

Authority: Scarborough Community Council  
Item SC26.1, as adopted by City of Toronto  
Council on October 1 and 4, 2021

## **CITY OF TORONTO**

### **BY-LAW 932-2021**

**To amend the former City of Scarborough By-law 10010, Scarborough Village Community, as amended, with respect to the lands municipally known in the year 2020 as 66 and 80 Dale Avenue.**

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 increased 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, 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 pursuant to Section 39 of the Planning Act, the Council of the City of Toronto may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law; 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 Scarborough Village Community Zoning By-law 10010, as amended, are 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;

The Council of the City of Toronto enacts:

1. **SCHEDULE "A"** of the Scarborough Village Community Zoning By-law 10010, as amended, is further amended for the lands outlined in the attached Schedule '1' by deleting the current zoning so that the amended zoning reads as follows:

A-231-232-233-234-235-236-282-283-284-285-450-451-470-490

and

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

**Accessible**

means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11.

**Type B loading space**

means areas used for the loading or unloading of goods or commodities from a vehicle that is a minimum of 3.5 metres wide, 11.0 metres long and has a minimum vertical clearance of 4.0 metres.

**Type G loading space**

means areas used for the loading or unloading of goods or commodities from a vehicle that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

3. **Schedule "B" - PERFORMANCE STANDARD CHART** is amended, by adding the following Performance Standards for the lands within the boundaries of the Apartment Residential (A) zone, as shown as Schedule 1 attached:

**INTENSITY OF USE**

282. Maximum **gross floor area** shall not exceed 1.75 times the area of the lot.
283. Maximum of 285 **dwelling units**.
284. Minimum of 15 percent of the total number of **dwelling units** shall have two bedrooms.
285. Minimum of 5 percent of the total number of **dwelling units** shall have three bedrooms.

## **BUILDING SETBACKS**

450. The minimum building **setbacks** shall be provided as shown on Schedule 2 to By-law 932-2021, with the exception of the following elements that may encroach into the required minimum building **setbacks**:
- (i) Terraces and privacy screens located at grade to a maximum of 4.0 metres;
  - (ii) Safety railings located at grade to a maximum of 4.5 metres;
  - (iii) Canopies located at building entrances to a maximum of 3.6 metres;
  - (iv) Stairs to a maximum of 7.0 metres;
  - (v) light fixtures, fences, ornamental elements, ventilation shafts, mechanical equipment, guardrails, balconies, balcony dividers, bollards, accessibility ramps or other elevating devices, site servicing features, window washing equipment, building envelope membranes, screening, fences, pergolas, trellises, and landscaping elements and features to a maximum of 2.5 metres; and
  - (vi) vents, pipes, eaves, cornices, roof overhangs, roof drainage, parapets, balustrades, windowsills, pilasters, chimney breasts, bay windows, columns, stair enclosures and other minor architectural elements to a maximum of 1.5 metres.
451. The minimum building **setbacks** from a lot line from below grade structures shall be:
- a. 0.0 metres from the west and south property lines;
  - b. 18.0 metres from the north property line; and
  - c. 17.0 metres from the east property line.

## **HEIGHT**

470. 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 146.1 metres and the highest point of the **building** or structure, and must not exceed the **height** in metres as specified in numbers following the symbol HT and the number of storeys specified by the symbol ST as shown on Schedule 2 to By-law 932-2021, with the exception of the following:
- (i) elements of a green roof, parapets, awnings, guard rails, railings and dividers, balustrades, eaves, roof drainage and assemblies, scuppers, fall-arrest systems, chimneys, stacks, vents, windowsills, insulation and building envelope membranes, decking, pavers, bollards, and built-in

planter boxes, bollards, columns, architectural features, screens, and weather vanes may project to a maximum of 1.5 metres;

- (ii) wind, noise or privacy screens or other unenclosed structures/mitigation measures, balustrades, railings and dividers, pergolas, trellises, eaves, skylights, light fixtures, access hatches, window washing equipment, lightning rods, stair enclosures, terraces, ancillary mechanical equipment, and landscaping elements and structures located on the roof used for outside or open air recreation may project to a maximum of 3.0 metres; and
- (iii) solar panels may project to a maximum of 5.0 metres.

## **PARKING**

### 232. Notwithstanding **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES:**

- a. Parking spaces shall be provided at the following minimum rates:
  - i. 0.7 parking spaces per **dwelling unit** for bachelor units (less than 45 square metres **gross floor area**);
  - ii. 1.0 parking spaces per **dwelling unit** for bachelor units (greater than 45 square metres **gross floor area**);
  - iii. 0.8 parking spaces per **dwelling unit** for one-bedroom units;
  - iv. 0.9 parking spaces per **dwelling unit** for two-bedroom units;
  - v. 1.1 parking spaces per **dwelling unit** for three-bedroom units; and
  - vi. 0.15 parking spaces per **dwelling unit** for residential visitors.
- b. Parking spaces shall be provided at the following maximum rates:
  - i. 1.0 parking spaces per **dwelling unit** for bachelor units (less than 45 square metres **gross floor area**);
  - ii. 1.3 parking spaces per **dwelling unit** for bachelor units (greater than 45 square metres **gross floor area**);
  - iii. 1.2 parking spaces per **dwelling unit** for one-bedroom units;
  - iv. 1.3 parking spaces per **dwelling unit** for two-bedroom units; and
  - v. 1.6 parking spaces per **dwelling unit** for three-bedroom units.

233. **CLAUSE V11 – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Sub-Section 1.2.2, Sum of Requirements shall not apply.
234. A minimum of 1.0 **Type G loading space** and a minimum of 1.0 **Type B loading space** shall be provided.
235. An **accessible parking space** shall have the following minimum dimensions:
- a. length of 5.6 metres;
  - b. width of 3.4 metres;
  - c. vertical clearance of 2.1 metres; and
  - d. a 1.3 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an **accessible parking space**.
236. **Bicycle parking spaces** shall be provided at a rate of:
- a. 0.68 long-term **bicycle parking spaces** for each **dwelling unit**; and
  - b. 0.07 short-term **bicycle parking spaces** for each **dwelling unit**.

#### MISCELLANEOUS

490. Indoor and outdoor **amenity space** shall 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**, which may include a guest suite containing a bathroom; and
  - b. a minimum of 2 square metres for each **dwelling unit** must be outdoor **amenity space**.
4. **SCHEDULE "C" EXCEPTIONS MAP and LIST**, as amended by adding the following Exception Number 50, as outlined on Schedule 3, so that it reads as follows:
50. On those lands identified as Exception Number 50 on the accompanying SCHEDULE "C" Map, the following provisions shall apply:
- A. A temporary sales office is permitted for the purpose of the marketing and sales of the dwelling units on these lands, for a period of three (3) years from the date this By-law comes into full force and effect.

**B. SECTION 37**

Pursuant to Section 37 of the Planning Act, R.S.O. 1990, c. P.13, as amended and subject to compliance with this By-law, the increase in height and density of the development on the lands at is permitted in return for the provision by the owner, at the owner's expense of the following facilities, services and matters:

- a. The community benefits secured in the Section 37 Agreement are as follows:
  1. Prior to the issuance of the first above grade building permit, the Owner shall make a cash contribution to the City in the amount of eight hundred thousand dollars (\$800,000) to be used for 'above base' improvements to the proposed public park located on Dale Avenue to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR).
  2. The cash contribution outlined 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 Table: 18-10-0135-01, or its successor.
  3. In the event the cash contribution outlined above has not been used for the intended propose 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 Ward 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.
- b. The other matters secured in the Section 37 Agreement as a legal convenience to support the development are as follows:
  1. The owner shall construct and maintain, at its own expense, an area of not less than 2,438 square metres along the northern and western edges of the development site (80 Dale Avenue), for use by the general public as Privately Owned Publicly Accessible Open Space (POPS) walking trail with the specific location, configuration and design to be determined and secured in the context of Site Plan

Approval to the satisfaction of the Chief Planner and Executive Director, City Planning.

2. Prior to the issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
3. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard. Through the site plan approval process, City staff will work with the owner to try and achieve the application of Tier 2 of the Toronto Green Standard, or higher, to the development where possible.
4. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
  - a. Incorporation in the construction of the building of exterior materials shown on 1:50 scale drawings as approved by the Chief Planner and Executive Director, City Planning and submitted as part of the Site Plan Approval process;
  - b. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - c. Construction of the City sidewalk to City standards from the proposed new driveway at 80 Dale Avenue to the existing driveway at 90 Dale Avenue that is closest to Kingston Road, to the satisfaction of the General Manager, Transportation Services;
  - d. Incorporation of signage to identify the proposed Privately Owned Publicly Accessible Open Space (POPS) walking trail to be located at the entrance of the development site;

- e. Provision of a construction management plan which includes an on-site contact during the construction process for residents and stakeholders to contact;
- f. Satisfy the requirements of Metrolinx and the Canadian National Railway, particularly regarding noise and vibration attenuation requirements and operational easement requirements, and insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration; and
- g. Satisfy the applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

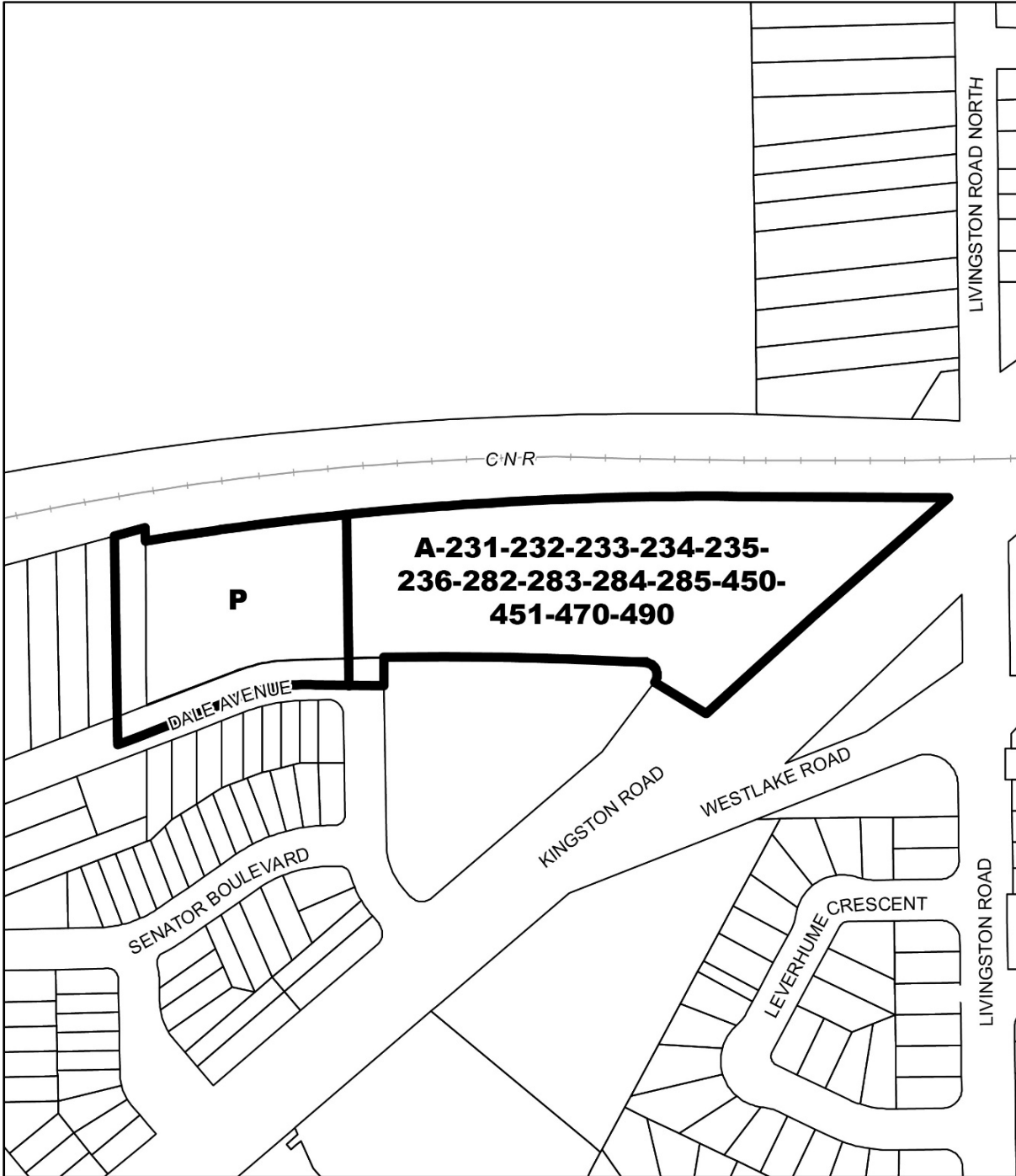
Enacted and passed on November 12, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)





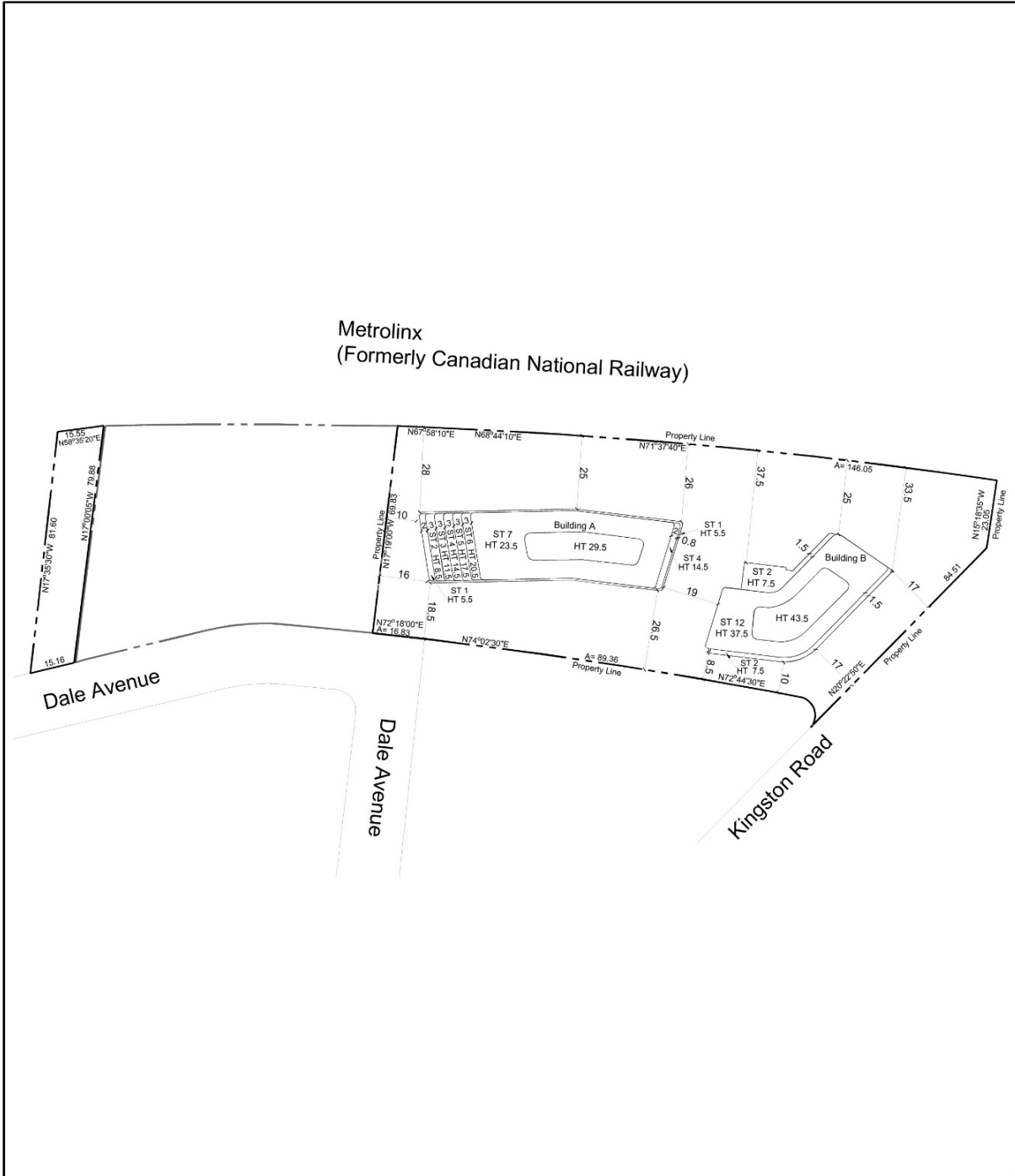
 **TORONTO**  
Schedule 1

**66 and 80 Dale Avenue**

File #'s 18 154389 ESC 36 OZ and 19 184442 ESC 24 SA



See Former City of Scarborough Village Community By-law No. 10010  
Not to Scale  
08/17/2021

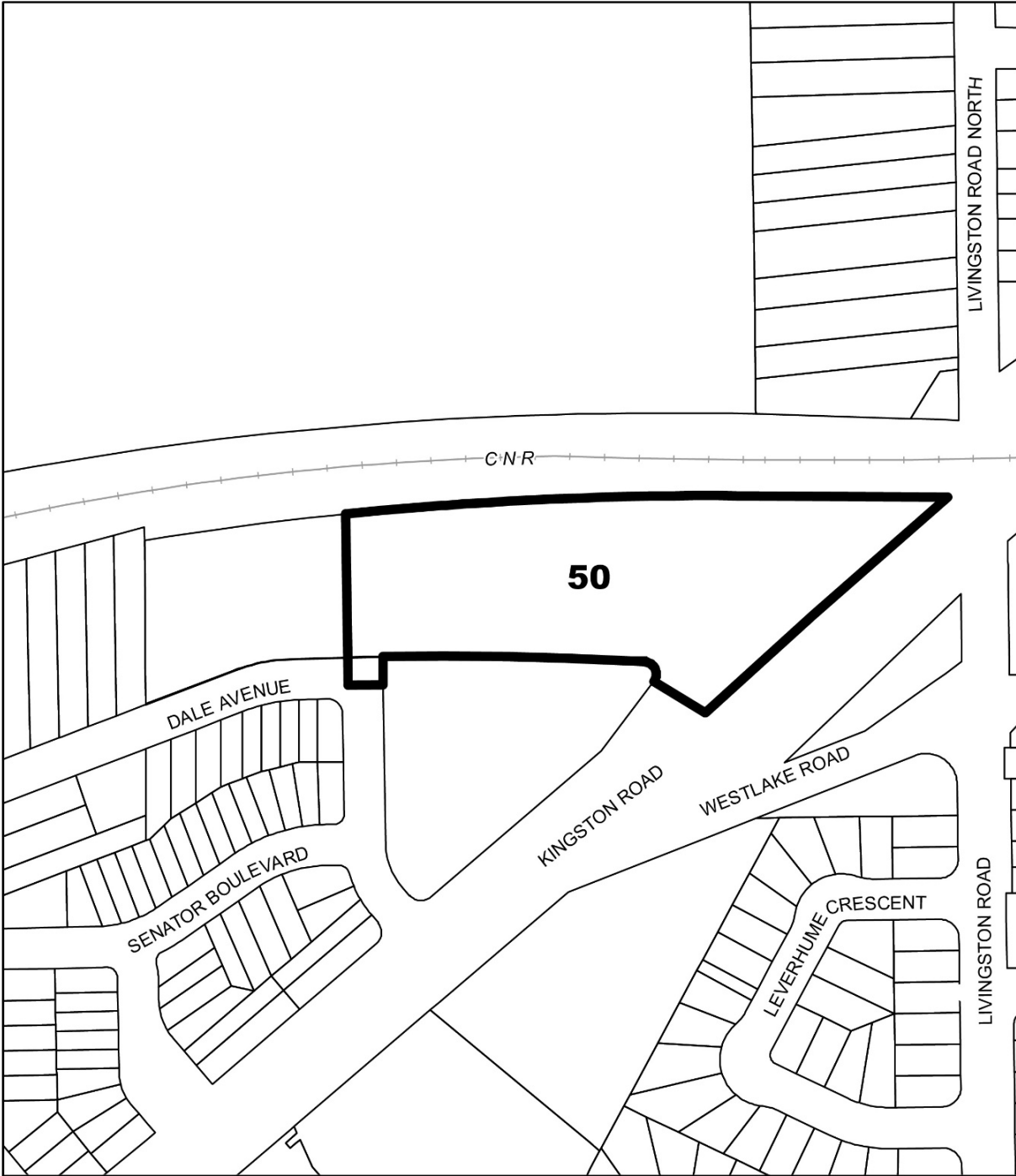


 **TORONTO**  
Schedule 2

**66 and 80 Dale Avenue**

File #'s 18 154389 ESC 36 OZ and 19 184442 ESC 24 SA

  
See Former City of Scarborough Village Community By-law No. 10010  
Not to Scale  
08/17/2021



 **TORONTO**  
Schedule 3

**66 and 80 Dale Avenue**

File #'s 18 154389 ESC 36 OZ and 19 184442 ESC 24 SA

  
See Former City of Scarborough Village Community By-law No. 10010  
Not to Scale  
08/17/2021