

4 Astoria Avenue – Site Plan Control Application – Request for Direction Report

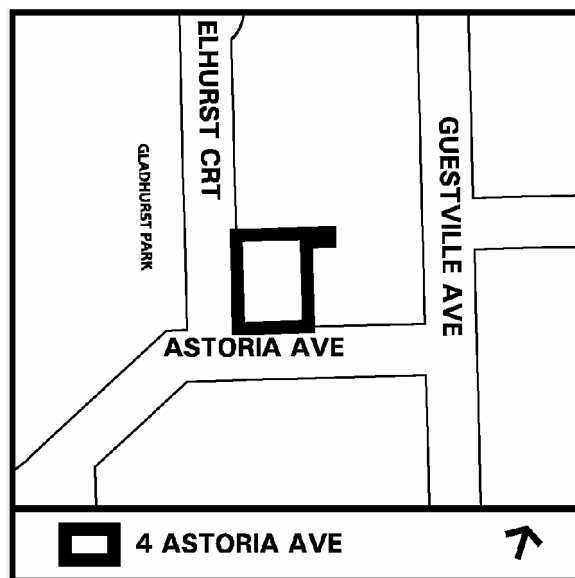
Date:	November 17, 2008
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	08 195543 WET 11 SA

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

An application for Site Plan Control was made on August 21, 2008 to obtain approval for four detached dwellings to be built on separate lots that would front along Elhurst Court on a property municipally known as 4 Astoria Avenue. The applicant appealed the Site Plan Control application on October 31, 2008 on the basis of the City’s failure to make a decision on the application.

A related consent application to divide the property at 4 Astoria Avenue into four lots, all in compliance with the Zoning By-law regulations was refused by the Committee of Adjustment at its meeting of August 7, 2008. The applicant appealed the refusal to the Ontario Municipal Board (OMB) on August 21, 2008. City Council has authorized the City Solicitor to retain an outside planning consultant and to attend the Ontario Municipal Board Hearing to oppose the consent application consistent with the Committee of Adjustment’s refusal decision. The OMB has scheduled January 9, 2009 to hear the appeals.



This report reviews the Site Plan Control application. In light of City Council's direction to retain an outside planning consultant to oppose the consent application at the OMB, this report makes recommendations to authorize the City Solicitor to also oppose the related Site Plan application. It also recommends site plan conditions for the Board to impose in the event that the Ontario Municipal Board is inclined to approve the consent application and the site plan application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor to attend the OMB hearing in opposition to the appeal of the site plan control application, which has been requested to be consolidated with the related appeal of consent application (B42/08EYK) that was appealed to the OMB and is scheduled for a hearing on January 9, 2009.
2. City Council, in the event that the Ontario Municipal Board is inclined to grant provisional consent and approve the Site Plan application, authorize the City Solicitor to request the Ontario Municipal Board to:
 - i) impose the conditions set out in Attachment No. 3 to this report for the development of four single detached dwellings each on a lot at 4 Astoria Avenue; and,
 - ii) withhold its order granting Site Plan Approval of the plans and drawings listed in Attachment No. 4 until the Chief Planner or his designate notifies the Ontario Municipal Board that the consent conditions and site plan conditions imposed by the Board have been satisfied and such notice shall be given to the Board forthwith.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 7, 2008, the Etobicoke York Committee of Adjustment refused an application (B42/08EYK) for consent to sever a single property at 4 Astoria Avenue into four lots to permit the construction of four two-storey detached dwelling units, on the basis that the proposal does not satisfy the matters set out in subsection 51(24) of the *Planning Act*. The applicant appealed the refusal to the OMB on August 21, 2008. City Council at its meeting on October 26 and 27, 2008 authorized the City Solicitor to retain an outside planning consultant and attend the OMB to oppose the consent application. The OMB has scheduled January 9, 2009 to hear the appeal.

All four of the new proposed dwellings will comply in all respects with the requirements of the zoning by-law, and accordingly, no minor variances are required.

On August 21, 2008, a Site Plan Control application was made to permit the construction of the four two-storey detached dwelling units, each on a lot proposed to be created through the consent application. The application was circulated to City divisions for comment.

On November 5, 2008, Councillor Nunziata bumped-up the site plan control application to City Council for decision, in accordance with By-law No. 483-2000. The applicant appealed the application for site plan control to the OMB on October 31, 2008 on the basis of City Council's failure to make a decision on the site plan application and requested that the site plan application appeal be heard together with the consent application appeal.

Comments and conditions have been received on the plans and drawings for the site plan control application that has been appealed.

ISSUE BACKGROUND

Proposal

The proposal is to divide a single property into four residential lots and construct four two-storey single detached dwellings, one on each of the four lots.

Site and Surrounding Area

The site at 4 Astoria Avenue, is located on the northeast corner of Astoria Avenue and Elhurst Court. A one storey residential dwelling with a detached garage exists on the site.

The lot measures approximately 27 metres along Astoria Avenue and 36 metres along Elhurst Court. The existing residential dwelling fronts on to Elhurst Court and the proposed lots and dwellings would also front on to Elhurst Court.

North of the site, the houses along Elhurst Court are predominantly one-storey detached dwellings, with the exception of two semi-detached dwellings at 17 and 17A Elhurst.

Immediately abutting the site to the east, along the rear lot line, is 2 Astoria Avenue, a single detached dwelling.

On the west side, the site overlooks the Eglinton Flats, a regional park that is located within the Humber River floodplain. At the end of Elhurst Court is a 15-storey condominium apartment building that fronts on to Eglinton Avenue West.

On the south side of the site, there is a row of mature trees along the Astoria Avenue frontage. The applicant proposes to retain the existing trees on the site. On the south side of Astoria Avenue are single and semi detached dwellings.

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 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.

Official Plan

The City of Toronto Official Plan designates this site as "Neighbourhoods". The policies of the Plan for "Neighbourhoods" permit detached houses and rely on the Zoning By-law to establish performance standards to ensure that new development will be compatible with the physical character of established residential neighbourhoods.

Zoning

The property is zoned R2 Residential Zone (R2) in Zoning By-law 1-83 for the former City of York. The R2 zone permits single detached dwellings at a density of 0.8 times the area of the lot and a minimum of 8 metres lot width, among other regulations.

Community Consultation

A community consultation meeting was held on August 5, 2008, and was chaired by the Ward Councillor. The community raised concerns regarding the proposed density and the impact of the development on the existing trees on the site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

The application for development of four detached dwelling is subject to Site Plan Control under the Site Plan Control By-law for the former City of York.

Circulation comments received on the application have identified conditions to be satisfied prior to granting Site Plan approval and no objection to the application. The application complies in all respects with the zoning regulations applicable to the lands and proposed development.

The arrangement of the proposed development is acceptable to Urban Forestry to protect the existing trees on site and along Astoria Avenue and Elhurst Court. Additional street tree planting is proposed along Astoria Avenue and Elhurst Court. Urban Forestry conditions for site plan approval include installing protective hoarding and provide a tree protection and tree planting security deposit.

A site plan agreement will be required as a condition of approval to include: removal of existing accesses that are no longer required and curb reinstatement to City standards; constructing and maintaining site servicing and site grading in accordance with the accepted plans; and, certification that site grading and servicing facilities are constructed in accordance with the accepted plans. These conditions are detailed in Attachment 3.

In view of City Council's direction to retain an outside planning consultant to appear in opposition to the consent application, authorization should also be given for City Legal to oppose the related site plan proposal. However, if the Ontario Municipal Board is inclined to approve the consent and site plan applications, the City Solicitor should be authorized to request the Board impose the conditions of Site Plan Approval contained in Attachment 3. Attachment 4 is a list of the plans and drawings that would be granted Site Plan Approval once the conditions of approval are satisfied.

Development Charges

It is estimated that the development charges for this project will be \$33, 246. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Heather Inglis Baron, Senior Planner
Tel. No. (416) 395-7073
Fax No. (416) 395-7155
E-mail: hinglis@toronto.ca

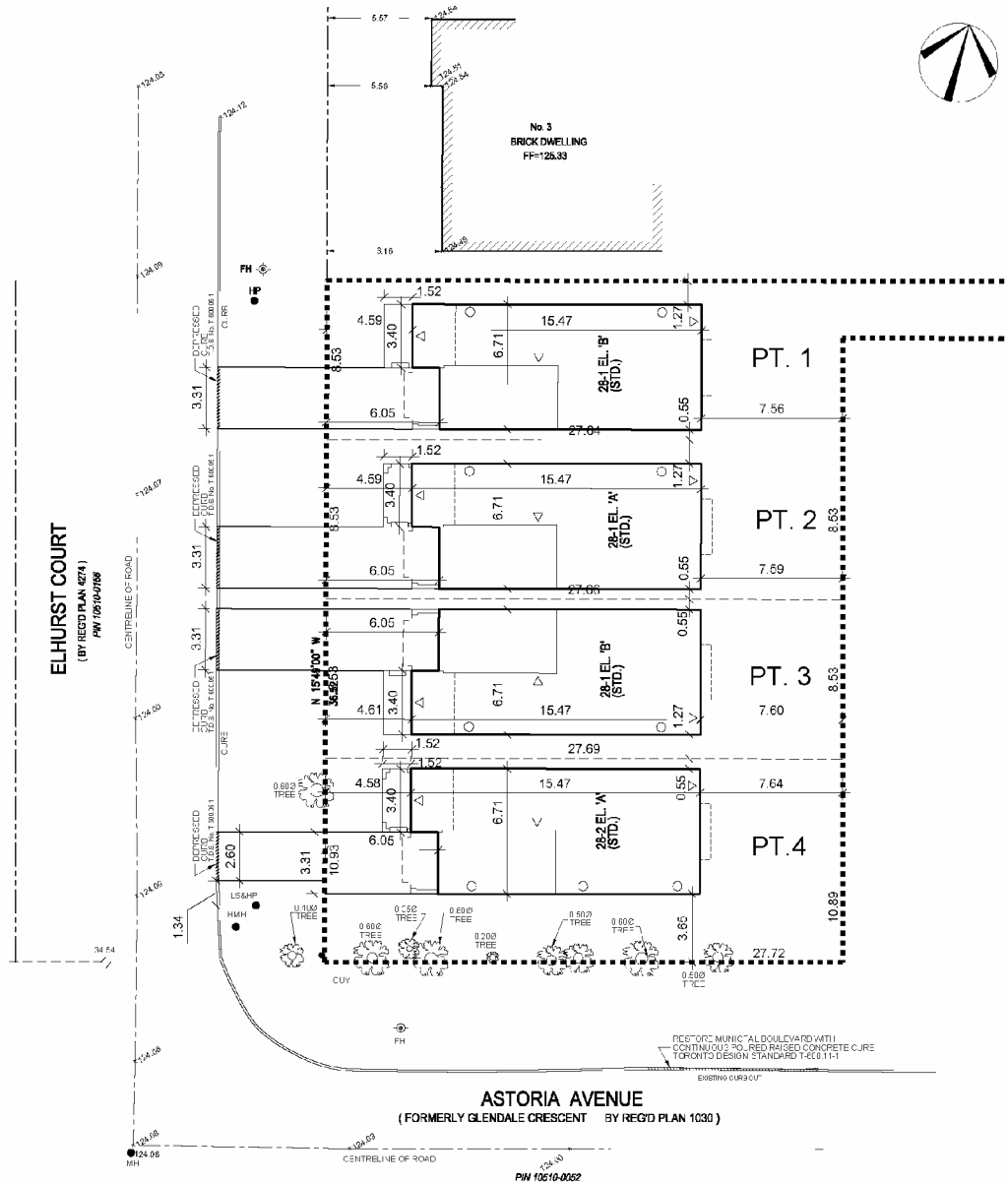
SIGNATURE

Gregg Lintern, Director
Community Planning, Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Conditions of Site Plan Approval
Attachment 4: List of Plans and Drawings for Site Plan Approval
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

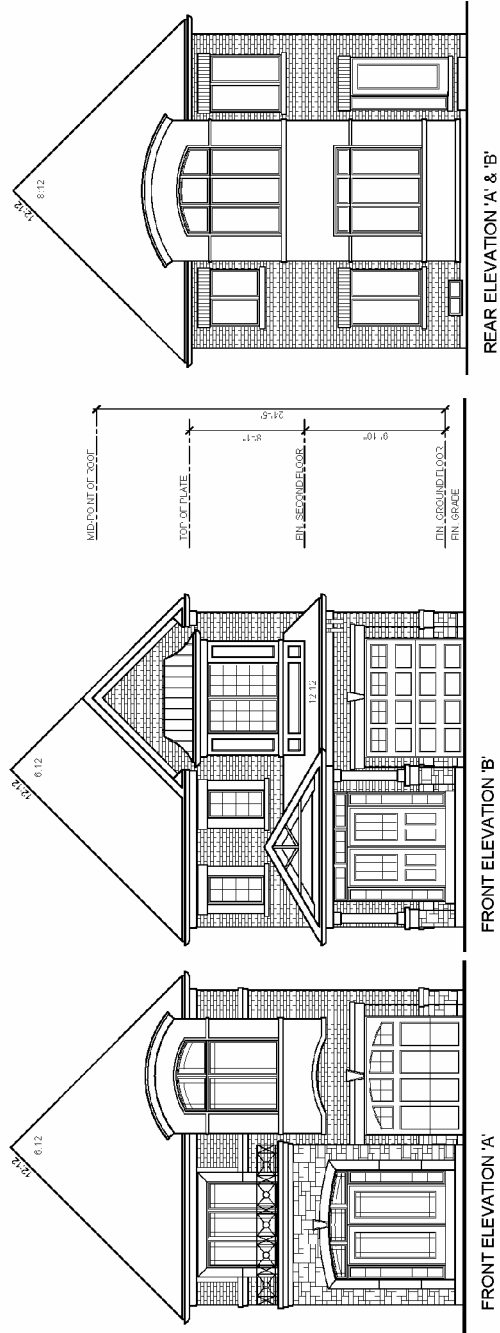
Not to Scale
11/14/2008



4 Astoria Avenue

File # 08_195543

Attachment 2: Elevations



4 Astoria Avenue

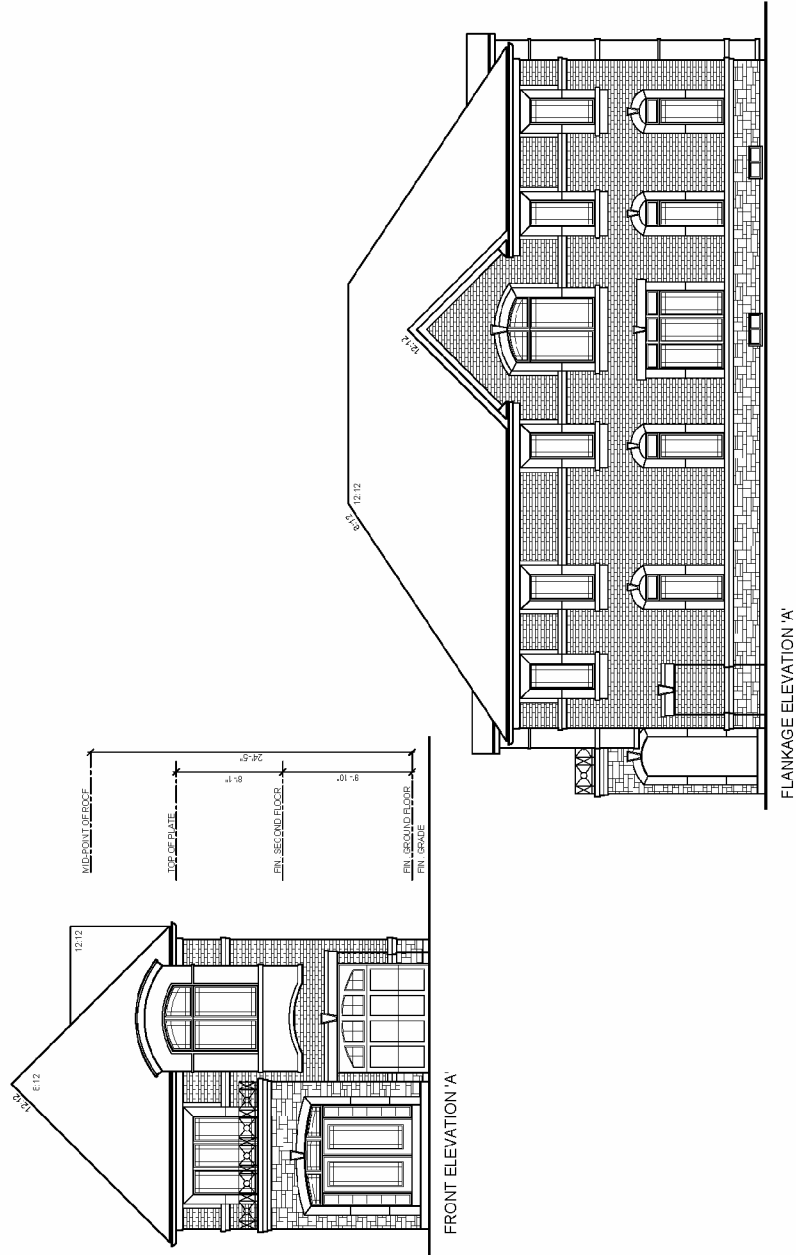
Elevations

Applicant's Submitted Drawing

Not to Scale
1/7/14/2008

File # 008_195543

Attachment 2: Elevations



4 Astoria Avenue

File # 008_195543

Elevations

Applicant's Submitted Drawing

Not to Scale
11/14/2008

Attachment 3: Conditions of Site Plan Approval

1. The owner shall install protective hoarding and install tree protection zone signage to protect city owned and privately owned trees in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, to the satisfaction of the General Manager of Parks, Forestry and Recreation. The owner shall contact Daniel Boven, Urban Forestry Assistant Planner via telephone at 416-392-0970 in order to inspect the protection measures following installation.
2. The owner shall provide a Tree Protection Security deposit in the amount of \$10,112.00 to the City of Toronto Urban Forestry Section to ensure that city-owned trees are protected throughout the duration of the construction process.
3. The owner shall provide a tree planting security deposit in the amount of \$2915.00 to the City of Toronto Urban Forestry Section to ensure that this work is completed.
4. The owner shall enter into the City's standard Site Plan Agreement, which shall include the following provisions:
 - i) Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.
 - ii) Construct and maintain all facilities necessary to permit curb side City collection of solid waste and recyclable materials in accordance with By-Law 235-2001, Waste Collection for Residential Properties.
 - iii) Construct and maintain site servicing and site grading as recommended in the accepted Site Servicing and Grading Plan.
 - iv) Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the site grading and servicing facilities have been constructed in accordance with the accepted Site Servicing and Grading Plan.

Attachment 4: List of Plans and Drawings for Site Plan Approval

Plan Title	Author	Date Stamped
Site Plan	RN Design	October 29, 2008
Elevation 2 of 3	RN Design	August 21, 2008
Elevation 3 of 3	RN Design	August 21, 2008
Elevation 3 of 7	RN Design	August 21, 2008
Elevation 4 of 7	RN Design	August 21, 2008
Elevation 5 of 7	RN Design	August 21, 2008
Elevation 6 of 7	RN Design	August 21, 2008
Elevation 7 of 7	RN Design	August 21, 2008
Site Servicing and Grading Plan	Valdor Engineering Inc.	October 29, 2008
Street Tree Planting Plan & Details	James McWilliam	October 29, 2008

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Site Plan Approval	Application Number:	08 195543 WET 11 SA
Details		Application Date:	August 20, 2008

Municipal Address:	4 ASTORIA AVE
Location Description:	PL 1030 PT LT3 PT LT4 **GRID W1107
Project Description:	Proposed development of 4, 2 storey single detached dwellings

Applicant:	Agent:	Architect:	Owner:
FRANTON HOMES INC			FRANTON HOMES INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R2	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1037.73	Height:	Storeys:	2	
Frontage (m):	27.72		Metres:	7.45	
Depth (m):	36.52				
Total Ground Floor Area (sq. m):	402.8				Total
Total Residential GFA (sq. m):	742.83		Parking Spaces:	4	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	742.83				
Lot Coverage Ratio (%):	38.76				
Floor Space Index:	0.71				

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	4

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	742.83		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:	Heather Inglis Baron, Planner
	TELEPHONE:	(416) 392-0760