

Authority: Scarborough Community Council
Item SC13.2, as adopted by City of Toronto
Council on February 26, 2020

CITY OF TORONTO

BY-LAW 455-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 23 Glen Watford Drive.

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 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; and

Whereas pursuant to Section 39 of the Planning Act, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

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 0.33 (c0.33; r0.0) SS3 (x242) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA4 as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following Height label to these lands: HT 11.0 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, and applying the following Lot Coverage label to these lands: 33 as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1 with no label.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number CR 242 so it reads:

(242) Exception CR 242

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing by-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 23 Glen Watford Drive, if the requirements of Section 11 and Schedule A of By-law 455-2022 are complied with, **buildings** or **structures** may be erected or constructed in compliance with (B) to (V) below;
- (B) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** for uses on the **lot** is 58,500 square metres, allocated as follows:
 - (i) 58,500 square metres for residential uses; and
 - (ii) 0.0 square metres for non-residential uses;
- (C) Despite Regulation 40.10.20.40(1), an **apartment building** is a permitted **building** type for **dwelling units**;
- (D) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 168.35 metres and the highest point of the **building** or **structure**;

- (E) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters HT shown on Diagram 6 of By-law 455-2022;
- (F) Despite (E) above and Regulations 40.5.40.10(4), (5), (6) and (7), the following elements of a **building** or **structure** may exceed the permitted maximum heights:
 - (i) Equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment; **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, maintenance equipment storage, elevator shafts, elevator machine room, chimneys, vents, and water supply facilities; and **structures** that enclose, screen or cover the elements listed above, by a maximum of 6.0 metres;
 - (ii) Parapets, railings and noise and wind mitigation **structures**, by a maximum of 3.6 metres; and
 - (iii) Landscaping features and **structures** on the podium roof used for outside or open air recreation, and elements of a **green roof**, by a maximum of 2.0 metres;
- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, measured from the finished floor of the first **storey** to the finished floor of the **storey** above is 2.8 metres;
- (H) Despite Clause 40.10.40.60 and Regulations 40.5.40.60(1), and 40.10.40.70(3) the required minimum **building setbacks** are as shown on Diagram 6 of By-law 455-2022;
- (I) Despite Clause (H) above, canopies on the northern **main wall** are permitted to encroach into the required minimum building setbacks as shown on Diagram 6 of By-law 455-2022;
- (J) Despite Regulation 40.10.30.40(1), the permitted maximum **lot coverage** is 60.0 percent, as measured at a geodetic height of 176.50 metres above Canadian Geodetic Datum elevation, and for the purpose of calculating **lot coverage**, the **lot area** is inclusive of lands dedicated to the City, or identified as lands to be dedicated to the City as "PROPOSED PUBLIC ROAD" on Diagram 1 of By-law 455-2022;
- (K) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 4.0 square metres of indoor and outdoor **amenity space** in total per **dwelling unit**, of which:
 - (i) A minimum of 1.5 square metres per **dwelling unit** is outdoor **amenity space**; and

- (ii) A maximum of 100 square metres of indoor **amenity space** may include up to two (2) guest suites;
- (L) Despite Regulation 230.5.1.10(9), **bicycle parking spaces** must be provided and maintained on the lot in accordance with the following:
 - (i) A minimum of 80.0 percent of the required long-term **bicycle parking spaces** must be located on the first **storey** of the **building**, second **storey** of the **building**, or any combination of the first and second storey of the **building**;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.7 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.8 **parking spaces** for each one-bedroom **dwelling unit**;
 - (iii) 0.9 **parking spaces** for each **dwelling unit** with two bedrooms or more; and
 - (iv) 0.15 visitor **parking spaces** per **dwelling unit**;
- (N) Regulation 200.5.1.10(12)(C) does not apply;
- (O) For the purpose of this By-law, West Tower means the **building** labelled "West Tower" on Diagram 7 of By-law 455-2022;
- (P) For the purpose of this By-law, East Tower means the **building** labelled "East Tower" on Diagram 7 of By-law 455-2022;
- (Q) For the purpose of this By-law, the labels W1 and W2, and E1 and E2, shown on Diagram 7 of By-law 455-2022, refer to the southwest and southeast **main walls** of each of the West Tower and East Tower, respectively; and
- (R) For the purpose of this By-law, Tower Orientation shall mean the physical orientation of the West Tower and East Tower relative to the south lot line as shown on Diagram 7 of By-law 455-2022. The Tower Orientation must be in compliance with the following:
 - (i) The angle formed between the southeast **main wall**, W2, of the West Tower relative to the south **lot line** shown as angle "A" on Diagram 7 and the angle formed between the southeast **main wall**, E2, of the East Tower relative to the south **lot line** shown as angle "B" on Diagram 7, must be 26 degrees with a maximum tolerance of 1 degree;
 - (ii) The interior angle between **main walls** W1 and W2 of the West Tower, shown as angle "C" on Diagram 7, and the interior angle between **main**

walls E1 and E2 of the East Tower, shown as angle "D" on Diagram 7, must be no greater than 91 degrees and no less than 89 degrees;

- (iii) Despite any setback or step back of **main walls** W1 and W2 from the building envelope shown on Diagram 6, **main walls** W1 and W2 of the West Tower must comply with the Tower Orientation requirements of subsections (S) and (T) above for the full length and height of such **main walls**; and
- (iv) Despite any setback or step back of **main walls** E1 and E2 from the building envelope shown on Diagram 6, **main walls** E1 and E2 of the East Tower must comply with the Tower Orientation requirements of subsections (S) and (T) above for the full length and height of such **main walls**.

Prevailing By-laws and Prevailing Sections (None Apply)

9. Section 39 Provisions

None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale of **dwelling units** on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

10. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

11. 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 hereof 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.
- (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 May 12, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

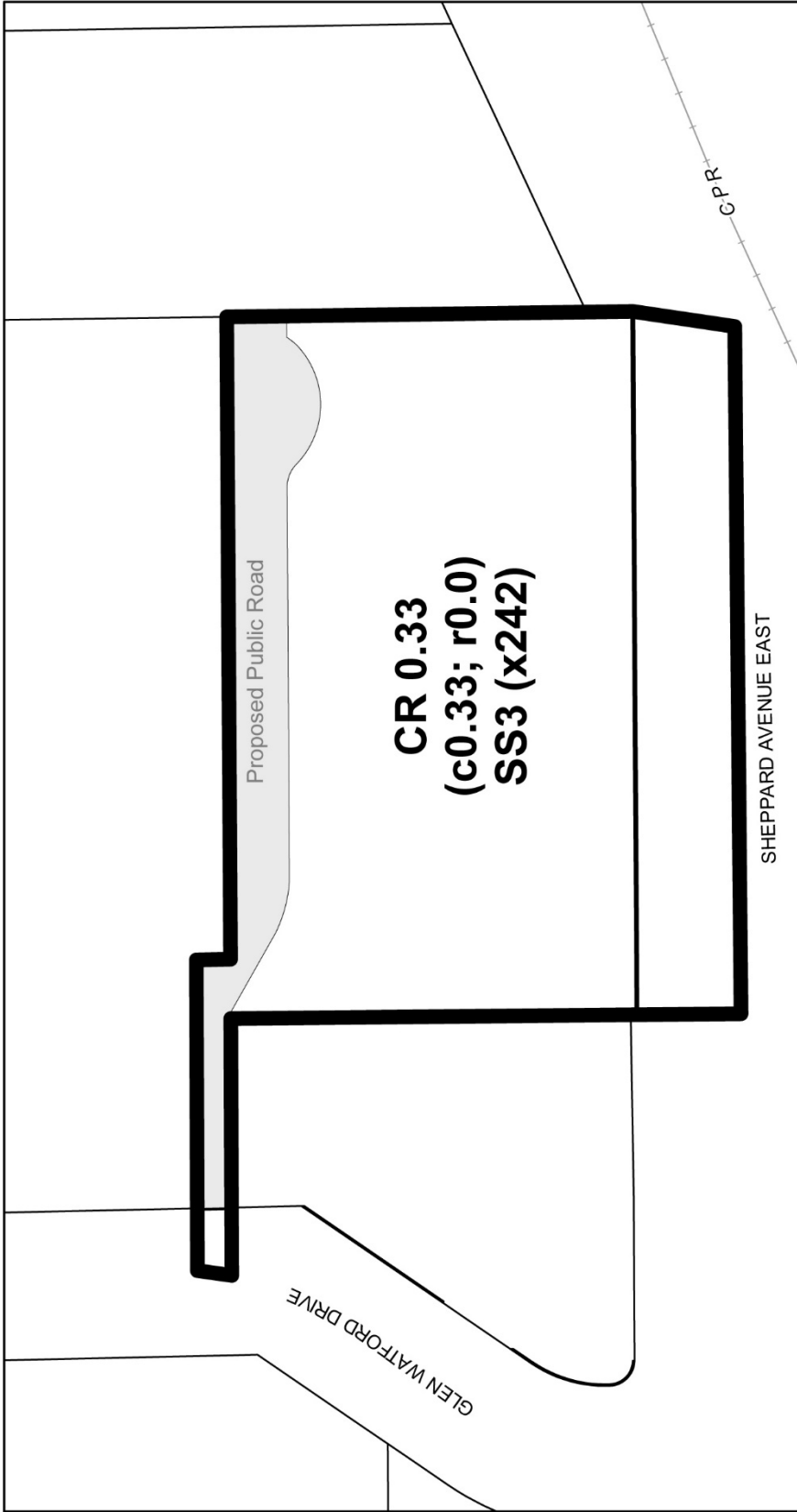
SCHEDULE A

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 shown on Diagram 1 in this By-law and secured in an agreement under Section 37(3) of the *Planning Act* where the Owner agrees as follows:

1. That the Owner provide Section 37 agreement contributions to the City as follows:
 - a. A financial contribution in the amount of \$1,700,000.00 payable to the City of Toronto prior to issuance of the first above-grade building permit, 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) \$800,000 to be allocated towards capital improvements to the Agincourt Recreation Centre related to the accessibility of the building;
 - (ii) \$900,000 to be allocated towards park improvements in proximity of the subject site;
 - (iii) in the event the cash contributions required in i. and ii. 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 **lot**.
2. That the Section 37 agreement referenced in paragraph 1 above, secure, as a legal convenience, the requirement for and associated details respecting the satisfaction of the following conditions:
 - a. 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 applicable at the time of the site plan application for each building on the **lot**.
 - b. The Owner shall file application(s) for Site Plan Control Approval that clearly articulates the following at-receptor mitigation measures identified in the Environmental Noise Impact Study, dated April 25, 2019, prepared by Valcoustics Canada Limited, which identifies appropriate mitigation measures to meet Ministry of Environment and Climate Change noise guidelines limits for noise control, including:

- (i) Enclosed Noise Buffers (designed to meet the definition included in NPC-300) for all residential units with a direct view of the IGI facility located on the property with the municipal addresses of 33, 35, 50 and 80 Salome Drive in the City of Toronto;
 - (ii) Exterior wall construction meeting a minimum Sound Transmission Class (STC) of 54;
 - (iii) Exterior glass of Enclosed Noise Buffers meeting a minimum STC of 31;
 - (iv) Exterior windows on facades without Enclosed Noise Buffers meeting a minimum STC of 41;
 - (v) Windows sealed along the south façade of the podium into amenity spaces, meeting a minimum STC of 37;
 - (vi) A sound barrier around the south edge of the southernmost private terrace at the second storey of the east building (the 1.6 m high noise parapet identified on Fig 3 of Valcoustics' NIS report);
 - (vii) The provision of air conditioning for all dwelling units; and
 - (viii) Warning clauses in property and tenancy agreements, offers of purchase and sale, and condominium declarations to inform future residents of potential noise;
- c. The at-receptor mitigation measures outlined in Section 2.b. above may be revised on consent from the City and the owner and the owners of the IGI facility, subject to the mitigation measures continuing to meet Ministry of the Environment and Climate Change noise guideline limits;
- d. All relevant drawings submitted for site plan control approval shall include a Noise Control Conformance stamp, by a qualified acoustical engineer, confirming that the recommended measures are included on the plans; and
- e. Prior to issuance of the first building permit, and subsequent to the realignment of the pressure districts, the owner shall complete a hydrant flow test in accordance with NFPA 291, "Recommended Practice for Fire Flow Testing and Markings of Hydrants," to assess the water system on Glen Watford Drive and shall confirm to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services, that there is sufficient water supply to serve the development. If the results of the study do not confirm that there is sufficient water supply, the owner shall enter into a financially secured agreement(s) to ensure that appropriate upgrades to the water system servicing the development will be made, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and/or General Manager of Toronto Water.

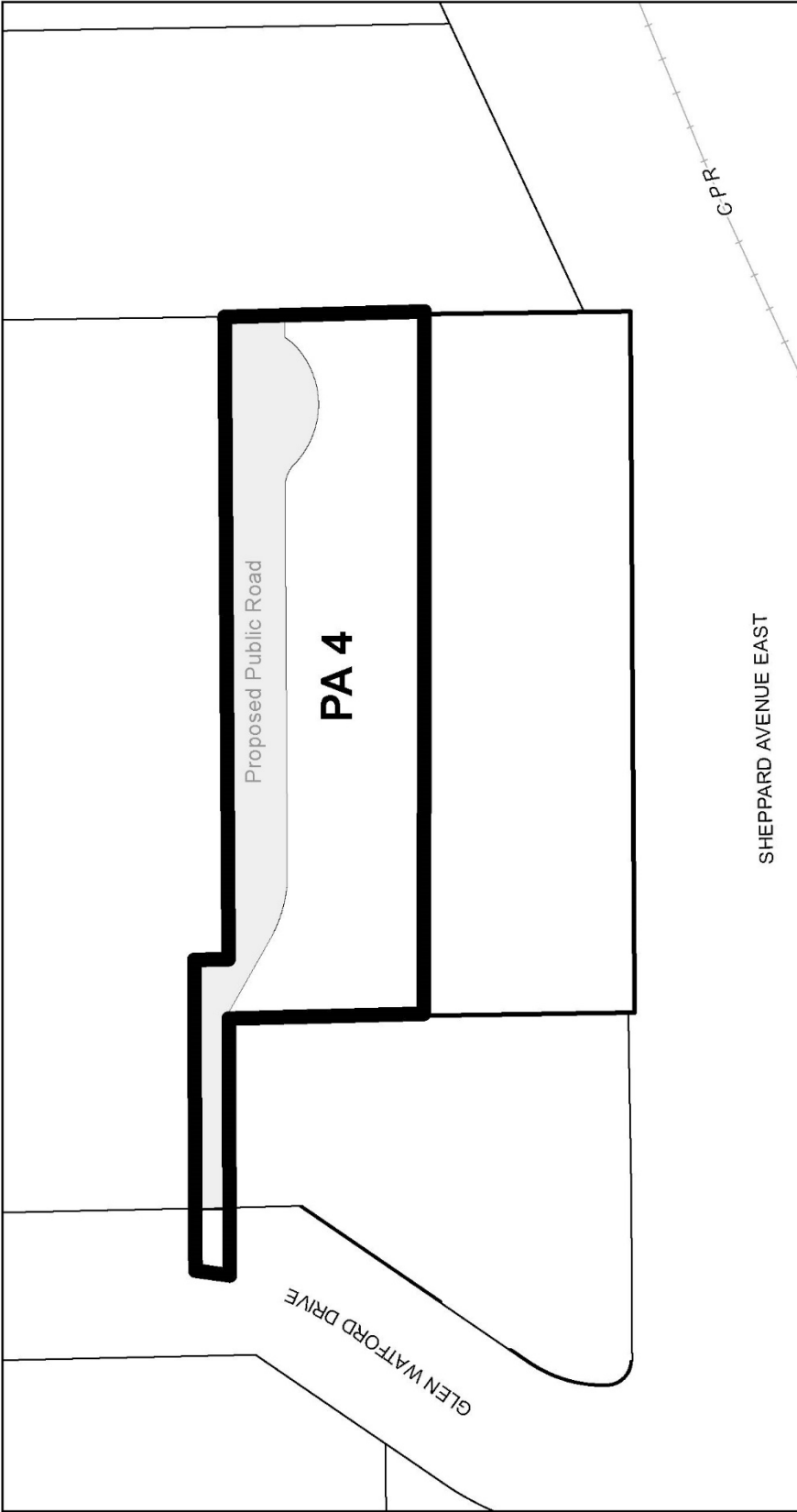


23 Glen Watford Drive

File # 12 146411 STE 41 0Z



City of Toronto By-law 569-2013
Not to Scale
04/06/2022

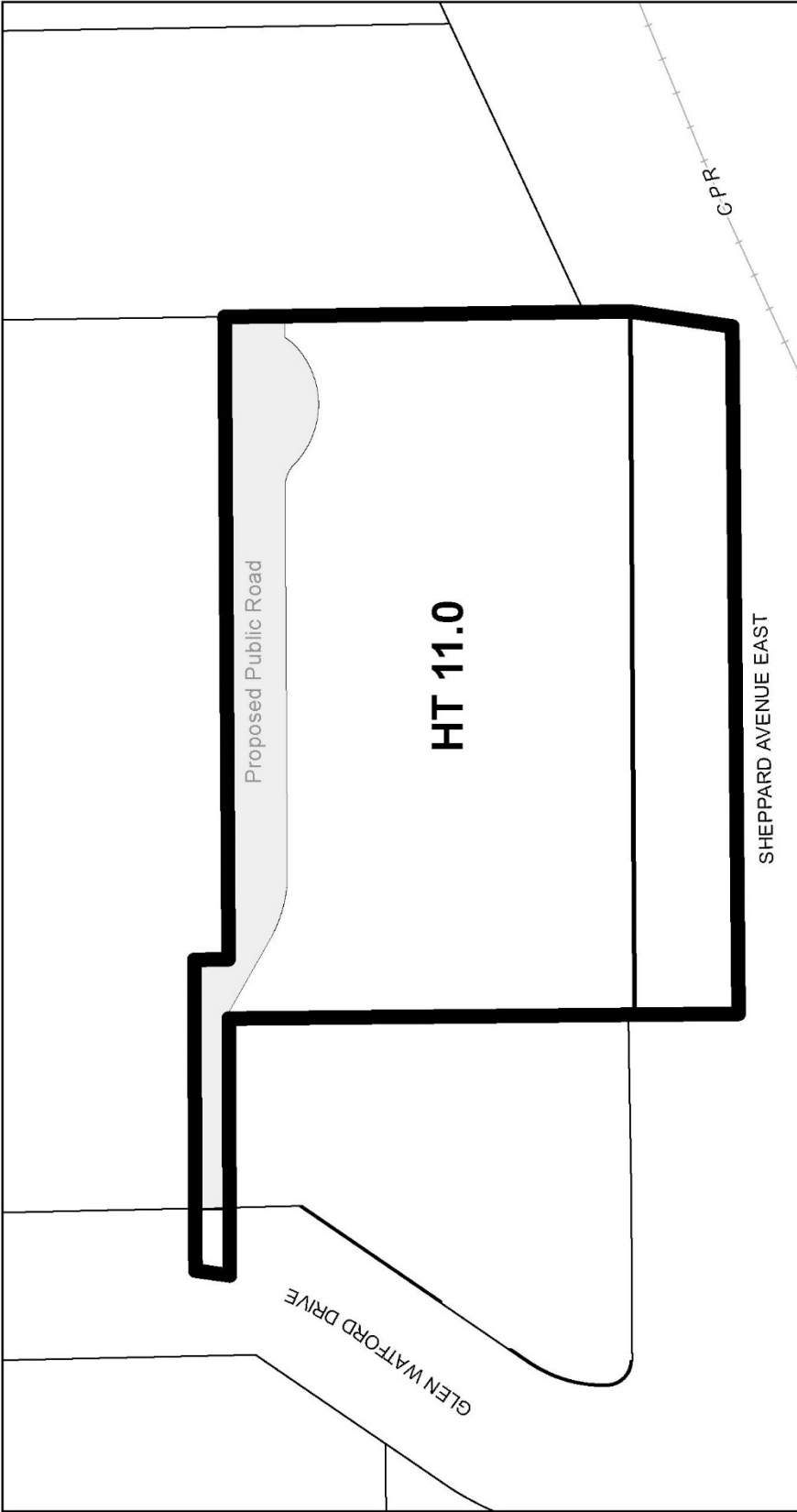


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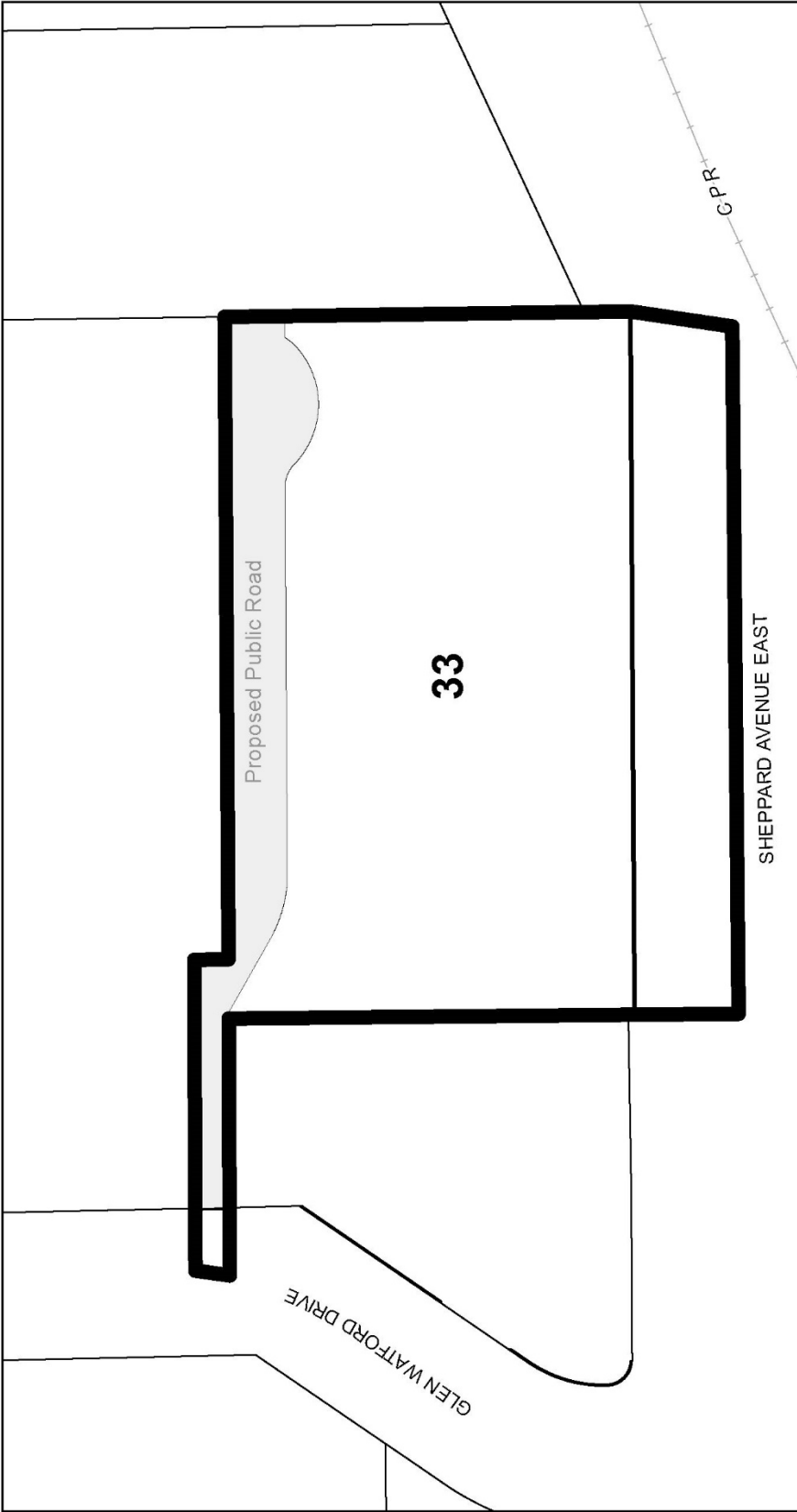


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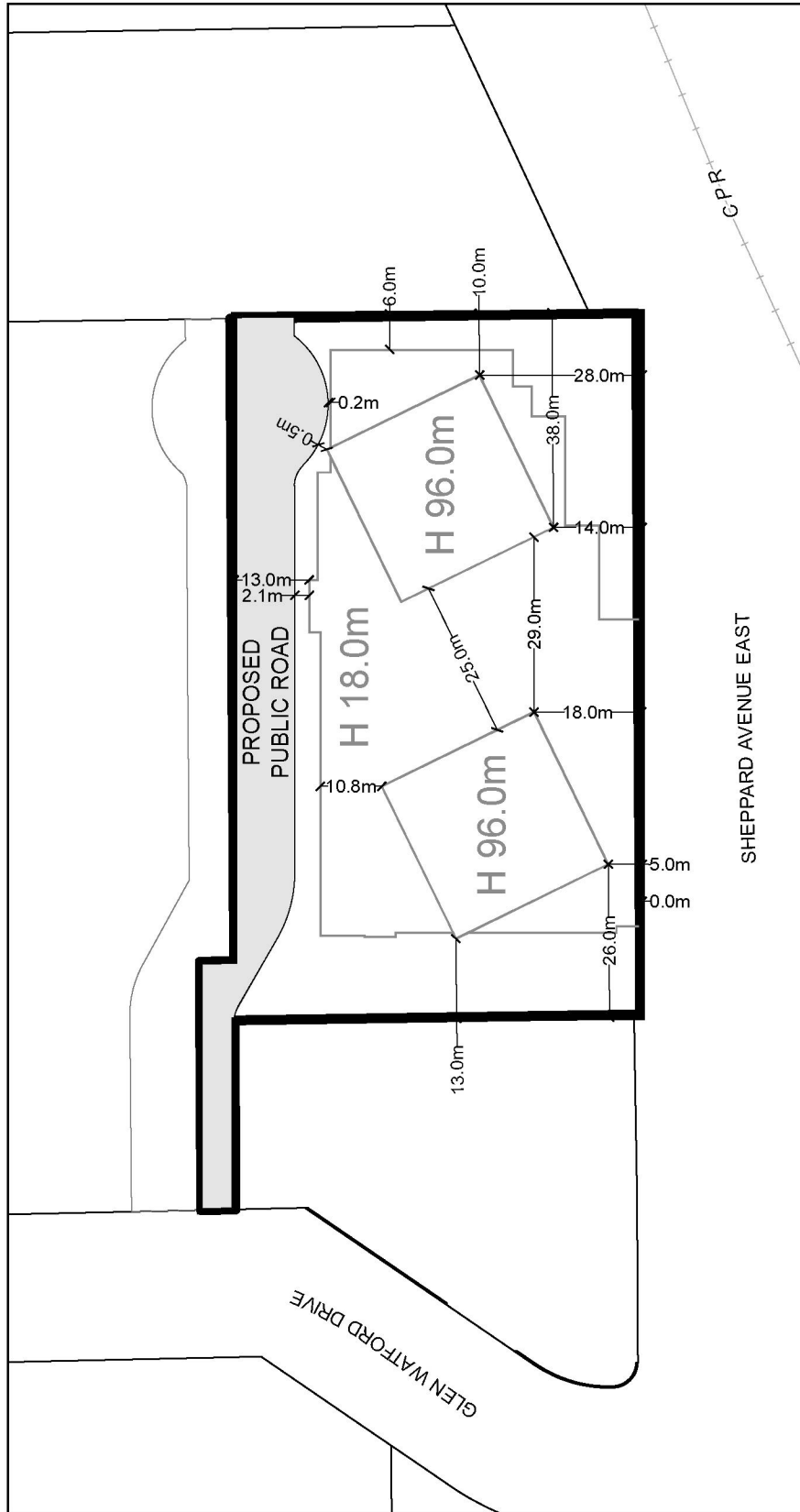


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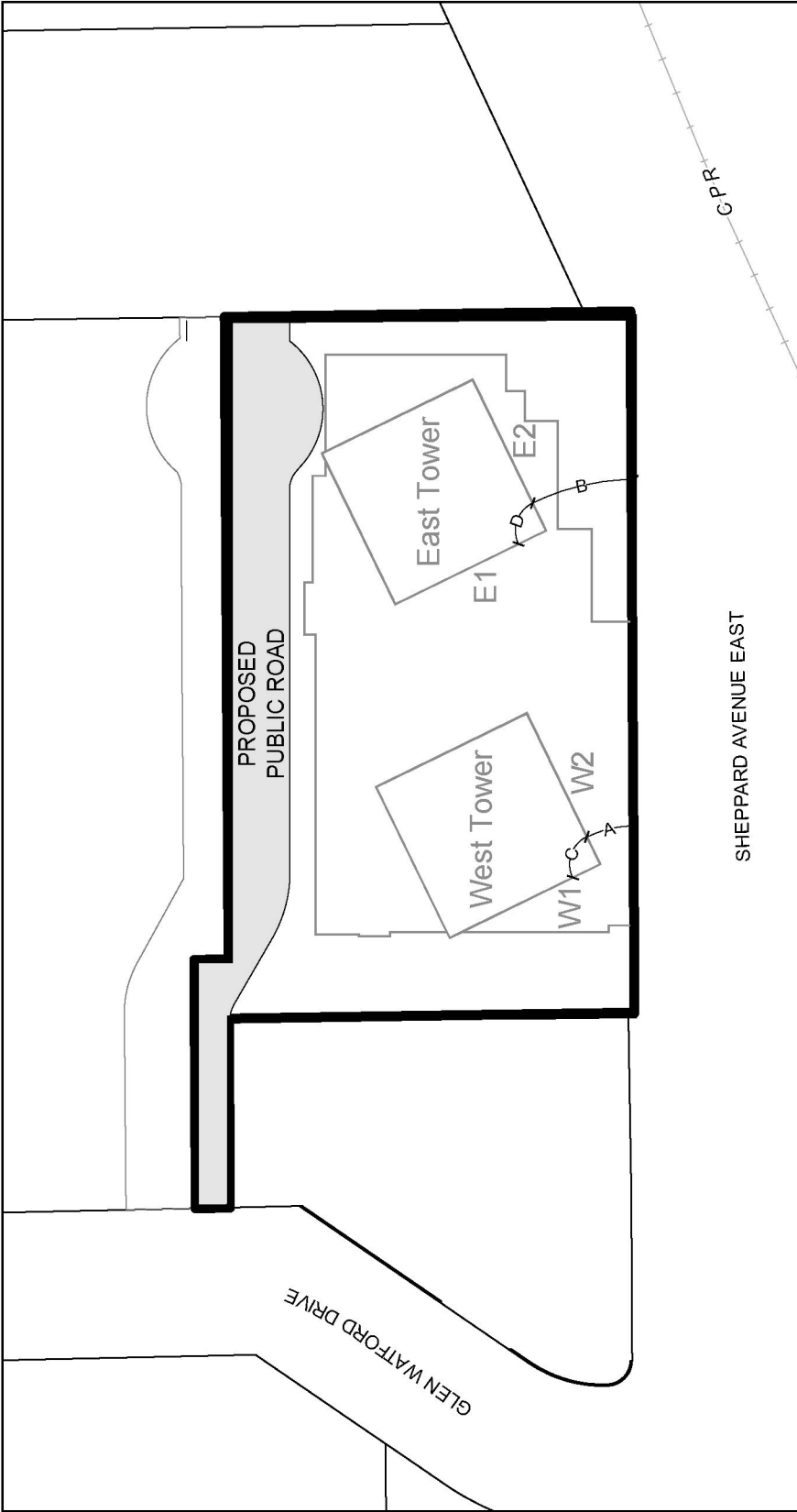


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