

Authority: Scarborough Community Council Item SC33.8,  
as adopted by City of Toronto Council on July 19, 20, 21  
and 22, 2022

## CITY OF TORONTO

### BY-LAW 1019-2022

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 4415, 4417, 4419 and 4421 Sheppard Avenue East.**

Whereas Council of the City of Toronto has the authority 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 0.4 (c0.4, r0.0) SS3 (x1156) to a zone label of CR 0.4 (c0.4, r0.0) SS3 (x616) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 616 so that it reads:

(616) Exception CR 616

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 4415, 4417, 4419 and 4421 Sheppard Avenue East, as shown on Diagram 1 of By-law 1019-2022, if the requirements of Section 6 and Schedule A of By-law 1019-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (Q) below;
- (B) Despite Regulations 40.10.20.40(1)(A) and (B), an **apartment building**, and **mixed use building** are permitted;
- (C) 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 171.15 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 75 percent;
- (E) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 1019-2022;
- (F) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1019-2022:
- (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, by a maximum of 6.0 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, by a maximum of 6.0 metres;
  - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 6.0 metres;
  - (iv) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres;

- (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 6.0 metres; and
  - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 6.0 metres;
- (G) 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 Fulham Street;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 17,991 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 17,665 square metres;
  - (ii) the required minimum **gross floor area** for non-residential uses is 325 square metres;
- (I) Despite Regulation 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1019-2022;
- (J) A minimum of 142 square metres of publicly-accessible open space (POPS) must be provided in the area shown on Diagram 3 attached to By-law 1019-2022;
- (K) Despite Regulation 40.10.40.60(1):
- (i) a platform with a floor level no higher than the floor level of the first **storey** of the **building** may encroach into the required minimum **building setback** by 2.7 metres;
  - (ii) a platform with a floor level higher than the floor level of the first **storey** of the **building** may encroach into the required minimum **building setback** a maximum of 1.8 metres;
- (L) Despite Regulation 40.10.40.60(2), a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with provision (J) above, may encroach into a required minimum **building setback** for the **building** as follows:
- (i) to the same extent as the platform it is covering; and
  - (ii) if it is not covering a platform, the canopy, awning or similar structure, a maximum of 1.8 metres;
- (M) Despite Regulation 40.10.40.60(3), exterior stairs providing access to a **building** or **structure** may encroach into a required minimum **building setback**;

- (N) Despite Regulation 40.10.40.60(5), architectural features on a **building** may encroach into a required minimum **building setback** a maximum of 0.3 metres;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) no minimum **parking spaces** are required for residential occupants;
  - (ii) a maximum of 195 **parking spaces** for **dwelling units** for residential occupants, which may include "car-share parking spaces";
  - (iii) a minimum of 2 **parking spaces** plus 0.05 **parking spaces** per **dwelling unit** for the use of residential visitors;
  - (iv) a maximum of 1 **parking space** per **dwelling unit** for the first 5 **dwelling units** plus 0.1 **parking space** per **dwelling unit** for the 6th and subsequent **dwelling units** for the use of residential visitors;
  - (v) no minimum **parking spaces** are required for non-residential uses;
  - (vi) a maximum of 4.0 parking spaces per 100 square metres of non-residential **gross floor area**, which may include "car-share parking spaces";
- (P) Despite Regulation 200.15.10(1) and(2), a minimum of one of the required residential visitor **parking spaces** must be an accessible **parking space**, a minimum of 5 percent of the provided residential occupant **parking spaces** must be accessible **parking spaces** , and a minimum of one of the provided non-residential **parking spaces** must be an accessible **parking space**; and
- (i) where the calculation of the required accessible **parking spaces** results in a fraction, the number is rounded up to the nearest whole number;
- (Q) For the purpose of this exception:
- (i) "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** that are owned by a profit or nonprofit car-sharing organization, with such car-share motor **vehicles** to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
  - (ii) "car-share parking space" means a **parking space** exclusively reserved and used only for "car-share" purposes whereby the **vehicle** is accessible to at least the occupants of the **buildings**.

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

5. Space must be provided within the development for installation of maintenance access holes and sampling ports, on the private side as close to the property line as possible, for both the storm and sanitary service connections, in accordance with City of Toronto Municipal Code Chapter 681, Sewers.
6. Section 37 Requirements:
- (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 2 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 attached to 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 Requirements**

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. An indexed cash contribution of \$950,000.00 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 23 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 site.
4. As a legal convenience to support the development is as follows:
  - a. the owner shall provide to the City for nominal consideration Privately-Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS of approximately 142 square metres located at the northeast corner of the subject site at the intersection of Brimley Road and Sheppard Avenue East, for public access and provisions for rights of support if necessary, encumbrances and insurance, and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor in consultation with the Ward Councillor. The owner shall own, operate, maintain, and repair the POPS and install signage in a location to be determined through the Site Plan review process, at its own POPS at any time, 365 days a year. The final design and program of the POPS will be determined through the Site Plan review process and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - b. the owner shall submit a revised Functional Servicing and Stormwater Management Report to the Satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services to address the matters as set out in the Engineering and Construction Services memorandum dated June 8, 2022;

- c. prior to the issuance of a building permit, the owner shall enter into a financially secured development agreement for the construction of any improvements to the municipal infrastructure, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, if it is determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing and Stormwater Management Report referenced in (b) above; and
  
- d. 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.

**Diagram 1**

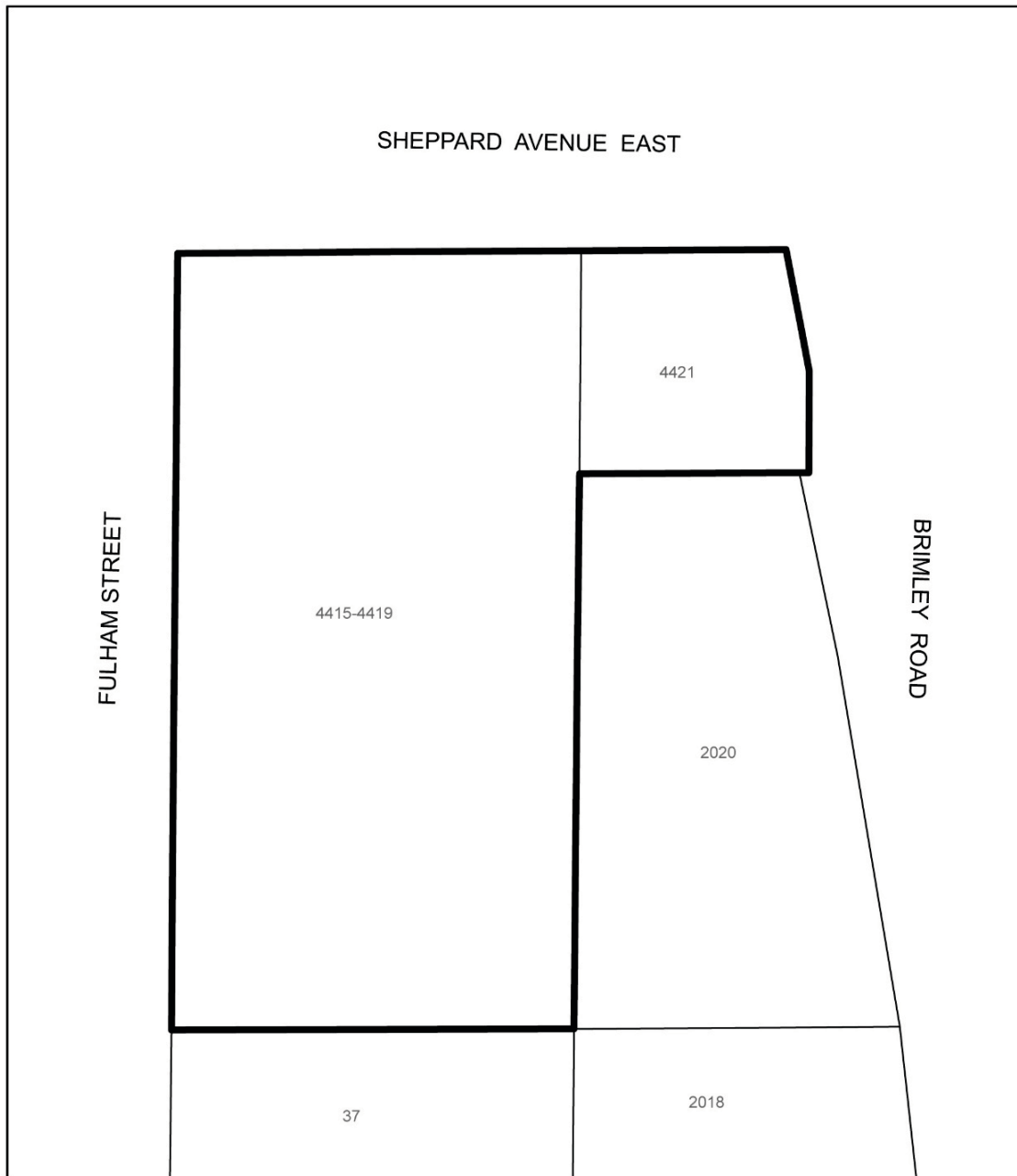


Diagram 2

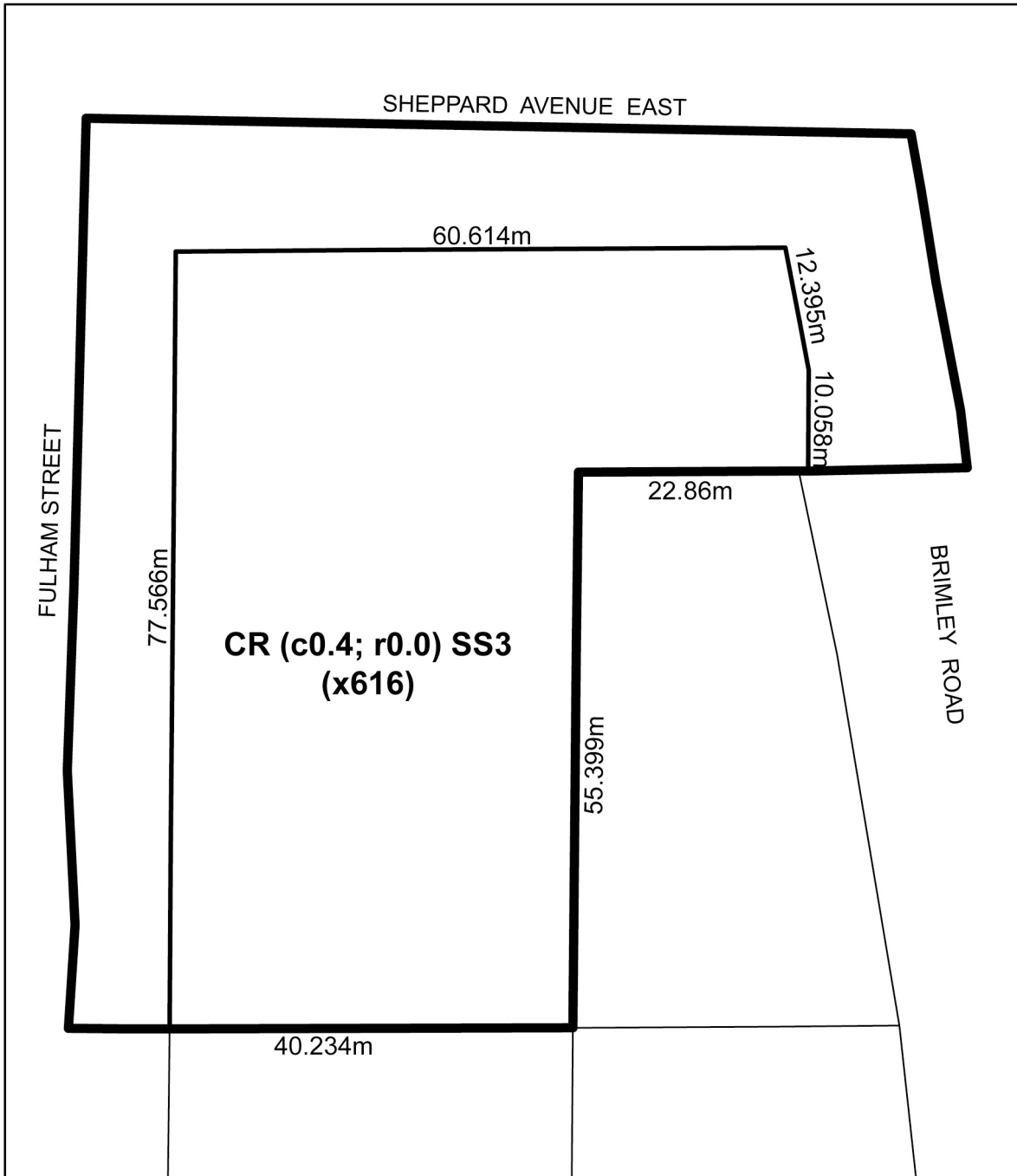
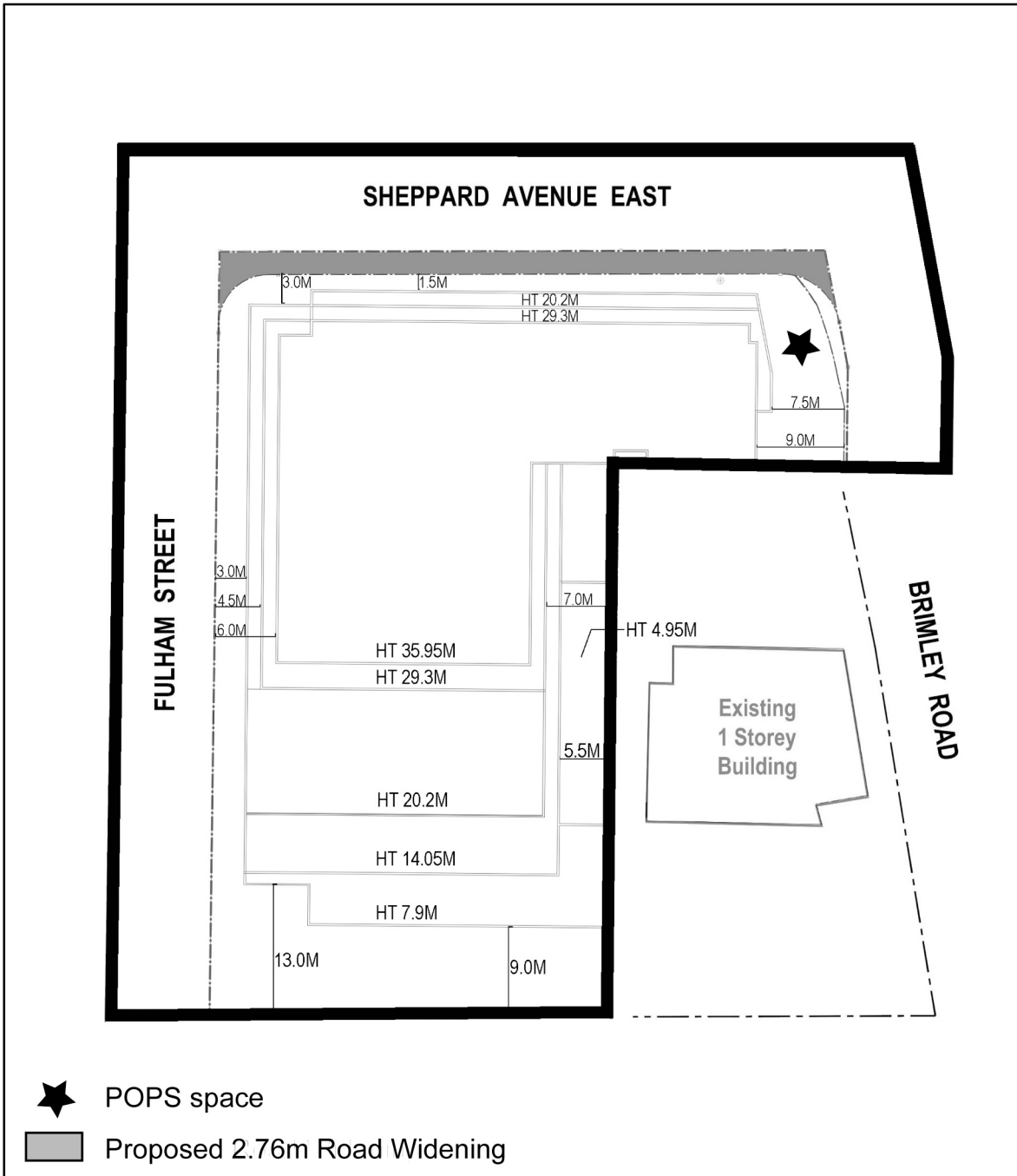


Diagram 3



 **TORONTO**  
Diagram 3

4415 - 4419 and 4421 Sheppard Avenue East

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