

**1145 Ossington Ave  
Rezoning Application – Directions Report**

<b>Date:</b>	August 13, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 21 – St. Paul's
<b>Reference Number:</b>	07-245499 STE 21 OZ

**SUMMARY**

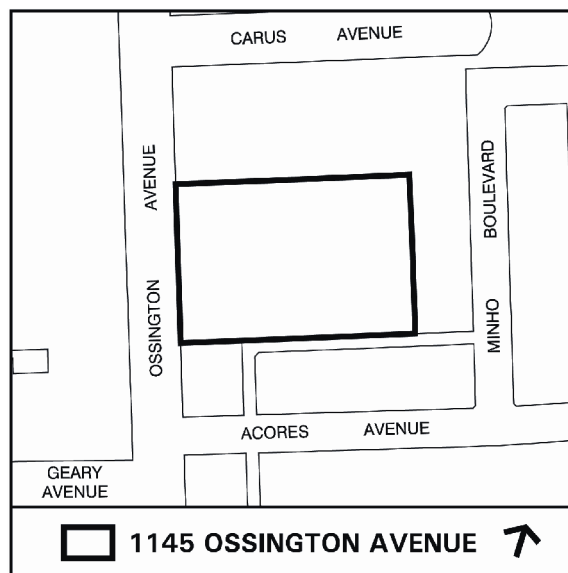
This application was made on or after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

On June 3, 2008, the applicant appealed the Zoning By-law application to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the *Planning Act*.

The application before the OMB is to permit 43 freehold townhome units at 1145 Ossington Avenue. Eleven units are proposed to front onto Ossington Avenue and the remaining 32 units are proposed to front onto a new private street, internal to the site, with access off of Ossington Avenue.

The applicant’s solicitor requested OMB mediation to explore a possible settlement, for which a date has not been set.

This report seeks Council’s direction to attend OMB mediation with the appellant. Should City staff not reach a settlement with the appellant, Council’s direction is required to attend a hearing in opposition to the appeal.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor and necessary City staff to attend the Ontario Municipal Board for mediation and settlement purposes.
2. City Council authorize the City Solicitor and necessary City staff to attend the Ontario Municipal Board (OMB) hearing in opposition of the appeals, should OMB mediation not produce a supportable settlement.
4. City Council authorize the City Solicitor and necessary City staff take such necessary steps to implement the foregoing.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The applicant made the Zoning By-law Amendment application on July 20, 2007 and appealed the application on June 3, 2008.

At its meeting on October 30, 2007, Toronto and East York Community Council considered staff's Preliminary Report (dated September 25, 2007). The report recommended that staff schedule a community consultation meeting to discuss the application with area residents and directed staff to work with the applicant to generate a proposal that complies with the Council approved Development Infrastructure Policy and Standards (DIPS).

Staff identified the following planning issues in the report: the introduction of a private road, compliance with DIPS, traffic and parking, servicing, built form and setbacks, overlook and privacy, and the provision of landscape open space.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal is an infill development comprising 43 freehold townhome units with a total density of 1.3 times the area of the lot. Eleven units are proposed to front onto Ossington Avenue and the remaining 32 units are proposed to front onto a new private street, internal to the site, with access off of Ossington Avenue.

All units will have rear laneway vehicular access to their respective integral garages. Each townhome unit is proposed to have a rear deck amenity on the second floor. The applicant is proposing that the development be freehold on a common elements condominium road terminating in a hammerhead to accommodate egress for service vehicles. The proposed condominium common elements right-of-way is approximately

17 metres wide with a private road to facilitate two-way traffic and on-street parking. The road measures 6 metres wide at Ossington Avenue and 8 metres interior to the site. Relevant project information is provided in Attachment 6 of this report.

### **Site and Surrounding Area**

The site is a largely land-locked property that is rectangular-shaped and approximately 5,742 square metres in size. At the time of application, an industrial building providing linen services existed on the site, which was later demolished. Currently, the site remains vacant. The following uses about the site:

- North: Low-rise single family dwellings, fronting onto Carus Avenue,
- South: Low-rise single family dwellings, fronting onto Acores Avenue,
- East: Low-rise single family dwellings, fronting onto Minho Boulevard, separated by a 5.0 metre wide laneway,
- West: Low-rise single family dwellings and a place of worship, fronting onto Ossington Avenue

### **Provincial Policy Statement and Provincial Plans**

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 Official Plan designates the site *Neighbourhoods*, which are considered physically stable areas made up of residential uses in lower scale buildings. A key objective of the Official Plan is for new development to respect and reinforce the general physical patterns in a *Neighbourhood*.

Policy 4.1.5 provides that developments in established *Neighbourhoods* respect and reinforce the existing physical character, including the:

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

The Plan specifically lists the following criteria for infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in *Neighbourhoods* (Policy 4.1.9.):

- have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;

- provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- front onto existing or newly created public streets wherever possible, with no gates limiting public access; and
- locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

The Plan includes Public Realm policies, which state that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets (Policy 3.1.1.15). These design objectives are set out in the Council approved Development Infrastructure Policy and Standards.

## **Zoning**

The site is zoned I1 D2 in the former City of Toronto Zoning By-law 438-86 (Attachment 5). This zone permits a variety of industrial uses up to a density of 2.0 times the area of the lot. Residential uses are not permitted. The height limit is 14.0 metres for permitted industrial uses. There are no building setback requirements from the lot lines for industrial buildings where there are no openings, windows or doors.

## **Development Infrastructure Policy and Standards (DIPS)**

City Council adopted a joint Planning and Transportation Committee and Works and Emergency Services Committee Report on December 5, 6, 7, 2005, which recommended criteria for the approval and design of both new public and private streets. Recommendation number 3 of the joint staff report stated,

The criteria for the approval and design of private streets (mews) described in Appendix A of this report be adopted to give effect to the Official Plan's policy of permitting appropriate exceptions to the general policy that all new streets should be public streets.

DIPS reflect the City's design objectives for new streets and include policies generated through consultation between various City divisions, the public and members of the development community. A further description of the application as it relates to DIPS is presented below.

## **Site Plan Control**

The applicant submitted an application for Site Plan Control on June 18, 2008.

## **Reasons for Application**

Residential uses are not permitted in the I1 D2 zone. To permit residential uses, the proposal requires an application to rezone the site.

## **Community Consultation**

On November 22, 2007, Planning staff hosted a community consultation meeting at St. Bruno Catholic School with the local Councillor, area residents, and the applicant to discuss merits of the proposal. Approximately 35 residents attended the meeting.

At the meeting, staff received the following comments from the community:

- residents along Carus Avenue wish to have shared vehicular access along the proposed private north laneway, given that their properties back onto the subject property and do not have a laneway. A number of residents submitted a petition to City staff requesting that the City and the developer consider providing them access over the proposed laneway;
- setbacks to the existing backyards generated concerns of privacy and overlook;
- heights and density of the proposed townhomes are greater than the existing dwellings;
- the lack of overall greenspace; and
- separation between the proposed and existing properties appeared to be deficient.

## **Agency Circulation**

On May 27, 2008, the applicant submitted a revised set of plans. Staff circulated the application to all appropriate agencies and City divisions.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS, given that the proposed residential use is directed on lands that are intended for residential purposes, as set out in the City's Official Plan. The proposed townhouse form provides a ground related housing type that efficiently develops the property and utilizes existing infrastructure. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

Residential uses are not permitted at this location by the Zoning By-law, but are contemplated by the Official Plan. The proposed residential use is an appropriate one for this site and does not conflict with the neighbouring residential uses.

### **Public Streets**

The proposed private street does not implement the City's Official Plan. Section 3.1.1.15 of the Plan provides that new streets should be public streets. Section 4.1.9.c states that infill development in *Neighbourhoods* will front onto existing or newly created public streets wherever possible, with no gates limiting public access. There is no physical constraint to making the proposed road a public street. The proposed street should be public both to ensure access for future generations of Torontonians and to enable future residents of the street to receive City snow removal, street cleaning, solid waste collection, road repairs and reconstruction. It is inequitable that future residents will pay

maintenance fees forever for these services on a private street, while paying property taxes so that others, but not themselves, can receive these services from the City.

Immediately south and east of the subject property is a similar development at 1090 Shaw Street, which City Council approved in 1997. This development occurred on formerly industrial lands and consisted of 98 dwelling units and the conveyance of two public streets and a public lane network. Given this previous approval and the existing context, a private street is out of character of the existing transportation network.

### **Design of the Proposed Street**

Even if there was a reason why a private street was appropriate, such as a parking garage below the street that created liability, Section 3.1.5.15 of the Official Plan provides that they meet the design objectives for new streets. The City’s design objectives for new public and private streets are captured in the Council approved Development Infrastructure Policy and Standards (DIPS).

The proposed private street does not comply with DIPS for private streets. Developments on substandard private streets have the potential to create concerns at both the policy and the operational levels. It is staff’s position that the proposed internal street should be made public and comply with City standards for a number of reasons.

From an operational perspective, the proposed substandard street and hammerhead do not provide sufficient space to allow for the safe and efficient manoeuvring of the City’s solid waste collection vehicles. Snow removal would present safety concerns, given that ploughs would have to make reverse movements within the site, which compromises pedestrian safety during winter conditions.

At the policy level, the proposed private street does not implement the Official Plan and contravenes DIPS. The table below lists DIPS design standard against the proposed private street.

	<b>DIPS Standard for Private Streets</b>	<b>Proposed Private Street</b>
<b>Pavement</b>	Minimum width of 8.0 metres for two way traffic	First 25 metres is 6.0 metres wide (adjacent to Ossington Avenue); Remainder of street is 8.0 metres wide
<b>Length of Street</b>	Maximum 45 metres from the curb of existing public street	Approximately 90 metres long
<b>Number of Units</b>	Maximum 10 units (not counting units that front onto an existing public street)	32 units front on the private street; 11 units front on Ossington Avenue
<b>Sidewalk</b>	One 1.7 metre sidewalk or no sidewalk if paved with upgraded paving materials, with appropriate drainage and appropriate safe refuge areas for pedestrians provided	1.5 metre sidewalk proposed on the south side of the private street; no sidewalk proposed on the north side of the private street
continued		

	<b>DIPS Standard for Private Streets</b>	<b>Proposed Private Street</b>
<b>Tree Planting</b>	Average of one tree per eight metres of unit frontage for the development. Provide 15 cubic metres of soil per tree and allow for “sharing” of soil between trees	12 trees are proposed to be evenly spaced on either side of the private street with an average spacing of one tree per 11.5 metres of unit frontage
<b>Lighting</b>	Appropriate levels of lighting to provide safe year round use of the space by cars and pedestrians. Light fixtures can be integrated into the landscape and/or the buildings. Use of light triggered photo cells or other technologies are encouraged	Street lighting poles are proposed along the private street, but details of their frequency have not been submitted; Light fixtures are proposed to be placed on the rear of each dwelling unit to light each rear integral garage entrances
<b>Solid Waste and Recyclables Collection</b>	Adequate space for setting out waste and recyclables for City curbside collection with a hammerhead turning arrangement where applicable	Proposed hammerhead is approximately 20 metres long, whereas DIPS requires the hammerhead to be 34 metres for safe and efficient truck manoeuvres

Should these future residents ever wish to apply to the City to have the substandard private road assumed as public, they would encounter opposition from the City’s Technical Services staff, given the operational constraints that result from its deficient design. It is staff’s opinion that all new development should be designed to meet the standards set out in DIPS and approved by City Council.

Staff designed a site layout that demonstrates a DIPS compliant site plan and presented it to the applicant on a number of occasions. This design featured a public street ending in a turning circle and wider range of unit types. It should be noted that the first street running parallel to the north of the proposed street is a public street that ends in a turning circle.

### **Density, Height, Massing**

In reviewing the proposal, staff applied the Official Plan’s criteria for infill development and residential performance standards for a R2 Z1.0 zone in the former City of Toronto’s Zoning By-law. The R2 zone is the prevailing zoning category that surrounds the subject property.

The proposed residential gross floor area of the entire development is approximately 1.3 times the area of the lot. Each townhome is approximately 197 square metres (2,120 square feet) on individual lots that are approximately 70 square metres (753 square feet). On average, each townhome generates a gross floor area of approximately 2.8 times the area of each respective lot, which is well above the permitted 1.0 times coverage in the abutting residential areas.

The 1997 approvals at 1090 Shaw Street included the development of detached, semi-detached and row houses with densities that ranged from 0.97 to 1.60 times the area of the lots. The proposed average individual density for the proposed townhomes of 2.8 times the area of the lot is 75% higher density than the approved row houses adjacent to the subject development.

The permitted building height in the abutting R2 zone is 10.5 metres; whereas the proposed height (measured to the highest point from a grade elevation of 123.5 metres) is approximately 13.0 metres. The proposed townhomes are essentially three storeys high, with a fourth storey “loft level” as indicated in the submitted architectural plans. The heights of the proposed townhomes are higher than other developments existing in the area.

In response to building height and massing as a concern, the applicant lowered the end units interior to the site, which abut the backyards of the existing properties to provide a height transition. It is staff’s opinion that a more appropriate height transition is required in order to mitigate the introduction of a higher building form and scale in this area.

### **Setbacks, Separation, Privacy**

Consistent front yard setbacks are important to ensure that the proposed development fits within its immediate context, such that the new development does not jut out in front of the existing dwellings on Ossington Avenue. The main front walls of the proposed townhomes project beyond those of its neighbouring properties and should be set back to align with the existing residential street wall.

The proposed 1.0 metre side yard setback on the eastern extent of the site (adjacent to the existing backyards) does not provide a sufficient landscaping buffer. A wider landscape strip at the eastern extent of the property can accommodate more trees and provide a pedestrian pathway in a land-locked site.

Each townhome features a deck off the rear of the second floor of each dwelling unit. The deck walls are 1.8 metres (6.0 feet) high to provide privacy screening between neighbouring units and existing homes.

### **Amenity and Landscape Open Space**

The rear decks act as private outdoor amenity space, which project over the proposed laneway network within the site. The depth of these decks range from 4.5 metres to 6.0 metres. The deeper (6.0 metre) decks cantilever above the entire proposed lanes and may create operational issues, given that larger vehicles may not be able to pass under the 2.3 metre (7.5 feet) clearance.

The proposed development generates building lot coverage of approximately 49%. Approximately 29% of the property is devoted to paved surface and the remaining 22% to landscaped open space. The required minimum landscape open space provision in a R2 zone is 30% of the property.



## **Access, Parking**

Vehicular access is proposed via a centrally located entrance off Ossington Avenue. In order to access their rear garages, residents must drive through the laneway network. An existing pedestrian crossing signal is situated on the Ossington Avenue frontage. The City's Technical Services staff require a pavement marking and signing plan for review, prior to Site Plan approval.

The City's Fire Department noted that the proposal may generate access issues, which can be resolved through the Site Plan Control process.

A total of 80 parking spaces are proposed to serve this development, consisting of 73 resident and 7 residential visitor spaces. The resident spaces are located within integral garages at the rear of the dwelling units adjacent to the private lane and the visitor spaces are located on the south side of the private street. All integral parking spaces within the garages are 2.86 metres wide and do not meet the Zoning By-law's minimum required width of 3.20 metres, which is unacceptable.

## **Servicing, Solid Waste Collection**

The applicant has not submitted the required site servicing assessment in support of the proposal to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development; to demonstrate how this site can be serviced; and, to confirm whether the existing municipal infrastructure is adequate to service the development. Technical Services staff is unable to provide clearance until they can review and approve the site servicing assessment.

As noted above, the proposed deficient hammerhead cannot accommodate a solid waste vehicle. In support of the deficient hammerhead, the applicant submitted an analysis of garbage truck movements prepared by MMM Group. Solid Waste Management staff indicate that the turning radii in the submitted analysis was not measured correctly. The City's solid waste collection vehicle has an inside turning radius of 9.5 metres and an outside turning radius of 14 metres; whereas the MMM Group analysis measured a 9.5 metre radius at the curb instead of at the actual vehicle truck movements. As proposed, Solid Waste Management staff indicate that private collection will be required to service this proposal.

The applicant intends to engage the services of a private contractor to push all the snow out of the laneways and pile it within the boulevard in the front yards of the units. Snow piling in front of the units coupled with the proposed on-street parking on one side of the street, will impede the ability for the City's solid waste collection vehicle to be able to collect the refuse and manoeuvre the vehicles and even for residents to set out the refuse materials at curbside.

## **Open Space, Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City.

Parks, Forestry and Recreation staff have advised that the development site is subject to the alternate rate park levy. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.0573 hectares. Although the site is within a parkland acquisition priority area, a parkland dedication of 0.0573 hectares is too small to be of functional size. Should this application be approved, Parks, Forestry and Recreation staff recommends that the parkland dedication requirement be satisfied through cash-in-lieu.

## **Toronto Green Development Standard**

The proposed development is intended to achieve a total of 24 of 30 targets.

## **Section 37**

Should the applicant and City staff reach a negotiated settlement at the OMB mediation, a Section 37 Agreement may be applicable to the subject property, given that there are currently no residential use permissions on the industrially zoned site and approximately 7,600 square metres of residential floor area is proposed.

## **Development Charges**

It is estimated that the development charges for the project at 1145 Ossington Avenue will be \$356,384.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

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E-mail: [jcantos@toronto.ca](mailto:jcantos@toronto.ca)

## **SIGNATURE**

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Raymond David, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations

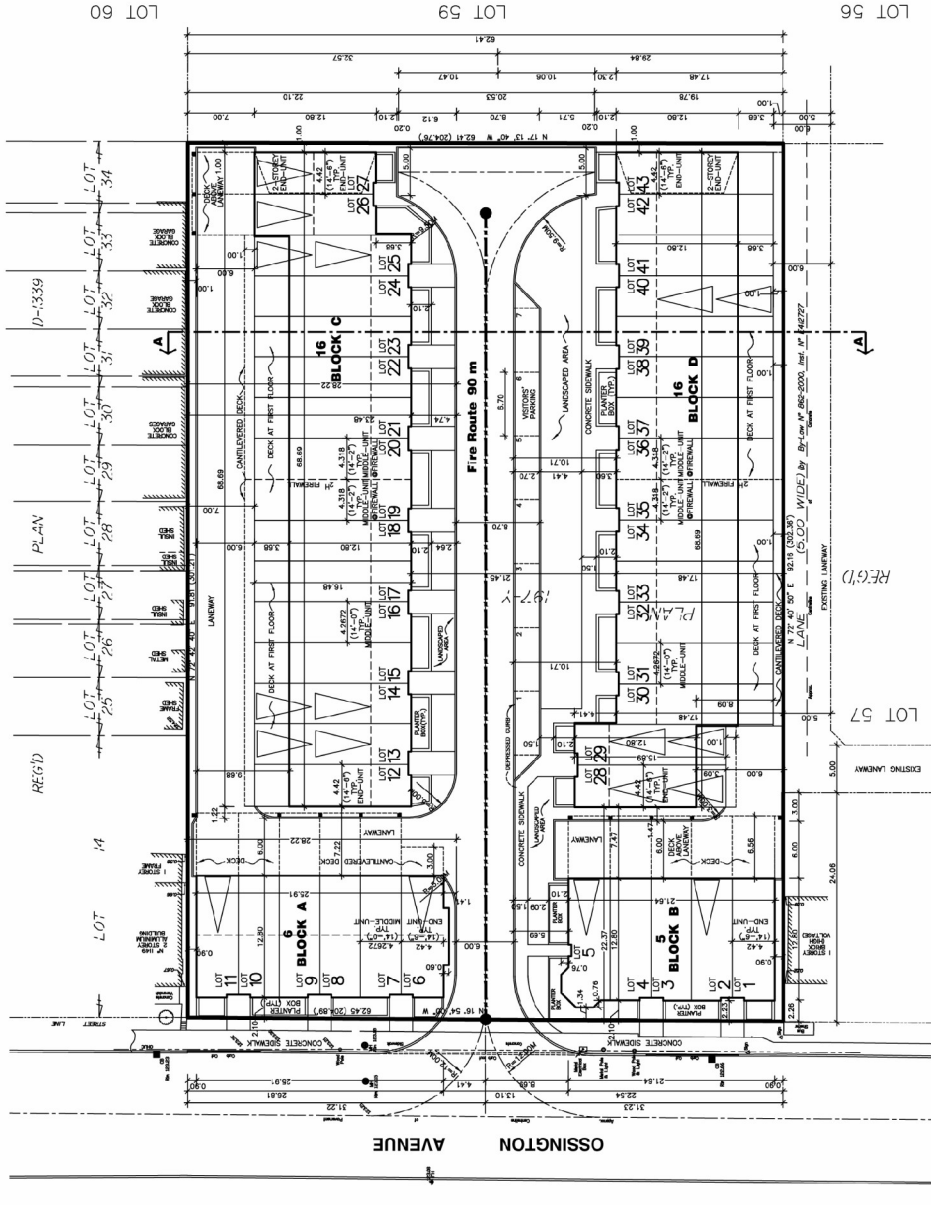
Attachment 3: Elevations

Attachment 4: Elevations

Attachment 5: Zoning

Attachment 6: Application Data Sheet

# Attachment 1: Site Plan



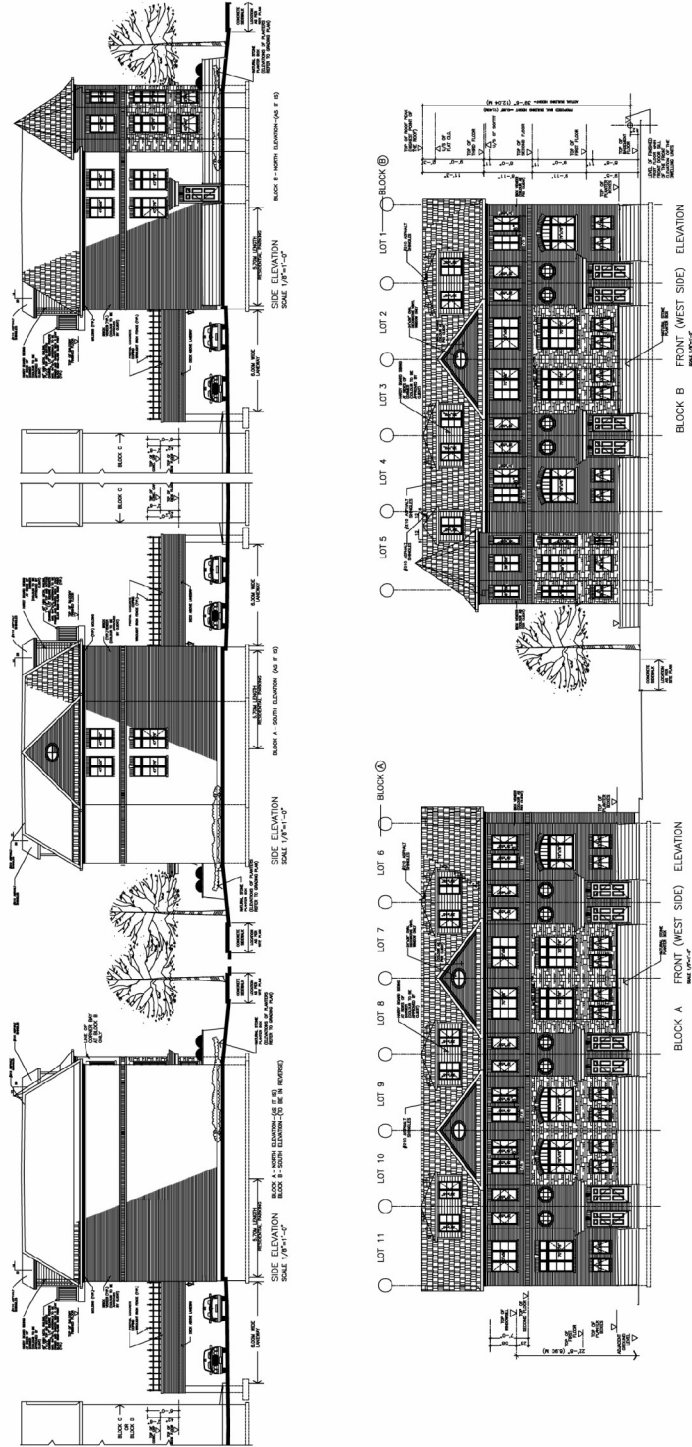
1145 Ossington Avenue

**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 07/29/08

File # 07\_245499

Attachment 2: Elevations [as provided by the applicant]



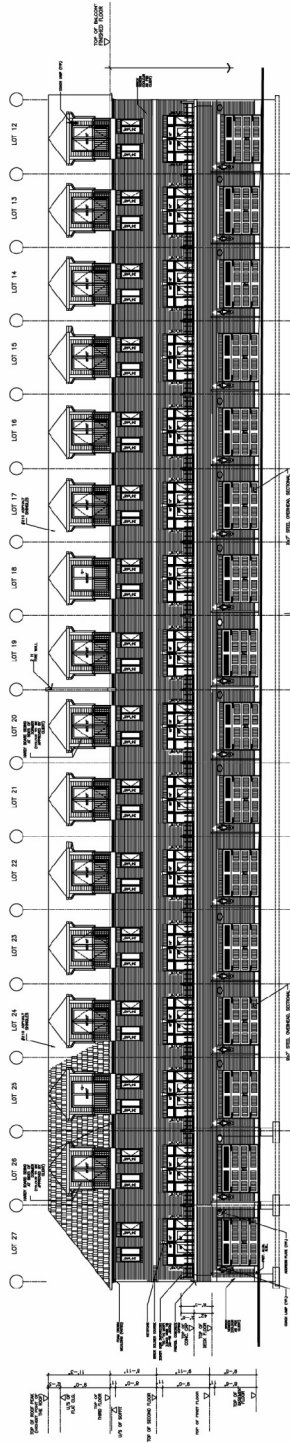
1145 Ossington Avenue

Elevations  
Applicant's Submitted Drawing

File # 07\_245499

Not to Scale  
07/29/08

**Attachment 3: Elevations [as provided by the applicant]**



**1145 Ossington Avenue**

**Elevations**  
 Applicant's Submitted Drawing

File # 07\_245499

Not to Scale  
 07/29/08

Attachment 4: Elevations [as provided by the applicant]



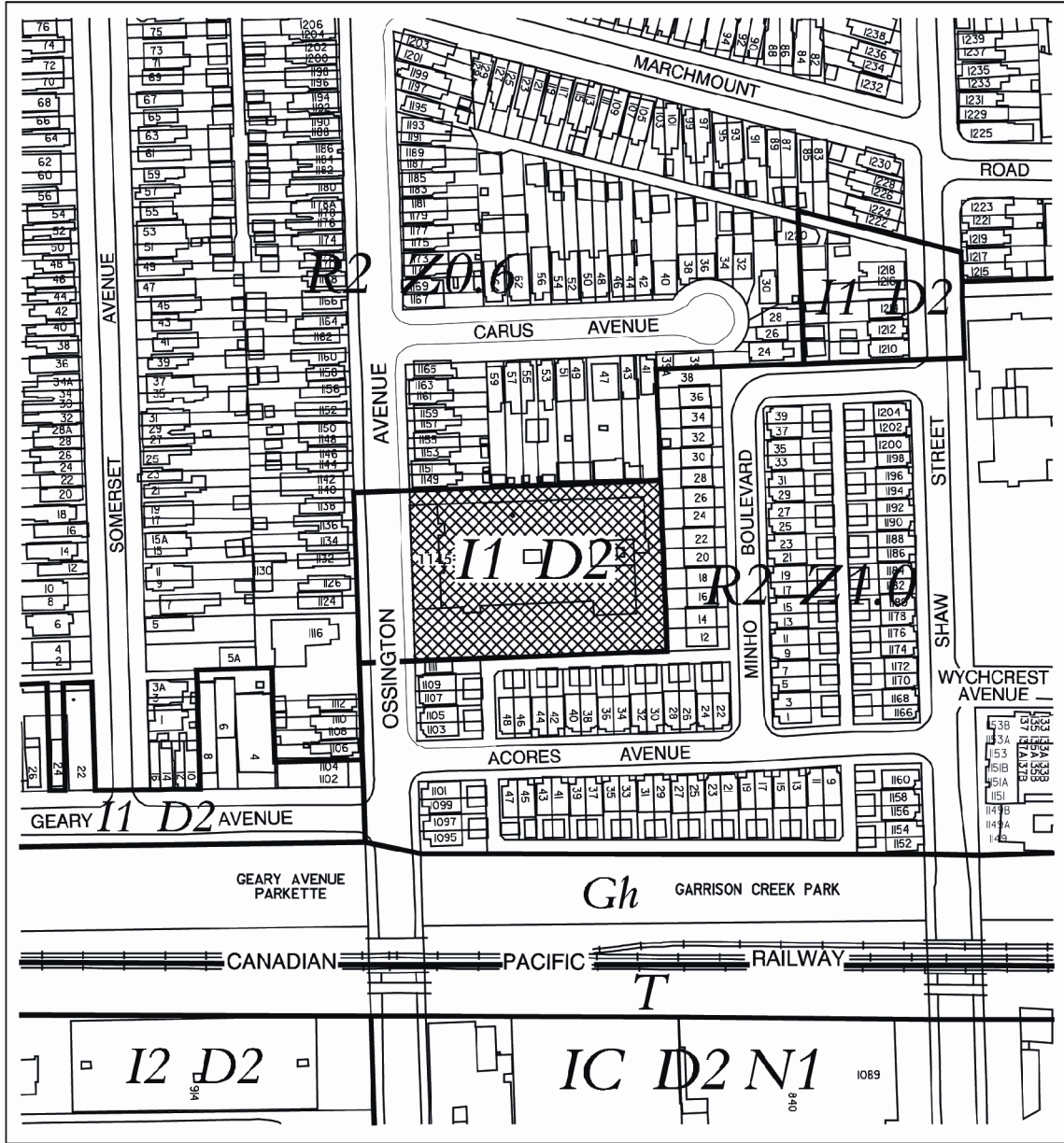
1145 Ossington Avenue

Elevations  
Applicant's Submitted Drawing

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07/29/08

File # 07\_245499

# Attachment 5: Zoning



1145 Ossington Avenue  
File # 07\_245499

- Gh Parks District
- R2 Residential District
- I1 Industrial District
- I2 Industrial District
- IC Industrial District
- T Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 08/15/07 - TA



## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	07 245499 STE 21 OZ
Details	Rezoning, Standard	Application Date:	July 20, 2007

Municipal Address:	1145 OSSINGTON AVE
Location Description:	PL 197 LT58 PT LT57 **GRID S2107
Project Description:	Proposal to construct 43 new townhomes.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
DUNPAR			CANADIAN LINEN ONTARIO LTD

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	I1 D2	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	5742.5	Height:	Storeys:	3	
Frontage (m):	61.48		Metres:	12.4	
Depth (m):	95				
Total Ground Floor Area (sq. m):	2829.84				<b>Total</b>
Total Residential GFA (sq. m):	7592.4		Parking Spaces:	80	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	7592.4				
Lot Coverage Ratio (%):	49.3				
Floor Space Index:	1.32				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo, Freehold		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	7592.4	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	43	Institutional/Other GFA (sq. m):	0	0
Total Units:	43			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Jeffrey Cantos, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 338-5740</b>