

3360 Kingston Road – Removal of a Holding Provision (H) Application – Final Report

Date:	April 16, 2013
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	13 104571 ESC 36 OZ

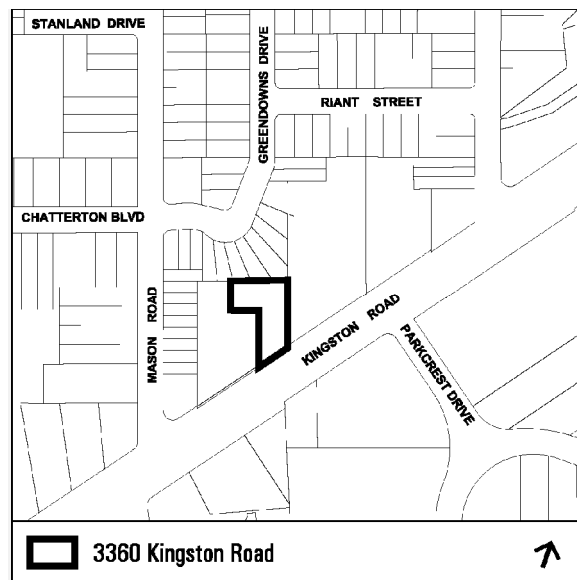
SUMMARY

This application proposes the removal of the Holding Provision (H) at 3360 Kingston Road to enable the development of 10 residential townhouse units.

The Holding Provision (H) was implemented on these lands by Zoning By-law No. 990-2012, and requires that proof of reciprocal easements for servicing, access and parking be provided in order for the Holding Provision to be lifted. Once the (H) is lifted the Multiple Family Residential (M) Zone will be implemented. Prior to the lifting of the (H), only uses within the Highway Commercial (HC) Zone are permitted on the lands, as was the case prior to the adoption of Zoning by-law No. 990-2012.

The applicant has provided the required proof of reciprocal easements to the satisfaction of the City Solicitor, Director of Engineering and Construction Services and City Planning.

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 No. 10010 for the lands at 3360 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to report dated April 16, 2013.
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

At their meeting of July 13, 2012, City Council adopted By-law No. 990-2012 <http://www.toronto.ca/legdocs/bylaws/2012/law0990.pdf>, an amendment to the Scarborough Village Community Zoning By-law for the lands at 3360 Kingston Road. This by-law rezoned the subject lands from Highway Commercial (HC) to Multiple Family Residential (M) subject to the removal of a Holding Provision (H). Until the (H) is removed, the existing "HC" uses remain in effect for the lands.

ISSUE BACKGROUND

Proposal

The proposed development on the north side of Kingston Road east of Mason Road is for 10 three-storey townhouses of 10.5 metres in height (see Phase Two on Attachment 1: Site Plan). The townhouses are arranged in two blocks; Block F is located along the Kingston Road frontage and contains three units, and Block G is located along the northern portion of the property and contains seven units. Each of the proposed townhouses would have a single private garage. Four visitor parking spaces will also be provided (two of which are required as part of the previously-approved "Phase One" development). Notice of Approval Conditions (NOAC) were issued on March 13, 2013 for this development.

The site is proposed to be developed as a common element condominium, where each of the ten townhouses would eventually form freehold parcels of tied lands associated with a common element that would be comprised of the private drive servicing the development, the visitor parking spaces, walkways, landscaping, and associated common facilities. An application for common element condominium approval has been submitted and is currently under review (File No. 11 260587 ESC 36 CD). Individual Parcels of Tied Land (POTL's) are intended to be created through Part Lot Control Exemption. This

application has also been submitted and is under review (File No. 13 104375 ESC 36 PL).

In order to accommodate the private lane that is to serve this development, the northeast hammerhead terminus of the neighbouring 3354 Kingston Road Phase One development is proposed to connect to the private drive that would serve Phase Two. The proposed driveway is 8.0 metres in width along the north part of the site, and then tapers to 4.45 metres in width closest to Kingston Road. The connection onto Kingston Road is intended to function as a one-way, right-out exit. The two visitor parking spaces currently located at the terminus of the hammerhead on Phase One lands are proposed to be relocated on the Phase Two lands, resulting in a total of four visitor parking spaces on the Phase Two lands and none on the Phase One lands. In order to make this change to the approved Phase One plans, a minor variance has been approved, and an amendment to the approved site plan is required. An amendment to the approved common element condominium at 3354 Kingston Road may also be required.

Servicing connections are also proposed to be made through the Phase One development. Reciprocal easements between the owner(s) at 3354 Kingston Road and the subject lands for both the servicing, access connections and to allow for the use of the relocated visitor parking spaces have been provided to the satisfaction of City staff.

Site and Surrounding Area

This irregularly shaped site (forming an inverted "L" shape) is approximately 0.187 hectares in area, with a frontage on the north side of Kingston Road of 27.54 metres and a depth of 51.71 metres. The site slopes away from Kingston Road and is lowest in the north. The site was used as a car repair garage which included auto body repair, with vehicular access from Kingston Road.

North of the site are two-storey single family residential dwellings along Greendowns Drive. The nineteen-unit, three-storey "Guildwood on the Park" Phase One development is located to the west of the site. The proposed development will form Phase Two of the "Guildwood on the Park" development. To the east is a mid-rise, six-storey apartment building. To the south is Kingston Road, beyond which is an apartment building to the south-east and a commercial plaza to the south-west.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to

grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

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

Official Plan

The site is designated *Mixed Use Areas* by the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks, open spaces and utilities. Kingston Road is identified as an "Avenue" by the Official Plan.

Development in *Mixed Use Areas* along an Avenue is to support and promote transit usage, contribute to the range of housing options available in the community and contribute to a positive pedestrian environment. While Avenues are one of the areas within the City intended to accommodate reurbanization and growth, such must occur in a way that supports the existing and/or planned context and provides appropriate transition to designated *Neighbourhoods*, such as those which exist to the immediate north of this site.

Zoning

The site is zoned Multiple Family Residential (M) with a Holding Provision (H). The by-law specifies the matters that must be satisfied in order to permit the lifting of the (H), as well as the zoning that is in effect until such time as the (H) is lifted. In this case, the existing Highway Commercial (HC) zoning remains in place.

The "HC" zone permits day nurseries and highway commercial uses which include: automobile sales, service and maintenance uses excluding auto body repair and/or auto-wrecking yards; funeral homes; fraternal organizations; hotels and motels; places of worship; professional and business offices; recreational uses, and specialized commercial uses.

The Multiple-Family Residential (M) Zone permits a variety of residential uses including single-family dwellings, two-family dwellings, multiple-family dwellings, as well as day nurseries, nursing homes and other similar uses.

Site Plan Control

The subject lands are subject to site plan control. The Notice of Approval Conditions (NOAC), which is a conditional approval, was issued on March 13, 2013 for the proposed development. One of the conditions of approval is the implementation of zoning that would enable the development.

Reasons for Application

The purpose of this application is to remove the Holding Provision (H) to implement the Multiple Family Residential (M) zoning on the lands in order to facilitate the construction of 10 residential townhouse units.

Agency Circulation

The application was circulated to all appropriate City divisions. Responses received have been used to assist in determining whether the requirements for lifting of the Holding Provision (H) have been satisfactorily addressed.

COMMENTS

The applicant has provided satisfactory proof of reciprocal easements for servicing, access and parking as established in Zoning By-law No. 990-2012, which are required to allow the Holding Provision to be lifted. It is therefore appropriate for the Holding Provision to be lifted and the Multiple Family Residential (M) zone to come into effect for the lands to enable the development of 10 residential townhouse units.

CONTACT

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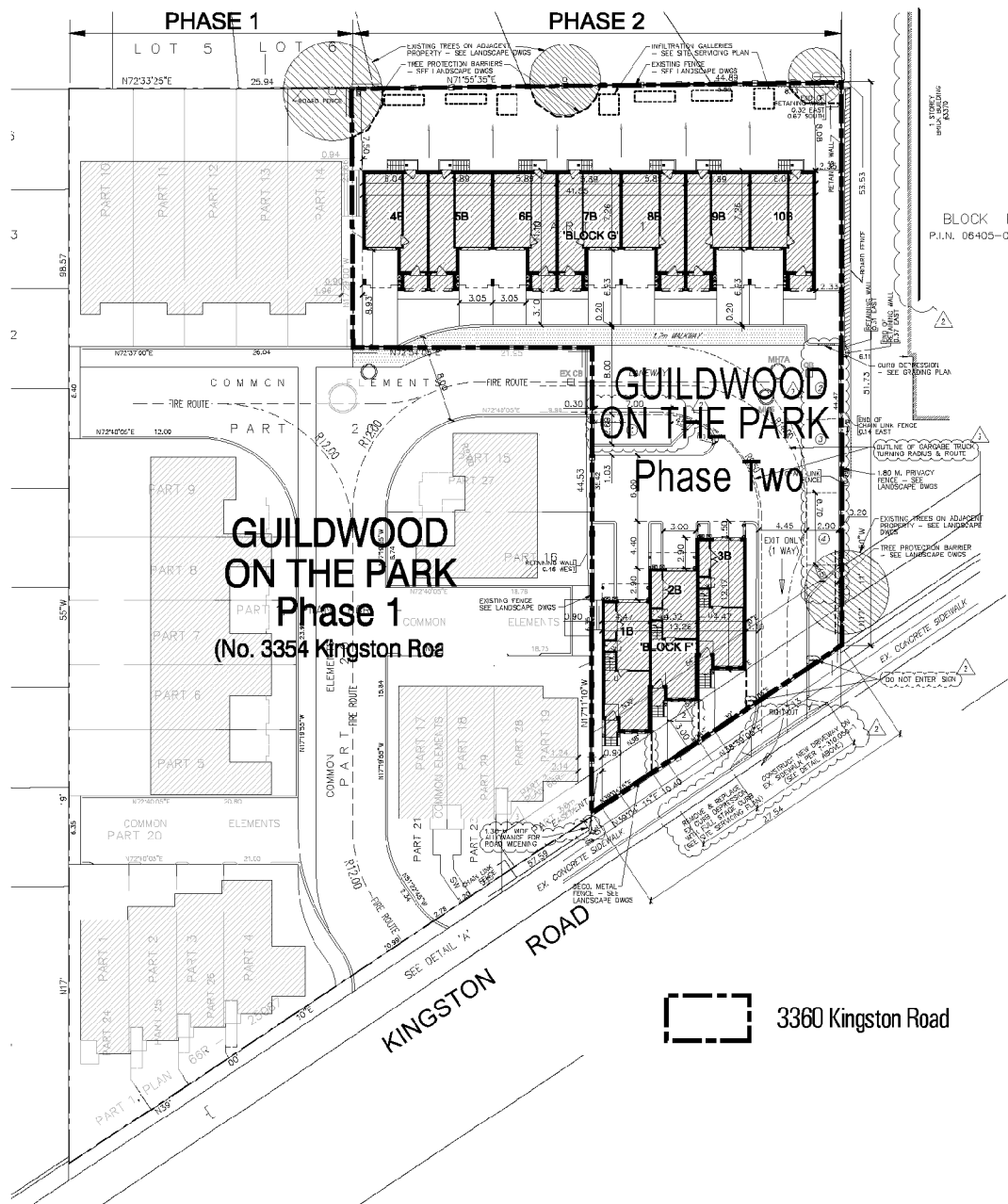
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

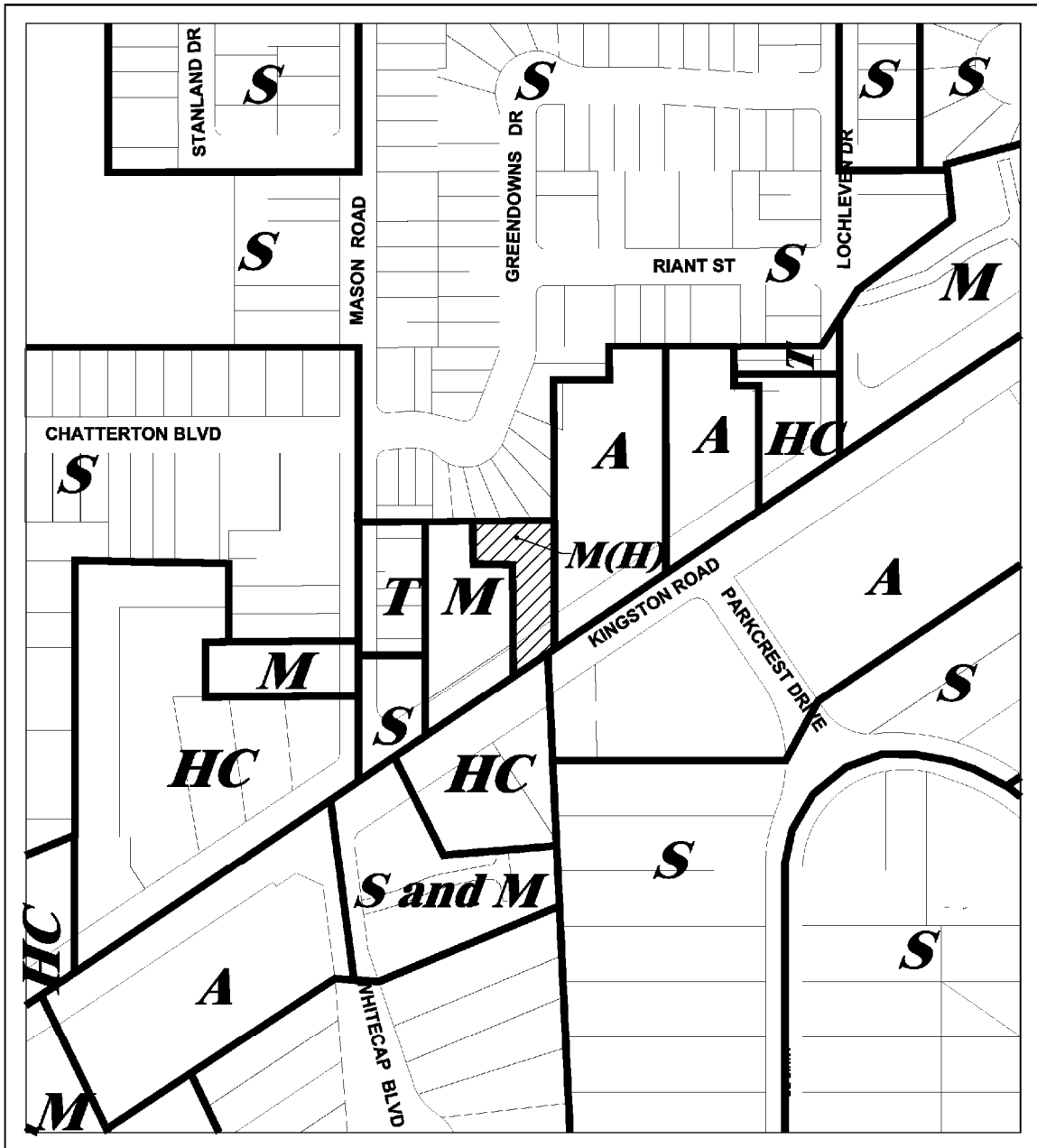
3360 Kingston Road

Applicant's Submitted Drawing

Not to Scale 

File #13 104571 OZ

Attachment 2: Zoning



Zoning Scarborough Village Community

3360 Kingston Road

File # 13 104571 OZ

Location of Application

S Single Family Residential
T Two Family Residential
M Multiple Family Residential
A Apartment Residential

HC Highway Commercial
(H) Holding Provisions

Not to Scale
04/12/13

Attachment 4: Draft Zoning By-law Amendment

Authority: ~ Community Council Item 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 the Scarborough Village Community Zoning By-law No. 10010, as amended by By-law No. 990-2012 to remove the holding symbol (H) with respect to the lands known municipally in the year 2012 as 3360 Kingston Road

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

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

1. **Schedule "A"** is amended by removing the holding symbol (H) from the lands shown on the attached Schedule '1'.
2. **Schedule "C", EXCEPTION LIST**, is deleting Exception No. 47, and replacing it as follows:
 47. On those lands identified on the accompanying map, the following provisions shall apply:
 - (a) **CLAUSE VI – PROVISION FOR ALL ZONES**, Section 5. **Landscaping Requirements**, and Section 6. **Coverage** shall not apply.
 - (b) **Day Nurseries** and Nursing Homes are prohibited.
 - (c) The height of all buildings on Kingston Road shall not exceed 3 storeys, excluding basements.

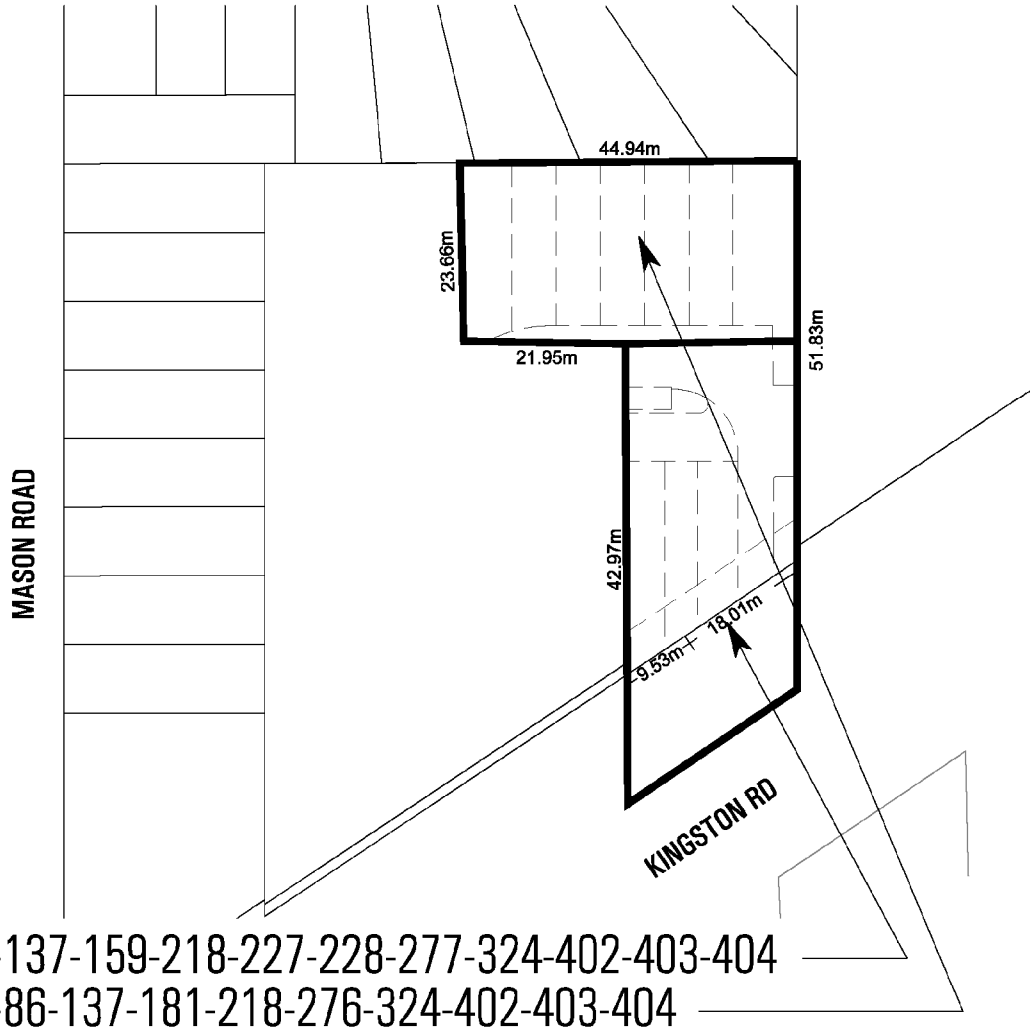
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'



TORONTO City Planning Division
Zoning By-Law Amendment

3360 Kingston Road
 File # 13 104571 OZ

 Area Affected By This By-Law

Scarborough Village Community Bylaw
 Not to Scale
 04/12/13

