

Authority: Scarborough Community Council Item SC19.1, as adopted by City of Toronto Council on November 25 and 26, 2020

CITY OF TORONTO

BY-LAW 647-2021

To amend former City of Scarborough Cliffcrest Community Zoning By-law 9396, as amended, with respect to the lands municipally known in the year 2020 as 2476 and 2800 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 such 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, authorize increases in height or 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, a 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 herein set out; and

Whereas the increase in the height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 9396, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. Amendments to the former City of Scarborough Cliffcrest Community Zoning By-law 9396, as amended:
 - (i) **CLAUSE V – INTERPRETATION**, is amended by adding the following definitions to Subsection (f):

DEFINITIONS

Sales Office

Means a building, structure, facility or trailer on the **lot** used for the purpose of the sale or leasing of **dwelling units** to be erected on the **lot** and/or the administration and management of construction activity on the **lot**.

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

A(H)–132-147-148-149-150-151-223-224-230-316-319-323-324-325-326-327-379-380

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

MISCELLANEOUS

147. All minimum **building setbacks** shall comply with those shown on Schedule 3 of By-law 647-2021;
148. Notwithstanding performance standard 147, the following building elements may extend into the required **building setback** shown on Schedule 3 to a maximum of 1.5 metres, as follows:
- (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;
149. Notwithstanding performance standard 230, the following building elements or structures may extend above the permitted heights shown on Schedule 3:
- (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;
150. Where any portion of a main wall is set back from the front lot line 3.0 metres or greater, a minimum 2.3 metre 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;

151. 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 Schedule 3 of By-law 647-2021;

HEIGHT

230. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the height of any building shown on Schedule 3 of By-law 647-2021, as measured from Canadian Geodetic Datum elevation of 174.0 metres to the highest point of the building or structure, shall not exceed the height in metres specified by the numbers following the symbol "HT" of By-law 647-2021;

PARKING

324. Notwithstanding performance standard 319, 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**;
325. 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;
326. **Parking spaces** shall be provided as follows:
- (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 units with three bedrooms or more;
and
 - (v) 0.15 visitor parking spaces per dwelling unit.

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**;

327. Two loading spaces shall be provided and shall have the following minimum dimensions:
- (i) Length of 13.0 metres;

- (ii) Width of 4.0 metres; and
- (iii) Vertical clearance of 6.1 metres;

INTENSITY OF USE

379. The total permitted maximum total **gross floor area** shall not exceed 33,000 square metres. Total **gross floor area** shall be reduced by the area in the building used for:

- (i) parking, loading and bicycle parking below-ground;
- (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
- (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
- (iv) amenity space required by this By-law;
- (v) elevator shafts;
- (vi) garbage shafts;
- (vii) mechanical penthouse; and
- (viii) exit stairwells in the building;

380. Lot coverage does not apply.

4. **SCHEDULE C, EXCEPTIONS MAP**, is amended by adding the following Exception 65 for the lands shown on the accompanying Schedule C Map (Schedule 2 of this Zoning By-law).

5. **SCHEDULE C, EXCEPTIONS LIST**, of the Cliffcrest Community Zoning By-law 9396, as amended, is hereby further amended by adding the following Exception 65 to lands as shown on the attached Schedule 2 as follows:

65.

- (i) On those lands identified as Exception 65 on Schedule C, the following additional uses shall be permitted:

Additional Permitted Uses

A temporary **sales office** on the lands subject to this By-law 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.

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

- Ambulance Depot
- Art Gallery
- Artist Studio
- Automated Banking Machine
- Community Centre
- Courts of Law
- Education Use
- Financial Institution
- Fire Hall
- Library
- Massage Therapy
- Medical Office
- Museum
- Office
- Park
- Passenger Terminal
- Performing Arts Studio
- Personal Service Shop
- Pet Services
- Police Station
- Post-Secondary School
- Production Studio
- Religious Education Use
- Software Development and Processing
- Veterinary Hospital
- Wellness Centre

(ii) Pursuant to Section 37 of the Planning Act and subject to compliance with the provisions of this By-law, the increase in height and/or density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands to the satisfaction of the City Solicitor:

- (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 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.

- (B) The financial contribution identified in paragraph (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 Table: 18-10-0135-01, or its successor.
 - (C) In the event the cash contribution referred to in paragraph (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.
 - (D) 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 as generally shown within the grey area in Schedule 3 of this By-law. 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.
 - (E) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.
- (iii) 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:

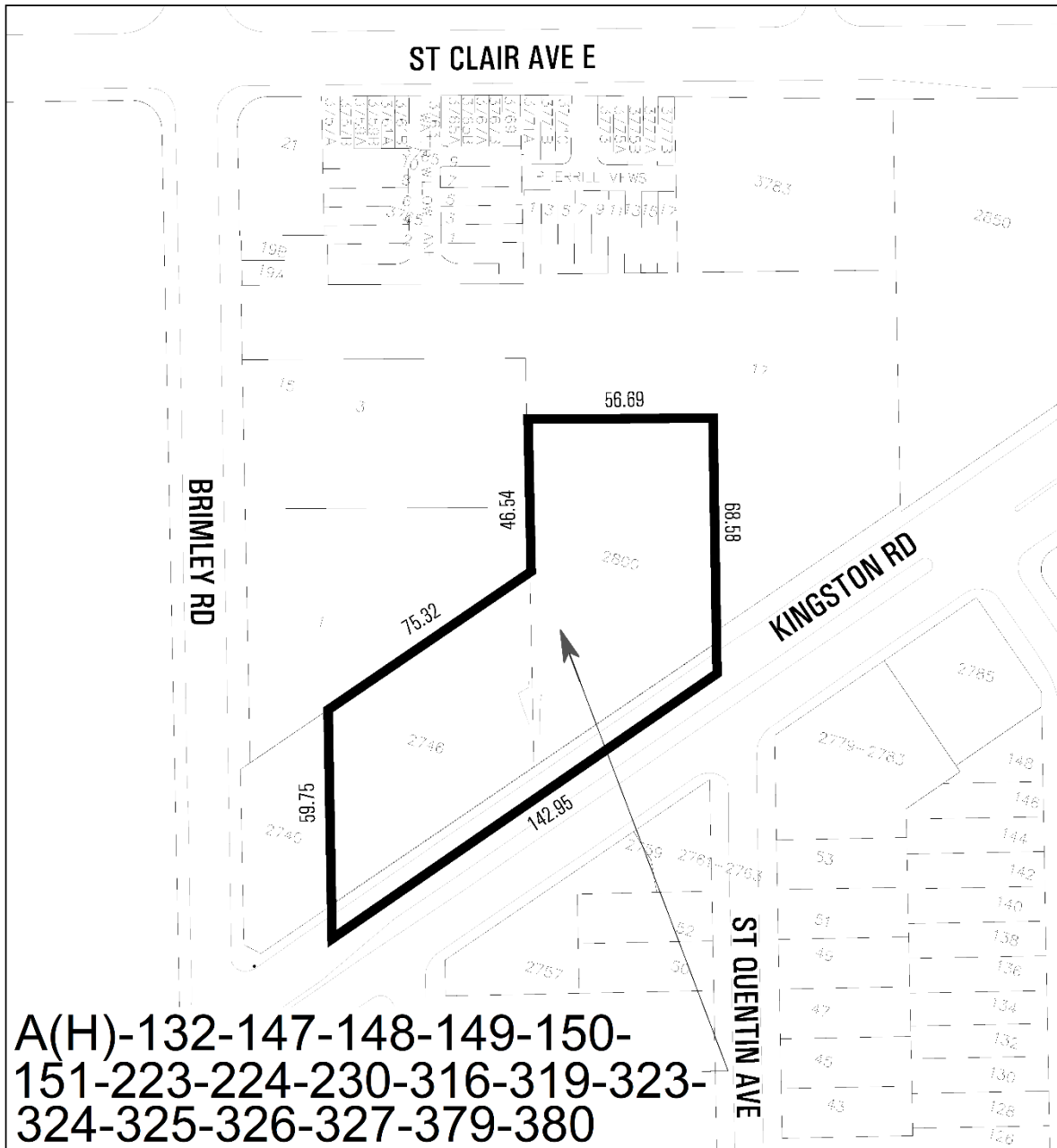
- (A) The owner shall submit a revised Functional Servicing Report demonstrating sufficient capacity to accommodate the servicing demand for this development, to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - (B) The owner shall enter agreement(s) for the construction of any improvements to existing municipal infrastructure, as required, to the satisfaction of the Executive Director, Engineering and Construction Services; and
- (iv) The provisions of By-law 9396, as amended, shall apply collectively to the lands encompassed by this Exception, notwithstanding their division into two or more parcels.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

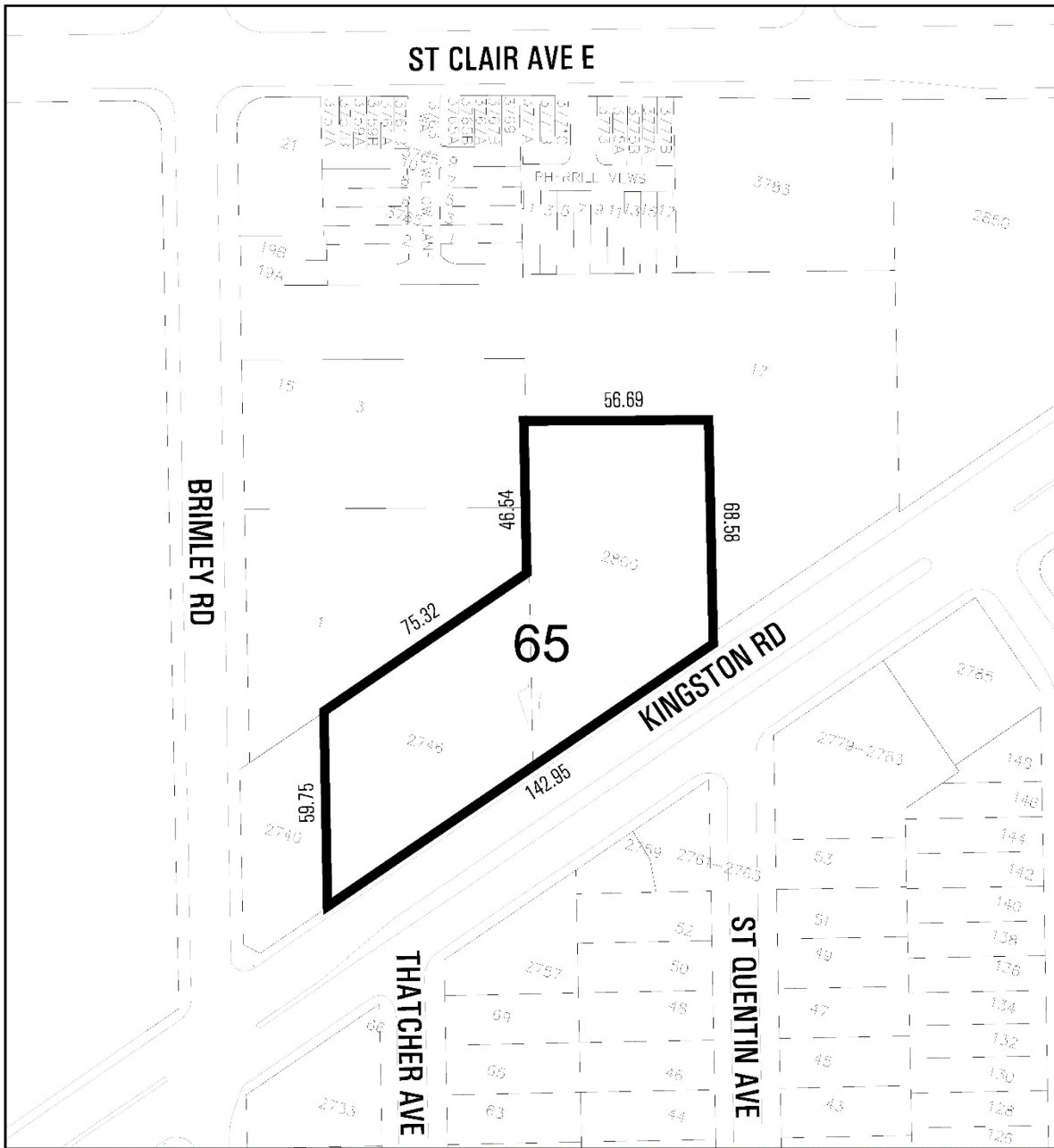


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2746-2800 Kingston Road



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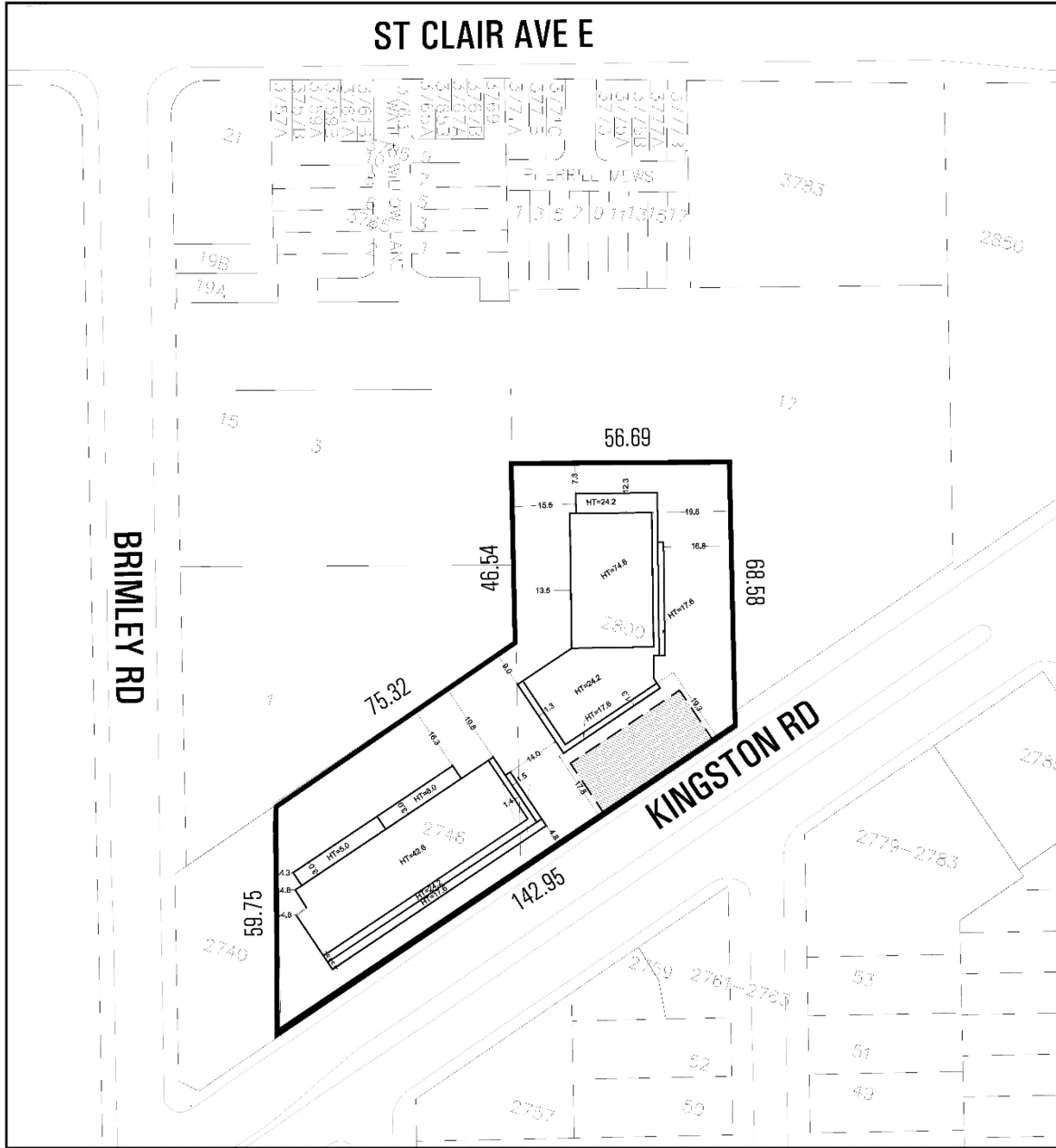


Toronto
Schedule 2

2746-2800 Kingston Road

File # 18 269 905 ESC 20 02

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Cliffcrest Community By-law
Not to Scale
08/18/2020




 **TORONTO**
Schedule 3

2746-2800 Kingston Road

File # 18 269 905 ESC 20 02

 POPS


Cliffcrest Community By-law
Not to Scale
08/18/2020