

**2035 Kennedy Road – Zoning Amendment Application –  
Final Report**

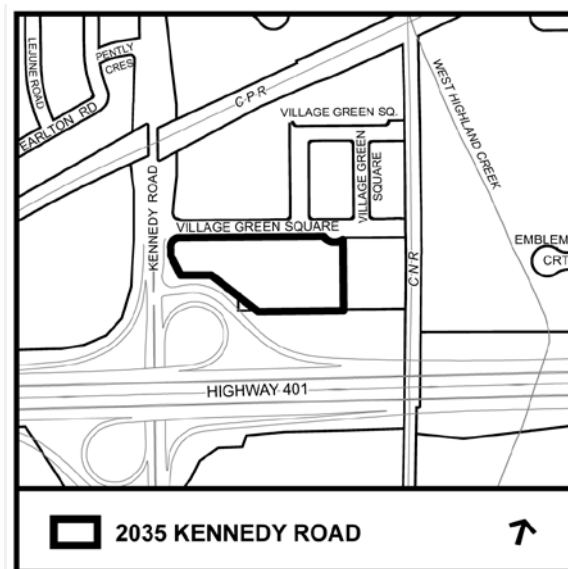
<b>Date:</b>	May 26, 2017
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 40 – Scarborough-Agincourt
<b>Reference Number:</b>	15 167709 ESC 40 OZ

**SUMMARY**

This application proposes to amend the Employment Districts Zoning By-law No. 24982 of the former City of Scarborough in order to permit a multi-phased, mixed use, predominately high density apartment residential (condominium) development with a maximum of 1,044 dwelling units at 2035 Kennedy Road. The proposal includes three apartment towers, 31, 34 and 40 storeys respectively in height, retail uses, the renovation and expansion of the existing 14 storey hotel, a publically accessible urban plaza, a 9 storey office and retail building and a multi-level, above-grade parking structure.

These lands were recently redesignated from *Employment Areas* to *Mixed Use Areas* as a result of the City's adoption of Official Plan Amendment 231 (OPA 231). With this land use designation in place, this site specific rezoning application to permit the redevelopment and intensification of these lands for both residential and non-residential, employment related uses may be considered.

The proposed height, density and scale of development are appropriate for the site and local context. A net gain of employment floor area in all phases of development will be realized. Development setback and traffic matters related to the site's adjacency to the Highway 401 corridor and Kennedy Road



interchange have been addressed and improvements to the Kennedy Road and Village Green Square intersection will be secured.

This report reviews and recommends approval of the application to amend the Zoning By-law, including the requirement for community benefits in return for the increased height and density of development, in keeping with the provisions of Section 37 of the *Planning Act* and the policies of the Official Plan. Public access to the proposed urban plaza, which will contain public art, and an extensive linear walkway and open space area, which spans the rear of the entire site, will also be secured to improve pedestrian connectivity throughout this area.

## **RECOMMENDATIONS**

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

1. City Council amend the Employment Districts Zoning By-law No. 24892, as amended of the former City of Scarborough for the lands at 2035 Kennedy Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to report dated May 26, 2017.
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 Zoning Bill to City Council for enactment, City Council require:
  - a. the Owner shall submit a revised Functional Servicing and Stormwater Management Report and submit a Site Servicing Review to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water to address all servicing and groundwater related matters, and shall enter into a financially secured agreement with the City to construct municipal infrastructure and submit engineering and inspection fees and provide insurance as required.
  - b. the Owner enter into a financially secured agreement to secure the required improvements to the Kennedy Road and Village Green Square intersection to the satisfaction of the General Manager of Transportation Services.
4. Before introducing the necessary Zoning Bill to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands, to secure community benefits in the form of cash contributions totalling \$2,500,000 to be provided in accordance with the terms of the agreement to secure the following facilities, services and matters:

- a. Phase 1:
  - i. Payment of a cash contribution to the City of \$1,500,000, payable prior to issuance of the first above-grade building permit for a building or structure in Phase 1, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; for the provision of the following:
    - (a) \$300,000 to be directed towards the capital construction costs of the proposed Agincourt multi-use pathway connection to Collingwood Park from the Metrogate subdivision;
    - (b) \$500,000 to be directed towards capital improvements to the Agincourt District Library Branch of the Toronto Public Library; and
    - (c) \$700,000 to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub.
- b. Phase 2:
  - i. Payment of a cash contribution to the City of \$1,000,000, payable prior to issuance of the first above-grade building permit for a building or structure in Phase 2, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; for the provision of the following:
    - (a) \$300,000 to be directed towards the provision of public art within the privately owned publicly-accessible space (POPS) required to be provided on site; and
    - (d) \$700,000 to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub.
- c. The Owner provide a title opinion to the City for the agreement's registration to the satisfaction of the City Solicitor.
- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
  - ii. the owner shall provide a privately owned and publicly-accessible space (POPS), with a minimum area of 1,500 square metres, on the south side of Village Green Square in Phase 2, which will be financially secured in Phase 1, with appropriate signage in accordance with the Privately Owned Publicly-Accessible Space

Guidelines and to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor; and

- iii. The owner shall provide a publicly accessible, privately owned and maintained walkway and open space landscaped area, extending across the rear of the entire site, and within all phases of development, with connections to Village Green Square as warranted, including a connection across from Metrogate Park in Phase 3.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A minor variance (A202/15SC) was approved to permit a sales centre within the existing hotel for a period of three years, expiring September 8, 2018.

A minor variance (A537/06SC) was approved in 2006 to permit a parking ratio of 1 parking space per 2 hotel bedrooms plus a minimum of 9 parking spaces per 100 square metres of floor area for restaurants, meeting rooms and entertainment rooms, for a total parking supply of 463 spaces.

On October 6, 2015, Scarborough Community Council (SCC) considered a preliminary report for this application. SCC directed staff to schedule a community consultation meeting and that notice be provided to landowners and residents within 120 metres of the site and to an expanded area which includes all lands within the Metrogate Plan of Subdivision and that any additional costs for notice to the expanded notice area be borne by the applicants. The Preliminary Report and Community Council Decision are available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC9.18>

### **Official Plan Amendment (OPA) 231**

At its meeting of December 16-18, 2013, City Council considered a request to convert these employment lands for non-employment purposes as part of the Municipal Comprehensive Review (MCR). This request was made by the previous owner of the site. Under Section 2.2.6.5 of the Provincial Growth Plan for the Greater Golden Horseshoe, the City may convert employment lands for non-employment uses only through such a Municipal Comprehensive Review. At the same meeting, City Council adopted Official Plan Amendment (OPA) 231 which redesignated the subject lands from *Employment Areas* to *Mixed Use Areas* to allow for residential uses on the site. The decision of City Council and OPA 231 can be found at the following links: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2> and the implementing By-law can be found at:

<http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

OPA 231 also amended the Agincourt Secondary Plan by adding Site and Area Specific Policy No. 6 (SASP 6) which applies to these lands (see the Official Plan section for details).

On June 22, 2015, the OMB issued an Order partially approving OPA 231. As a result, the *Mixed Use Areas* designation for these lands and SASP 6 to the Agincourt Secondary Plan are now in effect.

## **ISSUE BACKGROUND**

### **ORIGINAL PROPOSAL**

The original proposal in 2015 included a multi-phased development consisting of three mixed use, predominately residential (condominium) towers, 35 to 45 storeys in height with a total of 1,063 dwelling units comprised of one and two bedroom dwelling units. The proposal also included an 8 storey office building, a new multi-level parking structure, retention of the existing 14 storey hotel along with a related hotel expansion and modernization of hotel amenities, together with an urban plaza on the south side of Village Green Square. Please refer to the above-noted Preliminary Report for more details.

### **REVISED PROPOSAL**

As result of technical and design review and in response to market conditions, the proposal still includes the redevelopment of the lands in three phases but with a reduction in apartment tower heights to 31, 34 and 40 storeys, respectively. A total of 1,044 residential dwelling units are now proposed, including the introduction of three bedroom units in Phase One as noted in the table below. The 14 storey hotel will be retained and will remain open during all phases of development. The existing parking structure will be demolished and replaced with a new, multi-level 15 metre high parking structure.

Phase One proposes two residential (condominium) apartment towers 31 and 34 storeys respectively in height on the west part of the site with a total of 644 dwelling units. The towers are connected with a shared 6 to 7 storey podium containing indoor and outdoor amenity space, green roof areas and grade related retail uses facing Village Green Square. A site plan application has been filed for Phase One and the applicant advises that construction will commence this year (provided the required approvals are granted).

Phase Two proposes a 40 storey apartment (condominium) tower with 400 dwelling units, along with 75 replacement and 25 additional hotel suites, a 6-storey hotel addition and a publically accessible urban plaza by Village Green Square. A new multi-level parking structure is proposed behind the existing above-grade parking structure.

Phase Three proposes a 9 storey office and retail building with an integrated multi-level parking structure.

The three phases of development are shown on the Site Plan (see Attachment 1) and detailed further below.

	<b>Phase One</b>	<b>Phase Two</b>	<b>Phase Three</b>	<b>Total</b>
<b>Height</b>	1 @ 31 storeys 1 @ 34 storeys Towers A & B	1 @ 40 storeys Tower C, 6 storey hotel addition & multi-level parking structure(PS)	9 storey office Tower D with retail uses and integrated parking structure	A: 95 m B: 103 m C: 133 m D: 35 m PS: 15 m
<b>No. of dwelling units</b>	644	400	n/a	1,044
<b>Dwelling Unit Breakdown</b>	1 bedroom: 369 2 bedroom: 216 3 bedroom: 59	1 bedroom: 240 2 bedroom: 160	n/a	1 bedroom: 609 2 bedroom: 376 3 bedroom: 59
<b>Hotel rooms</b>	n/a	100 (25 new & 75 replacement)	n/a	396 (371 existing)
<b>Residential gross floor area</b>	50,506 m <sup>2</sup>	23,883 m <sup>2</sup>	n/a	74,389 m <sup>2</sup>
<b>Non-residential gross floor area</b>	Retail: 414 m <sup>2</sup>	Hotel & Conference Centre: 29,090 m <sup>2</sup> *27,430 m <sup>2</sup> existing	Retail: 250 m <sup>2</sup> Office:7,150m <sup>2</sup>	Retail: 664 m <sup>2</sup> Office: 7,150 m <sup>2</sup> Hotel: 29,090 m <sup>2</sup> (hotel net gain 1,660 m <sup>2</sup> )

An outdoor urban plaza, approximately 1,500 square metres in size, intended to function as a 'Privately Owned Publically Accessible Space' (POPS) is proposed north of the 40 storey tower and west of the hotel on the south side of Village Green Square. This plaza will be provided within Phase 2 (see Attachment 1) but will be financially secured in Phase One.

Indoor amenity space is proposed at a rate of 2.0 square metres per dwelling unit and outdoor amenity space at a rate of 1.5 square metres per dwelling unit.

An overall density of development of approximately 4.0 times the lot area is proposed.

Upon project completion, a total of 1,715 parking spaces are proposed, primarily within either above or below grade parking structures or integrated into the multi-storey podiums.

Green roofs are proposed on the podium connecting Tower A and Tower B in Phase 1 and on the podium connecting Tower C and the existing 14 storey hotel in Phase 2. A green roof is also proposed on top of the proposed new multi-level above-grade parking structure in Phase 2.

For further project details please refer to the Application Data Sheet (Attachment 7).

### **Site and Surrounding Area**

The site, which is irregular in shape and approximately 2.8 hectares (6.9 acres) in area, is located at the south-east corner of Kennedy Road and Village Green Square and north-east of the Kennedy Road & Highway 401 interchange. The site has approximately 282 metres (925 feet) of

frontage on the south side of Village Green Square. The site abuts the Kennedy Road and Highway 401 off-ramp. Vehicle access is provided from Village Green Square. The east portion of the site is approximately 122 metres in depth.

Kennedy Road is a six lane major street. The intersection of Kennedy Road and Village Green Square is signalized.

The site contains the 14 storey Delta Toronto East hotel (371 rooms) and an adjoining, approximately 2,555 square metre (27,500 square feet) conference centre. There are approximately 608 parking spaces provided, with a surface parking lot on the west side of the site and a 5-level, above ground parking structure (392 parking spaces) and surface parking lot on the east side.

Abutting uses are as follows:

North: 14 storey office building and related parking facilities at the north-east corner of Kennedy Road and Village Green Square (2075 Kennedy Road). The Metrogate (Tridel) plan of subdivision is across from the east portion of the subject lands. A temporary sales centre, townhouse units and Metrogate Park are located on the north side of Village Green Square;

East: Two 40 storey residential towers on the north side of Highway 401 which are within the Metrogate plan of subdivision (discussed further below);

South: Highway 401 and associated interchange and off-ramp to Kennedy Road; and

West: Kennedy Road is to the west with a Ministry of Transportation (MTO) service depot and yard at the north-west corner of Highway 401 and Kennedy Road.

### **Metrogate Plan of Subdivision (Plan 66M-2460)**

This plan of subdivision, which is located east and north of the Delta Toronto East hotel site, was registered in 2008. Sufferance Road, which previously ended in a cul-de-sac, was renamed Village Green Square and a new internal public road system was established throughout the subdivision. Please refer to the Key Map on page 1.

The plan of subdivision is comprised of six (6) residential development blocks, a future road block, a 1.7 acre public park and a future transit terminal block. In terms of residential uses, only multiple family (townhouse) and apartment dwelling units are permitted.

Development has occurred in phases, and a total of 2,609 dwelling units are permitted. Building heights range from 14 metres (3 to 4 storeys) in height for the townhouse units to 95 metres (40 storeys) for the apartment towers abutting Highway 401.

Similar to the Delta Toronto East hotel site, an employment lands conversion request on the vacant lands at 225 Village Green Square (Block 8) was also considered as part of the recently completed City-wide review of Employment lands and policies. OPA 231 also re-designated Block 8 to *Mixed Use Areas*.

Zoning By-law Amendment Application 14 203075 ESC 40 OZ for 225 Village Green Square was recently approved in principle by City Council to permit a 32 storey residential tower with 450 dwelling units, thereby increasing the permitted unit count in the subdivision to 2,609 as noted earlier. The Final Report on this application can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC20.17>

### **Future Road Connection**

The Agincourt Secondary Plan identifies a future north-south road connection from Village Green Square to Sheppard Avenue East (see Attachment 5). A future road block was created as part of the Metrogate plan of subdivision in order to maintain the opportunity to improve future connectivity between lands north and south of the Canadian Pacific Railway (CPR) line and eventually up to Sheppard Avenue. Currently, Village Green Square is the only street that provides access to the lands in the area bounded by Highway 401 to the south, the CPR line to the north, Kennedy Road to the west and the Metrolinx Stouffville GO line (former CNR) to the east (see Key Map).

A City-initiated feasibility study related to this future road connection and a multi-use pedestrian and cycling connection between Agincourt GO Station and Sheppard Avenue East and Village Green Square was completed in 2015. Preferred options were identified and a separate Municipal Class Environmental Assessment may be undertaken by the City in the future to further evaluate these options.

### **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. These 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. City Council's planning decisions are required, by the *Planning Act*, 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, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The Official Plan designates the site as *Mixed Use Areas* and, as noted earlier in this report, the site is also subject to Site and Area Specific Policy No. 6 (SASP 6) under the Agincourt Secondary Plan. See Attachment 5 to this report.

The Official Plan (including the Agincourt Secondary Plan) can be found at this link: [http://www1.toronto.ca/static\\_files/CityPlanning/PDF/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf)



*Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces and utilities. The policies of this land use designation include the following development criteria which direct that new development will, among other matters:

- a) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- b) provide an attractive, comfortable and safe pedestrian environment;
- c) provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- d) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Official Plan also contains policies related to height and/or density incentives and permits zoning by-laws, under Section 37 of the Planning Act, to be passed to permit more height and/or density for a use than is otherwise permitted by the Zoning By-law for that use in return for the provision of community benefits to be set out in the Zoning By-law.

The Agincourt Secondary Plan, among other matters, states that buildings facing Highway 401 will portray an attractive image for the area as viewed from the highway. While building massing will contribute to minimize the effect of highway noise, buildings will be designed in such a way to promote view corridors into this area, as opposed to creating a building wall.

Map 1-1, Urban Structure Plan, shows, schematically, future road connections in the area, including a north-south road connection from Village Green Square to Sheppard Avenue East which would require the crossing of both the CPR line and Highland Creek (see Attachment 5). This road connection is also identified in Schedule 2 to the Official Plan and discussed further in the 'Future Road Connection' section of this report.

SASP 6 states that:

- a) Development of lands for residential use will provide a net gain of employment floor area on the site; and
- b) A noise impact assessment will be required to be undertaken by the applicant for any residential development at the time of submission of a rezoning application, in accordance with the Ministry of the Environment's (now MOECC) Noise Assessment Criteria in Land Use Planning and necessary noise mitigation measures are to be incorporated into the development design to the satisfaction of the City.

## **Zoning**

The site is zoned Highway Commercial (HC) under the former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended. Day nurseries, hotels, restaurants, vehicle service garages and vehicle service stations are permitted. Residential and office uses are not permitted.

A maximum gross floor area of 1.25 times the lot area (basements excluded) is permitted.

Parking is required at the rate of 1 parking space per 2 hotel bedroom units plus a minimum of 9 parking spaces per 100 square metres of floor area for restaurants, meeting rooms and entertainment rooms (see Decision History).

An above grade parking structure is limited to a maximum height of 20 metres.

City-wide Zoning By-law No. 569-2013 does not apply to these lands, the Metrogate subdivision lands or to the office site at 2075 Kennedy Road.

## **Site Plan Control**

The proposed development is subject to site plan control. A site plan control application (16 132832 ESC 40 SA) has been filed for Phase One and is currently under review. Site plan approval is required for each phase of development.

## **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The City-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

## **Reasons for Application**

The existing zoning on the site does not permit residential or office uses. A site specific zoning amendment is required to permit the proposed development and to establish performance standards related, but not limited to: maximum density and height of development; minimum parking standards; and to require the retention of a hotel use on the site in tandem with new development proposing residential units and to secure community benefits.

## **Community Consultation**

A community consultation meeting was held on November 30, 2015 and was attended by the Ward Councillor, the applicants and their consultants, City Planning staff and approximately 50 members of the public. Approximately 2,700 notices were sent out with notice provided in accordance with the directions of Scarborough Community Council, with expanded notice area costs borne by the applicants.

Issues discussed related to, among other matters, the history of the adjacent Metrogate subdivision and earlier approvals; timing and nature of any area transit improvements; timing and implications of a new public road to provide a future connection to Sheppard Avenue; provision of commercial and service related floor space on site and in the nearby Agincourt area; pedestrian access within the subdivision and out to Kennedy Road; speed limits; traffic

congestion and compatibility with the CPR line to the north.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS. Among other matters, the proposal will provide for an efficient development pattern and use of land, add to the City's supply and diversity of housing and utilize public infrastructure and services efficiently.

For the same reasons noted above, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing an appropriate type and scale of development which permits the mixed use redevelopment and intensification of the site for both high density residential uses and retail, office and hotel employment related uses.

### **Design Review Panel**

The proposal was considered twice by the Design Review Panel.

The first review, based upon the original proposal, occurred on November 23, 2015. Comments included the need to create a high quality built environment and strong sense of place which, among other matters, should take advantage of the hotel as a unique attractor and place definer. A larger, well programmed urban square and a high quality public realm throughout the site is required in order to achieve connectivity throughout this site and beyond to provide a continuous pedestrian link to the adjacent Metrogate subdivision lands.

Minutes of the Meeting can be found at the following link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Article/Percent\\_For\\_PublicArt/Final%20DRP%20Minutes%20Nov23%202015.pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Article/Percent_For_PublicArt/Final%20DRP%20Minutes%20Nov23%202015.pdf)

The second review occurred on July 5, 2016. Generally, the panel noted that there had been a good evolution of the design in addressing previous comments. This included a reduction in building heights, enlarged urban plaza / courtyard area and animation of the surrounding buildings, good architectural treatment of base building conditions and good treatment of the westerly, phase one "gateway" tower.

Minutes of the Meeting can be found at the following link:

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%202016/FINAL%20MINUTES%20July%205%202016%20combined.pdf>

### **Land Use**

The proposed high density residential uses and 9 storey office building are permitted under the *Mixed Use Areas* designation of the Official Plan and are compatible with the adjacent Metrogate subdivision and nearby office site on the north side of Village Green Square. City Council, through the adoption of OPA 231, established the land use policy permissions to allow for a zoning by-law amendment application proposing residential uses on these lands to be considered

provided there is a net gain in employment floor area and required noise mitigation measures are provided. Both of these matters have been addressed as discussed further in this report.

The proposal does not pose concerns in terms of land use, height or density but does need to be factored into considerations related to traffic impacts, parkland dedication and community benefits, among other matters, as discussed further in this report.

## **Height, Density and Massing**

The proposed development incorporates new tower and mid-rise building elements with the existing hotel tower and conference facilities that results in an integrated development that features a publically accessible urban plaza as its focal point. The applicants have worked with City staff to arrive at a design that is consistent with the City's Official Plan Built Form policies and Tall Building Guidelines.

Tower placement, separation distances, orientation, articulation, floor plate size and setbacks are key considerations when reviewing tall buildings, especially when locating multiple tall buildings on the same site. Tall buildings should be sited strategically, designed with appropriate compact floor plate shapes and consider best locations of living spaces to avoid overlook and maximize privacy and sky view.

A minimum separation distance of 25 metres is proposed between the building faces of Towers A and B in Phase One as well as between Tower B in Phase One and Tower C in Phase Two as per Section 3.2.3 of the Tall Building Design Guidelines. Towers A, B and C all comply with Section 3.2.1 Floor Plate Size and Shape, with floor plates of 750 square metres, which assist in minimizing shadow impacts. All towers have clearly articulated base, middle and top components.

The proposed 6 to 7 storey base building (podium) elements are in keeping with the 24 metre maximum height limit for base buildings recommended in Section 3.1.1 of the Guidelines. The base building provided in Phase One will contain retail space which will serve to animate the public and private realms facing Village Green Square and assist in creating an accessible, safe, comfortable and pedestrian-friendly environment. City Planning staff are satisfied that the proposed development implements the principles of the Tall Building Guidelines and the Built Form Policies of the Official Plan. Building details will be secured through the site plan approval process for each phase of development.

Development is organized and massed to fit harmoniously with the existing context and demonstrates an appropriate transition in scale. As indicated in the Sun/Shadow Study submitted by the applicant, on the spring/fall equinoxes, the shadows of the proposed buildings move quickly through the areas to the north of the subject site, and affects the southern edge of Metrogate Park for a limited time only. The shadow impacts are considered acceptable.

An overall density of development of 4.0 floor space index is proposed. This density is acceptable given: the careful consideration given to built form, building height and massing; site context; the provision of significant publically accessible open space; public realm improvements on Village Green Square; and the absence of significant off-site impacts.

## **Public Realm**

Significant public realm improvements are proposed along Village Green Square in the form of a new pedestrian sidewalk and resulting pedestrian zone and the inclusion of a large central urban plaza that will be accessible to area residents, employees and hotel and conference facility guests.

A new 2.1 metre wide public sidewalk is proposed on the south side of Village Green Square across the entire frontage of the site from Kennedy Road east towards the Metrogate (Solaris) lands along with new street tree planting. A City storm sewer easement (approximately 4.5 metres wide) is located along most of the Village Green Square frontage of the site. The planting of trees within this easement and over the storm sewer is not permitted. As an alternative, a feature paving area is proposed that, when combined with the new public sidewalk, will create an approximately 7 metre continuous pedestrian zone. The sidewalk and related landscaping and feature paving will be secured during the site plan approvals process.

The urban plaza, as discussed in the Parks and Open Space section of this report, is proposed as a central design feature that will be highly visible, publically accessible, and contain public art and significant landscape features.

## **Ministry of Transportation (MTO)**

A MTO Building and Land Use Permit is required as the lands are located within the MTO's permit control area. Any proposed structures (above or below ground) or amenities essential to the site (including parking and fire routes) must be setback a minimum of 14 metres from the provincial highway property line. This setback is secured in the draft zoning by-law.

## **Employment Net Gain**

Site and Area-Specific Policy (SASP) No. 6 of the Official Plan states development of lands for residential use will provide a net gain of employment floor area on the site. This development proposes to provide a net gain of approximately 9,474 square metres of employment floor area on the site in the form of new retail, hotel and office uses.

Retail uses (414 square metres) are proposed at grade within Phase 1 as part of the residential condominium development. This retail space will be secured in the zoning by-law.

Phase 2 includes an expansion of the hotel and related facilities including 75 replacement and 25 additional hotel rooms. According to the applicants, approximately 1,660 square metres of new hotel related floor area will be provided. The draft zoning by-law requires this additional hotel related floor area to be provided in tandem with any proposed residential uses in this phase of development.

Phase 3 is entirely non-residential with 250 square metres of retail uses and 7,150 square metres of office space proposed. The draft zoning by-law permits but does not require that this retail and office space be provided. Residential uses in Phase 3 are not permitted.

## **Traffic Impact**

Detailed traffic reports have been prepared in support of this application and for the recent zoning by-law amendment application at 225 Village Green Square (Block 8 of the Metrogate subdivision). Analyses take into consideration forecasts of future background development

related traffic, planned road network improvements and assumed background traffic growth for selected horizon years. Traffic intersection operations at Village Green Square and Kennedy Road have also been assessed.

The traffic impact studies have been reviewed by City staff, the Ministry of Transportation (MTO) and the Toronto Transit Commission (TTC).

In terms of future background development, full build out of the Metrogate subdivision (including "Avani II" and daycare centre on Block 7 and "Selene" on Block 8) and full build out of the Gemterra condominiums at 175, 185, 195, 205 & 215 Bonis Avenue by Agincourt Mall have been considered.

The analyses conclude that there is available capacity in the road network to accommodate this development. Recommended improvements to the Kennedy Road and Village Green Square intersection are as follows:

- Traffic signal timing optimization and modification and cycle length increase;
- New northbound Kennedy Road right-turn storage lane (queue) extension;
- Storage lane (queue) extension on southbound Kennedy Road left-turn lane; and
- Dual westbound left turn land outbound on Village Green Square.

These improvements have also been secured as part of the recent zoning approval for 225 Village Green Square (Block 8).

The above improvements can be accommodated within the existing road rights-of-way. Impacts to the existing driveways to the office development at 2075 Kennedy Road have also been examined.

Detailed pavement marking and functional plans showing the required left turn and right turn lane extensions of Kennedy Road and Village Green Square are required to be prepared to the City's satisfaction. Financial securities for the required pavement marking improvements at the intersection will be required to be submitted to the City.

Before introducing the necessary Zoning Bill to City Council for enactment, the Owner is required to enter into a financially secured agreement to secure the required improvements to the Kennedy Road and Village Green Square intersection to the satisfaction of the General Manager of Transportation Services.

MTO advises that there are Highway 401 and Kennedy Road interchange improvements tentatively scheduled for 2019. This includes Highway 401 widening and improvements to ramps. These highway improvements will not impact the development. However, to ensure public safety, cranes will not be permitted to fly over the MTO property line.

A MTO encroachment permit is required for any proposed work within the MTO's right-of-way.

## **Vehicle Access and Parking**

### **Driveways**

Driveway accesses are restricted to Village Green Square only and have been kept to a minimum. The location of the proposed westerly driveway will allow for the required improvements to the Village Green Square right-of-way to be implemented. This driveway will serve all of the proposed residential development (Phases 1 and 2) and will also provide for a one-way hotel drop-off and pick-up area that loops around the urban plaza and exits only onto Village Green Square. A second driveway is proposed in Phase 3, at the east limit of the site, which will provide access to the proposed office and retail building and integrated parking structure as well as a service entrance to the hotel.

### **Parking**

The redevelopment proposes a total of 1,715 parking spaces.

Since development will occur in phases, detailed parking phasing considerations have been assessed in the Traffic Impact Study to ensure zoning compliance at all times.

Phase 1 proposes 733 spaces serving the residential towers and retail uses. 728 spaces are located in an either underground parking facility or integrated into the multi-storey podium. Five (5) surface, lay-by spaces are proposed for the retail uses along the west side of the driveway access. Required hotel and conference facility parking will continue to be accommodated by surface parking and in the existing above grade parking structure.

Phase 2 includes the third residential tower and the renovation and expansion of the hotel. With the completion of Phase 2, the Phase 1 underground parking structure will be expanded to 1,152 parking spaces to accommodate required residential parking. In order to accommodate the hotel and conference centre parking and some required residential visitor parking, a new parking structure (240 spaces) will be provided at the east side of the site, south of the existing parking structure (293 spaces) along with the retention of existing surface parking at the southeast corner of the site.

Phase 3 requires the demolition of the old existing parking structure and the expansion of the new parking structure (total 558 spaces) by integrating it into the proposed 9 storey office and retail building.

Parking rates proposed are consistent with the new parking rates permitted in the City-wide Zoning By-law 569-2013 for both residential (tenant) and non-residential uses permitted with the exception of parking occupancy rates for shared parking which were justified based on surveys conducted by the applicant's transportation consultant. Residential parking rates are tied to the type of dwelling unit.

Based upon a parking study submitted by the applicant's transportation consultant, Transportation Services staff support a residential visitor parking rate of 0.20 for each apartment dwelling unit with an accommodation for some sharing with the adjacent conference centre (meeting room / restaurant / entertainment) parking located within this development. The draft zoning by-law requires that a minimum of 0.17 exclusive visitor parking spaces be provided on-site for a dwelling unit in an apartment building with a requirement that an additional 0.03 spaces per dwelling unit be provided which would be shared with the conference centre parking.

Parking for both retail stores and office uses is proposed at a minimum rate of 1.5 spaces for each 100 square metres of gross floor area which is the same rate required by City-wide Zoning By-law 569-2013.

The existing parking rates previously approved for the hotel and associated uses (see Decision History) will be maintained.

Generally, the number and type of loading spaces required depends on the size and nature of the use it is intended to serve. Loading standards proposed are consistent with the standards contained in City-wide Zoning By-law 569-2013.

Currently, a total of 10 loading spaces are proposed. The existing loading area for the hotel and conference centre, located on the east side of the existing building is proposed to be maintained. This area accommodates 1 Type B loading space and two Type C loading spaces.

The proposed Phase 1 residential development (Towers A and B), due to its size (over 400 dwelling units), proposes I Type G and I Type C space located to the south of the proposed parking entrance. This has been deemed acceptable by City staff. The proposed loading spaces for Tower C in Phase 2 are still under review as are the loading spaces for the proposed office use in Phase 3. Details will be secured through the site plan approvals process.

### **Residential Amenity Space**

Residential indoor amenity space is proposed at a rate of 2.0 square metres per dwelling unit and outdoor amenity space at a rate of 1.5 square metres per dwelling unit. In addition, the extensive outdoor, publically accessible landscaped open space and walkway, provided throughout the rear portion of the development, will be provided.

Within Phase One, 1,290 square metres of indoor amenity space is proposed on the ground and seventh floors of the shared podium and will be mutually accessible to residents in both towers. An outdoor amenity terrace (approximately 824 square metres) is proposed on top of the six storey podium and is directly accessible from the adjacent indoor amenity space on the seventh floor. A 4.5 metre high noise and wind barrier is proposed around this rooftop space.

Within Phase 2, a rooftop outdoor amenity space is proposed on top of the six storey podium of Tower C.

The proposed rates for residential indoor and outdoor amenity space are acceptable and will be secured in the zoning by-law.

The final configuration, size and exact location of the indoor and outdoor amenity space in each building will be secured as part of the site plan approvals process for each phase.

### **Noise, Vibration and Air Quality**

An Environmental Air Quality, Noise & Vibration Study was submitted in support of the application.

In terms of air quality, a screening level air quality assessment was conducted. Adverse air quality impacts from the MTO Works Yard and local roadways are not anticipated. Regardless,



the study recommends that where feasible, air intakes for buildings should be located high on the buildings and should face away from Highway 401.

Transportation and stationary noise impacts were assessed. Recommended mitigation measures include:

- façade walls and windows will require upgraded glazing to meet indoor sound level requirements. These vary depending on the specific location of the unit;
- noise barriers on the shared rooftop outdoor amenity areas for Phase 1 & 2 are required along the north, south and west edges of the podium rooftops. These panels can be composed of solid walls and glass / plexiglass panels;
- mandatory central air conditioning; and
- despite the inclusion of noise control features within the development and building units; that warning clauses be included in all agreements of purchase and sale or lease and all rental agreements for the residential units relating to, among other matters: the use of noise barriers for outdoor amenity areas; mandatory air conditioning; sound levels from increasing road and rail traffic; noise from the nearby MTO Works yard; nearby CP Rail and Metrolinx railway operations.

The above-noted warning clauses related to railway operations are required since the subject lands are located within 300 metres of both rail corridors.

Required mitigation measures, where appropriate, will be secured as part of the site plan approval process for each phase of development. This may include a requirement that relevant plans submitted for site plan approval purposes contain a noise control conformance stamp from a qualified acoustical engineer confirming that the recommended mitigation measures are included on the plans. Accordingly, the proposal conforms with Site and Area Specific Policy No. 6 of the Official Plan.

In terms of vibration, given the lands are more than 75 metres from both the CPR and Metrolinx railway corridors, the assessment states that a detailed transportation vibration is not warranted under relevant guidelines.

## **Servicing**

Functional Servicing and Stormwater Management Reports, a Hydrogeological Report and site servicing plans have been submitted in support of this development. Engineering and Construction Services staff, in consultation with Toronto Water, have reviewed these reports and plans and have advised that additional analysis and/or verifications are required to ensure that all servicing matters, including short-term and long-term ground water controls and related storm and sanitary sewer capacity considerations, have been addressed to the satisfaction of the City. Should servicing infrastructure improvements be necessary to support this development, they will be the responsibility of the Owner and will be secured accordingly.

Before introducing the necessary Zoning Bill to City Council for enactment, the Owner shall submit a revised Functional Servicing and Stormwater Management Report and submit a Site Servicing Review to the satisfaction of the Chief Engineer and Executive Director,

Engineering and Construction Services and the General Manager, Toronto Water to address all servicing and groundwater related matters, and shall enter into a financially secured agreement with the City to construct municipal infrastructure and submit engineering and inspection fees and provide insurance as required.

## **Parks and Open Space**

### **Parkland**

As noted earlier in this report, Metrogate Park is located to the north and east of the subject lands and is approximately 0.7 hectares (1.7 acres) in size. This park will also serve future residents of the proposed development.

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of the application are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is located in the third highest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

As the site is located in close proximity to an existing public park the applicants are required to satisfy the parkland dedication through a cash-in-lieu payment. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be approximately 0.3195 hectares (3,195 square metres). The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment.

The actual amount of cash-in-lieu paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act and is required as a condition of the building permit application process.

### **Landscape Open Space and Pedestrian Walkway**

An extensive landscape open space area and pedestrian walkway are proposed around the rear of the entire site. This is intended to provide connectivity throughout the site and to the adjacent Metrogate community, including a connection across from Metrogate Park. This walkway and associated landscaping will be secured in each phase of development. Public access rights will be secured as a legal convenience in the Section 37 agreement.

### **Publicly Accessible Urban Plaza (POPS)**

An approximately 1,500 square metre, pedestrian oriented urban plaza /courtyard is proposed in Phase 2. This is a key design element in this mixed use development (see Attachment 1) as it is highly visible and intended to be accessible by local residents, hotel patrons and nearby workers. This plaza has approximately 37 metres of frontage on the south side of Village Green Square and is framed, in part, by both proposed and existing development in Phases 1 and 2.

In response to City Planning staff and Design Review Panel comments, the urban plaza is approximately 50% larger than originally proposed and the extent of adjacent vehicle access has been minimized. Given the prominence of this space, the courtyard will be secured in Phase 1 as a privately owned, publicly accessible space as a legal convenience in the Section 37 agreement.

Detailed landscape plans have been prepared in accordance with the City's Privately Owned Publicly-Accessible Spaces Guidelines (POPS) and will be secured as part of the related site plan approval process. This plaza is also the preferred location for the required public art installation as discussed below.

## **Public Art**

The Official Plan includes a policy that encourages public art, in prominent locations and visible from public streets, where opportunities exist. A public art installation is currently located within the nearby Metrogate Park.

This site is of a size and location that warrants a public art installation and the building configuration provides opportunities for on-site public art. Public art installations are encouraged in new developments, where appropriate, to add to the quality of the public realm and to create a sense of place. The negotiated Section 37 community benefits include a cash contribution of \$300,000 towards on-site public art to be located within the urban plaza / POPS discussed above, and will be secured in Phase 2 of this development as part of the Section 37 Agreement.

## **Schools**

The Toronto District School Board (TDSB) advises that they make every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. Specifically, the TDSB requests that the owner / developer enter into an agreement with the TDSB to erect and maintain signs on site and include warning clauses in all offers of purchase and sale advising purchasers of the status of local school accommodations. These matters will be secured as part of the site plan approval process for each phase.

## **Toronto Green Standard**

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Required TGS performance measures will be secured through the site plan approval process. These include, but are but limited to: bicycle parking rates; bicycle location and storage requirements; pedestrian pathways; canopies; lighting; high albedo surface materials on non-roof hardscaped areas; bird friendly glazing; green roof(s) and water efficient plant materials. Bicycle parking space regulations, have been included in the draft zoning by-law amendment for the proposed residential, office and retail uses.

The development is subject to the Green Roof By-law. As noted earlier, green roofs are proposed throughout the development, on multiple levels of the podiums and on the roof of the multi-level parking structure. The Green Roof By-law is administered by Toronto Building.

## Section 37

In return for the increase in height and density of development currently permitted by the zoning by-law, Section 37 community benefits have been negotiated with the applicant in consultation with the Ward Councillor. The community benefits recommended to be secured in the Section 37 Agreement result in a total cash payment of \$2,500,000 to be secured within the first two phases of development and allocated as follows:

### Phase One:

- \$300,000 to be directed towards the capital construction costs of the proposed Agincourt multi-use pathway connection to Collingwood Park from the Metrogate subdivision;
- \$500,000 to be directed towards capital improvements to the Agincourt District Library Branch of the Toronto Public Library; and
- \$700,000 to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub.

### Phase Two:

- \$300,000 to be directed towards the provision of public art within the privately owned publicly-accessible space (POPS) required to be provided on site; and
- \$700,000 to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub.

All of these cash payments will be indexed and are payable prior to the issuance of an above grade building permit in their respective phases of development.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee;
- the owner shall provide a privately owned publicly-accessible space (POPS) with a minimum area of 1,500 square metres, to be provided on the south side of Village Green Square in Phase 2 and financially secured in Phase 1, with appropriate signage in accordance with the Privately Owned Publicly-Accessible Space Guidelines and to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor; and
- The owner shall provide a publicly accessible, privately owned and maintained walkway and open space landscaped area, extending across the rear of the entire site, and within all

phases of development, with connections to Village Green Square as warranted, including a connection across from Metrogate Park in Phase 3.

## **CONTACT**

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E-mail: Doug.Muirhead@toronto.ca

## **SIGNATURE**

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Paul Zuliani, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations (North)

Attachment 3: Elevations (South)

Attachment 4: Elevations (East and West)

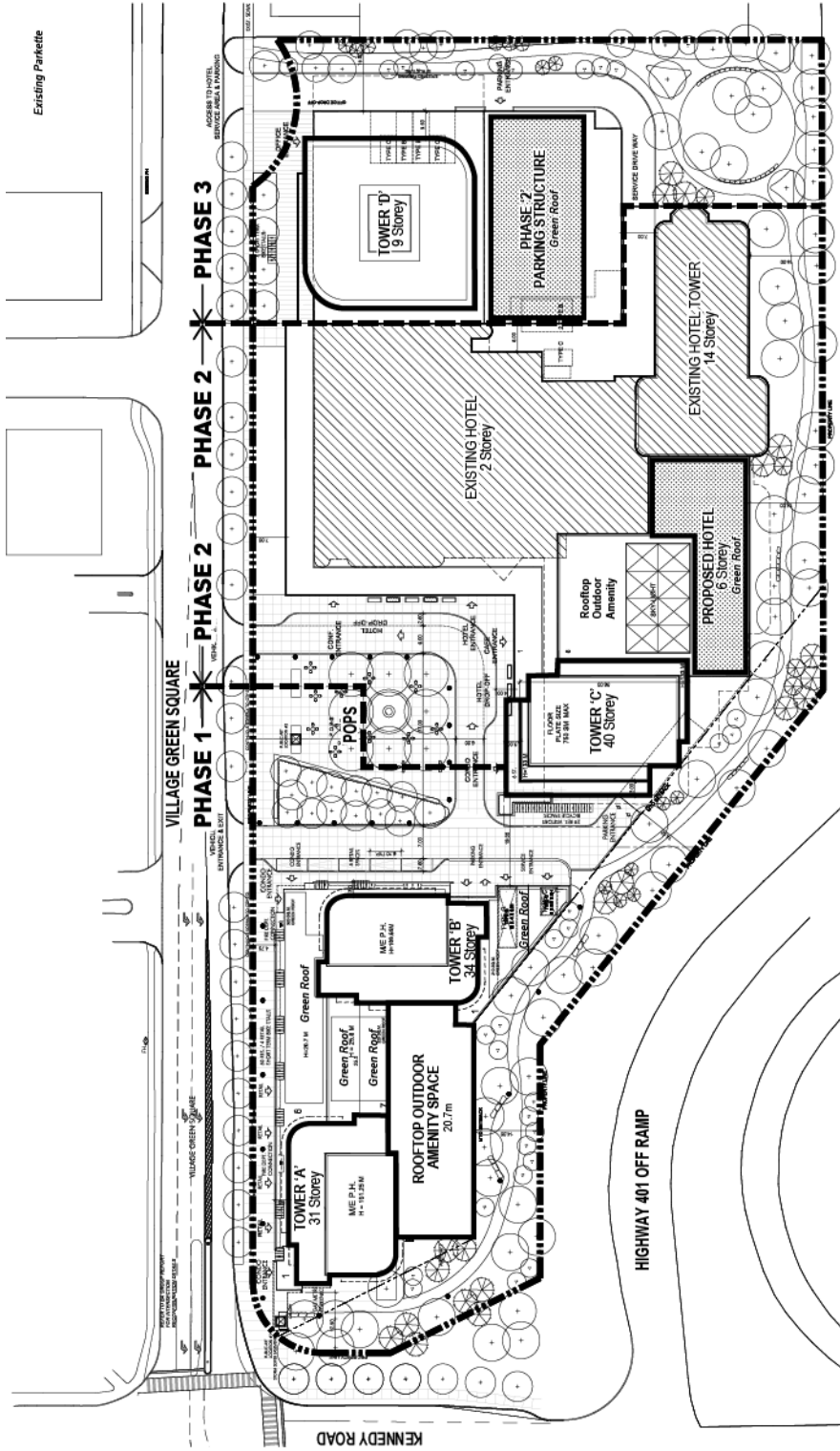
Attachment 5: Agincourt Secondary Plan: Urban Structure Plan

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



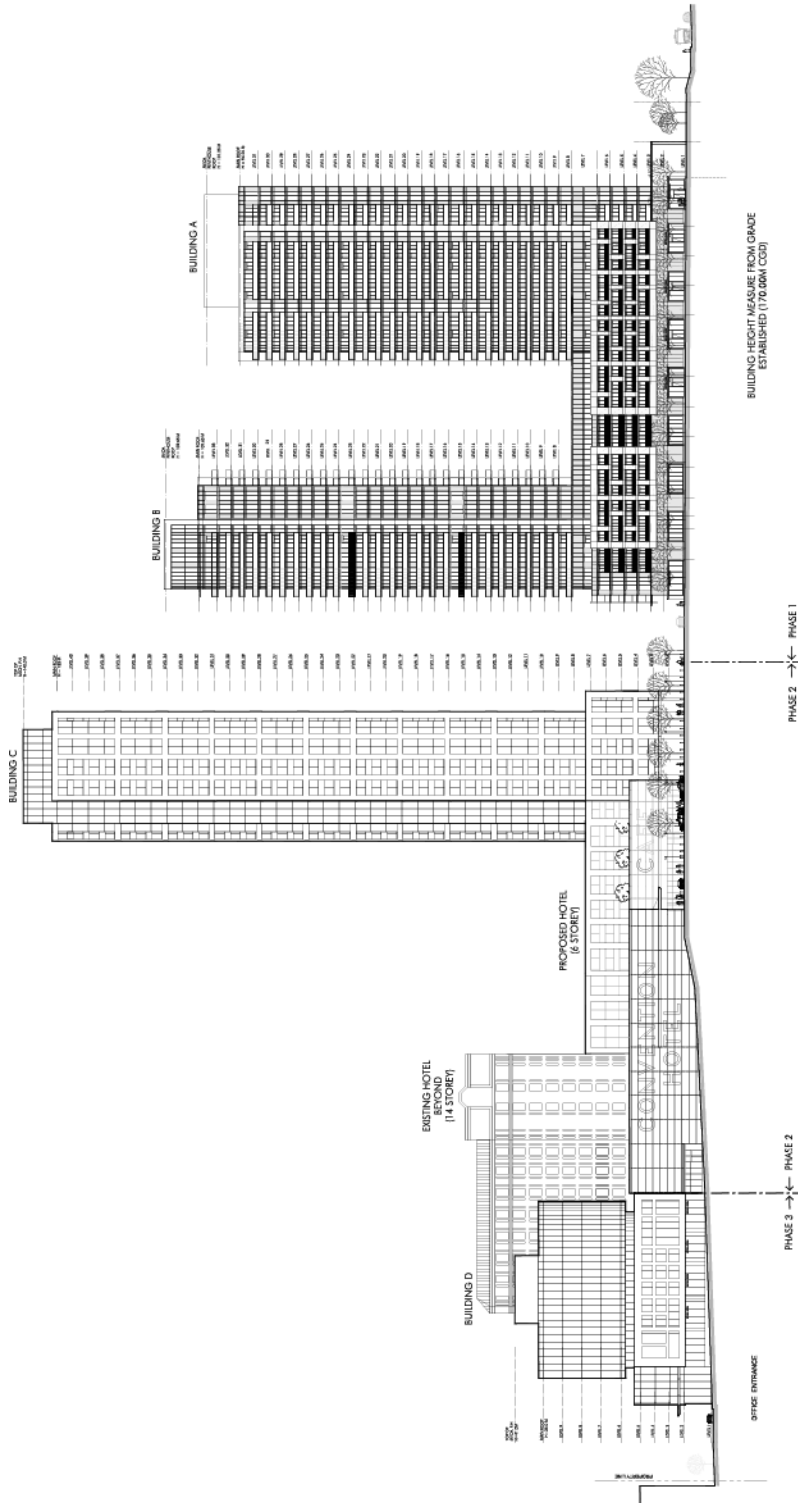
2035 Kennedy Road

Site Plan  
 Applicant's Submitted Drawing

File # 15 167709 ESC 40 0Z

Not to Scale  
 05/24/2017

**Attachment 2: Elevations (North)**



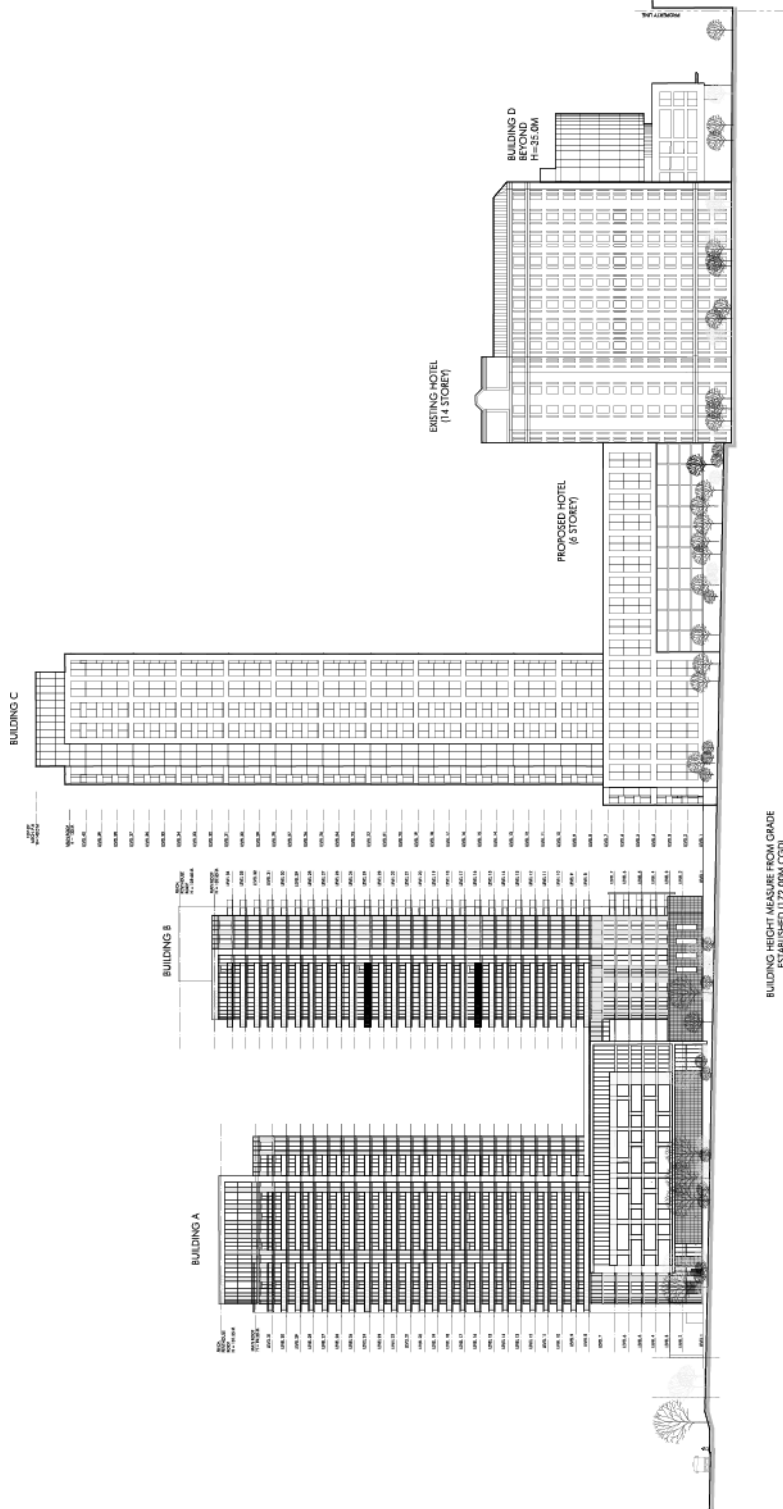
**2035 Kennedy Road**

File # 15 167709 ESC 40 0Z

**Elevation - North**  
 Applicant's Submitted Drawing

Not to Scale  
 05/17/2017

**Attachment 3: Elevations (South)**



**2035 Kennedy Road**

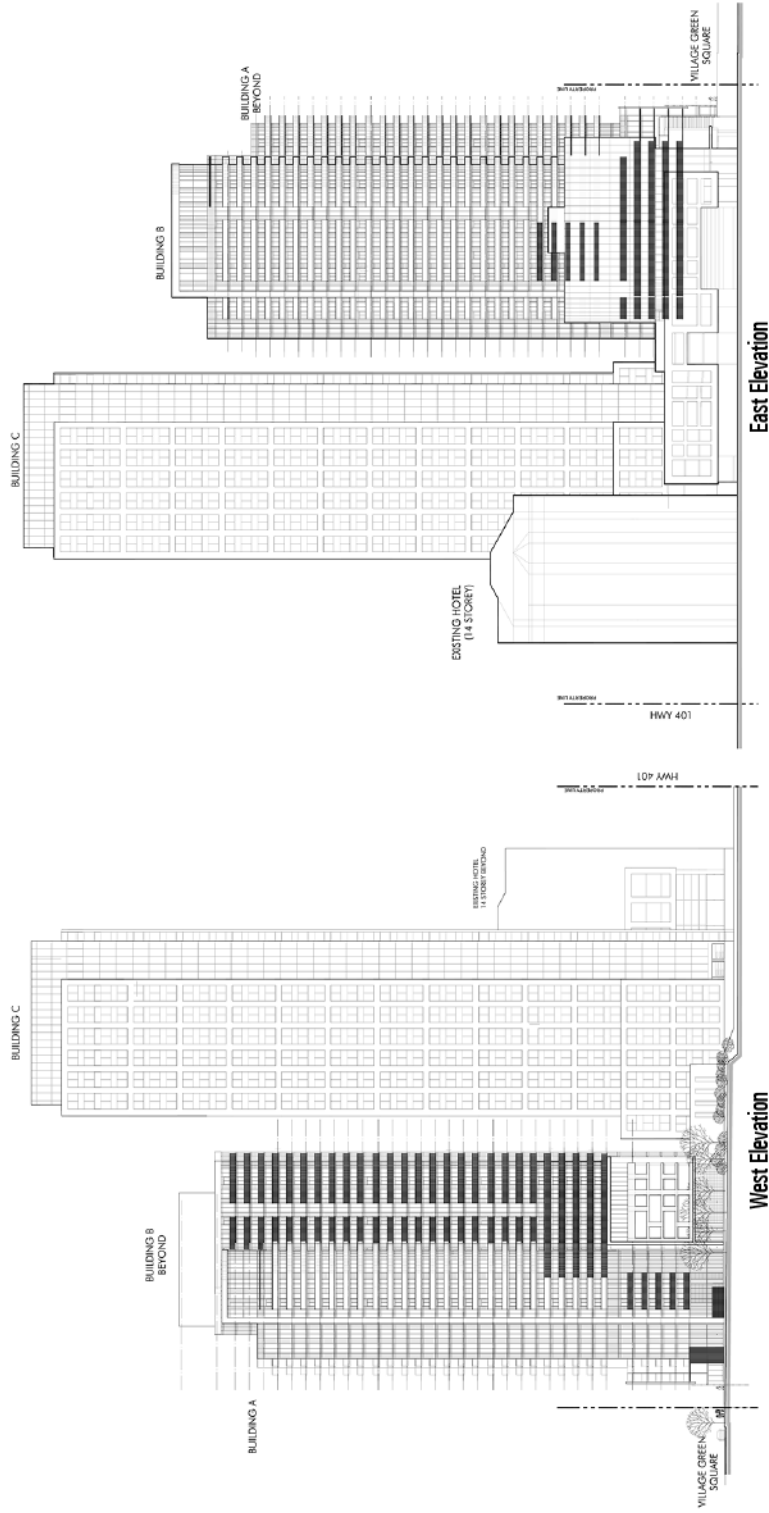
**File # 15 167709 ESC 40 02**

**Elevation - South**  
**Applicant's Submitted Drawing**

Not to Scale  
 06/17/2017



**Attachment 4: Elevations (East and West)**



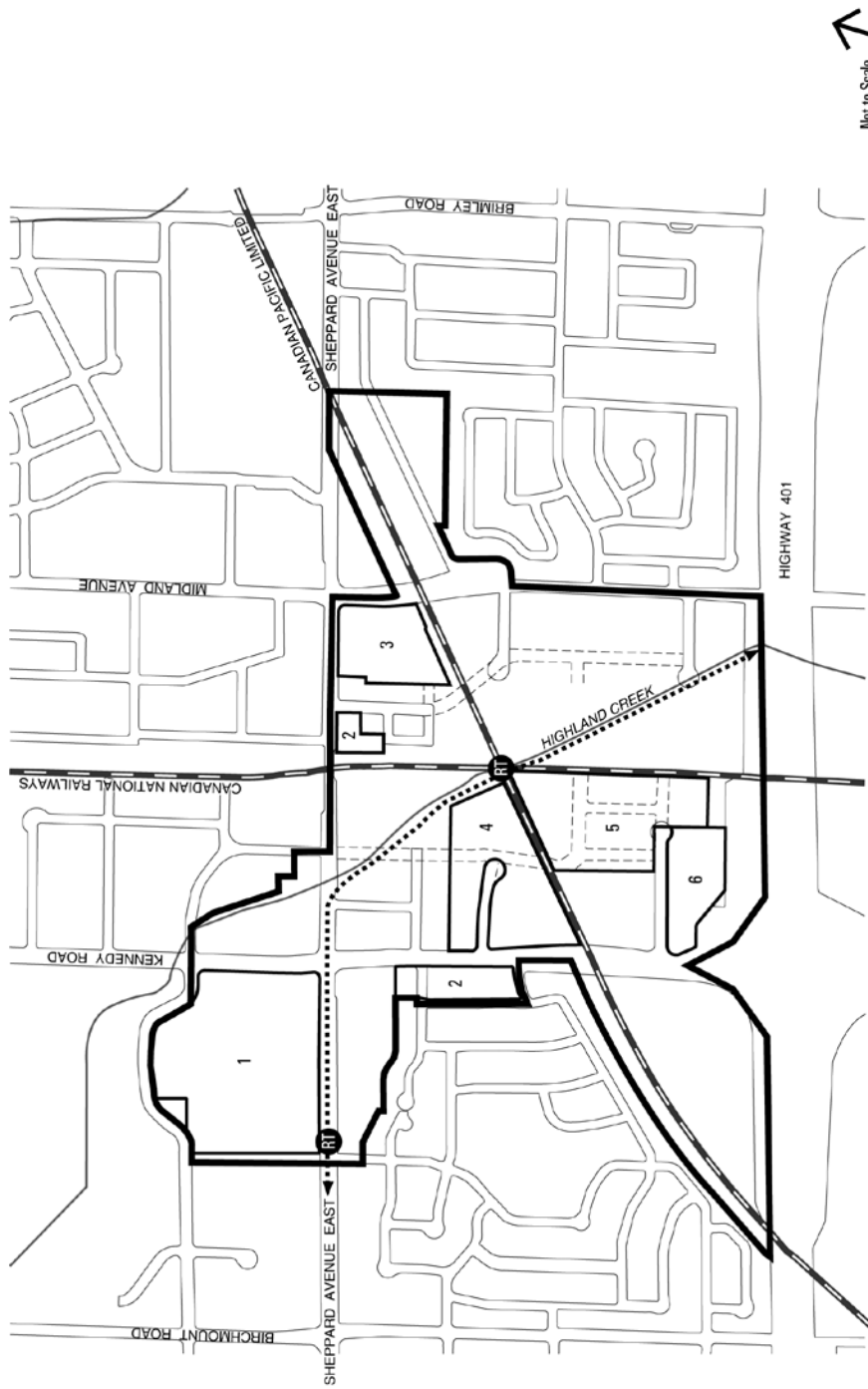
**2035 Kennedy Road**

File # 15 167709 ESC 40 0Z

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
05/17/2017

# Attachment 5: Agincourt Secondary Plan: Urban Structure



Not to Scale

## Agincourt Secondary Plan MAP 1-1 Urban Structure Plan

## Toronto Official Plan Amendment #231 City Planning Division

- Secondary Plan Boundary
- Site and Area Specific Policies
- Proposed Road
- Proposed Rapid Transit
- Proposed Rapid Transit Station
- Railway
- Highland Creek

October 2013

## Attachment 6: Zoning



TORONTO City Planning

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

**2035 Kennedy Road**

**File # 15 167709 ESC 40 0Z**

Location of Application

- RD** Residential Detached
- E** Employment Industrial
- EH** Employment Heavy Industrial
- ON** Open Space Natural
- OR** Open Space Recreation
- UT** Utility and Transportation

See Former City of Scarborough Employment District By-Law No. 24982 ( South Agincourt and Progress )

- M** Industrial Zone
- MG** General Industrial Zone
- MS** Special Industrial Zone
- ME** Mixed Employment Zone
- OU** Office Uses Zone
- HC** Highway Commercial Zone
- SDC** Special District Commercial Zone
- PU** Public Utilities Zone
- CR** Commercial/Residential Zone
- RU** Recreational Zone

- P** Parks Zone
- MF** Multiple Family Residential Zone

Not to Scale  
Extracted: 6/17/2015

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	15 167709 ESC 40 OZ
Details	Rezoning, Standard	Application Date:	June 3, 2015

Municipal Address: 2035 KENNEDY RD

Location Description: CON 2 PT LOT 28 AND PLAN 9945 RCP LOT 19 NOW RP66R12484 PART 1, 2 AND RP64R2936 PART 1 \*\*GRID E4006

Project Description: Zoning bylaw amendment to permit a multi-phased, high density mixed use development. Includes three residential apartment (condominium) towers 31, 34 & 40 storeys in height, retail uses, retention of existing 14 storey hotel, 100 new hotel rooms (75 replacement & 25 additional), publically accessible urban plaza, new parking structure, 9 storey office & retail building with integrated parking garage. Total of 1,044 dwelling units proposed.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BENNETT JONES	ANDREW JEANRIE	PAGE AND STEELE INC BRIAN SICKLE	TARN FINANCIAL CORPORATION

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 6 Agincourt Secondary Plan
Zoning:	HC	Historical Status:	N/A
Height Limit (m):	20 (above grade parking structure)	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	27926	Height:	Storeys :	9, 31, 34, & 40 (proposed)
Frontage (m):	282.38 Village Green Sq.		Metres:	35, 95, 105, 133
Depth (m):	122.26			
Total Ground Floor Area (sq. m):	14117			<b>Total</b>
Total Residential GFA (sq. m):	74389		Parking Spaces:	1715
Total Non-Residential GFA (sq. m):	37782		Loading Docks	10
Total GFA (sq. m):	112171			
Lot Coverage Ratio (%):	50.5			
Floor Space Index:	4.0			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			<b>Above Grade</b>	<b>Below Grade</b>
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	74389	0
Bachelor:	0	Retail GFA (sq. m):	664	0
1 Bedroom:	609	Office GFA (sq. m):	7150	0
2 Bedroom:	376	Industrial GFA (sq. m):	0	0
3 + Bedroom:	59	Institutional/Other GFA (sq. m):	29090 (hotel & conference)	0
Total Units:	1044			

**CONTACT: PLANNER NAME: Doug Muirhead, Senior Planner (416) 396-7029**

**Attachment 8: Draft Zoning By-law Amendment**

**CITY OF TORONTO**

**Bill No. ~**

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

**To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District), as amended, with respect to lands municipally known in the year 2017 as 2035 Kennedy Road.**

Whereas Council of the City of Toronto has the authority to 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 No. 24982, 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 HEREBY ENACTS as follows:

- 1. SCHEDULE 'A'** of the Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District) is amended by deleting the current zoning provisions for the lands municipally known as 2035 Kennedy Road and replacing them with the following zoning provisions as shown on Schedule '1' attached hereto and forming part of this by-law:

CR-873-1200-1640-1688-1689-1756-2029-2085-2086-2087-2088-2386

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2. **SCHEDULE "B"** of the Employment Districts Zoning By-law No. 24982, **PERFORMANCE STANDARDS CHART**, is amended by adding the following performance standards:

**INTENSITY OF USE**

873. (i) **CLAUSE IV – DEFINITONS, Gross Floor Area** shall not apply.
- (ii) **Gross Floor Area** shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the **main wall** of each floor level.
- (iii) **Gross floor area** of a building is reduced by the area in the building used for:
- (A) parking, loading and **bicycle parking spaces** above-ground and below-ground;
  - (B) required loading spaces at the ground level and required **bicycle parking spaces** at or above-ground;
  - (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
  - (D) shower and change facilities required by this By-law for required **bicycle parking spaces**;
  - (E) **amenity space** required by this By-law;
  - (F) elevator shafts;
  - (G) garbage shafts;
  - (H) mechanical penthouse; and
  - (I) exit stairwells in the building.
- (iv) **Gross floor area** of all uses permitted in the **Commercial/Residential Zone (CR)** shall not exceed 113,000 square metres.
- (v) Maximum **gross floor area** of residential uses shall not exceed 75,000 square metres.
- (vi) Maximum 1,044 **dwelling units** as follows:
- a. Maximum 644 **dwelling units** on lands identified as Phase 1 on Schedule 1.
  - b. A minimum of 59 **dwelling units** shall be three or more bedroom **dwelling units** on lands identified as Phase 1 on Schedule 1
  - c. Maximum 400 **dwelling units** on lands identified as Phase 2 on Schedule 1.
- (vii) A minimum of 410 square metres of retail store **gross floor area** shall be provided on lands identified as Phase 1 on Schedule 1.

- (viii) A minimum of 29,000 square metres of **hotel gross floor area** shall be provided on lands identified as Phase 2 on Schedule 1 in conjunction with any apartment use on lands identified as Phase 2 on Schedule 1.
- (ix) A minimum of 7,000 square metres of office **gross floor area** shall be provided on lands identified as Phase 3 on Schedule 1.

## **SETBACKS**

1200. (i) The setbacks and stepbacks from the **lot** line(s) to the **main wall**(s) of any building(s) and additional stepbacks from the **main wall**(s) of any building(s) to the **main wall**(s) of any building(s) and separation distances between buildings shall be the minimum distance in metres specified by the numbers on Schedule 2 of By-law No. (Clerk to insert By-law #).
- (ii) Notwithstanding **CLAUSE V - GENERAL PROVISIONS**, Sub-Clause 5 (Main Wall Projections), the following building elements and **structures** may encroach into a required minimum building setback from the **main wall** as follows:
- a. Balconies and **canopies**: a maximum projection of 1.5 metres. Balcony projections from the north **main wall** of buildings on lands identified as Phase 1 on Schedule 1 are only permitted at and above a **height** of 7 **storeys**.
  - b. eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, vents, wheelchair ramps, retaining walls, landscape features, ornamental elements, walkways, stairs, covered stairs and stair enclosures, decks, planters and public art features: no limit subject to approval by the City Planning Division.

## **PARKING**

1688. (i) **CLAUSE V – GENERAL PROVISIONS**, sub-clause 7.1.3 Sum of Requirements shall not apply.
- (ii) Calculation of Parking Space Requirements – Rounding:  
If the calculation of the number of required 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 parking space.
- (iii) **CLAUSE V – GENERAL PROVISIONS**, sub-clause 7.4 Parking Structures shall not apply.
- (iv) **CLAUSE V – GENERAL PROVISIONS**, sub-clause 7.2 **Table of Required Rates** shall not apply.
- (v) Table of Required Vehicle Parking Rates

Except as otherwise specifically regulated by the By-law, parking spaces shall be provided in accordance with the parking rates set out in the following table:

Use	Parking Rate	Parking Occupancy Rate		
		6 a.m. to 12 p.m.	12 p.m. to 6 p.m.	6 p.m. to 6 a.m.
<b>Dwelling unit</b> in an Apartment (Tenant requirement)	For a <b>dwelling unit</b> in an apartment, parking spaces must be provided: i. at a minimum rate of: a. 0.8 for each bachelor <b>dwelling unit</b> up to 45 square metres and 1.0 for each bachelor <b>dwelling unit</b> greater than 45 square metres; b. 0.9 for each one bedroom <b>dwelling unit</b> ; c. 1.0 for each two bedroom <b>dwelling unit</b> ; and d. 1.2 for each three or more bedroom <b>dwelling unit</b> .	100%	100%	100%
<b>Dwelling unit</b> in an Apartment (Visitor requirement: base, non-shared)	For a <b>dwelling unit</b> in an Apartment, parking spaces for visitors must be provided at a minimum rate of 0.17 per <b>dwelling unit</b> on-site.	100%	100%	100%
<b>Dwelling unit</b> in an Apartment (Visitor requirement: peak period - shared)	Plus 0.03 per <b>dwelling unit</b> on-site or shared with the following uses <b>ancillary</b> to a <b>Hotel</b> : Meeting Rooms, <b>Restaurants</b> , <b>Personal Service Shops</b> , <b>Recreational Uses</b> , <b>Places of Entertainment</b> and Retail Stores.	0%	0%	100%
<b>Hotel</b>	1 space per 2 hotel bedroom units.	100%	100%	100%
<b>Hotel Ancillary</b> uses: Meeting Rooms, <b>Restaurants</b> , <b>Personal Service Shops</b> , <b>Recreational Uses</b> , <b>Places of Entertainment</b> and Retail Stores.	9.0 per 100 square metres of <b>gross floor area</b> .	100%	100%	30%
Office	Minimum rate of 1.5 for each 100 square metres of <b>gross floor area</b> .	100%	60%	0%



Use	Parking Rate	Parking Occupancy Rate		
		6 a.m. to 12 p.m.	12 p.m. to 6 p.m.	6 p.m. to 6 a.m.
Retail Stores	Minimum rate of 1.5 for each 100 square metres of <b>gross floor area</b> .	20%	100%	100%

## BICYCLE PARKING

### 1689. (i) Rounding of Bicycle Parking Space Requirements

If the calculation of the minimum **bicycle parking spaces** for all uses results in a fraction of a **bicycle parking space** being required, the number of required **bicycle parking spaces** must be rounded up to the next whole number.

### (ii) Meaning of Long-Term Bicycle Parking and Short-Term Bicycle Parking

- a. Long-term **bicycle parking spaces** are for use by the occupants or tenants of a building; and
- b. Short-term **bicycle parking spaces** are bicycle parking spaces for use by visitors to a building.

### (iii) Bicycle Parking Space Dimensions

- a. The minimum dimension of a **bicycle parking space** is:
  - i. minimum length of 1.8 metres;
  - ii. minimum width of 0.6 metres; and
  - iii. minimum vertical clearance from the ground of 1.9 metres; and
- b. the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device is:
  - i. minimum length or vertical clearance of 1.9 metres;
  - ii. minimum width of 0.6 metres; and
  - iii. minimum horizontal clearance from the wall of 1.2 metres; and
- c. if a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.

**Stacked Bicycle Parking Space** means a horizontal **bicycle parking space** that is positioned above or below another **bicycle parking space** and equipped with a mechanical device providing floor level access to both **bicycle parking spaces**.

### (iv) Vertical Clearance of a Bicycle Parking Area

An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:

- a. 2.4 metres if it is a **stacked bicycle parking space**; and
- b. 1.9 metres in all other cases.

### (v) "Long-term" **bicycle parking spaces** must be located in a building.

- (vi) If a building has uses, other than **dwelling units**, for which a "long-term" **bicycle parking space** is required, shower and change facilities must be provided for each gender at the following rate:
  - a. none if less than 5 required "long-term" **bicycle parking spaces**;
  - b. 1 for 5 to 60 required "long-term" **bicycle parking spaces**;
  - c. 2 for 61 to 120 required "long-term" **bicycle parking spaces**;
  - d. 3 for 121 to 180 required "long-term" **bicycle parking spaces**; and
  - e. 4 for more than 180 required "long-term" **bicycle parking spaces**.
- (vii) A required "long-term" **bicycle parking space** may be located:
  - a. on the first **storey** of the building;
  - b. on the second **storey** of the building;
  - c. on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50% of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided.
- (viii) A "long-term" **bicycle parking space** may be located in a **stacked bicycle parking space**.
- (ix) Table of Required **Bicycle Parking Space Rates**

Except as otherwise specifically regulated by the By-law, **bicycle parking spaces** shall be provided in accordance with the parking rates set out in the following table:

Use	Bicycle Parking Space Rates	
	Short-Term <b>Bicycle Parking Spaces</b>	Long-Term <b>Bicycle Parking Spaces</b>
Office	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.15 <b>bicycle parking spaces</b> for each 100 square metres of <b>interior floor area</b> used for an office	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 square metres of <b>interior floor area</b> used for an office
<b>Personal Service Shop</b>	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.25 <b>bicycle parking spaces</b> for each 100 square metres of <b>interior floor area</b> used for a <b>personal service shop</b>	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 square metres of <b>interior floor area</b> used for a <b>personal service shop</b>
<b>Restaurant</b>	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.25 <b>bicycle parking spaces</b> for each 100 square metres of <b>interior floor</b>	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 metres of <b>interior floor area</b> used for a <b>restaurant</b>

Use	Bicycle Parking Space Rates	
	Short-Term <b>Bicycle Parking Spaces</b>	Long-Term <b>Bicycle Parking Spaces</b>
	<b>area used for a restaurant</b>	
Retail Store	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.25 <b>bicycle parking spaces</b> for each 100 square metres of <b>interior floor area</b> used for a retail store	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 square metres of <b>interior floor area</b> used for a retail store

- (x) **Interior Floor Area** means the floor area of any part of a building, measured to:
- (A) the interior side of the **main wall**;
  - (B) the centreline of an interior wall; or
  - (C) a line delineating the part being measured.
- (xi) Use With **Interior Floor Area** of 2,000 Square Metres or Less  
Despite the **bicycle parking space** rates set out in (ix) above, if a **bicycle parking space** is required for uses on a **lot**, other than a **dwelling unit**, and the total **interior floor area** of all such uses on the **lot** is 2000 square metres or less, then no **bicycle parking space** is required.
- (xii) Multiple uses on a lot  
If the Table of Required **Bicycle Parking Space Rates** in (ix) above, requires a **bicycle parking space** for one or more uses on a **lot**, the total number of **bicycle parking spaces** required is equal to the cumulative total of all **bicycle parking spaces** required for each use on the **lot**.
- (xiii) **Bicycle Parking Space Requirements for Dwelling Units**  
A minimum of 0.75 **bicycle parking spaces** are required for each **dwelling unit** in an apartment, allocated as 0.68 "long-term" **bicycle parking spaces** per **dwelling unit** and 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**.

## HEIGHT

1756. (i) The **height** of any building or **structure**, does not exceed the **height** in metres specified by the numbers (Main Roof) on Schedule 2 of By-law No. (Clerk to insert By-law #).
- (ii) The **height** of any equipment or **structures** located on the roof of a building, does not exceed the **height** in metres specified by the numbers (Mechanical Penthouse) on Schedule 2 of By-law No. (Clerk to insert By-law #).
- (iii) A parapet wall for a **green roof** may exceed the permitted maximum **height** (Main Roof) by 2.0 metres.

- (iv) Unenclosed **structures** providing safety, noise mitigation or wind protection to rooftop **amenity space** may exceed the maximum **height** (Main Roof): no limit.

## MISCELLANEOUS

2085. (i) **Amenity Space** means indoor or outdoor space on a **lot** that is communal and available for use by the occupants of a building on the **lot** for recreational or social activities.
- (ii) **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.
- (iii) **Amenity space** for each **dwelling unit** shall be provided at the following rates:
- a. a minimum of 2.0 square metres for each **dwelling unit** shall be indoor **amenity space**;
  - b. a minimum of 1.5 square metres shall be outdoor **amenity space** in a location adjoining or directly accessible to an indoor **amenity space**; and
  - c. a maximum of 25% of the outdoor **amenity space** may be a **green roof**.
2086. The minimum floor to floor **height** of the first floor shall be 4.5 metres for that portion of a building used for retail store uses on lands identified as Phase 1 on Schedule 1.
2087. The separation distance between the **main walls** of the building(s) above 6 **storeys** shall be a minimum of 25 metres.
2088. The maximum floor plate area of each **storey** above 6 **storeys** shall be 750 square metres, including all built area within the building(s).

## SECTION 37

2386. Pursuant to Section 37 of the Planning Act, R.S.O. 1990, c. P. 13, as amended and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision of the following facilities, services and matters to the City at the Owner's expense, and the Owner shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, c. P. 13, as amended which are in a form and registered on title to the lands, to the satisfaction of the City Solicitor:

(1) Phase 1:

- a. Payment of a cash contribution to the City of \$1,500,000, payable prior to issuance of the first above-grade building permit for a building or structure in Phase 1, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; for the provision of the following:
  - (i) \$300,000 to be directed towards the capital construction costs of the proposed Agincourt multi-use pathway connection to Collingwood Park from the Metrogate subdivision;
  - (ii) \$500,000 to be directed towards capital improvements to the Agincourt District Library Branch of the Toronto Public Library;
  - (iii) \$700,000 to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub; and
  - (iv) In the event the cash contributions referred to in (i), (ii) and (iii) above have not been used within three (3) years of the By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan.

(2) Phase 2:

- a. Payment of a cash contribution to the City of \$1,000,000, payable prior to issuance of the first above-grade building permit for a building or structure in Phase 2, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; for the provision of the following:
  - (i) \$300,000 to be directed towards the provision of public art within the privately owned publicly-accessible space (POPS) required to be provided on site; and
  - (ii) \$700,000 to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub.
  - (iii) in the event the cash contribution referred to in (ii) above has not been used within five (5) years of the 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 Division, in consultation with the Ward

Councillor, provided that the purpose is identified in the Official Plan.

(3) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- (i) the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
- (ii) the owner shall provide a privately owned publicly-accessible space (POPS), with a minimum area of 1,500 square metres, on the south side of Village Green Square in Phase 2, which will be financially secured in Phase 1, with appropriate signage in accordance with the Privately Owned Publicly-Accessible Space Guidelines and to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
- (iii) The owner shall provide a publicly accessible, privately owned and maintained walkway and open space landscaped area, extending across the rear of the entire site, and within all phases of development, with connections to Village Green Square as warranted, including a connection across from Metrogate Park in Phase 3.

**4. SCHEDULE "C" of the Employment Districts Zoning By-law No. 24982, EXCEPTIONS LIST is amended by adding the following Exception No.:**

154. Only the following uses are permitted on lands identified on Schedule 1.

- (a) Phase 1 Lands:
  - Apartments
  - Retail Stores
- (b) Phase 2 Lands:
  - Apartments
  - **Hotels**
  - Sales Centre
- (c) Phase 3 Lands:
  - Offices (excluding medical office)
  - Retail Stores
  - Residential uses are not permitted

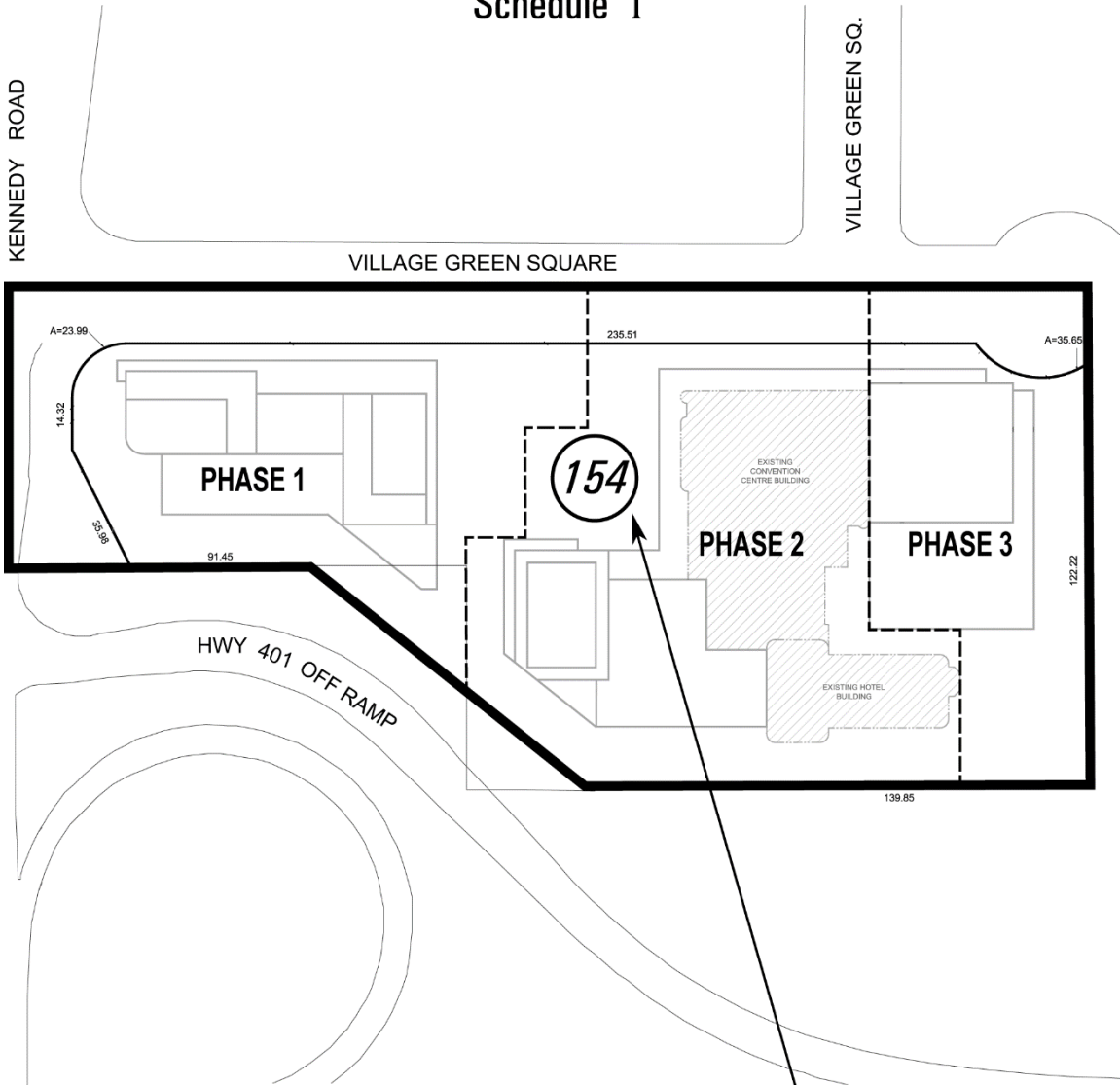
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

Schedule '1'



CR-873-1200-1640-1688-1689-1756-  
2029-2085-2086-2087-2088-2386

**TORONTO**  
Zoning By-Law Amendment

2035 Kennedy Road

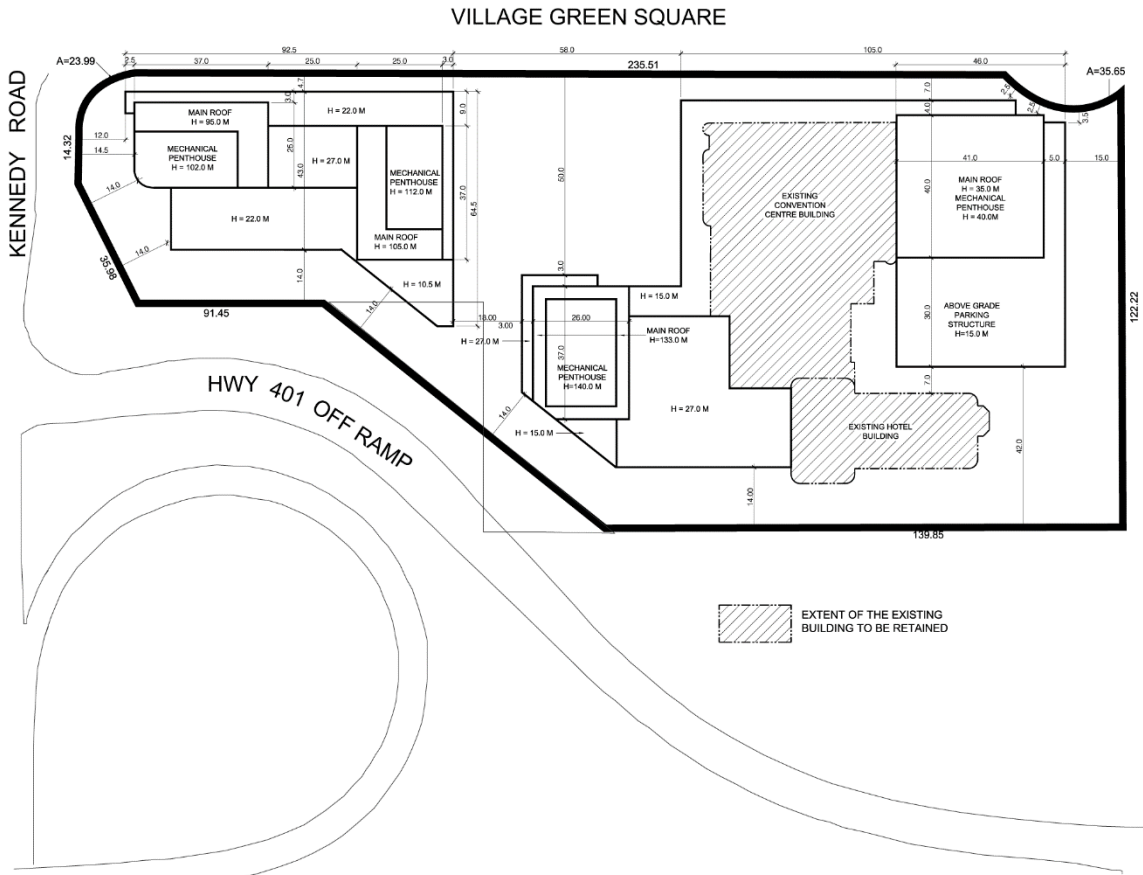
File # 15 167709 ESC 40 0Z

 Area Affected By This By-Law

South Agincourt Employment District By-Law  
Not to Scale  
05/29/2017



# Schedule '2'



**TORONTO**  
**Zoning By-Law Amendment**

2035 Kennedy Road

File # 15 167709 ESC 40 0Z

Area Affected By This By-Law

South Agincourt Employment District By-Law  
 Not to Scale  
 05/25/2017