

Final Report - 7437, 7439 and 7441 Kingston Road – Zoning Amendment Application

Date: August 23, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 25 - Scarborough-Rouge Park

Planning Application Number: 18 178870 ESC 44 OZ

Related Application: 18 178880 ESC 44 SA

SUMMARY

This application proposes to amend Zoning By-law 569-2013 for lands at 7437, 7439 and 7441 Kingston Road to permit the construction of two 11-storey residential buildings. The proposal also includes the dedication of lands to the City for the purposes of constructing a new public park.

Both buildings are L-shaped mid-rise buildings proposing a total of 422 residential dwelling units and a gross floor area of 28,549 square metres resulting in an overall density of 2.26 FSI. 494 vehicle parking spaces are proposed, distributed through three levels of shared underground parking accompanied by 368 bicycle parking spaces. The primary vehicular access to the site for both buildings is proposed via a new, two-way private driveway and signalized intersection.

A 1,890 square metre on-site public parkland dedication is proposed along the Kingston Road frontage at the western end of the subject site. In addition to the lands being conveyed to the City, it is recommended that the Parks and Recreation component of the development charges for the subject proposal be used to construct above-base parkland improvements, providing an important amenity to the local area. It is also recommended that Council require the owner to enter into a Section 37 Agreement securing a \$1.4 million in community benefits to be directed towards other local park and recreation capital facilities.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and implements policies of the City of Toronto's Official Plan. The proposed development will contribute to residential intensification and new housing opportunities on an underutilized site on Kingston Road and secures a number of community benefits including the creation of a new City-owned park and contributions towards other local capital facilities. This report recommends approval of the application to amend the Zoning By-law to permit the proposed development subject to the Bills being held from

enactment to allow for the Owner to enter into a Section 37 Agreement and finalize the Functional Servicing Report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 7437, 7439 and 7441 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment(s) as may be required.
3. City Council accept an onsite parkland dedication by the Owner having an area of no less than 1.890.5 square metres to satisfy the owner's parkland contribution required pursuant to Section 42 of the Planning Act, with such onsite parkland to be conveyed to the City prior to the issuance of any above grade building permit for the lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation, the Director, Real Estate Services and the City Solicitor; the subject parkland conveyance is to be free and clear, above and below grade of all physical and title encumbrances and encroachments, including surface and subsurface easements. The Owner is to pay for the costs of the preparation and registration of all relevant documents; and the owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
4. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the above base park improvements, should the owner elect to provide above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time; the owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation and a letter of credit equal to 120 percent of the Parks and Recreation Development Charges payable for the development; and the design, cost estimate and letter of credit will be required prior to the issuance of any above grade building permit.
5. 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:

1. \$900,000 to be allocated towards Northeast Scarborough Community Centre at 8450 Sheppard Avenue East;
2. \$250,000 to be allocated towards the refurbishment and improvement of the Royal Rouge Tot Lot; and
3. \$250,000 to be allocated towards park improvements in Ward 25 to be directed in consultation with the local Councillor and the General Manager of Parks, Forestry and Recreation.

b. In the event the cash contribution referred to in subsection 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 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:

1. 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;
2. Prior to the issuance of the above grade building permit, the Owner shall satisfy the parkland dedication requirement for the development as set out in Recommendation 3 above; and
3. 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.

6. Before introducing the necessary Bills to City Council for enactment, the owner be required to:

- a. Submit to satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance a revised

Functional Servicing Report to confirm the details of the proposed servicing solutions.

b. Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate financially secured development agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the accepted Functional Servicing Report.

FINANCIAL IMPACT

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

DECISION HISTORY

The site was previously the subject of Zoning By-law Amendment and Site Plan Control applications (15 164000 ESC 44 OZ and 15 164007 ESC 44 SA), which proposed three single-storey commercial buildings on the site. These applications were submitted in 2015 by the previous owner. A preliminary report was considered and staff recommendations were adopted by Scarborough Community Council on September 8, 2015. These applications were withdrawn and closed on July 9, 2018. The preliminary report for this previous application can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC8.23>

The current application was submitted on June 15, 2018 and deemed complete on June 25, 2018. A Preliminary Report on the application was adopted without amendment by Scarborough Community Council on April 24, 2019 authorizing staff to conduct a community consultation meeting using the standard notification area. The decision of Community Council on the Preliminary Report for the subject application can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC5.3>

PROPOSAL

This application proposes to amend City-wide Zoning By-law 569-2013 for the properties at 7437, 7439 and 7441 Kingston Road to permit two 11-storey residential buildings on the subject property. When originally submitted in June 2018, the application proposed 128 four-storey stacked townhouses and back-to-back stacked townhouses distributed through six development blocks. This form of development on the challenging site presented many concerns in terms of urban design and access, and

did not include the provision of an on-site park as required by initial comments from Parks, Forestry and Recreation. Through discussions with City staff and subsequent submissions (June 2018, October 2019, August 2020 and May 2021), the design of the proposal was significantly revised to be deployed in a midrise form and include on-site parkland as contemplated in this report.

The development is deployed in two L-shaped 11 storey residential buildings. Building A is located at the eastern portion of the site and contains 228 residential units and 2 live work units at grade. Building B is located at the western portion of the site and contains 189 residential units with 3 live-work units proposed at grade. Of the total 422 units, the following mix of unit types is proposed: live-work (1%), bachelor (3%), 1-bedroom (48%), 2-bedroom (39%) and 3 bedroom (10%). The total proposed gross floor area of 28,549 square metres results in an overall density of 2.26 FSI. No non-residential space is proposed. Please see Attachment 7 through 13 for detailed site plan and elevation drawings.

Collocated indoor and outdoor amenity space is proposed at a rate of 2.07 square metres per unit for each individual building. The outdoor amenity space for Building B is located adjacent to the proposed public park and features a tot lot. A 2.1 metre, widened sidewalk along Kingston Road and a series of interconnected pedestrian walkways internal to the development are proposed.

The primary vehicular access to the site and both buildings is off of Kingston Road, via a new two-way private driveway that is accessed via a new signal controlled intersection that is aligned with Raspberry Road. Additionally, secondary vehicular access via the existing McDonald's driveway west of the site is permitted, as the subject site has rights of access over a portion of the lands owned by the McDonalds. Through the rights of access, an east-west driveway at the rear of the site connects to the new north-south private driveway. The new private driveway provides access to both buildings loading spaces and a single parking ramp which provides access to the development's shared underground parking. The shared parking ramp is located at the rear of the site and is located in Building A.

A total of 494 vehicle parking spaces are proposed (410 for residents and 84 for visitors) distributed through three levels of shared underground parking. 368 bicycle parking spaces would be provided, consisting of 338 long-term spaces provided underground and 30 short-term spaces provided at grade. Each building has a Type "G" loading space located at grade at the rear of the property in each building for a total of two Type "G" loading spaces.

A 1,890 square metre on-site public parkland dedication along the Kingston Road frontage is proposed at the western end of the subject site. The on-site park is to be conveyed to the City, providing an important public amenity to the local area.

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

Site and Surrounding Area

The subject site is bounded by Highway 401 to the south and Kingston Road to the North and is located east of the 401 exit ramp at Port Union Road. The site's main frontage is located along Kingston Road and the nearest major intersection, Kingston Road and Sheppard Avenue East, is 300 metres to the west. Approximately 620 metres to the east of the site is the Rouge River valley, which forms the boundary between the City of Toronto and the City of Pickering.

The surrounding uses are as follows:

- **North:** to the immediate north of the site, across Kingston Road is a residential neighbourhood comprised primarily of detached dwellings with building heights of generally 1 1/2 to 2 storeys. There are a number of internal streets servicing the neighbourhood (Oak Knolls Crescent, Calibre Court and Royal Rouge Trail). Access to the neighbourhood is from Raspberry Road. To the Northwest of the site, located on Natures Pathway, is a two-storey townhouse development and the Royal Rouge Tot Lot.
- **South:** to the immediate south of the site is the Highway 401.
- **East:** to the immediate east of the site is an automobile service station. To the northeast of the site, across Kingston Road, is the Glen Rouge Campground which is part of the Rouge National Urban Park.
- **West:** to the immediate west of the subject site is a McDonald's restaurant, accessed from Kingston Road.

The gross site area is approximately 1.26 hectares (3.11 acres) and is slightly irregular in shape as the east lot line tapers to reduce the overall depth of the site and its frontage on Kingston Road. The rear lot line is 222.23 metres long while the frontage along Kingston Road is 141.66 metres. The site depth is approximately 71.33 metres. The site is currently vacant and lightly vegetated. There are no vehicular access points.

One of the significant constraints placed on the site, due to its surrounding context is the Highway 401 right-of-way. The Ministry of Transportation's Building and Land Use Policy document requires a 14.0 metre setback from Highway 401 limiting both development potential and landscaping opportunities. An easement is also registered on the property protecting for access across the lands in favour of the adjacent McDonald's restaurant.

Reasons for Application

The rezoning application is required in order to permit the development proposal since the current zoning by-law permissions under the former Township of Pickering Zoning By-law No. 3036, does not permit residential uses. In addition, site-specific performance standards are required to establish the appropriate location of buildings, setbacks, massing, height and density of the proposed development.

The lands do not form part of By-law No. 569-2013. Should this application be approved, the lands would be brought into By-law 569-2013.

Application Submission Requirements

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

- Planning Rationale;
- Site, Architectural, Landscaping and Sun/Shadow Plans;
- Urban Design Guidelines
- Pedestrian Level Wind Study;
- Draft Zoning By-law Amendments;
- Functional Servicing and Stormwater Management Report;
- Geotechnical Investigation;
- Environmental Impact Study
- Hydrogeological Report;
- Preliminary Grading and Servicing Plans;
- Toronto Green Standard Checklist and Template;
- Noise Impact Study
- Public Consultation Strategy
- Archaeological Assessment
- Community Services and Facilities Studies
- Arborist Report and Tree Preservation Plan; and
- Transportation Impact Study.

The materials can be viewed through the Application Information Centre (AIC) link noted above.

A Notification of Complete Application was issued on June 15, 2018.

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 and further conditions for Site Plan Control approval.

Community Consultation

One in-person Community Consultation Meeting and one virtual Community Consultation Meeting to consult with area residents on the proposed rezoning of the subject site was held on December 12, 2019 and December 9, 2020, respectively.

The in-person Community Consultation Meeting was held at the West Rouge Community Centre (270 Rouge Hills Drive) from 6:30 - 8:30 PM. The meeting was attended by staff from the Ward Councillor's office, the applicant team, City Planning staff and approximately 45 members of the public.

The virtual Community Consultation Meeting was hosted on the City's WebEx platform from 7:00 - 9:00 PM. The meeting was attended by the Ward Councillor, the applicant team, City Planning staff and approximately 40 members of the public.

Notice for both public meetings were provided to landowners and residents within 300 metres of the subject site. Results of the public consultation are summarized in Attachment 6 and commented on where appropriate in the Comments section of this report.

POLICY CONSIDERATIONS

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 4.6 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 be consistent with the PPS and shall conform 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 (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The 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*.

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 a 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, and better connected 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location and built form compatibility of different land uses and the provision of municipal services and facilities. The Official Plan contains policies on where to direct intensification and how and where to deploy height and density. Authority for the Official Plan derives from the *Planning Act of Ontario*.

The subject lands are designated *Mixed Use Areas* on Map 23 of the Official Plan. See Attachment 3 of this report, for an excerpt from the Official Plan Land Use Map. The planned right-of-way width for Kingston Road as outlined on Map 3 is a non-uniform width and the existing width is to be retained. The right-of-way width for this portion of Kingston Road is 40 metres.

This application has been reviewed against the policies of the City of Toronto Official Plan as detailed below.

Chapter 3 - Building a Successful City

Chapter 3 of the Official Plan guides growth and development by integrating social, economic and environmental perspectives into the planning process.

The public realm policies (Section 3.1.1) promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The public realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that the public realm is beautiful, comfortable, safe and accessible.

Section 3.1.2 Built Form states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Policy 3.1.1.18, 3.1.1.19, 3.1.1.20 and 3.1.1.27 provide direction on the location, design and accessibility of new parks and open spaces, to ensure they are integrated into the broader public realm and provide appropriate landscaping and features.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

In December 2019, as part of the Five Year Review of the Official Plan, City Council approved Official Plan Amendment 479 and 480, providing additional built form and public realm guidance. OPA 479 and 480 provide greater clarity through new policies that describe the public realm, built form and built form types in order to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design. While OPA 479 and 480 were not in force at the time of the original submission for the subject site, the policy direction was instructive but not determinative in Staff's review of the application.

Section 3.1.3 contains policies for the diversity of building types in Toronto. The Official Plan states that mid-rise building heights are contextual and are informed by the width of the right-of-way onto which they front.

Mid-rise buildings help establish and reinforce an urban environment through a development form that is repeatable, moderate in scale, has good, predictable street proportion, allows for access to midday sunlight in the spring and autumn, has open views to the sky from the street, and that can support high-quality, accessible open spaces in the block. Mid-rise buildings provide good transition in scale that has predictable impacts on adjacent low-scale uses. This section of the Plan provides direction respecting mid-rise Buildings, addressing key urban design considerations, including:

- have heights generally no greater than the width of the right-of-way that it fronts onto;
- maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80% of the adjacent right-of-way width; and
- allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs.

Policy 3.2.1.1 directs that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes (among others): ownership and rental housing; affordable and mid-range rental and ownership housing; and housing that meets the needs of people with physical disabilities.

The Official Plan provides direction on Community Services and Facilities in Section 3.2.2, stating that strategies for providing new social infrastructure or improving existing

community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

In terms of Parks and Open Spaces, Policy 3.2.3.1 sets out actions to enhance and expand the City's system of parks and open space system, including through the use of privately-owned publicly accessible open spaces. Policy 3.2.3.3 states the effects of development on parks and open spaces, including additional shadows, will be minimized as necessary to preserve their utility.

Chapter 4- Land Use Designations

Land use designations are among the Official Plan's key implementation tools for achieving the Official Plan's growth strategy. The subject property is designated *Mixed Use Areas* on Map 23– Land Use Map of the Official Plan (see Attachment 3: Official Plan Land Use Map). The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities. The policies of this land use designation include development criteria which direct, in part, that new development:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- provide an attractive, comfortable and safe pedestrian environment.

Chapter 5 - Implementation

Policy 5.3.2.1 of the Implementation Plans and Strategies for City-Building section, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. 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.

It should be noted that Section 37 of the *Planning Act* has been amended and replaced with the new Community Benefits Charge regime. The new regime, while in place in legislation, provides for a transition period. The continued use of the Section 37 density bonusing framework remains in place and will be utilized where applicable until the City passes a Community Benefit Charge by-law.

Zoning

The subject site is zoned Commercial – Highway Zone (C3) in the former Township of Pickering Zoning By-law No. 3036, as amended. Permitted uses include an automobile services station, a hotel, a motel, a drive-in theatre, an eating establishment, a parking station, and day nurseries. The maximum permitted building height is 18.5 metres. The zoning requires a minimum lot area of 929 square metres and a minimum lot frontage of 37.5 metres and a maximum lot coverage of 33 percent. A front yard setback of the greater of 3.0 metres or 25.5 metres from the centreline of Highway 2 (Kingston Road) and a minimum setback of 7.5 metres from the rear yard is required. There are no required side yard setbacks.

The lands do not form part of By-law No. 569-2013.

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

Design Guidelines

Part III of the Provincial Policy Statement (2020) under section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan.

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City Building, of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas".

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-planguidelines/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 <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals of 20 or more residential units. The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Report from the Chief Planner on the Growing Up Guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

The Growing Up Guidelines (2020) are available at:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments.

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment. The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at: <https://www.toronto.ca/city-government/planning-development/official-plan/guidelines/design-guidelines/bird-friendly-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (File No.: 18 178880 ESC 44 SA).

COMMENTS

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 and conforms with the Growth Plan (2020) as follows:

In accordance with Policy 1.1.3.3, the subject site is appropriately located for intensification as it is within an existing settlement area that can accommodate growth and is served by existing infrastructure and transit. The application will provide an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, by introducing additional residential units on the site (Section 1.4.1). It also promotes healthy and active communities through the provision of new park land and open space (Section 1.5.1).

Policy 1.6.7.4 of the PPS (2020) promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with this policy direction as the proposed land use and density provides a compact built form that supports an efficient use of land in proximity to existing transit infrastructure. TTC bus routes along Sheppard Avenue East connect to Don Mills Station on the Sheppard Subway line, Sheppard-Yonge Station on the Yonge-University-Spadina Subway line, and the Rouge Hill GO Station. Further transit expansion is underway with the Metrolinx Durham-Scarborough Bus Rapid Transit initiative, currently in its planning stages anticipating a stop at Port Union/Kingston Road and Sheppard Avenue East.

The proposal conforms to the Growth Plan (2020) as it accommodates new growth within the built up areas of the community through intensification. Policy 2.2.1.4 of the Growth Plan provides direction on the achievement of complete communities setting out objectives for a mix of land uses, a range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities is also highlighted as a key component of complete communities along with the development of high quality, compact built form and an attractive and vibrant public realm.

The proposed residential density increase further intensifies an underutilized site that is served by existing surface transit. The proposal provides a high quality compact built form which includes mid-rise building form, together with new public park space together on one site. The proposal supports an efficient use of land, and provides a pedestrian-friendly community by improving the streetscape along Kingston Road and enhances the public realm through the addition of new park space, outdoor amenity and an interconnected pedestrian walkway network.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of the Report as well as the policies of the Toronto Official Plan as a whole. The in-force Commercial – Highway Zone (C3) in the former Township of Pickering Zoning By-law No. 3036 does not permit residential uses.

The subject site is designated *Mixed Use Areas* in the Official Plan, which is anticipated to absorb most of the City's anticipated growth in commercial, retail and housing. The application is proposing to bring the site into the City-wide comprehensive Zoning By-law 569-2013. The proposed introduction of residential uses on this underutilized site is in keeping with the Official Plan direction for *Mixed Use Areas* by contributing to the residential intensification of the lands in a compact built form. It will complement the nearby commercial, retail and residential uses (the 12-storey Platinum Rouge Condominiums building at 11753 Sheppard Avenue East) found on lands in the vicinity which are designated *Mixed Use Areas*. While the development does not propose retail uses at grade, the proposal includes live/work units with front doors at grade which will serve to enliven the streetscape along Kingston Road, meeting the Official Plan intent for *Mixed Use Areas*.

Staff conclude that the proposal is transit supportive, compatible with neighbouring land uses, fits the existing character of the neighbourhood, contributes to the housing options in the community and does not create any potential undue impacts.

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. Policies contained in Section 3.1.2 of the Official Plan (Policies 3.1.2.1(b), 3.1.2.2, 3.1.2.5, 3.1.2.6, 3.1.2.7 and 3.1.2.8), related to the planned context and transition in scale.

The Official Plan requires that development in *Mixed Use Areas* fit within the existing and planned context and that development provides appropriate transition to *Neighbourhoods*. As per Official Plan Map 23, there are *Neighbourhoods* designated lands to the immediate north of the subject site. There is approximately a 44.1 metre separation distance between these *Neighbourhood* lands and the subject site (largely consisting of the Kingston Road right-of-way and a small amount of buffer lands).

Staff are of the opinion that the proposed development is compatible with the surrounding existing and planned context, including the established neighbourhood to the north of the site. The proposed built form, including the height, massing and density is appropriate for the reasons set out below.

Building A and Building B feature a three-storey base building element with street-related front doors along Kingston Road. Both buildings include a front yard setback of 4.1 metres from Kingston Road. Due to the L-shaped design, 357 square metres of outdoor amenity space provided at the front of Building B creates additional open space on the site and provides a greater front yard setback up to a depth of 21.1 metres for a portion of Building B. The height terraces upwards such that the taller portions of the building are found at the southern portion of the development, providing even further

separation distance and transition to the low scale development north of the site. The two buildings are separated by a new two-way private driveway access which includes landscaped strips, pedestrian walkways and overflow pedestrian space. The new driveway aligns with Raspberry Road and reduces the bulk of the development along Kingston Road, providing separation distance of 26.66 metres at grade between Building A and Building B, 29.6 metres above Level 3, and 35.6 metres above Level 8.

The narrow three storey base building fronting Kingston Road and variety in front yard setbacks and step backs provide an appropriate streetscape and separation with the established residential neighbourhood in accordance with the built form development criteria for *Mixed Use Areas*.

The as of right zoning permissions under the C3 zone for the subject property specify a maximum height of 18.5 metres. Official Plan development criteria for *Mixed Use Areas* do not assign a minimum or maximum height, however, City Council adopted Mid-Rise Building Performance Standards in 2010 and an Addendum to these Standards in 2016, which are to be used together during the evaluation of mid-rise development applications in locations where the Performance Standards are applicable. Combined with Official Plan policy, these guidelines help define the appropriate building height for a site and the surrounding context.

For mid-rise developments, building height is largely a function of the right-of-way (a 1:1 relationship) as per direction from the Mid-Rise Building Performance Standards. The planned right-of-way width for this portion of Kingston Road, as per Official Plan Map 3, is a non-uniform width and the existing width is to be retained. The right-of-way width for this portion of Kingston Road immediately in front of the subject site is 40 metres.

As per Performance Standard #1 of the Mid-rise Building Guidelines, the City generally defines mid-rise buildings as taller than a typical house or townhouse but no taller than the width of the street's public right-of-way. At 35.5 metres in height, the proposed development is less than the 40 metre wide right-of-way. Further, Performance Standard #1 requires that maximum building heights must comply with the angular plane requirements. Both buildings meet the 45 degree angular planes measured from 80% of the right-of-way along Kingston Road and no portions of the building protrude into the angular planes including the mechanical penthouse/amenity space.

It is recognized that the Mid-rise Building Guidelines and Addendum are intended to apply only to the City's *Avenues* up to a maximum right-of-way width of 36 metres. However, Planning staff are supportive of applying the Mid-rise guidelines in the evaluation of the application since, this portion of Kingston Road has a non-uniform right-of-way width. Within the vicinity of the subject site, the Kingston Road right-of-way west of Port Union Road, the right-of-way width narrows to 36 metres.

Above the third level of the base building, the building steps back 3.0 metres and 1.5 metres above the 8th level for a total stepback of 4.5 metres on the uppermost storeys along Kingston Road. These stepbacks are appropriate and mitigates the perception of height along Kingston Road. The stepping serves to create a comfortable experience for pedestrians and, when combined with the 44.1 metre separation distance, provides for

an appropriate transition in heights to the established neighbourhood to the north of the site.

With reference to the above, Staff are of the opinion that the building has been designed to interface properly with the stable residential to the north of the site, meeting the policy intent for *Mixed Use Areas*. There is an appropriate transition in height through stepback and setbacks to the stable residential neighbourhood immediately to the north of the site which protect for overlook and privacy concerns. Additional transition and the preservation of open space is provided by the outdoor amenity space located at the front of the site along Kingston Road and the proposed public park.

Given the existing and the planned context for the subject property and the surrounding area, Staff are of the opinion that the proposed increase in density and height are appropriate for the above reasons.

Easements/Restrictive Covenants

The property is subject to a number of easements and restrictive covenants with the neighbouring property located to the west of the site, 7431 Kingston Road, which is currently a 24-hour McDonald's restaurant and drive through. The subject site was previously owned by the McDonald's Restaurants of Canada Limited and through the sale of the subject lands, a number of restrictive covenants and easements were registered on title. These include:

- A restrictive covenant on the western portion of the subject site along Kingston Road restricts buildings, structures, improvements and erections in order to protect views to the neighbouring commercial property west of the site (McDonald's);
- To the west of the site, an easement in favour of the subject site on the McDonald's driveway, allowing secondary vehicular access to the subject site as the McDonald's driveway connects to the rear travel lane on the subject site;
- An easement, in favour of the McDonald's site, allowing vehicular access to the McDonald's via the new private driveway on the subject site; and
- A restriction to ensure unencumbered access between the two parcels on the subject site.

Overall, the proposal is in compliance with the easements as both the private driveway off of Kingston Road and the rear driveway provide the appropriate easements and access. In addition, the proposal will benefit from the secondary vehicular access via the McDonald's driveway to the west of the site. In addition, with the 4.1 metre front yard setback provided, the proposed development is in compliance with the restrictive covenant along the Kingston Road frontage as detailed above.

In addition, the site is required to provide a 14.0 metre minimum building setback as per the Ministry of Transportation of Ontario's (MTO) Building and Land Use Policy at the rear of the site to provide for appropriate separation from the Highway 401 right-of-way. The proposed development is compliant with this regulation as it provides a minimum 15.5 metre setback to the rear lot line. A total of 36 trees are proposed to be planted within the required setback. Since landscaping is permitted within the MTO setback, the MTO has advised they have no objection to the tree planting. However, should the

Highway 401 ever require future expansion, the tree plantings would need to be removed.

Sun, Shadow, Wind

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of the Report.

Section 4.5, Policy 2(d) of the Official Plan states that development within *Mixed Use Areas* will contribute to quality of life by locating and massing new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Policy 2(e) of Section 4.5 further states that development should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, and Parks and Open Spaces. Concerns with shadowing were also raised by the nearby community through the public consultation process.

Sun-shadow diagrams and a Pedestrian Level Wind Study were submitted as part of the application and were evaluated to determine what impacts the proposed building will have on the surrounding context. The sun-shadow studies indicate that, for required test times (March 21, June 21, September 21 and December 21 for the hours between 9:18 am and 6:18 pm), there will be incremental shadowing on lands designated *Neighbourhoods* on March 21 at 9:18 and 10:18 am. Similarly, on September 21st, the shadowing would be equal, except by 10:18 am, the side yard of a single property would be subjected to shadow impacts. On June 21st, there are no shadow impacts on lands designated *Neighbourhoods*.

With respect to the new proposed public park, the shadow study determined that the northeast corner of the proposed park would have limited shadowing at 9:18 and 10:18 am during the equinoxes. No measureable shadow impact is anticipated after that time. At the summer solstice, there are limited shadow impacts on the park at 9:18 and 10:18 am and at the winter solstice, there are no anticipated shadow impacts on the proposed park by 10:18 am.

To maximize sun exposure and the quality of the outdoor amenity space, following staff's advice, the tot lot was relocated from the outdoor amenity at Building A to the outdoor amenity at Building B in order to be adjacent to the proposed public park.

The Pedestrian Level Wind Study prepared in support of this application has evaluated the predicted wind conditions for the proposed building, and finds that the pedestrian conditions are expected to remain comfortable and suitable for walking, standing or better under normal to high ambient wind conditions. In a number of scenarios, the proposed development would lead to an improvement of the pedestrian experience with wind conditions. In terms of mitigation, the study indicated that there was potential for high wind conditions around the entrance lobby for each building. As a mitigation measure, the proposal has been refined to recess the entrance lobby for each building.

Overall, the wind conditions are expected to be suitable for the intended use on and around the project site throughout the year at grade.

Given the existing and the planned context for the subject property, Staff expect the building to perform well with respect to shadow impacts, sun exposure and wind conditions. Based on a review of the submitted studies, the sun, shadow and wind impacts can be supported by Staff. Staff will continue to investigate wind conditions for the proposed outdoor amenity spaces through the Site Plan Approval process.

Noise

Due to the proximity to the Highway 401, the applicant submitted a noise impact study to analyze and evaluate the effects of existing noise sources on the proposed residential land use. The original study noise impact study was submitted on September 23, 2019 and a revised version was completed on May 21, 2019 in response to the City's peer review comments and to incorporate the updated building plans.

The noise study identified noise from traffic on the Highway 401 and Kingston Road as the primary source of noise. Predictive future traffic sound levels were measured around various locations of the proposed development and compared against the guidelines of the Ministry of Environment, Conservation and Parks (MECP). According to the study, standard building envelope elements will ensure that indoor sound levels are in compliance with the applicable MECP noise control criteria. In addition, the study recommends requiring air conditioning for all units, upgraded glazing constructions for all units and the inclusion of a warning clause in future development agreements and purchase, sale and lease agreements noting the potential for noise from traffic and adjacent commercial facilities.

The final design and applicable warning clauses will be secured through the Site Plan Control review process, should this application be approved.

Traffic Impact, Access, Parking

In May 2018, Cole Engineering Inc. submitted a Traffic Impact Study as part of the zoning by-law amendment application for the proposed development. Responding to staff advice and to reflect the new building design, the Traffic Impact Study was updated in September 2019 and August 2020. A final Traffic Impact Study, dated May 20, 2021, was submitted by the applicant's new transportation consultant, BA Group, in support of the revised proposal.

Primary vehicular access to the development would be provided via a new four-leg signalized intersection located at Kingston Road and Raspberry Road. This intersection is proposed to operate as a signalized intersection with traffic controls. Both northbound and southbound straight through traffic movements from Raspberry Road and from the proposed site driveway are to be prohibited for the new four-leg signalized intersection.

A two-way private driveway with access off of Kingston Road via the new signalized intersection would provide primary vehicular access to both buildings. At the southern portion of the site, a secondary vehicular access point is provided via a shared driveway

to which the subject site has shared access via an easement with the existing McDonalds Restaurant adjacent to the site. Access to the shared underground parking is via a ramp that is accessed through Building B at the rear of the site.

As part of the Traffic Impact Study, the consultant undertook a multi-modal travel assessment. The report indicates that at full build out the proposal would generate approximately 135 and 95 two-way vehicle trips during the weekday morning and afternoon peak hours, respectively. It is expected that the proposed development would generate 45 and 30 two-way transit trips during the weekday morning and afternoon peak hours, respectively. Approximately, 30 and 10 two-way primary pedestrian trips during the weekday morning and afternoon peak hours, respectively, would be generated from the proposed development. Cycling trips from the proposed development were expected to be minimal due to existing infrastructure conditions.

Based on the multi-modal travel assessment, the consultant concludes that:

- the area transit system has capacity to accommodate the new transit traffic generated from the proposed development as no bus route would be at more than 29 percent capacity during the weekday morning and afternoon peak hours;
- pedestrian capacity will continue to operate at an excellent level of service during the weekday morning and afternoon peak hours, and new pedestrian facilities will be provided through the development via an expanded sidewalk along Kingston Road and a formalized pedestrian crossing at the signalized intersection; and
- the road network and site driveway can successfully accommodate new vehicular traffic generated from the proposed development.

Transportation Services staff concur with the consultant's findings in the Traffic Impact Study, that the surrounding area road network can reasonably accommodate the future vehicular, transit, cycling and pedestrian trips generated from the proposed development.

In total, 338 bicycle parking spaces are provided (338 long term spaces and 30 temporary spaces), exceeding the requirements of the Toronto Green Standard (Tier 1) and the City-wide Zoning by-law 569-2013 (zone 2). In total, 410 residential parking spaces and 84 residential parking spaces are proposed for a total of 494 parking spaces to service the 422 residential dwelling units. Two 'Type G' loading spaces located within the building at-grade are proposed. City Planning and Transportation Services staff have recommended that the subject property adopt the parking regulations detailed in City of Toronto Zoning by-law 569-2013 and conclude that the proposed residential parking supply and loading spaces meet the requirements of City of Toronto Zoning By-law 569-2013.

Amenity Space

Official Plan Policy 3.1.2.11 requires that every significant multi-unit residential development provide indoor and outdoor amenity spaces for use of their residents, designed to consider the needs of residents of all ages and abilities over time and throughout the year.

The development proposes both indoor and amenity space at the following rates:

- an indoor amenity space ratio of 2.07 square metre per unit, for a total of 875 square metres of indoor amenity space; and
- an outdoor amenity space ratio of 2.07 square metres per unit, for a total of 876 square metres.

The outdoor amenity spaces will be located at grade and collocated adjacent with the indoor amenity areas for each building. The outdoor amenity spaces feature a combination of both soft and hard landscaping and are located along the internal walkways and are visible from the public realm. The outdoor amenity space at Building B is located adjacent to the proposed public park and features a tot lot.

Staff are satisfied with the provision and location of the indoor and outdoor amenity space for the proposed development.

Streetscape

The Official Plan requires that new development enhance the existing streetscape by massing new development to define edges of streets with good proportion. The Official Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms.

Currently, a municipal sidewalk exist along the Kingston Road frontages of the site with a width less than 2.1 m. There are no sidewalks along the southern frontage of the site adjacent to the Highway 401. In order to comply with City standards, and the requirements of the *Accessibility for Ontario with Disabilities Act*, a continuous 2.1 m wide public sidewalk is proposed along the Kingston Road frontage. The new sidewalk will be realigned as a straight line rather than the existing curvilinear sidewalk and feature a landscape strip along Kingston Road.

Internal to the site, the proposal would provide a connected pedestrian walkway network to facilitate pedestrian circulation throughout the site. The pedestrian network provides walkways in the following locations:

- between the proposed park and Building B, a 1.8 metre walkway;
- to the south of Building B, a 1.8 metre walkway that crosses the private driveway, jogs south, and continues south of Building A;
- along both sides of the private driveway, a 1.8 metre walkway; and
- parallel to the angled east lot line, a 1.8 metre walkway.

Approximately six street trees are to be planted along Kingston Road frontage. The outdoor amenity space for Building B fronts onto Kingston Road and is located adjacent to the proposed public park, which also has frontage on Kingston Road. The principal entrances for both Building A and Building B are accessible and visible from the public realm and front onto Kingston Road. The five live-work units also feature front entrances that are accessible and visible from Kingston Road.

Based on the aforementioned, City Planning staff are of the opinion that the proposed development would improve the existing streetscape condition and enhance the public realm along Kingston Road in accordance with Official Plan direction for *Mixed Use Areas*. The proposed park, widened sidewalk, internal pedestrian walkways, outdoor amenity space and live-work units will create a high quality, landscaped and connected pedestrian-oriented streetscape along Kingston Road. Streetscaping details will be finalized and secured through the Site Plan Control application review process.

Servicing

A Functional Servicing and Stormwater Management Report, and Geotechnical and Hydrogeological Review were submitted in support of the application. The objectives of these reports is to identify the municipal servicing and stormwater management requirements for this development and to demonstrate how each service would be accommodated by the existing infrastructure.

Engineering and Construction Services staff have reviewed the reports and advise that in principle the site can be serviced adequately and there are no issues preventing approval of the application, but details as to the potential for local infrastructure improvements need to be confirmed and secured. Prior to the enactment of the Bills, this report recommends that a revised Functional Servicing Report be provided to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services to finalize the servicing arrangements. If the revised Functional Servicing Report identifies that upgrades are required, as a condition of rezoning approval ECS will require, that the Owner enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development.

As a condition of Site Plan Approval, the Owner will be required to enter into a financially secured development agreement and/or a Municipal Infrastructure Agreement (MIA) for any work to be carried out in the City's right-of-way, including work to extend the sanitary sewer, and construct the proposed sanitary connections, all to the satisfaction of Chief Engineer & Executive Director of Engineering and Construction Services.

Housing Issues

The Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019) acknowledge the importance of providing a full range of housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs (household sizes and incomes) for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. The Growing-Up Guidelines provide similar direction on the recommended mix of residential unit types and provide appropriate units sizes for multi-unit developments. Guideline 2.1 of the Growing Up

Guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the Guidelines recommend:

- A minimum of 15% of the total number of units are to be two-bedroom units;
- A minimum of 10% of the total number of units are to be three-bedroom or larger units; and
- Minimum unit sizes for 2-bedroom units should range from 87 to 90 square metres and 101 to 106 square metres for 3-bedroom units.

The proposed development proposes 422 residential dwelling units including 5 live-work units at grade. In terms of the housing unit mix, the development proposes: 11 (3%) bachelor units; 202 (48%) one-bedroom units; 162 (39%) two-bedroom units; and 42 (10%) three-bedroom units. With approximately half of the unit mix being composed of two and three-bedroom units, the proposal exceeds the recommended unit mix of the Council-approved Growing Up Guidelines. With respect to the required unit size, the proposal is in compliance with the Growing Up Guidelines as 52% of the two-bedroom and 55% of the three-bedroom units meet the minimum recommended unit size of the Growing Up Guidelines.

Overall, the proposed unit mix supports the objectives of the aforementioned Provincial policies, the Official Plan and the Growing-Up Guidelines.

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 area are in an area with 3.00 + hectares of local parkland per 1,000 people. The site is in the highest quintile of current parkland provision. Notably, the site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requires is 1,891 square metres of 15% of the site area. Accordingly, the applicant is proposing an 1,891.5 square metre on-site parkland dedication as required by the Toronto Municipal Code. The dedicated parkland shall be free and clear, above and below grade, of all easement, encumbrances and encroachments.

Parks, Forestry and Recreation staff are satisfied with the size and location of the park. Planning staff also note that the new public park and adjacent outdoor amenity space of Building B provide an opportunity for significant public realm enhancements by creating a visual extension of the proposed public park. The proposed public park would also increase the supply of parkland in the area, support the proposed density, facilitate social gathering and enhance the public realm and green/open space along Kingston Road, thereby contributing to a complete community.

Staff recommend the authorization of a development charge credit against the Parks and Recreation component of development charges in order to permit the applicant to

design and construct the above base park improvements in exchange for said credit, to the satisfaction of Parks, Forestry and Recreation staff. The terms of the design and construction of the above base improvements will be secured through the Section 37 agreement.

Focussed Park Block Submission

City staff requested that further detail be provided by the applicant on the proposed park to be conveyed to the City and how the park would meet the base park requirements. On March 2, 2021, the applicant submitted a focussed park block submission materials including:

- a landscape concept drawing, dated January 12, 2021, prepared by MHBC Planning Ltd.;
- a park block storm water management and servicing report, dated February 2021, prepared by GHD; and
- an Electrical Servicing Letter and Electrical Parkland Plan, dated February 2021, prepared by Novatrend.

For the purposes of the rezoning application, Staff are satisfied with the level of detail provided in the above materials and expect that the base park requirements can be met. This report recommends that the applicant be provided the option of constructing the above base park improvements for a credit against the parks component of the required development charges.

Rouge National Urban Park

Due to the subject site's proximity to the Rouge National Urban Park, Parks Canada was circulated for comment on the development proposal. At the virtual community engagement meeting, an attendee raised a concern about whether the development would have a visible impact on the experience of park uses.

Parks Canada staff did not have any detailed comments on the application. To respond to the concern raised in by the community, staff conducted a site visit and undertook an exercise where the proposal was inserted into a digital model of the terrain with screenshots taken from the Glen Rouge Camp Ground and various locations along a main trail within the Rouge National Urban Park that can be visited by the general public. These areas fall at the base of a steep embankment which effectively shields any visual impact of the development. A small amount of the upper floor can be seen in the digital model from a trail location along a footbridge near the Kingston Road/Highway 401 overpass. However, the heavy vegetation on the embankment within the Park which exists but was not modelled would largely obscure any visual impact. Staff are satisfied that the development will not project visual impact on the natural experience of visitors to the National Urban Park.

Archaeological Assessment

The site is located in an Archeologically Sensitive Area, in the City's Archaeological Management Plan. Accordingly, a Stage 3 Archaeological Resource Assessment

(Cemetery Investigation) was submitted for review to identify and evaluate the presence of archaeological resources also known as archaeological sites.

City staff concur with the report findings that there are no further archaeological concerns for the subject lands. Any soil disturbances have the potential to impact the archaeological site. Should this proposal be approved, Heritage Preservation Services staff have provided post-approval conditions, which include provincial and City notification requirements if any artifacts or human remains are found as a result of soil disturbances.

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).

Additionally, Official Plan policies have been adopted by City Council to increase tree canopy coverage. City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy 3.4.1 (d) states that: "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on preserving and enhancing the urban forest by:

- i) Providing suitable growing environments for trees;
- ii) Increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and
- iii) Regulating the injury and destruction of trees".

The submitted Arborist Plan, prepared by MHBC Planning, and dated May 21, 2021, inventoried 21 trees and recommends retaining 14 trees and removing seven trees to accommodate the proposed development.

The Landscape Plan, prepared by MHBC Planning and dated August 4, 2021, shows 64 new trees are to be planted with 27 new trees on-site, 6 in the boulevard and 31 within the Ministry of Transportation of Ontario setback. Ministry of Transportation Ontario staff have indicated that the applicant should be aware that should Highway 401 ever be expanded in the future and a portion of the lands be expropriated, the trees would be removed.

Urban Forestry staff are of the opinion that this Landscape Plan is acceptable.

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.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the Site Plan Control process.

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 CS&F Study in June 2018 and an addendum in October 2019 in support of the proposal, which determined there would be sufficient capacity within the surrounding community services and facilities to accommodate the proposed development. In their review of the CS&F Study and addendum report, City Planning staff identified the following CS&F priorities:

- Securing financial contributions towards the development of the North East Scarborough Community Recreation Centre and/or other recreation priorities for the area as identified in PF&R's Facilities Master Plan; and/or
- Securing financial contributions towards the provision of a new non-profit child care facility or expansion of an existing non-profit child care facility within the vicinity of the subject site.

Based on the above recommendations, City Planning staff and the Local Ward Councillor worked collaboratively to secure a Section 37 contribution of \$1,400,000, to be deployed in areas of need in the Scarborough-Rogue Park Ward. The contributions will be secured in the required amending Section 37 agreement discussed further below.

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:

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:

1. \$900,000 to be allocated towards Northeast Scarborough Community Centre at 8450 Sheppard Avenue East;
2. \$250,000 to be allocated towards the refurbishment and improvement of the Royal Rouge Tot Lot; and
3. \$250,000 to be allocated towards park improvements in Ward 25 to be directed in consultation with the local Councillor and the General Manager of Parks, Forestry and Recreation.

b. In the event the cash contribution referred to in subsection 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 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:

1. 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;
2. Prior to the issuance of the above grade building permit, the Owner shall satisfy the parkland dedication requirement for the development as set out in Part 3 above; and

3. 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.

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) 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 *Mixed Use Areas*, Built Form, Public Realm and Open Space/Parkland policies.

Staff worked with the applicant and the community to address and resolve the following key concerns:

- refining the building design to comply to the restrictive covenants and easements on the subject site;
- reducing the overall development density and unit count of the proposal;
- revising the proposed buildings by increasing setbacks and step backs and separation distances to provide appropriate transition in scale to the nearby lands designated *Neighbourhoods* designated lands; and
- securing improvements to the proposed public realm, by including a public park, outdoor amenity space and an expanded tree-lined sidewalk along Kingston Road.

The application would contribute positively to the area by providing a new public park, a range of unit types and sizes and the residential intensification of an under-utilized site that is serviced by transit. Additionally, the development approval would secure a significant community benefit contribution for the local area through the Section 37 agreement.

Staff are of the opinion the proposed development is an appropriate development for the site that is compatible with the surrounding context. Staff recommend that City Council approve the application, Draft Zoning By-law Amendment and associated Section 37 agreement.

CONTACT

Samuel Baron, Planner, Community Planning, Scarborough District, Tel. No. 416-392-4582, E-mail: Samuel.Baron@toronto.ca

SIGNATURE

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

ATTACHMENTS

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
- Attachment 6: Community Consultation Summary

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: North Elevation
- Attachment 9: South Elevation
- Attachment 10: East Elevation, Tower A
- Attachment 11: East Elevation, Tower B
- Attachment 12: West Elevation, Tower A
- Attachment 13: West Elevation, Tower B
- Attachment 14: 3D Model of Applicant's Proposal in Context

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 7437 KINGSTON RD **Date Received:** June 15, 2018

Application Number: 18 178870 ESC 44 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: This is a zoning by-law amendment application to permit a residential development consisting of two 11-storey residential buildings and a public park. A total of 417 residential units and 5 live-work units are proposed for a total of 422 units.

Applicant	Agent	Architect	Owner
AIRD & BERLIS LLP			CROWN (SCARBOROUGH) DEVELOPMENTS INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: C3 Heritage Designation:

Height Limit (m): 18.5m Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m): 12,610 Frontage (m): 142 Depth (m): 71

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):			2,010	2,010
Residential GFA (sq. m):			28,549	28,549
Non-Residential GFA (sq. m):				
Total GFA (sq. m):			28,549	28,549
Height - Storeys:			11	11
Height - Metres:			35.5	35.5

Lot Coverage Ratio (%): 15.94 Floor Space Index: 2.26

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

Residential GFA: 28,549
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			417	417
Live/Work:			5	5
Total Units:			422	422

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		16	202	162	42
Total Units:		16	202	162	42

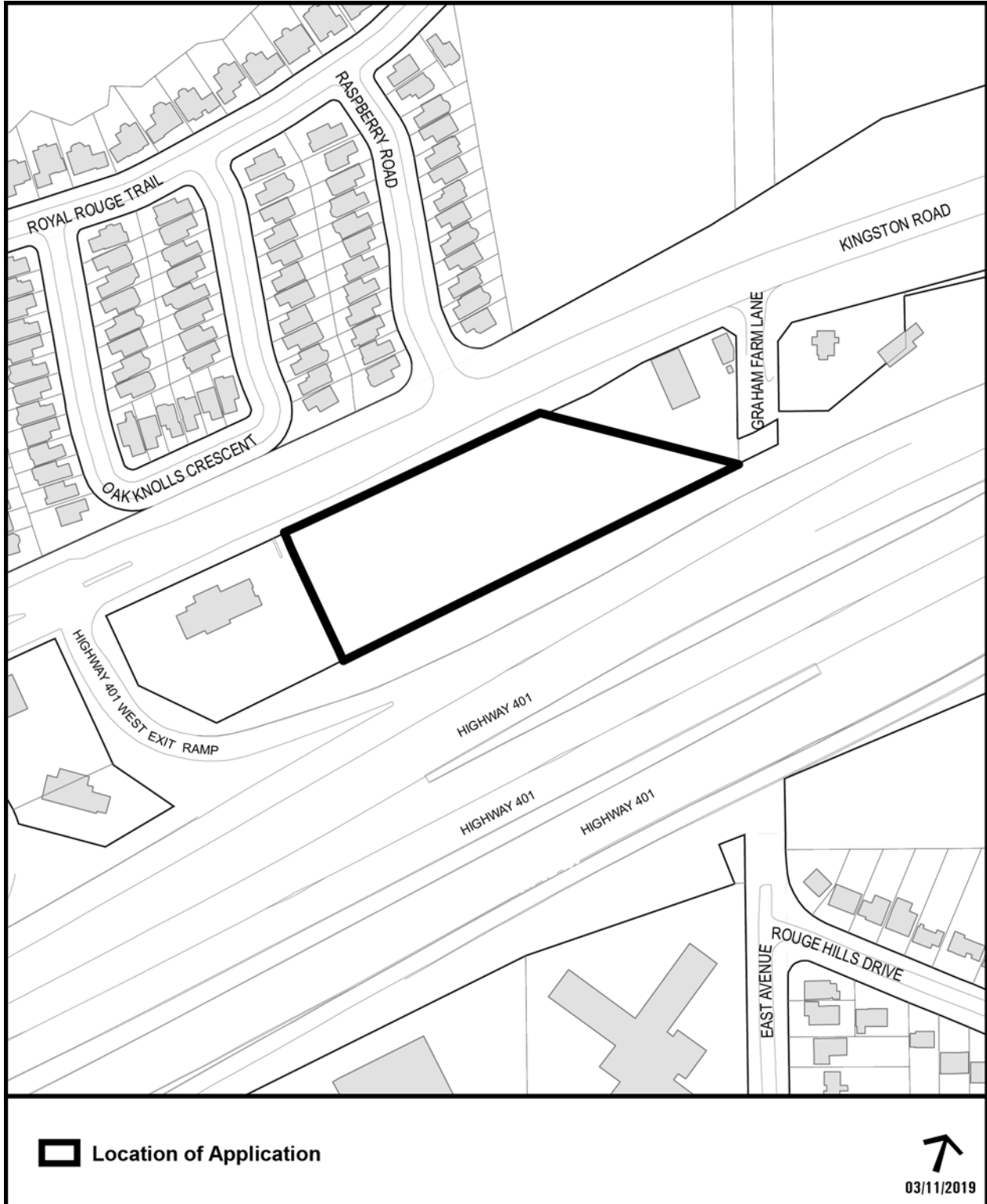
Parking and Loading

Parking Spaces: 494 Bicycle Parking Spaces: 368 Loading Docks: 2

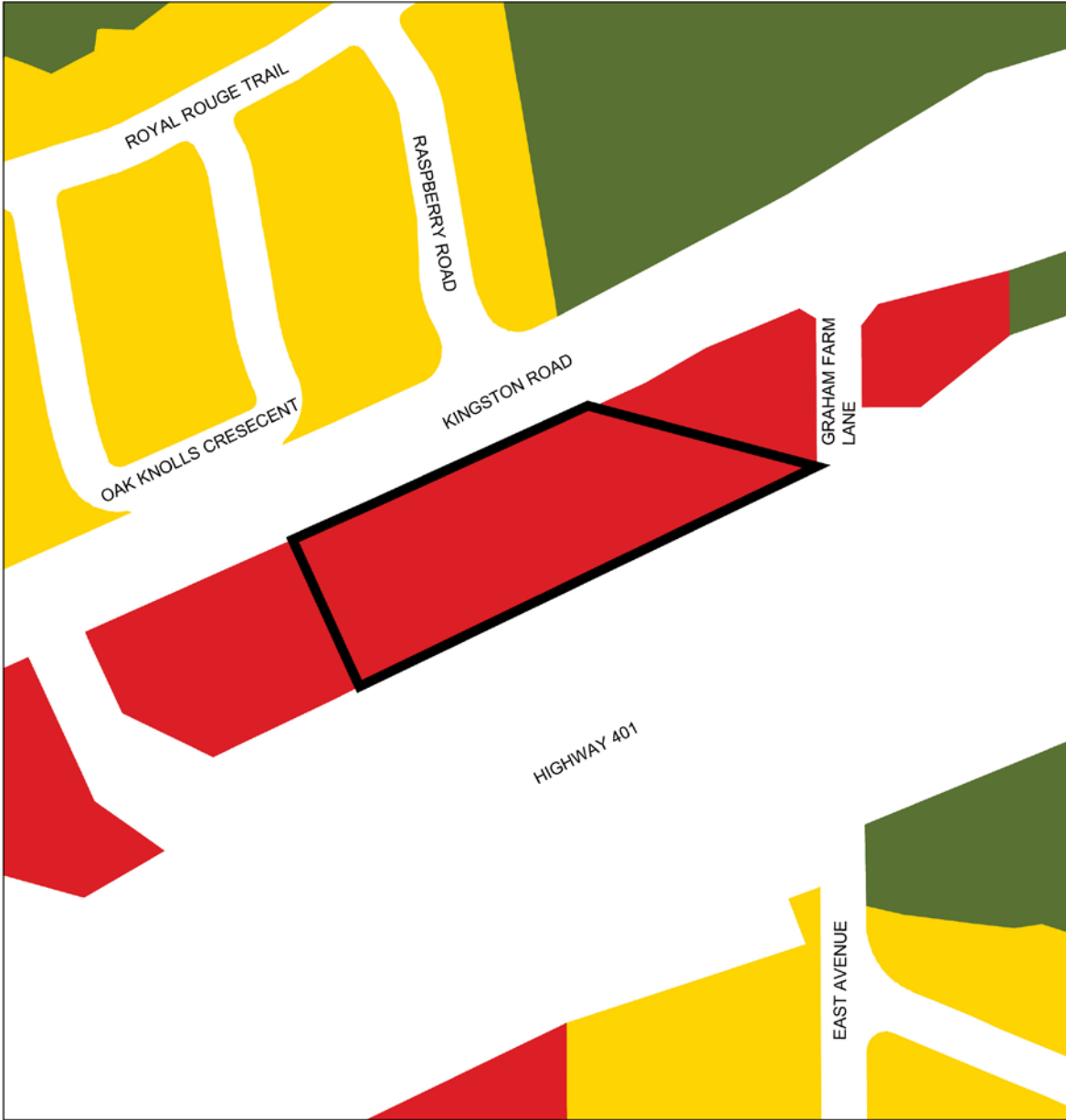
CONTACT:

Samuel Baron, Planner
 416-392-4582
Samuel.Baron@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #22

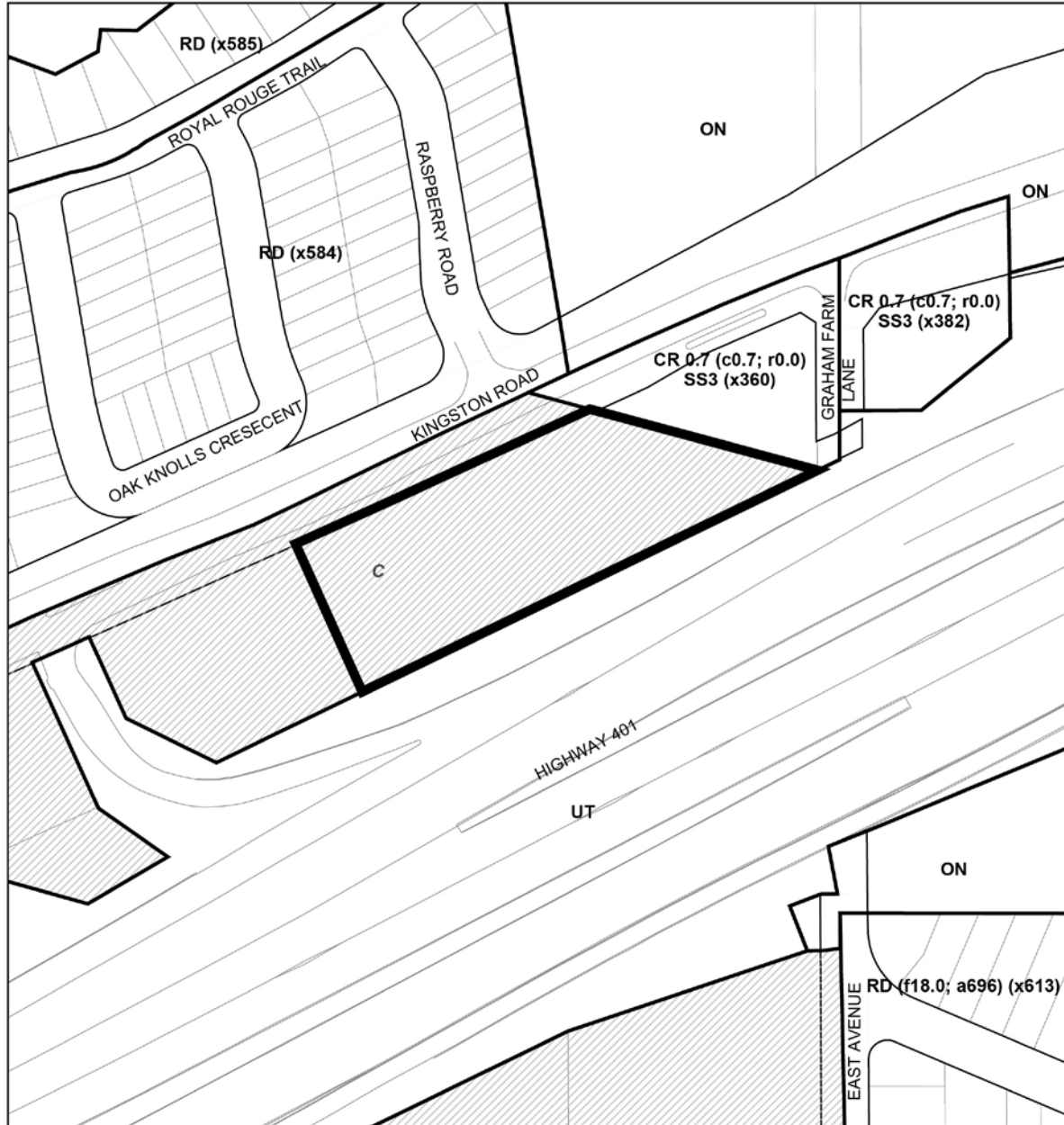
7437-7441 Kingston Road

File # 18 178870 ESC 44 0Z

- Location of Application
- Neighbourhoods
- Mixed Use Areas
- Natural Areas

Not to Scale
Extracted: 07/22/2021

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

7437-7441 Kingston Road

File # 18 178870 ESC 44 0Z

-  Location of Application
- RD** Residential Detached
- CR** Commercial Residential
- ON** Open Space Natural
- UT** Utility and Transportation

-  Former Township of Pickering Zoning By-law No 3036
- C** Commercial


 Not to Scale
 Extracted: 07/22/2021

Attachment 5: Draft Zoning By-law Amendment

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

CITY OF TORONTO BY-LAW NO. XXXX-2021

To amend Zoning By-law No. 569-2013 with respect to the lands known municipally known in the year 2021 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;

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 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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 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 label to these lands CR 1.0 (c1.0; r1.0) SS3 (###) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 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.
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 lot 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 value.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number ### so it reads:

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 [Clerks to supply by-law ##] are complied with, a **building, structure**, addition or enlargement may be constructed or used if it is in compliance with Sections (B) to (P) below.
- (B) For the purpose of this exception, the lot consists of those lands shown on Diagram 1 attached to By-law [Clerks to supply by-law ##].
- (C) Despite Regulations 40.10.40.40(1), the maximum total residential and non-residential **gross floor area** on the lot must not exceed 30,000 square metres.
- (D) Despite Regulation 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**.
- (E) Despite Regulation 40.10.40.10(3), the height of any **building** or **structure** must not exceed the maximum heights in metres specified by the numbers following the symbol "HT" as shown on Diagram 7 of By-law [Clerks to supply by-law ##].
- (F) Despite Regulation 40.10.40.10(5), the 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.
- (G) Despite Clause 40.5.40.10 and (F) above, the following elements of a **building** or **structure** may project above the maximum **building** heights shown on Diagram 7 of By-law [Clerks to supply by-law ##]:
 - 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.

- (H) Despite clause 40.10.40.70, the required minimum building setbacks in metres are as shown on Diagram 7.
- (I) Despite clauses 40.5.40.60 and 40.10.40.60 and (I) above, the following elements may encroach into the required **building setbacks** 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**.
- (J) The required number of parking spaces is:
- i. 0.8 **parking spaces** for each bachelor unit less than 45 square metres;
 - ii. **parking spaces** for each bachelor unit greater than 45 square metres;
 - iii. 0.9 **parking spaces** for each 1 bedroom unit;
 - iv. **parking spaces** for each 2 bedroom unit;
 - v. 1.2 **parking spaces** for each 3 bedroom unit;
 - vi. 1 **parking spaces** for each **live-work unit**; and
 - vii. 0.2 **parking spaces** for each unit for the use of visitors.
- (K) The parking requirements in Regulation 200.5.10.1(1) and Table 200.5.10.1 may be reduced by four parking spaces for each car share parking space provided, up to a maximum of ten car share parking spaces.
- (L) 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 metre wide accessible barrier free aisle or path.
- (M) 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.
- (N) A minimum of two Type G **loading spaces** must be provided and maintained on the lot.
- (O) A minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms.

- (P) A minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms.

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 [Clerks to provide By-law ##], car-share means the practice where a number of people share the use of one or more cars that are owned by a for-profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and / or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
11. For the purposes of By-law [Clerks to provide By-law ##], car-share parking space means a parking space that is reserved and actively used for car-sharing.

Section 37 Provisions

12. 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 2 of By-law [Clerks to provide By-law ##] 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 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;
13. Where Schedule A of By-law [Clerks to provide 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; and
14. 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 [Clerks to provide By-law #] unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this _____ day of _____, 2021.

JOHN TORY,
Mayor
(Corporate Seal)

John Elvidge
City Clerk

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:

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:

1. \$900,000 to be allocated towards Northeast Scarborough Community Centre at 8450 Sheppard Avenue East;
2. \$250,000 to be allocated towards the refurbishment and improvement of the Royal Rouge Tot Lot; and
3. \$250,000 to be allocated towards park improvements in Ward 25 to be directed in consultation with the local Councillor and the General Manager of Parks, Forestry and Recreation.

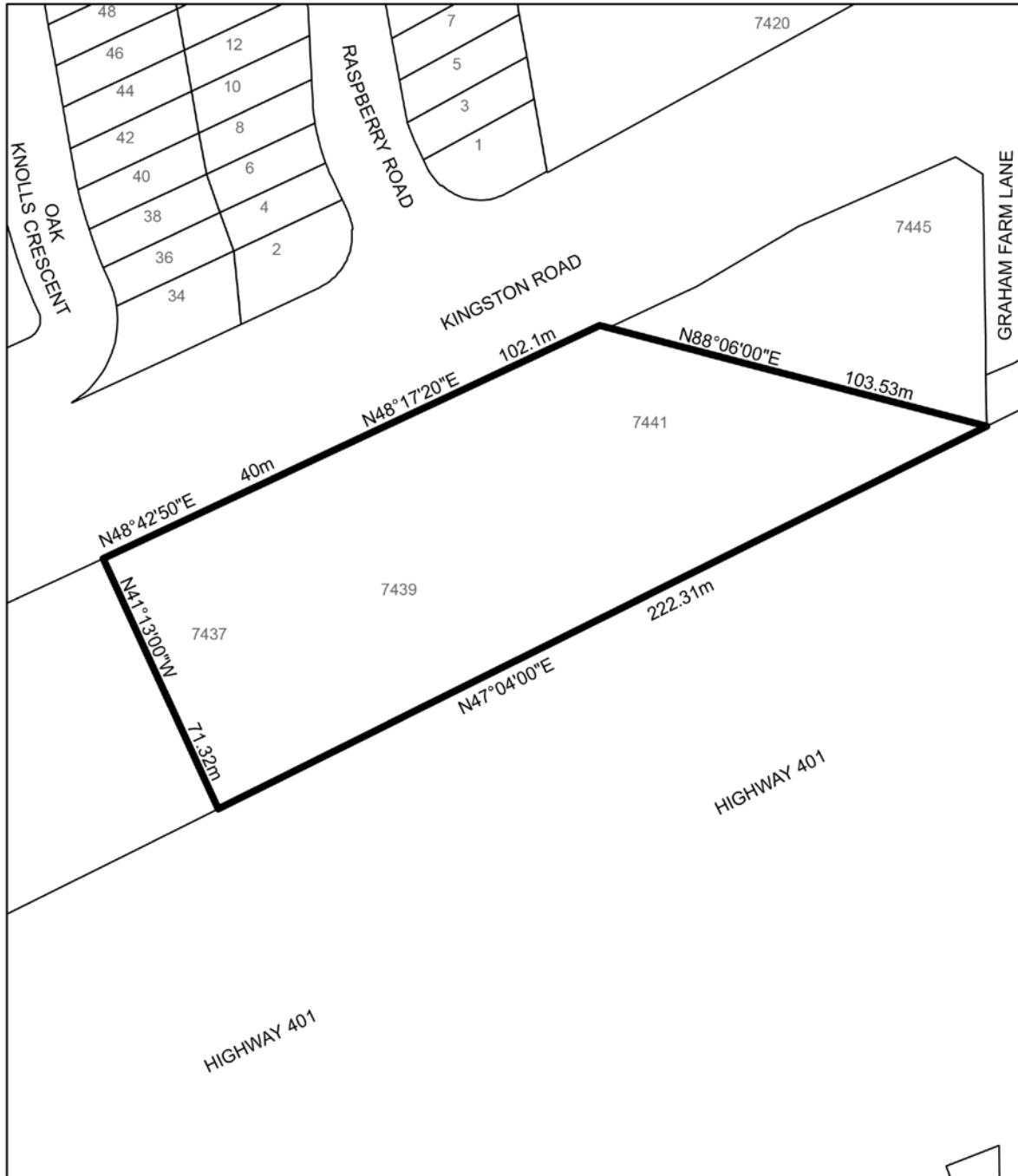
b. In the event the cash contribution referred to in subsection has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local 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:

1. 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;
2. Prior to the issuance of the above grade building permit, the Owner shall satisfy the parkland dedication requirement for the development as set out in Part 3 above; and
3. 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.

Diagram 1 – Location Map



 **TORONTO**
Diagram 1

7437-7441 Kingston Road

File # 18 178870 ESC 44 OZ


City of Toronto By-law 569-2013
Not to Scale
07/23/2021

Diagram 2 – CR Zone and Exception Number

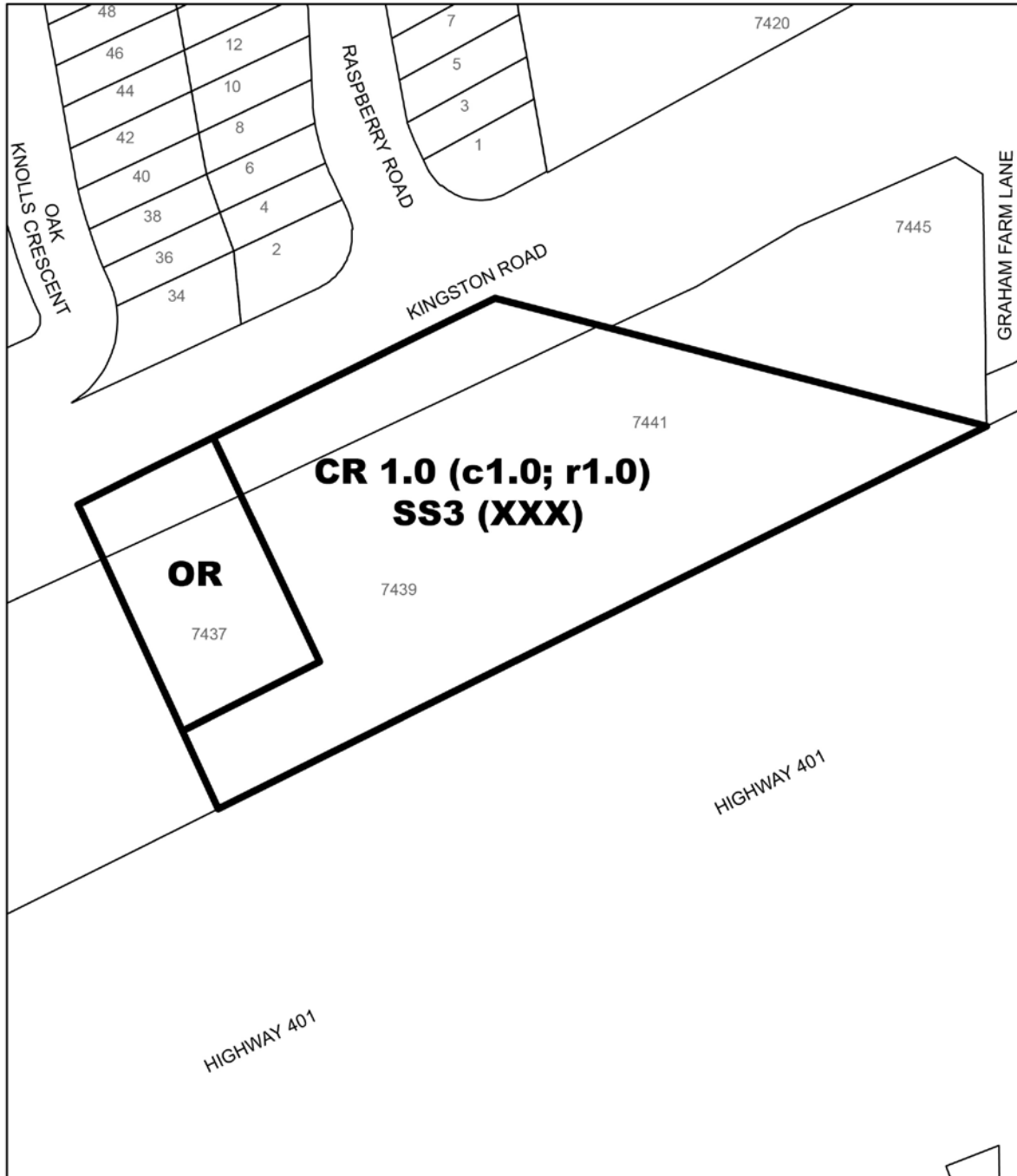
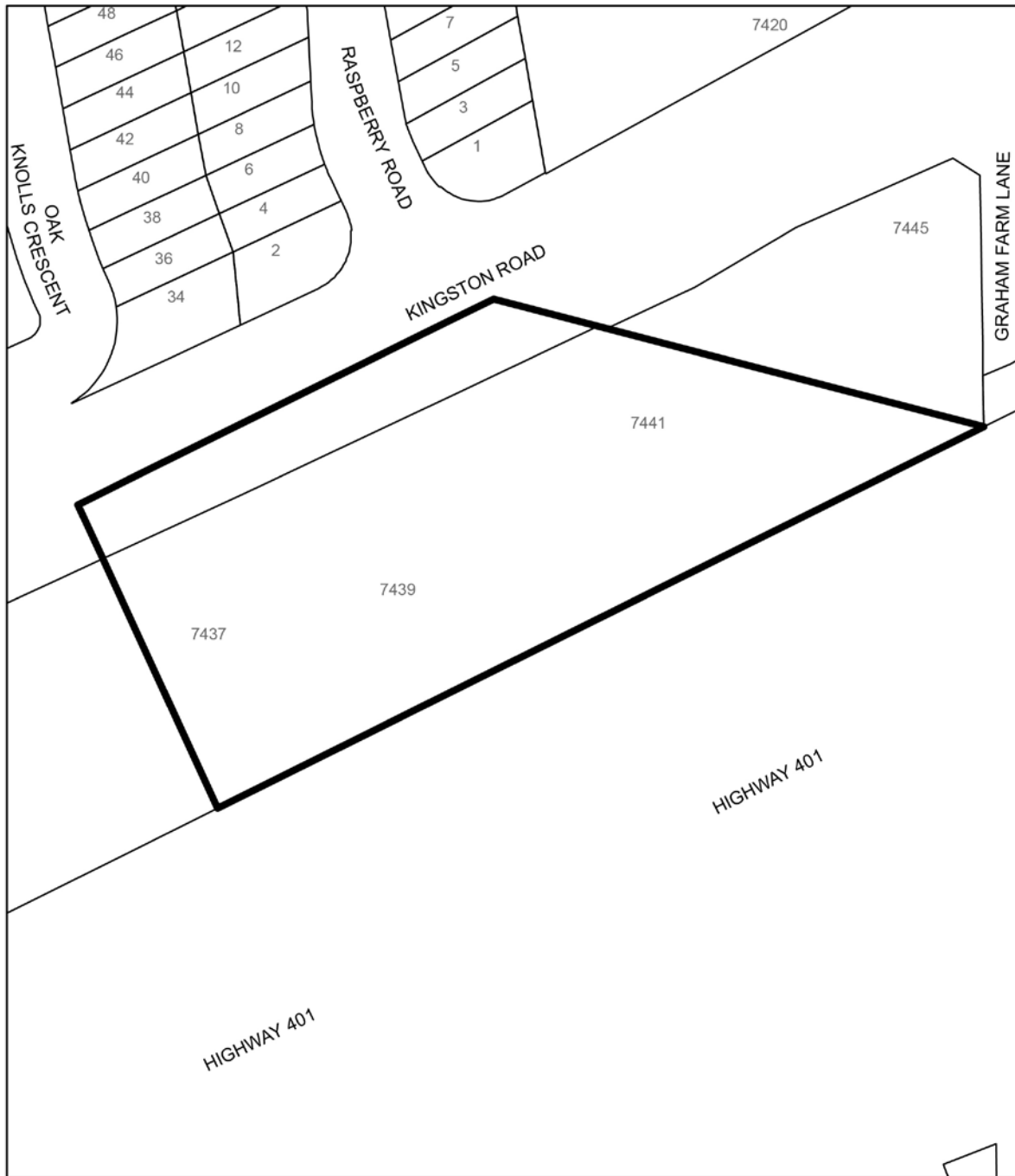


Diagram 3 – Policy Overlay



 **TORONTO**
Diagram 3

7437-7441 Kingston Road

File # 18 178870 ESC 44 OZ


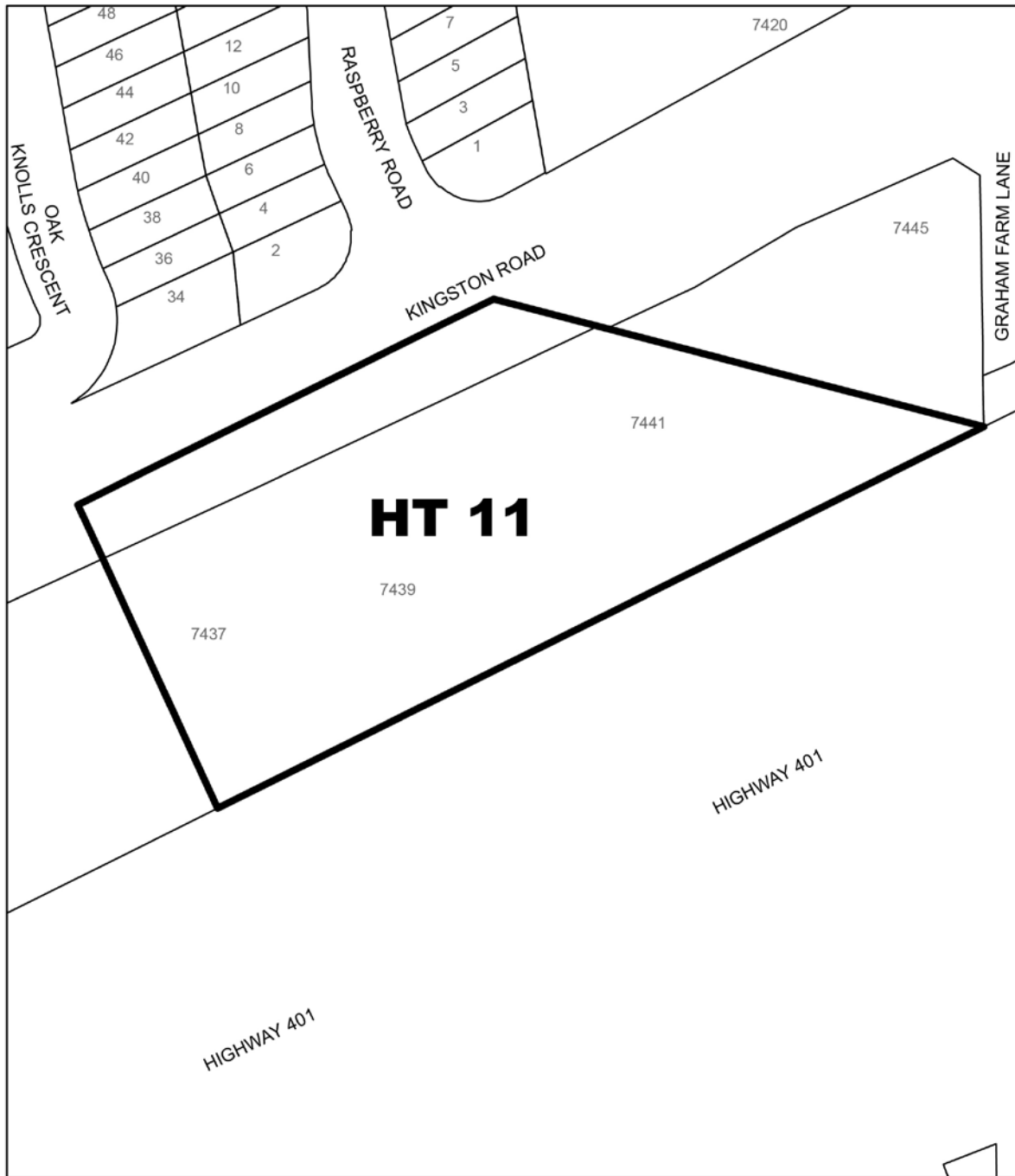

City of Toronto By-law 569:2013
Not to Scale
07/23/2021

Diagram 4 – Height Overlay



 **TORONTO**
Diagram 4

7437-7441 Kingston Road

File # 18 178870 ESC 44 0Z


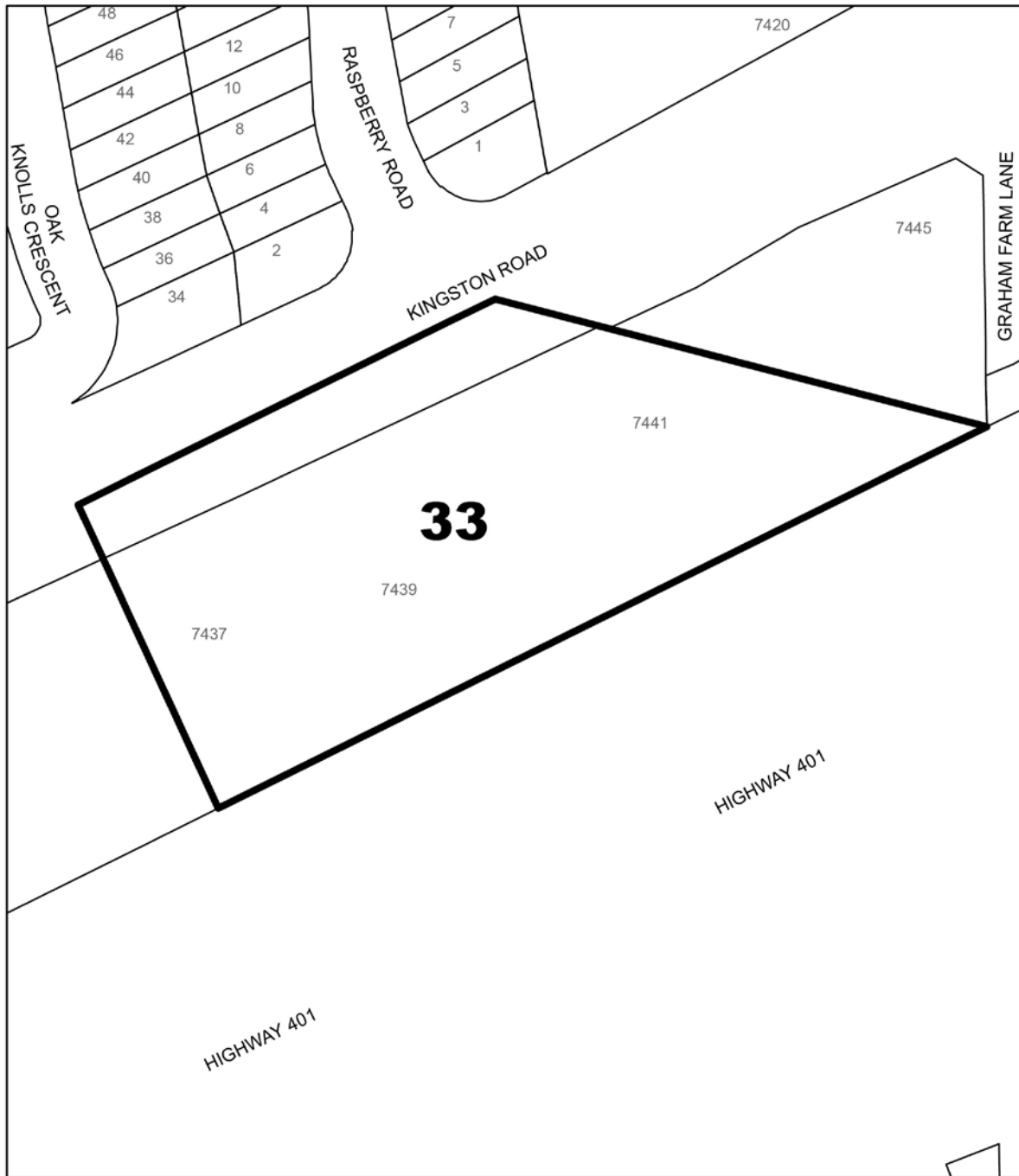

City of Toronto By-law 569:2013
Not to Scale
07/23/2021

Diagram 5 – Lot Coverage Overlay



 **TORONTO**
Diagram 5

7437-7441 Kingston Road

File # 18 178870 ESC 44 0Z


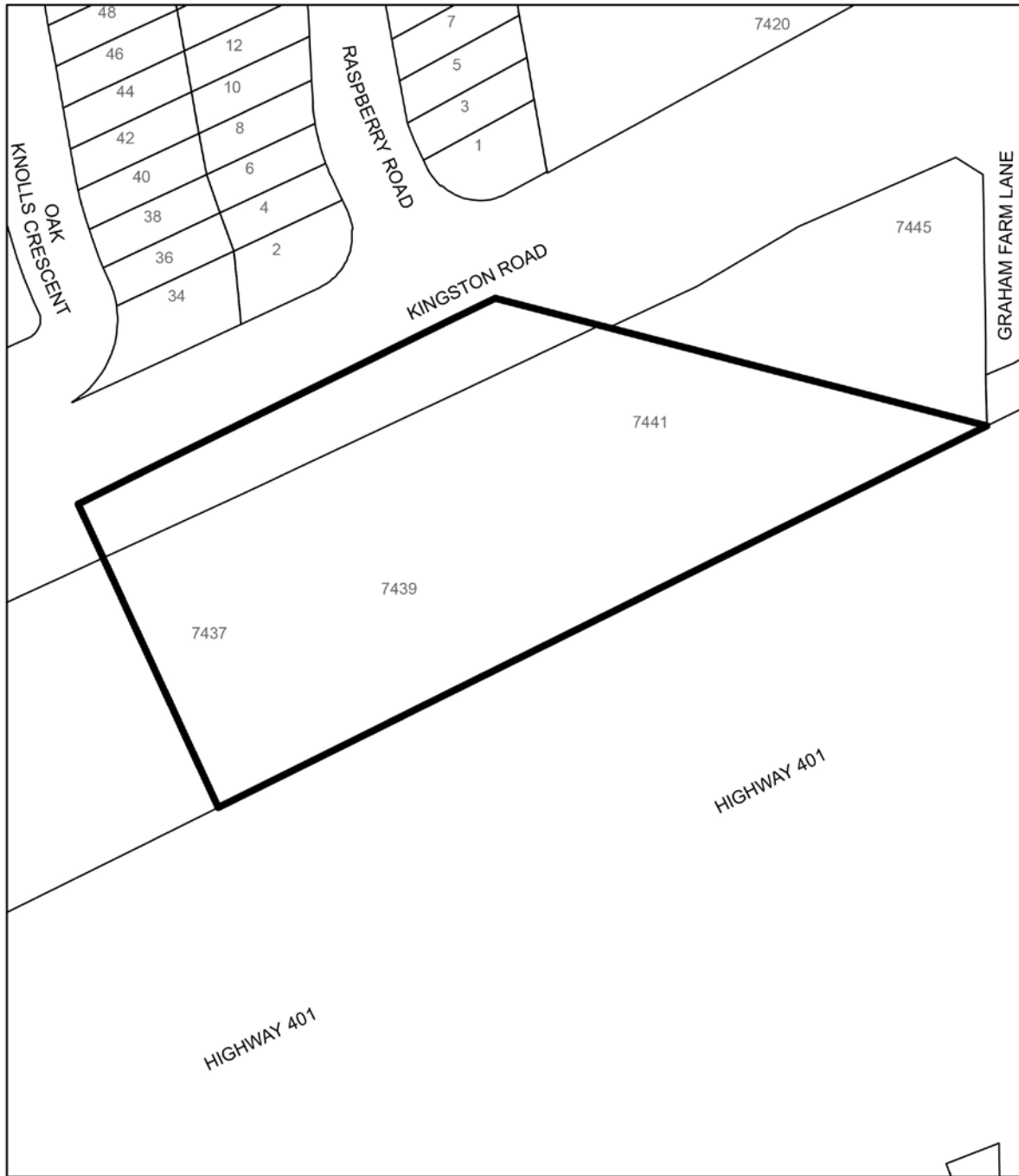

City of Toronto By-law 569-2013
Not to Scale
07/23/2021

Diagram 6 – Rooming House Overlay



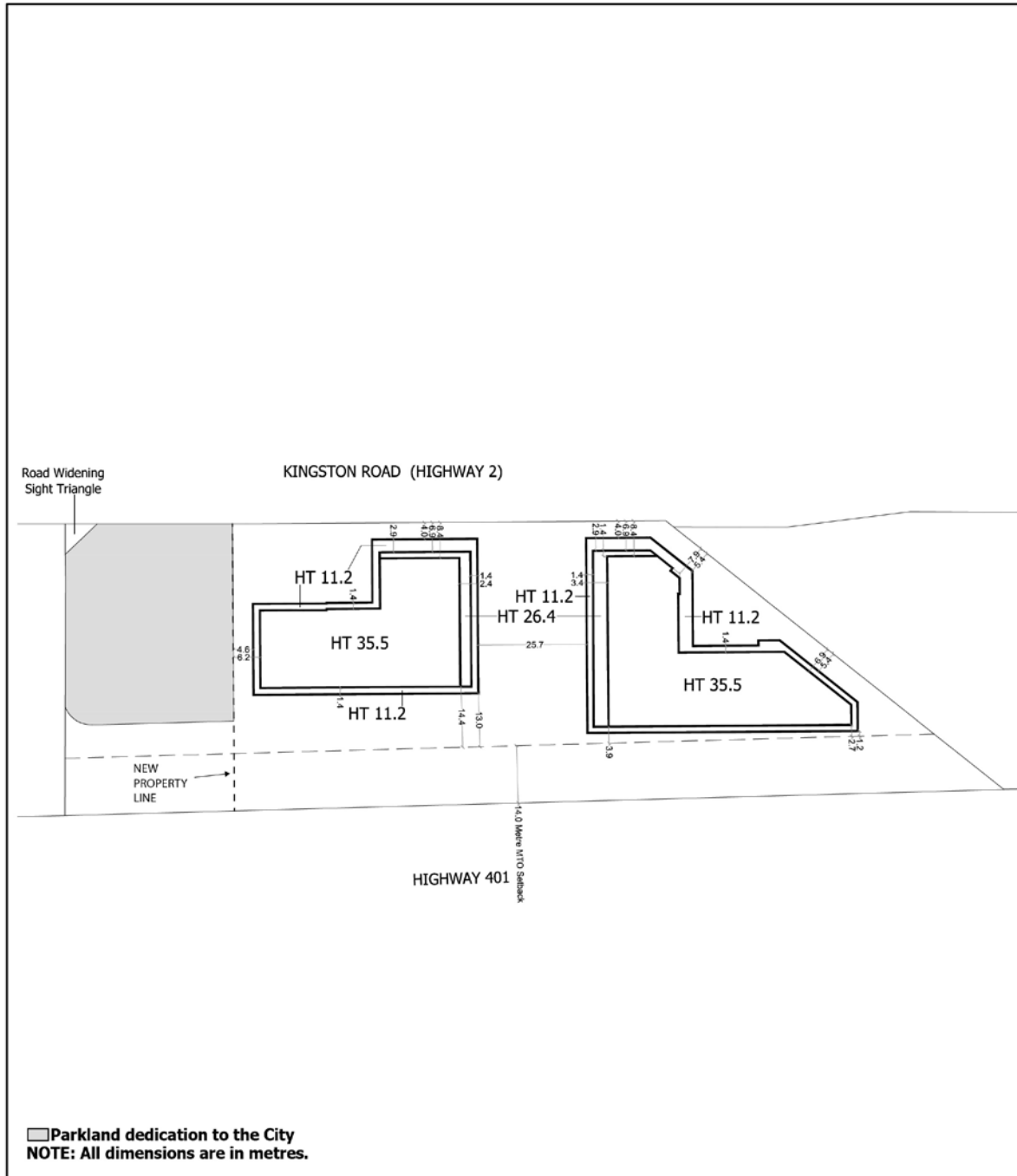
 **TORONTO**
Diagram 6

7437-7441 Kingston Road

File # 18 178870 ESC 44 OZ



City of Toronto By-law 569-2013
Not to Scale
07/23/2021

Diagram 7 – Setbacks and Height



7437-7441 Kingston Road

File # 18 178870 ESC 44 OZ


 City of Toronto By-law 569-2013
 Not to Scale
 07/23/2021

Attachment 6: Community Consultation Summary

One in-person Community Consultation Meeting and one virtual Community Consultation Meeting to consult with area residents on the proposed rezoning of the subject site were held on December 12, 2019 and December 9, 2020 respectively.

The in-person Community Consultation Meeting was held at the West Rouge Community Centre (270 Rouge Hills Drive) from 6:30 - 8:30 PM. The meeting was attended by staff of the Ward Councillor, the applicant team, City Planning staff and approximately 45 members of the public.

The virtual Community Consultation Meeting was hosted on the City's WebEx platform from 7:00 - 9:00 PM. The meeting was attended by the Ward Councillor, the applicant team, City Planning staff and approximately 40 members of the public.

Questions, comments and concerns raised during the December 12, 2019 community consultation meeting included:

- Concerns about pedestrian safety due to additional traffic;
- Potential traffic impacts on local streets, including Raspberry Road and Atrium in order to by-pass traffic at Port Union and Kingston Road/Highway 2;
- Concerns that the proposed parking supply is inadequate;
- Questions, comments and concerns about noise impacts on quality of life of future residents of proposed buildings;
- Questions relating to the size and design of the proposed park; and
- Questions relating to design details of the proposed buildings, including the mid-rise vs townhouse typology.

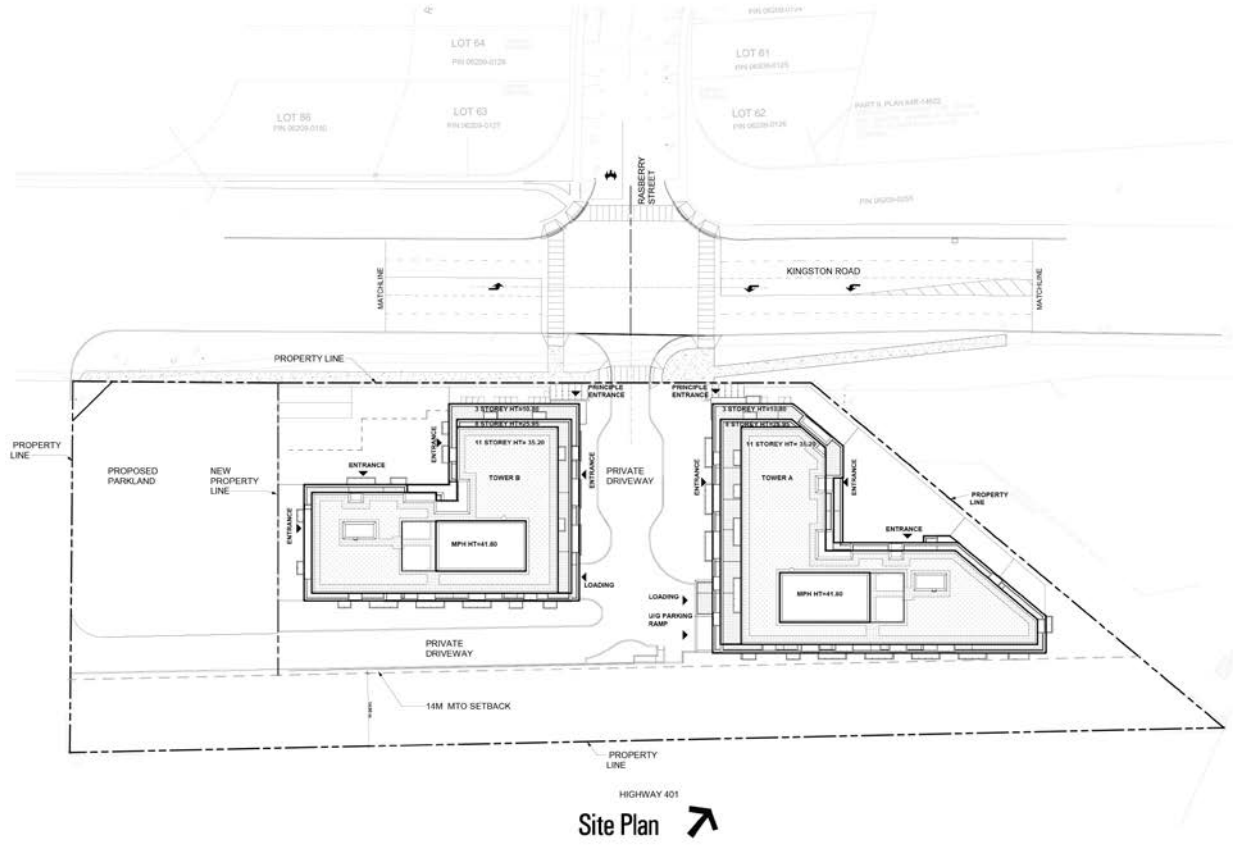
Questions, comments and concerns raised during the December 9, 2020 virtual community consultation meeting included:

- Impact of the development on transit, schools, community service facilities and municipal infrastructure;
- Potential traffic impacts on local streets, should other sites develop in the area;
- Questions about regional transit servicing the area;
- Concerns expressed about the impacts on the Rouge National Urban Park;
- Concerns that the proposed parking supply is inadequate, particularly the visitor parking; and
- Concerns about pedestrian safety;

Staff were also in receipt of a letter and petition dated December 9, 2020 containing approximately 60 signatures in opposition to the development for the following reasons:

- The current zoning permissions do not permit residential;
- Inadequate provision of vehicular parking supply;
- Building design does not adequately transition to the lower density built form in the area;
- Traffic impacts on the local area road network; and
- A perceived Lack of community benefits for the local area.

Attachment 7: Site Plan



Site Plan ↗

Attachment 8: North Elevation



North Elevation

Attachment 9: South Elevation



South Elevation

Attachment 10: East Elevation, Tower A



East Elevation - Tower A

Attachment 11: East Elevation, Tower B



East Elevation - Tower B

Attachment 12: West Elevation, Tower A



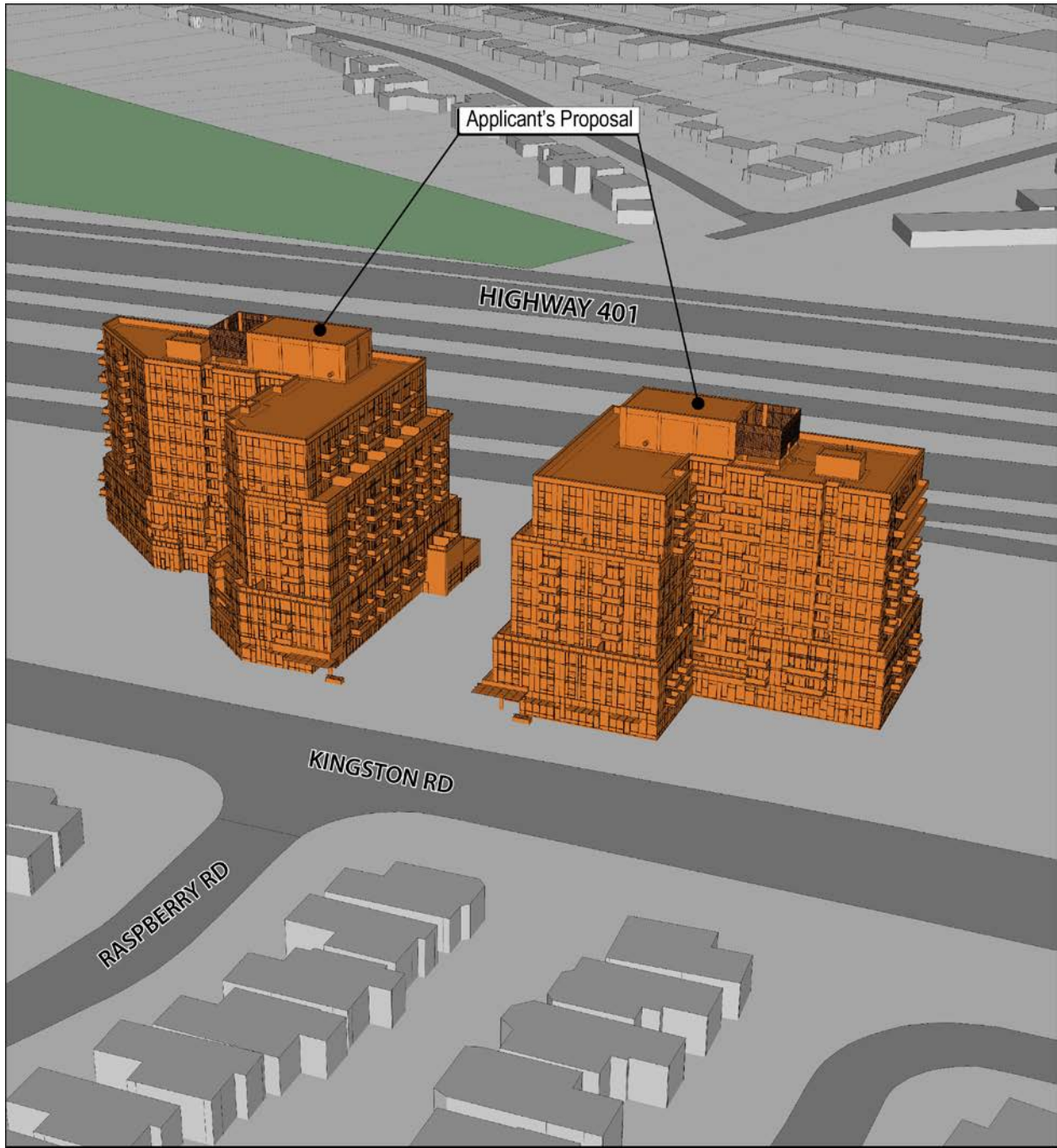
West Elevation - Tower A

Attachment 13: West Elevation, Tower B



West Elevation - Tower B

Attachment 14: 3D Model of Applicant's Proposal in Context



View of Applicant's Proposal Looking Southeast



07/30/2021