

4630 Kingston Road – Zoning Amendment Application – Appeal Report

Date: March 20, 2023

To: Scarborough Community Council

From: Acting Director, Community Planning, Scarborough District

Ward: 25 - Scarborough-Rouge Park

Planning Application Number: 21 250500 ESC 25 OZ

Related Application: 21 250499 ESC 25 SA

SUMMARY

On December 29, 2021, a Zoning By-law Amendment application was submitted to permit the redevelopment of the subject lands with a 13-storey mixed-use building containing 417 residential units and 273.1 square metres of retail floor area. On August 23, 2022, the Applicant appealed the application to the Ontario Land Tribunal (the "OLT") due to City Council not making a decision within the time frame legislated by the *Planning Act*.

City Planning Staff do not support the application in its current form as issues related to mix of uses have not been appropriately addressed. The applicant has also not satisfactorily demonstrated that the site can be serviced by available municipal infrastructure nor has it submitted an acceptable transportation impact statement. This report recommends that the City Solicitor, with the appropriate City staff, attend the OLT hearing to oppose the application in its current form. The report also recommends that staff be authorized to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the appeal of the Zoning By-law Amendment application in its current form for the lands at 4630 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 the Tribunal that the issuance of any Final Order be withheld until such time as the City Solicitor advises that:

- a. the amending by-law is finalized, in a form and content acceptable to the City Solicitor and Chief Planner and Executive Director, City Planning, in a manner that implements the proposed development;
- b. the applicant has submitted a Traffic Impact Study and Transportation Demand Management Plan to the satisfaction of the General Manager, Transportation Services and Program Manager, District Transportation Planning Unit, Scarborough District;
- c. the applicant has addressed comments raised in the March 29, 2022 memorandum from the Toronto Transit Commission (TTC) to the satisfaction of the TTC;
- d. the applicant has submitted to the Chief Engineer & Executive Director of Engineering and Construction Services for review and acceptance, a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
- e. the applicant has entered into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Site Servicing Review accepted by the Chief Engineer & Executive Director of Engineering and Construction Services;

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

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 Avenue Study

The subject lands are contained within the study area for the Kingston Road Avenue Study, which was one of the first *Avenue* Studies undertaken in the City of Toronto. The

study was completed in 2003, and resulted in the implementation of an Official Plan Amendment, amended Zoning, Urban Design Guidelines, which were to remain in effect until the adoption of the City's Official Plan, along with City Councils support, in principle, of a Streetscape Improvements Plan for the segment of Kingston Road commencing at the Guildwood GO Station to the Highland Creek tributary where it crosses below Kingston Road. The final report for this study is available here: <https://www.toronto.ca/legdocs/2003/agendas/council/cc030624/sc5rpt/cl022.pdf>.

Amended zoning for the Avenue Study lands, established the Commercial Residential (CR) Zone for the West Hill Community Zoning By-law, and was approved by the Ontario Municipal Board in 2005.

Current Application

A pre-application meeting was held on July 30, 2021. The current application was submitted on December 29, 2021 and deemed complete on January 31, 2022. An application for Site Plan Control was also submitted on December 29, 2021.

A Preliminary Report on the applications was adopted by Scarborough Community Council on May 27, 2022 authorizing staff to conduct a community consultation meeting with an expanded notification area. The application appealed on August 23, 2022 prior to the hosting of a community consultation meeting. Staff note that applications appealed to the Ontario Land Tribunal are accepted from the public consultation requirements of the *Planning Act*.

The Preliminary Report and decision of Scarborough Community Council can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.SC32.5>

SITE AND SURROUNDING AREA

Site Overview

The subject site is located at the northwest corner of the intersection of Kingston Road and Manse Road and has a gross site area of approximately 7,531 square metres. The site is rectangular in shape with irregularities at the south and east lot lines due to the angle of the site in relation to Kingston Road and Manse Road. The site has approximately 59 metres of frontage on Kingston Road, 29 metres of frontage on Orchard Park Drive and 51 metres of frontage on Manse Road, and a lot depth of approximately 60 to 79 metres. Please refer to Attachment 2 - Location Map.

Existing Uses

The subject site is currently occupied by a one-storey plaza containing retail and service uses with surface parking adjacent to Kingston Road.

Immediate surrounding uses include low-rise residential and commercial uses across Kingston Road to the south; a place of worship across Manse Road to the east; a low-rise residential neighbourhood, including a listed heritage property (456 Manse Road) directly adjacent to the north; and supportive housing buildings including an existing two-storey building (the former Grand Motel) and a 5-storey building under construction.

APPLICATION

Application Description

Conveyance: The application proposes on-site parkland dedication of 750 square metres along the west property line with frontage on Orchard Park Drive.

Height: 13-storey (41.2 metres including mechanical penthouse).

Density: 4.22 times the area of the lot, after proposed park conveyance.

Dwelling Units: The applicant is proposing 417 residential units including: 58 studio (13.9%), 154 one-bedroom (36.9%), 148 two-bedroom (35.5%), 41 three-bedroom (9.8%) and 16 townhouse (3.8% units).

Access, Parking and Loading: Two-way vehicular access is proposed via Manse Road at the north end of the site. The driveway provides access to the below-grade parking garage, the loading/servicing area (containing one Type 'G' loading space) and a surface level drop-off circle.

A total of 230 resident parking spaces, 70 visitor parking spaces and 4 retail parking spaces are proposed within the 2-level underground parking garage. A total of 314 bicycle parking spaces are proposed within the first floor and underground garage.

Setbacks: 4.7 metres to the south property line abutting Kingston Road, 3.3 to 7.5 metres to the east property line abutting Manse Road, 7.5 to 10.1 metres to the north property line and 5.0 to 19.7 metres to the west property line (after proposed park conveyance).

Amenity Space: 1,314.9 square metres of outdoor amenity space and 888 square metres of indoor amenity space are proposed, at a ratio of 3.15 square metres of outdoor amenity space per unit and 2.13 square metres of indoor amenity space per unit.

Additional Information

See Attachments 1 through 6 of this report for a location map, Application Data Sheet, site plan, and 3D representation of the proposal in context. Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre at:

Reason for Application

A zoning amendment is required in order to permit the proposed building envelope, including density, height, angular plane encroachments, reduced setbacks and stepbacks.

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. The site plan application has not been referred to the OLT.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall confirm to provincial plans, including the Growth Plan for the Greater Golden Horseshoe (2020) (the Growth Plan).

Toronto Official Plan

The subject site is designated as *Mixed Use Areas* on Land Use Map 23. An excerpt from this Official Plan Land Use Map can be found in Attachment 3. This portion of Kingston Road is identified as an Avenue (Map 2) and a Major Street with a non-uniform width (approximately 43 metres at this location) (Map 3). Manse Road is a minor street with a 20-metre right of way. Lands to the north, northeast and across Kingston Road to the south are designated *Neighbourhoods* and lands to the east and west along Kingston Road and Orchard Park Drive are designated *Mixed Use Areas*.

The application is subject to Site and Area Specific Policy (SASP) 272. SASP 272 restricts services stations, used car sales lots and public garages from locating within the *Mixed Use Areas* designation.

Zoning

The property is subject to the former City of Scarborough West Hill Community Zoning By-law 10327. The subject lands are zoned Commercial Residential (CR) which permits residential, a range of retail, personal service, office and day nursery uses.

Performance standards for the subject lands permit a building height between 2 storeys and 8 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. 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 design guidelines used to evaluate the application include, but are not limited to:

- 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/>

COMMUNITY CONSULTATION

The applicant appealed the application to the Ontario Land Tribunal prior to the scheduling of a community consultation meeting. Staff note that applications appealed to the Ontario Land Tribunal are accepted from the public consultation requirements of the *Planning Act*.

Although staff were not afforded the opportunity to host a consultation meeting, staff have received correspondence and fielded inquiries on the application. Residents raised concerns regarding the traffic impact on the intersection of Kingston Road and Manse Road along with general concerns regarding the built form of the proposed building.

COMMENTS

Provincial Policy Statement and Provincial Plans

While the site is an appropriate location for growth and intensification consistent with the PPS and Growth Plan, as currently proposed the application is not consistent with the PPS and does not conform to the Growth Plan. The proposal does not implement appropriate development standards and built form as intended through the City's Official Plan and other supporting documents.

Land Use

The subject property is located on lands designated *Mixed Use Areas* and on an *Avenue* where an *Avenue* Study has been completed. *Mixed Use Areas* and *Avenues* are expected to absorb much of Toronto's anticipated growth, including a range of housing options. The Kingston Road Avenue Study introduced a Commercial-Residential (CR) zone, which currently permits an 8-storey mid-rise built form on the subject site.

The Official Plan directs development in *Mixed Use Areas* to create a balance of high quality commercial, residential, institutional and open space uses that meets the needs of the local community.

The subject site is currently occupied by a one-storey plaza with a gross floor area of 2,250 square metres containing retail and service uses with surface parking adjacent to Kingston Road. The application proposes 273.1 square metres of retail to be located at grade at the south east and south west corners of the building. Townhouse units are proposed along the remaining Kingston Road frontage. With a net loss of 1,976.9 square metres of commercial floor area the application does not provide a balance of uses or meet the needs of the local community. Staff are of the opinion that the proposal does not meet the use mix objectives of the Official Plan.

Built Form

As provided for by the policies of the Official Plan, the subject proposal is massed to provide transition and appropriate scale to the adjacent public streets. The proposed building is located under the applicable angular planes, including when taken from the adjacent lands designated *Neighbourhoods*, from the front property and side property line at a height of 80% of the right of way widths of Kingston Road and Manse Road. The proposed building height of 41.2 metres is less than the right-of-way of Kingston Road which at this location is approximately 43 metres.

A listed heritage property (456 Manse Road) is located directly adjacent to the north of the subject lands. The Official Plan states that new construction adjacent to a property on the Heritage Register will be designed to mitigate visual and physical impact on it. While the proposal includes a landscape strip along the north property line, it is not sufficiently sized to include space for trees and large shrubs. Increasing the width and depth of the landscape condition along the mutual property line would assist in visually buffering the relationship between the proposed building and the existing heritage building and would further improve the transition between the existing building and the *Neighbourhood* designated lands to the north.

Streetscape

The Public Realm policies of the Official Plan 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. Staff have identified concerns with the proposal in respect to the at-grade relationship between the building and the Kingston Road streetscape, and should changes be made to the ground floor

uses of the building to address the land use mix concerns outlined above, the supporting streetscape will require attention. Staff will continue to address these concerns securing appropriate setbacks and control of projections through the Zoning By-law and securing appropriate streetscape standards through the review of the Site Plan Control application.

Open Space / Parkland Dedication

Parks staff have provided comments that the proposed on-site parkland dedication is not required and request that in accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication.

The application was submitted with a block proposed to be dedicated a public park and has not been revised to respond to comments from Parks, Forestry and Recreation requiring cash-in-lieu. Although on-site parkland is no longer required, City Planning staff are of the opinion that a landscaped open space to the west of the site is an appropriate outcome and could be used as increased/enhanced amenity space or a POPS feature. This would provide opportunities to preserve existing trees and ensure the development fits within its existing and planned context.

Growing Up Guidelines

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

The Growing Up Guidelines require at least 10% of the total number of proposed residential units are three-bedroom units with a minimum area of 100 square metres and that at least 15% of the total number of units are two-bedroom units with a minimum area of 87 square meters. Staff note that the provision of 41 three-bedroom units (9.8%) is close to the 10% objective of the Growing Up Guidelines but it is not clear if the proposed 16 townhouses (3.8%) are three bedroom units. Any revisions to the proposal to address issues related to land use and built form discussed above will be expected to continue to address the unit mix desired by the Guidelines.

Traffic Impact, Access, Parking and Loading

A Transportation Impact Study was submitted in support of the proposal and is being reviewed by Transportation Services. Based on the projected vehicular traffic volume, the applicant's traffic engineering consultant concludes that the proposed redevelopment will have minimal impacts on the adjacent transportation network.

Vehicular access to the site is proposed via a driveway to run parallel to the north property line from Manse Road Street at the northeast corner of the property.

A Type 'G' loading space would be located at-grade enclosed within the northeast end of the building, which would satisfy the minimum loading requirements according to Zoning By-law 569-2013.

A total of 304 parking spaces, including 230 resident parking spaces, 70 visitor parking spaces and 4 retail parking spaces would be provided within a 2-level underground parking garage. The site does not form part of Zoning By-law 569-2013 so the new parking standards adopted by City Council do not apply. However, they are informing the review of the proposed parking supply and if at some point the application is approved and the lands brought into 569-2013 the new rates could be applied to the proposal if appropriate.

The proposed total supply of 330 bicycle spaces is acceptable. The bicycle spaces would be provided within both levels of the underground parking garage and at-grade indoors. During the Site Plan Control application review process, staff will confirm the final location and infrastructure used for bicycle parking.

Transportation Planning have reviewed the proposal and have requested additional information for the Transportation Impact Study and Transportation Demand Management measures; and have identified deficiencies to bicycle parking space sizes and access to the short-term bicycle parking area. Transportation Services staff have not provided comments at the time of the writing of this report.

In the event that the Ontario Land Tribunal allows the appeal in whole or in part, the Final Order should be withheld pending the review of a submitted a Traffic Impact Study and Transportation Demand Management Plan to the satisfaction of the General Manager, Transportation Services and Program Manager, District Transportation Planning Unit, Scarborough District.

Servicing

A Functional Servicing and Stormwater Management Report, Geotechnical Investigation and Hydrogeological Investigation and associated plans have been submitted for the subject site and have been reviewed by Engineering and Construction Services. A number of revisions and additional information are required to determine if there is available municipal infrastructure to support the proposed development or if upgrades need to be secured through any approval of the proposal.

In the event that the OLT allows the appeal in whole or in part, the Final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity and/or any required upgrades to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Tree Preservation

A Tree Inventory and Preservation Plan were submitted in support of the application. The applicant is proposing the removal of nine (9) privately-owned by-law protected

trees located on the subject site and eleven (11) City street trees located within the municipal right-of-way of Kingston Road and Manse Road.

Urban Forestry issues have been resolved for the purposes of the Zoning By-law Amendment Application. However, Urban Forestry staff have identified a number of concerns and additional information required. If the OLT approves the application in some form, additional information and modifications would be reviewed as part of the Site Plan Control application.

Community Benefits

Changes to Section 37 of the *Planning Act* have replaced increased height and/or density bonusing with a new growth funding tool called the Community Benefits Charge (CBC). The application will be reviewed under the new Community Benefits Charges framework.

Next Steps

City Planning staff cannot support the Zoning By-law Amendment in its current form. The application has been reviewed against the applicable planning framework and as currently proposed is not consistent with the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan.

A Case Management Conference (CMC) was held by OLT on January 13, 2023 and a one week hearing is scheduled starting on September 25, 2023.

Staff recommend that City Council direct the City Solicitor, together with the appropriate City staff, to attend the OLT in opposition of the appeal of the application. Staff also recommend City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in this report. Should the OLT allow the appeal in whole or in part, it is recommended that the City Solicitor request the Tribunal withhold its Final Order until such time as a number of matters are addressed.

CONTACT

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SIGNATURE

Christian Ventresca, MScPL, MCIP RPP, Acting Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Applicant Submitted Drawings

Attachment 4: Site Plan

Attachment 5: 3D Model of Proposal in Context Looking Northwest

Attachment 1: Application Data Sheet

Municipal Address: 4630 KINGSTON RD Date Received: December 21, 2021

Application Number: 21 250500 ESC 25 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for a 13-storey (46.2 metres, including mechanical penthouse) mixed-use building containing 28,332.7 square metres of residential floor area (417 residential units) and 273. 1 square metres of retail floor area, totalling a gross floor area of 28,659.9 square metres and floor space index of 4.22 times the area of the lot. A total of 304 parking spaces are proposed, including 230 resident parking spaces, 70 visitor parking spaces and 4 retail parking spaces. Parking is proposed within a 2-storey underground parking garage with two-way vehicular access provided at the north side of the site via Manse Road. The proposal includes a new park with an area of 750 square metres, to be conveyed to the City.

Applicant
IAN
GRAHAM

Agent

Architect

Owner
MAY STONE
INVESTMENTS
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): 6,782 Frontage (m): 79 Depth (m): 64

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):	2,250		3,588	3,588
Residential GFA (sq. m):			28,387	28,387
Non-Residential GFA (sq. m):	2,250		273	273
Total GFA (sq. m):	2,250		28,660	28,660
Height - Storeys:	1		13	13
Height - Metres:			41	41

Lot Coverage Ratio (%) 52.91 Floor Space Index: 4.23

Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	28,387	
Retail GFA:	273	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			417	417
Other:				
Total Units:			417	417

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	58	154	148	57	
Total Units:	58	154	148	57	

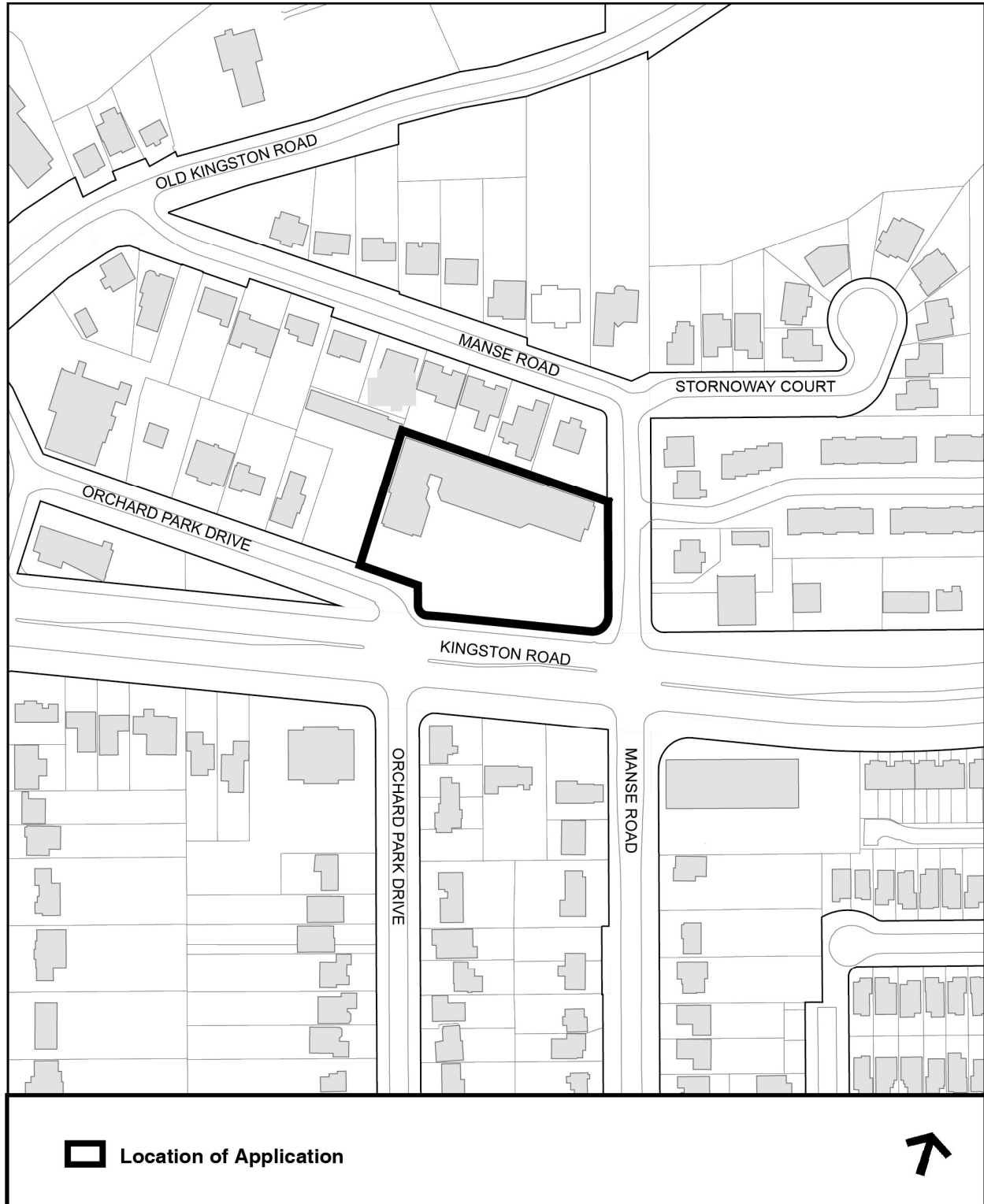
Parking and Loading

Parking Spaces:	304	Bicycle Parking Spaces:	330	Loading Docks:	1
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CONTACT:

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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map 23

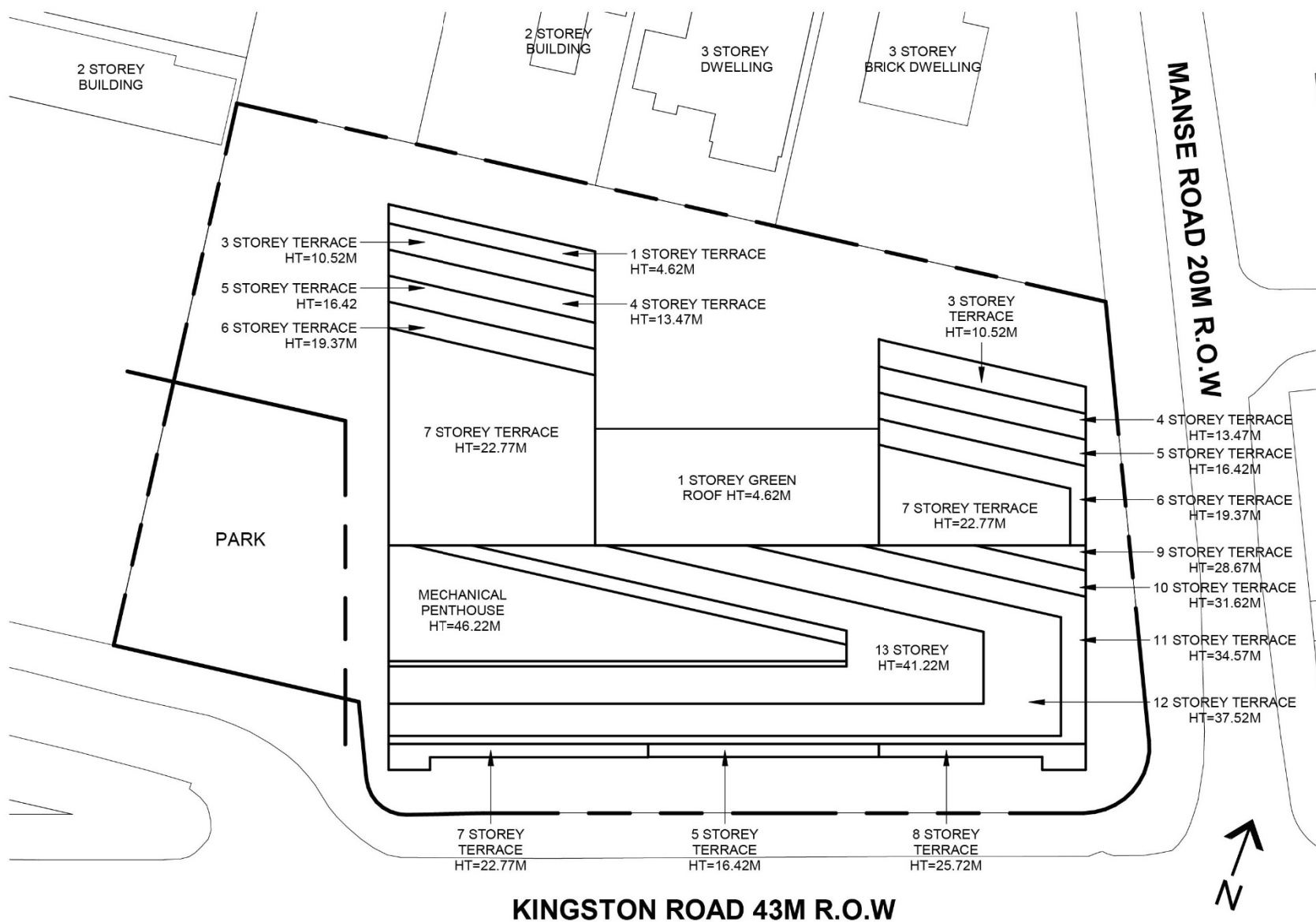
4630 Kingston Road

File # 21 250500 ESC 25 0Z



Not to Scale
Extracted: 01/04/2022

Attachment 4: Site Plan



Attachment 5: 3D Model of Proposal in Context Looking Northwest

