

City Council

Notice of Motion

MM2.13	ACTION			Ward: 25
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7437, 7439 and 7441 Kingston Road - Technical Amendment to By-law 1087-2021 - by Deputy Mayor Jennifer McKelvie, seconded by Councillor Paul Ainslie

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Scarborough Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Deputy Mayor Jennifer McKelvie, seconded by Councillor Paul Ainslie, recommends that:

1. City Council amend By-law 1087-2021 by replacing Diagram 7 attached to the by-law with the revised Diagram 7 attached to this Motion.

2. City Council amend By-law 1087-2021 and Exception CR 404 by inserting the following Regulation (S):

(S) Despite clause 40.10.40.50(1), a building with 20 or more dwelling units must provide amenity space as follows:

a. a minimum of 844 square metres of indoor amenity space;

b. a minimum of 639 square metres of outdoor amenity space;

3. City Council direct the City Solicitor to bring forward to the City Council meeting of December 14, 2022 for enactment by City Council, a by-law to make the changes noted in Parts 1 and 2 above to By-law 1087-2021.

4. City Council determine that pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to By-law 1087-2021.

Summary

At its meeting held on October 1 and 4, 2021, City Council adopted Scarborough Community Council Item 2021.SC.26.2, which recommended amendments to the City of Toronto Zoning By-law 569-2013 to permit the redevelopment of 7437, 7439 and 7441 Kingston Road at a height and density greater than otherwise permitted in the City of Toronto Zoning By-law 569-2013 in exchange for the provision of such facilities, services, and matters otherwise set in the By-law and Section 37 Agreement. City Council enacted By-law 1087-2021 at its meeting on October 1 and 4, 2021 to permit the development. Technical and stylistic amendments are

required to correct the following errors that have come to City Planning's attention since the By-law was enacted:

- Diagram 7 incorrectly depicts the main wall setback dimension between the Type G Loading Space within Tower A (eastern tower) and the main walls of Tower B resulting in an internal setback that does not correctly match the Council approved rezoning application, and associated Site Plan drawing as detailed in the Final Report; and
- A discrepancy in the calculation of outdoor amenity space results in a conflict with Regulation 40.10.40.50(1) of the City of Toronto Zoning By-law 569-2013 and requires correction; this results from a change in measurement methodology for the calculation of outdoor amenity space rather than a change in the drawings and plans on the rezoning application, which were before Community Council for the statutory public meeting and before City Council in the Final Report.

City Planning is of the opinion that the technical amendments to By-law 1087-2021 as set out in the Recommendations above are appropriate, are good planning and do not require any further public notice.

This is an urgent matter since the By-law was enacted almost a year ago and further delay may cause hardship to the applicant.

Background Information (City Council)

Member Motion MM2.13

Attachment 1 - Revised Diagram 7

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-230409.pdf>)