

Authority: Local Planning Appeal Tribunal Decision issued on April 11, 2019 in Tribunal File PL171273 and Ontario Land Tribunal Orders issued on August 12, 2022 and November 17, 2022 in Tribunal File OLT-22-004027 (formerly PL171273)

CITY OF TORONTO

BY-LAW 678-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 270 Sheppard Avenue West.

Whereas the Local Planning Appeal Tribunal, in its Decision issued on April 11, 2019 and Ontario Land Tribunal Orders issued on August 12, 2022 and November 17, 2022 in Tribunal File OLT-22-004027 (formerly PL171273), in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 270 Sheppard Avenue West; 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 of development 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 Zoning 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 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 (c1.0; r2.5) SS2 (x816) 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 Article 995.10.1 and applying no value.
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 24, ST 6, as shown on Diagram 3 attached to this By-law.
6. 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 the following lot coverage label to these lands: 35, as shown on Diagram 4 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR 816, so that it reads:

(816) Exception CR 816

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 270 Sheppard Avenue West, if the requirements of this By-law 678-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with regulations (B) to (V) 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 178.13 metres and the elevation of the highest point of the **building** or **structure**;
- (C) The maximum number of **dwelling units** is 179, of which:
 - (i) a maximum of 24 **dwelling units** may be studio **dwelling units**;
 - (ii) a maximum of 35 **dwelling units** may be one-bedroom **dwelling units**;
 - (iii) a minimum of 102 **dwelling units** must be two-bedroom **dwelling units**; and
 - (iv) a minimum of 14 **dwelling units** must be three-bedroom **dwelling units**;
- (D) The two and three-bedroom **dwelling units** required in (C) above, must comply with the following minimum size requirements:

- (i) Two-Bedroom **dwelling units**:
 - a. A minimum of 25 two-bedroom **dwelling units** must have a minimum **interior floor area** of 75 square metres;
 - b. A minimum of 32 two-bedroom **dwelling units** must have a minimum **interior floor area** of 65 square metres;
 - c. A minimum of 38 two-bedroom **dwelling units** must have a minimum **interior floor area** of 49 square metres;
- (ii) Three-Bedroom **dwelling units**:
 - a. A minimum of 8 three-bedroom **dwelling units** must have a minimum **interior floor area** of 110 square metres;
 - b. A minimum of 6 three-bedroom **dwelling units** must have a minimum **interior floor area** of 83 square metres.
- (E) Despite Regulation 40.10.30.40(1), the permitted maximum **lot coverage** as a percentage of the **lot area** is 72 percent;
- (F) Despite Regulation 40.10.40.1(6)(A), no separation is required between a pedestrian access and a **lot** in the Residential Zone category.
- (G) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law 678-2023(OLT);
- (H) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.8 metres;
- (I) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 5 of By-law 678-2023(OLT);
- (J) Despite Regulations 40.5.40.10(3) to (8), and (G) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law 678-2023(OLT) as follows:
 - (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 4.0 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 4.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.8 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
- (K) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 15,000 square metres, of which:
 - (i) the required minimum **gross floor area** for non-residential uses is 800 square metres which must be located on the first **storey** of the **building**;
- (L) Despite Regulation 40.10.40.50(1), **amenity space** must be provided on the **lot** at the following rate:
 - (i) A minimum of 440 square metres of indoor **amenity space**;
 - (ii) A minimum of 344 square metres of outdoor **amenity space**;
- (M) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law 678-2023(OLT);
- (N) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 5 of By-law 678-2023(OLT);
- (O) Despite Regulation 40.10.40.60(9) and (M) above, the following **building** elements are permitted to encroach into the required **angular plane** from the **rear lot line**:
 - (i) Balcony railings, privacy screens, roof overhangs and parapet walls located above the third **storey** to a maximum of 1.0 metres.
- (P) Despite Regulation 40.10.50.10(3), a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along the north **lot line**;
- (Q) Despite Regulation 40.10.80.20(2), a **parking space** must be set back at least 1.5 metres from a **lot** in the Residential Zone category;
- (R) 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 residential occupant **parking spaces** are required for a studio **dwelling unit**;

- (ii) a minimum of 0.7 residential occupant **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 1.0 residential occupant **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.0 residential occupant **parking spaces** for each three bedroom and greater **dwelling unit**;
 - (v) a minimum of 0.20 residential visitor **parking spaces** for each **dwelling unit**; and
 - (vi) a minimum of 1.1 **parking spaces** for each 100 square metres of non-residential **gross floor area**;
- (S) Despite Regulation 200.5.10.1(1) and (R) above, "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 to a maximum of two "car-share parking spaces";
 - (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;
- (T) Despite Regulations 230.5.10.1(1), (3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.68 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.07 "short-term **bicycle parking spaces** for each **dwelling unit**;
 - (iii) 0.13 "long term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses on the **lot**;
 - (iv) 3 plus 0.25 "short-term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses on the **lot**;

- (U) Despite Regulation 40.10.90.10(1), a **loading space** may extend beyond the rear **main wall** of a **building** and may be located in a **rear yard** that abuts a **lot** in a Residential Zone;
- (V) Despite Regulation 220.5.10.1(1), a minimum of one 'Type G' **loading space** must be provided.

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

- 8. 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.
- 9. 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 5 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.

Local Planning Appeal Tribunal Decision issued on April 11, 2019 in Tribunal File PL171273 and Ontario Land Tribunal Orders issued on August 12, 2022 and November 17, 2022 in Tribunal File OLT-22-004027 (formerly PL171273).

SCHEDULE A
Section 37 Requirements

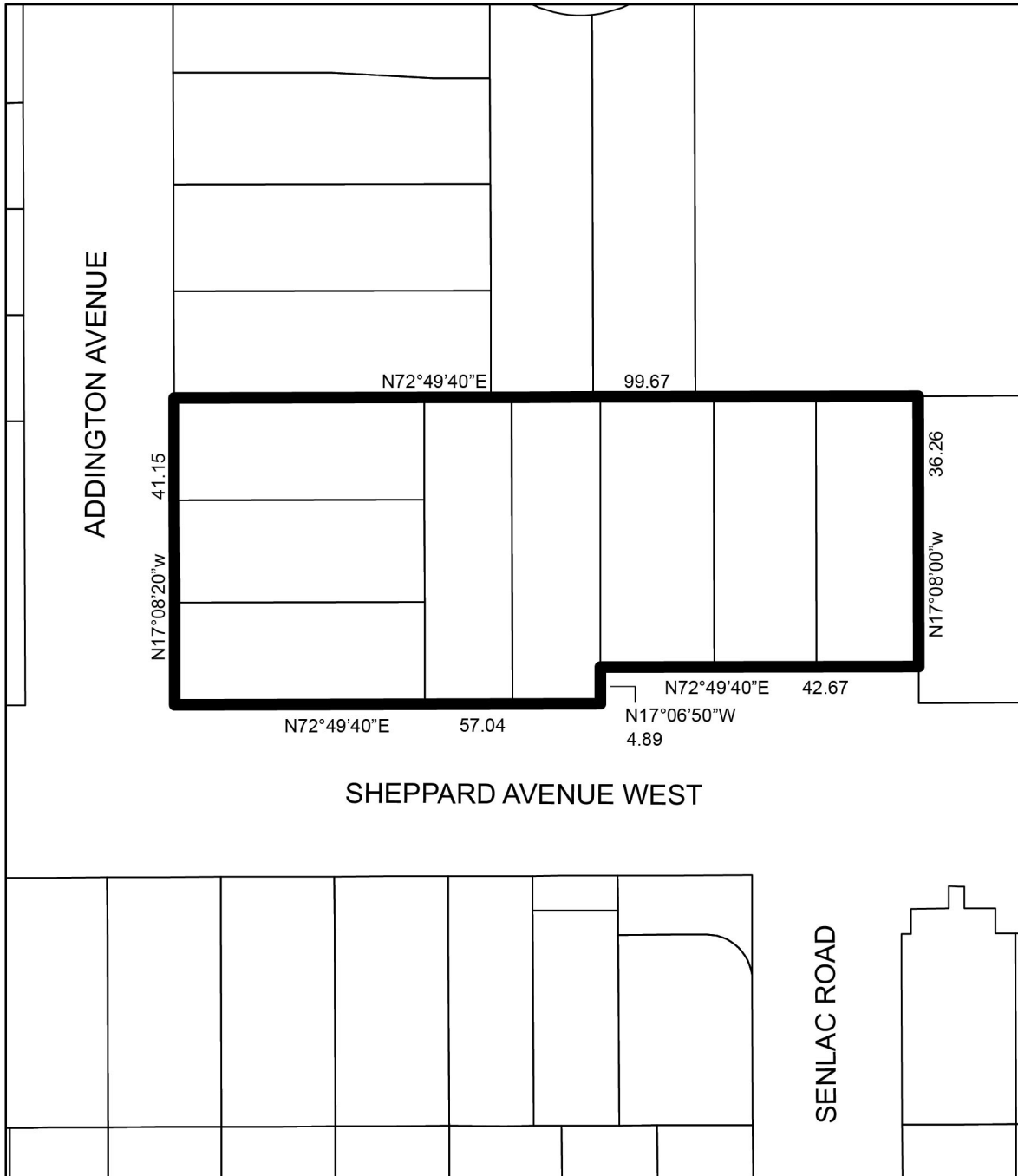
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 5 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Cash Contribution

1. Prior to the issuance of the first above-grade building permit for the proposed development, the Owner shall pay to the City the sum of \$1,134,000, such funds to be used by the City within proximity to the site and within the boundaries of the existing Ward 18; with the allocation of such funds to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. In the event the cash contribution referenced in paragraph 1 above has not been used for the intended purpose within three years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose within the boundaries of the existing Ward 18, 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.
3. The cash contribution referenced in paragraph 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of final approval of this By-law to the date of payment.

Matters Required to Support the Development

4. The Owner shall provide a boulevard extension within the City right-of-way on the east side of Addington Avenue between Sheppard Avenue West and the proposed site driveway which shall be designed prior to final site plan approval to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, and which shall be constructed, prior to first residential use of the development, to the satisfaction of the General Manager, Transportation Services.
5. The Owner shall convey the lands municipally known as 5 Addington Avenue to the City as off-site parkland dedication for the development prior to the issuance of the first above grade building permit for the development, in satisfaction of applicable parkland dedication requirements; should the Owner receive approval for a future minor variance or rezoning which increases the maximum permitted Residential Gross Floor Area and/or the maximum permitted Non-Residential Gross Floor Area beyond the amount shown in the Zoning By-law Amendment, the Owner shall be responsible for an increase in the parkland dedication to the extent that the new additional approved density triggers a requirement for a greater parkland dedication, by way of a cash-in-lieu payment and/or land in accordance with all legal requirements at the time the parkland dedication is required.

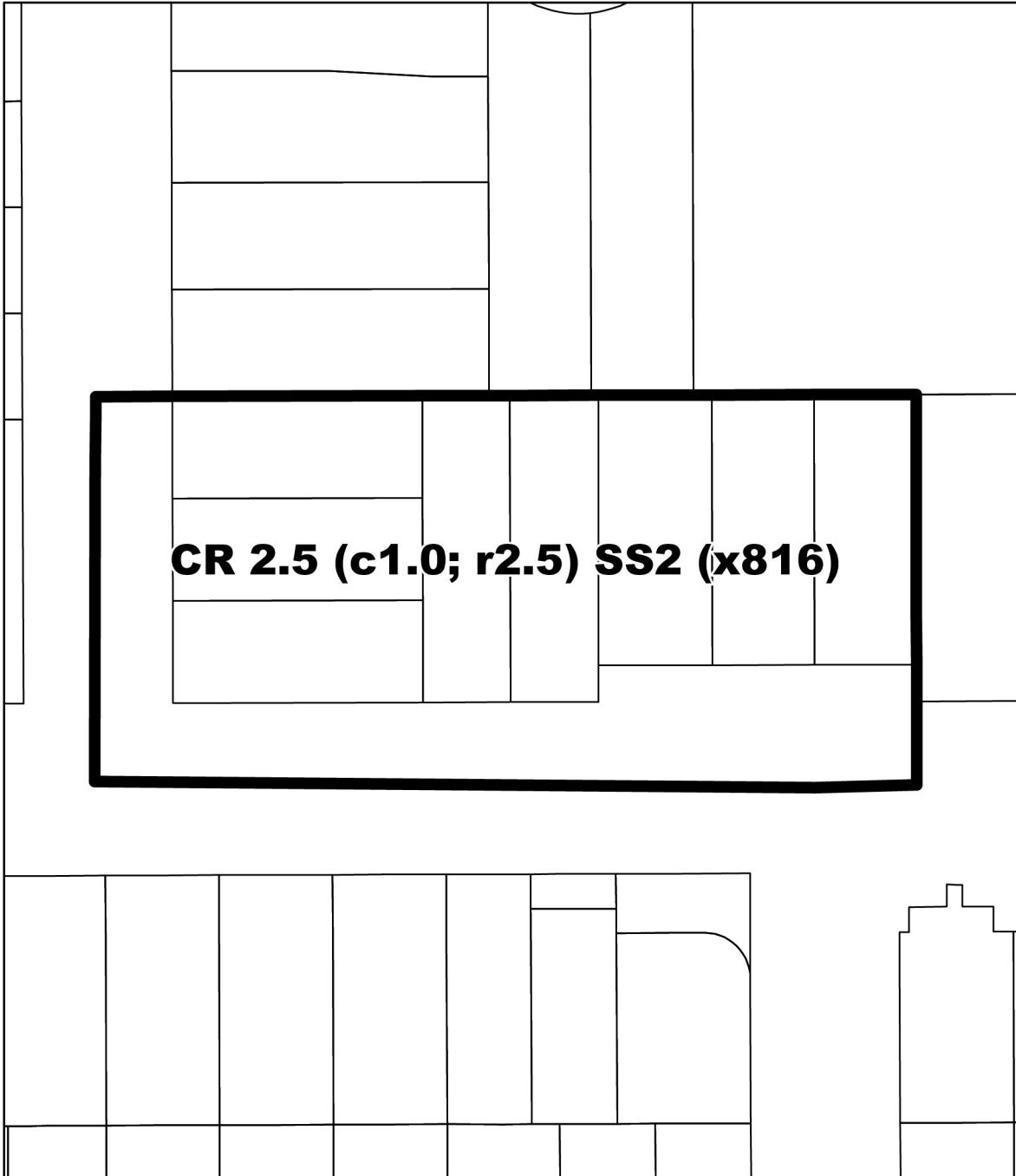


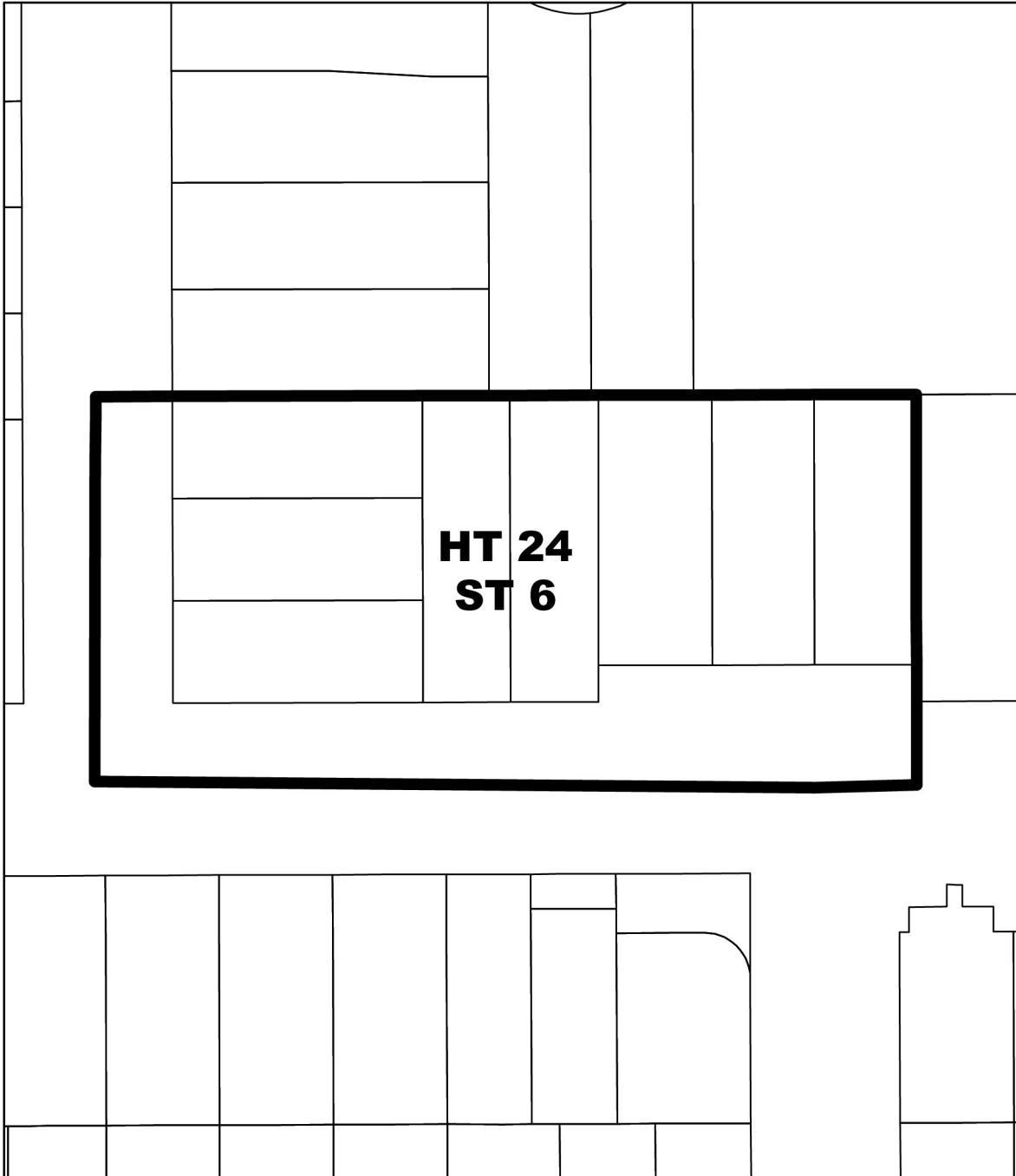
 **TORONTO**
Diagram 1

270 Sheppard Avenue West

File # 17 190573 NNY 23 0Z





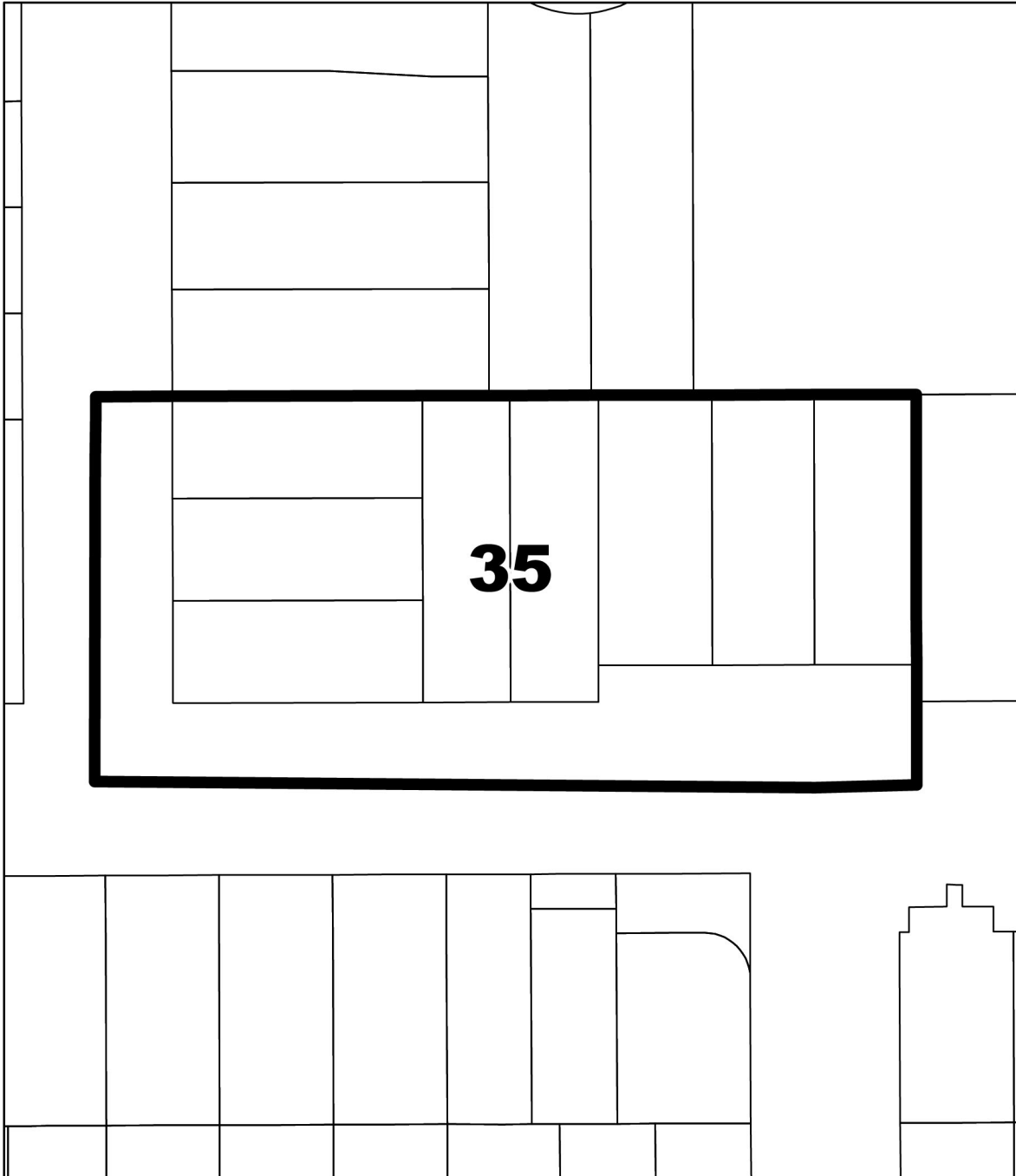


 **TORONTO**
Diagram 3

270 Sheppard Avenue West

File # 17 190573 NNY 23 OZ



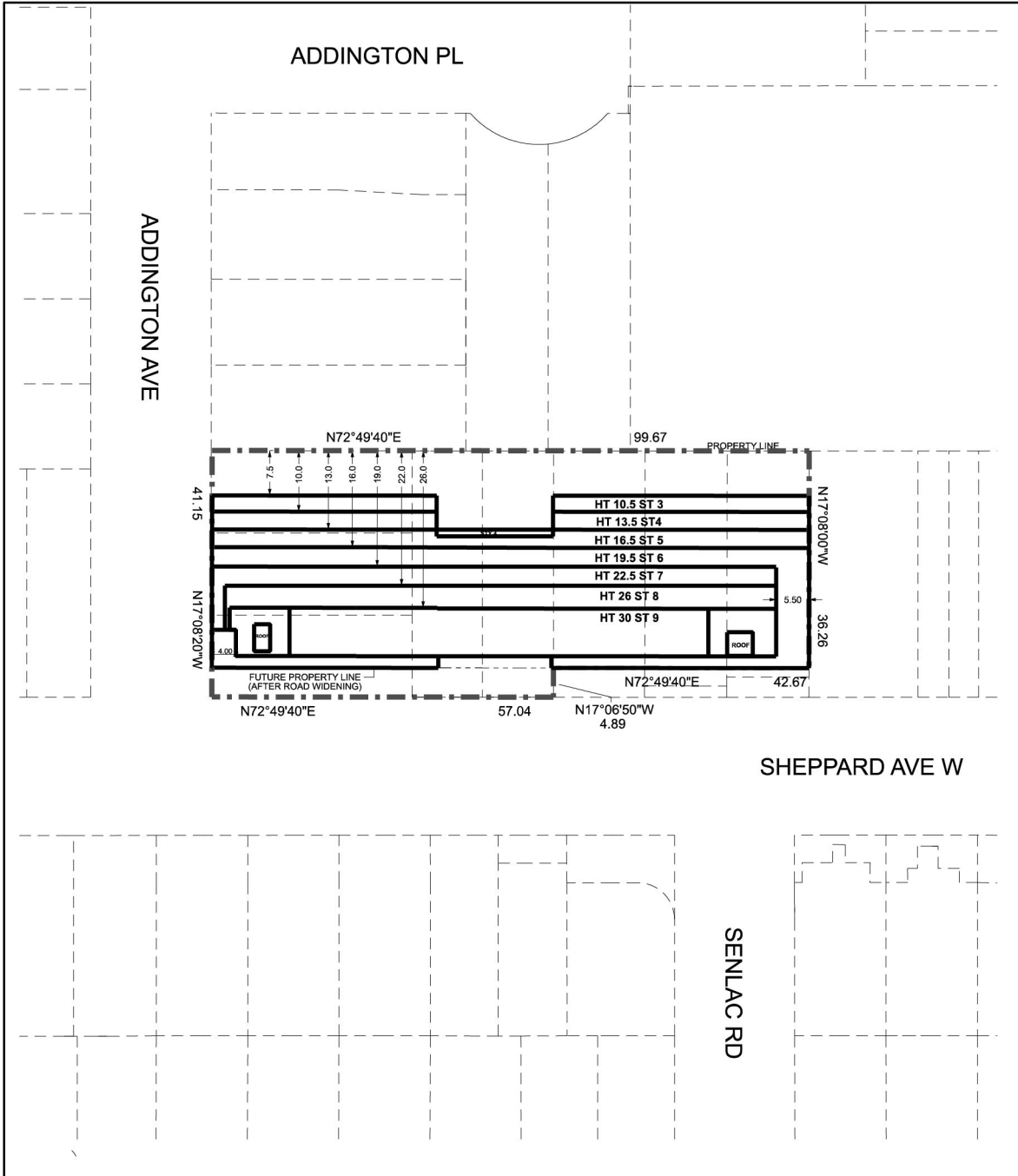


 **TORONTO**
Diagram 4

270 Sheppard Avenue West

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 **TORONTO**
Diagram 5

270 Sheppard Avenue West

File # 17 190573 NNY 23 0Z


City of Toronto By-law 569-2013
Not to Scale
08/11/2022