

Kingston Road Revitalization Study – City-initiated Technical Amendment to the Birchcliff Community Zoning By-law – Final Report

Date:	May 28, 2013
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	05 106102 EPS 36 TM

SUMMARY

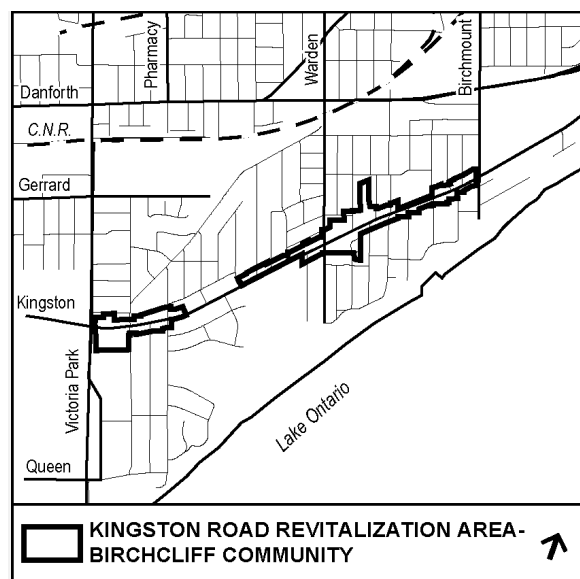
This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report reviews and recommends approval of technical amendments to the Birchcliff Community Zoning By-law in order to implement Council's vision for the Kingston Road Revitalization Study approved on January 26 and 27, 2010. Zoning standards to be revised relate to parking and access, building setbacks, 45-degree angular plane provisions, density, height, Section 37 community benefits, mechanical penthouses, and permitted uses, including the deletion of a number of exceptions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, substantially in accordance with the draft Zoning By-law amendment attached as



Attachment 7.

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.

DECISION HISTORY

On February 23, 2010, City Council enacted By-law No. 222-2010 which amended the former City of Scarborough Birchcliff Community Zoning By-law No. 8786, to implement the concept plan for properties generally located on both the north and south sides of Kingston Road between Victoria Park Avenue and Birchmount Road in the Birch Cliff Community.

City Council's decision and related final staff report can be viewed at: <http://goo.gl/jYGjF>.

By-law No. 222-2010 rezoned certain parcels along Kingston Road to a Commercial-Residential (CR) Zone, which allows for a mix of residential, commercial and institutional uses. Performance standards regulating land uses, building setbacks, density, height, parking and Section 37 community benefits were established in this Zoning By-law. Permitted heights within the Commercial-Residential (CR) Zone vary based on the location and surrounding context from a minimum of two storeys to a maximum of eight storeys. A 45-degree angular plane measured from adjacent low scale residential uses has been applied to ensure an appropriate height transition from existing neighbourhoods. This Zoning By-law can be viewed at: <http://goo.gl/uMXSr>.

By-law No. 614-2010 was enacted by City Council on June 9, 2010 to correct the Zoning By-law with respect to conflicting performance standards dealing with maximum height and gross floor area restrictions and to correct a typographical error as it related to Exception 38 which applies to certain properties within the Birch Cliff study area. This Zoning By-law can be viewed at: <http://goo.gl/BTvc5>.

Below is the link to the City Council decision and related final staff report:
<http://goo.gl/IXMjC>.

ISSUE BACKGROUND

Proposed Technical Amendments

Subsequent to City Council's enactment of Zoning By-law No. 222-2010 and Zoning By-law No. 614-2010, certain errors were identified whereby conflicting performance standards and zoning provisions do not accurately reflect the intent of City Council's vision and the urban design guidelines adopted by Council in 2010. The proposed City-initiated technical amendments to the Zoning By-law correct these errors and maintain City Council's stated intention for this area.

Study Area Characteristics

Kingston Road in the Birch Cliff Community is similar to a traditional “main street” with clusters of low rise commercial buildings nestled close to the street, with a mix of low rise apartments, and single and multiple family dwellings along its extent. Much of Kingston Road in Birch Cliff is a pedestrian scale street, four lanes wide, with on-street parking in many locations.

The physical appearance of Kingston Road in Birch Cliff is comparable in many ways to Queen Street in the ‘Beach’, or parts of Danforth Avenue. However, in Birch Cliff, Kingston Road does not exhibit the vibrancy of these more successful main streets. There are commercial vacancies, a number of stores have been converted to apartments, many buildings are in need of repair, and auto repair and sales establishments occupy key sites along the street. These factors contribute to the decline that is apparent along segments of this corridor. Many of the retail clusters have multiple ownerships with most properties being small and shallow. As a result, some of the properties may not be sufficiently large to support new development. Consolidation of properties will, in all likelihood, be required in these instances to promote revitalization.

More recently, there have been positive signs of revitalization as a result of two recently completed development projects on this part of Kingston Road. The northwest corner of Fallingbrook Road and Kingston Road (160 Fallingbrook Road) has been redeveloped into a 6-storey mixed use building with ground floor retail uses, and the southwest corner of Birchmount Road and Kingston Road (1725 Kingston Road) houses a 7-unit condominium townhouse development.

The City of Toronto began a road reconstruction project on April 2, 2013 for the segment of Kingston Road from Victoria Park Avenue to Birchmount Road. The reconstruction program entails upgrades to existing watermains and sanitary and storm sewers. Combined with this capital works project and the City's Urban Design campaign, there will be upgraded boulevard restoration work which will include new street trees, new sod and new street furniture. Other key features such as seating walls, community identifier signage and possible sidewalk inlays are to be installed by the City. The construction work is targeted for completion by late November 2014. Link for additional information on this project: www.toronto.ca/improvements

Well-established, low density neighbourhoods are located to the north and south of Kingston Road. These neighbourhoods are undergoing reinvestment through small infill developments and with older housing stock being refurbished or replaced.

Recent Development Proposals

There are three active site plan applications along the portion of Kingston Road from Victoria Park Avenue and Birchmount Road. Lands that are subject of these site plan applications have been exempted from the proposed City-initiated technical amendment to the Birchcliff Community Zoning By-law No. 8786, as amended. They are as follows:

- 1340 Kingston Road (13 149434 ESC 36 SA) to permit a six-storey mixed-use building with 17 residential units and commercial uses on the ground floor;
- 1092-1118 Kingston Road (13 163031 ESC 36 SA) to permit an 8-10 storey, mixed-use building containing 169 residential units and retail and service commercial space on the ground floor; and
- 1548 Kingston Road (13 165888 ESC 36 SA) to permit a three-storey building with 22 residential units.

The above-noted properties have been exempted from the proposed technical amendments save and except for Performance Standard 303 which is proposed to secure basic servicing and road construction for new buildings and structures.

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.

The proposal is consistent with the PPS and to conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Kingston Road is identified as an "Avenue" on Map 2 - Urban Structure in the Toronto Official Plan. Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new residential and employment opportunities while improving the pedestrian environment, streetscapes, retail opportunities and transit service for residents of the community.

The majority of the lands within the study area are designated *Mixed Use Areas* with the exception of properties containing detached and semi-detached dwellings which are designated *Neighbourhoods* and the Avalon Parkette, which is designated *Parks and Open Space Areas – Parks*.

In *Mixed Use Areas*, development proposals are evaluated to ensure that the new development 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; provide for new jobs and homes for Toronto's growing population on

underutilized lands; locate and mass new buildings to frame the edges of streets and parks with good proportion; provide an attractive, comfortable and safe pedestrian environment; take advantage of nearby transit services; provide good site access and circulation and an adequate supply of parking for residents and visitors; and, locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

Neighbourhoods are physically stable areas providing for a variety of lower-density detached, semi-detached and street townhouse dwellings. Policies and development criteria are contained in the official plan to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally “fit” the existing physical character. These policies state that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including, in particular, size and configuration of lots, setbacks of buildings from the street or streets; prevailing patterns of rear and side yard setbacks and landscaped open space; and continuation of special landscape or built form features that contribute to the unique physical character of a neighbourhood.

Avalon Parkette is located between Avalon Boulevard and Harding Boulevard on the north side of Kingston Road and is designated *Parks and Open Space Areas – Parks*. *Parks and Open Space Areas* are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a green open space network in Toronto.

Kingston Road through the Birch Cliff Community has been identified as a Transit Corridor within Map 4 of the Plan and as a Transit Priority Segment within Map 5.

Zoning

As part of Council's previous approval in 2010, the majority of the properties within the Kingston Road Revitalization Study area are now zoned Commercial-Residential (CR) (Attachment 1) in the Birchcliff Community Zoning By-law No. 8786. The Commercial-Residential Zone permits a wide variety of retail and residential uses such as day nurseries, dwelling units, offices, personal service shops, places of entertainment, private home day cares, restaurants, retail stores, educational and training facilities, financial institutions, fraternal organizations, hotels, medical centres, municipally owned and operated parking lots and nursing homes.

The Commercial-Residential Zone prohibits automotive related uses such as sales, services, repair, maintenance, service stations and car wash establishments as well as low-density residential uses such as single-family dwellings, two-family dwellings, multiple-family dwellings and duplexes.

In a few cases, there are some properties that also are dual zoned as a Two-Family Residential (T) and Commercial-Residential (CR) Zone. The Two-Family Residential (T) Zone permits single-family dwellings, two-family dwellings, correctional group homes and group homes.

City-Wide Zoning By-law No. 569-2013

City Council enacted the City-Wide Zoning By-law No. 569-2013 on May 9, 2013. The properties subject to the proposed technical amendment are not subject to the new Zoning By-law.

Community Consultation

The City's Legal Division has advised that no further community consultation is required for the consideration of the proposed technical amendments to the Zoning By-law since these minor amendments reflect the intent of City Council (Attachments 2 to 5 – Concept Plans). The properties subject to these amendments have been clearly identified on maps contained in this recommendation report (Attachment 6: Draft Zoning By-law Schedules).

COMMENTS

The following section outlines the specific technical amendments proposed in Attachment 6: Draft Zoning By-law.

Angular Plane

Performance Standard 293 provides for an appropriate transition between the Commercial Residential (CR) Zone abutting Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M) Zones. This performance standard protects for this transition by requiring a 45-degree angular plane that would provide for the stepping down of heights for taller buildings along Kingston Road. However, in some instances, the 45-degree angular plane provision was not applied to lands that could accommodate taller buildings where a transition in built form to adjacent properties designated *Neighbourhoods* is appropriate.

The proposed amendment now adds the 45-degree angular plane provision to previously overlooked properties including Commercial-Residential (CR) Zones abutting Park (P) Zones in order to ensure adequate sunlight and sky views are enjoyed in those parks. Staff are also recommending that wording be added that would also allow laneways to be used for the purposes of establishing the 45-degree angular plane when adjacent to properties zoned "S", "T" and "M". See Attachment 6 for the revised wording of Performance Standard 293.

Height and Density

The Kingston Road Revitalization Study sets out density and height provisions for new development, which are set out in Performance Standards 283, 284 and 285.

The previous amendments to the Zoning By-law incorrectly applied these performance standards to properties and in some cases created conflicts for maximum height and gross floor area permissions. The proposed technical amendment corrects these deficiencies by applying the appropriate heights and densities to properties in order to be consistent with

City Council's vision as illustrated in the concept plans and urban design guidelines. The wording of the performance standards themselves remains unchanged.

Main Wall Step Backs for Buildings

Performance Standards 296 and 297 were added to ensure that the portions of buildings above certain heights or number of storeys are stepped back from the front main wall along Kingston Road in order to provide for sky views and maintain sunlight on the sidewalk.

The existing performance standards apply only to the Kingston Road frontage whereas the intent of the building step back provisions were to be applied to the main walls along all streets, including Kingston Road. In addition, to provide further clarity, Performance Standards 296 and 297 have been amended by deleting any reference to the number of storeys. The performance standards now refer only to absolute numerical heights to allow for a more succinct interpretation. In addition, Performance Standard 296 has been amended by deleting "Kingston Road" and now refers to all public streets and side lot lines. See Attachment 6 for the revised wording of Performance Standards 296 and 297.

Building Setbacks from Local Streets

The Kingston Road Revitalization Study identified a 1.5 metre (5 foot) building setback requirement from the property line to local streets. The report identified that such a requirement be applied to all properties flanking Blantyre Avenue, Courcellette Road, Fallingbrook Road, the east side of Woodland Park Road, Queensbury Avenue, Audrey Avenue, Cornell Avenue, Warden Avenue, Manderley Drive, Valhalla Road, Kalmar Road, Kildonan Drive, Eastwood Avenue, Lakeside Avenue, Birchcliff Avenue, Avalon Boulevard, Harding Boulevard and Birchmount Road. This setback provides an appropriate transition to adjacent residential structures and opportunities for landscaping purposes.

However, the application of this "flankage" setback requirement was not applied to some properties having frontage along the aforementioned streets. Also, the wording of this provision referenced the "street lot line", which in some cases conflicted with the building setback provisions relating specifically to the Kingston Road frontage.

Interpretation issues have also been identified respecting the wording of the above-noted performance standard, particularly as it relates to the reference of "dwelling units on the first floor". One could potentially interpret that no setback would be required for dwelling units on the first floor or that dwelling units are not permitted on the first floor.

As such, a technical amendment to Performance Standard 291 is recommended to accurately reflect City Council's intent of providing this important "flankage" setback requirement to all streets except Kingston Road, and by deleting the reference to dwelling

units on the first floor. See Attachment 6 for the revised wording of Performance Standard 291.

Balconies and Unenclosed Porches

Performance Standard 303 requires that balconies and enclosed porches be recessed from the main wall. The wording of this performance standard currently prohibits the construction of balconies and unenclosed porches to extend beyond the main wall at the rear of buildings and on main walls along local streets, which was not the intent of design guidelines approved by Council.

Performance Standard 295 is related to Performance Standard 303 as it prohibits balconies and unenclosed porches from projecting into the Kingston Road street yard.

To more accurately reflect the intent of Council's approved urban design guidelines for this area, balconies and unenclosed porches should be permitted to project beyond the main wall above 10.5 metres (34.4 feet), as such projections would not produce an uncomfortable pedestrian level environment. Staff recommend combining the two provisions such that Performance Standard 295 restricts balconies and unenclosed porches located above the 1st storey from projecting beyond the main wall of that portion of the building below 10.5 metres in building height adjacent to a street line. See Attachment 6 for the revised wording of Performance Standard 295.

Reduced Parking Rates

Performance Standard 203 allows for a reduced parking requirement for retail, service, office, restaurant, recreational, and places of entertainment in excess of 1000 square metres of gross floor area. Planning staff are recommending that Performance Standard 203 be deleted as this zoning provision exists as a general provision in the Birchcliff Community Zoning By-law No. 8786, as amended in Clause VIII – General Parking Regulations for All Zones, Section 1.2, Reduced Parking Requirements.

Kingston Road Parking and Access Restrictions

Performance Standard 204 currently prohibits parking along the Kingston Road frontage and prohibits individual access to street townhouse dwellings. The inclusion of the word "and" between the two restrictions has led to interpretation concerns by both Planning and Building staff. As such, Staff recommends that two separate performance standards be introduced: one to prohibit parking along the Kingston Road as well as along Victoria Park Avenue and the other to restrict vehicular access to individual street townhouse dwellings.

With the deletion of the redundant parking rate provision (see Reduced Parking Rates, above), Staff are recommending that the text of Performance Standard 203 be replaced with the provision relating to vehicular parking within the Kingston Road or Victoria Park Avenue street yard, while the provision prohibiting individual vehicular access to

street townhouse dwellings from Kingston Road be retained within Performance Standard 204 (see Attachment 6 for the revised wording of Performance Standards 203 and 204).

Section 37 Community Benefits

Performance Standard 286 currently requires the owner of a property seeking an increase in height and density to enter into a Section 37 Agreement to secure community benefits. City staff recommend amending Performance Standard 286 such that the owner must enter into a Section 37 Agreement with the City, but must also either construct the appropriate community benefit(s) or provide financial securities for the community benefit(s) prior to the issuance of a building permit (see Attachment 6 for the revised wording of Performance Standard 286).

Mechanical Penthouses

Performance Standard 299 currently requires that rooftop mechanical equipment be stepped back an additional 6 metres (20 feet) from all required setbacks, covering no more than 50% of the rooftop area and extending no more than 5 metres (16.4 feet) in height. For consistency purposes, requirements pertaining to mechanical penthouses should be more closely aligned with the Performance Standards for Midrise Buildings, as approved in the Avenues and Midrise Buildings Study and recent area studies and Avenue studies such as the Sheppard Avenue Study and the Highland Creek Village Area Study.

As such, staff recommend a technical amendment to Performance Standard 299 that would reduce the mechanical setback requirement from 6 metres (20 feet) to 5 metres (16.4 feet), but to a less permissive coverage of 30% of the roof area (see Attachment 6 for the revised wording of Performance Standard 299).

Standard Service and Base Road Construction

The City-wide comprehensive Zoning By-law No. 569-2013 that was enacted by City Council on May 9, 2013, restricts the construction of any building or structure unless a satisfactory level of municipal services have been secured. With the deletion of the wording of Performance Standard 303 as it pertains to balconies and unenclosed porches, staff are recommending that Performance Standard No. 303 be reworded to include the provision requiring standard services and base road construction for new buildings and structures (see Attachment 6 for the revised wording of Performance Standard 303).

Avalon Parkette

Avalon Parkette is located between Avalon Boulevard and Harding Boulevard on the north side of Kingston Road and is designated *Parks and Open Space Areas – Parks* on Land Use Map 21 in the Official Plan. This Parkette was inadvertently rezoned to Commercial-Residential (CR) Zone through the study and therefore does not conform to

the Official Plan. As such, staff recommend that the Avalon Parkette be rezoned to a Park Zone (P) as it was previously zoned (see Schedule 6 in Attachment 6).

Laneway Located Between Blantyre Avenue and Fallingbrook Road

There is an east-west public laneway owned by the Toronto Parking Authority that abuts Blantyre Park to the south and is located between Blantyre Avenue and Fallingbrook Road north of Kingston Road. This laneway has remained "unzoned" for over 50 years. Through staff's zoning review for the area which included this land parcel, staff are of the opinion that the majority of the lands comprising the laneway should be zoned to be in keeping with the zoning of the properties immediately adjacent to the south. As such, staff recommend rezoning this portion of the laneway to a Commercial-Residential (CR) Zone with provisions permitting a minimum height of two storeys and a maximum height of 8 storeys with a requirement that the owner enter into a Section 37 Agreement should they propose exceeding a building height of 6 storeys.

North of the laneway along the east side of Blantyre Avenue are six dwelling units that are zoned as Two-Family Residential (T). In order to provide an appropriate transition between the properties along Kingston Road which are zoned Commercial-Residential (CR), staff are recommending that the westernmost portion of the laneway be zoned as a Two-Family Residential (T) Zone, with the same performance standards as other properties within this zone to the north. This would allow the possible development of the laneway with a built form that is consistent with the existing six properties north of the existing laneway (see Schedule 1 in Attachment 6).

Victoria Park Avenue and Meadow Avenue

There are four existing dwelling units at the southeast corner of Victoria Park Avenue and Meadow Avenue (219-225 Victoria Park Avenue). The land parcel immediately south of these parcels has frontage on Victoria Park Avenue, Meadow Avenue and Kingston Road. The municipal address for this parcel is 1080 Kingston Road. Staff are recommending the portion of lands fronting Victoria Park Avenue and south of the existing homes be zoned both Commercial-Residential (CR) and a Two-Family Residential (T) Zone. This would permit single-family dwellings and two-family dwellings with the same zoning provisions as the four existing dwelling units north of this property (see Schedule 1 in Attachment 6).

Lynn Road

On the south side of Lynn Road between Warden Avenue and Manderley Drive there are six detached dwelling units. Lands located at the southwest corner of Lynn Road and Manderley Drive are currently zoned Commercial-Residential (CR), and are being used as a parking lot in conjunction with the commercial uses fronting Kingston Road. To provide additional flexibility that is compatible with the existing six detached dwelling units fronting Lynn Road, staff are recommending that these lands be zoned Single-Family Residential (S) in addition to the Commercial-Residential (CR) Zone (see

Schedule 4 in Attachment 6). The proposed zoning provisions related to the Single-Family Residential (S) Zone will be identical to the zoning for the existing dwelling units on the south side of Lynn Road and development of the lands could then allow for either detached dwelling units or a mixed use building.

1546 Kingston Road

1546 Kingston Road is a large rectangular land parcel located on the north side of Kingston Road between Manderley Drive and Kalmar Avenue. The property has access off both Kingston Road and Kalmar Avenue. Due to the extensive depth of this property into the stable residential neighbourhood to the north, staff are of the opinion that commercial uses should not be permitted beyond the point where residential uses on Kalmar Avenue and Manderley Drive begin. Commercial uses are not compatible with those existing low-density residential land uses. As such, staff recommend that only residential uses be permitted north of the point where residential uses begin thereby providing for a better transition to the existing neighbourhood (see Schedule 5 in Attachment 6).

Exception 2

Exception 2 currently permits ground and wall signs which are non-accessory to the building. The City's Municipal Code 118, Property Standards Section 629-15 governs the use of signs on a property. Staff believe that this exception is redundant and recommend that this exemption be deleted from properties in the study area.

Exceptions 18 and 19

Exception 18 applies to the lands municipally known as 36-40 Viewbank Road and 1-43 Rodeo Pathway, and permits a maximum of 23 multiple-family dwellings and three single-family dwellings, while Exception 19 applies to the lands municipally known as 1402 Kingston Road, and restricts the maximum gross floor area of all buildings to 118% of the area of the lot, excluding the gross floor area of all basements.

Both of these exceptions conflict with the permissions found in the Commercial-Residential (CR) Zone applying to these properties and would prevent them from being redeveloped with mixed use buildings. Staff are therefore recommending that Exceptions 18 and 19 be deleted.

Exception 27

Exception 27 applies to lands located known municipally as 1647 & 1649 Kingston Road, as well as a vacant parcel immediately to the west of 1647 Kingston Road. Exception 27 prohibits automobile service stations and permits only apartment buildings that may contain fewer than five dwelling units. It also allows for required parking to be provided collectively across the three properties, notwithstanding any future land division. Since these parcels have been rezoned to the Commercial-Residential (CR)

Zone, the exceptions permitting only apartment buildings and prohibiting automobile service stations is now redundant. Staff recommend deleting those two subsections of Exception 27.

Exception 28

Exception 28 prohibits the use of pinball machines and other electronic or manually operated games except for premises where liquor is lawfully sold, provided that such premises are not licensed as a dining room or dining lounge under the Liquor Licence Act. Exception 28 applies to lands located north of Kingston Road on the east side of Victoria Park Avenue and properties located on the north side of Kingston Road between Warden Avenue and Manderley Drive. Staff are of the opinion that such use restrictions are not warranted as establishments housing pinball machines and like gaming units are generally no longer a concern as technological advancements in the gaming field have rendered them antiquated. As such, staff are recommending that Exception 28 be deleted.

Exception 38

Exception 38 restricts uses on the ground floor to a variety of commercial and institutional uses with residential uses permitted on the second floor and above. This exception also prohibits street townhouses within certain key commercial areas along Kingston Road. Exception 38 has not been correctly applied. Through this amendment, Exception 38 will be correctly applied so that it will be in keeping with the concept plans approved by City Council by either deleting the application which was erroneously applied to certain properties or applying the exception to properties that should have been subject to this exception (see Schedules 7-9 in Attachment 6).

Exceptions 40 and 41

The properties municipally known as 1092-1118 Kingston Road, 1340 Kingston Road and 1548 Kingston Road are excluded from the proposed technical amendment to the Zoning By-law, as they are subject to active site plan applications currently being reviewed by City staff. The properties municipally known as 1210 Kingston Road and 1725-1737 Kingston Road are likewise excluded from the technical amendment, as they are recently constructed midrise and townhouse developments that are not likely to be redeveloped for some time. However, the wording of some of the zoning provisions that apply to these sites is proposed to be revised through the technical amendment, which would render those existing developments potentially non-conforming. As such, staff recommend creating two new exceptions, which will retain the existing wording for the performance standards that currently apply to those properties (see Schedules 7-9 in Attachment 6).

Amenity Space

The Birchcliff Zoning By-law No. 8786, as amended, does not have a definition for amenity space which has led to zoning interpretation issues.

In order to better guide the application of amenity space requirements, staff recommend that the definition contained within the City-wide comprehensive Zoning By-law No. 569-2013 be introduced in the Birchcliff Community Zoning By-law No. 8786 as follows:

"**Amenity Space** means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for **recreational** or social activities."

CONCLUSION

In summary, staff recommend that Community Council approve the proposed technical amendments to the Birchcliff Community Zoning By-law, as amended, to correct errors that were identified whereby conflicting performance standards and exceptions do not accurately reflect the intent of City Council's vision and the urban design guidelines adopted by Council in 2010 to implement the concept plan for the Kingston Road Revitalization Study.

CONTACT

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SIGNATURE

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Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Areas Subject to Technical Zoning By-law
Attachment 2: Concept Plan
Attachment 3: Concept Plan
Attachment 4: Concept Plan
Attachment 5: Concept Plan
Attachment 6: Draft Zoning By-law Amendment

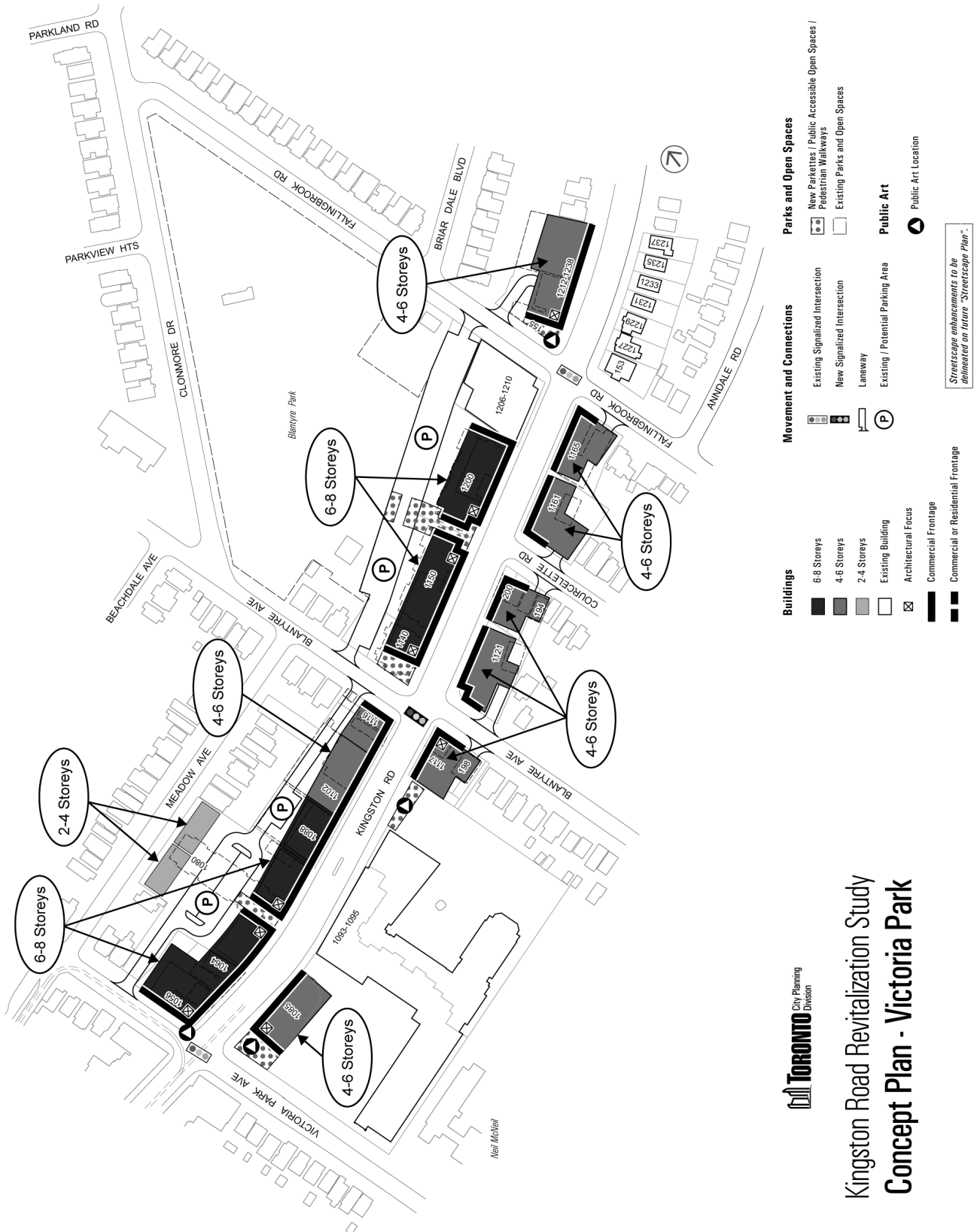
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Toronto City Planning
Zoning By-Law Amendment

Birchcliff Community By-law
Not to Scale
03/22/2013

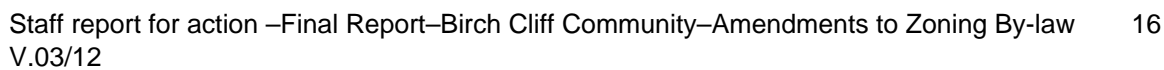
Area Affected By This By-Law

Attachment 2: Concept Plan

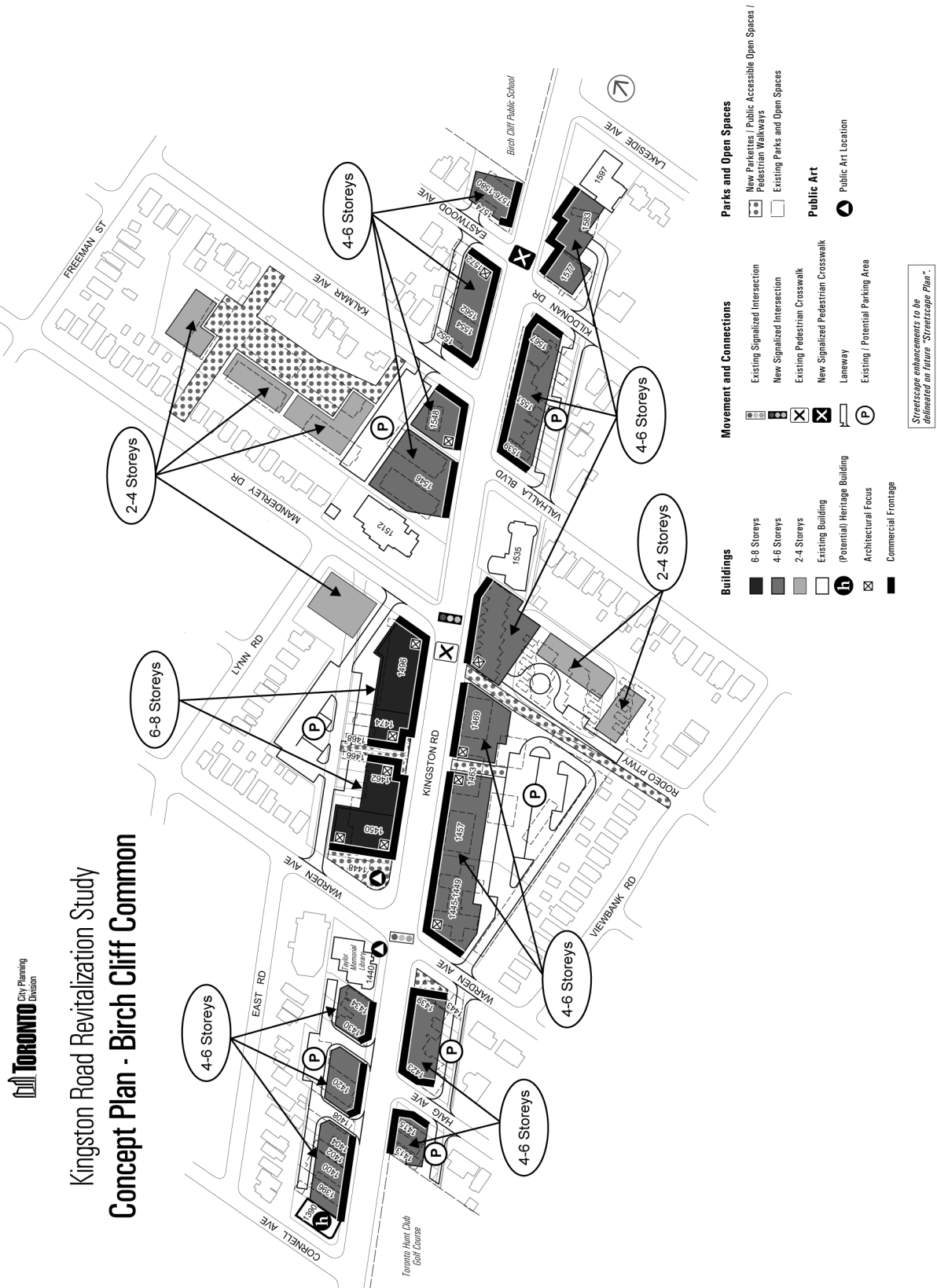


Toronto City Planning Division

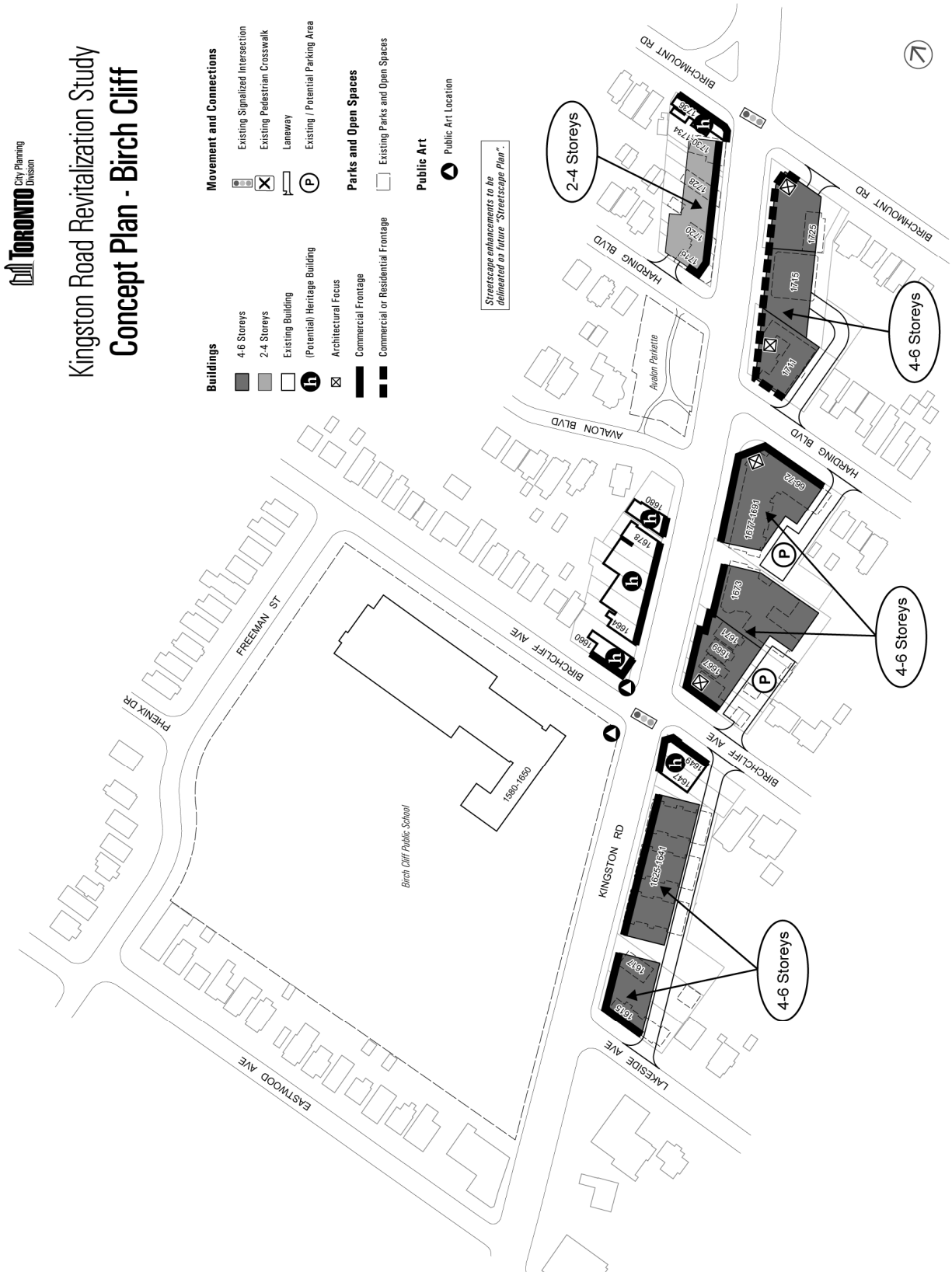
Streetscape enhancements to be delineated on future "Streetscape Plan".



Attachment 4: Concept Plan



Attachment 5: Concept Plan



Attachment 6: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, with respect to lands on the north and south sides of Kingston Road from Victoria Park Avenue to Birchmount Road, 211 Victoria Park Avenue, 197 Blantyre Avenue, 198 Blantyre Avenue, 225X Warden Avenue, 1-43 Rodeo Pathway and 36-40 Viewbank Road, as outlined on Schedules "1" to "10".

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. **CLAUSE V – INTERPRETATION (f) Definitions** is amended by adding the following definition:

Amenity Space means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for **recreational** or social activities.

2. **SCHEDULE "A"** is amended by deleting the zoning for the lands outlined on Schedules "1" to "6" and adding the following zoning to the outlined lands on Schedules "1" to "6" as shown thereon:

CR-203-205-206-285-286-287-290-291-293-294-295-296-297-298-299-300-301-303

CR-205-285-286-291-293-294-295-296-297-298-299-301-303

T-6-27-41-47-67-303

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CR-27-205-283-293-295-298-299-301-302-303

CR-203-205-206-284-287-288-291-293-294-295-296-298-299-300-301-303

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CR-203-204-205-206-283-287-292-293-294-295-296-297-298-299-300-301-303

3. **SCHEDULE “B” - PERFORMANCE STANDARD CHART**, is amended by deleting Performance Standard Nos. 203, 204, 286, 291, 293, 295, 296, 297, 299 and 303 and replacing them as follows:

PARKING

203. A **vehicle** shall not be parked or stored within the Kingston Road or Victoria Park Avenue **street yard**.
204. Individual vehicular access to **street townhouse dwellings** from Kingston Road shall not be permitted.

KINGSTON ROAD REVITALIZATION STUDY (Birchcliff Community)

286. Prior to the issuance of a building permit, the owner of any building or structure to be constructed in excess of 6 **storeys**, or exceeding an overall **height** of 20 m in accordance with the Performance Standards provided herein, shall enter into an agreement, satisfactory to the City of Toronto pursuant to Section 37 of the Planning Act, as amended, authorizing the increase in **height** and density in exchange for one or more of the following benefits, which shall be constructed or secured by means of financial securities satisfactory to the Chief Planner, prior to the issuance of a building permit:
- Public art;
 - Non-profit arts, cultural, community or institutional facilities;
 - Purpose built rental housing with mid-range or affordable rents, land for affordable housing, or, at the discretion of the owner, cash-in-lieu of affordable rental units or land;
 - Parkland, and/or park improvements;
 - Streetscape improvements not abutting the site;
 - Non-profit child care facilities, including start-up funding; and
 - Municipally owned parking lots.
291. Minimum building **setback** of 1.5 m from a lot line abutting a public street other than Kingston Road.
293. Buildings shall not exceed a **45-degree angular plane** from a lot line abutting **Single-Family Residential (S), Two-Family Residential (T), Multiple-Family (M), and Park (P) Zones**. Where a public laneway abuts the development site, the portion of the laneway that abuts an "**S**", "**T**", "**M**" and/or "**P**" Zone may be included for the purposes of establishing the **45-degree angular plane**.
295. Balconies and unenclosed porches located above the 1st **storey** shall not project beyond the **main wall** of that portion of a building below 10.5 metres in building **height** adjacent to a street line.
296. For that portion of a building above 14 m in **height**, buildings shall be stepped back an additional 1.5 m from the **main wall** abutting a public street.
297. For that portion of a building above 20 m in **height**, buildings shall be stepped back an additional 5.5 m from the **side lot line**.
299. Mechanical penthouses shall be stepped back 5 m in addition to the required **setbacks** from all **street yards**. The mechanical penthouse shall

cover no more than 30% of the roof area and extend no more than 5 m in **height**.

303. No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
4. **SCHEDULE "C" - EXCEPTIONS LIST**, Exception No. 27 is amended by deleting subsections 1 and 2.
5. **SCHEDULE "C" - EXCEPTIONS LIST AND MAP**, is amended by deleting Exception Nos. 2, 18, 19 and 28.
6. **SCHEDULE "C" - EXCEPTIONS MAP**, is amended by deleting Exception No. 38 for the lands outlined on the attached Schedules "7" and "9".
7. **SCHEDULE "C" - EXCEPTIONS MAP**, is amended by adding Exception No. 38 for the lands outlined on the attached Schedule "10".
8. **SCHEDULE "C" - EXCEPTIONS LIST AND MAP**, is amended by adding Exception Nos. 40 and 41 for the lands outlined on the attached Schedules "7" to "10" so that they read as follows:
40. Notwithstanding the provisions in **SCHEDULE "B" - PERFORMANCE STANDARD CHART** in this By-law, on those lands identified as Exception 40 on the accompanying Schedule "C" map, the following performance standards shall apply:
- a) Retail, Service, Office, **Restaurant**, Recreational, and Places of Entertainment up to, and including, 1000 m² of the gross floor area, on one land parcel, shall be subject to a minimum parking requirement of 1 parking space per 100 m² **gross floor area**.
- If the **gross floor area** of these uses exceeds 1000 m², the reduced parking requirement shall apply to the 1000 m² of **gross floor area** of these uses having the lowest requirement in the Table of Required Parking Rates.

- b) A vehicle shall not be parked or stored within the Kingston Road **street yard** and individual vehicular access to **street townhouse dwellings** from Kingston Road shall not be permitted.
- c) Bicycle parking spaces shall be provided at the rate of 0.5 bicycles per **dwelling unit**, of which 80% is for occupant use, and 20% is for visitor use. Bicycle parking spaces shall not be provided within a **dwelling unit** or on a balcony associated therewith, and shall be provided as follows:
 - (1) where the bicycles are to be parked in a horizontal position, the space shall have horizontal dimensions of at least 0.6 m by 1.8 m per bicycle and a vertical dimension of at least 1.9 m;
 - (2) where the bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 m by 1.2 m per bicycle and a vertical dimension of at least 1.9 m;
 - (3) resident bicycle parking spaces shall be located in a secured room or area; and
 - (4) visitor bicycle parking spaces shall be located outside on the ground floor or first underground parking level in a publicly accessible area.
- d) Minimum of two **storeys** and a maximum of 6 **storeys** not exceeding an overall **height** of 20 m, excluding **basements** and rooftop mechanical penthouses.

This maximum height may be increased up to 8 storeys, not exceeding an overall height of 27 m, provided that the owner has secured one or more of the Section 37 benefits described in Performance Standard 286, in exchange for the additional height and density, by entering into an agreement to secure such benefits satisfactory to the City of Toronto pursuant to section 37(3) of the *Planning Act*, as amended.

Maximum **Gross Floor Area** 4.5 times the area of the lot or parcel.

- e) In addition to developing the buildings or structures in accordance with the Performance Standards provided herein, the owner of any building or structure to be constructed in excess of 6 storeys, not exceeding an overall height of 20 m, shall enter into an agreement

satisfactory to the City of Toronto pursuant to Section 37 of the *Planning Act*, as amended, authorizing the increase in height and density in exchange for one or more of the following benefits:

- Public art;
 - Non-profit arts, cultural, community or institutional facilities;
 - Purpose built rental housing with mid-range or affordable rents, land for affordable housing, or, at the discretion of the owner, cash-in-lieu of affordable rental units or land;
 - Parkland, and/or park improvements;
 - Streetscape improvements not abutting the site;
 - Non-profit child care facilities, including start-up funding; and
 - Municipally owned parking lots.
- f) The **main wall** of the first two storeys of building(s) fronting or abutting Kingston Road shall have a minimum width of 70% of the lot at the Kingston Road **street** line for lots having frontage or flankage of more than 30 m and 60% for lots having frontage or flankage of 30 m or less.
- g) Minimum building setback of 3 m from the lot line along Kingston Road for all uses permitted in the "**CR**" Zone, with the exception of **dwelling units** on the first floor.
- h) Minimum 7.5 m building setback from the rear lot line abutting **Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M) Zones**.
- i) Balconies and unenclosed porches shall not project into the Kingston Road **street yard**.
- j) For that portion of a building above four storeys or 14 m in height, buildings shall be stepped back a minimum of 1.5 m from the front main wall along Kingston Road.
- k) For that portion of a building above six storeys or 20 m in height, excluding the parking garage level, buildings shall be stepped back a minimum of 5.5 m from the side lot line.
- l) A minimum 1.5 m strip of land immediately abutting **Single-Family Residential (S), Two-Family Residential (T), Multiple-Family (M) Zones** shall be used for soft landscaping purposes only.

- m) Mechanical penthouses shall be stepped back 6 m in addition to the required setbacks from all **street yards**. The mechanical penthouse shall cover no more than 50% of the roof area and extend no more than 5 m in height.
- n) Minimum floor to ceiling height of the **first floor** shall be 4.5 metres for buildings or structures. This provision shall not apply to buildings containing **townhouse** units on the **first floor**.
- o) No person shall erect or use a building containing 20 or more **dwelling units** unless **amenity space** is provided in accordance with the following:

Type of Amenity Space Required	Amount of Amenity Space Required
Amenity space or contiguous amenity space , at least one of which contains a kitchen and a washroom:	Minimum of 2 m ² of amenity space for each dwelling unit .
Amenity space located outdoors:	Minimum of 2 m ² of amenity space each dwelling unit of which at least 40 m ² is to be provided in a local adjoining or directly accessible from indoor amenity space .

- p) Balconies and unenclosed porches shall be recessed 1.5 m from the main wall of the building.

41. Notwithstanding the provisions in **SCHEDULE "B" - PERFORMANCE STANDARD CHART** in this By-law, on those lands identified as Exception 41 on the accompanying Schedule "C" map, the following performance standards shall apply:

- a) Retail, Service, Office, **Restaurant**, Recreational, and Places of Entertainment up to, and including, 1000 m² of the gross floor area, on one land parcel, shall be subject to a minimum parking requirement of 1 parking space per 100 m² **gross floor area**.

If the **gross floor area** of these uses exceeds 1000 m², the reduced parking requirement shall apply to the 1000 m² of **gross floor area** of these uses having the lowest requirement in the Table of Required Parking Rates.

- b) A vehicle shall not be parked or stored within the Kingston Road **street yard** and individual vehicular access to **street townhouse dwellings** from Kingston Road shall not be permitted.
- c) Bicycle parking spaces shall be provided at the rate of 0.5 bicycles per **dwelling unit**, of which 80% is for occupant use, and 20% is for visitor use. Bicycle parking spaces shall not be provided within a **dwelling unit** or on a balcony associated therewith, and shall be provided as follows:
 - (1) where the bicycles are to be parked in a horizontal position, the space shall have horizontal dimensions of at least 0.6 m by 1.8 m per bicycle and a vertical dimension of at least 1.9 m;
 - (2) where the bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 m by 1.2 m per bicycle and a vertical dimension of at least 1.9 m;
 - (3) resident bicycle parking spaces shall be located in a secured room or area; and
 - (4) visitor bicycle parking spaces shall be located outside on the ground floor or first underground parking level in a publicly accessible area.
- d) Minimum of two **storeys** and a maximum of 6 **storeys** not exceeding an overall **height** of 20 m, excluding **basements** and rooftop mechanical penthouses.

Maximum **Gross Floor Area** 3.5 times the area of the lot or parcel.
- e) The **main wall** of the first two storeys of building(s) fronting or abutting Kingston Road shall have a minimum width of 70% of the lot at the Kingston Road **street** line for lots having frontage or flankage of more than 30 m and 60% for lots having frontage or flankage of 30 m or less.
- f) Minimum building setback of 3 m from the lot line along Kingston Road for all uses permitted in the "**CR**" Zone, with the exception of **dwelling units** on the first floor.

- g) Buildings shall not exceed a **45-degree angular plane** from the lot line of abutting **Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M) Zones**.
- h) Minimum 7.5 m building setback from the rear lot line abutting **Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M) Zones**.
- i) Balconies and unenclosed porches shall not project into the Kingston Road **street yard**.
- j) For that portion of a building above four storeys or 14 m in height, buildings shall be stepped back a minimum of 1.5 m from the front main wall along Kingston Road.
- k) For that portion of a building above six storeys or 20 m in height, excluding the parking garage level, buildings shall be stepped back a minimum of 5.5 m from the side lot line.
- l) A minimum 1.5 m strip of land immediately abutting **Single-Family Residential (S), Two-Family Residential (T), Multiple-Family (M) Zones** shall be used for soft landscaping purposes only.
- m) Minimum floor to ceiling height of the **first floor** shall be 4.5 metres for buildings or structures. This provision shall not apply to buildings containing **townhouse** units on the **first floor**.
- n) No person shall erect or use a building containing 20 or more **dwelling units** unless **amenity space** is provided in accordance with the following:

Type of Amenity Space Required	Amount of Amenity Space Required
Amenity space or contiguous amenity space , at least one of which contains a kitchen and a washroom:	Minimum of 2 m ² of amenity space for each dwelling unit .
Amenity space located outdoors:	Minimum of 2 m ² of amenity space each dwelling unit of which at least 40 m ² is to be provided in a local adjoining or directly accessible from indoor amenity space .

- o) Balconies and unenclosed porches shall be recessed 1.5 m from the main wall of the building.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

[illegible]

Kingston Road Revitalization Area - Birchcliff Community
File # 05 106102 TM

Area Affected By This By-Law


 Birchcliff Community By-law
 Not to Scale
 03/22/2013

CR-203-205-206-284-287-288-291-
293-294-295-296-298-299-300-301-303



Toronto City Planning Division

Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

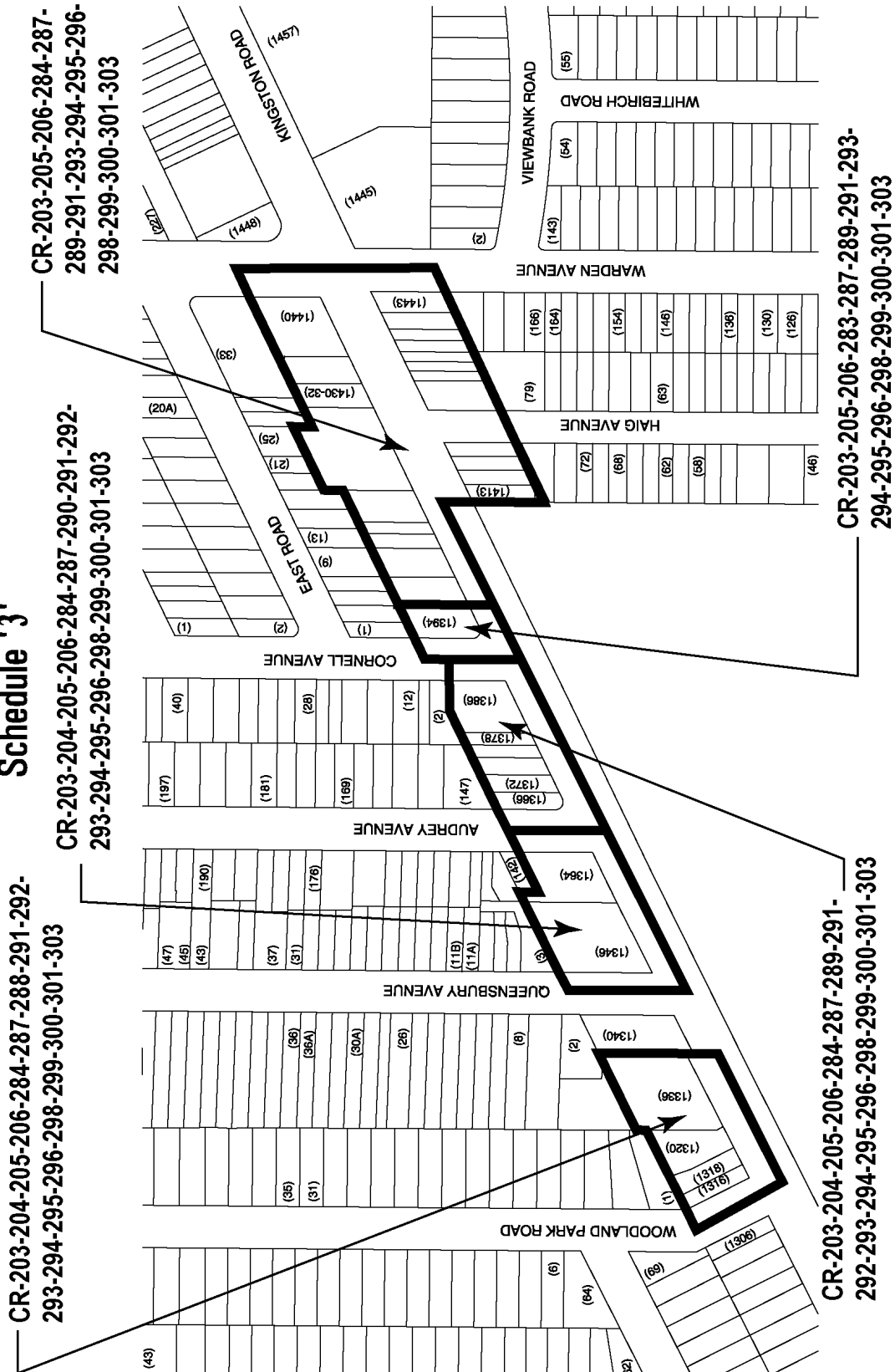
File # 05 106102 TM


 Birchcliff Community By-law
 Not to Scale
 03/22/2013

Area Affected By This By-Law



Schedule '3'



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

File # 05 106102 TM

Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013

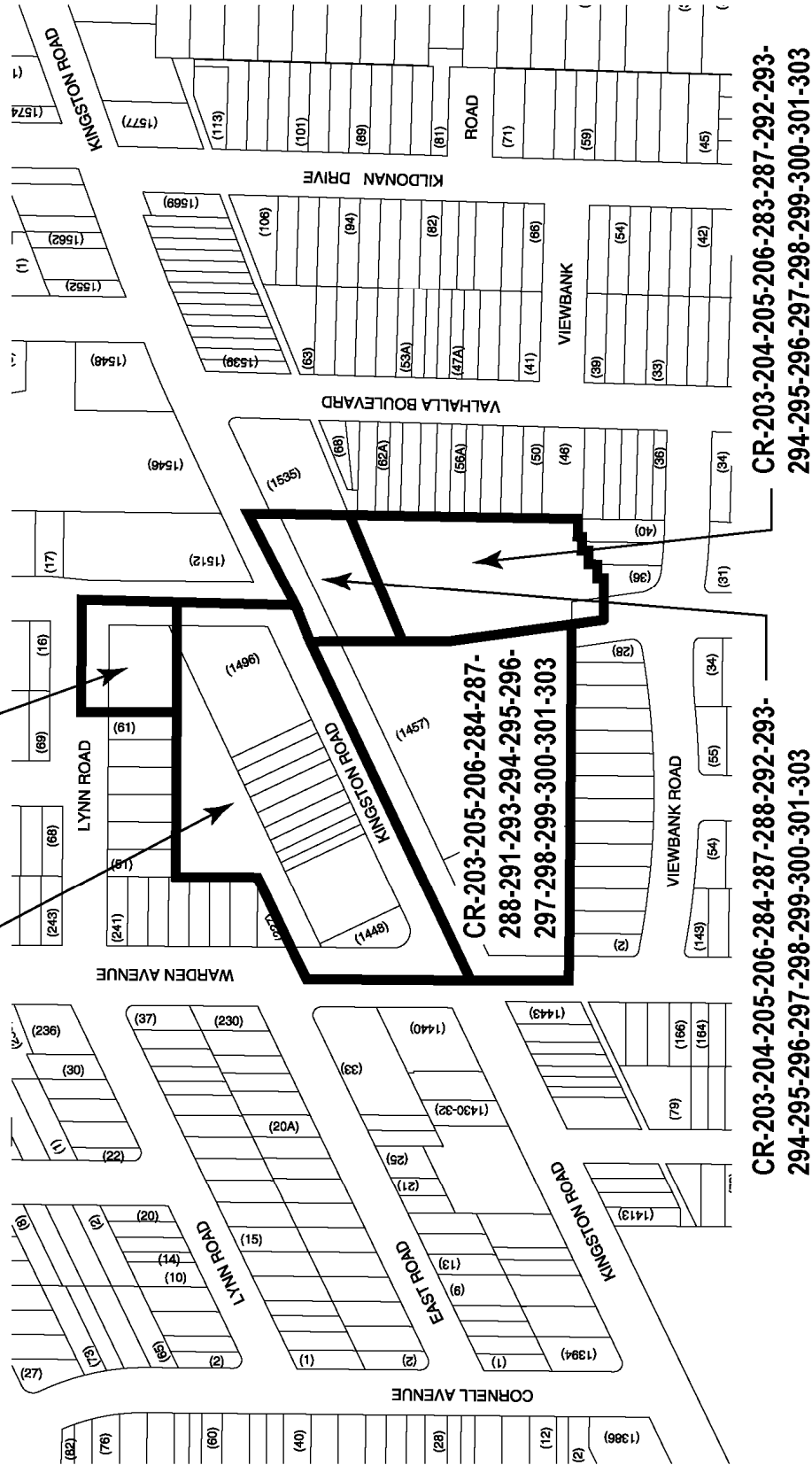
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CR-40J-205-283-291-293-294-295-298-299-301-302-303

or

S-2-27-41-47-63-303

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CR-203-204-205-206-283-287-292-293-294-295-296-297-298-299-300-301-303



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

File # 05 106102 TM



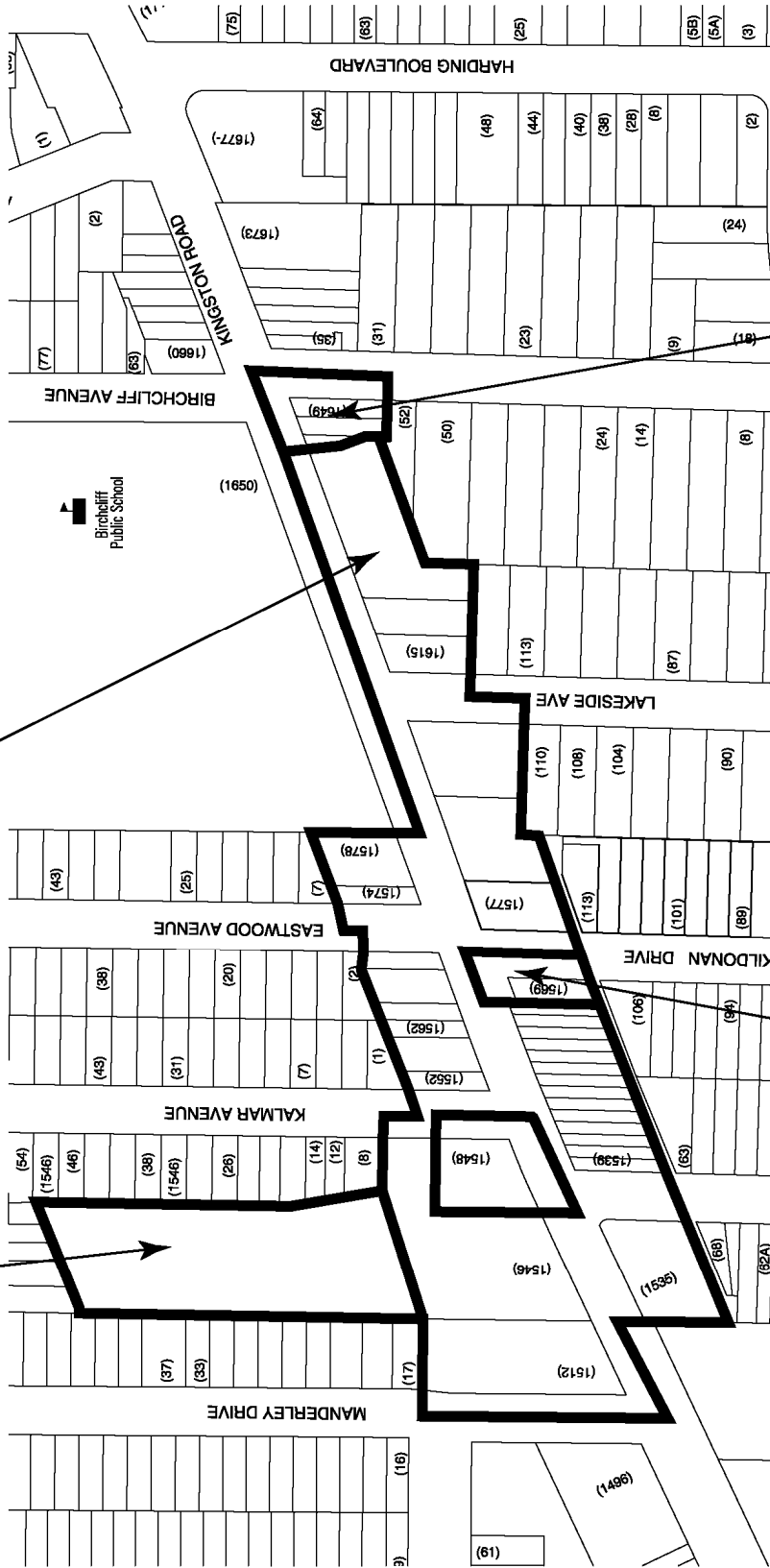
Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013

Schedule '5'

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CR-205-283-293-294-295-
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CR-203-204-205-206-284-287-288-291-292-
293-294-295-296-298-299-300-301-303



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

File # 05 106102 TM



Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013

[illegible]

Kingston Road Revitalization Area - Birchcliff Community

Zoning By-Law Amendment

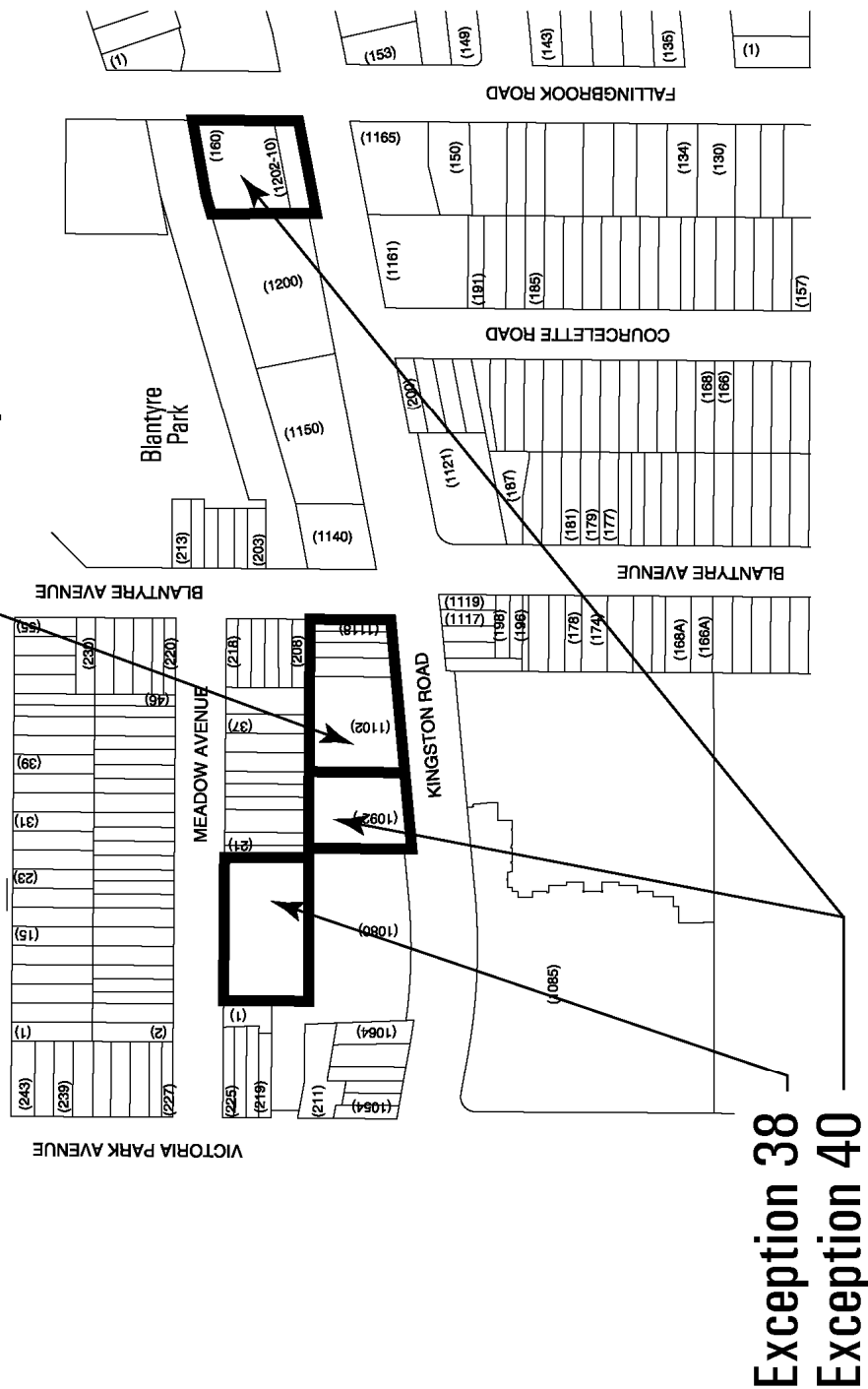
File # 05 106102 TM

Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013

Schedule '7'

Exception 41



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

File # 05 106102 TM

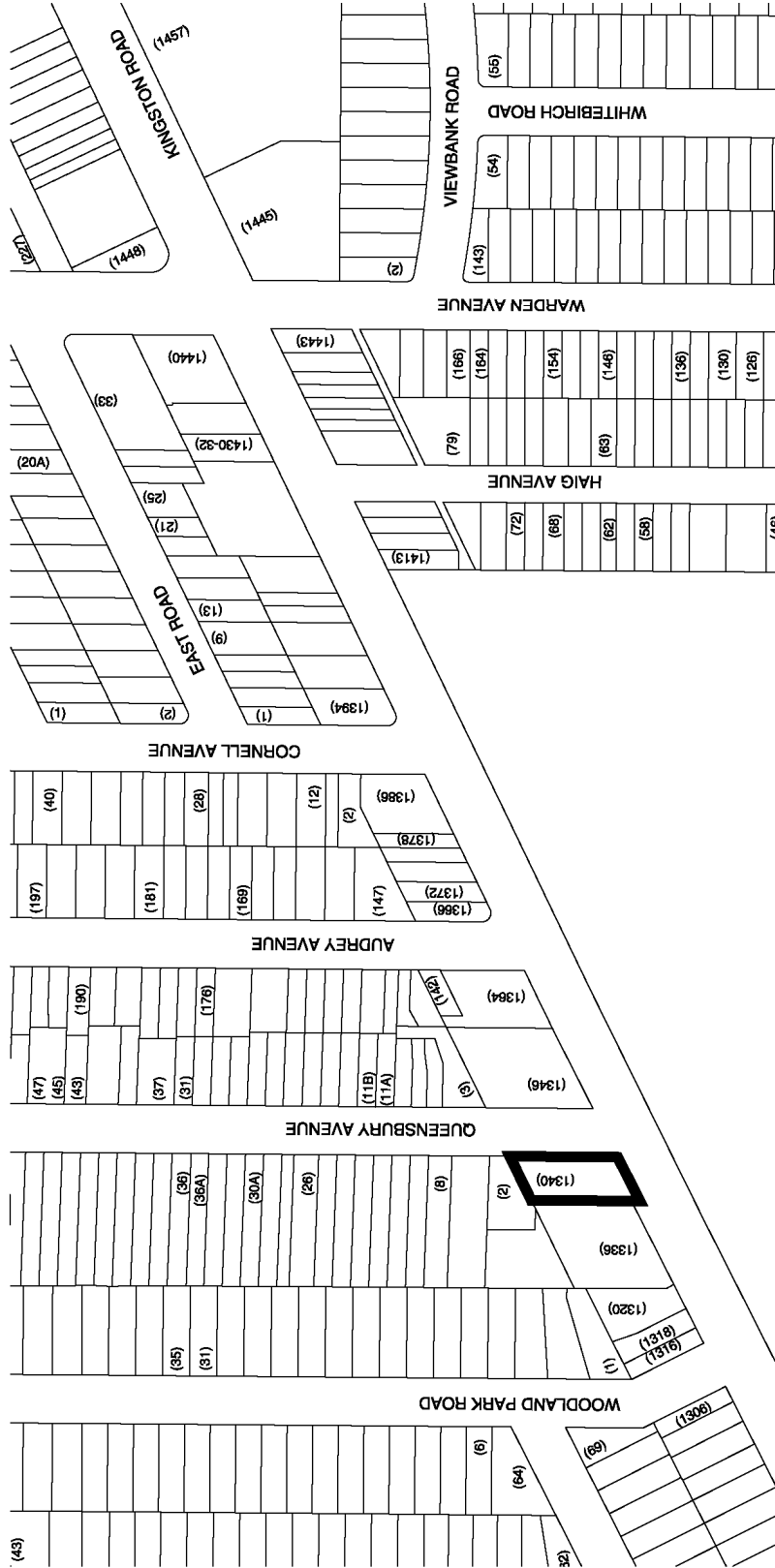


Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013



Schedule '8'



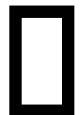
Exception 41



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

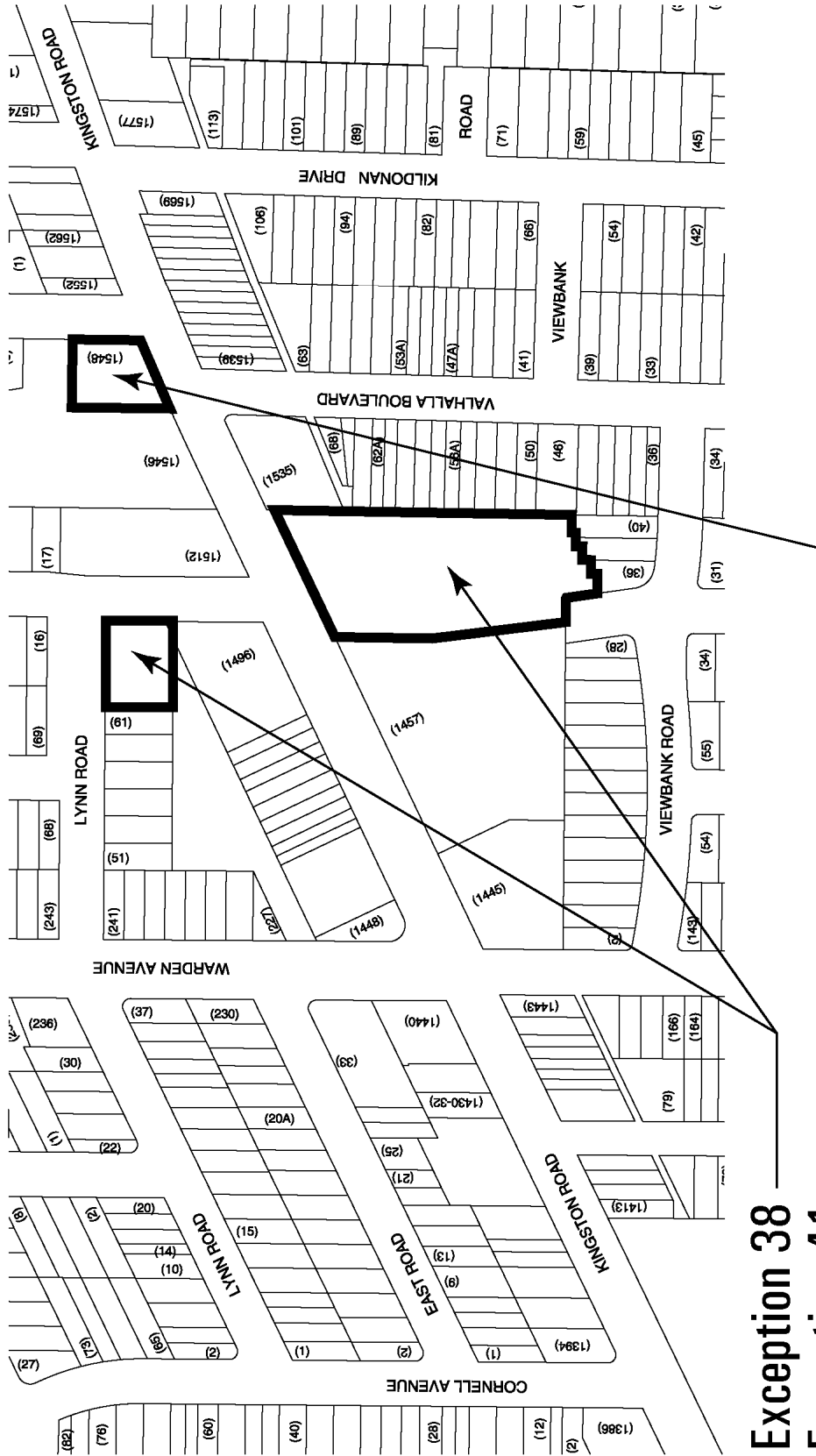
File # 05 106102 TM



Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013

Schedule '9'



Exception 38
Exception 41



Zoning By-Law Amendment

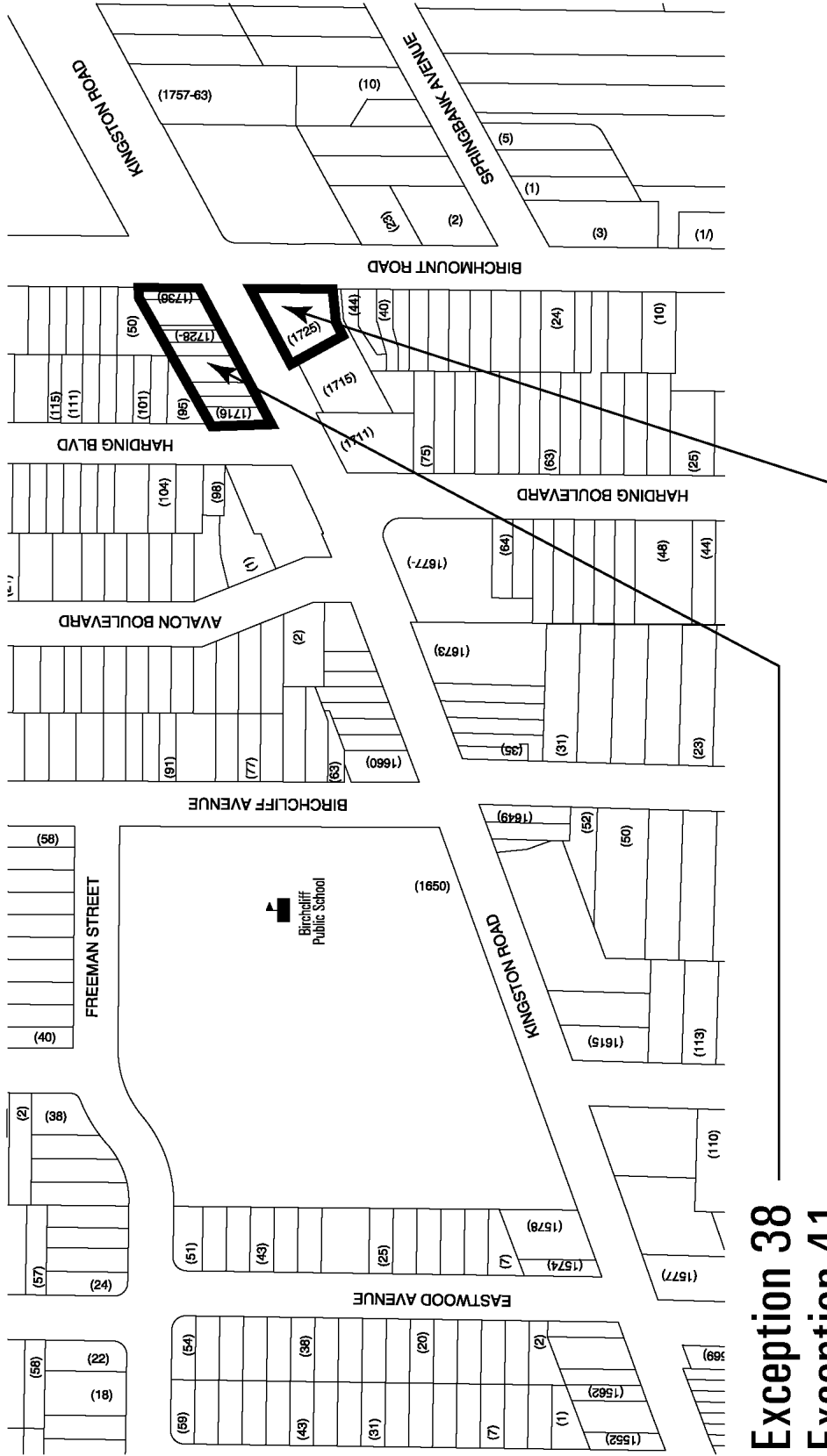
Kingston Road Revitalization Area - Birchcliff Community
File # 05 106102 TM



Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013
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Schedule '10'



Exception 38
Exception 41



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community
File # 05 106102 TM



Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
03/22/2013
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