

## **Request for Directions Report - 4121 Kingston Road Zoning Amendment Application**

Date: June 10, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 24 - Scarborough-Guildwood

**Planning Application Number:** 21 138377 ESC 24 OZ

### **SUMMARY**

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On June 1, 2021, a Zoning By-law Amendment application was submitted to permit a development with 4 mixed-use buildings consisting of 10 and 12-storey mid-rise buildings located along Kingston Road and 25 and 35 storey buildings located on the southern portion of the site. The proposed development would have a gross floor area of 88,051 square metres, comprising 84,298 square metres of residential uses and 3,753 square metres of commercial uses. The proposal would have a net Floor Space Index of 6.7 times the area of the lot and a total of 996 residential units. The application also proposes a total of 533 vehicular and 973 bicycle parking spaces. A new east-west private street and a new public street along the eastern edge of the site are proposed.

On February 15, 2022, the Applicant appealed the application to the Ontario Land Tribunal (the "OLT") due to City Council not making a decision within the 90-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate staff, to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment for the lands at 4121 Kingston Road and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the Tribunal hold issuance of its final Order until:

- a) the final form and content of the draft Zoning By-laws to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the owner has addressed the major outstanding issues raised by Engineering and Construction Services in their memo dated June 8, 2021 as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- c) Transportation Services has confirmed that the proposed transportation impact, parking and loading are acceptable;
- d) the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review in their memo dated June 8, 2021 as they relate to the Zoning By-law amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review and the owner has submitted a revised Landscape Plan and/or Tree Inventory and Preservation Plan Report and that Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
- e) the owner has addressed the comments from the TTC in their letter dated June 1, 2021.

3. City Council authorizes the City Solicitor and City Staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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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**

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In June 2003, City Council adopted the recommendations from the Kingston Road Avenue Study (between the Guildwood GO Station and Highland Creek) which explored opportunities for growth, redevelopment and renewal. City Council enacted Zoning By-law No. 597-2003 which rezoned the subject property to Commercial/Residential (CR) Zone which permits a maximum height of 8 storeys. City Council's decision was appealed (Case No. PL030754) to what was formerly known as the Ontario Municipal Board (OMB), now known as the Ontario Land Tribunal (OLT). The OMB ordered the amendments to the Zoning By-law on September 26, 2005, that rezoned the site to Commercial/Residential (refer to Zoning By-law No. 597-2003).

City Council decisions and associated staff report can be found at this link:  
<http://www.toronto.ca/legdocs/2003/agendas/council/cc030624/sc5rpt/cl022.pdf>

The OLT Decision and Order No. 2507 dated September 26, 2005 can be found at this link: <https://olt.gov.on.ca/tribunals/lpat/e-decisions/>

The Zoning By-law ordered by the OLT can be found at this link:  
<http://www.toronto.ca/legdocs/bylaws/2003/law0597.pdf>

### **Previous Development Application**

In March 2012, the previous owners of the subject lands submitted a Rezoning application to redevelop the site with two 8-storey mid-rise buildings containing live-work and residential units, one 25-storey residential building and one 35-storey residential building. The owners did not complete the application process and the file was subsequently closed. The Preliminary Report for this application can be found at this web link: <https://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-49258.pdf>

### **Eglinton East LRT**

In March 2016, City Council endorsed the Eglinton East LRT (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. Additional information about the Eglinton East LRT can be found at this web link: <https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-131528.pdf>

Planning staff are aware that a report recommending that staff advance the Transit Project Assessment Process and 10 percent design for a distinct-service concept with an at-grade connection at Kennedy Station for the Eglinton East LRT prepared by the Transit Expansion Office was adopted at Executive Committee on June 8th, 2022 and will be considered at City Council on June 15th, 2022. Planning staff will continue to monitor these developments and engage with divisional partners regarding the subject proposal and how it relates to the EELRT planning. The report can viewed at this web link: <http://www.toronto.ca/legdocs/mmis/2022/ex/bgrd/backgroundfile-226594.pdf>

### **Preliminary Report**

At the September 17, 2021 meeting, Scarborough Community Council considered a Preliminary Report on the subject application. Community Council adopted the recommendations of the report which were to initiate a Planning Study in consultation with the Ward Councillor and the owner of 4121 Kingston Road, that the application be considered at Community Council concurrently or following the study, that an Avenue Segment Study is not required and to initiate public consultation. A copy of the Preliminary Report and Community Council's decision can be found on the City's website at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.SC26.7>

## **Kingston Road Guildwood Planning Study**

The Kingston Road Guildwood Planning Study was initiated through the adoption of the recommendations of the 4121 Kingston Road Preliminary Report that was considered at Scarborough Community Council on September 17, 2021 and by City Council on October 1, 2021. The schedule for the study was to have four phases with Phase 4 concluding in winter 2023. The community consultation meeting held on November 16, 2021 for the rezoning application was also the kick-off meeting for the study. A Local Advisory Committee (LAC) was established and the first meeting was held on December 16, 2021. Staff and the applicant worked collaboratively to establish preliminary terms of reference as well as resources for the study. The arrangement was for the study to be supported by the applicant. Given the unexpected OLT appeal, the study has been paused. The study will proceed but will now be resourced internally and will be re-launched in fall 2022.

## **SITE AND SURROUNDING AREA**

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### **Site Description**

The site is located on the south side of Kingston Road, southeast of the alignment of Kingston Road as it is oriented at a 45-degree angle along this segment. The site is irregular in shape and has a frontage of 170 metres on Kingston Road, a depth ranging between approximately 70 and 190 metres and site area of 15,775 square metres.

### **Existing Uses:**

Former single-storey automotive dealership which is currently vacant.

### **Surrounding uses include:**

**North:** On the north side of Kingston Road, to the northwest of the site, are two 3-storey townhouse complexes at 12 and 33 Celeste Drive.

**East:** To the north east there is an automotive business at 4141 Kingston Road and vacant site at 4151 Kingston Road that has an active Site Plan application. To the east, fronting on Payzac, are primarily single-detached homes.

**South:** The Guildwood GO station.

**West:** On the south side of Kingston Road, there is a self-storage and vehicle rental business at 4095 Kingston Road.

## **THE APPLICATION**

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**Height:** 10, 12, 25 and 35-storeys

**Density ( Floor Space Index):** Gross density of 5.58 times the area of the lot and a net density of 6.7 times the area of the lot when accounting for the public road allowance.

**Uses:** 84,298 square metres of residential uses and 3,753 square metres of commercial uses.

**Unit count:** 996 dwelling units (70 studio units, 550 one-bedroom units, 269 two-bedroom units, 88 three-bedroom units and 19 three-bedroom townhouse units).

**Block A** is located on the northeast corner of the subject property fronting on Kingston Road and the proposed new north-south public street to the west. Block A would be occupied by Building A, a 10-storey midrise building having a height of 37.25 metres. A mechanical penthouse of 4 metres would be located on top of the building. Building A would have a gross floor area of 11,032 square metres and 130 residential units. Building A would have one level of underground parking garage containing 61 parking spaces. 668 square metres of retail space would be located on the ground floor with residential units located above.

**Block B** is located to the west of the new north-south public street and east of the existing access road along the west property line, with frontage on Kingston Road. Block B would be occupied by two buildings, Building B, a mid-rise building, and Building C, a residential tower. Block B (Buildings B and C) would have a total gross floor area of approximately 41,278 square metres and a total of 458 units. Buildings B and C would have a common 6-storey (24.4 metre) podium and a common 2-level underground parking garage containing 616 parking spaces. Building B would have a height of 12 storeys (43.45 metres), a gross floor area of 16,465 square metres, contain 185 units and 1,830 square metres of non-residential gross floor area. Building C would have a height of 25-storeys (79.8 metres), a 10-metre mechanical penthouse and 273 residential units, including 3 grade-related townhouse units located in the podium.

**Block C** would be located on the south portion of the site, between the new north-south public street to the east and the Metrolinx lands to the south. Block C would be occupied by Building D, which would have a height of 35 storeys (116.9 metres) with a 10-metre mechanical penthouse above, 408 residential units, including 12 grade-related townhouse units and 930 square metres of retail space in the 6-storey podium. Building D would share a common 2-level underground parking garage with Block B (Buildings B and C).

The proposed public street would comprise 2,637 square metres of site area for a net site area of 13,138 square metres.

### **Additional Information**

For more information see attachments 1-4 of this report for the location map, Application Data Sheet, 3-D images of the proposal in context and a site plan for the proposal. The Application Data Sheet contains additional statistics including: site area, gross floor area, unit breakdown and parking counts.

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

## Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## Reasons for the Application

An application to amend the Zoning By-law is required to permit the proposed number of storeys, the floor space index/density, the number of dwelling units proposed, and to establish appropriate performance standards relating to building heights, building setbacks, coverage and parking requirements to facilitate the development as proposed.

The magnitude of the proposal and the level of intensification is greater than what has been previously contemplated by the planning framework applicable to the site. Achieving the full development potential of these lands will require investment in transportation, transit, servicing and community services and facilities and infrastructure. A comprehensive system of open spaces and linkages, new streets and development blocks linked with the future redevelopment of the Metrolinx lands at the Guildwood GO Station will also be required, to ensure it is integrated into the surrounding community to create a well-balanced and complete community. The Kingston Road Guildwood Study was initiated to update the planning framework for this area.

A Draft Plan of Subdivision application which is required to create a framework for new streets, blocks and opens spaces to guide development on the subject lands has not been submitted.

## POLICY CONSIDERATIONS

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**Official Plan Designation:** The site is designated *Mixed Use Areas* on Map 23 of the Official Plan (See Attachment 5: Official Plan) and subject to Site and Area Specific Policy 272.

**Zoning:** The site is zoned as Commercial/Residential (CR) Zone in the West Hill Community Zoning By-law No. 10327, as amended. See Attachment 6: Zoning By-law Map. The Commercial/Residential Zone permits a variety of land uses including day nurseries, financial institutions, funeral homes, hotels and motels, institutional, medical centres, offices, personal service shops, places of worship, places of entertainment, private home daycares, residential uses, restaurants, retail stores, recreational uses, and specialized commercial uses.

This zoning category prohibits uses such as automobile sales, service and maintenance uses, auto sales rooms, single-family dwellings, semi-detached dwellings and duplexes.

The property is subject to zoning provisions including requirements for buildings with a minimum of two storeys and a maximum of eight storeys.

The western portion of the property has been identified as being subject to Exception Nos. 6, 43 and 68 in the Zoning By-law. Exception No. 6 applies to situations where a holding provision is in place. The property is not subject to a hold in the Zoning By-law. Exception Nos. 43 and 68 allow for automobile body repair to a maximum floor area of 233 square metres (2,508 square feet) and restricts this use to the south side of the existing building. Exception No. 68 permits automobile sales, service and maintenance uses but prohibits auto body repair and auto wrecking yards.

The eastern part of the property is not subject to exceptions in the West Hill Community Zoning By-law No. 10327, as amended.

The Kingston Guildwood Planning Study was initiated to update the existing planning framework to appropriately and concurrently review the proposed development at 4121 Kingston Road. As a result of the appeal, the work on the study has been suspended. The study will be re-launched in fall of 2022.

#### **Additional Information:**

See Attachment 7 for applicable policy documents

### **COMMUNITY CONSULTATION**

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A virtual community consultation meeting was hosted by City staff on November 16, 2021 and was attended by approximately 80 people. Following a presentation by City staff and the applicant, the following comments and issues were raised by attendees or sent to City Planning via email before the meeting:

- The need for affordable housing on the site and within the area was mentioned in many of the comments.
- Multiple comments mentioned the need for additional housing in this area overall.
- There were some concerns that were raised about the proposed height on the site and fit within the area.
- There were some concerns raised regarding the potential traffic congestion and noise resulting from the development.
- There were comments regarding improving cycling connections and infrastructure in the area and coordinated with the development.
- Comments were received regarding the need for a broader mix of uses in the development.
- Concerns were raised about pedestrian connections and the need for mid-block connections.
- There were questions about the construction timing, phasing and potential impact.
- There were comments about the need for more indoor recreation facilities including gymnasiums.

Additional community consultation was scheduled to take place in the form of a working group as a part of the Kingston Road Guildwood Planning Study. The first Local Advisory Committee (LAC) meeting was held on December 16, 2021. At the LAC meeting the following themes were discussed:

- The study name
- The study area
- Guiding principles
- Assets, opportunities and challenges

As a result of the OLT appeal, the work on the study and the subsequent public consultation that was scheduled to take place was suspended.

## **COMMENTS**

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The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan.

### **Kingston Guildwood Planning Study**

The proposal is of a greater magnitude than was previously contemplated by the planning framework that applies to the site. To support the development of the site and to support the growth of the broader area, an assessment of the necessary infrastructure to support the development was required. The result of the study would be an updated planning framework for the study area. The arrangement with the applicant was for the study to be supported by the applicant's consultant team. The litigation resulting from the appeal has resulted in a pause in the study as staff reassess an approach to proceed. Since the work on the study was paused so early in the process, there have been no updates to the planning framework for the study area since the original application was submitted.

### **Height, Density, Built Form and Site Organization**

The proposed building heights, density, built form and site organization do not conform with the applicable planning framework as it exists today and do not have appropriate regard for the Tall Building Design Guidelines and the Avenues and Mid-rise Buildings Study and Performance Standards and addendum. City Staff initiated the Planning Study for the area to update the planning framework for the site and the area surrounding it to appropriately review the proposal. Until to a new planned context is developed through the study, a final determination on the proposed development is premature.



## **Parks**

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The park is to be rectangular in shape and located on the east side of the site with public frontage along Kingston Road and comply with Policy 3.2.3.8 of the Toronto Official Plan.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is approximately 13,280 m<sup>2</sup> or 87 % of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is approximately 2,200 m<sup>2</sup>.

However, in order to determine the final park block size, staff requested that the applicant clearly provide the size in square metres for lands to be conveyed for the purposes of a public road and right-of-way requirements. This will assist Parks in determining the final park size required based on a net-site area. The requested 2,200 m<sup>2</sup> is an approximate at this time based on the data received/submitted. The study that was initiated may have resulted in further refinements to the parkland dedication on this site.

## **Metrolinx**

The application was circulated to Metrolinx staff who provided comments on the first submission. The applicant submitted a Transportation Noise Feasibility Assessment prepared by Gradient Wind Engineers. Metrolinx staff noted that the rail volumes were updated in Fall 2021 which is not reflected in the calculations included in that report.

## **TTC**

The application circulated to the Toronto Transit Commission (TTC) staff for comments. TTC staff noted upgrades to transit in the area including the bus lanes added to Kingston Road. TTC staff requested that as a condition of the Zoning By-law Amendment approval that the applicant provide \$35,000 to equip the Kingston Road/Celeste Drive intersection with transit signal priority.

In the event the Ontario Land Tribunal (OLT) allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that the OLT withhold its order until the comments from TTC have been adequately addressed.

## **Urban Forestry**

Urban Forestry is not opposed in principle to development of this site, however at this time they do not support the zoning bylaw amendment proposal, because aspects of the overall plan/concept for the site are, in Urban Forestry's opinion, inconsistent with parts of the City's Official Plan and Council's objectives concerning tree canopy cover (summarized above), and do not demonstrate compliance with Tier 1 of TGS Version 3 (ecology section).

In the event the Ontario Land Tribunal (OLT) allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that the OLT withhold its final order until:

- The owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; and
- The owner has submitted a revised Landscape Plan and/or Tree Inventory and Preservation Plan Report and that Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

## **Housing**

The Toronto Official Plan contains City Council's policies and objectives for the physical development and redevelopment of the City. Section 3.2.1 of the Official Plain contains policies pertaining to the provision, maintenance, and replacement of rental housing.

Section 3.2.1 acknowledges that "the current production of ownership housing, especially condominium apartments, is in abundant supply. What is needed is a healthier balance among high rise ownership housing and other forms of housing, including purpose-built rental housing." Stimulating production of new private sector rental housing supply is identified as one of the key housing areas in need of attention.

The Project Data Sheet submitted by the applicant indicates that the proposed development would contain 996 rental dwelling units, although the tenure of the residential units is not confirmed in the applicant's Planning Rationale or anywhere else in the application. The applicant is asked to confirm the residential rental tenure of the proposed development. Constructing the proposed residential units as purpose-built rental housing would be viewed favourably from a housing policy perspective and is highly encouraged.

The Official Plan provides for the use of Section 37 of the Planning Act to pass zoning by-laws permitting increases in height and/or density in return for the provision of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement for developments with more than 10,000 square metres of GFA where the zoning by-law would increase the permitted density by at least 1,500 square metres and/or significantly increase the permitted height.

The proposed development has a total GFA of 88,051 square metres and the Planning Rationale indicates that "the applicant would be amenable to the provision of affordable housing, should this be requested by the City, as part of a Section 37 community benefits package" (p. 78).

Given the location of the proposed development and its proximity to the Guildwood GO Transit/VIA Rail station, there is a significant public interest in including affordable rental housing within the proposed development. If Section 37 community benefits will be provided by the Owner as part of this development application, we highly encourage

affordable housing to be included. We also encourage the applicant to consider the City's [Open Door Affordable Housing program](#), which provides incentives for the creation of new affordable housing beyond the requirements in the Official Plan.

### **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.

- Based on the foregoing, the following CS&F priorities may be considered in review of the subject application:
  - Provide 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.

### **Infrastructure/Servicing Capacity**

A Functional Servicing and Stormwater Management Report, Hydrogeological Review Report and associated plans were submitted with the application. Engineering and Construction Services staff have indicated the need for revisions and additional information to complete their review of the application.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

## **Traffic Impact, Access and Parking**

Staff are reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of the proposed 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.

Should the OLT allow the Zoning By-law amendment appeal, the final Order should be withheld pending confirmation from Transportation Services that the proposed transportation impact, parking and loading are acceptable.

## **Toronto Green Standard**

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-laws at a minimum and others through the Site Plan Control application.

## **Energy Strategy**

The applicant submitted an Energy Strategy Report that was circulated and reviewed by the Environment & Energy Division. The applicant is encouraged to coordinate with the Environment & Energy division staff to address the comments that were provided on their submission. A revised Energy Strategy Report is required to address the comments.

## **School Boards**

The Toronto District School Board (TDSB) advised that the projected accommodation levels at the local schools serving the site warrant the use of a warning clause in all offers of purchase and sale/ lease/ rental/ tenancy agreements. The TDSB also requested a sign be posted on the property advising that students may be accommodated outside this area until space at local schools becomes available. The TDSB requested the warning clause and sign be incorporated into the subsequent site plan agreement as a condition of pre-approval.

The Toronto Catholic District School Board (TCDSB) advised that the local elementary school is operating at capacity and cannot accommodate additional students from the development as proposed. Sufficient space to accommodate additional students does exist at the local secondary schools. The TCDSB requested that a clause noting that sufficient space may not be available for all anticipated students at local schools be included in the purchase of sale for the units. The TCDSB also requested that a sign be placed on site advising that students from the development may need to be accommodated in a portable classroom or located outside the area.

## **Section 37 Community Benefits**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. Section 37 benefits have not been discussed with the applicant because staff are of the opinion that the proposal, as currently constituted, is not good planning. Should the proposal be approved in some form by the OLT, it is recommended that City Council authorize City staff to negotiate an appropriate agreement for Section 37 benefits with the applicant, as applicable, in consultation with the Ward Councillor.

## **Further Issues**

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

## **Conclusion**

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan, and does not have appropriate regard for the Tall Building Design Guidelines and the Avenues and Mid-rise Buildings Study and Performance Standards and addendum.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

## **CONTACT**

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Tyler Hughes, Senior Planner, Community Planning, Scarborough District, Tel. No. 416-396-3266, E-mail: Tyler.Hughes@toronto.ca

## **SIGNATURE**

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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 Southeast

Attachment 2: Location Map

Attachment 3: Application Data Sheet

Attachment 4: Site Plan

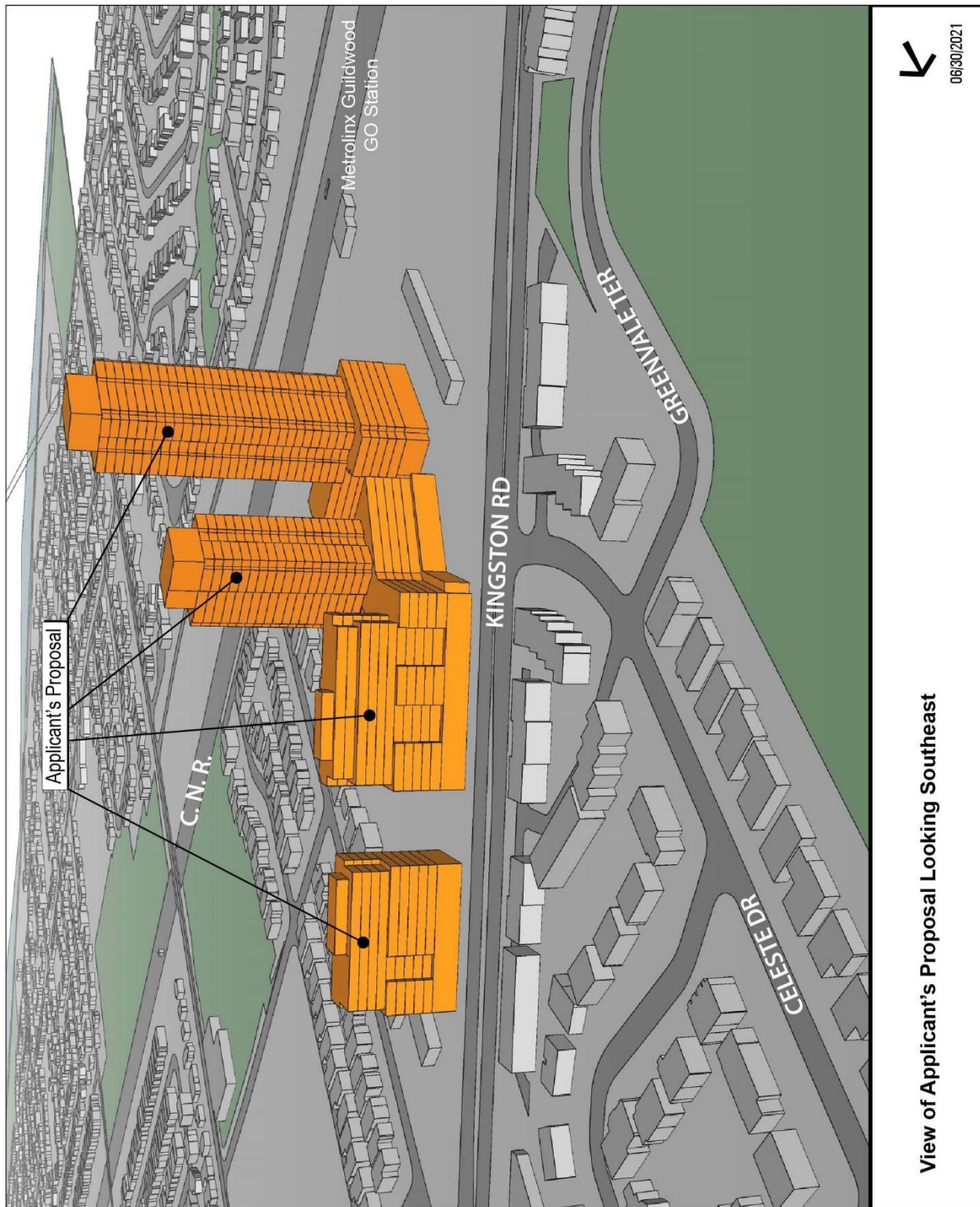
Attachment 5: Official Plan Map

Attachment 6: Zoning Map

Attachment 7: Study Area Map

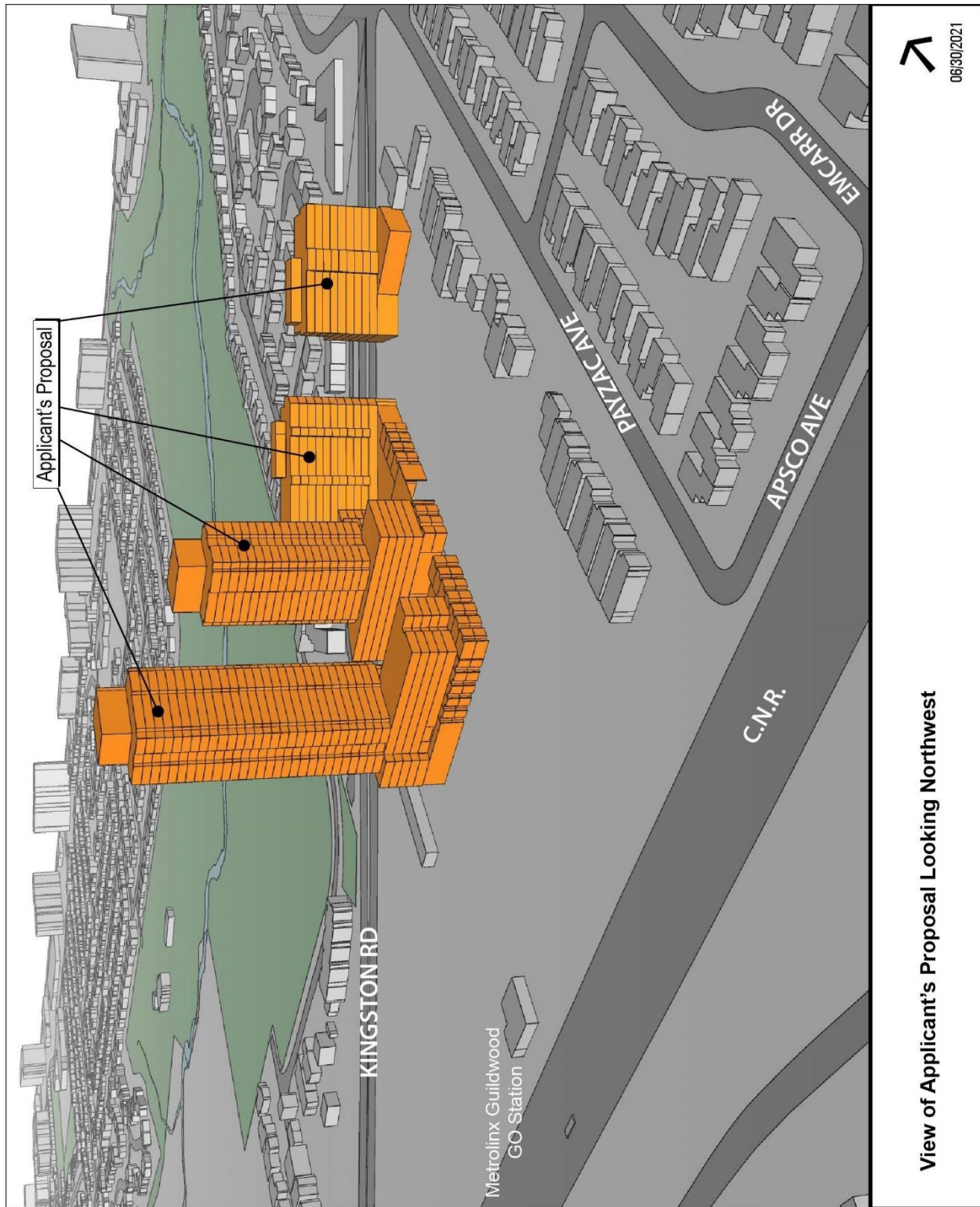
Attachment 8: Policy Considerations

## Attachment 1a: 3D Model of Proposal in Context Looking Southeast



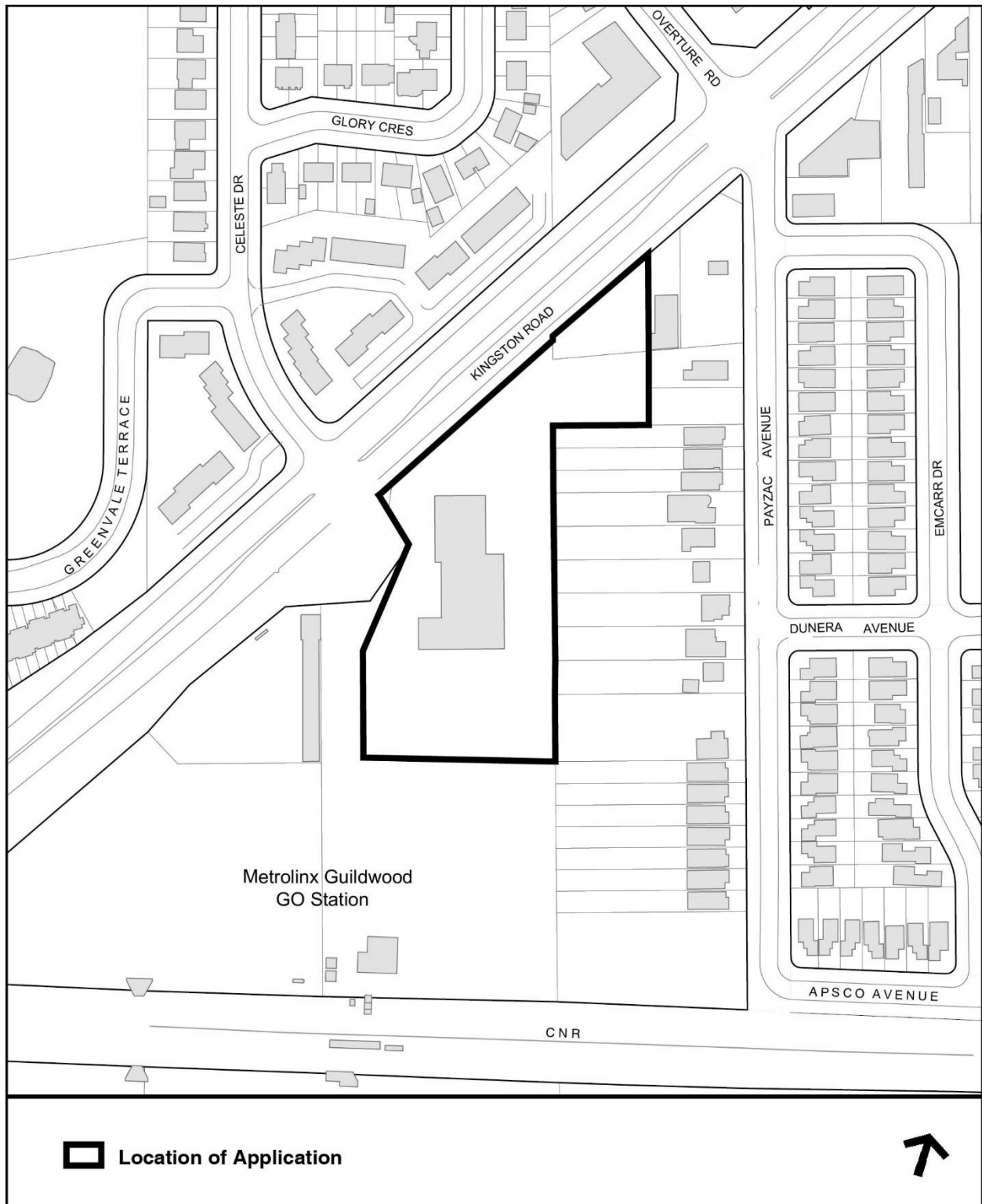


## Attachment 1b: 3D Model of Proposal in Context Looking Northwest





## Attachment 2: Location Map



### Attachment 3: Application Data Sheet

Municipal Address: 4121 KINGSTON RD Date Received: April 9, 2021

Application Number: 21 138377 ESC 24 OZ

Application Type: OPA / Rezoning, Rezoning

**Project Description:** The application proposes 4 mixed-use buildings ranging from 10 to 35 storeys and commercial uses at grade with residential above. The proposed development is as follows: a 10-storey and 12-storey mid-rise buildings along Kingston Road; a 25-storey and 35-storey residential towers to be located south of the site. 3,753 square metres of retail uses are proposed along Kingston Road and the access road which connects Kingston Road to the Guildwood GO station.

A total of 996 residential units, with a mix of unit types (including apartments and townhouses) resulting in a residential gross floor area of 84,298 square metres. A total of 533 vehicular parking spaces are proposed.

A new east-west private road and a new public road along the eastern edge of the site are proposed.

Applicant	Agent	Architect	Owner
ROBERT WELLS	Bousfields Inc.	IBI Group	TIMBERTRIN (GUILDWOOD) GP INC

#### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: CR Heritage Designation:

Height Limit (m): Site Plan Control Area: Y

#### PROJECT INFORMATION

Site Area (sq m): 15,775 Frontage (m): 168 Depth (m): 250

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			8,787	8,787
Residential GFA (sq m):			84,298	84,298
Non-Residential GFA (sq m):			3,753	3,753

Total GFA (sq m):	88,051	88,051
Height - Storeys:	35	35
Height - Metres:	117	117

Lot Coverage Ratio (%)	55.7	Floor Space Index:	5.58
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	84,298	
Retail GFA:	3,753	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			996	996
Freehold:				
Condominium:				
Other:				
Total Units:			996	996

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	70	550	269	107	
Total Units:	70	550	269	107	

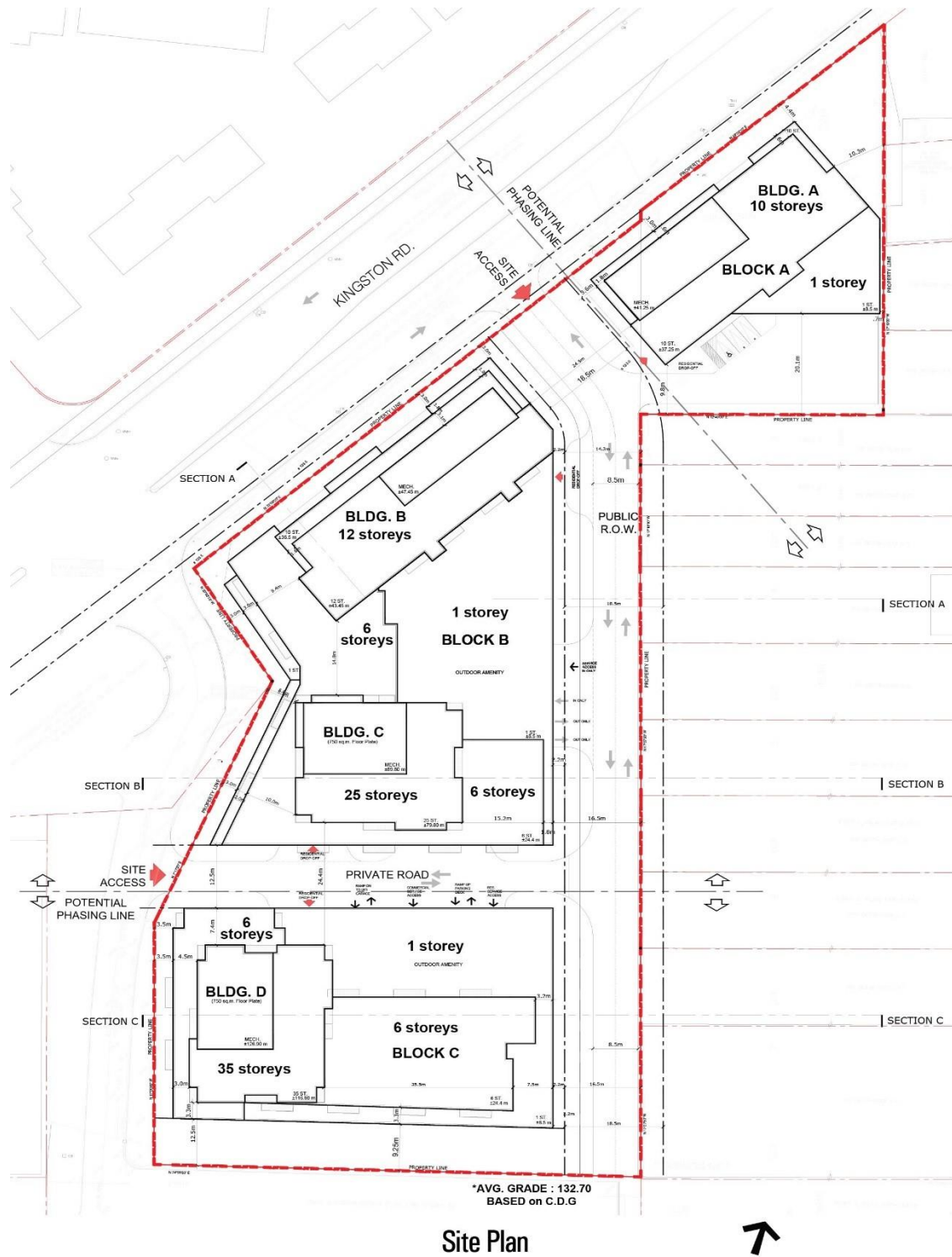
#### Parking and Loading

Parking Spaces:	533	Bicycle Parking Spaces:	973	Loading Docks:	7
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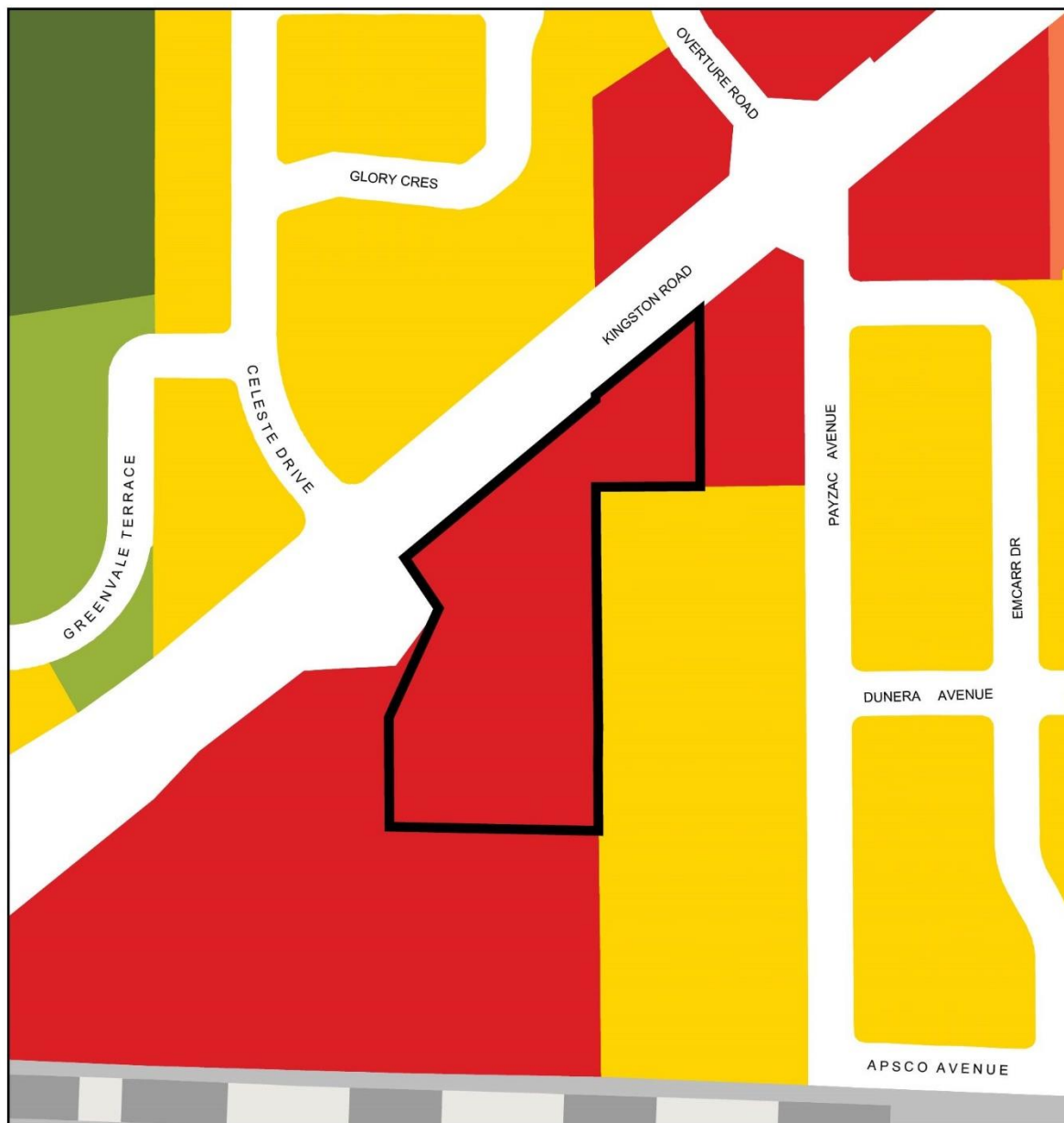
#### CONTACT:

Tyler Hughes, Senior Planner  
416-396-3266  
Tyler.Hughes@toronto.ca

## Attachment 4: Site Plan



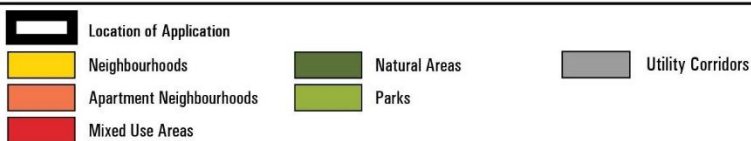
## Attachment 5: Official Plan Map



Official Plan Land Use Map #23

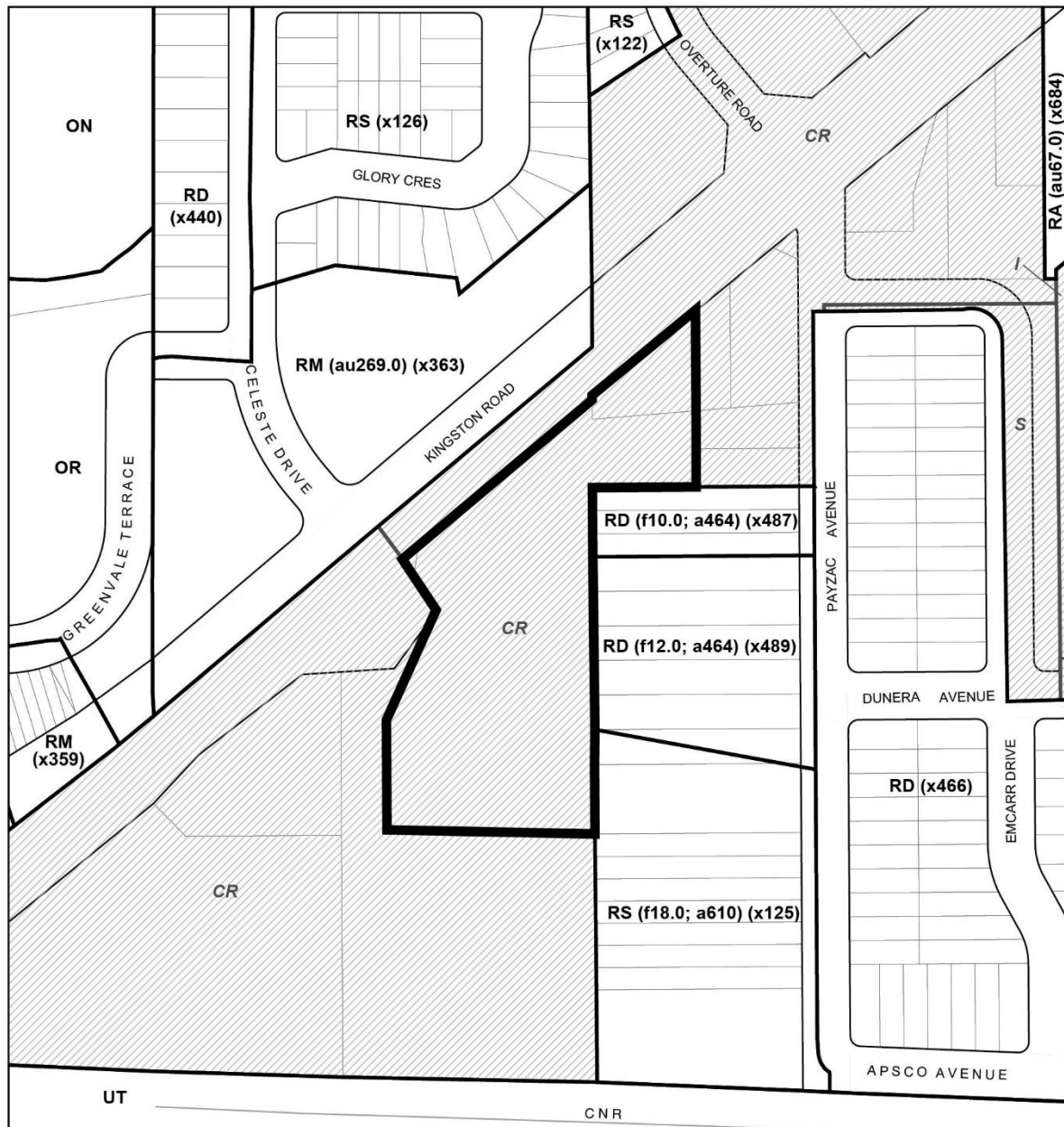
4121 Kingston Road

File # 21 138377 ESC 24 0Z



↑  
Not to Scale  
Extracted: 05/21/2021

## Attachment 6: Zoning Map



Zoning By-law 569-2013

4121 Kingston Road

File # 21 138377 ESC 24 02



Location of Application

RD Residential Detached  
RS Residential Semi-Detached  
RM Residential Multiple  
RA Residential Apartment  
ON Open Space Natural  
OR Open Space Recreation

UT Utility and Transportation



See Former City of Scarborough Community By-laws

S Single-Family Residential  
CR Commercial-Residential  
I Institutional Uses



Not to Scale  
Extracted: 05/25/2021

## Attachment 7: Study Area Map



Boundary Map - Kingston Road Planning Study ↗

## **Attachment 8: Policy Considerations**

### **The Planning Act**

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regarding carrying out its responsibilities under the Act. Amongst other matters this includes:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water, and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable, and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options, including affordable housing, through intensification and redevelopment where it can be accommodated;
- Residential development promoting a mix of housing, recreation, parks and open space, and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form, and by conserving features that help define local character.

### **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

### **Provincial Policy Statement**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and



- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **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 amends and 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).

### **Planning for Major Transit Station Areas**

The Growth Plan (2020) 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 10minute 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 MTSAs plan 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 current application is located on lands designated *Mixed Use Areas* on Map 22 of the Official Plan (See Attachment 5: Official Plan).

### **Official Plan Amendment Nos. 479 and 480 - Public Realm and Built Form Policies**

On September 11, 2020, the Minister of Municipal Affairs and Housing approved citywide amendments to the Official Plan regarding public realm (OPA No. 479) and built form (OPA No. 480) as part of the Five-Year Official Plan Review under Section 26 and Subsection 17(34) of the Planning Act. These OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types to:

- Promote a walkable city;
- Clarify the role of the public realm and the need for new public streets;
- Introduce development criteria for low-rise, mid-rise and tall buildings; and
- Promote public squares and Privately Owned Publicly-Accessible Spaces ("POPS").

OPA 479 regarding public realm can be found at:

<https://www.toronto.ca/legdocs/bylaws/2020/law0083.pdf>

OPA 480 regarding built form can be found at:

<https://www.toronto.ca/legdocs/bylaws/2020/law0084.pdf>

## **Zoning By-laws**

The property is subject to the City of Toronto Zoning By-law No. 569-2013, as amended and the former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended. See Attachment 6: Zoning By-law Map.

The City of Toronto Zoning By-law No. 569-2013, as amended zones the subject lands as Residential Apartment Commercial, RAC (au66.0) (x84). This zoning category permits dwelling units in apartment buildings as well as non-residential uses, many of which are subject to conditions. The Residential Apartment Commercial Zone permits a maximum building height of 24 metres, a maximum lot coverage of 33%, and a minimum 66 square metres of lot area is required for each dwelling unit in an apartment building. Exception 84 contains site-specific provisions for maximum size of specific uses, the minimum building setbacks, minimum lot coverage, amenity space and parking spaces.

The Woburn Community Zoning By-law No. 9511, as amended, zones the subject lands as Apartment Residential (A) and is subject to a number of performance standards. The Apartment Residential zone permits uses such as apartment buildings, day nurseries, group homes, nursing homes and senior citizen homes. The performance standards concern, among others, minimum building setbacks, lot area per unit and the maximum lot coverage which are reflected in the 569-2013 zoning as well. The property is also subject to Exception No. 35 in the By-law which includes additional permissions for service commercial uses, retail commercial uses and amenity uses.

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:

- Tall Building Design Guidelines;
- Avenues and Mid-rise Buildings Study and Performance Standards and addendum;
- Streetscape Manual;
- Growing Up Guidelines Planning for Children in New Vertical Communities;

- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings; and,
- Bird-Friendly Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/officialplanguidelines/design-guidelines/>

### **Tall Building Design Guidelines**

City Council has adopted City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The link to the guidelines may be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

### **Avenues and Mid-rise Buildings Study and Performance Standards and addendum**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. The Avenues & Mid-Rise Building Study provides a list of best practises and establish a set of performance and design standards for new mid-rise buildings, particularly on the Avenues as identified on Map 2 of the Official Plan.

The link to the guidelines is here:

<https://www.toronto.ca/wpcontent/uploads/2017/08/960c-Performance-Standards-for-Mid-Rise-Buildings.pdf>

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

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

### **Streetscape Manual**

City Council has adopted Streetscape Manual and directed Planning staff to use these Guidelines as the standard in the design and reconstruction of City Streets. The Manual is a reference tool developed to guide the design, construction and maintenance of sidewalk and boulevard improvements on Toronto's arterial road network and

emphasizes design quality and amenity in the pedestrian realm and provides specifications for paving, trees, medians, lighting and street furniture. The link to the manual may be found here: <https://www.toronto.ca/city-government/planningdevelopment/official-plan-guidelines/design-guidelines/streetscape-manual/>

### **Growing Up Guidelines Planning for Children in New Vertical Communities**

The Growing Up Guidelines are the result of a two year study and two year period of implementation and monitoring, focused on how new mid-rise and tall buildings can be developed as vertical communities to support social interaction and better accommodate the needs of all households, including those with children. They apply to all new multi-residential mid-rise and tall building development application with twenty or more units. The link to the guidelines and the background staff reports is available here: <https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities>

### **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The link to the guidelines may be found here: <https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/pet-friendly-designguidelines-for-high-density-communities/>

### **Toronto Green Standard (Climate Mitigation and Resilience)**

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2040 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2040 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan

agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible. Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

The Toronto Green Standard can be found at the following link:

<https://www.toronto.ca/city-government/planningdevelopment/officialplanguidelines/toronto-green-standard/>

To support the application of the TGS standards related to Bird Collision Deterrence and Light Pollution, the City also relies on the Bird-Friendly Guidelines, through the Bird Friendly Glass and Best Practices for Effective Lighting documents. The link to these documents may be found here: <https://www.toronto.ca/city-government/planningdevelopment/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>