

Preliminary Report - 2240 Birchmount Road – Official Plan Amendment and Zoning Amendment Applications

Date: November 3, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 22 - Scarborough-Agincourt

Planning Application Number: 21 164108 ESC 22 OZ

Notice of Complete Application Issued: July 2, 2021

Current Use on Site: 1 storey commercial/retail plaza with parking at front and rear.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 2240 Birchmount Road. The applicant is proposing a 9-storey, 152 unit midrise residential apartment building. Commercial uses are contemplated on the ground floor.

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 2240 Birchmount Road together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting be given 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. City Council direct staff to conduct an area (land use) study and evaluate this application in the context of other potential development sites and existing development on lands fronting the south side of Sheppard Avenue East and the west side of

Birchmount Road as bounded by Amethyst Road to the west and Cass Avenue to the south.

4. City Council direct staff to determine, based on the area land use study undertaken in accordance with Recommendation 3, whether amending the Official Plan and/or zoning by-law with area specific measures is appropriate for all or part of this area.

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.

ISSUE BACKGROUND

Application Description

This application proposes to amend the City of Toronto Official Plan from *Neighbourhoods* to *Apartment Neighbourhoods*. This application also proposes to amend the City of Toronto Zoning By-law No. 569-2013, as amended and former City of Scarborough Tam O'Shanter Community By-law No. 12360 as amended, for the property at 2240 Birchmount Road.

This application seeks to permit the construction of a nine (9) storey, 152 unit apartment building with ground floor retail/commercial uses fronting Birchmount Road. The existing 2 storey commercial building will be demolished.

Vehicular access would continue to be taken from Birchmount Road. A total of 168 parking spaces are proposed largely within a two level underground parking garage, although two short term visitor parking spaces are provided at grade . The majority of the 185 long-term bicycle parking spaces will be provided within the underground parking garage, while 17 bicycle short-term parking spaces will be located at grade.

The underground parking garage ramp is located on the south side of the building and has been combined with the loading dock. This location is intended to provide screening from Birchmount Road as well as from the proposed resident amenity space to the north.

The gross floor area of the proposed building is 10,316 square metres, which includes approximately 50 square metres of retail space on the ground floor resulting in an FSI of 2.55 times the area of the lot. (Refer to Attachment 4: Site Plan).

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Refer to Attachments 1 and 2 of this report, for a three dimensional representation 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), 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

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. 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 Map 19 of the Official Plan, an excerpt of which is found at Attachment 4.

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, and townhouses, as well as walk-up apartments that are no higher than four

storeys in height. Parks, low scale institutions, home occupations, cultural and recreational facilities, and small-scale retail, service and office uses are also permitted on properties in *Neighbourhoods*.

The Official Plan sets out policies and development criteria aimed to ensure that physical changes to established neighbourhoods are sensitive, gradual and "fit" the existing physical character. Recent changes to the *Neighbourhoods* policies through Official Plan Amendment 320 (OPA 320) set out additional tests as to where council may consider additional intensification within *Neighbourhoods* along main streets.

Zoning By-laws

The site is zoned Commercial Local Zone (CL 0.33 (x149)) in the City of Toronto By-law 569-2013, as amended with a height limit of 10 metres and maximum gross floor area of 33% of the lot area. Please refer to Attachment 7 for an except illustrating the existing zoning.

Uses permitted in the Commercial Local zone includes Retail Stores. Residential uses are not permitted.

Exception CL 149, is applicable and notes the following site specific provisions:

- The minimum building setback from a lot line that abuts a street is the greater of 3.0 metres, and 16.5 metres measured from the original centreline of the street, if the lot line abuts Birchmount Road.; and
- The minimum building setback from a rear lot line is 7.5 metres.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

The site is also subject to the former City of Scarborough's Tam O'Shanter Community By-law 12360, as amended and is zoned Neighbourhood Commercial (NC). Permitted uses includes Day Nurseries and Neighbourhood Commercial Uses, which "for the purposes of this By-law, Neighbourhood Commercial Uses shall mean retail Commercial Uses serving the adjacent Residential Neighbourhood and includes one or more of the following uses; Automobile Service Stations, Banks, Business and Professional Offices, Medical Centres, Personal Service Shops, Restaurants and Retail Stores.

A maximum gross floor area of all buildings shall not exceed 33% of the lot area. The 'NC' zone also requires a minimum 16.5 metre building setback from the centre line of the original road allowance of Birchmount Road and a minimum rear yard setback of 7.5 metres. Residential uses are not permitted. Refer to Attachment 6: former City of Scarborough's Tam O'Shanter Community By-law 12360, as amended.

Design Guidelines

The following Design Guidelines will be used in the evaluation of this application:

- Midrise Guidelines
- Growing Up Guidelines
- Pet Friendly 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 not been submitted.

COMMENTS

Reasons for the Application

An Official Plan Amendment is required to redesignate the subject lands from *Neighbourhoods* to *Apartment Neighbourhoods* as the proposed building height and building type are not provided for by the *Neighbourhoods* designation.

A Zoning By-law Amendment is required to permit residential uses and associated site specific provisions.

Issues 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

The proposed development will be evaluated against the PPS (2020) and the Growth Plan for the Greater Golden Horseshoe (2020) to determine the application's consistency with the PPS and conformity with the Growth Plan.

Official Plan Conformity

Staff will review the proposed application for conformity with the Official Plan and, subject to the outcome of the land use study described below, the appropriateness of the proposed amendment to provide for the proposed midrise building.

Land Use

The application proposes to redesignate the property from *Neighbourhoods* to *Apartment Neighbourhoods* to accommodate the proposed height and scale of the building. Like *Neighbourhoods*, established *Apartment Neighbourhoods* are considered physically stable areas which are generally not anticipated to accommodate significant growth. The *Apartment Neighbourhoods* designation permits a greater scale of buildings than the *Neighbourhoods* designation and applies different scale-related criteria to evaluate development, with a focus towards facilitating compatible infill development on underutilized sites within established *Apartment Neighbourhoods*.

When considering a site specific amendment such as the subject application, Official Plan policy requires the planning review to identify at the earliest point possible whether the application should be considered within its immediate context or whether a broader review and possible area specific policy or general policy change are appropriate (policy 5.3.1.3). Staff recommend that the subject application be evaluated within the context of the broader area given the identification of Sheppard Avenue East as an Avenue and whether the planned context is appropriate given the opportunities for development potential along a planned higher order transit corridor.

Policy 2.3.1.4 identifies that intensification of land adjacent to neighbourhoods will be carefully controlled to protect these stable areas from negative impact. This policy also provides Council the opportunity to determine, through the review of applications involving significant intensification adjacent to *Neighbourhoods* or *Apartment Neighbourhoods*, whether a Secondary Plan, area specific zoning by-law or area specific policy should be created in consultation with the local community following an *Avenue Study* or area based study. The policy requires City Council to make this determination at the earliest point in the processes.

Staff are recommending a scoped land use study be undertaken in response to the above noted policy direction. Three of the four quadrants of the intersection of Sheppard Avenue East and Birchmount Road are designated *Apartment Neighbourhoods* with a physical context largely consisting of midrise and highrise apartment buildings (See Attachment 5). The entirety of the southwest quadrant, including the subject lands are designated *Neighbourhoods*. The lands in this quadrant fronting Sheppard Avenue East and Birchmount Road are larger sites containing low scale non-residential uses (commercial, retail and a place of worship) and could demonstrate development potential in line with that of the subject lands. In addition to informing the evaluation of this application, staff will use the scoped study to determine whether amending the Official Plan and/or zoning by-law with area specific measures is appropriate for all or part of this area.

Built Form, Planned and Built Context

Staff are reviewing the application against the Mid-Rise Guidelines, Draft Growing Up Guidelines, Built Form (OPA 480) and Pet Friendly Guidelines to determine the appropriateness of this built form, proposed density and height that would be abutting a stable residential neighbourhood to the immediate west.

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/Tree Preservation Plan, and is currently under review by City staff.

Infrastructure/Servicing Capacity

City Planning's commenting partners are currently reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Staff are reviewing a Functional Servicing Report provided by the applicant with the submission, the purpose of which is intended to evaluate the effects of a proposed change in land use or development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed change in land use or development. Staff are also reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of a development or re-development on the transportation system, but also to suggest any transportation improvements generated by the development.

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 TGS Checklist submitted by the applicant is currently under review by City staff for compliance with the Tier 1 performance measures.

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. 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. The applicant submitted a Community Services and Facilities Study. City staff are reviewing this report to assess the impact of the proposed development on community facilities. This includes assessing a potential lack of capacity at the local home secondary school and identifying facilities and area services that could benefit from contributions to support future residents resulting from growth.

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. Details of a Section 37 Agreement between the applicant and the City will be considered, in consultation with the Ward Councillor, if a project is ultimately approved.

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.

Other Matters

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

CONTACT

Renrick Ashby, Senior Planner, Community Planning, Scarborough District, Tel. No. (416) 396-7022, E-mail: Renrick.Ashby@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context North-West

Attachment 2: 3D Model of Proposal in Context South-East

Attachment 3: Location Map

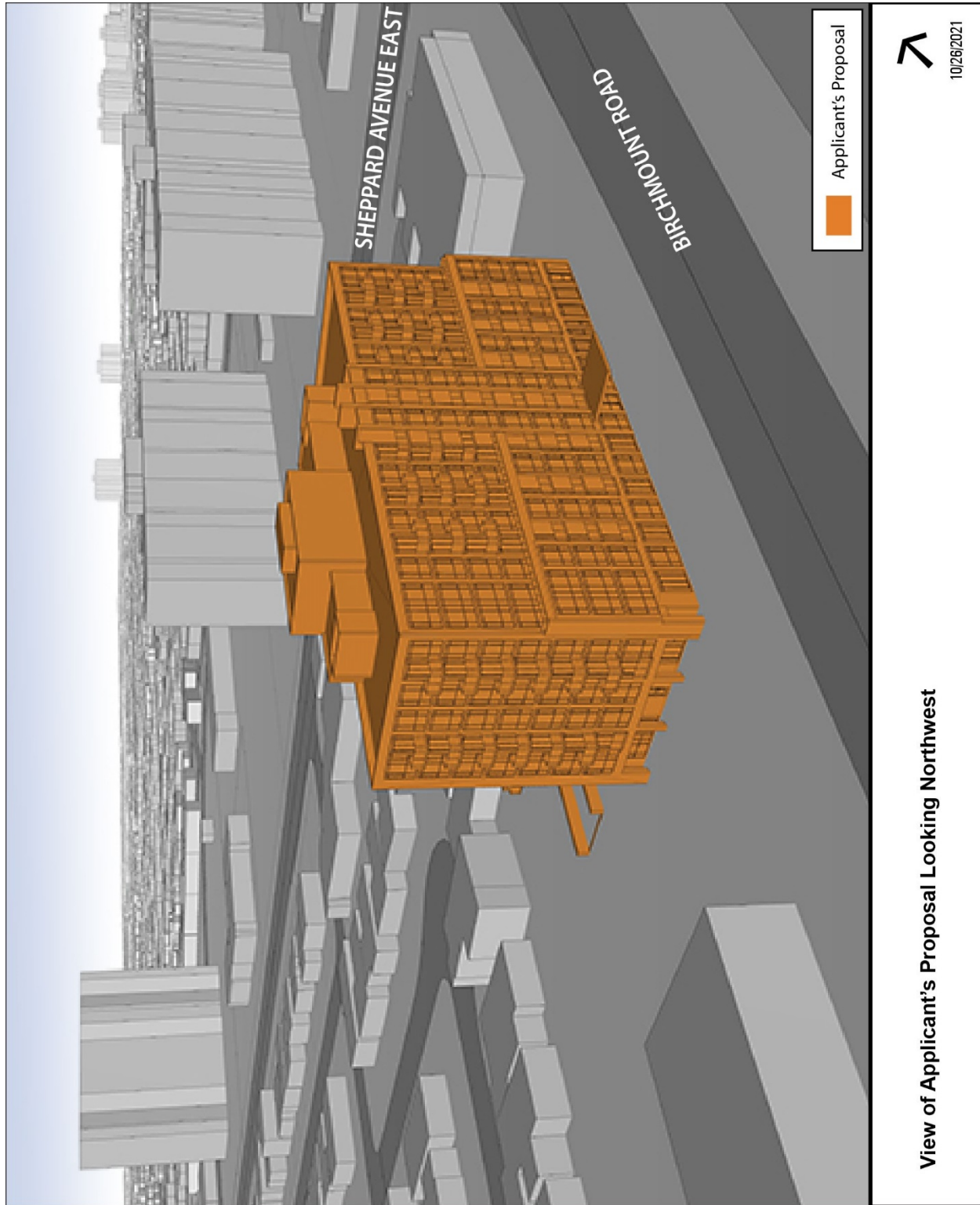
Attachment 4: Site Plan

Attachment 5: Official Plan Map

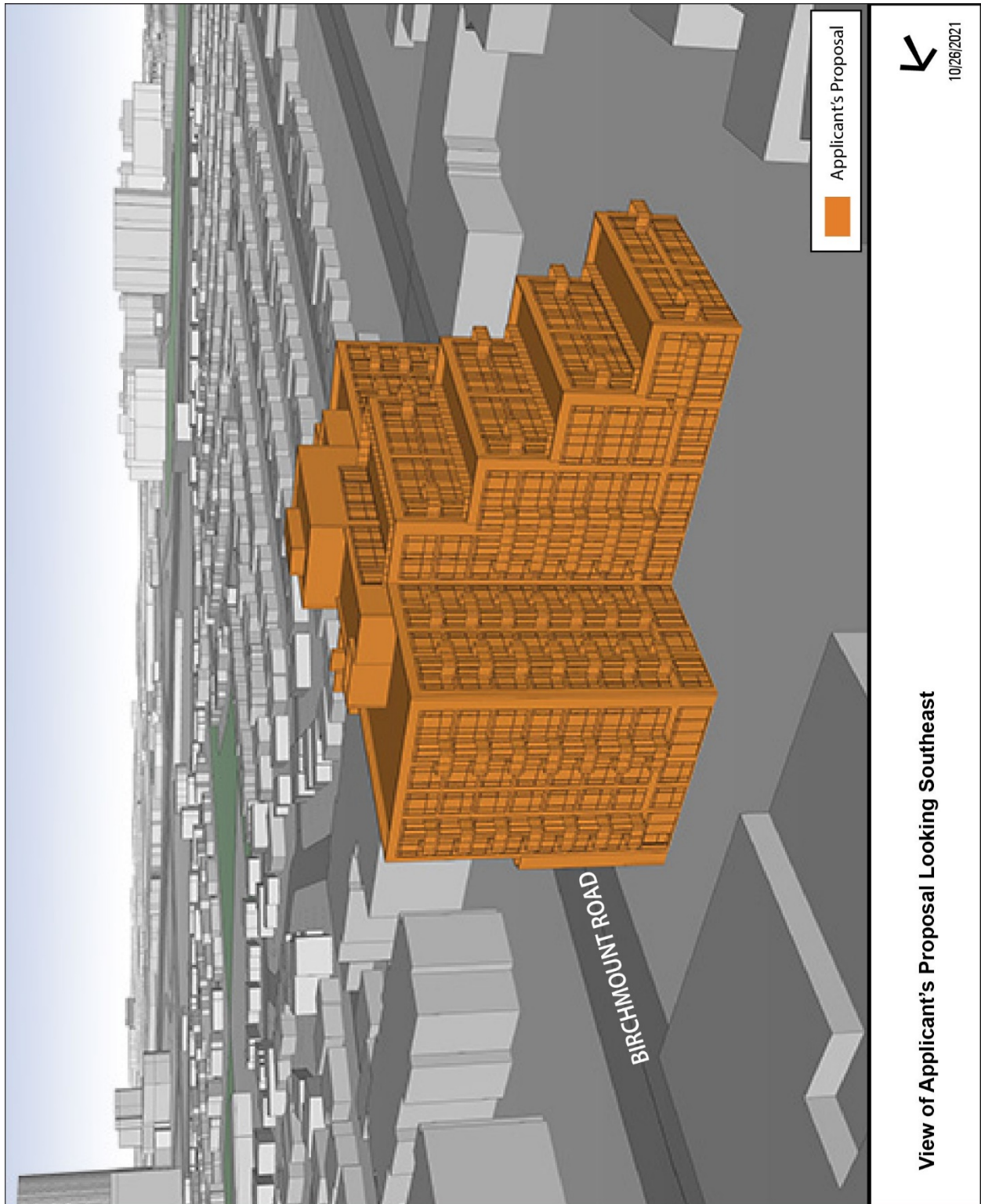
Attachment 6: Former City of Scarborough's Tam O'Shanter Community By-law 12360, as amended

Attachment 7: City of Toronto Zoning By-law 569-2013, as amended

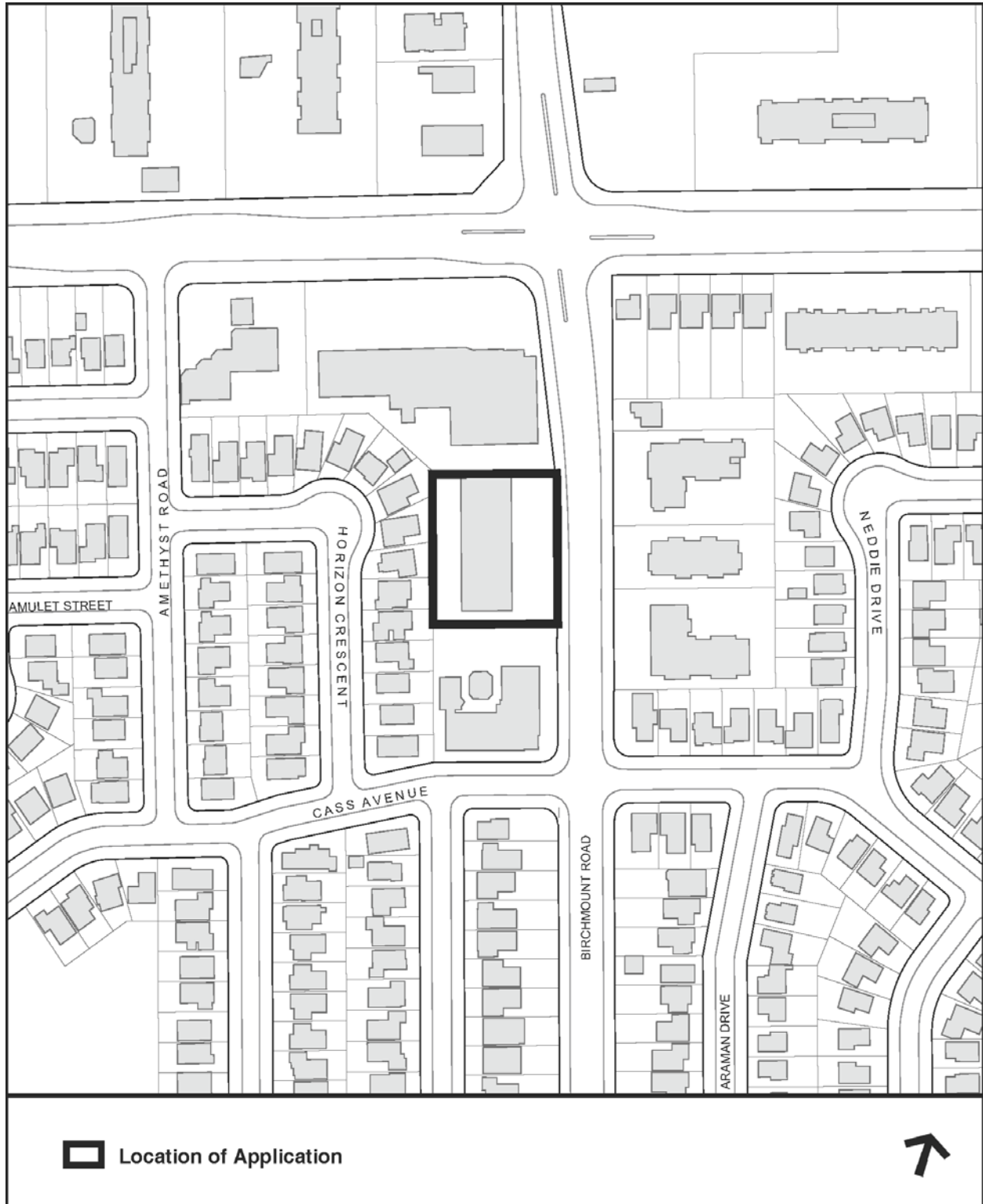
Attachment 1: 3D Model of Proposal in Context North-West



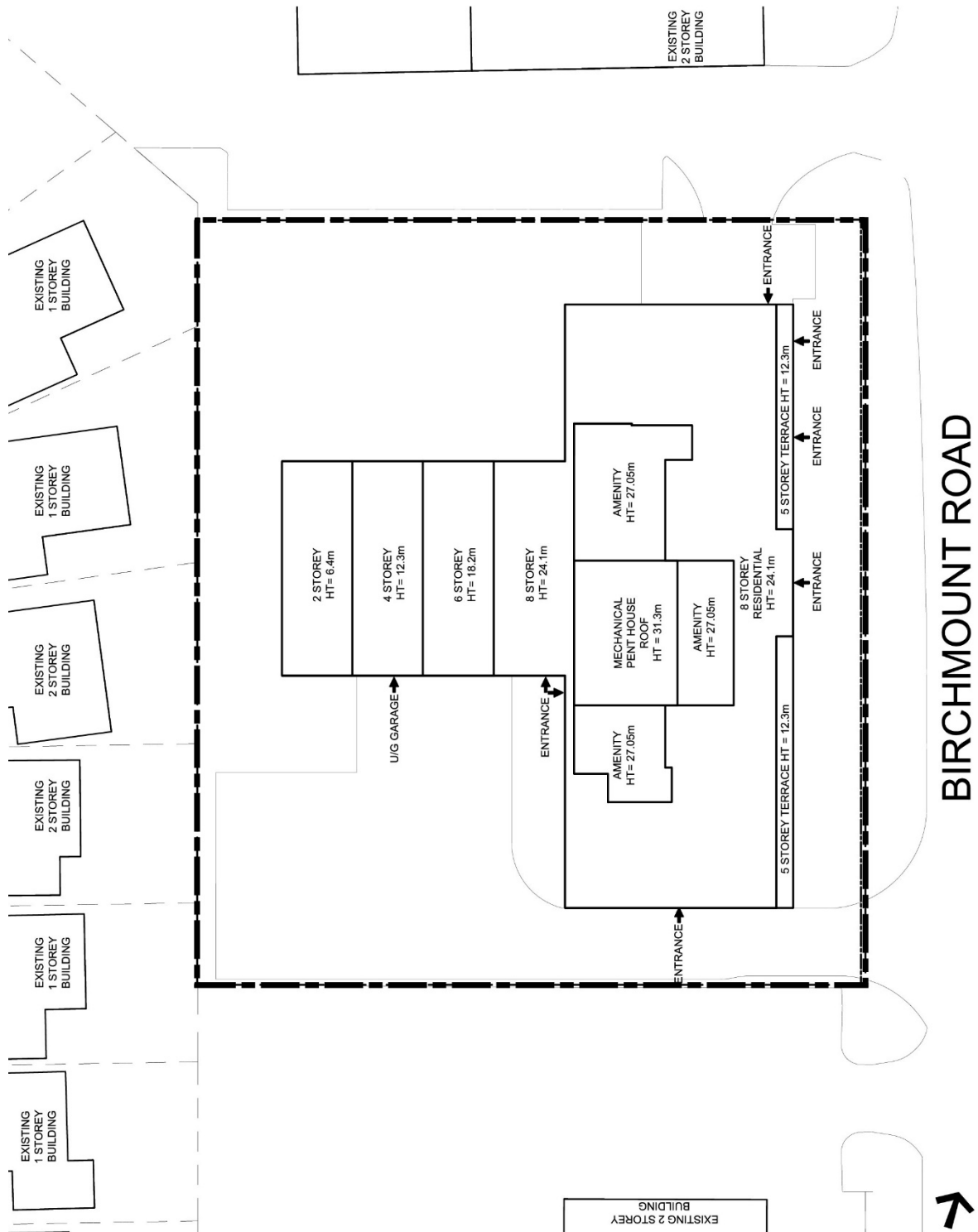
Attachment 2: 3D Model of Proposal in Context South-East



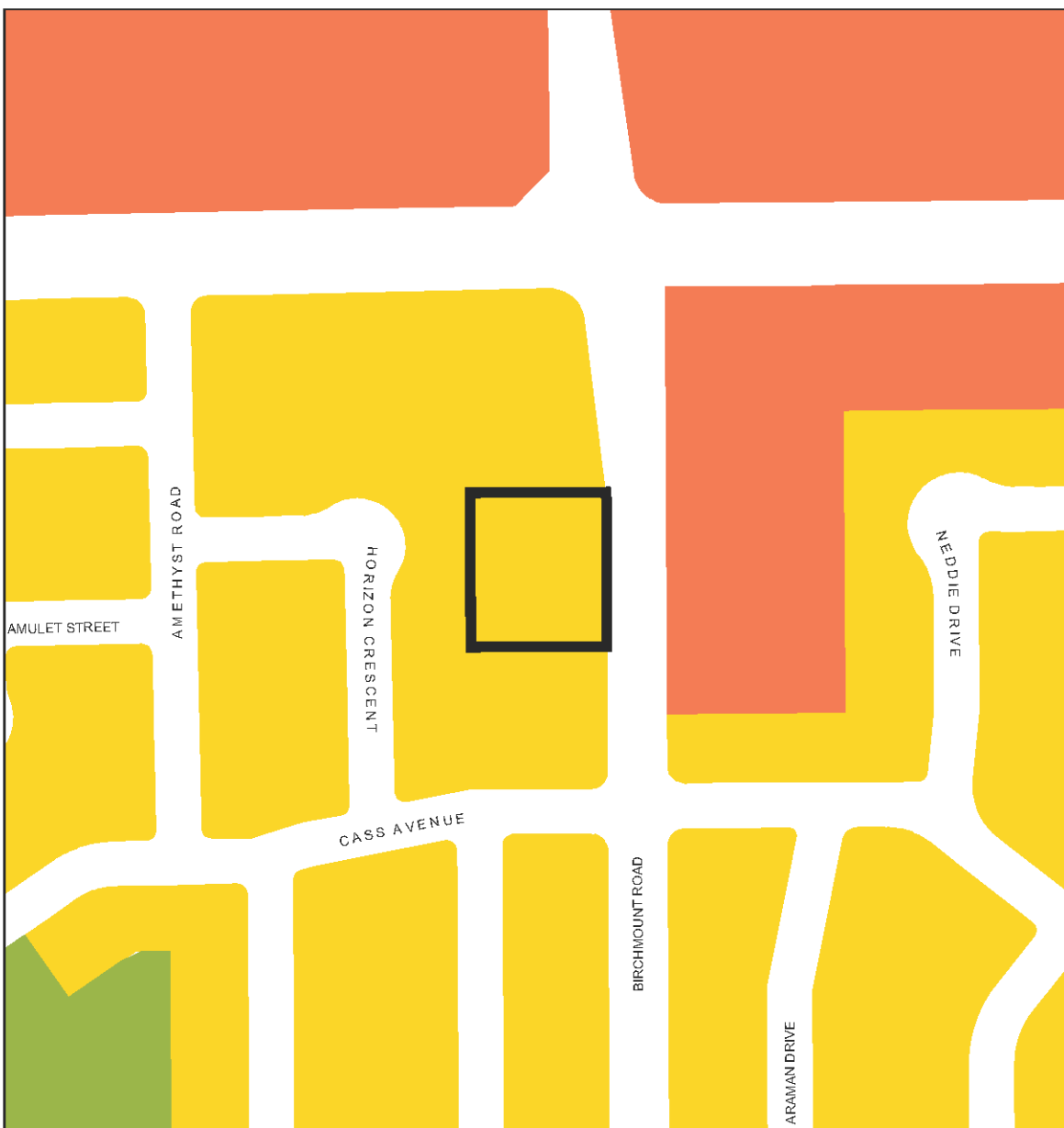
Attachment 3: Location Map



Attachment 4: Site Plan



Attachment 5: Official Plan Map



Official Plan Land Use Map #19

2240 Birchmount Road

File # 21 164108 ESC 22 02



Location of Application

Neighbourhoods

Apartment Neighbourhoods

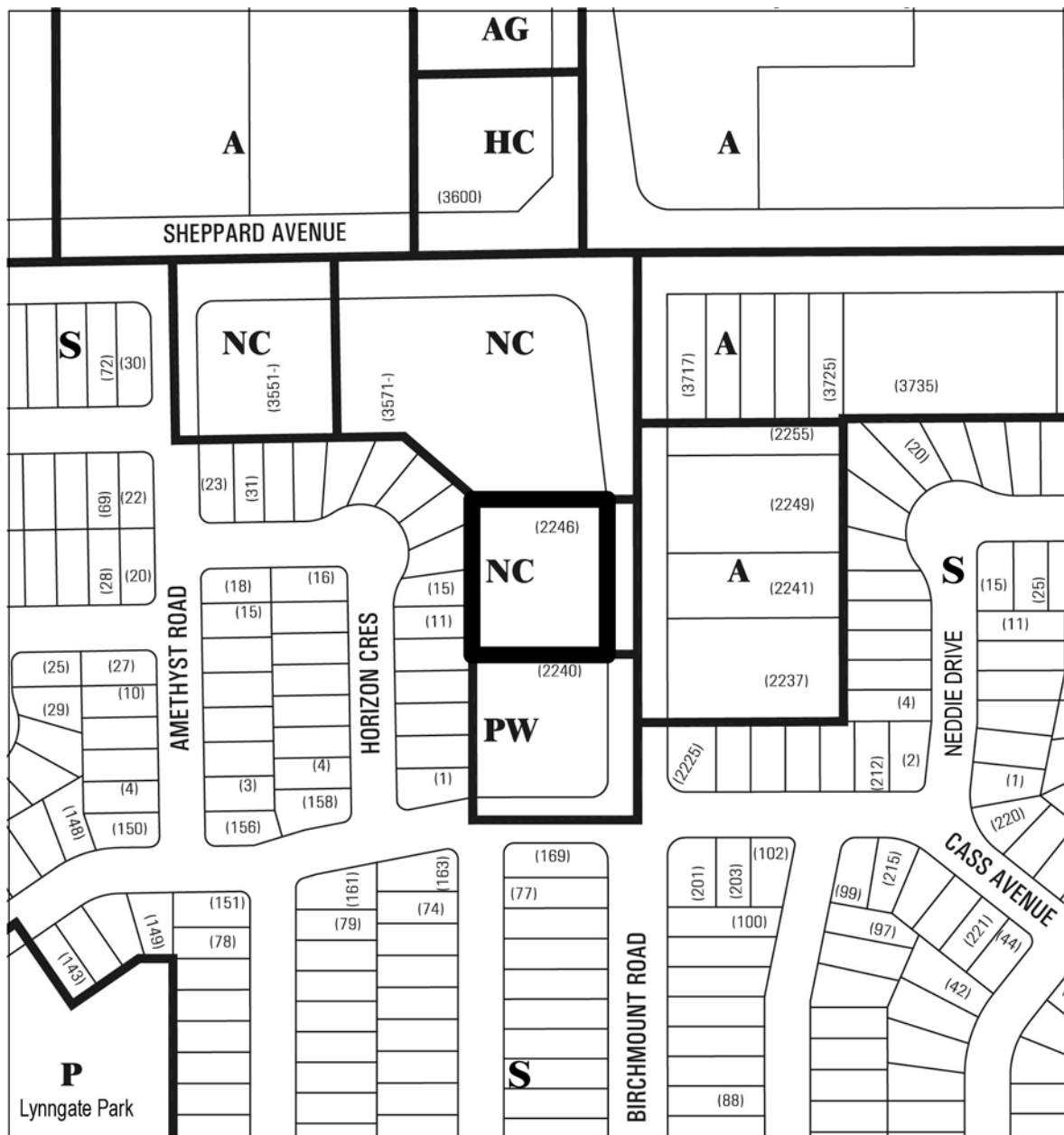


Parks



Not to Scale
Extracted: 06/07/2021

Attachment 6: Former City of Scarborough's Tam O'Shanter Community By-law 12360, as amended



2240 Birchmount Road

Tam O'Shanter Community By-Law No.12360

File # 21 164108 ESC 22 02



Location of Application

S Single-Family Residential
A Apartment Residential
NC Neighbourhood Commercial
HC Highway Commercial

PW Place(s) of Worship
P Park
AG Agricultural Uses



Not to Scale
 Extracted: 10/26/15/2021

Attachment 7: City of Toronto Zoning By-law 569-2013, as amended



Zoning By-law 569-2013

2240 Birchmount Road

File # 21 164108 ESC 22 0Z

	Location of Application
RD	<i>Residential Detached</i>
RA	<i>Residential Apartment</i>
RAC	<i>Residential Apartment Commercial</i>
CL	<i>Commercial Local</i>
IPW	<i>Institutional Place of Worship</i>
OR	<i>Open Space Recreation</i>

	See Former City of Scarborough Community By-laws
HC	<i>Highway Commercial</i>
AG	<i>Agricultural Uses</i>

Not to Scale
Extracted: 06/07/2021