

1725 Kingston Road – Rezoning and Site Plan Applications - Request for Direction Report

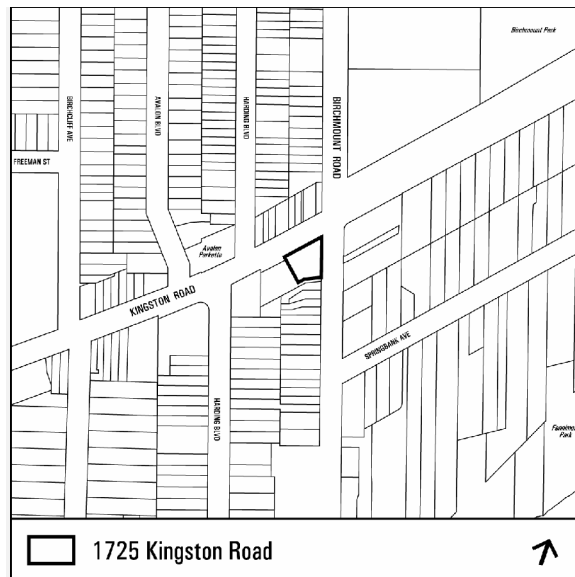
Date:	January 24, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	06 199571 ESC 36 OZ and 07 249726 ESC 36 SA

SUMMARY

The purpose of this report is to seek City Council’s direction for an upcoming yet unscheduled Ontario Municipal Board hearing on an appealed zoning by-law amendment and associated site plan control application.

The proposal is to permit a 7-unit, four-storey townhouse development fronting on Kingston Road at the southwest corner of Kingston and Birchmount Roads. The site falls within the boundaries of the ongoing Kingston Road Revitalization Study.

The subject proposal should be opposed in its current form, however, staff should continue discussions with the applicant in an attempt to resolve the outstanding matters as outlined in this report.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend any Ontario Municipal Board hearing to oppose the applications as currently proposed.

2. City Council direct staff to continue to negotiate with the applicant in an attempt to resolve outstanding matters as outlined in this report including building setbacks, landscaping treatments, urban design and site plan matters.
3. Subject to the applicant addressing the issues raised in this report to the satisfaction of the Director of Community Planning, Scarborough District, City Council:
 - a. determine that the development of the lands at the south-west corner of Kingston and Birchmount Roads is in keeping with the objectives and emerging principles of the Kingston Road Revitalization Study for this segment of Kingston Road, and that the development can proceed prior to the completion of the Study; and
 - b. authorize the City Solicitor to settle the appeal in consultation with the Director of Community Planning, Scarborough District.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

Proposal

In December 2006 the applicant submitted a rezoning application on the subject property in order to permit a 7-storey mixed use residential/commercial building with a total of 46 residential units and 35 underground parking spaces on 3 levels. Planning staff and the community expressed a number of concerns with the initial proposal which included height and density.

The applicant revised their proposal on August 1, 2007 and also submitted a supporting site plan application. The revised proposal, which is currently under appeal to the Ontario Municipal Board, is to permit a 7-unit, four-storey townhouse development fronting on Kingston Road. Vehicular access would be from a driveway off of Birchmount Road to 14 underground parking spaces. The townhouse units would be approximately 13 metres (43 feet) in height with an approximate unit size of 290 square metres (3,122 square feet).

The applicant appealed the zoning by-law amendment and site plan control applications to the Ontario Municipal Board in November 2007, on the basis that Council failed to make a decision within the required statutory time period.

Further project information and details are contained on the attached plans (Attachments 1-2) and on the Application Data Sheet (Attachment 4).

Site and Surrounding Area

The site is a corner lot approximately 883 square metres (9,505 square feet) in size with a frontage of 38.7 metres (127 feet) along Kingston Road and 36.9 metres (121 feet) along Birchmount Road.

The site was used as a gas station and is not in operation. There is an existing 1-storey brick building, fuel pump area, and wood shed on site. The majority of the lot is paved with asphalt. The site slopes significantly from the front of the property along Kingston Road to the back at the south end with a grade difference of approximately 4 metres (13 feet). There are retaining walls along the southern and eastern portions of the site due to the grade difference. A 3.5 metre (11.5 feet) private lane abuts the site to the south providing access to a Bell Canada property behind 1715 Kingston Road. There are a number of existing trees located to the east on the Birchmount road allowance.

Adjacent and nearby uses include commercial uses to the north across Kingston Road, Birchmount Community Centre on the northeast corner, a private road townhouse development across Birchmount Road to the east, residential detached homes to the immediate south and a 3 ½ storey residential apartment building abutting to the west.

Provincial Policy Statement and Provincial Plans

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.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is designated as Mixed Use Area in the Toronto Official Plan. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces, and utilities.

In Mixed Use Areas development will: locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale

Neighbourhoods; locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods; locate and mass new buildings to frame the edges of streets; provide an attractive and safe pedestrian environment; take advantage of nearby transit services; have access to schools, parks, community centres, libraries, and childcare; provide good site access and circulation and an adequate supply of parking for residents and visitors; locate and screen services areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Healthy Neighbourhoods policies of the Plan state that developments in Mixed Use Areas that are adjacent or close to Neighbourhoods will be compatible with those Neighbourhoods; provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through stepping down of buildings towards and setbacks from those Neighbourhoods; maintaining adequate light and privacy for residents in those Neighbourhoods; and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those Neighbourhoods.

The subject property is also located within an Avenue. Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

Reurbanizing the Avenues will be achieved through the preparation of Avenue Studies for strategic mixed use segments of the corridor. Development in Mixed Use Areas on Avenues, prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the Avenue. In addition to the policies of the Plan for Mixed Use Areas, proponents of such proposals will also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

Development requiring a rezoning will not be allowed to proceed prior to the completion of an Avenue Study unless the review of the application demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

The Plan protects the integrity of the City's transportation network and provides for its planned expansion through the designation of public rights-of-way and transit corridors. The City's transportation network will be maintained and developed to support the growth management objectives of the Plan. Kingston Road through the Birchcliff Community has been identified as a Transit Corridor within Map 4 of the Plan and as a Transit Priority Segment within Map 5. Transportation policies support increasing transit priority throughout the City by giving buses and streetcars priority at signalized intersections and by introducing other priority measures on selected bus and streetcar routes such as reserved or dedicated lanes for buses and streetcars. In July 2007 the

terms of reference for the Kingston Road Transit Improvements Environmental Assessment was completed. The subject site is located within the EA area. The study is currently ongoing and targeting a public open house for phase II in Spring 2008.

Zoning

The site is presently zoned Highway Commercial within the Birchcliff Community Zoning By-law (Attachment 3). This zone category permits a number of commercial uses such as, hotels and motels, light industrial uses, limited retail shopping, and professional and business offices. The gross floor area of all buildings is limited to a maximum of 40% of the lot area.

Site Plan Control

The property is located within a site plan control area. Site Plan Control Application 07 249726 ESC 36 SA was submitted in August 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

Reasons for the Application

A zoning by-law amendment is required to introduce residential uses as they are not permitted in the Highway Commercial Zone. The zoning by-law amendment is also required to implement the necessary performance standards to regulate the development, such as height, setbacks and parking. The site plan application is required in order to review details related to site design, functioning and circulation, and secure matters such as landscaping, fencing and boulevard tree planting.

Community Consultation

A community consultation meeting was held on October 11, 2007. There were approximately 29 residents that attended along with the Ward Councillor, City staff and members of the applicant's team. There was a presentation of the revised 7-unit, four-storey townhouse development made by the applicant's planning consultant. A community meeting on the 7-storey mixed use building was never held as the applicant had revised their proposal prior to the scheduling of a community meeting.

Residents were generally pleased with the reduction in height and density with the current townhouse proposal versus the original 7-storey mixed use building. Some residents expressed concern that the current proposal should fit well within the existing neighbourhood context considering the detached homes to the south. Residents wanted to know if this development would now set a precedent allowing everyone in the surrounding area to build to 4 storeys.

Concerns were expressed regarding the adequacy of parking for residents and visitors. Traffic safety concerns were expressed regarding the visibility for vehicles making left or right hand turns at the Birchmount/Kingston Road intersection should the proposed building be located close to the street.

There were comments and concerns on the overall urban design of the development related to matters such as the roof design, building materials and overall aesthetics. Some felt there was a need for area design guidelines. Residents also wanted to know if the building would be 'LEED' certified.

Residents preferred that garbage collection be done door-to-door from Kingston Road and not from the Birchmount Road frontage.

The proposed residential use was viewed as a more appropriate use than the existing gas station. Residents wanted to ensure that the site was environmentally clean before developing on it. Some felt that a commercial component to the development would be good while others did not feel commercial was appropriate.

Residents were concerned about the removal of the existing trees along Birchmount Road, if there would be additional plantings and if the parking structure wall would be screened along Birchmount Road.

COMMENTS

The preliminary staff report dated January 29, 2007 outlined a proposal for a 7 storey mixed use residential/commercial building. A number of concerns were raised in the preliminary report such as: height, density, parking, urban design/massing/transition, traffic and parking, and landscaping. The revised proposal is substantially different from the original. Many of the issues identified in the preliminary report have been resolved as a result of the change in proposal. There is still however a number of concerns with the current proposal and staff will continue discussions with the applicant in an attempt to resolve the current outstanding issues as identified below, prior to any Ontario Municipal Board hearing.

Kingston Road Revitalization Study

In December 2004, Council initiated a Revitalization Study of Kingston Road in the Birchcliff Community. The subject site is located at the southwest corner of Kingston Road and Birchmount Road and falls within the boundaries of the Kingston Road Revitalization Study currently underway.

The focus of the study is the properties that front along the north and south sides of Kingston Road through Birchcliff, including the subject lands. The purpose of the study is to develop a revitalization strategy for Kingston Road in Birchcliff that promotes reinvestment along Kingston Road, in the context of the policies and directions of the new Official Plan. The study is currently in Phase 2 and includes the development of a vision for Kingston Road and issues such as the appropriate mix of land uses, building heights, setbacks, and streetscape design are being explored. A report on Phase 2 of the Study is being targeted for April 2008.

This development proposal is being processed and evaluated concurrently within the context of the Kingston Road Revitalization Study. The Study will provide the opportunity to address the larger area context and examine the implications of this

development for this segment of Kingston Road in much the same way as an Avenue Study would.

Staff want to ensure that any development proposals that proceed prior to the completion of the Study will still be in keeping with the general objectives and emerging principles, so as not to establish any negative precedents for the Study area. In this case, it is appropriate for the proposal to proceed in advance of the Study being completed as the townhouse form and height are in keeping with the direction of the Study along this segment of Kingston Road, subject to addressing the outstanding issues as identified in this report. The proposal also assists in promoting reinvestment and revitalization along this segment of Kingston Road as per the objectives of the Study.

Building Setbacks

The applicant is proposing a west side yard setback of 0.3 metres (1 foot), front yard setback of 3 metres (10 feet), minimum rear yard setback of 5 metres (16.5 feet) and 0 metres along the east flankage side yard adjacent to Birchmount Road. Staff is currently reviewing the appropriateness of the proposed setback along Birchmount Road within the surrounding area context and within the context of the Kingston Road Study. Having the building right on the lot line would not allow for any separation from the residential activities on the lot and the street and would not provide for any private landscaping along Birchmount Road. The Birchmount street yard setback should also be reviewed in the context of its impact on the residential homes to the south and those on the east side of Birchmount Road. The zoning by-law for the residential development on the east side of Birchmount Road requires a setback from Birchmount Road of 2.7 metres (8.8 feet). Planning staff is also reviewing the appropriateness of the west side yard setback.

Landscaping & Trees

The subject site is a corner lot and occupies a key site in the Kingston Road Revitalization Study area. Staff want to ensure that there is appropriate on-site and adjacent public boulevard landscaping where it can be accommodated along both Kingston and Birchmount Roads. In particular, the east side of the development site proposed with no setback includes an exposed parking structure at a height of approximately 4 metres (13 feet) high. Residents at the community consultation meeting suggested that this be screened with landscaping. A setback along Birchmount Road could provide for landscaping on-site to help screen the parking structure.

Urban Design

The front elevation incorporates below-grade window wells located between the townhouse main walls and the public sidewalk and Kingston Road. The window wells act as a barrier between the building façade and the activities of the public realm. They provide for an unwanted break in street continuity and accessibility. Similarly, the front elevation design includes front doors that are recessed into the main wall of the building. The front door should be a more prominent feature in the front elevation. The window wells and recessed front doors could be eliminated or redesigned in a manner to address these concerns.

Technical Services requires that the northeast corner of the site be dedicated to the City as a corner rounding, as it abuts both Birchmount and Kingston Roads. The applicant's landscaping plan illustrates this as an area to be sodded. As a corner site and focal point within the study area, the landscaping treatment of this area should be designed as a high quality pedestrian area by possibly including public art, decorative paving, or street furniture.

The proposed townhouse development incorporates a number of decks and balconies. Any elevated decks and balconies should include appropriate screening measures to ensure privacy for the abutting residential building immediately to the west at 1715 Kingston Road.

Site Plan

The site plan application was circulated to relevant divisions and agencies for comments. The applicant is also required to address the issues raised in these comments as they relate to the site plan prior to any approval. Technical Services comments include matters such as, but not limited to: the proposed driveway access onto Birchmount Road being designed in accordance with the City of Toronto standard; providing a detailed design drawing of the proposed parking structure and ramp; revising the underground parking layout in accordance with City standards and providing a detailed turning plan illustrating sufficient space to turn; and submitting a detailed stormwater management report.

Urban Forestry requested a landscaping plan to illustrate replacement tree planting possibilities in the public boulevard along Birchmount Road. Also, Forestry requested planting additional trees on private property to increase canopy coverage, and increasing the soil volume for private tree plantings adjacent to Kingston Road. An arborist report and revised landscaping plan was submitted to the City in December 2007 and is currently under review by Urban Forestry staff.

There may be additional site planning matters and details that need to be addressed as a result of the ongoing review of the proposal.

Parking & Traffic Safety

Transportation Planning and Transportation Services are satisfied that the proposed 2 parking spaces per unit provide an adequate supply for both owners and visitors. Transportation Services has also requested a 5 metre corner rounding (16.5 feet) at the northeast end of the property. This will help to maintain visibility at the Kingston and Birchmount Road intersection, along with the existing traffic signals.

Refuse Collection

The townhouse units all front along Kingston Road. As part of site plan approval, Technical Services has requested that the applicant demonstrate how the City can collect curb side solid waste and recyclables from the municipal right-of-way along Kingston Road.

Toronto Green Development Standard

The applicant has submitted the Toronto Green Development Standard checklist and has indicated that they will attempt to meet a number of environmental standards for their project. The applicant has advised that the current proposed development would meet the LEED “Bronze” classification and the applicant is exploring environmental standards that would result in LEED “Silver” classification.

Conclusion

Staff should continue discussions with the applicant in an attempt to resolve outstanding matters as outlined in this report. If these issues cannot be resolved, it is recommended that appropriate City staff be directed to attend any Ontario Municipal Board hearing in opposition to the subject applications. In the event the applicant addresses the issues raised in this report, it is recommended City Council authorize the City Solicitor to settle the appeal in consultation with the Director of Community Planning, Scarborough District.

CONTACT

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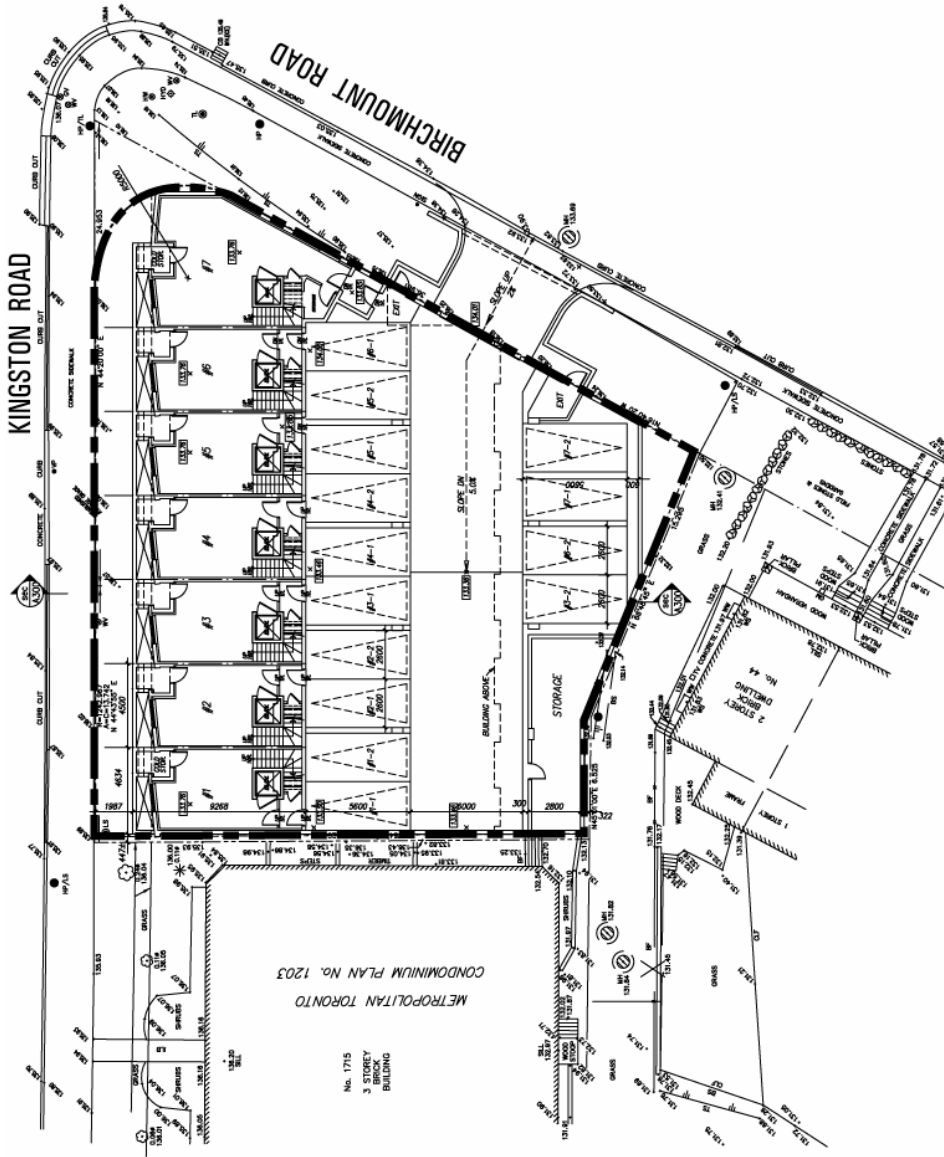
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



1725 Kingston Road

Site Plan
Applicant's Submitted Drawing

File # 06-199571 OZ; 07-249726 SA

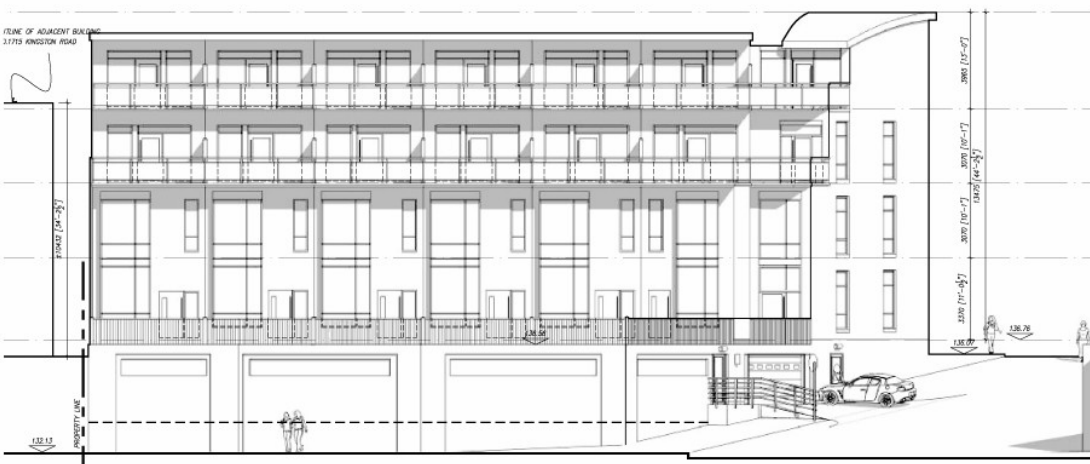
Not to Scale
01/22/08



Attachment 2: Elevations



North Elevation (Kingston Road)



South Elevation

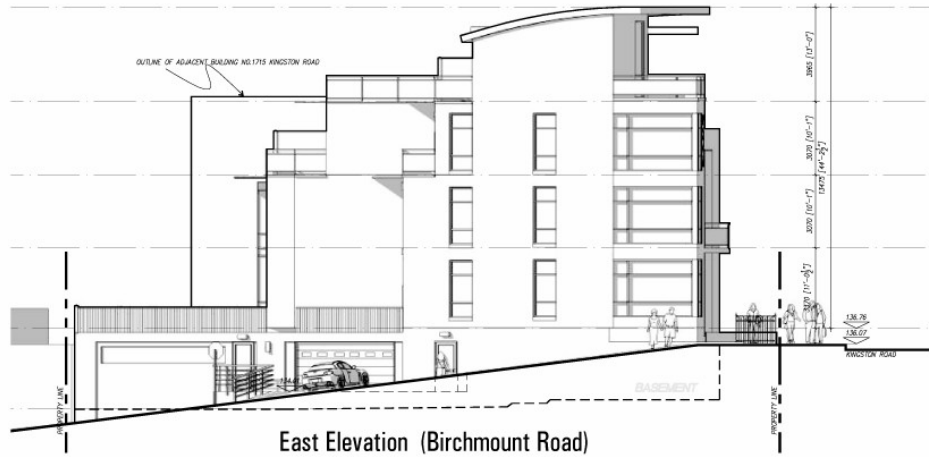
Elevations

Applicant's Submitted Drawing

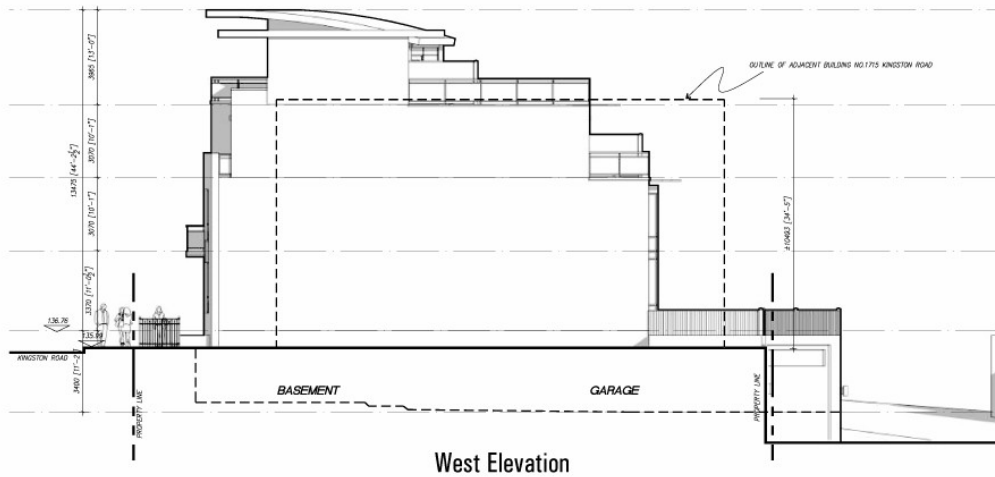
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1725 Kingston Road

File # 06-199571 OZ; 07-249726 SA



East Elevation (Birchmount Road)



West Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
01/23/08

1725 Kingston Road

File # 06-199571 OZ; 07-249726 SA

Attachment 3: Zoning



Toronto City Planning
Division
Zoning

1725 Kingston Road
File # 06-199571 OZ

S Single-Family Residential
M Multiple-Family Dwellings
A Apartment Residential
O Major Open Spaces

NC Neighbourhood Commercial
HC Highway Commercial
I Institutional Uses
LI Limited Institutional

Birchcliff Community Bylaw
Not to Scale
01/24/07



Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	06 199571 ESC 36 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2006

Municipal Address: 1725 KINGSTON RD, TORONTO ON M1N 1S8

Location Description: CON A PT LOT 31 **GRID E3602

Project Description: To permit a 7-unit townhouse development including 14 underground parking spaces. Units would be 4 storeys and 13 metres (43 feet) in height with a typical unit size of 290 square metres (3,122 sq.ft). The development would be accessed from a driveway off of Birchmount Road.

Applicant:	Agent:	Architect:	Owner:
2109655 ONTARIO LTD			2109655 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	HC-Highway Commercial	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	883	Height:	Storeys:	3	
Frontage (m):	38.69		Metres:	13.5	
Depth (m):	26.52				
Total Ground Floor Area (sq. m):	564				Total
Total Residential GFA (sq. m):	1774		Parking Spaces:	14	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	1774				
Lot Coverage Ratio (%):	63.9				
Floor Space Index:	2				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	7
Total Units:	7

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	1774	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	John Andreevski, Planner
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