks** shown on Diagram 6 to this By-law, required **building setbacks** do not apply to the parts of a **building** or **structure** that are below-ground and nothing in this By-law will prevent underground parking or underground **structures** from extending to the **lot lines** as defined by heavy lines on Diagram 1 to this By-law;
- (S) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** on a Block shown on Diagram 6 of By-law 1011-2022 is the distance between the Canadian Geodetic Datum elevation in the year 2021, as identified below, and the elevation of the highest point of a **building** or **structure**:
  - (i) 171.1 metres on Block 1;
  - (ii) 171.8 metres on Block 2;
  - (iii) 172.5 metres on Block 3;
  - (iv) 171.1 metres on Block 4;
  - (v) 171.1 metres on Block 5;
  - (vi) 171.0 metres on Block 6; and
  - (vii) 171.1 metres on Block 7;
- (T) Despite Regulation 40.10.40.10(3) and subject to Regulations (P) and (Q) and (W) no portion of a **building** may exceed the height in metres specified by the numbers following the symbol "HT" on Diagram 6 of By-law 1011-2022;
- (U) Despite Regulation (T):
  - (i) only one "tower" within each "tower area" on each Block as shown on Diagram 6 of By-law 1011-2022 is permitted to achieve the maximum height in metres specified for that Block by the numbers following the symbol "HT" on Diagram 6 of By-law 1011-2022; and

- (ii) other "towers" within each "tower area" on each Block must be lesser in height by a minimum of 10 metres than the maximum height in metres specified for that Block by the numbers following the symbol "HT" on Diagram 6;
  
- (V) Despite Regulation 40.10.40.10(5), the required minimum height of the portion of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is:
  - (i) 3.0 metres for residential uses; and
  - (ii) 4.5 metres for non-residential uses;
  
- (W) Despite Regulations (T) and (U), and Regulations 40.5.75.1(2) and 40.10.40.10(3)(A), and Clause 40.5.40.10, the following **building** elements, equipment and **structures** may project beyond the permitted maximum height of a **building** or **structure**, and if located on a rooftop such **building** elements, equipment and **structures** are not subject to area, coverage, horizontal dimension or locational restrictions:
  - (i) **building** elements and **structures** such as equipment used for the functional operation of a **building** including electrical, utility, mechanical penthouse, mechanical, ventilation and cooling equipment and features such as chimneys, stacks, flues, vents, air intakes, unenclosed heating equipment, cooling towers and power generators, **structures** that enclose, screen or cover equipment and devices, including electrical, utility, ventilation equipment, enclosed stairwells, indoor **amenity space**, washrooms, roof access, maintenance equipment storage, elevator shafts and overruns, chimneys and vents, solar panels and related equipment, **building** maintenance units, site servicing features and window washing equipment and crane **structures** by a maximum of 6.5 metres;
  - (ii) **building** elements and **structures** such as canopies, awnings, and related architectural elements, by a maximum of 8.0 metres;
  - (iii) **building** elements and **structures** such as architectural features, parapets, planters, ornamental elements, art and **landscape** elements, **buildings**, **structures** and equipment used for outdoor **amenity space** or open-air recreation including pools and associated equipment, light monitors, light fixtures, pergolas, playhouses, architectural features, and trellises, guard rails, screens, **green roofs**, seating areas, wheelchair ramps, retaining walls, canopies and awnings, divider screens and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
  - (iv) **building** elements and **structures** such as window washing equipment, Building Maintenance Units and cranes, antennae, flagpoles, satellite dishes and cellular arrays, by a maximum of 9.0 metres; and

- (v) **building** elements and **structures** such as acoustical screens and sound barriers and safety and wind protection/mitigation features by a maximum of 3.5 metres;
- (X) Any portion of a "**tower**" which encloses the entirety of a storey above a height of 26.0 metres above the Canadian Geodetic Datum elevation identified for each Block in Regulation (S) is permitted a maximum "floorplate" size of 750 square metres;
- (i) For the purposes of this By-law, "floorplate" means the total area of a "tower" floor of a **building** measured from the exterior of the **main wall** of the floor level, excluding voids at the level of each floor, such as a stairwell, escalator, elevator, ventilation duct, garbage chute or utility shaft;
- (Y) Despite Regulations 40.5.80.1(1) and 200.5.1(2), 200.5.1.10(10), 200.5.10.1(1), 200.10.1(1) and (2) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the lands identified on Diagram 1 of By-law 1011-2022 in accordance with the following:
- (i) any required residential visitor **parking spaces** may be provided on a non-exclusive basis, for the shared use of visitors and non-residential uses, as part of a **public parking** use/facility; and
- (ii) no **parking spaces** are required for non-residential uses located at ground level in a **mixed use building**, except:
- a. where the **gross floor area** for an individual **retail store** at the ground level is greater than 500 square metres and the requirements of Table 200.5.10.1 will apply;
- b. a minimum of four required **parking spaces** must be provided for the exclusive use of the **day nursery** on Block 2; and
- c. a minimum of four required **parking spaces** must be provided for the exclusive use of a **non-profit organization** on Block 2;
- (Z) Despite Regulations 200.5.1.10(2)(A) and (D), electric vehicle infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (AA) Despite Regulations 200.5.1.10(2)(A) and (D), a maximum of 10 percent of required **parking spaces** may have a minimum width of 2.6 metres with an obstruction on one side of such **parking spaces**;
- (BB) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, "car-share parking spaces" may replace required **parking spaces**, subject to the following:



- (i) a reduction of 4 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) 4 multiplied by the total number of **dwelling units** divided by 60, rounded down to the nearest whole number;
  - (ii) for the purpose of this By-law, "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 By-law, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (CC) Despite Regulation 200.5.1.10(1), the **parking space** rates for uses in Policy 4 areas apply to the entirety of the lands identified on Diagram 1 of By-law 1011-2022;
- (DD) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.4 metres; and
  - (iii) vertical clearance of 2.1 metres;
- (EE) Despite Regulation 200.15.1(3), the entire length of one side of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (FF) Despite Regulation 200.15.1(4), an accessible **parking space** is not required to be the closest **parking space** to a barrier free entrance and/or main pedestrian access to a **building** or to a passenger elevator, be the shortest route from such entrance or elevator, or be at the same level as the pedestrian entrance to the **building**;
- (GG) Despite Clauses 40.10.90.1, 220.5.1.10 and 220.5.10.1, **loading space** requirements shall be shared amongst all **buildings** on each Block shown on Diagram 6 of By-law 1011-2022. The **loading space** requirements for a Block that has two or more of the following non-residential uses: Office, **Retail Store**, **Eating Establishment**, **Personal Service Shop**, or **Hotel**, will be the total of (i) and (ii) below, subject to (iii), where applicable:
- (i) the minimum number of required Type "B" **loading spaces** on a Block is the largest number of Type "B" **loading spaces** required for any one of the uses listed above (for clarity, no other Type "B" **loading spaces** are

required for any of the other uses listed above that are provided in the same Block), plus, the Type "B" **loading spaces** required for all other non-residential uses on the Block not listed above;

- (ii) the minimum number of required Type "C" **loading spaces** on a Block is the largest number of Type "C" **loading spaces** required for any one of the uses listed above, (for clarity, no other Type "C" **loading spaces** are required for any of the other uses listed above that are provided in the same Block), plus the Type "C" **loading spaces** required for all other non-residential uses on the Block not listed above; and
  - (iii) the requirement for a Type "A" **loading space**, Type "B" **loading space** or Type "C" **loading space** for non-residential uses on a Block is satisfied if a Type "G" **loading space** is provided for the residential uses in the same Block;
- (HH) Despite Regulations 230.5.1.10(4) and (5), the required minimum dimensions of a **stacked bicycle parking space** are:
- (i) length of 1.8 metres;
  - (ii) width of 0.3 metres; and
  - (iii) vertical clearance of 1.1 metres;
- (II) Despite Regulations 230.5.1.10(9) and 230.40.1.20(1), "long-term" **bicycle parking spaces** may be provided in any combination of vertical, horizontal or stacked positions, may be located in a secured room, in a locker, or area on any floor of the **building** above, at or below ground level without being subject to any level increment requirement; and
- (JJ) Despite Regulations 230.5.1.10(9) and (10) and 230.40.1.20(1) and (2), "short-term" **bicycle parking spaces** may also be provided as stacked **bicycle parking spaces**, may be provided in any combination of vertical, horizontal or stacked positions, may be located in a secured room, in a locker, or area on any floor of the building above, at or below ground level without being subject to any level increment requirement, and may be located more than 30 metres from a pedestrian entrance to the **building**.

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

9. Despite any future severance, partition or division of the lands identified on Diagram 1 of By-law 1011-2022, the provisions of this By-law apply as if no severance, partition or division occurred.
10. None of the provisions of this By-law or By-law 569-2013, as amended, will prevent a sales office on the lands identified on Diagram 1 of By-law 1011-2022, where a sales office means **buildings, structures**, or premises, or portions thereof, used for the purpose

of selling or leasing **dwelling units** and/or non-residential **gross floor area** on the lands identified on Diagram 1 of By-law 1011-2022.

11. None of the provisions of this By-law or By-law 569-2013, as amended, will prevent an existing **building(s)** from being used for any purpose that existed on such lands as of July 22, 2022 or for any use listed as permitted under the letter "c" in Regulations 40.10.20.10(1) and 40.10.20.20(1), including that the number of **parking spaces** and **loading spaces** for such existing **building(s)** may be reduced or provided elsewhere on the lands outlined by heavy black lines on Diagram 1 to By-law 1011-2022.
12. Despite the demolition of a portion or portions of an existing **building**, Section 11 will continue to apply to any portion of an existing **building** on the lands outlined by heavy black lines on Diagram 1 to By-law 1011-2022. With any addition to an existing **building** or portion thereof that does not exceed 50 percent of the **gross floor area** of the existing **building**, Section 11 will continue to apply to the existing **building** and will also apply to the addition thereto.
13. For the purpose of this By-law, existing **building** means any **building** located on the lands outlined by heavy black lines on Diagram 1 to By-law 1011-2022.
14. None of the provisions of this By-law or By-law 569-2013, as amended, will prevent the erection or use of a pergola, shade structure, weather protection canopy, landscape features including planters and plantings, water features, furnishing elements, light fixtures, or public art in the areas identified as POPS on Diagram 6 of By-law 1011-2022.
15. Section 37 Provisions
  - (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, 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 height and 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 height and density of the proposed development on the lands as shown in Diagram 6 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, whereby the owner agrees to provide the following:

*Community Benefits*

1. The design, construction, finishing, maintenance and provision of at least 272 affordable rental housing dwelling units comprised of at least 16,864 square metres of residential Gross Floor Area on the lands at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road (the "Affordable Housing Units"), provided that the Affordable Housing Units approved for the City of Toronto's Open Door Affordable Housing Program incentives all to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat, in accordance with the following terms:
  - aa. at least thirty (30) of the Affordable Housing Units shall be a three-bedroom or four-bedroom rental unit with a minimum unit size of 84 square metres and an average size of 92 square metres;
  - bb. at least eighty-six (86) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 60 square metres and an average size of 67 square metres;
  - cc. at least one hundred fifty-six (156) of the Affordable Housing Units shall be one-bedroom rental units with a minimum unit size of 48 square metres and an average size of 55 square metres;
  - dd. the Affordable Housing Units shall be phased in accordance with the Affordable Housing Strategy prepared by Bousfields Inc. and dated May 20, 2021, such that a minimum of 114 of the Affordable Housing Units shall be provided on Blocks 5 and /or 6 as part of Phase 1, a minimum of 101 of the Affordable Housing Units shall be provided on Blocks 1, 2 and/or 4 as part of Phase 2 of the development, and any remaining Affordable Housing Units shall be provided on Block 3 as part of Phase 3 of the development, and notwithstanding the foregoing, the owner shall be permitted to deliver the Affordable Housing Units at an earlier stage of the development upon arrangements satisfactory to the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
  - ee. the location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat, provided that the City will not require the location of any such unit be on the sixth floor or higher in any Block;

- ff. the owner shall provide and maintain the Affordable Housing Units as secured rental housing for a minimum period of 40 years beginning from the date that each such unit is first occupied (the "Affordability Period"); during the Affordability Period, no Affordable Housing Unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose; upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;
- gg. the owner shall provide and maintain the Affordable Housing Units with Affordable Rents for the Affordability Period; the initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- hh. if an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- ii. after the first year of occupancy of any Affordable Housing Units, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;
- jj. notwithstanding the annual rent increases permitted in 1.ii. of this Schedule A, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit shall not be increased to an amount that exceeds 100 percent of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- kk. at least six months in advance of any new Affordable Housing Units being made available for rent to the general public, the owner shall develop and implement a Tenant Access Plan to ensure units are rented to eligible households in consultation with, and to the satisfaction of the Executive Director, Housing Secretariat;
- ll. the new Affordable Housing Units to be constructed as part of each phase shall be made ready and available for occupancy no later than the date by which seventy (70) percent of the new dwelling units as part of the construction of that phase

above are available and ready for occupancy, or to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

- mm. the owner shall provide all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the building in which such tenant resides at no extra charge; access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
  - nn. access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
  - oo. the owner shall provide all tenants of the Affordable Housing Units with laundry facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge; and
  - pp. the owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law;
2. The design, construction, finishing and equipping of a non-profit licensed child care facility to be located in the second floor of the building on Block 2, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Children's Services, to accommodate at a minimum 62 children, including infants, toddlers and preschoolers, comprising a minimum of 1,060 square metres of interior space and approximately 347 square metres of exterior space adjacent to the interior space including outdoor storage and four (4) parking spaces reserved for the exclusive use of the child care facility for pick-up/drop-off operations, (the "Child Care Centre"), including:
- aa. the conveyance of the Child Care Centre at no cost to the City, in fee simple, prior to first occupancy of the Building on Block 2;
  - bb. on, or prior to the conveyance of the Child Care Centre, the City and the owner shall enter into and register on title to, the appropriate lands, an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs in respect thereof, or portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre;

- cc. a letter of credit in an amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer, will be provided to the City prior to the issuance of the first above grade building permit for the building on Block 2, to secure the Child Care Centre;
  - dd. a one-time cash contribution in the amount of \$150,000.00 to be used toward start-up costs to be paid prior to the issuance of the first above grade building permit for the building on Block 2;
  - ee. a one-time cash contribution in the amount of \$150,000.00 to the Child Care Capital Reserve Fund, to replace appliances and large equipment due to wear and tear, to be paid prior to the issuance of the first above grade building permit for the building on Block 2;
  - ff. all cash contributions shall 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;
  - gg. four (4) dedicated parking spaces will be provided free-of-charge for the exclusive use of the child care facility for pick-up/drop-off operations; these spaces to be assigned accordingly, and be located in close proximity to the elevators providing the shortest route between the underground parking garage and the Child Care Centre, which shall be barrier-free; and a parking pass will be provided for officials conducting inspections of the child care facility; and
  - hh. any other details related to the Child Care Centre such as timing, location, obligations and any matters necessary to implement the Child Care Centre, which have not been addressed in the City Council decision will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2021) and to the satisfaction of the Executive Director, Corporate Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor;
3. Prior to the earlier of condominium registration and the first residential use of any residential building for Block 2, the owner shall substantially complete construction of 1,090 square metres of Community Agency Space to be located on the ground floor of the building on Block 2 (the "Community Agency Space"), which is to be provided to the City at no cost for public use and subject to the following:
- aa. the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate



Management, the Chief Planner and Executive Director, City Planning and the City Solicitor, in consultation with the Ward Councillor;

- bb. prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor; and
  - cc. on, or prior to the conveyance of the Community Agency Space, the City and the owner shall enter into and register on title to, the appropriate lands, an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs in respect thereof, or portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space;
4. The preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council, including that:
- aa. prior to the issuance of the first above-grade building permit for any residential use on Block 7, the owner shall submit a public art plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, detailing the design and construction of an on-site public art installation with a minimum value of \$250,000.00, with such value upwardly indexed in accordance with the Non-Residential Construction Price Index for the Toronto, calculated from the date of the Section 37 Agreement to the date of delivery of the financial security required by this Recommendation; and
  - bb. prior to the issuance of the first above grade building permit for any residential use on Block 7, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated indexed cost of the design and construction of the public art to be installed in accordance with the public art plan;

*Matters to be Secured as a Legal Convenience*

The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development, in accordance with the agreement or agreements under Section 37(3) of the Planning Act:

- 5. Prior to the earlier of the issuance of the first above grade building permit for any residential use on Block 5, 6 and Block 7, the owner shall provide to the city the municipal services necessary for Phase 1, and convey to the City 2,480 square metres of

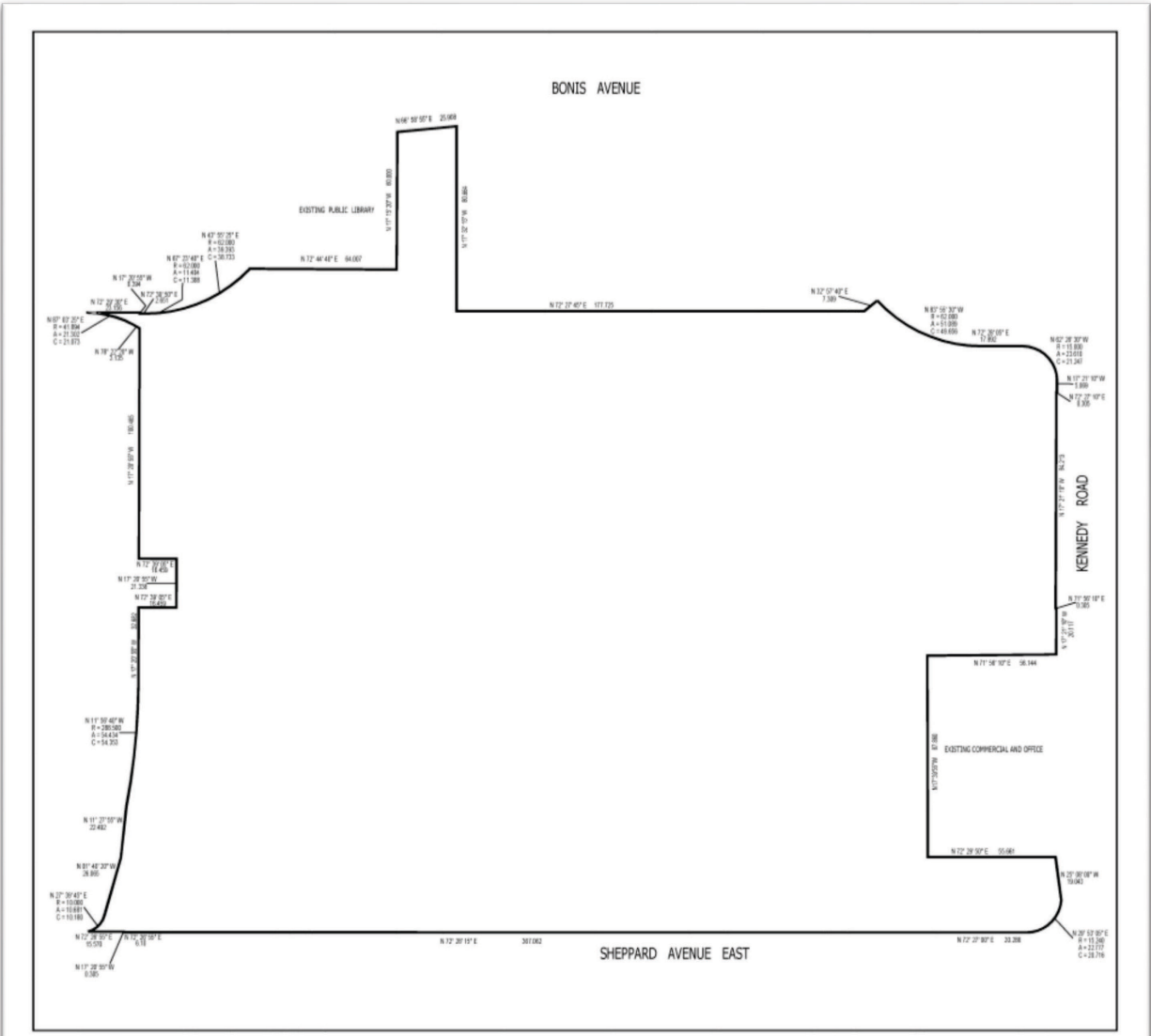
- parkland identified as Sheppard Park on Diagram 6 of of By-law 1011-2022, all associated with the first phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;
6. Prior to the earlier of the issuance of the first above grade building permit for any residential use on Block 1, Block 2 and Block 4, the owner shall provide to the city the municipal services necessary for Phase 2, and convey to the City Park 9,140 square metres of parkland identified as the northern portion of Central Park on Diagram 6 of of By-law 1011-2022, all associated with the second phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;
  7. Prior to the earlier of the issuance of the first above grade building permit for any residential use on Block 3 the owner shall provide to the city the municipal services necessary for Phase 3, and convey to the City the 2,960 square metres of parkland identified as the southern portion of Central Park on Diagram 6 of of By-law 1011-2022, all associated with the third phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;
  8. The owner shall develop the municipal services for the site in accordance with the following sequence, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
    - aa. all municipal services necessary for Phase 1, as described in the Phasing and Sequencing Strategy Report prepared by Bousfields Inc and dated August, 2021 , shall be provided first;
    - bb. all municipal services necessary for Phase 2, as described in the Phasing and Sequencing Strategy Report prepared by Bousfields Inc and dated August, 2021, shall be provided second;
    - cc. all municipal services necessary for Phase 3, as described in the Phasing and Sequencing Strategy Report prepared by Bousfields Inc and dated August, 2021, shall be provided third; and
    - dd. in any event, the construction of the municipal services for a subsequent Phase shall not commence prior to the owner having satisfied the requirements of Parts 8.aa. through 4.cc., inclusive;
  9. The construction and maintenance, at the owner's expense, an area of not less than 2,348 square metres across the north side of Blocks 1 and 7, connecting Public Street "D" with Public Street "F," for use by the general public as Privately Owned Publicly Accessible Open Space with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;
  10. The construction and maintenance, at the owner's expense, an area of not less than 665 square metres at the south end of Block 7 near the intersection of Public Street "A" and Public Street "B," for use by the general public as Privately Owned Publicly

Accessible Open Space with the specific location, configuration, and design, and programming to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

11. The construction and maintenance, at the owner's expense, an area of not less than 385 square metres at the southeast corner of Block 5 near the intersection of Kennedy Road and Sheppard Avenue East for use by the general public as Privately Owned Publicly Accessible Open Space with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;
12. The construction and maintenance, at the owner's expense, an area of not less than 2,366 square metres on the lands along the west side of Public Street "C," for use by the general public as Privately Owned Publicly Accessible Open Space with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval for Block 3 to the satisfaction of the Chief Planner and Executive Director, City Planning;
13. As a pre-approval condition to Site Plan Approval for residential use on any block on the development site which includes a Privately Owned Publicly Accessible Open Space as described in Part 9, 10, 11 and 12 of this Schedule A, the Owner shall convey to the City, for nominal consideration, on terms set out in the Section 37 Agreement, easement(s) in favour of the City in perpetuity, including support rights as applicable, for public use of the Privately Owner Publicly Accessible Open Space, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
14. The design and construction of any Above Base Park Improvements to the new parks by the owner in exchange for the Development Charge Credit against the Parks and Recreation component of the Development Charges;
15. The following development charge credits:
  - aa. a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of any Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time;
  - bb. a development charge credit against the Child Care component of the Development Charges for the design and construction by the owner of the Child Care Centre (as defined in Part 2 above), to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Children's Services; the development charge credit shall be in an amount that is the lesser of (1) the cost to the owner of designing and constructing the Child

Care Centre minus \$3,666,719.00, and (2) the Child Care component of the Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time; and

- cc. a development charge credit against the Parks and Recreation component of Development Charges for the design and construction by the owner of the Community Agency Space (as defined in Part 3 above), to the satisfaction of the Chief Planner and Executive Director, City Planning; the development charge credit shall be in amount that is the lesser of (1) the cost to the owner of designing and constructing the Community Space minus \$1,000,000.00, and (2) the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time;
16. Prior to issuance of Notice of Approval Conditions for the first residential development of the lands the Owner shall produce Urban Design Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning that will ensure a high quality public realm, address the incremental development of each phase and foster design excellence including innovative architecture and landscape design;
17. Prior to the issuance of the first building permit for a residential use any part of the site, including permits for excavation and shoring, the owner shall enter into a Municipal Capital Facility Agreement with the City ("Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor; the owner shall provide such Affordable Housing Units in accordance with such agreement(s);
18. The owner will construct and maintain the development of the site 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 site; and
19. The owner shall include warning clauses and signage of the Toronto Catholic District School Board and the Toronto District School Board in the conditions of site plan approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Chief Planner and Executive Director, City Planning.



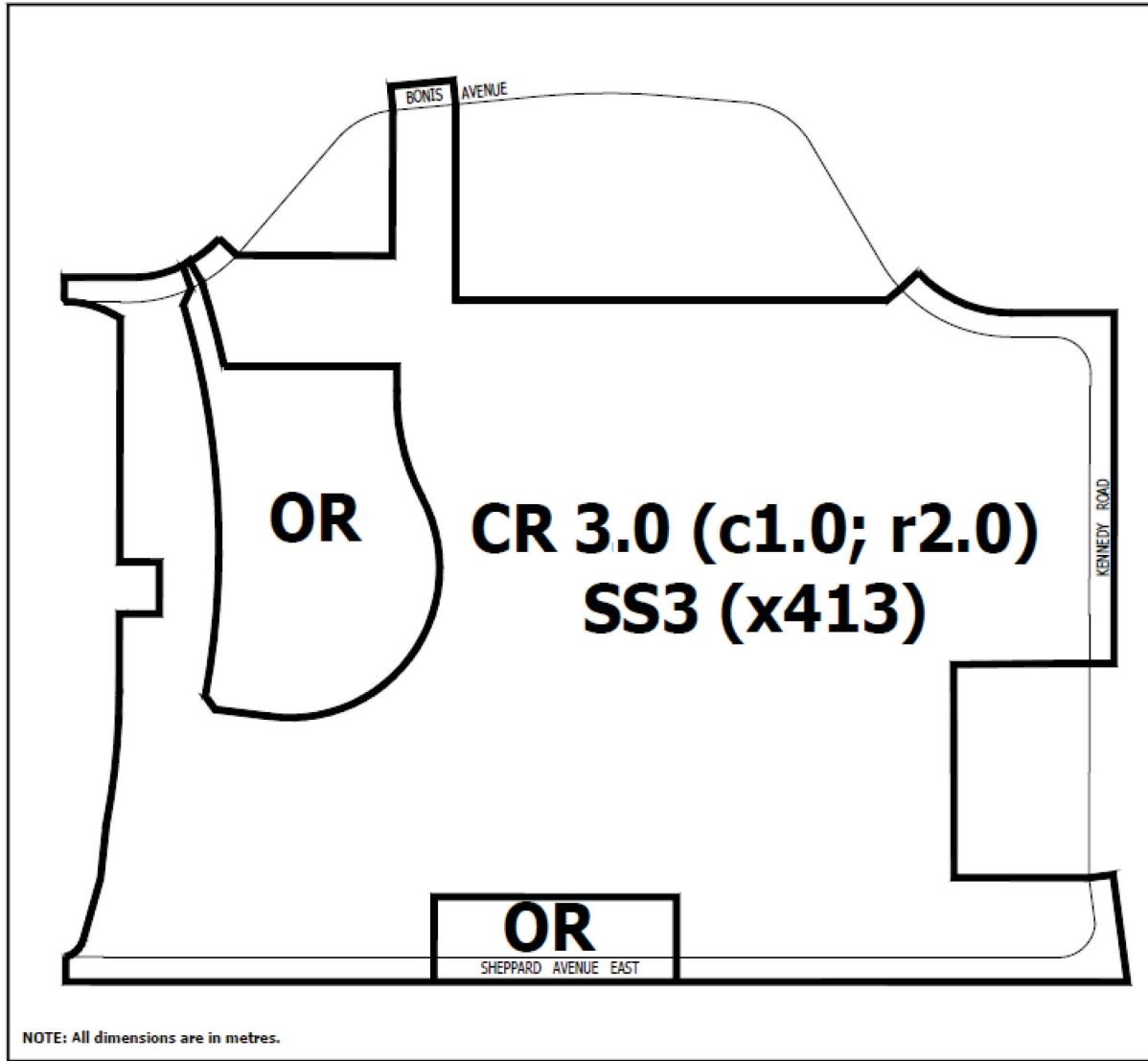
**3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road**

**Diagram 1**

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Not to Scale





3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road

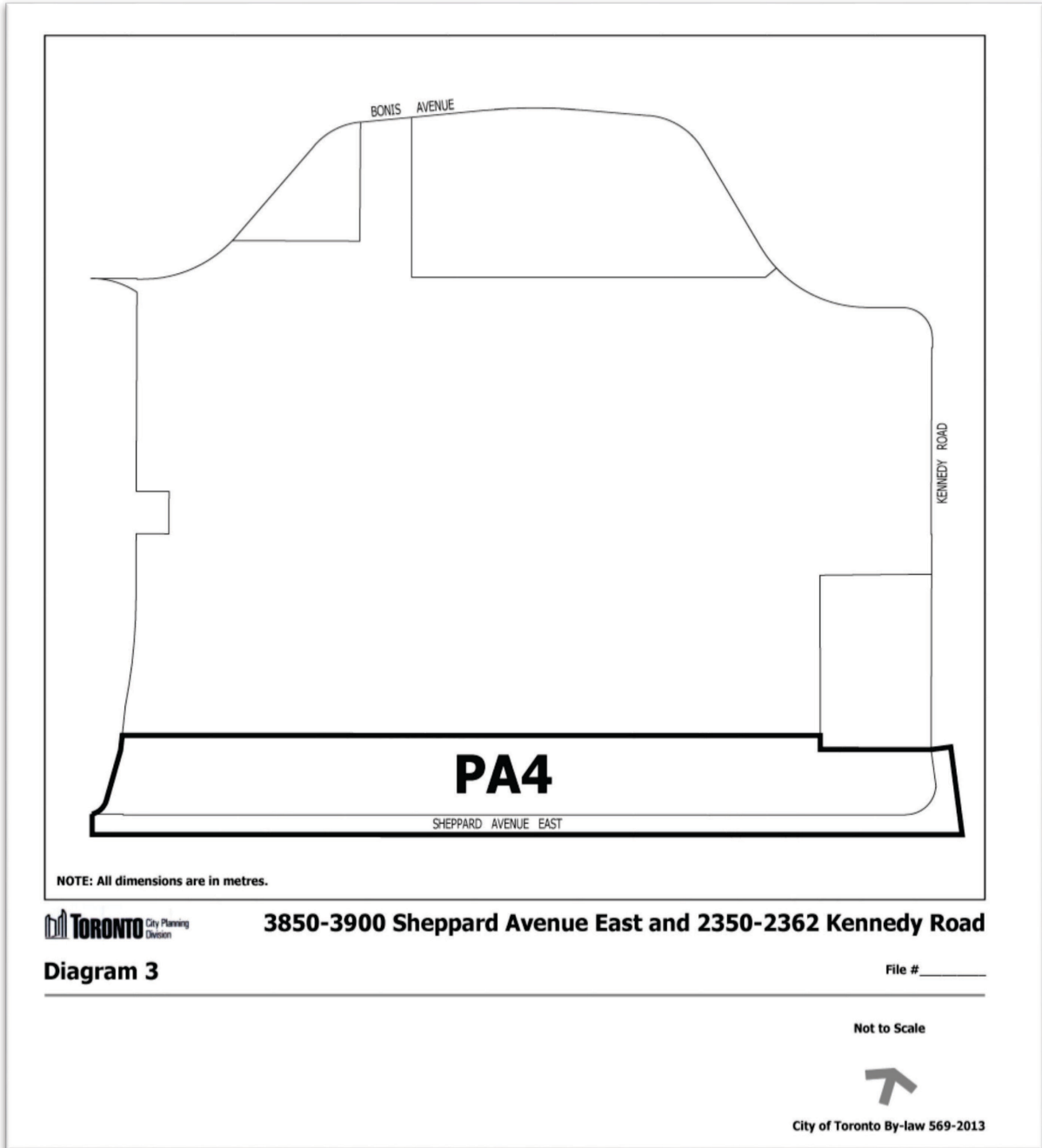
Diagram 2

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City of Toronto By-law 569-2013



**3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road**

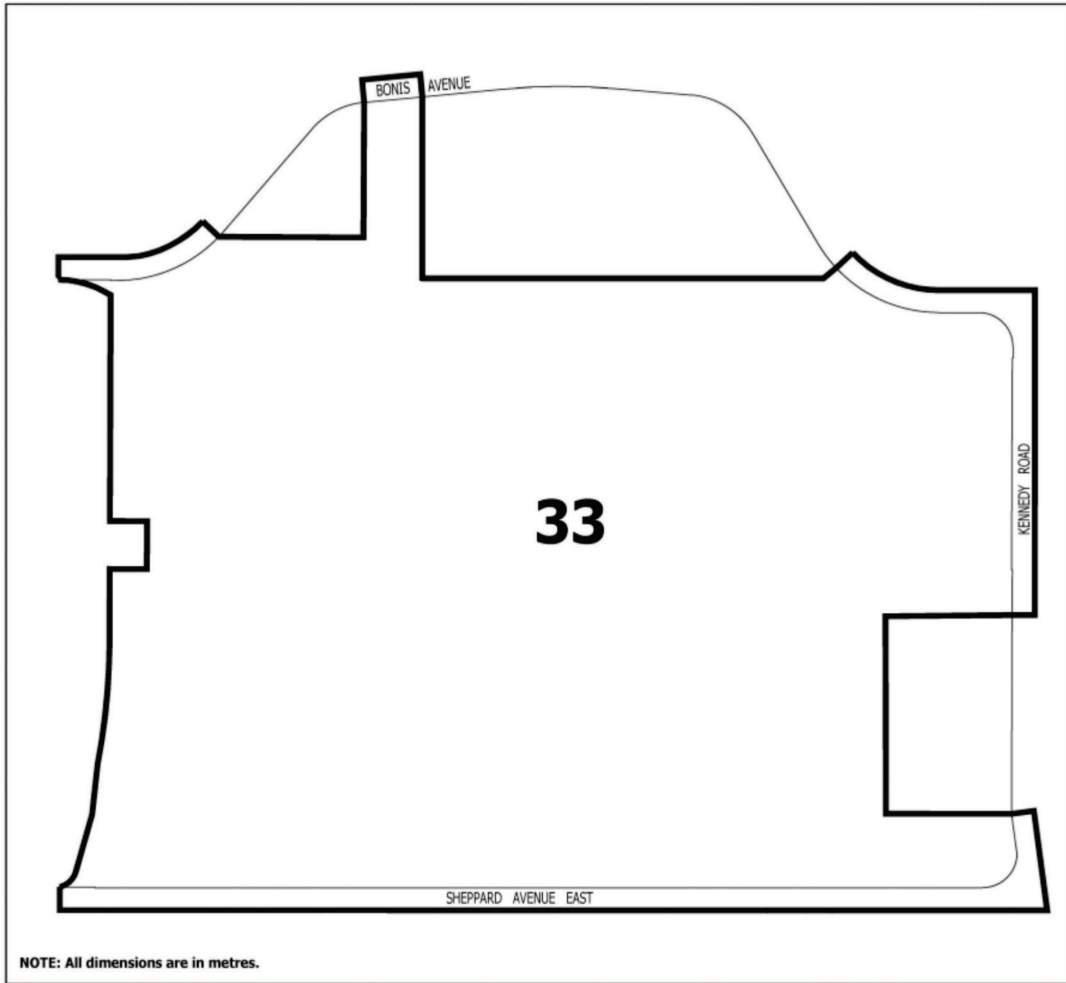
**Diagram 3**

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City of Toronto By-law 569-2013



NOTE: All dimensions are in metres.



3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road

Diagram 4

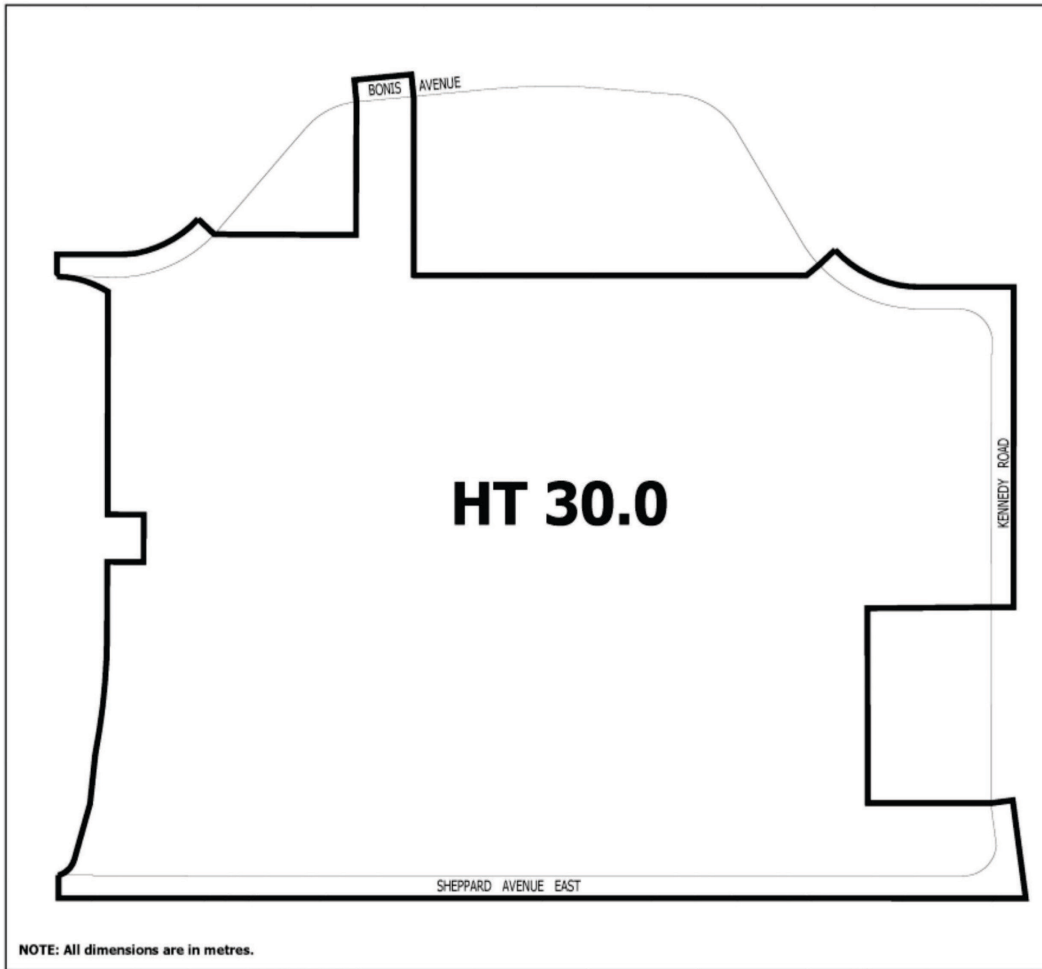
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City of Toronto By-law 569-2013





NOTE: All dimensions are in metres.



3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road

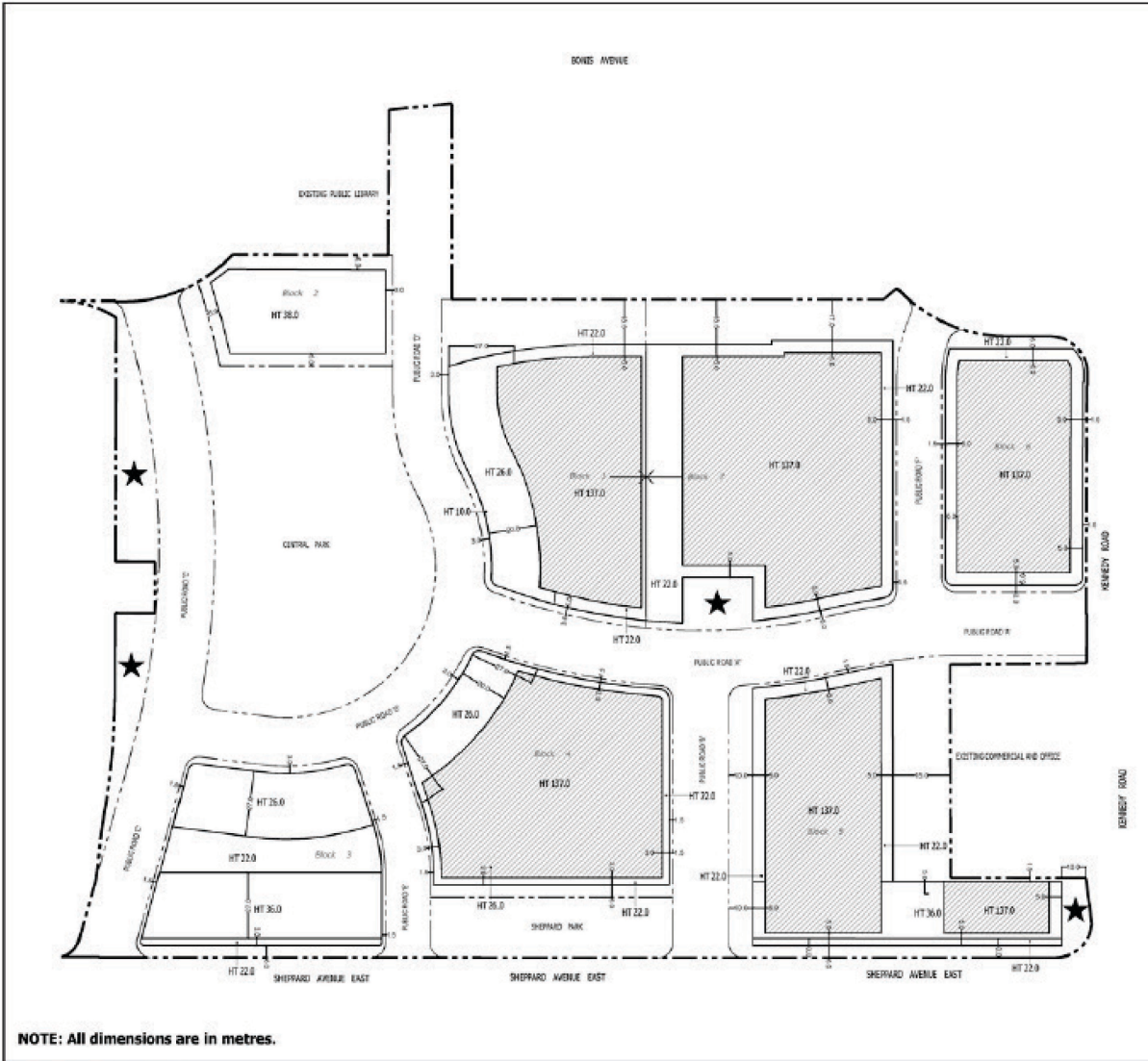
Diagram 5

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City of Toronto By-law 569-2013






**3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road**

**Diagram 6**

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

NOTE: All dimensions are in metres.

Not to Scale

-  Area Affected by this By-law
-  Tower Area
-  POPS