

Authority: Scarborough Community Council
Item SC27.2, as adopted by City of Toronto
Council on November 9, 10 and 12, 2021

CITY OF TORONTO

BY-LAW 122-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1625 Military Trail and 6000 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, 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, as it read 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

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 following zone label to these lands CR2.0(c0.25, r2.0) SS3 (x411) 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 following height label to these lands: HT 13.5, as shown on Diagram 3 attached to this By-law.
5. 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 Section 995.10.1, and applying the following Policy Area label to these lands: PA 4, as shown on Diagram 4 attached to this By-law.
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 applying the following lot coverage label to these lands: 33%, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 955.40.1 with no label to these lands, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (411):

(411) Exception CR (x411)

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 1625 Military Trail and 6000 Kingston Road, if the requirements of Section 11 and Schedule A of By-law 122-2022 are complied with, an **apartment building** that complies with Sections (B) to (R) may be constructed;
- (B) Despite Regulation 40.10.20.20(1), the following uses are not permitted on the **lot**:
 - Vehicle Dealership**
 - Vehicle Fuel Station**
 - Vehicle Service Shop**
 - Vehicle Washing Establishment;**
- (C) Despite Regulation 40.5.40.10(1) and (2), the **height** of a building or **structure** is the distance between the Canadian Geodetic Datum elevation of 118.85 metres and the highest point of the **building** or **structure**;

- (D) Regulation 40.10.30.40(1) with respect to permitted maximum **lot coverage** does not apply;
- (E) Despite Regulation 40.10.40.40(1), the maximum residential **gross floor area** of all **buildings** and **structures** on the lot must not exceed 37,000 square metres;
- (F) Despite Regulation 40.10.40.70(3), the required minimum building setbacks in metres are as shown on Diagram 7;
- (G) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the height, measured in metres, specified by the numbers following the HT symbol as shown on Diagram 7 of By-law 122-2022;
- (H) For the purposes of this By-law, a mezzanine having a **floor area** of no more than 40% of the first **storey** of the **dwelling unit** is not considered a **storey**;
- (I) Despite Clause 40.5.40.10, the following elements of a **building** or **structure** may project above the permitted maximum height limits as shown on Diagram 7 of By-law 122-2022 as follows:
 - 1. Elements of the roof of the building or structure used for green roof technology or alternative roofing system parapets, railings, patios, planters, balustrades, bollards, safety railings, guard railings, chimneys, vents, stacks, and exhaust stacks, retaining walls, wheelchair ramps, ornamental or architectural features, roofing assembly, landscape features, garbage chutes and vents, and roofs to a maximum of 1.5 metres;
 - 2. Privacy screens, wind mitigation features, terrace dividers, cabanas, fences, pergola, trellises, public art features, lighting fixtures, railings, pool mechanical equipment, ramps, mechanical lift, and wind and noise mitigation and associated structural elements to a maximum of 3.0 metres; and
 - 3. Mechanical penthouses, stairs or stair enclosures, heating and cooling units, towers, stacks and associated components, elevator shafts, elevator overruns, make-up air units, emergency generator, window washing equipment, and lightning rods to a maximum of 5.7 metres;
- (J) Despite Clauses 40.5.40.60 and 40.10.40.60, the following **building** elements and **structures** may encroach into the required minimum **building setbacks** as follows:
 - 1. Cornices, light fixtures, awnings, ornamental elements, cladding, parapets, landscape features, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps, canopies, balconies, underground garage ramps, and architectural feature walls, to a maximum of 1.5 metres;

2. Ventilation shafts which exclusively serve the underground parking garage may exceed the permitted maximum 1.5 metre encroachment permitted in Clause I(1) above; and
 3. Notwithstanding Clause (I)1 and 2 above, no encroachments above or below grade into the 3 metre buffer outlined on Diagram 7 of By-law 122-2022 are permitted;
- (K) Despite regulation 40.10.40.50(1) and (2), a minimum of 5.0 square metres per unit of **amenity space** must be provided, of which a minimum of 1.75 **square metres** per unit must be provided as indoor **amenity space**;
- (L) The total number of **dwelling units** on the **lot** must not exceed 539 subject to the following:
1. A maximum of 62 bachelor **dwelling units** are permitted;
 2. A minimum of 30 percent of the total number of **dwelling units** shall contain two bedrooms; and
 3. A minimum of 10 percent of the total number of **dwelling units** shall contain three bedrooms;
- (M) Despite regulations 200.5.10.1(1), 200.5.10.1(7), and Table 200.5.10.1, vehicle **parking spaces** shall be provided on the lot in accordance with the following:
1. A minimum of 0.7 **parking spaces** per bachelor **dwelling unit** less than 39 square metres;
 2. A minimum of 1.0 **parking spaces** per bachelor **dwelling unit** greater than 39 square metres;
 3. A minimum of 0.8 **parking spaces** per one-bedroom **dwelling unit**;
 4. A minimum of 0.9 **parking spaces** per two-bedroom **dwelling unit**;
 5. A minimum of 1.1 **parking spaces** per three-bedroom **dwelling unit**;
 6. A minimum of 0.15 **parking spaces** per **dwelling unit** for visitor parking; and
 7. A reduction of 4 resident **parking spaces** will be permitted for each "car-share" **parking space** to a maximum of 9 "car-share" **parking spaces**;
- (N) Despite Regulations 200.15.1(1) and (3), and 200.15.10(1), a minimum of 5 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** in excess of

100 **parking spaces** provided on the lot, must comply with the following minimum dimensions for an **accessible parking space**:

1. A length of 5.6 metres;
 2. A width of 3.4 metres;
 3. A vertical clearance of 2.1 metres; and
 4. The entire length of an accessible parking space must be adjacent to a 1.5-metre-wide accessible barrier free aisle;
- (O) If the calculation of the number of required accessible **parking spaces** results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one accessible **parking space**;
- (P) Despite Regulations 220.5.10.1, one Type “C” and one Type “G” **loading spaces** shall be provided on the **lot**;
- (Q) Despite Regulations 230.5.10.1, **bicycle parking spaces** shall be provided on the lot in accordance with the following:
1. A minimum of 0.1 short-term **bicycle parking spaces** per **dwelling unit** will be provided for visitors; and
 2. A minimum of 0.7 long-term **bicycle parking spaces** per **dwelling unit** will be provided for residents; and
- (R) Despite Regulation 230.5.1.10 (4), (5) and (10), the required minimum dimensions of a **bicycle parking space** are as follows:
1. For a long-term **bicycle parking space** if placed in a horizontal position on a wall, structure, or mechanical device:
 - 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;
 2. For a long-term **bicycle parking space** if placed in a vertical position on a wall, structure, or mechanical device:
 - a) A minimum vertical clearance from the ground of 1.9 metres;
 - b) A minimum length of 1.2 metres;
 - c) A minimum width of 0.6 metres; and

- d) A minimum horizontal clearance from the locker door of 1.2 metres;
- 3. For a short-term **bicycle parking space**:
 - a) A minimum vertical clearance from the ground of 1.9 metres;
 - b) A minimum width of 0.45 metres;
- 4. If a stacked **bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres; and
- 5. A short term **bicycle parking space** may be located in a stacked **bicycle parking space**.

Prevailing By-law and Prevailing Sections (None Apply)

- 9. "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.
- 10. Despite any existing or future severance, partition, or division of the lot, the provisions of By-law 122-2022 shall continue to apply to the whole of the lot as if no severance, partition, or division occurred and, in the case of such severance, there will be sharing of facilities such as parking spaces and loading spaces.
- 11. Nothing in By-law 122-2022 shall apply to prevent the phased construction of the development, provided that the minimum requirements of By-law 122-2022 are complied with upon full development of the lot.
- 12. 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 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 February 17, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

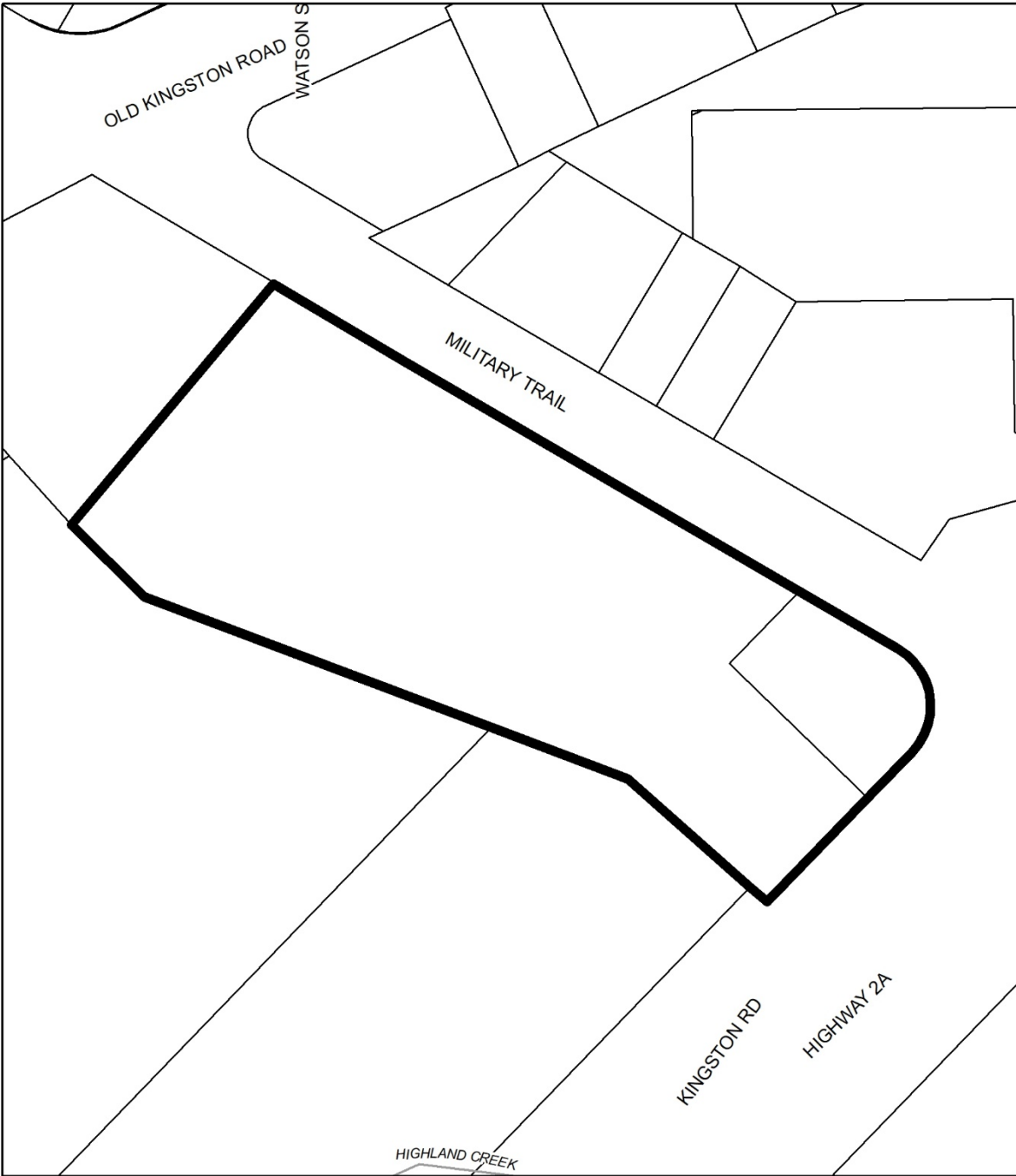
(Seal of the City)

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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, whereby the owner agrees as follows:

1. Prior to the issuance of an above grade building permit, a cash contribution of \$1,350,000 (\$1.35 million) to be secured to enhance streetscape and public realm in the Highland Creek Village as outlined in the Council-adopted Urban Design Guidelines such that the design of the streetscape improvements comply with the Streetscape Manual and/or are to the satisfaction of the Chief Planner and Executive Director, City Planning;
2. The financial contribution referenced above shall to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment;
3. In the event the cash contribution referred to in subsection 1 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(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands; and
4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time;
 - b. Prior to the issuance of the above grade building permit, the Owner shall satisfy the parkland dedication requirement for the development with an off-site parkland dedication, having a minimum size of 1,086.89 square metres located adjacent to Morrish Park, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
 - c. The design and construction of above base park improvements to the new park by the owner in exchange for a development change credit against Parks and Recreation component of the Development Charges, should the owner elect to provide above base park improvements, all to the satisfaction of the General Manager, Parks, Forestry and Recreation;

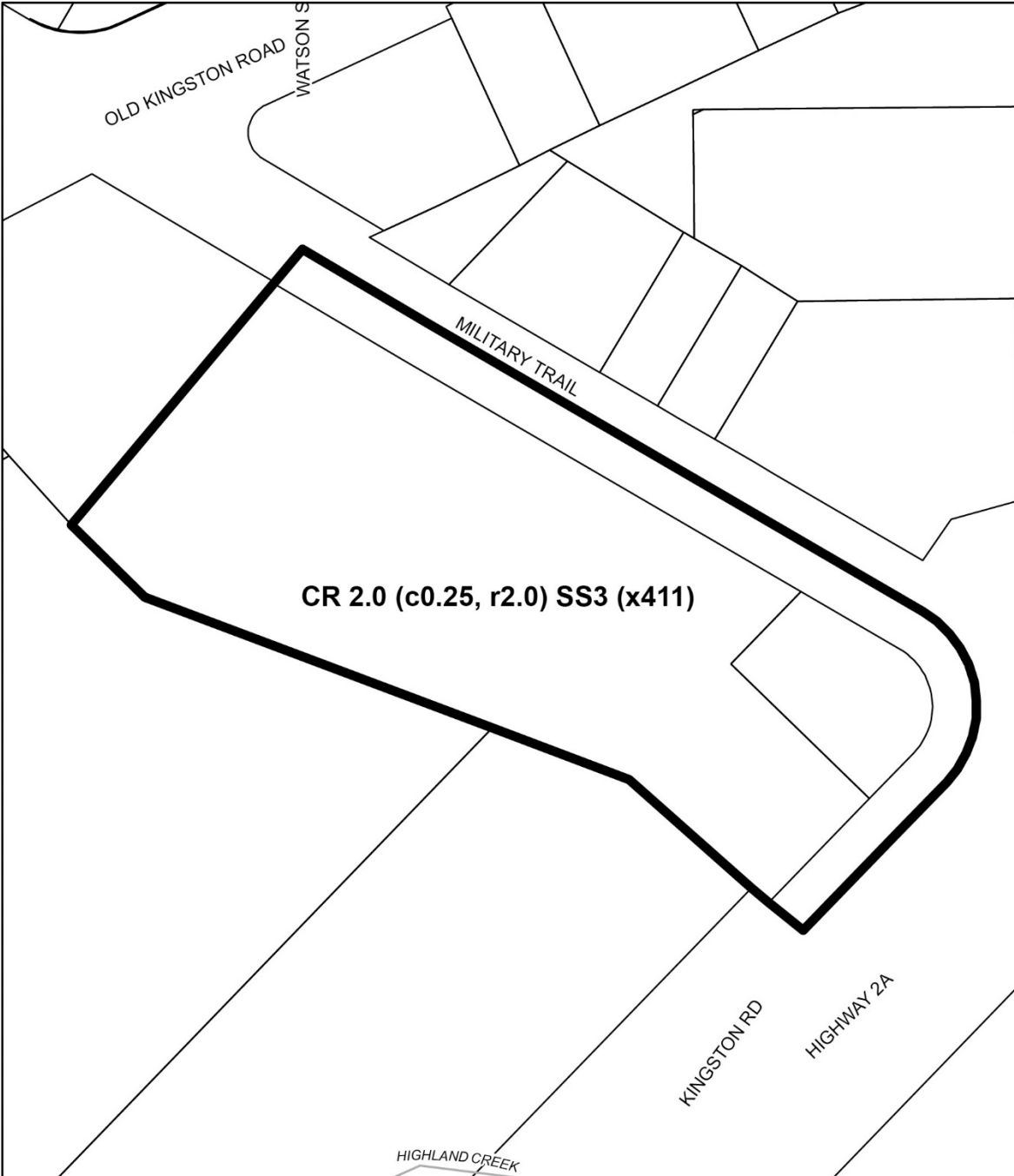
- d. The owner shall prepare and submit a signal warrant analysis for the traffic control signal at Military Trail and Kingston Road to the satisfaction of the General Manager, Transportation Services; and
- e. The Owner shall prepare and submit a functional engineering plan identifying the lane configurations of the new traffic signal located at the intersection of Military Trail and Kingston Road/Highway 2A to the satisfaction of the General Manager, Transportation Services.



 **TORONTO**
Diagram 1

1625 Military Trail and 6000 Kingston Road

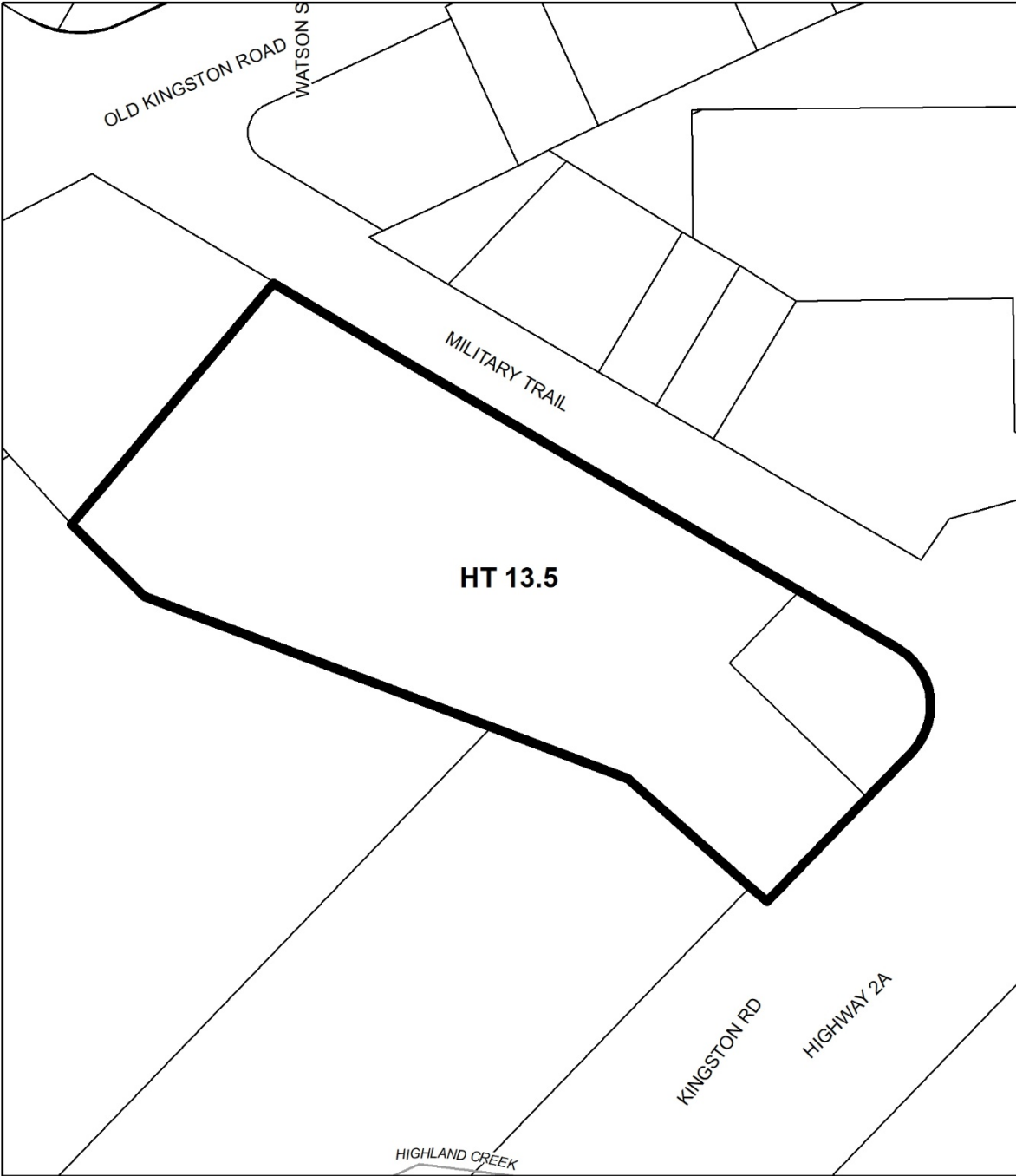
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 **TORONTO**
Diagram 2

1625 Military Trail and 6000 Kingston Road

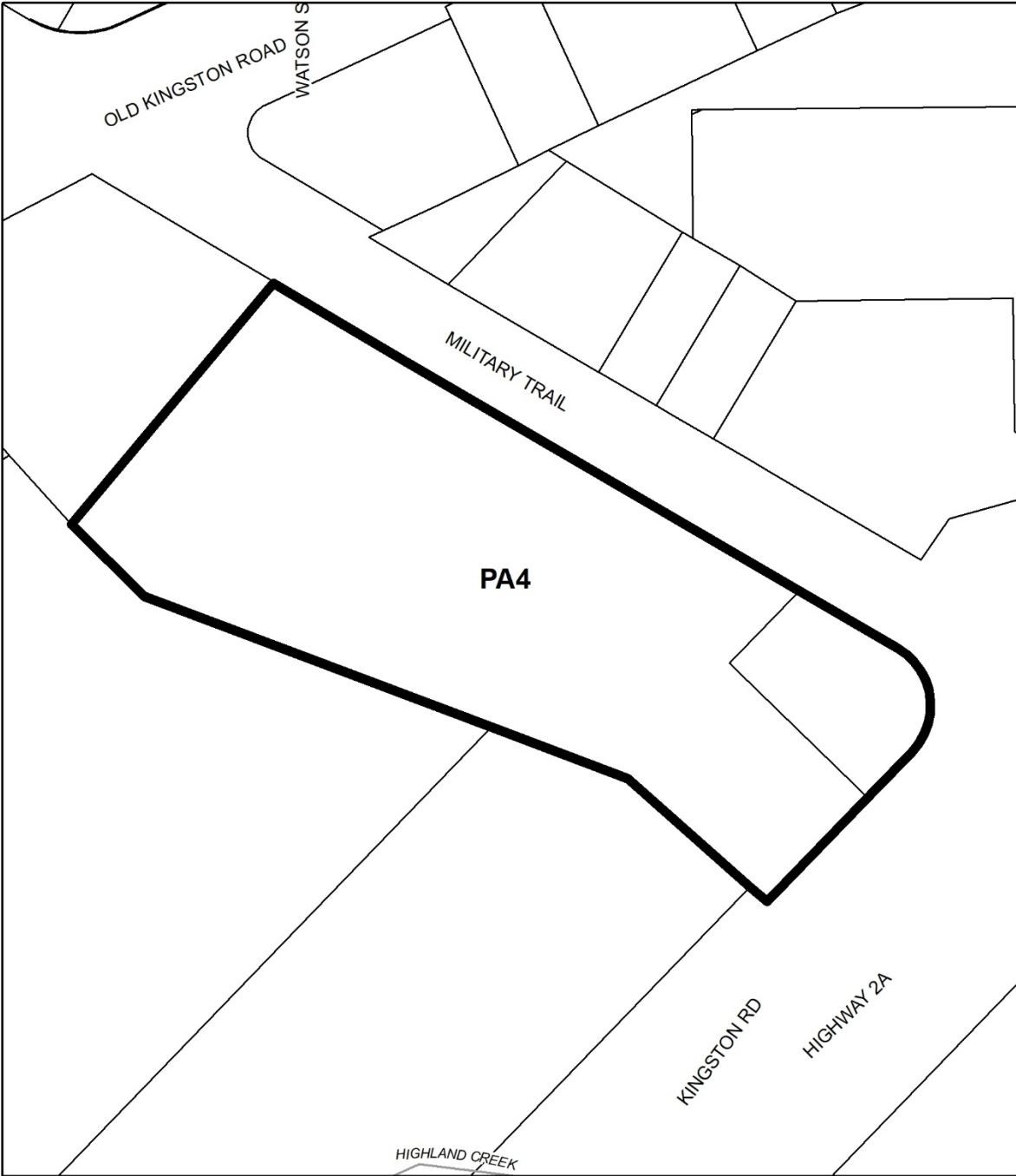
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 **TORONTO**
Diagram 3

1625 Military Trail and 6000 Kingston Road

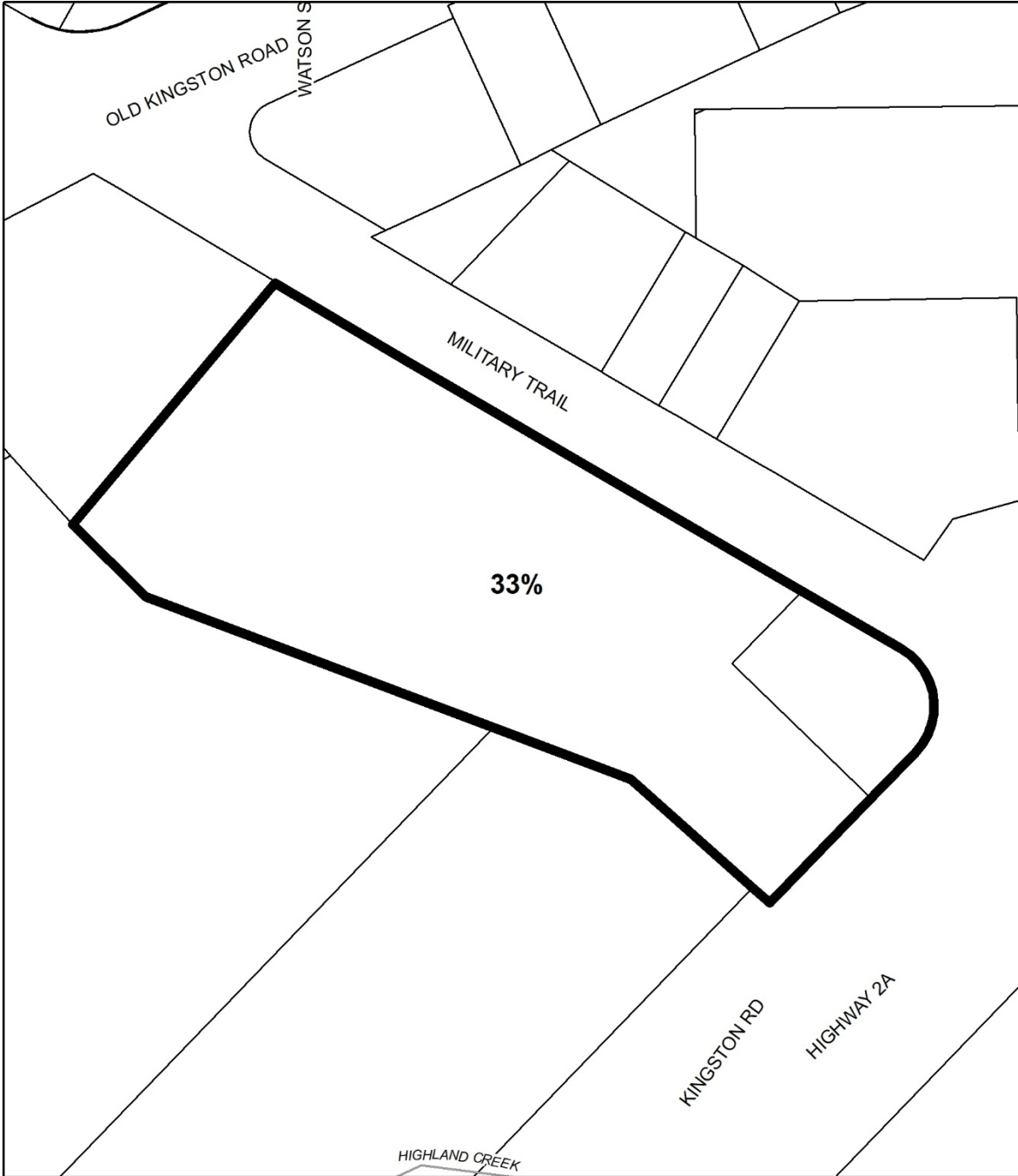
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 **TORONTO**
Diagram 4

1625 Military Trail and 6000 Kingston Road

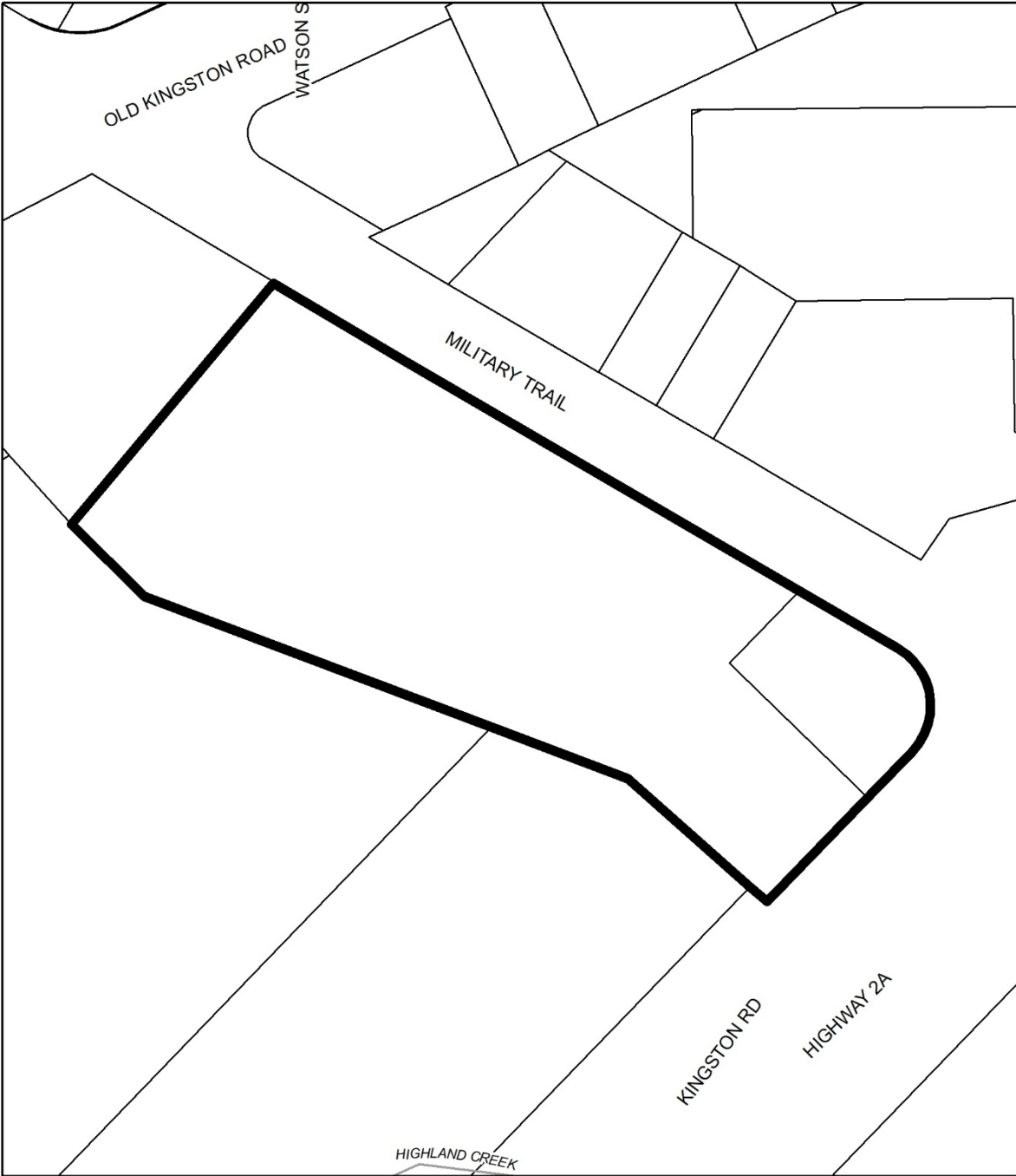
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 **TORONTO**
Diagram 5

1625 Military Trail and 6000 Kingston Road

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 **TORONTO**
Diagram 6

1625 Military Trail and 6000 Kingston Road

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