

Preliminary Report - 3310 to 3314 Kingston Road – Zoning Amendment Application

Date: September 22, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

Planning Application Number: 20 219229 ESC 20 OZ

Related Applications: 20 219253 ESC 20 SA

Notice of Complete Application Issued: August 4, 2021

Current Use(s) on Site: Vacant, containing a former condo sales office, two former single detached dwellings, and a former commercial building.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 3310, 3312 and 3314 Kingston Road. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

The proposal seeks to develop an 11-storey residential building with below grade parking. The proposed development would have 323 units and 317 parking spaces, with a gross floor area (GFA) of 19,750 square metres.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 3310 to 3314 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

A rezoning application was submitted in 2003 to permit the development of a six-storey mixed use building including ground floor retail, second floor offices and residential uses above. The file was closed in January 2012 due to inactivity.

A subsequent rezoning application was submitted in February 2016 to permit a 3-storey, stacked townhouse development with commercial uses on the ground floor with a concurrent Site Plan Control Application (Application No. 16 119198 ESC 36 SA). A preliminary report was considered by Scarborough Community Council on June 14, 2016. The report and Community Council Decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.SC15.23>

An appeal to the Local Planning Appeal Tribunal (LPAT) was filed in 2018 by the applicant due to City Council's failure to make a decision on the file within the statutory timelines. The case details, including the pre-hearing decision order heard October 3, 2018, can be found here:

<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL180252>

The appeal was withdrawn by the applicant on August 24, 2020 and the file has been closed. A letter confirming OLT file closure, in addition to previous application materials, can be found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=oMRLBSJQZBNwtjt2tycFTg%3D%3D>

ISSUE BACKGROUND

Application Description

This application proposes to amend the City of Toronto Zoning By-law 569-2013 for the property at 3310 to 3314 Kingston Road to permit an 11-storey residential building (35.1 metres in height) with 323 residential units and two levels of below grade parking. The total proposed gross floor area is 19,750 square metres which results in a net floor space index (FSI) of 3.79.

The building mass along Kingston Road steps back above the 2nd floor to provide for a 7.5 metre street wall height. Ground floor residential units with individual street-level access are proposed along Kingston Road. The north side of the building, at the rear of the site, is stepped back approximately 3 metres at each floor along to provide transition

beneath a 45 degree angular plane. At the south corner of the site the building also steps back at the first floor and slightly at the 7th to 11th floors.

Parking for 243 vehicles and 239 long-term bicycles is proposed to be provided within 2 levels of below grade parking. Vehicular access is proposed off of Mason Road with loading internal to the site. Two pedestrian residential entrances are proposed to be located on Kingston Road and at the rear of the building accessed from the drop-off loop and driveway from Mason Road.

Detailed project information is found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=IPyqh4UAr%2BXRYRMizawVjQ%3D%3D>

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

Provincial Policy Statement

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to confirm 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 confirm with the Growth Plan (2020).

Toronto Official Plan Policies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship, may be applicable to any application. Toronto Official Plan policies may be found here:

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

The subject site is located on lands designated as *Mixed Use Areas* on Land Use Map 23. 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) and a Higher Order Transit Corridor (Map 4). Per OPA 456, Kingston Road is no longer included as part of the Surface Transit Priority Network (Map 5). Mason Road is a collector road with a 27-metre right of way. Lands to the southwest, northwest, south and east of the site are designated *Mixed Use Areas*, and lands to the north are designated *Neighbourhoods*.

Zoning By-laws

The site is zoned CR 0.4 (c0.4; r0.0 SS3 (x640) (Commercial Residential) under the City-wide Zoning By-law 569-2013. The Commercial Residential zone type permits a broad range of commercial, recreational and residential uses, including offices, financial institutions, medical offices, restaurants, retail stores, personal service shops, community centres, nursing homes, day nurseries, and dwelling units. Lands to the southwest and northwest are zoned Commercial Residential, lands to the south of the site are zoned Apartment Residential, lands directly to the north of the site are zoned Residential Multiple Dwelling, and lands to the east are zoned Residential Detached. A zoning map can be found in Attachment 6 of this report.

The Site Specific Provisions for the site currently permit a maximum gross floor area (GFA) of 0.4 times the area of the lot, a minimum front building setback of 21 metres from the centre line of Kingston Road or 3 metres from the lot line abutting Kingston Road, a minimum 3 metre setback from side lot lines abutting any other street, and 7.5 metres from the rear lot line. The site is subject to Development Standard Set 3 (SS3), including a requirement for a 5.5 metre building setback from a side lot line not adjacent to a street or lane only if windows or openings are proposed, otherwise no building setback is required. Where residential uses are permitted within the first storey, a minimum setback of 4.5 metres is required from the front lot line along Kingston Road. The maximum permitted height is 11 metres.

Residential dwelling units are currently not permitted on this site. Because the lot abuts a lot in the Residential Zone category, transition must be provided through adherence to a 45 degree angular plane. The irregular shape of the subject site means the east portion of the site is considered a shallow lot and the west portion of the site is considered a deep lot which changes how the angular plane is applied to ensure appropriate transition while allowing flexibility to realize a developable envelope. Other relevant performance standards include minimum requirements for landscaped areas between a lot line abutting a street and the building, vehicle access location restrictions, parking rates for residential units, and amenity space requirements (quantity and locations).

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 lands are also zoned Highway Commercial (HC) Zone in the Scarborough Village Community Zoning By-law No. 10100, as amended. Permitted uses include day nurseries and Highway Commercial uses, such as: automobile sales and maintenance, funeral homes, hotels, offices, recreational uses and specialized commercial uses. The Scarborough Village Community Zoning By-law does not permit residential uses on the subject properties.

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- 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 (Application No. 20 219253 ESC 20 SA) has been submitted and is under review by City staff. Both applications will be processed concurrently.

COMMENTS

Reasons for the Application

A zoning amendment is required in order to permit residential uses on the subject lands, as well as to permit the proposed building envelope, including density, height and lot coverage.

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 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), 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 of delineated built-up areas (policy 2.2.2.3), employment (2.2.5), housing policies (2.2.6), and climate change (4.2.10).

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); development criteria within *Mixed Use Areas* (4.5); built form (3.1.2); public realm (3.1.1); and housing (3.2.1).

Built Form, Planned and Built Context

City staff will assess the suitability of the proposed site organization, height, massing, setbacks and stepbacks, transition to lands containing low-rise uses and designated *Neighbourhoods* to the north and east, and other potential built form issues based on Section 2 of the *Planning Act*, the Growth Plan (2020), the City's Official Plan policies, and other applicable Design Guidelines, particularly the Mid-Rise Building Performance Standards and Addendum, and the Growing Up: Planning for Children in New Vertical Communities Urban Design guidelines.

Staff will review the application against key design principles of the Mid-Rise Building Performance Standards. Matters to be evaluated include the relationship of the proposed building to the street, vehicular access and loading, evaluating the proposed at-grade open spaces, the proposed mix of dwelling unit sizes, and the location of proposed amenity spaces. Staff are also assessing any functional design and public realm improvements needed for Kingston Road and Mason Road, including sufficient space and safety for pedestrians, cyclists, and transit users, according to the City's Complete Street Guideline.

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 39 privately-owned bylaw protected trees that are proposed to be removed, and a total of three trees on adjacent properties to be injured, to facilitate the new construction. A total of 20 new private trees are proposed. The Arborist Report and Tree Preservation Plan are currently under review by City staff.

Preliminary issues identified by staff include the appropriateness of the proposed building setbacks to accommodate street trees as well as the appropriateness of the proposed tree replacement ratio in order to support a healthy tree canopy according to policies in Official Plan Section 3.1.1 - The Public Realm.

Housing

The proposed development includes 323 residential units with a proposed unit mix including 56 two-bedroom units (17%) and 31 three-bedroom units (10%). City Planning staff will continue to evaluate the proposed unit sizes.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Community Services and Facilities Study. City staff are reviewing this report to assess the impact of the proposed development on community facilities. This includes assessing a potential lack of capacity at the local home secondary school and identifying facilities and area services that could benefit from contributions to support future residents resulting from growth.

The site is located within Scarborough Village, which is a Neighbourhood Improvement Area (NIA). The Toronto Strong Neighbourhoods Strategy (TSNS) 2020 is the City of Toronto's action plan for ensuring that neighbourhoods can succeed and thrive, and includes an Action Plan that reflects priority issues for each NIA identified by residents and other stakeholders.

Initial priorities for Community Services and Facilities which could be considered should Section 37 apply to the proposed development are:

- Financial contributions towards the pooling of funds for a new non-profit child care facility in the vicinity of the subject site; and/or
- Financial contributions towards the development of the Southwest Scarborough Community Recreation Centre and/or other recreation priorities for the area as identified in Parks, Forestry & Recreation's Facilities Master Plan.

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.

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 includes more than 10,000 square metres of gross floor area and increases the permitted density by more than 1,500 square metres as well as significantly increasing the permitted height of the subject lands as described in Official Plan Section 5.1.1, Policy 4. Should the application be recommended for approval, a Section 37 contribution based on the above noted criteria would be warranted. Please

refer to the Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits which are available here:
<https://www.toronto.ca/wp-content/uploads/2017/08/8f45-Implementation-Guidelines-for-Section-37-of-the-Planning-Act-and-Protocol-for-Negotiating-Section-37-Community-Benefits.pdf>

Infrastructure/Servicing 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 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 generated by the development.

Staff are also determining if the potential cumulative impact of all proposed applications in the area of this application should be reviewed.

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.

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

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

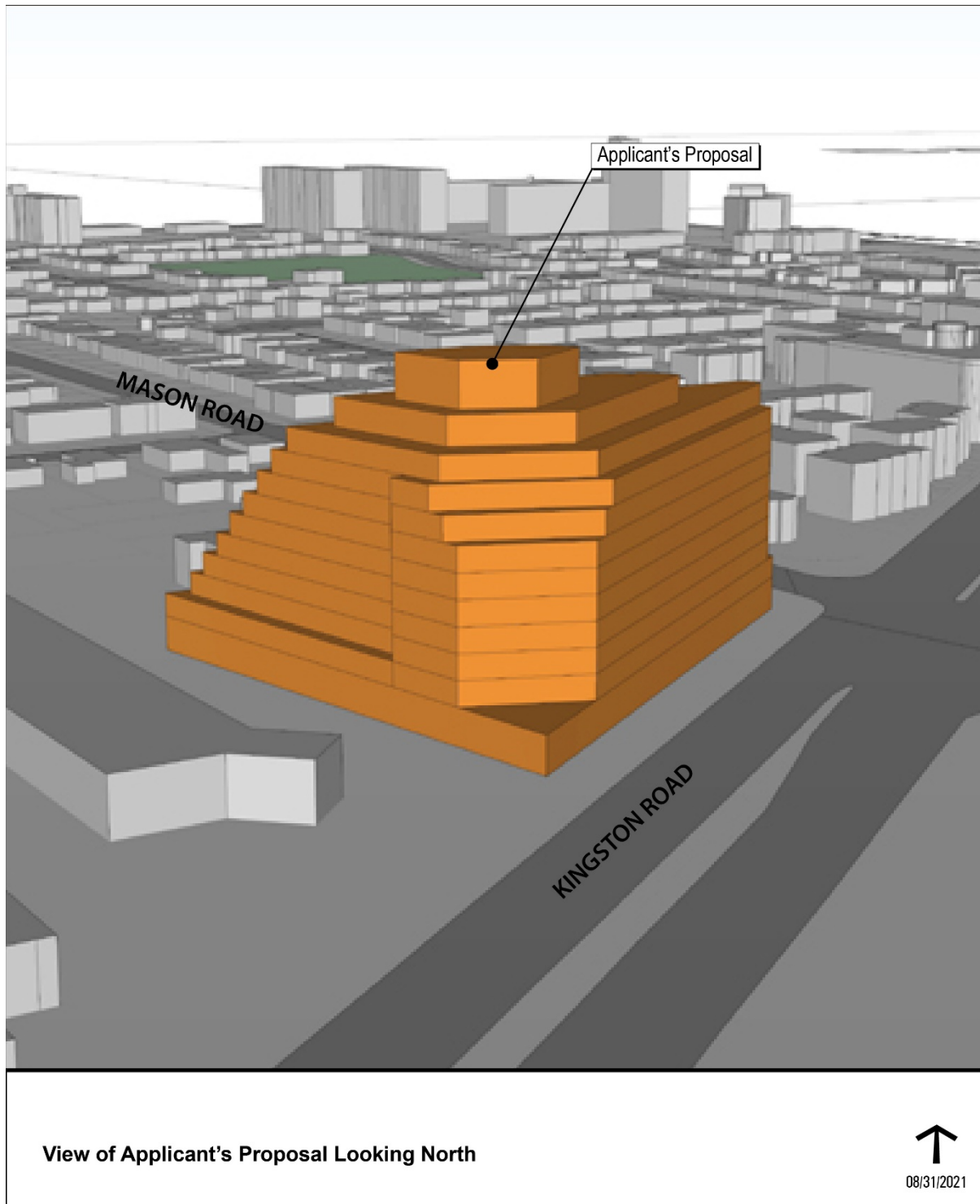
Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

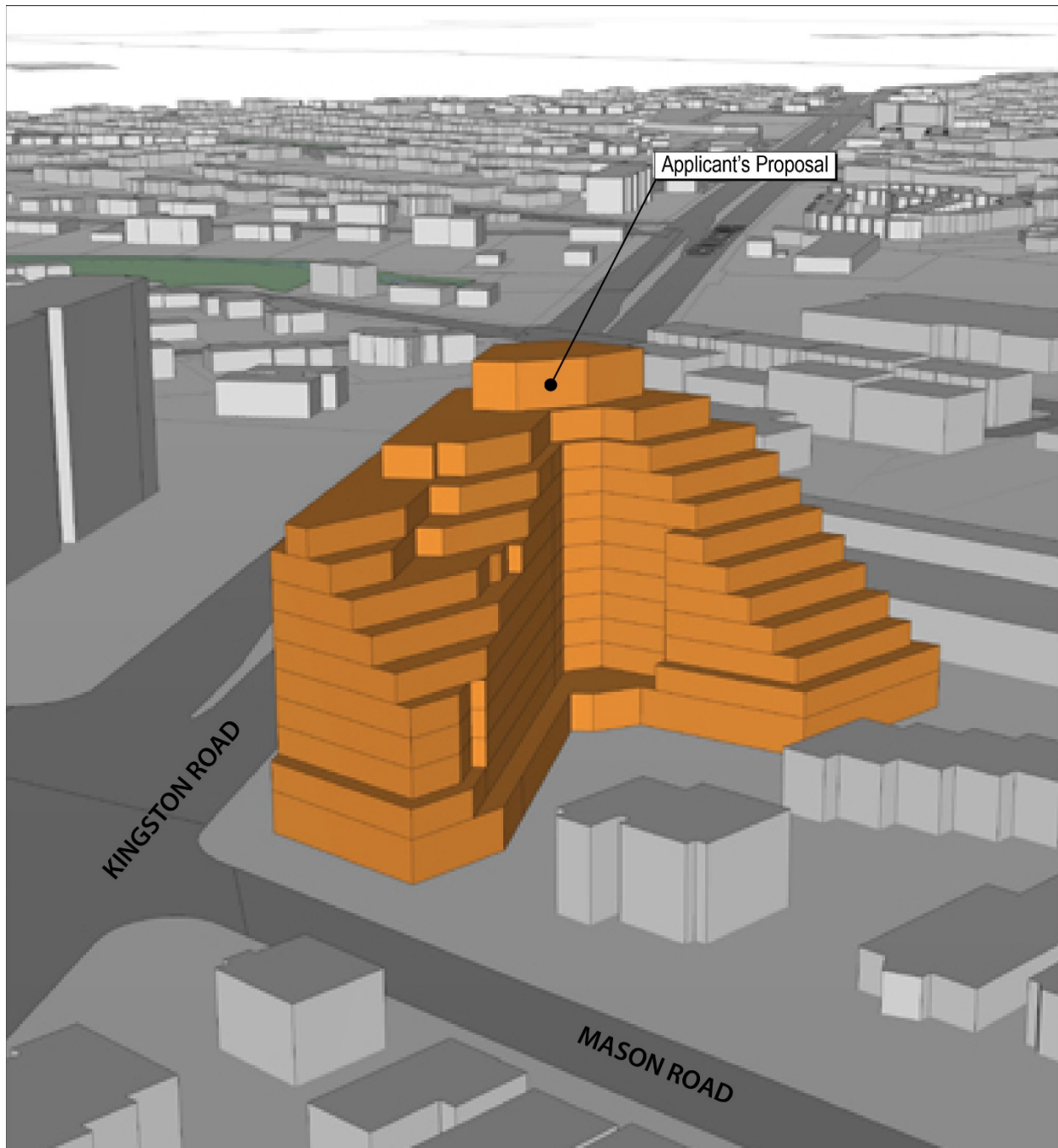
City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context - Looking North
Attachment 2: 3D Model of Proposal in Context - Looking Southeast
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 North



Attachment 2: 3D Model of Proposal in Context - Looking Southeast

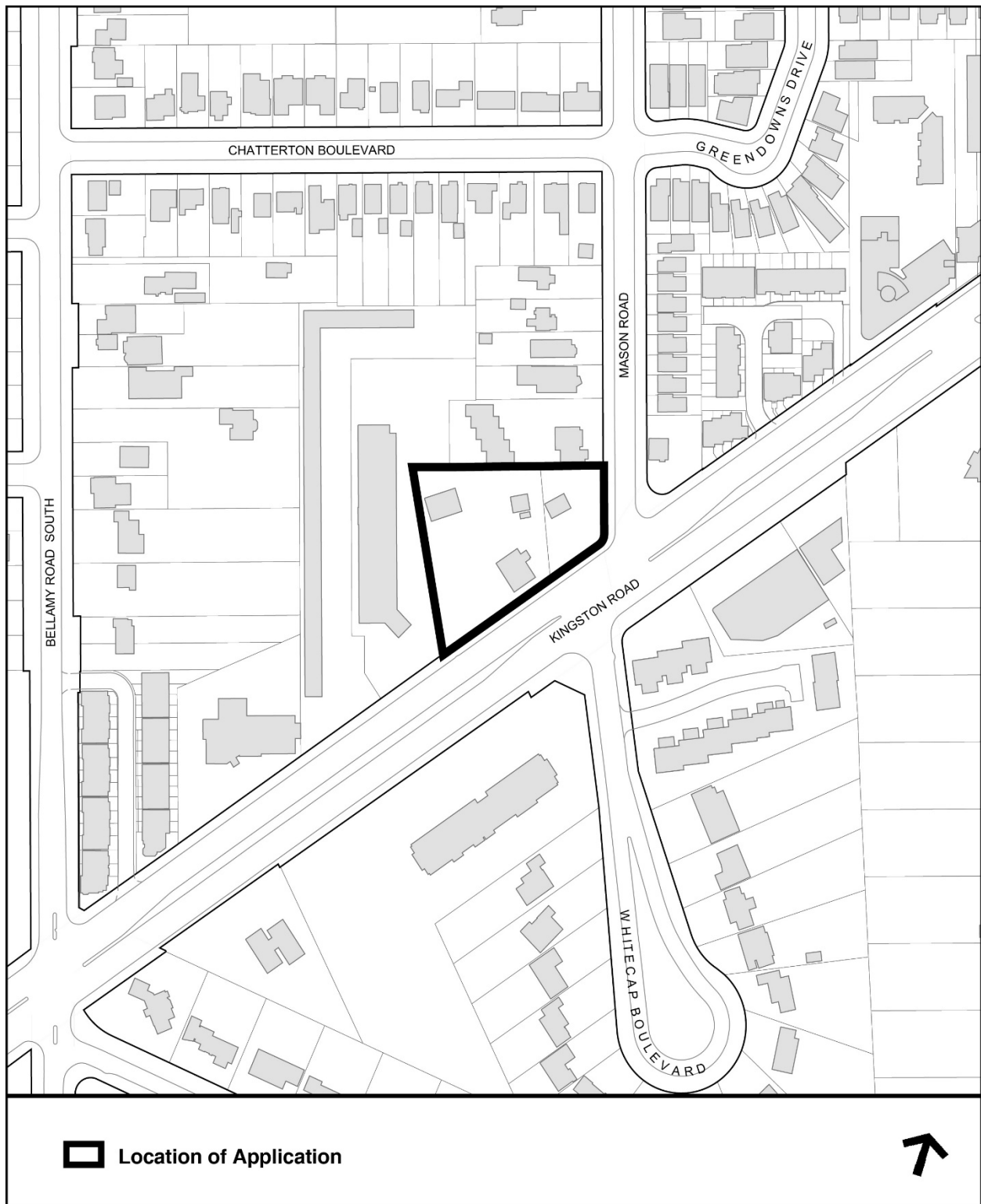


View of Applicant's Proposal Looking Southeast

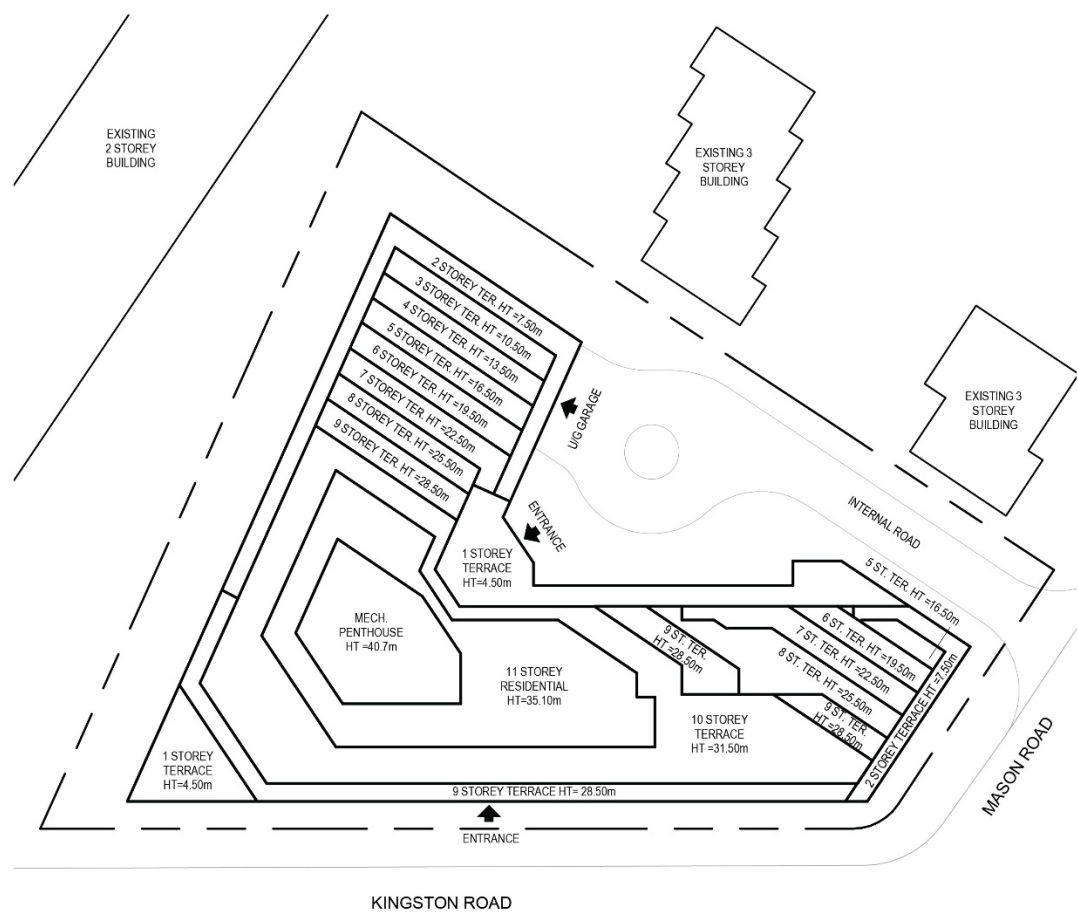


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Attachment 3: Location Map



Attachment 4: Site Plan



Site Plan 

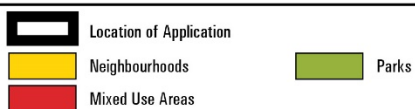
Attachment 5: Official Plan Map



Official Plan Land Use Map #23

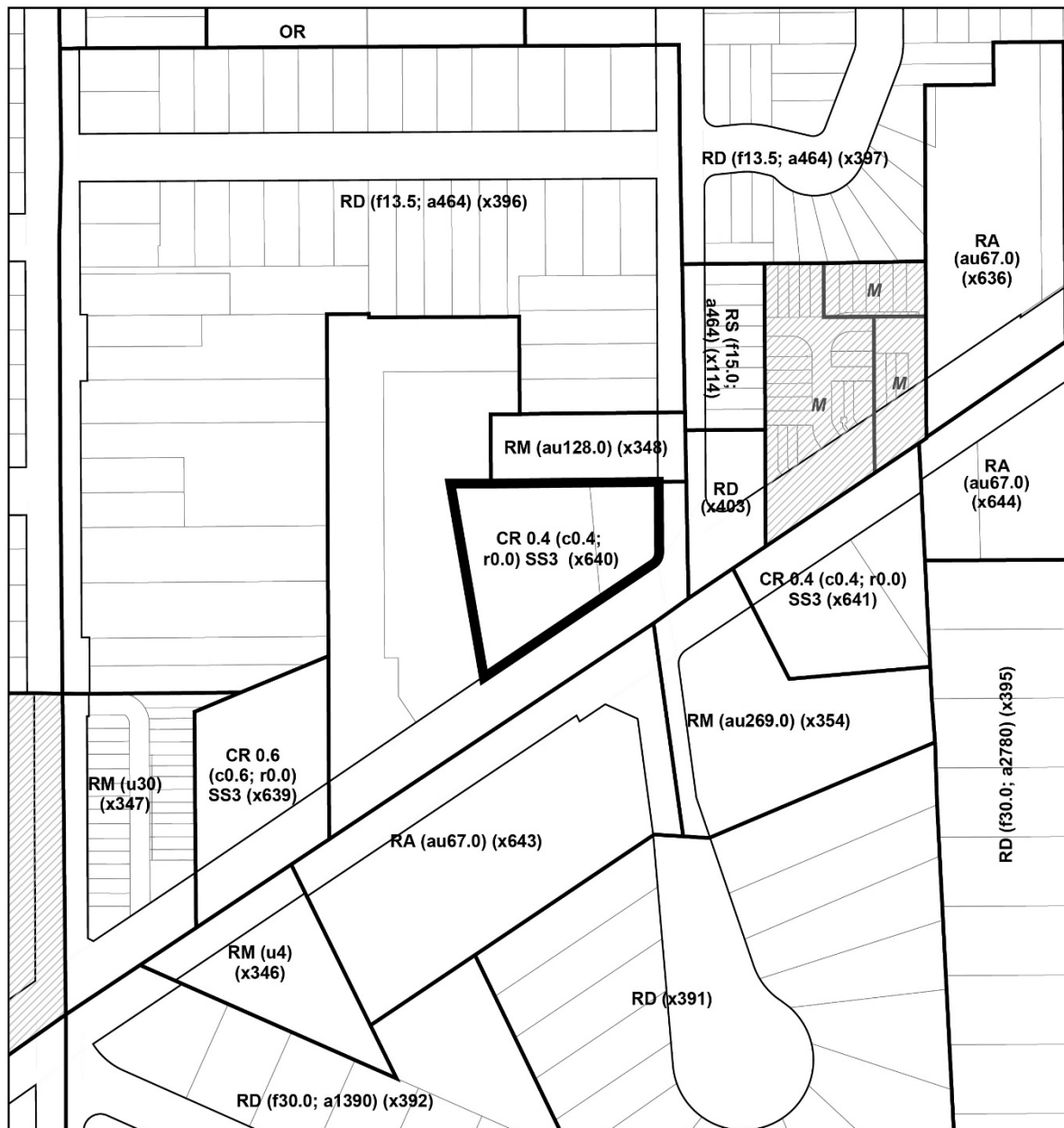
3310-3314 Kingston Road

File # 20 219229 ESC 20 02



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Not to Scale
Extracted: 08/24/2021

Attachment 6: Zoning Map



Zoning By-law 569-2013

3310-3314 Kingston Road

File # 20 219229 ESC 20 02



Location of Application

RD Residential Detached
RS Residential Semi-Detached
RM Residential Multiple
RA Residential Apartment
CR Commercial Residential
OR Open Space Recreation



See Former City of Scarborough Community By-laws
M Multiple-Family Residential
CC Community Commercial



Not to Scale
 Extracted: 08/24/2021