

Authority: Scarborough Community Council Item SC8.2,
as adopted by City of Toronto Council on October 2 and 3,
2019

CITY OF TORONTO

Bill 1731

BY-LAW -2019

To amend former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment District), as amended, with respect to the lands municipally known as, 1560 Brimley Road and 1350 Ellesmere Road.

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;

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

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by Employment Districts Zoning By-law 24982 (Progress Employment District), as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

- SCHEDULE "A"** of the former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment Districts, as amended, is further amended by deleting the current zoning and replacing it with the following Schedule '1' so that the amended zoning shall read as follows:

CCR – 483 – 704 – 779 – 944 – 981 – 1640 – 1698 – 1871 – 2106 – 2107 – 2389 – 2715
– 2902 – 2903 – 2904

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART** of the former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment District), as amended, is further amended by adding the following Performance Standards:

INTENSITY OF USE

483. **Gross floor area** of all uses shall not exceed 18,800 square metres, (excluding **basements**, which include below-grade parking structures and associated parking spaces, ramps, **driveways**, **aisles**, washrooms, electrical, utility, mechanical and ventilation rooms; loading facilities; **bicycle parking spaces**; shower and change facilities required for bicycle parking spaces; indoor **amenity space**; moving rooms; elevator shafts; garbage handling and storage areas, including garbage shafts; mechanical penthouse; and exit stairwells in the building).

704. Maximum 250 **dwelling units**, of which a minimum 40 percent shall be two-bedroom units and a minimum 10 percent shall be three-bedroom units or larger.

SETBACKS

944. The setbacks and stepbacks from the **lot** line(s) to the **main wall(s)** of any building(s) and additional stepbacks from the **main wall(s)** of any building(s) to the **main wall(s)** of any building(s) shall be the minimum distance in metres specified by the numbers on Schedule '2' of By-law (Clerk to insert By-law #).

MISCELLANEOUS

2106. Indoor and outdoor **amenity space** to be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:

- a. a minimum of 2 square metres for each dwelling unit must be indoor **amenity space**, which may include a guest suite containing a bathroom;
- b. a minimum of 2 square metres for each dwelling unit must be outdoor **amenity space**; and
- c. a minimum of 211 square metres is outdoor **amenity space** in a location adjoining or directly accessible to an indoor **amenity space**.

For the purposes of the above, **amenity space** shall mean indoor or outdoor space on a **lot** that is communal and available for use by the occupants of a building on the **lot** for recreational or social activities.

2107. Notwithstanding any other provision of this by-law, balcony projections to a maximum of 1.5 metres from the **main wall** are permitted as follows:

- a. above the 11th **storey** facing Brimley Road;

- b. above the second **storey** facing Ellesmere Road beyond 47 metres from the west **side lot line**;
- c. above the second storey facing the north **lot line**; and
- d. above the second storey facing the west **side lot line**.

SECTION 37

2389. Pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, and subject to compliance with this By-law, the increase in height and density of the development on the lands is permitted in return for the provision by the owner, at the owner's expense of the following facilities, services and matters:

- (1) Prior to issuance of an above-grade building permit, the owner shall make a financial contribution in the amount of \$750,000.00 payable to the City of Toronto, with such amount to be indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment. The funds shall be directed as follows:
 - i. \$100,000 to be allocated to the Toronto Public Library to undertake capital upgrades at the Scarborough Civic Centre Branch;
 - ii. \$160,000 to be allocated towards park improvements within proximity of the site;
 - iii. \$105,000 to be allocated towards capital improvements to Squirrel's Nest Child Care at 1305 Ellesmere Road;
 - iv. \$200,000 to be allocated to Toronto Public Library branches for capital upgrades to the library facilities, including the delivery of the 'Borrow a Musical Instrument' loan program;
 - v. \$100,000 towards capital improvements to the Scarborough YMCA at 230 Town Centre Court to improve the accessibility of the building;
 - vi. \$85,000 towards funding for capital facilities for EarlyON programs in close proximity to the subject site; and
 - vii. in the event the cash contributions required in Parts 4.a.i., ii., iii., iv., and iv. above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject property.

- (2) Prior to issuance of an above-grade building permit, the owner shall make a financial contribution in the amount of 1 percent of the gross construction costs to commission public art in a process in accordance with the Percent for Public Art Program Guidelines, with such an amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment. Prior to the issuance of the first above-grade building permit, the owner will submit a plan that details the possible locations of any public art installations on the site and the method of art selection, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.
- (3) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held on October 26 and 27, 2009, and as updated by City Council at its meeting held on December 5, 6 and 7, 2017, and as may be further amended by City Council from time to time.

INTENSITY OF USE – HEIGHT

2715. The height of any building or **structure** is measured from established grade, which is the Canadian Geodetic Datum elevation of 165.9 metres, and shall not exceed the height in metres specified by the numbers following the symbol HT on Schedule '2' of By-law (Clerk to insert By-law #).

PARKING

2902. Notwithstanding **CLAUSE V - GENERAL PROVISIONS**, Sub-clause

7.2. Table of Required Parking Rates:

- a. Parking spaces shall be provided at the following minimum rates:
 - i. 0.6 parking spaces per **dwelling unit** for bachelor units (less than 45 square metres **gross floor area**);
 - ii. 1.0 parking spaces per **dwelling unit** for bachelor units (greater than 45 square metres of **gross floor area**);
 - iii. 0.7 parking spaces per **dwelling unit** for one-bedroom units;
 - iv. 0.9 parking spaces per **dwelling unit** for two-bedroom units;
 - v. 1.0 parking spaces per **dwelling unit** for three-bedroom units or larger;

- vi. 0.1 parking spaces per **dwelling unit** for residential visitors; and
 - vii. No parking spaces required for retail stores or **personal service shops** (200 square metres **gross floor area** or less).
- b. Parking spaces shall be provided at the following maximum rates:
- i. 0.9 parking spaces per **dwelling unit** for bachelor units (less than 45 square metres **gross floor area**);
 - ii. 1.3 parking spaces per **dwelling unit** for bachelor units (greater than 45 square metres of **gross floor area**);
 - iii. 1.0 parking spaces per **dwelling unit** for one-bedroom units;
 - iv. 1.3 parking spaces per **dwelling unit** for two-bedroom units;
 - v. 1.5 parking spaces per **dwelling unit** for three-bedroom units or larger; and

2903. Notwithstanding **CLAUSE V - GENERAL PROVISIONS**, Sub-clause 7.4.2 **Parking Structures - Yards**:

- a. minimum building setback 0 metres for the below-grade parking **structure**.

2904. Minimum 1.0 Type G loading spaces shall be provided.

For the purposes of the above, Type G **loading spaces** shall mean areas used for the loading or unloading of goods or commodities from a vehicle, and shall have the following minimum dimensions:

- a. width 4.0 metres;
- b. length 13.0 metres; and
- c. vertical clearance 6.1 metres.

3. **SCHEDULE "C" EXCEPTIONS LIST**, as amended, is further amended by adding the following Exception 491:

491. The following additional uses are permitted:
- Office
 - **Day Nursery**
 - **Financial Institution**
 - **Personal Service Shop**
 - **Recreational Use**
 - **Restaurant**
 - Retail Store

4. **SCHEDULE "C" EXCEPTIONS LIST and EXCEPTIONS MAP**, as amended, is **further** amended by deleting Exceptions 535 and 536.

Enacted and passed on December , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'



