



REPORT FOR ACTION

7437, 7439 and 7441 Kingston Road – Zoning Amendment Application – Preliminary Report

Date: March 26, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 25 - Scarborough-Rouge Park

Planning Application Number: 18 178870 ESC 44 OZ

Related Applications: 18 178880 ESC 44 SA

Notice of Complete Application Issued: July 15, 2018

Current Use on Site: The site is currently vacant.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 7437, 7439 and 7441 Kingston Road. 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

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 7437, 7439 and 7441 Kingston Road 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

The recommendations in this report have no financial impact.

DECISION HISTORY

The site was previously the subject of Zoning By-law Amendment and Site Plan Control applications (15 164000 ESC 44 OZ and 15 164007 ESC 44 SA), which proposed three single-storey commercial buildings on the site. These applications were submitted in 2015 by the previous owner. A preliminary report was considered and staff recommendations were adopted by Scarborough Community Council on September 8, 2015. These applications were withdrawn and closed on July 9, 2018.

The preliminary report for this previous application can be viewed here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC8.23>

ISSUE BACKGROUND

Application Description

This application proposes to amend the former Township of Pickering Zoning By-law 3036 for the properties at 7437, 7439 and 7441 Kingston Road to permit a residential development consisting of six five-storey stacked and back-to-back townhouse blocks. A total of 128 townhouse units are proposed with a total gross floor area of 13,306 square metres and an overall density of 1.06 FSI. The six townhouse blocks are oriented perpendicular to Kingston Road. A central common outdoor open space totalling 202 square metres is proposed at the rear of the property, which adjoins a shared indoor amenity area of 65 square metres.

The primary vehicular access to the site is proposed via a new private driveway off of Kingston Road. A secondary vehicular access to the site is proposed through the existing driveway of the neighbouring property to the west. 175 vehicle parking spaces are provided (146 for residents and 29 for visitors) in one storey of underground parking along with 11 visitor parking spaces at-grade. Ninety-eight bicycle parking spaces are provided, consisting of 88 long-term spaces provided underground and 10 short-term spaces provided at grade. A ramp to the underground parking and one Type "G" loading space are located at the eastern rear corner of the property.

Detailed project information is found on the City's Application Information Centre at:
<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

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 with 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 current application is located on lands shown as *Mixed Use Areas* on Land Use Plan Map 22.

Zoning By-laws

The subject site is zoned Commercial – Highway Zone (C3) in the former Township of Pickering Zoning By-law No. 3036, as amended. Permitted uses include an automobile services station, a hotel, a motel, a drive-in theatre, an eating establishment, a parking station, and day nurseries. The maximum permitted building height is 18.5 metres. The zoning requires a minimum lot area of 929 square metres and a minimum lot frontage of 37.5 metres and a maximum lot coverage of 33 percent. A front yard setback of the greater of 3.0 metres or 25.5 metres from the centreline of Highway 2 (Kingston Road) and a minimum setback of 7.5 metres from the rear yard is required. There are no required side yard setbacks.

The lands do not form part of By-law No. 569-2013. Should this application be approved, the lands would be brought into By-law 569-2013. The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The City's Townhouse and Low-rise Apartment Guidelines will be used in the evaluation of the application.

All of 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 been submitted (File No.: 18 178880 ESC 44 SA).

COMMENTS

Reasons for the Application

The rezoning application is required in order to permit the development proposal since the current zoning does not permit residential uses. Performance standards are required to establish appropriate building location, setbacks, massing, height and density of the proposed development.

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 proposed development will be evaluated against the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017) to determine consistency with the PPS and conformity with the Growth Plan.

The application would be evaluated to determine whether or not the application supports and is consistent with relevant key PPS policies, including but not limited to: land use compatibility (policy 1.2.6.1); land use patterns and locations for intensification and redevelopment in settlement areas (policies 1.1.3.2 and 1.1.3.3); the provision of public spaces, recreation, parks, trails and open space (policy 1.5.1 b); and, implementation and interpretation (policy 4.7).

Key Growth Plan policies that will be used to evaluate this application include, but are not limited to: managing growth (policy 2.2.1.4) which supports the achievement of complete communities, along with policy 2.2.2.4 b) which requires municipalities to develop a strategy to identify appropriate type and scale of development and transition of built form to adjacent areas. Similarly, the application will be reviewed against policy 2.2.6.3 which enables municipalities to consider tools to require multi-unit residential developments to incorporate a mix of unit sizes.

Official Plan Conformity

Staff are reviewing the application to determine conformity to the Official Plan. Key Official Plan policies that will be used to evaluate this application review include, but are not limited to: development criteria for *Mixed Use Areas* in Chapter 4, and built form, public realm, and parks and open space policies in Chapter 3.

Land Use

The site is designated *Mixed Use Areas*, which provides for a wide range of commercial, residential and institutional uses as well as parks and open spaces and utilities. Development in *Mixed Use Areas* will reduce automobile dependency, while providing built form controls to protect the existing planned and built context and providing proper transitions to lower scale *Neighbourhoods*.

The application will be reviewed to evaluate compatibility with the existing and planned land uses. The site faces onto Kingston Road, with low-rise development on lands designated *Neighbourhoods* on the northern side of Kingston Road. Highway 401 borders the southern length of the property. Adjacent uses include a 24-hour fast food restaurant and drive through to the west and a gas station to the east. The impact of adjacent uses on the subject site will be evaluated.

Parkland Dedication

Parks Forestry and Recreation staff have reviewed the proposal and advised that the applicant is required to satisfy parkland dedication requirements through an on-site dedication. The townhouse proposal does not currently contemplate the provision of a park. The closest park is Royal Rouge Tot Lot, which is difficult for pedestrians to access from the subject site.

Policy 3.2.3(5) of the Official Plan indicates that an alternative parkland dedication rate of 0.4 hectares per 300 units applies to proposals for residential development within a parkland priority area. As this site is between one and five hectares, the dedication would be capped at 15% of the development site. The subject lands are in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

Parks Forestry and Recreation staff have determined that the required parkland dedication for the proposal would be 1707 square metres. The final determination of the dedication and location of the required park will be completed through the review of the application.

Built Form, Planned and Built Context

City staff will assess the suitability of the proposed height, massing and 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 applicable Design Guidelines.

The application will be reviewed to evaluate compatibility with the existing and planned built context. Staff are reviewing the application against the Townhouse and Low-Rise Apartment Guidelines ("the Guidelines"). Issues to be resolved include, but are not limited to:

- Ensuring adequate separation distances between the townhouse blocks to provide privacy and sunlight, as the proposal does not provide the minimum 15 metre separation distance between all blocks taller than 11.5 metres as required by the Guidelines.
- Promoting a safe environment and animation along Kingston Road, as the proposed townhouse blocks are configured perpendicular to Kingston Road, some with staircases along the Kingston Road façade, thereby limiting the ability to foster a safe environment by having more "eyes on the street".

- Minimizing the impact of vehicular access, as the vehicular access and ramp are proposed at the eastern portion of the property as opposed to integrating the ramp to the underground garage and loading area to the building as provided for by Official Plan policy.
- Evaluating the provision and location of indoor and outdoor amenity areas.

The requirement of on-site City parkland dedication will have implications and opportunities for the site organization.

Staff have requested 1:50 scale detail colour elevation drawings to further evaluate the building materials and articulation as part of the Site Plan Control application review.

Noise and Vibration Impacts

The applicant has submitted noise and vibration impact studies to analyze and evaluate the effects of existing noise sources on the proposed residential land use. Peer review of this study, as per the Terms of Reference for Noise Impact Studies, will assist in evaluating the appropriateness and effectiveness of the proposed noise and vibration mitigation measures.

Driveway Access/Site Circulation and Easement with Neighbouring Property

The property is subject to a number of easements and restrictive covenants with the neighbouring property, 7431 Kingston Road, which is currently a 24-hour McDonald's restaurant and drive through. The application proposes to permit vehicular traffic from the drive through to pass through the subject site. The application also proposes an access point on a private laneway within the limit of 7431 Kingston Road. A restrictive covenant on the western portion of the subject site along Kingston Road restricts buildings, structures, improvements and erections in order to protect views to the neighbouring property.

City staff have requested that the applicant provide information on the process through which these easements/restrictions were registered on title and the terms of these easements. Staff will evaluate how these easements and the proposal may affect the functions of the subject site and neighbouring property.

Traffic Assessment

Staff have reviewed the applicant's Traffic Impact Study. The purpose of this study is to evaluate the effects of the development on the transportation system and to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Staff have requested revisions to the study to: include the impact of the McDonald's drive through easement on the site; provide a detailed pavement marking prepared by a certified Transportation Consultant illustrating the proposed westbound left turn storage lane at Kingston Road/ Raspberry Road/Proposed site access; and provide the detail

and phasing of existing and proposed timing/phasing at the intersection of Kingston Road/Sheppard Avenue East/Port Union Road.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient servicing infrastructure capacity to accommodate the proposed development.

Staff have requested revisions to the Functional Servicing Report in order to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and evaluate how the site can be serviced and whether the municipal infrastructure is adequate.

Archaeological Assessment

The site is located in an Archeologically Sensitive Area, in the City's Archaeological Management Plan. This relates to a Seneca village site, Ganatsekwyagon. Accordingly, a Stage 3 Archaeological Resource Assessment (Cemetery Investigation) was submitted for review to identify and evaluate the presence of archaeological resources also known as archaeological sites.

City staff concur with the report findings that there are no further archaeological concerns for the subject lands. Any soil disturbances have the potential to impact the archaeological site. Should this proposal proceed, Heritage Preservation Services staff have provided post-approval conditions, which include provincial and City notification requirements if any artifacts or human remains are found as a result of soil disturbances.

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).

The applicant has submitted a Tree Inventory, Protection and Removals Plan and Arborist Report. The report inventoried 21 trees and recommends retaining 18 trees and removing three trees to accommodate the proposed development.

Urban Forestry Tree Plan Protection Review staff have reviewed this information and have indicated they do not object to the rezoning application. Matters related to tree removal, protection and planting would be addressed through the Site Plan Control application.

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. 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 applicant submitted a Community Services and Facilities report. City staff are reviewing this report to assess the impact of the proposed development on community facilities.

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. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

Section 5.1.1 of the Official Plan allows the City to approve height and/or density greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The total residential floor area the proposed development meets the criteria for eligibility of Section 37 benefits.

Discussions with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be recommended for approval. The Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits will be used to determine appropriate Section 37 benefits.

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 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.

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

Alternate Development Concept

In December, 2018, an alternative development concept for two 11-storey mid-rise residential buildings with live-work units at grade and a public park was presented to City staff for discussion. This concept was prepared partially in response to City staff comments, notably those requiring the provision of a public park on site as part of the development.

This mid-rise concept includes a 1440 square metre public park at the west end of the site and proposes a total of 495 residential units with a total GFA of 37,398 square metres and an FSI of 4.58. While this concept has not been formally submitted, the applicant has indicated that they are likely to move forward with this option. City Planning staff will advise of the information requirements for this alternative mid-rise concept to update the application and facilitate a review of the alternative development concept.

Should the applicant submit a mid-rise concept, many of the above noted issues to be resolved, including consistency and conformity with the appropriate provincial and municipal planning policies, parkland dedication, access and site encumbrances, will continue to apply. Should the mid-rise development concept be formally submitted, the following additional issues have been identified on a preliminary basis:

- The appropriate size and location of parkland dedication, as with an increase in proposed unit count to 495 residential units, the parkland dedication requirement would be 1890 square metres (or 15% of the development site).
- An evaluation of the building program and ground floor uses along Kingston Road to determine if non-residential uses should be provided at grade along with the location and allocation of indoor and outdoor amenity space.
- A review of the proposal against the City's Guidelines pertaining to Planning for Children in New Vertical Communities.
- In accordance with the City's Mid-Rise Building Performance Standards and Addendum, an assessment of the proposed built form for the building would be undertaken, particularly with respect to the proposed separation distances between the building faces, height and depth of the building "wings", and setbacks and step-backs from Kingston Road.

To assist in the particulars of the review addressed above, a 2- and 3-D Block Context Plan for the *Mixed Use Areas* bounded by the edge of the *Neighbourhood* to the north of Kingston Road, Port Union Road, and Highway 401 area would be required to evaluate how the mid-rise proposal would fit within its existing and planned contexts. Given the additional height of the building that would be proposed through an alternative midrise concept, a shadow study would be required to assess how the height of the mid-rise buildings may impact the lands designated *Neighbourhood* to the north.

Other Matters

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

CONTACT

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SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context (Southeast)
Attachment 2: 3D Model of Proposal in Context (Southwest)
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Map

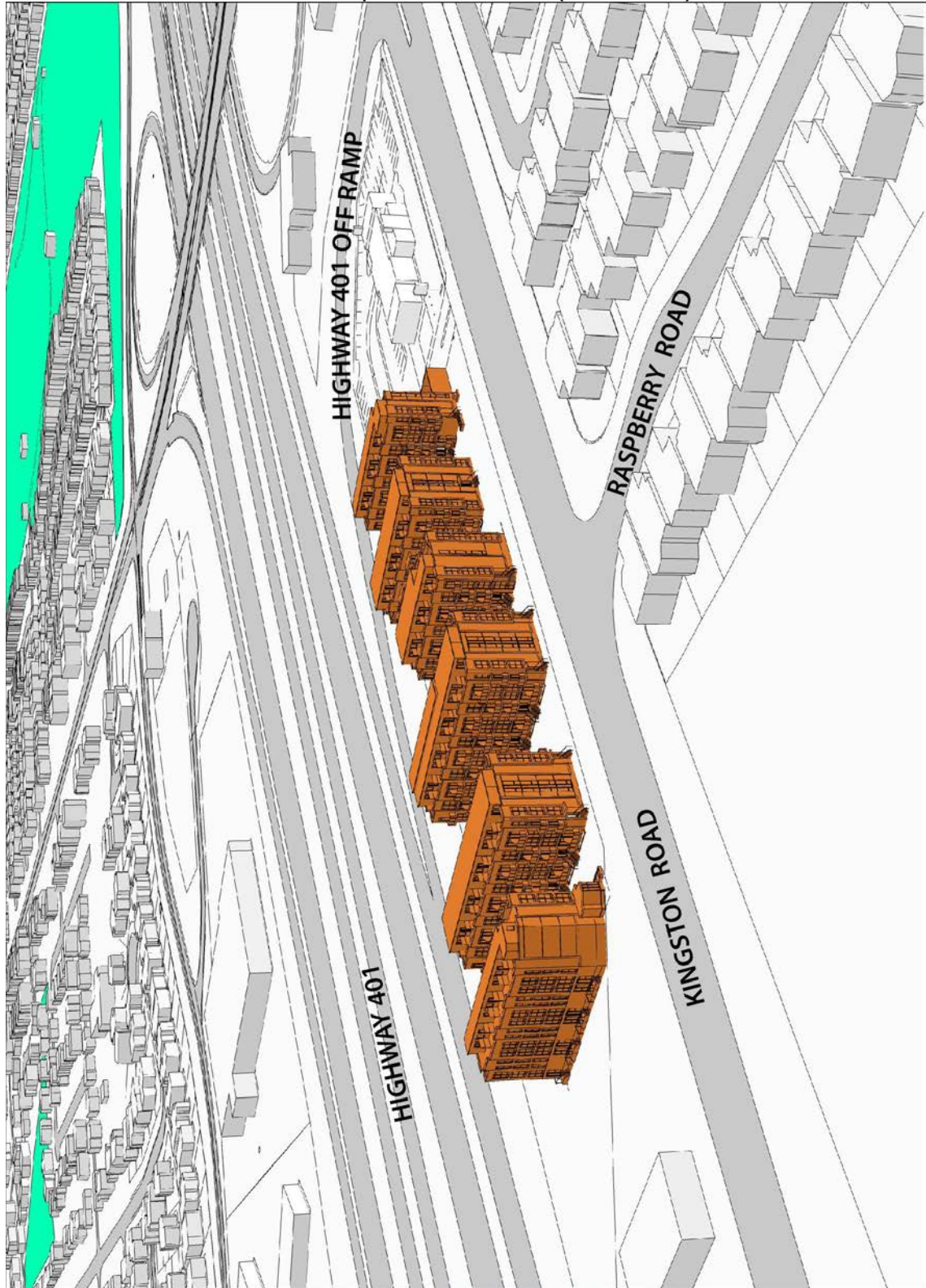
Attachment 1: 3D Model of Proposal in Context (Southeast)



03/29/2019

View of Applicant's Proposal Looking Southeast

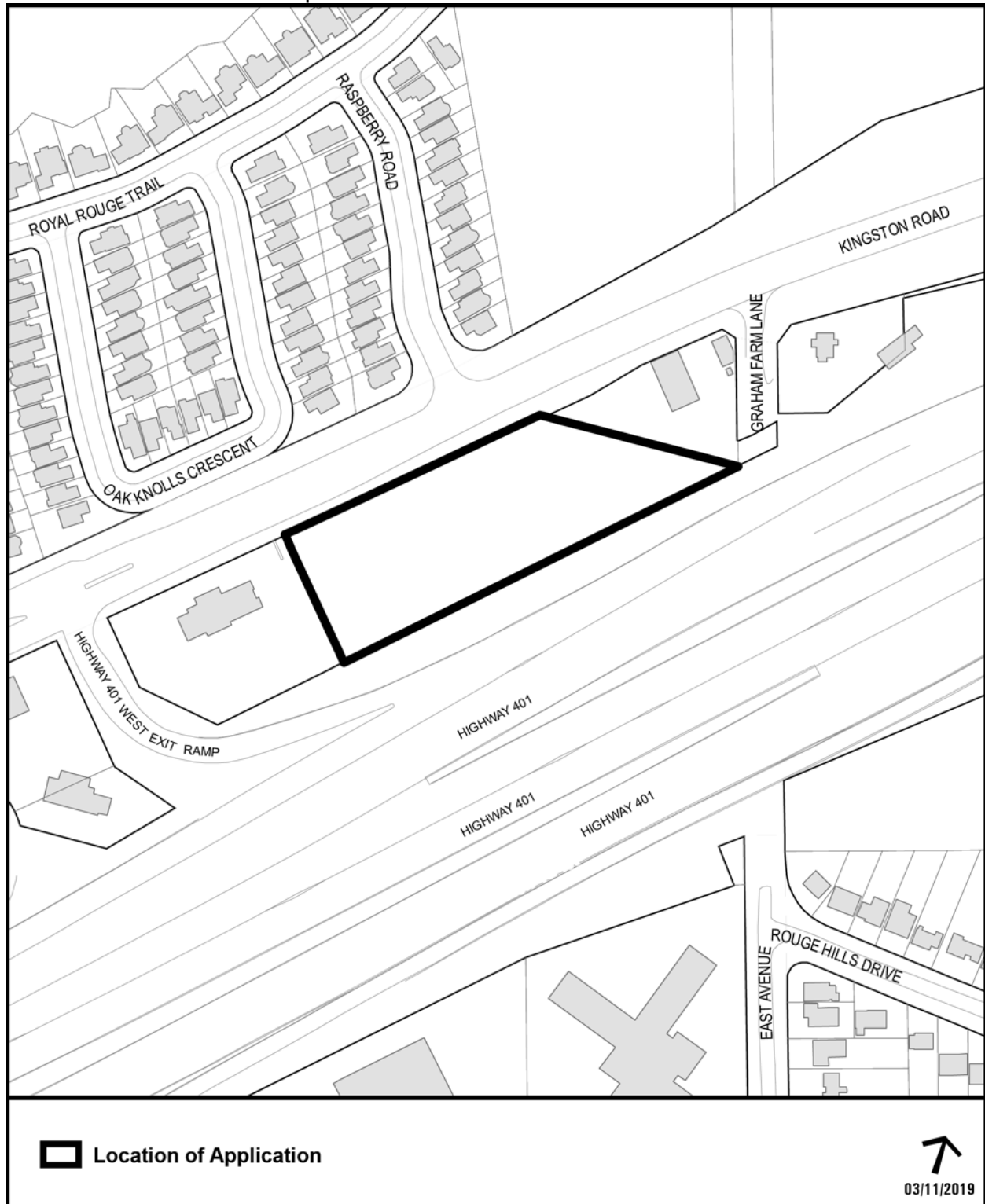
Attachment 2: 3D Model of Proposal in Context (Southwest)



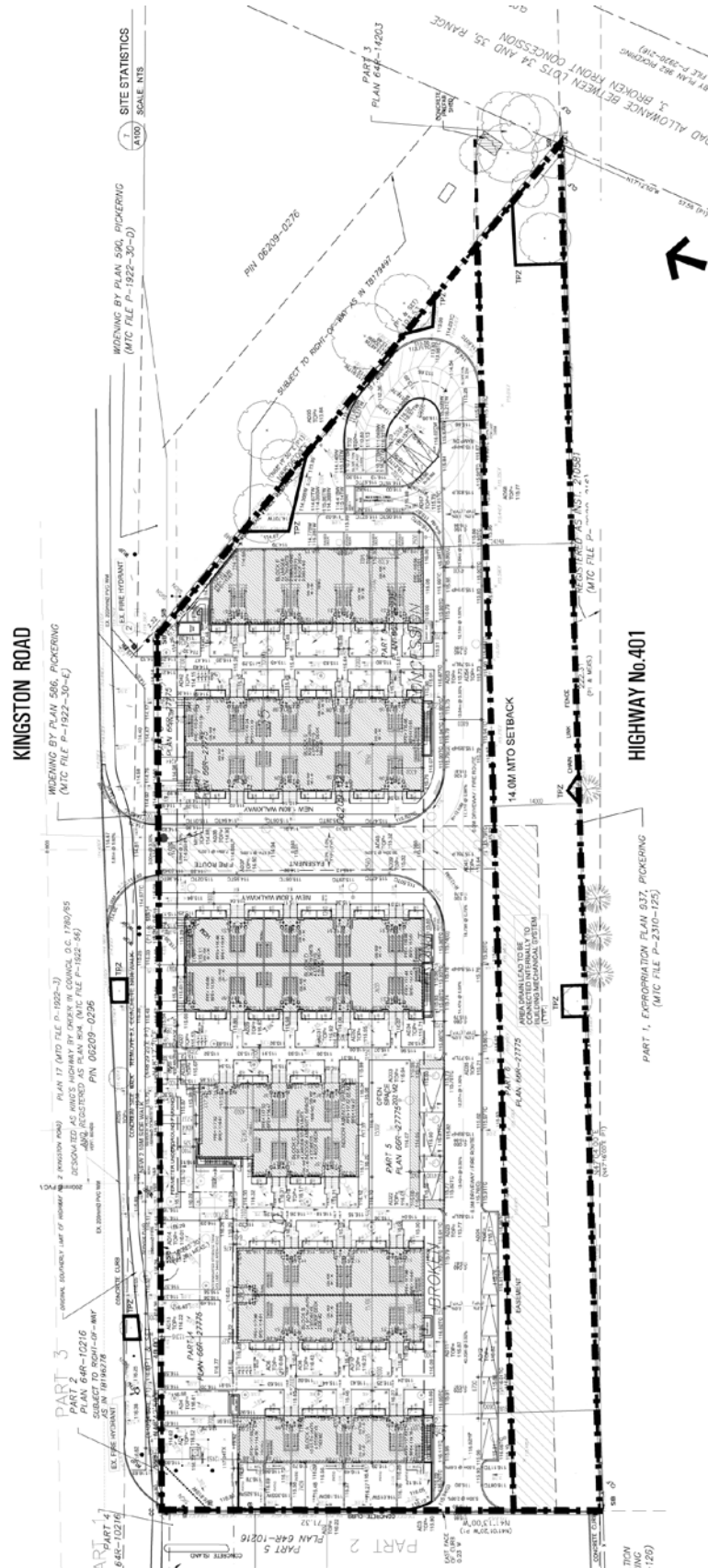
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View of Applicant's Proposal Looking Southwest

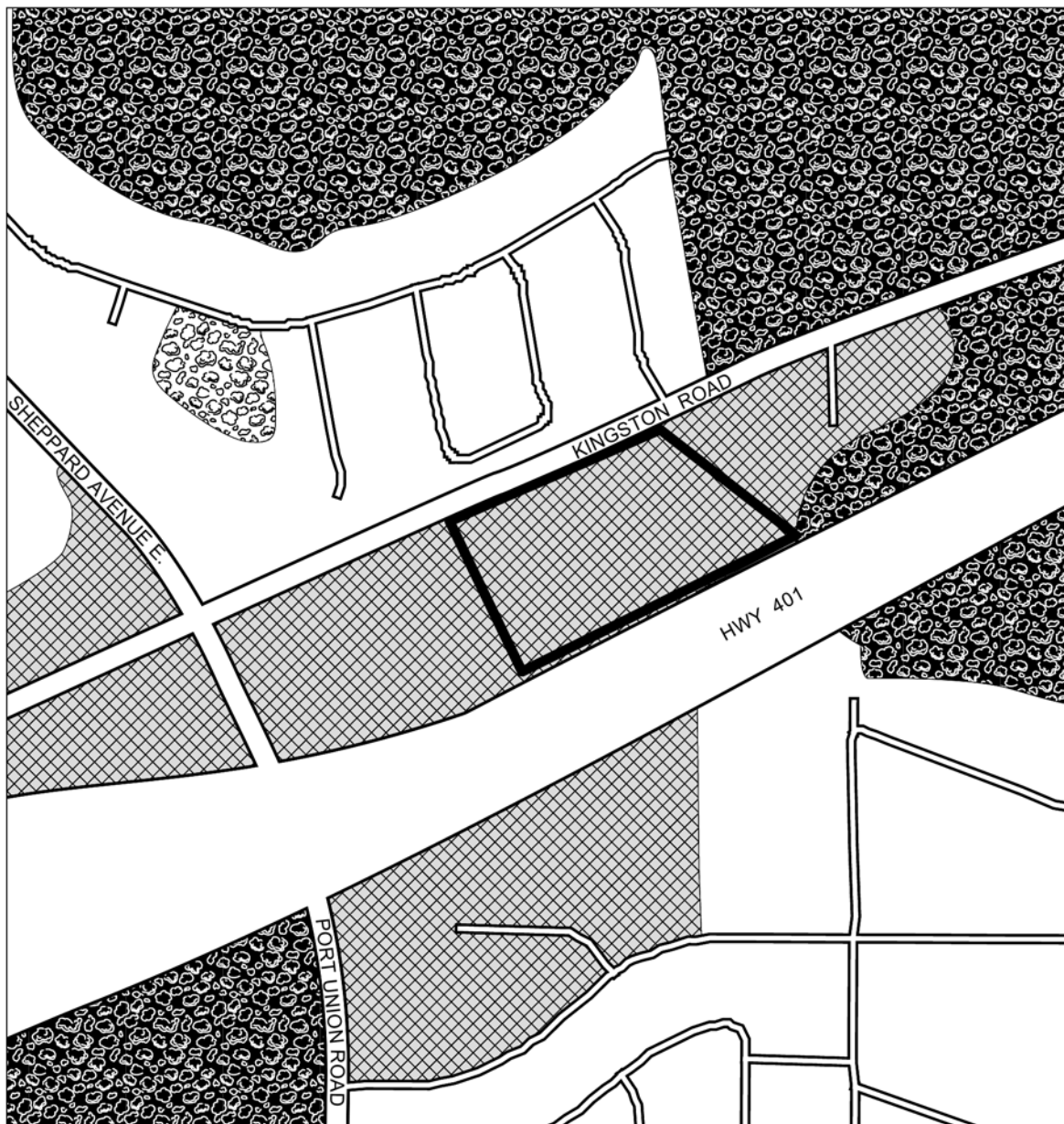
Attachment 3: Location Map



Page 14 of 15



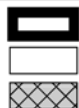
Attachment 5: Official Plan Map



Official Plan Land Use Map #22

7437-7441 Kingston Road

File # 18 178870 ESC 44 0Z



Location of Application

Neighbourhoods

Mixed Use Areas

Parks & Open Space Areas

Natural Areas

Parks



Not to Scale
03/19/2019