

## CITY OF TORONTO

### BY-LAW 1087-2021

#### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 7437, 7439 and 7441 Kingston Road.**

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone labels to these lands CR 1.0 (c1.0; r1.0) SS3 (x404) and OR as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying no label as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 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 following height label to these lands: HT 11.0, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 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 applying the following coverage label to the lands: 33, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying no label as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception 404 so it reads:

(404) Exception CR 404

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 7437-7441 Kingston Road, if the requirements of Section 12 and Schedule A of By-law 1087-2021 are complied with, a **building, structure**, addition or enlargement may be constructed or used if it is in compliance with (B) to (R) below;
- (B) For the purpose of this exception, the **lot** consists of those lands shown on Diagram 1 attached to By-law 1087-2021;
- (C) Regulation 40.10.30.40(1)(A), as it relates to **lot coverage**, does not apply;
- (D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is 30,000 square metres;
- (E) Despite Regulations 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 115.495 metres and the highest point of the **building or structure**;
- (F) Despite Regulation 40.10.40.10(3)(A), the permitted maximum height of any **building or structure** is the number following the symbol "HT" as shown on Diagram 7 of By-law 1087-2021;

- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 2.75 metres;
- (H) Despite Clause 40.5.40.10 and (F) above, the following elements of a **building** or **structure** may project above the permitted maximum **building** heights shown on Diagram 7 of By-law 1087-2021:
- i. wind screens, parapets, awnings, guard rails, railings and dividers, public art, **structures** for open air recreation, pergolas, trellises, balustrades, eaves, screens, stairs, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features and screens, **landscaping**, elements of a **green roof** and insulation and roof surface materials, planters, heating and cooling equipment and **structures** used for safety, mechanical penthouse, ventilating, electrical and mechanical equipment and any associated enclosure; elevator overruns, elevator shafts, elevator machine rooms, flues, vent stacks, enclosed stair wells, roof accesses, and water supply facilities up to a maximum of 6.5 metres;
- (I) Despite clauses 40.10.40.70 and 40.10.40.80, the required minimum **building setbacks** and above-ground distances between **main walls** in metres are as shown on Diagram 7 of By-law 1087-2021;
- (J) Despite clauses 40.5.40.60 and 40.10.40.60 and (I) above, the following may encroach into the required **building setbacks** and required above-ground distances between **main walls** as follows:
- i. cornices, architectural features, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, columns and support **structures**, thermal insulation, **structures** for outside or open air recreation, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, bay windows, and underground garage ramps and associated **structures**;
- (K) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, the required minimum number of **parking spaces** is:
- i. 0.8 **parking spaces** for each bachelor **dwelling unit** less than 45 square metres;
  - ii. 1.0 **parking spaces** for each bachelor **dwelling unit** equal to or greater than 45 square metres;
  - iii. 0.9 **parking spaces** for each 1 bedroom **dwelling unit**;

- iv. 1.0 **parking space** for each 2 bedroom **dwelling unit**;
  - v. 1.2 **parking spaces** for each 3 bedroom or greater **dwelling unit**;
  - vi. despite (i) to (v) above, 1.0 **parking spaces** for each **dwelling unit** located on the first **storey** located within 14 metres of the **front lot line** or for each area separated by demising walls containing only a non-residential use listed in Clauses 40.10.20.10 and 40.10.20.20; and
  - vii. 0.2 **parking spaces** for each **dwelling unit** for the use of residential visitors.
- (L) Despite regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for **dwelling units**, subject to the following:
- i. a reduction of four **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
    - a. (four) multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number; and
    - b. the reduction described in (i) above can be applied to a maximum of 10 "car share parking spaces".
- (M) 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 3.4 metres;
  - iii. vertical clearance of 2.1 metres; and
  - iv. the entire length of an accessible **parking space** must be adjacent to a 1.5 metres wide accessible barrier free aisle or path.
- (N) 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;
- (O) Despite clause 220.5.10.1, a minimum of two Type "G" **loading spaces** must be provided and maintained on the **lot**;
- (P) A minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms;
- (Q) A minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms; and

- (R) Regulations (P) and (Q) above, as they apply to the minimum number of **dwelling units** with two or three bedrooms, do not apply to a **dwelling unit** located on the first **storey** located within 14 metres of the **front lot line**.

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

9. 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.
10. For the purposes of By-law 1087-2021, "car-share" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short-term rental, including hourly rental.
11. For the purposes of By-law 1087-2021, "car-share parking space" means a parking space exclusively reserved and signed for a car use only for "car-share" purposes.
12. 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 Diagram 1 of By-law 1087-2021 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to subsection 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 By-law 1087-2021 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 shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to By-law 1087-2021 unless all provisions of Schedule A are satisfied.

Enacted and passed on December 17, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

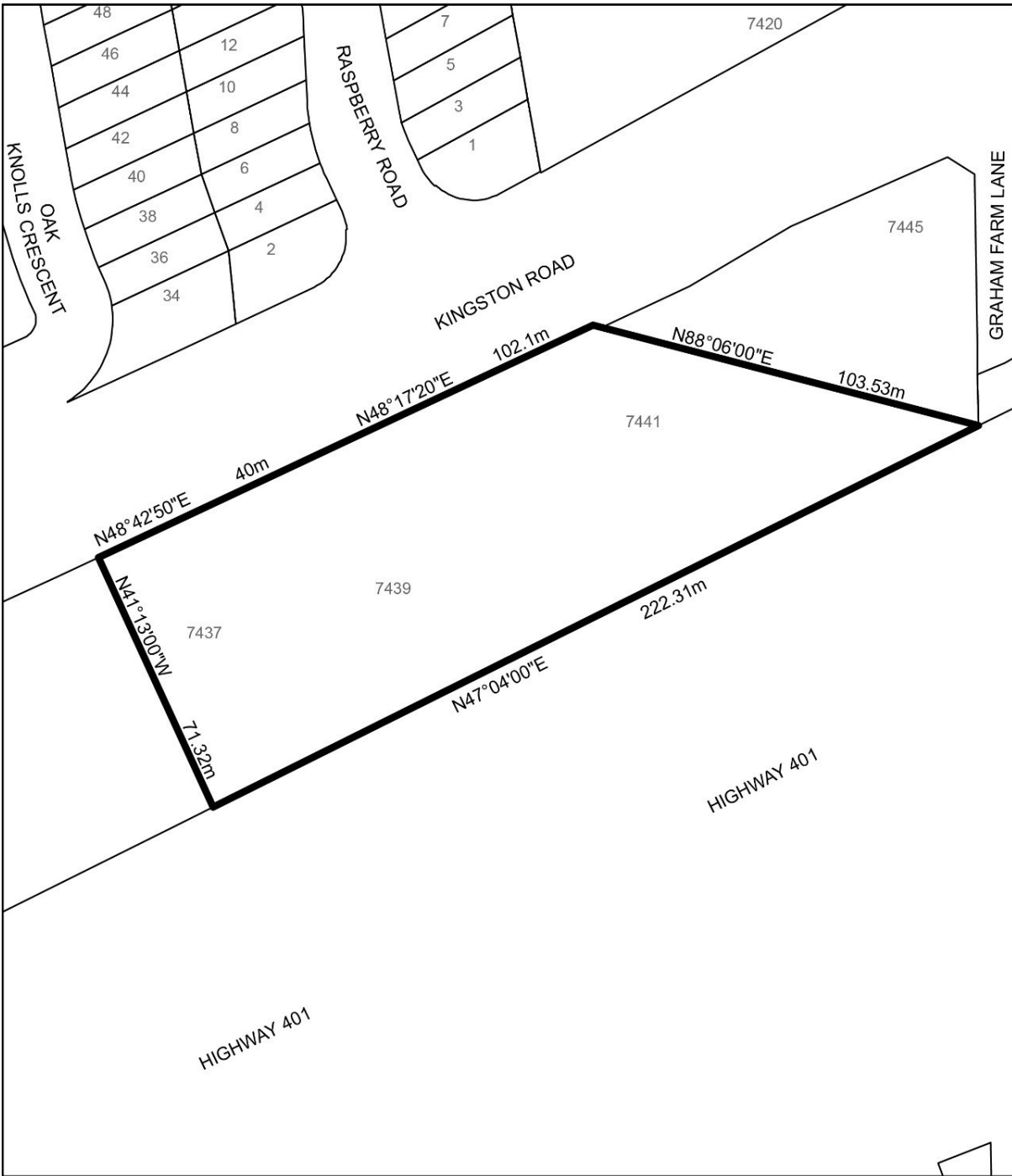
(Seal of the City)

**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 lot and secured in an agreement or agreements under subsection 37(3) of the Planning Act whereby the owner agrees as follows:

1. Before introducing the necessary Bills for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, to secure the following facilities, services and matters at the Owner's expense:
  - a. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the Owner make a cash contribution of \$1.4 million payable to the City of Toronto, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; the funds shall be directed as follows:
    - i. \$900,000 to be allocated towards Northeast Scarborough Community Centre at 8450 Sheppard Avenue East;
    - ii. \$250,000 to be allocated towards the refurbishment and improvement of the Royal Rouge Tot Lot; and
    - iii. \$250,000 to be allocated towards park improvements in Ward 25 to be directed in consultation with the local Councillor and the General Manager, Parks, Forestry and Recreation.
  - b. In the event the cash contribution referred to in Section 1(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, City Planning, in consultation with the local Ward 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.
  - c. 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 City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time;

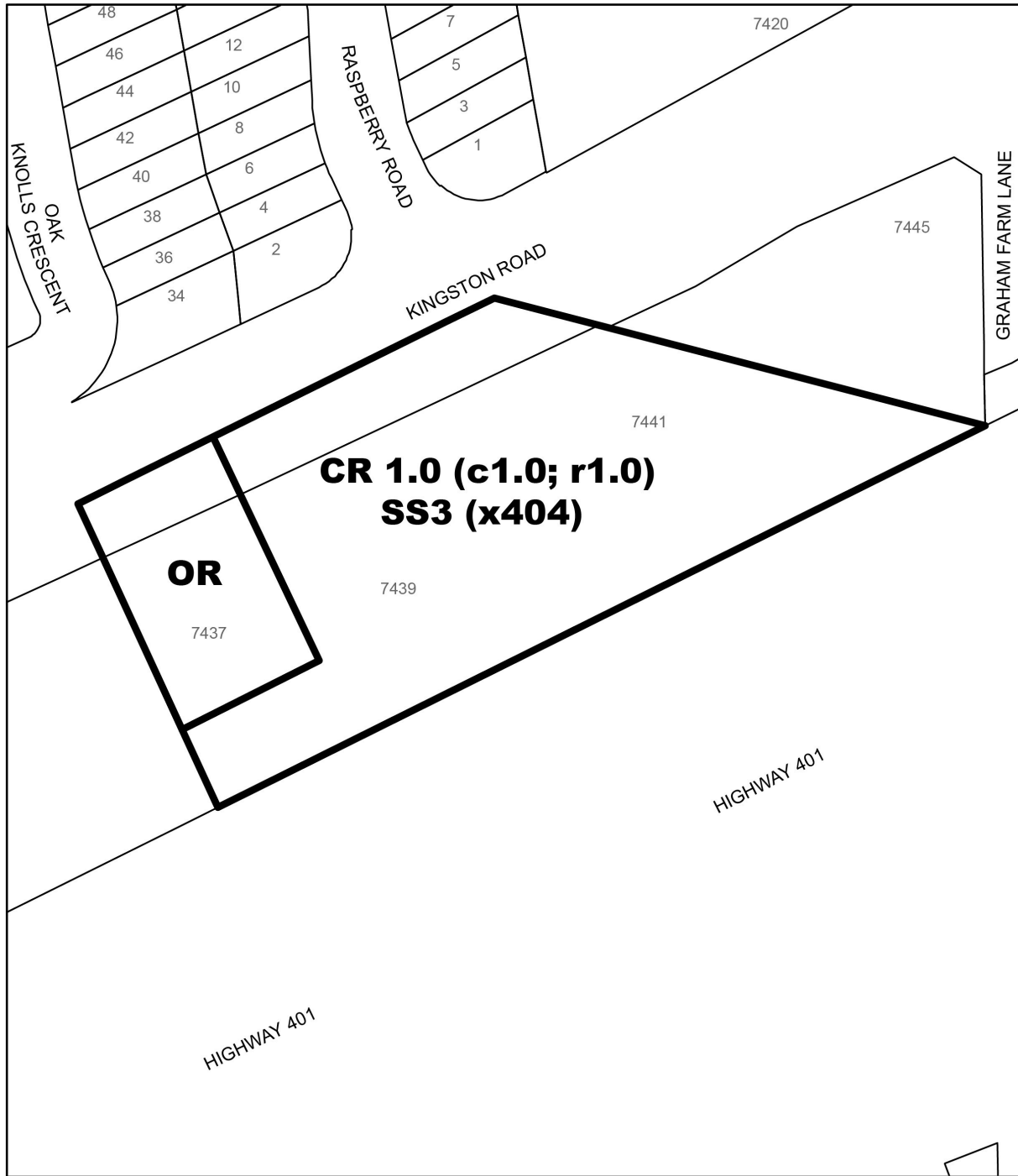
- ii. Prior to the issuance of the above grade building permit, the Owner shall satisfy the parkland dedication requirement for the development;
- iii. The design and construction the above base park improvements to the new park by the owner in exchange for a development change credit against Parks and Recreation component of the Development Charges, should the owner elect to provide above base park improvements, all to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- iv. The Owner shall submit a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building and the Chief Planner and Executive Director, City Planning demonstrating that both buildings will be constructed concurrently; and
- v. The Owner shall provide a detailed design, cost estimate and financial security through the Site Plan Control process to implement a new traffic signal controlled 4 legged intersection at Kingston Road and Raspberry Road to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, said intersection to be designed to prohibit northbound and southbound movements from the across Kingston Road between the development driveway and Raspberry Road.

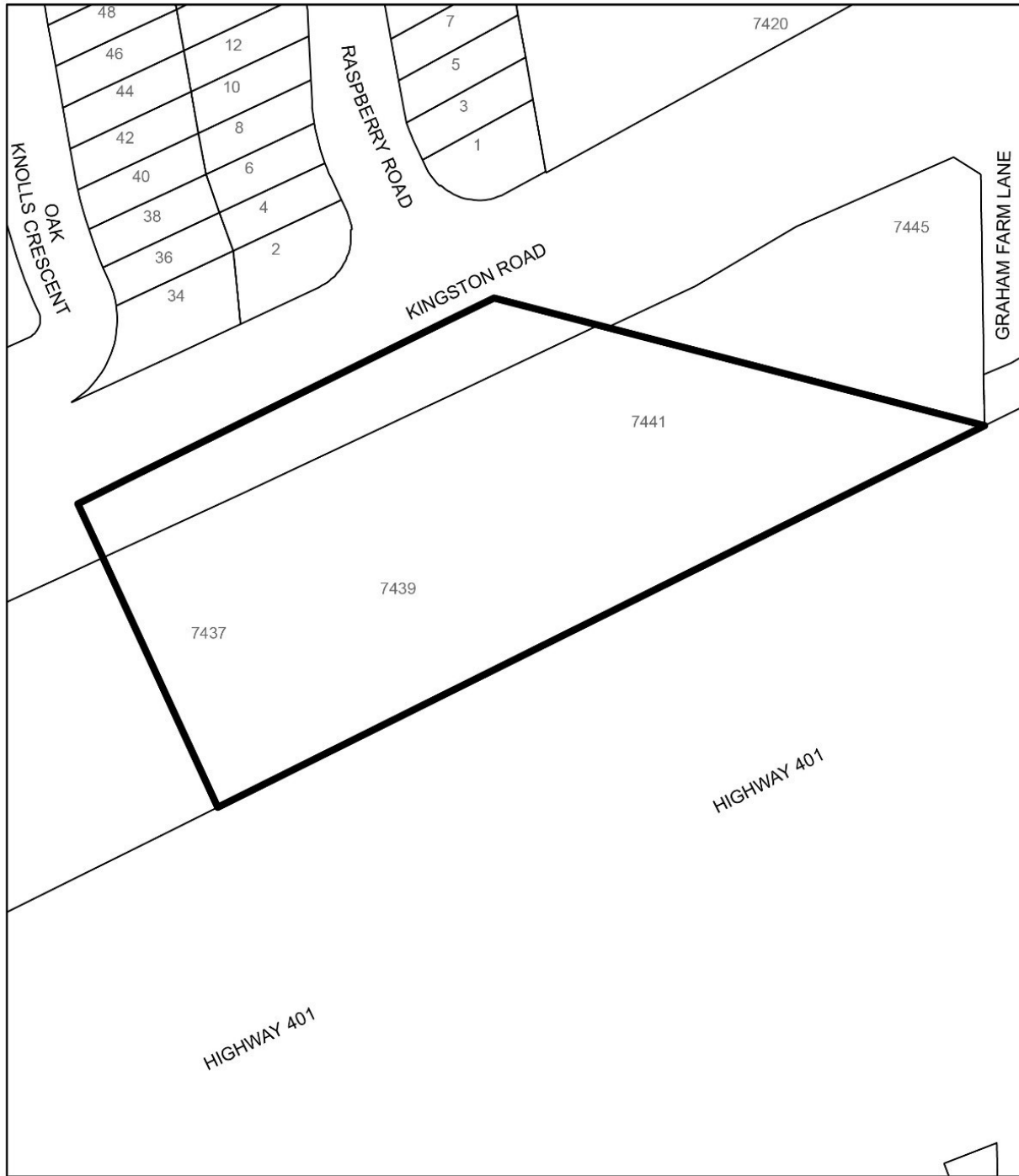


**Toronto**  
Diagram 1

**7437-7441 Kingston Road**

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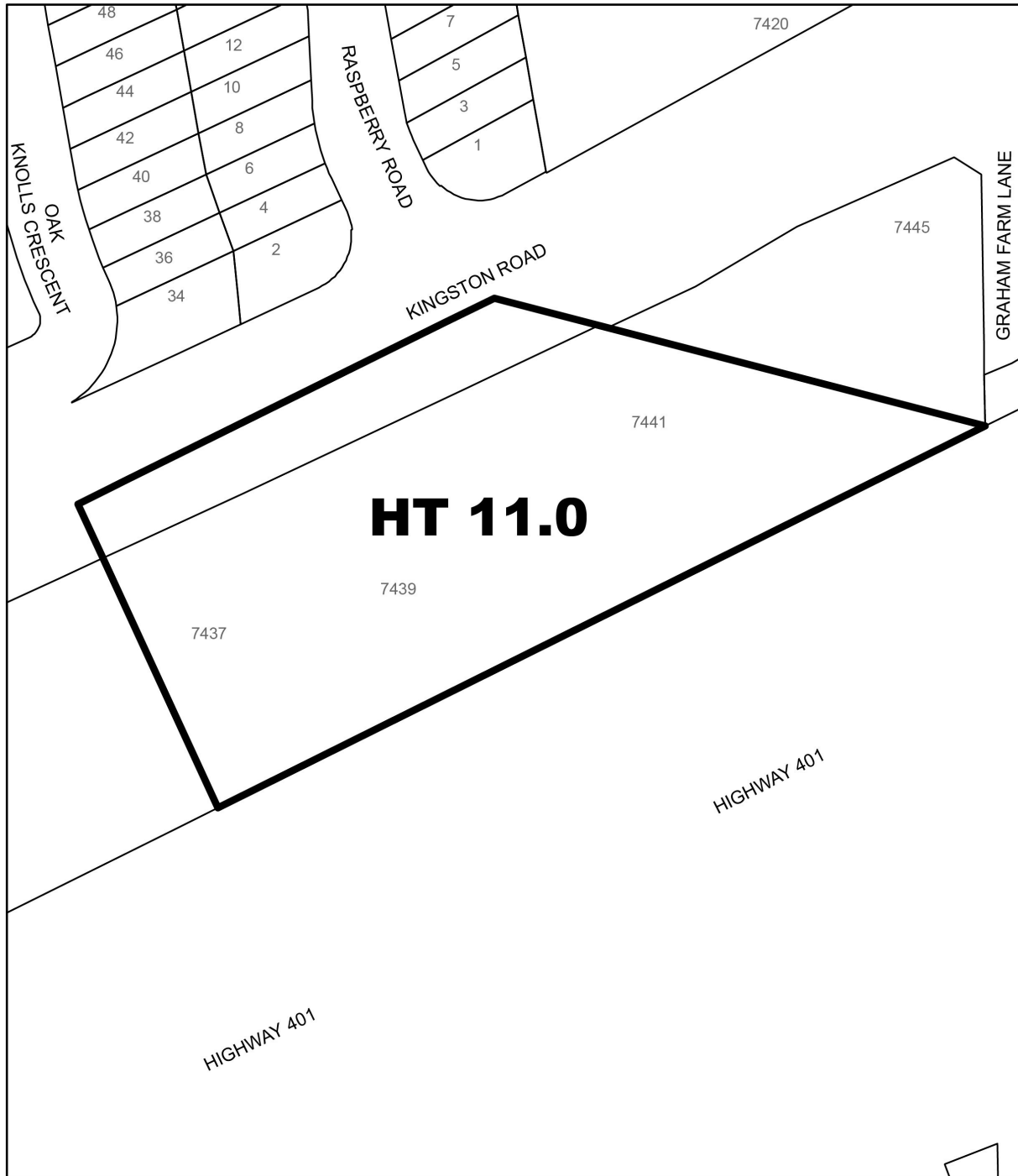


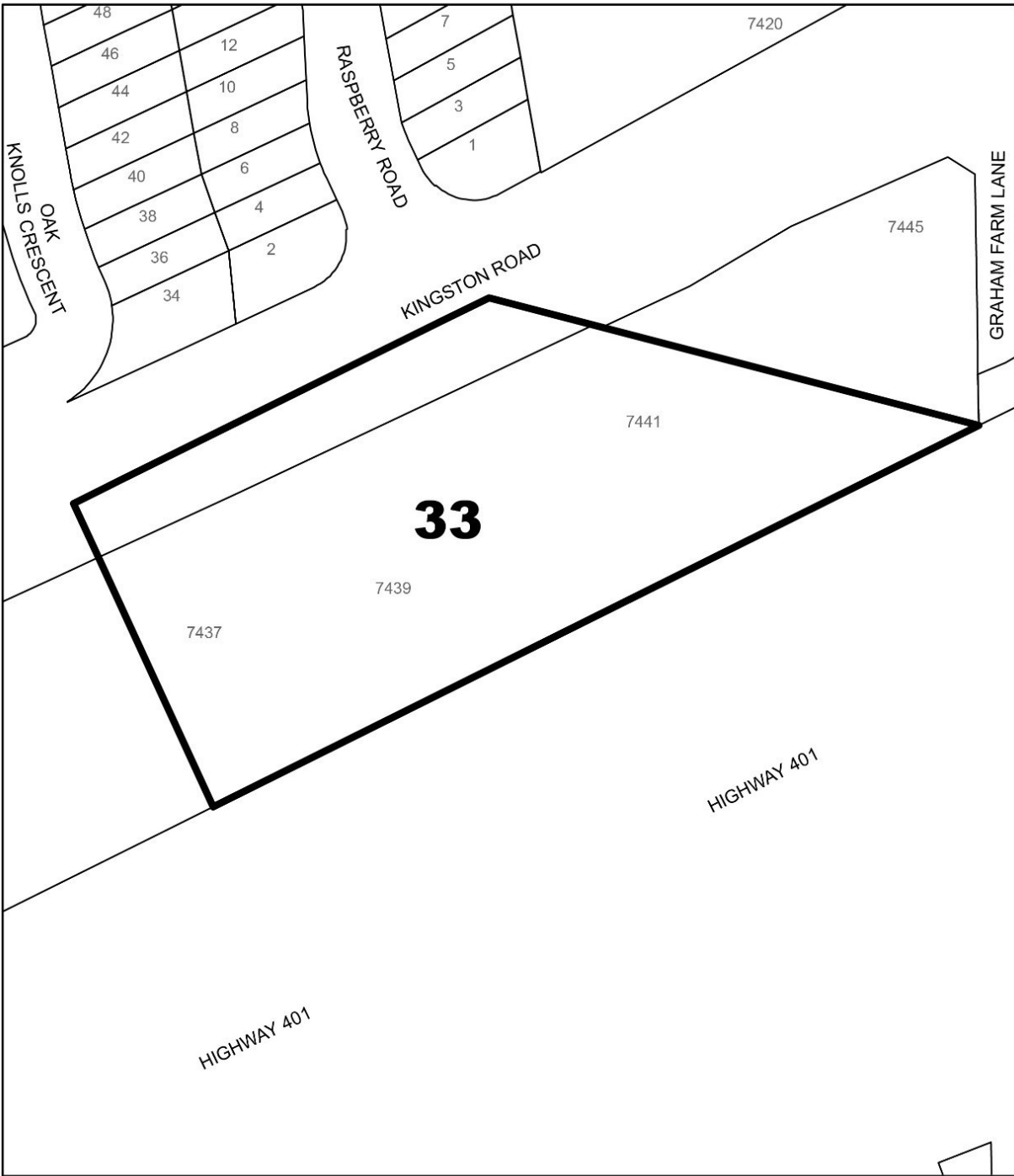


 **TORONTO**  
Diagram 3

**7437-7441 Kingston Road**

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 **TORONTO**  
Diagram 5

**7437-7441 Kingston Road**

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