

Preliminary Report - 1552, 1554, 1562, 1564, 1570 and 1572 Kingston Road – Zoning By-law Amendment Application

Date: January 31, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 20 – Scarborough Southwest

Planning Application Number: 21 191601 ESC 20 OZ

Notice of Complete Application Issued: November 9, 2021

Current Uses on Site: Five vacant commercial and mixed-use buildings with heights of 1 to 2-storeys.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to amend City-wide Zoning By-law No. 569-2013 and the Birchcliff Community Zoning By-law No. 8786, as amended, for the lands municipally known as 1552, 1554, 1562, 1564, 1570 and 1572 Kingston Road. The application proposes an 8-storey residential building (27.3 metres in height, inclusive of the mechanical penthouse and habitable 8th floor amenity space) containing 93 units. The proposed 7,511 square metres of gross floor area results in an Floor Space Index (FSI) of 3.88 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 1552, 1554, 1562, 1564, 1570 and 1572 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

Kingston Road (Birchcliff) Revitalization Study

In 2010, Council approved amendments to the Official Plan, Zoning By-law and associated Urban Design Guidelines as part of the Kingston Road (Birchcliff) Revitalization Study. The Kingston Road Revitalization Study was initiated in 2005 with the purpose of developing a revitalization strategy for Kingston Road that would result in a vibrant, mixed-use, pedestrian-oriented main street with beautiful streetscapes, high quality architecture, compatible development and economic prosperity. The study area for the Kingston Road (Birchcliff) Revitalization Study includes the lands along Kingston Road and from Victoria Park Avenue to the west to the Kingston Road and Danforth Avenue intersection to the east.

The implementing Zoning By-law amendment of the Kingston Road Revitalization Study introduced a Commercial-Residential (CR) zone providing for a wide range of commercial and residential uses with provisions that will regulate height, density, building setbacks, Section 37 community benefit contributions and bicycle parking standards.

The Final Report on this Study can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.SC31.21>

ISSUE BACKGROUND

Pre-Application Consultation

A pre-application consultation meeting was held on November 4, 2020 between Planning staff and the applicant to discuss complete application submission requirements and to identify issues with the proposal.

Application Description

On July 29, 2021, the applicant submitted the subject application for an 8-storey residential building.

The application proposes to amend City-wide Zoning By-law No. 569-2013 and the Birchcliff Community Zoning By-law No. 8786, as amended, to permit a residential building with a height of 8-storeys (27.3 metres in height, including mechanical penthouse and habitable 8th floor amenity space). The proposal would have a gross floor area of 7,511.5 square metres, resulting in a Floor Space Index (FSI) of 3.88 times the area of the lot. The residential lobby would be located at the south west corner of the lot with access onto Kingston Road. The remainder of the main level includes townhouse units fronting onto Kingston Road, Kalmar Avenue and Eastwood Avenue. Corner Roundings on both side streets are identified on the submitted plans.

The applicant is proposing 93 residential units of which: 3 (3%) are proposed to be studio units, 67 (72%) as 1-bedroom units; 19 (20%) as 2-bedroom units; and 4 (4%) as 3-bedroom units.

A front yard setback (from the property line along Kingston Road) ranging from 2.2 metres to 2.9 metres is proposed at-grade, which is reduced to 0.7 metres to 1.3 metres for the 2nd to 4th floor which cantilever over the ground floor. The building would have a minimum east side yard setback of 0.6 metres along Eastwood Avenue and a minimum west side yard setback of 0.7 metres along Kalmar Avenue. The rear (north) yard setback would be 7.5 metres with the exception of a pop-out of the first floor which extends to a setback of 1.3 metres.

From the rear (north) property line, the building would step back 1.7 m above the 2nd floor, an additional 2.6 metres above the 3rd floor, an additional 2.6 metres above the 4th floor, an additional 2.8 metres above the 5th floor and an additional 2.8 metres above the 6th floor. From the front (south) property line the building would step back 1.5 metres above the 4th floor and an additional 1.8 metres above the 7th floor. From the east and west, the building would step back 1.7 metres and 1.6 metres, respectively, above the 4th floor. The building would further stepback 6.6 metres from the west above the 7th floor.

Two-way vehicular access is proposed via Kalmar Avenue at the north end of the site. A one-way access is proposed via Eastwood Avenue at the north end of the site for the exclusive use of garbage and loading vehicles, connecting through to the two-way access. The two-way driveway provides access to the below-grade parking garage at the north side of the site and the one-way driveway provides access to the loading/servicing area (containing one Type 'G' loading space) enclosed within the rear yard 1st floor pop-out.

The applicant is proposing a total of 115 parking spaces within the below-grade parking garage. The applicant is proposing 101 resident parking spaces and 14 visitor parking spaces. A total of 49 bicycle parking spaces would be provided at-grade and within the below-grade garage.

The proposed building would contain 350 square metres (3.8 square metres per unit) of indoor amenity space within the 1st and 8th floors, and 166.8 square metres (1.8 square metres per unit) of outdoor amenity space located on the rooftop with access from the 8th floor.

See Attachments 1 and 2 for three dimensional representations of the proposal and Attachment 3 for the proposed Site Plan.

Detailed project information can be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=hERpun74YCKlhGR%2FvG08Cw%3D%3D>

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 (GGH) 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 City 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 City 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.

The subject site is located on an *Avenue* as identified on Map 2 – Urban Structure. *Avenues* are identified as areas of growth and reurbanization. Map 21 – Land Use Plan designates the site as *Mixed Use Areas* (see Attachment 5: Official Plan Land Use Map) which 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 locate and mass new buildings to provide appropriate transition towards areas of different intensity and scale, and particularly towards lower scale *Neighbourhoods* which abut the subject site.

The application is also subject to Site and Area Specific Policy 325. SASP 325 applies to lands along Kingston Road in the Birchcliff Community and states that:

"a) Publicly owned and municipally operated parking lots, provided by the Toronto Parking Authority will be encouraged in the area.

b) Council may pass a zoning by-law that requires a portion of the lands fronting on both sides of Kingston Road (shown on the map accompanying this policy) to be used for hard landscaping only. This area will not be used for outdoor patio space. Property owners will be encouraged to provide an easement in favour of the City for that portion of their lands required to provide hard landscaping."

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

Zoning By-laws

The property is subject to the Birchcliff Community Zoning By-law No. 8786, as amended. See Attachment 6: Zoning By-law Map. The subject lands are zoned Commercial Residential (CR) which permits a broad range of commercial, recreational and residential uses, including offices, hotels, financial institutions, medical centres, restaurants, retail stores, personal services shops, municipal parking lots, places of entertainment, recreational uses, educational and training facilities, day nurseries, dwelling units, nursing homes, and retirement homes.

Performance standards for the subject lands permit a maximum GFA of 3.5 and a building height between 2 storeys and 6 storeys. The building envelope is required to fit within a 45-degree angular plane projected from the lot line abutting the Single-Family Residential Zone to the north. Required setbacks include minimum 3 metres along Kingston Road and portions of buildings above 14 metres in height are to be stepped back an additional minimum of 1.5 metres from the main wall. The ground floor height is required to be a minimum of 4.5 metres. A minimum rear yard setbacks is required including a minimum 1.5 metre strip of soft landscaping along the rear lot line bordering the Single Family Residential zone. Other relevant performance standards include additional mechanical penthouse setbacks, amenity space requirements (quantity and location), and parking rates for residential units. The subject lands are not part of city-wide Zoning By-law 569-2013. Should this application be approved, the lands would be brought into By-law 569-2013.

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

Design Guidelines

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

- Kingston Road Birchcliff Urban Design Guidelines;
- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in New Vertical Communities;
- Accessibility Design Guidelines;
- Bird Friendly Guidelines;
- Pet Friendly Design Guidelines for High Density Communities; and
- Streetscape Manual.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with this application.

COMMENTS

Reasons for the Application

An application to amend the City of Toronto Zoning By-law No. 569-2013, as amended and the Birchcliff Community Zoning By-law No. 8786, as amended, is required to establish zoning standards to facilitate the development of the proposal such as building height and setbacks. Other areas of non-compliance may be identified through the review of the application.

Issues to the 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

Planning staff will evaluate the application to determine its consistency with the PPS (2020) and conformity with the Growth Plan (2020).

Given the recognition in Provincial Policy of the importance of official plans and long term planning, consistency with the PPS and conformity with the Growth Plan (2020) will be informed by conformity with the City's Official Plan.

Official Plan Conformity

Staff will evaluate the application against Official Plan policies for conformity. In determining whether the increase in height and density is appropriate, staff will have regard to the development criteria found in the policies for *Mixed Use Areas* and *Avenues*.

Built Form, Planned and Built Context

The suitability of the proposed height and massing or other built form issues will be assessed based on Section 2 (j), (p), (q) and (r) of the *Planning Act*; the PPS (2020) and the Growth Plan (2020). The built form will also be assessed based on the City's Official Plan policies and the City's Design Guidelines. An evaluation will be made to confirm whether the proposal is contextually appropriate and fits within its planned and built context. In particular, staff will be evaluating:

- Appropriateness of the proposed building height;
- Appropriateness of the proposed building density;
- Appropriateness of the proposed building massing, including transition to lower scale adjacent lots, providing a consistent streetwall, angular planes, setbacks and setbacks; and
- Potential shadow impacts of the development.

In addition to architectural and landscape drawings, the applicant has also submitted a sun/shadow study and a pedestrian level wind study. These drawings and studies are under review.

Staff note that the Mid-Rise Building Performance Standards apply only to the extent they supplement and do not override the intent of the Birchcliff Community Zoning By-law and Kingston Road Birchcliff Urban Design Guidelines. The Mid-Rise Building Performance Standards identifies a key provision of mid-rise projects on *Avenues* to have heights no greater than the Right of Way (ROW) width. Kingston Road has a ROW width of 20 metres at this location and the proposed building would have a height of 8-storeys and 27.3 metres. Staff note that the proposed 8th storey is a combination mechanical penthouse and indoor amenity space where approximately half of the 8th

floor is occupied by amenity space and an elevator lobby. Although no residential units are proposed above the 7th floor, amenity space is considered liveable space and counts towards the total height of the building. In addition, the Mid-Rise Building Performance Standards Addendum clarifies that the maximum allowable height for mid-rise buildings must take into consideration:

- the existing and planned context; and
- setbacks, stepbacks, angular planes and other building envelop controls required through zoning and guidelines.

Amenity Space

Indoor amenity space is proposed at a rate of 3.8 square metres per dwelling unit and outdoor amenity space is proposed at a rate of 1.8 square metres per dwelling unit.

Both indoor and outdoor amenity is required to be provided at a minimum rate of 2 square metres per dwelling unit (combined 4 square meters per unit) for building residents in every significant multi-unit residential development. Adjacent parks and private balconies do not count towards the calculation of outdoor amenity space. Staff will evaluate if the proposed amenity space is satisfactory and pursue the appropriate revisions.

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 development proposals. 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 will be considered in the review of this proposal.

Staff note that the proposed provision of only 4 (4%) three-bedroom units does not adequately support the unit mix or size objectives of the Growing Up Guidelines to accommodate a broad range of households, including families with children, within new development. The applicant will be requested to reduce the number of studio units in order to ensure that at least 10% of the total number of proposed residential units are three-bedroom units with a minimum area of 100 m² and that at least 15% of the total number of units are two-bedroom units with a minimum area of 87 square meters.

Public Realm and Streetscape

The Public Realm policies of the Official Plan (Section 3.1.1) recognize that a well-designed public realm is developed by creating comfortable, inviting, safe and accessible streets, parks and open spaces which are vital elements in creating a vibrant city. The application proposes a front yard setback ranging from 2.2 metres to 2.9 metres at-grade, reducing to 0.7 metres to 1.3 metres from the 2nd to 4th floor. Through the initial review of the application, staff are requesting an increase in the minimum front yard setback to ensure the creation of an appropriate streetscape condition including

sufficient space to support healthy large growing trees along Kingston Road, a minimum sidewalk width of 2.1 metres, and appropriate entrance design.

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).

Additionally, City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy 3.4.1 (d) of the Official Plan states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and iii) regulating the injury and destruction of trees".

The applicant has submitted an Arborist Report, Tree Preservation Plan and Landscape plan which is currently under review by staff. The applicant proposes the removal of two City owned street trees and two privately owned trees which qualify for protection under the Private Tree By-law. Staff are evaluating the application to ensure that it supports the Official Plan policies of increasing the amount of tree canopy coverage.

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 submitted a Community Services & Facilities Study prepared by KFA Architects and Planning Inc. and dated May 31, 2021 which is under review by City staff.

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.

Recent introduction of a new legislative framework provides for municipalities to exercise the ability to impose a community benefits charge. However, 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.

Infrastructure/Servicing Capacity

The applicant submitted a Functional Servicing and Stormwater Management Report, Hydrogeological Report and Servicing Report Groundwater Summary with the development application. The Functional Servicing and Stormwater Management Report is intended to evaluate the effects of the development on the City's municipal servicing infrastructure and watercourses and to identify the need for any new infrastructure and upgrades to existing infrastructure necessary to provide for adequate servicing for the proposed development. Staff are reviewing the application to determine if there is sufficient infrastructure capacity to accommodate the proposed development, in addition to the potential cumulative impact of all proposed applications in the area of this application.

Staff are reviewing the Transportation Impact Study including parking justification submitted by the applicant. The purpose of this study is to evaluate the effects of the development on the transportation system, but will it also identify if any transportation improvements are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

City 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 applicant submitted a TGS Checklist with this application which has been reviewed by staff. Revisions and additional information are required in order to meet Tier 1. The applicant will be encouraged to meet Tier 2 or higher performance measures.

Other Matters

Staff have identified the additional following issues:

- The provision of bicycle parking proposed does not meet the minimum requirement identified in City-wide Zoning By-law 569-2013 and Toronto Green Standard Version 3.0. The applicant is advised to provide the minimum requirement identified in City-wide Zoning By-law 569-2013.

- The proposed underground parking garage and several balconies appear to be encroaching into the corner roundings which will be required to be conveyed to the City. The applicant is advised that no encroachment above or below grade will be permitted within the corner roundings.
- Given the current increase in dog-owning populations, the applicant will be strongly encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate future residents' needs. This would alleviate pressure on neighbourhood parks.
- Parks, Forestry and Recreation staff advise that the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu.

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

CONTACT

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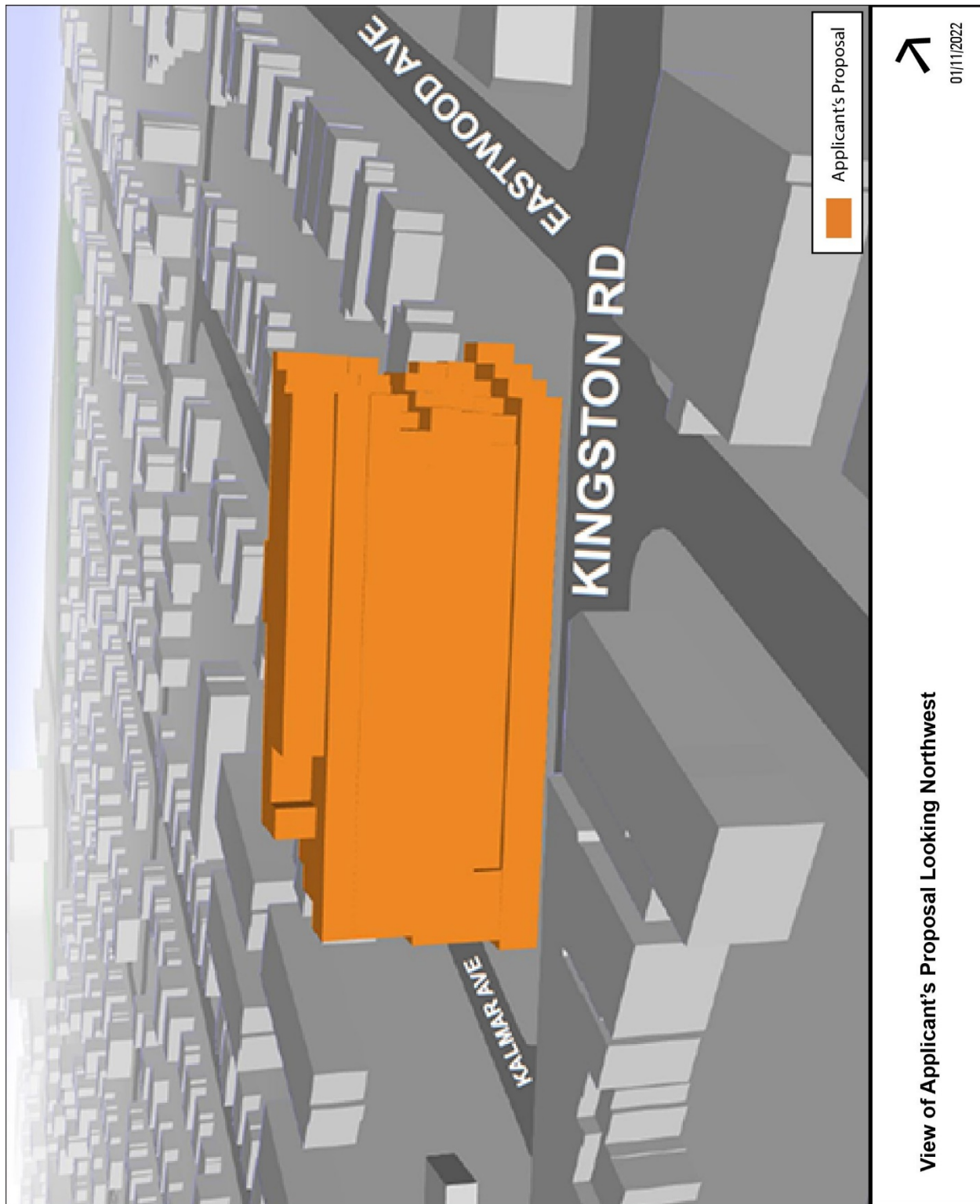
Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

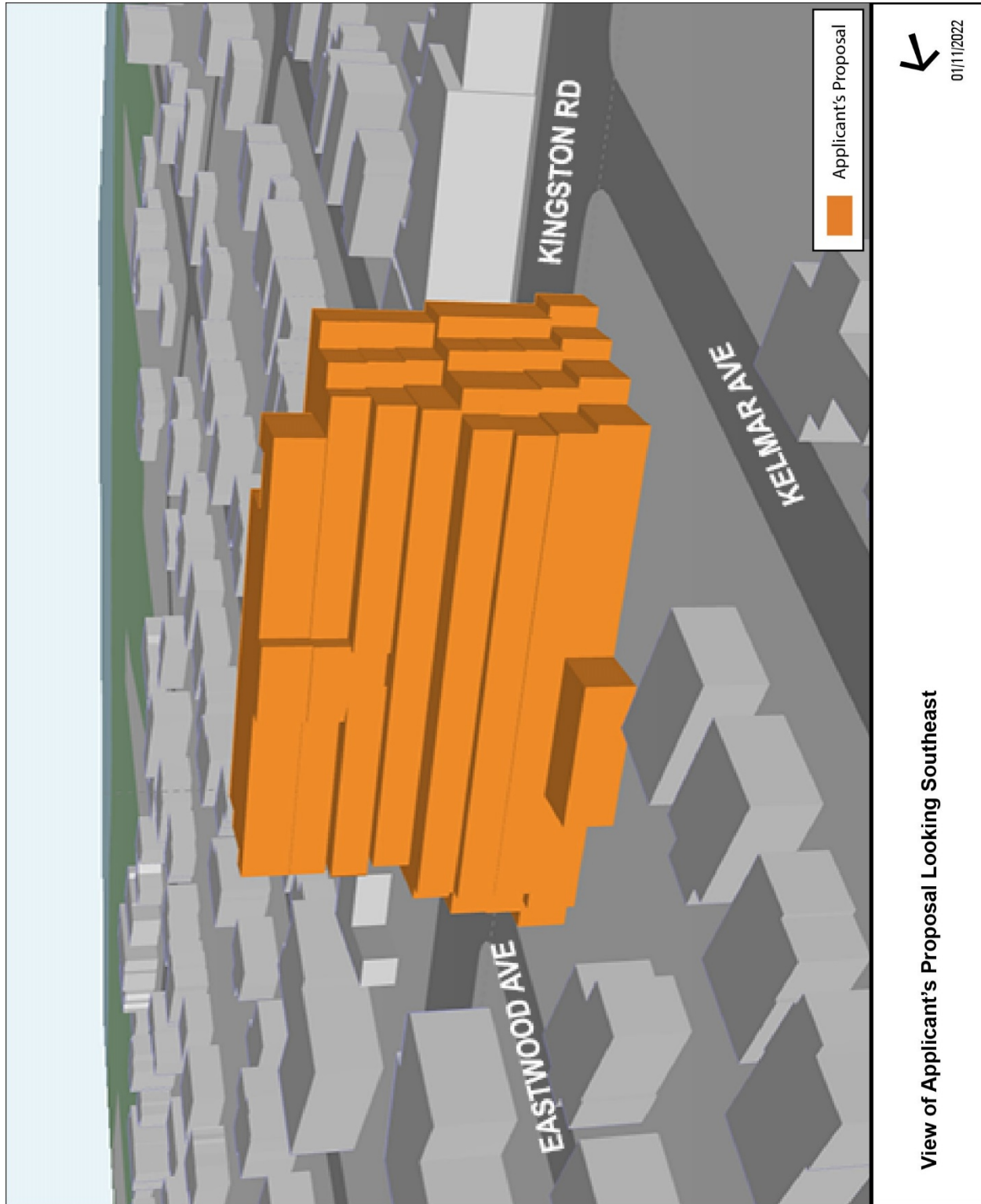
City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context, Looking Northwest
Attachment 2: 3D Model of Proposal in Context, Looking Southeast
Attachment 3: Site Plan
Attachment 4: Location Map
Attachment 5: Official Plan Land Use Map
Attachment 6: Zoning By-law Map

Attachment 1: 3D Model of Proposal in Context, Looking Northwest



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

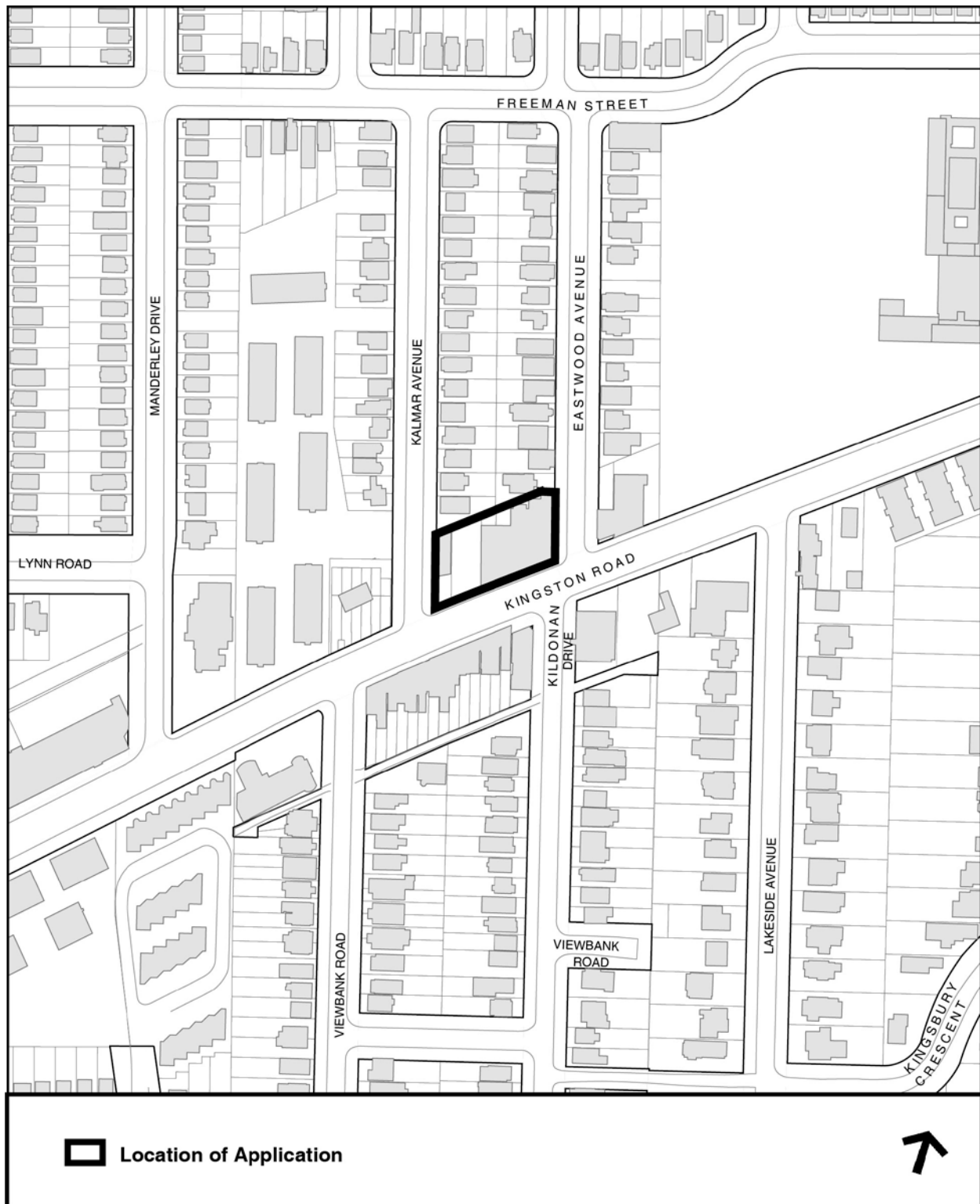


The site plan illustrates the proposed 7-story building at the intersection of Eastwood Avenue and Kalmar Avenue. The building footprint is shown with its setbacks and height. The setbacks are: 1 STOREY HT=139.20m, 3 STOREYS HT=144.78m, 4 STOREYS HT=147.57m, 5 STOREYS HT=150.36m, 6 STOREYS HT= 153.15m, 6 STOREYS HT= 153.15m. The building is surrounded by existing 2-story buildings. The streets are Eastwood Avenue and Kalmar Avenue. A north arrow is located in the top right corner.

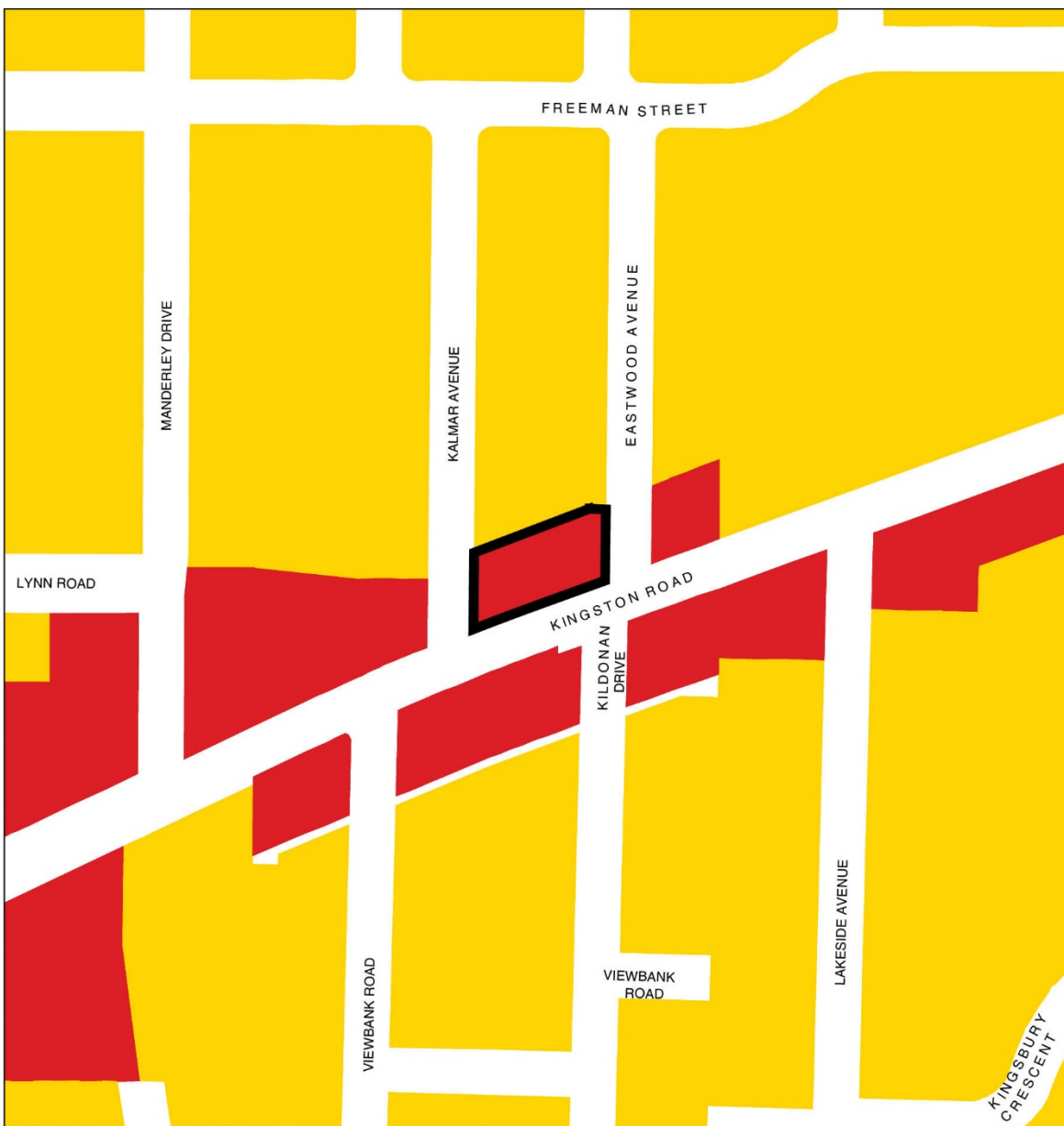
KINGSTON ROAD

EXISTING 2 STOREY BUILDING

Attachment 4: Location Map



Attachment 5: Official Plan Land Use Map



Official Plan Land Use Map #21

1552-1572 Kingston Road

File # 21 191601 ESC 20 02



Not to Scale
Extracted: 01/05/2022

Attachment 6: Zoning By-law Map



Zoning By-law 569-2013

1552-1572 Kingston Road

File # 21 191601 ESC 20 02



Location of Application

RD
CR

Residential Detached
Commercial Residential



See Former City of Scarborough Birchcliff Community By-law No. 8786

S
CR
SC

Single-Family Residential
Commercial-Residential
School



Not to Scale
Extracted: 01/05/2022