

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2025

## CITY OF TORONTO

**Bill No. ~**

### **BY-LAW No. [Clerk's to insert By-law number]**

**To amend former City of North York Zoning By-law 7625, and By-law 818-2003, as amended, with respect to lands municipally known as 1800 Sheppard Avenue East.**

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; and

Whereas pursuant to subsection 37.1(3) and 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Recovery Act, S.O. 2020 c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

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; and

Whereas City Council at its meeting of February 13, 14 and 15, 2003, enacted By-law 818-2003 being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services or matters and therefore subsection s37(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; 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 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; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, as amended by By-law 818-2003 is permitted in return for the provision of the facilities, services and matters set out in this By-law which are to be secured by one or more agreements between the owner and the City of Toronto

The Council of the City of Toronto enacts:

1. By-law No. 818-2003 is amended by adding Schedule “2”, Schedule “3”, and Schedule “A” attached to this By-law.
2. For the lands outlined in Schedule “2” of this By-law, provisions (a) to (l) of Section 64.25(7) of By-law No. 7625, as amended, do not apply.
3. Section 64.25(7) of By-law No. 7625, as amended, is further amended by adding the following subsections (o) to (ccc):

#### **64.25 (7) C3(7)**

- (o) Despite Section 2(a) to Section 2(l), the following exceptions apply to those lands shown on Schedule “2” attached to this By-law.

#### **DEFINITIONS**

- (p) “Accessible Parking Space” means a parking space that is a minimum 3.4 metres wide, 5.6 metres long, and has a minimum vertical clearance of 2.1 metres and the entire length of an accessible parking space must be adjacent to a 1.5-metre wide accessible barrier free aisle or path.
- (q) “Bicycle Parking” means an area equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively to access said racks or lockers, but not intended for general storage use.
- (r) “Bicycle Parking Space” means an area used for parking or storing a bicycle that is:
  - i. a minimum of 0.45 metres wide, 1.8 metres long and have a minimum vertical clearance of 1.2 metres; and
  - ii. adjacent to a minimum 1.8-metre wide aisle or path.
- (s) “Car-Share Parking Space” means a parking space used exclusively for the parking of a car-share motor vehicle.
- (t) “Established Grade” is defined as 176.5 meters above sea level.
- (u) “Gross Floor Area” means the area of all floors in a building, above or below grade,

measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:

- i. parking, loading and bicycle parking spaces;
- ii. required loading spaces and required bicycle parking spaces at or above grade;
- iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- iv. indoor recreational amenity area required by this By-law;
- v. elevator shafts;
- vi. garbage shafts;
- vii. mechanical penthouse;
- viii. exit stairwells in the building;
- ix. all open to below areas;

(v) "Height" means the vertical distance between the Geodetic Datum elevation of 176.50 meters and the highest point of the building.

(w) "Loading Space" means an area used for the loading or unloading of goods or commodities from a vehicle.

(x) "Long-term Bicycle Parking Space" means a bicycle parking space for use by the occupants or tenants of a building.

(y) "Outdoor Patio" means an outdoor patron area that is a non-residential use or is ancillary to a non-residential use.

(z) "Lot" means all the lands outlined in heavy lines on Schedule "2" attached to this By-law.

(aa) "Recreational Amenity Area" means an area that is communal and available to all residential occupants of a building 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.

(bb) "Short-term Bicycle Parking Space" means a bicycle parking space for use by visitors to a building.

(cc) "Stacked Bicycle Parking Space" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces, and is:

- i. a minimum of 0.45 metres wide, 1.8 metres long and have a minimum vertical clearance of 1.2 metres; and
- ii. adjacent to a minimum 1.8 metre-wide aisle or path.

(dd) "Transportation Use" means the use of premises or facilities for the operation of a mass transit system or a transportation system that is provided by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, or is privately operated

and Federally regulated.

- (ee) “Type “G” Loading Space” means a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

## **PERMITTED USES**

- (ff) The permitted uses shall be as follows:

Dwelling, Apartment House  
Artists Studio  
Business Office  
Club  
Commercial Gallery  
Commercial Recreation  
Commercial School  
Day Nursery  
Dry Cleaning and Laundry Collecting  
Establishment  
Financial Institution  
Fitness Centre  
Office Use  
Outdoor Cafe  
Outdoor Patio  
Park  
Personal Service  
Shop  
Showroom  
Professional Medical Office  
Professional Office  
Public Uses  
Recreational Amenity Area  
Recreational Use  
Restaurant, including Take-Out Restaurant  
Retail Store  
Temporary Residential Sales and/or Leasing Office  
Veterinary Clinic

## **EXCEPTION REGULATIONS**

### **LOT AREA AND LOT COVERAGE**

- (gg) There shall be no lot area and lot coverage requirements.

### **FRONT LOT LINE**

(hh) The front lot line shall be the south lot line.

## YARD SETBACKS

(ii) The minimum yard setbacks above established grade are shown on Schedule “2” of this By-law.

(jj) The minimum front yard setback along Sheppard Avenue East is 5.0 metres at established grade, except for all storeys at or above the second storey which shall be set back a minimum of 4.8 metres.

(kk) Despite (jj) above, the following elements may encroach into the required minimum yard setbacks:

- i. decks, porches, terraces, and balconies, by a maximum of 1.8 metres;
- ii. canopies and awnings, by a maximum of 3 metres at the first storey and below the second storey;
- iii. cladding added to the exterior surface of the exterior wall of a building, by a maximum of 0.3 metres;
- iv. architectural features such as architectural fins, pilasters, decorative columns, cornices, and sills, belt course, , by a maximum of 1 metres;
- v. eaves, by a maximum of 0.9 metres; and
- vi. air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.8 metres.

(ll) The required minimum distance between the building(s), including all below and above-grade structures, to any transportation use buildings or structures is 3 metres.

## BUILDING HEIGHT

(mm) The building height of all buildings on the lot, measured from established grade, shall not exceed the maximum height in metres shown on Schedule “3” of this By-law, with the exception of the following:

- i. equipment used for the functional operation of the building, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, elevator overruns parapet, chimneys, and vents, by a maximum of 9.0 metres;

- ii. structures that enclose, screen, or cover the equipment, structures and parts of a building listed in (i) above, including a mechanical penthouse, by a maximum of 9.0 metres;
- iii. architectural features, parapets, and elements and structures associated with a green roof, by a maximum of 3.0 metres;
- iv. building maintenance units and window washing equipment, by a maximum of 3.0 metres;
- v. planters, landscaping features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
- vi. antennae and satellite dishes, by a maximum of 3.0 metres; and
- vii. trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop amenity space, by a maximum of 2.8 metres.

#### GROSS FLOOR AREA

- (nn) The maximum gross floor area on the lot shall be 38,675 square metres, of which:
  - i. the maximum permitted gross floor area for residential uses is 38,500 square metres; and
  - ii. the required minimum gross floor area for non-residential uses is 175 square metres.

#### RECREATIONAL AMENITY AREA

- (oo) A minimum of 3.6 square metres of recreational amenity area per dwelling unit shall be provided on the lot as follows:
  - i. A minimum of 2.0 square metres per dwelling unit shall be indoor recreational amenity area; and
  - ii. A minimum of 1.6 square metres per dwelling unit shall be outdoor recreational amenity area.

#### NUMBER OF STOREYS

- (pp) The maximum building height in storeys is not regulated by this By-law.

#### NUMBER OF DWELLING UNITS

- (qq) The required number of 2- and 3-bedroom units is as follows:

- i. A minimum of 15 percent of the total number of units as 2-bedroom units.
- ii. A minimum of 10 percent of the total number of units as 3-bedroom units.
- iii. An additional 15 percent of the total number of units being a combination of 2- and 3-bedroom units.

## PARKING

- (rr) No parking spaces are required for residential uses.
- (ss) No parking spaces are required for non-residential uses.
- (tt) The minimum dimensions of a parking space provided are 2.6 metres wide by 5.6 metres long by 2.0 metres high. The width must be increased by 0.3 metres for each side of the parking space that is obstructed more than 1.0 metres from the front or back of a parking space.
- (uu) A maximum of 10% of the total parking spaces provided may have a minimum width of 2.6 metres, despite being obstructed on one or both sides, without being required to provide additional width for the obstructed sides of the parking space.
- (vv) A maximum of 5% of parking spaces provided may have a minimum width of 2.4 metres and a minimum length of 5.2 metres.
- (ww) Equipment for the charging of one electric vehicle is permitted within a parking space, subject to the equipment being located in the same parking space as the vehicle to be charged and:
- i. being within 0.25 metres of two adjoining sides of the parking space which are not adjacent and parallel to a drive aisle from which vehicle access is provided, measured at right angles; or
  - ii. being at least 5.35 metres from a drive aisle from which vehicle access is provided, measured at right angles, and at least 1.0 metre from the ground.
- (xx) Electric vehicle infrastructure, including electrical vehicle supply equipment or an energized outlet, does not constitute an obstruction to a parking space.

## BICYCLE PARKING

- (yy) For each dwelling unit, a minimum of 0.68 long-term bicycle parking spaces and 0.07 short-term bicycle parking spaces shall be provided.
- (zz) The number of long-term bicycle spaces and short-term bicycle parking spaces required may be reduced, subject to the following:

- i) the number of long-term and short-term bicycle parking spaces reduced is not more than half the amount required by (yy) above, rounded down to the nearest whole number;
- ii) for each bicycle parking space reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto; and
- iii) the owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act.

- (aaa) A long-term bicycle parking space may be located in a stacked bicycle parking space, on any level.

#### LOADING

- (bbb) A minimum of 1 Type “G” Loading Space shall be required on the lot.

#### LANDSCAPING

- (ccc) A minimum of 975 square metres of landscaped open space shall be provided in the form of Privately-Owned Publicly Accessible Space (POPS), as conceptually shown on Schedule “3.”

#### SECTION 37 PROVISIONS

4. Section 64.25(7) of By-law No. 7625, as amended, is further amended by re-alphabetizing subsections (m) and (n) as subsections (ddd) and (eee).
5. Subsection 64.25(7) of By-law 7625, as amended, is further amended by adding the following subsections (fff) to (iii), which shall apply to those lands shown on Schedule “2” attached to this By-law:

(fff) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule “2” of this By-law in return for the provision by the owner, at the owner’s expense, of the facilities, services and matters set out in Schedule A hereof which are secured by one of 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.

(ggg) 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 upon satisfaction of the same.

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

## IMPLEMENTATION

(iii) Despite any existing or future severance, partition or division of the lands outlined in heavy lines on Schedule “2” of this By-law, the provisions of this By-law shall apply to the whole of the Lot as if no severance, partition or division had occurred.

6. Where any provision or Schedule of By-law No. 7625, as amended, conflicts with this By-law, this By-law shall prevail.

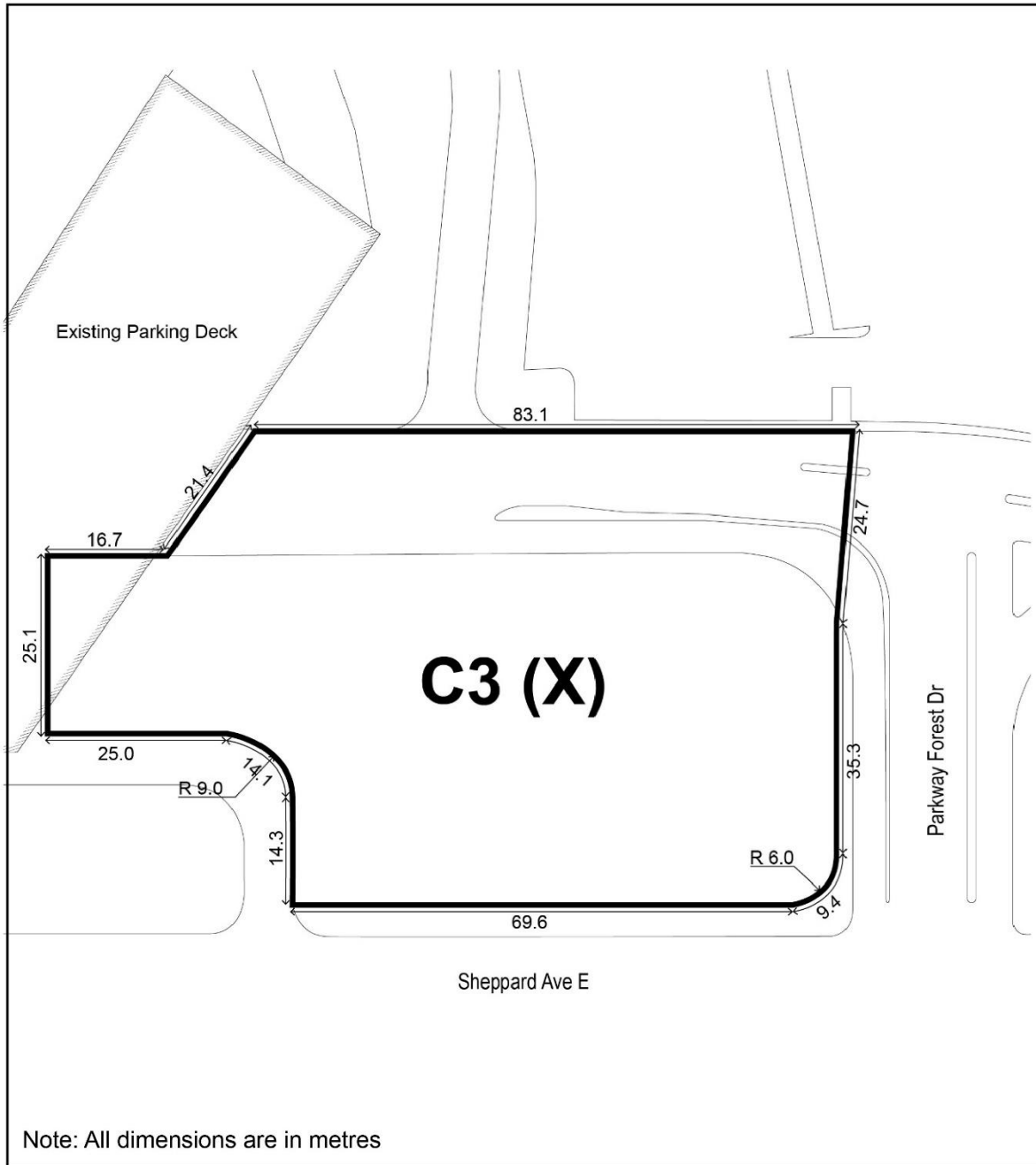
Enacted and passed on XXX, 2026.

Frances Nunziata,  
Speaker

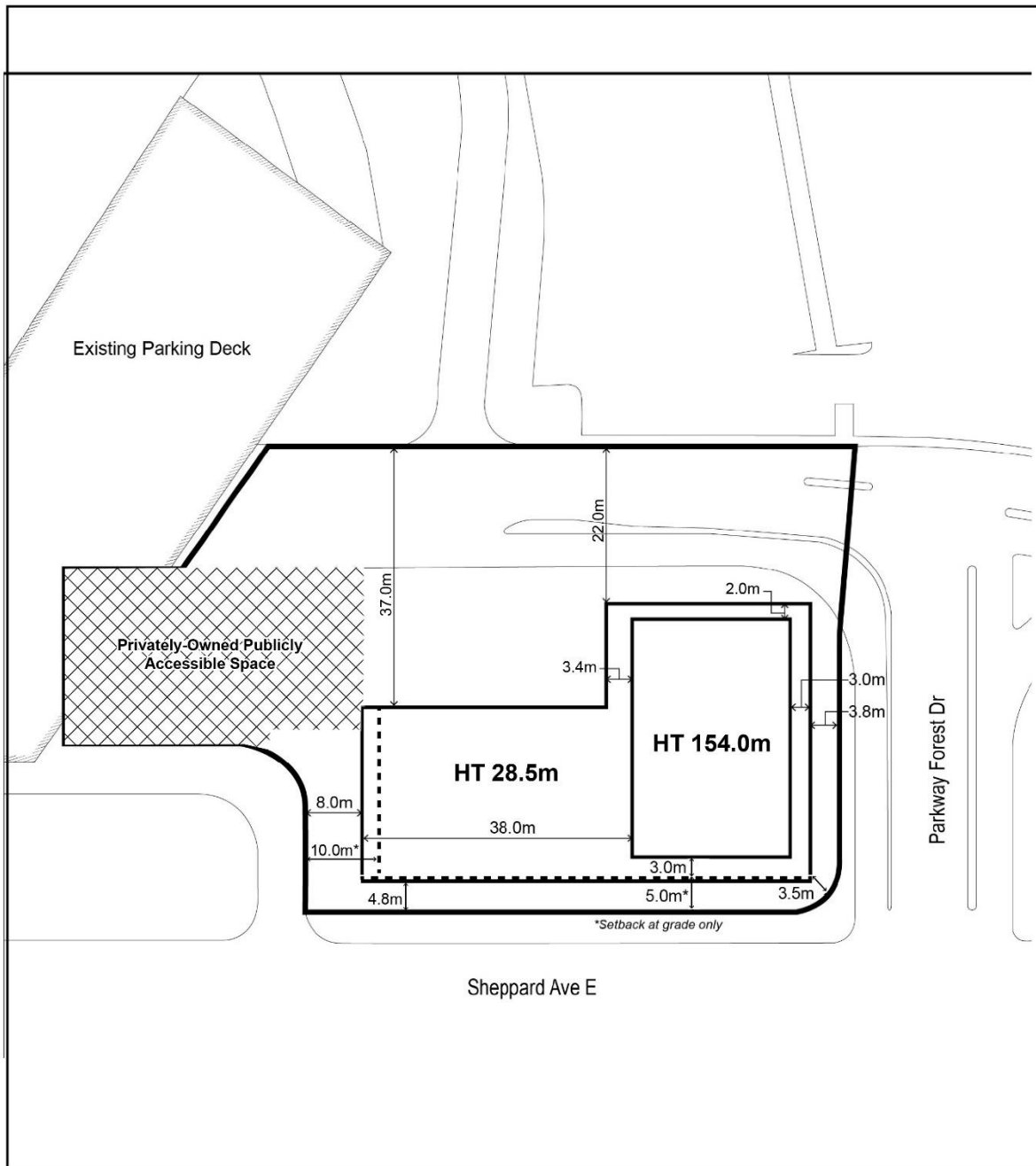
John D. Elvidge,  
City Clerk

(Seal of the City)

Schedule 2



### Schedule 3



**Schedule A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Schedule 1 of this By-law and secured in an agreement or agreements under 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, whereby the owner agrees as follows:

1. The Owner shall enter into and register on title to the lands, one or more agreements pursuant to Section 37 of the Planning Act, at the owner's expense, to secure the following matters, on such terms and conditions as may be required, all satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor:
  
2. A minimum of 3 percent of the total new residential gross floor area in the Phase 1A lands, shown on Schedule 2 (the "**Development**"), shall be secured as affordable rental housing on such terms and conditions as specified in the Section 37 Agreement, including but not limited to:
  - a. the unit mix of the Affordable Rental Housing Units shall be consistent with the overall unit mix in the Development to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - b. the Affordable Rental Housing Units shall be provided in a contiguous group of at least six (6) rental dwelling units;
  - c. the average unit size of the Affordable Rental Housing Units shall be no less than the average unit size of the market units in the Development, by unit type;
  - d. the minimum unit size of the Affordable Rental Housing Units shall be no less than the minimum unit sizes of the market units in the Development, by unit type;
  - e. the size, location and layout of the Affordable Rental Housing Units shall be to the satisfaction of the Chief Planner and indicated in the approved drawings for the Site Plan Control application for the site, subject to minor modifications at the detailed design stage prior to the issuance of the first Above Grade Building Permit for the lands;
  - f. the Affordable Rental Housing Units shall be constructed to a fully finished condition and to a similar standard as the market units located in the remainder of the Development;
  - g. tenants of the Affordable Rental Housing Units shall be provided with access to, and use of, all indoor and outdoor amenities in the Development at no extra charge, with access to, and use of, these amenities on the same terms and conditions as any other resident of the building without the need to pre-book or a pay a fee, unless specifically required as a customary practice for private bookings;
  - h. rent for the Affordable Rental Housing Units shall not exceed the City of Toronto Official Plan income-based affordable rental housing definition. During the Affordability Period, increases to initial rents charged to tenants occupying any of the

affordable rental housing units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline, regardless of whether the Provincial rent guideline applies to the affordable rental housing units under the Residential Tenancies Act;

- i. the Affordable Rental Housing Units shall be maintained as affordable rental housing for a minimum 40-year affordability period.
  - j. the Owner will use the City's Centralized Affordable Housing Access System to advertise and select tenants for the Affordable Rental Housing Units, or, in the event the Centralized Affordable Housing Access System is not available, through a fair and transparent advertising and selection process to the satisfaction of the Executive Director, Housing Secretariat; and at least six (6) months in advance of any Affordable Rental Housing Unit being made available for rent, the owner shall develop and implement an Access Plan which will outline how the Affordable Rental Housing Units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat;
  - k. all Affordable Rental Housing Units will be provided with ensuite laundry facilities and central air conditioning at no extra charge;
  - l. tenants of the Affordable Rental Housing Units will be provided with access to permanent and visitor bicycle parking/bicycle lockers in accordance with the Zoning By-law and on the same basis as other units within the Development; and
  - m. the Affordable Rental Housing Units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected within the Development as are available and ready for occupancy.
3. The following matters are to be secured in the Section 37 Agreement as legal conveniences to support the Development:
- a. one privately-owned publicly-accessible landscaped open space, not less than 975 square metres in size, adjacent to the entrance to Don Mills Subway Station along the western edge of the lands shown on Schedule "2," to the satisfaction of the Executive Director, Development Review. Prior to the issuance of Site Plan Approval, the owner shall convey to the City, for nominal consideration and at no cost to the City, easement(s) along the surface of the lands for public access, to the satisfaction of the City Solicitor, which shall constitute the privately-owned publicly-accessible open space. The owner shall own, operate, maintain the privately-owned publicly-accessible open space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly-accessible open space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly-accessible open space shall be determined in the context of a Site Plan Approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
  - b. prior to the issuance of Site Plan Approval, the owner shall make arrangements satisfactory to the Executive Director, Development Review and the Director, Property of TTC's Property, Planning and Development Department, in their sole

discretion, which will allow for the continued safe and satisfactory operation and maintenance of TTC's Don Mills Bus Terminal, TTC's Subway Line 4, and TTC's Parking Structure, including the relocation and reconstruction of the existing PPUDO, sewer, access routes, and associated appurtenances, in accordance with TTC standards and requirements through their Technical Review Process, together with the granting of any necessary easements, in priority to all other encumbrances and at no cost to the City, which may be required for the ongoing access, inspection, maintenance, repair, reconstruction and replacement of the transit facilities, the final area, details and configuration of which shall be determined through the site plan control application process.

- c. through Site Plan Control, Landscape Plans, a Soil Volume Plan, an Arborist Report and a Tree Protection Plan, to the satisfaction of the Executive Director, Environment, Climate & Forestry. The Landscape Plans shall illustrate soil volumes and species for the proposed trees to be planted in the City-owned right-of-way, and for the proposed trees to be planted on the subject property, to the satisfaction of the Executive Director, Development Review in consultation with the Executive Director, Environment, Climate & Forestry. The owner shall thereafter implement the Landscape Plan, Soil Volume Plan, and Tree Protection Plan and the recommendations of the Arborist Report, and shall relocate at its sole cost and expense any utility conduits that interfere with existing and proposed trees, all of which shall be secured as part of Site Plan Approval, to the satisfaction of the Executive Director, Development Review in consultation with the Executive Director, Environment, Climate & Forestry
- d. through Site Plan Control, a Pedestrian Level Wind Study to the satisfaction of the Executive Director, Development Review; and agreement to implement any wind mitigation measures required thereby to the satisfaction of the Executive Director, Development Review;
- e. the construction and maintenance of the development in accordance with Tier 1, Toronto Green Standard. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of the Toronto Green Standard applicable at the time of Site Plan Application for the Development;
- f. consent to the inclusion of warning clauses and signage of the Toronto Catholic District School Board and the Toronto District School Board in the conditions of Site Plan Approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Executive Director, Development Review; and
- g. prior to commencement of any excavation and shoring work, the provision of a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, the Executive Director, Development Review, the General Manager, Transportation Services, and the Director, Engineering Review, Development Review, and which shall thereafter be implemented during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related matters: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway

uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, including matters related to the construction of streets or infrastructure, and any other matters requested by the Chief Building Official and Executive Director, Toronto Building, the Executive Director, Development Review, the General Manager, Transportation Services, and the Director, Engineering Review, Development Review.