

Authority: Scarborough Community Council Item SC32.3, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1276-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 1021-1035 Markham Road.

Whereas Council of the City of Toronto has the authority pursuant to 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, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an increase in the 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 and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CR 0.4(c0.4; r0.0) SS3 (x388) to (O), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10. Exception Number (388) so that it reads:

Exception CR 388

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 1021-1035 Markham Road, if the requirements of Section 5 and Schedule A of By-law 1276-2018 are complied with, a **building** or **structure** is permitted if it complies with the following regulations;
- (B) Despite the permitted uses listed in Regulations 40.10.20.10(1) and 40.10.20.10(2), the only uses permitted from those lists are: **Dwelling Units** in a **building** type permitted by Clause 40.10.20.40., **Art Gallery, Artist Studio, Automated Banking Machine, Community Centre, Custom Workshop, Eating Establishment, Home Occupation, Library, Massage Therapy, Municipal Shelter, Office, including Medical and Dental Office, Outdoor Patio, Park, Personal Service Shop, Pet Services, Private Home Daycare, Retail Store, Religious Education Use, Renewable Energy, Retail Store, Retail Service, Take-out Eating Establishment and Wellness Centre;**
- (C) Despite the Lot Coverage Overlay Map in Section 995.30.1, for these lands the maximum permitted **lot coverage** is 61 percent;
- (D) A maximum 333 **dwelling units** are permitted, of which a minimum 10 percent must be 3-bedroom **dwelling units**;
- (E) A maximum **gross floor area** for all uses of 26,500.0 square metres is permitted, of which a maximum of 2,200.0 square metres is permitted for uses other than **dwelling units**;
- (F) **Parking spaces** must be provided at the rates required for lands in Policy Area 4, except the minimum tenant requirement in an **apartment building** is 0.45 **parking spaces** per **dwelling unit** (to a permitted maximum of 1.3 **parking spaces** per **dwelling unit**), of which a minimum of 2 and maximum of 5 **parking spaces** will be allocated for 'car-share' parking only;
- (G) Despite the Height Overlay Map in Section 995.20.1, the maximum permitted height is 34 **storeys** and 111.0 metres, except maximum height of the podium base-**building** is 6 **storeys** and 29.2 metres;
- (H) Despite Regulations 40.5.40.10(2), (4) and (5), no elements of the **building** may project beyond the maximum **building** height in (G) above;

- (I) Despite Regulation 40.10.40.70(3), the following minimum **building setback** requirements apply:
- (i) 1.0 metres from the Markham Road **street** line, plus an additional **building setback** of 4.5 metres above **storey 6**;
 - (ii) 0.7 metres from the Brimorton Drive **street** line, plus an additional **building setback** of 2.6 metres above **storey 6**;
 - (iii) 9.7 metres from an Open Space Zone (O);
 - (iv) 9.0 metres from all other **lot lines**; and
 - (v) Despite (i) to (iv) above, a minimum 0.6 metre **building setback** from the **lot line** abutting a **street** is required for underground parking **structures**, with no minimum **building setback** required from other **lot lines** or from the Markham Road/Brimorton Drive **street** line corner rounding;
- (J) Regulation 40.10.40.70(4) does not apply to **dwelling units** located in the first **storey**;
- (K) The permitted maximum **gross floor area** of each **storey** more than 6 **storeys** above grade is:
- (a) 750.0 square metres per floor from **storey 7** to **storey 32**;
 - (b) 650.0 square metres for **storeys 33** and **34**; and
 - (c) 400.0 square metres for the mechanical penthouse;
- (L) The **angular plane** requirements of Regulation 40.10.40.70(3)(D) do not apply.

Prevailing By-laws and Prevailing Sections: (None Apply).

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law 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.

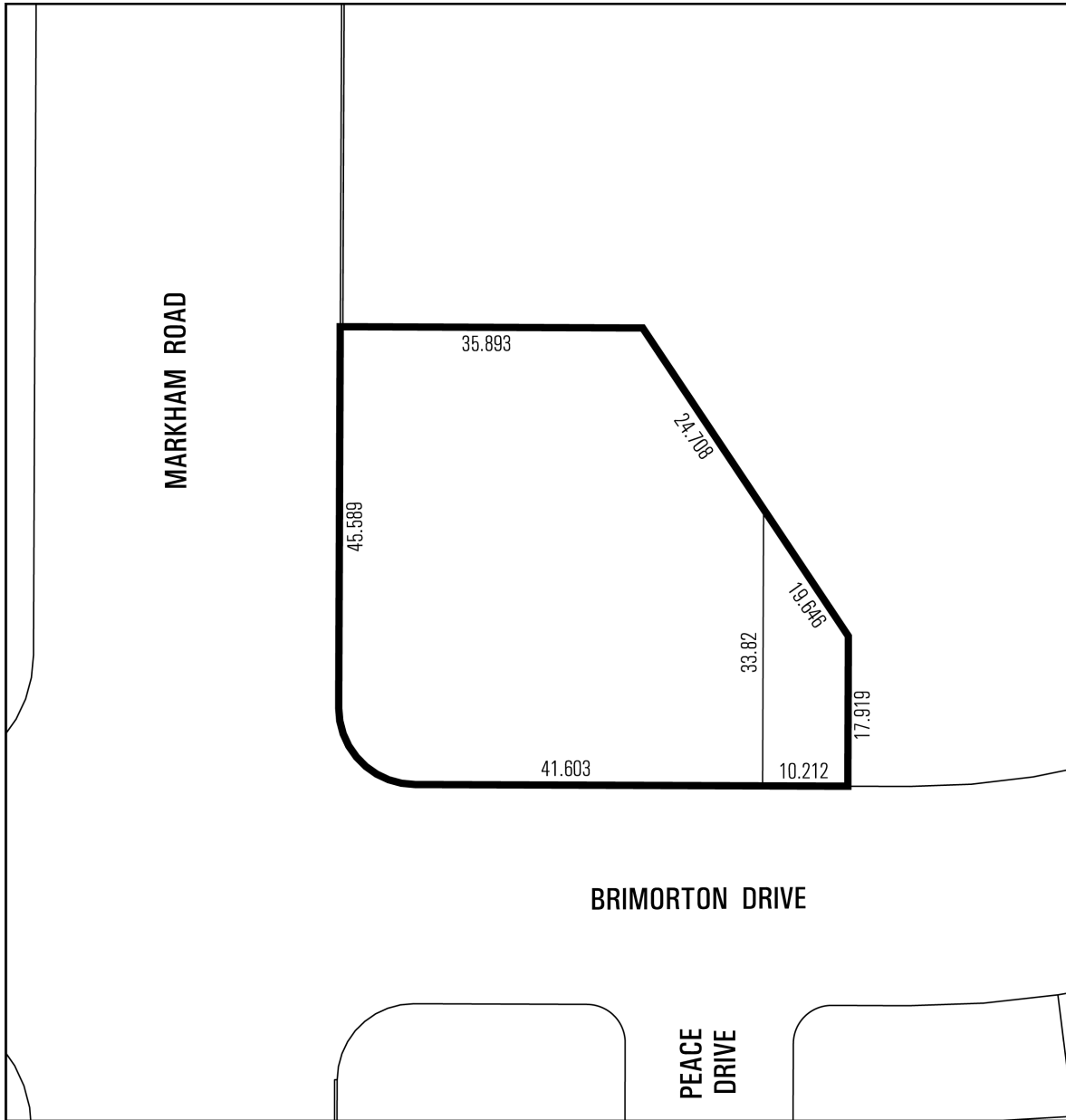
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

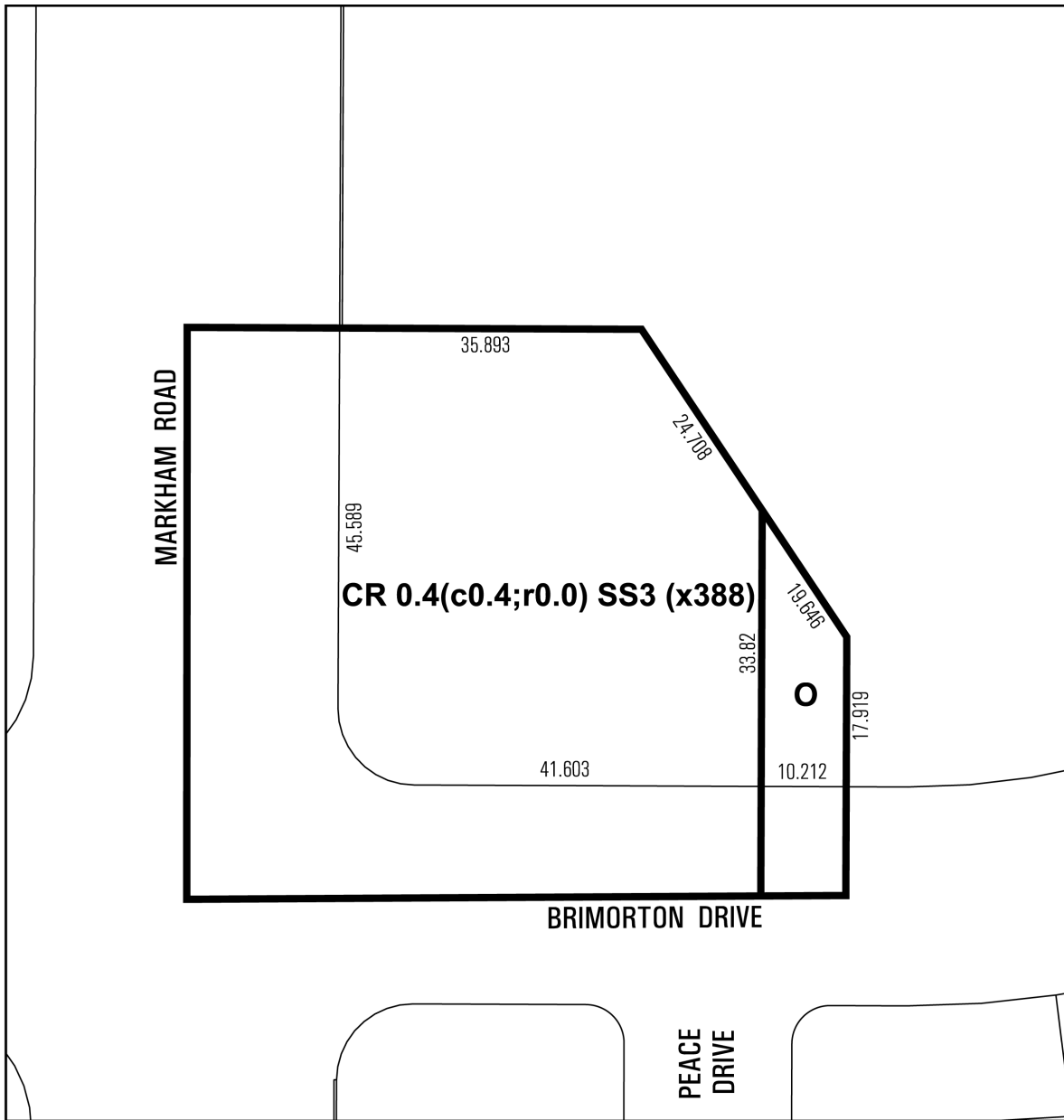
(Seal of the City)



 **TORONTO**
Diagram 1

1021-1035 Markham Road

File # 16 270614 ESC 38.0Z



Toronto
Diagram 2

1021-1035 Markham Road

File # 16 270614 ESC 38.0Z

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and/or density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to the issuance of an above grade building permit, the Owner shall make a financial (cash) contribution to the City of \$832,500 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. \$200,000 for capital improvements to Centennial Recreation Centre for outdoor recreation upgrades including new walking trails;
 - b. \$200,000 for capital improvements to the Board of Health Scarborough Dental Clinic at the Scarborough Civic Centre and/or the Canadian Centre for Refugee and Immigrant Health Care (at 4185 Sheppard Avenue East);
 - c. \$50,000 to Toronto Public Library branches for capital upgrades to the library facilities, including the purchase of musical instruments, in order to deliver the 'Borrow a Musical Instrument' loan program and/or musical equipment for local non-profit community and school bands;
 - d. \$50,000 to Toronto Animal Services for capital improvements/upgrades to the Scarborough Animal Shelter, including but not limited to animal adoption facilities, operating clinic and/or public access improvements;
 - e. \$50,000 to "The Robbie International Tournament" at 45 Fairfax Crescent for capital improvements to the Scarborough Soccer Centre and capital related expenses for hosting the Robbie International Soccer Tournament;
 - f. \$50,000 to Animal Alliance of Canada for capital improvements/ upgrades to the Feral Cat Recovery Centre (at 705 Progress Avenue);
 - g. \$50,000 to the Toronto Wildlife Centre for capital improvements/upgrades to the facility at 60 Carl Hall Road, North York;
 - h. \$50,000 to South Asian Autism Awareness Centre for capital improvements/ upgrades to the facility at 705 Progress Avenue.
 - i. \$50,000 for the not-for-profit 'Skate to Great' loan program in Scarborough schools including North Bendale Public School;
 - j. \$50,000 to Toronto and Region Conservation Authority for capital improvements/upgrades to the Scarborough Butterfly Trail; and

- k. \$32,500 for capital improvements/upgrades to food banks in the local area, including the food bank at St. Ninian's Anglican Church at 930 Bellamy Road.
- (2) 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.
- (3) In the event the cash contributions referred to in Section 1 have 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.