

Authority: Scarborough Community Council
Item SC33.12, adopted as amended, by City of
Toronto Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 1009-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 25 Sewells Road and 182 to 250 Brenyon Way.

Whereas Council of the City of Toronto has the authority to 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 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 irrespective of the 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 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.** The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2.** The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
- 3.** Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone label of IPW (x48) and RA (x596) to a zone label of RA (x596) as shown on Diagram 2 attached to this By-law.
- 4.** Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 596 so that it reads:

Exception RA (x596)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 25 Sewells Road and 182 to 250 Brenyon Way, if the requirements of By-law 1009-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) below:
- (B) Regulations (C) through (M) apply to lands marked 'Area A' in Diagram 1 of By-law 1009-2022;
- (C) Despite Regulation 15.5.100.1(1), in the Residential Apartment Zone category, a **driveway** exclusive of layby areas, **vehicle** ramps to below-ground parking areas, turnaround areas and required auxiliary turn lanes within 6.0 metres of a **lot line** abutting a **street** must have:
 - (i) A minimum width of 3.0 metres for each lane; and
 - (ii) A maximum width of 6.0 metres;
- (D) In addition to the uses permitted by Regulations 15.10.20.10(1) and 15.10.20.20(1), office or **retail service** uses are permitted on the ground floor of Building B as shown on Diagram 3;
- (E) Despite Regulation 15.5.60.40(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 166.34 metres and elevation of the highest point of the **building** or **structure**;
- (F) Despite Regulation 15.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law 1009-2022;
- (G) Despite Regulations 15.5.40.10 (2), (3), (4), (5) and (6), and (F) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) 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 may project above the height limits to a maximum of 6.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 6.5 metres;

- (iii) architectural features, parapets, and elements and **structures** associated with a **green roof** may project above the height limits to a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of 2.0 metres; and
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace may project above the height limits to a maximum of 2.0 metres;
- (H) Despite Clause 15.10.40.40, the permitted maximum **gross floor area** is 25,075 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 25,000 square metres;
- (I) Despite Regulations 15.10.20.100(8)(A)(iii) and (13)(F), a **retail store, retail service** or **place of worship** is permitted to have a maximum **gross floor area** of 75 square metres;
- (J) Despite Clause 15.10.40.50, a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- (i) at least 1.9 square metres for each **dwelling unit** as indoor **amenity space** for Building A as shown on Diagram 3 and at least 1.6 square metres for each **dwelling unit** as indoor **amenity space** for Building B as shown on Diagram 3; and
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** which must be in a location adjoining or directly accessible to the indoor **amenity space**.
- (K) Despite Clause 15.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1009-2022;
- (L) Despite Regulation, 15.10.40.80 (1) and (2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law 1009-2022;
- (M) Despite Clauses and Regulations 5.10.40.70(1), and 15.5.40.60, and (K) and (L) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
- (i) decks, porches, and balconies, to a maximum of 2.0 metres;
 - (ii) canopies and awnings, to a maximum of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, to a maximum of 3.0 metres;

- (iv) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum of 0.4 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, to a maximum of 1.0 metre;
 - (vi) window projections, including bay windows and box windows, to a maximum of 1.0 metre;
 - (vii) eaves, to a maximum of 1.0 metre; and
 - (viii) air conditioners, satellite dishes, antennae, vents, and pipes to a maximum of 1.0 metre;
- (N) Regulations (O) through (Q) apply to lands marked 'Area A' and 'Area B' in Diagram 1 of By-law 1009-2022;
- (O) Despite Regulation 15.5.50.10(1), a lot in the Residential Apartment Zone category must have a minimum of 45 percent of the area of the **lot** for **landscaping** and a minimum of 40 percent of **landscaping** must be **soft landscaping**;
- (P) Despite Regulations 200.5.10.1(1), (5), (7)(A), **parking spaces** must be provided in accordance with the following:
- (i) a maximum of 0.75 residential occupant **parking spaces** for each **dwelling unit** in an **apartment building**;
 - (ii) a minimum of 0.1 residential visitor **parking spaces** for each **dwelling unit** in an **apartment building**;
 - (iii) no **parking spaces** are required for non-residential uses if the non-residential **gross floor area** is less than 200 square metres; and
 - (iv) a maximum of 3.5 **parking spaces** for every 100 square metres of non-residential uses;
- (Q) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** for residential occupants otherwise required by (R) above, subject to the following:
- (i) a reduction of 4 resident occupant **parking spaces** will 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 the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
 - (ii) for the purpose of this exception, "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; and

- (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (R) Regulations (S) through (W) apply to existing **buildings** on the lands marked 'Area B' in Diagram 1 of By-law 1009-2022:
- (S) Despite Regulation 15.10.20.40 (1), all **residential building** types existing on the date of enactment of By-law 1009-2022 are permitted;
- (T) Despite Clause 15.10.40.70, for the existing **buildings** on lands marked 'Area B' on Diagram 1 of By-law 1009-2022:
 - (i) the minimum **building setback** from a **front lot line** is 12.0 metres;
 - (ii) the minimum **building setback** from **side lot line** or **rear lot line** is 12 metres for an **apartment building**; and
 - (iii) the minimum **building setback** from a **side lot line** or **rear lot line** is 6.5 metres for all other **residential buildings**;
- (U) Despite Regulation 15.10.40.50 (1), for an existing **apartment building**, a minimum of 1.7 square metres of **amenity space** per **dwelling unit** must be provided;
- (V) Chapter 230, with regards to **bicycle parking space** regulations, does not apply; and
- (W) Clause 15.5.150.1, with regards to waste and **recyclable materials** storage regulations, does not apply.

Prevailing By-laws and Prevailing Sections:

- (A) Except as otherwise provided herein, the Regulations 900.7.10(596) continues to apply.
5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
 6. Section 37 Requirements:
 - (A) Where Schedule A attached to this by-law 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.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

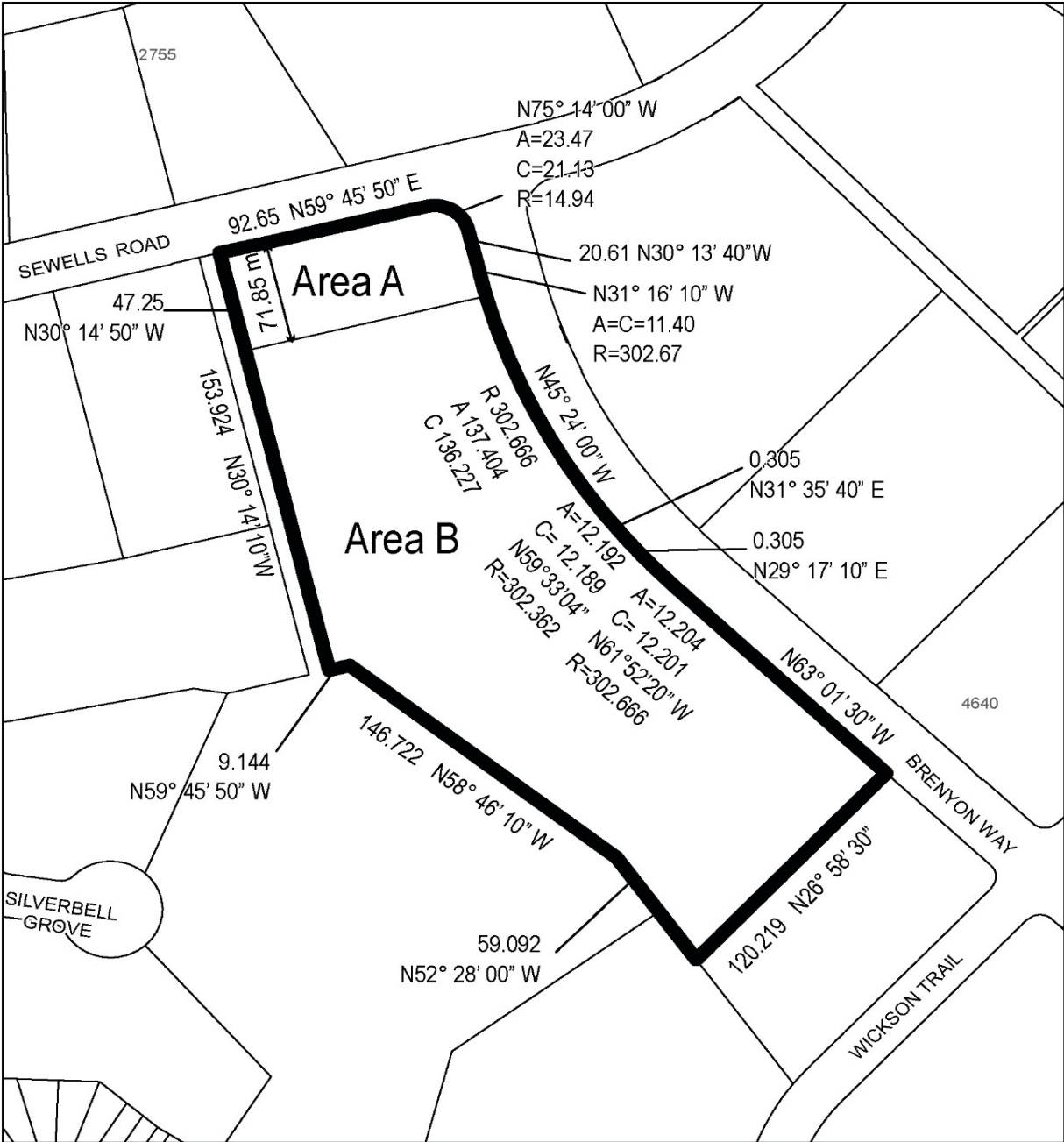
(Seal of the City)

SCHEDULE A**Section 37 Requirements**

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, whereby the owner agrees as follows:

1. 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. The Owner shall construct and maintain the development in accordance with Tier 1.
2. The Owner will enter into a financially secured development agreement to identify cost-sharing obligations and coordination of construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, prior to the issuance of any building permit, all to the satisfaction and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services and by the General Manager of Transportation Services.

Diagram 1



25 Sewells Road and 182-250 Brenyon Way

File #: 21 189751 ESC 25 OZ

Diagram 2

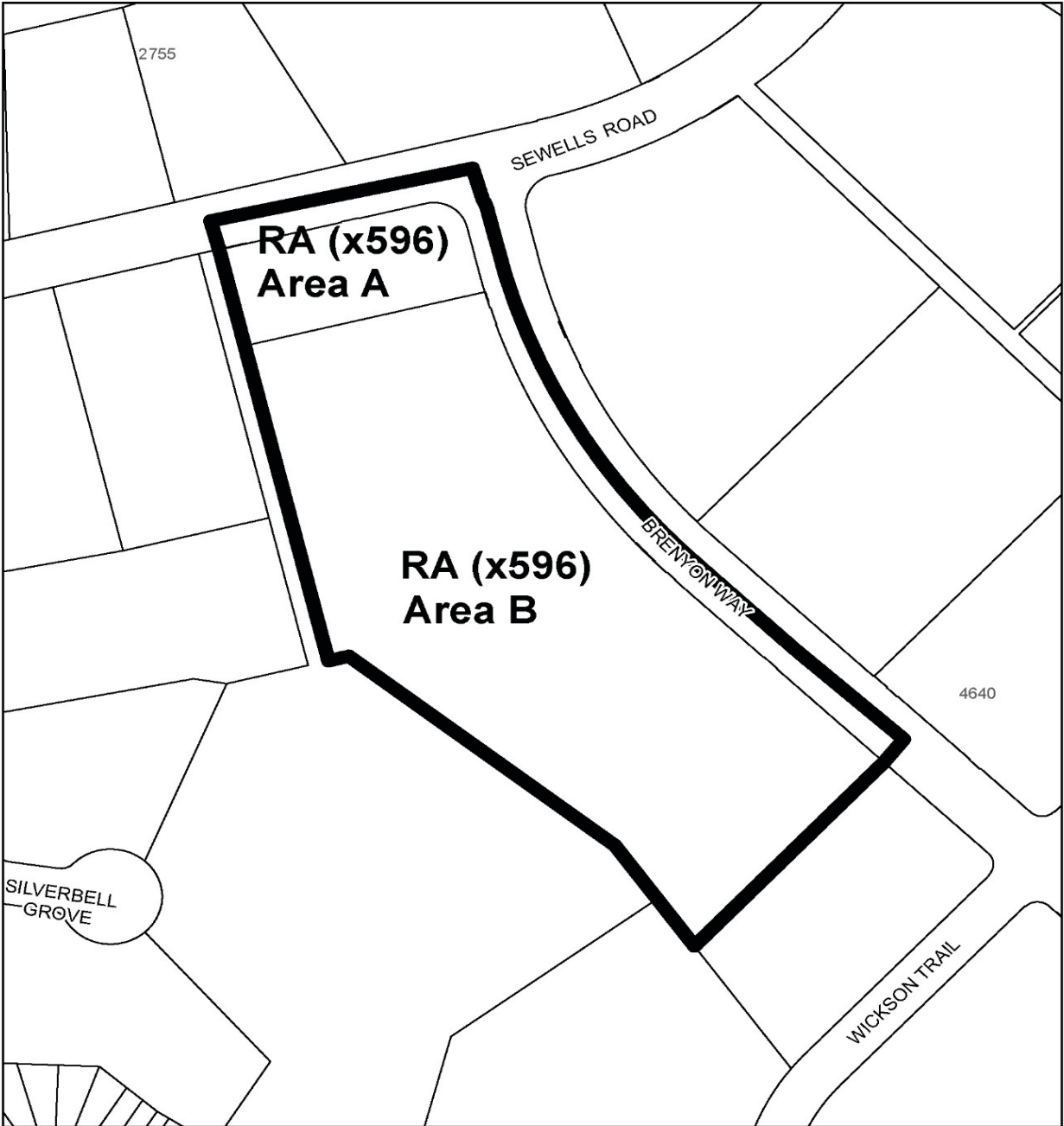


Diagram 3

