



STAFF REPORT
Committee of Adjustment
Application

Date:	September 23, 2014
To:	Chair and Committee Members of the Committee of Adjustment Scarborough Panel
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44- Scarborough East
Reference:	File No A228/14SC Address: 4366 Kingston Road File to be heard: October 2, 2014

RECOMMENDATION

Staff recommend that the application **be refused** to respect the emerging character of this section of Kingston Road, as envisioned under the Official Plan, local *Avenue Study* and Zoning By-law.

APPLICATION

The applicant is seeking permission to renovate a vacant 1-storey former restaurant to include a drive-through facility. A stacking lane capable of accommodating 10 cars would surround the building. One variance is required to permit the drive-through facility:

By-law 10327

1. To permit a drive through facility in a CR zone. Whereas the By-law does not permit a drive through facility within any zone which permits residential uses.

COMMENTS

Site Description & Context

4366 Kingston Road (the "Property") is located on the north side of Kingston Road, west of Morningside Avenue and south of Lawrence Avenue East in the West Hill Community. The Property has a width of 22.81 metres (75 feet), a lot area of 1,493 square metres (16,070 square feet) and is currently occupied by a vacant 1-storey building formerly used as a restaurant. The building is set well back from the street towards the rear of the Property, with the majority of parking spaces located between the front building wall and Kingston Road. There are no trees or landscaping on the Property.

The segment of Kingston Road northeast and southwest of the Property features a mixture of aging 1 and 2-storey buildings including car dealerships, fast-food restaurants and shopping

plazas, many of which also have front yard parking. Recent and proposed developments, including a townhouse development within walking distance of the Property, minimize the prominence of vehicles by locating new buildings close to the street, with parking concealed behind.

Intent and Purpose of the Official Plan & Zoning By-law

The Property is designated *Mixed-Use Areas* in the Official Plan and located along a section of Kingston Road identified as one of Toronto's *Avenues*. *Avenues* are corridors along important major streets where re-urbanization is anticipated and encouraged to support new transit investment, create new housing and job opportunities and improve the pedestrian environment. The Official Plan requires that redevelopment along Toronto's *Avenues* be guided by a local *Avenue* study implemented by area-specific Official Plan and Zoning By-law Amendments. Staff completed an *Avenue* Study for the section of Kingston Road between the Guildwood GO station and Highland Creek in 2003, which contained urban design guidelines as well as Official Plan and Zoning By-law Amendments.

Under the influence of this comprehensive policy framework, the Kingston Road corridor is gradually evolving from low-rise, automobile oriented buildings and land uses, towards a mixture of residential and commercial buildings framing animated and pedestrian friendly streets (see Figure 1).

The Present



The Future



Figure 1- Vision for the transformation of the Kingston Road Corridor, Kingston Road Avenue Study- Guildwood GO station to Highland Creek, 2003

The *Avenue Study* describes the transformation of the corridor into an urban *Avenue* through the intensification of vacant or underutilized sites such as the subject Property, and the gradual elimination of conflicting and unattractive car-oriented uses. To help facilitate this transition, the Study introduced Site and Area-Specific Policy 272, which prohibits any new service stations, used car sales lots and public garages on the Property and many surrounding lots. The supporting urban design guidelines require that new development frame the street, promote the use of transit, locate parking lots at the rear of buildings, and provide improved landscape treatments along the boulevard.

The Official Plan's general *Mixed Use Areas* development criteria echo the *Avenue Study*'s urban design guidelines by requiring that new development be transit supportive, reduce automobile dependency and provide an attractive, comfortable and safe pedestrian environment. New development is to be located and organized to fit within its existing and/or planned context, frame and support adjacent streets and limit surface parking between the front face of the building and the street.

The proposal to permit a drive-through facility on the Property does not conform to the above criteria and fails to meet the intent and purpose of the Official Plan and supporting *Avenue Study*.

The Zoning By-law prohibits drive-through facilities in zones permitting residential uses throughout the City. City Council approved this policy change in 2002 and the Ontario Municipal Board upheld it in 2003. Drive-through facilities have negative implications for urban design, existing and future residential uses, and the local streetscape including the following:

- Traffic;
- Conflicts between pedestrians and vehicle circulation;
- Visual impact;
- Noise and light pollution;
- Reduction of air quality & environmental degradation;
- Odour;
- Littering and waste;
- Site servicing; and
- Hours of operation.

The emerging character of Kingston Road includes a greater share of residential uses in mixed-use or single-use developments, such as the recent townhouse project located within walking distance of the Property to the southwest (see Attachment 1- Aerial Photo).

The drive-through facility does not fit with the emerging or planned context of Kingston Road and fails to meet the intent and purpose of the Zoning By-law.

Conclusion

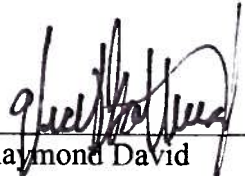
The proposed variance would facilitate a more intense use of the Property, without any corresponding improvements to landscaping or urban design. The applicable Official Plan policies discourage vehicle-oriented redevelopment, and the Zoning By-law implements these policies by prohibiting drive-through facilities on lands zoned for residential development. The

variance is therefore not desirable for the appropriate development or use of the land. Staff recommend that the variance be refused to respect the emerging character of Kingston Road as described in the Official Plan, *Avenue Study* and Zoning By-law.

CONTACT

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SIGNATURE

for  _____
Raymond David
Director, Scarborough District Community Planning

Attachment:
Attachment 1: Aerial Photo

Attachment 1

