

Authority: Ontario Municipal Board Decision issued on November 10, 2015 and Ontario Land Tribunal Order issued on August 17, 2022 in Case PL150153

CITY OF TORONTO

BY-LAW 1259-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1050 Sheppard Avenue West.

Whereas the Ontario Municipal Board, in its Decision issued on November 10, 2015 and Ontario Land Tribunal, by its Order issued on August 17, 2022 in respect of Tribunal Case PL150153, approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 1050 Sheppard Avenue West; and

Whereas the Ontario Land Tribunal 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 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 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 or 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 such 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 Ontario Land Tribunal, by Order, amends By-law 569-2013 as follows:

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 1.0 (c1.0; r1.0) SS3 (x2182) to a zone label of CR 1.0 (c1.0; r1.0) SS3 (x375) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by replacing Article 900.11.10 Exception Number CR 2182 with Exception Number CR 375, so that it reads:

(375) Exception CR 375

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) A **building** or **structure** may be erected on the lands outlined by heavy black lines on Diagram 1 of By-law 1259-2022(OLT) and used for the uses permitted in the CR zone if constructed in compliance with (B) through (V) below;
- (B) Despite regulation 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 195.75 metres and the highest point of the **building** or **structure**;
- (C) The permitted maximum number of **dwelling units** is 202;
- (D) Despite regulation 40.10.40.10(3), the height for any portion of a **building** or **structure** may not exceed the height limit of the numbers following the symbol HT on Diagram 3 of By-law 1259-2022(OLT);
- (E) Despite regulation 40.10.40.10(7), the maximum number of **storeys** of any portion of a **building** or **structure** may not exceed the number of **storeys** as following the symbol ST shown for that portion of the **building** or **structure** on Diagram 3 of By-law 1259-2022(OLT);
 - (i) for the purpose of calculating (E) above, a mechanical penthouse is not included in the maximum number of **storeys**;
- (F) Despite regulations 40.5.40.10(3) through (7) and (B) above, the following elements of a **building** or **structure** may exceed the height limits shown on Diagram 3 of By-law 1259-2022(OLT):
 - (i) elevator overruns, mechanical equipment and any associated enclosed structures, chimneys, aeronautical lighting and antennae, up to a maximum of 5.0 metres;
 - (ii) trellises, screens, stairs and stair enclosures, window washing equipment, up to a maximum of 4.0 metres; and

- (iii) parapets, railings and dividers, guard rails, landscaping, roof drainage, and elements of a green roof, up to maximum of 2.0 metres;
- (G) Despite (B), and (F), above, in no case may any **building** or **structure**, inclusive of any accessory component, exceed 248.5 metres above sea level;
- (H) Despite clause 5.10.40.70 and regulation 40.10.40.70(3), the required minimum **building setbacks** are shown on Diagram 3 of By-law 1259-2022(OLT);
- (I) Despite (H) above and regulations 40.5.40.60(1) and 40.10.40.60, the following are permitted to encroach into the required minimum **building setbacks**:
 - (i) planters, terraces, art and landscape features, and canopies by a maximum of 3.0 metres;
 - (ii) balconies or similar **structures**, projecting window elements, roof overhangs, eaves, light fixtures, fences and decorative screens, pilasters, and projecting columns by a maximum of 1.6 metres; and
 - (iii) light fixtures by a maximum of 0.5 metres;
- (J) Despite (H) above, the required minimum **building setbacks** do not apply to the parts of a **building** or **structure** that are below-ground;
- (K) The permitted maximum **gross floor area** is 13,400 square metres;
- (L) The required minimum **gross floor area** for non-residential uses is 145 square metres;
- (M) Despite regulation 40.10.30.40(1)(A), no **lot coverage** applies;
- (N) Despite regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 2.0 square metres per **dwelling unit** of indoor **amenity space** and 1.6 square metres per **dwelling unit** of outdoor **amenity space**;
- (O) Regulations 40.10.50.10(1) through (3) do not apply;
- (P) Despite Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** at a minimum rate of:
 - (i) 0.55 **parking spaces** per **dwelling unit** for residents;
 - (ii) 0.1 **parking spaces** per **dwelling unit** for visitor use; and

Commercial/Retail:

- (iii) Despite Table 200.5.10.1, no **parking spaces** are required for commercial uses;

- (Q) Despite Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** at a maximum rate of:

Residential:

- (i) Bachelor (up to 45.0 square metres in size) – 0.9 **parking spaces** per **dwelling unit**;
- (ii) Bachelor (more than 45.0 square metres in size) – 1.3 **parking spaces** per **dwelling unit**;
- (iii) 1-Bedroom – 1.0 **parking space** per **dwelling unit**;
- (iv) 2-Bedroom – 1.3 **parking spaces** per **dwelling unit**;
- (v) 3 or more Bedroom – 1.5 **parking space** per **dwelling unit**; and

Commercial/Retail:

- (vi) 4.0 **parking spaces** per 100.0 square metres of **gross floor area** for non-residential uses;

- (R) **Parking spaces** provided for residential visitor use can be used by visitors of commercial uses;

- (S) A minimum of 1 car share **parking space** must be provided on the lands. For the purposes of this By-law, "car-share" means the practice whereby a number of people share the use of one or more motor vehicles that are owner by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building or short term rental, including hourly rental and "car-share **parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;

- (T) Despite clause 220.5.10.1, a minimum of one Type "G" **loading space** is required;

- (U) Despite Table 230.5.10.1(1), a minimum of 155 **bicycle parking spaces** must be provided and maintained on the **lot**, of which 139 **bicycle parking spaces** must be "long-term" and a minimum of 16 **bicycle parking spaces** must be "short-term"; and

- (V) Despite regulations 230.5.1.10(4)(C) and 230.5.1.10(5), a **stacked bicycle parking space** must have a minimum vertical clearance of 1.2 metres, a minimum width of 0.22 metres, and a minimum length of 1.8 metres.

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

5. Section 37 Requirements

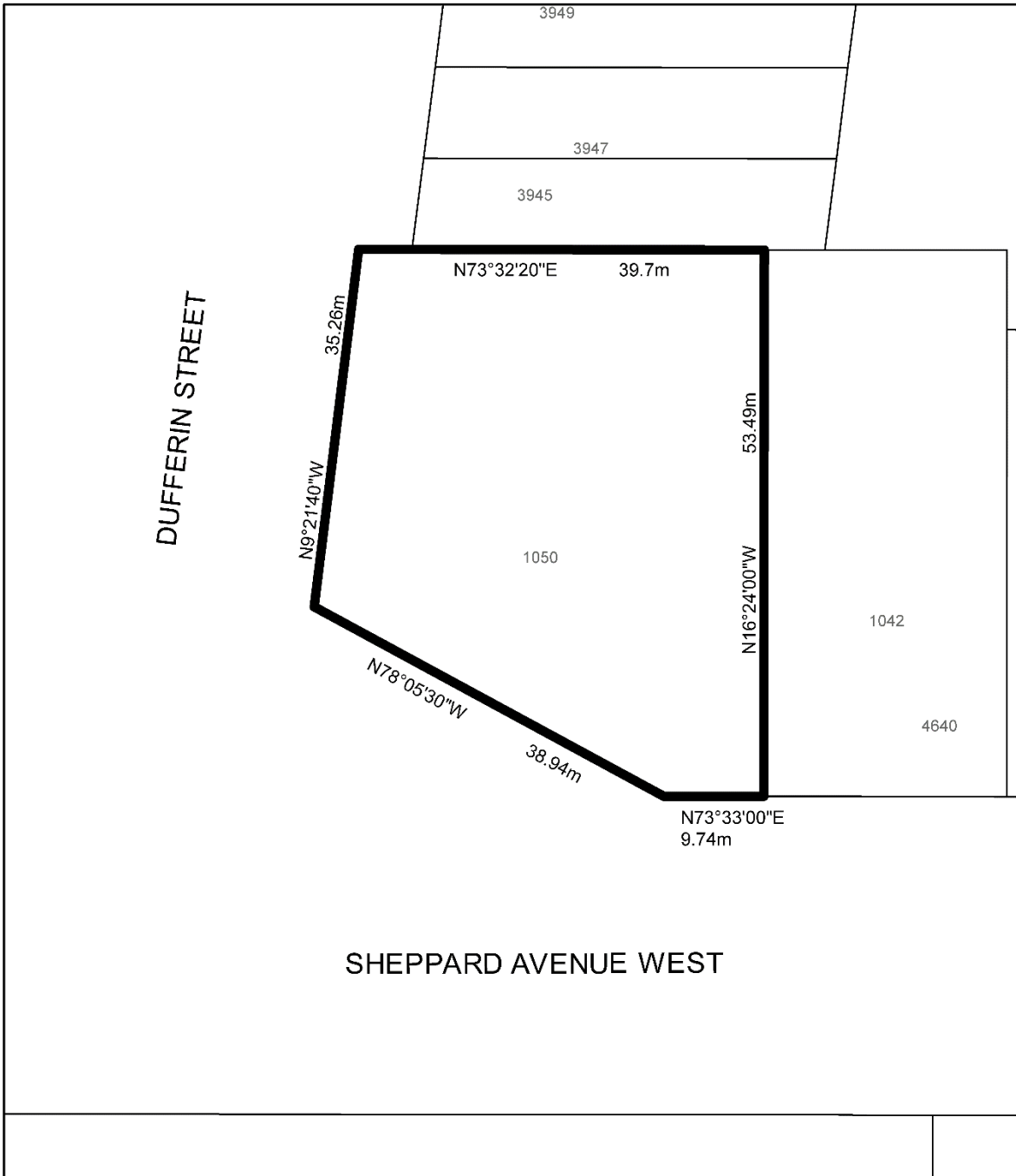
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, 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) 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.
- (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.

Ontario Land Tribunal Decision issued on November 10, 2015 and Ontario Land Tribunal Order issued on August 17, 2022 in Tribunal File PL150153.

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:

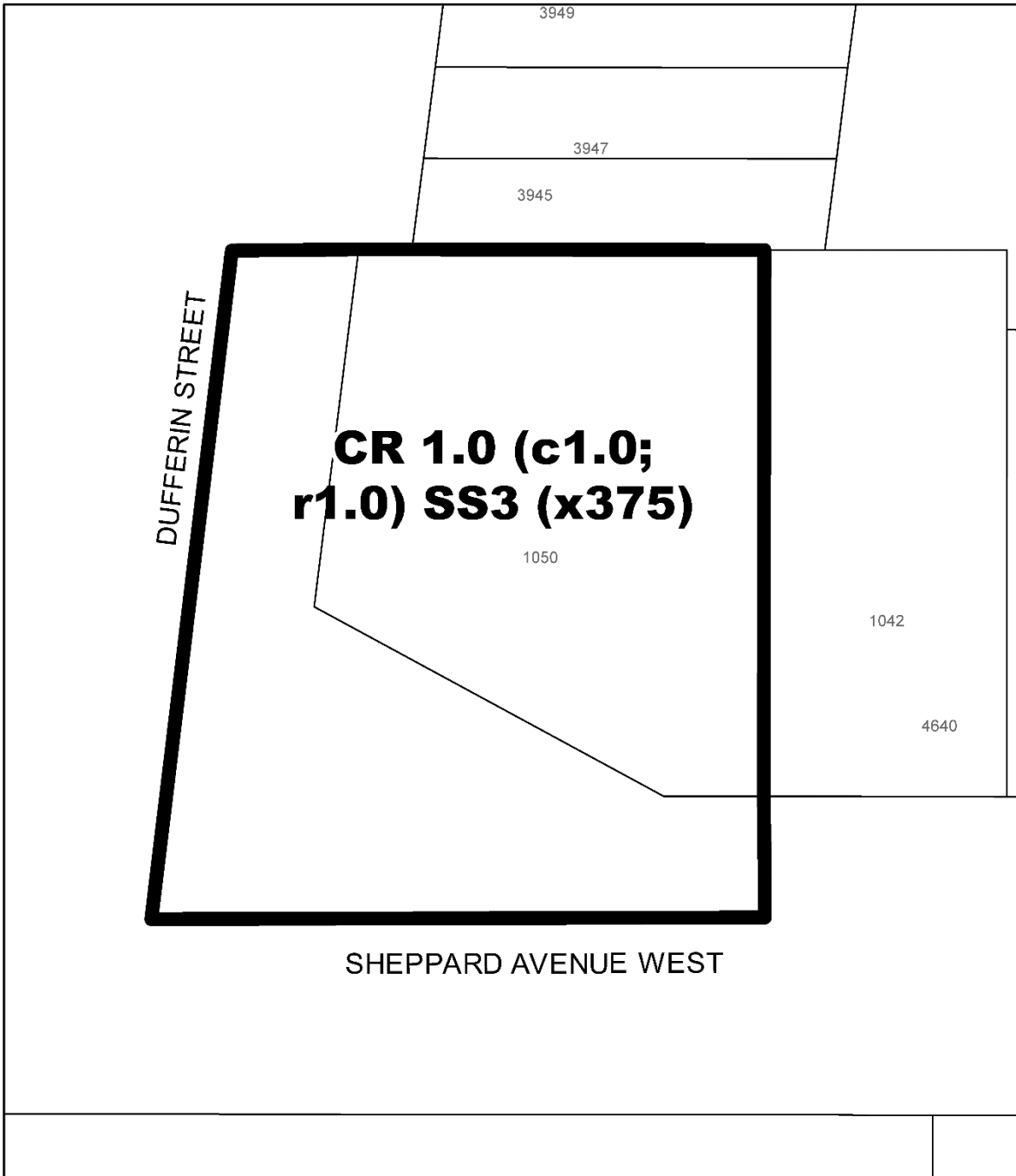
1. Prior to the issuance of the first above grade building permit for the lands, the owner shall pay to the City a cash contribution of \$337,500 to be allocated towards a high line park and/or trail on the berm on the east side of Allen Road between Kennard Avenue and Sheppard Avenue and/or local park improvements in the area, in consultation with the Ward Councillor and appropriate City staff.
2. The cash contributions shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building 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 the Agreement to the date the payment is made.
3. In the event the cash contribution referred to in Section 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution 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(s) is/are identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands.

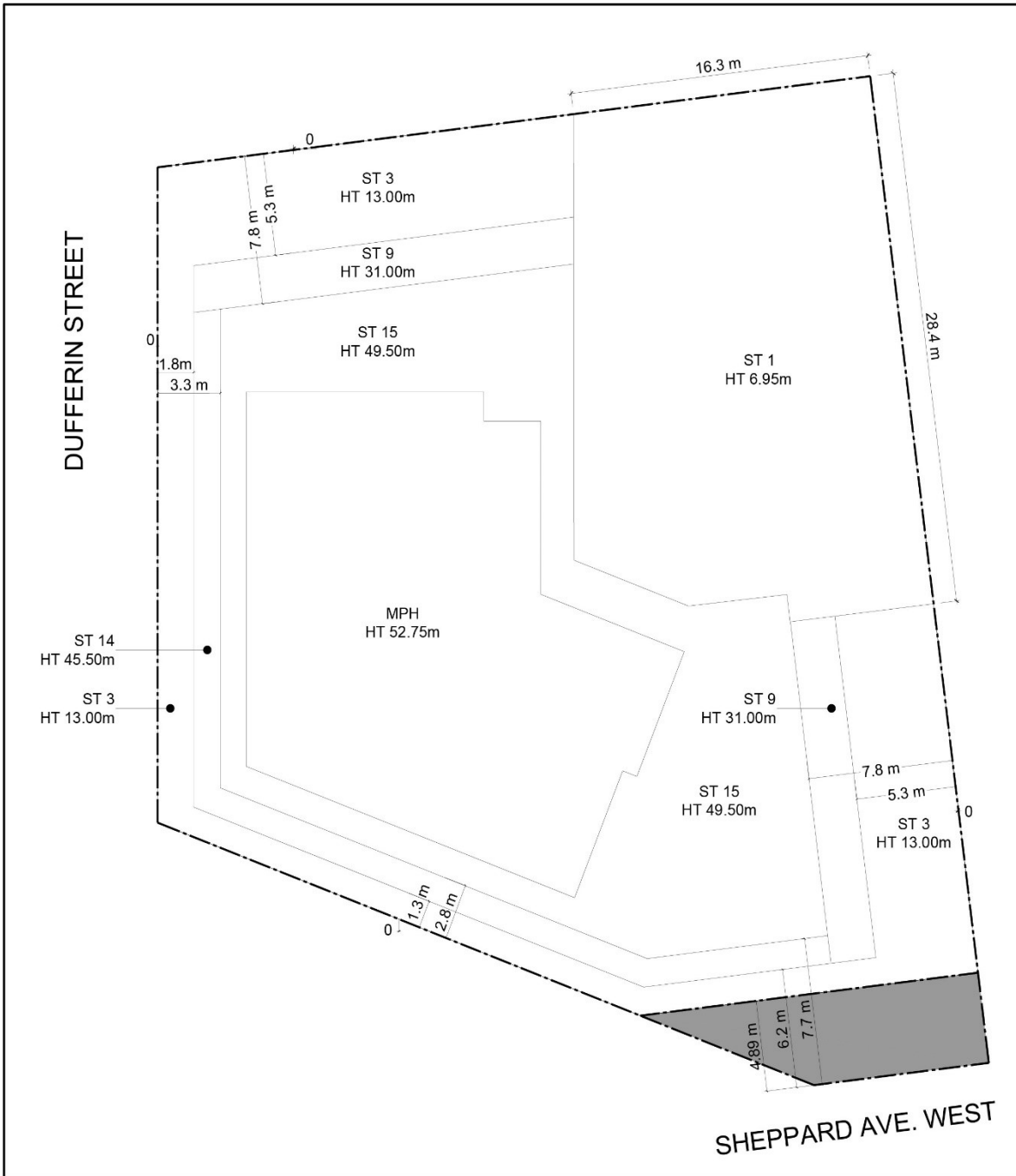


 **TORONTO**
Diagram 1

1050 Sheppard Avenue West

File #: 13 225608 NNY 10 0Z







 **TORONTO**
Diagram 3

1050 Sheppard Avenue West

File #: 13 225608 NNY 10 0Z

 LANDS TO BE CONVEYED TO THE CITY


City of Toronto By-law 569-2013
Not to Scale
07/19/2022