

975 Kennedy Rd – Zoning Amendment – Final Report

Date:	May 24, 2013
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 37 – Scarborough Centre
Reference Number:	12 117747 ESC 37 OZ

SUMMARY

This application was made 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 the rezoning of 975 Kennedy Road from Apartment Residential (A) to an appropriate zoning category to permit conversion of the existing 1 260 square metre former union hall building to establish a Place of Worship with associated community activities and 125 parking spaces.

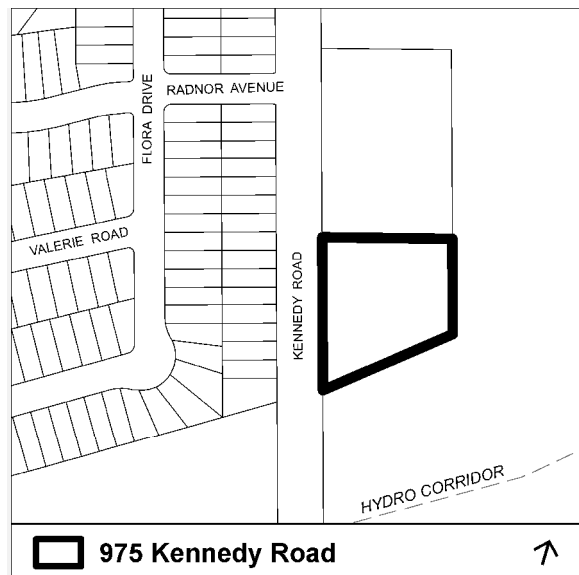
The proposal would restore prior zoning permission for a Place of Worship at this location and will facilitate re-use of an existing former office building.

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 the former City of Scarborough Zoning By-law No. 9508 for the lands at 975 Kennedy Rd. substantially in accordance with



the draft Zoning By-law Amendment attached as Attachment No. 6 to report dated May 24, 2013.

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

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Rezoning and site plan control applications were submitted in March 2008 by a previous owner proposing a 78-unit stacked townhouse redevelopment of this property. In September 2008, the applicant appealed the City's failure to approve the rezoning and site plan applications. In October 2008, the applicant submitted a revised development scheme for a 4-storey, 120-unit residential condominium building.

On January 27 and 28, 2009, City Council directed the City Solicitor to support approval of the revised applications at the Ontario Municipal Board (OMB). The OMB on February 2, 2009 approved the rezoning of the property to permit the proposed apartment condominium building. Consideration of the site plan was deferred to consider further planning evidence at a subsequent hearing. The applicant subsequently did not pursue the site plan appeal further and the application file was ultimately closed by Planning staff.

On June 13, 2012, Scarborough Community Council considered a Preliminary Report dated May 14, 2012 on the subject application by the new owner from the Director, Community Planning, Scarborough District. Planning staff were directed to schedule a community consultation meeting with Notice for the meeting expanded to include landowners and residents within 240 metres of the site, and that Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act, once the application has been deemed 'complete'. The Preliminary Report is available for reference at the following link:

<http://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-47444.pdf>

ISSUE BACKGROUND

Proposal

The Al Huda Lebanese Muslim Society, which purchased the property in early 2012, had previously operated a Place of Worship with associated community activities for its members from a facility in Don Mills, which it subsequently outgrew. The 1 260 square metre (13,362 square foot) former union hall building on the subject site is proposed to be retained and converted to a Place of Worship with ancillary community activities, with no change to the exterior facades and minimal alterations to the interior floor plan of the building. The owner currently has an application to the Ontario Trillium Foundation for a grant to assist with improvements limited to only the community use portions of the building.

The existing parking lot would be reorganized, repaved and restriped to accommodate 125 parking spaces with one (1) rear loading space, to be served by the two existing driveway entrances from Kennedy Road. The front yard landscaped area and circular driveway would also be retained and improved, together with additional landscaping enhancements around the perimeter of the site and an outdoor fenced children's playground suggested by the Ward Councillor to be located immediately behind the building, as indicated on Attachment 1: Proposed Site Plan and Landscaping. (Additional information is provided on Attachment 3: Application Data Sheet).

Site and Surrounding Area

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

There are single family dwellings on the west side of Kennedy Road. Immediately to the north is a one-storey bingo hall at 991 Kennedy Road. The subject property and the adjacent bingo hall property are surrounded to the north, east and south by a hydro corridor, which includes transmission towers as well as a hydro transformer facility and a microwave tower to the north.

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

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

The subject property is designated 'Mixed Use Areas'. 'Mixed Use Areas' consist of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

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

Places of Worship are provided for under the 'Mixed Use Areas' designation

Zoning

As a result of the February 2009 OMB decision noted above, the property was rezoned to Apartment Residential (A), which permits apartment buildings, day nurseries, group homes, nursing homes and senior citizens homes. There is no specific limit on the number of permitted dwelling units, however total gross floor area is limited to 1.5 times the area of the lot. All of the remaining zoning provisions currently applying to this property (such as setbacks, 4-storey height limit and landscaping requirements) inherently relate to the previously proposed apartment development. Should the current application be approved, appropriate new development standards would be required in addition to the permission for a Place of Worship, as indicated on the draft Zoning By-law Amendment (Attachment 4.).

The subject property had previously been zoned since 1962 to permit Highway Commercial (HC) uses which included permission for a Place of Worship. (The site is not included in the new City of Toronto Zoning By-law No. 569-2013 enacted by City Council on May 9, 2013.)

Site Plan Control

The property is subject to site plan control. Site plan application 12 121610 ESC 37 SA was submitted concurrently with the subject rezoning application. The City's review of the site plan application, as illustrated on Attachment 1: Proposed Site Plan and Landscaping, is nearing completion.

Reasons for Application

The owner had outgrown its existing facility in Don Mills and purchased the subject site in early 2012 in order to relocate the congregation to larger premises. The applicant

indicates the existing building will adequately meet the congregation's needs with minimal alterations to either the building exterior or interior floor plan. While the previous Highway Commercial (HC) zoning of the site would have permitted the current Place of Worship proposal, the rezoning to Apartment Residential (A) approved by the OMB in February 2009, for a redevelopment which ultimately did not proceed, necessitates the current application to permit a Place of Worship.

Community Consultation

As directed by Scarborough Community Council on June 13, 2012, Planning staff conducted a Community Consultation Meeting on September 25, 2012 at the McGregor Park Community Centre. The meeting was attended by 17 members of the public including both area residents and members of the Al Huda congregation. Concerns raised by residents were primarily limited to traffic impacts, parking adequacy and potential parking overflow onto neighbouring streets associated with peak hours of operation for the facility, particularly given the operations of the adjacent bingo hall.

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

The proposed Place of Worship is intended to occupy the existing building for both religious observances and associated ancillary community activities including programs for children and youth. No building expansion or exterior alterations are proposed. No issues with the proposed rezoning have been raised through circulation of this application to City Divisions and commenting agencies. Resident concerns with respect to traffic impacts expressed at the community meeting are discussed further below.

Provincial Policy Statement and Provincial Plans

In order to sustain healthy, liveable and safe communities, the PPS encourages an appropriate range of land uses to meet long term needs and to avoid land use and development patterns which are not cost-effective and which do not use infrastructure and public service facilities efficiently.

Municipal services for the site are adequate and would not be unduly impacted by this proposal. The site is well serviced by surface transit with bus service available to the Lawrence East RT Station to the north-east and directly to Kennedy Station to the south. The conversion of the site to a Place of Worship from the previously approved 120 apartment units would not unduly impact on the ample supply of almost 152,000 units of new housing to meet projected City needs that are currently in the 'development pipeline' (i.e. under application, approved but un-built or currently under construction). (Source: October 2012 'Profile Toronto – How Does The City Grow?' at http://www.toronto.ca/planning/pdf/grow_oct2012.pdf). Planning staff do propose, however, that the current zoning permission for apartment residential uses be retained,

together with the reintroduced Place of Worship zoning permission, so as not to discourage the potential redevelopment of this site for residential use in future.

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

Land Use

The Toronto Official Plan designates this site as a Mixed Use Area. This designation provides for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The current proposal is consistent with and implements this designation.

Given the site context on the east side of Kennedy Road and the existing built form, no issues arise with respect to transition in intensity or scale to the residential neighbourhood to the west, shadow impacts or conditions for pedestrians on Kennedy Road. The proposal will utilize directly available transit services, provide good site access, circulation and an adequate supply of parking, and service areas and garbage storage at the rear of the building will minimize impact on the adjacent street and nearby residences.

Zoning

Planning staff believe that it would be appropriate to both retain the existing zoning permission for apartment residential uses while also introducing permission for a Place of Worship as well. Such 'dual zoning' has not specifically been sought through the current application, however, nor have potential planning implications from any mixed use redevelopment of the site for both uses together (e.g. site plan, servicing, traffic impacts, etc.) been considered by City staff during review of this application. Planning staff therefore propose that it would be most appropriate under the circumstances to add the requested Place of Worship to the by-law as an 'additional permitted use' by way of an Exception, only where the Place of Worship constitutes the sole use of the property. This approach would not create any additional new development rights than have been otherwise been requested through the current application. This zoning approach is reflected in the Draft Zoning By-law Amendment attached to this report (Attachment 4).

Density

Due to full use of the basement, the existing building has a Floor Space Index (gross floor area) of 0.18 times the lot area, while building coverage is 0.09 times the lot area. Further building expansion or additions are not currently proposed. Planning staff believe however, that it would be unduly limiting to include a restriction that that limits a Place of Worship to 'the building existing on the date of passage of the by-law'. It may become necessary and appropriate over the course of time, as this building ages, to replace portions or perhaps all of the existing building. So as not to preclude such future flexibility for the owner, Planning staff are therefore recommending that the above noted Exception also contain development standards for a Place of Worship that reflect the same current 'as-built' conditions. These standards are also contained in the Draft Zoning By-law Amendment attached to this report (Attachment 4).

Traffic Impact, Access, Parking

Residents at the community information meeting expressed concerns over peak hours of operation by the Place of Worship, parking adequacy and potential overflow onto neighbouring streets, and potential traffic impacts, particularly given traffic generated by the adjacent bingo hall to the north at 991 Kennedy Road, and pedestrian safety.

The applicant has submitted a Traffic Impact and Parking Study that notes the busiest peak hours for traffic generation would be on Fridays for midday worship (133 two-way vehicle movements) and Saturday evenings for community activities (160 two-way movements). The study focussed on the functioning of the site accesses onto Kennedy Road, which currently also has a centre left-turn lane at this location to accommodate safer vehicle ingress and egress from the site. The study also evaluated the resulting levels of service, at both a five-year and ten-year horizon, for the Kennedy Road intersections to the north at Radnor Avenue and Lawrence Avenue East, the adjacent bingo hall traffic generation during similar peak periods, and the adequacy of the proposed parking supply. The study concluded that all key intersections and access driveways can adequately accommodate the site generated traffic, and that the proposed parking supply of 125 spaces will be adequate to accommodate parking demands for this facility.

Both the south- and north-bound Kennedy TTC bus stops are located a short distance north of the site at Radnor Avenue and in front of the adjacent bingo hall respectively. A refuge for pedestrians and transit riders crossing Kennedy Road is also provided in the centre of the street at this location for pedestrian safety. At the suggestion of Planning staff, a new walkway from the main building entrance to the public sidewalk will also be provided for safety reasons to avoid pedestrians using the two driveways to access the street.

Transportation Services staff concur with the findings of the Traffic Impact and Parking Study. Both of the existing two-way driveways from Kennedy Road will be retained and improved to current City standards. The proposed parking supply of 125 spaces within an improved and reorganized parking lot also exceeds the 98 spaces currently required under the Dorset Park Community Zoning By-law.

Servicing

No issues with municipal servicing capacities for the proposed facility have been identified.

Streetscape

The site currently contains treed front lawn areas and a circular driveway across the front of the building. As no building expansion or exterior alterations are proposed, the introduction of a Place of Worship will have little to no impact on the existing streetscape context. The associated site plan application filed by the applicant does, however, propose additional street and private tree plantings to further enhance the front landscaping.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. As no building additions or expansion is involved and interior renovations are anticipated to be minor in nature, most improvements under the TGS will relate to landscaping improvements, and will be secured through the Site Plan Approval process.

CONTACT

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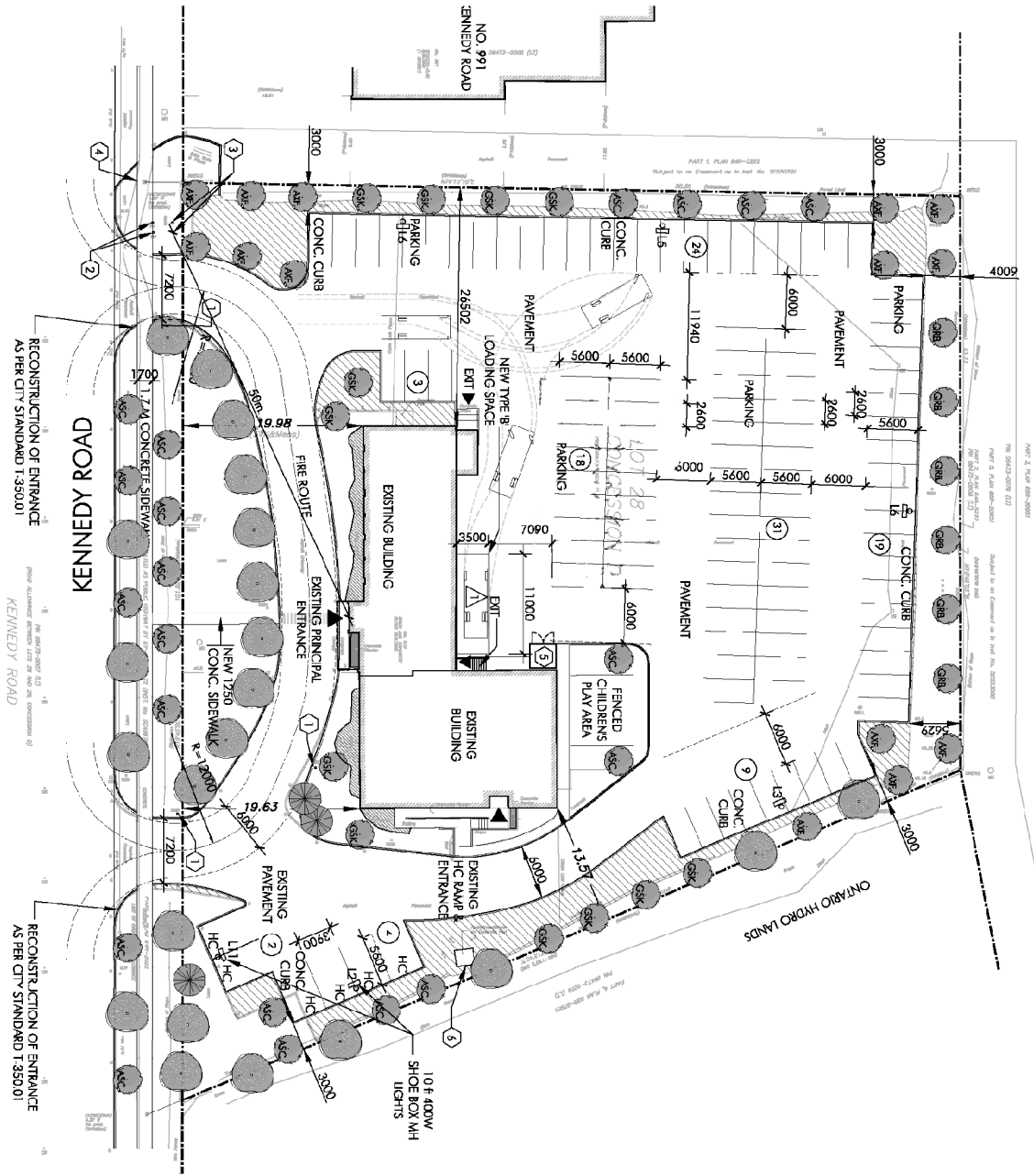
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

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


Attachment 1: Site Plan and Proposed Landscaping



Site Plan

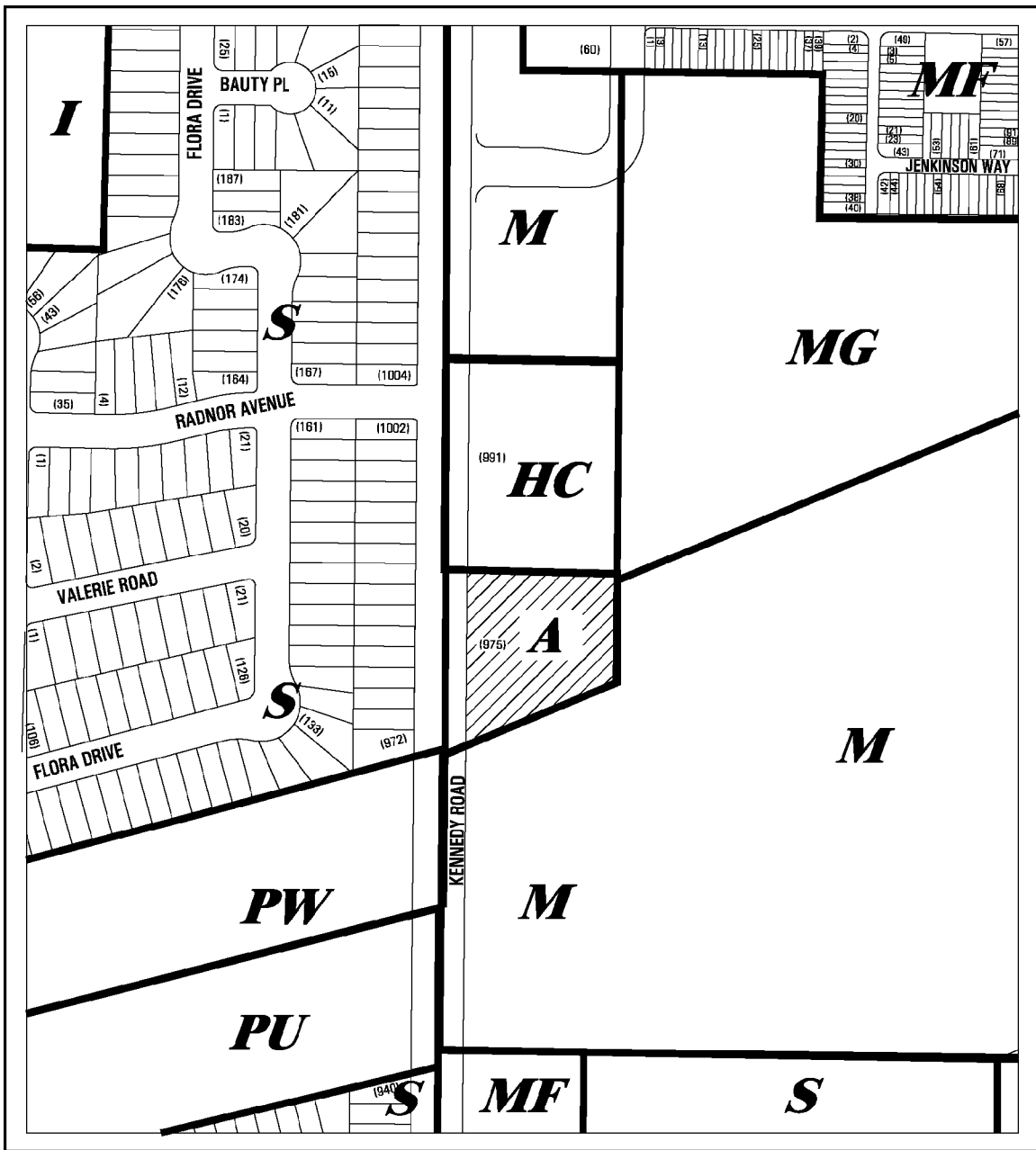
975 Kennedy Road

Applicant's Submitted Drawing

Not to Scale 

File #12 117747 ESC 37 OZ & 12 121610 ESC37 SA

Attachment 2: Zoning



TORONTO City Planning
Zoning Dorset Park Community

975 Kennedy Road
 File # 12 117747 ESC 37 0Z

Location of Application

S Single Family Residential
MF Multiple Family Residential
A Apartment Residential
BC Highway Commercial

I Institutional Uses
PW Place(s) of worship
PU Public Utilities

M Industrial zone
MG General Industrial Zone

Not to Scale
 04/20/12

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	12 117747 ESC 37 OZ & 12 121610 ESC 37 SA
Details	Rezoning, Standard	Application Date:	February 6, 2012

Municipal Address: 975 KENNEDY RD
 Location Description: CON D PT LOT 28 **GRID E3708

Project Description: The subject rezoning and site plan applications propose to convert the existing 1260.0 m² former union hall/office building to a Place of Worship with associated community facilities. No building additions or exterior alterations are proposed. Most site changes involve improvements to the existing parking lot and landscaped spaces.

Applicant:	Agent:	Architect:	Owner:
STEVENS BURGESS ARCHITECTS LTD			AL HUDA LEBANESE MUSLIM SOCIETY

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	A- Apartment Residential	Historical Status:	
Height Limit (m):	4-storeys	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	7144.2	Height:	Storeys:	1
Frontage (m):	101.8		Metres:	6.3
Depth (m):	66.2			
Total Ground Floor Area (sq. m):	635.5			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	125
Total Non-Residential GFA (sq. m):	1260		Loading Docks	1
Total GFA (sq. m):	1260			
Lot Coverage Ratio (%):	8.9			
Floor Space Index:	0.18			

DWELLING UNITS

Tenure Type:
 Rooms: 0
 Bachelor: 0
 1 Bedroom: 0
 2 Bedroom: 0
 3 + Bedroom: 0
 Total Units: 0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	635.5	624.5

CONTACT: PLANNER NAME: Rod Hines, Principal Planner
TELEPHONE: (416) 396-7020

Attachment 4: 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 Dorset Park Community Zoning By-law No. 9508, as amended, With respect to the lands municipally known as 975 Kennedy Rd

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. On those lands identified as Exception Number 35 on Schedule '1' hereto, the following provisions shall apply, provided that all other provisions of this By-law, as amended, not inconsistent with this Exception, shall continue to apply:
 - (a) A **Place of Worship** is also permitted as a sole use, subject to the following development standards and requirements for this use:
 - (i) Maximum **gross floor area** shall not exceed 18% of the area of the lot.
 - (ii) Maximum **height**: 6.3 metres
 - (iii) **Main wall building setbacks**:
 1. Minimum 18.3 metres from the Kennedy Road streetline,
 2. Minimum **side yard** : 14 metres (south) and 26.5 metres (north).

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

Schedule '1'



Exception No.35



Zoning By-Law Amendment

775 Kennedy Road
File # 12 117747 ESC 37 OZ & 12 121610 ESC 37 SA

 Area Affected By This By-Law

Dorset Park Community
Not to Scale
05/17/13
