M TORONTO

STAFF REPORT ACTION REQUIRED

4027 and 4031 Ellesmere Road – Zoning Amendment and Draft Plan of Subdivision Applications - Request for Direction Report

Date:	August 22, 2013
То:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	12 146406 ESC 44 OZ, 12 146414 ESC 44 SB

SUMMARY

The applicant for the proposed development of the properties at 4027 and 4031 Ellesmere Road has appealed its zoning amendment and draft plan of subdivision applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*.

This application proposes to amend the Highland Creek Community Zoning By-law No.

10827, as amended, to permit twelve (12) residential detached lots for the lands at 4027 and 4031 Ellesmere Road. This includes the westward extension and terminus of Hearth Place upon which eight (8) lots and four (4) future development blocks are proposed. Four (4) additional lots are proposed to front onto Ellesmere Road. The draft plan of subdivision application will create the lots, public road and development blocks.

The purpose of this report is to seek City Council's direction for the Ontario Municipal Board (OMB) hearing on the applications. The OMB hearing has been scheduled a four day hearing to commence on November 18, 2013.



Planning staff do not support the proposal in its current form. The development does not adequately address the issues that were previously raised in the preliminary report and through review of the application.

Staff is willing to work with the applicant and attempt to resolve the outstanding issues. Successful resolution will depend on the extent to which the applicant is willing to address these issues and revise their proposal. If the issues cannot be resolved, it is recommended that the appropriate City staff be directed to attend the OMB hearing in opposition to the subject applications.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. the City Solicitor and appropriate staff be directed to attend the Ontario Municipal Board Hearing to oppose the applications for a zoning by-law amendment and draft plan of subdivision approval in their current form;
- 2. staff be directed to continue to negotiate with the applicant in an attempt to resolve any outstanding matters including: the compatibility of the proposed development relating to proposed lot frontages and areas, appropriate building setbacks and heights; and,
- 3. in the event the applicant revises the proposal to address the issues described in Recommendation 2 (and set out in this report) to the satisfaction of the Director of Community Planning, Scarborough District, the City Solicitor be authorized to settle the appeal and attend at the Ontario Municipal Board to take such steps as required to implement the settlement.

Financial Impact

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

DECISION HISTORY

A preliminary report for the subject applications was considered by Scarborough Community Council on May 13, 2012. Recommendations from that report included that staff be directed to schedule a community consultation meeting in consultation with the Ward Councillor; that notice for the community consultation meeting be given to landowners and residents within 120 metres of the site, and that notice for the public meeting under the Planning Act be given according to the regulations under the *Planning Act* after the application has been deemed "complete". Link to the Preliminary Report: http://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-46736.pdf

On June 14, 2013 the applicant appealed the zoning by-law and draft plan of subdivision applications to the OMB on the basis that Council failed to make a decision within the

prescribed time set out in the *Planning Act*. The OMB has scheduled the hearing to commence on November 18, 2013.

The subject lands are immediately west of a recently developed infill residential subdivision by Ballymore Development (Kingston) Corp. which was registered in December 2009. That subdivision and associated rezoning created a new public road, Hearth Place, accessed from Kingston Road. Hearth Place currently terminates in a temporary turning circle; however, it was contemplated to extend westward when the development applications were reviewed. The final report for the Ballymore subdivision and associated rezoning can be found on the City's web site at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.SC16.18

ISSUE BACKGROUND

Proposal

The proposed rezoning is intended to implement the proposed draft plan of subdivision and create specific performance standards for the development of the lands at 4027 and 4031 Ellesmere Road. The draft plan of subdivision proposes the creation of four (4) lots fronting onto Ellesmere Road, a road widening conveyance along the entire Ellesmere Road frontage, the westward extension and terminus of Hearth Place and the creation of eight (8) lots with four (4) future development blocks proposed around the new road.

The four proposed lots on Ellesmere Road each have proposed frontages of approximately 11.6 metres (38 feet), and lot areas of approximately 525 square metres (5,651 square feet). The road widening proposed along Ellesmere Road frontage is 5 metres (16.4 feet) in depth.

The size of the proposed lots on Hearth Place vary from approximately 201.3 square metres (2,166 square feet) to 319.6 square metres (3,440 square feet), with frontages of approximately 9 metres (29.5 feet) measured at a point setback 6.0 metres from the street line for the lots on the north side of the new road, with the exception of Lot 9 which has a frontage of approximately 8.5 metres (27.8 feet) measured at a point setback 6.0 metres from the street line, to a maximum width of 16 metres (52.5 feet) for the lots on the south side of the new road. Due to the proposed location of the road, the proposed lots on the south side of the road have shallow depths of approximately 14 metres (46 feet) and are relatively square in shape. The four (4) blocks proposed on the west edge of the new road are intended to facilitate development of future lots if and when the landowner at 4023 Ellesmere Road decides to redevelop their lands.

In July 2012 the applicant submitted a revised plan which includes the same road and lotting configuration, but slightly revised the dimensions of several of the proposed lots from those which were discussed in the Preliminary Report. Refer to Attachment 1: Revised Draft Plan of Subdivision.

Site and Surrounding Area

The subject lands currently support two residential detached dwellings at 4027 and 4031 Ellesmere Road, and have a total area of approximately 5,437 square metres (1.3 acres) and a lot frontage of 46.7 metres (153 feet) along Ellesmere Road. These lots are relatively flat and support several mature trees.

The lands are surrounded in all directions by lots containing single-detached dwellings. The lots on the south side of Ellesmere Road are larger than those on the north side of Ellesmere Road.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Neighbourhoods* within the Official Plan on Map 22 – Land Use Plan. These areas are physically stable areas providing for a variety of lower-scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally "fit" the existing physical character.

Development policies are outlined in Policy 4.1.5 – *Neighbourhoods*. These policies state that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular: size and configuration of lots; heights, massing, scale and dwelling type of nearby residential properties; setbacks of buildings from the street or streets; and prevailing patterns of rear and side yard setbacks and landscaped open space. No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The property is also part of the Highland Creek Secondary Plan. The southern portion of the lands are subject to Numbered Policy 6 of the Secondary Plan which permits

detached, semi-detached and street townhouse dwellings, and exempts the lands from the minimum lot requirement of 450 square metres. Attachment 2: is an enlargement of Map 2-1, Urban Structure Plan, of the Secondary Plan which identifies the segment of the area subject to Policy No. 6 of the Highland Creek Secondary Plan within which the subject lands are located.

Map 2-2, Tertiary Plan, of the Secondary Plan illustrates potential residential infill development opportunities to ensure continuity of roads and to provide for a compatible lotting pattern. The tertiary plan illustrates a cul-de-sac generally located on the southern portion of the subject lands and is illustrated, in part, on Attachment 3: Tertiary Plan (enlargement).

A small portion of the subject lands appears to lie outside of the boundaries of Policy No. 6 of the Highland Creek Secondary Plan and the defined area of the potential road and lots shown on the tertiary plan. This minor adjustment results in achieving sufficient lot depths for proposed lots along the north side of the proposed road, consistent with the lot configuration established by the newly-developed subdivision immediately east of the subject lands. It is staff's opinion that an official plan amendment is not necessary in this case as the interpretation policies of the Plan allow for minor boundary adjustments without amendment to the Plan.

Zoning

The subject lands zoned are Single-Family Residential (S) in the Highland Creek Community Zoning By-law No. 10827, as amended. The Single Family Residential Zone permits one single-family dwelling per lot as shown on a Registered Plan. Permitted uses include single-family dwellings, correctional group homes and group homes. Permitted ancillary uses include domestic or household arts and private home day care. Refer to Attachment 4: Zoning – Highland Creek Community Zoning By-law.

The subject lands have been excluded from the City wide Zoning by-law No. 569-2013. Refer to Attachment 5: Zoning – City Wide Zoning By-law No. 569-2013.

Community Consultation

A community consultation meeting was held on September 12, 2012. The meeting was attended by City Planning staff, the applicant and owners, the Councillors Assistant and approximately 23 members of the public.

Issues raised at the meeting included:

- Proposed lot widths along Ellesmere Road are smaller than those which exist on the south side of Ellesmere Road which are generally greater than 15 metres (50 feet), and this was seen as undesirable. It was suggested that a maximum of three lots be proposed along Ellesmere Road.
- Lack of on-street parking on Hearth Place and speeding vehicles which causes dangerous conditions;

- Lack of playground space on Hearth Place, and a suggestion that a walkway be provided within the proposed development to connect Hearth Place with Ellesmere Road;
- Clarification was sought in regard to the applicant's proposed maximum building heights of 11 metres and 3-storeys, which exceed the minimum standards of the zoning by-law which limit heights to 10 metres and 2-storeys;
- Clarification was also sought in regard to proposed and existing zoning permissions for minimum lot frontage and side yard setback requirements, particularly for the proposed lots fronting onto Ellesmere Road.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposed development is an infill development within a built up settlement area. It also develops cost effective development standards to minimize land consumption and servicing costs.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal proposes growth within a built up area of the community through intensification, and is within a settlement area. The site offers convenient access to transit, and there is available community infrastructure.

Application Submission

The following reports/studies were submitted by the applicant:

- Planning Rationale;
- Site Servicing and Preliminary Stormwater Management Report;
- Tree Preservation Plan (including an Arborist Report);
- Phase 1 Environmental Assessment Report;
- Toronto Green Standard (TGS) Checklist; and,
- Stage 1 and 2 Archaeological Assessment.

The applications were deemed "complete" under the *Planning Act* on July 21, 2012.

Official Plan

The proposed development is within a *Neighbourhoods* designation and as such must be consistent with the policies contained in Section 4.1 of the Official Plan. Policies relating to the need for development in established *Neighbourhoods* to respect and reinforce the existing physical character as it relates to matters such as size and configuration of lots,

has not been met with respect to proposed lots 10, 11 and 12 located on the south side of the new cul de sac. These lots are smaller than and not similarly configured to other lots within the existing community, and as such are not considered acceptable in their current configuration. Similarly the four proposed lots fronting onto Ellesmere Road (lots 1 to 4) have lot frontages that are smaller than those which exist on both the north and south sides of the Ellesmere Road in this vicinity. The proposed lots are therefore not considered acceptable in their current configuration.

Issues

Plan Configuration and Compatibility

Throughout the review of this application a number of issues have been raised and identified to the applicant. The revised draft plan submitted by the applicant in July 2012 does not address these issues, and consequently the following matters remain.

Both the original draft plan and revised draft plan contain the same number and layout of lots, only minor variations in lot frontage and area for the proposed lots fronting onto the Hearth Place cul-de-sac exist between the two plans. Refer to Attachment 1: Revised Proposed Draft Plan of Subdivision. The discussion which follows refers to the revised proposed draft plan of subdivision.

The proposed lots fronting onto Ellesmere Road have sufficient lot area to meet the minimum lot size of 450 square metres (4,844 square feet) established in the Highland Creek Secondary Plan, but the proposed lot frontage of 11.69 metres (38 feet) is smaller than existing lots on Ellesmere Road in the vicinity of the subject lands. A review of lot frontages of lots on both the north and south sides of Ellesmere Road, between Meadowvale Road to the west and the junction of Ellesmere Road and Kingston Road to the east, indicates that the smallest existing lot frontages are 15.24 metres (50 feet) for lots on the south side of Ellesmere Road, and 14.5 metres (47.5 feet) for the lots on the north side of Ellesmere Road. Staff recommends that the total number of lots be reduced, and the proposed lot frontage be increased to be more compatible with existing lot frontages.

The proposed lots fronting onto the north side of the proposed Hearth Place cul-de-sac are similar both in size and frontage to the lots established in the Ballymore subdivision (Registered Plan 66M-2475), located immediately east of the subject lands. Proposed lot 9, which is the westernmost lot on the north side of the cul-de-sac is irregular in shape and the proposed layout of the plan envisages the possibility of the addition of approximately 37 square metres (398 square feet) from the adjacent lands at 4023 Ellesmere Road to increase the width of the rear portion of the pie-shaped lot. The lands at 4023 Ellesmere Road do not form part of these applications. Notwithstanding, the applicant has provided a conceptual house siting plan which illustrates that a building footprint with building setbacks as proposed as part of the rearoning application can be accommodated.

Three lots are proposed on the south side of the Hearth Place cul-de-sac. Two of the three proposed lots (Lots 10 and 11) have dimensions of approximately 16 metres (52 feet) frontage and shallow lot depth of approximately 14 metres (46 feet), the third (Lot 12) is pie-shaped, and also has a shallow depth of approximately 14 metres (46 feet) along the east side and 21.42 metres (70 feet) along the west side that follows the existing dimensions of the subject site, and contemplates the possibility of the future addition of an area of approximately 84 square metres (904 square feet) from the adjacent non-participating lot (4023 Ellesmere Road). Lot depth is established by the proposed location of the new road and turning circle. The dimension and shape of these lots are of concern to staff from both the perspective of fit within the existing community, and overlook onto the existing lands immediately south at 44 White Avenue which is a consequence of limited lot depth.

The conceptual house siting plan and streetscape plan that has been provided by the applicant illustrates dwellings that are three-storeys in height, with large south facing windows where the proposed building setback to the south property line is 1.2 metres (4 feet). In order to mitigate the impacts of the proposed dwellings to the existing dwelling at 44 White Avenue, staff have identified the need for an appropriate building setback and landscape buffer to the applicant, but this matter has not yet been satisfactorily addressed.

It is recommended that the total number of lots proposed on the south side of the cul-desac be determined on the basis of the applicant's ability to demonstrate appropriate mitigation of overlook and ensure that the proposed lots are a similar size to those approved in the Ballymore subdivision. This likely will result in one or two lots. Further, it is recommended that the maximum dwelling height not exceed the existing permissions in the zoning by-law, which are 10 metres (33 feet) and 2-storeys. A revised conceptual house siting plan and streetscape plan would assist in staff's review of these proposed lots and mitigation opportunities respecting a landscape buffer and location of principal windows and door openings.

The lands to the west of the subject lands are not part of the development applications, but potential lotting of these lands has been demonstrated by the applicant. Further demonstration of potential building footprints with 7.5 metre (25 foot) rear yard building setbacks has been requested to ensure that future development will be able to be setback sufficiently from the existing single detached dwelling at 38 White Avenue. If such a setback cannot be satisfactorily demonstrated, the location of the road may need to be shifted eastward to enable an overall increase in future lot depth.

Height and massing of proposed dwellings

The subject lands are located within an established residential neighbourhood comprised primarily of one or two-storey single detached dwellings. The exceptions to this pattern of development are a block of three-storeys street townhouses which front onto Kingston Road, on the south side of Smithy Lane which runs westward from Hearth Place, the dwellings constructed within the Stagecoach Circle plan of subdivision on the south side of Kingston Road east of Meadowvale Road. This project is comprised primarily of townhouses, and contain 5 detached dwellings all of which are three-storeys in height, and the three townhouse units in the vicinity of 6490 Kingston Road, just east of Hearth Place on the north side of Kingston Road, which are also three-storeys in height.

The application proposes an increase in the maximum building height permissions to 11 metres and three-storeys, whereas a maximum of 10 metres (33 feet) and two-storeys is permitted. While this modification is part of the applicants requested amendment, it is not included in the draft proposed amending draft zoning by-law prepared by the applicant and submitted to the Ontario Municipal Board. This is also inconsistent with the proposed elevations submitted by the applicant, which illustrate dwellings with heights of approximately 11.8 metres (38.7 feet) and three-storeys. Planning staff has sought clarification of this matter from the applicant.

Staff are, however, not supportive of a change to the maximum permitted height, and recommend that the maximum height permissions as currently set out in the zoning by-law not be amended.

Requested amendments to the Zoning By-law

The application to amend the zoning by-law seeks no changes to the existing zoning permissions for the lots fronting onto Ellesmere Road.

The following performance standards and related proposed changes from the existing zoning are requested for the proposed lots on Hearth Place:

Performance Standard	Existing Zoning	Proposed Zoning		
Lot frontage and Area	One single-family dwelling per lot as shown on the	No change		
	Registered Plan			
Minimum building setback	6 metres	3 metres, except attached		
from streets		garages which require 6 metres		
Minimum ground floor area	97 m ² for one-storey	Delete requirement		
for dwellings	dwellings and 60 m^2 for more than one-storey. Split			
	level dwellings: 97 m^2			
Minimum side yard	900 mm	North side of Hearth Place:		
building setback		1.2 metres on one side and		
		0.6 metres on the other.		
		South side of Hearth Place:		
		7.5 m on one side and 0.6 m		
		on the other		
Maximum Lot Coverage	40%	50%		
Minimum Rear Yard	7.5 m	North side of Hearth Place:		

Setback		7.0 m South side of Hearth Place:	
		1.2 m	
Maximum Floor Area per dwelling	For lot sizes less than 408 m^2 : Maximum 0.6 x lot area to a maximum floor area of 204 m^2	Exempt lands from this requirement	
	For lot sizes 408 m^2 to 697 m^2 : Maximum 0.5 x lot area to a maximum floor area of 279 m ²		
Maximum permitted height	10 metres and 2 storeys	11 metres and 3 storeys (clarification sought)	
Definition of "Street"	shall mean a Highway as defined by "The Municipal Act", R.S.O. 1960, Chapter 249, and having a minimum width of 20 m	To expand the definition to include a minimum width of 16.5 m	

The applicant also proposes to implement a performance standard requiring that an attached garage with minimum inside dimensions of 3 metres by 6 metres be erected with each unit.

The proposed deletion of the maximum floor area per dwelling requirement is not supported by staff. In the case of the adjoining development on Hearth Place, specific relief was obtained from this requirement of the zoning by-law through minor variances. In these cases, individual limitations on maximum floor area were established, ranging from 204 square metres (2,195 square feet) to 279 square metres (3,000 square feet). It is recommended that similar maximums be established for the subject lands.

Draft Plan of Subdivision Approval

In the event that the OMB approves the applications, Planning staff will request standard draft plan of subdivision conditions be included that address the technical requirements of the development including among other matters, an increase in the proposed road widening along Ellesmere Road to 5.18 metres (17 feet), a consolidation of the four future development blocks on the west side of the cul-de-sac into one block, the construction of the street and services, lifting the 0.3 metre (1 foot) reserve at the current terminus of Hearth Place, tree protection and planting, and grading.

Conclusion

The proposed draft plan of subdivision and zoning by-law amendment are not acceptable to staff in their current form, consequently it is recommended that staff be directed to attend the Ontario Municipal Board hearing in opposition to the current proposal. It is also recommended that staff be directed to continue to negotiate with the applicant in an attempt to resolve the outstanding issues.

Review of the subdivision criteria of Section 51 of the *Planning Act* will be done through consideration of revisions to the draft plan, should they be provided by the applicant.

In the event that the applicant revises the proposal to address the issues described in the recommendations, staff be authorized to settle the appeal and attend the Ontario Municipal Board to take such steps as required to implement the settlement.

CONTACT

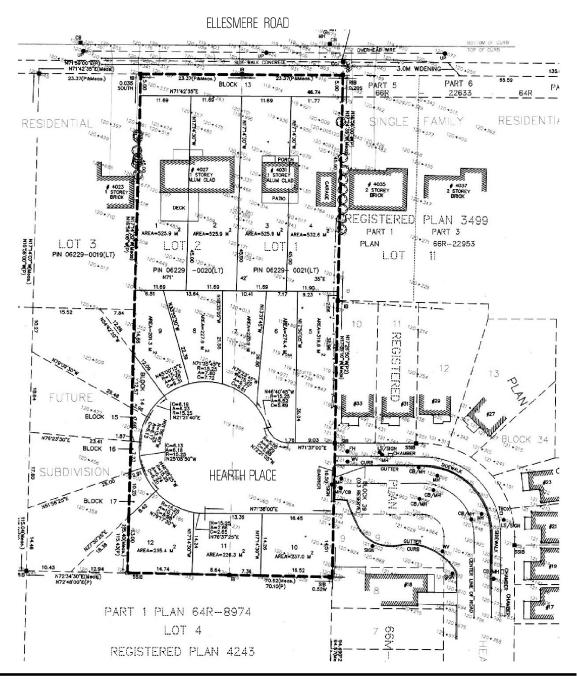
Andrea Reaney, Senior Planner Tel. No. (416) 396-7023 Fax No. (416) 396-4265 E-mail: areaney@toronto.ca

SIGNATURE

Raymond David, Director Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Revised Draft Plan of Subdivision Attachment 2: Highland Creek Secondary Plan – Numbered Policy 6 Attachment 3: Tertiary Plan (enlargement) Attachment 4: Zoning – Highland Creek Community Zoning By-law Attachment 5: Zoning – City Wide Zoning By-law No. 569-2013 Attachment 6: Application Data Sheet



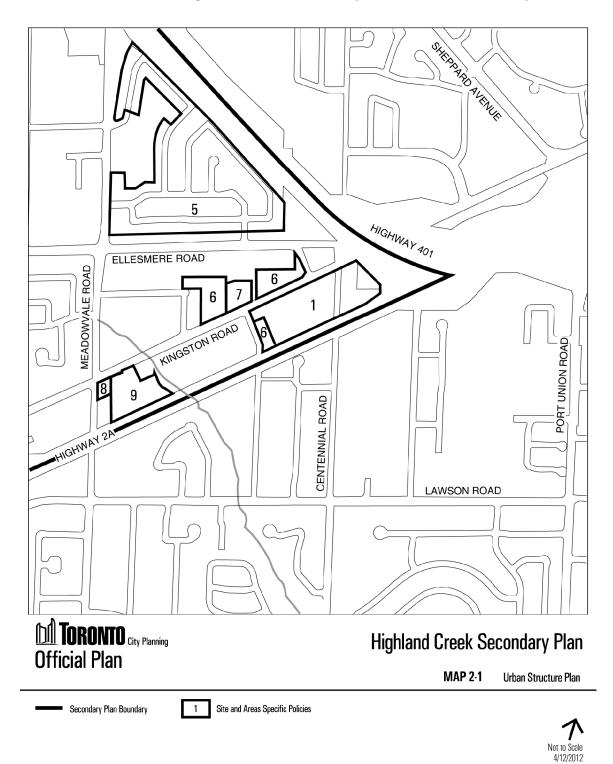
Attachment 1: Revised Draft Plan of Subdivision

Subdivision Plan

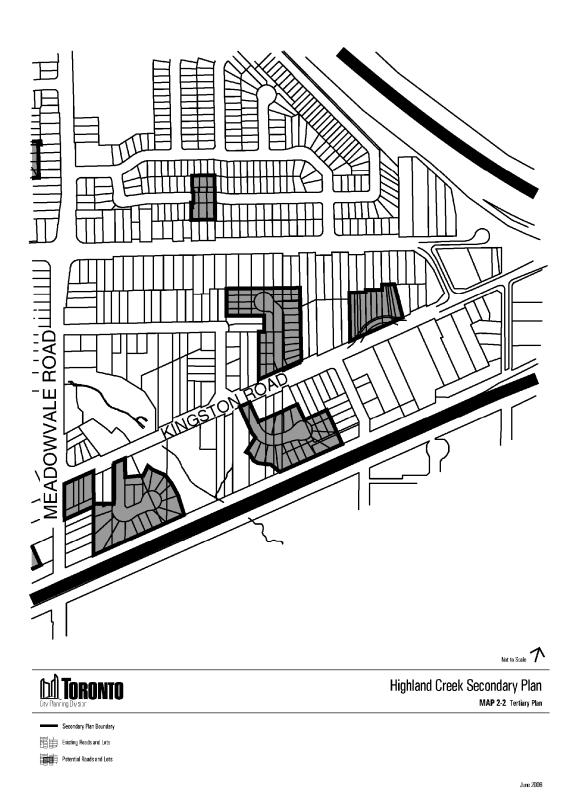
4027 and 4031 Ellesmere Road

Applicant's Submitted Drawing Not to Scale 8/22/13

File # 12 146406 ESC 44 OZ and 12 146414 ESC 44 SB



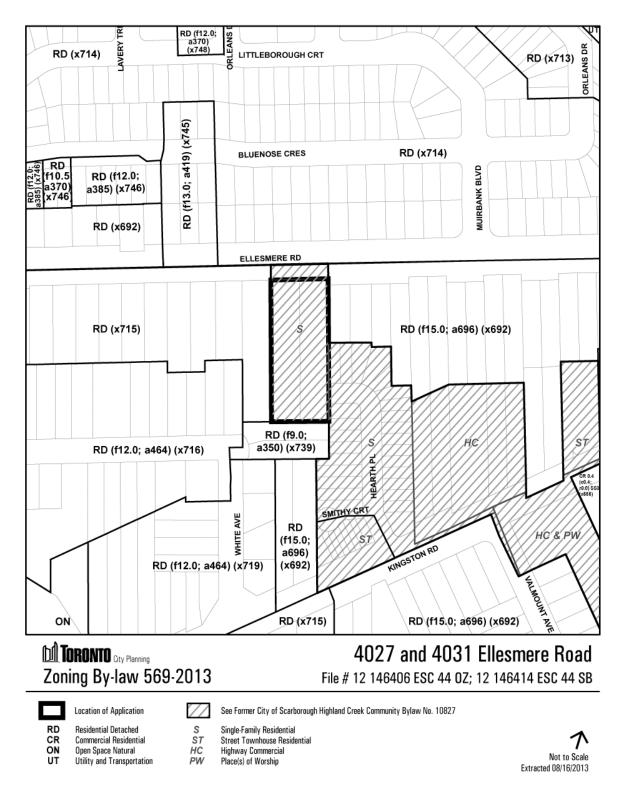
Attachment 2: Highland Creek Secondary Plan – Numbered Policy 6



Attachment 3: Tertiary Plan (enlargement)



Attachment 4: Zoning – Highland Creek Community Zoning By-law



Attachment 5: Zoning – City wide Zoning By-law No 569-2013

Application Type	Rezoning	Rezoning, Subdivision		Application Number:		12 146406 ESC 44 OZ 12 146414 ESC 44 SB March 30, 2012		
Details		Rezoning, Standard Subdivision		Application Date:				
Municipal Address:	4027 - 40	4027 - 4031 ELLESMERE RD						
Location Description:	PLAN 42	PLAN 4243 LOTS 1 and 2 **GRID E4404						
Project Description:		Zoning by-law amendment application to enable the development of a proposed 12-lot residential subdivision and related draft plan of subdivision application for 12 lots, new road and 4 development blocks.						
Applicant:	Agent:		Architect:		Owner:			
RANDAL DICKIE					INNOV8V	RIORS 2009 INC.; E RENOVATIONS OUTSARIS		
PLANNING CONTR	ROLS							
Official Plan Designat	ion: Neighbo	urhoods	Site Specific Provision:		Y			
Zoning:	Single Fa	amily Residential (S) Zone	Historical	Status:				
Height Limit (m):	Height Limit (m): 10		Site Plan Control Area:		Ν			
PROJECT INFORM	IATION							
Site Area (sq. m):		5437.7	Height:	Storeys:	3			
Frontage (m):		46.7		Metres:	11			
Depth (m):		115.4						
Total Ground Floor A	rea (sq. m):	0			Tota	1		
Total Residential GFA	(sq. m):	1783.6		Parking Spaces:	12			
Total Non-Residential GFA (sq. m):		0		Loading Docks	0			
Total GFA (sq. m):		0						
Lot Coverage Ratio (%	6):	50						
Floor Space Index:		0						
DWELLING UNITS		FLOOR AREA	A BREAKD	OWN (upon projec	t completion))		
Tenure Type:	Freehold			Abov	e Grade	Below Grade		
Rooms:	0	Residential GFA	(sq. m):	0		0		
Bachelor:	0	Retail GFA (sq.	m):	0		0		
1 Bedroom:	0	Office GFA (sq.	m):	0		0		
2 Bedroom:	0	Industrial GFA (sq. m):	0		0		
3 + Bedroom:	0	Institutional/Oth	er GFA (sq.	m): 0		0		
Total Units:	12							
CONTACT:	PLANNER NAME:	Andrea Reaney,	Senior Plan	ner				
	TELEPHONE:	(416) 396-7023						

Attachment 6: Application Data Sheet