

Authority: Scarborough Community Council Item SC27.1,
as adopted by City of Toronto Council on November 9, 10
and 12, 2021

CITY OF TORONTO

BY-LAW 179-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2075 Kennedy Road, 26 and 50 Village Green Square.

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 such 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 or 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 matter 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, a 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 Council of the City of Toronto, at its meeting on November 9, 2021, determined to amend the Zoning By-law No. 569-2013 for the City of Toronto with respect to lands known municipally in the year 2021 as 2075 Kennedy Road, 26 and 50 Village Green Square;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black line 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 amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands municipally known in the year 2021 as 2075 Kennedy Road and 26 and 50 Village Green Square to CR1.8(c1.8; r0.00) SS3 (x409) and OS 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 60, 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, with the label: 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 outlined by heavy black lines in Diagram 6 attached to this By-law to the Rooming House Overlay Map in Section 995.40.1, with no label.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (409):

(409) Exception CR (x409)

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 2075 Kennedy Road, 26 and 50 Village Green Square, if the requirements of Section 9 and Schedule A of By-law 179-2022 are complied with, **a mixed use building** and an **apartment building** that complies with Sections (B) to (W) may be constructed;
- (B) For the purposes of this exception, the lands identified in Diagram 1 of By-law 179-2022 constitutes one **lot**;
- (C) Regulation 40.10.30.40(1) with respect to permitted maximum **lot coverage** does not apply;
- (D) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the Building A and the Building B, as shown on Diagram 7 attached to By-law 179-2022 is 80,750 square metres, of which;
 - (i) A maximum of 79,400 square metres of residential gross floor area is permitted; and
 - (ii) A minimum of 1300 square metres of non-residential gross floor area is provided in Building B;

- (E) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1) and (D) above, the **gross floor area** of the office **building** and associated parking **structure** existing on the **lot** at the time of the passing of By law 179-2022 is deemed to comply;
- (F) Dwelling units on the lot must be provided as follows:
- (i) a minimum of 15 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms; and
 - (ii) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms;
- (G) Despite Regulation 40.5.40.10(1), height is the vertical distance between Canadian Geodetic Datum elevation of 171.0 metres and the elevation of the highest point on the **building**;
- (H) Despite Regulation 40.10.40.10(3), the maximum height of a **building** or **structure** is the height in metres specified by the number following the HT symbol as shown on Diagram 7 of By-law 179-2022;
- (I) Despite Regulation 40.10.40.10(3) and (H) above, the height of the office **building** and associated parking **structure** existing on the date of the enactment of By-law 179-2022 as illustrated on Diagram 7 is deemed to comply;
- (J) Despite Regulations 40.5.40.10(3) to (7) and (H) above, the following elements of a building may project above the permitted maximum heights for Building A and Building B in Diagram 7 of By-law 179-2022:
- (i) structures and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, retaining walls, and ornamental or architectural features may project above the height limits to a maximum of 2.0 metres;
 - (ii) elements on the roof of the building or structure used for **green roof** technology and related roofing material may project above the height limits to a maximum of 2.0 metres;
 - (iii) acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits to a maximum of 2.75 metres;
 - (iv) cabanas and trellises may project above the height limits to a maximum of 3.0 metres;
 - (v) any equipment or structures used for the functional operation of the building, including mechanical penthouse, mechanical elements, garbage chutes, vents, emergency generators, lighting fixtures, mechanical

- screening and heating/cooling towers may project above the height limits to a maximum of 7.0 metres;
- (vi) window washing equipment, lightning rods, wind mitigation features elevator overrun may project above the height limits to a maximum of 8.0 metres; and
 - (vii) photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the height limits to a maximum of 5.0 metres;
- (K) Despite Clause 40.5.40.70 and Regulation 40.10.40.70(1), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 7 of By-law 179-2022;
- (L) Despite Clause 40.5.40.70, Regulation 40.10.40.70(3) and (K) above, the building setbacks of the office **building** and associated parking **structure** existing at the time of the passing of By-law 179-2022 as illustrated in Diagram 7 are the minimum required **building setbacks** for those **buildings** and **structures**;
- (M) Despite Clause 40.10.40.60, Regulation 40.10.40.70(3), Regulation 40.5.40.60(1) and (K) above, and in addition to the encroachments permitted in Clause 40.5.40.60, the following elements of a **building** may be located within a required minimum **building setback** for the Building A and Building B as shown on Diagram 7 of By-law 179-2022:
- (i) balconies may encroach up to a maximum of 2.0 metres;
 - (ii) wind mitigation features including canopies and awnings may encroach up to a maximum of 3.0 metres;
 - (iii) cladding, photovoltaic solar energy devices, building cornices, lighting fixtures, ornamental elements, lightning rods, ornamental elements, parapets, guardrails, balustrades, bollards, railing, eaves, window sills, stairs, stair enclosures, wheelchair ramps, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, chimney stack, and exhaust flues, underground garage ramps and associated structures may encroach up to a maximum of 2.5 metres;
- (N) Regulation 40.10.40.1(5) with respect to the Building B, as shown on Diagram 7 of By-law 179-2022, does not apply;
- (O) Despite 40.10.40.10(5), the minimum height of the first storey, measured between the floor of the first storey and the ceiling of the first storey, is 3.5 metres for an office lobby;

- (P) Despite Regulation 40.10.40.1.(1), residential lobby access and indoor **amenity space** in the Building A, as identified on Diagram 7 of By-law 179-2022 may be located on the first **storey**;
- (Q) Regulation 40.10.50.10(2) with respect to the installation of a fence along the portion of a **lot line** abutting the lot in the Residential Zone category does not apply;
- (R) Despite Regulations 40.10.100.10.(1) and 40.10.100.10(2), a maximum of **2 vehicle** access points are permitted on the **lot**;
- (S) Despite Regulation 220.5.10(1), **loading spaces** must be provided and maintained on the lot in accordance with the following:
 - (i) one Type "G" **loading space** shall be provided and maintained in Building A; and
 - (ii) one Type "C" **loading space** and one Type "G" **loading space** shall be provided and maintained in Building B;
- (T) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** as follows:
 - (i) A minimum of 0.8 **parking spaces** for each one bedroom **dwelling unit**;
 - (ii) A minimum of 0.9 **parking spaces** for each two bedroom **dwelling unit**;
 - (iii) A minimum of 1.1 **parking spaces** for each three or more bedroom **dwelling unit**;
 - (iv) A minimum of 0.15 **parking spaces** per **dwelling unit** for residential visitors to a **dwelling unit**;
 - (v) A minimum rate of 1.0 **parking space** for each 100 square metres of office **gross floor area**; and
 - (vi) A minimum rate of 1.0 **parking space** for each 100 square metres of **retail gross floor area**;
- (U) Despite Regulations 200.5.1.10(10) and 200.10.1(1) and (2), the **parking spaces** for residential visitors to a **dwelling unit** and the non-residential **gross floor area** required by (T) above, may be shared on a non-exclusive basis;
- (V) Despite (T) above, the minimum number of resident parking spaces required may be reduced by 4 parking spaces for each car share parking space provided, up to a maximum of 1 car share parking space per 60 dwelling units; and

- (W) Despite Regulation 230.5.1.10(10), a "long-term" or "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**.

Prevailing By-laws and prevailing sections: (None Apply)

9. Despite any existing or future severance, partition, or division of the lot, the provisions of By-law 179-2022 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.
10. Nothing in By-law 179-2022 shall apply to prevent the phased construction of the development, provided that the minimum requirements of By-law 179-2022 are complied with upon full development of the lot.
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 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 March 9, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

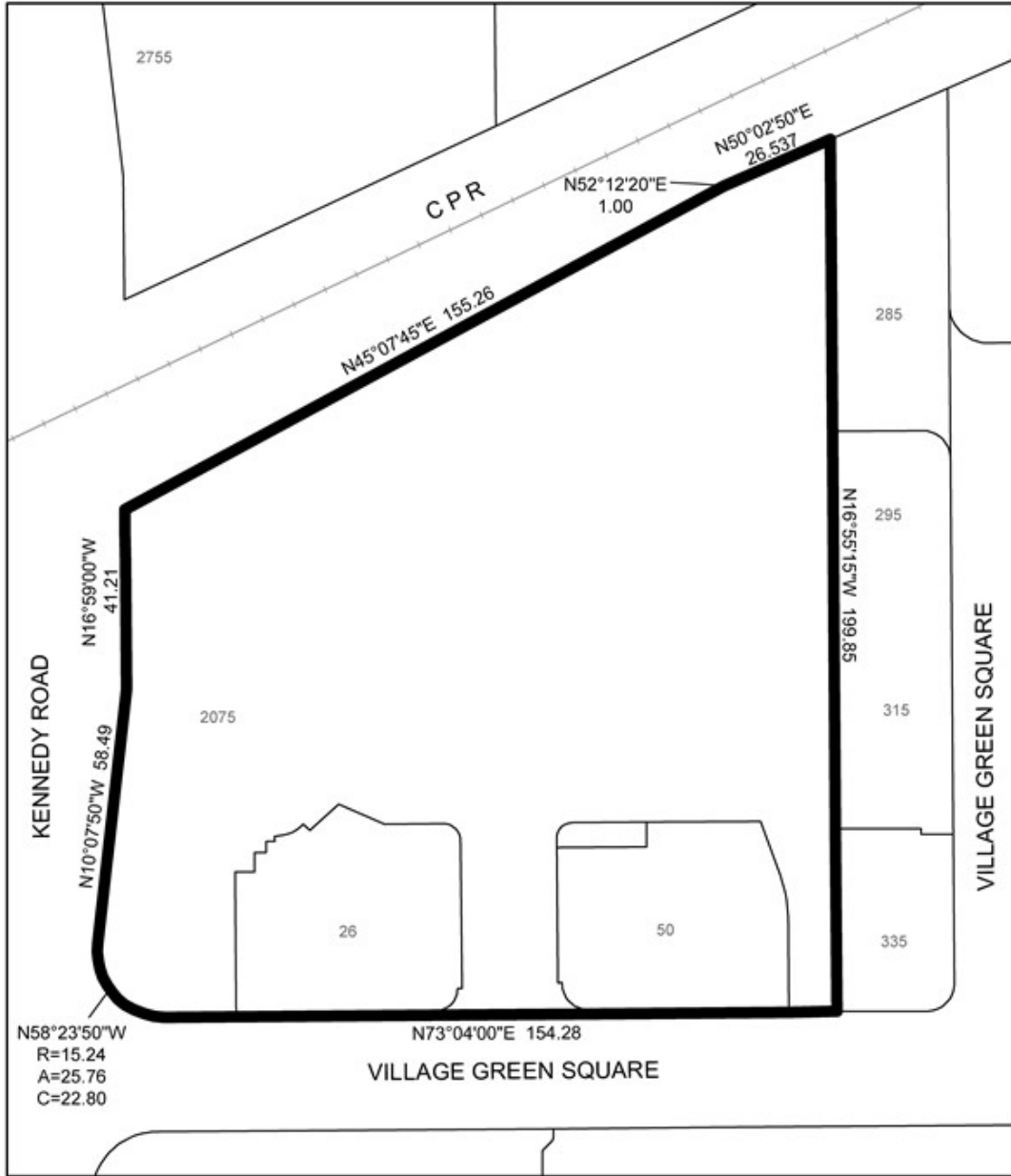
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above grade permit for the development, the owner shall make an indexed cash contribution to the City in the amount of \$1.8 million payable to the City of Toronto to be allocated towards the construction of an outdoor skating facility in Ward 22.
2. The financial contribution outlined in section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
3. 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, 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.
4. The owner shall provide and maintain at least 30 rental dwelling units on the lands at 2075 Kennedy Road, and 26 and 50 Village Green Square as affordable rental housing (100 percent of market rate or below) for a minimum period of 20 years beginning from the date that each such affordable rental dwelling unit is first occupied, to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. The unit types and sizes shall have the following minimum leasable area unit sizes:
 - (i) 18 one-bedroom units (average unit size of 60 square metres);
 - (ii) 9 two-bedroom units (average unit size of 80 square metres);
 - (iii) 3 three-bedroom units (average unit size of 104 square metres);
 - (iv) all measurements above shall be in accordance with Tarion Bulletin 22; and
 - (v) the minimum unit sizes described above may vary by a maximum of 3 percent but only as a result of reasonable adjustments as required for the purposes of accommodating required final structural or mechanical design, to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. Any adjustment to the total gross floor area and the proposed number of affordable rental housing units, affordable rental housing unit mix and affordable retail housing unit sizes

will be adjusted will be adjusted accordingly to the satisfaction of the Chief Planner and Executive Director, City Planning.

7. The location and layouts of the 30 affordable rental dwelling units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
8. Tenants of the new affordable rental dwelling units shall have access to all indoor and outdoor amenity spaces associated with the development on the same basis as other units within the development with no separate or additional charges. Notwithstanding the foregoing, tenants of the affordable rental units may be charged reasonable, ordinary and customary charges for the private booking of a party room, guest suite, or other similar specific services or amenities, if any, provided the amount of such charges do not exceed the amounts charged to other residents in the development for the use of such services or amenities, if any.
9. As a legal convenience to support development:
 - (i) the provision of a privately-owned publicly accessible open space between the north tower and the public park of a minimum size of 1,925 square metres and a second, separate privately-owned publicly accessible open space at the southwest corner of the site of a minimum size of 625 square metres;
 - (ii) as a pre-approval condition to Site Plan Approval for the Development Site the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands where the privately-owned publicly accessible open spaces are located, to the satisfaction of the City Solicitor, which shall constitute the privately-owned publicly accessible open space and any required public access easements to connect the privately-owned publicly accessible open space to adjacent privately-owned publicly accessible open spaces and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately-owned publicly accessible open space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly accessible open space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly accessible open space shall be determined in the context of a site plan approval for each building pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City of Toronto;
 - (iii) prior to the issuance of the above grade building permit, the Owner shall satisfy the parkland dedication requirement for the development;
 - (iv) The design and construction of the above base park improvements to the new park by the Owner in exchange for a development charge credit against the Parks and Recreation component of the required Development Charges should the owner elect to provide above base park improvements all to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- (v) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, applicable at the time a Site Plan Application is submitted to the City for each phase of the development. 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;
- (vi) The Owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation; and
- (vii) The Owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - (a) Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise Feasibility Study (June 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (b) Implementation of any derailment measures or other recommendations, as detailed in the Derailment Protection Report (February 2021), prepared by JSW + Associates, as may be amended through a peer review process undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (c) Reconstruction of the City sidewalks to City standards along the frontages of Kennedy Road and Village Green Square, to the satisfaction of the General Manager, Transportation Services; and
 - (d) Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POPS).

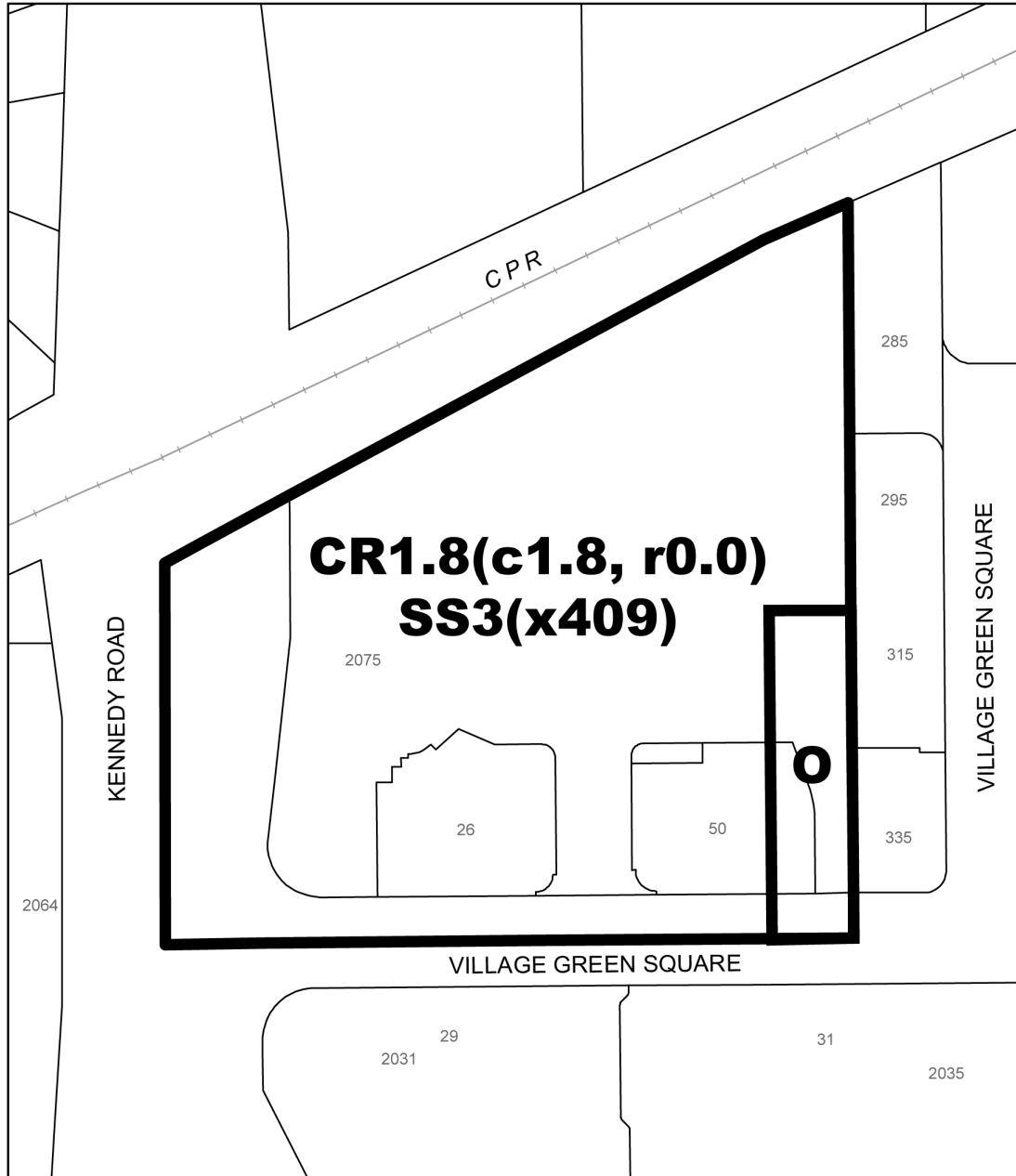


 **TORONTO**
Diagram 1

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 0Z



City of Toronto By-law 569-2013
Not to Scale
07/13/2021



 **TORONTO**
Diagram 2

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 0Z


City of Toronto By-law 569-2013
Not to Scale
07/13/2021



 **TORONTO**
Diagram 3

**2075 Kennedy Road and
26 and 50 Village Green Square**

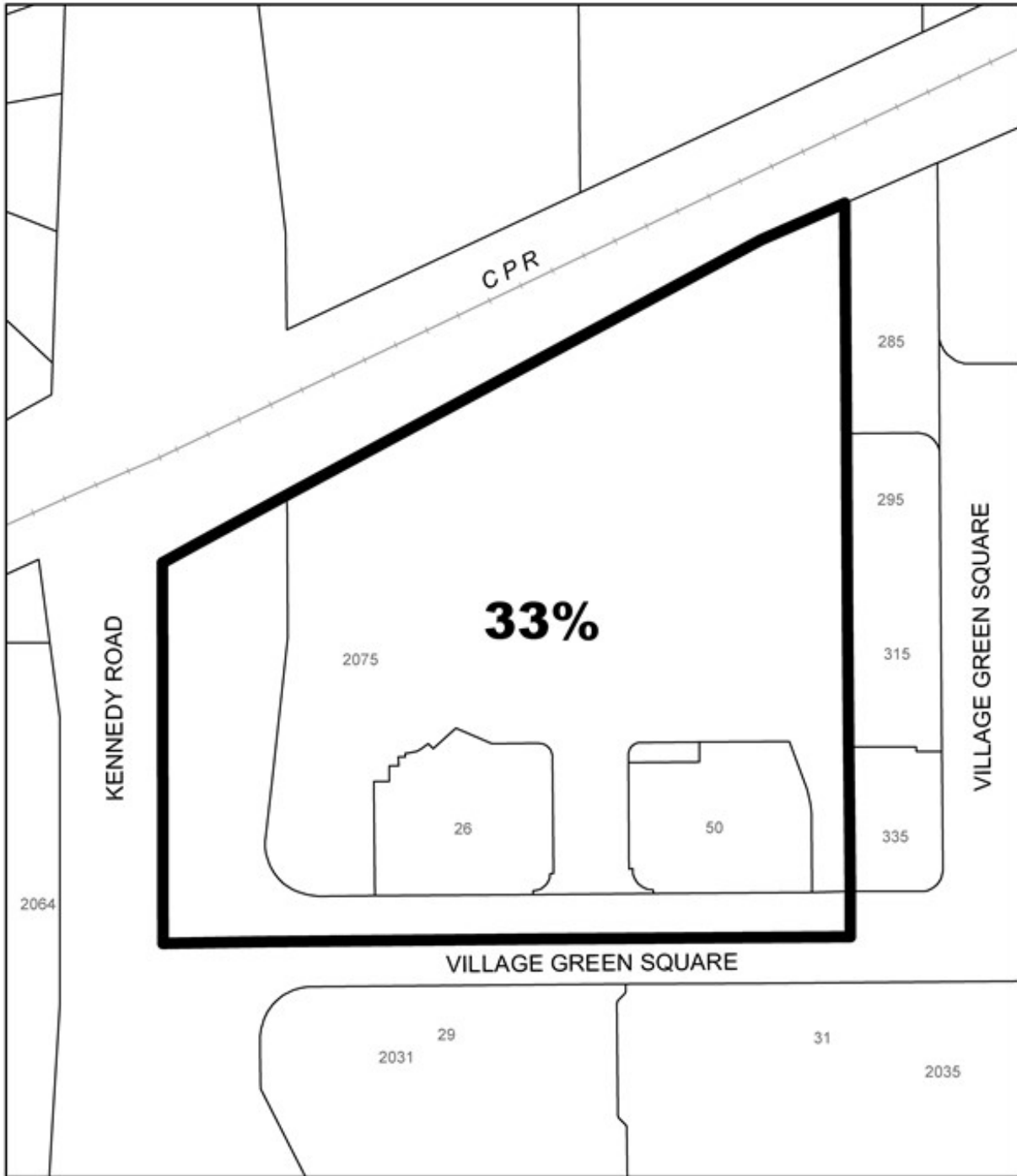
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 **TORONTO**
Diagram 4

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 02



 **TORONTO**
Diagram 5

**2075 Kennedy Road and
26 and 50 Village Green Square**

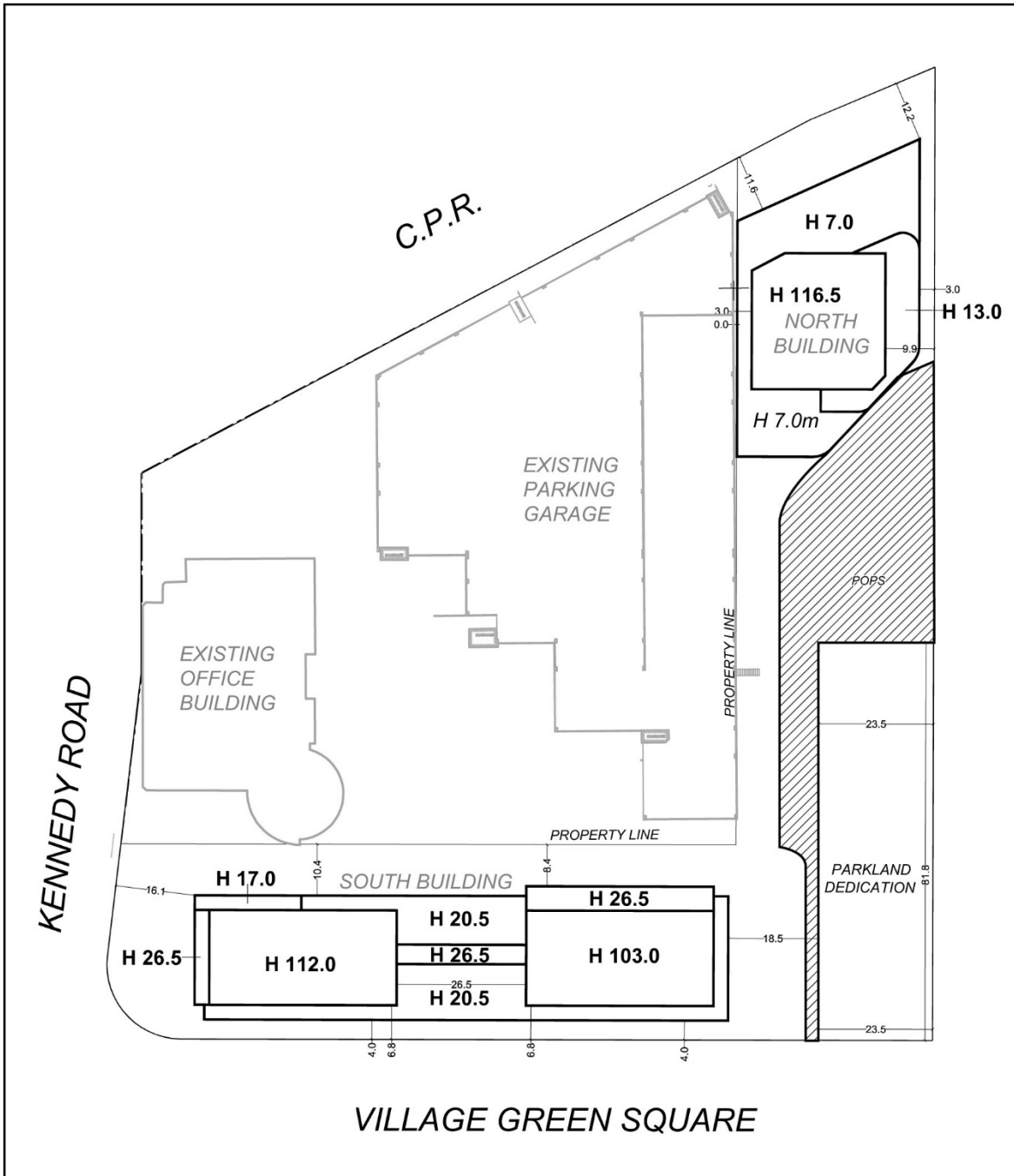
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 **TORONTO**
Diagram 6

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 0Z



 **TORONTO**
Diagram 7

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 0Z