

STAFF REPORT ACTION REQUIRED

10, 20 and 30 Dean Park Road Zoning Application – Final Report

Date:	May 11, 2007
То:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44 - Scarborough East
Reference Number:	05 140481 ESC 44 OZ

SUMMARY

An application has been submitted to permit an additional 182 dwelling units in the northwest part of the subject site. Most of the units will be in a 12 storey building and the remainder in existing retail space which would be converted.

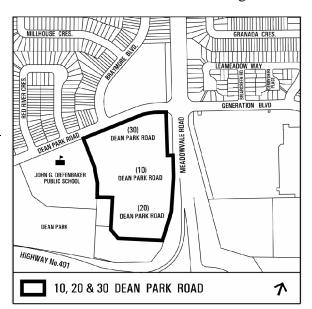
The proposed development meets the criteria for compatible infill development in Apartment Neighbourhoods as set out in the Toronto Plan. It replaces an unattractive and underutilized front yard parking area with a building which reinforces the streetscape. The proposed new apartment building will create limited late afternoon shadowing on the

lower floors of the northern wing of the building at 10 Dean Park. Most of the existing retail and service uses, considered an amenity by a substantial number of area residents, will be retained.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Council amend Zoning By-law 15907 for the Rouge Community substantially in accordance with the draft zoning by-law amendment attached as Attachment No.10;



- 2. Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required; and,
- 3. before introducing the necessary bill to Council for enactment, City Council require the owner to:
 - (a) enter into a financially secured agreement 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, to the satisfaction of the Executive Director of Technical Services; and,
 - (b) submit a site plan control application to the satisfaction of the Director of Community Planning, Scarborough District.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposal is to add 182 apartment units to an existing residential development which contains commercial uses at grade. Ninety-nine new units would be in a new 12 storey building with 73 units in a 3 storey podium. Ten additional residential units and recreation space for the exclusive use of the new residential condominium would be created by the conversion of part of the existing commercial space, which is located at the base of 10 Dean Park (Attachment 5: Commercial Floor Plan). The remaining commercial floorspace would be reconfigured into smaller retail units. Ultimately the commercial uses, the converted residential units and the new residential building would become a separate condominium corporation.

The resulting total number of residential units on the entire parcel would be 622 units. The total retail floorspace would be reduced to 1 500 square metres (16,000 square feet) from the existing 3 500 square metres (40,000 square feet).

Although development is proposed only for the northern part of the site, known as 30 Dean Park Road, the application asks for a rezoning of the entire original parcel, which includes two existing condominium apartment buildings at 10 and 20 Dean Park Road, built by the same developer. As explained in the zoning section of the report, this is due to the fact that the provisions of the zoning by-law apply collectively to these parcels.

Site and Surrounding Area

The zoning provisions apply to the original larger parcel of 4.36 hectares (10.7 acres), which is bounded by Dean Park Road, Meadowvale Road, the Highway 401 west-bound access ramp, a park and school. Two 12 storey condominium apartment buildings, built by the same builder in 1981-82, at 10 and 20 Dean Park Road, occupy the balance of the

parcel. The total number of existing condominium apartment units is 438, with 2 additional units for building superintendents.

The balance of the lands, 30 Dean Park Road, is still owned by the builder. It is 1.56 hectares (3.8 acres) in size. The retail, service and restaurant floorspace is 3 528 square metres (38,000 square feet) in size, which is not all occupied. The principal tenant, a supermarket, moved out in 1992. These uses are provided with 144 parking spaces.

The part of the site proposed for development has a slight fall from west to east. The principal concentrations of trees are in the landscaping along the eastern boundary and on a landscaped hill on the southwest corner of the 30 Dean Park property. There is a row of conifers along the common boundary with the school, primarily on the school property. There are smaller trees in the landscaped strip along Dean Park Road.

To the north, across Dean Park Road, are a 17 storey apartment building and two-storey townhouses. To the south is Dean Park. To the east, across Meadowvale Road, are three-storey townhouses. To the west is the John Diefenbaker Public Elementary School.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The subject application is consistent with both the PPS and in conformance with the Growth Plan for the Golden Horseshoe.

Official Plan

The site is designated Apartment Neighbourhoods, providing for apartment buildings, parks, local institutions and small-scale retail, service and office uses that serve a local market. Built-up Apartment Neighbourhoods are stable areas of the City where major growth is not anticipated. Compatible infill development may be permitted on some sites containing an existing apartment that has sufficient underutilized space to accommodate a new building(s) while providing good residential amenity and quality of life for new and existing residents.

Infill development should create a community benefit for existing residents on the site; should provide adequate space between the existing and proposed buildings to maintain adequate sunlight, sky views, privacy and areas of landscaped open space; should front on to and provide pedestrian entrances from an adjacent public street wherever possible; and preserve and/or replace important landscape features and walkways and create such features where they did not previously exist.

The proposed development conforms to the policies of the Toronto Official Plan.

Zoning

The site is zoned Apartment Residential (A) and Community Commercial (CC). The larger parcel, including the two existing apartment buildings, is zoned Apartment Residential. Apartments are permitted at a density of one unit per 99 m2 of lot area, or a total of 440 units.

The existing zoning provisions, with the exception of the permitted uses, apply collectively to the larger parcel, notwithstanding that it has been divided. An exception further limits the number of residential units to 434. Staff have not been able to determine the reason for the difference between this and the actual unit count of 440.

The maximum permitted building height is 12 storeys.

The minimum street yard setback required from Dean Park Road is 25 metres for Apartment or Community Commercial uses. The minimum required side and rear yard setbacks are 12 metres.

The minimum required parking standard is 1.4 spaces per residential unit and 3.22 spaces per 100 square metres of gross floor area of all other uses except recreational uses.

Existing provisions of the zoning by-law which will need amendment are the maximum ground floor area limit of 23% for all buildings, the requirement that 26% of the residential parking spaces be at grade, the minimum floor areas for each apartment unit type, and the requirement that recreation facilities be provided at a minimum of 9.6 square metres per unit.

Site Plan Control

The site is under site plan control. No application has been filed. Staff understand that the applicant is seeking instructions from the owner for the preparation of a site plan submission. Staff recommend that the draft zoning by-law for this application not be brought forward until a site plan application is submitted and is to the satisfaction of the Director of Community Planning, Scarborough District.

Tree Preservation

There are trees inside the west, north and east property boundary and scattered throughout the parking area. The only trees on or adjacent to the subject site which were identified by Urban Forestry to be of concern are a line of conifers on the adjacent school property, just west of the property line. Revision of the project by increasing the underground parking setback has reduced the potential impact on the existing trees. Final details will be adjusted at the site plan stage.

Reasons for Application

The proposed apartment development exceeds the maximum number of units permitted by the zoning by-law. It also requires relief from numerous other performance standards regulating the mix, minimum floor area and provision of balconies for apartment units; building setbacks and parking location.

Revisions to the Application Prior to Community Consultation

The project has been through a number of revisions subsequent to the preliminary report. At the request of the board of MTCC 624, which consists of the buildings at 10 and 20 Dean Park Road, the applicant modified the plans to delete all of the remaining retail elements of the project. Access to the existing and proposed condo buildings was routed through a common traffic control point.

Several major changes were made to the new apartment building. Its location was shifted westward, further from the nearest existing building; a second level of underground parking was added and the design of the building was modified to be more compatible with two existing condominium buildings. The condominium board met with the architect to discuss these revised plans prior to the community consultation meeting.

Community Consultation

A community consultation meeting was held on January 25, 2006, at Chief Dan George Elementary School. In attendance were the Ward Councillor, the owner and the project architect, staff and approximately 100 members of the public. The revised project, as noted above, was presented.

The president of MTCC 624 enumerated the concerns expressed by his board on the original scheme, ranging from traffic, parking, the fit of the new building with the existing buildings, privacy, property values, lack of deterrents to crime, protection of the condominium amenities from use by residents of the new building, and assurance that the new building would also be a condominium. Other concerns related more specifically to the interface between the condo and Lebovic properties, i.e. separating the electrical metering and gas service upgrading the garbage storage and loading, and improvement of the interface between the properties.

The condo president indicated that the Board understood the need for infill development, and felt the new project would improve the area and enhance the condo's property values.

A number of residents said that the commercial uses, particularly the pharmacy, coffee shop, convenience store and dry cleaners provided an important service to seniors who did not drive.

Several residents questioned the proximity of the new building. Staff asked the architect to prepare a sun-shadow study. Other issues raised were the perceived over-concentration of apartment buildings in the area, parking and traffic at the Dean Park-Meadowvale intersection.

In the six months following the community meeting, written comments were received from 21 persons, 19 being residents of 10 and 20 Dean Park, the great majority expressing a desire to have the stores remain. Some residents wished the retail to remain but be excluded from certain locations in order to reduce its impact on the residential.

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

Density

The proposed density and height of the project did not emerge as a significant issue during the community consultation and other meetings on this project. It was generally accepted as an acceptable infill project of a scale equal to or smaller than the apartment buildings in its immediate vicinity.

The proposed development complies with the infill provisions of the Official Plan and the land use and density provisions of the former Scarborough Official Plan.

Sun-Shadow Study

A meeting of the condominium board and approximately 50 residents was held on April 25, 2006, attended by staff and the project architect to present the sun-shade study. It was explained that, while there would be some shadowing on the lower floors of 10 Dean Park in the late afternoon, calculated for the sun's position on March/September 21, it would affect few units for an appreciable time.

Staff acknowledged that the methodology of the study was correct and that its conclusions were acceptable. This opinion appeared to be generally accepted by those in attendance.

Retail/Service Uses

As a result of the support for the retail and service uses shown at the community consultation meeting, the project architect prepared a revised plan for these uses,

removing them from the western part of the building and concentrating them in the eastern-most part, with the addition of parking spaces where there is now a wide sidewalk. (Attachment 5: Commercial Floor Plan). An earlier version of this plan was displayed in the empty IGA storefront window in March. All persons who had expressed an interest in the issue were invited to view the plan. Staff also met with condominium board and with business operators to explain the plan.

The latter part of the April 25 meeting focused on a discussion of the retail uses and the driveway which serves as the sole vehicular access to 10 and 20 Dean Park apartment buildings. Two businesses were singled out as being particular problems, the Mac's convenience store because of its 24 hour operation and the dry cleaners because of noise and the industrial character of its operation.

Further meetings with the Councillor and her staff, the condo board, the owner, the project architect and planning staff followed in the next few months, leading to a meeting on September 6, 2006, at which time agreement was reached on almost all of the condo board's remaining concerns. Those which affect the zoning application are as follows:

The retail/service/restaurant area is to be reduced to 1 500 square metres (16,000 square feet) in area, and concentrated at the east end of the existing building.

Over twenty additional parking spaces are to be provided, abutting the commercial area on the north side.

The convenience store and the dry cleaner are not to be located on the driveway.

Staff support these changes to the plan, which will be secured in part in the draft zoning by-law and in part in the future site plan. Other concerns, such as maintenance and security, will be addressed through private agreements with MTCC 624.

Streetscape

The proposal provides an opportunity to define and enhance the streetscape on Dean Park Road by aligning part of the new building along it and upgrading the landscaping. This is well illustrated by the perspective plan (Attachment 4). The design complies with the urban design policies of the Official Plan. Staff will seek to ensure the positive streetscape elements are retained in the site plan submission.

Driveway Access to 10 and 20 Dean Park

At the April 25, 2006, meeting with the condo residents, numerous residents stated that there was a continuing problem with parked cars blocking the shared driveway. The driveway, which is the only vehicular access to the condo, is in a right of way over the retail property. Passage is often obstructed by drivers stopping on the roadway to patronize the stores fronting the driveway.

After lengthy discussions with staff and with the Councillor, it was proposed that the access driveway will be widened to 7.5 m (25 feet) and slightly realigned from its present

location. Access from the driveway to the stores abutting it will be discouraged by placing a metal barrier along the edge of the driveway. The driveway is to be signed to prohibit stopping and the condo parking area is to have increased signage, to enable the ticketing of illegally parked cars.

The Ward Councillor's office advised staff that the condo board was now in agreement with the revised driveway fence and alignment. Staff are in support of this feature, which is indicated on Attachment 1: Site Plan.

Zoning Provisions

Staff recommend updating of some provisions of the zoning by-law to reflect as-built conditions, particularly the existing surface parking requirement and the recreation facilities standard. The 6 additional units in the existing buildings would be permitted. The apartments in the new building would have a somewhat smaller size than currently required by the bylaw. It is recommended that the minimum size requirement be deleted rather than a separate standard be put in place for the new building. The owner has also requested that banks be added as a permitted use.

The proposed zoning amendment would create a single zoning boundary for the larger site, as opposed to the present two zones, in order to avoid possible problems for the future building permit review. The commercial uses will be restricted to the part of the site where they are now permitted and the dry cleaner and convenience store will be further restricted to locations which minimizes their impact on the existing apartments and on the access driveway.

Private School

In the summer of 2006 the Three Fishes Christian Elementary School moved into the former IGA space on a month to month basis. At the time of writing this report, the school operator did not know whether this location would continue to be temporary. Buildings and Planning staff have advised the operator to apply for a time-limited variance, tied to the lease, to obtain relief from the zoning bylaw which does not now permit a school. No application has been made, but the project architect has approached staff with a possible off-site location for the school. There have been no concerns expressed about the operation of the school.

Transportation and Servicing Improvements

Staff review of the Traffic and Parking Study submitted in support of the application has concluded that the additional traffic resulting from this development may require roadway improvements, including pavement marking, hardware modifications and signal timing may be needed to the Dean Park/Meadowvale intersection.

Similarly, review of the Functional Servicing and Stormwater Management Report has indicated that the development may result in the need to upgrade municipal infrastructure. It is recommended that the zoning bill not be enacted until these improvements are financially secured.

Green Development Standard

City Council approved a set of recommendations that work towards the implementation of the Toronto Green Development Standard. The use of the term 'Green' is intended to be associated with the concept of 'sustainability' or 'sustainable development'. Staff will be working with the applicant to achieve 'green' objectives as part of the site plan review.

Conclusion

The proposed addition of a 12 storey apartment building complies with the Built Form policies of the Toronto Plan by making appropriate use of an under-utilized part of the site, respecting the height and form of the existing buildings, minimizing the shadowing of these existing buildings and better defining the street edge along Dean Park Road. The project retains many of the existing retail and service uses on site, which were identified through meetings in the community as being an important amenity for some of the existing older residents.

The rezoning application has the support of the condominium corporation MTCC 624 at 10 and 20 Dean Park Road. Remaining issues are small in scope and can be dealt with as part of the site plan review and through agreements with the landowner.

Staff support this infill apartment development and recommend its approval to Council.

CONTACT

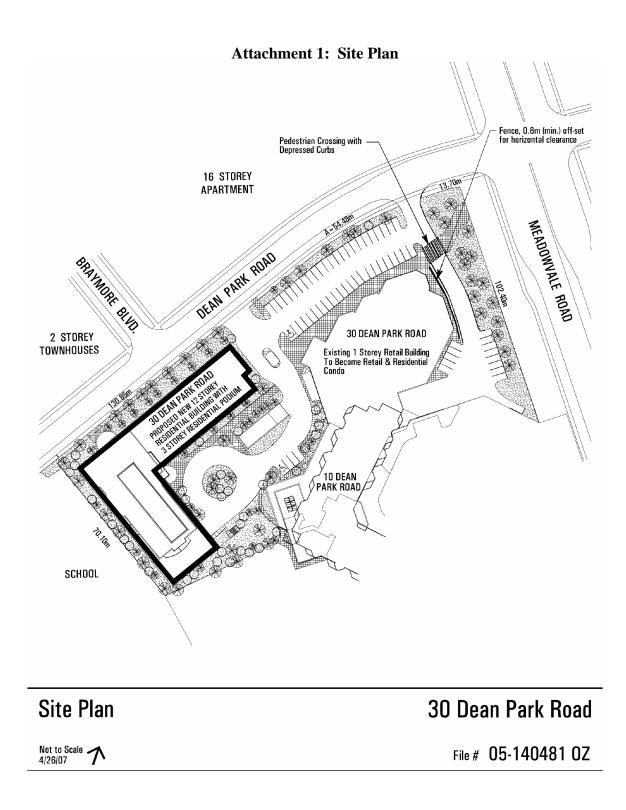
David Beasley, Principal Planner Tel. No. 416-396-7026 Fax No. 416-396-4265 E-mail: dbeasle@toronto.ca

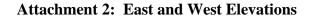
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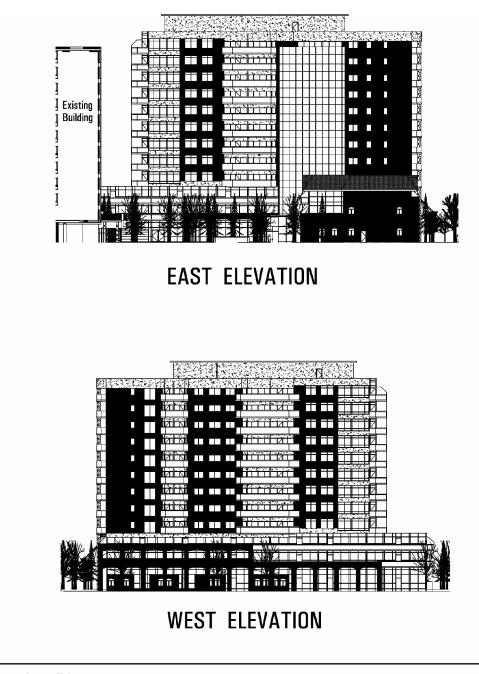
Allen Appleby, Director Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan Attachment 2: East and West Elevations Attachment 3: North and South Elevations Attachment 4: Perspective Attachment 5: Commercial Floor Plan Attachment 6: Zoning Attachment 7: Official Plan Attachment 8: Letter from Metropolitan Toronto Condominium Corp. No. 624 Attachment 9: Application Data Sheet Attachment 10:Draft Zoning By-law





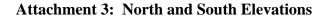


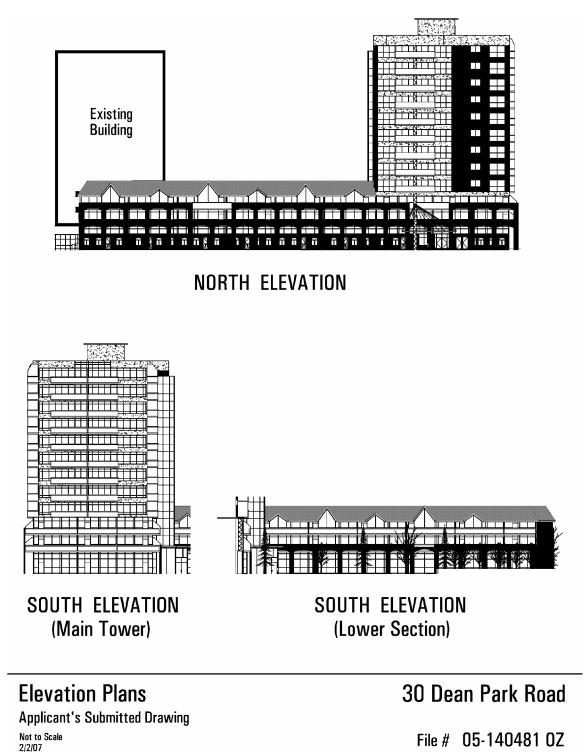
Elevation Plans

Applicant's Submitted Drawing

Not to Scale 2/2/07 30 Dean Park Road

File # 05-140481 0Z





Attachment 4: Perspective



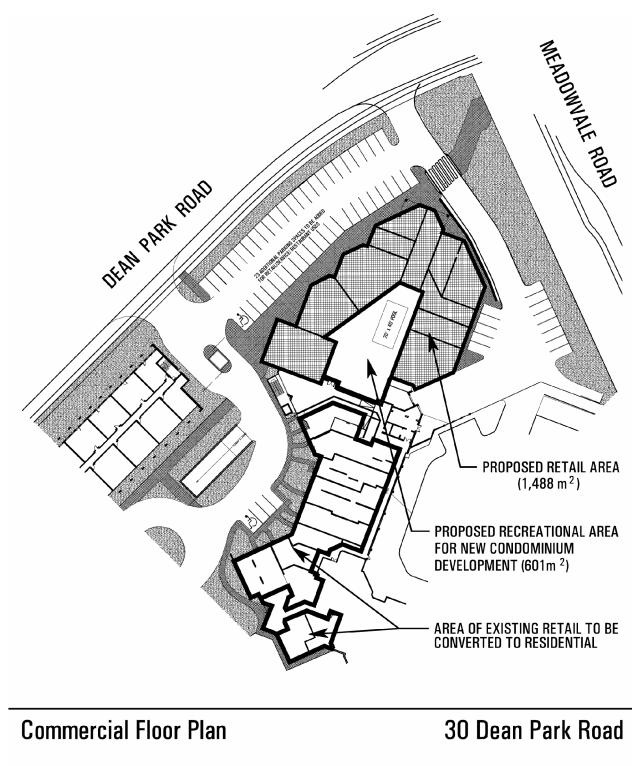
Perpsective Plan (View from Northeast)

Applicant's Submitted Drawing

Not to Scale 1/17/07 30 Dean Park Road

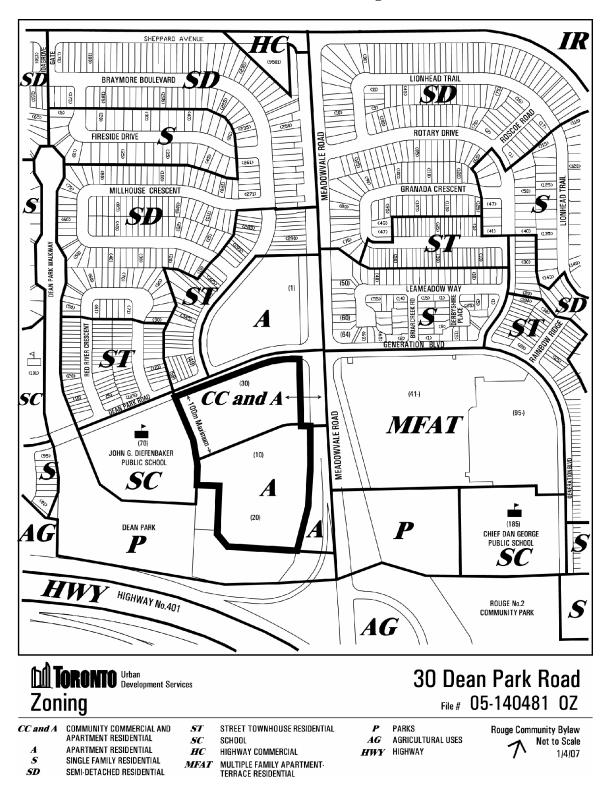
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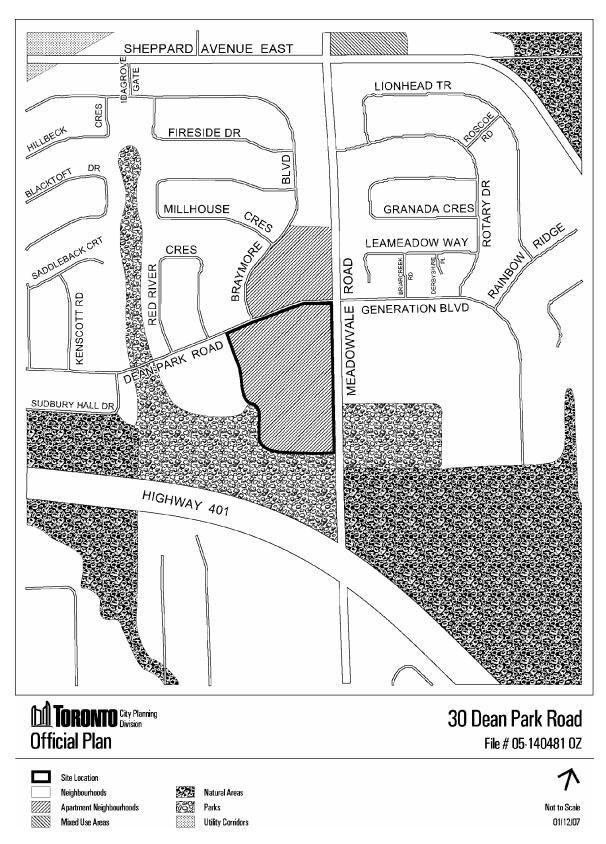




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Attachment 6: Zoning





Attachment 7: Official Plan

Attachment 8: Letter from Metropolitan Toronto Condominium Corp. No. 624

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PAGE 02

Metropolitan Toronto Condominium Corp. No. 624

10 DEAN PARK ROAD, SCARBOROUGH, ONTARIO MIB3G8 . TEL. 283-4685 . FAX 283-4663

October 24, 2006

David Beasley, Principal Planner City Planning Division Scarborough District

Re: Zoning Application No: 05 140481 ESC 44 OZ

With reference to your letter of October 13, 2006, please be advised that the Board of Directors of MTCC 624 approves of the above mentioned zoning application for 30 Dean Park Road. Note, we are approving only the zoning application at this time.

There are several issues in my letter of August 7, 2006 relating to the site plan that have yet to be resolved. The major issue is that of the driveway. Our approval of the site plan is contingent upon approval of a fence along the driveway as previously discussed and photos we submitted. The Board has rejected the installation of planters and is seeking assurance that the driveway problem will be resolved to our satisfaction.

In addition the following was omitted from previous correspondence: Improved lighting on the driveway especially at the entrance from Dean Park Road is required. At night the entrance is barely visible.

Thank you for your attention to these matters.

Yours truly

Mervyn Ungar President/Treasurer MTCC 624

Attachment 9: Application Data Sheet

Application Type Details	·· ·· ·		•			Application Number: Application Date:		05 1404 June 8,	481 ESC 44 OZ 2005		
Municipal Addre Location Descrip Project Description	tion:	30 DEAN PARK RD, Toronto ON PL M1657 BLK F **GRID E4401 To add 182 apartment units to existing residential/commercial development. Retail/service/restaurant floorspace would be reduced to 1500 sq.m. from existing 3528 sq.m.									
Applicant:		Agent:	t: A		Architect:	Architect:			Owner:		
KEVIN MANUE ARCHITECT LI KEVIN MANUE							LEBOVIC ENTERPRISES INC.				
PLANNING CC	NTROLS										
Official Plan Designation: Zoning:		Apartment Neighbourhoods A-Apartment & CC- Community Commercial		Site Specific Provision: Historical Status:							
Height Limit (m):		Community Commercial			Site Plan	Site Plan Control Area:					
PROJECT INF	ORMATIO	N									
Site Area (sq. m)	:		1556	1	Height:	Storeys	: 12	2			
Frontage (m):		102.4			Metres:	39	9.2				
Depth (m):		199.12									
Total Ground Flo	ı. m): 2905.188						Tot	al			
Total Residential	n): 16225		5		Parking	Spaces:	259				
Total Non-Residential GFA		(sq. m):	1500			Loading	g Docks	1			
Total GFA (sq. m):			18515								
Lot Coverage Ratio (%):			18.67								
Floor Space Index:			1.19								
DWELLING UN	NITS			FLOOR A	REA BREA	AKDOWN	N (upon p	roject c	ompletion)		
Tenure Type: Co		Condo				Above Grade		Below Grade			
Rooms: 0		0	Residential GFA (sq. m):):	16225		0		
Bachelor: 0		0	Retail GFA (sq.			ı. m): 1			0		
1 Bedroom:	1 Bedroom: 127		Office GFA (sq. m)		(sq. m):	0			0		
2 Bedroom:		55		Industrial GI			0		0		
3 + Bedroom: 0				Other GFA (sq. m): 0		0		0			
Total Units:		182									
CONTACT:	PLANNE TELEPH		E:	David Beasle (416) 396-702	-	al Planner					

Attachment 10: Draft Zoning By-law

Authority: Scarborough Community Council Report No. ~, Clause No. ~, as adopted by City of Toronto Council on ~, 2007 Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

To amend the Rouge Community Zoning By-law No. 15907, as amended, With respect to the lands municipally known as 10, 20 and 30 Dean Park Road

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. SCHEDULE 'A' is amended with respect to the land outlined on Schedule '1'so that the amended zoning reads as follows:

A and CC - 73 - 137 - 232 - 338 - 402 - 406 - 427 - 474 - 475 - 476 - 477-478

2. SCHEDULE 'B', Performance Standard Chart, is amended by the addition of Performance Standards Numbers 73, 137, 232, 338, 474, 475, 476, 477 and 478 as follows:

INTENSITY OF USE

73. The total number of **dwelling units** shall not exceed 622.

MAIN WALL SETBACKS FROM STREETS

137. Minimum building **setback** shall be 6 m from the street line of Dean Park Road and 20 m from the east property line.

MAIN WALL SETBACKS FROM SIDE AND/OR REAR LOT LINES

232. Minimum building **setback** shall be 4 m from the west property line, abutting the public elementary school at 70 Dean Park Road.

FLOOR AREAS, GROUND FLOOR AREAS, DWELLING UNIT COMPOSITIONS

338. Ground floor area of all buildings shall not exceed 25% of the area of the lot.

MISCELLANEOUS

- 474. Minimum 30.7 % of the **lot** area to be used for **landscaping** only.
- 475. Maximum building **height** 12 **storeys**, excluding **utility room**, elevator room, enclosed roof access stairs and basements.
- 476. Parking for Apartment Uses shall be provided on the basis of a minimum of 1.4 spaces per **dwelling unit.**
- 477. Recreational facilities shall be provided on the basis of 1.5 m^2 per **dwelling unit**.
- 478. The provisions of this by-law shall apply collectively to the lands within this zoning boundary, notwithstanding their future division.
- **3. SCHEDULE 'C', Exceptions List,** is amended by deleting from Exception Number 8 sections (a), (b) and (c) and substituting the following:
 - (a) The following Community Commercial Uses, to a maximum **gross** floor area of 1 500 m^2 shall be permitted and all other uses as defined in Clause VIII, Section 8 are deleted.
 - Business and Professional Offices
 - Day Nurseries
 - Marketplace Signs
 - Recreational Facilities
 - Retail Stores
 - Restaurants
 - Beauty Parlour
 - Dry Cleaner, to a maximum of 210 m^2 of gross floor area
 - Banks

(b) All Community Commercial Uses shall be located within 100 m of the Dean Park Road street line.

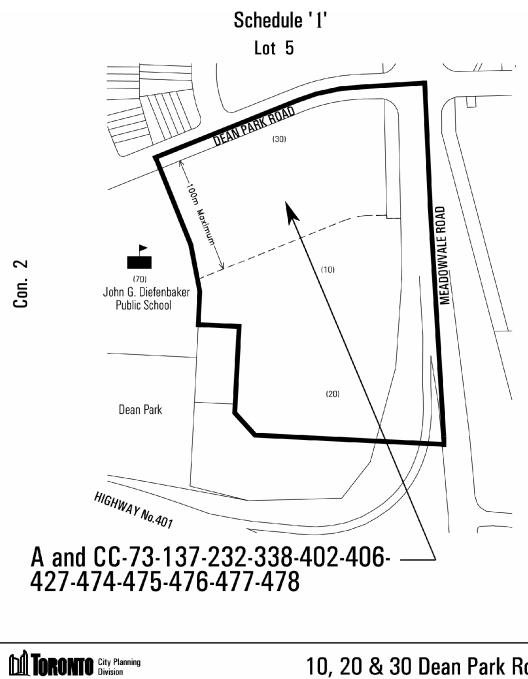
(c) The Dry Cleaner shall be located a minimum of 45 m from the Dean Park Road street line, and between 27 and 55 m from the east property line.

(d) No convenience retail store shall be located within 27 m of the east property line.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER, Mayor ULLI S. WATKISS, City Clerk

(Corporate Seal)



Zoning By-Law Amendment

Area Affected By This By-Law

10, 20 & 30 Dean Park Road File # 05-140481 0Z

Rouge Community Bylaw Not to Scale 5/10/07