

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 1410-2019

To amend Birchcliff Community Zoning By-law 8786, as amended, with respect to the lands municipally known as 1478-1496 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 Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; 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 otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as 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 owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in By-law 8786, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto enacts:

- 1. SCHEDULE "A"** of the Birchcliff Community Zoning By-law 8786 is further amended by deleting the current zoning and adding the following zoning as shown on Schedule 1 attached hereto and forming part of this By-law, together with the following letters and numerals:

CR-203-206-251-252-253-254-255-274-286-287-295-301-304-382-383-384-385-386-387-388-389.

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART** of the Birchcliff Zoning By-law 8786 is further amended by adding the following Performance Standards:

MISCELLANEOUS

382. 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 1410-2019.
383. Minimum building **setbacks** in metres shall comply with those shown on Schedule 3 of By-law 1410-2019.
384. Notwithstanding Performance Standard 383, the following building elements may extend into the required building **setback** shown on Schedule 3 as follows;
- (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.
385. Notwithstanding Performance Standard 387, the following building elements may extend above the permitted heights shown on Schedule 3 as follows:
- (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 metres;
 - (iii) **green roof** elements, parapets, roof access hatches to a maximum of 0.9 metres; and
 - (iv) window washing equipment.
386. All waste and recyclable material must be stored in a wholly enclosed building.
387. Notwithstanding the definition of **height** and **established grade** in **CLAUSE V - INTERPRETATION, Section (f), Definitions**, for the purposes of this By-law, the **height** of any building shown on Schedule 3 of By-law 1410-2019, is measured from 135.36 metres above the Canadian Geodetic Datum elevation and the elevation of the highest point on the building or

structure, shall not exceed the height in metres specified by the numbers following the symbol HT of By-law 1410-2019.

388. Minimum of 0.75 **bicycle parking spaces** per **dwelling unit** shall be provided, of which 0.68 is for occupant use and 0.07 is for visitor use:
- (i) the minimum dimensions of a **bicycle parking space** is:
 - (a) Minimum length of 1.8 metres;
 - (b) Minimum width of 0.6 metres; and
 - (c) Minimum vertical clearance from the ground of 1.9 metres;
 - (ii) the minimum dimensions of a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device is:
 - (a) Minimum length or vertical clearance of 1.9 metres;
 - (b) Minimum width of 0.6 metres; and
 - (c) 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.
389. Minimum floor to ceiling height of the **first floor** shall be 4.5 metres for buildings or structures. This provision shall not apply to buildings containing **dwelling units** on the **first floor**.

KINGSTON ROAD REVITALIZATION STUDY (Birchcliff Community)

304. The only uses permitted above a **height** of 31.5 metres are residential **amenity space** and rooftop mechanical penthouse.

INTENSITY OF USE

251. Maximum **gross floor area** of 6.93 times the area of the lot or parcel.
252. Maximum 198 **dwelling units**.
253. A minimum of 172 **parking spaces**, of which 140 **parking spaces** to be allocated to residents of **dwelling units**, 29 **parking spaces** to be allocated to shared visitor/retail use and 3 **parking spaces** to **car-share**.
254. Of the **parking spaces** required by Performance Standard 253, a minimum of 6 shall be accessible **parking spaces** provided and reserved for the physically

disabled. The accessible **parking spaces** shall be 3.9 metres wide and 5.6 metres in perpendicular length, with a vertical clearance of 2.1 metres and a minimum 6.0 metre wide access aisle.

255. One **Type G loading space** is required with the minimum dimensions of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
3. **SCHEDULE "C", EXCEPTIONS MAP** is amended by deleting Exception No. 38 from the lands as shown on Schedule 1.
4. **SCHEDULE "C", EXCEPTIONS LIST and MAP** is amended by adding the following **EXCEPTION** No. 48 to the lands as shown outlined on the attached Schedule 2:
48. On those lands identified as Exception No. 48, on the accompanying Schedule C map, the following provisions shall apply:
- (i) the provisions of **CLAUSE VI - PROVISIONS FOR ALL ZONES**, Section 13. Coverage, shall not apply;
 - (ii) the provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Section 1.1, Table of Required Parking Rates shall not apply;
 - (iii) the provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Section 1.2, Reduced Parking Requirements shall not apply;
 - (iv) the provisions of **CLAUSE VI - PROVISIONS FOR ALL ZONES**, Section 12.2 Lands Not Covered by Buildings, shall not apply;
 - (v) **dwelling units** are permitted on the ground floor provided that they do not have frontage along the Kingston Road **front lot line**;
 - (vi) for the purposes of this exception, the following definitions shall apply:
 - **Car-share** shall mean 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;
 - **Car-share parking space** shall mean a parking space that is exclusively reserved and actively used for car-sharing;

- **Type G Loading Space** shall mean a loading space that is a minimum of 4.0 metres wide, 13 metres long and has a minimum vertical clearance of 6.1 metres; and
 - **Green Roof** shall mean 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 Chapter 492 of the City of Toronto Municipal Code;
- (vii) visitor **parking spaces** and **car-share parking spaces** are permitted in the basement;
- (viii) Section 37 Provisions
- (i) 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 as Schedule '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 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;
 - (ii) 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
 - (iii) the owner must 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 the provisions of Schedule A of this By-law are satisfied.

Enacted and passed on October 3, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

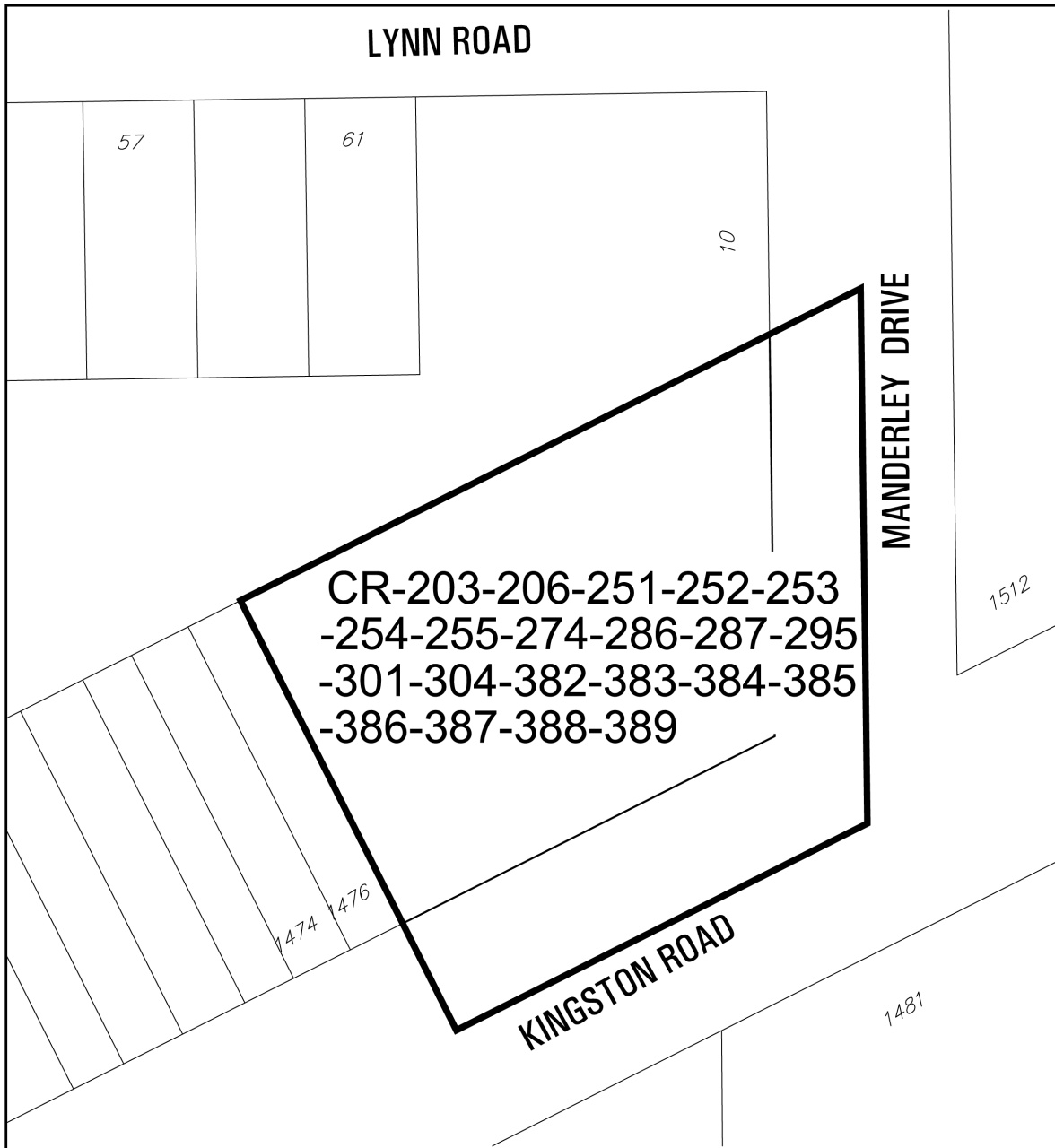
(Seal of the City)

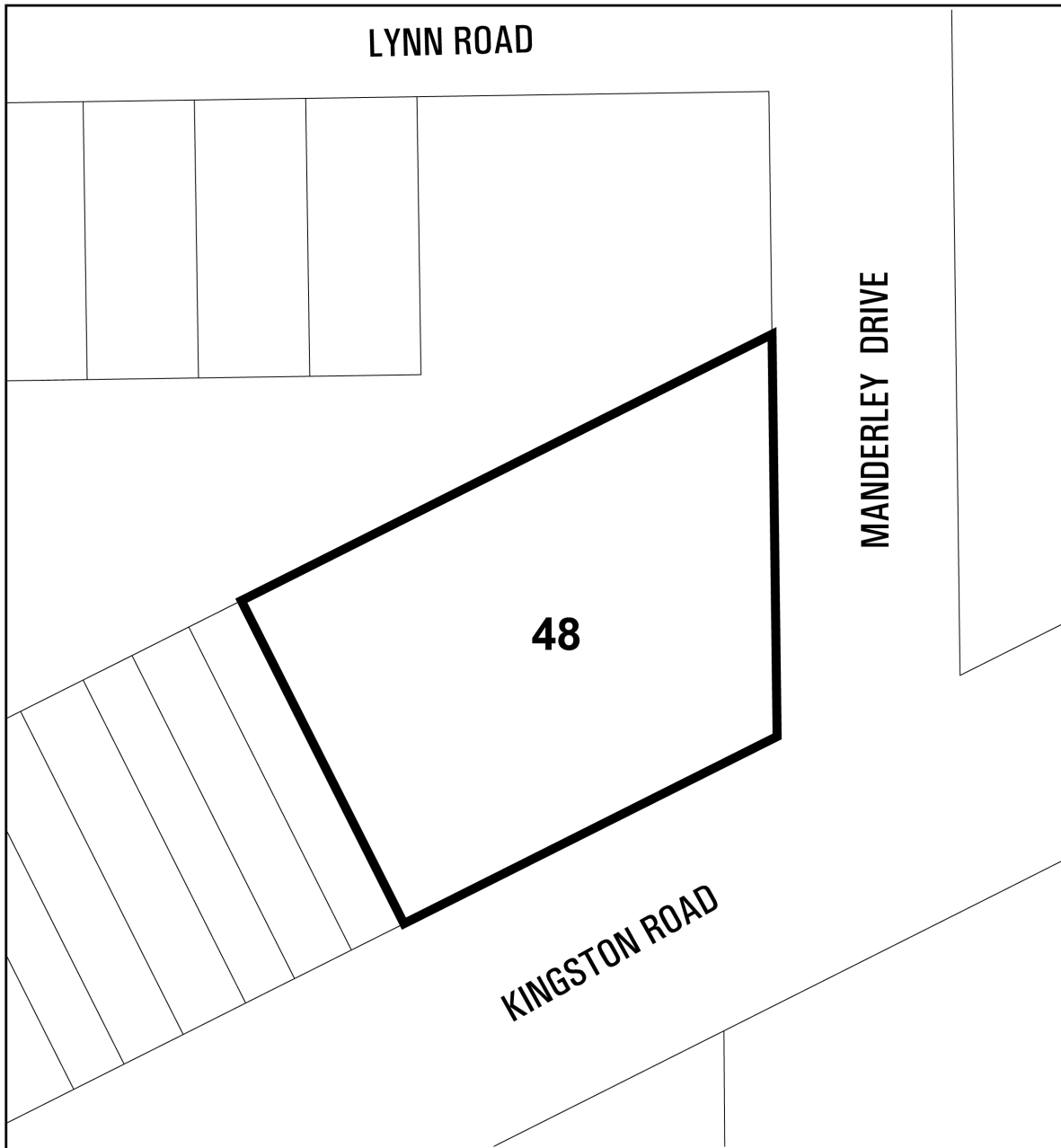
SCHEDULE A

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 on Schedule 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.



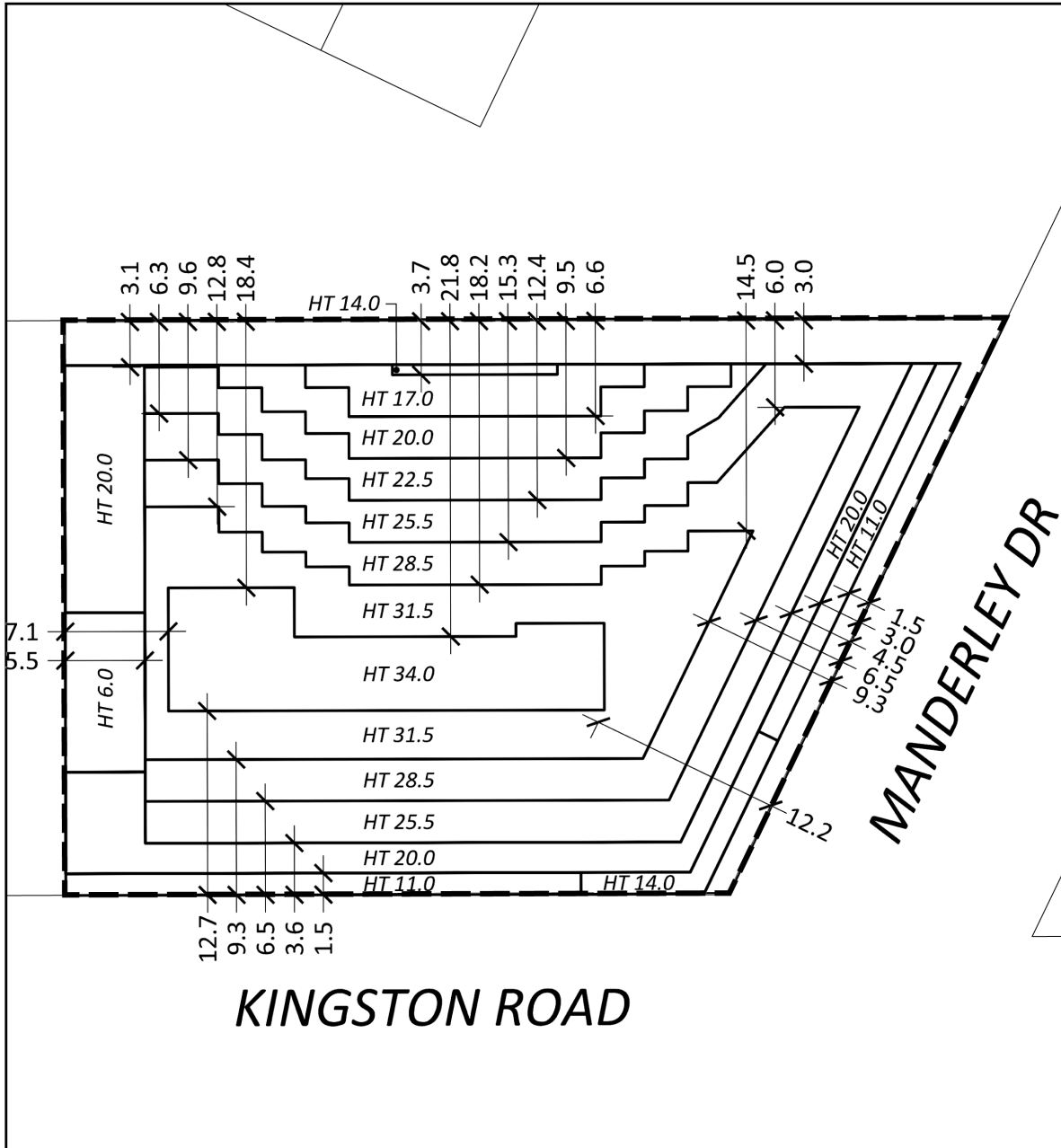


 **TORONTO**
Schedule 2

1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z


Birchcliff Community By-law
Not to Scale
08/08/2019



1478-1496 Kingston Road

File # 18 147401 ESC 36 02