



REPORT FOR ACTION

6480 – 6484 Kingston Road - Zoning Amendment, Draft Plan of Subdivision Applications – Request for Directions Report

Date: March 11, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 25 - Scarborough-Rouge Park

Planning Applications Number: 15 271011 ESC 44 OZ & 15 271007 ESC 44 SB

SUMMARY

The applicant proposes to amend the relevant Zoning By-laws and obtain Draft Plan of Subdivision approval in order to permit the redevelopment of 6480-6484 Kingston Road with a total of 12 new residential dwelling units comprised of 3 townhouse units fronting Kingston Road and 9 detached units fronting a newly proposed 18.5 metre (60 foot) wide public street. The owner of the site has appealed the Zoning By-law Amendment and Draft Plan of Subdivision applications to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision on the applications within the time period prescribed under the *Planning Act*. A five day hearing is scheduled to commence on June 17, 2019.

The applicant has recently submitted a with prejudice proposal. The purpose of this report is to seek City Council's direction for the hearing. Staff recommend that the City Solicitor and other appropriate City staff be authorized to attend the Local Planning Appeal Tribunal hearing to oppose the applications, as currently proposed. The report also identifies outstanding concerns and seeks Council direction for staff to continue negotiating with the applicant to resolve these concerns in advance of the hearing.

Staff are not satisfied that in its current form, the proposed applications have satisfactorily addressed environmental concerns and associated technical matters related to sanitary servicing and groundwater; site design; building setbacks; and, landscaping/tree planting.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal (the "LPAT") and oppose the applications in their current form, and to support the position outlined in the Request for Directions report for 6480-6484 Kingston Road (March 11, 2019) from the Director, Community Planning, Scarborough District.
2. City Council direct City Planning staff to continue negotiations with the applicant to resolve the outstanding issues detailed in the Request for Directions report for 6480-6484 Kingston Road (March 11, 2019) from the Director, Community Planning, Scarborough District, and if the issues are successfully resolved, that City Council direct the City Solicitor together with appropriate staff to attend the Local Planning Appeal Tribunal (the "LPAT") hearing in support of the revised proposal.
3. In the event the proposal is revised to resolve the issues outlined in the Request for Directions report for 6480-6484 Kingston Road (March 11, 2019) from the Director, Community Planning, Scarborough District to the satisfaction of the Chief Planner and Executive Director, City Planning, City Council classify the lands municipally known as 6480-6484 Kingston Road as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of Environment and Climate Change Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning), contingent upon the issuance of an LPAT Order allowing the appeals in part for the lands at 6480-6484 Kingston Road.
4. In the event that the LPAT allows the appeals in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold its final Order until:
 - a. the final form and content of the draft Zoning By-law is satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services;
 - b. draft Plan of Subdivision conditions are submitted by the City to the LPAT that address the technical requirements of the development including among other matters, servicing, grading and stormwater management matters, the construction of streets and tree protection and planting as determined by the Chief Planner and Executive Director, City Planning in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. the LPAT delegates clearing of the Subdivision conditions back to the Chief Planner and Executive Director, City Planning;

d. the owner has submitted a revised Functional Servicing Report and a revised Hydrogeological Report to determine the stormwater runoff, groundwater discharge, sanitary flow and water supply demand and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and if upgrades/improvements to the existing municipal infrastructure are required to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;

e. the owner has entered into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Functional Servicing Report and Hydrogeological Report, accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.

5. City Council authorize the City Solicitor and appropriate City staff to take any necessary steps to implement the recommendations 1 through 4.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The applications were received on January 6, 2016 and deemed complete on March 31 2016. A Preliminary Report on the applications identifying the preliminary issues to be addressed and authorizing staff to conduct a community consultation meeting was adopted by Scarborough Community Council on May 10, 2016. The preliminary report can be viewed at <https://www.toronto.ca/legdocs/mmis/2016/sc/bgrd/backgroundfile-92465.pdf>

On December 8, 2017 the applicant appealed the Draft Plan of Subdivision and site specific Zoning By-law Amendment applications to the Local Planning Appeal Tribunal, citing Council's failure to make a decision on the application within the time period prescribed by the Planning Act. A Pre-hearing conference was held on June 18, 2018. A second pre-hearing was held on July 25, 2018 which resulted in a draft procedural order, a draft issues list and a 5 day hearing being scheduled to begin on June 17, 2019. City staff require direction from City Council in order to finalize the issues list and prepare for the hearing.

ISSUE BACKGROUND

Proposal

The applicant proposes to amend the relevant zoning by-laws and obtain draft plan approval in order to permit 12 new residential dwelling units comprised of 3, three-storey (10 metre high) townhouse dwellings units fronting Kingston Road and 9, 3 storey (10 metre high) detached dwellings fronting a proposed, fully serviced, 18.5 metre (60 foot) wide public road. The proposed road terminates in a temporary/interim cul de sac.

Of the 9 proposed detached lots, 7 have frontages of approximately 9.1 metres and 2 lots have frontages of approximately 9.8 metres. The proposed 3 unit townhouse block is proposed to have frontages of approximately 7.8 metres, 6.5 metres and 7.8 metres from west to east, respectively.

The applications propose townhouse and detached lot areas ranging from approximately 155 square metres to 204 square metres and 180 square metres to 468 square metres, respectively. The front yard setbacks proposed for both detached and townhouse built forms is 3 metres to the front porch and 6 metres to the garage. The applicant proposes a minimum 7.5 metres rear yard setbacks for all proposed dwellings with the exception of a single townhouse which is proposed to have a 6 metres rear yard setback. Of the 9 proposed detached lots, Lot 1 and 2 incorporate minimum side yard setbacks of 1.2 metres on both sides. The 7 remaining detached lots are proposed to have side yard setbacks which are a minimum of 1.2 metres on one side and 0.6 metres on the other side. For the townhouse block, a minimum 1.2 metre side yard setback is proposed. The proposal contemplates the provision of 2 car parking spaces associated with each new dwelling consisting of 1 space within the garage and a second space in the driveway.

A noise/acoustic wall is proposed generally at the northwesterly end of the site.

The applicant is seeking to create all proposed lots and to obtain zoning permissions for all lots, however the applicant intends to encumber lot 8 with a portion of the temporary/interim turning circle in favour of the City until such time as the road is realigned and extended westerly allowing for the development of the Lot 8. (see Attachment 6: Draft Plan of Subdivision, Attachment 7: Site Plan/House Siting Plan Attachment 8: Elevations (1a&b, 2a&b, 3a&b)).

Site and Surrounding Area

The subject site is approximately 0.4 ha (1 ac) in size and consists of the consolidation of 3 properties on the north side of Kingston Road municipally known as 6480, 6482 and 6484 Kingston Road. The site has approximately 42 metres of frontage on Kingston Road, slopes from north to south, is irregularly shaped and made up of 2 oblong parcels and a 'P- shaped' remnant parcel. The subject lands contain a one storey, vacant

residential structure at 6482 Kingston Road and the rear portion of 6480 Kingston Road has a hard surface that was previously used for parking in association with the adjacent vehicle repair use to the west. The surrounding land uses are as follows:

South: Vehicle service and vehicle repair uses.

West: Vehicle sales and vehicle repair uses and further east, residential uses consisting of townhouse dwellings and two storey detached dwellings.

East: Residential uses consisting of three storey townhouse dwellings and one and two storey detached dwellings.

North: Residential uses consisting of one and two storey detached dwellings

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities.

The matters include:

- (h) the orderly development of safe and healthy communities;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

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

The PPS 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 this Report.

Toronto Official Plan

The applications have been reviewed against the policies of the City of Toronto Official Plan including:

Chapter Two - Shaping the City

2.3.1.1 *Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas

Chapter Three – Building a Successful City

3.1.2.1 New development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development 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. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. If located at a site that ends a street corridor, development should acknowledge the prominence of that site;
- 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.

3.1.2.2 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 by:

- a) using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b) consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;

- c) integrating services and utility functions within buildings where possible;
- d) providing underground parking where appropriate;
- e) limiting surface parking between the front face of a building and the public street or sidewalk; and
- f) integrating above-ground parking structures, where permitted or appropriate, with building design, and have usable building space at grade facing adjacent streets, parks and open spaces.

3.1.2.3 New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties 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

3.2.1 Housing

3.2.1.1. 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. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

4.1.1 Neighbourhoods

Of note the site is located within a Neighbourhoods designation within the Official Plan on Map 23 – Land Use Plan. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses duplexes, triplexes and townhouses, as well as interspersed walk up apartments no higher than four storeys. Physical changes to our established Neighbourhoods must be sensitive, gradual and generally fit the existing physical character.

Section 4.1.5 contains relevant development criteria for *Neighbourhoods* noting that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

4.1.8. Zoning By-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential Neighbourhoods.

Chapter Five - Implementation: Making Things Happen

5.3.1.4. In considering development proposals under this Plan, the City will ensure that the intensity and scale of proposed development can be accommodated by the various components of the City's infrastructure, as improved from time to time.

Highland Creek Secondary Plan

The Highland Creek Secondary Plan is applicable to the site. The Plan contains general policies indicating that the Neighbourhoods land use designation will include only single detached dwellings, on lots having a minimum lot area of 450 square metres (4,845 square feet). However, the lands are subject to Site and Area Specific Policy No. 6 which permits detached, semi-detached and street townhouses and states that the minimum 450 square metre lot area requirement does not apply.

In addition, Map 2-3 (Tertiary Plan) in the Highland Creek Secondary Plan illustrates a conceptual road and lot pattern for future residential infill development in various locations. The Tertiary Plan Map delineates a lotting pattern illustrating a new 'U'-shaped connection that runs north from Kingston Road and then loops south back to Kingston Road.

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

Official Plan Amendment No. 320

The Local Planning Appeals Tribunal issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized Apartment Neighbourhood sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017). The subject applications were submitted after City Council's adoption but before the an LPAT Order brought OPA 320 into force.

Zoning

The subject lands are zoned Single Family Residential (S) in the Highland Creek Community Zoning By-law No. 10827, as amended. The permitted uses include single family dwellings, correctional group homes and group homes. Of note, the applicable zoning permits one single family dwelling per parcel of land with a lot frontage of 15 metres (50 feet) and a minimum lot area of 696 square metres (7,492 square feet).

The westerly portion of the lands are regulated by the City Wide Zoning By-law No. 569-2013, as amended. The Residential Detached (RD) Zone permits detached houses as well as community oriented uses and buildings that meet certain prescribed conditions. These lands are also subject to Exception No. 692 which contains performance standards regulating lot area, lot frontage and building setbacks (see Attachment 5: Existing Zoning By-law Map).

Site Plan Control

The proposed development is not subject to site plan control under City of Toronto Bylaw No. 774-2012, as amended.

Draft Plan of Subdivision

A draft plan of subdivision application (File No. 15 271007 ESC 44 SB) was submitted to facilitate the redevelopment of the subject lands.

Reasons for Applications

The rezoning application is required in order to intensify the land use, permit townhouse built form and among other matters to permit the proposed lot areas, lot frontages and building setbacks.

The Draft Plan of Subdivision application is required to create new lots and blocks and to facilitate the creation and conveyance of a new public road.

Agency Circulation

City staff received a 'with prejudice' resubmission on February 19, 2019 to address outstanding concerns and requirements. At the time of writing this report, Planning staff are awaiting responses from commenting divisions on the resubmission. The outstanding issues identified to date from all appropriate agencies and City divisions have been used to assist in evaluating the proposal and in the preparation of this report.

Community Consultation

At its meeting of May 10, 2016, Scarborough Community Council (SCC) authorised staff to hold a community consultation meeting which was subsequently held on September 15, 2016 with Planning staff, a representative from the Ward Councillor's office, the applicant and owner in attendance. As directed by SCC notices were mailed out notifying residents and/or landowners within 120 metres of the site. The planning issues raised at the community meeting were the compatibility of the operations of the existing auto body repair use with the proposed redevelopment and the feasibility of screening the proposed project from the neighbouring land use.

COMMENTS

Planning Act

The *Planning Act*, Section 2 states that municipalities shall have regard for matters of provincial interest.

The redevelopment has addressed matters of provincial interest in that it is proposed within an area/location which is appropriate for residential development, it incorporates 2 different housing options and it provides for public sidewalks which can be accessed directly from the main entrances of the dwellings which supports the promotion of development that is designed to be oriented to pedestrians.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The PPS provides for a co-ordinated and integrated approach to planning matters within municipalities.

Section 1.1.1 indicates that healthy liveable and safe communities are sustained in part by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs

Section 1.1.3.2 indicates that land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1) efficiently use land and resources and
 - 4) support active transportation.

The applicant proposes to redevelop an underutilized parcel of land with a more efficient infill development which incorporates the connection to and extension of the existing public road network. The applicant proposes townhouse and detached houses ranging in size contributing to the range and mix of residential development within an existing built context containing detached, semi-detached and townhouse development. The

proposed public street is to contain sidewalks on both sides of the street encouraging active transportation.

Section 1.1.1 indicates that healthy liveable and safe communities are sustained by:

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

Section 1.1.3.2 states land use patterns within settlement areas shall be based on

- a) densities and a mix of land uses which:

- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Section 1.6.6.1 indicates that planning for sewage and water services shall ensure that these systems are provided in a manner that protects human health and the natural environment.

At the time of the writing of this report, staff require more technical analysis to be completed in order to determine whether or not environmental concerns/risks have been adequately addressed. Consequently, planning staff are not satisfied that the proposed development would not result in adverse impacts on the environment. Staff are not able to confirm that sewage and water services are proposed in a manner that protects the natural environment and have not been able to confirm the density is appropriate for and efficiently uses the City's sanitary sewers.

In its current form, the applications are consistent with many policies of the PPS, but staff have been unable to establish consistency with the PPS because of outstanding environmental concerns associated with sewage and water services. Staff continue to work with the applicant to resolve the outstanding technical issues.

As noted earlier in the report, the Growth Plan builds upon the policy foundation provided by the PPS. One of the Growth Plan's key objectives is the achievement of "complete communities". Section 2.2.1.4 indicates that the applications of the policies of the Growth Plan will support the achievement of 'complete communities' that

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

d) expand convenient access to:
a range of transportation options, including options for the safe, comfortable and convenient use of active transportation,

e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

Within the larger Highland Creek community and approximately 1 kilometre away from the subject lands is 'Highland Creek Village' which includes stores, employment uses and services. To the east of the village the land use is primarily residential. The proposed development supports the achievement of complete communities adding an appropriate type of land use to the mix of land uses. As noted earlier, it adds to the mix of housing options and expands convenient access to a range of transportation options given its proximity to a local transit stop located at Meadowvale and Kingston Road.

In its current form, the application proposes deficient setbacks for Lots 8, and given that review of a resubmission is currently underway, planning staff are unable to confirm that there is adequate boulevard tree planting and space for storing waste and recycling materials. Therefore, Planning staff are not yet satisfied that the site design of the proposal adequately contributes to the attractiveness and vibrancy of the public realm.

While the applications do conform to many Growth Plan policies, staff have been unable to establish conformity with the Growth Plan because of outstanding matters related to site servicing, site design and the public realm. Staff will continue to work with the applicant to resolve these outstanding matters.

Land Use

These applications have been reviewed against all of the applicable policies of the Toronto Official Plan as a whole, inclusive of the Highland Creek Secondary Plan.

A vacant detached residential dwelling exists currently on the subject lands and the proposal contemplates the provision of 12 new residential lots and a new road. The Official Plan designates the subject lands *Neighbourhoods* and the Secondary Plan envisions a potential redevelopment of the lands with residential development lots and a new road connection. The planned context includes residential land uses and is designated *Neighbourhoods* along the north side of Kingston Road to the north, east and west of the site. Along the south side of Kingston Road to the south, southeast and southwest of the site the planned context is residential land uses and residential commercial and institutional land uses *and is designated Neighbourhoods and Mixed Use Areas*. (see Attachment 3: Official Plan Land Use Map). However, the built context contains auto body and repair establishments.

At the request of staff, the applicant provided technical, peer-reviewed noise reports to address potential adverse impacts on the proposed lots from nearby vehicle repair establishments and to determine whether the proposed use and the existing establishments would be compatible. The residential land use is appropriate for the site, provided that the noise issues are adequately mitigated. The noise reports are discussed in more detail later in this report.

The Built Form policies in Section 3.1.2 of the Official Plan indicate that new development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development 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
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

The applications propose dwellings that are generally parallel to the proposed new public street or Kingston Road. A consistent 3 metre setback to the front porch and 6 metres to the garage main wall is proposed for all dwellings. The main entrances to each dwelling will be clearly visible and directly accessible from the sidewalk. Urban Forestry has raised no objection to the 6 trees requiring removal to facilitate the redevelopment.

Section 3.1.2.3 indicates that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- 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.

The proposal contemplates the provision of 3 storey dwellings with no basements. Though there is a physical context made up primarily of 2 storey detached dwellings in the interior of the neighbourhood, the applicant has worked with staff to keep the dwelling heights of the proposed interior lots to 10 metres in accordance with Zoning By law 569-2013, has introduced various changes to the architectural elements of the design and materials to minimize the perception of distinct storeys. The applicant has generally improved the appearance of the dwellings and has generally limited impacts on the adjacent properties and street. Planning Staff are satisfied with the changes made to the exterior facades.

Section 3.1.2.5. states that new development will 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;

The proposal contemplates the provision of 11 new City-owned trees in the interim condition and 15 City owned trees once the proposed road is realigned and extended westerly. The landscape plans provided do not show the proposed noise wall and by extension do not illustrate if and how the noise wall will be screened by trees and/or shrubs or hedge plantings. Staff require revised landscape/planting plans to demonstrate that the proposed street includes the appropriate improvements (i.e tree plantings) in the proposed and existing boulevard to meet this policy objective.

The *Neighbourhoods* policies contained in Section 4.1.5 indicate that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

Highland Creek Secondary Plan

As noted earlier in the report, the lands are subject to Site and Area Specific Policy No. 6 in the Highland Creek Secondary Plan which permits detached, semi-detached and street townhouses and states that the minimum 450 square metre lot area requirement in the General Policies section does not apply. Further, Map 2-3 (Tertiary Plan) shows 'Potential Road and Lots' illustrating a lotting pattern on a U-shaped road running north from Kingston Road and then looping back south to Kingston Road.

The applications address the Secondary Plan policies by providing built forms that are envisioned by the Plan. The proposal appropriately responds to the Tertiary Plan (Map 2-3) by proposing an 18.5 metre public road which runs north from Kingston Road and (ultimately with the removal of the temporary turning circle) anticipates an extension of and looping of the road and new lots.

The applicant has incorporated a new 18.5 metre public street, and though Lots 8 and 9 are marginally smaller than existing lots in the *Neighbourhood*, the applicant has efficiently configured the lots on both the proposed and existing streets. The applications propose to permit physical building heights of 10 metres in keeping with requirements in Zoning By-law No. 569-2013. Further, the proposal contemplates townhouse and detached built forms and the prevailing building types in this neighbourhood are detached and townhouses built forms.

Staff are of the opinion the flankage/side yard building setback proposed for Lot 8 (1.2 metres) is not adequate to ensure the development is compatible with the character of the established neighbourhood and is unacceptable given the prevailing pattern of flankage/side yard setbacks within the neighbourhood (between 3.0 metres and 4.5 metres). Also, given the proposed road alignment and that staff anticipate a future lotting pattern and lot orientation creating the condition of having a flankage yard for Lot 8 adjacent to a future front yard, staff are of the opinion that a portion of Lot 8 should include a minimum side yard setback of 3 metres. The proposal does not adequately anticipate the setbacks which may be required for the future residential redevelopment of lands to the west.

While the development proposal addresses many of the City's Official Plan Built Form, Neighbourhoods and Secondary Plan policies, in its current form, it does not adequately address all relevant applicable policies. Staff will continue to work with the applicant to address outstanding deficiencies, which include inadequate setbacks and landscape and streetscape improvements required to the proposed and existing boulevard.

Servicing

A Functional Servicing Report, prepared by Condeland Engineering dated November 9, 2018 was submitted in support of the applications and the report and submission materials have been reviewed by Engineering and Construction Services staff. In its current form, staff find the report unacceptable and have requested additional work to be done to address sanitary sewer surcharge matters within existing sewers in wet weather and the risk of sanitary sewer spill as a result of the proposed development into the Highland Creek Tributary. Staff are not satisfied that the Hydrogeological Report submitted adequately addresses groundwater matters. Engineering and Construction Services staff have actively been working with the applicant to address the remaining concerns.

Policy 5.3.1.4 of the Official Plan states that in considering development proposals under this Plan, the City will ensure that the intensity and scale of proposed development can be accommodated by the various components of the City's infrastructure, as improved from time to time. To date, City staff are not satisfied that the proposed development can be accommodated by the City's infrastructure.

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 applications are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the 4th 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 Owner has applied to permit the construction of 12 residential units within a site area of 0.3121 hectares (3,121m²). At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the required parkland dedication would be 160m², which equates to 5% of the site.

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 a condition of the building permit applications process.

Archaeological Assessment

The subject site is an area of archaeological potential. The applicant submitted a Phase 1 and Phase 2 Archaeological Assessment completed by ASI and dated January 11, 2017. The consultant through the report indicated that no archaeological potential existed on site. Heritage Preservation Services do not have concerns with the proposed development and concurred with the consultants findings. Advisory comments have been provided to the owner regarding the owner's responsibilities should human remains be discovered during excavation activities. Staff consider archaeological matters as having been addressed.

Tree Preservation

A tree inventory and landscape plans were submitted by the applicant in support of the proposal and were circulated to Urban Forestry for review and comment. Urban Forestry staff acknowledge that a total of 6 By-law protected trees (1 city owned and 1 privately owned) would require removal and have advised the applicant that permits would need to be issued to remove the trees. Staff will continue to work with the applicant to ensure an adequate landscape/replanting plan is secured as a condition of the subdivision approval.

D-6 Compatibility/Noise and Vibration Matters/Class 1 & 4

Staff requested technical reports given the concerns raised at the community consultation meeting and given general compatibility concerns related to nearby lands containing auto repair facilities. In response to staff, the applicant submitted a 'Noise Impact Study' prepared by J.E. Coulter Associates Limited dated December 20, 2017 and revised January 11, 2019 and a 'D-6 Compatibility Assessment' prepared by WSP Canada Inc. dated February 2017 which were subsequently peer reviewed by a qualified consultant retained by the City (Arcadis Inc). Of note, the purpose of the "Compatibility" study was to complete a air quality, dust and odour assessment of the surrounding uses on the proposed development. The City's peer reviewer agreed with the consultant that there was minimal potential for adverse odour and dust impacts and that the report adequately captured potential noise sources.

The MECP (Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning) - NPC-300, provides relevant guidance that may be used when land use planning decisions are made under the *Planning Act*. The intent of the guidelines is to minimize the potential conflict between noise sensitive land uses and sources of noise emission.

Of note, under the guidelines, noise-sensitive receptors are defined using area classifications. The receptor areas are classified as either:

- Class 1 – Urban Areas
- Class 2 – Suburban / Semi-Rural Areas
- Class 3 – Rural Areas
- Class 4 – New Developments

Depending on the receptor area classification, different guideline sound limits apply. Classes 1, 2 and 3 were included in the predecessor guidelines to NPC-300, namely Publications NPC-205, NPC-232, and LU-131.

The Class 4 designation in the guidelines provides for a new acoustical environment, site-specifically, where relaxed (higher) daytime and night time sound level limits from that otherwise permitted in an urban area, for both indoor and outdoor areas associated with new development may be permitted.

In NPC-300, a Class 4 Area is defined as “an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- a) is an area intended for development with new noise sensitive land use(s) that are not yet built;
- b) is in proximity to existing, lawfully established stationary source(s); and

c) has formal confirmation from the land use planning authority with the Class 4 Area classification which is determined during the land use planning process”.

Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 Areas. Section C4.4.2 of the guidelines indicates that Class 4 Area classification is based on formal confirmation of the classification by the land use planning authority. Such confirmation is issued at the discretion of the land use planning authority and under the procedures developed by the land use planning authority, in the exercise of its responsibility and authority under the Planning Act.

Of note, the City's peer reviewer (Arcadis Inc) indicates that although lands with existing sensitive land uses cannot be classified as Class 4 areas, the subject site is being contemplated for redevelopment, and therefore could be reclassified by the planning authority.

The applicant's noise report indicates that this subject site falls under a Class 1 designation. The report also demonstrates that the operations associated with the neighbouring autobody repair represents a noise source requiring noise mitigation inclusive of a sound/acoustic barrier.

The NPC guidelines indicate a cooperative effort on the part of the proponent of a new noise sensitive land use and the stationary source owner is desirable for both parties. Staff note that though the applicant has attempted to work with the adjacent landowner to address noise issues it ultimately has not resulted in any agreement to mitigate noise issues at-source.

The consultant's report indicates that given the proximity of the neighbouring auto-body repair establishment and resulting level of noise associated with its operation, that a 6.5 metre high sound/acoustic wall would be required to meet Class 1. Alternatively, consideration could be given to the site being classified/designated a Class 4 Area which would allow for relief from the sound limit requirements of Class 1 and permit the applicant to implement a range of measures to address noise (i.e warning clauses in agreements of purchase and sale, the installation of forced air heating systems and central air conditioning systems). Most notably, a Class 4 Area classification/designation would result in a meeting the guidelines with a reduction in the noise wall height to 4 metres. It was determined by the applicant's consultant that the site is well suited for the Class 4 Area classification/designation. The City's peer reviewer (Arcadis Inc) found that the information in the noise report was complete and accurate, the assessment of the impacts of the adjacent industrial facility was complete and the proposed mitigation measures were both appropriate and effective.

It is staff's view the Class 4 Area classification/designation would be required while the existing neighbour is operating and would be unnecessary and irrelevant once lands to

the west redevelop with residential land use. It is staff's opinion that, should the application be revised to address all of the outstanding issues set out in this report, and should the LPAT allow the appeal in part and issue an Order approving the development, it is appropriate for Council to confirm the subject redevelopment as a Class 4 Area,. Should this occur, staff would be required to inform the Ministry of the Environment Conservation and Parks.

Conclusion

The applicant has made several revisions to respond to a range of comments from City staff including the submission of a 'with prejudice' submission which is still under review at the time of writing this report. Notwithstanding the improvements, at the time of writing this report, there are still a number of outstanding issues to be addressed. These include:

Outstanding Issues

- resolution of environmental concerns and associated technical matters related to sanitary servicing and groundwater;
- inadequate building setbacks for Lot 8;
- resolution of tree planting/landscaping and associated public realm matters;
- finalization of draft Zoning By-law Amendments to the Highland Creek Community By-law No 10827 as amended, and City of Toronto Zoning By-law No. 569-2013, as amended;
- in the event all outstanding issues are resolved to the satisfaction of City staff, implementation of a Class 4 Noise Area Classification by City Council.

The current proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are not satisfied that the proposal in its current form is consistent with the PPS (2014) and conforms with the Growth Plan (2017). Furthermore, are not fully satisfied that the proposal adequately addresses all relevant applicable policies in the Toronto Official Plan.

Staff are of the opinion that provided all outstanding matters outlined in this report are resolved to the City's satisfaction, that it can be demonstrated that the proposal is consistent with the PPS (2014), does not conflict with the Growth Plan (2017) and is in keeping with the intent of the Toronto Official Plan.

Staff recommend that City Council direct City Staff to continue to negotiate with the applicant to resolve the outstanding issues detailed in this report in advance of the hearing. In the event that a settlement is not achieved, City Council direct the City Solicitor, and appropriate City Staff, to attend and oppose the applications in their current form (as per the issues identified in this report) at the scheduled LPAT hearing.

CONTACT

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E-mail: jeffery.sinclair@toronto.ca

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: Highland Creek Secondary Plan Map (Excerpt)
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Plan of Subdivision
- Attachment 7: Site Plan/House Siting Plan
- Attachment 8: Elevations (1a&b, 2a&b, 3a&b)

Attachment 1: Applications Data Sheet

Municipal Address: 6480-6484 KINGSTON RD Date Received: January 6, 2016

Applications Number: 15 271011 ESC 44 OZ

Applications Type: OPA / Rezoning, Rezoning

Project Description: Proposal to permit the creation of 12 new residential dwellings, consisting of three freehold townhouse units fronting onto Kingston Road, and nine single-detached dwellings on a new 18.5 metre public street.

Applicant	Agent	Architect	Owner
URBAN GROWTH INC			BELLEGATE DEVELOPMENTS LTD

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: S (Scarborough), RD (Toronto) Heritage Designation:

Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 1,347 Frontage (m): 15 Depth (m): 88

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	70		880	880
Residential GFA (sq m):	70		2,252	2,252
Non-Residential GFA (sq m):				
Total GFA (sq m):	70		2,252	2,252
Height - Storeys:	1		3	3
Height - Metres:			9	9

Lot Coverage Ratio (%): 65.3 Floor Space Index: 1.67

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 2,252

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	1		12	12
Condominium:				
Other:				
Total Units:	1		12	12

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					12
Total Units:					12

Parking and Loading

Parking Spaces:	24	Bicycle Parking Spaces:	Loading Docks:
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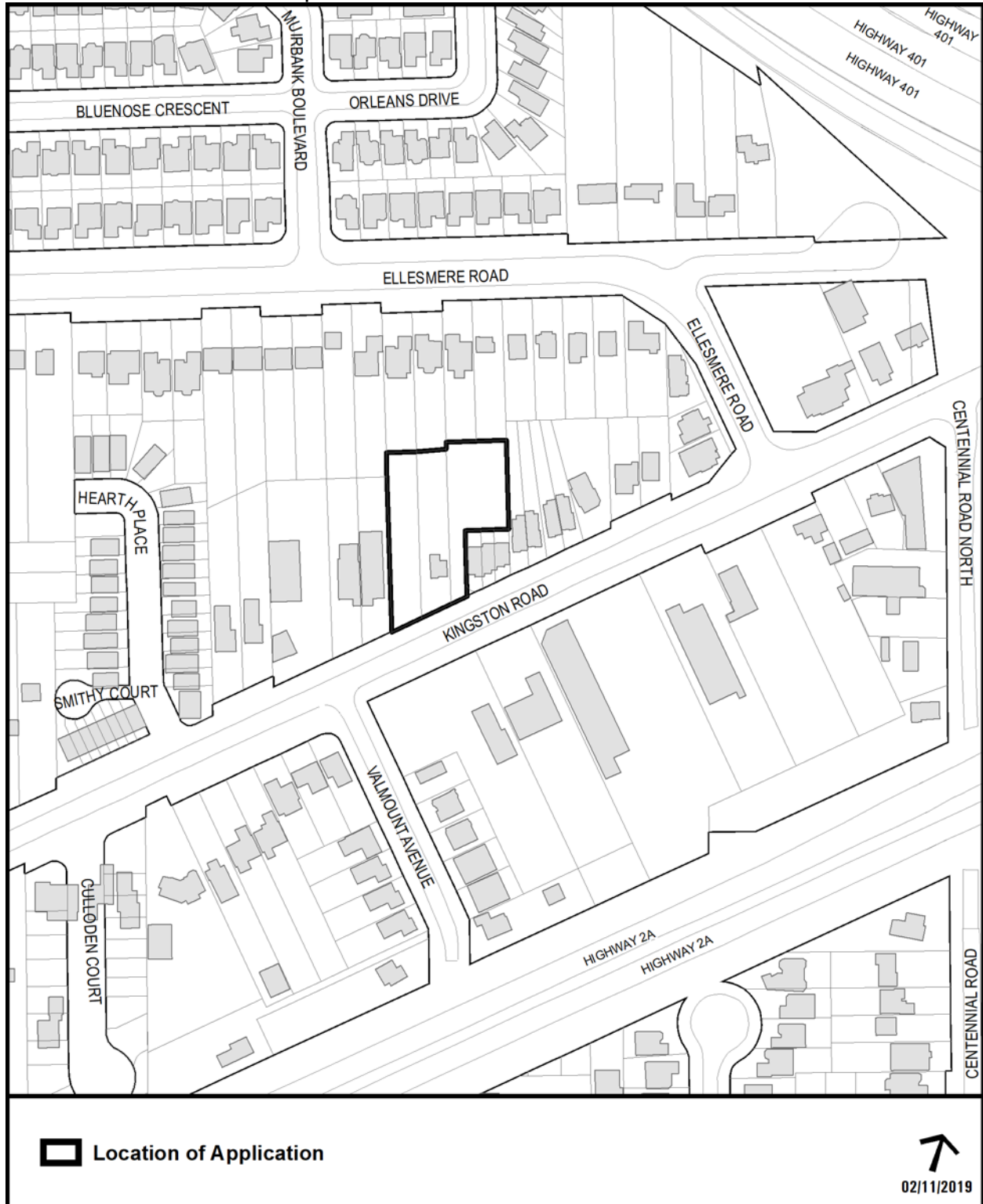
CONTACT:

Jeffery Sinclair, Planner

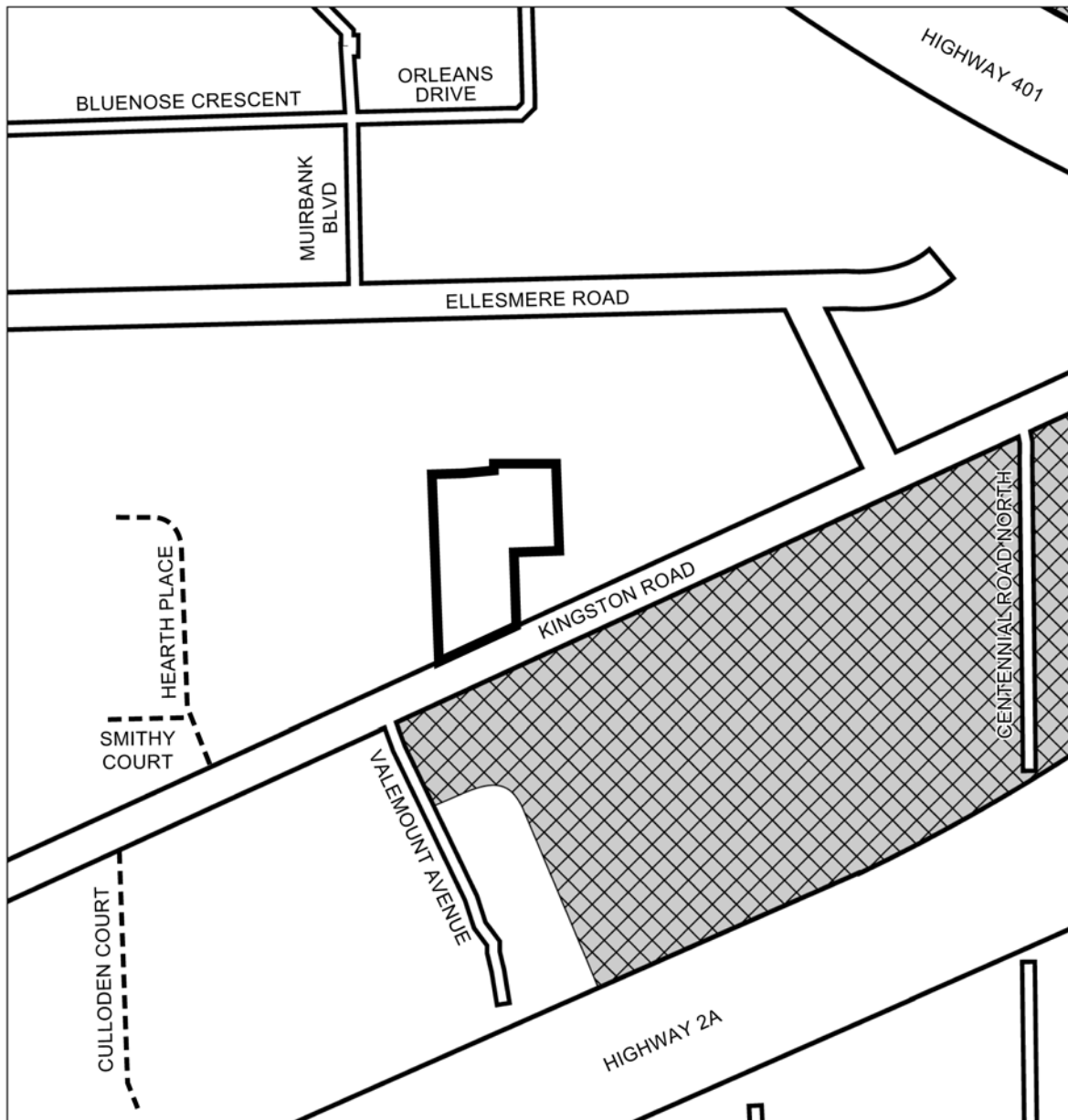
416-396-7685

Jeffery.Sinclair@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #23

6480-6484 Kingston Road

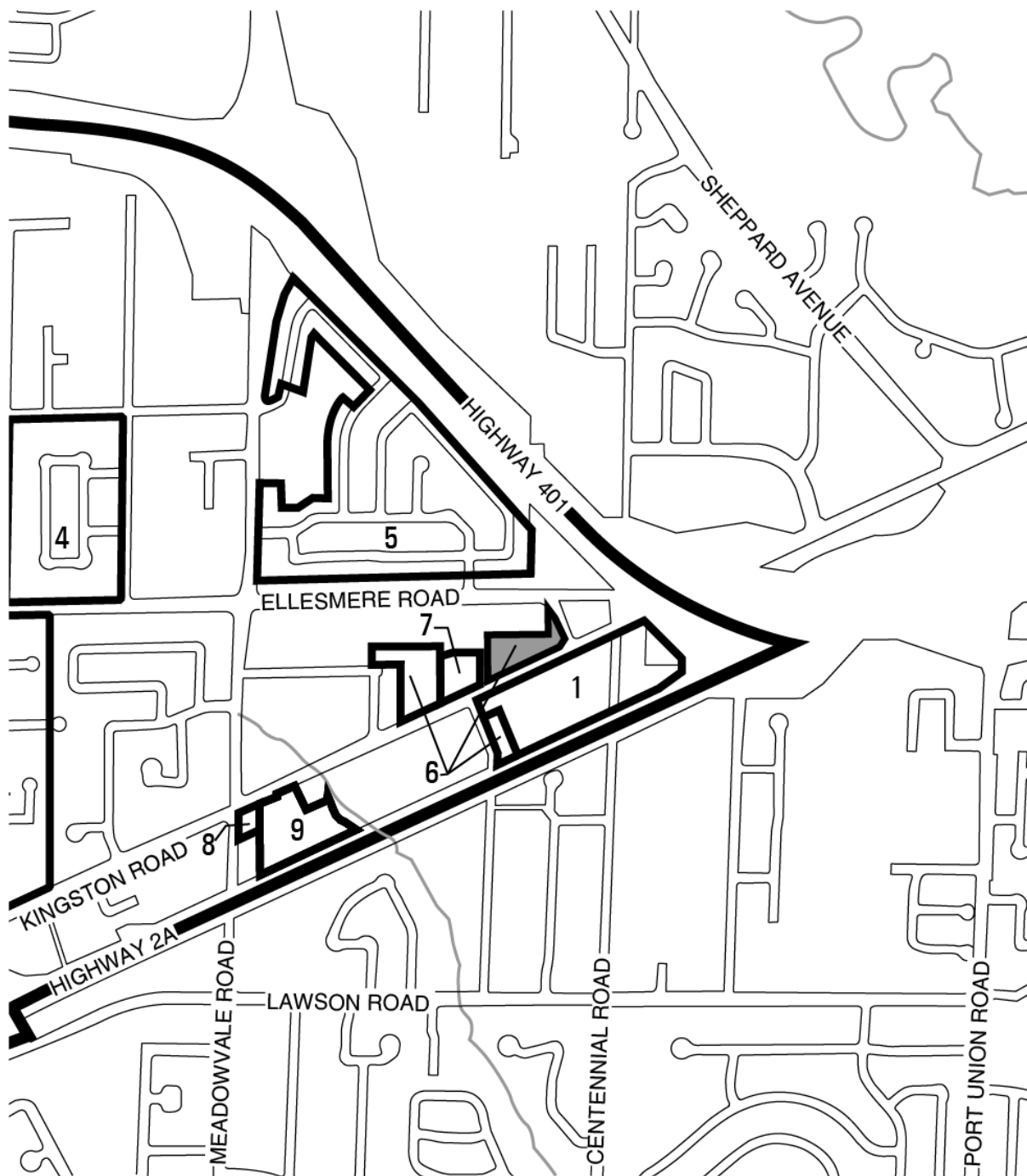
File # 15 271011 ESC 44 OZ and 15 271007 ESC 44 SB



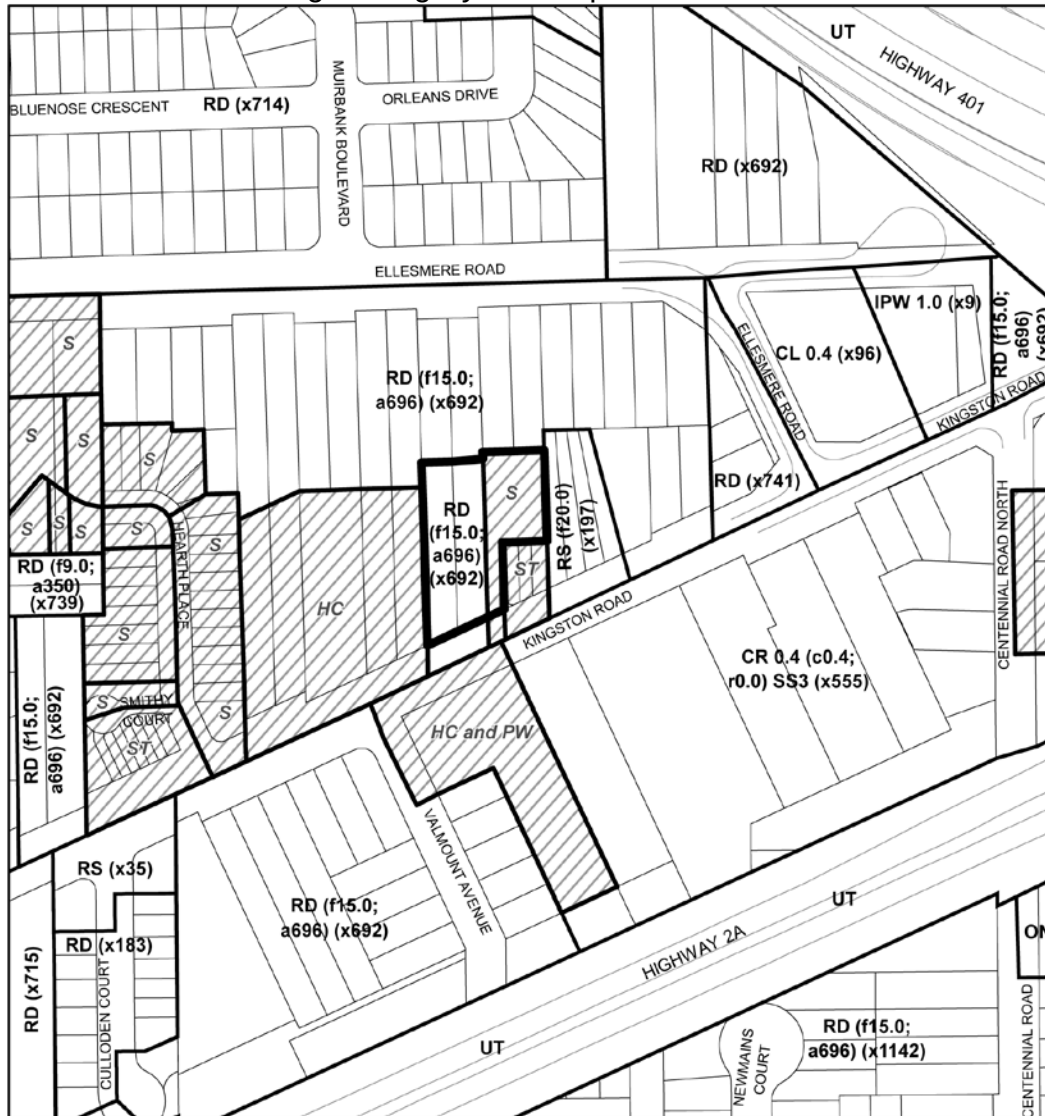
--- Roads not currently shown on Land Use Map

↑
Not to Scale
02/11/2019

Attachment 4: Highland Creek Secondary Plan Map 2-1 (Excerpt)



Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

6480-6484 Kingston Road

File # 15 271011 ESC 44 OZ and 15 271007 ESC 44 SB



Location of Application



See Former City of Scarborough
Highland Creek Community By-law No. 10827

RD Residential Detached
RS Residential Semi-Detached
CL Commercial Local

CR Commercial Residential
IPW Institutional Place of Worship
ON Open Space Natural
UT Utility and Transportation

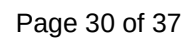
S Single-Family Residential
ST Street Townhouse Residential
HC Highway Commercial
PW Place(s) of Worship

Single-Family Residential
Street Townhouse Residential
Highway Commercial
Place(s) of Worship

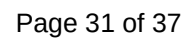


Not to Scale
Extracted: 02/11/2019

Request for Directions Report - 6480-6484 Kingston Road



Request for Directions Report - 6480-6484 Kingston Road



Attachment 8: Elevations (1-a)

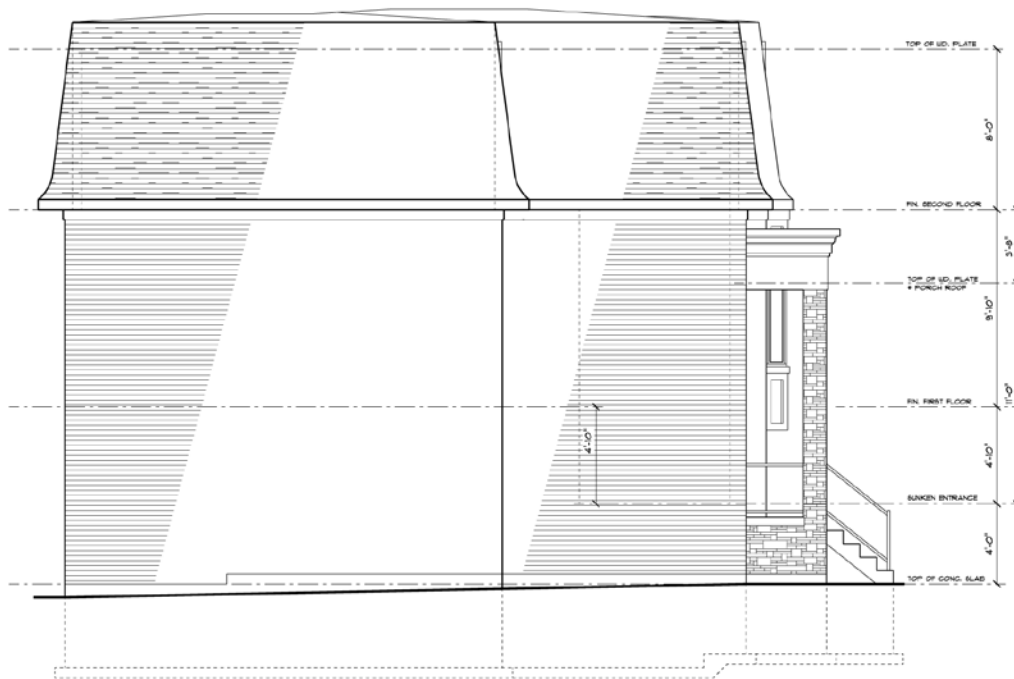


Lot 6 - Front (West) Elevation

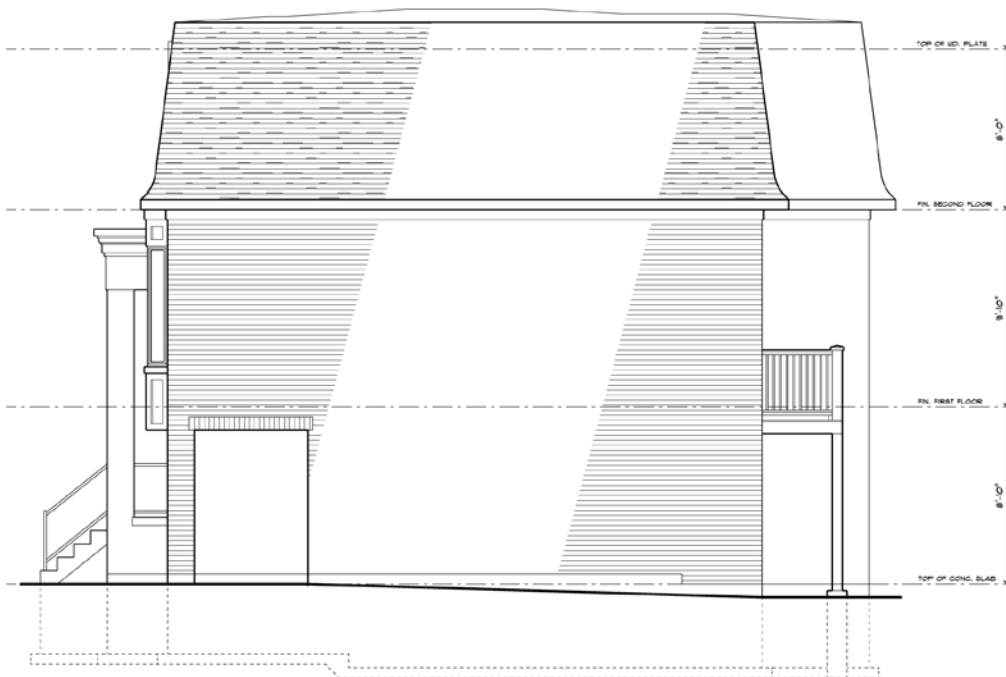


Lot 6 - Rear (East) Elevation

Attachment 8: Elevations (1-b)



Lot 6 - Left-Side (North) Elevation



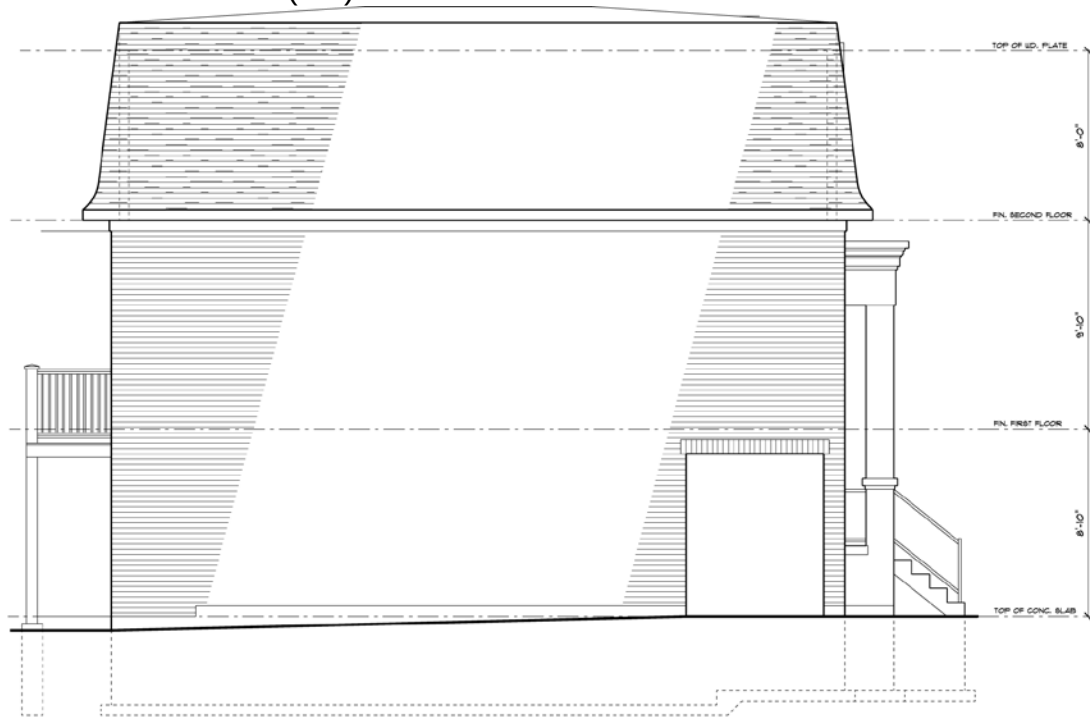
Lot 6 - Right-Side (South) Elevation

Architectural elevation drawing of a two-story house. The drawing includes the following dimensions and labels:

- Overall Dimensions:**
 - Overall Height: 28'-3" (Ribbon)
 - Overall Width: 38'-7" (Ribbon)
- Left Side Dimensions (from left edge):**
 - 8'-0" (Total height to top of second floor)
 - 9'-0" (Total height to top of pitched roof)
 - 8'-0" (Total height to top of concrete slab)
- Right Side Dimensions (from right edge):**
 - 1'-0" (Total height to top of pitched roof)
 - 6'-0" (Total height to top of second floor)
 - 28'-3" (Ribbon) (Total height to top of concrete slab)
- Labels and Features:**
 - TOP OF PITCHED ROOF
 - TOP OF 2D. PLATE
 - FIN. SECOND FLOOR
 - FIN. SECOND FLOOR 2D. OF BAY/BOBBIT
 - TOP OF 2D. PLATE * PORCH ROOF
 - STAIR LANDING
 - FIN. FIRST FLOOR
 - SUNKEN ENTRANCE
 - ESTABLISHED GRADE
 - TOP OF CONG. SLAB
- Other Dimensions:**
 - 4'-0" (Width of porch area)
 - 4'-3" (Height of porch roof)
 - 4'-11" (Height of stairs)
 - 4'-11" (Height of porch area)
 - 4'-10" (Height of porch area)
 - 5'-11" (Height of porch area)
 - 4'-6" (Height of porch area)
 - 4'-8" (Height of porch area)
 - 2'-4" (Height of porch area)
 - 1'-0" (Height of porch area)
 - 6'-0" (Height of porch area)
 - 2'-0" (Height of porch area)

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Attachment 8: Elevations (2-b)

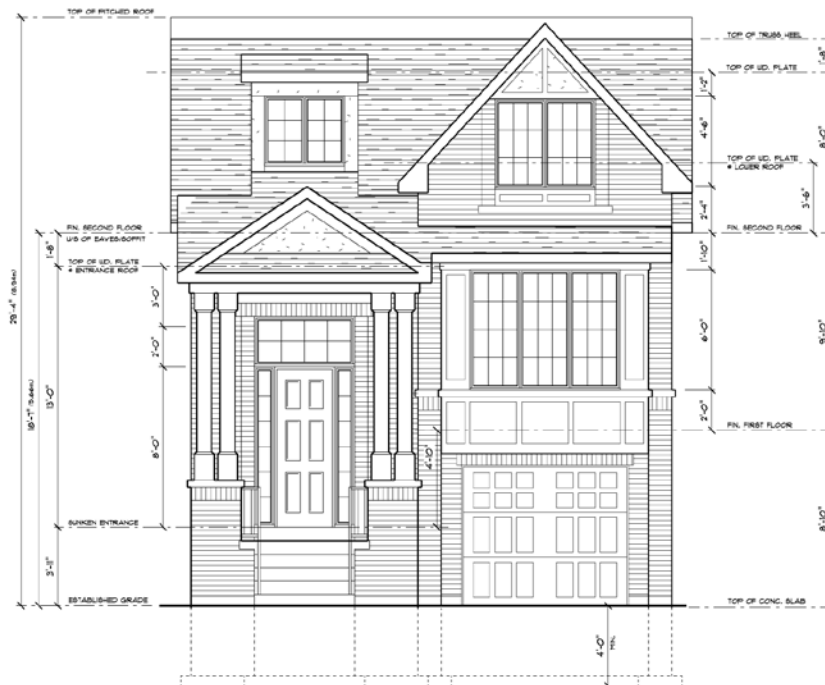


Lot 3 - Left-Side (West) Elevation



Lot 3 - Right-Side (East) Elevation

Attachment 8: Elevations (3-a)

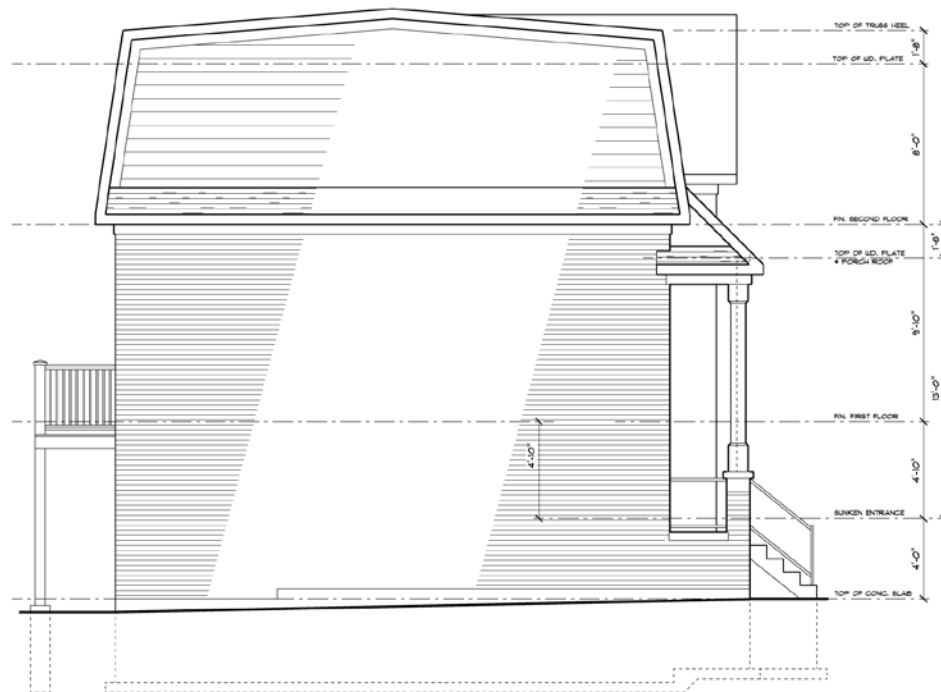


Lot 9 - Front (East) Elevation

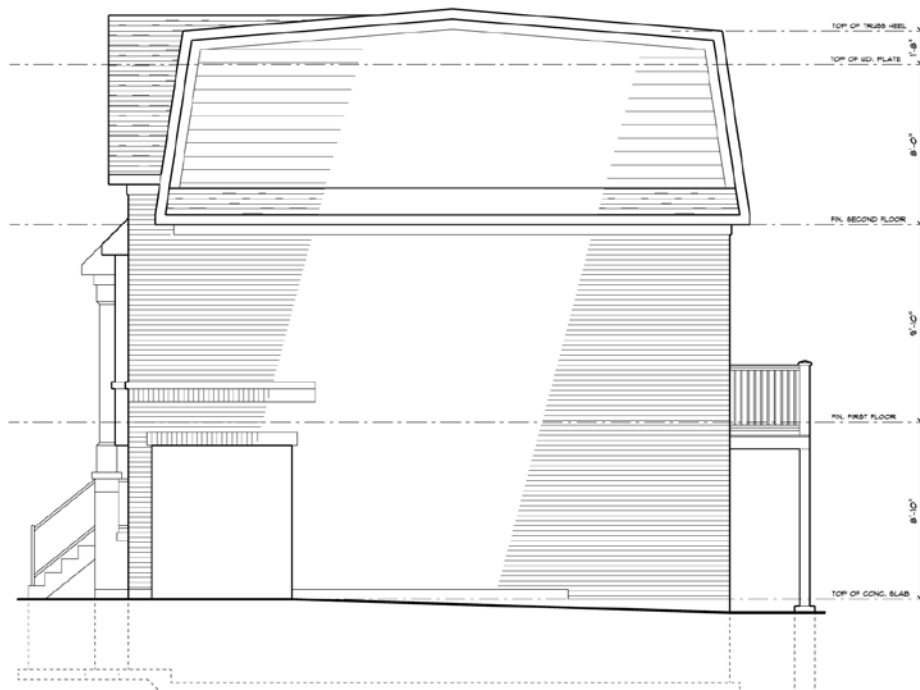


Lot 9 - Rear (West) Elevation

Attachment 8: Elevations (3-b)



Lot 9 - Left-Side (South) Elevation



Lot 9 - Right-Side (North) Elevation