

Authority: Scarborough Community Council Report 5, Clause 12,
as adopted by City of Toronto Council on June 27, 28 and 29, 2006
Enacted by Council: September 27, 2006

CITY OF TORONTO

BY-LAW No. 817-2006

To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Wexford Employment District), as amended, with respect to lands municipally known as 1236 Birchmount Road and 2155 Lawrence 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 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 Wexford Employment District is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule ‘1’.

CR – 173 – 187 – 663 – 666 – 668 – 673 – 799 –
913 – 1717 – 2206 – 2368

202

231

833

CR – 250 – 251 – 252 – 253 – 710 – 711 – 915 –
996 – 1074n – 1075s – 1848 – 2206 – 2376

202

231

833

465

2. **Schedule “B”, PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standards:

INTENSITY OF USE

250. **Gross floor area** of all buildings shall not exceed 16,340 m².

251. **Gross floor area** of all Offices shall not exceed 217 m².

252. **Gross floor area** of Retail Stores and **Personal Service Shops** shall not exceed 317m².

253. **Gross floor area** of **Day Nurseries** shall not exceed 560 m².

710. Minimum interior common amenity space to be provided - 205m².

711. Maximum – 156 **dwelling units**.

SIDE YARD

1074n. Minimum **side yard** setback – 7m.

1075s. Minimum **side yard** setback – 7m.

HEIGHT

1848. Maximum **height** – 43 m.

SECTION 37

2376. Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:

- (a) The owner of the lands, at its expense and in accordance with, and subject to, an agreement pursuant to Section 37 of the *Planning Act*, shall provide the following facilities, services and matters:
 - (i) maintain the existing 243 social housing units at 2155 Lawrence Avenue as social housing until July 1, 2023 and make no application for demolition to construct anything other than social housing dwelling units or for the purpose of condominium registration until July 1, 2023;
- (b) provide and maintain 156 new affordable rental apartment units for at least 20 years commencing from the date of initial occupancy of each unit subject to the following:
 - (i) no application shall be made for condominium registration or for demolition to construct anything other than rental dwelling units during the 20 year period. If the property tax rate were to increase such that the owner is paying more tax than they would if the rental units were registered as a condominium, the owner will have the right to apply for an official plan amendment and zoning by-law amendment removing the requirement for the rental units to be maintained as rental units prior to the expiry of this 20 year period, provided that all of the rental units remain as rental dwelling units until the owner obtains approval for an official plan amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the dwelling units as rental dwelling units;
 - (ii) all of the rental dwelling units in the new apartment buildings on the lands shall be affordable rental housing units;

- (iii) the initial rent for any of the affordable rental units and the rents upon turnover for all these units during the 10 year period dating from the initial occupancy of each unit shall be no higher than the average rent for the same unit type for the City of Toronto as reported by Canada Mortgage and Housing Corporation in their most recent annual Rental Market Report prior to the month that the unit is first occupied by the new tenant;
 - (iv) annual rent increases to tenants who occupy the units in the initial 10 year period shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, for so long as the tenant remains in the same unit, until the expiry of the 20 year period securing the rental tenure for that unit; and
 - (v) rents charged to tenants newly occupying the units after the completion of the 10 year period set forth in paragraph (iii) above will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement;
- (c) make additional improvements to the site and related facilities and provide new amenities at least as set out in the Section 37 Agreement for use by all tenants in both the existing social housing units and the proposed affordable rental housing units, and the owner agrees that it shall not pass through any of the costs of these improvements to the rents of the existing social housing units arising from the cost of these improvements, which improvements shall include:
 - (i) interior common amenity space in the proposed new residential building of a minimum of 205m²; and
 - (ii) maintain common indoor amenity space of at least 400m² for the use and enjoyment of the tenants of the new and existing building.
- (d) the owner of the lands shall provide a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director of Community Planning, Scarborough District, prior to the issuance of the first building permit for the proposed additional residential buildings;
- (e) The owners of the lands shall enter into one or more agreements with the City of Toronto, provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to in Section (a) – (d), which agreement shall be registered as a first charge on title to the lands to which this By-law applies; and

- (f) building permit issuance for the proposed development shall be dependant upon satisfaction of items (d) and (e) above and the incorporation of items (a) to (d) in the Section 37 Agreement, including the provision of monetary payments and the provision of financial securities.

3. **Schedule “C”, EXCEPTIONS LIST**, is amended by adding the following Exception Numbers:

PROHIBITED USES

231. (a) Prohibited Uses

- **Financial Institutions**
- **Places of Worship**
- **Private Home Day Care**
- **Restaurants**

ADDITIONAL PERMITTED USES

465. Additional Permitted Uses:

- Educational and Training Use
- **Residential Care Facility**

833. The lands subject to this Exception shall be comprised of two parcels and residential or mixed-use development on these parcels may share facilities, access and parking. **Side yard, street yard and rear yard** standards otherwise applying to these two parcels shall not apply to the below-grade parking structure and vehicle/pedestrian connection; and to the above-grade pedestrian walkway connecting the two buildings on the two parcels. Parking spaces for vehicles shall be provided for both parcels collectively as follows:

- (i) A minimum of 1.037 parking spaces per **dwelling unit** shall be provided of which:
- a minimum 0.837 parking spaces per **dwelling unit** shall be provided for residents; and
 - a minimum 0.2 parking spaces per **dwelling unit** shall be provided for visitors; and

- (ii) A minimum of 2.44 parking spaces per 100 m² of gross floor area for all Retail Stores, **Personal Service Shops** and Offices uses.

ENACTED AND PASSED this 27th day of September, A.D. 2006.

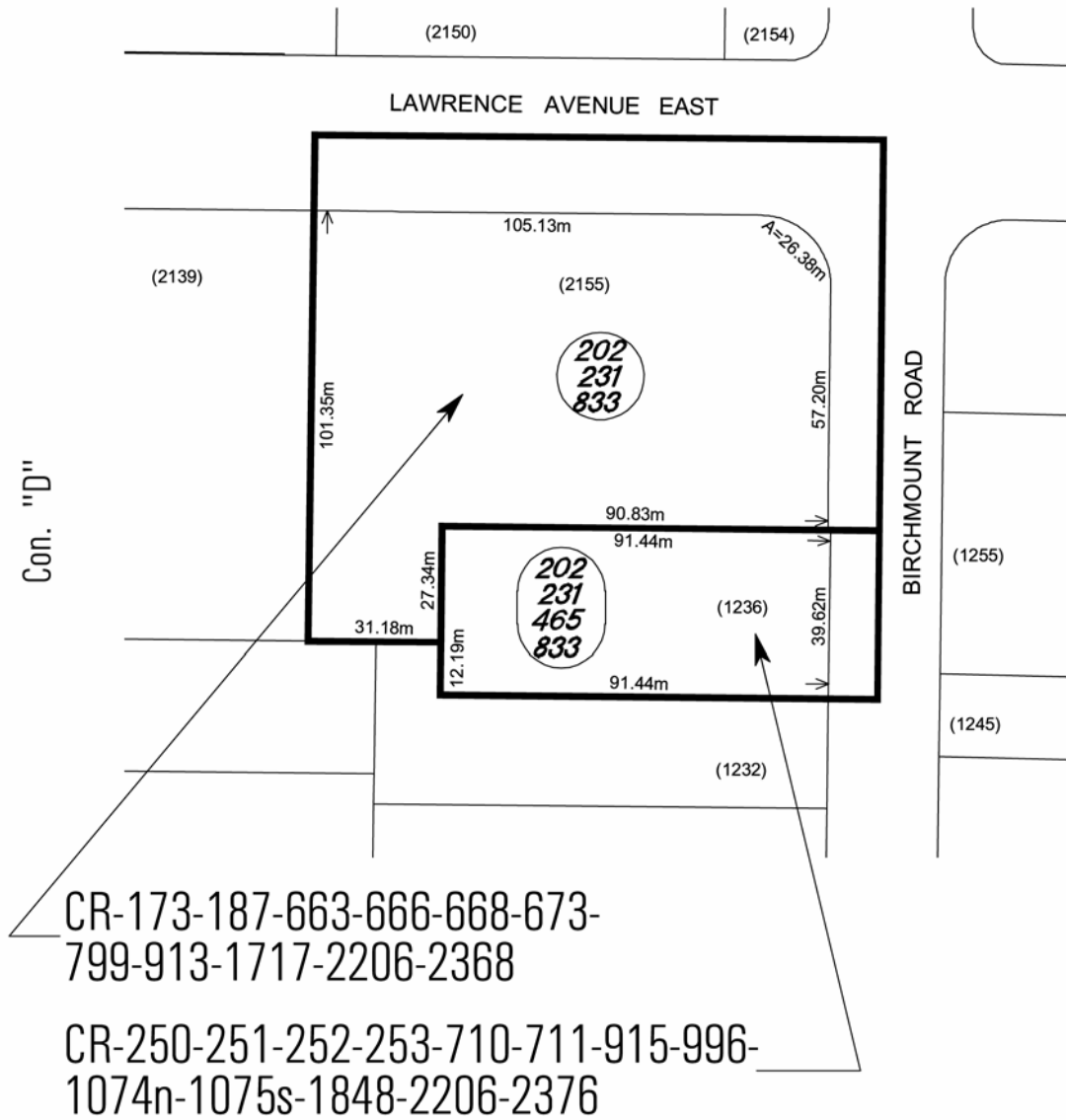
DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'

Lot 31

**Zoning By-Law Amendment**

1236 Birchmount Rd and 2155 Lawrence Ave E

File # 04-154072 OZ



Area Affected By This By-Law

Wexford Employment District By-law
Not to Scale
04/25/06

