

**441 Jane Street - Official Plan, Zoning By-law Amendment and Site Plan Control Applications – Supplemental Request for Direction Report**

<b>Date:</b>	May 2, 2014
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 13 – Parkdale-High Park
<b>Reference Number:</b>	P:\2014\ClusterB\PLN\City Council\CC14052 13 118452 WET 13 OZ and 13 118472 WET 13 SA

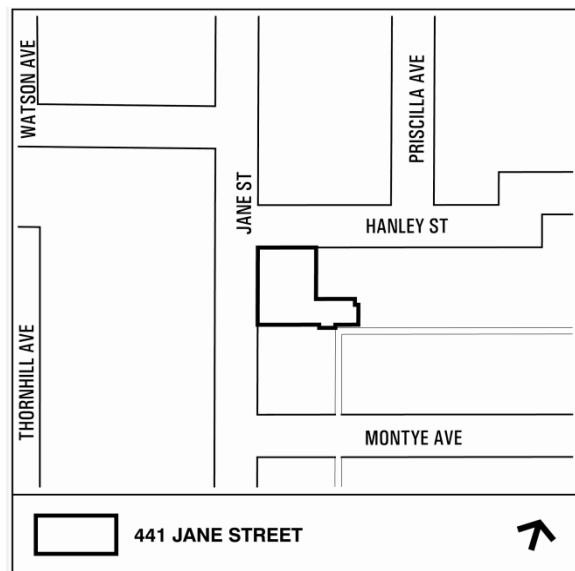
**SUMMARY**

The owner of the site at 441 Jane Street has appealed the Official Plan and Zoning By-law Amendment application and the associated Site Plan Control application to the Ontario Municipal Board (OMB) citing City Council's failure to render a decision within the time frame prescribed by the *Planning Act*. A hearing date for the appeal at the OMB has been scheduled for June 4-6, 2014.

The purpose of this report is to request direction for settlement of the appeal at the Ontario Municipal Board (OMB). The settlement is based on a revised proposal for the land dated April 21, 2014.

These applications were the subject of a Request for Direction Report dated March 24, 2014, from the Director, Community Planning, Etobicoke York District.

On April 8, 2014, Etobicoke York Community Council adopted the recommendations of the March 24, 2014 Request for Direction Report which included a recommendation that staff appear at the OMB hearing to oppose the application and a recommendation that City



Council authorize staff to continue discussions with the applicant to negotiate an appropriate development proposal as a settlement of the appeal.

OMB pre-hearing settlement discussions were held with the applicant, their legal representation, the City Solicitor and City Planning staff on April 3, 2014 and April 15, 2014, to negotiate an appropriate development proposal as a settlement of the appeal. These meetings resulted in the proponent making changes to the proposed development to address the issues outlined in the Request for Direction Report. These revisions are illustrated in revised plans dated April 21, 2014 as a formal settlement offer.

City Legal staff have reviewed this report and are in agreement with its recommendations.

## **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor, together with City Planning staff to attend the OMB hearing and to support a settlement of the appeal of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications for 441 Jane Street, provided the settlement is substantially in accordance with the revised settlement proposal drawings dated April 21, 2014.
2. City Council authorize the City Solicitor, together with City Planning staff to finalize a draft Official Plan Amendment, a draft Zoning By-law Amendment and Notice of Approval Conditions to permit the proposed development in accordance with the revised settlement proposal drawings dated April 21, 2014.
3. City Council authorize the City Solicitor, together with City Planning staff, to advise the Ontario Municipal Board of the above City Council position and should the Board allow the appeals and approve the revised Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications:
  - a) Request that the Board withhold its Order on the Official Plan and Zoning By-law Amendment application appeal until it has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law Amendments are in a form satisfactory to the City;
  - b) Request that the Board withhold its Orders on the Official Plan and Zoning By-law Amendment and Site Plan Control appeals until a revised Functional Servicing Report has been submitted to the satisfaction of the Director, Engineering and Construction Services; and
  - c) Request that the Board withhold its Order on the Site Plan Control application appeal until it has been advised by the City Solicitor that the City's Notice of

Approval Conditions has been finalized, and any pre-approval conditions have been satisfied.

### **Financial Impact**

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

### **DECISION HISTORY**

In February 1966, Site Specific Zoning By-law No. 17778 was adopted, permitting a gasoline service station as an additional permitted use to the R2 Residential District Zone for the lands located at 441 Jane Street. The site was subsequently developed with a vehicle service station.

A Preliminary Report for the current application dated March 19, 2013 was considered by the Etobicoke York Community Council at its meeting of April 9, 2013. The decision of Community Council and the Preliminary Report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY23.5>

On November 15, 2013 the owner appealed the Official Plan Amendment and Zoning By-law Amendment application and the associated Site Plan Control application to the Ontario Municipal Board, citing City Council's failure to make a decision within the time prescribed by the *Planning Act*. A hearing date for the appeals at the OMB has been scheduled for June 4-6, 2014.

A Request for Direction Report dated March 24, 2014 was considered by the Etobicoke York Community Council at its meeting of April 8, 2014. The decision of Community Council can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY32.5>

OMB pre-hearing settlement discussions were held with the applicant and their legal representative, the City Solicitor and City Planning staff on April 3, 2014 and April 15, 2014 to negotiate an appropriate development proposal as a settlement of the appeal. As a result of these meetings, modifications to the proposed development have been made to address the issues outlined in the Request for Direction Report.

### **COMMENTS**

#### **Proposal**

The original proposal consisted of a five-storey (including a rooftop amenity area, mechanical penthouse and an access stairwell), twenty-three unit stacked townhouse development. The total gross floor area proposed was 2,035 m<sup>2</sup> with a density of 1.6 times the area of the lot.

The ground floor would have been located partially below grade and the other four storeys all would have been above grade, having a proposed building height of 13.5 m, including the mechanical penthouse. Eighteen units were proposed to be two bedroom units and the remaining five units were proposed to be one bedroom units.

Resident parking would have been provided in a twenty-space, one level underground parking garage accessed from a two-way driveway from Jane Street. Four additional parking spaces (3 resident and 1 visitor) were proposed to be located at grade at the southeast corner of the site, which would be accessed via a public laneway that connects to Montye Avenue. Fourteen resident bicycle parking spaces were also proposed to be located in the underground parking garage with four visitor bicycle spaces proposed at grade.

Outdoor amenity space was proposed to be provided in the form of rooftop terraces, balconies and sunken patios. An additional 103 m<sup>2</sup> approximately of hard and soft landscaping in an outdoor amenity area was also proposed at grade. As originally proposed, twelve units would have been provided with rooftop terraces, five units with sunken rear yard amenity space, five units would have had balconies, and the remaining through unit would have had an at grade amenity space.

It was staffs opinion that a more modest scale of development that provided for a reduced building height, provided grade related directly accessible rear yard amenity space, main unit entrances accessed from Jane Street, an increased development setback from Hanley Street, complied with Zoning By-law parking standards and a resulting built form that was more in keeping with current Zoning By-law requirements would be more appropriate for this site and more sensitive to the predominant existing context of the neighbourhood.

Specifically, staff were of the opinion the proposal should be revised to:

- Eliminate or reduce the proposed roof top building elements and terraces and the potential for overlook;
- Provide main entrance access for all units from Jane Street;
- Eliminate the sunken rear yard amenity spaces;
- Reduce the overall height and scale of the building;
- Provide greater at grade amenity space for the development;
- Provide a greater building setback and an improved north building facade treatment on Hanley Street;
- Provide an improved and articulated east building façade treatment at the rear;
- Provide underground parking spaces with dimensions that comply with the current Zoning By-law requirements;
- Provide stair access to the garage that is internal to the site; and
- Relocate the garbage/recycling storage area to the underground parking garage.

## **Revised Proposal**

The proposed development has been revised to address many of these issues. The current proposal consists of a five-storey, twenty-three unit stacked townhouse development with a mechanical penthouse and roof top amenity space. The total gross floor area proposed is 2,080 m<sup>2</sup> with a density of 1.66 times the area of the lot. While the overall height and

scale of the building have not been reduced, the applicant has addressed the majority of the issues raised by staff through significantly improved design.

The ground floor would still be located partially below grade and three-storeys and a mechanical penthouse would all be located above grade, having a proposed building height of 13.3 m, including the mechanical penthouse. This represents a slight reduction in height from the previous proposal. Of the twenty three units proposed, twenty-two would be two bedroom units and one would be a one bedroom unit. All units would now have main entrances accessed directly from Jane Street.

Resident parking would still be provided in a twenty-space, one level underground parking garage accessed from a two-way driveway from Jane Street. Four additional parking spaces (3 resident and 1 visitors) are proposed at grade at the southeast corner of the site, accessed via a public laneway that would connect to Montye Avenue. The dimensions for all the vehicular parking spaces would comply with the City's Zoning By-law standard.

A total of eighteen bicycle parking spaces are proposed. However, six resident bicycle parking spaces are now proposed in the underground parking garage with an additional twelve (8 resident and 4 visitor) bicycle parking spaces proposed at grade. The proposed bicycle parking spaces at grade would be relocated adjoining the rear parking area at the southeast corner of the site. The garbage/recycling storage area would also be relocated to the underground garage, which has increased the gross floor area of the proposed development from the original 2,035 m<sup>2</sup> to the current 2,080 m<sup>2</sup>.

Outdoor amenity space is proposed in the form of rooftop terraces, and balconies with a consolidated common outdoor amenity area at grade in the rear yard. Twelve units would be provided with rooftop terraces, six units would now have rear yard amenity space at grade and five units would have balconies.

Modifications to the proposed roof top amenity space include a 1.2 m setback from the entire perimeter of the building edge. The rooftop mechanical space has also been significantly reduced in area, setback from the building edge by approximately 3 m to 4 m and reduced in overall height from 2.7 m to 2.5 m.

This will provide for a reduction in the scale of the roof top projection, decrease the potential for overlook and provide enhanced privacy for residents of this development and the adjacent neighbouring properties. In addition, all sunken rear yard amenity space has been eliminated and replaced with private rear yards at grade. The at grade outdoor amenity area has also been enlarged to approximately 120 m<sup>2</sup> of soft landscaping and consolidated to provide an improved common outdoor amenity area. The modifications made to the fifth floor of the proposed development have resulted in three smaller mechanical rooms and an overall reduced building height of 0.2 m. These alterations will create less visual impact as the previously proposed larger continuous mechanical penthouse has been reduced and consolidated into a more compact design.

Further modifications include the introduction of a building setback from the Hanley Street lot line of 0.6 m with an improved fenestration and enhanced building articulation on the north, east and west facing walls. The fencing proposed along Hanley Street has also been modified to provide for the maximum permitted fence height of 1.8m with individual private rear fencing stepping down to 1.2 m in height. In addition, pedestrian access to the underground garage is no longer provided directly to Hanley Street. This access has been modified to be located within the site.

Lastly, the proposed building scale and materials have been modified to provide more distinctive architectural features and enhanced design elements to improve the buildings appearance and add visual interest. (see Attachments 1: Revised Site Plan, 2a, 2b: Revised Elevations and 5: Revised Application Data Sheet). The following table provides a comparison of the proposals:

	August 23, 2012 <b>Original Submission</b>	April 21, 2014 <b>Revised Submission</b>
<b>Total Gross Floor Area</b>	2,035 m <sup>2</sup>	2,080 m <sup>2</sup>
<b>Floor Space Index</b>	1.6	1.66
<b>Building Height</b>	13.5 m including mechanical penthouse	13.3 m including mechanical penthouse
<b>Number of Dwelling Units</b>	23	23
<b>Main Unit Access</b>	Not all accessed from a public street	All accessed from a public street
<b>Parking Space Dimensions</b>	Five spaces did not comply with the Zoning By-law	All spaces comply with the Zoning By-law
<b>Side Lot Line Setback (Hanley Street)</b>	None provided	Provided, 0.6m
<b>Building Façade Articulation (Hanley Street)</b>	None provided (blank wall)	Provided, enhanced fenestration and improved building articulation
<b>Rooftop Amenity Space</b>	Setback 1.2 m from building perimeter (east side)	1.2m setback around building perimeter
<b>At Grade Amenity Space</b>	Approx. 103 m <sup>2</sup> including hard and soft landscaping	Enlarged to approx. 120 m <sup>2</sup> of soft landscaping and consolidated
<b>Rear Yard Amenity Space</b>	Sunken patios	Private rear yards at grade
<b>Service Area</b>	Garbage/recycling storage at grade	Relocated garbage/recycling storage underground
<b>Rooftop Mechanical Penthouse</b>	Continuous structure at 2.7 m in height	50% reduction in area and setback 3 m to 4 m from the building edge at 2.5 m in height

## **Site Plan Control and Agency Circulation**

The proposed development is subject to Site Plan Control. An application for Site Plan Control (Application 13 118472 WET 13 SA) was being reviewed concurrently with the Official Plan and Zoning By-law Amendment application. Responses and comments received were used to assist staff in negotiating an appropriate settlement with the applicant.

However, since the Site Plan Control application has also been appealed to the OMB and due to the timing of the appeals, certain outstanding technical requirements and materials such as the revised Functional Servicing report remain to be addressed to the satisfaction of City staff. The April 21, 2014 resubmission has been circulated to City Divisions and is under review. The comments received will be used to develop final Notice of Approval Conditions to be provided to the Ontario Municipal Board.

## **CONCLUSION**

The modifications made to the proposal have generally addressed the issues outlined in the March 24, 2014 Request for Direction Report from the Director, Community Planning, Etobicoke York District.

Although the overall density and number of units proposed has not been reduced, the modifications made to the proposal provide for an improved development that is less intrusive on adjacent neighbouring properties.

The proposed development would provide all unit accesses directly from a public street with at grade rear yard amenity space and is therefore more in keeping with the physical features of the existing residential neighbourhood. The removal of the sunken rear yard amenity spaces will also provide for a safer condition that is more open and clearly visible. This is in keeping with the City's Official Plan Land Use policies and Urban Design Guidelines.

Providing parking space dimensions that comply with the Zoning By-law and relocating the garbage/recycling service area to the underground garage would provide for greater site functionality and convenience to its residents. This is also in keeping with the City's Built Form policies and Urban Design Guidelines.

The setback of the rooftop amenity space from the building edge would result in a reduced and contained environment for recreational activities thereby minimizing the potential for overlook while increasing the privacy of building residents and adjacent neighbouring properties.

The provision of an enlarged and consolidated amenity space at grade with a defined play area would provide residents with increased opportunities for outdoor recreation, support family oriented living and enhance the living environment for residents.

The improvements made to the Hanley Street building façade and side lot line setback would allow for greater exposure to natural sunlight on Hanley Street and allow for more sunlight into the units, provide sufficient room for landscaping which improves the streetscape, and will maintain the existing prevailing pattern of setbacks on the street. This is also in keeping with the City's Built Form policies and Urban Design Guidelines.

Staff are of the opinion the proposed modifications result in a significantly improved building design that would provide an improved living environment for its residents and a more suitable relationship to the existing neighbourhood. As such, it is recommended that City Council direct staff to attend the OMB hearing to support a settlement of the appeal, based on the revised submission.

It is also recommended that City Council direct staff to request the Board to:

- Approve the revised Official Plan and Zoning By-law Amendment in a form satisfactory to the City in accordance with the settlement;
- Withhold the final Order on the Official Plan and Zoning By-law Amendment and Site Plan Approval until advised that the applicant has submitted a revised Functional Servicing Report to the satisfaction of the City's Executive Director of Engineering and Construction Services;
- Grant preliminary approval to the Site Plan in accordance with the settlement proposal drawings, directing the City and the applicant to provide the Board with the final Notice of Approval Conditions; and
- Withhold the final Order on the Site Plan Approval until advised that the pre-approval conditions have been satisfied and that a Site Plan Agreement has been entered into.

City Legal staff have reviewed this report and are in agreement with its recommendations.

## **CONTACT**

Natasha Laing, Planner  
Tel. No.: (416) 394-8205  
Fax No.: (416) 394-6063  
E-mail: [nlaing@toronto.ca](mailto:nlaing@toronto.ca)

## **SIGNATURE**

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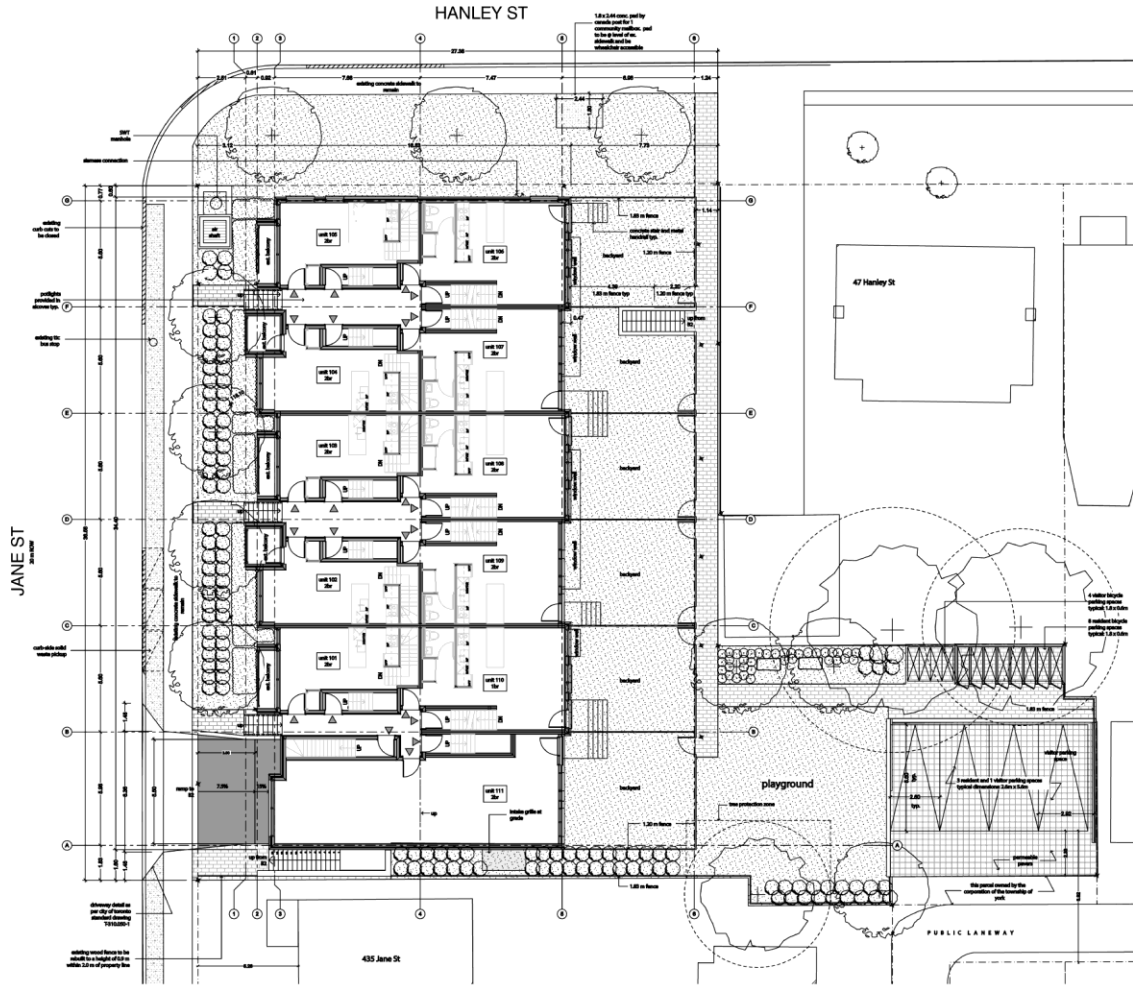
Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division



## **ATTACHMENTS**

- Attachment 1: Revised Site Plan
- Attachment 2a: Revised Elevations
- Attachment 2b: Revised Elevations
- Attachment 3: Zoning Map
- Attachment 4: Official Plan
- Attachment 5: Revised Application Data Sheet

# Attachment 1: Revised Site Plan



## Site Plan

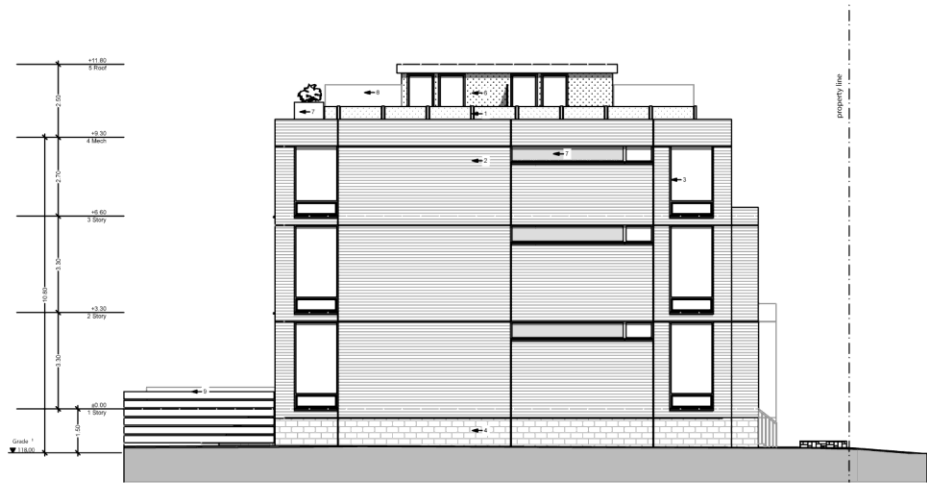
Applicant's Submitted Drawing

Not to Scale   
05/02/2014

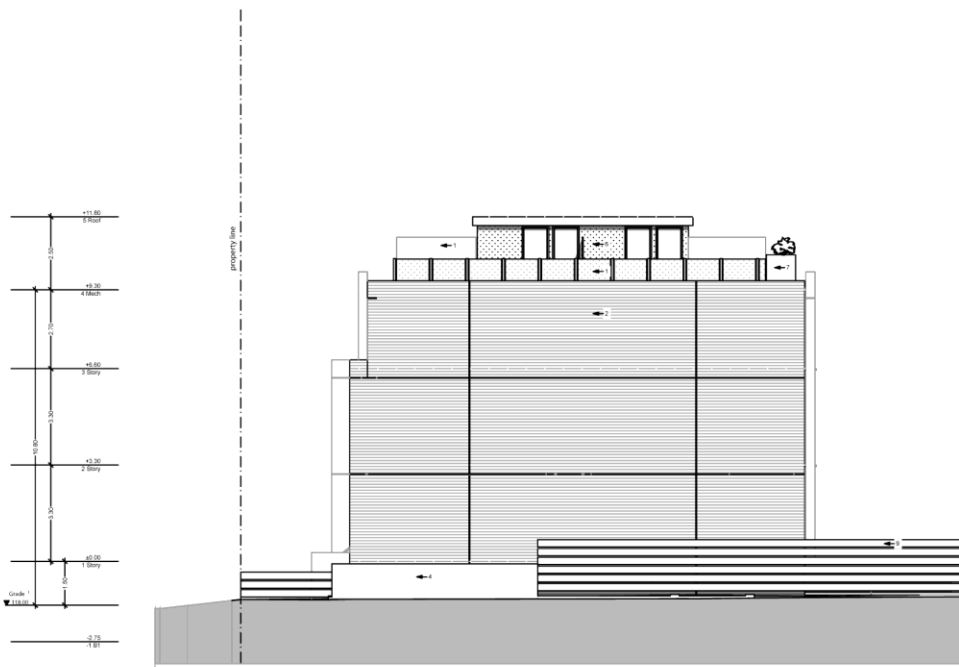
## 441 Jane Street

File # 13 118452 WET 13 0Z

## Attachment 2a: Revised Elevations



North Elevation



South Elevation

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### Elevations

Applicant's Submitted Drawing

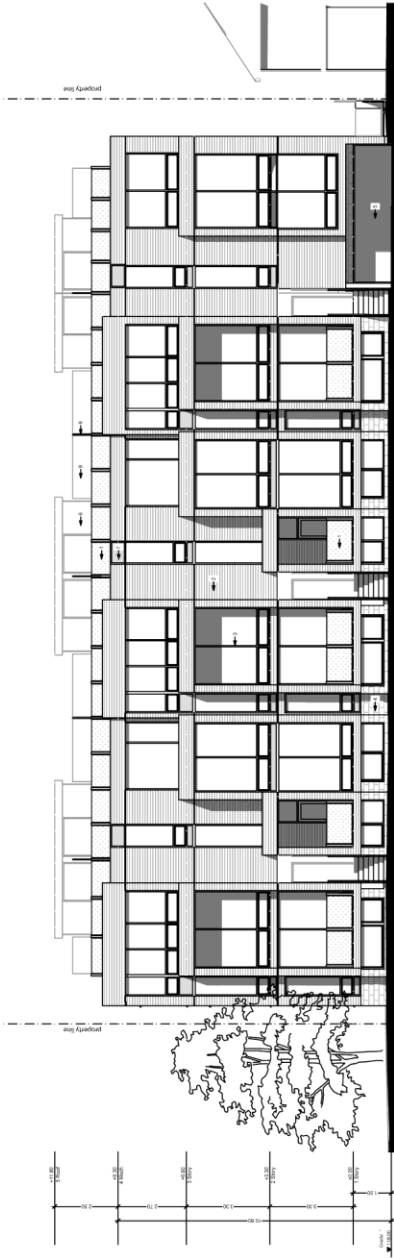
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441 Jane Street

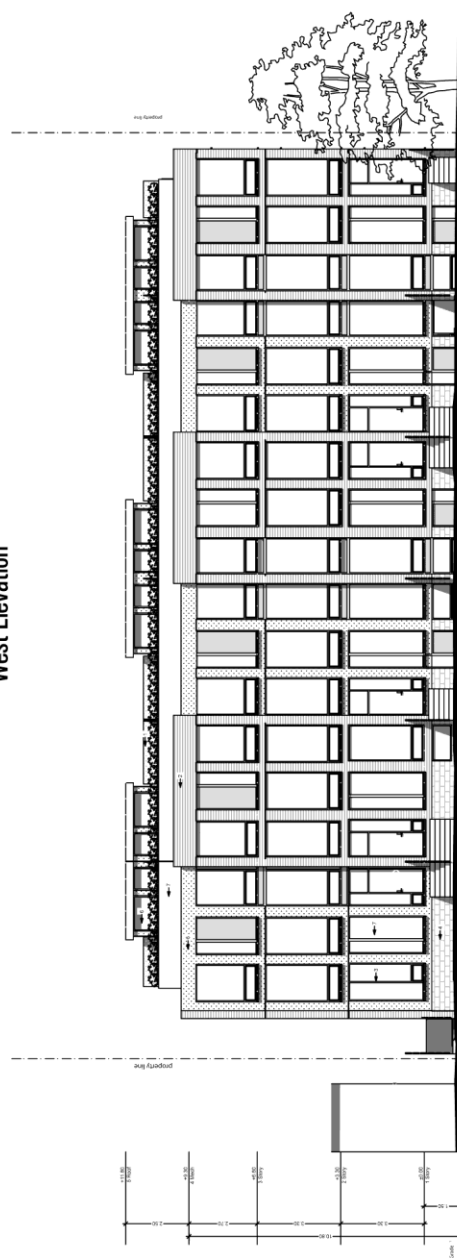
File # 13 118452 WET 13 0Z

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Attachment 2b: Revised Elevations



West Elevation



East Elevation

Elevations

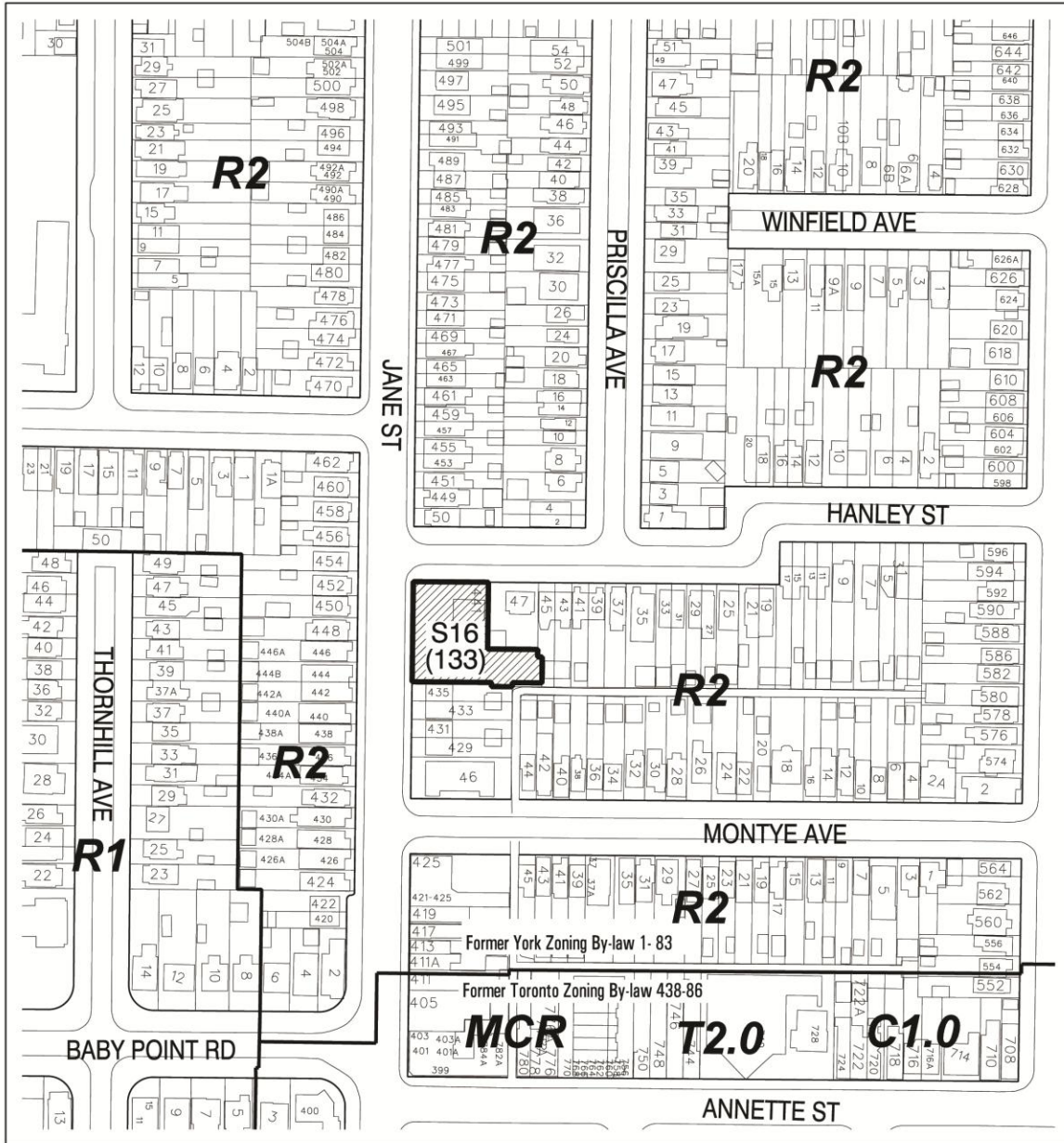
Applicant's Submitted Drawing

Not to Scale  
05/02/2014

441 Jane Street

File # 13 118452 WET 13 0Z

### Attachment 3: Zoning



441 Jane Street

File # 13 118452 WE 13 0Z

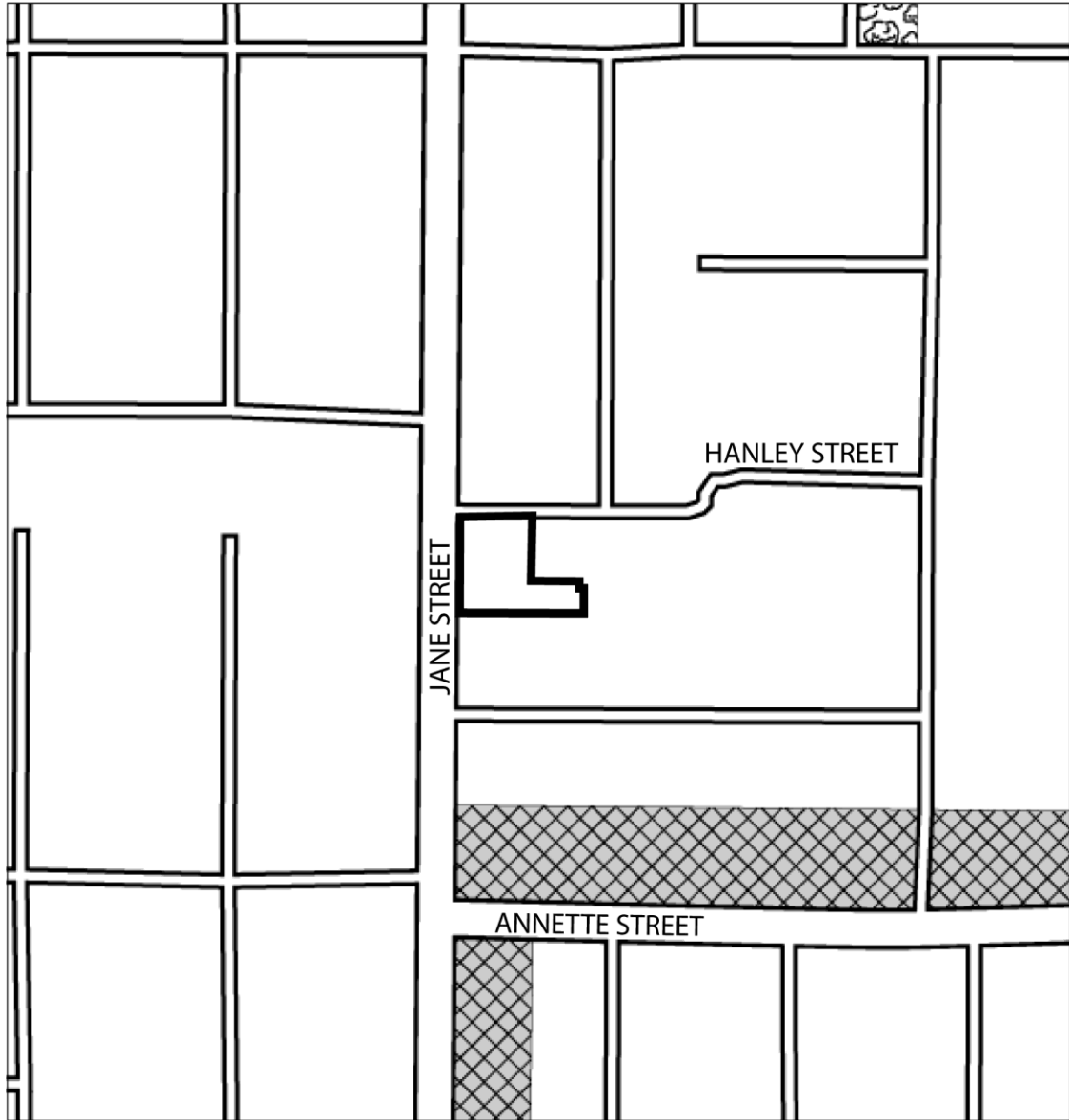
Former York Zoning By-law 1- 83  
 R1 Residential Zone  
 R2 Residential Zone

Former Toronto Zoning By-law 438-86  
 MCR Mixed-Use District



Not to Scale  
 Zoning By-law 1 - 83 as amended  
 Extracted 03/07/2013


# Attachment 4: Official Plan



 **TORONTO** City Planning  
Official Plan

441 Jane Street

File # 13 118452 WET 13 0Z

- |   |  |
|---|--|
|  Site Location   |  Parks & Open Space Areas |
|  Neighbourhoods  |  Parks                    |
|  Mixed Use Areas |  |

  
Not to Scale  
03/07/13

## Attachment 5: Revised Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 118452 WET 13 OZ
Details	OPA & Rezoning, Standard	Application Date:	February 11, 2013

Municipal Address: 441 JANE STREET  
 Location Description: PLAN 893 PT LOTS 21 22 23 24 25 & 26 \*\*GRID W1302  
 Project Description: Proposed amendments to the Official Plan and Zoning By-law to permit the development of 23 stacked townhouses with an associated underground parking garage.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
PRISHRAM JAIN			TACT DEVELOPMENT INC

#### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2	Historical Status:	
Height Limit (m):	11m with not more than 3 storeys	Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area (sq. m):	1252	Height:	Storeys:	4	
Frontage (m):	36.48		Metres:	13.3	
Depth (m):	27.09				
Total Ground Floor Area (sq. m):	0				<b>Total</b>
Total Residential GFA (sq. m):	2080.38		Parking Spaces:	24	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	2080.38				
Lot Coverage Ratio (%):	0				
Floor Space Index:	1.66				

#### DWELLING UNITS

Tenure Type:	Freehold
Rooms:	
Bachelor:	0
1 Bedroom:	1
2 Bedroom:	22
3 + Bedroom:	0
Total Units:	23

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		1664 (approx.)	416 (approx)
Retail GFA (sq. m):		0	0
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

**CONTACT: PLANNER NAME: Natasha Laing, Planner**  
**TELEPHONE: (416) 394-8205**