

Authority: Scarborough Community Council Item SC25.1, adopted as amended, by City of Toronto Council on July 14, 15 and 16, 2021 and MM37.34, by Councillor Gary Crawford, seconded by Councillor Michael Thompson, as adopted by City of Toronto Council on November 9, 10 and 12, 2021

CITY OF TORONTO

BY-LAW 960-2021

To amend former City of Scarborough Birchcliff Community Zoning By-law 8786, as amended, with respect to the lands municipally known in the year 2021 as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East.

Whereas Council of the City of Toronto has 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 pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law under Section 34 of the Planning Act, authorize increases in height or density of development beyond those otherwise permitted by the By-law 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 or matters in return for an increase in 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 or matters; and

Whereas the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law 8786, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

Whereas Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in 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 enacts:

- 1. SCHEDULE 'A'** of the Birchcliff Community Zoning By-law 8786, as amended, is further amended for the lands outlined in the attached Schedule '1' by deleting the existing zoning and replacing it with the Apartment Residential (A) Zone, Park Zone (P)

and the performance standards shown on Schedule '1', so that the amended zoning shall read as follows:

A(H)-397-398-401-402-403-404-405-408-409-410-411-414-415-416-419-420

A-399-401-402-404-406-408-409-412-414-415-417-419-420

A-400-401-402-404-407-408-409-413-414-415-418-419-420

P

2. **PERFORMANCE STANDARDS CHART – SCHEDULE 'B'**, Birchcliff Community Zoning By-law 8786, as amended, is further amended by adding the following Performance Standards:

MISCELLANEOUS

397. In addition to the uses permitted in **Clause VIII – Zone Provisions**, Sub Clause 4.(a), the following uses are also permitted: public **school**, as the primary sole use of the lands only which may include a **day nursery** as an **accessory** use, and a temporary sales office or temporary sales structure.

INTENSITY OF USE

398. Maximum **Gross Floor Area**: 13,250 square metres;

399. Maximum **Gross Floor Area**: 6,250 square metres;

400. Maximum **Gross Floor Area**: 9,400 square metres;

401. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub Clause 13, **Coverage** shall not apply.

BUILDING SETBACKS

402. The minimum **setbacks** from the **lot** line(s) to the **main wall**(s) of any building(s) and minimum separation distances between buildings shall be the minimum distance in metres specified by the numbers on attached **SCHEDULE '2'**. A building **setback** is not required from a corner rounding at the intersection of two streets.

403. Notwithstanding Performance Standard 402, the minimum **setbacks** from the **lot** line(s) to the **main wall**(s) of any **school**, **day nursery** and uses accessory thereto are as follows:

- (a) Minimum **front yard setback** between the **main wall** and Street A: 3.0 metres;
- (b) Minimum exterior **side yard setback** between the **main wall** and Street B: 3.0 metres;
- (c) Minimum interior **side yard setback**: 7.0 metres; and

- (d) Minimum **rear yard setback**: 30.0 metres.
404. No portion of a building or structure above finished ground level shall be located other than wholly within the building envelopes delineated by heavy lines on **SCHEDULE '2'** of By-law 960-2021, or as otherwise set out under Performance Standard 403 where applicable, with the exception of the following:
- (a) Below grade parking structures, exterior stairways, wheelchair ramps, awnings, trellises, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind screens, landscape elements, terraces, retaining walls, planters, heating, cooling and ventilating equipment, gas and electrical equipment and associated cabinets and enclosures, elements associated with outdoor amenities such as fireplaces, seating and play structures, waste storage rooms and associated enclosures, bicycle parking, community mailboxes and associated enclosures, and porches and decks, either excavated or unexcavated
 - (b) Roof overhangs, cornices, canopies, chimneys, balconies and associated guards, ornamental elements, privacy screens, and garbage chutes may project a maximum distance of 2.5 metres beyond the heavy lines shown on **SCHEDULE '2'** of By-law 960-2021, or into required **setbacks** as otherwise set out under Performance Standard 403 where applicable;
 - (c) Light fixtures, eaves, window washing and maintenance equipment, cladding, decorative architectural features, and pilasters may project a maximum distance of 1.2 metres beyond the heavy lines shown on **SCHEDULE '2'** or into required setbacks as otherwise set out under Performance Standard 403 where applicable;
 - (d) Window sills may project a maximum distance of 0.6 metres beyond the heavy lines shown on **SCHEDULE '2'** or into required setbacks as otherwise set out under Performance Standard 403 where applicable;
 - (f) Structures, elements and enclosures permitted by Performance Standard 408.

HEIGHT

405. The **height** of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 126.59 metres, and the highest point of the building or structure.
406. The **height** of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 127.74 metres, and the highest point of the building or structure.
407. The **height** of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 128.94 metres, and the highest point of the building or structure.

408. The **height** of any building or structure shall not exceed the **height** in metres and **storeys** indicated as 'H' and 'ST' respectively on **SCHEDULE '2'** of By-law 960-2021, with the exception of the following:
- (a) Mechanical equipment and roof access penthouses, elevator overruns, lighting fixtures, awnings, ornamental elements, trellises, vents, stacks, structures on the roof used for outside or open air recreation, heating cooling and ventilation equipment, stairs, stair enclosures, gas and electrical equipment and associated cabinets or enclosures or a fence, wall or structure enclosing such elements, and waste storage rooms and associated enclosure elements which may have a maximum vertical projection of 7.0 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law 960-2021;
 - (b) Guardrails, safety railings, wheelchair ramps, fences, wind or privacy screens, outdoor furniture, chimneys, decorative architectural features, underground garage ramps and associated structures, bicycle parking, community mailboxes as well as structures enclosing such elements, garbage chutes, elements associated with outdoor amenities such as barbecues, fireplaces, seating and play structures which may have a maximum vertical projection of 3.0 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law 960-2021;
 - (c) Parapets, window washing equipment, building maintenance equipment, guardrails, balustrades, safety railings, bollards, landscape elements, decking, skylights, flues, access roof hatch, below grade parking structures, retaining walls, and planters which may have a maximum vertical projection of 1.8 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law 960-2021;
 - (d) Terraces, thermal insulation, roofing membranes, pavers, and roof ballast which may have a maximum vertical projection of 0.9 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law 960-2021; and
 - (e) Structures, elements and enclosures permitted by Performance Standard 404.
409. The following are not considered a **storey**:
- (a) Vestibules providing rooftop access and having a **gross floor area** of not more than 20.0 square metres;
 - (b) Mechanical penthouses;
 - (c) Stair enclosures; and
 - (d) Elevator overruns.

410. Notwithstanding Performance Standard 408, the maximum permitted **height** of any **school, day nursery** and uses accessory thereto shall be 20.0 metres.

AMENITY SPACE

411. A minimum of 4.0 square metres per **dwelling unit** of **amenity space** must be provided for an apartment building, of which at least 1.5 square metres per **dwelling unit** shall be indoor **amenity space**.
412. No **amenity space** is required.
413. A minimum of 4.0 square metres per **dwelling unit** of **amenity space** must be provided for an apartment building, of which at least 2.0 square metres per **dwelling unit** shall be indoor **amenity space**.
414. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub Clause 12, **Lands Not Covered by Buildings** shall not apply.

PARKING

415. **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES** shall not apply.
416. **Parking spaces** must be provided on the **lot** in accordance with the following:
- (a) 0.6 **parking spaces** for each **dwelling unit** for residents;
 - (b) 0.1 **parking spaces** for each **dwelling unit** for residential visitors; and
 - (c) Up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres, and up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**.
417. **Parking spaces** must be provided on the **lot** in accordance with the following:
- (a) 0.5 **parking spaces** for each **dwelling unit** for residents;
 - (b) No **parking spaces** are required for residential visitors; and
 - (c) Up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres, and up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of

the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**.

418. **Parking spaces** must be provided on the lot in accordance with the following:
- (a) 0.25 **parking spaces** for each **dwelling unit** for residents;
 - (b) No **parking spaces** are required for residential visitors; and
 - (c) Up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres and up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**.
419. An accessible **parking space** must have the following minimum dimensions:
- (a) Length of 5.6 metres;
 - (b) Width of 3.4 metres;
 - (c) Vertical clearance of 2.1 metres; and.
 - (d) A 1.5-metre-wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may may be shared by 2 accessible **parking spaces**.

BICYCLE PARKING SPACES

420. **Bicycle parking spaces** must be provided as follows:
- (a) A minimum of 0.68 **bicycle parking spaces** for each dwelling unit, allocated as "long-term" bicycle parking spaces; and
 - (b) A minimum of 0.07 **bicycle parking spaces** for each dwelling unit allocated as "short-term" bicycle parking spaces.
3. **SCHEDULE "C", EXCEPTIONS MAP** is amended by deleting Exception No. 46 as it pertains to portions of the subject lands.
4. **SCHEDULE "C", EXCEPTIONS LIST** is amended by deleting Exception No. 46.
5. **SCHEDULE "C", EXCEPTIONS MAP** and **EXCEPTIONS LIST** are amended by deleting Exception No. 44 as it pertains to portions of the subject lands and replacing it with the following Exception No. 44:

44. On those lands identified as Exception No. 44 on **SCHEDULE '3'** of By-law 960-2021 the following provisions shall apply:
- (a) Notwithstanding **CLAUSE V – DEFINITIONS**, the following definitions apply:
1. "**Apartment Building**" means a building that has five or more dwelling units, with a least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area.
 2. "**Gross Floor Area**" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the **main wall** of each floor level. The **Gross Floor Area** of an **apartment building** is reduced by the area in the building used for:
 - parking, loading and bicycle parking in the **basement**;
 - required loading spaces and required **bicycle parking spaces** at or above established grade;
 - storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
 - shower and change facilities required by this By-law for required bicycle parking spaces;
 - indoor **amenity space**;
 - elevator shafts;
 - garbage shafts;
 - mechanical penthouse; and
 - exit stairwells in the building;
- (b) The density of development permitted by this By-law is permitted subject to the owner of the lands, at its expense and in accordance with and subject to the execution and registration of the agreements referred to in Section 44(c) herein, providing or funding the following facilities, services and matters pursuant to Section 37 of the Planning Act:
1. \$1,000,000 for Above Base Park Improvements to the new Park Blocks 7 and 8 within the subdivision, to be provided prior to the first above grade building permit, said payment to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of

execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City;

2. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the 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 Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
3. Community benefits relating to affordable ownership housing:
 - a. Upon the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple to a non-profit housing provider, Block 4 consisting of a minimum area of 7700 square metres for the purpose of constructing at least 58 affordable housing units as follows:
 - (i) Block 4 is to be serviced to the lot line and able to be connected to existing services;
 - (ii) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to obtain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured;
 - (iii) All planning and development-related approvals, to proceed with the construction of the affordable housing units are in place, save for final issuance of site plan approval conditions;
 - (iv) The owner will enter into an agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director in consultation with the Executive Director, Housing Secretariat, to implement the provisions of sub-clauses 3.a.i), 3.a.ii) and 3.a.iii) above, prior to the issuance of the first above-grade residential building permit for any purpose; and
 - (v) The non-profit provider will enter into one or more delivery agreements with the City for the affordable housing units, and will agree to:

- (1) Build at least 58 affordable housing units; and
 - (2) Following application by the owner, including the furnishing of fees, obtain site plan approval and approved building permits for the affordable housing units.
 4. Community benefits relating to affordable rental housing:
 - (a) Upon registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple, Block 5 consisting of a minimum area of 7500 square metres to the City for the purposes of constructing at least 62 affordable rental units as follows:
 - (i) Block 5 is serviced to the lot line and able to be connected to existing services; and
 - (ii) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to obtain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.
 - (c) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to in Section 44(b) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies.
6. **SCHEDULE "C", EXCEPTIONS MAP and EXCEPTIONS LIST** are amended by deleting Exception No. 45 as it pertains to portions of the subject lands and replacing it with the following Exception No. 45:
 45. Prior to the lifting of the (H) symbol found on **SCHEDULE '1'** of By-law 960-2021, no person shall erect or use a building or structure as a public school. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of City Council:
 - (a) A Stormwater Management and Functional Servicing Report and functional servicing plans have been submitted in a form and content satisfactory to the Chief Engineer and Executive Director, Engineering

and Construction Services which determines if any improvements to existing municipal infrastructure are required.

7. Within the lands shown on Schedule '1' attached to this By-law, no person shall use any land or erect or use any building or structure, except for below ground construction or foundations, and/or a retaining wall or earth berm, unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

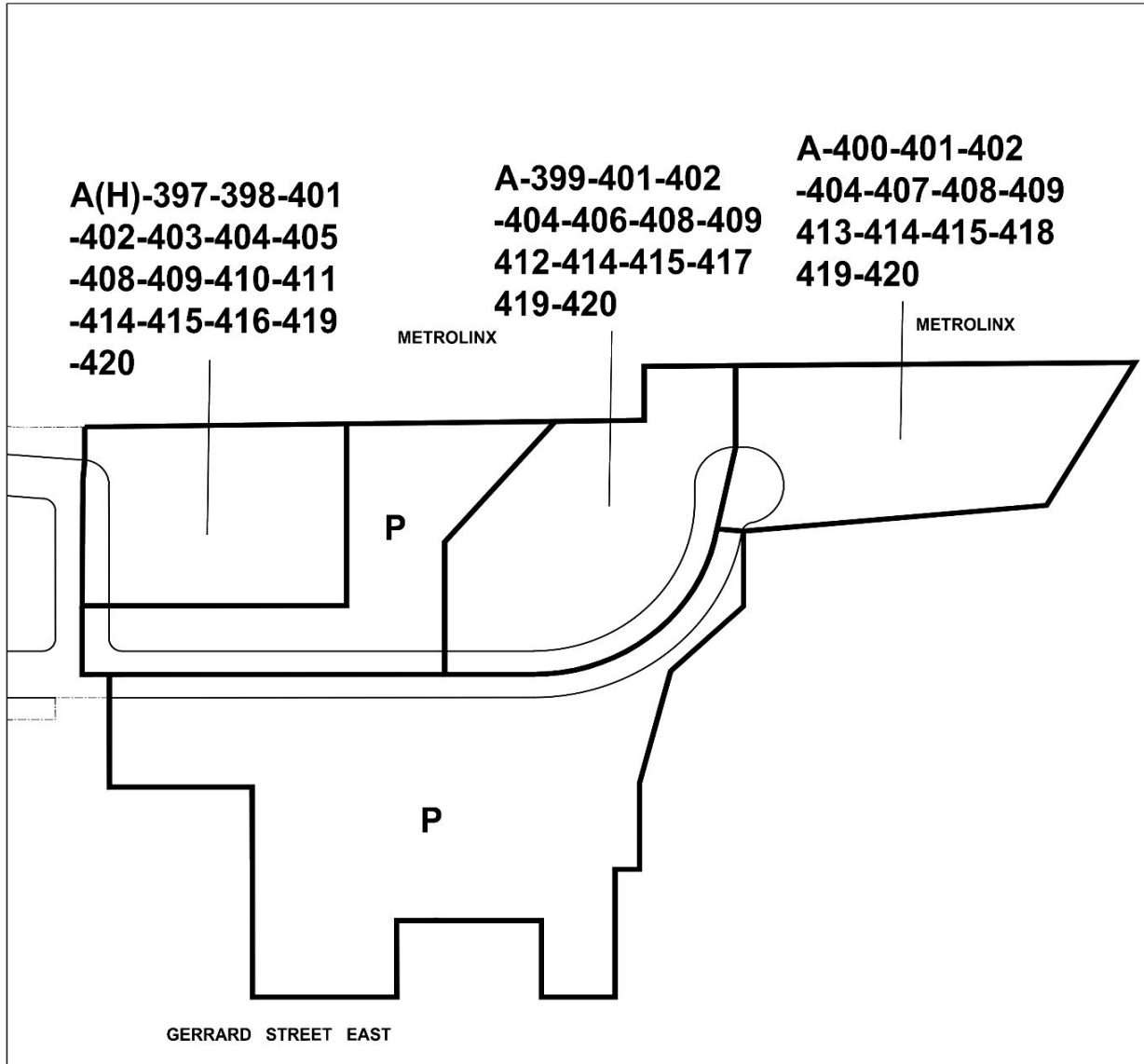
Enacted and passed on November 12, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE '1'



Zoning By-Law Amendment

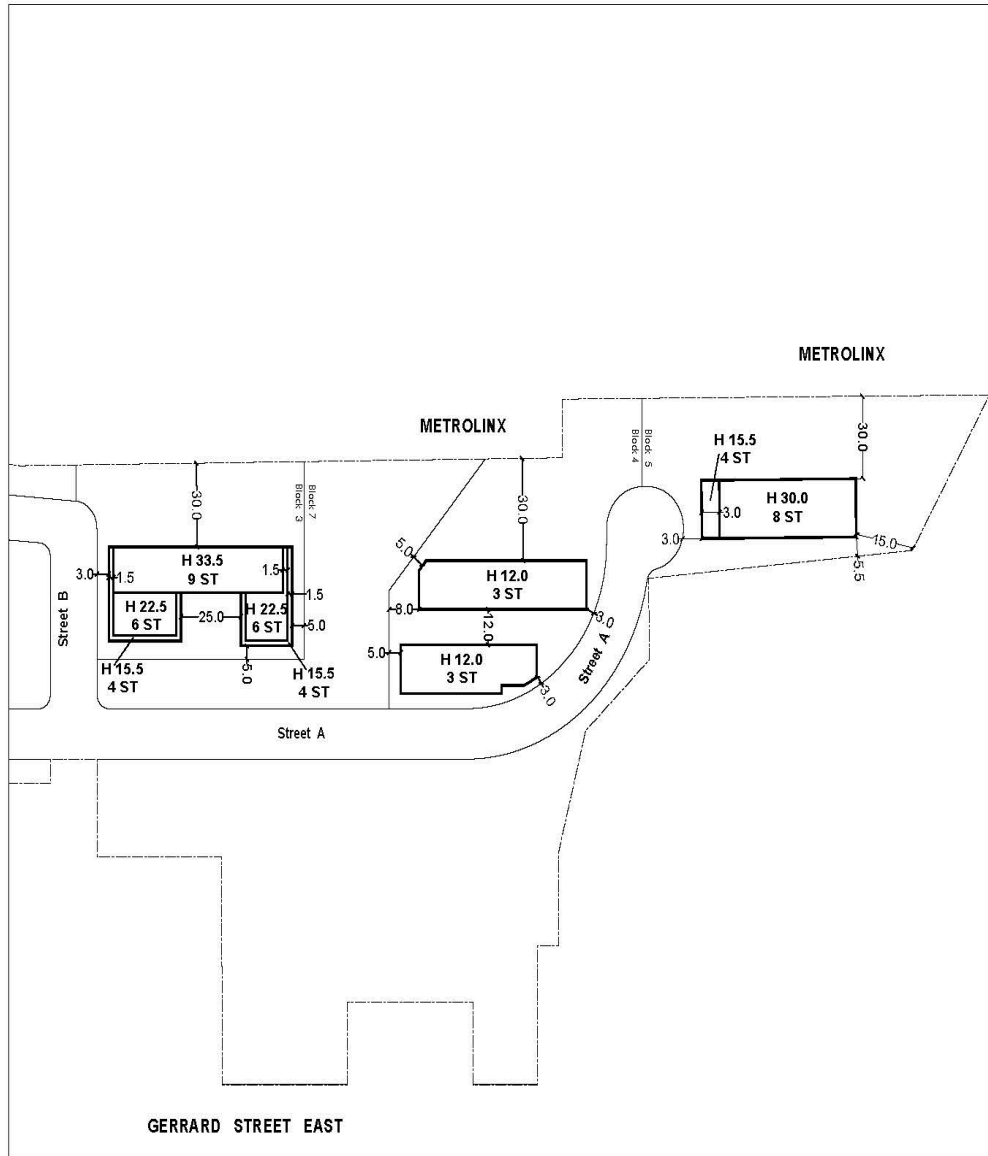
411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto
File # 19 263629 ESC 0Z

 Area Affected by this By-law



Not to Scale

SCHEDULE '2'



Zoning By-Law Amendment

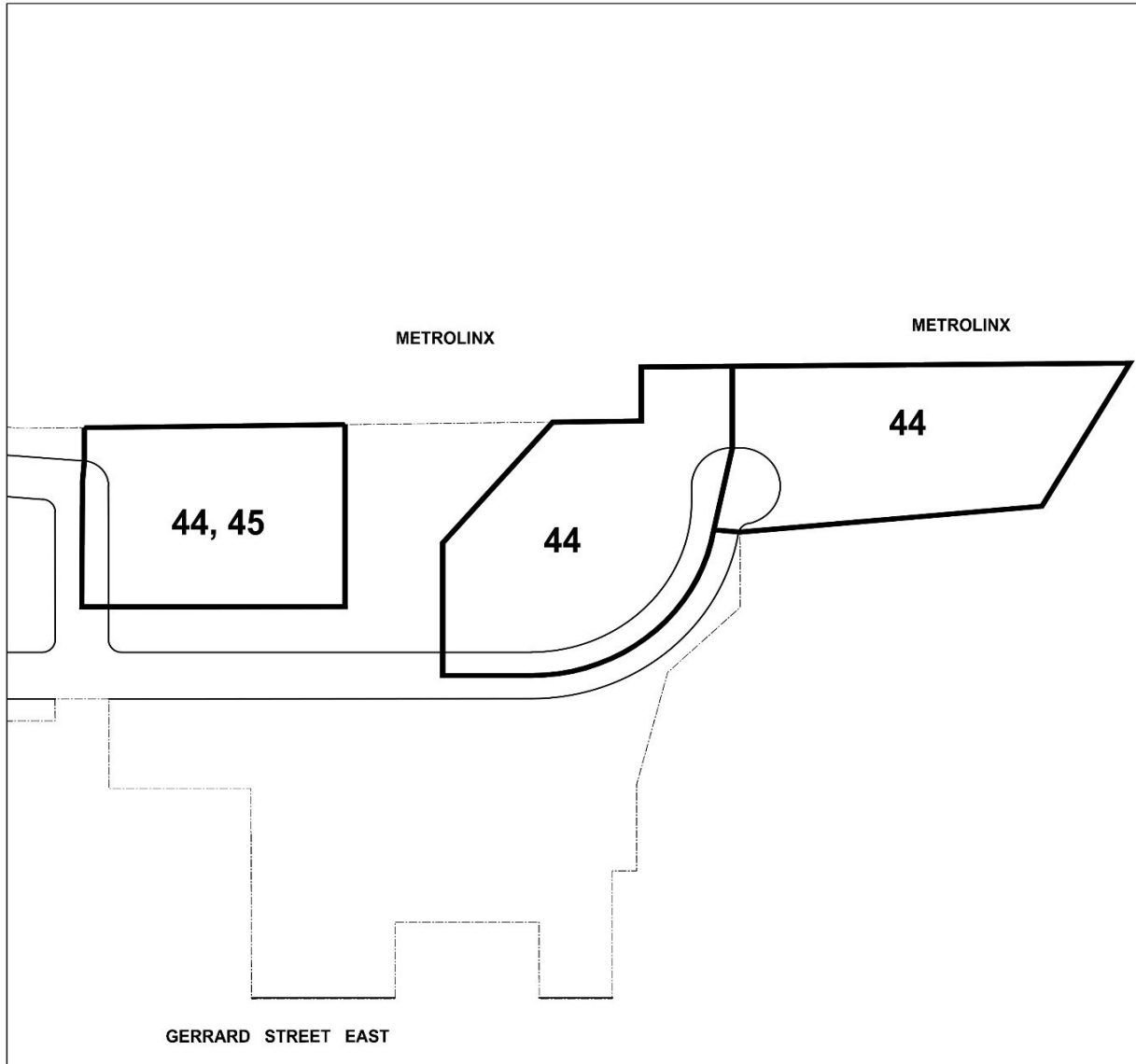
411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto

File # 19 263636 ECS 20 SB



Not to Scale

SCHEDULE '3'



Zoning By-Law Amendment

**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto
File # 19 263629 ESC 0Z**

 Area Affected by this By-law



Not to Scale