

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2017

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 1680 Brimley Road

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 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;

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 By-law No. 569-2013 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. 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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 7.1 (c0.4; r7.0) SS2 (x112), as shown on Diagram 2 attached to this By-law; and

4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA2 , as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 90, as shown on Diagram 4 attached to this Bylaw; and
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law and shown on Diagram 1 attached to this By-law to the Rooming House Overlay Map in Section 995.40.1 and to the Lot Coverage Overlay Map in Section 995.30.1; and
7. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 112 so that it reads:

Exception CR 112

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 1680 Brimley Road, if the requirements of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 5.10.40.70(2), 40.5.40.10(3)-(7), 40.5.40.60, 40.10.40.1(1) and (3), 40.10.40.10(2), 40.10.40.60(1)-(9), 40.10.40.70(2) and (4), 40.10.90.40(3), 40.10.100.10(1), Table 200.5.10.1, 220.5.10.1, 230.5.1.10(7) and (9) and 230.5.10.1(1) and (2) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in by-law [Clerks to supply by-law ##];
- (B) Despite regulation 150.45.40.1(1), a **day nursery** may be only on the first and second **storeys**;
- (C) The total **gross floor area** of all **buildings** and **structures** must not exceed 127,000 square metres and:
 - (i) the residential **gross floor area** must not exceed 123,000 square metres;
 - (ii) at least 3,200 square metres of non-residential **gross floor area** is provided; and
 - (iii) a **day nursery** with a **gross floor area** of at least 855 square metres is provided;

- (D) The maximum total number of **dwelling units** is 1,591;
- (E) At least 4.7% of the total number of **dwelling units** must contain a minimum of three bedrooms and at least an additional 3.3% of the total number of **dwelling units** must be convertible to **dwelling units** that contain at least three bedrooms;
- (F) At least 48% of the total number of **dwelling units** will contain at least two bedrooms;
- (G) The height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 169.1 metres, and must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 5 in By-law **[Clerks to supply by-law ##]**;
- (H) The hatched areas shown and described on Diagram 5 in By-law **[Clerks to supply by-law ##]** must commence as measured from the Canadian Geodetic Datum elevation of 169.1 metres;
- (I) Despite (G) above, the following elements may exceed the height indicated by the numbers following the letter HT shown on Diagram 5 in By-law **[Clerks to supply by-law ##]** by a maximum of 3 metres:
 - (i) lighting fixtures, cornices, sills, eaves, awnings, **canopies**, parapets, guardrails, balustrades, bollards, railings and dividers, planters, patios, porches, stoops, pillars, pergolas, trellises, fences, screens, lightning rods, stairs, wheelchair ramps, window washing equipment, roof drainage, elements of a green roof, **day nursery** facilities, public art features, landscape features, architectural features and ornamental elements;
- (J) The above grade portion of any **building** or **structure** erected on the **lot** must be wholly located within the areas delineated by heavy lines shown on Diagram 5 in By-law **[Clerks to supply by-law ##]**;
- (K) Despite (J) above, the following elements may be located outside of the heavy lines shown on Diagram 5 in By-law **[Clerks to supply by-law ##]**:
 - (i) no limit for lighting fixtures, cornices, sills, eaves, awnings, **canopies**, parapets, guardrails, balustrades, bollards, railings, planters, patios, porches, stoops, pillars, pergolas, trellises, fences, screens, ventilation shafts, stairs, wheelchair ramps, window washing equipment, underground garage ramps and associated structures, **day nursery** facilities, public art features, landscape features, architectural features and ornamental elements; and

- (ii) balconies may extend beyond the heavy lines by a maximum of 2.0 metres;
- (L) Despite Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) 0.0 **parking spaces** for each bachelor **dwelling unit** for residents;
 - (ii) a minimum of 0.7 **parking spaces** for each one-bedroom **dwelling unit** for residents;
 - (iii) a minimum of 0.9 **parking spaces** for each two-bedroom **dwelling unit** for residents;
 - (iv) a minimum of 1.0 **parking space** for each three-bedroom **dwelling unit** for residents;
 - (v) despite (L)(iv) above, a minimum of 0.9 **parking spaces** for each three-bedroom **dwelling unit** for residents may be provided for a maximum of 53 three-bedroom **dwelling units**;
 - (vi) a minimum of 0.1 **parking spaces** for each **dwelling unit** for use by visitors, and such **parking spaces** may be designated as shared commercial/residential visitor **parking spaces**;
 - (vii) in addition to the parking provided in accordance with (L)(vi) above, a minimum of 11 **parking spaces** must be provided for all uses listed in regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A); and
 - (viii) a minimum of six car-share **parking spaces** must be provided for the exclusive use of a car-share motor vehicle and organization;
- (M) A minimum of three type "G" **loading spaces** must be provided on the **lot**;
- (N) Notwithstanding any existing or future severances, partition, or division of the **lot**, the provisions of this By-law will apply to the whole of the **lot** as if no severance, partition, or division had occurred.

Prevailing By-laws and Prevailing Sections: (None Apply)

8. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of 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.

- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) The construction, finishing, furnishing and equipping of a non-profit licensed child care facility in Tower 2 to accommodate at least 62 children, including infants, toddlers and preschoolers, comprising a minimum of 855 square metres of interior space and a minimum of 241 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area in the parking garage with safe and direct access to the child care facility. Prior to the issuance of the first above-grade building permit for Tower 2 shown on Diagram 5 in By-law [Clerks to supply by-law ##], the owner shall submit plans illustrating all details of the child care facility to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Children's Services, with such child care facility to be made available to the City prior to the registration of the condominium for Tower 2.
- (2) The entering into a lease agreement with the City for three (3) twenty-five (25) year terms and one (1) twenty-four (24) year term for a total of ninety-nine (99) years with no termination allowed unless the General Manager, Children's Services, the lessor and the lessee agree; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes, local improvement charges and building permit fees and development charges in accordance with the City's Term Sheet.
- (3) Prior to the issuance of the first above-grade building permit, the owner shall make a one-time cash contribution of \$180,000 to the Child Care Facility Reserve Fund to fully equip the Child Care Facility to replace appliances and large equipment due to wear and tear, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
- (4) Prior to the issuance of the first above-grade building permit, the owner shall make a one-time cash contribution of \$150,000 to Start-Up Costs for the defrayment of operational deficits during the first year of operation, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
- (5) The owner shall provide funds required to fully equip the Child Care Facility in accordance with provincial and municipal standards based on an inventory list provided by Children's Services and finalized by the future child care operator chosen through the Expression of Interest process. Major appliances could be included in the contractor's scope of work. The final amount shall be determined to the satisfaction of the Chief

Planner and Executive Director, City Planning Division and the General Manager, Children's Services and the amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.

- (6) The owner shall provide a contribution of \$500,000.00 to commission public art in a process generally in accordance with the Percent for Public Art Program. A letter of credit in the amount of \$500,000.00 will be provided prior to the issuance of the first above-grade building permit, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment. Prior to the issuance of the first above-grade building permit, the owner will submit a plan detailing the possible locations 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. Public art provided through this process will be provided on site prior to the registration of the condominium for Tower 4 shown on Diagram 5 in By-law [\[Clerks to supply by-law ##\]](#).
- (7) Prior to the registration of the condominium for Tower 4 shown on Diagram 5 in By-law [\[Clerks to supply by-law ##\]](#), the owner will convey to the City for nominal consideration, one public pedestrian easement securing access to one privately owned publicly-accessible space (POPS), having a minimum area of 1,208 square metres, generally as shown on Diagram 6 in By-law [\[Clerks to supply by-law ##\]](#), to provide public access for use by the general public, which easement shall include provisions for rights of support if necessary, and insurance and indemnification of the City by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor. The public access easement is to be conveyed to the City free and clear of all physical and title encumbrances unless otherwise agreed to by City Planning and the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, in accordance with the City of Toronto POPS Urban Design Guidelines, stating that members of the public shall be entitled to use the POPS at any time, 365 days a year, with any changes to terms and conditions being satisfactory to the Chief Planner and Executive Director, City Planning Division.
- (8) In the event the cash contributions referred to in Sections 3, 4, 5 and 6 above have not been used for the intended purpose within six (6) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (9) The owner shall provide the following to support the development of the lands:
 - (i) The provision of a minimum of 4.7% of the residential dwelling units within the development to be three-bedroom dwelling units and a minimum additional 3.3% of the residential dwelling units within the development that are convertible to

three-bedroom dwelling units, with built in features to ensure convertibility as determined prior to final site plan approval, and a minimum of 48% of the total number of residential dwelling units to be two and three bedroom dwelling units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- (ii) 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 to all buildings within this development.
- (iii) Prior to the issuance of any building permit, the owner shall enter into a financially secured Development Agreement with the City, to pay for and construct any improvements to the existing municipal infrastructure, including the engineering and inspection fee, in connection with the requirements stipulated in the accepted Functional Servicing Report, to the satisfaction of the Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
- (iv) 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.
- (v) The owner shall comply with the Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated March 15, 2016, to the satisfaction of the City.
- (vi) Prior to the issuance of the first above-grade building permit for the buildings, a Professional Engineer qualified to provide acoustical engineering services will review the building plans and provide confirmation that any noise attenuation features required for transportation noise have been incorporated into the design of the buildings, including at a minimum those recommended in the Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated March 15, 2016.
- (vii) The owner shall provide all dwelling units with air conditioning.
- (viii) The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) indicating to the owners that the sound levels on the site from transportation noise sources have exceeded the Ministry of the Environment and Climate Change's noise guidelines.
- (ix) The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) notifying the owners of the presence of the adjacent industrial uses.
- (x) The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) related to air quality emissions.
- (xi) Air makeup units and any other building air intakes will be located as high as

possible on the buildings.

- (xii) The owner shall install enhanced air filtration for all residential air makeup units.
- (xiii) The owner shall locate the outdoor fresh air intake for the child care facility a minimum of 20 metres from the south property line.
- (xiv) The owner shall install enhanced air filtration systems for the child care facility, including a minimum two inch MERV 8 pre-filter, integral to the makeup air unit and a four inch MERV 13 filter integral to the unit, located downstream of the supply air fan.
- (xv) Prior to the issuance of the first above-grade building permit for the buildings, a Professional Engineer or Architect will review the building plans and provide confirmation that potential for water vapour interaction and icing impacts on cladding and other building surfaces have been appropriately addressed.

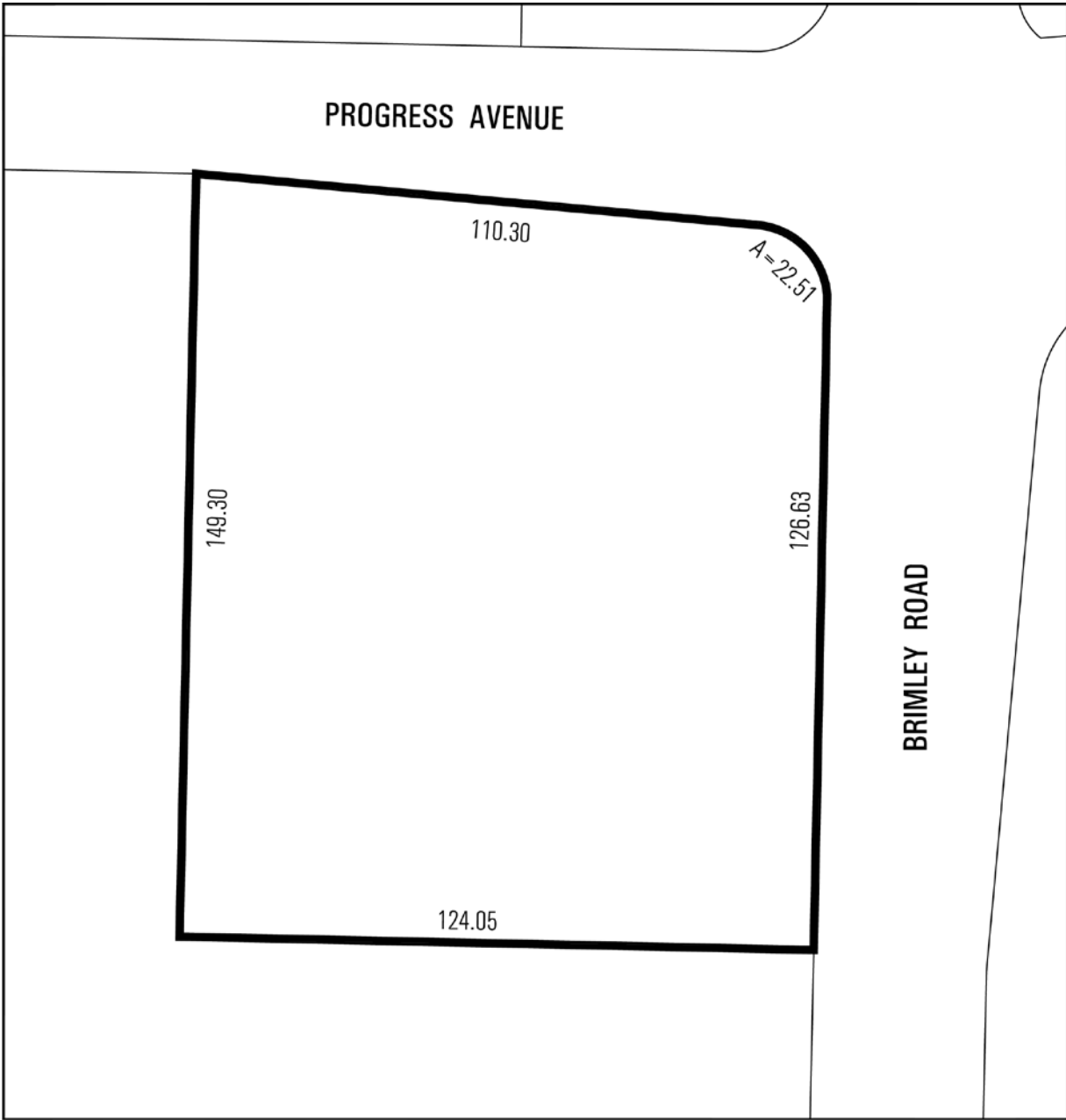
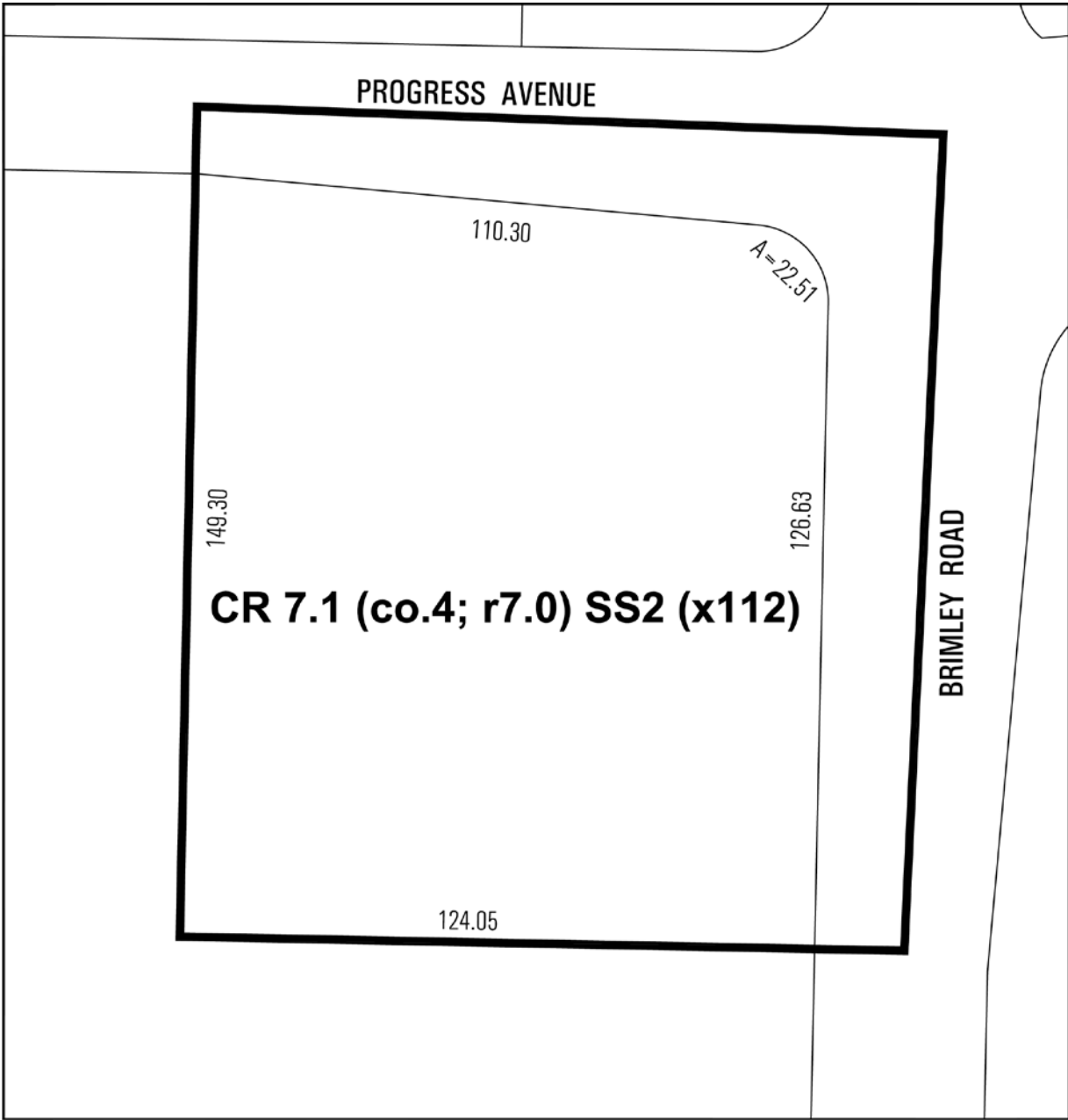



Diagram 1

1680 Brimley Road

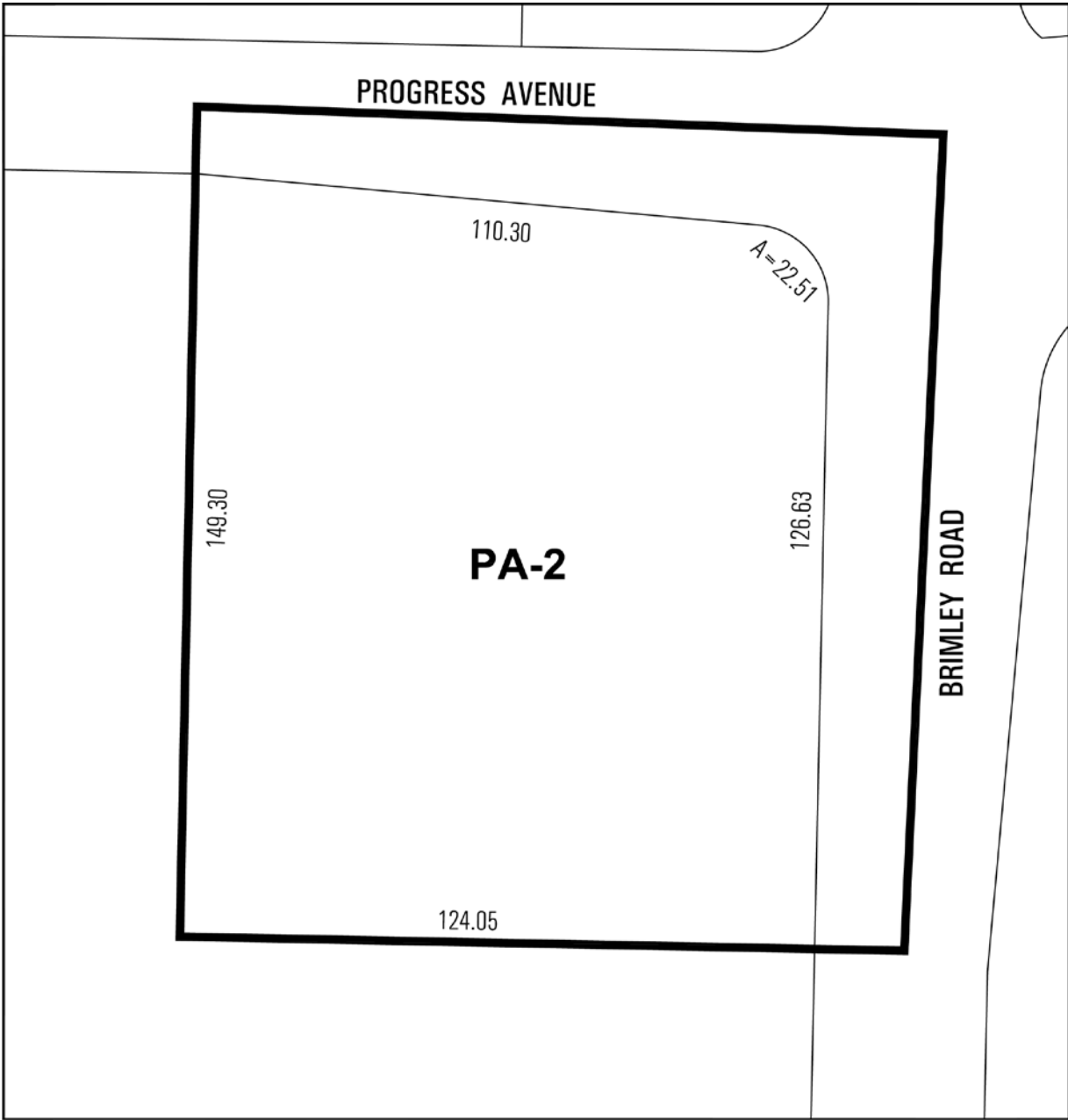
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 **Toronto**
Diagram 2

1680 Brimley Road

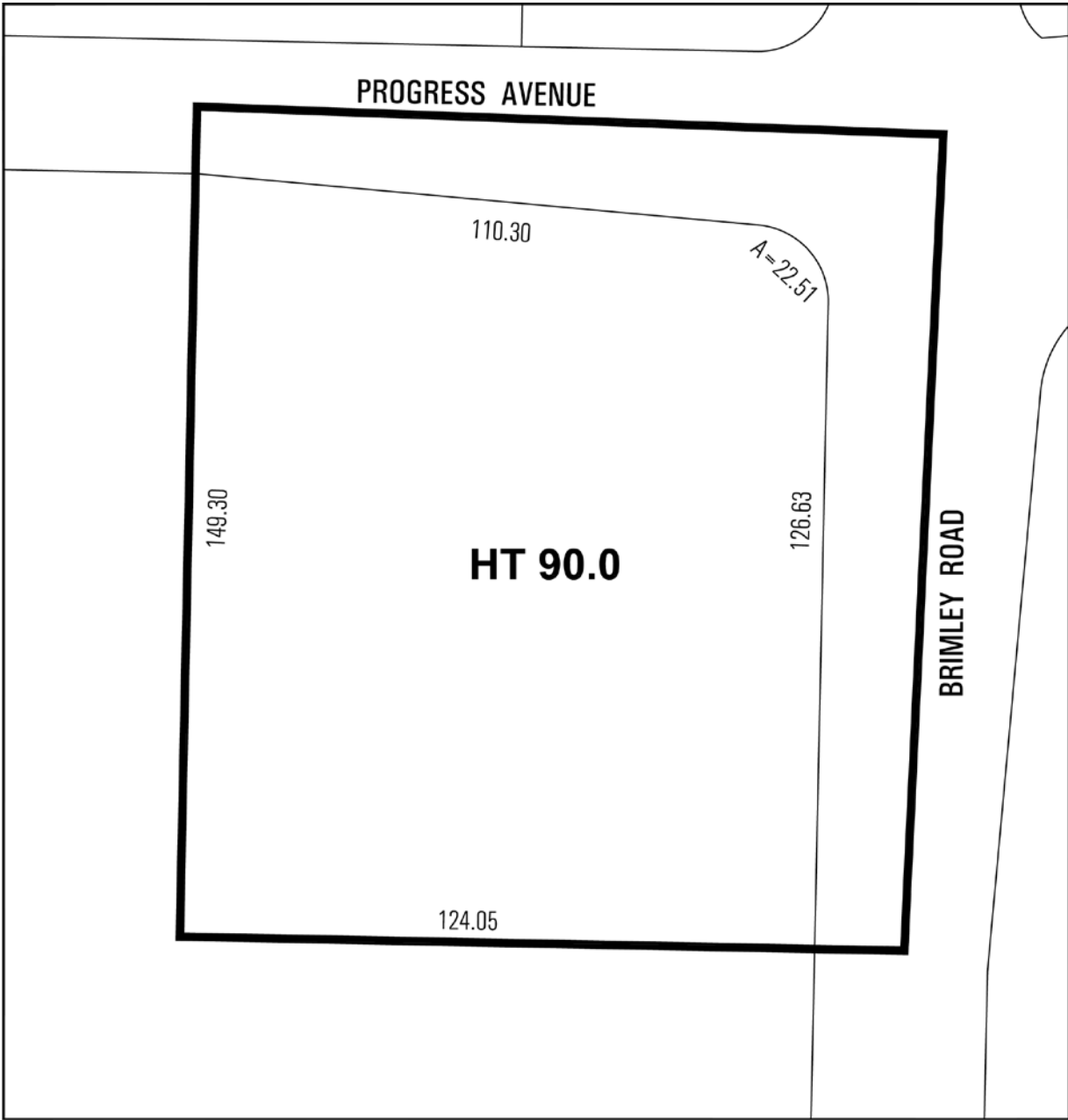
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 **Toronto**
Diagram 3

1680 Brimley Road

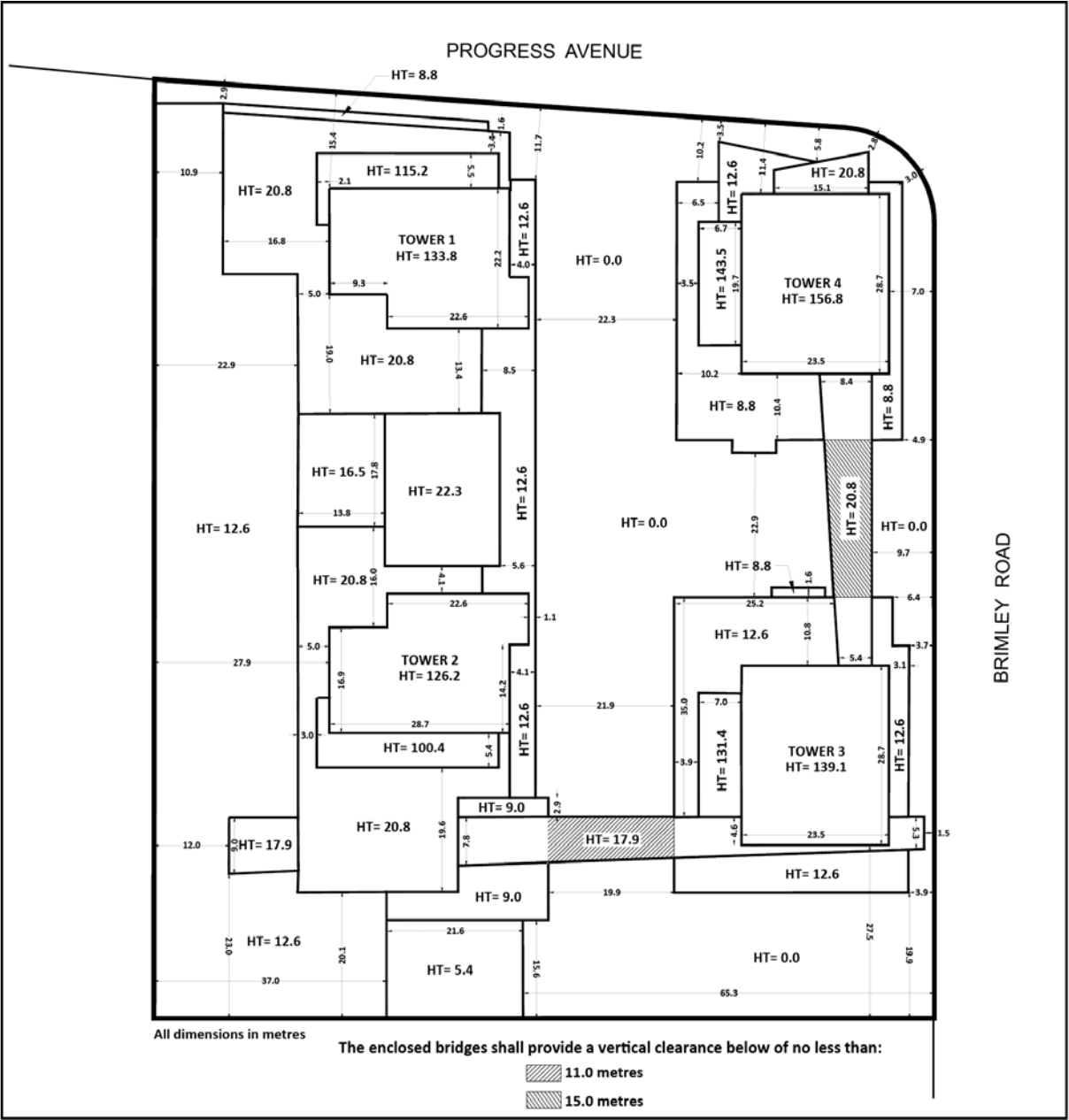
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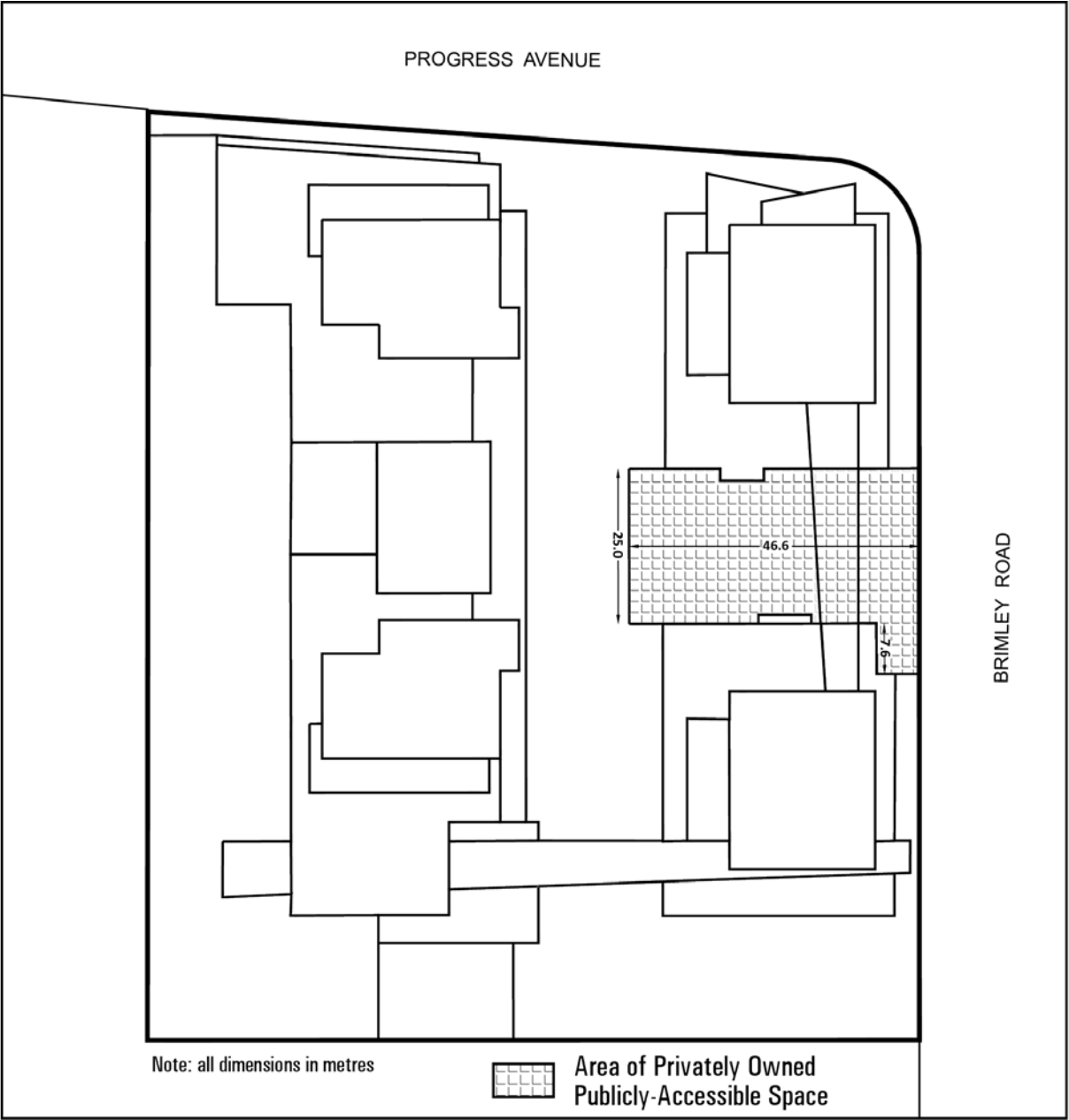


 **Toronto**
Diagram 4

1680 Brimley Road

File # 06 200146 ESC 37.0Z





 **TORONTO**
Diagram 6

1680 Brimley Road

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