40 Danforth Road – Zoning Amendment Application – Final Report

Date: August 21, 2012
To: Scarborough Community Council
From: Acting Director, Community Planning, Scarborough District
Wards: Ward 35 – Scarborough Southwest
Reference Number: 11 259011 ESC 35 OZ

SUMMARY

This application proposes to change the zoning permissions at 40 Danforth Road to permit eight, 4-storey freehold townhouses with integral garages, rooftop amenity space and associated streetscaping improvements.

The proposal for 40 Danforth Road represents an appropriate redevelopment of the subject site, currently occupied by a single-storey commercial building. The Mixed Use Area designation in the official plan and the context of the site support the proposed change in use and residential intensification.

This report reviews and recommends approval of the application to amend the zoning by-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Oakridge Community Zoning By-law No. 9812, for the lands at 40 Danforth Road substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6 to the report from the Acting
Director, Community Planning, Scarborough District (August 21, 2012).

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to submit a site servicing report required by Technical Services for review and acceptance to the satisfaction of the Executive Director of Technical Services.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY

Pre-Application Consultation
Pre-application consultations were held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal
The proposal is to permit eight, 4-storey, 12.1 metre high freehold townhouses with private garages and rooftop amenity space. Seven of the townhouses would have frontage on Patterson Avenue, while the most southerly townhouse would have frontage on Danforth Road. All private garages would be accessed from Patterson Avenue. The typical unit would be 158.4 square metres (1705 square feet) in size, with three bedrooms. Amenity space for the townhouses would be provided in the front yards, as well as through private rooftop terraces accessed from the partial fourth storey of the dwellings. No backyard amenity space is proposed for these units.

Site and Surrounding Area
The site is on the north side of Danforth Road and the east side of Patterson Avenue. It is 572.38 square metres in area, and is configured in a relatively narrow rectangular shape, with the majority of site frontage along Patterson Avenue. The site was previously tenanted by the Encore Music Exchange, which is no longer operating, although the single-storey retail building it occupied remains.

Northeast of the site is a retail plaza fronting on Danforth Road zoned Neighbourhood Commercial. Customers of the plaza are also able to access it via a driveway to the parking lot off of Patterson Avenue, located immediately north of the proposed townhouse development. Beyond the plaza's driveway to the north, on both sides of Patterson Avenue is a residential community of primarily single family homes zoned Single-Family Residential. Northeast of Danforth Road and on the west side of Patterson Avenue is residential, again with primarily single-family homes zoned Single-Family Residential. South and southwest of the site, on the opposite side of Danforth Avenue, are commercial plazas zoned Community Commercial and Commercial Residential.
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 proposal is consistent with the PPS. Section 1.1.3 of the PPS encourages intensification and redevelopment that efficiently uses land.

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 proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan under section 2.2.2(1a) directs growth to built-up areas through intensification.

Official Plan

The site is designated Mixed Use Areas by the Toronto Official Plan. 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, open spaces and utilities. Within Mixed Use Areas, the Official Plan policies indicate that new buildings should be located and massed to frame streets and to provide a comfortable, safe pedestrian environment; that new development should take advantage of nearby transit services; and that new development should provide good access, parking and circulation, among other matters.

Where development in Mixed Use Areas is to occur adjacent to lands designated Neighbourhoods, new buildings are to be located and massed to provide for an appropriate transition between areas of different intensity and scale through measures such as appropriate setbacks and stepping down of heights. New buildings in Mixed Use Areas are also to be located and massed to limit shadow impacts on adjacent Neighbourhoods.

Zoning

The site is zoned Highway Commercial (HC) by the Oakridge Community Zoning By-law No. 9812. Permitted uses in the HC zone are day nurseries and highway commercial uses such as certain automotive uses, fraternal organizations, funeral homes, hotels and motels, places of worship, offices, recreation uses and specialized commercial uses. Ground floor area of all buildings on this site is currently limited to not more than 70% of the lot area.
Site Plan Control
This site is subject to site plan control, and a site plan control application has been submitted and is currently under review.

Reasons for Application
The proposed townhouses are permitted through the existing Mixed Use Areas Official Plan designation that applies to the site, but there is currently no residential zoning permission in place. A rezoning is required to change the current Highway Commercial zoning to a residential zone category, with appropriate performance standards.

Community Consultation
A community meeting was held respecting this application on October 20, 2011. Approximately seven members of the public attended, along with the area Councillor, representatives of the landowner and City staff.

Residents raised concerns about building height and how shadowing from the development might affect neighbouring homes. A number of area traffic matters were also raised by the residents, including the sight lines of the right turn from Danforth Road to Patterson Avenue, vehicles cutting through the 50-60 Danforth Road Plaza to Denton Avenue, and parking on Patterson Avenue.

There were other concerns that were expressed by residents that relate to the construction process, including the parking of trucks during construction, the impacts associated with construction, and the coordination of planned servicing construction between the City and the developer.

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

Land Use
The Mixed Use Area policies of the Official Plan promote a broad range of residential uses while locating and massing buildings to respect the existing and planned context of adjacent Neighbourhoods, and taking advantage of nearby transit services.

The subject site is part of a larger Mixed Use Area node centred at Danforth Avenue and Danforth Road, and is well suited for infill development. The site is located to the north of the intersection of Danforth Avenue and Danforth Road, that intersection being part of the Danforth Avenue Study and now zoned for midrise infill development.

The site is well served by public transit. There are bus stops on the south side of Danforth Road at Patterson Avenue and on the north side of Danforth Road at McDonald Avenue. The site is also within 250 metres of bus stops on Danforth Avenue.
The proposed townhouse development represents an appropriate and efficient use of the subject lands compatible with the existing surrounding neighbourhood. The proposal is consistent with the Official Plan Mixed Use Area policies. The site's location abutting a major arterial road, with nearby access to public transit, supports the proposed change in use and intensification.

**Density, Height, Massing**

The massing, height and setbacks of the proposed townhouse development provide for an appropriate transition into the Neighbourhoods to the north and west. The area to the north and west is characterized by one and two-storey dwellings, with a one-storey commercial plaza to the east.

The proposed townhouse dwellings will be 12.1 metres in height. The fourth floor has been terraced back from Patterson Avenue, so as to better integrate the development into the Neighbourhoods to the north and west, and to protect the privacy of neighbours by reducing the potential for overlook. Along Patterson Avenue the massing of the development as seen from street level is reduced by the additional setback of the fourth storey.

The terracing also reduces shadowing impacts on neighbouring residential properties. The width of Patterson Road plus the building setbacks and the terracing will result in minimal shadow impact on adjacent lands to the west. The driveway on the north side of the development, accessing the adjacent plaza, provides for an appropriate separation from the dwelling to the north, thereby limiting the shadow impact. The driveway to the plaza also provides an additional setback from the neighbour to the north, allowing for a transition in massing from the Neighbourhoods towards Danforth Road.

The southern elevation, fronting onto Danforth Road, is four storeys in height and helps to define and frame the edge of the street. The building has been setback from Danforth Road to provide for proper sight lines for the intersection of Patterson Avenue and Danforth Road, and to provide an attractive, comfortable and safe pedestrian environment on Danforth Road.

**Streetscape**

The streetscapes of Danforth Road and Patterson Avenue will be improved as a result of the proposed development. The building setbacks from both roads, and the design of the townhouses allows for front yard landscaping and the planting of trees along Patterson Avenue. The sidewalk on the east side of Patterson Avenue, immediately adjacent the development, will be reconstructed as a new 1.7 metre wide sidewalk. Further landscaping details, the location of gas meters, and the reconstruction of the sidewalk, will be secured as part of the site plan control application.

The terracing of the fourth floor reduces the height, as seen from street level, along Patterson Avenue aiding in the developments integration into the existing Patterson Avenue streetscape. The southern elevation of the development is four storeys in height and will improve the Danforth Road streetscape by defining and framing the edge of the street.
Traffic Impact, Parking

Residents raised sightlines as a concern at the community meeting held on October 20, 2011. To improve sightlines for traffic turning at the north-east corner of Patterson Avenue and Danforth Road the proposed townhouses will be set back from the corner to provide for a sight triangle. A corner rounding on the south-west corner of the property, will be conveyed to the City of Toronto further protecting the sightlines of the intersection. The existing sightlines were reviewed by Transportation Services and were found to be adequate. Therefore, with the addition of the sight triangle and the conveyed corner rounding, the visibility for traffic turning at the intersection of Patterson Avenue and Danforth Road will be improved.

Residents were concerned that the proposed townhouses would impact the existing on-street parking supply. Currently, on-street parking is permitted on the west and east side of Patterson Avenue, except for the portion on the west side of Patterson Avenue between Denton Avenue and Danforth Road. For each of the proposed townhouses, one parking space has been located in an integral garage. In addition, the driveways in front of each townhouse unit are of adequate length to accommodate an additional temporary parking space for visitors. Transportation Services Staff are of the opinion that sufficient parking will be provided for this development.

Residents expressed concerns at the community meeting in relation to traffic cutting through from Denton Avenue into the plaza located to the north/east of the subject site. The addition of speed bumps on Patterson Avenue was raised by the residents as a potential traffic calming measure. Transportation Services has no concerns with the traffic impact of the proposed eight townhouses, which will be using Patterson Avenue to access Danforth Road.

Servicing

Each of the new townhouse units will be freehold in ownership. The garbage pickup for the townhouses will be from Patterson Avenue. The integral garages are of sufficient size to permit the storage of garbage and recycling bins inside the garage.

A site servicing report has been requested by Technical Services. This report is currently under preparation and will be submitted shortly. The report must be submitted by the applicant for review and acceptance by the Technical Services Division prior to the introduction of the necessary Bills to City Council for enactment of the zoning by-law amendment. This will ensure that there will be sufficient servicing for the development and no negative effect on the servicing of the surrounding area.

At the community meeting local residents inquired if there were opportunities for the coordination of any servicing construction between the City and the developer. This will be dealt with as part of the site servicing report, and any opportunities for coordination would be identified at that time.
Urban Design

The proposed townhouse development will revitalize the site and produce a high quality living environment consistent with the City of Toronto Infill Townhouse Guidelines. The townhouses have been designed so as to minimize shadow, and overlook onto existing residential buildings. Patterson Avenue and Danforth Road have been appropriately addressed by the development through landscaping, tree plantings, sidewalk improvements, and building design. The proposed landscaping encompasses both the public boulevard and private property enhancing the pedestrian environment.

The typical townhouse unit will be 6.3 metres in width fronting onto Patterson Avenue with an integral garage. In order to permit an integral garage, the Infill Townhouse Guidelines require a minimum lot frontage of 6 metres. The driveways for the townhouses have been paired so as to provide a minimum of 6 metres between the sets of driveway to not preclude on-street parking.

As per the Infill Townhouse Guidelines the development has been designed with windows that face the streets and sidewalks promoting informal surveillance. This will help provide for pedestrian safety and comfort.

Amenity areas have been provided for each of the townhouse units. Balconies will be located on the second and fourth storeys. The balcony on the fourth storey has been setback from the edge of the building to prevent overlook and to protect privacy. A green roof will be located on the roof of the third floor surrounding the balcony on the fourth storey.

The corner treatment for the portion of the development facing the intersection of Danforth Road and Patterson Avenue is designed to give prominence to this corner. Proposed exterior materials include zinc, unit masonry (concrete or brick), and fritted glass for the balconies. Staff will continue working with the applicant to further improve the exterior design of the building through the Site Plan Application process.

A shared fire corridor is required for emergency egress purposes for the proposed development. The common fire corridor will be located on the third floor and will run along the eastern portion of each townhouse exiting onto Patterson Avenue at the north end of the subject site. The applicant will register on title a "Shared Access and Maintenance Agreement for Fire Corridor" as part of the land division process. The maintenance of the corridor will be the responsibility of the landowners.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS.
Other applicable TGS performance measures will be secured through the site plan approval process. Based on the applicant’s submission, some of the targets that the development will meet include: a reduction in the urban heat island effect, by means of a combination of cool and green roof treatments; the balcony glass will be bird friendly; a minimum of 50% of landscaping will be water efficient plant material; and there will be no up-lighting. All TGS development features will be secured in the site plan agreement.

**Construction Management Plan**

Residents at the public meeting expressed concerns with regard to construction activities, parking of trucks during construction, and how it would impact them. As part of the site plan control process, the applicant will be required to submit to Technical Services a ‘construction management plan’. This plan will deal with the parking of trucks and trailers, dust/mud control, and truck and traffic routing, among other matters.

**Development Charges**

It is estimated that the development charges for this project will be $108,888. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

**Parkland Dedication**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B/C of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.00 + 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provisions of parkland. The site is in the parkland priority area, as per the City-Wide Parkland Dedication By-law No. 1020-2010.

The site area of the application is 0.0572 hectares (572 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law No. 1020-2010, the parkland dedication would be 0.0106 hectares (106 square metres), which equates to 18.5% of the site. However, a cap of 10% applies and hence the parkland dedication would be 0.0057 hectares (57 square metres).

The application is required to satisfy the parkland dedication through cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.
CONTACT
David Driedger, Planner
Tel. No.  416-396-7037
Fax No.  416-396-4265
E-mail:  ddriedg@toronto.ca

SIGNATURE

________________________________________________
Paul Zuliani, Acting Director  
Community Planning, Scarborough District

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: 3D Perspective
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment
Attachment 1: Site Plan

[Site Plan Diagram]

Site Plan
Applicant's Submitted Drawing

40 Danforth Avenue

File # 11 259011 ESC 35 OZ
Attachment 2: Elevations
Attachment 3: 3D Perspective

Applicants Submitted Drawing
Not to Scale
Attachment 5: Application Data Sheet

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<th>Rezoning</th>
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<td>Details</td>
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<td>Application Date:</td>
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<td>Municipal Address:</td>
<td>40 DANFORTH RD</td>
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<td>Project Description:</td>
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<tr>
<td>Applicant:</td>
<td>MICHAEL B. VAUGHAN</td>
<td>Agent:</td>
<td>ORIGINAL FACINGS LIMITED</td>
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<tr>
<td>Architect:</td>
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<td>Owner:</td>
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**PLANNING CONTROLS**

- Official Plan Designation: Mixed Use Areas
- Zoning: Highway Commercial
- Height Limit (m): Site Specific Provision: 
- Historical Status: Site Plan Control Area: Y

**PROJECT INFORMATION**

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<th>Site Area (sq. m):</th>
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<td>Frontage (m):</td>
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<td>Depth (m):</td>
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<td>Total</td>
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<td>Total Residential GFA (sq. m):</td>
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<td>Lot Coverage Ratio (%):</td>
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**Dwelling Units**

- Tenure Type: Freehold
- Rooms: 0
- Bachelor: 0
- 1 Bedroom: 0
- 2 Bedroom: 0
- 3+ Bedroom: 8
- Total Units: 8

**Floor Area Breakdown** (upon project completion)

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**CONTACT:**

- Planner Name: David Driedger, Planner
- Telephone: 416-396-7037
Attachment 6: Draft Zoning By-law Amendment

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

CITY OF TORONTO

BILL NO. ~

BY-LAW NO. ~-20~

To amend the Oakridge Community Zoning By-law No. 9812, as amended,
With respect to the lands municipally known as,
40 Danforth Rd

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

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

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

1. Schedule "A" of the Oakridge Community Zoning By-law No. 9812 is amended for the lands outlined in the attached Schedule 'I' by deleting the existing Highway Commercial (HC) zoning and replacing it with the Commercial Residential (CR) Zone, the Performance Standards as shown on Schedule 'I' and noted Exception 68 on Schedule '2', so that the amended zoning shall read as follows:


2. Schedule 'B', PERFORMANCE STANDARD CHART, is amended by adding the following Performance Standards:

INTENSITY OF USE

164. Maximum 8 dwelling units.

165. Maximum building height of 12.1 metres, as measured from the average finished grade at the front and side main walls of the building, excluding chimneys, skylights, vents, antennae, rooftop mechanical equipment, and parapet walls.

166. Maximum of 4 storeys, excluding basements.
167. Minimum setback of 11 metres from the centre line of the original road allowance of Patterson Avenue to the **main wall** immediately below the second floor, except that the garage wall shall have a minimum setback of 11.6 metres.

168. The end townhouse unit, closest to Danforth Road, shall have a minimum setback of 11 metres from the centre line of the original road allowance of Patterson Avenue to the garage wall.

169. Minimum setback, for the second and third floors, of 10.5 metres from the centre line of the original road allowance of Patterson Avenue to the **main wall**.

170. Minimum setback, above the third storey, of 14 metres from the centre line of the original road allowance of Patterson Avenue to the **main wall**.

171. The end townhouse unit closest to Danforth Road will have a minimum setback, above the third storey, of 11.5 metres from the centre line of the original road allowance of Patterson Avenue to the **main wall**.

172. Minimum building setback of 16.0 metres from centre line of the original road allowance of Danforth Road.

173. Minimum building setback of 0.2 metres from the northerly lot line.

174. The minimum dimensions of a **parking space** shall be:
- Length 5.6 metres
- Width 3.2 metres, except that steps leading into the dwelling unit may project into the parking space a maximum of 0.5 metres.
- Height 2.0 metres

175. A **driveway** shall have a minimum width of 2.8 metres per lane.


3. On those lands identified as Exception No. 68 on Schedule '2' hereto, the following provisions shall apply:

(a) Only the following uses are permitted:

**Permitted Uses:**
- Day Nurseries
- Multiple-Family Dwellings
- Private Home Day Care
(b) Notwithstanding the definition of **main wall**, the following Projections, to the maximum distance shown below, shall be permitted into the minimum required setback.

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<tr>
<th>Projections</th>
<th>Distance</th>
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<tr>
<td>Deck, porch, balcony, or similar structure</td>
<td>1.0 m on the second floor; 2.4 m on the fourth floor;</td>
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<tr>
<td>Exterior steps or ramps</td>
<td>No limit</td>
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<tr>
<td>Chimney, pilaster and projecting columns</td>
<td>1.1 m from the <strong>main wall</strong></td>
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<td>Roof overhang</td>
<td>0.9 m</td>
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<tr>
<td>Other projections</td>
<td>0.6 m</td>
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(c) The following definitions shall apply to the lands encompassed by Exception No. 68:

**Multiple-Family Dwellings**

means low density family type **dwelling units**.

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

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)