

Attachment 5: Draft Zoning By-law Amendment

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

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2025 as 2180 Lawrence Avenue East.

Whereas Council of the City of Toronto has the authority 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, as amended; and

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

Whereas pursuant to Subsection 37.1(3) of the Planning Act, R.S.O. c. P.13, Subsections 37(1) to (4) of the Planning Act as they read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, shall continue to apply to a by-law passed pursuant to the repealed Section 37(1), prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas on July 30, 2018 City Council enacted and passed By-laws 1137-2018 and 1138-2018 being By-laws "To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2018 as 2180 Lawrence Avenue East "; and

Whereas on June 9, 2021 City Council enacted and passed By-law 632-2021 being a By-law "To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 2180 Lawrence Avenue East "; and

Whereas this By-law does not amend or remove the requirement to provide facilities, services and matters and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, came into force, 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 that agreement may be registered against title to the lands and the municipality is entitled to enforce the provisions of the agreement against the Owner and any and all subsequent owners of the Lands; and

Whereas the owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in this By-law in addition to those secured through By-law 569-2013 and former City of Scarborough By-law 9511, as amended; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-laws 1137-2018, 1138-2018 and 631-2021 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, to be secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)"; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of **labels of CR 3.0 (c3.0; r2.5) SS2 (x152), CR 1.0 (c1.0; r1.0) SS2 (x152), and (O) to zone labels of (H) CR 3.0 (c3.0; r2.5) SS2 (x152), (H) CR 1.0 (c1.0; r1.0) SS2 (x152), and (H)(O)** as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by **amending and replacing** Article 900.11.10 Exception Number **152** so that it reads:

(152) Exception CR (152)

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 as **2180 Lawrence Avenue East**, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to ([insert final letter of these Site Specific Provisions]) below;
- (B) Despite the permitted uses listed in Regulations 40.10.20.10(1) and 40.10.20.10(2), the only uses permitted from those lists are: **Dwelling Units** in a building type permitted by Clause 40.10.20.40., **Art Gallery, Artist Studio, Automated Banking Machine, Community Centre, Custom Workshop, Eating Establishment, Home Occupation, Library, Massage Therapy, Municipal Shelter, Office, including Medical and Dental Office, Outdoor Patio, Park, Personal Service Shop, Pet Services, Private Home Daycare, Retail Store, Religious Education Use, Renewable Energy, Retail Store, Retail Service, Take-out Eating Establishment** and **Wellness Centre**;
- (C) A maximum **gross floor area** for all uses of 26,646.0 square metres is permitted, of which;
 - (i) The required minimum of interior floor area for non-residential uses is 467 square metres, fronting Lawrence Avenue East.
- (D) Despite (B) and (C) above, one temporary residential sales pavilion is permitted prior to completion and first residential occupancy of Building 'A', if all applicable regulations are complied with;
- (E) Despite the Coverage Overlay Map in Section 995.30.1, the maximum permitted **lot coverages** as a percentage of the **lot area** are:
 - (i) Buildings 'A' and 'B': 25.5 percent of the area of the **lot** for both **buildings** combined; and
 - (ii) Buildings 'C' and 'D' and **ancillary buildings**: 15.5 percent of the

area of the **lot** for all **buildings** combined;

- (F) Despite Regulation 40.5.40.10(2), (4) and (5), the permitted maximum height of a building or structure is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (G) Despite Regulation 40.5.40.10(2), (4) and (5), the permitted maximum number of storeys in a building is the number following the letters "ST" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (H) Despite regulations 40.5.40.10(3) to (8) and (H) above, the equipment and structures listed in regulation 40.5.40.10(4)(B) and (C) may project 6 metres beyond the permitted maximum storeys shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (I) Despite Regulation 40.10.40.10(5), the minimum height of the first **storey** for Building 'B' is 4.0 metres;
- (J) Regulation 40.10.40.10(5) does not apply to Buildings 'C' and 'D';
- (K) The permitted maximum **gross floor area** of each **storey** in Building 'A' more than 7 **storeys** above grade is 545 square metres;
- (L) A maximum of 488 **dwelling units** are permitted, of which:
 - (i) A maximum 401 **dwelling units** must in Buildings 'A' and 'B'; and
 - (ii) A maximum 87 **dwelling units** must be in Buildings 'C' and 'D';
- (M) Despite Regulation 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:
 - (i) at least 2 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2 square metres for each **dwelling unit** as outdoor **amenity space**;
 - (iii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and,
 - (iv) no more than 25 percent of the outdoor component may be a **green roof**

- (N) Despite Regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and **main wall** separation distances are shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (O) Despite Regulation 40.10.40.70(2), the following minimum **building setback** requirements apply:
- (i) A minimum 1.5 metre **building setback** is required from the Birchmount Road/Dulverton Road **street** line corner rounding;
 - (ii) 6.0 metre **building setback** from an Open Space Zone (O); and
 - (iii) For underground parking structures, a minimum 1.0 metre **building setback** from any **street** line or an Open Space Zone (O), and minimum 6.8 metre **building setback** from the east **lot line**;
- (P) Regulation 40.10.40.70(2)(E) does not apply to Building 'D' in regard to **angular plane** requirements abutting an Open Space Zone (O);
- (Q) Regulation 40.10.40.70(4) does not apply to **dwelling units** located in the first **storey** of Building 'B';
- (R) Despite Clause 40.10.40.60, balconies and/or sills with railings may encroach a maximum of 0.3 metres into required **building setbacks** from the **street** line for Building 'A' below the eighth **storey**, and from the **street** line for Building 'B' below the sixth **storey**;
- (S) Despite Clause 220.5.10.1, 1 Type "G" **loading space** is required, and may be shared by both Building 'A' and Building 'B';
- (T) Despite Regulation 970.10.15.5(5), **parking spaces** must be provided as follows: [By-law: 89-2022]
- (U) Where referenced in this Exception, the following terms mean:
- (i) Building 'A': An **apartment building** located within 31 metres of the Lawrence Avenue East **street** line and within 66 metres of the Birchmount Road **street** line;
 - (ii) Building 'B': An **apartment building** located within 24 metres of the Birchmount Road **street** line and within 48 metres of the Dulverton Road **street** line

- (V) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have 2 or more bedrooms
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more bedrooms; and
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;

Prevailing By-laws and Prevailing Sections: *None Apply*

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

6. Holding Symbol Provisions

- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram **2** attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
- (i) The owner or applicant, at their sole cost and expense has submitted a revised Functional Servicing and Stormwater Management Report to demonstrate that the existing sanitary sewer system, storm sewer system, and watermain system (municipal infrastructure) and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Director, Engineering Review, Development Review;
 - (ii) If the Functional Servicing and Stormwater Management Report accepted and satisfactory from (1) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - (a) The owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required

improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review, Development Review; or,

- (b) The required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report in (1) above are constructed and operational, all to the satisfaction to the Director, Engineering Review, Development Review;

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the additional 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; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied; and
- (D) The facilities, services and matters identified in Schedule A are in addition to any benefits secured in By-law 1137-2018 as amended by By-law 632-2021 in relation to the lands.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

Schedule A
Section 37 Provision

Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out therein the owner provides for the following:

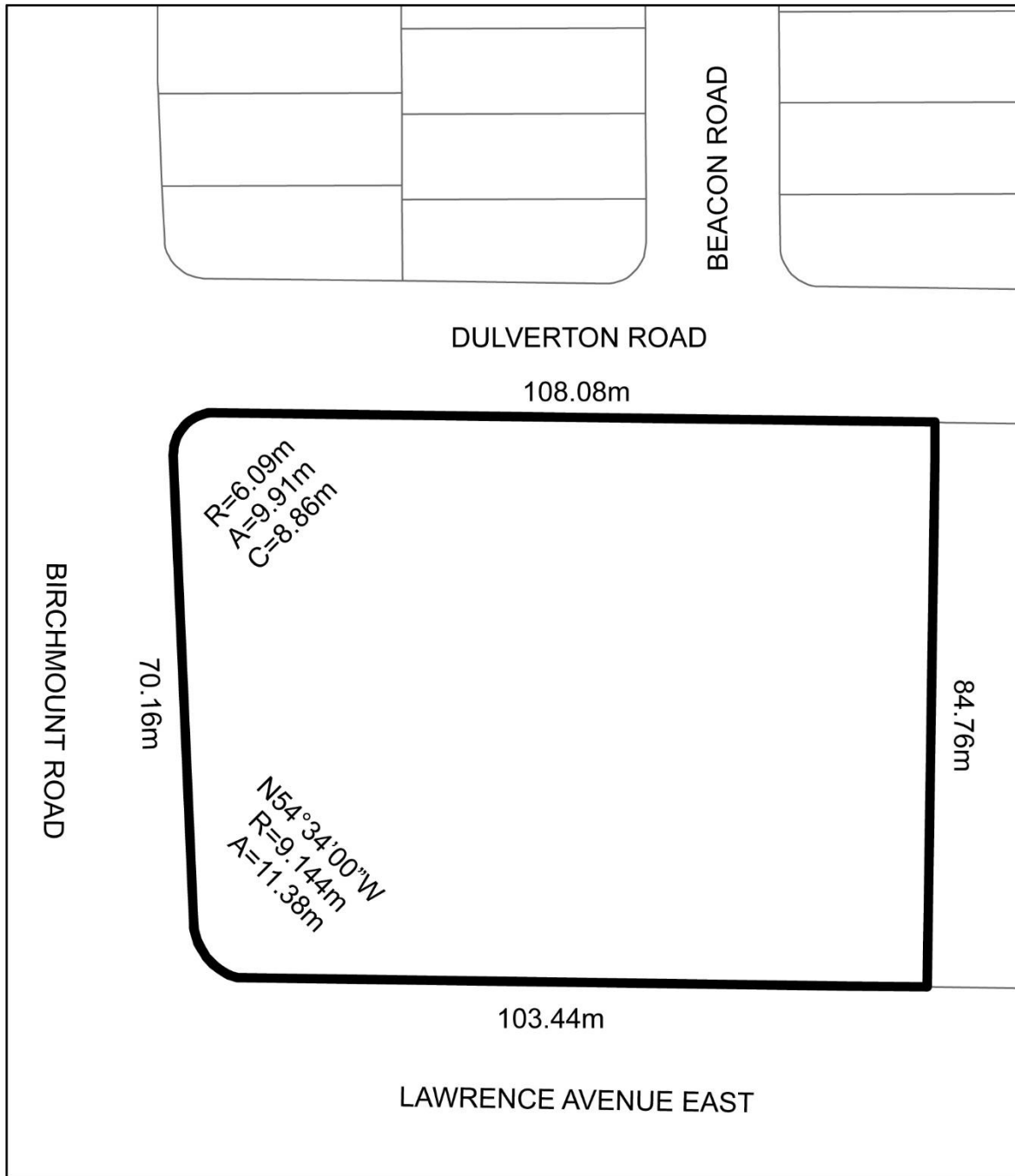
1. The Owner shall provide to the City
 - a. Prior to the issuance of an above grade building permit, other than for a temporary sales office/pavilion, the owner shall pay to the City a cash contribution of:
 - i. \$145,000 for capital upgrades/improvements (such as but not limited to upgraded washrooms and air circulation equipment) to McGregor Park Toronto Public Library at 2219 Lawrence Avenue East;
 - ii. \$15,000 for capital upgrades/improvements to the Birchmount Hub at 1021 Birchmount Road; and
 - iii. \$250,000 for the provision of an on-site public art installation at the northeast corner of Lawrence Avenue East, to be further determined in accordance with the City of Toronto Percent for Public Art Program Guidelines (August 2010).
 - iv. \$700,000 to be allocated towards for the provision of new affordable housing and/or the Toronto Community Housing Corporation revolving capital fund for repairs to Toronto Community Housing Corporation housing in the local Ward, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the local Ward Councillor; and
 - v. In lieu of the prior commitments relating to Maidavale Park, \$90,000 for capital upgrades/improvements to City parks and/or playgrounds in the vicinity of the development;

with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

2. 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.
3. The Owner shall provide and maintain the following to support the development of the lands:
 - a. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly-accessible (POPS) courtyard area of not less than 395 square metres, located on Lawrence Avenue East immediately east of Building 'A', and shall convey, prior to the earlier of the registration of the first condominium or first residential occupancy on the site, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 11:59 p.m., 365 days of the year; and
 - b. The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway between the POPS and Dulverton Road which shall have a minimum 2.1 metre pedestrian clearway and a minimum height of 4.5 metres. The owner shall convey, prior to the earlier of the registration of the first condominium or first residential occupancy on the site, an easement to the City, for nominal consideration, along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of site plan approval pursuant to Section 114 of the City of Toronto Act, 2006 and

secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the walkway and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the walkway from 6:00 a.m. to 11:59 p.m., 365 days of the year.

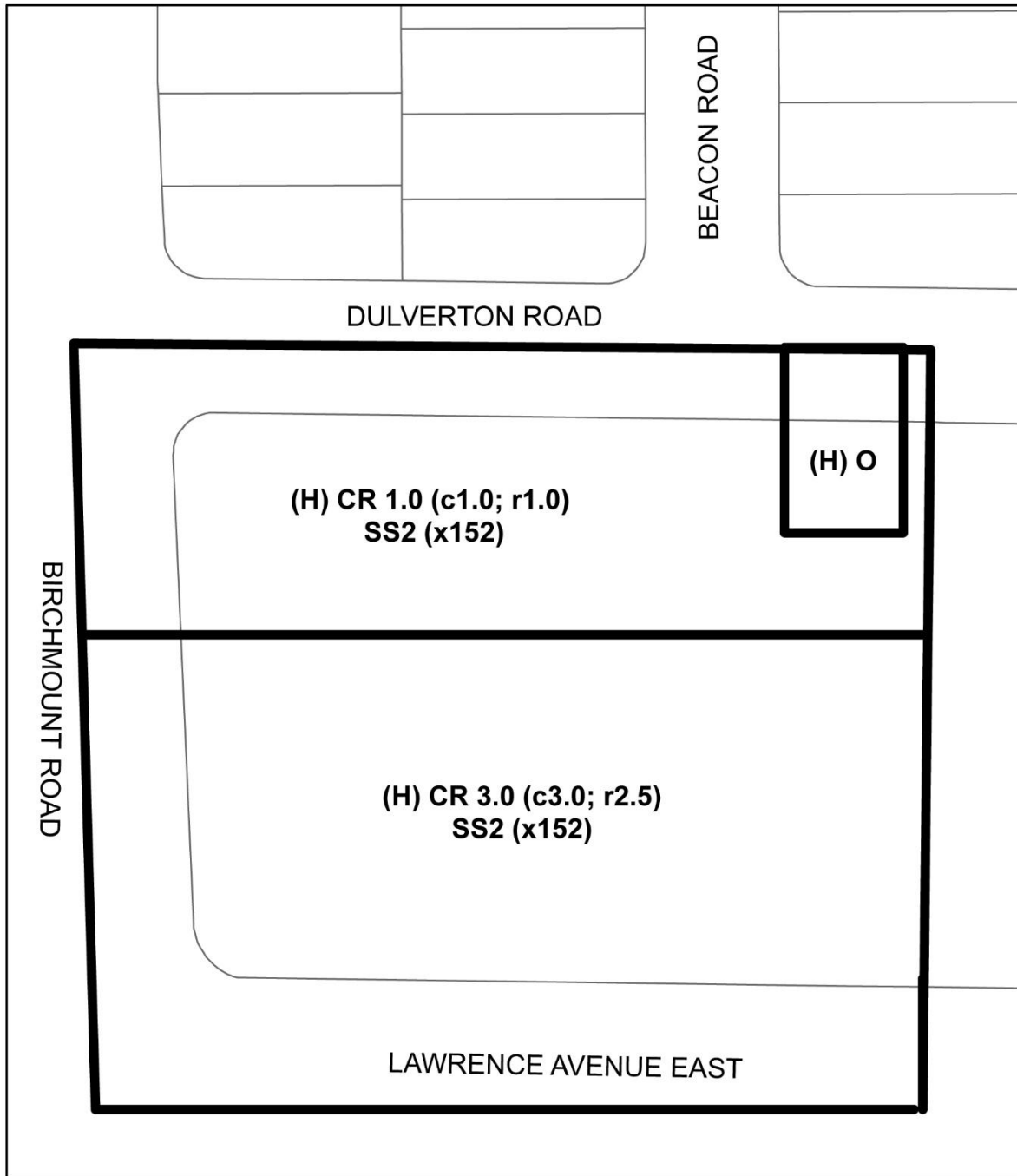
4. In the event the cash contribution(s) referred to in Section 1(b) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



Toronto
Diagram 1

2180 Lawrence Avenue East

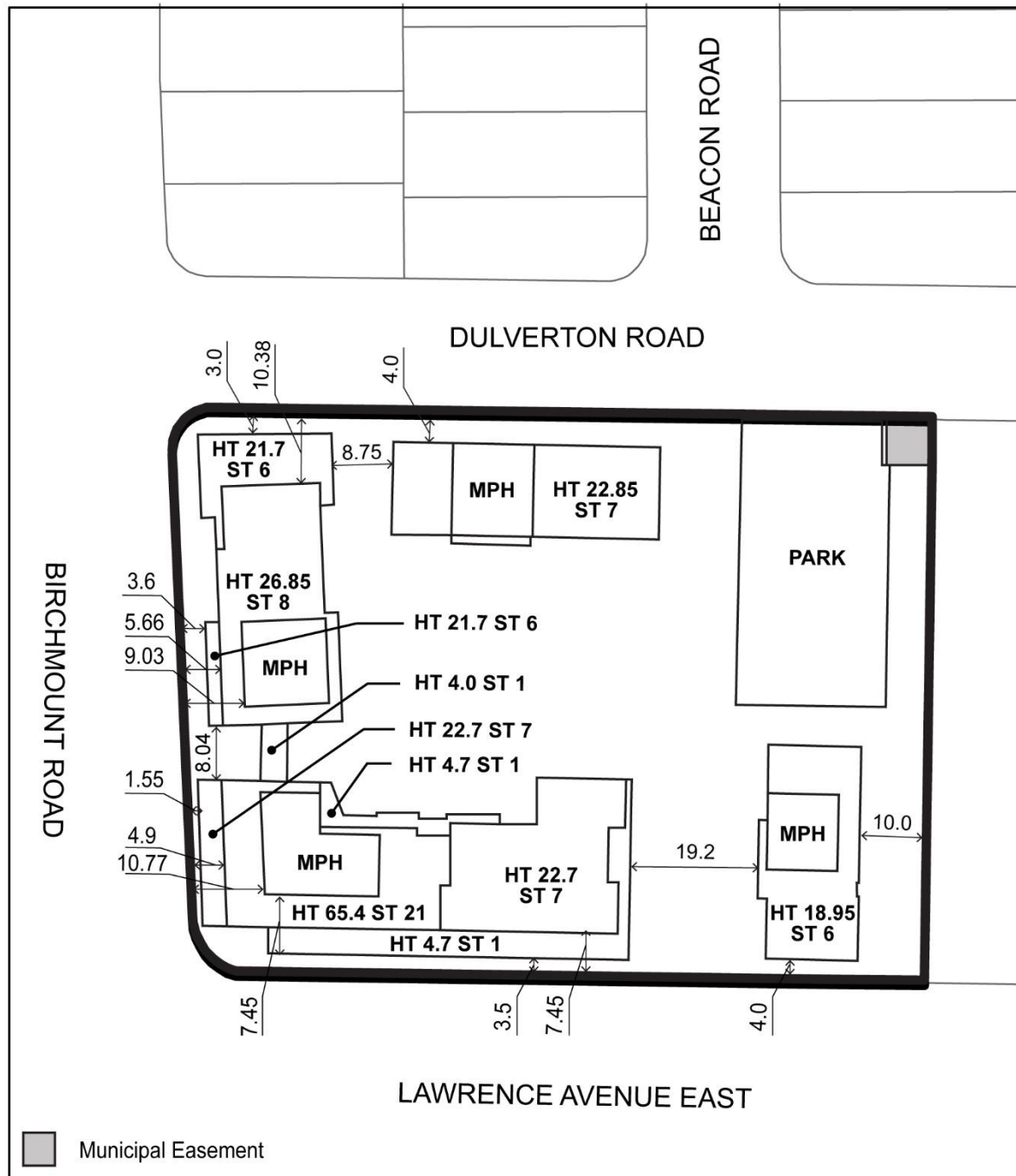
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 **TORONTO**
Diagram 2

2180 Lawrence Avenue East

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Toronto
Diagram 3

2180 Lawrence Avenue East

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