

CITY OF TORONTO

BY-LAW 646-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 2746 and 2800 Kingston Road.

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

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

Whereas pursuant to Section 39 of the Planning Act, the Council of the City of Toronto may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law; 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 (H)CR 0.4 (c0.4; r.0.0) SS3 (x283), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 283 so that it reads:

(283) Exception CR 283

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 2476 and 2800 Kingston Road, if the requirements of Section 7 and Schedule A of By-law 646-2021 are complied with, a **building** or **structure** may be erected or constructed in compliance with (B) to (P) below;
- (B) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in an **apartment building**;
- (C) Despite Regulations 40.10.40.70(3), and 40.10.40.80(2) the required minimum **building setbacks** and minimum above ground separation distance between **main walls** are shown in metres on Diagram 3 of By-law 646-2021;
- (D) Despite Clause 40.10.40.60, and Regulation (C) above, the following elements are permitted to encroach into the required minimum **building setbacks** and minimum above ground separation distance between **main walls** shown on Diagram 3 of By-law 646-2021 to a maximum permitted encroachment of 1.5 metres;
 - (i) Balconies, architectural features, canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, planters, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, fences, screens, and landscape features;
- (E) Despite Regulation 40.5.40.10(1) the height of the **building** or **structure** is the distance between Canadian Geodetic Datum elevation of 174.00 and the elevation of the highest point of the **building** or **structure**;
- (F) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 646-2021;

- (G) Despite Regulations 40.5.40.10(3) through (8), and Regulation (F) above, the following elements may project above the heights specified by the numbers following the symbol HT on Diagram 3 of By-law 646-2021;
 - (i) Railings, parapets, balconies, cornices, lighting fixtures, ornamental elements, trellises, planters, partitions dividing outdoor recreation of amenity areas, guard rails, wheelchair ramps, fences, and screens to a maximum of 3.0 metres; and
 - (ii) Window washing equipment, stairs, stair towers, stair enclosures, architectural features, elements of a roof assembly, lightning rods, mechanical equipment and rooms, **structures** enclosing mechanical equipment, vents, elevator overruns, and exhaust flues to a maximum of 6.5 metres;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum total **gross floor area** is 33,000 square metres;
- (I) Despite regulation 40.10.30.40(1)(A), maximum **lot coverage** does not apply;
- (J) Despite regulation 40.10.50.10(1), where any portion of a **main wall** is set back from the **front lot line** 3.0 metres or greater, a minimum 2.3 metres wide strip of **landscaping** must be provided between any **lot line** that abuts a street and those portions of a **main wall** for a minimum of 75 percent of the length of the main walls;
- (K) Despite Regulation 220.5.10.1(2), two (2) Type "G" **loading spaces** must be provided on the lands;
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.7 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.8 **parking spaces** for each one-bedroom **dwelling unit**;
 - (iii) 0.9 **parking spaces** for each two-bedroom **dwelling unit**;
 - (iv) 1.1 **parking spaces** for each **dwelling unit** with three bedrooms or more; and
 - (v) 0.15 visitor **parking spaces** per **dwelling unit**;
- (M) Despite Regulation 200.5.1.10(2)(A), a required **bicycle parking space** may encroach into or obstruct a required **parking space** provided the encroachment is no more than 0.7 metres into the required **parking space**;

- (N) Despite Regulation 230.5.10.1(5), a minimum of 1.0 **bicycle parking spaces** for each **dwelling unit**, allocated as 0.9 "long-term" **bicycle parking space per dwelling unit** and 0.1 "short-term" **bicycle parking space per dwelling unit**, shall be provided;
- (O) One privately-owned publicly-accessible open space (POPS) with a minimum area of 500 square metres must be provided on the ground level within the grey area shown on Diagram 3 of By-law 646-2021; and
- (P) The lands zoned with the "(H)" symbol may not be used for any purpose other than those uses and buildings existing on the site as of November 25, 2020 until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
 - (i) The owner shall submit a revised Functional Servicing Report demonstrating sufficient capacity to accommodate the servicing demand for this development, to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - (ii) The owner shall enter agreement(s) for the construction of any improvements to existing municipal infrastructure, as required, to the satisfaction of the Executive Director, Engineering and Construction Services.

Prevailing By-laws and Prevailing Sections (None Apply)

5. Section 39 Provisions

None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office or structure on the lands subject to this by-law. For the purposes of this by-law a temporary sales office is a structure to be used exclusively for the initial sale of dwelling units on the same lands, for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

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

7. 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 July 16, 2021.

Frances Nunziata,
Speaker

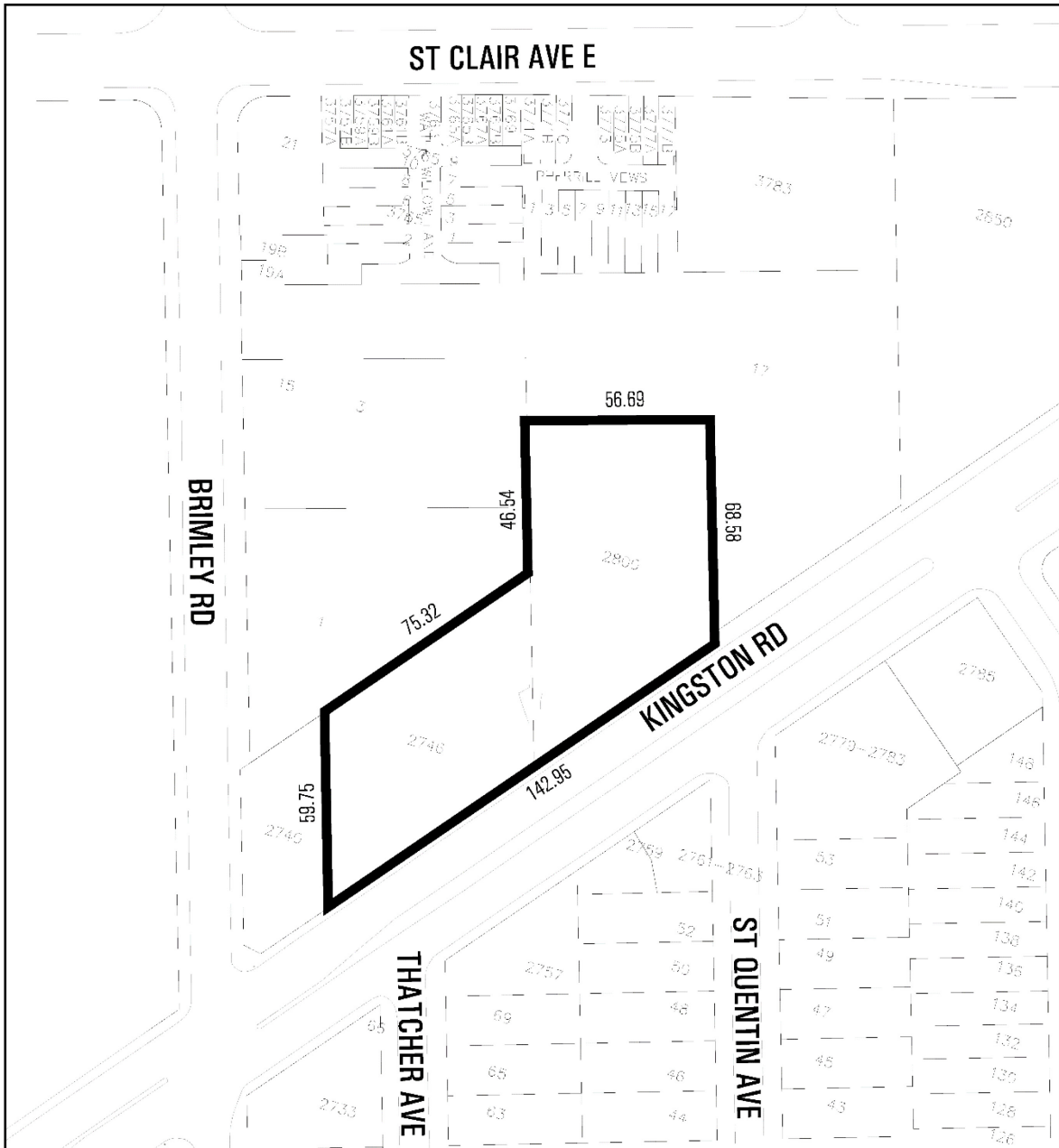
John D. Elvidge,
City Clerk

(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 a building permit for a temporary sales office, the owner shall pay to the City a cash payment of one million and one hundred thousand dollars (\$1,100,000.00) 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.
- (2) The financial contribution identified in paragraph 1 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 Table: 18-10-0135-01, or its successor.
- (3) In the event the cash contribution referred to in paragraph 1 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.
- (4) The owner shall provide and maintain, at its own expense, a minimum area of 500 square metres of privately-owned publicly-accessible space (POPS) and grant access easements to the City for the purpose of access to and use of the POPS for members of the public. This POPS area is to be located fronting Kingston Road. Prior to the issuance of Site Plan Approval, the POPS easement shall be conveyed to the City for nominal consideration and shall be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS in accordance with the terms and conditions set out in the Section 37 Agreement.
- (5) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

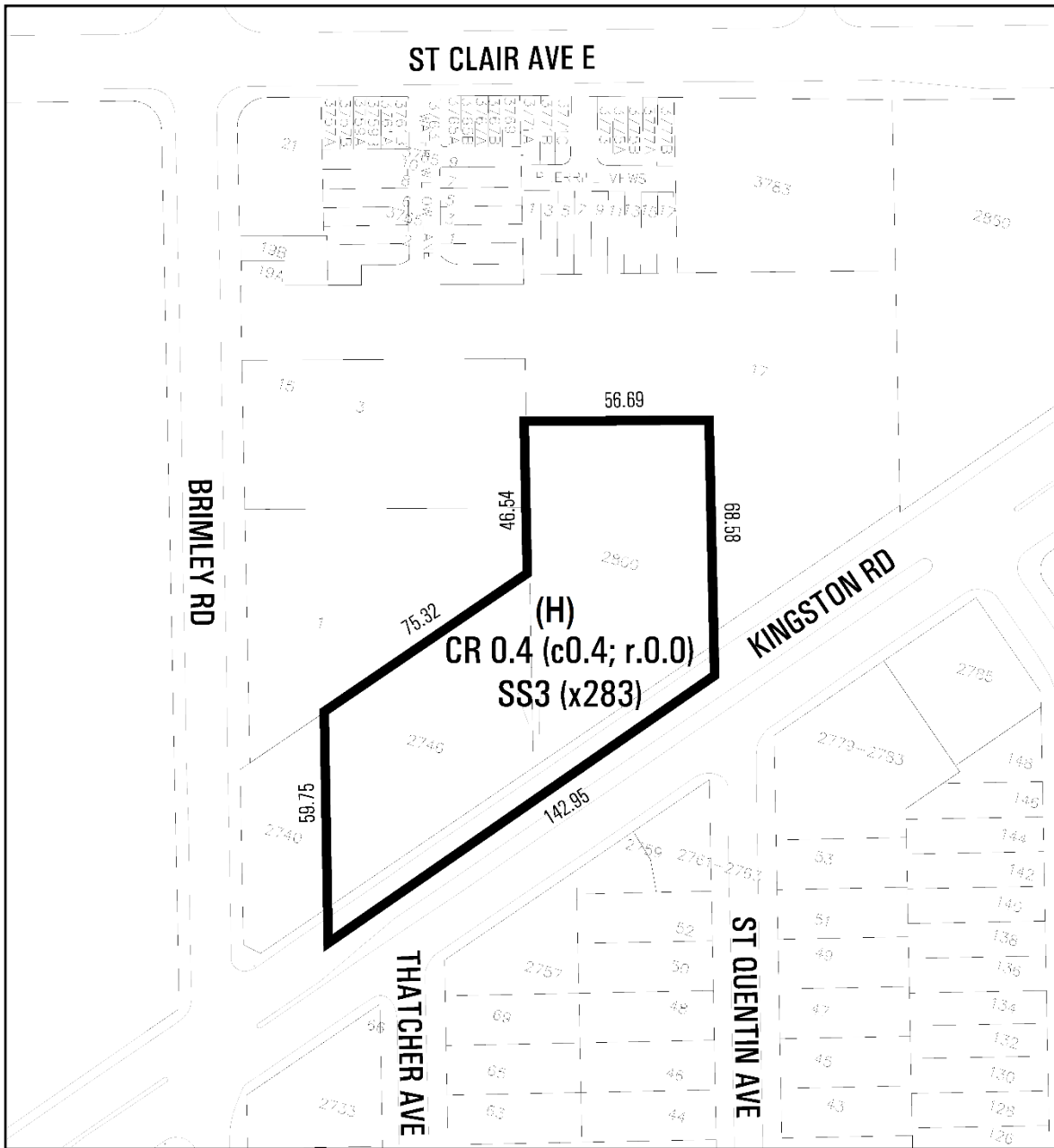


 **TORONTO**
Diagram 1

2746-2800 Kingston Road

File # 18 269 905 ESC 20 02


City of Toronto By-law 569-2013
Not to Scale
08/17/2020

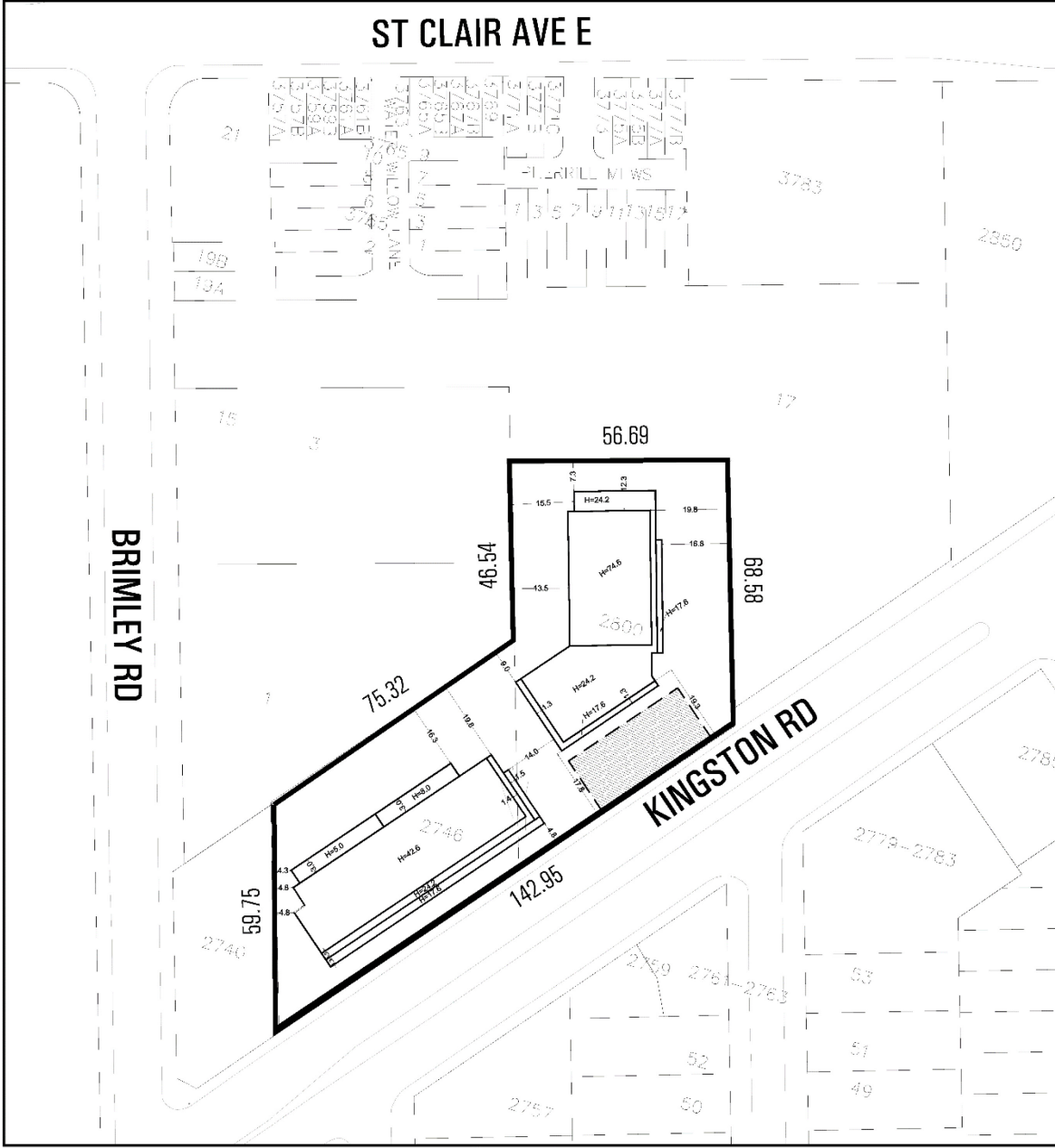


TORONTO
Diagram 2

2746-2800 Kingston Road

File # 18 269 905 ESC 20 02

City of Toronto By-law 569-2013
Not to Scale
08/17/2020




TORONTO
Diagram 3

2746-2800 Kingston Road

File # 18 269 905 ESC 20 0Z

 POPS


City of Toronto By-law 569-2013
Not to Scale
08/17/2020