



1478-1496 Kingston Road – Zoning Amendment Application – Final Report

Date: August 28, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 20 - Scarborough Southwest

Planning Application Number: 18 147401 ESC 36 OZ

SUMMARY

The application for a Zoning By-law Amendment proposes to amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786 and City of Toronto Zoning By-law No. 569-2013 to permit the construction of an 11 storey building at 1478-1496 Kingston Road. The proposed redevelopment would consist of 198 residential dwelling units and include 486.9 square metres of commercial ground floor area on the first floor. The proposal would result in a Floor Space Index (FSI) of 6.93 times the lot area.

The proposal is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019).

The proposal is a high quality mixed-use development that conforms with the development criteria required by the *Mixed Use Areas* and *Avenues* policies of the Official Plan, as well as other relevant policies pertaining to built form and transportation. The zoning by-law amendments would allow for the appropriate residential development on the subject lands with commercial uses at grade that would animate the streetscape along Kingston Road improving the pedestrian experience along this *Avenue*.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, for the lands at 1478-1496 Kingston Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 5 to this report.

2. City Council amend City of Toronto Zoning By-law No. 569-2013, as amended, for the lands at 1478-1496 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to this report.

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* to secure the following facilities, services and matters at the owners expense:

a. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of five hundred thousand dollars (\$500,000.00) to be allocated towards: public art; non-profit arts, cultural, community or institutional facilities; and/or various streetscape improvements not abutting the site in Ward 20 to be determined by the Chief Planner and Executive Director of City Planning in consultation with the local Councillor, and that the design of the streetscape improvements comply with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning.

b. The financial contribution identified in this subsection a. above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor.

c. In the event the cash contribution referred to in this subsection 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 Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

5. City Council direct that the following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:

a. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by 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, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017

through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

6. Prior to the issuance of Notice of Approval Conditions for the related Site Plan Control Application, City Council require the owner to address the following matters to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services:

a. provide space within the development for the installation of maintenance access holes and sampling ports on the private side of the property line of 1478-1496 Kingston Road, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681;

b. enter into a financially secured Development Agreement with the City for the construction of improvements to the municipal infrastructure including the extension of proposed storm and sanitary sewers to support this development, according to the Site Servicing Review accepted by the Chief Engineer and Executive Director of Engineering and Construction Services; and

c. satisfy all outstanding issues outlined in the Engineering and Construction Services Memorandum dated Aug 27, 2019 to City Planning to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Kingston Road (Birchcliff) Revitalization Study

In 2010, Council approved amendments to the Official Plan, Zoning By-law and associated Urban Design Guidelines as part of the Kingston Road (Birchcliff) Revitalization Study. The Kingston Road Revitalization Study was initiated in 2005 with the purpose of developing a revitalization strategy for Kingston Road that would result in a vibrant, mixed-use, pedestrian-oriented main street with beautiful streetscapes, high quality architecture, compatible development and economic prosperity. The study area for the Kingston Road (Birchcliff) Revitalization Study includes the lands along Kingston Road and from Victoria Park Avenue to the west to the Kingston Road and Danforth Avenue intersection to the east.

The Final Report on this Study can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.SC31.21>

Development Application

A Preliminary Report on the application was adopted by Scarborough Community Council on July 4, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area. Community consultation is summarized in the Comments section of this Report.

The July 4, 2018 Scarborough Community Council's adoption is here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.SC32.11>

PROPOSAL

The proposal has been revised twice since the application was originally submitted. While always conceived as an 11 storey building, revisions focussed on improved transition and articulation to achieve the built form intent of the Kingston Road Birchcliff Zoning By-law. Revisions have also been made through the review process that have changed the unit mix and layouts which has resulted in an increase in units from what was originally proposed.

The recommended zoning by-law amendments are based on the revised development proposal submitted on July 3, 2019 to permit an 11 storey building consisting of 198 residential dwelling units and 4 commercial units at grade occupying 486.9 square metres of floor area as illustrated on Attachment 8 - Site Plan/Ground Floor Plan.

The building is articulated to introduce a 4-storey brick podium with additional building setbacks and stepbacks on upper floors before reaching an ultimate height of 34 metres.

The ground floor of the building would be predominantly used for commercial uses along Kingston Road and residential uses along Manderley Drive and the north lot line that have individual entrances at grade. The grade of Manderley Drive and the adjacent lands provide the opportunity for a mezzanine floor to be provided within the height of the first floor as illustrated in Attachment 12 (Building Section). The mezzanine contains a second story for residential units facing north and east and residential amenity space in other parts of the building.

A main residential entrance to the lobby of the condominium building would also be located along Manderley Drive.

In addition to the mezzanine level, residential amenity spaces are located on the second and third floors. An outdoor amenity area would be located on the seventh floor. The eleventh floor would be the only floor that would not contain residential dwelling units with indoor and outdoor residential amenity area and rooftop mechanical equipment proposed. A green roof is proposed for the top of the eleventh floor. The indoor amenity

areas would be 396.1 square metres in total area. The two outdoor amenity areas would be 400.2 square metres in total area.

As illustrated on Schedule 3 of the draft amending Birchcliff Zoning By-law in Attachment 5, the building achieves the following minimum setbacks:

North lot line - 3 metres;
South lot line (Kingston Road) -1.5 metres;
East lot line (Manderley Drive) -1.5 metres; and
West lot line - 0 metres.

The upper levels of the building are heavily articulated resulting in smaller floor plates which reduce the massing of the upper floors of the proposed building. This creates a less imposing visual perception to the pedestrian. This includes the provision of a window well extending from the third floor to sixth floor located along a portion of the west facade. The window well would be setback 5.5 metres from the west property line in order to allow residential units located near the west lot line to have greater access to sunlight. Recessed balconies, as well as, terraces are proposed for the residential units. Bay windows are proposed on the second and third floor along the north lot line.

A total of 198 units are proposed with a mix of bachelor, 1-bedroom, 2-bedroom and 3-bedroom suites outlined in Attachment 1 - Application Data Sheet. The development proposal would result in a FSI of 6.93.

A total of 164 bicycle parking space are proposed, of which 24 would be for visitors and 4 would be for commercial users. The remaining 136 bicycle parking space would be for residents.

Vehicle access to the development is proposed to be taken from the existing private laneway off Manderley Drive running along the north lot line of the subject site. The private laneway is owned by the St. Nicholas Birch Cliff Anglican Church. The subject site possesses vehicular and pedestrian easement rights over the private laneway.

A total of 172 vehicle parking spaces are proposed in the 3-level underground parking garage. Six accessible parking spaces are included in the total parking provided. A total of 29 of the parking spaces would be for visitors. Three of the proposed parking spaces are reserved for car-share services.

One Type 'G' loading space situated on the first floor of the building would be accessed from the private lane. The loading space is intended to serve both residential and non-residential uses of the building.

The applicant is proposing geothermal heating of the proposed building.

Site and Surrounding Area

The subject site is located on the northwest corner of Kingston Road and Manderley Drive and has a total site area of approximately 2,193 square metres (0.54 acres). The

site has approximately 46 metres of frontage along Kingston Road and 44 metres along Manderley Drive.

The subject site is currently occupied by eight separate commercial properties, mostly which are vacated for the exception of the diner that is located at the corner of Kingston Road and Manderley Drive. Two of the properties are 2-storeys in height and each contains one (1) residential rental unit on the 2nd floor. Only one of the residential rental units is currently occupied. All existing buildings are proposed to be demolished to facilitate the proposed development.

The surrounding land uses are as follows:

East: Manderley Drive and beyond is a place of worship and residential uses.

West: Commercial uses and beyond is Warden Avenue and the Taylor Memorial Library.

North: Private laneway and empty lot (owned by the St. Nicholas Birch Cliff Anglican Church) and beyond are residential uses.

South: Kingston Road and beyond are residential uses.

Reasons for Application

An amendment to the Birchcliff Community Zoning By-law, as amended, is required as the proposed development does not comply with the existing performance standards and Exception 38, which include but are not limited to: building height; maximum gross floor area, required amount of indoor amenity space and permissions related to townhouse units on the ground floor.

An amendment to City of Toronto Zoning By-law No. 569-2013 is also required to add the site and the proposed development to Zoning By-law No. 569-2013 which currently does not apply to the subject lands.

APPLICATION BACKGROUND

Pre-Application Consultation

Several pre-application consultation meetings were held with the applicant on February 13, 2017, July 17, 2017 and January 16, 2018 to discuss various development design options complete application submission requirements and to raise issues with the proposal on a preliminary basis.

Application Submission Requirements

The application was submitted on April 23, 2018 and a Notification of Complete Application was issued on May 22, 2018.

The following reports/studies have been submitted with the complete application:

- Planning & Urban Design Rationale
- Public Consultation Strategy
- Draft Zoning By-law Amendment
- Traffic Impact Study
- Functional Servicing and Stormwater Management Report
- Environment Site Assessment Phase 1 & 2
- Hydrogeological Report
- Arborist Report
- Geotechnical Report
- Energy Strategy Report
- Noise Assessment
- Pedestrian Wind Assessment
- Architectural Plans
- 3D Massing Views
- Block Concept Plan
- Sun/Shadow Study
- Concept Landscape Plan
- Tree Preservation Plans
- Topographic Survey
- Toronto Green Standards (TGS) Checklist

These reports/studies submitted in support of the application can be accessed at the Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/application-information-centre>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by Scarborough Community Council for this application, as these submissions are broadcast live over the internet.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the

Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with Provincial Plans. All comments, submissions or advice

affecting a planning matter that are provided by Council shall also conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR) under Section 26 of the *Planning Act* including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan.

As illustrated in Attachment 3, the subject lands are designated *Mixed Use Areas* on Map No. 21 – Land Use of the Official Plan. *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 Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.

The Plan provides development criteria for *Mixed Use Areas* under Section 4.5.2 which amongst other matters, will:

- Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particular during the spring and fall equinoxes;
- 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;
- Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- Provide an attractive, comfortable and safe pedestrian environment;
- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development; and
- Provide opportunities for green infrastructure including tree planting, stormwater management systems and green roofs.

The subject site is also identified as an *Avenue* (Chapter 2) on Map 2 of the Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit services for community residents. The Plan recognizes that *Avenues* will be transformed incrementally, that each is different and that there is no one size fits all approach to reurbanizing them.

Section 2.2.3.1 of the Plan states that "reurbanizing the *Avenues* will be achieved through the preparation of *Avenue Studies* for strategic mixed-use segments of the corridors shown on Map 2". The framework for new development on each *Avenue* will be established through an *Avenue Study*, resulting in appropriate zoning and design guidelines created in consultation with the local community. The site is located within the Kingston Road (Birchcliff) Revitalization Study area for which an *Avenue Study* was

completed and adopted by City Council in 2010. The Kingston Road Revitalization Study was implemented through Official Plan Amendment No. 83 by By-law 221-2010 and Zoning By-law Amendment No. 222-2010 which set out specific permissions with respect to uses, heights, densities, setbacks and other zoning standards.

Healthy Neighbourhoods

The Healthy Neighbourhoods policies (Chapter 2) (Policies 2.3.1.3 and 2.3.1.4) provide guidance for development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.3 states that development within *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will:

- be compatible with those *Neighbourhoods*;
- provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*;
- orient and screen lighting and amenity areas so as to minimize impacts on adjacent land in those *Neighbourhoods*; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*
- locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*;

Built Form

The Built Form (Chapter 3-Section 3.1.2) policies direct that new development in the City fit harmoniously within the existing and/or planned context of the area.

Similar to the development criteria for *Mixed Use Areas* outlined above, Policy 3.1.2.1 and 3.1.2.3 direct new development to be located and organized to fit with its existing and/or planned context and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from proposed development.

As detailed in Policy 3.1.2.5, new development is to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Policy 3.1.2.6 requires that every significant new multi-unit residential development provide indoor and outdoor amenity space for residents of the new development.

Site and Area Specific Policy

The site is also subject to Site and Area Specific Policy (SASP) 107 and 325.

SASP 107 only applies to the lands located on the northeast corner of Kingston Road and Warden Avenue and states that:

"The Holding (H) provision may be removed in whole or in part by an amendment to the Zoning By-law when Council is satisfied as to the provision of the transportation improvements and servicing facilities required to accommodate any proposed redevelopment and as to an appropriate level of land consolidation to ensure that the redevelopment respects and reinforces the existing development in the vicinity."

SASP 325 applies to lands along Kingston Road in the Birch Cliff community and states that:

"a) Publicly owned and municipally operated parking lots, provided by the Toronto Parking Authority will be encouraged in the area: and

b) Council may pass a zoning by-law that requires a portion of the lands fronting on both sides of Kingston Road (shown on the map accompanying this policy) to be used for hard landscaping only. This area will not be used for outdoor patio space.
• property owners will be encouraged to provide an easement in favour of the City for that portion of their lands required to provide hard landscaping."

These and other relevant policies of the Official Plan can be found here:
<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

This application was reviewed against the Official Plan policies and/or planning studies described above as well as the policies of the Toronto Official Plan as a whole. The outcome of staff analysis and review of relevant Official Plan policies and designations, and site and area specific official plan policies, are summarized in the Comments section of the Report.

Zoning

The subject site is zoned Commercial-Residential (CR) in the Birchcliff Community By-law No. 8786, as amended. The CR zone permits a number of uses including, but not limited to, dwelling units, hotels, medical centres, offices, restaurants, retail stores. The CR zone prohibits uses such as automobile-related uses, single-family dwellings, two-family dwellings and multiple-family dwellings. The site-specific zoning for this site permits a minimum building height of 2-storeys and a maximum of 6-storeys or 20 metres, but may be increased up to 8-storeys or 27 metres, provided that the owner provide Section 37 community benefits. The maximum permitted density is 4.5 times the lot area.

The site is also subject to Exception 38 of the Birchcliff Community Zoning By-law No. 8786, as amended. Exception 38 stipulates that dwelling units shall only be permitted

on or above the second storey of buildings and that street townhouse dwellings are prohibited.

It is noted that no Holding (H) symbol is applicable to the subject site under the existing Birchcliff Community Zoning.

Attachment 4: Existing Zoning By-law Map shows the zoning for the site.

The subject lands do not currently form part of the City-wide Zoning By-law No. 569-2013, as amended.

Kingston Road Birchcliff Urban Design Guidelines and Concept Plan

As part of the implementation strategy for the Kingston Road (Birchcliff) Revitalization Study, the Kingston Road Birchcliff Urban Design Guidelines provide guidance on the design and organization of the built environment along Kingston Road between Victoria Park Avenue and the Cenotaph Memorial east of Birchmount Road.

The Urban Design Guidelines are intended to guide future developments to create a cohesive image of the community as a: "...vibrant, animated, and pedestrian oriented main street, that fosters community sustainability, with mixed-use buildings that support main street living and activities, and parks and open spaces that reflect the cultural and natural heritage attributes of Birch Cliff."

The Urban Design Guidelines include recommendations on site planning, building massing and design, and public realm improvements. In particular, six sub-areas were identified in the Concept Plan of the Kingston Road Revitalization Study. The subject site is located within the Birchcliff Common Core Commercial Area identified as the centre of the Birch Cliff community to be designed to encourage vibrant commercial and social activities in this area. Amongst other design principles, the Urban Design Guidelines provide specific design principles for the Manderley Block including:

- encouraging the consolidation of the properties on the north side of Kingston Road between Warden Avenue and Manderley Drive (The Manderley Block) to create a larger redevelopment parcel;
- designing buildings with setbacks to provide transition to low-rise residential uses; and
- providing a generous mid-block break leading to the parking area with pedestrian amenities provided.

Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Study on July 6-8, 2010 and an addendum containing performance standards for mid-rise buildings in June of 2016.

They identify a list of best practices and establish a set of performance standards for new mid-rise buildings.

The Performance Standards assist in the implementation of Official Plan policies for *Avenues* and *Mixed Use Areas*, ensuring among other matters, quality and comfortable streetscapes along the Avenues, which are to be framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21; streetwall setbacks, which mitigate the pedestrian perception of building height along the street; and an acceptable relationship between mid-rise buildings and the adjacent *Neighbourhoods* and *Parks and Open Space Areas*, which the Official Plan policies are explicit in their intent to protect through appropriate transitions. The Performance Standards provide guidance about the size, shape and quality of mid-rise development.

On June 7, 2016 City Council adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines.

Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The application was reviewed by staff against the Avenues and Mid-Rise Guidelines described above.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for site plan control has been submitted and is currently being reviewed by City staff and external agencies.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS . The proposal makes more efficient use of the land and existing infrastructure along a corridor planned

for intensification and supports the objective of providing a range and mix of housing types in the area and conforms with the Growth Plan.

The proposal advances a density and land use mix that is consistent with the directions of Policy 1.1.3.2 of the PPS (2014). It represents an efficient use of land and resources; is appropriate for and efficiently uses available and planned infrastructure which are planned or available; and is transit supportive. Furthermore, the proposal is within an area identified by the City as appropriate for intensification, consistent with Policy 1.1.3.3.

Policy 1.1.3.4 recognizes that appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety. The proposal is consistent with the PPS in this regard.

By providing a range and mix of unit types, including 2-and 3-bedroom units, the proposal is consistent with Policy 1.4.3 of the PPS (2014) that requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents.

Consistent with Policy 1.6.6.1 of the PPS (2014), the development is proposed in a manner that promotes the efficient use and optimization of existing infrastructure, including municipal sewage services and municipal water services.

It also promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*, consistent with Policy 1.6.7.4.

The proposal conforms to the Growth Plan (2019) as it supports the creation of complete communities by intensifying in a compact built form in a municipally identified strategic growth area making more efficient use of land and infrastructure, and supporting transit viability. The proposal also conforms to the Growth Plan (2019) by promoting a diverse mix of land uses and convenient access to local stores and services as well as a diverse range and mix of housing options. The proposal provides for a more compact built form, a vibrant *public realm*, integrates *green infrastructure* and expands a range of transportation options and safe, convenient *active transportation*. The proposal achieves a compact built form, with dwellings units that are high quality, attractive and contribute to the vitality and character of the *Avenue*. The City has implemented the objectives of Growth Plan (2019) Policy 5.2.5.6 through the implementing policies of the Official Plan, including Built Form policies found in Section 3.1.2 of the Official Plan, as well as the Avenue and Mid-rise Building Guidelines.

Land Use

The application and submitted supporting material have been reviewed against the relevant policies of the Official Plan. The proposed mixed-use building containing 198

residential dwelling units and commercial floor area at-grade supports the land use policies of the *Mixed Use Areas* designation in fostering the reurbanization of Kingston Road. The introduction of residential housing intensification and the provision of supportive commercial floor area along the *Avenue* would contribute to the mix of uses planned for this area.

Density, Height, Massing

The proposal exceeds the maximum heights currently permitted by the Zoning By-law but adheres to the geometries embedded in the zoning to ensure appropriate scale and transition between areas intended for growth and adjacent low-rise uses. An outcome of the Kingston Road Revitalization Study was the creation of zoning standards that would minimize impacts of redevelopment such as overlook and shadowing. Performance Standard 293 of the Birchcliff Community Zoning By-law requires that buildings fall beneath a 45 degree angular plane measured from the rear lot line of adjacent low-rise residential properties. The closest low-rise housing would be the residential properties located to the north of the site along Lynn Road. Even though the subject site does not directly abut the residential properties along Lynn Road, regard must be had to impacts upon the adjacent neighbourhoods from the proposed 11 storey building.

The subject site is located in the "Manderley Block" between Warden Avenue and Manderley Drive. Generally, the ability provided within the Zoning By-law to increase the building height on sites along Kingston Road from 6 to 8 storeys is due to the larger lot depths in the block and location of the site in relation to the proximity of the low-rise residential neighbourhood to the north. Many properties fronting Kingston Road have low density residential neighbourhoods directly behind. This is typical of many *Avenue* properties in the City of Toronto. The subject site is not such a property because it abuts lands designated *Mixed Use Areas* and thus has a larger separation distance to the existing low-rise residential housing to the rear of the site. As such, the proposed height of 11 storeys still can provide an appropriate transition in scale to the nearby residential uses in a manner consistent with the zoning requirements as the proposal falls entirely beneath a 45 degree angular plane measured from the nearest property designated *Neighbourhoods*.

The intent of the built form performance standards embedded in the Zoning By-law for the area is to encourage minimum and maximum building heights that create a continuous streetwall along the Kingston Road corridor framing the street and supporting the public realm. Furthermore, the City's Avenues and Mid-rise Building guidelines require that the front façade of the building implement through articulation of the building design stepping back of the front elevation of the building to reduce building massing, shadow impacts within the public realm and contribute to the reduction of the pedestrian's perception of the building's height. The proposal adheres to these requirements and uses a combination of stepbacks and articulation to create an appropriate fit and limits pedestrian perception of the proposed building height along Kingston Road and the adjacent low-rise neighbourhood to the north of the site.

Along Kingston Road, the building steps back 1.5 metres above the fourth floor and steps back a further 2.1 metres above the seventh floor. The ninth, tenth and eleven floor also stepback, eroding the upper floors of the building to the point that they are generally unable to be perceived from the sidewalk along Kingston Road. A similar built form strategy is employed along Manderley Drive with 3 metre stepbacks provided above the fifth floor and further stepbacks at the eighth, tenth and eleventh floors.

The building proposal is setback a minimum of 3 metres at-grade from the north lot line with bay windows permitted to encroach into the 3 metre building setback for the second and third floors. There would be no further extension of the proposed building beyond the 45 degree angular plane measured from the low-density residential properties on Lynn Road as the building extends higher.

The stepping back of the upper floors of the proposed building would provide for a comfortable scale for pedestrians. The proposed building's base along the Kingston Road and Manderley Drive street frontages emphasizes a 4-storey brick building façade treatment in order to provide visual emphasis at street level thus enhancing the prominence of these streets. The gradual stepping back of the building floors at the upper floors and the predominance of windows would ensure that the upper floors of the building provide the perception of "lightness" in the proposed built-form massing. The stepbacks result in smaller floor plates as the building progresses in height. This articulation would help to minimize the impact of overall height of the building at this prominent location on the Manderley Block and ensure that skyview is achieved.

The proposed articulation of the building would ensure that the goals of the Avenues and Mid-rise Design guidelines are maintained and that the built form policies of the Official Plan are realized.

The proposed building, including the mechanical and rooftop amenity area does not exceed the required angular plane as required by the Birchcliff Community Zoning By-law. Similarly, the proposed building does not exceed the 45 degree angular plane from Kingston Road and Manderley Drive (front angular plane) as prescribed by the Avenues and Mid-rise Building Guidelines. The proposal would ensure a harmonious transition to neighbouring low-rise residential properties, and that privacy and overlook are minimized as a result of not exceeding the 45 degree angular plane. The proposed building is capable of achieving additional gross floor area resulting in increased density and still not exceed the built form requirements set out in both the applicable zoning and the City's Mid-rise Building Guidelines.

Streetscape

The proposed building setbacks of 1.5 metres along the Kingston Road and Manderley Drive street frontages would enable the proposed building to: establish a commercial ground floor streetscape with hard landscaping treatment, facilitating increased pedestrian activity on the *Avenue*. The proposal is appropriately setback along Manderley Drive to create a more residential street edge comprised of soft landscaping,

such as sod and trees in keeping with the landscaped front yards of nearby low-rise residential properties.

The development proposal would frame the street edge in order to create prominence at this visible intersection of Kingston Road and Manderley Drive. The proposal would increase the landscaped amenity through the planting of new street trees on the boulevard.

Dwelling Unit Mix

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto as expressed in Section 3.2.1 of the City's Official Plan. Similarly, the Growth Plan (2019) also contains policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

The provision of 53 (27%) two-bedroom units and 20 (10%) three-bedroom units supports the unit mix objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children.

Sun, Shadow

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 an updated Sun Shadow Study, dated March 12, 2019, which analyzed the shadow impacts of the proposed development during the spring and fall equinoxes.

The study found that the shadow impact from the proposed development does not substantially affect the existing neighbourhood and has minimal impact to Kingston Road. The study found that the mid-morning (March 21, 9:18am and 10:18am) shadows on the residential properties on Lynn Road are minimal and would be in keeping with the as-of-right zoning permissions for a building on the site. Shadowing would occur in the mid-morning on the residential rear yards of four of the properties on Lynn Road. The study also found that no shadows from the proposed building would occur at noon on the single family (S) zoned properties to the north of the private laneway. The shadows would be relegated to the laneway and the Commercial-Residential (CR) zoned property to the east of the residential homes on the south side of Lynn Road. The study showed shadowing extending slightly further than would be permitted as-of-right on the church property to the east, but not on the church building. The shadowing from

the proposed 11-storey building that would occur on properties to the east fronting along Kingston Road is similar to that which would occur from an as-of-right building under the existing zoning permissions.

Overall, the results of the study show that the shadowing occurring as a result of the proposed building would be similar to the shadowing that would occur from a building under the as-of-right zoning permissions in the Birchcliff Community Zoning By-law permissions for the site. The applicant has demonstrated that shadow impacts from the proposal have been minimized and have been adequately addressed.

Traffic Impact, Access, Parking

A Transportation Impact Study (TIS) Update was submitted in support of the application that estimates that the proposal is expected to generate 12 inbound auto trips and 42 outbound auto trips during the a.m. peak hour, and 59 inbound auto trips and 51 outbound auto trips during the p.m. peak hour. The report concludes that the traffic generated by the subject project will not contribute to any reduction in the existing level of service provided on the arterial road system and local street intersections.

The parking requirements for the proposal are governed by the Birchcliff Community Zoning By-law No. 8786. However, City-wide Zoning By-law No. 569-2013 updated the parking requirements for developments and the parking provisions contained therein have been accepted by staff on recent development projects, where appropriate, as they are based on more recent information when compared to those found in the former City of Scarborough Zoning By-law No. 8786.

The site is located in close proximity to high-frequency public transit services.

The traffic consultant concludes that the City of Toronto Zoning By-law No. 569-2013 Policy Area 4 designation, intended for areas on *Avenues* with good surface transit accessibility, is considered to be appropriate for the site transportation context.

As the proposed parking supply is generally based on Policy Area 4 Transportation Services are satisfied with the justification provided by the traffic consultant for a reduction in parking. The recommended amendments to the Zoning By-law requires a minimum of 172 vehicle parking spaces to be provided for the proposal, of which 29 parking spaces would be required for visitors and 3 parking spaces would be reserved for car-share vehicles.

Transportation Services staff have advised that one Type 'G' loading space which meets the minimum zoning by-law requirements would be required. The applicant is providing the required loading space. Transportation Services staff have also commented that the access from Manderley Drive is appropriate and acceptable.

Servicing

The applicant has submitted a Functional Servicing Report (FSR) and Sewer Capacity Analysis which has been reviewed by Engineering and Construction Services (ECS).

The FSR and Sewer Capacity Analysis shows a conceptual design requiring the extension of the municipal sanitary and storm sewers along Lynn Road and Manderlay Drive to the site and the installation of water site servicing connections to Kingston Road. The FSR indicates that storm flow will be managed on site and released into the proposed storm sewer on Manderlay Drive. Engineering Certification Letters have been provided by the applicant's engineers and the owner confirming that the building (including the basement level) will not be designed and constructed water-tight below grade (as a result of no hydrostatic pressure) without any direct or indirect connection to the City sewer for the discharge of groundwater.

ECS has advised that the detailed site servicing design for this proposal, including entering into a financially secured agreement (Municipal Infrastructure Agreement) between the owner and the City will be addressed during the site plan approval process.

It is recommended that the owner undertake additional work to satisfy servicing matters required by ECS as set out in the memorandum dated Aug 27, 2019 to City Planning. These matters will be addressed prior to final site plan approval.

On this basis, ECS is satisfied that the proposed development can be adequately serviced by the servicing proposed in the report.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415 Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the minimal payment is no less than 5%. The non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the said permit.

Wind Impacts

A wind analysis report was prepared by Novus Environmental for the original development application. A Pedestrian Wind Assessment Drawing Review Addendum dated March 15, 2019 was submitted to address the redesigned 11 storey development proposal that was submitted to the City in March 2019.

The addendum identified that City staff requested the Block Plan for the north side of Kingston Road, east of Warden Avenue indicating as-of-right zoning conditions be included in the wind analysis. The addendum noted that the presence of these buildings will influence the wind conditions at the 1478-1496 Kingston Road site, and should development occur to the west, it would effectively shelter the subject site from southern and westerly winds generally improving wind conditions.

For the subject development the addendum identified that:

- the incorporation of a semi-porous screen perpendicular to Manderley Drive (as indicated in the elevations) improves the wind conditions at the northeast corner of the building, where wind conditions were previously uncomfortable in the winter. The screen would disrupt the accelerated wind flows around this corner; and
- a 2.5 metre tall, semi-porous wind screen should be included along the perimeter of the rooftop terrace based on the exposure of the rooftop terrace to the stronger winds that occur at higher elevations.

The study concludes that the proposed updates to the overall massing of the 1478-1496 Kingston Road development and inclusion of the Block Plan are expected to improve the wind conditions surrounding the site.

City staff will require that the applicant submit an updated modeling assessment showing the extent of the improvement to the wind conditions for staff review as part of the site plan control process, should this application be approved by City Council.

Urban Forestry-Tree Preservation & Plan Review

Urban Forestry does not object to approval of the Zoning By-law Amendment application. Urban Forestry staff advises that the proposal would require the removal of five City street trees, three trees located adjacent to Kingston Road and two trees located adjacent to Manderley Drive. Staff also advise that there are no protected privately owned trees on site.

The five City owned street trees are honey locust trees having diameters of 22cm, 19cm, 26cm, 29cm and 24cm. The applicant is proposing to plant ten trees on the City road allowance (five trees adjacent to Kingston Road and five trees adjacent to Manderley Drive) in better environment and soil conditions. The applicant will be responsible for removing the trees and for the value and replacement costs associated with the trees.

The application is also required to comply with the tree planting elements of the Toronto Green Standard (TGS), Version 2.0, which based on the area of the site, require thirteen trees to be planted on the site and the adjacent road allowance. The tree planting plan is satisfactory to Urban Forestry, because the plan complies with the latest Toronto Green Standard, Version 3.0, by providing larger soil volumes.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Site Plan Approval process.

The applicant is proposing to implement geothermal heating for the proposed building, an important contributor to the resiliency of the development.

School Boards

The Toronto Land Corporation (TLC) in consultation with the Toronto District School Board (TDSB) has determined that there is insufficient capacity at local schools to accommodate the students anticipated from development proposals in this area (TDSB Ward 18).

TLC requires that the owner shall erect and maintain signs, at points of egress and ingress of the development site to the satisfaction of TLC advising that while the TDSB makes every effort to accommodate students at local schools, sufficient accommodation in this area may not be available for all students. Warning clauses to this effect are also being required by the TDSB to be included in all offers of purchase and sale of residential units for a period of 10 years.

The Toronto Catholic District School Board (TCDSB) has advised that this development falls within the fixed attendance boundary of Immaculate Heart of Mary Catholic School. The closest Secondary schools serving this area are:

- Notre Dame Catholic Secondary School
- Neil McNeil High School
- Blessed Cardinal Newman Catholic High School

At this time, sufficient space exists within the local elementary and secondary schools to accommodate additional students from the development as proposed. Further, under the Education Development Charges (EDC) By-Law No. 194, as amended, the TCDSB

is eligible to levy EDC's in these areas (CE10 & CS02) toward the acquisition of land for both an elementary and secondary school.

The TCDSB and TLC will both continue to monitor residential development growth in this area as it relates to cumulative impact on local schools.

Community Consultation

A Community Consultation Meeting was held on March 5, 2019.

Approximately 60 people attended the meeting. Also, in attendance were the Ward Councillor, City Planning staff, the applicant and their planning consultants.

The public raised concerns that:

- the proposed building was too high and not in context with the low density neighbourhood in the area. Similarly, issues were raised about the potential for increased shadow impacts on residential properties along Lynn Road, Dunnington Drive and Warden Avenue.
- Those in attendance expressed concern about the impact of the development proposal on the sewer infrastructure that exists on Manderley Drive and the neighbouring vicinity as well as increased traffic on the streets in the neighbourhood.
- There were comments made that the revised development proposal was a good building design and improved the activity and amenity of the street.

Planning staff also received an email in support of the development from a member of the public who resides in the vicinity of the site. The email noted that the quality of the building design was superior and the proposed use of geothermal heating in the building would be a benefit to everyone.

Community Services and Facilities Study

The Official Plan policies regarding Healthy Neighbourhoods seek to enhance community and neighbourhood amenities where needed. The applicant submitted a Community Services and Facilities Study in support of the original development proposal. The Study concluded that generally there are sufficient community services and facilities in the area to support the proposed development. However, with 14 recently approved developments in the area (as of April 2018) and additional proposals forthcoming in the development pipeline, noted gaps in programs in the area, particularly day care for infants and toddlers may become more pronounced and should be monitored. Staff have reviewed the report and are generally satisfied with its conclusions.

Amending Zoning By-laws

Attachment 5 is the draft amending zoning by-law to the former City of Scarborough Birchcliff Community Zoning By-law No. 8786. Attachment No. 6 is the amending draft by-law to bring the site and the development proposal into City-wide Zoning By-law No. 569-2013. The draft amending zoning by-laws contains provisions that permit the development proposal on the site.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

- a. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of five hundred thousand dollars (\$500,000.00) to be allocated towards: public art; non-profit arts, cultural, community or institutional facilities; and/or various streetscape improvements not abutting the site in Ward 20 to be determined by the Chief Planner and Executive Director of City Planning in consultation with the local Councillor, and that the design of the streetscape improvements comply with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. The financial contribution identified in this subsection a. above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor.
- c. In the event the cash contribution referred to in this subsection 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 Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

1. 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, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to supporting the *Mixed Use Areas*, Built Form, and the *Avenues* policies.

The proposed building is designed to establish an appropriate fit in the existing neighbourhood context and supports the design objectives of the Official Plan *Mixed Use Areas* and *Avenues* policies in facilitating the reurbanization of this important Kingston Road corridor. It is recommended that Council support approval of the application as set out in this report.

CONTACT

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E-mail:Gregory.Hobson-Garcia@toronto.ca

SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft Zoning By-law Amendment-Birchcliff Community By-law No. 8786
Attachment 6: Draft Zoning By-law Amendment-Zoning By-law No. 569-2013
Attachment 7: Summary of Public Consultation

Applicant Submitted Drawings

Attachment 8: Site Plan/Ground Floor Plan
Attachment 9: Elevations
Attachment 10: Elevations
Attachment 11: Rendering
Attachment 12: Building Section

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1478-1496 Date Received: April 23, 2018
KINGSTON RD

Application Number: 18 147401 ESC 36 OZ

Application Type: Rezoning

Project Description: This application proposes to amend the Zoning By-law to permit an 11 storey mixed-use building consisting of 486.9 square metres of ground floor commercial space and 198 residential dwelling units at 1478-1496 Kingston Road. A related Site Plan Control application has also been submitted.

Applicant	Agent	Architect	Owner
TOULA NESSINIS			CORE MANDERLEY INC

EXISTING PLANNING CONTROLS

Official Plan Designation: *Mixed Use Areas* Site Specific Provision: 107,325

Zoning: Commercial Heritage
/Residential Designation:N/A

Height Limit (m): 20m or 27m Site Plan Control Area:
Yes

PROJECT INFORMATION

Site Area (sq m): 2,193 Frontage (m): 46 Depth (m): 44

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,020		1,635	1,635
Residential GFA (sq m):	184		14,651	14,651
Non-Residential GFA (sq m):	1,020		487	487
Total GFA (sq m):	1,204		15,137	15,137
Height - Storeys:	2		11	11
Height - Metres:	6		34	34

Lot Coverage Ratio (%) 74.55 Floor Space Index: 6.93

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
 Residential GFA: 14,651
 Retail GFA: 487
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	2			
Freehold:				
Condominium:			198	198
Other:				
Total Units:	2		198	198

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		14	111	53	20
Total Units:		14	111	53	20

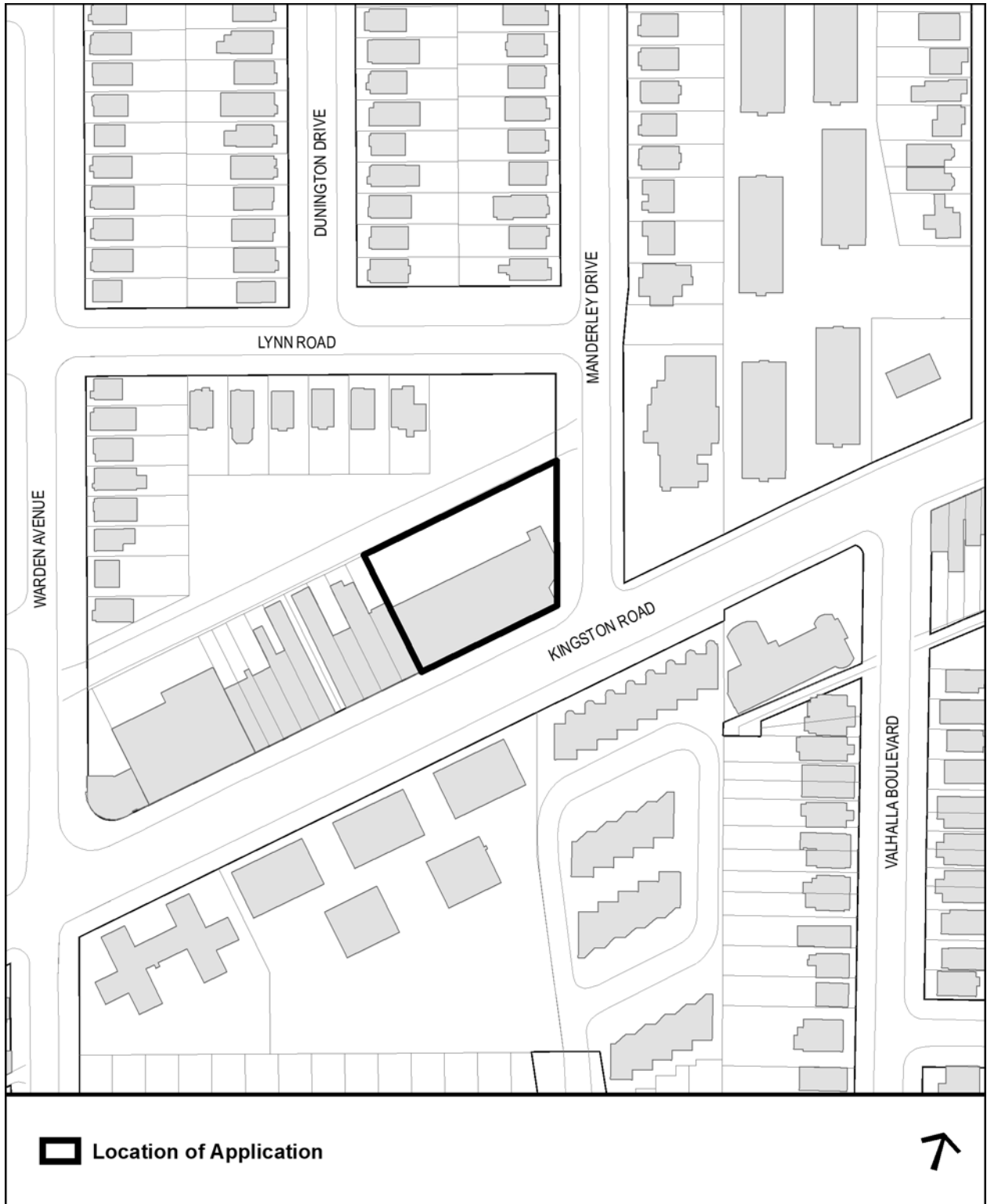
Parking and Loading

Parking Spaces: 172 Bicycle Parking Spaces: 164 Loading Docks: 1

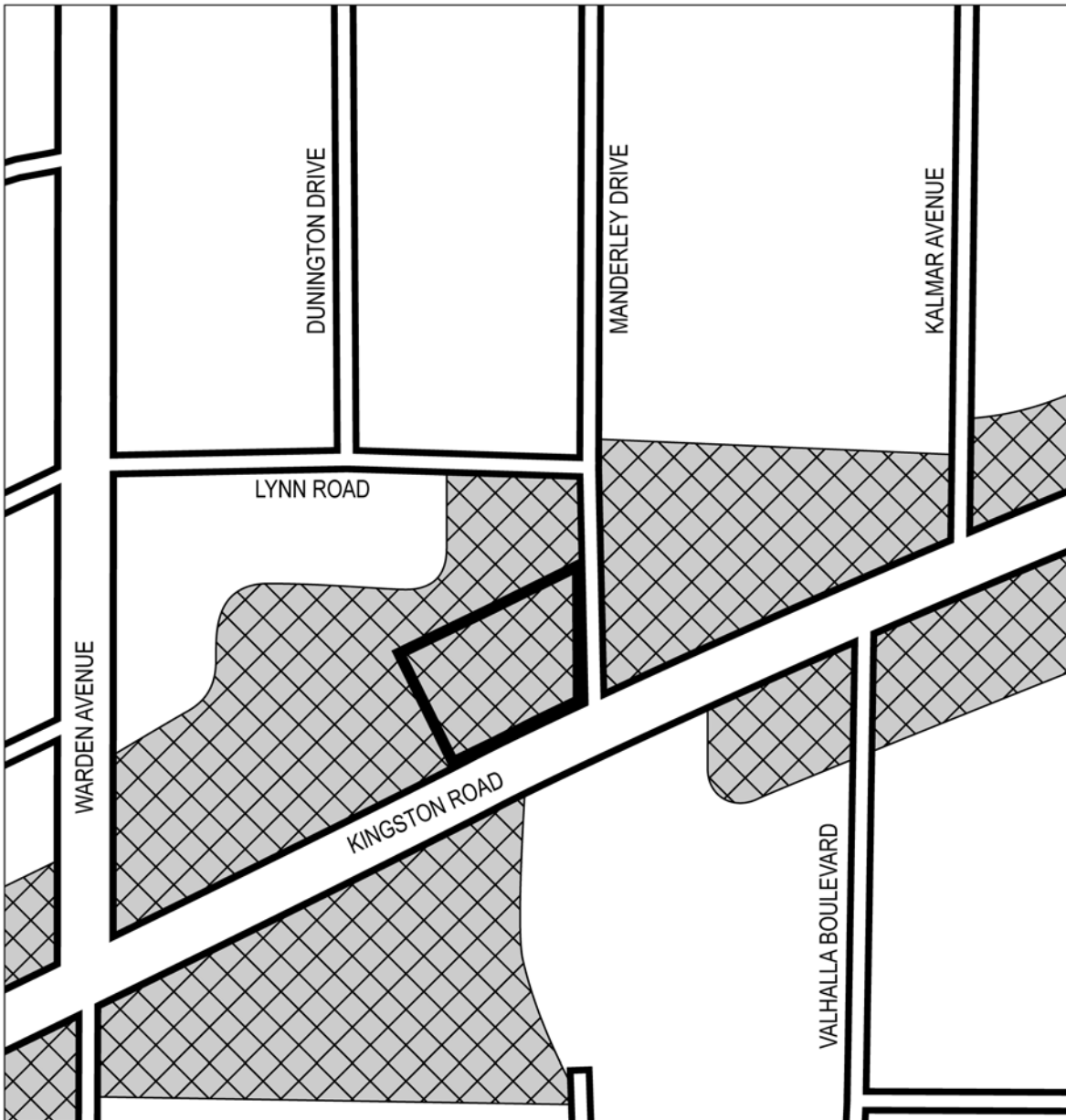
CONTACT:

Greg Hobson-Garcia, Planner
 (416) 396-5244
 Gregory.Hobson-Garcia@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #21

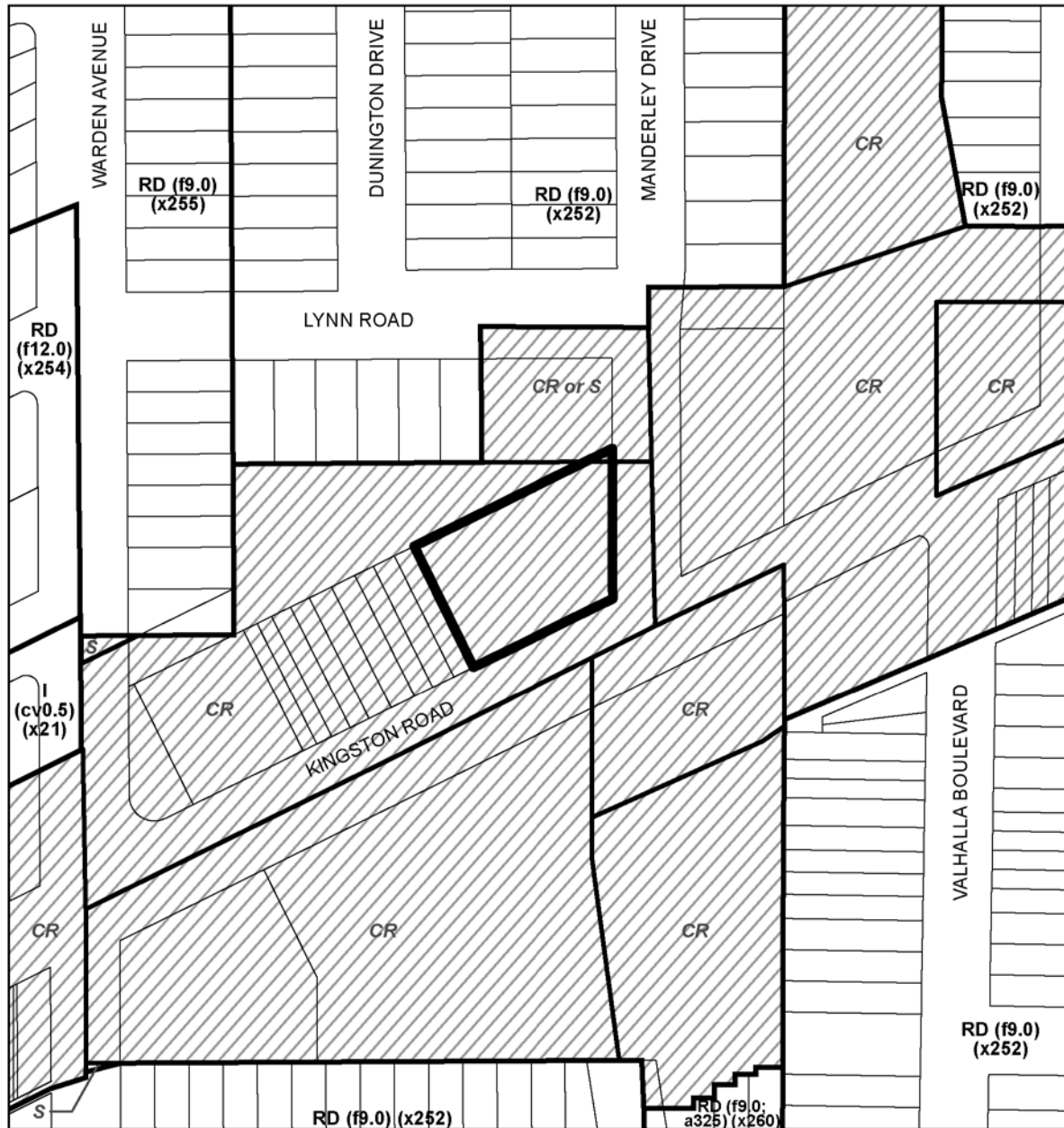
1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z



↑
Not to Scale
05/22/2018

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z



Location of Application



See Former City of Scarborough Birchcliff Community By-Law No. 8786

RD Residential Detached
I Institutional

S Single-Family Residential
CR Commercial-Residential



Not to Scale
Extracted: 05/18/2018

Attachment 5: Draft Zoning By-law Amendment-Birchcliff Community By-law No. 8786

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 Birchcliff Community Zoning By-law No. 8786, as amended,
With respect to the lands municipally known as,
1478-1496 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*;

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as 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 owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in By-law No.8786, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. SCHEDULE “A” of the Birchcliff Community Zoning By-law No. 8786 is further amended by deleting the current zoning and adding the following zoning as shown on Schedule ‘1’ attached hereto and forming part of this By-law, together with the following letters and numerals:

CR-203-205-206-251-252-253-254-255-274-286-287-293-294-295-300-301-304-382-383-384-385-386-387

2. SCHEDULE “B”, PERFORMANCE STANDARD CHART of the Birchcliff Zoning By-law 8786 is further amended by adding the following Performance Standards:

MISCELLANEOUS

382. 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].

383. Minimum building **setbacks** in metres shall comply with those shown on Schedule '3' of By-law [Clerk to insert this By-law Number]

384. Notwithstanding Performance Standard 383, the following building elements may extend into the required building **setback** shown on Schedule '3' as follows;

(i) bay windows may project into the north lot line building setback to a maximum of 1.5 metres, between a height of 5.0 metres and 11.0 metres;

(ii) awnings, balconies, canopies and terraces to a maximum of 1.5 metres; and

(iii) pillars, cornices, light fixtures, ventilation shafts and railings, to a maximum of 0.5 metres;

385. Notwithstanding Performance Standard 387, the following building elements may extend above the permitted heights shown on Schedule '3' as follows;

(a) lightning rods, wind screens, elevator overruns, and elements or structures on the roof used for open air recreation, safety and wind protection purposes to a maximum of 3.1 metres;

(b) safety railings and privacy screens and dividers to a maximum of 1.8 metres,

(c) **green roof** elements, parapets, roof access hatches and vents to a maximum of 0.9 metres; and

(d) window washing equipment.

386. All waste and recyclable material must be stored in a wholly enclosed building.
387. Notwithstanding the definition of **height** and **established grade** in **CLAUSE V - INTERPRETATION, Section (f), Definitions**, for the purposes of this By-law, the **height** of any building shown on Schedule '3' of By-law [Clerk to insert this By-law Number], is measured from 135.36 metres above the Canadian Geodetic Datum elevation and the elevation of the highest point on 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].

KINGSTON ROAD REVITALIZATION STUDY (Birchcliff Community)

304. The only uses permitted above a **height** of 31.5 metres are residential amenity space and rooftop mechanical penthouse.

INTENSITY OF USE

251. Maximum **gross floor area** of 6.93 times the area of the lot or parcel.
252. Maximum 198 dwelling units.
253. A minimum of 172 **parking spaces**, of which 140 **parking spaces** to be allocated to residents of **dwelling units**, 29 **parking spaces** to be allocated to shared visitor/retail use and 3 **parking spaces** to **car-share**.
254. Of the **parking spaces** required by Performance Standard 253, a minimum of 6 shall be accessible **parking spaces** provided and reserved for the physically disabled. The accessible **parking spaces** shall be 3.9 metres wide and 5.6 metres in perpendicular length, with a vertical clearance of 2.1 metres and a minimum 6.0 metre wide access aisle.
255. One **Type G loading space** is required with the minimum dimensions of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
- 3. SCHEDULE "C", EXCEPTIONS MAP** is amended by deleting Exception No. 38 from the lands as shown on Schedule '1'.
- 4. SCHEDULE "C", EXCEPTIONS LIST and MAP** is amended by adding the following **EXCEPTION** No. 48 to the lands as shown outlined on the attached Schedule '2'.
48. On those lands identified as Exception No. 48, on the accompanying Schedule "C" map, the following provisions shall apply:

- (a) The provisions of **CLAUSE VI - PROVISIONS FOR ALL ZONES**, Section 13. Coverage, shall not apply.
- (b) The provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Section 1.1, Table of Required Parking Rates shall not apply.
- (c) The provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Section 1.2, Reduced Parking Requirements shall not apply.
- (d) The provisions of **CLAUSE VI - PROVISIONS FOR ALL ZONES**, Section 12.2 Lands Not Covered by Buildings, shall not apply.
- (e) **Dwelling units** are permitted on the ground floor provided that they do not have frontage along the Kingston Road **front lot line**.
- (f) For the purposes of this exception, the following definitions shall apply:
- **Car-share** shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
 - **Car-share parking space** shall mean a parking space that is exclusively reserved and actively used for car-sharing.
 - **Type G Loading Space** shall mean a loading space that is a minimum of 4.0 metres wide, 13 metres long and has a minimum vertical clearance of 6.1 metres.
 - **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.
- (g) Visitor **parking spaces** and **car-share parking spaces** are permitted in the **basement**.
- (h) 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 as Schedule '1' attached to this By-law, in return for the provision by the

owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands to the satisfaction of the City Solicitor;

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services, or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner must 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 the provisions of Schedule A of this Bylaw are satisfied.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE C

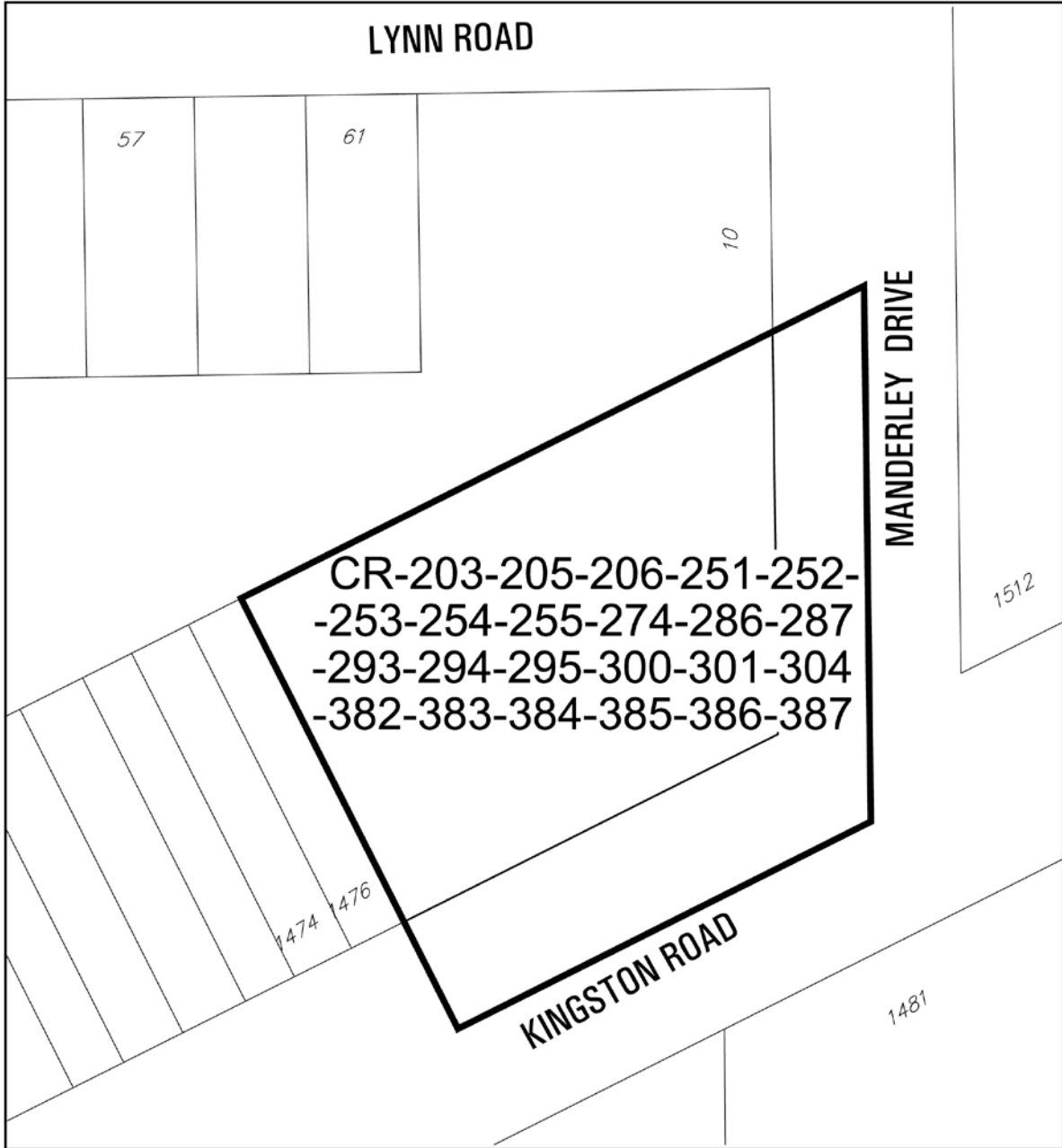
Section 37 Provisions

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 '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:

- a. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of five hundred thousand dollars (\$500,000.00) to be allocated towards: public art; non-profit arts, cultural, community or institutional facilities; and/or various streetscape improvements not abutting the site in Ward 20 to be determined by the Chief Planner and Executive Director of City Planning in consultation with the local Councillor, and that the design of the streetscape improvements comply with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. The financial contribution identified in this subsection a. above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor.
- c. In the event the cash contribution referred to in this subsection 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 Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

- a. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by 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, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

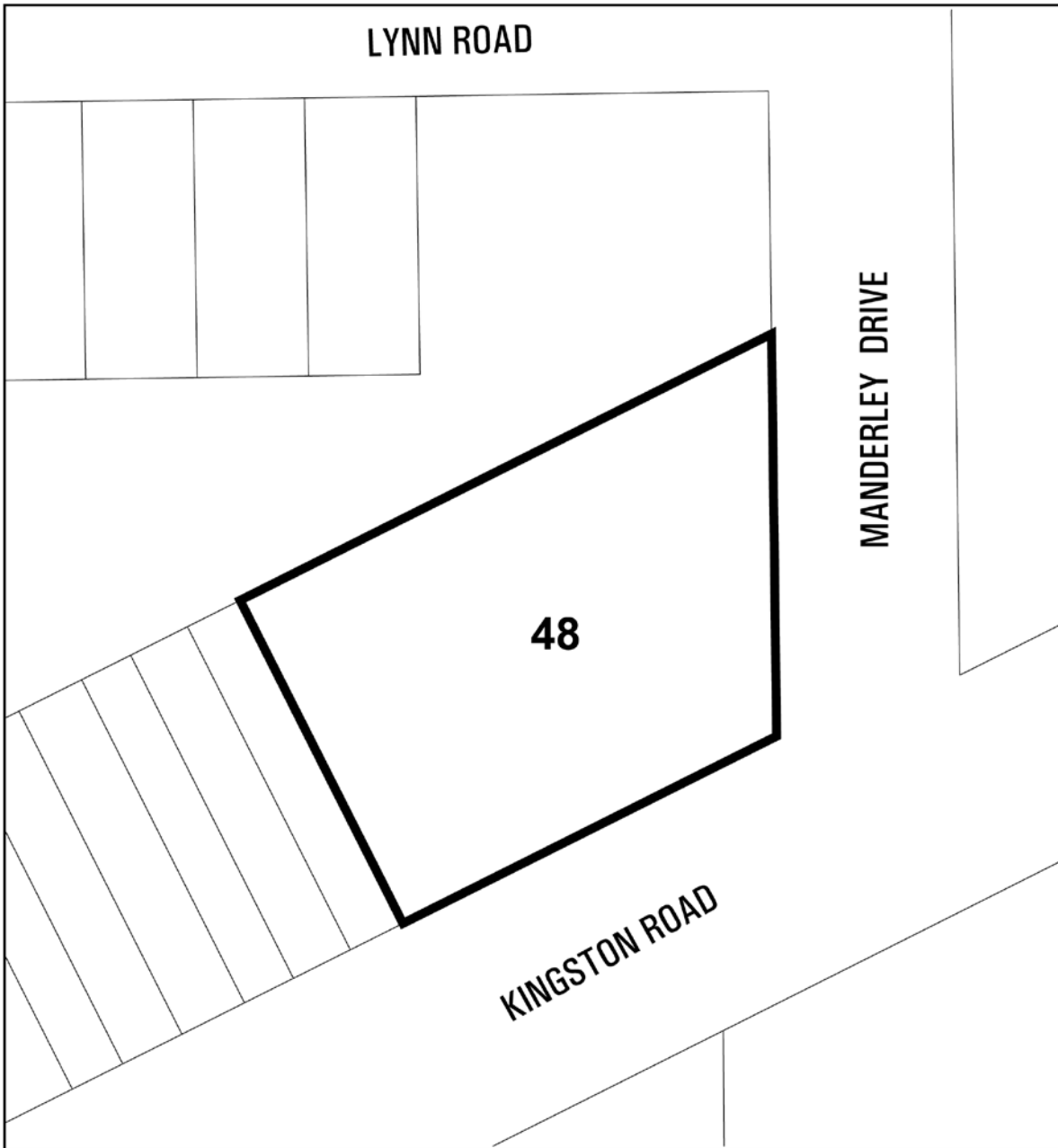


Toronto
Schedule 1

1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z

↑
Birchcliff Community By-law
Not to Scale
08/13/2019

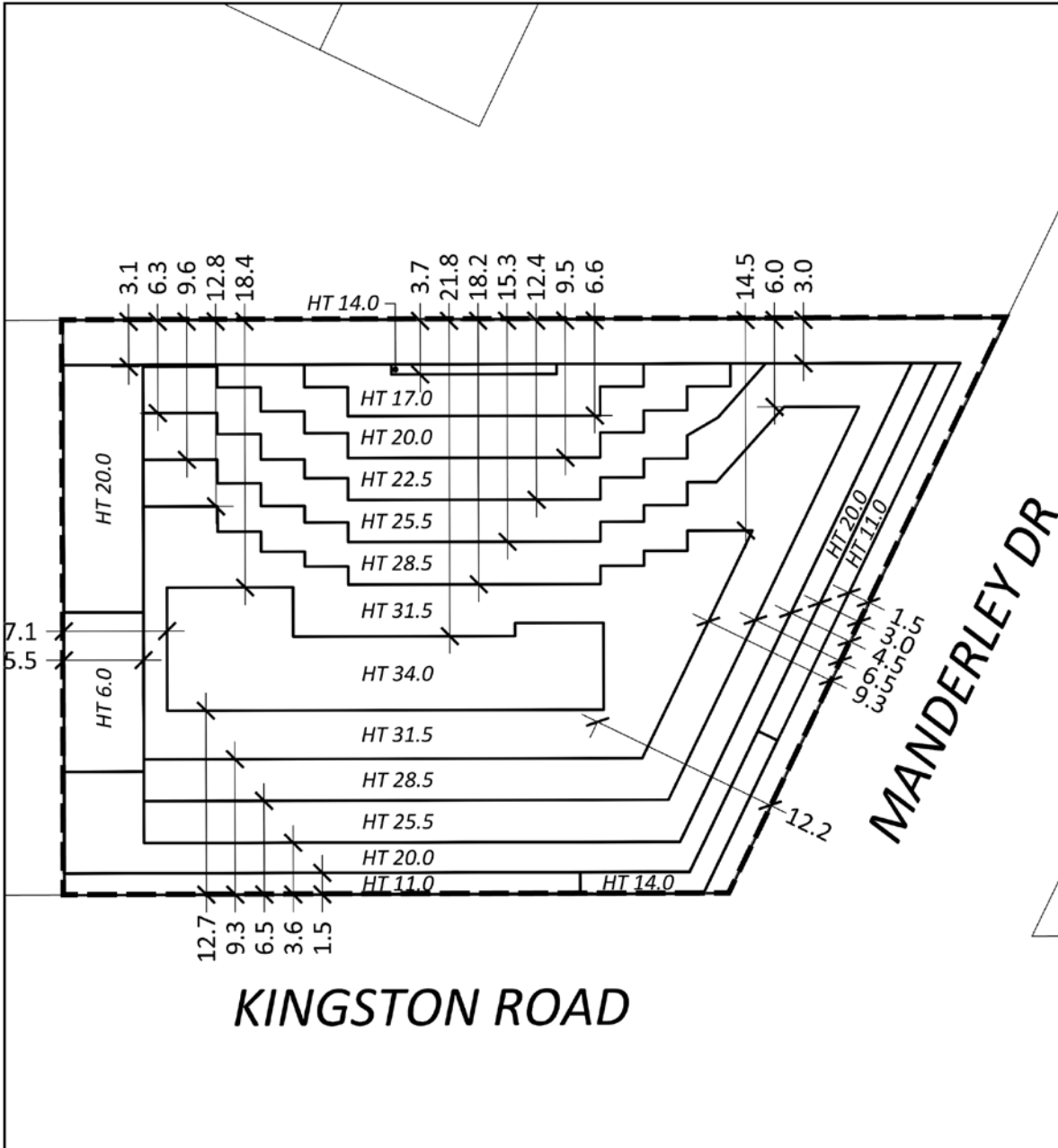


Toronto
Schedule 2

1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z

↑
Birchcliff Community By-law
Not to Scale
08/08/2019




KINGSTON ROAD

MANDERLEY DR



1478-1496 Kingston Road

File # 18 147401 ESC 36 02


 Birchcliff Community By-law
 Not to Scale
 08/08/2019

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-2019

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 1478-1496 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;

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label to these lands: CR 4.5 (c4.5; r4.5) SS2 (x208) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the height and storey label to these lands: HT 20 as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands shown on Diagram 4 attached to this By-law to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area label to these lands: PA 4, as shown on Diagram 4; and
6. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay Map in Section 995.40.1 with no label; and
7. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR 208 so that it reads:

(208) Exception CR 208

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 1478-1496 Kingston Road, if the requirements in Section 9 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **building, structure**, addition or enlargement may be constructed or used if it complies with (B) to (V) below;
- (B) Despite Regulation 40.10.40.40(1), the permitted maximum total **gross floor area** is 15,200 square metres, of which:

- (i) the permitted maximum residential **gross floor area** is 14,700 square metres; and
 - (ii) the permitted maximum non-residential **gross floor area** is 500 square metres;
- (C) Regulations 40.10.20.100(1) and (17) with respect to the permitted maximum **interior floor area** of all **eating establishments, take-out eating establishments** and **retail services** on a **lot** does not apply;
- (D) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 135.36 metres and the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters “HT” as shown on Diagram 5 of By-law [Clerks to supply by-law ##];
- (F) Despite Clause 40.5.40.10 and (E) above, the following elements of a **building** or **structure** may project above the permitted maximum **building** heights shown on Diagram 5 of By-law [Clerks to supply by-law ##];
- (i) lightning rods, wind screens, elevator overruns, and elements or **structures** on the roof used for open air recreation, safety and wind protection purposes to a maximum of 3.1 metres;
 - (ii) safety railings and privacy screens and dividers to a maximum of 1.8 metres,
 - (iii) **green roof** elements, parapets, roof access hatches and vents to a maximum of 0.9 metres; and
 - (iv) window washing equipment.
- (G) Only the following uses and **building** elements are permitted above a height of 31.5 metres:
- (i) areas used for the functional operation of the **building**, including mechanical equipment;
 - (ii) residential **amenity space**; and
 - (iii) elements listed in (F) above;

- (H) Despite Clause 40.10.40.60 and Regulations 40.5.40.60(1), 40.5.40.70(1), and 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagram 5 of By-law [Clerks to insert the by-law #];
- (I) Despite (H) above, in addition to those elements listed in regulation 40.5.40.10(3) the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 5 of By-law [Clerks to insert the by-law #]:
- (i) bay windows may project into the north **lot line building setback** to a maximum of 1.5 metres, between a height of 5.0 metres and 11.0 metres;
 - (ii) awnings, balconies, canopies and terraces to a maximum of 1.5 metres; and
 - (iii) pillars, cornices, light fixtures, ventilation shafts and railings, to a maximum of 0.5 metres;
- (J) No portion of a **building** or **structure** may penetrate a 45-degree **angular plane** taken from a **lot line** abutting a Residential Zone;
- (K) Where the permitted height and required **building setbacks** shown in Diagram 5 of By-law [Clerks to insert the by-law #] and the **angular plane** required by (J) conflict, the **angular plane** required by (J) governs;
- (L) Despite Regulation 40.10.50.10(3), no strip of land used only for **soft landscaping** is required along the part of the **lot line** abutting a **lot** in the Residential Zone category.
- (M) Despite Regulation 200.5.10.1 and Table 200.5.10.1, a minimum of 172 **parking spaces** must be provided, of which a minimum of:
- (i) 140 **parking spaces** must be provided for residents of **dwelling units**;
 - (ii) 29 **parking spaces** must be provided for the shared use of visitors to **dwelling units** and non-residential uses; and
 - (iii) 3 **parking spaces** must be provided as car-share **parking spaces**;

(N) For the purposes of (M) above,

- (i) car-share is the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
- (ii) a car-share **parking space** is a **parking space** that is exclusively reserved and actively used for car-sharing;

(O) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:

- (i) length of 5.6 metres;
- (ii) width of 3.9 metres; and
- (iii) vertical clearance of 2.1 metres;

(P) Despite Regulation 200.15.10(1), a minimum of 6 accessible parking spaces must be provided;

(Q) Despite Regulations 220.5.10.1(2) and (3), a minimum of one Type 'G' **loading space** must be provided;

(R) Regulation 230.40.1.20(2), with respect to the location of "short-term" **bicycle parking spaces** relative to the building entrance, does not apply;

(S) For the purposes of this exception, the **lot** comprises those lands shown on Diagram 1 attached to By-law [Clerks to supply by-law ##];

(T) Despite Regulation 40.10.40.1(1), a **dwelling unit** may be located on the first **storey** of the **building** if:

- (i) the **dwelling unit** has direct access to a street which is not a major **street** on the Policy Area Overlay Map; or
- (ii) the **dwelling unit** is located to the rear of the non-residential uses on the first **storey**;

(U) Despite Regulation 200.15.1.5(1), accessible parking spaces may be located in the **basement** parking level;

(V) The permitted maximum total floor space index is 6.93, of which:

(i) the permitted maximum residential floor space index is 6.7; and

(ii) the permitted maximum non-residential floor space index is 0.23.

Prevailing By-laws and Prevailing Sections: (None apply).

8. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

9. 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 City)

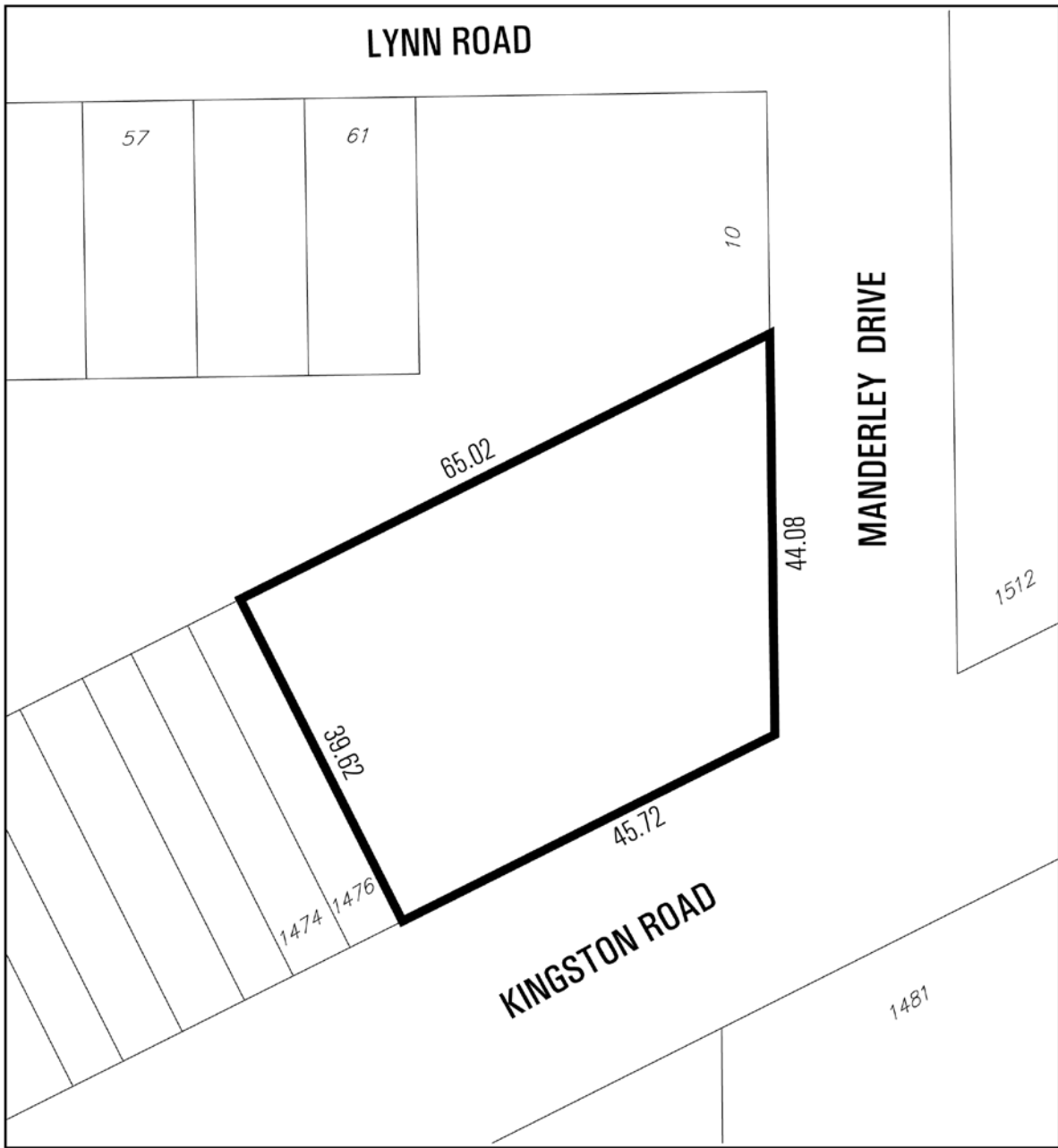
SCHEDULE A
Section 37 Provisions

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:

- a. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of five hundred thousand dollars (\$500,000.00) to be allocated towards: public art; non-profit arts, cultural, community or institutional facilities; and/or various streetscape improvements not abutting the site in Ward 20 to be determined by the Chief Planner and Executive Director of City Planning in consultation with the local Councillor, and that the design of the streetscape improvements comply with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. The financial contribution identified in this subsection a. above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor.
- c. In the event the cash contribution referred to in this subsection 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 Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

- d. 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, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

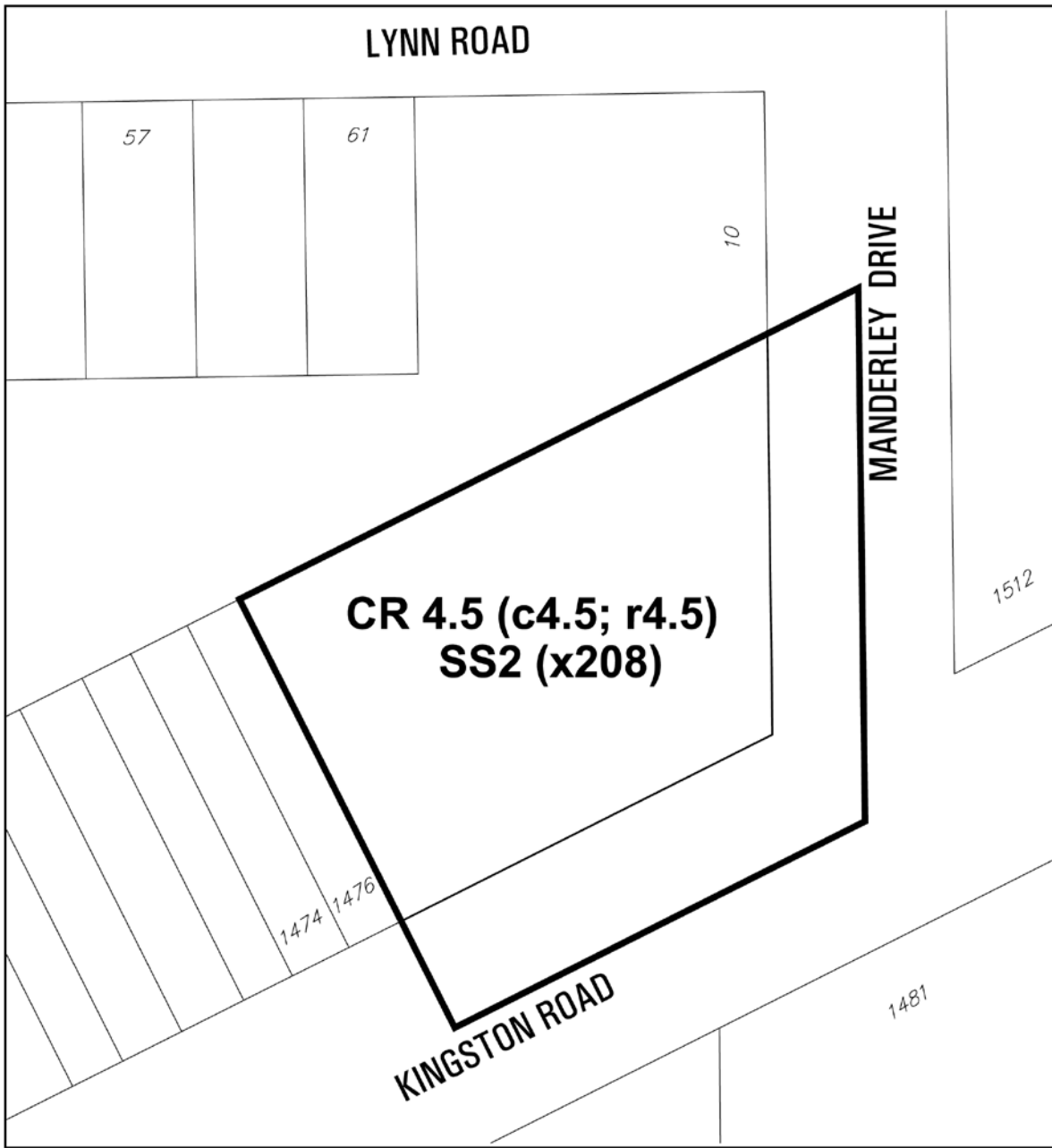


TORONTO
 Diagram 1

1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z

City of Toronto By-law 569-2013
 Not to Scale
 08/08/2019

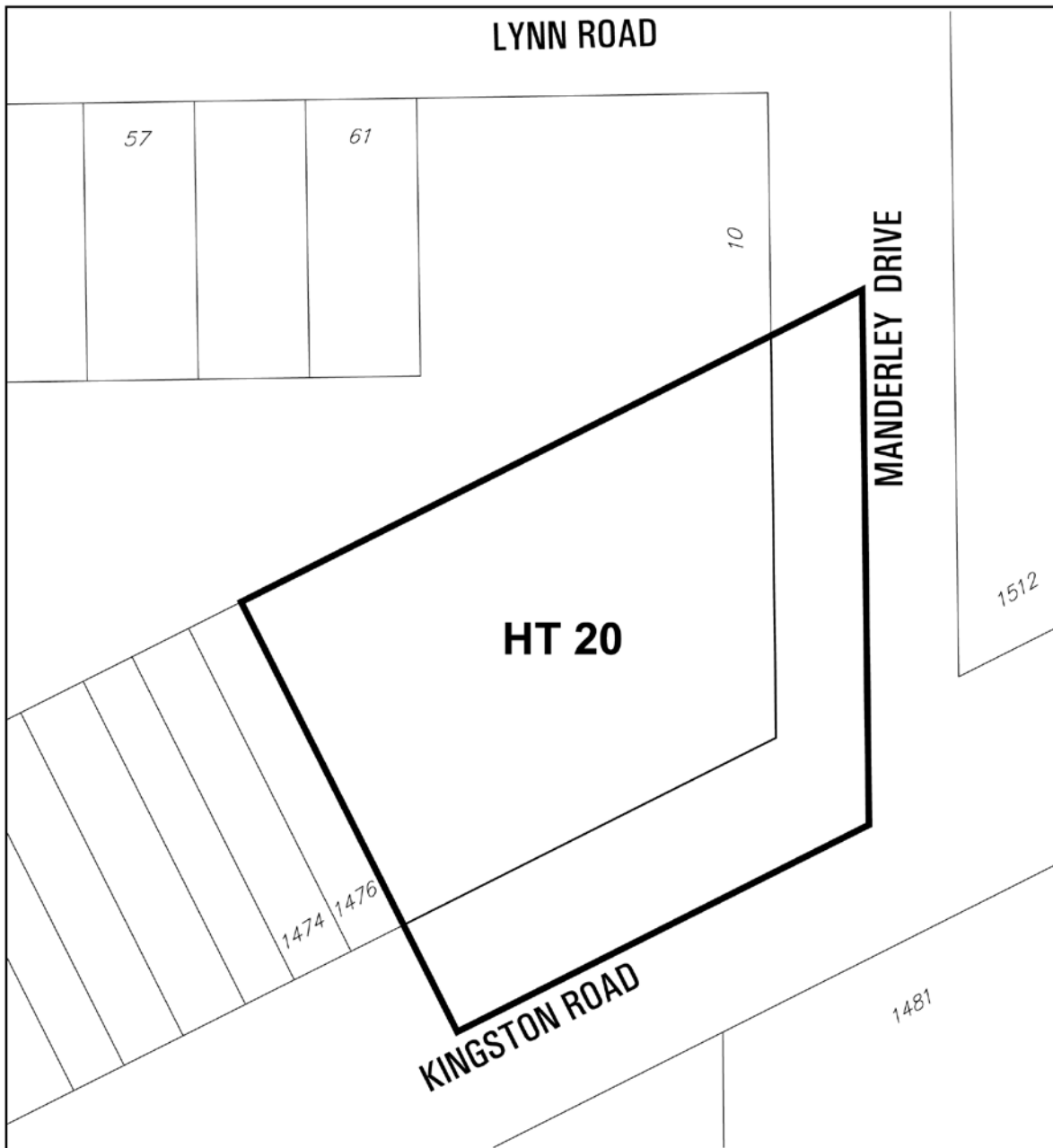


Toronto
Diagram 2

1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z

City of Toronto By-law 569-2013
Not to Scale
08/28/2019

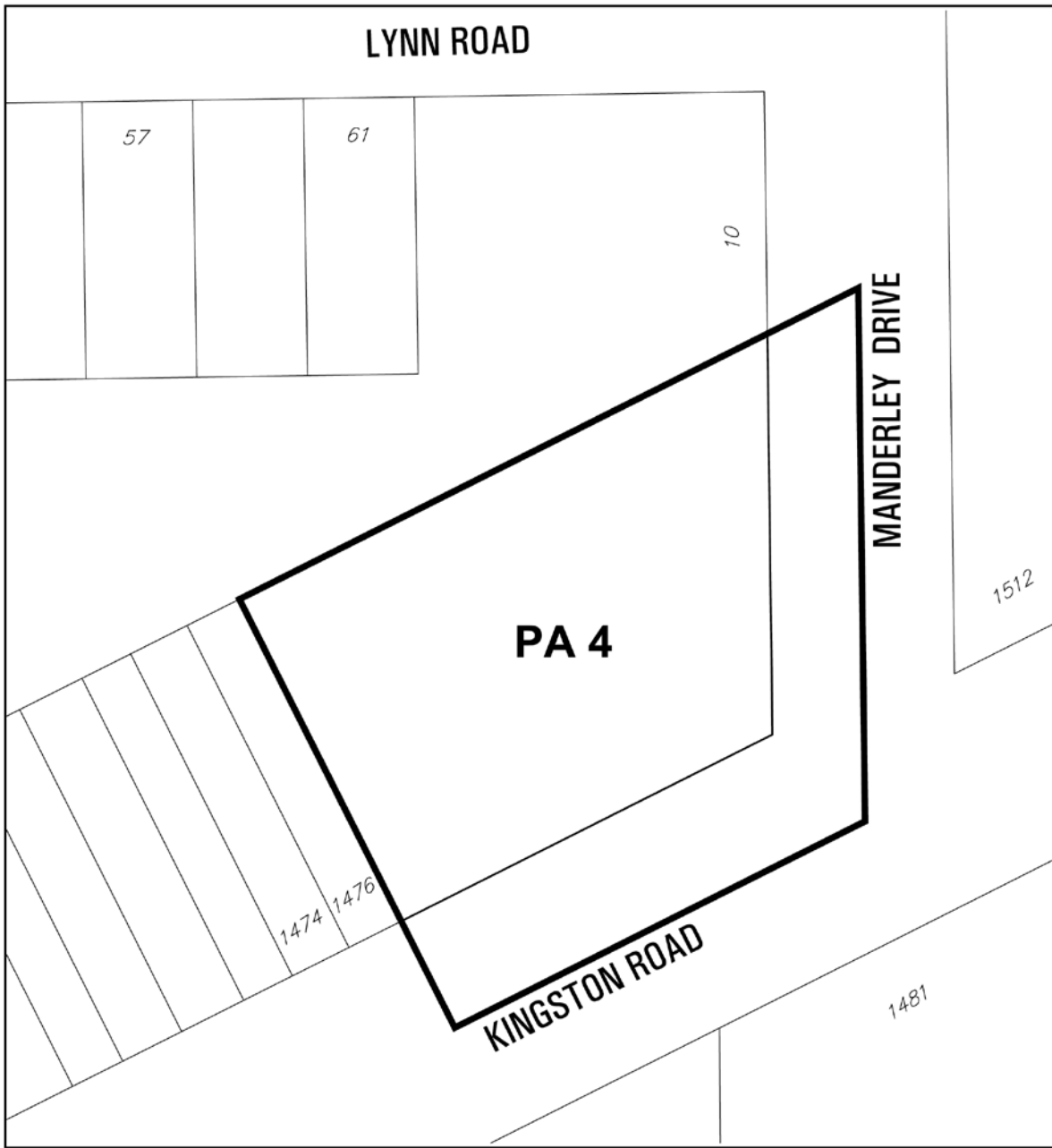


1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z

Toronto
Diagram 3

City of Toronto By-law 569-2013
Not to Scale
08/28/2019

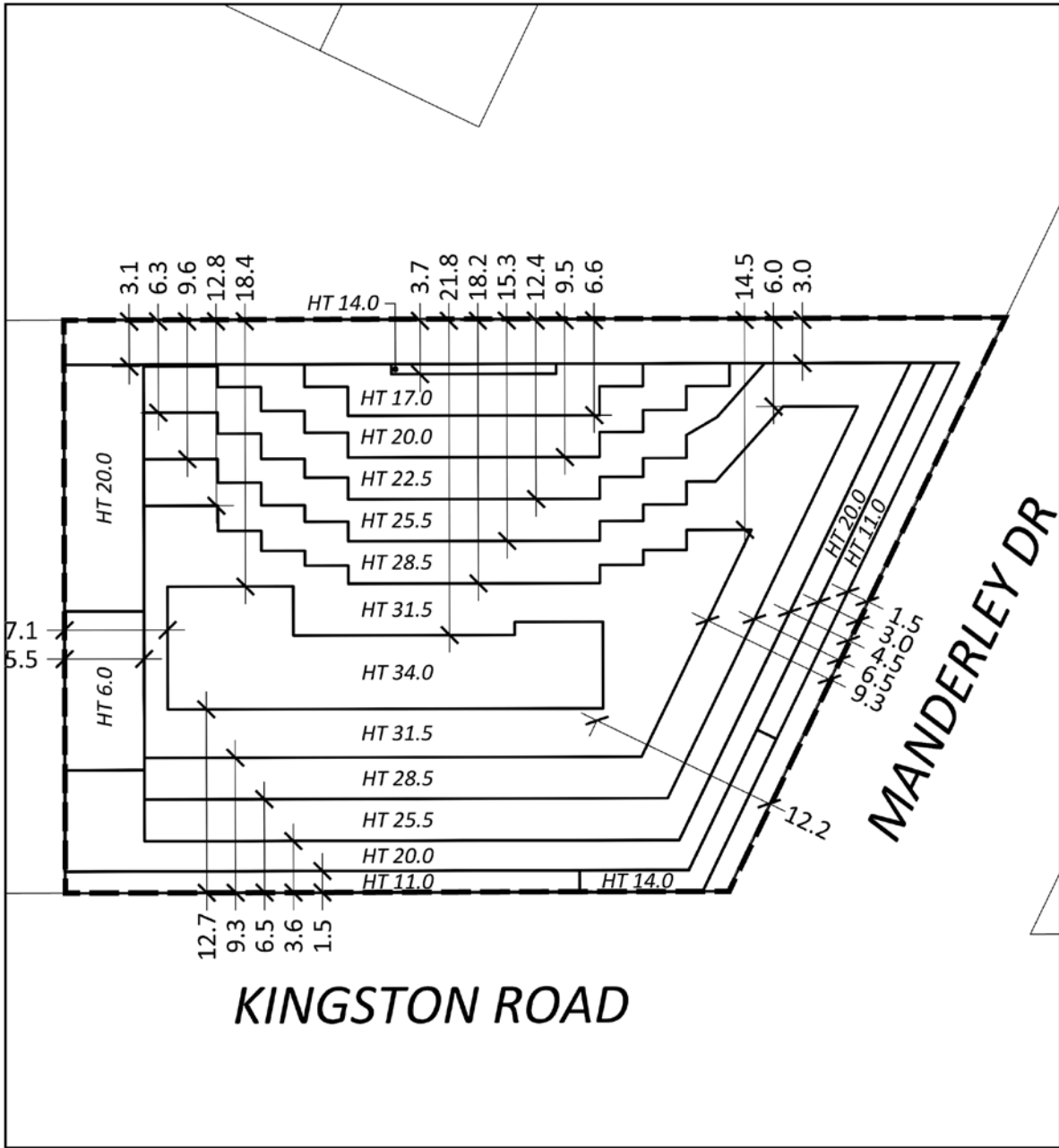


Toronto
 Diagram 4

1478-1496 Kingston Road

File # 18 147401 ESC 36 02

City of Toronto By-law 569-2013
 Not to Scale
 08/28/2019



Toronto
Diagram 5

1478-1496 Kingston Road

File # 18 147401 ESC 36 0Z

City of Toronto By-law 569-2013
Not to Scale
08/08/2019

Attachment 7: Summary of Public Consultation

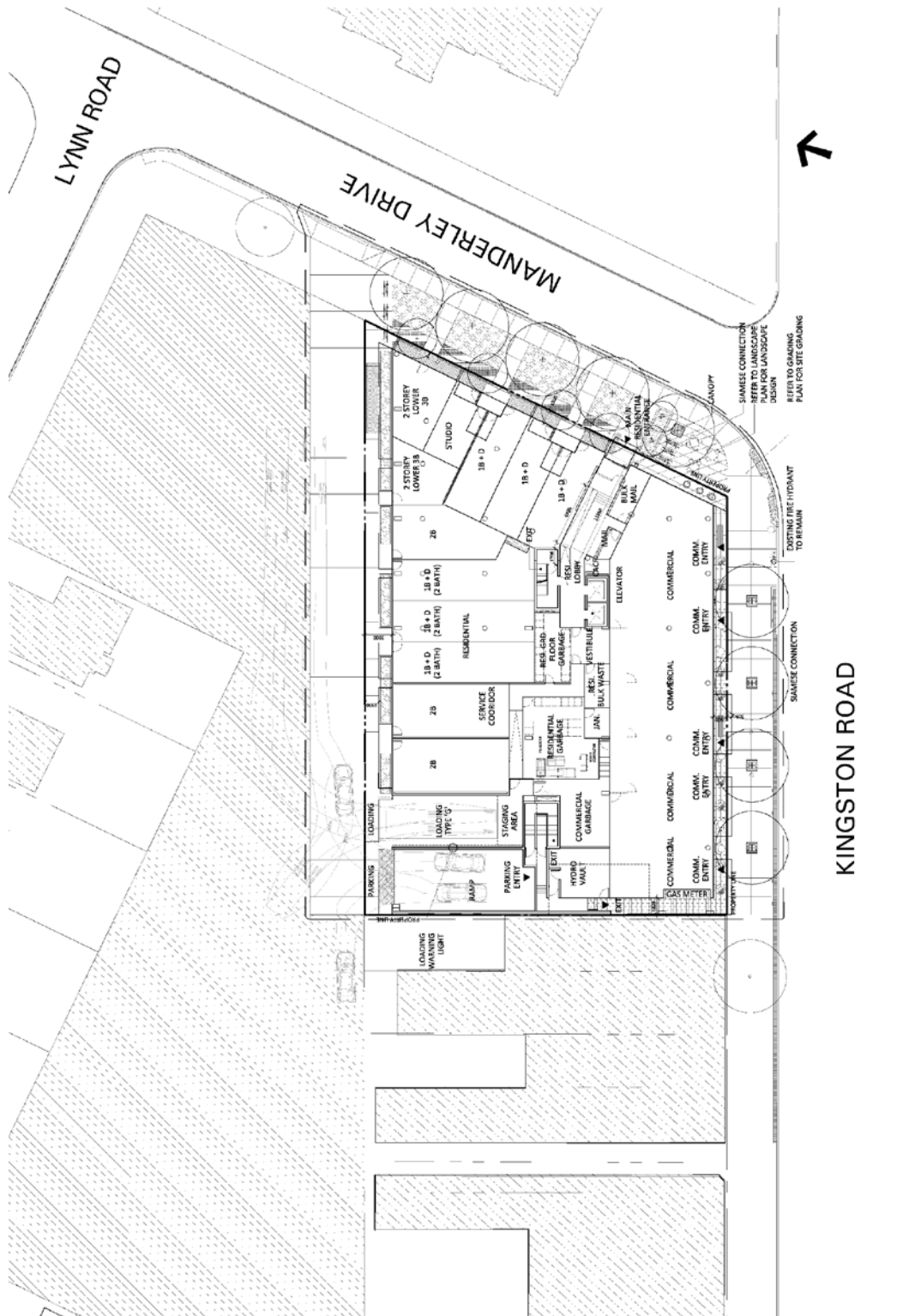
The public raised the following issues/comments:

- the proposed building was too high and not in context with the low density neighbourhood in the area. Similarly, issues were raised about the potential for increased shadow impacts on residential properties along Lynn Road, Dunnington Drive and Warden Avenue.
- Those in attendance expressed concern about the impact of the development proposal on the sewer infrastructure that exists on Manderley Drive and the neighbouring vicinity as well as increased traffic on the streets in the neighbourhood.
- There were comments made that the revised development proposal was a good building design and improved the activity and amenity of the street.

Planning staff also received an email in support of the development from a member of the public who resides in the vicinity of the site. The email noted that the quality of the building design was superior and the proposed use of geothermal heating in the building would be a benefit to everyone.

As previously mentioned in this report, matters regarding traffic impact, servicing, shadowing, height and architectural design of the development proposal have been addressed to City staff's satisfaction.

Attachment 8: Site Plan/Ground Floor Plan



Attachment 9: Elevations



Attachment 10: Elevations



Attachment 11: Rendering



Attachment 12: Building Section

