

**2229-2245 Kingston Rd – Removal of a Holding Provision (H)  
Application – Final Report**

<b>Date:</b>	May 29, 2015
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 36 – Scarborough Southwest
<b>Reference Number:</b>	14 163109 ESC 36 OZ

**SUMMARY**

This application proposes the removal of the Holding Provision (H) on the portion of the lands at 2229-2245 Kingston Road to which the (H) applies to permit the redevelopment of the lands with a 10 storey, 259 unit, mixed use commercial residential building. The proposed use is permitted by the underlying Commercial Residential (CR) zoning on the subject lands following the removal of the Holding Provision.

The Holding Provision (H) was added to the subject lands by Zoning By-law No. 1224-2009 as a part of the Cliffside Avenue Study approved by City Council in December, 2009. The (H) applies to the northern portion of the subject lands between 2235-2245 Kingston Road. In order to lift the (H), the by-law requires that the design, construction and financing of a new street be satisfactorily reviewed by appropriate staff and that any recommended improvements be implemented or financially secured through appropriate agreements.

The applicant has provided the necessary reports and plans for review related to the design, construction and financing of the new public street and other improvements which will be secured through a Section 37 agreement. This report reviews and recommends approval of the



application to amend the Zoning By-law removing the holding provision.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend the Cliffside Community Zoning By-law No. 9364, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 4 to the report dated May 29, 2015.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bill to City Council for enactment, require the Owner to enter into a financially secured Agreement pursuant to Section 37 of the Planning Act as follows:
  - a. The community benefits to be secured in the Section 37 Agreement are as follows:
    - i. A \$120,000 financial contribution to be used for improvements to the school playground at 27 East Haven Drive, Cliffside Public School, provided that there is an agreement in place between the City and the Toronto District School Board to ensure that there is access for a minimum of 5 years.
    - ii. Where financial contributions referred to in (3)(a)(i), have not been used for the intended purposes within 3 years of the zoning by-law amendment coming into full force and effect and at the discretion of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor, the contribution may be redirected for another purpose within the vicinity of the subject lands provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
  - b. The following additional matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
    - i. The Owner, at its sole expense, shall construct a new 16.5 metre wide public street at the northern limit of the site, to the satisfaction of the Executive Director of Engineering and Construction Services;
    - ii. The Owner, at its sole expense, shall construct a new watermain within an easement at the southern limit of the site, to the satisfaction of the Executive Director of Engineering and Construction Services in consultation with Toronto Water;

- iii. The Owner shall convey to the City the lands containing the public street as described in (i) above and an easement containing the new watermain as described in (ii) above to the satisfaction of the City Solicitor in consultation with the Executive Director of Engineering and Construction Services;
- iv. The Owner will provide the City with a Letter of Credit to guarantee the provision of a new watermain and new public street to the satisfaction of the Executive Director of Engineering and Construction Services.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

At its meeting on December 4, 2009, City Council considered the Kingston Road (Cliffside Community) Study - Final Report for the segment of Kingston Road between Danforth Avenue to east of Midland Avenue (Chine Drive), which resulted, in part, in the adoption of Site Specific Official Plan Amendment No. 324 and the passing of Zoning By-law No. 1224-2009. The final report for the Kingston Road (Cliffside Community) Study and the zoning by-law No. 1224-2009 can be found at the following links.

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-24625.pdf>

<http://www.toronto.ca/legdocs/bylaws/2009/law1224.pdf>

## **ISSUE BACKGROUND**

### **Proposal**

The applicant proposes a 10 storey, 259 unit, mixed use commercial residential building on the subject lands. The proposed building is 23,517 square metres (253,135 square feet) in size and includes 868 square metres (9,343 square feet) of ground floor commercial space. All parking associated with the project is located within 2 levels of underground parking with the exception of 7 surface parking spaces (See Attachment 1: Site Plan and Attachment 3: Application Data Sheet). The applicant proposes to design a public street to accommodate a future right-of-way width of 18.5 metres (61 feet) and to construct and convey a 16.5 metre (54 foot) public street along the northern limit of the site as a part of the current redevelopment proposal. To support the redevelopment the applicant proposes to remove an existing watermain traversing the mid-section of the subject lands and to construct a new watermain within an easement along the south property line in favour of the City for future maintenance purposes.

The applicant proposes to provide a Section 37 public benefit in the form of a \$120,000.00 financial contribution to fund improvements to the playground at Cliffside Public School in exchange for increased height as permitted by the underlying zoning standards.

## Site and Surrounding Area

The subject site was formerly occupied by two buildings, a hotel, which has been recently demolished and a two storey commercial building which currently remains on the lands. The parcel is located on the east side of Kingston Road, north of Cliffside Drive, south of Ridgemoor Avenue and west of East Haven Drive. The subject lands are approximately 5,691 square metres (61,261 square feet) in size, rectangular in shape, and has approximately 122 metres (400 metres) of frontage along Kingston Road. The lands slope generally from west to east. Surrounding land uses include:

- North & West: 1 & 2 storey commercial/residential buildings generally consisting of ground floor commercial uses and second floor residential uses within a Commercial Residential (CR) Zone.
- South: Single storey restaurant building on Kingston Road within a Commercial Residential (CR) Zone and detached residential dwellings on East Haven Drive in a Single Family Residential (S) Zone.
- East: Cliffside Public School within a School (SC) Zone and primarily detached dwellings in a Single Family Residential Zone.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. The planning decisions of City Councils are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the PPS. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject property is designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential, and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities. Kingston Road is identified as an "Avenue" on Map 2 – Urban Structure.

The site is subject to Site and Area Specific Policy No. 324 which, in part, identifies the general location of a number planned mid-block street connections on the east side of Kingston Road between 2235 Kingston Road and Midland Avenue. The policy requires new street(s) being created having a minimum right-of-way width of 18.5 metres (61 feet).

## **Zoning**

The subject lands are zoned Commercial Residential (CR) Zone with the (H) applying to the northern portion of the subject lands between 2235-2245 Kingston Road. The Commercial Residential (CR) Zone permits a range of uses such as dwelling units, financial institutions, offices, recreational uses, restaurants and retail stores. Exception No. 10, which applies to the northern portion of the subject lands as noted above, requires that the (H) may be removed by amending the by-law when Council is satisfied that lands dedicated to the City for the design, construction and financing of new street(s) has been satisfactorily reviewed by the Chief Planner and Executive Director in consultation with the Executive Director of Engineering and Construction Services (formerly Technical Services) and that any recommended improvements have been implemented or financially secured through appropriate agreements.

## **Site Plan Control**

The lands are subject to site plan control. The applicant has filed a site plan control application (14 163113 ESC 36 SA) which is currently under review by all relevant City divisions.

## **Reasons for Application**

The purpose of this application is to remove the Holding Provision (H) and to implement the full range of uses permitted by the underlying Commercial Residential (CR) zoning.

Of note, when the (H) has been removed, the applicant will be required to apply to the Committee of Adjustment for minor variances to the underlying zoning by-law standards to address such matters as building setbacks, step backs and projection into the required angular plane, in order to proceed with the current proposal.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in determining whether the condition for removal of the (H) has been satisfactorily addressed.

## **COMMENTS**

In order to lift the (H), the applicant has submitted engineering drawings and other relevant documentation related to the provision of a public street which has now been reviewed by City Planning and Engineering & Construction Services staff. By agreeing to the terms in the Section 37 agreement, staff are satisfied that the all necessary measures have been taken to ensure that the design, construction, financing and conveyance of the new public street will occur in a satisfactory manner to permit the lifting of the (H) for the lands between 2235-2245 Kingston Road. Staff have no concerns with the conveyance of the proposed 16.5 metre (54 foot) wide public street with the intention that the total planned right of way width of 18.5 metres will be secured once lands to the north redevelop, where the (H) continues to apply to those lands between 2247-2255 Kingston Road. Engineering and Construction Services staff have indicated they have no comments on amending the by-law to remove of the Holding provision.

### **Section 37/'Appropriate Agreement'**

A Section 37 agreement has been negotiated in consultation with the local Ward Councillor and the owner to secure a \$120,000.00 financial contribution towards improvements to the local school playground. The agreement will also be used to financially secure the construction and conveyance of the proposed City-owned watermain within an easement and to financially secure the design, construction and financing of the new public street required to lift the (H) for the northern portion of the subject lands.

## **CONTACT**

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## **SIGNATURE**

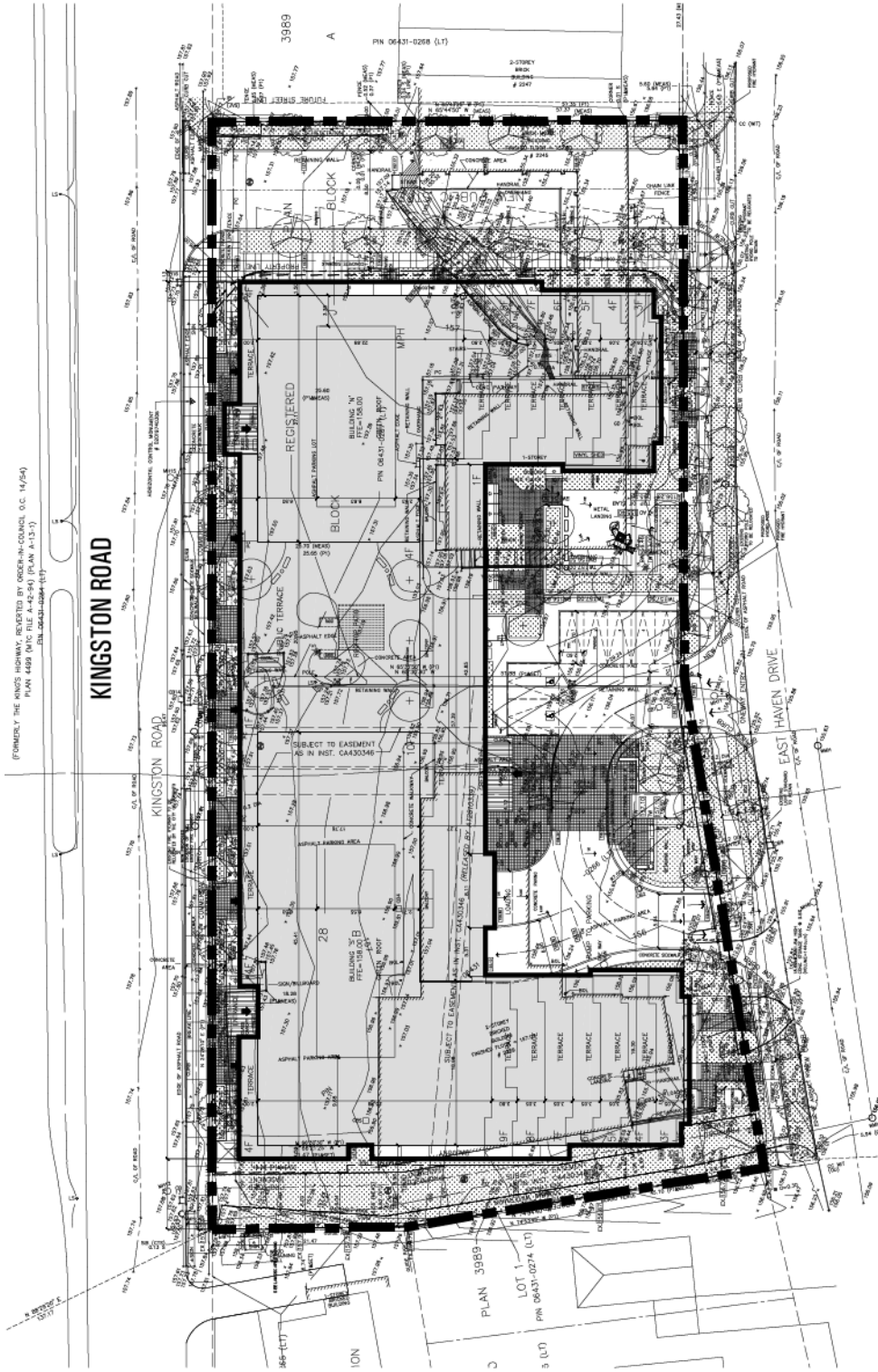
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Joe Nanos, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Zoning  
Attachment 3: Application Data Sheet  
Attachment 4: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



2229-2245 Kingston Road

**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 05/19/15

File # 14 163109 ESC 36 OZ

## Attachment 2: Zoning



**Zoning By-Law No. 569-2013**

**2229-2245 Kingston Road**

**File # 14 163109 36 0Z**

Location of Application

See Former City of Scarborough Cliffside Community By-Law No. 9364

**RD** Residential Detached  
**RS** Residential Semi-Detached  
**RA** Residential Apartment

**I** Institutional  
**IPW** Institutional Place of Worship  
**OR** Open Space Recreation  
**UT** Utility and Transportation

**S** Single-Family Residential  
**T** Two-Family Residential  
**CR** Commercial - Residential  
**SC** School  
**HWY** Highway Zone



Not to Scale  
 Extracted: 05/12/2015



### Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	14 163109 ESC 36 OZ
Details	Rezoning, Lifting the Hold	Application Date:	May 28, 2014

Municipal Address: 2229-2245 KINGSTON RD  
 Location Description: SCARBOROUGH CON B PT LOT 28 \*\*GRID E3608  
 Project Description: To permit a 10 storey, 259 unit mixed use building and 868 m<sup>2</sup> of commercial space.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
V H L DEVELOPMENTS (BLUFFS) INC			V H L DEVELOPMENTS (BLUFFS) INC

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR	Historical Status:	
Height Limit (m):	36	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	5691.4	Height:	Storeys:	10
Frontage (m):	121.8		Metres:	33.2
Depth (m):	60.7			
Total Ground Floor Area (sq. m):	3430			<b>Total</b>
Total Residential GFA (sq. m):	22,649		Parking Spaces:	275
Total Non-Residential GFA (sq. m):	868		Loading Docks	0
Total GFA (sq. m):	23,517			
Lot Coverage Ratio (%):	60			
Floor Space Index:	4.1			

**DWELLING UNITS**

Tenure Type:	Freehold
Rooms:	0
Bachelor:	2
1 Bedroom:	78
2 Bedroom:	152
3 + Bedroom:	27
Total Units:	259

**FLOOR AREA BREAKDOWN** (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	22,649	0	0
Retail GFA (sq. m):	868	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

**CONTACT:**      **PLANNER NAME:**      **Jeffery Sinclair, Planner**  
                                          **TELEPHONE:**                      **416-396-7685**

**Attachment 4: Draft Zoning By-law Amendment**

Authority: ~ Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Cliffside Community Zoning By-law No. 9364, as amended,  
to remove the holding symbol (H)  
with respect to the lands known municipally in the year 2014 as  
2235-2245 Kingston Road**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **Schedule "A"** is amended by removing the holding symbol (H) from the lands shown on the attached Schedule '1' so that the amended zoning shall read as follows:

CR-191-193-194-196-197-198-201-202-203-205-206-207-208-209-210-211-212-213

2. **Schedule "C" EXCEPTIONS MAP**, is amended by deleting Exception No. 10 from the lands outlined by heavy black lines shown on the attached Schedule '2'.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

John Tory,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

Schedule '1'



CR-191-193-194-196-197-198-201-202-203  
 -205-206-207-208-209-210-211-212-213



Zoning By-Law Amendment

2229-2245 Kingston Road

File # 14 163109 36 0Z

 Area Affected By This By-Law

Cliffside Community Bylaw  
 Not to Scale  
 5/20/15  




Exception No. 10 (to be removed)



**Zoning By-Law Amendment**

**2229-2245 Kingston Road**

File # 14 163109 36 0Z

 Area Affected By This By-Law

Cliffside Community Bylaw  
Not to Scale  
5/21/15  
