Authority: Scarborough Community Council Item 25.31, as adopted by City of Toronto Council on July 16 and 17, 2013

CITY OF TORONTO

Bill No. 1117

BY-LAW No. -2013

To amend the Malvern Community Zoning By-law No. 14402, as amended, with respect to the lands municipally known as 1088 Progress Avenue.

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 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. 14402, 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 enacts:

1. **SCHEDULE “A”** is amended by deleting Performance Standard 517 from applying and adding Performance Standards 680 and 681 so that the zoning applying to the lands shown outlined on Schedule ‘1’ as follows:


2. **SCHEDULE “B” PERFORMANCE STANDARD CHART**, is amended by replacing the text in Performance Standards 437, 539 and 540, and adding Performance Standard No.’s 680 and 681 as follows:
MISCELLANEOUS

437. The minimum number of storeys is 13 and the maximum number of storeys is 18, excluding utility room, elevator room, enclosed roof access stairs, basements and underground parking structure.

INTENSITY OF USE

539. Maximum 414 dwelling units.

540. Maximum 2323 square metres gross floor area for retail stores, personal service shops, financial institutions, offices and coffee shop.

MISCELLANEOUS

680. Vehicle parking spaces per dwelling unit shall be provided as follows:

Residential

(a) Bachelor dwelling unit: a minimum rate of 0.8 space for each bachelor unit up to 45 square metres and 1.0 space for each bachelor unit greater than 45 square metres;
(b) One-bedroom dwelling unit: a minimum of 0.9 space per unit;
(c) Two-bedroom dwelling unit: a minimum of 1.0 space per unit; and
(d) Three or more bedroom dwelling unit: a minimum of 1.2 spaces per unit.

Visitor

(a) Minimum 0.2 parking space per dwelling unit shall be provided for visitors.

681. Minimum bicycle parking spaces for residential uses: 0.5 space per dwelling unit.

3. SCHEDULE “C” EXCEPTIONS LIST, is amended by adding the following to Exception 36 and to the lands shown on Schedule ‘2’ as follows:

36(a) Additional Permitted Uses:

(i) coffee shop to a maximum gross floor area of 140 square metres

36(c) On Exception 36 Part A, only Multiple-Family Dwellings are permitted as follows:

(a) a maximum of 105 dwelling units;
(b) a maximum of 4 storeys, excluding utility rooms, enclosed roof access stairs and an underground parking structure;
(c) a minimum of 1.0 parking space per dwelling unit and a minimum of 0.2
parking space per dwelling unit for visitors are required;
(d) minimum setback of 2.5 metres from the street lot line;
(e) underground parking structure shall comply with the minimum
building setback requirements; and
(f) porches, canopies and supporting columns may project into the street
yard a maximum of 2 metres.

4. SCHEDULE “C” EXCEPTIONS LIST, is amended by adding Exception 43 to the
lands shown on Schedule '3' as follows:

43. On those lands identified as Exception 43 on the accompanying Schedule “C”
map, the following provisions shall apply:

1. Pursuant to Section 37 of the Planning Act, as amended, and subject to
compliance with the provisions of this By-law, the increase in height and
density of development which is beyond that which is otherwise permitted
by the By-law, is permitted in return for the provision by the owner of the
lands to the City, the financial contributions toward specific capital
facilities at the owner's sole expense as follows:

(a) The provision of a cash payment of $242,000 (indexed upwardly in
accordance with the Statistics Canada Non-Residential
Construction Price Index for Toronto from the date of the of the
Section 37 agreement) payable to the City of Toronto, as follows:

(i) $60,000 payable prior to the issuance of the first building
permit on the southern parcel (Part A) towards capital
improvements to the courtyard at Burrows Hall Park; and

(ii) $182,000 payable prior to the issuance of the first building
permit on the northern parcel (Part B) towards capital
improvements associated with the baseball diamonds at
Neilson Park and facilities associated with the tennis courts
at Major Abbas Alì Park (formerly McLevin Park).

2. The owner of the land shall enter into one or more agreements with the
City of Toronto pursuant to Section 37 of the Planning Act, as amended,
to secure the facilities and matters referred to in Section 1 herein, which
agreements shall be registered on title to the land to which this By-law
applies.
Enacted and passed on July 2013.

Frances Nunziata, Speaker

Ulli S. Watkiss, City Clerk

(Seal of the City)
Schedule '2'

SHEPPARD AVENUE

ORCHID PLACE DRIVE

PROGRESS AVENUE

-36-

Part A

1088 Progress Avenue
File # 07 279995 ESC 42 OZ

Area Affected By This By-Law