

Authority: Scarborough Community Council Item SC8.3,
as adopted by City of Toronto Council on October 2 and 3,
2019

CITY OF TORONTO

BY-LAW 1409-2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 1478-1496 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 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 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 zone label to

these lands: CR 4.5 (c4.5; r4.5) SS2 (x208) 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 Height Overlay Map in Section 995.20.1, and applying the height and storey label to these lands: HT 20 as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 4 attached to this By-law to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area label to these lands: PA 4, as shown on Diagram 4.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay Map in Section 995.40.1 with no label.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR 208 so that it reads:

(208) Exception CR 208

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 1478-1496 Kingston Road, if the requirements in Section 9 and Schedule A of By-law 1409-2019 are complied with, a **building, structure**, addition or enlargement may be constructed or used if it complies with (B) to (T) below;
- (B) Despite Regulation 40.10.40.40(1), the permitted maximum total **gross floor area** is 15,200 square metres, of which:
 - (i) the permitted maximum residential **gross floor area** is 14,700 square metres; and
 - (ii) the permitted maximum non-residential **gross floor area** is 500 square metres;
- (C) Regulations 40.10.20.100(1) and (17) with respect to the permitted maximum **interior floor area** of all **eating establishments, take-out eating establishments** and **retail services** on a **lot** does not apply;
- (D) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 135.36 metres and the highest point of the **building** or **structure**;

- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters HT as shown on Diagram 5 of By-law 1409-2019;
- (F) Despite Clause 40.5.40.10 and (E) above, the following elements of a **building** or **structure** may project above the permitted maximum **building** heights shown on Diagram 5 of By-law 1409-2019;
- (i) lightning rods, wind screens, elevator overruns, vents and elements or **structures** on the roof used for open air recreation, safety and wind protection purposes to a maximum of 3.1 metres;
 - (ii) safety railings and privacy screens and dividers to a maximum of 1.8 metres;
 - (iii) **green roof** elements, parapets, roof access hatches to a maximum of 0.9 metres; and
 - (iv) window washing equipment;
- (G) Only the following uses and **building** elements are permitted above a height of 31.5 metres:
- (i) areas used for the functional operation of the **building**, including mechanical equipment;
 - (ii) residential **amenity space**; and
 - (iii) elements listed in (F) above;
- (H) Despite Clause 40.10.40.60 and Regulations 40.5.40.60(1), 40.5.40.70(1), and 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagram 5 of By-law 1409-2019;
- (I) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (H) above, the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 5 of By-law 1409-2019:
- (i) bay windows may project into the north **lot line building setback** to a maximum of 1.5 metres, between a height of 5.0 metres and 11.0 metres;
 - (ii) awnings, balconies, canopies and terraces to a maximum of 1.5 metres; and
 - (iii) pillars, cornices, light fixtures, ventilation shafts and railings, to a maximum of 0.5 metres;

- (J) Despite Regulation 40.10.50.10(3), no strip of land used only for **soft landscaping** is required along the part of the **lot line** abutting a **lot** in the Residential Zone category;
- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, a minimum of 172 **parking spaces** must be provided, of which a minimum of:
- (i) 140 **parking spaces** must be provided for residents of **dwelling units**;
 - (ii) 29 **parking spaces** must be provided for the shared use of visitors to **dwelling units** and non-residential uses; and
 - (iii) 3 **parking spaces** must be provided as car-share **parking spaces**;
- (L) For the purposes of (K) above:
- (i) car-share is the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
 - (ii) a car-share **parking space** is a **parking space** that is exclusively reserved and actively used for car-sharing;
- (M) Despite Article 200.15.1, an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.9 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (N) Despite Regulation 200.15.10(1), a minimum of 6 accessible **parking spaces** must be provided;
- (O) Despite Regulations 220.5.10.1(2) and (3), a minimum of one Type 'G' **loading space** must be provided;
- (P) 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;
- (Q) For the purposes of this exception, the **lot** comprises those lands shown on Diagram 1 attached to By-law 1409-2019;

- (R) Despite Regulation 40.10.40.1(1), a **dwelling unit** may be located on the first **storey** of the **building** if:
- (i) the **dwelling unit** has direct access to a street which is not a major **street** on the Policy Area Overlay Map; or
 - (ii) the **dwelling unit** is located to the rear of the non-residential uses on the first **storey**;
- (S) Despite Regulation 40.10.40.10(5), with respect to the minimum height of the first **storey**, does not apply to **dwelling units** on the first **storey** permitted by (R) above; and
- (T) Despite Regulation 200.15.1.5(1), accessible **parking spaces** may be located in the **basement** parking levels.

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

8. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
9. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, 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 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.

Enacted and passed on October 3, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

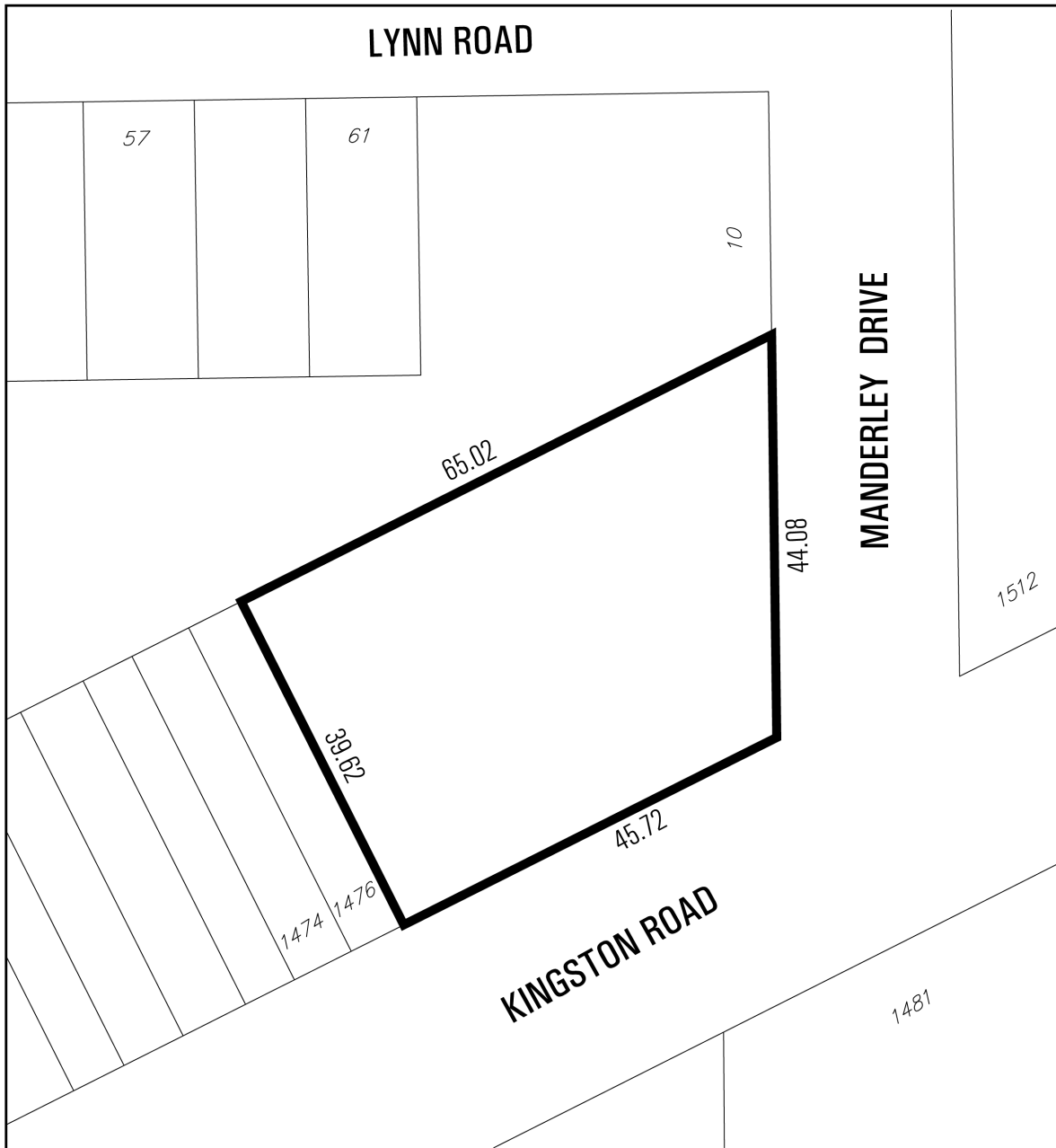
(Seal of the City)

SCHEDULE A

Section 37 Provisions

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 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:

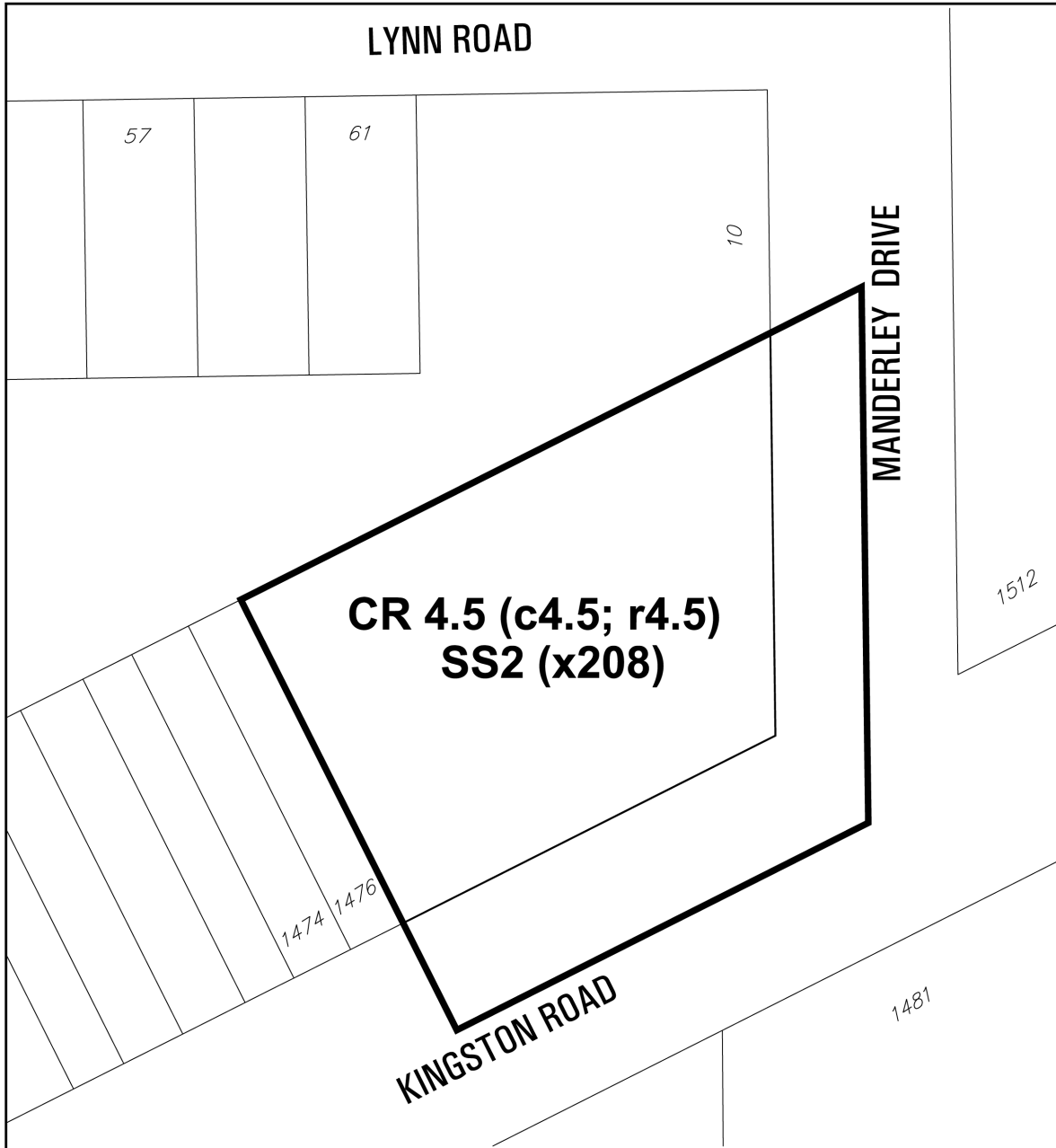
- a. prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of five hundred thousand dollars (\$500,000.00) to be allocated towards: public art; non-profit arts, cultural, community or institutional facilities; and/or various streetscape improvements not abutting the site in Ward 20 to be determined by the Chief Planner and Executive Director of City Planning in consultation with the local Councillor, and that the design of the streetscape improvements comply with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. the financial contribution identified in this subsection a. above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor;
- c. in the event the cash contribution referred to in this subsection 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 Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands; and
- d. the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

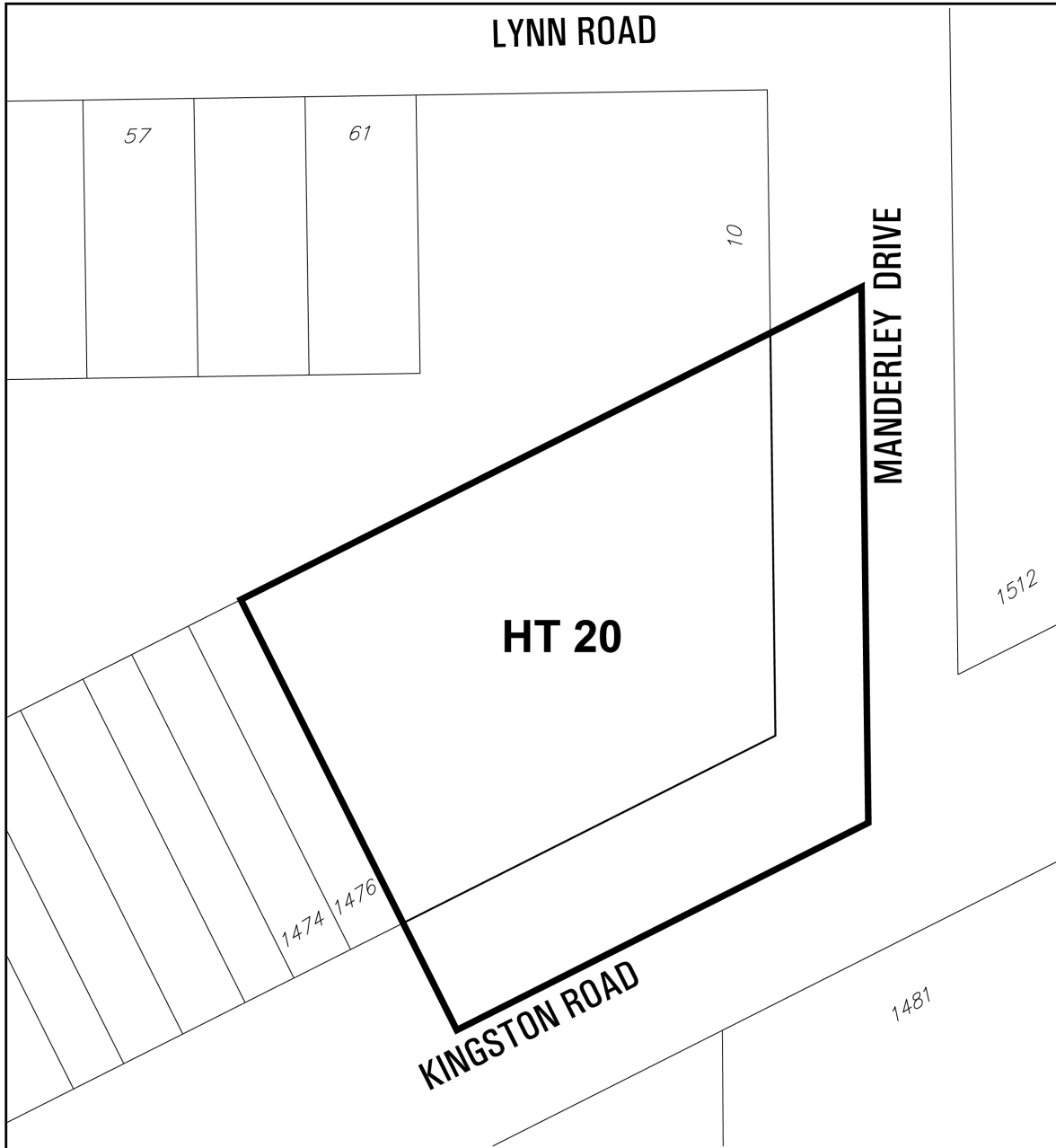


 **TORONTO**
Diagram 1

1478-1496 Kingston Road

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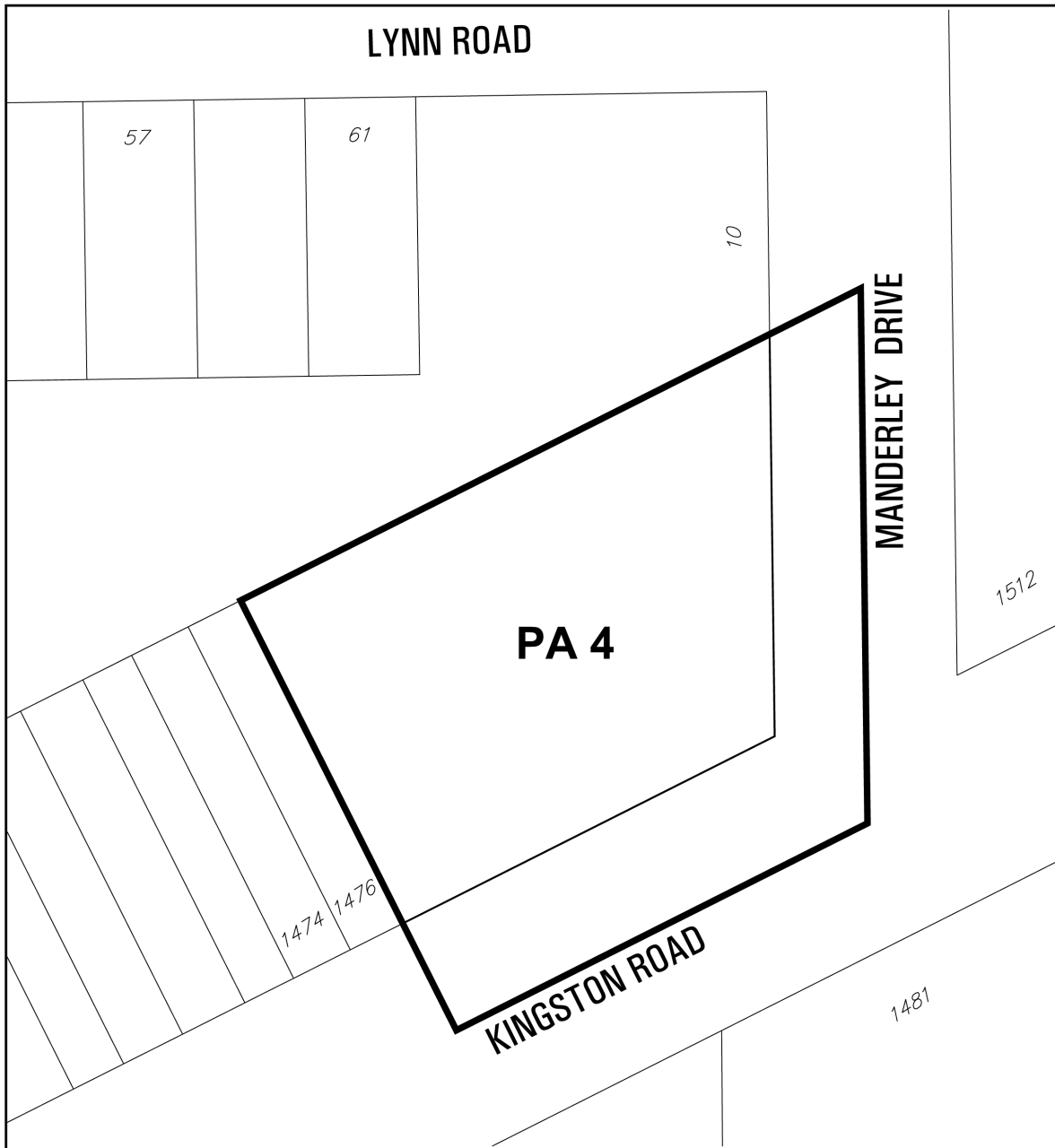




 **TORONTO**
Diagram 3

1478-1496 Kingston Road

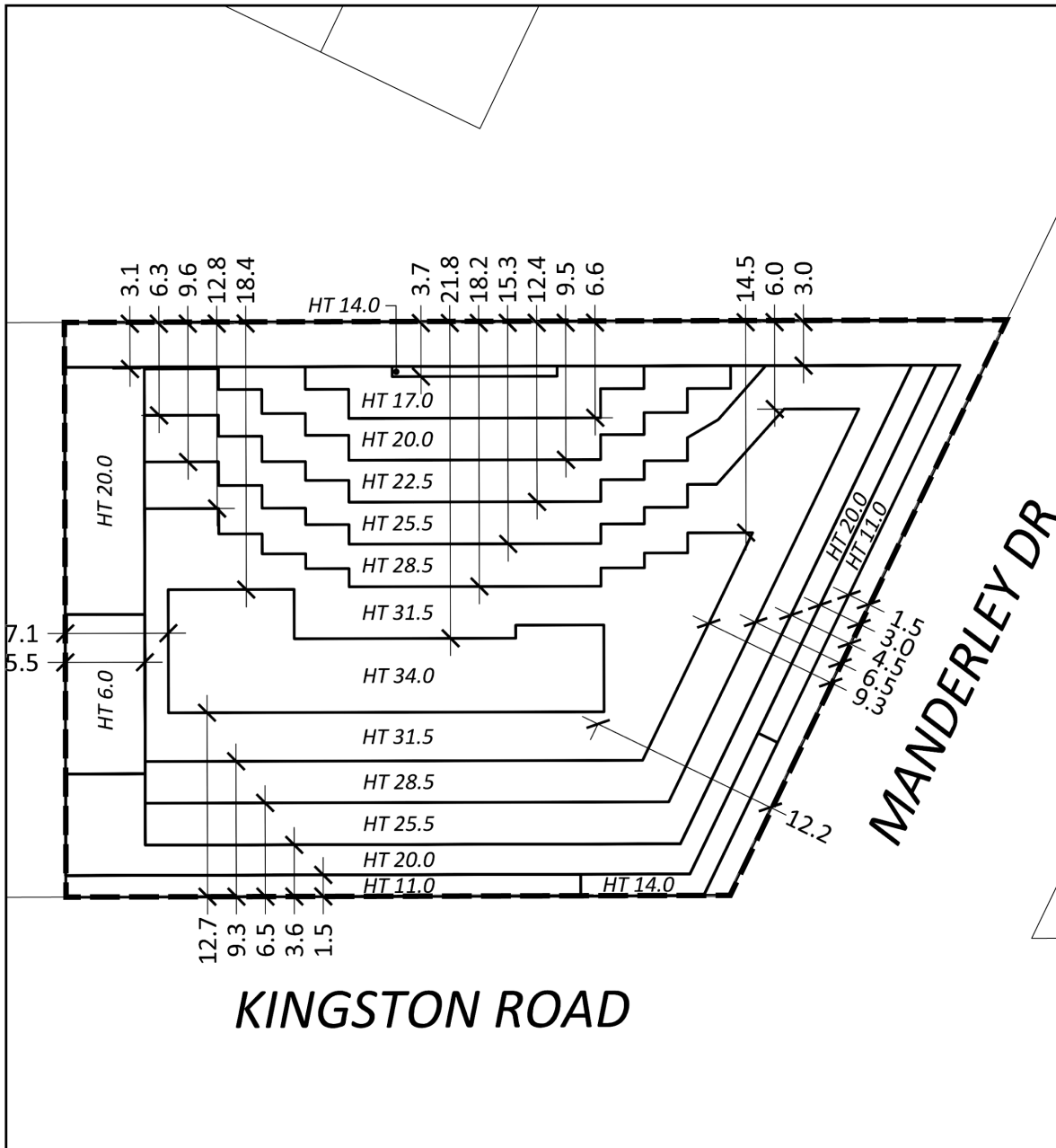
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 **TORONTO**
Diagram 4

1478-1496 Kingston Road

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1478-1496 Kingston Road

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