

Authority: Scarborough Community Council Item 7.28,
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2007
Enacted by Council: July 19, 2007

CITY OF TORONTO

BY-LAW No. 816-2007

To amend the former City of Scarborough Zoning By-law No. 12466, (the L'Amoreaux Community Zoning By-law), as amended, with respect to the lands located on the north side of Sheppard Avenue East and east of Victoria Park Avenue and municipally known as 10 Chichester Place.

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"**, as amended, is hereby further amended by deleting the current zoning and replacing it with the following zoning, as shown on Schedule "1" to this By-law:

A – 84 – 99 – 225 – 247 – 279 – 315 – 408 – 409

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by deleting Performance Standards 247 and 408 and replacing them as follows:

PARKING

247. Parking shall be provided at the following rates:

- i) **Apartment building** existing on the site as of July 2007:

Minimum of 1.0 **parking spaces** per **dwelling unit** of which a minimum 0.85 **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) **Apartment building** constructed after July 2007:

Minimum of 1.2 **parking spaces** per **dwelling unit** of which a minimum 1.05 **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.

BUILDING SETBACKS FROM STREETS

408. Minimum building **setback** 2.8 m from the **street** line of Sheppard Avenue and Chichester Place.

3. **SCHEDULE “B”, PERFORMANCE STANDARD CHART**, is amended by deleting Performance Standard 410.

4. **SCHEDULE “C”, EXCEPTIONS LIST**, is amended by deleting Exceptions 35 and 36 and replacing them as follows:

35. On those lands identified as Exception 35 on Schedule “C”, the following provisions shall apply, provided that all other provisions of this By-law, as amended, not inconsistent with this Exception, shall continue to apply:

(1) **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 6, **Coverage**, and Sub-Clause 10, **Height of Apartment Buildings**, shall not apply.

(2) **CLAUSE V11**, Sub-Clause 2, **Residential Parking Regulations**, Sub-Clause 2.1.1, **Street Yard Parking** shall not apply.

(3) No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(i) 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

(ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

36. On those lands identified as Exception 36 on Schedule “C”, the following provisions shall apply:

The density and height of development permitted by this By-law is subject to the Owner of the land, at its expense, and in accordance with and subject to entering into one or more agreements with the City of Toronto, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, and that such agreement(s) be registered against the title to the lot, to secure capital facilities and/or cash contributions toward specific capital facilities as follows:

(a) The Owner shall maintain the 220 existing rental dwelling units as rentalhousing for a minimum period of twenty (20) years commencing from the date this by-law comes into effect, and agrees that no application will be made for a demolition permit or for conversion to condominium will be made for these units during the twenty year period;

- (b) Prior to the issuance of any building permit, other than for a temporary sales centre, for development in excess of 220 residential dwelling units, the Owner shall provide a Construction Mitigation and Tenant Communication Plan in consultation with the Director, Community Planning, Scarborough District;
- (c) The Owner shall construct, provide and maintain the following private, on-site amenities for the exclusive use and enjoyment of residents of the existing rental apartment building, and the Owner agrees that it shall not apply to the Landlord and Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the *Residential Tenancies Act*, 2006 (or successor legislation), for the purpose of obtaining an increase in rent above the Guidelines established under that Act in relation to the 220 rental units in the existing apartment building arising from the initial capital cost of these improvements, and in accordance with the terms of the agreement:
 - (i) a junior playground;
 - (ii) improvements to the existing outdoor pool apron;
 - (iii) a resident allotment garden area including a secure source of water;
 - (iv) outdoor benches on site;
 - (v) safety and access improvements through the renovation of the underground parking facilities provided for the existing 220 unit apartment building; and
 - (vi) provide, equip and maintain kitchen and washroom facilities within the indoor recreational floor space within the existing 220 unit apartment building; and
- (d) prior to the issuance of any building permit, other than a temporary sales centre, for development in excess of 220 residential dwelling units, the Owner shall make a payment in the amount of \$350,000.00, towards local community parks and recreation improvements 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.

The following capital facilities required to support the development will also be secured in the agreement.

Transportation Improvements

Prior to the issuance of any building permit, other than for a temporary sales centre, for development in excess of 220 residential dwelling units, the Owner shall enter into a secured Servicing Agreement with the City, to the satisfaction of

the Executive Director, Technical Services, and post sufficient securities to provide for the design, construction and inspection of the following works within the public road allowance, including:

- (i) road widening within the existing right of way of Chichester Place and within the intersection of Chichester Place and Sheppard Avenue to accommodate an additional southbound approach lane to the aforementioned intersection;
- (ii) traffic control signals at the intersection of Chichester Place and Sheppard Avenue East, together with the necessary signage and pavement marking adjustments;
- (iii) streetlighting modifications on Chichester Place; and
- (iv) any resultant utility relocations and/or plant adjustments due to the above.

ENACTED AND PASSED this 19th day of July, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule "1"
Lot 35

