



**STAFF REPORT
ACTION REQUIRED**

**Kingston Road Revitalization Study (Birch Cliff) –
City-initiated Technical Amendment to Zoning By-law –
Final Report**

Date:	May 6, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	05 106102 EPS 36 TM

SUMMARY

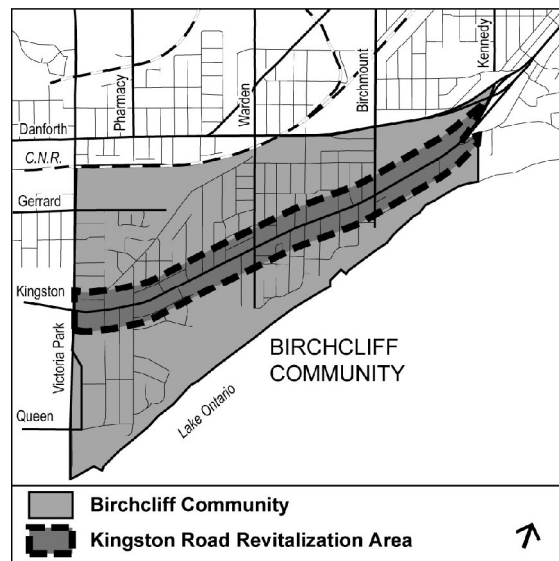
This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report reviews and recommends approval of technical amendments to the zoning by-law for various properties within the Birch Cliff Community which are necessary to properly implement Council’s vision for the Kingston Road Revitalization Study approved on January 26 and 27, 2010. The proposed amendments are necessary to correct conflicting performance standards dealing with maximum height and gross floor area restrictions and to correct a typographical error as it relates to Exception No. 38.

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 by By-law No. 222-2010, 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 endorsed 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 located on both the north and south sides of Kingston Road in the Birch Cliff Community.

By-law No. 222-2010 deleted the previous Highway Commercial (HC), Neighbourhood Commercial (NC), Community Shopping Commercial (CC), Apartment Residential (A), Single-Family Residential (S), Two-Family Residential (T), Street Townhouse Residential (ST), Multiple-Family Residential (M) and Limited Institutional (LI) zoning for those lands north and south of Kingston Road and rezoned these sites with a Commercial-Residential (CR) Zone. The Commercial-Residential (CR) Zone allows for a mix of residential, commercial and institutional uses. Standards regulating uses, building setbacks, density, height and Section 37 community benefit provisions 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 2 storeys to a maximum of 8 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.

ISSUE BACKGROUND

Subsequent to City Council's adoption of By-Law No. 222-2010, certain typographical errors were identified which create conflicting performance standards and references an incorrect exception number. As a result, the current by-law does not accurately reflect the intent of Council and, due to conflicting provisions, may cause hardship for certain land owners. Technical amendments to the Zoning By-law are required to correct these errors and maintain City Council's stated intention for this area.

Official Plan

Kingston Road is identified as an "Avenue" on Map 2-Urban Structure in the Toronto Official Plan. Avenues are considered important corridors along major streets, where reurbanization is promoted. All lands within the Study Area are designated Mixed Use Areas with the exception of properties containing single-family dwellings which are designated Neighbourhoods. Mixed Use Areas provide for a broad range of commercial, residential, institutional and parks and open spaces.

Zoning

By-law No. 222-2010 amended the Birchcliff Community Zoning By-law No. 8786 to add a “Commercial-Residential (CR) Zone. The CR Zone permits a wide variety of retail and residential uses such as day nurseries, dwelling units, educational and training facilities, financial institutions, fraternal organizations, hotels, medical centres, municipally owned and operated parking lots and nursing homes.

COMMENTS

Legal Division has advised that no further notice 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 (see Attachments 1 to 4). The properties subject to these amendments have been clearly identified on maps contained in this recommendation report (see Attachments 5 and 6).

The following section outlines the specific technical amendments proposed in Attachment 7.

1. Performance Standards

The Kingston Road Revitalization Study sets out density, height and performance standards for new development. The standards for three of these sub-areas are set out in Performance Standards 283, 284 and 285.

Performance Standard Number 283 requires buildings to have a minimum of 2 storeys and a maximum of 4 storeys not exceeding an overall height of 14 metres, excluding basements and rooftop mechanical penthouses and restricts the gross floor area of buildings to 2.5 times the area of the lot or parcel.

Performance Standard Number 284 requires buildings to have a minimum of 2 storeys and a maximum of 6 storeys not exceeding an overall height of 20 metres, excluding basements and rooftop mechanical penthouses and restricts the gross floor area of buildings to 3.5 times the area of the lot or parcel.

Performance Standard Number 285 requires buildings to have a minimum of 2 storeys and a maximum of 6 storeys not exceeding an overall height of 20 metres, excluding basements and rooftop mechanical penthouses. The performance standard further allows buildings to be increased up to 8 storeys, not exceeding an overall height of 27 metres and restricts the maximum gross floor area of 4.5 times the area of the lot or parcel, provided that the owner has secured one or more of the Section 37 benefits in exchange for the additional height and density.

Inadvertently, By-Law No. 222-2010 applied both Performance Standards 283 and 284 or Performance Standards 283 and 285 to a number of properties. This creates an obvious conflict as the sites identified on Attachment 5 contain conflicting maximum height and gross floor area permissions. The proposed by-law correction will delete Performance Standard 283 from the string of performance standards and mapping schedules associated

with certain sites so that the heights will correspond to the concept plan presented to City Council. Amending the by-law in this manner will then accurately reflect City Council's vision for this segment of the Kingston Road corridor.

2. Exception No. 38

Exception No. 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 within buildings. This Exception also prohibits street townhouses within certain key commercial areas along Kingston Road (see Attachment 6 which identifies lands subject to Exception No. 38).

The text and mapping schedules contained in By-law No. 222-2010, with the exception of Clause 12, all reference "Exception No. 38". Clause 12 of By-Law No. 222-2010 contains a typographical error as it refers to "Exception No. 42" rather than "Exception No. 38". There is no Exception No. 42 within the text or the mapping schedules. The proposed amendment will replace the reference of Exception No. "42" in Clause 12 with "38" throughout the By-law so that the mapping and text will be consistent.

Conclusions

Zoning By-law No. 222-2010 added conflicting performance standards related to maximum height and gross floor area restrictions to a number of properties. There is also a typographical error relating to Exception No. 38. The proposed technical amendments to the Zoning By-law will correct these errors and will reflect the intent of City Council vis-à-vis the revitalization efforts for this community. Staff are therefore recommending that Council endorse the staff recommended Zoning By-law amendments as outlined in Attachment 7.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

AA/VG/kd

ATTACHMENTS

Attachment 1: Approved Concept Plan for Victoria Park Area

Attachment 2: Approved Concept Plan for Hunt Club Area

Attachment 3: Approved Concept Plan for Birch Cliff Common Area

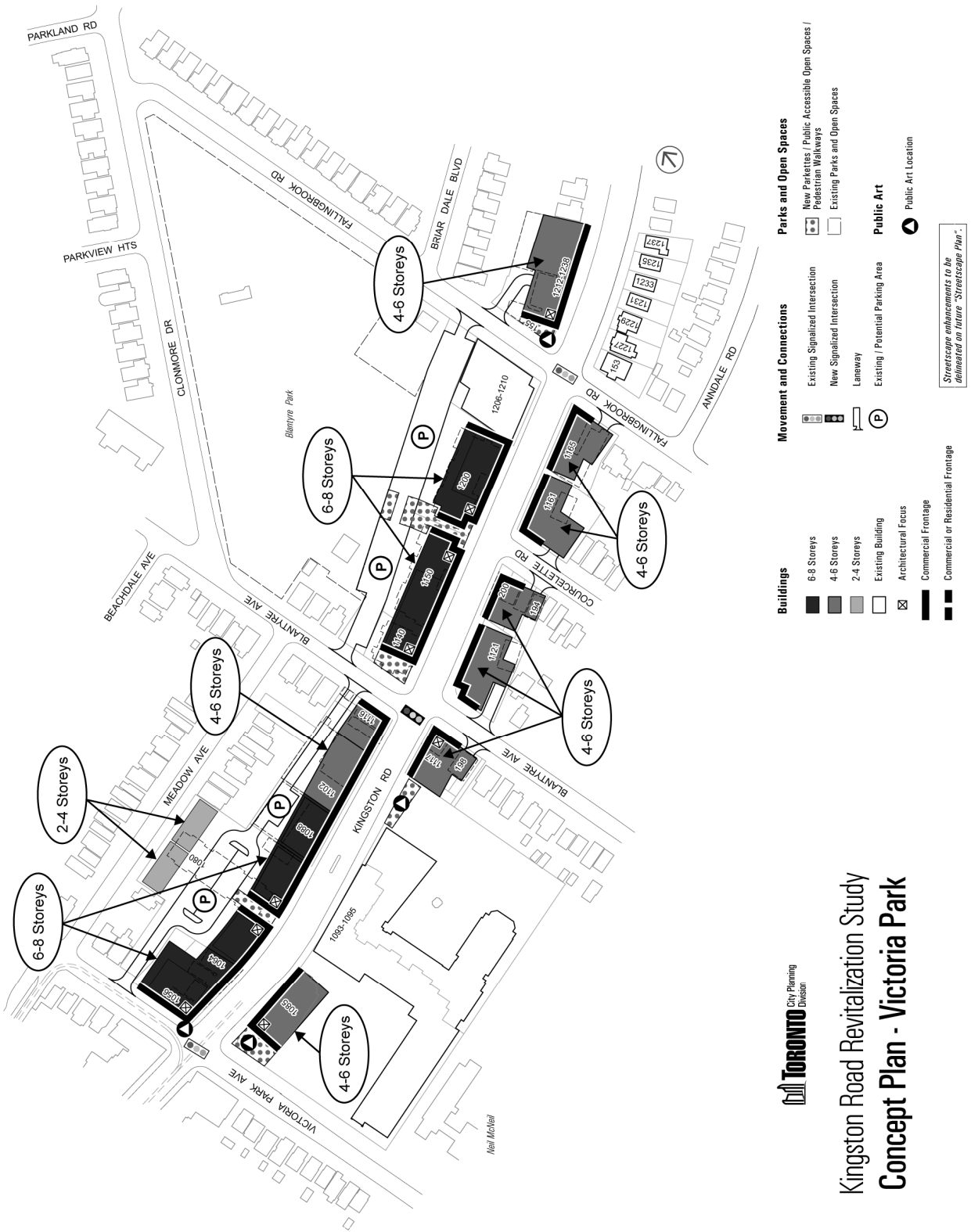
Attachment 4: Approved Concept Plan for Birch Cliff Area

Attachment 5: Properties Subject to Technical Amendments Relating to Performance
Standards 283, 284 and 285

Attachment 6: Properties Subject to Technical Amendment Relating to Exception No. 38

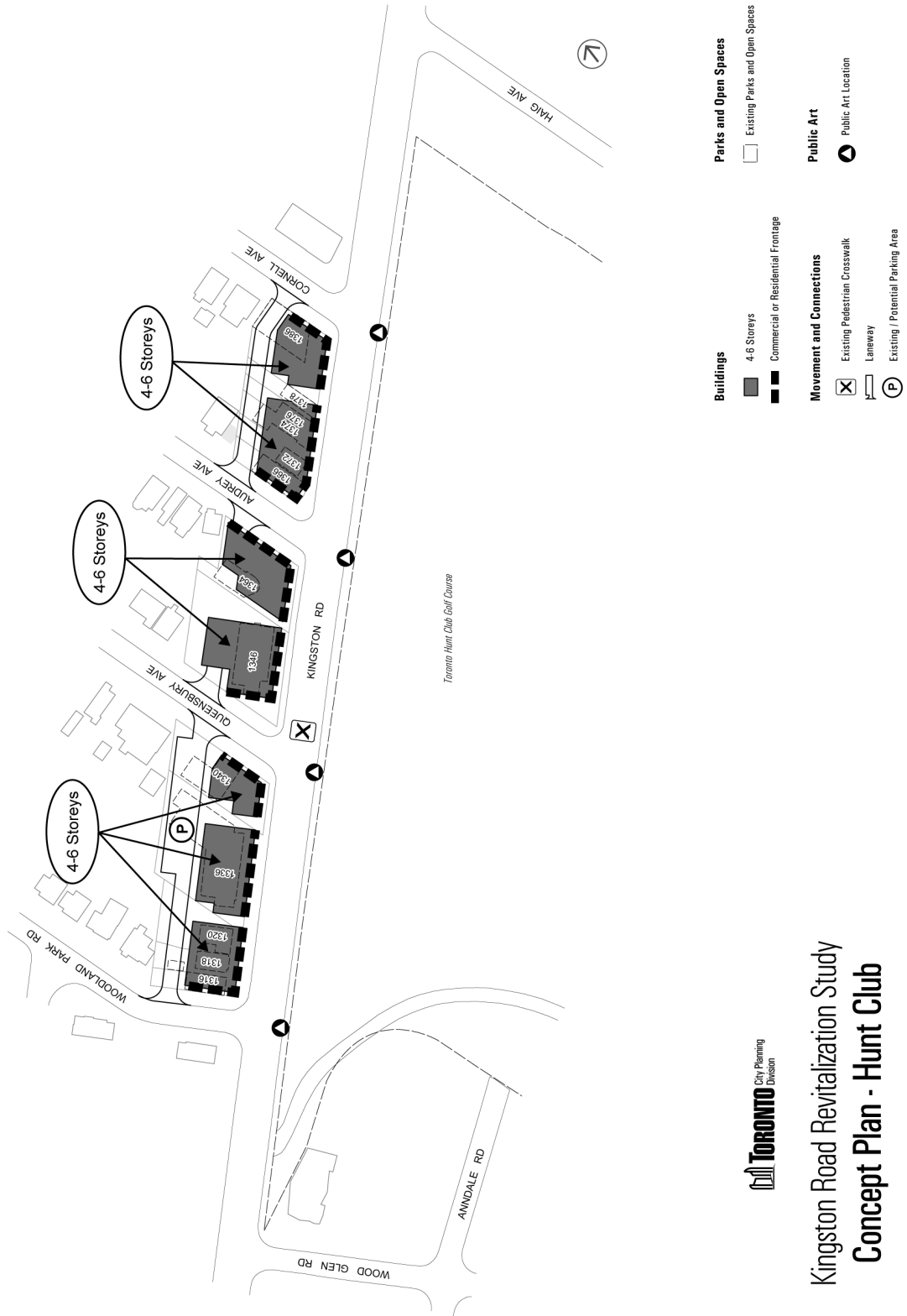
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Approved Concept Plan for Victoria Park Area



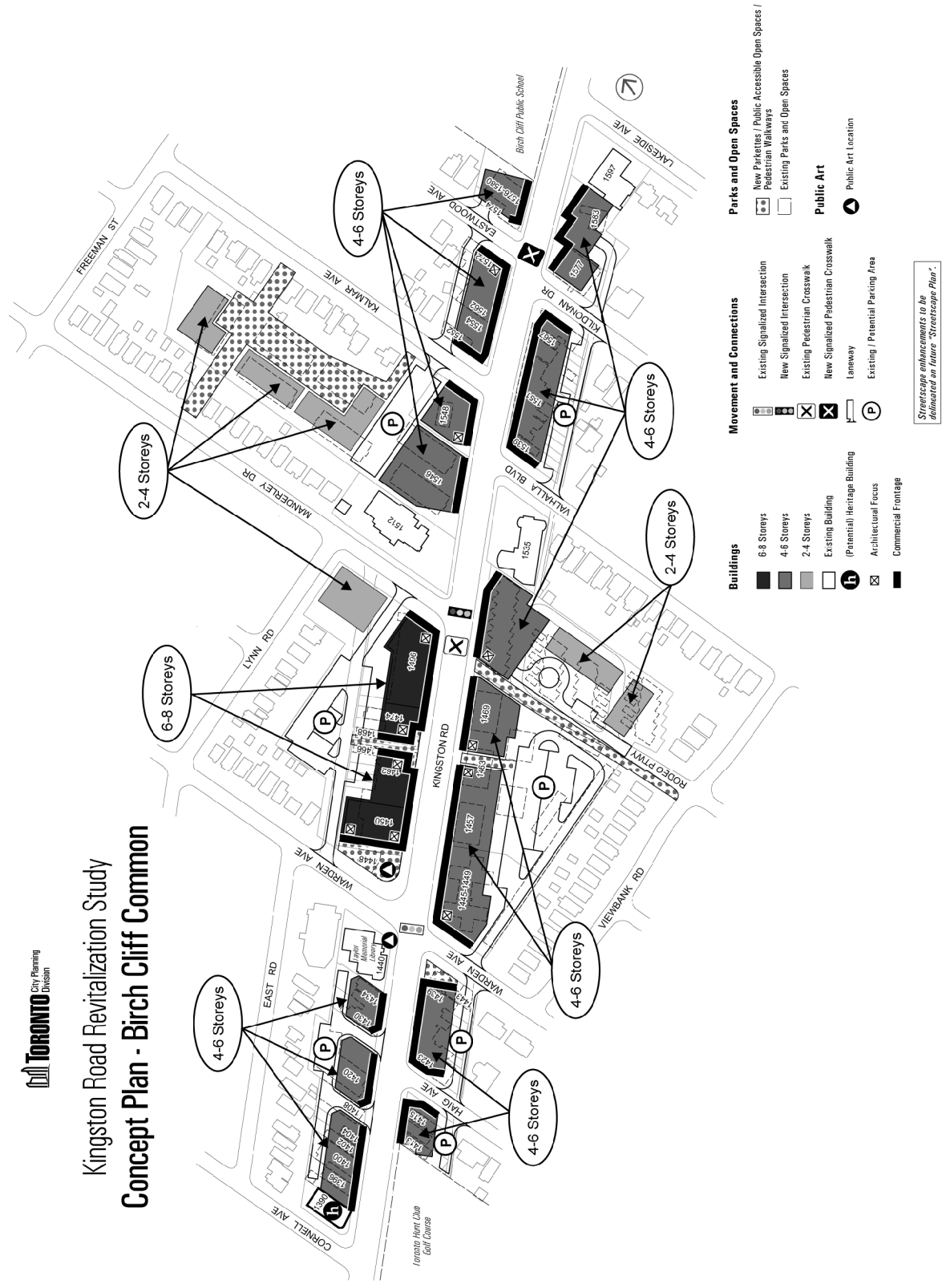
Kingston Road Revitalization Study
 Concept Plan - Victoria Park

Attachment 2: Approved Concept Plan for Hunt Club Area



**Kingston Road Revitalization Study
Concept Plan - Hunt Club**

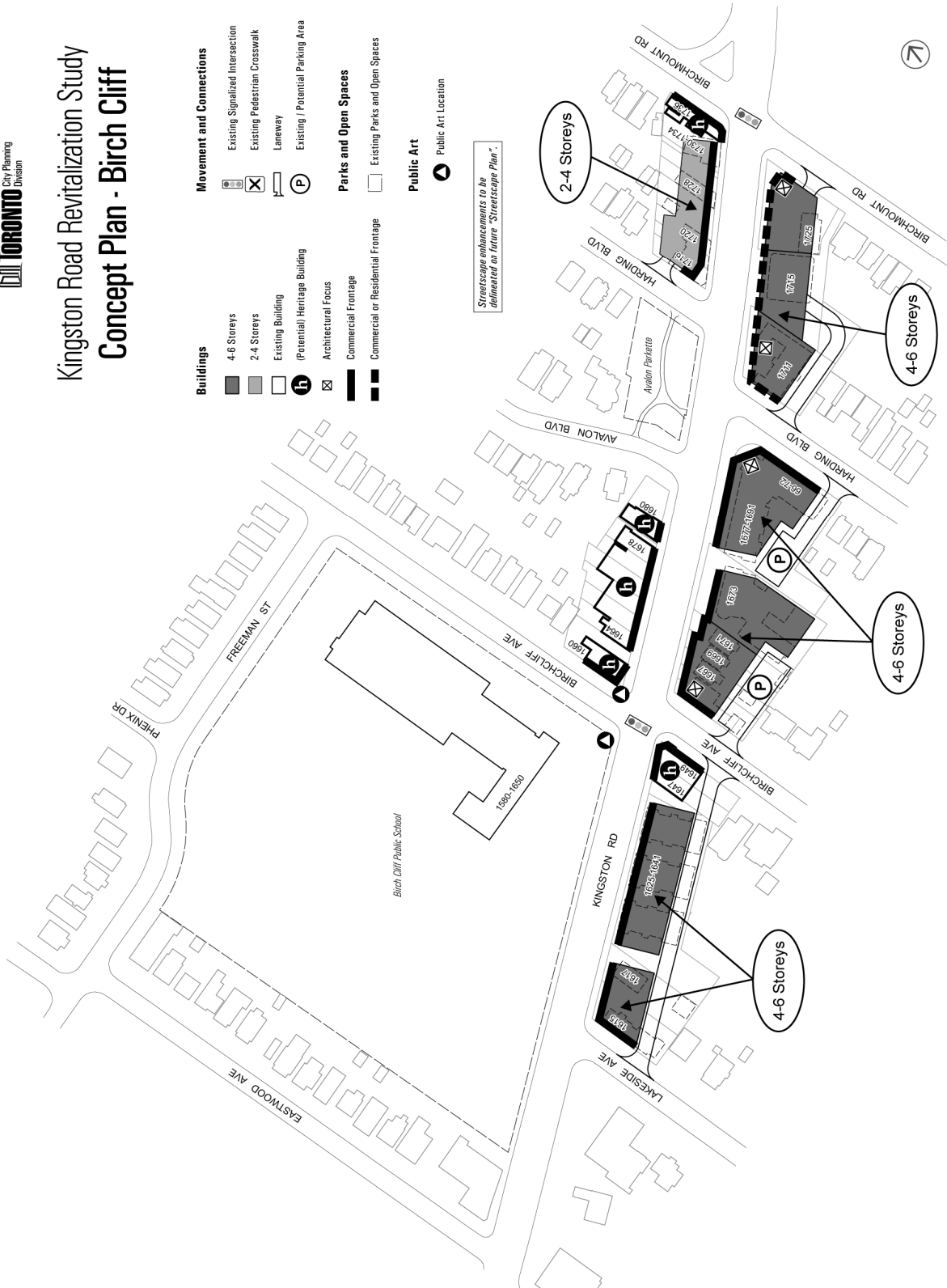
Attachment 3: Approved Concept Plan for Birch Cliff Common Area



Kingston Road Revitalization Study
 Concept Plan - Birch Cliff Common

Attachment 4: Approved Concept Plan for Birch Cliff Area


Toronto City Planning Division
 Kingston Road Revitalization Study
 Concept Plan - Birch Cliff



Attachment 5: Properties Subject to Technical Zoning By-law Amendments
Relating to Performance Standards 283, 284 and 285



TORONTO City Planning Division
Kingston Road Revitalization Area - Birchcliff Community
Location Map - Performance Standards
 File # 05-106102 TM

 Area Affected By This By-Law
 Birchcliff Community By-law
 Not to Scale
 4/21/10


**Attachment 6: Properties Subject to Technical Zoning By-law Amendment
Relating to Exception No. 38**



Location Map - Exception

Area Affected By This By-Law

Kingston Road Revitalization Area - Birchcliff Community

File # 05-106102 TM

Birchcliff Community By-law
Not to Scale
4/21/10
↑

Attachment 7: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

To amend the Birchcliff Community Zoning By-law No. 8786, as amended, by By-law No. 222-2010 with respect to lands on the north and south sides of Kingston Road from Victoria Park Avenue to Birchmount Road, 211 Victoria Park Avenue and 198 Blantyre Avenue, as outlined on Schedules “1” to “3”

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 authority is given to Council by Section 37 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. SCHEDULE “A”** is amended by deleting Performance Standard Number 283 to the string of performance standards on the lands outlined on Schedules “1” to “3” so that the zoning on the lands reads as follows:

CR-203-204-205-285-286-287-290-294-295-296-297-298-299-300-301-303

CR-203-204-205-284-287-288-294-295-296-297-298-299-300-301-303

CR-203-204-205-284-287-290-294-295-296-297-298-299-300-301-303

- 2. SCHEDULE “C”, EXCEPTIONS LIST**, is amended by replacing Exception No. 38 as follows:

38. On those lands identified as Excerption No. 38 on the accompanying Schedule “C” map, the following provisions shall apply:

(REVISED)

1. **Dwelling Units**, Retirement Homes, Nursing Homes and Private Home Day Care shall only be permitted on or above the second storey of buildings (excluding the parking structure level).
2. Prohibited Uses:

Street Townhouse Dwellings

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

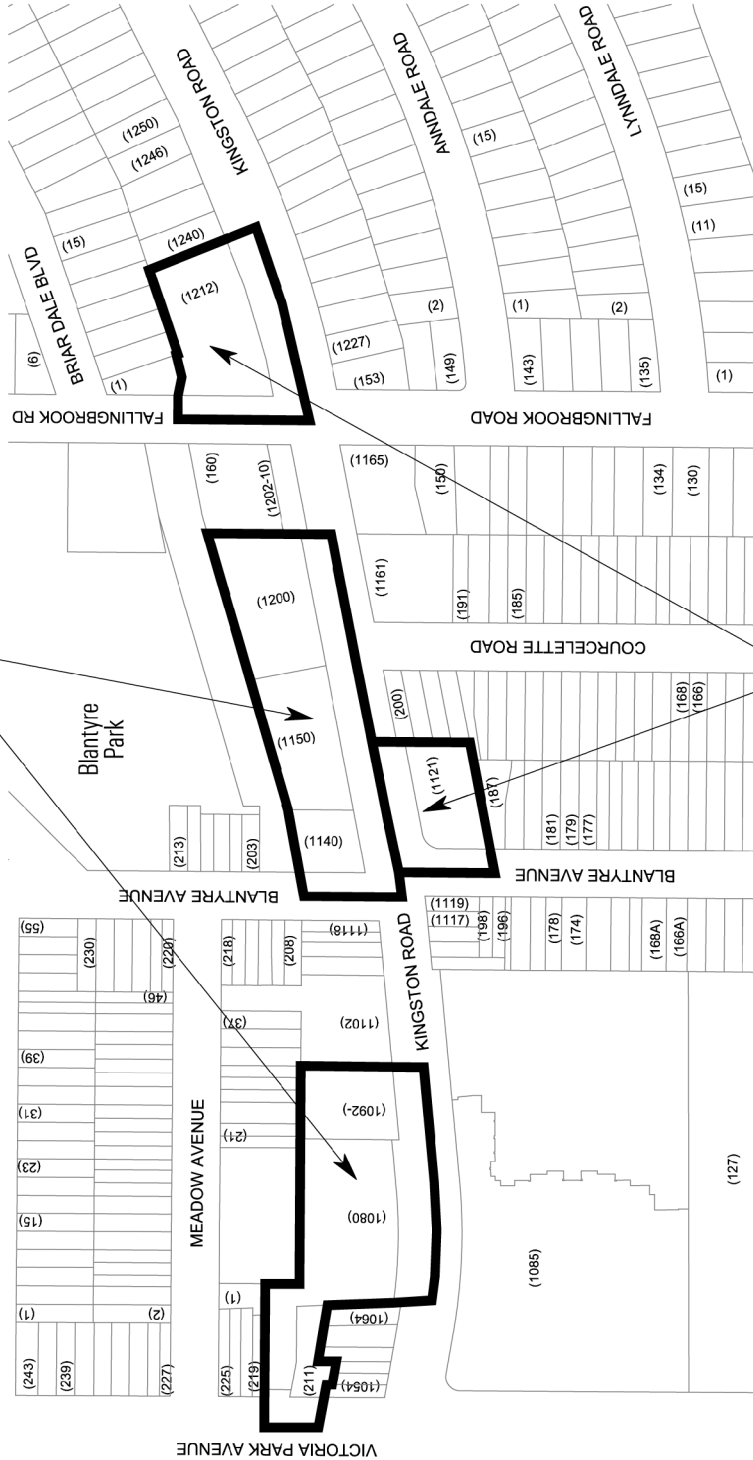
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

CR-203-204-205-285-286-287-290-294-295-296-297-298-299-300-301-303



CR-203-204-205-284-287-290-294-295-296-297-298-299-300-301-303



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

File # 05-106102 TM

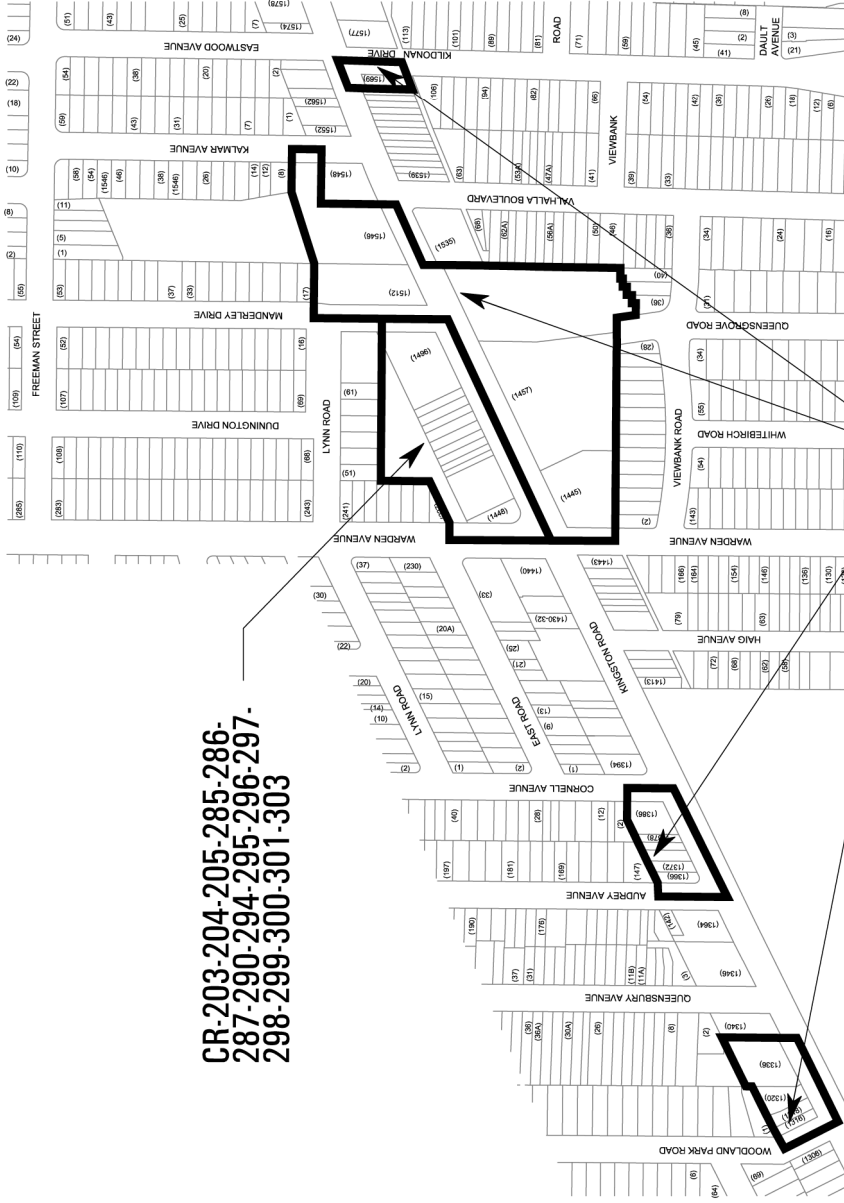


Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
4/20/10



Schedule '2'



CR-203-204-205-285-286-
287-290-294-295-296-297-
298-299-300-301-303

CR-203-204-205-284-287-288-294-295-
296-297-298-299-300-301-303

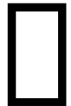


City Planning
Division

Zoning By-Law Amendment

Kingston Road Revitalization Study - Birchcliff Community

File # 05-106102 TM



Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
4/21/10



Schedule '3'



CR-203-204-205-284-287-288-294-
 295-296-297-298-299-300-301-303



Zoning By-Law Amendment

Kingston Road Revitalization Study - Birchcliff Community

File # 05-106102 TM



Area Affected By This By-Law

Birchcliff Community By-law
 Not to Scale
 4/21/10

