



**STAFF REPORT  
ACTION REQUIRED**

**2799-2815 Kingston Road – Zoning Amendment  
Application – Final Report**

<b>Date:</b>	December 18, 2017
<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>	13 237724 ESC 36 OZ

**SUMMARY**

This application proposes to amend the applicable zoning by-laws to facilitate the redevelopment of the lands at 2799-2815 Kingston Road with a 9 storey, 15,737 square metre (169,392 square foot), mixed use building comprised of 188 residential dwelling units and approximately 1,328 square metres (14,295 square feet) of ground floor commercial/retail space. The proposal contemplates permissions for a floor space index (FSI) of 4.4 times the lot area. A total of 205 vehicular parking spaces are proposed on the subject lands accessed via a paved rear laneway.

The proposed development is consistent with the Provincial Policy Statement and conforms to the Official Plan and the Growth Plan for the Greater Golden Horseshoe. The proposal addresses the Avenues and Mid-Rise Guidelines and the land use proposed is compatible with adjacent and nearby land uses.

This report reviews and recommends approval of the application to amend the relevant Zoning By-laws.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 9396, as amended, for the lands at 2799-2815 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report dated December 18, 2017.
2. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 2799-2815 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to report dated December 18, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. Payment of a financial contribution of \$320,000.00 directed towards public realm and streetscape improvements on Kingston Road between Brimley Road and Bellamy Road designed to satisfaction of the Chief Planner and Executive Director of City Planning, payable to the Treasurer, City of Toronto, prior to the issuance of the first above grade building permit and to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date the payment is made.
    - ii. In the event the cash contributions identified in i. above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
  - b. 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 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The preliminary report for this application was considered by Scarborough Community Council (SCC) at its meeting on November 19, 2013. The recommendations put forward by staff were adopted without amendment. The preliminary report and the decision of SCC can be found at the following hyperlink:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.SC28.21>

### **ISSUE BACKGROUND**

#### **Proposal**

The proposed redevelopment consists of a 9-storey, 15,737 square metre (169,392 square foot), mixed use building. The new building will contain 188 new dwelling units comprised of 45 one-bedroom units, 134 two-bedroom units and 9 three bedroom units and 1,328 square metres (14,295 square feet) of grade related retail/ commercial space. The redevelopment contains a total of 376 square metres (4,047 square feet) of indoor amenity space and 390 square metres (4,198 square feet) of outdoor amenity space on the 2<sup>nd</sup> floor. The proposal contemplates a total of 205 vehicular parking spaces comprised of 199 spaces for residents and visitors within a 3 level underground parking garage and 6 surface/'convenience' parking spaces oriented towards the rear of the building. The proposal incorporates 170 bicycle parking spaces comprised of 134 'long term' spaces within the building and 36 'short term' bicycle parking spaces at grade (refer to Attachment 4: Application Data Sheet).

The applicant intends to widen the existing unimproved 4.6 metre wide city owned laneway abutting the southerly end of the site by conveying an approximately 2.9 metre wide linear strip of land to the City. The new 7.5 metre (25 foot) wide public laneway proposed consists of a 1.5 metre wide landscaped buffer and 6.0 metre wide concrete hard surface. The laneway will primarily provide vehicular access to the underground parking garage ramp, the central lobby (rear access), and the garbage collection and loading areas.

Along Kingston Road, pedestrian access to the central lobby and to the grade related retail/ commercial space will be via a new 2.1 metre wide sidewalk/walkway. Of note, the new sidewalk/walkway is proposed to be extended from Kingston Road along Eastville Avenue and Gradwell Drive narrowing to 2.0 metres along the respective flanking streets.

The building incorporates varying setback depths from Kingston Road, both side streets and the laneway. Of note, the proposal also includes a setback at the 6<sup>th</sup> floor along Kingston Road and along both Eastville Avenue and Gradwell Drive and varying setbacks at the 2<sup>nd</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> storeys, along the rear lane.

Lastly, the redevelopment contemplates the provision of a 570 square metre green roof (refer to Attachment 1: Site Plan and Attachment 2: Elevations).

## **Site and Surrounding Area**

The subject lands are 0.42 hectares (1.02 acres) in size and are comprised of two parcels municipally known as 2799 and 2803 Kingston Road and 2815 Kingston Road. The site is located on the south side of Kingston Road west of the intersection of St. Clair Avenue East and Kingston Road. The subject site is rectangular in shape and generally flat, sloping down from Kingston Road to the south end of the site. The site abuts 3 existing public streets and an unimproved city owned laneway strip with approximately 101 metres (331 feet) of frontage on Kingston Road and approximately 37 metres (130 feet) on Gradwell Drive and Eastville Avenue respectively. The lands known as 2799 and 2803 Kingston Road contain an existing vacant, single storey structure previously used as a vehicle repair facility, which will be demolished to facilitate the construction of the proposed mixed use building.

Abutting uses include:

East: 1 and 2-storey buildings containing solely commercial uses or commercial and residential uses in mixed use buildings

West: 1 and 2-storey buildings made up of commercial/retail, vehicle repair and motels.

North: A range of uses including a large single storey retail building, a number of 1-storey motels, and a number of apartment buildings ranging from 5-11 storeys in height.

South: An existing City-owned substandard laneway, and 1 and 2-storey dwellings.

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

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all Staff report for action – Final Report – 2799-2815 Kingston Rd

decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Official Plan**

The subject site is located on an *Avenue* on Map 2-Urban Structure in the Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities.

The subject site is designated *Mixed Use Areas* in the City of Toronto Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. The development criteria in *Mixed Use Areas* includes, creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community; providing for new jobs and homes for Toronto's growing population on underutilized lands; locating and massing new buildings to provide a transition between areas of different development intensity and scale; locating and massing new buildings to frame the edges of streets and parks; providing an attractive, comfortable and safe pedestrian environment; providing good site access and circulation and an adequate supply of parking for residents and visitors; locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

Policy 2.2.3.3 of the Plan states that "development in *Mixed Use Areas* on an *Avenue*, prior to an *Avenue Study* has the potential to set a precedent for the form and scale of reurbanization along the *Avenues*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located."

Furthermore, the policy states that the *Avenue* segment review "will include an assessment of the impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances; consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods*; consider whether the proposed development is supportable by available infrastructure; and be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development."

Development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue Study* unless the review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review.

### **Development Criteria for Avenues**

O.P policy 2.2.3.3 (c), sets out additional policy direction in the form of development criteria to be considered for developments which are on an *Avenues* in a *Mixed Use Areas* designation. The proposed development will support and promote the use of transit; contribute to a range of housing options; contribute to an attractive, safe and comfortable pedestrian environment; is served by adequate parks, community services, water and sewers, and transportation facilities; and will incorporate environmentally sustainable building design and construction practices.

Development in *Mixed Use Areas* on *Avenues* that precedes the completion of an *Avenue Study* will: support and promote the use of transit; contribute to the creation of a range of housing

options in the community; contribute to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing; provide universal physical access to all publicly accessible spaces and buildings; be served by adequate parks, community services, water and sewers, and transportation facilities; and be encouraged to incorporate environmentally sustainable building design and construction practices.

The site is located along a portion of Kingston Road that is identified in the Official Plan on Map 4: Higher Order Transit Corridors and on Map 5: Surface Transit Priority Network.

Of note, other relevant policies detailed in Section 3.1.1 Public Realm, 2.3.1 Healthy Neighbourhoods and 3.1.2 Built Form were considered in the evaluation of this proposal and are discussed further later in this report.

## **Zoning**

The subject site is zoned Commercial Residential (CR) in the City-wide Zoning By-law No. 569-2013, as amended. The (CR) Zone permits a wide range of commercial uses, such as office, personal service shop and retail store and residential uses such as dwelling units, students' residences and retirement homes. The zoning standards for 2815 Kingston Road permit residential or commercial uses at a density of 0.4 times the area of the lot while the zoning for 2799 and 2803 Kingston Road permits solely commercial uses. The land parcel at 2815 Kingston Road is subject to Exception No. 2591 which states vehicle fuel stations and vehicle service shops are not permitted, and sets out other zoning criteria related to residential land use, building setbacks and gross floor area. The parcel at 2799 and 2803 Kingston Road is subject to Exception No. 503 which provides zoning criteria related to building setback and gross floor area and an assortment of other regulations (refer to Attachment 3: Zoning).

The subject site is dual zoned in the CliffCrest Community Zoning By-law No. 9396, as amended. The parcel at 2815 Kingston Road is zoned Highway Commercial (HC) while the parcel at 2799 and 2803 Kingston Road is zoned Neighbourhood Commercial (NC). A range of commercial uses are permitted in both the (HC) Zone and the (NC) Zone including Hotels and Motels, Professional and Business Offices Medical Centres and Day Nurseries. The lands at 2815 Kingston Road are subject to Exception No. 27 which permits dwelling units and prohibits automobile service stations.

## **Avenues and Mid-Rise Building Guidelines**

The 'Avenues and Mid-rise Buildings Study' containing performance standards were considered by City Council in July, 2010 and adopted with amendments. Of note, an addendum to these standards was adopted by Council in 2016. The Guideline and addendum contain performance standards which are to be used together in the evaluation of mid rise development applications where applicable. The study and addendum identify a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed by the Study and addendum include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites.

## **Site Plan Control**

The lands are subject to site plan control. The applicant has submitted a site plan control application (File No. 13 237719 ESC 36 SA), which has been reviewed concurrently with the subject Zoning By-law amendment application.

## **Reasons for Application**

The rezoning application is required in order to permit the proposed mixed use development and specifically to allow for residential land use on the entire development block. Furthermore, the application is necessary to establish all relevant performance standards to facilitate the redevelopment of the lands.

## **Community Consultation**

At its meeting on November 19, 2013, Scarborough Community Council (SCC) authorized staff to hold a community consultation meeting which was subsequently held on January 23, 2014 with planning staff, the Ward Councillor and 29 members of the public in attendance. A total of 931 notices were mailed out notifying all residents and landowners within 240 metres of the site as directed by SCC. The planning issues raised at the meeting or by written submissions included height and density concerns, shadows & privacy concerns, parking impacts & the traffic impact of the development on nearby roads, wind impacts, adequacy of the existing local servicing infrastructure to manage the increased demand from the development, noise impacts from outdoor amenity spaces, location of garbage loading space and the capacity of local schools to accommodate students generated by this development.

Through the development review process the application was refined to address comments from staff and the community and on April 12, 2017, a 2<sup>nd</sup> community consultation meeting was held by the local councillor with planning staff and the applicant in attendance. The additional issue raised was the influence the proposed redevelopment will have on the remaining lands along Kingston Road in CliffCrest Community.

## **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**

Section 1.1.3.2 of the Provincial Policy Statement (PPS) directs that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which are planned or available; are transit supportive and support active transportation. Furthermore, section 1.1.3.3 contains relevant policies which indicate that planning authorities identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs. With



respect to housing, in section 1.4.3, the PPS directs that planning authorities provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed.

The applicant's proposal makes more efficient use of a land parcel along a corridor slated to for intensification (an *Avenue*), by increasing the amount of residential and commercial density on an underutilized parcel. The proposal furthers the direction of promoting densities which support the use of transit where it is to be developed by intensifying the use of the subject site with redevelopment along a section of Kingston Road identified as a Higher Order Transit Corridor on Map 4 in the O.P. Also of note, the proposal supports the objective of providing a range and mix of housing types in the area given the fact that the proposal introduces apartment style dwelling units in a midrise built form along Kingston Road and the applicant has indicated the new building is to be condominium in tenure. The engineering reports reviewed and accepted by staff verify that the existing sanitary and watermain infrastructure can accommodate the proposed redevelopment and that through the implementation of stormwater management strategies the stormwater infrastructure is adequate for the redevelopment. Lastly, through the proposed enhancements to the public realm/streetscape and by incorporating grade related retail uses this application supports active transportation.

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) encourages development of compact, complete communities which include the provision of options for safe non-motorized travel, and by offering a balance of transportation options that reduces reliance upon any single mode and promotes transit, cycling and walking. The proposed development includes provisions for bicycle storage, provides sidewalks along all 3 street abutting streets, provides ride sharing opportunities and locates increased density along a transit corridor.

The infill form of development assists the City in meeting provincially mandated intensification targets of people and jobs as required by the Growth Plan for the Greater Golden Horseshoe and is consistent with Policy 2.2.1.3 c), as the proposed development "supports the achievement of complete communities through a more compact built form."

The proposal also furthers the policy objective in 2.2.1.4 c) to "provide a diverse range and mix of housing options" by providing a mix of bedroom unit types

Finally, direction in Policy 2.2.1.4 e) supports the achievement of complete communities that "ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards." The proposed development meets these objectives through the implementing policies of the Official Plan.

Based on the above-noted reasons, staff are of the opinion that the proposed development application is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

## Land Use

The *Mixed Use Areas* achieve a multitude of planning objectives and allow for residents to live work and shop in the same area or even the same building, reduce car dependency, and create districts along transit routes that are animated, attractive and safe. The designation is made up of a broad range of commercial, residential and institutional uses in a single use or mixed use building as well as parks open spaces and utilities. The proposed development will contain new residential dwelling units atop grade related retail/commercial space in a single building. The proposed development is located within an existing and planned context of single use and mixed use buildings, intended to be intensified and slated for transit improvements. Given the proposed land use, planning staff opine that the proposed redevelopment is an appropriate land use on the subject lands.

### **Avenue Segment Study (McCowan Road to Brimley Road)**

The overall goal of the Avenue Segment Review is to ensure that a proposed redevelopment will establish a positive precedent for future reurbanization of the *Avenue* with regard to building form, massing and intensity.

Specifically, the *Avenues* policy 2.2.3.3(b) of the Plan states that "Development in *Mixed Use Areas* on an *Avenue*, prior to an *Avenue* Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenues*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. The policies note the segment review should include; an assessment of the impacts of incremental development on the entire *Avenue* segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances; consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*; and consider whether the proposed development is supportable by available infrastructure.

Development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review.

In support of the proposed redevelopment of the lands the applicant submitted an Avenue Segment Study prepared by M. Behar Planning and Design Inc. dated August 2013. All properties generally along the north and south side of Kingston Road between McCowan Road and Brimley Road were studied. The study estimates that the segment could accommodate a total of approximately 1535 new residential units on the 7 'soft' sites identified for potential redevelopment as well as commercial space.

The segment study analyzed the impact of the proposed development by identifying and studying the larger impact of the 'soft' sites along this segment of Kingston Road redeveloping at a similar form, scale and intensity. The study also considered whether there would be any adverse impacts on adjacent *Neighbourhoods* due to incremental development on the *Avenue* segment. Though

not contained in the segment review the applicant has considered if the development can be supported by available infrastructure via the submission of a Site Servicing Design Brief, Hydrogeotechnical Report, a Phase 1 and Phase 2 Environmental Site Assessment and Stormwater Management Report. The reports were reviewed by relevant staff and no further concerns were raised.

Planning staff are satisfied that the development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review. It should be noted that the conclusions of the segment study with respect to building heights and massing are not to be construed as being conclusive or providing prescriptive direction insofar as the evaluation of future development applications that the City may receive.

Of note, the applicant's Avenue segment study introduced a special rear 45 degree angular plane measurement for certain sites within the Avenue segment to address adjacency issues. Though the review indicated that the 'special angular plane' could be applied to the subject site and 3 of the 7 'soft' sites resulting in minimal impacts on the surrounding neighbourhood, staff strongly advised that the formula from the Avenues and Mid-Rise Study Guidelines (2010) should be utilized to appropriately measure the rear angular plane on the subject 'shallow lot' to avoid adverse impacts on the adjacent neighbourhood and the establishment of a negative precedent. The applicant's proposal was revised to incorporate the subject Mid-Rise Guidelines performance standard.

### **Community Concerns**

In other sections of this report, staff have addressed the issues raised by the community including concerns related to height and density, shadows & privacy, traffic and parking impacts, groundwater/hydrogeology concerns, flooding and the associated matter of the adequacy of existing local servicing infrastructure to manage the increased demand from the development and the influence the proposed redevelopment will have on the remaining lands along Kingston Road.

### **Noise Impacts from outdoor amenity space**

As noted earlier, the applicant proposes to convey a portion of their land to the City to create a 7.5 metre wide city owned lane consisting of a hard surface and a landscaped buffer to the south side of the paved portion. Of note, the proposed landscape buffer will incorporate shrubs and tree plantings. Furthermore, immediately north of the lane the proposed building features a terrace wall and a double row of plantings along the edges which is intended to soften the transition to the neighbourhood, provide noise mitigation for the residences to the south and to direct future outdoor amenity users away from the edges of the outdoor amenity spaces oriented closest to the neighbourhood. Of note, the trees within the landscape buffer are to be maintained by Urban Forestry staff and through the ongoing site plan application review process staff will continue to work with the applicant to ensure an appropriate encroachment agreement is created requiring the future owners of the building to maintain the remaining landscaping within the buffer.

### **Location of Garbage/Loading space**

The applicant's original proposal included a garbage/loading space with no roof. The applicant's redesigned proposal provides for a wholly enclosed garbage and loading space that is fully integrated into the design of the building.

### **Local School Capacity**

Though the Toronto District School Board (TDSB) indicated that there are existing capacity issues at the local schools which would affect additional students generated from the development, the TDSB has also indicated that warning clauses be included in agreements of purchase and sale for future residents notifying purchasers that capacity issues exist locally and that schooling accommodations may need to be made outside the local area for future students. Also, the TDSB recommended that signs be erected on site notifying future purchasers that students may need to be accommodated outside the local area.

Planning Staff are of the opinion that the issues raised by the community have been adequately addressed.

### **Density, Height, Massing**

Among other matters, O.P Section 2.3.1 Healthy Neighbourhoods contains relevant policies for development on lands designated *Mixed Use Areas* indicating that they; be compatible with *Neighbourhoods* which are adjacent or close, provide gradual transition of scale and density towards *Neighbourhoods* as necessary to achieve objectives of the Plan through stepping down of buildings towards and setbacks from those *Neighbourhoods* and address light and privacy. The development has also been reviewed against other relevant policies including *Avenues* policies 2.2.3, Built Form policies 3.1.2 and *Mixed Use Areas* policies 4.1.5. Lastly, the *Avenues & Mid-Rise Building Study Guidelines (2010)* and addendum (2016), intended to help implement policies and directions from the O.P, were used to evaluate the appropriateness of the proposal with respect to height and massing.

Among other matters, a significant consideration in determining the appropriate maximum height of a building on an *Avenue* is ensuring that the height dimension is no higher than the width of the adjacent Avenue's right of way. The planned right of way for Kingston Road is 36 metres in the Official Plan. The proposal requests a maximum height of 30 metres (9 storeys). Another key consideration in determining appropriate height and massing is the application of a 45 degree angular plane. From the rear of the subject site abutting the neighbourhood to the south, the 45 degree angular plane is applied using a prescriptive formula and along the *Avenue* and secondary frontages at a height of 80% of the width of the Avenue. Of note, the rear angular plane is intended, in part, to address compatibility issues with neighbourhoods in close proximity by providing a lower building at the rear and a gradual transition and stepping up from the rear (or side) property line(s). The proposed building mass and height falls under all 45 degree angular planes, with the exception of minor penetrations of the 45 degree angular plane at the 6-9<sup>th</sup> storeys in the rear.

The applicant proposes a setback of 8 metres from the property line at the southerly end of the proposed lane comprised of the new lane and an additional minimum 0.5 metre minimum

building setback. Furthermore, the second storey main wall is setback from the new property line an additional 8.5 metres with additional stepbacks provided at the upper levels.

Of note, the lower portion of the building directly adjacent to the neighbourhood is a maximum of 7.6 metres in height including the private unit terrace walls. The existing dwellings to the south are one and two storeys with zoning permissions for a maximum height of 9 metres (2 storeys). Also, the applicant has included a screen wall and a continuous double row of planting at the southerly edge of all 2<sup>nd</sup> floor outdoor amenity and private amenity spaces to further mitigate negative impacts.

As well as achieving other objectives of the plan, the inclusion of multiple stepbacks and setbacks as well as the proposed rear landscaped buffer contribute to an appropriate transition of the building to the neighbourhood addressing issues of privacy and overlook.

Planning staff are of the opinion that the proposed building is compatible with the neighbourhood to the south, that height, massing and density is appropriate for the site has been designed to provide an appropriate transition in intensity and scale to the lower scale neighbourhood to the south and further that any potential adjacency issues have been satisfactorily addressed.

## **Sun & Shadows**

The *Mixed Use Areas* policies 4.5.2 and Built Form policies 3.1.2 of the plan speak to adequately mitigating or limiting shadow impacts on neighbouring streets and properties. The Avenues and Mid Rise Guidelines contain a set performance standards to assist in achieving Official Plan objectives. The applicant has submitted a Shadow Study, dated November 11, 2016, which analyzed the shadow impacts of the proposed development during the spring and fall equinoxes. The study found that there was at least 5 hours of continuous light on a Kingston Road sidewalk and that the homes to the south continued to enjoy at least 5 hours of unobstructed skyview. The applicant has demonstrated that any shadowing concerns on the adjacent neighbourhood to the south and on the street have been adequately addressed.

## **Traffic Impact, Access, Vehicular and Bike Parking**

Along with other relevant submission materials, the 'Transportation Impact Study' dated August 2015 and 'Parking Review' dated February 2, 2017, prepared by Lea Consulting Ltd., was reviewed by relevant staff. Of note, prior to the preparation of the transportation report, the applicant worked with staff to identify an appropriate study area. The study evaluated matters such as future background traffic, trip generation, parking and loading, site access and circulation. The consultant concludes that the future total traffic analysis results indicate that the signalized intersections in the study area are expected to operate at acceptable levels of service during peak periods and all unsignalized intersection movements and site driveways are expected to operate with minimal delays during the peak hours.

With respect to parking, the applicant proposes to provide a total of 205 vehicular parking spaces comprised of 163 resident spaces and 41 shared residential visitor and commercial spaces. Of

note, the applicant proposes 1 car share space on site. Immediately south of the building, the proposal will create a 7.5 metre laneway which will provide vehicular access to the underground parking garage and the (13m x 6m x 4m) 'type G' loading space within the building.

Transportation Services has reviewed the study, the parking review and relevant submissions and has no further concerns associated with the rezoning proposal.

Of the 170 bicycle parking spaces proposed, 134 are 'long term'/resident spaces and 36 are 'short term'/visitor spaces. Of note, all bike spaces are either at grade or on the P1 level. The applicant proposes to exceed the requirements of Zoning By-law No. 569-2013, as amended.

Staff are satisfied that all traffic impact, site access and vehicle and bicycle parking matters have been adequately addressed.

### **Streetscape**

The *Avenues* policies 2.2.3, *Mixed Use Areas* policies 4.5.2 and Built Form policies 3.1.2 and Public Realm policies 3.1.1 contain policies relevant to creating an appropriate streetscape. The policies note that development will contribute to an attractive, safe and comfortable pedestrian environment, encourage walking and strengthen retailing. Further that it will provide amenity for streets making them interesting and functional for pedestrians. The Avenue and Mid-Rise Guidelines directions support achieving the O.P objectives. The proposal contemplates the provision of a unit paver strip adjacent to the Kingston Road curb and a new 2.1 metre concrete walkway/sidewalk along Kingston Road which narrows to 2.0 metres along both side street frontages. The applicant proposes 12 new street trees comprised of 8 new trees along Kingston Road within planters with low shrub plantings and 2 city owned trees in new sodded areas along Gradwell Drive and Eastville Avenue, respectively. Of note, the applicant proposes a 3 metre minimum setback/front yard for the residential areas fronting the side streets. Of note, various pieces of street furniture including but not limited to benches & waste and recycling receptacles have been incorporated into the streetscape design along Kingston Road (refer to Attachment 2: Elevation).

In order to address comfort and safety on the street, clear glass windows/glazing has been employed in the design of the building making up 72% of the front façade of the building.

The proposal will create a wider sidewalk zone and include street furniture improving the comfort of the street, incorporate paving materials, plantings and trees contributing to its attractiveness and furthermore the inclusion of ground floor retail will create views unto the public realm, thereby improving safety. Staff are satisfied that the applicant has adequately addressed the Official Plan through implementing *Avenues* and *Mid-Rise Study Guidelines* (2010) and addendum (2016) directions.

Through the ongoing site plan application review process staff will work with the applicant to ensure the various architectural details, landscape design elements and other streetscape enhancements proposed are secured. Planning staff are satisfied that the matters related to streetscape have been adequately addressed.

## **Open Space/Parkland**

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 this application are in an area with 3.00 + hectares of local parkland per 1,000 people. The subject site is located in the highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant is proposing to construct a mixed use development with 188 residential units and 1,328 m<sup>2</sup> of commercial space within a net site area of 3,370m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units, specified in Chapter 415, Article III of the Toronto Municipal Code, the residential component is subject to a parkland dedication no greater than 10%, while the non-residential component will be subject to a 2% parkland dedication.

The parkland dedication for the subject site is too small to be functional therefore the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above or below grade building permit.

## **Servicing**

The applicant submitted a 'Site Servicing Design Brief' prepared by Pinestone Engineering dated September 18, 2017 which built upon the 'Hydrogeotechnical Assessment' prepared by Exp. Services Inc. dated June 26, 2017 in support of the application. Also, a 'Stormwater Management Report and Construction Mitigation Plan' dated June 23, 2017 was submitted in support of the application. The site servicing report evaluated the existing and post development adequacy of the sanitary sewers and watermains. Of note, staff required additional sanitary sewer analysis to be conducted under various scenarios by the consultant given the fact that the site is located within a basement flooding area and that groundwater discharge is proposed to go into the sanitary system. The work was subsequently undertaken and the site servicing report concludes that the existing sanitary and watermain infrastructure can accommodate the proposed redevelopment, adequate capacity is available in downstream infrastructure and Redlands Pumping station to support the development, peak groundwater discharge will have a negligible impact on downstream receiving sanitary infrastructure and water supply can be provided. The Stormwater Management Report and Construction Mitigation Plan' concludes that storm water can be attenuated using a variety of methods to pre-development levels, storm water quality enhancement can be achieved and water balance will be achieved through the use of the proposed green roof. Engineering and Construction Services staff have reviewed the above noted reports and associated materials and have no remaining concerns with respect to the proposed Zoning By-law amendment for the development.

## **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 green house gas emissions and enhance the natural environment.

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

The site specific zoning by-law will secure performance measures for the following Tier 1 development features such as Cycling Infrastructure. Other applicable TGS performance measures will be addressed through the Site Plan Approval process relating to Urban Heat Island Reduction at Grade, Urban Heat Island Reduction via the provision of the green roof, water efficiency, tree planting, bird friendly glazing and natural heritage.

### **Section 37**

Section 5.1.1 of the Official Plan contains policies related to height and/or density incentives. It permits zoning by-laws, to be passed to permit more height and/or density for a use than is otherwise permitted by the zoning by-law in return for the provision of community benefits to be set out in the zoning bylaw. The height use and density is not permitted by the zoning applying to the lands.

The proposal represents an increase in height and density beyond that permitted in the applicable Zoning By-laws. It is appropriate to secure the following matters pursuant to Section 37 of the Planning Act:

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. Payment of a financial contribution of \$320,000.00 directed towards public realm and streetscape improvements on Kingston Road between Brimley Road and Bellamy Road payable to the Treasurer, City of Toronto, payable prior to the issuance of the first above grade building permit and to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date the payment is made.
2. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as updated in 2013, and adopted by Toronto City Council at its meeting held on October 27, 2009, through the adoption of item PG32.3 of the Planning and Growth Committee.



## **CONTACT**

Jeffery Sinclair, Planner

Tel. No. 416-396-7685

Fax No. 416-396-4265

E-mail: [Jeffery.Sinclair@toronto.ca](mailto:Jeffery.Sinclair@toronto.ca)

## **SIGNATURE**

A handwritten signature in black ink, appearing to read 'Paul Zuliani', written over a horizontal line.

Paul Zuliani, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations

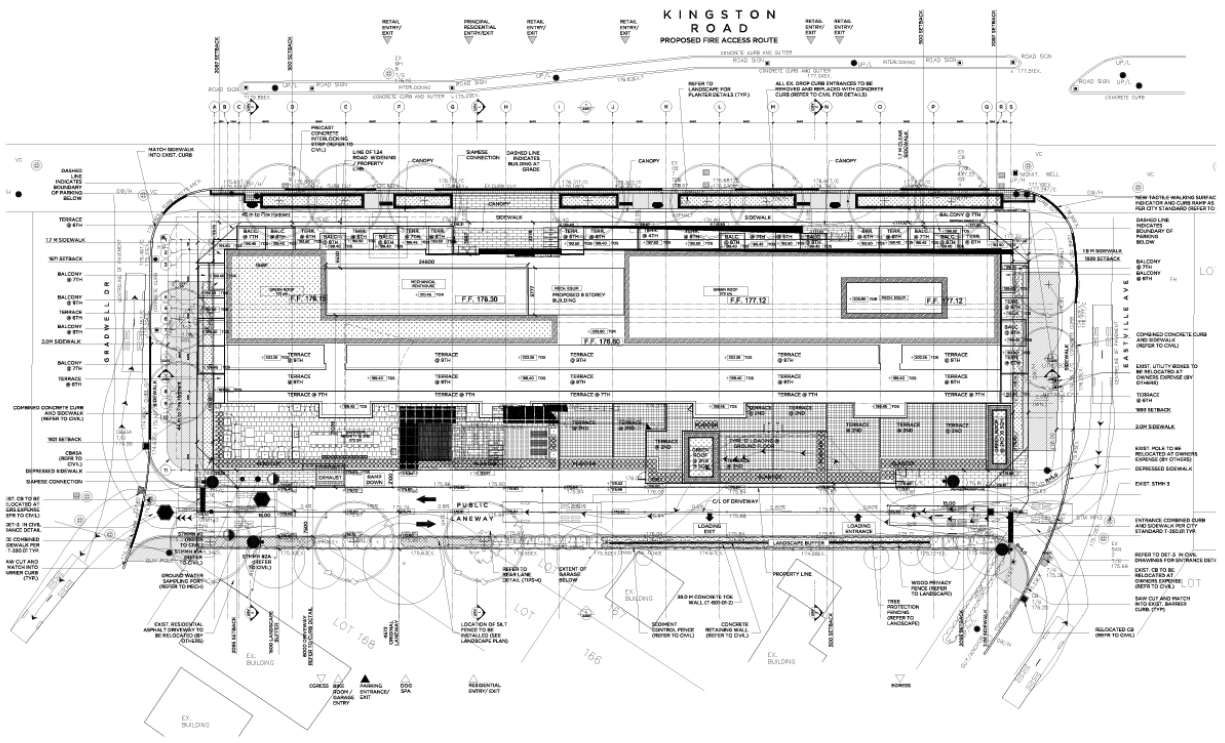
Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment- Zoning By-law No. 9396

Attachment 6: Draft Zoning By-law Amendment- Zoning by-law No 569-2013

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

Not to Scale 

2799-2815 Kingston Road

File # 13 237724 ESC 36 OZ

## Attachment 2 (a): Elevations



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### Elevations

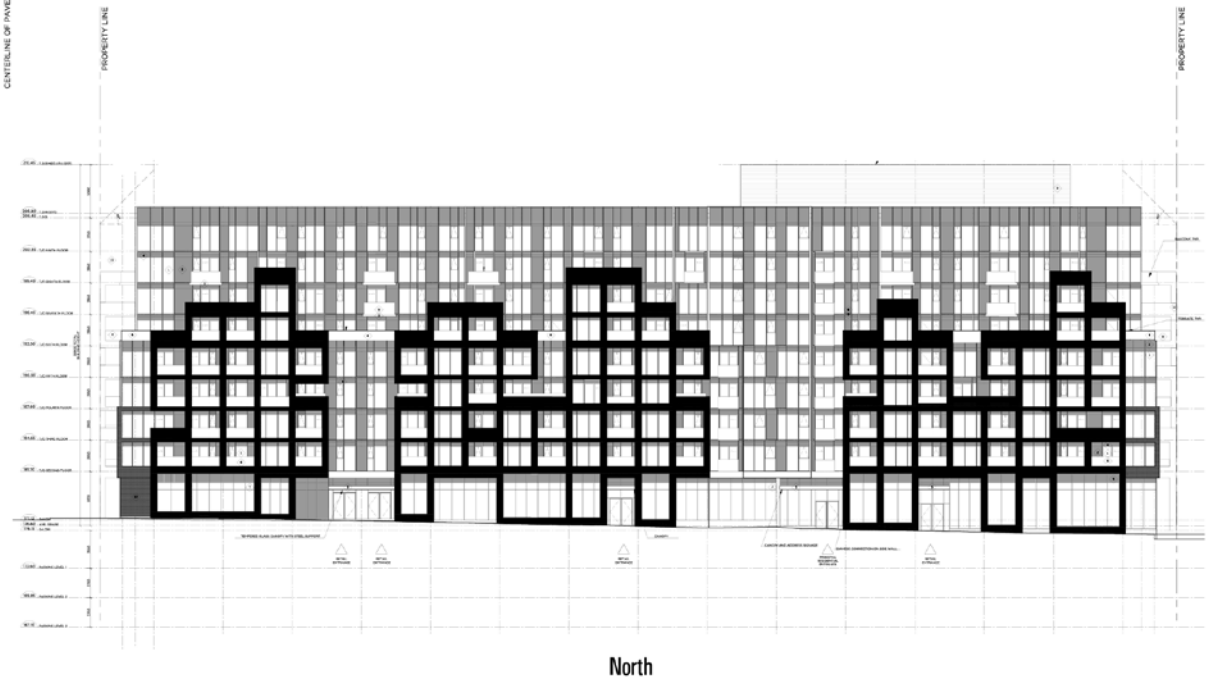
Applicant's Submitted Drawing

Not to Scale  
12/11/17

2799-2815 Kingston Road

File # 13 237724 ESC 36 0Z

**Attachment 2 (b): Elevations**



**Elevations**

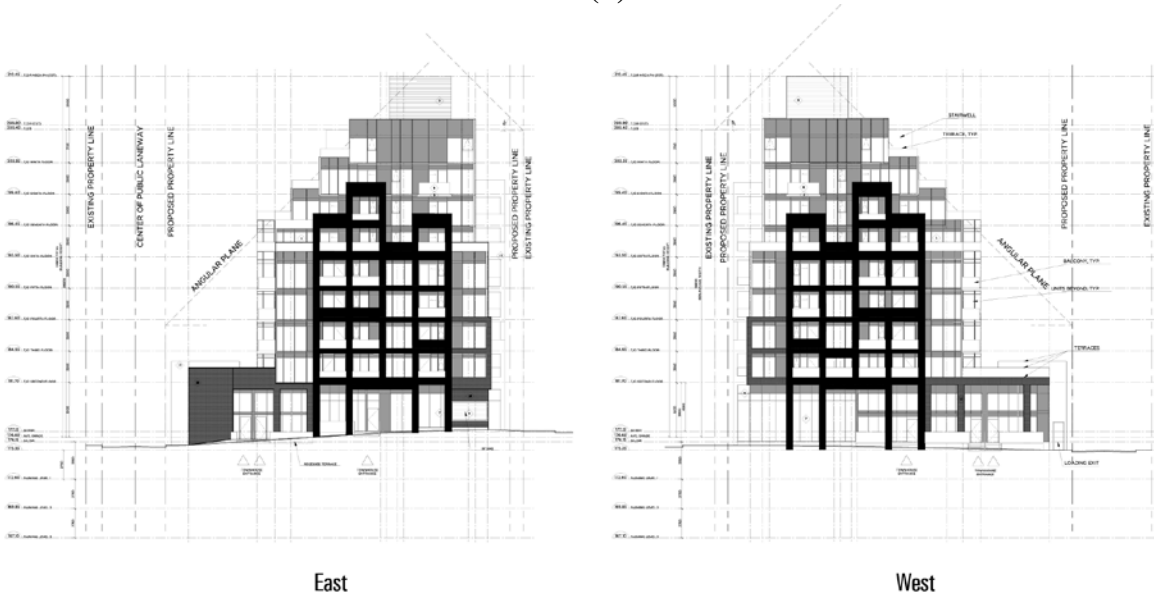
Applicant's Submitted Drawing

Not to Scale  
12/11/17

**2799-2815 Kingston Road**

File # 13 237724 ESC 36 OZ

## Attachment 2 (b): Elevations



### Elevations

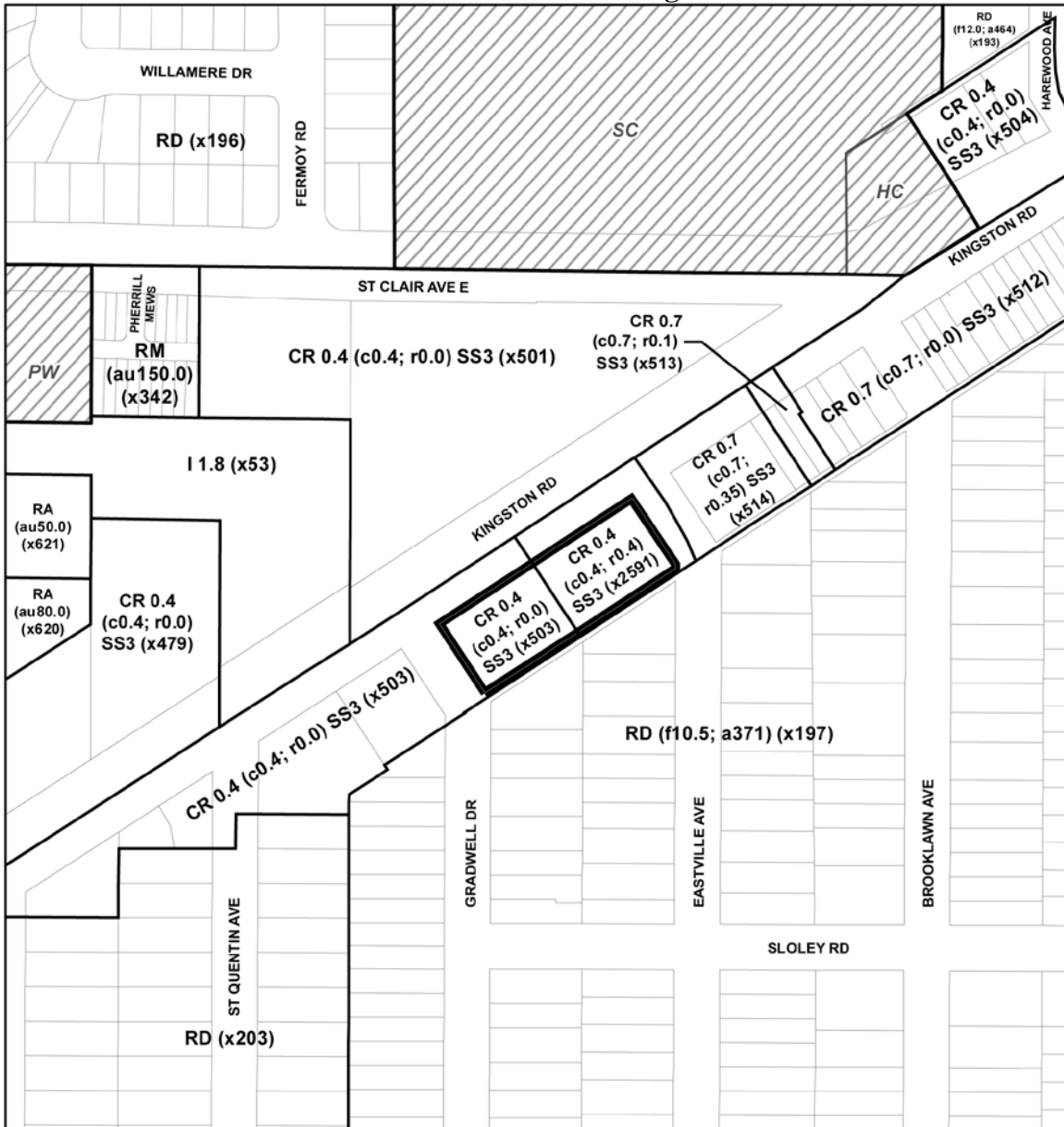
Applicant's Submitted Drawing

Not to Scale  
12/11/17

2799-2815 Kingston Road

File # 13 237724 ESC 36 OZ

### Attachment 3: Zoning



**TORONTO** City Planning  
**Zoning By-law 569-2013**

**2799-2815 Kingston Road**  
 File # 13 237724 ESC 36 0Z

 Location of Application	 Institutional	 See Former City of Scarborough Cliffcrest Community Bylaw No. 9396
RD Residential Detached		HC Highway Commercial
RM Residential Multiple		SC School
RA Residential Apartment		PW Place(s) of Worship
CR Commercial Residential		

  
 Not to Scale  
 Extracted 10/22/2013

### Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	13 237724 ESC 36 OZ
Details	Rezoning, Standard	Application Date:	September 18, 2013

Municipal Address: 2799-2815 KINGSTON ROAD  
 Location Description: PL M475 LT3 LT6 \*\*GRID E3610  
 Project Description: To permit a 9-storey mixed use building with 188 residential units and 1328 m<sup>2</sup> of retail space.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
2288116 ONTARIO INC			2288116 ONTARIO INC

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR (0.4; r0.0), SS3 (x503) CR (c0.4; r0.4), SS3 (x2591)	Historical Status:
Height Limit (m):	11 metres	Site Plan Control Area: Y

**PROJECT INFORMATION**

Site Area (sq. m):	3694.93	Height:	Storeys:	9
Frontage (m):	0		Metres:	30.0
Depth (m):	0			
Total Ground Floor Area (sq. m):	2614			<b>Total</b>
Total Residential GFA (sq. m):	14409		Parking Spaces:	205
Total Non-Residential GFA (sq. m):	1328		Loading Docks	1
Total GFA (sq. m):	15737			
Lot Coverage Ratio (%):	70.7			
Floor Space Index:	4.4			

**DWELLING UNITS**

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

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	14409
Bachelor:	0	Retail GFA (sq. m):	1328
1 Bedroom:	45	Office GFA (sq. m):	0
2 Bedroom:	134	Industrial GFA (sq. m):	0
3 + Bedroom:	9	Institutional/Other GFA (sq. m):	0
Total Units:	188		

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

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council  
on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

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

**To amend Cliffcrest Community Zoning By-law No. 9396, as amended,  
With respect to the lands municipally known as,  
2799-2815 Kingston Road**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. Amendments to the former City of Scarborough Cliffcrest Community By-law No. 9396, as amended:

- 1.1 **CLAUSE V - INTERPRETATION**, is amended by adding the following definitions to Subsection (f) **Definitions**:

**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.

**Angular Plane**

means an imaginary flat surface projecting over a lot, at an inclined angle measure up from the horizontal.

**Art Gallery**

means premises used for the exhibition, collection or preservation of works of art for public viewing.

**Artist Studio**

means premises used for creating art or craft.

**Automated Banking Machine**

means a device at which customers can complete self-serve financial transactions.

**Bicycle Parking Space**

means an area used for parking or storing a bicycle.

**Building Setback**

means a horizontal distance measured at a right angle from any **lot line** to the nearest part of the main wall of a building or structure.



**Eating Establishment**

means premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service.

**Green Roof**

means 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.

**Massage Therapy**

means premises providing **massage therapy** by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A body rub service or wellness centre is not a **massage therapy**.

**Museum**

means premises used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing.

**Loading Space**

means an area used for the loading or unloading of goods or commodities from a vehicle.

**Lot Line**

means any boundary of a lot

**Passenger Terminal**

means premises used for the boarding or discharge of people being transported.

**Performing Arts Studio**

means premises used for the rehearsal of performing arts, such as music, dance or theatre.

**Personal Service Shop**

means premises used to provide personal grooming services or for the cleaning or care of apparel.

**Pet Services**

means premises used to provide for the grooming of domestic animals. A **veterinary hospital** or a kennel are not **pet services**.

**Post-Secondary School**

means premises used for educational purposes by a degree granting college or university under Province of Ontario legislation.

**Production Studio**

means premises used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not

a **production studio**.

**Rear Yard Setback**

means a horizontal distance on a lot measured at a right angle from the **rear lot line** to the nearest main wall of a building or structure.

**Religious Education Use**

means the use of premises by a religious organization for religious education, other than:

- (a) a **post-secondary school**; or
- (b) a school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended.

**Retail Store**

means premises in which goods or commodities are sold, rented or leased.

**Veterinary Hospital**

means premises used by a licensed veterinarian for the medical treatment of animals.

**Wellness Centre**

means **premises** providing services for therapeutic and wellness purposes. A **massage therapy**, medical office or body rub service is not a **wellness centre**.

- 2. **SCHEDULE 'A'** is amended by deleting the current zoning for the lands outlined in Schedule '1' and replacing it with the following so that the amended zoning shall read as follows:

**A-217-218-219-220-221-222-223-224-225-226-227-314-315-316-317-318-319-375-376**

- 3. **SCHEDULE 'B', PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

**MISCELLANEOUS**

- 217. Notwithstanding the definition of **Front Lot Line** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the **front lot line** shall be deemed the **lot line** coincident with Kingston Road as shown on Schedule '1' of By-law [Clerk to insert this By-law Number].
- 218. Minimum **building setback** shall comply with those shown on Schedule '2' of By-law [Clerk to insert this By-law Number]
- 219. Notwithstanding performance standard 218, the following building elements may extend into the required **building setback** shown on Schedule '2' as follows:
  - (a) stairs.
  - (b) eaves, building cornices, light fixtures, ornamental and architectural elements, pilasters, parapets, trellises, window sills,

window box, bay window or projecting window, landscape and public art features, window washing equipment, lightning rods a maximum of 0.3 metres.

(c) porches a maximum of 2.5 metres.

220. Notwithstanding performance standard 227, the following building elements may extend above the permitted heights shown on Schedule '2' as follows;

(a) eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, trellises, landscape and public art features, window washing equipment, lightning rods, stair overruns a vertical distance not exceeding 3 metres.

(b) mechanical and ventilation equipment and related enclosures a vertical distance not exceeding 5 metres.

221. No part of a building on a lot may penetrate a 45 degree **angular plane** projected along the entire required **rear yard setback**, starting at a height of 10.5 metres above the average elevation of the ground along the **lot line** opposite Kingston Road.

222. Notwithstanding performance standards 218 & 221, the following building elements or structures may project into an **angular plane** starting at a height above a height of 16.5 metres as follows;

(a) mechanical and ventilation equipment, green roofs, stair overruns, balconies, parapets, window washing equipment, lightning rods, ornamental and architectural features, window sills, building cornices;

(b) railings and guards, trellises, eaves, which are a maximum of 1.1 metres in height;

(c) a ceiling of a building may penetrate the required rear **angular plane** a horizontal distance not exceeding 0.8 metres;

(d) a **main wall** of a building and divider or privacy screen may penetrate the required rear **angular plane** a vertical distance not exceeding of 3.5 metres.

223. **Amenity space** shall be provided at a minimum rate of 4.0 square metres for each **dwelling unit** of which a minimum of 2.0 metres for each **dwelling unit** shall be indoor **amenity space** and a minimum of 2.0 square metres for each **dwelling unit** shall be outdoor **amenity space**.

224. All waste and recyclable material must be stored in a wholly enclosed building.

225. Notwithstanding the provisions of **Clause VI – PROVISIONS FOR ALL ZONES** Section 15, "Use of Basements", does not apply.
226. An **eating establishment** must be entirely within a building.

### **HEIGHT**

227. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the height of any building shown on Schedule '2' of By-law [Clerk to insert this By-law Number], as measured from Canadian Geodetic Datum elevation of 176.6 metres to the highest point of the building or structure, shall not exceed the height in metres specified by the numbers following the symbol HT of By-law [Clerk to insert this By-law Number].

### **PARKING**

314. **Parking spaces** shall be provided, as follows:
- a) a minimum of .80 **parking spaces** per one bedroom **dwelling unit**  
a minimum of .90 **parking spaces** per two bedroom **dwelling unit**  
a minimum of 1.10 **parking spaces** per three or more bedroom **dwelling unit**  
a minimum of .15 **parking spaces** per **dwelling unit** for visitors  
a minimum of 1 **parking spaces** per 100 square metres for non-residential uses.
  - b) A total of 42 **parking spaces** are required to be shared for visitors and non-residential uses of which a minimum of 1 **parking space** may be used for car share.
315. One **loading space** shall be provided and shall have the following minimum dimensions:
- (a) Length of 13.0 metres
  - (b) Width of 4.0 metres
  - (c) Vertical Clearance of 6.1 metres
316. "Long-term" and "short-term" **bicycle parking spaces** means:
- (a) "Long-term" **bicycle parking spaces** are for use by the residents or tenants of a building; and
  - (b) "Short-term" **bicycle parking spaces** are for use by visitors to a building.
317. A minimum of 134 "long term" **bicycle parking spaces** shall be provided.

318. A minimum of 36 "short term" **bicycle parking spaces** shall be provided.
319. A **bicycle parking space** shall have the following 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.

#### **INTENSITY OF USE**

375. The total number of **dwelling units** shall not exceed 188.
376. The maximum **gross floor area** shall not exceed 16,800 square metres of which a minimum 1300 square metres must be non-residential uses.
4. **SCHEDULE "C" EXCEPTIONS LIST**, is amended by adding Exception No. 62 and Exception No. 63, so that it reads as follows:

62. On those lands identified as Exception No. 62 on the accompanying Schedule "C" map the following provisions shall apply:

- (a) Additional Permitted Uses
  - A temporary sales office for the sale of residential **dwelling units** on the property

The following non-residential uses are permitted on the ground floor of a building:

- Ambulance Depot
- **Art Gallery**
- **Artist Studio**
- **Automated Banking Machine**

- Courts of Law
- Fire Hall
- Library
- **Massage Therapy**
- Office
- Medical Office
- **Museum**
- **Passenger Terminal**
- **Performing Arts Studio**
- **Personal Service Shop**
- **Pet Services**
- Police Station
- **Post-Secondary School**
- **Production Studio**
- **Religious Education Use**
- **Retail Store**
- **Veterinary Hospital**
- **Wellness Centre**
- **Eating Establishment**

63. On those lands identified as Exception No. 63 on the accompanying Schedule "C" map the following provisions shall apply:
1. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor:
    - (a) Prior to issuance of an above grade building permit other than building permit for a temporary sales office/pavilion the owner shall: provide a cash contribution of Three Hundred and Twenty Thousand dollars \$320,000.00 paid by way of certified cheque payable to the Treasurer, City of Toronto, to be directed towards streetscape improvements on Kingston Road between St. Clair Avenue and Bellamy Road in Ward 36.
    - (b) \$320,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  2. The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless the cash

contribution contemplated herein has been paid.

3. In the event the cash contribution referred to in Section 1.(a) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.
4. **SCHEDULE "C" EXCEPTION MAP**, is amended by adding Exceptions No. 62 and Exception No. 63 to the property shown outlined on Schedule '3'.

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

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

**SCHEDULE C**  
**Section 37 Provisions**

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

- (1) Prior to issuance of an above grade building permit other than building permit for a temporary sales office/pavilion the owner shall: provide a cash contribution of Three Hundred and Twenty Thousand dollars \$320,000.00 paid by way of certified cheque payable to the Treasurer, City of Toronto, to be directed towards public realm and streetscape improvements on Kingston Road between St. Clair Avenue and Bellamy Road in Ward 36.

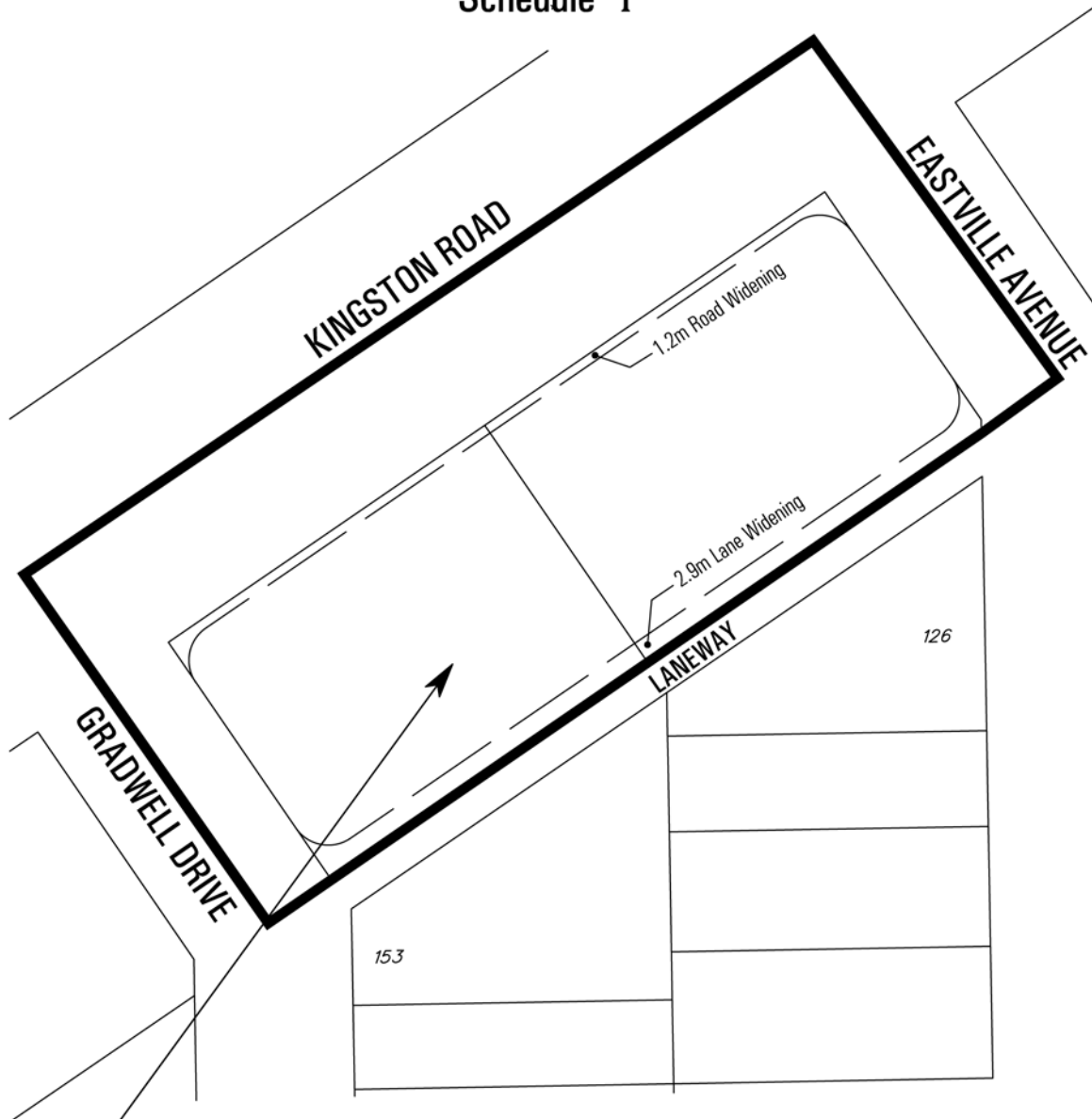
\$320,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) In the event the cash contribution referred to in Section 1 *applicable* has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

(Corporate Seal)



Schedule '1'



**A-217-218-219-220-221-222-223-224-225  
-226-227-314-315-316-317-318-319-375-376**

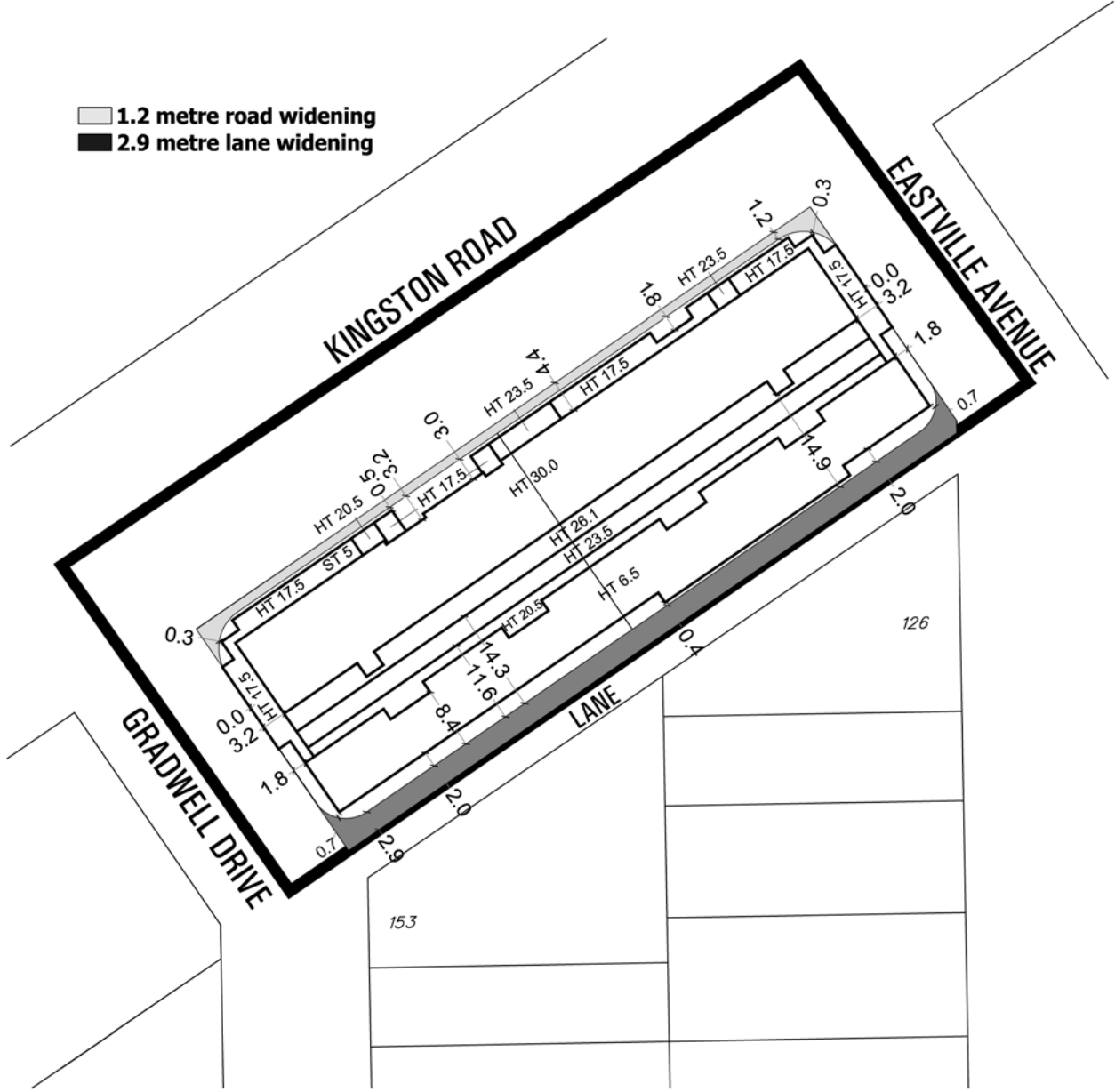
**TORONTO** City Planning  
Division  
**Zoning By-Law Amendment**

2799-2815 Kingston Road  
File # 13 237724 ESC 36 0Z

 Area Affected By This By-Law

Cliffside Community By-law  
Not to Scale  
01/12/2018  


# Schedule '2'



**TORONTO**  
Zoning By-Law Amendment

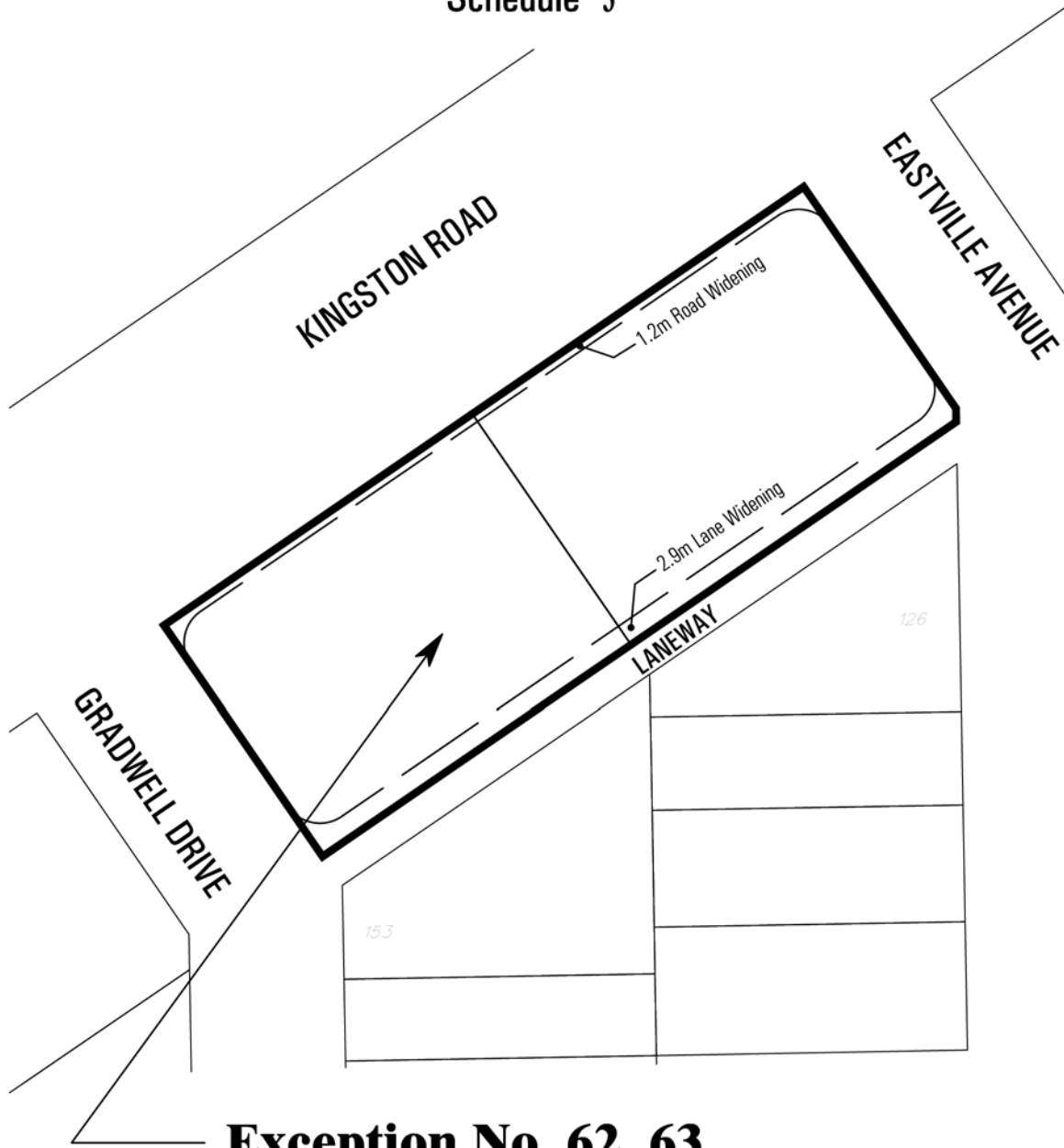
2799-2815 Kingston Road

File # 17 237724 ESC OZ

 Area Affected By This By-Law

Cliffcrest Community By-Law  
Not to Scale  
01/09/2018  
↑

**Schedule '3'**



**Exception No. 62, 63**

**Toronto** City Planning  
Division  
**Zoning By-Law Amendment**

2799-2815 Kingston Road  
File # 13 237724 ESC 36 0Z

 Area Affected By This By-Law

Cliffside Community By-law  
Not to Scale  
12/04/2017  


**Attachment 6: Draft Zoning By-law Amendment- Zoning by-law No 569-2013**

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

**CITY OF TORONTO**

Bill No. ~

**BY-LAW No. XXXX-2018**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 2799-2815 Kingston Road**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, 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. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR0.4 (c0.4; r0.4) SS2 (x2591) as shown on Diagram 2 attached to this by-

law.

4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 2591 so that it reads:

**Exception CR 2591**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) Despite land use permissions for this zone, **vehicle fuel stations**, and **vehicle service shops** are not permitted uses.
- (B) On 2799-2815 Kingston Road if the requirements in Section 5 and Schedule A of the by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 40.10.40.10(2), and 40.10.40.40(1), apply to prevent the erection or use of a **mixed use building** in compliance with Sections (C) – (R) below.
- (C) Despite regulations 40.10.20.10 and 40.10.20.20 the only non-residential uses permitted are as follows: Ambulance Depot, **Art Gallery, Artist Studio, Automated Banking Machine**, Courts of Law, Fire Hall, Library, **Massage Therapy**, Medical Office, Office, **Museum, Passenger Terminal, Performing Arts Studio, Personal Service Shop, Pet Services**, Police Station, **Post-Secondary School, Production Studio, Religious Education Use, Retail Store, Veterinary Hospital, Wellness Centre, Eating Establishment**.
- (D) Despite regulation 40.5.40.10(1) the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 176.6 metres and the highest point of the **building** or **structure**.
- (E) Despite regulation 40.5.40.10(5)(B) mechanical and ventilation equipment must
  - (i) be located no closer than 5.5 metres from a **lot line** abutting a **street** and
  - (ii) have their total horizontal dimension, measured parallel to the **street**, not exceeding 50% of the **buildings main wall** facing Kingston Road.
- (F) Despite 40.10.40.10(2) the maximum permitted height of a **building** is 30 metres and no portion of any **building** or **structure** may exceed the permitted maximum height specified by the numbers following the symbols "HT" as shown on Diagram 3 of By-law [Clerks to supply by-law ##] with the exception of:
  - (i) eaves, **building** cornices, light fixtures, ornamental and architectural elements, parapets, railings and fences, trellises, porches, landscape and public art features, window washing equipment, lightning rods a vertical

distance not exceeding 3 metres.

- (G) Despite 40.10.40.10(5) the required minimum height of the first **storey** of a **dwelling unit** located on the ground floor as measured between the floor of the first **storey** of the **dwelling unit** and the floor immediately above it must be a minimum of 2.6 metres.
- (H) Despite regulation 40.10.30.40(1)(A) maximum **lot coverage** does not apply.
- (I) A maximum of 188 **dwelling units** are permitted.
- (J) Despite regulation 150.100.20.1 and 150.100.30.1 **eating establishments** must be entirely within a **building**.
- (K) Despite regulation 40.10.40.1(1) **dwelling units** may be located on the ground floor of the **building** if:
  - (i) the **dwelling units** have direct access to a **street** which is not a major street on the Policy Areas Overlay Map; and
  - (ii) the **dwelling units** are located to the rear of the non-residential uses on the first **storey**.
- (L) Despite regulation 40.10.100.10(1) a maximum 3 **vehicle** accesses to the **lot** are permitted which must be accessed from the **lane**.
- (M) Despite (N), regulation 40.10.40.70(2)(E) and regulation 40.10.40.60(9) the following **building** elements and **structures** may penetrate the rear **angular plane** above a height of 16.5 metres as follows;
  - (i) mechanical and ventilation equipment, **green roof**, stair overruns, balconies, parapets, window washing equipment, lightning rods, ornamental and architectural features, window sills, **building** cornices;
  - (ii) railings and guards, trellises, eaves a maximum of 1.1 metres in height;
  - (iii) **main walls** of a **building** and dividers or privacy screen a vertical distance not exceeding 3.5 metre;
  - (iv) ceilings of a **building** a horizontal distance not exceeding 0.8 metres.
- (N) Despite clause 5.10.40.70, regulations 40.10.40.60(1),(3) and 40.5.40.70(1) and 40.10.40.70(2) the following **building** elements and **structures** may encroach into required **building setbacks** shown on Diagram 3 of By-law [Clerks to supply by-law ##]
  - (i) stairs;

- (ii) eaves, **building** cornices, light fixtures, ornamental and architectural elements, pilasters, parapets, railings and fences, trellises, window sills, window box, bay window or projecting window, landscape and public art features, window washing equipment, lightning rods not exceeding 0.3 metres;
  - (iii) porches not exceeding 2.5 metres.
- (O) Despite regulation 40.5.1.10(3) and 40.10.40.40(1) the maximum permitted **gross floor area** of a **building** is 15,850 square metres of which a minimum of 1,300 square metres must be used for non-residential uses.
- (P) Despite regulation 220.5.10.1 (3), one Type “G” **loading space** must be provided and may be used for both non-residential use and residential use purposes.
- (Q) Despite Table 200.5.10.1, regulation 200.5.10.1, regulation 200.5.1.10(1) **parking spaces** for a **building** containing up to a maximum of 188 **dwelling units**, must be provided for on the **lot** in accordance with the following:
- (i) a minimum of .80 **parking spaces** per one bedroom **dwelling unit**  
a minimum of .90 **parking spaces** per two bedroom **dwelling unit**  
a minimum of 1.10 **parking spaces** per three or more bedroom **dwelling unit**  
a minimum of .15 **parking spaces** per **dwelling unit** for visitors  
a minimum of 1 **parking spaces** per 100 square metres for non-residential uses.
  - (ii) A total of 42 **parking spaces** are required to be shared for visitors and non-residential uses of which a minimum of 1 **parking space** may be used for car share.
- (R) Despite regulation 230.5.10(1), Table 230.5.10.1(1), **bicycle parking spaces** for the **building** must be provided on the **lot** in accordance with the following:
- (i) A minimum of 134 "long term" **bicycle parking spaces**.
  - (ii) A minimum of 36 "short term" **bicycle parking spaces**.

Prevailing By-laws and Prevailing Sections: (None Apply)

## 5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more

agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



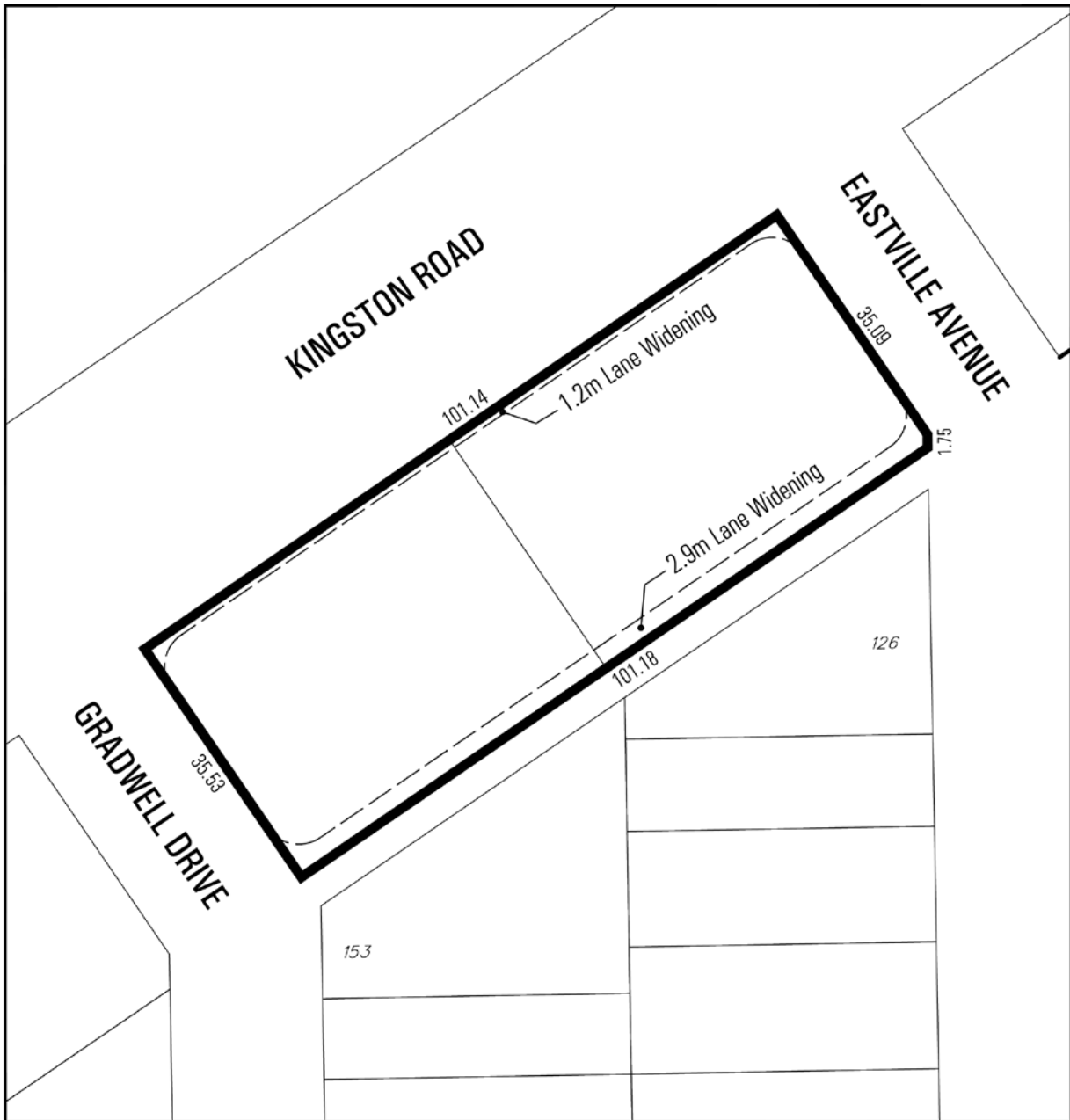
**SCHEDULE A**  
**Section 37 Provisions**

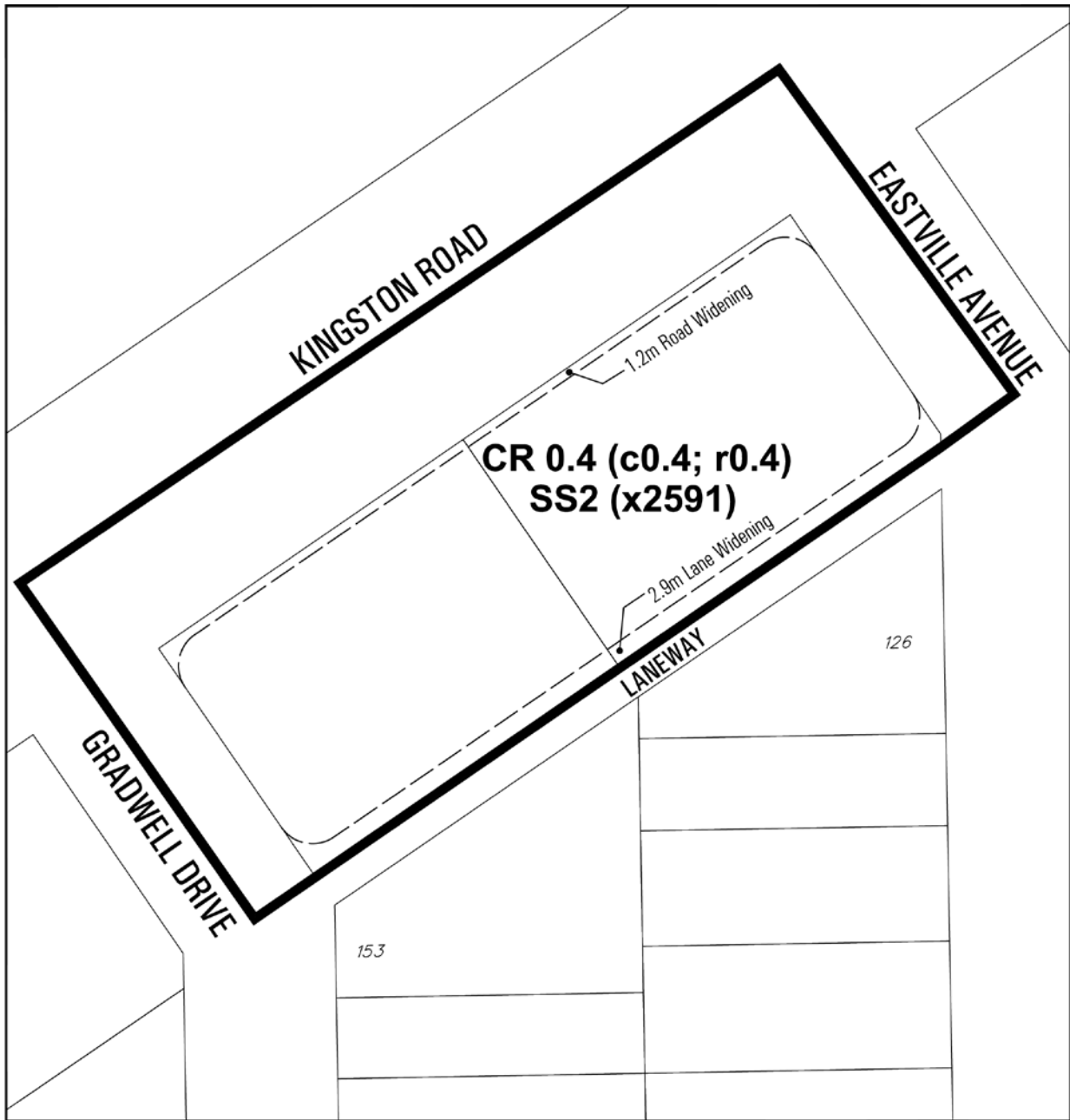
**The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3)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

- (1) Prior to issuance of an above grade building permit other than building permit for a temporary sales office/pavilion the owner shall: provide a cash contribution of Three Hundred and Twenty Thousand dollars \$320,000.00 paid by way of certified cheque payable to the Treasurer, City of Toronto, to be directed towards public realm and streetscape improvements on Kingston Road between St. Clair Avenue and Bellamy Road in Ward 36.

\$320,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) In the event the cash contribution referred to in Section 1 *applicable* has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.




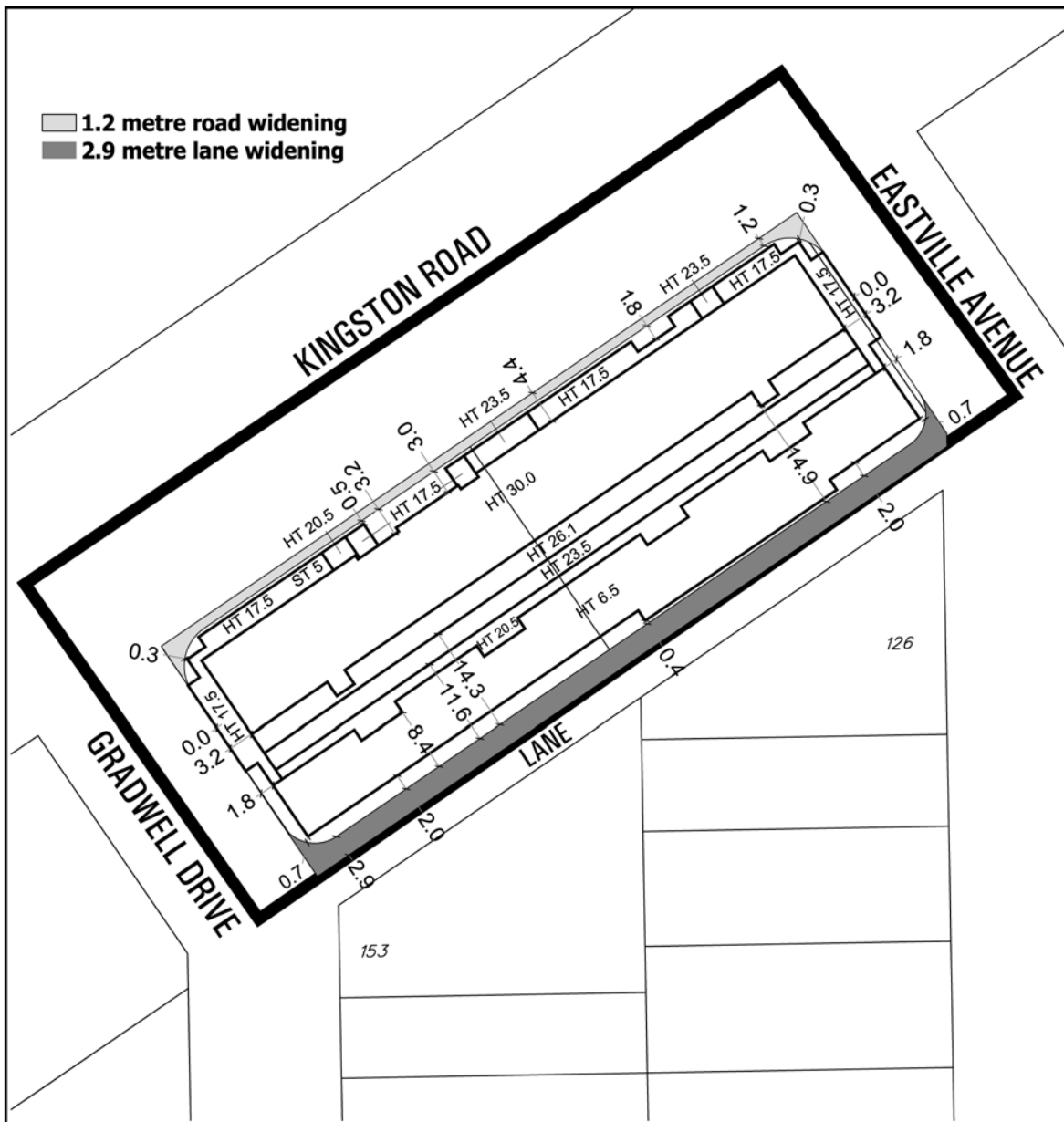


 **TORONTO**  
Diagram 2

2799-2815 Kingston Road

File # 13 237724 ESC 36 0Z

  
City of Toronto By-Law 569-2013  
Not to Scale  
12/15/2017



**Toronto**  
Diagram 3

2799-2815 Kingston Road

File # 13 237724 ESC 36 0Z

## NOTICE OF PUBLIC MEETING

To be held by the Scarborough Community Council  
(Under the Planning Act)

**Request to Amend Zoning By-laws Application No. 13 237724 ESC 36 OZ**

**Location of Application:** 2799-2815 KINGSTON ROAD  
**Applicant:** 2288116 Ontario Inc

**DATE:** Tuesday, January 16, 2018  
**TIME:** 10:30 a.m., or as soon as possible thereafter  
**PLACE:** Council Chamber, Scarborough Civic Centre,  
150 Borough Drive

### PROPOSAL

The application to amend the applicable Zoning By-laws propose the redevelopment of the subject lands with a 9 storey, mixed use building comprised of 1,328 square metres of ground floor retail and 188 residential apartment dwelling units. The purpose of the proposed Zoning By-law amendments is to establish the appropriate performance standards to permit the proposed redevelopment at 2799-2815 Kingston Road.

**Detailed information regarding the proposal, including background information and material [and a copy of the proposed Zoning Amendments] may be obtained by contacting Jeffery Sinclair, Planner at 416-396-7685, or by e-mail at [Jeffery.Sinclair@toronto.ca](mailto:Jeffery.Sinclair@toronto.ca).**

### PURPOSE OF PUBLIC MEETING

Scarborough Community Council will receive input and review the proposal and any other material placed before it, in order to make recommendations on the applications. These recommendations will then be forwarded to Toronto City Council for its consideration.

You are invited to attend the public meeting to make your views known regarding the proposal. You may also submit written comments. If you wish to address the Scarborough Community Council in person or in writing, please contact: **City Clerk, Attention: Terry Weterpny, Administrator, Scarborough Community Council, 150 Borough Drive, Floor 3, Toronto, ON, M1P 4N7, Phone: 416-396-7287, Fax: 416-396-4301, e-mail: [scc@toronto.ca](mailto:scc@toronto.ca).**

To assist with scheduling, you are requested to call the City Clerk's Office by 12 noon on Monday, January 15, 2018, if you plan to make comments at the meeting.

**Special Assistance:** City Staff can arrange for special assistance with some advance notice. If you need special assistance, please call 416-396-7288, TTY 416-338-0889 or [scc@toronto.ca](mailto:scc@toronto.ca).

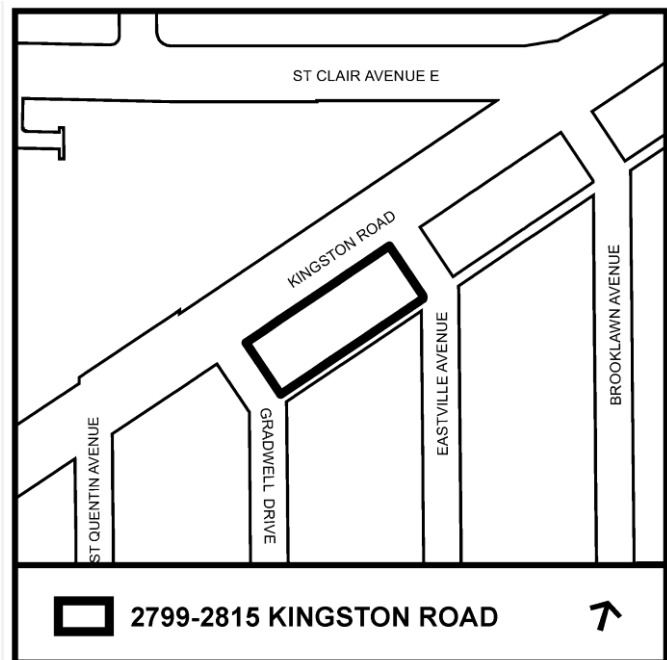
## FURTHER INFORMATION

**If you wish to be notified** of the passing or refusal of the proposed Zoning By-law Amendments, you must make a written request to the City Clerk, attention: Terry Wertepny, Administrator, Scarborough Community Council, at the address, fax number or e-mail set out in this notice.

**Zoning By-law Amendments Appeal:** If a person or public body does not make oral submissions at a public meeting or make written submissions to the City Clerk, attention: Terry Wertepny, Administrator, Scarborough Community Council, at the address, fax number or e-mail set out in this notice before the proposed Zoning By-law Amendments are passed or refused, the person or public body is not entitled to appeal the decision to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**People writing or making presentations at the public meeting:** The *City of Toronto Act, 2006*, the *Planning Act*, and the City of Toronto Municipal Code authorize the City of Toronto to collect any personal information in your communication or presentation to City Council or its committees.

The City collects this information to enable it to make informed decisions on the relevant issue(s). If you are submitting letters, faxes, e-mails, presentations or other communications to the City, you should be aware that your name and the fact that you communicated with the City will become part of the public record and will appear on the City's website. The City will also make your communication and any personal information in it - such as your postal address, telephone number or e-mail address - available to the public, unless you expressly request the City to remove it.



Many Committee, Board, and Advisory Body meetings are broadcast live over the internet for the public to view. If you speak at the meeting you will appear in the video broadcast. Video broadcasts are archived and continue to be publicly available. Direct any questions about this collection to Jeffery Sinclair, Planner, at 416-396-7685.

Compliance with Provincial laws respecting Notice may result in you receiving duplicate notices.

Dated at the City of Toronto this 15th day of December, 2017.

Ulli S. Watkiss  
City Clerk