

736 and 738 Kingston Road – Official Plan Amendment and Zoning Bylaw Amendment Applications – Final Report

Date:	June 08, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	File No 05-203640 STE 32 OZ

SUMMARY

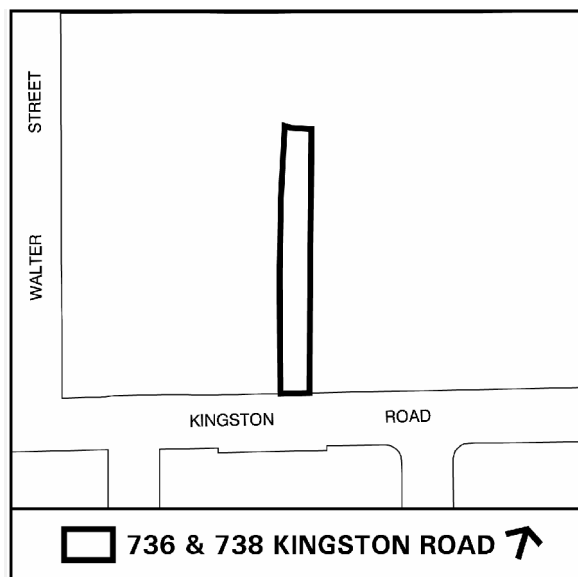
This application proposes the construction of an infill housing development consisting of a pair of three-storey semi-detached houses and 6 two-storey row houses at 736 and 738 Kingston Road.

This application has been considered on the basis of its compatibility with the surrounding neighbourhood and on the basis of its compliance with the spirit and intent of the Official Plan and Zoning By-law. Consideration has also been given to the unusual lot situation and to a detailed assessment fit of the development into the neighbourhood. The building height and built form fit into the neighbourhood context.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council amend the Zoning By-law 438-86, as amended substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8; and
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposal is for an eight unit residential infill development with 4 parking spaces. A pair of three storey semi detached houses are proposed on the Kingston Road Frontage, with one unit facing Kingston Road and the second fronting onto the private driveway. The remaining 6 units will be two storeys high and will be located further back on the property, with access from a walkway. Refer to Attachment No. 7 for project data.

Site and Surrounding Area

The site is located on the north side of Kingston Road, east of Walter Street. The site has an 11.3 metres frontage and a depth of approximately 108 metres. The site is currently occupied by a pair of semi-detached houses.

The site is abutted by the following:

North: detached houses fronting onto Lyall Avenue

South: a low rise apartment building and attached houses

East: a house and the Notre Dame convent

West: a detached house and infill housing development

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

Official Plan

The Official Plan designation for the property is Neighbourhoods. The Plan contains development criteria in neighbourhoods for infill housing on properties that vary from the local pattern in terms of lot size, configuration and/or orientation. The criteria require that new development do the following:

- (a) have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- (b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- (c) front onto existing or newly created public streets wherever possible, with no gates limiting public access; and
- (d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

The proposed development meets these criteria.

Notice of Public Meeting, including notice for an Official Plan Amendment, was given. Upon further review of the revised proposal staff are satisfied that an Official Plan Amendment is not required because the proposed development meets the infill housing criteria.

Zoning

The property is zoned R4 Z1.0 along Kingston Road which permits a wide range of residential building types up to a maximum density of 1.0 times the area of the lot. The height limit along Kingston Road is 14 metres. The rear portion of the property is zoned R2 Z0.6 which permits grade related residential uses. The height limit for the rear portion is 12 metres.

Site Plan Control

The proposed development is subject to Site Plan Approval and an application was filed concurrent with the Rezoning application.

Reasons for Application

The proposal requires an amendment to the Zoning By-law because it results in the construction of a house behind a house, which is not permitted. As such, many of the other Zoning criteria dealing with setbacks and depth have also not been met.

Community Consultation

A community consultation meeting was held on March 2, 2006. Residents of the area expressed concerns with the driveway location, the number of parking spaces, trees, height, number of units and density. A portion of the meeting was dedicated to Habitat for Humanity representatives explaining what Habitat does, how families are selected and why this site was chosen. In addition there were concerns expressed with lighting, the lack of air conditioning, fencing, snow storage and the proposed children's play area.

In addition to the concerns expressed at the meeting, many residents wrote letters to the City to express their concerns.

After the meeting, the proposal was altered to address some of the concerns. The total number of units was decreased from 10 to 8. The overall depth of the development was decreased to be more in keeping with the development recently built on the neighbouring property to the west. Also, the rear 6 units were reduced in height and are now proposed to be 2 stories instead of three.

A follow-up meeting was held on May 28, 2007, where the revised drawings were presented. The majority of the concerns remained.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

City Council's planning decisions are required to be consistent with the PPS. In the opinion of City Planning staff, the proposal is consistent with the Provincial Policy Statement.

Land Use

The City's Official Plan designated the land within a Neighbourhood designation. Semi-detached houses and row houses are permitted uses in Neighbourhoods.

The Zoning By-law lists row houses as a permitted use within properties zoned R4 and R2.

Density, Height, Massing

The zoning by-law permits a density of 1.0 times the area of the lot for the front portion of the property and a density of 0.6 times the area of the lot for the rear portion (see Attachment 5). The proposed overall density of the development is 0.82 times the area of the lot. The proposed 1002 square metres of development will exceed the amount permitted by the zoning by-law for this site by approximately 60 square metres.

The proposed semi-detached houses have a proposed height of approximately 9.6 metres, while the zoning By-law permits a height of 14 metres. The proposed row houses have a proposed height of approximately 7.3 metres, while the Zoning By-law permits a height of 12 metres.

The surrounding neighbourhood is a low density residential neighbourhood, which is comprised primarily of single detached dwellings, semi-detached houses and townhouses.

No one set of architectural features dominates the area. The Zoning By-law does not permit the development of a house behind a house and as such, the building location and orientation is not in keeping with the zoning. The massing of the proposed development is appropriate given the local context of the site between a previously approved infill development and an institutional building.

Access, Parking

Access will be provided by means of a private driveway with access to Kingston Road. A parking study was provided by the applicant and was accepted by the City. Four parking spaces will be provided for the development, which is consistent with the parking demand generated by other Habitat for Humanity projects. In addition, a loading area will be provided to ensure the availability of loading on the site, including space for the private garbage truck to park while picking up garbage.

Servicing

The proposal will be required to have private garbage pick-up as the proposed driveway is not sufficient to accommodate City garbage truck and curb side pick-up for 8 units on Kingston Road is not permitted in accordance with City policies. The applicant is aware of this requirement and will ensure that the commitment to private garbage is ongoing by enshrining it in the Condominium Agreement for the development.

Prior to the issuance of Site Plan Approval, the applicant will be required to provide a revised Functional Servicing Report to the Executive Director of Technical Services, for review and approval. The report will include, amongst other matters, storm drainage, grading and site servicing.

Trees

The proposed development will require the removal of 3 trees. In addition, Urban Forestry will be requiring the removal of a 4th tree that is dead, which should be removed for safety reasons.

The applicant will be required to submit revised landscape plans for the proposal and an application to injure or destroy a tree, prior the issuance of Site Plan Approval.

Tenure

The tenure of the development will be home ownership, consistent with Habitat for Humanities standard practices.

Toronto Green Development Standard

The applicant has not submitted the Toronto Green Development Standard checklist but will be required to as part of the site Plan Approval process.

Development Charges

It is estimated that the development charges for this project will be \$70, 558.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Leontine Major, Senior Planner

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E-mail:lmajor@toronto.ca

SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Elevations

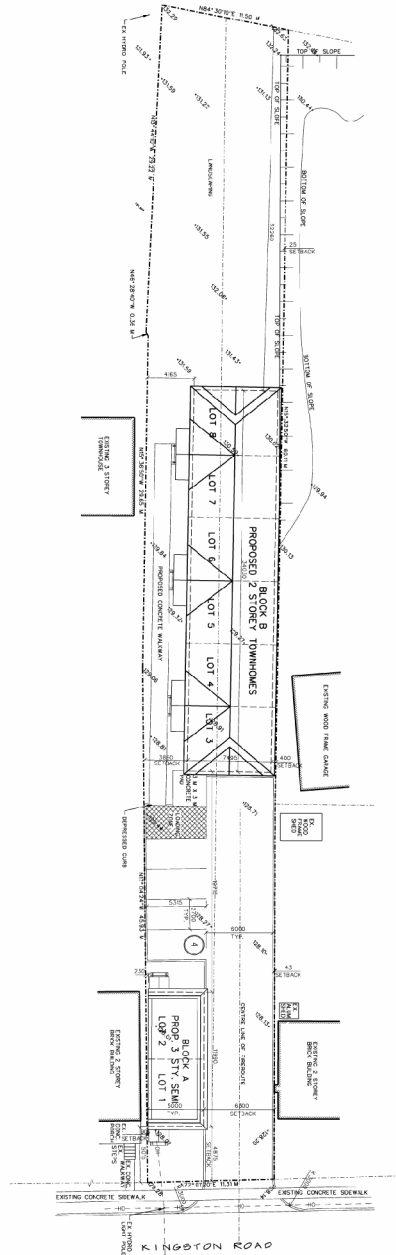
Attachment 4: Elevations

Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

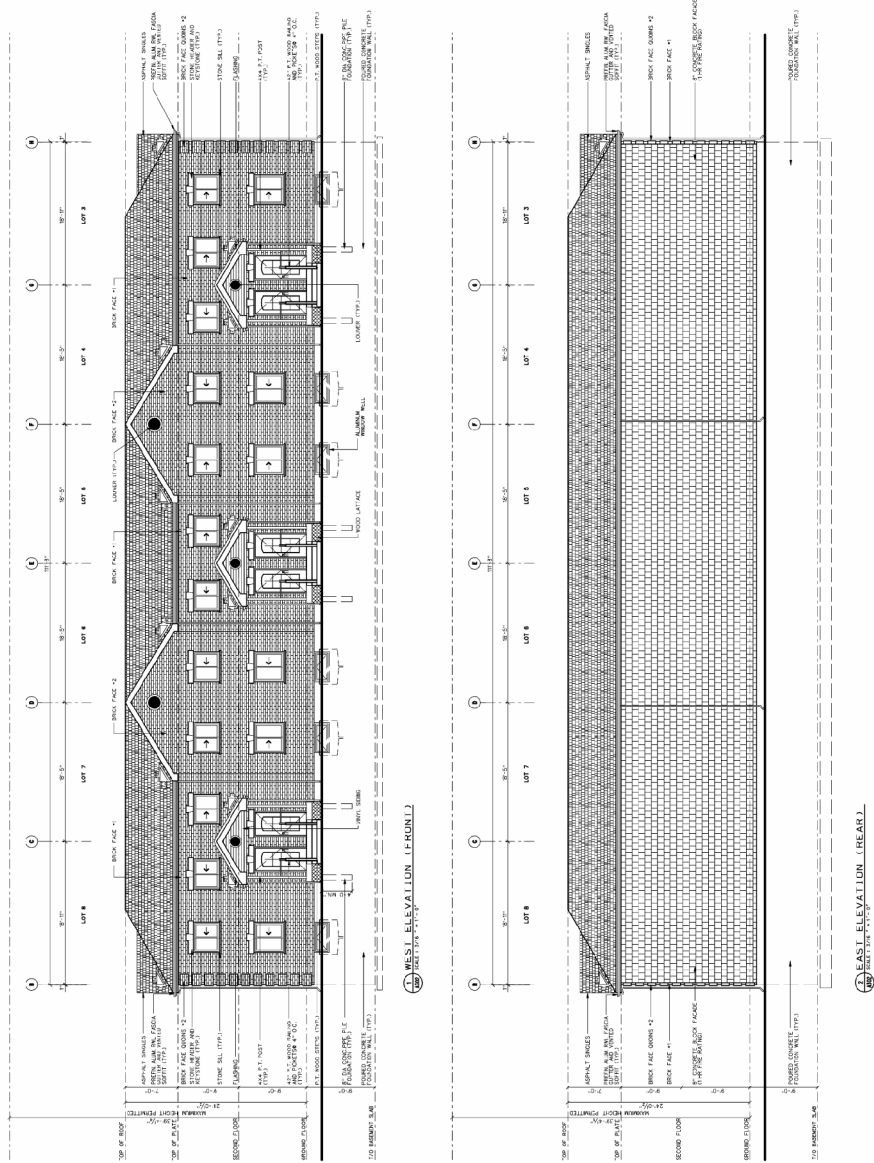
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05/28/07

736 & 738 Kingston Road

File # 05_203640

Attachment 2: Elevations

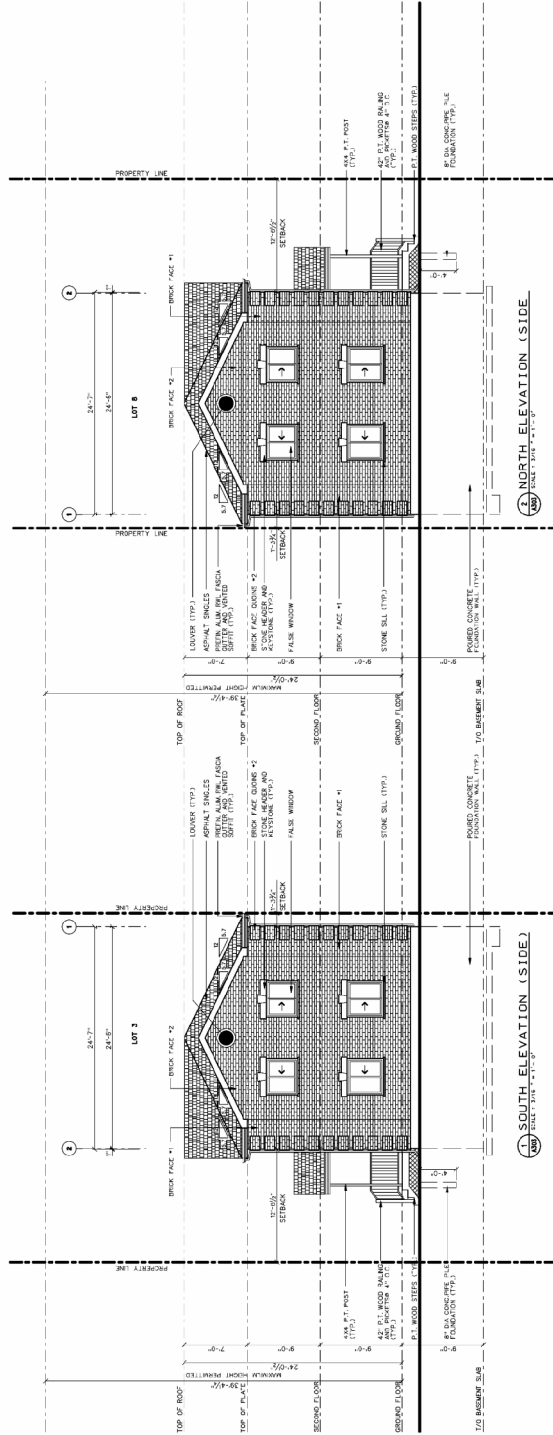


736 & 738 Kingston Road

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/28/07

File # 05_203640

Attachment 3: Elevations

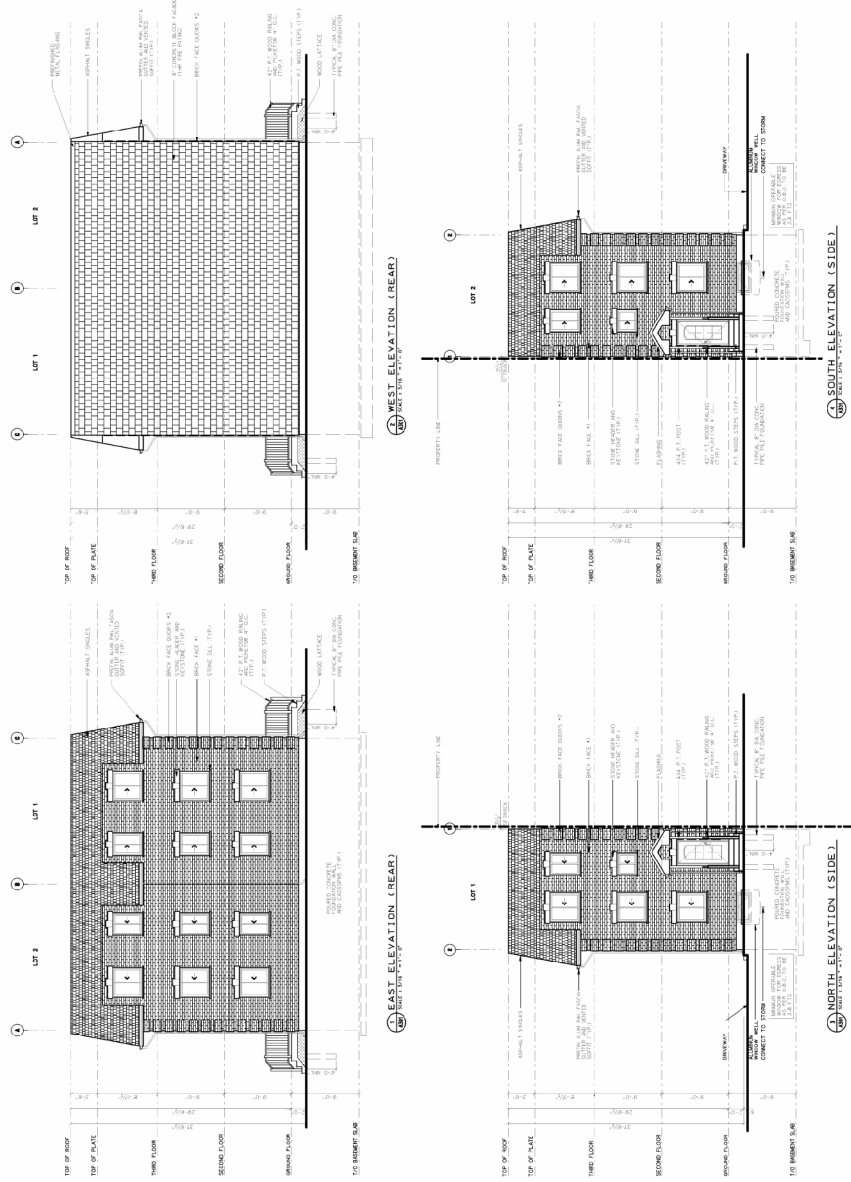


Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/28/07

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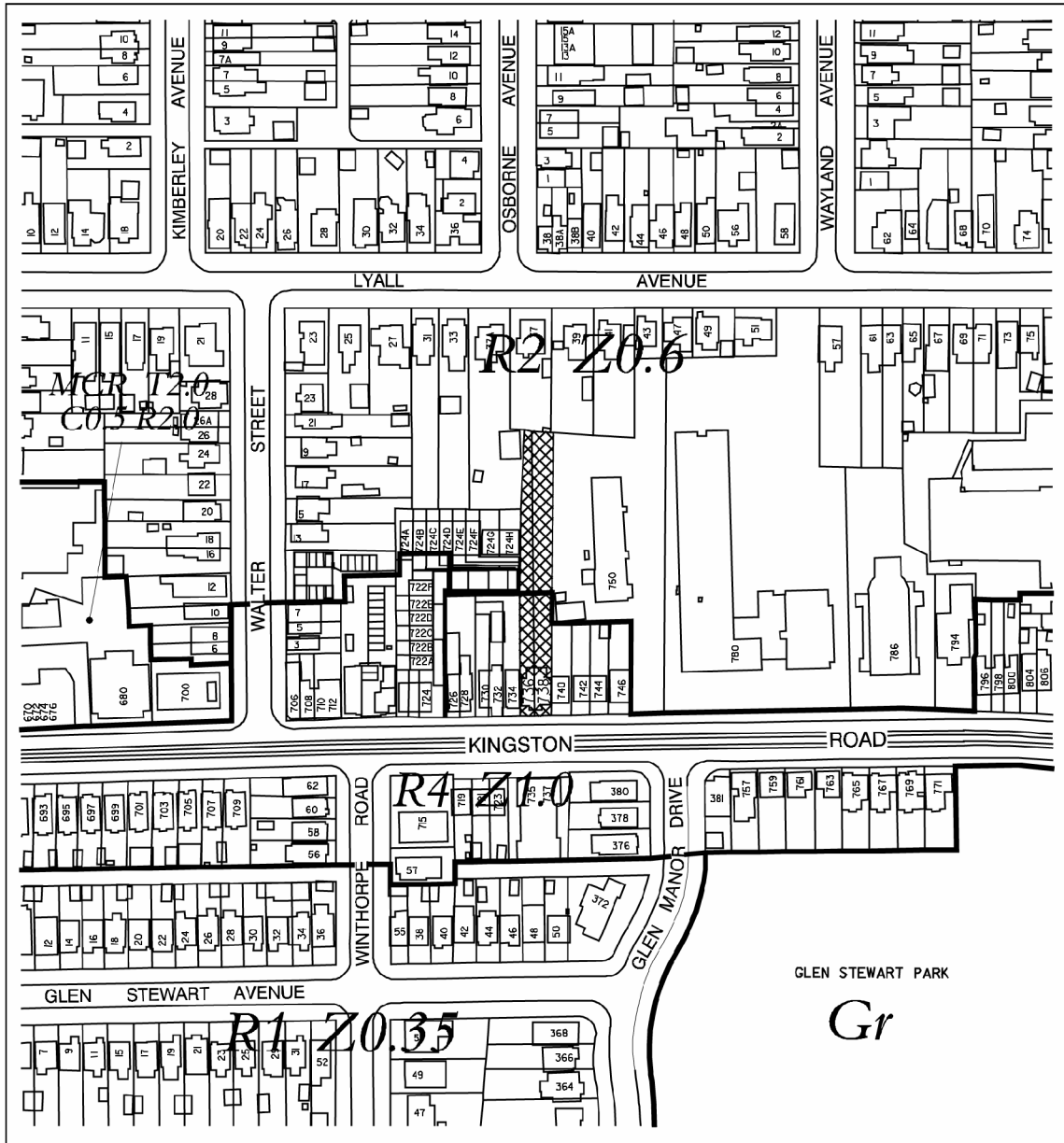
Attachment 4: Elevations



Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/28/07

736 & 738 Kingston Road
 File # 05_203640

Attachment 5: Zoning



736 & 738 Kingston Road
File # 05_203640

- Gr Parks District
- R1 Residential District
- R2 Residential District
- R4 Residential District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/28/07 - DR

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	05 203640 STE 32 OZ
Details	Rezoning, Standard	Application Date:	November 18, 2005

Municipal Address: 736 KINGSTON RD, TORONTO ON
 Location Description: PL 1084 CON 1 FB PT LT3 **GRID S3206
 Project Description: Proposal for a row of six 2-storey townhouses and 1 pair of three-storey semi detached houses.

Applicant:	Agent:	Architect:	Owner:
Habitat for Humanity Toronto Inc. Patti Shevlin			1462460 Ontario Inc.

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning: R4 Z1.0, R2 Z0.6	Historical Status:
Height Limit (m): 14, 12	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1223.85	Height:	Storeys:	3
Frontage (m):	11.3		Metres:	9.6
Depth (m):	108.3			
Total Ground Floor Area (sq. m):	331.5			Total
Total Residential GFA (sq. m):	1001.78		Parking Spaces:	4
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1001.78			
Lot Coverage Ratio (%):	27.1			
Floor Space Index:	0.82			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1001.78	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:		Industrial GFA (sq. m):	0	0
3 + Bedroom:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	8			

CONTACT: PLANNER NAME: Leontine Major, Senior Planner
TELEPHONE: (416) 397-4079

Attachment 7: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Report No. ~, Clause No. ~ as adopted by City of Toronto Council on ~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

To amend Zoning By-law No. 438-86, as amended, With respect to the lands municipally known as, 736 and 738 Kingston Rd

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) definitions of “*row house*” and “*semi-detached house*”, Section 4(17), Section 6(3) Part I 1, Section 6(3) Part II 3 C, Section 6(3) Part II 5, Section 6(3) Part II 8, Section 6(3) Part III 3, Section 6(3) Part IV 4 and Section 6(3) Part IX of By-law No. 438-86 as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a pair of *semi-detached houses* and 6 *row houses* on the lands known municipally in the year 2007 as 736 and 738 Kingston Road, provided:
 - (1) the lands comprise the area shown on Plan 1 attached hereto;
 - (2) the aggregate *residential gross floor area* erected or used on the lands shown on Plan 1 does not exceed 1002 square metres;
 - (3) no portion of any of the buildings shall extend beyond the lines delineating the building footprints on Plan 2 attached hereto;
 - (4) notwithstanding (3), the following projections are permitted:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
eaves or cornices	required setback area from any lot line	0.45 metres	none
fences and safety railings	required setback area from any lot line	no restriction	height of fence or safety railing not to exceed 2.0 metres
Porches	required setback area from any lot line	2.5 metres	roof may not be designated to be used as a deck or terrace
exterior insulation and facing material, including any supporting foundation	required setback area from any lot line	0.16 metres	None
repair, replacement or vertical extension of the existing foundation of a residential building	required setback area from any lot line	no closer to the lot lines than the existing foundation	height of existing foundation may be increased by up to 0.3 metres

- (5) the aggregate *landscaped open space*, including *soft landscaping*, provided and maintained is not less than 50% of the lands shown on Plan 1;
 - (6) a minimum of 4 *parking spaces* are provided on the *lot*, with minimum dimensions of 2.6 metres in width and 5.3 metres in length;
 - (7) an on-site loading space with dimensions of at least 2.7 metres in width and 5.3 metres in length is provided;
 - (8) a minimum driveway width of 6 metres;
 - (9) the provisions of this By-law shall continue to apply to the lands shown on Plan 1 attached hereto notwithstanding their division into one or more separate lots; and
 - (10) the development shall be constructed by Habitat for Humanity.
2. Within the lands shown on Plan 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

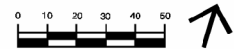
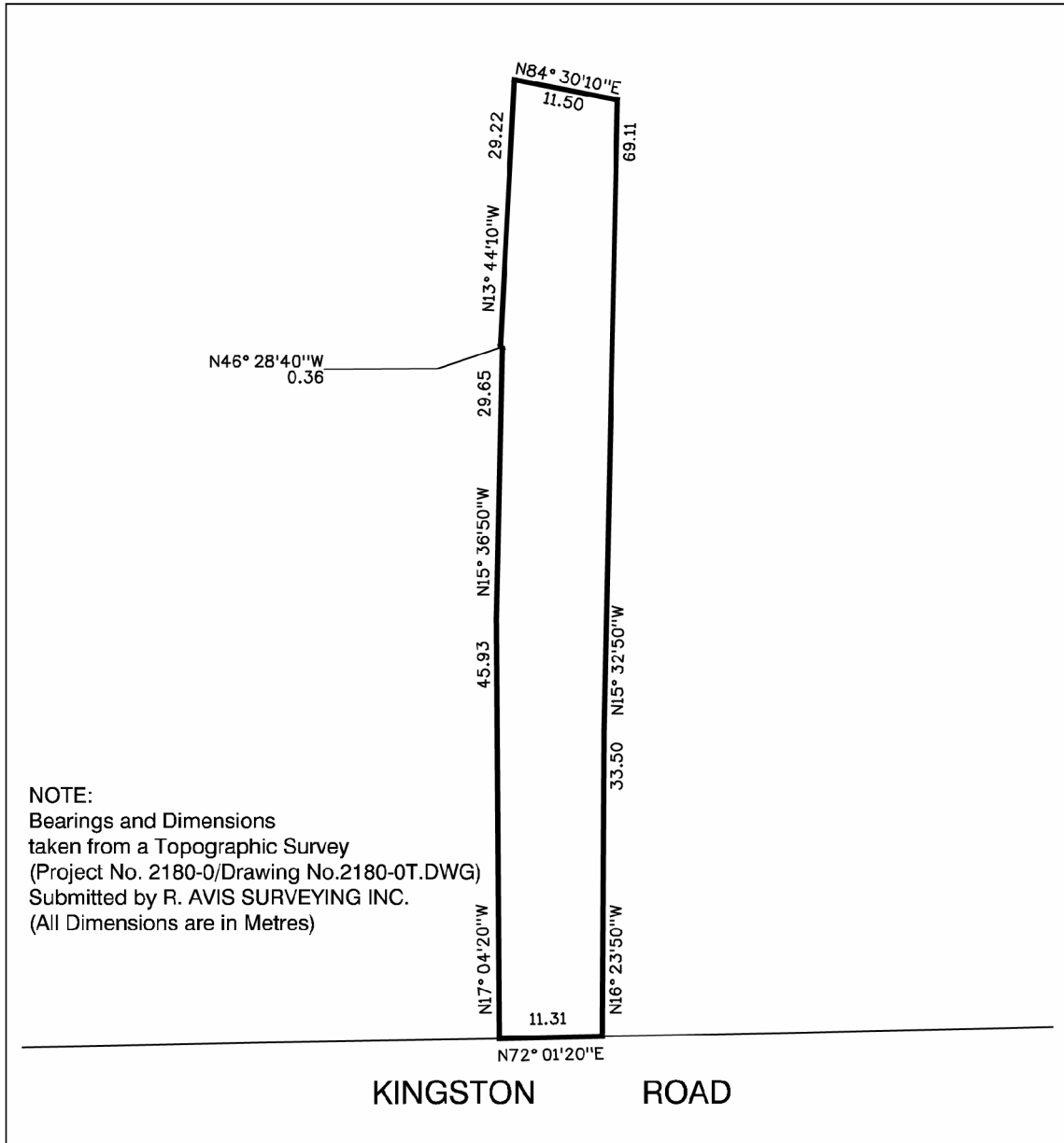
ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Plan 1



Plan 2

