

2031 Kennedy Road – Zoning Amendment Application – Decision Report – Approval

Date: December 21, 2023

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 22 - Scarborough-Agincourt

Planning Application Number: 23 219355 ESC 21 OZ

Related Applications: 22 115095 ESC 22 SA and 22 145692 ESC 21 CD

SUMMARY

This application proposes to amend the former City of Scarborough South Agincourt Employment Districts Zoning By-law No. 24982 to permit additional commercial uses while maintaining the current parking ratio at 2031 Kennedy Road. The application seeks to expand the permitted uses within the existing at grade commercial spaces to include restaurant, take-out restaurant, personal service shop, convenience store, medical/dental office and office uses.

The proposal is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan (2020), while advancing Official Plan direction for *Mixed Use Areas* to encourage a broad range of commercial uses. The proposal incorporates additional commercial uses permitted under city-wide Zoning By-law 569-2013 into the site specific zoning by-law that regulates the subject lands.

This report reviews and recommends approval of the application to amend the former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, and to incorporate the site into the city-wide Zoning By-law 569-2013.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 for the lands at 2031 Kennedy Road substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this report.
2. City Council amend the City of Toronto Zoning By-law 569-2013 for the lands at 2301 Kennedy Road substantially in accordance with the draft Zoning By-law Amendment included as Attachment 6 to this report.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

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

In 2015, the Ontario Municipal Board (now the Ontario Land Tribunal) approved Official Plan Amendment (OPA) 231. The decision redesignated the subject lands from *Employment Areas* to *Mixed Use Areas* in addition to amending the Agincourt Secondary Plan to include Site and Area Specific Policy 6.

On October 31, 2018, a Zoning By-law Amendment Application (15 167709 ESC 40 OZ) was approved by the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) and the amending Zoning By-law was enacted in 2019 as By-law 1092-2019(LPAT). The subject lands and the lands to the east were rezoned Commercial/Residential (CR) to permit a multi-phased development consisting of: residential tower heights of 31, 34 and 40 storeys; 1,044 residential dwelling units, of which a minimum 59 are to be three or more bedroom units; an expansion of the existing 14-storey hotel; a publicly accessible urban plaza; a 9-storey office and retail building; and an above-grade vehicular parking structure. The report to Council can be found at the following link: [2035 Kennedy Road – Zoning Amendment Application – \(toronto.ca\)](https://www.toronto.ca/development/planning/zoning/amendments/2018/15-167709-ESC-40-OZ/). The Local Planning Appeal Tribunal decision can be found at: <https://www.omb.gov.on.ca/e-decisions/mm170091-Oct-31-2018.pdf>.

On October 14, 2020, the Site Plan Control Application (16 132832 ESC 40 SA) to realize the phase one development received Final Statement of Approval. A subsequent amended Site Plan Application (22 115095 ESC 22 SA) was submitted to address various changes made to the proposal and is currently under review. Information can be found in the Application Information Centre link: <http://app.toronto.ca/AIC/index.do?folderRsn=bjuP%2FJ1oY%2BS6aR2NYQBuhQ%3D%3D>

On November 17, 2021, a Minor Variance Application (A0166/21SC) was approved by the Committee of Adjustment which allowed for: 14 of the three-bedroom units be converted into 28 one-bedroom units; a maximum of 658 residential units be permitted; a minimum of 621 parking spaces for residential tenants be required; a minimum of 107 parking spaces be provided for residential visitor parking; and a minimum of 439 “long-term” and 51 “short-term” bicycle parking spaces be provided for residential and retail tenants.

On May 11, 2022, a Draft Plan of Condominium Application (22 145692 ESC 21 CD) was submitted for the 31 and 35-storey residential condominium towers to create 658 units on the subject site. A Notice of Decision of Draft Plan of Condominium Approval has been issued with associated conditions.

PROPOSAL

This application proposes to amend the former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, for the lands at 2031 Kennedy Road to permit additional commercial uses for the existing at grade commercial units and to maintain the current parking ratio of 1.5 spaces per 100 square metres. The only uses currently permitted at the subject site are “apartments” and “retail stores”. The proposed amendments would also permit restaurants, take-out restaurants, personal service shop, convenience store, medical/dental office and office uses for the existing 440 square metres reserved at grade for non-residential uses. Internal and external alterations are not proposed as part of this application. See Attachment 7 for the site plan.

Site Description

The site is located at the south-east corner of Village Green Square and Kennedy Road. The site has an area of approximately 0.68 hectares with approximately 143 metres of frontage on the south side of Village Green Square. The site contains 31 and 34 storey residential condominium towers, largely constructed though not yet fully occupied with a total of 658 dwelling units and 440 square metre of at grade commercial units. Please see Attachment 2 for the location map.

Surrounding Area

To the east is the 14-storey Delta Toronto East Hotel at 2035 Kennedy Road with approvals for future development associated with the constructed buildings on the subject lands. The hotel is being partially retained in Phases 2 and 3 of the approved multi-phased Zoning By-law Amendment Application 15 167709 ESC 40 OZ. The 14-storey hotel has remained open during all phases of development. The use of the hotel was secured as a shelter as part of the City’s COVID-19 response since May 2020. This was done to provide additional capacity in the shelter system, as part of a broader strategy that would use hotel spaces as needed. Additional information about the shelter, which is operated by Homes First Society can be found on the City’s website at: <https://www.toronto.ca/community-people/community-partners/emergency-shelter-operators/about-torontos-shelter-system/new-shelter-locations/temporary-covid-19-shelter-sites/2035-kennedy-road-temporary-shelter-delta-hotel/>

To the south is Highway 401 and off-ramp onto Kennedy Road.

To the west is Kennedy Road. Across Kennedy Road is a Ministry of Transportation service depot and yard.

To the north is the 14-storey office building and associated one-storey parking structure for the Corporate Plaza offices and the Toronto Police Association offices at 2075 Kennedy Road. A development approval for 2075 Kennedy Road that retained the office building while permitting three new residential towers with broad non-residential use permissions was approved by City Council in 2021.

The Metrogate Plan of Subdivision (Plan 66M-2460), registered in 2008, is north-east of the subject lands. The subdivision consists of multiple condominium towers, 76 townhouse units and Metrogate Park.

Reasons for Application

A Zoning By-law amendment is required to expand the permitted uses on the site in order to permit a broader range of permissions for the previously approved commercial component of the mixed-use development which limits non-residential uses to retail. No additional development is proposed.,.

APPLICATION BACKGROUND

Pre-Application Consultation

On August 29, 2023, a pre-application consultation (PAC) meeting was held. The current application was submitted on November 1, 2023 and deemed complete on December 1, 2023.

Application Requirements

The following reports/studies were submitted in support of the application:

- Application Checklist
- Application Form
- Cover Letter
- Planning Rationale
- Survey Plans
- Certified Engineering Letter
- Architectural Plans
- Draft Zoning By-law Amendment
- Project Data Sheet

Due to the nature of the application, where no physical alterations are proposed to the approved development, the pre-application consultation determined the above materials would be sufficient for the final application submission. All materials submitted as part of the application can be found on the City's Application Information Centre at:

toronto.ca/2031KennedyRd

Agency Circulation Outcomes

The application together with the applicable materials noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

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 (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

Official Plan

The subject lands are designated *Mixed Use Areas* within the City of Toronto Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential, and institutional uses in a single-use or mixed-use building. See Attachment 3 for an excerpt from the Official Plan land use map.

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Secondary Plan

The site is subject to Site and Area Specific Policy (SASP) 6 within the Agincourt Secondary Plan. SASP 6 specifies that development of the lands for residential use is required to provide a net gain of employment floor area and requires a noise impact assessment be undertaken by the applicant for any residential development at the time of submission of a rezoning application. The Agincourt Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/88ce-cp-official-plan-SP-1-Agincourt.pdf>

Official Plan Amendment 575

The site is within the Agincourt Major Transit Station Area (MTSA), identified as Site and Area Specific Policy (SASP) 694 that forms part of Official Plan Amendment (OPA)

575. On July 19, 2022, City Council adopted OPA 575 and directed City Planning to forward the OPA to the Minister of Municipal Affairs and Housing for approval under the *Planning Act*. A decision on OPA 575 has not issued by the Ministry as of the date of this report. The Agincourt MTSA proposes a planned minimum population and employment target of 150 residents and jobs combined per hectare. The Council adopted OPA 575 can be found here: <https://www.toronto.ca/wp-content/uploads/2022/06/8909-cityplanning-opa-575-25-mtsas-city-wide.pdf>

Zoning

The subject site is zoned Commercial/Residential (CR), Exception 154, under the former City of Scarborough Zoning By-law No. 24982, as amended. The subject zoning permits two uses within the site: apartments and retail stores. See Attachment 4 of this report for the existing Zoning By-law Map.

The site is not currently part of the city-wide Zoning By-law 569- 2013, but is proposed to be incorporated as part of this application

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 performance measures of TGS are already secured in the previously associated Zoning By-law and Site Plan Control applications.

Site Plan Control

The subject application is not subject to Site Plan Control. The previously approved mixed-use development is subject to Site Plan Control and is being reviewed concurrently with this application.

COMMENTS

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 Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). In broadening the non-residential uses permitted, staff find the proposal to be consistent with the PPS and conform with the Growth Plan.

Land Use

This application has been reviewed against the Official Plan policies and Secondary Plan policies described in the Policy Considerations Section of the Report, as well as the policies of the Official Plan as a whole.

The proposed additional commercial uses for the subject site are acceptable and implement the applicable policies of the Official Plan. The expanded commercial uses implements the Official Plan's direction for *Mixed Use Areas* to encourage a variety of commercial uses to service the surrounding community and promote flexibility for the future. The application seeks to incorporate some of the city-wide permitted commercial uses for CR zones in By-law 569-2013 into the former South Agincourt Employment District Zoning By-law that applies to the site and are similar to those permitted at 2075 Kennedy Road via the approval granted by City Council in 2021.

Vehicular Traffic Impact, Access, Parking

The proposed commercial uses continue to require the same or lower vehicular parking rates as with the currently permitted retail use. As such, no additional parking spaces are required to accommodate for the proposed new uses. The location of the non-residential vehicular parking spaces will be secured in the amended Site Plan Approval process. The application has been reviewed by Transportation Services staff and no concerns have been raised.

Bicycle Parking

The proposed commercial uses continue to require the same long term and short-term bicycle parking rates as with the current retail store use. As such, no additional bicycle parking spaces are required to accommodate the proposed new uses. The location of the non-residential bicycle parking spaces will be secured in the Site Plan Approval process underway to amend the existing agreement.

Servicing

The proposed commercial uses will not alter the previously City accepted functional servicing capacity calculations in the Functional Servicing Report and addendums submitted as part of the previous Zoning By-law Amendment application. A Sanitary Capacity and Water Demand Update Letter from Arcadis was submitted in support of this application. Engineering and Construction Services' staff have reviewed the documentation and has no concerns. The updated servicing capacity calculations identified in the letter, along with other requirements for servicing will be secured in the Site Plan Approval process underway to amend the existing agreement.

Open Space/Parkland

In accordance with Section 42 of the *Planning Act*, the owner has satisfied the parkland dedication requirement through cash-in-lieu payment as part of the approval of the previous Zoning By-law application (15 167709 ESC 40 OZ). This proposal to expand the commercial permissions to the previously approved Zoning By-law does not generate any additional parkland dedication requirements which were satisfied as part of the larger approved and constructed development.

The City of Toronto Parkland Strategy (PLS) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city.

According to the 2022 draft update to the PLS methodology, the development site is currently in an area with 28 + square metres of parkland per person, which is comparable to the City-wide average provision of 28 square metres of parkland per person (2022).

Community Consultation

On December 12th, 2023, from 6:30 – 7:30 PM, a virtual Community Consultation Meeting was held to consult with residents within the area on the zoning by-law amendment application. City staff, the Ward Councillor, the applicant's team and 13 members of the public attended the meeting. City staff provided an overview of the policy context and review process, and the applicant presented the proposal, the meeting ended with a facilitated discussion where the community asked questions to the panelists.

Issues, questions, comments, and concerns raised by member of the public in attendance at the virtual Community Consultation included:

- Concerns and comments from local residents regarding cannabis stores being permitted in the existing retail space;
- Concerns regarding illegal parking on Village Green Square for the proposed restaurant use;
- Comments supporting fast food, take-out restaurants, offices, convenience store and post office uses as appropriate uses;
- Comments identifying similar uses within the immediate vicinity of the site and no issues with illegal parking and that these uses would serve the growing community with the new condo development;
- Questions regarding new potential occupants and if any businesses have expressed interest in renting the units;
- Questions regarding where the existing retail parking spaces are located within the under construction development;
- Comments expressing general support for the application, creating a more animated streetscape, and increasing the usability and function of the space, supporting restaurants and cafes to benefit the growing community in the area; and
- Concerns regarding the Cowdray Road extension directed toward the Councillor.

Overall, the comments and concerns articulated by the community were focused on: verifying the parking provided to facilitate additional uses and concern over increased congestion; support in filling the commercial units creating walkable and animated community for the residents; and questions/concerns regarding who would occupy the space and if the occupants would be a good fit for the community.

Conclusion

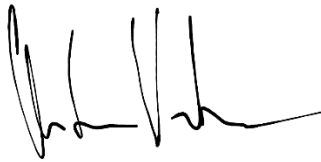
The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan and Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of *Mixed Use Areas* in the Official Plan.

The proposal encourages opportunities for a variety of uses within the surrounding mixed-use development and community. The proposal is appropriate for the development and is compatible with the surrounding context. Staff recommend that Council approve the application.

CONTACT

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SIGNATURE



Christian Ventresca, MScPL, MCIP, RPP
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
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment to 24982
- Attachment 6: Draft Zoning By-law Amendment to 569-2013

Applicant Submitted Drawings

- Attachment 7: Simplified Site Plan

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 2031 KENNEDY RD **Date Received:** October 27, 2023

Application Number: 23 219355 ESC 21 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: This proposal is in relation to the 440 square metre commercial portion of an already approved mixed-use development that is currently under construction. The commercial portion of the site has 6 designated parking spaces on both Level P1 and Level 1. The proposal seeks to expand the permitted uses from the currently permitted "retail stores".

Applicant

NICK
PILEGGI

Agent

Architect

Owner

KENNEDY
COMMONS INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: Y

Zoning: RC Heritage Designation:

Height Limit (m): 105 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 6,967 Frontage (m): 106.3 Depth (m): 94.1

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	0	0	3,684	3,684
Residential GFA (sq m):			45,121	45,121
Non-Residential GFA (sq m):	0	0	440	440
Total GFA (sq m):	0	0	45,561	45,561
Height - Storeys:			34	34
Height - Metres:			103	103

Lot Coverage Ratio (%): 52.88 Floor Space Index: 6.54

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	45,121	
Retail GFA:	440	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			658	658
Other:				
Total Units:			658	658

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			385	220	53
Total Units:			385	220	53

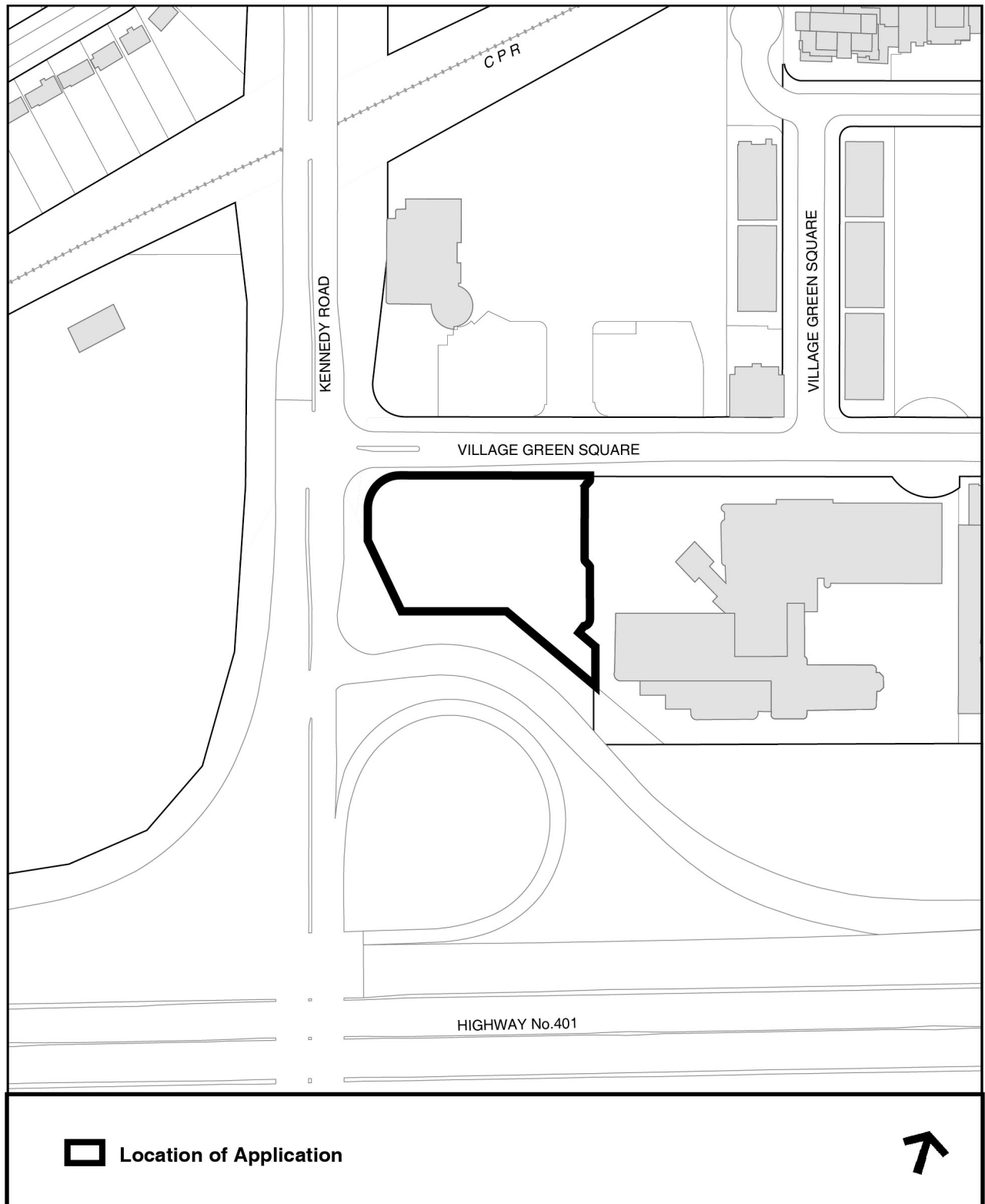
Parking and Loading

Parking Spaces: 736 Bicycle Parking Spaces: 493 Loading Docks: 2

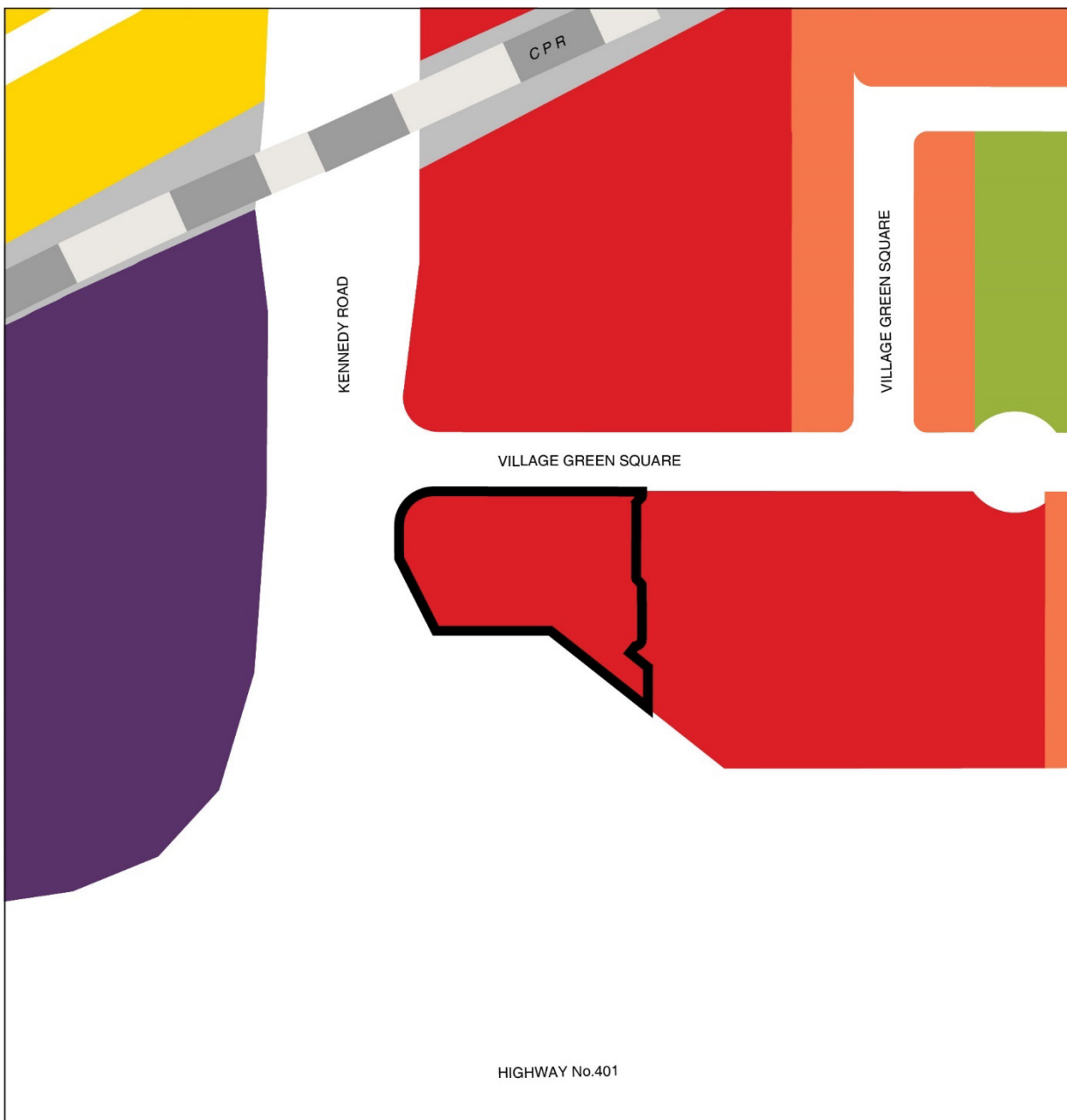
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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



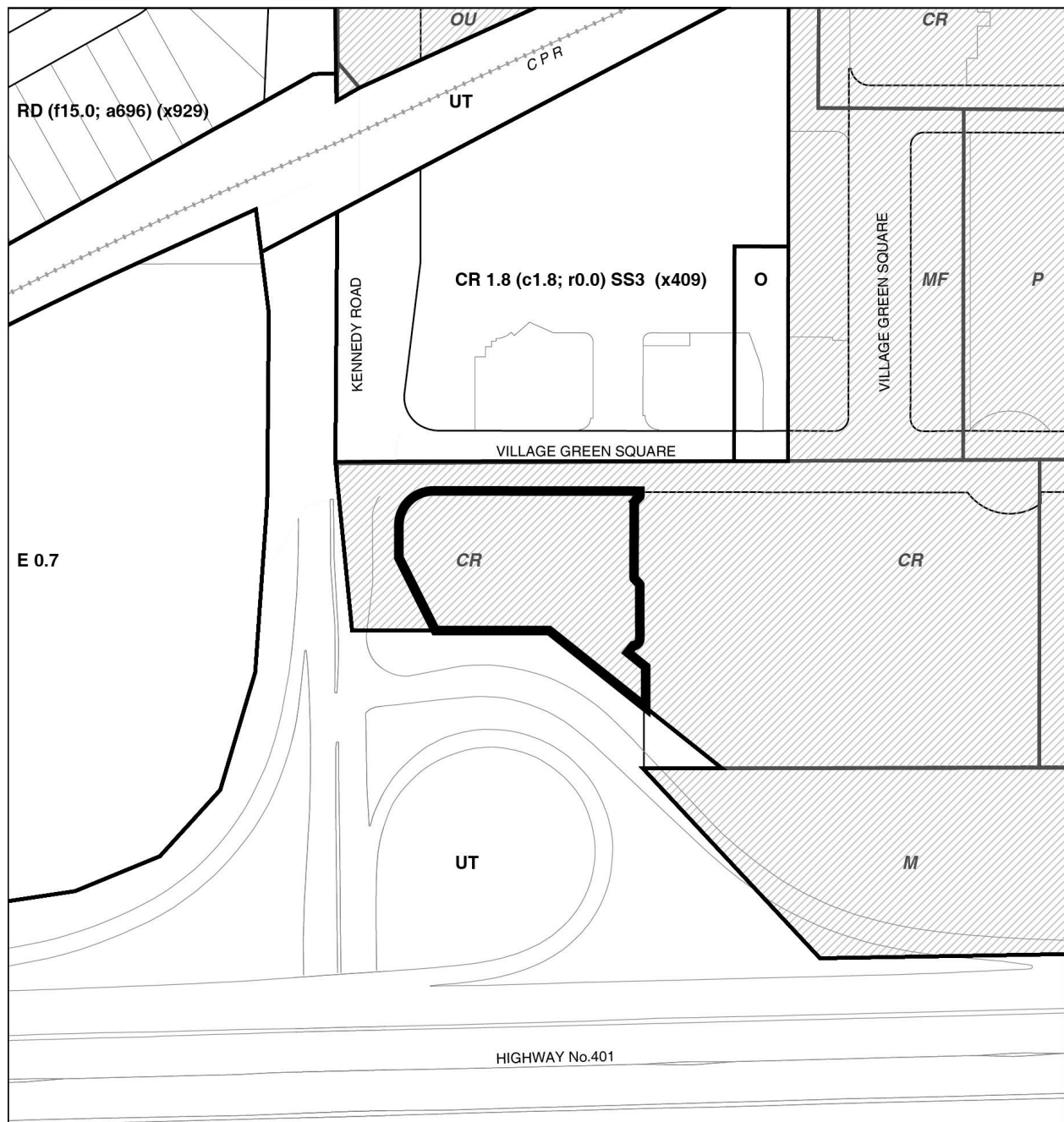
Official Plan Land Use Map 19

2031 Kennedy Road
File # 23 219355 ESC 21 0Z



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Not to Scale
Extracted: 10/31/2023

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

2031 Kennedy Road

File # 23 219355 ESC 21 02



Location of Application

RD
CR
E
O
UT

Residential Detached
Commercial Residential
Employment Industrial
Open Space
Utility and Transportation



*See Former City of Scarborough
South Agincourt Employment District By-Law No.24982*

M
MG
ME
OU
CR

Industrial Zone
General Industrial Zone
Mixed Employment Zone
Office Uses Zone
Commercial/Residential Zone

P
MF

Parks Zone
Multiple Family Residential Zone



Not to Scale
Extracted: 10/31/2023

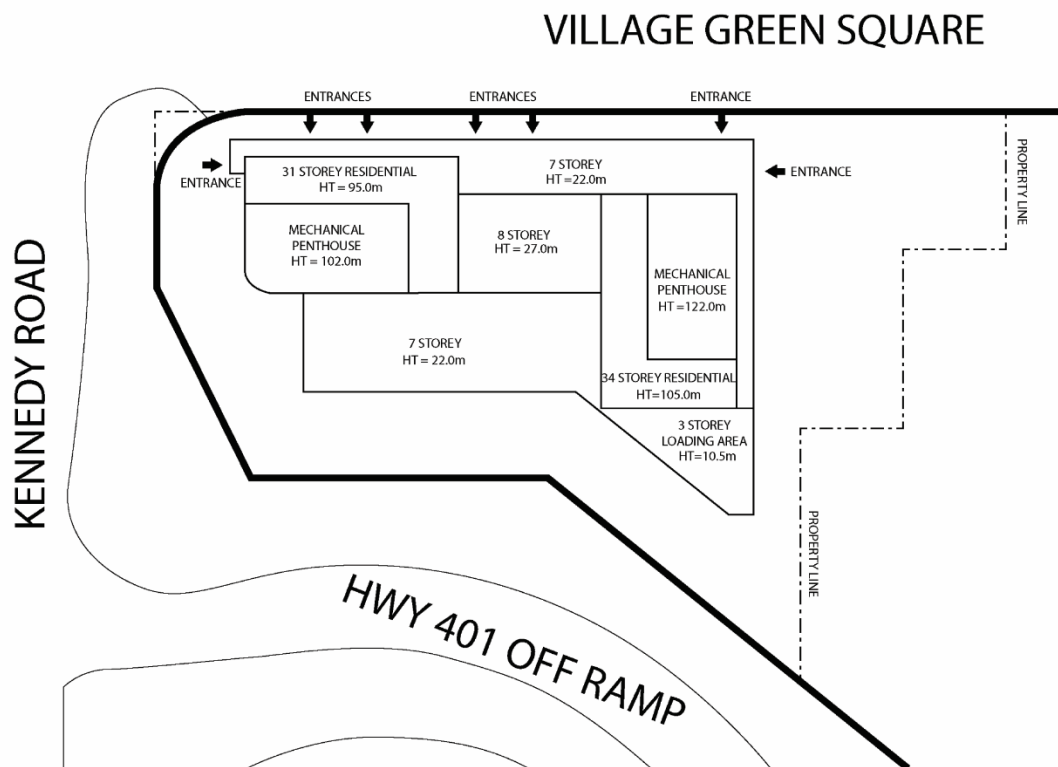
Attachment 5: Draft Zoning By-law Amendment to 24982

(Attached separately as a PDF)

Attachment 6: Draft Zoning By-law Amendment to 569-2013

(Attached separately as a PDF)

Attachment 7: Simplified Site Plan



Site Plan

