

Preliminary Report - 4566 to 4568 Kingston Road – Zoning Amendment Application

Date: January 25, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 25 - Scarborough-Rouge Park

Planning Application Number: 21 181185 ESC 25 OZ

Notice of Complete Application Issued: July 14, 2021

Current Use(s) on Site: Two 2-storey vacant non-residential buildings a single storey accessory structure on a 0.23 hectare property.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 4566 to 4568 Kingston Road to permit a 13 storey residential building. The existing two storey buildings on the site will be demolished. 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 4566 to 4568 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

Pre-application Consultation

A pre-application consultation meeting was held with City staff on January 26, 2021 to identify application requirements and provide feedback on the development proposal.

ISSUE BACKGROUND

Application Description

This application proposes to amend former City of Scarborough West Hill Community Zoning By-law No. 10327 for the property at 4566 to 4568 Kingston Road to permit the construction of a 13 storey (40.3 metre) residential building. The proposed mid-rise building would consist of 9,905 square metres gross floor area containing 137 residential units, a single live-work unit at grade and a business centre/amenity space. The proposed floor space index is 4.16 times the area of the lot.

The ground floor of the building is slightly recessed with the 2nd through 4th storey projecting over the first floor along Kingston Road. This segment of Kingston Road has an unconventional street orientation, as such the front yard setback ranges from 10.84 - 12.08 metres (inclusive of a 9.1 metre easement described below). The ground floor of the building along the Kingston Road frontage includes residential lobby access, a live-work unit and a 136 square metre business centre amenity. To the rear of the site, located at grade is a 207 square metre outdoor amenity area. There are four units located on the ground floor with private patios and a private walkway for pedestrian circulation. Along Kingston Road, the building mass steps back at the 5th level. At the rear of the site, the proposal terraces with stepbacks deployed at Level 3, 5, 7, 9 and 11.

Vehicular access to the subject site is via a new private driveway that is accessed from Kingston Road and is located on the eastern side of the building. Parking for 138 vehicles (118 residential and 20 visitor parking spaces) is proposed within a three and a half level underground parking structure. A total of 215 bicycle parking spaces are proposed, with 93 spaces for residents located on the first level of the parking garage and 9 spaces for visitors located outdoors along Kingston Road. The private driveway provides access to the underground parking garage and an internal Type G loading space. Access to the garage, loading, and short-term parking is provided along a new private driveway on the eastern side of the building that is accessed from Kingston Road.

The site is located midblock between Fairwoods Crescent and Amiens Road on the north side of Kingston Road and this portion of Kingston Road runs in an unorthodox convention, running northeast to southwest (see Attachment 1 for a location map). The closest major intersection is Morningside Avenue and Kingston Road which is approximately 330 metres east of the site.

Surrounding planned and existing uses in the area include low rise residential uses to the north of Kingston Road, a commercial area to the south fronting onto Kingston Road, an auto finance service centre and animal hospital to the immediate west, an affordable home ownership townhouse complex built by Habitat for Humanity to the immediate east and a number of planned and approved developments that range in height from 3 storeys to 12 storeys. Notably, an easement of 9.14 metres for servicing in favour of the City of Toronto applies on the southernmost portion of the subject site. The same easement applies to the properties immediately adjacent to the subject site.

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 2 of this report, for a three dimensional representation of the project in context.

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 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 4. This portion of Kingston Road is identified as an *Avenue* (Map 2), a Major Street with a non-uniform right of way width with the existing width to be retained at the time of Plan adoption (Map 3) and forms part of the Surface Transit Priority Network (Map 5).

The application is also subject to Site and Area Specific Policy 272 which prohibits used car sales and public garages within the *Mixed Use Areas* designation unless already existing as of June 26, 2003. The application was part of the Kingston Road Avenue Study, which recommends implementation strategies to reurbanize the Kingston Road corridor. The study also provides that appropriate transition between new development and the existing low rise residential neighbourhoods is an important guiding principle.

Zoning By-laws

The subject site is regulated by the former City of Scarborough West Hill Community By-law No.10327, as amended by By-law 597-2003, which implements the Kingston Road Avenue Study.

Under By-law No.10327, as amended, the site is zoned Commercial/Residential (CR) permitting a broad range of uses including residential uses, offices, specialized commercial uses, retail stores, restaurants, day nurseries, recreational uses, hotels and motels, financial institutions, funeral homes, institutional uses, personal service shops, places of entertainment, medical centres, private home daycare and places of worship. Under this zoning, a number of uses are prohibited, including: single family detached dwellings, semi-detached dwellings, duplexes, automobile sales, auto sales rooms and service and maintenance uses.

By-law 597-2003 also contains a number of site specific performance standards (86-203-324-325-400-600-601-602-603-604) related to height, parking, landscaping and other miscellaneous performance standards. Notable site specific provisions for the site include requiring a minimum height of two storeys and a maximum height of eight storeys, a 7.5 metre rear yard setback, a minimum 3 metre setback from the street line and requiring a minimum width of 70% for a wall of a building fronting or abutting Kingston Road (for lots with more than 30 metres frontage). The wall is to be set back a minimum of 3 metres and a maximum of 5 metres from the street line. The most significant performance standard regulating the overall height and density of the building is Performance Standard 600, which requires that buildings do not exceed a 45 degree angular plane taken from the lot line when abutting "S", "ST" and "M" zones. A minimum 1.5 metre landscape strip at the rear is also required when abutting "S", "ST" and "M" zones. In terms of parking, Performance Standard 324 requires that office and retail uses in mixed use buildings provide a minimum of 2.5 spaces per 100 square metres of GFA and the first 100 square metres.

The former City of Scarborough West Hill Community By-law No. 10327, as amended by By-law 597-2003, may be found here:

<https://www.toronto.ca/legdocs/bylaws/2003/law0597.pdf>

The 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 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 has not been submitted and is expected to be submitted at a later date.

COMMENTS

Reasons for the Application

The rezoning application is required in order to permit the requested increases in height and density and to establish site specific performance standards for the proposal, including appropriate building setbacks, massing, height and density, and parking rates for the proposed development. As well, should the application be approved, the site will be brought forward into the City-wide parent zoning by-law 569-2013.

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 of the subject site. The application will be reviewed against the key design principles of the Mid-Rise Building Performance Standards and Addendum given the subject site's *Avenue* designation.

As part of Staff review and circulation of the application, Staff will continue to assess:

- The appropriateness of the proposed mid-rise building height in relation to Kingston Road and adjacent and proximate lands designated *Neighbourhoods*;
- Conformity with the *Mixed Use Areas* policies including the requirement that development results in height which provide for an appropriate transition to areas of different development, intensity and scale;
- Whether the proposal provides adequate light and privacy and adequately limits shadowing of, and uncomfortable wind conditions on neighbouring streets, properties, parks and open spaces;
- The orientation and organization of the buildings on the site including driveway access, loading/unloading and service areas, building entrances and the relationship to each of the proposed buildings;
- The adequacy of the location and amount of proposed outdoor amenity space;
- Any functional design and public realm improvements needed for Kingston Road, including sufficient space and safety for pedestrians, cyclists, and transit users, according to the City's Complete Street Guideline; and
- The provision of sufficient retail and non-residential GFA.

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 applicant has submitted an Arborist Report and a Tree Preservation Plan, which are currently under review by City staff. Staff will be evaluating the application to ensure that it supports the Official Plan policies of increasing the amount of tree canopy coverage while protecting existing public/private trees.

Housing

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion, size, and location of larger units recommended in multi-residential developments.

Guideline 2.1 requires at least 25% of all units to be larger units, with 10% of units being 3-bedroom units. Of the proposed 137 dwelling units, 62 two bedroom units and 14 three bedroom units are proposed, which equates to a total unit breakdown of 45% and 10% respectively.

Guideline 3.0 states that the ideal size for a 2-bedroom unit is 87 to 90 square metres, and for a 3-bedroom unit is 100 to 106 square metres. It is noted that none of the two and three bedroom units meet the ideal size guideline.

City Planning staff will continue to evaluate the proposed unit sizes and the number of larger units with respect to the Growing Up Guidelines and will encourage the provision of units that meet or exceed the Council-adopted Growing Up guidelines.

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.

A Community Services and Facilities Study was submitted as part of the Planning Rationale Report dated April 2021. The Study provides a demographic profile of the West Hill and Guildwood Neighbourhoods, an inventory of community services and facilities generally within a 2.5 km radius of the subject site, and an overview of nearby development activity.

The Study identifies that expansions and renovations to area libraries are needed and that additional child care spaces are likely required to support growth. The Study concludes that the proposed development presents an opportunity to achieve community benefit contributions in return for additional height and density but does not propose any specific contributions at this time.

City staff are reviewing this report to assess the impact of the proposed development on community facilities.

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

- Providing a non-profit, licensed child care facility at grade level, with adjoining outdoor play space, to reflect the City's standard terms and conditions, as per the attached Child Care Development Guideline;
- Securing financial contributions towards the expansion of the Guildwood and/or Cedarbrae libraries as identified in TPL's Facilities Master Plan;
- Securing financial contributions towards capital projects in the vicinity of the subject site identified by the South East Scarborough Planning Table; and/or
- Securing financial contributions towards the delivery of outdoor recreation facilities in the vicinity of the subject site as identified through the implementation of the City's Parks and Recreation 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.

If it is determined that Section 37 benefits will be secured 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>

It should be noted 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 S.37 density bonusing framework remains in place and should be utilized where applicable until the City passes a Community Benefit Charge by-law.

Infrastructure/Servicing Capacity

The application will be reviewed to determine if there is sufficient infrastructure capacity to accommodate the proposed development. The applicant submitted a Functional Servicing and Stormwater Management Report, a Geotechnical Study and a Hydrogeological Study and Groundwater Summary in support of the proposed zoning by-law amendment.

Staff are also reviewing a 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.

The studies are currently being reviewed by City staff.

Noise and Vibration

The applicant has submitted Noise and Vibration studies to analyze and evaluate the effects of existing noise and vibration sources on the proposed residential land use, as well as the impacts of the proposed residential development on the environment from a noise and vibration perspective.

Peer review of this study, as per the Terms of Reference for Noise and Vibration Impact Studies, will assist in evaluating the appropriateness and effectiveness of the proposed noise and vibration mitigation measures. City Planning staff are in the process of initiating a peer review of these studies.

Environmental Site Assessment

The applicant has submitted Environmental Site Assessment studies for Phase 1 and Phase 2 in support of the rezoning application. These studies identify areas of Potential Environmental Concern including contaminants of potential concern as per Ontario Ministry of the Environment, Conservation and Parks (MECP) guidelines.

Staff will evaluate the submitted Environmental Site Assessments, including a Peer Review of technical material as provided for in the Official Plan to determine appropriateness of the proposed introduction of residential uses on a potentially contaminated site.

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 applicant has submitted a completed TGS Checklist and has indicated that the proposed development is pursuing Tier 1 performance measures. Planning staff are currently reviewing the TGS checklist and other materials for compliance with the TGS and will encourage the applicant to pursue Tier 2, or higher, through the review process.

Additional Issues

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

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

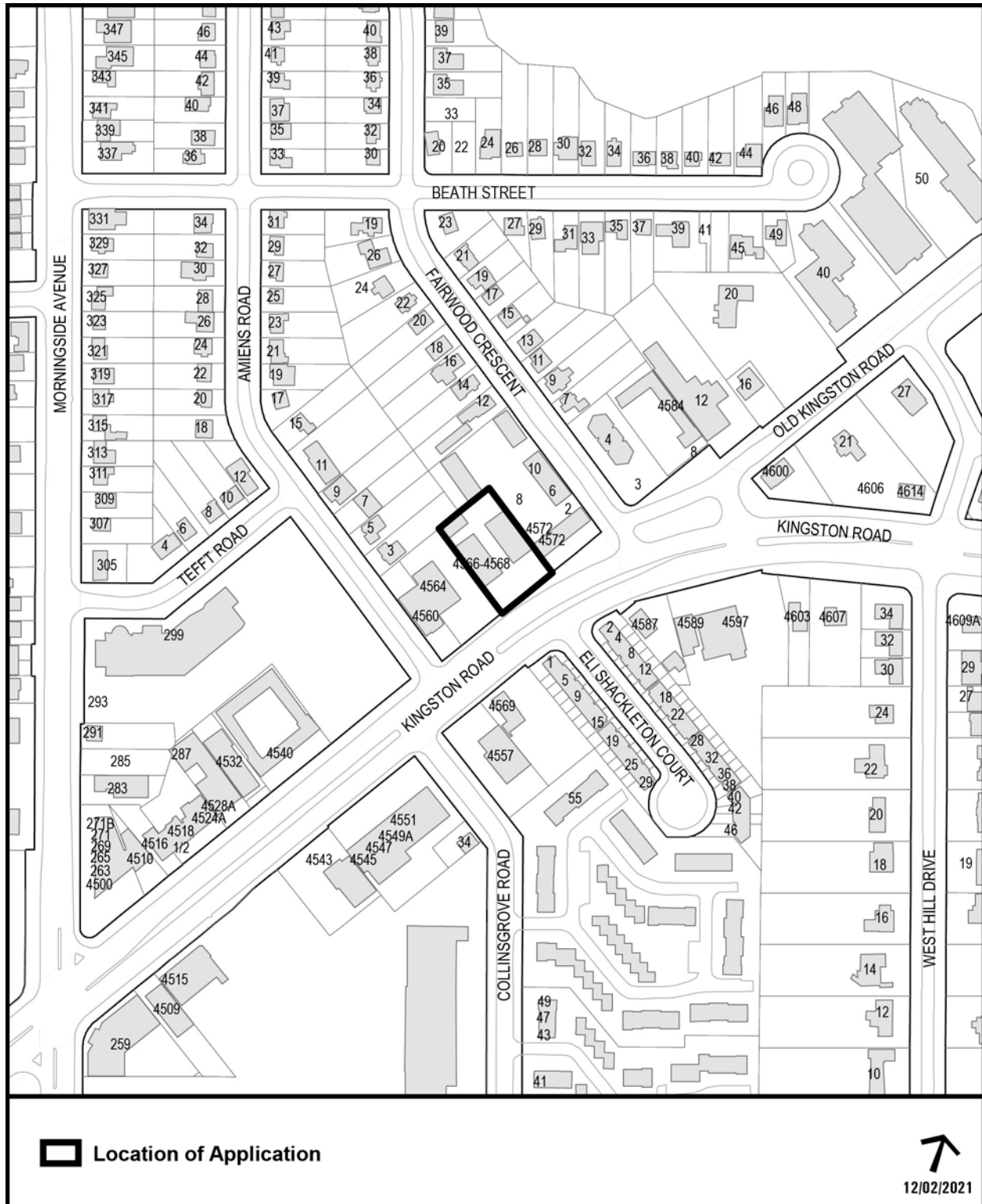
Attachment 2: 3D Model of Proposal in Context

Attachment 3: Site Plan

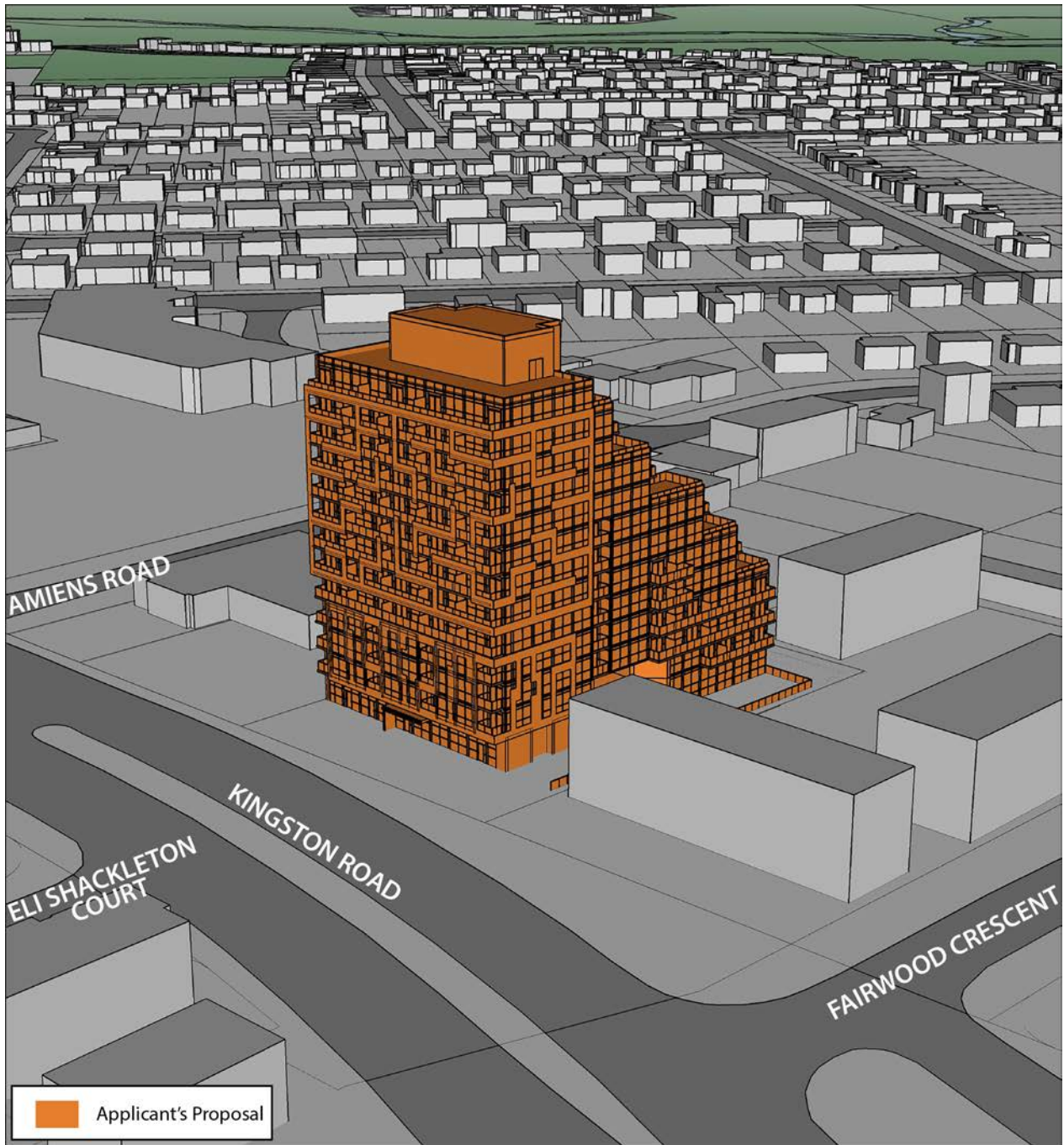
Attachment 4: Official Plan Map

Attachment 5: Zoning Map

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northwest



01/13/2022

Page 14 of 16



Attachment 4: Official Plan Map



4566-4568 Kingston Road

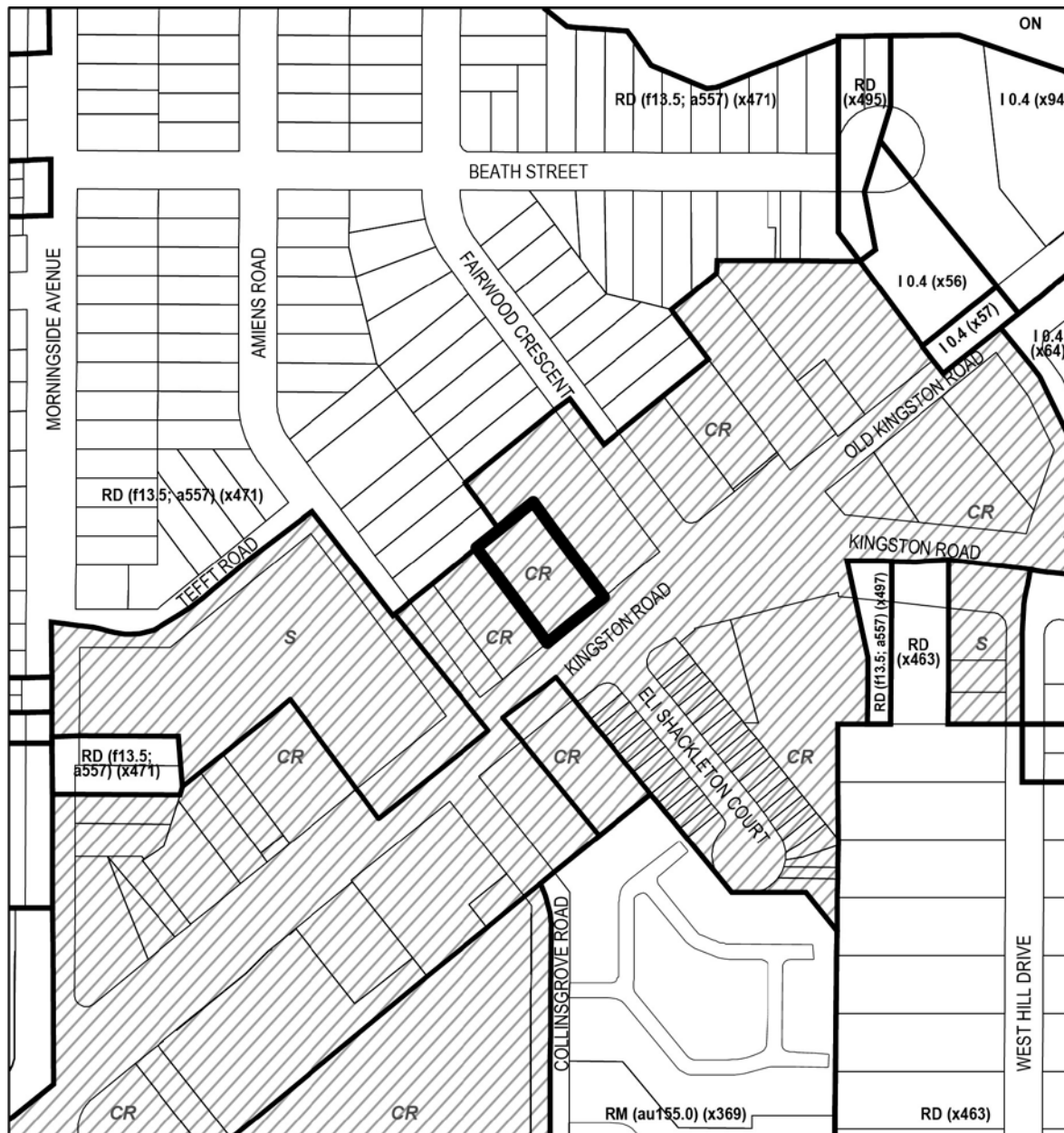
Official Plan Land Use Map 23

File # 21 181185 ESC 25 0Z

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


Not to Scale
12/06/2021

Attachment 5: Zoning Map



Zoning By-law 569-2013

4566-4568 Kingston Road

File # 21 181185 ESC 25 02

	Location of Application
RD	Residential Detached
RS	Residential Semi-Detached
RM	Residential Multiple
RAC	Residential Apartment Commercial
I	Institutional
ON	Open Space Natural

	See Former City of Scarborough West Hill Community By-law No. 10327
S	Single-Family Residential
CR	Commercial-Residential

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Not to Scale
Extracted: 12/02/2021