

# **2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court – Official Plan Amendment and Zoning By-Law Amendment Applications – Decision Report – Approval**

Date: October 10, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 17 - Don Valley North

**Planning Application Number:** 21 193763 NNY 17 OZ (ZBA) and 22 110192 NNY 17 OZ (OPA)

## **SUMMARY**

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The Official Plan Amendment and Zoning By-law Amendment applications will apply to the lands at 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court. The applications propose to redevelop the lands at 2135 Sheppard Avenue East with an 11-storey (36 meters) mixed use building containing 279 residential dwelling units, 1,858 square meters of retail space, and 1,221.7 square meters of further non-residential space. A 457 square meter public on-site park is also proposed at the southern edge of the site.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal is also consistent with the general intent of the Official Plan.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law. The proposed building represents an appropriate mix of land uses on the site contained in a built form that is respectful of the planned context and encourages a comfortable and attractive pedestrian environment on Sheppard Avenue East.

## RECOMMENDATIONS

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The Director, Community Planning North York District recommends that:

1. City Council amend the Official Plan, for the lands 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law 7625, as amended, for the lands at 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to this report.
3. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 2135 Sheppard Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as required, and to take any necessary steps to implement City Council's decision including execution of the Section 37 Agreement as referenced in Recommendation 5, and any other necessary agreement(s).
5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant Section 37 of the Planning Act, as it read the day before the date section 1 of Schedule 17 of the COVID-19 Economic Recovery Act, 2020 came into force, to secure the following community benefits:
  - a. a cash contribution in the amount of \$1,350,000.00 dollars (One Million Three Hundred Fifty Thousand) be provided towards community and recreational facility improvements, including the Toronto Public Library within the vicinity of the land, to the satisfaction of the Chief Planner and Executive Director, City Planning to be paid prior to the issuance of the first above grade building permit on the lands municipally known in 2022 as 2135 Sheppard Avenue East;
  - b. the cash contribution in Part 5.a. above shall be indexed upwardly in accordance with the Statistics Canada 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 of payment; and,
  - c. in the event the cash contribution referred to in Part 5.a. above 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, City Planning, in consultation

with the local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the land.

6. City Council approve that in accordance with Section 42 of the Planning Act prior to the first above grade building permit, the Owner shall convey to the city, an on-site parkland dedication, having a minimum size of 457 square metres located on the southern portion of the site adjacent to the existing park block, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

7. City Council approve the acceptance of on-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition.

8. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR). 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, PFR, 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.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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A Zoning By-law Amendment application was submitted on August 4, 2021 but was deemed Incomplete on September 3, 2021.

At the December 15, 16, and 17, 2021 City Council meeting, City Council adopted a member's motion (MM38.26) to allow the applicant to submit an Official Plan Amendment application before the second anniversary of the ConsumersNext Secondary Plan coming into effect. As part of the members motion, the applicant was required to submit an application that provided a minimum amount of non-residential space, in particular contiguous space on the ground floor that does not preclude the ability to accommodate a grocery store; an on-site parkland dedication; and a proposal that generally meets the guidelines found in the Mid-rise Building Performance

Standards. The decision to adopt the member's motion can be found at the following:  
<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM38.26>

A revised Zoning By-law Amendment application and an Official Plan Amendment application was submitted on February 2, 2022 and were both deemed to be complete as of February 18, 2022.

A Preliminary Report on the Official Plan Amendment and Zoning By-law Amendment applications was adopted by North York Community Council on April 20, 2022, authorizing City Planning staff to conduct a community consultation meeting with an expanded notification area. Comments from the community consultation are summarized in the Comments section of this Report. A copy of the Preliminary Report and Community Council's direction is available online at:  
<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY31.20>

Staff conducted a Community Consultation Meeting for the application on May 18, 2022. A summary from the community consultation can be found below in the Comments section of this Report.

## **PROPOSAL**

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The Official Plan and Zoning By-law Amendment application proposes to amend the Official Plan and ConsumersNext Secondary Plan, and to amend the City-wide Zoning By-law 569-2013 as well as the former City North York By-law 7625, as amended by By-law 1182-2016(OMB), for the properties at 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court to permit an 11-storey mixed use building at 2135 Sheppard Avenue East.

The proposed development is part of a larger four-phase development by the applicant (see Attachment 14). The original Ontario Municipal Board (now Ontario Land Tribunal) approved a development that consisted of a 26-storey residential building (Building D – 55 Smooth Rose Court) which is now built and occupied, a 43-storey residential building (Building B – 325 Yorkland Boulevard) which is currently under construction, a 34-storey residential building (Building A – 15 Smooth Rose Court) which is currently going through the Site Plan application process (file no. 21 164194 NNY 16 SA), and a 4-storey commercial building (Building C – 2135 Sheppard Avenue East).

The current proposal is to amend the approved 4-storey commercial building proposal to the current 11-storey mixed use design, which this report will continue to refer to as Building C.

The proposed building is 11 storeys (plus mezzanine), measuring 36.0 metres in height, excluding the mechanical penthouse that measures 6.5 metres in height). The proposed floor space index ("FSI") would be 3.5 times the area of the subject parcel with a total gross floor area of 23,996.1 square metres (resulting in a density of 5.0 times the area

of the greater development site across all phases). This includes 3,079.8 square metres of non-residential space and 20,916.4 square metres of residential space.

The residential unit mix would include 7 studio units (2.5%), 156 one-bedroom units (55.9%), 87 two-bedroom units (31.2%), and 29 three-bedroom units (10.4%).

The subject site containing the proposed Building C is irregular in shape and has an approximate area of 6,856 square metres. The site has an approximately 88.0 metre frontage along Sheppard Avenue East and 79.1 metres along Consumers Road. The subject site is currently vacant and used as a staging and parking area for the construction of the previous and ongoing phases of development on the adjacent properties which were part of the greater development site.

### **Reasons for Application**

An Official Plan Amendment application is required in order to permit an increased density from what is permitted in the ConsumersNext Secondary Plan, as well as reduced setbacks, landscaping, and the minimum size of the proposed dwelling units.

A Zoning By-law Amendment application is required in order to permit the proposed increase in height, density, gross floor area, number of dwelling units, and to establish new development standards related to setbacks, parking, loading, and amenity areas, amongst other things. The new site-specific standards will facilitate the construction of Building C, but also update the standards that applied to the applicant's entire landholdings containing Buildings A, B, and D in its entirety.

## **APPLICATION BACKGROUND**

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### **Application Requirements**

The following reports/studies were submitted in support of the application:

- Planning Rationale
- Site Plan
- Architectural Plans
- Landscape Plans
- Arborist/Tree Preservation Report
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Noise Report
- Public Consultation Strategy Report
- Functional Servicing and Stormwater Management Report
- Geotechnical Study/Hydrogeological Review
- Transportation Impact Study.

See Attachments 1-13 for a Location Map, Application Data Sheet, Site Plan, Elevation drawings, and other materials.

Further information and documents can be found on the Application Information Centre: <http://app.toronto.ca/AIC/index.do?folderRsn=Q9B2jsO6Y8S2NUh9Wkr22g%3D%3D>

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Official Plan amendments and Zoning By-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given had an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

### **Official Plan**

The Official Plan Urban Structure Map 2 identifies the site as Avenues. The land use designation for the site is Mixed Use. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Secondary Plan**

The ConsumersNext Secondary Plan identifies the site as Mixed Use Areas as per Map 38-6, and within the Sheppard and Consumers Node as per Map 38-5. Policy 2.5 states that each District and Node has its own identity, character, and policies to guide new development and/or public realm expansion and treatments. Policy 2.5.6. notes that the Sheppard and Consumers Node will be a place for new community uses within the base of new buildings that are consistent with the character of the Sheppard East Corridor

District. The public realm within this Node will mark the entrance of the business park and be used to create activity around a future higher-order transit stop.

The ConsumersNext Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/consumersnext/>

## **Zoning**

The subject site is zoned General Commercial Zone – Site Exception 142 (C1(142)A) under the former City North York By-law 7625, as amended by By-law 1182-2016(OMB). The subject site is not currently subject to City-wide Zoning By-law No.569-2013.

The zoning allows for residential uses and non-residential uses. The site-specific exception permits a maximum gross floor area of 83,500 square metres, a maximum gross floor area of 18,750 square metres for non-residential uses, and a total of 1,100 dwelling units across the applicant's entire original landholdings (as shown on Schedule 1 of By-law 1128-2016 (OMB) – see Attachment 5). The subject site which contains the proposed Building C is permitted a maximum height of 4 storeys and 31.0 metres.

See Attachment 5 of this report for the existing Zoning By-law Map.

## **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Avenues and Mid-rise Buildings Study including Performance Standards and Addendum.
- Growing Up: Planning for Children in New Vertical Communities Design Guidelines; and,
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Toronto Green Standard**

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

## **Site Plan Control**

The development is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## COMMENTS

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### **Provincial Policy Statement and Provincial Plans**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020).

The proposal conforms to the policy objectives of the Provincial Policy Statement (PPS) and Growth Plan by providing an appropriate level of intensification on a site along a major street that is underutilized given the existing land use designation and its location, while contributing to the mix of housing types and providing a mix of residential and non-residential land uses. The proposed development supports active transportation through the adequate provision of bicycle parking spaces and reduced vehicular parking to residential unit ratio.

Policy 4.6 of the PPS recognizes that the Official Plan is the most important vehicle for implementation of the PPS. The City of Toronto Official Plan establishes areas for intensification and includes policies that encourage intensification, provided that the proposal demonstrates conformity with other applicable Official Plan policies. This application has been reviewed against the Official Plan policies described in the Policy Considerations Section of the Report as well as the policies of the Toronto Official Plan as a whole.

As such, Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020)

### **Land Use**

This application has been reviewed against the official plan policies and secondary plan policies described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole.

The subject site is designated Mixed Use Areas in the Official Plan and the ConsumersNext Secondary Plan (Attachments 3 and 4) which permits the proposed residential and non-residential uses. The proposed 1,858 square meters (approximately 20,000 square foot) of contiguous non-residential space on the ground floor, which would facilitate a potential large retailer, in addition to the 1,176 square meters (approximately 12,658 square foot) of non-residential space on the second floor as well as the 279 residential units and on-site parkland dedication, will contribute to the mix and balance of land uses envisioned in the Official Plan.

In order to protect the area's economic function, Policy 3.3 of the ConsumersNext Secondary Plan states that any development with residential units be required to increase the non-residential gross floor area originally found on the site.



In this regard, the proposed 3,079.8 square meters of non-residential space is an increase from the 2,787.09 square meter car dealership building previously on the subject lands.

### **Density, Height, Massing**

With regards to density, the subject lands are in an area that permits a maximum density of 3.5 times the lot area (i.e.. floor space index of 3.5) as per Map 38-4 of the Secondary Plan. While the proposed gross floor area of 23,996 square meters is 3.5 times the lot area of the approximately 6,856 square meter subject site, this would result in a density of 5.0 FSI as applied to the applicant's entire land holdings across all development phases. As such, the proposed development would result a situation in which the density across all of the applicant's land holdings exceeds the 3.9 FSI density of the original approval as well as the 3.5 FSI permitted in the Secondary Plan.

Therefore, the applicant is requesting to amend the Official Plan in order to allow the proposed increase in density. City staff has reviewed the proposed development and is of the opinion that the proposed 11-storey mixed use mid-rise building on a 36 meter right-of-way along a major street is an appropriate use and building type for the subject site. It meets the general intent of the Official Plan and Secondary Plan and its design and technical merits will be discussed later in this report.

With regards to building height, staff has reviewed the proposed height of 11-storeys (plus mezzanine) and 36 metres and considers it to be appropriate. Policy 3.1.4.4 and 3.1.4.5 of the Official Plan states that mid-rise buildings shall have heights generally no greater than the width of the right-of-way that it fronts onto, and that corner sites with different right-of-way widths will have building heights along each street edge that relate to their corresponding right-of-way width. Similarly, the Mid-rise Guidelines states that buildings on Avenues shall be no taller than the width of the adjacent Avenue's right-of-way. In this regard, the proposed 11-storey, 36-metre building mass facing Sheppard Avenue East is appropriate as it is no taller than the 36-metre right-of-way width of Sheppard Avenue East. The applicant has also revised the proposal from the initial submission to step down in height along Consumers Road, reaching approximately 27 metres further south and finally down to 15.3 metres. This meets the Official Plan requirement that the building height relates to the 27-metre right-of-way width of Consumers Road.

With regards to building step backs and angular planes, the Official Plan requires that mid-rise buildings maintain street proportion and open views of the sky by stepping back building massing generally at 80% of the adjacent right-of-way. Meanwhile, the Mid-rise Guidelines state that a 45-degree angular plane shall be taken from a height equivalent to 80% of the right-of-way width. In this regard, the proposed building steps back from Sheppard Avenue East at 28.8 metres, which is 80% of the 36-metre right-of-way width and falls under the angular plane. It is noted that the proposed building only falls beneath the 45-degree angular plane when taken from the previous property line and not the existing, new property line. This is due to a 6.5 metre road widening that was previously conveyed to accommodate higher order transit along the Sheppard Avenue East corridor.

Staff finds it appropriate that the angular plane is taken at the previous property line as it would align with the existing and planned streetwall and setback along this section of Sheppard Avenue East.

The Secondary Plan requires a streetwall of up to six stories on lands designated Mixed Use, and that for mid-rise buildings there be a 3-metre minimum step back between a height of 10.5 metres (3 storeys) and 20 metres (6 storeys). The initial submission proposed a 3-metre step back at 9.4 metres (2 storeys plus mezzanine), but the applicant has since increased the height of the streetwall to 10.9 metres in order to meet the policy.

As such, staff is satisfied that the proposed building height, massing, and step backs provide a good transition between areas of different development intensity and scale, framing the street with good proportion and creates a safe, comfortable, and attractive pedestrian environment.

### **Public Realm and Streetscape**

The Official Plan states that the public realm is the fundamental organizing element of the city and its neighbourhoods. In relation to the aforementioned built form policies, the Official Plan acknowledges that the scale and massing of buildings define the edges of, and give shape to, the public realm. The way in which buildings are sited frame and support adjacent streets, lanes, parks, and open spaces to promote civic life and the use of the public realm, and to improve safety, pedestrian comfort, interest and experience. Likewise, the Secondary Plan echoes this sentiment, stating that setbacks and built edges define the public realm and contribute to the civic and pedestrian experience. In this regard, the Secondary Plan requires a minimum setback of 5 metres from Sheppard Avenue East, 3 metres from other public streets, and 5 metres from new and existing parks.

The proposed building will be set back 1.2 metres from Sheppard Avenue East. As previously mentioned, the location of the existing property line is the result of a 6.5 metre road conveyance to protect for infrastructure for higher order transit. In this regard, the applicant is seeking an Official Plan Amendment to permit the reduced setback from Sheppard Avenue East. Staff is satisfied that the proposed 1.2 metre setback in addition to the 6.5 metre road widening which will create a setback that is consistent with the planned and existing setback for mixed use development along this segment of Sheppard Avenue East and meets the intent of the Secondary Plan. The proposed building is also setback 5 metres from Consumers Road and 5 metres from the proposed public park, which meets the setback requirements in the Secondary Plan.

Policy 4.8 and 4.9 of the Secondary Plan states that Sheppard Avenue East will be designed to support increased pedestrian activity through widened sidewalks and landscaped setbacks. Setbacks are to include patios and seating to support active non-residential uses on the ground floor, where grade-related retail use is anticipated along Sheppard Avenue East. Policy 4.9 also specifically states that landscaping within the minimum required setback will add a second row of street trees and use paving treatments to extend the public sidewalk providing additional space for café patios,

overhead weather protection canopies, and other pedestrian amenities. In this regard, the applicant is requesting an amendment of the Official Plan as the reduced 1.2 metre setback will not be able to accommodate a second row of street trees. However, staff notes that the 1.2 metre setback is an increase from the 0.8 metre setback originally proposed. This increase will allow for activation of the street frontage (e.g. potential displays, seating etc. for the non-residential space facing Sheppard Avenue East). As such, staff is satisfied that the proposed setback is still able to facilitate an interesting, safe, and attractive pedestrian realm and meets the intent of the Secondary Plan.

### **Sun, Shadow, Wind**

The Official Plan requires new development to be designed to limit its impact on neighboring streets, parks, open spaces and properties by adequately limiting any excess shadowing of, and uncomfortable wind conditions on, neighboring streets, properties and open spaces, having regard for the varied nature of such areas. Specifically, the development criteria for Mixed Use Areas requires that new buildings be located and massed so as to adequately limit shadow impacts on adjacent Neighborhoods, particularly during the spring and fall equinoxes as well as locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant has provided a shadow study illustrating the shadow impacts during the fall and spring equinoxes and the summer solstice. Staff have reviewed the shadow study and finds the shadow impacts to be minimal and appropriate. In particular, shadows are rarely cast across Sheppard Avenue into the adjacent Neighborhoods, with the exception of shadowing for approximately one hour in the early evening in March 21st and September 21st. Further, at no point in the year does the proposed building cast a shadow for more than three hours on Consumers Road. No shadows will be cast on the public park to the south. As such, staff considers the shadow impacts resulting from the proposal to be acceptable.

With regards to the wind impacts, the applicant has provided a pedestrian level wind study. The consultants found conditions in the tested areas to be suitable for sitting, standing and/or walking in the spring, autumn, and winter. At no point would the conditions be considered uncomfortable anywhere on the site or on the adjacent public park. In particular for the Sheppard Avenue East setback and sidewalk, which is adjacent to ground level non-residential uses where more pedestrian activity and active uses are expected, the wind conditions are comfortable for sitting in the spring and summer as well as standing in the winter. Staff is of the opinion that the wind impacts resulting from the proposal are acceptable and meets the policies for the Official Plan.

### **Unit Mix and Size**

The application proposes 279 new residential dwelling units in an 11-storey mid-rise building. The 279 residential units consist of 156 (55.9%) 1-bedroom units, 87 (31.2%) 2-bedroom units, and 29 (10.4%) 3-bedroom units. The applicant is requesting an amendment to the Official Plan as the 10.4% of units being 3-bedroom units does not

meet the Secondary Plan requirement of 20%. Further, the proposal does not meet the Secondary Plan's unit size requirements which states that a minimum of 50% of 2-bedroom units shall be over 90 square meters in size, while the applicant is proposing 25% to be over 87 square meters in size; and that 50% of 3-bedroom units be over 106 square meters in size, while the applicant is proposing 30% to be over 100 square meters.

The proposed unit mix still meets the Growing Up Guidelines which states that a minimum of 15% of units be 2-bedroom units ideally between 87-90 square meters, and 10% of units be 3-bedroom units ideally between 100-106 square meters in size. Furthermore, the proposed unit mix and size is similar if not better than some recent approvals in the area. As such, City staff finds the proposed unit mix and sizes acceptable as it still meets the Secondary Plan intent of providing a diverse range of unit sizes to accommodate residents at varying stages of life.

### **Amenity Space**

Policy 3.1.2.6 in the Official Plan requires that every significant new multi-unit residential development provide indoor and outdoor amenity space for residents of the new development. The proposed development has 279 residential units and provides 434.2 square meters of indoor amenity space and 423.2 square meters of outdoor amenity space. The applicant is proposing a minimum rate of 1.5 square meters each of outdoor and indoor amenity space per unit. This is consistent with the applicant's previous development phases and the existing site-specific amending By-law 1182-2016(OMB). Staff finds this to be acceptable for the subject site.

### **Traffic Impact, Access, Parking**

#### *Access and Site Circulation*

Vehicular access to the site is proposed to be provided via a right-in/right-out driveway connection to Sheppard Avenue East. The private driveway leads to an internalized drop-off area as well as a ramp to the underground parking garage. The driveway also connects to a private street that will act as a secondary access, connecting to Smooth Rose Court via a private road that will also provide access to Buildings A, B, and D. Staff finds this appropriate.

#### *Traffic Impact*

In support of the application a Transportation Impact Study memorandum/addendum prepared by BA Group dated December 14, 2021 has been submitted. The report estimates that the project will generate approximately 120 and 160 two-way trips during the a.m. and p.m. peak hours, respectively. The consultant concludes that traffic generated by the proposed development is not expected to adversely impact the local road network within the study area. In this regard, the City's Transportation Services staff has reviewed the Transportation Impact Study and is generally in agreement with its findings. However, staff will review and secure any mitigation measures including signal improvements through the Site Plan process.

### *Parking and Loading*

A total of 195 parking spaces are proposed in a 2-level below-grade parking garage including 150 residential spaces and 45 visitor spaces to be shared with the proposed non-residential uses. Transportation Services staff finds the proposed parking rate acceptable as it is consistent with previous approvals for the larger site across previous phases.

1 Type G and 1 Type B space is being proposed, which is consistent with the provisions found in the original site specific By-law 1182-2016(OMB). Transportation Services staff finds the proposed number of loading spaces to be acceptable.

### *Bicycle Parking*

A total of 305 bicycle parking spaces are provided, including 260 long term parking spaces and 45 short term parking spaces. This is acceptable, and the design and location of the bicycle parking will be secured through the Site Plan application.

### *Transportation Demand Management (TDM)*

Transportation Demand Management strategies have been proposed including the provision of a bicycle repair station, a transit screen to display real-time transportation information, and pre-loaded PRESTO cards. Transportation Planning staff finds the strategies acceptable, and the City will secure these strategies through the Site Plan Approval.

### **Servicing**

The applicant has submitted a Functional Servicing Report, Stormwater Management Report, Geotechnical Report, and Hydrology Report in support of the applications. City Engineering and Construction Services staff have reviewed the submitted material and determined that there is sufficient infrastructure capacity to service the proposed development. Additionally, site-specific improvements and connections to municipal infrastructure will be further reviewed and refined through Site Plan application process.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement for the overall site is 16,000 square meters or 92% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication as Building C represents a part of the overall development site, which is proceeding in phases. As such, a cap of 15% continues to apply to the overall site in accordance with transition provision Section 42 (3.0.1) of the Planning Act. In total, the parkland dedication requirement for the overall site is 2,618 square meters.

A 2,140 square meter on-site parkland dedication comprising Block 2 on Registered Plan of Subdivision 66M-2561 and Part 5 on Registered Plan 66R-31677 was conveyed in February 2020 in partial satisfaction of the 2,161 square meter parkland dedication requirement generated from the proposed development at the subdivision stage (14 262818 NNY 33 SB). The remaining 21 square meter shortfall was satisfied through a cash-in-lieu payment made on January 31, 2018.

An additional on-site parkland dedication of 457 square meters is proposed along the southern limit of the site, which will be integrated with the existing park block and comply with Policy 3.2.3.8 of the Toronto Official Plan. The proposed on-site parkland dedication is acceptable to the Parks Development Section.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The applicant submitted an Arborist Report and no City-trees or private trees are proposed to be removed. Urban Forestry staff has reviewed the subject applications and are satisfied that issues relating to landscaping and soil volume can be secured through the Site Plan application process.

### **Schools**

The application was circulated to the school boards. The Toronto Catholic District School Board has advised that sufficient space exists within the local elementary and secondary schools to accommodate additional students anticipated from the development as proposed.

The Toronto District School Board ("TDSB") has indicated that the projected accommodation levels at local schools warrant the use of warning clauses, as a result of the cumulative impact arising from all residential development in the school's attendance areas. The TDSB will require that warning signs be erected on the site, and warning clauses be included in the Site Plan Control Agreement.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner.

A total of 305 bicycle parking spaces and 161 electric vehicular parking spaces (out of a total of 195 parking spaces) are proposed. Tier 1 performance measures relating to vehicle and bicycle parking will be secured through the amending site-specific zoning by-law, while the remainder will be secured on site plan drawings and through a Site Plan Agreement.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act.

This application amends Zoning By-law 1182-2016(OMB), which is a by-law that contains provisions implementing Section 37 of the Planning Act and is a by-law described in the repealed subsection 37(1) as defined by the transition provisions contained in section 37.1 of the Planning Act. This section provides that the existing section 37 provisions continue to apply with respect to the by-law and the lands that are the subject of the by-law to secure additional benefits in exchange for additional height and density pursuant to the repealed subsection 37(1) of the Planning Act. The community benefit recommended to be secured in the Section 37 Agreement is identified in the recommendations in this report and would be in addition to the community benefits previously secured in 2016, as amended.

The applicant has proposed a contribution of \$1,350,000 dollars (One Million Three Hundred Fifty Thousand) towards community and recreational facility improvements, including the Toronto Public Library. This will be secured in a Section 37 Agreement and registered on title of the subject lands.

### **Community Consultation**

On May 18, 2022 staff held a virtual community consultation meeting in conjunction with the local Ward councilor. The public raised concerns with the potential increased traffic impacts, the loss of a four-storey commercial building as originally proposed, the increase in density, and potential shadow impacts. With regards to the potential traffic impacts, the applicant's Transportation Impact Study has demonstrated that there will be no adverse impacts to the nearby traffic network. Traffic mitigation measures including traffic signal optimization will be secured through the Site Plan application. With regards to the added density, staff is satisfied that the proposed built form and increase in residential units is acceptable and provides an appropriate transition to surrounding uses of varying densities. With regards to the loss of a four-storey retail building, the proposed development still includes a significant amount of non-residential space including the aforementioned proposed 1,858 square meters of contiguous non-residential space on the ground floor which would facilitate a potential large retailer, in addition to the 1,177 square meters of non-residential space on the second floor. With regards to the potential shadowing into the backyards of dwelling lots in the nearby Neighbourhoods, the applicant's Shadow Study has satisfactorily demonstrated that any shadowing into the Neighbourhoods would be very minimal.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and the ConsumersNext Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping and consistent with the intent of the Toronto Official Plan, particularly as it relates to the ConsumersNext Secondary Plan. Staff worked with the applicant and the community to address and resolve the following key concerns: the development proposes a good mix of land uses in a built form that is compatible and consistent with the existing and planned context. The proposal would provide a safe, comfortable, and attractive public realm along Sheppard Avenue East. It will also include a new parkland dedication that will increase the size of the existing park block. Staff recommend that Council support approval of the application.

## **CONTACT**

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Philip Liu, Planner, Community Planning  
Tel. No. (416) 396-5574  
E-mail: Philip.Liu@toronto.ca

## **SIGNATURE**

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David Sit, MCIP, RPP, Director  
Community Planning, North York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: ConsumersNext Secondary Plan Map
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Draft Zoning By-law Amendment 569-2013
- Attachment 8: Draft Zoning By-law Amendment 7625



## Applicant Submitted Drawings

Attachment 9: Site Plan  
Attachment 10: West Elevation  
Attachment 11: North Elevation  
Attachment 12: South Elevation  
Attachment 13: East Elevations  
Attachment 14: Rendering of all Development Phases  
Attachment 1: Application Data Sheet

## APPLICATION DATA SHEET

Municipal Address: 2135 SHEPPARD AVE E Date Received: April 23, 2023  
Application Number: 22 110192 NNY 17 OZ & 21 193763 NNY 17 OZ  
Application Type: OPA / Rezoning  
Project Description: Official Plan Amendment Application and Zoning By-law Amendment Application to facilitate an 11-storey mixed use building containing 279 residential dwelling units and 3,079.8 square metres of non-residential space. A 457 square metre public park is also proposed at the northeast corner of the site.

Applicant	Agent	Architect	Owner
HILTIN HILLS DEVELOPMENT INC	BOUSFIELDS INC.	TURNER FLEISCHER ARCHITECTS INC.	HILTIN HILLS DEVELOPMENT INC
1815 IRONSTONE MANOR, UNIT 1, PICKERING, ON L1W 3W9	3 CHURCH STREET, SUITE 200, TORONTO ON, M5E 1M2	67 LESMILL ROAD, TORONTO ON, M3B 2T8	1815 IRONSTONE MANOR, UNIT 1, PICKERING, ON L1W 3W9

## EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:  
Zoning: C1(142)A Heritage Designation:  
Height Limit (m): 31 Site Plan Control Area: Y

## PROJECT INFORMATION

Site Area (sq m): 6,856 Frontage (m): 88 Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			3,078	3,078
Residential GFA (sq m):			20,916	20,916

Non-Residential GFA (sq m):	2,787	3,080	3,080
Total GFA (sq m):	2,787	23,996	23,996
Height - Storeys:	2	11	11
Height - Metres:		36	36

Lot Coverage Ratio (%)      42.67      Floor Space Index:    3.5

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	20,916	153
Non-Residential GFA:	3,080	
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			279	279
Other:				
Total Units:			279	279

### **Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			156	87	29
Total Units:			156	87	29

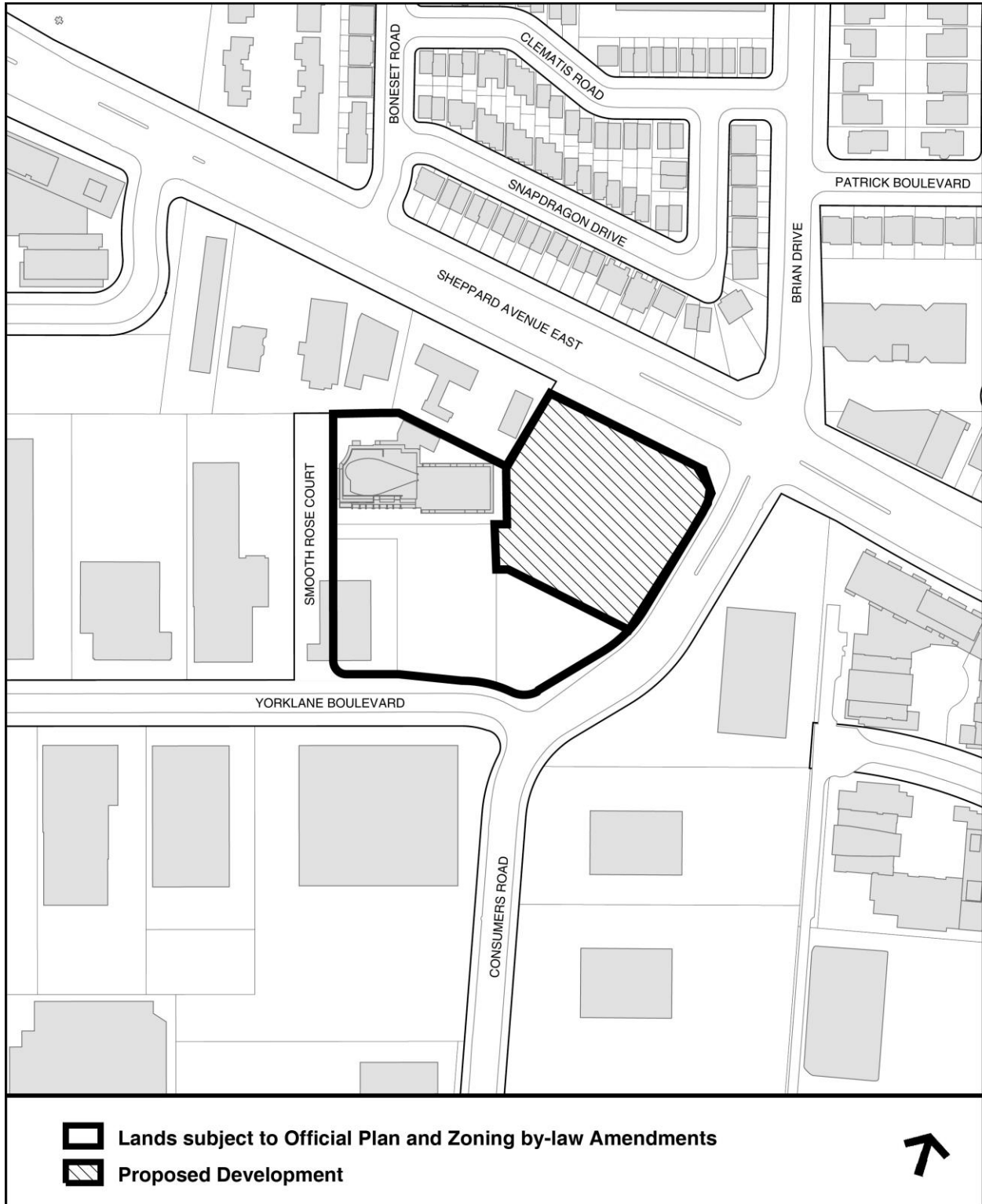
### **Parking and Loading**

Parking Spaces:      195      Bicycle Parking Spaces:    305      Loading Docks:    2

### **CONTACT:**

Philip Liu, Planner, Community Planning  
(416) 396-5574  
Philip.Liu@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map

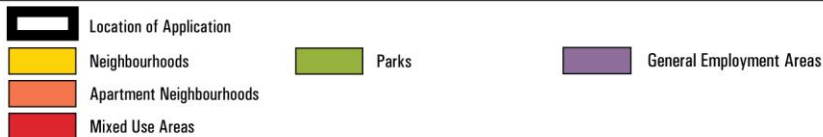


Official Plan Land Use Map #19

2135 Sheppard Avenue East

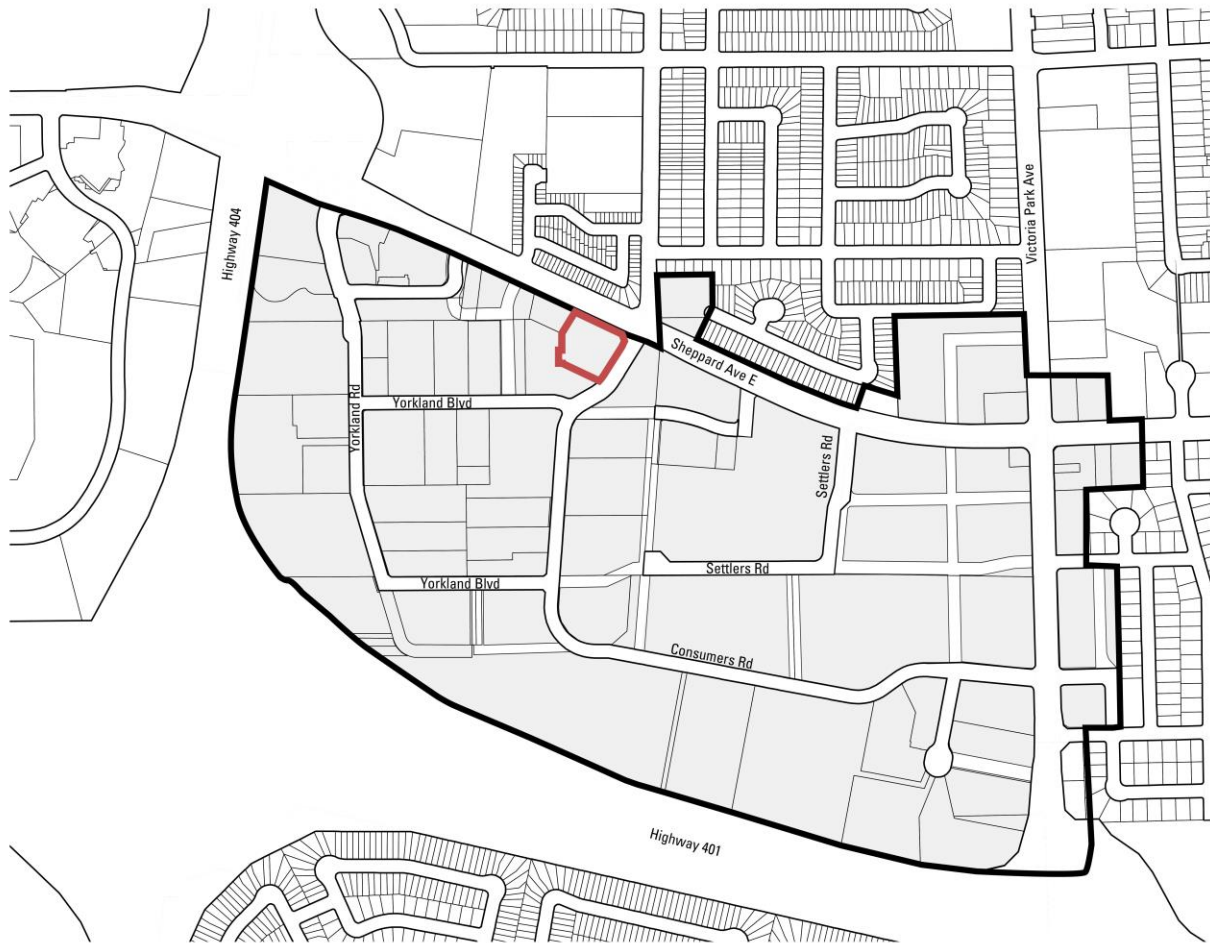
File # 22 110192 NNY 17 0Z

File # 21 193763 NNY 17 0Z



↑  
Not to Scale  
Extracted: 02/07/2022

# Attachment 4: ConsumersNext Secondary Plan




Not to Scale 



## ConsumersNext Secondary Plan

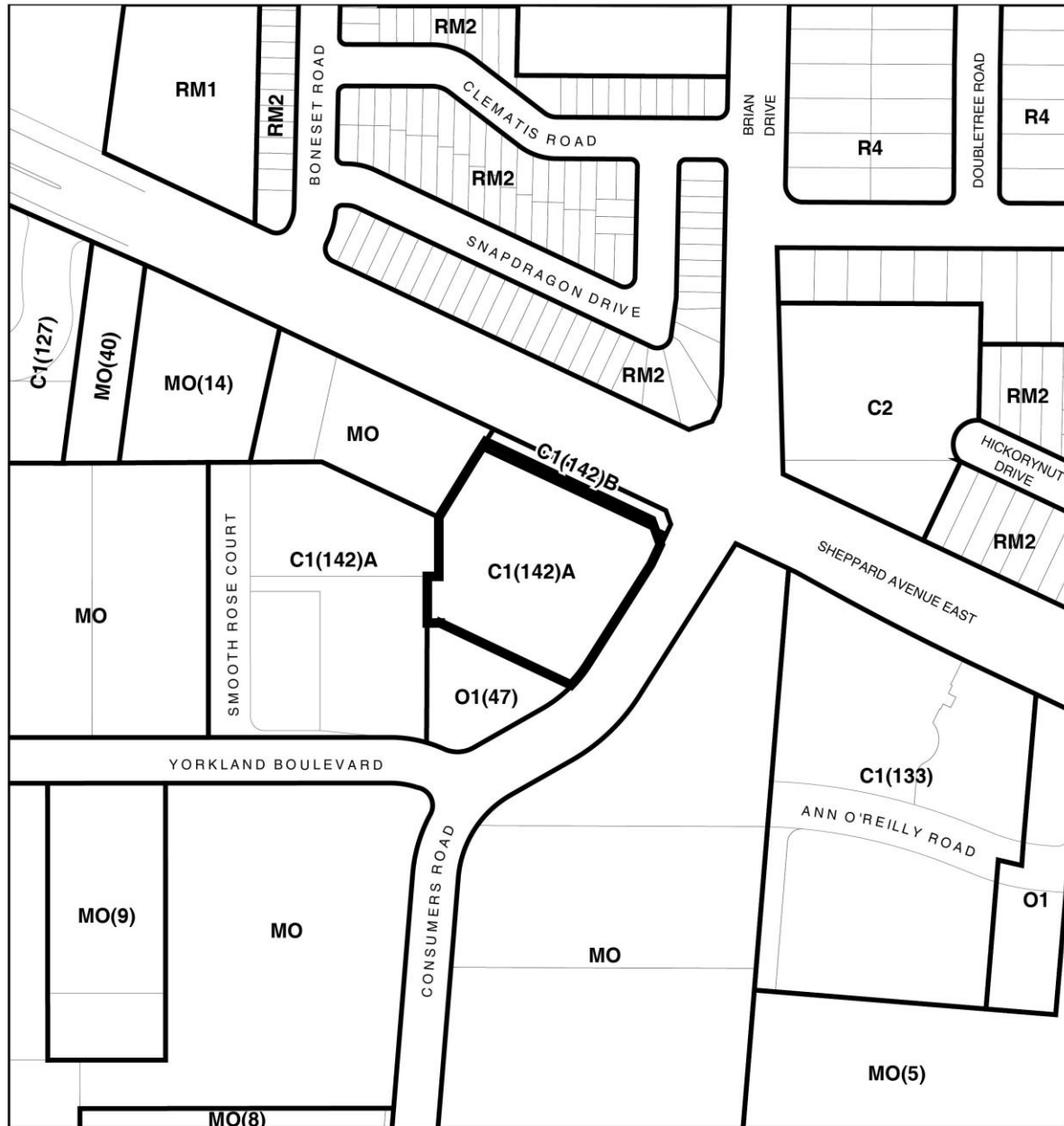
MAP 38-1 Secondary Plan Boundary

 Secondary Plan Boundary

 Site

November 2017

Attachment 5: Existing Zoning By-law Map



Zoning By-law 7625

2135 Sheppard Avenue East

File # 22 110192 NNY 17 0Z

File # 21 193763 NNY 17 0Z



Location of Application

- R4 *One-Family Detached Dwelling Fourth Density Zone*
- RM1 *Multiple-Family Dwellings First Density Zone*
- RM2 *Multiple-Family Dwellings Second Density Zone*
- C1 *General Commercial Zone*
- C2 *Local Shopping Centre Zone*
- MO *Industrial-Office Business Park Zone*

- O1 *Open Space Zone*



Not to Scale  
Extracted: 02/07/2022

**CITY OF TORONTO**

**BY-LAW No. XXXX-2023**

**To adopt an amendment to the City of Toronto Official Plan respecting lands municipally known in the year 2022 as 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court.**

WHEREAS authority is given to Council under 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;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment XXX to the City of Toronto Official Plan is hereby adopted pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2023

OLIVIA CHOW,  
Mayor

JOHN ELVIDGE,  
City Clerk

(Corporate Seal)

## **AMENDMENT No. [xxx] TO THE OFFICIAL PLAN**

### **LANDS MUNICIPALLY KNOWN IN THE YEAR 2022 AS 2135 SHEPPARD AVENUE EAST 325 YORKLAND BOULEVARD, 125 CONSUMERS ROAD, 15 SMOOTH ROSE COURT, AND 55 SMOOTH ROSE COURT**

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 38, ConsumersNext Secondary Plan, is amended by adding the following subsection to Section 10, Site and Area Specific Policies:

#### **10.2 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court**

- a. For lands identified as Areas A and B, a maximum density of 5.0 Floor Space Index (FSI) is permitted.
- b. Notwithstanding Policy 4.9, a second row of street trees within the minimum required setback along Sheppard Avenue East is not required for the lands identified as Area A.
- c. Notwithstanding Policy 5.3(a), a minimum setback of 1.2 metres is required along Sheppard Avenue East for the lands identified as Area A.
- d. Notwithstanding Policy 5.16.1, new development shall fall beneath a 45 degree angular plane projected from the previous property line along Sheppard Avenue East prior to the road conveyance taken in 2021 for the lands identified as Area A.
- e. Notwithstanding Policy 7.2.1, a minimum of 30 percent of the total number of residential units shall be 2-bedroom units, with a minimum of 25 percent of these 2-bedroom units having a minimum size of 87 square metres of gross floor area, for the lands identified as Area A.
- f. Notwithstanding Policy 7.2.2, a minimum of 10 percent of the total number of residential units shall be 3-bedroom units, with a minimum of 30 percent of these 3-bedroom units having a minimum size of 100 square metres of gross floor area, for the lands identified as Area A.

2. Chapter 6, Section 38, ConsumersNext Secondary Plan, Map 38-1, Secondary Plan Boundary, is amended to show the lands known municipally in 2022 as 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court, as shown on the attached Schedule A.

3. Chapter 6, Section 38, ConsumersNext Secondary Plan, Map 38-4, Potential Tall Building Locations and Maximum Densities, is amended by adding a Maximum Permitted FSI of 5.0 calculated across the entire site on the lands known municipally in 2022 as 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road,



15 Smooth Rose Court, and 55 Smooth Rose Court, as shown on the attached Schedule B.

**Schedule A**





# Schedule B



Not to Scale 



## ConsumersNext Secondary Plan MAP 38-4 Potential Tall Building Locations and Maximum Densities

-  Secondary Plan Boundary
-  Maximum permitted FSI

Note: All density maximums are subject to meeting other built form policy requirements

November 2017

**CITY OF TORONTO**

**BY-LAW [Clerks to insert By-law number]**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 2135 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, as amended;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed;

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act;

Whereas the Ontario Municipal Board in its orders issued on October 28, 2014, December 8, 2015 and November 8, 2016, amended By-law No. 7625, as amended, being By-law No. 1182-2016(OMB) which is a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply;

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 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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;

Whereas the Owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning by-law

Amendment herein in addition to those secured through By-law No. 7625, as amended;  
and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 1182-2016(OMB), as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law;

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law.

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, as amended, 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 990.1, and applying the following zone label to these lands: CR 1.0 (c1.0; r0.0) SS2 (x907) and "OR", 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 the following Policy Area 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 to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 11.0, ST 3.0, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1 and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 907 so that it reads:

(907) Exception CR (907)

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 lands municipally known as 2135 Sheppard Avenue East, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Z) below;

(B) For the purpose of this exception, mechanical penthouse and mezzanine levels are not considered a **storey**, and a mezzanine is defined as one floor level situated immediately above the first floor, which is contiguous with a residential use on the first floor;

(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 173.75 metres and the elevation of the highest point of the **building** or **structure**;

(D) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **mixed use building** on the **lot**;

(E) Clause 40.10.30.40, regarding permitted maximum **lot coverage**, does not apply.

(F) Despite regulation [40.10.40.1(1)], residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building** provided they are located on or below the second **storey**.

(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 [Clerks to insert By-law number];

(H) Despite regulation [40.10.40.10(5)], the required minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 5.7 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 [Clerks to insert By-law number];

(J) Despite regulations [40.5.40.10(3) to (8) and ([-]) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law [Clerks to insert By-law number]:

(i) equipment used for the functional operation of the **building** including mechanical penthouse, mechanical penthouse and equipment enclosures, elevator shafts, overruns and machine rooms, telecommunications equipment, electrical, utility, mechanical and ventilation equipment, cooling tower, roof access, maintenance equipment storage, lightning rods, to a maximum of 6.5 metres

(ii) enclosed stairwells, garbage chute overruns, chimneys, and vents, air shafts, exhaust flues, wind and privacy screens, **building** maintenance and safety units and window washing equipment, structural/non-structural architectural columns/piers, ornamental elements, to a maximum of 5.0 metres;

(iii) architectural features, parapets, roof drainage components, **green roofs** and thermal and waterproofing assembly, to a maximum of 2.5 metres;

(iv) balcony and terrace guards, dividers, railings, guard rails, divider screens on a balcony and/or terrace, to a maximum of 3.0 metres;

(v) planters and **landscaping** features, to a maximum of 1.5 metres; and,

(vi) trellises and pergolas, to 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** is 24,100 square metres, of which:

(i) the permitted maximum **gross floor area** for residential uses is 21,044.5 square metres;

(ii) the required minimum **gross floor area** for non-residential uses is 3,055.5 square metres, of which a minimum of 1,858 square metres is required on the first storey;

(L) On the first **storey**, the only non-residential uses that are permitted are the following, subject to conditions found in regulation 40.10.20.20 and clause 40.10.20.100:

- (i) **Art Gallery**
- (ii) **Automated Banking Machine**
- (iii) **Club**
- (iv) **Community Centre**
- (v) **Day Nursery**
- (vi) **Eating Establishment**
- (vii) **Entertainment Place of Assembly**
- (viii) **Financial Institution**
- (ix) **Library**
- (x) **Medical Office**
- (xi) **Museum**
- (xii) **Performing Arts Studio**
- (xiii) **Personal Service Shop**
- (xiv) **Pet Services**
- (xv) **Recreation Use**
- (xvi) **Retail Service**
- (xvii) **Retail Store**
- (xviii) **Service Shop**
- (xix) **Sports Place of Assembly**
- (xx) **Take-out Eating Establishment**
- (xxi) **Veterinary Hospital**

(M) Despite regulation [40.10.40.50(1) and (2)], **amenity space** must be provided at the following rate:

(i) at least 1.5 square metres for each **dwelling unit** as indoor **amenity space**; and,

(ii) at least 1.5 square metres of outdoor **amenity space** for each **dwelling unit**.

(N) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law number];

(O) Despite regulation 40.10.40.80 (2), the required separation of **main walls** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law number]

(P) Despite Clause [40.10.40.60] and (N) and (O) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

(i) decks, porches, and balconies, by a maximum of 2.0 metres;

(ii) canopies and awnings, by a maximum of 3.0 metres;

(iii) exterior stairs, access ramps and elevating devices, to a maximum extent of 3.0 metres;

(iv) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum extent of 1.0 metres;

(v) architectural features, such as a pilaster, a decorative column or cornice, sill, belt course, or chimney breast to a maximum extent of 1.0 metres;

(vi) eaves, to a maximum extent of 2.0 metres; and,

(vii) air conditioners, satellite dishes, antennae, vents, and pipes, safety and wind protection/mitigation features, damper equipment to reduce **building** movement, and elements required for the functional operation of a **building**, to a maximum of 2.0 metres.

(Q) Despite Regulation 200.5.1.10(2), a maximum of 10% of the **parking spaces** may have minimum dimensions of:

(i) length of 5.3 metres;

(ii) width of 2.4 metres; and

(iii) vertical clearance of 2.1 metres.

(R) Despite regulation [200.5.1.10(2)(A)(iv)], 10% of the required **parking spaces** may be obstructed on one side as described in regulation [200.5.1.10(2)(D)] without being required to provide additional width for the obstructed sides of the **parking space**.

(S) Despite (R) above, where a **parking space** is obstructed on both sides as described in regulation [200.5.1.10(2)(D)], an additional clearance of 0.3 m for each side is required;

(T) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:

(i) a minimum of 0.54 **parking spaces** for each **dwelling unit** for the use of residents of the **building**;

(ii) a minimum of 0.10 **parking spaces** for each **dwelling unit** for the use of residential visitors to the **building**;

(iii) a minimum of 1 **parking spaces** per 100 square metres of **gross floor area** for non-residential uses;

(iv) **parking spaces** for non-residential uses may also be used by residential visitors on a non-exclusive basis;

(v) a maximum of 0.9 **parking spaces** for each bachelor (up to 450 square metres) **dwelling unit** for the use of residents of the **building**;

(vi) a maximum of 1.3 **parking spaces** for each bachelor (more than 450 square metres) **dwelling unit** for the use of residents of the **building**;

(vii) a maximum of 1.0 **parking spaces** for each 1-bedroom **dwelling unit** for the use of residents of the **building**;

(viii) a maximum of 1.3 **parking spaces** for each 2-bedroom **dwelling unit** for the use of residents of the **building**;

(ix) a maximum of 1.5 **parking spaces** for each **dwelling unit** containing 3 bedrooms or more, for the use of residents of the **building**; and

(x) a maximum of 4.0 **parking spaces** per 100 square metres **of gross floor area** for non-residential uses.

(U) Despite Article 200.15.1:

(i) an accessible **parking space** must have the following minimum dimensions:

(a) a length of 5.6 metres;

(b) a width of 3.4 metres; and,



(c) a vertical clearance of 2.1 metres.

(ii) an accessible **parking space** that is adjacent and parallel to a **drive aisle** from which **vehicle** access is provided must have the following minimum dimensions:

(a) a length of 7.1 metres;

(b) a width of 2.6 metres; and,

(c) a vertical clearance of 2.1 metres.

(iii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path; and

(iv) accessible **parking spaces** are required to be within 20 metres of a barrier free entrance to the **building** and passenger elevator that provides access to the first **storey** of the **building**.

(V) Despite regulation [230.5.1.10(4)(A)], the required minimum dimensions of a **bicycle parking space** is:

(i) length of 1.6 metres;

(ii) width of 0.3 metres; and

(iii) vertical clearance of 1.9 metres.

(W) Despite regulation [230.5.1.10(4)(A)(ii)], the required minimum dimensions of a **stacked bicycle parking space** are;

(i) length of 1.6 metres;

(ii) width of 0.3 metres; and

(iii) vertical clearance of 1.1 metres.

(X) 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) 0.13 "long term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for non-residential uses on the **lot**;

(ii) 3 "short-term" **bicycle parking spaces** plus 0.25 **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses on the **lot**;

(Y) Despite regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**; and,

(Z) Despite Regulation 220.5.10.1 a minimum of one Type "G" **loading space** and a minimum of one Type "B" **loading space** must be provided on the lot.

Prevailing By-laws and Prevailing Sections: None Apply

8. Temporary Use(s):

(A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of temporary sales centre on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect.

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

10. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted in By-law No. 7625, as amended, on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense certain facilities, services and matters set out in Schedule A hereof and as such 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;

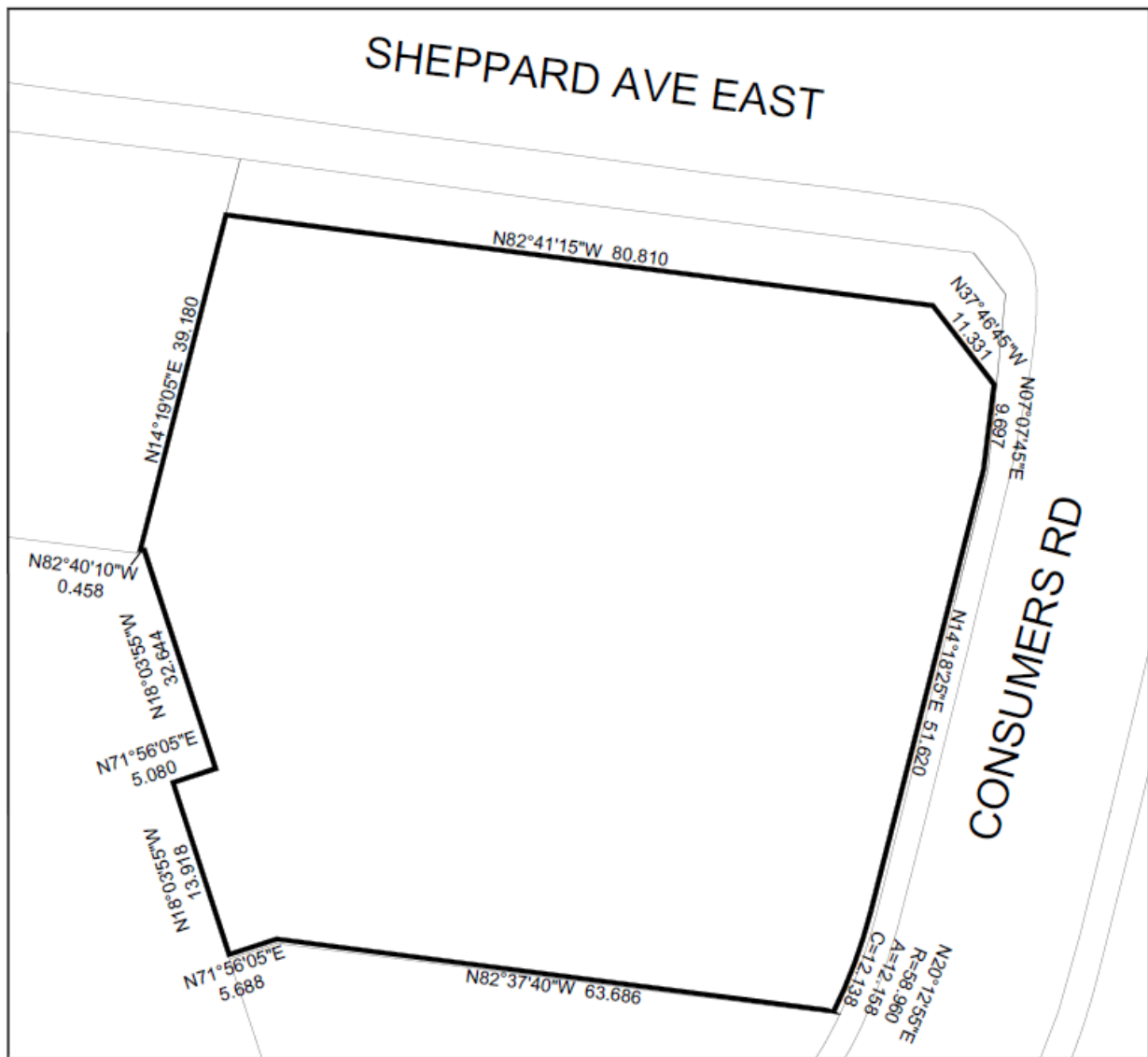
(C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied; and

(D) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

Enacted and passed on [Clerks to insert date].

[full name], [full name],  
Speaker City Clerk

(Seal of the City)

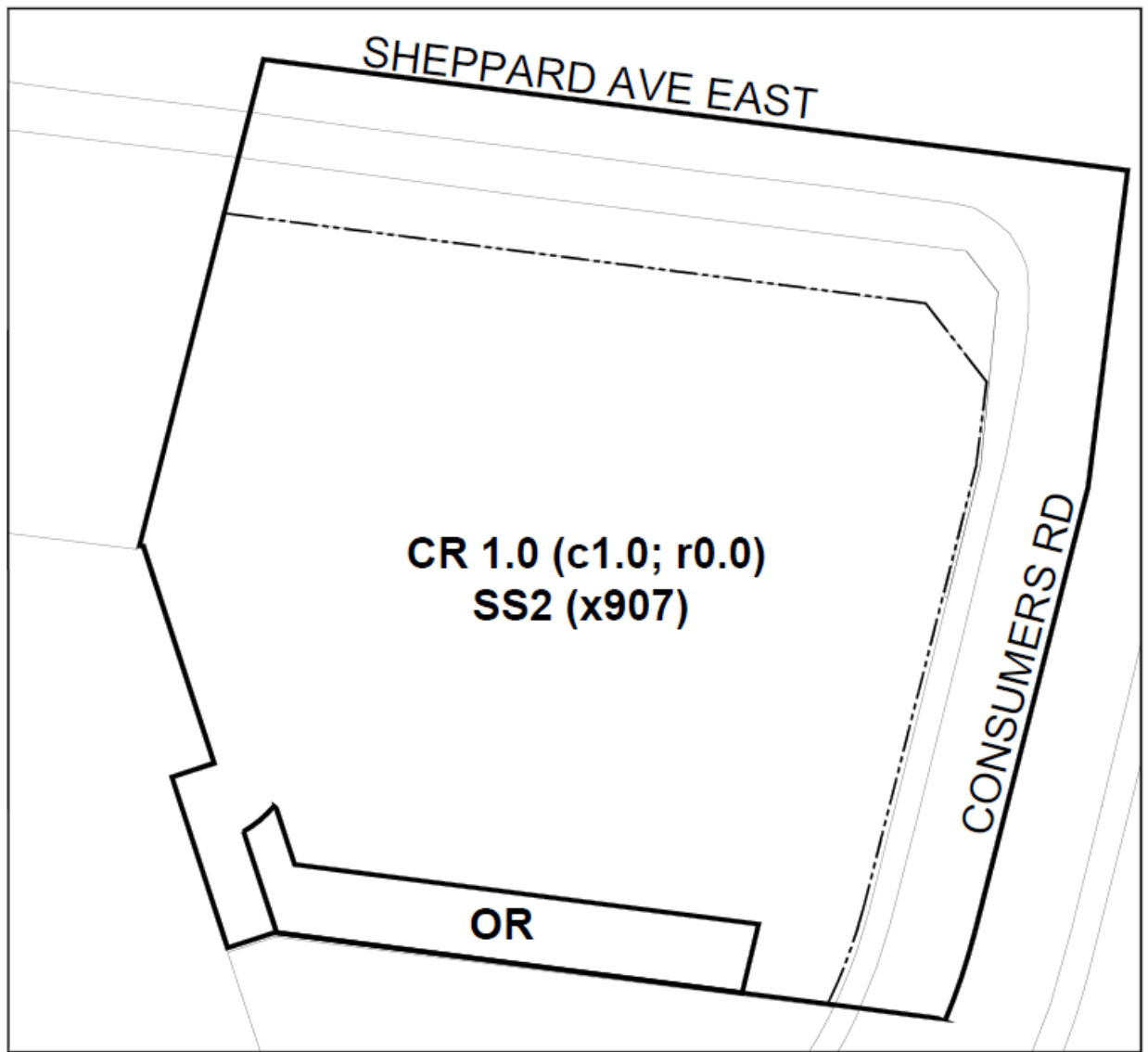


2135 Sheppard Avenue East

Diagram 1



Not to Scale



 **TORONTO**  
**Diagram 2**

2135 Sheppard Avenue East

  
Not to Scale

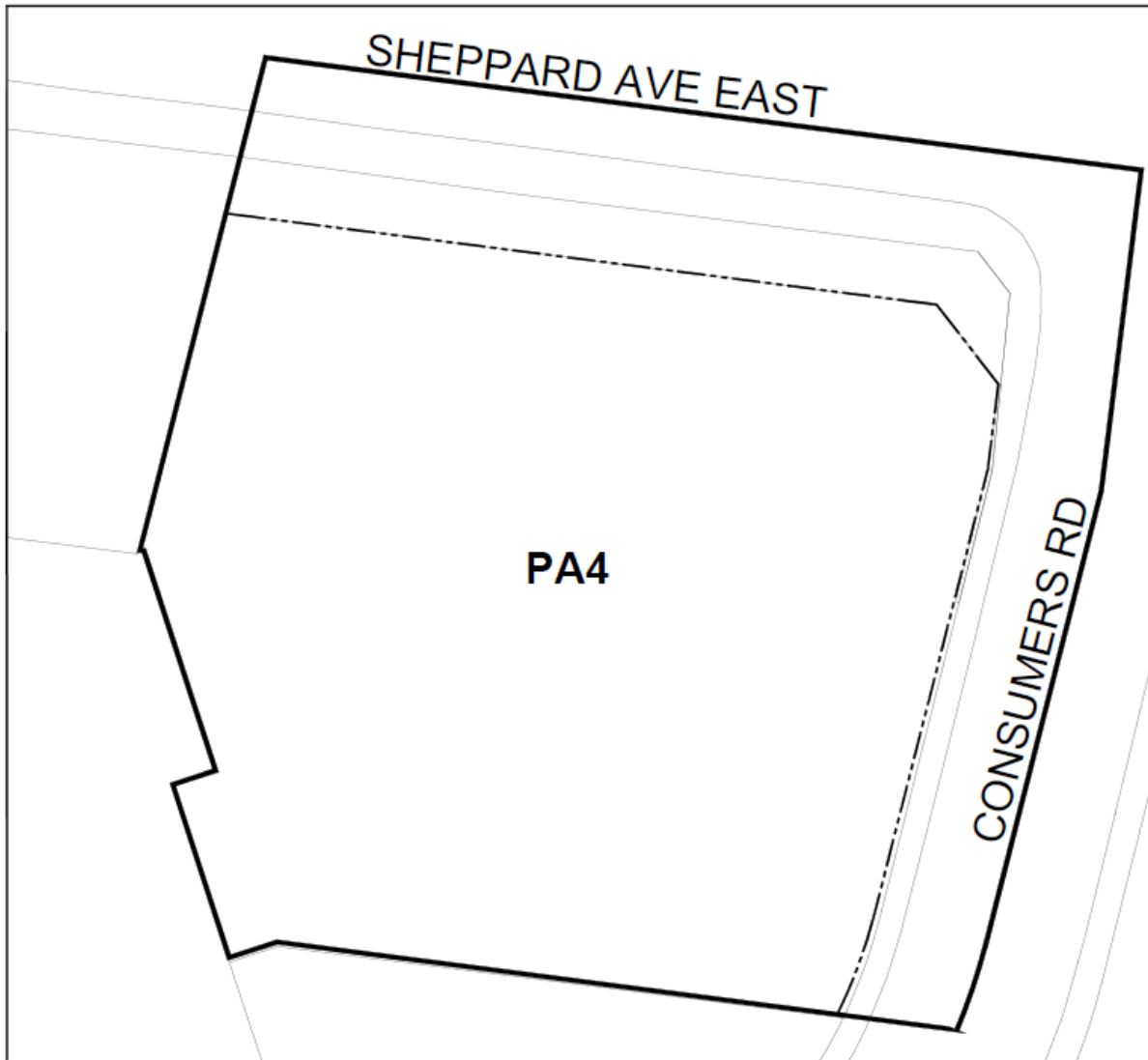
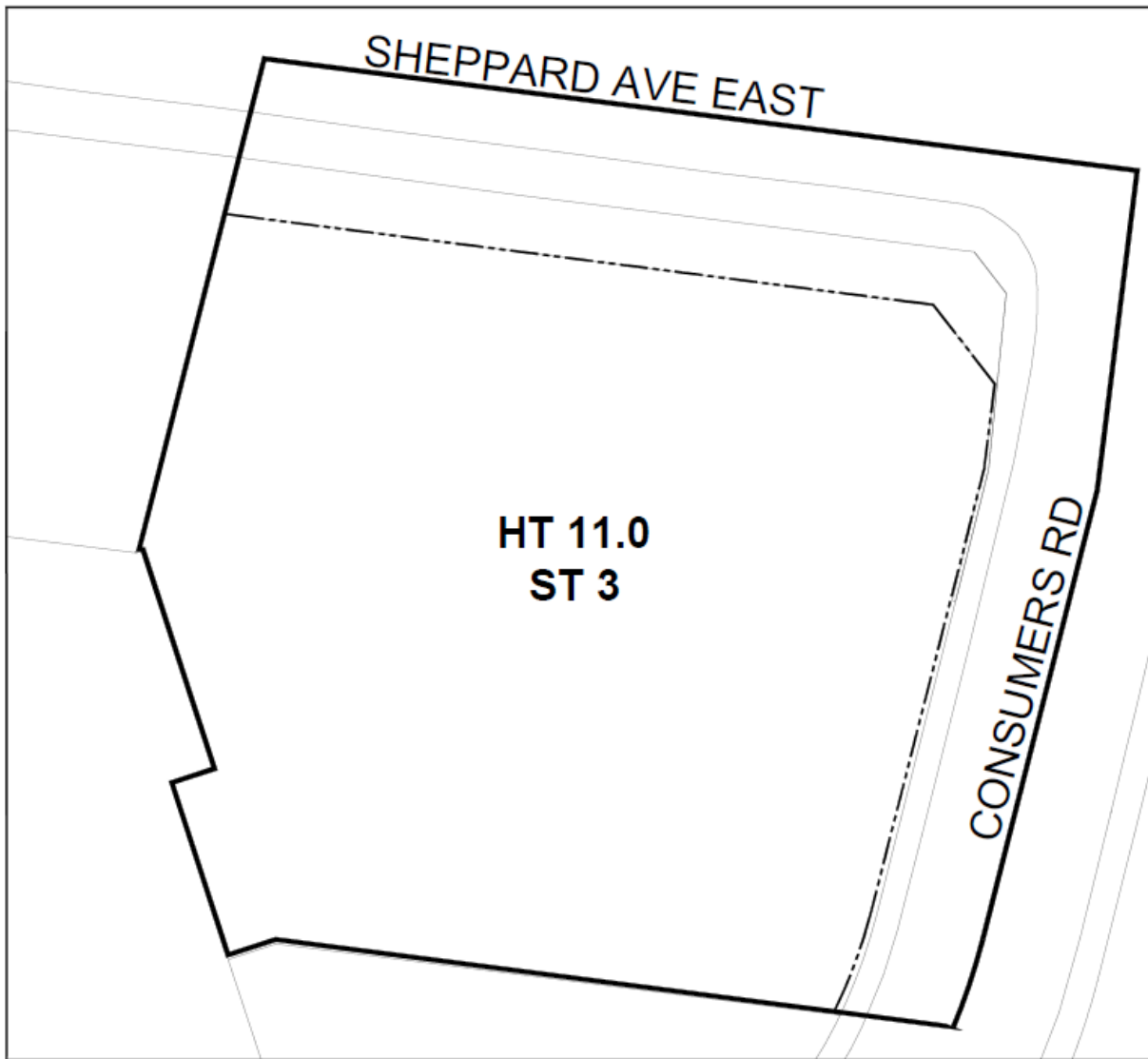


Diagram 3

2135 Sheppard Avenue East



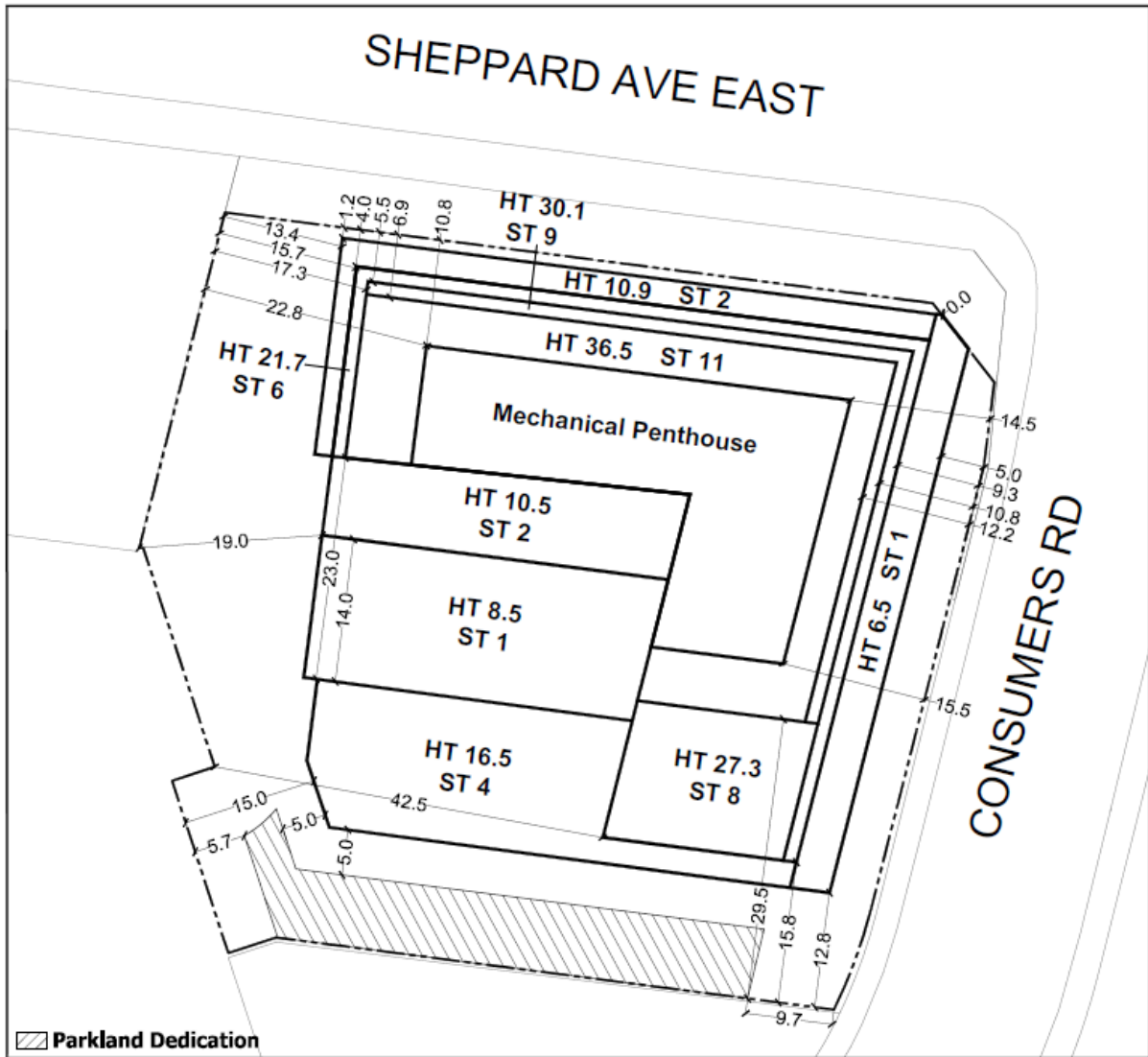
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 **TORONTO**  
**Diagram 4**

**2135 Sheppard Avenue East**

  
Not to Scale



2135 Sheppard Avenue East

Diagram 5



Not to Scale

From Applicant's Drawing

## **SCHEDULE A**

### **Section 37 Provisions**

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 came into force, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out therein provides for the following, in addition to the benefits secured by By-law No. 1182-2016(OMB) on the lands:

(i) the owner shall provide a cash contribution prior to the issuance of the first above-grade building permit for the first building to be erected on the site in the amount of \$1,350,000.00 for community and recreational facility improvements, including the Toronto Public Library, within the vicinity of the lands.



**CITY OF TORONTO**

**BY-LAW-2023**

**To amend former City of North York Zoning By-law No. 7625, as amended with respect to lands municipally known as 2135 Sheppard Avenue East and 299 Yorkland Boulevard.**

Whereas authority is given to Council by 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;

Whereas pursuant to subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) of the Planning Act;

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act;

Whereas the Ontario Municipal Board in its orders issued on October 28, 2014, December 8, 2015 and November 8, 2016, amended By-law No. 7625, as amended, being By-law No. 1182-2016(OMB) which is a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply;

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 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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;

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; 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 the height and density of development permitted beyond that otherwise permitted on the aforesaid lands by By-law 1182-2016(OMB), 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;

Pursuant to By-law No. 7625 of the former City of North York, as amended by By-law No. 1182-2016(OMB), is further amended as follows:

The Council of the City of Toronto enacts:

Schedule 1, Schedule C1(142), and Schedule O1(47) of By-law No. 7625 of the former City of North York, as amended by By-law 1182-2016 (OMB) are amended in accordance with Schedule 1, Schedule C1(142), and Schedule O1(47) of this By-law [Clerks to provide #].

Section 64.23(142) of By-law No. 7625 of the former City of North York is further amended by deleting subsections 64.23(142)(a) to (gg) and replacing with the following:

#### **"64.23 (142) C1(142)**

#### **DEFINITIONS**

(a) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:

- (i) indoor recreational amenity area;
- (ii) parking, loading and bicycle parking below established grade;
- (iii) parking, loading and bicycle parking at or above established grade;
- (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (v) shower and change facilities required by this By-law for required bicycle parking spaces;
- (vi) elevator shafts;
- (vii) garbage shafts;
- (viii) mechanical penthouse; and

(ix) exit stairwells in the building;

(b) For the purpose of this exception, none of the following elements are considered a "storey":

(i) A mezzanine, which means one floor level situated immediately above the first floor, which is contiguous with the first floor gross floor area.

(c) For the purpose of this exception, a car-share parking space will mean a parking space used exclusively for the parking of a car-share motor vehicle.

(d) For the purpose of this exception, a car-share motor vehicle will mean a motor vehicle available for short term rental. Including an option for hourly rental, for the use of at least the occupants of a building erected on the lot.

(e) For the purpose of this exception, "bicycle parking" shall mean an area below established grade or at grade that is equipped with bicycle racks, stackers or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use;

(f) For the purpose of this exception:

(i) "Type "A" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 17.0 metres long and has a minimum vertical clearance of 4.4 metres;

(ii) "Type "B" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 11.0 metres long and has a minimum vertical clearance of 4.0 metres;

(iii) "Type "C" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 6.0 metres long and has a minimum vertical clearance of 3.0 metres; and

(iv) "Type "G" loading space" means a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres;

(g) For the purpose of this exception, "recreational amenity area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms and other similar uses and portions of a green roof;

(h) For the purpose of this exception, "established grade" shall mean 174.0 metres Canadian Geodetic Datum for Building A, B and D and 173.75 metres Canadian Geodetic Datum for Building C on Schedule C1(142);

(i) For the purpose of this exception, "apartment house dwellings" shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct access at grade, or any combination thereof;

## **PERMITTED USES**

(j) On the lands shown on Schedule C1(142), the only permitted uses shall be:

(i) residential: apartment house dwellings, multiple attached dwellings, and accessory uses including recreational amenity areas; and

(ii) non-residential: automatic laundry shops, banks, business and professional offices, clubs, commercial galleries, day nursery, commercial schools, dry cleaning and laundry collecting establishments, financial institutions, fitness centres, personal service shops, professional medical offices, retail stores, sales offices, service shops, showrooms, studios, synthetic dry cleaning establishments, restaurants (including accessory outdoor cafe) and temporary sales office;

## **EXCEPTION REGULATIONS**

### **GROSS FLOOR AREA**

(k) The maximum gross floor area for all uses on the lands zoned as C1(142)A shall be 104,000 square metres, of which a minimum gross floor area of 3,055.5 square metres for non-residential uses shall be provided, including a minimum gross floor area of 1,858 square metres of non-residential space on the ground floor of Building C;

(l) The maximum gross floor area for all uses on the lands zoned as C1(142)B shall be 0.0 square metres;

### **DWELLING UNITS**

(m) The number of dwelling units shall not exceed 1,479.

### **BUILDING HEIGHT**

(n) The maximum number of storeys above established grade and the maximum building height in metres for all buildings shall be as shown on Schedule C1(142). The number of storeys and measurement of building height shall exclude mechanical penthouses, parapets, outdoor recreational amenity area, any roof structures used only as green roof, ornaments, above grade pedestrian bridges and any associated structures, stairwells to access the roof and stair enclosures;

### **BUILDING ENVELOPES**

(o) The maximum tower floorplate shall be:

(i) 710.0 square metres gross floor area for portions of Building A as shown on Schedule C1(142) in excess of 18.5 metres in height;

(ii) 710.0 square metres gross floor area for portions of Building B as shown on Schedule C1(142) in excess of 18.5 metres in height; and

(iii) 710.0 square metres gross floor area for portions of Building D as shown on Schedule C1(142) in excess of 18.5 metres in height;

## **YARD SETBACKS**

(p) The minimum yard setbacks for all buildings and structures above established grade shall be as shown on Schedule C1(142); where there is no minimum yard setback indicated on Schedule C1(142), the minimum yard setback shall be 0.0 metres;

(q) Notwithstanding (o) above, the first floor of Building C shall provide a minimum setback of 5.0 metres from the lot line along Consumers Road. The first floor of Building B along the east elevation of the building and Building C along the south elevation of the building shall provide a minimum setback of 5.0 metres from the property lines of the O1(47) lands as outlined with the heavy dashed line on Schedule O1(47). A covered access ramp of Building D as shown on Schedule C1 (142) is permitted within 2.0 metres of the north property line;

(r) The minimum yard setbacks shown on Schedule C1(142) shall not apply to balconies, canopies, window sills, railings, lighting fixtures, architectural elements, ornamental elements, exterior stairways, wheelchair ramps and decks, ramps, pergolas and gazebos;

(s) The minimum yard setbacks for below grade structures shall be 0.0 metres;

## **PARKING**

(t) All required parking spaces shall be provided within the lands shown on Schedule C1(142);

(u) All required parking spaces shall be provided below established grade with the exception of surface and above grade parking spaces intended for short term parking and delivery;

(v) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:

Residential:

For all lands zoned C1(142)A as per Schedule 1, a minimum of 0.54 parking spaces per dwelling unit for residents subject to the following additional provisions;

Decision Report - Approval - 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court

Building A, B and D collectively will provide;

- A minimum of 644 parking spaces for residents;
- A minimum of 0.1 parking spaces per dwelling unit for visitors; and
- A minimum of 3 car-share spaces

Building B and D collectively;

- A minimum of 411 parking spaces for residents
- A minimum of 81 parking spaces for visitors; and
- A minimum of 3 car-share spaces

Building C

- A minimum of 150 parking spaces for residents
- A minimum of 27 parking spaces for visitors

Building D

- A minimum of 233 parking spaces for residents; and
- A minimum of 33 parking spaces for visitors;

Commercial/Retail:

For all lands zoned C1 (142)A as per Schedule 1, a minimum of 1 parking space per 100 square metres of required Commercial/Retail gross floor area on the ground floor of Building C;

(w) The maximum number of parking spaces shall be calculated in accordance with the following:

Residential

- Bachelor (up to 45.0 square metres in size) – 0.9 spaces per dwelling
- Bachelor (more than 45.0 square metres in size) – 1.3 space per dwelling unit.
- 1-Bedroom – 1.0 space per dwelling units;
- 2-Bedroom – 1.3 spaces per dwelling unit;
- 3 or more Bedroom – 1.5 space per dwelling unit.

Commercial/Retail:

- 4.0 spaces per 100.0 square metres of gross floor area for non-residential uses.

(x) Commercial/Retail parking required pursuant to subsections (u) and (v) above can be shared with Residential Visitor parking required for Building C, but shared parking spaces shall not contribute to the minimum number of Residential Visitor parking spaces required;

(y) Sections 6A(6)(g) (Non-residential Parking Regulations) and 6A(9) (Parking Regulations for Commercial Zones) of By-law 7625 shall not apply;

## BICYCLE PARKING

(z) The minimum number of bicycle parking spaces shall be provided in accordance with the following:

For Building A

Residential:

- Long-term (Resident) – 0.68 spaces per dwelling unit; and
- Short-term (Visitors) – 0.07 spaces per dwelling unit;

Commercial/Retail:

- Long-term – 0.13 spaces per 100.0 square metres of gross floor area; and
- Short-term – 3.0 spaces plus 0.25 space per 100.0 square metres of gross floor area for non-residential uses;

For Building B, C and D

Residential:

- Long-term (Resident) – 0.9 spaces per dwelling unit; and
- Short-term (Visitors) – 0.1 spaces per dwelling unit;

Commercial/Retail:

- Long-term – 0.13 spaces per 100.0 square metres of gross floor area; and
- Short-term – 3.0 spaces plus 0.25 space per 100.0 square metres of gross floor area for non-residential uses;

(aa) All bicycle parking spaces may be located below grade and at grade;

## LOADING

(bb) Notwithstanding Section 6A(12) (Loading Requirements) of By-law 7625, loading shall be provided in accordance with the following minimum requirements:

Residential Apartment Use:

Number of Units	Minimum number of loading spaces required
0 to 30	None
31 to 399	1 Type "G"

More than 399	1 Type "G" and 1 Type "C"
---------------	---------------------------

Retail Store, Restaurant or Personal Service Shop Uses:

Gross Floor Area (square metres)	Minimum number of loading spaces required
0.0 to 499.9	None
500.0 to 1,999.9	1 Type "B"
2,000.0 to 4,999.9	2 Type "B"
5,000.0 to 9,999.9	3 Type "B"
10,000.0 to 19,999.9	1 Type "A" and 3 Type "B"
20,000.0 to 29,999.9	1 Type "A", 3 Type "B" and 1 Type "C"
More than 29,999.9	1 Type "A", 3 Type "B" and 1 Type "C"

Grocery Store and Supermarket Uses:

Gross Floor Area (square metres)	Minimum number of loading spaces required
0.0 to 499.9	None
500.0 to 999.9	1 Type "B"
1,000.0 to 1,999.9	1 Type "A"
2,000.0 to 4,999.9	1 Type "A" and 1 Type "B"
5,000.0 to 9,999.9	1 Type "A" and 2 Type "B"
10,000.0 to 19,999.9	2 Type "A" and 2 Type "B"
More than 19,999.9	2 Type "A" and 3 Type "B"

(cc) Notwithstanding (bb) above, if a mixed use building has a minimum of 30 dwelling units, the requirement for a Type "A" loading space or a Type "B" loading space is satisfied by the provision of a Type "G" loading space, referred to in (z) above;

(dd) Notwithstanding (bb) above, if a mixed use building has a minimum of 400 dwelling units, a Type "C" loading space required for the dwelling units is satisfied if a Type "A", Type "B" or Type "C" loading space, referred to in (z) above is provided for the non-residential uses in the same building;

(ee) Notwithstanding s. 6A(16)(d)(iv) of By-law 7625, the area in front of a loading space may be less than the length and width of the loading space it serves;

## RECREATIONAL AMENITY AREA



(ff) Recreational amenity area shall be provided in accordance with the following:

(i) a minimum of 1.5 square metres of indoor recreational amenity area per dwelling unit;

(ii) a minimum of 1.5 square metres of outdoor recreational amenity area per dwelling unit; and

(iii) a maximum of up to 25.0 percent of the outdoor recreational amenity area provided may be used as a green roof.

### **TEMPORARY USE UNDER S. 39 OF THE PLANNING ACT**

(gg) The following uses are permitted on the lands shown on Schedule C1(142) for a period not longer than the earlier of three years from the date of approval of this by-law:

(i) car rental agencies permitted in the Industrial-Office Business Park (MO) zone under the City of North York Zoning By-law No. 7625; and

(ii) a motor vehicle dealership and a motor vehicle body repair shop as an accessory use as permitted in site specific exception (10) to the Industrial-Office Business Park (MO) zone under the City of North York Zoning By-law No. 7625;

(hh) The uses permitted in subsection (gg) are permitted only in any buildings existing on the lands shown on Schedule C1(142) as at the date of enactment of this bylaw, as may be repaired from time to time, and are subject to the performance standards for those uses in the Industrial-Office Business Park (MO) zone or the site specific exception (10) to the Industrial-Office Business Park (MO) zone of the City of North York Zoning By-law No. 7625, as applicable;

### **DIVISION OF LANDS**

(ii) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot;"

3. Section 64.23(142) (hh) of By-law No. 7625 of the former City of North York, as amended, is renumbered to Section 64.23(142)(jj)

### **SECTION 37 PROVISIONS**

4. 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 came into force, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out

therein provides for the following in addition to the benefits secured by By-law No. 1182-2016(OMB) on the lands:

(a) the owner shall provide a cash contribution prior to the issuance of the first above-grade building permit for Building C in the amount of \$1,350,000.00 for community and recreational facility improvements, including the Toronto Public Library, within the vicinity of the lands.

5. Section 64.23 of By-law No. 7625 of the former City of North York is amended by deleting Schedule C1(142) and adding Schedule C1(142) attached to this By-law.

6. Section 64.37 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**"64.37 (47) O1(47)**

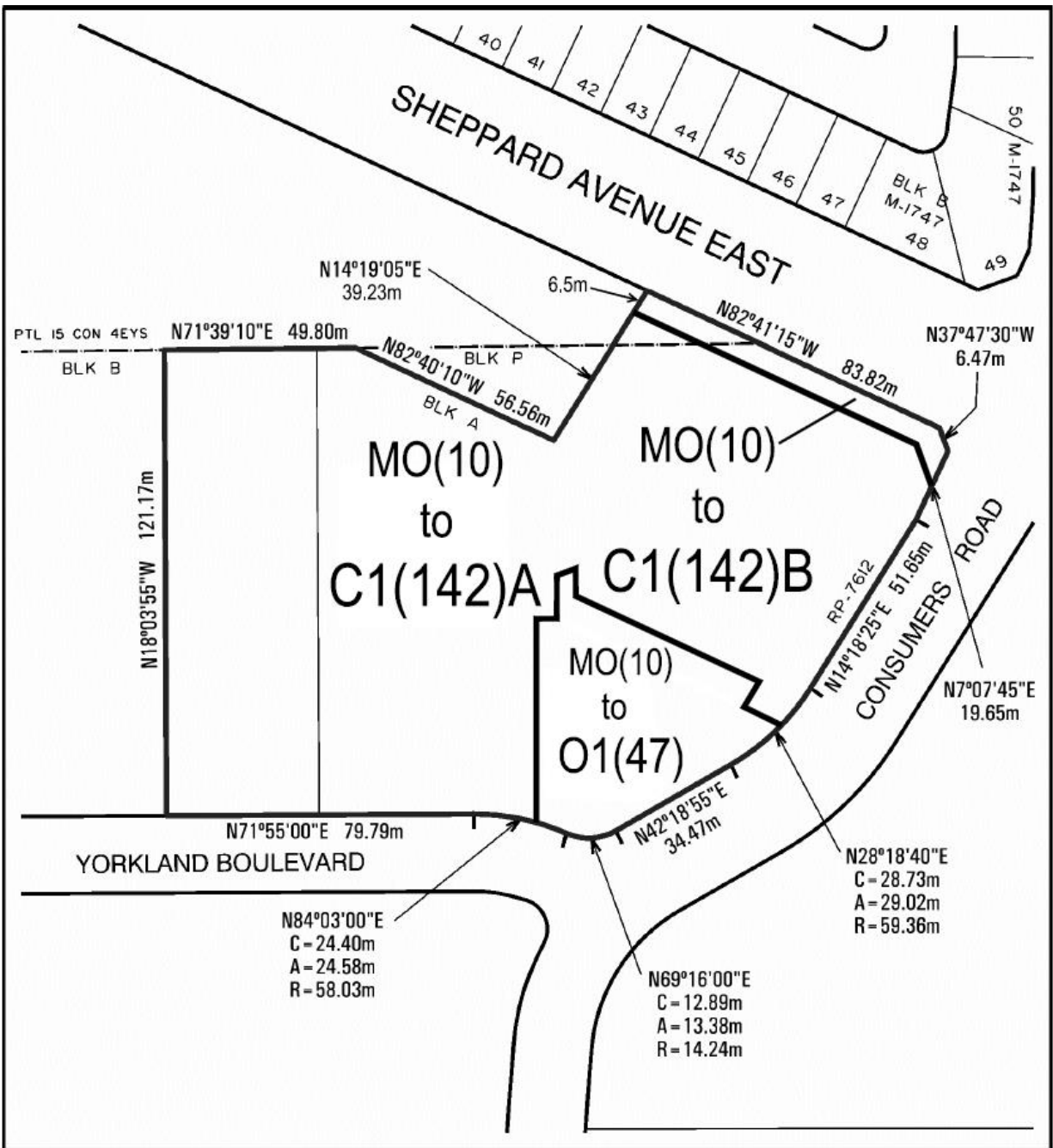
**PERMITTED USES**

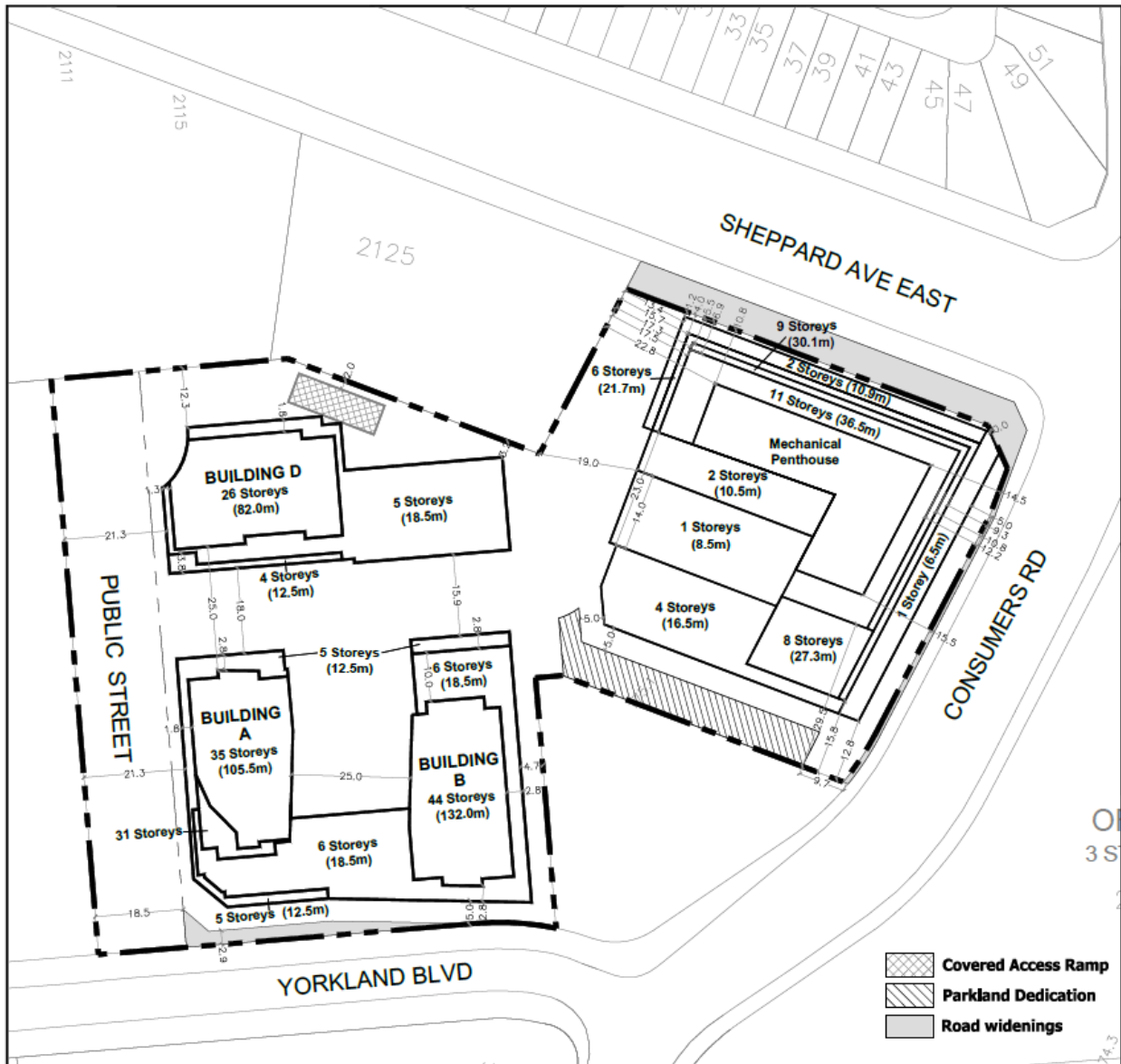
(a) The following uses shall be permitted:

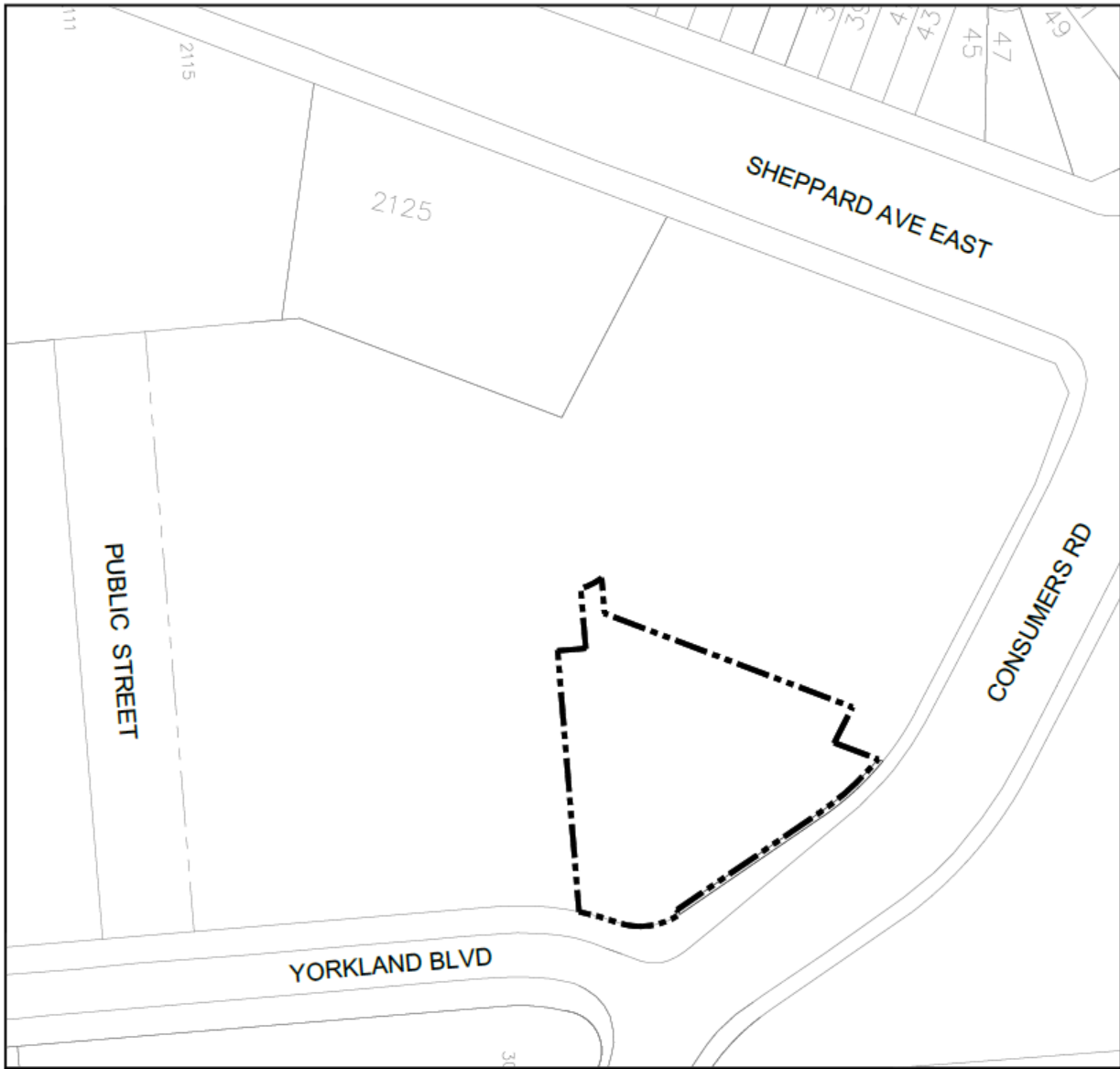
(i) construction staging and stockpiling; and

(ii) all uses permitted in the Open Space Zone (O1).

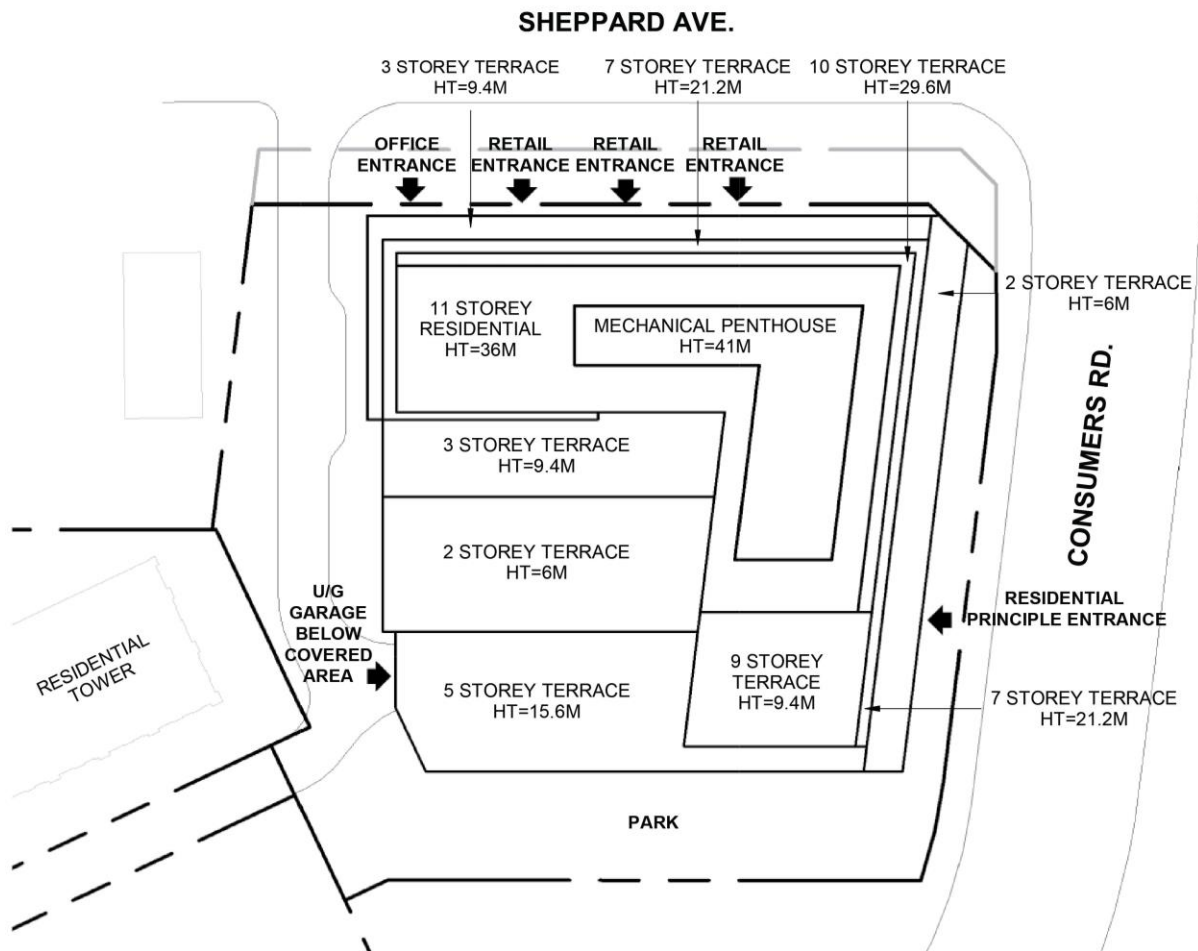
7. Section 64.37 of By-law No. 7625 of the former City of North York is amended by deleting Schedule O1(47) and adding Schedule O1(47) attached to this By-law.







Attachment 9: Site Plan



Site Plan 

Attachment 10: West Elevation

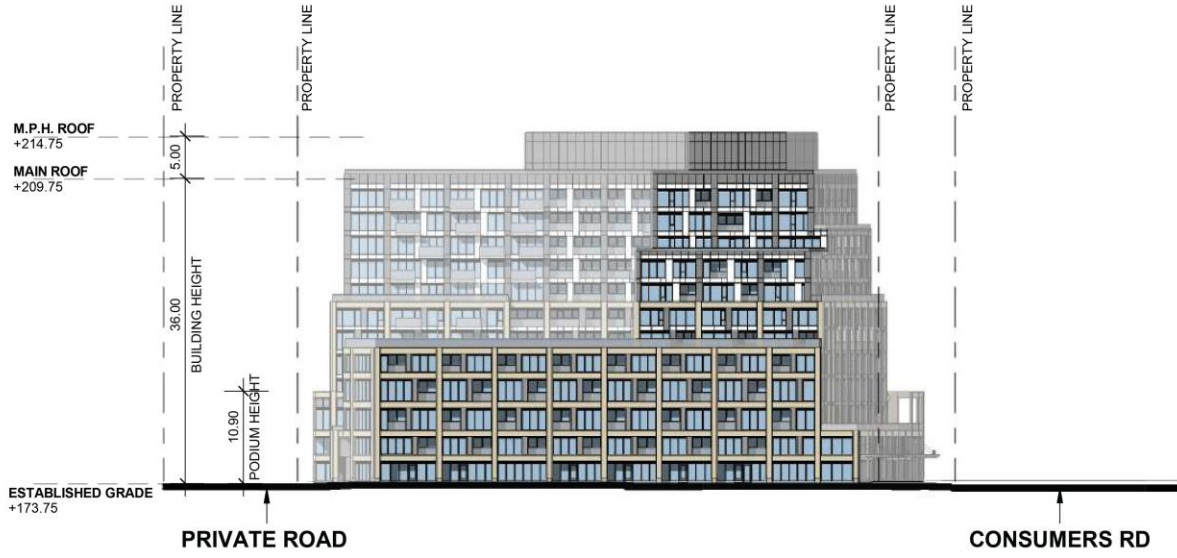


# Attachment 11: North Elevation





# Attachment 12: South Elevation



# Attachment 13: East Elevation



Attachment 14: Rendering of all Development Phases

