



REVISED STAFF REPORT

Committee of Adjustment Application

Date: Wednesday, May 8, 2019

To: Chair and Committee Members of the Committee of Adjustment, Etobicoke York Panel

From: Neil Cresswell, Director, Community Planning, Etobicoke York District

Ward: 3 (Etobicoke-Lakeshore)

File No: B0063/17EYK, A0585/17EYK & A0586/17EYK

Address: 90 Ash Crescent

Application to be heard: Thursday, May 9, 2019

RECOMMENDATIONS

Should the Committee of Adjustment choose to approve the applications, it is recommended that the following condition be imposed:

1. The proposed dwellings shall be constructed substantially in accordance with the revised elevations date stamped May 8, 2019 and held on file by the Committee of Adjustment office, to the satisfaction of the Director, Community Planning, Etobicoke York District.

APPLICATION

The applicant is requesting permission to sever the property into two lots. The Consent Application (File No. B0063/17EYK) is accompanied by Minor Variances Applications (A0585/17EYK & A0586/17EYK) to allow for the construction of two new detached dwellings with attached garages on each new lot.

COMMENTS

The subject property is located in the Village of Long Branch and is designated Neighbourhoods in the Toronto Official Plan. The property is zoned Residential Detached (RD) under Zoning By-law No. 569-2013, as amended, and Residential Single-Family (RS) under the Long Branch Zoning Code.

Official Plan Amendment (OPA) 320

On December 10, 2015, City Council adopted Official Plan Amendment 320 (OPA 320) as part of the City's ongoing Official Plan Five Year Review. OPA 320 strengthens and refines the Healthy Neighbourhoods, and the *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals of protecting and enhancing existing neighbourhoods. At its meeting of July 23 to 30, 2018, and as a result of mediation, City Council considered proposed modifications to Section 4.1 *Neighbourhoods* policies of OPA 320. At the meeting, City Council directed the City Solicitor and staff to seek

approval of the proposed revisions at the Local Planning Appeal Tribunal (LPAT). The proposed modifications were made public on August 8. The proposed modifications to OPA 320 were presented to the LPAT at a hearing on October 10, 2018 and the LPAT issued an Order, dated December 7, 2018, which approved and brought OPA 320 into effect.

Long Branch Neighbourhood Character Guidelines

At its meeting of January 31, 2018, City Council adopted the Long Branch Neighbourhood Character Guidelines, as modified, and directed staff to apply the Guidelines in review of all new development applications and public initiatives for all lands designated Neighbourhoods bounded by: Lake Ontario to the south, the rail corridor to the north, Twenty Third Street to the east, and Forty Second Street (including Marie Curtis Park) to the west. Further, it was requested that the adopted Long Branch Neighbourhood Character Guidelines be used by home builders, the community, City Staff, committees and appeal bodies to provide direction in their decision making as they develop plans, review applications for redevelopment and/or enhance the public realm in the Long Branch Neighbourhood.

Comments

The Consent and Minor Variance Applications for the subject property were initially submitted on June 20, 2017, prior to the adoption of OPA 320 and the Long Branch Neighbourhood Character Guidelines (the Guidelines). As such, the applications were not initially reviewed for compliance with the policies adopted through OPA 320 or the criteria outlined in the Guidelines

In Toronto Local Appeal Body (TLAB) Decision and Order (issue date April 23, 2019) for TLAB Case File Nos. 18 120054 S53 06 TLAB, 18 120065 S45 06 TLAB, 18 120066 S45 06 TLAB (10 Lake Promenade), Panel Chair Stanley Makuch concluded that, although approved after the Committee of Adjustment applications for 10 Lake Promenade were submitted, OPA 320 and the Guidelines can be used as evidence of good planning criteria to evaluate the proposed development.

In response to this TLAB Decision and Order, Community Planning staff have reviewed the applications for 90 Ash Crescent with respect to OPA 320 and the Guidelines. Planning staff identified the opportunity to redesign the dwellings to be more in keeping with the existing physical character of Ash Crescent and the surrounding neighbourhood, as per OPA 320 and the Guidelines. In particular, Planning staff identified concerns with the location of the windows on the proposed dwellings and were of the opinion that the main floor of the dwelling should be closer to grade, in keeping with the prevailing character of dwellings in the neighbourhood. As initially proposed, the buildings have the appearance of three-storey dwellings, with the primary living space located further from grade than is typical of the neighbourhood.

Planning staff have requested that the applicant revise the proposed dwellings so that the windows of the dwelling align with neighbouring properties, as outlined in Section 3.3.3 of the Guidelines. The applicant agreed to revise the application and has since

submitted revised plans, date stamped May 8, 2019. Planning staff are of the opinion that the revised elevations show dwellings which have the appearance of two-storeys and are more in keeping with the existing physical character of the neighbourhood.

The revisions to the plans have also resulted in the following changes to the requested variances, as per the zoning waiver submitted and date stamped May 8, 2019:

- The variances for exterior main wall height have been deleted for Parts 2 and 3;
- The variance for floor space index for Part 2 has been reduced to 0.61 times the lot area, from 0.68 times the lot area;
- The variance for floor space index for Part 3 has been reduced to 0.62 times the lot area, from 0.7 times the lot area; and
- The variances for main pedestrian entrance height have been deleted.

It should be noted that Planning staff previously submitted a Staff Report with no objections to the proposed Consent and Minor Variance applications at 90 Ash Crescent.

In order to ensure that the proposed dwellings are constructed in accordance with the revised drawings, date stamped May 8, 2019, Planning staff recommend that approval of the applications be tied to the following condition:

1. The proposed dwellings shall be constructed substantially in accordance with the revised elevations date stamped May 8, 2019 and held on file by the Committee of Adjustment office, to the satisfaction of the Director, Community Planning, Etobicoke York District.

CONTACT

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SIGNATURE

for: 
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DATE: May 1, 2019

TO: Barbara Bartosik, Manager & Deputy Secretary-Treasurer
City Planning, Community Planning - West District
2 Civic Centre Court
Tel: 416 394-8063

FROM: Max Dida, Supervisor, Tree Protection and Plan Review - West District

**90 Ash Cres – (File No.: B0063/A0585/A0586/17EYK
Consent/Minor Variance/Permission Application)**

Urban Forestry staff have reviewed the application and provide the following recommendation:

- Urban Forestry requests that the Committee of Adjustment panel deny consent/variance **B0063/A0585/A0586/17EYK** due to impacts to bylaw protected trees.

As outlined, approval of the requested consent/variances may result in the proposed construction and driveway that will require the removal of the following healthy bylaw protected tree:

Tree No. 1



City owned multi stemmed silver maple tree measuring 94 cm in diameter protected by 813, Article II Street Tree Bylaw

Urban Forestry understands that the Committee panel considers in its deliberations the application's adherence to the City of Toronto's Official Plan (OP). The policies within the OP strive to balance economic, social and environmental factors. The OP contains policies relating specifically to the protection, preservation and enhancement of trees, including the following:

Section 3.4: The Natural Environment – Policy 1.d)

To support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on:

d) preserving and enhancing the urban forest by:

- i) providing suitable growing environments for trees;
- ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and
- iii) regulating the injury and destruction of trees;

If despite Urban Forestry's recommendation, the Committee of Adjustment panel approves the requested consent/variances, Urban Forestry requests the variances be subject to the following conditions:

1. Submission of a complete application for a permit to injure or remove a city owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II City Tree Protection.

Advisory Comments

1. Any application to injure and/or remove a City owned tree may be denied by Urban Forestry regardless of Committee of Adjustment approval. Should the applicant wish to appeal a denial by Urban Forestry, the matter may be referred to City Council through Community Council for consideration.
2. Approval of the consent/minor variances listed in the subject Committee of Adjustment application does not preclude the applicant from obtaining the necessary tree removal/injury permits from Urban Forestry.
3. All bylaw protected trees located on site and within 6 m of the site (12 m within the ravine protected area) must be protected in accordance with the City's *Tree Protection Policy and Specifications for Construction near Trees*. No excavation, grade changes, cutting of tree roots, extensive pruning to the tree's canopy or movement or storage of equipment/construction material/excavated soil is permitted within the minimum tree protection zones of trees unless prior authorization has been obtained from Urban Forestry.

If approved, applicants must provide Urban Forestry with a copy of the Committee of Adjustment Final & Binding Letter or the Toronto Local Appeal Body decision. A clearance letter will be issued once the required conditions are fulfilled. For additional information please forward inquiries to tpprwest@toronto.ca or call (416) 338-6596.

(Original signed by)

Max Dida

Supervisor, Tree Protection and Plan Review - West District

cc: Forestry File Committee of Adjustment

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