

**59 Colgate Avenue
Zoning and Site Plan Applications
Request for Direction**

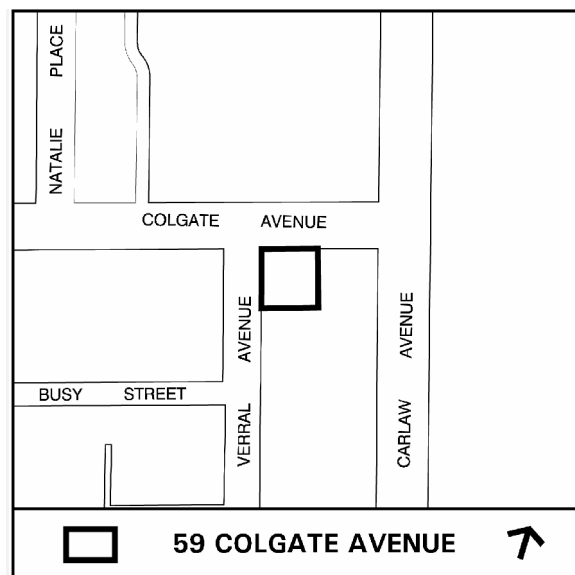
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| Date: | March 12, 2007 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 30 – Toronto-Danforth |
| Reference Number: | File Nos. 06-101777 STE 30 OZ & 06-117517 STE 30 SA |

SUMMARY

The applicant has appealed the Zoning By-law amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision on the applications within the time allotted by the Planning Act. The applications before the OMB are to permit 21 live/work units at 59 Colgate Avenue. The purpose of this report is to seek Council’s direction on the appeal.

Since the appeal, the applicant submitted a revised proposal that should incorporate the comments received from staff and community members. Appropriate agencies and City Departments are currently evaluating the revised submission. City staff are continuing to work with the applicant in an effort to resolve outstanding issues.

The OMB has set a hearing date of May 28, 2007 to June 1, 2007. This report seeks Council’s direction to staff to attend the upcoming hearing in support of the appeal, subject to the resolution of all outstanding issues.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and necessary City staff to attend at the Ontario Municipal Board hearing in support of the appeals, subject to the resolution of all outstanding issues, including, but not limited to, issues that may relate to Building Setback, Streetscaping, Urban Forestry, Urban Design, and Technical Services;
2. City Council authorize the City Solicitor to request the OMB to withhold its order approving the Zoning By-law Amendment until the owner has entered into a Site Plan Agreement under Section 41 of the Planning Act; and
3. City Council authorize the City Solicitor and necessary City staff to take such necessary steps to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Rezoning application was made on January 11, 2006 (The applicant also made Rezoning and Official Plan Amendment applications for 53 Colgate Avenue, which is also under appeal and will be subject to a separate report).

The Preliminary Report (dated May 24, 2006) recommended that staff schedule a community consultation meeting to discuss the application with area residents. The Preliminary Report identified planning issues related to the Official Plan's built form criteria, parking supply, and density. The Preliminary Report can be accessed at: www.toronto.ca/legdocs/2006/agendas/committees/te/te060613/it048.pdf.

ISSUE BACKGROUND

Proposal appealed to the OMB

The proposal is to construct a 4-storey building containing 21 live/work units with a total of 16 parking spaces on the ground floor. Thirteen spaces are to be located within the proposed building on the ground floor (1 space was proposed as a dedicated Zipcar space that future residents and the community would have access to a shared car). The remaining 3 spaces are proposed to be provided off-site, permanently allocated by means of the Condominium documents, and located at 53 Colgate Avenue (a neighbouring proposed development by the same developer). The proposed height of the building is 19.3 metres with a density of 3.4 times the area of the lot.

Revised Proposal

On January 19, 2007, the applicant submitted a revised proposal that appropriate agencies and City Departments are currently reviewing. The revised proposal is illustrated in Attachments 1 to 5 and is described in this report.

OMB Appeal

On October 5, 2006 the applicant appealed the Zoning By-law amendment and Site Plan Control applications on the grounds that City Council failed to make a decision on the applications within 120 days and 60 days, respectively.

COMMENTS

Site Description

The site is located on the south side of Colgate Avenue, just west of Carlaw Avenue, and is currently being used as a surface parking lot for approximately 16 vehicles.

- Directly east of the site is another surface parking lot with frontage on both Colgate and Carlaw Avenues,
- To the south of and abutting the site are row houses fronting onto Verral Avenue,
- Across the street, to the north of the site is a vacant lot which has a site specific by-law passed in 1999, to permit an eight storey live/work apartment building containing 230 units and two levels of underground parking, and
- Across the street on the west side are row houses fronting onto Verral Avenue.

Official Plan

The Official Plan for the City of Toronto designates the property as an Employment Area. An area specific policy (No. 154) permits consideration of residential uses in this area, provided that the proposed building provides for a satisfactory living environment compatible with the employment uses in the building and adjacent area.

In addition to other Official Plan policies, the Built Form policies apply to new development. Staff are applying these policies in evaluating the proposed development's fit within its planned and existing context.

Zoning

The zoning on the site is I2 D3 that permits a variety of industrial uses up to a density of 3.0 times the area of the lot. Residential uses are not permitted. The height limit is 18.0 metres. There are no building setback requirements from the lot lines for industrial buildings where there are no openings, windows or doors.

Site Plan Control

An application for Site Plan approval has been filed and appealed.

Tree Preservation

The applicant filed an Arborist Report (March 15, 2006) indicating the size and status of existing trees on and near the site. Urban Forestry staff are currently evaluating the applicant's Landscape Plan.

Reasons for the Application

Residential uses are not permitted as-of-right in the I2 zone. To permit residential uses, the proposal requires an application to rezone the site to permit live/work units at this location. The Official Plan permits consideration of this use.

Community Consultation

On June 27, 2006, a combined community consultation meeting was held at the Ralph Thornton Community Centre for the subject property and the application at 53 Colgate Avenue. Approximately 50 area residents attended the meeting.

The applicant and a representative from Zipcar, a car sharing company that provides membership to individuals to access a shared car, presented at the meeting.

At the meeting, staff received comments from the community regarding the application including, but not limited to, the overall design of the building and its fit within the existing residential character, the site's servicing and the impact of garbage collection on neighbouring residents, the proposed number of units and its impact on the neighbourhood, overlook and privacy issues generated from the balconies facing onto the backyards of residents fronting onto Verral Avenue, the compatibility of proposed live/work uses, parking demand generated by the development, and the overall safety of the neighbourhood.

Working Group

The local Councillor's office organized and facilitated a Working Group with area residents and the applicant. Staff attended three of the Working Group meetings. Community members raised the building setback on Verral Avenue as their main issue with the proposed plans. Other community issues raised include: Colgate Avenue streetscaping, solid waste and recyclable collection, at-grade parking and overlook from proposed roof-top terraces.

The Working Group discussions led to several iterations of the proposal resulting in some positive proposed modifications. These modifications address some staff concerns and some issues raised from the community representatives.

Agency Circulation:

On January 19, 2007, the applicant submitted a revised proposal that appropriate agencies and City Departments are currently reviewing.

Revised Proposal

Toronto Green Development Standards

The applicant has not submitted the Toronto Green Development Standard Checklist. However, the applicant intends to meet a majority of the performance criteria outlined in the City's Green Development Standards, including the provision of a green roof.

Height and Massing

The proposed height of 19.5 metres exceeds the Zoning By-law provision of 18.0 metres (applied to industrial uses). The proposed density is 3.21 times the area of the lot; whereas a density of 3.0 times the area of the lot is permitted for industrial uses.

Across the street to the north of the site at 64 Colgate Avenue a site specific by-law permits the development of an 8-storey building with a height limit of 26.0 metres and

density of 3.0 times the area of the lot. The proposed 4-storey building (19.5 metres) at 59 Colgate provides a height transition from the permitted 8-storey height to the north and the existing 2-storey dwellings along Verral Avenue.

The original application proposed 21 residential units in the building. Staff raised concerns that this number is inappropriate for the site. In response to concerns raised, the applicant decreased the number of units to 19.

Given staff’s concerns of the proposed massing, the applicant removed the rear one-storey portion of the building. The four outside parking spaces are now proposed to be accessed through a rear garage door from the interior parking area. This reconfiguration results in less building mass to the rear.

Built Form and Setbacks

The revised proposal incorporates an acceptable stepping down of heights that make the height of the development compatible with the existing built form and planned context.

The site directly abuts a row of low-rise single-family dwellings to the south. Staff indicated to the applicant the importance of appropriate setbacks from the neighbouring property. The proposed setbacks are outlined in the table below.

| Proposed Setbacks | | |
|--|-----------------------------------|------------------|
| Rear Yard (South Elevation) | South lot line to main rear wall | 4.50 m |
| | South lot line to balconies | 2.78 m |
| Verral Avenue frontage (East Elevation) | East lot line to main east wall | 0.29 m to 0.54 m |
| | East lot line to bicycle shed | 0.06 m to 0.19 m |
| Colgate Avenue frontage (North Elevation) | North lot line to main north wall | 0.26 m |
| Side Yard (West Elevation) | West lot line to main west wall | 1.29 m to 1.46 m |

The revised plans illustrate a reduction in the size of the rear balconies and are shifted to the west to address concerns raised about overlook and privacy. The existing zoning for the site does not include setback requirements for residential uses, however, an industrial building could be constructed lot line to lot line. Staff have worked to achieve rear yard setbacks more in keeping with acceptable residential standards.

The proposed building setback along the Verral Avenue frontage ranges from 0.29 metres to 0.54 metres. This building setback is less than the ground related units to the south. A Verral Avenue setback that closer aligns with the front porches of the houses to the south would soften the impact of the proposed building, increase the area that can be landscaped, and lessen the impact on the root systems of existing trees along Verral Avenue. Staff will continue to work with the applicant to achieve a Verral Avenue setback that is more in keeping with the residential context.

Tree Preservation

The Arborist Report indicates that tree number 10 is a Silver Maple with a diameter of 0.99 metres, situated in close proximity to the south west corner of the proposed building. Staff asked that the proposal be revised because of the potential impacts that development may have on the root system of this mature tree. The applicant revised the proposed bicycle parking shed from an extension of the building to an independent wood frame structure that would not require any foundations. Urban Forestry staff are currently evaluating the merits of this revision.

Access and Parking

The original application proposed resident access at the south west corner of the building, which is unchanged in the revised proposal. The proposed vehicular access on Colgate Avenue is an acceptable situation, given the minimal impact it would have on existing neighbours residing on Verral Avenue.

The applicant increased the number of bicycle parking spaces from 5 to 8.

For both the original and revised submissions, the applicant proposes to provide vehicular parking at grade with access into the garage off Colgate Avenue. The number of proposed parking spaces does not meet the number required by the Zoning By-law for residential uses. The applicant revised the plans to show an increase to the number of dedicated shared car spaces to two spaces for shared cars at this building.

The applicant proposes to locate 3 parking spaces at the 53 Colgate Avenue site to service this building. Staff raised concern of this application's dependence on an unapproved development application for the provision of required parking. Staff will work with the applicant to resolve this issue. Technical Services staff are currently reviewing the required parking, proposed parking supply, and the possibility of relieving some of the required spaces, given the inclusion of two dedicated car sharing spaces. Staff will also consider the property's proximity to transit and the increase in bicycle parking spaces. The three proposed spaces located at 53 Colgate Avenue may not need to be part of the required parking supply. Prior to Site Plan Approval, the applicant is required to submit documents outlining the car sharing arrangements with Zipcar.

At staff's request, the applicant enhanced the ground floor façade with larger windows to be constructed with metal frames and translucent glass.

Landscaping

The original application did not include a Landscape Plan. The applicant submitted a Landscape Plan to support the revised submission illustrating the landscape treatment proposed on both public and privately owned space fronting onto Colgate and Verral Avenues. The proposed landscaping treatment is intended to soften the ground level façade on Colgate Avenue.

Servicing

No loading facilities are proposed for the building, nor are they required by the Zoning By-law. The proposal is not eligible for City curbside refuse/recyclable pick up. Technical Services staff will evaluate additional details indicating how private collection will be provided and maintained. The applicant submitted a Preliminary Stormwater Management Report and Preliminary Site Servicing and Grading Plan, which is currently under review.

Amenity Space

The original application did not include the provision of amenity space (indoor or outdoor), which is required by the Zoning By-law for residential buildings containing 20 or more dwelling units. With the reduction of the total number of units to 19, the proposal is exempt from the provision of amenity space. The revised submission, however, includes the provision of outdoor amenity space measuring approximately 23 square metres.

The revised plans illustrate roof decks for the units on the fourth floor. Screening and required safety railings are currently not shown on the submitted plans. Staff have concerns with the proposed roof decks, including, but not limited to issues of safety, overall design of the building, and impact on the neighbouring community. This must be resolved.

Other Issues

Should other issues arise from the evaluation of the revised proposal, staff will endeavour to work with the applicant to resolve them prior to the OMB Hearing.

Conclusions

The applicant for 59 Colgate Avenue appealed the Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board. The OMB set May 28, 2007 to June 1, 2007 as Hearing dates for 59 Colgate Avenue along with the appeals for 53 Colgate Avenue. A separate report will come forward for 53 Colgate Avenue.

Since the appeals, the applicant submitted a revised proposal for 59 Colgate Avenue reflecting some of the comments received from the community and City staff. Appropriate agencies and City Departments are currently evaluating the revised submission. City staff are continuing to work with the applicant in an effort to resolve outstanding issues.

Development Charges

It is estimated that the Development Charges for the proposed development at 59 Colgate Avenue will be \$69,502.00. This is an estimate. The actual charges is assessed and collected upon issuance of the building permit.

CONTACT

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SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North (Front/Colgate Avenue) Elevation

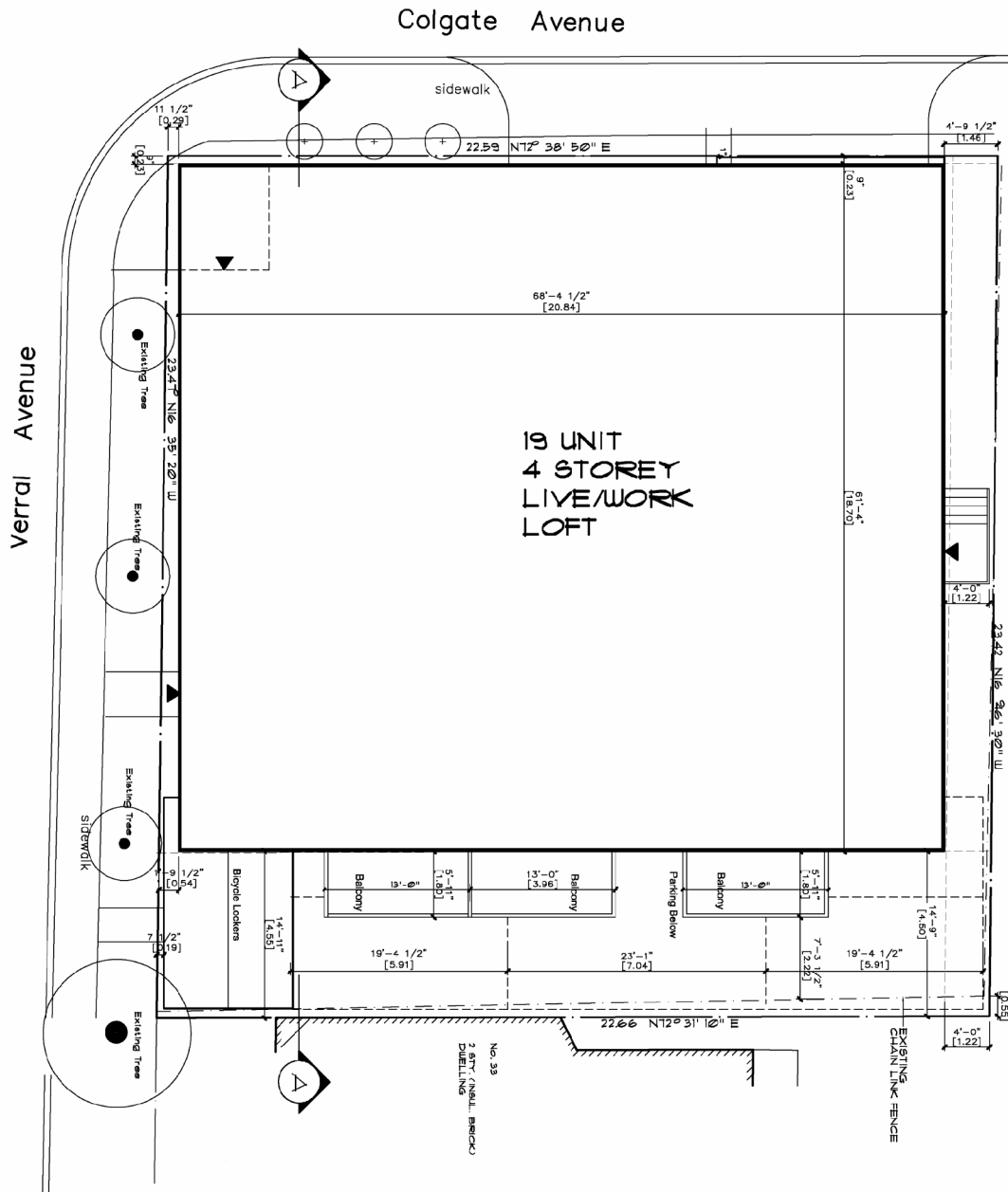
Attachment 3: West (Verral Avenue) Elevation

Attachment 4: South (Rear) Elevation

Attachment 5: East Elevation

Attachment 6: Zoning

Attachment 1: Site Plan



Site Plan

59 Colgate Avenue

Applicant's Submitted Drawing

Not to Scale
02/02/07



File # 06_101777

Attachment 2: North (Front/Colgate Avenue) Elevation



59 Colgate Avenue

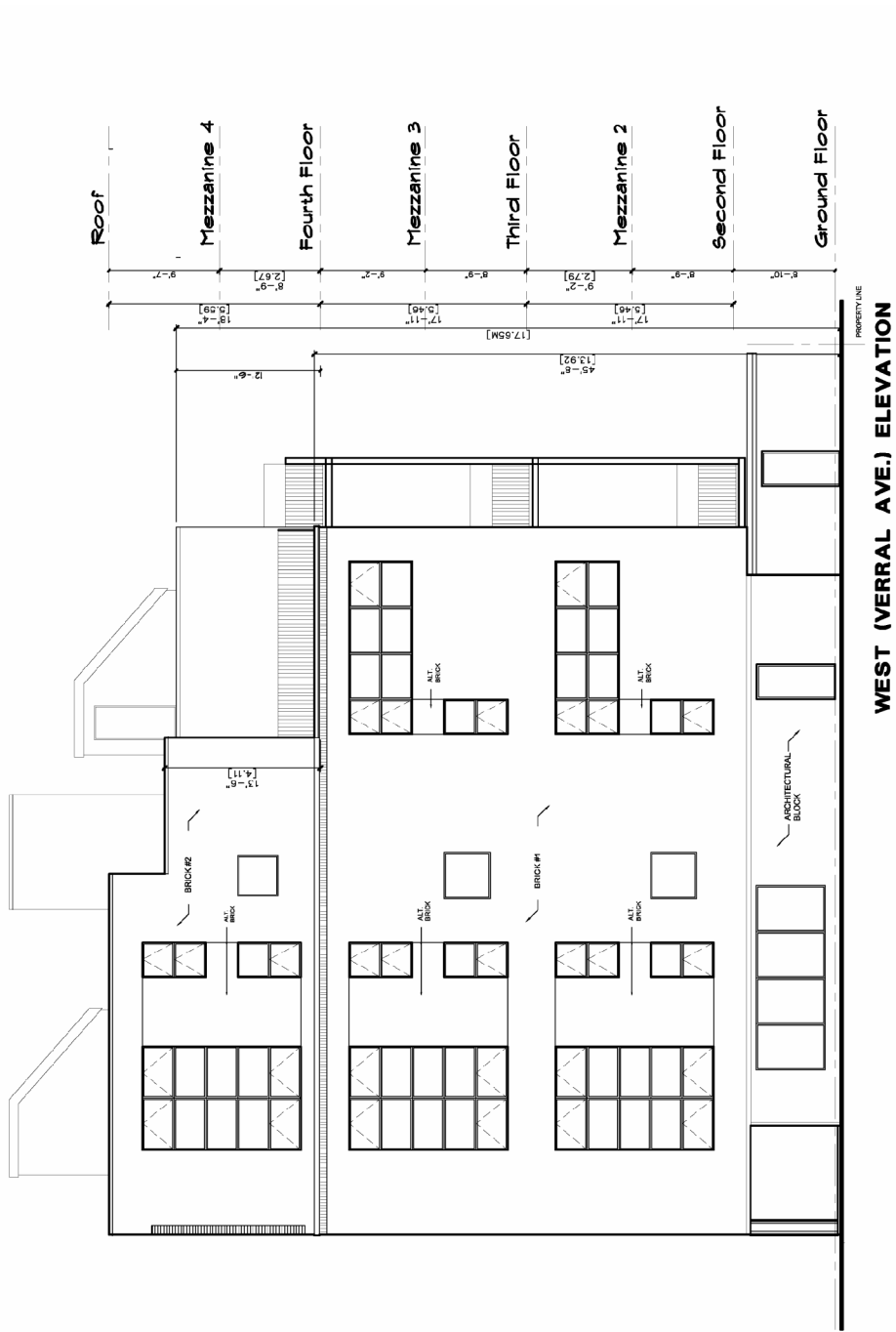
North (Front / Colgate) Elevation

Applicant's Submitted Drawing

Not to Scale
02/02/07

File # 06_101777

Attachment 3: West (Verral Avenue) Elevation



59 Colgate Avenue

West (Verral Avenue) Elevation

Applicant's Submitted Drawing

Not to Scale
02/02/07

File # 06_101777

Attachment 4: South (Rear) Elevation



SOUTH (REAR) ELEVATION

59 Colgate Avenue

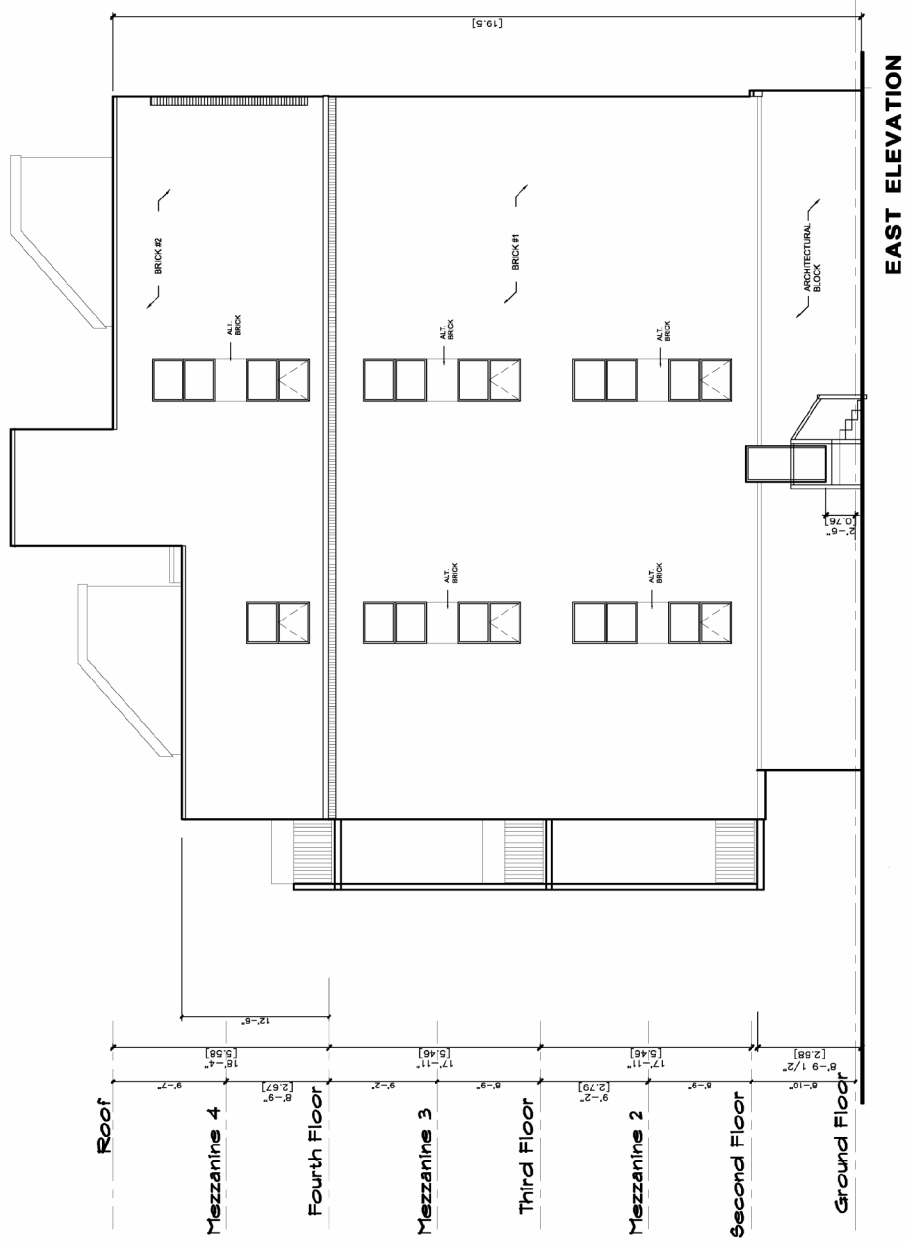
South (Rear) Elevation

Applicant's Submitted Drawing

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File # 06_101777

Attachment 5: East Elevation



EAST ELEVATION

59 Colgate Avenue

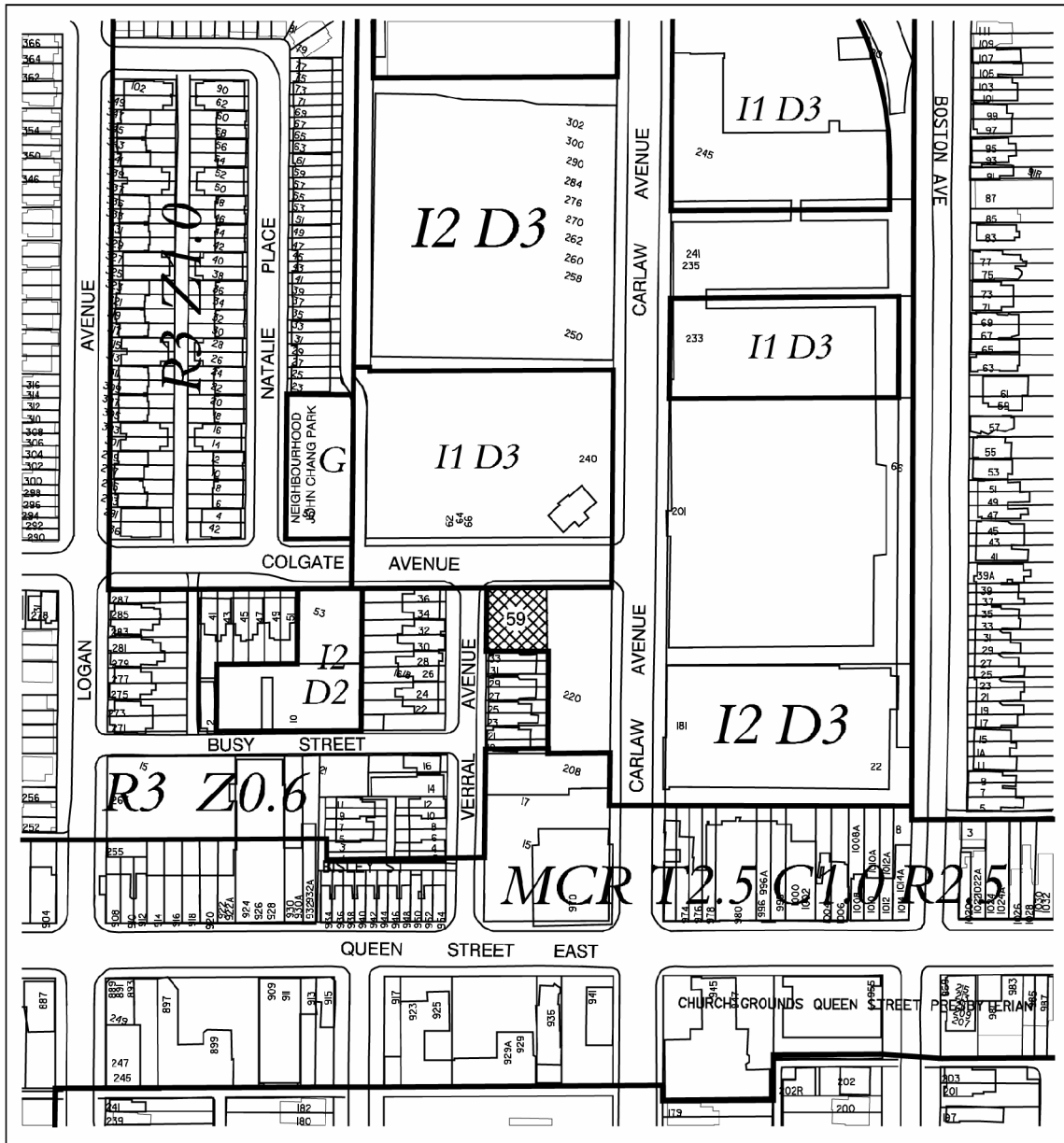
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East Elevation

Applicant's Submitted Drawing

Not to Scale
02/02/07

Attachment 6: Zoning



TORONTO City Planning
Division
Zoning

59 Colgate Avenue
File # 06_101777

- G Parks District
- R3 Residential District
- MCR Mixed-Use District
- I1 Industrial District
- I2 Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/09/06 - DR