

558-564 Kingston Road – Official Plan Amendment and Zoning By-law Amendment Applications, and Rental Housing Demolition and Conversion Application – Preliminary Report

Date: June 4, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 19 - Beaches-East York

Planning Application Number: 21 144776 STE 19 OZ

Related Applications: 19 250467 STE 19 RH

Current Use(s) on Site: two 2-storey fourplex residential rental buildings that contain a total of eight 2-bedroom rental dwelling units and surface parking at the rear.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the applications for 558-564 Kingston Road. The applications are for a 7-storey residential building containing 33 dwelling units, with a total gross floor area of 4,513 square metres, 3.53 floor space index and 35 parking spaces. The rental housing demolition and conversion application proposes to demolish the existing 8 rental dwelling units located on the subject site.

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 558-564 Kingston Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

ISSUE BACKGROUND

Application Description

This application proposes a new 7-storey residential building with 33 dwelling units comprising of: eight (8) one-bedroom units, ten (10) two-bedroom and fifteen (15) three-bedroom units. The total Gross Floor Area (GFA) is 4,512.7 square metres with a total Floor Space Index (FSI) of 3.53 times the area of the lot. The proposed building height is 23.4 metres from the established grade, exclusive of the mechanical penthouse and rooftop access. A total of 35 parking spaces are provided within the two levels of underground parking and 3 surface parking spaces at the rear. A total of 31 bicycle parking spaces are also proposed. The indoor amenity space is approximately 89 square metres and no common outdoor amenity space is proposed, however private outdoor amenity space is proposed for all residential units.

Detailed project information is found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=0IVAt9rVKEbHakJtr1uX5A%3D%3D>

See Attachments 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 3 for the location map, Attachments 4-6 for the Official Plan and Zoning By-law map, Attachments 7-11 for the proposed site plan and elevation drawings and Attachment 12 for the application data sheet.

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).

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 current application is located on lands shown as Neighbourhoods on Map 2 of the Official Plan and Map 21, as shown on Attachment 4.

Zoning By-laws

Citywide Zoning By-law 569-2013

The site is zoned Residential (the "R zone"), R (d1.0)(x683) under the City of Toronto Zoning By-law No. 569-2013. The R zone permits an overall density of 1.0 times the area of the lot for residential uses, and permits apartments as an allowable building type. The site is governed by two different building height permissions, which indicates a maximum height of 14 metres fronting onto Kingston Road, and a maximum height of 12 metres is permitted at the rear portion of the site. The site is also subject to site specific Zoning By-law exception 683 which provides additional conditions for uses pertaining to nursing homes, retirement home and religious residences.

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/>

Former City of Toronto Zoning By-law 438-86

The site is also subject to the Former City of Toronto Zoning By-law 438-86, under which is zoned as R4 Z1.0, H14.0 for the front portion of site and zoned R2 Z0.6 H12.0 at the rear portion of the site. The site is governed by two different building height permission similar to Zoning By-law 569-2013. Apartments are a permitted building type.

The former City of Toronto Zoning By-law No. 438-86 is not available online but may be requested through the City of Toronto Archives department.

Design Guidelines

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

- Mid-Rise Buildings Study and Mid-Rise Performance Standards (including Addendum)
- Growing Up Guidelines
- Pet-friendly Guidelines
- Accessibility Design 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. A Site Plan Control application has not been submitted.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes City Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition By-law, implements Section 111. Chapter 667 prohibits the demolition and conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

City Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On November 18, 2019, an application for a Section 111 permit was made pursuant to Chapter 667 of the City of Toronto Municipal Code. A Housing Issues report has been submitted with the required application and is currently under review for consistency with the Official Plan. As per Chapter 667-14, a tenant consultation meeting shall be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

COMMENTS

Reasons for the Application

An Official Plan Amendment is required to permit the proposed height of 7 storeys on lands designated Neighbourhoods, where buildings are limited to four storeys in height.

A Zoning By-law Amendment is required to vary performance standards in the Zoning By-law including: building height; setbacks; depth; FSI; parking space; setback from the top of the bank, and bicycle parking space provisions. Additional amendments to the Zoning By-law may be identified as part of the application review.

The Rental Housing Demolition application is required to permit the demolition of the eight existing rental dwelling units, as required by Chapter 667 of the City of Toronto Municipal Code.

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 will evaluate these planning applications to determine their consistency with the PPS (2020) and conformity with the Growth Plan (2020). Given the explicit link between Provincial Policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will largely be determined by conformity with the Official Plan.

Official Plan Conformity

Staff are reviewing the application to determine conformity with the Official Plan. The key sections of the Official Plan that will be used to evaluate the proposal include, but are not limited to: Sections 2.3.1 (Healthy Neighbourhoods), 3.1.2 (The Built Form), 3.1.3.4 and 3.1.3.6 (Built Form - Mid-Rise Buildings), 3.1.34-42 (Archaeological Resources), 3.2.1 (Housing), 3.4 (The Natural Environment), 4.1 (Neighbourhoods), 4.3 (Parks and Open Space Areas).

Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form components based on Section 2 d), j), p) and r) of the Planning Act; the PPS 2020, the Growth Plan (2020); the City's Official Plan policies; and the applicable City Design Guidelines.

These will include:

- The appropriateness of 7-storey building in this location;
- The suitability of the proposed height and massing, including setbacks and stepbacks, in relation to the area's existing and planned built form character and scale;
- The proposed size, location and design of the proposed amenity spaces;
- The suitability of the proposal's street edge treatment, streetscape, setbacks, and proposed cantilevering into the front yard setback;
- The appropriateness of the proposed two accesses to parking and servicing off of Kingston Road; and
- The appropriateness of the development rear yard setback and projecting balconies into the top-of-bank of valleys and ravines.

Ravine Protection

The subject lands are within the Toronto and Region Conservation Authority (the "TRCA") Regulated Area under O. Reg. 166/06. An application to the TRCA for review will be required. The site is also subject to the City of Toronto Ravine Protection Zoning By-law 838-2002 because the site is located within the Ravine Natural Feature Protection Area (the "RNFPA") and the Natural Heritage System. The Urban Forestry Division and the TRCA will be evaluating the proposal and have been circulated for comment.

Natural Heritage Protection

The subject lands are in a Natural Heritage System as identified on Map 9 of the Official Plan, and are subject to the Natural Environment Policies of the Official Plan. A Natural Heritage Impact Study (the "NHIS") is required by both the City's and the TRCA's regulation and policies and has been submitted, to determine the appropriate mitigation requirements and protection of the natural features that may be affected. Environmental Planning and the TRCA are evaluating the NHIS as it relates to the proposal.

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). There are several mature trees on or within proximity of the subject site due to the overlap of the RNFP and the Natural Heritage System. The applicant proposes to remove 2 privately owned trees in RNFP, 1 city-owned tree and 11 trees in a RNFP would be placed at some risk of root injury. An Arborist and Tree Preservation Report has been submitted and is currently under review by Urban Forestry and RNFP staff.

Housing

A Housing Issues Report is required for Official Plan Amendments, Zoning By-law Amendments and Plans of Condominium for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or that propose residential development in excess of five hectares. The Rental Housing Demolition and Conversion application will be assessed against the requirements of the Planning Act, the City of Toronto Act, Official Plan policies relating to rental housing, and Chapter 667 of the Toronto Municipal Code. A site visit will be required to be conducted by staff in order to fully assess the application.

As per the Housing Issues Report submitted, the existing residential rental buildings on the site contain 8 rental dwelling units, all of which are two-bedroom units. The application in its current form proposes to replace only 5 of the existing rental dwelling units. The proposal to replace only 5 of the 8 existing rental dwelling units does not meet the intent of Policy 3.2.1.6 of the Official Plan (the City's rental replacement policy). Staff will work with the applicant to ensure all rental dwelling units proposed to be demolished are replaced as part of any redevelopment of the site, and will continue to review the application in relation to the applicable legislative and policy requirements from a rental housing perspective.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known 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 site has been identified as having archaeological resource potential, however an archaeological assessment was not provided as part of the development application. The applicant has been informed an archaeological assessment is required in order for City staff to review the proposal.

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, . 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 did not submit a Community Services and Facilities Report as part of the development application. Staff will assess 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.

Infrastructure/Servicing Capacity

The applicant submitted a Stormwater Management Report, Functioning Servicing Report and Geotechnical + Hydrogeological Investigation which will be reviewed in detail by Engineering and Construction Services staff to assess completeness, and to ensure that there is sufficient infrastructure capacity to accommodate the proposed development. Further revisions and details may be required in order for these studies to be accepted by staff.

Staff are also reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of a development or re-development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development. A review of the proposed number of parking spaces and vehicular access off Kingston Road will also be conducted by Transportation staff.

Toronto Green Standard

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

City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. The Application is being reviewed by Staff for compliance with Tier 1 performance standards. Community Planning will encourage the applicant to pursue Tier 2 or higher under the TGS.

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

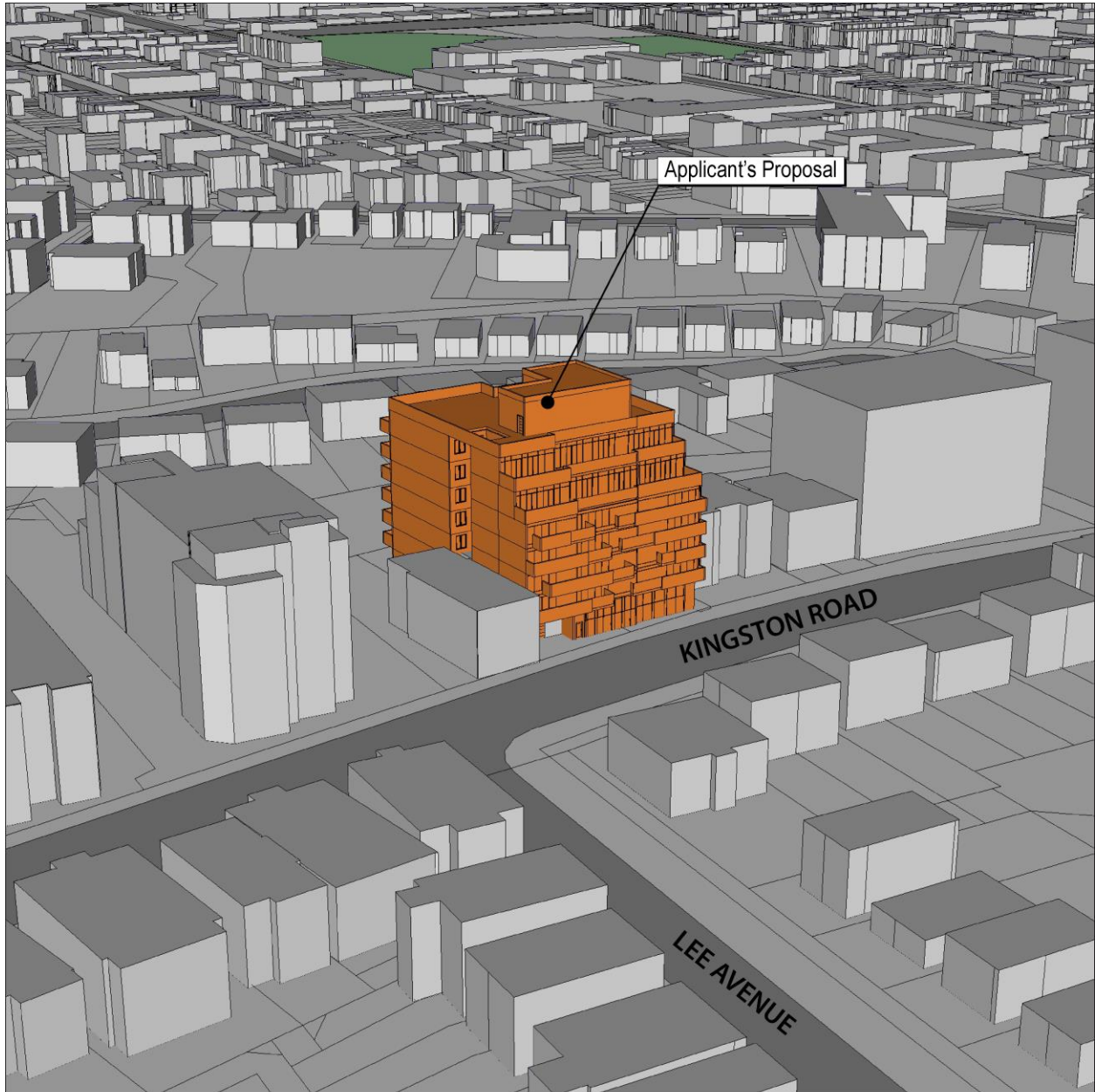
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context - Northeast
Attachment 2: 3D Model of Proposal in Context - Southwest
Attachment 3: Location Map
Attachment 4 Official Plan Map
Attachment 5: Zoning By-law Height Overlay
Attachment 6 Zoning By-law 569-2013
Attachment 7: Site Plan
Attachment 8-11: Elevations
Attachment 12: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context - Northeast

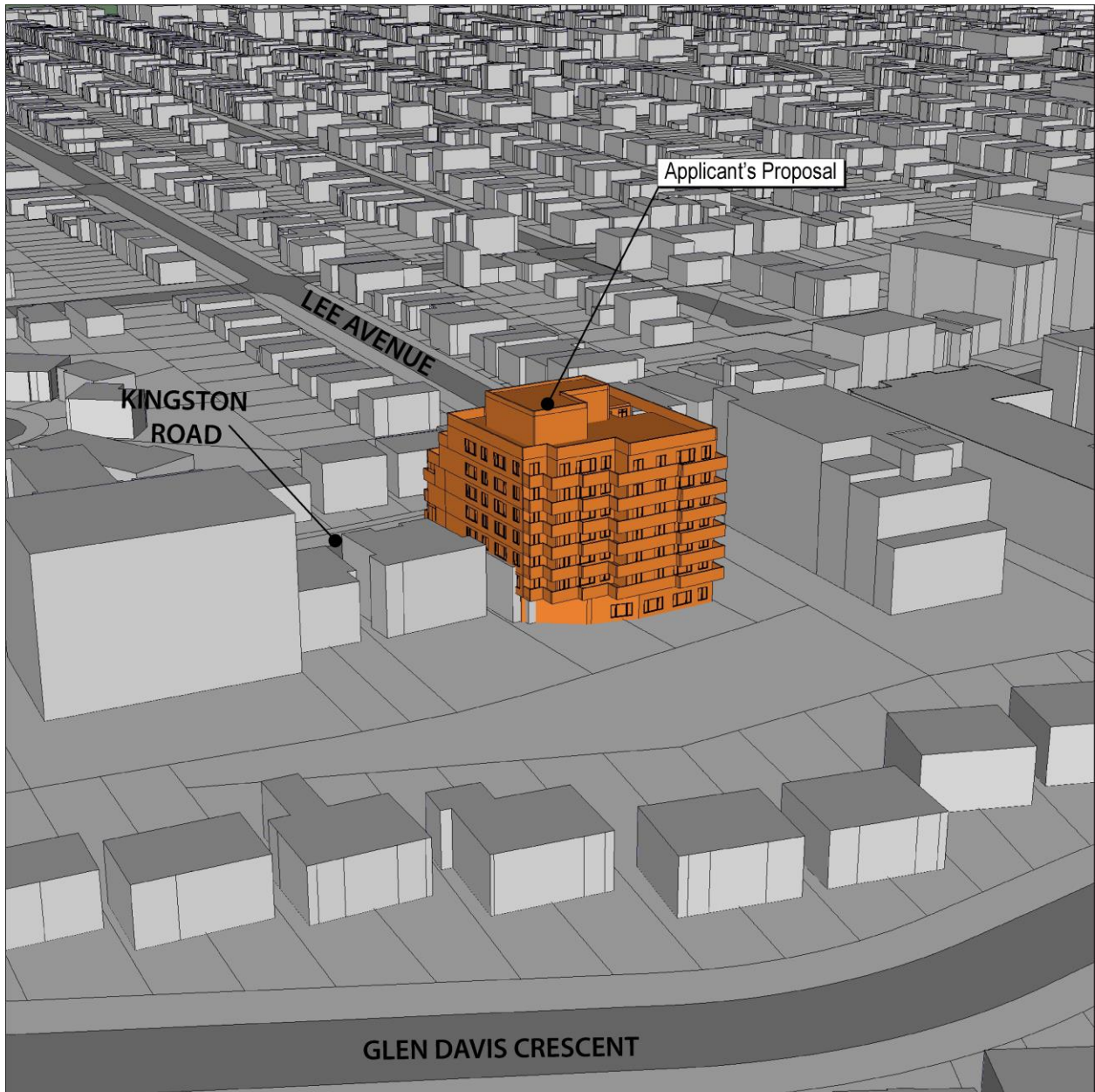


View of Applicant's Proposal Looking Northeast



05/17/2021

Attachment 2: 3D Model of Proposal in Context - Southwest

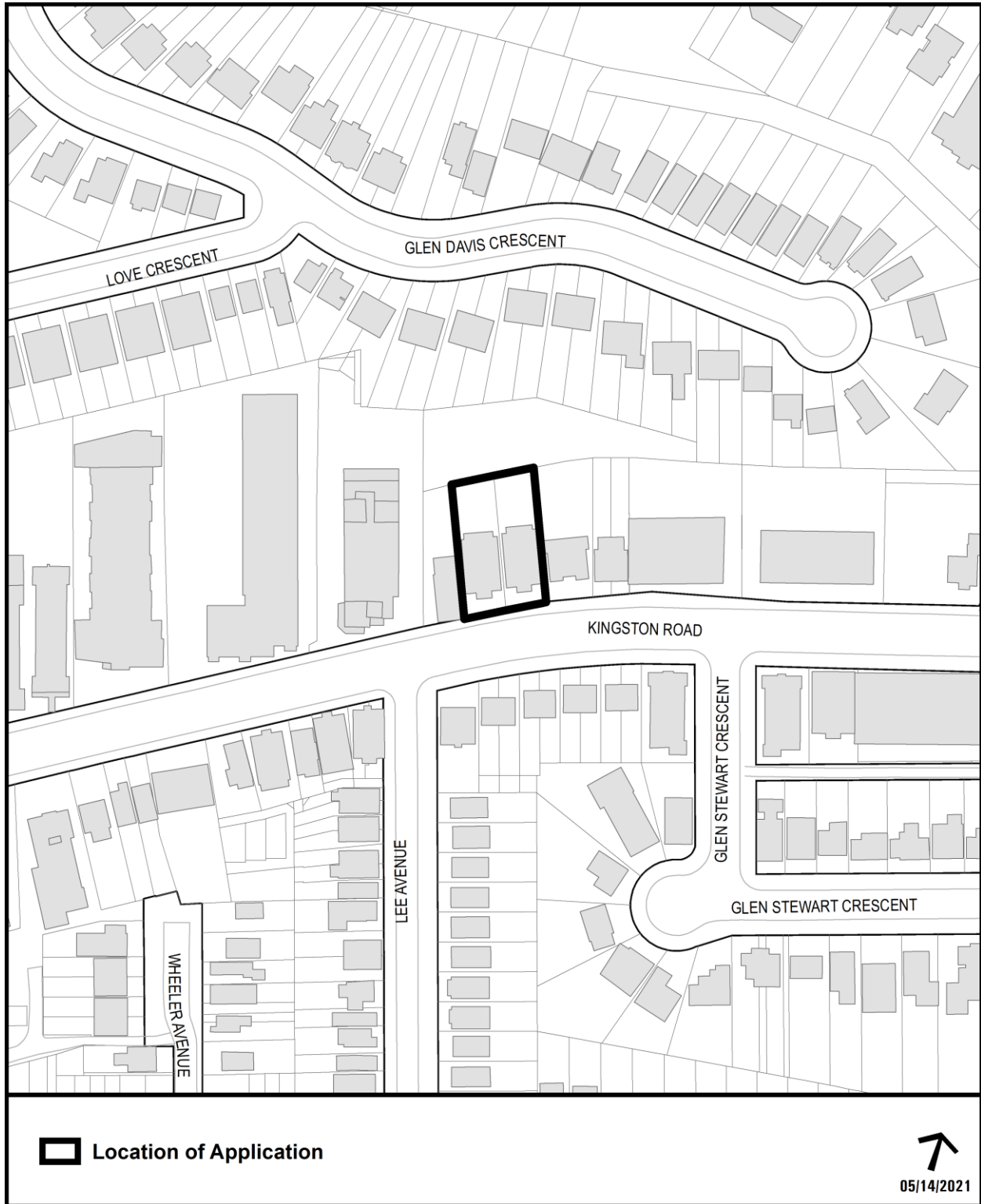


View of Applicant's Proposal Looking Southwest



05/17/2021

Attachment 3: Location Map



Attachment 4: Official Plan Map



558-564 Kingston Road

Official Plan Land Use Map #21

File # 21 144776 STE 19 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Natural Areas
-  Parks


Not to Scale
05/14/2021

Attachment 5: Zoning By-law Height Overlay



Zoning By-law 569-2013
Height Overlay

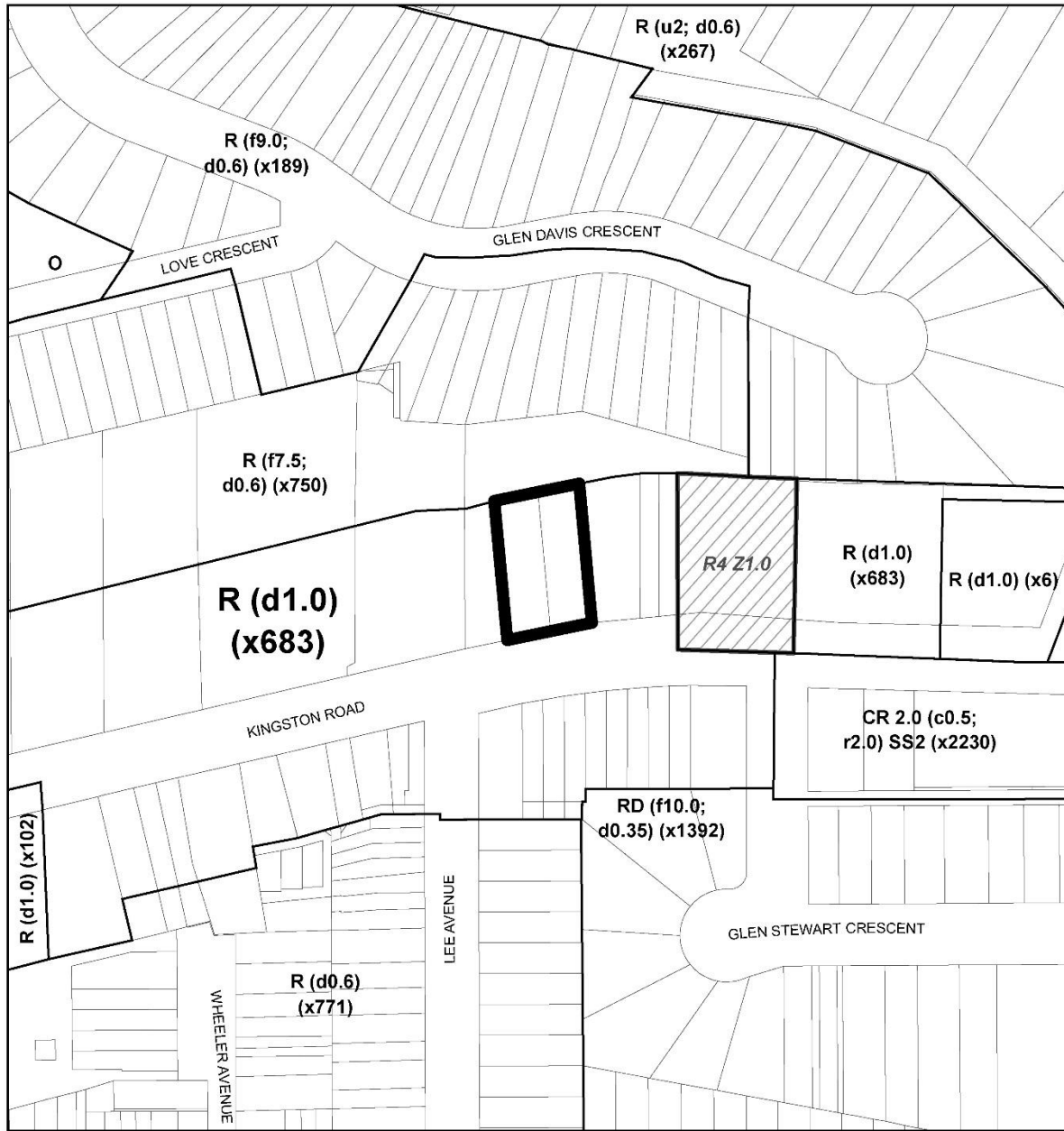
558-564 Kingston Road
File # 20 144776 STE 19 0Z

-  Location of Application
-  Height Areas

 See Former City of Toronto By-law No. 438-86


Not to Scale
Extracted: 05/21/2021

Attachment 6: Zoning By-law 569-2013



Zoning By-law 569-2013

558-564 Kingston Road

File # 21 144776 STE 19 0Z



Location of Application



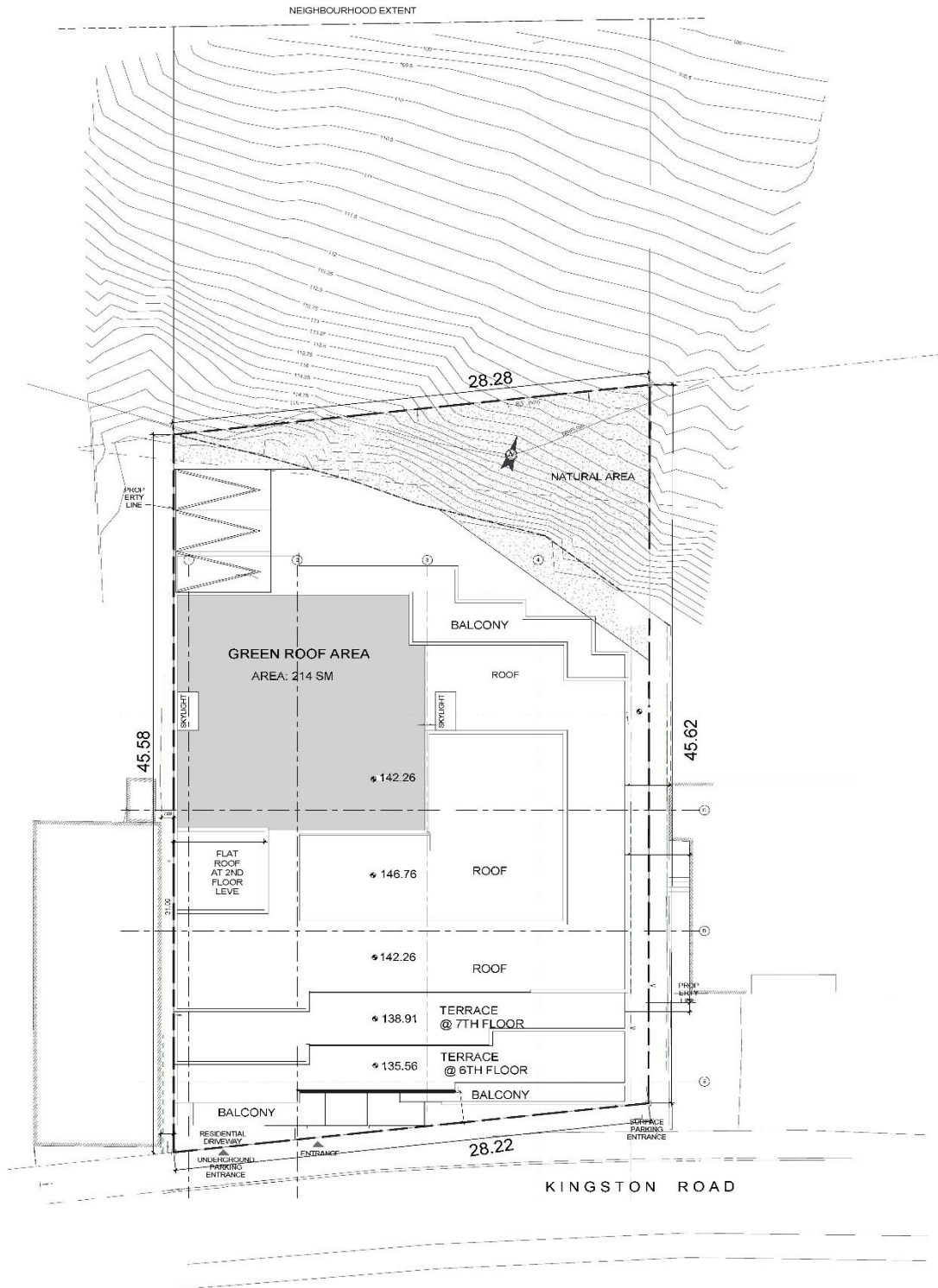
See Former City of Toronto By-law No. 438-86
R4 Residential District

R Residential
RD Residential Detached
CR Commercial Residential
O Open Space



Not to Scale
Extracted: 05/14/2021

Attachment 7: Site Plan



Site Plan

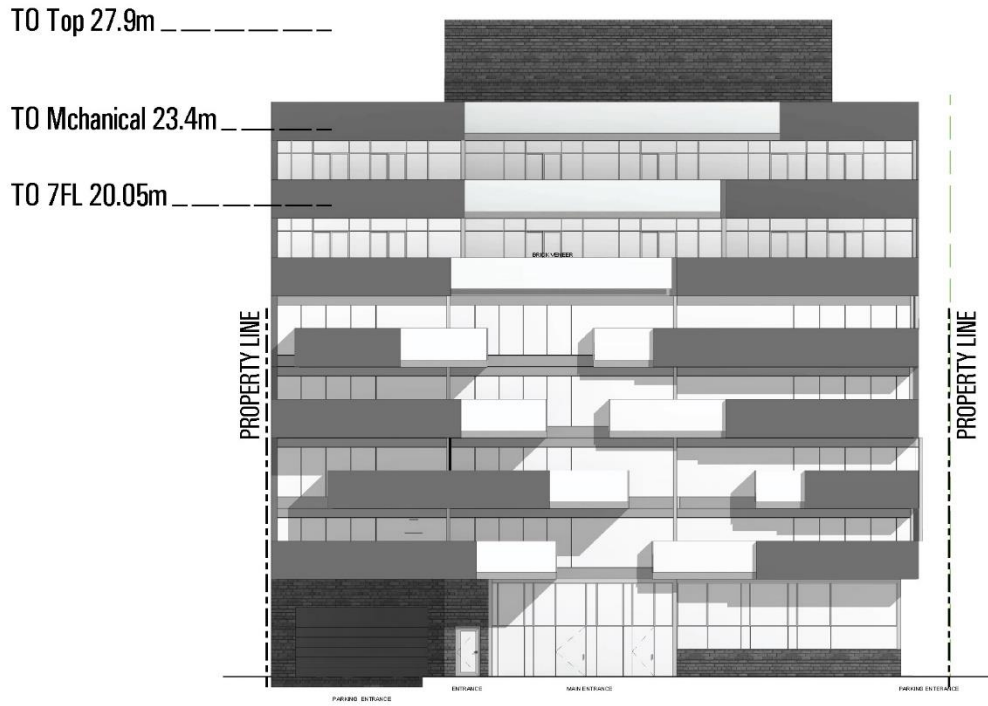


Attachment 8 – East Elevation



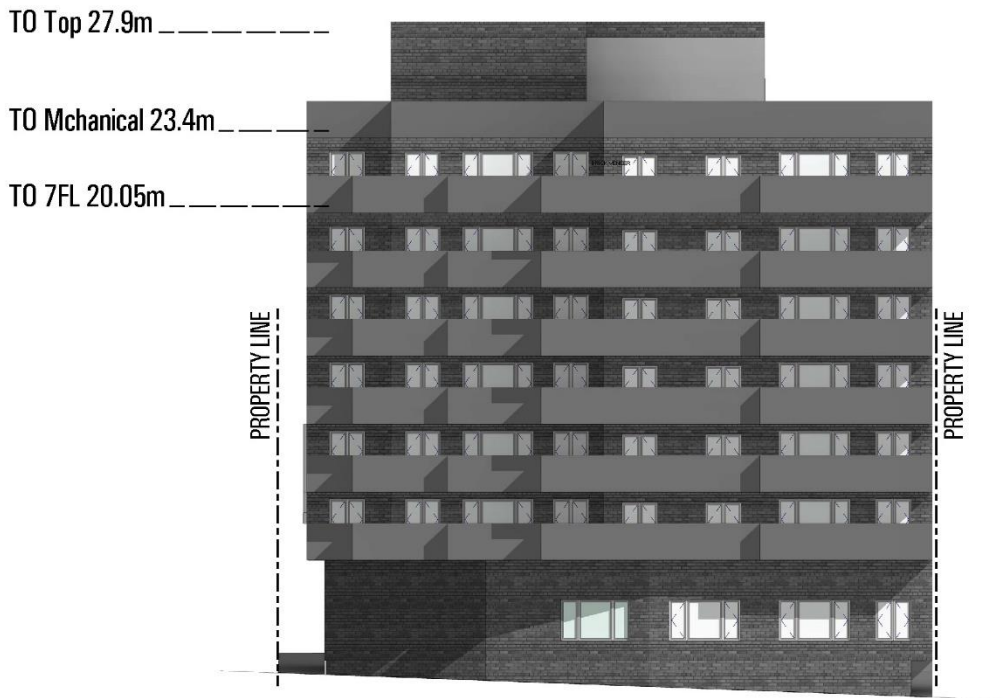
East Elevation

Attachment 9 – South Elevation



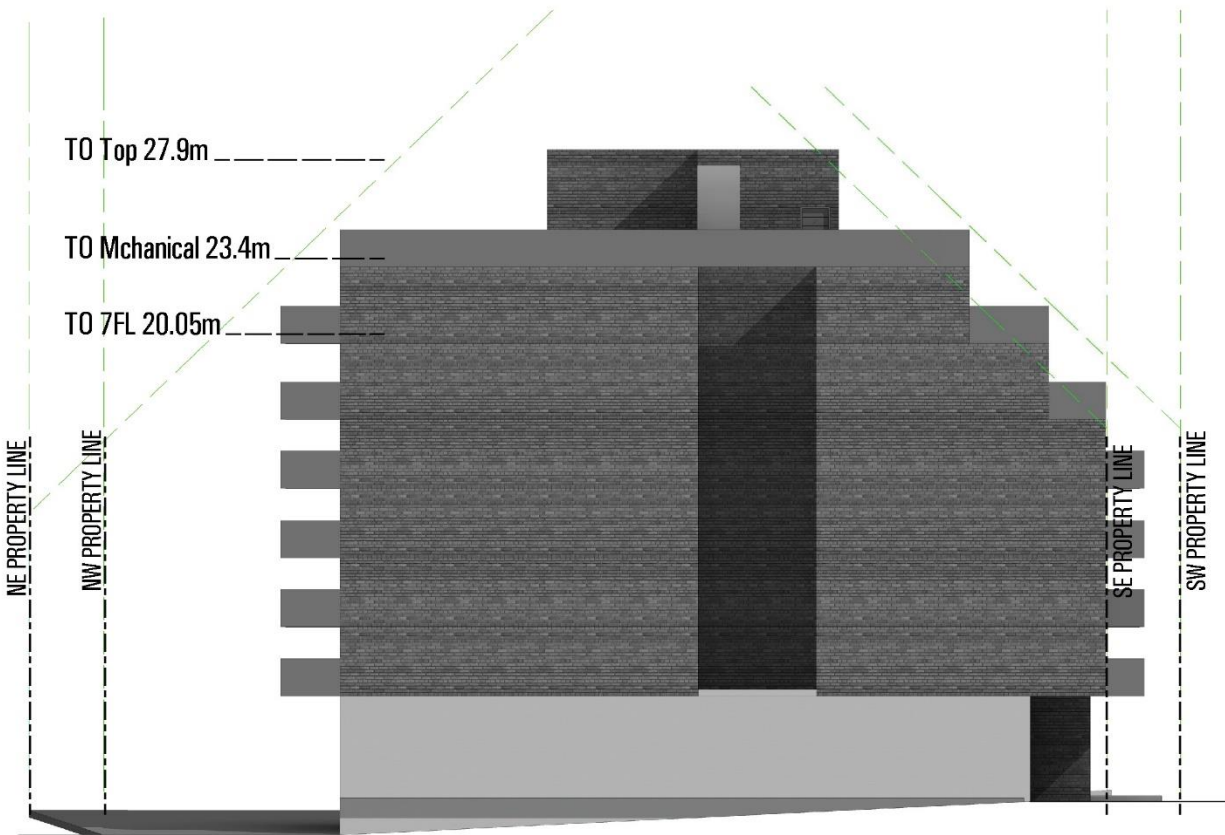
South Elevation

Attachment 10 – North Elevation



North Elevation

Attachment 11 – West Elevation



West Elevation

Attachment 12: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 558-564 KINGSTON RD Date Received: April 23, 2021

Application Number: 21 144776 STE 19 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Zoning By-law Amendment and Official Plan Amendment Application to permit a 7-storey residential building having a gross floor area of 4512.70 square metres and 33 residential dwelling units. A total of 35 parking spaces within two levels of underground parking and surface parking at the rear. The rental housing demolition application proposes to demolish the existing 8 rental dwelling units located on the subject site.

Applicant	Agent	Architect	Owner
WALKER NOTT DRAGICEVIC ASSOCIATES LIMITED		Q ARCHITECTS	ABDOLMJID KHALILI

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R (d1.0) (x683)	Heritage Designation:
Height Limit (m):	12 and 14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,280 Frontage (m): 28 Depth (m): 46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			879	879
Residential GFA (sq m):			4,513	4,513
Non-Residential GFA (sq m):				
Total GFA (sq m):			4,513	4,513
Height - Storeys:	2		7	7
Height - Metres:			23	23

Lot Coverage Ratio (%): 68.63 Floor Space Index: 3.53

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
 Residential GFA: 4,513
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	8			
Freehold:				
Condominium:			33	33
Other:				
Total Units:			33	33

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			8	10	15
Total Units:			8	10	15

Parking and Loading

Parking Spaces: 35 Bicycle Parking Spaces: 31 Loading Docks:

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