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STAFF REPORT
Committee of Adjustment
Application

Date:	Tuesday, October 30, 2012
To:	Chair and Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Wards:	Ward 24 (Willowdale)
Reference:	File No. A610/11NY Address: 10 Ruddington Drive Application to be heard: Wednesday, November 7, 2012

RECOMMENDATION

In the event the Committee decides to approve the application, staff recommend that the approval be subject to the conditions listed below:

- a) The owner shall maintain the existing 155 rental dwelling units and associated spaces located within the existing apartment building as rental housing, as per Official Plan policy 3.2.1.5(a), for a minimum period of 20 years from the date of the agreement. None of the existing rental units or associated spaces shall be registered as condominium or any other form of ownership such as life lease or co-ownerships which provide a right to exclusive possession of a unit, and no application for conversion for non-rental housing purposes, or application to demolish the existing rental units or associated spaces can be made during such 20 year period;
- b) The owner shall make improvements to benefit the residents of the existing rental building, as per Official Plan policy 3.2.1.5(b), to the satisfaction of the Chief Planner, with respect to the replacement of the existing swing set with a new tot-lot that includes play structures, ground cover and surrounding landscaping. The design and material details will be secured via the site plan approval process and the costs of any such improvements as well as the costs of the development shall not be passed on in any form, including increases to the rents, to tenants of the existing rental building;
- c) The owner shall retain and maintain the existing pool, pool house and associated facilities, as per Official Plan policy 4.2.3(b) and the tenants of the existing rental apartment building shall continue to be provided with full

access to such facilities. The details of the existing pool and associated facilities shall be secured via the site plan approval process;

- d) Prior to the issuance of the first building permit for the development, the owner shall provide, at its expense and to the satisfaction of the Chief Planner, a construction management plan and tenant communication strategy for the development, and agrees to implement same.
- e) That the owner enter into an agreement pursuant to Section 45(9.1) of the Planning Act to secure items a) to d), above, to the satisfaction of the City Solicitor; and
- f) The property be developed substantially in accordance with the site plan drawing attached to this report.

APPLICATION

The application is to construct 29 townhouse units on an existing rental apartment site. The 29 townhouse units are in seven blocks with frontage on Bayview Avenue and Ruddington Drive. An existing access from Ruddington Drive will be used and a new access from the same street is proposed. All of the townhouse units are three stories with individual garages. The total new parking for the townhouse development is 52 spaces.

REQUESTED VARIANCES TO THE ZONING BY-LAW

- 1. To permit a minimum front yard setback from Bayview Avenue of 3m
WHEREAS a minimum setback of 7.5m is required;
- 2. To permit a minimum north side yard setback of 3m from the Ontario Hydro transmission corridor
WHEREAS a minimum setback of 6m is required;
- 3. To permit a minimum south side yard setback of 4.5m
WHEREAS a minimum setback of 6m is required;
- 4. To permit a minimum rear yard setback of 2.9m from Ruddington Drive
WHEREAS a minimum setback of 7.5m is required;
- 5. To permit a minimum building setback of 6.2m between the existing apartment building and the proposed multiple family dwellings
WHEREAS a minimum setback of one half the height of the apartment building or 17.8m is required;
- 6. To permit a minimum building setback of 1.5m between buildings in a group housing project

WHEREAS a setback equal to the average height of the two buildings is required;

7. To permit 8 parking spaces within the proposed private garages to have a minimum length of 5.1m and that the minimum parking space height of 2m be measured within this 5.1m length

WHEREAS a minimum length of 5.6m is required.

COMMENTS

The purpose of the variances is to permit the development of 29 townhouse units on a site containing an existing 13 storey apartment building with 155 rental units. The 29 townhouse units are oriented in seven blocks with frontage on Bayview Avenue and Ruddington Drive. An existing access from Ruddington Drive will be used and a new access from the same street is proposed. All of the townhouse units are three stories with individual garages. The total new parking for the townhouse development is 52 spaces.

Housing Policies in the Official Plan call for providing and maintaining a full range of housing in terms of form, tenure and affordability. Policy 5(a) of Section 3.2.1 of the Plan provides that existing rental units be secured when significant new development is introduced. Securing the existing 155 rental dwelling units for a minimum period of 20 years will satisfy Policy 5(a) of Section 3.2.1.

Policy 5(b) of Section 3.2.1 provides that any needed improvements for the existing rental housing be secured with no pass-through of such costs in the rents to tenants. Furthermore, the Apartment Neighbourhood Policies in the Official Plan permit infill development on a site containing an apartment building provided that important landscape features are preserved or replaced and an appropriate level of residential amenity is maintained on the site. In this regard a proposed tot lot and preserving the existing pool will satisfy both the Housing and Apartment Neighbourhood Policies of the Official Plan.

Recommended conditions a) to e) and the condition that the property be developed substantially in accordance with the site plan drawing will ensure compliance with the Official Plan. The construction management plan and tenant communication strategy indicated as item d) is a requirement of the Council-adopted Section 37 Implementation Guidelines and is standard practice in such rental intensification projects.

CONCLUSION

In the event that the Committee approves the application, the recommended conditions will ensure consistency with the general intent and purpose of the Official Plan.

CONTACT

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SIGNATURE

~~Allen Applyby~~ _____

Allen Allen Applyby, Director,
Community Planning, North York District

Copy: Councillor Shiner, Ward 24