

Authority: Scarborough Community Council Item SC33.3,
as adopted by City of Toronto Council on July 19, 20, 21
and 22, 2022

CITY OF TORONTO

BY-LAW 972-2022

To amend former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment District), as amended, with respect to the lands known municipally in 2021 as 25 Borough Drive.

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 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 Employment Districts Zoning By-law 24982 (Progress Employment District), 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; and

Whereas Performance Standard 2390 of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same;

The Council of the City of Toronto enacts:

- 1. SCHEDULE "A" of the former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment District), as amended, is further amended by**

substituting new zoning on portions of the lands as shown outlined on Schedule 1 and forming part of this By-law so that the amended zoning shall read as follows:

CCR – 893-894-895-1200-1201-2029-2245-2246-2247-2248-2390-2718-2719-2914-2915-2916-2917-2918-2919-2920

493

P

CCC(H), CCO(H) – 49-1371-2029

518
525
545

CCR(H) – 709-913-1574-1846

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

Ancillary means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, building or **structure**.

Artist Studio means premises used for creating art or craft.

Car-share or car-sharing means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building or short term rental, including hourly rental.

Car-share parking space means a parking space exclusively reserved and signed for a car used only for car-share purposes.

Custom Workshop means premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass-production.

Stacked bicycle parking space shall mean means a horizontal **bicycle parking space** that is positioned above or below another **bicycle parking space** and equipped with a mechanical device providing floor level access to both **bicycle parking spaces**.

3. **SCHEDULE "B", PERFORMANCE STANDARDS CHART** of the former City of Scarborough Employment Districts Zoning By-law 24982 (Progress Employment District), as amended, is further amended by adding the following Performance Standards:

INTENSITY OF USE

893. **Gross floor area** of all uses shall not exceed 110,000 square metres, measured to the exterior walls, for the lands shown as Area 'A' and Area 'B' on Schedule 3, (excluding **basements**, which include below-grade parking **structures** and associated parking spaces, ramps, **driveways** and **aisles**; storage rooms, washrooms in common areas, electrical, mechanical and ventilation rooms; **utility**

rooms; loading facilities; **bicycle parking spaces**; shower and change facilities required for **bicycle parking spaces**; indoor **amenity space**; moving rooms; elevator shafts; garbage handling and storage areas, including garbage shafts; mechanical penthouse; void areas; and exit stairwells in the building), and:

- a. for permitted non-residential uses a maximum gross floor area of 2,000 square metres.

894. Maximum 1,285 **dwelling units** of which:

- a. minimum of 15 percent of the **dwelling units** must contain two bedrooms;
- b. a minimum of 10 percent of the **dwelling units** must contain three bedrooms; and
- c. if the number of **dwelling units** required in a. and b. above results in a decimal, the number will be rounded down if the decimal is less than 0.5 and will be rounded up if it results in a decimal of 0.5 or greater.

895. The portions of a building or structure, measured from the exterior of the main wall of each floor level and inclusive of the entire floor, must not exceed a maximum floor area of 781 square metres when:

- a. located above the eight-storey in the North Block; and
- b. located above the ninth-storey in the South Block.

SETBACKS

1200. The setbacks and stepbacks from the **lot** line(s) to the **main wall**(s) of any building(s) and additional stepbacks from the **main wall**(s) of any building(s) to the **main wall**(s) of any building(s) shall be the minimum distance in metres specified by the numbers on Schedule 2 of By-law 972-2022.

1201. The following building elements and **structures** may encroach into a required minimum building setback from the **main wall** as follows:

- a. balconies, awnings, **canopies**, porches, stoops, lighting fixtures, ornamental elements, trellises, cornices, window sills, stairs, wheelchair ramps, balustrades, landscape features, architectural features, mechanical penthouse and unenclosed structures used to mitigate wind or noise: a maximum projection of 2.1 metres; and
- b. public art features: no projection restriction provided they are approved by City Planning.

PARKING

2914. Parking shall be provided in accordance with the following:

- a. For **dwelling units** at a maximum rate of:
 - (i) 0.3 for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres;
 - (ii) 0.5 for each one bedroom **dwelling unit**;
 - (iii) 0.8 for each two bedroom **dwelling unit**: and
 - (iv) 1.0 for each three or more bedroom **dwelling unit**.
- b. for residential visitor parking as follows:
 - (i) at a maximum rate of 1.0 per **dwelling unit** for the first five (5) **dwelling units**; and
 - (ii) at a maximum rate of 0.1 per **dwelling unit** for the sixth and subsequent **dwelling units**.
- c. accessible parking will be provided as follows:
 - (i) if the number of parking spaces provided is less than 13, a minimum of 1 accessible parking space;
 - (ii) if the number of parking spaces provided is 13 to 100, a minimum of 1 accessible parking space for every 25 parking spaces or part thereof; and
 - (iii) if the number of parking spaces provided is more than 100, a minimum of 5 accessible parking spaces plus 1 accessible parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces.
- d. for all other permitted uses at a maximum rate of 1.0 for each 100 square metres of **gross floor area**.
- e. a minimum of two (2) **car-share parking spaces**.

2915. Loading spaces shall mean areas used for the loading or unloading of goods or commodities from a vehicle and shall be provided as follows:

- a. A minimum of 2 Type "G" loading spaces having the following minimum dimensions:

- i. width 4.0 metres;
 - ii. length 13.0 metres; and
 - iii. vertical clearance 6.1 metres.
- b. A minimum of 1 Type "B" loading space having the following minimum dimensions:
 - i. width 3.5 metres;
 - ii. length 11.0 metres; and
 - iii. vertical clearance 4.0 metres.
- c. A minimum 2 Type "C" loading spaces having the following minimum dimensions:
 - i. width 3.5 metres;
 - ii. length 6.0 metres; and
 - iii. vertical clearance 3.0 metres.

2916. Accessible parking spaces must:

- a. be adjacent to a 1.5 metre wide accessible barrier free **aisle** or path for the entire length of an accessible parking space; and
- b. be parking spaces located closest to a pedestrian access to a building or a passenger elevator that provides access to the first storey of the building.

2917. Minimum building setbacks are required for the below-grade parking **structure** follows:

- a. 0.9 metres from Brimley Road street **lot** line;
- b. 0.9 metres from Progress Avenue street **lot** line; and
- c. 0.9 metres from all other **lot** lines or from all other boundary lines as shown on Schedule 2.

2918. **Bicycle parking spaces** shall be provided on the **lot** as follows:

- a. at a rate of 0.68 long-term **bicycle parking spaces** for each **dwelling unit**;
- b. at a rate of 0.07 short-term **bicycle parking spaces** for each **dwelling unit**;

- c. all long-term **bicycle parking spaces** shall be located indoors in secure controlled-access bicycle parking facilities or purpose-built bicycle lockers, on the first and second **storey** above grade as well as on the first level below grade; and
 - d. all short term **bicycle parking spaces** shall be located outdoors at grade or indoors on the first **storey** above grade.
2919. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.
2920. **Bicycle Parking Space Dimensions:**
- a. The minimum dimension of a **bicycle parking space** is:
 - (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres.
 - b. The minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:
 - (i) minimum length or vertical clearance of 1.9 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.2 metres.
 - c. If a **stacked bicycle parking space** is provided it must be in accordance with the following:
 - (i) a **stacked bicycle parking space** may overlap an adjacent stacked **bicycle parking space** on one or both sides on the same tier to a maximum of 0.155 metres per side;
 - (ii) the minimum length of a **stacked bicycle parking space** is 1.8 metres; and
 - (iii) the minimum vertical clearance for a **stacked bicycle parking space** is 1.2 metres.

HEIGHT

2718. The height of **building** or **structure** is the vertical distance between the elevation of the highest point of the **building** or **structure** measured from established grade, which is:

- a. the Canadian Geodetic Datum elevation of 168.98 metres for the south block;
- b. the Canadian Geodetic Datum elevation of 169.82 metres for the north block; and
- c. a. and b. above shall not exceed the height in metres specified by the numbers following the symbol HT on Schedule 2 of By-law 972-2022.

2719. The following elements of a building may project above the permitted maximum height as shown on Schedule 2 of By-law 972-2022:

- a. Equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys and vents and a mechanical penthouse may project above the height limits to a maximum of 8.7 metres;
- b. an exit vestibule for a **green roof** located above a mechanical penthouse as noted in a. above, may project an additional 2.0 metres above the height limits noted in a. above;
- c. architectural features and parapets may project above the height limits to a maximum of 7.0 metres;
- d. elements and **structures** associated with a **green roof** to a maximum of 1.0 metre;
- e. building maintenance equipment and window washing equipment may project above the height limits to a maximum of 6.5 metres;
- f. planters, **landscaping** features, guard rails and divider screens on a balcony and/or terrace to a maximum of 2.5 metres; and
- g. trellises, pergolas, and unenclosed **structures** providing safety, wind or noise protection to rooftop **amenity space** to a maximum of 3.0 metres.

MISCELLANEOUS

2245. **Amenity space** for each **dwelling unit** shall be provided at the following rates:

- a. a minimum of 1.8 square metres for each **dwelling unit** is indoor **amenity space**;
- b. a minimum of 2.0 square metres for each **dwelling unit** is outdoor **amenity space**, of which 50 percent of the required outdoor **amenity space** must be in a location adjoining or directly accessible to the required indoor **amenity space**; and

- c. a maximum of 25 percent of the outdoor **amenity space** may be a **green roof**.
2246. Privately-owned Publicly-accessible pedestrian connection located in the general area shown on Schedule 2 attached to By-law 972-2022.
2247. The minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, shall be:
- a. 4.5 metres for retail space, for a minimum depth of 5 metres measured from the exterior of the main wall abutting a street; and
 - b. 4.5 metres for residential lobbies, with the exception of residential lobbies associated with Tower B as shown on Schedule 2 attached to By-law 972-2022.
2248. Within the lands shown on Schedule 1 attached to By-law 972-2022, no land may be used and no building or structure may be erected or used, except for below-ground structures and foundations, unless:
- a. the street identified as Borough Drive (Realigned), as shown on Schedule 1 attached to By-law 972-2022, is constructed to a minimum base curb and base asphalt or concrete and is connected to an existing street; and
 - b. all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the street identified as Borough Drive (Realigned), as shown on Schedule 1 attached to By-law 972-2022, and are operational.

SECTION 37

2390. Prior to the issuance of any building permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure facilities, services or matters set out below:
- a. the community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - 1. Prior to issuance of an above-grade building permit, the owner shall make a financial contribution in the amount of \$6,000,000 payable to the City of Toronto, with such amount to be indexed upwardly in accordance with Statistics Canada Non Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment. The funds shall be directed as follows:

- aa. \$1,750,000 to be allocated towards capital improvements for a non-profit daycare in Ward 21, Scarborough Centre;
 - bb. \$400,000 to be allocated towards improvements to the Frank Faubert Woodlots and the Hand of God Park;
 - cc. \$350,000 to be allocated to the Toronto Public Library for capital upgrades to the library facilities at the Scarborough Civic Centre Branch at 156 Borough Drive and/or Bendale Branch at 1515 Danforth Road;
 - dd. \$2,000,000 to secure and/or to undertake future capital upgrades to recreational, cultural and/or community agency hub;
 - ee. \$1,000,000 to be allocated towards recreational needs in Ward 21, Scarborough Centre;
 - ff. \$250,000 to be allocated towards capital improvements to the Scarborough YMCA at 230 Town Centre Court to improve the accessibility of the building;
 - gg. \$200,000 to be allocated towards funding for school ground improvements and playground upgrades at David and Mary Thomson Collegiate Institute at 125 Brockley Drive;
 - hh. \$50,000 for the future implementation of bike-share facilities in Ward 21, at a location that may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - ii. in the event the cash contributions required in a.1.aa. through hh. above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject property.
2. The preparation of a public art plan, generally in accordance with City Planning's Percent for Public Art process, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, including that:

- aa. prior to the issuance of the first above-grade building permit, the owner shall submit public art plan, generally in accordance with City Planning's Percent for Public Art process detailing the possible location(s) of any public art installations on the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, detailing the design and construction of an on-site public art installation;
 - bb. prior to the issuance of the first above-grade building permit, the owner shall provide a letter of credit in the amount of \$1,500,000.00, with such value upwardly indexed in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment;
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- 1. the construction and maintenance, at the owner's expense, an area of not less than 966 square metres between the north block and the south block, connection Brimley Road and Borough Drive, for use by the general public as Privately Owned Publicly Accessible Open Space (POPS) 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 Division.
 - 2. as a pre-approval condition of Site Plan Approval for the POPS described in b.1. The Owner shall convey to the City, for nominal consideration, on terms set out in the Section 37 Agreement, easement(s) 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 Division and the City Solicitor.
 - 3. the design and construction of the above base park improvements to the new park by the owner in exchange for Development Charge Credit against Parks and Recreation component of the Development Charges.
 - 4. the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

5. the owner shall include warning clauses and signage of the Toronto District School Board in the conditions of site plan approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. the provision of a minimum of 10 percent of the total residential dwelling units within the development to be three-bedroom dwelling units and a minimum of 15 percent of the total residential dwelling units within the development to be two-bedroom dwelling units to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
7. prior to final site plan approval, the owner shall confirm that residents living in all buildings will have mutual access to the communal indoor and outdoor amenity areas within the development.
8. the owner shall construct wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
9. the Owner shall, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, comply with the recommendations contained in the Environmental Noise Impact Feasibility Studies, prepared by HGC Engineering dated November 19, 2021 and May 12, 2022.
10. the Owner shall, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, comply with the Air Quality Study, prepared by Theakston Environmental dated November 16, 2021.
11. the Owner shall construct the realigned Borough Drive as per illustrated on Map 5-3 as it relates to the subject lands and associated services to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager, Transportation Services, with the specific obligations to be provided as a Schedule in the Section 37 agreement.
12. the Owner shall construct the services to service the development block other than the services associated with the realigned Borough Drive, this may include sidewalk, boulevard improvements, pavement marking modifications, signage, municipal service connections to existing municipal streets and any external improvements required as a result of detailed design to the

satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

13. prior to the issuance of below-grade building permits the Owner is required to pay for the construction of any municipal infrastructure improvements and make necessary arrangements with Engineering and Construction Services to carry out the work.
 14. the Owner is responsible for any and all cost associated with the roadway improvements, pavement marking modifications, installation of traffic control signals plants, signal timing optimizations, coordination and modifications as identified in the Transportation and Parking Study to support this development, according to the Site Servicing Review and Traffic Impact Study accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.
 15. the Owner shall facilitate such rights in the nature of easements satisfactory to the City Solicitor as may be required by the Chief Engineer and Executive Director, Engineering and Construction Services within and external to the site for existing and proposed municipal services, as applicable.
 16. the Owner shall, at its own expense and as may be required, prepare and submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director, Engineering and Construction Services, for review and approval to describe areas of easement interest, prior to depositing it in the Land Registry Office.
 17. prior to seeking the issuance of below-grade building permits for any Block on the subject lands, the Owner shall have made all necessary submissions and obtained release for construction of services. The issuance of below-grade permits will be subject to providing and maintaining safe access for emergency vehicles and all applicable requirements of the Chief Building Official and Chief Engineer and Executive Director, Engineering and Construction Services. Construction of roads and services shall be completed prior to any request for issuance of above-grade building permits for any Block within the subject lands.
- c. Where 2390 a.-b. above 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; and
 - d. 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 2390 a.-b. above are satisfied.

4. **SCHEDULE "C" EXCEPTIONS LIST**, as amended, is further amended by adding the following Exception 493:

493. Additional Permitted Use:

Artist Studio and Ancillary Uses;
Custom Workshop and Ancillary Uses;
Day Nurseries;
Financial Institutions;
Offices;
Personal Service Shops;
Places of Entertainment;
Recreational Uses;
Restaurants;
Retail Stores;
Service Shops; and
Studios.

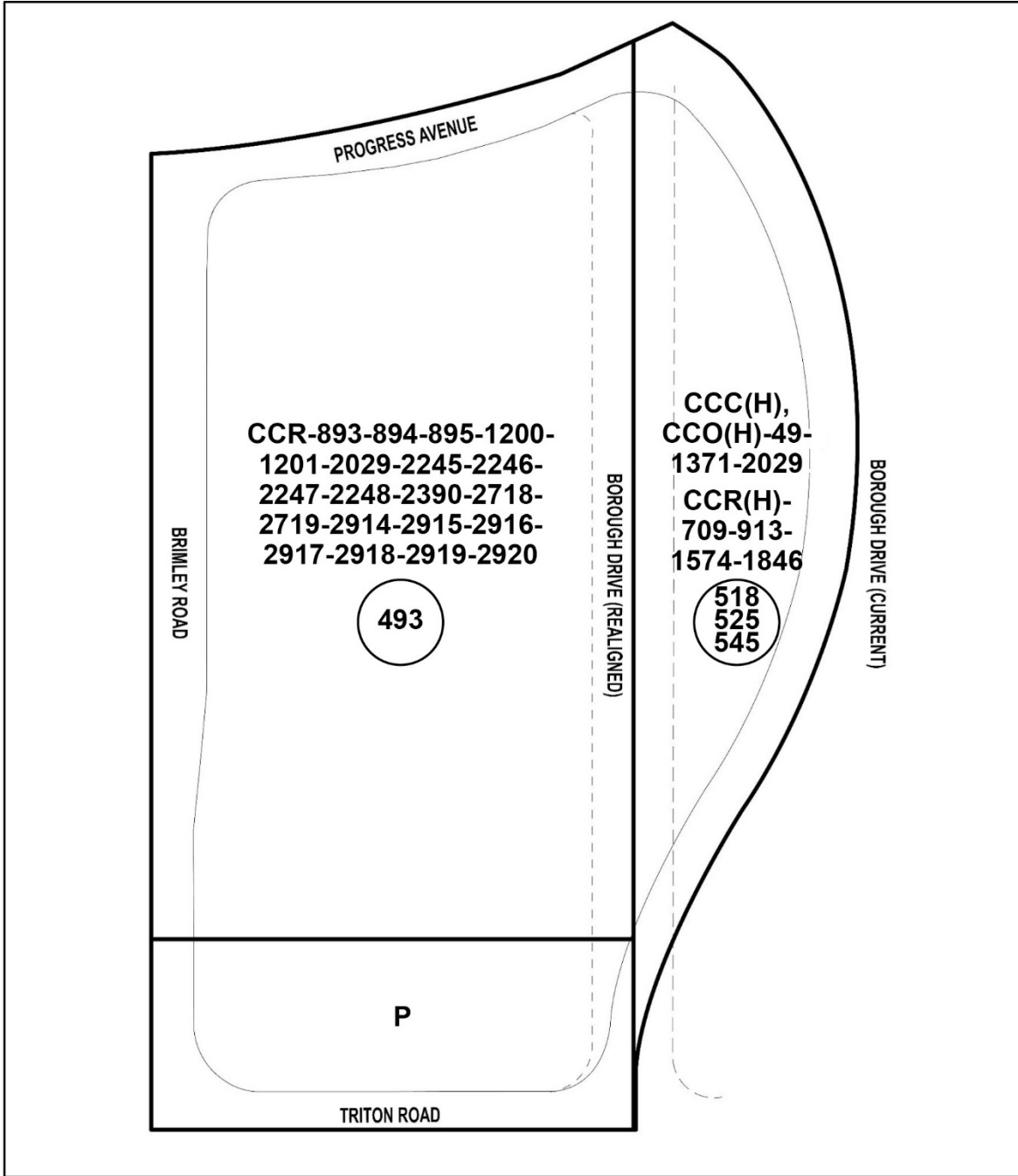
Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

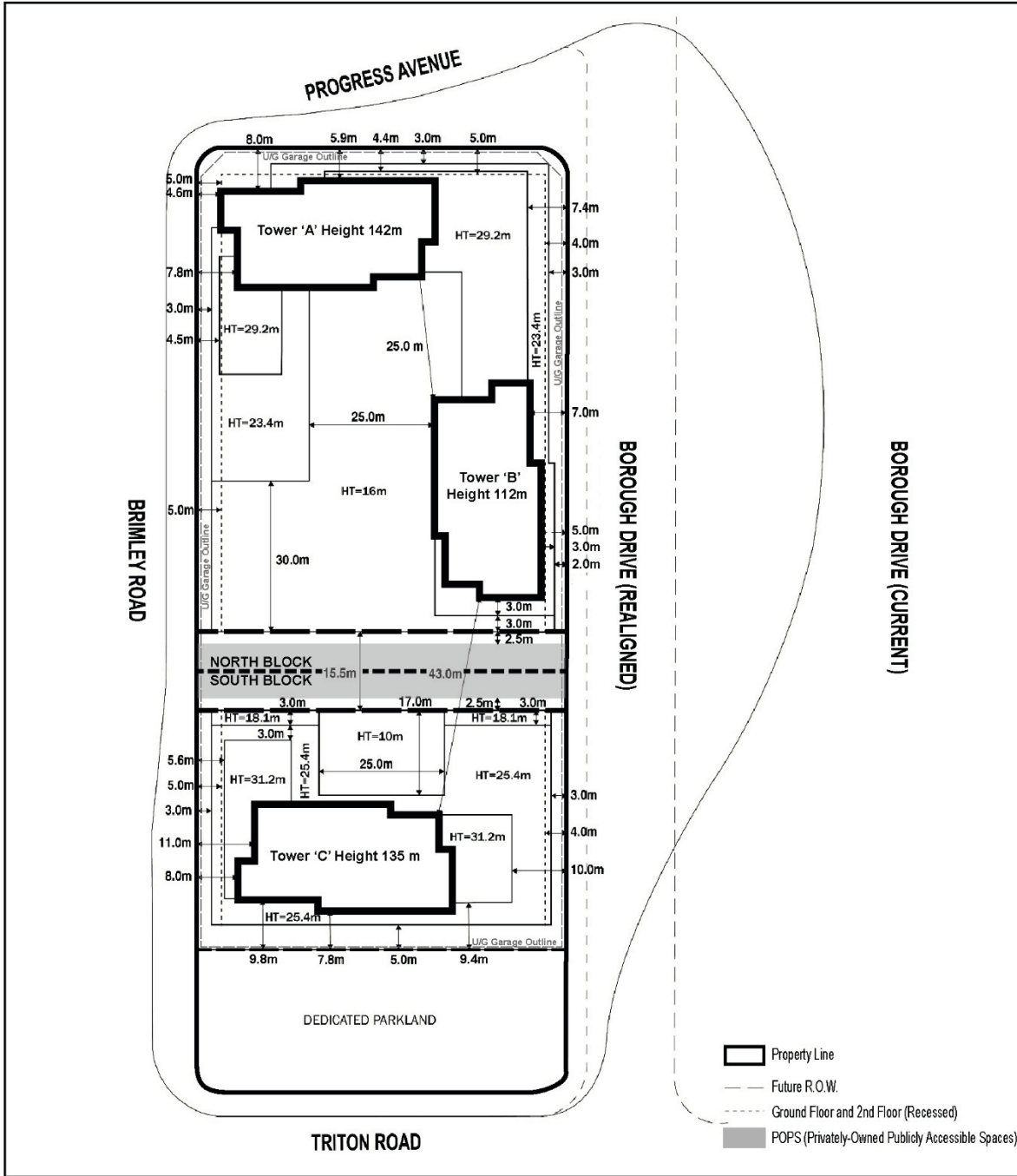
John D. Elvidge,
City Clerk

(Seal of the City)

Schedule 1



Schedule 2

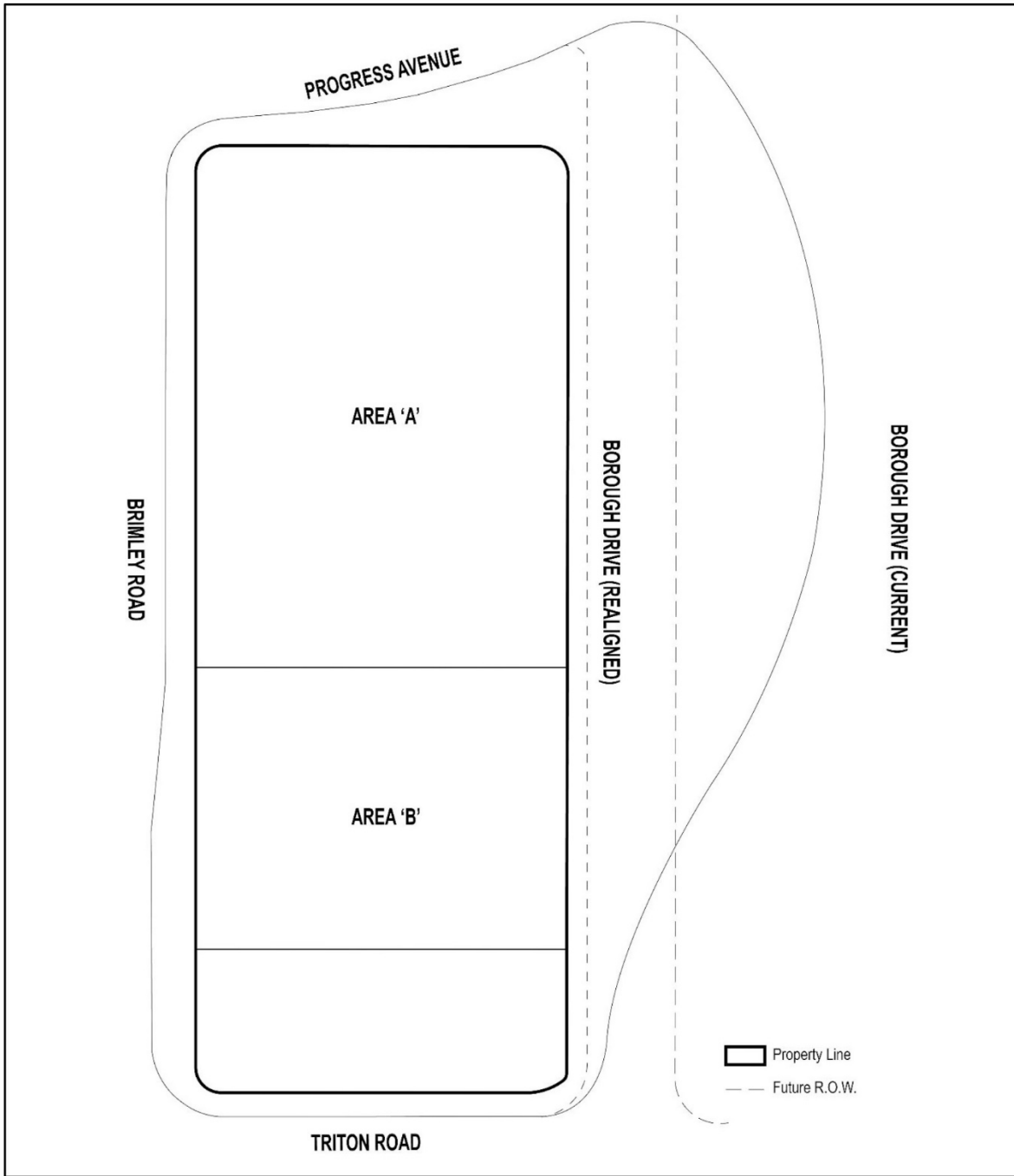


TORONTO
 Zoning By-law Amendment
 Schedule 2

25 Borough Drive

File # 19 241351 ESC 21 OZ

Schedule 3



TORONTO
Zoning By-law Amendment
Schedule 3

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