

**CITY OF TORONTO**

**BY-LAW 865-2019(LPAT)**

**To amend former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment District), as amended, with respect to the lands municipally known as, 1250 Markham Road.**

Whereas the Local Planning Appeal Tribunal pursuant to its Decision and Order issued August 17, 2018, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend Scarborough Employment Districts Zoning By-law 24982, as amended, with respect to lands municipally known as 1250 Markham Road; 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 or 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 matter 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, a 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 permitted beyond that otherwise permitted on the aforesaid lands by Scarborough Employment Districts Zoning By-law 24982, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas the Local Planning Appeal Tribunal, by its Order issued on August 17, 2018 in Tribunal File PL171387, determined to amend Zoning By-law 24982, as amended, with respect to the lands;

Scarborough Employment Districts Zoning By-law 24982, as amended, of the former City of Scarborough is further amended by the Local Planning Appeal Tribunal as follows:

- 1. Schedule "A"** of the former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment District) is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1'.

M – 410(f) – 503 – 918 – 1016 – 1121 – 1700 – 2012 – 2713

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

**INTENSITY OF USE**

410.(d) **Gross floor area** of all uses shall not exceed 47,000 square metres (excluding **basements**, including below-grade parking structures and associated parking spaces, ramps, **driveways** and **aisles**; moving rooms; elevator shafts; garbage handling and storage areas including garbage shafts; mechanical penthouse; and exit stairwells in the building).

410.(e) **Gross floor area** of all offices, medical offices, **retail stores, retail services, financial institutions, personal service shops, service shops, restaurants, massage therapy** and **wellness centre** uses which are not **ancillary** to the principal residential use shall not exceed a maximum of 552 square metres, of which **restaurants** shall not exceed 200 square metres.

410.(f) **Gross floor area** of a **place of worship** minus the **gross floor area** of all **basements** shall not exceed 9,705 square metres.

502. **Coverage** of all buildings shall not exceed 38 percent of the area of the lands to which this standard applies.

503. Maximum building **coverage**:

- a. Above-ground parking structure associated with a **place of worship**: 24.5 percent of the area of the lands to which this standard applies.
- b. All other uses: 35.5 percent of the area of the lands to which this standard applies.

724. Maximum 565 apartment **dwelling units**.

**SETBACKS – REAR YARD**

1015. Minimum 8 metres.

1016. Minimum building setback from a **lot line** abutting an **Open Spaces Zone (O)**: 7 metres.

**SETBACKS – FROM LOT LINES OTHER THAN STREET LINES**

1120. Minimum setback of 7 metres and a maximum of 58 metres from the north **lot line**, except that if it does not extend under a public road allowance, an underground parking **structure** may extend to a maximum of 82 metres southerly from the western limit of the northernmost **lot line**. The 82 metre limit does not

apply to a below grade pedestrian-only connection extending between the underground parking **structure** and an adjacent **place of worship**.

1121. Minimum setback of 8 metres and a maximum of 85 metres from the south **lot line**, except that an above-ground parking **structure** may be setback a minimum of 2.5 metres and a maximum of 83 metres from the south **lot line**.

### **SETBACKS – OTHER YARDS**

1173. Minimum setbacks above the fifth **storey**;
- a. Minimum 6 metres from the Markham Road **street line**.
  - b. Minimum 11 metres from the west **lot line**.
  - c. Minimum 18 metres (excluding mechanical and stairwell structures projecting above the roof of the fifth **storey**) from the north **lot line**.

### **PARKING**

1697. Notwithstanding **CLAUSE V - GENERAL PROVISIONS**, Sub-clause **7.2**.  
**Table of Required Parking Rates:**

- a. **Dwelling units** operated by or under the sponsorship of a **non-profit organization** shall be provided with a minimum of 0.6 parking spaces per **dwelling unit** of which:
  - i. A minimum 0.4 parking spaces per **dwelling unit** shall be provided for residents; and
  - ii. A minimum 0.2 parking spaces per **dwelling unit** shall be provided for visitors, which may be provided wholly or partially within an integrated underground parking structure and/or within an above-ground parking structure located a maximum of 175 metres southerly from the western limit of the northernmost **lot line**.
- b. Minimum 1.5 parking spaces per 100 square metres of **gross floor area** shall be provided for offices, medical offices, retail stores, retail services, **financial institutions, personal service shops, service shops, restaurants**, massage therapy and wellness centre uses which are not **ancillary** to the principal residential use.

1698. **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. 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 dimension of 1.9 metres.
  - c. Where bicycles are to be parked in a vertical position, the **bicycle parking spaces** shall have minimum dimensions of 0.6 metres width by 1.2 metres depth per bicycle and minimum vertical dimension of 1.9 metres.
  - d. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.
1699. The following provisions of **CLAUSE V - GENERAL PROVISIONS** are not applicable:
- Sub-Clause 7.1.1 Location.
1700. The following provisions of **CLAUSE V - GENERAL PROVISIONS** are not applicable:
- Sub-Clause 7.4.1. Height (above grade Parking Structures).

### **MISCELLANEOUS**

2092. Indoor and outdoor **amenity space** to be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- a. a minimum of 2 square metres for each **dwelling unit** must be indoor **amenity space**; and
  - b. a minimum of 2 square metres for each **dwelling unit** must be outdoor **amenity space**.

For the purposes of the above, **amenity space** shall mean indoor or outdoor space on a **lot** or parcel that is communal and available for use by the occupants of a building on the **lot** or parcel for recreational or social activities.

2100. Notwithstanding any other provision of this by-law to the contrary, the following projections from the **main wall** are permitted:
- a. Chimneys, pilasters and projecting columns: Maximum 1.7 metres;
  - b. Canopy on the Markham Road frontage: Maximum 1.9 metres but no closer than 1 metre to the **street line**;
  - c. Canopy on the north side of the building: Maximum 1.8 metres but no closer than 5 metres to the north **lot line**; and
  - d. Balconies: Maximum 1 metre, except maximum 1.9 metres permitted above the fifth storey.

### **SECTION 37**

2388. 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 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:

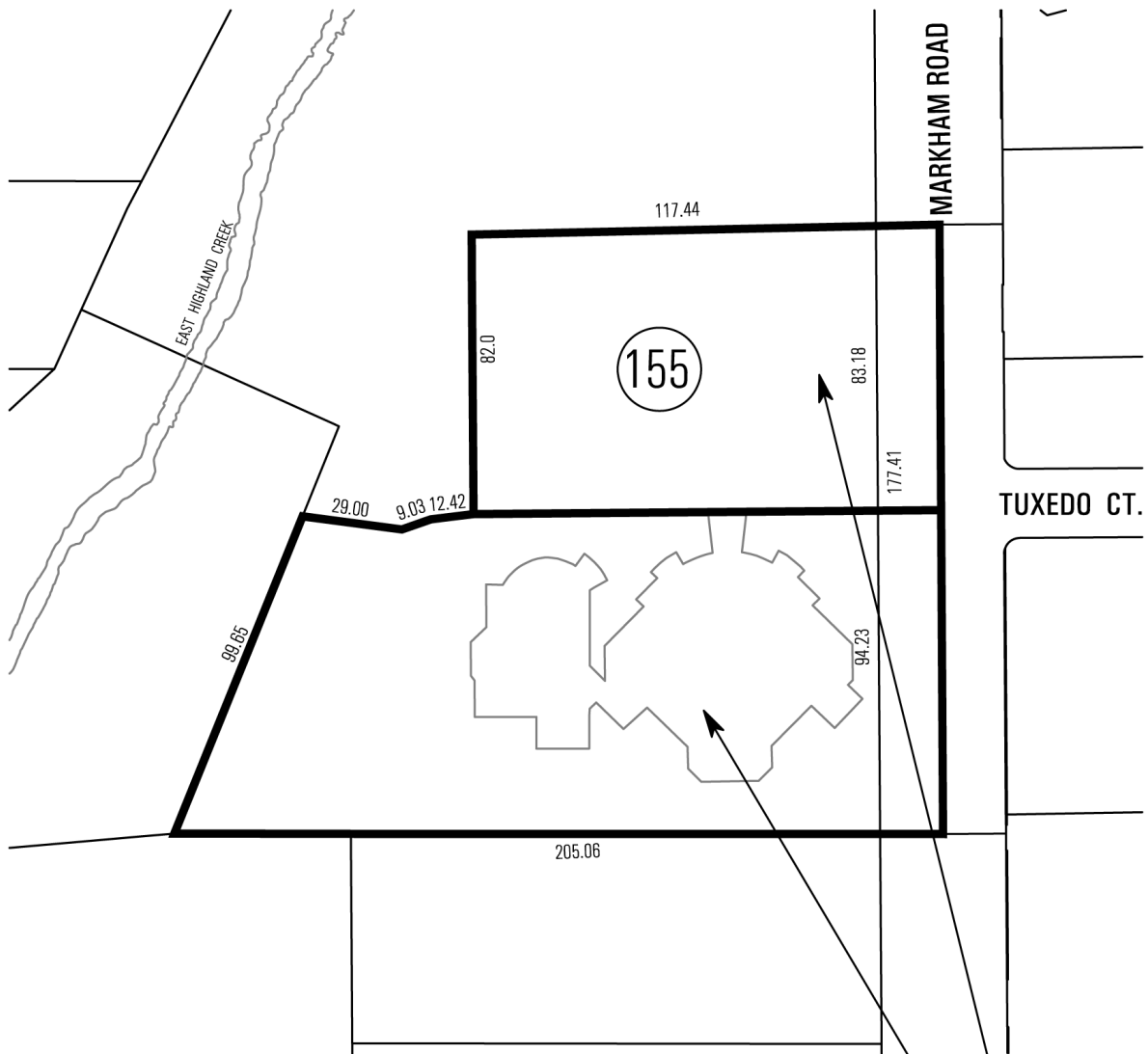
- (1) Prior to the issuance of an above grade building permit, the Owner shall make a financial (cash) contribution to the City of \$1,100,000.00 to be allocated as follows, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made:
  - (i) \$300,000 to the Toronto and Region Conservation Authority for restoration/park creation of Highland Creek lands on the north side of the subject site;
  - (ii) \$200,000 for improvements to Centennial Park and/or Thompson Park, such as but not limited to basketball resurfacing, volleyball court upgrades, playground equipment replacement, walking trails, etc.;
  - (iii) \$150,000 for capital upgrades to 5n2 Kitchens and/or other food bank programs in the local area;
  - (iv) \$150,000 for the not-for-profit 'Skate to Great' loan program in Scarborough schools including North Bendale Public School;
  - (v) \$150,000 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;
- (vi) \$50,000 for improvements to Bendale Library, such as but not limited to a community reading garden;
  - (vii) \$50,000 to the Animal Alliance of Canada for capital improvements/upgrades to the Feral Cat Recovery Centre (705 Progress Avenue); and
  - (viii) \$50,000 to the South Asian Autistic Awareness Centre for capital improvements/upgrades to the facility at 705 Progress Avenue.
- (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) The following Tier 2 levels of performance pursuant to the Toronto Green Standard Checklist (with relevant Sections parenthesized) are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- (i) Enhanced LEV spaces, with 7 parking spaces provided with charging facilities for electric vehicles (Section AQ 1.2 - Optional);
  - (ii) Providing additional tree planting beyond the development site and associated public boulevard, such as on abutting TRCA lands (Section EC 2.7 - Optional);
  - (iii) Enhanced landscaping with native or drought-tolerant vegetation, potentially on abutting TRCA lands (Section EC 3.4 - Optional);
  - (iv) Enhanced lighting to direct architectural lighting downward and turn off lighting from 11:00 p.m. to 6 a.m. during migratory bird season (Section EC 5.2 - Core);
  - (v) Enhanced waste collection & sorting by providing a 3<sup>rd</sup> chute for organic wastes (Section SW 1.4 - Optional);
  - (vi) Enhanced waste storage space with tenants provided with blue bins and organic bins (Section SW 1.5 - Optional); and
  - (vii) Provide a dedicated collection area for household hazardous waste (Section SW 1.6 - Optional).

**INTENSITY OF USE - HEIGHT**

2712. Maximum **height** (including mechanical penthouse) of 92.5 metres and 29 **storeys** (excluding underground parking structures), except maximum **height** (including mechanical penthouse) of 98.5 metres and 31 **storeys** (excluding underground parking structures) is permitted within 40 metres of the Markham Road **street line**.
2713. Maximum **height** of an above-grade parking **structure** (excluding stairwells and elevator rooms): 16 metres.
3. **Schedule 'C', EXCEPTIONS LIST and EXCEPTIONS MAP** are further amended by adding the following Exception 155:
155. Only the following uses are permitted:
- Automated banking machine, meaning a device at which customers can complete self-serve financial transactions;
  - **Dwelling units** which, if operated by or under the sponsorship of a **non-profit organization**, may include **ancillary** common dining area and on-site support services and facilities for residents, which services may include but are not limited to: wellness and fitness programs; seniors daycare; recreational facilities and programming, counseling and training services; worship areas; and social and cultural programs;
  - **Financial institution**;
  - Massage therapy, meaning premises providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation;
  - Medical office;
  - Office;
  - **Personal service shop**;
  - **Restaurant**;
  - Retail service, meaning premises in which photocopying, printing, postal, or courier services are sold or provided;
  - Retail store;
  - **Service shop**;
  - Wellness centre, meaning premises providing services for therapeutic and wellness purposes.

# Schedule '1'



M-410(f)-503-918-1016-1121-1700-2012-2713  
 CR-410(d)-410(e)-502-724-913-1015w-1120-1173-  
 1640-1697-1698-1699-2092-2100-2231-2388-2712

**Toronto** City Planning Division  
**Zoning By-Law Amendment**

1250 Markham Road  
 File # 15 204823 ESC 38 OZ

 Area Affected By This By-Law

Progress Employment District Bylaw  
 Not to Scale  
 07/27/18

