

## STAFF REPORT ACTION REQUIRED

# 15 Mallow Road – Zoning By-law Amendment Application – Request for Direction Report

Date:	April 20, 2016			
To:	North York Community Council			
From:	Director, Community Planning, North York District			
Wards:	Ward 34 – Don Valley East			
Reference Number:	14 264875 NNY 34 OZ			

#### **SUMMARY**

The applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. A hearing has been scheduled for July 20 to 22, 2016.

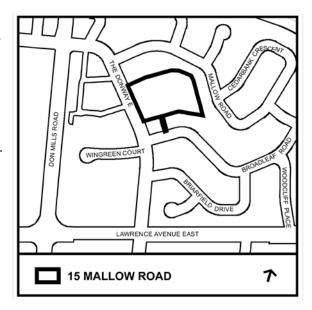
This application is to amend the North York Zoning By-law for a portion of the lands at 15 Mallow Road to permit 39 new dwelling units comprised of 10 townhouses, 16 semi-detached and 13 detached dwellings and a new public road.

This report recommends that the City Solicitor, together with City Planning staff and other appropriate staff, attend the OMB hearing in opposition to the current proposal.

#### RECOMMENDATIONS

## The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the OMB hearing to oppose the zoning by-law



amendment application in its current form.

- 2. Should the OMB approve the applications, City Council authorize the City Solicitor to request that the OMB withholds its Order(s) approving the application until such time as the Board has been advised by the City Solicitor that
  - a) the proposed zoning by-law amendment is in a form satisfactory to the City;
  - b) the applicant has submitted an application for Site Plan Control for the townhouse portion of the proposed development and all pre-approval conditions have been met; and
  - c) the applicant has submitted an application for Subdivision and draft plan approval has been given.
- 3. The City Solicitor be directed to request formal mediation at the Ontario Municipal Board.
- 4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council on the outcome of discussions, if necessary.

#### **Financial Impact**

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

#### **DECISION HISTORY**

The 1.75 hectares school property at 15 Mallow Road was owned by the Toronto District School Board (TDSB) and was declared surplus to their needs in 2013. At its meeting of June 10, 2014, City Council considered a report on acquisition of a 0.5 hectare portion of the 1.75 hectares surplus school site at 15 Mallow Road from the TDSB for parkland purposes. City Council authorized entering into an agreement with the TDSB to purchase the 0.5 hectare portion.

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX42.20

The City of Toronto has since taken ownership of this portion of the surplus school site.

The current application for the remaining portion of the site was received on December 16, 2014 and on February 18, 2015 North York Community Council adopted a Preliminary Report on the application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given in accordance with the regulations under the *Planning Act*.

#### **ISSUE BACKGROUND**

#### **Proposal**

The rezoning proposal is to redevelop the remaining portion (1.25 hectares) of the former TDSB site with new residential lots comprising 39 dwelling units and a new cul-de-sac public street. The proposal includes the following:

- 39 new residential lots.
- A new public street of 16.5 metres and 14.5 metres in width connecting to The Donway East.
- A new public lane of 6 metres in width.
- 10 four-storey townhouses fronting The Donway East with vehicle access at the rear from a new public laneway.
- A central block of 16 four storey semi-detached dwellings with address on a new public street and vehicle access at the rear from a private shared driveway.
- 12 three-storey and 1 two-storey detached dwellings fronting onto the new street and backing onto the existing residential neighbourhood to the south and east.
- A public laneway and private driveway providing vehicular access from the townhouses and semi-detached dwellings to the new road.

The total proposed gross floor area is 10,252 square metres.

## Site and Surrounding Area

The site is located on the east side of The Donway East and south of Mallow Road. The site was being used by a private school (La Citadelle International Academy of Arts and Science) which has since relocated. This school site was declared surplus by the TDSB. A portion (0.5 hectares) of the school site fronting Mallow Road was sold to the City of Toronto for parkland purposes. The remaining portion (1.25 hectares) of the school site fronting on The Donway East is the subject of this rezoning application.

The site has a frontage of 85 metres on The Donway East and a depth of about 137 metres. A small sliver of land provides a pedestrian walkway to the site from Broadleaf Road. There are existing school buildings on the site which are to be demolished.

Land uses surrounding the site are as follows:

North: Private school which lands have been purchased by the City of Toronto for public park purposes (former school site). At the corner of The Donway East and Mallow Road is a place of worship. On the north side of Mallow Road are detached homes.

South: Detached homes. East: Detached homes.

West: On the west side of The Donway East are three-storey townhouses and three-

storey apartment buildings.

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

The Provincial Policy Statement, 2014 (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 healthy 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 site is designated *Neighbourhoods* in the Official Plan. The Official Plan indicates that *Neighbourhoods* are considered 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 that are no higher than four storeys. Parks, low scale local institutions including places of worship, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Policy 4.1 of the Official Plan contains specific development criteria related to lands designated *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including the heights, massing, scale and dwelling type of nearby residential properties, the prevailing building types, size of lots and setbacks of buildings from the street and property lines. The policy indicates that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood. Policy 4.1.9 states that development on properties which vary from the local pattern should have heights, massing and scale which is appropriate for the site and compatible with what is permitted by the adjacent zoning by-law permissions.

## **Central Don Mills Secondary Plan**

The site is located within the Central Don Mills Secondary Plan. Central Don Mills was planned and built in the 1950's as a self contained community and it became a model for

suburban development across Canada. The Secondary Plan identifies a number of basic elements which characterize Central Don Mills and indicates that these elements will continue to provide the framework for the Secondary Plan Area. These elements include:

- (a) four discrete neighbourhoods each historically focused on an elementary school and church, built outside of a ring road (The Donways);
- (b) apartment development within the ring road;
- (e) schools in an open space setting;
- (f) an open space network comprised of parks and walkways that provide pedestrian and cycling links between the neighbourhoods and the community centre;
- (g) a balanced mix of housing forms and tenures, including detached and semi-detached dwellings, townhouses and apartments; and
- (j) design and landscaping reflecting the garden city concept.

The general goal of the Secondary Plan is to manage change in the community in a manner that retains and enhances the existing basic elements of the community. In addition to reaffirming the basic elements of the community above, the objectives of the Secondary Plan also include:

- (e) to preserve and protect stable residential neighbourhoods;
- (g) to preserve the scale, height and built form relationships originally provided for in the development concept of Don Mills;
- (l) to preserve and enhance the role of school sites as a focal point of community and neighbourhood activity, as such they will continue to serve as open space and important links in the park and walkway system;
- (m) to enhance and improve the walkway/link system to facilitate pedestrian and cycling connections and access to public transit in the community and to the Don Mills Centre: and
- (n) to preserve and enhance streetscapes and landscaped areas in keeping with the garden city concept that formed part of the original concept for Don Mills.

The Secondary Plan also discusses lands designated *Neighbourhoods* and the goal of maintaining a balanced housing mix. Don Mills was planned to provide a mix of housing forms, with generally higher density within The Donways, and lower density outside The

Donways. The Secondary Plan indicates that this existing pattern of density either side of The Donways should be maintained.

School sites are an important part of the planned context of Central Don Mills. They were created to compliment the park system and provide a focus for neighbourhood and community activities. The City obtained a portion of the school site when it was deemed surplus by the TDSB as was intended by the policies of the Secondary Plan.

The Central Don Mills Secondary Plan is available on the City's website at: http://www1.toronto.ca/planning/24-central-donmills.pdf

#### **Zoning**

The former school site is subject to North York Zoning By-law 7625 and is zoned 01 – Open Space. The O1 Zone permits a public park, schools and day nurseries.

The site is not subject to the new Toronto Zoning By-law 569-2013.

### **Community Consultation**

Staff held a community consultation meeting on April 15, 2015 which approximately thirty members of the public attended. Of great concern to the residents was the loss of open space for their community as the playing fields of the school are used by many in the area. Staff did inform them that the City had purchased a portion of the site for a public park but it was hoped that the developer would contribute additional land to increase the size of the park.

Residents had concerns over the proposed townhouses and dwelling heights. Along The Donway East the applicant is proposing townhouses and residents noted that townhouses are not found on the outside of The Donway East. Existing townhouses are located within the ring road area and it was felt that they should not be allowed to begin locating on the lower scale side of the street. Residents were also concerned with the proposed height of the townhouses as it was felt four storeys does not match the character of the neighbourhood. The proposed dwellings at three-storeys are also a concern as three-storeys is also not found in the neighbourhood.

Currently, a portion of the school site is a walkway connecting to Broadleaf Road. This is an important pedestrian connection to the residents and they would like it to remain. It would provide pedestrian and bicycle connection to the new public park without having to use The Donway East. This is in part a safety concern for young children going to the park.

Residents are also concerned with the future traffic and parking impacts on the community. No visitor parking is proposed for the townhouse portion of the development, nor is there any available for the semi-detached portion of the development. While visitors to the detached dwellings may park on the driveway, the developer is

relying on the new public street to provide the visitor parking for the townhouses and semi-detached dwellings. There is also a concern that the development will increase the traffic pressures on The Donways which is already a concern for residents.

Staff have also received written correspondence from both concerned residents and from the newly formed Mallow Road Community Advocacy Committee which was formed by the community in response to this application. The written correspondence generally raises the same concerns which were identified at the community consultation meeting.

#### **COMMENTS**

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

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong healthy communities; wide use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities are provided.

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. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

Both of these documents are high-level and broad reaching. The PPS states that the most important method of implementing the policies is a municipality's Official Plan which guides, amongst other things, the method of intensification and where it should be focused. The City's Official Plan is consistent with the PPS and conforms or does not conflict with the Growth Plan, however the current proposal does not meet the policies of the Official Plan as discussed below.

#### **Built Form and Scale**

The Central Don Mills Secondary Plan outlines where varying levels of intensity should be provided. It intends to preserve the scale, height and built form relationships originally provided for in the development concept of Don Mills. The lands within the ring road are designated *Apartment Neighbourhoods* and are intended for higher density residential development; lower scale residential development is planned for on the outside of the ring road and those lands are designated *Neighbourhoods*.

The applicant is proposing townhouses along the The Donway East frontage of the site. This is a built form primarily found on the interior of the ring road, as can be seen directly across the street from the development site. While the existing townhouses may be in close proximity to the development site, there is a clear planned context between the two sides of the ring road. Introducing townhouses on the outside of the ring road is not

in keeping with the Secondary Plan policies which seek to preserve this clear delineation between different forms of residential intensity.

The surrounding residential zoning to the north, east and south only permits detached dwellings and requires a minimum lot frontage of fifteen metres. The proposal also includes semi-detached dwellings and lots as narrow as 7.7 metres. The *Neighbourhoods* policies of the Official Plan require development in these areas to "respect and reinforce" the existing physical character including prevailing building types and size and configuration of lots. Some of the proposed lots are only half the width required by the zoning by-law and would contain a semi-detached dwelling.

The proposed townhouses and semi-detached dwellings would be four-storeys in height and most of the detached dwellings would be three-storeys in height. These are heights which are not found on this side of the ring road in the north-east quadrant of the Secondary Plan; this area is characterized by one or two storey buildings. The zoning surrounding the lands permits a maximum height of ten metres and two storeys. The Secondary Plan intends to preserve the height relationships found within the area and these heights are more appropriate within the ring road.

Further, the objectives of the Secondary Plan also seek to preserve and protect stable residential neighbourhoods. The Official Plan requires development to respect and reinforce the existing character however the proposal introduces building types and heights and lot frontages which are not found in this portion of Don Mills. The proposed lot sizes and building types need to be re-evaluated in the context of the existing and planned context of the neighbourhood and the Central Don Mills Secondary Plan. The current proposal would introduce a scale of intensification which is not consistent with the character of Don Mills, the Official Plan policies and represents an overdevelopment of the site.

## **Garden City Character**

One of the objectives of the Secondary Plan is to preserve and enhance streetscapes and landscaped areas in keeping with the garden city concept that formed part of the original concept for Don Mills. This is a character of front setbacks which allow space for ample amounts of landscaping. Streets are tree lined green spaces and pleasant to walk along. The zoning of the surrounding residential neighbourhood requires a minimum front yard setback of 6.5 metres (former City of North York Zoning By-law 7625) and 6 metres (Toronto By-law 569-2013). The proposed townhouses would have a front yard setback of 3 metres while the semi-detached dwellings have a range of front yard setbacks, none larger than 1.5 metres. Further, there are stair projections proposed into these setbacks reducing any opportunity for soft landscaping.

The front yard setbacks need to be greater to allow for landscaping opportunities to preserve and enhance the streetscape in keeping with the garden city concept of Don Mills.

Lot 35, a detached dwelling, would not front onto the new public street, with the entire frontage being taken up by the driveway. This lot configuration needs to be reviewed in order to create an appropriate street relationship on this lot and to allow for landscaping of the front yard.

#### **Pedestrian Connection**

Throughout Don Mills, there are a number of pedestrian connections in addition to the public street network. The Central Don Mills Secondary Plan directs that these pedestrian connections should be maintained and improved.

The site includes a narrow strip of land at the south end of the site to provide an existing pedestrian connection to Broadleaf Road. The applicant is proposing to eliminate this pedestrian connection and to incorporate it into the rear yard of one of the proposed detached dwellings. The site organization should be amended to keep the pedestrian connection in order to link the community to the south to the new public park on the north half of the former school site.

#### **Proposed Road Network**

The proposal proposes a "P" shaped vehicular and pedestrian network consisting of a public street and a public lane. The proposed right-of-way for the new public road would have a width of 16.5 metres narrowing to 14.5 metres along the north property line. The public lane would be 6 metres wide.

In 2005 City Council approved Development Infrastructure Policy and Standards (DIPS) which set out the standards for new public streets. The proposed public road right-of-way should be designed to meet the minimum DIPS standard of a 16.5 metre wide right-of-way. Further, the road system should be revised to create a "P" shaped network made up of a consistent 16.5 metre right-of-way and not include a public lane. Alternatively, a normal cul-de-sac street layout could be provided. Based on the current design, a cul-de-sac must be provided at the location where the proposed public road meets the proposed public lane; the cul-de-sac shall have a minimum radius of 12.5 metres to allow for service and maintenance vehicles to turn around. The public road may not dead-end into a public lane.

The proposed intersection with The Donway East should be more aligned with the existing driveway on the west side of The Donway East. This would eliminate the need for turning restrictions on the existing and proposed public right-of-way and would minimize the potential for unsafe turning manoeuvres for vehicles exiting the site.

An application for a Draft Plan of Subdivision is required in order to create the proposed public road; however no application has been filed to date.

#### **Visitor Parking**

The applicant is not showing any on-site visitor parking. Of the thirty-nine units being proposed, twenty-six of them take vehicular access from a public or private laneway, meaning there is no opportunity to provide visitor parking on a driveway. These units should provide visitor parking at the rate of 0.2 parking spaces per unit, totalling five visitor parking spaces on the site. This requirement is consistent with the requirements of By-law 569-2013. The site needs to be redesigned to address the need for visitor parking.

#### **Road Widening**

As part of a development application, the City may require the applicant to convey lands to improve the right-of-way. A conveyance of 0.4 metres along the The Donway East frontage is required to satisfy the 27 metre right-of-way requirement of the Official Plan. This widening is not being proposed as part of the current plan.

## **Servicing and Stormwater Management**

In order to service the site, a Stormwater Management Block (SWM Block) is required to control water from a quantity and quality perspective. The applicant needs to modify the proposal to provide the SWM Block and ensure that it can perform its necessary functions. All of the stormwater management controls for the site must be located within the SWM Block and cannot be located within the public right-of-way.

Further, the applicant is proposing a watermain which runs through the proposed public lane. This location for a watermain is not permitted by the City and the watermain must be relocated and designed in a fashion to properly service the site. In addition, Engineering and Construction Services advise that the current watermain may be undersized to service this site.

The applicant has proposed that the sanitary sewer that services this development will service the site through an easement rather than through the proposed right of way allowance. The applicant has failed to identify why conventional methods to service the site are not possible. Engineering and Construction Services do not concur with the conclusions of the servicing and stormwater management reports.

#### **Parkland Dedication**

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 Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0 to 0.42 hectares of local parkland per 1000 people. The site is in the lowest quintile of current provision of parkland. The site is located within the boundaries of the Central Don Mills Secondary Plan and is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application proposes thirty-nine dwellings and a 3982 square metre public road on a total site area of 12,486 square metres. The net site area subject to parkland dedication requirements is 8504 square metres. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 520 square metres or 6.1 percent of the net site area.

The applicant is required to satisfy the parkland dedication requirement through an onsite dedication abutting the City-owned parkland to the north of the site. This will enlarge the recently acquired parkland serving the development site and the surrounding community. The applicant is currently not showing any on-site parkland dedication.

#### Conclusion

The proposed development has a number of issues which need to be resolved. The existing and planned context has appropriate residential building types, massing and heights which reflect the original layout of Don Mills. It is a well planned community with different built forms and densities either side of the ring road which need to be respected. The proposed scale and built form should be revised to reflect the established neighbourhood character. Proposed building front yard setbacks need to reflect the garden city concept of Don Mills which the Secondary Plan requires to be preserved and enhanced. Further, there are a number of issues with regards to the proposed vehicular network and with the amount of visitor parking proposed. Issues also exist surrounding the need for a Stormwater Management Block and the need to provide on-site parkland dedication. Further, the site should be re-organized to allow the pedestrian connection to Broadleaf Road to remain.

While staff are not opposed to a residential development on the site, the current proposal has a number of planning, transportation, engineering and parkland dedication issues. The applicant needs to re-evaluate the proposed development layout and amend the proposal to be mindful of the planned context of Don Mills.

#### CONTACT

Guy Matthew, Senior Planner Tel. No. (416) 395-7102 Fax No. (416) 395-7155 E-mail: gmatthe2@toronto.ca

#### **SIGNATURE**

Joe Nanos, Director Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan

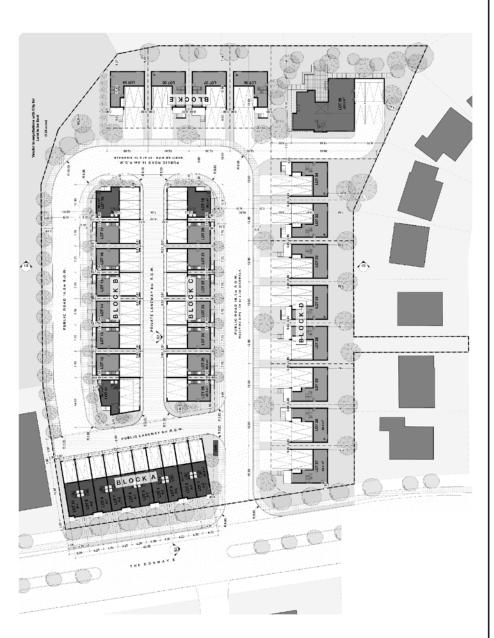
Attachment 2: Landscape Plan

Attachment 3: Elevations Attachment 4: Zoning

Attachment 5: Official Plan

Attachment 6: Application Data Sheet

## **Attachment 1: Site Plan**

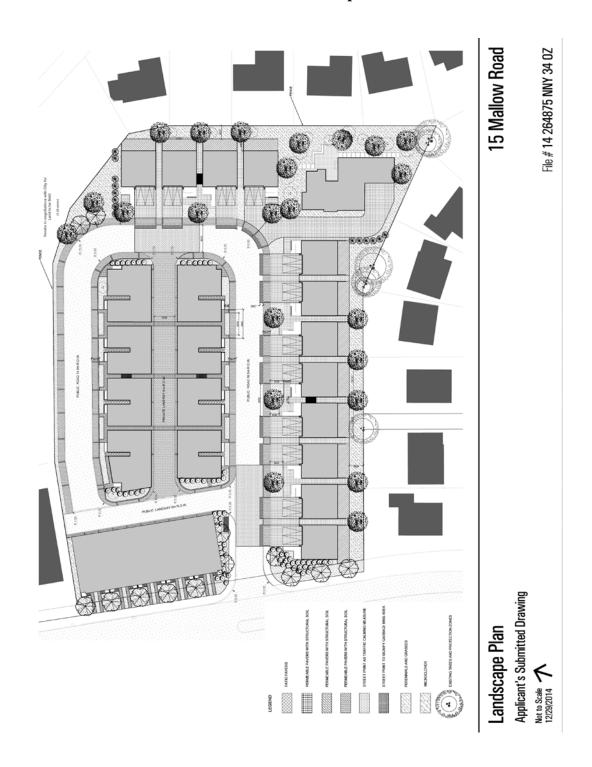


15 Mallow Road

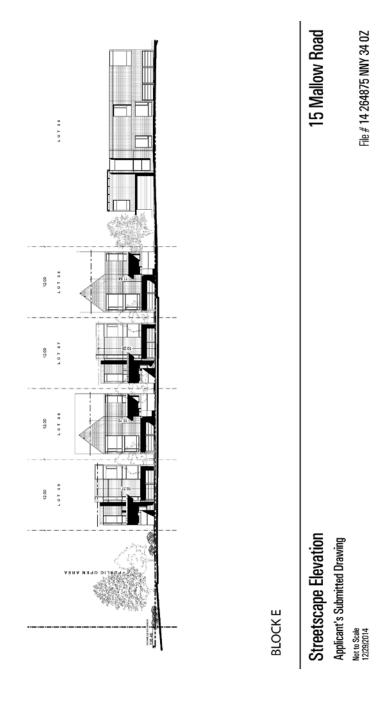
File # 14 264875 NNY 34 0Z

Applicant's Submitted Drawing

## **Attachment 2: Landscape Plan**



## **Attachment 3: Elevations**





15 Mallow Road

File # 14 264875 NNY 34 0Z

**BLOCK A** 

Streetscape Elevation

Applicant's Submitted Drawing Not to Scale 12/29/2014

Staff report for action – Request for Direction - 15 Mallow Road

**BLOCK C** 

Streetscape Elevation

Applicant's Submitted Drawing

File # 14 264875 NNY 34 0Z

15 Mallow Road

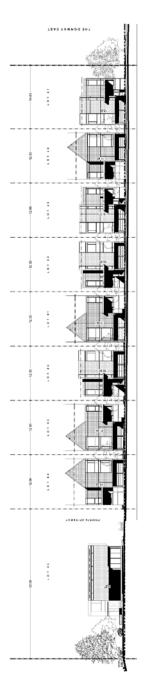


File # 14 264875 NNY 34 0Z

**BLOCK B** 

Streetscape Elevation

Applicant's Submitted Drawing



**BLOCK D** 

Streetscape Elevation

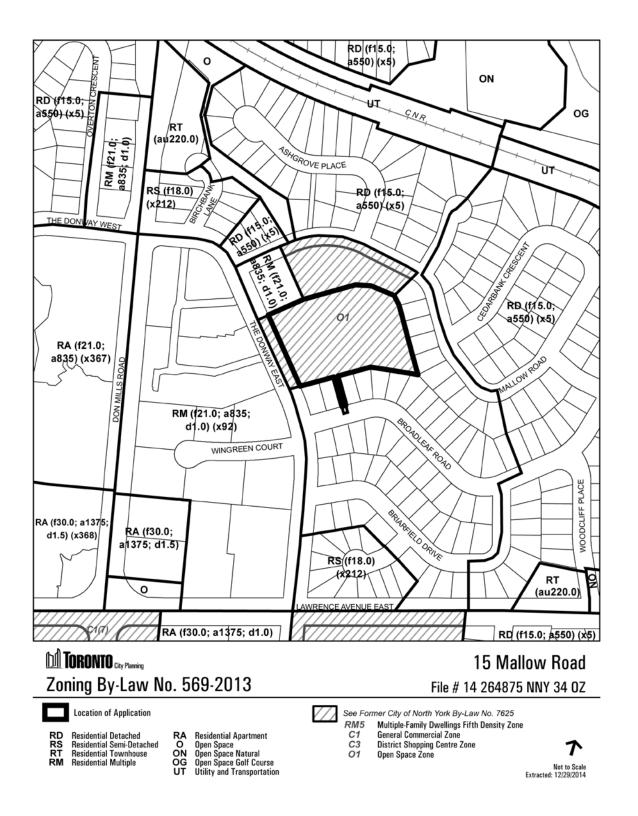
Applicant's Submitted Drawing

Not to Scale 12/29/2014

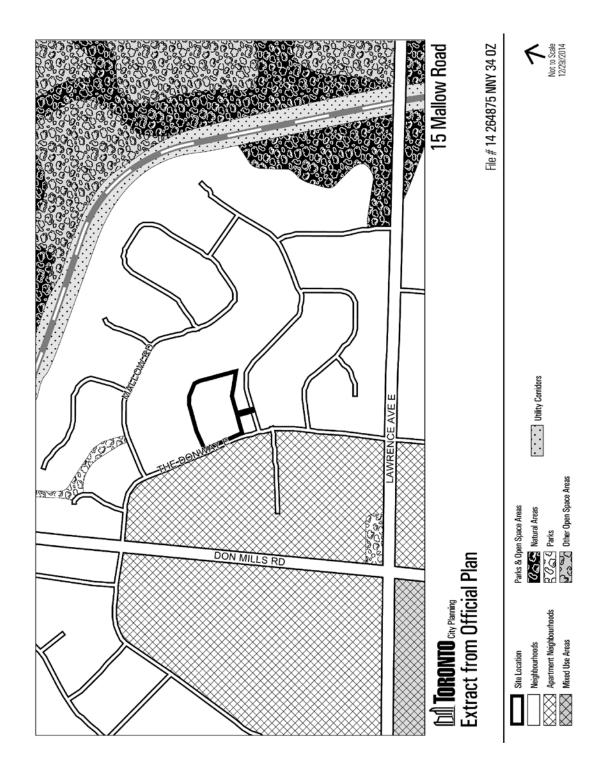
File # 14 264875 NNY 34 0Z

15 Mallow Road

#### **Attachment 4: Zoning**



## **Attachment 5: Official Plan**



#### **Attachment 6: Application Data Sheet**

Application Type Rezoning Application Number: 14 264875 NNY 34 OZ

Details Rezoning, Standard Application Date: December 16, 2014

Municipal Address: 15 MALLOW ROAD

Location Description: PLAN 4544 BLK C MALLOW RD E S \*\*GRID N3403

Project Description: Zoning amendment application to permit a 10,252 square metre residential development

consisting of 39 dwelling units - 10 townhouse units, 16 semi-detached and 13 single-

detached dwellings.

Applicant: Agent: Architect: Owner:

URBANCORP TACT Architecture Inc. URBANCORP

(MALLOW) INC.

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: O1 – Open Space Historical Status: N Height Limit (m): N/A Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 12486.4 Height: Storeys: 2, 3, 4

Frontage (m): 296 Metres: 12

Depth (m): 137.45

Total Ground Floor Area (sq. m): 3876.8 **Total** 

Total Residential GFA (sq. m): 10252 Parking Spaces: 72
Total Non-Residential GFA (sq. m): 0 Loading Docks 0

Total GFA (sq. m): 10252 Lot Coverage Ratio (%): 31.05 Floor Space Index: 0.82

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	10252	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	39	Institutional/Other GFA (sq. m):	0	0
Total Units:	39			

CONTACT: PLANNER NAME: Guy Matthew, Acting Senior Planner

**TELEPHONE:** (416) 395-7102