

CITY OF TORONTO

BY-LAW No. [Clerks to insert By-law number]

To amend By-law No. 1082-2022, being a by-law to amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known in the year 2024 as 1350 Sheppard Avenue West

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; 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 City Council continues to have the power under subsection 37(1) of the Planning Act, R.S.O. 1990, c. P.13, ("Planning Act") as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, whereby the City Council may, in a by-law enacted under Section 34 of the Planning Act, authorize increases in the density and height of development not otherwise permitted by the by-law in return for the provision of such facilities, services and matters as are set out in the By-law; and

Whereas subsection 37(3) 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, 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 City Council enacted Zoning By-law 1082-2022 on July 22, 2022, applicable to the lands subject to this By-law, and thus 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.

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule 2 attached to this By-law.
2. By-law 1082-2022 is amended by deleting and replacing Paragraph 2 with the following:

2. Within the lands shown on Schedule 2 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - a. the new public street identified as Street A on Schedule 2 attached to By-law [Clerks to insert By-law number] has been constructed to a minimum of base curb and base asphalt and is connected to an existing public highway; and
 - b. all water mains and sanitary sewers, and appropriate appurtenances, necessary to serve the building or structure are installed and operational.

Despite Section 2.b. above, where the use of land or erection or use of any building or structure for Area X as shown on Schedule 2 attached to By-law [Clerks to insert By-law number], is prior to the use of land or erection or use of any building or structure in Area Y as shown on Schedule 2 attached to By-law [Clerks to insert By-law number], the new external municipal sanitary sewer (Keele Relief Sewer) shall be constructed and operational prior to the issuance of the first *Full Building Permit* for Area X and Area Y.

“*Full Building Permit*” shall mean a building permit, conditional or otherwise, issued by the Chief Building Official pursuant to Section 8 of the Building Code Act, 1992, which authorizes the complete construction of the building including all interior and exterior components.

3. By-law 1082-2022 is amended by deleting and replacing Paragraph 5 (rr) with the following:
 - (rr) The maximum cumulative number of dwelling units permitted on Area A and Area B as shown on Schedule 1 to By-law [Clerks to insert By-law Number] shall be 1700.
4. By-law 1082-2022 is amended by deleting and replacing Paragraph 5 (ss) with the following:
 - (A) 15 percent of the total number of dwelling units, except for a residential care home, retirement home, seniors community house and/or a nursing home, in each phase must have a minimum of 2-bedrooms and must have a minimum gross floor area of 75 square metres;
 - (B) An additional 10 percent of the total number of dwelling units, except for a residential care home, retirement home, seniors community house and/or a nursing home, in each phase must have a minimum of 3-bedrooms and must have a minimum gross floor area of 85 square metres; and

(C) An additional 15 percent of the total number of dwelling units in each phase, except for a residential care home, retirement home, seniors community house and/or a nursing home, must consist of either a minimum of 2-bedroom units with a minimum gross floor area of 75 square metres or a minimum of 3-bedroom units with a minimum gross floor area of 85 square metres, or a combination thereof, for residential uses except for a residential care home, retirement home, seniors community house and/or a nursing home.

5. Schedule A, Paragraph B. i) to By-law 1082-2022, is amended by modifying the timing of payment trigger for the second payment by adding the words "or prior to the earlier of the issuance of the first above-grade building permit for Phase 1, including any conditional permits, and December 1, 2026", so that it reads as follows:

"The Owner shall provide an indexed cash contribution of \$7,000,000.00 towards the design and/or construction of the future Downsview Community Centre, with \$1,500,000.00 of this amount paid within 60 days of the date of approval of the attached Zoning By-law and the other \$5,500,000.00 paid within 60 days of the conveyance of the development blocks at the time of subdivision registration, or prior to the earlier of the issuance of the first above-grade building permit for Phase 1, including any conditional permits, and December 1, 2026.

6. Schedule A, Paragraph B. iii) a) to By-law 1082-2022, is amended by modifying the words "residential units" with the words "dwelling units", so that it reads as follows:

"The minimum amount of affordable housing will be equal to the greater of 220 units or 20 percent of the total number of dwelling units approved on the Phase 1 lands and will be provided as affordable rental housing with affordable rents no greater than 80 percent of Average Market Rent secured for a period of at least 25 years."

7. Schedule A, Paragraph C. iii to By-law 1082-2022, is amended by adding additional language that says "or such other minimum size as specified in site-specific Zoning By-law 1082-2022, as amended", so that it reads as follows:

"The owner shall provide an additional 15 percent of the total number of dwelling units in each phase, except for a residential care home, retirement home, seniors community house and/or a nursing home, must consist of either a minimum of 2-bedroom units with a minimum gross floor area of 87 square metres or a minimum of 3-bedroom units with a minimum gross floor area of 100 square metres, or a combination thereof, for residential uses except for a residential care home, retirement home, seniors community house and/or a nursing home, or such other minimum size as specified in site-specific Zoning By-law 1082-2022, as amended."

8. Schedule A Paragraph C. vi) to By-law 1082-2022, is amended by modifying the words "The Owner shall initiate the design and approval process and initiate construction prior to the issuance of the final building permit for the William Baker District Phase 1 lands for a new accessible public pedestrian and cycling bridge with a cap of \$5,000,000.00 spanning the public right-of-way of Sheppard Avenue West, and shall provide a direct connection to Downsview Park" with the following words:

"Prior to the issuance of the first above grade building permit for the William Baker District Phase 1 Lands, the Owner shall, at its sole cost and expense, undertake a study by a qualified person to the City's satisfaction, in respect of the existing pedestrian bridge which connects to the Lands for the purpose of determining the feasibility of making modifications to the existing bridge or constructing a new public pedestrian and cycling bridge. The Owner will share the final feasibility study with the General Manager, Transportation Services, and the Chief Engineer, Engineering and Construction Services.

Prior to the issuance of the first above-grade permit for the final building for the William Baker District Phase 1 Lands, or unless otherwise agreed to by the General Manager, Transportation Services and the Chief Engineer, Engineering and Construction Service, and after consultation with the General Manager, Parks and Recreation, the Owner shall at its sole cost and expense, either option 1: design and construct a new accessible public pedestrian and cycling bridge spanning the public right of way of Sheppard Avenue West, providing a direct connection to Downsview Park, or option 2: should the owner elect, and based on the outcome of the feasibility study design and construct modifications to the existing pedestrian bridge to provide an accessible public pedestrian and cycling bridge. This will include the provision of a certificate from a qualified person, to the satisfaction of the General Manager, Transportation Services and the Chief Engineer, Engineering and Construction Services certifying that the new or modified bridge meets the City's standards and specifications, and applicable code requirements.

All costs for design and construction of the bridge, including modifications to the existing bridge, will be the responsibility of the Owner. The Owner shall own, operate, maintain, and repair the public pedestrian and cycling bridge at the Owner's sole cost and expense.

Prior to obtaining the construction permits to build the new bridge or modify the existing bridge, the Owner shall at its sole cost and expense, enter into an encroachment agreement with the City, to the satisfaction of the General Manager, Transportation Services and the City Solicitor."

9. Schedule A Paragraph C. viii) to By-law 1082-2022, is amended by adding language to indicate that the scope of the design of the POPS shall be secured through the Section 37 Agreement with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, PFR, so that it reads as follows:

“The City's decision to require the conveyance of lands for park or other public recreation purposes, or cash in lieu, or a combination thereof, where such requirements do not include the conveyance of the Additional Parkland in fulfillment or partial fulfillment, as the case may be (depending on the applicable parkland dedication rates), of the City's applicable parkland dedication requirements with respect to the development of the Phase 2 Lands, such that the City is not seeking to secure the conveyance of the Additional Parkland.

Contemporaneously with the conveyance of the onsite parkland dedication referred to in part C.iv), above, the owner shall convey for nominal consideration an easement along the surface of the POPS lands to the City. The specific location, configuration, and scope of design of the POPS area shall be secured through the Section 37 Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation. The owner shall own, operate, maintain and repair the POPS and shall be required to install and maintain a sign stating that members of the public shall be entitled to use the POPS area, all at the owner's expense.”

10. Schedule A Paragraph C. viii) to By-law 1082-2022, is amended by modifying the size of the POPS from "27,604 square metres" to "27,231 square metres", so that it reads as follows:

“Subject to the owner obtaining any required Order in Council, the provision by the owner, at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning, General Manager, Parks, Forestry and Recreation and the City Solicitor, a privately-owned, publicly accessible space ("POPS") with a minimum area of not less than 27,231 square metres, to secure public access and use of the POPS lands for park and recreational purposes until the earliest of:”

11. By-law 1082-2022 is amended by adding Schedule 2 following Schedule 1.

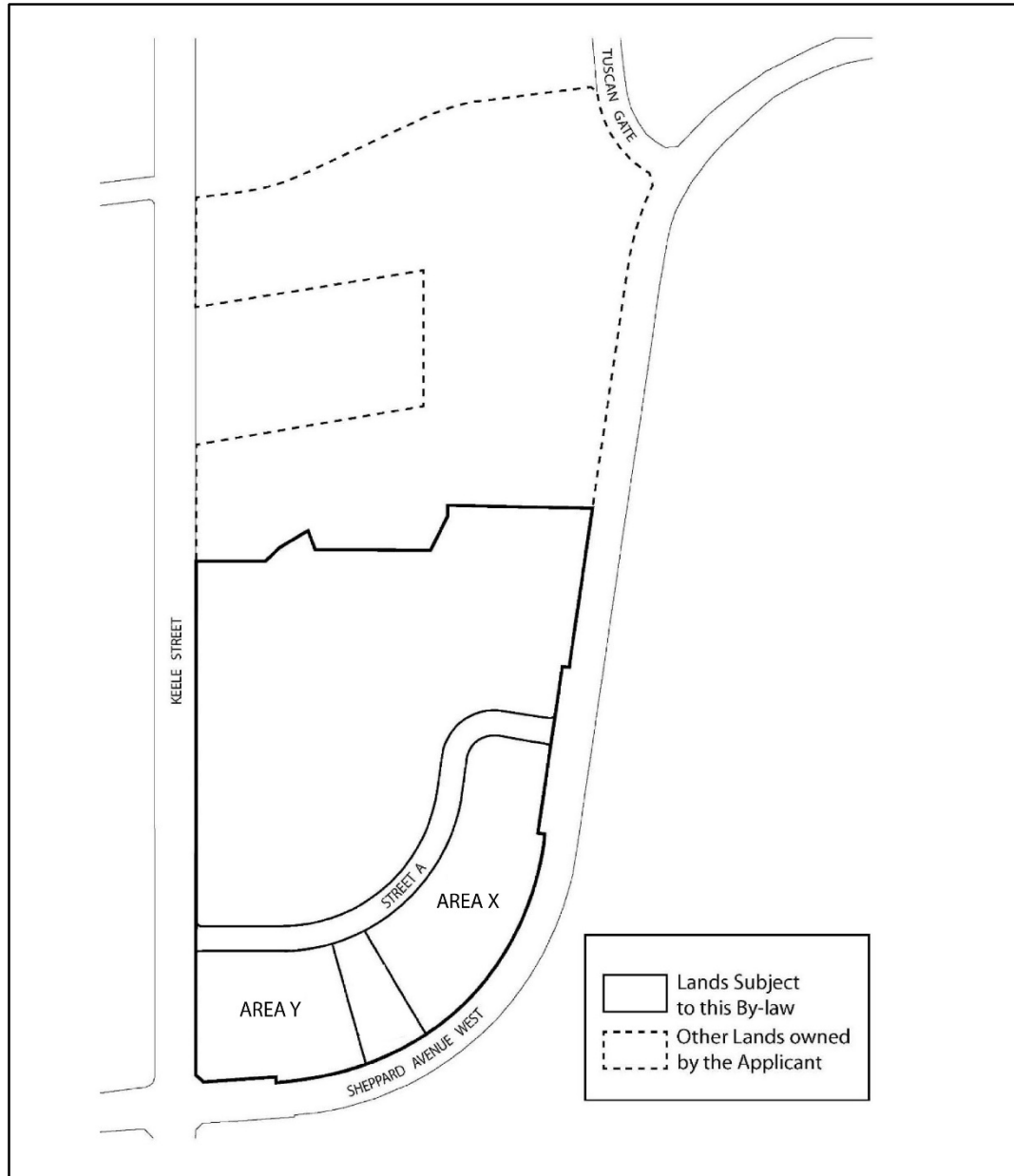
Enacted and passed on [Clerks to insert date].

[full name],
Speaker

(Seal of the City)

[full name],
City Clerk

Schedule 2



Toronto
Schedule 2

1350 Sheppard Avenue West

File #: 25 124861 NNY 06 02

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Former North York By-law 7625
Not to Scale
05/07/2025