

Authority: Scarborough Community Council Item SC32.4, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1138-2018

To amend former City of Scarborough Wexford Community Zoning By-law 9511, as amended, with respect to the lands municipally known as 2180 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; and

Whereas the Official Plan for the city of Toronto contains provisions relating to the authorization of increases in height and density of development; 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 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 land 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 9511, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law 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;

The Council of the City of Toronto enacts:

- 1. Schedule "A"** of the Wexford Community Zoning By-law 9511, as amended, is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1':

CR – 110 – 122 – 136 – 217 – 218 – 219 – 281 – 300 – 301 – 350 – 351 – 352 – 353 –
354 – 355 – 356 – 357 – 358 – 359 – 360 – 400 – 401

P

2. **Schedule "B" PERFORMANCE STANDARDS CHART** is amended by adding the following Performance Standard Nos. 136, 217, 218, 219, 281, 300, 301, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 400 and 401 as follows:

SECTION 37 BENEFITS

136. 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/or 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) The owner shall make a financial (cash) contribution to the City of \$500,000 to be allocated as follows, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made:
 - a. Upon the effective date of the zoning by-law amendments of this By-law, being the first day upon which all of the provisions of the By-law have come into force and in effect, with all applicable appeal periods having lapsed, the owner to pay to the City a cash contribution of \$90,000 to be used by the Parks, Forestry and Recreation Division for the installation of a rubberized surface for the reconstructed playground at Maidavale Park.
 - b. Prior to the issuance of an above grade building permit, other than for a temporary sales office/pavilion, the owner to pay to the City a cash contribution of:
 - i. \$145,000 for capital upgrades/improvements (such as but not limited to upgraded washrooms and air circulation equipment) to McGregor Park Toronto Public Library at 2219 Lawrence Avenue East;
 - ii. \$15,000 for capital upgrades/improvements to the Birchmount Hub at 1021 Birchmount Road; and
 - iii. \$250,000 for the provision of an on-site public art installation at the north-east corner of Lawrence Avenue East, to be further determined in accordance with the City of Toronto Percent for Public Art Program Guidelines (August 2010);

- (2) The owner of the lands shall enter 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, to secure the facilities, services and matters referred to in Section (1) herein, which agreement shall be registered as a first charge on title to the lands to which this By-law applies;
- (3) In the event the cash contribution(s) referred to in Section (1)a. has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
- (4) Where Section (1) above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (5) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to the by-law unless all provisions of Section (1) above are satisfied;

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- (6) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time;
- (7) The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly-accessible (POPS) courtyard area of not less than 395 square metres, located on Lawrence Avenue East immediately east of Building 'A', and shall convey, prior to the registration of the first condominium, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 11:59 p.m., 365 days of the year;

- (8) The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway between the POPS and Dulverton Road which shall have a minimum 2.1 metre pedestrian clearway and a minimum height of 4.5 metres. The owner shall convey, prior to the registration of the first condominium, an easement to the City, for nominal consideration, along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of site plan approval pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the walkway and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the walkway from 6:00 a.m. to 11:59 p.m., 365 days of the year.

PARKING

217. Notwithstanding **Clause VII – GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1, General Parking Requirements**, Sub-Section 1.1, Table of Required Parking Rates, the requirements in the following Table of Required Parking shall apply:

Table of Required Parking

Use	Unit Size	Minimum Parking Required	Maximum Parking Permitted
Dwelling units	Bachelor Units	0.7 spaces per unit	1.0 spaces per unit
	1-Bedroom Units	0.8 spaces per unit	1.2 spaces per unit
	2- Bedroom Units	0.9 spaces per unit	1.3 spaces per unit
	3+ Bedroom Units	1.1 spaces per unit	1.6 spaces per unit
	Residential Visitors		0.15 space per unit
Non-residential Uses		1.0 spaces per 100 square metres of gross floor area	4.0 spaces per 100 square metres of gross floor area

218. **Bicycle parking spaces** shall be provided in accordance with the following:
- a. A minimum of 0.75 **bicycle parking spaces** per **dwelling unit**, allocated as 0.68 "long-term" **bicycle parking spaces** per **dwelling unit** and 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**, where:
 - i. "long-term" **bicycle parking spaces** are for use by the occupants or tenants of a building and are located in a building; and

- ii. "short-term" **bicycle parking spaces** are for use by visitors to a building.
 - b. Minimum **bicycle parking space requirements** for non-residential uses:
 - i. Minimum 0.137 "long-term" **bicycle parking spaces** per 100 square metres for use by the occupants or tenants of a building and are located in a building; and
 - ii. Minimum "short-term" **bicycle parking spaces** for use by visitors to a building: 3 plus 0.25 **bicycle parking spaces** per 100 square metres.
 - c. Where bicycles are to be parked in a horizontal position, the **bicycle parking spaces** shall have minimum dimensions of 0.6 metres width by 1.8 metres length per bicycle and minimum vertical clearance from the ground of 1.9 metres.
 - d. Where bicycles are to be parked in a vertical position, the **bicycle parking spaces** shall have minimum dimensions of 0.6 metres width, minimum length or vertical clearance of 1.9 metres and minimum horizontal clearance from the wall of 1.2 metres.
 - e. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.
219. A minimum of one Type G loading space, meaning a loading space that is a minimum of 4 metres wide, 13 metres long and has a minimum vertical clearance of 6.1 metres, shall be provided within Building 'A'.

COVERAGE

281. Maximum permitted building **coverage** (not including roof portions of an underground parking structure): percent of the area of the lot/parcel, of which:
- a. Maximum **coverage** of **apartment buildings**: 25.5 percent of the area of the lot/parcel; and
 - b. Maximum **coverage** of stacked townhouse **dwelling units and accessory buildings**: 15.5 percent of the area of the lot/parcel.

HEIGHT

300. Maximum **height** of 3 **storeys** (excluding **basements**, underground parking structures, and enclosed stairwells to access the roof including mechanical room) and 14.5 metres, except:
- a. Building 'A': Maximum **height** of 21 **storeys** (excluding **basements** and

mechanical penthouse) and 73 metres (including mechanical penthouse), except maximum height of the podium base-building shall be 7 **storeys** and 25 metres;

- b. Building 'B': Maximum **height** of 7 **storeys** (excluding **basements** and mechanical penthouse) and 27.5 metres (including mechanical penthouse).

301. Minimum floor to ceiling height for the first floor shall be as follows:

- a. Building 'A': 4.5 metres; and
- b. Building 'B': 4 metres.

MISCELLANEOUS

350. Where referenced in Performance Standards applicable to the same lands to which this standard applies, the following terms shall mean:

- a. Building 'A': An **apartment building** located within 30 metres of the Lawrence Avenue East streetline and within 66 metres of the Birchmount Road streetline;
- b. Building 'B': An **apartment building** located within 24 metres of the Birchmount Road streetline and within 48 metres of the Dulverton Road streetline; and
- c. Stacked townhouse **dwelling units**: Buildings containing three or more **dwelling units**, in which **dwelling units** are separated from each other vertically and horizontally, and each of which has a separate entrance directly from outside.

351. 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:

- a. 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
- b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

352. For **dwelling units** within an **apartment building**, a minimum of 4 square metres per **dwelling unit** of amenity space, meaning indoor or outdoor space on a lot that is communal and available for use by the occupants of **apartment buildings** on the lot for recreational or social activities, shall be provided as follows:

- a. Minimum 2 square metres per **dwelling unit** of indoor amenity space or spaces, at least one of which contains a kitchen and washroom and at least one of which is adjoining and directly accessible to a minimum of 40 square metres of outdoor amenity space. Indoor amenity space may be provided solely within Building 'A' to be shared by residents of Building 'B', provided such amenity space is completed and available for use prior to first residential occupancy of Building 'B'; and
 - b. Minimum 2 square metres per **dwelling unit** of outdoor amenity space.
353. Minimum building **setback** requirements:
- a. Minimum 4 metres from the Lawrence Avenue East streetline, except minimum 3.5 metres for Building 'A' plus an additional 3 metres building **setback** above the seventh **storey**;
 - b. Minimum 1.4 metres from the Birchmount Road streetline for Building 'A' plus an additional 3 metres building **setback** above the seventh **storey** and **a further 6.6 metres building setback** for the mechanical penthouse;
 - c. Minimum 3 metres from the Birchmount Road streetline for Building 'B' plus an additional 2 metres building **setback** above the fifth **storey** and a further 1.8 metres building **setback** for the mechanical penthouse, except a minimum 1.5 metres building **setback** is permitted from a streetline corner rounding;
 - d. Minimum 4.5 metres from the Dulverton Road streetline, except minimum 3.0 metres for Building 'B' (minimum 1.5 metres permitted from a streetline corner rounding) plus an additional 7 metres above the fifth **storey** and a further 22 metres building **setback** for the mechanical penthouse;
 - e. Minimum 12 metres from the east lot line;
 - f. Minimum 6 metres from a **Park Zone (P)**; and
 - g. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 13, Underground Structures in "NC", "CC", "CR" and "HC" Zones**, underground parking structures may have a minimum **setback** of 1 metre from any streetline or **Park Zone (P)**, and minimum 12 metres from the east lot line.
354. Minimum required **main wall** building separations (excluding **basements** and underground parking structures):
- a. Between **apartment buildings**, excluding balconies: 8 metres.
 - b. Between buildings facing Lawrence Avenue East: 18.9 metres.

- c. Between buildings facing Dulverton Road, excluding balconies: 8.7 metres;
 - d. Between the end walls of buildings containing stacked townhouse **dwelling units**: 3 metres.
355. A minimum 5.8 metres strip of land immediately abutting a **Multiple-Family Residential (M)** zone shall not be used for any purposes other than landscaping.
356. Notwithstanding **Clause V – INTERPRETATION, Sub-section (f) Definition of Main Wall**, balconies and/or sills with railings (i.e. 'Juliet' balconies) may only project a maximum of 0.3 metres into required building **setbacks** from the streetline for Building 'A' below the eighth **storey**, and from the streetline for Building 'B' below the sixth **storey**.
357. Notwithstanding **Clause VIII – ZONE PROVISIONS, Sub-section 16. Commercial-Residential (CR) Zone**, clause (c) Supplementary Regulations does not apply.
358. Maximum **gross floor area** of each **storey** in Building 'A' over 7 **storeys** above grade: 545 square metres per floor.
359. All waste and recyclable materials to be stored within a wholly enclosed building.
360. **Clause VI – PROVISIONS FOR ALL ZONES, Section 15, Use of Basements** does not apply to stacked townhouse **dwelling units**.

INTENSITY OF USE

400. Maximum 286 **dwelling units**, of which:
- a. A maximum 222 **dwelling units** may be within **apartment buildings**; and
 - b. A maximum 64 **dwelling units** may be stacked townhouse **dwelling units**.
401. **Gross floor area** of all buildings shall not exceed 24,000 square metres (excluding **basements**, including below-grade parking structures and associated parking spaces, ramps, **driveways** and aisles; amenity rooms; **utility rooms**, elevator and mechanical shafts; garbage handling and storage areas including garbage shafts; mechanical penthouse; and exit stairwells in the building or from the underground parking garage), of which a maximum 564 square located within Building 'A' only may be permitted uses other than **dwelling units**.
3. **Schedule 'C', EXCEPTIONS LIST and EXCEPTIONS MAP** are further amended by adding the following Exception 61 to the lands shown outlined on Schedule '2' as follows:

61. On those lands identified as Exception 61 on the accompanying **Schedule 'C'** map, the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Dwelling Units**
- Art Gallery, being premises used for the exhibition, collection or preservation of works of art for public viewing
- Artist Studio, being premises used for creating art or craft
- **Automated Banking Machine**, being a device at which customers can complete self-serve financial transactions
- Community Centre, being premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities
- Custom Workshop, being premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass-production
- Eating Establishment, being premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service
- Home Occupation, being a business use within a **dwelling unit**, where the **dwelling unit** is the principal residence of the business operator
- Library
- Massage Therapy, being premises providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation
- Municipal Shelter, being premises in which short-term emergency accommodation and associated support services are provided and supervised, and is operated by or for the City of Toronto, or an agency of the City of Toronto
- Offices, including medical and dental offices
- Outdoor Patio, being an outdoor patron area that is ancillary to a non-residential use
- **Park**
- **Personal Service Shop**
- Pet Services, being premises used to provide for the grooming of domestic animals.
- **Private Home Day Care**
- Religious Education Use, being premises used by a religious organization for religious education, other than a post-secondary school or school regulated under the Education Act, R.S.O. 1990, c. E.2, as amended
- Renewable Energy, being energy obtained from solar energy, wind energy, or geo-energy

- Retail Store, being premises in which goods or commodities are sold, rented or leased
- Retail Service, being premises in which photocopying, printing, postal, or courier services are sold or provided.
- Take-out Eating Establishment, being premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises
- Wellness Centre, being premises providing services for therapeutic and wellness purposes

- (b) Notwithstanding the foregoing, one temporary residential sales pavilion is permitted prior to completion and first occupancy of Building 'A', provided all applicable performance standards are complied with.

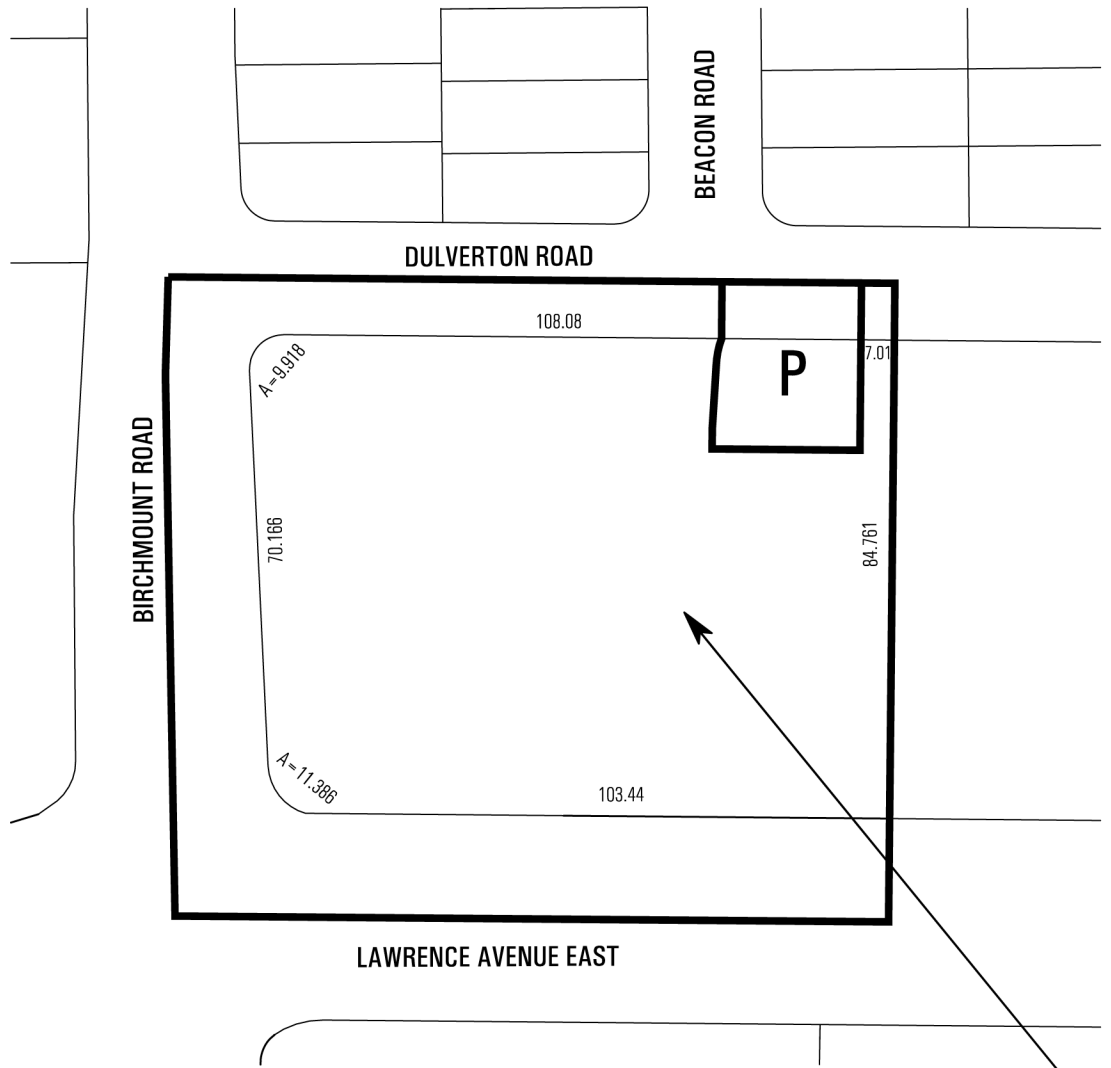
Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'



**CR-110-122-136-217-218-219-281-300-301-350-351-
352-353-354-355-356-357-358-359-360-400-401**

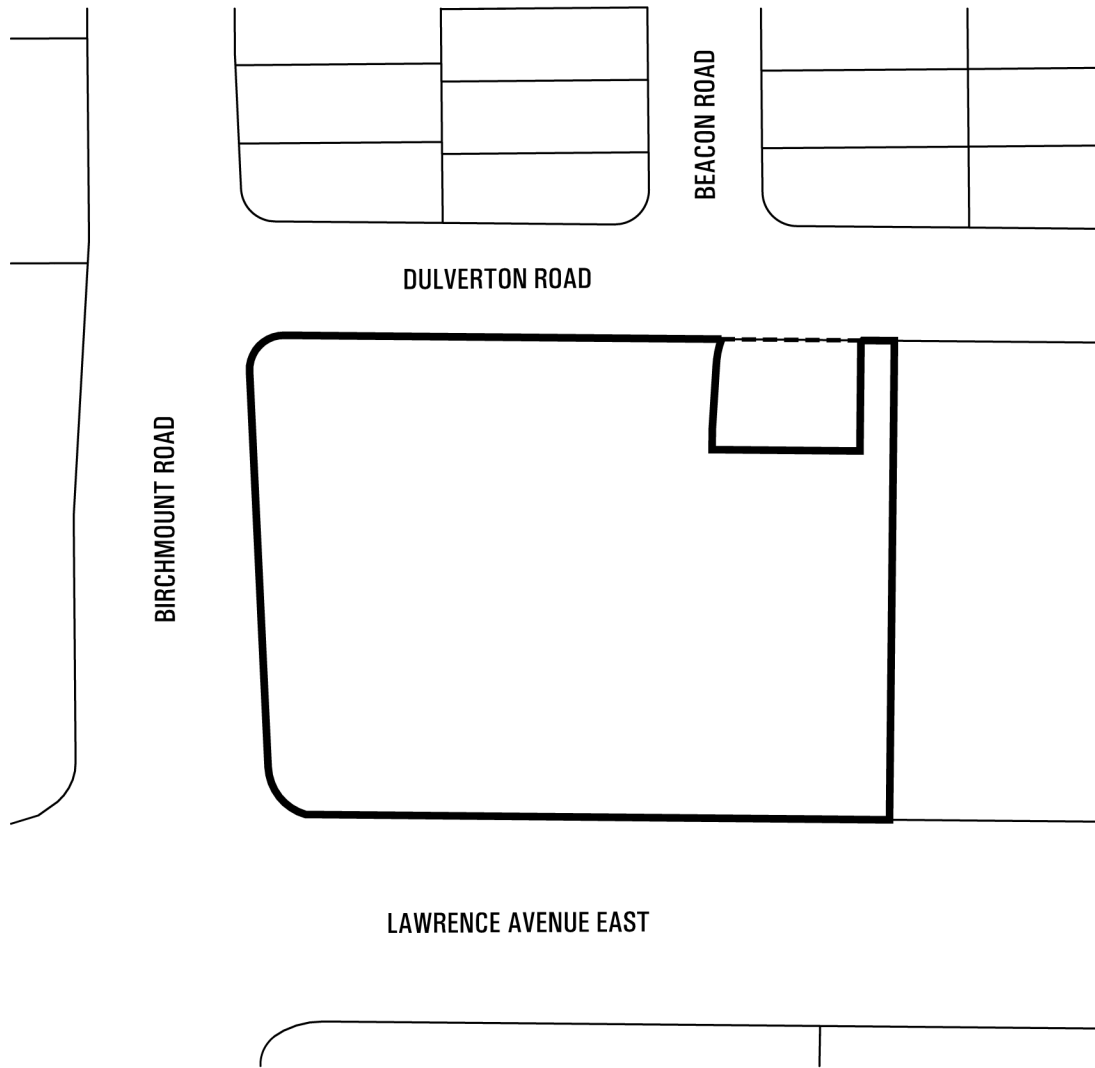
Toronto
Zoning By-Law Amendment

2180 Lawrence Avenue East
File # 17 274213 ESC 37 0Z

 Area Affected By This By-Law

Wexford Community Bylaw
Not to Scale
07/05/18


Schedule '2'



Exception No. 61