

47- 51 River Street - Official Plan Amendment – Final Report

Date:	April 17, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	08 211368 STE 28 OZ

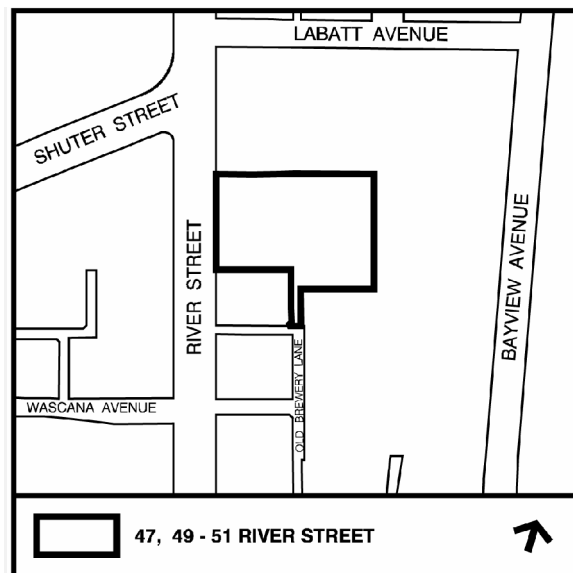
SUMMARY

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.

This application proposes the addition of No. 47 River Street and 7 townhouse units to the previously approved 30 unit townhouse development at 49-51 River Street. The result would be a development consisting of 37 three-storey common element condominium townhouse units in 8 buildings.

The proposal would permit the expansion of the residential uses currently permitted on the adjacent site, 49-51 River Street and is consistent with the use and built form of the residential development in the area.

This report reviews and recommends approval of the application to amend the Official Plan.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Official Plan Site Specific Policy No. 258 substantially in accordance with the draft Official Plan Amendment attached as Attachment No.5.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of September 25, 2003, City Council adopted Official Plan Amendment No. 21 (through By-law No. 999-2003) and passed site-specific Zoning By-law No. 1000-2003 to permit the development of 30 townhouse units at 49-51 River Street. Site Plan Approval was granted on December 3, 2003, and a Statement of Approval/ Undertaking (U303008) was entered into with the City of Toronto.

Since the time of site plan approval, the owners of 49-51 River Street have purchased the adjacent property, 47 River Street, with the intention of expanding the development block and improving access through the site. To facilitate a comprehensive development framework and review of the revised development application the City's Planning Division agreed to a phased approach for the development as set out in Attachment No.1 to this report.

In July 2008, City Planning issued a Substantially-in-Accordance Determination for Phase 1 of the development which consists of Buildings 1-4 with 24 units, including the east-west private lane, Raffeix Lane on the northern portion of 49-51 River Street.

Phase 2 of the project consists of Buildings 5-8 with 13 units located on the southerly portion of 49-51 River Street (south of the Raffeix Lane with a north-south laneway connection to Old Brewery Lane) and all of 47 River Street. Phase 2 approvals to be are addressed via this Official Plan Amendment and application for Site Plan.

ISSUE BACKGROUND

Proposal

This application proposes the addition of 47 River Street and 7 townhouse units to the previously approved 30 unit townhouse development at 49-51 River Street. The overall proposed development will consists of 37 three-storey townhouse units in 8 buildings with vehicular access to the units from an east-west private lane, Raffeix Lane, and a north-south public lane, Old Brewery Lane. The townhouses are intended to be freehold and the lane, driveways and walkways will form a common element condominium to serve the townhouses.

Site and Surrounding Area

The subject site has an area of approximately 0.37 hectares. The northern portion of the site is currently vacant and has been filled and graded in preparation for the development of Phase 1. The southern portion (47 River Street) is also vacant, and was, until recently a one-storey commercial building, formerly occupied by a motorcycle sales and service establishment.

The following uses occupy surrounding properties:

North: The Salvation Army occupies the building at 77 River Street. 7 Labatt Avenue is a 2-storey industrial building which abuts the northern edge of the subject site and is occupied by a mix of commercial and light industrial tenants.

South: Two-storey townhouse and semi-detached residential buildings. Also to the south is a development of townhouses fronting on a network of public laneways and private walkways.

East: An automobile dealership under construction. Further east is Bayview Avenue, the CN freight and GO Transit passenger rail line and the Don River.

West: The west side of River Street is occupied by house form buildings accommodating a mix of commercial and residential uses, and by a 50-unit housing co-operative.

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.

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 development is located within the "Downtown and Central Waterfront" area on Map 2 – Urban Structure and is designated "Regeneration Area" on Map 18 – Land Use Plan. This designation permits a range of residential, commercial and industrial uses and provides criteria to direct the form and quality of development.

When the Official Plan Amendment was approved for 49-51 River Street in 2003, amendments were drafted to both new Official Plan and the Official Plan for the former City of Toronto.

Due to the site's proximity to the flood plain of the Don River, the site lies within the City's Natural Heritage System, as identified on Map 9 of the Official Plan. Toronto Recreation Conservation Authority (TRCA) staff had commented that the previous approvals for 49-51 River Street represented development that would be appropriate from a natural heritage

perspective. TRCA recently confirmed that this position also applies to the lands at 47 River Street. The development will require permits per Ontario Regulation 166/06.

Zoning

The combined site of 47-51 River Street is subject to Zoning By-law No. 438-86, as amended, and Site Specific By-law No. 1000-2003. Zoning for 47 River Street is CR T2.5 C2.0 R1.5 & I2 D3 permitting commercial uses at a density of 2.0 times the area of the lot, residential uses up to 1.5 times the area of the lot, or a mix up to a total of 2.5 times the area of the lot. The site is also subject to Site Specific By-law No. 1000-2003 which allowed for the development of 30 townhouse units at 49-51 River Street.

Some zoning variances were approved by the Committee of Adjustment on December 3, 2008. (Attachment No. 6: Notice of Decision). Variances to Zoning By-law No. 438-86, as amended were required for the development proposed at 47 River Street with respect to lot assignment, buildings behind buildings, the separation of windows of dwelling units. Variances to Site Specific By-law No. 1000-2003 for 49-51 River Street were required to allow for changes in the building locations and number of units. With these variances in place the development as proposed can proceed without further rezoning.

Site Plan Control

An application for site plan approval (File No. 08 211372 STE 28 SA) has been submitted and is under review by City staff.

Reasons for Application

An Official Plan Amendment is required because the existing Site Specific Official Plan Policy No. 258, only permits a total of 30 residential units and a maximum gross floor area of 4,645 square metres on 49-51 River Street. The inclusion of 47 River Street to the development with 7 additional residential units requires the Official Plan Amendment.

Regeneration Areas present unique opportunities for a wide array of uses to help attract investment, re-use of buildings, encourage new construction and bring life to the streets. These areas have usually experienced shifts in the local or global economies and where a mix of uses, including compatible residential infill are appropriate. The Official Plan Policy 4.7.2 states that new development in Regeneration areas is to be set out in a Secondary Plan and currently no secondary plan exists for the area. The Official Plan Amendment would allow the development of vacant and under utilized sites at 47-51 River Street to proceed. The proposal does not preclude the future creation of a secondary plan for the area. Staff anticipate initiating a Secondary Plan process in 2010.

Community Consultation

The proposal was the subject of a community consultation meeting held in the neighbourhood on Tuesday March 24, 2009, attended by approximately 10 members of the public. Response to the proposal was generally positive, however, attendees did raise concerns, which are primarily related to site plan issues and will be addressed in the course of the site plan approval process, regarding the following:

- the height of townhouses and concerns regarding views from co-op building at 60 River Street
- site drainage
- materials of retaining wall along south side of the site
- timing, access and communication of construction plan

Agency Circulation

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposal would permit the expansion of the residential uses currently permitted on the adjacent site, 49-51 River Street and is consistent with the use and built form of the residential development immediately to the south of the property.

The designation of the area as Regeneration Area, will lead to a review of the area's role as a location of industry and anticipates potential for a greater mix of uses, including industrial, commercial and residential, that are compatible with each other and which will result in renewed investment in the area. The proposed residential use is consistent with and compatible with the evolving character of the Queen Street –River Street area.

Density, Height, Massing

The proposal is for approximately an additional 665 square metres of residential gross floor area. While the original proposal for 30 townhouse units had a floor space index of 1.48, the addition of 47 River Street site resulted in a decrease to 1.32 FSI. The heights for units proposed at 47 River Street are at 12.7 meters and within the maximum permitted height of 15 metres.

Along River Street the proposed townhouses front the street with access to the garages along the rear lane. The height, massing and layout of the proposed 3-storey townhouse units is consistent with the built form of the townhouses to the south of the subject site.

Traffic Impact, Access, Parking

Each of the proposed townhouse units will have one parking space within an integrated rear garage accessed via private laneway (Raffeix Lane). The Technical Services Division has reviewed the proposal submitted by the applicant, and has determined that the provided 37 parking spaces satisfy the expected demand for parking by the use.

The 30 unit townhouse development approval was issued in 2003, prior to City Council adopting the recommendations of the “Development Infrastructure Policy and Standards – Phase 2

Report” in December 2005. The approved 30 unit townhouse development at 49-51 River Street does not meet DIPS. The addition of 47 River Street while allowing for significant improvement over the original site plan, also does not comply with DIPS. Transportation Services staff noted that while the revised proposal is still not DIPS-compliant, it does represent a significant improvement over the original approved development by providing a more continuous lane network and improved access to the units at the east and south ends of the property.

In addition, to allow for the potential for the future widening of Old Brewery Lane the applicant has agreed to deed portion of lands as part of this redevelopment.

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. The lands which are the subject of this application are in an area with 0 to .42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of the current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

As Phase 1 of the development (with 24 units) has site plan approval the alternative parkland dedication requirement would be based on the units in Phase 2 only. The application proposes 13 residential units (Phase 2) on a total site area of .1328 hectares (1,348.8m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.0173 (173.3m²). However, a cap of 10% applies and hence the parkland dedication for the development would be .01348 hectares (134.9m²).

The applicant proposes to satisfy the parkland dedication requirement through a cash-in-lieu payment. This is appropriate as an on-site parkland dedication requirement of .01348 hectares (134.9m²) would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

Staff will be encouraging the application to review sustainable development opportunities and will require the submission of the Toronto Green Standards Checklist as part of site plan application.

Development Charges

It is estimated that the development charges for this project will be \$364,117.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONCLUSIONS

This application proposes the addition of 47 River Street and 7 townhouse units to the previously approved 30 unit townhouse development at 49-51 River Street. The result would be a development consisting of 37 three-storey common element condominium townhouse units in 8 buildings.

The proposal would permit the expansion of the residential uses currently permitted on the adjacent site, 49-51 River Street and is consistent with the use and built form of the residential development in the area. Staff have evaluated this application carefully and recommend the approval of the proposal.

CONTACT

Angela Stea, Planner

Tel. No. 416-392-7215

Fax No. 416-392-1300

E-mail: astea@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

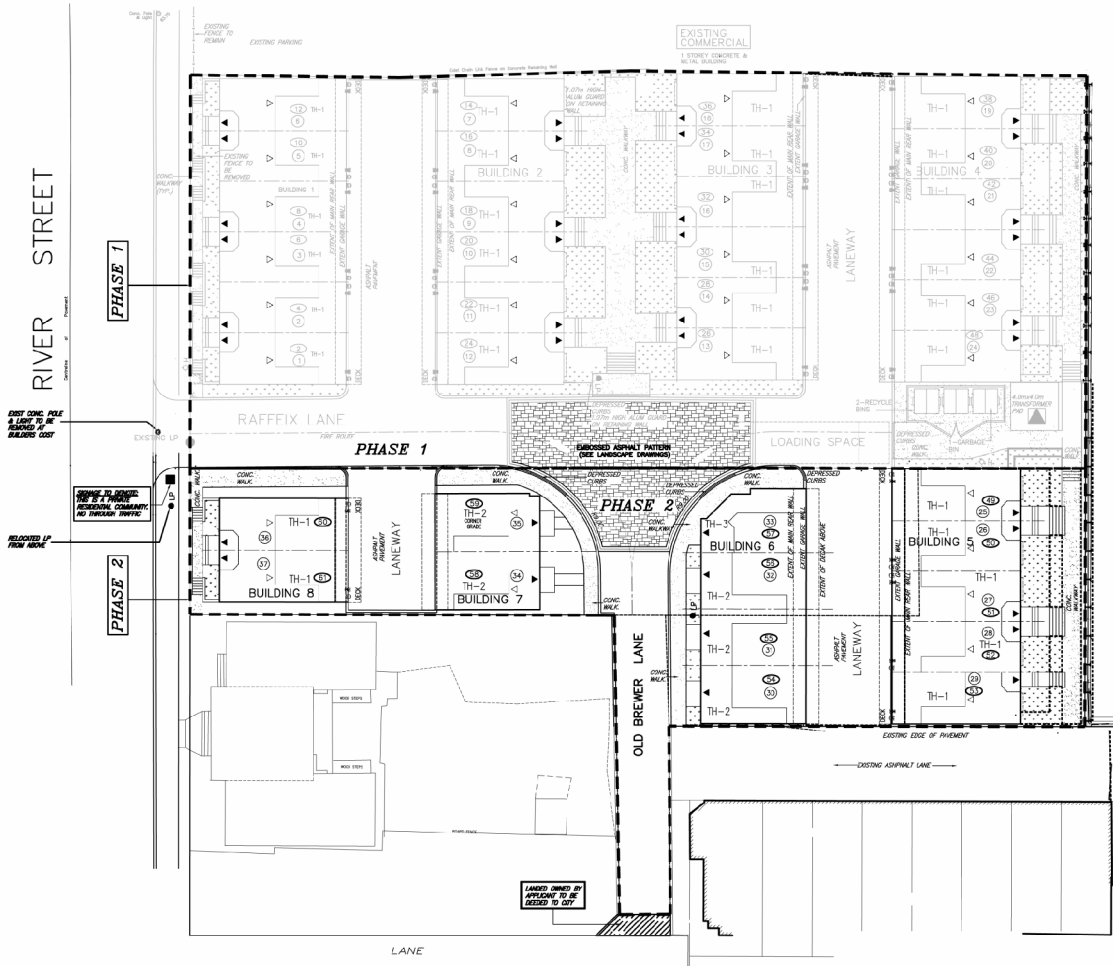
Attachment 3: Official Plan

Attachment 4: Application Data Sheet

Attachment 5: Draft Official Plan Amendment and Map

Attachment 6: Committee of Adjustment Decision

Attachment 1: Site Plan



Site Plan

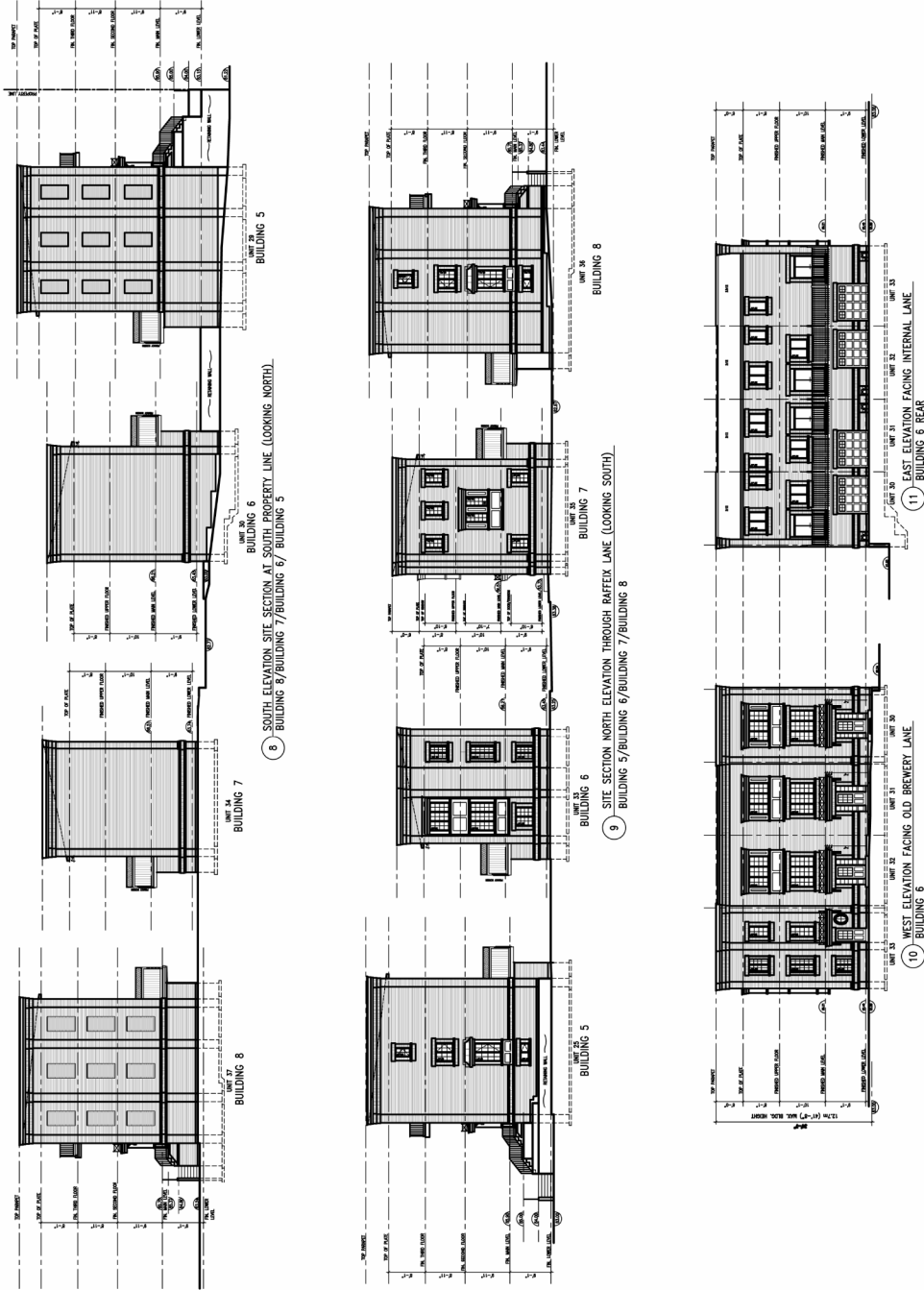
47-51 River Street

Applicant's Submitted Drawing

Not to Scale 

File # 08_211368

Attachment 2: Elevations

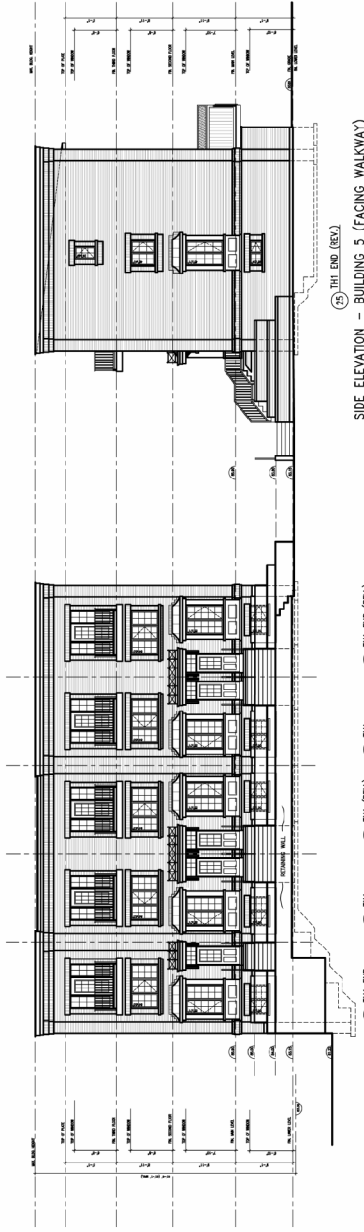


47-51 River Street

Elevations
Applicant's Submitted Drawing

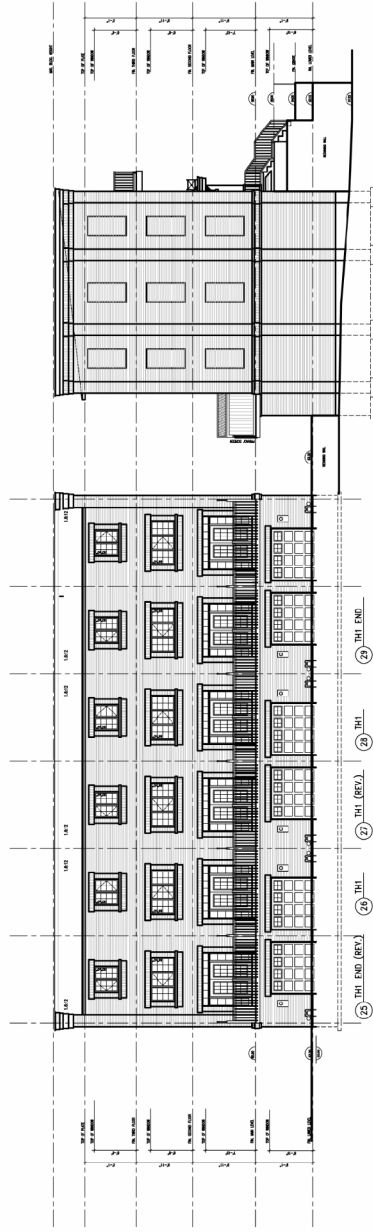
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File # 08_211368



SIDE ELEVATION - BUILDING 5 (FACING WALKWAY)

FRONT BLOCK ELEVATION - BUILDING 5 (FACING CAR DEALERSHIP)



SIDE ELEVATION - BUILDING 5 (FACING EXIST. TOWN)

BUILDING 5
UNIT:25-29

REAR BLOCK ELEVATION - BUILDING 5 (FACING INTERNAL LANE)

Elevations

Applicant's Submitted Drawing

Not to Scale
01/07/09

47-51 River Street

File # 08_211368

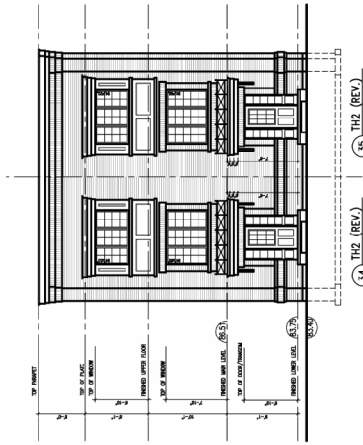


Elevations
 Applicant's Submitted Drawing
 Not to Scale
 01/07/09

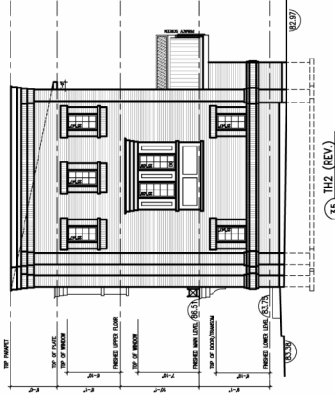
47-51 River Street

**BUILDING 6
 UNIT:30-33**

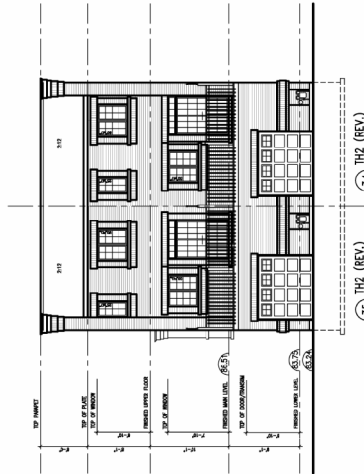
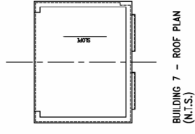
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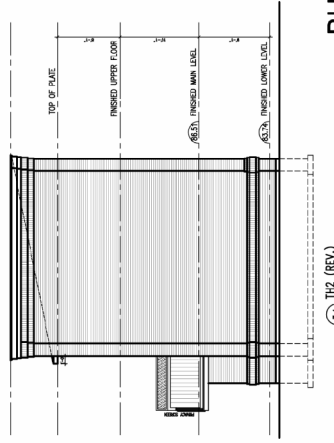
FRONT ELEVATION – BUILDING 7 (FACING OLD BREWER LANE)



SIDE ELEVATION – BUILDING 7 (FACING RAFFEIX LANE)



REAR ELEVATION – BUILDING 7 (FACING INTERNAL LANE)



SIDE ELEVATION – BUILDING 7 (FACING SOUTH)

BUILDING 7
UNIT:34-35

Elevations

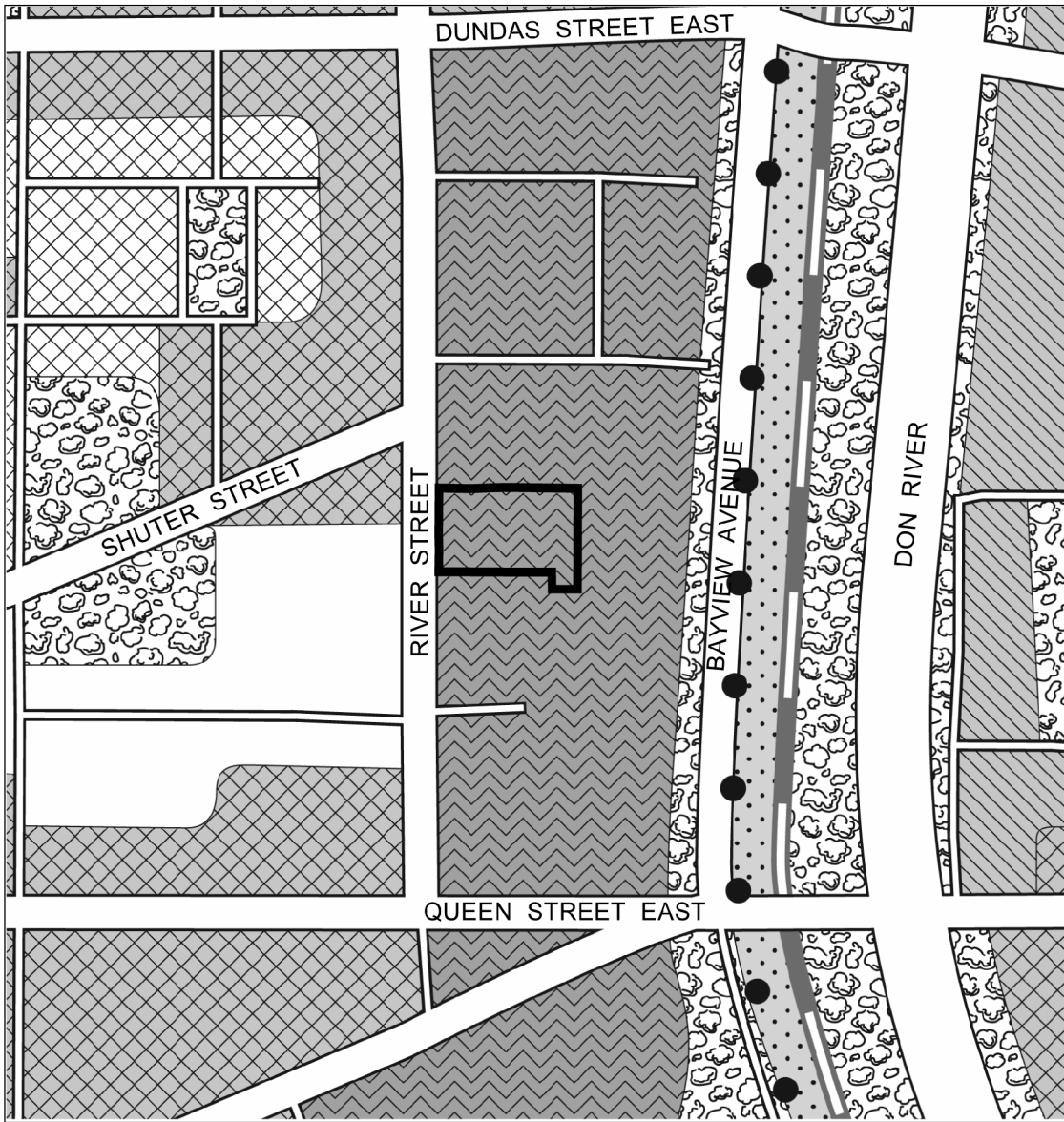
Applicant's Submitted Drawing

Not to Scale
01/07/09

47-51 River Street

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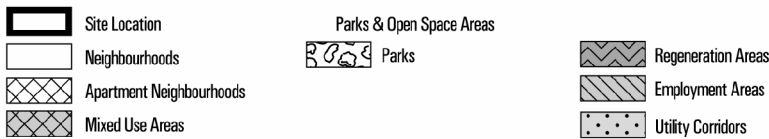
Attachment 3: Official Plan



TORONTO City Planning
Official Plan

47-51 River Street

File # 08_211368



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Attachment 4: Application Data Sheet

Application Type	Official Plan Ammendment	Application Number:	08 211368 STE 28 OZ
Details		Application Date:	October 8, 2008
Municipal Address:	47, 49-51 River Street		
Location Description:	PLAN 108 PT LOTS 3 TO 5 RP66R20115 PARTS 2 AND 4 **GRID S2805		
Project Description:	Official Plan Ammendment to add 47 River Street and 7 townhouse units to the previously approved 30 unit townhouse development at 49-51 River Street (OPA #258)		

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis LLP 181 Bay Street Suite 1800, Box 754 Toronto, ON M5J 2T9		Viljoen Architect Inc. 300A Wilson Avenue Toronto, ON M3H 1S8	River Shuter Homes Ltd & Jewel Valley Developments Inc 5400 Yonge Street Suite 303 Toronto, ON M2N 5R5

PLANNING CONTROLS

Official Plan Designation:	RA	Site Specific Provision:	1000-03
Zoning:	CR T2.5 C2.0 R1.5, I2 D3	Historical Status:	No
Height Limit (m):	15	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1348.84	Height:	Storeys:	3
Frontage (m):	45.1		Metres:	12.7
Depth (m):	74.8			
Total Ground Floor Area (sq. m):	599.67			Total
Total Residential GFA (sq. m):	1582.13		Parking Spaces:	13
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1582.13			
Lot Coverage Ratio (%):	44.46			
Floor Space Index:	1.17			

DWELLING UNITS (Phase 2)

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	13
Total Units:	13

FLOOR AREA BREAKDOWN (upon project completion) (Phase 2)

		Above Grade	Below Grade
Residential GFA (sq. m):	1582.13	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Angela Stea, Planner, Toronto and East York District
EMAIL/TELEPHONE: astea@toronto.ca (416) 392-7215

Attachment 5: Draft Official Plan Amendment

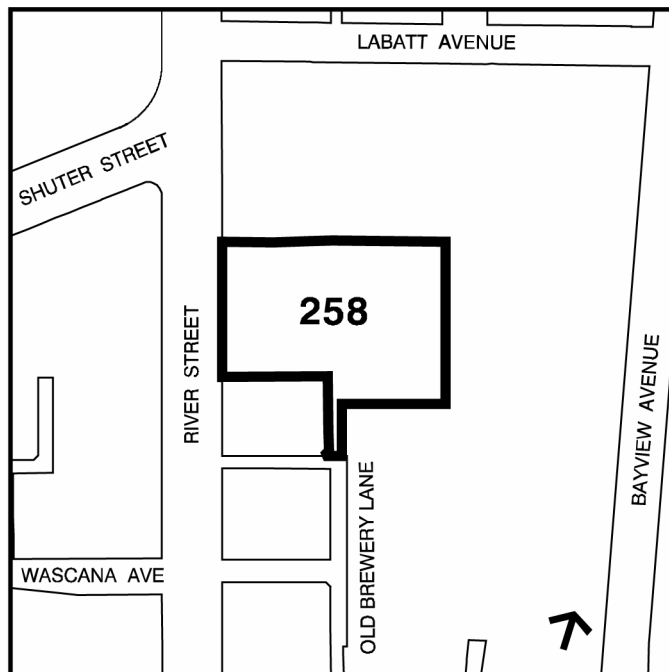
Chapter 7 of the City of Toronto Official Plan, entitled Site and Area Specific Policies, Policy No. 258 is amended by adding to it the lands known municipally in 2008 as 47 River Street and as follows:

1. The text and heading of Policy No. 258 shall be deleted and replaced with the following:

47-51 River Street

No framework for new development as set out in a secondary plan will be required for these lands if the lands are developed only to permit 37 residential units and a maximum gross floor area of 5,500 square meters.

2. The map associated with Policy No. 258 shall be deleted and replaced with the following:



Attachment 6: Committee of Adjustment Decision



City Planning Division
Gary Wright, Chief Planner and Executive Director

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

Wednesday, December 3, 2008

NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)

File Number:	A0977/08TEY	Zoning:	CR T2.5 C2.0 R1.5 and I2 D3 and Site Specific By-law 1000-2003 (PPR)
Owner(s):	JEWEL VALLEY DEVELOPMENTS INC	Ward:	Toronto Centre-Rosedale (28)
Agent:	AIRD & BERLIS LLP		
Property Address:	47-51 RIVER ST	Community:	
Legal Description:	PLAN 108 PT LOTS 3 TO 5 RP66R20115 PARTS 2 AND 4		

Notice was given and a Public Hearing was held on Wednesday, December 3, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To permit inclusion of 47 River Street into the already approved townhouse development at 49-51 River Street. The completed project will consist of eight, three-storey townhouse blocks containing a total of 37 units.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- Section 2(1), By-law 438-86**
Each building is required to be assigned a defined part of the parcel of land.
In this case, Buildings 6, 7 and 8 have not been assigned their own parcel of land.
- Section 4(11)(B)&(C), By-law 438-86**
A building shall not be located behind any other building.
In this case, Buildings 6 and 7 will be located to the rear of Building 8.
- Section 8(3) Part II 1(A)(I), By-law 438-86**
A window of a dwelling unit is required to be at least 11 m from the window of another dwelling unit located on the same lot.
In this case:
Building 8 has windows of dwelling units separated by a distance of 9.5 m to Building 1.
Building 7 has windows of dwelling units separated by a distance of 9.1 m to Building 2.
Building 6 has windows of dwelling units separated by a distance of 9.1 m to Building 3.
Building 5 has windows of dwelling units separated by a distance of 7.2 m to Building 4.
- Section 1(C), By-law 1000-2003**
Any part of the building is required to be located wholly within the areas delineated by heavy lines on Map 2.
In this case, the buildings will be located outside the areas delineated by heavy lines on Map 2.

5. **Section 1(D), By-law 1000-2003**

The maximum permitted number of dwelling units located on the lands delineated by heavy lines on Map 1 is 30.

In this case, the buildings, which are located on the lands shown on Map 1, will have a total of 31 dwelling units.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

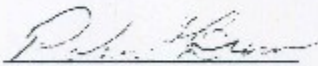
The Minor Variance Application is Approved

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

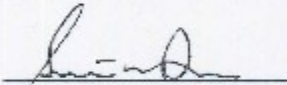
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

SIGNATURE PAGE

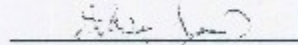
File Number:	A0977/08TEY	Zoning	CR T2.5 C2.0 R1.5 and I2 D3 and Site Specific By-law 1000-2003 (PPR)
Owner(s):	JEWEL VALLEY DEVELOPMENTS INC	Ward:	Toronto Centre-Rosedale (28)
Agent:	AIRD & BERLIS LLP	Community:	
Property Address:	47-51 RIVER ST	Legal Description:	PLAN 108 PT LOTS 3 TO 5 RP66R20115 PARTS 2 AND 4



Robert Brown



Gillian Burton




George Vasilopoulos

DATE DECISION MAILED ON: Tuesday, December 9, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, December 23, 2008

CERTIFIED TRUE COPY



Anita M. MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.