

3050 Pharmacy Avenue – Zoning By-law Amendment Application – Final Report

Date: August 24, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 22 - Scarborough-Agincourt

Planning Application Number: 18 272965 ESC 22 OZ

SUMMARY

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 and former City of Scarborough L'Amoreaux Community By-law No. 12466, as amended, to permit the construction of two additional 16-storey residential rental buildings connected by a five-storey base building at 3050 Pharmacy Avenue.

A total of 303 rental units are proposed, adding to the existing 252 rental units on site, with a total of 565 parking spaces in the combined underground parking garage. The existing 18-storey residential rental building, having a gross floor area of 26,978 square metres will remain largely unchanged. The additional gross floor area proposed is 55,276 square metres, resulting in an overall floor space index (FSI) of 3.25 times the area of the lot.

Of the 303 rental units proposed, 24 are proposed to be secured at affordable rents for a period of 20 years through a registered agreement pursuant to Section 37 of the *Planning Act*. Furthermore, rental tenure and improvements to the existing building have been agreed upon as an arrangement for the sharing of new amenity spaces between existing and new residents. These matters are recommended to be secured as a legal convenience through the Section 37 Agreement.

The proposed development is both consistent with the Provincial Policy Statement (2020) and conforms and does not conflict with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The proposal represents an appropriate type and scale of development in a strategic growth area that provides an acceptable transition of built form to adjacent low and medium scale areas while securing additional affordable rental units as part of a complete community.

The proposal conforms to the applicable Official Plan policies for lands designated *Apartment Neighbourhoods* and complies with the direction provided by the City's Tall Building Guidelines. The additional residential infill on the lands is deployed at an

appropriate density and built form as provided for by the development criteria for this land use designation.

This report reviews and recommends approval of the application to amend the Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the City of Scarborough L'Amoreaux Community By-law No. 12466, as amended, for the lands at 3050 Pharmacy Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 3050 Pharmacy Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into and register on title, an Agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters at the Owners expense:
 - a. The Owner shall design and construct twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building on the lot. The minimum average unit size of the purpose built affordable rental dwelling units shall be at least 78 square metres. The purpose built affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. The general configuration and layout of the twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units as rental dwelling units for a minimum of 20 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 20 years from the date of first occupancy. Upon the expiration of the 20 year period, the Owner shall continue to provide and maintain the purpose built affordable rental dwelling units as rental dwelling units, unless and until such time as the Owner has applied for and obtained all approvals necessary to do otherwise;

c. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline;

d. Prior to the issuance of the first above-grade building permit, the Owner shall provide a \$250,000 cash contribution to be directed to improvements to parks facilities in the vicinity of the development, said financial contribution to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment; and

e. In the event the cash contribution referred to in Recommendation 4d. above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.

5. City Council direct that the following matters be secured in the Section 37 Agreement as a legal convenience to support development:

a. The Owner shall continue to provide and maintain the 252 existing rental dwelling units on the lands at 3050 Pharmacy Avenue as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. The Owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site;

c. The Owner shall undertake improvements to the existing rental apartment building, taking into account tenant responses to the required Tenant Survey related to programming of amenity space, to the satisfaction of the Chief Planner

and Executive Director, City Planning Division or their designate, including, but not limited to, the matters set out in d. and e. below;

d. Prior to the first above-grade building permit for any part of the development the Owner shall:

1. Upgrade the laundry room in the existing residential rental building, including accessibility improvements such as including push button automatic doors and a clothes folding table which is universally accessible within the laundry room;
2. Provide a minimum of 54 bicycle parking spaces;
3. Provide Short-Term bicycle parking near the rear entrance of the existing residential rental building; and
4. Provide new indoor amenity space of 120 square metres within the existing residential rental building which shall include but not be limited to; a fitness room; communal/multi-purpose space which shall include, a kitchen, tables and chairs, and a washroom, with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

e. Prior to first occupancy of any new residential units in the development the Owner shall:

1. Provide new outdoor amenity space, to be shared between residents of the existing and new residential rental building(s), having a minimum size of 992 square metres, including new, replaced and improved outdoor amenity space with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
2. Provide new outdoor amenity space of 606 square metres, and 386 square metres of replaced and improved existing outdoor amenity space, which shall include but not be limited to: outdoor seating; community garden; planting and landscape treatments; and, play structure/equipment with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
3. Provide new outdoor amenity areas, to be shared between residents of the existing and new residential rental buildings, having a minimum size of 856 square meetings, with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
4. Improve the existing waste management facilities for the existing rental building, including indoor storage of garbage, recycling and composting, located at the New Residential Building; and

5. Ensure aesthetic and other improvements to the existing buildings garbage and recycling facilities be provided;

f. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline;

g. Prior to Site Plan Approval for the development agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

h. Provide a minimum of 50 percent of all new units in the proposed 16-storey residential building as 2-bedroom units; and provide a minimum 19 percent of all new units in the proposed 16-storey residential building as 3-bedroom units; and

i. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

The Zoning By-law amendment application was submitted on December 31, 2018 and deemed complete on February 15, 2019. A Preliminary Report on the application was adopted by Scarborough Community Council on March 19, 2019. The Preliminary Report and Community Council decision can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC4.7>

PROPOSAL

The proposal seeks to amend the Zoning By-law to permit the construction of two 16-storey residential rental buildings connected by a five-storey base building on a site containing an existing apartment building. A total of 303 rental units are proposed, in addition to the existing units to be retained as well as 565 parking spaces in the combined underground parking garage.

The existing 18-storey rental building, having a gross floor area of 26,978 square metres will be retained. The new buildings (Tower 'A' and Tower 'B') are proposed to be located south of the existing residential rental building in the area currently occupied by landscape open space (Refer to Attachment 9&10: 3D Model of Proposal in Context and Attachment 8: Site Plan). Combined, the total gross floor area for all buildings on the site will be 55,276 square metres, resulting in a Floor Space Index of 3.25 times the area of the lot.

The unit breakdown for both the existing and the proposed residential portion of this development are illustrated in Table 1 - Unit Breakdown and Table 2 - Affordable Housing Units Breakdown for New Buildings, as follows:

Table 1- Unit Breakdown

	Bachelor	1- Bedroom	2- Bedroom	3- Bedroom	Total	
Existing # of Units	5	77	153	17	252	
% of Units	2%	30.6%	60.7%	6.7%	100%	
Proposed # of Units	0	90	155	58	303	
% of Units	0%	29.7%	51.2%	19.1%	100%	
Future # of Units (Total)	5	167	308	75	555	
Total % of Units	.9%	30.1%	55.5%	13.5%	100%	

Table 2 - Affordable Housing Units Breakdown for New Buildings

	1-bedroom	2-bedroom	3-bedroom	Total
# of Units	6	13	5	24
Minimum Floor Area	56 sq. m.	81 sq. m.	97 sq. m.	Average 78 sq. m

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Site and Surrounding Area

The site is located at the north-west corner of Pharmacy Avenue and Finch Avenue East (see Attachment 2 - Location Map). The subject lands are rectangular in shape with an area of approximately 1.7 hectares. The site has approximately 212 metres of frontage on Pharmacy Avenue, 90 metres of frontage on Finch Avenue East and 75 metres of frontage on Chester Le Boulevard.

The site slopes from north to south with a lower elevation towards Finch Avenue East. The Finch Avenue East frontage consists of a gentle sloped grassed and treed area.

The subject lands are currently developed with an 18-storey residential rental apartment building constructed in 1973 and oriented in a north-south direction on the site. The existing building contains 252 rental units and has a gross floor area of approximately 26,978 square metres.

A one level underground parking garage is located beneath the existing building and extends into a portion of the open space to the south of the building. This underground garage contains a total of 249 parking spaces available to tenants. An additional 52 parking spaces are located at-grade of which, 43 spaces are reserved for visitors to the building.

A driveway is located near the northwest corner of the subject site, with access to Chester Le Boulevard. Directly accessible from this driveway is an uncovered entrance ramp to the underground parking garage, which is located between the north property line and the existing building.

Pedestrian access to the existing residential building is from a walkway on Pharmacy Avenue and a walkway running along the vehicular access extending south from Chester Le Boulevard.

Surrounding uses are as follows:

West: Two-storey condominium townhouse development serviced by private streets. This complex extends from the subject site, north along Chester Le Boulevard, and west towards Victoria Park Avenue.

North: Across Chester Le Boulevard, a development containing two and three-storey condominium townhouses in five blocks which have their access from a series of private streets. Further north are semi-detached residential dwellings.

East: Across Pharmacy Avenue, a small retail strip plaza and a residential development consisting of three condominium apartment towers that range in height from 19 to 20 storeys tall.

South: Across Finch Avenue East, an 18-storey residential apartment building and Bridlegrove Bible Chapel and Daycare east of Pharmacy Avenue.

Reasons for Application

The application to amend the zoning by-law(s) is required to permit the proposed development and to establish appropriate performance standards. Specifically, the proposal requires amendments to the zoning by-law(s) for density, setbacks, parking provisions and other performance standards in the by-laws.

The subject lands are part of the City of Toronto Zoning By-law 569-2013, as amended. An amendment to the City of Toronto Zoning By-law 569-2013, as amended is required.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning Rationale;
- Draft Zoning By-law Amendment;
- Housing Issues Report;
- Geotechnical Investigation;
- Hydrogeological Report;
- Preliminary Grading and Servicing Plans;
- Servicing Report Groundwater Summary Form;
- Phase 1 Archaeological Assessment;
- Energy Strategy Report;
- Sun/Shadow Study
- Computer Generated Building Mass Model;
- Toronto Green Standard Checklist and Template;
- Arborist Report;
- Archaeological Assessment;
- Pedestrian Level Wind Study;
- Storm Water Management Report;
- Tree Preservation Plan; and,
- Transportation Impact Study

The material can be viewed at the Application Information Centre (AIC)

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and conditions of Site Plan Control approval.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Maintaining at all times the ability to accommodate residential growth for a minimum 15 years through residential redevelopment;
- Maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three year supply of residential units; and,

- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

This application has been reviewed against the policies of the City of Toronto Official Plan.

Chapter 2 - Shaping the City

Policy 2.3.1.1 of the Official Plan identifies *Neighbourhoods* and *Apartment Neighbourhoods* as physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Chapter 3 - Building a Successful City

Policy 3.1.2.1 provides for new development to be located and organized to fit with its existing and/or planned context, framing and supporting adjacent streets, parks and

open spaces to improve the safety, pedestrian interest and casual views to these spaces.

Official Plan built form policies also provide that development is to be generally located parallel to the street or along the edge of a park or open space with a consistent front yard setback, that it should be preserving existing mature trees wherever possible and incorporating them into landscaping designs and it should mass and design the exterior façade of development to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces.

The Official Plan also directs new development to be located and organized so that the impact of vehicle parking, vehicular access, service areas and utilities on the property and surrounding properties is minimized to improve the safety and attractiveness of adjacent streets, parks and open spaces. Minimizing driveway widths and consolidating curb cuts is also provided for along with limiting surface parking between the front wall of the building and the public street or sidewalk.

New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan, with additional specific direction outlined below.

Chapter 4 - Land Use Designations

The subject lands are designated *Apartment Neighbourhoods* as shown on Map 19 of the Official Plan, an extract of which can be found in Attachment 3. Lands designated *Apartment Neighbourhoods* designation contain uses such as apartment buildings, parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. The Official Plan notes that all land uses provided for in the *Neighbourhoods* designation are also provided for in *Apartment Neighbourhoods*.

Further, the Official Plan states that built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is not anticipated on a city-wide basis. The Plan does, however, recognize that opportunities exist for additional townhouses or apartments on underutilized sites, including new rental housing.

Policy 4.2.2 sets out a number of criteria for development within the *Apartment Neighbourhoods* designation, including:

- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- Locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edges of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;

- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- Providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Significant growth is generally not intended within *developed Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents.

In addition to meeting the development criteria set out in Policy 4.2.2, infill development that may be permitted on a site containing an existing apartment building will:

- Be compatible with the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site;
- Provide separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy;
- Maintain or replace and improve indoor and outdoor residential amenities on the site, including upgrades to the existing amenities and building operations (waste facilities, energy and water systems);
- Improve upon the quality of landscaped open space and outdoor amenity space for new and existing residents, including the preservation or replacement of significant landscape features and walkways and creating such features where they did not previously exist;
- Provide adequate on-site structured shared vehicular parking for both new and existing development;
- Consolidate where achievable, relocating parking and servicing areas where they are not visible from streets, parks and landscaped open spaces;
- Place parking ramps within the building where achievable;
- Provide all residents, including existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of this Plan;
- Provide privacy and areas of landscaped open space, and maintaining adequate sunlight to units, outdoor amenity spaces and open spaces, for both new and existing residents;
- Organize development on the site to frame streets, parks and open spaces at good proportion, providing adequate sky views from the public realm, and creating safe and comfortable open spaces; and
- Minimize curb cuts and improve pedestrian access to the buildings from public sidewalks and through the site.

Chapter 5 - Implementation

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan. The Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under provisions of the *Planning Act* or the Development Charges Act or other statute. Section 37 may be used, irrespective of the size of the project or increase in height and/or density as a mechanism to secure facilities required to support development.

In addition to the policies referenced above, the Official Plan will be considered as a whole through the review of this application.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Growing Up: Planning for Children in New Vertical Communities Guidelines

In July 2017, City Council adopted the City-wide Growing Up: Planning for Children in New Vertical Communities draft guidelines. At its July 28, 2020 meeting, Council adopted the Guidelines in their final form.

The objectives of the guidelines are rooted in the Official Plan vision to create an attractive, safe and healthy city where children are valued and residents have access to housing, support services and recreational activities. The draft guidelines implement Official Plan policies that highlight the importance of integrated community facilities and amenities, the need for a comfortable and safe public realm and the creation of a range of housing options in communities.

The Final Growing Up Guidelines and City Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.5>

Housing Policies

The Plan's housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents (Policy 3.2.1(1)). A full range of housing is said to include:

“Ownership and rental housing, affordable and mid-range rental and ownership housing, affordable and mid-range rental and ownership housing, social housing, shared and/congregate-living housing arrangements, supportive housing, emergency and

transition housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.”

Policy 3.2.1(2) provides that new housing supply be encouraged through intensification and infill that is consistent with the Plan.

Policy 3.2.1(5) provides that where significant new development is proposed on sites containing six or more rental units and existing rental units will be kept in the new development. Development approvals for these sites will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents.

Moreover, the Official Plan provides that approvals should secure needed improvements or renovations to the existing rental housing to extend the life of the building(s) that are to remain and to improve amenities, without pass-through costs to tenants. These improvements and renovations should be a City priority under Section 5.1.1 of the Plan where no alternative programs are in place to offer financial assistance for this work.

Official Plan Amendment 320

In December 2015, the City of Toronto City Council adopted Official Plan Amendment No. 320 (OPA 320), which strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods. In July of 2016, the Minister of Municipal Affairs and Housing approved OPA 320 and the decision was subsequently appealed.

The Local Planning Appeal Tribunal (LPAT) issued an order to approve OPA 320 on December 7, 2018 bringing the policies in force for all lands except for properties that remain subject to site-specific appeals. The subject applications were submitted after OPA 320 being brought into force and are therefore subject to these new policies.

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

Finch-Warden Revitalization Study

The application is also subject to Site and Area Specific Policy (SASP) No. 347, an outcome of the Finch Warden Revitalization Study completed in 2010.

The SASP outlines a community vision and establish parameters for redevelopment and intensification within the study area that included sites fronting on, or in close proximity to, Finch Avenue East between Victoria Park Avenue and Birchmount Avenue. In addition to SASP 347, Council adopted accompanying Urban Design Guidelines. The link to the Study may be found here:

<http://www.toronto.ca/legdocs/mmis/2010/sc/bgrd/backgroundfile-32437.pdf>

The outcome of staff analysis and review of relevant Official Plan policies and designations and site and area specific official plan planning studies noted above, are summarized in the Comments section of the Report.

Zoning By-Laws

As illustrated in Attachment 4, the subject lands are zoned A-20D-51-76-84-85-86-99-103-110-117-127-140 in the L'Amoreaux Community Zoning By-law No. 12466, as amended. Permitted uses within the Apartment Residential (A) zone includes apartment buildings, day nurseries, group homes, and ancillary private home day cares.

City-wide Zoning By-law 569-2013, as amended was enacted by City Council on May 9, 2013.. and zones the lands Residential Apartment subject to Exception 568 [RA (au67.0)(x568)] as illustrated on Attachment 5.

The RA zone category permits residential uses in an apartment form provided there is 67 square metres of lot for each residential unit on site. Certain non-residential uses are permitted subject to conditions as can be seen at the following link:

https://www.toronto.ca/zoning/bylaw_amendments/ZBL_NewProvision_Chapter15_10.htm

Exception 568 sets out a number of site specific performance standards for the site, including but not limited to minimum frontages on public streets, a 15% maximum lot coverage, minimum 0.9 square meters of amenity space per unit and a maximum building height of 54 metres. Exception 568 to the RA Zone can be found at the following link:

[https://www.toronto.ca/zoning/bylaw_amendments/ZBL_NewProvision_Chapter900_7.htm#900.7.10\(568\)](https://www.toronto.ca/zoning/bylaw_amendments/ZBL_NewProvision_Chapter900_7.htm#900.7.10(568))

Site Plan Control

The proposed development is subject to site plan control. A site plan approval application has been received and is being reviewed by staff.

COMMUNITY CONSULTATION

A Community Consultation Meeting on the rezoning application at 3050 Pharmacy Avenue was held on May 1, 2019. The meeting was attended by the Ward Councillor, the applicant and their respective consultants, City Planning and approximately 30 members of the public. Notice was provided in accordance with the expanded notice area directions of Scarborough Community Council.

Following the submission of the rezoning application filed for 3050 Pharmacy Avenue and the Community Consultation Meeting held on May 1, 2019, the City received a Petition signed by approximately 72 residents.

Comments from the Community Consultation Meeting and the Petition can be summarized as follows:

- Concern related to increased traffic/congestion
- Increased noise due to additional residents and vehicles
- Diminished public green space in the community
- Reduced sunlight in neighbourhood from shadow impacts of the proposed towers

Staff have taken these comments into account through the review of the application and subsequent resubmissions, as discussed in the subsequent sections of this report.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2019).

It is consistent with Section 1.1.1 of the PPS as it contributes to a healthy, liveable and safe community in part by promoting efficient development and land use patterns. The proposal avoids land use patterns which may cause environmental or public health and safety concerns. It is further consistent with PPS (2020) direction that encourages the provision of an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. Through the intensification of rental housing and securing units as affordable it helps ensure that further housing options are available in the city.

The Growth Plan (2019) defines *strategic growth areas* as nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. *Strategic growth areas* can be located along a major arterial road such as Finch Avenue East which accommodates frequent transit service.

Through the Finch-Warden Revitalization Study, lands along the Finch Avenue East corridor, including the subject site, were identified opportunities for targeted and appropriate intensification. Given the size and the orientation of the existing building, the subject site can accommodate intensification that will result in a good quality of life for both new and existing residents, while making efficient use of land, resources, infrastructure and other public service facilities conforming to Growth Plan direction.

The intensification of rental housing and securing of shared amenity and affordable units contributes to the achievement of a complete community. Rental residential intensification on the subject site will assist in improving the livability of the urban region

through reurbanization, assist in meeting population forecasts for the City as set out in the Growth Plan and implemented through the Official Plan. The proposal will provide additional housing options through an important contribution to the City's rental housing stock that includes both retention of existing rental units and the provision of new, purpose-built rental units some of which will be secured as affordable.

Land Use

This application has been reviewed against Official Plan policy and planning studies described in the Issue Background Section of the Report as well as the policies of the Official Plan as a whole.

The intensification of rental residential dwelling units on the subject site is desirable and appropriate, and conforms with the land use permissions of the Official Plan and Zoning By-laws, both of which permit residential apartment buildings on the subject site.

Specifically, the *Apartment Neighbourhoods* designation of the Official Plan recognizes that, while built up *Apartment Neighbourhoods* are stable areas where significant growth is not anticipated on a city-wide basis, opportunities do exist for additional townhouses or apartments on underutilized sites, including new rental housing.

Staff have reviewed the proposal pursuant to the development criteria which apply to such situations as outlined in Section 4.3 of the Official Plan. Staff are of the opinion the proposal conforms to the *Apartment Neighbourhoods* policies and the subject site can appropriately accommodate the scale of infill development proposed.

Density, Height, Massing

The proposed density of 3.25 FSI is accommodated in a built form compatible with its surrounding context and represents appropriate level and form of development. It makes efficient use of land that would otherwise be underutilized in a built up area.

The proposed height of 16-storeys will fit with the existing and planned built form context. The proposed building is comparable to the height of the existing 18-storey building on the subject site as a result of incorporating modern building standards including floor-to-ceiling heights.

The proposal fits within the general pattern of heights in both the immediate and broader area, in which taller buildings are concentrated at key nodes and intersections. The subject site is located at an intersection (Finch Avenue East and Pharmacy Avenue) where three of the four corners are occupied by older apartment buildings with large building floorplates and heights of up to 20 storeys.

The proposal consists of a five-storey podium base with two well separated tower elements comprising floors 6 to 16. The towers are slender in form and meet current city guidelines with respect to tower separations providing adequate sky view from the public realm and minimizing built form impacts on the existing development both on site and on adjacent property.

The proposed base building frames the abutting streets and provides a gradual transition of scale and height through stepping and setbacks to the *Neighbourhoods* designated properties to the west. Along Finch Avenue East a setback of 3.0 metres above the 5th storey of the base building would be provided to Tower 'A' on its south and east sides. In combination with front yard setbacks of a minimum of 3.0 metres, the proposed podium height will frame the public realm at a scale that is appropriate for the existing street context. Similar step backs are proposed to Tower 'B' adhering to applicable tall building guidelines.

The City-wide Tall Building Design Guidelines recommend a minimum separation distance of 25.0 metres between tower faces and a tower setback of 12.5 metres from side and rear property lines, or the centreline of an abutting lane, measured to the external walls of the building. These separation distances have been achieved. In this respect, staff determined the proposal conforms to the criteria established in Policy 3.1.3(2) of the Official Plan for the location and placement of tall buildings.

The proposed residential intensification of the subject lands consists of a scale that appropriately responds to the built form policies of the Official Plan, as well as the development criteria for infill provided for in the *Apartment Neighbourhoods* policies.

Sun, Shadow, Wind

A Sun/Shadow/Wind study was included in the applicants' submission material. Potential impacts have been evaluated to ensure that residents of the existing and new building have adequate levels of sunlight.

The Sun/Shadow study indicates that shadows on lands designated *Neighbourhoods* are adequately limited as provided for by the Official Plan for the spring and fall equinoxes.

The study indicates the new buildings will cast shadows onto the sidewalks along Pharmacy Avenue, but the composition of the slender towers mean the shadow will quickly move off the east sidewalk. Shadows on all other sidewalks along public streets is limited.

Similarly, the new building will result in minimal shadow impacts on any public parks or open spaces. There will only be some limited incremental shadows cast onto the private open spaces associated with the apartment towers located at the northeast corner of Finch Avenue East and Pharmacy Avenue.

The wind study concludes that wind conditions at the main entrances on the east and west facades of the new building, as well as the individual unit entrances along Finch Avenue East, will be suitable for sitting throughout the year.

Wind conditions for on-site walkways will be suitable for leisurely walking throughout the year. At the northwest corner of the new building, wind conditions will result in fast walking or uncomfortable in the winter season. To mitigate this condition, a trellis has been proposed at this location. Staff will investigate further mitigation measures at the site plan approval stage.

In the summer months, wind conditions for the outdoor amenity spaces along the westerly edge of the subject site will be conducive to sitting or standing, while in the winter months conditions will be generally comfortable for sitting or standing.

There are however a few areas of concern within the outdoor amenity spaces, including the children's play area. Mitigation measures proposed include the use of wind screens and other mediation measures.

Wind conditions in the adjacent public realm, including the sidewalks along Finch Avenue East and Pharmacy Avenue and the nearby transit stops, will generally be improved as a result of the placement of the new buildings.

Overall, the sun/shadow/wind study indicate acceptable levels and general conformity with Official Plan policies. Should Council approve this application, the Site Plan review process will determine whether the proposed mitigation measures are acceptable and implement them accordingly.

Traffic Impact, Access, Parking

A Transportation Impact Study (TIS) has been submitted with the application and reviewed by City staff. The TIS is intended to evaluate if the proposal would result in any adverse impacts to the local road and transportation network. The TIS also determines if the proposed parking and loading provisions and arrangements are adequate.

The TIS projected that the proposal will generate a total of 77 auto trips during the a.m. peak hours and 83 auto trips during the p.m. peak hours.

The TIS concluded that traffic impacts from the proposal on the boundary road network are minimal and the auto trip generation can be readily accommodated by the local road network. The pedestrian and transit assessments also indicated no issues for non-auto modes of travel

Vehicular access to the property continues to be from the existing entrance/exit from Chester Le Boulevard. A new, right-in right-out vehicular access is proposed from Pharmacy Avenue. Staff are supportive of this arrangement however, through the site plan approval process, staff will examine whether a median is required on Pharmacy Avenue opposite the proposed access point.

A total of 565 parking spaces are being proposed which equates to 1.02 parking spaces per unit. Staff are satisfied that this level of parking would adequately serve the needs of the residents and visitors.

The proposed bicycle parking supply of 228 spaces, including 22 Short-Term and 206 Long-Term spaces, meets the Toronto Green Standard requirements is reflected in the draft zoning by-laws.

Staff in Transportation Services and Transportation Planning have reviewed the Transportation Impact Study and relevant submissions and raise no further issues.

Servicing

A Functional Servicing and Stormwater Management Report has been submitted to provide a site servicing strategy for the proposal that addresses the requirements of the applicable regulatory agencies and provides the basis for detailed servicing design.

Engineering and Construction Services staff have reviewed the report and raise no objections to rezoning the lands subject to refinements to the report and the satisfactory incorporation of servicing related hydrogeological considerations. These refinements will be addressed more thoroughly through the Site Plan Control process.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the minimal payment is no less than 5%.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The Appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Housing Issues

A Housing Issues Report was submitted with the application and reviewed by staff. The Report indicates 144 existing units are currently rented at affordable rates and 105 units are currently rented at mid-range rates (exclusive of 3 units used for superintendent and rental office purposes). Official Plan Policy 3.2.1(5)(a), requires that all 105 mid-range units and all 144 affordable units be retained for rental tenure for at least 20 years.

As outlined above, the proposed intensification of the subject site with additional rental units is consistent with the PPS (2020) and conforms to the Growth Plan (2019) on policies regarding housing. Regard is also had for Section 3.2.1 of the Official Plan as they relate to:

- the protection and addition of rental housing;
- the provision of supporting amenities for the tenants of the existing building; and,
- consideration for potential tenants impacts as a result of the proposal.

The Growing Up Guidelines recommend a minimum of 25% of the dwelling units be larger units to provide for larger households, including families with children. The Guidelines also specify that 10% of total units be three-bedroom units with a minimum

size of 100-106 square metres, and 15% of the total units be two-bedroom units with a minimum size of 87-90 square metres.

The development contemplates 154 two-bedroom dwelling units (51% of all units); 71 three-bedroom dwelling units (23.5% of all units); and, in excess of 15% of the total units will have a minimum size of 90 square metres. Staff are satisfied that the Growing Up Guidelines, as it relates to unit mix and size have been met.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law).

The applicant is to submit a tree planting deposit to ensure the planting and survival of all new City trees. In addition, Urban Forestry requires the planting of new trees to replace any private trees proposed for removal.

While Urban Forestry is not opposed in principle to development of this site, it is expected that retention and appropriate protection of existing trees will be considered when developing site plans, and whenever possible, buildings and driveways are to be diverted around trees. Development of the subject lands will require the removal of fifty (50) privately owned trees, located on subject site; the injury of one (1) privately owned tree, located on the adjacent site; and the injury of seven (7) City street trees, located adjacent to Finch Avenue East and Pharmacy Avenue is required.

Urban Forestry recommends that the applicant be required to demonstrate that they can comply with all elements of the city's Toronto Green Standards, including the parts of the ecology section, which pertain to existing and proposed trees. The submitted Tree Preservation Plan will be reviewed in further detail during site plan approval.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the zoning by-law process include vehicular and bicycle parking. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of

programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A CS&F Study was submitted as a complete application submission requirement for the zoning amendment application.

The CS&F Study concludes that the surrounding neighbourhood is well served by a number of existing community services and facilities that can comfortably accommodate increased population resulting from the proposal. The community benefits recommended to be secured in relation to the subject application are described in the Section 37 section of this report.

The Toronto District School Board, public elementary and secondary schools servicing the subject site are undersubscribed, and the projected 63 public elementary students and the 45 public secondary students from the new building could be accommodated.

The Toronto Catholic District School Board operates two of the three elementary schools and could accommodate the 7 projected additional students from the new building. The three Catholic secondary schools servicing the area are currently oversubscribed and may not be able to accommodate the 7 projected additional students at this time.

There are 61 operating childcare facilities in the area, 49 of which provide subsidized spaces when subsidies are available. The projected demand of 29 childcare spaces resulting from the new building, is expected to be accommodated within the existing childcare facilities in the study area. These facilities collectively reported a total of 199 vacant spaces in 2018.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

Before introducing the necessary Bills to City Council for enactment, it is recommended that Council require the Owner to enter into and register on title, an Agreement pursuant

to Section 37 of the *Planning Act* to secure the following facilities, services and matters at the Owners expense:

1. The Owner shall design and construct twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building on the lot. The minimum average unit size of the purpose built affordable rental dwelling units shall be at least 78 square metres. The purpose built affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. The general configuration and layout of the twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;;

2. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units as rental dwelling units for a minimum of 20 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 20 years from the date of first occupancy. Upon the expiration of the 20 year period, the Owner shall continue to provide and maintain the purpose built affordable rental dwelling units as rental dwelling units, unless and until such time as the Owner has applied for and obtained all approvals necessary to do otherwise; and,

3. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline.

4. Prior to the issuance of the first above-grade building permit, the Owner shall provide a \$250,000 cash contribution to be directed to improvements to parks facilities in the vicinity of the development, said financial contribution to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment.

5. in the event the cash contribution referred to in number 4 above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.

It is also recommended that City Council direct that the following matters be secured in the Section 37 Agreement as a legal convenience to support development:

1. The Owner shall continue to provide and maintain the 252 existing rental dwelling units on the lands at 3050 Pharmacy Avenue as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

2. The Owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.

3. The Owner shall undertake improvements to the existing rental apartment building, taking into account tenant responses to the required Tenant Survey related to programming of amenity space, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or their designate, including, but not limited to, the matters set out in 4. and 5. below.

4. Prior to the first above-grade building permit for any part of the development the Owner shall:

a. Upgrade the laundry room in the existing residential rental building, including accessibility improvements such as including push button automatic doors and a clothes folding table which is universally accessible within the laundry room;

b. Provide a minimum of 54 bicycle parking spaces;

c. Provide Short-Term bicycle parking near the rear entrance of the existing residential rental building;

d. Provide new indoor amenity space of 120 square metres within the existing residential rental building which shall include but not be limited to; a fitness room; communal/multi-purpose space which shall include, a kitchen, tables and chairs, and a washroom, with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

5. Prior to first occupancy of any new residential units in the development the Owner shall:

- a. Provide new outdoor amenity space, to be shared between residents of the existing and new residential rental building(s), having a minimum size of 992 square metres, including new, replaced and improved outdoor amenity space with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
- b. Provide new outdoor amenity space of 606 square metres, and 386 square metres of replaced and improved existing outdoor amenity space, which shall include but not be limited to: outdoor seating; community garden; planting and landscape treatments; and, play structure/equipment with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
- c. Provide new outdoor amenity areas, to be shared between residents of the existing and new residential rental buildings, having a minimum size of 856 square meetings, with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;
- d. Improve the existing waste management facilities for the existing rental building, including indoor storage of garbage, recycling and composting, located at the New Residential Building;
- e. Ensure aesthetic and other improvements to the existing buildings garbage and recycling facilities be provided.

6. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline;

7. Prior to Site Plan Approval for the development agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

8. Provide a minimum of 50 percent of all new units in the proposed 16-storey residential building as 2-bedroom units; and provide a minimum 19 percent of all new units in the proposed 16-storey residential building as 3-bedroom units.

9. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019) and the Toronto Official Plan.

The proposal is consistent with the PPS (2020) and conforms and does not conflict with the Growth Plan (2019). Furthermore, the proposal meets the policies of the Official Plan, particularly as it relates to density, built form, height and the neighbourhood context outlined in the *Apartment Neighbourhoods* policies.

Through this process, staff worked with the applicant and the community to address and resolve concerns related to traffic congestion and access on adjacent streets, appropriate amenity space for existing and future residents and sun/shadow concerns.

The proposed residential infill development use is compatible with its surrounding context. The proposal introduces an appropriate built form to the site with development massed to address Finch Avenue East and Pharmacy Avenue. It also provides step backs and transition in scale and massing to adjacent medium density housing to the west.

The site organization and proposed landscaping will provide improved public realm conditions on Finch Avenue East and Pharmacy Avenue and an attractive environment for pedestrian movement within the site. Further, the upgrades to the existing rental housing building are proposed, with existing rental units secured as rental for 20 years with additional affordable housing provided as a community benefit.

Staff recommend that Council support approval of the application and amend the respective Zoning By-laws, subject to the landowner entering into a Section 37 Agreement to secure appropriate community benefits and other matters as a legal convenience.

CONTACT

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SIGNATURE

Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map 19

Attachment 4: Existing Zoning By-law Map, L'Amoreaux Community By-law No. 12466

Attachment 5: Existing Zoning By-law Map, City of Toronto By-law No. 569-2013

Attachment 6: Draft Zoning By-law Amendment L'Amoreaux Community By-law

Attachment 7: Draft Zoning By-law Amendment, City of Toronto By-law No. 569-2013

Applicant Submitted Drawings

Attachment 8: Site Plan

Attachment 9: 3D Model of Proposal in Context - **Looking Northwest**

Attachment 10: 3D Model of Proposal in Context - **Looking Northeast**

Attachment 11: East Elevation

Attachment 12: North Elevation

Attachment 13: South Elevation

Attachment 14: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 3050 PHARMACY AVE Date Received: December 31, 2018
Application Number: 18 272965 ESC 22 OZ
Application Type: Rezoning
Project Description: New 16 storey, two tower building with 5 storey podium residential building (rental).

Applicant	Agent	Architect	Owner
BOUSFIELDS			HANSEATIC HOLDINGS LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	A	Heritage Designation:
Height Limit (m):		Site Plan Control Area:

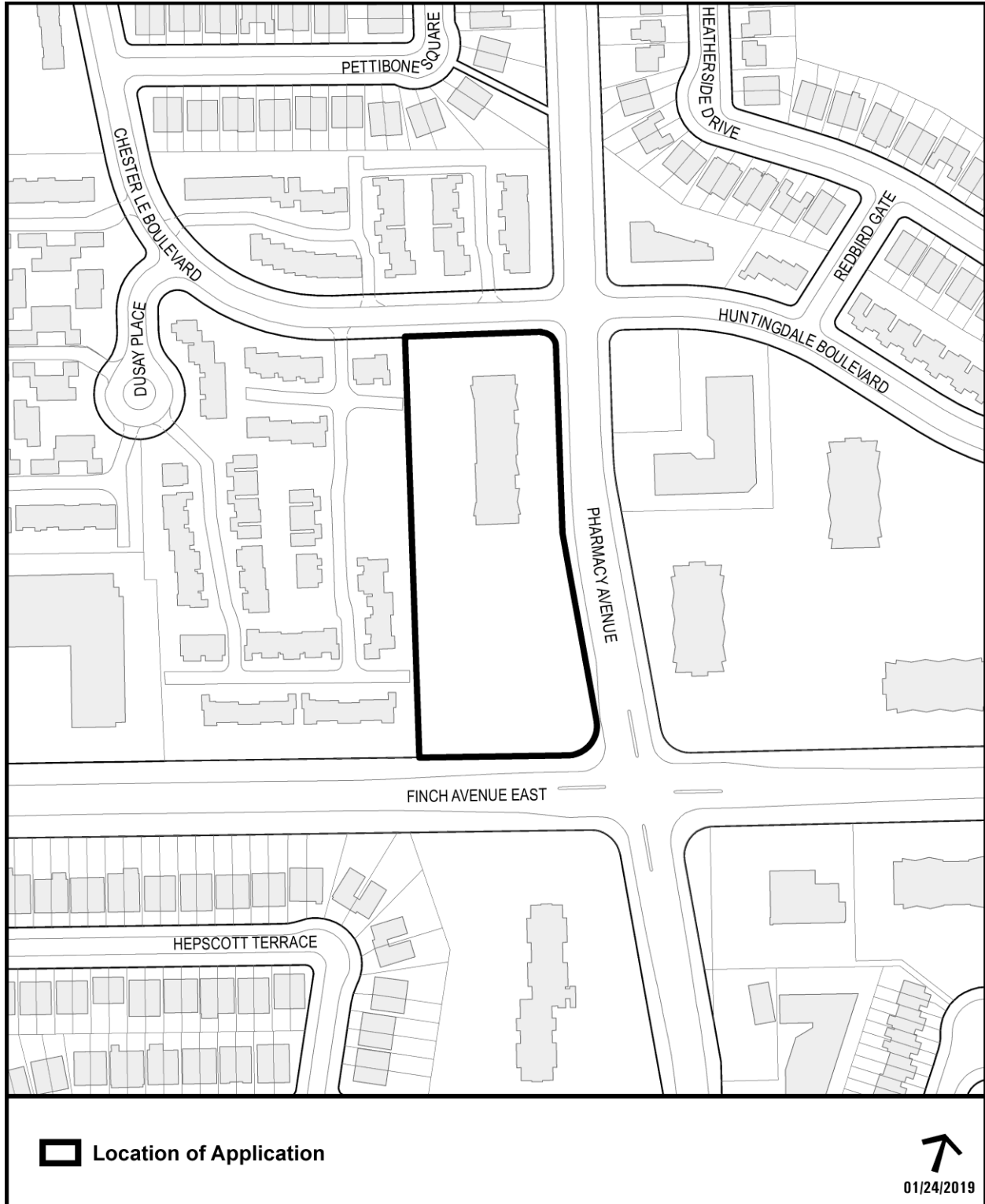
PROJECT INFORMATION

Site Area (sq m): 17,030 Frontage (m): 190 Depth (m): 70

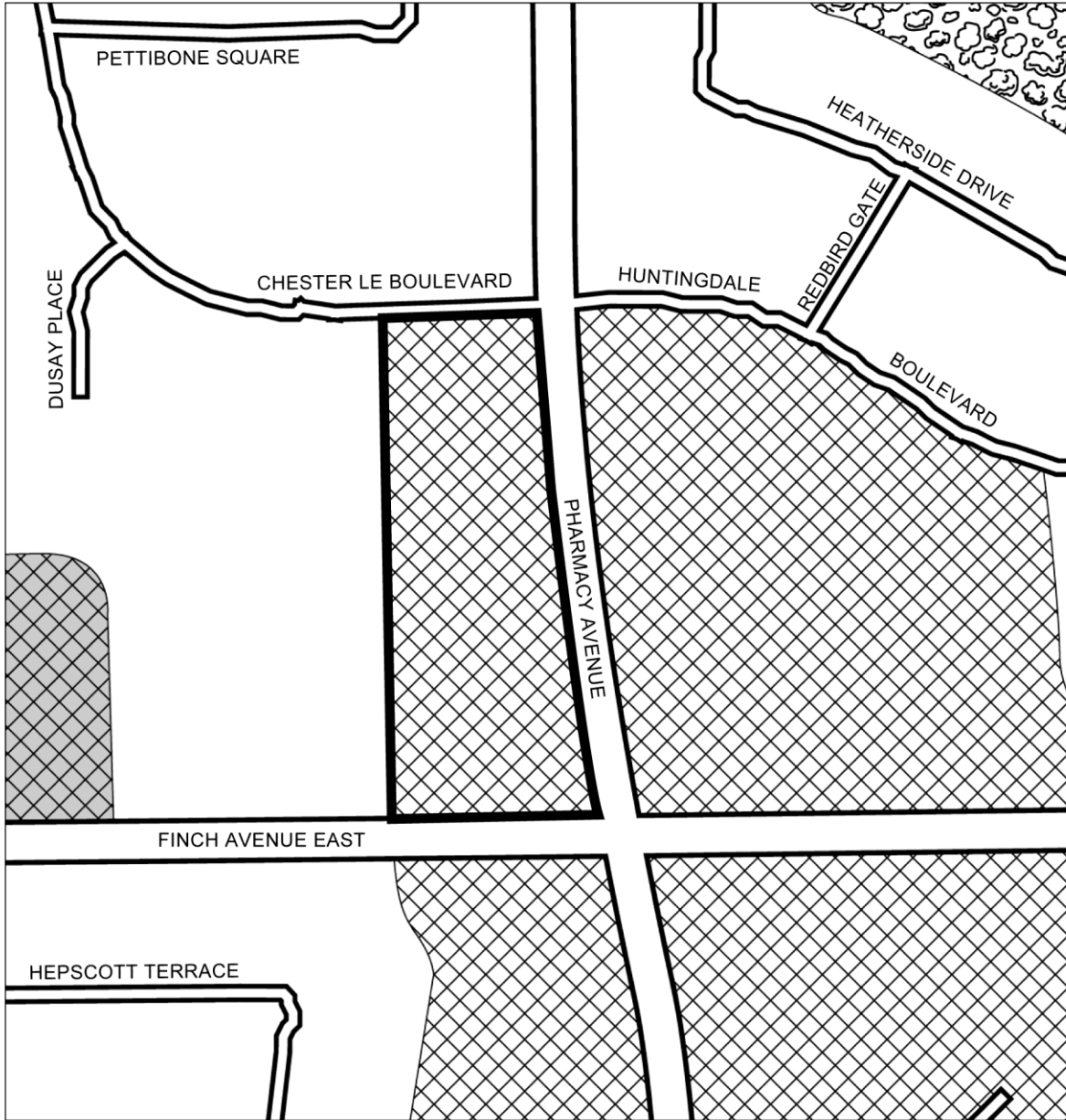
Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,500	1,500	2,930	4,430
Residential GFA (sq m):	26,978	26,978	28,361	55,339
Non-Residential GFA (sq m):				
Total GFA (sq m):	26,978	26,978	28,361	55,339
Height - Storeys:	18	18	16	16
Height - Metres:			52	52

Lot Coverage Ratio: 26.01 Floor Space Index: 3.25

Attachment 2: Location Map









Attachment 3: Official Plan Land Use Map 19



TORONTO
Official Plan Land Use Map #19

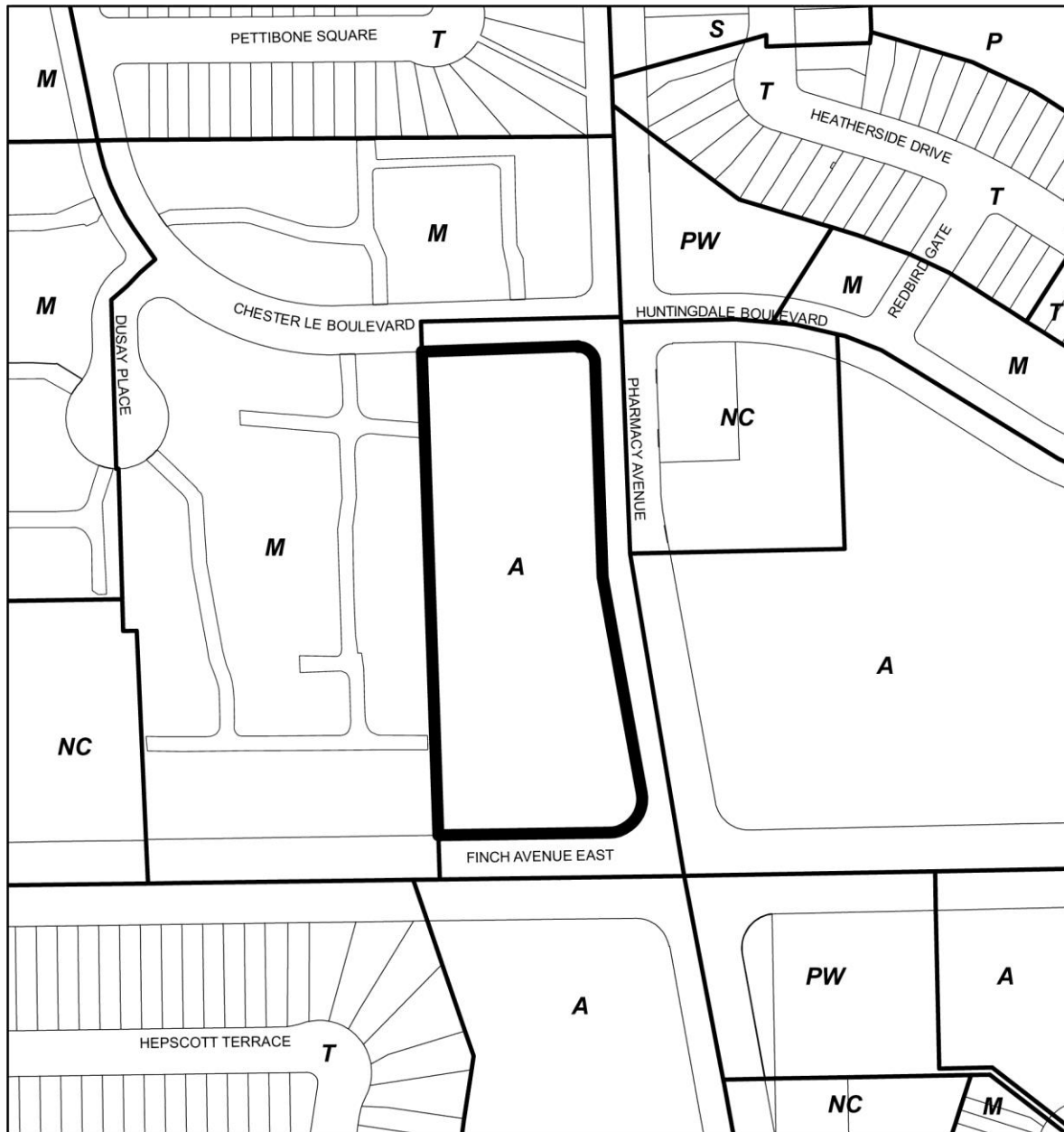
3050 Pharmacy Avenue

File # 18 272965 ESC 22 0Z

- | | |
|--|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 01/25/2019

Attachment 4: Existing Zoning By-law Map, L'Amoreaux Community By-law No. 12466



L'Amoreaux Community By-law No. 12466

3050 Pharmacy Avenue

File # 18 272965 ESC 22 0Z

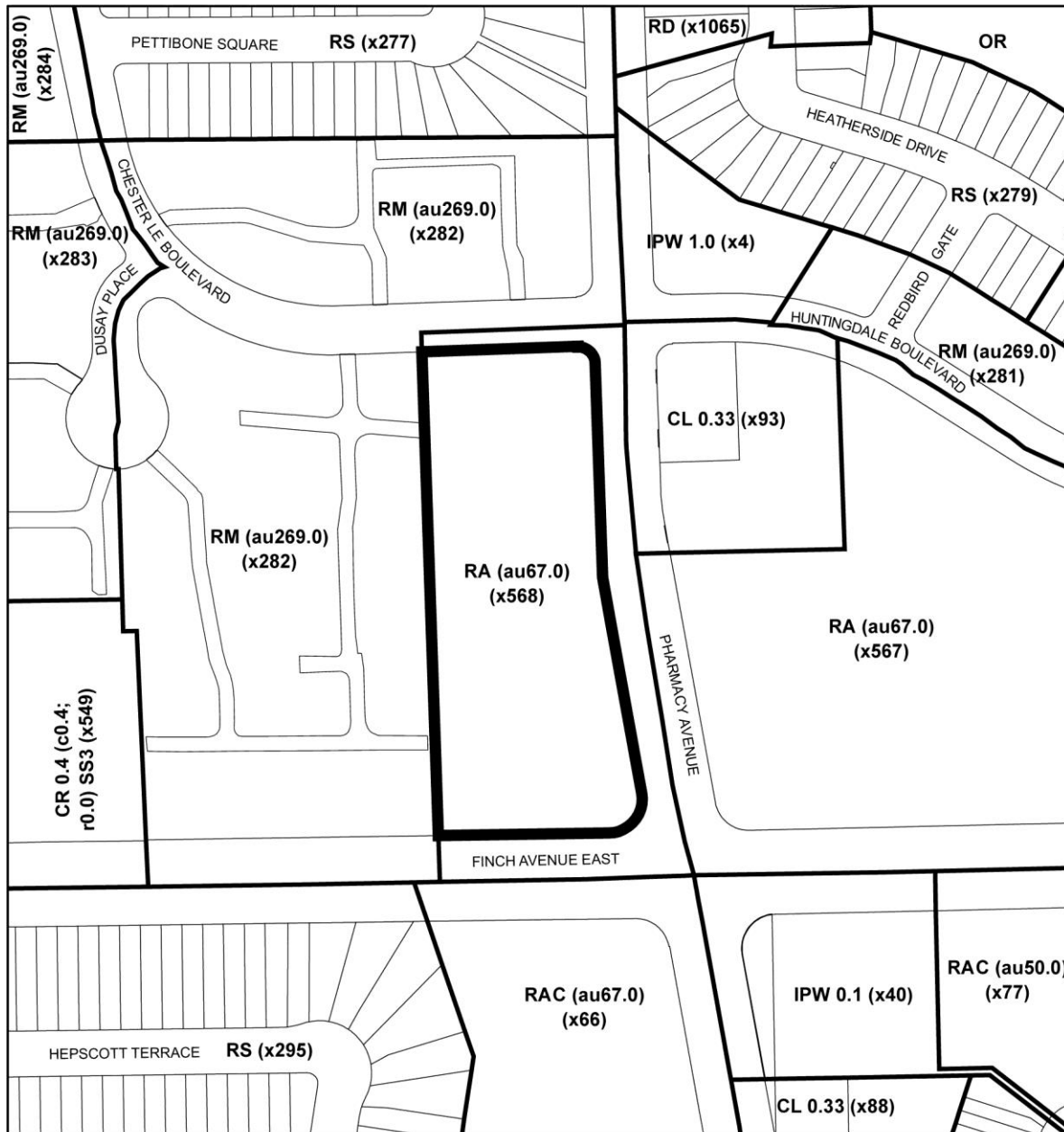
 Location of Application

- S** Single-Family Residential
- T** Two-Family Residential
- M** Multiple-Family Residential
- A** Apartment Residential

- NC** Neighbourhood Commercial
- PW** Place(s) of Worship
- P** Park


 Not to Scale
 Extracted: 08/11/2020

Attachment 5: Existing Zoning By-law Map, City of Toronto By-law No. 569-2013




Zoning By-law 569-2013

3050 Pharmacy Avenue

File # 18 272965 ESC 22 0Z

 Location of Application

- | | |
|-------------------------------------|---|
| RD Residential Detached | RAC Residential Apartment Commercial |
| RS Residential Semi-Detached | CL Commercial Local |
| RM Residential Multiple | CR Commercial Residential |
| RA Residential Apartment | IPW Institutional Place of Worship |
| | OR Open Space Recreation |


Not to Scale
Extracted: 08/11/2020

Attachment 6: Draft Zoning By-law Amendment, L'Amoreaux Community By-law

Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend former City of Scarborough L'Amoreaux Community Zoning By-law 12466, as amended, with respect to the lands municipally known as 3050 Pharmacy Avenue.

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 pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services and 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 or 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS Council has required the Owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

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

1. **SCHEDULE 'A'** of the L'Amoreaux Community Zoning By-law 12466, as amended, is amended by deleting the existing zoning and replacing it with the following Schedule '1' so that the amended zoning shall read as follows:

A-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561 100

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

A. The **buildings** and **structures** permitted on the **lot** include the Existing Building and the New Building as shown on Schedule 1 to By-law ##### [clerks to provide by-law number] as follows:

(i) For the purposes of this Regulation, “Existing Building” means the existing **apartment building** municipally known as 3050 Pharmacy Avenue and **ancillary structures**, including an underground **parking garage** and enclosed garage entry ramp located on the lands in the year 2020 as shown on Schedule 2 of By-law ##### [clerks to provide by-law number], subject to internal alterations, additions and modifications; and

(ii) For the purposes of this Regulation, “New Building” means the proposed **apartment building** on the lands as shown on Schedule 1;

(iii) For the purpose of this Regulation, **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. **PERFORMANCE STANDARDS CHART – SCHEDULE ‘B’, L’Amoreaux Community Zoning By-law No. 12466**, as amended, is further amended by adding the following Performance Standards:

INTENSITY OF USE

536 The total residential **gross floor area** of the New Building shall not exceed 28,750 square metres;

537 The total **gross floor area** located within the Existing Building shall not exceed the **gross floor area** existing therein as of December 1, 2019, provided that, **gross floor area** means the sum of the total area of each floor level of the Existing Building above-grade, measured from the exterior of the **main wall** of each floor level;

538 The **gross floor area** of all **buildings** on site shall not exceed 28,750 squares plus the **gross floor area** of the Existing Building as of December 1, 2019, or a maximum of 3.25 times the area of the **lot**;

539 A maximum of 305 **dwelling units** are permitted in the New Building;

540 A maximum of 252 **dwelling units** are permitted in the Existing Building;

BUILDING SETBACKS

Building Setbacks shall be provided as follows:

541 The minimum setbacks from the **lot** line(s) to the **main wall(s)** of any **building(s)** and minimum separation distances between **buildings** shall be the minimum distance in metres specified by the numbers on attached Schedule 2.

542 A minimum **front yard setback** of 11.0 from Finch Avenue East;

543 A minimum **flankage yard setback** of 3.0 metres from Pharmacy Avenue;

544 A minimum separation distance from the Existing Building 28 metres;

545 A minimum interior **side yard setback** of 15.0 metres from the westerly lot line

546 No portion of the New Building or **structure** above finished ground level is located other than wholly within the areas delineated by heavy lines on Schedule 2 of By-law ##### [clerks to provide by-law number] with the exception of the following:

(i) Architectural features, awnings, bicycle racks, bollards, canopies, chimneys, cornices, eaves, elevator enclosures and overruns, fences, green roof, guardrails, lighting fixtures, ornamental elements, parapets, pipes, planters, platforms, railings, retaining walls, screens, stacks, stairs, stair enclosures, terraces, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment; and

(ii) Balconies may project a maximum distance of 2.0 metres beyond the heavy lines shown on Schedule 2.

HEIGHT

547 The **height** of the New Building does not exceed the height in metres and storeys specified by the numbers on Schedule 2 attached hereto and forming part of this By-law but in no case shall it exceed 52 metres or 16 storeys to the highest point of the **building**.

548 The **height** of each portion of a **building** or **structure** on the **lot**, is measured as the vertical distance between the Canadian Geodetic Datum elevation of 183.65 metres, and the highest point of the **building** or **structure**, and must not exceed the **height** in metres as specified by the numbers following the symbol H as shown on Schedule 2 to By-law ##### [clerks to provide by-law number], with the exception of the following:

(i) **Structures**, elements and enclosures are permitted to a maximum height of 1.5 metres;

(ii) Parapets to a maximum height of 1.5 metres; and

(iii) Window washing equipment to a maximum height of 3.0 metres.

(iv) **Structures** on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural

elements, roof assemblies, and **structures** and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum vertical projection above the permitted height limits specified of Schedule 3 of 1.5 metres;

(v) **Structures** on any roof used for maintenance, safety, wind or green roof purposes, including architectural screens, stairs and related enclosures, and lightning rods, provided that the maximum height of such elements is no higher than 3.0 metres above the height limits specified on Schedule 3;

(vi) **Structures** at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided that the maximum height of such elements is no higher than 1.2 metres above ground level;

(vii) **Structures** at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share facilities, outdoor **amenity space** elements, and safety railings, provided that the maximum height of such elements is no higher than 2.0 metres above ground level;

(viii) **Structures** at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum height of such elements is no higher than 4.0 metres above ground level; and

(ix) The height of the Existing Building shall not exceed the height of such building as it existed on the lot on December 1, 2019.

LANDSCAPING

549 A minimum 3.0 landscape buffer shall be provided.

AMENITY SPACE

550 A minimum of 2.0 square metres per **dwelling unit** must be provided in the New Building as indoor **amenity space**

551 A minimum of 2.0 square metres of per **dwelling unit** in the New Building must be provided as outdoor **amenity space** of which a minimum of 40 square metres must be provided in a location directly accessible from an area containing indoor **amenity space**

552 The **amenity space** provided must be available and accessible to the residents of the Existing Building

LOADING

553 A minimum of one Type “G” **loading space** is required for the New Building.

554 Any **loading spaces** existing on the lands in 2018 are deemed to comply.

PARKING

555 **Parking spaces** must be provided on the lot in accordance with the following:

(i) 0.86 **parking spaces** for each **dwelling unit** for residents; and

(ii) 0.15 **parking spaces** for each **dwelling unit** for residential visitors.

556 An accessible **parking space** must 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.

(iv) A 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;

557 Despite any provision of this Exception or By-law 569-2013, as amended, to the contrary, any **parking spaces, drive aisles, driveways and ramps** existing on the lot, as of December 1, 2019 may be maintained and are deemed to comply with the requirements of the L'Amoreaux Zoning By-law 12466, as amended.

BICYCLE PARKING SPACES

558 **Bicycle parking spaces** required for the New Building must be provided as follows:

(i) A minimum of 0.68 **bicycle parking spaces** for each dwelling unit, allocated as “long-term” bicycle parking spaces; and

(ii) A minimum of 0.07 **bicycle parking spaces** for each dwelling unit allocated as “short-term” **bicycle parking spaces**.

559 Any **bicycle parking spaces** existing or relocated on the lot as of December 1, 2019 are deemed to comply with the requirements of By-law 569-2013.

560 Despite any existing or future consent, severance, partition or division of the lands as shown on Schedule 2 of By-law ##### [clerks to provide by-law #], the

provisions of this By-law ##### [clerks to provide by-law #], shall apply to the whole of the lands as one lot, as if no consent, severance, partition or division occurred.

MISCELLANEOUS

561 Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

4. SCHEDULE "C" –EXCEPTION MAP is amended adding Exception 100 to the lands as outlined on Schedule '3'.

5. 4. SCHEDULE "C" – EXCEPTION LIST is amended by adding Exception 65 to the lands so that it reads as follows:

"Exception 100

Section 37

Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into and register on title, an Agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters at the Owners expense:

- a. The Owner shall design and construct twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building on the lot. The minimum average unit size of the purpose built affordable rental dwelling units shall be at least 78 square metres. The purpose built affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. The general configuration and layout of the twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;;
- b. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units as rental dwelling units for a minimum of 20 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 20 years from the date of first occupancy. Upon the expiration of the 20 year period, the Owner shall continue to provide and maintain the purpose built affordable rental dwelling units as rental dwelling units,

unless and until such time as the Owner has applied for and obtained all approvals necessary to do otherwise; and,

c. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline.

d. Prior to the issuance of the first above-grade building permit, the Owner shall provide a \$250,000 cash contribution to be directed to improvements to parks facilities in the vicinity of the development, said financial contribution to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment.

e. in the event the cash contribution referred to in subsection d. above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.

5. City Council direct that the following matters be secured in the Section 37 Agreement as a legal convenience to support development:

a. The Owner shall continue to provide and maintain the 252 existing rental dwelling units on the lands at 3050 Pharmacy Avenue as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

b. The Owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.

c. The Owner shall undertake improvements to the existing rental apartment building, taking into account tenant responses to the required Tenant Survey related to programming of amenity space, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or their designate, including, but not limited to, the the matters set out in d. and e. below.

d. Prior to the first above-grade building permit for any part of the development the Owner shall:

i. Upgrade the laundry room in the existing residential rental building, including accessibility improvements such as including push button automatic doors and a clothes folding table which is universally accessible within the laundry room;

ii. Provide a minimum of 54 bicycle parking spaces;

iii. Provide Short-Term bicycle parking near the rear entrance of the existing residential rental building;

iv. Provide new indoor amenity space of 120 square metres within the existing residential rental building which shall include but not be limited to; a fitness room; communal/multi-purpose space which shall include, a kitchen, tables and chairs, and a washroom, with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

e. Prior to first occupancy of any new residential units in the development the Owner shall:

i. Provide new outdoor amenity space, to be shared between residents of the existing and new residential rental building(s), having a minimum size of 992 square metres, including new, replaced and improved outdoor amenity space with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

ii. Provide new outdoor amenity space of 606 square metres, and 386 square metres of replaced and improved existing outdoor amenity space, which shall include but not be limited to: outdoor seating; community garden; planting and landscape treatments; and, play structure/equipment with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

iii. Provide new outdoor amenity areas, to be shared between residents of the existing and new residential rental buildings, having a minimum size of 856 square meetings, with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

iv. Improve the existing waste management facilities for the existing rental building, including indoor storage of garbage, recycling and composting, located at the New Residential Building;

v. Ensure aesthetic and other improvements to the existing buildings garbage and recycling facilities be provided.

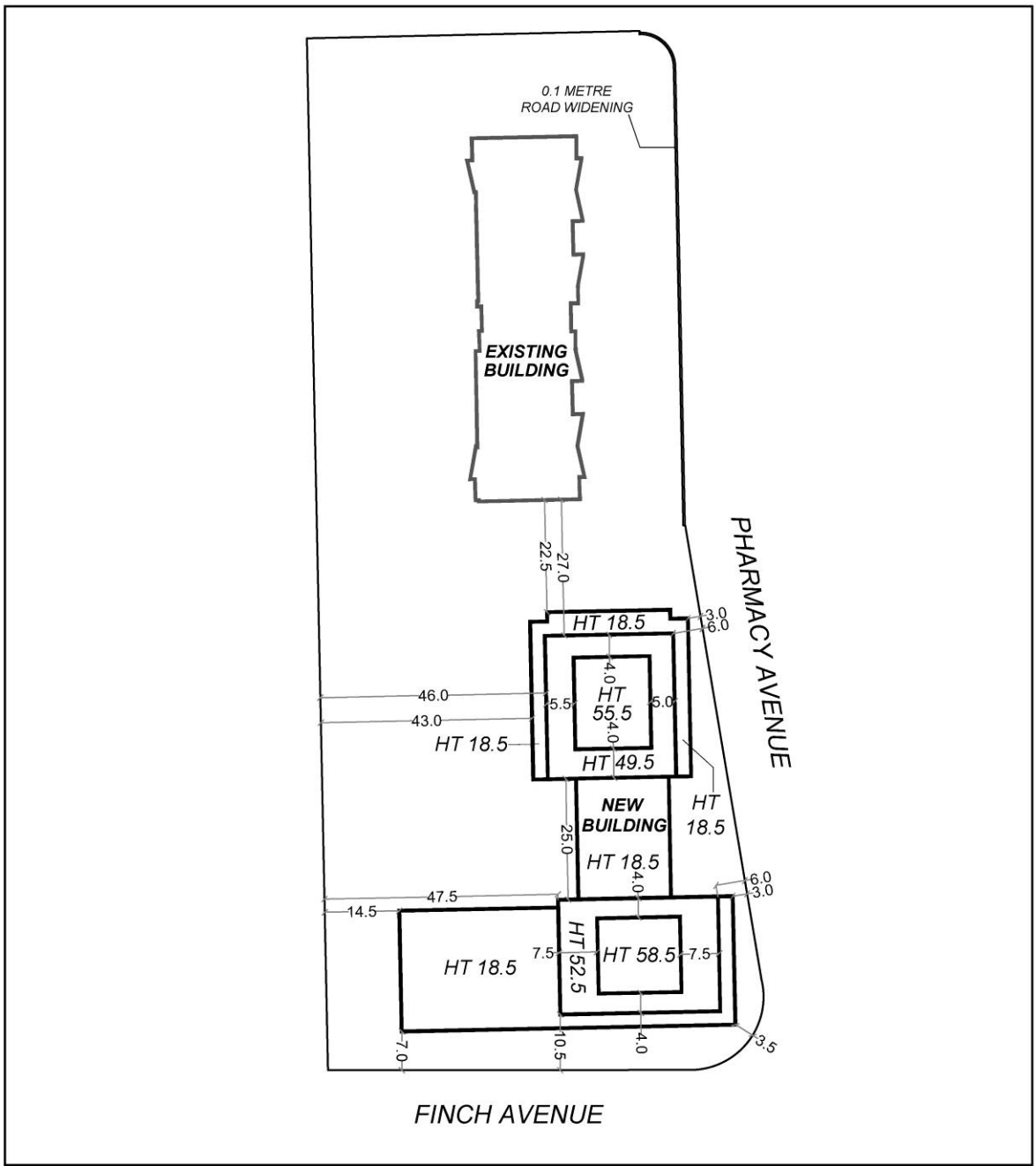
f. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline;

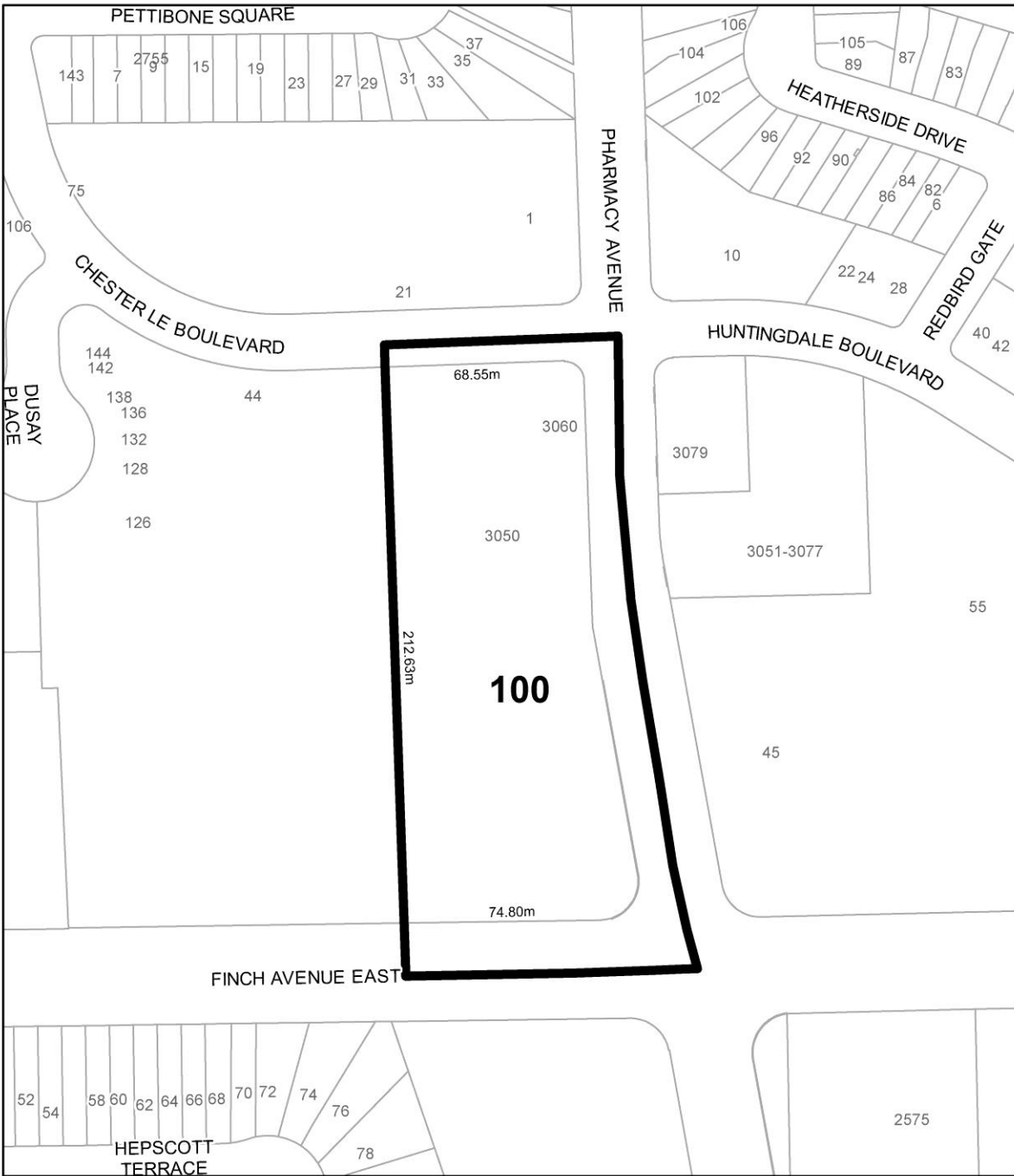
g. Prior to Site Plan Approval for the development agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

h. Provide a minimum of 50 percent of all new units in the proposed 16-storey residential building as 2-bedroom units; and provide a minimum 19 percent of all new units in the proposed 16-storey residential building as 3-bedroom units.

i. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.







Toronto
Schedule 3

3050 Pharmacy Avenue

File # 18 272965 ESC 22 0Z



L'Armureaux Community By-law 12466
 Not to Scale
 08/25/2020

Attachment 7: Draft Zoning By-law Amendment, City of Toronto By-law No. 569-2013

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

CITY OF TORONTO Bill No. ~ BY-LAW No. XXXX-2020

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as, 3050 Pharmacy Avenue

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 authority is given to Council by Section 34 and Section 36 of the *Planning Act, R.S.O. 1990, c.P. 13*, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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 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 amending Article 900.7.10 Exception Number (568)

(568) Exception RA 568

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 lands municipally known in the year 2020 as 3050 Pharmacy Avenue, shown on Diagram 1 to By-law XXXX-2020 [Clerks to supply by-law ##], if the requirements of Section 6 and Schedule A are complied with, a **building** or **structure** may be erected and used in compliance with (B) to (T) below;

(B) The **buildings** and **structures** permitted on the **lot** include the "Existing Building" and the "New Building" as shown on Diagram 3 to By-law ##### [clerks to provide by-law number] as follows::

(i) for the purposes of this Regulation, "Existing Building" means the existing **apartment building** municipally known as 3050 Pharmacy Avenue and **ancillary structures**, including an underground **parking garage** and enclosed garage entry ramp located on the lands in the year 2019 as shown on Diagram 3; and

(ii) for the purposes of this Regulation, "New Building" means the proposed **apartment building** on the lands as shown on Diagram 3;

(C) The total residential **gross floor area** of the New Building must not exceed 28,750 square metres;

(D) The total **gross floor area** of the Existing Building shall not exceed the gross floor area existing therein as of December 1, 2019;

(E) A maximum of 305 **dwelling units** are permitted in the New Building;

(F) A maximum of 252 **dwelling units** are permitted in the Existing Building;

(G) Despite Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of

buildings or **structures** above ground level are shown in metres on Diagram 3 of By-law XXXX-2020 [Clerks to insert number];

(H) Despite Regulation 5.10.40.70(1), Clause 15.5.40.60 and Regulation (G) above, the following elements of a **building** or **structure** may encroach into a required minimum building setback and a required minimum **main wall** separation distance shown in metres on Diagram 3 of By-law XXXX-2020 [Clerks to insert number] as follows:

(i) Lighting fixtures, cornices, sills, eaves, parapets, balustrades, ornamental and architectural features, bay windows, gas and hydro metres, and window washing equipment attached to a building or structure may project encroach a maximum distance of 3.0 metres;

(ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, underground garage ramps and associated **structures**, walls and safety railings, wind mitigation elements, trellises, guards, guardrails, retaining walls, wheelchair ramps, air intakes and vents, ventilating equipment, bike share facilities, outdoor **amenity space** elements, ornamental or architectural features, including planters, green energy and renewable energy elements, gas and hydro meters, and art installations may be located at ground level beyond the **minimum building setback** and a required minimum **main wall** separation distance shown on Diagram 3;

(iii) Canopies and awnings may project to a maximum of 3.0 metres; and

(iv) Balconies may project to a maximum of 2.0 metres.

(I) Despite Clause 15.5.40.10, for the purpose of this exception, established grade is 183.65 metres Canadian Geodetic Datum;

(J) Despite Regulations 15.5.40.10(3)(4),(5),(6), (7) and (8), and Regulation (I) above, the following elements may exceed the permitted maximum height:

(i) **Structures**, elements and enclosures permitted by Regulation (H) may encroach to a maximum of XX metres;

(ii) Parapets to a maximum height of 1.5 metres above the height limits specified on Diagram 3;

(iii) Window washing equipment to a maximum projection of 3.0 metres above the height limits specified on Diagram 3;

(iv) **Structures** on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum projection above the permitted height limits specified of Diagram 3 of 1.5 metres;

(v) **Structures** on any roof used for maintenance, safety, wind or green roof purposes, including architectural screens, stairs and related enclosures, and lightning rods, provided that the maximum height of such elements is no higher than 3.0 metres above the height limits specified on Diagram 3;

(vi) **Structures** at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided that the maximum height of such elements is no higher than 1.2 metres above ground level;

(vii) **Structures** at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share facilities, outdoor amenity space elements, and safety railings, provided that the maximum height of such elements is no higher than 2.0 metres above ground level;

(viii) **Structures** at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum height of such elements is no higher than 4.0 metres above ground level; and

(ix) The height of the Existing Building shall not exceed the height of such building as it existed on the lot on December 1, 2019;

(K) Despite Regulation 15.10.40.50(1), **amenity space** must be provided and maintained in accordance with the following:

(i) A minimum of 2.0 square metres per dwelling unit must be provided in the New Building as indoor **amenity space**; and

(ii) A minimum of 2.0 square metres of per **dwelling unit** in the New Building must be provided as outdoor **amenity space** of which a minimum of 40 square metres must be provided in a location directly accessible from an area containing indoor **amenity space**;

(iii) The **amenity space** provided in accordance with Regulations (i) and (ii) above must be available and accessible to the residents of the Existing Building;

(L) Despite Regulation 220.5.10.1(2), a minimum of one Type “G” **loading space** is required for the New Building;

(M) Despite Regulation 220.5.1.10(8) any **loading spaces** existing on the lands as of December 1, 2019 may be maintained and are deemed to comply with the requirements of By-law 569-2013;

(N) Despite Regulation 200.5.10.1(1) **parking spaces** must be provided in accordance with the following:

- (i) 0.85 **parking spaces** for each **dwelling unit** for residents; and
- (ii) 0.15 **parking spaces** for each **dwelling unit** for residential visitors;

(O) Despite Regulation 200.15.1(1) an accessible **parking space** must have the following minimum dimensions:

- (i) length of 5.6 metres;
- (ii) width of 3.4 metres;
- (iii) vertical clearance of 2.1 metres; and
- (iv) a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;

(P) Despite Regulation 200.15.10(1)(C) if the number of required **parking spaces** in regulation(O) above is more than 100, a minimum of four (4) **parking spaces** plus one (1) **parking space** for every 50 **parking spaces** or part thereof in excess of 100 parking spaces, must comply with the minimum dimensions for an accessible **parking space**;

(Q) Despite any provision of this Exception or By-law 569-2013, as amended, to the contrary, any **parking spaces**, **drive aisles**, **driveways** and **ramps** existing on the lot, as of December 1, 2019 may be maintained and are deemed to comply with the requirements of By-law 569-2013;

(R) Despite Regulation 230.5.10.1(5), **bicycle parking spaces** required for the New Building must be provided as follows:

- (i) A minimum of 0.68 **bicycle parking spaces** for each dwelling unit, allocated as “long-term” **bicycle parking spaces**; and
- (ii) A minimum of 0.07 **bicycle parking spaces** for each dwelling unit allocated as “short-term” **bicycle parking spaces**;

(S) Despite Section 230.5 any **bicycle parking spaces** existing on the lot as of December 1, 2019 are deemed to comply with the requirements of By-law 569-2013; and

(T) Despite any existing or future consent, severance, partition or division of the lands as shown on Diagram 1 of By-law ##### [clerks to provide by-law #], the provisions of this Exception and By-law 569-2013 will apply to the whole of the lands, as if no consent, severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections:

None."

4.. Section 37 Provisions

(A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule A - Section 37 Provisions

1. 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/or 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:

a. The Owner shall design and construct twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building on the lot. The minimum average unit size of the purpose built affordable rental dwelling units shall be at least 78 square metres. The purpose built affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. The general configuration and layout of the twenty-four (24) purpose built affordable rental dwelling units in the new 16-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

b. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units as rental dwelling units for a minimum of 20 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 20 years from the date of first occupancy. Upon the expiration of the 20 year period, the Owner shall continue to provide and maintain the purpose built affordable rental dwelling units as rental dwelling units, unless and until such time as the Owner has applied for and obtained all approvals necessary to do otherwise; and,

c. The Owner shall provide and maintain the twenty-four (24) purpose built affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline.

d. Prior to the issuance of the first above-grade building permit, the Owner shall provide a \$250,000 cash contribution to be directed to improvements to parks facilities in the vicinity of the development, said financial contribution to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment.

e. in the event the cash contribution referred to in subsection d. above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution

may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.

2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

a. The Owner shall continue to provide and maintain the 252 existing rental dwelling units on the lands at 3050 Pharmacy Avenue as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

b. The Owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.

c. The Owner shall undertake improvements to the existing rental apartment building, taking into account tenant responses to the required Tenant Survey related to programming of amenity space, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or their designate, including, but not limited to, the matters set out in d. and e. below.

d. Prior to the first above-grade building permit for any part of the development the Owner shall:

i. Upgrade the laundry room in the existing residential rental building, including accessibility improvements such as including push button automatic doors and a clothes folding table which is universally accessible within the laundry room;

ii. Provide a minimum of 54 bicycle parking spaces;

iii. Provide Short-Term bicycle parking near the rear entrance of the existing residential rental building;

iv.) Provide new indoor amenity space of 120 square metres within the existing residential rental building which shall include but not be limited to; a fitness room; communal/multi-purpose space which shall include, a kitchen, tables and chairs, and a washroom, with additional programming

to be determined through the site plan application review process and secured in a Site Plan Agreement;

e. Prior to first occupancy of any new residential units in the development the Owner shall:

i. Provide new outdoor amenity space, to be shared between residents of the existing and new residential rental building(s), having a minimum size of 992 square metres, including new, replaced and improved outdoor amenity space with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

ii. Provide new outdoor amenity space of 606 square metres, and 386 square metres of replaced and improved existing outdoor amenity space, which shall include but not be limited to: outdoor seating; community garden; planting and landscape treatments; and, play structure/equipment with additional programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

iii. Provide new outdoor amenity areas, to be shared between residents of the existing and new residential rental buildings, having a minimum size of 856 square metres, with programming to be determined through the site plan application review process and secured in a Site Plan Agreement;

iv. Improve the existing waste management facilities for the existing rental building, including indoor storage of garbage, recycling and composting, located at the New Residential Building;

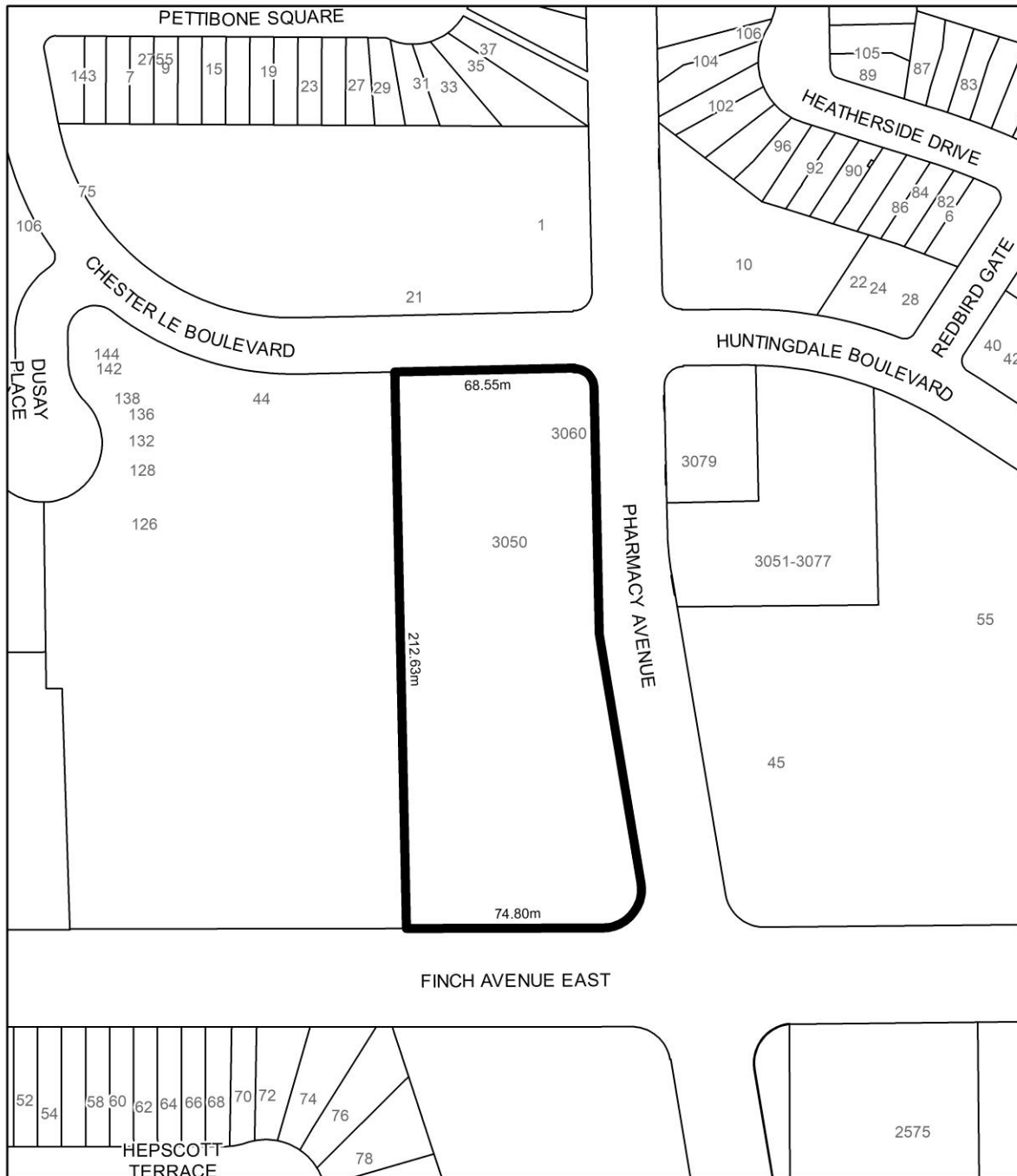
v. Ensure aesthetic and other improvements to the existing buildings garbage and recycling facilities be provided.

f. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline;

g. Prior to Site Plan Approval for the development agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

h. Provide a minimum of 50 percent of all new units in the proposed 16-storey residential building as 2-bedroom units; and provide a minimum 19 percent of all new units in the proposed 16-storey residential building as 3-bedroom units.


i. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017, through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

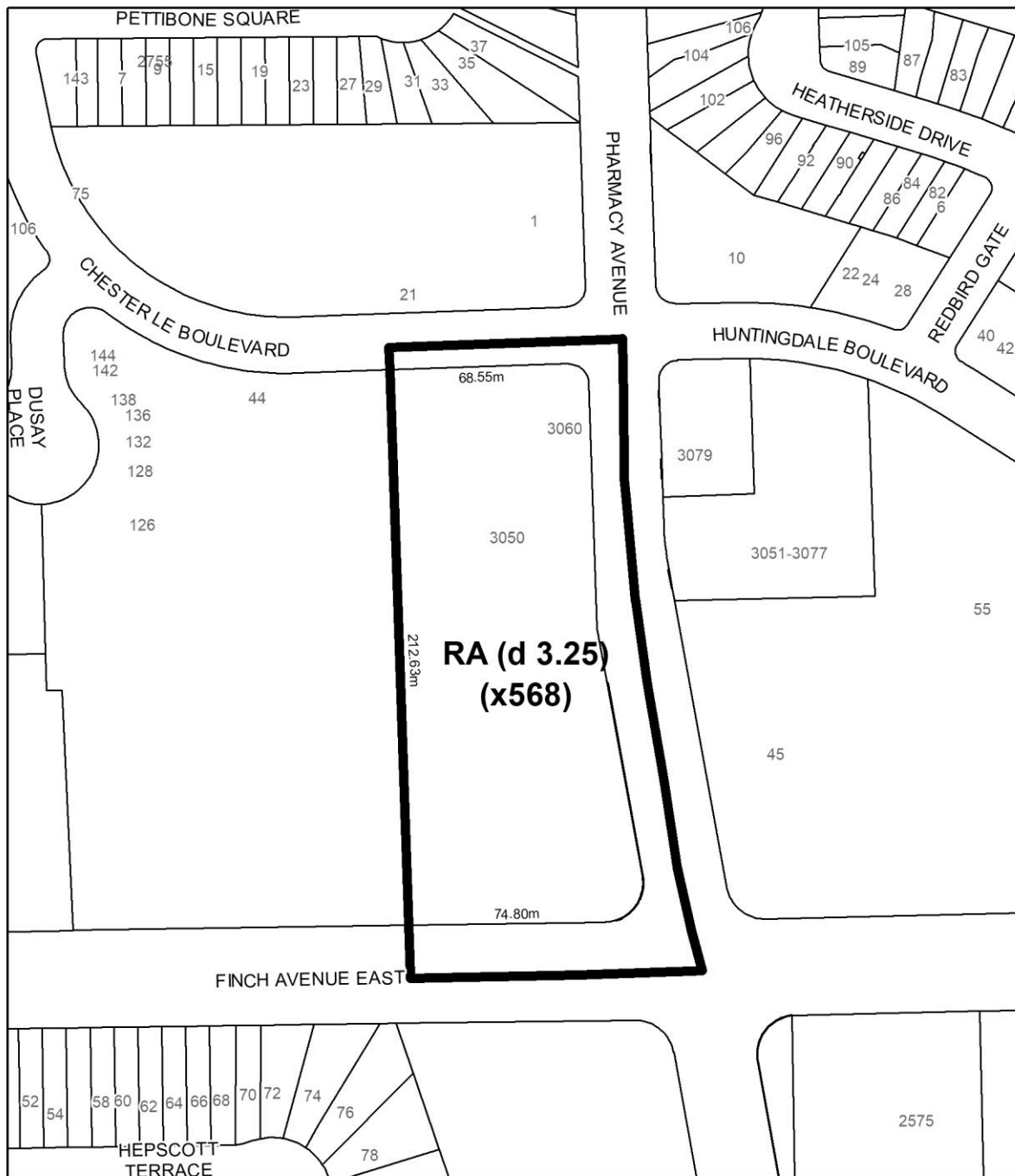


Toronto
Diagram 1

3050 Pharmacy Avenue

File # 18 272965 ESC 22 0Z



 City of Toronto By-law 569-2013
 Not to Scale
 07/21/2020

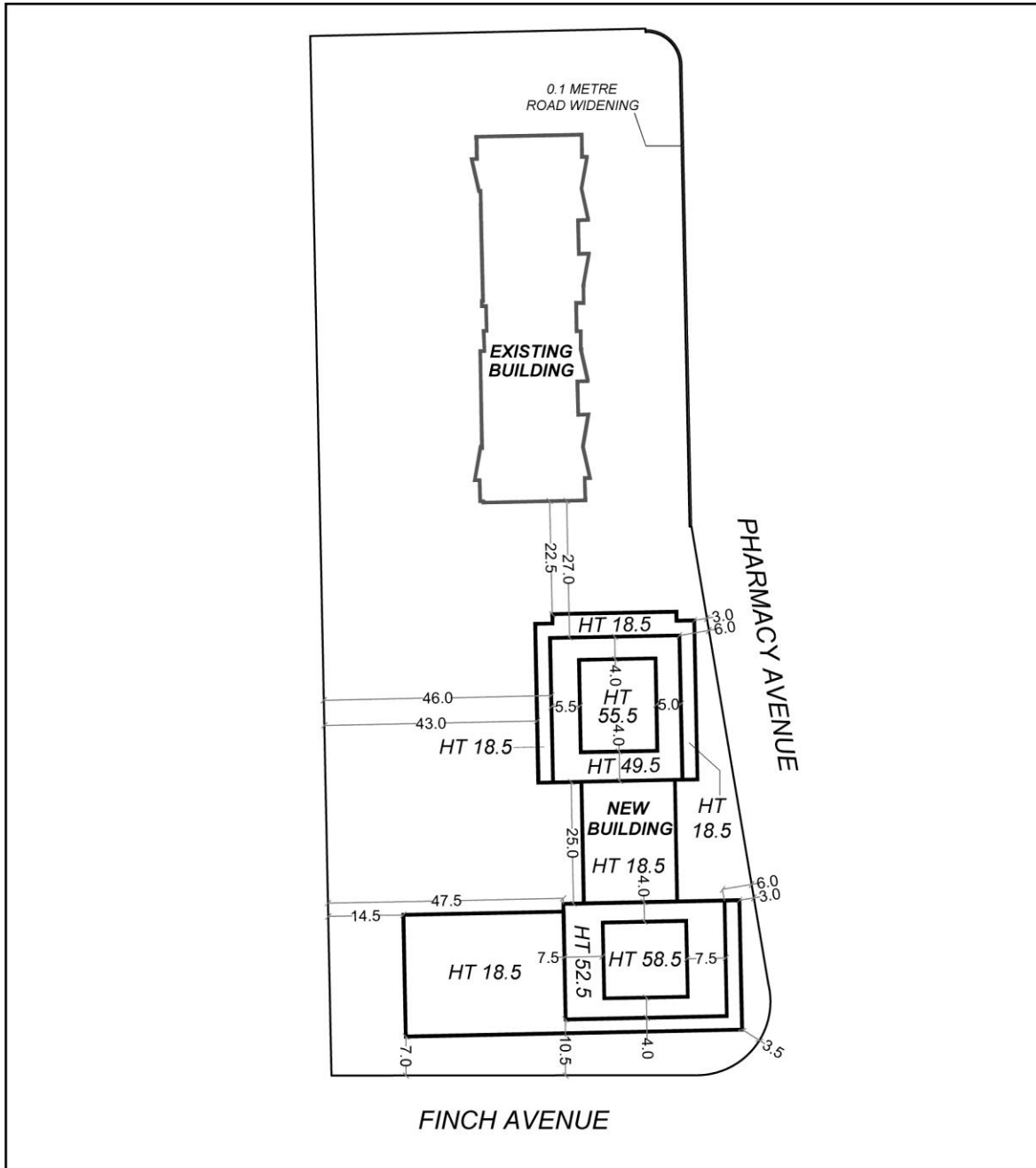


Toronto
Diagram 2

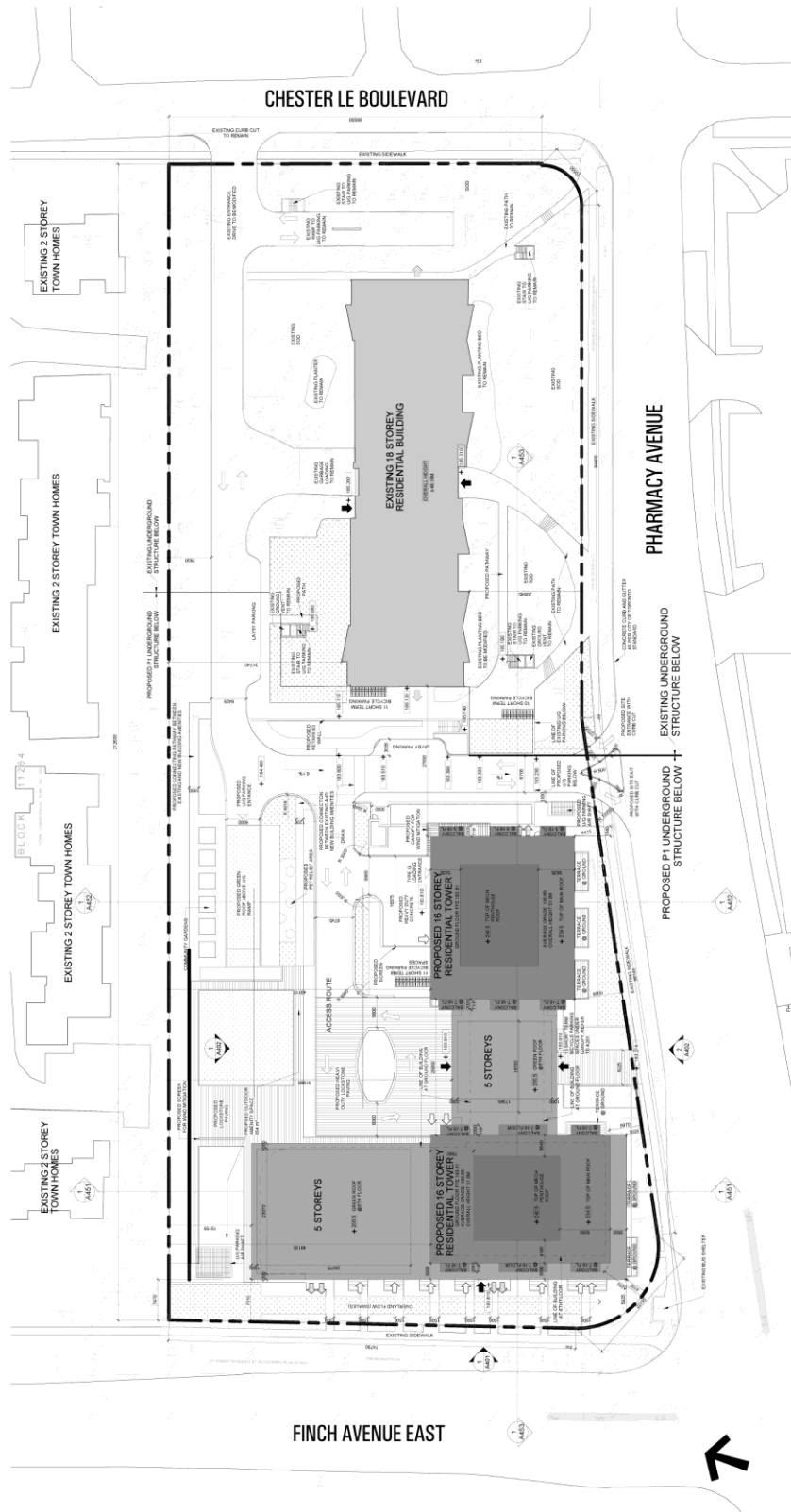
3050 Pharmacy Avenue

File # 18 272965 ESC 22 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 08/19/2020



Attachment 8: Site Plan



Attachment 9: 3D Model of Proposal in Context - Looking Northwest



View of Applicant's Proposal Looking Northwest



02/20/2019

Attachment 10: 3D Model of Proposal in Context - Looking Northeast

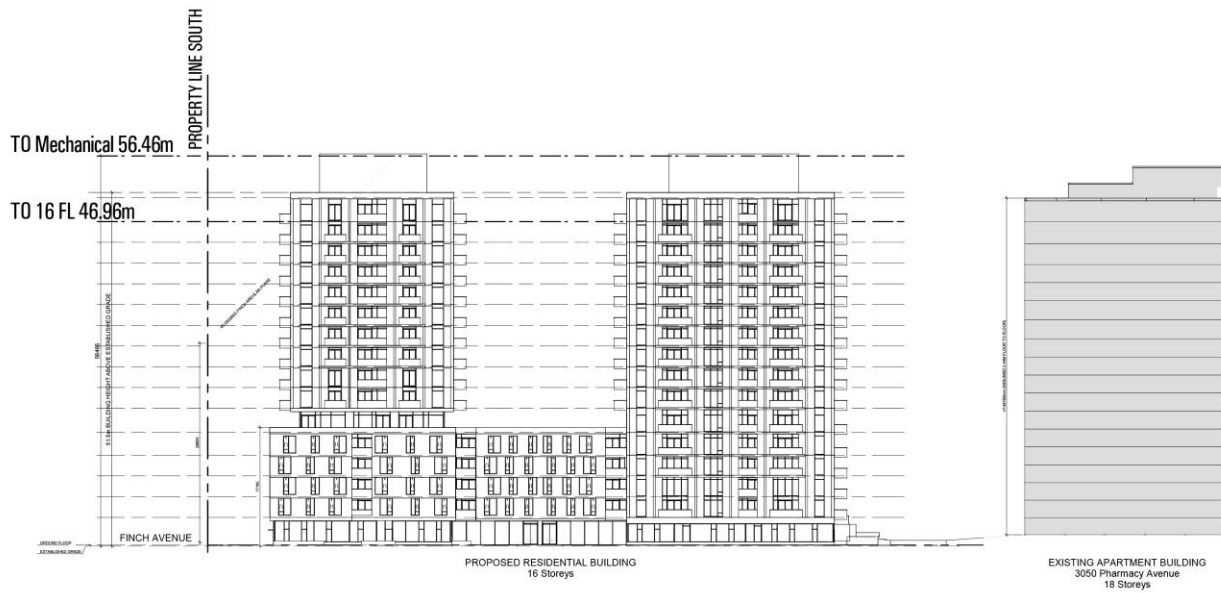


View of Applicant's Proposal Looking Northeast



02/20/2019

Attachment 11: East Elevation



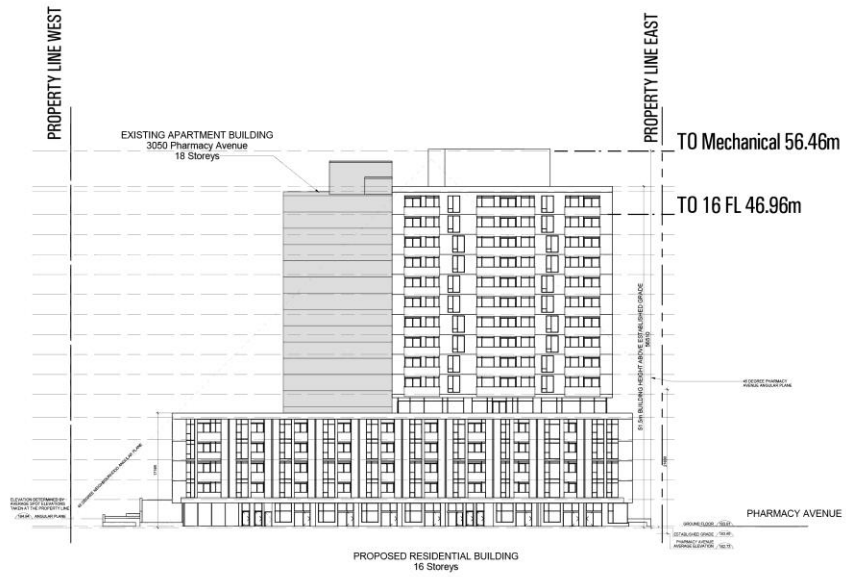
East Elevation
(Pharmacy Avenue)

Attachment 12: North Elevation



North Elevation

Attachment 13: South Elevation



South Elevation

Attachment 14: West Elevation



West Elevation