



REPORT FOR ACTION

80 Thirtieth Street – Zoning By-law Amendment Application – Request for Direction Report

Date: November 6, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: Etobicoke-Lakeshore

Planning Application Number: 19 262483 WET 03 OZ

SUMMARY

The owner of the site at 80 Thirtieth Street has appealed the Zoning By-law Amendment application for these lands to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. A Case Management Conference has been requested.

The application proposes to amend City-wide Zoning By-law No. 569-2013 to permit 14 back-to-back townhouse units in one block. The proposed townhouse units would be 4-storeys (14.5 metres) in height and have a total residential gross floor area of 1,993 m², representing a Floor Space Index of 0.92 times the area of the lot. The application proposes 18 surface parking spaces adjacent to the rail corridor and 14 parking spaces integral to the townhouses.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the applications, as currently proposed. The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2020), the Official Plan, the Zoning By-law, rail safety criteria for new development adjacent to rail corridors, the City's *Townhouse and Low-Rise Apartment Guidelines* nor the *Long Branch Neighbourhood Character Guidelines*.

The Provincial Policy Statement (the PPS) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

Both these documents are high-level and broad reaching. The City is a development area and infill is encouraged under these policies. Policy 4.6 of the PPS states that the most important method of implementing the policies is a municipality's Official Plan which guides the method of intensification and where it should be focused. While the proposed development would achieve the goals of residential intensification, the development in its current form fails to conform to the Built Form and *Neighbourhoods* policies of the City of Toronto Official Plan and therefore is not consistent with the PPS. The proposed development does not represent good planning and is not in the public interest.

Staff are of the opinion that the consideration of the location and massing of the proposed development is premature until the Derailment Protection Report has been appropriately peer reviewed and accepted by both the City and Metrolinx. The subject site abuts a very active rail corridor and any redevelopment of this site must address concerns related to the risk to health and safety in the event of a rail accident as well as noise and vibration from regular operation of the rail line. The Derailment Protection Report must be satisfactorily reviewed to determine if the proposed building setback and mitigation measures are sufficient for the proposed development.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the applicant's appeal of the Zoning By-law Amendment application for 80 Thirtieth Street.
2. City Council authorize the City Solicitor and appropriate City staff 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.
3. In the event the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order(s) on the appeal for the subject lands until such time as:
 - a. The proposed Zoning By-law Amendment is in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

- b. The owner has agreed to the peer review of the Derailment Protection Report by the City's Peer Reviewer, at the owner's expense, to determine the appropriate building setback from the rail corridor and mitigation measures to the satisfaction of Metrolinx, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c. The owner has submitted a revised Environmental Noise and Vibration Assessment to be further peer reviewed at the owner's expense and resolved to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- d. The owner has submitted a revised Functional Servicing and Stormwater Management Report to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. The owner has entered into the appropriate agreement with the City for the design, construction and provision of financial securities for any improvements to the municipal infrastructure to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to the infrastructure to accommodate this development;
- f. The owner has provided space within the development for the installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681;
- g. The owner has submitted a revised Transportation Operations Review to the satisfaction to the General Manager, Transportation Services; and
- h. The owner has submitted a revised Landscape Plan, all requirements and related approval processes of the City's Tree By-laws have been completed and all Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

FINANCIAL IMPACT

The City Planning Division confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A formal pre-application consultation meeting was held with the applicant on September 28, 2015 to discuss complete application submission requirements and to identify issues with the proposal. At the meeting, a similar proposal for a 14 unit residential townhouse development was discussed. Staff expressed concerns regarding: the proposal's lack of relationship with the street and public realm; the proposed building orientation which was inconsistent with the existing pattern of development in the area; the appropriateness of the primary townhouse façades and entrances facing the rail corridor to the north and the side yard of a residential lot to the south; the insufficient building setback to the rail corridor; the insufficient rear yard setback and transition to adjacent residential dwellings; and that the proposal represented overdevelopment of the site in the proposed configuration.

On December 17, 2019, the applicant submitted the subject application for 14 back-to-back townhouse units. The application was deemed complete on March 2, 2020.

A Preliminary Report for the Zoning By-law Amendment application was adopted by Etobicoke York Community Council on July 14, 2020 authorizing staff to conduct a community consultation meeting. The Preliminary Report can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EY16.8>

PROPOSAL

This application proposes to amend City-wide Zoning By-law No. 569-2013 for the property at 80 Thirtieth Street to permit 14 back-to-back townhouse units in one block. The total gross floor area for the fourteen townhouses would be approximately 1,993 m², representing a Floor Space Index of 0.92 times the area of the lot.

The proposed townhouse units would be 4-storeys with a height of 14.5 metres to the top of the roof. All the townhouses are proposed to have average unit sizes ranging between 138 m² and 153 m², unit widths ranging between 4.3 metres and 4.6 metres, and have 3-bedrooms each. The application is proposing private roof top amenity space for each townhouse unit.

The back-to-back townhouses are proposed to be oriented north-south towards the rail corridor to the north and *Neighbourhoods* designated properties to the south. The setback of the townhouses would range between 20 metres and 28 metres from the northern property line and the adjacent rail corridor. The proposed townhouses would be setback 5.21 metres from the southern property line, 6.15 metres from Thirtieth Street and 1.55 metres from the western property line.

The application is proposing vehicular access on the eastern portion of the site from Thirtieth Street. The driveway would provide two-way vehicular access to 18 surface

parking spaces adjacent to the rail corridor along the north property line and 14 parking spaces integral to the townhouses. The vehicular parking spaces would consist of 28 residential parking spaces and 4 visitor parking spaces. The integral parking spaces would be accessed from a garage door proposed to be located on the east façade of the townhouses facing Thirtieth Street. No loading spaces or bicycle parking spaces are proposed.

Detailed project information can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report for the Application Data Sheet. See Attachment 5 for the proposed Site Plan and Attachments 6-8 for the proposed building elevations.

Site and Surrounding Area

The subject site is located on the west side of Thirtieth Street, north of Lake Shore Boulevard West and south of the Metrolinx Rail Corridor (see Attachment 2: Location Map). The subject site is a singular lot that is irregular in shape. The site is currently occupied by a private parking lot. The site is approximately 2,164 m² in size.

Surrounding land uses include:

- North: Immediately adjacent to the site is the Metrolinx Rail Corridor which carries the Lakeshore West GO Train line, CN freight trains and VIA Rail passenger trains. Further north of the rail corridor are lands designated *Core Employment Areas*. The employment uses located north of the rail corridor consist of light, medium and heavy industries.
- West: To the west of the site are a pair of 2-storey semi-detached dwellings on lands designated *Neighbourhoods*. Further west are detached and semi-detached dwellings that are 1 to 2 storeys in height.
- East: On the east side of Thirtieth Street are townhouses that back onto Thirtieth Street and are separated from the street by a large grade separation. Further east is a low-rise residential neighbourhood consisting of single and semi-detached dwellings. A townhouse development is currently under construction located further southeast of the subject site.
- South: Immediately south of the subject site is a one-storey single-detached dwelling. Further south are single-detached dwellings that are 1 to 2 storeys in height and townhouses that are 1 to 2 storeys in height on lands designated *Neighbourhoods*.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning Justification Report;
- Air Quality and Compatibility and Mitigation Study;
- Environmental Noise and Vibration Assessment;
- Arborist Report and Tree Preservation Plan;
- Stage 1 and 2 Archaeological Assessments;
- Preliminary Geotechnical Investigation;
- Preliminary Hydrogeological Investigation;
- Functional Servicing and Stormwater Management Report;
- Transportation Operations Review;
- Derailment Protection Report;
- Draft Zoning By-law Amendment; and
- Toronto Green Standard Checklist.

The above current planning information for the application is available at the Application Information Centre (AIC) website at: [https://www.toronto.ca/city-government/planningdevelopment/application-information-centre /](https://www.toronto.ca/city-government/planningdevelopment/application-information-centre/)

Agency Circulation Outcomes

The application together with the applicable reports noted above, were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- Ensuring opportunities for job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that: "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur. The Plan outlines how growth is to be directed towards areas with supporting infrastructure and how development is to provide a transition in scale and density that protects stable neighbourhood areas from the effects of nearby development. The Official Plan directs growth to the *Downtown*, the *Centres* and *Avenues*.

The current application is located on lands designated *Neighbourhoods* on Land Use Map 15 of the Official Plan (see Attachment 3: Official Plan Land Use Map). Unlike the designated growth areas, *Neighbourhoods* are stable areas, where significant growth is not encouraged and new development is to respect and reinforce the general physical patterns of the neighbourhood.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

This application has been reviewed against the following policies of the City of Toronto Official Plan:

Chapter 2 - Shaping the City

Compatibility/Mitigation

In order to address land use compatibility, a collaborative approach is encouraged among applicants of sensitive land uses, including residential uses, major facilities and the City. Major facilities are facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

To address land use compatibility, Section 2.2.4 provides direction for locating sensitive land uses adjacent to or near *Employment Areas* or within the influence area of major facilities. Policy 2.2.4.5 states that sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to:

- Prevent or mitigate adverse effects from noise, vibration and emissions, including dust and odour;
- Minimize risk to public health and safety;
- Prevent or mitigate negative impacts and minimize the risk of complaints;
- Ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines at the time of the approval being sought for the sensitive land uses, including residential uses; and
- Permit *Employment Areas* to be developed for their intended purpose.

Policy 2.2.4.6 states that the introduction of a sensitive land use, adjacent to or near to *Employment Areas* or within the influence area of major facilities shall include a Compatibility/Mitigation Study. Policy 2.2.4.8 of the Official Plan states that the costs of studies and mitigation measures shall be borne by the applicant of the sensitive land uses. The cost of collecting and producing relevant information for the studies shall be borne by those requesting the information, in the event that such relevant information is not readily available.

Healthy Neighbourhoods

The Official Plan contains principles for steering growth and change to some parts of the City, while protecting the City's neighbourhoods and green spaces from development pressures. By focusing most new residential development in the *Downtown*, the *Centres* and along *Avenues*, the shape and feel of these neighbourhoods can be preserved.

Neighbourhoods are seen as being stable but not static. Section 2.3.1 recognizes that *Neighbourhoods* will not stay frozen and that some physical change will occur as enhancements, additions and infill housing occurs on individual sites over time.

However, a cornerstone policy is to ensure that new development in *Neighbourhoods* respects the existing physical character of the areas, reinforcing the stability of the neighbourhood. Policy 1 of Section 2.3.1 establishes that development within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Chapter 3 - Building a Successful City

Built Form

The Built Form policies establish that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan.

Policies 3.1.2.1 and 3.1.2.2 guide new development to be located and organized to fit within its existing and/or planned context by: generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback; locating building entrances so they are clearly visible and directly accessible from the public sidewalk; acknowledging the prominence of corner sites; locating and organizing vehicular parking and access to minimize their impacts on the public realm; and preserving existing and mature trees wherever possible and incorporating them into landscaping designs.

Policy 3.1.2.3 emphasizes the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. New development will also be massed to provide for adequate light and privacy and adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties, parks and open spaces.

The Public Realm

Section 3.1.1 of the Official Plan includes policies on the public realm. The Public Realm policies promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that the public realm is beautiful, comfortable, safe and accessible.

Housing

Policy 3.2.1.1 of the Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto.

The Natural Environment

Policy 3.4.21 provides direction to prevent adverse impacts from major facilities onto sensitive land uses. Major facilities such as airports, transportation/rail infrastructure, corridors and yards, waste management facilities and industries and sensitive land uses will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote safety. To assist in identifying impacts and mitigative measures, the proponent of new development may be required to prepare studies in accordance with guidelines established for this purpose. The proponent will be responsible for implementing any required mitigative measures.

Chapter 4 - Land Use Designations

Neighbourhoods are 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 interspersed walk-up apartments that are no higher than 4-storeys.

A cornerstone aim of the Official Plan is to ensure that new development in *Neighbourhoods* respects the existing physical character of the area, reinforcing the stability of the neighbourhood. The stability of *Neighbourhoods'* physical character is one of the keys to Toronto's success. Changes to established *Neighbourhoods* must be sensitive, gradual and "fit" the existing physical character. As per Policy 4.1.5 of the Official Plan, new development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- Patterns of streets, blocks and lanes, parks and public building sites;
- Prevailing size and configuration of lots;
- Prevailing building heights, massing, scale, number of units and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Prevailing location, design and elevations relative to the grade of driveways and garages;
- Prevailing setbacks of buildings from the street or streets;
- Prevailing patterns of rear and side yard setbacks and landscaped open space;
- Continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and

- Conservation of heritage buildings, structures and landscapes.

Policy 4.1.5 of the Official Plan states that lots fronting onto a major street, and flanking lots to the depth of the fronting lots, are often situated in geographic neighbourhoods distinguishable from those located in the interior of the *Neighbourhood* due to characteristics such as: different lot configurations; better access to public transit; adjacency to developments with varying heights, massing and scale; or direct exposure to greater volumes of traffic on adjacent and nearby streets. In those neighbourhoods, such factors may be taken into account in the consideration of a more intense form of development than permitted by the Official Plan. Thirtieth Street is not identified as a Major Street on Map 3 of the Official Plan and the site is not subject to the policies regarding lots fronting a Major Street.

Policy 4.1.5 further states that no changes are to be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*. Where a more intensive form of residential development than that permitted by the existing zoning on a Major Street in *Neighbourhoods* is proposed, the Official Plan requires review in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhoods*.

The sidebar text of the Official Plan *Neighbourhoods* policies establishes that many zoning by-laws currently permit only single-detached houses. The type of dwellings permitted varies among geographic neighbourhoods and these detailed residential use lists are contained in the established zoning by-laws, which will remain in place and establish the benchmark for what is to be permitted in the future. If, for example, an existing zoning by-law permits only single-detached houses in a particular geographic neighbourhood and the prevailing building type in that neighbourhood is single-detached dwellings, then the Plan's policies are to be interpreted to allow only single-detached dwellings in order to respect and reinforce the established physical character of the neighbourhood, except where the infill development policies of Policy 4.1.9 would be applicable. While most *Neighbourhoods* will have one prevailing building type, some may have more. For example, multiples may prevail at the edge, along major streets, while singles prevail in the interior, along local roads.

Further, the sidebar text of the Official Plan *Neighbourhoods* policies establishes that Policies 4.1.9 and 4.1.10 are not to be interpreted so as to encourage, facilitate or justify the assembly of lots within a geographic neighbourhood that adhere to the prevailing lot pattern in that neighbourhood for the purpose of intensification.

The subject site varies from the local lot pattern in terms of lot size, configuration and/or orientation, and as such the infill proposal has been reviewed against Policy 4.1.9 of the Official Plan. The policy states that in established *Neighbourhoods*, infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation will:

- a) Have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;
- b) Have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;
- c) Provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- d) Front onto existing or newly created public streets wherever possible, with no gates limiting public access;
- e) Provide safe, accessible pedestrian walkways from public streets; and
- f) Locate, screen and wherever possible enclose service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and on residences.

Chapter 5 - Implementation: Making Things Happen

Policy 5.3.2.1 of the Implementation Plans and Strategies for City-Building section, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. The *Long Branch Neighbourhood Character Guidelines* and the *City-wide Townhouse and Low-Rise Apartment Guidelines* are discussed further in this report.

Zoning

The site is zoned Residential Multiple Dwelling Zone (RM) (u4; x2) in City-wide Zoning By-law No. 569-2013 which permits single-detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes and apartment buildings as permitted building types with conditions. The zoning further permits a range of institutional uses and public utility uses with conditions. The site is subject to site specific exception RM 2 which provides provisions for lot area, lot frontage, building height, floor space index, rear yard setback and side yard setbacks for permitted building types in the RM zone. Townhouses are not a permitted use in the RM zone.

See Attachment 4 of this report for the Existing Zoning By-law Map. City-wide Zoning By-law No. 569-2013 can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

Policy 5.3.2.1 of the Official Plan states that guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. Part III of the Provincial Policy Statement (2020) under the section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan (2020) indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving the minimum intensification and density targets of the Plan.

Townhouse and Low-Rise Apartment Guidelines

In March 2018 City Council adopted City-wide *Townhouse and Low-Rise Apartment Guidelines* and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These *Townhouse and Low-Rise Apartment Guidelines* replaced the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>.

Long Branch Neighbourhood Character Guidelines

Toronto City Council adopted the *Long Branch Neighbourhood Character Guidelines* on January 31, 2018 and directed staff to apply the Guidelines in the 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.

The subject site is located within the neighbourhood area and the *Long Branch Neighbourhood Character Guidelines* have been considered in the review of this proposal. The link to the Guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/etobicoke-york/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application was not submitted.

COMMENTS

Reasons for the Application

Amendments to City-wide Zoning By-law No. 569-2013 are required to permit the proposed building type and address changes to density, building height, setbacks, lot coverage and other development standards to reflect the development proposal.

Planning Act

Section 2 of the *Planning Act* establishes matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest are: (h) the orderly development of safe and healthy communities; and (p) the appropriate location of growth and development. These provincial interests are further articulated through the PPS and the Growth Plan.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, the Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe (2020), particularly with regard to ensuring public health and safety and that the development respects the local context in terms of appropriate intensification, the promotion of well-designed built form, housing options and whether the proposal complies with the municipal direction for growth.

The PPS and the Growth Plan (2020) are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the direction of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. While the PPS encourages intensification and efficient development, it recognizes the existing local context is important and that well-designed built form contributes to overall long-term economic prosperity. The PPS, Policy 4.6 indicates that the Official Plan is the most important vehicle for implementing the PPS and planning authorities shall identify appropriate locations for intensification and redevelopment. While the proposed development would achieve the goals of residential intensification, the development in its current form fails to conform to the Built Form policies and *Neighbourhoods* development criteria of the City of Toronto Official Plan and therefore is not consistent with the PPS.

Although the PPS encourages intensification and efficient development, Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The PPS provides compatibility direction between major facilities and sensitive land uses. The PPS defines transportation infrastructure and corridors, rail facilities and industries as major facilities. Policy 1.2.6.1 states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Where avoidance between major facilities and sensitive land uses is not possible, Policy 1.2.6.2 states that planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if: there is an identified need for the proposed use; alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; adverse effects to the proposed sensitive land use are minimized and mitigated; and potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

Rail safety is a vital consideration for any site directly adjacent to a rail corridor. The site abuts the Metrolinx Rail Corridor to the north. Any redevelopment of this site must address concerns related to the risk to health and safety in the event of a rail accident as well as noise and vibration from regular operation of this very active rail line. Through Official Plan Policy 3.4.21 the City has identified the need to prevent adverse effects from noise, vibration, odour and other contaminants and to promote safety from major facilities. The policy further states that to assist in identifying impacts and mitigating measures, an applicant may be required to prepare studies in accordance with guidelines established for the policy's purpose and carry out any required mitigating measures as part of development.

The applicant provided a Derailment Protection Report, which proposes a reduced setback of 20 metres with a crash wall between the rail corridor and the proposed sensitive use. The applicant has not agreed to pay for the City's requisite peer review of the Derailment Protection Report. The study must also be satisfactorily reviewed and accepted by Metrolinx (AECOM), which has not occurred at this time.

Until the peer review is completed and an opinion is provided as to the safety of the proposed derailment protection and the proposed 20 metre building setback from the property line abutting the rail corridor, staff are unable to determine whether the proposed development is consistent with the PPS and if the proposal has regard to Provincial interests expressed in the *Planning Act* pertaining to the protection of public health and safety, and the appropriate location for growth and development.

The Growth Plan (2020) emphasizes the importance of complete communities where a range of housing options are to be provided, and that new development should provide

high quality compact built form and an attractive and vibrant public realm. The Growth Plan directs growth to urban growth centres, intensification corridors, Major Transit Station Areas, brownfield sites and greyfields to provide a key focus for transit and infrastructure investments to support future growth. The site is not located in one of these areas.

The current proposal does not conform with the municipally established policies, and therefore is not consistent with the PPS to the extent that it does not comply with the municipal direction for growth or intensification.

Neighbourhood Context

The property is located on the edge of an established residential neighbourhood that contains a number of different housing types. This mix is reflected in the zoning as the neighbourhood surrounding the proposal contains Residential Multiple Dwelling (RM), Residential Townhouse (RT) and Residential Detached (RD) zones.

On the east side of Thirtieth Street are townhouses that back onto Thirtieth Street and are 2-storeys in height. Further east are detached dwellings ranging between 1 to 2 storeys in height. Southeast of the subject site at the corner of Elder Avenue and Twenty Ninth Street is a 4-storey townhouse development that is currently under construction and will contain 73 townhouse units.

South of the subject site along Thirtieth Street is a mix of detached, semi-detached and townhouse dwellings ranging between 1 and 2 storeys. Located at Thirtieth Street and Skeens Lane, just north of Lake Shore Boulevard West, is a 3-storey nine block townhouse development fronting both Thirtieth Street and Twenty Ninth Street.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of this report as well as the policies of the Toronto Official Plan as a whole.

The subject application is located on lands designated *Neighbourhoods* on Land Use Map 15 of the Official Plan (see Attachment 3: Official Plan Land Use Map). *Neighbourhoods* are 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 interspersed walk-up apartments that are no higher than 4 storeys. The subject site is located in a land use designation where significant growth is not anticipated. The stability of Toronto's *Neighbourhoods* physical character is one of the keys to the City's success. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally fit the existing physical character.

Given the neighbourhood context and physical character described above, Planning staff are of the opinion that townhouses are an appropriate housing form for the site.

However, the Official Plan requires development in *Neighbourhoods* to "respect and reinforce" the existing physical character of the neighbourhood. Policy 4.1.9 of the Official Plan provides development criteria for infill development proposed on an existing property that varies from the local pattern in terms of lot size, configuration and orientation. Planning staff are of the opinion that the proposed back-to-back townhouses are contrary to Policy 4.1.9, particularly in respect of the following criteria:

- a) Have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;
- b) Have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;
- c) Provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed; and
- d) Front onto existing or newly created public streets wherever possible, with no gates limiting public access.

Height and Massing

As noted above, the neighbourhood contains a range of building types and heights. Three storey and four storey townhouses exist within the neighbourhood but the predominate and immediately adjacent building heights are low scale 1 to 2 storey dwellings. The majority of residential dwellings in the neighbourhood also have a direct street presence with a front door facing the public realm.

The RM zone of City-wide Zoning By-law No. 569-2013 applies to the subject site and the immediately adjacent properties to the south and west. The RM zone permits a maximum dwelling height of 9.5 metres for a detached house and 11 metres for a semi-detached house, duplex, triplex or fourplex. On the east side of Thirtieth Street, the existing townhouses are 2-storeys in height, are zoned RT in City-wide Zoning By-law No. 569-2013 and have a maximum height of 10 metres. Further east, the properties are zoned RD in City-wide Zoning By-law No. 569-2013, which permits a maximum dwelling height of 9.5 metres. The prevailing heights of dwellings are predominantly low scale 1-2 storey dwellings in the RM, RT and RD zones surrounding the subject site.

In contrast, the application proposes 14 back-to-back townhouses and would be 4-storeys (14.5 metres) in height. The proposed heights are taller and not compatible with the building heights in the surrounding *Neighbourhoods*, particularly the adjacent 1-storey detached dwelling to the south and the 2-storey semi-detached dwellings to the west. The proposed heights are also taller than the heights of the existing townhouses

on the east side of Thirtieth Street and the townhouses at Thirtieth Street and Skeens Lane. Further, the proposed development makes no positive contribution to the public realm as the proposal extends the massing east-west along the side lot line. The main entrances to the back-to-back townhouse units would face north towards the rail corridor and south to the adjacent detached dwelling. The proposed units would have a poor visual and physical relationship to the sidewalk and the public street and the garage entrance is proposed to be facing Thirtieth Street and would not be screened from the public realm.

Built Form Policy 3.1.2.1 of the Official Plan emphasizes the importance of ensuring that new development is located parallel to the street and ensuring main building entrances are clearly visible and directly accessible from the public sidewalk. Built Form Policy 3.1.2.3 of the Official Plan also emphasizes the importance of ensuring that new development fits within its existing and/or planned context and new buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

Further, Section 4.1 of the *Townhouse and Low-Rise Apartment Guidelines* establishes that angular planes and minimum horizontal separation distances be utilized in developments in order to transition between the existing context and between proposed developments. Section 3.2.1 of the *Long Branch Neighbourhood Character Guidelines* emphasizes the importance of consistent building heights and volumes and the transition to adjacent properties.

The size and irregular shape of the site requires sensitive deployment of the proposed townhouses in order to achieve a transition in built form and ensure conformity with the Official Plan. Staff are of the opinion the proposal does not provide an appropriate scale and transition to the existing low-scale neighbourhood and does not respect building heights, massing and scale for nearby residential properties.

Building Setbacks

The application proposes a 20 metre setback from the north property line which is adjacent to the very active Metrolinx Rail Corridor. As noted above, the applicant provided a Derailment Protection Report, which proposes a reduced setback between the rail corridor and the proposed sensitive use. The applicant has not agreed to pay for the City's requisite peer review. Until the review is completed and an opinion is provided as to the safety of the proposed derailment protection and the proposed 20 metre building setback from the property line abutting the rail corridor, staff are unable to determine whether or not the proposed 20 metre setback is sufficient for the protection of public health and safety. Staff are of the opinion that consideration of the townhouses would be premature without conducting the peer review of the Derailment Protection Report. The proposed setbacks and massing could potentially evolve once the peer review of the Derailment Protection Report is completed.

The proposed south setback would be 5.21 metres. The minimum required side yard setback in the RM zone for this area in City-wide Zoning By-law No. 569-2013 ranges between 0.9 metres to 3.6 metres. Although the proposed development is providing a larger side yard setback than the minimum requirement, it is important to note the proposed townhouse entrances are oriented north and south, creating a front yard condition along the side yard of the site. As the proposed front entrances would face a 1-storey detached dwelling to the south, the proposal should respond appropriately by providing adequate facing distances between buildings and applying a 45-degree angular plane to provide greater separation distance between the different intensity of uses. The development as currently proposed fails to provide these standards.

The proposed west setback would be 1.55 metres. The minimum required rear yard setback in the RM zone for this area in City-wide Zoning By-law No. 569-2013 is 7.5 metres for a detached house, semi-detached house, duplex or triplex and 10.5 metres for a fourplex. The prevailing character for residential lots in the RM zones and RD zones in this neighbourhood is deep lots with rear yard setbacks much greater than 7.5 m. The existing townhouses on the east side of Thirtieth Street and at Skeens Lane and Thirtieth Street both provide rear yard setbacks much greater than the proposed 1.55 metres. The proposed minimal rear yard setback does not respect and reinforce the character of the neighbourhood, nor is it proportionate to those permitted by the zoning for adjacent residential properties.

As per the *Townhouse and Low-Rise Apartment Guidelines*, a development of this proposed scale that abuts a lower density residential area should include greater rear yard setbacks or a 45-degree angular plane. The proposed development does not provide 7.5 m setbacks from the rear lot line and does not meet a 45-degree angular plane from the adjacent lands designated *Neighbourhoods*. Section 4.2 of the *Townhouse and Low-Rise Apartment Guidelines* establishes facing distances between buildings and setbacks in order to reduce overlook conditions between buildings and neighbouring properties. Sections 3.5.3 and 3.5.4 of *The Long Branch Neighbourhood Character Guidelines* further emphasize the need to provide adequate separation between dwellings to respect the pattern of massing and scale of nearby residential properties and mitigate potential impacts associated with shadowing, privacy and overlook.

Planning staff are of the opinion the townhouse block should be redesigned to apply a 7.5m rear yard setback along the west side of the site and a 45-degree angular plane from the adjacent lands to the south designated *Neighbourhoods*.

Privacy and Overlook

The proposal would create potential issues of overlook and privacy, particularly for the adjacent lot to the south. The proposal is designed as a single block of back-to-back townhouses with increased building heights and reduced setbacks. The proposed front façade of the townhouse units would be oriented north and south, establishing front yard conditions within the side yards of the site. The upper levels of the buildings

introduce rooftop amenity areas, balconies, plus windows with views into surrounding side and rear yards. The result is that 7 units would have an overlook condition into the side yard of the neighbouring dwelling at 68 Thirtieth Street. Sufficient setbacks, stepbacks and landscaped open space on the site have not been provided to buffer and mitigate privacy issues.

The intensity and scale of the proposal is greater than that of the surrounding residential detached and semi-detached dwellings. The proposal creates unacceptable building relationships with abutting dwellings resulting in potential negative impacts with respect to overlook and privacy. Staff are of the opinion the proposed townhouse block should be reoriented to face the public street as required by the Built Form policies of the Official Plan. As directed by the *Townhouse and Low-Rise Apartment Guidelines*, a 45-degree angular plane from the adjacent lands designated *Neighbourhoods* should also be applied. A 45-degree angular plane would provide a greater separation distance between the different intensity and scale of uses, and minimize issues related to overlook and privacy.

Protection From the Rail Corridor

The site abuts the very active Metrolinx Rail Corridor to the north and as such, any redevelopment of this site must address concerns related to the risk to health and safety in the event of a rail accident as well as noise and vibration from regular operation of the rail line.

In May 2013, the Federation of Canadian Municipalities, in conjunction with the Railway Association of Canada, released the Guidelines for New Development in Proximity to Railway Operations (the "FCM Guidelines"). The FCM Guidelines focus on residential development in proximity to rail corridors and focus on the treatment of sites in terms of providing for safety and noise and vibration mitigation. The FCM Guidelines "strongly recommend that municipalities take a proactive approach to identifying and planning for potential conflicts between rail operations and new developments in proximity to railway corridors". The FCM Guidelines propose a set of principles for mitigation design, recommending a preferred building setback of 30 metres from rail lines, including a berm. Should that not be possible, the Guidelines recommend that a developer undertake a development viability assessment to determine whether the project should proceed. In any case, a functional design for mitigation must be achieved on site.

In March 2019, the City of Toronto's consultant (IBI Group) published the report, *Land Use Study: Development in Proximity to Railway Operations*, which emphasizes the FCM Guidelines. The purpose of the study was to provide the City with recommendations specific to Toronto that staff can rely on as they respond to development applications on lands adjacent to rail corridors.

Official Plan Policy 2.2.4.5 states that sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to: prevent or mitigate adverse

effects from noise, vibration and emissions, including dust and odour; minimize risk to public health and safety; prevent or mitigate negative impacts and minimize the risk of complaints; ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines at the time of the approval being sought for the sensitive land uses, including residential uses; and permit *Employment Areas* to be developed for their intended purpose.

Official Plan Policy 3.4.21 states that major facilities such as rail infrastructure, corridors and yards and sensitive land uses such as residences and education and health facilities will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants and to promote safety. The policy further states that to assist in identifying impacts and mitigations measures, an applicant may be required to prepare studies in accordance with guidelines established for the policy's purpose and carry out any required mitigating measures as part of development.

The applicant provided a Derailment Protection Report, which proposes a reduced setback of 20 metres with a crash wall between the rail corridor and the proposed sensitive use. This study has not been reviewed by the City's Peer Reviewer as the applicant has not agreed to pay for the requisite peer review. The study must also be reviewed and determined to be satisfactory by Metrolinx (AECOM).

As noted above, until the review is completed and an opinion is provided as to the safety of the proposed derailment protection and the proposed 20 metre building setback from the property line abutting a very active rail corridor, staff are unable to determine whether the proposed mitigation measures are consistent with Policy 2.2.4.5 and 3.4.21 of the Official Plan. Further, staff are of the opinion that the consideration of the location and massing of the townhouses is premature until such time as the Derailment Protection Report has been appropriately peer reviewed and accepted by both the City and Metrolinx.

Noise and Vibration

The applicant submitted an Environmental Noise and Vibration Assessment prepared by Novus Environmental Inc., dated December 11, 2019 in support of the proposed development. At the cost of the applicant, the assessment was peer reviewed by GHD Limited (GHD) to assess the identified noise and vibration impacts and the proposed mitigation measures. The Peer Reviewer reviewed the analysis and is in general agreement with the study and its findings. In order to fully support the study's findings, GHD has requested clarification and additional samples of the calculations conducted in the study.

Air Quality

The applicant submitted an Air Quality and Compatibility and Mitigation Study, prepared by SLR Consulting dated February 2020 in support of the proposed development. At the

cost of the applicant, the assessment was peer reviewed by GHD to assess the potential odour, dust and air quality compatibility of the proposed sensitive use with nearby employment uses and major facilities.

The Peer Reviewer reviewed the analysis and concluded that the study provides sufficient evidence and followed appropriate methodologies to demonstrate that there should be no odour, dust and air quality impacts above the applicable provincial criteria.

Traffic Impact, Site Access and Parking

The applicant submitted a Transportation Operations Review, prepared by WSP Canada Group Limited dated August 11, 2017 and a Transportation Operations Review dated December 2019. The consultant conducted its analysis based on a 16-unit development, whereas 14 residential units are proposed. The consultant estimated that approximately 12 and 13 two-way trips would be generated by the development during the weekday morning and weekday afternoon peak hours, respectively. The consultant concluded that the site-generated traffic would have a negligible impact on the road network.

Transportation Services staff provided comments for both Transportation Operations Reviews in a memo dated March 3, 2020. Transportation Services staff have no objections to the findings and conclusions that the traffic impact of the proposal would have a minor impact on the adjacent road network. Therefore, Transportation Services staff advise that the expected traffic impact generated by the proposed development is acceptable.

The applicant proposes a full movement driveway, generally in the location of the existing driveway, to provide vehicular access to the site. A 1.5 metre pedestrian walkway would be provided at the southeast corner of the site, providing pedestrian access from the public sidewalk. Transportation Services staff are requesting the following:

- The consultant is required to reassess a lower speed limit, and provide a revised sightlines study that includes the analysis of stopping sightline distances for each lane approach with the proposed driveway entrance at a maximum design speed of 50km/h travelling along the frontage of Thirtieth Street.
- The applicant's consultant is required to provide swept path diagrams to illustrate an outbound waiting vehicle stopped at the driveway entrance with an inbound vehicle scenario and identify adequate setbacks as measured from the Thirtieth Street right-of-way limit for the proposed driveway.
- The consultant is required to provide revised swept path diagrams that demonstrate how vehicles would access the north parking area from the proposed driveway in an acceptable manner.
- The consultant is required to provide a separate functional engineering drawing that illustrates the proposed driveway with the modification works of the existing concrete centre median and the pavement marking along the frontage of Thirtieth Street.

- The consultant is expected to explore mitigation measures to modify the existing retaining walls located within the Thirtieth Street municipal boulevard in order to improve the sightlines between drivers and pedestrians.
- Provide documentation, for the existing dedication identified as "*Public Highway By-law 1579 as per Instrument No. EB369013*", that is located adjacent to the east property limit on the submitted survey plan.
- In order to comply with the Toronto Green Standard, the applicant is required to:
 - Illustrate the City's standard for the reconstructed 2.1 m wide new municipal sidewalk that continuously extends across the proposed driveway;
 - Include the sidewalk transition designed with a gentle taper;
 - Identify the new location of the relocated utility pole that will not be situated within the new 2.1 m wide municipal sidewalk;
 - Provide notations stating "*The reconstructed sidewalk along the Thirtieth Street frontage will be built to City standards and at no cost to the municipality.*"
- Provide notations indicating that an existing concrete walkway connection located between the neighbouring property to the west and the subject site will be removed.
- Relocate the proposed waste staging area that extends onto the Thirtieth Street municipal boulevard entirely within private property.
- Remove the proposed north corner radius and redesign a 6.0 m wide new driveway with a minimum 2.0 m flaring on both sides for a combined concrete curb and sidewalk constructed within the Thirtieth Street municipal boulevard in accordance with the City of Toronto Design Standard No. T-310.050-1.
- The applicant is required to identify the width of the proposed drive aisle providing access to each of the proposed integral garages.

The applicant submitted inconsistent materials regarding the proposed parking supply. The site plan illustrates 32 parking spaces for 14 townhouse units, whereas the site statistics calculate a total of 36 parking spaces for 16 townhouse units. Transportation Services staff require the applicant to submit consistent revised drawings to determine if the proposed parking supply is adequate.

Transportation Services staff further require that the applicant demonstrate that all the parking spaces and dimensions comply with the applicable Zoning By-law for the proposed integral garages and the surface parking areas, including the provision of the proposed accessible parking space.

Streetscape

The Public Realm policies of the Official Plan (Section 3.1.1) recognize that a well designed public realm is developed by creating comfortable, inviting, safe and accessible streets, parks and open spaces which are vital elements in creating a vibrant city. Policy 3.1.1.6 of the Official Plan sets out parameters such that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians.

An existing curb side municipal sidewalk extends along the west side of Thirtieth Street. To comply with current City standards, along with requirements related to the Accessibility for Ontarians with Disabilities Act (AODA), the applicant must construct sidewalks along the street having minimum clear widths of 2.1 m. The applicant must revise its plans accordingly.

The applicant is proposing that the proposed waste staging area be located within the municipal boulevard along Thirtieth Street. Transportation Services staff have advised the applicant that the waste staging area must be relocated entirely within private property. Further revisions to the plan in this regard are required.

Servicing

The applicant submitted a Functional Servicing and Stormwater Management Report prepared by Fabian Papa and Partners dated December 13, 2019, which was reviewed by Engineering and Construction Services staff. A revised Functional Servicing Report and Stormwater Management Report was submitted on September 1, 2020 to Engineering and Construction Services staff for review.

Engineering and Construction Services staff advised that further revisions are required to the report. Engineering and Construction Services staff do not agree with the report's calculations of the water quality section of the report and revisions are required to the sanitary sewer design sheets.

Prior to approval of the Zoning By-law Amendment, Engineering and Construction Services staff must complete the review and accept the findings of the report.

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 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and will be valid for six months. Payment will be required prior to the issuance of said permit.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TOMaps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process. Part of the subject site has archaeological resource potential according to City of Toronto mapping. Stage 1 and 2 Archaeological Assessments were submitted by the applicant and reviewed by Heritage Planning staff. The Assessments determined there is no further archaeological concern for the subject property. This finding was accepted by Heritage Planning staff.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant submitted an Arborist Report/Tree Preservation Plan which has been reviewed by City staff. The applicant is proposing the removal of 1 private tree and the protection of 1 City owned tree to accommodate the proposed redevelopment of the site. The application proposes the planting of 10 new private trees.

Where it is not possible to adequately protect or retain trees that qualify for protection under the tree by-laws, it will be necessary for the applicant to submit an application and applicable fees requesting permission to injure or destroy the trees to Urban Forestry staff for review and approval.

The applicant has been advised that removal or injury of protected City and privately-owned trees may not occur until a "tree removal/injury permit" has been issued by Urban Forestry on behalf of the General Manager of Parks, Forestry and Recreation and the permitted construction and/or demolition related activities commence in accordance with approved plans which warrant the destruction/injury of the trees involved.

The Landscape Plan submitted by the applicant shows several trees to be planted throughout the site. The applicant has been advised that the plan requires revisions and Urban Forestry staff have requested the following revisions to the plan:

- The applicant be required to demonstrate Tier 1 compliance with the Toronto Green Standard Version 3.0. The applicant is reminded that only large-maturing trees (preferably native shade tree species) planted with access to the required volume of high quality soil may be counted towards the TGS tree planting target.
- The applicant to provide a Soil Volume Plan indicating the soil area number, soil area, soil depth, soil volume and soil volume per tree, by outlining the area of the soil calculation. Further, the applicant to provide a table indicating the soil area number and the total soil volume for each area.

In addition, Urban Forestry staff have advised that the Ecology Section of the submitted Toronto Green Standard Checklist has not been completed and requires detailed revisions for further review.

Urban Forestry staff do not object to the proposed development, however staff do not support the proposed Zoning By-law Amendment pending the resolution of the matters identified above.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Urban Forestry staff have noted the Toronto Green Standard Checklist is not complete and requires revisions indicating, in detail, how the applicant will fulfill the required items relating to Forestry under the Ecology Section.

Engineering and Construction Services staff have advised that the submitted Toronto Green Standard Checklist does not satisfy the City's solid waste requirements.

Transportation Services staff have advised that to satisfy accessibility requirements in the Toronto Green Standard, any existing municipal sidewalk located along the Thirtieth Street frontage that is less than 2.1 metres wide, must be reconstructed according to the City's design standards.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through:

- Zoning By-law Amendment Approval process: automobile infrastructure and storage and collection of recycling and organic waste.
- Site Plan Control Approval process: other applicable TGS performance measures.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan.

With regards to policy direction on public health, safety and the compatibility between sensitive uses and major facilities, staff are unable to make a determination if the proposal is consistent with the PPS and conforms to the Official Plan. Staff are also

unable to determine if the proposal has regard to Provincial interests expressed in the *Planning Act* pertaining to the protection of public health and safety, and the appropriate location for growth and development. The site abuts the Metrolinx Rail Corridor to the north and as such any redevelopment of this site must address concerns related to the risk to health and safety in the event of a rail accident as well as noise and vibration from regular operation of this very active rail line. Supporting studies pertaining to derailment protection must be satisfactorily reviewed to determine if the proposed building setback and mitigation measures are sufficient for the proposed development. Consideration of the location and massing of the townhouses is premature until such time as the Derailment Protection Report has been appropriately peer reviewed and accepted by both the City and Metrolinx.

The City is a development area and infill is encouraged under the policies of the PPS (2020). Policy 4.6 of the PPS states that the most important method of implementing the policies is a municipality's Official Plan which guides the method of intensification and where it should be focused. While the proposed development would achieve the goals of residential intensification, the development in its current form fails to conform to the *Neighbourhoods* policies and the Built Form policies of the City of Toronto Official Plan and therefore is not consistent with the PPS.

The proposed 4-storey back-to-back townhouses, and in particular their height, massing, scale, setbacks and orientation are not consistent with the local low scale context of the area and fails to respect and reinforce the existing physical character of the area.

Planning staff do not support the proposal in its current form as it is not consistent with the PPS (2020) and conflicts with the Growth Plan (2020). Further, the proposal does not conform to the policies of the Official Plan, does not meet the intent of the Zoning By-law, is not in keeping with the existing or planned context of the local area and is not compatible with the City's *Townhouse and Low-Rise Apartment Guidelines*. The proposed application does not represent good planning and is not in the public interest.

As such, Planning staff recommend that City Council direct the City Solicitor and other appropriate staff to attend the Local Planning Appeal Tribunal in opposition to the appeal of the subject application in its current form.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 5: Site Plan
- Attachment 6: North and South Elevation
- Attachment 7: East Elevation
- Attachment 8: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 80 THIRTIETH STREET Date Received: December 17, 2019

Application Number: 19 262483 WET 03 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application to redevelop the site with 14 back-to-back townhouse units. The proposed townhouse units would be 4-storeys (14.5 m) in height and have a total residential gross floor area of 1,993 m². A total of 18 surface parking spaces and 14 integral parking spaces are proposed and would be accessed from Thirtieth Street.

Applicant	Agent	Architect	Owner
AMELIA BISHOP			1322104 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: RM- 1 Heritage Designation:

Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 2,164 Frontage (m): 56 Depth (m): 39

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,993	1,993
Residential GFA (sq m):			1,993	1,993
Non-Residential GFA (sq m):				
Total GFA (sq m):			1,993	1,993
Height - Storeys:			4	4
Height - Metres:			14.5	14.5

Lot Coverage Ratio (%): 92.05 Floor Space Index: 0.92

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
Residential GFA: 1,993
Retail GFA:
Office GFA:
Industrial GFA:
Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:				
Other:				
Total Units:				

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					14
Total Units:					14

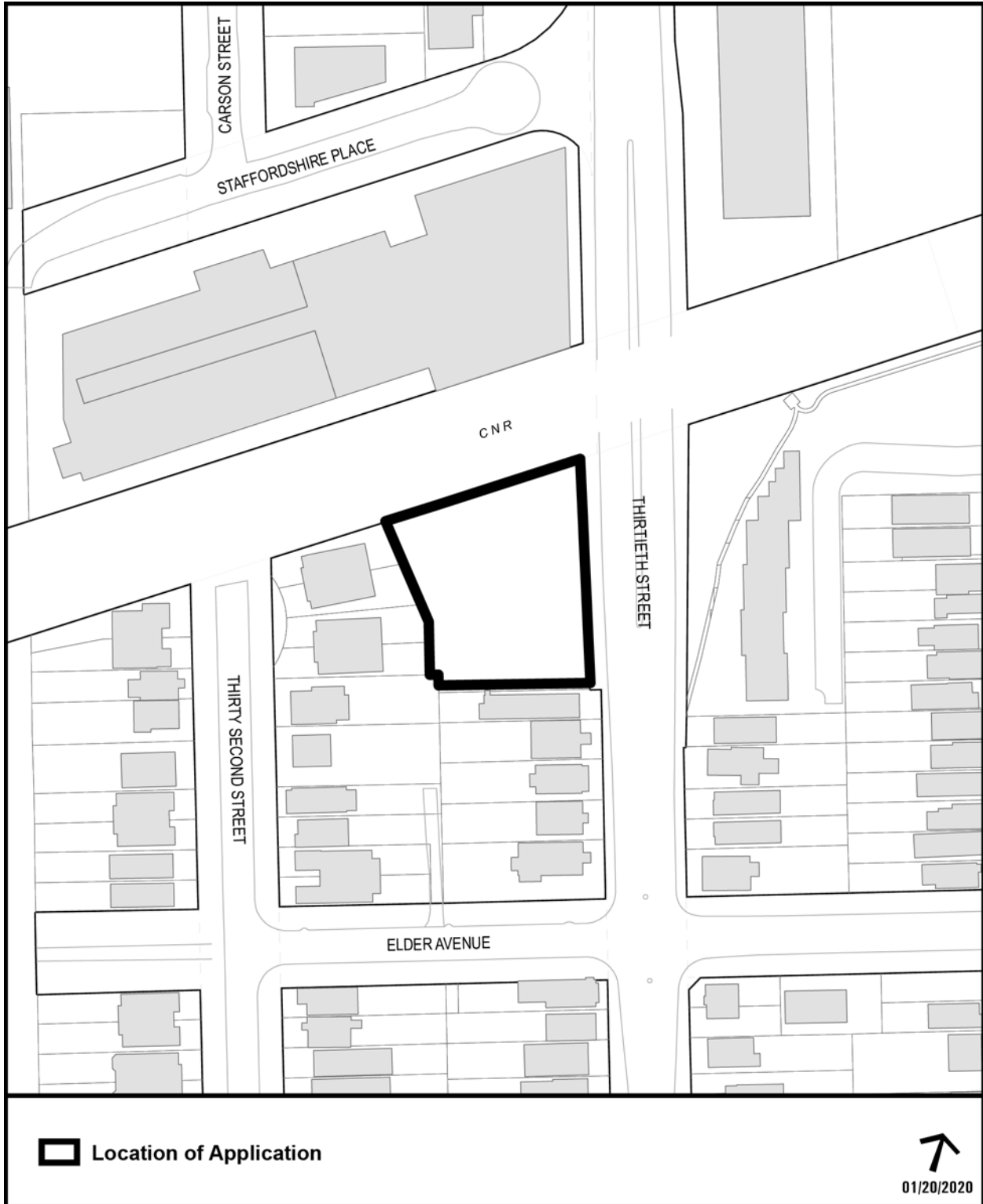
Parking and Loading

Parking Spaces: 32 Bicycle Parking Spaces: Loading Docks:

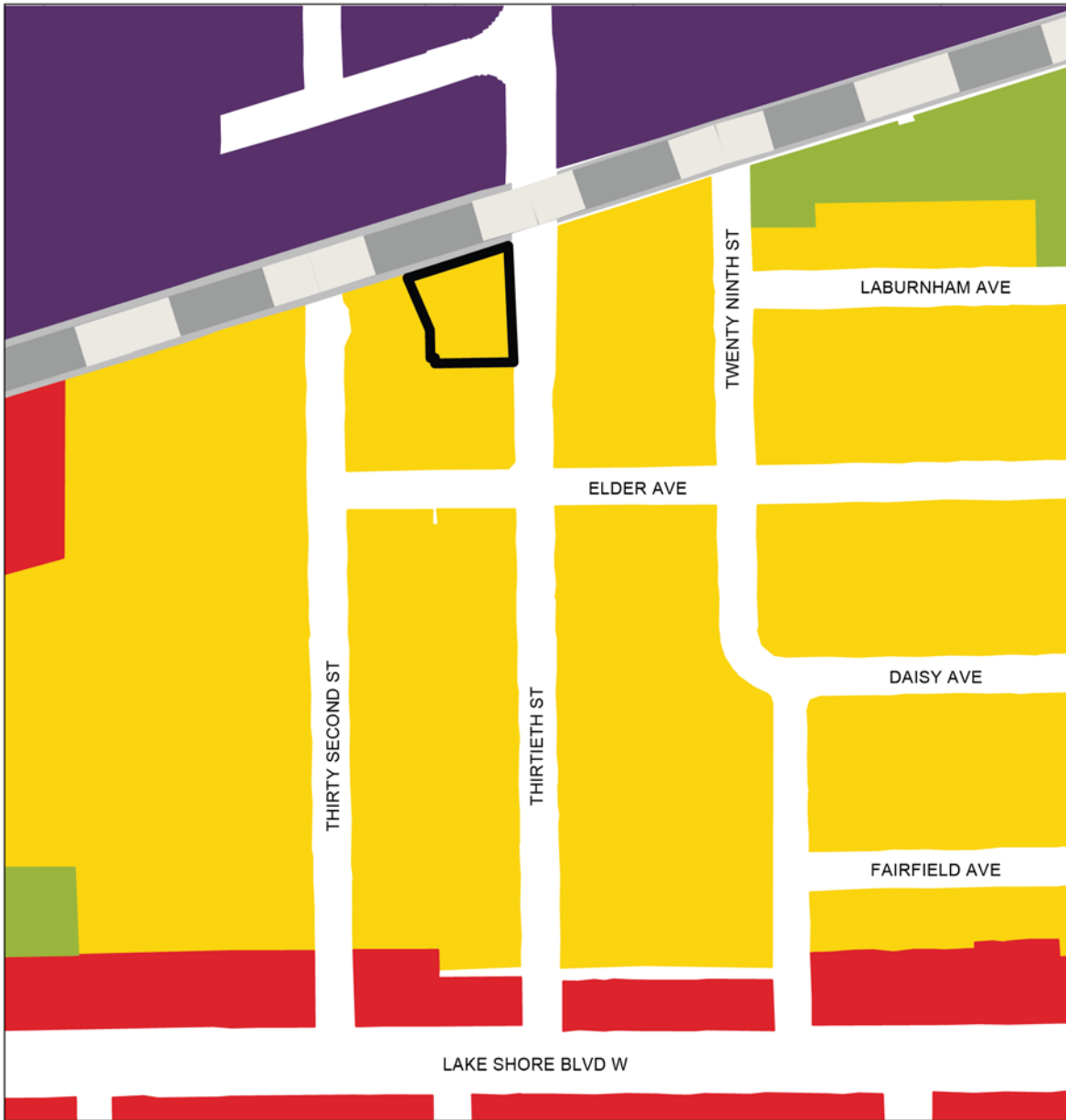
CONTACT:

Tony Lieu, Planner
(416) 394-8878
Tony.Lieu@toronto.ca

Attachment 2: Location Map










Attachment 3: Official Plan Land Use Map



80 Thirtieth Street

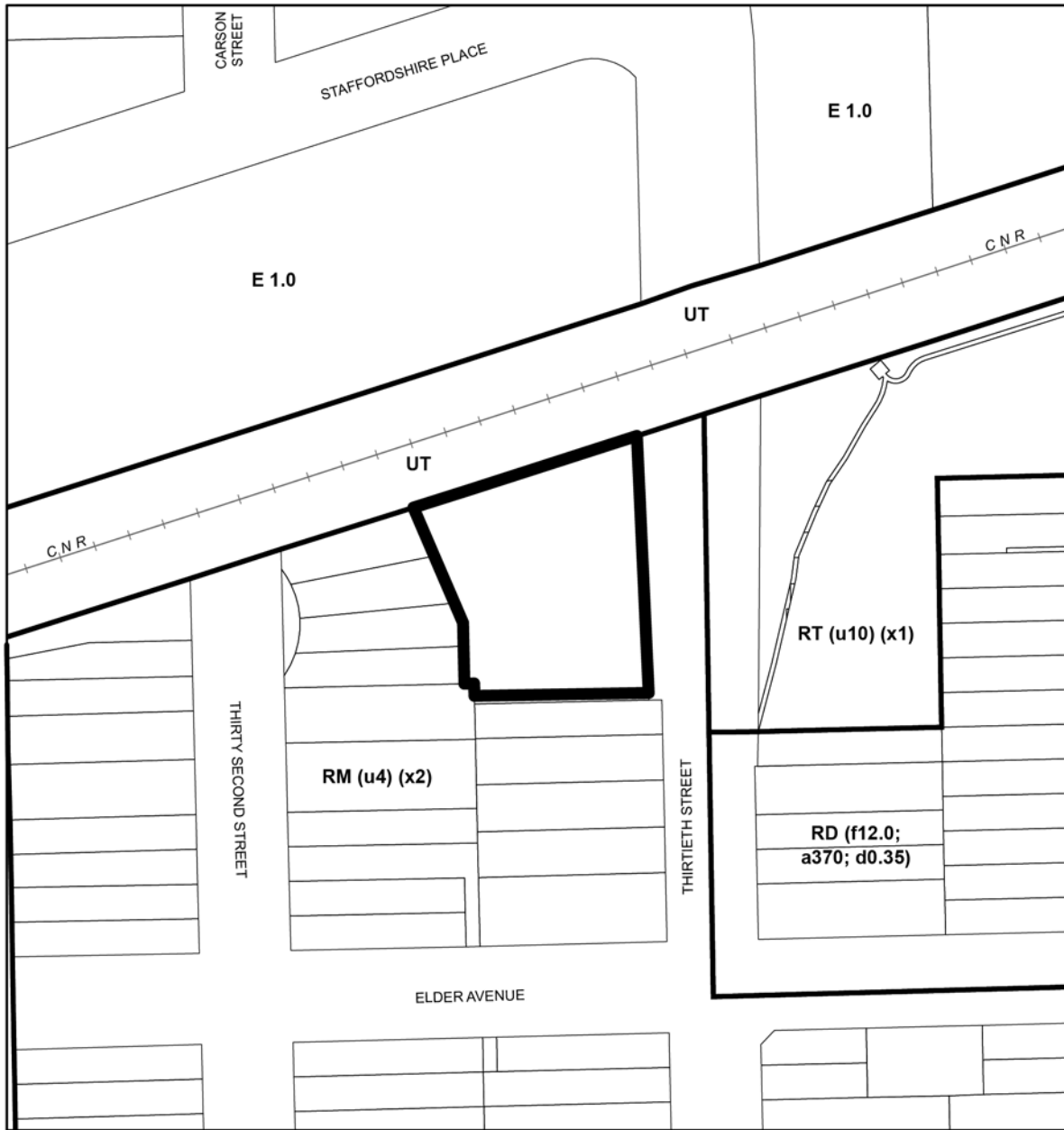
Official Plan Land Use Map #15

File # 19 262483 WET 03 0Z

- | | | | |
|---|--|---|--|
|  Location of Application |  Parks & Open Space Areas |  Utility Corridors |  Core Employment Areas |
|  Neighbourhoods |  Parks | | |
|  Mixed Use Areas | | | |

↑
Not to Scale
01/20/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

80 Thirtieth Street

File # 19 262483 WET 03 0Z



Location of Application



See Former City of Etobicoke (Long Branch) By-law No. 23/64

RD
RT

Residential Detached
Residential Townhouse

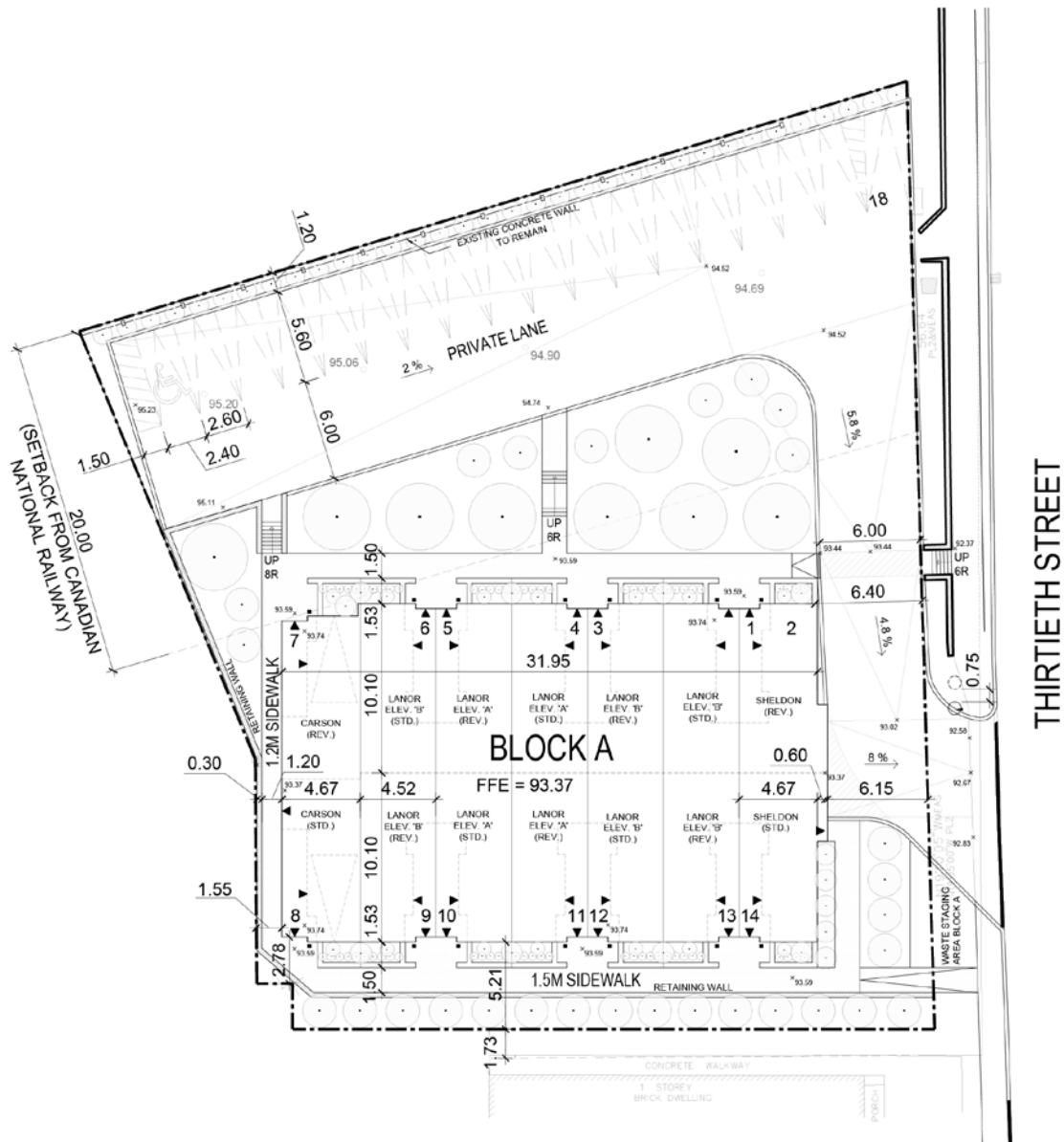
RM
E
UT

Residential Multiple
Employment Industrial
Utility and Transportation



Not to Scale
Extracted: 01/20/2020

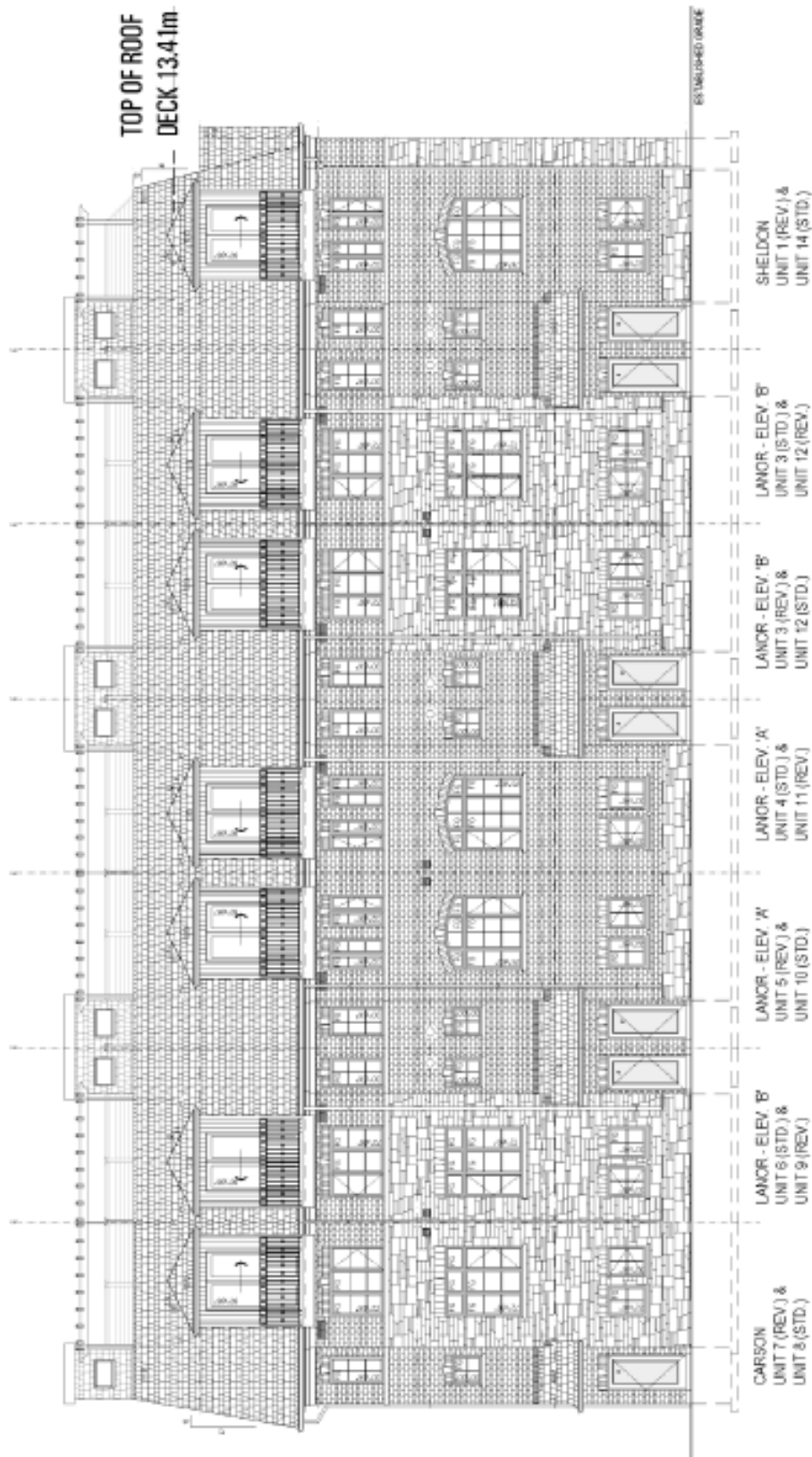
Attachment 5: Site Plan



Site Plan

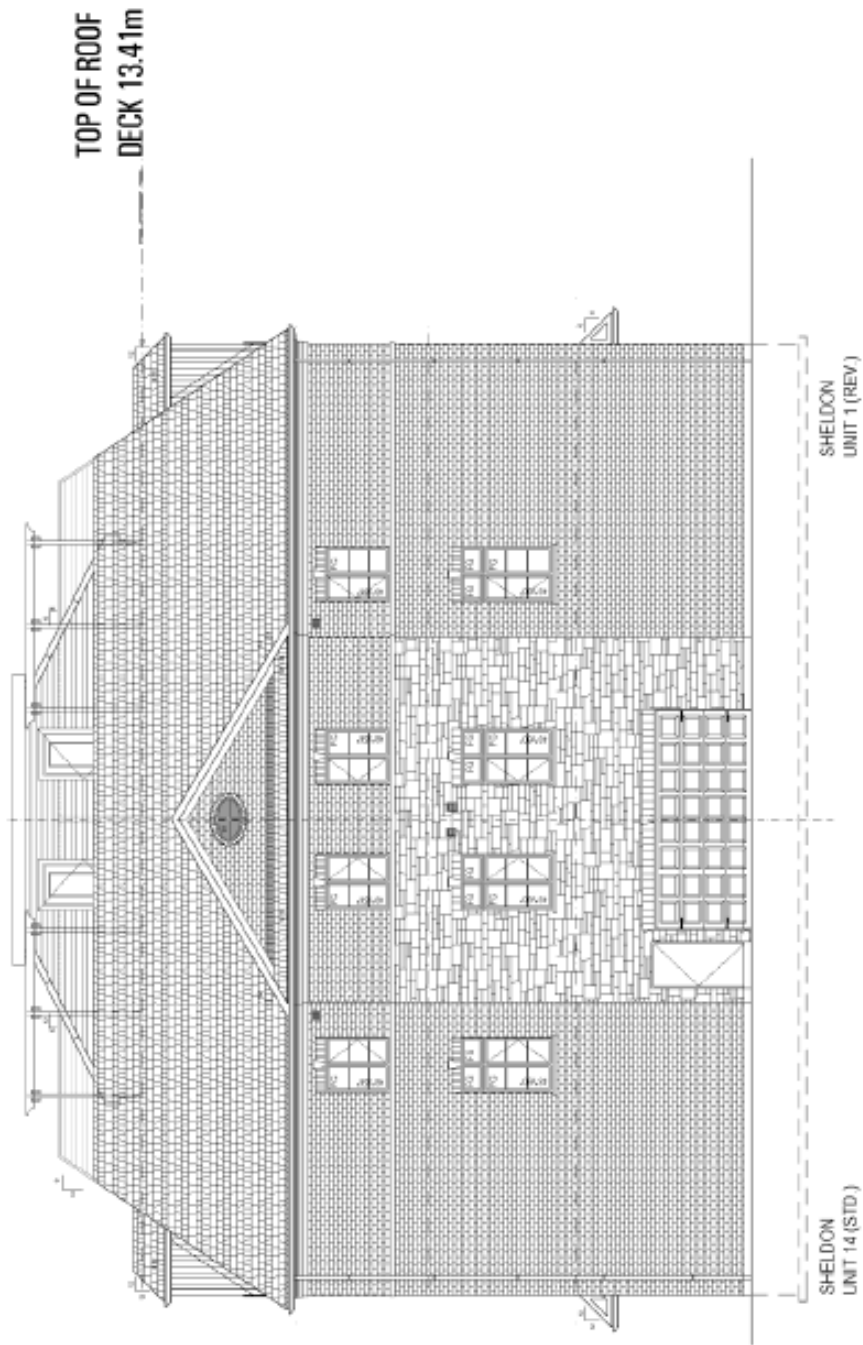


Attachment 6: North and South Elevation



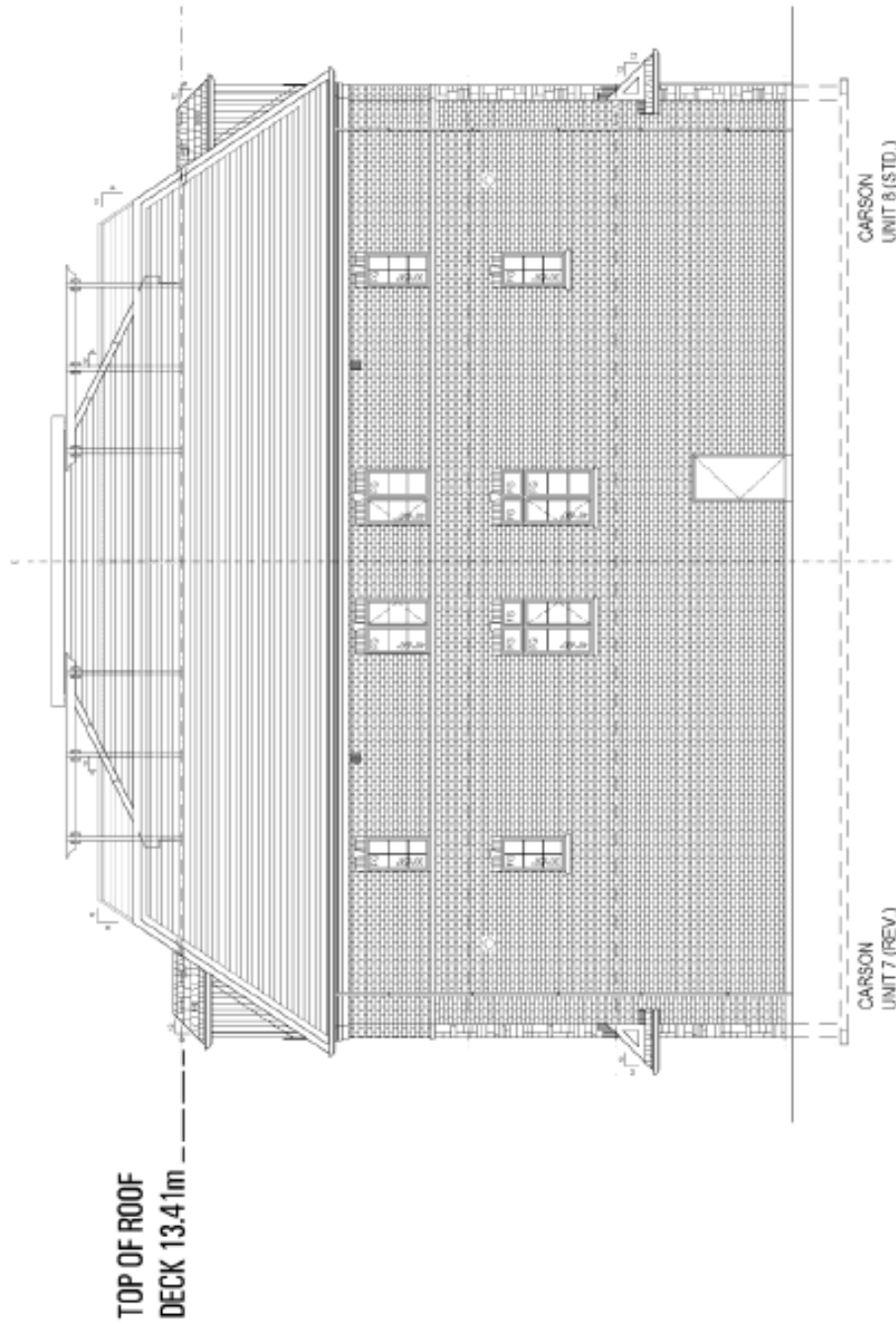
North & South Elevation

Attachment 7: East Elevation



East Elevation

Attachment 8: West Elevation



West Elevation