

East side of Port Union Road / Duthie Street / Cherry Street - Zoning Application - Preliminary Report

Date:	August 23, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 44 – Scarborough East
Reference Number:	File No. 07 217745 ESC 44 OZ

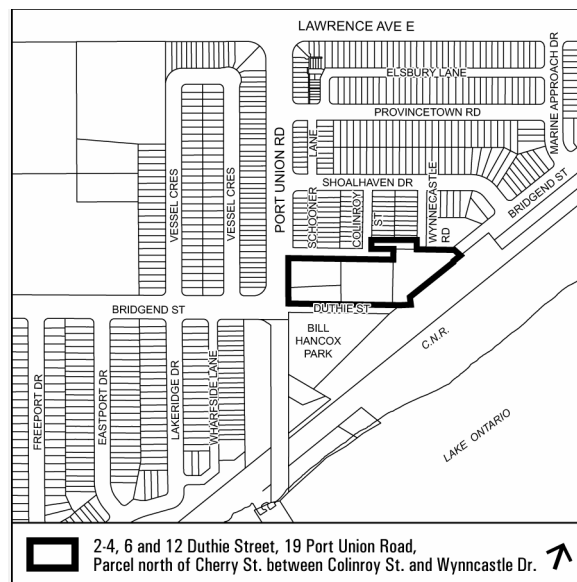
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to rezone the lands from Heavy Industrial, Apartment Residential, Multiple-Family Residential and Major Open Spaces to a suitable residential category to permit the development of a 108-unit stacked townhouse development at 19 Port Union Road, 2 - 4, 6 and 12 Duthie Street and the lands located north of the unopened Cherry Street road allowance at the south end of Colinroy Street and Wynncastle Road.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

This application should proceed through the standard planning review process. As part of the review of this application a noise and vibration study, and landscape plans are required. The application will be presented to the community at a community consultation meeting to be held after Planning staff has had an opportunity to consult with Real Estate, Legal Services



and Transportation Services staff with regards to the City land ownership and implications for the subject application. The application will then be brought forward to a public meeting in accordance with the Planning Act.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor following Planning staff consultation with Real Estate, Legal and Transportation Services staff regarding the extent of City land ownership.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The prior owners of 12 Duthie Street, which forms part of this application, claimed to have acquired ownership, through adverse possession, of the City-owned land forming part of Cherry Street (unbuilt) and the lane (unbuilt) extending south-westerly from the east end of Cherry Street to Duthie Street (the “Disputed Land”). In 2003, the owners of 12 Duthie Street submitted an Application for First Registration under the Land Titles Act to request that they be certified as the owners of the Disputed Land. At its meeting held on September 22, 23, 24 and 25, 2003, City Council directed the City Solicitor to object to the Application for First Registration and to take all steps necessary to assert the City’s ownership claim to the Disputed Land.

The issue of ownership of the Disputed Land remains outstanding and is discussed further in the Comments section of this report.

ISSUE BACKGROUND

Background

The subject lands were previously the subject of a combined official plan amendment and rezoning application, (File No. TF CMB 2002 0006) and related site plan control application (File No. TF SPC 2002 0046) by Intracorp Holdings Ltd. These files proposed the development of 49 townhouse units, along with the extension of adjacent streets, Schooner Lane, Colinroy Street and Wynnecastle Road south to Duthie Street, the closure and conveyance of the Cherry Street road allowance and the widening of the Duthie Street right of way from 10 metres (30 feet) to 18.5 metres (61 feet). A

preliminary report for this proposal was prepared in June 2002. These applications did not proceed to the final approval stage. The property ownership has transferred to Eden Oak (Cherry Street) Inc.

Proposal

The lands subject to this application are comprised of two parcels. The first parcel (Parcel “A” shown on Attachment 1) is 9,262 square metres (2.3 acres) in area, including the Disputed Land, and is owned by Eden Oak (Cherry Street) Inc., with the ownership of the Disputed Lands still being an issue. The second parcel is situated immediately to the north (Parcel “B” shown on Attachment 1), is currently owned by the City of Toronto, and is 422 square metres (4,542.5 square feet) in area.

Eden Oak proposes to develop 108 stacked townhouse residential units in five blocks of 3 to 4 storey buildings having a total gross floor area of approximately 9,017 square metres (97,000 square feet), along with a two-level parking structure containing 60 parking spaces, and 14 surface visitor parking spaces on the abutting Parcel “B”. The net density on Parcel “A” would be 1.33 times the lot area. The dwelling units are intended to be condominium tenure. Vehicular access to the site is proposed at two locations, the primary access would be located at the east side of the property, off an extension of Duthie Street, and the secondary access would be off Cherry Street, at the south end of Colinroy Street. A 6 metre wide private driveway would run through the centre of the site, and create a “T” intersection behind the units fronting onto Port Union Road. Open surface parking spaces and attached garages area also proposed, resulting in an overall total of 124 parking spaces, including 16 visitor spaces. Refer to Attachment 1 - Proposed Site Plan and Attachment 3 – Elevations - Parking Structure.

The individual units are proposed to be configured such that four units would be stacked upon one another. Unit 1 would be accessed from the private driveway and occupies the entire lower level with windows facing out on both ends of the building. Unit 2 would also be accessed from the private driveway with an internal stairway leading up one floor, and occupies the entire floor. Units 3 and 4 would both be accessed from either Port Union Road, the future extensions of Duthie Street, Cherry Street or the sodded area east of Schooner Lane, and would lead up one floor and occupy either the front or back half of the second and third levels looking out to either the private driveway or the public street, respectively. Each unit would have either a private balcony or yard. Due to the proposed grading of the site, the elevations of the units facing the private driveway would be 4 storeys, whereas from the adjacent streets the units would appear to be 3 ½ storeys in height. The proposed height of the buildings is 12.8 metres (42 feet). Refer to Attachment 2 - Elevations.

The proposed unit count includes 17 one-bedroom units, having an average size of 57 square metres (614 square feet), 34 two-bedroom plus den units, having an average size of 86 square metres (926 square feet), and 20 three-bedroom units, having an average size of 93 square metres (1,000 square feet). Refer to Attachment 6, Application Data Sheet, for relevant project statistics.

The proposal also includes the construction of Duthie Street with a proposed right-of-way width of 18.5 metres (60 feet) across the south frontage of the subject site, and a continuation of this street to wrap around the eastern edge of the site to connect with a proposed extension of Cherry Street. The applicant proposes to construct portions of the Cherry Street road allowance, from Colinroy Street eastward to connect with the proposed Duthie Street extension, with a 12.2 metre (40 foot) right-of-way. The portion of the Cherry Street road allowance located between Schooner Lane and Colinroy Street is proposed to remain unbuilt. A landscape plan has not yet been submitted to identify proposed treatment of these lands.

Site and Surrounding Area

Parcel “A” of the subject property is irregular in shape, and is approximately 9,260 square metres in area. It has approximately 52 metres (170 feet) of frontage on Port Union Road and a lot depth of approximately 187 metres (614 feet). The property is flanked on the north side by a partially built portion of Cherry Street which extends to just east of Schooner Lane, and an unbuilt portion of the Cherry Street road allowance extending east of Schooner Lane. The property is flanked on the south side by the unbuilt Duthie Street road allowance. The subject property slopes gently from west to east, with the low point in the centre of the site. It is currently vacant and contains small clusters of trees.

Parcel “B” is approximately 420 square metres (4,520 square feet) in area, is rectangular in shape, and is generally flat in topography. This land is currently being used as a road connection between Colinroy Street and Wynnecastle Road.

Abutting land uses include the following:

- North: 3-storey residential townhouses fronting onto Port Union Road, and 2-storey residential townhouses fronting Schooner Lane, Colinroy Street and Wynnecastle Road.
- East: Village Common community park including a berm and walkway separating the site from the CNR tracks and Lake Ontario.
- West: 2-storey residential townhouses fronting onto Port Union Road.
- South: Village Common community park, CNR tracks and Lake Ontario.

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 subject lands are designated Neighbourhoods in the Toronto Official Plan on Map 23 – Land Use Plan. These areas are physically stable areas providing for a variety of lower scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally “fit” the existing physical character.

Development criteria policies are outlined in Section 4.1.5 – Neighbourhoods. These policies state that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular: size and configuration of lots; setbacks of buildings from the street or streets; prevailing patterns of rear and side yard setbacks and landscaped open space; and continuation of special landscape or built form features that contribute to the unique physical character of a neighbourhood. No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

Natural Environment policies of the plan in Section 3.4, in particular Policy 21, address the need for sensitive land uses, such as residences, to be appropriately designed, buffered and/or separated from major facilities such as transportation/rail infrastructure to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote safety. To assist in identifying impacts and mitigative measures, the proponent may be required to prepare studies established for this purpose.

The property is also part of the Port Union Village Community Secondary Plan. The Secondary Plan includes general policies relating to Land Use, Urban Design, Natural Environment, Public Space Phasing and the use of Holding (H) Provisions. Specific Urban Design Guidelines exist for this community. A portion of the lands are subject to Policy No. 4, which stipulates that site plan control will apply to the lands.

The Urban Structure Plan, which forms part of the Secondary Plan, identifies the maximum number of storeys permitted for the lands within the Secondary Plan area (in this case a maximum of 4 storeys is permitted). This plan also illustrates a proposed road connection from Port Union Road eastward approximately at the south boundary of the subject site parallel to and north of the Village Common to form a connection to East Avenue. Refer to Attachment 5 – Urban Structure Plan, Port Union Village Secondary

Plan. This connection is also outlined in Schedule “2” of the Official Plan – The Designation of Planned but Unbuilt Roads, which identifies Bridgend Street (which would include Duthie Street) from Port Union Road to Lawrence Avenue.

Within the Secondary Plan the Land Use policies relate to such matters as the contribution of the development of lands within the area towards the pedestrian oriented theme of development, and the high quality of urban design required for this area. The Urban Design policies seek to ensure that, among other things, development results in a recognizably distinct community, having the flavour of a water-related village with siting, scale and detailing of buildings and open spaces to achieve this purpose. Natural Environment policies address such matters as ensuring that development is in conformity with the Centennial Creek Subwatershed Plan, Stormwater Management Plans and the Shoreline Management Plan; and that former industrial properties are decommissioned and cleaned up prior to development occurring. Public Space Phasing policies direct the methods by which efforts to secure the land and facilities for the community parks, trail system and redevelopment of the waterfront will be made. Holding Provision policies outline the purposes for which a Holding provision may be used in the zoning by-law for this area.

Zoning

The majority of the subject lands (Parcel “A”) are zoned Heavy Industrial (H. IND) Zone in the West Rouge Community Zoning By-law No. 1978. A small portion of the easternmost edge of the lands are zoned Major Open Space (O) in the Centennial Community Zoning By-law No. 12077. The lands which comprise Parcel “B” are zoned Apartment Residential (A) (H) Zone, and Multiple-Family (M) (H) Zone.

Site Plan Control

A site plan control application has not yet been submitted. Presently only the west portion of the subject site is subject to the site plan control by-law. An amendment to the site plan control by-law will be required to expand this area to cover the entire site.

Tree Preservation

An arborist report, tree inventory and preservation plan has been submitted in support of this application and is currently being reviewed by staff.

Pre-Application Discussions

At the request of the applicant, City Planning staff met with the proponents regarding their proposed development concepts in August 2005 and December 2006. Several variations of the development scheme of stacked townhouses was presented at those meetings, but the formal application considered in this Preliminary Report differs from the concepts shown at the pre-application meetings. Notwithstanding, the December 2006 concept showed the same building type, and similar site layout. That design, however, included the extension of Cherry Street along the entire length of the property, with on-street parking spaces, and the siting of the parking structure further east on the site. City Planning staff raised a number of concerns pertaining to the proposed

development including, among others, the intensity of the development, site layout and housing form, the parking structure, the lack of view corridors, the need for a more substantive street presence at the corner of Duthie Street and Port Union Road, and the relationship to the existing streets to the north. The issue of the disputed lands was also raised.

Reasons for the Application

The purpose of this application is to rezone the lands from Heavy Industrial (H. IND), Major Open Space (O) Zone, Apartment Residential (A) Zone with a Holding (H) provision, and Multiple-Family Residential (M) Zone with a Holding (H) provision to an appropriate category to enable the development of the proposed stacked townhouse development, and the establishment of specific performance standards to appropriately regulate the proposed use.

COMMENTS

Issues to be Resolved

The proposal raises a number of issues and concerns. Prior to presenting a final report to Community Council the following issues must be addressed:

Land Ownership

The Disputed Land (portions of the unbuilt part of Cherry Street and the lane) forms part of the subject application. As directed by City Council, the City Solicitor filed an objection to the 12 Duthie Street owners' Application for First Registration under the Land Titles Act. As a result, the 12 Duthie Street owners were not certified as owners of the Disputed Land. The ownership of the Disputed Land will have to be resolved in order for this application to proceed.

With regard to the future use of the City lands referenced on the Site Plan drawing as Parcel "B", which are now being used as a connecting road between Colinroy Street and Wynecastle Road, the subdivision agreement for the lands to the north of the subject site, which includes Parcel "B", includes clauses regarding the conveyance of these lands to the City for temporary road purposes. Once the City determines that the temporary 10.5 m wide access road is no longer required, the lands are to be reconveyed to the Owner. No City Council decision regarding such reconveyance has been made to date. The Owner at the time the agreement was made was Intracorp Developments (Rouge Hill) Ltd.

The applicant will need authorization from the City for the rezoning application for the portions of lands owned by the City.

Planning staff will consult with Real Estate, Legal and Transportation Services staff with regard to these issues prior to proceeding with a community consultation meeting on the rezoning application.

Land Use

- suitability of the proposed development, including overall design and layout, compatibility of development with the surrounding neighbourhood context, density, amenity areas, unit type and sizes;
- appropriateness of the proposed use of the adjacent City lands for visitor parking (illustrated as Parcel “B” on site plan drawing – Attachment 1) on the north side of Cherry Street at Colinroy Street and Wynnecastle Road;
- site remediation relating to past uses of the site. The applicant has submitted Environmental Investigation reports prepared in February 2000 for the subject lands;
- due to the proximity of the CNR tracks to the south of the subject site, a noise and vibration study will be required as part of the review of this rezoning application.

Urban Design

- the prominence of this site in the heart of the Port Union Village requires a high quality of urban design. The site should enhance and contribute in a positive way to the existing neighbourhood and the public realm and should be consistent with the Urban Design Guidelines established for the Port Union Village Community;
- arrangement and layout of the proposed townhouse blocks as they relate to existing vistas to Lake Ontario;
- pedestrian access and continuity of sidewalk connections from the existing neighbourhood to the north through the site to the adjacent lakefront park;
- enhanced and improved corner treatment at Duthie Street and Port Union Road;
- landscape plans are required as part of the review of this rezoning application to identify proposed landscaping improvements and tree preservation;

Roads

- the applicability of Development Infrastructure Policy and Standards (DIPS) as it relates to the proposed private road, pavement widths for all streets and pedestrian features. The Official Plan also encourages public streets rather than private streets;
- the appropriateness of the street alignment and connections of the proposed public streets with existing public streets within the area, including, but not limited to, the designation of Bridgend Street within Schedule “2” of the Official Plan as a planned but unbuilt road to connect from Port Union Road to Lawrence Avenue, and as identified in the Urban Structure Map of the Port Union Village

Community Secondary Plan. If the proposed development precludes the road connection, then an amendment to the Official Plan will be required;

- road widening requirements for public streets, and consideration for on-street parking, including the north-east corner of Duthie Street and Port Union Road adjacent to the round-about at the base of Port Union Road;
- the appropriateness of the proposed one-storey parking structure and the proposed vehicular access to the parking structure via neighbouring streets (Schooner Lane, Colinroy Street, and Wynnecastle Road);
- the accessibility of the proposed parking spaces and driveways;
- parking supply and traffic generation. A Transportation Assessment has been submitted in support of this application and is currently being reviewed by staff.

Servicing

- garbage collection and loading;
- site grading and stormwater management. A stormwater management report has been submitted in support of this application and is currently being reviewed by staff.

Community Input

Since the notice of application sign was posted on the property Planning staff has received several telephone calls from area residents expressing concerns in regard to a number of aspects of the development. These concerns include the form of development, the potential for loss of existing lake views, tenure of the units, the need for additional parking in the area, existing on-street parking issues, protection of trees and provision of green space within the development. A community consultation meeting is recommended and will afford an opportunity for the residents to hear about the proposal and offer their comments.

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Development Standard, adopted by City Council in July 2006.

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

CONTACT

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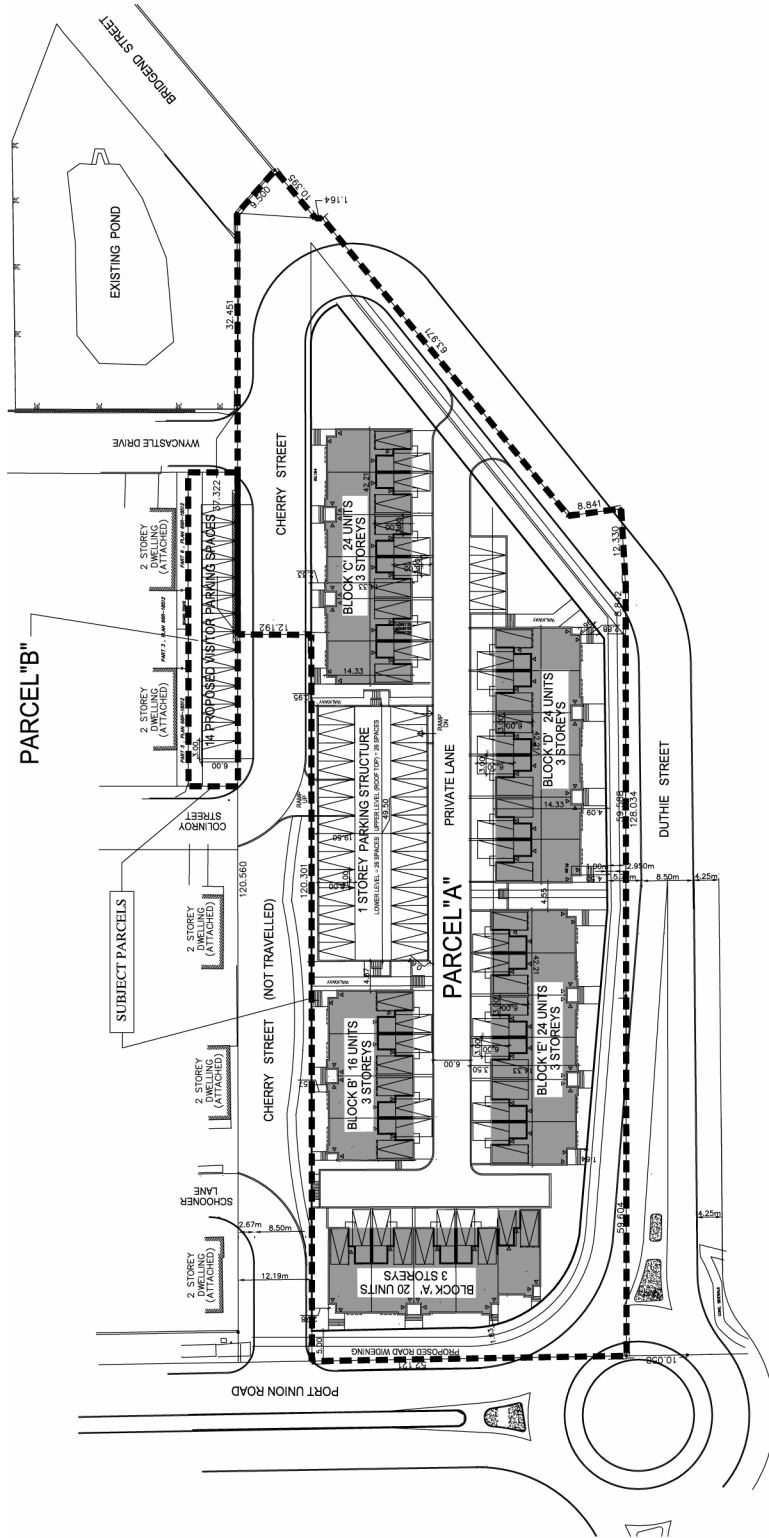
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Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Elevations – Parking Structure
- Attachment 4: Zoning
- Attachment 5: Urban Structure Plan - Port Union Village Secondary Plan
- Attachment 6: Application Data Sheet

Attachment 1: Site Plan



19 Port Union Rd.; 2-4, 6-12 Duthie St.;
Parcel Block north of Cherry St.
File # 07-217745 OZ

Site Plan
Applicant's Submitted Drawing
Not to Scale
8/3/07



Attachment 2: Elevations



Typical Side Elevation



Typical Side Elevation



Street Elevation



Laneway Elevation

Elevation Plan

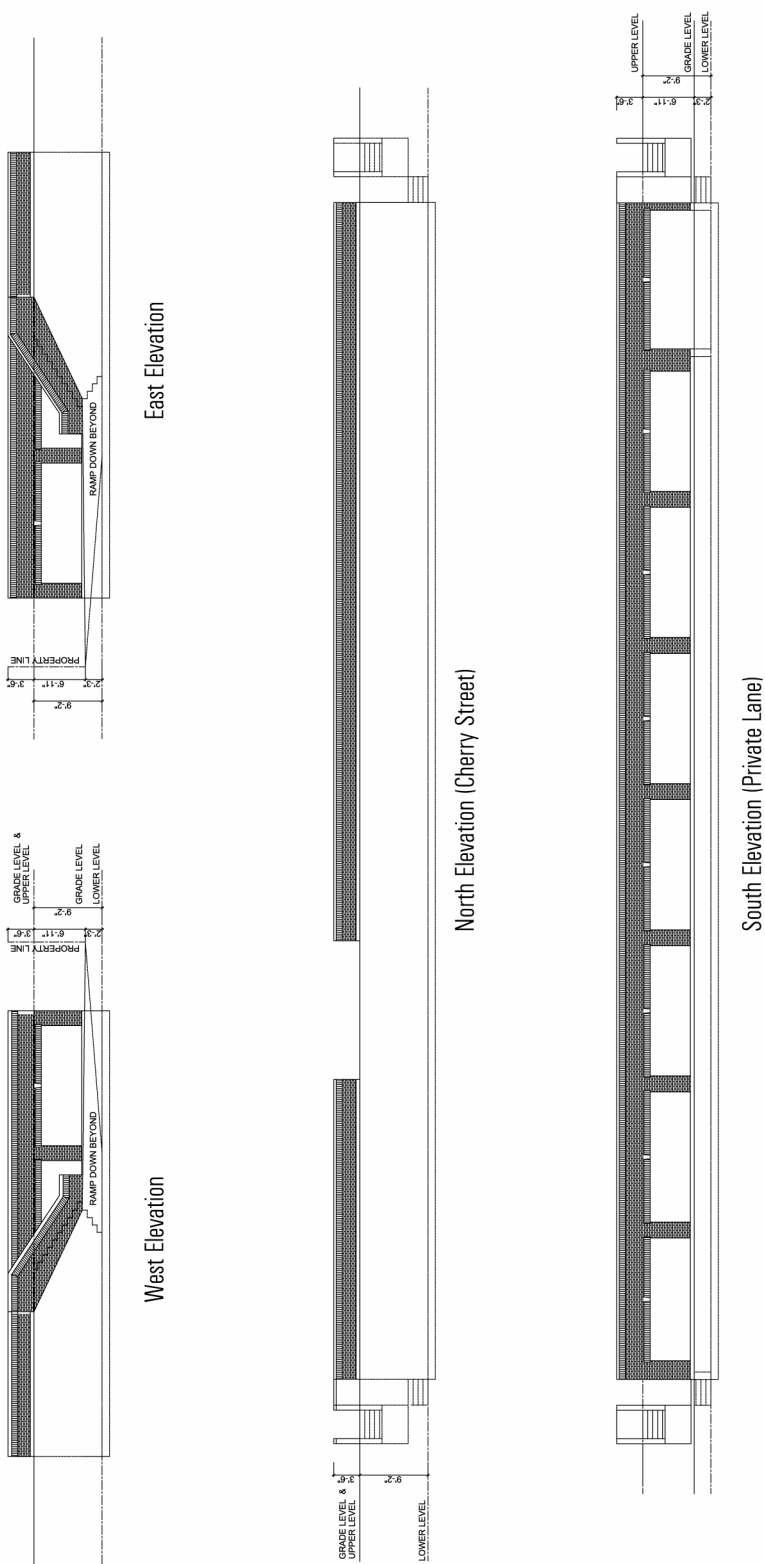
Applicant's Submitted Drawing

Not to Scale
8/3/07

19 Port Union Rd.; 2-4, 6-12 Duthie St.;
Parcel Block north of Cherry St.

File # 07-217745 0Z

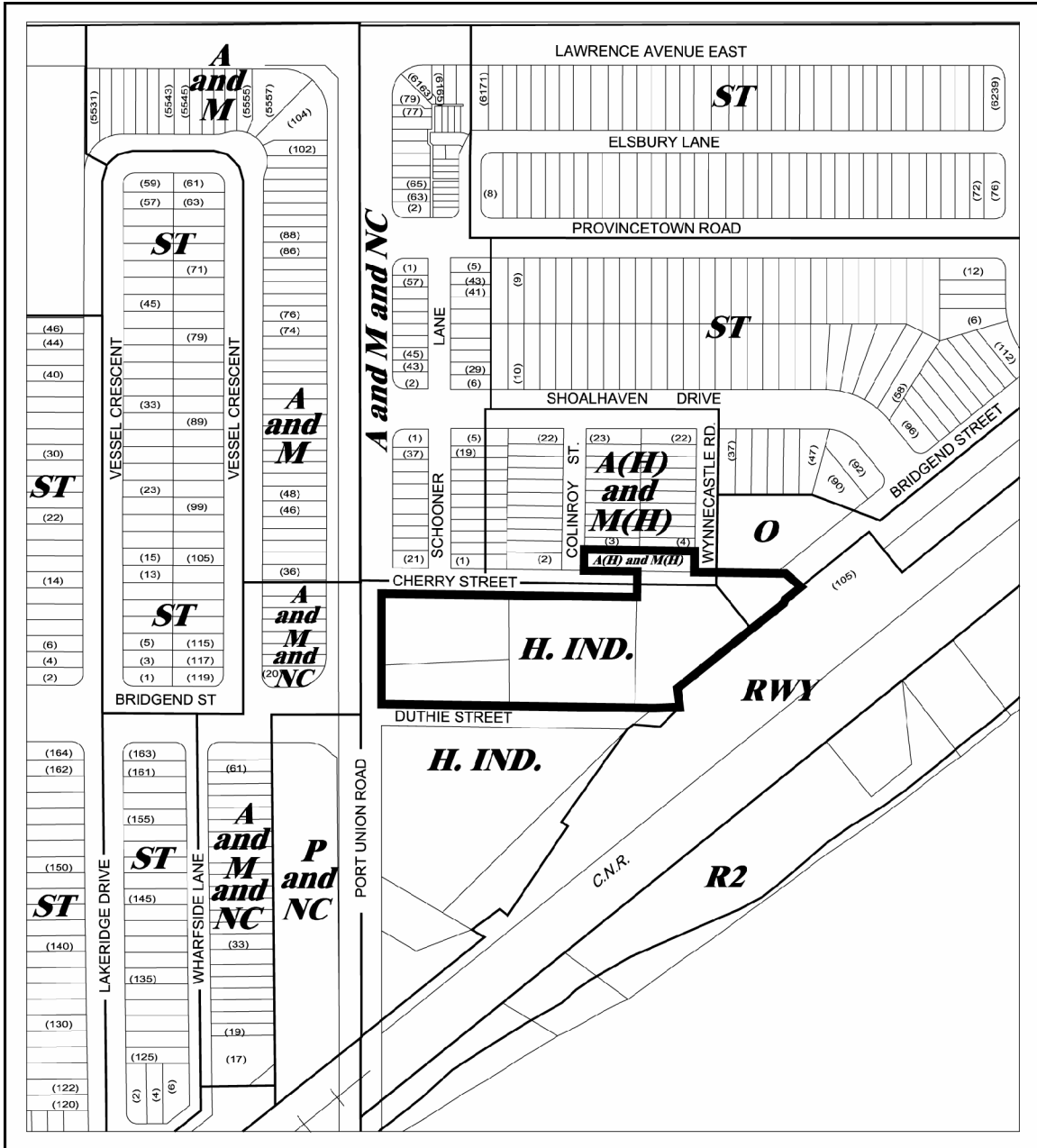
Attachment 3: Elevations – Parking Structure



Elevation Plan - Parking Garage
 Applicant's Submitted Drawing
 Not to Scale
 7/31/07

19 Port Union Rd.; 2-4, 6-12 Duthie St.;
Parcel Block north of Cherry St.
 File # 07-217745 OZ

Attachment 4: Zoning



TORONTO City Planning
Division
Zoning

19 Port Union Rd.; 2-4, 6-12 Duthie St.;
Parcel Block north of Cherry St.

File # 07-217745 0Z

West Rouge By-law

H. IND. Heavy Industrial Uses
R2 Residential Uses

Centennial Community By-law

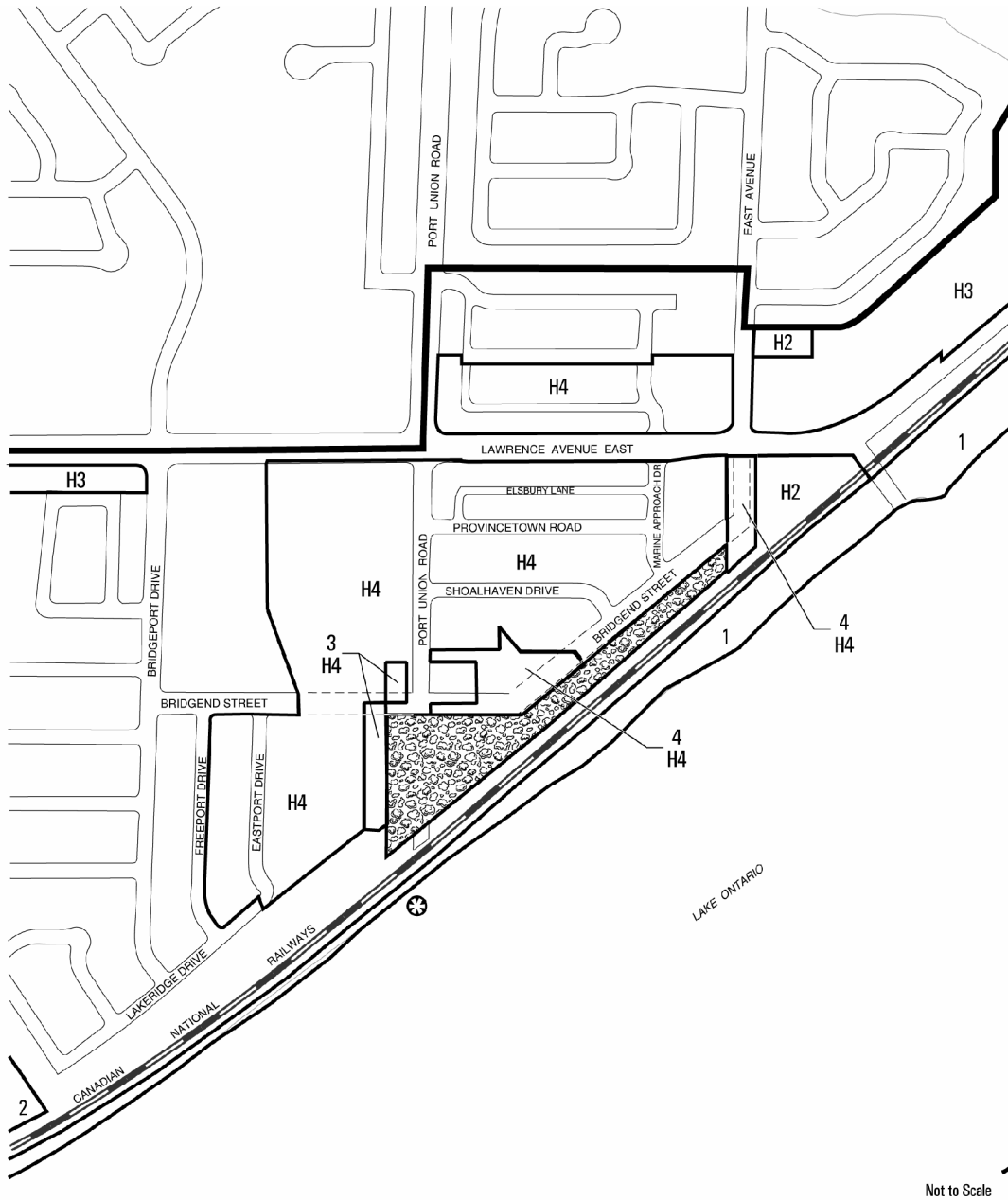
M Multiple-Family Residential
A Apartment Residential
ST Street Townhouse Residential
NC Neighbourhood Commercial

O Major Open Spaces
P Park
RWY (H) Railway Holding Provision

West Rouge and Centennial Community By-law

Not to Scale
7/31/07

Attachment 5: Urban Structure Plan -Port Union Village Secondary Plan



Port Union Village Secondary Plan

MAP 4-1 Urban Structure Plan

- Secondary Plan Boundary
- Maximum Storays
- Site and Specific Policies
- Village Common
- Public Waterfront Facilities
- Proposed Road
- Railway

June 2006

Attachment 6: Application Data Sheet

Application Type: Rezoning Application Number: 07 217745 ESC 44 OZ
 Details: Rezoning, Standard Application Date: May 16, 2007
 Municipal Address: 19 PORT UNION RD., 2-4, 6 & 12 DUTHIE ST, TORONTO ON
 Location Description: PARTS 7 & 8, PLAN 66R-18512 AND LOTS 6 - 19, AND PART OF CHERRY STREET AND ALL OF LANE R.P. 5, AND PART OF LOT 35 RANGE 1, BROKEN LOT CONCESSION **GRID E4411
 Project Description: Proposed rezoning from Heavy Industrial, Apartment (H), Multiple Family (H) and Open Space, to a suitable Residential zone category to permit the development of a 108-unit stacked townhouse development in 5-blocks of 3-4-storey buildings on a 6 m wide private lane along with a total of 124 parking spaces including 14-surface parking spaces (on the lands on the north side of Cherry Street), and a two-level parking structure containing 60 parking spaces. This development also proposes the completion of Duthie Street, and the easterly extension of Cherry Street from Colinroy Street to connect with the proposed Duthie Street.

Applicant: WALKER NOTT
 DRAGICEVIC
 ASSOCIATES LIMITED
Applicant:
Architect:
Owner: EDEN OAK (CHERRY STREET) INC.

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: Secondary Plan
 Zoning: H.Ind, A(H), M(H), O Historical Status:
 Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	9684	Height:	Storeys:	3-4
Frontage (m):	52		Metres:	12.8
Depth (m):	187			
Total Ground Floor Area (sq. m):	3650			Total
Total Residential GFA (sq. m):	9017		Parking Spaces:	124
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	9017			
Lot Coverage Ratio (%):	37.69			
Floor Space Index:	0.93			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	17
2 Bedroom:	71
3 + Bedroom:	20
Total Units:	108

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	9017	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Andrea Reaney, Planner
TELEPHONE: (416) 396-7023

