

Preliminary Report - 672 to 676 Birchmount Road – Zoning Amendment Application

Date: March 19, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

Planning Application Number: 20 224482 ESC 20 OZ

Related Applications: Site Plan application 20 224484 ESC 20 SA

Notice of Complete Application Issued: December 1, 2020

Current Uses on Site: Partially vacant (previously three detached single-family dwellings, two now demolished).

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the rezoning application located at 672 to 676 Birchmount Road to permit redevelopment of three, largely vacant detached single-family dwelling properties, with a 4-storey apartment building comprising 127 dwelling units. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 672 to 676 Birchmount Road together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.
3. The subject application be considered concurrently within the context of a City-initiated Official Plan amendment to be undertaken by Planning staff which identifies and evaluates appropriate residential density, built form and new public street,

opportunities to guide potential overall coordinated redevelopment of the subject and flanking lands within the *Neighbourhoods* designation.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

CONSULTATION WITH THE APPLICANT

City staff conducted a number of pre-application meetings with the applicant since 2019. The focus of discussion at these meetings was the proposal's conformity with the Official Plan, proposed built form alternatives related to height, massing, scale, building setbacks, number of units and the appropriateness of introducing a new public street to service both the subject site and potential future redevelopment of adjacent lands.

ISSUE BACKGROUND

Site Description

The irregularly shaped subject site is 7,962 square metres in size, with a frontage of approximately 57 metres along Birchmount Road and a varied lot depth (due to the angular rear lot line) ranging from approximately 165 metres on the south side down to 123 metres on the north side. The site was previously occupied by three detached single-family dwellings, two of which are now demolished. Nearby land uses include:

- North: Detached single-family dwellings along the west side of Birchmount Road;
- East: Pine Hills Cemetery and Funeral Centre, with a townhouse development to the north on the south-east corner of Birchmount Road and Foxridge Drive;
- South: Detached single-family dwellings along the west side of Birchmount Road, with General Brock Public School to the west, adjacent to the subject lands; and
- West: Ontario Hydro transmission corridor with CN's former GECO rail spur and the Golden Mile Employment Area beyond.

Application Description

The subject application proposes to amend current zoning by-law provisions permitting semi-detached residential dwellings on the properties at 672-676 Birchmount Road (see Attachment 3: Location Map) to permit a 4-storey, 15.1 m high apartment building comprising 11,544 square metres of gross floor area, 41% lot coverage and an FSI of 1.45 times the approximately 0.79 hectare site area. The proposed 127 apartment units include 87 one-bedroom (68.5%), 28 two-bedroom (22%) and 12 three-bedroom (9.5%) units. The development proposal includes 132 parking spaces, (3 surface spaces, with 129 spaces in a single-level underground garage), 115 bicycle parking spaces, and one

Type 'G' loading space. Resident amenity space would be provided at a rate of 2.2 square metres indoor and 5.8 square metres outdoor per unit.

See Detailed project information is found on the City's Application Information Centre at:

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

See Attachments 1 and 2 of this report, for three dimensional representations of the project in context.

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- 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 (2020), 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

Building New Neighbourhoods Policy 3.3.1. in particular states that new neighbourhoods will have a comprehensive planning framework reflecting the Plan's city-wide goals as well as the local context. The framework should provide guidance relating to, among other matters:

- the pattern of streets, development blocks, open spaces and other infrastructure;
- the mix and location of land uses;
- provision for a range of building types;
- a housing mix that contributes to the full range of housing, including a strategy to provide affordable housing;
- a community focal point within easy walking distance of the neighbourhood's residents and workers;
- a fine grain of interconnected streets and pedestrian routes that define development blocks;
- good access to transit and good connections to the surrounding streets and open spaces; and
- uses and building scales that are compatible with surrounding development.

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Neighbourhoods* on Land Use Plan Map 20 of the Official Plan. (See Attachment 5: Official Plan Map.)

Zoning By-laws

The subject lands were previously zoned Two-Family Residential (T) Zone under Birchmount Park Community Zoning By-law No. 9174, as amended, permitting Single-Family Dwellings, Two-Family Dwellings, Group Homes and Correctional Group Homes.

The subject lands are now zoned Residential Semi-Detached Zone (RS) under the City's Zoning By-law No. 569-2013, as amended, which, in terms of residential use, permits dwelling units in either detached or semi-detached house forms. (See Attachment 6: Zoning Map).

Zoning By-law No. 569-2013, as amended, may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Townhouse and Low-Rise Apartment Building Guidelines;
- Pet Friendly Design Guidelines for High Density Communities;
- Bird-Friendly Guidelines;
- Toronto Complete Streets Guidelines;
- Streetscape Manual;
- Accessible Design; and
- Other relevant City policies and guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted concurrently under file number 20 224484 ESC 20 SA and is currently under review by City staff and partner commenting agencies.

COMMENTS

Reasons for the Application

A Zoning By-law amendment is required in order to establish an appropriate zoning category on the subject lands to enable their redevelopment with the higher-density 4-storey apartment building form, with appropriate associated performance standards applied.

Issue to be Resolved

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application for consistency with the PPS (2020) and conformity with the Growth Plan (2020). The application will be evaluated to determine whether the application is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), promoting economic development and competitiveness (1.3.1), planning for stormwater management (1.6.6.7), transportation systems (1.6.7), supporting long-term economic prosperity (1.7), energy conservation, air quality and climate change (1.8), protecting natural heritage (2.1), and implementation and interpretation (4.6).

Key Growth Plan (2020) policies that will be used to evaluate this application include, but are not limited to: managing growth to support the achievement of complete communities (policy 2.2.1.4), intensification in delineated built-up areas (policy 2.2.2.3), employment (2.2.5), managing stormwater (3.2.7), and protecting natural heritage (4.2.2.6). Given the explicit link between provincial policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff are reviewing the application to determine its conformity with the Official Plan Policies pertaining to Built Form, Public Realm, Healthy Neighbourhoods, and *Neighbourhoods* among others. Staff will also review the application in the context of OPA 479 and OPA 480 policies (outlined below), which are in force and in effect for all lands in the City as of September 11, 2020.

Staff will evaluate the conformity of the proposed development regarding OPA 479 under Policy 3.1.1.6, which calls for balancing the needs and priorities of the various users and uses within the right-of-way, including provision for the safe and efficient movement of pedestrians of all ages and abilities, cyclists, transit vehicles and users, goods and services vehicles, emergency vehicles, and motorists across the network; space for trees, landscaping and green infrastructure; space for other street elements, such as utilities and services, snow and stormwater management, and wayfinding, among others.

In addition, staff will continue to evaluate the suitability of the proposed private driveway to service the development, as well as its appropriateness in lieu of introducing a new public street onto the lands. OPA 479 under Policy 3.1.1.8, speaks to the design of new streets to provide access and addresses for new development, implement the Complete Streets approach to develop a street network that balances the needs and priorities of the various users and uses within the right-of-way and provide access for emergency vehicles.

Policy 3.1.1.9 calls for new streets to be public streets unless otherwise deemed appropriate by the City. Private streets, where they are deemed to be appropriate, will be designed to connect to and integrate into the broader public street network and meet the design objectives for new public streets.

Built Form, Planned and Built Context

OPA 480, under policies 3.1.2 and 3.1.3 provides direction on matters such as site organization and location; building shape, scale and massing; improving the public realm through building design; private and shared amenity spaces; and built form-building types.

Having particular regard to the Townhouse and Low-Rise Apartment Building Guidelines, staff will be evaluating the proposed apartment development as to its location and organization on the site, the proposed building heights and massing within the existing and planned context for the area, the proposed density/floor space index, the number of dwelling units, how the building defines the edges of adjacent streets, the location and organization of indoor and outdoor amenity spaces, vehicular parking, vehicular access, service areas and utilities, as well as considerations to improve transition and minimize impacts on surrounding properties and to improve the safety and attractiveness of adjacent streets.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and a Tree Preservation Plan, which are currently under review by City staff. The application proposes to remove 79 (87.7%) of the trees currently existing on this well-treed site, 37 of which are protected by the By-law. Staff will evaluate the application to ensure the removal, injury and destruction of trees is minimized. Staff will also ensure that adequate replacement planting, in support of Official Plan policies relating to increased tree canopy coverage, will be provided in the development.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process.

The subject property has been identified as containing archaeological resources. The applicant has submitted Stage 1-2 Archaeological Assessment, which is currently under review by City staff. Staff will be evaluating the application to determine whether they agree with the findings in the Archaeological Assessment.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

It is noted that the lands on the east side of Birchmount Road, largely occupied by a cemetery at this location, are within the Kennedy Park (124) Neighbourhood Improvement Area (NIA). The applicant has submitted a CS&F Study which is currently being reviewed by City staff to evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

Staff will review the proposal to determine if the provision of Section 37 community benefits may be required in relation to the development. If it is determined that Section 37 benefits will be secured please refer to the Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits which are available here: <https://www.toronto.ca/wp-content/uploads/2017/08/8f45-Implementation-Guidelines-for-Section-37-of-the-Planning-Act-and-Protocol-for-Negotiating-Section-37-Community-Benefits.pdf>.

Planning staff also note that Section 37 has been altered and replaced with the New Community Benefits Charge regime. The new regime, while in place in legislation, provides for a transition period. The continued use of the Section 37 density bonusing framework remains in place and will be utilized where applicable until the City passes a Community Benefit Charge by-law.

Infrastructure/Servicing Capacity

Staff are reviewing the Functional Servicing Report and Stormwater Management Plan provided by the applicant to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and determine whether there

is sufficient capacity to accommodate the proposed development. Staff will determine if new infrastructure or any improvements to the existing infrastructure are required.

Transportation

Transportation staff are reviewing the Traffic Impact and Parking Study submitted by the applicant, the purpose of which is to both evaluate the effects of the development on the transportation system, and also identify if any transportation improvements are necessary to accommodate the travel demands and impacts generated by the development. As reflected on Attachment 4: Simplified Site Plan, this will include a required 4.94 metre road widening dedication, to be secured through the site plan approval process, across the entire frontage of the subject lands to achieve the 30 metre right-of-way width established in the Official Plan for Birchmount Road on Map 3 - Right-of-Way Widths Associated with Existing Major Streets.

Of particular interest and concern to City Planning staff is the current proposal for an 8 metre wide private driveway only along the north side of the subject lands to service the proposed development. Staff believe continued consideration is required for the introduction of a new public street here instead. This would have the potential to both service the subject lands with public street frontage and address, particularly to serve the main entrance for the rear building element, as well as potential future redevelopment of lands to the north.

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The application was submitted after May 1, 2018 and is subject to TGS Version 3.0, for which suitable documentation has been submitted with the subject application. While the application will be reviewed for compliance with Tier 1 performance measures, staff will encourage the applicant to pursue a Tier 2 of the TGS or higher.

Other Matters

As indicated on Attachment 3: Location Map, the subject lands occupy the south end of a triangular enclave of detached single-family dwellings within a *Neighbourhoods* designation that diminishes in lot depth northerly to the Birchmount Road/Foxridge Drive intersection. The rear portion site is also immediately north of General Brock Public School.

Having regard to the Official Plan Conformity, Built Form, Planned and Built Context, and Transportation sections above in particular, Planning staff are cognizant that the

introduction of a low-rise apartment built form on the subject lands could potentially be considered a basis for further such proposals should the flanking northerly or southerly lands be similarly assembled for redevelopment. Pursuant to Building New Neighbourhoods Policy 3.3.1. discussed above, staff believe further planning investigation into whether similar higher-order built forms and densities on these nearby lands might also be appropriate or warranted in today's planning context. The need, viability and conceptual configuration for introducing future internal public streets to serve coordinated redevelopment of the immediate area should also be evaluated. As noted in the Recommendations section of this report, staff therefore propose that this work be undertaken, concurrently with review of the subject applications, by way of City-initiated Official Plan amendment to develop an appropriate planning framework to guide such potential further redevelopment and intensification within the larger precinct. Similar consideration will also be given to new public street opportunities through possible amendment to Schedule 2: The Designation of Planned but Unbuilt Roads of the Official Plan and, by extension, inform the requirement for submission of a draft plan of subdivision application to establish a new public street on the subject lands.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context (View Looking Southwest)

Attachment 2: 3D Model of Proposal in Context (View Looking Northeast)

Attachment 3: Location Map

Attachment 4: Simplified Site Plan

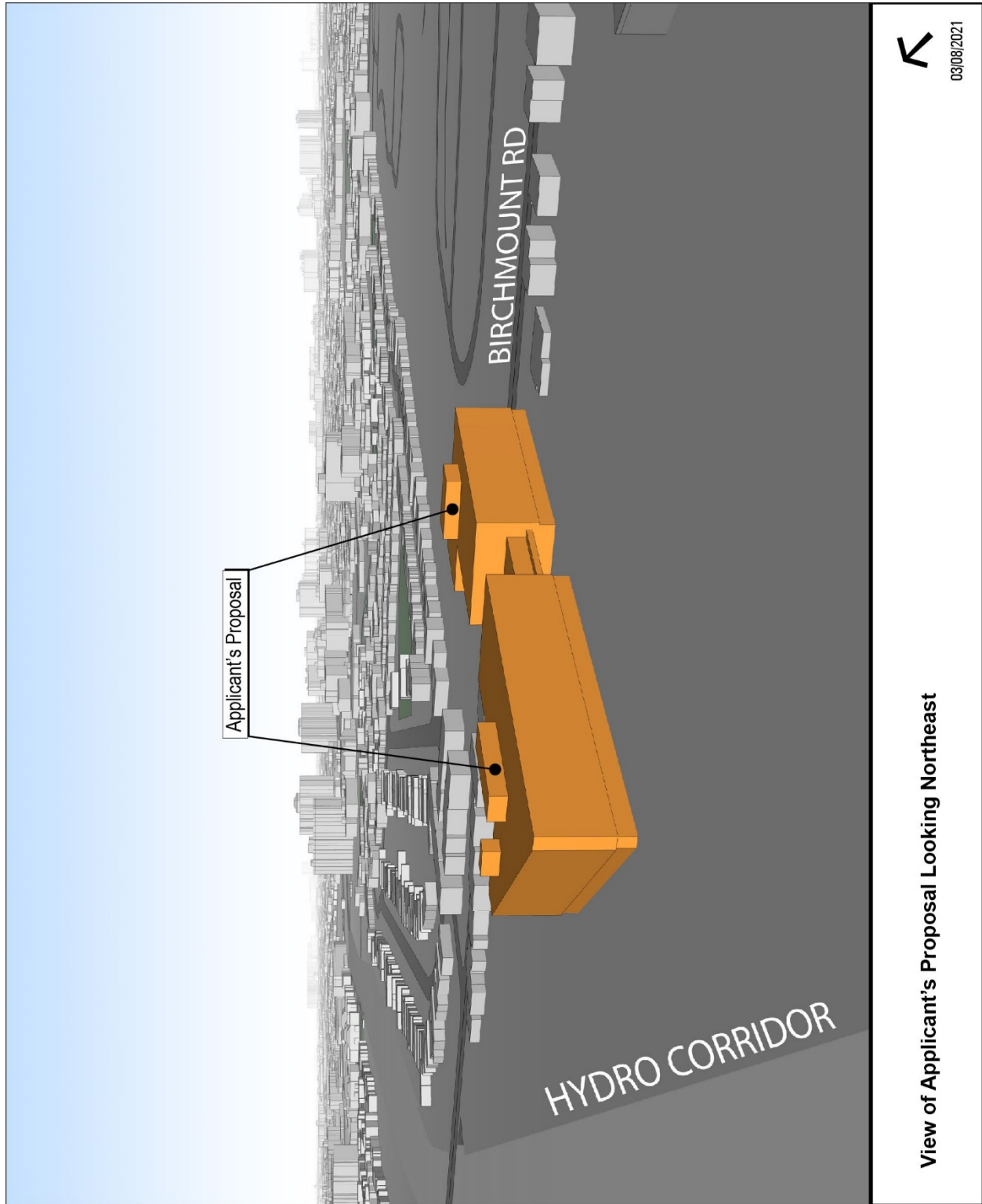
Attachment 5: Official Plan Map

Attachment 6: Zoning Map

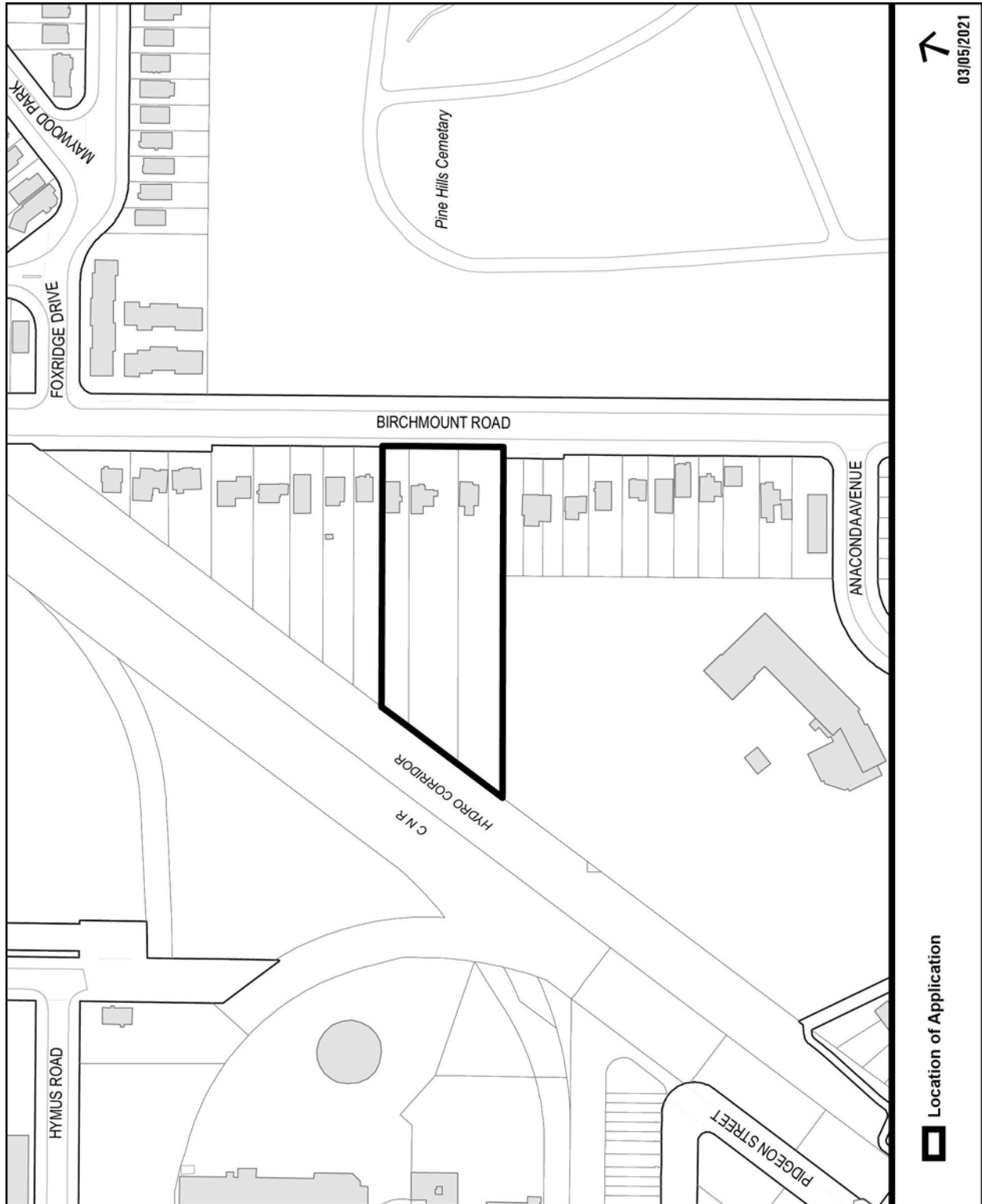
Attachment 1: 3D Model of Proposal in Context (View Looking Southwest)



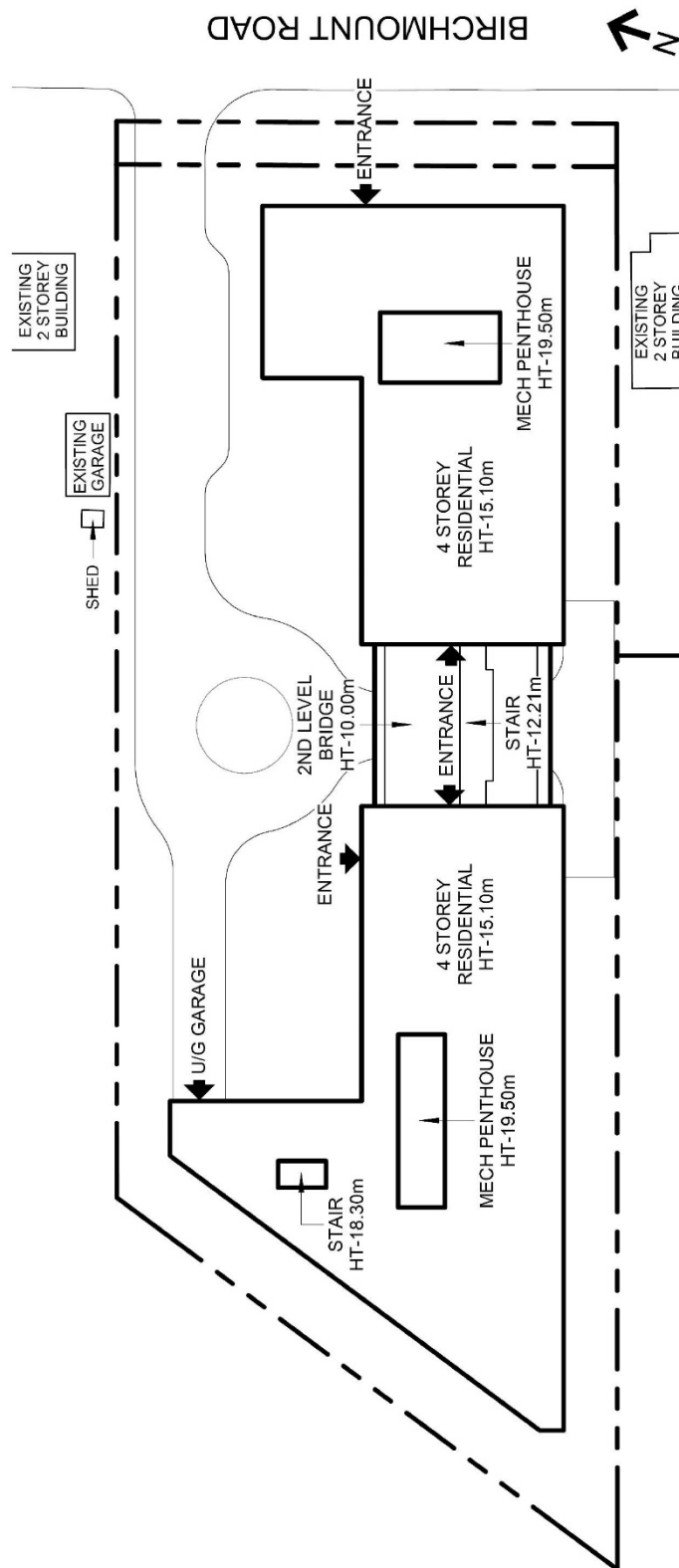
Attachment 2: 3D Model of Proposal in Context (View Looking Northeast)



Attachment 3: Location Map



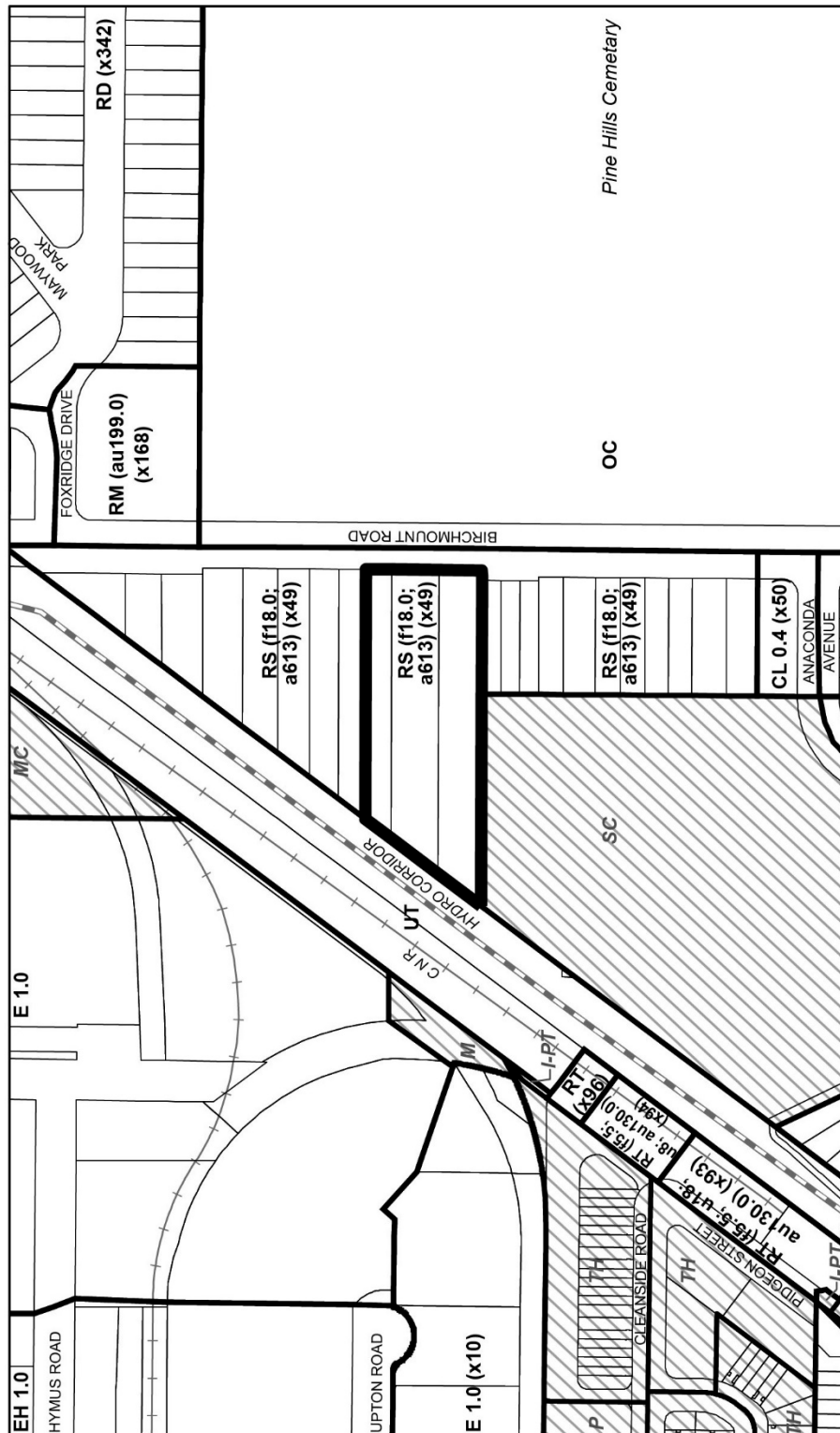
Attachment 4: Simplified Site Plan



Attachment 5: Official Plan Map



Attachment 6: Zoning Map



672-676 Birchmount Road

Zoning By-law 569-2013

File # 20 224482 ESC 20 OZ and 20 224484 ESC 20 SA

Location of Application		See Former City of Scarborough Birchmount Park Community By-law No.9174, Warden Woods Community By-law No.950-2005 and Employment District By-law No.24982 (Golden Mile)	
	RD Residential Detached		TH Townhouse Residential
	RS Residential Semi-Detached		I-PT Institutional Uses-Public Transit
	RT Residential Townhouse		SC School
	RM Residential Multiple		P Park
			SD Semi-Detached Residential
			CL Commercial Local
			E Employment Industrial
			EH Employment Heavy Industrial
			OC Open Space Cemetery
			UT Utility and Transportation
			M Industrial Zone
			MC Industrial Commercial Zone



Not to Scale
Extracted: 03/05/2021