

Refusal Report 2872, 2880 and 2882 Kingston Road – Zoning Amendment Application

Date: February 5, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

Planning Application Number: 18 255250 ESC 36 OZ

SUMMARY

This application proposes to amend Cliffcrest Community By-law 9396 and City of Toronto Zoning By-law 569-2013 for the lands at 2872, 2880 and 2882 Kingston Road to permit a 10-storey mixed-use building. The proposal contains a total of 145 dwelling units and 295 square metres of ground floor commercial space. The total gross floor area would be 9,437 square metres resulting in a density of 4.99 times the lot area. A total of 118 vehicular parking spaces are proposed in three levels of underground parking.

This report reviews and recommends refusal of the application to amend the Zoning By-law. The subject site is not appropriate for the size and scale of the development as proposed. The proposed development does not achieve appropriate transition to the lands to the north designated *Neighbourhoods* as required by the Official Plan and applicable Urban Design Guidelines. Additionally, the proposed development does not adequately minimize shadowing and overlook, particularly on adjacent streets and properties; and lacks sufficient landscaped open space. Further, the applicant has yet to file a Functional Servicing Report that adequately addresses whether sufficient servicing infrastructure is present to support the development.

Taken together, these issues demonstrate an overdevelopment of the subject site in a manner that is not consistent with the Provincial Policy Statement (2020), does conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and does not conform to the City's Official Plan.

For these reasons further outlined in this report, it is recommended that the application be refused in its current form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment in its current form for the lands at 2872, 2880 and 2882 Kingston Road for the reasons outlined in the report dated February 5, 2021 from the Director, Community Planning, Scarborough District.
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision to refuse the application, in the event that the application is appealed to the LPAT.
3. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council direct the City Solicitor to request that the Tribunal withhold its Order until such time as:
 - a) the Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the Director, Community Planning, Scarborough District and City Solicitor;
 - b) the City Solicitor confirms that the owner has provided a Functional Servicing and Stormwater Management Stage 1 Report, a Hydrogeological Report and Summary Forms for each Report, acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) The City Solicitor request that a holding provision (H) be included in the final form of the zoning by-law, to be lifted at such time that the following conditions have been fulfilled to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water:
 - (i) upgrades of Wirral Sanitary Pumping Station and forcemain by the City have been constructed to solve the existing pumping station capacity constraints based on the findings of an Environmental Assessment (EA);
 - (ii) all local municipal infrastructure improvements or upgrades required to service the proposed development identified by the accepted Functional Servicing Report are secured or constructed; and
 - (iii) the Owner has entered into appropriate financially secured agreements to implement the required local infrastructure.
4. City Council authorize the City Solicitor and appropriate staff, in consultation with the Local Councillor, to continue discussions with the applicant to address the issues outlined in the report (February 5, 2021) from the Director, Community Planning, Scarborough District, and should a resolution be arrived at, to report back to City Council on the outcome, as appropriate.
5. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

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

The Zoning By-law amendment application was submitted on November 12, 2018 and deemed complete on February 13, 2019.

A Preliminary Report on the application was adopted by Scarborough Community Council on February 14, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. A link to the Community Council Decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC3.2>

PROPOSAL

Application Description

This application proposes to amend the relevant zoning by-laws in order to permit the construction of a 10 storey mixed use building, comprised of 145 dwelling units above ground floor commercial space. A total of 9,437 square metres of gross floor area is proposed which is a total density of 4.99 times the area of the lot. The building proposes a series of stepbacks with varying depths between the 7th and 10th storeys along Kingston Road and at each storey above the 5th storey to the rear of the site. A green roof approximately 409 square metres in size is proposed on the roof of the 10th storey. Please see Attachments 6 to 9 of this report, for the proposed elevations.

The proposed vehicular parking supply consists of 91 resident spaces located within a 3 level underground parking garage, 3 car share spaces, 21 visitor spaces, and 3 commercial parking spaces, for a total of 118 spaces. Vehicular access to parking, loading and service areas is proposed from Harewood Avenue via an existing rear public lane, which is proposed to be widened to 6 metres.

The redevelopment proposes 114 bicycle parking spaces. The proposal includes 288 square metres of indoor amenity space contiguous to 135 square metres of outdoor amenity space on the ground floor, and 176 square metres of outdoor amenity on the 10th floor.

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

Reasons for Application

The rezoning application is required in order to permit the proposed mixed use development under the City's Zoning By-law 569-2013, as amended. While the proposed building type is permitted, the application is necessary to establish appropriate performance standards for the proposal regulating matters such as residential density, height, setbacks, stepbacks, landscaping and vehicular and bicycle parking spaces along with other by-law standards.

The application is also required to permit the proposed residential land use and to establish appropriate zoning provisions to regulate the proposed development under Cliffcrest Community Zoning By-law No. 9396, as amended.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Arborist Form
- Architectural Plans
- Avenue Segment Review
- Civil and Utilities Plans
- Community Services and Facilities Study
- Contaminated Site Assessment
- Cover Letter
- Draft Zoning Bylaw Amendments for Zoning By-law Nos. 9396 and 569-2013
- Environmental Site Assessment
- Geotechnical Study
- Heritage Impact Assessment
- Hydrogeological Report
- Hydrogeological Review Summary
- Landscape and Lighting Plans
- Massing Model
- Noise Impact Study
- Pedestrian Level Wind Study
- Phase I Environmental Impact Statement
- Planning Rationale
- Project Data Sheet
- Public Consultation Strategy Report
- Sanitary Sewer Analysis Design Report
- Servicing Report
- Servicing Report Groundwater Summary
- Sun/Shadow Study
- Stormwater Management Report
- Survey Plans

- Toronto Green Standards Checklist
- Transportation Impact Assessment Report; and
- Tree Preservation Plan

Supporting documentation can be viewed at the City's Application Information Centre: <https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

A community consultation meeting was held by City Planning on March 21, 2019, attended by members of the public, the applicant and their team, and the Ward Councillor.

The following issues were raised at the community consultation meeting:

- Height and density of the proposed building;
- Adherence to Mid-rise Building Guidelines;
- Shadow impact on adjacent residential homes;
- Transition to lower density *Neighbourhoods*;
- Impacts of additional traffic on the area;
- Lack of capacity at nearby schools;
- Adequacy of the parking supply and access to the site being proposed; and
- Type of commercial proposed (community indicated a preference for grocers).

POLICY CONSIDERATIONS

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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 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."

Provincial Plans

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the 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).

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

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. The Official Plan contains policies on where to direct intensification and how and where to deploy height and density. Authority for the Official Plan derives from the *Planning Act* of Ontario.

The current application is located along an *Avenue* as identified on Map 2 - Urban Structure in the Official Plan. The lands are designated *Mixed Use Areas* on Map 20 - Land Use Plan of the Official Plan. See Attachment 3 of this report, for an excerpt from the Official Plan Land Use Map.

Map 3 of the Official Plan, Right-Of-Way Widths Associated with Existing Major Streets shows that the planned right-of-way width for the portion of Kingston Road where the site is located is 36 m.

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 - Shaping the City

Avenues: Reurbanizing Arterial Corridors

The site is located on an area of Kingston Road identified as *Avenues*. *Avenues* are important corridors along major streets where urbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit services for community residents. Development along the *Avenues* will generally be at a much lower scale than in the *Downtown* and most often at a lower scale than in the *Centres*.

Each *Avenue* is different in terms of lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the *Avenues*. The *Avenues* will be transformed incrementally.

A framework for new development on each *Avenue* will be established through an Avenue Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. Each Avenue Study will contain a vision and implementation plan. In the event that an Avenue Study has not been completed, development requiring a rezoning will not be allowed to proceed unless the review of the segment within which the development falls demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts.

Chapter 3 - Building a Successful City

Public Realm

The Public Realm policies (Section 3.1.1) promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that the public realm is beautiful, comfortable, safe and accessible.

Built Form

The Built Form policies establish that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan.

As provided for by Policies 3.1.2.1 and 3.1.2.2, new developments will be located and organized to fit within its existing and/or planned context by: generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback; locating building entrances so that they are clearly visible and directly accessible from the public sidewalk; and locating and organizing vehicular parking and access to minimize their impacts on the public realm.

Policy 3.1.2.3 directs 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 (among others):

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- Providing for adequate light and privacy; and
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

Policy 3.1.2.4 establishes that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

Policy 3.1.2.5 pertains to new development providing amenity for adjacent streets and open spaces to make these areas attractive and comfortable by providing improvements to adjacent boulevards/streets as well as providing landscaped open space and public art on site.

Official Plan Amendments 479 and 480

On September 11, 2020, the Minister of Municipal Affairs and Housing issued a Notice of Decision approving OPA 479 and 480 regarding Public Realm and Built Form Policies which are final and not subject to appeal as they were adopted under Section 26 of the *Planning Act*. This application was submitted prior to their adoption and thus are not subject to the new policies, but staff had regard to them in their review of the submitted proposal.

OPA 479 was adopted as part of the Five-Year Official Plan Review pursuant to Section 26 of the Planning Act. OPA 479 replaces Section 3.1.1 with new and revised public realm policies. It also introduces the Block Context Plan as a complete application requirement where appropriate to demonstrate how the physical form of the proposed development fits within the existing and planned context. The revised policies indicate the future direction and planned context for the site, consistent with provincial policies

OPA 480 replaces Section 3.1.2 and 3.1.3 with new and revised policies for built form. It outlines (among other matters) that new development is required to provide good street proportion and transition in scale to adjacent developments through the use of setbacks, building heights, streetwall heights, step-backs, angular planes, orientation and other design measures.

Section 3.1.3 regarding tall buildings has been replaced with an expanded set of policies for low-rise, mid-rise and tall buildings. Each building typology is now defined through policy and non-policy text. Design criteria for each building typology provide policy objectives to ensure buildings respond to their local context and contribute to the public realm.

The text of Section 3.1.3 establishes that mid-rise buildings are a transit-supportive form of development that provides a level of intensification at a scale between low-rise and tall building forms. Mid-rise building heights are contextual and are informed by the width of the right-of-way onto which they front and may vary in height between 4 and 11 storeys. Mid-rise buildings help establish and reinforce an urban environment through development form that is repeatable, moderate in scale, has good, predictable street proportion, and transition in scale that has predictable impacts on adjacent low-scale uses.

New Policy 4 of Section 3.1.3 directs that mid-rise buildings will be designed to have heights generally no greater than the width of the right-of-way that it fronts onto; and allow for daylight and privacy on ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs.

The revised policies strengthen the existing built form policies and indicate the future direction and appropriate built form that fit within the context for the site, consistent with provincial policies.

Housing

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life is essential to the creation of complete communities.

The text of Section 3.2.1 states:

"The current production of ownership housing, especially condominium apartments, is in abundant supply. What is needed is a healthier balance among high rise ownership housing and other forms of housing, including purpose-built rental housing, affordable rental housing and affordable low-rise ownership housing for larger households with children and multi-family households". It continues that: "More than half of Toronto households rent, yet little new affordable rental housing is being built".

Policy 3.2.1.1 directs that 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 (among others): ownership and rental housing; affordable and mid-range rental and ownership housing; and housing that meets the needs of people with physical disabilities.

Chapter 4- Land Use Designations

Section 4.5 establishes that *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Development in *Mixed Use Areas* will create a balance of high quality residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. *Mixed Use Areas* will provide for new jobs and homes for Toronto's growing population on underutilized lands.

Section 4.5 also directs that not all *Mixed Use Areas* will experience the same scale or intensity of development. Development along the *Avenues* will generally be at a much lower scale than in the *Downtown* and most often at a lower scale than in the *Centres*.

Policy 2 of Section 4.5 of the Official Plan includes criteria that directs the form and quality of development in this land use designation. In *Mixed Use Areas*, development will (among other matters):

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- h) Take advantage of nearby transit services; and
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors.

Chapter 5 - Implementation

Policy 5.3.2.1 of the Implementation Plans and Strategies for City-Building section, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. The Mid-Rise Building Design Guidelines, and the Growing Up Guidelines are discussed further in this report.

The outcome of the staff analysis and review of relevant Official Plan policies and designation noted above are summarized in the Comments Section of this report.

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

Zoning

The site is zoned Commercial Residential (CR) Zone in City of Toronto Zoning By-law No. 569-2013, as amended. Permitted uses in the (CR) Zone include uses such as a dwelling unit, retail store, office and personal service shop. The lands are subject to Exception No. 504 in the by-law which contains a number of prescriptive performance standards relating to setbacks and permits a place of worship use. The zoning by-law permits 0.4 times commercial density and no residential density permissions. A maximum building height of 11 metres is permitted.

The City's Zoning By-law No. 569-2013 may be found here: <https://www.toronto.ca/citygovernment/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

The site is zoned Highway Commercial (HC) Zone in the Cliffcrest Community Zoning By-law No. 9396, as amended. Permitted uses in the HC Zone include hotels and motels, professional and business offices, automobile sales and service and maintenance uses excluding auto body repair and/or auto wrecking yards and day nurseries. The by-law contains a number of prescriptive performance standards relating to setbacks. The lands are subject to Exception No. 21 which contain regulations applying to garages associated with residences.

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the Avenues and Mid-Rise Building Guidelines, and the Growing Up Guidelines: Planning for Children in New Vertical Communities (2020).

Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building

Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Growing Up: Planning for Children in New Vertical Communities

The City Council-adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential buildings. The objective of these Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. These Guidelines are intended to implement the Housing Policies of the Official Plan. The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf> and the

accompanying staff report is available here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

Site Plan Control

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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 of the policies of the Plans.

Staff have determined that the proposal in its current form is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020) for reasons outlined below.

Provincial Policy Statement (2020)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 1.1.1 (g) of the PPS (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) states that "healthy, livable and safe

communities are sustained by ensuring that necessary infrastructure, and public service facilities are or will be available to meet current and projected needs." The applicant has not satisfactorily demonstrated that the necessary infrastructure is available to support the proposed development. Revisions to the submitted Functional Servicing Report are required to demonstrate there is adequate servicing capacity to accommodate the proposed development and what improvements, if any, may be required. As such the proposal has yet to demonstrate consistency with this policy direction in the PPS.

Section 1.1.3.3 directs that Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated. This is underscored by Policy 4.6 of the PPS which states that the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area through the City's Official Plan.

The analysis of the proposed built form in the context of the aforementioned Official Plan policies as outlined in greater detail below indicates that the proposed building does not meet the development criteria set out by the Plan for intensification. In particular, it is not consistent with Official Plan criteria concerning massing, scale and fit with the immediate area, creating impacts on adjacent properties and the public realm.

As such, the proposed development and companion Zoning By-law Amendment application is not consistent with the Provincial Policy Statement (2020). The proposal does not conform to the development standards that provide for suitable levels of intensification as set out in the City's Official Plan and Guidelines, which the PPS directs is the most important vehicle for implementation.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The guiding principles of the Growth Plan (2020) support, amongst other matters, the achievement of complete communities that are designed to support healthy and active living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

Policy 2.2.2.3, which applies to delineated built-up areas as defined by the Growth Plan, states that "all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas which will:

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) identify appropriate type and scale of development and transition of built form to adjacent areas;
- c) encourage intensification generally throughout the delineated built-up area;
- d) ensure lands are zoned and development is designed in a manner that supports achievement of complete communities;
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f) be implemented through Official Plan policies and designations, updated zoning and other supporting documents."

Similar to the PPS, Policy 1.1.1 (g) of the Growth Plan (2020) also states that "Healthy, livable and safe communities are sustained by ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet the current and projected needs". As noted above, the applicant has not satisfactorily demonstrated that the necessary infrastructure is available to support the proposed development. As such, staff are of the opinion the proposal in its current form does not conform to the Growth Plan (2020).

The Official Plan identifies a City-wide land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. As noted below, the proposed development does not achieve the development objectives set out in the Official Plan with respect to massing and scale as well as transition of built form to adjacent areas. As such, staff are of the opinion that the proposed development does not conform with the Growth Plan (2020).

Official Plan Conformity - Avenues and Mixed Use Areas

The proposal contemplates the intensification of the present site from one and two-storey commercial buildings to a 10-storey building on lands designated *Mixed Use Areas*. While it is recognized that this designation provides for the proposed uses, the development in its current form fails to appropriately address the development criteria of the land use designation and associated built form policies.

The Official Plan is to be read as a whole, but key to intensifying along *Avenues* prior to the completion of an Avenue Study is the submission of an appropriate Avenue Segment Review that demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts. The Avenue Segment Study submitted identifies 7 potential development sites between Brimley Road and McCowan Road in addition to the subject site. The study anticipates a reasonable level of intensification between 7 and 11-storeys on the other soft sites along the corridor with massing that adhere to setback and angular plane requirements set out in the Council-adopted Mid-rise Building Guidelines.

The proposed 10 storey building falls within the potential range of building height along the corridor demonstrated by the segment review. However, it fails to adhere to the angular plane requirements governing transition in scale between the *Mixed Use Areas* and adjacent low scale *Neighbourhoods*. In addition to creating concerns of overlook, privacy and shadowing on adjacent properties, not adhering to these transitional geometries drive the density of the development beyond what could be considered appropriate for the corridor.

Development which proceeds prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along an *Avenue*. With good frontage, generally uniform lot depth and benefiting from a public lane to the rear for access, the subject lands can be considered a fairly typical *Avenues* development site. Adhering to the built form guidance on transitional geometry and associated Official Plan built form policies would still allow for the construction of an appropriately scaled midrise building that achieves the goals of reurbanizing the Kingston Road corridor through incremental development.

For this proposal, the implications of approving the application in its current form would potentially set a precedent of adjusting Council-adopted guidance on built form through Urban Design Guidelines and Built Form policies such that subsequent development of soft sites along the corridor could become similarly overdeveloped. This may generate adverse impacts beyond what could reasonably be accommodated prior to the completion of an Avenue Study, thus not meeting Policy 2.2.3.5 of the Official Plan, and underpinning staff's opinion that the application be refused in its current form.

Density, Height, Massing

Height and Transition

The Official Plan clearly directs new development should be massed and 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 creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan. Official Plan Policy 2.3.1.2(b) states that development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*.

This policy direction is codified through both the Mid-rise Guidelines and Zoning By-law 569-2013 which require development proposed on properties with a shallow lot depth to transition to *Neighbourhoods* via a 45 degree angular plane. This transition geometry is to be taken from a height of 10.5 metres and setback of 7.5 metres from the side of the public laneway abutting the *Neighbourhoods*. These angular planes provide gradual built form transition from Kingston Road to the *Neighbourhoods* designation with a lower building at the rear, minimizing shadow and overlook issues on the adjacent *Neighbourhoods* designation.

As illustrated in a building section presented in Attachment 10, the proposal does not conform to the angular plane from the fourth to tenth storeys. Non-compliance increases shadow impact and overlook onto lands to the rear of the property designated *Neighbourhoods*. Adherence to the rear angular planes would create a geometry that would limit the building height and massing of the northern edge of the building to ensure an appropriate transition in scale directed by the Official Plan. Adhering to the required angular planes could also limit the overall building height, as compliance to the front and rear angular planes would likely result in a building height of 9 storeys.

Density

The existing context for the segment of Kingston Road in relation to the subject site is predominantly composed of a series of low-rise mixed-use buildings. Recent approvals for rezoning in the vicinity of the site have not exceeded densities of 3.75 times the area of the lot on the north side of Kingston Road, and 4.4 times the area of the lot on the south side of Kingston Road. The submitted Avenue Segment Review includes soft sites where potential built form drives the density above these recent approvals but in a

way that adheres to the required transitional geometry. The proposed density of 4.99 greatly exceeds the density of other redevelopment proposals recently approved along this segment of Kingston Road. The proposed density represents an inappropriate increase for this area that will set a new density threshold for other development sites that could lead to an overdevelopment of the corridor.

Sun, Shadow

The development criteria outlined in the *Mixed Use Areas* policies provides for development to be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes. New buildings are also to be located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant has submitted a Shadow Study which illustrates shadow impact on the *Neighbourhoods* for 4 hours in the morning from 9:18 am to 1:18 pm at the spring and fall (March and September) equinoxes. *Neighborhoods* shadow impact include both RH King Academy and 110 Harewood Avenue.

Staff have concerns with the proposed shadows given that they cast deeper shadows onto *Neighbourhoods* designated areas than a building which transitions to adjacent lands as provided for by the above noted Official Plan policies. As previously discussed, if a building were to be proposed which fully conformed to the relevant massing geometry (angular planes as set out in the Mid-Rise Guidelines) staff would expect the site to yield a 9-storey building, which casts less and shallower shadows on adjacent properties, adequately limiting the shadow impacts present from 9:18 am to 1:18 pm at the spring and fall equinox.

Wind

The applicant has submitted a Pedestrian Wind Study by Novus Environmental Consulting Engineers dated October 23, 2018. The consultant assessed wind conditions along the Kingston Road and Harewood Avenue streetscape pedestrian level, the outdoor amenity areas, building entrances and surrounding area.

The consultant noted that the wind safety criterion was not met on the rooftop terrace and recommended that a mitigation measures including wind screens at a height of 2.5 metres be developed through further study. In addition it is recommended that mitigation be considered along the sidewalks to locally improve wind conditions.

Servicing

At this time, the Wirral Court Sanitary Pumping Station does not have the capacity to accommodate any developments in the area. For this reason, Staff recommend that should this matter be appealed to the LPAT and if the LPAT approves the application, the final form of the zoning by-law include a holding (H) provision to be lifted at such time when the City completes the upgrades of Wirral Sanitary Pumping Station and forcemain to solve the existing pumping station capacity constraints based on the

findings of an Environmental Assessment (EA) and that owner has entered into financially secured agreement(s) for the construction of all local municipal infrastructure improvements or upgrades required to service the proposed development.

The applicant has submitted a Functional Servicing and Stormwater Management Stage 1 Report revised dated October 15, 2020 by LEA Consulting Ltd. Engineering and Construction Services staff have reviewed the submitted materials and require a number of revisions, as stated in their memorandum dated December 21, 2020.

Engineering and Construction Services requires a revised Functional Servicing and Stormwater Management Stage 1 Report that outlines proposed servicing solutions which demonstrates that the storm water runoff, sanitary flow and water supply demand resulting from the proposed development can be accommodated through existing or upgraded municipal infrastructure to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services

Provincial and municipal policies provide for orderly development that does not outpace the provision of local servicing infrastructure and the application cannot be approved until this servicing solution is determined.

Heritage Impact & Conservation

The development is adjacent to R.H King Academy which is listed on the City of Toronto's Heritage Register. A Heritage Impact Assessment (HIA) was submitted and reviewed by Heritage Preservation Services who were satisfied that the proposal will not have an impact on cultural heritage resources.

Traffic Impact, Access, Parking

A revised Transportation Impact Assessment Report, prepared by LEA Consulting Ltd and dated August 8 2019, was submitted in support of the proposed development. The report estimates that the project will generate approximately 41 and 57 two-way trips during the a.m. and p.m. peak hours, respectively. The consultant concludes that given the minimal trip generation, intersection capacity analyses are not deemed required as outlined in the City of Toronto Guidelines for Preparing Transportation Impact Studies that there are less than 100 peak-hour, peak-direction vehicle trips added to the transportation system. Transportation Services reviewed the Transportation Impact Assessment Report and have no additional comments for the rezoning application.

Vehicular Access to the site is proposed on the rear public laneway. Transportation Services Staff have expressed concerns with the location of the driveway access as it conflicts with how the existing laneway operates. This is an issue that can be resolved through the Site Plan process.

Streetscape

The applicant is proposing only one tree along the Kingston Road frontage. City Planning staff have encouraged the applicant to enhance the public realm and improve the pedestrian experience by providing additional tree planting along Kingston Road.

The proposal also requires revisions to include space for sufficient soil volume/depth to support large canopy trees within the streetscape.

Privately-Owned Publicly Accessible Open Space (POPS)

Privately-owned publicly accessible open space (POPS) of approximately 80 square meters is being proposed at the corner of Kingston Road and Harwood Avenue. Staff consider the proposed POPS to be a positive element of the proposal that supports the commercial uses proposed facing Kingston road, providing outdoor amenity for the retail uses.

Tree Preservation

An Arborist Report, prepared by Strybos Barron King Landscape Architecture Ltd. and revised dated November 2, 2017, was submitted in support of the proposed development. The Arborist Report submitted concludes that there are a total of 11 trees on and within six metres of the subject property. 6 trees subject to the City of Toronto Private Tree By-law will be injured.

Urban Forestry staff have indicated that aspects of the overall plan/concept for the site are inconsistent with parts of the City's Official Plan and council's objectives concerning tree canopy cover and do not demonstrate compliance with Tier 1 of the Toronto Green Standard (ecology section), specifically the proposed trees do not indicate the required 30 cubic metres per tree of soil volume. The applicant is to submit revised landscape and civil plans.

These comments were outlined in a memorandum dated April 9, 2020. Revised civil and landscape plans were submitted on November 6, 2020 and are being reviewed by Urban Forestry. The applicant will be required to address any further outstanding matters arising from the November 6, 2020 submission. The City will secure the planting of new trees on the site and on adjacent public rights-of-way through Site Plan Approval.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2014) and conflicts with the Growth Plan (2020). Further, the proposal is not in keeping with the intent of the Toronto Official Plan, and the Avenues and Mid-Rise Building Guidelines, particularly as it relates to height, density, transition, massing, privacy, and overlook impacts. The proposed development does not provide an appropriate transition to the adjacent *Neighbourhoods* area to the rear of the site and generates an unacceptable shadow impact, which taken together represents an overdevelopment of the property. Further, the applicant has yet to propose an acceptable servicing solution which demonstrates adequate infrastructure capacity for the proposed development.

Throughout the review process to date staff have provided comments to the applicant, reiterated through this report that while the policy framework supports intensification of

the site, appropriate built form transition needs to be provided as provided for by the Official Plan policies. While staff are recommending City Council refuse the application in its current form, Council direction is also being sought to continue conversations with the applicant to seek revisions to the proposal which address the issues raised in this report including but not limited to height, density and transition.

Unless the applicant makes revisions to bring the proposal more in line with a built form expected by Official Plan policies and associated urban design guidelines, approval of the mixed-use building proposal in its current form cannot be supported by staff as it would introduce a built form context that could set a precedent to be replicated throughout Kingston Road to negative effect. As such, the current proposal does not represent good planning and is not in the public interest and staff recommend that Council refuse the Zoning Amendment application in its current form.

CONTACT

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E-mail: Yishan.Liu@toronto.ca

SIGNATURE

Paul Zuliani, Director, MBA, RPP
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: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 5: Site Plan
- Attachment 6: East Elevation
- Attachment 7: North Elevation
- Attachment 8: South Elevation
- Attachment 9: West Elevation
- Attachment 10: Building Section

Attachment 1: Application Data Sheet

Municipal Address: 2872, 2880, AND 2882 KINGSTON ROAD Date Received: November 12, 2018

Application Number: 18 255250 ESC 36 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: The applicant proposes the redevelopment of this site with a 10 storey mixed use building comprised of a total of 145 new residential units atop ground floor commercial space. The applicant proposes to widen the City owned existing substandard laneway to 7.5 metres to provide vehicular access to proposed rear loading, service areas and the proposed underground parking garage.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP			9887725 CANADA INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Mixed Use Areas</i>	Site Specific Provision:
Zoning:	CR 0.4 (c0.4; r0.0) SS3 (x504)	Heritage Designation:
Height Limit (m):		Site Plan Control Area: N

PROJECT INFORMATION

Site Area (sq m):	1,891	Frontage (m):	49	Depth (m):	42
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	562		926	926
Residential GFA (sq m):			9,143	9,143
Non-Residential GFA (sq m):	562		295	295
Total GFA (sq m):	562		9,437	9,437
Height - Storeys:			10	10
Height - Metres:			32	32

Lot Coverage Ratio (%)	48.98	Floor Space Index:	4.99
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	9,143	
Retail GFA:	295	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			145	145
Other:				
Total Units:			145	145

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	2		102	26	15
Total Units:	2		102	26	15

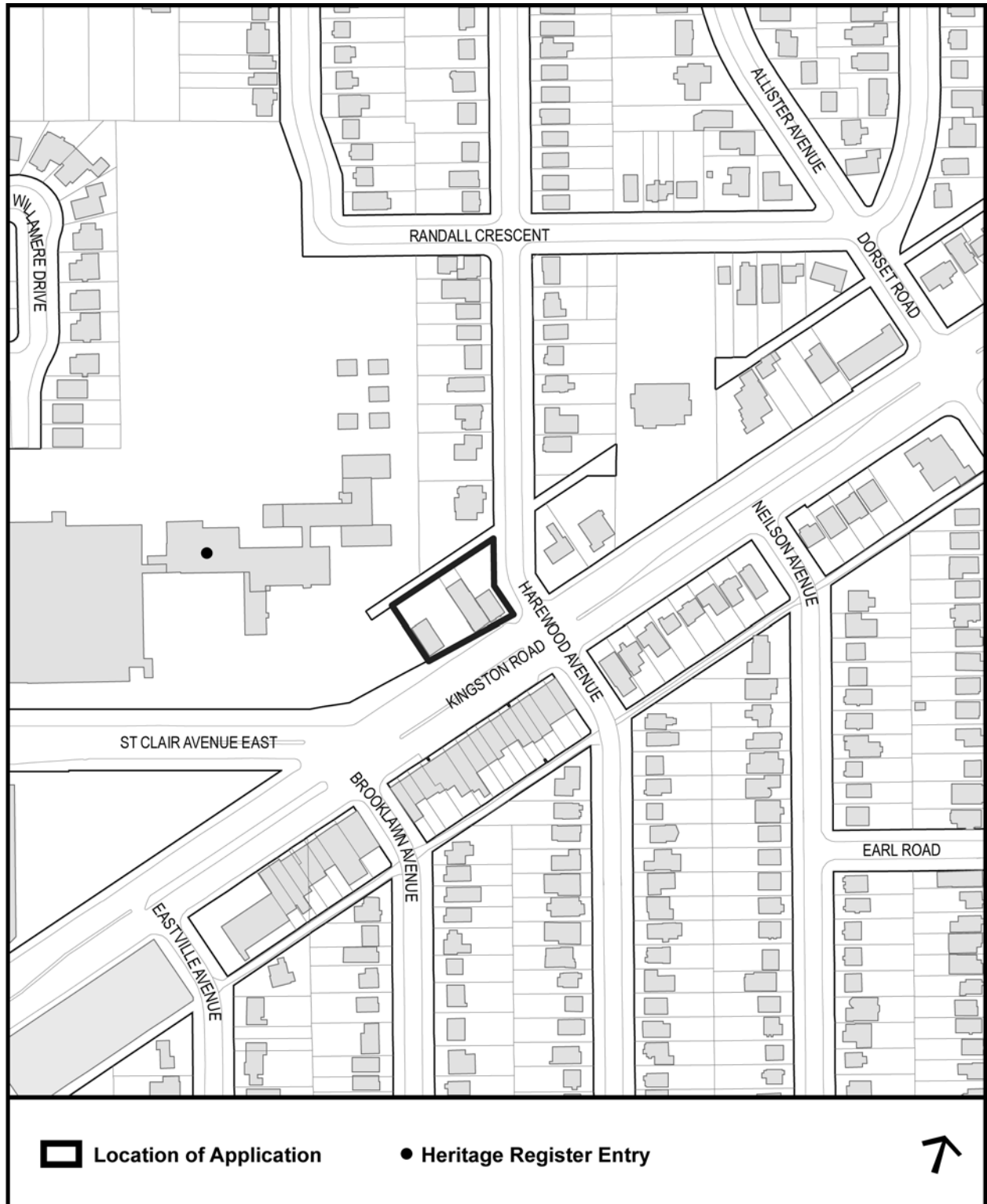
Parking and Loading

Parking Spaces:	118	Bicycle Parking Spaces:	114	Loading Docks:	1
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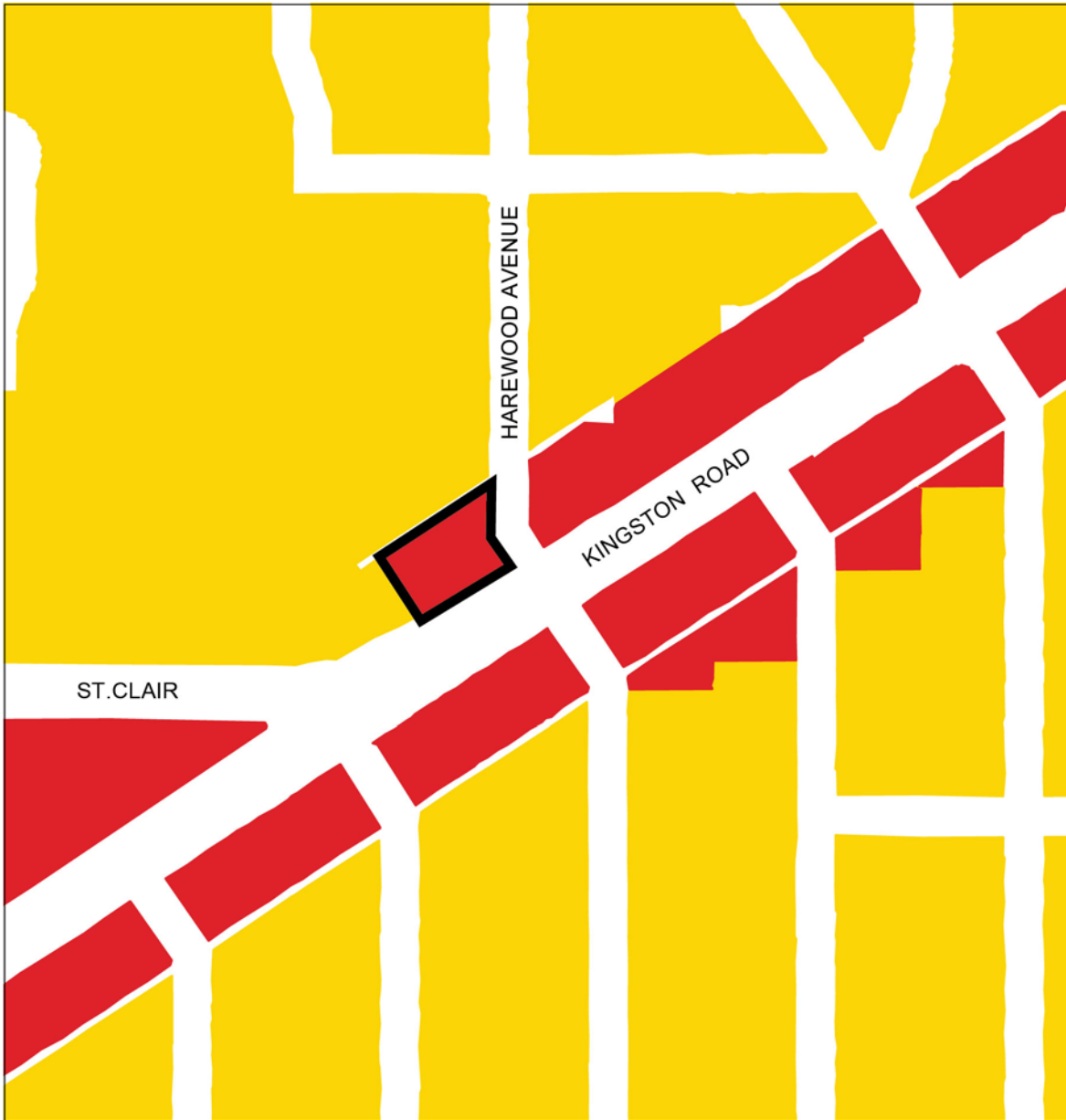
CONTACT:

Yishan Liu, Planner
416-395-6708
Yishan.Liu@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #20

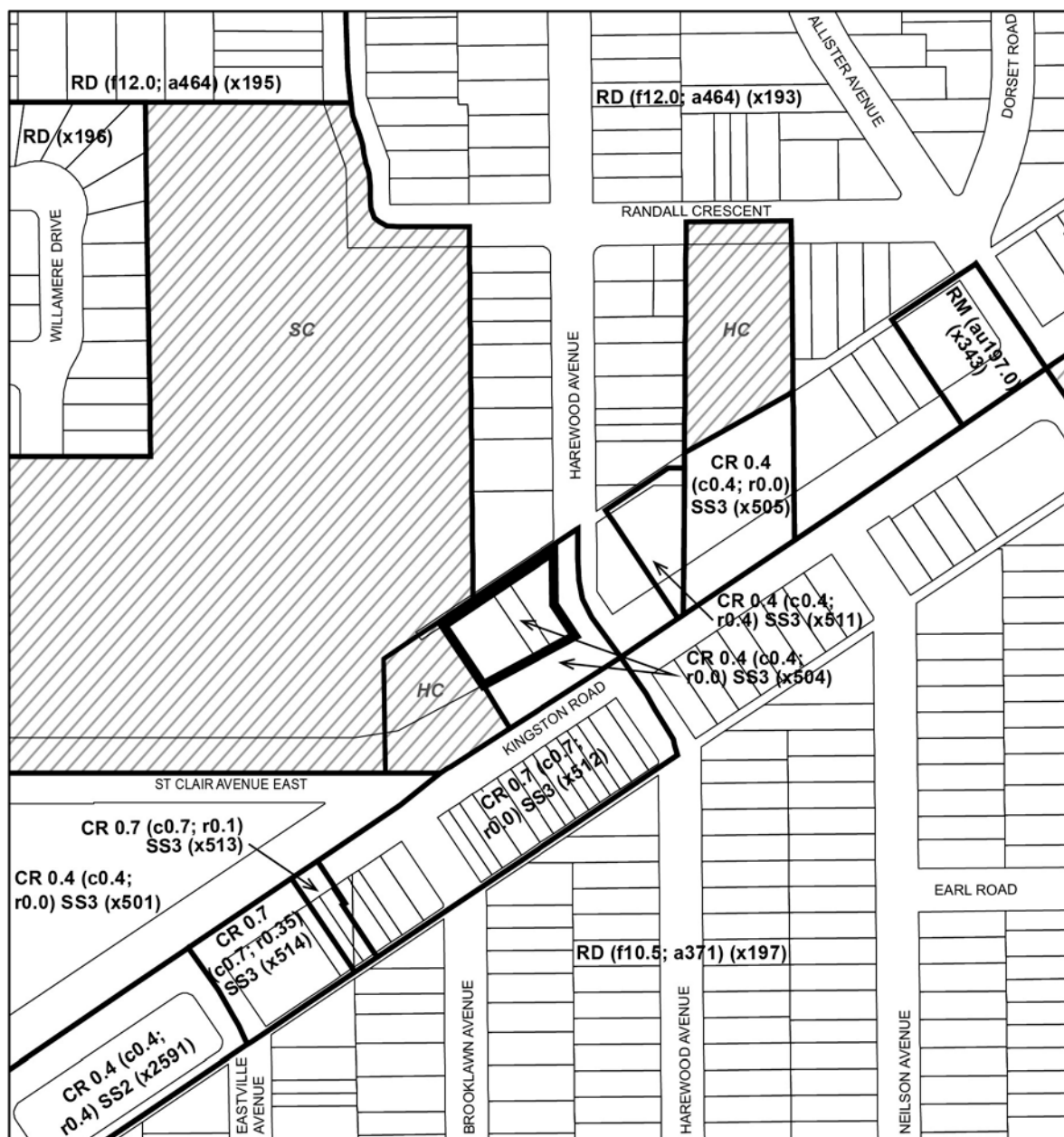
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File # 18 255250 ESC 36 0Z



Not to Scale
10/15/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

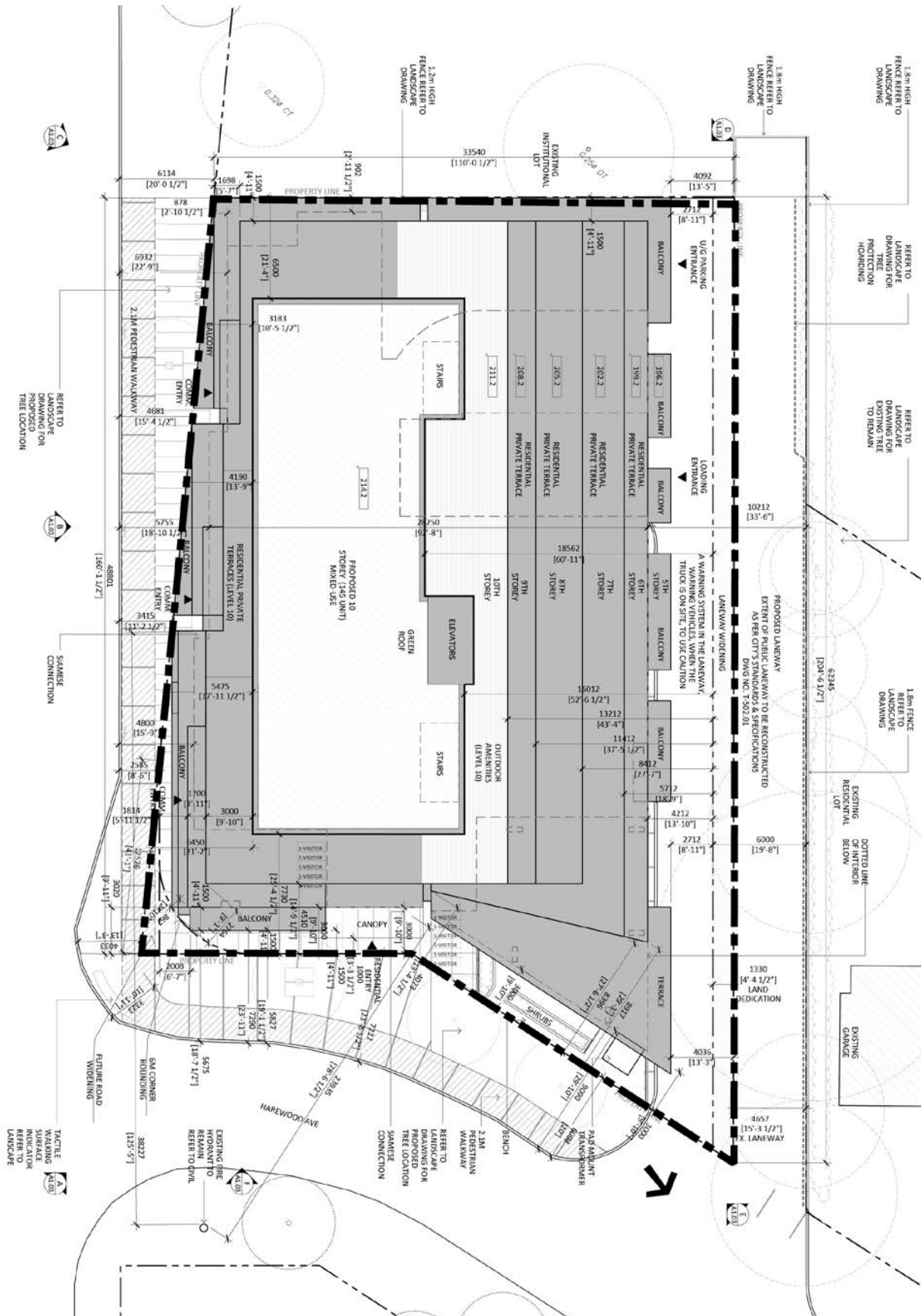
2872, 2880, 2882 Kingston Road

File # 18 255250 ESC 36 02

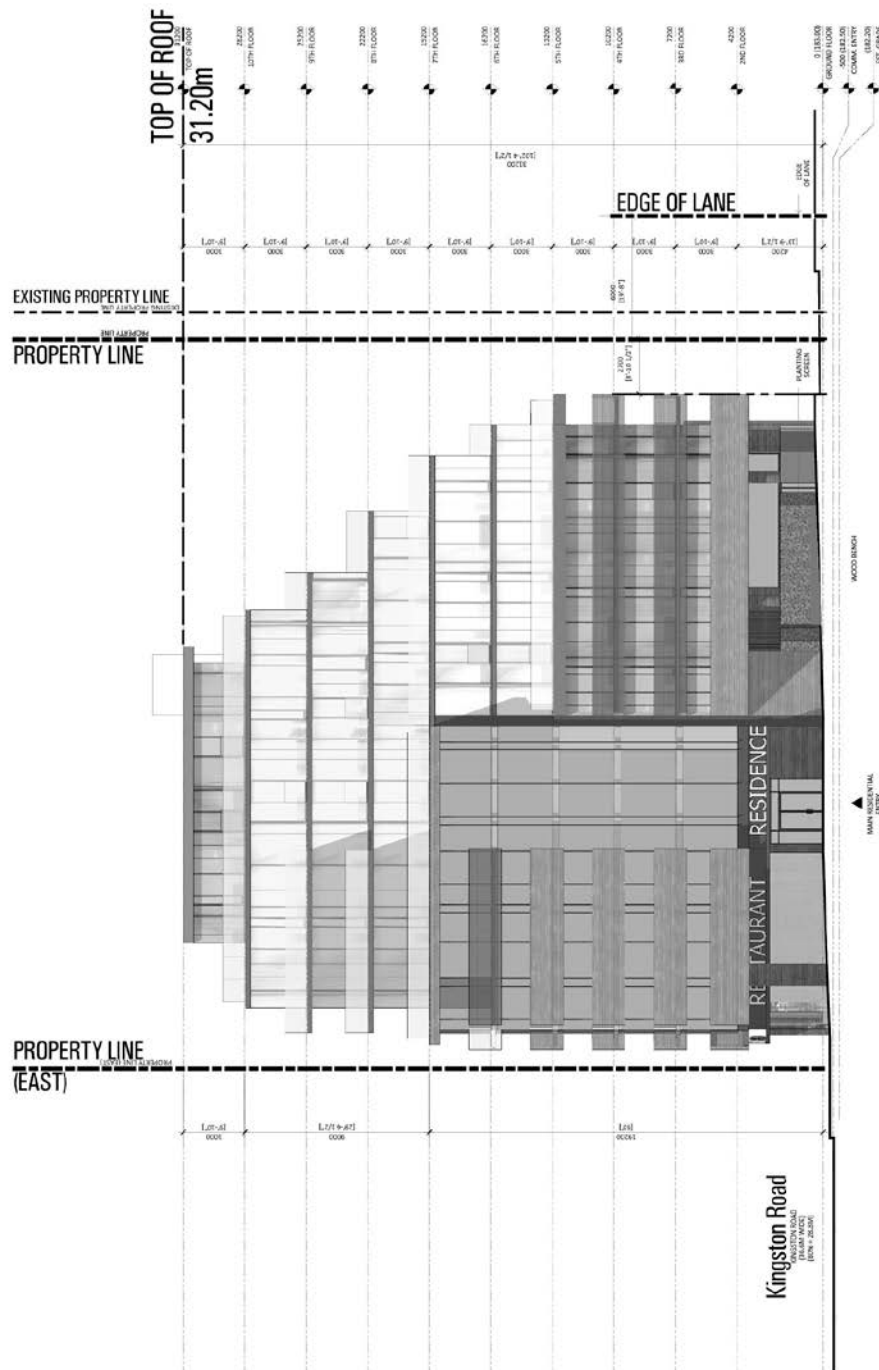
	Location of Application		See Former City of Scarborough Cliffcrest Community By-law No. 9396
RD	Residential Detached	S	Single-Family Residential
RM	Residential Multiple	HC	Highway Commercial
CR	Commercial Residential	SC	School

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Not to Scale
Extracted: 10/14/2020

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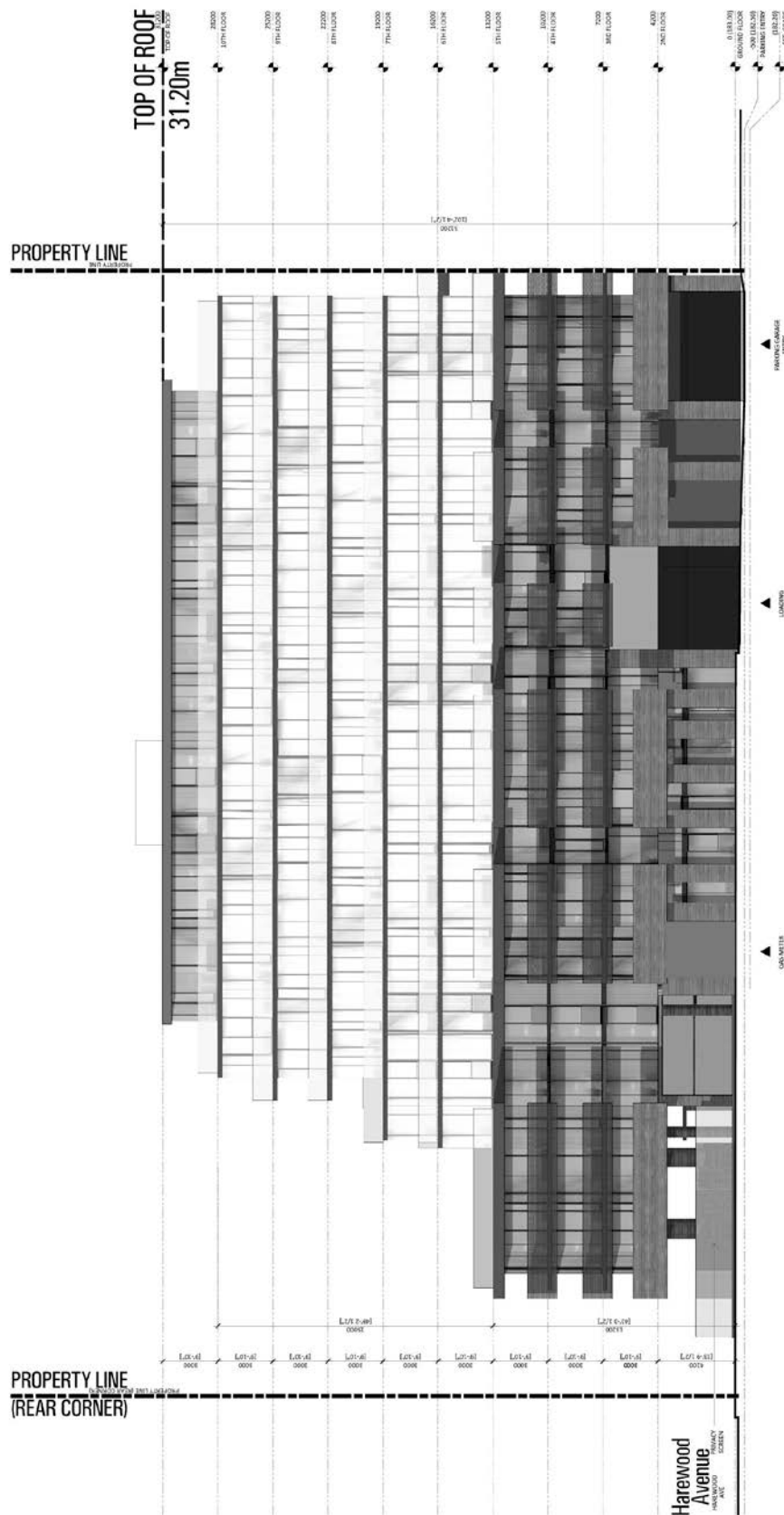


Attachment 6: East Elevation



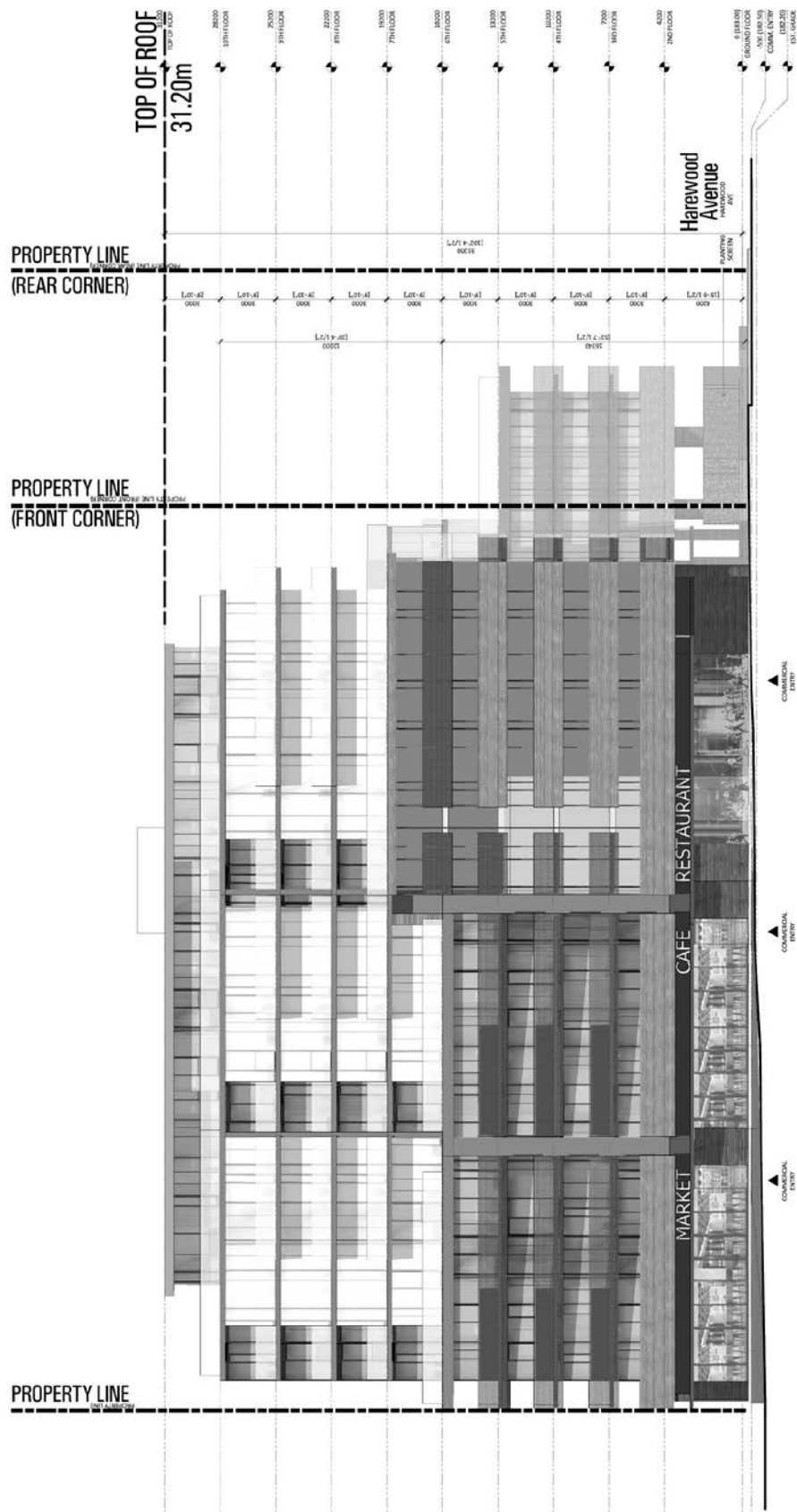
East Elevation

Attachment 7: North Elevation



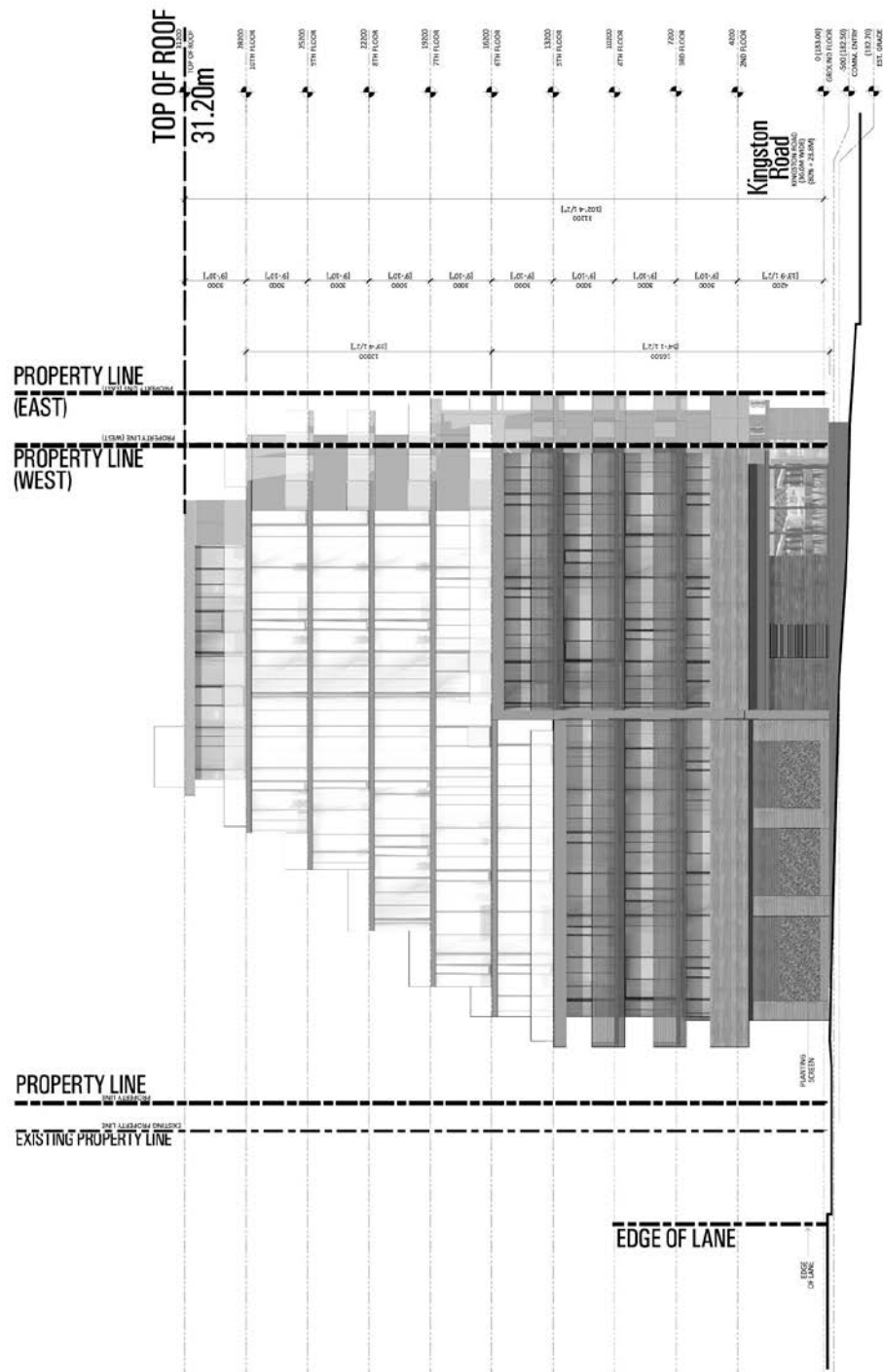
North Elevation

Attachment 8: South Elevation



South Elevation

Attachment 9: West Elevation



West Elevation

Attachment 10: Building Section

