



## REPORT FOR ACTION

# 2075 Kennedy Road, 26 and 50 Village Green Square - Zoning By-law Amendment Application - Preliminary Report

Date: March 1, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 22 - Scarborough-Agincourt (formerly Ward 41)

**Planning Application Number:** 18 271324 ESC 22 OZ

**Notice of Complete Application Issued:** February 8, 2019

**Current Uses on Site:** a 13-storey office building and ancillary one-storey parking structure.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 2075 Kennedy Road, 26 and 50 Village Green Square. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 2075 Kennedy Road, 26 and 50 Village Green Square together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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

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

The Local Planning Appeal Tribunal (LPAT) issued an order on February 1, 2019 that redesignated properties from "*Employment Areas*" to "*Mixed Use Areas*" and amended the Agincourt Secondary Plan by deleting and replacing Site and Area Specific Policy No. 7 (SASP 7) as described in further detail under the Toronto Official Plan section of this report.

## ISSUE BACKGROUND

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### Application Description

The application proposes to amend the Zoning By-law to permit the construction of two new buildings on the site, a new park and a privately owned park. One building is located at the northern part of the subject lands fronting Village Green Square as it approaches the CP Rail Corridor (North Building) and the other is along Village Green Square just east of Kennedy Road (South Building). The existing 13-storey office building (19,800 square metres) and associated one-storey parking structure are to remain on the property.

The proposed North Building is a 39-storey residential building (122.4 metres plus mechanical penthouse). The 6-storey base building contains above-grade parking between the second and sixth floors. Interior and exterior amenity spaces are located on the seventh floor. All residential uses within the base building are set back 20 metres or more from the property line of the adjacent Canadian Pacific Railway (CPR) corridor, as is the tower element. The tower has a floor plate of approximately 750 square metres and is stepped back from the base building.

The south building is proposed to contain a mix of uses and is comprised of two tower elements with heights of 37-storeys (119.4 metres plus mechanical penthouse) and 38-storeys (122.4 metres plus mechanical penthouse). Office space (775 square metres) and retail uses (870 square metres) are proposed on the ground floor along with a new connection to the existing office building. The 750 square metre tower floor plates are separated by 25 metres and stepped back from a 7-storey base building and have a floor plates of approximately 750 square metres. Vehicular parking is proposed between the 2nd floor and 7th floor of this base building. Connecting the two tower elements is a one-storey indoor amenity area and an outdoor amenity space at the 6th level.

In addition to the two buildings, a new public park having approximately 1,946 square metres is proposed on the southeast portion of the subject site fronting onto Village Green Square, adjacent to the future townhouse block at 335 Village Green Square to the east. To the north of the proposed new public park is a private park (Privately-Owned Public Space (POPS)) with an area of approximately 2,700 square metres.

A total of 930 residential dwelling units are proposed with a range of unit types. 60% of the units (558 units), are one-bedroom units with approximately 30% of the units (279 units) proposed as 2-bedroom units, and 10% of the units (93 units) are proposed as 3-bedroom units. A total of 1,362 vehicular parking spaces proposed for the new residential, office and retail uses.

Indoor and outdoor residential amenity space is proposed at a rate of 2.0 square metres for indoor space (total of 1,860 square metres) and 2.0 square metres (total of 1,860 square metres) for outdoor space for a combined total of 3,730 square metres.

See Attachment 1 of this report, for a location map and Attachments 2 and 3 for a three dimensional representation of the project in context.

Details on the proposed phasing and other project information is found on the City's Application Information Centre (AIC) at: <https://aic.to/2075KennedyRd>

### **Provincial Policy Statement and Provincial Plans**

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform to applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from *The Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The properties are located within the Agincourt Secondary Plan and are subject to a Site and Area Specific Policy No. 7 (SASP 7).

The development proposal is located on lands shown as *Mixed Use Areas* on Land Use Map No. 19 of the Official Plan (see Attachment 4: Official Plan). *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

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

The Urban Structure Plan (Map 1-1) shows, generally, the proposed north-south public road connection represents a southerly extension of Reidmount Avenue from Sheppard Avenue East, through the Cowdray Court to Village Green Square.

The site is also subject to SASP 7 of the Agincourt Secondary Plan. This policy states that development of the lands for residential uses will:

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

## **Zoning By-laws**

The property is zoned, Office Uses (OU) in the Scarborough Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District) and is subject to Exception 408. Office Uses permits a number of non-residential uses such as offices, retail stores, restaurants, recreational uses, financial institutions and day nurseries. Residential uses are not permitted.

Exception 408 permits hotel uses and places of entertainment.

The property is not subject to the City of Toronto Zoning By-law No. 569-2013.

## **Design Guidelines**

The following design guidelines will be used in the evaluation of these applications:

- City-Wide Tall Building Design Guidelines
- Streetscape Manual
- Percent for Public Art
- Growing Up: Planning for Children in New Vertical Communities

- Publicly-Owned Publicly Accessible Places
- Toronto Urban Design Guidelines Metrogate Agincourt Redevelopment.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

### **Reasons for the Application**

The proposed development requires an amendment to the Scarborough Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District) to permit the proposed residential uses, density and height of the buildings. Appropriate development standards regarding gross floor area, setbacks, indoor and outdoor amenity space, parking and other matters would be established through a site specific exception, should the proposed development be approved in whole or in part.

## **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Provincial Policies and Plans Consistency/Conformity**

The application will be evaluated against the PPS (2014) and the Growth Plan for the Greater Golden Horseshoe (2017) to establish the application's consistency with the PPS and conformity with the Growth Plan.

### **Official Plan Conformity**

The property is designated, *Mixed Use Areas* in the City of Toronto Official Plan. The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities. The policies of this land use designation include development criteria which direct, in part, that new development:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale Neighbourhoods;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods;

- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- provide an attractive, comfortable and safe pedestrian environment.

Staff will evaluate the application to determine conformity with the Official Plan and the Agincourt Secondary Plan in particular the SASP 7 including employment and affordable housing.

### **Built Form, Planned and Built Context**

Staff will assess the suitability of the proposed height and massing or other built form issues based on Section 2 q. and r. of the *Planning Act*; the *Growth Plan (2017)*, the City's Official Plan policies and the City's Design Guidelines including the City-Wide Tall Building Design Guidelines.

Staff will assess whether the application is contextually appropriate and whether it fits with the planned or built context of the area. This assessment of context will include the north-south townhouse blocks adjacent Village Green Square and the proposed mixed use development for Cowdray Court (north of the CPR railway). Staff will also review the proposed site organization including the retention of the existing one-storey parking structure, building heights, density, massing, setbacks, transition impacts, if any, to adjacent areas, the location of proposed indoor and outdoor amenity space and impacts on the public realm.

Background studies submitted with the application such as the Sun/Shadow Studies, Pedestrian Level Wind Studies are currently under review by staff.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Articles II (Street Trees By-law) and III (Private Tree By-law).

To accommodate the proposed development would require the removal of thirteen City owned street trees, located along the boulevards of Village Green Square and Kennedy Road, and eighteen privately owned trees, located within the subject site. An additional three boundary or neighbouring trees along the north-south segment of Village Green Square would also have to be removed.

The applicant has submitted an Arborist Report and Tree Preservation Plan which are currently under review by City staff.

### **Open Space/Parkland**

When the alternative parkland dedication rate is applied to the proposed development, the applicant is required to convey 1,911 square metres of parkland. The applicant is proposing an on-site parkland dedication of 1,946 square metres. The final determination of the dedication and location of the required park will be completed through the review of the application.

The proposed privately-owned publicly accessible open space (POPS) is currently under review. Staff will determine its merits based on the proposed size, location, programming and connections to the planned and built context of the area.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures will be secured on site plan drawings and the future Site Plan Agreement.

Staff are currently reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures for the rezoning application.

### **Housing**

Staff will review the application and whether the proposal meets the need to provide larger residential dwelling units suitable for a broad range of households, including families with children. The application is also being reviewed to ensure it conforms to the policy requirements of SASP 7 of the Agincourt Secondary Plan.

### **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps.

Portions of the site, primarily along Village Green Square is identified as having archaeological potential. A Stage 1 archaeological assessment, as part of the heritage impact assessment process has been submitted and is currently under review by staff.

### **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas

experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The CS&F study submitted in support of the application is currently under review. City Planning staff, in consultation with agencies, will:

- Determine the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population.
- Review the CS&F Study that was submitted with the application to determine whether any capital improvements or expansion of facilities opportunities were identified by the applicant or by staff and following up Study deficiencies to identify other issues that need to be addressed.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density pursuant to Section 37 of the *Planning Act*. As the application is seeking a significant increase in height and density, a Section 37 contribution would be warranted. Discussions with the Ward Councillor, City staff, residents and the applicant will be required to determine the extent and nature of the Section 37 community benefits should this application be approved in some form.

### **Railway Safety and Setback**

The subject site is located immediately south of the CP Rail Corridor.

A Derailment Protection Report and Plan, Noise and Vibration Feasibility Study were submitted in support of the rezoning application. This study and the proposed mitigation measures (crash wall, berms, building setbacks, building design features, rail safety measures etc.) will be reviewed by both the CPR and the City and a City-led peer review of the rail safety features will be required at the cost of the applicant.

### **Infrastructure/Servicing/Transportation Capacity**

Staff will review the application, in consultation with agencies, to determine if there is sufficient infrastructure capacity such as roads, transit, water, sewage, hydro, community services and facilities, etc. to accommodate the proposed development.



Through this review process, staff in consultation with the appropriate City Divisions and agencies, will determine the potential cumulative impact of all current applications and sites with previous approvals, but not constructed development within the Agincourt Secondary Plan boundaries.

Staff are currently reviewing site servicing, stormwater management and hydrogeology reports provided by the applicant with the submission to evaluate the effects of the development on the City's municipal servicing infrastructure and watercourses. This review may identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure that necessary to provide for adequate servicing to the proposed development.

Staff are currently reviewing the transportation impact study submitted by the applicant to evaluate the effects of the proposal on the transportation system. This review may outline any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

### **Municipal Class Environmental Assessment (MCEA)**

An MCEA has been initiated to determine the alignment for a north-south public road connection (the southerly extension of Reidmount Avenue from Sheppard Avenue East) shown on the Agincourt Secondary Plan. A grade separation crossing of the CP Rail Corridor is required in order to achieve a north-south road connection with Village Green Square. As well, multi-modal connections are a key component of the MCEA's scope and would serve a station access function by helping to link Village Green Square with Agincourt GO and also improve access to the existing Collingwood Park.

Staff are reviewing the application and potential impacts on the proposed access and location of the north building based on the requirements of the grade separation.

### **Co-ordination with Local Planning Initiatives, Regional Transit Improvements and Other Applications**

Recent planning approvals for lands at 2035 Kennedy Road (Delta Toronto East hotel lands) and the continued build out of the Metrogate (Tridel) subdivision lands on Village Green Square are local developments that form the context of the review for the rezoning application.

Similarly, an application was recently submitted for lands north of the CPR corridor at 20, 40, 50, 80 & 100 Cowdray Court for mixed use intensification. A total of 2,319 residential dwelling units are proposed in a range of unit types. A total of 32,691 square metres of office commercial gross floor area (16% of total) and approximately 171,829 square metres of residential gross floor area (84% of total) is also proposed. Additional information on this application can be found here: <https://aic.to/20-100CowdrayCt>

The development site is located in proximity to the Agincourt Planning Framework Review Study Area. The Framework Review process is examining how to manage future growth of the mall lands northwest of the subject site into an intensified mixed use community.

Details on the Framework review can be found at the following website:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/agincourt-mall-planning-framework-review/>

The Kennedy/Village Green development properties are approximately 225 metres from the Stouffville GO/Metrolinx rail corridor and approximately 550 metres from the Agincourt GO Station. Provincial investment in the Stouffville GO rail corridor as part of the GO Expansion Program that will provide more frequent and convenient transit service to the area and upgrades to the GO Station.

This application is being reviewed concurrently with the transportation planning initiatives along with the developments underway and proposed in the surrounding area. This will allow for staff to comprehensively review the applications and develop implementation strategies that would deliver improvements to public realm, connectivity, infrastructure and community services and facilities. This opportunity to secure these improvements through development approvals benefits the surrounding community while serving the proposed new developments.

### **Other Matters**

Development of the lands is not proposed in phases. However, there might be a need to phase the development of the site in order to accommodate, among other matters, roads, servicing, potential land conveyance resulting from the MCEA final alignment of the Reidmount Avenue extension to Village Green Square and grade separation.

An updated survey will be required to determine the exact property boundaries for the development of the lands as the existing office building and ancillary parking structure do not form part of the development site. Further details on tenure and information on future condominium applications will be required during the review of the application.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

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Paul Zuliani, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

City of Toronto Drawings

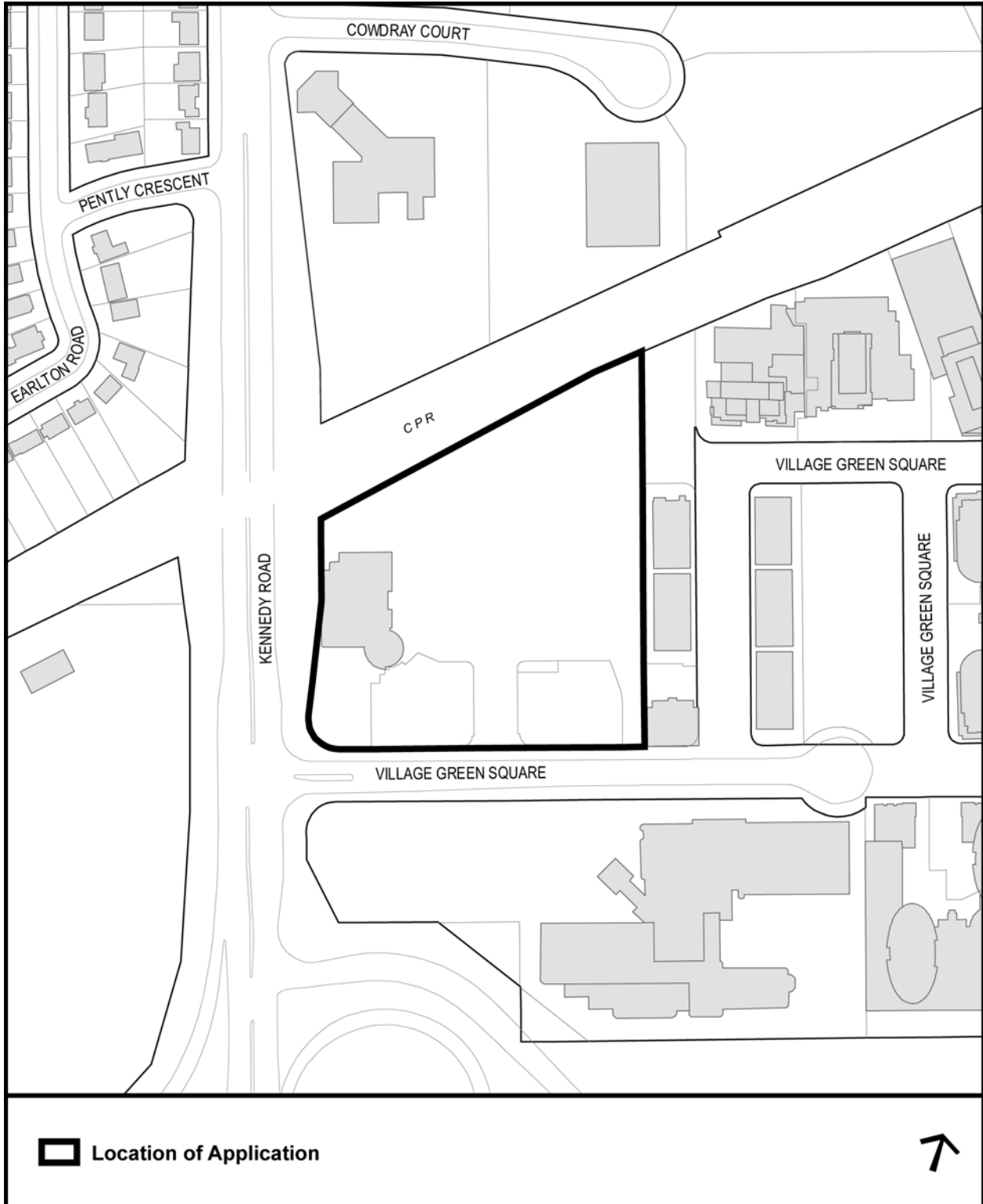
Attachment 1: Location Map

Attachment 2: 3D Model of Proposal in Context (Southeast)

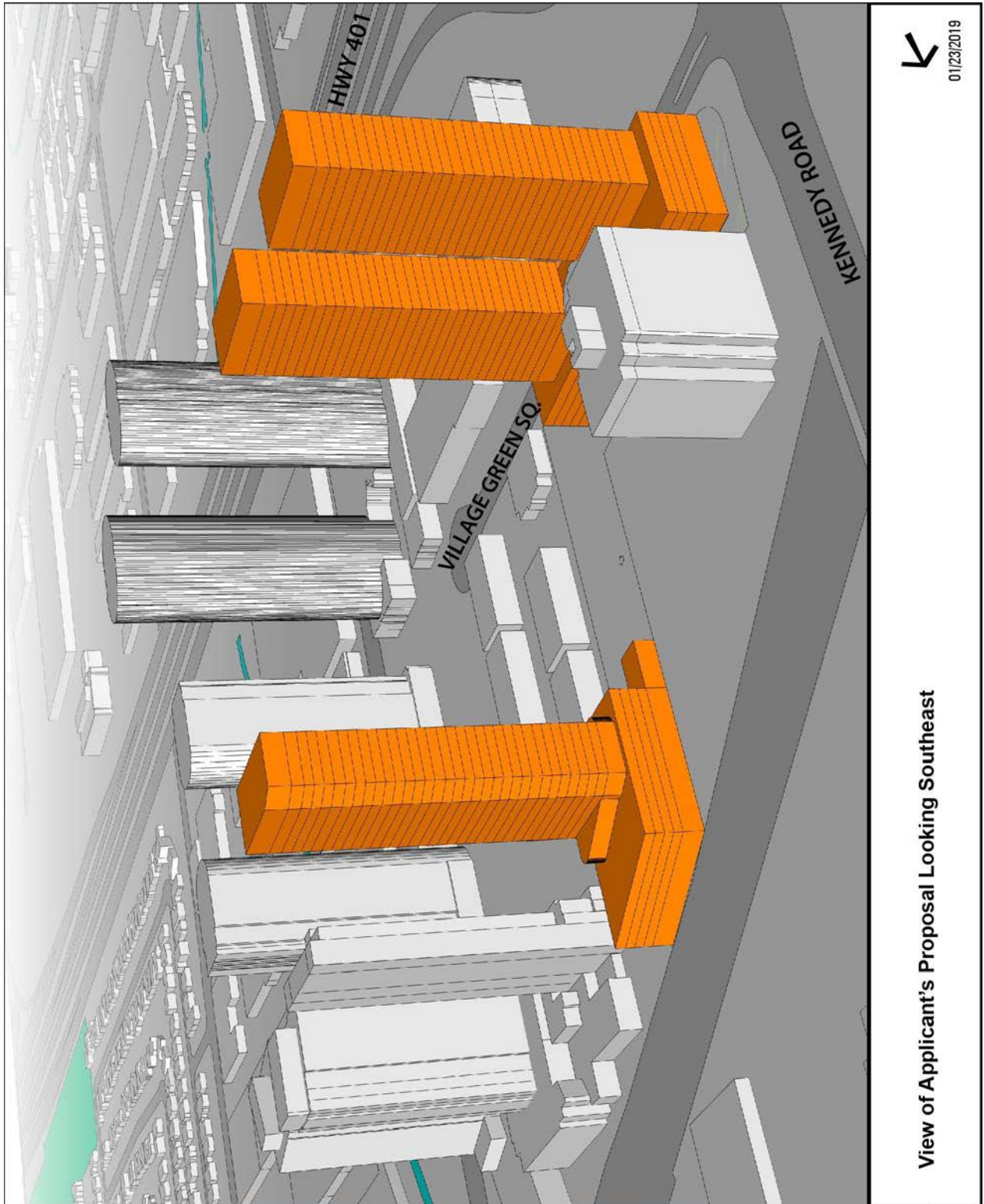
Attachment 3: 3D Model of Proposal in Context (Northeast)

Attachment 4: Official Plan Map

Attachment 1: Location of Application



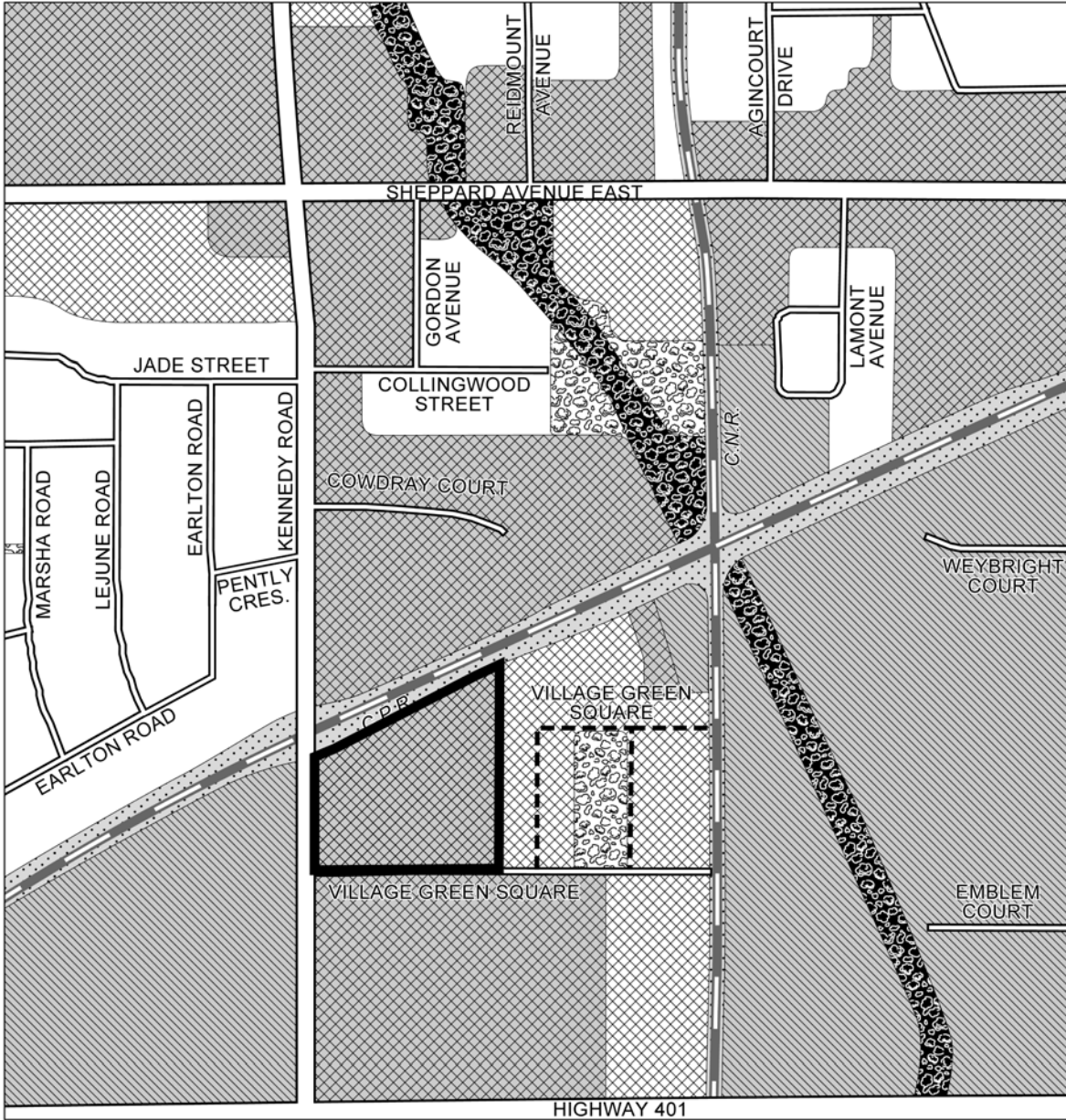
Attachment 2: 3D Model of Proposal in Context (Southeast)



Attachment 3: 3D Model of Proposal in Context (Northeast)



Attachment 4: Official Plan



**Toronto**  
**Official Plan Land Use Map #19**

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

File # 18 272231 ESC 22 OZ and 18 272239 ESC 22 SB

