TORONTO

STAFF REPORT
ACTION REQUIRED

66 to 76 Kippendavie Avenue – Rezoning Application – Final Report

Date:	July 21, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	09-174933 STE 32 OZ

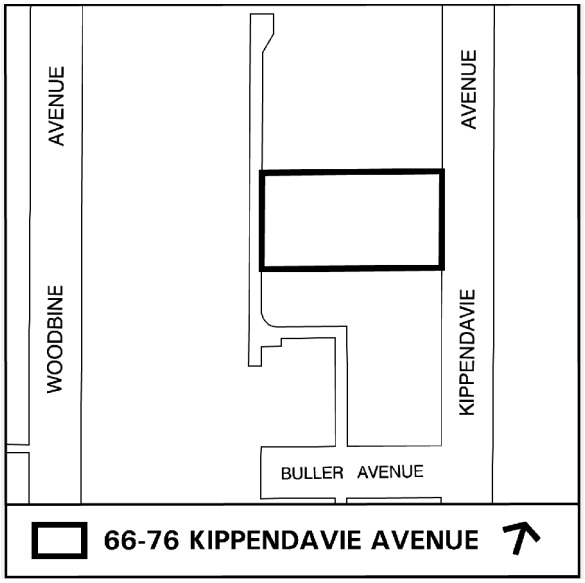
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a four storey apartment building with 65 units at 66 to 76 Kippendavie Avenue, with underground parking for 58 vehicles and 8 parking spaces for visitors off of the rear laneway.

The proposed apartment building is a use permitted on this property by both the Zoning By-law and the Official Plan. The building covers less then 50% of the lot area and with the placement of the majority of the parking underground, provides for a substantial amount of private a shared landscaped open space. The setbacks proposed protect for adequate privacy and light. The development is appropriate for this location.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 66 to 76 Kippendavie Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6, to the July 21, 2010 report from the Director of Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact
The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal
Original Proposal:

On October 1, 2009 a proposal for a 4 storey condominium at 66 to 76 Kippendavie Avenue was submitted by the applicant. The project proposed a density of 2.18 times the area of the lot and 73 residential units (55 one bedroom units and 18 two bedroom units). A total of 65 parking spaces were to be provided. Pedestrian access was off Kippendavie Avenue with vehicular access to the underground garage provided off the rear laneway.

Revised Proposal:

The applicant submitted a revised proposal on March 24, 2010 in response to some of the concerns presented by area residents, Ward Councillor and City staff. A total of 65 residential units are proposed with a breakdown of 56 one bedroom units and 9 two bedroom units. The total gross floor area for the project is 5,148m^2, which represents a density of 1.93 times the area of the lot.

Vehicular access to the two storey underground garage is relocated to Kippendavie Avenue, with the provision of 58 parking spaces below grade and 8 visitor parking spaces provided off of the rear lane. Site servicing, garbage pick-up and loading would occur on the Kippendavie Avenue frontage of the site

For further statistical information, refer to the Application Data Sheet found at Attachment 5 of this report.

Site and Surrounding Area
The site is located on the west side of Kippendavie Avenue, south of Queen Street East. The property contains 6 detached houses.

Lands surrounding the property include:

North: A 2 storey co-op building with 20 units at 80 Kippendavie Avenue and a 13 unit townhouse development at 90 Kippendavie Avenue.

West: A 3 storey condominium apartment building with 85 dwelling units fronting onto Woodbine Avenue.

East: Kew Beach Public School and detached and semi-detached houses.

South: A 3 storey condominium apartment with 18 units.

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

The property is designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*. "Low scale local institutions" play an important role in the rhythm of daily life in *Neighbourhoods* and include such uses as places of worship.

The Official Plan contains development criteria for assessing new development in *Neighbourhoods*. Specifically, Policy 5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

a) patterns of streets, blocks and lanes, parks and public building sites;
b) size and configuration of lots;
c) heights, massing, scale and dwelling type of nearby residential properties;
d) prevailing building type(s);
e) setbacks of buildings from the street or streets;
f) prevailing patterns of rear and side yard setbacks and landscaped open space;
g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
h) conservation of heritage buildings, structures and landscapes.

Further, Policy 5 states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The policies state that the prevailing building type will be the predominant form of development in the neighbourhood and that some *Neighbourhoods* will have more than one prevailing building type.

Zoning

This site is zoned R2 Z0.6 which permits a variety of residential uses, including apartment buildings and some non-residential uses such as places of worship and public schools at a density of 0.6 times the area of the lot. The height limit is 10 metres.

Site Plan Control

A Site Plan Control application was submitted concurrently with the rezoning application and is currently being reviewed.

Reasons for Application

An amendment to the Zoning By-law is required to permit the height and density of the building proposed for this site and the reduction in indoor amenity space, as well as other performance standards.

Community Consultation

A Community Meeting was held by the Ward Councillor on December 7, 2009. The concerns expressed at that meeting related to density, height, traffic, use of the laneway and site servicing. Following the meeting, the plans were revised by the applicant to move the access to the underground garage to Kippendavie Avenue, improve the garbage handling for the development and to decrease the building coverage to under 50% of the lot area.

On May 5, 2010, the Planning Division held a Community Consultation meeting to review the revised proposal. The meeting was attended by approximately 150 people. Concerns raised by those in attendance related to:

- Density and height of the proposed building;
- Concern with the number of additional people;
- Many in the area expressed concerns that the approval of such a proposal would set a precedent resulting in similar applications for development within the adjacent low-scale residential neighbourhood;
- Concerns with additional traffic; and
- Stormwater Management and flooding within the neighbourhood.

Letters and e-mails were also submitted by area residents which expressed similar concerns.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

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

Land Use

A residential apartment building is a use permitted by both the City of Toronto Official Plan and the Zoning By-law. The height and density of the proposed building exceed the permissions of the Zoning By-law, but the Official Plan permits apartments up to 4 storeys provided the building respects and reinforces the existing physical character of the neighbourhood. In this instance the subject site is surrounded on 3 sides by apartment buildings.

In reviewing the property data maps for the area, it is clear that there is no or limited opportunity to replicate this type of development within the larger Beach neighbourhood, while still being in compliance with the polices of the Official Plan.

Density, Height, Massing

The proposed building is to have a height of 13.1 metres to the top of the fourth storey. Small rooftop accesses, which are located towards the centre of the building are also proposed, resulting in on overall height of 15.9 metres. The building was designed with a 3 storey element along the Kippendavie Avenue frontage, which is consistent with the height of the apartment buildings to the south of the proposed building.

Beyond the depth of 14 metres, the building is setback 7.5 metres from the lot line on all 3 sides. The side and rear yard setbacks are consistent with the setbacks provided for the infill townhouse development at 90 Kippendavie Avenue. The 7.5 metre side yard setbacks would provide for an adequate separation distance to provide for light and privacy and, should either of the adjacent apartment building properties redevelop in a similar manner, would allow for a 15 metre facing distance. The proposed building covers under 50% of the heavily landscaped lot.

The revised proposal represents a reduction in proposed density from 2.18 to 1.93 times the area of the lot. While the density is significantly higher than that permitted and that existing within the neighbourhood, the built form of the development, with its step backs and setbacks, results in the density being sensitively deployed on the property.

Traffic Impact, Access, Parking

The proposed development provides a total of 68 parking spaces; 58 for unit owners and 8 visitor spaces. Technical Services has advised that the proposed provision of parking is acceptable as it exceeds the minimum requirement of the City's residential condominium parking standards. Access to the underground parking is provided off of Kippendavie Avenue. The original proposal had access off of the laneway to the rear of the property. Area residents, as well as City staff, were concerned about the difficulty in negotiating the required turning movements in the laneway system to access the parking, especially in the winter months. The 8 visitor parking spaces will be provided on the surface, accessed by the laneway system.

The loading and service area will be located at the front of the building. In order to decrease the amount of paving required in front of the building, the loading space was designed so that, when in use, a potion of the driveway will be obstructed. Because of the infrequent use of the loading space, especially with large vehicles such as garbage trucks, this is acceptable. A warning system will be put in place to warn motorists exiting the underground garage if the loading space is in use. The exiting vehicles will have sufficient space to manoeuvre around a vehicle parked in the loading space.

Transportation Planning and Technical Services staff have reviewed the revised application and have no concerns with the traffic impacts of the proposal in terms of the surrounding street and laneway network.

Amenity Space

The indoor amenity space, located on the ground floor, is 48m^2 and will contain both kitchenette and a washroom and will have an adjacent outdoor patio area. The majority of the outdoor amenity space will be provided on the rooftop and exceeds the by-law requirement. While the interior amenity space provided is far less than required the space is of sufficient size and outfitted to accommodate meetings and social functions. In addition to the generous provision of outdoor amenity space, all of the units have either patios, balconies and/or rooftop private outdoor space. Staff can accept the reduction in amenity space given the modest size of the building but would be reluctant to support such a level of non-compliance for a larger condominium.

Stormwater Management

The proposed development will be constructed with a stormwater retention tank that will be of a sufficient size to deal with 100 year storm water volumes. This area of the Beach currently experiences flooding with large storms. The provision of the stormwater retention tanks mean that the proposed development will not contribute to the current situation, in fact, it may help as the stormwater flowing on this site will all be dealt with on-site.

Trees

The development has been redesigned to protect all trees located on adjacent private properties. There are 9 trees situated on the subject property, which are proposed to be removed. One of the trees, being a Norway Spruce, is in healthy condition and as such there is a requirement to post notice on the site and to consult with the Ward Councillor with respect to the removal. The development application involves the replanting of 16 trees on site, all of which are proposed to be native species, unlike the Norway Spruce. Site Plan Approval will be withheld until such time as the required tree removal permit has been issued.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open space are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is not in a parkland priority area, and is not subject to Alternative Parkland Dedication By-law 1240-2007.

If the application is approved, the development will be subject to a 5% cash-in-lieu of parkland dedication payment required under chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of .01335 hectares (133.5 m2) would not be of a useable size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. Some of the targets the proposed development is intended to achieve include:

- a combination of green roof and light coloured roofing materials for 75% of the roof area;
- a combination of shading and light coloured materials for at least 50% of all landscape, including surface parking, walkways and others;
- 10% of materials harvested, manufactured and supplied will come from within 800km of the project;
- parking supply that does not exceed the minimum requirement in the Zoning by-law;
- Secure bicycle storage for long-term parking and the provision of bicycle parking that meets the 0.75 spaces per dwelling unit;
- Zero use of CFC-based refrigerants and Halons in fire suppression;
- 45% of materials, including adhesives, sealants, paints, coatings, composite wood and agrifiber products are low emitting;
- Compliance to ASHRAE 62-2004 Thermal Comfort and Ventilation standards; and
- Compliance with all pedestrian infrastructure measures.

Staff will continue to work with the applicants through the Site Plan application review to identify further performance targets for the project to promote better environmental sustainability.

Development Charges

It is estimated that the development charges for this project will be $333,453.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

While the condominium has used the scale and massing of the adjacent apartment buildings and townhouse complex to the north to inform the proposal, the design of the building along the Kippendavie Avenue frontage provides a streetscape consistent with the 3 storey built form of the neighbouring condominium building. This is achieved by the fourth storey of the proposed building being set back from the front elevation. Beyond the 14 metre depth of the proposed apartment building, a 7.5 metre setback is achieved (consistent with the townhouses located further north of the site) to ensure adequate light, view and privacy for neighbouring properties and to protect for a minimum facing distance of 15 metres, should either of the adjacent properties redevelop in the future.

This report recommends approval of this application.

CONTACT

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SIGNATURE

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Raymond David, Director
Community Planning, Toronto and East York District

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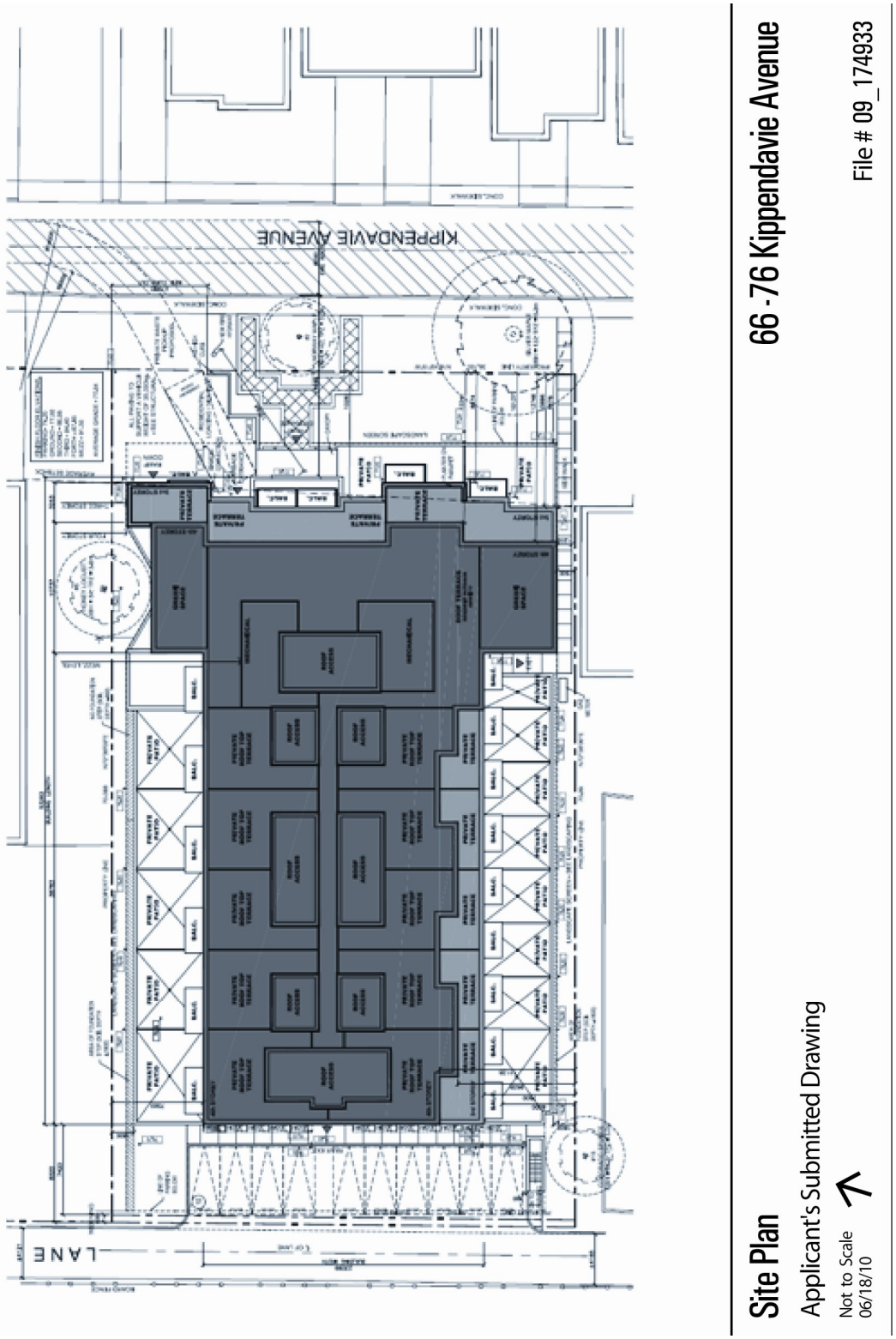
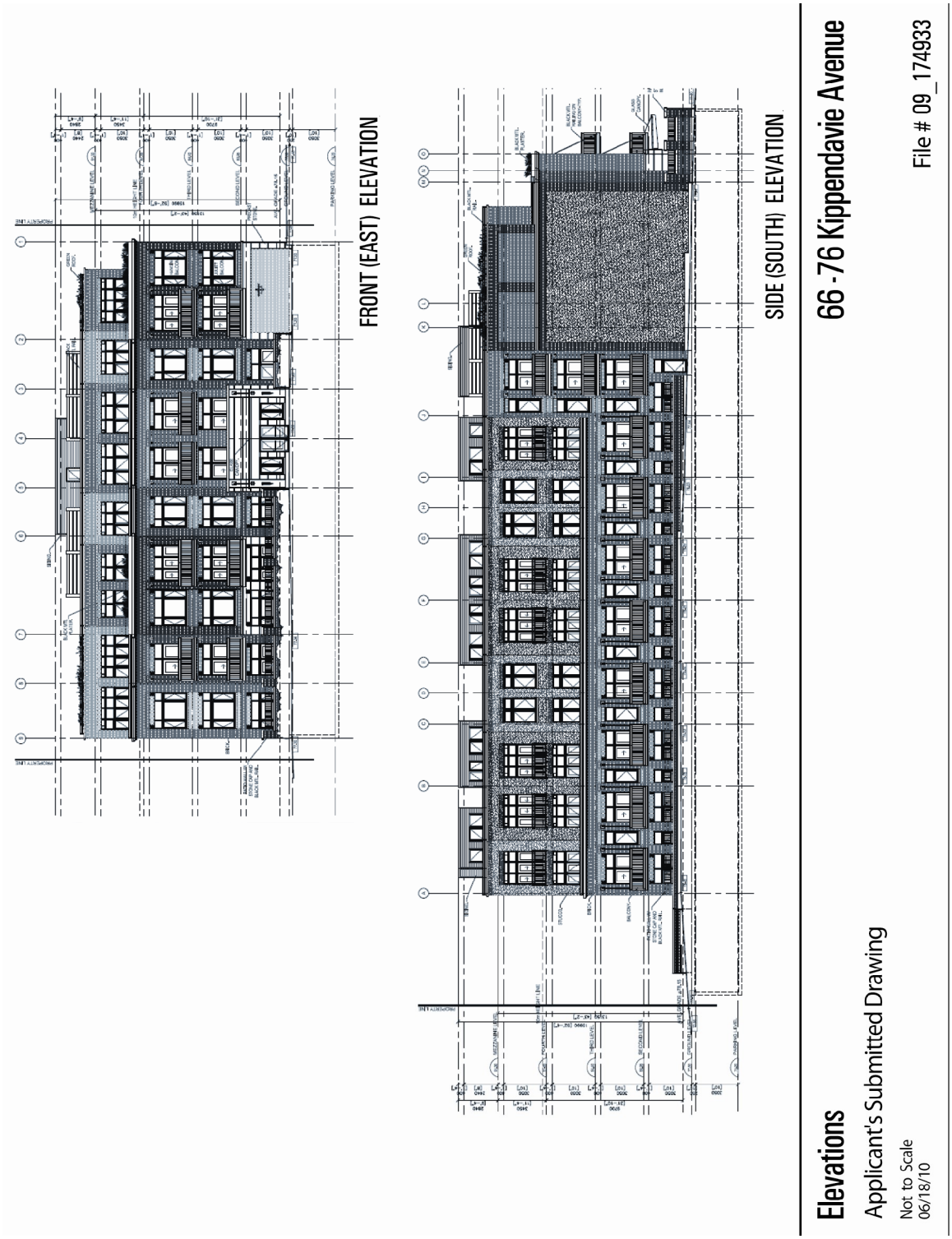
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Attachment 2: Elevations



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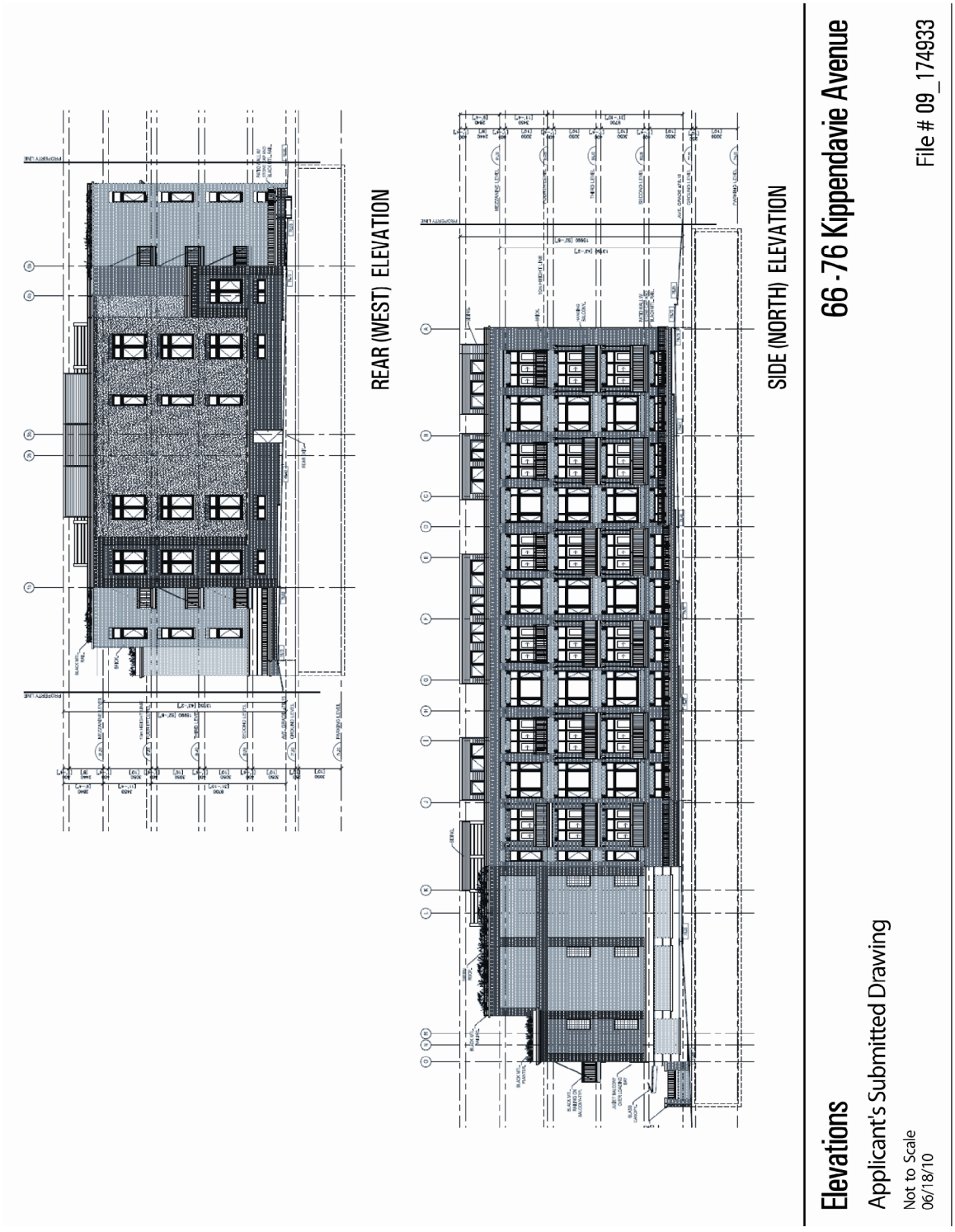
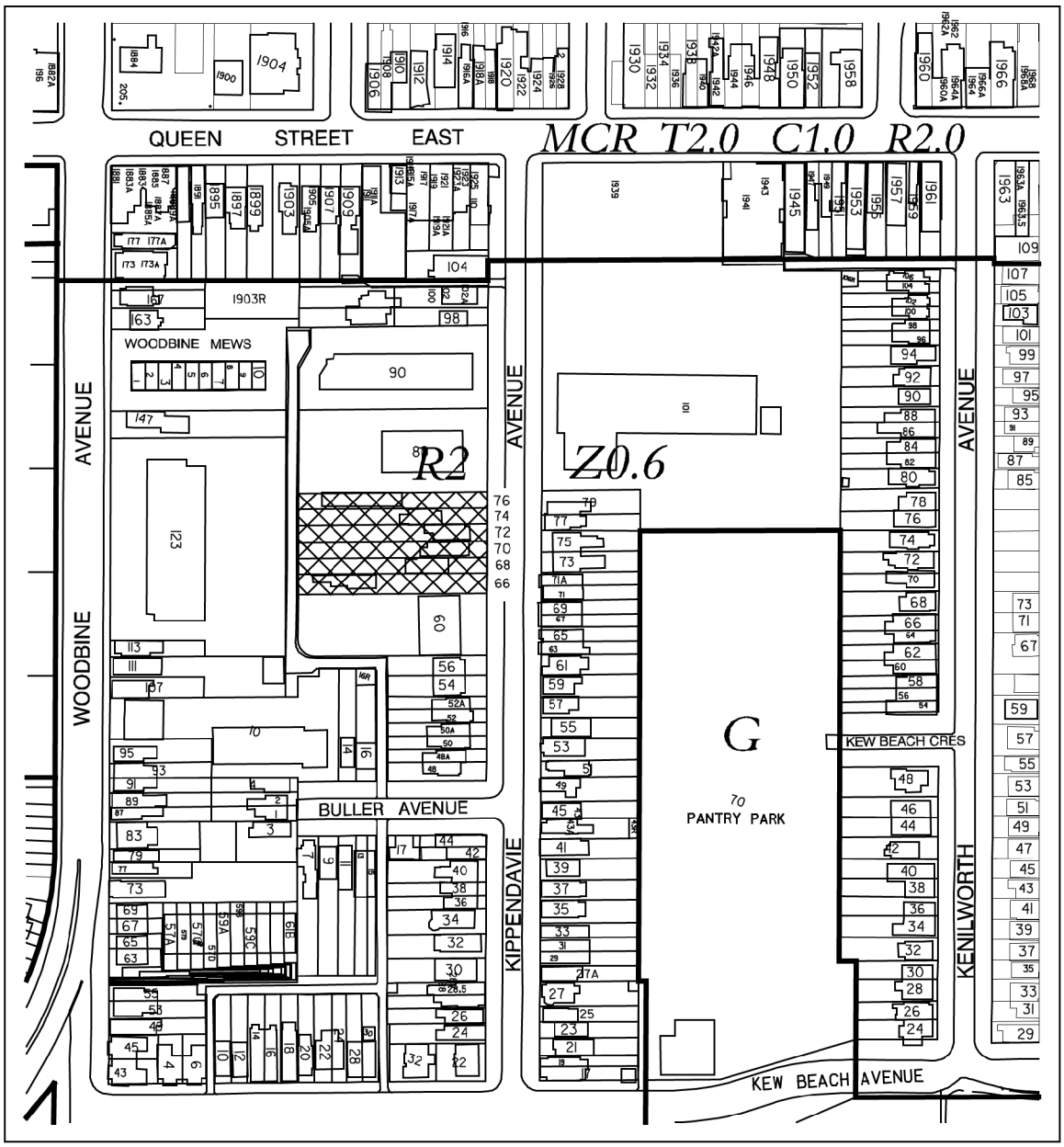


Attachment 4: Zoning



TORONTO City Planning

Zoning

66-76 Kippendavie Avenue

File # 09-174933

G Parks District
R2 Residential District
MCR Mixed-Use District

Not to Scale
Zoning By-law 438-86 as amended
Extracted 11/26/2009 - NRS

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	09 174933 STE 32 OZ
Details	Rezoning, Standard	Application Date:	October 1, 2009

Municipal Address:	66 to 76 KIPPENDAVIE AVE
Location Description:	PL 496 PT LT58 **GRID S3213
Project Description:	Proposal to redevelop lands for a 65 residential unit condo containing 1 level of below grade parking and private & common rooftop amenity space.

Applicant:	**Agent:**	**Architect:**	**Owner:**
Armstrong Hunter & Associates			

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2 Z0.6	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2671.16	Height:	Storeys:	4
Frontage (m):	38.1		Metres:	13.15
Depth (m):	70.9			
Total Ground Floor Area (sq. m):	1206			**Total**
Total Residential GFA (sq. m):	5225		Parking Spaces:	78
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	5225			
Lot Coverage Ratio (%):	45.1			
Floor Space Index:	1.96			

DWELLING UNITS **FLOOR AREA BREAKDOWN** (upon project completion)

			Above Grade	**Below Grade**
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	5225	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	56	Office GFA (sq. m):	0	0
2 Bedroom:	9	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	65			

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

Attachment 6: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No.438-86 , as amended,
With respect to the lands municipally known as,
66 to 76 Kippendavie Ave**

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

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

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

1. None of the provisions of Section 4(2), 4(4)(b), 4(6), 4(12), 4(16), 6(3)1, 6(3) Part II, 6(3) Part III 1, and 6(3) Part IV 2 of By-law No. 438-86, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures and to prohibit certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use of an *apartment building* on the *lot* provided:

(1) the *lot* consists of those lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law,

(2) no portion of any building or structure to be erected or used on the *lot* shall extend beyond the lines delineated by the heavy lines on Map 2 attached to and forming part of this by-law.

(3) despite subsection (2) herein, eaves and cornices shall be permitted to project no more than 0.45 metres, balconies are permitted to project not more than1.2 metres and the entrance canopy is permitted to project not more than 2.5 metres beyond the heavy lines on Map 2;

(4) The *height* of the building on the *lot* shall not exceed the maximum *height* permitted as indicated by the letter "H" as shown on Map 2 attached to and forming part of this By-law;

(5) despite subsection (4) herein, fences, safety railings, or privacy screens shall be permitted to project beyond the *height* permitted provided the *height* of the fence, safety railing or privacy fence does not exceed 2.0 metres beyond the height stipulated on Map 2;

(6) a maximum of 65 dwelling units shall be permitted on the *lot*;

(7) the maximum *residential gross floor area* of the building on the *lot* shall not exceed 5,150 square metres;

(8) a minimum of 68 *parking spaces* shall be provided, including 58 *parking spaces* for unit owners and 10 *parking spaces* for visitors;

(9) a minimum of 945 square metres of *landscaped open space* shall be provided;

(10) one *loading space type B* shall be provided;

(11) a minimum of 48 square metres of indoor *residential amenity space* and 130 square metres of outdoor *residential amenity space* shall be provided.

2. For the purposes of this by-law all words, terms and phrases appearing in italics shall have the same meaning as they have for the purposes of the aforesaid By-law No. 438-86, as amended, except as herein provided.

3. Within the lands shown on Map A attached to this By-law, 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

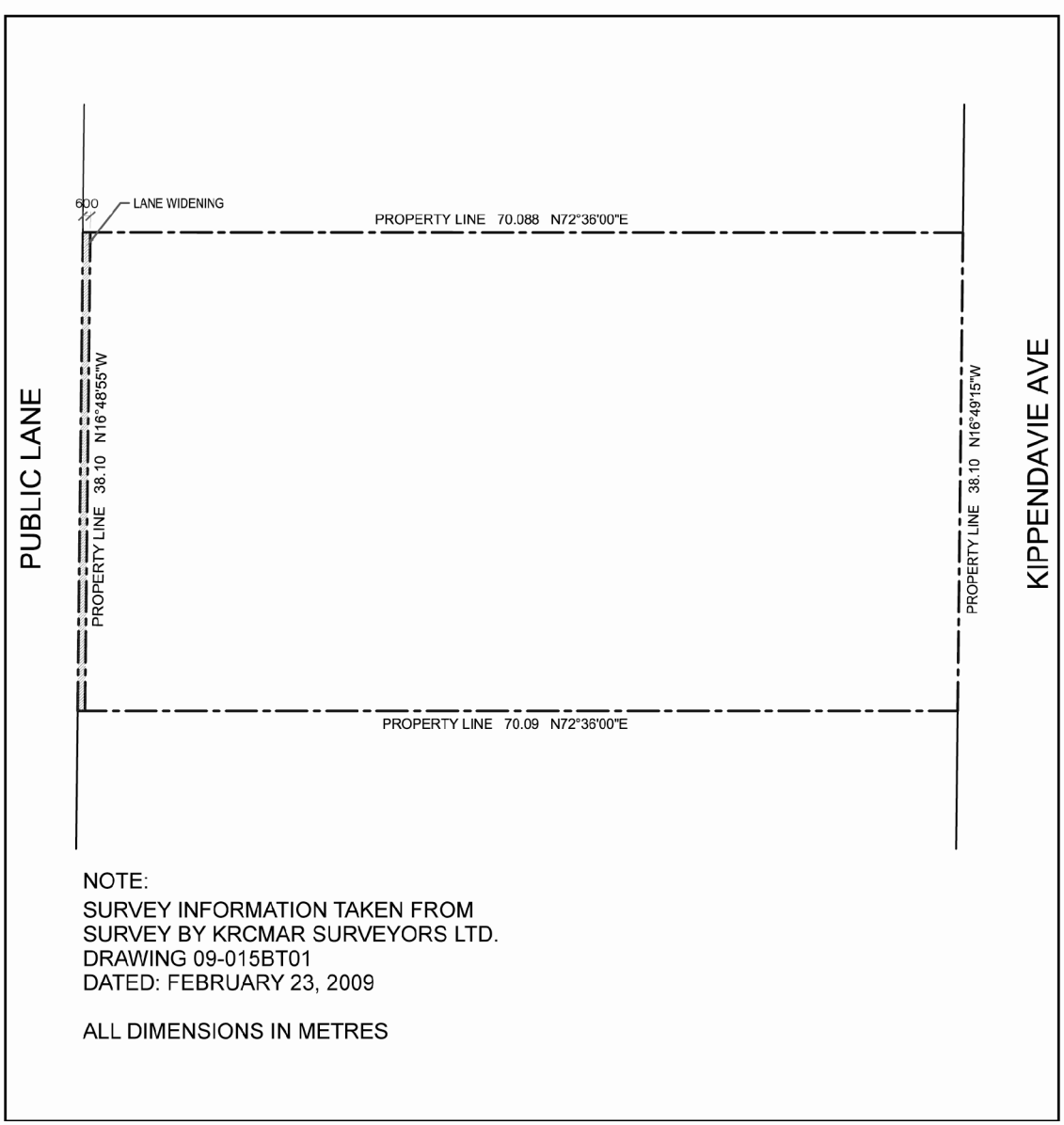
(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



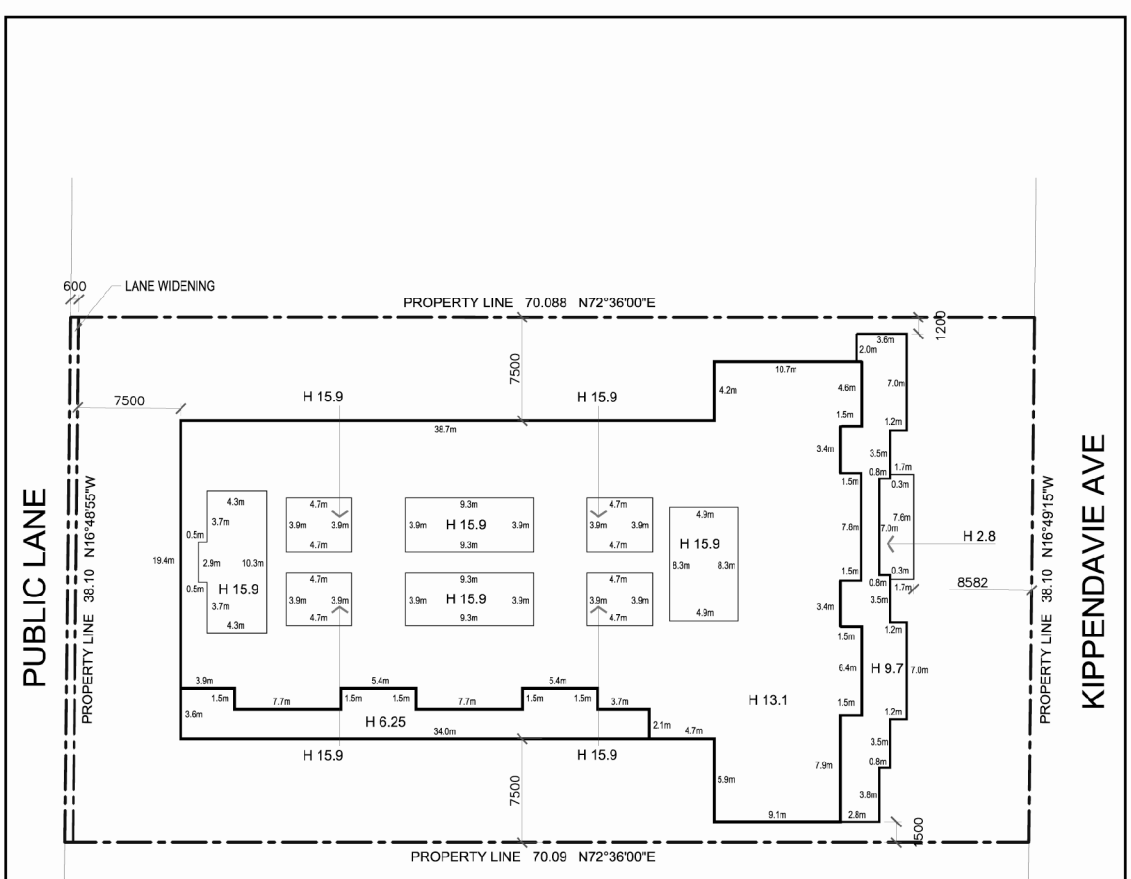
TORONTO City Planning

Map 1

66-76 Kippendavie Avenue

File # 09_174933

Not to Scale
07/06/2010



HEIGHT FROM AVERAGE GRADE - 77.94

NOTE:
SURVEY INFORMATION TAKEN FROM SURVEY BY KRCMAR SURVEYORS LTD. DRAWING 09-015BT01 DATED FEBURARY 23, 2009

ALL DIMENSIONS IN METRES

H DENOTES MAXIMUM HEIGHT IN METRES FROM AVERAGE GRADE

TORONTO City Planning

Map 2

66 - 76 Kippendavie Avenue

File # 09_174933

Not to Scale
07/05/2010