

3272-3274 Danforth Avenue, Committee of Adjustment Application

Date: November 8, 2019

To: Chair and Committee Members of the Committee of Adjustment, Scarborough Panel

From: Director, Community Planning, Scarborough District

Wards: 20

File Number: A0205/19SC

Hearing Date: November 14, 2019

RECOMMENDATIONS

Community Planning recommends that the Committee **refuse** variance #3 for reduced setback of a wall with windows and doors from a side lot line; variance #5 for provision of 0 accessible parking spaces; variances #6 and 8 for the number of parking spaces; and variances #7 and 9 for the dimensions of parking spaces.

SUMMARY

The applicant is proposing to construct a third storey addition and 3-storey rear addition to the existing building. The following variances are being requested:

By-law No. 569-2013

- 1) The proposed dwelling units are located on the second and third storey
Whereas a dwelling unit must be entirely located above the second above grade storey of the building; or at least 18.0 metres from a lot line that abuts Danforth Avenue

- 2) The proposed building setback is 6.17 m from the rear lot line abutting the Residential Zone category
Whereas the minimum required building setback from a lot line that abuts a lot in a Residential Zone category is 7.5 m

- 3) The east side elevation wall with windows and doors is setback 1.21 m from the side lot line

Whereas where the main wall of a building has windows or openings, the main wall must be set back at least 5.5 m from a side lot line that is not adjacent to a street or lane (otherwise no building setback is required)

4) A soft landscaping strip is not proposed along the rear lot line abutting the residential zone

Whereas if a lot in the CR zone abuts a lot in the Residential Zone category, a minimum 1.5 m wide strip of land used only for soft landscaping must be provided along the part of the lot line abutting the lot in the Residential Zone category

5) No accessible parking spaces are proposed

Whereas one accessible parking space is required

6) A vehicle stacker for 9 cars is proposed at the rear of the building

Whereas the existing and proposed retail, visitor and residential uses require 13 parking spaces

7) The dimensions of the proposed parking spaces located inside the parking stacker are 2.5 m wide by 5.4 m long by 1.75 m high for each space

Whereas the minimum required minimum parking space size is 3.2 m wide by 5.6 m long by 2 m high for an obstructed parking space.

By-law No. 9812

8) A vehicle stacker for 9 cars is proposed at the rear of the building

Whereas the retail and residential uses require 11 parking spaces

9) The dimensions of the proposed parking spaces located inside the parking stacker are 2.5 m wide by 5.4 m long by 1.75 m high for each space

Whereas the required minimum parking space size is 3.3 m wide by 5.6 m long by 2 m high for an obstructed parking space

COMMENTS

The subject properties are located north of Danforth Avenue and east of Pharmacy Avenue. They are designated as *Mixed Use Areas* in the Official Plan. The properties are zoned Commercial Residential (CR) in the Oakridge Community By-law No. 9812, as amended and in the City of Toronto Zoning By-law No. 569-2013, as amended.

Consent and minor variance applications for 3268-3270 Danforth Avenue, immediately west of the subject properties, were approved by the Committee of Adjustment on December 13, 2018 (File Nos. B0014/18SC, A0079/18SC). The application, submitted by the same applicant as the current application on 3272-3274 Danforth Avenue, proposed a nearly identical development requiring similar variances as the current proposal. At that time, Community Planning expressed concerns regarding the proposal through a staff report requesting that the Committee defer consideration of the applications to enable staff to discuss these concerns further with the applicant.

Transportation Services staff also had concerns regarding the previous variances requesting reduced parking rates using vehicle stackers as reflected in the memorandum dated October 5, 2018 from the Manager of Development Engineering, Scarborough District (see Attachment 1 to this report). However, it appears from the Minutes of the December 13, 2018 decision that the Committee had considered an earlier memorandum dated April 16, 2018 from the Manager of Development Engineering, Scarborough District which at the time did not reflect Transportation Services' concerns.

Community Planning staff note that variance number 1 in the current application to permit dwelling units on the second storey is due to a technical error in the City of Toronto Zoning By-law No. 569-2013. The former City of Scarborough Oakridge Community By-law No. 9812 includes the following provision for the Commercial Residential (CR) zone:

Properties abutting Danforth Avenue: Dwelling Units shall only be permitted on or above the second storey, or where no portion of the dwelling unit is located within 18 metres of the Danforth Avenue street line. For the purposes of this supplementary regulation, the basement shall not be considered a storey.

This provision was intended to be transferred into the City of Toronto Zoning By-law No. 569-2013, but Exception CR 812 in By-law No. 569-2013 mistakenly only allows dwelling units above the second storey. City Planning staff are currently preparing a technical amendments by-law to correct a number of by-law errors, including Exception CR 812, which is anticipated to be considered by City Council in the next few months.

In Zoning By-law No. 569-2013, properties in the CR zone subject to Development Standard Set 2 (SS2) is subject to the following:

Where the main wall of a building has windows or openings, the main wall must be set back at least 5.5 metres from a side lot line that is not adjacent to a street or lane, otherwise no building setback is required;

The intent of the Zoning By-law is to allow for an adequate separation distance between building main walls having windows and doors, so as to mitigate light/shadow and overlook concerns and maintain appropriate levels of light and air circulation for the new occupants. When the proposed building under the subject application is constructed, the similarly placed exterior windows and doors of the new units in the previously approved adjacent westerly building will now face a solid wall only 1.2 m away, likely requiring fire shutters and solid doors under Ontario Building Code requirements for fire safety, and impacting negatively on the amenity for the new residents of that building. Similar concerns will apply under the current proposal unless the orderly future redevelopment of the easterly adjacent property is suitably constrained, which would be an undue impact on that property. Community Planning staff recommend that the Committee refuse variance #3 as it does not meet the general intent and purpose of the Zoning By-law, and is not desirable for the orderly development of the land or building.

With regards to variances #5, 6, 7, 8, and 9, Official Plan Policy 4.5.2 states the following:

2. In *Mixed Use Areas* development will:

i) provide good site access and circulation and an adequate supply of parking for residents and visitors;

Community Planning staff have discussed the subject variances with Transportation Services staff, who advised they have the same concerns as those previously articulated for 3268-3270 Danforth Avenue. Planning staff share Transportation Services staff's concerns regarding the deficiency of parking spaces and parking space dimensions in this proposal. Reliance on the use of vehicle stackers will limit conveniently accessible parking for the building occupants and particularly for visitors. These limitations can also be anticipated to encourage undue parking impact on adjacent properties and neighbouring streets. Community Planning staff therefore recommend that the Committee refuse variances #5, 6, 7, 8 and 9 as they do not meet the general intent and purpose of the Official Plan.

CONTACT

Teresa Liu, Assistant Planner
Tel: 416-396-3266
Email: Teresa.Liu@toronto.ca

SIGNATURE

Signed by Rod Hines, Principal Planner on behalf of Paul Zuliani, Director, Community Planning, Scarborough District.

ATTACHMENTS

Attachment 1: Memorandum from the Manager of Development Engineering, Scarborough District regarding 3268-3270 Danforth Avenue, dated October 5, 2018



Memorandum

Catherine Bologna, P.Eng., PMP
Manager, Development Engineering
Scarborough District

Scarborough Civic Centre
150 Borough Dr., 2nd Floor
Scarborough, Ontario M1P 4N7

Reply to: Samaresh Das
Tel: 416-396-4971
Fax: 416-396-5681
E-mail: Samaresh.Das@toronto.ca

TO: Andre Robichaud, Manager,
Committee of Adjustment, Scarborough Panel
Attn: Paulina Brozek

FROM: Catherine Bologna, P. Eng., PMP, Manager,
Development Engineering, Scarborough District
Attn: Samaresh Das, Ph.D., P.Eng.

DATE: October 05, 2018

SUBJECT: File No: B0014/18SC, A0079/18SC
Your Memorandum Dated: September 14, 2018
Applicant: Leo Mastandrea
Location: 3268-3270 Danforth Avenue Ward: 35

APPLICATION DESCRIPTION (2nd Submission)

This is in reference to the application made by Leo Mastandrea for consent to sever the land into two lots. Lot to be created Parts 3 and 4 would have a frontage of 5.9 metres and a lot area of 227 square metres. Parts 1, 2 and 5 would have a frontage of 11.53 metres and a lot area of 436.8 square metres. In order to facilitate the proposed development, relief from the provision of the Zoning By-law was requested, as outlined in A0079/18SC.

The following comments and conditions are provided based on the following submissions:

1. Lot Division Plan, prepared by (not known), dated (not known).
2. Site Plan, prepared by (not known), dated (not known).
3. Typical Elevation, prepared by (not known), dated (not known).

Please be advised that Engineering and Construction Services have reviewed the submitted material described above and generally do not object to the proposed severance application, however, the following Conditions shall be satisfied prior to Consent Approval.

For Variance Application A0079/18SC:**Part 1****Zoning By-law No. 569-2013:**

- 7) A total of 0 accessible parking spaces will be provided on the site;
Whereas a minimum required accessible parking space is 1.
- 8) A total of 3 parking spaces will be provided on the site;
Whereas the minimum required parking is 13.

Zoning By-law No. 9812:

- 10) A total of 3 parking spaces will be provided on the site;
Whereas the minimum required parking is 11.

COMMENTS

Nine (9) car stackers are proposed. The applicant is required to provide more detailed information (type, manufacturer, dimensions, etc.) regarding the car stackers. However, the Transportation Services would not support the parking shortfall even if the proposed car stackers are acceptable.

For Consent Application (B0014/18SC):**CONDITIONS:**

1. Prepare all documents and convey to the City, at nominal cost, (A 0.4m widening along the Danforth Avenue frontage of this property to satisfy the requirement of a 27.0m wide right-of-way of this property) in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the grantor until such time as said lands have dedicated as a public highway, all to the satisfaction to the Chief Engineer & Executive Director of Engineer and Construction Services and the City Solicitor.
2. Submit a draft Reference Plan of Survey to the Chief Engineer & Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 83 CSRS);
 - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and;
 - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
3. Pay all costs for registration and preparation of reference plan(s).
4. The owner is required to submit a brief report on how the stormwater will be managed on site. The report shall be prepared by a Registered Professional

Engineer qualified in municipal engineering/stormwater management. Note that all the roof leaders shall be directed to the landscape areas of the property.

5. The owner is required to submit a brief report on functional servicing showing the existing sanitary discharges and the proposed sanitary discharges from the development. The report shall be prepared by a Registered Professional Engineer qualified in municipal engineering.
6. The owner is required to submit a site servicing drawing prepared by a Registered Professional Engineer qualified in municipal engineering to the City for review and approval. The drawing shall clearly indicate that:
 - Each newly created lot have its own water & sanitary service connections to municipal systems; and
 - The newly created lots may continue to share a single storm connection
7. The owner shall file with the Director, Community Planning, Scarborough, in consultation with the Chief Engineer and Executive Director, Engineering & Construction Services, fully executed copies of the following certificates satisfactory to the said Director:
 - I. from the applicant's solicitor with respect to the creation of necessary easements;
 - II. from the applicant's surveyor with respect to the identification of necessary easements;
 - III. from the applicant's engineer with respect to the identification of necessary easements.
8. The Owner shall file with the Director of Community Planning, Scarborough, a fully executed copy of Certification from the applicant's solicitor that:
 - I. Upon conveyance of the first lot the Parties will enter into a Cost Sharing Agreement with respect to the shared stormwater services; and
 - II. The Cost Sharing Agreement designates an owner who will be the person responsible in the case of any issues regarding the shared stormwater services, including but not limited to issues arising with respect to the City of Toronto Municipal Code Chapter 681 (the "Person of Responsibility). The Certification shall further indicate:
 - a. Who the Person of Responsibility is;
 - b. The contact information for the Person of Responsibility; and
 - c. That the Cost-Sharing Agreement contains a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.
9. Engineering and Construction Services and Solid Waste Services retain the right to comment on this application until revised drawings illustrating the access(s)/driveway(s) for all the proposed lots have been submitted for review.

ADVISORY COMMENTS

- a) Combined sewer and watermain are available on Danforth Avenue to service the subject land. By-Law #21912 requires all buildings to be connected to the municipal services. It is the responsibility of the applicant to ensure that the elevations of the sewers are compatible with the intended use of the property. Separate water and sanitary sewer connections will be required for each dwelling or parcel of land. The applicant shall pay for the cost of any required connections.
- b) The owner will be required to make an application to Toronto Water Division, North York Civic Centre, 5100 Yonge Street, 2nd Floor, for the installation of any proposed services within the City right-of-way. For further information, please contact Toronto Water at 416-395-6082. These shall include one water and one sanitary service connection for each freehold residential unit or each single entity development such as a condominium, co-operative or rental property to be held under separate ownership, plus any necessary storm service connections.
- c) The owner is responsible to provide for the installation of the water, sanitary and any necessary storm service connections from the building to the City services at the property line.
- d) Servicing on private property requires plumbing approval under the Ontario Building Code, and accordingly, application for the necessary permits should be made to the Building Division.
- e) Foundation drains are to be pumped to grade and roof drains are to discharge at grade, preferably in a landscaped area. Storm sewer connections will only be considered if a drainage problem is foreseen on this parcel of land or anticipated on neighbouring properties. The applicant is to comply with the Drainage and Infill Housing Policy of Urban Development Services, Bulletin 19.
- f) All driveway entrances must be a minimum of 3.0 metres in width, must lead to a legal parking space(s) and the parking of a vehicle is not permitted 2.0 metres from the curb.
- g) Utility setbacks from municipal sidewalks can be provided at a minimum of 0.5 metres. Any utility which require relocation must be completed by the appropriate utility company/agent at the property owner's expense.
- h) The owner is responsible for the removal, reinstatement and/or repair of any existing utilities, pavement and boulevard areas at no cost to the City.
- i) Any physical or landscaping features that are proposed in the municipal right-of-way are subject to the requirements of Chapter 743 of the Toronto Municipal Code. Depending on the type of encroachment as specified in Article IV of Chapter 743, it may require an encroachment agreement with the City of Toronto as well as Community Council approval. The applicant is responsible for the costs of installing/planting these encroachments, and the encroachment must be maintained at the owner's expense pursuant to Article V of Chapter 743.
- j) All subsequent approvals will be made under the jurisdiction of the Building Division.
- k) As established by Toronto By-Law, Chapter 880, it is required that an approved fire access route be provided. An application shall be submitted to Toronto Fire Services prior to occupancy.

- l) The applicant is advised that pursuant to an order issued by the Ontario Ministry of the Environment and Climate Change, all wet taps performed on City watermains must be performed by, or under the supervision of, a Certified Operator in accordance with Ontario Regulation 128/04. The City of Toronto Protocol respecting the performance of and verification of wet taps can be found at the following link: https://www.toronto.ca/wp-content/uploads/2017/11/8759-ecs-specs-pipespecs-Wet_Tap_Procedure_Notice_Jun2017.pdf

Prepared by:

Samaresh Das, Ph.D., P.Eng.
Engineer,
Development Engineering, Scarborough District

Signed by:



Catherine Bologna, P.Eng. PMP
Manager, Development Engineering
Development Engineering, Scarborough District

SD/rf

Copy to: Transportation Services (Attn: Geoffrey Lau/Godly Abraham)