

**2002 Pharmacy Avenue and 2992 Sheppard Avenue East
– Rezoning Application – Final Report**

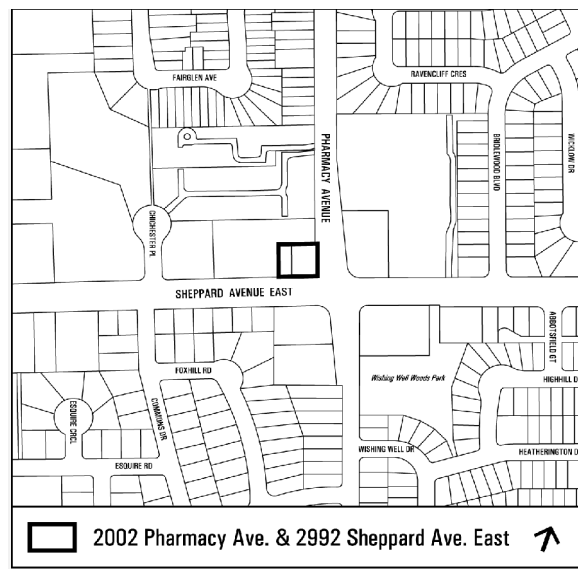
Date:	July 27, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 40 – Scarborough-Agincourt
Reference Number:	09 143729 ESC 40 OZ

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to amend the L’Amoreaux Community Zoning By-law No. 12466 of the former City of Scarborough in order to permit a 14 storey apartment building (condominium) with 141 apartment dwelling units, two integrated townhouse units and grade-related retail floor space fronting Sheppard Avenue East. Four levels of underground parking are proposed. Right-in and right-out only driveway access is proposed from both Sheppard Avenue East and Pharmacy Avenue.

The development proposes an appropriate level of intensification at the intersection of two major streets, Sheppard Avenue East and Pharmacy Avenue. Sheppard Avenue East will benefit from an improved level of transit service once the Sheppard Avenue East Light Rail Transit (LRT) is operable. An LRT stop is proposed in close proximity to the site. The proposed height, density and scale of the development are appropriate for the site and local area.



This report reviews and recommends approval of the application to amend the zoning by-law, including the requirement for community benefits in return for the increased height and density, pursuant to the provisions of Section 37 of the Planning Act.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the L'Amoreaux Community Zoning By-law No. 12466, as amended, for the lands at 2002 Pharmacy Avenue and 2992 Sheppard Avenue East substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 7.
2. City Council amend the Scarborough Site Plan Control By-law No. 2319 substantially in accordance with the draft site plan control by-law attached as Attachment No. 8.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment and draft site plan control by-law as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require:
 - a. the Owner to enter into an agreement with the City pursuant to Section 37 of the Planning Act, to secure the following benefit:
 - i. a cash contribution of \$300,000, payable to the City of Toronto, prior to the issuance of a building permit, to be used towards the capital expansion of the Bridlewood Branch of the Toronto Public Library. This payment shall be indexed from the date of the execution of the agreement in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto.
 - b. the Owner to provide a title opinion to the City for the agreement's registration to the satisfaction of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposal consists of a 14-storey apartment building with 143 dwelling units; 141 apartment dwelling units along with two, 2-storey integrated townhouse units by the Pharmacy Avenue frontage. Approximately 141 square metres of ground floor retail space is proposed along the Sheppard Avenue frontage. The building is proposed to be condominium tenure.

With respect to the apartment dwelling units, 122 are proposed to be one-bedroom units and 19 are proposed to be two-bedroom units. Both of the townhouse units have two bedrooms.

The proposed density of development is approximately 6.0 FSI (floor space index).

Vehicular access is proposed from both Sheppard Avenue East and Pharmacy Avenue with right-in, right-out access only to each. A total of 169 parking spaces are proposed, six surface parking spaces with the balance contained within four levels of underground parking. A residential parking rate of 1.15 spaces per dwelling unit is proposed.

Site and Surrounding Area

The subject lands are comprised of two abutting sites which are municipally known as 2002 Pharmacy Avenue and 2992 Sheppard Avenue East. The two sites combined have 0.18 hectares (0.44 acres) in lot area and have approximately 45.7 metres (150 feet) of frontage on the north side of Sheppard Avenue East and approximately 38.9 metres (127.6 feet) of frontage on the west side of Pharmacy Avenue.

One single detached dwelling is located on each property. The dwelling on the 2002 Pharmacy Avenue site appears to be abandoned and uninhabitable.

Abutting uses are as follows:

West: 13-storey apartment building owned by the Toronto Community Housing Corporation (TCHC).

North: Vehicular access to Pharmacy Avenue for the abutting 13-storey TCHC apartment building to the west along with related surface parking. Further north is a townhouse complex.

East: 11 storey apartment building located at the northeast corner of Pharmacy Avenue and Sheppard Avenue East. To the north of the apartment building is a townhouse complex.

South: Local commercial retail plaza located at the southwest corner of Pharmacy Avenue and Sheppard Avenue East.

In 2005, a 20-storey, 210-unit infill apartment building was approved on the lands known as 10 Chichester Place which is located at the northwest corner of Sheppard Avenue East and Chichester Place. The Chichester Place site is located approximately 160 metres (525 feet) west of the subject lands. The building is currently under construction.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are designated "Apartment Neighbourhoods" on the Land Use Plan with an "Avenues" overlay on the Sheppard Avenue frontage as shown on the Urban Structure Map (Map 2).

"Avenues", generally, are areas where new growth can occur along major streets where there are major reurbanization opportunities supported by public transit.

"Apartment Neighbourhoods" are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of the area residents. Land uses provided for in the "Neighbourhoods" designation are also permitted.

The Official Plan establishes development criteria for new development which are intended to contribute to the quality of life. These include, but are not limited to, the requirement to locate and mass new buildings so as to adequately limit shadow impacts on properties in adjacent low-scale Neighbourhoods and to frame the edge of streets with good proportion and to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets; the need to provide sufficient off-street motor vehicle and bicycle parking for residents and visitors; the provision of ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and the need to provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. The complete list of development criteria is found in Section 4.2.2 of the Official Plan.

Section 3.1.2 of the Official Plan also contains Built Form policies which, in large part, re-iterate the development criteria noted above.

Zoning

The lands are zoned Single Family Residential (S) under the L'Amoreaux Community Zoning By-law No. 12466, as amended, of the former City of Scarborough. Single family dwellings, domestic or household arts and private home daycare are permitted. Apartment dwellings and retail uses are not permitted.

Site Plan Control

The subject lands are not currently located within a site plan control area. Accordingly, it is recommended that the lands be placed in a site plan control area. A draft site plan control by-law is included as Attachment 8 to this report. A site plan control application has been filed and is currently under review.

Transit City Light Rail Plan – Sheppard East LRT

The Sheppard East LRT will extend from Don Mills station to Conlins Road. Detailed engineering of selected segments is underway and construction has started. Once completed, the Sheppard East LRT will provide an enhanced level of public transit within the Sheppard Corridor and a direct connection to the Sheppard Subway. An LRT stop and platform is proposed in proximity to the Pharmacy Avenue and Sheppard Avenue East intersection.

Reasons for Application

The existing zoning does not permit the proposed residential apartment building or ground floor retail uses.

Community Consultation

A Community Consultation meeting was held on November 23, 2009 and was attended by the local Councillor, the applicants and their representatives, City Planning staff and approximately seven members of the public.

Issues raised related to the proposed Sheppard East LRT, vehicular access, building height and shadow impacts. The development related issues are discussed in the Comments section of this report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. Among other matters, the proposal will provide for an efficient development pattern and use of land, add to the City's supply and diversity of housing, utilize public infrastructure and services and promote the use of public transit.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It focuses an appropriate type and scale of development within an identified intensification corridor. The proposal is also transit supportive and achieves an appropriate transition of built form to adjacent uses.

Land Use

The proposed apartment use, with grade related retail space, is provided for in the "Apartment Neighbourhoods" designation of the Official Plan. The proposed intensification of the site along an identified "Avenues" is appropriate and the proposal adequately addresses the development criteria established in the Official Plan related to built form, parking, amenity space and ground floor uses. Each of these matters is discussed further in this report.

Height, Massing, Density

At 14 storeys, and a height of approximately 44 metres (exclusive of mechanical penthouse) the proposed building, despite the fact that the building height exceeds the right-of-way width (36 metres) of Sheppard Avenue, can appropriately be considered a mid-rise building. The application was filed prior to the finalization of the Avenues and Mid-Rise Buildings Study and Action Plan and its recent endorsement by Council. The proposal incorporates a number of key performance standards recommended by these guidelines and, overall, the development represents good urban design relative to the existing site context. The design also ensures that the development is appropriate in how it addresses both adjacent streets and transitions to neighbouring uses/buildings.

The proposed building height of 14 storeys is not out of character with existing and approved apartment buildings in the immediate vicinity which range in height from 10 to 20 storeys. Unlike most of those buildings, however, which are either oriented away from the public street or have considerable setbacks from the street lines, the proposed building will create a defined street edge and provide direct access to both the residential and commercial components.

The proposed building is appropriately massed to frame both Sheppard and Pharmacy Avenues by locating the main building walls parallel to each street edge. The retail floor space at grade by Sheppard Avenue and the two townhouse units by Pharmacy Avenue will provide both animation and access to the public sidewalks abutting the site.

The elevation articulation and massing of the building has been sculpted to step back from the north and west property lines as the building increases in height.

In terms of the north property line, a canopy extends over the proposed Pharmacy Avenue driveway at the second storey (on top of which is a common outdoor amenity terrace) and the building also step backs to terraces on the 7th, 9th and 11th levels. These step backs are designed to address the existing townhouses to the north which are located beyond the abutting TCHC surface parking lot and driveway. From the 11th storey upwards, a separation distance to the main building wall in excess of 13 metres (42.6 feet) is maintained from the north property line. The total separation distance from the property line of the townhouses to the 14th storey is approximately 44 metres which achieves a 45 degree angular plane and assures an appropriate transition to the existing townhouses.

In terms of the west property line, a minimum 6.6 metre (21.6 feet) building setback is proposed. This setback increases to over 13 metres (42.6 feet) at the upper storeys (levels 13 and 14). This results in a separation distance from the existing 13-storey TCHC apartment building to the west ranging from approximately 28.6 metres (94 feet) to over 35 metres (115 feet).

A 5.7 metre main wall setback from the Sheppard lot line is proposed for the first two storeys which will ensure that a proper sidewalk zone is provided and is coordinated with the streetscape plan for the Sheppard East LRT. This setback has been imposed in the draft zoning by-law. Similarly, a 1.7 metre main wall setback is proposed from the Pharmacy lot line to the proposed ground floor retail space.

The proposed development density is approximately 6.0 FSI (floor space index). This density is deemed acceptable given the careful consideration given to built form, the absence of any significant off-site impacts and the fact that the development site is only 0.18 hectares (0.22 acres) in size.

Grade Related Retail

As mentioned previously, 141 square metres (1,517 square feet) of grade related retail along the Sheppard Avenue frontage is proposed. The draft zoning by-law will require that this space be provided, in part, to ensure that the street frontage is appropriately animated and also to provide additional prominence to the ground floor of the building, especially given it is at the intersection of two major streets with a planned LRT stop.

The draft zoning by-law also requires that the floor to ceiling height of the ground floor be a minimum of 4.5 metres (14.8 feet) to facilitate the proposed retail uses at grade.

Streetscape

The proposed development will create a strong and distinct street edge on both the Sheppard Avenue East and Pharmacy Avenue frontages.

The Sheppard Avenue frontage will be emphasized, in part, given the main residential entrance will be directly accessible from the public sidewalk within the Sheppard Avenue boulevard. The proposed ground floor retail space also has direct access to Sheppard and will serve to animate the street and provide views and pedestrian interest. The Pharmacy

Avenue frontage will be enlivened by the two townhouse units which have direct access to the public sidewalk.

There are no existing street trees within the adjacent boulevards. The Sheppard and Pharmacy streetscapes will be designed in accordance with the detailed boulevard design related to the Sheppard East LRT.

Residential Amenity Space

Indoor Amenity Area

Approximately 230.5 square metres (2,481 square feet) of common indoor amenity space is proposed on the second floor. This space is comprised of two separate areas both of which lead to a 170 square metres (1,830 square feet) outdoor terrace also on the second level. This results in a rate of 1.6 square metres of indoor amenity space per unit. A rate of 1.5 square metres per dwelling unit has been established in the draft zoning by-law (Attachment 7).

Outdoor Amenity Area

The development includes approximately 287m² (3,089 ft²) of common outdoor amenity space. This space is provided by way of the aforementioned second level outdoor terrace along with approximately 117 m² (1,259 ft²) of landscaped amenity space at grade. This results in a rate of 2.0 m² of common outdoor amenity space per unit. This rate has been established in the draft zoning by-law.

In addition, each apartment unit will have a private balcony or terrace.

Sun, Shadow, Wind

A sun shadow study, prepared by Kirkor Architects and Planners, was reviewed by City Planning staff who are satisfied that the level of shadowing on nearby properties will be limited and that no building will have continuous or prolonged shadow coverage.

A pedestrian level wind study is required but has yet to be submitted. This will be required as part of the site plan approval process. Planning staff are satisfied with the proposed height, orientation and general massing of the development. Recommended measures can be incorporated into the final design of the building and or landscaping to ensure that resulting pedestrian level wind conditions are appropriate.

Traffic Impact, Access, Parking

Vehicular access to the site is proposed by two new driveway connections, one from Sheppard Avenue East and one from Pharmacy Avenue. Both driveways will be restricted to right-in/right-out turn movements. Access to Sheppard Avenue East will be restricted due to the proposed Sheppard East LRT.

Opportunities to provide a shared driveway access to Pharmacy Avenue were explored with the TCHC given the proximity of their existing driveway to the proposed development site. This option was not deemed to be feasible as the TCHC site is solely

reliant on surface parking which would need to be re-located should a shared driveway access be pursued.

No roadway or traffic control improvements are recommended to accommodate the traffic related to the proposed development.

A total of 169 parking spaces are proposed. Six surface parking spaces (including one barrier free space) are proposed with the balance of spaces located within 4 levels of underground parking. The number of surface parking spaces was reduced from ten to six, in part, to provide additional at-grade landscaped space and to achieve specific stormwater management objectives.

Parking for the residential dwelling units is required at a rate of 1.15 spaces per dwelling unit. This rate is comprised of 1.0 resident spaces and 0.15 visitor spaces. The draft zoning by-law imposes these rates as the minimum parking rate. The by-law also establishes a maximum resident parking rate of 1.3 spaces per dwelling unit.

Parking for the retail space is required at a rate of 2.0 spaces per 100 square metres of floor area. Based upon the proposed retail floor area, three parking spaces are required which can be accommodated by the proposed surface parking. Overall, the amount of parking proposed is acceptable given the level of transit service available or planned on Sheppard Avenue.

The applicants have indicated that they may pursue car-sharing which could result in some of the surface parking spaces being dedicated to that use. In the event this occurs, clear signage or pavement marking would be required, all of which could be secured during the site plan approval process.

Servicing

A Functional Servicing Report has been submitted which provides information on storm drainage, stormwater management, sanitary servicing and water supply. The report concludes that the site is readily serviceable. In terms of stormwater management, water balance targets are proposed to be met through the use of the main portion of the roof and the at-grade landscaped area to provide for rainwater retention. For quantity control, rooftop storage and an underground storage tank are proposed. Revisions to the report are required and will be addressed during the site plan approval process.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the third highest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-227, the parkland dedication would be 0.18933 hectares (1893.3 square metres) which equates to 105.73% of the site. However, a cap of 10% applies and hence the parkland dedication would be 0.0179 hectares (179 square metres).

The parkland dedication for the subject site is too small to be functional. The proposed development is also located near an existing public park. Accordingly, the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

Tree Protection

Seven trees on the site qualify for protection under the Private Tree By-law. All of the existing trees are required to be removed to accommodate the development. Adequate replacement tree planting will be addressed as part of the site plan approval process and will include on-site planting and cash-in-lieu of tree planting if adequate replacement tree planting cannot be secured on site. A number of private trees on the adjacent TCHC lands may be impacted by construction due to the proximity of development. Adequate tree protection measures will be required. If injury to some trees is unavoidable then removal and replacement options will also need to be secured with the owner.

As noted earlier, there are no existing street trees.

School Capacity

The Toronto District School Board (TDSB) advises that there is insufficient space at the local middle and secondary schools to accommodate students anticipated from this proposed development and that students may be accommodated in schools outside the area, and further that students may later be transferred.

The TDSB advises that the status of local school accommodation should be conveyed to potential purchasers of the proposed units. Specifically, the TDSB requests that the owner agree to post and maintain signs on site and include warning clauses in all offers of purchase and sale advising purchasers of the status of local school accommodation. This matter can be addressed at the site plan approval process.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The zoning application was filed prior to the Toronto Green Standard and the Green Roof By-law coming into force and effect on January 31, 2010. The development, however, is required to meet Tier 1 standards for new residential development including those related

to the provision of bicycle and pedestrian infrastructure, stormwater management and retention and landscape treatments to reduce the urban heat island effect since the site plan control application was filed after January 31, 2010. The development is also subject to the Green Roof By-law. These measures will be secured as part of the site plan approval process.

Section 37

In return for the increase in height and density proposed, Section 37 community benefits have been negotiated with the applicants in consultation with the Ward Councillor.

The community benefit recommended to be secured in a Section 37 agreement is a cash contribution of \$300,000 to be used towards the capital expansion of the Bridlewood Branch of the Toronto Public Library. This contribution is required to be indexed and is payable prior to the issuance of a building permit. Before introducing the zoning Bill to City Council for enactment, it is recommended that the owner be required to execute the agreement and provide a title opinion to the City for the agreement's registration to the satisfaction of the City Solicitor.

In keeping with the terms of the agreement, after a prescribed time period, the monies may be directed towards other eligible local community benefits as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

Development Charges

It is estimated that the development charges for this project will be \$740,509. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: dmuirhe@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Level 1 Floor Plan

Attachment 4: Building Section

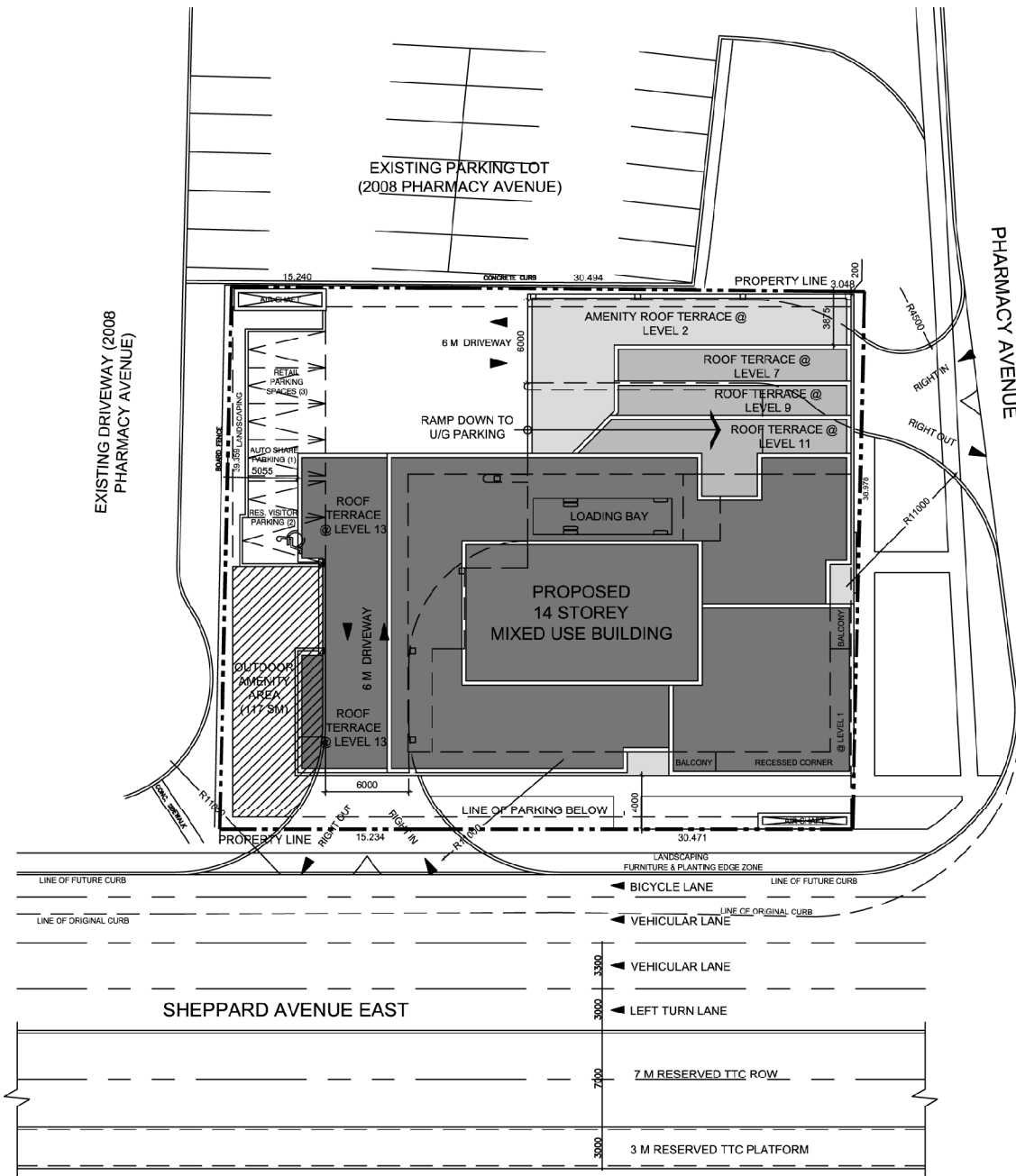
Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 7: Draft Zoning By-law Amendment

Attachment 8: Draft Site Plan Control By-law

Attachment 1: Site Plan



Site Plan

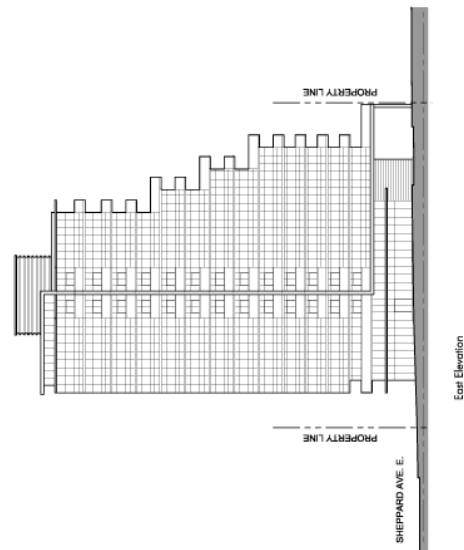
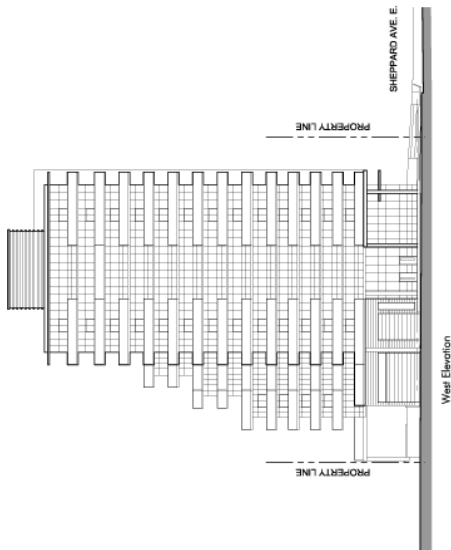
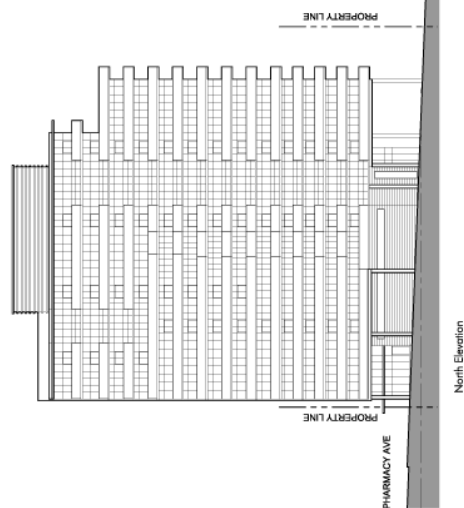
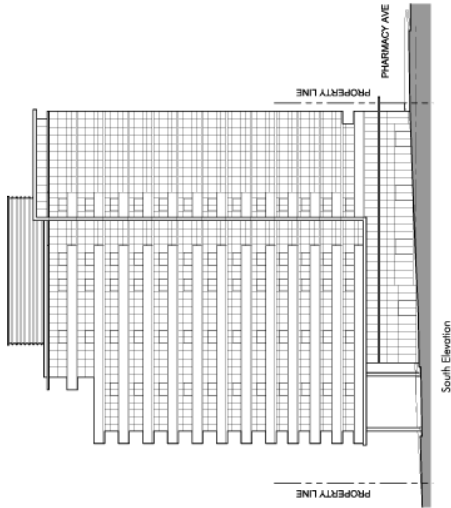
2002 Pharmacy Avenue and 2992 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 
7/13/10

File # 09-143729 0Z

Attachment 2: Elevations



**2002 Pharmacy Avenue and
2992 Sheppard Avenue East**

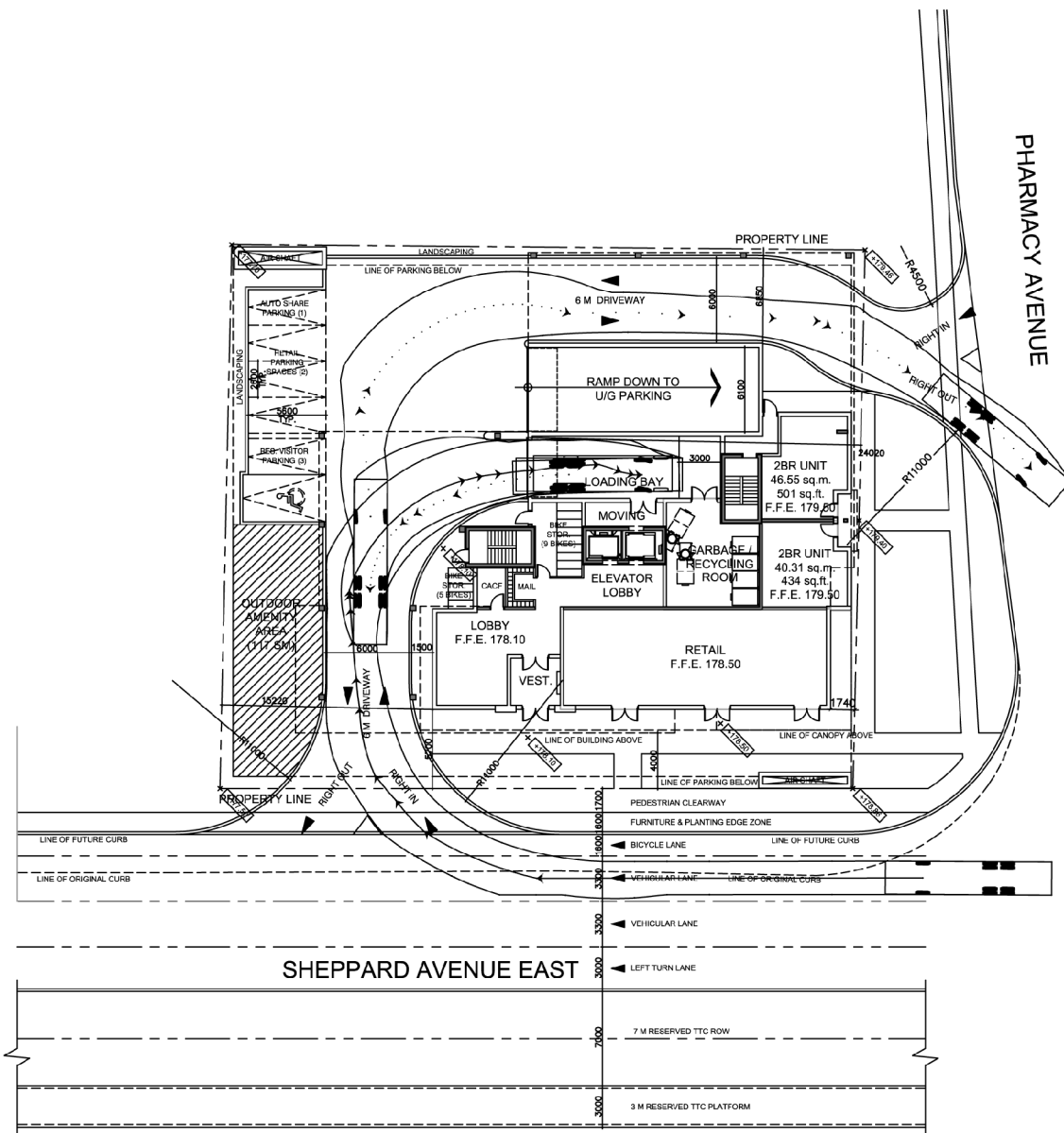
File # 09-143729_0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
06/15/09

Attachment 3: Level 1 Floor Plan

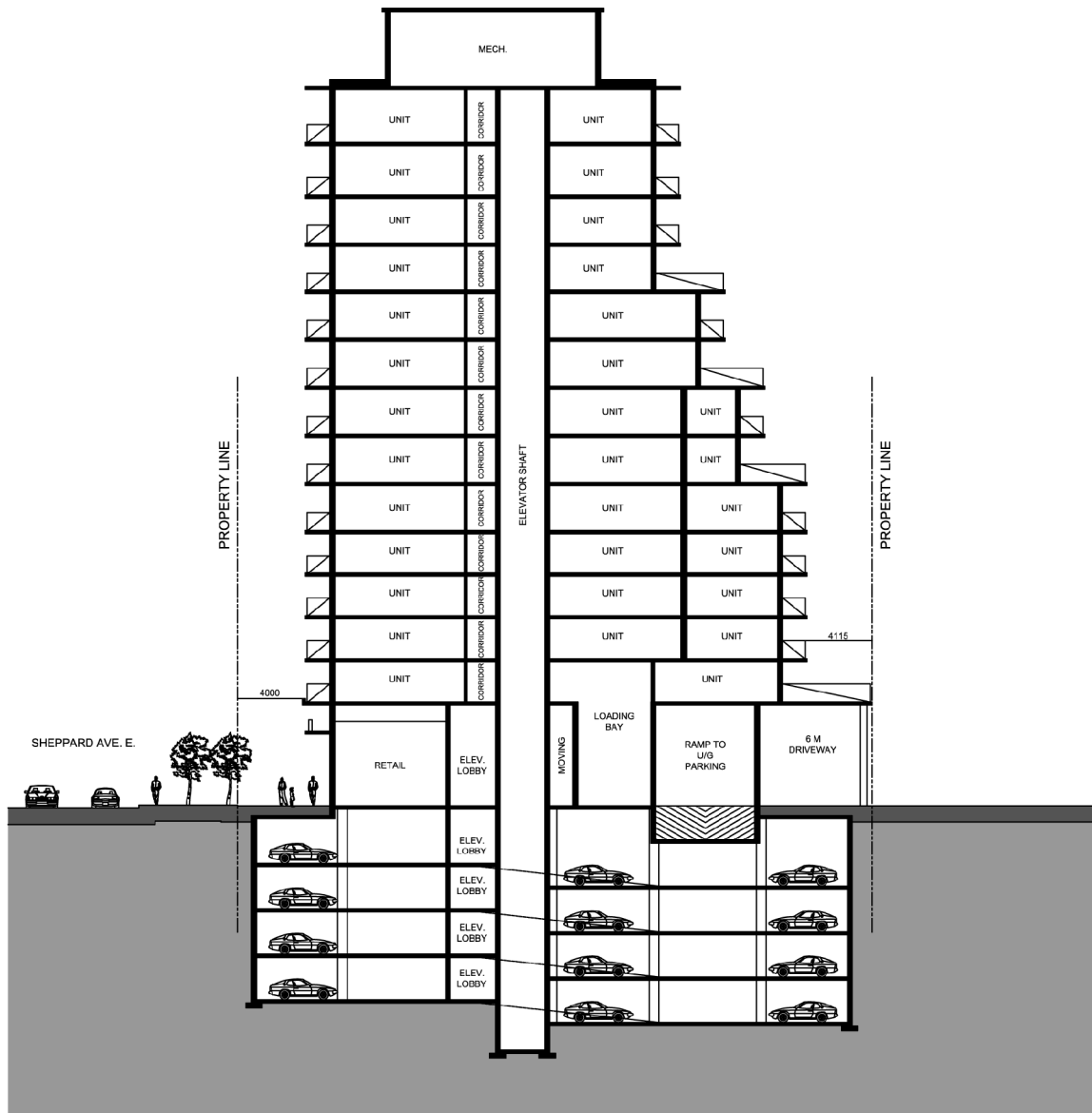


Level 1 Floor Plan 2002 Pharmacy Avenue and 2992 Sheppard Avenue East
 Applicant's Submitted Drawing

Not to Scale 7/13/10

File # 09-143729 OZ

Attachment 4: Building Section

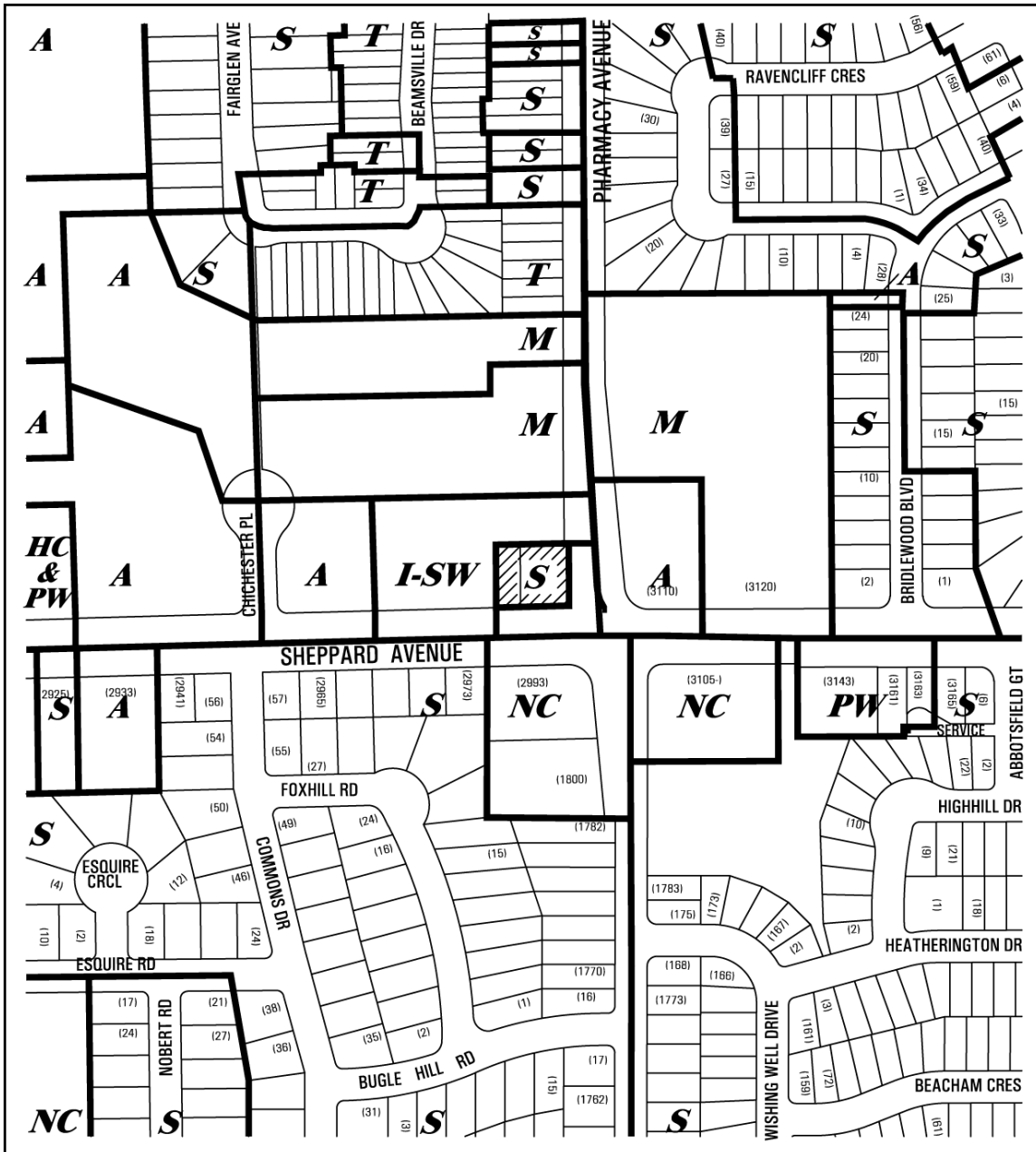


Section Plan 2002 Pharmacy Avenue and 2992 Sheppard Avenue East Applicant's Submitted Drawing

Not to Scale
7/13/10

File # 09-143729 0Z

Attachment 5: Zoning



2002 Pharmacy Ave. and 2992 Sheppard Ave. East
File # 09-143729 OZ

- S** Single-Family Residential
- T** Two-Family Residential
- M** Multiple-Family Residential
- A** Apartment Residential

- PW** Plac(s) of Worship
- I-SW** Institutional - Social Welfare
- NC** Neighbourhood Commercial
- HC** Highway Commercial

L'Amoreaux & Sullivan Community Bylaws
Not to Scale
06/16/09



Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	09 143729 ESC 40 OZ
Details	Rezoning, Standard	Application Date:	June 1, 2009

Municipal Address: 2002 PHARMACY AVE & 2992 SHEPPARD AVENUE EAST

Location Description: CON 3 PT LT35 **GRID E4001

Project Description: Proposed 143 unit, 14-storey residential apartment condominium with ground floor retail uses at the northwest corner of Sheppard & Pharmacy and 2 integrated townhouse units.

Applicant:	Agent:	Architect:	Owner:
KLM PLANNING PARTNERS INC	APPLICANT	KIRKOR ARCHITECTS	2100947 ONTARIO INC. & D & L KOCOVSKI

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	NO
Zoning:	S-Single Family Residential	Historical Status:	N
Height Limit (m):	10 m	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	1790.45	Height:	Storeys:	14
Frontage (m):	45.7 (Sheppard) 38.9 (Pharmacy)	Metres:		44.15 (not including mechanical penthouse)
Depth (m):	38.98			
Total Ground Floor Area (sq. m):	1134.23			Total
Total Residential GFA (sq. m):	10562.21		Parking Spaces:	169
Total Non-Residential GFA (sq. m):	371.48		Loading Docks	0
Total GFA (sq. m):	10703.17			
Lot Coverage Ratio (%):	66.93			
Floor Space Index:	5.98			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m): 10526.21	0
Bachelor:	0	Retail GFA (sq. m): 141	0
1 Bedroom:	122	Office GFA (sq. m): 0	0
2 Bedroom:	21	Industrial GFA (sq. m): 0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m): 230.52 (indoor amenity)	0
Total Units:	143		

CONTACT:	PLANNER NAME:	Doug Muirhead, Senior Planner
	TELEPHONE:	(416) 396-7029

Attachment 7: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the former City of Scarborough Zoning By-law No. 12466 (L'Amoreaux Community), as amended, with respect to the lands municipally known as, 2002 Pharmacy Avenue and 2992 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 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 the 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 lands 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 No. 12466, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this Bylaw 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 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 HEREBY ENACTS as follows:

1. SCHEDULE 'A' of the L'Amoreaux Community Zoning By-law No. 12466 is amended
Staff report for action – Final Report – 2992 Sheppard Ave E and 2002 Pharmacy Ave

by deleting the current zoning provisions for the lands known as 2002 Pharmacy Avenue and 2992 Sheppard Avenue East and replacing them with the following provisions as shown on Schedule '1' attached hereto and forming part of this by-law:

A-99-192-248-280-281-282-283-284-285-316-411

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by adding the following performance standards:

BUILDING SETBACKS FROM LOT LINES OTHER THAN STREET LINES

192. Building **setbacks** shall be provided as follows:

- i) Minimum building **setback** of 6.5 metres from the west property line to the first through twelfth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback** and shall not be considered part of the **main wall**.
- ii) Minimum building **setback** of 13.0 metres from the west property line to the thirteenth and fourteenth **storey** above grade. Balconies and roof terraces may project a maximum of 8 metres into this **setback** and shall not be considered part of the **main wall**.
- iii) Minimum building **setback** of 5.2 metres from the north property line to the second through sixth storeys above grade. Balconies may project a maximum of 2.0 metres into this **setback**. A second floor roof terrace may project with no limit and shall not be considered part of the **main wall**.
- iv) Minimum building **setback** of 7.8 metres from the north property line to the seventh and eighth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback**. A seventh floor roof terrace may project a maximum of 4.5 metres and shall not be considered part of the **main wall**.
- v) Minimum building **setback** of 10.3 metres from the north property line to the ninth and tenth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback**. A ninth floor roof terrace may project a maximum of 4.0 metres and shall not be considered part of the **main wall**.
- vi) Minimum building **setback** of 13.0 metres from the north property line to the eleventh through fourteenth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback**. An eleventh floor roof terrace may project a maximum of 4.5 metres and shall not be considered part of the **main wall**.

PARKING

248. Parking shall be provided at the following rates:
- i) Minimum of 1.15 **parking spaces** per **dwelling unit** of which a minimum of 1.0 **parking spaces** per **dwelling unit** shall be provided for residents and a minimum 0.15 **parking spaces** per **dwelling unit** shall be provided for visitors.
 - ii) Maximum of 1.3 **parking spaces** per **dwelling unit** shall be provided for residents.
 - iii) Retail Stores, Personal Service Shops and Restaurant: Minimum 2.0 parking spaces per 100 m² **gross floor area**.
 - iv) The provisions of Clause VII, Subsection 1.1, Table of Required Parking Rates shall not apply.
 - v) The provisions of Clause VII, Subsection 2.1.4, Garages, Carports and Other Accessory Buildings shall not apply.

MISCELLANEOUS

281. The provisions of Clause VI, Section 6. **Coverage**, shall not apply.
282. Amenity Space shall be provided as follows:
- i) Minimum common indoor amenity space to be provided: 1.5 m² per **dwelling unit**.
 - ii) Minimum common outdoor amenity space and/or landscaped amenity space to be provided: 2.0 m² per **dwelling unit**.
283. Maximum building **height** shall be 14 **storeys** and 44.40 metres.
284. The provisions of Clause VI, Section 10. **Height of Apartment Buildings**, shall not apply.
285. The floor to ceiling height of the ground floor shall be a minimum of 4.5 metres.

INTENSITY OF USE

316. i) **Gross Floor Area** means the area of all floors, including mezzanine floors, but excludes common indoor amenity space, parking structures including ramps and **driveways**, and **utility rooms**, rooftop mechanical penthouse, and below grade **floor area**, including **basements**. **Gross floor area** shall be measured to the external faces of the exterior walls,

except that **gross floor area** of a use occupying a portion of a building shall be measured to the centre line of a dividing wall and the external faces of the exterior walls. Where there is no dividing wall between uses, the **gross floor area** shall be measured to the dividing line between uses.

- ii) Maximum **gross floor area** of 6.0 times the lot area.
- iii) Maximum 143 **dwelling units**.
- iv) A minimum of 140 m² of **gross floor area** shall be used for retail store, personal service shop and/or restaurant uses.

BUILDING SETBACKS FROM STREETS

411. Building **setbacks** from **streets** as follows:

- i) Minimum building **setback** of 5.7 metres from the **street** line of Sheppard Avenue East to the first and second **storey** above grade.
- ii) Minimum building **setback** of 4.0 metres from the **street** line of Sheppard Avenue East to the third **storey** above grade and all **storeys** above.
- iii) Minimum building **setback** of 1.7 metres from the **street** line of Pharmacy Avenue to the first and second **storey** above grade within 12 metres of the intersection of the **street** lines of Sheppard Avenue East and Pharmacy Avenue.

3. **SCHEDULE “C”, EXCEPTIONS LIST**, is amended by adding the following **EXCEPTIONS** to the lands as shown outlined on Schedule ‘2’ to this By-law.

91. On those lands identified as Exception 91 on Schedule “C”, the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Apartment Building**
- **Townhouse Dwellings**
- Retail Stores
- Personal Service Shops
- Restaurants

(b) **Townhouse Dwellings** shall mean a row of two or more dwelling units provided as part of an apartment building that are vertically separated and each dwelling unit shall have external access to the building at grade.

(c) Retail stores, Personal Service Shops and Restaurant uses shall only be permitted on the ground floor of an **apartment building**.

- (d) The provisions of Clause VIII, Section 4, **Apartment Residential (A) Zone** shall not apply.

92. On those lands identified as Exception 92 on Schedule “C”, the following provisions shall apply:

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

- (1) prior to the issuance of a foundation permit, the Owner shall:
 - (i) make a financial contribution to the City of \$300,000.00, together with any increases to reflect increases in the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of the Section 37 agreement, towards the capital expansion of the Bridlewood Branch of the Toronto Public Library or towards other capital facilities as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.
- (2) the Owner of the lands shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended which are registered on title to the lands by the City to secure the matters provided for in 1 (i) above.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

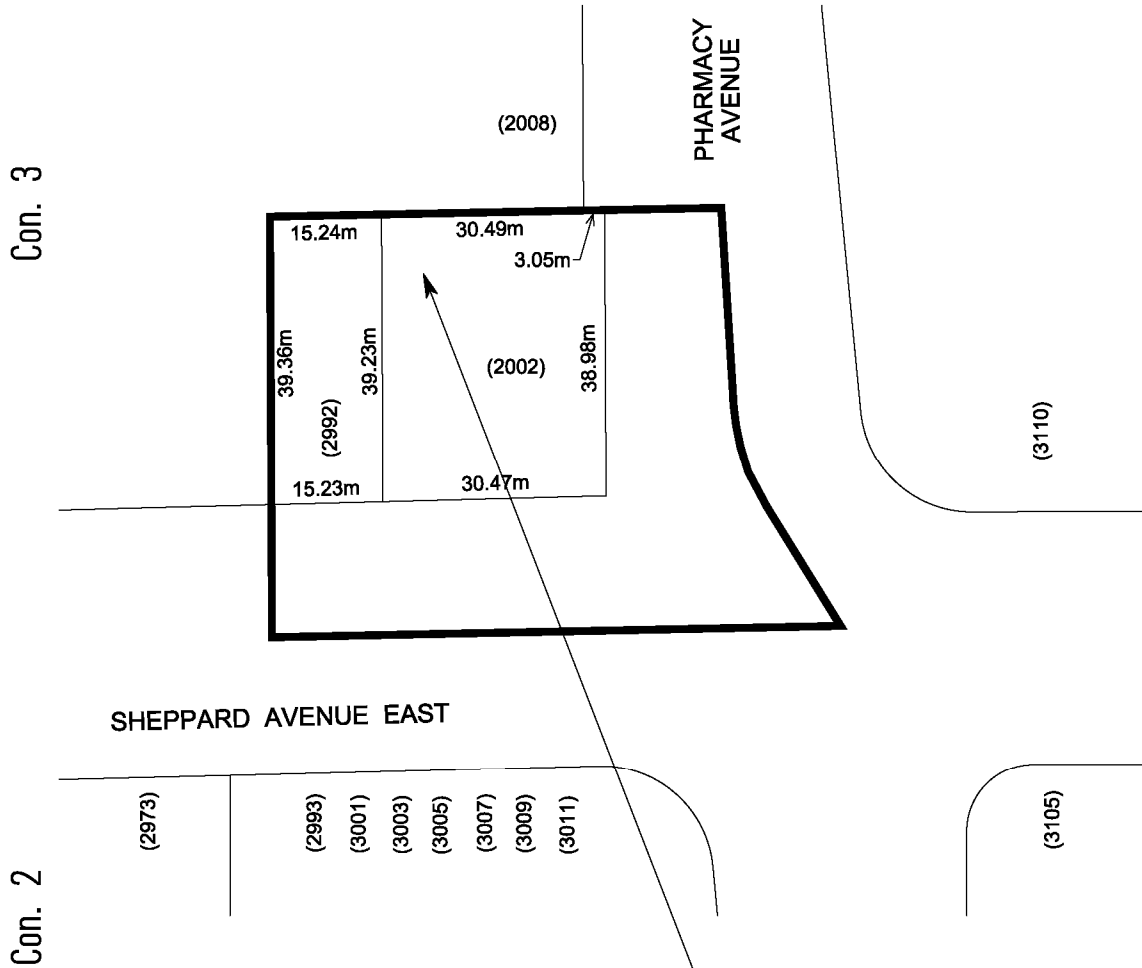
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 35

Lot 34



A-99-192-248-280-281-282-
283-284-285-316-411

TORONTO City Planning
Division

2002 Pharmacy Avenue and 2992 Sheppard Avenue East

Zoning By-Law Amendment

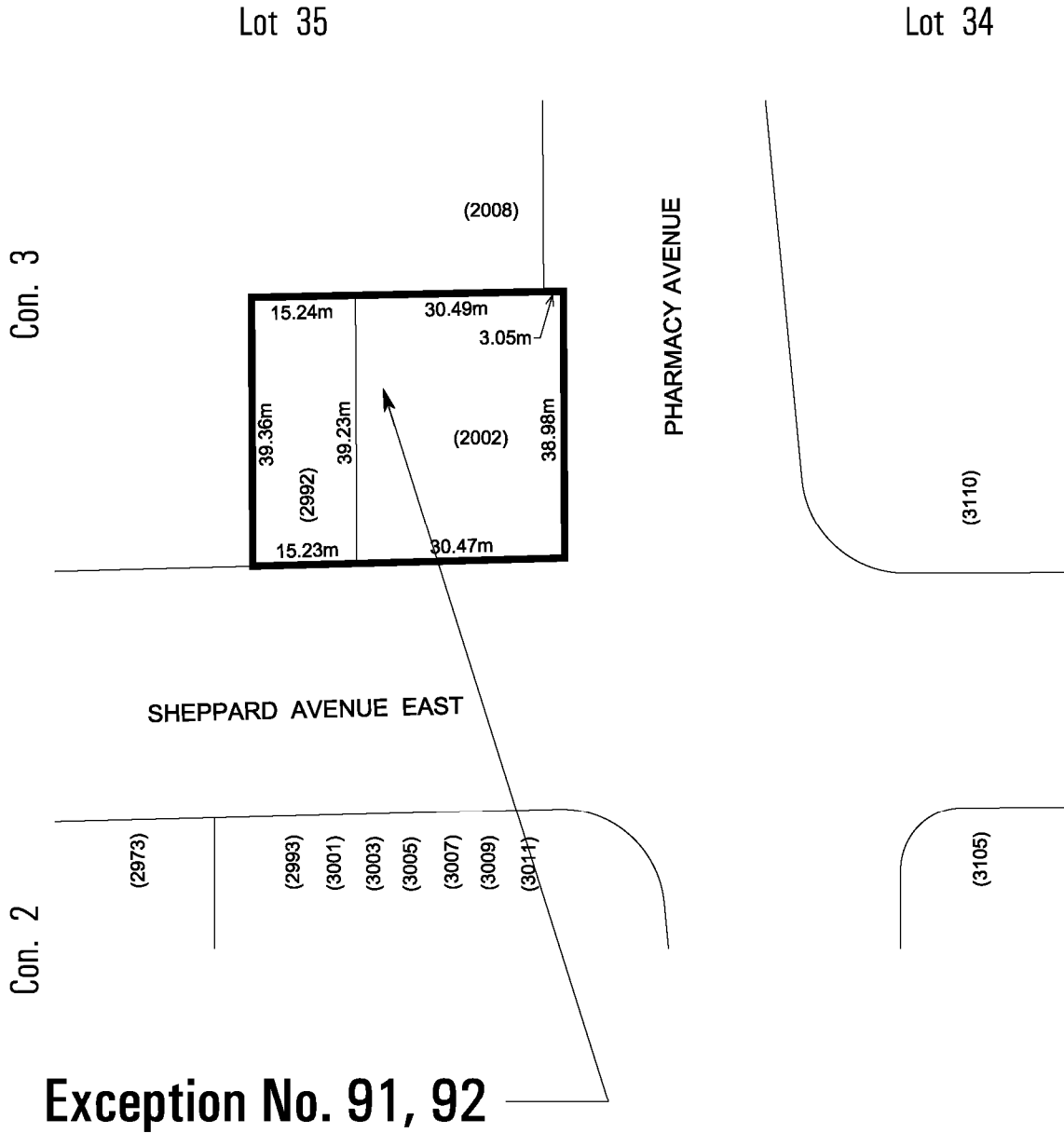
File # 09-143729 OZ

 Area Affected By This By-Law

L'Amoreaux Community By-law
Not to Scale
7/12/10



Schedule '2'



Zoning By-Law Amendment

2002 Pharmacy Avenue and 2992 Sheppard Avenue East

File # 09-143729 OZ

 Area Affected By This By-Law

L'Amoreaux Community By-law
Not to Scale
7/12/10



Attachment 8: Draft Site Plan Control By-law

Authority: Scarborough Community Council Item SC~
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To designate a Site Plan Control Area (L'Amoreaux Community)

WHEREAS authority is given to Council by Section 41 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, and Section 114 of the *City of Toronto Act, 2006*, to designate the whole or any part of the area covered by an Official Plan as a Site Plan Control Area;

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 HEREBY ENACTS as follows:

1. By-law No. 21319 is amended by designating the land shown outlined by a heavy black line on Schedule '1' of this By-law as a Site Plan Control Area.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

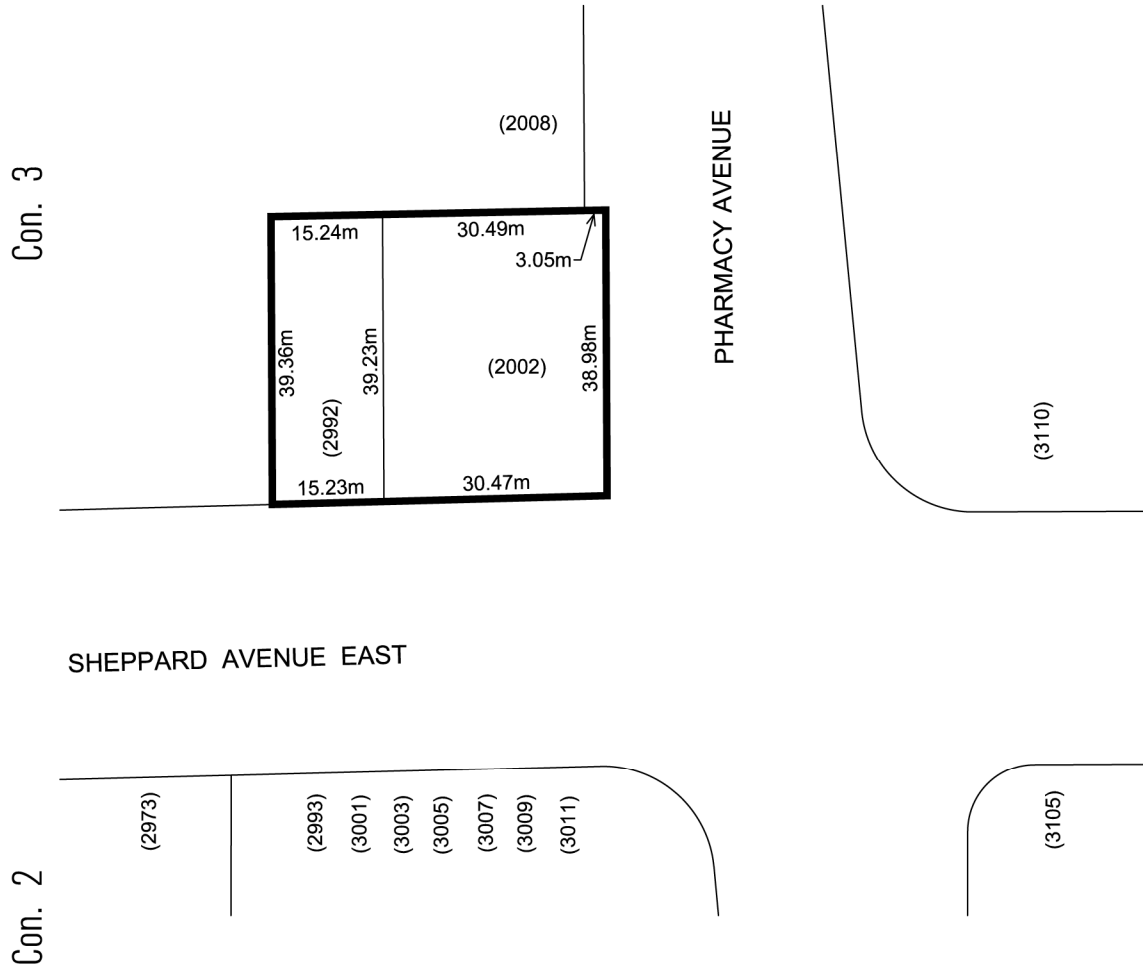
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 35

Lot 34



Site Plan Control Amendment

2002 Pharmacy Avenue and 2992 Sheppard Avenue East

File # 09-143729 0Z



Area Affected By This By-Law

L'Amoreaux Community By-law
Not to Scale
7/12/10

