

41 Ossington Avenue - Zoning Amendment – Revised Request for Direction Report

Date:	November 1, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	10 266103 STE 19 OZ

SUMMARY

This report provides updated direction and recommends a settlement with the applicant that allows for the development of the subject property. In addition, the applicant has submitted a site specific Official Plan amendment for 41 Ossington Avenue to address technical Official Plan issues mentioned in the previous Directions report from the Director, Community Planning, Toronto and East York District dated August 17, 2011.

The applicant appealed the Zoning By-law and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the required time frame in the *Planning Act*. City Council subsequently authorized City Planning, in consultation with the City Solicitor and Ward Councillor to continue negotiations with the applicant with the goal of achieving a settlement that meets the recommended setbacks and stepbacks described in the report mentioned above.

Following negotiations with the applicant, this application now proposes a six storey condominium building, having ground floor retail, fronting Ossington Avenue and 5 four-storey townhouse units fronting Rebecca Street. A total of 28 residential units are proposed between the condominium and townhouses, with 21



parking spaces to be provided. Sixteen parking spaces will be situated on a parking stacker located in the middle and east portion of the townhouses at 41 Ossington Avenue.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend any Ontario Municipal Board Hearings and not to oppose the Official Plan Amendment and the revised zoning by-law amendment, provided it is in accordance with the revised setbacks and stepbacks and terms of settlement for 41 Ossington Avenue described in this report dated November 1, 2011, from the Director, Community Planning, Toronto and East York District .
2. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

DECISION HISTORY

A full background on the this application, context and planning framework are in the August 17, 2011 report that can be found at www.toronto.ca/legdocs/mmis/2011/te/bgrd/backgroundfile-40018.pdf

Conditions of staff's support of the proposal, as set out in the previous Direction Report include:

- That the applicant submits an application for an Official Plan amendment.
- That the applicant increases the rear yard setbacks for the townhouses to 5.5 metres and 7.5 metres for the 2nd, 3rd and 4th floors, respectively.

Revised Proposal

On October 24, 2011, the applicant submitted a revised proposal with the following changes:

- The 5-storey condominium component of this proposal has been increased to 6 storeys. This additional 6th storey is limited to the condominium component of the building within the *Mixed Use Area* fronting Ossington Avenue.
- The mechanical penthouse which was previously located on top of the 5th storey fronting Ossington Avenue has now been integrated into the 6th storey. The overall architecture and building mass has been transitioned (stepped down) from west to east towards the *Neighbourhood* portion of the site.

- The number of townhouses has been reduced from 6 to 5 units. Two individual east-end units of the townhouses have been merged into one unit. The height of the easterly end unit abutting the residential lots on Givin Street has been reduced from 4 to 3 storeys.
- The total number of residential units proposed has increased from 25 to 28 units between the condominium and townhouses. The total number of 21 parking spaces remains unchanged from the previous proposal. Sixteen parking spaces will continue to be situated on a parking stacker located in the middle and east portions of the townhouses at 41 Ossington Avenue.
- The residential and total gross floor area for the project has increased by 316 m² (3400 sq.ft) to 3,345m² (35,990 sq.ft.), of which 242m² (2,604 sq.ft.) is proposed for commercial/retail uses.
- The applicant has filed an application for a site specific Official Plan amendment.

COMMENTS

Official Plan Amendment

Planning staff are of the view that the site specific Official Plan amendment application has addressed concerns mentioned in the previous Directions report regarding the parking stackers located in *Neighbourhoods* designated lands which service the 6-storey condominium component of the building situated in *Mixed Use Areas*.

Density

The subject property has both a Commercial/Residential (CR) and Residential (R) designation pursuant to City of Toronto Zoning By-law 438-86. The west portion of the site, fronting Ossington Avenue, is zoned CR T2.5 C2.0 R1.5, while the east portion, fronting Rebecca Street, is zoned R4 Z1.0. The CR zoning classification permits a mix of commercial and residential uses, including an apartment building, up to a total density of 2.5 times the area of the lot. A maximum of 2.0 times the area of the lot is permitted to be commercial and 1.5 times the area of the lot residential. The proposed total development density of 3.0 times the lot area is acceptable to City staff subject to the terms of settlement described in this report.

Building Heights and Setbacks

Building height is one aspect that determines the physical characteristic of a community and has a significant impact on the character of a residential area. Transitioning heights, scale and intensity between infill developments and residential areas is necessary to ensure that the compatibility, stability and general amenity of the adjacent residential area is not adversely affected. The proposed height of 21.5 metres for the 6-storey condominium is acceptable because it is contained within the 45 degree angular plane and within the acceptable maximum height for buildings fronting onto Ossington Avenue

which will eventually have a 20 road metre right-of-way width as per the Official Plan. This section of Ossington Avenue will be 19 metres wide with road widening secured in connection with this application. The building mass has been appropriately transitioned (stepped down) west-east towards the *Neighbourhoods* portion of the site with no portion of the building in this designation more than 4 storeys. The overall height of 13.7 metres proposed for the townhouses remains unchanged except the easterly end unit which has been reduced to 3 storeys (10.3 metres) for appropriate transition to the abutting residential buildings.

The 2nd and 3rd storeys of the townhouses are setback 5.5 metres from the north property line. The 4th-storey of the townhouses is setback 6 metres from the north property line as shown in the table on page 4. The abutting houses to the north of the townhouses have minimum rear setbacks of 7.5 metres, complying with the By-law requirement. The original application and subsequent revision (August 17, 2011) proposed smaller setbacks (refer to the table below).

Townhouse development	2 nd storey	3 rd storey	4 th storey
By-law requirement	7.5 metres	7.5 metres	7.5 metres
Original proposal	3.7 metres	3.7 metres	4.9 metres
Proposal (August 17, 2011)	4.0 metres	4.0 metres	4.7 metres
Settlement proposal (October 24, 2011)	5.5 metres	5.5 metres	6.0 metres

Planning staff recognize the constraints of this site and have acknowledged them by considering lesser setbacks than required by the Zoning By-law. The revised application following the settlement has increased the rear yard setbacks at the 2nd, 3rd and 4th storeys of the townhouses bringing it closer to the Zoning By-law requirement. This represents an acceptable increment and is appropriate for the site.

Terms of Settlement

Following discussions between the City staff, City Solicitor, Ward Councillor and the applicant, and the August 17, 2011 Direction Report, staff are in a position to support the proposal subject to the following conditions:

- The applicant is required to submit an Official Plan Amendment application for the 5-storey condominium on the *Mixed Use Areas* being serviced by parking stackers on land designated as *Neighbourhoods*.

- A 5.5 metre rear yard setback at the 2nd and 3rd storeys and a 6.0 metre rear yard setback at the 4th storey of the townhouses must be provided.
- The 6th floor on the “Ossington portion” of the building, must comply with a 45 degree angular plane based on the 20 metre right-of-way width designated for Ossington Avenue.
- The last townhouse immediately adjacent to the properties on Givens Street must have a maximum of 3-storeys in order to provide an appropriate transition.
- The 6th storey in the *Mixed Use Area* fronting Ossington Avenue shall be wrapped around the mechanical penthouse.
- The total height of the 6-storey condominium building will be approximately 21.5 metres, which is the same total height including mechanical penthouse as the revised July 7, 2011, submission reviewed in the August 17, 2011 Direction report.
- Through the site plan approval process the applicant shall undertake the following to the satisfaction of the Director, Community Planning, Toronto and East York District:
 - (a) Implement appropriate noise control measures in the parking stackers.
 - (b) Modify the design and selection of exterior building materials to better complement the context.
 - (c) Install privacy screens on the upper level terraces.

Community Consultation

The ward Councillor held a community consultation meeting on October 29, 2011. The meeting was attended by City Planning staff, legal staff and members of the public. Issues raised during the discussion of the terms of settlement were related to the following matters:

- Compatibility of proposed development (scale) with existing character of the area;
- Height, scale and massing of the proposal;
- Potential noise emanating from operation of the proposed parking stackers;
- A request that the 4th, 5th and 6th storeys are setback 1.6 metres from Rebecca Street in line with the proposed 5 townhouse units so as to further reduce shadowing impacts on the adjacent residential area;
- Appropriate screening barriers are installed on the upper level terraces; and
- A request that the exterior design of the building be more compatible with the surrounding residential area and Ossington Avenue.

Conclusion

The applicant has appealed the Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board (OMB) on the basis that Council has not made a decision within the required time frame. A date for the OMB hearing has not yet been scheduled. City Council has authorized City Planning, the City Solicitor and the Ward Councillor to undertake negotiations with the view of achieving a settlement.

Negotiations have resulted in changes to the proposal which address the concerns raised in the report from the Director, Community Planning, Toronto and East York District dated August 17, 2011.

The proposed townhouses are acceptable in light of the changes to the setbacks/stepbacks identified in this report. The overall architecture and building mass has been appropriately transitioned (stepped down) from west to east towards the *Neighbourhood* portion of the site in accordance with the Official Plan policy for infill development. The revised proposal would provide for a townhouse development with a rear yard setback that is acceptable for the site. In addition, the applicant has submitted a site specific Official Plan amendment for 41 Ossington Avenue to address technical Official Plan policy issues mentioned in the August 17, 2011 Direction report from the Director, Community Planning, Toronto and East York District.

In view of the satisfactory settlement reached in advance of the Ontario Municipal Board hearing, this report recommends that City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend any Ontario Municipal Board Hearings in support of the Official Plan Amendment and the revised proposal and terms of settlement as described in this report.

In addition, this report recommends that City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

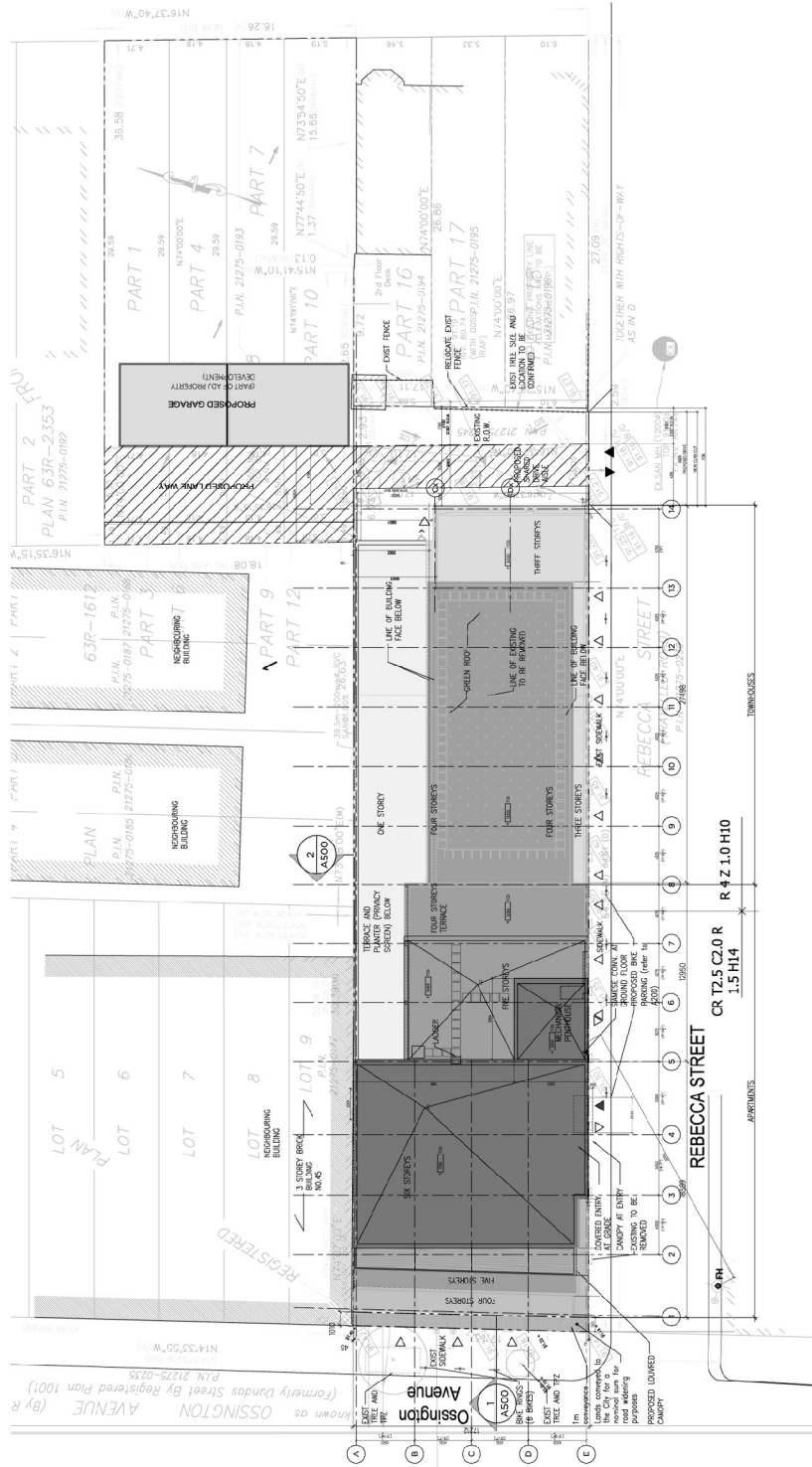
Attachment 3: West & East Elevation

Attachment 4: South Elevation

Attachment 5: Zoning Map

Attachment 6: Application Data Sheet

Attachment 1: Site Plan



41 Ossington Avenue

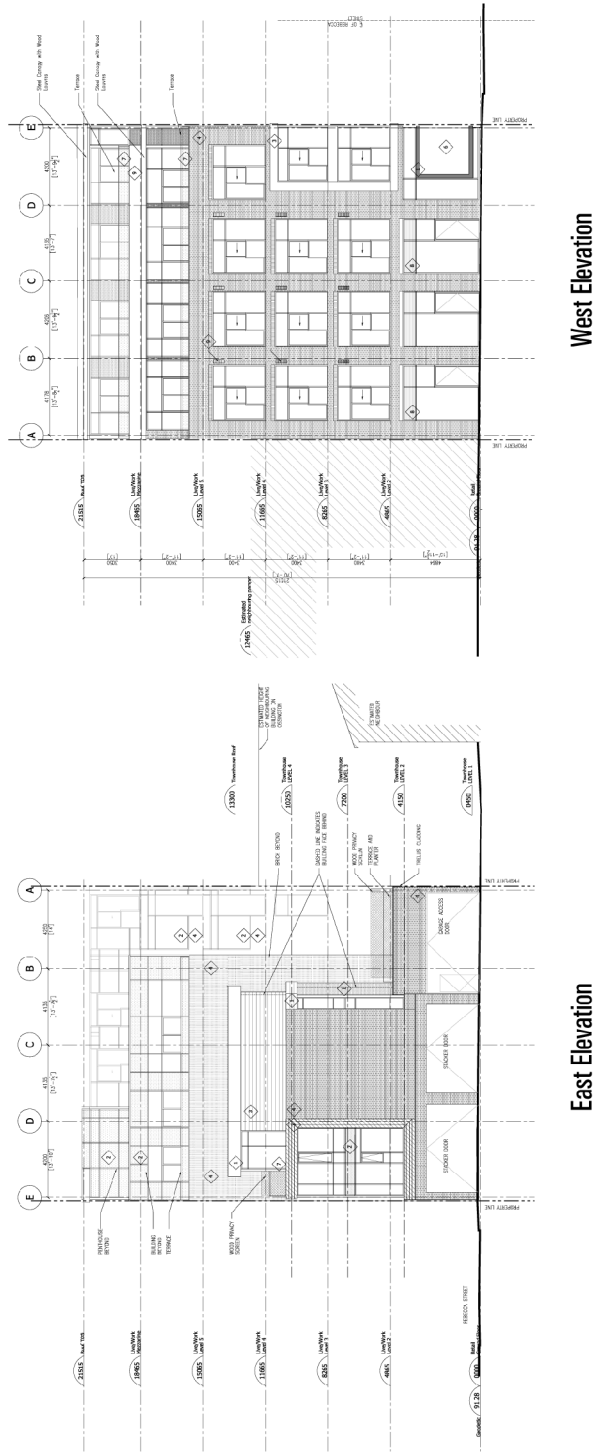
Site Plan

Applicant's Submitted Drawing

Not to Scale
10/25/2011

File # 10 266103 0Z

Attachment 3: East & West Elevation



East & West Elevations
 Applicant's Submitted Drawing
 Not to Scale
 10/25/2011

41 Ossington Avenue
 File # 10 266103 0Z

Attachment 4: South Elevation



41 Ossington Avenue

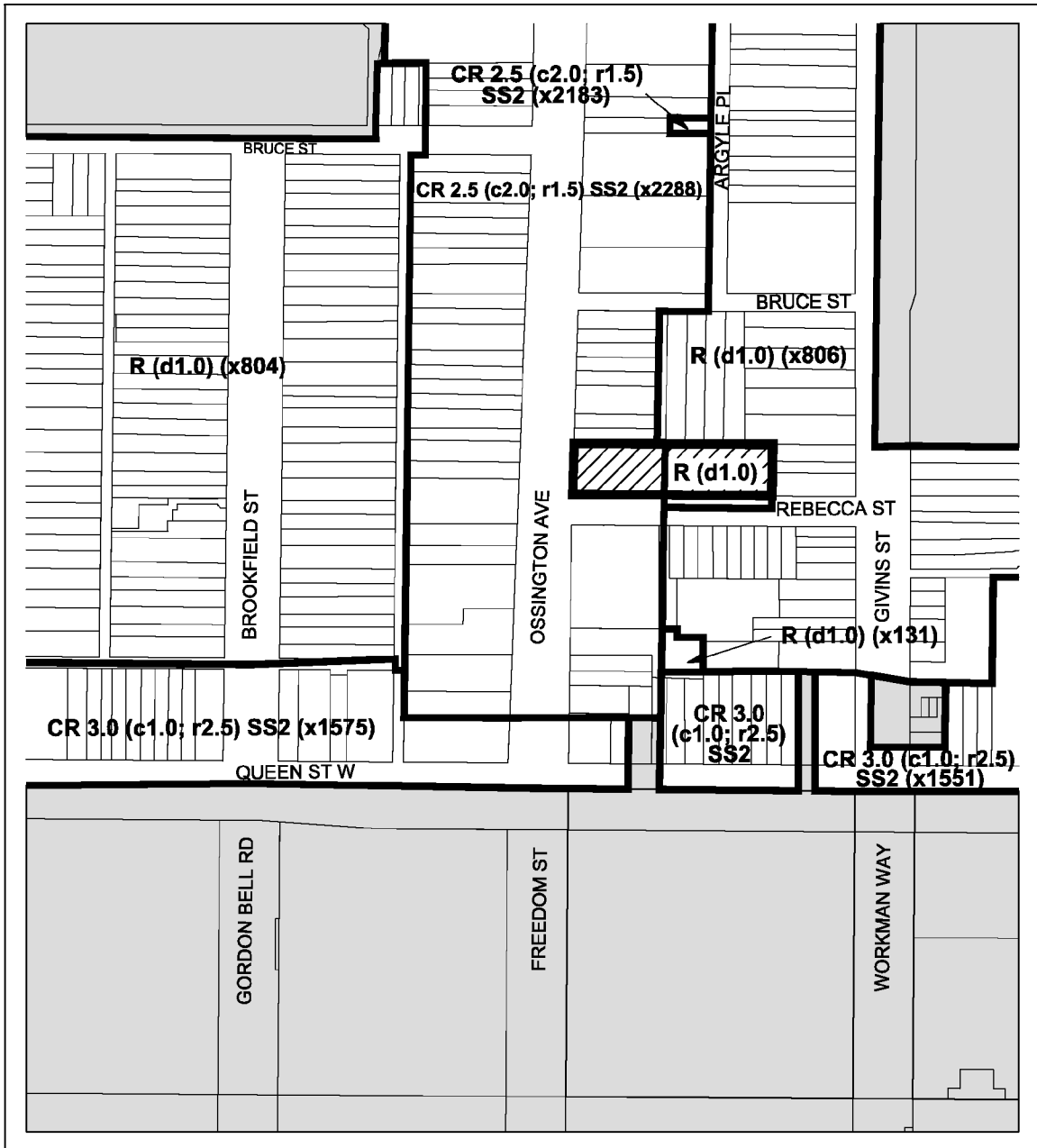
File # 10 266103 0Z

South Elevation

Applicant's Submitted Drawing

Not to Scale
10/25/2011

Attachment 5: Zoning Map



Toronto City Planning
Zoning

41 Ossington Avenue
 File # 10 266103

Not Part of By-Law 1156-2010
 R Residential
 CR Commercial Residential

City of Toronto By-Law 1156-2010
 Not to Scale
 11/17/10

Attachment 6: Application Data Sheet

Application Type Rezoning Application Number: 10 266103 STE 19 OZ
 Details Rezoning, Standard Application Date: September 27, 2010

Municipal Address: 41 Ossington Ave

Location Description: PLAN D203 PT LOT 2 **GRID S1906

Project Description: Rezoning application for mixed use building containing commercial at grade. This application proposes to redevelop the property at 41 Ossington Avenue with a 5 storey condominium, having ground floor retail, fronting Ossington Avenue and nine four-storey townhouse units fronting Rebecca Street. Please see 10 266096 STE for Site Plan Approval Application. Revisions – Revised-The unit count has increased to 28 (23 apartments suites and 5 townhouses), with 21 parking spaces, 16 spaces accommodated in 2 parking stackers located in the middle and east portion of the townhouses.

Applicant:	Agent:	Architect:	Owner:
Armstrong Hunter & Associates		Raw Design	Jolage Limited

Planning Controls

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R4 Z1.0 CR T2.5 C2.0 R1.5	Historical Status:
Height Limit (m):	14, 10	Site Plan Control Area: Y

Project Information

Site Area (sq. m):	1098	Height:	Storeys:	6
Frontage (m):	17.13		Metres:	21.5
Depth (m):	64.56			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	3103		Parking Spaces:	21
Total Non-Residential GFA (sq. m):	242.2		Loading Docks	0
Total GFA (sq. m):	3345			
Lot Coverage Ratio (%):	0			
Floor Space Index:	3.0			

Dwelling Units

Floor Area Breakdown (upon project completion)

	Condo		Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	3103	0
Bachelor:	0	Retail GFA (sq. m):	242.2	0
1 Bedroom:	15	Office GFA (sq. m):	0	0
2 Bedroom:	8	Industrial GFA (sq. m):	0	0
3 + Bedroom:	5	Institutional/Other GFA (sq. m):	0	0
Total Units:	28			

Contact: **Planner Name:** **Francis Kwashie, Planner**
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