

303 Kingston Road – Zoning Amendment Application – Final Report

Date:	May 21, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	11-209219 STE 32 OZ

SUMMARY

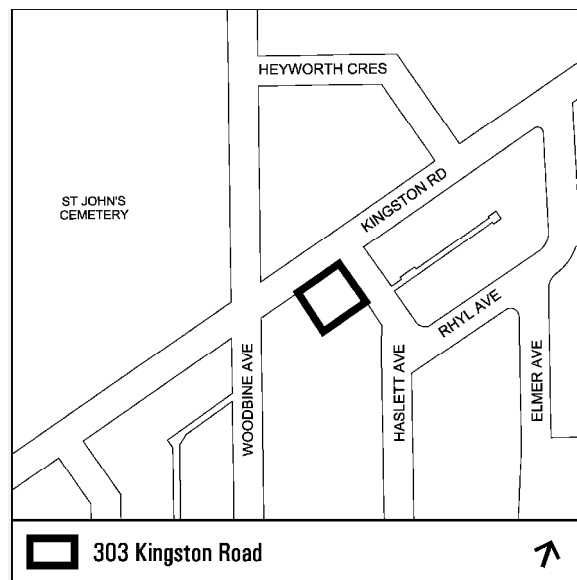
This application proposes a six-storey plus mezzanine mixed-use building with 47 residential units, 5 commercial units and underground parking at 303 Kingston Road.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 303 Kingston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report dated May 21, 2013, from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendment as may be required.



Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The property was previously the subject of a Site Plan Approval application to construct a 4-storey residential building. The application was approved however the owner did not proceed with the development. Following a change of ownership, a Zoning By-law Amendment application to construct an 8-storey building was made but the application did not proceed to a development approval. The ownership of the land has again changed and the new owner has submitted the subject application.

ISSUE BACKGROUND

Proposal

The proposed development consists of a 6-storey mixed-use building with a mezzanine that has 47 residential units and 5 commercial units. Parking is provided in two levels of underground parking containing 34 parking spaces and 44 bicycle parking spaces.

For further statistical information refer to the Application Data Sheet found at Attachment 7 of this report.

Site and Surrounding Area

The site is located on the south-west corner of Kingston Road and Haslett Avenue. The site is currently vacant. It was formerly occupied by a Canadian Legion Branch.

The following uses abut the site:

North:	gas station and 3-storey townhouses
South:	1-1/2 to 2-1/2 storey houses
East:	4-storey residential building under construction
West:	3-1/2 storey townhouses

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The property is designated as Mixed Use Areas under the City of Toronto Official Plan. That designation permits a range of commercial, residential and institutional uses in single use or mixed use buildings.

The Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within Mixed Use Areas. The proposed development has been evaluated with respect to the full list of criteria found in Section 4.5.2 of the Official Plan. The criteria include:

- locate and mass 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 appropriate setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Mid-Rise Guidelines

In 2010, Council adopted the Avenues and Mid-Rise Buildings Study. The study includes guidelines which are intended to encourage the construction of better designed mid-rise buildings on the City's Avenues where growth is expected and desirable.

These Guidelines apply to mid-rise developments which are proposed to be constructed on The Avenues. This site is not located on an Avenue on Map 2 of the Official Plan. The staff report on the Mid-Rise Study noted that although it was to provide performance standards and recommendations for mid-rise buildings on the Avenues, they may also be appropriate and useful to guide the review of proposals for mid-rise buildings in Mixed-Use Areas not on Avenues.

The Mid-Rise Guidelines include various building performance standards including:

- the maximum allowable height of buildings on the Avenues will be no taller than the width of the Avenue right-of-way;
- the transition between an Avenue property and areas designated *Neighbourhoods* to the rear should be created through setbacks and other provisions;
- to promote a safe and uninterrupted space for pedestrians, it is suggested that access to on-site parking, loading and servicing facilities should be provided from flanking streets and rear lanes, not from the Avenue;
- the building envelope should allow for a minimum of 5-hours of sunlight onto the Avenue sidewalks from March 21st to September 21st.

Zoning

The site is zoned MCR T2.0 C0.5 R2.0. The MCR zoning classification permits residential uses including apartment buildings, retail, service and office commercial uses. The permitted building height is 14 metres.

Site Plan Control

A Site Plan Approval application was submitted concurrently with the Zoning By-law Amendment application.

Reasons for Application

The proposed construction of a 6-storey (20 metres high) residential building at a density of 3.8 times the area of the lot exceeds the height permission of 14 metres and the total allowable mixed use and residential density of 2.0 times the lot area. In addition the proposed development does not comply with the by-law requirement for the amount of indoor amenity space, provides for no common outdoor amenity space, provides for a Type C loading space instead of the required Type B loading space and does not provide for the 3 required visitor parking spaces.

Community Consultation

City Planning hosted a community consultation meeting on November 16, 2011 which was attended by approximately 50 residents. Modifications to the development application were presented. Comments received at the meeting primarily focussed around parking and traffic concerns although there was some concern with respect to the scale of the proposed development. Since November 2011, the applicant has been satisfying the requirements of various City Divisions and has been resolving an issue with an adjacent property owner.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

This proposal supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the Planning Act that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently uses land, resources, infrastructure and public services facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation nodes.

The proposed development is consistent with the 2005 Provincial Policy Statement. The proposal allows for intensification on a site that is classified as being in a built up area, along an intensification corridor that has access to a nearby transit stop. All these type of classifications apply to lands that are targeted for urban intensification.

The proposal conforms to the Growth Plan for the Greater Golden Horseshoe by proposing a mixed-use building that would intensify a built up area that is adjacent to a major transit system and provides cycling and walking opportunities.

Land Use

The site is designated *Mixed Use Areas* in the Official Plan. Lands so designated are intended to accommodate most of the anticipated growth in the City in terms of retail and service employment as well as much of the new housing. The applicant is proposing a 6-storey mixed-use building that will provide for both new housing and employment opportunities. The proposed development will take advantage of existing public infrastructure and encourage additional ridership on public transit. The proposed development conforms to the land use provisions of the Official Plan and the site is appropriate for modest residential intensification.

Density, Height, Massing

Mid-rise housing is an important form of development that can create new housing and shopping opportunities and can help the City address reurbanization objectives.

The Zoning By-law currently permits building heights of 14 metres on this site. The site is part of a *Mixed Use Area* and abuts a *Neighbourhood*. As such, the transition in height to the neighbourhood is an important consideration. Although the overall height of the proposed building is 20 metres plus a mechanical penthouse, the building steps down towards the neighbourhood to the southeast with the portion of the building exceeding the 14 metre height limit being at least 13 metres back from the rear property line. In addition, the shadow studies that were submitted for March and September have been reviewed by staff and the minor shadow impact of the proposal is deemed to be acceptable.

The proposed density of 3.8 times the area of the lot is appropriate given the massing of density on the site. The Mid-Rise Guidelines, among other tools, were used to review the allocation of density on the site.

Mid-rise Guidelines

This site is not located on an Avenue on Map 2 of the Official Plan, however the site has similar characteristics to Avenues including a *Mixed Use Area* designation in the Official Plan, higher order transit (a streetcar) and a 20 metre right-of-way. The proposal is for a mixed-use, mid-rise building which is the type of building addressed by the Guidelines.

The Mid-Rise Guidelines include various building performance standards. The performance standards which are relevant to this application have been met through the design of the proposed building, including appropriate rear transitions to Neighbourhoods, appropriate heights and angular planes and appropriate location of the mechanical penthouse.

Access, Parking

Pedestrian access to the residential component of the building is off of Haslett Avenue. Each commercial unit will have direct access from Kingston Road. Access to the underground parking garage will be off of Haslett Avenue. Documentation was provided to Transportation staff which are of the opinion that with an automated traffic control system for the underground garage, the single ramp access is acceptable.

The proposal includes 34 resident parking spaces which exceeds the zoning by-law requirement and the estimated parking demand for the proposed development. No visitor parking spaces are proposed on site, while 3 are required by the zoning by-law. Transportation staff agree that it would not be practical to have non-residents use the underground parking garage due to safety, operation and security considerations. The applicant's traffic consultant undertook a survey of parking on Kingston Road which determined that there is adequate on-street parking during peak visitor periods.

Infrastructure

As part of the application the applicant submitted a Functional Servicing and Stormwater Management Report which was reviewed by City staff. There is sufficient infrastructure to service the proposed building. Additional information is required from the applicant as part of the Site Plan Approval process.

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 local parkland provisions across the City. The lands which are subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is subject to the Alternate Parkland Dedication By-law 1020-2010.

The application proposes 47 residential units and 1,082 m². At the alternate rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.062 hectares or 64% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the

residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 100 m2.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 100 m2 would not be of a useable size and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS.

Applicable TGS performance measures will be secured through the Site Plan Approval process.

CONTACT

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E-mail: lmajor@toronto.ca

SIGNATURE

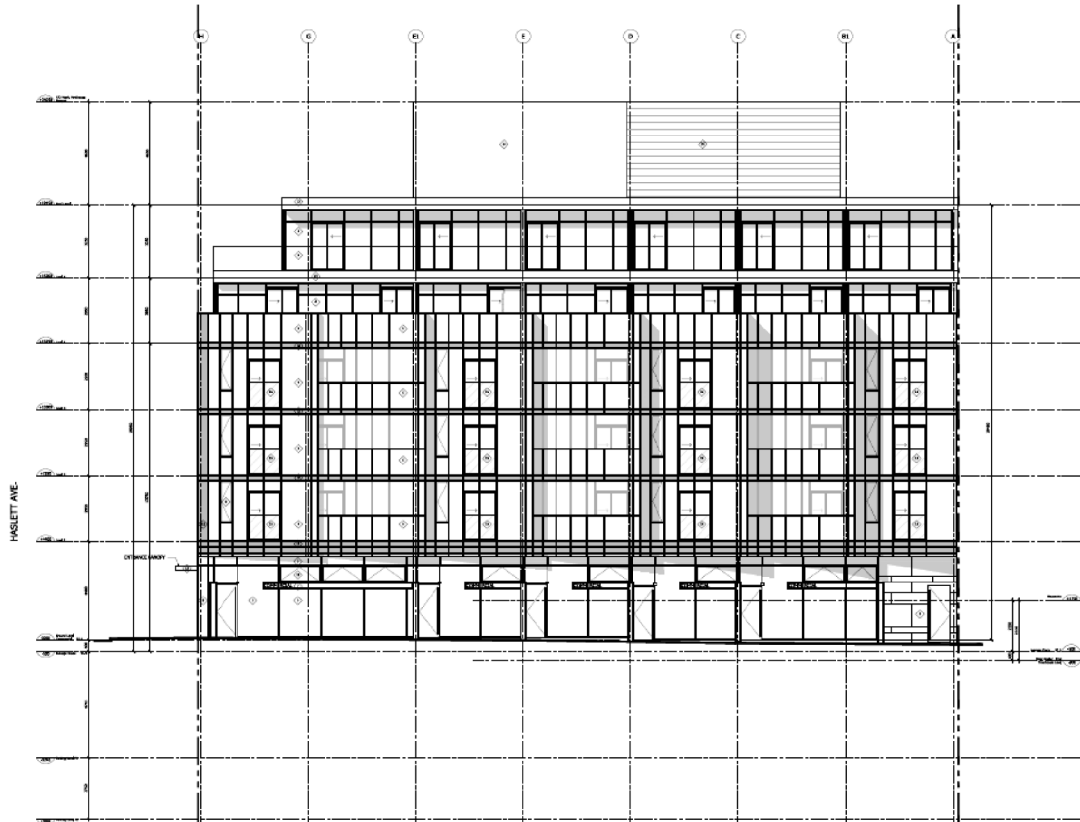
Gregg Lintern, MCIP, RPP
Director, Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Staff report for action – Final Report – 303 Kingston Road

Attachment 2: North Elevation



North Elevation

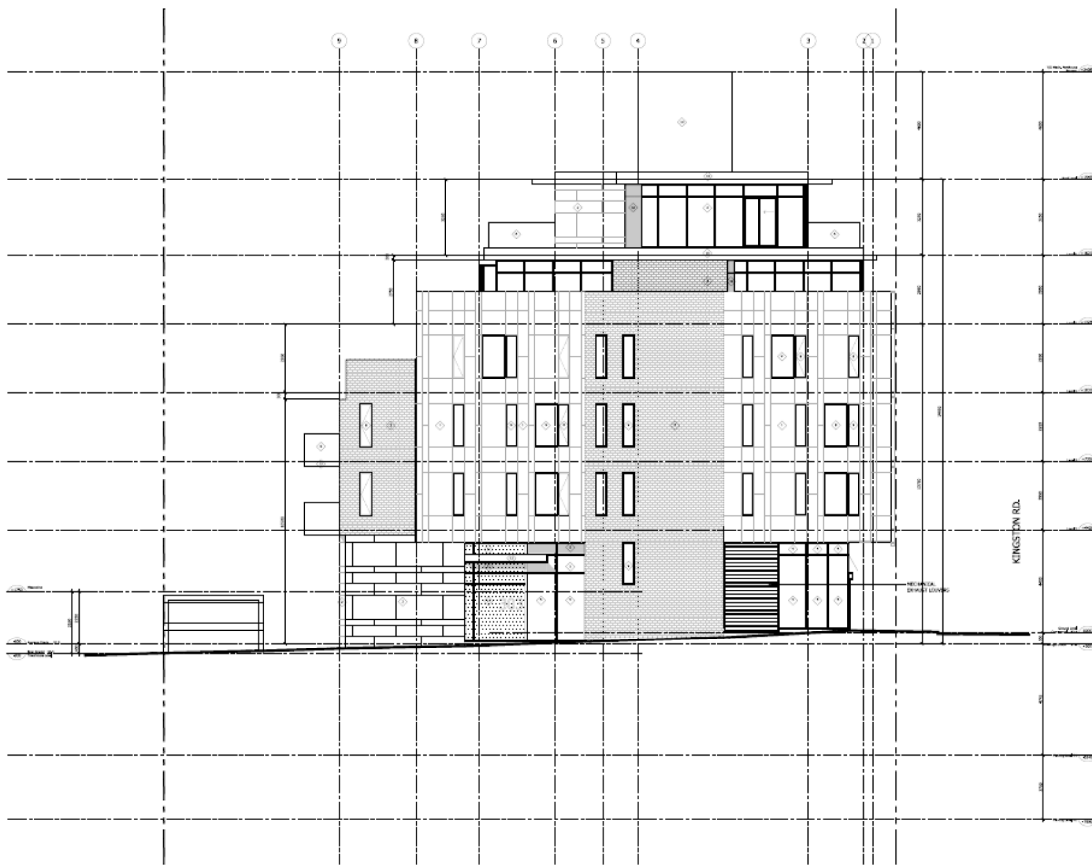
Applicant's Submitted Drawing

Not to Scale
05/09/2013

303 Kingston Road

File # 11_209219_02

Attachment 3: East Elevation



East Elevation

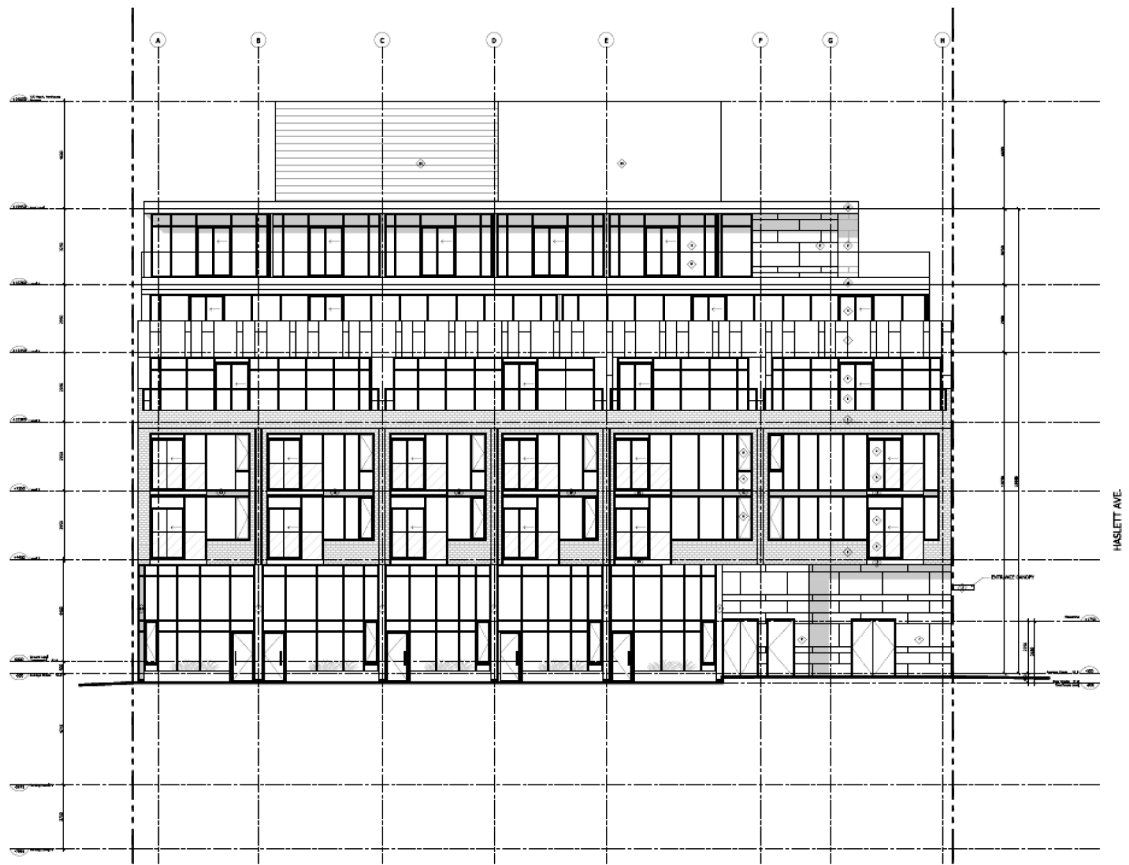
303 Kingston Road

Applicant's Submitted Drawing

Not to Scale
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File # 11_209219_02

Attachment 4: South Elevation



South Elevation

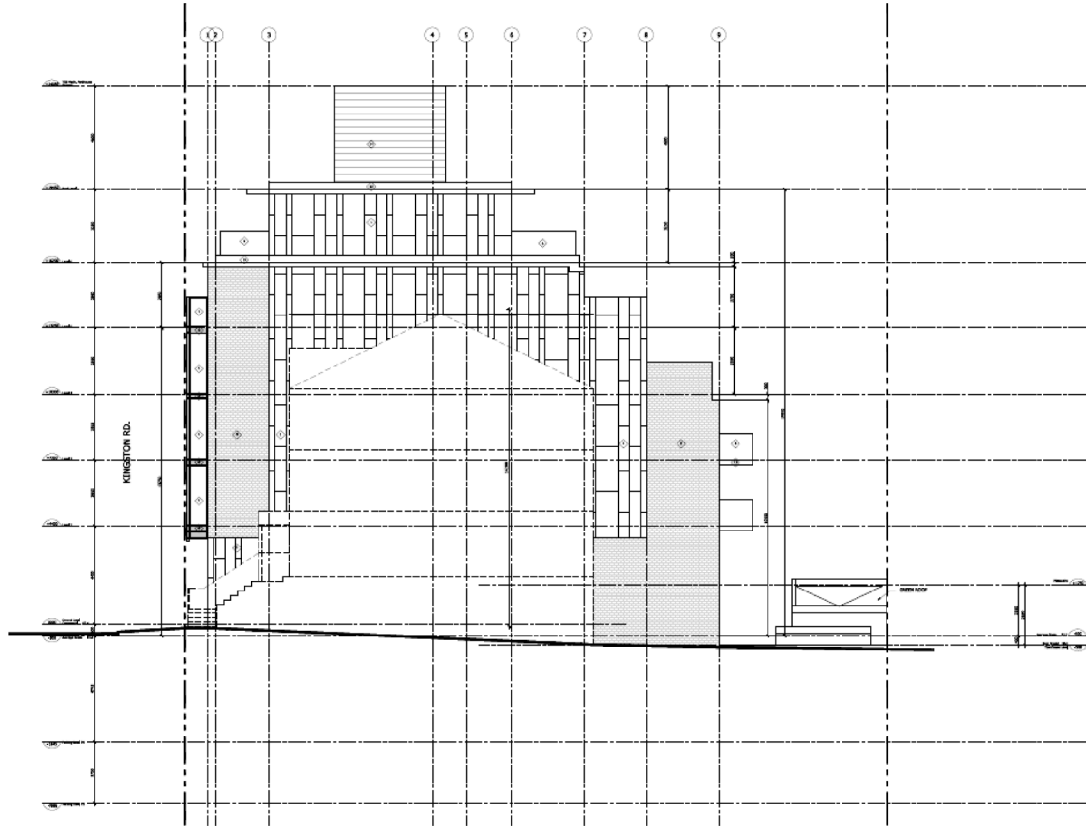
Applicant's Submitted Drawing

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303 Kingston Road

File # 11_209219_0Z

Attachment 5: West Elevation



West Elevation

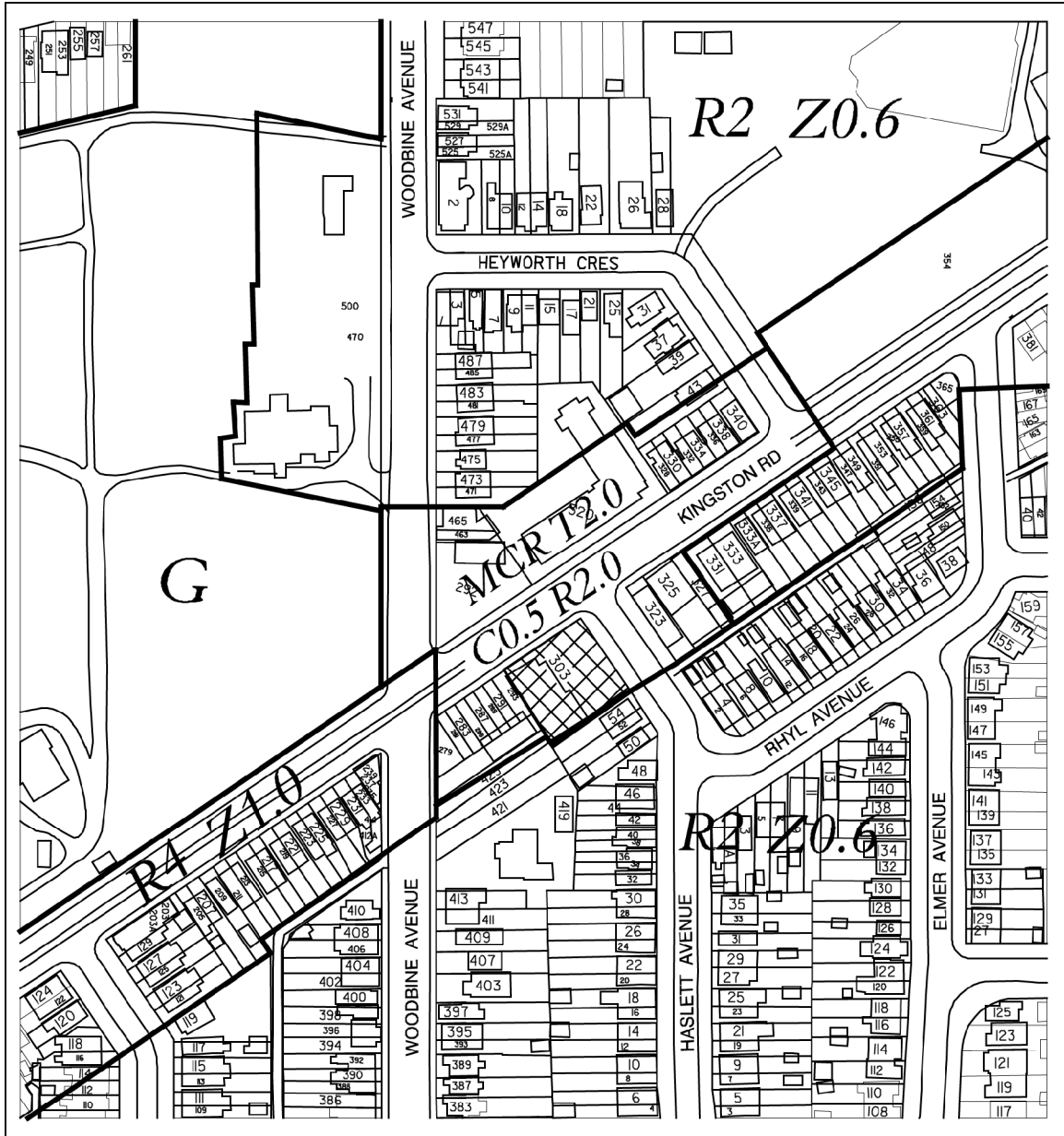
Applicant's Submitted Drawing

Not to Scale
05/09/2013

303 Kingston Road

File # 11_209219_02

Attachment 6: Zoning



303 Kingston Road
File # 11_209219_02

- G Parks District
- R2 Residential District
- R4 Residential District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 06/27/11

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	11 209219 STE 32 OZ
Details	Rezoning, Standard	Application Date:	June 2, 2011

Municipal Address: 303 KINGSTON RD
 Location Description: CON 1 FTB PT LOT 5 RP 66R22666 PART 1 **GRID S3209
 Project Description: Rezoning application to permit the development of the site for a new 6 storey residential building with 47 dwelling units, 5 commercial units and 2 levels of below grade parking containing 34 parking spaces.

Applicant:	Agent:	Architect:	Owner:
The Butler Group Consultants Inc		Quadrangle Architects Ltd.	303 KINGSTON LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MCR T2.0 C0.5 R2.0	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1082	Height:	Storeys:	6	
Frontage (m):	33.9		Metres:	20	
Depth (m):	31.4				
Total Ground Floor Area (sq. m):	702.2				Total
Total Residential GFA (sq. m):	3750		Parking Spaces:	34	
Total Non-Residential GFA (sq. m):	399.5		Loading Docks	1	
Total GFA (sq. m):	4142				
Lot Coverage Ratio (%):	65				
Floor Space Index:	3.8				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3750	0
Bachelor:	0	Retail GFA (sq. m):	399.5	0
1 Bedroom:	24	Office GFA (sq. m):	0	0
2 Bedroom:	23	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	47			

CONTACT: PLANNER NAME: Leontine Major, Senior Planner
TELEPHONE: (416) 397-4079

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-law No. 438-86, as amended, With respect to the lands municipally known as, 303 Kingston Rd

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2)(a), 4(3)(a), 4(6)(c), 4(10)(d), 4(12), 8(3)(Part 1) and 8(3)(Part II)(4c) of By-law 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed-use building* on the *lot* for:
 - (a) not more than 47 residential units;
 - (b) any uses permitted in an MCR district under Zoning By-law 438-86, as amended.

provided that:

- (1) the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (2) the *height* of any building or structure, as measured from the average grade along the frontage of the subject property or portion thereof, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;

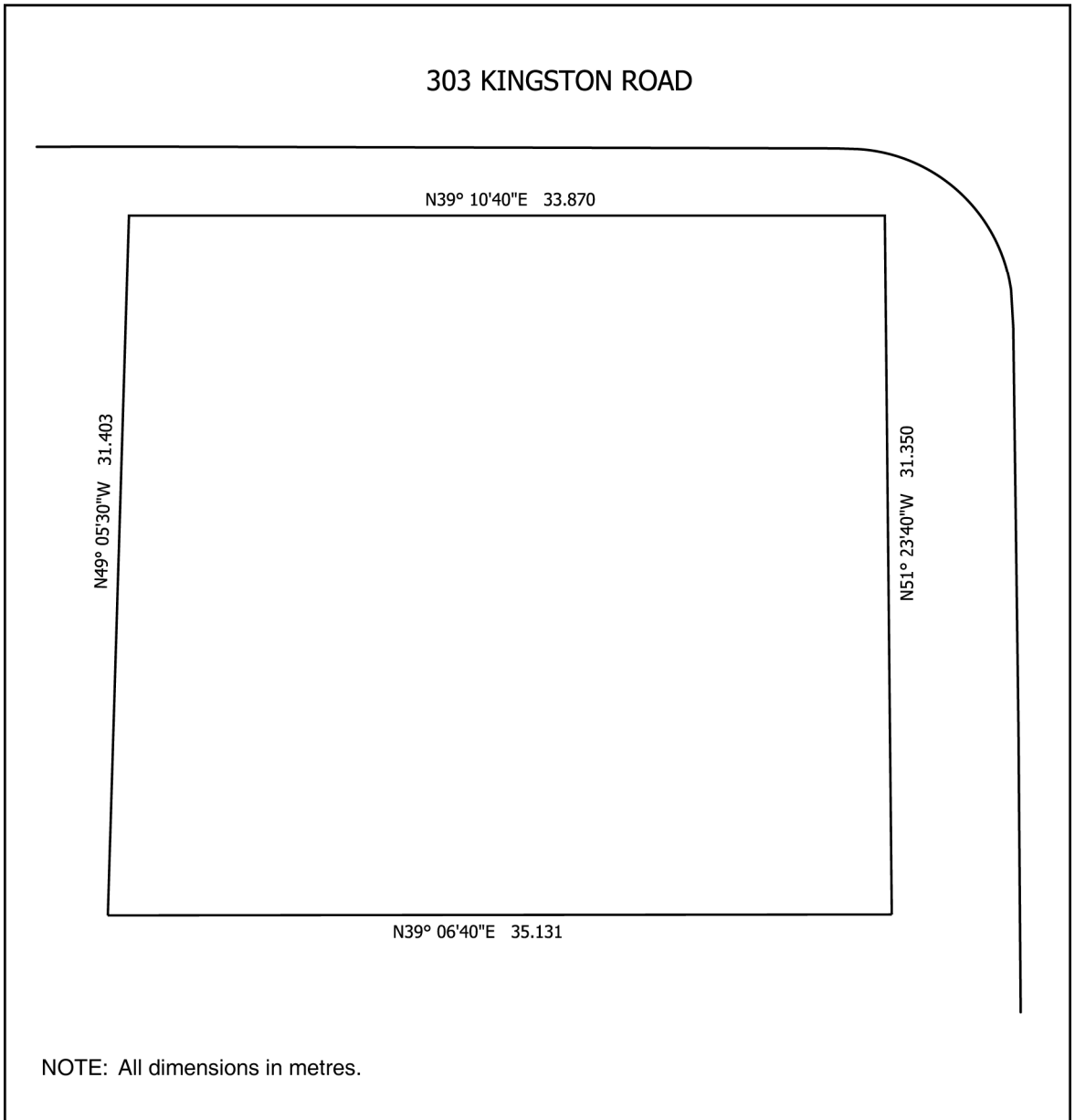
- (3) the *residential gross floor area* of the building erected on the *lot* does not exceed 3,750 square metres;
 - (4) *non-residential gross floor area* of the building erected on the *lot* does not exceed 400 square metres;
 - (5) a minimum of 28 square metres of *residential amenity space – indoor* is provided and maintained on the *lot*;
 - (6) a minimum of 34 *parking spaces* are provided and maintained on the *lot*; and
 - (7) a loading space with a height of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.7 metres is provided on the *lot*.
2. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
 3. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



303 KINGSTON ROAD

