

Preliminary Report - 2151 Kingston Road – Zoning By-law Amendment Application

Date: December 4, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 20 - Scarborough Southwest

Planning Application Number: 20 196316 ESC 20 OZ

Related Applications: 20 203471 ESC 20 OZ, 20 203480 ESC 20 RH

Notice of Complete Application Issued: October 26, 2020

Current Use(s) on Site: 3-storey hotel with surface parking

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the Zoning By-law amendment application to permit an 11 storey residential building at 2151 Kingston Road. The existing hotel would be demolished. Of the proposed 178 residential units, 33 units are intended to be "off-site" replacement rental dwelling units proposed to be demolished through an applications to redevelop lands at 1615 to 1641 Kingston Road and 50 to 52 Birchcliff Avenue. Staff are currently reviewing the application in conjunction with the above noted related applications. 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 2151 Kingston Road together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting 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 City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

Kingston Road (Cliffside Community) Avenue Study

In 2009, the Cliffside Village Urban Design Guidelines were completed as part of the Kingston Road (Cliffside Community) Avenue Study. The objective of this study was to revitalize and reurbanize the Kingston Road corridor as a vibrant, mixed-use, pedestrian-oriented main street. The Study area for the Kingston Road (Cliffside Community) Avenue Study includes the lands immediately north and south of Kingston Road and spans from Chine Drive to the east to the Kingston Road and Danforth Avenue intersection to the west.

The implementing Zoning By-law amendment of the Kingston Road (Cliffside Community) Avenue Study introduced a Commercial-Residential (CR) zone. This zone permits a wide range of commercial, institutional and residential uses with provisions regulating height, density, building setbacks, Section 37 community benefit contributions and bicycle parking standards. The By-law also sets out height permitted within the CR zone, ranging from a minimum of 2-storeys to a maximum of 8-storeys depending on the location and with a 45 degree angular plane ensuring transition to the surrounding context. Height can be increased to 11 storeys on certain properties provided the owner provide community benefits secured pursuant to Section 37 of the *Planning Act*.

The Final Report on this Study can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.SC30.23>

Pre-application Consultation

A pre-application consultation meeting was held with City staff February 24, 2020 to identify application requirements and provide feedback on the development proposal.

ISSUE BACKGROUND

Application Description

This application proposes to amend former City of Scarborough Cliffside Community Zoning By-law No. 9364 for the property at 2151 Kingston Road to permit a 11-storey (34.6 metres to the top of the mechanical penthouse) residential building. The mid-rise building is proposed to contain 178 residential units including 5 grade-related live/work units and 33 replacement rental dwelling units. These rental dwelling units represent an

off-site replacement proposal for rental dwelling units proposed to be demolished as part of the development applications at 1615-1641 Kingston Road and 50-52 Birchcliff Avenue. Parking for 125 vehicles and 136 bicycles is proposed at grade and within a 2 and a half level underground parking structure. The total proposed GFA is 13,209 square metres which results in a net floor space index (FSI) of 5.14.

The building mass steps back at the 7th floor to provide for a 6-storey (17.4 metres) streetwall along Kingston Road. The rear of the building terraces down from the 9th to 4th storey, along the east rear property line. The main residential entrance for pedestrians is located on Kingston Road. Access to the garage, loading, and short-term parking is provided along a private driveway taken from Kingston Road at the south end of the property.

The site is located on the southeast side of Kingston Road. Immediate surrounding uses include 4-storey walk-up apartments to the north, a low-rise residential neighbourhood to the east, a 4-storey retirement residence to the south, and to the west is a transportation interchange where Danforth Avenue and Kingston Road converge within which is the Scarborough War Memorial.

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

See Attachments 1 and 2 of this report, for three dimensional representations of the project in context.

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (Growth Plan 2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new document replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020), 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

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.

The subject site is located on lands designated as *Mixed Use Areas* on Land Use Map 21. An excerpt from this Official Plan Land Use Map can be found in Attachment 5. This portion of Kingston Road is identified as an Avenue (Map 2), a Major Street with a 36-metre right of way (Map 3), a Higher Order Transit Corridor (Map 4), and forms part of the Surface Transit Priority Network (Map 5).

The application is subject to Site and Area Specific Policy 324 (Kingston Road (Cliffside Community) Avenue Study). SASP 324 identifies potential locations for new streets, lanes and lane/street widenings.

Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Zoning By-laws

The site is zoned Commercial Residential (CR) under the Scarborough Cliffside Community Zoning By-Law Number 9364. The Commercial Residential zone type permits a broad range of commercial, recreational and residential uses, including offices, hotels, financial institutions, medical centres, restaurants, retail stores, personal services shops, municipal parking lots, places of entertainment, recreational uses, educational and training facilities, day nurseries, dwelling units, nursing homes, and retirement homes.

Performance standards permit a maximum GFA of 4.5 and a building height between 10.5 and 20 metres (3 - 6 storeys), which may be increased up to 36 metres through the provision of Section 37 benefits. The building envelope is required to fit within a 45-degree angular plane projected from the lot line abutting the Single-Family Residential Zone to the southeast. Required setbacks include 3 metres (minimum) to 6 metres (maximum) along Kingston Road and a minimum rear yard setback of 7.5 metres. Portions of buildings above 20 metres in height are to be stepped back an additional 5.5 metres from side lot lines. A minimum ground floor height of 4.5 metres is required for the portion of the building within 20 metres of Kingston Road, and a minimum 1.5 metre strip of soft landscaping is required along the southeast portion of the property bordering the Single Family Residential zone. Other relevant performance standards include additional mechanical penthouse setbacks, amenity space requirements (quantity and location), and parking rates for residential units.

The lands are not part of city-wide Zoning By-law 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 following design guidelines will be used in the evaluation of this application:

- Cliffside Village Urban Design Guidelines;
- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in Vertical Communities;
- Accessibility Design Guidelines,
- Bird Friendly Guidelines,
- Best Practices for Effective Lighting, and
- Pet Friendly Design Guidelines for High Density Communities.

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

A zoning amendment is required in order to permit the proposed building envelope, including density, height, angular plane encroachments, reduced setbacks and stepbacks.

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

Staff are evaluating this application for consistency with the PPS (2020) and the conformity with the Growth Plan (2020).

The application will be evaluated to determine whether the application is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), promoting economic development and competitiveness (1.3.1), planning for stormwater management (1.6.6.7), transportation systems (1.6.7), supporting long-term economic prosperity (1.7), energy conservation, air quality and climate change (1.8), and implementation and interpretation (4.6).

Key Growth Plan (2020) policies that will be used to evaluate this application include, but are not limited to: managing growth to support the achievement of complete communities (policy 2.2.1.4), intensification in delineated built-up areas (policy 2.2.2.3), employment (2.2.5), and housing policies enabling municipalities to require multi-unit residential developments to incorporate a mix of unit sizes (2.2.6.3).

Given the explicit link between provincial policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this rezoning application to determine its conformity with the Official Plan. Key Official Plan policies that will be used to evaluate this application

review include, but are not limited to: structuring growth (2.2); *Avenues* policies for reurbanizing arterial roads (2.2.3); healthy neighbourhoods (2.3.1); transportation change (2.4); *Mixed Use Areas* (4.5); built form (3.1.2); and public realm (3.1.1).

Built Form, Planned and Built Context

City staff will assess the suitability of the proposed site organization, height, massing, separation distances, setbacks and stepbacks, angular plane projections, transition in scale to the low-rise neighbourhood to the southeast, and other built form issues based on Section 2 of the *Planning Act*, the Growth Plan (2020), the City's Official Plan policies, the Kingston Road (Cliffside Community) Avenue Study, and other applicable Design Guidelines, particularly the Cliffside Village Urban Design Guidelines and the Mid-Rise Building Performance Standards and Addendum.

One of the key design principles of the Mid-Rise Building Performance Standards is that mid-rise building heights should allow for a minimum of 5-hours of sunlight onto the Avenue sidewalks from March 21st - September 21st. To achieve this, building envelopes should fit within a 45-degree angular plane taken from a height equivalent to 80% of the right-of-way width. 45-degree angular planes are also applied from property lines of mid-rise buildings adjacent to low-rise residential neighbourhoods to provide appropriate transition and privacy. The proposed development projects into the required 45-degree angular planes beginning generally from the 11th storey along Kingston Road and 5th storey at the rear lot line.

A shadow study and pedestrian wind study have been submitted and will be reviewed to help assess the impacts of the proposed height and massing on the pedestrian environment and surrounding lands and identify any appropriate mitigation measures.

Other matters to be evaluated include the proposed mix of dwelling unit sizes and the location and size of proposed amenity spaces.

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 Arborist Report and Tree Preservation Plan submitted by the applicant identified five bylaw protected trees that are proposed to be removed to facilitate the new construction. The Arborist Report and Tree Preservation Plan are currently under review by City staff.

Housing

A Housing Issues Report is not required for this site as there is no existing rental housing on the property proposed for demolition or conversion, and the site is less than 5 hectares in size. However, the proposed development includes 33 rental dwellings units, as part of an off-site replacement proposal of rental dwelling units proposed to be demolished at 1615-1641 Kingston Road and 50-52 Birchcliff Avenue. These properties are currently subject to concurrent development and Rental Housing Demolition

applications (File Nos. 20 203471 ESC 20 OZ and 20 203480 ESC 20 RH). The report on 1615-1641 Kingston Road and 50-52 Birchcliff Avenue will also be considered at the January 6, 2021 Scarborough Community Council meeting.

Staff will evaluate the appropriateness of the rental housing replacement proposal, including the location, unit sizes, unit layouts and associated amenities for the proposed replacement rental housing. Further, Staff will assess the suitability of the tenant relocation and assistance strategy for the affected tenants currently residing in units within the property assembly at Kingston Road and Birchcliff Avenue subject to the above noted application for approval of rental housing demolition.

Staff are also evaluating the proposal against current council direction with respect to a full range of housing types including unit mix and the proposed sizes of units to allow for a broad range of households, including families with children.

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 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 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 current zoning permits increases in intensity and height in excess of 6-storeys (20 metres in height) in exchange for one or more of the following Section 37 benefits:

- Fully furnished and equipped non-profit child care facilities, including start-up funding;
- Public art;
- Other non-profit arts, cultural, community or institutional facilities;
- Streetscape improvements not abutting the site;

- Purpose built rental housing with mid-range or affordable rents, land for affordable housing, or, at the discretion of the owner, cash-in-lieu of affordable rental units or land;
- Parkland, and/or park improvements; and
- Municipally owned and operated parking lots.

Despite the recent introduction of a new legislative framework for the imposition of a community benefits charge, Section 37.1 of the *Planning Act* provides that Section 37, as previously enacted, continues to apply until the earlier of September 18, 2022 or the day the municipality passes a community benefits charge by-law.

The proposal in its current form seeks an increase in density and height above 6-storeys. Should the application be recommended for approval, a Section 37 contribution based on the above noted criteria would be warranted. It should be noted, however that the proposed rental housing replacement units - should an off site replacement of rental units from the Kingston Road/Birchcliff application be an acceptable outcome of that process - would not be credited to this application as a Section 37 benefit, but would be secured only as a legal convenience through any potential Section 37 agreement generated by this development. The early stages of both applications mean that discussions with the Ward Councillor, City staff, residents, and the applicant would be required to determine the extent and nature of the required Section 37 community benefits.

Infrastructure/Service Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Staff are reviewing a Functional Servicing Report provided by the applicant with the submission, the purpose of which is intended to evaluate the effects of a proposed change in land use or development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed change in land use or development.

Staff are also reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of a development or re-development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The TGS Checklist submitted by the applicant is currently under review by City staff for compliance with the Tier 1 performance measures.

Easement over City Owned Lands abutting the Development Site

The subject site is technically separated from Kingston Road by a parcel of land which is approximately 7.61-8.02 metres wide that abuts the subject site to the west. This condition is shared by other properties along this segment of Kingston Road. This parcel is owned by the City of Toronto and is subject to an easement in favour of The Consumers' Gas Company (Enbridge) for a gas pipeline. The subject site benefits from an easement for vehicular access across these lands.

Staff are determining the necessary legal instruments the applicant would be required to enter into, in order to retain access rights across the City-owned parcel. Final arrangements in this regard will be better determined prior to any Final Report on the current application.

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, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context Looking East

Attachment 2: 3D Model of Proposal in Context Looking West

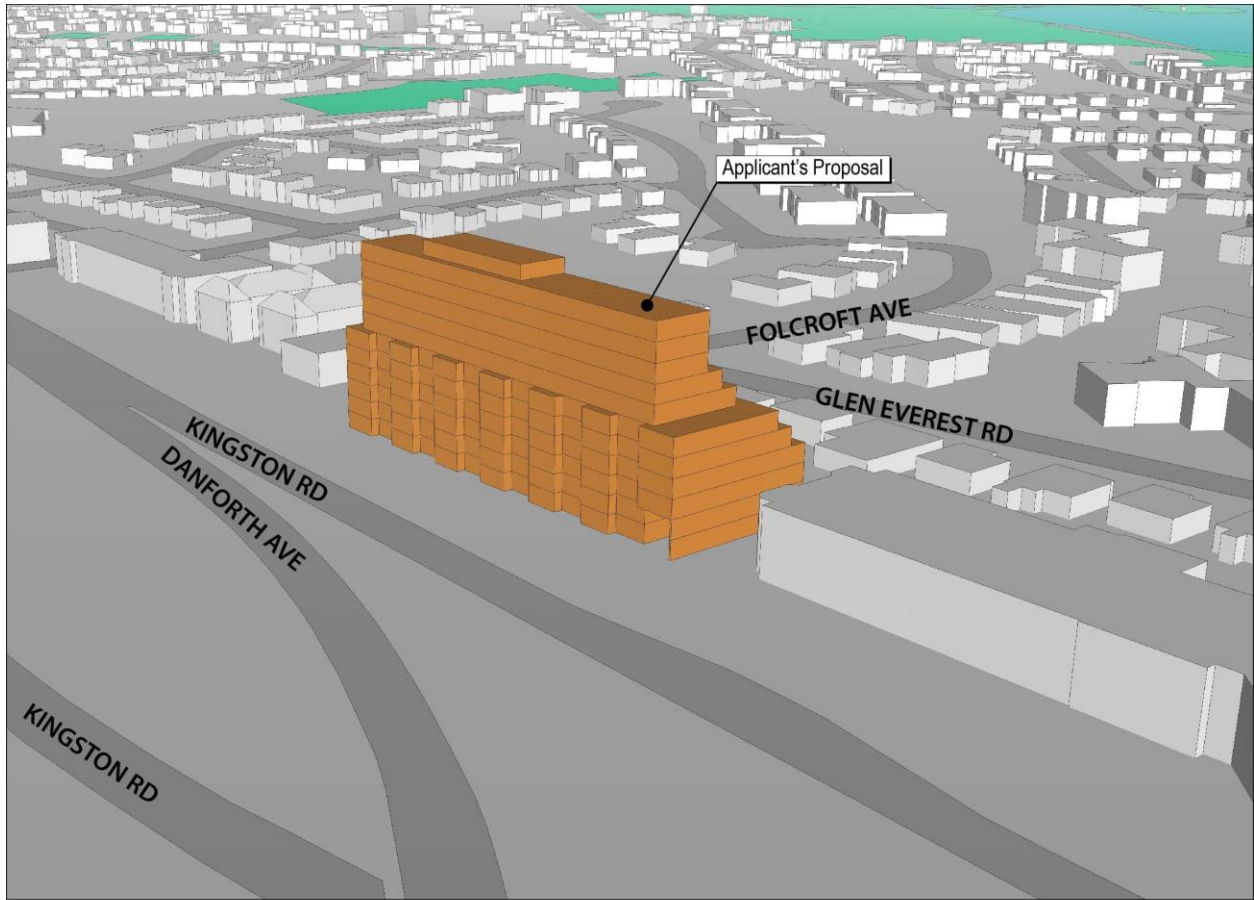
Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

Attachment 6: Zoning Map

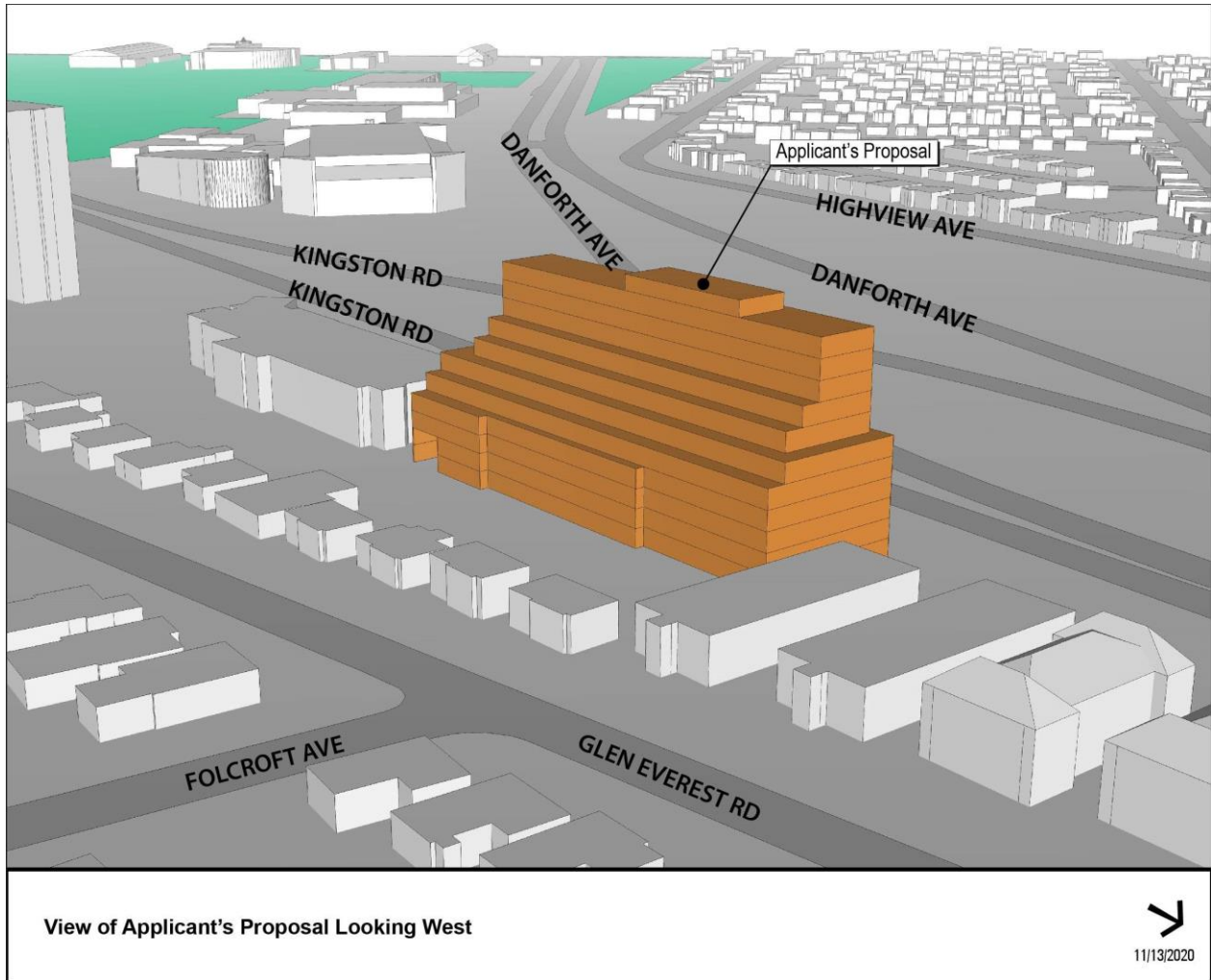
Attachment 1: 3D Model of Proposal in Context Looking East



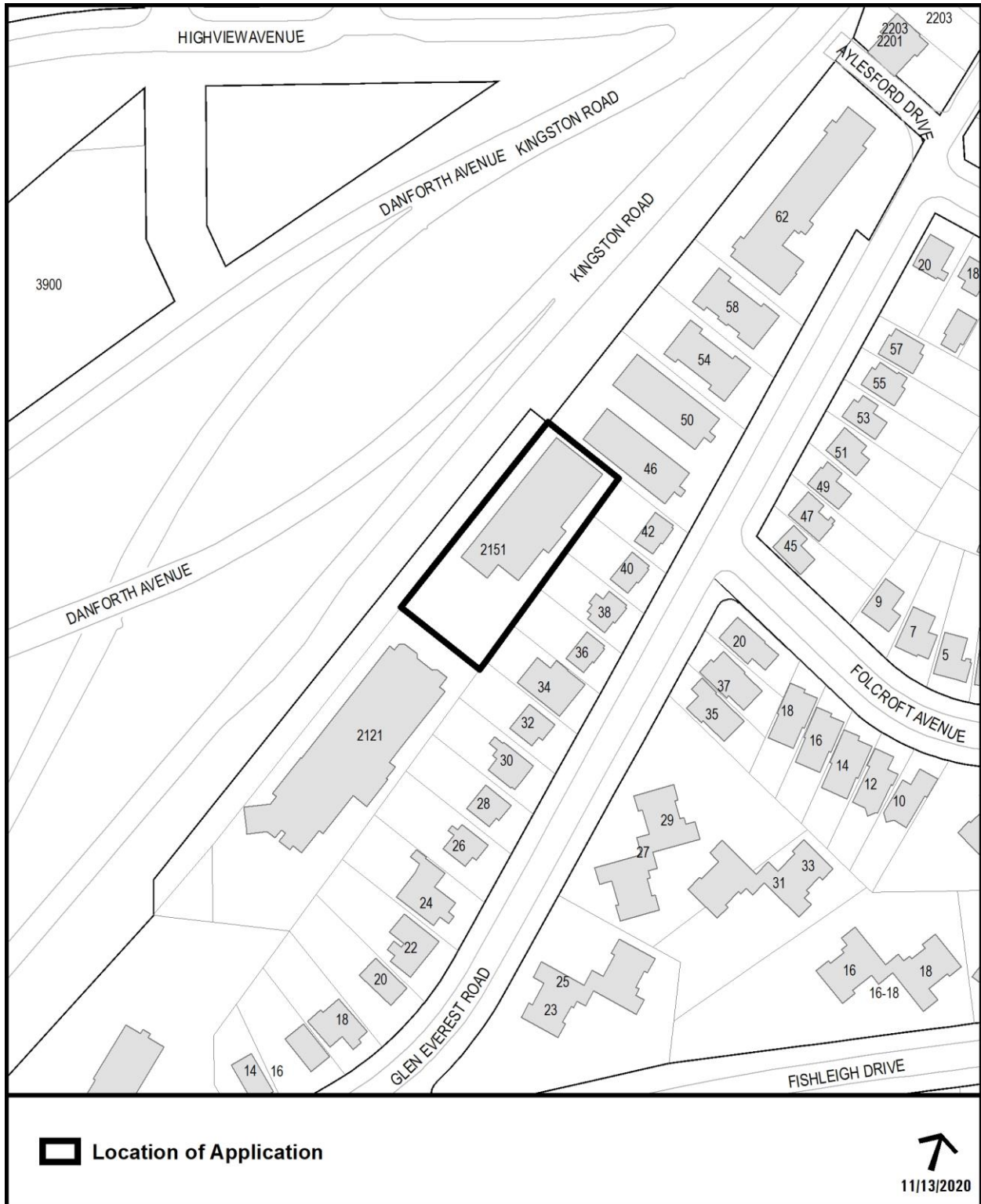
View of Applicant's Proposal Looking East

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11/13/2020

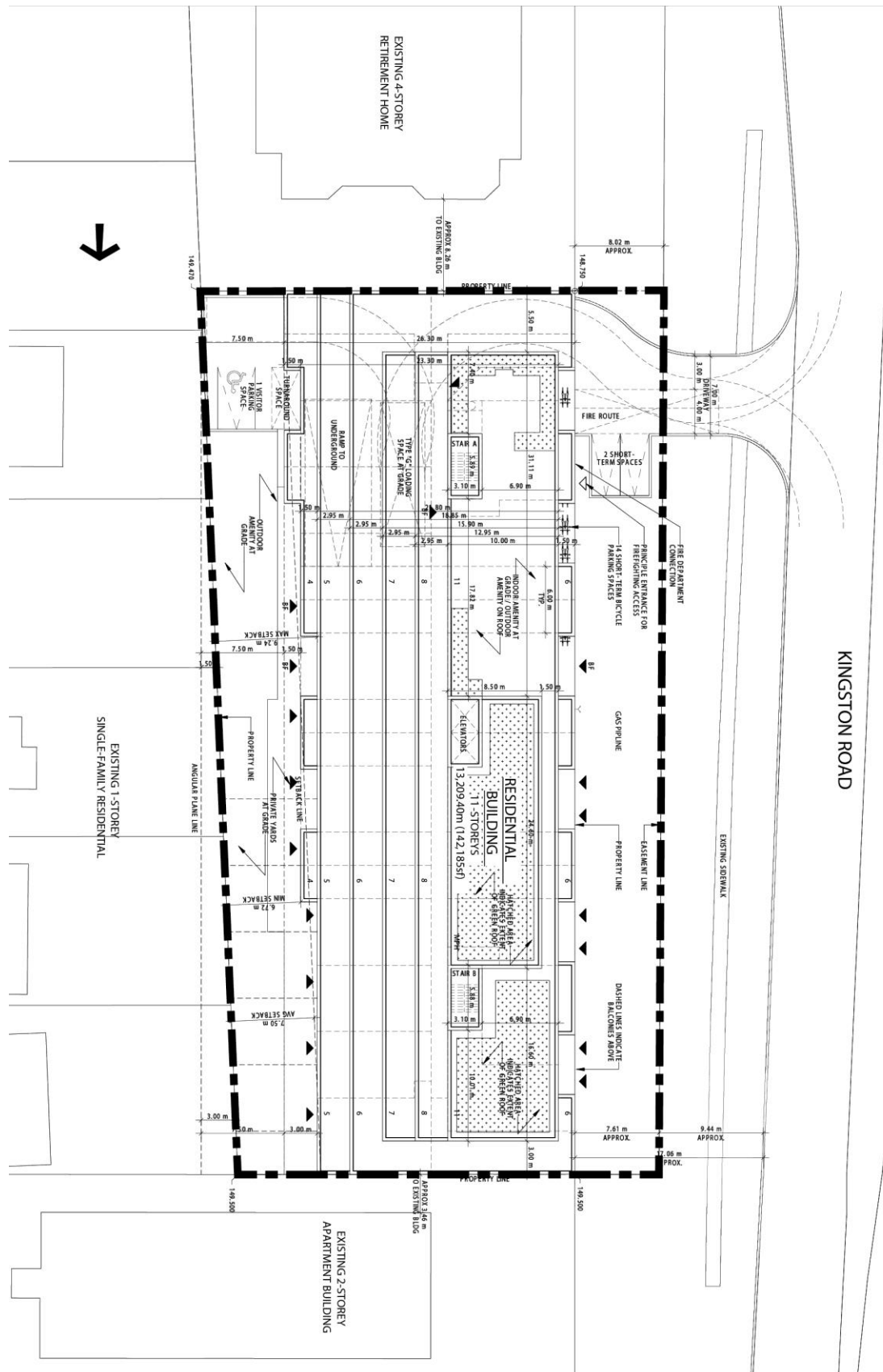
Attachment 2: 3D Model of Proposal in Context Looking West



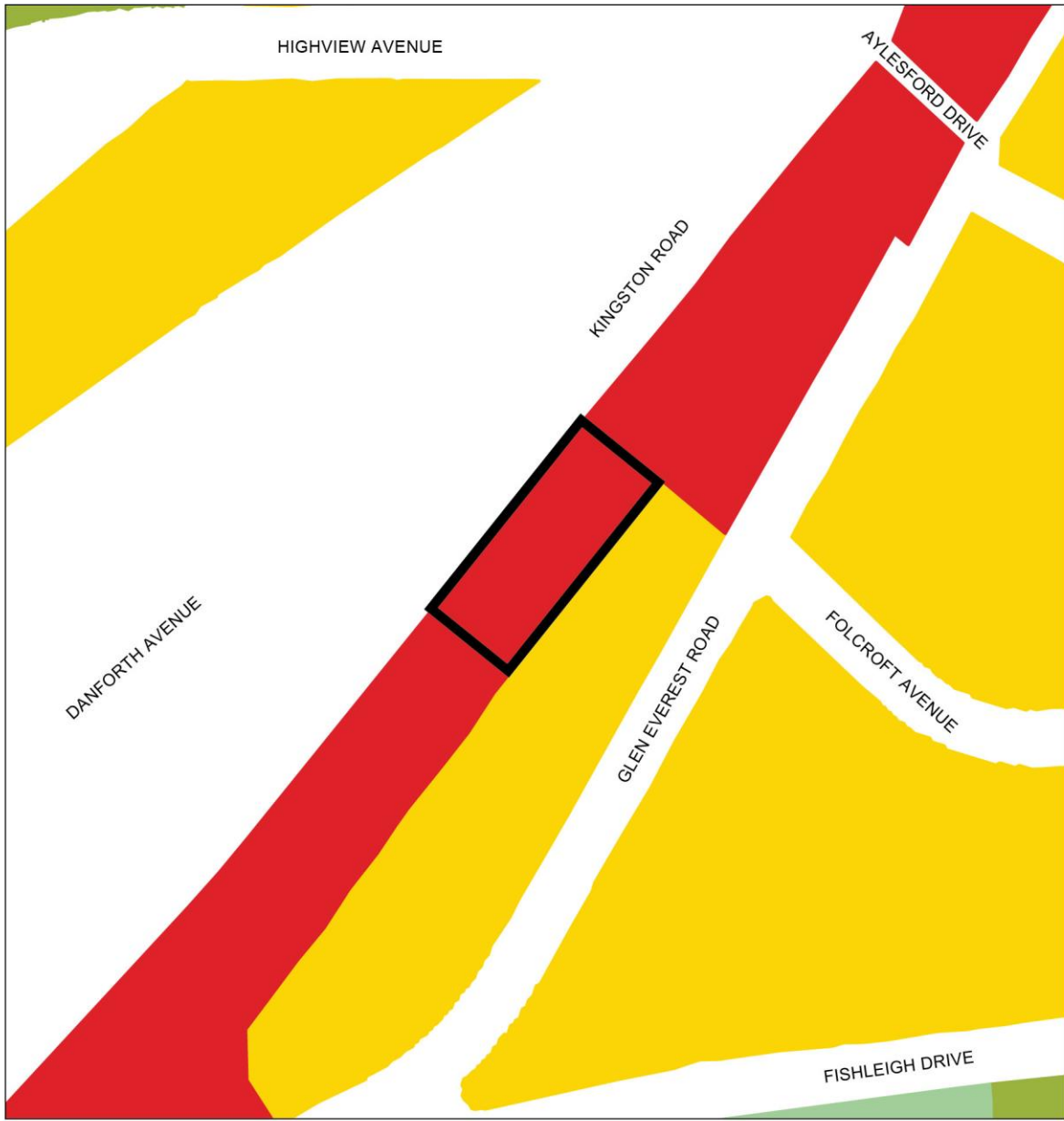
Attachment 3: Location Map



Attachment 4: Site Plan



Attachment 5: Official Plan Map



Official Plan Land Use Map 21

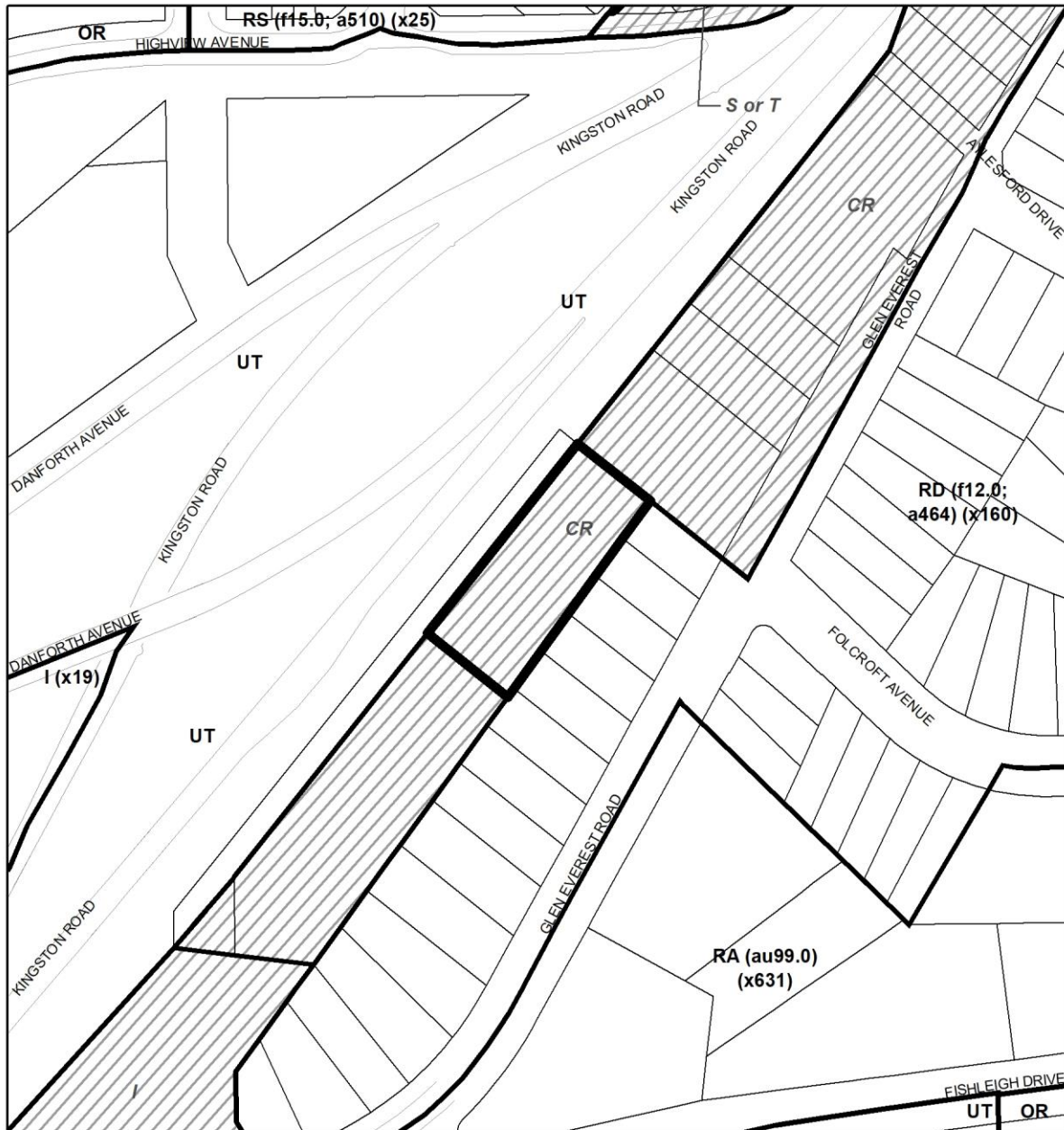
2151 Kingston Road

File # 20 196316 ESC 20 0Z

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|---|--|
|  Location of Application |  Parks |
|  Neighbourhoods |  Other Open Space Areas |
|  Mixed Use Areas | |

↑
Not to Scale
11/13/2020

Attachment 6: Zoning Map



Zoning By-law 569-2013

2151 Kingston Road

File # 20 196316 ESC 20 0Z



Location of Application



See Former City of Scarborough Cliffside Community By-law No. 9364

RD Residential Detached
RS Residential Semi-Detached
RA Residential Apartment

I Institutional
OR Open Space Recreation
UT Utility and Transportation

CR Commercial-Residential
I Institutional Uses
S or T Single-Family Residential or Two-Family Residential



Not to Scale
Extracted: 11/13/2020