

Authority: Scarborough Community Council Item 25.31,
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013

CITY OF TORONTO

BY-LAW No. 1060-2013

To amend former City of Scarborough 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:

A and NC - 132 - 139 - 427 - 432 - 436 - 437 - 438 - 539 - 540 - 680 - 681

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART** is amended by replacing the text in Performance Standards 437, 539 and 540, and adding Performance Standard Nos. 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**.

INTENSTIY 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 Ali 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.

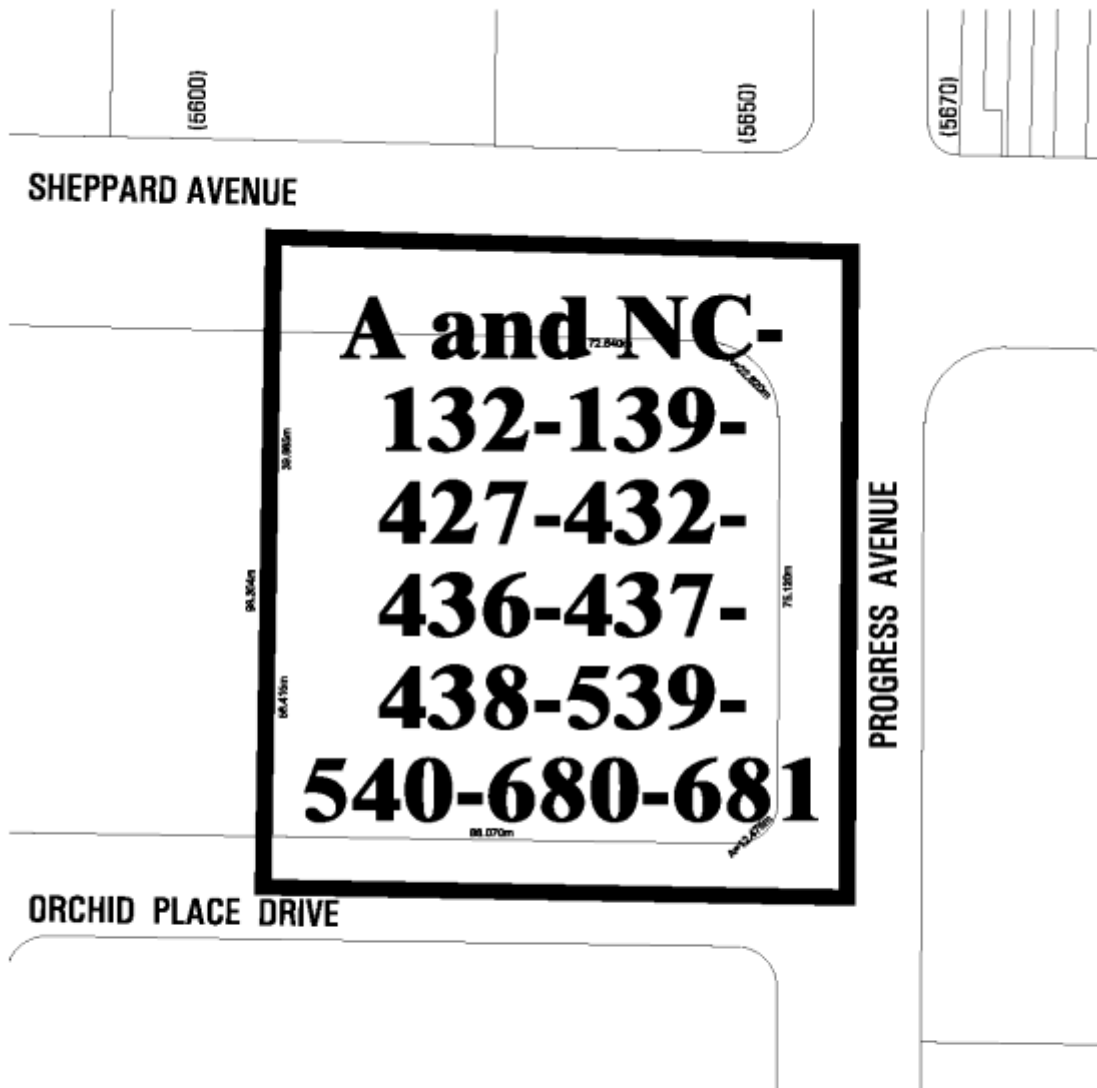
Enacted and passed on July 19, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'



Toronto City Planning
Division
Zoning By-Law Amendment

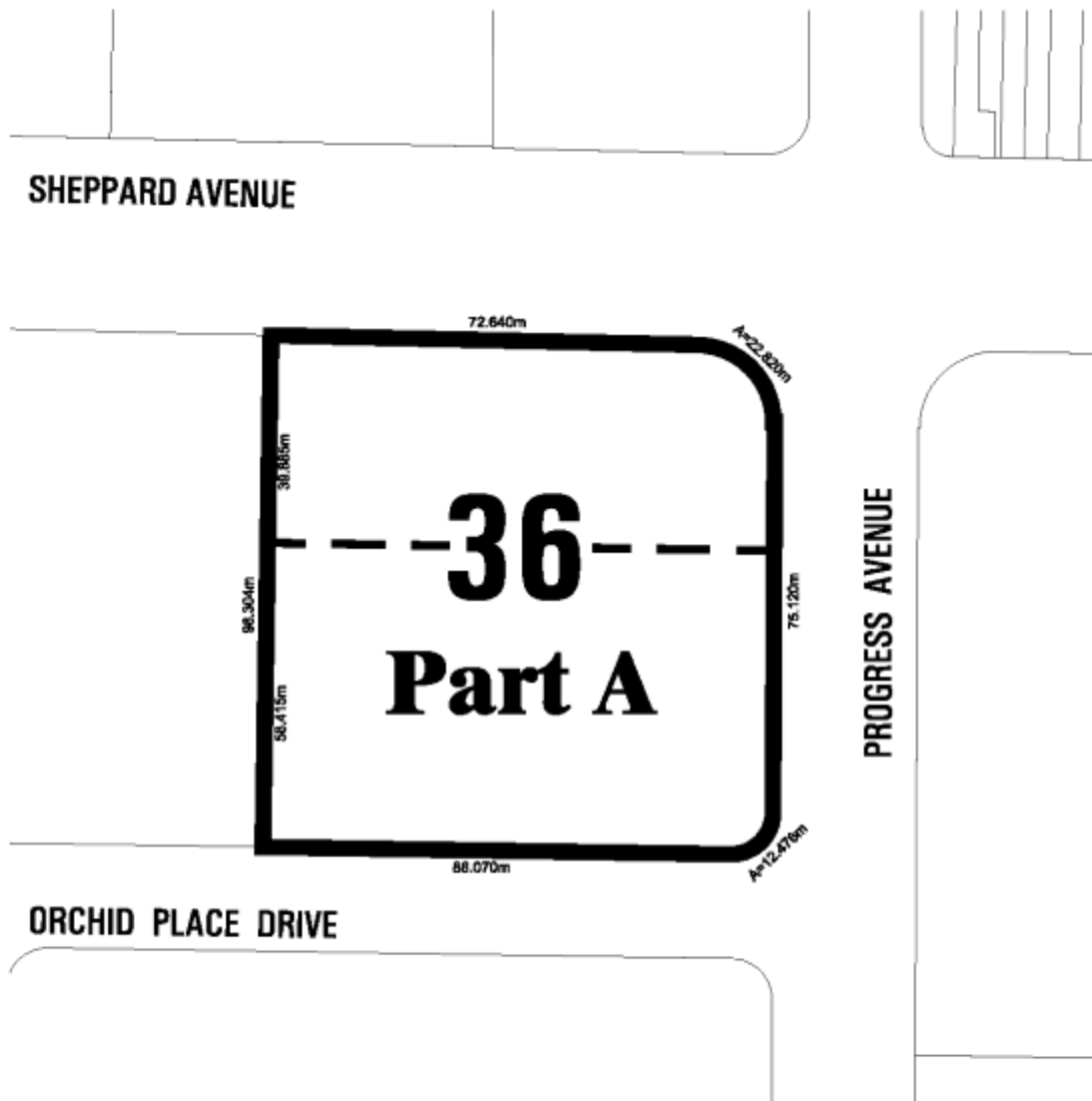
1088 Progress Avenue
File # 07 279995 ESC 42 OZ



Area Affected By This By-Law

Malvern Community Bylaw
Not to Scale
05/21/13



Schedule '2'

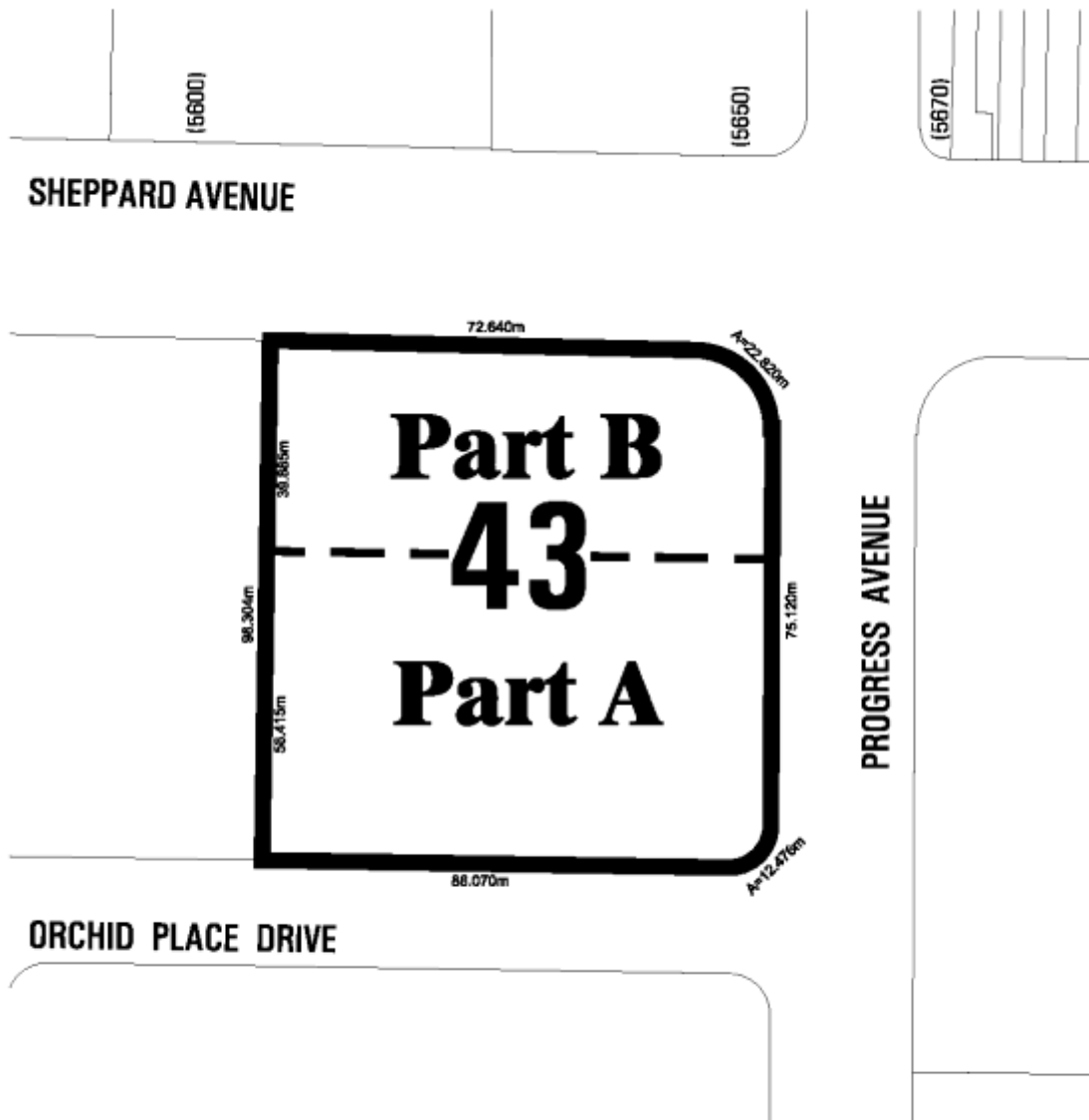
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Zoning By-Law Amendment

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 Area Affected By This By-Law

Malvern Community Bylaw
 Not to Scale
 05/23/13

Schedule '3'



Zoning By-Law Amendment

1088 Progress Avenue

File # 07 279995 ESC 42 0Z



Area Affected By This By-Law

Malvern Community Bylaw



Not to Scale

05/23/13