

Authority: Local Planning Appeal Tribunal Decision and Order issued on December 24, 2018, and Order issued on August 31, 2020 in Case PL180389

CITY OF TORONTO

BY-LAW 689-2020(LPAT)

To amend former City of Scarborough Zoning By-law 8786, Birchcliff Community By-law, as amended, with respect to the lands municipally known in the year 2018 as 168, 170, 172, 174, 176, 178, 180, 182 and 184 Clonmore Drive.

Whereas the Local Planning Appeal Tribunal, by its decision issued on December 24, 2018 and Order issued on August 31, 2020, in Tribunal Case PL180389 approved amendments to the former City of Toronto Zoning By-law 8786, as amended, with respect to 168, 170, 172, 174, 176, 178, 180, 182 and 184 Clonmore Drive; 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 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, 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 By-law 8786, 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;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, By-law 8786, as amended, is further amended as follows:

1. **SCHEDULE "A"** of the Birchcliff Community Zoning By-law 8786, as amended, is further amended by deleting the existing Single Family (S) zoning and replacing it with the Apartment Residential (A) Zone and the Performance Standards shown on Schedule 1 so that the amended zoning shall read as follows:

A-274-256-371-372-373-376-378-379-390-391-392-393-394-395-396

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

INTENSITY OF USE

256. Maximum number of **dwelling units** is 121.

MISCELLANEOUS

390. Maximum building **height** 14.5 metres.

391. **Coverage** shall not exceed 41 percent.

392. The **main walls** shall be setback and separated from one another above grade in accordance with Schedule 3 of this by-law.

393. A minimum of 2.5 square metres per **dwelling unit** of outdoor **amenity space** shall be provided on the **lot**.

394. A minimum of 0.68 **bicycle parking spaces** per **dwelling unit** shall be provided for the use of residents and a minimum of 0.07 **bicycle parking spaces** per **dwelling unit** shall be provided for the use of visitors.

395. **Parking spaces** shall be provided in accordance with the following:

- (i) 0.8 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
- (ii) 1.0 **parking spaces** for each bachelor **dwelling unit** greater than 45 square metres;
- (iii) 0.9 **parking spaces** for each one-bedroom **dwelling unit**;
- (iv) 1.0 **parking space** for each two-bedroom **dwelling unit**;
- (v) 1.2 **parking spaces** for each three-bedroom **dwelling unit**; and
- (vi) 0.2 **parking spaces** for visitors for each **dwelling unit**.

396. The requirements in this By-law apply collectively to the lands shown on Schedule 1 of this By-law.

3. **SCHEDULE "C", EXCEPTIONS MAP**, is amended as shown outline on the attached Schedule 2.

4. **SCHEDULE "C", EXCEPTIONS LIST and EXCEPTIONS MAP** is amended by adding Exception Numbers 47 and 49 to the lands outlined on Schedule 2 as follows:

47. (1) On those lands identified as Exception No. 47 on the accompanying Schedule "2" map, the following provisions shall apply and the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense,

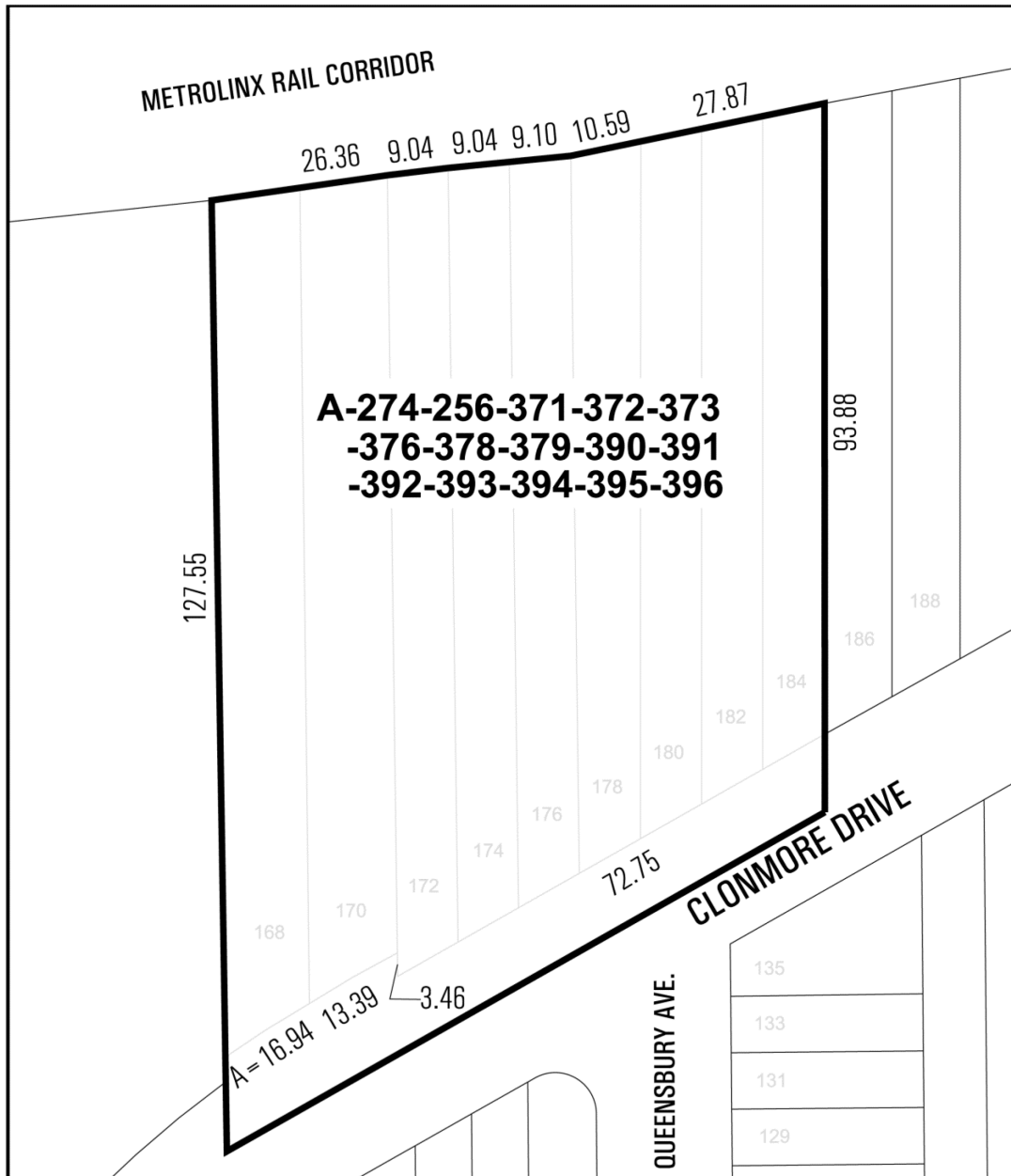
of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands to the satisfaction of the City Solicitor:

- (a) prior to issuance of an above grade building permit, the Owner shall pay to the City a cash payment of five hundred thousand dollars (\$500,000.00), subject to upward indexing as set out in (1) (b) below, to be allocated toward the following to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
 - (i) \$250,000 to Parks, Forestry and Recreation for improvements to the Golf Club Parkette at 100 Ferncroft Drive; and
 - (ii) \$250,000 for public realm enhancements in Birch Cliff such as street furnishings, parkette enhancements such as chess tables, and gateway adornments for the Kingston and Warden intersection such as unique pedestrian lighting at the four corners of Warden and Kingston Road.
 - (b) the financial contribution identified in this subsection (1) (a) above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor;
 - (c) in the event the cash contribution referred to in this subsection (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, City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- (2) Prior to the issuance of the first above grade building permit, the owner shall:
- (a) file a Record of Site Condition (the "RSC") on the Ontario Environmental Site Registry for the entire Site;
 - (b) obtain a Certificate of Property use that address matters of site condition as set out in Ontario Regulation 153/04, as amended; and

- (c) submit to the Chief Engineer and Executive Director, Engineering and Construction Services the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, and the Certificate of Property Use.
- (3) Prior to the earlier of first occupancy for any use, including interim occupancy pursuant to the Condominium Act, 1998 or condominium registration on all or part of the Site, the Owner shall have its Qualified Person certify that methane mitigation measures have been constructed in accordance with the Certificate of Property Use.
- (4) The Owner shall construct and maintain the Development in accordance with Tier 1 performance measures of the Toronto Green Standard, Version 2.
- (5) The Owner shall provide and maintain a twenty-five (25) metre setback to the property line adjacent to the existing Metrolinx rail corridor and a three (3) metre high derailment protection berm in accordance with the recommendations contained in the Derailment Protection Report prepared by Johnson Sustronk Weinstein + Associates dated November 2019 on file with City Planning Division, Scarborough District.

49. A **stacked bicycle parking space** may have a minimum width of 0.45 m.


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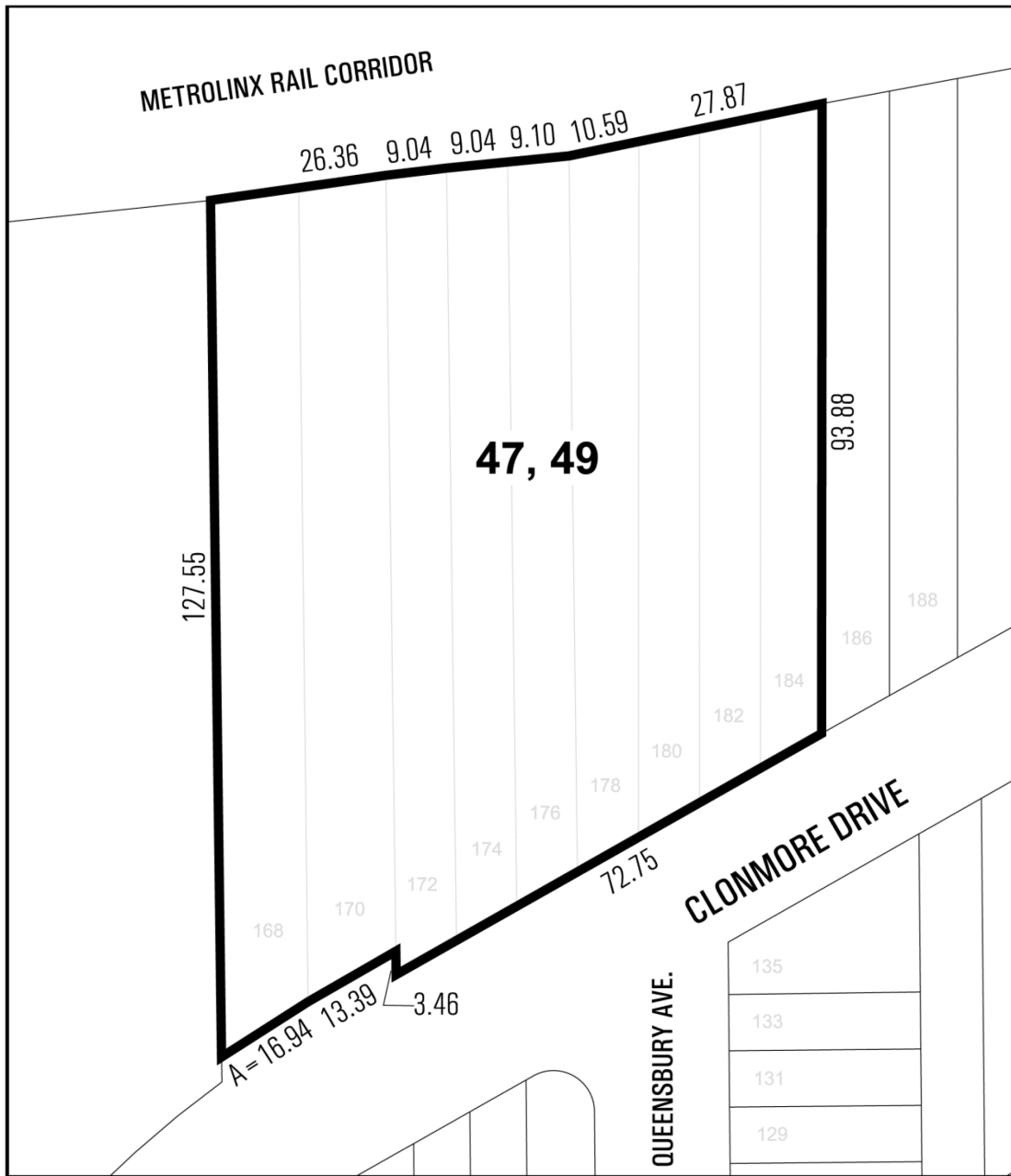



Schedule 1

168-184 Clonmore Drive

File # 15 106475 ESC 36 OZ


Birchcliff Community By-law
Not to Scale
10/31/2019

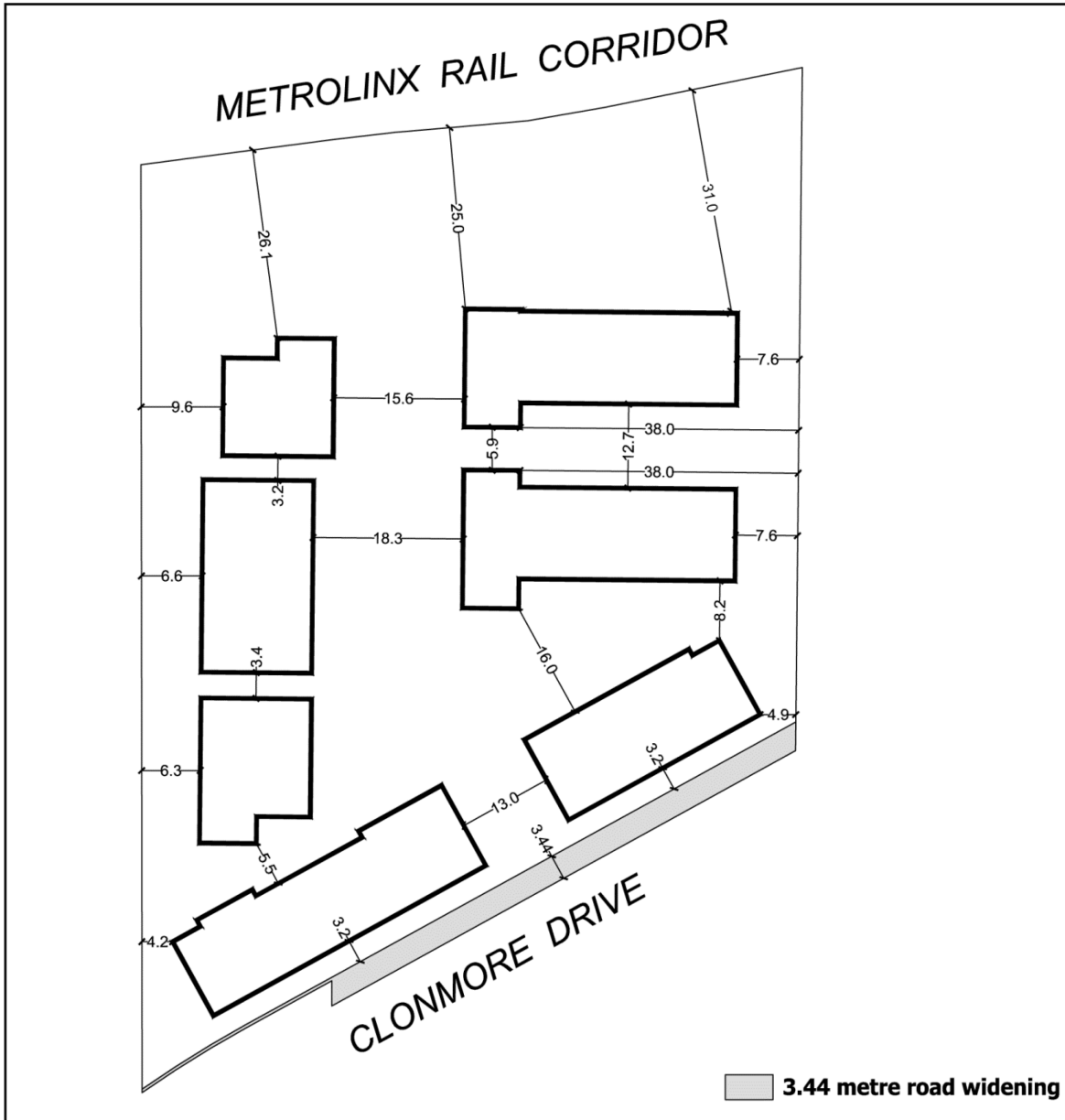


TORONTO
Schedule 2

168-184 Clonmore Drive

File # 15 106475 ESC 36 0Z


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Birchcliff Community By-law
Not to Scale
10/31/2019



 **TORONTO**
Schedule 3

168-184 Clonmore Drive

File # 15 106475 ESC 36 0Z


City of Toronto By-Law 569-2013
Not to Scale
10/31/2019