

STAFF REPORT ACTION REQUIRED

4569 Kingston Road – Zoning Amendment Application – Final Report

Date: June 15, 2018 To: Community Council Scarborough From: Director, Community Planning, Scarborough District Wards: Ward No. 44

Planning Application Number: 16 167524 ESC 44 OZ

SUMMARY

This application proposes to amend the West Hill Community Zoning By-law, No. 10327, as amended, to permit an 11-storey mixed use building (34.3 metres plus a 5.5 metre mechanical penthouse) having a total gross floor area of 8,988 square metres, comprised of 8,794 square metres of residential floor space and 194 square metres of ground floor commercial space having an overall density of 3.99 times the site area, at 4569 Kingston Road.

A total of 97 vehicular parking spaces are proposed in a three-level underground parking garage including 83 spaces for residents and 14 spaces for visitors. A total of 65 long-term bicycle parking are proposed in secured areas on the first underground parking level, and 7 short-term bicycle parking spaces are proposed at grade in front of the building.

The proposed development achieves intensification on lands on an *Avenue* within a *Mixed Use Areas* land use designation where an Avenue Study was completed in 2003, and where this form of development is envisioned.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

The proposal will provide a greater range of housing options within the neighbourhood and will improve the streetscape of Kingston Road with a widened and relocated municipal sidewalk farther from the roadway, new landscaping, along with ground related retail units. The proposed built form proposed is compatible with adjacent and nearby land uses.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 10327, as amended, for the lands at 4569 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.

2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject lands are contained within the study area for the Kingston Road Avenue Study, which was one of the first "*Avenue*" Studies undertaken in the City of Toronto. The study was completed in 2003, and resulted in the implementation of an Official Plan Amendment, amended Zoning, Urban Design Guidelines, which were to remain in effect until the adoption of the City's Official Plan, along with City Councils support, in principle, of a Streetscape Improvements Plan for the segment of Kingston Road commencing at the Guildwood GO Station to the Highland Creek tributary where it crosses below Kingston Road. The final report for this study is available here: https://www.toronto.ca/legdocs/2003/agendas/council/cc030624/sc5rpt/cl022.pdf.

The study resulted in an Official Plan Amendment (Amendment No. 1106, enacted by By-law No. 542-2003) to the former City of Scarborough Official Plan, for the West Hill Community Secondary Plan, which both re-designated certain lands to Mixed Use Area, and established Mixed Use Area policies. Amended zoning for the Avenue Study lands, which established the Commercial-Residential (CR) Zone for the West Hill Community Zoning By-law, was approved by the Ontario Municipal Board in 2005.

Pre-application meetings were held on July 13, 2015 and January 28, 2016. The current application was submitted on June 3, 2016 and was deemed complete as of that date. A Preliminary Report on the application was adopted by

Scarborough Community Council on September 7, 2016 authorizing staff to conduct a community consultation meeting. The community consultation meeting took place on November 28, 2016 and a second community consultation meeting was held by the Ward Councillor on February 7, 2018.

ISSUE BACKGROUND

Proposal

This application proposes to amend the West Hill Community Zoning By-law, No. 10327, as amended, to permit an 11-storey mixed use building (34.3 metres plus a 5.5 metre mechanical penthouse) having a total gross floor area of 8,988 square metres, comprised of 8,794 square metres of residential floor space and 194 square metres of ground floor commercial space with an overall density of 3.99 times the site area prior to the conveyance of a future road widening, and 4.15 times the site area post-road widening, at 4569 Kingston Road. Future condominium tenure is envisioned, however an application has not yet been filed.

The current Commercial/Residential "CR" zoning permits a maximum building height of 8-storeys, excluding basements and mechanical penthouses. The proposed development seeks an increase of three-storeys to the maximum permitted building height.

A total of 94 residential dwelling units are proposed, comprised of 27 (29%) onebedroom units, 58 (62%) two-bedroom units and 9 (10%) three-bedroom units. A total of 194 square metres of commercial space arranged as three commercial units are proposed at ground level, each with individual entrances facing Kingston Road. The residential lobby entrance is also proposed along the Kingston Road frontage, just east of the retail uses at ground level.

Transportation Services staff have requested the conveyance of a 2.5 metre wide strip of land for road widening purposes along the entire Kingston Road frontage. The proposed front yard building setback is 3.5 metres from the future property line. This enables various streetscape improvements including a new 2.1 metre wide municipal sidewalk to be shifted away from its current location abutting the curb of Kingston Road to a location approximately 2.4 metres away from the curb for the majority of the site (excluding transition areas to and from the existing location), along with landscaping within planters, paving and short-term bicycle parking.

The proposed building design includes an eleven-storey section at the front of the site closest to Kingston Road, extending to a depth of approximately 22 metres, after which the maximum building height is four-storeys, stepping back, or terracing, at each level towards the rear of the site. Since the original proposal the building has been reduced in height by one-storey, and the mass of the eleven-storey component has increased slightly towards the back of the building,

below the required 45 degree angular plane measured from the rear property line. This additional floor space is located at the rear of the 11-storey segment terracing at the fifth, sixth and seventh floors, stepping back at each level from both the rear yard and the east and west side yards. The building also steps back from the Kingston Road street line at both the fourth storey and again at the eleventh storey. Refer to Attachments 6: Site Plan, Attachment 8: East Elevation and Attachment 9: West Elevation.

The eleven-storey section of the building contains no windows along the west façade where the building is proposed to begin at the property line, and tall narrow windows are proposed along the east façade of this portion of the building. Balconies and terraces are proposed at the front and rear, as well as at the east and west sides of the four-storey building segments. Refer to Attachments 7: North and South Elevations, Attachment 8: East Elevation and Attachment 9: West Elevation. Access stairwells for private terraces are located at the mechanical penthouse level, and an 80 square metre green roof is proposed above the mechanical penthouse.

Common amenity areas are provided both at grade and at the fifth-storey. A 172 square metre outdoor rooftop amenity area is proposed at the fifth-storey above the lower (rear) portion of the building, and a separate 150 square metre outdoor ground level amenity area is proposed at the south-east corner of the site. This space is connected to a 169 square metre indoor amenity area at the south-east corner on the ground level of the building. An additional room containing 36 square metres of indoor amenity space is also provided on the ground level. Refer to Attachment 8: Site Plan. Private outdoor spaces are provided for the units facing west and south at ground level.

Vehicular access to the site is proposed along the east side of the building, via a 6.23 metre driveway that slopes from the future property line at Kingston Road to an underground parking garage, the entrance for which is also located along the east side of the site. Due to an existing centre median on Kingston Road, only right-in, right-out vehicular movements can be made. A Type "G" loading space is proposed to be recessed along the east façade of the building at approximately the mid-point of the building, decorative metal gates are proposed at the loading space entry point. A total of 97 vehicular parking spaces are proposed within three-levels of underground parking, along with 65 long term bicycle parking spaces. Seven (7) short-term bicycle parking spaces are proposed in front of the building close to the residential lobby building entry. Refer to Attachment 6: Site Plan and Attachment 8: East Elevation.

The following table describes the site statistics in more detail, and how they have changed since the original proposal, along with current zoning permissions. It should be noted that the Gross Floor Area does not exclude specific areas that may be excluded pursuant to the definition of Gross Floor Area in the respective Zoning By-laws, and Floor Space Index values are derived using the entire site

area, including the lands that will be conveyed to the City for road widening purposes.

| | Existing "CR" Zoning | Original Proposal | Current Proposal |
|--|---|---|---|
| Building Height | Min 2 storeys, Max 8-storeys (excluding basements and rooftop mechanical penthouses) | 12-storeys and 4- storeys | 11-storeys and 4- storeys |
| Total Gross Floor Area | n/a | 9,397 m ² | 8,988 m ² |
| Floor Space Index (FSI) | n/a | 4.17 | 3.99 |
| Residential Units | Residential uses permitted | 98 (47 one- bedroom; 51 two- bedroom) | 94 (27 one- bedroom, 58 two- bedroom and 9 three-bedroom) |
| Commercial Units | Various commercial uses permitted | 3 (200 m ²) | 3 (197 m ²) |
| Vehicular Parking Spaces | Residential: 1 sp/unit; Office & Retail: 2.5 sp/100 m ² GFA; restaurants: 5.4 sp/100 m ² ; other commercial uses: 3 sp/100 m ² | 102 (102 resident spaces, 0 visitor) | 97 (83 resident, 14 visitor) 1-bdrm units: 0.8 sp/unit; 2-bdrm units: 0.9 sp/unit; 3-bdrm units: 1.1 sp/unit; Res visitor: 0.15 sp/unit; Commercial: 0 |
| Bicycle Parking Spaces | n/a | 74 (67 long-term, 7 short-term) | 72 (65 long-term, 7 short-term) |
| Building SetbacksFront Yard | Min 3.0 m | 3.5 m (1 st and 2 nd) 5.5 m (3 rd – 9 th) 9.0 m (10 th -12 th) | 3.5 m (1 st -3 rd) 5.5 m (4 th – 10 th) 6.9 m (11 th) |

Table 1 – Site Statistics (refer to Attachment 6: Site Plan and Attachments 7, 8 and 9: Elevations)

| East Side Yard | 0 m | $\frac{12\text{-storey}}{\text{segment}}$ 0 m (1 st – 3 rd) 2.7 m (4 th – 10 th) 5.5 m (10 th – 12 th) | <u>11-storey</u> <u>segment</u> : 7.33 m <u>Level 5 -7 (rear)</u> 9.08 m (5 th) 9.95 m (6 th) 10.8 m (7 th) |
|--------------------|-----------|---|---|
| | | <u>4-storey segment</u> : 7.25 m (1 st – 4 th) | <u>4-storey segment</u> : 7.3 m (1 st – 3 rd) 9.08 m (4 th) |
| West Side Yard | 0 m | <u>12-storey</u> <u>segment</u> : 0 m | <u>11-storey</u> <u>segment</u> : 0 m <u>Level 5 -7 (rear)</u> 7.9 m (5 th) 8.8 (6 th) 9.6 (7 th) |
| | | <u>4-storey segment</u> : 5.5 m | 4-storey segment: 5.29 m (1 st – 3 rd) 7.03 m (4 th) |
| Rear Yard | Min 7.5 m | 8.5 m $(1^{st} \& 2^{nd})$ 11.9 m (3^{rd}) 15.3 m (4^{th}) 29 m (5^{th}) 34.3 m $(6^{th} - 9^{th})$ 35.6 m $(10^{th} - 12^{th})$ | 7.74 m $(1^{st} \& 2^{nd})$ 11 m (3^{rd}) 14.3 (4^{th}) 28.6 (5^{th}) 30.3 (6^{th}) 32.1 (7^{th}) 34.4 $(8^{th} - 11^{th})$ |

Site and Surrounding Area

The subject lands have 35.05 metres of frontage on Kingston Road, and a lot depth of just over 64 metres and a total lot area of 0.225 hectares (0.55 acres). The site is currently vacant, and was previously occupied by a two-storey commercial building and associated surface parking lot. The site is flat and there are existing trees along either side of the east property line and south of the southern property line. Due to the alignment of Kingston Road at this location, the property is not perfectly aligned on a north-south axis. The description of direction of view throughout this report is simplified to describe the property as though it were perfectly aligned on a north-south axis.

- North: Lands north of Kingston Road include commercial businesses in one and two-storey buildings east of Amiens Road, and open space comprising the school yard of the West Hill Public School on the west side of Amiens Road. Three-storey townhouse units are located at the north-west corner of Fairwood Crescent and Kingston Road.
- South: Three-storey townhouses with access from Collinsgrove Road and to the south-east on Eli Shackleton Court.
- East: Three-storey freehold townhouses on Eli Shackleton Court. Commercial uses are located east of the townhouses, and detached residential dwellings on established lots are located to the east on West Hill Drive.
- West: A single storey building containing an automotive related use (Kal Tire) is located immediately west of the site, west of Collinsgrove Road commercial uses in single and two-storey plazas, including the Morningside Crossing commercial development, extend to Morningside Avenue.

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 (2014) (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 and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

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 <u>Planning Act</u> 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 is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

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."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- 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 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 take precedence over the policies

of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

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.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

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

Chapter 2 - Shaping the City

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation: The Official Plan states that in keeping with the vision for a more liveable Greater Toronto Area, future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2, Urban Structure, of the Official Plan which includes, among other areas, the *Avenues*. Map 23, Land Use Plan, designates the lands as *Mixed Use Areas*.

Avenues: Reurbanizing Arterial Corridor policies are contained in Section 2.2.3. The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Among other things, the policies discuss how reurbanizing the *Avenues* will be achieved through the preparation of Avenue Studies for strategic mixed use segments of the corridors shown on Map 2. Kingston Road, between just west of Victoria Park Avenue to the west edge of Highland Creek, is identified as an *"Avenue"* on Map 2 – Urban Structure of the Official Plan. The policies in 2.2.3.2(b) further state that *Avenue* studies will set out contextually appropriate as-of-right zoning and other regulations designed to achieve high quality development along the *Avenue* which establishes:

- i. Permitted uses and maximum density and height limits;
- ii. Appropriate massing, scale, siting and organization of buildings;
- iii. Appropriate scale transitions to adjacent areas;
- iv. Restrictions on parking at-grade and driveways in front of buildings; and,
- v. Transit supportive measures such as minimum development densities maximum and minimum parking standards and restrictions on auto oriented retailing and services.

The Healthy Neighbourhoods policies of the Official Plan (Policy 2.3.1.2) provide guidance for development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.2 states that development within *Mixed Use Areas* that are adjacent to *Neighbourhoods* will:

- a) be compatible with those Neighbourhoods;
- b) provide gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- d) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The policies also state that intensification of lands adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact.

Chapter 3 - Building a Successful City

Section 3.1.1. Public Realm of the Official Plan contains various policies pertaining to public spaces such as streets, parks and open spaces including

public buildings. City streets are recognized as significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities.

Policy 3.1.1.5 states that new and existing City streets will incorporate a Complete Streets approach and be designed to perform their diverse roles by:

- a) balancing the needs and priorities of various users and uses within the right-of-way, including provision for:
 - i) safe and efficient movement of pedestrians of all ages and abilities, cyclists, transit vehicles and users, goods and services vehicles, emergency vehicles and motorists across the network;
 - ii) space for other street elements, such as utilities and services, trees and landscaping, green infrastructure, snow and stormwater management, wayfinding, boulevard cafes, marketing and vending, and street furniture; and
 - iii) ensuring the safety of vulnerable groups such as women, children, seniors and people with disabilities by implementing the Toronto Safer City's Guidelines, or an updated version thereof;
- b) improving the quality and convenience of active transportation options within all communities by giving full consideration to the needs of pedestrians, cyclists and public transit users;
- c) reflecting differences in local context and character;
- d) providing building access and address, as well as amenities such as view; and corridors, sky view and sunlight.

Policy 3.1.1.6, states that sidewalks and boulevards be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by:

- a) providing well designed and coordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving; and
- b) locating and designing utilities within streets, within buildings or underground in a manner that will minimize negative impacts on the natural pedestrian and visual environment and enable the planting and growth of trees to maturity.

The Built Form policies in section 3.1.2.1 of the Official Plan direct that new development in the City fit harmoniously within the existing and/or planned context of the area. This includes that new development to be located and organized to fit with its existing and/or planned context and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;

- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Policies in section 3.1.2.2 state 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 can be achieved a number of different ways, including integrating services and utility functions within buildings where possible and providing underground parking where appropriate.

Policy 3.1.2.3 requires that new development be massed and its exterior façade 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 by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) providing for adequate light and privacy;
- e) 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; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

As detailed in Policy 3.1.2.5, new development is to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) weather protection such as canopies, and awnings; and
- d) landscaped open space within the development site.

Policy 3.1.2.6 requires that every significant new multi-unit residential development provide indoor and outdoor amenity space for residents of the new development. It also specifies that each resident of such development will have

access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Housing policies are found in Section 3.2.1, and state that a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods will be provided and maintained to meet the current and future needs of residents; and further, that new housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Natural Heritage policies are contained in Section 3.4. Among these policies is the need for public and private city-building activities to be environmentally friendly in order to support strong communities and a competitive economy and a high quality of life. This includes, among other things, preserving and enhancing the urban forest by providing suitable growing environments for trees; increasing the tree canopy coverage and diversity, especially of long-lived native and large shade trees; and, regulating the injury and destruction of trees.

Chapter 4- Land Use Designations

The subject lands are designated *Mixed Use Areas* on Map 23 – Land Use Plan of the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks, open spaces and utilities.

Policy 4.5.2 states that development in *Mixed Use Areas* will create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. Among other things, development will also locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*. Buildings will be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes, as well as to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas, Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

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

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

Zoning

The subject lands are zoned Commercial/Residential Zone (CR) in the West Hill Community Zoning By-law No. 10327, as amended. Permitted uses include Day Nurseries, Financial Institutions, Funeral Homes, Hotels and Motels, Institutional Uses, Medical Centres, Offices, Personal Service Shops, Places of Worship, Places of Entertainment, Private Home Daycare, Residential Uses, Restaurants, Retail Stores, Recreational Uses and Specialized Commercial Uses.

Prohibited Uses include Automobile Sales, Service and Maintenance Uses, Auto Sales Rooms, Single-Family Detached Dwellings, Semi-Detached Dwellings and Duplexes.

The zoning by-law also contains specific performance standards for the subject lands pertaining to matters such as height (which permits a minimum building height of two-storeys and maximum of eight-storeys excluding basements and rooftop mechanical penthouses), building setbacks and stepbacks, and parking among others.

The lands are not currently subject to City wide Zoning By-law No. 569-2013.

Design Guidelines

Avenues and Mid-Rise Buildings Study and Performance Standards

In July 2010 City Council adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications and directed staff to use the Performance Standards for Mid-Rise Buildings in reviewing all new and current mid-rise development proposals on the Avenues for a two year monitoring period. In November 2013 Council extended the monitoring period to the end of 2014. The Avenues and Mid-rise Buildings Study identifies a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed by the Study include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The Study can be found at:

http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Desig n/Mi drise/midrise-FinalReport.pdf

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines.

Refer to the Council Decision

http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2016.PG12.7 and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) <u>http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-</u> 92537.pdf

Growing Up Vertically Draft Urban Design Guidelines

The City of Toronto has produced draft guidelines to direct how new development can better function for larger households. These draft guidelines function at three scales: the unit, the building and the neighbourhood. The draft guidelines were presented to City Council in July 2017, several recommendations were adopted at that time, including that City Planning apply the draft guidelines in the evaluation of new and under review multi-unit residential development proposals.

The draft guidelines address matters such as mobility, access and type of parks and open spaces, child care facilities and schools, among others, as part of the neighbourhood level considerations. They include building configuration, flexible design and construction, common indoor and outdoor amenity, building lobby, building mass and typology and storage and utility needs, among others, as part of the building guidelines. Included among the unit guidelines are matters pertaining to all rooms that comprise the unit.

The draft guidelines specify that a building should provide a minimum of 25% large units as part of the overall unit mix; 10% of which should be three-bedroom units, and 15% of which should be two-bedroom units. They also specify an ideal unit size range for large units, which includes a range of 87 – 90 square metres for two-bedroom units and 100-106 square metres for three-bedroom units.

Site Plan Control

Site Plan Control is applicable to the proposed form of development. A Site Plan Control Application, file no. 16 273164 ESC 44 SA, has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application.

Transit

At their May 22, 2018 meeting City Council adopted a report regarding the Eglinton East Light Rail Transit (EELRT) project update and next steps. This built on previous City Council decisions regarding this transit line which is proposed to extend along Kingston Road to Morningside Avenue then continue northward. Included among the recommendations was a tunnelled alignment through the Kingston-Lawrence-Morningside intersection with a single stop in the project scope and for further consideration through the project's updated cost estimate and Business Case Analysis. The subject lands are located approximately 300 metres east of the Kingston Road and Morningside Avenue intersection. The City Council decision is found here: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2018.EX34.1

Reasons for Application

The application seeks to amend the existing zoning to permit the proposed development, which includes an increase to the maximum permitted building height by a total of 3-storeys (from 8-storeys to 11-storeys excluding basements and mechanical penthouses) and to establish other specific performance standards for the proposed development.

Application Submission

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

- Planning and Urban Design Rationale;
- Tree Inventory and Preservation Plan Report;
- Sun/Shadow Study;
- Pedestrian Level Wind Study;
- Noise Impact Study;
- Traffic Operations Assessment;
- Parking Analysis Review;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Assessment; and,
- Geotechnical Investigation.

All reports can be viewed at the Application Information Centre (AIC) <u>https://www.toronto.ca/city-government/planning-development/application-information-centre/</u>

Agency Circulation

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

Community Consultation

Two community consultation meetings were held in respect of this application.

The first meeting was hosted by City Planning staff and was held on November 28, 2016. The project at that time was for a 12-storey building, as outlined in the Preliminary Report. This meeting was attended by approximately 25 people and the following concerns were raised:

- Traffic site access is restricted to right-in, right-out movements because of an existing median on Kingston Road. This condition raised concerns regarding the safety of turn-around movements at the signalized intersection of Old Kingston Road/Kingston Road for those wishing to travel westbound on Kingston Road, and the potential for increasing traffic volumes along West Hill Drive. Traffic volumes and speeds along Kingston Road and sight-line issues for motorists exiting Eli Shackleton Court immediately east of the subject site were also identified as concerns.
- Parking supply without dedicated visitor parking spaces concerns were raised regarding the possibility that visitors may parking on Eli Shackleton Court, creating issues for on-street solid waste collection on collection days;

- Privacy and overlook onto surrounding low-rise residential properties including homes on West Hill Drive;
- Built Form concerns with proposed built form and height of the building, including that the proposal is not consistent with built form in the vicinity which is characterized by townhouses and single detached dwellings. No taller buildings currently exist east of the corner of Kingston Road and Morningside Avenue.
- Wind speeds concerns that wind speeds will increase as a result of the proposed building, and that this may create property damage to adjacent townhouses on Eli Shackleton Court.
- Loss of telecommunication signals concerns that television signal, satellite dish reception and cell phone signals for homes on Eli Shackleton Court would be blocked by the proposed building.

Subsequent to the Community Consultation Meeting an email outlining concerns, including a signed petition, was received from area residents opposing the proposed development as well as the existing zoning permissions which allow for a maximum building height of 8-storeys. The petition contained approximately 90 signatures and requests that the zoning be changed to allow a maximum building height of up to 2-storeys for this site and cites the following concerns:

- Loss of sunlight;
- Increased wind speeds;
- Blockage of cell phone, satellite dish, WiFi internet, radio and television signals;
- Insufficient parking supply causing overflow onto surrounding streets and potential to disrupt garbage collection due to parked cars;
- Sidewalk safety as a result of increased traffic;
- Location of sidewalk in proximity to Kingston Road and pedestrian safety;
- Loss of privacy; and,
- Increased noise.

A second community consultation meeting was held on February 7, 2018. This meeting was hosted by Councillor Hart, Ward 44. The development presented at that meeting was for an 11-storey building and was generally consistent with the current development proposal. The meeting was attended by approximately 20 people, and the many of the same issues as previously identified were raised at the meeting. Additional concerns that were raised at this meeting included:

• Obstructed sight lines for motorists exiting the development and the potential for conflicts with pedestrians;

- Justification for proposed parking reduction and the need for parking for proposed ground floor commercial uses;
- Reviewing speed limits on local roads in the area.

COMMENTS

Planning Act

The *Planning Act* sets out matters of Provincial Interest to which a municipality and the Local Planning Appeal Tribunal (LPAT) shall have regard to in carry out their responsibilities under the Act. These matters re further detailed and articulated in the PPS and Growth Plan. Among others, the following matters of Provincial Interest are identified in Section 2 of the *Planning Act*:

- The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- The orderly development of safe and healthy communities;
- The appropriate location of growth and development; and
- The promotion of 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.

These matters are discussed in the sections which follow.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows.

The proposal conforms to the Growth Plan (2017) which sets out various policy directions including:

Policy 2.2.1, Managing Growth, contains policies for an urban form that optimizes infrastructure, particularly along transit and transportation corridors to support the achievement of complete communities through a more compact built form. Section 2.2.1.4 states that applying these policies will support the achievement of complete communities that feature a diverse mix of land uses, and convenient access to local stores, services and public service facilities; that provide a diverse 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; and that ensure the development of high quality compact built form, and a vibrant public realm. The proposed development is located along Kingston Road within a Mixed Use Areas land use designation and is located in an area with a variety of commercial and service uses. The proposed development uses existing infrastructure and provides a more compact built form that provides a mix of commercial and residential land uses including 194 square metres of ground floor commercial space, and with 94 dwelling units comprised of 27 one-bedroom units, 58 two-bedroom units and 9 three-bedroom units. The provision of this variety of dwelling units increases the range of housing options in the community. The provision of a streetscape that includes a new 2.1 metre wide sidewalk that has been relocated away from the curb of Kingston Road, tree plantings in front of the proposed building and front doors to commercial units as well as the retail lobby along the Kingston Road frontage, combined with a street yard building setback of 3.5 metres, the development proposes a vibrant space that enhances the public realm. The building design, which includes a blank wall where a 0 metre building setback is proposed, projecting balconies along the Kingston Road frontage, recessed balconies and terraces at other sections of the building, along with enhanced indoor and outdoor common amenity areas and underground parking, achieves a high quality compact built form.

In Policy 2.2.2.4, Delineated Built-up Areas, policies direct that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. Policies also state that the appropriate type and scale of development and transition of built form to adjacent properties be identified. This site is located in a built up area designated for growth in the City's Official Plan and is supported by public transit. It is also located within a segment of an identified Avenue for which an Avenue Study was completed. The Avenue Study resulted in an Official Plan Amendment and Zoning to establish the desired vision for future mixed-use redevelopment for the corridor. This application seeks to modify the proposed height of building for one site within the corridor with built form that addresses transition from adjacent built form by using building setbacks and stepbacks, while continuing to provide for a range of uses generally in keeping with the intent of the Official Plan and the existing Zoning. The east side yard building setback is proposed to be 7.3 metres whereas the existing zoning permits a 0 m side yard setback. Contained within the 7.3 metre setback is the access driveway and a 0.8 metre landscape strip. This enables a transition to the abutting three-storey freehold townhouses on Eli Shackleton Court. At the south end of the site the building is setback 7.7 metres from the rear property line, and a 2.0 metre wide landscape buffer is proposed. The building steps back at each level to keep the building below a 45 degree angular plane. This portion of the building is also four-storeys in height, thereby creating an appropriate transition to the abutting Neighbourhood designated, and Multiple Family Residential (M) zoned lands which support three-storey townhouse dwellings.

This site is located in a built up area designated for growth in the City's Official Plan. It uses existing infrastructure, proposes a built form that provides a mix of commercial and residential land uses, increases the range of housing options in the community, and achieves a high quality compact built form along with a vibrant public realm. The proposal conforms to the Growth Plan.

The proposal is consistent with the PPS (2014), which sets out the following policies:

The PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is 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 effectively use land, resources, infrastructure and public services, and support the use of public transit. The specific policies are outlined in more detail in the discussion below.

Policies within Section 1.1, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, pertain to the sustenance of healthy, liveable and safe communities by promoting efficient development and land use patterns, accommodating an appropriate range and mix of residential, employment and other uses to meet long-term needs, promoting cost-effective development patterns and standards to minimize land consumption and servicing costs and promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate. This proposal would establish both a variety of residential unit types (ranging from one to three bedroom units) and commercial units within a mixeduse building that uses existing services within an existing built-up area, and represents and efficient land use pattern that minimizes land consumption.

Policies within Section 1.1.3, Settlement Areas, identify settlement areas as the focus of growth and development. They also identify that land use patterns within settlement areas will be based on densities and a mix of land uses, which among other things, efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities that are available and planned, and which can support active transportation. These patterns should also provide a range of uses and opportunities for intensification and redevelopment where it can be accommodated. The policies also direct that appropriate development and compact form, while avoiding or mitigating risks to public health and safety. This site is located within an area of the City where redevelopment is encouraged, and for which a Zoning by-law has been brought into effect that permits as of right mixed-use development. The

specific performance standards that address various planning considerations including compatibility with adjacent lands for both existing and potential future development.

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 the PPS in this regard. The proposed land use and density provides a built form that supports an efficient use of land and existing transit infrastructure. In this case the draft zoning by-law carries forward the existing performance standard relating to front (street) yard building setback and establishes new minimum rates for both automobile and bicycle parking. The site is well served by public transit and is in close proximity to the future Eglinton East LRT (EELRT) line, and in conjunction with the improved public sidewalk and its location in close proximity to existing commercial and service uses, promotes active transportation.

Land Use

This application has been reviewed against the official plan and planning studies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole. The site and its abutting properties to the east and to west, which are directly accessible to Kingston Road are designated as *Mixed Use Areas* in the Official Plan. The lands to the south are designated as *Neighbourhoods* and supports a three-storey townhouse condominium development. Refer to Attachment 3: Official Plan Land Use Map.

The land use is consistent with both the *Mixed Use Areas* land use permissions, as well as the existing Commercial-Residential (CR) zoning which was implemented as a result of an Avenue Study completed and implemented through both an amendment to the Official Plan and related Zoning in 2003.

Density, Height, Massing

This application has been reviewed against the official plan policies the planning study and design guidelines described in the Issue Background Section of the Report. The proposed development represents the request to increase the maximum permitted number of storeys already permitted on the site by three-storeys and establish specific performance standards for the development. The existing zoning permissions on the site allow for a maximum building height of eight-storeys excluding basements and mechanical penthouses. There is no associated numerical height value expressed in metres, nor are there any restrictions on the gross floor area of a building, nor any required side yard building setbacks. The existing zoning does however require a minimum 7.5 metre rear yard building setback, and that buildings not exceed a 45-degree angular plane from the rear property line which abut a Single-Family Residential (S) Zone, a Street Townhouse Residential (ST) Zone or a Multiple-Family

Residential (M) Zone. In this case, the rear property line of the subject lands abut an "M" zone, and as such the building must cannot project above the 45degree angular plane as measured from the mid-point of the rear lot line and extending across the lot. The front (street) yard building setback is proposed to be 3.5 metres which is consistent with the setback of the abutting townhouse unit on Eli Shackleton Court which abuts Kingston Road.

The proposed building adheres to both the required rear yard building setback and the 45-degree angular plane, and also establishes a minimum 7.3 metre side yard building setback from the east property line abutting the existing threestorey freehold townhouses on Eli Shackleton Court. When this setback is combined with the existing building setbacks of the townhouses the resulting separation distance between buildings is approximately 14.8 metres. The proposed side yard building setbacks abutting the west property line include a 0 metre side yard building setback for the eleven-storey portion of the building and a minimum 5.28 metre side yard building setback for the 4-storey portion of the building. The lands which abut the subject lands to the west currently support a one-storey automotive related commercial use (Kal Tire). The abutting lands to both the east and west are also zoned Commercial Residential with the same permissions and performance standards as currently apply to the subject lands.

The applicant has estimated that the overall gross floor area that could result from the existing zoning permissions, of a maximum building height of eightstoreys and 0 m side yard building setbacks, is approximately 11,150 square metres. The proposed building design shifts the building mass that could result from existing zoning permissions both upward, by increasing the building height closer to Kingston Road, and downward, by decreasing the building height for the remainder of the building. The increased building height of eleven-storevs at a height of 34.3 metres (excluding basements and mechanical penthouses) is consistent with the future street width of Kingston Road at this location close to Kingston Road, and the decrease is represented by the proposed four-storey segment at a height of 13.3 metres (excluding the enclosed stairwell) closer to the back of the site. Given the existing Mixed Use Areas land use designation of the subject lands and neighbouring properties, and the existing zoning permissions for both the subject lands and the abutting lands to the east and west, the density, height and massing proposed by the applicant is considered appropriate and can be supported by staff.

Sun, Shadow, Wind

This application has been reviewed against the official plan policies and planning studies and design guidelines described in the Issue Background Section of the Report. The applicant has developed sun-shadow studies which compare the proposed building against the current zoning, and these studies have been reviewed by staff to evaluate the proposal. Due to the location of the building and orientation of Kingston Road at this location, most shadows will fall to the

north and east of the site during the hours considered in the study. The studies indicate that the resulting shadow impacts during the spring and fall equinoxes on the municipal sidewalks on Kingston Road will be limited. The shadows impacts are more significant to the lands to the east, however the resulting shadows of the proposed building move more rapidly and are less impactful overall than those which would result from the current zoning which allows a building of 8-storeys in height across a larger portion of the property, with a 0 metre side yard building setback from the east property line.

The applicant has provided a pedestrian level wind study which includes an analysis of existing and future conditions for the subject lands and for the adjacent rear yards, to evaluate the wind impacts of the proposed building. The study finds that wind conditions within adjacent private rear yards, both to the east and south will not have a significant impact from a pedestrian wind comfort perspective, and conditions will remain suitable for sitting or more sedentary activities. In terms of wind mitigation on the subject lands, the study finds that for the outdoor amenity area at ground level a high-solidity architectural wind screen installed along the north and east perimeter of the area will ensure that the space will be comfortable for sitting or more sedentary activities during the warmer months. For the outdoor amenity space on Level 5 terrace, wind conditions were found to be comfortable for sitting or more sedentary activities throughout the typical use period of late spring to early autumn without the need for any mitigation.

On balance, staff finds that resulting built form, in terms of both sun, shadow and wind impacts of the proposed building can be supported in the context of the existing land use and zoning permissions.

Avenues and Mid-Rise Building Guidelines

The subject lands are located on an Avenue excluded from the Mid-Rise Performance Standards, as identified in the Avenues and Mid-Rise Buildings Study, because an Avenue Study was completed for this segment of Kingston Road in 2003. The recommendations of the study were adopted by City Council at their meeting of June 24, 25 and 26, 2003:

https://www.toronto.ca/legdocs/2003/agendas/council/cc030624/sc5rpt/cl022.pdf.

One of the recommendations adopted by City Council as part of the area Avenue Study in 2003 pertained to the Urban Design Guidelines that formed part of the study. That recommendation indicated that the Urban Design Guidelines were to remain in effect until such time as the City's new Official Plan was in effect. The Official Plan was adopted by City Council in November 2002 and was approved in part, with modifications by the Ontario Municipal Board in June 2006 and again in June 2015. As such, the Mid-Rise Performance Standards were considered to assist staff's review of the development proposal.

The proposed building height is consistent with the maximum allowable height on Avenues which will be no taller than the Avenue right-of-way width, in this case 34.3 metres, up to a maximum of 11-storeys. The minimum ground floor height proposed is 4.3 metres (4.1 metre floor to ceiling height), which is slightly small than 4.5 metre floor to floor height set out in the guidelines. Front angular plane, step-backs and front façade alignment are all satisfactorily achieved by the proposed building. The front setback enables streetscape improvements that include a 2.1 metre sidewalk shifted away from the street edge, landscaping including tree plantings and bicycle parking. Vehicular access is provided from the Avenue, and is 6.2 metres in width close to the eastern edge of the property. In order to improve the transition between this development and the townhouses to the east the proposal has been revised from containing the driveway within the building massing, with additional floors built above the driveway as the guidelines set out, and as was originally proposed. Consistent with the guidelines, the loading space has been integrated within the interior of the building. All parking is located underground, with a ramp that accesses the underground garage entry all of which are located at the east side of the site.

Growing Up Vertically Draft Design Guidelines

The draft guidelines endorsed by City Council in July 2017 have been used to help inform the review of this application.

With regard to the unit mix and unit sizes, the proposed unit mix exceeds the objectives of the draft guidelines, which identify that a building should provide a minimum of 25% large units; 10% of which should be three bedroom units, and 15% of which should be two bedroom units. In this case, a total of 71% of the proposed units will be larger units, of which 10% are three-bedroom units, and 61% are two-bedroom units. Some of the two-bedroom units are sized within the identified 87 - 90 square metres range, however only one of the three-bedroom units falls within the identified 100 - 106 square metre size range.

In terms of unit location within the building, several two and three-bedroom units are proposed at grade where they will have access to private patios, while many of them are proposed to be located within the lower portions of the building, as the guidelines suggest.

The proposed indoor and outdoor amenity areas are intended to be functional for all age ranges and include flexible indoor space, a barbecue area at grade and planting and water features to provide visual interest. The site is also located across the street from the West Hill Public School.

Traffic Impact, Access, Parking

The application proposes access to the site via a 6.23 metre wide driveway located at the easternmost section of the site. Due to an existing concrete

median on Kingston Road, vehicular access is restricted to right-in and right-out movements. The driveway will provide access to both a Type "G" loading space within the eastern façade of the building and a three-level underground parking garage. The driveway will slope starting at the future (widened) property line of Kingston Road to enable access to the underground garage. Retaining walls within the subject property will be required to enable the grade change required for the ramp.

The applicant has provided a Traffic Operations Assessment which has been reviewed by Transportation Services staff. The assessment concludes that the proposed development will not cause any operational issues and will not add significant delay or congestion to the local roadway network. As part of the study an intersection operation analysis was undertaken. This analysis found that the impact of the traffic generated by the proposed development is negligible within the study area for years analysed and as a result no geometric or traffic signage improvements are required as a result of the proposed development. In terms of traffic signal timing, it finds that the traffic signal cycle length at the Kingston Road and Old Kingston Road intersection be increased for the 2023 projected traffic volumes for the morning peak hour. The study also finds that the proposed development will not negatively impact the existing local transit in terms of capacity, and that the sight distance available for the proposed site access meets the desirable decision sight distance requirements.

The applicant has also provided a Parking Analysis Review for the proposed use of PA4 parking standards of Zoning By-law 569-2013 at the site. The application also proposes limiting the range of commercial uses that are permitted within the Commercial Residential Zone to only those for which no parking is required if the overall gross floor area for the use is less than 200 square metres. This would include only the following permitted commercial uses in the Zoning By-law: retail stores, personal service shops and restaurants. The parking study was reviewed by Transportation Services staff, who are satisfied that these standards are appropriate for the proposed use. Application of these parking requirements results in the need for 82 residential occupant spaces, 14 visitor spaces and no commercial parking spaces. The proposed development will exceed these requirements by one space for the residential occupant required spaces. The PA4 parking standards are reflected in the draft Zoning By-law Amendment found in Attachment 5: Draft Zoning By-law West Hill Community.

The proposal also includes provision of both long-term (resident) and short-term (visitor) bicycle parking. In this case, a total of 64 long-term bicycle parking spaces are provided in secured storage areas located on the first level of the underground parking garage, and 7 short-term bicycle parking spaces are provided in front of the building entrance near the residential lobby entrance. Bicycle parking rates are secured in the amending Zoning By-law for the site.

Road Widening

The site is located along a segment of Kingston Road that is identified as a nonuniform width on Map 3 – Right-of-Way Widths Associated with Existing Major Streets. The existing right-of-way width in this location is 31.8 metres. Transportation Services have identified the need for a 2.5 metre road widening dedication to be conveyed to the City along the Kingston Road frontage of the subject site. The purpose of the road widening is to accommodate a sidewalk and snow storage at this location. The resulting right-of-way width of Kingston Road will therefore be increased to approximately 34.3 metres at this location. The lot area of the site will be reduced from 2,255 square metres to approximately 2,168 square metres once the lands for road widening are conveyed to the City. Refer to Attachment 6: Site Plan.

Streetscape

The proposed development includes both a 2.5 metre road widening along the entire frontage, and a proposed 3.5 metre building setback for the first floor level. Together this provides an opportunity to both relocate and increase the width of the municipal sidewalk within the newly widened right-of-way. This will allow space for street trees to be planted in the space between the curb and the sidewalk and enables a greater separation for pedestrians from the travelled portion of Kingston Road. Speeds of vehicles using Kingston Road and pedestrian safety were concerns raised by the community through the community consultation undertaken as part of this development application review. The sidewalk will taper to and from the existing municipal sidewalk located east and west of the subject site, but will otherwise be approximately 2.4 metres away from the existing curb of Kingston Road. The residential lobby entrance and grade level commercial units, whose entry doors will be at the front of the building facing Kingston Road, will enliven the sidewalk. Together the relocated and widened municipal sidewalk and front (street) yard building setback will create improved pedestrian conditions. Landscaping and paving on the subject property will contribute to generating a lively pedestrian environment and ensure accessibility for all.

Servicing

The applicant has provided a Functional Servicing and Stormwater Management report, a Geotechnical Investigation and Hydrogeological Assessment along with related plans including Grading and Servicing. This material has been reviewed by Engineering and Construction Services staff who have found the reports to be satisfactory for purpose of consideration of the Zoning By-law Amendment application.

Noise Mitigation

The applicant has provided a Noise Impact Study which considers the effect of the environment on the project, the effect of the project on the environment and the effect of the project on itself. The study finds that minimum requirements for noise mitigation include mandatory air conditioning for noise control purposes for all units within the development, exterior wall construction meeting a Sound Transmission Class (STC) rating of 45 for the building, in conjunction with acoustical upgrades to the exterior window construction up to STC 36 for the north east corner units, and up to 34 for the north façade units. The report finds that mitigation measures are not required for the nearby stationary sources. Noise attenuation measures will be detailed through the Site Plan Control application approval process.

Open Space/Parkland

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

The applicant is proposing to develop a 2,255 square metre mixed-use site containing 94 residential units and 194 square metres of commercial space. 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 is subject to a parkland dedication no greater than 10%, while the non-residential component will be subject to a 2% parkland dedication.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as condition of the building permit application process.

Tree Preservation

As proposed, this project would require the removal of seven privately owned trees, three of which are by-law protected, and the injury of six privately owned trees.

The three by-law protected private trees include two multi-stem Siberian elm trees (diameters of all stems range between 25 and 35 centimetres) and one Manitoba maple that is 30 centimeters in diameter. The planting of three

replacement trees for each by-law protected private tree removed would be a condition of Urban Forestry's permit issuance, if an application to remove the subject trees is approved ($3 \times 3 = 9$ replacement trees).

The six by-law protected privately owned trees include one Norway spruce having a diameter of 30 centimeters and five silver maple trees having a diameters of 30, 76, 68, 39, 32 and 63 centimetres. The proposed construction of the underground parking garage will encroach upon the minimum Tree Protection Zone of these trees. Approval by Urban Forestry of any application to injure a tree is based upon our assessment that the injury of the subject tree(s) is unavoidable if the project is to proceed as proposed, the tree will withstand the injury and continue to survive well, if the submitted Tree Protection/Preservation Plan is followed, and less injurious alternatives are not possible or not reasonable.

The private trees described above are all boundary line or neighbour owned trees. The applicant has submitted a tree injury and removal permit application.

The application is also required to comply with the tree planting elements of the Toronto Green Standard (TGS), which based on the area of the site requires a total of eleven trees to be planted on the site and the adjacent road allowance. The submitted landscape plans specify the planting of eleven new trees, including nine shade trees on private property, and two trees on the City road allowance adjacent to Kingston Road. The submission of satisfactory plans will addressed through the concurrent Site Plan Control application.

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

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the zoning-by law process, and includes securing vehicular and bicycle parking, storage and collection of recycling and organic waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to directing growth to an Avenue with a *Mixed Use Areas* land use designation, in an area where an Avenue Study was completed in 2003 and where this form of development is envisioned. Staff worked with the applicant to address and resolve the following key concerns: building setbacks and stepbacks to enable appropriate transition to the adjacent existing built form to the east, south, as well as to the lands to the west where similar development is permitted and may occur in the future, and the provision of a sufficient number of vehicular parking spaces. The development will provide a greater range of housing options within the neighbourhood and will improve the streetscape of Kingston Road with the relocation of the sidewalk farther from the roadway, landscaping along with ground related commercial units. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

Paul Zuliani, 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 – West Hill Community By-law

Applicant Submitted Drawings

Attachment 6: Site Plan Attachment 7: North and South Elevations Attachment 8: East Elevation Attachment 9: West Elevation Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

| Municipal Address: | 4569 KINGSTON RD Date Received: June 3, 2016 |
|----------------------|--|
| Application Number: | 16 167524 ESC 44 OZ |
| Application Type: | OPA / Rezoning, Rezoning |
| Project Description: | Zoning by-law amendment for a proposed 11-storey (34.3 m) tall mixed use building plus 5.5 m mechanical penthouse, with a 4-storey building section towards the rear portion of the site that includes an outdoor rooftop amenity area on the 5th floor. The existing zoning permits maximum building heights of 8-storeys plus rooftop mechanical penthouses. The proposal includes of 97 residential units and 194 square metres of retail space at grade. |

| Applicant | Agent | Architect | Owner |
|-----------------|-------|-----------|--|
| KOHN ARCHITECTS | | | 4569 KINGSTON RD DEVELOPMENTS INC |

EXISTING PLANNING CONTROLS

| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | |
|----------------------------|-----------------|--------------------------|---|
| Zoning: | CR | Heritage Designation: | |
| Height Limit (m): | | Site Plan Control Area: | Y |

PROJECT INFORMATION

| Site Area (sq m): 2,255 | Frontage | (m): 35 | Depth (m): | 64 |
|-----------------------------|----------|----------|------------|-------|
| Building Data | Existing | Retained | Proposed | Total |
| Ground Floor Area (sq m): | | | 1,147 | 1,147 |
| Residential GFA (sq m): | | | 8,794 | 8,794 |
| Non-Residential GFA (sq m): | | | 194 | 194 |
| Total GFA (sq m): | | | 8,988 | 8,988 |
| Height - Storeys: | | | 11 | 11 |
| Height - Metres: | | | 34.3 | 34.3 |

| Lot Coverage Rat | tio (%): 5 | 0.9 | Flo | or Spac | e Index: 3.99 | 9 |
|-----------------------------|------------|-----------------|----------|---------|---------------|------------|
| Floor Area Breal | kdown | Above Grade (| sq m) | Below | Grade (sq m) | |
| Residential GFA: | | | 8,794 | | | |
| Retail GFA: | | | 194 | | | |
| Office GFA: | | | | | | |
| Industrial GFA: | | | | | | |
| Institutional/Other | GFA: | | | | | |
| Residential Units by Tenure | 5 | Existing | Retai | ned | Proposed | Total |
| Rental: | | | | | | |
| Freehold: | | | | | | |
| Condominium: Other: | | | | | 94 | 94 |
| Total Units: | | | | | 94 | 94 |
| Total Residentia | l Units by | / Size | | | | |
| | Rooms | Bachelor | 1 Bed | room | 2 Bedroom | 3+ Bedroom |
| Retained: | | | | | | |
| Proposed: | | | | | | |
| Total Units: | | | | 27 | 58 | 9 |
| Parking and Loa | ding | | | | | |
| Parking Spaces: | 97 | Bicycle Parking | g Space: | s: 72 | Loading Do | ocks: 1 |
| CONTACT: | | | | | | |
| Andrea Reaney, S | Senior Pla | Inner | | | | |
| (416) 396-7023 | | | | | | |
| Andrea.Reaney@ | toronto.c | а | | | | |

Attachment 2: Location Map





Attachment 2: Official Plan Land Use Map

05/22/2018



Attachment 4: Existing Zoning By-law Map
Attachment 6: Draft Zoning By-law Amendment - West Hill Community

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the Former City of Scarborough West Hill Community Zoning By-law No. 10327, as amended, With respect to the lands municipally known as 4569 Kingston Road

WHEREAS authority is given to Council by 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*;

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

1. Schedule ''A'' is amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule '1':

CR - 202 - 203 - 209 - 338 - 339 - 340 - 341 - 342 - 343 - 519 - 600 - 601 - 604 - 614 - 648 - 649 - 650 - 651 - 652 - 653 - 654 - 655

2. **CLAUSE V – INTERPRETION, Section (f), <u>Definitions</u>, is amended by adding the following definitions:**

Amenity Space

means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for **recreational use** or social activities.

Bicycle Parking Space

means an area designed and equipped for the purpose of parking and securing a bicycle.

Floor Space Index (F.S.I.)

shall mean the ratio of the total floor area to the site area. Total Floor Area means the aggregate of the areas of each floor above grade, measured

between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any part of the building or structure above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building or structure used for retail commercial purposes open to the public and any areas used for recreational or mechanical purposes.

Loading Space

shall mean an area used for the loading or unloading of goods or commodities from a **vehicle**.

3. SCHEDULE ''B'', PERFORMANCE STANDARD CHART, is amended by adding the following Performance Standards:

LANDSCAPING

209. Minimum 0.5 metre strip of land along the north-east **side lot line** shall not be used for any purpose other than **landscaping**.

PARKING

- 338. Notwithstanding CLAUSE VII GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1. General Parking <u>Requirements</u>, Subsection 1.1 <u>Table of Required Parking Rates</u>, retail uses, personal service shops and restaurants in residential/commercial mixed use buildings shall not require any parking spaces provided that overall total gross floor area of these uses is less than 200 square metres.
- 339. Notwithstanding CLAUSE VII GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1. <u>General Parking</u> <u>Requirements</u>, Subsection 1.1 <u>Table of Required Parking Rates</u>, parking spaces for dwelling units in residential/commercial mixed use buildings shall be provided at the following rates:
 - (a) Bachelor Units (less than 45 m² GFA) minimum 0.7 spaces per dwelling unit and maximum 1.0 space per dwelling unit;
 - (b) Bachelor Units (greater than 45 m² GFA) minimum 1.0 spaces per dwelling unit and maximum 1.3 spaces per dwelling unit;
 - (c) 1-Bedroom Units: minimum 0.8 spaces per **dwelling unit** and maximum 1.2 spaces per **dwelling unit**;
 - (d) 2-Bedroom Units: minimum 0.9 space per **dwelling unit** and maximum 1.3 spaces per **dwelling unit**;
 - (e) 3+ Bedroom Units: minimum 1.1 spaces per **dwelling unit** and maximum 1.6 spaces per **dwelling unit**;
 - (f) Visitor Spaces: minimum 0.15 spaces per **dwelling unit**;

All parking spaces shall be provided below ground.

- 340. Notwithstanding CLAUSE VII GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1. <u>General Parking</u> <u>Requirements</u>, Subsection 1.2.2 <u>Sum of Requirements</u>, if the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space.
- 341. One **loading space** shall be provided and shall have the following minimum dimensions:
 - (a) length of 13 m;
 - (b) width of 4 m; and
 - (c) vertical clearance of 6.1 m.
- 342. **Bicycle parking spaces** shall be provided as follows:
 - (i) A minimum of 0.68 spaces for each **dwelling unit**; and
 - (ii) A minimum of 0.07 spaces for each **dwelling unit** for visitors.

Bicycle parking spaces may not be located in a **dwelling unit** or on any balcony associated therewith.

- 343. A **bicycle parking space** must have the following dimensions:
 - (a) if located in a horizontal position :
 - (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.6 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres;

and

- (b) if located in a vertical position:
 - (i) minimum length or vertical clearance of 1.9 metres;
 - (i) minimum width of 0.6 metres; and
 - (ii) minimum horizontal clearance from the wall of 1.2 metres.

INTENSITY OF USE

519. Maximum Floor Space Index: 4.15 times the area of the lot.

MISCELLANEOUS

- 648. The maximum building **height** must not exceed the height in metres specified by the numbers following the symbol H as shown on Schedule '3' of by-law [Clerk's to insert By-law ##].
- 649. Notwithstanding performance standard 648, the following building elements may extend a maximum vertical distance of 3 m above the permitted **heights** shown on Schedule '3' of by-law [Clerk's to insert By-law ##] eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, trellises, screens, landscape and public art features, window washing equipment, lightning rods, and green roof elements;
- 650. The minimum street yard, side yard and rear yard building **setbacks** are as specified on Schedule '3' of by-law [Clerk's to insert By-law ##].
- 651. Notwithstanding performance standard 650, and the definition of Main Wall in CLAUSE V INTERPRETATION, Section (f) <u>Definitions</u>, the following building elements may extend into the required building setback shown on Schedule '3' of by-law [Clerk's to insert By-law ##] as follows:
 - (a) canopies to a maximum of 1.5 m in the street yard;
 - (b) eaves, building cornices, light fixtures, ornamental and architectural elements, pilasters, parapets, trellises, window sills, window box, bay window or projecting window, landscape and public art features, window washing equipment, lightning rods a maximum of 0.6 m; and
 - (c) balconies and unenclosed porches a maximum of 2.0 m.
- 652. All waste and recyclable material shall be stored in a wholly enclosed building.
- 653. Notwithstanding CLAUSE VI PROVISIONS FOR ALL ZONES, Section 13. <u>Underground Structures in "NC", "CC", "CR", "HC"</u> and "OU" Zones, and CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1. <u>General Parking</u> <u>Requirements</u>, Subsection 1.5 <u>Parking Structures</u>, 1.5.2 <u>Yards</u>, Underground structures and basements shall have the following minimum setbacks:
 - (a) North-east **Side Yard**: 0.7 m
 - (b) South-west **Side Yard**: 1.4 m

- (c) **Street Yard**: 0 m
- (d) **Rear Yard**: 2.6 m
- 654. Notwithstanding CLAUSE VI PROVISIONS FOR ALL ZONES, Section 14. <u>Lands Not Covered by Buildings</u>, driveways, curbs, ramps and retaining walls are also permitted.
- 655. Notwithstanding performance standard 600, the following elements may project into a required **45-degree angular plane** from the **rear lot line** which abuts an "S", "ST", or "M" zone to a maximum height measured above surface materials (membrane, insulation, ballast and pavers):
 - (a) Privacy screens/dividers: 1.8 m
 - (b) Railings, glass guards, parapets: 1.2 m
- 4. **Schedule ''C'', EXCEPTION LIST** and **EXCEPTION MAP** are amended by adding Exception Number 105 to the lands outlined on Schedule '2' as follows:
 - 105. On those lands identified as Exception No. 105 on the accompanying Schedule "C" map, the following provisions shall apply:
 - (a) A minimum 4 square metres of **amenity space** shall be provided for each **dwelling unit**, of which a minimum 2 square metres for each **dwelling unit** shall be indoor **amenity space**.
 - (b) Notwithstanding CLAUSE VII ZONE PROVISIONS, 14. <u>Commercial/Residential Zone (CR)</u> (a) <u>Permitted Uses</u>, only the following uses are permitted:
 - Residential Uses
 - Personal Service Shops
 - Restaurants
 - Retail Stores

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

JOHN TORY, Mayor

ULLI S. WATKISS, City Clerk

(Corporate Seal)





| Materia Toronto Zoning By-Law Amendment | 4569 Kingston Road File # 16 167524 ESC 44 0Z |
|---|---|
| Area Affected By This By-Law | West Hill Community Bylaw Not to Scale 06/12/18 |







Exception No. 105

Terento Zoning By-Law Amendment

Area Affected By This By-Law

4569 Kingston Road File # 16 167524 ESC 44 0Z

> West Hill Community Bylaw Not to Scale 06/06/18





DI TORONTO Zoning By-Law Amendment

4569 Kingston Road File # 16 167524 ESC 44 0Z

Area Affected By This By-Law

West Hill Community By-law Not to Scale 06/14/2018

• 00/14/201





Attachment 7: North and South Elevations



Attachment 9: West Elevation

