

Preliminary Report - 2499 Victoria Park Avenue – Zoning Amendment Application

Date: December 7, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 22 - Scarborough-Agincourt

Planning Application Number: 20 191759 ESC 22 OZ

Related Applications: 20 191765 ESC 22 SA

Notice of Complete Application Issued: October 13, 2020

Current Uses on Site: Commercial plaza with surface parking and stand-alone drive thru restaurant.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 2499 Victoria Park Avenue to permit a 12-storey mixed-use development. The existing commercial plaza and drive-thru restaurant would be demolished. 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 2499 Victoria Park Avenue 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

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

Official Plan Amendment 393: ConsumersNext Secondary Plan

The lands fall within the boundaries of the ConsumersNext Secondary Plan.

The Secondary Plan process was launched in June 2015 as a result of the 2013 redesignation of lands fronting onto Sheppard Avenue East and Victoria Park Avenue from *Employment Areas* to *Mixed Use Areas* (OPA 231). The multi-disciplinary planning study underpinning the creation of the Secondary Plan examined ways to manage anticipated growth through built form, mobility and placemaking lenses to ensure continued investment in employment uses within the Consumers Road Business Park as growth proceeded in the mixed use corridors along Sheppard and Victoria Park Avenues.

At its meeting of March 26 and 27, 2018, City Council adopted the ConsumersNext Secondary Plan (OPA 393). The ConsumersNext Secondary Plan sets out a framework for a contemporary, vibrant business park that is a transit-oriented location for employment investment and well connected to a walkable, mixed use community along Sheppard Avenue East and Victoria Park Avenue. At that same City Council meeting, City Council directed staff to use the ConsumersNext Secondary Plan in the evaluation of all current and new development proposals falling within its boundaries. The Council decision to adopt OPA 393 can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG27.2>.

OPA 393 was appealed to the Local Planning Appeal Tribunal (LPAT) by several landowners, and the appeal is ongoing (Case No. PL180544). The owner of the subject lands is not a party to the LPAT appeal, and there is no site-specific appeal for the subject property. On October 9, 2020 the LPAT brought the majority of OPA 393 into full force and effect, with the exception of remaining site-specific appeals and an appeal of certain Plan-wide policies by Elad Canada Inc. The October 9, 2020 Decision and Order of the LPAT can be found here: <https://www.omb.gov.on.ca/e-decisions/PL180544-OCT-09-2020.doc>

Pre-application Consultation

A pre-application consultation with the applicant was held on August 18, 2020 to determine complete submission requirements and provide staff feedback on the development concept.

ISSUE BACKGROUND

Application Description

This application proposes to amend the zoning by-laws for the property at 2499 Victoria Park Avenue to permit the construction of a 12-storey (36.6 metres) mixed-use building. The proposed building would contain 354 residential units and 512 square metres of retail uses. The proposed total Gross Floor Area (GFA) is 32,016 square metres which results in a net floor space index (FSI) of 6.31. See Attachments 1 and 2 for 3D Models of the Proposal in Context.

The proposed building comprises the entire block bound by Victoria Park Avenue, Meadowacres Drive and Farmcrest Drive (Please see Attachment 3, Location of Application). The ground floor includes retail at grade along Victoria Park Avenue with townhouses-style units along the other three building faces. Two wings, generally 12 storeys in height, extend east from the rear the building. The residential lobby entrance is located along Farmcrest Drive near the southwest corner of the site.

A total of 177 vehicle parking spaces and 271 bicycle spaces are located in one level of underground parking and internal to the building on floors 1 to 3. Vehicle access and loading is taken from Meadowacres Drive at the rear of the property.

Surrounding uses include a commercial plaza to the north, place of worship to the east, office building to the west and Farmcrest Parkette and detached houses to the south.

Detailed project information is available 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

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) 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.

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 Ontario *Planning Act*. 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 designated as *Mixed Use Areas* on Official Plan Land Use Map 19 (see Attachment 5).

ConsumersNext Secondary Plan (Official Plan Amendment 393)

The application is also located within the ConsumersNext Secondary Plan (see Attachment 3). As previously noted, the Secondary Plan sets out a framework for growth and redevelopment of the Consumers Road Business Park, an area with one of the highest concentration of office uses in the city outside of Downtown Toronto based on its location at the nexus of Highway 401 and 404. The Secondary Plan sets out a vision for a contemporary, vibrant business park that is transit-oriented location for employment investment and is well-connected to a complete, walkable, mixed use community along Sheppard Avenue East and Victoria Park Avenue.

The site is located within the Victoria Park Corridor District which envisions development at a mid-rise scale with a streetwall of up to six storeys and generous setbacks along Victoria Park Avenue. Mid-rise buildings along the east side of Victoria Park Avenue will be massed to provide transition in scale to low-scale building types in adjacent *Neighbourhoods*.

Consistent with the desire for a mid-rise scale within the Victoria Park Corridor District, the Secondary Plan provides for a maximum height on the site of 36 metres and maximum FSI of 3.0. The northwest corner is identified as a location for signature landscaped treatment and the southeast corner of the site is identified as a conceptual location for a Privately Owned Publicly-accessible Open Space (POPS). For this site, retail or pedestrian-related uses are encouraged at grade. The intersection of Meadowacres Drive and Victoria Park Avenue at the northwest corner of the site is identified as a Transit Interchange Mobility Hub and a key location for pedestrian and cyclist activity with cycling routes planned along Meadowacres Drive and Victoria Park Avenue. A potential future GO Transit Route loops around the site along Farmcrest Drive and Meadowacres Drive.

Zoning By-laws

The site is zoned CR 0.33 (c0.33, r0.0) SS3 (x489) by City-wide Zoning 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/>

The Commercial Residential Zone permits a broad array of commercial and residential uses subject to the permitted density in the zoning string. For this site, the zoning permits commercial density of 0.33 lot coverage (c0.33) but no residential density (r0.0). The maximum building height permitted is 11 metres. Site-specific provisions require a minimum building setback from the greater of 3 metres from the property line or 21 metres from the original centre line of Victoria Park Avenue. Setbacks of 3 metres are required from a lot line abutting any other street and 7.5 metres from the rear lot line.

The site is zoned Neighbourhood Commercial (NC) in the former City of Scarborough Sullivan Community Zoning By-law No. 10717, as amended. The Neighbourhood Commercial Zone permits day nurseries and Neighbourhood Commercial uses serving the adjacent residential neighbourhood including automobile service stations, banks, businesses and professional offices, personal service shops, retail stores and

restaurants. Permitted density and minimum setbacks are consistent with those set out in Zoning By-law 569-2013.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Mid-Rise Building Performance Standards and Addendum;
- Retail Design Manual;
- Growing Up: Planning for Children in New 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 been submitted and is being reviewed concurrently with the application for Zoning By-law amendment.

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 setbacks, massing, height and density, and parking rates for the proposed development.

Issue 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 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), transit corridors and station areas (2.2.4), 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 are assessing the suitability of the proposed development against all relevant Official Plan policies including all relevant development criteria in policies 4.5.2 (*Mixed Use Areas*) of the Official Plan and all relevant policies in the ConsumersNext Secondary Plan.

Built Form, Planned and Built Context

City staff are assessing the suitability of the proposed site organization, height, massing, stepbacks, angular plane projections, location of proposed amenity spaces and other built form issues within the existing and planned context for the ConsumersNext Secondary Plan area. In particular, the review will evaluate whether the proposed building provides adequate transition in scale to the low-rise *Neighbourhood* to the south and east and potential future park envisioned in the ConsumersNext Secondary Plan (Map 38-2 Structure Plan) to the north. The evaluation will be informed by Section 2 of the *Planning Act*, the Growth Plan (2020), the City's Official Plan policies, ConsumersNext Secondary Plan, and applicable Design Guidelines.

Development of this site would be one of the first projects to start transformation of the Victoria Park Corridor and has potential to set a precedent for future development with respect to height and density, design standards, and streetscape elements. Although the proposed building height (36.6 metres) only slightly exceeds the 36 metre maximum height, the proposed density of 6.31 FSI is significantly more than the maximum 3.0 FSI provided for the Victoria Park Corridor District within the recently completed Secondary Plan.

Staff are concerned about the intensity of the proposed development, as the building footprint occupies the entire block within the setback lines and provides limited soft landscaped areas at grade. The massing of the front of the building fits within a 45-degree angular plane from Victoria Park Avenue. However, the wings of the building along Meadowacres Drive and Farmcrest Drive greatly exceed the built form relationship expected by the Secondary Plan along local streets. Specifically, the building wings do not comply with OPA 393 policy 5.16.5(b) that requires building mass along local streets to fall beneath 45-degree angular planes applied at 80% of the width of the local right-of-way. The placement of the proposed outdoor amenity space on the 4th floor between the two building wings would receive very limited sunlight due to the surrounding building mass.

Staff are evaluating the shadow study and pedestrian wind study to help assess the impacts of the proposed height and massing on the pedestrian environment and surrounding lands and identify any appropriate mitigation measures. Staff will also examine opportunities for public realm improvements around the site and the potential for creation of a privately-owned publicly accessible open space (POPS) as contemplated in the ConsumersNext Secondary Plan.

Economic Development

ConsumersNext Secondary Plan policy 3.3 requires the amount of non-residential GFA to be increased when lands within *Mixed Use Areas* are redeveloped to include residential uses. The subject lands are currently occupied by 1,121 square metres of commercial uses; whereas, the application proposes 512 square metres of non-residential GFA. The review of the application will seek opportunities to increase the amount of non-residential GFA in order for the site to continue to provide economic opportunities and local services for existing and future residents of this area.

Housing

The City's Official Plan policies in Section 3.2.1 require a full range of housing in terms of form, tenure, and affordability to be provided and maintained across the City and within neighbourhoods to meet the current and future needs of residents.

ConsumersNext Secondary Plan similarly promotes achieving a complete and inclusive community through provision of a full range of housing in terms of tenure and affordability. Policy 7.4 of the Secondary Plan provides that on development sites containing more than 150 residential units, the City will actively pursue the development of new affordable housing by seeking 5% of the total residential GFA as affordable rental housing or 10% of the total residential GFA as affordable ownership housing, or a combination of the above. The proposed development does not currently propose any affordable housing units.

Policy 7.2 of the Secondary Plan requires new buildings with more than 50 units to provide a minimum percentage of 2 and 3-bedroom units, a portion of which must meet the minimum unit sizes recommended in the Growing Up Guidelines (90 square metres for 2-bedroom units and 106 square metres for 3-bedroom units). This policy remains under appeal and is not yet fully in force. The current breakdown of the proposed 354 residential units is as follows: 236 1-bedroom and 1-bedroom plus den units (67%), 87 2-bedroom and 2-bedroom plus den units (25%), and 31 (9%) 3-bedroom units. A summary of the unit sizes has not been provided at this time.

Staff are reviewing the appropriateness of the proposed unit mix and will explore what opportunities are available to include affordable housing.

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).

An Arborist Report and Tree Preservation and Removal Plan were submitted and are currently under review by City staff. As proposed, this project would require the removal of 2 privately owned trees and 23 City street trees. 11 City-owned trees and 1 By-Law protected private tree would be preserved.

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 application was circulated to publicly funded school boards for review. Toronto District School Board has indicated that local elementary and secondary schools may not have sufficient capacity to accommodate the estimated influx of students from the proposed development. The Toronto Catholic District School Board has indicated that sufficient space exists within local Catholic elementary schools to accommodate students from the proposed development but local Catholic secondary schools are operating at capacity.

City staff are reviewing the Community Services and Facilities Study submitted as part of this application together with the CS&F study completed for the ConsumersNext Secondary Plan to assess the impact of the proposed development on community facilities.

Noise and Vibration Impacts

The applicant has submitted a noise study to analyze and evaluate the effects of existing noise sources on the proposed residential land use, particularly from the Direct Fuel Cell-Energy Recovery Generation power plant at 500 Consumers Road. 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.

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 to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses. The review will also identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure that may be necessary to provide adequate servicing to the proposed change in land use or development.

Transportation and Parking

The ConsumersNext Transportation Master Plan identifies transportation infrastructure improvements required to service growth within the ConsumersNext Secondary Plan Area and includes specific transportation interventions along the site. Staff are evaluating the proposed development and Transportation Impact Study submitted by the applicant against the policies of the ConsumersNext Secondary Plan and the ConsumersNext Transportation Master Plan to identify and secure any transportation improvements necessary to implement the Transportation Master Plan. Staff are concerned that the proposed additional density on the site beyond what was allocated in the ConsumersNext Secondary Plan would create incremental transportation pressures on the transportation network.

Staff will also evaluate the adequacy and appropriateness of the proposed reduced parking rate of 0.4 parking spaces per dwelling unit with 0.1 spaces per dwelling unit for shared visitor and retail parking. The proposed rate is approximately half of the vehicle parking rate required in Zoning By-law 569-2013.

The application was circulated to the Ministry of Transportation (MTO) and Metrolinx for review due to the site's location within MTO's Permit Control Area for Highway 401 and the potential GO Transit Bus loop around the site identified by the ConsumersNext Transportation Master Plan.

Toronto Green Standard

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

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. Despite the recent introduction of a new community benefits charge, 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.

Should the application be recommended for approval, a Section 37 contribution would be warranted. 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.

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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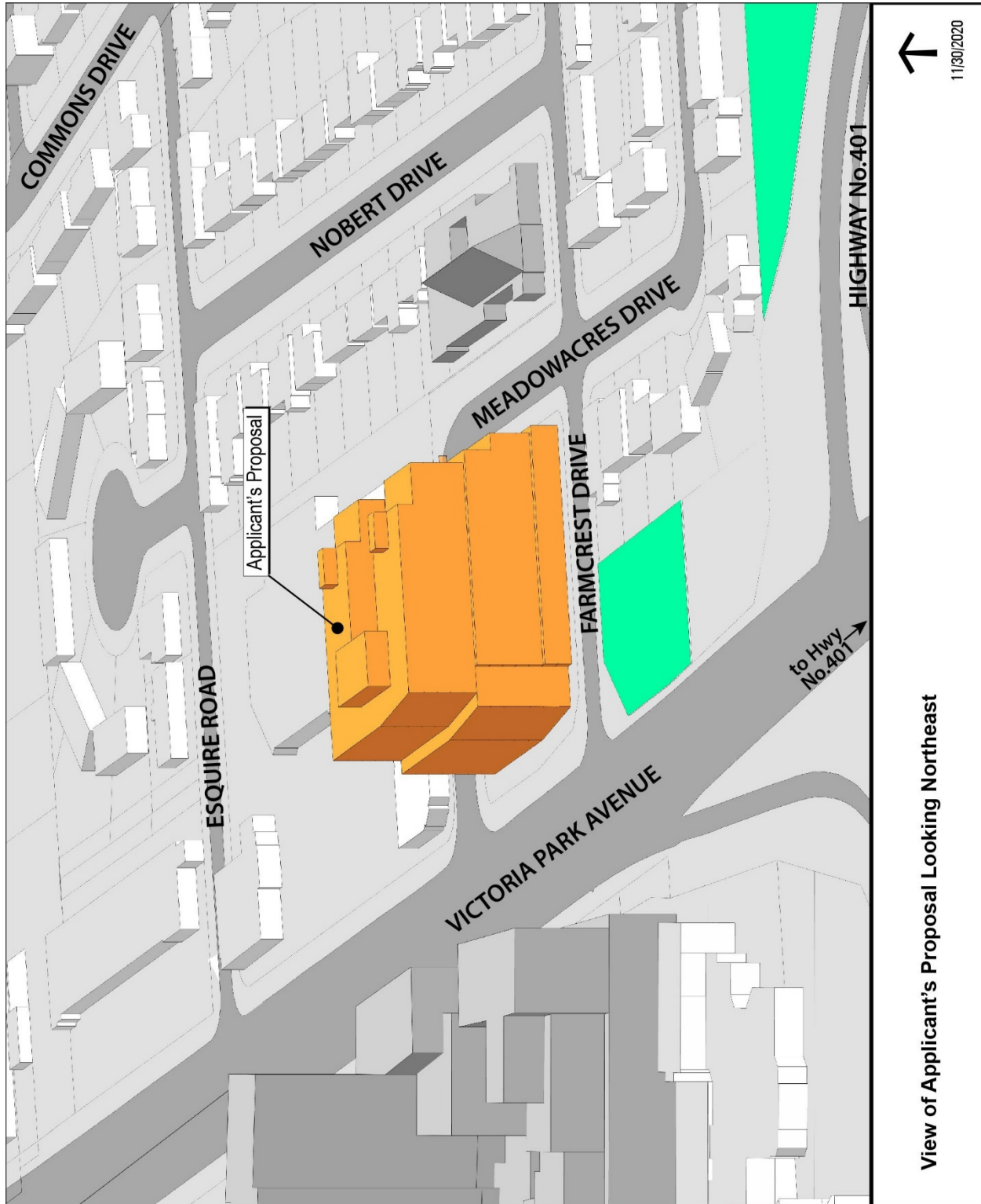
Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

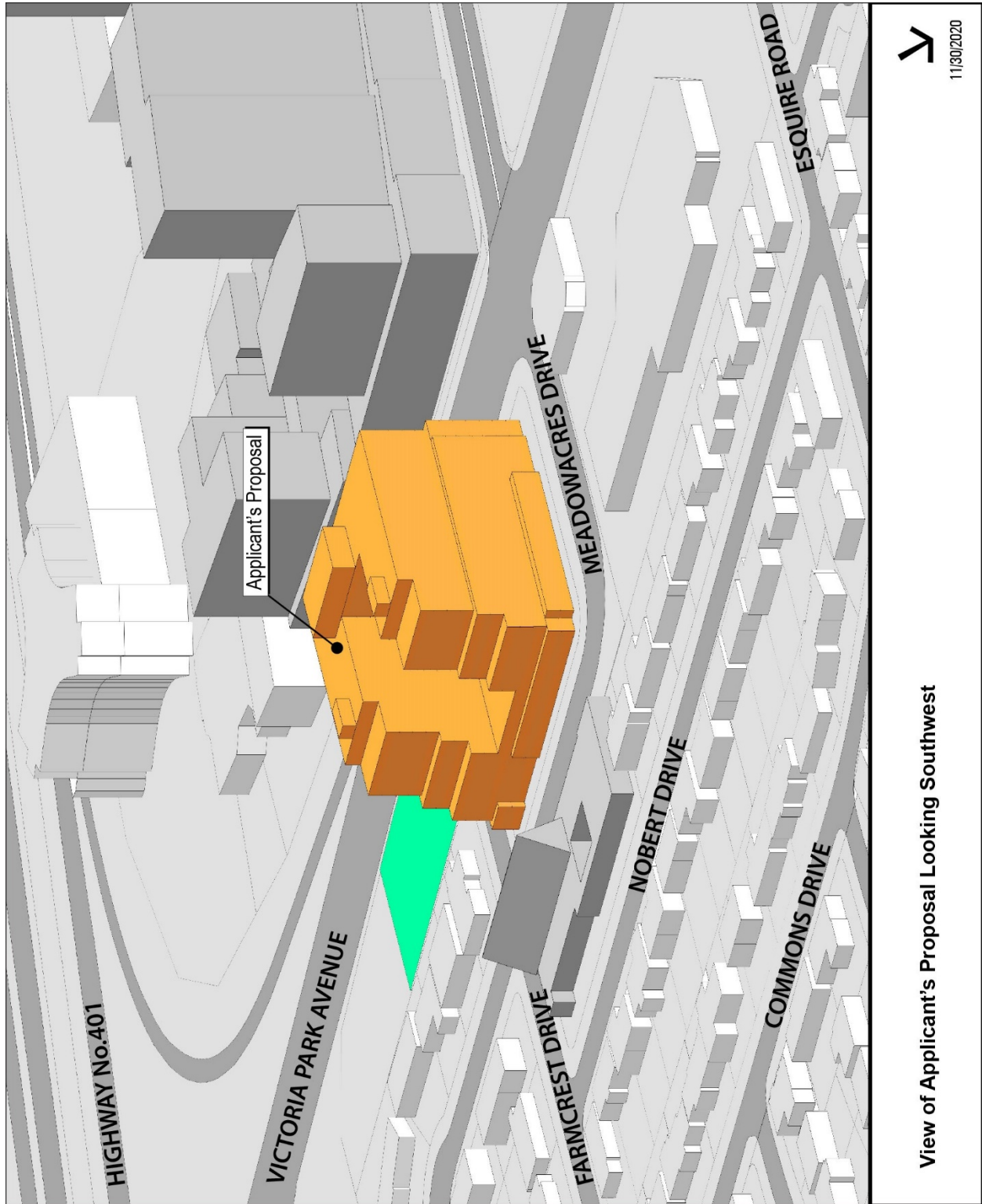
City of Toronto Drawings

- Attachment 1: 3D Model of Proposal Looking Northeast
- Attachment 2: 3D Model of Proposal Looking Southwest
- Attachment 3: Location Map
- Attachment 4: ConsumersNext Secondary Plan Area
- Attachment 5: Site Plan
- Attachment 6: Official Plan Map

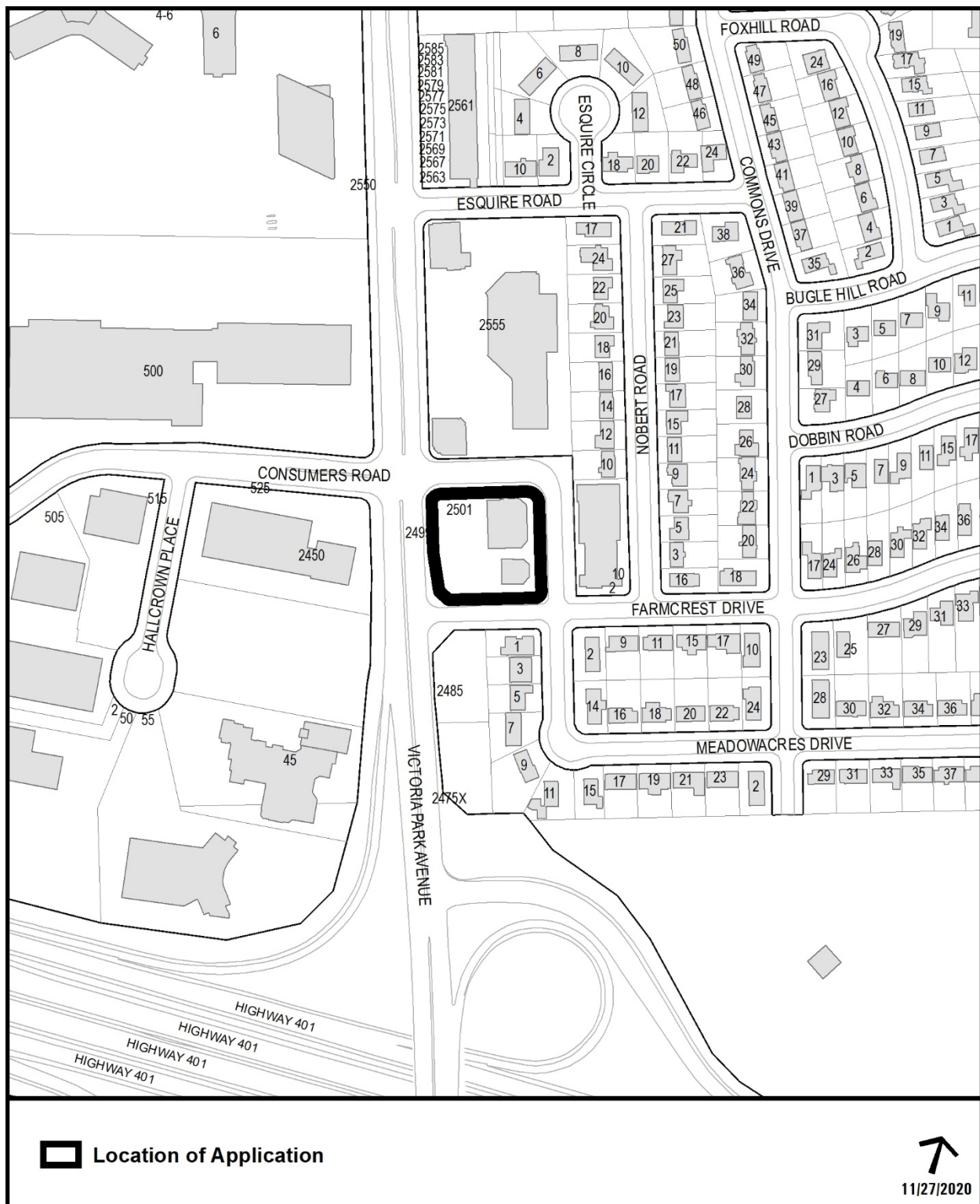
Attachment 1: 3D Model of Proposal Looking Northeast



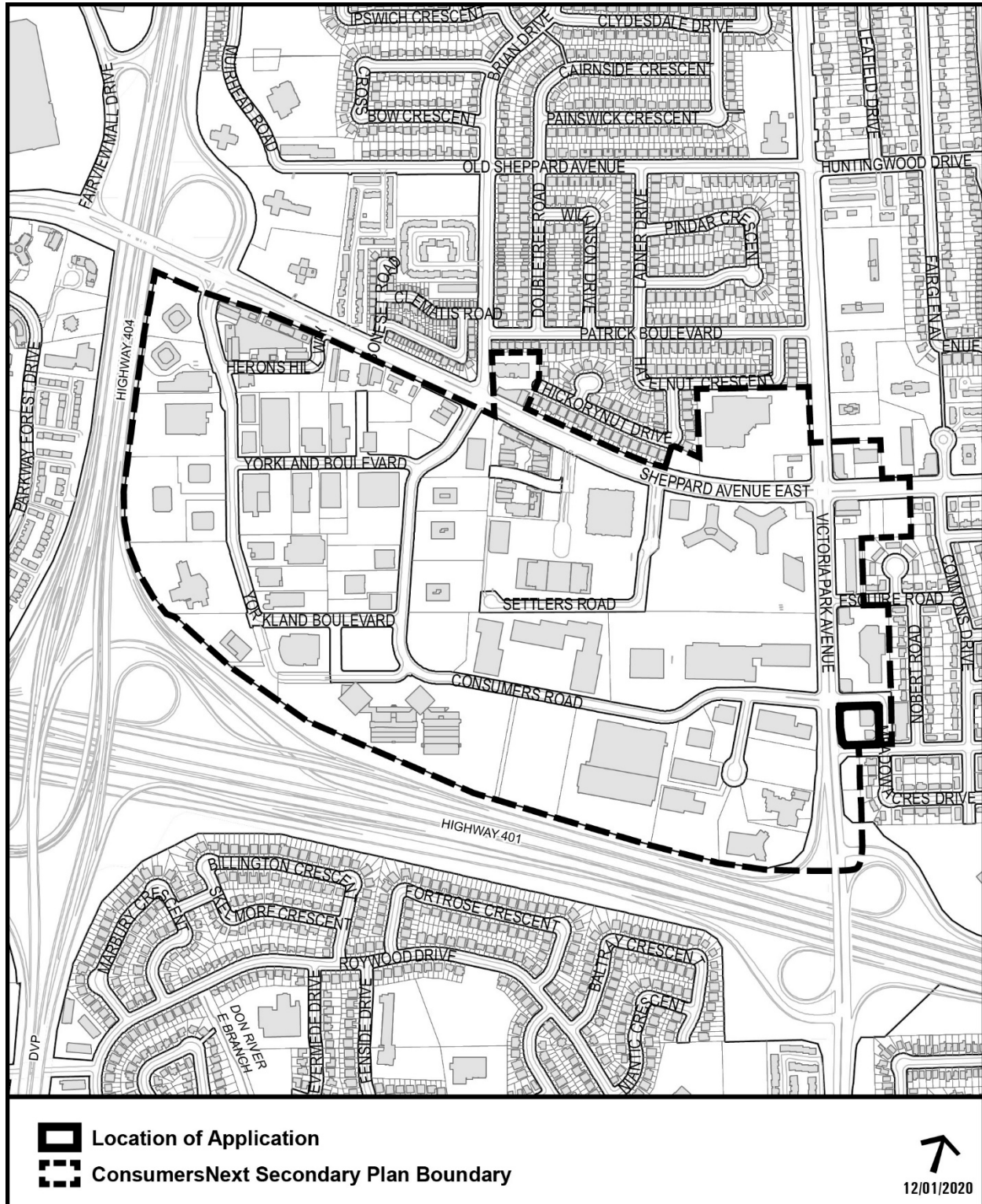
Attachment 2: 3D Model of Proposal Looking Southwest



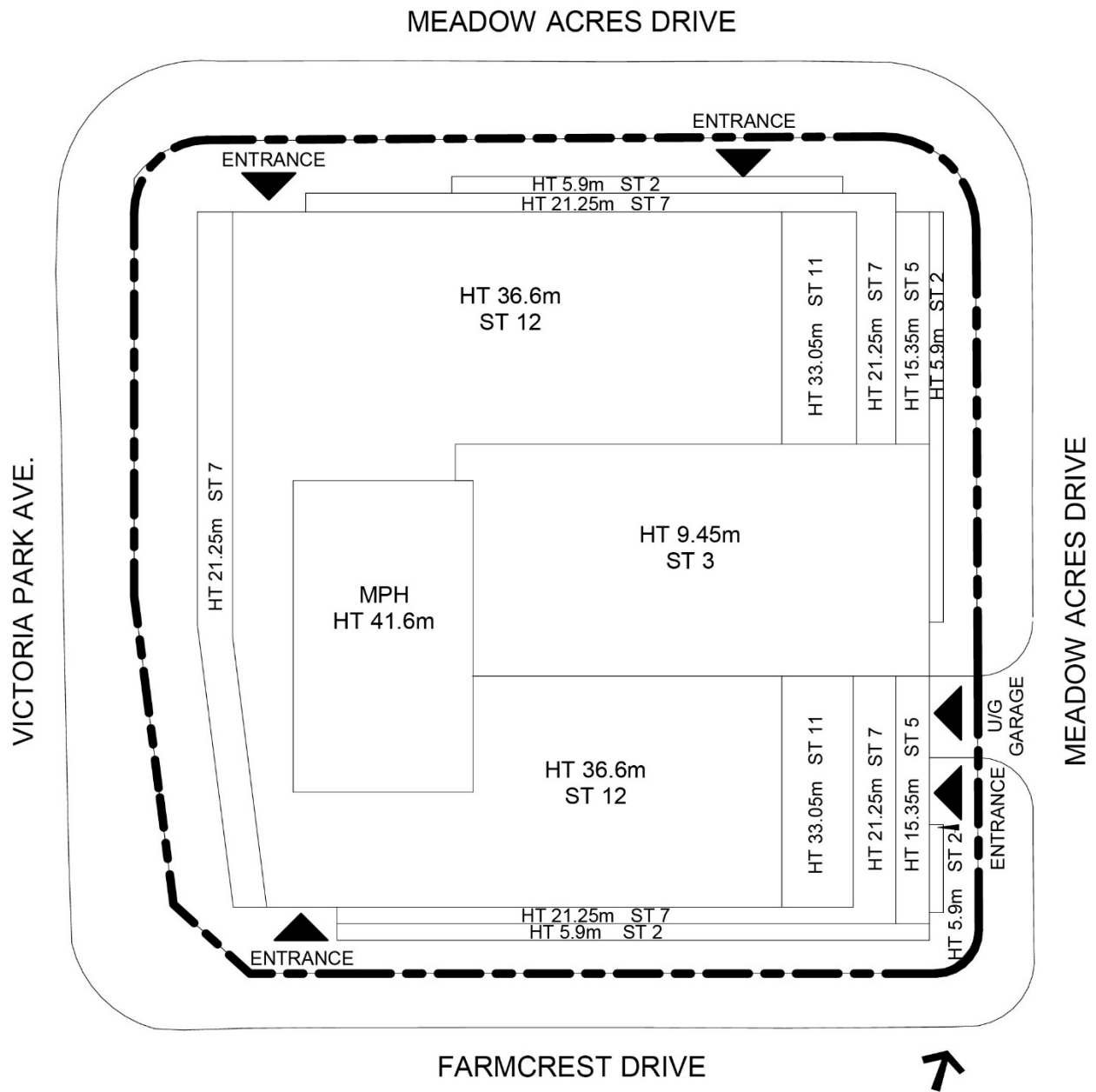
Attachment 3: Location Map



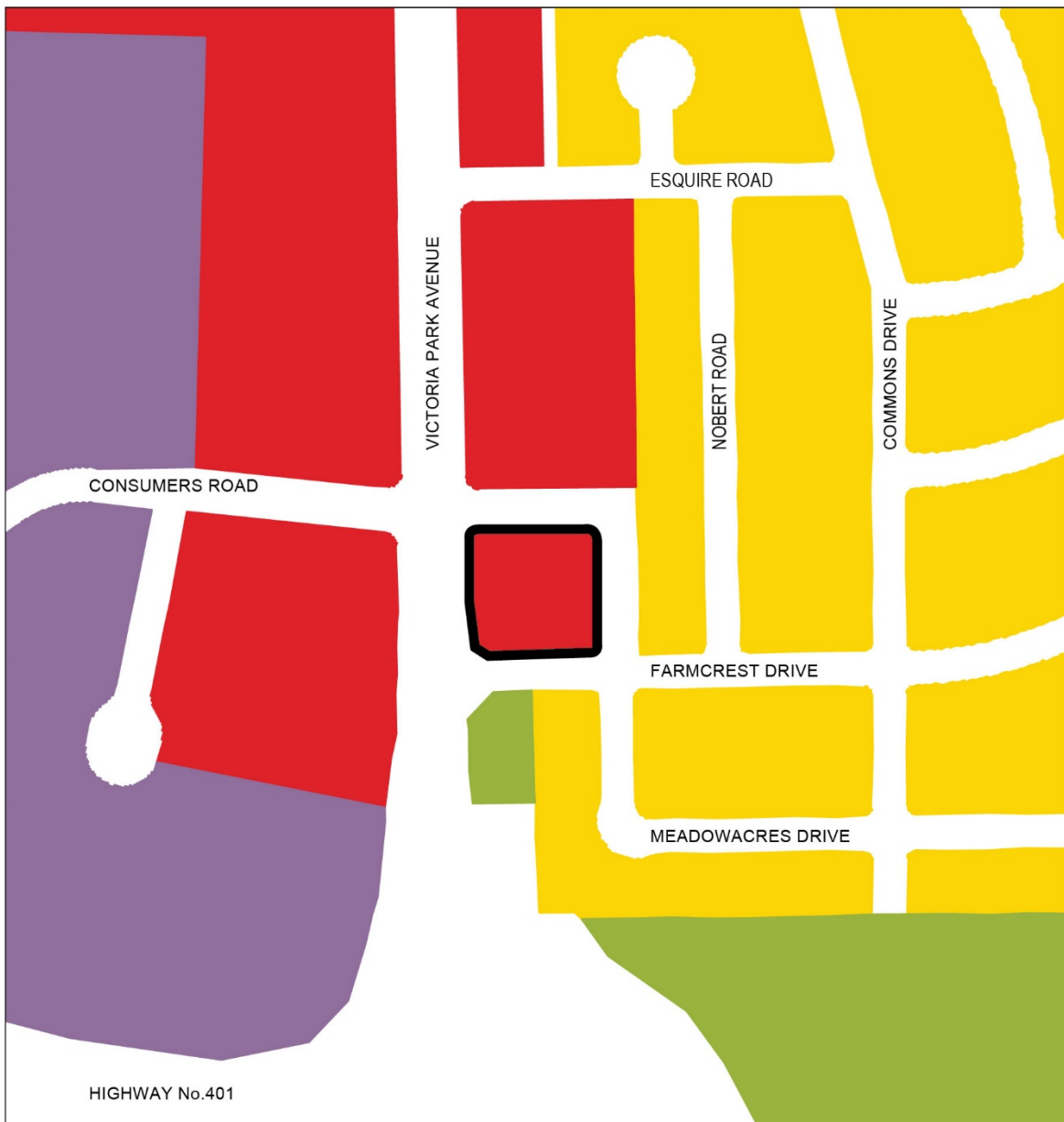
Attachment 4: ConsumersNext Secondary Plan Area



Attachment 5: Site Plan



Attachment 6: Official Plan Map



Official Plan Land Use Map #19

2499 Victoria Park Avenue

File # 20 191759 ESC 22 02



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Not to Scale
11/27/2020