

Authority: Scarborough Community Council Item SC33.1,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 883

BY-LAW - 2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2151 Kingston Road.

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; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the 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; 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 4.5 (c0.5 r4.5) SS2 (x 653) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Areas label to these lands: PA4 as shown on Diagram 4 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 20, ST 6, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 653 so that it reads:

(653) Exception CR (653)

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 2151 Kingston Road, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (U) below:
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 150.0 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.1(1), residential use portions, including **dwelling units**, on the first **storey** of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building**;
- (D) Despite Regulation 40.10.40.10 (2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law [Clerks to insert By-law ##];

- (E) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 2.95 metres;
- (F) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 5 of By-law [Clerks to insert By-law ##]; and
- (i) for the purpose of this exception, an elevator overrun, elevator entrance, elevator lobby and stairs enclosure providing access to the rooftop **amenity space** does not constitute a **storey**;
- (G) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law [Clerks to insert By-law ##]:
- (i) elements of the roof of the **building** or **structure** used for **green roof** technology or alternative roofing system parapets, railings, terraces, patios, planters, balustrades, bollards, safety railings, guard railings, chimneys, vents, stacks, and exhaust stacks, retaining walls, wheelchair ramps, ornamental or architectural features, roofing assembly, garbage chutes and vents, and roofs to a maximum of 1.5 metres;
- (ii) privacy screens, wind mitigation features, terrace dividers, cabanas, fences, pergola, trellises, public art features, **landscaping** features, lighting fixtures, pool, pool deck and railing, pool mechanical equipment, ramps, stairs or stair enclosures, mechanical lift, heating and cooling units, towers, stacks and associated components, elevator shafts, make-up air units, emergency generator, window washing equipment, mechanical penthouses, portions of the **building** or **structures** enclosing indoor residential **amenity space**, mechanical equipment and any associated enclosure **structures**, awnings, eaves, roof drainage, window sills, light fixtures, wind and noise mitigation and associated structural elements to a maximum of 4.5 metres; and
- (iii) elevator overrun to a maximum of 6.0 metres;
- (H) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law ##];

- (I) Despite Clause 40.10.40.60 and (H) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) cornices, light fixtures, awnings, ornamental elements, cladding, parapets, privacy screens, **landscaping** features, trellises, eaves, window sills, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps, canopies, balconies, underground garage ramps, architectural feature wall, and associated **structures** may extend up to 1.5 metres beyond the heavy lines shown on Diagram 5 of By-law [Clerks to supply by-law ##];
- (J) Where a **dwelling unit** has two **storeys** and direct access to a **street**, a **home occupation**:
- (i) must be located on the ground floor;
 - (ii) despite Regulation 150.5.20.1(6), may have employees in the **dwelling unit** who are not the business operator;
 - (iii) for the purpose of this exception, is not required to be the principal residence of the business operator for the **dwelling unit**;
 - (iv) despite Regulations 150.5.20.1(1)(A),(B),(C) and (D), may:
 - (a) sell, rent or lease physical goods directly from the **dwelling unit**;
 - (b) be a **personal service shop**;
 - (c) be an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario;
 - (d) be an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended;
 - (v) despite Regulation 150.5.20.1(2), may have clients or customers attending the **premises** for:
 - (a) consultations;
 - (b) receiving services; or
 - (c) obtaining physical goods; and
 - (vi) despite Regulation 150.5.40.40, the floor area for a **home occupation** may not exceed 100 square metres;

- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a maximum of 0.7 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
 - (ii) a maximum of 1.0 **parking space** for each bachelor **dwelling unit** greater than 45 square metres;
 - (iii) a maximum of 0.8 **parking spaces** for each one bedroom **dwelling unit** or **dwelling unit** that includes home occupation;
 - (iv) a maximum of 0.9 **parking spaces** for each two bedroom **dwelling unit**;
 - (v) a maximum of 1.1 **parking spaces** for each three bedroom and greater **dwelling unit**; and
 - (vi) a minimum of 0.1 residential visitor **parking spaces** for each **dwelling unit**.
- (L) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of 4 resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) 4 multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
 - (ii) a minimum of 3 "car-share" **parking spaces** must be provided on the **lot**;
 - (iii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (iv) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (M) Despite Regulation 200.15.10(1) and (2), a minimum of 3 of the required **parking spaces** on the **lot** are required to be accessible **parking spaces**;

- (N) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
- (i) a minimum length of 5.6 metres;
 - (ii) a minimum width of 3.4 metres; and
 - (iii) a minimum vertical clearance of 2.1 metres;
- (O) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (P) Despite Regulation 200.15.1(4), a minimum of 2 accessible **parking spaces** must be located within 25 metres of a barrier free entrance to a passenger elevator that provides access to the first **storey** of a **building**;
- (Q) Despite regulation 230.5.1.10(4)(A), the required minimum dimensions of a **bicycle parking space** is:
- (i) For a horizontal **bicycle parking space**:
 - (a) a minimum length of 1.8 metres;
 - (b) a minimum width of 0.6 metres; and
 - (c) a minimum vertical clearance from the ground of 1.9 metres;
 - (ii) For a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device:
 - (a) a minimum length or vertical clearance of 1.9 metres;
 - (b) a minimum width of 0.6 metres;
 - (c) a minimum horizontal clearance from the wall of 1.2 metres; and
 - (iii) If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres;
- (R) Despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.68 "long-term" **bicycle parking spaces** for each **dwelling unit**; and
 - (ii) 0.07 "short-term **bicycle parking spaces** for each **dwelling unit**;

- (S) Regulation 230.40.1.20(2), with respect to the location of "short-term" **bicycle parking spaces** relative to the **building** entrance, does not apply;
- (T) A minimum of one Type G **loading space** must be provided on the **lot**; subject to the following:
 - (i) for the purpose of this exception, "Type G Loading Space" means a **loading space** that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres; and
- (U) 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 two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) if the calculation of the number of required **dwelling units** with two or three bedrooms pursuant to (i) and (ii) above results in a number with a fraction, the number is rounded up to the nearest whole number;

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

- 9. 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.
- 10. Temporary use(s):
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot**, which shall mean a **building** or **structure** used for the purpose of the sale of **dwelling units**, for a period of not more than 3 years from the date this By-law comes into full force and effect;
- 11. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 attached to 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 pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

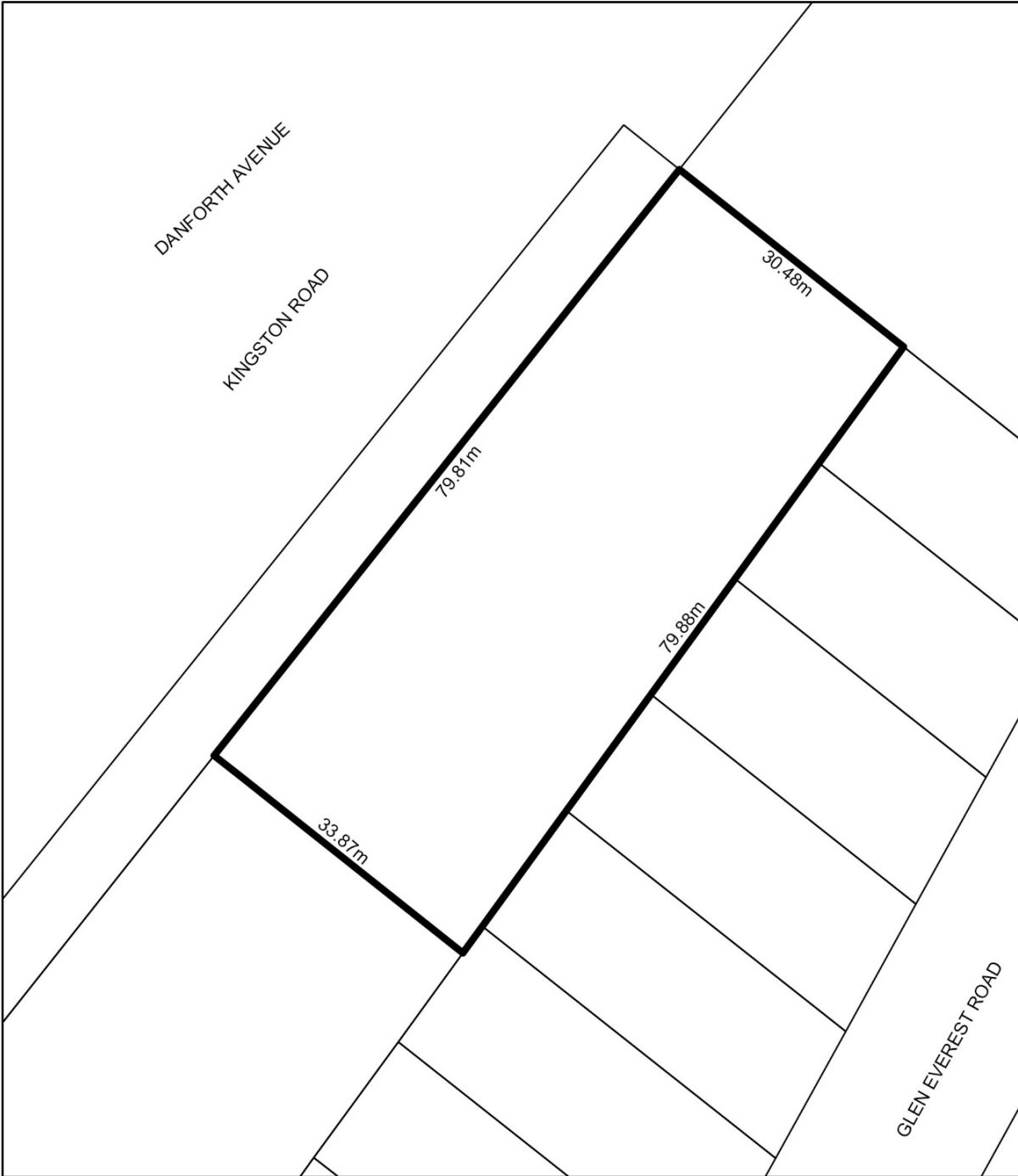
SCHEDULE A
Section 37 Provisions

Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Diagram 1 of this By-law are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

1. Prior to the issuance of the first above grade building permit, the owner shall pay to the City a cash payment of three hundred thousand dollars (\$300,000) towards the development of the Southwest Scarborough Community Recreation Centre and/or other recreation priorities for the area as identified in Park Forestry and Recreation's Facilities Master Plan, to be determined by the Chief Planner and Executive Director, City Planning, and the General Manager, Parks and Recreation, in consultation with the Ward Councillor;
2. The cash contribution set out in 1. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date City Council adopts the zoning by-law amendment to the date of payment of the cash contribution by the owner to the City;
3. In the event the cash contribution set out in 1. above has not been used for the intended purpose within three (3) years of the zoning by-law amendment coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the site;
4. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;
5. The Owner will submit a revised Site Servicing and Stormwater Management Report to the Satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services which addresses matters as set out in the Engineering and Construction Services memorandum dated May 10, 2022; and

6. Prior to the issuance of a building permit, the Owner shall enter into a financially secured development agreement for the construction of any improvements to municipal infrastructure, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, if it is determined that upgrades are required to the infrastructure to support this development, according to the accepted Site Servicing and Stormwater Management Report referenced in 2. above and/or according to the Site Servicing Review accepted by the Chief Engineer & Executive Director of Engineering and Construction Services.

Diagram 1



 **TORONTO**
Diagram 1

2151 Kingston Road

File # 20 196316 ESC 20 0Z

Diagram 2

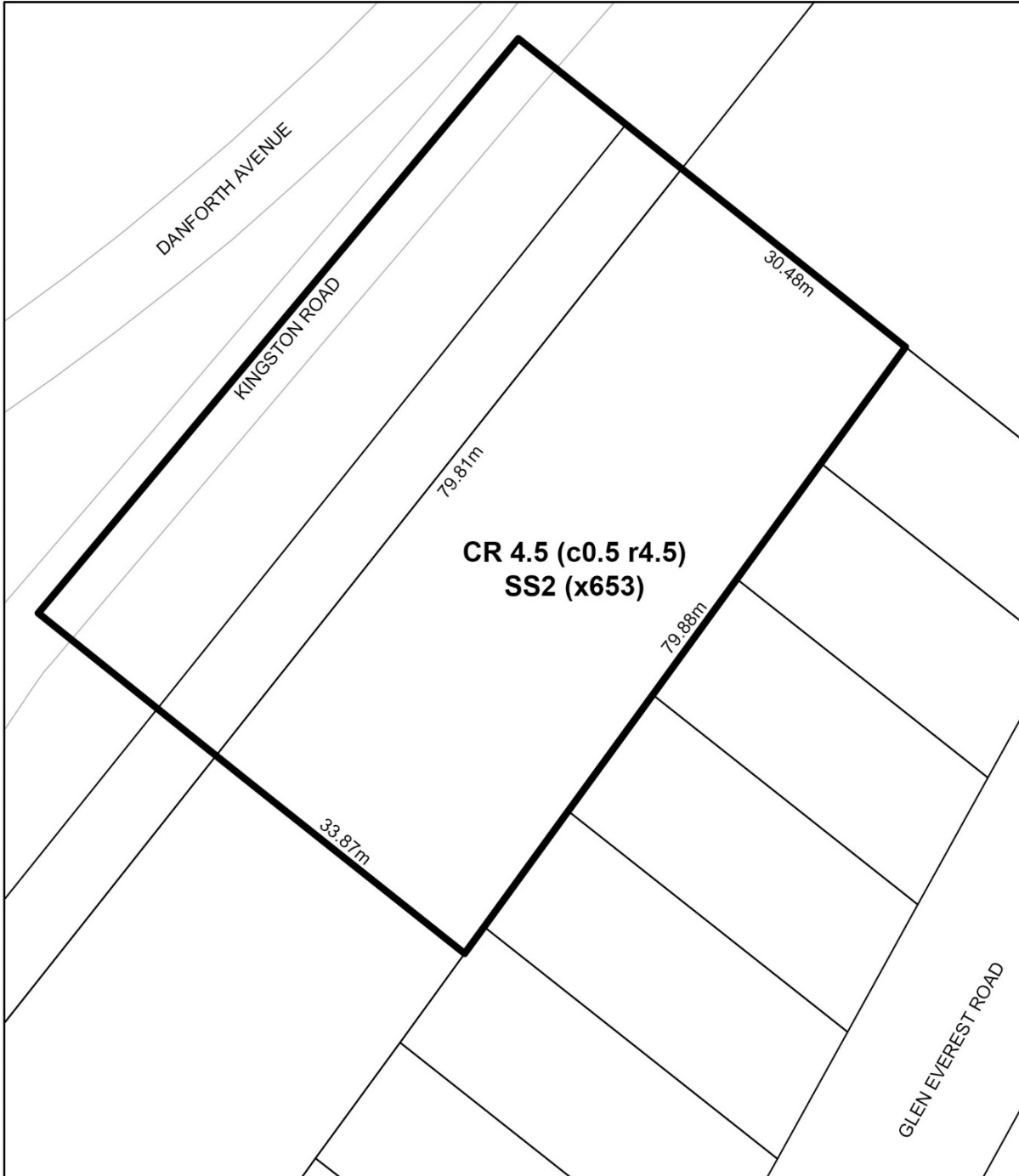
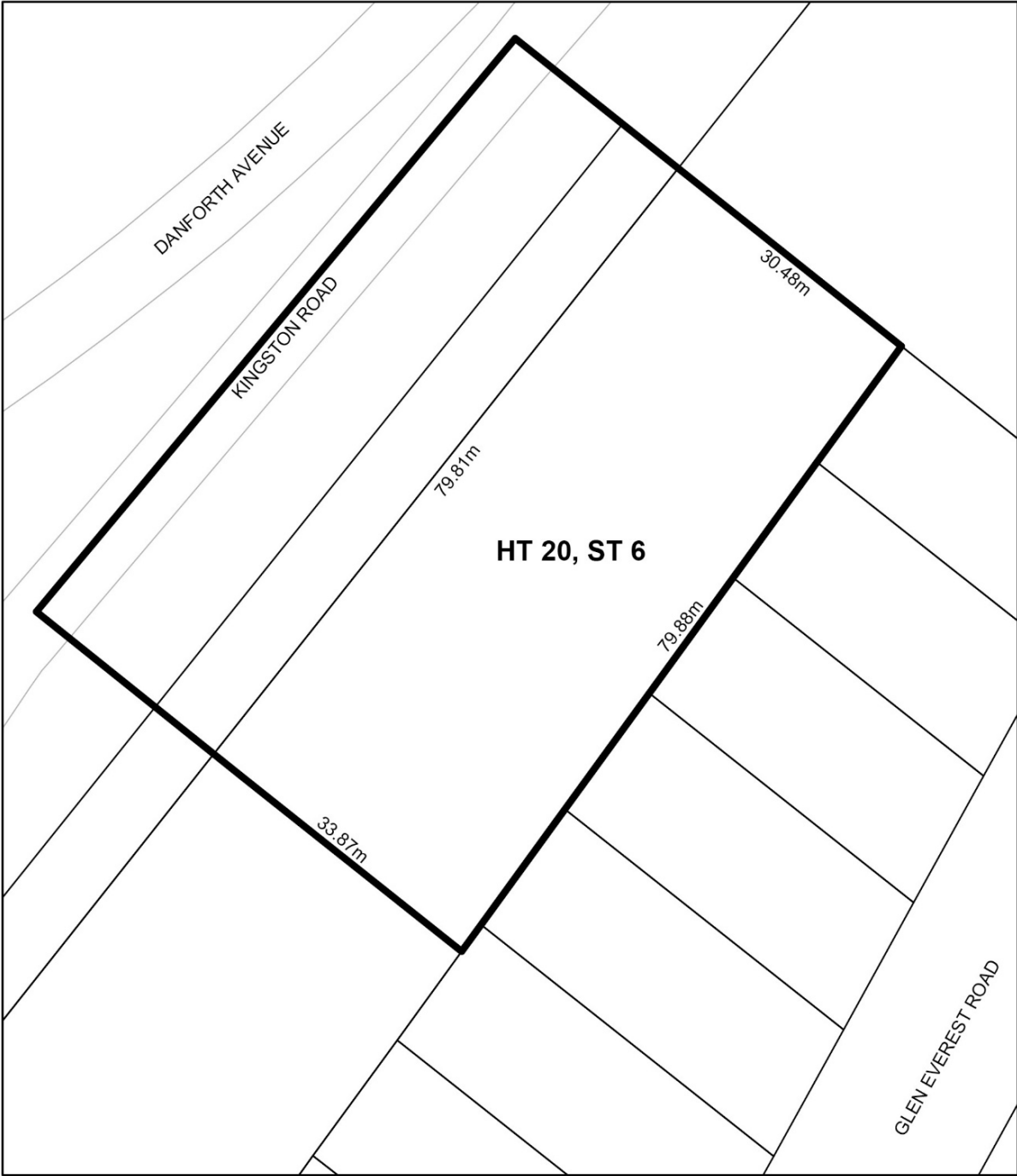


Diagram 3



 **TORONTO**
Diagram 3

2151 Kingston Road

File # 20 196316 ESC 20 OZ

Diagram 4

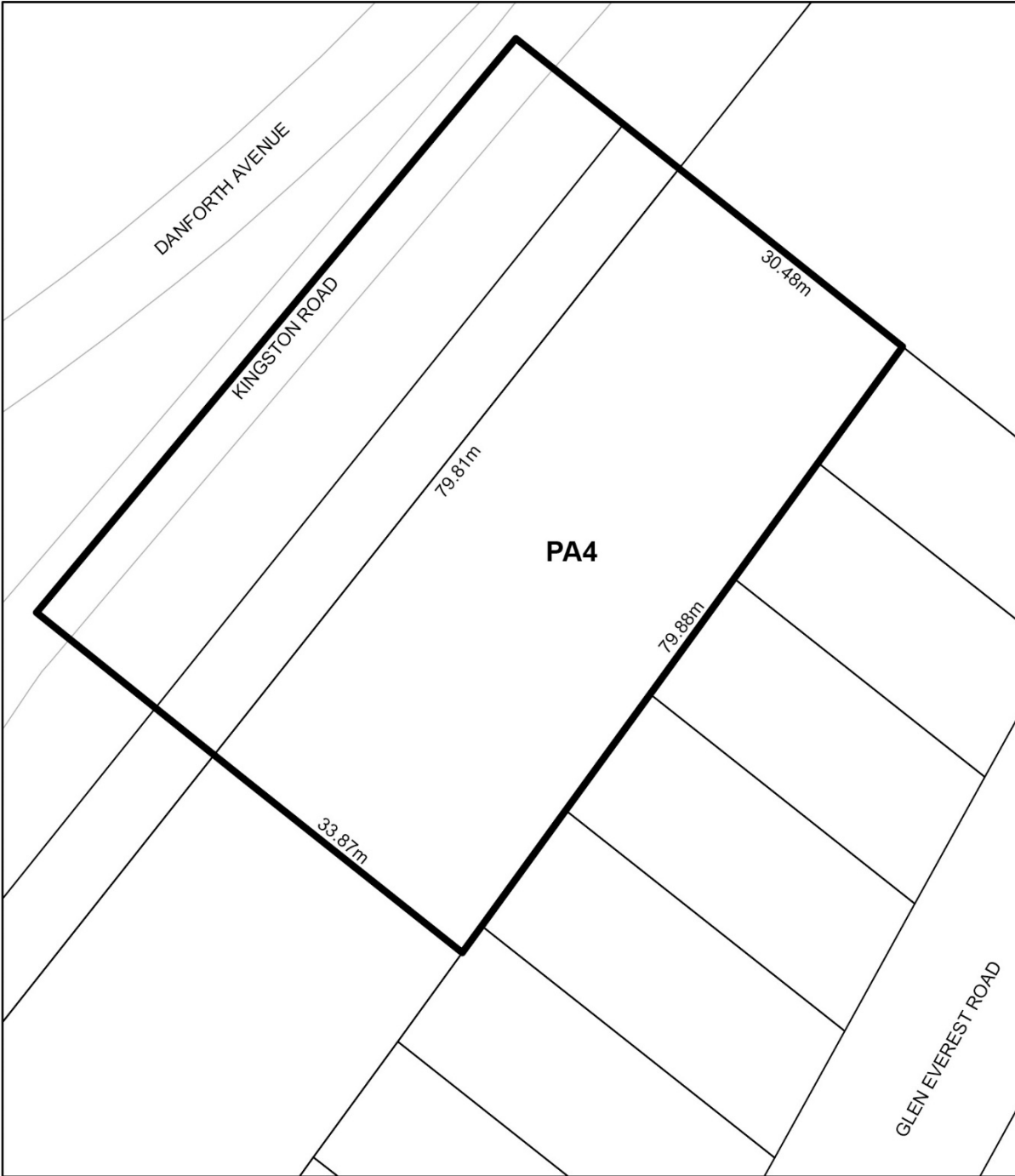


Diagram 5

