

Authority: Scarborough Community Council Item SC27.5, as adopted by City of Toronto Council on January 31, February 1 and 2, 2018

CITY OF TORONTO

Bill 267

BY-LAW XXXX-2018

To amend former City of Scarborough Cliffcrest Community Zoning By-law 9396, as amended, with respect to the lands municipally known in the year 2018 as 2799-2815 Kingston Road.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

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

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; 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 Cliffcrest Community Zoning By-law 9396 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. Amendments to the former City of Scarborough Cliffcrest Community By-law 9396, as amended:

1.1 CLAUSE V - INTERPRETATION, is amended by adding the following definitions to Subsection (f) **Definitions**:

Amenity Space

means 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.

Angular Plane

means an imaginary flat surface projecting over a lot, at an inclined angle measure up from the horizontal.

Art Gallery

means premises used for the exhibition, collection or preservation of works of art for public viewing.

Artist Studio

means premises used for creating art or craft.

Automated Banking Machine

means a device at which customers can complete self-serve financial transactions.

Bicycle Parking Space

means an area used for parking or storing a bicycle.

Building Setback

means a horizontal distance measured at a right angle from any **lot line** to the nearest part of the main wall of a building or structure.

Eating Establishment

means premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service.

Green Roof

means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Municipal Code Chapter 492.

Massage Therapy

means premises providing **massage therapy** by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A body rub service or wellness centre is not a **massage therapy**.

Museum

means premises used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing.

Loading Space

means an area used for the loading or unloading of goods or commodities from a vehicle.

Lot Line

means any boundary of a lot.

Passenger Terminal

means premises used for the boarding or discharge of people being transported.

Performing Arts Studio

means premises used for the rehearsal of performing arts, such as music, dance or theatre.

Personal Service Shop

means premises used to provide personal grooming services or for the cleaning or care of apparel.

Pet Services

means premises used to provide for the grooming of domestic animals. A **veterinary hospital** or a kennel are not **pet services**.

Post-Secondary School

means premises used for educational purposes by a degree granting college or university under Province of Ontario legislation.

Production Studio

means premises used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a **production studio**.

Rear Yard Setback

means a horizontal distance on a lot measured at a right angle from the **rear lot line** to the nearest main wall of a building or structure.

Religious Education Use

means the use of premises by a religious organization for religious education, other than:

- (a) a **post-secondary school**; or
- (b) a school regulated under the Education Act, R.S.O. 1990, c. E.2, as amended.

Retail Store

means premises in which goods or commodities are sold, rented or leased.

Veterinary Hospital

means premises used by a licensed veterinarian for the medical treatment of animals.

Wellness Centre

means **premises** providing services for therapeutic and wellness purposes. A **massage therapy**, medical office or body rub service is not a **wellness centre**.

2. **SCHEDULE 'A'** is amended by deleting the current zoning for the lands outlined in Schedule '1' and replacing it with the following so that the amended zoning shall read as follows:

A-217-218-219-220-221-222-223-224-225-226-227-314-315-316-317-318-319-375-376

3. **SCHEDULE 'B', PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

MISCELLANEOUS

217. Notwithstanding the definition of **Front Lot Line** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the **front lot line** shall be deemed the **lot line** coincident with Kingston Road as shown on Schedule '1' of By-law [Clerk to insert this By-law Number].
218. Minimum **building setback** shall comply with those shown on Schedule '2' of By-law [Clerk to insert this By-law Number]
219. Notwithstanding performance standard 218, the following building elements may extend into the required **building setback** shown on Schedule '2' as follows;
- (a) stairs;
 - (b) eaves, building cornices, light fixtures, ornamental and architectural elements, pilasters, parapets, trellises, window sills, window box, bay window or projecting window, landscape and public art features, window washing equipment, lightning rods a maximum of 0.3 metres; and
 - (c) porches a maximum of 2.5 metres.
220. Notwithstanding performance standard 227, the following building elements may extend above the permitted heights shown on Schedule '2' as follows;
- (a) eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, trellises, landscape and public art features, window washing equipment, lightning rods, stair overruns a vertical distance not exceeding 3 metres; and
 - (b) mechanical and ventilation equipment and related enclosures a vertical distance not exceeding 5 metres.
221. No part of a building on a lot may penetrate a 45 degree **angular plane** projected along the entire required **rear yard setback**, starting at a height of 10.5 metres above the average elevation of the ground along the **lot line** opposite Kingston Road.
222. Notwithstanding performance standards 218 and 221, the following building elements or structures may project into an **angular plane** starting at a height above a height of 16.5 metres as follows:
- (a) mechanical and ventilation equipment, green roofs, stair overruns, balconies, parapets, window washing equipment, lightning rods, ornamental and architectural features, window sills, building cornices;

- (b) railings and guards, trellises, eaves, which are a maximum of 1.1 metres in height;
 - (c) a ceiling of a building may penetrate the required rear **angular plane** a horizontal distance not exceeding 0.8 metres; and
 - (d) a **main wall** of a building and divider or privacy screen may penetrate the required rear **angular plane** a vertical distance not exceeding of 3.5 metres.
223. **Amenity space** shall be provided at a minimum rate of 4.0 square metres for each **dwelling unit** of which a minimum of 2.0 metres for each **dwelling unit** shall be indoor **amenity space** and a minimum of 2.0 square metres for each **dwelling unit** shall be outdoor **amenity space**.
224. All waste and recyclable material must be stored in a wholly enclosed building.
225. Notwithstanding the provisions of **Clause VI – PROVISIONS FOR ALL ZONES** Section 15, "Use of Basements", does not apply.
226. An **eating establishment** must be entirely within a building.

HEIGHT

227. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the height of any building shown on Schedule '2' of By-law [Clerk to insert this By-law Number], as measured from Canadian Geodetic Datum elevation of 176.6 metres to the highest point of the building or structure, shall not exceed the height in metres specified by the numbers following the symbol HT of By-law [Clerk to insert this By-law Number].

PARKING

314. **Parking spaces** shall be provided, as follows:
- (a) a minimum of .80 **parking spaces** per one bedroom **dwelling unit**
a minimum of .90 **parking spaces** per two bedroom **dwelling unit**
a minimum of 1.10 **parking spaces** per three or more bedroom **dwelling unit**
a minimum of .15 **parking spaces** per **dwelling unit** for visitors a
minimum of 1 **parking spaces** per 100 square metres for non-residential uses.
 - (b) A total of 42 **parking spaces** are required to be shared for visitors and non-residential uses of which a minimum of 1 **parking space** may be used for car share.

315. One **loading space** shall be provided and shall have the following minimum dimensions:
- (a) Length of 13.0 metres;
 - (b) Width of 4.0 metres; and
 - (c) Vertical Clearance of 6.1 metres.
316. "Long-term" and "short-term" **bicycle parking spaces** means:
- (a) "Long-term" **bicycle parking spaces** are for use by the residents or tenants of a building; and
 - (b) "Short-term" **bicycle parking spaces** are for use by visitors to a building.
317. A minimum of 134 "long term" **bicycle parking spaces** shall be provided.
318. A minimum of 36 "short term" **bicycle parking spaces** shall be provided.
319. A **bicycle parking space** shall have the following dimensions:
- (a) the minimum dimension of a **bicycle parking space** is:
 - i. minimum length of 1.8 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum vertical clearance from the ground of 1.9 metres.
 - (b) the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device is:
 - i. minimum length or vertical clearance of 1.9 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum horizontal clearance from the wall of 1.2 metres.
 - (c) if a stacked **bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.

INTENSITY OF USE

375. The total number of **dwelling units** shall not exceed 188.
376. The maximum **gross floor area** shall not exceed 16,800 square metres of which a minimum 1300 square metres must be non-residential uses.
4. **SCHEDULE "C" EXCEPTIONS LIST**, is amended by adding Exception No. 62 and Exception No. 63, so that it reads as follows:

62. On those lands identified as Exception No. 62 on the accompanying Schedule "C" map the following provisions shall apply:

(a) Additional Permitted Uses

- A temporary sales office for the sale of residential **dwelling units** on the property

The following non-residential uses are permitted on the ground floor of a building:

- Ambulance Depot
- **Art Gallery**
- **Artist Studio**
- **Automated Banking Machine**
- Courts of Law
- Fire Hall
- Library
- **Massage Therapy**
- Office
- Medical Office
- **Museum**
- **Passenger Terminal**
- **Performing Arts Studio**
- **Personal Service Shop**
- **Pet Services**
- Police Station
- **Post-Secondary School**
- **Production Studio**
- **Religious Education Use**
- **Retail Store**
- **Veterinary Hospital**
- **Wellness Centre**
- **Eating Establishment**

63. On those lands identified as Exception No. 63 on the accompanying Schedule "C" map the following provisions shall apply:

1. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor:

- (a) Prior to issuance of an above grade building permit other than building permit for a temporary sales office/pavilion the owner

shall: provide a cash contribution of Three Hundred and Twenty Thousand dollars \$320,000.00 paid by way of certified cheque payable to the Treasurer, City of Toronto, to be directed towards public realm and streetscape improvements on Kingston Road between Brimley Road and Bellamy Road, with such amount 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.

(b) In the event the cash contribution referred to in Section 1 above has 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 purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands

2. 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 the cash contribution contemplated herein has been paid.
3. In the event the cash contribution referred to in Section 1.(a) has 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 Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.

5. **SCHEDULE "C" EXCEPTION MAP**, is amended by adding Exceptions No. 62 and Exception No. 63 to the property shown outlined on Schedule '3'.

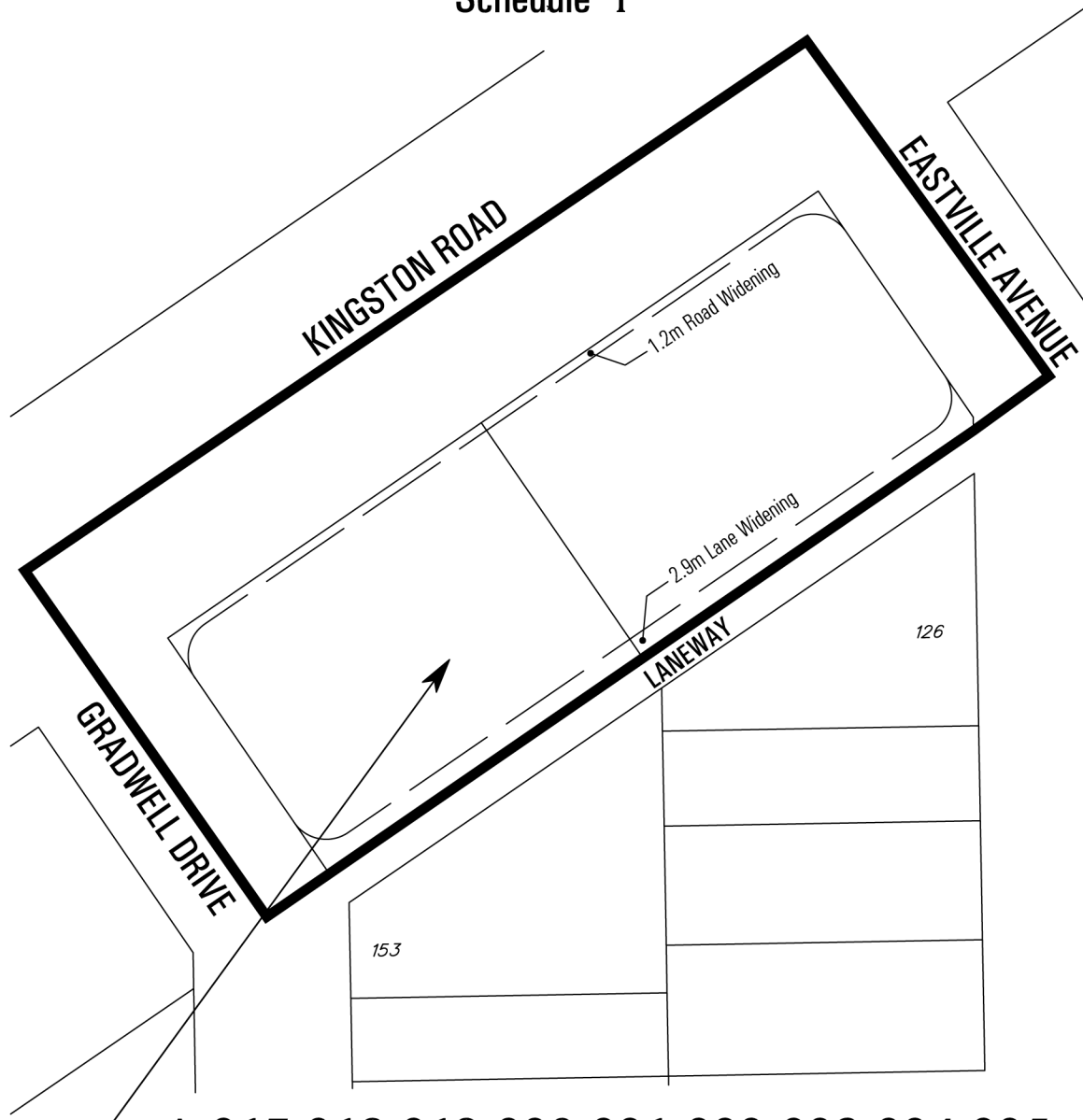
Enacted and passed on March , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'



**A-217-218-219-220-221-222-223-224-225
-226-227-314-315-316-317-318-319-375-376**



Zoning By-Law Amendment

2799-2815 Kingston Road

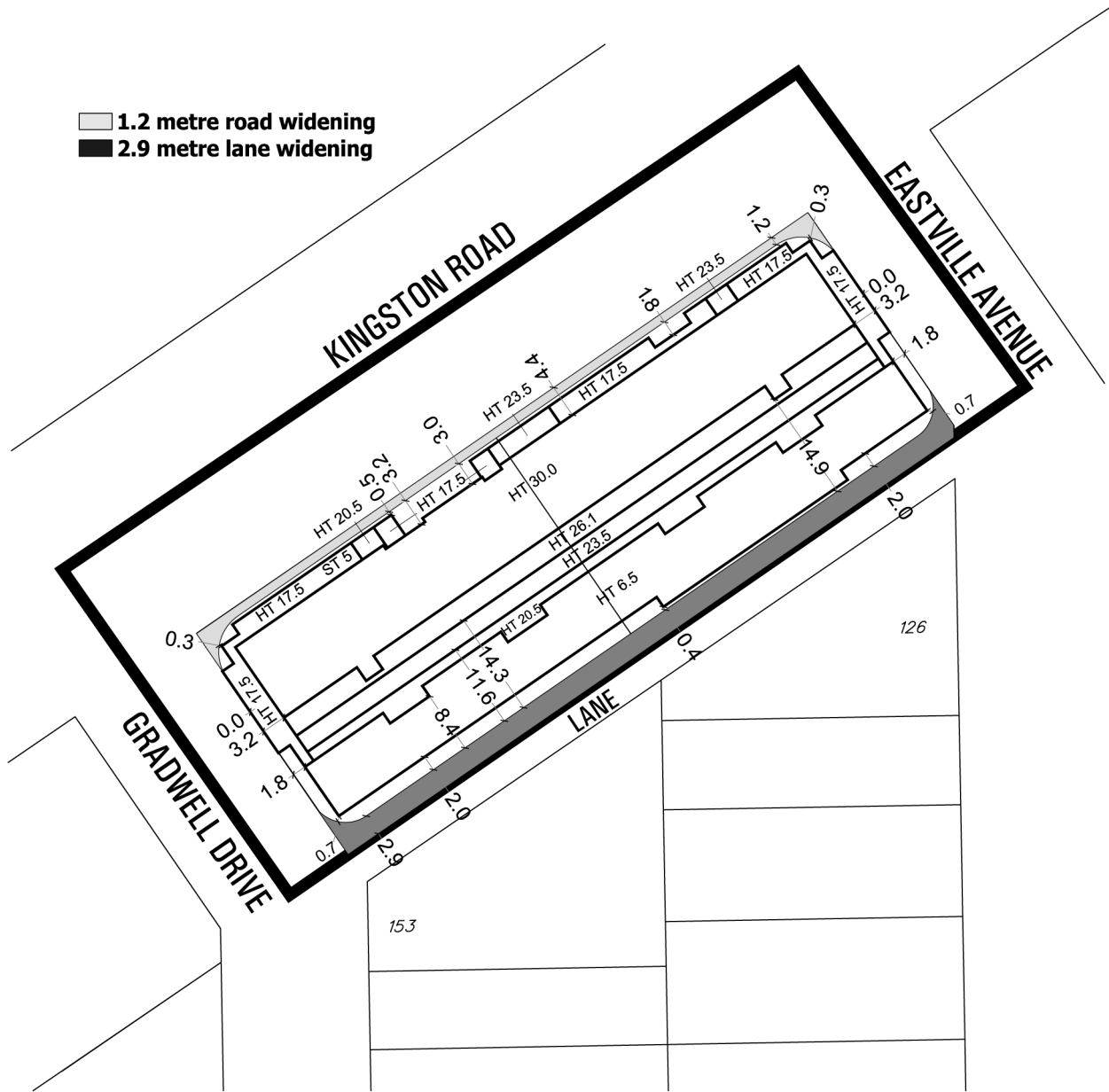
File # 13 237724 ESC 36 0Z

 Area Affected By This By-Law

Cliffside Community By-law
Not to Scale
01/12/2018


Schedule '2'

1.2 metre road widening
2.9 metre lane widening



TORONTO
Zoning By-Law Amendment

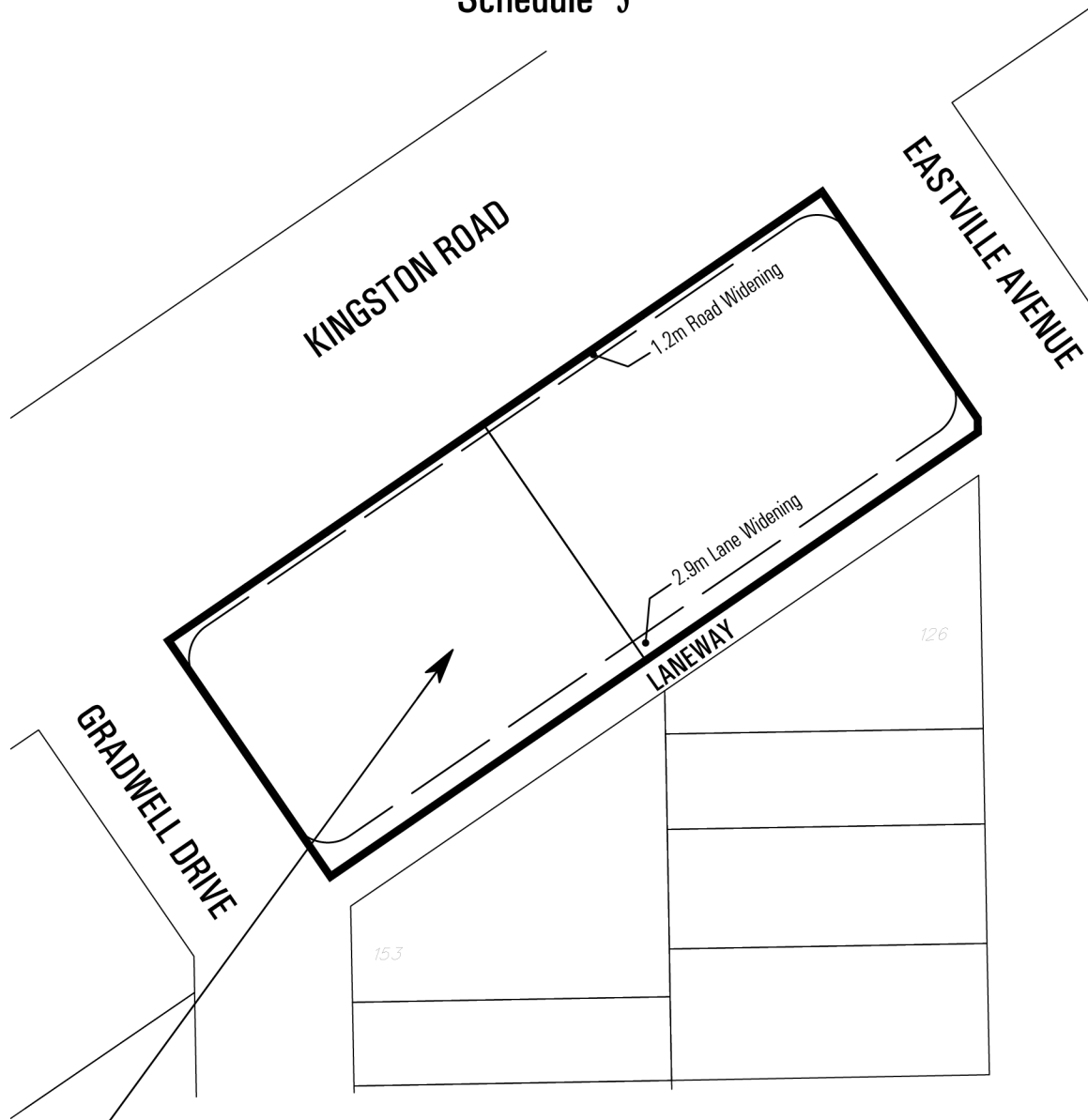
2799-2815 Kingston Road

File # 17 237724 ESC OZ

Area Affected By This By-Law

Cliffcrest Community By-Law
Not to Scale
01/09/2018

Schedule '3'



Exception No. 62, 63



Zoning By-Law Amendment

2799-2815 Kingston Road

File # 13 237724 ESC 36 0Z



Area Affected By This By-Law

Cliffside Community By-law
Not to Scale
12/04/2017

