

## **2746 and 2800 Kingston Road – Zoning Amendment Application – Final Report**

Date: October 16, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

**Planning Application Number:** 18 269905 ESC 20 OZ

### **SUMMARY**

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This application proposes to amend both the City of Scarborough Cliffcrest Community Zoning By-law 9396 and the City of Toronto Zoning By-law 569-2013 to permit the construction of an 11 storey building and a 22 storey building containing a combined 439 residential units at 2746 and 2800 Kingston Road.

The 11 storey midrise building fronts Kingston Road with the taller 22 storey building set deeper into the site behind a privately-owned publicly-accessible open space (POPS). The two buildings are massed with step backs and articulation that ensure an appropriate five-storey streetwall condition is provided along Kingston Road. The base building for the 22 storey tower properly addresses the POPS and adjacent development and is organized to relate to the adjacent mid-rise context. The proposed residential unit breakdown comprises: 221 one-bedrooms units; 170 two-bedrooms units; and 48 three-bedrooms units with the proposed Floor Space Index (FSI) equal to 3.75 times the area of the lot.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Staff have considered the application within the context of applicable Official Plan policies and the City's Tall Building Guidelines, as well as the Avenue and Mid-rise Building Guidelines. The proposal responds to the distinct characteristics of the site, deploying the proposed density in appropriate building types that are compatible with adjacent and nearby land uses.

This report reviews and recommends approval of the application to amend the Zoning By-law.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:



1. City Council amend the City of Scarborough Cliffcrest Community Zoning By-law 9396, as amended, for the lands at 2746 and 2800 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 2746 and 2800 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into and register on title an Agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters at the owners expense:
  - 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: local park improvements; 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 this subsection 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 this subsection 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.
5. City Council direct that the following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:
  - a. The owner shall provide, at its own expense on the lands, 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 Diagram '3' of the draft Zoning By-law Amendment attached as Attachment No. 6 to this report . 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.

b. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

6. Before introducing the necessary Bills to City Council for enactment, the owner be required to submit to the satisfaction of the Executive Director, Engineering and Construction Services an updated Functional Servicing Report. In addition, the owner would be required to enter into an agreement(s) for the construction of any improvements to existing municipal infrastructure, should it be determined that upgrades are required to support this development.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

## **DECISION HISTORY**

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### **Development Application**

The Zoning By-law amendment application was submitted on December 18, 2018 and deemed complete on May 24, 2019.

A Preliminary Report on the application was adopted by Scarborough Community Council on March 19, 2019 authorizing staff to conduct a community consultation meeting. The Preliminary Report and Community Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC4.6>

## **PROPOSAL**

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The recommended zoning by-law amendments are based on the revised development proposal submitted on July 21, 2020 to permit 11 storey and 22 storey buildings containing 439 residential condominium units (please refer to Attachment 8 - Site Plan) Since its original submission, the application has been revised twice, reducing overall density on site, improving the proposal's relationship with the public realm, its scale along Kingston Road and incorporating a privately-owned publicly-accessible space (POPS).



The 11 storey midrise building fronts Kingston Road with the taller 22 storey building set deeper into the site by approximately 18 m well back from the street behind a privately-owned publicly-accessible open space (POPS). The 11 storey building provides for a five-storey streetwall condition along Kingston Road with additional stepbacks at the seventh storey. The articulation provided by the stepbacks is consistent with the five to seven storey podium height of the 22 storey building. The proposed residential unit breakdown comprises: 221 one-bedroom units; 170 two-bedroom units; and 48 three-bedroom units. The proposed Floor Space Index (FSI) would be 3.75 times the area of the lot, equivalent to a total gross floor area of 32,716 square metres. Additional project statistics are presented in Attachment 1.

Vehicular access to the residential development would be from a two-way driveway accessed from Kingston Road. A total of 470 vehicular parking spaces are proposed within a 2-level underground parking garage. A total of 439 bicycle parking spaces are proposed, of which 395 would be for residents and 44 would be for visitors. A publically-accessible, privately-owned open space of 500 square metres in area would be located along Kingston Road.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

## **Site and Surrounding Area**

The site is located on the north side of Kingston Road between Brimley Road and St. Clair Avenue East. The subject lands consist of two irregularly-shaped adjacent mid-block lots. Collectively, the subject site is approximately 8,776 square metres in area. A Location Map can be found in Attachment 2.

The Subject Site currently contains two one-storey motel buildings (one on each lot) with associated surface parking. One motel also contains a second storey office. The existing buildings on site are proposed to be demolished.

The subject lands are generally flat. There is limited landscaping along the Kingston Road frontage with mature (mainly coniferous) trees on the landscaped strips as well as some found internal to the site.

Neighbouring uses are as follows:

**North:** Three mid-rise apartment buildings, two of which front onto Brimley Road, and one of which is oriented along Kingston Road in a reverse L-shape. The buildings fronting Brimley Road are, respectively, six and seven storeys in height. The third building, oriented to Kingston Road, is eleven storeys in height. Further north are residential and commercial buildings fronting St. Clair Avenue East.

**East:** Beyond the L-shaped lot mentioned above, a Canadian Tire store and associated parking. Further east are one to two storey commercial and mixed-use buildings.



**South:** South of Kingston Road are a mix of low-rise buildings that variously contain a motel, retail and residential uses, along with associated surface parking. An 11 storey midrise building is also currently under construction. Beyond the mixed use lands fronting Kingston Road is a low-density residential neighbourhood generally consisting of single-detached dwellings.

**West:** Immediately west is a place of worship. Further west of Brimley Road is a large cemetery.

### **Reasons for Application**

The application to amend the zoning by-laws is required to permit the proposed development and to establish appropriate performance standards. Specifically, the proposal requires amendments to the zoning by-laws for use, density, setbacks, parking provisions and other performance standards in the by-laws.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Planning Rationale;
- Avenue Segment Review;
- Draft Zoning By-law Amendments;
- Functional Servicing Report;
- Geotechnical Investigation;
- Hydrogeological Report;
- Preliminary Grading and Servicing Plans;
- Phase 1 Archaeological Assessment;
- Energy Strategy Report;
- Noise Impact Study;
- Sun/Shadow Study;
- Computer Generated Building Mass Model;
- Toronto Green Standard Checklist and Template;
- Arborist Report;
- Archaeological Assessment;
- Pedestrian Level Wind Study;
- Storm Water Management Report;
- Tree Preservation Plan; and,
- Transportation Impact Study

The material can be viewed at the Application Information Centre (AIC)

<https://www.toronto.ca/city-government/planning-development/application-information-centre>



## **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **Community Consultation**

A community consultation meeting to consult with area residents on the proposed rezoning of the subject site, was held on June 26, 2019. The meeting was attended by the Ward Councillor, the applicants, City Planning staff and 46 members of the public. Notice for the meeting was provided to landowners and residents within 120 metres of the subject site.

A summary of the public consultation meeting can be found at Attachment No. 7.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent



with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform and not conflict with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaced the previous Growth Plan for the Greater Golden Horseshoe, 2017. Amendments to the document were introduced in August 2020 and are now in effect. The amended Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;



- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

## **Chapter 2 - Shaping the City**

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification on lands like the subject site designated *Mixed Use Areas*.

The subject application is located on lands shown as *Avenues* on Map 2 of the Official Plan. *Avenues* are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment. The Plan recognizes that the *Avenues* will be transformed incrementally, that each is different and that there is no one size fits all approach to reurbanizing them.

Section 2.2.3.1 of the Official Plan provides that reurbanizing the *Avenues* will be achieved through the preparation of Avenue Studies for strategic mixed use segments. An Avenue Study has not been prepared for this mixed use segment of Kingston Road.



Section 2.2.3.3 of the Official Plan provides for development on an *Avenue* prior to an Avenue Study subject to certain requirements. As development prior to an Avenue Study has the potential to set a precedent for the intensity, form and scale of reurbanization, in addition to addressing the policies of the Plan for *Mixed Use Areas*, Section 2.2.3.3 requires that proponents of proposals also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

Further, the Plan provides that development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

### **Chapter 3 - Building a Successful City**

Policy 3.1.2.1 provides for new development to be located and organized to fit with its existing and/or planned context, framing and supporting adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces.

Official Plan built form policies also provide that development is to be generally located parallel to the street or along the edge of a park or open space with a consistent front yard setback, that it should be preserving existing mature trees wherever possible and incorporating them into landscaping designs and it should mass and design the exterior façade of development to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces.

The Official Plan also directs new development to be located and organized so that the impact of vehicle parking, vehicular access, service areas and utilities on the property and surrounding properties is minimized to improve the safety and attractiveness of adjacent streets, parks and open spaces. Minimizing driveway widths and consolidating curb cuts is also provided for along with limiting surface parking between the front wall of the building and the public street or sidewalk.

New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan. The policies also provide for indoor and outdoor amenity space to be allocated for residents of new development.

### **Chapter 4 - Land Use Designations**

The subject lands are designated *Mixed Use Areas* on Map 20 Land Use Plan of the Official Plan as illustrated by Attachment 3.

The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. However, not all *Mixed Use Areas* will experience the same scale of intensity of development." The Plan provides



development criteria for *Mixed Use Areas* under Section 4.5.1 which reinforce the above noted Built Form policies with specific regard to transition to low scale land uses on lands designated *Neighbourhoods*.

## **Chapter 5 - Implementation**

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan. The Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under provisions of the *Planning Act* or the Development Charges Act or other statute. Section 37 may be used, irrespective of the size of the project or increase in height and/or density as a mechanism to secure facilities required to support development.

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

## **Design Guidelines**

The application has been evaluated against the following design guidelines:

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

### **Avenues and Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and



## **Growing Up: Planning for Children in New Vertical Communities Guidelines**

In July 2017, City Council adopted the City-wide Growing Up: Planning for Children in New Vertical Communities draft guidelines. Council adopted the final version of the Growing Up Urban Design Guidelines in July, 2020.

The Guidelines and City Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.5>

The objectives of the guidelines are rooted in the Official Plan vision to create an attractive, safe and healthy city where children are valued and residents have access to housing, support services and recreational activities. The draft guidelines implement Official Plan policies that highlight the importance of integrated community facilities and amenities, the need for a comfortable and safe public realm and the creation of a range of housing options in communities.

## **Zoning**

The site is zoned Highway Commercial (HC) in the former City of Scarborough Zoning By-law No. 9396 (Cliffcrest Community). Highway Commercial uses include uses of the following nature:

- uses which necessitate their location adjacent to a major traffic artery and may require channelization of off-street parking and do not require large areas of sustained off-street parking;
- uses which are not suited to locations in shopping centres; and
- uses which perform a specialized commercial function and may require limited processing of a product but are not essentially industrial in character, such as automobile sales, service and maintenance, fraternal organizations, funeral homes, hotels and motels, places of worship, professional and business offices, recreational uses and specialized commercial uses.

The HC Zone is subject to certain performance standards which set out requirements for building setbacks and gross floor area.

The site is also zoned Commercial Residential (CR) in City of Toronto Zoning By-law 569-2013. There are a wide variety of uses permitted in the CR Zone. Some uses that are permitted on this site are: office, financial institution, retail store, park, post-secondary school and vehicle dealership. The zoning does not permit residential density on the site. The site is subject to Exception CR 479 which regulates building setbacks and permits a place of worship.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>



## **Site Plan Control**

The proposed development is subject to site plan control. A site plan approval application has not yet been filed.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020).

Staff have determined that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). The proposal makes more efficient use of the land and existing infrastructure along a corridor planned for intensification while providing a range and mix of housing types in the area.

The proposal advances a density and land use mix that is consistent with the directions of Section 1.1.1 of the PPS (2020). It represents an efficient use of land and resources; is appropriate for and efficiently uses available and planned infrastructure which are planned or available; and is transit supportive.

Policy 1.1.3.4 recognizes that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The proposal is consistent with the PPS in this regard.

By providing a range and mix of unit types, including two- and three-bedroom units, the proposal is consistent with Policy 1.4.3 of the PPS (2020) that requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents.

Consistent with Policy 1.6.6.1 of the PPS (2020), the proposed intensification along Kingston Road on lands designated for intensification ensures the efficient use and optimization of existing infrastructure, including municipal sewage services and municipal water services.

It is also proposed at a density that minimizes the length and number of vehicle trips and support current and future use of transit and active transportation, consistent with Policy 1.6.7.4.

The proposal conforms to the Growth Plan (2020) as it supports the creation of complete communities. The proposal intensifies underutilized lands in a compact built form in a municipally identified strategic growth area making more efficient use of infrastructure while supporting transit viability. The proposal also conforms to the Growth Plan (2020) by promoting a diverse range and mix of housing options, contributing to public service facilities, integrating green infrastructure, expanding upon a range of transportation options, and providing for a vibrant public realm. The City has



implemented the objectives of Growth Plan (2020) Policy 5.2.5.6 through the implementing policies of the Official Plan, including Built Form policies found in Section 3.1.2 of the Official Plan, the Tall Building Guidelines, as well as the Avenue and Mid-rise Building Guidelines.

## **Land Use**

This application has been reviewed against the Official Plan policies described in the Policy Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole.

The residential intensification proposed is provided for by the *Mixed Use Areas* designation and associated policies/development criteria. The site's location near the intersection of arterial roads and the availability of transit service on both Kingston Road and Brimley Road qualify the site as an appropriate location for the proposed scale of development.

The draft zoning by-laws attached as Attachments 5 and 6, permit selected non-residential uses on the site which are appropriate given the *Mixed Use Areas* designation on the site. The applicant is not proposing these uses at this time but the permission ensures this option is available should ground floor commercial uses be pursued through the forthcoming site plan control application.

## **Avenue Segment Study**

Development in *Mixed Use Areas* on *Avenues* prior to an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the *Avenue*. For this reason, proponents of such proposals are required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. Section 2.2.3, Policy 3b sets out the criteria that must be examined in such an Avenue Segment Review.

The applicant has submitted an Avenue Segment Study dated December 2018 and revised February 2019. The Avenue Segment Study boundary runs between Brimley Road and Cathedral Bluffs Drive. The study distinguishes the block north of Kingston Road, bounded by St. Clair Avenue East and Brimley Road from the remainder of Kingston Road. The study notes that the lot frontage, depth and overall area of the properties within this block are generally significantly larger than other properties within the segment area. Further, the subject site is the only lot within the segment area, other than the much smaller remnant lot at 2740 Kingston Road, that is not adjacent to *Neighbourhoods*. Thus the site can accommodate greater heights than a typical *Avenue* property as it is deep enough to not impact the right-of-way and well separated from lands designated *Neighbourhoods*. The applicant demonstrated the development potential of the remainder of the Kingston Road corridor by contemplating mid-rise typology between 7 to 8 storeys, with FSI between 3.3 to 4.6 times the area of the lot, on 3 soft sites on the south side of Kingston Road. The sites are typical Avenue sties with depths between 35 metres and 41 metres, zoned *Mixed Use Areas*, with abutting lands designated *Neighbourhoods*. . The study concludes that higher density



development on the subject site will not negatively impact the existing or planned future development of the Kingston Road corridor.

The applicant also provided a Block Context Plan dated December 2019 and revised July 2020 to supplement the Avenue Segment Study and assist with staff's review of the emerging context of the immediate block. The plan contemplates the highest heights and densities midblock where lot depths are greatest, with 22 storeys on the eastern portion of the subject site and the potential for a 19 storeys building on the western portion of 2850 Kingston Road should the existing Canadian Tire store redevelop. Proposed conceptual heights decrease towards the intersections of Kingston Road and Brimley Road and Kingston Road and St. Clair Avenue East as lot depths decrease, resulting in mid-rise typologies at these locations.

Planning staff accept the conclusions of the Avenue Study and conceptual massing of the Block Context Plan. The subject site is unique given its depth and lack of adjacency to *Neighbourhoods*. In addition the overall development floor area proposed at 3.75 net FSI reflects a midrise level of intensification, organized into a tall building to improve separation distance but also allow for the site to accommodate a significant public open space. Given these considerations, planning staff are satisfied that the proposal can be approved and not create concerns with subsequent development of the entire Avenue segment.

### **Density, Height, Massing**

This application has been reviewed against the official plan policies and design guidelines described in the Policy Consideration Section of the report.

Pursuant to the review of the submitted Avenue Segment Study and Block Context Plan, the subject lands are an appropriate location for intensification and increased density. The depth of the site and its separation from lands designated *Neighbourhoods* allowed staff to consider a greater height than what is typically found along *Avenue* segments. The proposed density of 3.75 FSI is typical of *Avenue* sites, but the site geometry and size provided opportunity to deploy the density in a more efficient way which allowed for the provision of a publicly accessible landscaped open space fronting Kingston Road.

Building B is proposed on the southwestern portion of the site is proposed to be 11 storeys and 36.7 metres tall (42.1 metres including the mechanical penthouse). For guidance on defining a maximum permitted height, staff look to the Avenues and Mid-Rise Building Guidelines, while also noting the direction provided by Official Plan Policy 3.1.2.1 which defines the height for buildings on an *Avenue* should be no taller than the width of the *Avenue* right-of-way. Applying this parameter to Kingston Road, which has a right-of-way width of 36 metres in this area, renders a building height of approximately 36 metres. The Guidelines also recognize that building height is only one aspect of achieving good building design. Performance Standard 13 – Roofs and Roofscapes, identifies that mechanical penthouses may exceed the maximum height limit. Therefore, the proposed 11-storey residential building is contemplated by the Avenues and Mid-Rise Building Guidelines.



Building A is proposed on the northeastern portion of the site and proposed at a height of 22 storeys or 69.8 metres (75.2 metres including the mechanical penthouse). The Avenues and Mid-Rise Building Guidelines usually limits the height of buildings by applying a rear 45-degree angular plane to allow for appropriate transition to low-density residential *Neighbourhoods* which typically immediately abut lands designated *Mixed Use Areas* along *Avenues*. The subject site is not a typical *Avenue* site because it abuts lands designated *Mixed Use Areas* and thus additional height can be considered if ample separation is achieved per Guideline 1.3 of the Tall Building Guidelines which directs tall buildings to provide appropriate transition in scale down to lower-scaled buildings. The depth of the site allows sufficient separation distance between the tower and adjacent apartment blocks.

The site also has a separation distance of more than 150 metres from the residential detached housing and school on the north side of St. Clair Avenue East. As such, the proposed height of 22 storeys still can provide an appropriate transition in scale to the nearby residential uses falling entirely beneath a 45 degree angular plane measured from the nearest property to the north designated *Neighbourhoods*.

The site is irregular in shape where the eastern part of the lot has a much greater depth than the western half. The Mid-rise Guidelines indicate that maximum height is dictated by dimensions of the lot, in particular lot depth, and the eastern portion of the subject lands has a lot depth that is double the depth of a typical mid-rise site. The increased lot depth allows for greater separation between the proposed 22-storey building, the adjacent buildings, and the Kingston Road frontage. This presents a unique opportunity to situate a high-rise building compliant with the direction from the Tall Building Guidelines in terms of base-tower relationship, separation distance and tower floor plate that would not set an undue precedent for the remainder of this *Avenue*.

The proposed height of Building A does result in a minor encroachment of the tower element into the front 45-degree angular plane measured from a height equal to 80% of the Kingston Road right-of-way. However, the applicant has submitted a sun/shadow study which demonstrates minimal shadow impacts on the Kingston Road public realm and the *Neighbourhoods* to the north and south. In this respect, staff believes the proposal conforms to the criteria established in Policy 3.1.3(2) of the Official Plan for the location and placement of tall buildings.

Although an atypical *Avenue* site, the deployment of the proposed density appropriately responds to the direction of creating a walkable, pedestrian scaled corridor along a revitalizing Kingston Road. Building B follows a typical mid-rise typology and provides for a five-storey streetwall along Kingston Road, which wraps around the east and west façades of the mid-rise building, and steps back to seven-storeys and the ultimate height of 11-storeys. Building A provides for a podium base height of five to seven storeys, and a tower floor plate of 750 square metres, consistent with the Tall Building Guidelines. The proposed design of the base building is also consistent with the five-storey streetwall proposed for Building B, which creates a comfortable scale for pedestrians, and mitigates the perceived height of the building. The streetwall provides visual emphasis at street level thus enhancing the prominence of Kingston Road and supporting the POPS space provided along the site frontage. The proposed massing of both buildings frames Kingston Road and the public realm at a scale that is appropriate



for the existing street context. The proposed articulation of both buildings would ensure that the goals of the Avenues and Mid-rise Guidelines and Tall Building Guidelines are maintained and that the built form policies of the Official Plan are realized.

Some balconies are currently illustrated as projecting from the tower podium between the buildings. Staff will continue to work with the applicant through the Site Plan Approval process to encourage recessed balconies along the west podium elevation to improve separation between buildings and pedestrian comfort. It is also recommended that the ground floor lobbies be recessed, giving more pedestrian clearance with an overhang above which provides wind and rain protection. The design of the building articulation, windows and entrances will be further refined through the Site Plan Approval process.

### **Sun, Shadow, Wind**

The *Mixed Use Areas* policies 4.5.2 and Built Form policies 3.1.2 of the plan speak to adequately mitigating or limiting shadow impacts on neighbouring streets and properties. The applicant has submitted an updated Sun Shadow Study, dated July 17, 2020, which analyzed the shadow impacts of the proposed development during the solstices and equinoxes.

The study found that the shadow impact from the proposed development does not substantially impact the existing *Neighbourhoods* in the vicinity and has minimal impact on Kingston Road. The study demonstrates that at the spring and fall equinoxes, shadows will generally be limited to the immediate *Mixed Use Areas* block with no impact to the *Neighbourhoods* north of St Clair Avenue East. Having the Built form of Building A organized into a maximum 750 square metre tower floor plate which meets the Tall Building Guidelines ensures that the tower casts a smaller, faster moving shadow. In the early morning, brief shadowing occurs to the west on the edge of the cemetery and Brimley Road. In the early evening, shadows will fall briefly on Kingston Road and the *Neighbourhoods* south of Kingston Road before the sun sets. These shadow impacts are considered acceptable and no further mitigation measures are required.

A Pedestrian-Level Wind Assessment, dated May 26, 2020, was submitted in support of the proposed development. The report concluded that appropriate conditions are expected at the sidewalks and entrance to Building B. Higher than desired wind speeds are expected between buildings, at the entrance to Building A, amenity areas, and the POPS year-round. Various wind control features are recommended for these areas, including recessing the entrance to Building A to provide the entrance additional protection. Should this application be approved, further wind protection measures between the two buildings, within the POPS space and the amenity space will be reviewed through the Site Plan Approval process.

### **Traffic Impact, Access, Parking**

The applicant's traffic engineering consultant submitted a Traffic Impact Study (TIS), dated November 7, 2018. The report estimates that the project will generate a total of 91 and 105 net two-way vehicle trips during the weekday morning, afternoon peak traffic



hours, respectively, which will result in acceptable levels of service at area intersections. The consultant concludes that the intersections analyzed are expected to operate satisfactorily under future conditions with added corridor growth and traffic generated by the subject site. Transportation Services generally accepts the findings of the TIS.

The parking requirements to be applied through the proposed Zoning By-law Amendments attached to this report are consistent with those of Toronto Zoning By-law No. 569- 2013, as amended, for Policy Area 4 in which the subject property is located.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 36 metre right-of-way for this segment of Kingston Road a 1.24 metre road widening dedication along the Kingston Road frontage of the subject site is required and is proposed to be conveyed to the City with this application.

## **Servicing**

Servicing reports, including Functional Servicing and Stormwater Management Reports, Hydrogeological Assessments and servicing plans have been submitted in support of the zoning application.

Additional technical details of the requirements of the site servicing solutions are still required to be reviewed to determine if the existing municipal infrastructure is adequate to support the sanitary flow resulting from this development and if upgrades will be required. Further, staff have identified potential capacity constraints downstream of the proposal which were not reflected in the submitted Functional Servicing Report. To this end, an updated Functional Servicing Report is required to be submitted. All site servicing proposals must be to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, before the enactment of the Zoning By-law Amendments. Requirements to this effect are noted in the recommendations section of this report.

## **Housing Issues**

The Growing Up Guidelines recommend a minimum of 25% of the dwelling units be larger units to provide for larger households, including families with children. The Guidelines also specify that 10% of total units be three-bedroom units with a minimum size of 100-106 square metres, and 15% of the total units be two-bedroom units with a minimum size of 87-90 square metres. The development proposes 39% two-bedroom dwelling units, and 11% three-bedroom units which exceeds the Growing Up Guidelines with regard to the recommended percentage of larger units. However, the proposed unit sizes of the two and three-bedroom units are, on average, slightly smaller than the minimum sizes specified by the Guidelines. City Planning staff will continue to work with the applicant through the Site Plan Approval process to encourage compliance with the Growing Up Guidelines.



## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III, of the Toronto Municipal Code, Parks Forestry and Recreation staff is requiring the applicant to satisfy the parkland dedication requirement through cash-in-lieu. This residential proposal is subject to a 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

## **Privately-Owned Publicly Accessible Open Space (POPS)**

A privately-owned publicly accessible open space (POPS) of approximately 500 square meters is being proposed. The space would front onto Kingston Road in front of the west end of Building A. Staff considers the proposed POPS to be a key element of this proposal that will contribute positively to public realm enhancements along this portion of Kingston Road. Staff propose that the POPS be secured as a legal convenience through the Section 37 Agreement as detailed further below, whereby the owner will provide surface easements to the City over the POPS and related walkway spaces for nominal consideration. The POPS and walkway should be publicly accessible throughout the day and evening, with the owner continuing to be responsible for their maintenance and repair. The final design and construction of the POPS space and walkway will then be secured through the Site Plan Control approval process.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). As proposed, this project would require the removal of 25 by-law protected privately owned trees. The planting of three (3) replacement trees for each bylaw-protected private tree removed would be a condition of Urban Forestry's permit issuance. If an application to remove the subject trees is approved, the owner will be required to provide 75 replacement trees.

The application is also required to comply with the tree planting elements of the Toronto Green Standard (TGS), Version 3.0. Urban Forestry staff advise that minor revisions are required to bring the application into compliance with Tier 1 of Toronto Green Standard Version 3.0 requirements.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law



Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

Performance measures for the Tier 1 development features will be secured through the Section 37 provisions of the draft zoning by-laws attached to this report (as noted further below).

## **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Community Services and Facilities Study, dated December 2018, in support of the original development proposal. The Study concluded that generally there are sufficient community services and facilities in the area to support the proposed development. Staff have reviewed the report and are generally satisfied with its conclusions.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- 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: local park improvements; 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 this subsection 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 this subsection 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.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

a. The owner shall provide on the lands, 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 with the final location determined to the satisfaction of the Chief Planner. 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.

b. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020). It conforms and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to matters set out under Policy 4.5.2 with respect to *Mixed Use Areas*, Healthy Neighbourhoods Policy 2.3.1.2 and Built Form Policy 3.1.2.

The development is organized on site to deploy the proposed density in a built form that will establish an appropriate fit within the existing and planned context. It supports the design objectives of the Official Plan *Mixed Use Areas* and *Avenues* policies in facilitating reurbanization of the Kingston Road corridor as a walkable, transit supportive corridor while adding an important public realm component in the form of a new POPs



space. Through a secured Section 37 Agreement, the proposal will provide a \$1.1 million community benefit contribution to be directed towards local park improvements; public art; non-profit arts, cultural, community or institutional facilities; and/or various streetscape improvements not abutting the site in Ward 20. As discussed in this report, the proposed development is appropriate for the context of the subject property and represents good planning. Planning staff recommend that Council approve the subject rezoning application and enact the draft Zoning By-law Amendments attached to this report, provided the outstanding matters discussed in the Servicing section of this report are addressed by the applicant to the satisfaction of Engineering & Construction Services.

## **CONTACT**

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E-mail: Yishan.Liu@toronto.ca

## **SIGNATURE**

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Paul Zuliani, MBA, RPP, Director,  
Community Planning, Scarborough District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment (Cliffcrest Community Zoning By-law 9396)
- Attachment 6: Draft Zoning By-law Amendment (Toronto Zoning By-law No. 569-2013)
- Attachment 7: Summary of Public Consultation

### **Applicant Submitted Drawings**

- Attachment 8: 3D Massing Model of Proposal
- Attachment 9: Site Plan
- Attachment 10: South and East Elevations
- Attachment 11: North and West Elevations



## Attachment 1: Application Data Sheet

Municipal Address: 2746 KINGSTON RD Date Received: December 18, 2018

Application Number: 18 269905 ESC 20 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: This rezoning application is to permit a 439-unit (condominium tenure) residential development contained in two buildings consisting of 11 storeys and 22 storeys.

Applicant	Agent	Architect	Owner
WALKER NOTT DRAGICEVIC ASSOC LTD			KINGSTON ROAD RESIDENCES INC.

### EXISTING PLANNING CONTROLS

Official Plan Designation: *Mixed Use Areas* Site Specific Provision: No

Zoning: HC and CR 0.4 Heritage Designation: No

Height Limit (m): 11 Site Plan Control Area: Yes

### PROJECT INFORMATION

Site Area (sq m): 8,727 Frontage (m): 143 Depth (m): 60

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,581	0	3,168	3,168
Residential GFA (sq m):			32,716	32,716
Non-Residential GFA (sq m):	1,581	0		
Total GFA (sq m):	1,581	0	32,716	32,716
Height - Storeys:	1		22	22
Height - Metres:			75	75

Lot Coverage Ratio (%) 36.3 Floor Space Index: 3.75

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 32,716

Retail GFA:

Office GFA:



Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	0	0	0	0
Condominium:	0	0	439	439
Other:				
Total Units:			439	439

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			221	170	48
Total Units:			221	170	48

Parking and Loading

Parking Spaces:	497	Bicycle Parking Spaces:	439	Loading Docks:	1
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CONTACT:

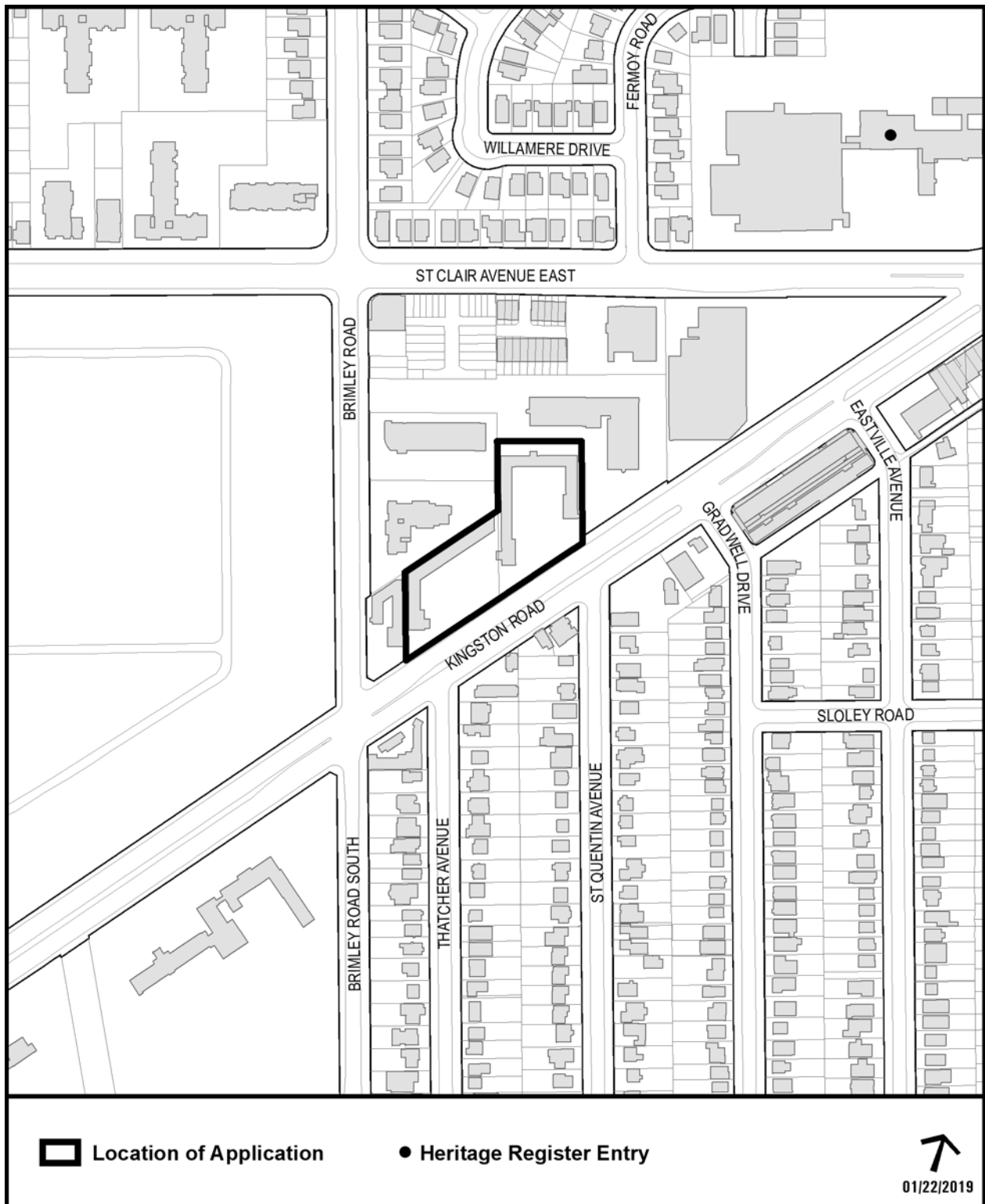
Yishan Liu, Planner

416-395-6708

Yishan.Liu@toronto.ca

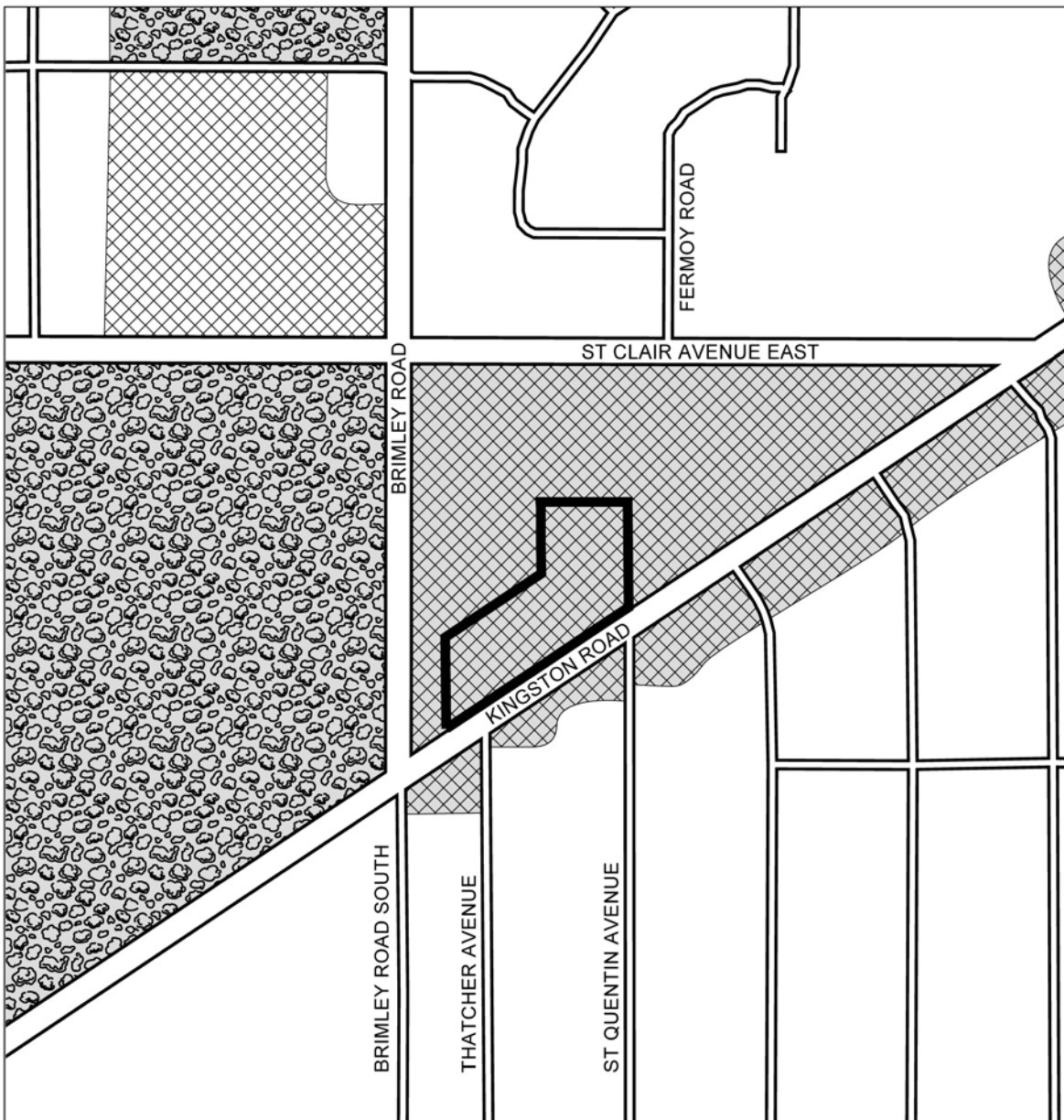


## Attachment 2: Location Map





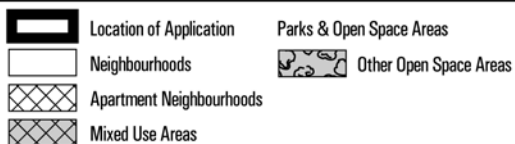
## Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #20

2746 - 2800 Kingston Road

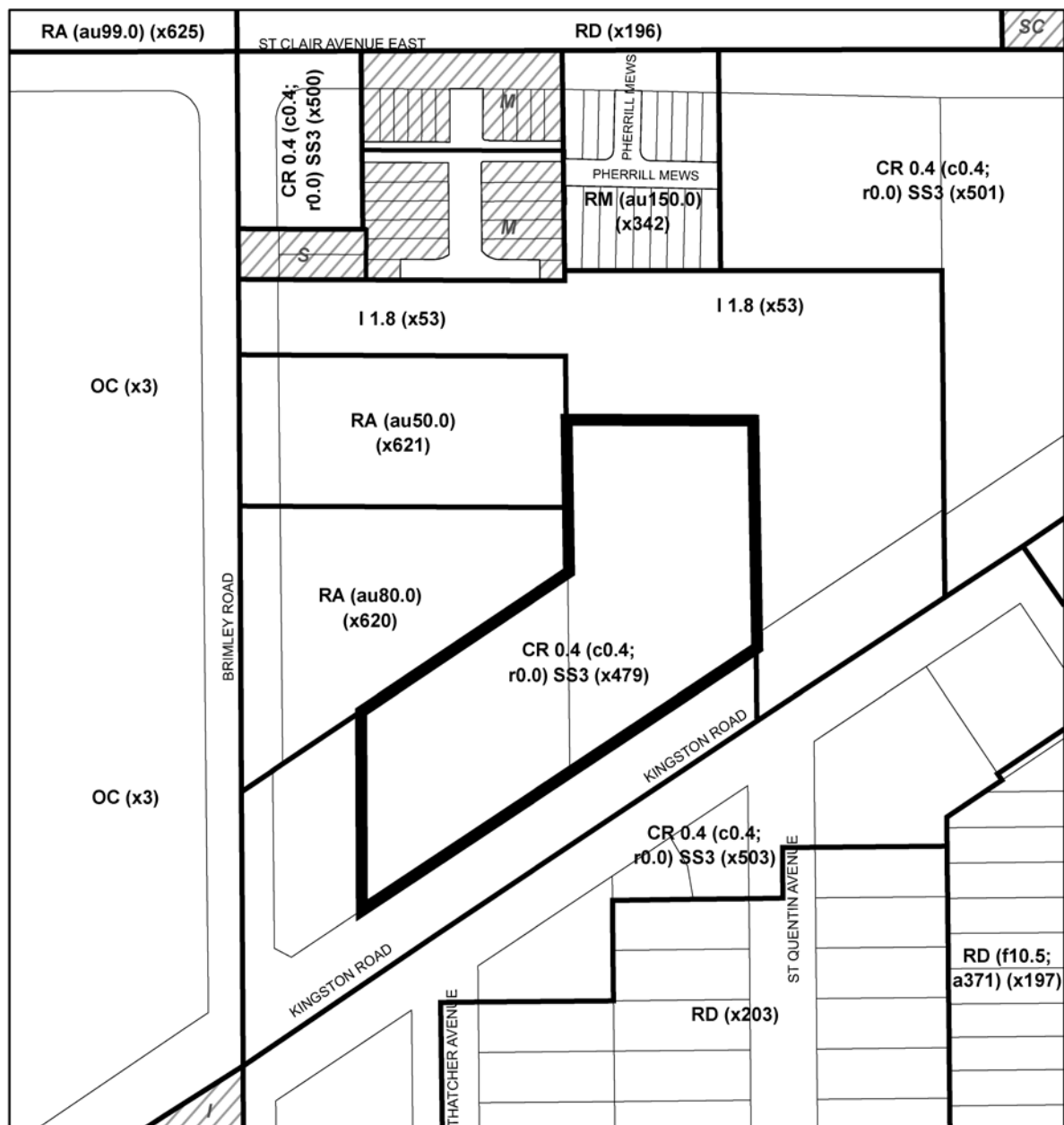
File # 18 269905 ESC 20 02



Not to Scale  
 01/23/2019



## Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

2746-2800 Kingston Road

File # 18 269905 ESC 20 02



Location of Application



See Former City of Scarborough Cliffcrest Community  
By-law No. 9396

RD Residential Detached  
RM Residential Multiple  
RA Residential Apartment  
CR Commercial Residential  
I Institutional  
OC Open Space Cemetery

S Single-Family Residential  
M Multiple-Family Residential  
I Institutional Uses  
SC School



Not to Scale  
Extracted: 08/19/2020



## **Attachment 5: Draft Zoning By-law Amendment (Cliffcrest Community Zoning By-law 9396)**

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. XXXX-2020**

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 to 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–147-148-149-150-151-224-230-316-319-323-324-325-326-327-379**

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 [clerks to insert By-law #]

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;
- (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% 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 [Clerks to insert By-law #];

## 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 [Clerks to insert bylaw#], 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 [Clerks to insert By-law #].

## 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, **with any resulting fraction rounded down to the nearest whole number**:

- (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;

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.

4. **SCHEDULE 'C', EXCEPTIONS MAP**, is amended by adding the following Exception No. 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 Bylaw No. 9396, as amended, is hereby further amended by adding the following Exception No. 65 to lands as shown on the attached Schedule '2' as follows:

65. On those lands identified as Exception No. 65 on Schedule C, the following provisions shall apply, provided that all other provisions of this By-law, as amended, not continue with this Exception shall continue to apply:

(i) **CLAUSE V – INTERPRETATION**, Sub-Clause (f) Definitions: The definitions of Gross Floor Area shall not apply to the lands encompassed by Exception 65. Instead, 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. The gross floor area of a mixed use or residential building is 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 **below ground**;
- (iv) shower and change facilities;
- (v) amenity space;
- (vi) elevator shafts;
- (vii) garbage shafts;
- (viii) mechanical penthouse; and
- (ix) exit stairwells in the building.

(ii) 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

(iii) 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: local park improvements; 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 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.

(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.

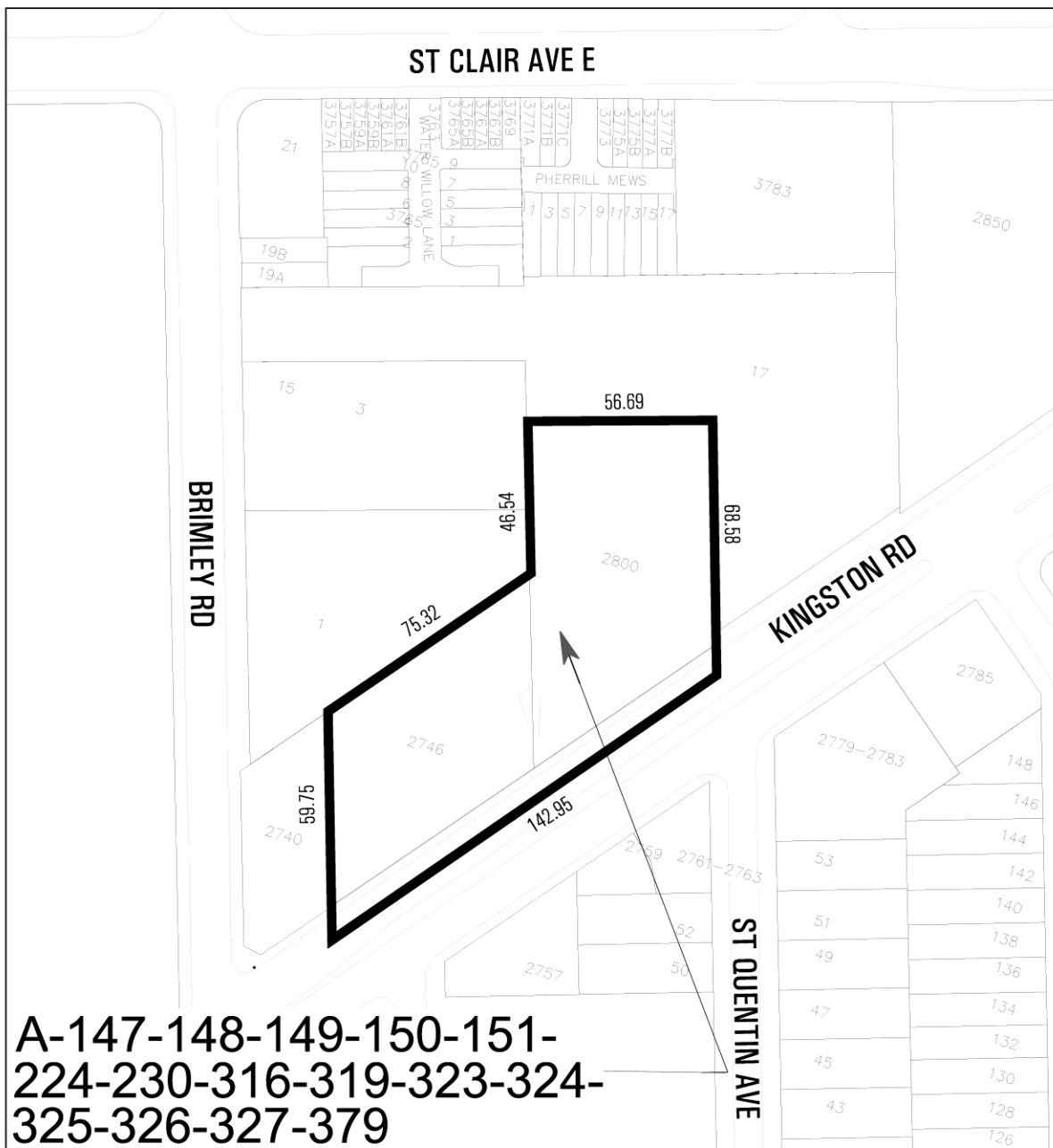
(iii) The provisions of By-law 9396, as amended, shall apply collectively to the lands encompassed by this Exception, notwithstanding their division into two or more parcels.

Enacted and passed on month ##, 20##.

Name,           Ulli S. Watkiss,  
          Speaker     City Clerk

(Seal of the City)



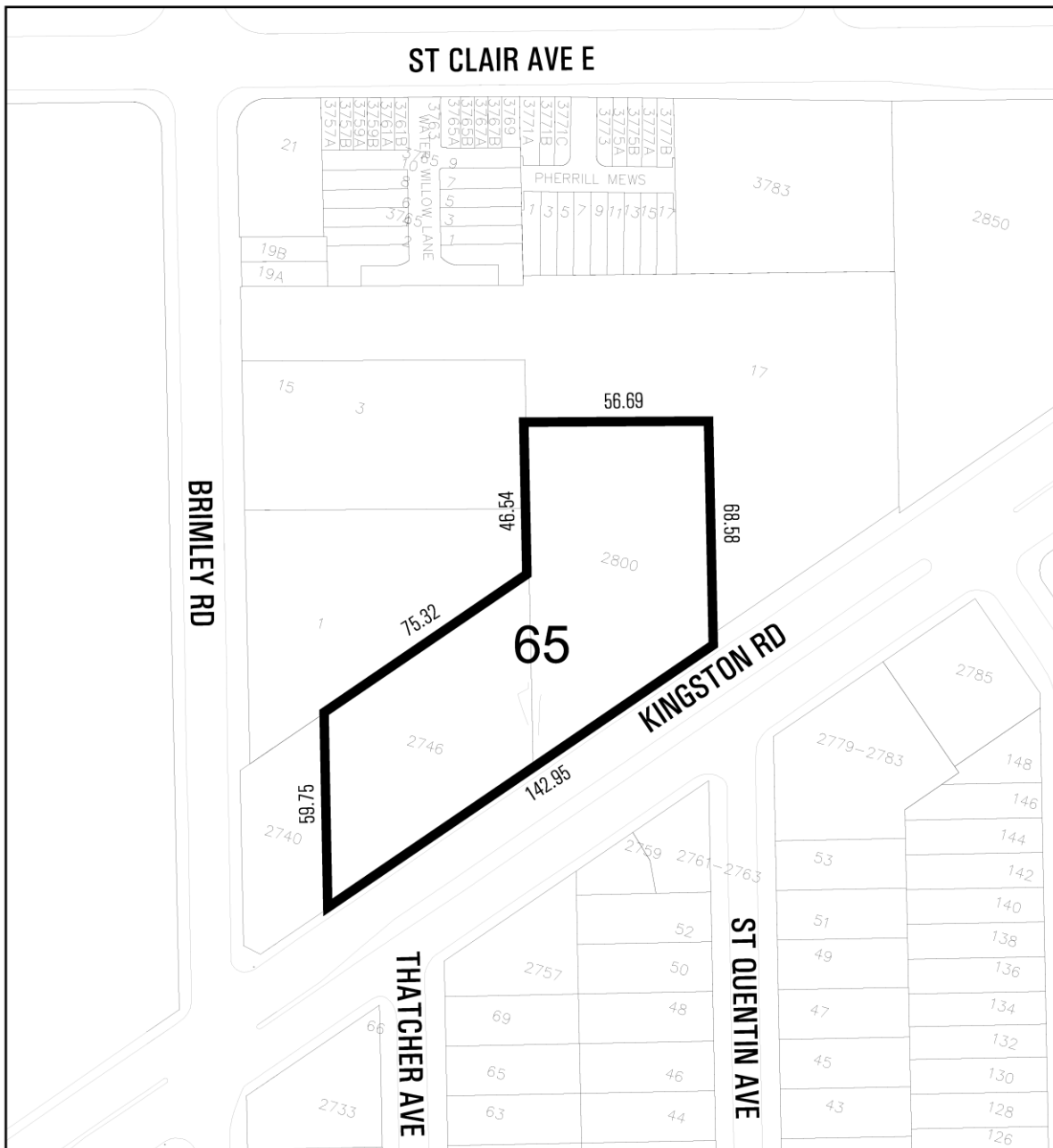


**Toronto**  
Schedule 1

File # 18 269 905 ESC 20 0Z

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





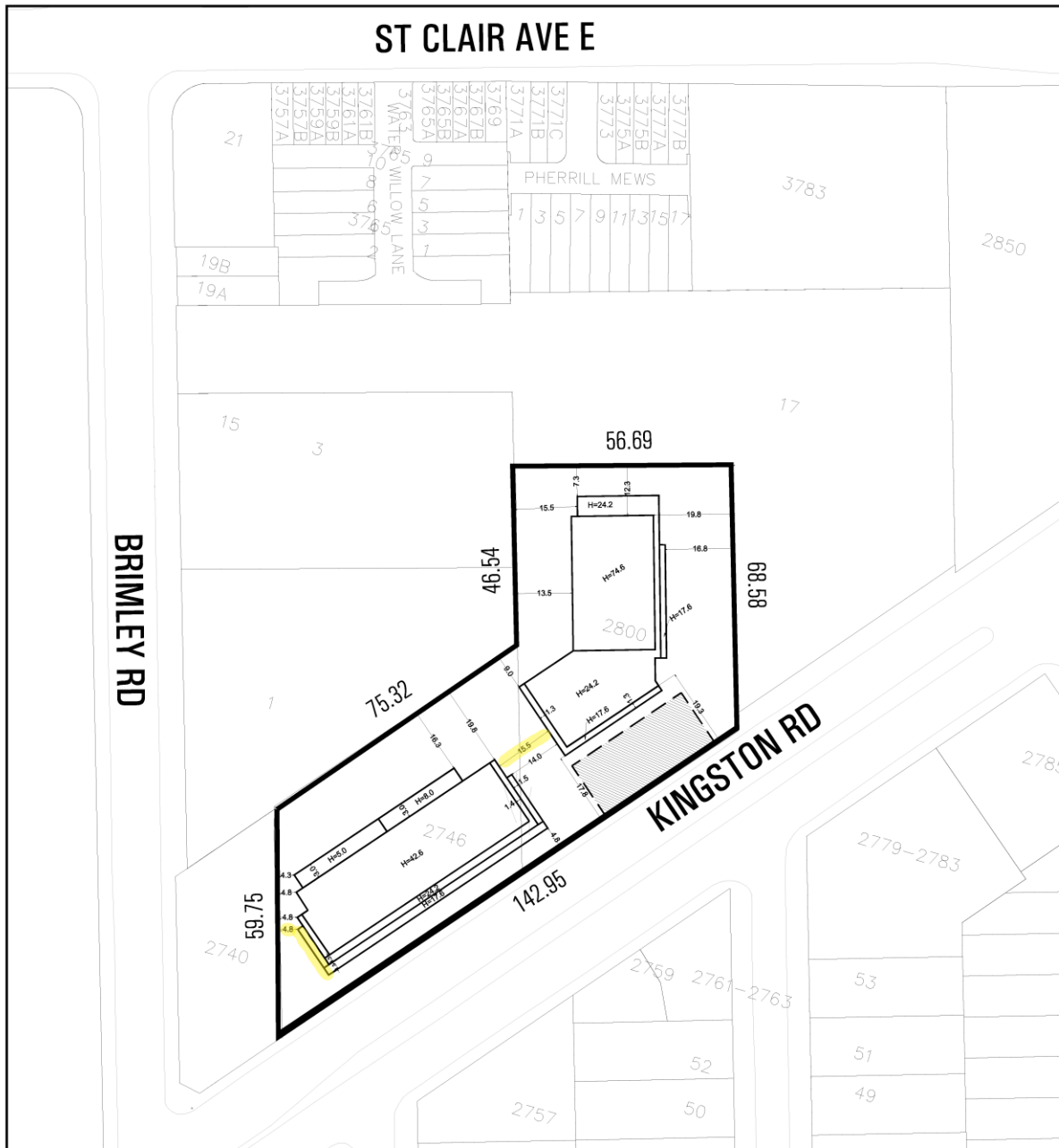
**Toronto**  
Schedule 2

**2746-2800 Kingston Road**

File # 18 269 905 ESC 20 0Z

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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



## **Attachment 6: Draft Zoning By-law Amendment (Toronto Zoning By-law No. 569-2013)**

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

### **CITY OF TORONTO**

#### **Bill No. ~ BY-LAW No. XXXX-2020**

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as, 2746 to 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;

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 No. 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; and

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 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 CR 0.4 (c0.4; r.0.0) SS3 (x283), as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 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 [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be erected or constructed in compliance with (B) to (N) 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 [Clerks to supply by-law ##];
- (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 [Clerks to supply by-law ##] 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 [Clerks to supply by-law ##];

(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 [Clerks to insert by-law #]

(ii) 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;

(iii) 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 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% 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 230.5.10.1, 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



(N) 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**;

(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 [Clerks to supply by-law ##];

Prevailing By-laws and Prevailing Sections (None Apply)

5. Section 39 Provisions

None of the provisions of By-law No. 569-2013, as amended, apply to prevent a temporary sales office or structure 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.

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 month ##, 20##.

Name, Ulli S. Watkiss,  
Speaker City Clerk

(Seal of the City)



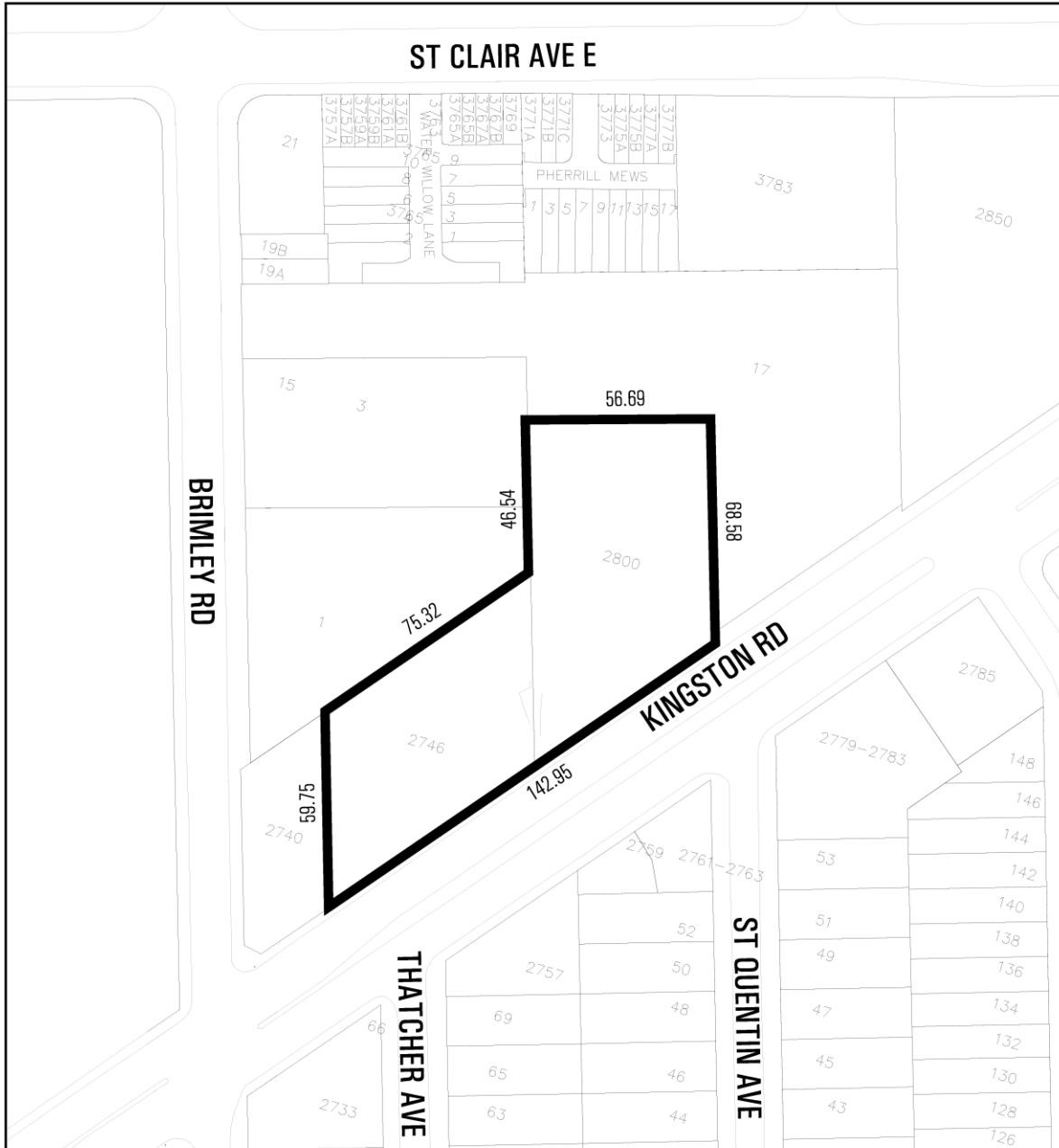
## **SCHEDULE A**

### **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: local park improvements; 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 as generally shown within the grey area in Diagram '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;
- (5) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.





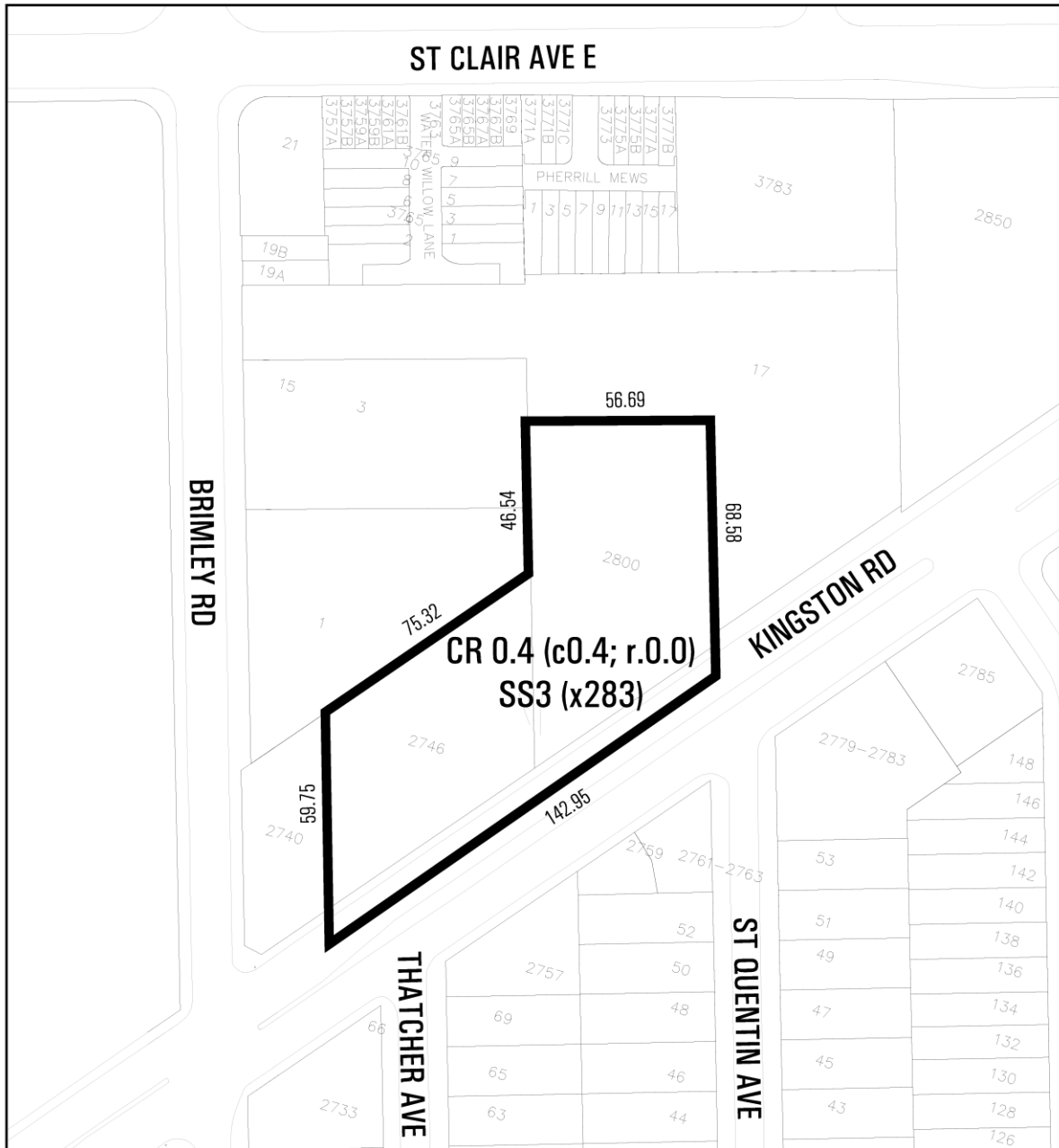
**Toronto**  
Diagram 1

**2746-2800 Kingston Road**

File # 18 269 905 ESC 20 02

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





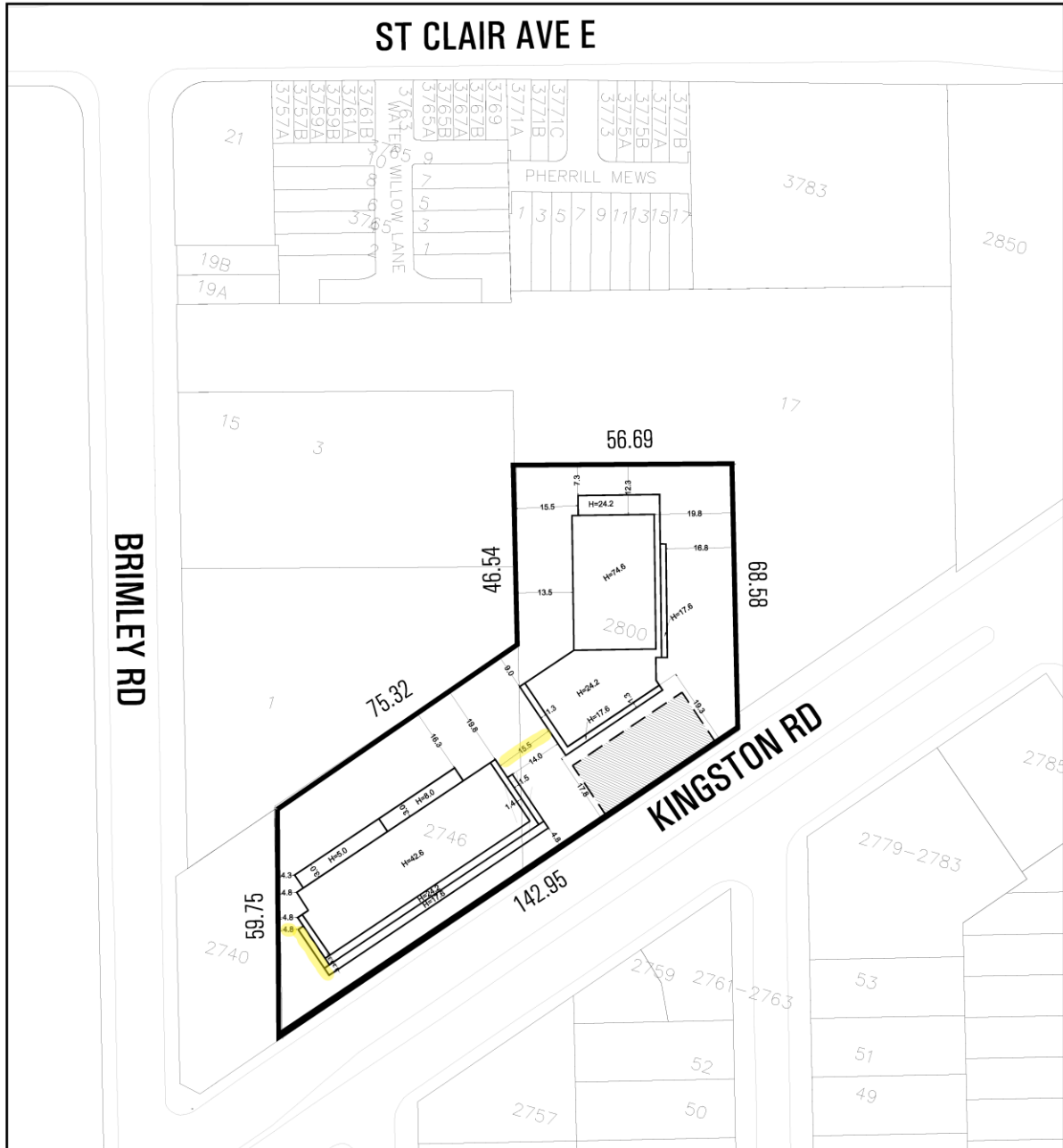
**Toronto**  
Diagram 2

**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



## **Attachment 7: Summary of Public Consultation**

A Community Consultation Meeting was held on June 26, 2019 and attended by 46 members of the public. Also, in attendance were the Ward Councillor, City Planning staff, and the applicants.

Presentations on the rezoning proposal were provided by City Planning staff and by the Applicants.

Concerns/issues raised at the meeting can be grouped into the following themes:

### **Built form, Building Design and Density**

- The proposal being too high and dense.
- The need for an Avenue Segment Study
- Concern that the proposal resembled public housing
- Clarification of green roof requirements
- Concern about shadowing impacts and loss of tree buffers

### **Transportation**

- Clarification on whether traffic infrastructure upgrades will be provided (e.g. traffic lights, calming measures)
- Emphasis that the proposal be made safe
- Lack of transit infrastructure on Kingston Road
- Suggestion for additional GO Train parking to accommodate new residents from proposal

### **Servicing Infrastructure**

- Potential for basement back-ups regarding services.
- Clarification that the developer be responsible for improvements

### **Unit Breakdown and Cost**

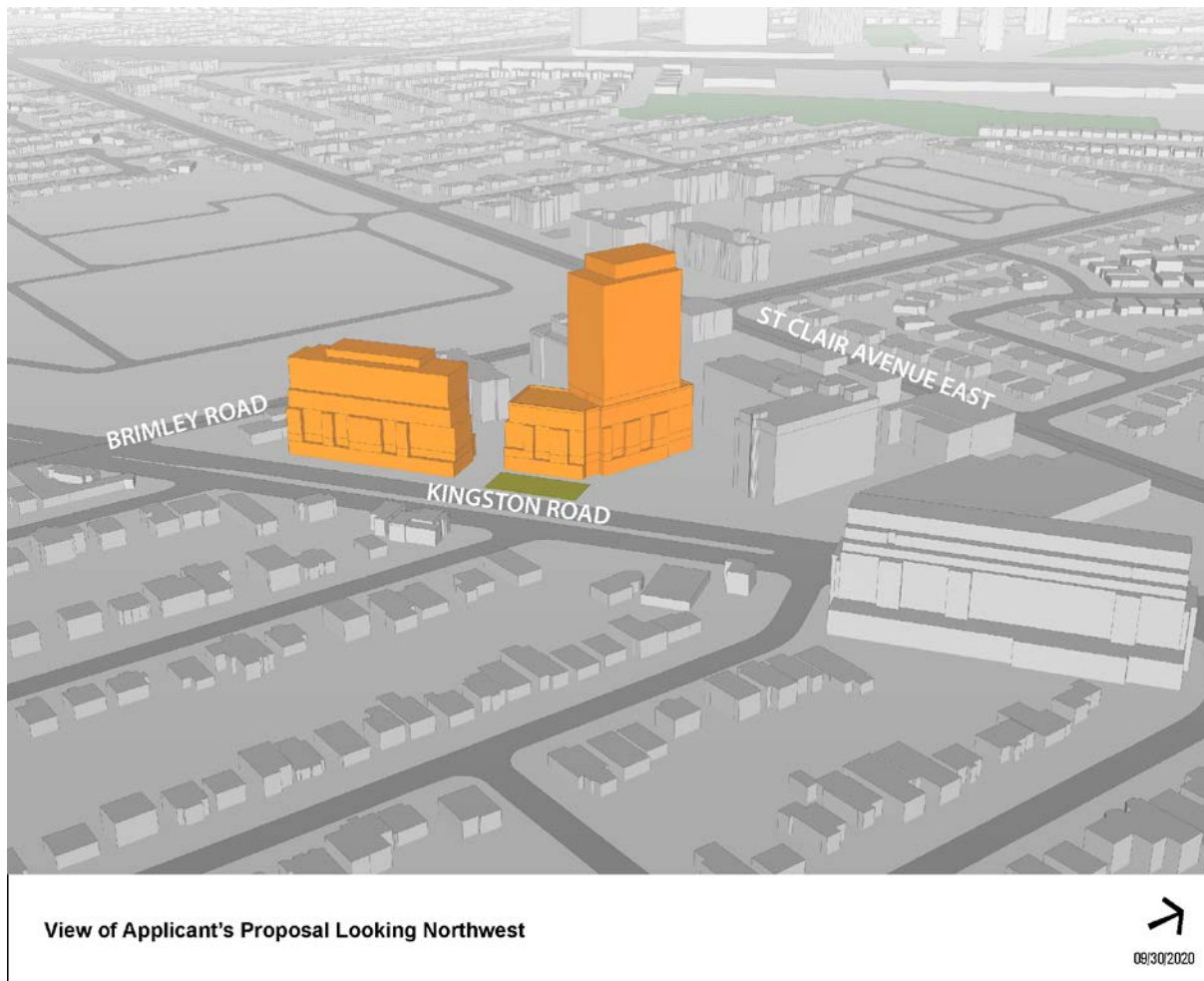
- Affordability of units
- Written comments were received in support of the proposal noting that the two buildings would help to mitigate housing problems in Scarborough.

### **Local Services and Facilities**

- Impact of the development proposal upon the schools

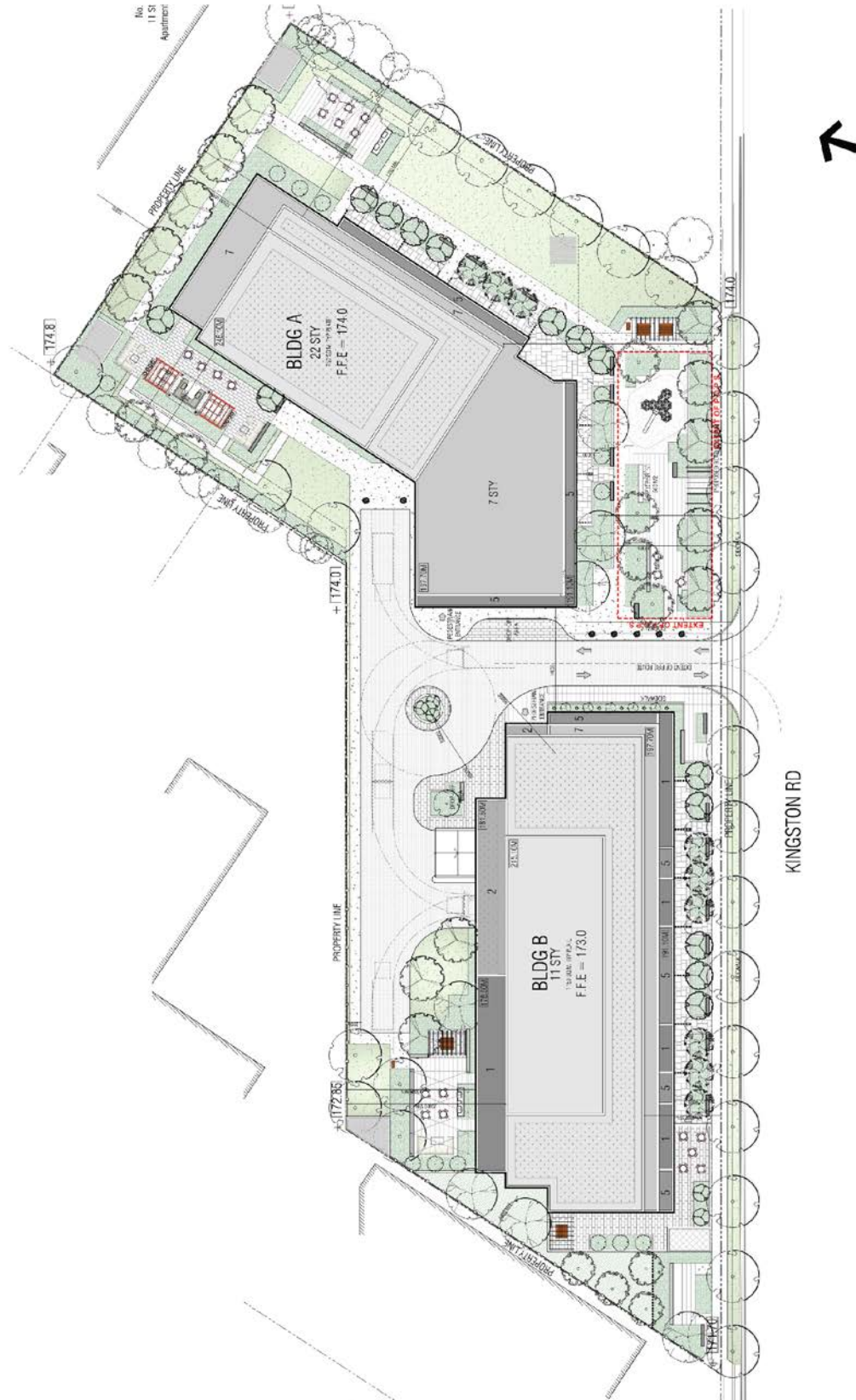


## Attachment 8: 3D Massing Model of Proposal



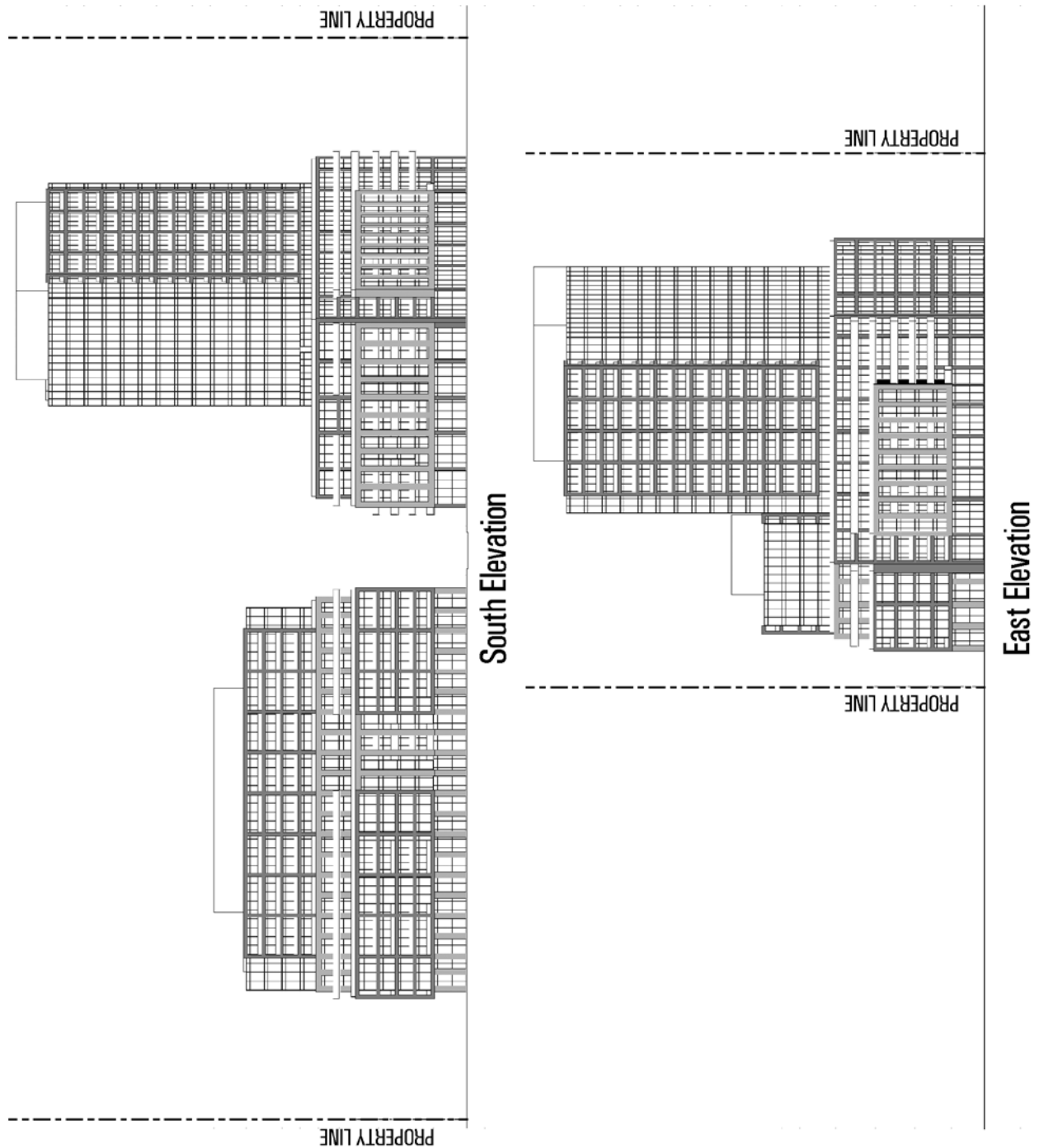


## Attachment 9: Site Plan





## Attachment 10: South and East Elevations





## Attachment 11: North and West Elevations

