

Preliminary Report - 3718 and 3730 Kingston Road – Zoning Amendment Application

Date: September 20, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough-Guildwood

Planning Application Number: 21 192052 ESC 24 OZ

Notice of Complete Application Issued: August 26, 2021

Current Use(s) on Site: A single storey place of worship as well as a two storey multi-tenanted retail commercial building.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the planning application located at 3718 and 3730 Kingston Road. The Zoning By-law amendment application proposes the demolition of a single storey place of worship and 2 storey commercial retail building on the subject lands and the erection of a 14 storey, mixed use building comprised of ground floor retail commercial space and 435 new residential dwelling units. The applicant proposes approximately 27,985.90 square metres (301,240 square feet) of new gross floor area and a total floor space index (FSI) of 4.5 times the area of the lot.

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 3718 and 3730 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

Eglinton East Light Rail Transit

In March 2016, City Council endorsed the Eglinton East Light Rail Transit (EELRT) extension as part of the Scarborough rapid transit network. In April 2019 Council supported an EELRT alignment to Malvern Town Centre. The subject property abuts the EELRT corridor. Of note, on December 16, 2020, City Council adopted a staff report entitled: Update on the City's Transit Expansion Projects - Fourth Quarter 2020, which provided updates on components of the City of Toronto's priority transit expansion projects, namely the Eglinton East Light Rail Transit (EELRT). Additional information about the EELRT can be found at this web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX19.5>

ISSUE BACKGROUND

Pre-application Consultation

A pre-application consultation meeting was held with City staff on January 13, 2021 to identify application submission requirements and to provide feedback on a 12 storey redevelopment scheme for the subject lands. During the pre-application meeting, staff identified the following list of preliminary issues to be resolved;

- conformity with relevant official plan policy;
- suitability of the proposal with the existing and planned context;
- appropriateness of the proposed height, massing, setbacks and stepbacks generally and with particular regard for related sun/shadow and transition considerations;
- the integration of site design elements with the emerging refined Eglinton East Light Rail Transit (EELRT) design; and
- the proposed POPS and outdoor amenity space location and configuration.

Application Description

This application proposes the redevelopment of the subject lands with a 14 storey (42.9 metres), 27,986 square metre mixed use building. The new building will be comprised of 435 new residential units with a unit mix breakdown of 83 studio units (19%), 237 1-bedroom units (55%), 91 2-bedroom units (21%) and 24 3-bedroom units (6%); as well as 259 square metres of ground floor commercial space. A total floor space index (FSI) of 4.5 times the area of the lot is proposed. Privately Owned Publically Accessible

Space (POPS) space is proposed to be located at the south west corner of the site. (See Attachment 4: Site Plan).

The applicant proposes a total of 383 vehicular parking spaces of which 368 vehicular parking spaces (inclusive of 7 car share spots), are located within the two level underground parking garage and 15 surface parking spaces, . A total of 334 bicycle parking spaces are located within both the P1 and P2 levels as well as on the surface, with all bicycle parking on the surface located generally at the north end of the site.

The applicant proposes a total of 1,995 square metres of amenity space comprised of 754 square metres of indoor amenity space located on the ground level and ninth level and 1,241 square metres of outdoor amenity space located generally towards the north and west end of the site and on the 13th level.

The proposed Type "G" loading space and underground parking ramp is to be accessed from a drive aisle running perpendicular to and extending from Scarborough Golf Club Road along the north end of the site.

The applicant proposes a minimum building setback of 11 metres from the north property line, 1 metre from the proposed Scarborough Golf Club Road streetline, 0 to 3 metres from the Kingston Road streetline and setbacks ranging from 0 to 5 metres along the irregular westerly property line. A series of stepbacks are contemplated at varying height limits to respond to the immediate context.

The subject site is located at the northwest corner of Scarborough Golf Club Road and Kingston Road. The lands to the north contain lower scale residential dwellings and a City Park (Scarborough Village park). The lands to the west, are characterized by both tall and mid-rise residential buildings, and the (Markington Square) mall lands along the north and south side Eglinton Avenue East respectively. Lastly, the lands to the south and east of the subject lands contain predominantly lower scale residential buildings, 1 storey institutional buildings and 1 and 2 storey commercial buildings.

The proposal also contemplates the provision of an approximately 875 square metre green roof.

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

See Attachment 1 and 2 of this report, for a three dimensional representation of the project in context.

See Attachment 3: Location Map, Attachment 4: Site Plan

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). 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 plan 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).

The Growth Plan (2020) as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next

municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's are planned for the prescribed densities.

Toronto Official Plan Policies and Planning Studies

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

The application is located on lands located within the *Avenues* overlay on Map 2 - Urban Structure of the Official Plan and on lands which are designated as *Mixed Use Areas* on Land Use Plan - Map 23. See Attachment 5: Official Plan Map. Right of way Widths Associated with Existing Major Streets - Map 3 is relevant in the review of the application given the proposal fronts on Scarborough Golf Club Road and Kingston Road. Of note, at this location, Kingston Road is identified as a 'Transit Corridor' on Map 4 - Higher Order Transit Corridors and as 'Transit Priority Segment' on Map 5 - Enhanced Surface Transit network.

In December 2019, as part of the Five Year Review of the Official Plan, City Council approved Official Plan Amendment 479 and 480, providing additional built form and public realm guidance. OPA 479 and 480 provide greater clarity through new policies that describe the public realm, built form and built form types in order to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design. [OPA 479 and OPA 480](#) were approved by the Province with one modification on September 11, 2020. The OPAs are in full force and effect.

Zoning By-laws

The subject lands are zoned Highway Commercial (HC) Zone in the Scarborough Village Zoning By-law No. 10010, as amended. Permitted Uses include Day Nurseries and 'Highway Commercial Uses'. Highway Commercial uses include but are not limited to Professional and Business Offices, Hotels and Motels and Recreational Uses. The site is also subject to Exception No. 26 which permits non accessory ground signs and wall signs. Among other matters, performance standards regulate matters such as minimum building setbacks and permitted gross floor area.

The site is zoned Commercial Residential (CR) Zone in the City Wide Zoning By-law No. 569-2013, as amended. Permitted uses in the CR Zone include land uses such as dwelling unit, retail store, office and personal service shop. The lands are also subject to Exception CR 661 containing regulations related to maximum gross floor area and minimum building setbacks.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

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

- Avenues and Mid-Rise Buildings Study 2010 and the associated Performance Standards Addendum (2016)
- Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings
- Guidelines for the Design and Management of Bicycle Parking Facilities
- Toronto Greet Standards (TGS) Version 3.0
- Retail Design Guidelines (2020)
- Privately-Owned Publicly Accessible Spaces (POPS)
- Bird-Friendly Design Guidelines
- Complete Streets Guidelines

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. Though a Site Plan Control application has not been submitted as yet, the applicant intends to submit the requisite application once comments on the 1st submission have been provided.

COMMENTS

Reasons for the Application

The zoning amendment is required to permit residential uses on the site, and to establish relevant performance standards to regulate the development proposed.

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 against the PPS and Growth Plan (2020) as amended to establish the application's consistency with the PPS and conformity with the Growth Plan (2020).

Official Plan Conformity

The application is being reviewed by staff to determine conformity with all relevant official plan policy including *Avenues and Healthy Neighbourhoods* policies in Chapter 2, Built Form, Public Realm and Parkland policies in Chapter 3 and *Mixed Use Areas* policies in Chapter 4.

Eglinton East Light Rail Transit

The Eglinton Crosstown Light Rail Transit (ECLRT) Line 5 is slated to be completed imminently. The Eglinton East Light Rail Transit (EELRT) project is the proposed eastern extension of Line 5. The subject site falls along intended EELRT corridor and as referenced previously in this report, and is identified as a Transit Corridor and along a Transit Priority Segment on Maps 4 & 5 in the Official Plan. As the development review process advances, staff will ensure that the redevelopment incorporates considerations from and protects for the EELRT design.

Built Form, Planned and Built Context, Scale and Transition

Staff are assessing the proposal based on provincial policies in the "PPS" Section (1.7.1) that indicate built form is to be well designed. The proposal is being reviewed based on official plan policy directives related to scale, transition, light and privacy considerations in Section (2.3.1) *Healthy Neighbourhoods* and Section (4.5.2) *Mixed Use Areas*. Staff's evaluation will be based on built form policies in Section (3.1.2) and public realm policies in Section (3.1.1) addressing matters such as a development's fit with the existing and planned context and character with consideration given to matters such as setbacks and stepbacks, streetwall heights, building footprints and the quality and design of outdoor amenity spaces. The applicant will need demonstrate how the proposed density is appropriate and how the development adequately limits shadows and uncomfortable wind conditions on neighbouring streets, properties and open spaces. The above noted matters and any other built form issues that may arise will be addressed through the review process.

The planned context is informed by the *Avenues and Mid-Rise Buildings Study* (2010) and Addendum (2016) which generally directs that buildings can be as high as the street is wide on an *Avenue*.

The applicant has submitted both 'Pedestrian Level Wind' and 'Sun/Shadow' Studies in support of the application which have been circulated for review and acceptance by relevant staff.

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 applicants submission materials, inclusive of an Arborists Report and Tree Preservation Plan were circulated to the relevant Urban Forestry staff for review and comment. Based on the submissions, a total of 14 trees were inventoried and 9 are

located on the City's road allowance whereas 5 are located on the subject lands or within 6 metres of site. Of note, all trees inventoried are proposed to be retained with the exception of 2 street trees and 1 private tree.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources on what are referred to as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process.

The subject lands are within an area of Archaeological potential. The applicant has submitted a Stage 1 Archaeological Resource Assessment in support of the redevelopment application. The report and relevant submission materials are being reviewed by City staff.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant has provided a CS&F study that evaluates the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Staff will be reviewing the CS&F Study that was submitted in order to determine whether any capital improvements or expansion of facilities opportunities were identified by the applicant or by staff and following up Study deficiencies to identify other issues that need to be addressed.

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. Details of a Section 37 Agreement between the applicant and

the City will be considered, in consultation with the Ward Councillor, if a project is ultimately approved.

The proposal at its current height and density will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits have not yet been discussed. City staff may apply Section 37 provisions of the *Planning Act* should the proposal be approved in some form. In the event the applicant provides in-kind benefits pursuant to Section 37 of the *Planning Act*, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

Planning staff also note that Section 37 has been altered and replaced with the New Community Benefits Charge regime. The new regime, while in place in legislation, provides for a transition period. The continued use of the Section 37 density bonusing framework remains in place and will be utilized where applicable until the City passes a Community Benefit Charge by-law.

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

Infrastructure/Service Capacity

Staff have received a Functional Servicing and preliminary StormWater Management Report, a Hydrogeological Assessment reports as well as a Geotechnical Study in support of the application. All reports and submission drawings have been circulated to relevant staff for review and comment and in particular to determine the effects of the proposed redevelopment on the City's municipal servicing infrastructure and watercourses and to identify any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed redevelopment.

Traffic Impact, Access and Parking

The applicant has submitted a Transportation Impact Study (TIS) and relevant staff are assessing the TIS, the purpose of which is to not only evaluate the effects of redevelopment on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner.

When a required site plan application is advanced, Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

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

Retail Design Guidelines

In October 2020, City Council adopted the Retail Design Manual and directed City Planning staff to apply the Manual to assist in the evaluation and review of mixed-use development proposals with retail at-grade. The Retail Design Manual is a collection of best practices and design directions for developing successful ground floor retail spaces to help deliver on the objectives of complete communities and vibrant streets. Relevant staff are evaluating the proposal to assess conformity with the guidelines.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The subject site falls within the area with a 0.43 to 0.79 hectares of parkland provision per 1000 people which represents the second lowest quintile of parkland provision. Relevant staff have been circulated on this application and will confirm the current parkland provision for this area and if the area is within a parkland acquisition priority area as per Chapter 415, Article III of the Toronto Municipal Code.

Other Matters

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

CONTACT

Jeffery Sinclair, Planner, Community Planning, Scarborough District, Tel. No. 416-396-7685, E-mail: Jeffery.Sinclair@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

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

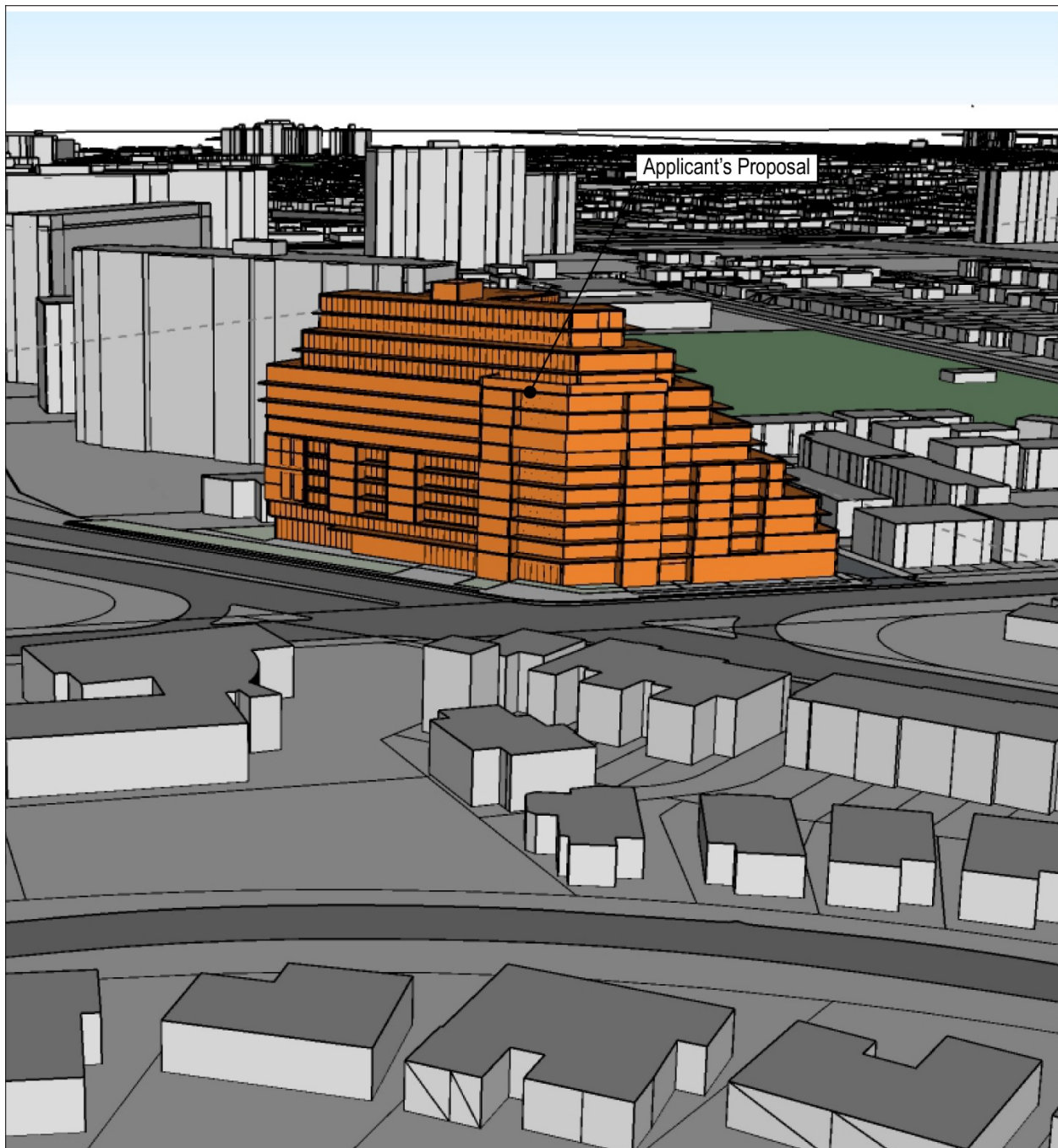
Attachment 2: 3D model of Proposal in Context (looking northeast)

Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

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

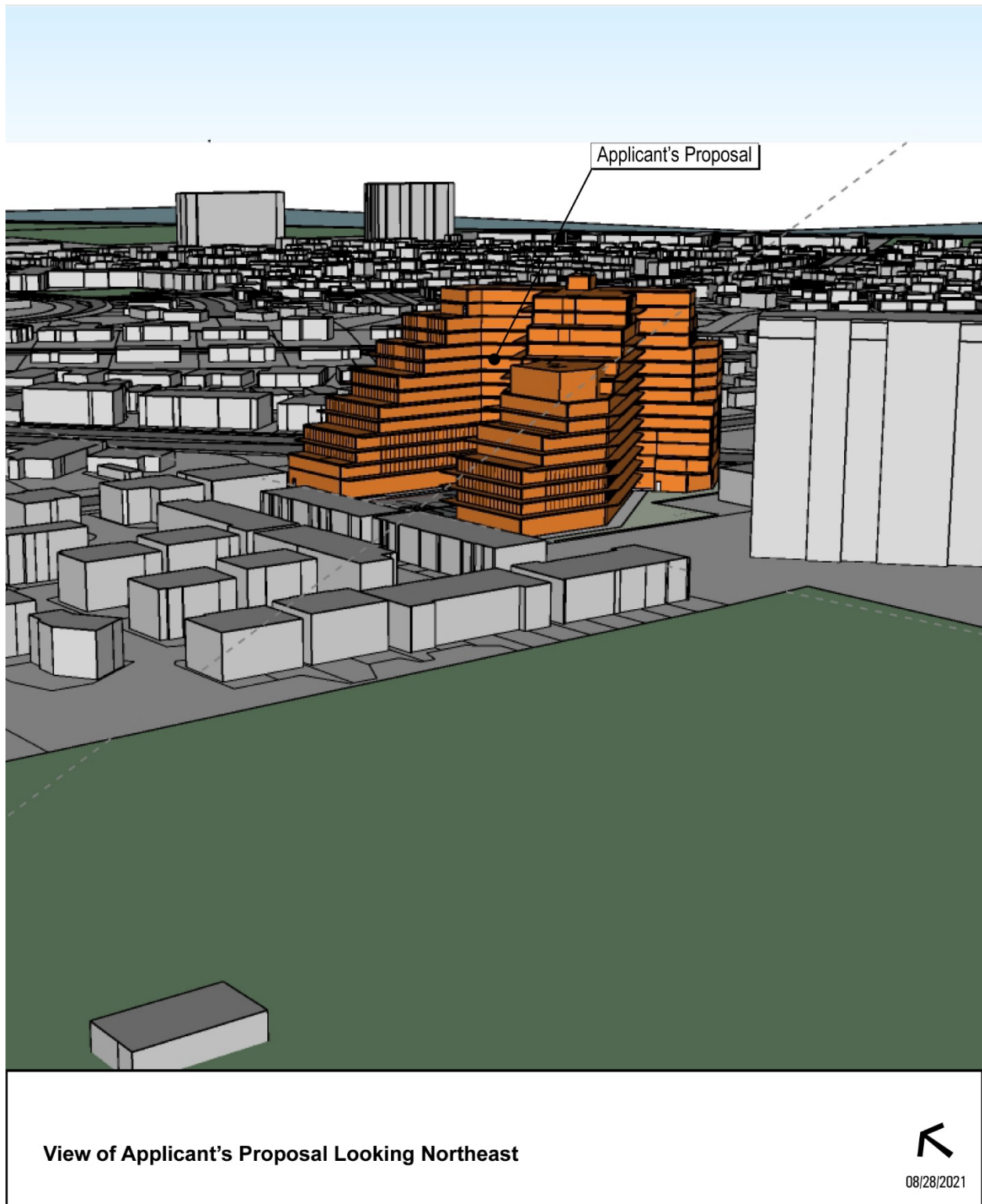


View of Applicant's Proposal Looking Northwest

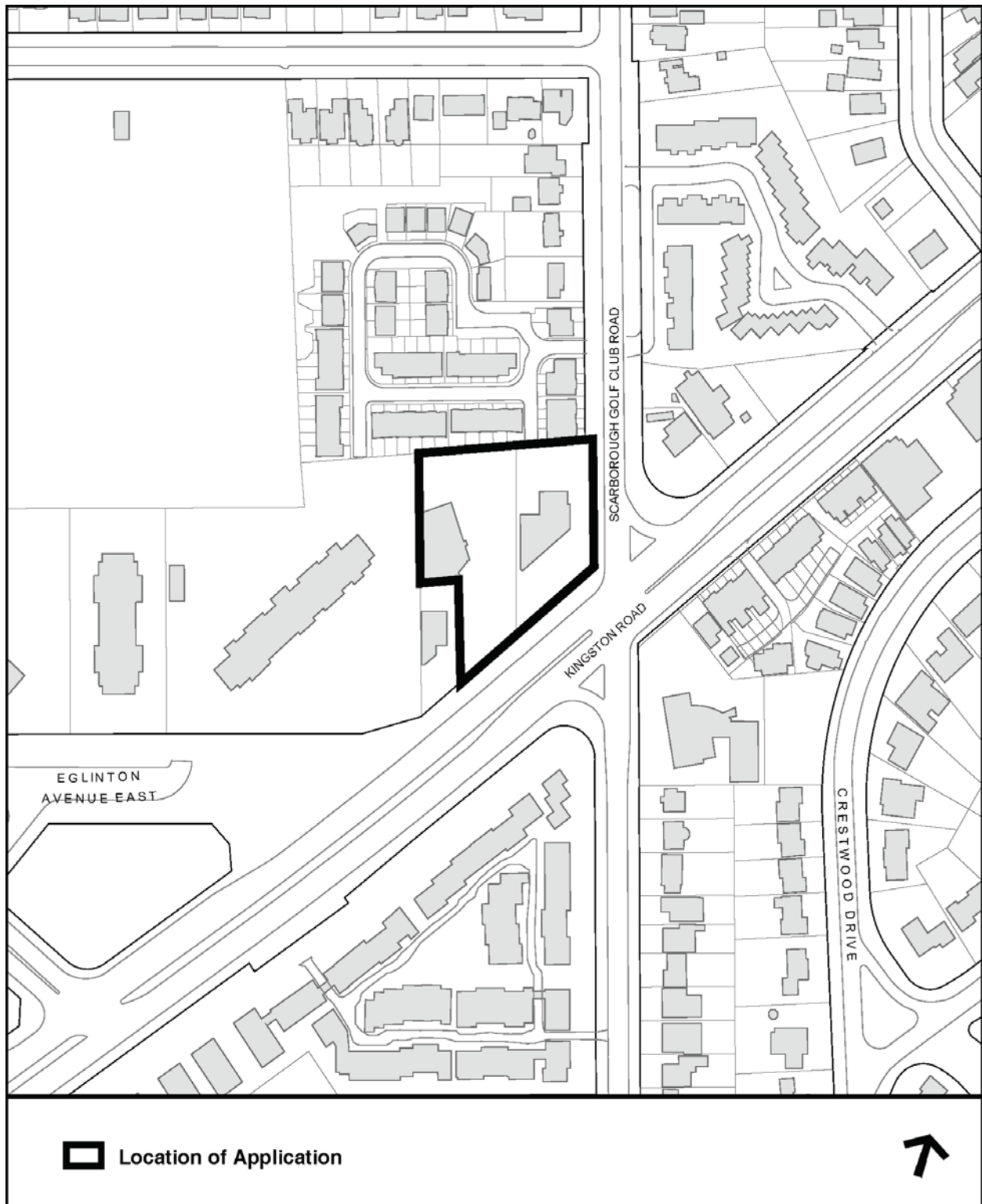


08/27/2021

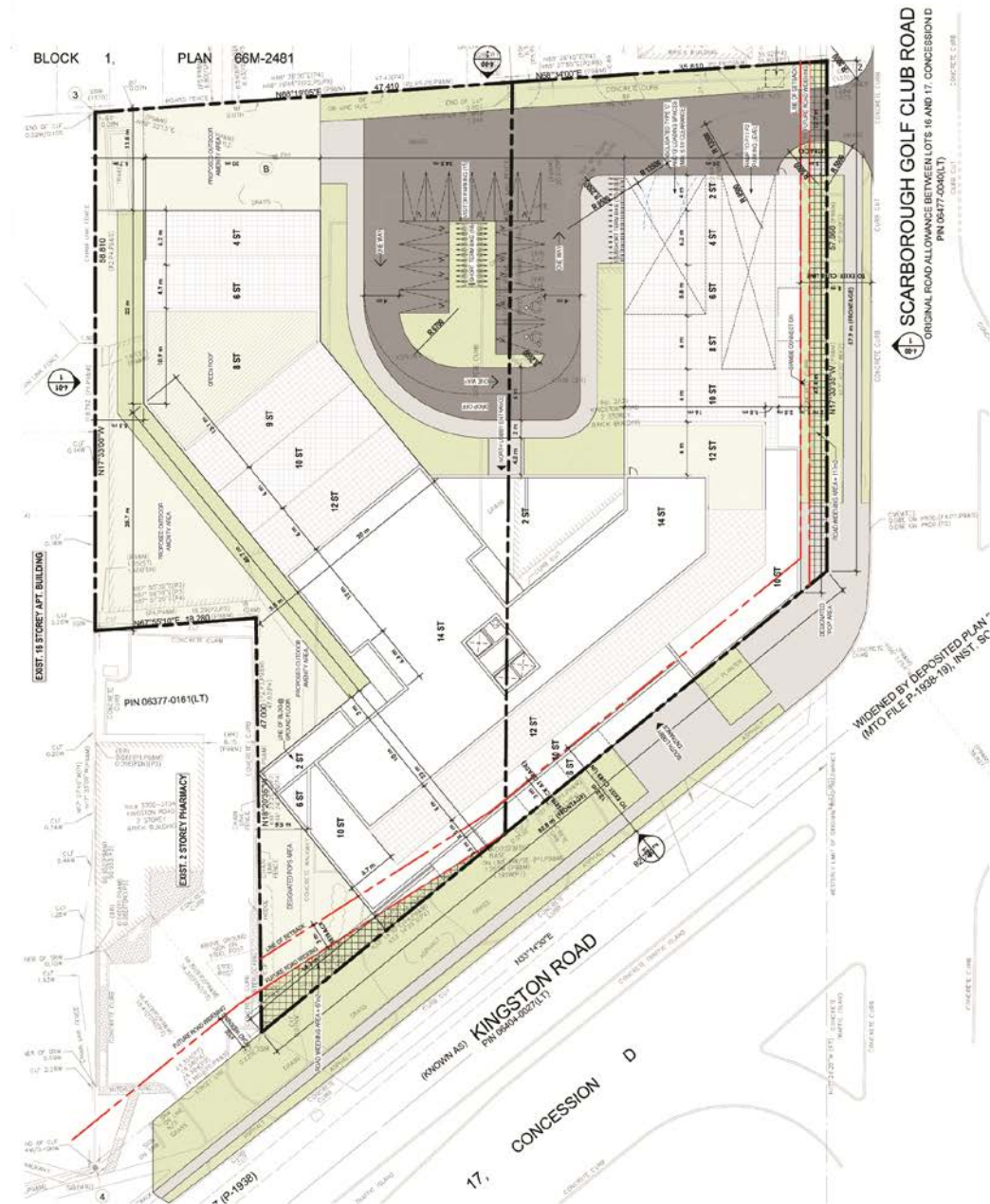
Attachment 2: 3D Model of Proposal in Context (looking northeast)



Attachment 3: Location Map

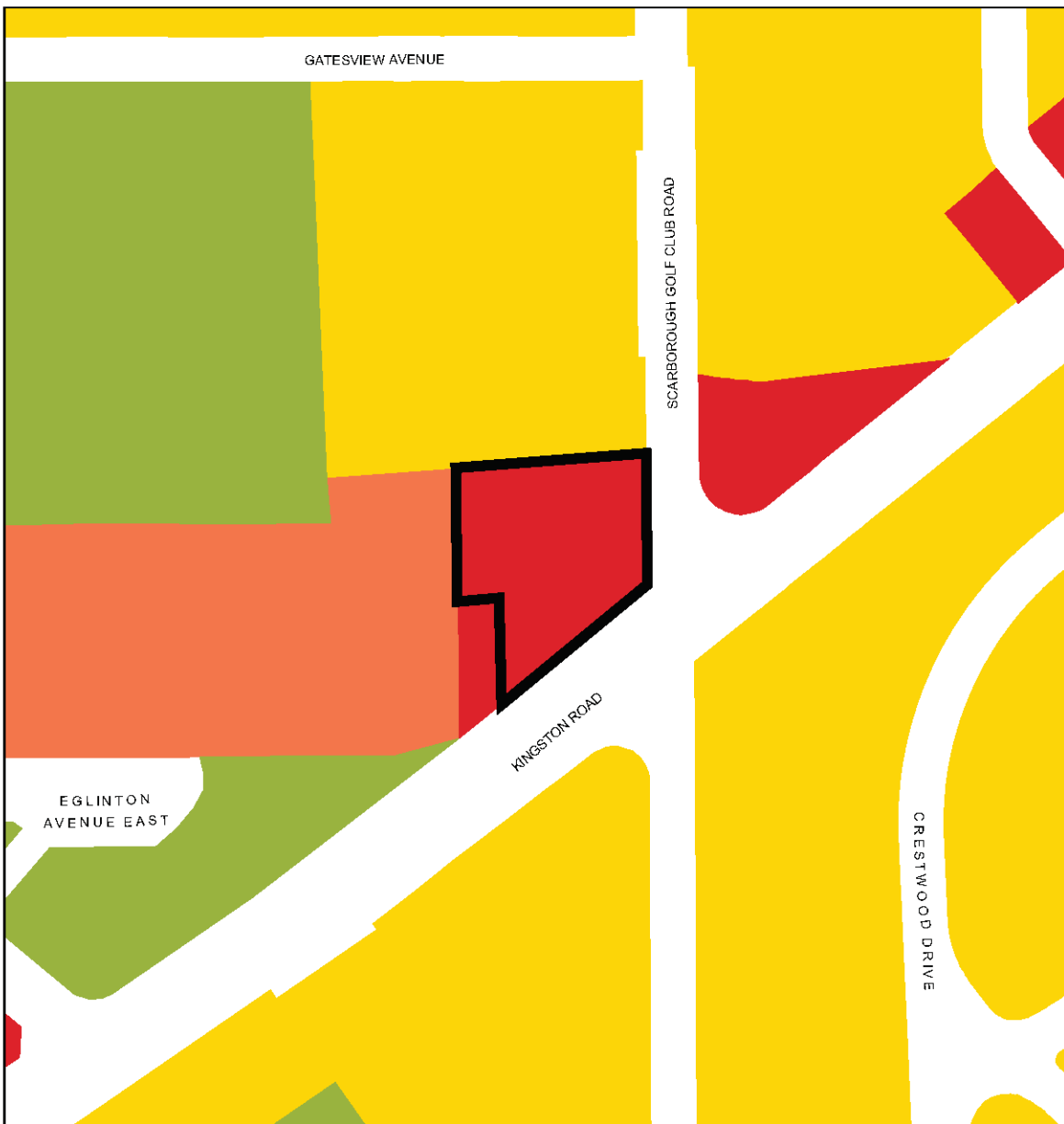


Attachment 4: Site Plan



Site Plan

Attachment 5: Official Plan Map



Official Plan Land Use Map #23

3718-3730 Kingston Road

File # 21 192052 ESC 24 02



Location of Application

Neighbourhoods

Apartment Neighbourhoods

Mixed Use Areas

Parks



Not to Scale
Extracted: 09/03/2021