

Authority: Scarborough Community Council Item SC17.1  
as adopted by City of Toronto Council on September 30,  
October 1 and 2, 2020

## CITY OF TORONTO

### BY-LAW 47-2021

**To amend former City of Scarborough L'Amoreaux Community Zoning By-law 12466, as amended, with respect to the lands municipally known as 3050 Pharmacy 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 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 pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services and 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 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; 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 L'Amoreaux Community Zoning By-law 12466, as amended, is amended by deleting the existing zoning and replacing it with the attached **SCHEDULE 1** so that the amended zoning shall read as follows:

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2. **CLAUSE V – DEFINITIONS** is amended by adding the following definitions:

- (i) "Existing Building" means the existing **apartment building** municipally known as 3050 Pharmacy Avenue and ancillary structures, including an **underground parking structure** and enclosed garage entry ramp located on the lands in the year 2020 as shown on Schedule 1 of By-law 47-2021;

- (ii) "New Building" means the proposed **apartment building** on the lands as shown on Schedule 1 of By-law 47-2021;
- (iii) "Amenity Space" shall mean indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities;
- (iv) "**Gross Floor Area**" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the **main wall** of each floor level. The **Gross Floor Area** of an **apartment building** is reduced by the area in the building used for:
  - a. parking, loading and bicycle parking in the **basement**;
  - b. required loading spaces and required bicycle parking spaces at or above established grade;
  - c. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
  - d. shower and change facilities required by this By-law for required bicycle parking spaces;
  - e. indoor amenity space required by this By-law;
  - f. elevator shafts;
  - g. garbage shafts;
  - h. mechanical penthouse; and
  - i. exit stairwells in the building.

**3. PERFORMANCE STANDARDS CHART – SCHEDULE B, L'Amoreaux**  
Community Zoning By-law 12466, as amended, is further amended by adding the following Performance Standards:

**INTENSITY OF USE**

- 536. The total residential **gross floor area** of the New Building shall not exceed 28,750 square metres;
- 537. The total **gross floor area** located within the Existing Building shall not exceed the **gross floor area** existing therein as of December 1, 2019, provided that, **gross floor area** means the sum of the total area of each floor level of the Existing Building above-grade, measured from the exterior of the **main wall** of each floor level;

538. A maximum of 305 **dwelling units** are permitted in the New Building;
539. A maximum of 252 **dwelling units** are permitted in the Existing Building;
540. **CLAUSE V1 – PROVISIONS FOR ALL ZONES**, Sub Clause 6, **Coverage** shall not apply.

#### **BUILDING SETBACKS**

541. The minimum **setbacks** from the **lot** line(s) to the **main wall**(s) of any building(s) and minimum separation distances between buildings shall be the minimum distance in metres specified by the numbers on attached **SCHEDULE 2**.
542. A minimum **front yard setback** of 7.0 metres from Finch Avenue East for the New Building;
543. A minimum **flankage yard setback** of 3.0 metres from Pharmacy Avenue for the New Building;
544. A minimum **setback** of 22.0 metres from the Existing Building to the New Building;
545. A minimum interior **side yard setback** of 14.5 metres from the westerly lot line for the New Building;
546. No portion of the New Building or structure above finished ground level is located other than wholly within the areas delineated by heavy lines on **SCHEDULE 2** of By-law 47-2021 with the exception of the following:
- (i) Lighting fixtures, cornices, sills, eaves, parapets, balustrades, ornamental and architectural features, bay windows, gas and hydro metres, and window washing equipment attached to a building or structure may project a maximum distance of 3.0 metres beyond the heavy lines shown on **SCHEDULE 2**;
  - (ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, underground garage ramps and associated structures, walls and safety railings, wind mitigation elements, trellises, guards, guardrails, retaining walls, wheelchair ramps, air intakes and vents, ventilating equipment, bike share facilities, outdoor amenity space elements, ornamental or architectural features, including planters, green energy and renewable energy elements, gas and hydro meters, and art installations may be located at ground level beyond the heavy lines shown on **SCHEDULE 2**, in accordance with the **height** limits set out in Performance Standard 549 of this exception;
  - (iii) Canopies and awnings to a maximum distance of 3.0 metres;

- (iv) Balconies may project a maximum distance of 2.0 metres beyond the heavy lines shown on **SCHEDULE 2**; and
- (v) Structures, elements and enclosures permitted by Performance Standard 549 of this exception.

## **HEIGHT**

547. **CLAUSE V1 – PROVISIONS FOR ALL ZONES**, Sub Clause 10, **Height of Apartment Buildings** shall not apply.
548. The **height** of each portion of a building or structure on the lot, is measured as the vertical distance between the Canadian Geodetic Datum elevation of 183.65 metres, and the highest point of the building or structure.
549. The **height** of any building or structure does not exceed the **height** in metres and storeys specified by the numbers on **SCHEDULE 2** attached hereto and forming part of this By-law but in no case shall it exceed 60 metres to the highest point of the building with the exception of the following:
- (i) Structures, elements and enclosures as permitted by Performance Station 546 of this exception;
  - (ii) Parapets to a maximum **height** of 1.5 metres;
  - (iii) Window washing equipment to a maximum **height** of 3.0 metres;
  - (iv) Structures on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum vertical projection above the permitted **height** limits specified of **SCHEDULE 2** of 1.5 metres;
  - (v) Structures on any roof used for maintenance, safety, wind or green roof purposes, including architectural screens, stairs and related enclosures, and lightning rods, provided that the maximum **height** of such elements is no higher than 3.0 metres above the **height** limits specified on **SCHEDULE 2**;
  - (vi) Structures at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided that the maximum **height** of such elements is no higher than 1.2 metres above ground level;
  - (vii) Structures at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share

facilities, outdoor **amenity space** elements, and safety railings, provided that the maximum **height** of such elements is no higher than 2.0 metres above ground level;

- (viii) **Structures** at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum **height** of such elements is no higher than 4.0 metres above ground level; and
- (ix) The **height** of the Existing Building shall not exceed the **height** of such building as it existed on the lot on December 1, 2019.

### **AMENITY SPACE**

- 550. A minimum of 2.0 square metres per **dwelling unit** in the New Building must be provided as indoor amenity space.
- 551. A minimum of 2.0 square metres of per **dwelling unit** in the New Building must be provided as outdoor amenity space of which a minimum of 40 square metres must be provided in a location directly adjacent to an area containing indoor amenity space.
- 552. The amenity space provided must be available and accessible to the residents of the Existing Building.
- 553. **CLAUSE V1 – PROVISIONS FOR ALL ZONES**, Sub Clause 18, **Lands Not Covered by Buildings** shall not apply.

### **LOADING**

- 554. A minimum of one Type "G" loading space is required for the New Building and shall have the following dimensions:
  - (i) minimum length of 13.0 metres;
  - (ii) minimum width of 4.0 metres; and
  - (iii) minimum vertical clearance of 6.1 metres.
- 555. Any loading spaces existing on the lands in 2019 are deemed to comply.

### **PARKING**

- 556. **CLAUSE V11 – GENERAL PARKING PROVISIONS FOR ALL ZONES** shall not apply.
- 557. **Parking spaces** must be provided on the **lot** in accordance with the following:
  - (i) **0.85 parking spaces** for each **dwelling unit** for residents; and

- (ii) 0.15 **parking spaces** for each **dwelling unit** for residential visitors.
558. An accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.4 metres;
  - (iii) vertical clearance of 2.1 metres; and
  - (iv) a 1.5-metre-wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**.
559. Despite any provision of this Exception or By-law 12466, as amended, to the contrary, any **parking spaces**, drive aisles, **driveways** and ramps existing on the **lot**, as of December 1, 2019 may be maintained and are deemed to comply with the requirements of the L'Amoreaux Zoning By-law 12466, as amended.

#### **BICYCLE PARKING SPACES**

560. Bicycle parking spaces required for the New Building must be provided as follows:
- (i) A minimum of 0.68 bicycle parking spaces for each **dwelling unit**, allocated as "long-term" bicycle parking spaces; and
  - (ii) A minimum of 0.07 bicycle parking spaces for each **dwelling unit** allocated as "short-term" bicycle parking spaces.
561. Any bicycle parking spaces existing or relocated on the lot as of December 1, 2019 are deemed to comply.

#### **MISCELLANEOUS**

562. Despite any existing or future consent, severance, partition or division of the lands as shown on Schedule 2, the provisions of this By-law 47-2021, shall apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division occurred.
563. Within the lands shown on Schedule "1" attached to this By-law, 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:
- (i) 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

- (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

**4. EXCEPTIONS MAP – SCHEDULE C, L'Amoreaux Community Zoning**  
By-law 12466, as amended, is further amended by adding Exception Number 100 to the lands as outlined on **SCHEDULE 3**.

**5. EXCEPTIONS LIST – SCHEDULE C, L'Amoreaux Community Zoning**  
By-law 12466, as amended, is further amended by adding the following Exception Number 100:

100. Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

- (1) The Owner shall design and construct twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building on the lot; the minimum average unit size of the purpose built affordable rental dwelling units shall be at least 78 square metres; the purpose built affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units; and the general configuration and layout of the twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (2) The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units as rental dwelling units for a minimum of 20 years, beginning with the date each such unit is first occupied; no affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 20 years from the date of first occupancy; upon the expiration of the 20 year period, the Owner shall continue to provide and maintain the purpose built affordable rental dwelling units as rental dwelling units, unless and until such time as the Owner has applied for and obtained all approvals necessary to do otherwise;
- (3) The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied; during the first 15 years of occupancy, increases to initial rents charged to tenants

occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline;

- (4) Prior to the issuance of the first above-grade building permit, the Owner shall provide a \$250,000 cash contribution to be directed to improvements to parks facilities in the vicinity of the development, said financial contribution to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment; and
- (5) In the event the cash contribution referred to in (4) above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment 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 Ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.
- (6) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - (A) the Owner shall continue to provide and maintain the 252 existing rental dwelling units on the lands at 3050 Pharmacy Avenue as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - (B) the Owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline; access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site;
  - (C) the Owner shall undertake improvements to the existing rental apartment building, taking into account tenant responses to the



required Tenant Survey related to programming of amenity space, to the satisfaction of the Chief Planner and Executive Director, City Planning or their designate, including, but not limited to, the matters set out in Parts (D) and (E) below;

- (D) prior to the first above-grade building permit for any part of the development the Owner shall:
- (i) upgrade the laundry room in the existing residential rental building, including accessibility improvements such as including push button automatic doors and a clothes folding table which is universally accessible within the laundry room;
  - (ii) provide a minimum of 54 short-term bicycle parking spaces near the rear entrance of the Existing Building; and
  - (iii) provide new indoor amenity space of 120 square metres within the existing residential rental building which shall include but not be limited to: a fitness room and/or communal/multi-purpose space which shall include, a kitchen, tables and chairs, and a washroom, with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement.
- (E) prior to first occupancy of any new residential units in the development the Owner shall:
- (i) provide new outdoor amenity space, to be shared between residents of the existing and new residential rental building(s), having a minimum size of 856 square metres, including new, replaced and improved outdoor amenity space with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
  - (ii) provide new outdoor amenity space of 606 square metres, and 250 square metres of replaced and improved existing outdoor amenity space, which shall include but not be limited to: outdoor seating; community garden; planting and landscape treatments; and, play structure/equipment with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
  - (iii) improve the existing waste management facilities for the existing rental building, including indoor storage of

garbage, recycling and composting, located at the New Residential Building; and

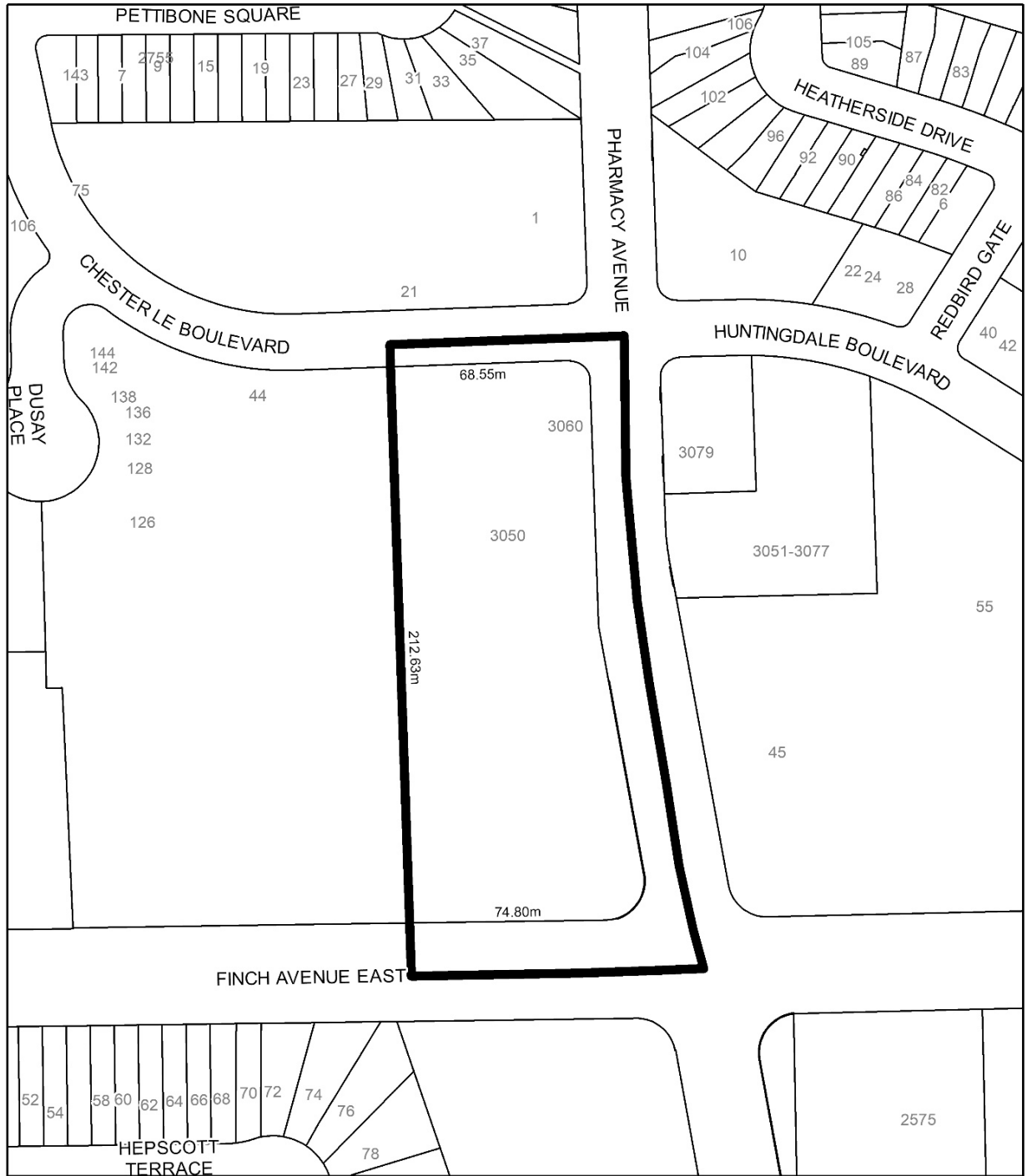
- (iv) ensure aesthetic and other improvements to the existing buildings garbage and recycling facilities be provided;
- (F) the costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline;
- (G) prior to Site Plan Approval for the development agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (H) provide a minimum of 50 percent of all new units in the proposed 16-storey residential building as 2-bedroom units and provide a minimum 17 percent of all new units in the proposed 16-storey residential building as 3-bedroom units; and
- (I) 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 2009.PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of Item 2017.PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.

Enacted and passed on February 5, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
Interim City Clerk

(Seal of the City)

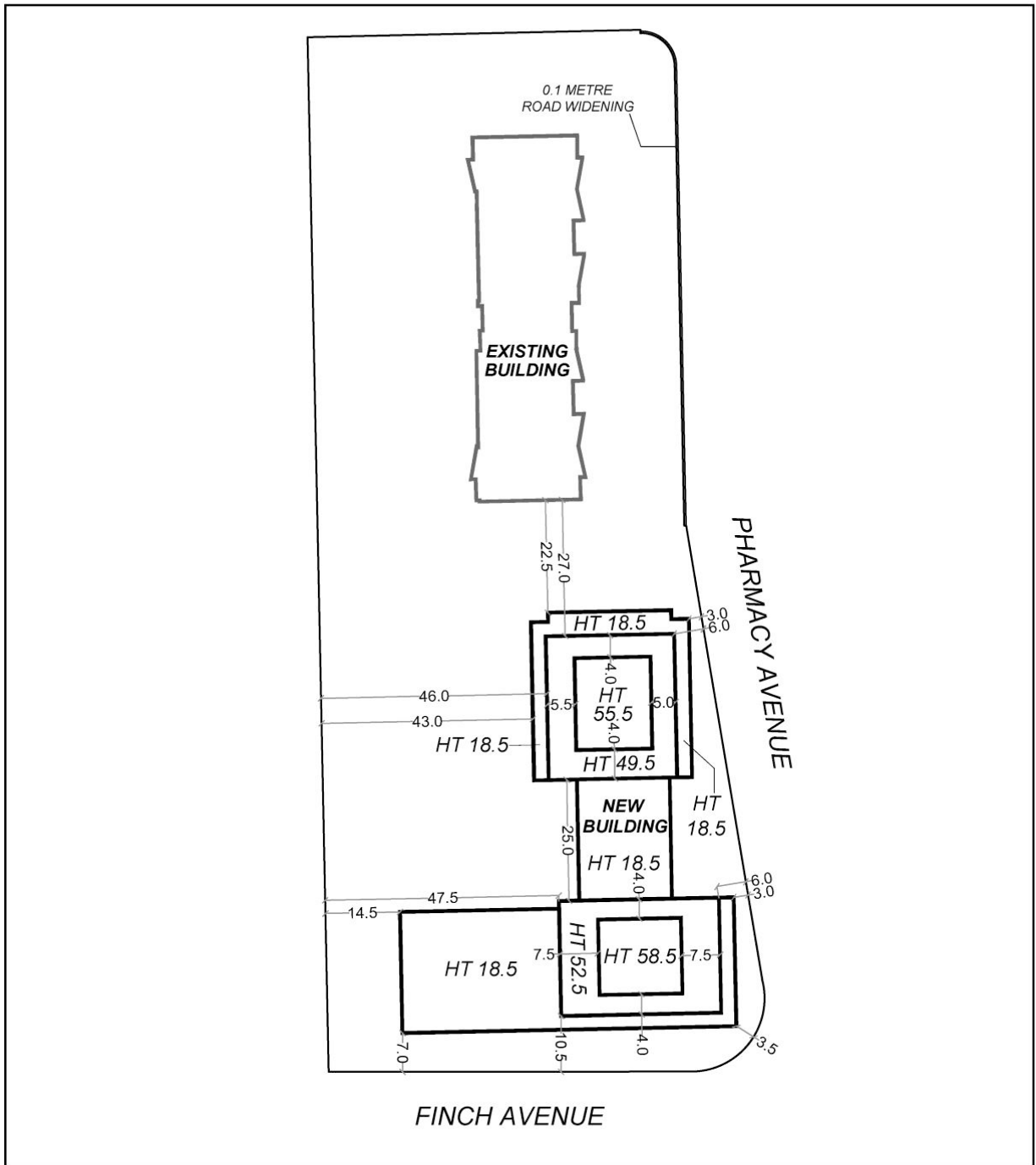


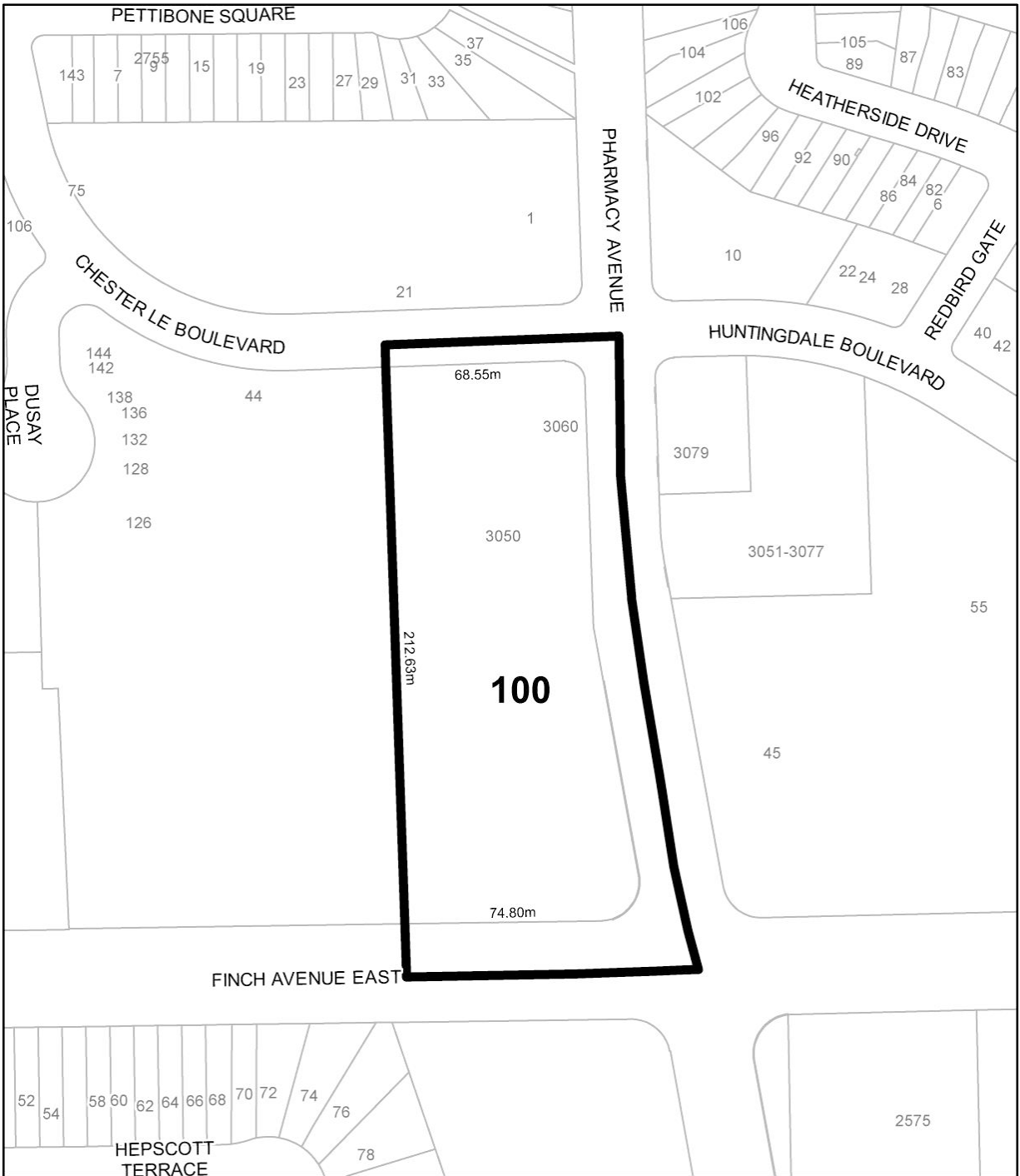
 **TORONTO**  
Schedule 1

**3050 Pharmacy Avenue**

File # 18 272965 ESC 22 OZ

  
L'Armcoreaux Community By-law 12466  
Not to Scale  
07/21/2020





 **TORONTO**  
Schedule 3

**3050 Pharmacy Avenue**

File # 18 272965 ESC 22 OZ

