

**975 Kennedy Rd – Zoning and Site Plan Control Applications - Request for Direction Report**

<b>Date:</b>	December 15, 2008
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 37 – Scarborough Centre
<b>Reference Numbers:</b>	08 118604 ESC 37 OZ and 08 118697 ESC 37 SA

**SUMMARY**

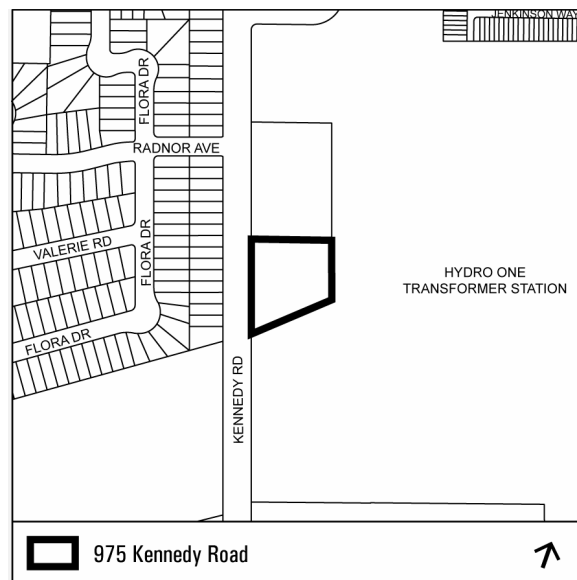
The applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The purpose of this report is to seek direction for the City Solicitor for an upcoming Ontario Municipal Board (OMB) hearing and to inform Scarborough Community Council on the outcome of the Community Consultation Meeting held on the revised proposal consisting of a 4-storey, 120-unit residential condominium building. A Pre-hearing Conference was held on December 12, 2008 at which time the OMB set a further Pre-hearing Conference for February 2, 2009.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council direct the City Solicitor to attend the OMB on the revised proposal consisting of a 4-storey, 120-unit residential development as generally illustrated on Attachments 1 and 2. The applicant is required to submit revisions to this proposal based on the latest review by City staff to address, among other matters, improvements to the



lower level entrances and balconies facing Kennedy Road, additional tree planting along Kennedy Road and within the site, information and clarifications on the stormwater and arborist reports, details on the waste and recycling management facilities, and additional details and dimensions for the landscaping including the building rooftop area, walkways, truck turning radii and parking spaces.

2. City Council authorize the City Solicitor to, upon the applicant making satisfactory revisions to plans, drawings and reports to address outstanding matters, and in consultation with City Planning staff, prepare and make such stylistic and technical changes to the zoning by-law amendment to establish the appropriate development standards including a maximum floor area, building height, and lot coverage and for establishing appropriate setbacks, landscaping and parking ratio requirements for the revised development scheme.
3. City Council support the OMB approval of the site plan control application upon the satisfactory resolution of the outstanding issues including the requirement for the owner to enter into the City of Toronto's standard site plan control agreement that is registered on title to the subject lands.
4. City Council authorize the execution of any agreement that may be required to secure matters in this report or to implement any OMB decision.
5. City Council instruct the City Solicitor to request, if necessary, that the OMB withhold its Order pending completion of any outstanding matters.

### **Financial Impact**

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

### **ISSUE BACKGROUND**

The original applications for rezoning and site plan control proposed a 78-unit stacked townhouse development. On June 10, 2008, Scarborough Community Council considered the Preliminary Report which encouraged the applicant to revise the proposal to achieve conformity with the Official Plan. At this meeting, Scarborough Community Council directed staff to circulate the proposal to Public Health for comment on potential concerns with electromagnetic fields (EMF).

On September 12, 2008, the applicant appealed to the OMB the City's failure to approve the rezoning application and associated site plan control application for the 78-unit stacked townhouse proposal. On October 10, 2008, the applicant submitted a revised development scheme to address issues raised in the Preliminary Report. On November 18, 2008, Scarborough Community Council considered a Status Report apprising of the submission of the revised scheme for a 4-storey, 120-unit residential condominium building with 75 underground and 50 surface parking spaces for residents, and 24 surface visitor parking spaces. The report also sought direction for staff to continue to process the revised proposal and seek further instructions from City Council prior to the OMB

hearing. The proposed development is generally illustrated on Attachments 1 and 2 and additional proposal details are included in Attachment 3 (Application Data Sheet).

### **Site and Surrounding Area**

The subject 0.7 hectares (1.76 acres) contains a one-storey building used for office and banquet facilities. The majority of the property consists of pavement with a number of trees located within the landscaped island between the existing circular driveway and the streetline of Kennedy Road. The property has an approximate 120 metre (335 foot) frontage along the east side of Kennedy Road which, in this location is a 5-lane arterial with a centre turning lane.

There are single family dwellings on the west side of Kennedy Road. Immediately to the north is a one-storey bingo hall. The subject property and the adjacent bingo hall property are surrounded to the north, east and south by a hydro corridor which includes transmission towers as well as a hydro transformer facility and a microwave tower to the north.

More distant uses include Jack Goodlad Park on the south side of the hydro corridor, a nursing home and residential townhouses on the north side of the hydro corridor and the Lawrence Avenue East RT station to the northeast.

### **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.

Toronto's Official Plan clearly identifies intensification areas as contemplated by the Growth Plan. Intensification areas include the Downtown, Centres, Employment Districts and the Avenues. In addition, lands designated as Regeneration Areas and Mixed Use Areas all have the opportunity for appropriate intensification to accommodate the City's anticipated population and employment growth. 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 Mixed Use Areas. Mixed Use Areas consist 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.

Development within the Mixed Use Areas will create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. New buildings are to be located and massed to: provide a transition between areas of different development intensity and scale, minimize shadow impacts on adjacent Neighbourhoods during the spring and fall equinoxes, frame the edges of streets and parks with good proportion; and, to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Developments in Mixed Use Areas are to: have access to schools, parks, community centres, libraries, and childcare; take advantage of nearby transit services; provide good site access and circulation and an adequate supply of parking for residents and visitors; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for building residents.

The Built Form policies specify that new development be located and organized to fit with its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces. New developments are to be massed to fit harmoniously into their existing planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

The Natural Environment policies support strong communities, competitive economy and a high quality of life, public and private city-building activities and changes to the built environment including public works that will be environmentally friendly. This includes protecting and improving the health of the natural ecosystem to minimize air, soil and water pollution, recognizing rainwater and snowmelt as a resource and managing and improving the quantity and quality of stormwater and groundwater infiltration and flows.

## **Zoning**

The subject property is zoned Highway Commercial which permits day nurseries, places of worship, recreational uses, vehicle service garages and vehicle service stations. By Exception, fraternal organizations and non-accessory ground and walls signs, excluding marketplace signs are also permitted.

## **Site Plan Control**

The applicant is seeking concurrent site plan control approval which has been appealed to the OMB.

## **Reasons for Application**

A zoning by-law amendment is required to permit residential uses on the subject property and to establish appropriate development standards for the redevelopment of the property.

## **Community Consultation**

A Community Consultation Meeting was held on November 20, 2008 at the McGregor Park Public Library. A total of 78 notices were mailed. An employee of the library who was also an area resident attended. No issues with the proposal were raised.

## **Agency Circulation**

The revised application was circulated to all appropriate agencies and City divisions. Most of the agency responses have been received. These responses have been used to assist in evaluating the application and to formulate appropriate recommendations. Other agency comments, when received, will be considered as part of the review of the applications, as appropriate.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement. The proposal will utilize existing infrastructure and public service facilities and provides for an alternative housing form from that existing in the immediate area. The archaeological assessment concludes that no archaeological potential remains on the subject property and, therefore development and site alteration could proceed.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal represents intensification on lands designated as Mixed Use Areas on an arterial road served by public transit and which is located in proximity to the Lawrence Avenue East RT station. The proposal represents development in a location targeted for intensification and which is transit supportive.

### **Land Use**

The “Mixed Use Areas” designation under the Official Plan permits a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The proposed residential use is located on an arterial road served by public transit and within proximity to an RT Station. The proposed development is well served by nearby parks, a community centre, a library, and commercial uses at Kennedy Road and Lawrence Avenue.

The proposed 4-storey building provides an alternative residential built form not currently found in the immediate area and is in keeping with the Housing policies of the Official Plan. The proposal provides for a level of residential intensification that is appropriate for the site.

## **Design**

The revised proposal for a 4-storey building frames the Kennedy Road street frontage and now locates 78 parking spaces underground. Surface parking is provided behind the building and garbage storage is within the underground garage. The visual appearance of vehicular parking and service areas are minimized from the street and for future residents. Indoor and outdoor amenity spaces, including a rooftop garden area are provided within the development for the future building residents.

Site plan and building elevation modifications for the ground level units facing Kennedy Road, the front building entrance, and balcony guards have been requested in order to achieve a better street presence and design along Kennedy Road. Provision of additional deciduous trees in the parking area and details on the site and landscape plan has been requested from the applicant.

## **Traffic Impact, Access, Parking, Waste Management**

The submitted traffic report has been submitted and reviewed and its findings are generally acceptable in terms of traffic impact on the surrounding road network and intersections. The proposed parking rate is 1.24 parking spaces per dwelling unit of which 0.2 parking spaces are for visitors. Transportation Planning staff find the parking rate acceptable.

Additional information on the garbage collection and recycling services proposed for the development are required. Dimensional details of internal walkways, parking space sizes, and truck turning radii are among some of the outstanding technical site details that are required for review and assessment.

## **Servicing**

The submitted stormwater management report and waste and recycling collection facilities have been reviewed by Technical Services staff. Additional information and revisions are required and will need to be resolved prior to finalizing the applications.

## **Urban Forestry**

Additional tree planting has been requested along the Kennedy Road frontage and in the parking area along with the submission of a composite utility plan to ensure that proposed tree planting will not conflict with existing utility installations. Therefore, revision to the submitted arborist report and plans are required.

## **Open Space/Parkland**

Parks, Forestry and Recreation staff have advised that the subject lands are located within a Parkland Acquisition Priority Area and are subject to the alternative rate parkland dedication by-law. Map 8 of the Official Plan identifies the area as having a local parkland provision of 1.57 – 2.99 hectares of local parkland per 1,000 people.

Based on the alternative parkland rate for sites less than 1 hectare, the parkland dedication applying to the subject lands is 10% of the development site or 0.0714

hectares. As this dedication requirement is too small for a feasible park, the required parkland dedication will be satisfied through cash-in-lieu.

## **Environment**

The subject property is adjacent to hydro lands that are zoned Industrial Zone (M) and, by the northeast corner of the property, General Industrial Zone (MG). Discussion with Ontario Hydro relative the current and future use of the corridor lands for other type of land uses revealed that the likelihood of the hydro lands being used for uses other than for hydro transmission would be unlikely. However, should other uses be contemplated, the City would be engaged in the review process for such uses.

Furthermore, in consultation with the staff of the Zoning By-law Team, hydro corridors in the City are not contemplated to retain any industrial zoning and therefore planning staff do not consider the interface between the proposed residential use and potential industrial uses on the hydro corridor relative to the Ministry of the Environment Land Use Compatibility Guidelines as an issue for this development.

## **Electromagnetic Fields**

The City's EMF policy aims to minimize children's EMF exposures from hydro transmission lines in corridors using easily achievable, low or no-cost measures. The EMF management plan submitted for the proposal includes five specific mitigation strategies designed to reduce the likelihood of EMF exposure to children. The mitigative measures employed within the development include: a building design and unit size that locates the dwelling units considered as more likely to house resident children to areas of lower EMF levels on the site; locating bedrooms within the units in areas where EMF levels are the lowest; locating electrical conductors and equipment that may produce elevated magnetic fields away from bedrooms and from living spaces where children would be more likely to spend significant amounts of time; and, locating the only potential outdoor play area to the roof top such that the area is located away from the highest EMF levels.

Toronto Public Health, in reviewing the submitted EMF management plan, are satisfied with the proposed mitigation strategies and with the changes made in revising the development scheme such that the intended impacts of minimizing EMF exposures to children are appropriate in this case.

## **Toronto Green Development Standard**

The Toronto Green Development Standard checklist submitted by the applicant indicates the proposed development is intended to meet 33 performance targets. Some of the targets include the major entrance to the proposed residential building being within 200 metres of a transit stop; the use of light coloured roofing materials, all water fixtures meeting efficiency standards; appliances, where provided, meeting efficiency standards; native soil being retained on the site (or replaced, as necessary, with local soil of equal or better quality); and stormwater on-site being retained to the same level of annual volume of overland runoff allowable under pre-development conditions.

## **Development Charges**

It is estimated that the development charges for this project will be \$695,352. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **Conclusions**

Upon the applicant submitting revisions to the 4-storey apartment scheme and provided that the revisions satisfactorily address the issues raised by City staff and the review agencies, then staff would be in a position to support the revised residential development at the Ontario Municipal Board.

If any outstanding issues remain, the OMB will be requested to withhold its Order pending finalization of these matters, including the zoning by-law amendment and execution of the site plan control agreement.

## **CONTACT**

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## **SIGNATURE**

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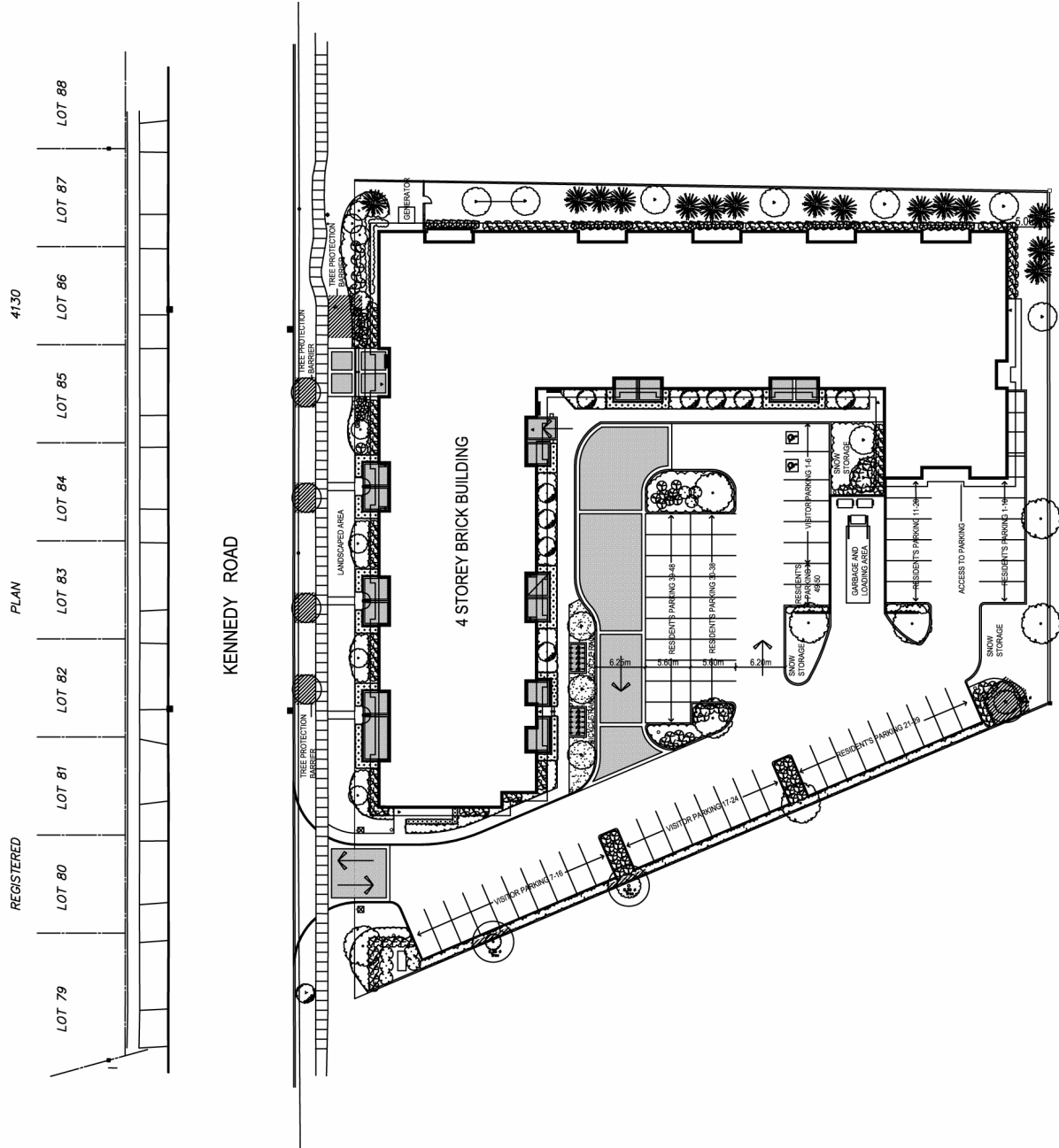
Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Revised Site Plan – Residential Building  
Attachment 2: Revised Elevations – Residential Building  
Attachment 3: Application Data Sheet



**Attachment 1: Revised Site Plan – Residential Building**



**Site Plan**

Applicant's Submitted Drawing

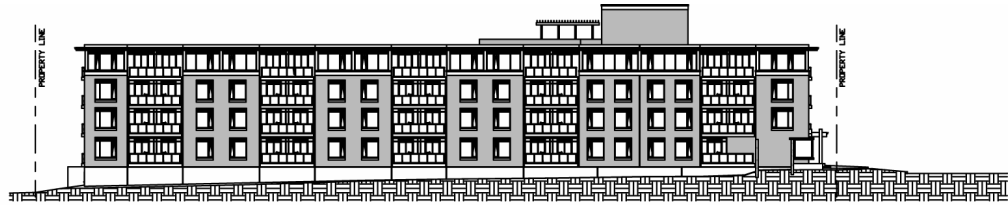
Not to Scale  
10/20/08



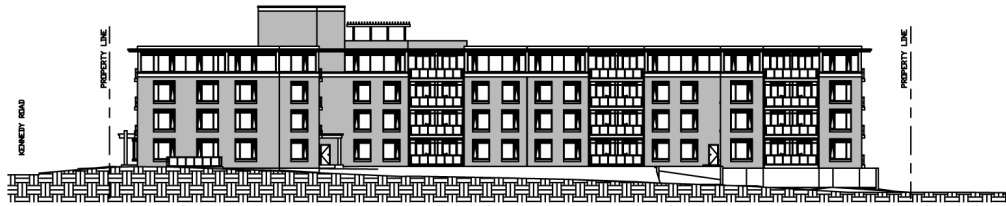
975 Kennedy Road

File # 08-118504 OZ and 08-118607 SA

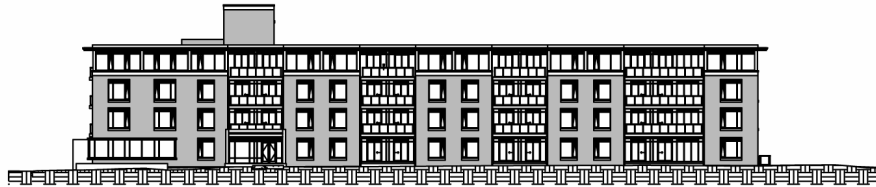
## Attachment 2: Revised Elevations – Residential Building



North Elevation



South Elevation



West Elevation  
(Kennedy Road)



East Elevation

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### Elevation Plan

Applicant's Submitted Drawing

Not to Scale  
10/20/08

975 Kennedy Road

File # 08-118504 OZ and 08-118607 SA

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### Attachment 3: Application Data Sheet

Application Type                      Rezoning                                      Application Number:    08 118604 ESC 37 OZ  
 Details                                      Rezoning, Standard                      Application Date:        March 12, 2008

Municipal Address:                      975 KENNEDY RD  
 Location Description:                    CON D PT LOT 28 \*\*GRID E3708  
 Project Description:                      Rezoning from office/commercial to permit a residential development. The original scheme proposed at 78 unit stacked townhouse development that is proposed as a standard condominium. The proposal has been revised to provide for a 120 unit, 4-storey condominium building with both underground and surface parking.

**Applicant:**                              **Agent:**                                      **Architect:**                              **Owner:**  
 INAUGURAL SOURCE                      COMMUNICATION  
 RON HERCZEG                              ENGERY & PAPER

#### PLANNING CONTROLS

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

#### PROJECT INFORMATION

Site Area (sq. m):	7138.14	Height:	Storeys:	4
Frontage (m):	101.82		Metres:	18
Depth (m):	86.2			
Total Ground Floor Area (sq. m):	2584			<b>Total</b>
Total Residential GFA (sq. m):	10364.6		Parking Spaces:	149
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	10364.6			
Lot Coverage Ratio (%):	36.2			
Floor Space Index:	1.45			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	10364.6	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	88	Office GFA (sq. m):	0	0
2 Bedroom:	32	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	120			

**CONTACT:**                      **PLANNER NAME:**                      **Sylvia Mullaste, Planner**  
**TELEPHONE:**                      **(416) 396-5244**