M TORONTO

STAFF REPORT ACTION REQUIRED

23, 25 and 27 Hobson Avenue – Official Plan Amendment & Rezoning, Site Plan, Plan of Subdivision Applications – Request for Direction Report

Date:	April 27, 2009
То:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 34 – Don Valley East
Reference Number:	08 144178 NNY 34 OZ, 08 144190 NNY 34 SA, 08 144196 NNY 34 SB

SUMMARY

This is a report on an appeal of applications to amend the Official Plan and Zoning By-law and for draft plan of subdivision and Site Plan Control approval to develop 53 residential units at 23, 25 and 27 Hobson Avenue. As this matter has been appealed to the Ontario Municipal Board, this report recommends that the City solicitor and appropriate staff advance the position outlined in the report.

The applications were filed on April 7, 2008 and are subject to the new provisions of the Planning Act and the City of Toronto Act, City Planning staff presented a 2006. Preliminary Report on the applications at the June 10, 2008 meeting of North York Community Council. Α community consultation meeting was held on June 23, 2008 and a second community consultation meeting was held on October 7, 2008. On March 9, 2009 the applicant appealed the Official Plan amendment, Zoning By-law amendment, Site Plan Control application and draft plan of subdivision application to the Ontario Municipal Board.



The applications propose 45 three and four-storey townhouses and 8 three storey semi-detached units for a total of 53 units at 23, 25 and 27 Hobson Avenue. The applicant is also proposing to extend Wedmore Avenue from Tisdale Avenue to Hobson Avenue and extend Jinnah Court to the proposed Wedmore Avenue extension.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. That Council supports the approval of the applications subject to the following modifications:
 - i) The total number of units on Hobson Avenue be reduced to accommodate a shared private driveway at the rear of the properties and provide for an acceptable interface with the employment lands on the west side of Hobson Avenue to the satisfaction of the Chief Planner and Executive Director of City Planning and the General Manager of Transportation Services.
 - ii) Two parking spaces be provided for each unit to the satisfaction of the General Manager of Transportation Services.
 - iii) The applicant shall address the stormwater management issues identified by Technical Services Division. Specifically, the applicant shall provide the required revisions to the functional servicing and stormwater management report, a geotechnical report and the additional storm sewer drainage plan, design sheets and other plans and information as requested.
 - iv) The applicant shall address the site servicing and grading issues identified by Technical Services Division. Specifically, the applicant shall provide a preliminary engineering report, including a flow test and water distribution analysis and the required additional plans and profile for services, grade control plans, sanitary sewer drainage plans, composite utility plan, design sheets and other plans as requested.
 - v) The proposed public roads to be conveyed to the City will comply with the requirements of the "Policy and Standards for Public Local Residential Streets and Private Streets" and the City's "Development and Infrastructure Policy and Standards", including:
 - (a) the existing Jinnah Court "cul-de-sac" immediately north of the site must be removed and reconfigured to create a continuous north/south roadway;
 - (b) the right-of-way width of the proposed Jinnah Court extension shall be 18.5 metres wide with a 8.5 metre wide residential asphalt roadway; and

- (c) the applicant is required to provide a functional design of the proposed public roads to the satisfaction of the Executive Director of Technical Services.
- vi) All services to be installed by the owner shall be according to City of Toronto standards and specifications as outlined by the Executive Director of Technical Services and shall be secured 100% by irrevocable letter of credit.
- vii) The owner shall pay a 5% fee for the City's engineering review and inspection services, based on the cost of all proposed infrastructure works for the subdivision, as estimated by the owner's consultant and satisfactory to the Executive Director of Technical Services.
- viii) The owner shall enter into and adhere to all conditions of the City's standard Subdivision Agreement.
- ix) The treatment of grades and building heights will not result in buildings which are noticeably taller than the existing townhouses on Jinnah Court and Tisdale Avenue.
- x) The following built form revisions shall be made:
 - (a) grade relationships for proposed units should not result in front doors more than six steps higher than grade; and
 - (b) improved elevations shall be provided for both street facades when the building is on a corner. The design of a corner building should be unique and incorporate special features.
- xi) The proposed landscaping shall be revised to:
 - (a) provide additional opportunities for planting large growing shade trees;
 - (b) coordinate landscaping with walkways, exterior lighting and utilities;
 - (c) locate utilities at the rear of units where possible, integrated into the building or screened by landscaping;
 - (d) provide permeable surfaces for driveways; and
 - (e) maximize the amount of soft landscaping on both the public right-of-way and private property.
- 2. The City Solicitor and City staff be directed to continue discussions with the applicant concerning appropriate public benefits that would be provided for the increased height and density that may be approved for the site pursuant to Section 37 of the *Planning Act*.
- 3. Staff be authorized to attend the Ontario Municipal Board hearing in support of the position set out in this report and authorize the City solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.

- 4. Request the Ontario Municipal Board to withhold its order on a modified proposal as set out in Recommendation 1. above until the following conditions are satisfied:
 - a. The final form of the Official Plan and Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director of City Planning.
 - b. The owner enters into an agreement with the City pursuant to Section 51 of the *Planning Act* satisfactory to the Chief Planner and Executive Director of City Planning and the Executive Director of Technical Services.
 - c. The owner enters into an agreement with the City pursuant to Section 114 of the *City of Toronto Act* satisfactory to the Chief Planner and Executive Director of City Planning.
 - d. The owner enters into an agreement with the City pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director of City Planning.
 - e. Require that the applicant submit a draft plan of condominium application in the event a common elements condominium is required as part of the approved development.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject property and the lands south of Jonesville Crescent between Hobson Avenue and Tisdale Avenue had been designated as Transitional Mixed Use Area (TMUA) under the Official Plan of the former City of North York. These lands were intended to serve as a buffer between the industrial lands west of Hobson Avenue and the residential uses east of Tisdale Avenue. The subject lands are designated *Neighbourhoods* in the City of Toronto Official Plan. The Plan also designates the lands to the west of Hobson Avenue as *Employment Areas* (see Attachment 4, Official Plan) and identifies them as being in an Employment District in Map 2, Urban Structure Map. Provisions for the transition from industrial to residential use have been carried forward in the City of Toronto Official plan through Site Specific Policy 89.

The subject applications were submitted on April 7, 2008. On March 9, 2009 the applicant appealed the Official Plan amendment, Zoning By-law amendment, Site Plan Control application and draft plan of subdivision application to the Ontario Municipal Board.

ISSUE BACKGROUND

Proposal

The applications propose 45 three and four-storey townhouses and 8 three storey semi-detached units for a total of 53 units. Two parking spaces would be provided for each unit for a total of 106 spaces. The proposed units are 6.0 metres wide with the exception of one townhouse unit on a corner lot which is 5.6 metes wide. Proposed frontages for the semi-detached units are 6.75 metres. The gross floor area of the proposed development would be approximately $10,951m^2$ (0.9 FSI). The lot coverage for the proposed development would be 28.7%.

The applicant has also filed a draft plan of subdivision which would extend Wedmore Avenue west from Tisdale Avenue to Hobson Avenue and extend Jinnah Court south to the proposed Wedmore Avenue extension.

All proposed units would front onto existing and proposed public roads. The semi-detached units on the west side of Tisdale Avenue would face semi-detached units on the east side of the street. The units include integral garages (see elevations attached as Attachment 2) providing two parking spaces; one in the garage and one in front of the garage. The proposed site plan is included as Attachment 1 and the Application Data Sheet is included as Attachment 6 to this report.

Site and Surrounding Area

The site has an area of approximately 1.2 hectares (2.9 acres) with frontage on both Hobson and Tisdale Avenues. The grade of the site falls by approximately two metres from the northeast corner of the site adjacent Tisdale Avenue toward Hobson Avenue and the south.

The site is comprised of two properties both currently occupied by single storey industrial buildings and is part of a larger area containing a mix of residential uses, live-work uses, institutional uses and employment uses. This larger area is bounded by Hobson Avenue to the west, Sunrise Avenue to the south, O'Connor Drive to the east and Eglinton Avenue East and a hydro corridor to the north.

Surrounding land uses are as follows:

- North: Two and three storey townhouses on Jinnah Court. To the west of Jinnah Court is a one storey building currently being used as a place of worship. The area between the building and the northwest corner of the subject site is used for surface parking for the place of worship.
- East: Semi-detached residential units.
- South: Two self-storage buildings are located immediately to the south.

West: Lands on the west side of Hobson Avenue are used for a variety of industrial uses. The site immediately opposite the subject site is occupied by the Islamic Community of Afghans.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Both the PPS and the Growth Plan state that planning authorities shall promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses.

Official Plan

Neighbourhoods

The subject lands are designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are 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 walk-up apartments no taller than four storeys. *Neighbourhoods* may also contain parks, low-scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses.

The Official Plan establishes policies to evaluate development proposals within *Neighbourhoods*. The objective of these policies is to ensure that development respects and reinforces the 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.

Site Specific Policy 89

The area bordered by Hobson Avenue to the west, Jonesville Crescent to the north, Tidsale Avenue to the east and Sunrise Avenue to the south, which includes the subject lands, is subject to a site-specific Official Plan policy. (See Attachment 5, Areas Subject to Site Specific Policy 89.) Site Specific Policy 89 reflects the intent of the Transitional Mixed Use Area (TMUA) designation under the Official Plan of the former City of North York, that this area would serve as a transitional area of residential and compatible employment uses. The policy states that:

- a) Development will maintain a low character where the predominant building height is four storeys or less.
- b) A mix of compatible and complementary uses in the *Employment Areas* designation are also permitted.
- c) On the lands adjacent to Hobson Avenue:
 - i) residential uses are limited to the upper floors of buildings; and
 - ii) retail and service uses are limited to the ground floors of buildings.
- d) Live/work uses are permitted provided:
 - i) residential remains the predominant use within the unit;
 - ii) the live/work uses are limited to office, studio and personal service shop uses;
 - iii) the live/work uses, including any accessory live/work uses, are located on the ground floor of the unit;
 - iv) the ground floor of the unit fronts onto and has direct access to the street; and
 - v) the lands are not located adjacent to Hobson Avenue.

Employment Districts and Employment Areas

The Official Plan also contains policies related to development adjacent to lands designated as *Employment Areas* and identified as Employment Districts. These policies seek to ensure that development adjacent to employment lands is designed in a manner which minimizes the potential for conflict between employment uses and non-employment uses. These polices are particularly relevant for the proposed townhouses fronting Hobson Avenue and their relationship to the adjacent employment uses.

Policy 2.2.4.6 refers to lands identified as 'Employment Districts' on Map 2 of the Official Plan.

Development adjacent to or nearby 'Employment Districts' will be appropriately designed, buffered and/or separated from industries as necessary to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security.

Policy 4.6.6 provides development criteria to ensure that proposed development will contribute to the creation of competitive, attractive, highly functional *Employment Areas* by:

- a) Supporting the economic function of the *Employment Areas* and amenity of adjacent areas;
- b) Avoiding excessive car and truck traffic on the road system within *Employment Areas* and adjacent areas; and

c) Treating the boundary between *Employment Areas* and residential lands with landscaping, fencing, or other measures to minimize nuisance impacts.

Zoning

The site is currently zoned as Industrial Zone One (M1) in Zoning By-law No. 7625 of the former City of North York. This zone permits a range of industrial, commercial, institutional and recreational uses and reflects the historical use of the property. Residential uses are not permitted.

Site Plan Control

The applicant has submitted a concurrent Site Plan Control approval application which has been appealed to the Ontario Municipal Board.

Land Division

The applicant has applied for draft plan of subdivision approval to create the freehold parcels and proposed public roads for the development. The proposed draft plan of subdivision has also been appealed to the OMB.

Reasons for the Applications

The proposed residential development does not comply with Site Specific Official Plan Policy 89 which requires that residential uses be limited to the upper floors of buildings and does not comply with the existing Industrial Zone One (M1) zoning.

Community Consultation

Two community meetings have been held, the first on June 23, 2008 and the second on October 7, 2008. Both meetings were sparsely attended. The following issues were raised at these meetings:

- Concerns that the proposed extension of Wedmore Avenue and Jinnah Court will cause increased traffic on Tisdale Avenue and Wedmore Avenue, including concerns about safety and noise;
- Opportunities to limit the vehicular connections through the site and provide for only pedestrian connections;
- Proposed building heights and setbacks relative to existing homes on Jinnah Court;
- Residents on Jinnah Court expressed concern about the existing sidewalk location and location of utilities in that development;
- Coordination of new sidewalks with existing streetscape;
- Provisions for on-street parking, including the spacing of driveways and curb-cuts; and
- Noise and other impacts arising from construction.

COMMENTS

Relationship to Adjacent Employment Areas and Employment Districts Lands

Site Specific Official Plan Policy 89 provides alternatives for development of the lands located between the employment lands west of Hobson Avenue and the residential uses east of Wedmore Avenue and Tisdale Avenue (as identified on Attachment 5). This policy is intended to provide for a transition from the employment uses on the west side of Hobson Avenue to the lower density residential uses to the east. Notwithstanding the *Neighbourhoods* designation, which applies to the entire site and permits residential uses in lower scale buildings, Site Specific Policy No. 89 provides an opportunity to develop the site for either: a) a mix of compatible and complementary uses in the *Employment Areas* designation; and/or b) live/work uses (as described in the policy) for those lands not adjacent to Hobson Avenue. The Site Specific Policy also places restrictions on the uses permitted adjacent to Hobson Ave.

With specific reference to the lands adjacent Hobson Avenue, the applicants proposal fails to address the provisions of Policy 89 for these lands which limits residential uses to the upper floors of buildings. The policy permits retail and service commercial uses at grade and permits a mix of compatible and complementary uses in the *Employment Areas* designation on lands adjacent Hobson Avenue. The applicant is requesting a change to the use permissions as set out in the Official Plan for the ground floors on lands adjacent Hobson Avenue as the proposal is for an exclusively residential townhouse development. It is the lands adjacent Hobson Avenue which require the most sensitive treatment, given the proximity of the employment uses on the opposite side of the street.

The current proposal includes 10 townhouse units fronting Hobson Avenue, each with its driveway access on the street. City Planning and Transportation Services staff are concerned that the proposed residential driveways which would result in passenger vehicles backing up to enter Hobson Avenue are not compatible with the operation of truck traffic associated with existing and future employment uses in the employment area. The proposal to locate driveways on Hobson Avenue represents a departure from the pattern established in the townhouse development north of Bartley Drive, where units have a rear or side yard relationship to Hobson Avenue, thereby minimizing the issue of interface with the adjacent employment lands. Given the large properties to the northwest (the place of worship) and south of the subject lands, Economic Development and Community Planning staff are concerned about the potential of this development to set a precedent for further applications which impact upon the viability of the employment lands west of Hobson Avenue.

During meetings with the applicant, City staff expressed concerns regarding the potential conflict between employment (industrial) related traffic and residential related traffic. The applicant was requested to examine the use of a rear shared common driveway as one means of reducing the potential conflicts between employment and residential uses. The applicant stated they did review this possibility but are not willing to change the plan to address this issue.

In order to minimize the impact of an exclusively residential development on Hobson Avenue, it is recommended that the number of units on Hobson Avenue should be reduced to accommodate a shared common driveway. This driveway should be provided through a common elements condominium.

Building Height and Grade Relationships

The substantial grade change on the site from the northeast corner of the subject lands to the west and southwest and the proposed grade relationships illustrated in the building elevations create a concern that the proposed townhouse and semi-detached units will be taller than the adjacent townhouses on Jinnah Court and Tisdale Avenue and out of character with the neighbourhood.

The treatment of the grade change and the design of the proposed units also raises concerns regarding compliance with the City's Design Guidelines for Infill Townhouse. The raised first floor of the proposed homes combined with the change in grade across the site would result in units which are out of character with the neighbourhood. In earlier discussions with the applicant, the need to address the grade change in a sensitive manner to avoid the extensive use of retaining walls and ensure the proposed dwellings are similar in height to the existing buildings in the neighbourhood were raised as issues to be addressed. Additional site sections and proposed grading plans are required to evaluate treatment of the site grade change, the proposed building heights and elevations. The need for improved elevations for corner units to address the street through appropriate design treatments is also critical in this neighbourhood.

Parks, Forestry and Recreation

Parks, Forestry and Recreation staff have advised that the parkland dedication can be fulfilled through a cash-in-lieu payment. The amount of the cash-in-lieu payment will be determined at the time of building permit issuance.

Landscaping and Streetscape

The applicant has not provided a detailed landscape plan with sufficient information for staff to provide a comprehensive review of proposed landscaping. Staff have commented that there are additional opportunities for landscaping on the site, including the planting of large growing shade trees on the City boulevard and private property. The pairing of driveways as proposed also provides additional opportunities for streetscape planting. The plans submitted have yet to coordinate landscaping (including walkways) and utilities. Staff have requested that utility metres should be located away from the front yard and screened where necessary.

There is also a need to provide additional landscaping to address issues of compatibility, particularly on the south end of the site adjacent the industrial zoned lands currently occupied by a self-storage facility to the south and adjacent the place of worship to the northwest.

Draft Plan of Subdivision

Technical Services and Transportation Services staff have raised a number of issues related to the applicants proposed draft plan of subdivision. The applicant's functional servicing and stormwater management report must be revised to address the City's Wet Weather Flow Management Guidelines. The applicant is also required to submit a preliminary engineering report, including a flow test and water distribution analysis and a storm sewer analysis outlining the municipal works necessary to service the development. Technical Services staff have requested a range of additional plans, including:

- plans and profiles of all services and proposed infrastructure;
- a grade control plan;
- storm and sanitary sewer drainage plans;
- a composite utility plan;
- a geotechnical report; and
- an erosion and sediment control plan.

The public roads proposed as part of the development do not meet the City's "Policy and Standards for Public and Local Residential Streets and Private Streets". The proposed Jinnah Court extension has a right-of-way width of only 16.5 metres and retains the "bulb" from the existing cul-de-sac at the termination of Jinnah Court. The applicant is required to reconfigure the existing Jinnah Court to remove the bulb and normalize the roadway and sidewalks and to provide a minimum 18.5 metre right-of-way as required by the City's "Development Infrastructure Policy and Standards" (DIPS).

Transportation Services staff have confirmed that they will not support a reduction in required parking below the 2 spaces per unit currently proposed. For this reason, staff are recommending that approval of these applications be subject to a parking standard of two spaces per unit.

Section 37

Section 37 of the *Planning Act* authorizes a municipality with appropriate Official Plan provisions to pass zoning By-laws involving increases in the height or density otherwise permitted by the Zoning By-law in return for the provision by the owner of community benefits. The community benefits must be set out in the zoning By-law. As the proposed development represents a 100% increase in permitted residential gross floor area based upon the existing industrial zoning, a contribution under Section 37 of the *Planning Act* is recommended. This contribution should be directed toward capital improvements to Warner Park. Staff will continue negotiations with the applicant regarding appropriate Section 37 contributions.

Toronto Green Standard

The applicant advises they expect to adhere to the Toronto Green Standard for use of local materials, pedestrian infrastructure, and most of the standards for water and ecology as they apply to low-rise residential construction.

Development Charges

The development charges for this project are estimated at \$485,511.00. The actual charge is assessed and collected upon building permit issuance.

CONTACT

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SIGNATURE

Thomas C. Keefe, Director Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan/Subdivision Plan

Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Area Subject to Site Specific Policy 89

Attachment 6: Application Data Sheet



Attachment 1: Site Plan/Subdivision Plan



Attachment 2: Elevations

















Attachment 4: Official Plan



Attachment 6: Application Data Sheet

Application Type Details		Rezoning		mendment &		Applic Numb	er:	2.	08 1441 OZ April 7		Y 34	
Municipal Address		OPA & Rezoning, Standard Application Date: 23-27 HOBSON AVE						April 7, 2008				
-		25-27 HOBSON AVE PLAN 5413 PT LOT 8 **GRID N3407										
Location Description: Project Description:		Residential development consisting of 45 three and four storey townhouses and 8 three storey semi-detached units, for a total of 53 units. Wedmore Avenue to be extended										
				enue to Hobson enue Extensior		ue and	Jinnah Co	ourt to b	e extended	souther	ly to	
Applicant:		Agent:		Architect:					Owner:			
THE GOLDMAN GUY D'ONOFRIC								STAFFORD (25 HOBSON) LTD.				
PLANNING CONTROLS												
Official	Plan	Neighbourh	noods				Specific					
Designation: Zoning:	M1		Provision: Historical Status:			Status:						
Height Limit (m):							Control		Y			
PROJECT INFO	RMATION				Are	a:						
Site Area (sq. m):		1	1774		Hei		Storeys:		4			
Site Area (sq. iii).		1	1//4		ght		Storeys.		4			
Frontage (m):		12	27.48				Metres:		13.25			
Depth (m):		14	46.45									
Total Ground Floor Area (sq. m):3378			378						Total			
Total Residential GFA (sq. m):1095			0951	Parking Spaces:					106			
Total Non-Residential GFA (sq. 0 m):				Loading Docks					0			
Total GFA (sq. m)	:	1	0951									
Lot Coverage Ratio (%):		2	28.7									
Floor Space Index:		0	.93									
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)												
Tenure Type:		Condo, Free	ehold					Above		Below		
Rooms:		0		Residential G	FA (sq	. m):		Grad 10951		Grade 0		
Bachelor:		0		Retail GFA (s	q. m):			0		0		
1 Bedroom:		0		Office GFA (s	sq. m):			0		0		
2 Bedroom:		0		Industrial GFA	A (sq.)	m):		0		0		
3 + Bedroom:		53		Institutional/C m):	Other	GFA	(sq.	0		0		
Total Units:		53		*								
CONTACT:	PLANNE	R NAME:]	Dan Nicholsor	ı, Plan	ner						
TELEPHONE:				(416) 395-7110								

Staff report for action - Request for Direction - 23-27 Hobson Ave