

599 Kennedy Road – Official Plan Amendment, Zoning Amendment – Request for Directions Report

Date: June 11, 2018

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward no. 35 - Scarborough Southwest

Planning Application Number: 16 270250 ESC 35 OZ

SUMMARY

This application proposes to amend the zoning by-law and Official Plan to permit a redevelopment of the 1092.3 square metre site at 599 Kennedy Road with an 8-storey, 3,433 square metre development having 29 residential units at a density of 3.14 times the site area. A total of 41 surface and underground parking spaces would be provided.

The owner appealed the two applications to the Ontario Municipal Board, which is continued as the Local Planning Appeal Tribunal ("LPAT"), citing City Council's failure to make a decision within the prescribed time frame set out in the Planning Act. A first prehearing conference took place on June 5 and a second has been scheduled for November 1, 2018.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal hearing in support of a settlement to the appeal of the above application as outlined in this report, provided the outstanding issues are resolved to the City's satisfaction.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Local Planning Appeal Tribunal hearings in support, subject to the applicant satisfactorily resolving the matters set out in Recommendation 3., of the Official Plan and Zoning By-law Amendments for 599 Kennedy Road, as outlined in the report dated June 11, 2018 from the Director, Community Planning, Scarborough District;
2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, to finalize the form of by-laws to enact the proposed Official Plan and Zoning By-law amendment for submission to the LPAT for approval; and

3. In the event that the LPAT allows the subject appeals in whole or in part, City Council direct the City Solicitor to request that the Tribunal withhold its Order approving the Official Plan and Zoning By-law Amendment until:

a) the Tribunal has been advised by the City Solicitor that the applicant has submitted a revised Functional Servicing Report (“FSR”) and Geotechnical/Hydrogeological Report to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services; and

b) the Tribunal is notified by the City Solicitor that the applicant has made satisfactory arrangements with Chief Engineer and Executive Director, Engineering & Construction Services for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary improvements to the municipal infrastructure identified in the FSR.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held on August 3, 2016. The subject combined Official Plan amendment and rezoning application was submitted on December 22, 2016 and deemed complete as of that date. A Preliminary Report on the application was adopted by Scarborough Community Council on April 4, 2017 authorizing staff to conduct a community consultation meeting with an expanded notification area. Additional consultations took place with the applicant on October 27, 2017 regarding design revisions to the development concept to respond to comments received from the usual City commenting divisions and agencies.

The Decision Record in regard to the Preliminary Report can be viewed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC21.13>

A rezoning of the northerly adjacent lands at 611-631 Kennedy Road was approved by City Council in March 2013 to permit redevelopment of that site with a 10-storey mixed use building accommodating 110 apartment units with ground floor retail space. The south end of the as-yet unbuilt building would have a height of 4-storeys and a zero (0) building setback from the side property line shared with the subject proposal. The Decision Record in this regard can be viewed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.SC22.27>

The owner on November 28, 2017 appealed its application to the (then) Ontario Municipal Board pursuant to Sections 22(7) and 34(11) of the *Planning Act* due to the failure of the City to provide its decision thereon within the prescribed timeframes. A prehearing conference on the appeal was conducted by the Local Planning Appeal

Tribunal on Tuesday, June 5, 2018. No members of the public were in attendance. A second prehearing conference has now been scheduled for November 1, 2018 to enable the City Solicitor to obtain City Council directions on the appeal pursuant to this report.

ISSUE BACKGROUND

Proposal

The proposed Official Plan amendment does not propose any changes to the current *Apartment Neighbourhoods* land use designation, but does seek to have this site deleted from Site and Area Specific Policy No. 116 which limits residential uses to a maximum of 50 units per hectare, or just 5 units in this case. The proposed zoning by-law amendment seeks to permit the redevelopment of this currently retail commercial property with an 8-storey, 3,433 square metre development having 29 residential units at a gross floor area density of 3.14 times the site area and 265.5 units per hectare. The proposed apartment units consist of eight (8) 1-bedroom plus den units, eight (8) 2-bedroom plus den units, and thirteen (13) 3-bedroom units.

A total of 41 parking spaces would be provided, which comprise 17 at-grade parking spaces (12 for residents and 5 for visitors) partially under the building, and 24 resident spaces in a one-level underground parking garage including one compact vehicle-sized space and two tandem parking spaces.

The new building would be sited on the front portion of the site so as to achieve a 45-degree rear angular plane from the abutting detached single-family residential properties to the east on Cleat Drive. Refer to Attachment 1: Application Data Sheet and Attachment 5: Site Plan for additional information.

Issues to be addressed through review of the subject application as identified in the 2107 Preliminary Report included the following:

- Assessment of the proposed development in regard to policies of the Official Plan, including but not limited to *Apartment Neighbourhoods*, *Healthy Neighbourhoods*, *Public Realm* and *Built Form*;
- Compatibility with the surrounding neighbourhood context;
- Appropriateness and compatibility of the proposed building height and building setbacks;
- Provision of landscaping and lighting;
- Tree preservation and planting;
- Site servicing;
- Adequacy of the proposed parking supply for residents and visitors;
- The current building design doing little to achieve an improved level of animation along this portion of the street;
- The close proximity of the access ramp to the underground parking garage proposed at the time with the principal driveway entrance off Kennedy Road, potentially leading to vehicle circulation conflicts at this location;
- The building coverage on the lot and size of the rear parking area as proposed minimize opportunities to provide sufficient outdoor landscaped space to

accommodate both trees and adequate outdoor amenity space for the new residents; and

- No provision was made to provide storage lockers for the convenience of the new residents.

Site and Surrounding Area

599 Kennedy Road is located on the east side of Kennedy Road, south of Corvette Avenue. It is rectangular in shape having a lot area of 1092.3 square metres, a lot frontage on Kennedy Road of approximately 26 metres and a lot depth of approximately 42 metres. The site is generally level throughout however it sits approximately 1.3 metres higher than Kennedy Road, approximately 0.7 metres higher than the abutting property to the south at 593 Kennedy Road, and approximately 1.0 metre lower than 611-631 Kennedy Road to the north. The site currently contains a one-storey retail commercial plaza (currently tenanted for office use) at the rear of the site with a surface parking toward the street.

Surrounding uses include:

North: Immediately north at 611-631 Kennedy Road is a one storey neighbourhood retail plaza (approved for redevelopment with a 10-storey, 110-unit mixed use apartment building as noted above), with a one-storey place of worship and residential apartments of 6 and 11-storeys beyond Corvette Avenue.

South: A 3½-storey stacked townhouse condominium development at 593 Kennedy Road with a variety of single-detached houses, apartment buildings and commercial uses beyond.

East: Detached single-family dwellings on Cleat Drive and beyond, with Corvette Park and Corvette Junior Public School to the east on the north side of Corvette Avenue.

West: Opposite the site are two 2½-storey apartment buildings with a 3-storey apartment building and Massey Creek beyond. To the south-west of the site is a 2-storey medical office building with Pine Hills Cemetery and Funeral Centre beyond.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 - Shaping the city

Under Section 2.3.1. - Healthy Neighbourhoods, (as amended by Official Plan Amendment No. 320 discussed further below), Policy 2.3.1.2 states that *Apartment Neighbourhoods* are residential areas with higher density than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria in Policy 4.2.2 and other relevant sections of this Plan.

Policy 2.3.1.3 provides that developments in *Mixed Use Areas, Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will:

- a) Be compatible with those *Neighbourhoods*;
- b) Provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) Maintain adequate light and privacy for residents in those *Neighbourhoods*;
- d) Orient and screen lighting and amenity areas so as to minimize impacts on adjacent properties in those *Neighbourhoods*;
- e) Locate, enclose and screen service areas, access to underground parking, locate and screen any surface parking so as to minimize impacts on adjacent properties in those *Neighbourhoods*; and
- f) Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Chapter 3 - Building a Successful City

Section 3.1.2 - Built Form policies of the Official Plan state that new development will be located and organized to fit with its existing and/or planned context, and will frame and support adjacent streets to improve the safety, pedestrian interest and casual views from the development. Pursuant to Policy 3.1.2.1, this will generally be achieved, in part, by:

- b) Locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk; and
- c) Providing ground floor uses that have views into and, where possible, access to, adjacent streets;

Policy 3.1.2.2 provides that vehicle parking, access, service areas and utilities will be located and organized to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a) Using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b) Consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c) Integrating services and utility functions within buildings where possible; and
- d) Providing underground parking where appropriate.

Under Policy 3.1.2.3, new development will be massed and its exterior façade designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a) Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;

- b) Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) Creating appropriate transitions in scale to neighbouring existing and/or planned buildings;
- d) Providing for adequate light and privacy; and
- e) Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

Under Policy 3.1.2.4, new development will also be massed to define the edges of streets, parks and open spaces at good proportion. Policy 3.2.1.5 further provides that new development will also provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) Improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) Co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) Weather protection such as canopies, and awnings;
- d) Landscaped open space within the development site;
- e) Landscaped edges of surface parking lots along streets to define the street edge and visually screen the parked autos; and
- f) Safe pedestrian routes and tree plantings within surface parking lots.

Policy 3.1.2.6 provides that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Chapter 4 - Land use Designations

The subject property is designated *Apartment Neighbourhoods* on Map 20 – Land Use Plan under the Official Plan (see Attachment 3: Official Plan Land Use Map). This designation extends south of the site and northerly beyond Corvette Avenue. The west side of Kennedy Road and the area east of the site are designated *Neighbourhoods*.

Apartment Neighbourhoods are made up of apartment buildings, parks, local institutions, cultural and recreational facilities, small-scale retail, service and office uses that serve the needs of area residents, with all land uses provided for in the *Neighbourhoods* designation also permitted.

Policy 4.2.2 of the Official Plan states that development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) Locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b) Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) Locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h) Providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Chapter 7 - Site and Area Specific Policies

Site and Area Specific Policy No. 116 also applies to the subject property and a small number of other commercially zoned properties within the Kennedy Park Community. This policy, the subject of the requested Official Plan amendment, limits residential density to a maximum of 50 units per hectare (or 5 units in this case). The policy reflects, and is a 'carry-over' from the provisions of, the former City of Scarborough Official Plan which contemplated potential redevelopment of these properties over time for residential purposes.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 ("OPA 320") on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017, the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed

policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The outcome of staff analysis and review of relevant Official Plan policies, designations and Site and Area Specific policies are summarized in the Comments section of the Report.

Zoning

The property is zoned Highway Commercial (HC) in the Kennedy Park Community Zoning By-law No. 9276, as amended (see Attachment 4: Existing Zoning By-law Map). This zoning permits uses, the nature of which necessitates their location adjacent to major traffic arteries and which do not require large parking space turnovers, including such uses as automobile service stations, funeral homes, hotels and motels, libraries and art galleries, limited retail shopping, place(s) of worship, professional and business offices, recreational uses and day nurseries.

The property is not currently subject to Toronto Zoning By-law No. 569-2013, as amended.

Design Guidelines

Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise

Building Design Guidelines. Council's decision is here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Site Plan Control

The property is subject to site plan control approval. A site plan application has not been submitted, and accordingly there is no associated appeal to the Local Planning Appeal Tribunal at this time.

Reasons for Application

An Official Plan Amendment is required as the proposed unit density of this development would be approximately 265.5 units per hectare, whereas Site and Area Specific Policy No. 116 limits residential uses to a maximum of 50 units per hectare, or just 5 units in this case. A Zoning By-law Amendment is required as the current zoning does not permit any residential use of the property or apply suitable development standards for that purpose.

Application Submission

The following reports/studies were submitted in support of the application:

- Planning and Urban Design Rationale Report (including a Sun & Shadow Study);
- Public Consultation Strategy;
- Preliminary Pedestrian Level Wind Assessment;
- Traffic Operations Assessment;
- Functional Servicing and Stormwater Management;
- Composite Utilities Plan;
- Geotechnical Investigation Study;
- Hydrogeological Assessment;
- Arborist Tree Preservation Report; and
- Toronto Green Standard Checklist

Links to the above reports/studies are available at the Application Information Centre (AIC) at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

A Notification of Complete Application was issued on January 18, 2017.

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate new Zoning By-law standards.

Community Consultation

A community consultation meeting attended by 6 neighbouring residents was held on June 6, 2017 at Corvette Junior Public School, for which expanded notice was provided to residents and property owners within 250 metres of the subject site.

Resident questions/concerns included clarification on aspects of the development proposal, potential traffic impacts on Kennedy Road, and current property maintenance issues which, it was suggested by one attendee, reflect poorly on the owner's commitment to providing the neighbourhood with a quality redevelopment on this site. No subsequent written comments or communications were provided by the attendees.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The proposed development provides for a well-designed mid-rise residential apartment building having excellent access to surface transit. The proposal, would contribute positively to the efficient use of land and public infrastructure in keeping with the City's Official Plan and growth targets as contemplated under Policies 1.1.1 and 1.1.2 of the PPS.

Similarly, the proposal provides for an appropriate range of unit sizes and densities, predominantly 3-bedroom units, suitable for a range of household needs including families, at a location well-served by public infrastructure and service facilities, which supports active transportation and public transit in a compact form and which would contribute to public health and safety in keeping with Policy 1.4.3 of the PPS.

The proposed development will efficiently utilize available municipal sewage, water and stormwater services in keeping with Policy 1.6.6.1 of the PPS.

Land Use

This application has been reviewed against the Official Plan policies described in the Issue Background Section of this Report as well as the policies of the Toronto Official Plan as a whole.

Subject to the proposed amendment to Site and Area Specific Policy No. 116, the subject residential proposal is consistent with the site's current *Apartment Neighbourhoods* designation and policies of the Official Plan. The land use proposed by the applicant is appropriate and can be supported by staff.

Density, Height, Massing

This application has been reviewed against the Official Plan policies and design guidelines described in the Issue Background Section of this Report. The proposed 8-storey, mid-rise building being 25.15 metres in height (excluding the 4.1 metre mechanical penthouse) of the proposed mid-rise building is consistent with the City's Avenues and Mid-rise Buildings Study and Performance Standards, particularly with the height not exceeding the width of the adjacent Kennedy Road 30 metre right-of way. The proposal also provides for an appropriate transition in building height from the approved future 10-storey mixed use apartment building to the north downward toward the adjacent 3.5 storey townhouses to the south.

The proposed density of 265.5 units per hectare will require the subject property to be removed from Site and Area Specific Policy No. 116 which limits residential uses to a maximum of 50 units per hectare, or just 5 units in this case. As previously noted, this limitation reflects a 'carry-over' from the provisions of the former City of Scarborough Official Plan. Under the current planning context of applicable Official Plan policies and more recent provincial policies and City urban design guidelines, Planning staff believe the density, height and massing being proposed by the applicant is appropriate and can be supported by staff.

Sun, Shadow, Wind

This application has been reviewed against the Official Plan policies and design guidelines described in the Issue Background Section of this Report.

In order to achieve a 45-degree angular plane away from neighbouring the single detached dwellings to the east, the proposed building is be stepped back (terraced) at the 6th, 7th and 8th storey and mechanical penthouse levels with no projections of building elements beyond this plane.

In March 2018, the applicant submitted an addendum updating the 2016 Preliminary Pedestrian Level Wind Assessment. This submission noted that design changes in the interim relating to relocations of the main building entrance and driveway, as well as relocating at-grade rear yard amenity space originally proposed to a second floor terrace at the front of the building, adjacent to an indoor amenity room, would result in very similar or slightly improved wind conditions noted in the 2016 report.

The report concludes that pedestrian level wind conditions on and around the site, once developed, will remain comfortable and suitable for walking or standing under ambient and gusty conditions due to the building's stepped massing with podiums, balconies, irregular building façades, and design features that act to deflect winds that may be downwashed from the building,

Given the existing and the planned context for the subject property and the surrounding area, the built form context, including sun, shadow and wind impacts can be supported by staff.

Traffic Impact, Access, Parking

The subject site would be served by a single driveway access from Kennedy Road. Transportation Services have not raised any concerns with the findings of the applicant's Traffic Operations Assessment. The application as originally submitted proposed to locate the ramp to the underground parking very close to the front property line, raising concern over potential manoeuvring conflicts between vehicles entering the site and exiting the underground parking. The current plan (Attachment 5: Site Plan and Attachment 6: Ground Floor Plan) now indicates the parking ramp as relocated further back into the property, satisfactorily resolving this concern.

The 38 proposed parking spaces (not including the one compact vehicle and two tandem parking spaces) would exceed current City requirements under Zoning By-law No. 569-2013, as amended, by 3 spaces.

Similarly, where Zoning By-law No. 569-2013, as amended, would require 23 short- and long-term bicycle parking spaces for residents and visitors, the current proposal will provide for 37 such spaces.

The current proposal can now be supported by staff.

Streetscape

One issue set out in the 2017 Preliminary Report was that the original building design did little to achieve an improved level of animation along this portion of the street. Through applicant responses providing improved glazing and redesigned primary and secondary building entrances from the street, the current proposal can now be supported by staff. (See Attachment 7(a): West Elevation)

Servicing

Engineering & Construction Services staff have determined that additional Site Servicing Review work is needed, prior to approval of the rezoning application, to determine the storm water runoff, sanitary flow and water supply demand resulting from the development, to demonstrate that the site can be serviced and whether the existing municipal infrastructure is adequate. It is requested that the owner also enter into a financially secured development agreement for the construction of any improvements to the municipal infrastructure, should it be determined through such further Site Servicing Review that upgrades are required to the infrastructure to support this development. As recommended in this report, the LPAT should therefore be requested to withhold its final order approving the Official Plan and Zoning By-law Amendment until the additional information and agreement requested has been submitted to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of

this application are in an area with 0.43 + 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The parkland dedication is based on a site area of 1,092 square metres. At the alternative rate of 0.4 hectares per 300 units specified as per Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication would be 389.6 square metres, which equates to 35% of the site. However, a cap of 10% applies and hence the parkland dedication would be 109 square metres.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Article III (Private Tree by-law). No City street trees would be affected by the subject development. The applicant's Arborist Tree Preservation Report identifies one tree on site, a Manitoba Maple in the rear yard in poor condition, that is proposed to be removed due to the development and its poor health. The removal of this tree and the proposed introduction of two new street trees and other landscaping considerations will be addressed through the site plan process.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features relating to automobile and cycling infrastructure will be secured through the zoning by-law process. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Community Services Assessment

A Community Services and Facilities (CS&F) Assessment was not required given the scale of the subject development.

Section 37

Pursuant to Policy 5.1.1.4 of the Official Plan, the proposed development is not subject to the application of Section 37 of the Planning Act.

Other Issues

In regard to the remaining issues identified in the 2017 Preliminary Report described in the Issue Background Section of this Report not otherwise addressed above, the outdoor landscaped amenity space originally proposed in the rear yard has now been relocated to a new second floor rooftop terrace at the south-west corner of the building, adjacent to an indoor amenity room.

The provision of indoor amenity space would be 2.99 square metres per unit, exceeding current City requirements for 2 square metres per unit. The new rooftop terrace, however, would only achieve 1.26 square metres of outdoor amenity space per unit which is below current City requirements for 2 square metres per unit. Staff note that the relatively small size of the subject property in relation to the building form and coverage being proposed provide limited opportunity to fully achieve usual full outdoor amenity space requirements in a desirable manner for the new residents, and that the combined amenity space provision of 4.25 square metres per unit otherwise exceeds the City's overall requirements.

With respect to the lack of storage lockers in the original proposal for the convenience of the new residents, provision has also now been made for 9 storage lockers to be located in the underground parking level.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017). Staff is of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to matters set out under Policy 4.2.2 with respect to *Apartment Neighbourhoods* and Built Form Policy 3.1.2.

Planning staff conclude that, provided the outstanding matters discussed in the Servicing section of this report are addressed by the applicant to the satisfaction of Engineering & Construction Services, the City is now in a reasonable position to recommend support of the application at the Local Planning Appeal Tribunal as discussed and recommended in this report.

CONTACT

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SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map

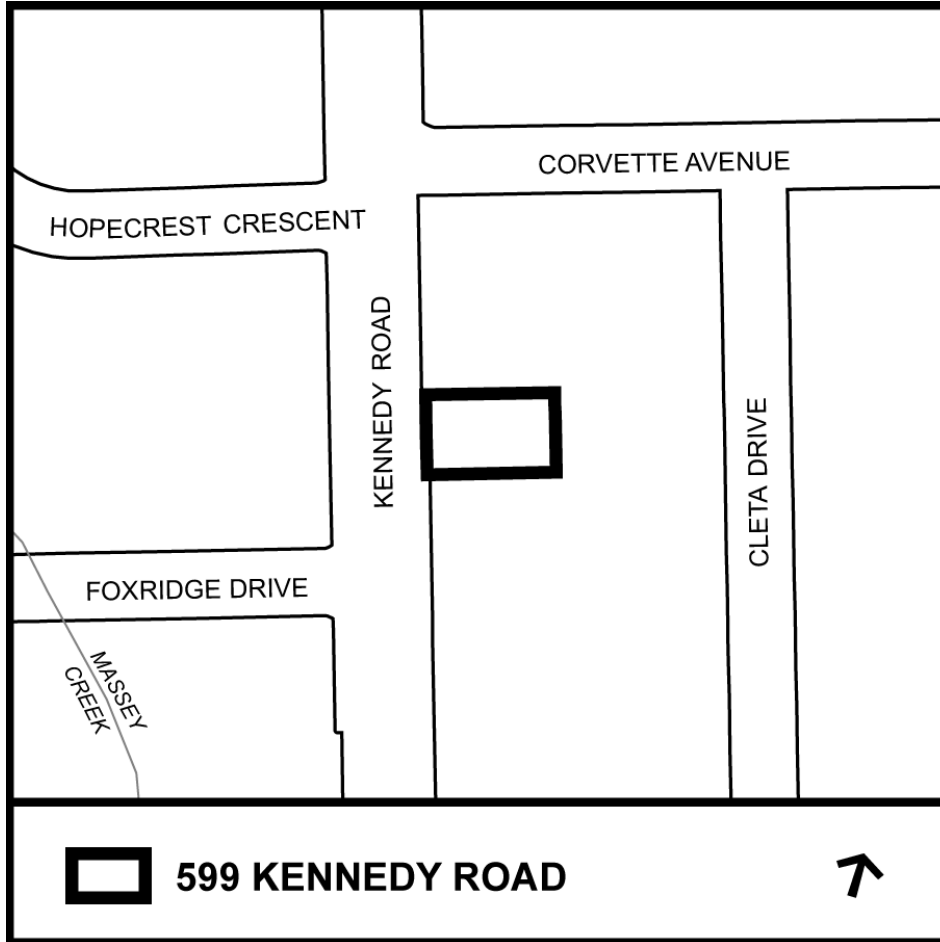
Applicant Submitted Drawings

Attachment 5: Site Plan
Attachment 6: Ground Floor Plan
Attachment 7(a): West Elevation
Attachment 7(b): South Elevation

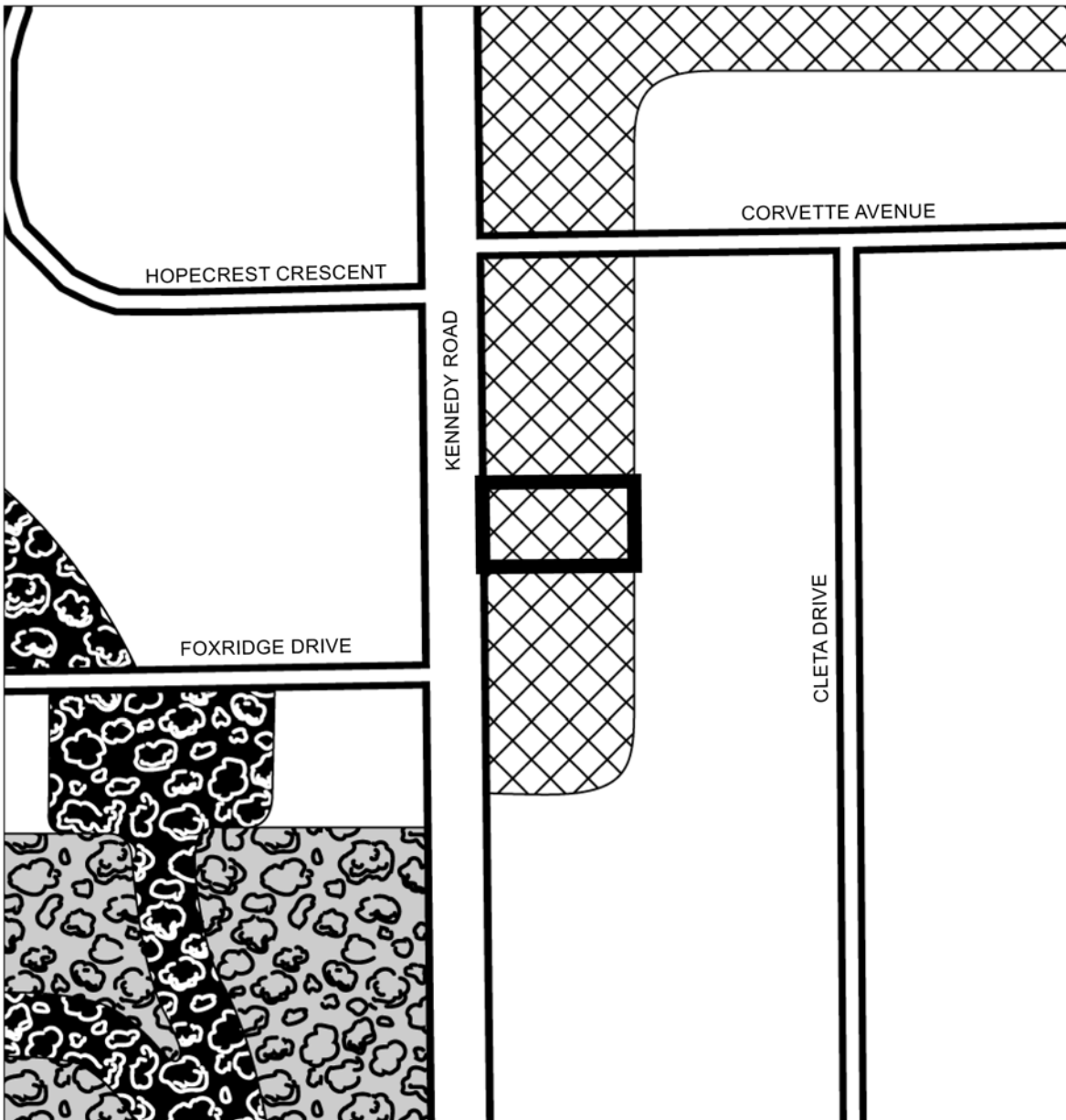
Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 270250 ESC 35 OZ	
Details	OPA & Rezoning, Standard	Application Date:	December 22, 2016	
Municipal Address:	599 KENNEDY RD			
Location Description:	PLAN 3507 PT LOT 2 RP 64R8883 PART 3 **GRID E3503			
Project Description:	To permit an 8-storey, 3433 m ² residential development of 29-units. The proposed unit mix consists of 8 x 1-bedroom plus den, 8 x 2-bedroom plus den and 13 x 3-bedroom units.			
Applicant:	Agent:	Architect:	Owner:	
TARA PIURKO			HARPLIN INC	
PLANNING CONTROLS				
Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	SASP No. 116	
Zoning:	HC	Historical Status:		
Height Limit (m):		Site Plan Control Area:	Y	
PROJECT INFORMATION				
Site Area (sq. m):	1092.27	Height:	Storeys:	8
Frontage (m):	26.01		Metres:	25.15
Depth (m):	41.98			
Total Ground Floor Area (sq. m):	230.2		Total	
Total Residential GFA (sq. m):	3305.6	Parking Spaces:	41	
Total Non-Residential GFA (sq. m):	0	Loading Docks	0	
Total GFA (sq. m):	3432.73			
Lot Coverage Ratio (%):	58.1			
Floor Space Index:	3.14			
DWELLING UNITS		FLOOR AREA BREAKDOWN (upon project completion)		
Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3305.6	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	8	Office GFA (sq. m):	0	0
2 Bedroom:	8	Industrial GFA (sq. m):	0	0
3 + Bedroom:	13	Institutional/Other GFA (sq. m):	0	0
Total Units:	29			
CONTACT:	PLANNER NAME:	Rod Hines, Principal Planner		
	TELEPHONE:	(416) 396-7020		

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Extract from Official Plan

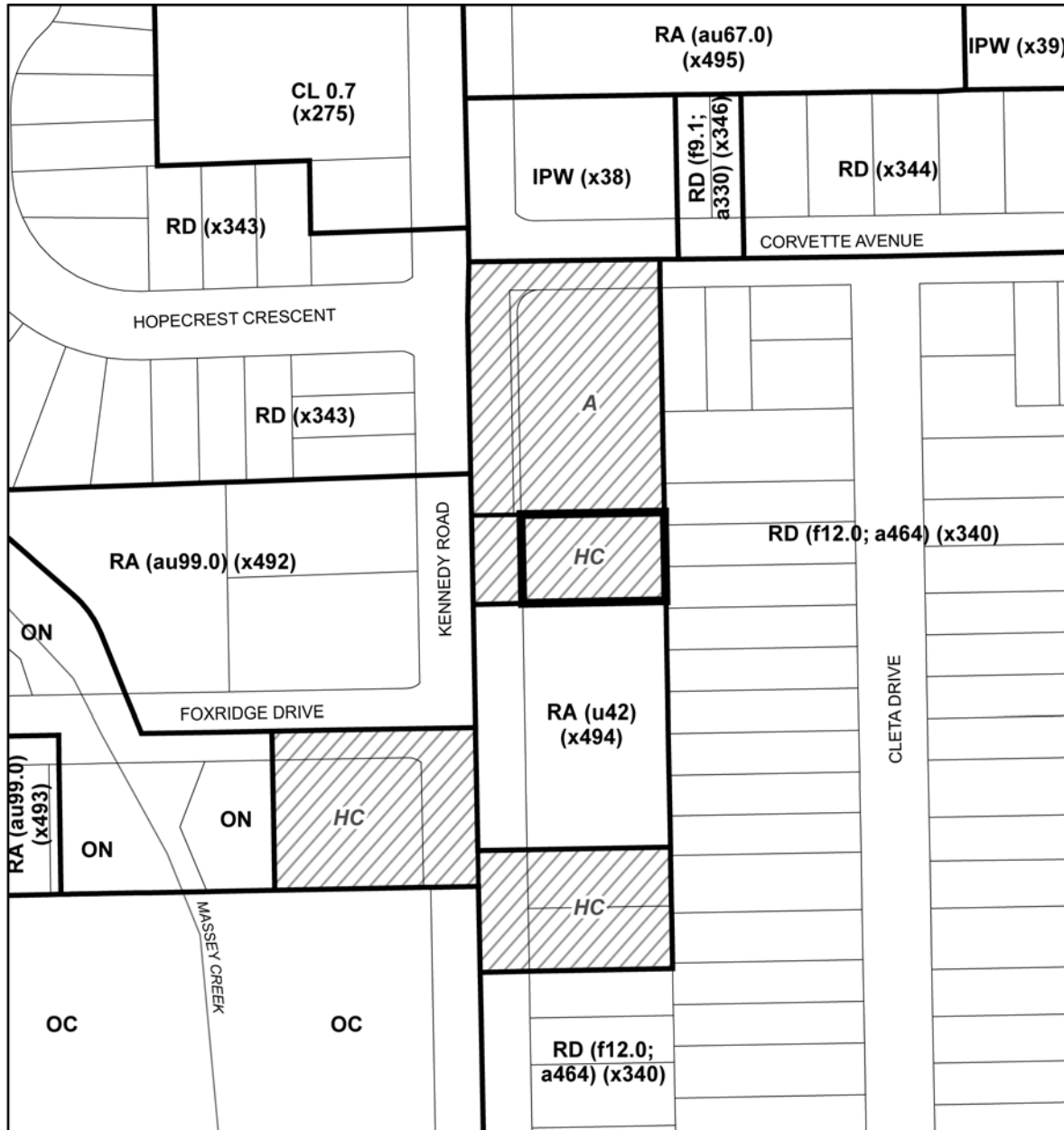
599 Kennedy Road

File # 16 270250 ESC 35 0Z

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods |  Other Open Space Areas |

↑
Not to Scale
02/23/2017

Attachment 4: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

599 Kennedy Road

File # 16 270250 ESC 35 0Z

Location of Application

See Former City of Scarborough
Kennedy Park Community By-Law No. 9276

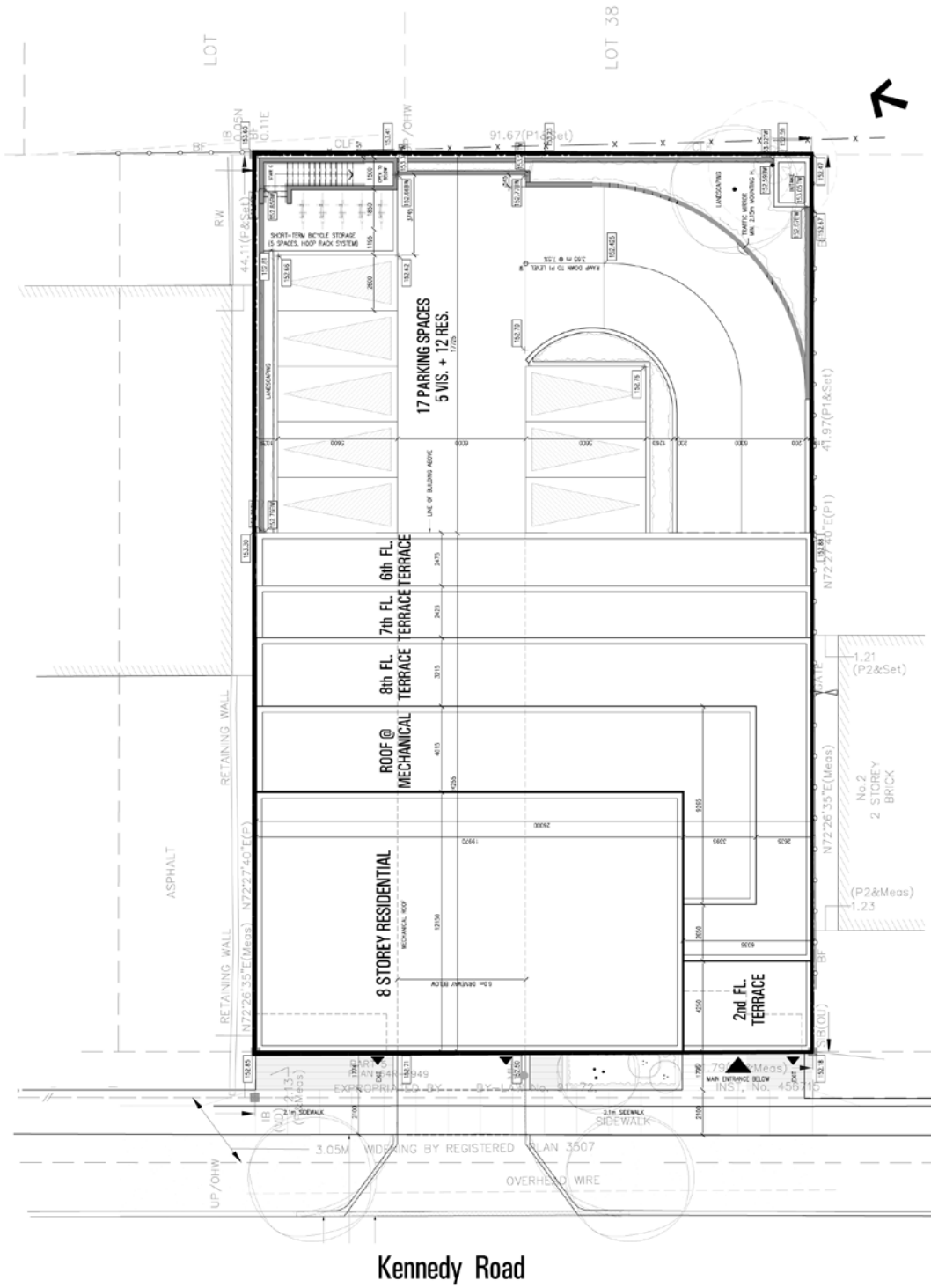
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|--------------------------|------------------------------------|
| RD Residential Detached | IPW Institutional Place of Worship |
| RA Residential Apartment | ON Open Space Natural |
| CL Commercial Local | OC Open Space Cemetery |

- | |
|-------------------------|
| A Apartment Residential |
| HC Highway Commercial |

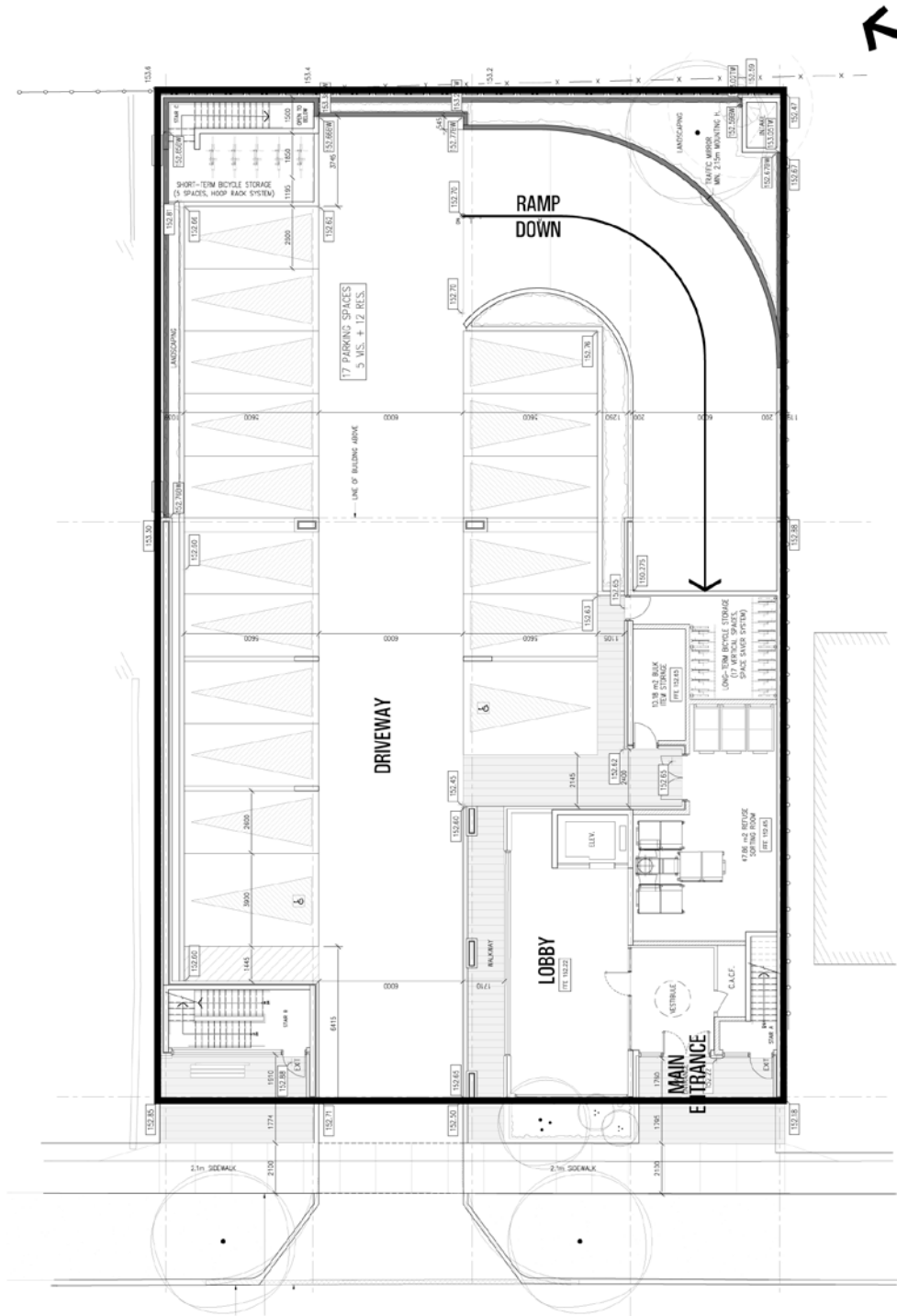


Not to Scale
Extracted: 02/23/2017

Attachment 5: Site Plan

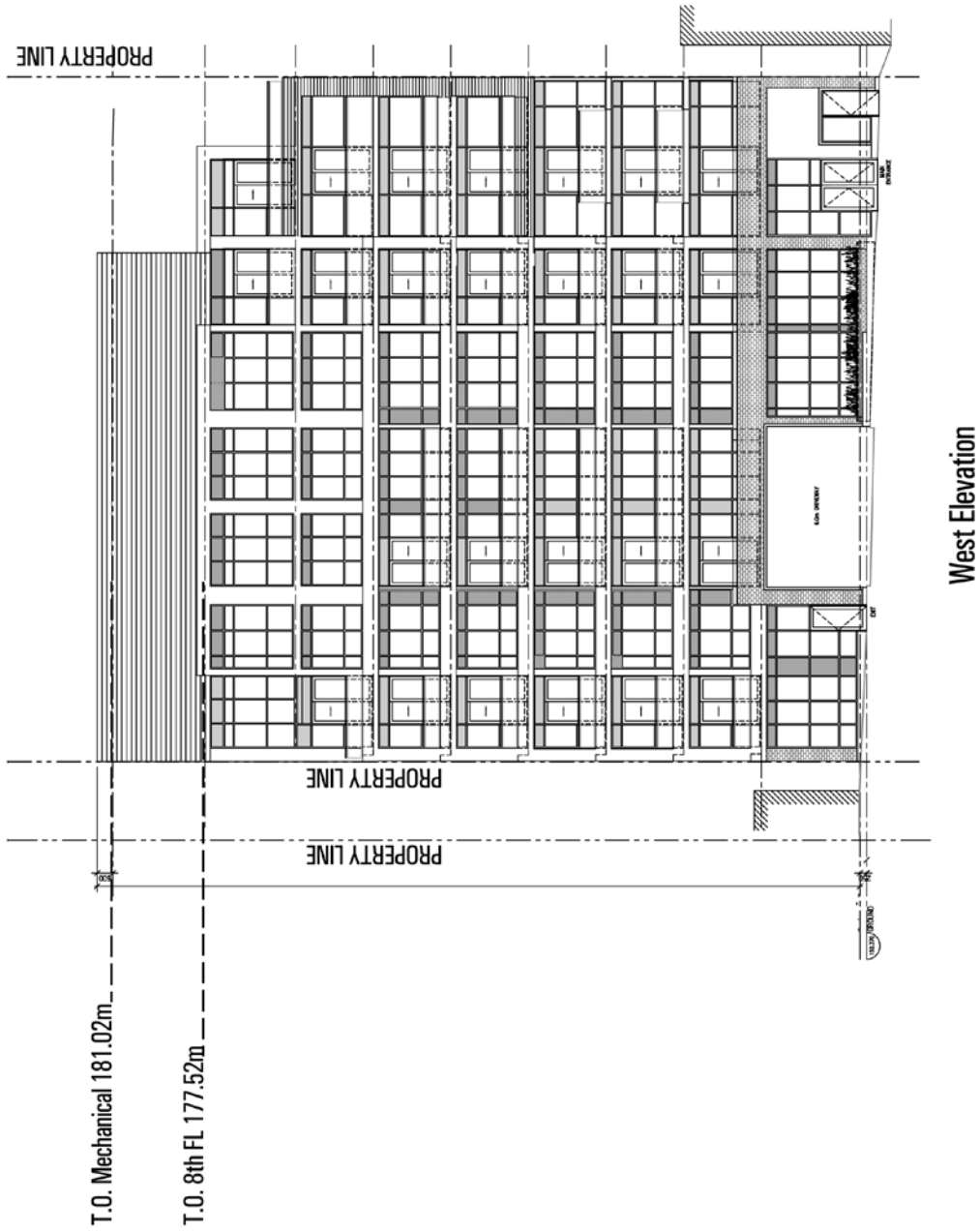


Attachment 6: Ground Floor Plan



Kennedy Road

Attachment 7(a): West Elevation



Attachment 7(b): South Elevation

