

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 10, 2023

CASE NO(S):

OLT-22-004294

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

3291 Kingston Road GP Inc.

Subject:

Request to amend the Official Plan - Failure to adopt the requested amendment

To permit an 11-storey residential building

Property Address:

3291 Kingston Road, 2 Windy Ridge Drive and 4 Windy Ridge Drive

Municipality:

City of Toronto

Municipal File No.:

20 209863 ESC 20 OZ

OLT Case No.:

OLT-22-004294

OLT Lead Case No.:

OLT-22-004294

OLT Case Name:

3291 Kingston Road GP Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

3291 Kingston Road GP Inc.

Subject:

Application to amend Zoning By-law - Refusal or neglect to make a decision

Purpose:

To permit an 11-storey residential building

Property Address:

3291 Kingston Road, 2 Windy Ridge Drive and 4 Windy Ridge Drive

Municipality:

City of Toronto

Municipal File No.:

20 209863 ESC 20 OZ

OLT Case No.:

OLT-22-004295

OLT Lead Case No.:

OLT-22-004294

Heard:

October 24, 2023 by Video Hearing

APPEARANCES:**Parties****Counsel**

3291 Kingston Road GP Inc.

R. Gill

City of Toronto

D. Elmadany

Cliffcrest Scarborough Village SW
Residents Association
("CSVSWRA")

W. H. Roberts

Antonio and Iwona Di Tullio
(6 Windy Ridge Drive)

C. Kapelos

Paul and Ingrid Vincent
(8 Windy Ridge Drive)

C. Kapelos

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN T. MASTORAS ON
OCTOBER 24, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This Hearing was convened for the presentation of a Settlement Proposal ("Settlement") for the approval of an Interim Order of the Tribunal, as the result of an overall resolution achieved by the Parties.

[2] Subsequent to its first Application, 3291 Kingston Road GP Inc. (the "Appellant") sought approval for a new residential building comprised of 12-storeys inclusive of the mechanical penthouse, with indoor and outdoor amenity spaces at the property municipally known as 3291 Kingston Road and 2 and 4 Windy Ridge Drive ("Subject Properties") in the City of Toronto ("City"). Further revisions were later proposed as is discussed in more detail commencing below in para.[5].

[3] The materials before the Tribunal were the following:

- a) A Notice of the Settlement Hearing issued by the Tribunal on September 11, 2023, and marked as **Exhibit 1**;
- b) A sworn Affidavit of Mr. Robert Lavecchia (KLM Planning Partners Inc.) dated October 13, 2023, which is marked as **Exhibit 2**;
- c) Draft Interim Order with proposed conditions marked as **Exhibits C** ("Proposed OPA") and marked as **Exhibit D** ("Proposed ZBA"); and,
- d) 3291 Kingston Road Plans dated June 26, 2023, (pages 29 - 56), marked as **Exhibit E**.

CONSIDERATIONS

[4] In making a determination, the Tribunal must have regard for matters of Provincial interest as set out in s. 2 of the *Planning Act* ("Act") and have regard to the information and materials that Council received in relation to the matters under s. 2.1(2) of the Act and conforms with all policy statements as required under s.3(5) of the Act. The Tribunal must determine whether the Settlement and its amendments specific to the Subject Properties are:

- i. Consistent with policy statements issued by the Minister, which in this case is the Provincial Policy Statement, 2020 ("PPS"), and conforms with the Growth Plan for the Greater Golden Horseshoe 2020 ("Growth Plan");
- ii. Conforms with the City of Toronto Official Plan ("City OP"), and the change requested of the City of Toronto Zoning By-law No. 569-2013 ("ZBL"); and,
- iii. Represents good planning.

SETTLEMENT PROPOSAL AND EVIDENCE

[5] A single witness was proffered and Mr. Lavecchia was qualified by the Tribunal to provide expert opinion evidence on land use planning matters concerning the proposed Settlement. Through his Affidavit and oral testimony, Mr. Lavecchia summarizes the following evidence:

- (a) KLM Planning Partners Inc. was retained by the Applicant in October of 2018 to provide land use planning services for the Subject Properties. The three (3) parcels of land are located at the irregular intersection of Kingston Road, Ravine Drive and Windy Ridge Drive. The site is approximately 0.597 hectares with 115 metres (“m”) of frontage along Kingston Road and 80 m of combined frontage along Ravine Drive and Windy Ridge Drive. The Kingston Road portion of the site consists of a three-storey walk up apartment building with eight residential units;
- (b) The original Applications were submitted on October 22, 2020 for an OPA and ZBA (together the “Original Applications”) which sought to facilitate the development of an 11-storey mid-rise residential building noting appropriate setbacks, stepbacks, amenity areas, vehicular parking and bicycle parking spaces. A review of the City’s Staff Report of December 10, 2020, had recommended an expanded notice area from the Subject Properties, and numerous meetings between the City, Applicants and the surrounding community;
- (c) The Original Applications proposed to establish an OPA which redesignated 2 and 4 Windy Ridge Drive from Neighbourhoods to Mixed Use Areas and permit a mid-rise built form, whereas the existing Neighbourhoods designation does not permit a mid-rise built form. Furthermore, the proposed ZBA would rezone 3291 Kingston Road from

Residential Multiple (“RM”) to Commercial Residential (“CR”) as well as rezone 2 and 4 Windy Ridge Drive from Residential Detached (“RD”) to CR with site specific exceptions to permit and regulate the future use;

- (d) Details of the Original Applications deemed complete, with associated studies in December of 2020, are referenced in Exhibit 2 (para.26-27). Following consultations, the revised Applications proposed in December of 2021, with supplemental studies are also found in Exhibit 2 (para.30) and were appealed to the Tribunal on August 10, 2022;
- (e) Following the Appeals, meetings were conducted between November 2022 and June of 2023 with all Parties at different intervals, culminating in a Settlement that achieved City Council support, in principle, on July 19, 2023;
- (f) Mr. Lavecchia opined that the Settlement Plan on consent of the Parties, satisfactorily addresses all comments from the Resident’s Association and the City, and proposes a built form with the following statistics:

Front Yard (m)	3.8 (2.8 to the corner rounding)
Rear Yard (m)	7.5 - 9.3
Exterior Side Yard (m)	3 – 10 (2.8 to the corner rounding)
Interior Side Yard (m)	2.1 - 7.5
Building Height (m)	38.6
Building Height (storeys)	12
Gross Floor Area (sq.m.)	22,377
Floor Space Index	3.75
Indoor Amenity Area (sq.m.)	726

Outdoor Amenity Area (sq.m.)	799
Vehicle Parking	229
Bicycle Parking	267
Number of Residential Units	357

- (g) Presently, Mr. Lavecchia notes that the Settlement instruments are currently in draft form, and the Applicant is requesting the Tribunal to consider the issuance of an interim decision requiring the following:
1. Approval in principle of the Proposed OPA attached as Exhibit “C”; and
 2. Approval in principle of the Proposed ZBA attached as Exhibit “D”.
- (h) Mr. Lavecchia asserted that in the Settlement Plan, there were no substantive changes required to the Original OPA and applied specifically to 2 and 4 Windy Ridge Drive. Revisions to the Original ZBA, however, are required including the rezoning of 3291 Kingston Road from RM to CR as well as the rezoning of 2 and 4 Windy Ridge Drive from RD to CR together with site specific exceptions to permit and regulate the future use;
- (i) The Settlement Plan includes the following supporting documents as referenced in Exhibit 2 (para.30):
- a) Development Approval Application Form
 - b) Pre-Application Consultation Checklist
 - c) Development Approval Resubmission Application Form
 - d) Project Data Sheet

- e) Revised Draft Zoning By-law Amendment
- f) Revised Planning Justification Report
- g) Revised Avenue Segment Review Study
- h) Revised Community Services and Facilities Study
- i) Revised Housing Issues Report
- j) Public Consultation Strategy Report
- k) Architectural Plans (incl. Site Plan, Floor Plans, Elevations and Sections)
- l) Revised Massing Model
- m) Revised Shadow Study
- n) Landscape Plans and Details (incl. Revised Tree Protection Plan)
- o) Landscape Letter of Credit
- p) Revised Arborist Report
- q) Natural Heritage Impact Study
- r) Revised Functional Servicing and Stormwater Management Report
- s) Site Grading Plan
- t) Public Utilities Plan
- u) Site Servicing Plan and Detailed Drawings
- v) Erosion Control Plan
- w) Revised Traffic Impact and Parking Study
- x) Revised Environmental Noise Assessment
- y) Revised Pedestrian Wind Assessment
- z) Revised Energy Strategy Report
- aa) Energy Efficiency Report
- bb) Mechanical and Electrical Design Brief
- cc) Photometric Plan
- dd) Revised Toronto Green Standards Checklist
- ee) Revised Toronto Green Standards Statistics Sheet
- ff) Revised Servicing Report Groundwater Summary

- gg) Accessibility Design Standards Checklist
- hh) Construction Management Plan
- ii) Construction Waste Management Attestation Letter
- jj) Fire Access Truck Loading Engineering Letter
- kk) First Submission Comment Response Matrix

(j) The Proposed OPA and Proposed ZBA have appropriate regard to all relevant matters of Provincial interest found in s.2 of the Act, and in particular (Exhibit 2, para.47-48):

- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- h) the orderly development of safe and healthy communities;
- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision of a full range of housing including affordable housing;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location for growth and development;

- q) the promotion of development that is designed to be sustainable, to support public transit and to be orientated to pedestrians;
 - r) the promotion of the built form that is;
 - (i) is well-designed;
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and
 - s) the mitigation of greenhouse gas emissions and adaptation
- (k) Regarding s.3(5) of the Act, Mr. Lavecchia opines that the “Proposed OPA and Proposed ZBA, which will facilitate the proposed development on the Subject Properties have appropriate regard for the above-noted matters of Provincial interest, are consistent with the PPS, and conform to the Growth Plan”, and expands on this rationale extensively in Exhibit 2 (para.51-58 and para.59-67) respectively;
- (l) Regarding the City OP, the Settlement promotes the intensification and the efficient use of land and infrastructure, particularly in locations in proximity to higher order transit such as this location, which is also well served by community amenities;
- (m) From a land use perspective, the Settlement conforms with the objectives of the City OP and:

designates the portion of the Subject Lands municipally known as 3291 Kingston Road as Mixed Use Areas and the portions known as 2 Windy Ridge Drive and 4 Windy Ridge Drive as Neighbourhoods on Maps 20 & 23 Land use Plan. The Official Plan further designates lands abutting Kingston Road as Avenues on Map 2 Urban Structure. The Proposed OPA will redesignate the properties designated Neighbourhoods to Mixed Use Areas.

- (n) It was the evidence that the proposed residential development will contribute to the balance of high quality uses along Kingston Road, which can contribute to reducing dependency on private automobile trips, as well as promote walking and active transportation to meet daily needs. The location and massing of the built form will provide a transition to the adjacent neighbourhood area and mitigate shadow impacts. The location and massing of the building has been designed to frame the edges of both Kingston Road and Windy Ridge Drive, in a manner that is appropriate for their context and will contribute to an attractive, comfortable and safe pedestrian environment. The Subject Properties have adequate access to schools, parks, community centres, libraries, childcare options and transit services. The loading and garbage room are within a fully enclosed portion of the building, which will minimize their impact on adjacent residents. The indoor and outdoor amenity space that is proposed is in excess of the minimum City requirements. Green infrastructure including tree planting, and green roofs are proposed as well as low impact development measures (Exhibit 2 para.80).
- (o) The increased residential population will also support the existing array of retail shops and community services in the area, and will renew and enhance an under-utilized site with new residential uses;
- (p) From a built form and urban design perspective, the Settlement has been carefully organized, sited and massed in a manner that responds

appropriately to the surrounding context, in addition to the characteristics of the site. The Settlement has been designed to be in keeping with the City OP public realm and built form policies, as well as having appropriate regard to the City's urban design guidelines;

- (q) It is necessary that the Proposed ZBA amending ZBL No. 569-2013, consistent with the Settlement allows for the City to complete its technical review of the Proposed ZBA. This is particularly relevant, as it relates to the addresses of 2 and 4 Windy Ridge Drive which permits multiplexes and single detached dwellings respectively but does not currently permit a mid-rise built form.
- (r) Additional steps in the process will follow the interim approval of the draft ZBA, allowing opportunity for the City to undertake its further technical review; and,
- (s) The Applicant will also be required to execute the necessary condition associated with the City's approval of the Rental Housing Demolition Application No. 20 209873 ESC 20 RH under Chapter 667 of the Toronto Municipal Code pursuant to s. 111 of the *City of Toronto Act*, 2006;

PARTICIPANT ISSUES

[6] It is important to note that throughout the period that this matter is before the Tribunal, all written submissions from Participants to this process have been carefully considered along with the Settlement. Mr. Lavecchia was frequently given an opportunity to testify related to Participant land use planning issues in the lead up to, and, on the day of the Settlement Hearing.

[7] Numerous issues from a total of thirty-one (31) Participants were addressed at the hearing, and include but are not limited to the following issues:

- a) Traffic, access, parking and public safety;
- b) Built form, urban design, setbacks and stepbacks;
- c) Environmental, Natural Heritage and Archeological;
- d) Tree preservation, planting and streetscape design; and,
- e) Affordable housing, and impact on the local educational system

[8] Mr. Lavecchia opined that the Settlement has effectively addressed all of the issues raised by Participants and reaffirms his opinion that the Proposed draft OPA and Proposed draft ZBA, combined with the conditions stipulated, will provide the Parties an opportunity to resolve all remaining technical considerations of which the City has identified.

[9] The Tribunal notes that Counsel for each of the respective Parties were provided an opportunity for cross examination of the witness. No additional land use planning issues were raised at that time, as well as during summary closing remarks. There was some discussion and agreement around timing, and assurances were provided that circulation of anything related to final draft instruments, will be shared with all Parties for approval as to form, content and timing surrounding the final submission of instruments to the Tribunal.

[10] In his closing remarks, Mr. Roberts, Counsel for the CSVSWRA, reiterated that his client was not objecting to the Proposed draft OPA and Proposed draft ZBA, and supported the Settlement of the matter. Mr. Roberts did wish to note, however, that the CSVSWRA reserves its future right to take positions on other development matters that would require such developments to meet or exceed the City's mid-rise building standards and guidelines.

[11] The Tribunal confirms that all Parties consented fully with the Settlement terms as proposed, and the Parties also consented to submit a Proposed final OPA and Proposed final ZBA to the Tribunal on or before **Thursday, March 28, 2024.**

CONCLUSIONS AND FINDINGS

[12] Based on the uncontradicted opinion evidence of Mr. Lavecchia, and submissions and submissions made by the Parties, the Tribunal is satisfied that the Settlement is fair, reasonable and satisfies all matters of Provincial interest under s. 2 of the Act. In addition, the Settlement conforms to all Policy statements as required under s.3(5) of the Act is consistent with the PPS; conforms to the Growth Plan, conforms to the City's OP; the Application and proposed ZBL set out the necessary site specific performance standards to implement the Settlement Proposal, and the Tribunal therefore finds that the proposal is in keeping with principles of good planning, and is in the public interest.

[13] The Tribunal is satisfied that it is appropriate to allow the Appeals, in part, with the Conditions of approval as outlined in the Interim Order to follow, and in accordance with the Settlement. Furthermore, the Parties shall submit final approval of the proposed amendments below on or before **Thursday, March 28, 2024.**

INTERIM ORDERS

[14] **THE TRIBUNAL ORDERS ON AN INTERIM BASIS THAT:**

1. The Appeals by 3291 Kingston Road GP Inc., for the Official Plan Amendment and Zoning By-law Amendment to Zoning By-law No. 569-2013 are allowed, in part, and the Tribunal approves in principle the revised proposal for the lands municipally known as 3291 Kingston Road, 2 Windy Ridge Drive and 4 Windy Ridge Drive, in the City of Toronto

substantially in accordance with the proposed Official Plan Amendment marked as **Exhibit C**, and the proposed Zoning By-law Amendment marked as **Exhibit D** to be generally in accordance with the plans and drawings in **Exhibit E**, all of which are attached and form part of this Order.

2. The Tribunal will withhold the issuance of its Final Order until the Tribunal has been advised that the following conditions have been met to the satisfaction of the City Solicitor:
 - a) The final form and content of the Official Plan Amendment is satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - b) The final form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - c) City Council has approved the Rental Housing Demolition Application No. 20 209873 ESC 20 RH under Chapter 667 of the *Toronto Municipal Code* pursuant to s. 111 of the *City of Toronto Act, 2006* to permit the demolition of the eight (8) existing rental dwelling units on the lands. The Owner has entered into, and registered on title to the lands, one or more agreements, including an agreement pursuant to s.111 of the *City of Toronto Act, 2006*, to secure, among other matters, the following:
 - i. The provision of eight (8) replacement rental dwelling units consisting of four (4) three-bedroom units, three (3) two-bedroom units, and

one (1) one-bedroom unit collectively comprising at least 658 square metres of gross floor area, as generally illustrated in the replacement rental floor plans prepared by RAW Design and dated June 22, 2023, with any revisions to these plans being to the satisfaction of the Chief Planner and Executive Planner, City Planning Division;

- ii. The rents of the eight (8) replacement rental units, which shall be based on the rents of the existing rental units by their respective bedroom types at the time of Application and secured for a period of at least ten (10) years beginning from the date of first occupancy of each replacement rental unit; and
- iii. The provision of an acceptable Tenant Relocation and Assistance Plan for all Eligible Tenants of the eight (8) existing rental units proposed to be demolished, addressing the right to return to occupy one of the replacement rental units at similar rents, the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship; the Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division.

- d) The Owner has at its sole cost and expense:

- i. Submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
- ii. Secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;
- iii. Ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws

or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new or upgrades to existing municipal servicing infrastructure as may be required;

- iv. Submitted a revised Transportation Impact Study or addendum, acceptable to, and to the satisfaction of, the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and that such matters arising from such study, be secured if required; and
- v. Submitted a revised Arborist Report or addendum, Landscape Plan (with a public utility plan underlay in an updated soil volume plan) and Tree Protection Plan acceptable and satisfactory to the General Manager, Parks, Forestry and Recreation.

THE TRIBUNAL FURTHER ORDERS THAT:

[15] The Parties shall proceed with submissions to the Tribunal seeking final approval of the proposed amendments above on or before **Thursday, March 28, 2024.**

[16] If the Parties do not submit the final drafts of the Official Plan Amendment and Zoning By-law Amendment, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order as set out in paragraph [13] above have been satisfied, and do not request the issuance of the Final Order on or before **Thursday, March 28, 2024**, the Applicant and the City shall provide a written status report to the Tribunal by that date as to the timing of the expected confirmation and submission of the final form of the drafts of the Official Plan Amendment and Zoning By-law Amendment, and issuance of the Final Order by the Tribunal.

[17] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine any additional timelines and deadline for the submission of the final form of the instruments, the satisfaction of the contingent pre-requisites and the issuance of the Final Order.

[18] The Member will remain seized of the matter for the purposes of reviewing and approving the final drafts of the Official Plan Amendment and the Zoning By-law Amendment and the issuance of the Final Order.

“Steven T. Mastoras”

STEVEN T. MASTORAS
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

EXHIBIT “C”**CITY OF TORONTO BY-LAW No.**

To adopt an amendment to the Official Plan for the City of Toronto with respect to the lands known municipally in the year 2020 as 2 Windy Ridge Drive and 4 Windy Ridge Drive.

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

**JOHN TORY,
Mayor**

**ULLI S. WATKISS,
City Clerk**

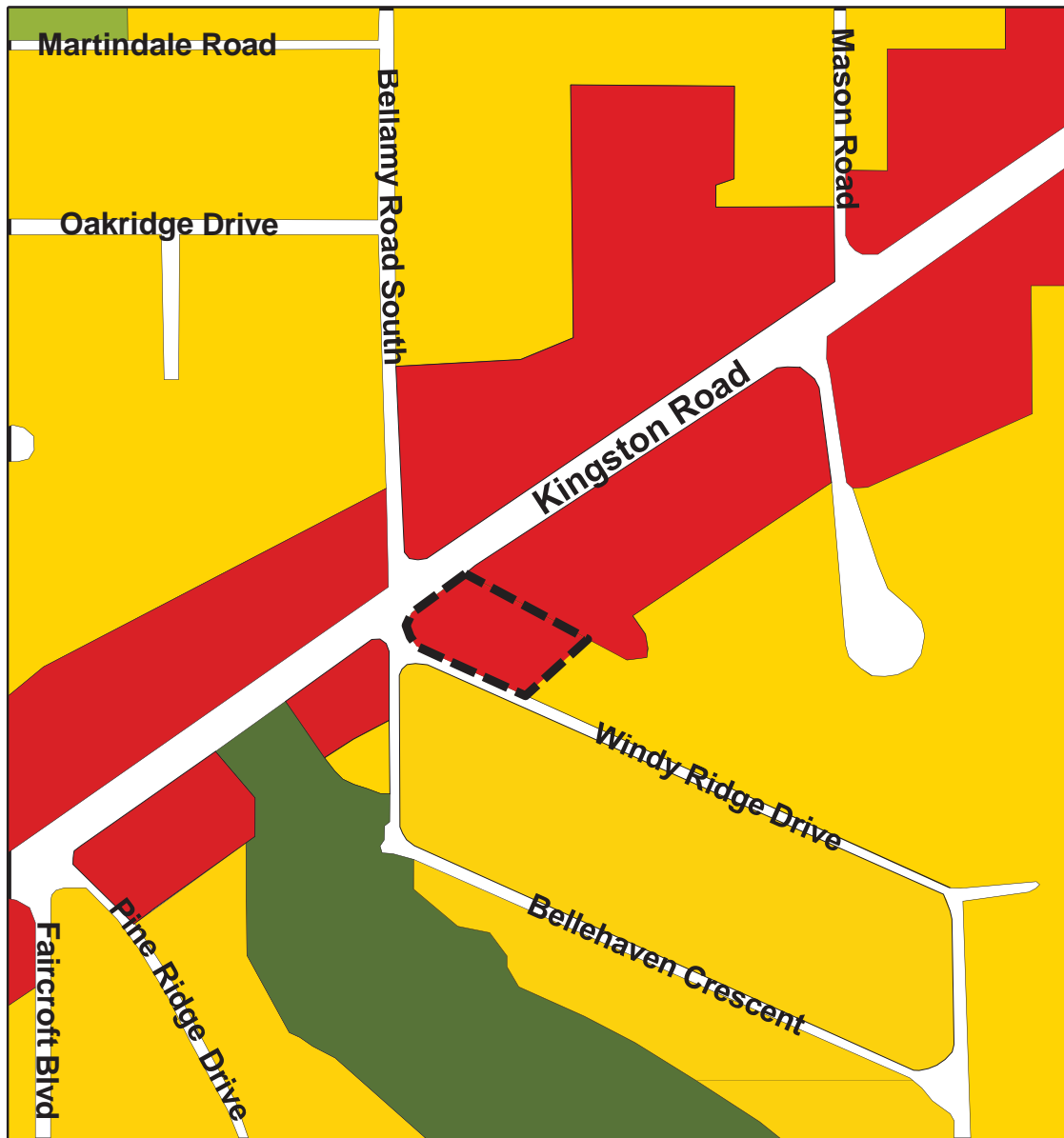
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AMENDMENT NO. ____ TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2020
AS 2 WINDY RIDGE DRIVE AND 4 WINDY RIDGE
DRIVE.

The Official Plan of the City of Toronto is amended as follows:

1. Map 20 and 23, Land Use Plan, is amended by re-designating the lands known municipally in the year 2020 as 2 Windy Ridge Drive and 4 Windy Ridge Drive from Neighbourhoods to Mixed Use Areas, as shown on attached Schedule 1.

Schedule 1



2 Windy Ridge Drive and
4 Windy Ridge Drive



Official Plan Amendment # _____

Revisions to Land Use Map 20 and 23 to Redesignate lands from Neighbourhoods to Mixed Use Areas

File # _____



-  Subject Lands
-  Mixed Use
-  Neighbourhoods
-  Natural Areas
-  Parks

EXHIBIT “D”**CITY OF TORONTO****BY-LAW No. XXXX-2023**

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 3291 Kingston Road, 2 Windy Ridge Drive and 4 Windy Ridge Drive.

Whereas authority is given to Council 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 has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 900.10.1 respecting the lands outlined by black heavy lines to CR 3.8 (C0.0; R3.8) SS3 (x346), as shown on Diagram 2 attached to this By-law
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, from HT 9.0 to HT 39.0 as shown on Diagram 3 attached to this By-law;
5. Zoning By-law No. 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for the lands subject to this By-law, from a coverage label of 33% to 55% as shown on Diagram 4 attached to this By-law;
6. Zoning By-law No. 569-2013, as amended, is further amended by amending Section 900.6.10 by deleting Exception Number 346 and replacing it so that it reads:

(346) Exception CR 346

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) None of the provisions of 40.10 apply to prevent the erection or use of a **building** or **structure** otherwise permitted by By-law XXXX-2021;
- (B) Despite Regulation 5.10.30.20 the **front lot line** shall be Kingston Road;
- (C) Despite Regulation 40.5.40.10(5) equipment, **structures** or parts of a **building** exceeding the permitted maximum **height** for a **building**, as permitted by regulation 40.5.40.10(4), must comply with the following:
 - a. the total area of all equipment, **structures**, or parts of a **building** may cover no more than an area of 400 square metres;
- (D) Despite Regulation 40.10.40.60(1) a platform with or without a roof and supporting columns, a balcony or similar **structure** and attached to a **building**, is subject to the following:
 - a. a platform or balcony at any building level may encroach into a required minimum **building setback** 2.0 metres
- (E) Despite Regulation 40.10.40.60(3) exterior stairs providing access to a building or structure may encroach into a required minimum building setback, if the stairs are:
 - a. no longer than 1.5 horizontal units for each 1.0 vertical unit above-ground at the point where the stairs meet the building or structure;
 - b. no wider than 2.5 metres; and
 - c. no closer to a lot line than 0.3 metres;
- (F) Despite Regulation 40.10.40.70(3), a **building** or **setbacks** is subject to the following:
 - a. the **building** must be set back:
 - i. at least 7.5 metres from the **rear lot line**;
 - ii. at least 7.5 metres from a **side lot line**; or
 - iii. at least 2.0 metres from a **side lot line** where the **side lot line** is within 20 metres, measured horizontally, of the **front lot line**; or
 - iv. at least 4.2 metres from a **side lot line** if the **side lot line** abuts a **street**; or
 - v. at least 9.5 metres from a **side lot line** if the **side lot line** abuts a **street** and the **side lot line** is within 40 metres, measured horizontally, and abuts a lot zoned RD;
 - vi. at least 3.5 metres from the **front lot line**.
 - vii. at least 2.8 metres from a **lot line** that abuts a **corner rounding**.
 - b. if a **lot** abuts a lot in the Residential Zone category, a **building** or **structure** on the **lot** in the CR zone may penetrate the 45 degree **angular plane** projected from 0.1 metres above the average elevation of the ground along the **rear lot line**;

- (G) Despite Regulation 40.10.50.10(1) where any portion of a **main wall** of a **building** is set back from the **front lot line** 3.0 metres or greater, a minimum 2.3 metre wide strip of **landscaping** must be provided between any **lot line** that abuts a **street** and those portions of a **main wall**;
- (H) Despite Regulation 40.10.50.10(3) a minimum 3 metre strip of land used only for **soft landscaping** must be provided along the part of the **lot line** abutting a **lot** in the Residential Zone;
- (I) Despite Regulation 40.10.100.10 **vehicle** access must be from Kingston Road;
- (J) Despite Regulation 230.5.1.10.(4) a **bicycle parking space** must comply with the following:
- a. the minimum dimension of a bicycle parking space is:
 - i. minimum length of 1.8 metres;
 - ii. minimum width of 0.45 metres; and
 - iii. minimum vertical clearance of 1.4 metres; and
- (K) Despite Regulation 800.50 the following additional definition shall apply:
- a. **Corner Rounding** means lands to be conveyed to the City which are intended to accommodate physical improvements to an intersection such as increased corner radii of two intersecting street lines.
- (L) Space must be provided within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681;
- (M) The following number of bedroom types shall be required:
- a. A minimum of 15 percent of the total number of units shall be 2-bedroom units;
 - b. A minimum of 10 percent of the total number of units shall be 3-bedroom units.

Prevailing By-laws and Prevailing Sections: (None Apply)

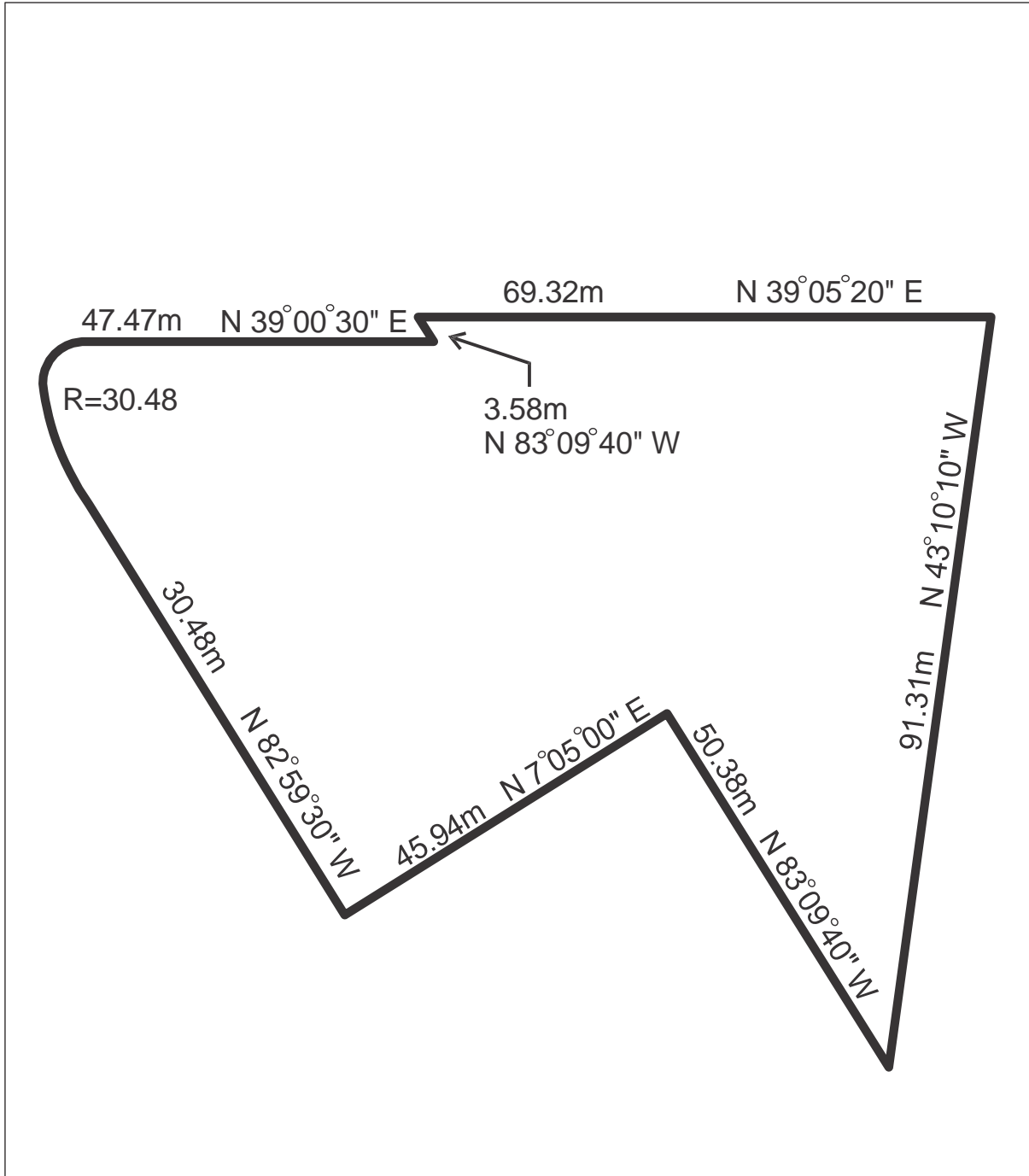


Diagram 1

3291 Kingston Road
 2 Windy Ridge Drive
 4 Windy Ridge Drive
 File # _



Not to Scale
 2021/12/14

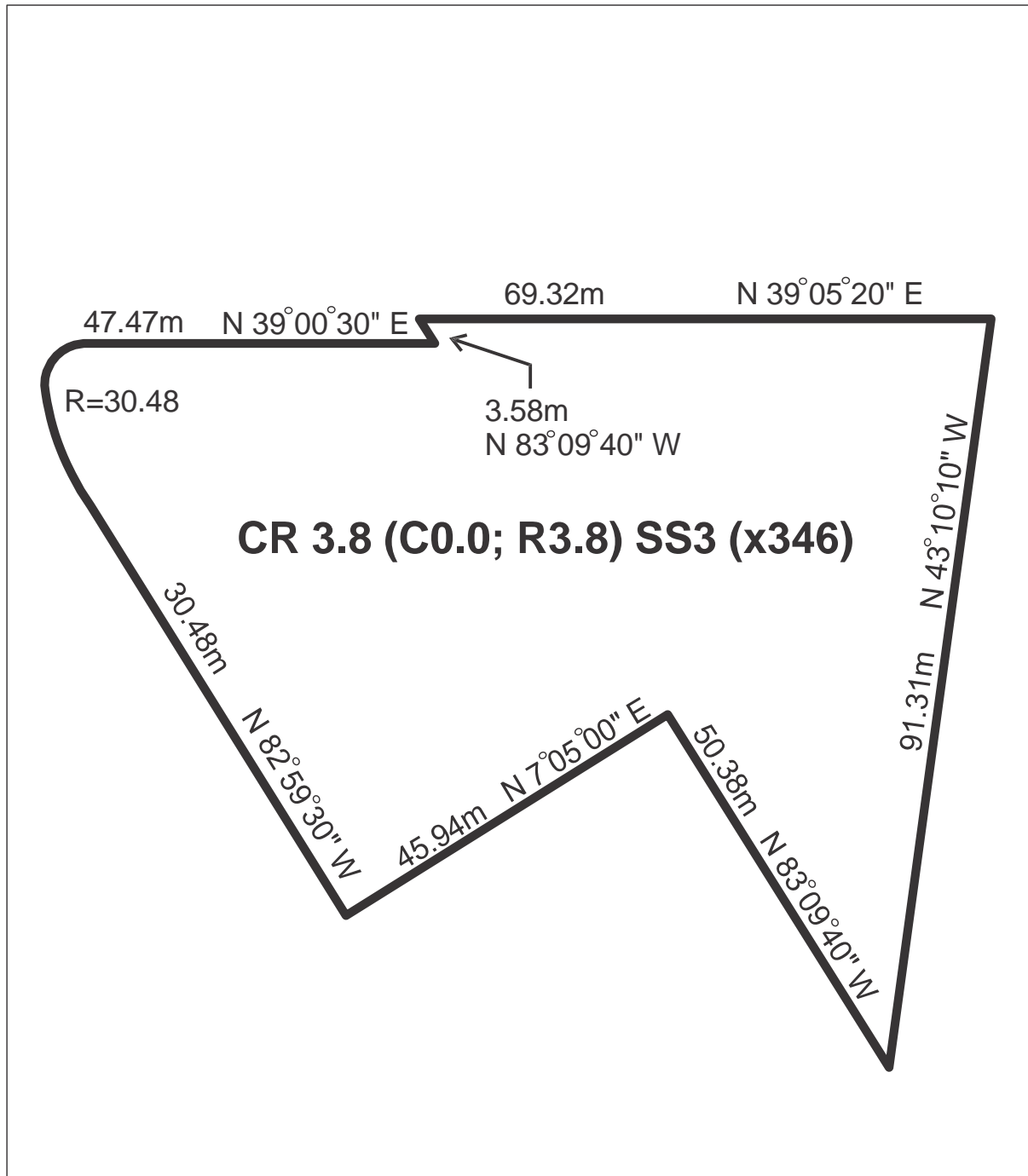


Diagram 2

3291 Kingston Road
2 Windy Ridge Drive
4 Windy Ridge Drive

File # _____



Not to Scale
2021/12/14

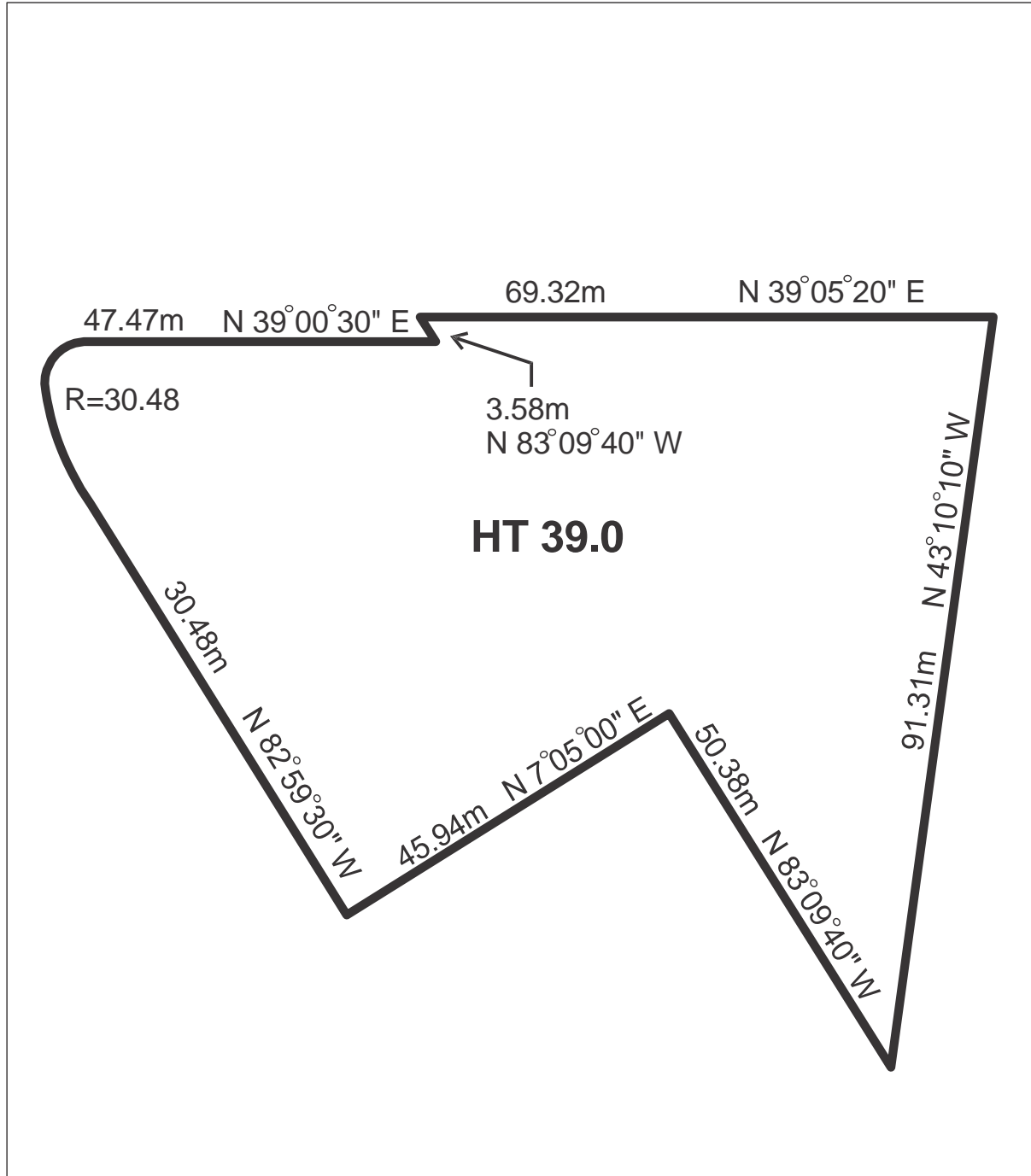


Diagram 3

3291 Kingston Road
2 Windy Ridge Drive
4 Windy Ridge Drive

File # _____



Not to Scale
2021/12/14

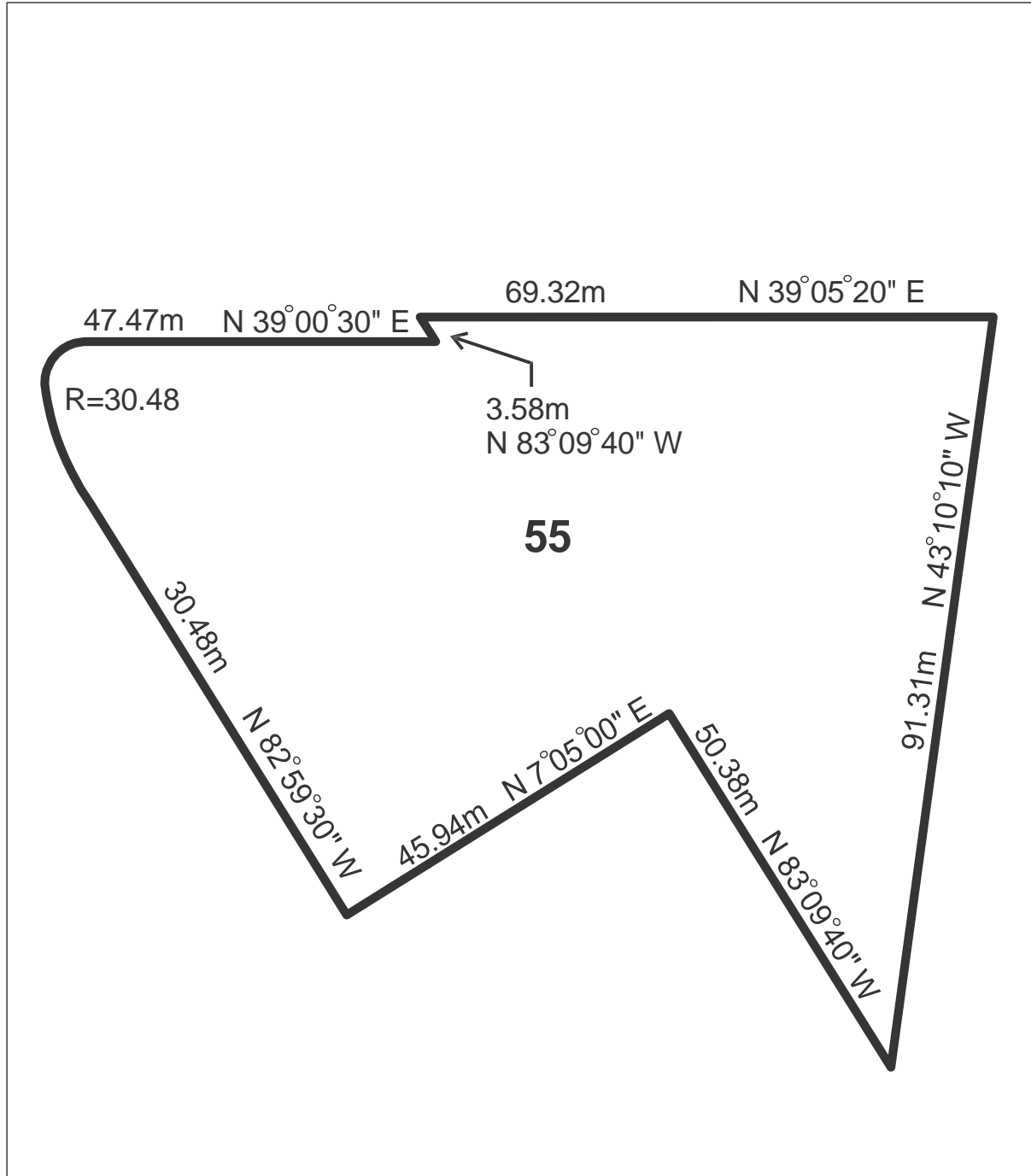


Diagram 4

3291 Kingston Road
2 Windy Ridge Drive
4 Windy Ridge Drive

File # _____



Not to Scale
2021/12/14

EXHIBIT “E”

3291 Kingston Rd

3291 Kingston Road, Toronto, Ontario,
Canada

LCH Developments

Project: 19043
Date: 2023-06-26
Issued for: WITHOUT PREJUDICE REVIEW

ARCHITECTURAL DRAWING LIST	
DRAWING NUMBER	DRAWING TITLE
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A-003	CONCEPT DRAWING LIST
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RAW

19043
3291 Kingston Road,
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Lot Developments

COVER / DRAWING
LIST

A001

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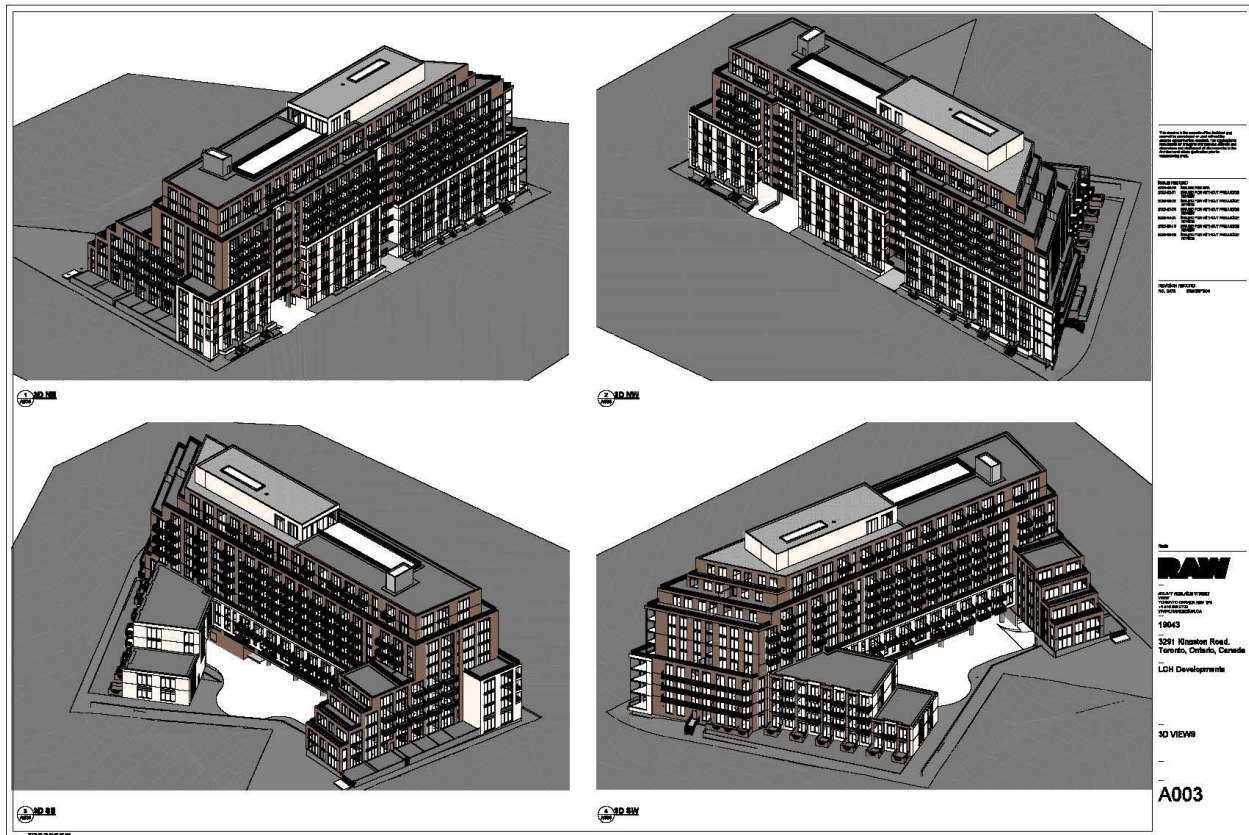
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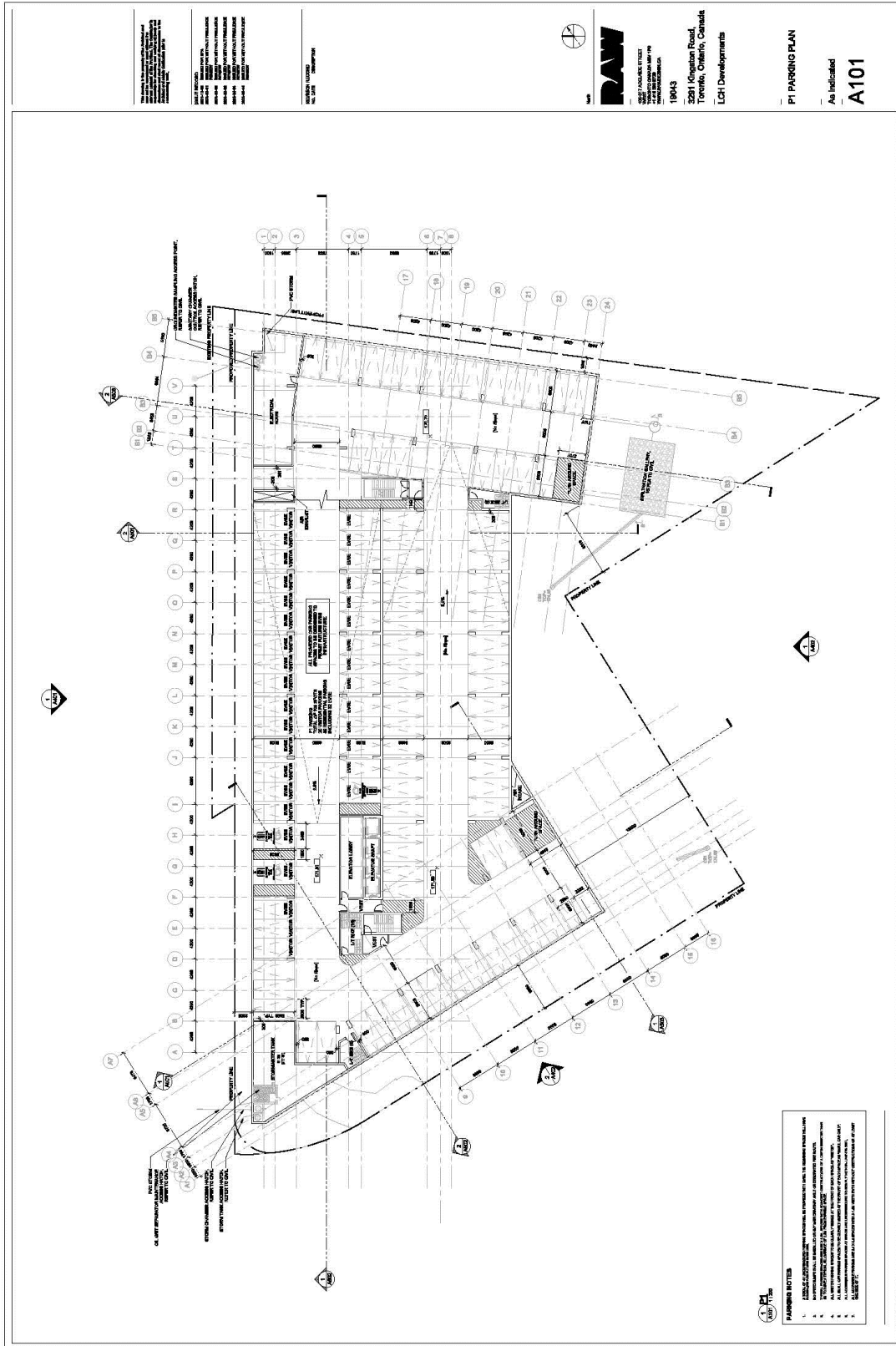
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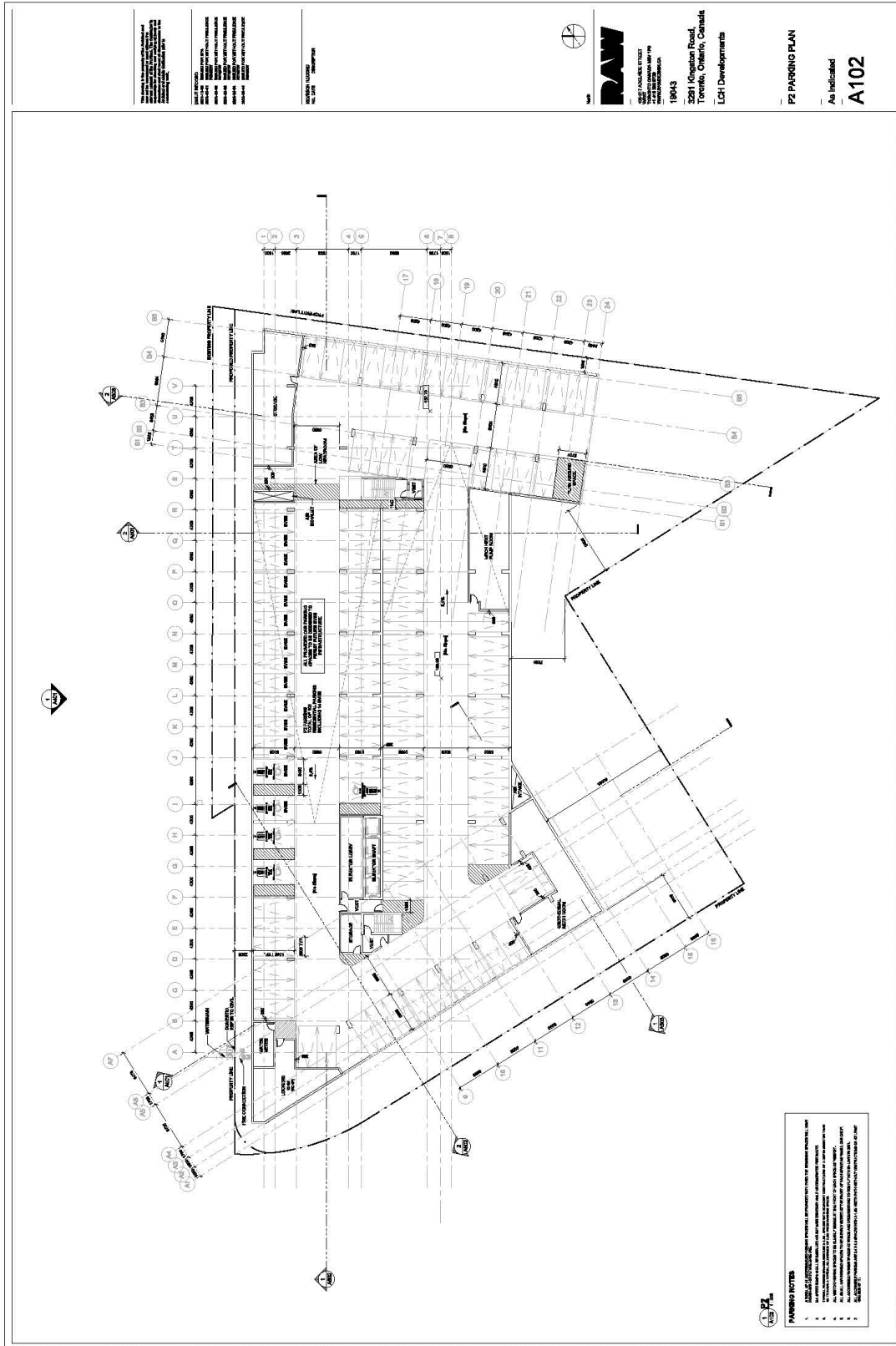
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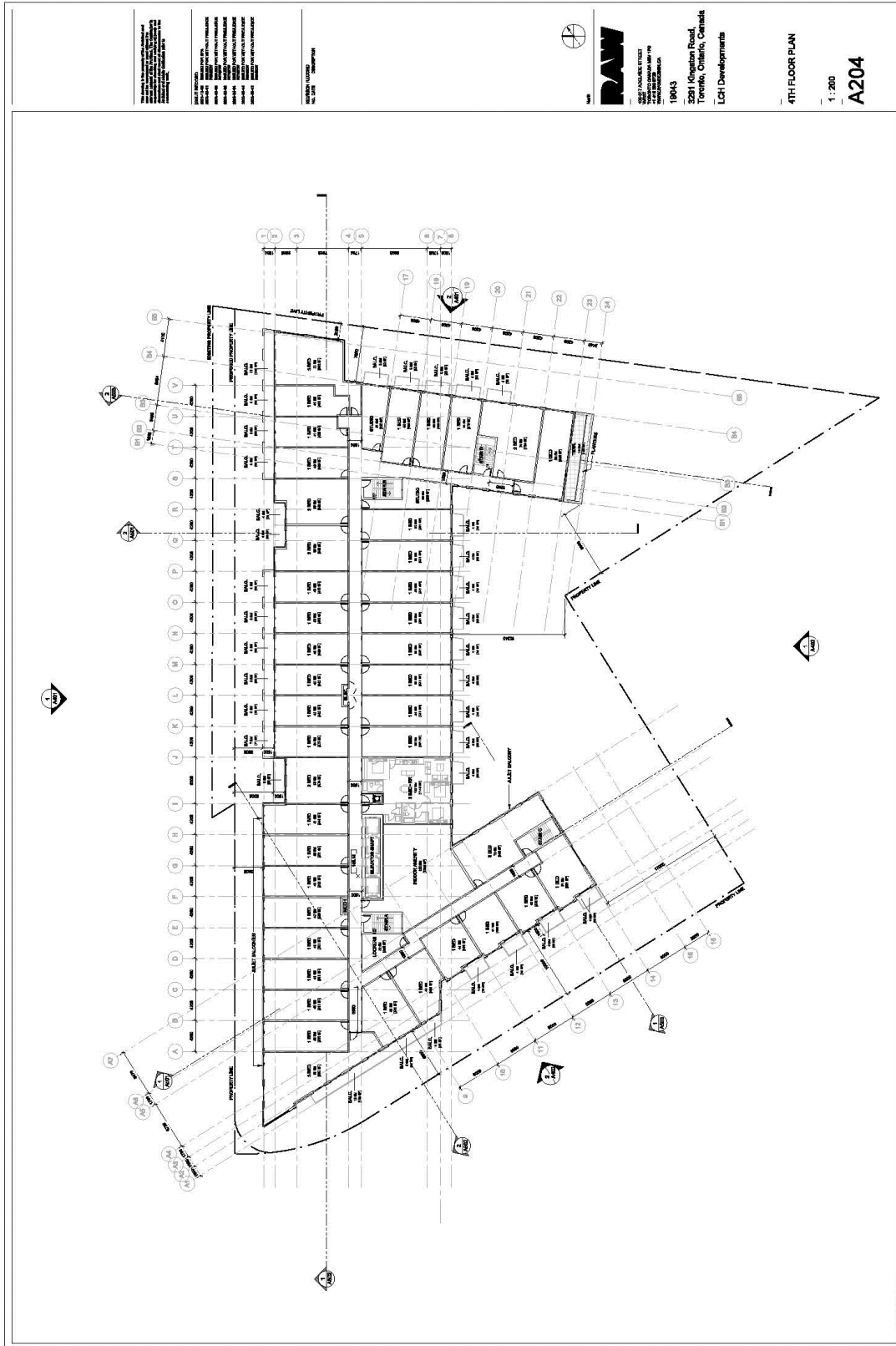
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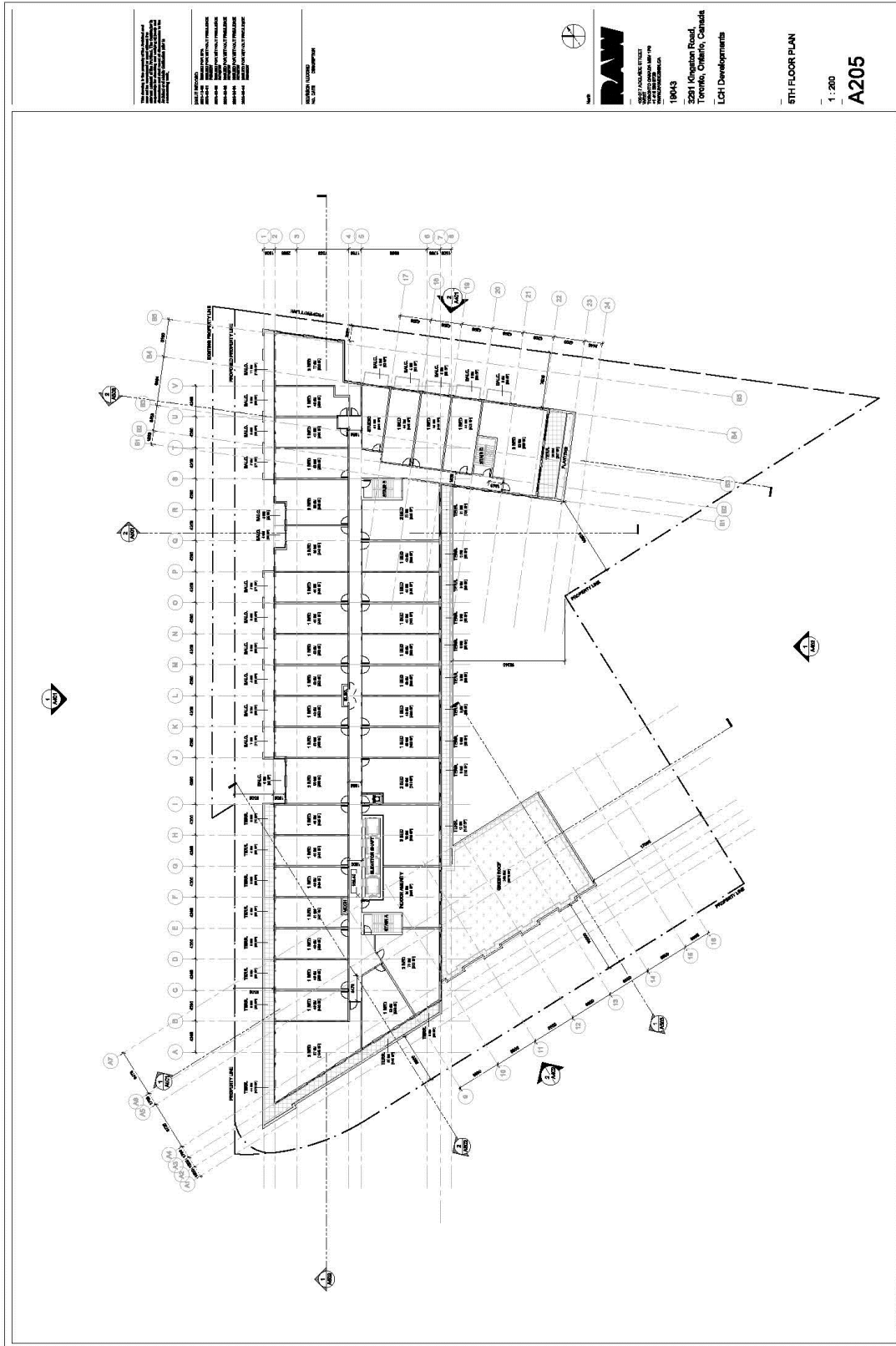


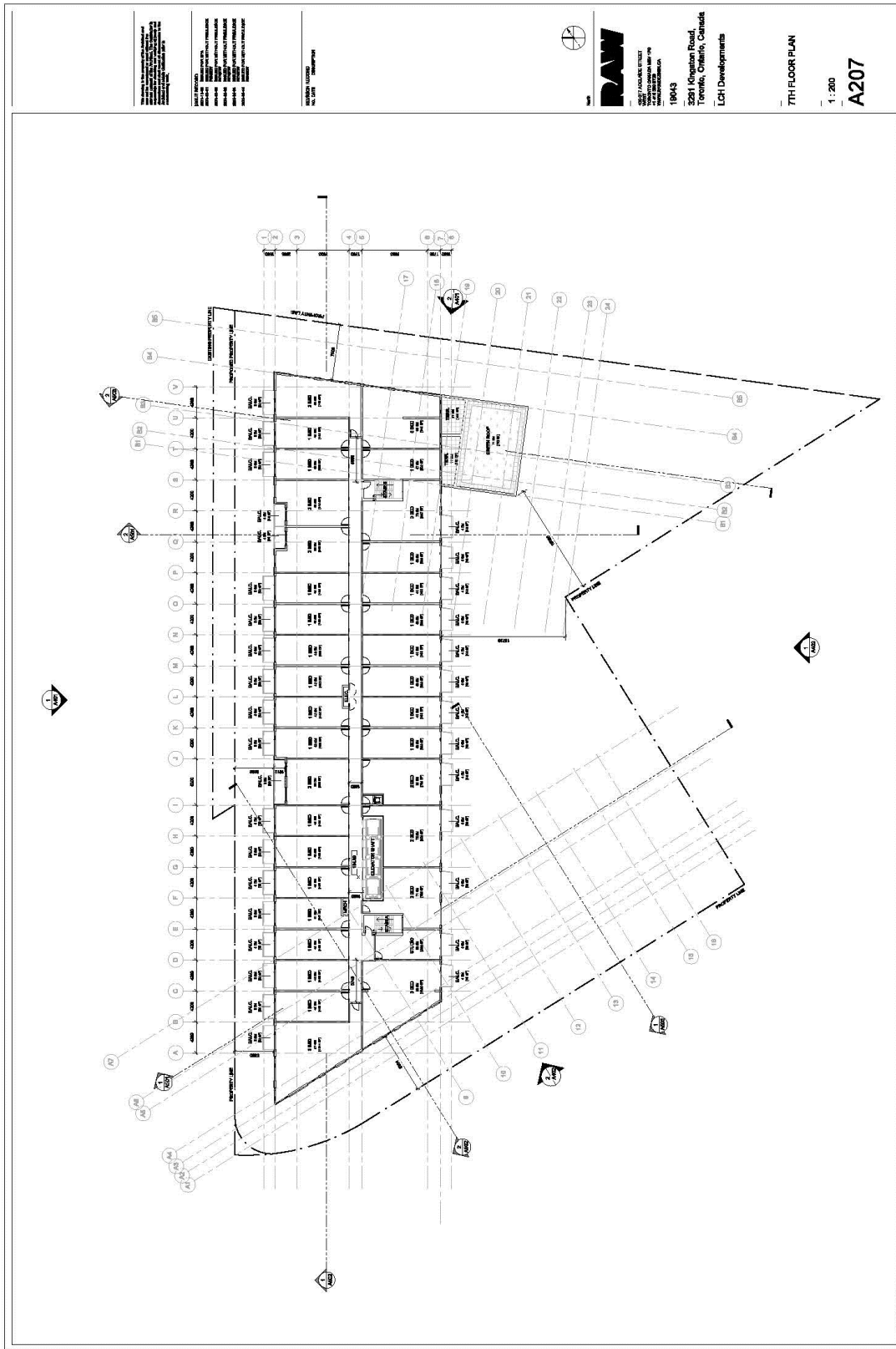
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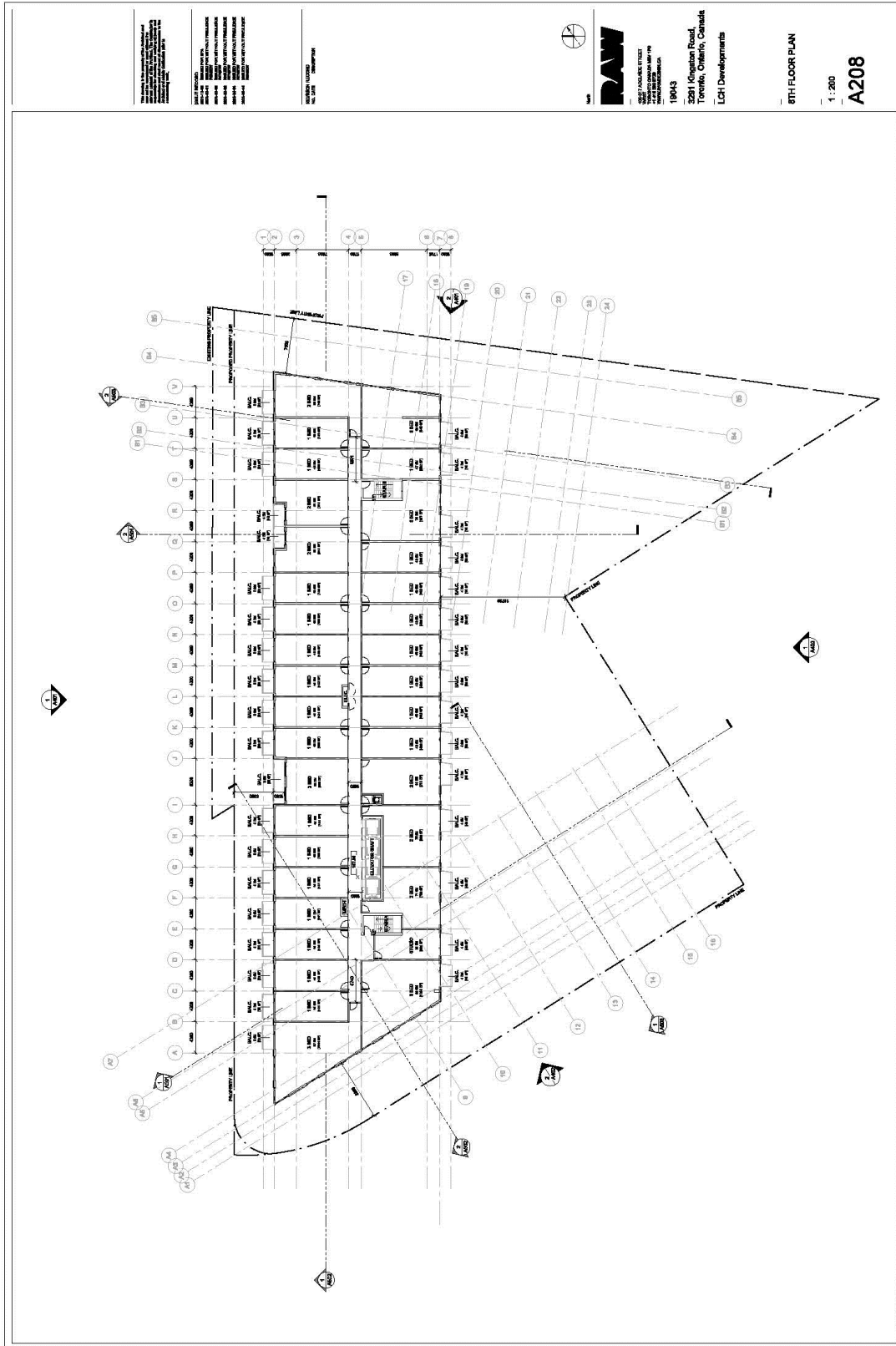


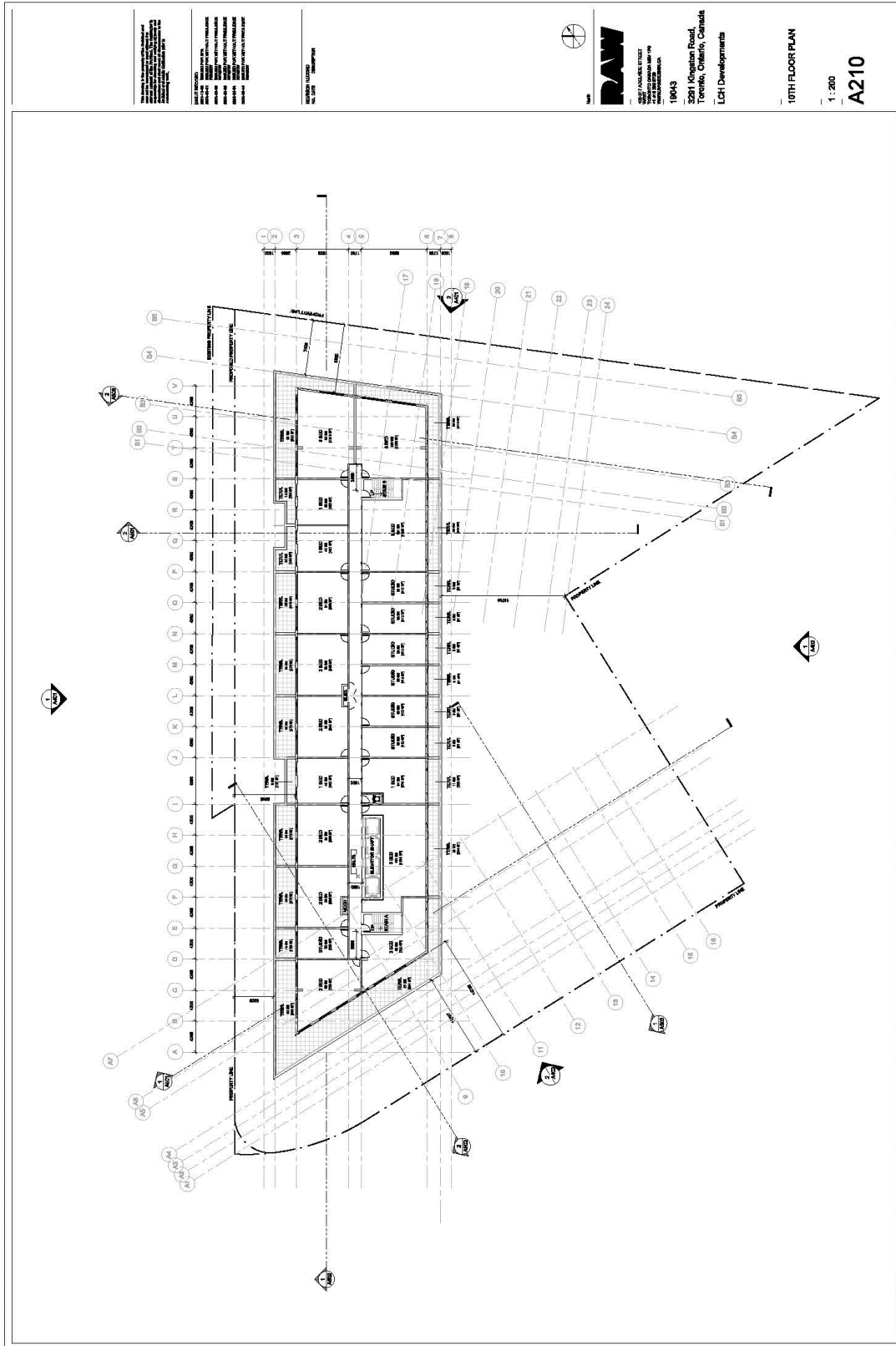


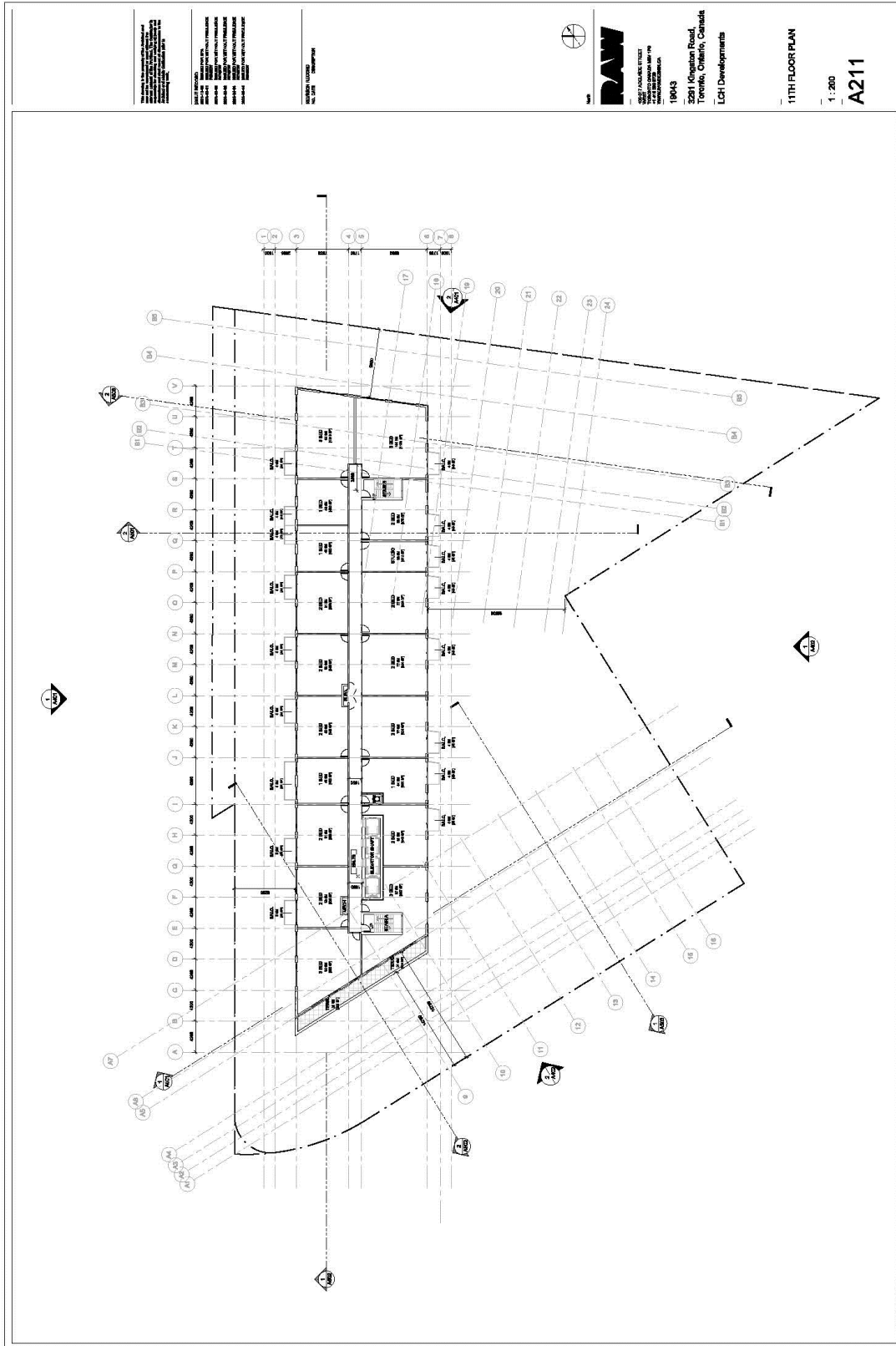


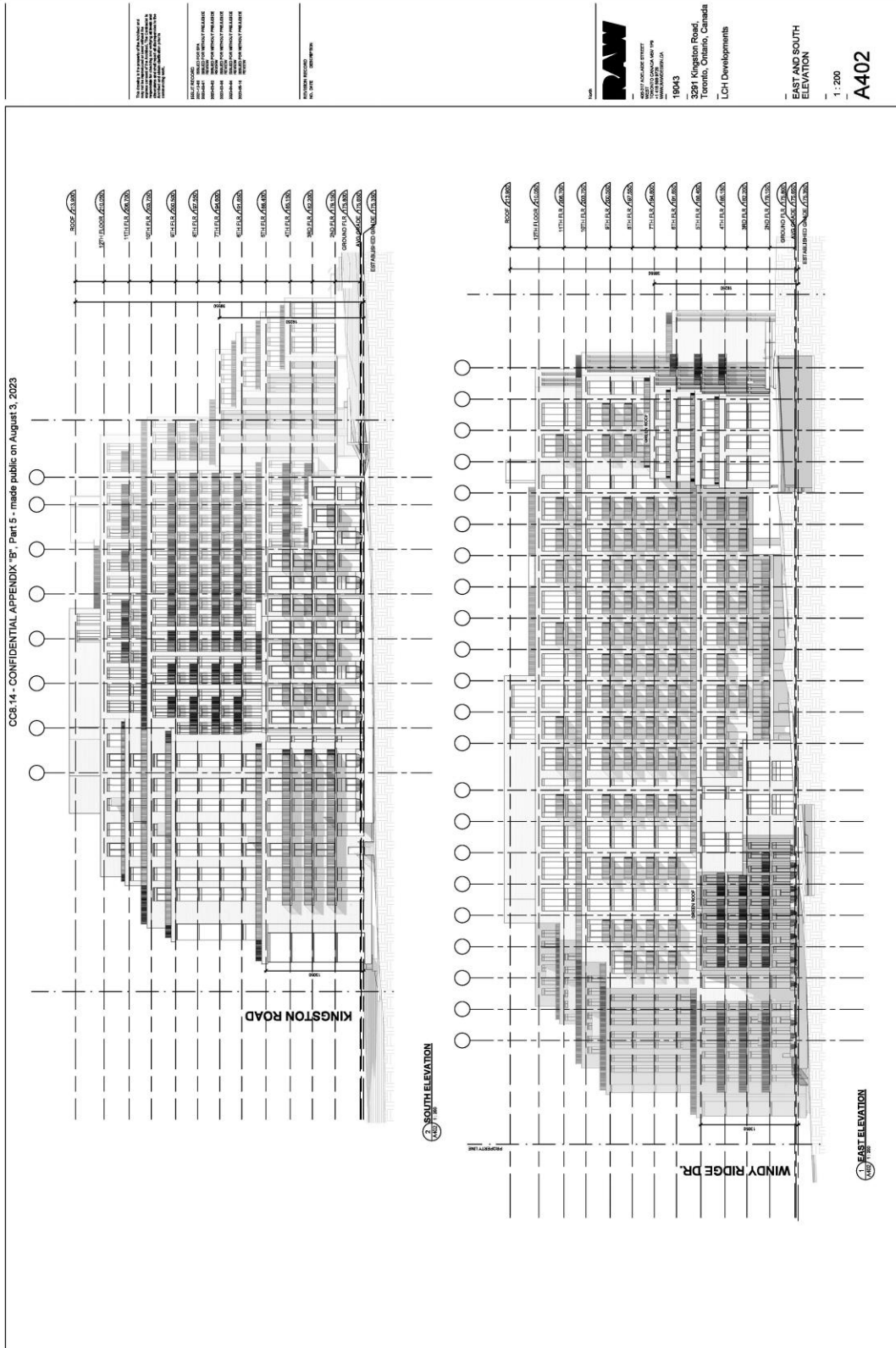


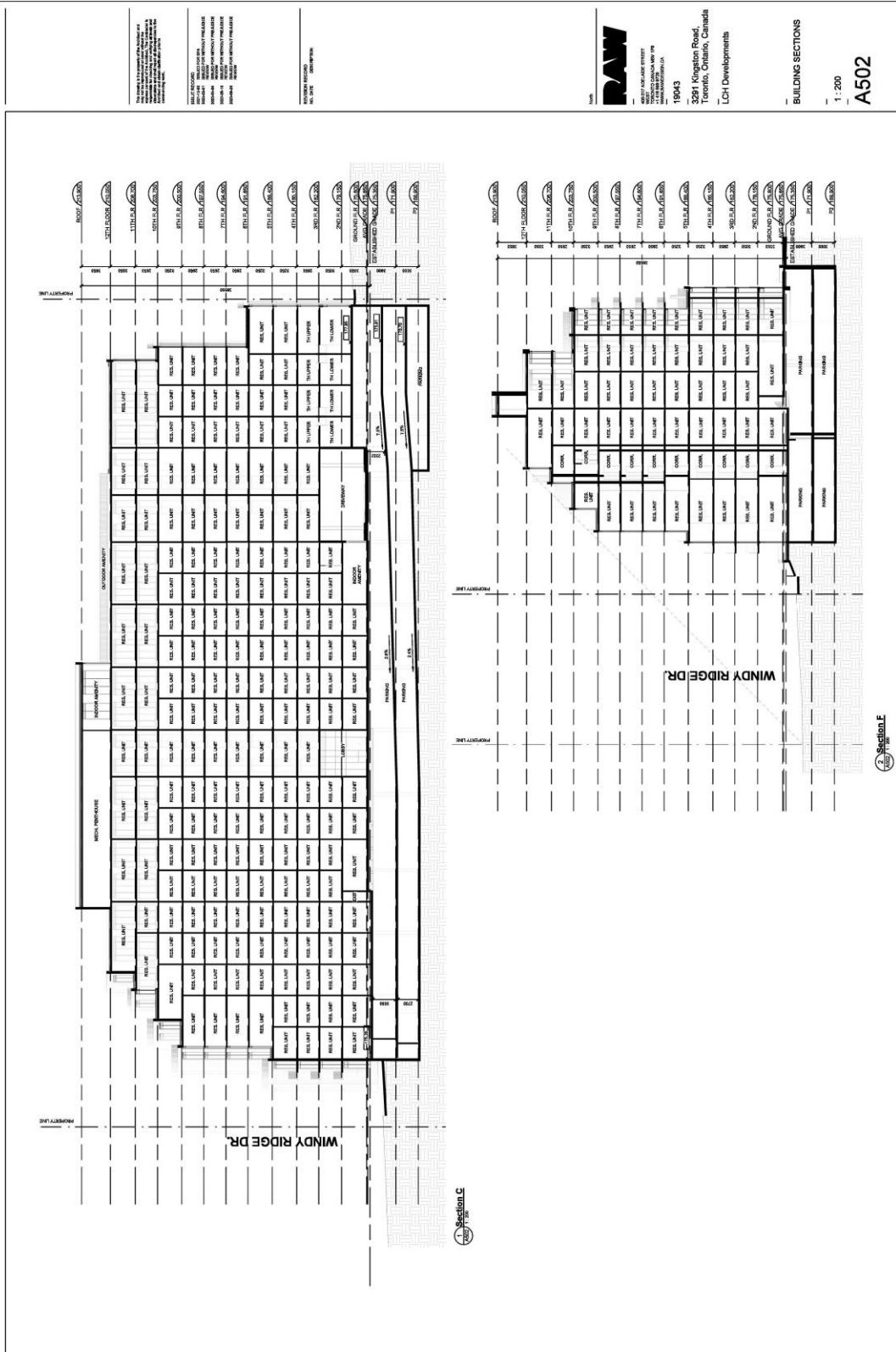


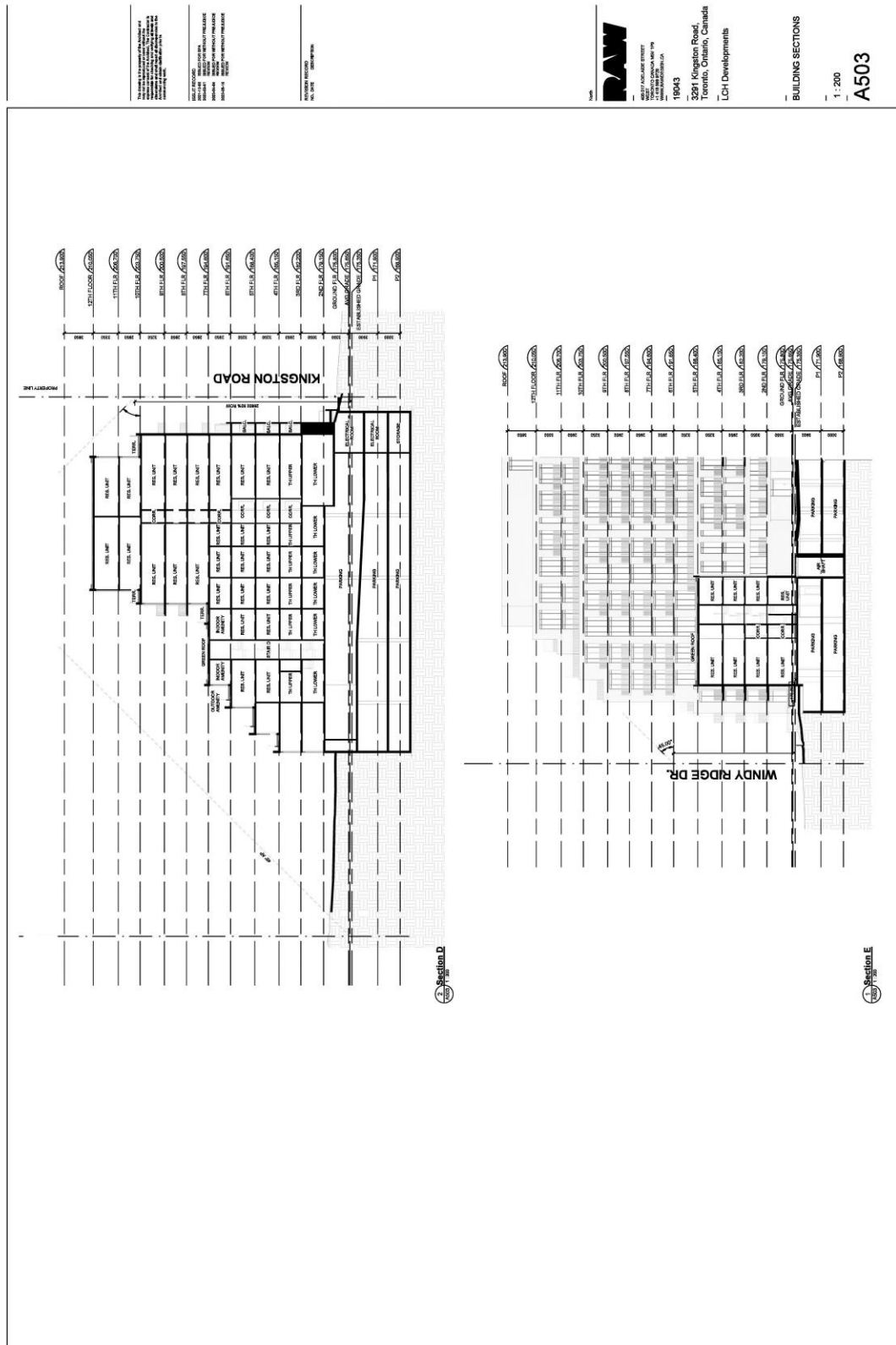












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