

Final Report - 2075 Kennedy Road and 26 and 50 Village Green Square – Zoning By-law Amendment

Date: September 21, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 22 - Scarborough-Agincourt

Planning Application Number: 18 271324 ESC 22 OZ

SUMMARY

This application proposes to amend City of Toronto Zoning By-law 569-2013 to permit the construction of three towers (36, 34 and 31 storeys in height) at 2075 Kennedy Road and 26 and 50 Village Green Square.

The application would result in 920 dwelling units, 713 square metres of office space and 607 square metres of retail space at grade. (36, 34 and 31 storeys in height). The existing 13-storey office building and associated one-storey parking structure will be retained. The proposed total gross floor area is 78,255 square metres which represents a density of 3.75 times the lot area. A new 1,922 square meter public park is proposed on the southeast corner of the site, as well as an additional 2,579 square metres of Privately-Owned Publicly Accessible Space (POPS). A recommended agreement pursuant to Section 37 of the *Planning Act* would secure 30 of the proposed units at affordable rents for a period of 20 years as well as a \$1.8 million financial contribution to local park and community recreation infrastructure improvements.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). It adds to the range and mix of residential units available in a compact form while increasing the amount of non-residential space on the site. Through the dedication of the parkland and large POPS space the project extends the public realm by adding a significant amount of open space to the neighbourhood. Approval of the development would also secure a number of community benefits, including the provision of 30 new affordable housing units.

This report reviews and recommends approval of the application to amend the Zoning By-law, subject to the Bills being held from enactment to allow for the Owner to enter into a Section 37 Agreement.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law No. 569-2013, as amended, for the lands at 2075 Kennedy Road and 26 and 50 Village Green Square 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 draft Zoning By-law Amendments as may be required.
3. City Council accept an onsite parkland dedication by the owner having an area of not less than 1,922 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, unless otherwise approved by the General Manager, Parks, Forestry and Recreation. The owner is to pay for the costs of the preparation and registration of all relevant documents. 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 to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing 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. 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 Chief Planner and Executive Director, City Planning and the City Solicitor to secure the following:
 - a. Prior to the issuance of the first above grade permit for the development, the owner shall make an indexed cash contribution to the City in the amount of \$1.8 million payable to the City of Toronto to be allocated towards the construction of an outdoor skating facility in Ward 22.

b. The financial contribution in recommendation 5a above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;

c. In the event the cash contribution referred to in subsection 5b has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;

d. The owner shall provide and maintain at least 30 rental dwelling units on the lands at 2075 Kennedy Road, and 26 and 50 Village Green Square as affordable rental housing (100% of market rate or below) for a minimum period of 20 years beginning from the date that each such affordable rental dwelling unit is first occupied, to the satisfaction of the Chief Planner and Executive Director, City Planning;

e. The unit types and sizes shall have the following minimum leasable area unit sizes:

1. 18 one-bedroom units (average unit size of 60 square metres);
2. 9 two-bedroom units (average unit size of 80 square metres);
3. 3 three-bedroom units (average unit size of 104 square metres);

f. Any adjustment to the total gross floor area and the proposed number of affordable rental housing units, affordable rental housing unit mix and affordable rental housing unit sizes will be adjusted accordingly to the satisfaction of the Chief Planner and Executive Director, City Planning;

g. The location and layouts of the 30 affordable rental dwelling units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

h. Tenants of the new affordable rental dwelling units shall have access to all indoor and outdoor amenity spaces associated with the mixed-use buildings on the same basis as other units within the development with no separate or additional charges;

6. City Council direct that the following matters necessary to support development of the lands be secured in the Section 37 Agreement as a legal convenience, to the satisfaction of the Chief Planner and Executive Director City Planning and the City Solicitor:

a. the provision of a privately-owned publicly accessible open space between the north tower and the public park of a minimum size of 1,925 square metres and a

second, separate privately-owned publicly accessible open space at the southwest corner of the site of a minimum size of 625 square metres;

b. as a pre-approval condition to Site Plan Approval for the Development Site the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands where the privately-owned publicly accessible open spaces referenced in Recommendation 6a are located, to the satisfaction of the City Solicitor, which shall constitute the privately-owned publicly accessible open space and any required public access easements to connect the privately-owned publicly accessible open space to adjacent privately-owned publicly accessible open spaces and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately-owned publicly accessible open space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly accessible open space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly accessible open space shall be determined in the context of a site plan approval for each building pursuant to Section 114 of the *City of Toronto Act, 2006* and secured in a Site Plan Agreement with the City of Toronto;

c. 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;

d. The design and construction of the above base park improvements to the new park by the Owner in exchange for a development charge credit against the Parks and Recreation component of the required Development Charges as set out in Recommendation 4, should the owner elect to provide above base park improvements all to the satisfaction of the General Manager, Parks, Forestry and Recreation;

e. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

f. The Owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

g. The Owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:

1. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise Feasibility Study (June 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;
2. Implementation of any derailment measures or other recommendations, as detailed in the Derailment Protection Report (February 2021), prepared by JSW + Associates, as may be amended through a peer review process undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. Reconstruction of the City sidewalks to City standards along the frontages of Kennedy Road and Village Green Square, to the satisfaction of the General Manager, Transportation Services;
4. Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POPS).

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

At its meeting of June 26, 27 and 28, 2018, City Council adopted a report providing the City Solicitor instructions to settle an appeal of OPA 231 for the subject lands. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC43.10>

The Local Planning Appeal Tribunal (LPAT) issued an order on February 1, 2019 implementing the authorized settlement which redesignated the subject site from *Employment Areas* to *Mixed Use Areas* and amended the Agincourt Secondary Plan by establishing Site and Area Specific Policy No. 7 (SASP 7) as described in further detail under the Toronto Official Plan section for this report.

A pre-application consultation meeting was held on July 25, 2018 with the applicant to discuss submission requirements for a complete application. The application was submitted on December 21, 2018 and deemed complete on February 8, 2019. A Preliminary Report was adopted by Scarborough Community Council on March 19, 2019 authorizing staff to schedule a community consultation meeting for the application. This consultation meeting was held on May 7, 2019.

PROPOSAL

This application seeks to amend the Zoning By-law to permit the infill development of the subject site with a mixed-use development that includes residential, retail and office uses, as well as a new park and two privately-owned publicly accessible open spaces (POPS).

The proposal includes the construction of three residential towers as illustrated in Attachment 7 - Site Plan. Along Village Green Square on the south end of the site near Kennedy Road a 34 storey and 31 storeys will share a base building of 5 and 6-storey podium containing retail, office and residential uses (the South Building). At the north end of the subject site, a 36 storeys all-residential building will include a 2-storey base building (the North Building). The existing 13-storey office building and associated one-storey office building are to remain on the property.

The proposed total gross floor area is 78,255 square metres which results in a density of approximately 3.75 times the lot area. The proposed development includes 76,935 square metres of residential uses, 607 square metres of retail uses and 713 square metres of additional office space. A total of 920 residential units are proposed with a unit breakdown of 546 one-bedroom units (59%), 275 two-bedroom units (30%), and 99 three-bedroom units (11%).

An on-site dedication of lands to the City is proposed to create a new 1,922 square metre public park at the southeast corner of the site, fronting onto Village Green Square. Two privately-owned publicly-accessible spaces (POPS) are proposed: generally between the proposed public park and the North Building along the eastern portion of the site (1,944square metres), and at the southwest corner of the site (634 square metres) near the intersection of Village Green Square and Kennedy Road.

A total of 1,840 square metres of indoor amenity space (2.0 square metres per residential unit) is proposed which deployed located at grade and on the second floor of the North Building and on the 5th and 6th floor of the South Building. The application also includes 1,840 square metres of outdoor amenity space (2.0 square metres per residential unit) located adjacent to the indoor amenity spaces.

The proposed vehicular access for the south Building is proposed from the relocated driveway off of Village Square Green. Vehicular access for the North Building is provided from a new shared driveway from the north end of Village Green Square. A total of 691 bicycle parking spaces, as well as 994 vehicular parking spaces are contained within a four-level underground parking garage. The proposal includes two Type-G loading spaces and one Type-C loading space to service the proposed development.

Detailed project information can be found in Attachment 1 - Application Data Sheet and supporting documentation can be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=sMhXp06g1bVVTWrqBi0OLg%3D%3D>

Site and Surrounding Area

The site is located on the east side of Kennedy Road, immediately south of the Canadian Pacific Railway (CPR) rail corridor and approximately 235 metres north of Highway 401 (see Attachment 2: Location Map). The site has frontages of approximately 99 metres along Kennedy Road and approximately 154 metres along Village Green Square, with an overall site area of 26,47 square metres (2.62 hectares). The portion of the site to be developed has an area of 12,813 square metres. The existing 13-storey office building and 1-storey parking structure on the site are intended to remain.

Surrounding land uses are as follows:

North: Across the CPR rail corridor there are commercial, institutional and industrial service uses along Cowdray Court which currently under application for Zoning By-law Amendment to permit comprehensive redevelopment of the lands. Further north are low-density residential uses, Toronto Swatow Baptist Church, and single-storey commercial uses.

West: Across Kennedy Road there is a highway maintenance yard operated by Miller Maintenance on behalf of the Ministry of Transportation. Further west are low-density residential neighbourhoods.

East: To the direct east is the Metrogate development site which is comprised of towers ranging from 30 to 40 storeys in height and townhomes. Further east is the GO Transit rail corridor and the South Agincourt Employment District, consisting of light industrial and commercial uses.

South: A development comprising 31-, 34- and 40-storey towers and a 9-storey office building, the first phase of which is under construction. The development lands include a 14-storey hotel Delta Hotel which be retained as lands around it are developed. Further south is Highway 401 and a large retail commercial shopping centre bisected by William Kitchen Road.

Reasons for Application

The proposed development requires an amendment to the Zoning By-law to permit the proposed residential uses, density and height of the buildings and to bring the lands into Zoning By-law 569-2013. Site specific amendments are also required to provide applicable performance standards regarding gross floor area, setbacks, indoor and outdoor amenity space, and parking.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Computer Generated Building Mass Model;
- Arborist Report;
- Derailment Protection Report;
- Energy Efficiency Report;
- Phase One Environmental Site Assessment;
- Hydrogeological Report;
- Noise Impact Study;
- Pedestrian Level Wind Study;
- Planning Rationale;
- Public Consultation Strategy Report;
- Servicing Report;
- Sun/Shadow Study;
- Toronto Green Standards Checklist; and
- Transportation Impact Study.

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

<http://app.toronto.ca/AIC/index.do?folderRsn=q1YlqlCsOYs1srXz0ZY3fw%3D%3D>

Agency Circulation Outcomes

The application together with the material 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.

Statutory Public Meeting Comments

In making their decision with regard to the Zoning By-law Amendment application, City Council members have an opportunity to consider the submission received prior to and at the statutory public meeting held by the Scarborough Community Council for the application. Oral submissions made at the virtual meeting will be broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities. The outcome of staff analysis and review of relevant matters of provincial interest are summarized in the Comments Section of this report.

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

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

The Provincial Policy Statement (2020)

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

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

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

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

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

Provincial Plans

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

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall 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 application has been reviewed against the policies of the City of Toronto Official Plan, including the Agincourt Secondary Plan and Site and Area Specific Policy 7 (SASP 7) which sets out the policy framework for the Agincourt Area. Key policies are noted below.

Public Realm

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a

great city. These policies aim to ensure that a high level of quality is achieved in layout, organization and massing of private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into.

Policy 3.1.1.19 outlines that new parks and open spaces will be located and designed to provide a comfortable setting for community events as well as individual use.

In September of 2020, changes to the Public Realm and Built Form policies of the Official Plan came into force via Official Plan Amendments 479 and 480, respectively. The changes add greater detail and clarity, including new policies that define mid-rise buildings and their relationship to adjacent streets. This application was submitted prior to the enactment of OPA 479 and 480 and thus the adjustments contained in these amendments do not apply. 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.

Built Form

Policy 3.1.2.1 states that new development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development through a number of ways including but not limited to locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk and providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces.

Policy 3.1.2.2 states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces. This will be done by, amongst other considerations, consolidating and minimizing the width of driveways and curb cuts across the public sidewalk and providing underground parking where appropriate.

Policy 3.1.2.3 further states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties. Buildings are to be massed to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion and create appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan. Further the policies direct that the provision of adequate light and privacy be secured by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

Policies 3.1.2.4 and 3.1.2.5 require new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Tall Buildings

The Official Plan Built Form policies (Section 3.1.3) set out development criteria for tall buildings. Tall buildings are to be comprised of three components: the base, the middle and the top. Each of these three components of tall buildings helps to support the location and design of tall buildings to fit harmoniously into the existing and planned context and serve as significant visual landmarks for the City. Tall building developments will also provide high quality, comfortable and usable publicly accessible open space areas.

Housing

Section 3.2.1 of the Official Plan, states that current and future residents must be able to access and maintain adequate, affordable and appropriate housing. The City's quality of life, economic competitiveness, social cohesion, as well as its balance and diversity depend on it. Policy 3.2.1.1 requires that a full range of housing, in terms of form, tenure and affordability be provided. Policy 3.2.1.3 encourages investment in new rental housing, particularly affordable rental housing.

Land Use Designation

The application is located on lands designated *Mixed Use Areas* in the City of Toronto Official Plan (see Attachment 3: Official Plan Land Use Map). *Mixed Use Areas* achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and opens spaces. The intention is for *Mixed Use Areas* to support the ability to live, work, and shop in the same area, or even the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe. *Mixed Use Areas* are intended to absorb much of the city's new housing, retail, office and employment growth.

Policy 4.5.2 identifies a number of criteria with regard to transition between developments within *Mixed Use Areas* and adjacent *Neighbourhoods*. The policies require that new development will locate and mass new buildings to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and a stepping down of heights. Policy 4.5.2(d) and (e) also require that shadowing from new development be limited on adjacent *Neighbourhoods* and maintain sunlight on parks.

Section 5.1.1 of the Official Plan allows the City to seek community benefits in exchange for height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1,500 square metres and/or significantly increase the permitted height. The proposal is in excess of 10,000 square metres and proposes an increase of the permitted height.

Agincourt Secondary Plan and Site and Area Specific Policy No. 7 (SASP 7)

The Agincourt Secondary Plan sets out the policy framework and planning vision for the Agincourt area as it changes with the implementation of rapid transit.

The Urban Structure Plan (Map 1-1) shows a proposed north-south public road connection representing a southerly extension of a new public street from Sheppard Avenue East, through Cowdray Court and below the CPR Rail Corridor to Village Green Square.

Site and Area Specific Policy No. 7 of the Agincourt Secondary Plan applies to the site. This policy states that development of the lands for residential uses will:

- Provide a net gain of employment floor area within the first phase of any development of the site;
- Ensure the height, density and massing of new development provides appropriate transition to the surrounding and existing uses and planned context and respects and reinforces the existing planned and physical character of the surrounding area, including lands to the east and south;
- Demonstrate sufficient transportation and servicing capacity is available to support future development to the satisfaction of the City;
- Demonstrate appropriate separation and mitigation measures to the adjacent rail corridor to the satisfaction of the City; and
- In accordance with and subject to Section 5.1.1. of the Official Plan, secure as the first priority community benefit through a negotiated Section 37 contribution the provision of residential gross floor area on-site as affordable rental or affordable ownership housing, which affordable housing shall not exceed 5% of the total residential gross floor area of the new development.

Zoning

The site is zoned Office Uses (OU) pursuant to the former City of Scarborough Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District). The site is subject to a number of performance standards ("OU-322-815-816-913-927-1234-1833-2029-2366") and is also subject to Exception 408. Office Uses permits a number of non-residential uses such as offices, retail stores, restaurants, recreational uses, financial institutions and day nurseries. Development of the lands will not exceed 1.8 times the area of the lot. Residential uses are not permitted.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law 569-2013. The subject lands have not yet been brought into By-law No. 569-2013.

Design Guidelines

City-Wide Tall Building Design Guidelines

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

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

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building and unit scale. The Guidelines indicate that a building should provide a minimum of 25% large units of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The Guidelines are available at:

<https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/growing-up-planning-forchildren-in-new-vertical-communities/>.

Retail Design Manual

City Council adopted the Retail Design Manual on October 27, 2020. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces. The intent is to provide aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The best practices apply City-wide to all new development that includes retail uses, with a focus on retail uses that interface with the public realm. The link to the Manual is here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/retaildesign/>.

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

The purpose of the Pet Friendly Design Guidelines 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. The Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-PetFriendlyGuidelines.pdf>.

The Tall Building Design Guidelines, The Avenues and Midrise Building Study and Performance Standards, Growing Up Guidelines, Retail Design Manual and Pet Friendly Design Guidelines and Best Practices for new Multi-Unit Buildings have been used to inform the review of this application.

Site Plan Control

The subject site is under Site Plan Control. A Site Plan Control application has not yet been submitted.

COMMENTS

City Planning staff are recommending approval of an amendment to the Zoning By-laws to permit the proposed development which represents good planning.

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the appropriate location of growth and development; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposal is in an appropriate location for development; is supportive of current and future transit along Kennedy Road and nearby rapid transit improvements to the Sheppard Avenue East corridor and Stouffville GO line. It represents an appropriate built form that provides a range and mix of housing including family sized and affordable rental units. The proposal provides for commercial space at-grade, dedicates land to be used as a public park and with the proposed POPS; encourages a sense of place by extending and promoting a vibrant public realm/streetscape.

It is staff's opinion that the proposed development has appropriate regard for the relevant matters of provincial interest outlined in the *Planning Act*.

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 noted below.

Provincial Policy Statement (2020)

The proposal is consistent with PPS (2020) Policy 1.1.1 as it is an efficient development that accommodates an appropriate range and mix of uses, a new park and other new open spaces that contributes to a complete community. The proposed intensification is in a compact built form, consistent with PPS 2020 direction to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

Policy 1.1.3.2 of the PPS (2020) directs that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which are planned or available; and are

transit supportive and support active transportation. Consistent with this direction, the development is proposed in a compact built form along a major street in proximity to frequent transit along with existing and future higher order transit services in the area. The site is approximately 525 metres southwest of the Agincourt GO Station, which provides regional higher order transit service and of a similar distance to Sheppard Avenue East which has planned higher order transit and has seen recent incremental upgrades to surface transit frequency and reliability.

Furthermore, Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Consistent with this policy the development review process has ensured the existing physical and service infrastructure can serve the projected population.

Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The proposal is consistent with the PPS (2020) in this regard.

Policy 1.2.6.1 provides that major facilities (including industries) and sensitive land uses (including residences) should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities. Policy 1.6.9.1 directs that planning for land uses in the vicinity of rail facilities be undertaken so that their long-term operation and economic role is protected and that rail facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other. The applicant has submitted a Derailment Protection Report and a Noise and Vibration study which outline the mitigation measures proposed including the setback plus crash wall with returns and noise control measures. The reports, which have been peer reviewed confirm that the proposed residential uses have been planned to minimize and mitigate any potential adverse effects from noise associated with the adjacent rail facility, to minimize risk to public health and safety, and to ensure the long-term operational viability of the adjacent rail corridor.

The PPS directs that healthy, livable and safe communities are achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public services, and support the use of public transit. By providing a range and mix of unit types, including two- and three-bedroom units, the proposal is consistent with Policy 1.4.3 of the PPS (2020) that requires an appropriate range of housing types and densities to meet projected requirements of current and future residents. Similarly, the proposed development includes a new public park and two new POPS which will contribute to the amount of publicly accessible green space within the area and the provision of a complete community that is healthy and active, consistent with Policy 1.5.1.

Section 1.6 of the PPS includes policies on infrastructure and public service facilities. Policy 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to transit and transportation systems, Policy 1.6.7.4 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 these policies.

The proposal provides for the creation of a complete community that has a variety of residential unit types (ranging from one to three bedroom units), retail, office a new public park and two POPS along with grade related retail space. The proposal provides for a compact built form along a major street and adjacent to existing and frequent transit service. Based on the analysis of the policies, it is Planning staff's opinion that the application and the amending draft Zoning By-laws are consistent with the PPS (2020) and address all the above noted policies.

The Growth Plan (2020)

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 intensification and built form on the site all conform to the direction of the Growth Plan highlighted above as the range of uses and mix of densities further intensifies an underutilized site that is served by existing surface transit and near existing and planned rapid transit. The proposal provides a high quality compact built form which together with new public park space together on one site, while extending the public realm through publically accessible open space that promotes pedestrian activity and vibrancy complementing the existing high density context. Moreover, it improves the streetscape along Village Green Square enhancing the public realm through the addition of new park space, outdoor amenity and an interconnected pedestrian walkway network.

Official Plan

This application has been reviewed against the Official Plan policies, including Site and Area Specific Policy 7 (SASP 7) of the Agincourt Secondary Plan described in the Policy Consideration Section of this Report as well as the policies of the Toronto Official Plan as a whole.

Land Use

The *Mixed Use Areas* designation provides for and supports the proposed mixed use building consisting of commercial uses at grade and residential uses above, along with the retention of the existing office building. The proposal fits within the planned context for the area and is in keeping with the policy requirements of SASP 7 related to environmental mitigation measures between sensitive land uses and existing *Employment Areas* to the west. Planning staff have concluded proposed land uses are appropriate for the subject site and can be supported.

Built Form

Base Buildings

The shared podium of the South Building varies in height from 5 storeys to 6 storeys, fronting onto Village Green Square and supports the adjacent street and proposed park at an appropriate scale as provided for by the Official Plan. Similarly the 2 storey base of the north building is appropriately scaled given the scale of the adjacent townhouse development. Deploying the density in this proposed built form appropriate responds to direction from Official Plan policy and the Tall Building Design Guidelines and their performance standards that base buildings should be designed to fit harmoniously within the existing context of neighbouring building heights at the street, and to respect the scale and proportion of adjacent streets, parks, and public or private open spaces. The ground floor of each base building has been organized to properly animate the public realm and facilitate views to the adjacent streets and open spaces.

Towers

The Official Plan generally requires tall buildings to be slender to allow for appropriate sky view and ensure shadows are narrow and move quickly through the day. The Tall Building Design restrict a typical residential tower floor plate to an area of 750 square metres or less and provide that towers should be separated by a minimum of 25 metres. The Official Plan states that new developments should transition down to neighbouring existing and/or planned buildings as well as providing a gradual transition in scale and density to low-rise properties designated *Neighbourhoods*.

The proposal includes two towers at the south end of the site with heights of 34 and 31 storeys, and a third tower located at the north of the site with a proposed height of 36 storeys. The proposed building heights are appropriate and compatible with existing and approved building heights in the surrounding area, which contextually encircle lower scale uses and open spaces along Village Green Square. Through the review of this application, the heights of the proposed buildings have been reduced from 37, 38 which will contribute to a gradual “stepping down” of building heights within the Metrogate community. The proposed development provides an appropriate transition to the low density residential development to the west and north of the site, with all of the buildings meeting the 45-degree angular plane measured from the nearest lands designated *Neighbourhoods*.

The towers have maximum floor plate of 750 metres which meets the Tall Building Design Guidelines and the minimum separation distances for the tower components of

the development area also complied with. The towers of the Southern Building are separated by 26.6 metres. There is approximately 101 metres between the towers of the South and North Buildings, and at least 25 metres from the South Towers to the tower portion of the existing office building.

Staff are satisfied the proposed built form meets the policies of the Official Plan and the Tall Building Design Guidelines in terms of transition, floor plate sizes, and tower separation distances.

Public Realm

A key policy in the Official Plan is to maintain and enhance a safe and attractive public realm, which can include public sidewalks, midblock connections and privately-owned publicly-accessible spaces (POPS).

The current proposal extends the public realm through the creation of two POPS, one located at the southwest corner of the site (634 square metres), and the second one located south of the North Tower (1,944) square metres. In addition, a new 1,922 square metre public park is proposed at the southeast corner of site fronting onto Village Green Square and adjacent to the northern POPS previously described.

The buildings have been massed to frame and support the public streets, the public park, and the two POPS. Along the Village Green Square frontage, the South Building podium has a streetwall height of 5 storeys and then step-back by a minimum of 3 metres. Adjacent to the east POPS, the North Building has a podium varying between 1 and 2 storeys (12.3 metres) in height. The North Building podium is set back from the north lot line by 11.8 metres, and all active uses within the North Building are set back from the north lot line by at least 20 metres, in order to provide the required derailment protection due to the adjacent Canadian Pacific Railway Corridor.

The towers have been set back above the respective base buildings to create a distinct separation between the base and tower and to limit massing impacts on the public realm. The towers on the Southern Building step back from the base building by a minimum of 3 metres to the north and south. The western tower steps back by 3 metres to the west adjacent to the West POPS, and the eastern tower provides a significant 18.5 metre separation from the new public park to the east. The North Tower is set back from the east lot line by 10.1 metres and maintains a minimum 20 metre separation distance from the existing townhouses to the southeast.

Sun, Shadow, Wind

The Official Plan requires development to limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The proposed development would result in incremental shadowing on designated *Neighbourhoods* between 9:18 a.m. and 10:18 a.m. in March and September. There

are no shadows caused by the development in the afternoon and no shadow impacts in the summer months. The proposed development allows for 7 hours of sunlight on properties designated *Neighbourhoods*.

With respect to shadow impacts on parks, the proposed development would create shadows on portion of the proposed on-site public park in the afternoon in March and September after 2:18 p.m. In June, shadows affect a small area of the proposed public park around 2:18 p.m. onwards, but move quickly across the park due to the east-west orientation of the tower elements of the South Building.

Additionally, the proposed development would result in incremental shadowing on Metrogate Park in the late afternoon in March and September between 4:18 and 5:18 p.m. After 5:18 p.m., shadows resulting from the proposed development would be minimal and limited to the northernmost and southernmost edges of the park. In June, the proposed development would result in incremental shadowing on Metrogate Park from 5:18 to 6:18, with a minor amount on the northernmost edge of the park at 4:18. Shadows resulting from the proposed development will move quickly across the park due to the east-west orientation of the tower elements.

As it relates to shadowing on streets, the height and massing of the proposed development has been positioned to minimize shadow impact on the public realm and provide a minimum of five hours of sunlight on the opposite side of adjacent streets at the equinoxes, having regard for Section 1.4(a) of the Tall Building Design Guidelines.

The shadow impacts from the proposed development are considered acceptable and no further mitigation measures are required.

Housing Issues

The Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2020) 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 for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Much like the PPS (2020) and Growth Plan (2020), 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. Council adopted the Growing-Up Guidelines to provide similar direction on the recommended mix of residential unit types and provide appropriate units sizes for multi-unit developments.

The development proposes a total of 920 dwelling units with a unit breakdown of 546 one-bedroom units (59%), 275 two-bedroom units (30%), and 99 three-bedroom units (11%). The Growing Up Guidelines state that multi-unit buildings should include 10% three-bedroom units and 15% two-bedroom units. The proposal exceeds that standard.

In addition to a mix of two and three bedroom units, the Growing Up Guidelines also set a range for unit size. Two bedroom units should be a size that ranges from 87 - 90 square metres, and three bedroom units should be a size that ranges from 100 to 106

square metres. The two-bedroom units are proposed to be 80 square metres and the three-bedroom units are 100 square metres. While staff support the mix of two and three-bedroom units, staff will also be seeking to increase the size of the two-bedroom units meets the objectives of the Growing Up Guidelines.

The applicant has offered to provide 30 affordable rental dwelling units to be secured by the City through a Section 37 Agreement as a community benefit as provided for by SASP 7 of the Agincourt Secondary Plan. An affordable rental dwelling unit is a rental dwelling unit that is provided and maintained at affordable rent, as currently defined in the Official Plan. 'Affordable rents' is currently defined as rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas and water, but excluding vehicle parking, storage lockers, internet, telephone and cable television charges) is at or below the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Rental Market Report for the Toronto Census Metropolitan Area. The proposed affordable units will be held as affordable for a period of 20 years under terms spelled out in the Agreement as acceptable to the Chief Planner and Executive Director, City Planning and the City Solicitor. Further details are found below in the Section 37 section of this report.

Amenity Space

The built form policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. The application proposes 1,840 square metres each of indoor and outdoor amenity area, for a total of 2.0 square metres of both indoor and outdoor amenity space per unit. Planning staff support the amount of amenity space provided, and will secure its appropriate location with indoor and outdoor amenity space being located contiguous to one another where possible and adjacent to larger units, as detailed in the Growing Up Guidelines.

Open Space/Parkland

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health and wellbeing. They offer recreational opportunities which support active lifestyles, host spaces for social events and community gathering, and accommodate natural infrastructure which provides vital ecosystem services and helps mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland for residents and visitors.

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8-1.56 hectares of local parkland per 1,000 people. The subject site is located in the third highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units, specified in Chapter 415, Article III of the Toronto Municipal Code, the residential component of the proposal will generate a parkland requirement of 1,895 square metres, while the non-residential component of the proposal will generate a parkland requirement of 5 square metres. In total, the parkland dedication requirement will be 1,900 square metres.

The applicant is proposing an on-site parkland dedication of 1,922 square metres. Based on the current required parkland dedication of 1,900 square metres, the applicant is providing an over-dedication of 22 square metres. Parks, Forestry & Recreation has accepted the over-dedication, however no credit will be given for that portion of the parkland. The lands to be conveyed are adjacent 335 Village Green Square which are zoned for townhouses as part of a previous development approval but are not constructed (a vacant sales office sits on the lands). Parks, Forestry and Recreation staff are currently negotiating with the owner of those lands to potentially purchase 335 Village Green Square for park purposes, subject to finalization of a purchase and sale agreement and City Council approval. This parcel along to the lands conveyed as part of this application would create a contiguous parkspace, extending the public realm and adding additional opportunities for open space programming supporting the development of a complete community.

The location and size of the proposed parkland to be conveyed are acceptable to staff and the details of its conveyance will be secured through the Section 37 Agreement. Staff also 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.

Privately-Owned Publicly Accessible Open Space (POPS)

Two privately-owned publicly accessible open spaces (POPS) are being proposed as illustrated on Attachment 7 - Site Plan. The East POPS is approximately 1,944 square metres and is located along the west side of the proposed parkland, continuing north of the proposed parkland along the east lot line. The West POPS is approximately 635 square metres and is located at the southwest corner of the site. Staff consider the proposed POPS to be a positive element of this proposal that will contribute positively to public realm enhancements.

Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control approval process.

Traffic Impact, Access, Parking

An Urban Transportation Considerations Report, prepared by BA Group, dated December 2018 with a subsequent addendum report dated June 2, 2020, was submitted assessing the traffic impacts of the proposal.

The transportation report estimates that the new development will generate a total of 555 and 485 net total two-way vehicle trips during the weekday morning and afternoon peak hours, respectively, which will result in acceptable conditions for all signalized and unsignalized intersections during the weekday morning and afternoon peak hours, less than the as-of-right traffic volumes. The pedestrian and transit assessments also indicated no issues for non-auto modes of travel. Transportation Services has reviewed and accepted the findings of the TIS.

The parking requirements to be applied through the proposed Zoning By-law Amendments attached to this Report for the new development on the lands are consistent with those of Toronto Zoning By-law 569-2013, as amended, for Policy Area 4. Staff are satisfied that this level of parking would adequately serve the needs of residents and visitors.

The proposed northern driveway will provide vehicular access to the North Building at-grade loading facility, pick-up drop-off facilities, as well as to the underground parking garage facility shared by the North and South Buildings. This access connects into the existing right-of-way. The proposed driveway and Village Green Square intersection will operate as a side-street stop control intersection.

The proposed southern driveway will provide access to the at-grade loading facilities and the pick-up drop-off facilities for both the existing office building and the proposed South Building, for the existing above-grade parking structure and the proposed underground parking garage. The existing pick-up drop-off loop has been reconfigured to accommodate the pick-up drop-off activities related to the existing office building and the proposed South Building, which has secondary office and residential entrances provided adjacent to the reconfigured loop. Given the ancillary nature of the retail uses in relation to the existing office building and proposed South Building, no formal pick-up drop-off facilities for retail use are proposed. Instead, those visiting the retail uses may utilize the existing pick-up drop-off loop. Staff are supportive of these arrangements and will secure the appropriate details through the site plan control process.

The proposed bicycle parking supply of 691 bicycle parking spaces, including 65 short-term and 626 long-term bicycle parking spaces, meets the Toronto Green Standards Version 3.0, Tier 1, Zone 2.

Servicing

The applicant submitted a Functional Servicing Report, updated February 2021, prepared by Odan/Detech Group Inc. which concludes that the existing municipal infrastructure for water distribution, sanitary sewers and storm sewers can adequately accommodate the proposal with no adverse impacts to the system. Engineering and Construction Services staff have reviewed the revised Functional Servicing Report and are satisfied with its findings, including the arrangements being made to handle potential groundwater concerns.

Noise Impact and Vibration Study

The Official Plan requires that development adjacent to or nearby transportation corridors will be appropriately design, buffered, and/or separated from transportation sources, as necessary, to mitigate any adverse impacts of these sources on the new development and vice versa.

A Noise and Vibration Study was submitted by the applicant in connection with the proposed development, due to its proximity to the CP and CN rail tracks and Metrolinx subdivision. The study concludes that standard noise control measures could be implemented through the detailed design stage, including acoustical barriers, air conditioning units and warning clauses, and that no noise control measures for vibration impacts are necessary. The report concludes that the proposed development is considered to be feasible from the noise and vibration impact aspect.

The peer review process of the detailed design of these standard measures as recommended the Noise and Vibration Study will be undertaken during the review of the site plan application.

Rail Safety

A Derailment Protection Report was submitted by the applicant in support of the rail safety measures incorporated as part of the proposed development. The rail safety study identifies that the standard criteria for derailment protection to the adjacent principle main line typically requires a building setback of 30.0 metres and a 2.5 metre-tall berm, and that the setback can be reduced to 25.0 metres with an increased berm height to 3.0 metres.

To reduce the setback further, the criteria require alternative safety measures, which include the construction of a crash wall as well as a minimum 20.0 metre setback to residential uses within the proposed development. With a crash wall, the setback distance provided is equal to the sum of the vertical height of the wall and the horizontal distance to the residential uses. This method of assessing the provided setback has been standard practice with CPR, CNR and Metrolinx across the City.

The proposed setback distance (vertical) provided for at the subject site is 9.15 metres from the grade at the property line to the top of the crash wall. The residential units are set back a minimum of 20.0 metres horizontally from the property line. The total setback using the vertical height of the crash wall of 9.15 metres is 29.15 metres. Only services will be located within the 20.0 metre horizontal setback. To control access from the site to the rail corridor, a 1.83 metre-high non-climbable chain-link fence shall be installed along the property line.

The rail safety report concludes that the proposed crash wall system and setback of 20 metres meets the appropriate standards and the detailed structural design of the crash wall will be determined, peer reviewed and secured as part of the Site Plan Approval process.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Articles II (Street Tree By-law) and III (Private Tree By-law). The applicant is proposing to remove 13 City-owned trees, 18 privately-owned trees and 3 Boundary/Neighbouring trees. Urban Forestry is in receipt of the required Application to Injure or Destroy Trees and the applicable fee for permission to remove/injure the aforementioned trees. Urban Forestry has no objection to the application.

The Landscape Plan submitted in support of the revised proposal contemplates a total of 66 new trees, including 36 new street trees within the City's existing and future road allowances and 30 trees within the site.

The final number and location of new trees will be secured through the Site Plan application review process.

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 and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. 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 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. Staff recommend that the TGS obligation be secured in the Section 37 Agreement for implementation during the Site Plan approval process.

School Boards

The Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) staff have advised there is currently significant enrollment pressures in the area. Both school boards request that the owner be required to erect signs on-site to communicate the accommodation situation and include warning clauses related to this issue in purchase-of-sale/lease/rental/tenancy agreements.

Staff are recommending the TCDSB and TDSB obligations to erect signs and include warning clauses also be secured in the Section 37 Agreement as a legal convenience.

Toronto Transit Commission

TTC staff have reviewed the application and advise that the existing bus shelter and bus stop on Kennedy Road at Village Green Square will be retained. Any work in the City boulevard would be required to meet AODA requirements.

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 communities. 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 CS&F Study Area is bounded by Huntingwood Drive to the north; Brimley Road to the east; 401 Express to the south and Victoria Park to the west. The CS&F Study is located in portions of three SDFA neighbourhoods: Agincourt South-Malvern; Tam O'Shanter-Sullivan and L'Amoreaux Neighbourhoods. There are 14 child care centres with a total of 855 spaces. Additional child care spaces are needed as indicated by the Children's Services Ward Priority Map (2018) which places the Study Area in the second highest priority of need for early year child care spaces. As such, the needs of future residents may need to be accommodated, in part, at facilities located outside of the Study Area.

The Community Services and Facilities Study identifies that Study Area is served by a number of community services and facilities including 2 community centres, 10 human service organizations and 1 library. The Study Area is located in an area which has been identified as needing a new splash pad, outdoor artificial ice rink, tennis court and outdoor basketball and multi-sport courts. The Section 37 Agreement will secure a cash contribution of \$1.8 million to be allocated towards capital facilities in the area to address this gap and ensure upgrades are provided in Inglewood Heights and Collingwood Parks.

Community Consultation

A community consultation meeting was held on May 7, 2019 and was attended by approximately 50 members of the community. Specific comments related to the proposed development included:

- Level of development given other development proposals in the vicinity;
- Lack of a proper street network and connectivity to Sheppard Avenue.
- Traffic impacts on Kennedy Road;
- Proposed building heights;
- Components of the proposal such as the retail uses; architectural aspects; site access; the proposed park; timing of construction; and
- Servicing capacity.

Staff worked with the applicant to address these needs as outlined in the report, including the reduction of height and density from what was originally proposed and formal review of transportation and servicing reports to ensure adequate capacity exists to service the development (as commented on previously).

Separate from this application the City of Toronto is studying ways to improve transportation connections between Village Green Square, Sheppard Avenue East and the Agincourt GO Station, in anticipation of future development and growth in this area. The transportation improvements being considered through this study include:

- a new north-south street that would connect Village Green Square, Cowdray Court, Collingwood Street and Sheppard Avenue East;
- a new north-south multi-use trail that would connect Village Green Square and Sheppard Avenue East;
- improvements to existing streets and intersections in the study area; and
- improvements to transit (bus) service in the study area.

The study process includes an in depth evaluation of each of the potential improvements and design options, and two rounds of consultation with the public and relevant stakeholders and is expected to be completed by the end of 2021.

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:

1. Prior to the issuance of the first above grade permit for the development, the owner shall make an indexed cash contribution to the City in the amount of \$1.8 million payable to the City of Toronto to be allocated towards the construction of an outdoor skating facility in Ward 22.
2. The financial contribution outlined in number 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;
3. 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;

4. The owner shall provide and maintain at least 30 rental dwelling units on the lands at 2075 Kennedy Road, and 26 and 50 Village Green Square as affordable rental housing (100% of market rate or below) for a minimum period of 20 years beginning from the date that each such affordable rental dwelling unit is first occupied, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

5. The unit types and sizes shall have the following minimum leasable area unit sizes:

- a. 18 one-bedroom units (average unit size of 60 square metres);
- b. 9 two-bedroom units (average unit size of 80 square metres);
- c. 3 three-bedroom units (average unit size of 104 square metres);

6. Any adjustment to the total gross floor area and the proposed number of affordable rental housing units, affordable rental housing unit mix and affordable rental housing unit sizes will be adjusted will be adjusted accordingly to the satisfaction of the Chief Planner and Executive Director, City Planning;

7. The location and layouts of the 30 affordable rental dwelling units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

8. Tenants of the new affordable rental dwelling units shall have access to all indoor and outdoor amenity spaces associated with the mixed-use buildings on the same basis as other units within the development with no separate or additional charges.

It is also recommended that City Council direct that the following matters necessary to support development of the lands be secured in the Section 37 Agreement as a legal convenience, to the satisfaction of the Chief Planner and Executive Director City Planning and the City Solicitor:

1. the provision of a privately-owned publicly accessible open space between the north tower and the public park of a minimum size of 1,925 square metres and a second, separate privately-owned publicly accessible open space at the southwest corner of the site of a minimum size of 625 square metres;

2. as a pre-approval condition to Site Plan Approval for the Development Site the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands where the privately-owned publicly accessible open spaces referenced in Recommendation 6a are located, to the satisfaction of the City Solicitor, which shall constitute the privately-owned publicly accessible open space and any required public access easements to connect the privately-owned publicly accessible open space to adjacent privately-owned publicly accessible open spaces and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately-owned publicly accessible open space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly accessible open

space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly accessible open space shall be determined in the context of a site plan approval for each building pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City of Toronto;

3. 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;

4. The design and construction of the above base park improvements to the new park by the Owner in exchange for a development charge credit against the Parks and Recreation component of the required Development Charges as set out in Recommendation 4, should the owner elect to provide above base park improvements all to the satisfaction of the General Manager of Parks, Forestry and Recreation;

5. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

6. The Owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

7. The Owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:

a. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise Feasibility Study (June 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. Implementation of any derailment measures or other recommendations, as detailed in the Derailment Protection Report (February 2021), prepared by JSW + Associates, as may be amended through a peer review process undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- c. Reconstruction of the City sidewalks to City standards along the frontages of Kennedy Road and Village Green Square, to the satisfaction of the General Manager, Transportation Services;
- d. Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POPS).

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff have concluded that the proposal is consistent with the PPS (2020), conforms and does not conflict with the Growth Plan (2020) and is in keeping with the intent of the Toronto Official Plan, particularly as it relates to SASP No.7 and the Agincourt Secondary Plan.

Staff worked with the applicant and the community to address and resolve concerns related to built form, public realm and the proposed road network. The proposal provides appropriate building massing for its existing and planned context and appropriately, transitions to nearby lands designated *Neighbourhoods*. If appropriately frames and extends the existing public realm and enlivens the neighbourhood streetscape while increasing the amount of non-residential uses on site as provided for by SASP 7. Further, it contributes land for the provision of a public park and provides generous POPS to improve the open space condition in the area. The secured affordable housing and further community benefits pursuant to Section 37 of the *Planning Act* ensure the continued evolution of the area into a complete community.

Staff recommend that City Council approve the application and Draft Zoning By-law Amendments subject to the conditions identified in the Recommendations section of this report.

CONTACT

Kelly Jones, Senior Planner, Community Planning, Scarborough District, Tel. No. (416) 392-4293, E-mail: Kelly.Jones@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

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7: North Elevation

Attachment 8: East Elevation

Attachment 9: South Elevation

Attachment 10: West Elevations

Attachment 1: Application Data Sheet

Municipal Address: 2075 KENNEDY RD Date Received: December 21, 2018

Application Number: 18 271324 ESC 22 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for a mixed use building with 37-storey and 39-storey tower elements with a 7-storey shared podium, separate 39-storey residential building with a 6-storey podium, a public park and a privately accessible open area are also proposed. Total of 920 residential units, 713 sq.m of office, 607 sq.m. of retail, 994 vehicle parking spaces and 691 bicycle parking spaces are proposed. Existing 13-storey office and 1-storey parking structure to remain.

Applicant

Agent

Architect

Owner

KS 2075 KENNEDY
ROAD INC

KS 2075 KENNEDY
ROAD INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: OU Heritage Designation:

Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 26,147 Frontage (m): 99 Depth (m): 199

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,508	1,508	3,226	4,733
Residential GFA (sq m):			76,936	76,936
Non-Residential GFA (sq m):	19,600	19,600	1,320	20,920
Total GFA (sq m):	19,600	19,600	78,256	97,856
Height - Storeys:	13	13	36	36
Height - Metres:			116	116

Lot Coverage Ratio
(%): 18.1

Floor Space Index: 3.74

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	76,936	
Retail GFA:	607	
Office GFA:	20,313	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			920	920
Other:				
Total Units:			920	920

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			546	275	99
Total Units:			546	275	99

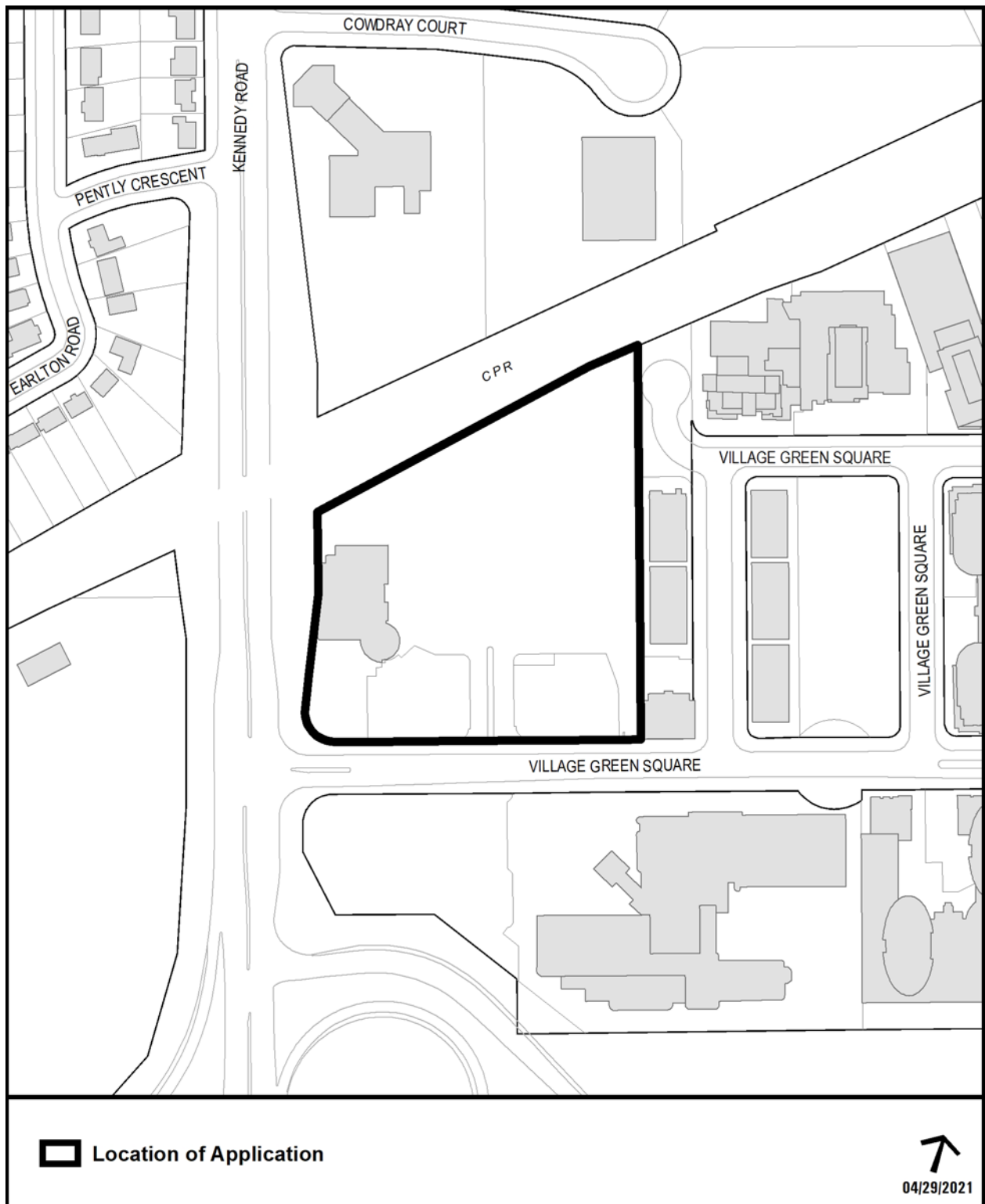
Parking and Loading

Parking Spaces:	994	Bicycle Parking Spaces:	691	Loading Docks:	3
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CONTACT:

Kelly Jones, Senior Planner
(416) 392-4293
kelly.jones@toronto.ca

Attachment 2: Location Map

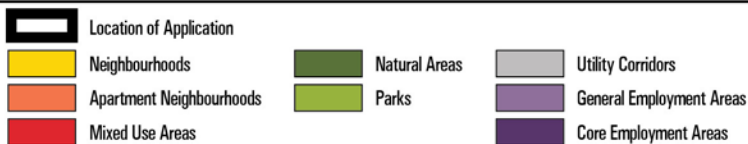


Attachment 3: Official Plan Land Use Map



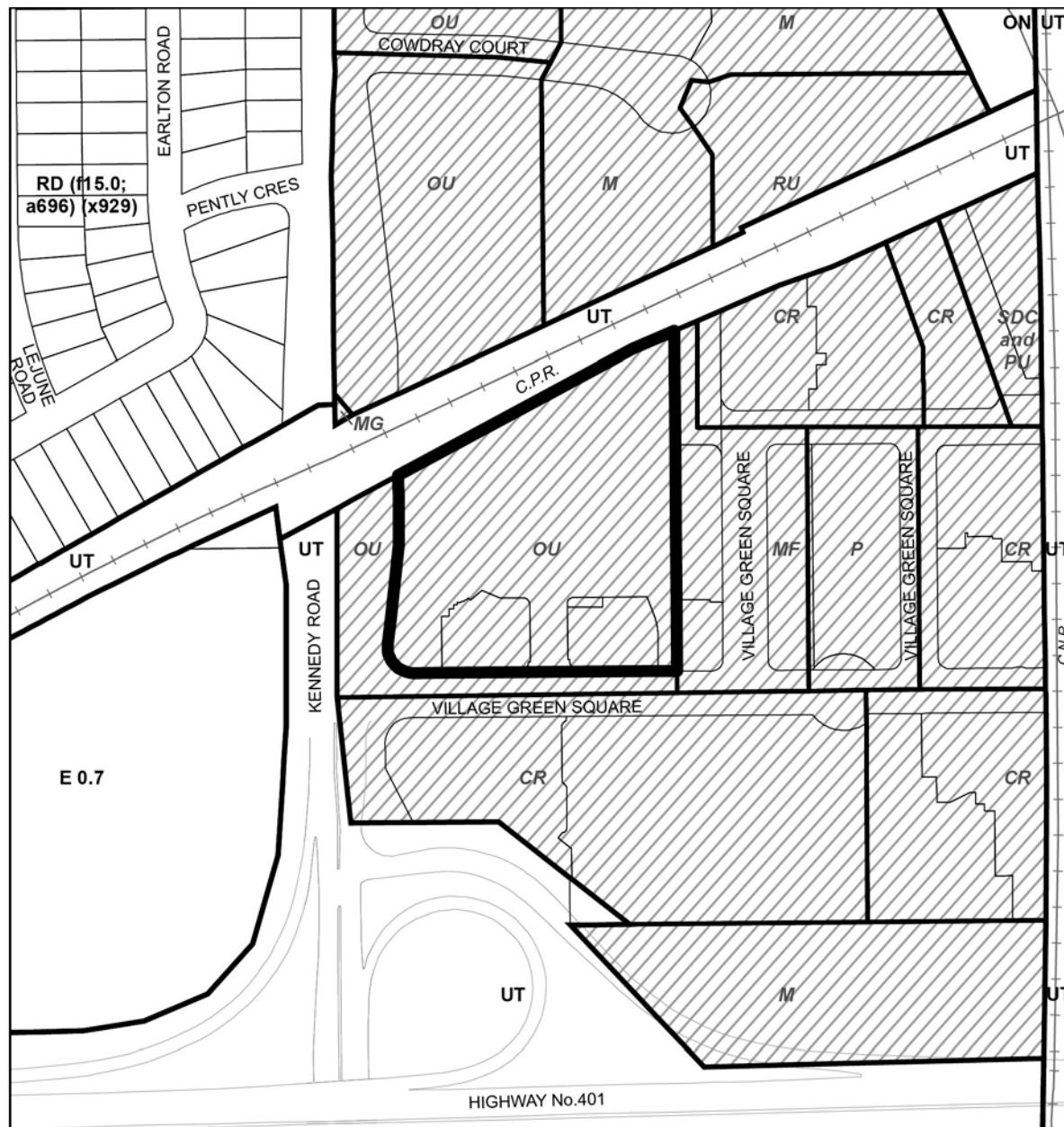
Official Plan Land Use Map 19

2075 Kennedy Road and
26 and 50 Village Green Square
File # 18 271324 ESC 22 02



↑
Not to Scale
04/29/2021

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

**2075 Kennedy Road and
26 and 50 Village Green Square**
File # 18 271324 ESC 22 02

Location of Application
RD Residential Detached
E Employment Industrial
ON Open Space Natural
UT Utility and Transportation

**See Former City of Scarborough
South Agincourt Employment District By-law No. 24982**
M Industrial Zone
MC Industrial Commercial Zone
MG General Industrial Zone
OU Office Uses Zone
CR Commercial/Residential Zone
RU Recreational Zone
P Parks Zone
MF Multiple Family Residential Zone
SDC Special District Commercial Zone
PU Public Utilities Zone

↑
Not to Scale
Extracted: 04/29/2021

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. ~ - 20~

To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2075 Kennedy Road, 26 and 50 Village Green Square.

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

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

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

Whereas Council of the City of Toronto, at its meeting on ~, 20~, determined to amend the Zoning By-law No. 569-2013 for the City of Toronto with respect to lands known municipally in the year 2021 as 2075 Kennedy Road, 26 and 50 Village Green Square;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black line on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands municipally

known in the year 2021 as 2075 Kennedy Road and 26 and 50 Village Green Square to CR1.8(c1.8; r0.00) SS3 (x409) and OS as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 11, as shown on Diagram 3 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 4, 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, with the label: 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 outlined by heavy black lines in Diagram 6 attached to this By-law to the Rooming House Overlay Map in Section 995.40.1, with no label.

8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (409):

(409) Exception CR (x409)

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 2075 Kennedy Road, 26 and 50 Village Green Square, if the requirements of Section 9 and Schedule A of By-law [Clerks to supply by-law #] are complied with, **a mixed use building** and an **apartment building** that complies with Sections (B) to (W) may be constructed;

(B) For the purposes of this exception, the lands identified in Diagram 1 of By-law [Clerks to supply by-law #] constitutes one **lot**;

(C) Regulation 40.10.30.40(1) with respect to permitted maximum **lot coverage** does not apply;

(D) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the Building A and the Building B, as shown on Diagram 7 attached to By-law [Clerks to supply by-law #] is 80,750 square metres, of which;

1. A maximum of 79,400 square metres of residential gross floor area is permitted; and

2. A minimum of 1300 square metres of non-residential gross floor area is provided in Building B;

(E) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1) and (D) above, the **gross floor area** of the office **building** and associated parking **structure** existing on the **lot** at the time of the passing of By law ### 2021 [Clerks to insert number] is deemed to comply;

(F) The total number of dwelling units on the lot must not exceed 920, subject to the following:

1. a minimum of 30 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms; and

2. a minimum of 11 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms;

(G) Despite Regulation 40.5.40.10(1), height is the vertical distance between Canadian Geodetic Datum elevation of 171.0 metres and the elevation of the highest point on the **building**;

(H) Despite Regulation 40.10.40.10(3), the maximum height of a **building** or **structure** is the height in metres specified by the number following the HT symbol as shown on Diagram 7 of By-law [Clerks to supply by-law #];

(I) Despite Regulation 40.10.40.10(3) and (H) above, the height of the office **building** and associated parking **structure** existing on the date of the enactment of By-law [Clerks to insert by-law number] as illustrated on Diagram 7 is deemed to comply;

(J) Despite Regulations 40.5.40.10(3) to (7) and (H) above, the following elements of a building may project above the permitted maximum heights for Building A and Building B in Diagram 7 of By-law [Clerks to supply by-law #]:

1. structures and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, retaining walls, and ornamental or architectural features may project above the height limits to a maximum of 2.0 metres;

2. elements on the roof of the building or structure used for **green roof** technology and related roofing material may project above the height limits to a maximum of 2.0 metres;

3. acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits to a maximum of 2.75 metres;

4. cabanas and trellises may project above the height limits to a maximum of 3.0 metres;

5. any equipment or structures used for the functional operation of the building, including mechanical penthouse, mechanical elements, garbage chutes, vents, emergency generators, lighting fixtures, mechanical screening and heating/cooling towers may project above the height limits to a maximum of 7.0 metres;

6. window washing equipment, lightning rods, wind mitigation features elevator overrun may project above the height limits to a maximum of 8.0 metres; and

7. photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the height limits to a maximum of 5.0 metres;

(K) Despite Clause 40.5.40.70 and Regulation 40.10.40.70(1), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 7 of By-law [Clerks to supply by-law #];

(L) Despite Clause 40.5.40.70, Regulation 40.10.40.70(3) and (K) above, the building setbacks of the office **building** and associated parking **structure** existing at the time of the passing of By-law [Clerks to insert by-law #] as illustrated in Diagram 7 are the minimum required **building setbacks** for those **buildings** and **structures**;

(M) Despite Clause 40.10.40.60, Regulation 40.10.40.70(3) and (K) above, and in addition to the encroachments permitted in Clause 40.5.40.60, the following elements of a **building** may be located within a required minimum **building setback** for the Building A and Building B as shown on Diagram 7 of By-law [Clerks to supply bylaw #]:

1. balconies may encroach up to a maximum of 2.0 metres;

2. wind mitigation features including canopies and awnings may encroach up to a maximum of 3.0 metres;

3. cladding, photovoltaic solar energy devices, building cornices, lighting fixtures, ornamental elements, lightning rods, ornamental elements, parapets, guardrails, balustrades, bollards, railing, eaves, window sills, stairs, stair enclosures, wheelchair ramps, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, chimney stack, and exhaust flues, underground garage ramps and associated structures may encroach up to a maximum of 2.5 metres;

(N) Regulation 40.10.40.1(5) with respect to the Building B, as shown on Diagram 7 of By-law [Clerks to supply bylaw], does not apply;

(O) Despite Regulation 40.10.40.1.(1), residential lobby access and indoor **amenity space** in the Building A, as identified on Diagram 7 of By-law [Clerks to supply bylaw] may be located on the first **storey**;

(P) Regulation 40.10.50.10(2) with respect to the installation of a fence along the portion of a **lot line** abutting the lot in the Residential Zone category does not apply;

(Q) Despite Regulations 40.10.100.10.(1) and 40.10.100.10(2), a maximum of 2 **vehicle** access points are permitted on the **lot**;

(R) Despite Regulation 220.5.10(1), **loading spaces** must be provided and maintained on the lot in accordance with the following:

1. one Type “G” **loading space** shall be provided and maintained in Building A;

2. one Type “C” **loading space** and one Type “G’ **loading space** shall be provided and maintained in Building B;

(S) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** as follows:

1. A minimum of 0.8 **parking spaces** for each one bedroom **dwelling unit**;

2. A minimum of 0.9 **parking spaces** for each two bedroom **dwelling unit**;

3. A minimum of 1.1 **parking spaces** for each three or more bedroom **dwelling unit**;

4. A minimum of 0.15 **parking spaces** per **dwelling unit** for residential visitors to a **dwelling unit**;

5. A minimum rate of 1.0 **parking space** for each 100 square metres of office **gross floor area**;

6. A minimum rate of 1.0 **parking space** for each 100 square metres of **retail gross floor area**;

(T) Despite Regulations 200.5.1.10(10) and 200.10.1(1) and (2), the **parking spaces** for residential visitors to a **dwelling unit** and the non-residential **gross floor area** required by (S) above, may be shared on a non-exclusive basis;

(U) Despite Regulation 230.5.1.10(10), a “long-term” or “short-term” **bicycle parking space** may be located in a **stacked bicycle parking space**;

(V) A privately-owned publicly-accessible open space with a total minimum area of 2,570 square metres must be provided and located generally within the hatched areas shown on Diagram 7 of By-law [Clerks to supply bylaw];

(W) A public **park** with a minimum area of 1,922 square metres must be provided and located within the area shown on Diagram 7 of By-law [Clerks to supply bylaw].

Prevailing By-laws and prevailing sections: (None Apply)

9. Despite any existing or future severance, partition, or division of the lot, the provisions of By-law [Clerks to supply bylaw #] shall continue to apply to the whole of the lot as if no severance, partition or division occurred and in the case of such severance, there will be sharing of facilities such as parking spaces and loading spaces.

10. Nothing in By-law [Clerks to supply bylaw #] shall apply to prevent the phased construction of the development, provided that the minimum requirements of By-law [Clerks to supply bylaw #] are complied with upon full development of the lot.

11. Section 37 Provisions:

(A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and

(C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on ~ , 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above grade permit for the development, the owner shall make an indexed cash contribution to the City in the amount of \$1.8 million payable to the City of Toronto to be allocated towards the construction of an outdoor skating facility in Ward 22.
2. The financial contribution outlined in number 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;
3. 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;
4. The owner shall provide and maintain at least 30 rental dwelling units on the lands at 2075 Kennedy Road, and 26 and 50 Village Green Square as affordable rental housing (100% of market rate or below) for a minimum period of 20 years beginning from the date that each such affordable rental dwelling unit is first occupied, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
5. The unit types and sizes shall have the following minimum leasable area unit sizes:
 - a. 18 one-bedroom units (average unit size of 60 square metres);
 - b. 9 two-bedroom units (average unit size of 80 square metres);
 - c. 3 three-bedroom units (average unit size of 104 square metres);
6. Any adjustment to the total gross floor area and the proposed number of affordable rental housing units, affordable rental housing unit mix and affordable rental housing unit sizes will be adjusted will be adjusted accordingly to the satisfaction of the Chief Planner and Executive Director, City Planning;
7. The location and layouts of the 30 affordable rental dwelling units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

8. Tenants of the new affordable rental dwelling units shall have access to all indoor and outdoor amenity spaces associated with the mixed-use buildings on the same basis as other units within the development with no separate or additional charges.

9. As a legal convenience to support development:

a. the provision of a privately-owned publicly accessible open space between the north tower and the public park of a minimum size of 1,925 square metres and a second, separate privately-owned publicly accessible open space at the southwest corner of the site of a minimum size of 625 square metres;

b. as a pre-approval condition to Site Plan Approval for the Development Site the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands where the privately-owned publicly accessible open spaces referenced in Recommendation 6a are located, to the satisfaction of the City Solicitor, which shall constitute the privately-owned publicly accessible open space and any required public access easements to connect the privately-owned publicly accessible open space to adjacent privately-owned publicly accessible open spaces and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately-owned publicly accessible open space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly accessible open space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly accessible open space shall be determined in the context of a site plan approval for each building pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City of Toronto;

c. 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;

d. The design and construction of the above base park improvements to the new park by the Owner in exchange for a development charge credit against the Parks and Recreation component of the required Development Charges as set out in Recommendation 4, should the owner elect to provide above base park improvements all to the satisfaction of the General Manager of Parks, Forestry and Recreation;

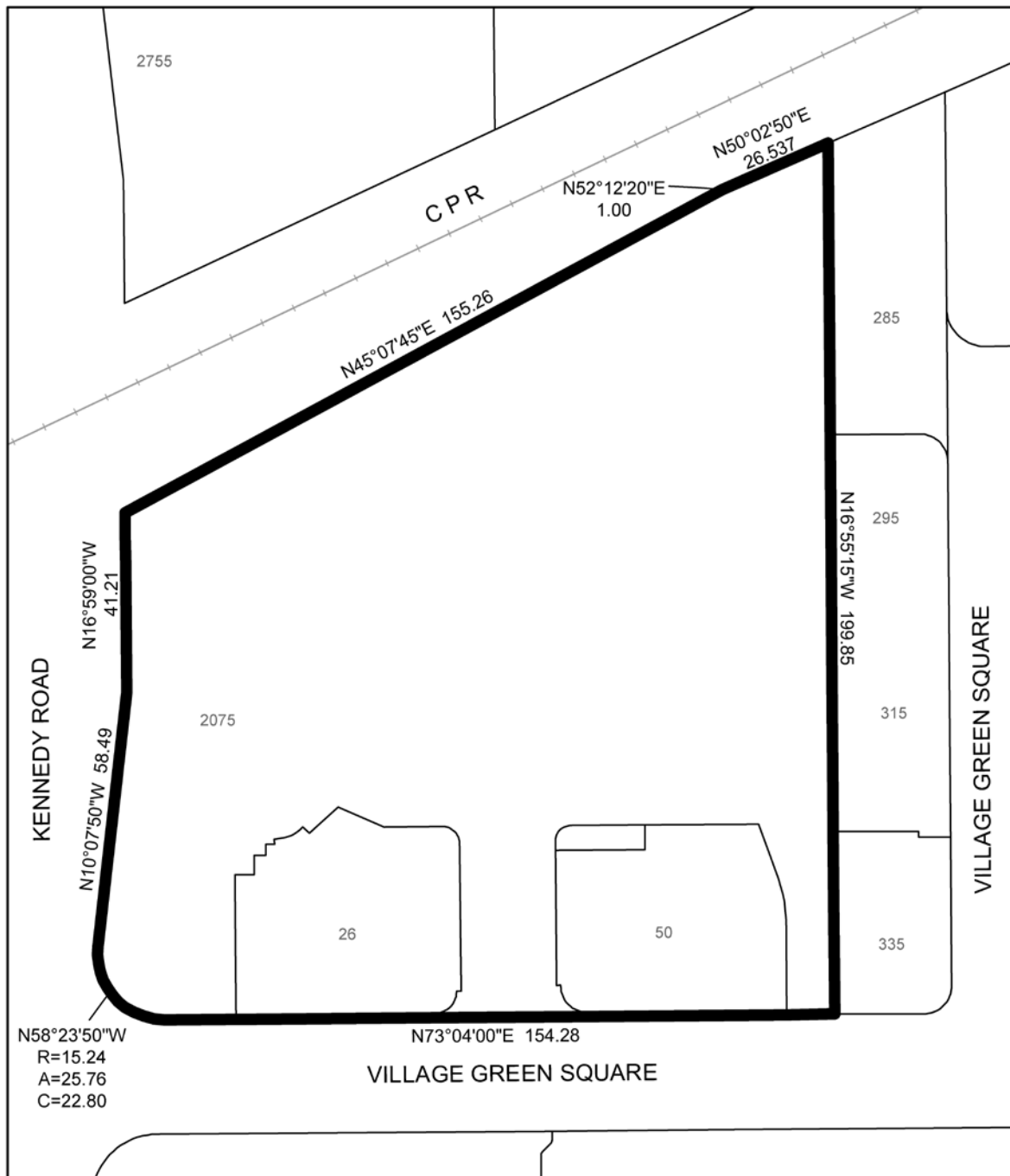
f. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

g. The Owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall

insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

h. The Owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:

1. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise Feasibility Study (June 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;
2. Implementation of any derailment measures or other recommendations, as detailed in the Derailment Protection Report (February 2021), prepared by JSW + Associates, as may be amended through a peer review process undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. Reconstruction of the City sidewalks to City standards along the frontages of Kennedy Road and Village Green Square, to the satisfaction of the General Manager, Transportation Services;
4. Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POPS).

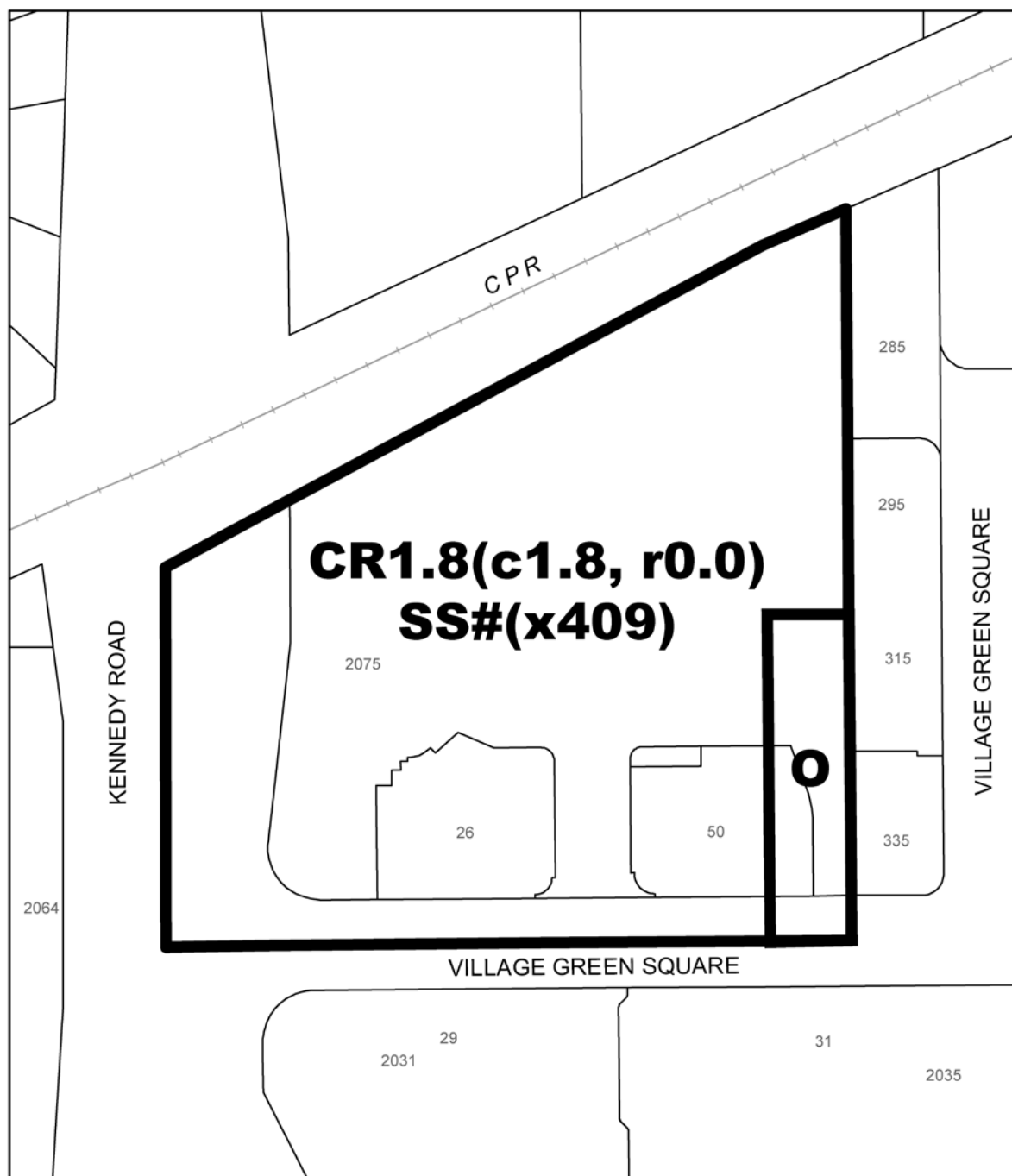


Toronto
Diagram 1

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
07/13/2021



Toronto
Diagram 2

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
07/13/2021

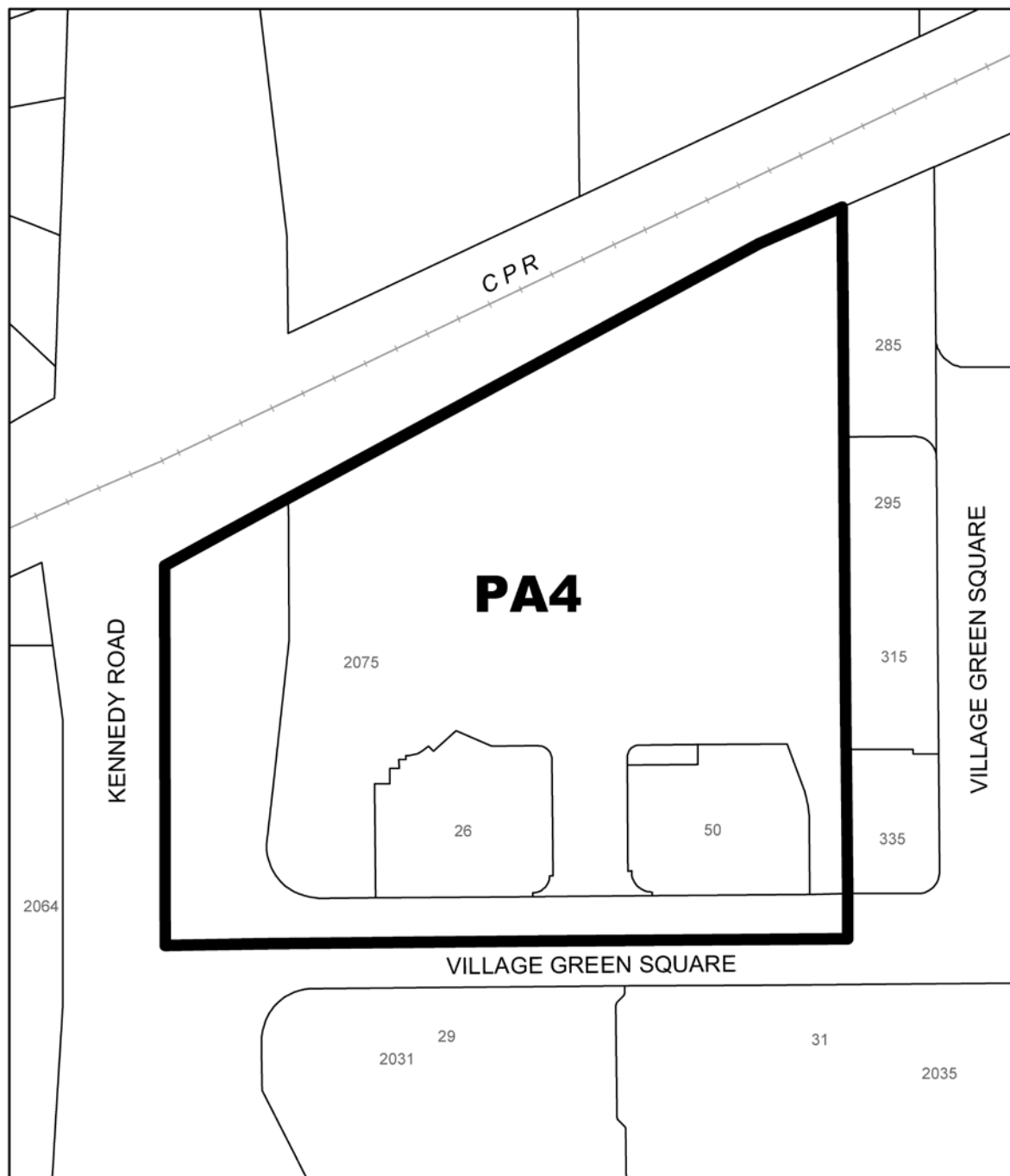


Toronto
Diagram 3

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
07/13/2021

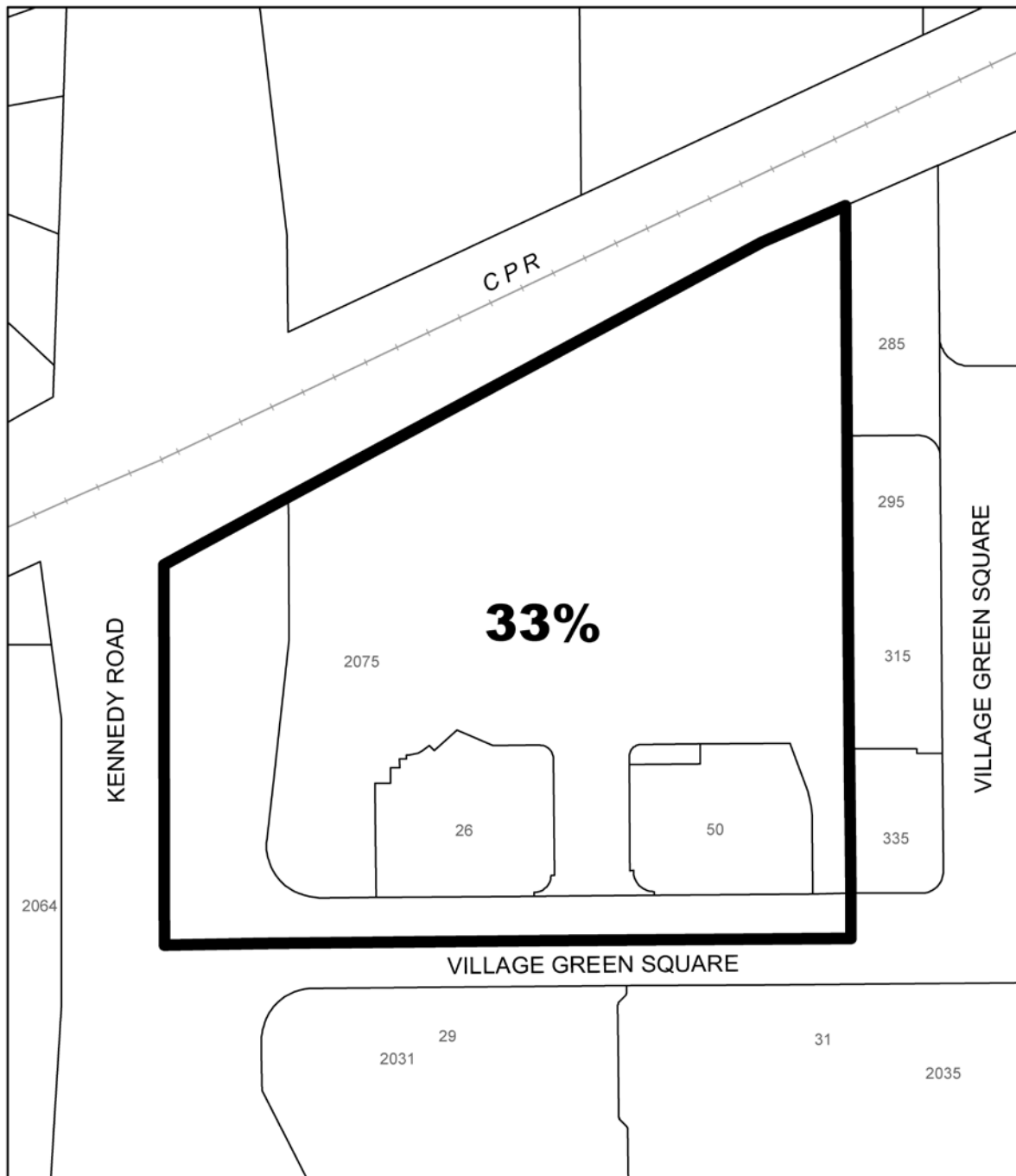


Toronto
Diagram 4

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
07/13/2021



Toronto
Diagram 5

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
07/13/2021

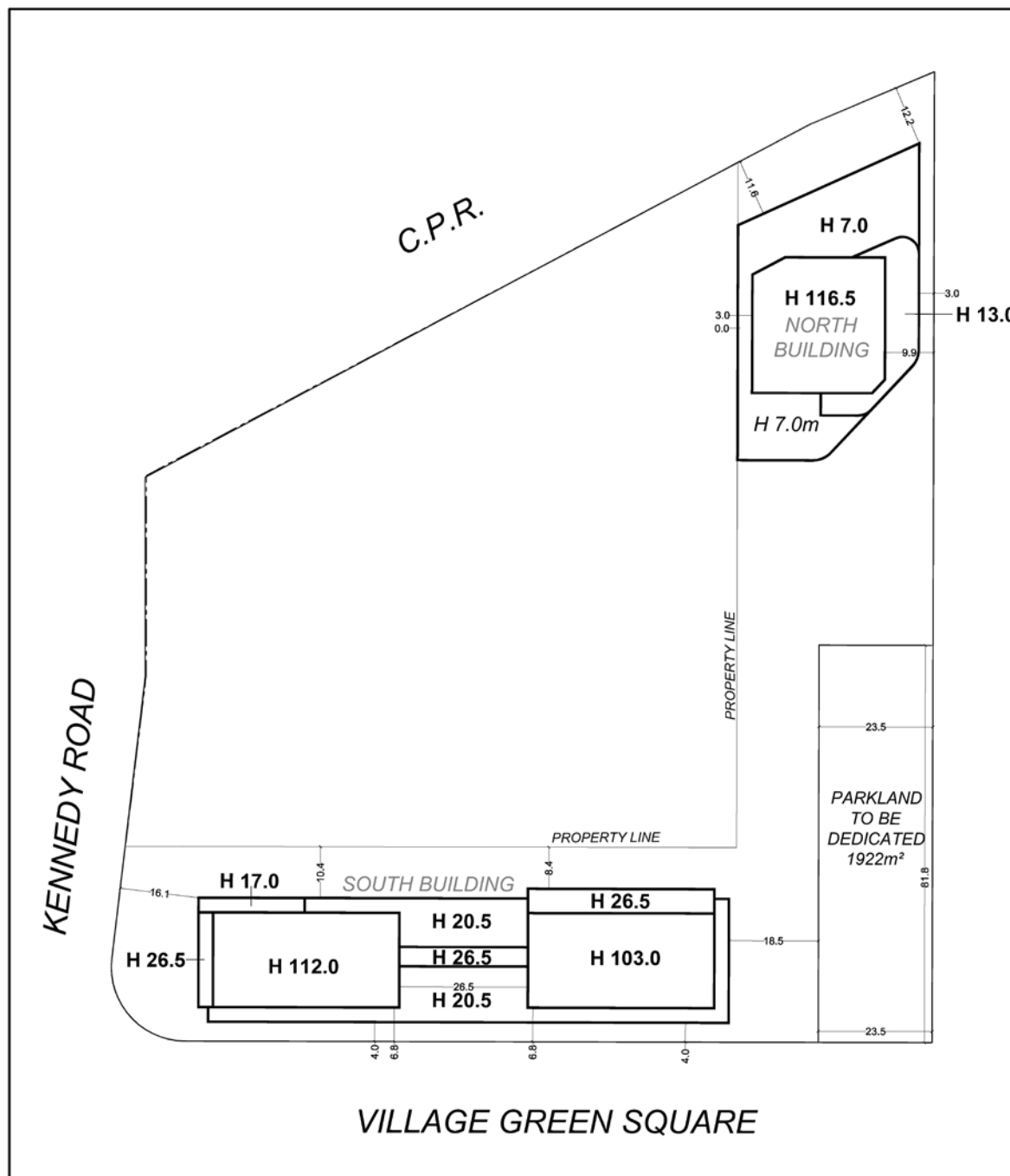


Toronto
Diagram 6

2075 Kennedy Road and 26 and 50 Village Green Square

File # 18 271324 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
07/13/2021



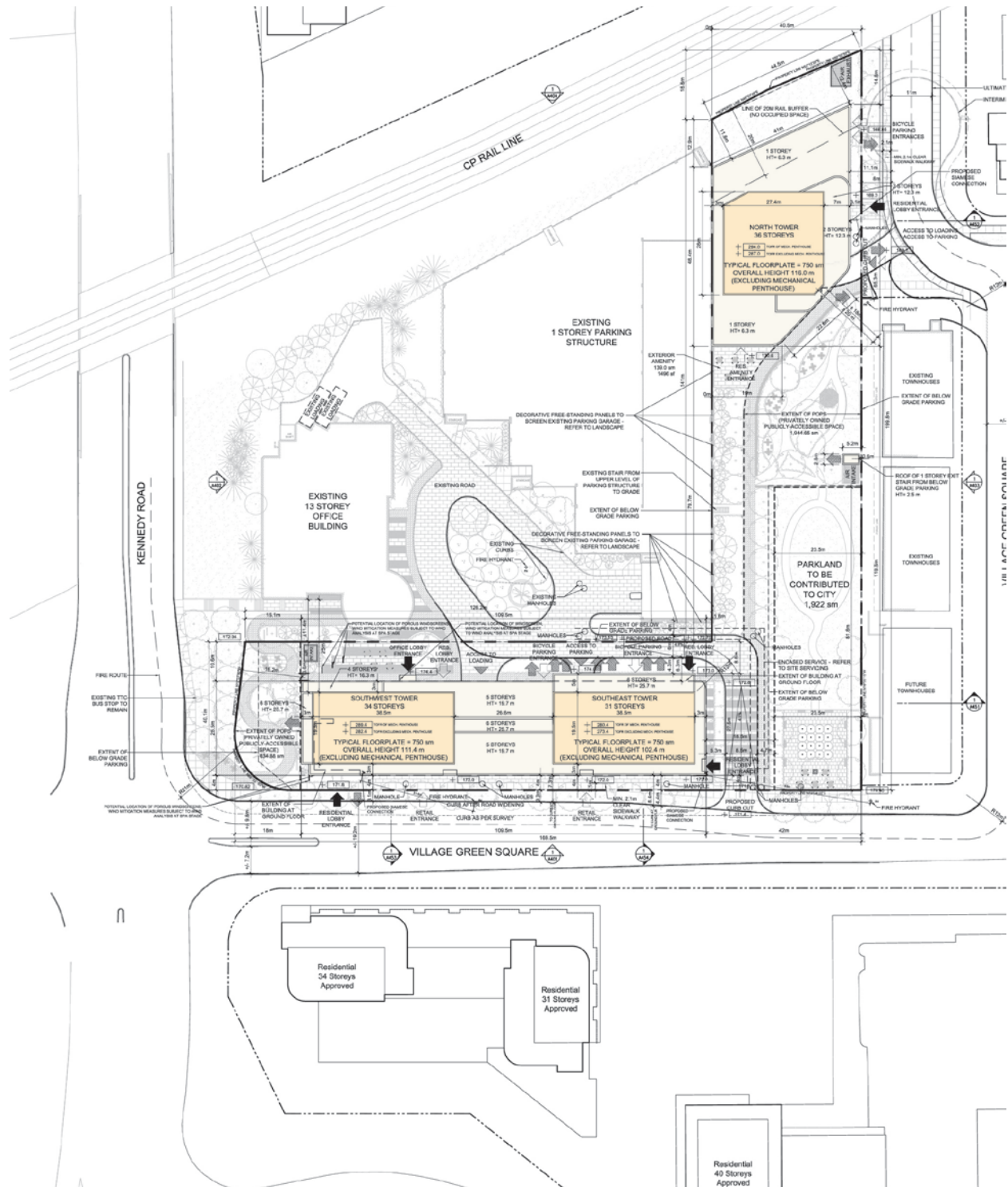
Toronto
Diagram 7

**2075 Kennedy Road and
26 and 50 Village Green Square**

File # 18 271324 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
07/13/2021

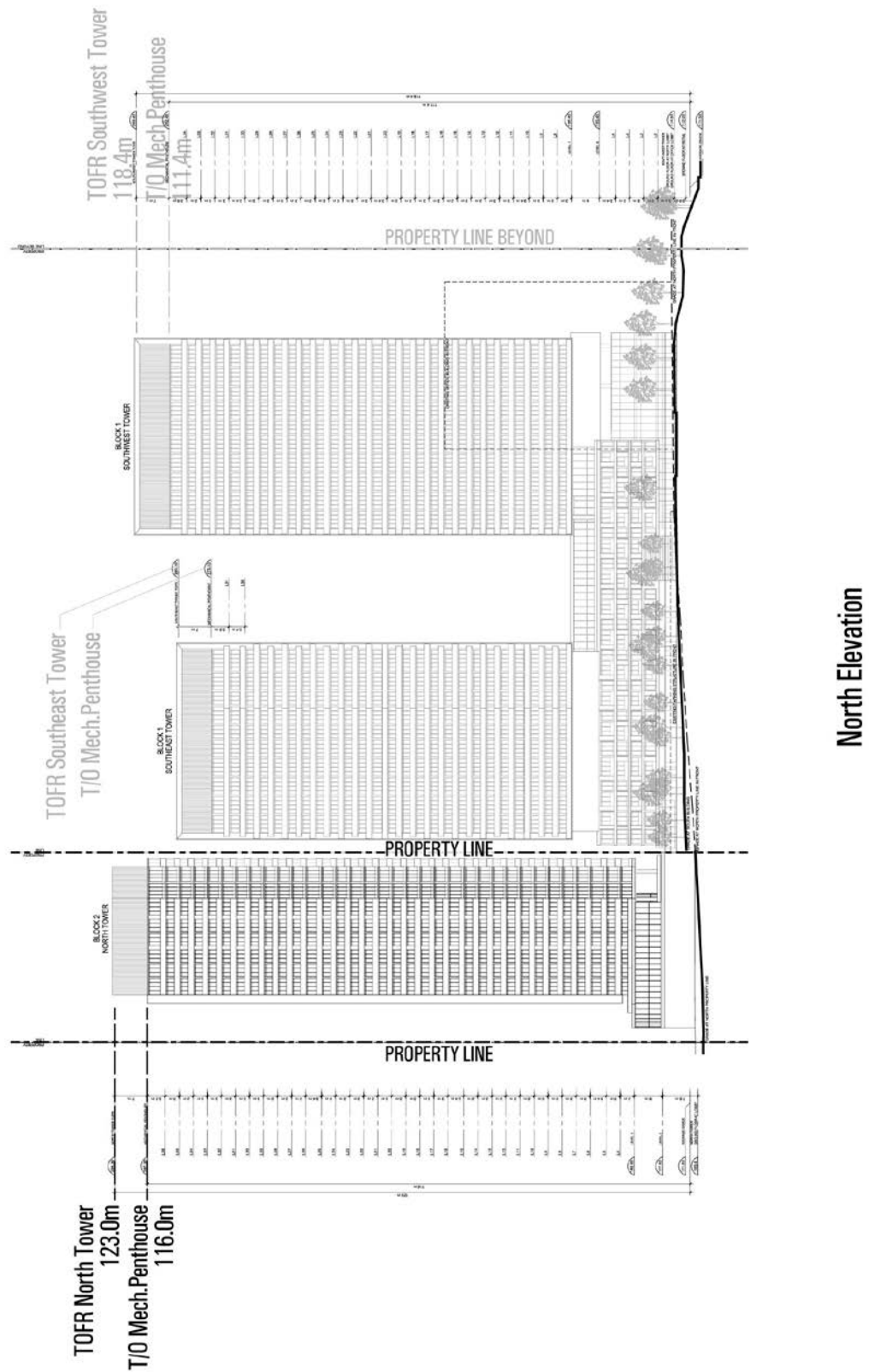
Attachment 6 - Site Plan



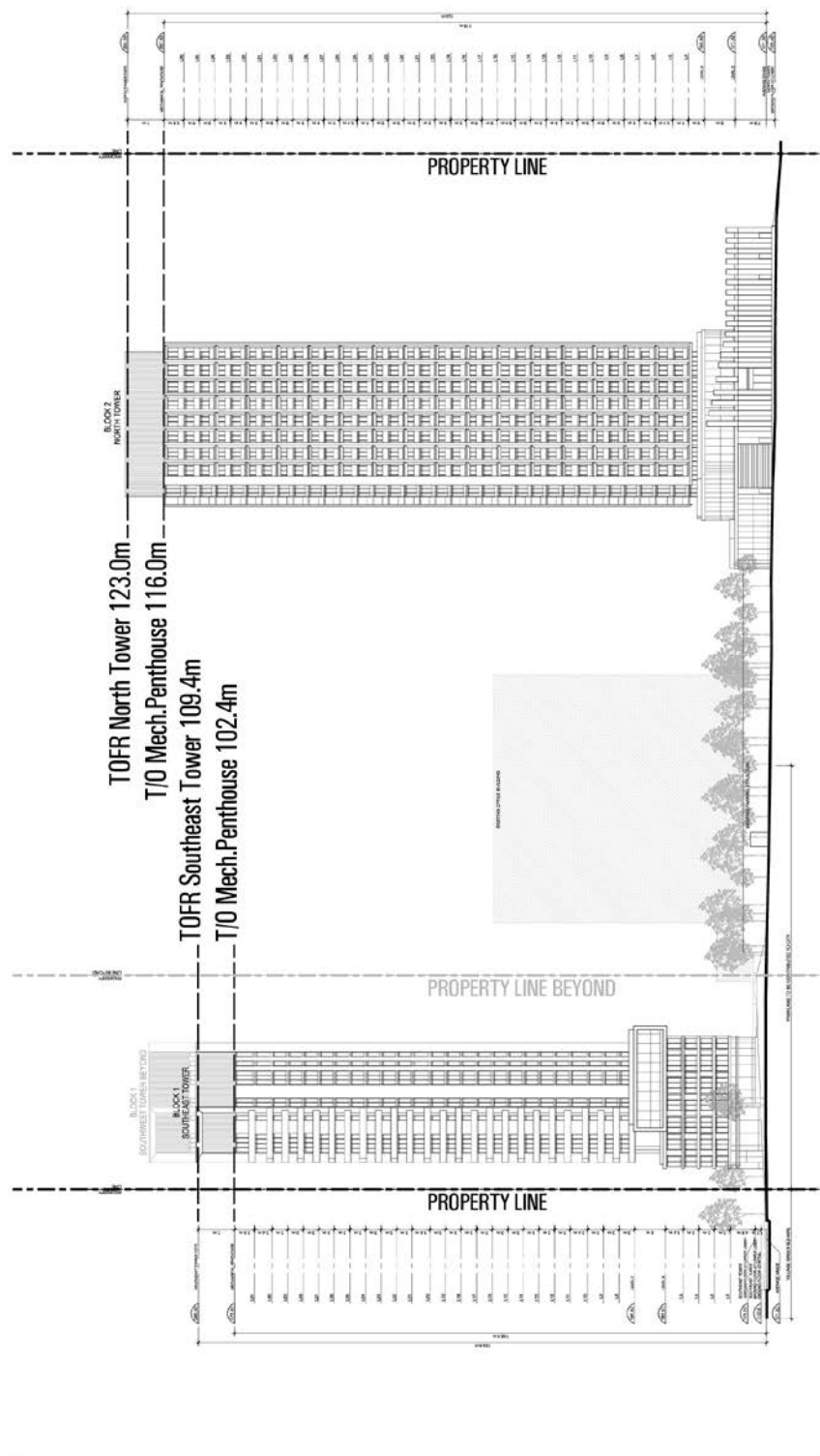
Site Plan



Attachment 7 - North Elevations

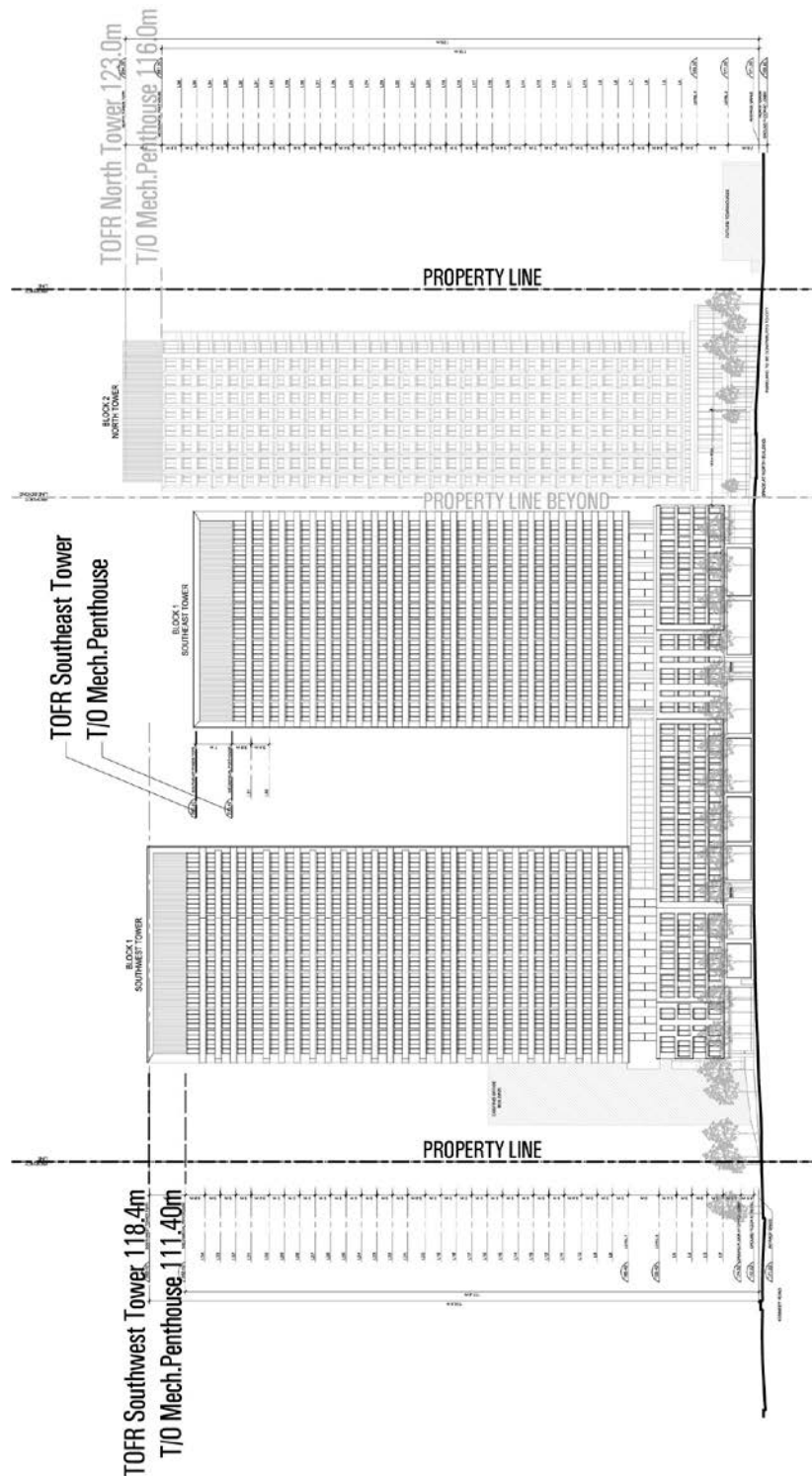


Attachment 8 - East Elevations



East Elevation

Attachment 9 - South Elevations



South Elevation

Final Report - 2075 Kennedy Road and 26 and 50 Village Green Square

