



STAFF REPORT
Committee of Adjustment
Application

Date:	March 13, 2017
To:	Chair and Committee Members of the Committee of Adjustment, Scarborough Panel
From:	Paul Zuliani, Director, Community Planning, Scarborough District
Wards:	Scarborough-Rouge River (42)
Reference:	File No. A0343/17SC (IBMS Application No.: 16 252786 ESC 42 MV) Cross Reference Site Plan Application No.: 16 153771 ESC 42 SA Address: 5131 Sheppard Avenue East Application to be heard: Thursday, March 16, 2017 at 9:30 a.m.

BACKGROUND

This report has been prepared for information purposes to provide additional background information on the existing planning framework and the planning application history for the subject site.

Site and Context

The subject lands are located in the south-east quadrant of Sheppard Avenue East and Markham Road, with a site area of approximately 14,445 square metres. The L-shaped lands have frontage on three roads:

North: 123 metres on Sheppard Avenue East;
South: 176 metres on Orchid Place Drive; and
West: 30 metres on Markham Road.

Surrounding uses include:

North: across Sheppard Avenue East are commercial and residential uses;
South: across Orchid Place are a mix of residential and commercial/office uses;
East: a residential development under construction; and
West: a gas station and commercial uses.

Please refer to Attachment 1: Context Map for additional site context.

Zoning By-law Amendment

City Council approved a zoning by-law amendment in June 2016 to lift the Holding Provision to Exception No. 4 of Schedule C to the Malvern Community Zoning By-law No.14402. The Final Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.SC14.23>

APPLICATION

A site plan control application (File No. 16 153771 ESC 42 SA) was filed on May 11, 2016 for a residential development consisting of four 3-storey stacked townhouse buildings and three 6-storey apartment buildings, connected by one level of underground parking. The proposed development will have a total gross floor area of 24,553 square metres, 328 dwelling units and 341 parking spaces. Two access/egress driveways are proposed on Orchid Place Drive. Thirty percent (30%) of the units will be affordable housing. Refer to Attachment 2: Site Plan.

Variances to the Malvern Community Zoning By-law No. 14402, as amended and to the City-wide Zoning By-law 569-2013, as amended, are being sought by the applicant in order to permit the proposed development.

Requested Variances 1, 2, 3 and 12 pertain to setbacks. Both the Malvern Community Zoning By-law and the City-wide Zoning By-law include a requirement for a 3.0 metre street setback and the City-wide Zoning By-law includes a further requirement for a 3.0 metre side yard setback to the adjacent Residential Apartment Zone category. The proposed development complies with the 3.0 metre street and side yard setback for all above-grade portions of the buildings. However, the proposed development is proposing a 0 metre below grade/underground setback to the street and side lot lines. The proposed variances are required to accommodate an efficient parking layout and do not result in any impacts to surrounding development.

Requested Variance 4 pertains to the 45 degree angular plane. The City-wide Zoning By-law requires buildings to comply with the 45 degree angular plane, starting at a height of 7.5 metres above the average elevation of the ground along the rear lot line. Buildings A and B will penetrate the 45 degree angular plane along Sheppard Avenue East. As the subject site is both a through lot and a corner lot, Orchid Place Drive is deemed the front lot line and Sheppard Avenue East the rear lot line. Generally, a rear lot line abuts another rear lot line for the purposes of ensuring that two lots abutting each other have appropriate separation distances. In this case, the required variance is technical in nature. The rear line abuts a street (Sheppard Avenue East), and accordingly, there is a considerable distance to the development on the north side of the street.

Requested Variance 5 pertains to minimum above-ground distance between main walls. The City-wide Zoning By-law requires that there be a minimum of 11.0 metre above-ground separation distance between the main wall of a building with windows and another main wall with windows facing it at a 90 degree angle. Two portions of each Buildings D and E, and F and G will have facing setbacks of a minimum of 8.6 metres from each other respectively, with each portion having a length of 7.2 metres. The reduced separation distance provides for larger three-bedroom units and extends the street wall along Orchid Place Drive. These blocks of townhouses face each other and with these two exceptions at the north and south ends of the blocks, exceed the required minimum 11.0 metre separation distance.

Requested Variance 6 pertains to minimum first-storey height. The City-wide Zoning By-law requires a minimum first-storey height of 4.5 metres and all buildings are proposed with a minimum first-storey height of 3.2 metres. The 4.5 metre first-storey minimum height requirement is to accommodate commercial and other non-residential uses and provide clearance for loading areas. The proposed development does not propose integrated loading spaces and consists of only

residential uses, including units, lobbies and amenity space, which can be appropriately designed within 3.2 metre floor to ceiling heights.

Requested Variance 7 pertains to a minimum 1.5 metre wide soft landscaping strip. The City-wide Zoning By-law requires a minimum 1.5 metre wide strip of soft landscaping along the part of the lot abutting a lot in the Residential Zone category or Residential Apartment Zone category. A 1.7 metre hard-surface walkway is proposed along the common property line to the east, a Residential Apartment Zone category, which has approval for 105 stacked townhouse units (constructed) and two apartment buildings (13 and 18 storeys respectively), as well as a 1.7 metre wide hard-surface walkway along the common property line.

Requested Variances 8 and 13 pertain to the minimum amount of enclosed recreational floor space per dwelling unit. Both the Malvern Community Zoning By-law and the City-wide Zoning By-law include a requirement for a minimum of 1.0 square metres of enclosed recreation floor space per dwelling unit. Phase 1 of the development requires a minimum of 121 square metres of enclosed recreation space, however, only 42 square metres is proposed. The majority of enclosed recreation space will be provided in Phase 2 of the development. There are 328 dwelling units proposed and at full build-out, 328 square metres of enclosed recreation space is proposed to be provided.

Requested Variance 9 pertains to vehicle access. The City-wide Zoning By-law only permits one vehicle access in the Commercial-Residential Zone and two vehicle accesses are proposed off Orchid Place Drive. The applicant submitted a Traffic Operations Review and a Parking Study prepared by BA Consulting, in support of the application. The site is relatively large and a second access is proposed to accommodate vehicles, drop off on the southwest portion of the property, fire access and on-site loading.

Requested Variances 10 and 14 pertain to vehicle parking space requirements. The zoning by-law requirements in the Malvern Community Zoning By-law for this site were carried over into the City-wide Zoning By-law. The applicant is proposing 341 parking spaces, whereas the zoning by-laws require 459 parking spaces, a shortfall of 118 parking spaces. The applicant submitted a Traffic Operations Review and a Parking Study prepared by BA Consulting, which concluded that the proposed parking supply of 341 parking spaces can adequately satisfy the peak parking demands generated by the proposed development. Transportation Services staff have reviewed the study and concur with the findings.

Requested Variance 11 pertains to the definition of Apartment Building. The Malvern Community Zoning By-law defines Apartment Building as "...dwelling units arranged in a building so that five (5) or more dwelling units shall have common external access at grade level to the building." The Malvern Community Zoning By-law is an older by-law and stacked townhouses were not a use contemplated at the time of the by-law enactment. The City-wide Zoning By-law defines Apartment Building as "...a building that has five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area." The variance is to apply the City-wide Zoning By-law definition of Apartment Building and is technical in nature.

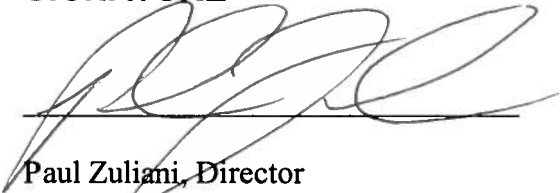
COMMENTS

The proposed variances, should they be approved, will permit the required site plan process to advance and, more importantly, will allow for the intensification of the site, with a development that is appropriate for the property.

CONTACT

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SIGNATURE

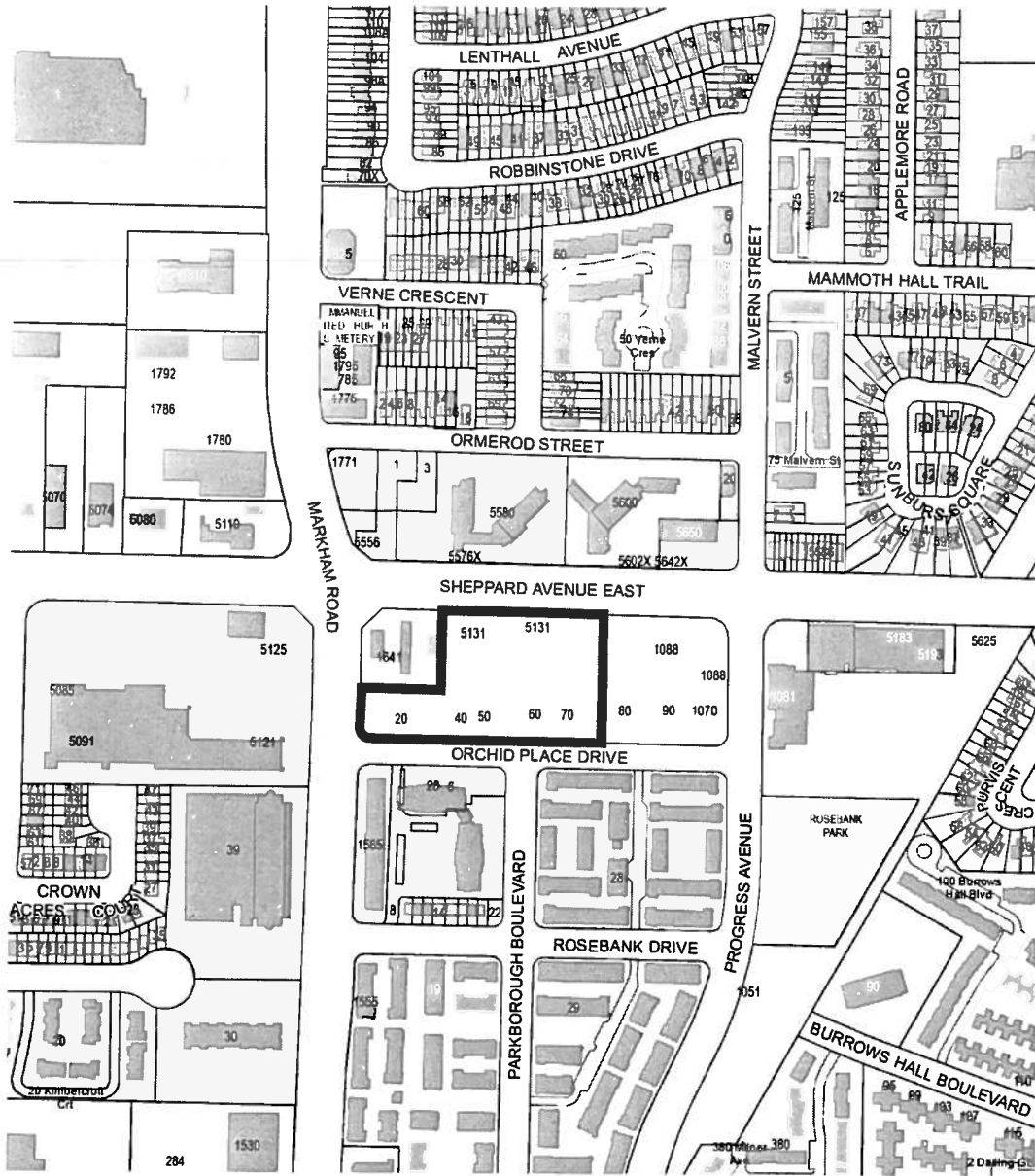


A handwritten signature in black ink, appearing to read 'Paul Zuliani', is written over a horizontal line.

Paul Zuliani, Director
Community Planning, Scarborough District

Attachment 1: Context Plan
Attachment 2: Site Plan

Attachment 1: Context Plan



Location Map

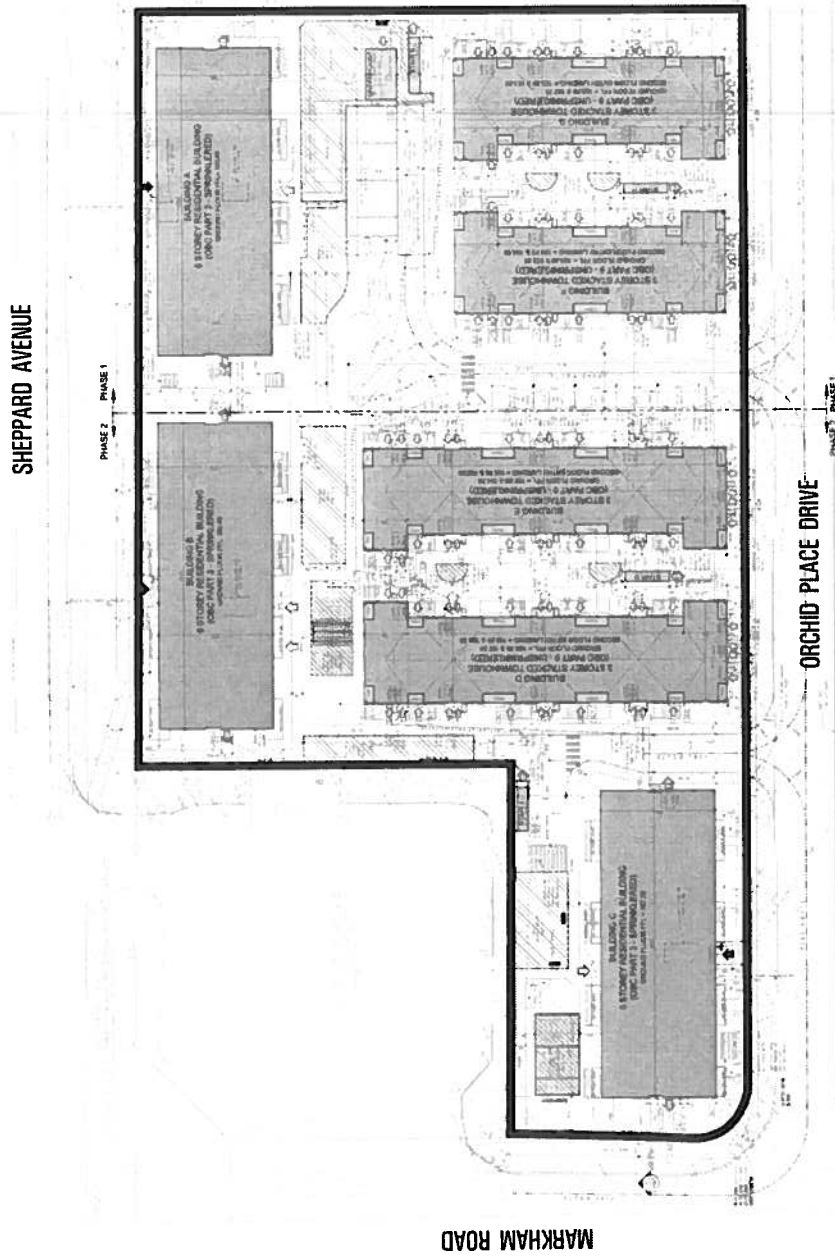
 Location of Application

5131 Sheppard Avenue east

File # 16 153771 ESC 42 SA

↑ Not to Scale
03/13/17

Attachment 2: Site Plan



5131 Sheppard Avenue

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 3/13/17

File # 16 153771 ESC 42 SA

