

1483-1485 Birchmount Road - Official Plan, Zoning and Site Plan Applications - Request for Direction Report

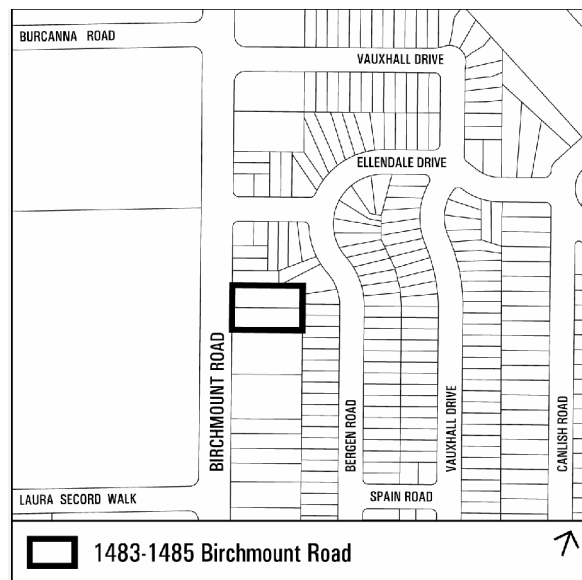
Date:	May 14, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 37 – Scarborough Centre
Reference Number:	File Nos. 05 168514 ESC 37 OZ and 05 168520 ESC 37 SA

SUMMARY

These applications propose the redevelopment of two single-detached residential parcels with 36 stacked townhouse units in two 3.5-4.5 storey blocks, with 58 underground parking spaces (1.61 spaces/unit), at 1483-1485 Birchmount Road in the Dorset Park Community.

The purpose of this report is to obtain direction on the City’s position to be taken at the Ontario Municipal Board (OMB) with respect to the owner’s appeal of these applications.

The current proposal does not fully satisfy the Design Framework approved by City Council for residential redevelopment and intensification along this portion of Birchmount Road. Discussions with the applicant to improve the proposed development have been unsuccessful. The appeal of these applications, in their current form, should be opposed by the City at the OMB.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor to oppose these applications in their current form at the Ontario Municipal Board; and
2. City Council direct and authorize the City Solicitor, in consultation with appropriate City staff, to continue negotiations with the owner toward achieving a development more consistent with the form and scale of development contemplated by the Toronto Official Plan and the Design Framework developed to guide intensification within the Birchmount Road Study Area.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The subject properties at 1483-1485 Birchmount Road, together with the southerly abutting apartment building property at 1477 Birchmount Road, were previously under one ownership. In 1989, applications for official plan and zoning by-law amendments, site plan approval and consent were made to replace the two existing houses at 1483-1485 Birchmount Road with a 6-storey, 42-unit condominium apartment building. The existing 3-storey, 21-unit rental apartment building at 1477 Birchmount Road was to be renovated and retained, with a shared right-of-way for vehicular access established between the two buildings.

That proposal was recommended for approval by Planning staff and Planning Committee, but was refused by Scarborough Council. On appeal, the OMB in 1990 allowed the development and amended the Scarborough Official Plan (Dorset Park Community Secondary Plan) to extend the High Density Residential designation then applying to 1477 Birchmount Road northerly to also include the subject site, and to apply requirements under Section 37 of the Planning Act. This designation permitted a minimum and maximum residential density of 100 to 150 units per hectare respectively (40 to 60 units per acre). The previous owners did not finalize a Section 37 agreement with the City, and an implementing zoning by-law was therefore not enacted.

The subject site was subsequently sold to a new owner, the Devco Group, with the apartment building at 1477 Birchmount Road retained under separate ownership. In 2003, Devco applied to amend the Official Plan to delete the applicable Section 37 policy from the Dorset Park Community Secondary Plan, and for a zoning by-law amendment to permit 30 condominium townhouse units in two blocks on the subject lands.

In September 2003, Scarborough Community Council considered a Final Report from Planning staff on this application. The proposal, as revised, was then for 26 stacked-

townhouse units in two 3.5-storey blocks, with 34 parking spaces overall utilizing at-grade garages and open surface parking accessed via an internal private roadway. The proposed site density was approximately 123 units per hectare (50 units per acre).

Community Council supported the recommendation of Planning staff to refuse the applications (notwithstanding compliance with the Official Plan density limit) on the basis that the revised development still provided insufficient parking and landscaped amenity space for the new residents and represented over-development of the property. Accordingly, City Council in September 2003 refused the applications. That decision was appealed by Devco to the OMB, although a hearing was never scheduled.

On January 5, 2004, Toronto East Community Council considered a Preliminary Report on a combined application for official plan amendment and rezoning to permit eight townhouse dwellings on a nearby single-detached residential property at 1465 Birchmount Road, to the south of the subject lands. That application was also refused by City Council at the preliminary stage but subsequently approved on appeal to the OMB for seven units.

In view of the continued interest evident for residential intensification in this area, however, Planning staff were also directed to undertake a land use study for this portion of Birchmount Road to address 'appropriate guidelines and standards for potential residential redevelopment and intensification which respects and has regard for the surrounding neighbourhood'.

The subject lands at 1483-1485 Birchmount Road were sold again, and on January 17, 2006, Scarborough Community Council approved a Preliminary Report from Planning staff on the current rezoning application. As originally submitted, the proposal was for 38 stacked townhouse units at a residential density of approximately 179 units per hectare (72.6 units per acre). The Preliminary Report also identified the need for a concurrent application to amend to the Scarborough Official Plan with respect to the proposed density, and for the Devco appeal to be formally withdrawn, prior to any processing of the application. Community Council also directed that the application was to be considered in the context of the continuing Birchmount Road Area Study.

On January 16, 2007, Scarborough Community Council considered a Planning staff Final Report dated January 2, 2007 presenting the results of the Birchmount Road Area Study. The report concluded that within the study area some residential intensification would be appropriate where it follows the detailed parameters being recommended in the 'Design Framework for Residential Infill and Intensification Between 1463 and 1485 Birchmount Road' (Attachment 7).

The applicant for the subject site submitted a letter to the City Clerk dated January 12, 2007 (Attachment 8) and attended the Community Council meeting as well, to address the relationship of their proposal to the proposed Design Framework. The applicant requested that, notwithstanding some particular differences, the current redevelopment

proposal for this site be allowed to proceed on the basis of a general consistency with the proposed Framework (as discussed further below).

At its meeting on February 5, 6, 7 and 8, 2007, City Council endorsed the Design Framework. Planning staff were also further directed to continue the review of this application including discussion with the applicant on issues raised in their letter regarding the relationship of the development proposal to the Framework.

ISSUE BACKGROUND

The subject applications were submitted after the Birchmount Road Area Study was commenced and, as was directed by Community Council, the applications have continued to be processed and considered in the context of that study.

Pursuant to City Council's approval of the Birchmount Road Design Framework, Planning staff have discussed the various inconsistencies of the current proposal to the Framework with the applicant in order to explore possible modifications to the proposal.

To date, these discussions have not been fruitful and on March 28, 2007, the owner appealed these applications to the OMB pursuant to Sections 22(7), 34(11) and 41(12) of the Planning Act given the lack of decisions on them by the City. This now represents the third such appeal to the OMB by consecutive owners of this property relating to its proposed redevelopment and intensification for housing.

The proposed site plan is illustrated on Attachments 1 to 3, with additional information provided on the Application Data Sheet, Attachment 5.

COMMENTS

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.

Official Plan

The new Toronto Official Plan is now largely in effect, is consistent with the Provincial Policy Statement, and establishes a Neighbourhoods designation on the subject site. Neighbourhoods 'are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

Policy 4.1.5. of the Plan states that ‘Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

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. The prevailing building type will be the predominant form of development in the neighbourhood. Some Neighbourhoods will have more than one prevailing building type. In such cases, a prevailing building type in one neighbourhood will not be considered when determining the prevailing building type in another neighbourhood.’

There are currently no comparable stacked townhouse developments in this neighbourhood, however as noted in the Birchmount Road Area Study, there are a number low-rise (3 to 6 storey) apartment buildings in the immediate vicinity. In terms of built form, stacked townhouses are essentially a walk-up apartment building form. As existing housing types and built forms are already sufficiently mixed within the study area, stacked townhousing can be considered to be an appropriate housing form for this neighbourhood without the necessity of further amendment to the Neighbourhoods designation of the Official Plan.

In developing the Birchmount Road Design Framework, Planning staff paid particular attention to Policy 4.1.5. of the Official Plan. The Design Framework provides a more detailed articulation of the intent of this Official Plan policy when specifically applied to the level of this particular neighbourhood. The Framework is intended to both guide further redevelopment and intensification while also providing greater clarification and certainty for area residents as to the appropriate form and scale of any development changes that should be anticipated along the Birchmount Road frontage of their neighbourhood.

Relationship of the Proposal for 1483-1485 Birchmount Road to the Design Framework

The Design Framework is included as Attachment 7 and the applicant’s January 12, 2007 submission to the City is included as Attachment 8.

Density

The Design Framework states that ‘residential redevelopment should be limited to a maximum net site density generally in keeping with the densities of the existing apartment buildings in the study area’.

This application was originally submitted as a proposed rezoning only. The applicant had viewed the 1990 OMB approval for the 42-unit condominium apartment building for this site as an indication that amendment to the Scarborough Official Plan would therefore not be necessary with respect to the lesser density now being proposed.

Planning staff advised that the Board’s approval reflected the intended combined development of the subject site with the adjacent apartment at 1477 Birchmount Road which were then both under one ownership. The maximum permitted density overall of 150 units per hectare reflected that larger collective site area. Since the properties have come under separate ownership, the current proposal still exceeds that density for this site. That is, development on this site cannot utilize unused density from an adjacent parcel under separate ownership.

The subject proposal, now revised to 36 units, represents a density of 170 units per hectare for which amendment to the former Scarborough Official Plan was previously required. Under that plan, a maximum of 31 units only would have been permitted on this site. The applicant’s position is that the additional 5 units is not significant in that it does not create negative impacts on the surrounding lands.

The new Toronto Official Plan does not contain numeric residential density limitations. The Scarborough Official Plan is no longer in effect. An Official Plan amendment with respect to the density being proposed will therefore not be necessary. The Board must, however, still determine suitable zoning for this site to provide for an appropriate density and form for redevelopment which respects its particular neighbourhood context.

The Design Framework assists in determining an appropriate density for this site. As the Birchmount Road Area Study determined, the densities of apartment buildings in the vicinity range from 75 to 110 units per hectare (30 to 45 units per acre). On this basis, even at the high end of this scale, the subject site should be expected to accommodate a maximum of approximately 23 units.

Whether considered against the former Scarborough Official Plan, the new Official Plan or the more recent Design Framework, the current application for 36 units and built form being proposed continues to represent over-intensification for a site of this size.

Birchmount Road Frontage

The Design Framework states that ‘grade-related townhouses, stacked townhouses and/or apartment buildings directly adjacent to Birchmount Road will only be supported to a maximum height of 4 storeys. At 3.5 storeys, the current proposal would be consistent with this height.

The Design Framework further provides that buildings adjacent to Birchmount Road should present a front façade to, and direct building access from, the street, with a building setback from the street line of approximately 8 m (26 ft.). This setback was determined through the Area Study to be generally consistent with, and comparable to, the setbacks of existing apartment buildings along the street.

Of concern for Planning staff is the proposed front building setback from Birchmount Road of approximately 3.6 m (11.8 ft.). The Design Framework identifies the preferred building setback of approximately 8 m (26 ft.) to best reflect the setbacks of the existing apartment building forms along the street in the study area. For example, the adjacent apartment building at 1477 Birchmount Road has a building setback of approximately 8.7 m (29 ft.), and the adjacent apartment building south of this at 1475 Birchmount Road has an even greater setback of approximately 11.7 m (38 ft.).

Rear Yards

To achieve compatibility of new development with existing homes to the rear on Bergen Road, the Design Framework provides that only buildings having rear yard building setbacks of a minimum of 7.5 metres and heights which fit within a 45 degree angular plane, as measured from the rear lot line and to a maximum of 3 storeys, should be considered on the rear third of these properties. There should be no driveways or vehicle parking within these rear yard spaces.

The proposed rear building would satisfy the rear yard setback and parking criteria and would also come close to meeting a 45-degree angular plane for height with the exception of some roof dormers (as illustrated on the last page of Attachment 8). To the extent such roof dormers do not include windows, thus impacting on privacy for homes to the rear, Planning staff do not feel these dormers, as illustrated, are a concern under the Design Framework.

The Design Framework also provides that buildings on the rear of these properties should serve to screen the rear yards of homes on Bergen Road from those buildings on the front of the property. The proposed development would achieve this.

Separation Distances

The Design Framework provides that separate buildings on the front and rear portions of a site should maintain a minimum facing distance separation of 15 m (49 ft.), whereas the current proposal achieves approximately 13.4 m (44 ft.) of separation between what are essentially the front walls and doors of facing units.

The applicant submits this is 'close' to the recommended distance, provides for landscaped amenity space only between the units and has been accepted with other projects elsewhere in the City. Planning staff acknowledge that the reduced separation would not be further impacted by any vehicle activity between the buildings, however staff believe that acceptance of facing separations less than 15 m is typically a reflection of particular site, design and/or servicing constraints. In this case, the reduced separation is driven primarily by the intended site density and proposed unit depths, both of which

could be addressed through re-design of the development to reduce density and/or provide wider, shallower units.

Development Infrastructure Policy and Standards Review (D.I.P.S.)

Clauses 7 and 9(a) of the Design Framework address the application of the D.I.P.S. criteria to redevelopment within the Study Area. As D.I.P.S. is intended to apply to grade-related development (e.g. typical townhouse forms) having surface parking and servicing access, D.I.P.S. will not apply given the built form and underground parking arrangement being proposed.

Underground Parking

The Design Framework encourages underground parking, where feasible, to facilitate opportunities for improved surface landscaped amenity space to benefit the new and abutting residents.

The greater costs to provide underground parking structures from a developer's perspective, however, should not be a planning consideration to justify a particular unit density being proposed or to argue against a reduction in that density. The most appropriate form and intensity of infill development and intensification should still be driven in the first instance by the Provincial Policy Statement, the new Official Plan and in particular, the Design Framework for this neighbourhood. Underground parking should only be considered where the site density and unit yield specifically represent good planning and are both acceptable to the City while still feasible for the developer.

Planning staff are not aware of a particular minimum threshold for development necessary in this case for the applicant to still proceed with underground parking from a business standpoint. Staff recognize, however, that should a reduced final number of units approved for this development not prove feasible to continue with underground parking, the underground parking would have to be eliminated and replaced with surface parking through substantial re-design of the overall development. Again, the Design Framework would serve to inform any such re-design.

On a related concern, the only pedestrian access to the underground parking as currently proposed would be via either two exterior stairwells only, or by walking in traffic along the driveway ramp itself. This is not an ideal situation for pedestrian and in particular, for any disabled residents or visitors to the development. Such accessibility limitations with the current proposal are of particular concern under both the Provincial Policy Statement and the Official Plan.

Further Discussions With the Applicant

As directed by City Council in February 2007, Planning staff met with the applicant and the property owner on February 20, 2007 to discuss this development proposal in the context of the Design Framework and their January 12, 2007 submission to the City.

The applicant presented a modified development concept which eliminated one unit (i.e. from 36 units proposed to 35), relocated the driveway to the north side of the site while

now providing a sidewalk on the ramp to the underground, and which created three new surface parking spaces for visitors and/or disabled parking.

Planning staff acknowledged the positive aspects of some of the site plan changes indicated, but expressed continued concern with the overall site density given the reduction of one unit only, and the lack of any improvement to the front building setback. Staff suggested that a further reduction in the number of units and redesign of the unit configurations and floor plates to improve separation between the buildings should be considered. Alternatively, many of the issues raised by staff under the Design Framework could be readily addressed by redesigning the project to incorporate one low-rise apartment building in a single block instead of the two stacked townhouse blocks proposed.

The applicant indicated any further reduction in the number of units was simply not feasible. As confirmed by the subsequent appeal of these applications, the applicant has indicated an unwillingness to consider further changes to this proposal.

Toronto Green Development Standard

As the application was submitted in 2005, the applicant was not specifically requested to consider meeting the City's Green Development Standard adopted by City Council in July 2006. Planning staff would, however, continue to encourage the applicant to do so.

Section 37

In accordance with the Section 37 policies of the new Toronto Official Plan and the small scale of the proposed development, Section 37 does not apply to this proposal.

Conclusions

Planning staff conclude that the application in its current form represents over-intensive redevelopment of this site that does not adequately respect or have regard for the character and built form of the surrounding neighbourhood, including the Birchmount Road frontage. The application in its current form should therefore be opposed by the City at the OMB. It would be desirable, however, for the City Solicitor in consultation with Planning staff to still pursue negotiations with the owner toward achieving a reduced development density more consistent with the form and scale of development contemplated by both the Toronto Official Plan and the Design Framework developed to guide intensification under the Birchmount Road Area Study.

CONTACT

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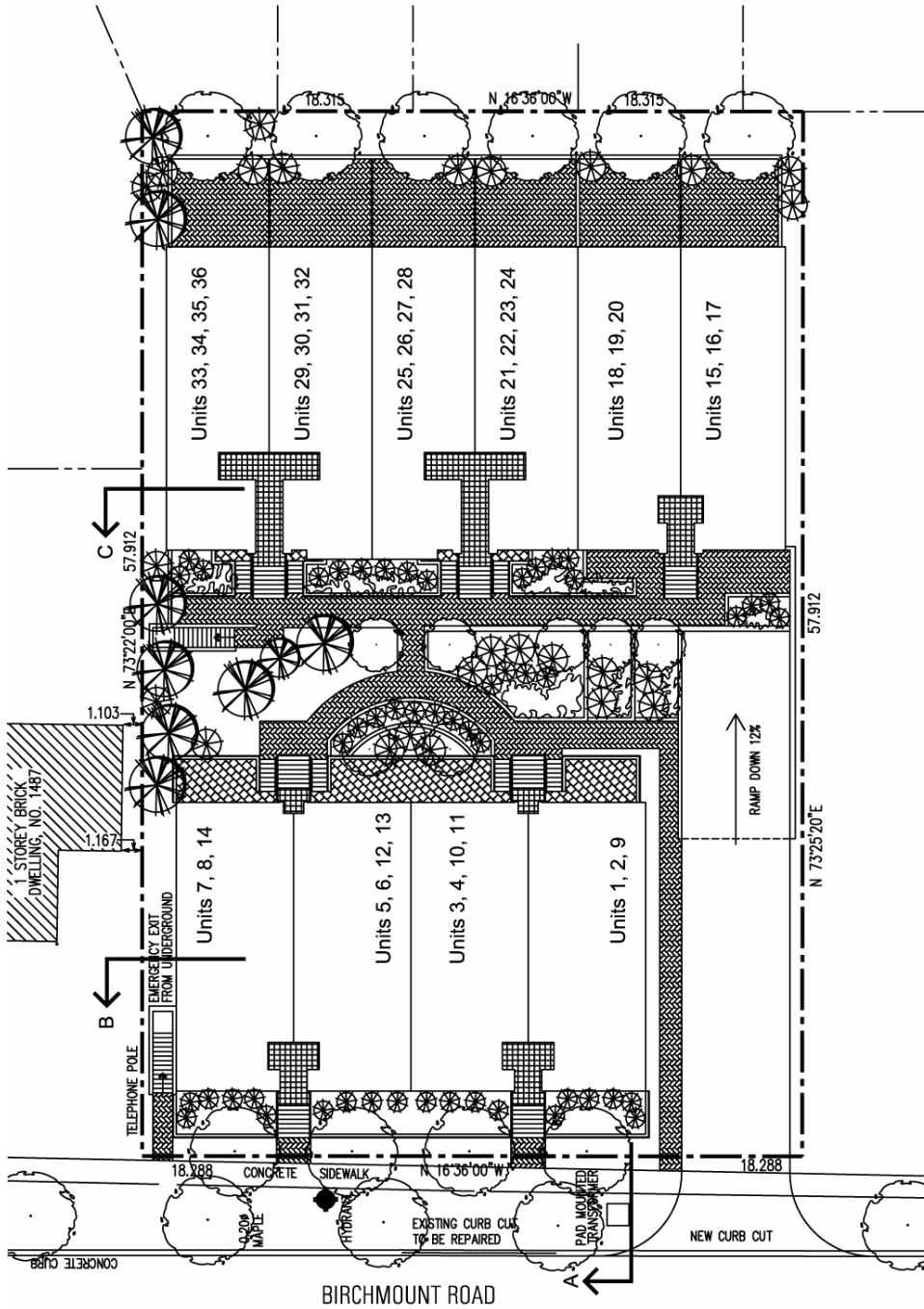
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: Proposed Site Plan
- Attachment 2: Proposed Building Elevations
- Attachment 3: Proposed Building Elevations (North Side)
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet
- Attachment 6: Birchmount Road Area Study Map
- Attachment 7: Design Framework for Residential Infill and Intensification Between
1463 and 1485 Birchmount Road
- Attachment 8: Applicant Letter of January 12, 2007

Attachment 1: Proposed Site Plan



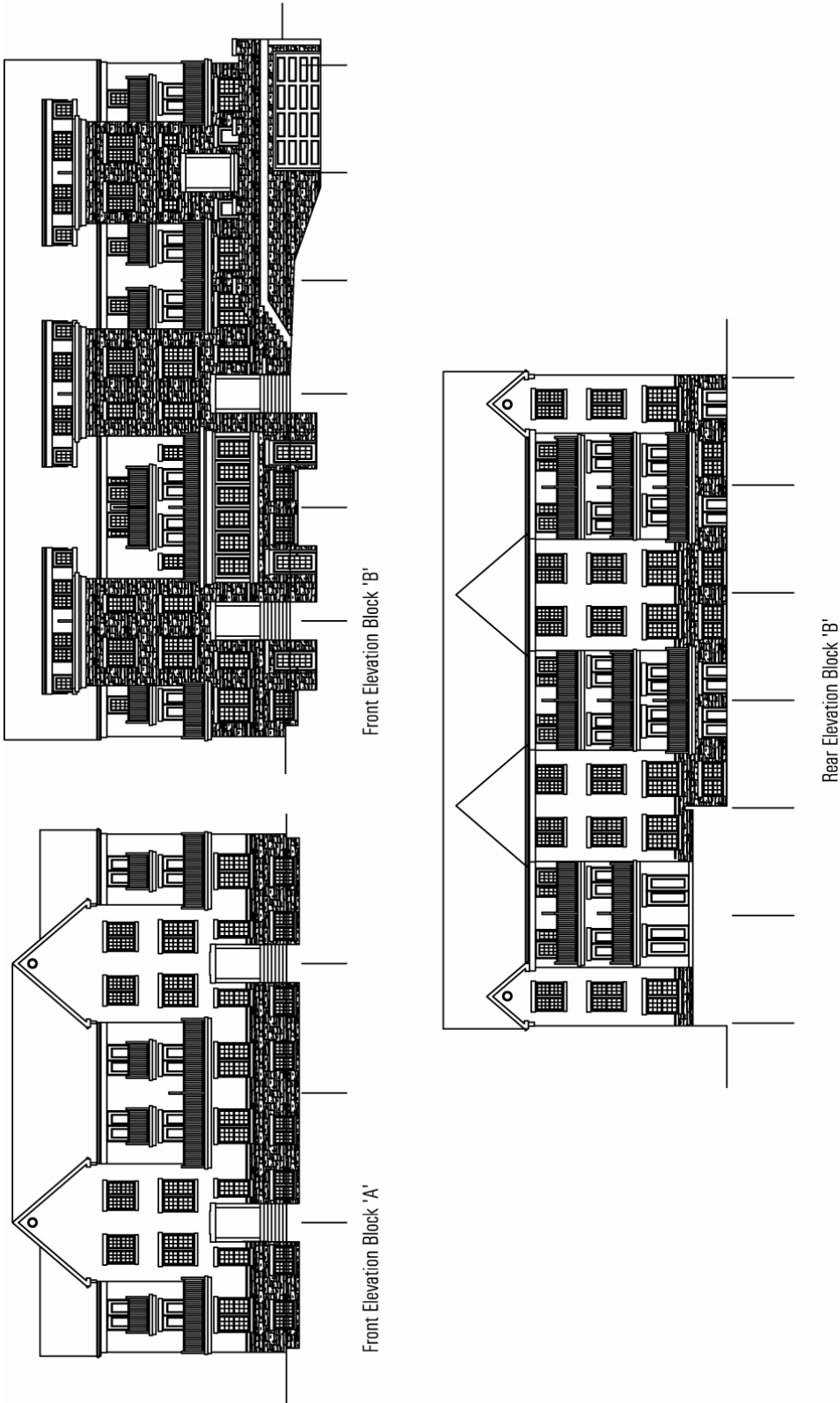
Site Plan 1483-1485 Birchmount Road

Applicant's Submitted Drawing

Not to Scale
12/15/06

05-166514 0Z

Attachment 2: Proposed Building Elevations



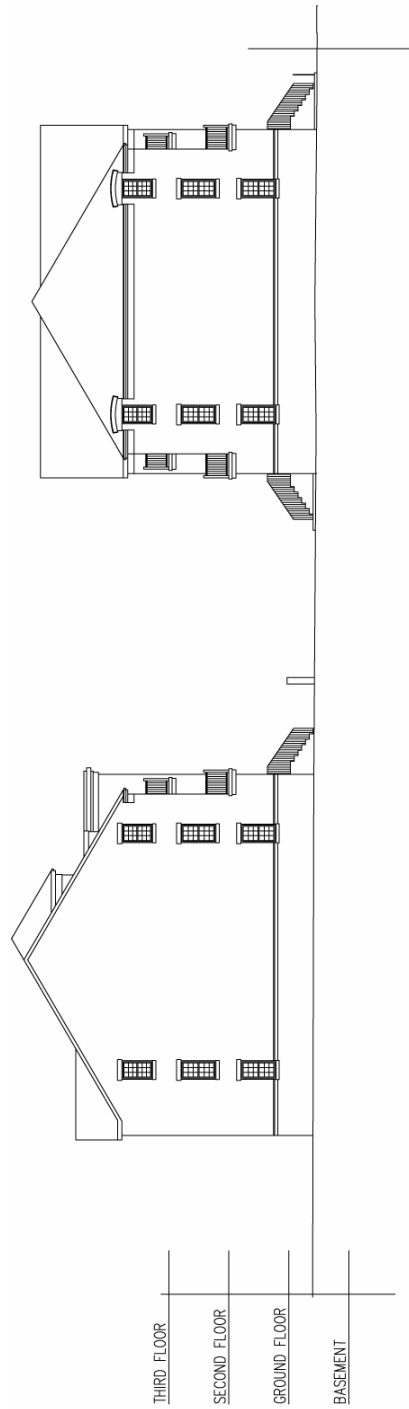
1483-1485 Birchmount Road

Elevation Plans
Applicant's Submitted Drawing

Not to Scale
12/19/06

File # 05-168514 0Z

Attachment 3: Proposed Building Elevations (North Side)



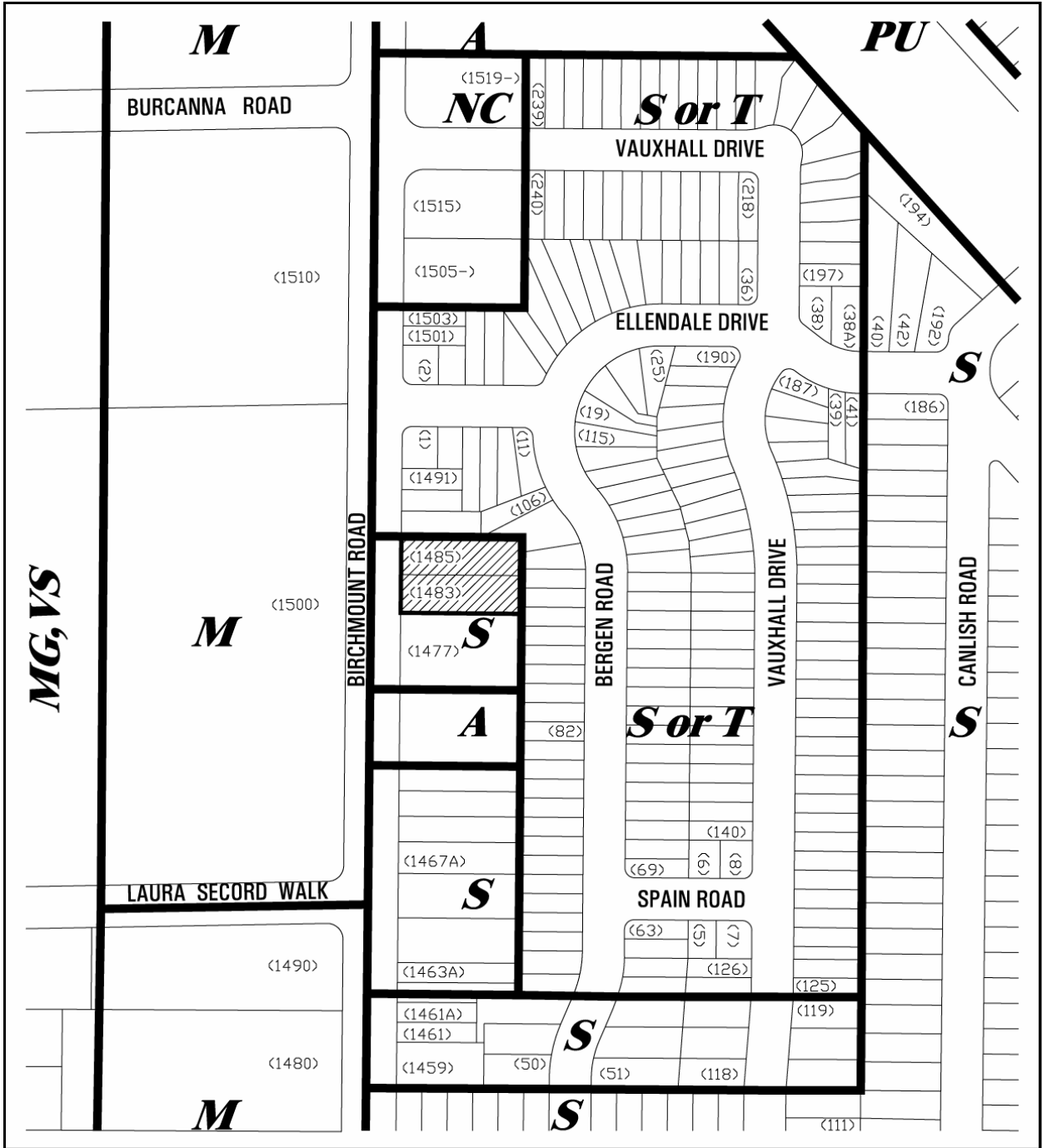
1483-1485 Birchmount Road

File # 05-168520 SA; 05-168514 OZ

Elevation Plan - North
Applicant's Submitted Drawing

Not to Scale
10/14/05

Attachment 4: Zoning



TORONTO Urban Development Services
Zoning

1483-1485 Birchmount Road

File # 05-168514_0Z

S Single-Family Residential
T Two-Family Residential
A Apartment Residential
NC Neighbourhood Commercial

PU Public Utilities
M Industrial Zone
MG General Industrial Zone
VS Vehicle Service Zone

Dorset Park Comm./Wexford Emp. Bylaws
 Not to Scale
 10/26/05



Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	05 168514 ESC 37 OZ
Details	Rezoning, Standard	Application Date:	August 9, 2005

Municipal Address: 1483 and 1485 BIRCHMOUNT ROAD, Toronto ON
 Location Description: PLAN 3473 PT LOT 6 **GRID E3704
 Project Description: CONSTRUCT 36 STACKED TOWNHOUSES

Applicant:	Agent:	Architect:	Owner:
HUMPHRIES PLANNING GROUP INC. ATTN: TODD COLES			JAYMOR SECURITIES LTD. & BIRCHMOUNT TOWNHOUSES FBM LTD.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	S-Single Family Residential	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2119	Height:	Storeys:	3.5 to 4.5
Frontage (m):	36.57		Metres:	14
Depth (m):	27.912			
Total Ground Floor Area (sq. m):	987			Total
Total Residential GFA (sq. m):	3588.3		Parking Spaces:	58
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	3588.3			
Lot Coverage Ratio (%):	46.58			
Floor Space Index:	1.69			

DWELLING UNITS

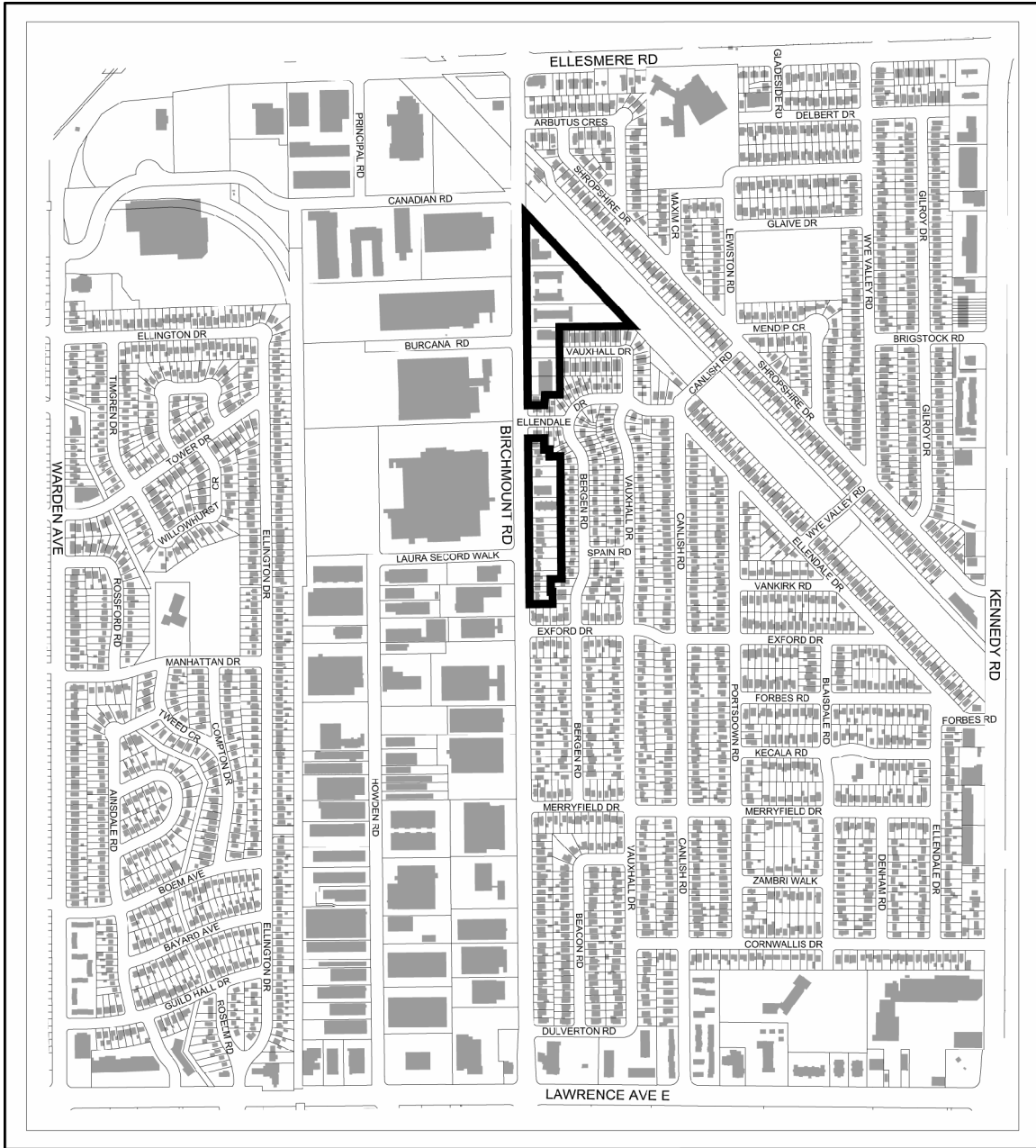
Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	2
2 Bedroom:	32
3 + Bedroom:	2
Total Units:	36

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	3922	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: Rod Hines, Principal Planner
TELEPHONE: (416) 396-7020

Attachment 6: Birchmount Road Area Study Map




TORONTO Urban
Development Services
Study Area Map

 Study Area

Birchmount Rd. Area Study (Dorset Pk.)
1459 - 1555 Birchmount Rd.

File # 04-103376 TM

 Not to Scale
2/4/04

Attachment 7: Design Framework for Residential Infill and Intensification Between 1463 and 1485 Birchmount Road

- 1) Grade-related townhouses, stacked townhouses and/or apartment buildings directly adjacent to Birchmount Road will only be supported to a maximum height of 4 storeys.
- 2) Residential redevelopment should be limited to a maximum net site density generally in keeping with the densities of the existing apartment buildings in the study area.
- 3) Buildings adjacent to Birchmount Road should present a front façade to, and direct building access from, the street, with a building setback from the street line of approximately 8 m (26 ft.).
- 4) Only buildings having rear yard building setbacks of a minimum of 7.5 metres and heights which fit within a 45 degree angular plane, as measured from the rear lot line, to a maximum of 3 storeys, should be considered on the rear third of these properties. There should be no driveways or vehicle parking within these rear yard spaces.
- 5) Buildings on the rear of these properties should serve to screen the rear yards of homes on Bergen Road from those buildings on the front of the property.
- 6) Separate buildings on the front and rear portions of a site should maintain a minimum facing distance separation of 15 m (49 ft.).
- 7) Grade-related dwellings on the rear portion of the site should be limited to a maximum of 10 units accessed by a maximum 45 m (148 ft.) long private laneway having a minimum 8 m (26 ft.) wide pavement, a 1.7 m (5.6 ft.) sidewalk, a hammerhead for vehicle turning and suitability for public solid waste and recyclables collection.
- 8) Underground parking should be encouraged where feasible, to facilitate increasing the amount of outdoor landscaped amenity space available, including sufficient planting/growing space to support mature trees, for the enjoyment of the residents and the benefit of residents of adjacent properties.
- 9) In addition to considerations under Policy 4.1.5. of the Official Plan, the particular design of individual site redevelopment proposals will also have regard to the City's:
 - a) Urban Design Guidelines for Infill Townhouses which provide a framework to address the integration or 'fit' of townhouse building forms that minimize impacts on the surrounding area, achieve a high quality of

design and amenity for existing and new residents, and ensure efficient, environmentally sound site functioning; and

- b) Development Infrastructure Policy and Standards Review (D.I.P.S.) which addresses criteria for private roadways where the size of redevelopment parcels may not be suitable to incorporate a public street. Development at the rear of these parcels would consist of a maximum of 10 units not directly fronting the public street, accessed by a maximum 45 m (148 ft.) long private laneway having a minimum 8 m (26 ft.) wide pavement, a 1.7 m (5.6 ft.) sidewalk, a hammerhead for vehicle turning and suitability for public solid waste and recyclables collection.

Attachment 8: Applicant Letter of January 12, 2007

HUMPHRIES PLANNING GROUP INC.

January 12th, 2007
HPGI 0572

City of Toronto
Scarborough Civic Centre
150 Borough Drive,
Toronto, Ontario
M1P 4N7

**Attention: Ulli S. Watkiss
City Clerk**

Mr. Watkiss:

**RE: Final Report – Birchmount Road Area Study Design Framework
Scarborough Community Council Meeting
January 16th, 2007 – Item #SC2.34**

Humphries Planning Group Inc. represents Jaymor Developments Ltd. and Birchmount Townhomes FBM Ltd. with respect to the properties they own at 1483 – 1485 Birchmount Road. These lands are located within the Birchmount Road Area Study, which encompasses 1459 – 1555 Birchmount Road. Applications to amend the Official Plan and zoning by-law have been submitted to facilitate the development of 36 townhouse dwellings with underground parking.

There has been a number of development applications submitted for these lands, as outlined in the staff report. On December 13th, 1989, the Ontario Municipal Board issued a decision that applied to these lands. In that decision the Board directed the City to amend the Dorset Park Community Secondary Plan with respect to the properties located 1477, 1483 and 1485 Birchmount Road by enlarging the "Higher Density Residential Uses – RH" designation. The decision also required that Council add a section to the Official Plan that dealt with increased height or density that required provisions of facilities and services.

The development of a 42 unit, 6-storey building was approved through a zoning by-law and site plan. There was also a severance application that was approved by the Planning Committee on April 27th, 1989. The Board decision notes that it was not appealed and therefore the consent to sever the southerly portion of the original 3 properties was granted. Acknowledgment of the severance has the effect of approving the proposed 6-storey building on 1483 and 1485 Birchmount Road, as there was no new development proposed in the appeal for 1477 Birchmount Road.

One of the conditions was that prior to the enactment of the zoning by-law the Owner was to enter into an agreement with the City regarding the permitted density and contribution of funds towards a day care facility in the community in exchange for the density. This agreement has not been entered into, and therefore the by-law has never been enacted.

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A Community Information Meeting was held on June 9th, 2006, for the purposes of discussing the Birchmount Road Area Study and the applications submitted for 1483 – 1485 Birchmount Road. The meeting was attended by City Staff, the applicant and ourselves, and Councillor Thompson. Approximately 30 residents attended the meeting.

The residents at the Community Information Meeting had a number of questions about the proposed development at 1483 – 1485 Birchmount Road related to traffic, parking, provision of a playground, property values and municipal services. None of the concerns raised with respect to this project were related to massing, building height, density or setbacks. The primary concern raised by residents related to the loss of apartment units within the study area.

The staff report identifies that residents were concerned about tall buildings and overlook into their yards. These were not specifically directed at the proposed development for 1483 – 1485 Birchmount Road, even though this is the only current application within the study area and was presented at that meeting.

The staff report has provided a framework for residential infill and intensification. The proposed development complies with a number of these requirements, but not entirely with others. Below is a review of the framework and an analysis of the conformity of the proposed development with those criteria:

- Grade-related townhouses, stacked townhouses and/or apartment buildings directly adjacent to Birchmount Road will only be supported to a maximum height of 4 storeys.

The proposed development includes 3-storey stacked townhouse units adjacent to Birchmount Road, providing a strong presence along the road as requested by Staff in earlier discussions.

- Buildings on the rear of these properties should serve to screen the rear yards of homes on Bergen Road from those buildings on the front of the property.

The 3-storey building proposed for the rear of the property will screen the residential properties to the east from the building proposed along Birchmount Road.

- Underground parking should be encouraged where feasible, to facilitate increasing the amount of outdoor landscaped amenity space available, including sufficient planting/growing space to support mature trees, for the enjoyment of the residents and the benefit of residents of adjacent properties.

Underground parking is proposed for the development. This allows the surface area not occupied by structures or driveway to be used as common and private amenity space. Landscaping is proposed along Birchmount Road, the rear property line, north property line and common area between the buildings.

- In addition to considerations under Policy 4.1.5. of the Official Plan, the particular design of individual site redevelopment proposals will also have regard to the City's:

a) Urban Design Guidelines for Infill Townhouses which provide a framework to address the integration or 'fit' of townhouse building forms that minimize impacts on the surrounding area, achieve a high quality of design and amenity for existing and new residents, and ensure efficient, environmentally sound site functioning

The proposed development exhibits a high degree of design quality, as demonstrated by the elevation drawings that have been submitted. Design features have been incorporated into the site layout to minimize impacts on the neighbours, through maintaining a minimum rear yard setback, use of underground parking and landscaping for screening purposes.

The Infill Townhouse Design Guidelines have been reviewed to determine compliance with them. The proposed development substantially complies with the guidelines, in terms of relation to the street, open space within the development, provision of walkways, setback between building faces, provision of underground parking, location of garbage storage and disposal (underground), relationship of building to grade and height, light, view and privacy, building face, streetscape improvement, and pedestrian comfort/safety.

In addition to the criteria noted above, there are some issues with the other criteria as related to the proposed development. Those issues are:

- Residential redevelopment should be limited to a maximum net site density generally in keeping with the densities of the existing apartment buildings in the study area.

The staff report notes that the densities of the apartment buildings in the study are range from 75 – 110 units per hectare (uph). The density of the proposed development is 170 uph, however it should be noted that under the Dorset Park Community Secondary Plan a maximum density of 150 uph was permitted. The proposed density of the development results in only an increase of 5 units above what the Dorset Park Community Secondary Plan permitted. This increase of units is not significant in that it does not create negative impacts on the surrounding lands.

- Buildings adjacent to Birchmount Road should present a front façade to, and direct building access from, the street, with a building setback from the street line of approximately 8 m (26 ft.).

The proposed development does present a front façade to Birchmount Road. Direct pedestrian access is also proposed from the street. The front yard setback, however, is 3.6 metres. Discussions were held with City Staff early in the process to determine their requirements for the development. One of the requests was that the buildings be close to Birchmount Road. This was accommodated, but the setback proposed in the study contradicts staff's earlier request.

The staff report notes that front yard setbacks do vary along Birchmount Road. They indicate that "it is anticipated that a front yard setback from the street line of +/- 8m (+/- 26ft) is appropriate". Existing setbacks have not been provided for comparison purposes and there is no justification as to why it is only "anticipated" that an 8m setback is appropriate. If there is some variation in front yard setbacks, then the proposed front yard setback of 3.6m will only add to this variety and is appropriate for the development.

The City's Infill Townhouse Design Guidelines provide a framework to address the integration of new development with existing housing patterns. Setbacks for the front yard are included in these guidelines. It is indicated that a minimum front yard setback of 2 – 3 metres should be provided when parking at the rear. In this case, the parking is underground, and in keeping with ensuring that parking is not visible from the street. The proposed front yard setback of 3.6 metres exceeds the minimum setback recommended in the guidelines.

- Only buildings having rear yard building setbacks of a minimum of 7.5 metres and heights which fit within a 45 degree angular plane, as measured from the rear lot line, to a maximum of 3 storeys, should be considered on the rear third of these properties. There should be no driveways or vehicle parking within these rear yard spaces.

The proposed development does have a rear yard setback of 7.5 metres and is 3-storeys in height. There are no parking areas or driveways in the rear portion of the lot. The proposed development generally complies with the 45 degree angular plane. When applied as suggested in the staff report, only a small portion of the rear building is above this line (see attachment). Given that the setback is being met, and the building height is not exceeded, the development substantially conforms to this requirement. Additionally, no negative comments were generated by the public about this at the community meeting.

- Separate buildings on the front and rear portions of a site should maintain a minimum facing distance separation of 15 m (49 ft.).

The proposed facing distance separation of the 2 buildings is 13.4 metres. This is close to the recommended distance. The area between the buildings does provide for amenity space and landscaping. The same building separation was implemented for a similar project by Jaymor Developments Ltd. in the North York district of the City of Toronto. That project was considered using the same Urban Design Guidelines.

- Grade-related dwellings on the rear portion of the site should be limited to a maximum of 10 units accessed by a maximum 45 m (148 ft.) long private laneway having a minimum 8 m (26 ft.) wide pavement, a 1.7 m (5.6 ft.) sidewalk, a hammerhead for vehicle turning and suitability for public solid waste and recyclables collection; and

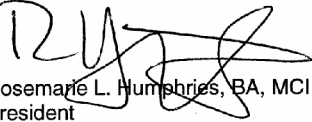
- Development Infrastructure Policy and Standards Review (D.I.P.S.) which addresses criteria for private roadways where the size of redevelopment parcels may not be suitable to incorporate a public street. Development at the rear of these parcels would consist

of a maximum of 10 units not directly fronting the public street, accessed by a maximum 45 m (148 ft.) long private laneway having a minimum 8 m (26 ft.) wide pavement, a 1.7 m (5.6 ft.) sidewalk, a hammerhead for vehicle turning and suitability for public solid waste and recyclables collection.

It has been confirmed with Staff that these criteria are related to development where parking and access is to be provided at grade, as it addresses maximum length and minimum width of a private laneway. The proposed development for 1483 – 1485 Birchmount Road is based on the premise of underground parking, with the associated services also underground. The criteria also appear to address development that could take place in the form of single or semi-detached residences on a private laneway, on this basis they do not apply to the proposed development.

We believe that the proposed development implements the proposed Design Framework. In consideration of the previously approved development applications, and general compliance with the proposed "Design Framework for Residential Infill and Intensification Between 1463 and 1485 Birchmount Road", we disagree with the Staff recommendation that changes are necessary for the proposed development to achieve consistency with the framework. It is requested that the development proposal for 1483 – 1485 Birchmount Road be incorporated into any approval of the Design Framework, and that approval in principle be granted to allow the processing of the Official Plan and Zoning By-Law Amendment applications to proceed. Should you have any questions I can be contacted at (905)264-7678 x244.

Yours truly,
HUMPHRIES PLANNING GROUP INC.


Rosemarie L. Humphries, BA, MCIP, RPP
President

RH/tc

Copy to: Councillor Thompson, City of Toronto
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Jaymor Developments Ltd. and Birchmount Townhomes FBM Ltd.

