

Authority: Scarborough Community Council Item
SC33.10, as adopted by City of Toronto Council on
July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 989-2022

To amend the former City of Scarborough Zoning By-law 10010, Scarborough Village Community, as amended, with respect to the lands municipally known as 253 Markham Road and 12, 20 30 Dunelm Street.

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 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 City of Scarborough Zoning By-law 10010, (Scarborough Village Community) 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;

The Council of the City of Toronto enacts:

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

Car share

means the practice whereby a number of people share the use of one or more motor vehicles and such "car-share" motor vehicles are made available to at least the occupants of the building for short-term rental, including hourly rental.

Green Roof

means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.

Loading Space

means an area used for the loading or unloading of goods or commodities from a **vehicle**.

2. **SCHEDULE A** is amended by deleting the current zoning for the lands outlined in Schedule 1 and replacing it with the following so that the amended zoning shall read as follows:

A, MFAT -231-237-238-239-240-241-242-243-286-287-402-405-406-407-452-453-P

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

PARKING

237. **Parking spaces** shall be required in accordance with the following parking rates;

- (i) A maximum of 0.96 **parking spaces** per **dwelling unit** for residential occupants;
- (ii) A minimum of 2 **parking spaces** plus 0.05 **parking spaces** per **dwelling unit**, to a maximum of 0.15 **parking spaces** per **dwelling unit**, for residential visitors;
- (iii) A reduction of 4 resident occupant **parking spaces** shall be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) 4 multiplied by (total number of dwelling units divided by 60), rounded down to the nearest whole number;
- (iv) "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (v) if the calculation of the number of required **parking spaces** results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one **parking space**;

- (vi) required **parking spaces** shall be provided on the lot.
238. A maximum of 25 **parking spaces**, are permitted to have the following minimum dimensions and may be obstructed without being required to provide additional width for the obstructed sides of the **parking space**:
- (i) a minimum width of 2.6 metres;
 - (ii) a minimum length of 5.0 metres.
239. A minimum width of 2.5 metres for a **parking space** shall be permitted if the subject **parking space** is adjacent and parallel to a drive aisle from which **vehicle** access is provided.
240. An **accessible parking space** shall have the following minimum dimensions:
- (i) Length of 5.6 metres;
 - (ii) Width of 3.4 metres; and
 - (iii) Vertical clearance of 2.1 metres.
241. A minimum of one (1) Type G **loading space** shall be provided in Building A and one (1) Type G **loading space** shall be provided in Building C as shown on Schedule 2 of By-law 989-2022 and such **loading spaces** are shall be for the shared use of any **buildings** on the lot.
242. **Bicycle parking spaces** shall be provided at a minimum rate of 0.68 **bicycle parking spaces** per **dwelling unit** for long-term **bicycle parking spaces** and 0.07 **bicycle parking spaces** per **dwelling unit** for short-term **bicycle parking spaces**.
243. A stacked **bicycle parking space** shall have the following minimum dimensions:
- (i) length of 1.8 metres;
 - (ii) width of 0.45 metres; and
 - (iii) vertical clearance from the ground of 1.2 metres.

INTENSITY OF USE

286. **Gross Floor Area** shall not exceed 55,000 square metres.
287. Maximum number of **dwelling units** permitted shall not exceed 783.

MISCELLANEOUS

405. Despite any severance, partition or division of the lands zoned A, MFAT as shown on Schedule 2 attached to By-law 989-2022, the provisions of this By-law 989-2022, as amended, shall apply to the whole of the lands as one lot, as if no severance, partition or division occurred.
406. **Amenity space** is only required for **dwelling units** in Building A, Building B, Building C and Building D as shown on Schedule 2 of By-law 989-2022 and must be provided in accordance with the following:
- (i) indoor **amenity space** must be provided for Building A at a minimum rate of 1.6 square metres for each **dwelling unit**;
 - (ii) indoor **amenity space** must be provided for Building B at a minimum rate of 1.9 square metres for each **dwelling unit**;
 - (iii) indoor **amenity space** must be provided for Building C at a minimum rate of 1.4 square metres for each **dwelling unit**;
 - (iv) indoor **amenity space** must be provided for Building D at a minimum rate of 1.8 square metres for each **dwelling unit**;
 - (v) outdoor **amenity space** must be provided for Building A, Building B, Building C and Building D at a minimum rate of 2.3 square metres for each **dwelling unit**; and
 - (vi) No more than 25 percent of the required outdoor **amenity space** shall be a **green roof**.
407. Notwithstanding the provisions of **CLAUSE VI - PROVISIONS FOR ALL ZONES**, Sub-Clauses **5. Landscaping Requirements**, **6. Coverage**, **14. Lands Not Covered by Buildings**, **19. Front Yard Landscaping** and **Front Yard Soft Landscaping Requirements** shall not apply.

BUILDING SETBACKS

452. Minimum building setbacks shall comply with those shown on Schedule 2 of By-law 989-2022.
453. Notwithstanding Performance Standard 452 the following building elements may encroach into the required building **setbacks** shown on Schedule 2 of By-law 989-2022 as follows:
- (a) lighting fixtures, railings, rail safety crash walls, privacy screens, stairs, enclosed stairs, ornamental or architectural features, landscape features, patios, decks, terraces, planters, bollards, window washing equipment, vents, garbage enclosures, community mail boxes, air conditioners,

chimneys, flues, structures for safety, noise or wind mitigation purposes, balconies, parapets, elements of a **green roof** and structures for outdoor **amenity space** or open air recreation, railings lightning rods; ramps to underground parking areas and associated structures, guards, guardrails, wheelchair ramps, bicycle racks and related weather protection, gas and hydro meters, transformers and associated enclosures;

- (b) Cornices, sills, eaves, to a maximum of 0.5 metres; and
- (c) Canopies and awnings, including structural supports, to a maximum of 3.0 metres;
- (d) Balconies to a maximum depth of 1.8 metres.

4. **SCHEDULE "C" EXCEPTIONS LIST**, is amended by adding Exception 51:

On the lands identified as Exception Number 51 on the accompanying **Schedule "C"** map, the following provisions shall apply:

- (a) Additional Permitted Uses:
 - **Car-share**
 - Temporary sales office building for a period of no longer than 3 years from the date of enactment of this by-law;

SCHEDULE "C" EXCEPTIONS LIST, is amended by adding Exception 52:

On the lands identified as Exception Number 52 on the accompanying **Schedule "C"** map, the following provisions shall apply:

- (a) Notwithstanding the definition of **gross floor area** and Performance Standard 286, the **gross floor area** shall be calculated excluding the following spaces:
 - (i) **parking spaces**, loading spaces and bicycle parking below the Canadian Geodetic Datum elevation of 157.63;
 - (ii) required **parking spaces**, loading spaces and bicycle parking at or above the Canadian Geodetic Datum elevation of 157.63;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below the floor of a building that is closest in elevation to the elevation of Canadian Geodetic Datum elevation of 157.63;
 - (iv) Shower and change facilities required by this By-law 989-2022 for required **bicycle parking spaces**;
 - (v) Indoor amenity space required by By-law 989-2022;

- (vi) Elevator shafts;
- (vii) Garbage shafts;
- (viii) Mechanical penthouse; and
- (ix) Exit stairwells in a building.

SCHEDULE "C" EXCEPTIONS LIST, is amended by adding Exception 53:

On the lands identified as Exception Number 53 on the accompanying Schedule "C" map, the following provisions shall apply:

- (a) Notwithstanding the definition of Height in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the height of any building shown on Schedule 2 of By-law 989-2022, is measured from Canadian Geodetic Datum elevation of 157.63 metres to the highest point of any building or structure and such elevation is established grade for the purpose of By-law 989-2022;
- (b) The maximum height of buildings or structures on the lot shall not exceed the numerical value in metres shown following the symbol "HT" on Schedule 2 of By-law 989-2022;
- (c) Notwithstanding (b) above, the following building elements may extend above the permitted heights shown on Schedule 2 as follows:
 - (i) **Structures** used for safety, noise or wind mitigation purposes, railings, lightning rods, lighting fixtures, cornices, sills eaves, railings, rail safety crash walls, privacy screens, stairs, window washing equipment, ornamental or architectural features, landscape features, patios, decks, planters, gas and hydro meters, transformers and associated enclosures, garbage enclosures, community mail boxes, balconies and air conditioners;
 - (ii) Roof assembly, including water proofing, insulation, drainage layers and surface finish, may exceed the permitted maximum **building** height by a maximum of 0.7 metres;
 - (iii) Parapets, elements of a **green roof** and elevator overruns may exceed the permitted maximum **building** height by a maximum of 1.5 metres;
 - (iv) **Structures** for outdoor **amenity space** or open air recreation, including terraces, may exceed the permitted maximum **building** height by a maximum of 3.0 metres;
 - (v) Enclosed stairs may exceed the maximum **building** height by a maximum of 4.0 metres;

- (vi) Chimneys, vents stacks and flues and associated enclosures may exceed the maximum **building** height by a maximum of 5.0 metres;
 - (vii) Ramps to underground parking areas and associated **structures**, guards, guardrails, bollards and wheelchair ramps, subject to a maximum vertical projection of 1.5 metres above the finished ground surface;
 - (viii) Bicycle racks and related weather protection to a maximum vertical projection of 3.5 metres above the finished ground surface;
 - (ix) Canopies and awnings, including structural supports, subject to a maximum vertical projection of 6.0 metres above the finished ground surface;
- (d) In addition to the elements in (c) above, the following equipment and **structures** are also permitted to exceed the permitted maximum heights for Building E and Building F as shown on Diagram 3 of by-law 989-2022 by 3.0 metres:
- (i) Equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment;
 - (ii) Roof access hatches and elevator shafts; and
 - (iii) Structures that enclose, screen or cover the elements listed in (i) and (ii) above.

SCHEDULE "C" EXCEPTIONS LIST, is amended by adding Exception 54:

On the lands identified as Exception Number 54 on the accompanying Schedule "C" map, the following provisions shall apply:

SECTION 37

- A. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, that is in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- B. Where 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.
- C. Prior to the issuance of any Building Permit, the owner shall enter into an agreement 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 the community benefits below.

- D. The community benefits to be secured in the Section 37 Agreement are as follows:
- (i) Prior to the issuance of the first above-grade building permit for 'Building A', the Owner shall make a cash contribution to the City in the amount of \$850,000 to be used for 'above base' park improvements to the proposed public park located on Dunelm Street to the satisfaction of the General Manager of Parks, Forestry and Recreation (PFR); and
 - (ii) The Owner shall make a cash contribution totalling \$850,000 to be paid in equal payments to the City in the amount of \$283,333.00 prior to the first above-grade building permit for each of Building B, Building C and Building D to be used for the expansion of licensed, non-profit child care spaces in the vicinity of the development;
 - (iii) The cash contribution in Recommendation (i) and (ii) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area as reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor.
- E. The other matters secured in the Section 37 Agreement as a legal convenience to support the development are as follows:
- (i) The City and Owner shall make reasonable efforts to amend the Home Ownership Assistance Program Delivery Agreement – 253 Markham Road and 12, 20 and 30 Dunelm Street, Toronto, executed on December 19, 2018 with Habitat for Humanity (Greater Toronto Area) and Home Ownership Alternatives Non-Profit Corporation (Greater Toronto Area) to address appropriate implementation matters regarding the affordable housing units to be provided as part of the Development;
 - (ii) Enter into a financially secured Development Agreement for the relocation of a 750 mm transmission watermain, according to the Site Servicing Review accepted by the Chief Engineer and Executive Director of Engineering and Construction Services prior to the issuance of any building permit;
 - (iii) The Owner shall satisfy the requirements of Metrolinx and the Canadian National Railway, regarding noise and vibration attenuation requirements and operational easement requirements, and shall insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration;

- (iv) The Owner shall provide the Toronto Transit Commission (TTC) with \$35,000 for the installation of signal priority at an intersection in the vicinity of the site to the satisfaction of the TTC, Project Development and Planning prior to the issuance of the first above-grade building permit for Building A;
- (v) The Owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard version 3, and the Owner shall be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate;
- (vi) The Owner of Building A, Building B, Building C, Building D, Building E and Building F shall provide and maintain a minimum number of two- and three-bedroom units in accordance with the following, subject to minor variations satisfactory to the Chief Planner, and Executive Director, City Planning Division:
 - a. The subject owner of each of Building A, Building B, Building C, Building D, and Building F shall provide and maintain a minimum of 25 percent of the total number of dwelling units in the subject Building as dwelling units having two bedrooms;
 - b. Upon completion of the development, a minimum of 10 percent of all of the dwelling units shall include three or more bedrooms, which shall be distributed in each Building as follows:
 - (1) The subject owner of Building A shall provide and maintain a minimum of 4 percent of the total number of dwelling units in Building A as three-bedroom units;
 - (2) The subject owner of Building B shall provide a minimum of 3 percent of the total number of dwelling units in Building B as three-bedroom units;
 - (3) The subject owner of Building C shall provide and maintain a minimum of 4 percent of the total number of dwelling units in Building C as three-bedroom units;
 - (4) The subject owner of Building D shall provide and maintain a minimum of 11 percent of the total number of dwelling units in Building C as three-bedroom units;
 - (5) The subject owner of Building E shall provide and maintain 100 percent of the total number of dwelling units in Building E as dwelling units as three bedrooms; and

- (6) The subject owner of Building F shall provide and maintain a minimum of 64 percent of the total number of dwelling units in Building F as three-bedroom units.
- (vii) The Owner shall convey a minimum 4,455 square metre on-site parkland dedication to the City pursuant to Section 42 of the Planning Act which conveyance shall satisfy the owner's parkland dedication requirements pursuant to Section 42 of the Planning Act; to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor subject to the following:
- (a) The owner shall convey, or cause to be conveyed, the on-site parkland, which will include the City standard base park improvements, to the City no later than 24 months after the issuance of the first above-grade building permit for Building A, subject to extensions, including but not limited to seasonality, satisfactory to the General Manager, Parks, Forestry and Recreation;
 - (b) The owner of Building A is required to obtain an above-grade building permit for Building A prior to obtaining an above-grade building permit for any of Building B, Building C, Building D, or Building F;
 - (c) The on-site parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation, however, it is acknowledged that the on-site parkland may be subject to a temporary new watermain easement substantially in accordance with Drawing C-106, 750mm Diameter Watermain Realignment Plan and Profile, prepared by Stantec Consulting Ltd., dated April 29, 2022, unless otherwise satisfactory to the General Manager, Parks, Forestry and Recreation;
 - (d) Prior to the issuance of the first above-grade building permit, excluding a permit for demolition or a rental/sales centre, the owner shall register, in a form and in priority to the satisfaction of the City Solicitor a restriction against title to the on-site parkland being pursuant to Section 118 of the Land Titles Act, to restrict the transferring and/or charging of these lands by the owner, other than as may be consented to in writing by the Chief Planner and Executive Director, City Planning or designate, which consent won't be unreasonably withheld and which for greater certainty, shall not be withheld to facilitate financing and development on the on-site parkland;

- (e) The Section 118 Restriction shall be released by the City of Toronto upon conveyance, to the City, of the on-site parkland.
- (viii) It is acknowledged that a private road is proposed and acceptable to the City, substantially as shown in By-law 989-2022, and a public road is not required.
- (ix). The Owner shall satisfy the requirements of Metrolinx and the Canadian National Railway, regarding noise and vibration attenuation requirements and operational easement requirements, and shall insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration.
- (x) 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) Implementation of any required noise and vibration mitigation measures or other recommendations, as detailed in the Noise and Vibration Feasibility Study and addendum letter prepared by HCG Engineering last revised March 4, 2022 or subsequent accepted study, undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with Metrolinx;
 - (b) Implementation of any derailment mitigation measures or other recommendations, as detailed in the Rail Safety Report, prepared by Stantec, last revised March 22, 2022 or as may be amended through a subsequent accepted study, undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with Metrolinx;
 - (c) The Owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale agreements or tenancy agreements as required in connection with student accommodation; and
 - (d) The construction management plan include on-site contact during the construction process for residents and stakeholders to contact.
- (xi) The owner shall enter into an agreement 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 the community benefits above.

5. **SCHEDULE "C" EXCEPTION MAP**, is amended by adding Exception Number 51, 52, 53, and 54 to the property shown outlined on Schedule 3 in By-law 989-2022.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



 **TORONTO**
Zoning By-law Amendment
Schedule 1

**253 Markham Road and
12, 20, 30 Dunelm Street**
File # 16 173545 ESC 36 0Z



Toronto
Zoning By-law Amendment
Schedule 2

253 Markham Road and
12, 20, 30 Dunelm Street
File # 16 173545 ESC 36 02



Toronto
Zoning By-law Amendment
Schedule 3

**253 Markham Road and
12, 20, 30 Dunelm Street**
File # 16 173545 ESC 36 0Z