

CITY OF TORONTO

BY-LAW 1092-2019(LPAT)

To amend the former City of Scarborough Employment Districts Zoning By-law 24982 (South Agincourt Employment District), as amended, with respect to lands municipally known in the year 2018 as 2035 Kennedy Road.

Whereas the Local Planning Appeal Tribunal, by way of Order/Decision MM170091 issued on October 31, 2018, following an appeal pursuant to Section 34(19) of the Planning Act, R.S.O. 1990, C.P.13, as amended, determined to amend the former City of Scarborough Employment Districts Zoning By-law 24982, as amended, with respect to the lands known municipally in the year 2018 as 2035 Kennedy Road; 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 24982, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

Therefore, By-law 24982, as amended, is further amended by the Local Planning Appeal Tribunal as follows:

1. **SCHEDULE 'A'** of the Employment Districts Zoning By-law 24982 (South Agincourt Employment District) is amended by deleting the current zoning provisions for the lands municipally known as 2035 Kennedy Road and replacing them with the following zoning provisions as shown on Schedule '1' attached hereto and forming part of this by-law:

2. **SCHEDULE 'B'** of the Employment Districts Zoning By-law 24982, **PERFORMANCE STANDARDS CHART**, is amended by adding the following performance standards:

INTENSITY OF USE

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

- c. Maximum 400 **dwelling units** on lands identified as Phase 2 on Schedule 1.
- (vii) A minimum of 410 square metres of retail store **gross floor area** shall be provided on lands identified as Phase 1 on Schedule 1.
- (viii) A minimum of 28,000 square metres of **hotel gross floor area** shall be provided in conjunction with any apartment use on lands identified as Phase 2 on Schedule 1.

SETBACKS

1200. (i) The setbacks and setbacks from the **lot** line(s) to the **main wall**(s) of any building(s) and additional setbacks from the **main wall**(s) of any building(s) to the **main wall**(s) of any building(s) shall be the minimum distance in metres specified by the numbers on Schedule 2 of By-law 1092-2019(LPAT).
- (ii) Notwithstanding **CLAUSE V - GENERAL PROVISIONS**, Sub-Clause 5 (Main Wall Projections), the following building elements and **structures** may encroach into a required minimum building setback from the **main wall** as follows:
- a. Balconies and **canopies**,: a maximum projection of 1.5 metres; and
 - b. eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, vents, wheelchair ramps, retaining walls, landscape features, ornamental elements, walkways, stairs, covered stairs and stair enclosures, decks, planters and public art features: no limit subject to approval by the City Planning Division.

PARKING

1688. (i) **CLAUSE V – GENERAL PROVISIONS**, sub-clause 7.1.3 Sum of Requirements shall not apply.
- (ii) Calculation of Parking Space Requirements – Rounding:
If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one **parking space**.
- (iii) **CLAUSE V – GENERAL PROVISIONS**, sub-clause 7.4 Parking Structures shall not apply.
- (iv) **CLAUSE V – GENERAL PROVISIONS**, sub-clause 7.2 **Table of Required Rates** shall not apply.

(v) Table of Required Vehicle Parking Rates

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

Use	Parking Rate	Parking Occupancy Rate		
		6 a.m. to 12 p.m.	12 p.m. to 6 p.m.	6 p.m. to 6 a.m.
Dwelling unit in an Apartment (Tenant requirement)	For a dwelling unit in an apartment, parking spaces must be provided: i. at a minimum rate of: a. 0.8 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres; b. 0.9 for each one bedroom dwelling unit ; c. 1.0 for each two bedroom dwelling unit ; and d. 1.2 for each three or more bedroom dwelling unit	100 percent	100 percent	100 percent
Dwelling unit in an Apartment (Visitor requirement: base, non-shared)	For a dwelling unit in an Apartment, parking spaces for visitors must be provided at a minimum rate of 0.17 per dwelling unit on-site	100 percent	100 percent	100 percent
Dwelling unit in an Apartment (Visitor requirement: peak period -shared)	Plus 0.03 per dwelling unit on-site or shared with the following uses ancillary to a Hotel : Meeting Rooms, Restaurants, Personal Service Shops, Recreational Uses, Places of Entertainment and Retail Stores.	0 percent	0 percent	100 percent
Hotel	1 space per 2 hotel bedroom units	100 percent	100 percent	100 percent
Hotel Ancillary uses: Meeting Rooms, Restaurants, Personal Service Shops, Recreational Uses, and Places of Entertainment.	9.0 per 100 square metres of gross floor area	100 percent	100 percent	30 percent
Office	Minimum rate of 1.5 for each 100 square metres of gross floor area .	100 percent	60 percent	0 percent
Retail Stores, including retail stores ancillary to a Hotel .	Minimum rate of 1.5 for each 100 square metres of gross floor area .	20 percent	100 percent	100 percent

BICYCLE PARKING1689. (i) Rounding of Bicycle Parking Space Requirements

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

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

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

(iii) Bicycle Parking Space Dimensions

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

(iv) Vertical Clearance of a Bicycle Parking Area

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

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

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

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

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

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

(x) **Interior Floor Area** means the floor area of any part of a building, measured to:

- a. the interior side of the **main wall**;
- b. the centreline of an interior wall; or
- c. a line delineating the part being measured.

(xi) Use With Interior Floor Area of 2000 Square Metres or Less

Despite the **bicycle parking space** rates set out in (ix) above, if a **bicycle parking space** is required for uses on a **lot**, other than a **dwelling unit**, and the total **interior floor area** of all such uses on the **lot** is 2000 square metres or less, then no **bicycle parking space** is required.

(xii) Multiple uses on a lot

If the Table of Required **Bicycle Parking Space Rates** in (ix) above requires a **bicycle parking space** for one or more uses on a **lot**, the total number of **bicycle parking spaces** required is equal to the cumulative total of all **bicycle parking spaces** required for each use on the **lot**.

(xiii) **Bicycle Parking Space Requirements for Dwelling Units**

A minimum of 0.75 **bicycle parking spaces** are required for each **dwelling unit** in an apartment, allocated as 0.68 "long-term" **bicycle parking spaces** per **dwelling unit** and 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**.

HEIGHT

1756. (i) The **height** of any building or **structure** (excluding permitted **main wall** projections), as measured from an **established grade** of 170.0 metres Canadian Geodetic Datum, does not exceed the **height** in metres specified by the numbers (Main Roof) on Schedule 2 of By-law 1092-2019(LPAT).
- (ii) The **height** of any equipment or **structures** located on the roof of a building, excluding mechanical stacks, does not exceed the **height** in metres specified by the numbers (Mechanical Penthouse) on Schedule 2 of By-law 1092-2019(LPAT).
- (iii) A parapet wall for a **green roof** may exceed the permitted maximum **height** (Main Roof) by 2.0 metres.
- (iv) Unenclosed **structures** providing safety, noise mitigation or wind protection to rooftop **amenity space** may exceed the maximum **height** (Main Roof): no limit.

MISCELLANEOUS

2085. (i) **Amenity Space** means indoor or outdoor space on a **lot** that is communal and available for use by the occupants of a building on the **lot** for recreational or social activities.
- (ii) **Green Roof** shall mean an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.
- (iii) **Amenity space** for each **dwelling unit** shall be provided at the following rates:
- a. a minimum of 2.0 square metres for each **dwelling unit** shall be indoor **amenity space**;
 - b. a minimum of 1.5 square metres shall be outdoor **amenity space** in a location adjoining or directly accessible to an indoor **amenity space**; and
 - c. a maximum of 25 percent of the outdoor **amenity space** may be a **green roof**.
2086. The minimum floor to floor **height** of the first floor shall be 4.5 metres for that portion of a building used for retail store uses on lands identified as Phase 1 on Schedule 1.

2087. The separation distance between the **main walls** of the building(s) above 6 **storeys** shall be a minimum of 25 metres.
2088. The maximum floor plate area of each **storey** above 6 **storeys** shall be 750 square metres, including all built area within the building(s).

SECTION 37

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

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

- (2) Phase 2:
- a. Payment of a cash contribution to the City of \$1,000,000, payable prior to issuance of the first above-grade building permit for a building or structure in Phase 2, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; for the provision of the following:
- (i) \$300,000 to be directed towards the provision of public art within the privately owned publicly-accessible space (POPS) required to be provided on site; and
 - (ii) \$700,000 to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub.
 - (iii) in the event the cash contribution referred to in (ii) above has not been used within five (5) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan.
- (3) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- (i) the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
 - (ii) the owner shall provide a privately owned publicly-accessible space (POPS), with a minimum area of 1,500 square metres, on the south side of Village Green Square in Phase 2, which will be financially secured in Phase 1, with appropriate signage in accordance with the Privately Owned Publicly-Accessible Space Guidelines and to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor; and
 - (iii) The owner shall provide a publicly accessible, privately owned and maintained walkway (minimum 1.5 metres wide) and open space landscaped area, extending across the rear of the entire site, and within all phases of development, with connections to Village Green Square as warranted, including a connection across from Metrogate Park in Phase 3.

4. SCHEDULE 'C' of the Employment Districts Zoning By-law 24982, EXCEPTIONS LIST AND MAP is amended by adding the following Exception:

154. Only the following uses are permitted:

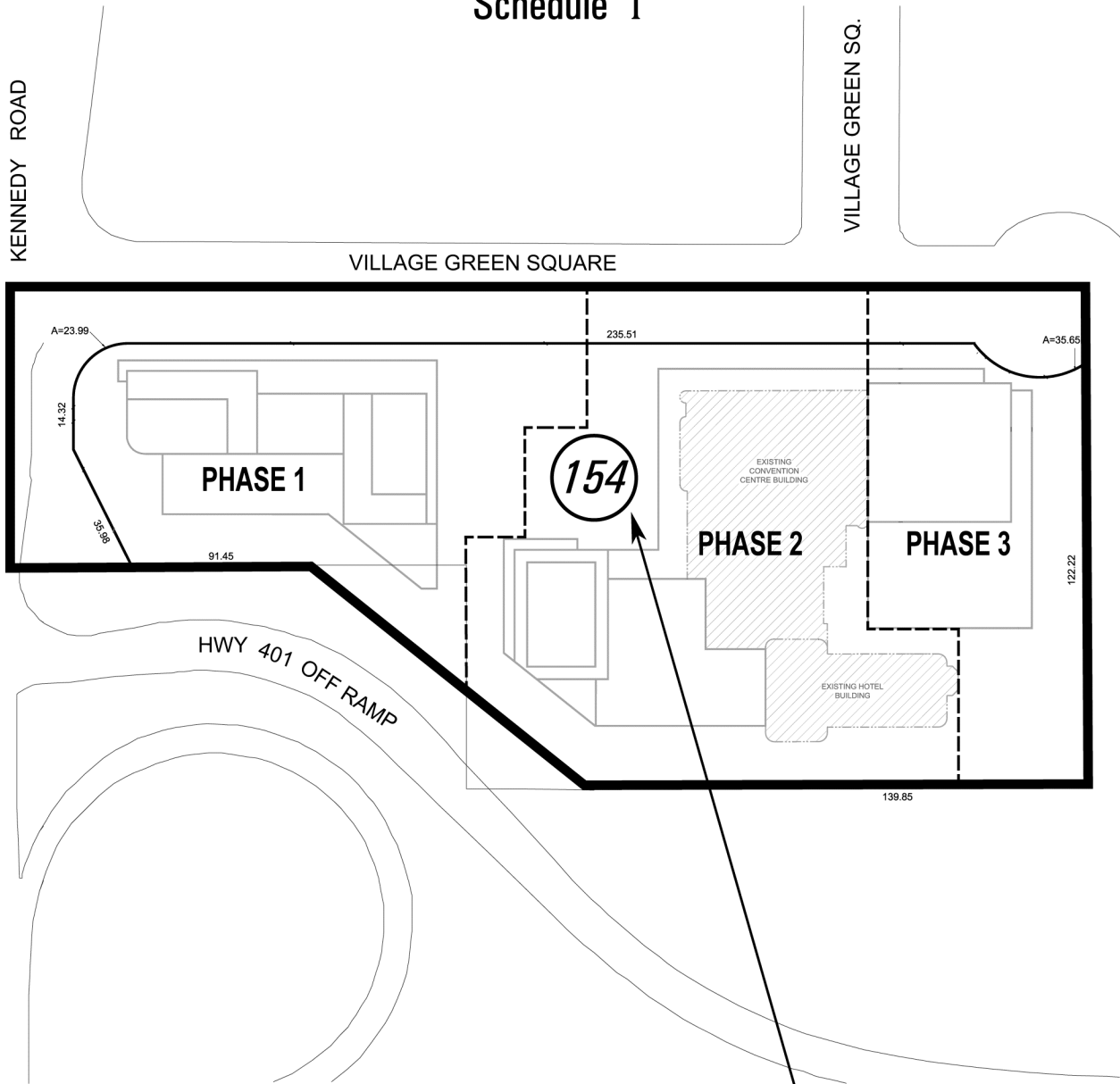
- (a) Phase 1 Lands:
 - Apartments
 - Retail Stores

- (b) Phase 2 Lands:
 - Apartments
 - Hotels**
 - Sales Centre

- (c) Phase 3 Lands:
 - Offices (excluding medical office)
 - Retail Stores
 - Above-grade Parking **Structure**

PURSUANT TO THE ORDER/DECISION OF THE LOCAL PLANNING APPEAL TRIBUNAL ISSUED ON OCTOBER 31, 2018, UNDER TRIBUNAL FILE MM170091

Schedule '1'



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


TORONTO
 Zoning By-Law Amendment

2035 Kennedy Road

File # 15 167709 ESC 40 0Z

 Area Affected By This By-Law

South Agincourt Employment District By-Law

 Not to Scale
 05/29/2017