

1370 Neilson Road - Zoning Amendment Application - Preliminary Report

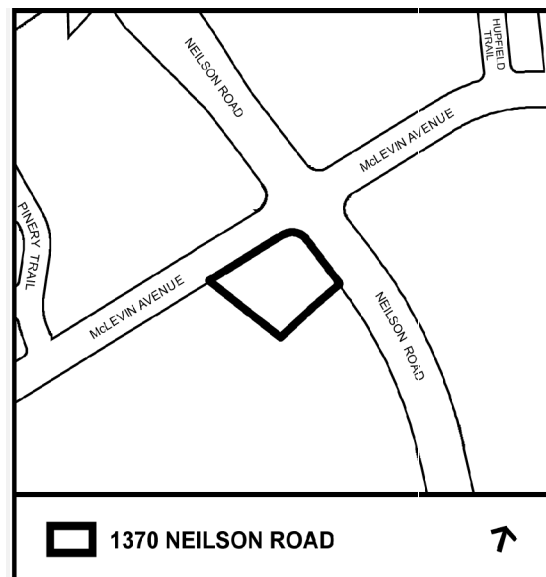
Date:	July 18, 2014
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	14 145312 ESC 42 OZ

SUMMARY

This application proposes to rezone lands to permit a commercial development consisting of two, one-storey free-standing buildings located on vacant lands at the southwest corner of Neilson Road and McLevin Avenue. The total gross floor area proposed would be 1,145 m². The proposed commercial uses would be in addition to the existing residential uses permitted on the subject lands known as 1370 Neilson 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.

The application should proceed through the normal planning process including the scheduling of a community consultation meeting. A final report will be prepared and a public meeting will be scheduled once the issues raised during the review of the development proposal have been satisfactorily addressed.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 1370 Neilson Road together with the Ward Councillor.
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 of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1992 the Ontario Municipal Board (OMB) approved amendments to the former Scarborough Official Plan and the Malvern Community Zoning By-law on the Malvern Town Centre lands to permit residential development in the form of apartment buildings and a limited number of townhouses and additional commercial uses in certain locations on the Malvern Town Centre lands. The locations for the residential development included the subject lands, and the westerly portion of the former mall lands. A consent application was contemplated to create the 2 separate residential blocks, including rights-of-way for vehicular and pedestrian access and servicing easements. The overall development scheme, including the 2 residential blocks (Blocks 1 and 3) are shown on Attachment 1. Block 1 provides a maximum of 438 dwelling units and Block 3 provides a maximum of 121 dwelling units. The overall development scheme would result in 559 dwelling units.

The OMB decision included Minutes of Settlement which included a requirement for the owner to provide a one-time cash contribution of \$333,350.00 upon the issuance of the first residential building permit on either of the residential blocks. The terms of payment were set out in an agreement between the owner and the former City of Scarborough. The agreement was registered on title and is binding on any future owners. The one-time payment was in lieu of a Section 37 agreement as the former Scarborough Official Plan did not contain Section 37 policies.

In 1995, the agreement was amended to provide for a staged payment: the first payment of \$69,831 being due at the time of permit issuance for the first 121 units, with the remainder being due prior to the issuance of the first permit of the second phase of development.

The associated site plan application for the contemplated development was not finalized and the development did not proceed.

Consent Applications

On October 22, 1992, the former Scarborough Planning Committee approved a consent application for the Malvern Town Centre in support of the contemplated development to create 3 separate parcels as well as easements for mutual vehicular and pedestrian access and servicing. In approving the consent, Planning Committee imposed various conditions, including the following:

"Consents shall be approved conditional on registration of a warning clause on title of the parcel to be retained and the parcels to be conveyed to the effect that radiological monitoring will be required to be carried out on any site excavation of earth moving."

The condition was imposed, in part, due to low-level radioactive contamination having been discovered in the Malvern area in the 1980's, and more specifically, in the 1990's by the Malvern Town Centre. Contamination was found in an area on the north side of McLevin Avenue and in a location on the mall lands, adjacent the west side of the existing woodlot. At the time of the Committee meeting, no clean-up work had commenced. The condition was imposed as a result of letter from Atomic Energy of Canada Limited Research in Ottawa (AECL) that was presented to Committee by the former Scarborough Ward Councillor. In the staff report however, it was noted that in correspondence received from the AECL and a consultant involved with the clean-up that there was no indication that contamination extended east of the woodlot.

In November 1995, the clean-up of the contaminated areas in Malvern was completed under the direction of the Federal Low-Level Radioactive Waste Management Office. As staff do not have the letter which resulted in the consent condition, staff will consider the potential land contamination issue and whether an environmental report is required.

In 2002, a further consent was granted to create a service and an access easement/right-of-way from Neilson Road over the Malvern Town Centre lands in favour of the subject lands.

More recently, the ownership of the 2 residential blocks has changed such that they are under different ownerships. The easterly parcel (1370 Neilson Road) is subject to the current rezoning. The westerly parcel (165 Tapscott Road), identified as Block 1 in the previous overall development scheme, is currently subject to a site plan control application (13 282160 ESC 42 SA) for a residential townhouse development proposing 198 dwelling units.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The proposed rezoning application would add permission for commercial uses to lands currently zoned for residential apartments. The proposed uses represent uses from both the Malvern Community Zoning By-law and the Toronto Zoning By-law and contain different uses from each by-law. Overall the proposed commercial uses include: banks, personal service shops, offices, medical offices, retail, custom workshop for sale of goods on the premises, marketplace signs, laundry and dry cleaning pick-ups, day nurseries, restaurants, service shops and agencies, studios, variety stores, art gallery, artist studio, automated banking machine, educational uses, pet services, service shop, eating establishments and take-out eating establishments, veterinary hospital, wellness centre, printing establishment, custom workshop, and massage therapy.

The proposed commercial development would consist of two, one-storey buildings having a total gross floor area of 1,145 m². The building fronting onto McLevin Avenue, would have a gross floor area of 618.42 m² and 6 individual units. The building fronting onto Neilson Road, would have a gross floor area of 526.97 m² and 7 individual units.

The proposed parking rate for all proposed commercial uses would be 3.0 spaces per 100 m² of gross floor area. A total of 37 surface parking spaces are proposed, which in this case, results in a parking rate of 3.2 spaces per 100 m² of gross floor area.

The proposed buildings and parking area are sited on the property to avoid encroachment into the treed and vegetated area located on the west side of the property. To prevent surface drainage from entering the treed area, that parking area is proposed to be lower in elevation than the treed area, thereby requiring a low retaining wall along the edge of the parking area. As well, a low retaining wall is proposed along a portion of the southern property limits, adjacent the Malvern Town Centre lands.

Access to the subject lands is from 2 driveways: one from McLevin Avenue; and, the other from Neilson Road via a right-of-way over the Malvern Town Centre lands. Pedestrian access to and from the subject lands is through a walkway from the northeast corner of the property, between the 2 proposed buildings, and into the site. Walkways are also proposed along the buildings facing the roads, as well as along the internal building frontages.

The proposed development is illustrated on Attachment 2, Site Plan, Attachment 3, Elevations – Building A, and Attachment 4, Elevations – Building B. Specific details for the subject proposal are contained in Attachment 6, Application Data Sheet.

Site and Surrounding Area

The subject 0.49 hectares is vacant and is located at the southwest corner of Neilson Road and McLevin Avenue. These lands were once part of the Malvern Town Centre lands. A small hydro easement containing an above-grade hydro transformer fronts onto Neilson Road. Located on the west side of the subject property is a treed/natural feature area

providing continuity with the adjacent city-owned woodlot. This treed/natural feature area contains 102 trees and comprises approximately 23% of the total site area.

Abutting uses include:

- North: A commercial development currently under construction on the north side of McLevin Avenue, with the CPR rail line beyond. Residential condominiums to the northeast;
- South: The Malvern Town Centre, with a mix of residential uses south of the Town Centre;
- East: Office/commercial buildings; and,
- West: The Malvern Woodlot, Malvern Town Centre and, vacant residential land that was also once part of the Town Centre further beyond.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 as Mixed Use Areas in the Official Plan on Map 22, Land Use Map. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

Development criteria in Policy 4.5.2 for Mixed Use Areas states that development will: create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community; locate and mass new buildings to provide a transition between areas of different intensity and scale to provide appropriate setbacks and/or stepping down of heights particularly towards lower scale Neighbourhoods; locate and mass buildings to frame the edges of streets with good proportion; provide an attractive, comfortable and safe pedestrian environment; provide good

site access and circulation and an adequate supply of parking; and locate and screen service areas and garbage storage to minimize impact on adjacent streets and residences.

The Built Form policies in Policy 3.1.2 specify that new development be located and organized to fit with its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces. New developments are to be massed to fit harmoniously into their existing planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Healthy Neighbourhoods policies in Policy 2.3.1.5 promote environmental sustainability by investing in naturalization and landscaping improvements, and tree planting and preservation.

The Natural Environment policies in Policy 3.4.1 support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment based on protecting and improving the health of the natural ecosystem, improving the quantity and quality of stormwater and groundwater infiltration and flows, cleaning-up of contaminated soils, and minimizing the release and proliferation of invasive species. As well, preserving and enhancing the urban forest by providing suitable growing environments for trees, increasing the tree canopy and regulating the injury and destruction of trees.

Zoning

The subject lands are zoned Apartment Residential (A) within the Malvern Community Zoning By-law No. 14402. The Apartment Residential zone permits apartment buildings, day nurseries and group homes. The zoning by-law permits a maximum of 247 units per hectare which, in this case, is 121 units.

Toronto Zoning By-law 569-2013 zones the subject lands as Residential Apartment Zone (RA) which permits apartment buildings.

Site Plan Control

Site plan control is applicable to the proposed development. An application was not submitted and will be required to ensure the proposed development complies with the policies in the Official Plan, the Design Guidelines for Greening of Surface Parking Lots and good urban design principles.

Ravine Control

The Ravine and Natural Feature Protection By-law applies to the western portion of the subject lands. Ravine staff have indicated that the existing natural feature area be rezoned as open space and that these lands preferably be conveyed into public ownership.

Tree Preservation

A tree inventory and preservation plan has been submitted.

Reasons for the Application

Commercial uses are not permitted on the subject lands and appropriate development standards would be required to be established to support a commercial proposal.

COMMENTS

Application Submission

The following reports/studies were submitted with the application: a planning rationale, a traffic impact study, a functional servicing report, an archaeological assessment, a natural heritage impact study, a tree inventory and preservation plan report and ravine stewardship plan, and the TGS Checklist.

A Notification of Complete Application was issued on May 22, 2014.

Issues to be Resolved

Prior to the presentation of a final report on the application, the following issues need to be reviewed and satisfactorily addressed by the applicant:

1. Conformity with the Growth Plan for the Greater Golden Horseshoe and the 2014 Provincial Policy Statement;
2. Conformity with the Mixed Use Area policies, the Built Form policies, the Healthy Neighbourhoods policies, and the Natural Heritage policies of the Official Plan;
3. Conformity with Urban Design guidelines and the Greening Surface Parking Lot Guidelines in regards to matters such as providing a better relationship between the building entrances and the street/corner walkway area between the 2 proposed buildings, the provision of internal shade trees within the parking areas, adequate sized landscape islands and snow storage areas;
4. Conformity with the Ravine and Natural Feature Protection By-law provisions;
5. Review the possibility of the conveyance of the natural feature area into public ownership;
6. Ensure a consistent and appropriate list of commercial uses between the 2 applicable zoning by-laws;
7. Consider whether an environmental report should be required;
8. Review whether a minimum building setback from the street line should be included within the existing Apartment Residential (A) zone's development standards, as one currently does not exist;
9. That the matters required by the quasi-Section 37 agreement are addressed between the property owners of 1370 Neilson Road and 165 Tapscott Road in an appropriate manner, in consultation with the Legal Services; and,
10. Ensuring an adequate parking supply is provided.

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

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

CONTACT

Sylvia Mullaste, Planner
Tel. No.(416) 396-5244
Fax No.(416) 396-4265
E-mail: Mullaste@toronto.ca

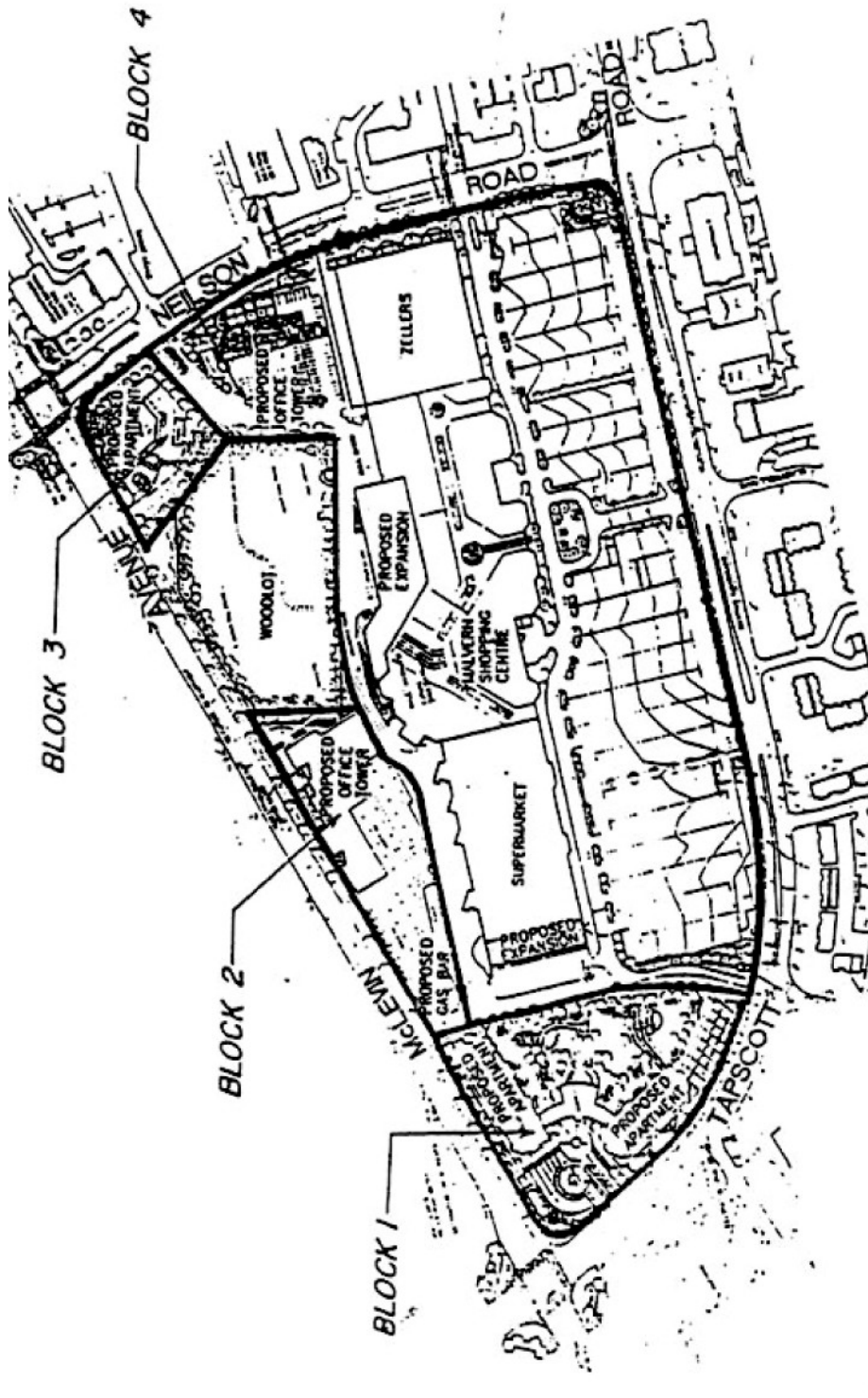
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Overall Development Scheme
Attachment 2: Site Plan
Attachment 3: Elevations - Building A
Attachment 4: Elevations - Building B
Attachment 5: Zoning
Attachment 6: Application Data Sheet

Attachment 1: Overall Development Scheme



1370 Neilson Road

Proposed Mixed Use Development

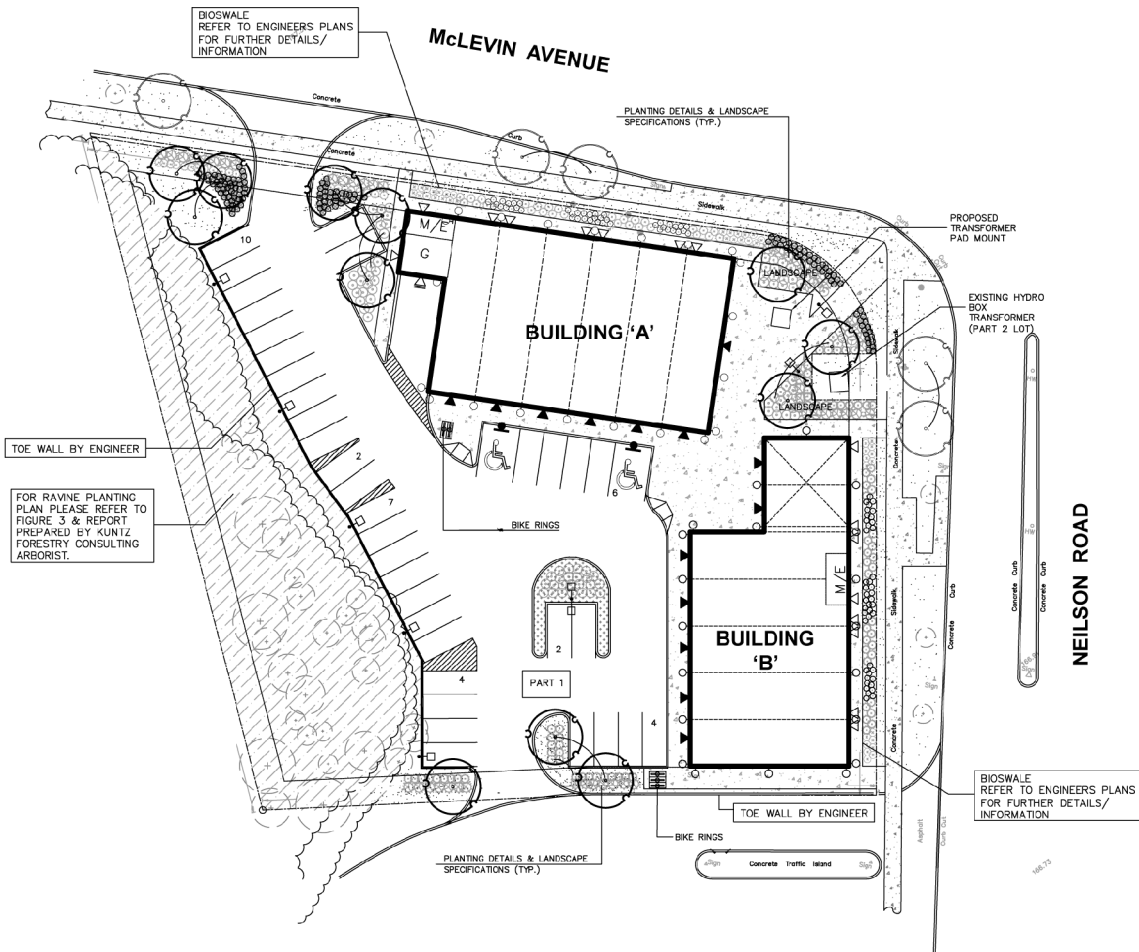
Applicant's Submitted Drawing



Not to Scale
07/08/14

File # 14 145312 ESC 42 0Z

Attachment 2: Site Plan



Site Plan

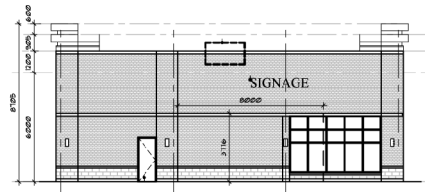
Applicant's Submitted Drawing

Not to Scale 5/7/14

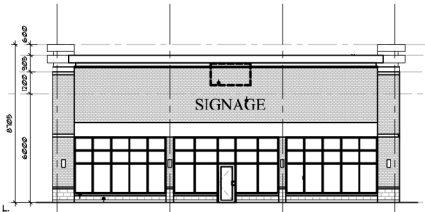
1370 Neilson Road

File # 14 145312 ESC 42 0Z

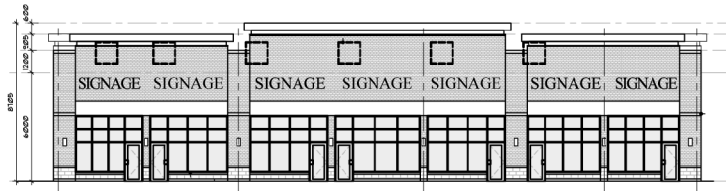
Attachment 3: Elevations – Building A



West Elevation



East Elevation



North Elevation



South Elevation

Elevations - Building 'A' **1370 Neilson Road**

Applicant's Submitted Drawing

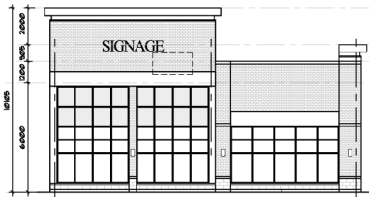
Not to Scale File # 14 145312 ESC 42 0Z

5/7/14

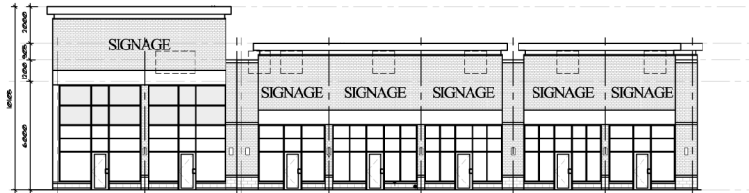
Attachment 4: Elevations – Building B



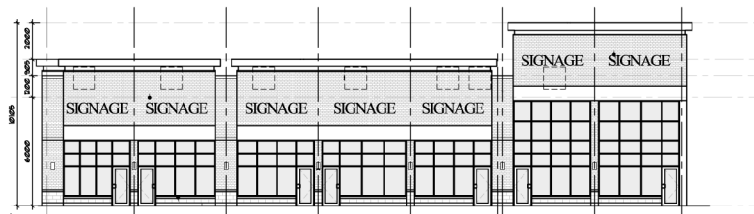
South Elevation



North Elevation



West Elevation



East Elevation

Elevations - Building 'B'

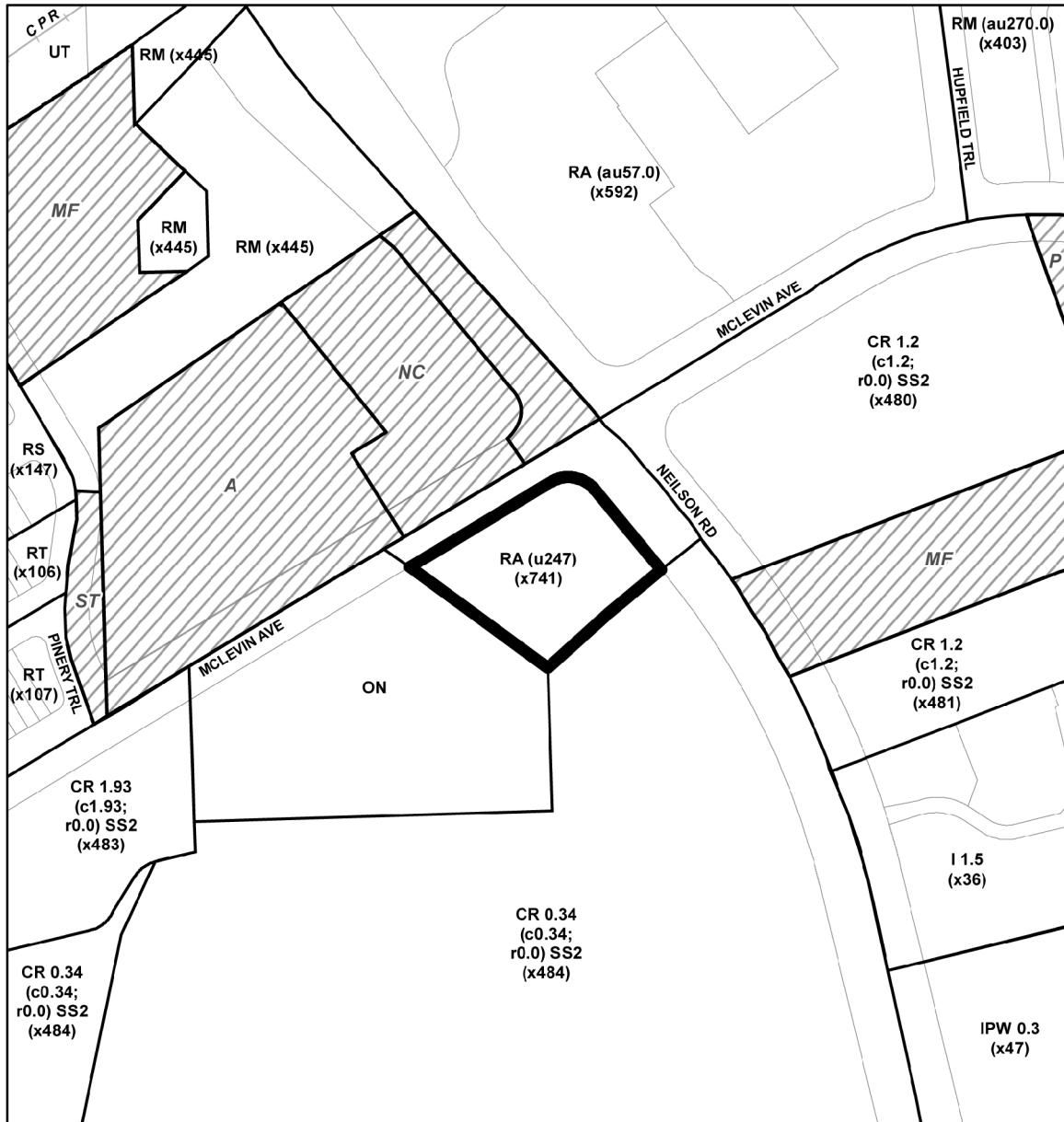
Applicant's Submitted Drawing

Not to Scale
5/7/14

1370 Neilson Road

File # 14 145312 ESC 42 02

Attachment 5: Zoning



Zoning By-law 569-2013

1370 Neilson Road

File # 14 145312 ESC 42 0Z

<p> Location of Application</p> <p>RS Residential Semi-Detached</p> <p>RT Residential Townhouse</p> <p>RM Residential Multiple</p> <p>RA Residential Apartment</p> <p>CR Commercial Residential</p>	<p>I Institutional</p> <p>IPW Institutional Place of Worship</p> <p>ON Open Space Natural</p> <p>UT Utility and Transportation</p>	<p> See Former City of Scarborough Malvern Community Bylaw No. 14402</p> <p>A Apartment Residential</p> <p>ST Street Townhouse Residential</p> <p>MF Multiple-Family Residential</p> <p>NC Neighbourhood Commercial</p> <p>P Park</p>
--	--	--



Not to Scale
Extracted: 05/07/2014

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	14 145312 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	April 22, 2014

Municipal Address: 1370 NEILSON RD
 Location Description: PLAN 66M1965 PT BLK 1 NOW RP 66R19625 PART 1, 2 **GRID E4205
 Project Description: A commercial development consisting of 2 free-standing buildings having a total gross floor area of 1,145.39 m².

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGICEVIC ASSOC LTD			NEILSON CENTRE INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	A (Malvern) & RA (Toronto)	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	4900.3	Height:	Storeys:	1
Frontage (m):	46.1		Metres:	6
Depth (m):	72.7			
Total Ground Floor Area (sq. m):	1145.39			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	37
Total Non-Residential GFA (sq. m):	1145.39		Loading Docks	1
Total GFA (sq. m):	1145.39			
Lot Coverage Ratio (%):	23.4			
Floor Space Index:	0.23			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	1145.39	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: PLANNER NAME: Sylvia Mullaste, Planner
TELEPHONE: (416) 396-5244