

38 Tideswell Boulevard – Rezoning and Site Plan Applications - Request for Direction Report

Date:	September 23, 2009
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	08 217398 ESC 44 OZ and 08 217392 ESC 44 SA

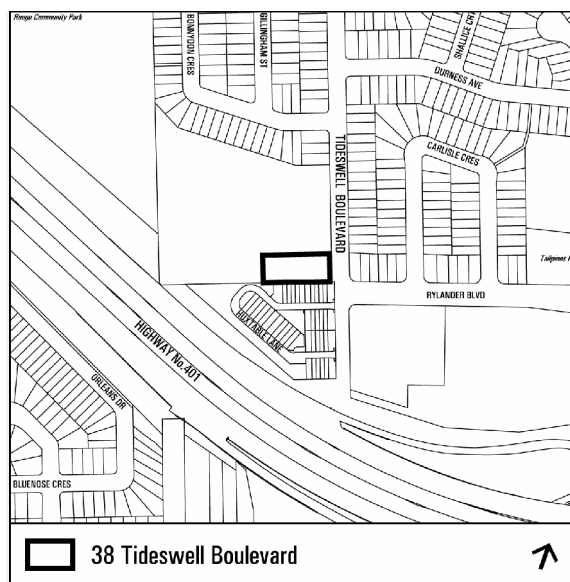
SUMMARY

These applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The purpose of this report is to seek direction for the City Solicitor for an upcoming Ontario Municipal Board (OMB) hearing due to City Council's failure to make a decision within the prescribed timeframe on the rezoning application and associated site plan control application at 38 Tideswell Boulevard. The OMB hearing is scheduled to commence on November 2, 2009.

The applications propose a 15-unit infill residential townhouse development on lands currently occupied by a single-family dwelling. The applicant's proposal is not consistent with the Official Plan policy to require public streets within new developments nor does it implement City Council's adopted criteria for being an exception to being on a public street. The applicant's proposal also is not consistent with the Official Plan's criteria for infill development.

This report recommends that the City attend the OMB in opposition to the application in its current form. However,



City Planning would support an alternative townhouse development concept that is in keeping with Council's policy for new development that can be considered an exception to requiring a new public street and, that provides for compatible development with the existing physical character of the established neighbourhood. City Planning seeks direction to attend the OMB in support of an alternative concept at the OMB hearing.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor to attend the OMB in opposition to the applicant's submitted proposal.
2. City Council authorize the City Solicitor, in consultation with the Director of Community Planning, Scarborough District, to settle the appeal if a revised development proposal, consistent with the Official Plan's criteria for infill development and City Council's policy regarding new development complying with the Development Infrastructure Policy and Standards (DIPS), and addressing the design objectives of the Urban Design Guidelines for Infill Townhouses is put forward.
3. City Council authorize the City Solicitor and any other City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

ISSUE BACKGROUND

On January 13, 2009, Scarborough Community Council considered the Preliminary Report on the proposed rezoning application which would provide for a 15-unit infill townhouse development within 3 blocks each containing five, 4-storey townhouse units. Access to the development is proposed from an internal driveway and walkway from Tideswell Boulevard. Access to the integral garages proposed in the rear of the townhouses would occur from lanes that would extend from the internal driveway. Private amenity space would be accommodated by rear decks, in part, located above the garages. A garbage storage facility and four visitor parking spaces are proposed on the westerly side of the property. The internal driveways, visitor parking and common open amenity spaces would form a future common elements condominium corporation. The proposal is illustrated on Attachment 1 – Site Plan and Attachment 2 – Elevation Plans.

The Preliminary Report identified various issues regarding the proposal, including non-conformity with DIPS. Other issues noted included: land use compatibility with surrounding area; the provision of an adequate spatial separation between the building blocks; the design and layout of the proposal to meet the Urban Design Guidelines for Infill Development; the provision for public garbage collection; the provision of adequate

landscaping and tree planting; and adequate provision of site servicing and stormwater management.

The applicant, in an attempt to address the issues raised in the preliminary report, submitted several variations to the submitted proposal for review. The schemes essentially consisted of 15 townhouse units on private roads which did not address City Planning's concerns.

On June 12, 2009, the applicant appealed to the OMB the City's failure to approve the rezoning application and associated site plan control application for the 15-unit townhouse proposal.

Site and Surrounding Area

The subject 0.2 hectares (0.6 acres) is rectangular in shape and has a 32.64 metre (107.09 foot) frontage on Tideswell Boulevard and a lot depth of 72.32 metres (237.27 feet). A two-storey, single-family dwelling and a detached garage currently occupy the property. The subject property exists at a lower grade elevation than the property to the north.

Surrounding Land Uses:

North: St. Dominic Savio Catholic Elementary School and single-family dwellings of 2-storeys further north

West: St. Dominic Savio Catholic Elementary School yard which backs onto Highway 401 right-of-way

East: Single-family dwellings of 2-storeys

South: Common Elements Condominium Townhouse Development of 2 and 3-storeys immediately to the south and a commercial plaza on the south side of Rylander Boulevard.

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 subject property is designated Neighbourhoods. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale building types. Policies and development criteria within these areas aim to ensure that physical changes to established neighbourhoods are sensitive, gradual, and generally “fit” the existing physical character.

Neighbourhood policies state that new development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- patterns of streets, blocks and lanes, parks and public building sites;
- size and configuration of lots;
- height, 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 the neighbourhood; and
- conservation of heritage buildings, structures, and landscapes.

The Official Plan provides the following criteria for infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established Neighbourhoods to ensure that new development will:

- have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for the 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 street wherever possible, with no gates limiting public access; and
- locate and screen service areas and garbage storage to minimise the impact on existing and new streets and residences.

The Official 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. These design objectives are contained in the Council approved Development Infrastructure Policy and Standards.

The Official Plan policy of requiring public streets is to accommodate grade-related developments which enable the City to provide municipal services such as curbside garbage collection, snow removal, long term maintenance and repair of road, sewer and water infrastructure, and which also meet design objectives such as the provision and

maintenance of boulevard trees. City Council adopted a set of harmonized public street design standards to meet the objectives of the Official Plan policy and identified where a private street or “mews” may be considered an appropriate exception to Council’s policy. These City-wide design standards known as Development Infrastructure Policy and Standards (DIPS) provide a range of design standards that enable the City to service and maintain a network of new local residential streets. Developments which may be considered an exception to providing public streets are on small sites and which, among other matters, contain 10 or less residential units on a private street that is 45 metres or less in length.

The Built Form policies specify that new development be located and organized to fit with its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces. New developments are to be massed to fit harmoniously into their existing planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

The Natural Environment policies support strong communities, competitive economy and a high quality of life, public and private city-building activities and changes to the built environment including public works that will be environmentally friendly. This includes protecting and improving the health of the natural ecosystem to minimize air, soil and water pollution, recognizing rainwater and snowmelt as a resource, and managing and improving the quantity and quality of stormwater and groundwater infiltration and flows.

Zoning

The subject lands are zoned Industrial Uses (M) and Office Uses (OU) within the Rouge Community Zoning By-law. Day nurseries, industrial uses, offices, and a limited amount of the following uses: banks, day nurseries, personal service shops, recreational facilities, restaurants, and retail stores are permitted uses.

Site Plan Control

The subject lands are subject to site plan control and the applicant is seeking concurrent site plan control approval at the OMB.

Community Consultation

A Community Consultation Meeting was held on May 5, 2009 at the Tall Pines Community Centre. A total of 93 notices were mailed. No residents attended the meeting.

COMMENTS

Land Use and Compatibility

The Neighbourhoods designation applying to the subject lands allows for low scale residential buildings within a stable area. The subject rezoning application would rezone lands from the current industrial and office use permission to a residential use that is provided for in the Official Plan.

The subject lands are within a suburban context, on a local road containing 2-storey single-detached dwellings with front integral garages on lots with minimum 10.5 metre (35 foot) frontages and 330 square metre (3,552 square foot) lot areas. This pattern of residential development was established in the mid-1980's into the 1990's with dwellings having minimum 6 metre (20 foot) front yard building setbacks and minimum 7.5 metres (25 foot) rear yard setbacks.

The exception to the single-detached dwelling built form is the adjacent 43-unit townhouse development to the south, which received Official Plan and zoning by-law amendments and site plan application approval in April 2005 by the OMB. The townhouse development was built with 2-storey townhouses, including at grade, wrap-around porches adjacent Tideswell Boulevard, and 3-storey townhouses within the development site. Each townhouse has front and rear yards and within the development there are common open areas including a playground. The existing development was approved prior to DIPS and has private curbside garbage collection.

The local pattern of development along Tideswell Boulevard and within the neighbourhood consists of 2-storey, single-detached dwellings with front yards providing open amenity space and landscaping. This sense of suburban development is continued with the adjacent townhouse development that consists of 2-storey townhouses with flankage facades of 12.25 metres (40 feet) that contain elongated, at grade porches immediately adjacent Tideswell Boulevard. These townhouses provide a scale of development of compatible height, massing and scale that reinforces the established 2-storey, single-detached dwelling character along Tideswell Boulevard and the surrounding residential neighbourhood.

The subject proposal would provide 5 townhouse units at 4-storeys having an approximately 21.5 metre (70 foot) building facade along Tideswell Boulevard. The proposal would not provide a similar height, massing and scale of grade-related development that would reinforce or maintain the existing character along Tideswell Boulevard or the neighbourhood. The proposal would not be considered as compatible development with the existing neighbourhood. In addition, the number of stairs required to reach the front entrances to the 5 townhouse units along Tideswell Boulevard appear to result in stair encroachments within the public road allowance which is unacceptable.

The subject proposal does not adequately address the interface or transition between the existing and proposed townhouses as the proposed 1.2 metre (4 foot) side yards would result in overlooks into the existing rear yards from the proposed elevated front porches

and amenity decks. These existing residents would be affected from restricted privacy, light and views, and may be affected by noise emanating from vehicles entering the proposed garages or idling on the lanes between the proposed townhouse blocks.

The subject proposal is not considered to be consistent with the Official Plan policy for infill development within an established neighbourhood or the built form policies in creating healthy neighbourhoods that reinforce the existing character of buildings, streetscapes and open space patterns. The proposal also is not considered to address the urban design guidelines for infill townhouse development such as: providing a high quality internal street; addressing the building relationships with adjacent properties; ensuring adequate light, views and privacy; and, the location of services.

Development Infrastructure Policy and Standards Review (DIPS)

On December 5, 6 and 7, 2005, City Council adopted a set of harmonized public street design standards to meet the objectives of the Official Plan policy and identified where a private street or “mews” may be considered an appropriate exception to Council’s policy to require all new streets to be public ones. Developments which may be considered an exception to the policy would be those that are on small sites which cannot accommodate a road width of 20 or 16.5 metres (66 or 54 feet) and those which do not exceed 10 dwelling units on the private road, excluding those units fronting onto the existing public road.

The subject proposal does not meet the DIPS criteria as the proposal contains a private street that exceeds 45 metres in length and provides a design that does not include a turning circle or a hammerhead for public garbage collection, including recyclables. The proposal instead relies on a centralized garbage storage facility at the rear of the property with private garbage collection. The current proposal is not consistent with the Official Plan policy nor does it implement Council’s adopted DIPS guidelines or criteria.

Alternative Concept Plan

The location and size of the subject property adjacent to the existing townhouses could provide for development that would “fit” with the existing townhouses by being an extension of the development to the south. An alternative concept demonstrating a possible better “fit” within the context of the existing townhouses is illustrated on Attachment 3, Alternative Concept and Context Plan.

This alternative concept proposes a row of townhouses which have a similar orientation and similar rear yard as the development to the south and would result in an appropriate relationship between the two developments. With an adjacent rear yard relationship, the spatial separation between the two developments is significantly increased from what is proposed and privacy and sky views would be increased for residents in the existing townhouses. Locating rear yards along the southern property limit and the driveway along the northern property limit would also reduce potential noise from vehicles entering the proposed garages or those that may be idling on the rear lanes as shown on the applicant’s scheme.

This alternative building orientation would help to frame the internal private road in front of the townhouses such that the driveway would look and feel more like a public street. The landscaping, trees and sidewalk would contribute to the pleasant streetscape character that is common in the neighbourhood.

Such an alternative concept would reinforce the character of Tideswell Boulevard and the neighbourhood by providing a development that has a similar development pattern, building orientation, height, massing, scale and streetscape character as the existing neighbourhood. With the appearance of being a natural extension with the existing townhouse development, this alternative provides for an appropriate and compatible development at the southern end of Tideswell Boulevard, adjacent Highway 401.

The internal private road proposed in this alternative concept results in the townhouses facing the road. The road meets the objectives for new streets in providing City curbside garbage collection, improved visibility for safety, and providing parking, tree planting and walkway. The provision of open space and rear yards also provides opportunities for tree planting to increase the City's tree canopy, space for adequate snow storage, and utilization of rainwater and snowmelt in improving the quantity and quality of stormwater and groundwater infiltration and flows.

This alternative concept would meet Council's policy regarding DIPS as it provides a private street that is approximately 45 metres in length and provides a hammerhead in order for City curbside garbage collection and recycling to occur. The provision of City garbage collection enables the City to achieve its recycling and waste diversion targets.

This alternative development concept is consistent with the Official Plan criteria for infill development within an established neighbourhood, the built form policies in creating healthy neighbourhoods that reinforce the existing character of buildings, streetscapes and open space patterns, the public realm policies for new streets and the natural environment policies for protecting and improving the natural environment. This alternative concept would also address the design objectives of the Urban Design Guidelines for Infill Townhouses such as: the provision of open space; adequate spatial separations between the existing and proposed townhouses; the provision of adequate light, views and privacy; the provision of minimum townhouse frontages; and, the provision of an attractive streetscape.

Site Plan Control Application

A revised site plan would be required to address the matters raised with the development of the subject property. These include matters such as providing: larger growing trees; larger planting aisles and islands; street trees; adequately sized parking spaces; the detail for the access driveway; revisions to the stormwater management report and plans; all utilities on the site and landscaping plans, including transformers, gas meters, utility lines and air conditioning units; site lighting and details; and any other changes to the plans that may be required through the further review of the details of the development.

The owner would be required to enter into the City's standard site plan control agreement that is registered on title and to provide all financial securities as required for the development.

Toronto Green Standard

The green development checklist was provided to the applicant however, it was not completed and submitted to the City.

Conclusions

The applicant's submitted townhouse proposal does not provide for a development that is consistent with the Official Plan's criteria for infill development, is not consistent with City Council's policy for new development regarding DIPS, and does not adequately address the design objectives of the Urban Design Guidelines for Infill Townhouses. Planning staff are prepared to work with the applicant to revise the proposal such that it is in keeping with Official Plan policies, DIPS and urban design guidelines. The City Solicitor should be authorized to attend the OMB in opposition to the submitted applications in their current form and in support of an alternative development scheme as generally shown on Attachment 3, Alternative Concept and Context Plan.

CONTACT

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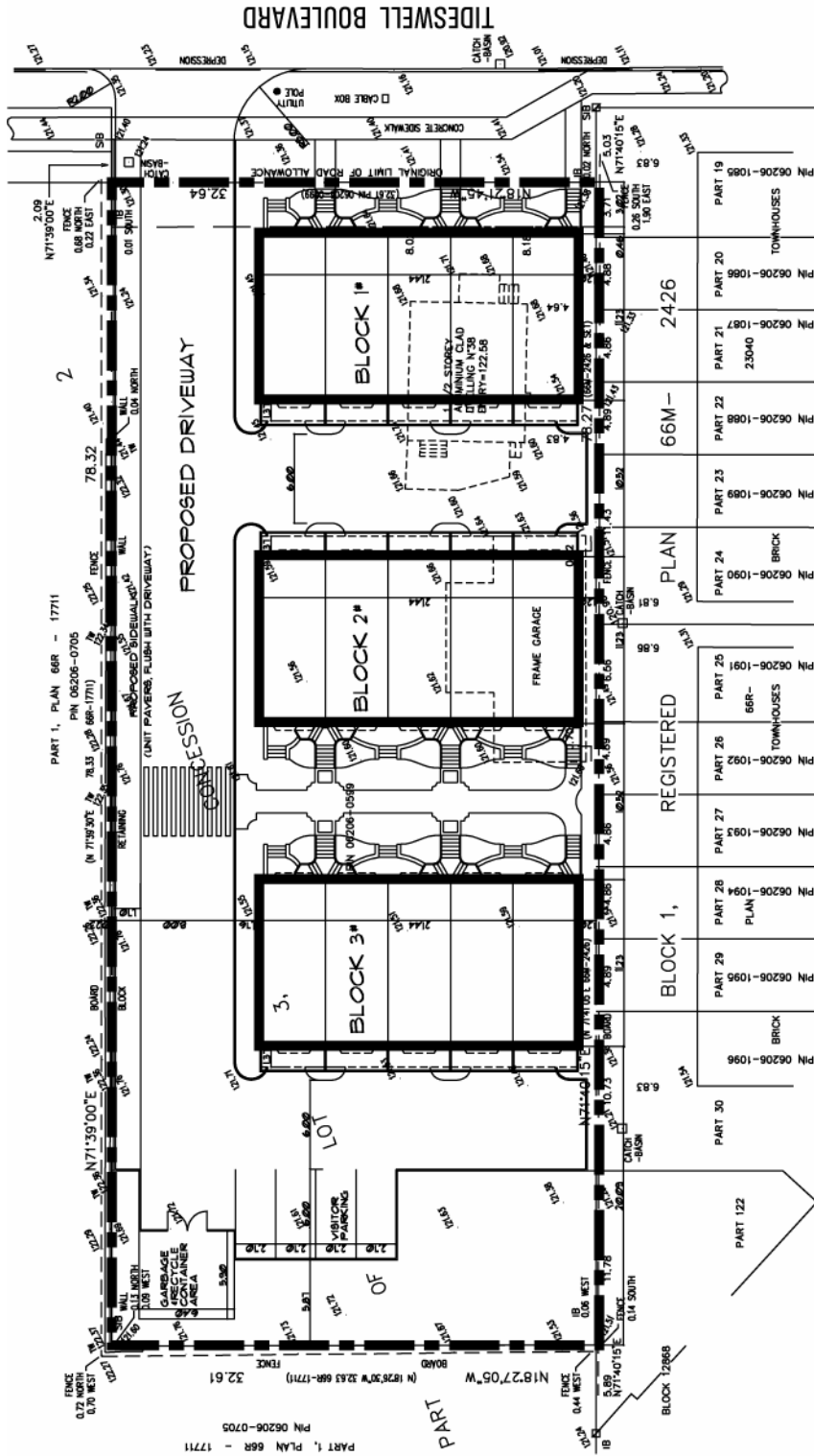
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Applicant's submitted Site Plan
Attachment 2: Elevation Plans
Attachment 3: Alternative Concept and Context Plan
Attachment 4: Zoning

Attachment 1: Site Plan

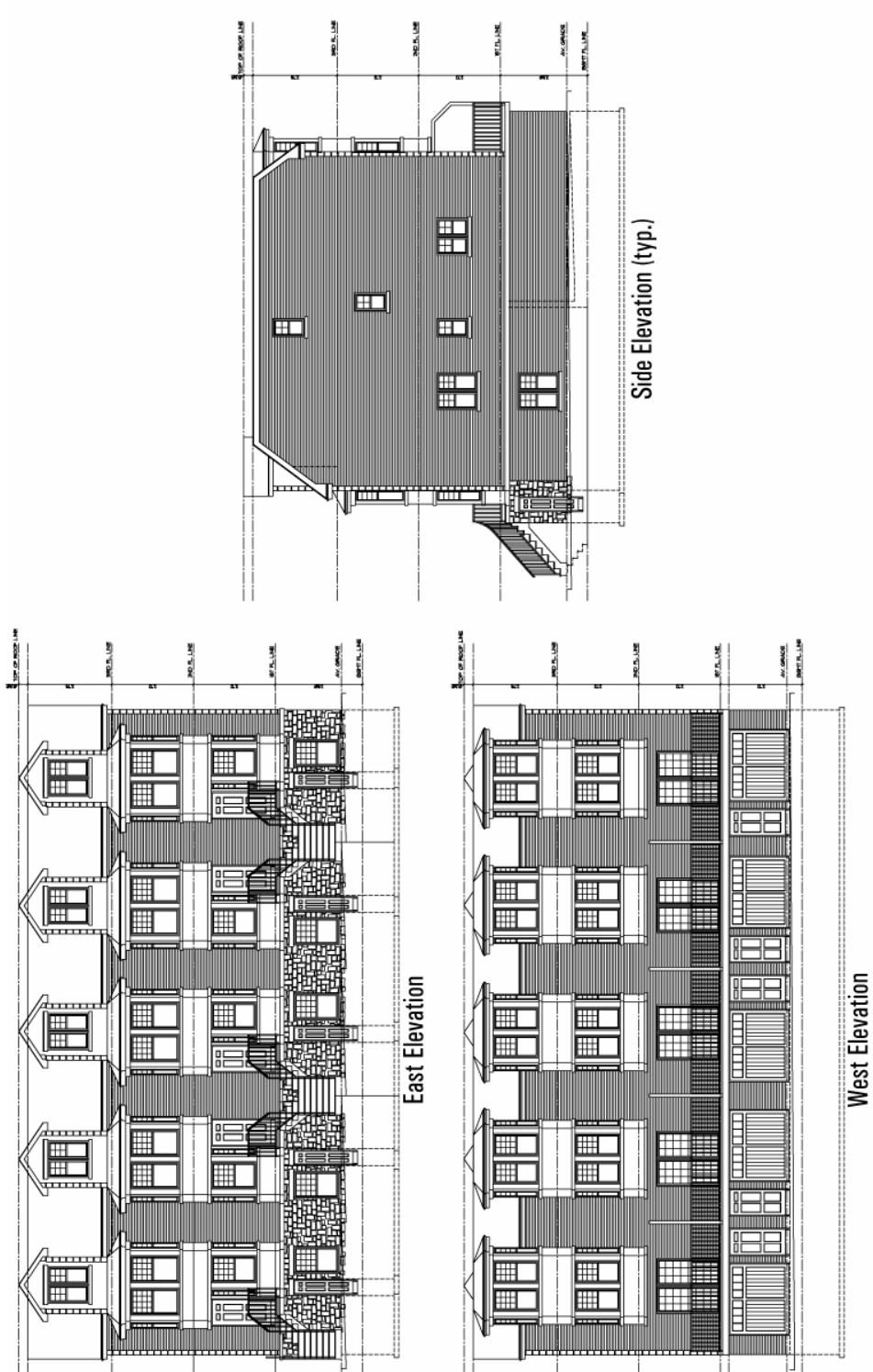


38 Tideswell Boulevard

Site Plan
Applicant's Submitted Drawing
Not to Scale
11/05/08

File #'s 08-217398 0Z; 08-217392 SA

Attachment 2: Elevation Plans



Elevation Plans

Applicant's Submitted Drawing

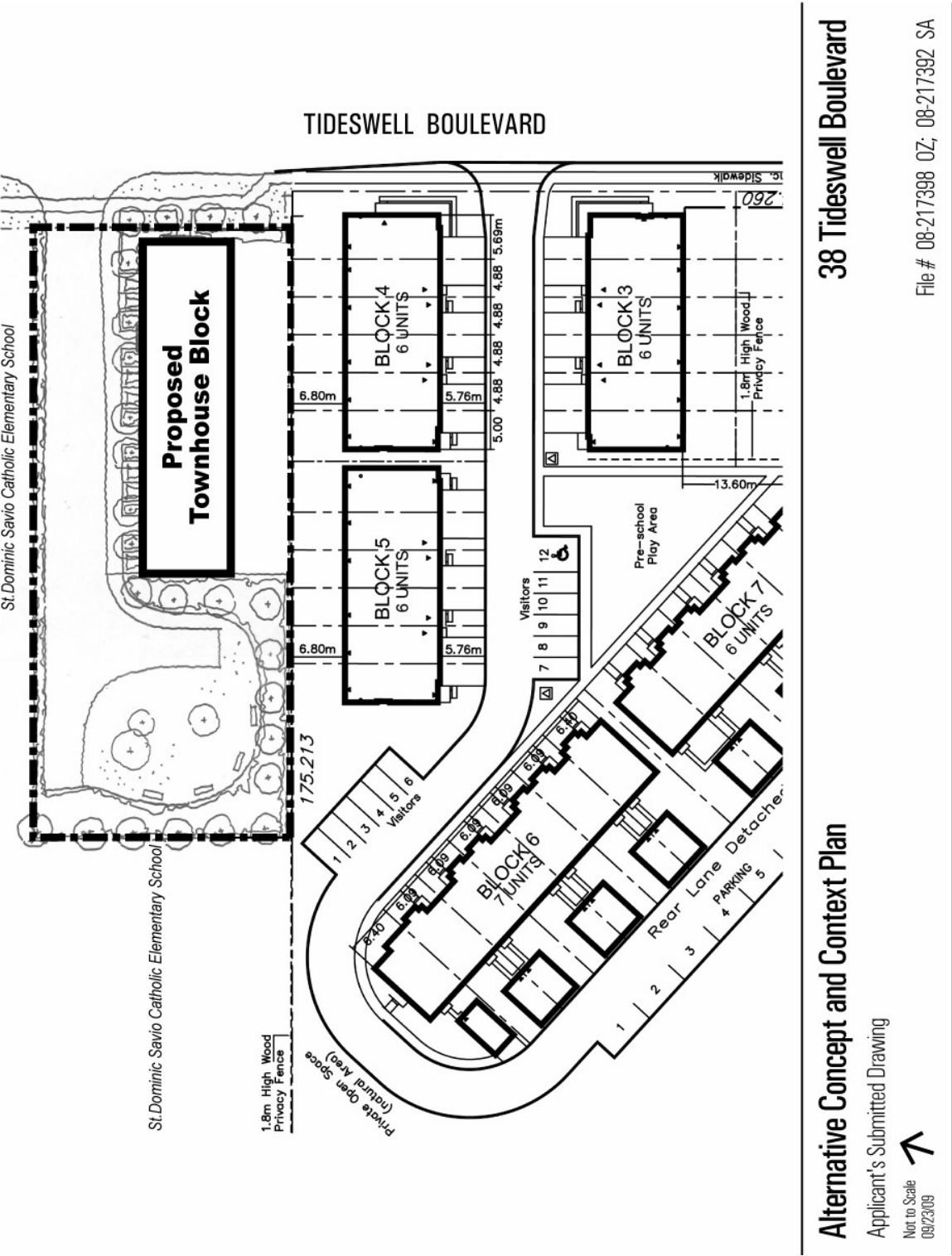
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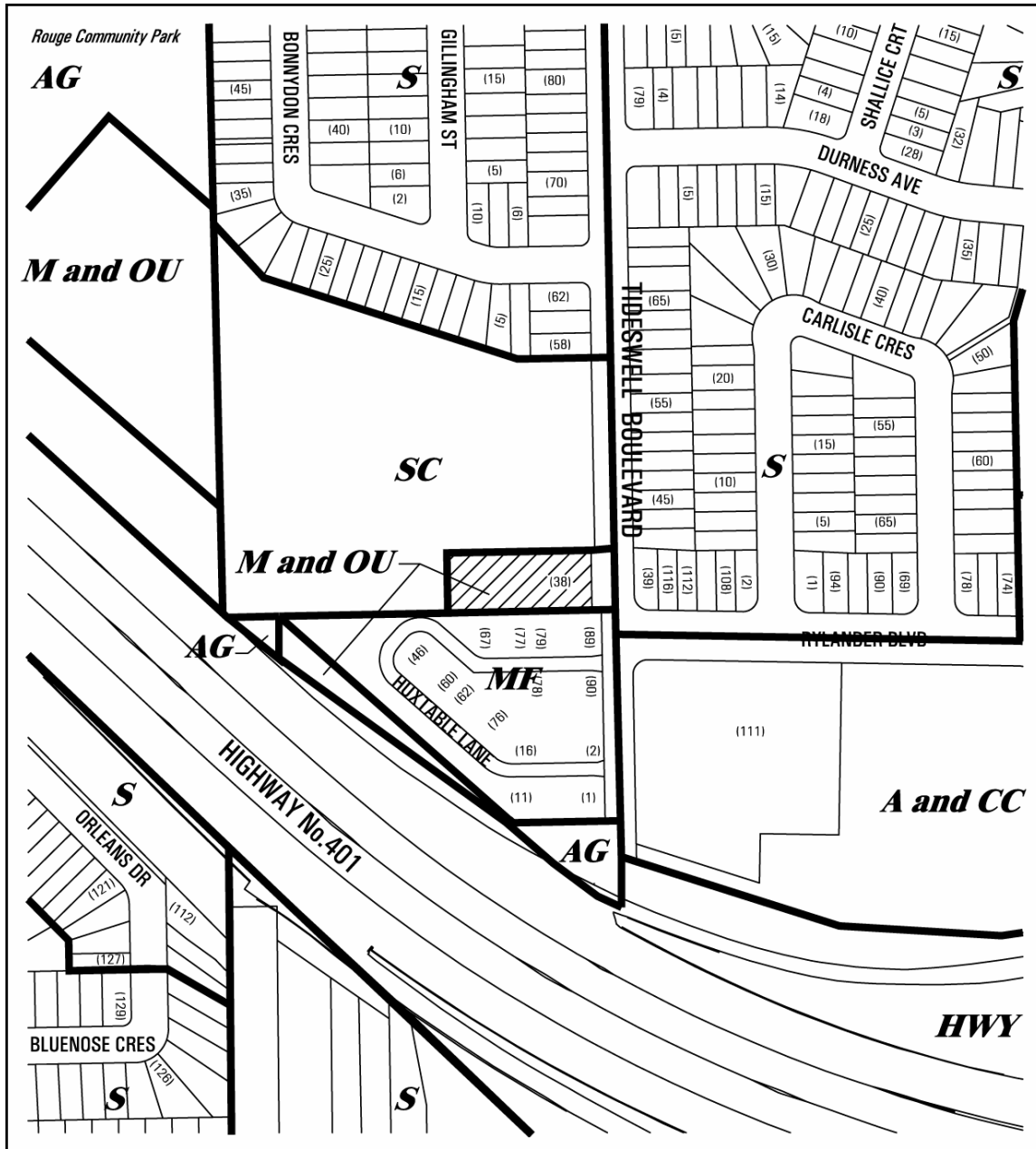
38 Tideswell Boulevard

File #s 08-217398 0Z; 08-217392 SA

Attachment 3: Alternative Concept and Context Plan



Attachment 4: Zoning



Toronto City Planning
Division
Zoning

38 Tideswell Boulevard
File #'s 08-217398 OZ; 08-217392 SA

S Single Family Residential	CC Community Commercial	SC School
MF Multiple Family Residential	M Industrial Uses	HWY Highway
A Apartment Residential	OU Office Uses	AG Agricultural Uses

Rouge & Highland Creek Community Bylaws
Not to Scale
11/05/08