

4674 Kingston Road - Zoning Amendment Application – Appeal Report

Date: October 31, 2023

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 25 - Scarborough-Rouge Park

Planning Application Number: 22 179753 ESC 25 OZ

SUMMARY

On August 11, 2022, Kingston Residences Inc. (the “Owner”) submitted an application to amend the Zoning By-law to permit a 13-storey mixed-use building. A total of 483 residential units are proposed. The proposed total gross floor area (GFA) is approximately 31,077 metres, consisting of 30,411 square metres of residential GFA and 665.4 square metres of non-residential GFA, comprised of retail space. The proposal would have a Floor Space Index of 3.87 times the area of the lot.

On July 28, 2023, the Owner appealed the application to the Ontario Land Tribunal (the “OLT”) due to City Council failing to make a decision within the 90-day time frame in the *Planning Act*.

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

RECOMMENDATIONS

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 form of the application regarding the Zoning By-law Amendment for the lands at 4674 Kingston Road.
2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the Owner to address outstanding issues, including but not limited to those outlined in this report.
3. In the event that the OLT allows the appeals in part, City Council instruct the City Solicitor to request the OLT to withhold its Order on the Zoning By-law Amendment until

such time as the OLT has been advised by the City Solicitor that:

a. the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b. the Owner has, at its sole cost and expense:

1. submitted a revised Functional Servicing Report, including a Stormwater Management Report and Hydrogeological Report or addendums ("Engineering Reports"), and to address all the matters in the Engineering and Construction Services Memorandum dated October 11, 2022, all to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services, General Manager, Toronto Water and General Manager, Transportation Services; and

2. made satisfactory arrangements with Engineering and Construction Services and entered into the appropriate agreement with the City for the design and 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 accepted Engineering Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; and

3. submitted a revised Transportation Impact Study or addendum to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and that such matters arising from such study, be secured if required; and

4. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or that any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new or upgrades to existing municipal servicing infrastructure as may be required; and

5. addressed the matters from the Urban Forestry Memorandum dated October 28, 2022 to the satisfaction of the General Manager, Parks, Forestry & Recreation; and

6. submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning; and

7. addressed the comments from the TTC in their letter dated November 16, 2022.

4. City Council authorizes 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.

SITE AND SURROUNDING AREA

Site Description

The site is located on the north side of Kingston Road and is generally a V shape with a frontage of approximately 143.7 metres along Kingston Road and a depth that varies between approximately 37 metres to 83 metres. The site area is approximately 8,000 square metres.

Existing Uses: The subject property consists of a single-storey motel that is proposed to be demolished and an associated surface parking lot.

Surrounding uses include:

North: To the north of the subject property are townhouses which back onto Highland Creek and associated natural areas.

East: To the immediate east is an automotive repair shop and car lot.

South: To the immediate south is Kingston Road and Beechgrove Drive intersection. On the south side of Kingston Road is a shopping plaza and Megan Park.

West: To the immediate west is Highland Creek Sports Pad and townhouses.

THE APPLICATION

Height: 13-storeys

Density (Floor Space Index): Gross density of 3.87 times the area of the lot.

Land Use: 30,411 square metres of residential uses and 665.4 square metres of non-residential retail uses on the ground floor.

Unit count: Total of 483 dwelling units comprised of the following unit mix: 162 studio units (34%); 46 one-bedroom units (10%); 153 one-bedroom plus den units (32%); 69 two-bedroom units (14%); 4 two-bedroom plus den units (1%); and 49 three-bedroom units (10%).

Access, Parking and Loading: Vehicular access would be provided from a single driveway from Kingston Road at the south midpoint of the site. Vehicular parking would be provided underground in one level. A total of 196 spaces are proposed. One Type 'G', one Type 'C', and one Type 'B' loading space is proposed. A total of 379 bicycle spaces are proposed (including 35 short-term bicycle spaces and 334 long-term bicycle spaces, plus an additional 10 spaces).

Additional Information

For more information see Attachments 1- 7 of this report for the; 3D model looking North-East from Kingston Road, Location Map, Application Data Sheet, Site Plan and Underground 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: <https://www.toronto.ca/4674KingstonRd>

Site Plan Control

The subject property 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 uses, 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.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

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 conform to provincial plans.

Official Plan Designation: The site is designated *Mixed Use Areas* on Map 23 of the Official Plan (see Attachment 6: Official Plan Land Use Map #23). This portion of Kingston Road is identified as an *Avenue* on Map 2, a Major Street on Map 3 with a

planned right-of-way width is non-uniformed and to remain as is at the time the current Official Plan was adopted.

Zoning: The site is zoned as *Commercial Residential (CR) Zone* in the West Hill Community Zoning By-law No. 10327, as amended (see Attachment 7: West Hill Community Zoning By-law No.10327 Map). The *Commercial Residential Zone* permits a variety of land uses including Day Nurseries, Dwelling Units, Educational and Training Facility Uses, Financial Institutions, Fraternal Organizations, Hotels, Medical Centres, Municipally owned and operated Parking Lots, Nursing Homes, Offices, Personal Service Shops, Places of Worship, Places of Entertainment, Private Home Day Care, Recreational Uses, Restaurants, Retail Stores, and Retirement Homes.

The subject lands are not included in the City-Wide Zoning By-law 569-2013.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Midrise Building Design Guidelines
- Growing Up Guidelines Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines
- Best Practices for Bird-Friendly Glass
- Best Practices for Effective Lighting
- Retail Design Manual
- Toronto Accessibility Design Guidelines

Toronto Green Standard

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. The TGS can be found here: <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A Community Consultation meeting to discuss the proposal at 4674 Kingston Road was conducted virtually on April 18th, 2023. Presentations were made by staff and the Applicant / Owner. Approximately 20 local residents participated, as well as the Ward Councillor.

Residents attending the meeting, or subsequently, provided comments related to the following concerns:

- Noise, dust and general nuisance from the potential construction.
- Increased traffic generated from the development and potential over-flow parking impacts on adjacent properties.
- Height and shadow impact.

- Density and scale.
- Adequate vehicular parking on-site
- How busy the existing park is to the west of the subject property.

COMMENTS

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

Provincial Policy Statement and Provincial Plans

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 PPS and conformity with the Growth Plan.

Land Use and Avenues

The proposed residential and retail uses are provided for by the *Mixed Use Areas* designation in the Official Plan. However, policies pertaining to development criteria contained within *Mixed Use Areas* and *Avenues* have not been satisfied as outlined in further detail below.

Height, Density, Built Form and Site Organization

City Planning staff do not support the deployment of the proposed height and density, length and placement of the mid-rise building and the proposed setbacks. The proposal requires revisions to address the following items, but not limited to:

- Adjusting the deployment of density and reducing the overall massing to provide appropriate transition in scale to adjacent neighbourhood to the north and west.
- Omitting balconies in the first 3-storeys on the north and east elevations to minimize overlook and enhance privacy to the adjacent properties.
- Designing the building to support the public and commercial function of the Avenue (Kingston Road) through well-articulated and appropriately scaled façades.
- Provide step-backs, at the pedestrian level/scale, to mitigate the perception of the increased built-form height and to create a comfortable pedestrian condition along Kingston Road.
- Provide a 4-storey expression along Kingston Road to reflect the adjacent context.
- Transition the massing to the adjacent neighbourhood in the rear (north and east) by providing step backs / tiering to minimize shadow impact on adjacent properties.

Parks

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 6,440 square metres or 82% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% 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 788.51 square metres.

Parks Forestry and Recreation staff requested parkland dedication at the pre-application consultation stage with the dedication intended to expand, and perhaps enhance and reprogram the adjacent sports pad to the west to serve a wider group of users. The application was submitted without reserving an appropriate block for conveyance to satisfy the parkland requirement.

Through review and commentary on the application, City staff are requesting the Owner revise the submitted plans to illustrate a 45 metre x 17.5 metre rectangular park block of 788.51 square metres. The park block shall be free and clear of above and below grade encumbrances, with frontage along Kingston Road, expanding the existing park. Although discussions between the applicant and City staff attempted to advance the issue of an appropriate parkland block for conveyance, the application has been appealed without a parkland block forming part of the proposal. Parks Forestry and Recreation staff continue to advise that the Section 42 requirements for this site should be met through the dedication of lands to expand the Highland Creek Sports Pad.

TTC

The application was circulated to the Toronto Transit Commission (TTC) staff for comments. TTC staff noted that bus stop #6484 and a Wheel-Trans stop on Kingston Road at Beechgrove Drive is located on the frontage of the site. The existing bus stop and Wheel-Trans stop platforms, and bus shelter should be retained. TTC requested that adequate room to operate the accessible ramp on our buses, and to accommodate both our standard and articulated buses, the applicant is required to ensure that the sidewalk is 2.4 metres wide and free of obstructions for a distance of at least 16 metres from the stop marker.

Urban Forestry

Urban Forestry staff are not opposed in principle to development of this site, however at this time Urban Forestry staff do not support the zoning by-law amendment proposal. 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 and do not demonstrate compliance with Tier 1 of the TGS 4.0 (ecology section). Revisions and additional materials are required.

Unit Mix and Sizes

Total of 483 dwelling units comprised of the following unit mix: 162 studio units (34%); 46 one-bedroom units (10%); 153 one-bedroom plus den units (32%); 69 two-bedroom units (14%); 4 two-bedroom plus den units (1%); and 49 three-bedroom units (10%).

The proposed provision of 73 (15%) of the new dwelling units as two-bedroom units and 49 (10%) of the new dwelling units as three-bedroom units satisfies the unit mix objectives of Guideline 2.1 of the *Growing Up* guidelines. The Owner / Applicant did not

provide unit details on the floor plans provided. City staff cannot determine if the proposal adequately satisfies the bedroom size objectives of Guideline 3.0.

Only 4 two-bedroom units (representing 0.08% of all residential units) are larger than 87 square metres in size and only 11 three-bedroom units (representing 2% of all residential units) are larger than 100 square metres in size which do not adequately satisfy the unit size objectives of Guideline 3.0.

The Owner is to provide Floor Plan details so staff can determine if the proposed bedroom sizes are adequate. A greater percentage of two-bedroom (minimum 87 square metres) and three-bedroom units (minimum 100 square metres) are required to meet the guidelines for minimum unit sizes. Such revisions would permit the Owner to better accommodate a broader range of households, including families with children, within the proposed development.

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.

The proposed 13-storey building includes one level of underground parking (approximately 4 metres in depth, not including the concrete slab, below grade). The building and its parking garage are being proposed on an existing easement in favour of the City, as illustrated in Attachments 4 and 5. The existing easement accommodates a 2100 mm sanitary trunk sewer that traverses the site below grade. At this stage, Toronto Water and Engineering and Construction Services have advised that no encumbrances are permitted on top of the easement. Therefore, to address this position outlined in the commenting memo from Engineering and Construction Services, the Owner is required to provide a revised design for the new mixed-use building and associated servicing infrastructure that is outside of the easement boundaries. Overall, staff are continuing to review the nature and scope of the easement to understand how it affects the development proposal.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, this report recommends that the City Solicitor request the final Order should be withheld pending the confirmation of; water, sanitary, stormwater capacity, and review of on-site easements 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

The Transportation Impact Study submitted by the Owner should be revised to the satisfaction of, the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and address the following:

- Ensure the local road network can accommodate the modest increase in trips generated by the revised proposal; and

- Determine if any signal upgrades or other upgrades to transportation-related infrastructure is necessary to support the development and secure through an appropriate financially secured agreement; and
- Site circulation in the rear of the property will function (i.e. loading vehicles).

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, this report recommends that the City Solicitor request the final Order should be withheld pending the confirmation a revised Transportation Impact Study or addendum has been submitted to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and that such matters arising from such study have been secured, if required.

Indoor/Outdoor Amenity Space

The City of Toronto standard for amenity space is 2 square metres minimum of each indoor and outdoor amenity area. For a development of 483 residential units, a minimum of 966 square metres of indoor and 966 square metres of outdoor amenity area minimum.

The August 11, 2022 submission proposed a total of 3,202 square metres of amenity area with 1,167 square metres being indoor amenity area and 867 square metres being outdoor amenity area, reflecting an over provision of indoor amenity space and a shortage of outdoor amenity area for this development. The application should be revised to increase the amount of outdoor amenity space.

Toronto Green Standard

The Owner 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. Standards for matters such as; waste collection and sorting, waste storage space, bulky waste and compaction, tree planting areas, tree soil volume, trees along street frontages and Engineering and Construction Services-related requirements as noted in City-division memorandums provided to the applicant and noted previously in this report, have not been met by the proposed development.

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 that the Owner has submitted an updated and acceptable Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning.

School Boards

The Toronto District School Board (TDSB) advised it has been determined that sufficient capacity at the local schools is anticipated, based on the data available at this time. Therefore, has no concerns with the further processing of this application.

The Toronto Catholic District School Board (TCDSB) advised that sufficient space exists within the local elementary and secondary schools to accommodate additional students from the development as proposed.

Further Issues

If a formal re-submission is received by the City, 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 Owner, Staff may report back to City Council as necessary.

Conclusion

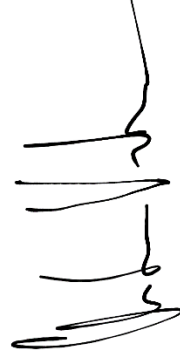
The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is generally consistent with the PPS (2020). Further, it does not conflict with the Growth Plan (2020) that is in effect at the time of this report. The proposal as presently constituted does not conform to the Official Plan and has substantial issues to be resolved including the provision of parkland, appropriate deployment of built form and massing as well as a determination as to whether it may be constructed over top of an easement .

Staff recommend that City Council direct City Staff to continue to negotiate with the applicant to resolve the outstanding issues detailed in this report and that arise through the appeal process. However, should no satisfactory outcome emerge through those discussions, it is also recommended that City Council direct the City Solicitor, and appropriate City Staff, to attend at the OLT and oppose the application in its current form, as per the issues identified in this report and those issues that may arise as a result of further discussions.

CONTACT

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SIGNATURE



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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: 3D Model of the Proposal in Context Looking North-East from Kingston Road

Attachment 4: Site Plan

Attachment 5: Underground Plan

Attachment 6: Official Plan Land Use Map #23

Attachment 7: West Hill Community Zoning By-law No.10327 Map

Attachment 1: Application Data Sheet

Municipal Address: 4674 Kingston Road Date Received: July 20, 2022

Application Number: 22 179753 ESC 25 OZ

Application Type: Rezoning

Project Description:

Applicant	Agent	Architect	Owner
Eldon Theodore			KINGSTON RESIDENCE INC.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: CR Heritage Designation: N

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

PROJECT INFORMATION

Site Area (sq m): 8,022.5 Frontage (m): 143.9 Depth (m): 230

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	TBD		3,303	3,303
Residential GFA (sq m):			30,411	30,411
Non-Residential GFA (sq m):			665	665
Total GFA (sq m):			31,077	31,077
Height - Storeys:	1		13	13
Height - Metres:			40.5	40.5

Lot Coverage Ratio (%) : 11.6 Floor Space Index: 3.87

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 31,077

Retail GFA: 665

Office GFA:

Industrial GFA:

Institutional/Other GFA: 7,103

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			483	483
Other:				
Total Units:			483	483

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		162	199	73	49
Total Units:		162	199	73	49

Parking and Loading

Parking Spaces: 196 Bicycle Parking Spaces: 379 Loading Docks: 3

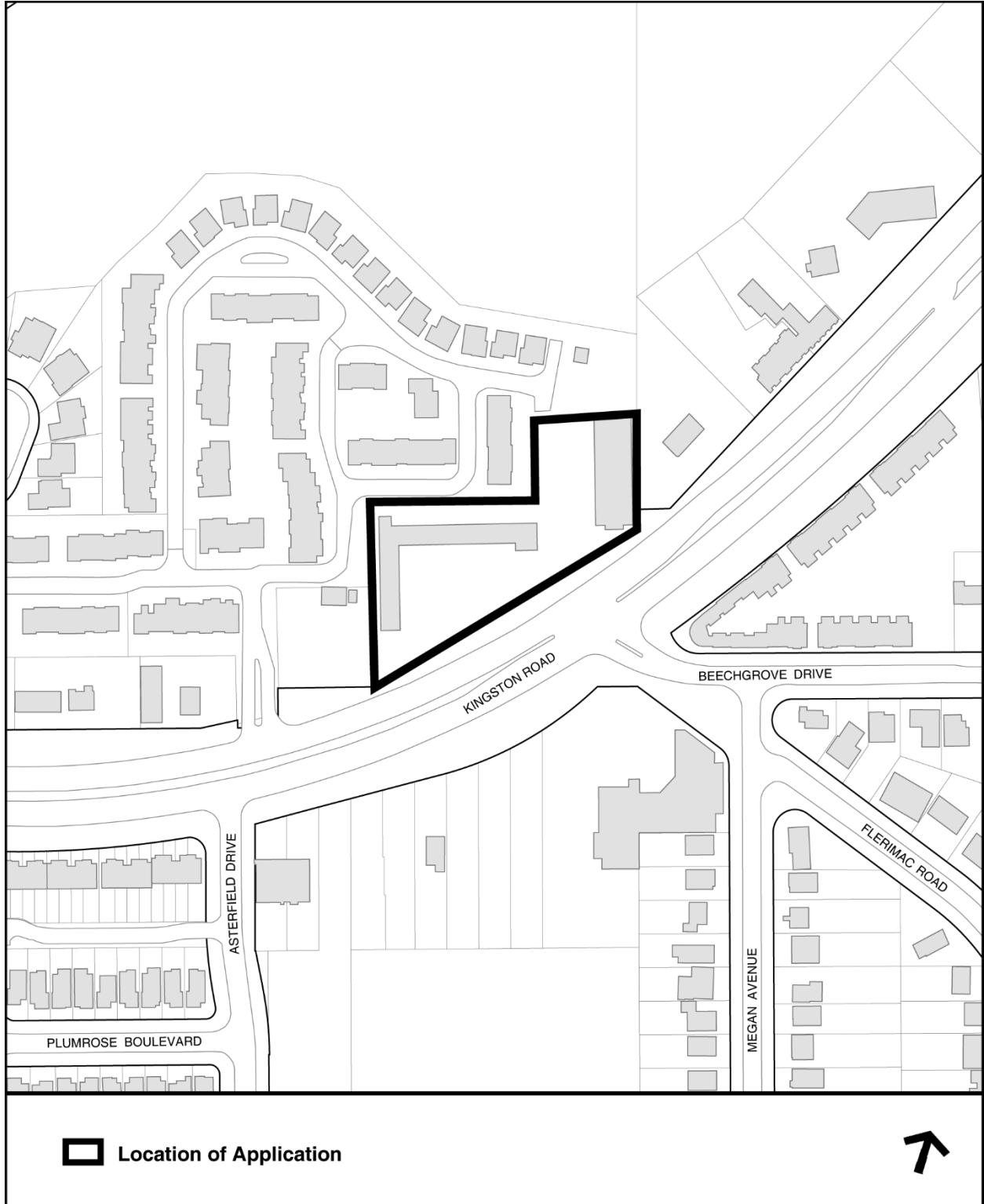
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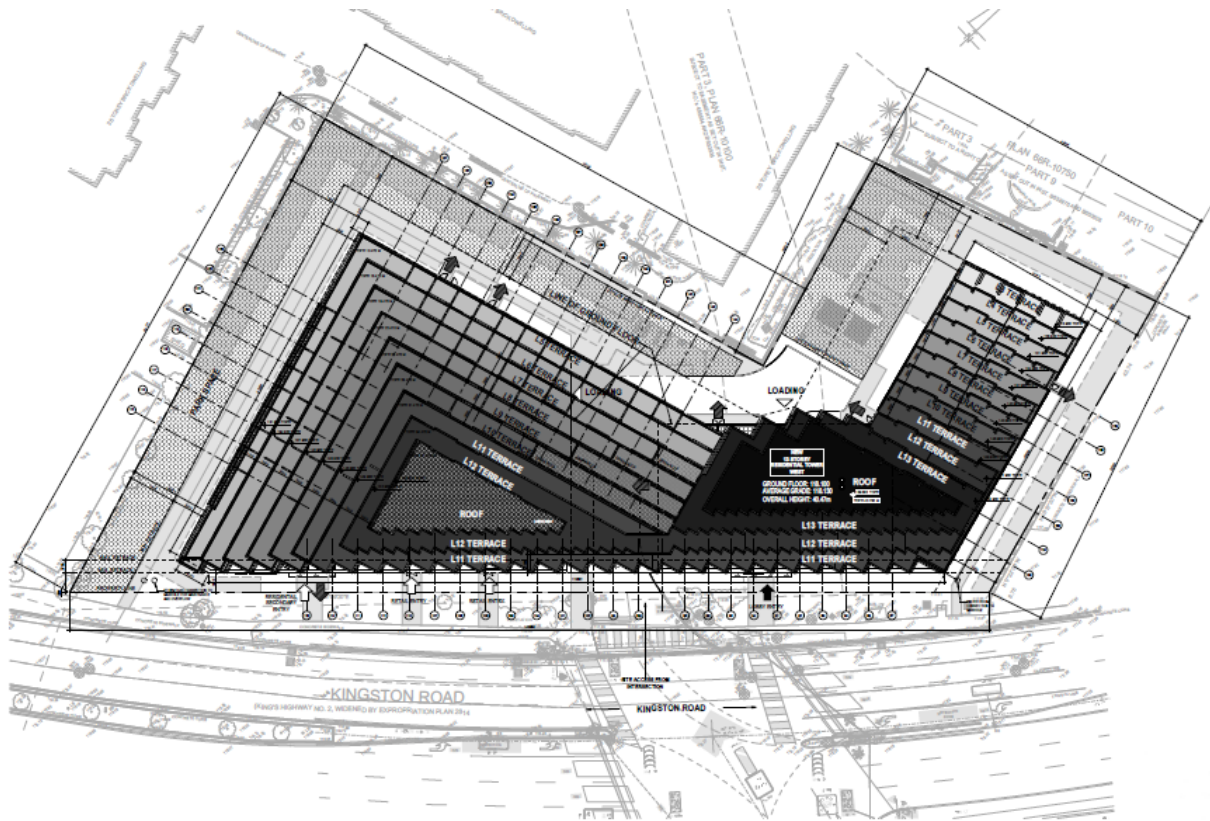
Attachment 2: Location Map



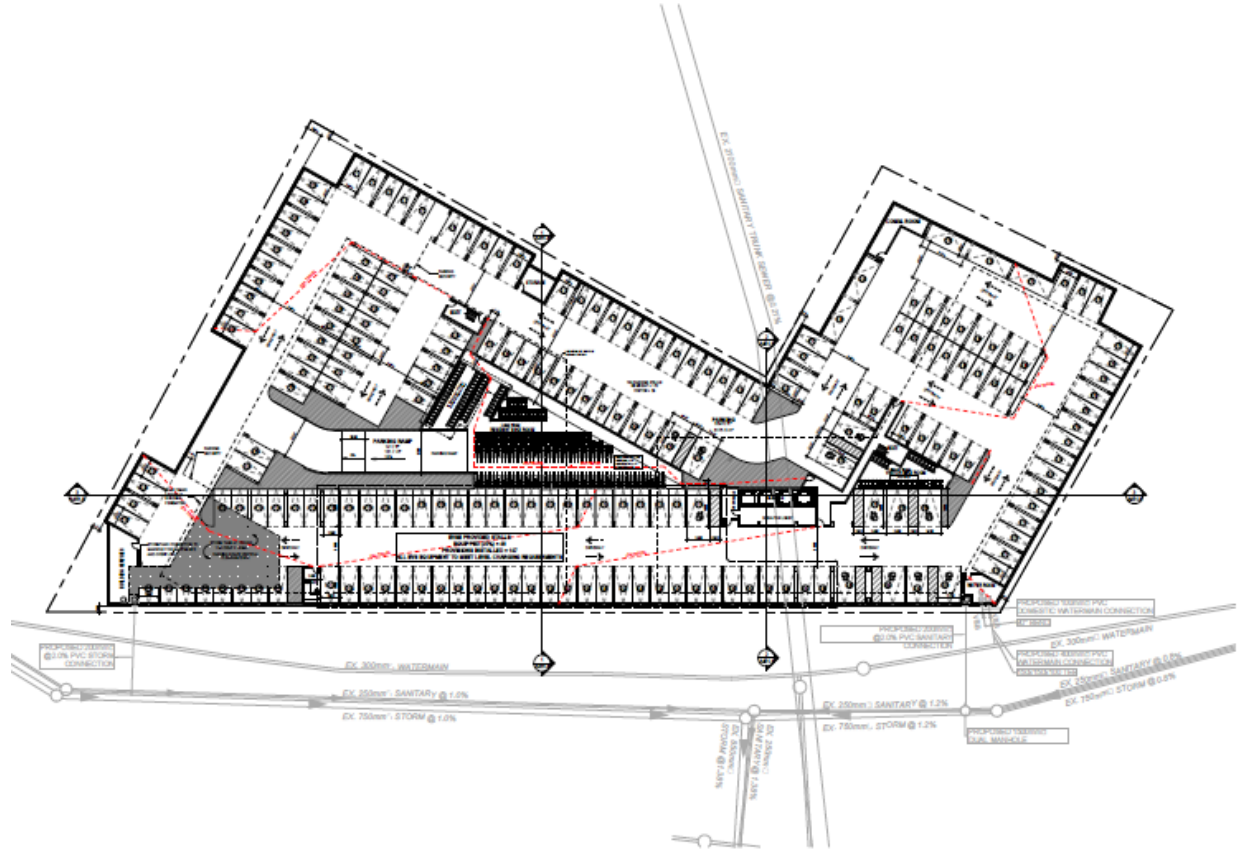
Attachment 3: 3D Model of the Proposal in Context Looking North-East from Kingston Road



Attachment 4: Site Plan



Attachment 5: Underground Plan



Attachment 6: Official Plan Land Use Map #23



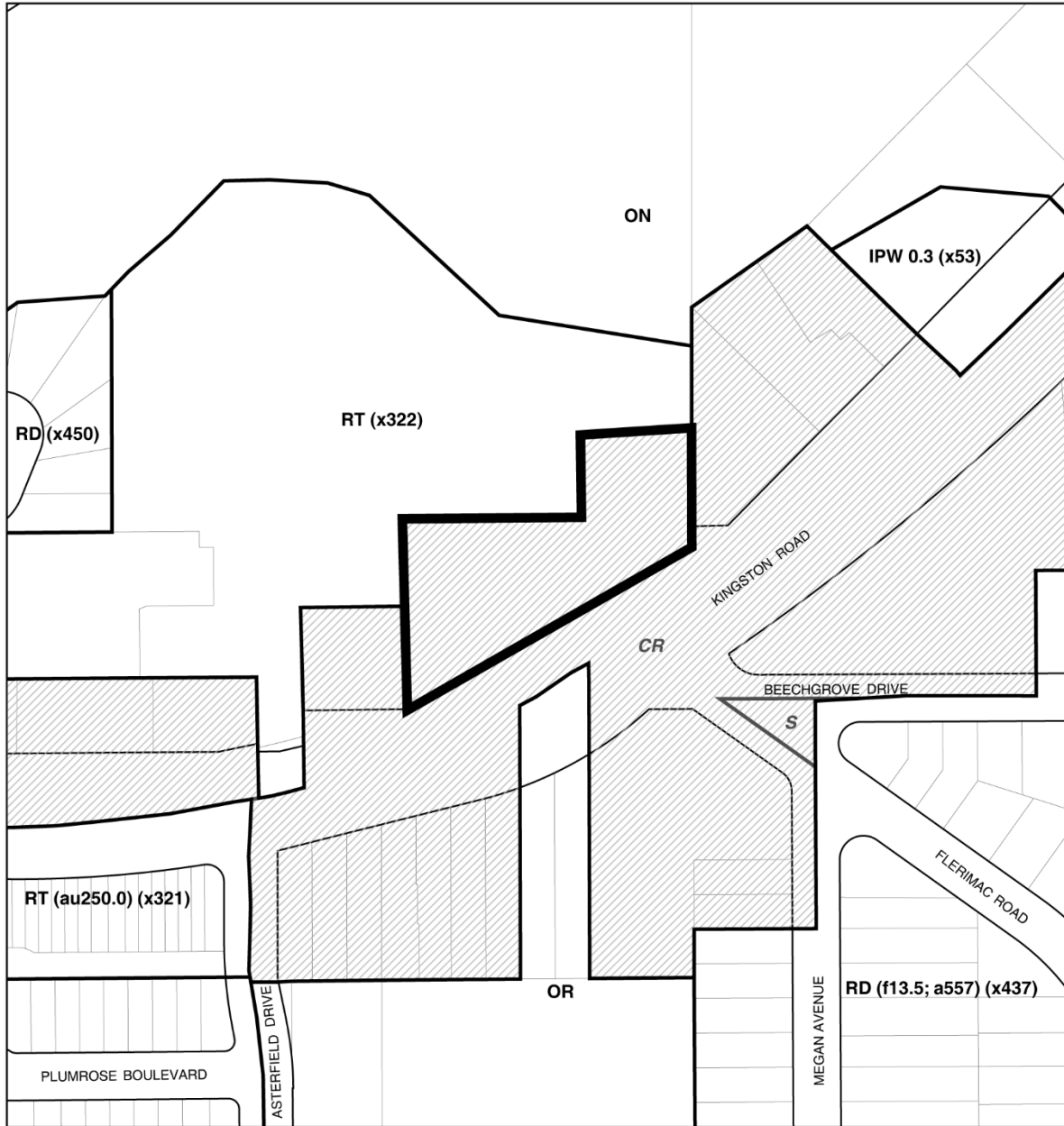
Official Plan Land Use Map #23

4674 Kingston Road
File # 22 179753 ESC 25 0Z



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Attachment 7: West Hill Community Zoning By-law No.10327 Map



Zoning By-law 569-2013

4674 Kingston Road

File # 22 179753 ESC 25 0Z

Location of Application

- RD Residential Detached
- RT Residential Townhouse
- IPW Institutional Place of Worship
- ON Open Space Natural
- OR Open Space Recreation



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



Not to Scale
 Extracted: 07/25/2022