

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District), as amended with respect to the lands municipally known as 1680 Brimley Road

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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **Schedule "A"** of the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District) is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1'.

CCR – 874 – 876 – 877 – 878 – 879 – 1640 – 1690 – 1691 – 1692 – 1757 – 1758
– 1759 2029 – 2089 – 2090 – 2091 – 2800 – 2801 – 2387

CCC – 874 – 875 – 876 – 1640 – 1690 – 1691 – 1692 – 1757 – 1758 – 1759 –
2029 – 2090 – 2091 – 2800 – 2801 – 2387

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

Amenity Space

shall mean indoor or outdoor space on a **lot** that is communal and available for use by the occupants of a building on the **lot** for recreational or social activities.

3. **Schedule “B”, PERFORMANCE STANDARDS CHART**, of the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District) is amended by adding the following Performance Standards:

INTENSITY OF USE

874. The maximum **gross floor area** of all uses permitted in the **City Centre Residential Zone (CCR)** and the **City Centre Commercial Zone (CCC)** shall not exceed 140,200 m².

875. The minimum **gross floor area** of all uses permitted in the **City Centre**

Commercial Zone (CCC) shall be 3,200 m².

876. A minimum **gross floor area** of 855 m² shall be used for a **day nursery**.
877. Maximum – 1,591 **dwelling units**.
878. A minimum of 4.7% of the total number of **dwelling units** will contain a minimum of three bedrooms and a minimum additional 3.3% of the total number of **dwelling units** will be convertible to **dwelling units** that contain a minimum of three bedrooms.
879. A minimum of 48% of the total number of **dwelling units** will contain a minimum of two bedrooms.

PARKING

1690. The following provisions of **CLAUSE V - GENERAL PROVISIONS** are not applicable: Sub-Clauses **6. Underground Structures**; 7.1.1 Location; 7.2. **Table of Required Parking Rates**; and 7.4.1. Height (above grade Parking Structures).
1691. Parking shall be provided in accordance with the following:
- a. 0.0 parking spaces per bachelor **dwelling unit** for residents.
 - b. A minimum of 0.7 parking spaces per one-bedroom **dwelling unit** for residents.
 - c. A minimum of 0.9 parking spaces per two-bedroom **dwelling unit** for residents.
 - d. A minimum of 1.0 parking space per three-bedroom **dwelling unit** for residents.
 - e. Despite performance standard 1691.d., a minimum of 0.9 parking spaces per three-bedroom **dwelling unit** for residents may be provided for a maximum of 53 three-bedroom **dwelling units**.
 - f. A minimum of 0.1 parking spaces per **dwelling unit** for use by visitors, and such parking spaces may be designated for shared use between residential and non-residential uses.
 - g. In addition to those parking spaces provided in accordance with performance standard 1691.f., a minimum of 11 parking spaces shall be provided for all uses permitted in the **City Centre Commercial Zone (CCC)**.
 - g. A minimum of six car-share parking spaces shall be provided for the

exclusive use of a car-share motor vehicle and organization where:

- i. car-share parking space shall mean a parking space exclusively reserved and signed for the parking of a car-share motor vehicle; and
- ii. car-share motor vehicle shall mean a motor vehicle owned by a profit or non-profit car-sharing organization available for short term rental, including an option for hourly rental and/or kilometres driven, intended for the shared use by a number of people including the occupants of the building.

1692. **Bicycle parking spaces** shall be provided in accordance with the following:

- a. a minimum of 0.75 **bicycle parking spaces** per **dwelling unit**, allocated as 0.68 "long-term" **bicycle parking spaces** per **dwelling unit** and 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**, where:
 - i. "long-term" **bicycle parking spaces** are for use by the occupants or tenants of a building and are located in a building; and
 - ii. "short-term" **bicycle parking spaces** are for use by visitors to a building.
- b. Where bicycles are to be parked in a horizontal position, the **bicycle parking spaces** shall have minimum horizontal dimensions of 0.6 m by 1.8 m per bicycle and minimum vertical dimension of 1.9 m.
- c. Where bicycles are to be parked in a vertical position, the **bicycle parking spaces** shall have minimum horizontal dimensions of 0.6 m by 1.2 m per bicycle and minimum vertical dimension of 1.9 m.
- d. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.

HEIGHT

- 1757. The height of any building or **structure** is measured from the Canadian Geodetic Datum elevation of 169.1 metres, and shall not exceed the height in metres specified by the numbers following the symbol HT on Schedule 2 of (Clerk to insert By-law #).
- 1758. The hatched areas shown and described on Schedule 2 of (Clerk to insert By-law #) shall commence as measured from the Canadian Geodetic Datum elevation of 169.1 m.
- 1759. 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, **structures** and elements associated with green energy and renewable energy facilities, **day nursery** facilities, public art features, landscape features, architectural features and ornamental elements may exceed the permitted maximum height by 3 m.

MISCELLANEOUS

2089. **Amenity space** for each building with 20 or more **dwelling units** shall be provided at a minimum rate of 4 m² for each **dwelling unit**, of which:
- a. a minimum of 2 m² for each **dwelling unit** is indoor **amenity space**;
 - b. a minimum of 2 m² for each **dwelling unit** is outdoor **amenity space**;
 - c. a minimum of 40 m² is outdoor **amenity space** in a location adjoining or directly accessible to an indoor **amenity space**; and
 - d. a maximum of 25% of the outdoor component may be a **green roof**.
2090. The minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, shall be 4.5 m.
2091. A minimum of three type "G" loading spaces shall be provided and each loading space shall have the following minimum dimensions:
- a. length of 13.0 m;
 - b. width of 4.0 m; and
 - c. vertical clearance of 6.1 m.

SETBACKS

2800. 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 (Clerk to insert By-law #).
2801. Notwithstanding **CLAUSE V - GENERAL PROVISIONS**, Sub-Clause 5 **Main Wall Projections**, the following building elements and **structures** may encroach into a required minimum building setback from the **main wall** as follows:
- a. 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: no projection restriction; and
 - b. balconies: a maximum projection of 2.0 m.

SECTION 37

2387. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of development is permitted beyond that otherwise permitted on the lands zoned **City Centre Residential (CCR)** and **City Centre Commercial (CCC)** shown on the accompanying **Schedule "A"** map in return for the provision by the owner, at the owner's expense of the facilities, services and matters 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 satisfaction of the City Solicitor:

- a. 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 on Schedule 2 of (Clerk to insert 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.
- b. 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.
- c. 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.
- d. 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.

- e. 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.
- f. 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 on Schedule 2 of (Clerk to insert By-law #).
- g. Prior to the registration of the condominium for Tower 4 on Schedule 2 of (Clerk to insert 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 Schedule 3 of (Clerk to insert 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.

- h. In the event the cash contributions referred to in 2387. c., d., e. and f. 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.
- i. The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

 - 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.

- j. Where 2387. a. – i. 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
- k. 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 provision of 2387. a. – i. above are satisfied.

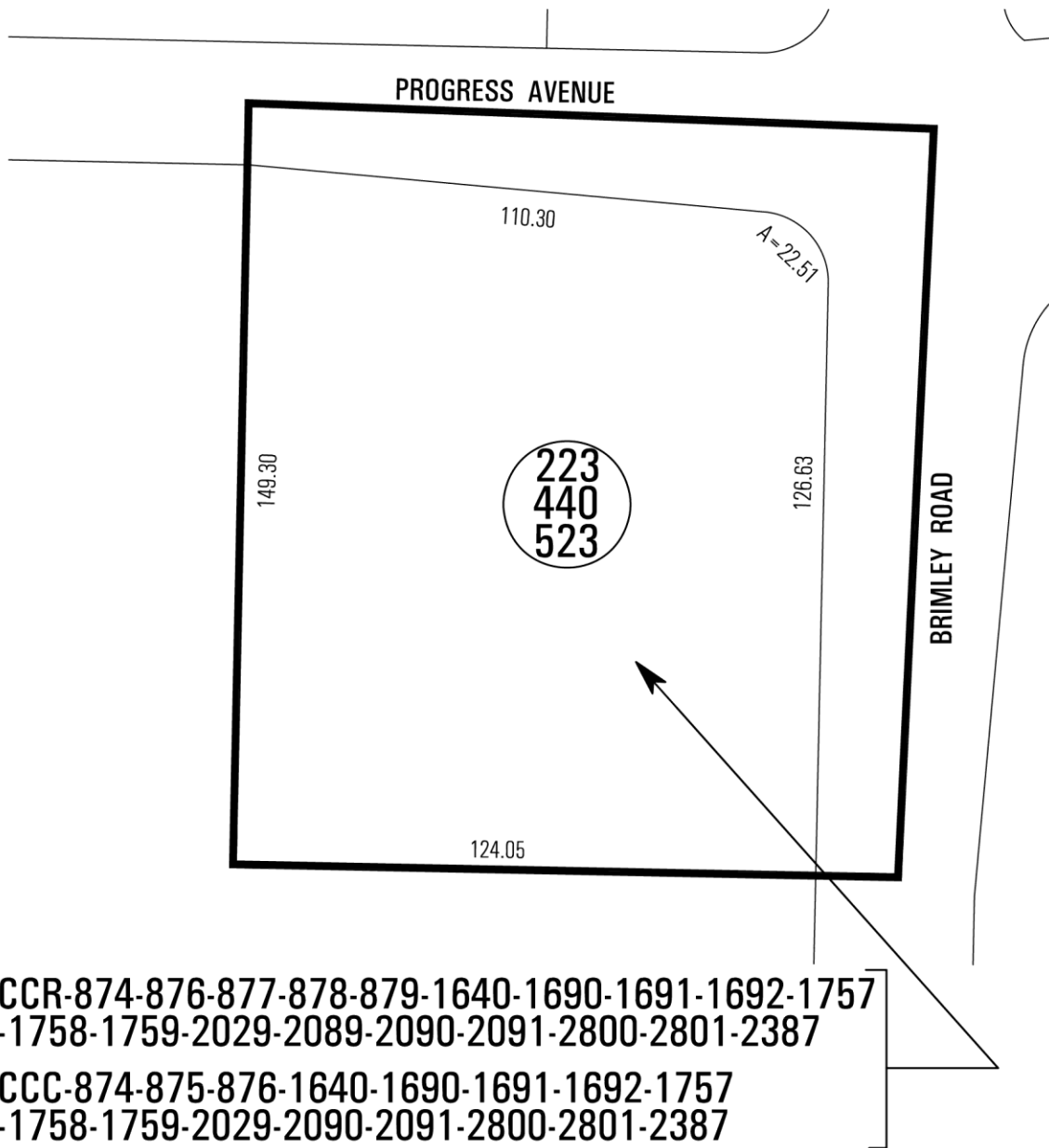
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



 **Toronto**
Zoning By-Law Amendment

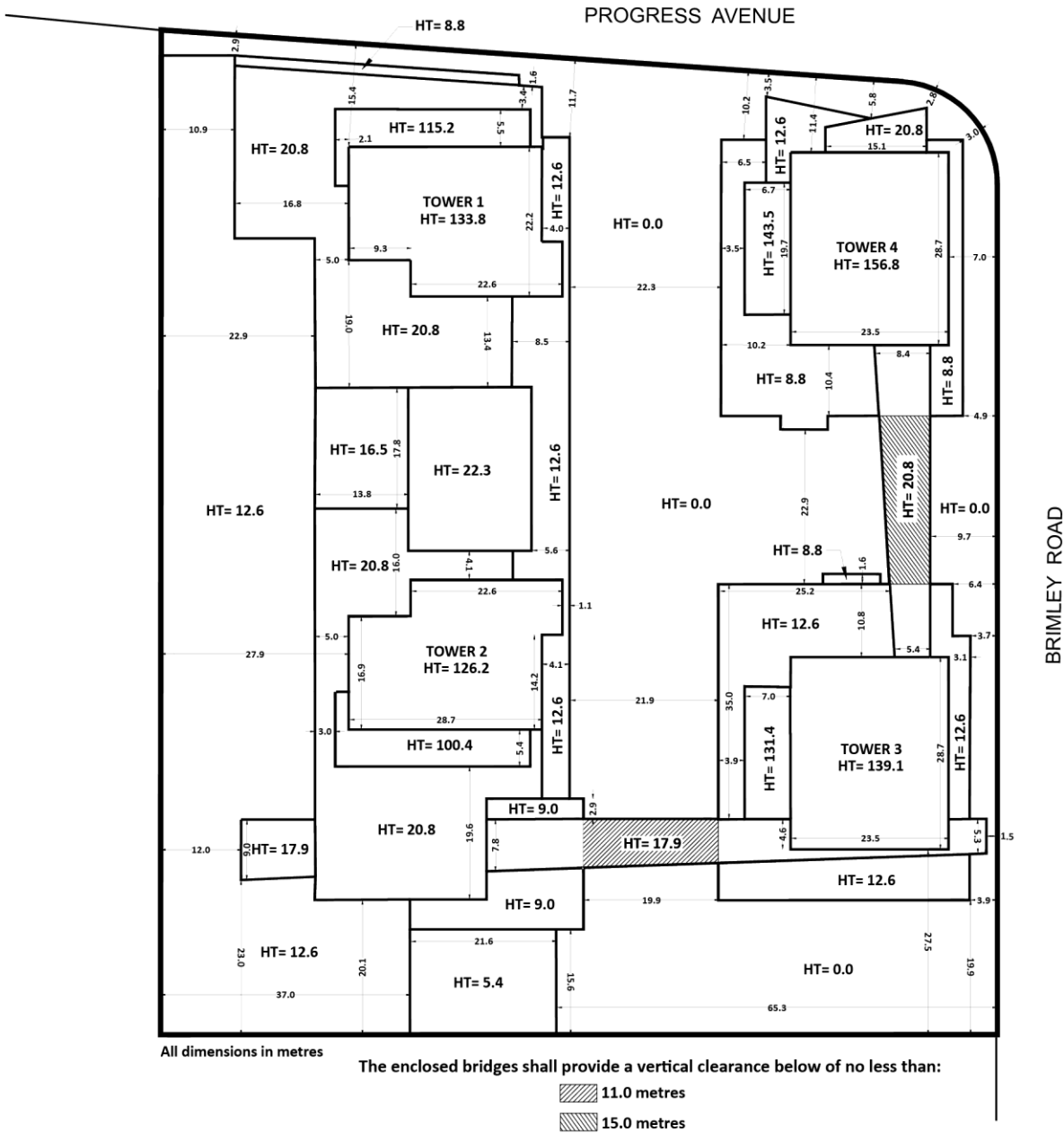
1680 Brimley Road
File # 06 200146 ESC 41 0Z

 Area Affected By This By-Law

Progress Employment District By-law
Not to Scale
06/07/17



Schedule '2'



Schedule '3'

