

Authority: Scarborough Community Council Item SC32.4, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1137-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 2180 Lawrence 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; and

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

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

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The 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, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c3.0; r2.5) SS2 (x152), CR 1.0 (c1.0; r1.0) SS2 (x152) and (O), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (152) so that it reads:

Exception CR (152)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions

- (A) On 2180 Lawrence Avenue East, if the requirements of Section 5 and Schedule A of By-law 1137-2018 are complied with, a **building** or **structure** is permitted if it complies with the following regulations;
- (B) Despite the permitted uses listed in Regulations 40.10.20.10(1) and 40.10.20.10(2), the only uses permitted from those lists are: **Dwelling Units** in a **building** type permitted by Clause 40.10.20.40., **Art Gallery, Artist Studio, Automated Banking Machine, Community Centre, Custom Workshop, Eating Establishment, Home Occupation, Library, Massage Therapy, Municipal Shelter, Office, including Medical and Dental Office, Outdoor Patio, Park, Personal Service Shop, Pet Services, Private Home Daycare, Retail Store, Religious Education Use, Renewable Energy, Retail Store, Retail Service, Take-out Eating Establishment and Wellness Centre;**
- (C) A maximum **gross floor area** for all uses of 24,000.0 square metres is permitted;
- (D) Permitted non-residential uses are only permitted within Building 'A', if the total **gross floor area** of all these uses does not exceed a maximum of 565 square metres;
- (E) Despite (B) and (C) above, one temporary residential sales pavilion is permitted prior to completion and first residential occupancy of Building 'A', if all applicable regulations are complied with;
- (F) Despite the Coverage Overlay Map in Section 995.30.1, the maximum permitted **lot coverages** as a percentage of the **lot area** are:
- (i) Buildings 'A' and 'B': 25.5 percent of the area of the **lot** for both **buildings** combined; and
 - (ii) Buildings 'C', 'D', 'E' and ancillary **buildings**: 15.5 percent of the area of the **lot** for all **buildings** combined;
- (G) Despite the Height Overlay Map in Section 995.20.1 and Regulation 40.5.40.10(2), (4) and (5), the maximum permitted height is:
- (i) Building 'A': Maximum height of 21 **storeys** (excluding items listed in regulation 40.5.40.10(4)(B) and (C)) and 73.0 metres (including items

- listed in regulation 40.5.40.10(4)(B) and (C)), except maximum **height** of the podium base-**building** is 7 **storeys** and 25.0 metres;
- (ii) Building 'B': Maximum height of 7 **storeys** (excluding items listed in regulation 40.5.40.10(4)(B) and (C)) and 27.5 metres (including items listed in regulation 40.5.40.10(4)(B) and (C)); and
 - (iii) All other **buildings**: 3 **storeys** (excluding enclosed stairwells to access the roof) and 14.5 metres;
- (H) Despite Regulation 40.10.40.10(5), the minimum height of the first **storey** for Building 'B' is 4.0 metres;
- (I) Regulation 40.10.40.10(5) does not apply to Buildings 'C', 'D' and 'E';
- (J) The permitted maximum **gross floor area** of each **storey** in Building 'A' more than 7 **storeys** above grade is 545 square metres;
- (K) A maximum of 286 **dwelling units** are permitted, of which:
- (i) A maximum 222 **dwelling units** must in Buildings 'A' and 'B'; and
 - (ii) A maximum 64 **dwelling units** must be in Buildings 'C', 'D', and 'E';
- (L) Despite Regulation 40.10.40.50(1), **amenity space** must be provided for Building 'A' and Building 'B' at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (i) A minimum 2.0 square metres per **dwelling unit** is indoor **amenity space**, and:
 - (a) at least one **amenity space** area contains a kitchen and washroom;
 - (b) at least one **amenity space** area is adjoining and directly accessible to a minimum of 40.0 square metres of outdoor **amenity space**; and
 - (c) the indoor **amenity space** may be provided solely within Building 'A' to be shared by residents of Building 'B', if such **amenity space** is completed and available for use prior to first residential occupancy of Building 'B'; and
 - (ii) A minimum 2.0 square metres per **dwelling unit** is outdoor **amenity space**;
- (M) Despite Regulation 40.10.40.70(2), the following minimum **building setback** requirements apply:

- (i) 3.5 metres from the Lawrence Avenue East **street** line for Building 'A', plus an additional 3.0 metres **building setback** above the seventh **storey**, and 4.0 metres for Building 'E';
 - (ii) 1.4 metres from the Birchmount Road **street** line for Building 'A', plus an additional 3.0 metre **building setback** above the seventh **storey**, and a further 6.6 metre **building setback** for the building elements listed in Regulation 40.5.40.10(4)(B) and (C);
 - (iii) 3.0 metres from the Birchmount Road **street** line for Building 'B', plus an additional 2.0 metre **building setback** above the fifth **storey**, and a further 1.8 metres **building setback** for the **building** elements listed in Regulation 40.5.40.10(4)(B) and (C);
 - (iv) 3.0 metres from the Dulverton Road **street** line for Building 'B' plus an additional 7.0 metre **building setback** above the fifth **storey** and a further 22.0 metres **building setback** for the **building** elements listed in regulation 40.5.40.10(4)(B) and (C);
 - (v) Despite (iii) and (iv) above, a minimum 1.5 metre **building setback** is required from the Birchmount Road/Dulverton Road **street** line corner rounding;
 - (vi) 4.0 metres from the Dulverton Road **street** line for Building 'C';
 - (vii) 12.0 metres from the east **lot line** for Buildings 'D' and 'E';
 - (viii) 6.0 metre **building setback** from an Open Space Zone (O); and
 - (ix) For underground parking **structures**, a minimum 1.0 metre **building setback** from any **street** line or an Open Space Zone (O), and minimum 12.0 metre **building setback** from the east **lot line**;
- (N) Regulation 40.10.40.70(2)(E) does not apply to Building 'D' in regard to **angular plane** requirements abutting an Open Space Zone (O);
- (O) Regulation 40.10.40.70(4) does not apply to **dwelling units** located in the first **storey** of Building 'B';
- (P) Despite Regulation 40.10.40.80(2), minimum required **main wall building** separations are:
- (i) Between Building 'A' and Building 'B': 8.0 metres;
 - (ii) Between Building 'A' and Building 'E': 18.9 metres;
 - (iii) Between Building 'B' and Building 'C': 8.7 metres; and

- (iv) Between the end walls of Buildings 'C', 'D' and 'E': 3.0 metres;
- (Q) Despite Clause 40.10.40.60, balconies and/or sills with railings may encroach a maximum of 0.3 metres into required **building setbacks** from the **street** line for Building 'A' below the eighth **storey**, and from the **street** line for Building 'B' below the sixth **storey**;
- (R) Despite Regulation 40.10.50.10(3), a minimum 5.8 metre wide strip of land used only for **soft landscaping** must be provided along the part of the **lot line** abutting a Residential Multiple Dwelling Zone (RM);
- (S) Despite Clause 220.5.10.1, 1 Type "G" **loading space** is required, and may be shared by both Building 'A' and Building 'B';
- (T) Despite Regulation 200.5.1.10(1), **parking spaces** must be provided as follows:
 - (i) for all **dwelling units** in **apartment buildings**, at the rates required for lands in Policy Area 4; and
 - (ii) for all permitted non-residential uses, at a rate of minimum of 1 and a maximum of 4 **parking spaces** per 100 square metres of **gross floor area** of such uses;
- (U) Where referenced in this Exception, the following terms mean:
 - (i) Building 'A': An **apartment building** located within 30 metres of the Lawrence Avenue East **street** line and within 66 metres of the Birchmount Road **street** line;
 - (ii) Building 'B': An **apartment building** located within 24 metres of the Birchmount Road **street** line and within 48 metres of the Dulverton Road **street** line; and
 - (iii) Buildings 'C', 'D' and 'E': **Apartment buildings** where each **dwelling unit** has a separate entrance directly from outside.

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

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

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

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

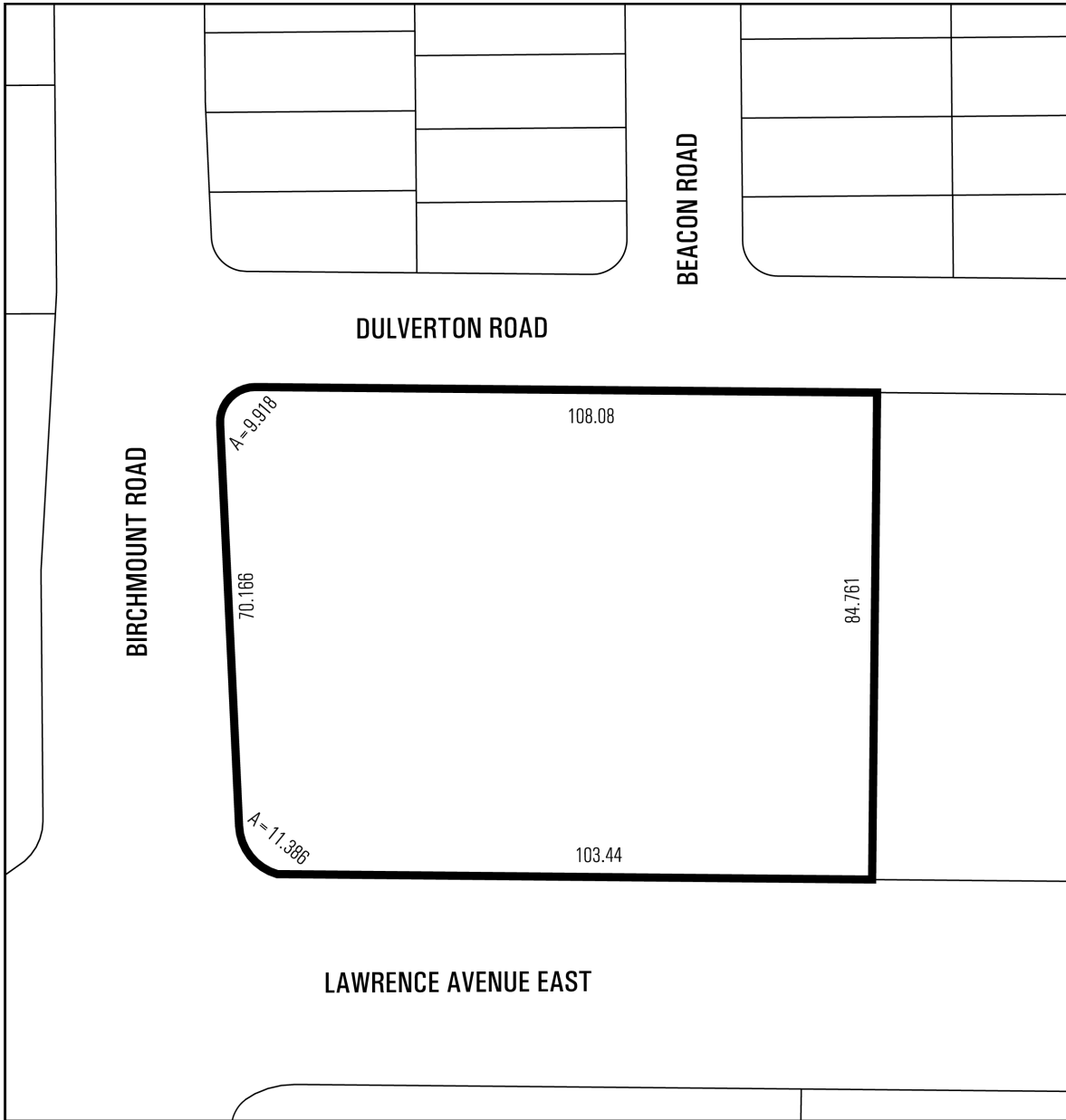
(Seal of the City)

SCHEDULE A
Section 37 Provisions

1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:
 - a. Upon the effective date of the zoning by-law amendments of this By-law, being the first day upon which all of the provisions of the By-law have come into force and in effect, with all applicable appeal periods having lapsed, the owner to pay to the City a cash contribution of \$90,000 to be used by the Parks, Forestry and Recreation Division for the installation of a rubberized surface for the reconstructed playground at Maidavale Park.
 - b. Prior to the issuance of an above grade building permit, other than for a temporary sales office/pavilion, the owner to pay to the City a cash contribution of:
 - i. \$145,000 for capital upgrades/improvements (such as but not limited to upgraded washrooms and air circulation equipment) to McGregor Park Toronto Public Library at 2219 Lawrence Avenue East;
 - ii. \$15,000 for capital upgrades/improvements to the Birchmount Hub at 1021 Birchmount Road; and
 - iii. \$250,000 for the provision of an on-site public art installation at the north-east corner of Lawrence Avenue East, to be further determined in accordance with the City of Toronto Percent for Public Art Program Guidelines (August 2010).with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
3. The Owner shall provide and maintain the following to support the development of the lands:
 - a. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately

owned publicly-accessible (POPS) courtyard area of not less than 395 square metres, located on Lawrence Avenue East immediately east of Building 'A', and shall convey, prior to the registration of the first condominium, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 11:59 p.m., 365 days of the year; and

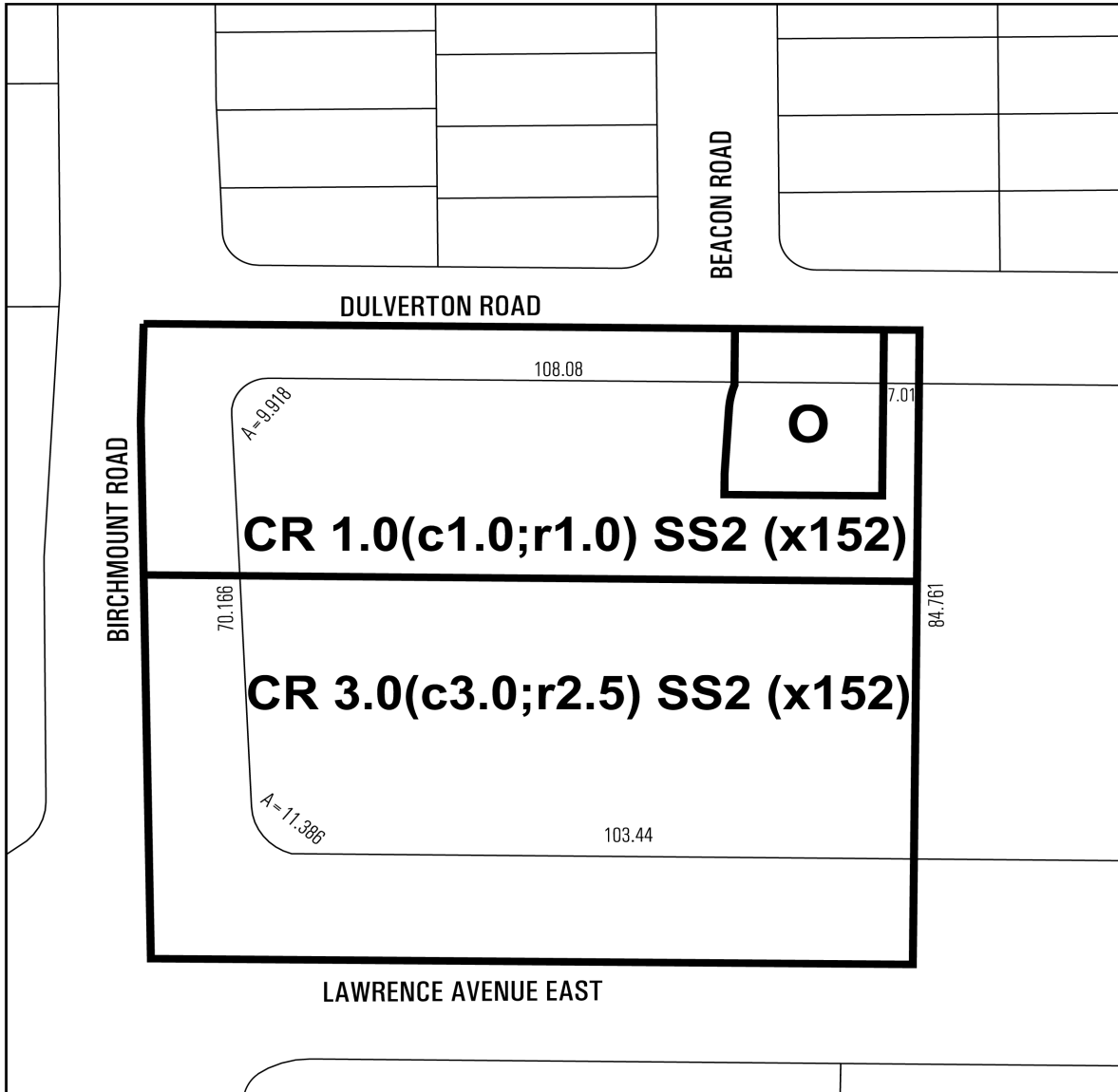
- b. The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway between the POPS and Dulverton Road which shall have a minimum 2.1 metre pedestrian clearway and a minimum height of 4.5 metres. The owner shall convey, prior to the registration of the first condominium, an easement to the City, for nominal consideration, along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of site plan approval pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the walkway and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the walkway from 6:00 a.m. to 11:59 p.m., 365 days of the year.
4. In the event the cash contribution(s) referred to in Section 1 have 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 of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



 **TORONTO**
Diagram 1

2180 Lawrence Avenue East

File # 17 274213 ESC 37.0Z



 **Toronto**
Diagram 2

2180 Lawrence Avenue East

File # 17 274213 ESC 37.0Z