

Authority: Scarborough Community Council Item SC27.5, as adopted by City of Toronto Council on January 31, February 1 and 2, 2018

CITY OF TORONTO

Bill 266

BY-LAW -2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 2799-2815 Kingston Road.

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

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

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

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR0.4 (c0.4; r0.4) SS2 (x2591) as shown on Diagram 2 attached to this by-law.

4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 2591 so that it reads:

Exception CR 2591

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

Site Specific Provisions:

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

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

window box, bay window or projecting window, landscape and public art features, window washing equipment, lightning rods not exceeding 0.3 metres; and

- (iii) porches not exceeding 2.5 metres.
- (O) Despite regulation 40.5.1.10(3) and 40.10.40.40(1) the maximum permitted **gross floor area** of a **building** is 15,850 square metres of which a minimum of 1,300 square metres must be used for non-residential uses.
- (P) Despite regulation 220.5.10.1 (3), one Type "G" **loading space** must be provided and may be used for both non-residential use and residential use purposes.
- (Q) Despite Table 200.5.10.1, regulation 200.5.10.1, regulation 200.5.1.10(1) **parking spaces** for a **building** containing up to a maximum of 188 **dwelling units**, must be provided for on the **lot** in accordance with the following:
 - (i) a minimum of .80 **parking spaces** per one bedroom **dwelling unit**;
 - (ii) a minimum of .90 **parking spaces** per two bedroom **dwelling unit**;
 - (iii) a minimum of 1.10 **parking spaces** per three or more bedroom **dwelling unit**;
 - (iv) a minimum of .15 **parking spaces** per **dwelling unit** for visitors a minimum of 1 **parking spaces** per 100 square metres for non-residential uses; and
 - (v) A total of 42 **parking spaces** are required to be shared for visitors and non-residential uses of which a minimum of 1 **parking space** may be used for car share.
- (R) Despite regulation 230.5.10(1), Table 230.5.10.1(1), **bicycle parking spaces** for the **building** must be provided on the **lot** in accordance with the following:
 - (i) A minimum of 134 "long term" **bicycle parking spaces**; and
 - (ii) A minimum of 36 "short term" **bicycle parking spaces**.

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

5. Section 37 Provisions

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

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

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

Enacted and passed on March , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

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

- (1) Prior to issuance of an above grade building permit other than building permit for a temporary sales office/pavilion the owner shall: provide a cash contribution of Three Hundred and Twenty Thousand dollars \$320,000.00 paid by way of certified cheque payable to the Treasurer, City of Toronto, to be directed towards public realm and streetscape improvements on Kingston Road between Brimley Road and Bellamy Road, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution referred to in Section 1 above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

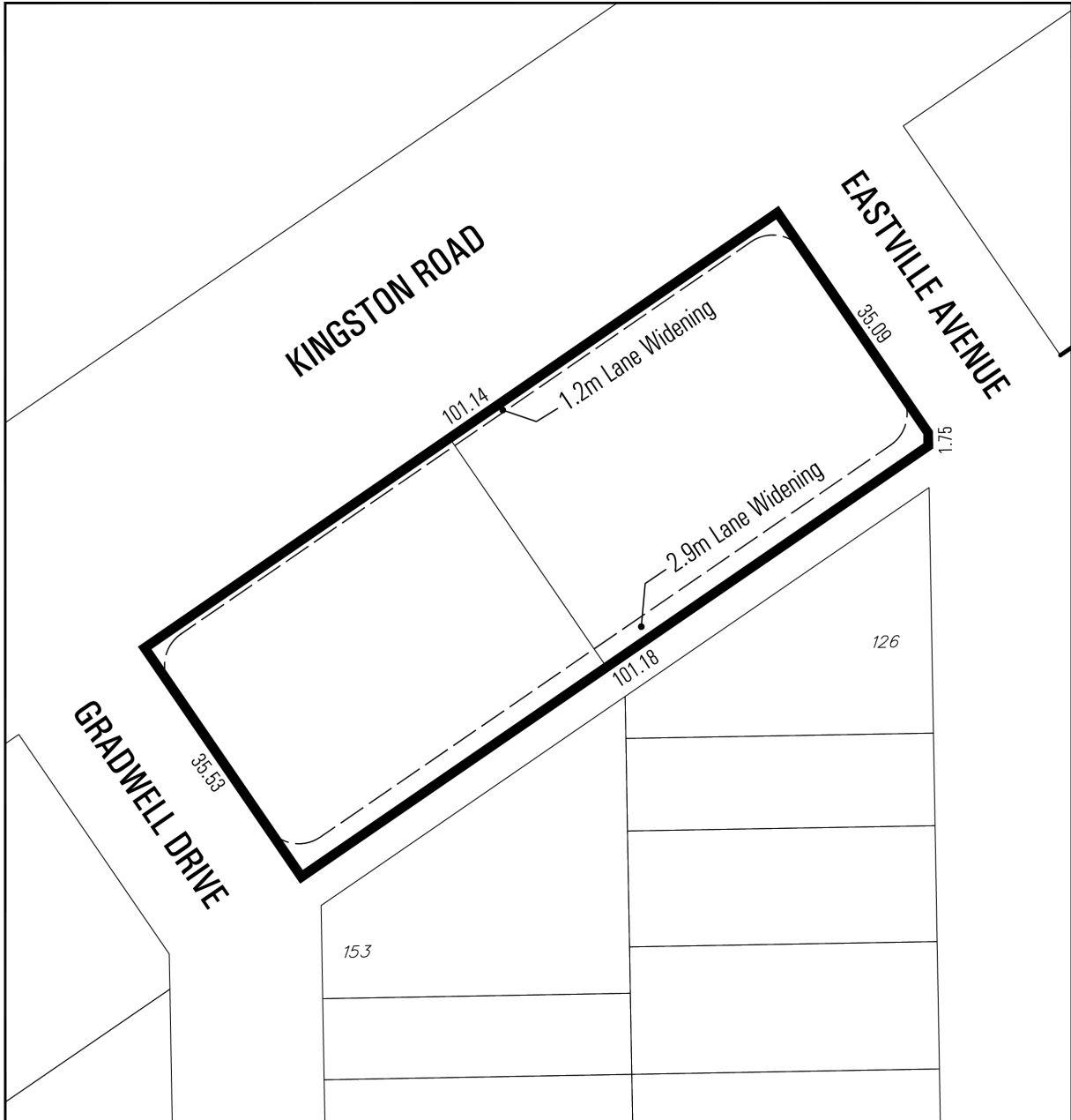
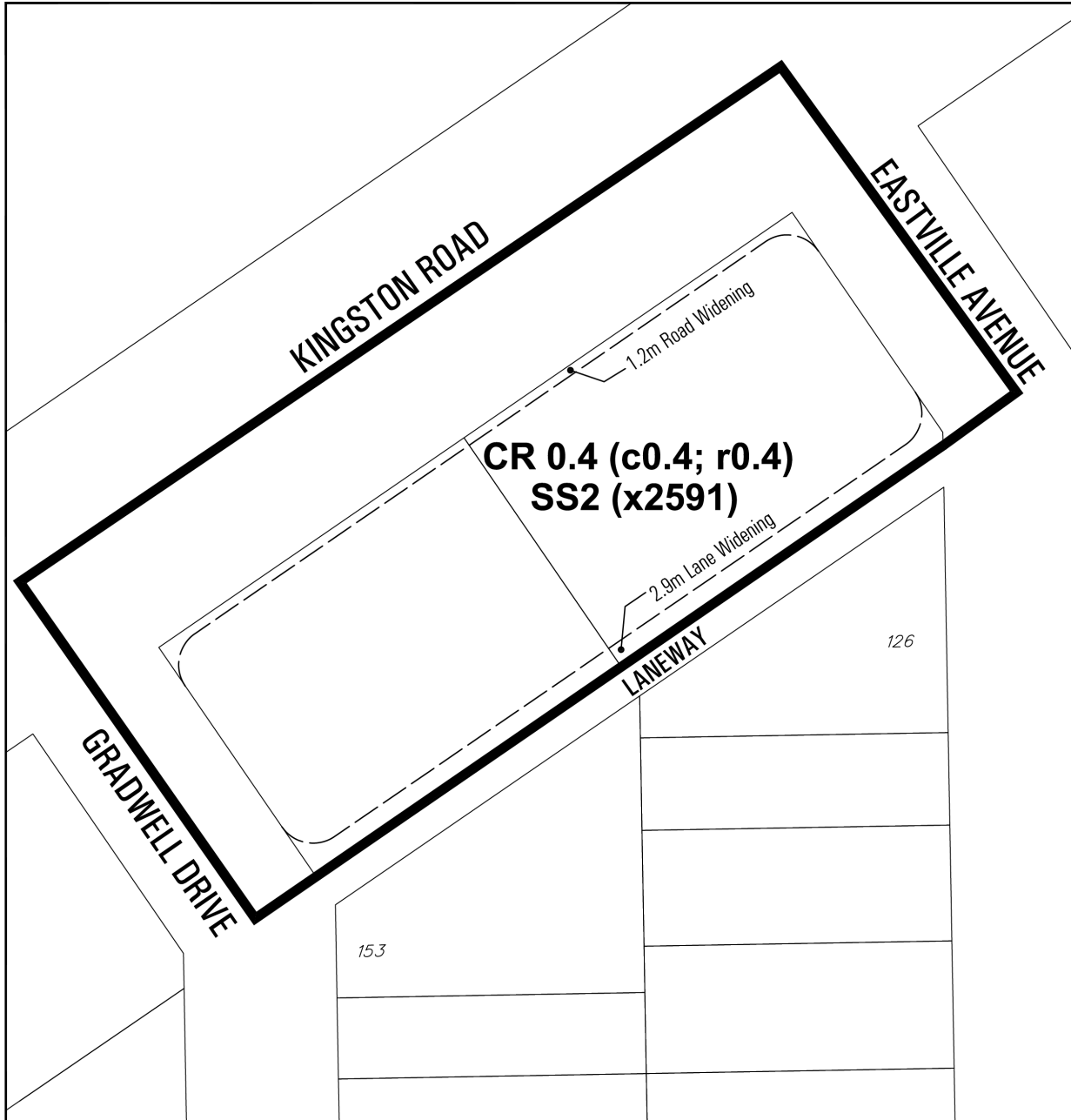



Diagram 1

2799-2815 Kingston Road

File # 13 237724 ESC 36 OZ



 **TORONTO**
Diagram 2

2799-2815 Kingston Road

File # 13 237724 ESC 36 0Z

