



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**Hillside Drive, south of Gamble Avenue –  
Green Street Project and Permanent Closure to  
Vehicular Traffic of Portion of East Limit of Hillside Drive**

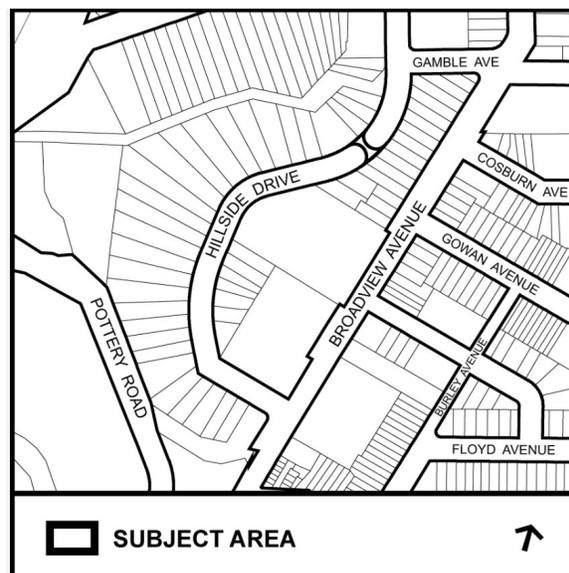
<b>Date:</b>	July 24, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Deputy City Manager, Cluster B
<b>Reason for Confidential Information:</b>	This report contains advice or communications that pertain to litigation or potential litigation that affects the City.
<b>Wards:</b>	Ward 29 – Toronto - Danforth
<b>Reference Number:</b>	P:\2014\Cluster B\DCM\TE14004.doc

**SUMMARY**

At its meeting on May 6, 7 and 8, 2014, City Council directed City Planning and Transportation Services to report back to Toronto and East York Community Council regarding streetscape matters on Hillside Drive, south of Gamble Avenue.

In particular, staff were directed to initiate the process to permanently close to vehicular traffic on a portion of the east limit of Hillside Drive and to review potential green streetscape opportunities for the northern portion of Hillside Drive. The latter is referred to as the Hillside Drive - Green Street Project.

Staff were also asked to review the process that was followed in granting approval of the access permit for 1150 Broadview



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Avenue and the implications of revoking the access permit.

This report provides details regarding the proposed by-law for the permanent closure of the east limit of Hillside Drive; potential opportunities to enhance the green streetscape character in the subject area; and the review process that was followed in granting approval of the access permit for rear of 1150 Broadview Avenue. The implications of revoking vehicular access to the rear of 1150 Broadview Avenue are outlined in the Confidential Attachment (Attachment No. 9).

## **RECOMMENDATIONS**

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### **The City Planning and Transportation Services Divisions recommend that:**

1. City Council permanently close to vehicular traffic the 0.3 metre wide strips of land on the east side of Hillside Drive, designated as Parts 1, 2, 3 and 5 on Plan 66R-27544, and shown as Parts 1 and 2 on Sketch No. PS-2014-005 and Parts 1 and 2 on Sketch No. PS-2014-006 (collectively the "Highway"), (refer to Attachment Nos: 1-3 of the report dated July 24, 2014, from the Deputy City Manager, Cluster B).
2. City Council enact a by-law substantially in the form of the draft by-law attached as Attachment No. 4 to the report dated July 24, 2014, from the Deputy City Manager, Cluster B.
3. City Council direct the General Manager, Transportation Services to initiate the process to close to vehicular traffic a 0.3 metre wide strip of land shown as Part 4 on Plan 66R-27544 attached as Attachment No. 1 to the report dated July 24, 2014, from the Deputy City Manager, Cluster B and report back to Toronto and East York Community Council.
4. City Council direct City Planning; Transportation Services; Toronto Water; and Parks, Forestry and Recreation staff, in consultation with the Toronto and Region Conservation Authority; the ward Councillor; and area residents to address matters regarding the Hillside Drive - Green Street Project through the development of several green streetscape options and a review of the implementation requirements for each option as set out in Attachment No. 7 to the report dated July 24, 2014, from the Deputy City Manager, Cluster B.
5. City Council direct City Planning staff to hold a community consultation meeting with area residents to determine a preferred green streetscape option.
6. City Council direct City Planning and Transportation Services staff to provide notice of the Toronto and East York Community Council meeting to the residents of 58, 60, 62, 64, 65/65A and 66 Hillside Drive in the event that some of the

existing on-street parking on the east side of Hillside Drive is proposed to be eliminated in conjunction with the Green Street Project.

7. City Council direct City Planning staff to report back to Toronto and East York Community in 2015 regarding the preferred green streetscape option for Hillside Drive.
8. City Council direct that the Confidential Information attached as Attachment No. 9 to the report dated July 24, 2014, from the Deputy City Manager, Cluster B shall remain confidential, as it contains advice that pertains to litigation or potential litigation that affects the City.

### **Financial Impact**

The recommendations in this report have no financial impact. The financial implication of any revisions to the streetscape of Hillside Drive will be reported in 2015 in conjunction with any proposed green streetscape plan.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

At its meeting on November 13, 14, 15, and 18, 2013, City Council directed staff to report back to Toronto and East York Community Council on access and right-of-way issues and mechanisms to restrict further access to Hillside Drive for properties fronting onto Broadview Avenue, between Pottery Road and Gamble Avenue, who already have driveway access from Broadview Avenue. City Council also directed that no further access permits from Hillside Drive be granted until City Council considers the report from staff. A copy of the decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM41.30>

At its meeting on April 8, 2014, Toronto and East York Community Council heard deputations from Hillside Drive area residents regarding various matters. A summary of the concerns expressed by the residents is included in Attachment No. 5.

At its meeting on May 6, 7 and 8, 2014, City Council adopted Item TE31.69, which included a report from the Deputy City Manager, Cluster B regarding the green streetscape character on Hillside Drive, south of Gamble Avenue. A copy of the report is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE31.69>

## **ISSUE BACKGROUND**

An application to permit an access driveway at the rear of 1150 Broadview Avenue (via Hillside Drive) was submitted to Transportation Services staff in November 2012. Upon review of the application, an access permit was granted for the driveway. Area residents expressed concerns regarding the impact of the curb cut and driveway in the context of the green streetscape character of Hillside Drive.

A second application to permit a rear access driveway was subsequently submitted by the owners of the adjacent property to the south at 1148 Broadview Avenue. This property is located immediately east of the greenspace between the north and south cul-de-sacs on Hillside Drive.

## **Subject Area and Surrounding Area**

The subject area is located on Hillside Drive, west of Broadview Avenue and south of Gamble Avenue.

Hillside Drive is a two-lane local residential street. However, the roadway is discontinuous between 56 and 58 Hillside Drive, which results in two small back-to-back cul-de-sacs at significantly different elevations. Between the cul-de-sacs is a small green space that consists of a grassed area with some vegetation and a set of steps (8 risers).

The west side of Hillside Drive consists of low-rise residential dwellings that back onto the Don Valley. These lots gain vehicular access via Hillside Drive.

The east side of Hillside Drive between Gamble Avenue and 59 Hillside Drive consists of 10 low-rise residential dwellings with deep lots that extend between Broadview Avenue and Hillside Drive (known as 'through lots'). With the exception of 1150 Broadview Avenue, the remainder of the lots gain vehicular access via Broadview Avenue and their Hillside frontage consists of landscaped rear yards. These lots do not have vehicular access via Hillside Drive. A centre median consisting of rectangular concrete planter boxes separates the northbound and southbound traffic lanes in this area.

The east side of Hillside Drive between Gamble Avenue and 1152 Broadview Avenue consists of a 24-hour on-street permit parking area with 24 perpendicular spaces. Eight parking permits have been issued to residents of 58, 60, 62, 64, 65/65A, and 66 Hillside Drive.

North of Gamble Avenue on Hillside Drive there are two four-storey apartment buildings at 65/65A Hillside Drive and 68 Hillside Drive along with low-rise residential uses on adjoining streets.

## Issuance of Building Permits

The issuance of a Building Permit by the Chief Building Official is statutorily required when there is compliance with the Building Code Act (BCA) specifically Section 8(2) Issuance of Permits which states the following:

*The chief building official shall issue a permit referred to in subsection 8(1) unless (emphasis added):*

- (a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;*
- (b) the applicant is a builder or vendor as defined in the Ontario New Home Warranties Plan Act and is not registered under that Act;*
- (c) a person who prepared drawings, plans, specifications or other documents or gave an opinion concerning the compliance of the proposed building or construction with the building code does not have the applicable qualifications, if any, set out in the building code or does not have the insurance, if any, required by the building code;*
- (d) the plans review certificate, if any, required for the application does not contain the prescribed information;*
- (e) the application for the permit is not complete; or*
- (f) any fees due have not been paid. 2002, c. 9, s. 14 (2).*

Accordingly once a building permit application is in compliance the above, the building code and applicable law as defined in Division A Part 1 Sentence 1.4.1.3 of the Ontario Building Code; which includes zoning by-laws pursuant to Section 34 of the Planning Act as an example, and the fees are paid, the building permit must be issued. The Chief Building Official has no discretion with respect to that decision once there is compliance with Section 8(2) of the Building Code Act.

A replacement dwelling or major renovation such as this project is specifically exempted from Site Plan Approval pursuant to Article V of the City of Toronto Municipal Code. Specifically Sentence 415-45 A (1) exempts a new detached dwelling from site plan approval and Sentence 415-45 B (1) exempts additions to existing detached dwelling. Further the proposed construction complied with the applicable Zoning By-law; that being the zoning by-law of the former Borough of East York, as such there was no requirement for the approval of variances by Committee of Adjustment for this project. Thus, the proposal did not require any planning review or approvals under the *Planning Act*.

## **Official Plan**

The Hillside Drive area is designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered 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 four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities are also provided for in *Neighbourhoods*.

The west side of Hillside Drive, south of Gamble Avenue is located within the *Natural Heritage System* on Map 9 - Natural Heritage of the Official Plan. Any proposed development on lands in/near the *Natural Heritage System* must include measures to restore, enhance, extend, and mitigate negative impacts on the *Natural Heritage System*.

## **Zoning**

The area is zoned RD (f12.0; a370; d0.6) under City-wide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board. Residential detached dwelling are permitted to a maximum density of 0.6 times the area of the lot and a maximum building height of 8.5 metres.

The area is zoned R1B under Zoning By-law 6752 of the former Borough of East York. The zoning permissions are consistent with those found in Zoning By-law 569-2013.

## **Ravine Control**

The west side of Hillside Drive, south of Gamble Avenue is protected under the City of Toronto Municipal Code, Chapter 658 – Ravine Protection. The purpose of the by-law is to promote the management, protection and conservation of ravines and associated natural and woodland areas and to prohibit and regulate the injury and destruction of trees, filling and dumping in areas defined in Schedule A of the by-law. A permit is required to conduct any of the above activities on the ravine protected areas.

## **Toronto and Region Conservation Authority**

The west side of Hillside Drive, south of Gamble Avenue is located within the Toronto and Region Conservation Authority (TRCA) regulated area. Under the Conservation Authorities Act, the TRCA has the power to regulate development in certain designated areas. The areas under the TRCA's control are identified in Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) established under the authority of the Act.

## **Community Consultation**

A Community Consultation Meeting was held on July 17, 2014, to discuss the proposed by-law for the permanent closure to vehicular traffic on the east limit of Hillside Drive, and potential green streetscape opportunities for the northern portion of Hillside Drive. City Planning, Transportation Services, Toronto Water and Building staff, the local Councillor, and approximately 35 area residents attended. A detailed summary of the

feedback received from area residents both during the meeting and prior to the meeting is included in Attachment No. 6. The concerns expressed by the attendees related to the following matters:

- the impact of the driveway access at the rear 1150 Broadview Avenue on the character of the street and the potential that it will set a precedent for other properties owners to make similar requests;
- the fairness of one property gaining access to Hillside Drive while the remaining properties have always adhered to the existing Broadview Avenue access only;
- the application review process for the driveway at the rear of 1150 Broadview Avenue;
- the compliance of the two-car garage at the rear of 1150 Broadview Avenue with regard to the Municipal and Building Codes and the Zoning By-law;
- the timing of the encroachment agreement for the retaining wall at the rear of 1150 Broadview Avenue;
- the use of the two-car garage at the rear of 1150 Broadview Avenue for habitable space or commercial uses;
- the grade alterations at the rear of 1150 Broadview Avenue;
- poor communication from City staff; and
- snow clearance/storage issues.

## **COMMENTS**

At its meeting on May 6, 7, and 8, 2014, City Council adopted six recommendations and directed staff to report back to Toronto and East York Community Council on the following:

- initiating the process to permanently close to vehicular traffic a 0.3 metre strip of land along the east limit of Hillside Drive, between approximately 15 Hillside Drive and Gamble Avenue (refer to Attachment Nos. 2 and 3);
- provide notice to the properties fronting onto Broadview Avenue between Pottery Road and Gamble Avenue regarding the proposed closure and consult with area residents;
- potential green streetscape opportunities on Hillside Drive, south of Gamble Avenue;
- an assessment of the overland flow and storm drainage in the area;
- opportunities to increase stormwater infiltration; and
- the process that was followed in granting approval of the access permit for 1150 Broadview Avenue and the implications of revoking the permit.

### **Process to Close Highway to Vehicular Traffic – East Limit of Hillside Drive**

Transportation Services staff were directed to initiate the process to close the Highway in order to prevent access permits to or from Hillside Drive from being issued in order to maintain the existing greenspace streetscape on Hillside Drive. In accordance with City Council's direction, notice regarding the proposed closure was sent to all properties fronting onto Broadview Avenue between Pottery Road and Gamble Avenue. In addition, notice was also sent to all properties fronting onto Hillside Drive between 1 and 68 Hillside Drive and notice is being posted on the notices page of the City's website in accordance with the requirements of Municipal Code Chapter 162, Notice, Public.

The proposed permanent closure to vehicular traffic would apply to 0.3 metre wide strips of land on the east side of Hillside Drive, designated as Parts 1, 2, 3 and 5 on Plan 66R-27544. These 0.3 metre strips abut the properties of 1132 Broadview Avenue; 1144-1148 Broadview Avenue; and 1152-1166 Broadview Avenue.

Part 4 on Plan 66R-27544 is a narrow area previously considered to be an existing access, which was later confirmed as non-existing on the Hillside Drive frontage of the large Salvation Army Broadview Village property at 1132 Broadview Avenue. As City Council's direction in May 2014 did not identify this Part to be closed, further notice and a report back to Toronto and East York Community Council will be required to close Part 4 on Plan 66R-27544 (refer to Attachment No. 1).

At the community consultation meeting on July 17, 2014, details regarding the proposed closure of Parts 1, 2, 3 and 5 were presented to area residents, who had an opportunity to provide feedback. Residents and any other members of the public will also have an opportunity to speak to the matter at Toronto and East York Community Council on August 12, 2014. A summary of the residents' feedback received to date is available in Attachment No. 6.

The Highway (i.e. portion of east limit of Hillside Drive) can be closed as it will remain under Transportation Services' jurisdiction and will not interfere with any existing driveways. Transportation Services staff recommend the closure of the Highway, which requires approval from City Council. The draft By-law is included in Attachment No. 4.

The closure would result in vehicles being restricted from accessing the rear of the 'through lots' identified in Attachment No.1 via Hillside Drive. The closure would not prohibit pedestrian access. In the event that temporary vehicular access to the rear of these properties was required (e.g. for construction purposes), residents would be able to apply to Transportation Services for a temporary access permit.

Should City Council decide to extend the boundaries of the proposed closure from what is shown in Attachment No. 1, it must direct the General Manager, Transportation Services to initiate the process of closing that additional 0.3 metre strip, post notice of the proposed by-law on the notices page of the City's website, and report back to Toronto and East York Community Council. In this case, since notice of the currently proposed

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closure was sent to all properties fronting onto Broadview Avenue between Pottery Road and Gamble Avenue, it would be appropriate (although not required) to notify those residents of any revisions to the proposed closure and give them an opportunity to provide feedback. There is no requirement for an additional community consultation meeting.

The requirement for the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice on the notice page of the City's website for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Highway will be considered.

### **Potential Green Streetscape Opportunities – Green Street Project**

City Planning staff have reviewed the applicable planning policies, conducted site visits, and gathered preliminary feedback from area residents at the community consultation meeting on July 17, 2014 regarding the Hillside Drive – Green Street Project. A detailed summary of the feedback is available in Attachment No. 6. Among other matters, residents were asked to provide ideas on how the green character of Hillside Drive could be enhanced. Their responses resulted in the following themes:

- Improve pedestrian access through the greenspace/transition in grade between the cul-de-sacs (alternative stairway and/or ramp solutions);
- Reduce amount of paving in the right-of-way on Hillside Drive, south of Gamble Avenue (eliminate some of the on-street parking oversupply; explore alternatives to the centre median/planters);
- Reinforce Hillside Drive as a 'place' (create a connection to Charles Sauriol Parkette and Gamble Avenue; explore the concept of the Charles Sauriol Walk through Hillside Drive); and
- Improve landscaping along Gamble Avenue, including the greenspace at the southwest corner of Gamble and Broadview Avenues.

### **Charles Sauriol Parkette**

Charles Sauriol Parkette is located at the southwest corner of Hillside Drive and Broadview Avenue. The parkette was named in honour of Charles Sauriol, who was a local conservationist and owned property adjacent to the Don Valley. The parkette is scheduled to undergo site improvements beginning in Fall 2014. The Hillside Drive – Green Street Project could be coordinated to connect with and reflect the improvements to the parkette.

### **Overland Flow and Storm Drainage on Hillside Drive**

Toronto Water staff reviewed the City's mapping contours and conducted a site visit of Hillside Drive. Staff concluded that the planter median on the northern portion of Hillside Drive is the divide between the east and west drainage areas. Both areas drain into catchbasins within their respective areas.

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Water draining off 1150 Broadview Avenue appears to drain into the east side of the planter median. The east area drains to a catchbasin at the north end of the parking spaces and a catchbasin in the low point at the intersection of Gamble Avenue and Hillside Drive. This low point at the intersection is where overland flows for the surrounding areas converge. There was evidence of some ponding at the low point, which did not appear to be excessive with regard to area or depth.

In the west drainage area there is an outlet for major storm run-off through the ravine. There is a curb in front of the ravine that may have been designed to allow the water to pond first before topping the curb and into the ravine. This drainage area is relatively small and ponding should only occur after a major storm and for a short time.

Toronto Water staff will provide recommendations regarding stormwater infiltration possibilities after the necessary investigations have been completed.

### **Driveway Access Approval Process for 1150 Broadview Avenue**

When the application was received for the curb cut for the installation of a two-car garage facing onto Hillside Drive from the subject address, Transportation Services staff considered the technical feasibility or appropriateness of the request by referencing Article VII "Constructing Walkways and Driveways" of Municipal Code Chapter 743, "Streets and Sidewalks, Use Of" (refer to Attachment No. 7). Article VII generally outlines the conditions and technical requirements that must be met when an application is made to construct a driveway or walkway with the City road allowance. The application complied with the Municipal Code requirements.

An example of some of the considerations outlined in this part of the Municipal Code, which staff applied to the subject application, include confirmation that the access is for an approved vehicle parking area. The applicant was required to submit approved building plans indicating a vehicle parking area. Toronto Building staff confirmed that a Building Permit had been issued to the applicant on December 18, 2012, revised on January 3, 2013, for a detached single-family dwelling and a new two-car garage facing Hillside Drive.

Once staff received confirmation that the curb cut was required to access an approved vehicle parking area, the application was then circulated to staff from other sections of Transportation Services; Engineering and Construction Services; Building; Survey and Mapping; and Parks, Forestry and Recreation for review to ensure that the access did not interfere with or contravene any City policies respecting management of the City right-of-way or operational requirements, including: On\Off Street Parking; Zoning; Traffic; and Urban Forestry. The circulation process did not reveal any concerns from other City divisions.

Transportation Services staff also considered how the proposed access driveway might function from an access management perspective. In this case, the subject driveway location was consistent with the City's access management guidelines, in that the new

access is provided from a lower order road with lower volumes and operating speeds compared to an arterial roadway, with higher volumes and higher operating speeds.

Other aspects that were taken into consideration by staff for the subject application included: the driveway geometry; potential sightline constraints; potential impact on trees, and roadway operations. None of these aspects were considered problematic and Transportation Services staff determined that there was no reason to deny the request for a curb cut onto Hillside Drive from the rear yard of the property at 1150 Broadview Avenue.

A construction permit was issued for the curb cut for the installation of a two-car garage on November 26, 2013, with an effective time period from November 26, 2013 at 12:01 a.m. to April 1, 2014 at 11:59 pm. The applicant made the necessary payments and supplied the requisite insurance. In accordance with City procedures, the City's contractor installed the curb cut. The work has been completed and the construction permit for the curb cut for driveway access has expired. As such, there is no construction permit for driveway access to revoke.

Irrespective of the driveway having already been constructed, there are two options for staff to consider closing this existing driveway. Firstly, if the driveway was not built as proposed, was illegal or posed a safety problem after it has been constructed. In this case, none of these conditions would apply to the subject driveway. Secondly, City Council could decide to extend the proposed Highway closure to include the rear of 1150 Broadview Avenue and re-instate the curbing. The implications of the latter are outlined in the Confidential Attachment (refer to Attachment No.9), prepared by Legal Services staff.

Transportation Services staff make every effort to apply due diligence and reasonable timeliness when processing all permit requests. It is not City practice to consult area residents/the public on driveway access approvals. However, if concerns materialize through the course of the application process, staff may elect to take pause to consider potential un-intended impacts to area residents or neighbourhood streetscape.

### **Next Steps/Future Work for Hillside Drive – Green Street Project**

The following matters will require further work from City Planning; Transportation Services; Toronto Water; and Parks, Forestry and Recreation staff, as well as consultation with the TRCA:

- the development of several green streetscape options and a review of the implementation requirements for each option;
- evaluation of pedestrian connections and accessibility options between the north and south parts of Hillside Drive;

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- evaluation of alternatives to reduce the number of on-street parking spaces and the amount of surface paving that requires snow removal on the northern portion of Hillside Drive;
- in the event that some of the on-street parking on the east side of Hillside Drive is proposed to be eliminated in conjunction with the Green Street Project, provide public notice to the residents of 58, 60, 62, 64, 65, 65A and 66 Hillside Drive regarding the Toronto and East York Community Council meeting to consider the proposed reduction in parking spaces;
- evaluation of bioswale options for the east and west sides of Hillside Drive, south of Gamble Avenue that could collect and filter surface stormwater runoff, reducing the amount of stormwater that would otherwise directly enter into the storm system (adding green space/removing pavement will also reduce the amount of snow removal required);
- review history of the installation and maintenance of the planters/median on Hillside Drive south of Gamble Avenue, and the implications of removing them;
- a study of the existing lighting on Hillside Drive and identification of potential safety issues;
- identify options to improve the 'no exit' signage at Hillside Drive and Gamble Avenue, including the addresses that are accessible from each street;
- identify water conservation approaches and opportunities for a pilot project to educate area residents regarding conservation;
- determine the potential to include the area as a concept site under the TRCA's Don Watershed Plan;
- explore opportunities to create a comprehensive connection along Hillside Drive, between Charles Sauriol Parkette to the northern parkette at Gamble Avenue (creating a "Charles Sauriol Walk"), including interpretive signage;
- prepare landscaping options along Gamble Avenue to connect with Hillside Drive, including the greenspace at the southwest corner of Gamble and Broadview Avenues;
- the potential for a dog park/dog run in the area;
- consultation with the Toronto Transit Commission (TTC) regarding the feasibility of adding a bus shelter and garbage receptacle to the bus stop on the west side of Broadview Avenue at Cosburn Avenue;

- a community consultation meeting with area residents to discuss the green streetscape options and select a preferred approach; and
- report back to Toronto and East York Community Council in 2015 regarding the preferred approach.

## CONTACT

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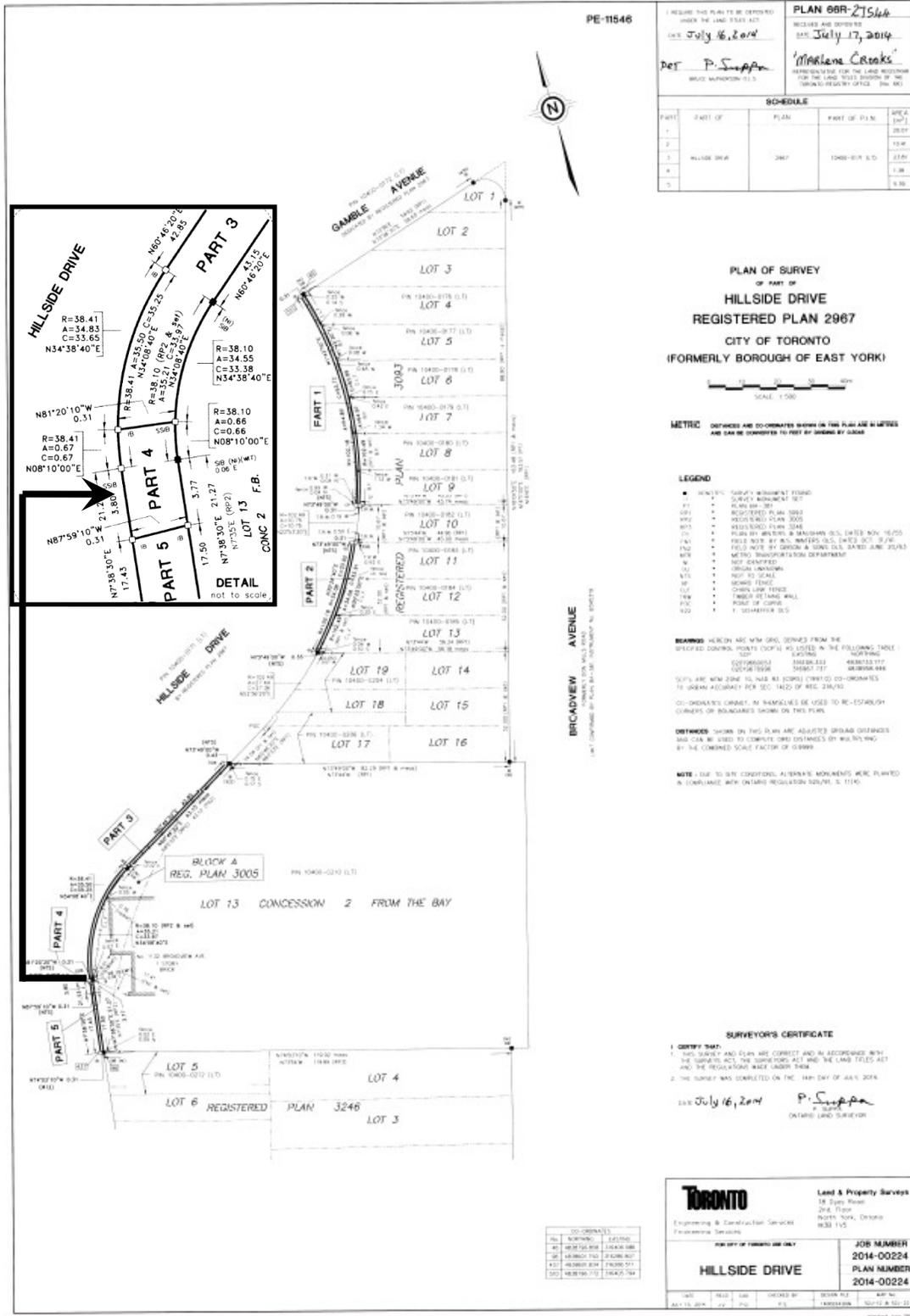
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John Livey  
 Deputy City Manager, Cluster B

## ATTACHMENTS

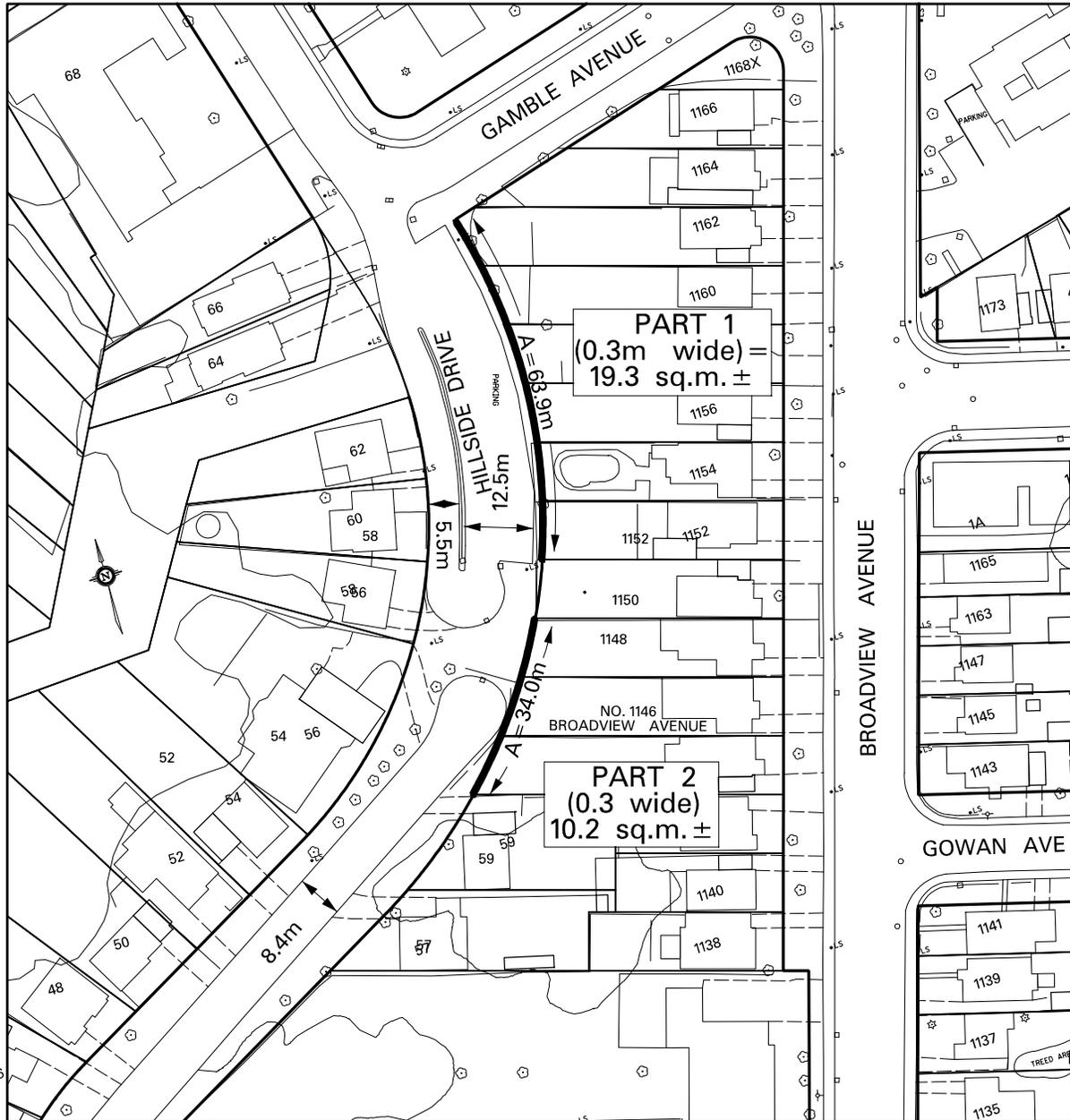
- Attachment 1: Plan 66R-27544
- Attachment 2: Sketch No. PS-2014-005, dated January 30, 2014
- Attachment 3: Sketch No. PS-2014-006, dated January 15, 2014
- Attachment 4: Draft By-law for Highway Closure
- Attachment 5: Summary of Concerns Expressed by Hillside Drive Area Residents
- Attachment 6: Summary of Feedback from Community Consultation Meeting
- Attachment 7: Hillside Drive – Green Street Project Next Steps
- Attachment 8: Excerpt of Article VII "Constructing Walkways and Driveways" of Municipal Code Chapter 743, Streets and Sidewalks, Use Of"
- Attachment 9: Confidential Information

Attachment 1: Plan 66R-27544



Staff report for action – Hillside Drive, south of Gamble Avenue – Green Street Project and Permanent Closure to Vehicular Traffic of east limit of Hillside Drive

Attachment 2: Sketch No. PS-2014-005, dated January 30, 2014



**Toronto**

ENGINEERING AND CONSTRUCTION SERVICES  
ENGINEERING SERVICES  
LAND AND PROPERTY SURVEYS

NOTE:

THIS SKETCH HAS BEEN  
COMPILED FROM OFFICE  
RECORDS. MEASUREMENTS  
ARE APPROXIMATE

CHECK BY JOHN HOUSE

PREPARED BY: DWAYNE PITT

WARD 29 – TORONTO–DANFORTH

DATE: JANUARY 30, 2014

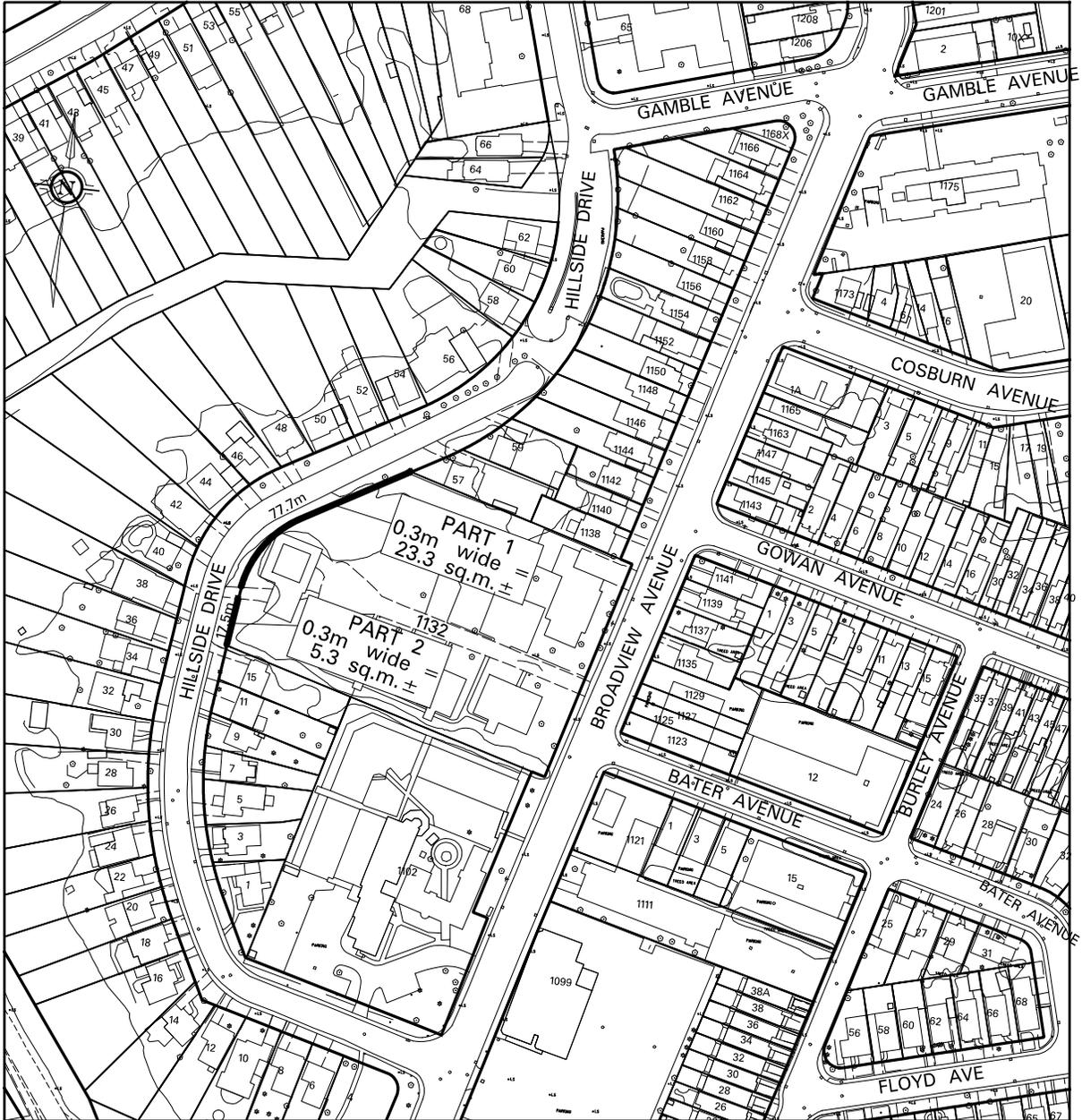
PROPERTY INFORMATION SHEET

SKETCH SHOWING A PORTION OF HILLSIDE DRIVE

SKETCH No. PS-2014-005

Staff report for action – Hillside Drive, south of Gamble Avenue – Green Street Project and Permanent Closure to Vehicular Traffic of east limit of Hillside Drive

Attachment 3: Sketch No. PS-2014-006, dated January 15, 2014



 <p>ENGINEERING AND CONSTRUCTION SERVICES ENGINEERING SERVICES LAND AND PROPERTY SURVEYS</p>	<p>PROPERTY INFORMATION SHEET</p> <p>SKETCH SHOWING A PORTION OF HILLSIDE DRIVE</p>	
	<p>NOTE: THIS SKETCH HAS BEEN COMPILED FROM OFFICE RECORDS. MEASUREMENTS ARE APPROXIMATE</p>	<p>WARD 29 – TORONTO-DANFORTH DATE: JANUARY 15, 2014</p>
<p>CHECK BY JOHN HOUSE PREPARED BY: DWAYNE PITT</p>		

Staff report for action – Hillside Drive, south of Gamble Avenue – Green Street Project and Permanent Closure to Vehicular Traffic of east limit of Hillside Drive

**Attachment 4: Draft By-law for Highway Closure**

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No.**

**BY-LAW No. xxx – 20~**

**To permanently close to vehicular traffic portions  
of the public highway known as Hillside Drive**

Whereas it is recommended that portions of the public highway known as Hillside Drive be permanently closed to vehicular traffic; and

Whereas notice of the proposed by-law to permanently close portions of the said highway to vehicular traffic was posted on the notices page of the City’s web site in accordance with the requirements of City of Toronto Municipal Code, Chapter 162 and the Toronto and East York Community Council heard any person who wished to speak to the matter at its meeting held on August 12, 2014;

The Council of the City of Toronto enacts:

1. Portions of the public highway known as Hillside Drive, described as follows, are hereby permanently closed to vehicular traffic:

PART OF PIN 10400-0171 (LT)  
PT OF HILLSIDE DR PL 2967 TWP OF YORK  
DESIGNATED AS PTS 1, 2, 3 AND 5 ON PL 66R-27544;  
TORONTO (E YORK), CITY OF TORONTO

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Corporate Seal)

**Attachment 5: Summary of Concerns Expressed by Hillside Drive Area Residents**

Concerns Expressed by Area Residents	Response provided by City staff
Lack of site visits by Transportation Services staff to Hillside Dr from March 2013 to date.	Transportation Services staff (including the General Manager, Director, road operations staff, by-law officers and the supervisor of by-law officers) have conducted site visits of Hillside Dr.
Snow build-up at the end of the northern cul-de-sac hindering access to/from Hillside Dr driveways. Greenspace between cul-de-sacs can only accommodate a limited amount of snow.	Transportation Services staff investigated and determined there was no snow build-up. The stairs had been salted. The greenspace is not intended for snow piles, may have been the result of snow cleared from the parking area. In future, snow may need to be removed by dump truck to snow dump location.
Status of the driveway/access closure at the front of 1150 Broadview Ave.	Transportation Services is working with Buildings staff on any further action required to ensure that the driveway is closed. The driveway closure is pending City Council's decision regarding the rear driveway/access via Hillside Dr.
Status of the Encroachment Agreement for the retaining wall at the rear of 1150 Broadview Ave.	The applicant has contacted Right-of-Way Management for a site inspection in order to obtain the encroachment agreement. At this time an inspection has not been completed.
Maintenance of the greenspace between the two cul-de-sacs on Hillside Dr.	This is City of Toronto road allowance currently being maintained by Parks, Forestry and Recreation staff.
Delay in response from Transportation Services regarding the process that was followed in granting approval of the access permit for 1150 Broadview Ave and the implications of revoking the permit.	City Council requested that Transportation Services report back jointly with City Planning to the August TEYCC meeting.
Potential violations of the driveway permit terms for 1150 Broadview Ave.	Transportation Services staff advised that there have been no violations to the terms.
Compliance of the slope of the driveway at 1150 Broadview Ave with Municipal requirements.	The grade of the driveway to the garage was deemed to be within Municipal requirements.

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Concerns Expressed by Area Residents	Response provided by City staff
Road damage due to heavy trucks and bins used by the owners of 1150 Broadview Ave.	Transportation Services staff investigated the concern and found no evidence that there was no road damage to the heavy trucks and bins used by the owners of 1150 Broadview Ave.
Status of the by-law to permanently close to vehicular traffic the east limit of Hillside Dr.	Notice sent to area residents on July 2, 2014 regarding joint community consultation meeting to be held July 17, 2014. By-law process discussed at the meeting and feedback received. Proposed by-law to be included in report to Aug TEYCC.
The greenspace on Hillside Dr (abutting cul-de-sacs) had not been cut as of June 11. Follow up requested.	Grass cutting services were late across the city this year.
Review of Hillside Dr as a laneway rather than a road. The garage at 1150 Broadview Ave has a 0.45 m setback from the rear property line/Hillside Dr.	Building staff confirmed that the application for 1150 Broadview Ave was submitted prior to the adoption of City-wide Zoning By-law 569-2013 and was subject to Former East York Zoning By-law 6752. An accessory structure (garage) is required to be located a minimum of 0.45 m from all property lines. There are no additional setback requirements from rear property lines that abut a street.
Compliance of the work at 1150 Broadview Ave with approved permit plans.	Building staff have inspected the site on several occasions and have confirmed that construction is in compliance with zoning matters such as setbacks, and is in general compliance with the issued building permits to date.  Orders to comply have been issued for matters not related to zoning regarding: failure to remove the existing front yard driveway; the installation of a rough-in water connection in the garage; and for window and door openings not in conformance with the issued permit.

Concerns Expressed by Area Residents	Response provided by City staff
Use of garage at 1150 Broadview Ave as living space.	The garage has been inspected and there is no indication that the garage is intended to be used for living space.
Compliance of the change in elevation in the backyard of 1150 Broadview Ave with the Municipal Code.	<p>The Building Code contains a very general provision with respect to surface drainage.</p> <p>Sentence 9.14.6.1(1) states the following:  <i>The building shall be located or the building site graded so that water will not accumulate at or near the building and will not adversely affect adjacent properties.</i></p> <p>Although there has been significant changes made to the grading at 1150 Broadview, there is no indication that the re-grading of the site has changed existing drainage patterns. There is also no indication that the re-grading of the site has adversely affected adjacent properties.</p>
Flooding and/or drainage issues on neighbouring properties due to development at 1150 Broadview Ave (62 Hillside Dr in particular).	<p>Water was tested; no chlorine found.</p> <p>There are road surface drainage issues that are unrelated to the development at 1150 Broadview Ave.</p>
White substance poured down the sewer and onto Hillside Dr by the owners of 1150 Broadview Ave.	Toronto Water staff are investigating this matter.
Noise complaint regarding work at 1150 Broadview Ave on Sundays	<p>Municipal Licensing &amp; Standards officers have attended the property both on weekends and weekdays. Staff did not observe construction activity outside of the permissible hours (9:00 a.m. on weekends and 7:00 a.m. on weekdays) nor identify excessive noise.</p> <p>Staff will continue to respond to complaints as appropriate.</p>

Concerns Expressed by Area Residents	Response provided by City staff
<p>Removal of trees at the rear of 1150 Broadview Ave and within the adjacent greenspace between the cul-de-sacs.</p>	<p>Parks, Forestry &amp; Recreation staff reviewed an application and issued a permit to remove one 38cm Scots Pine from the front yard of the property. All other trees on the property, including 2 cedar trees at the rear were undersized and did not require a permit for removal.</p> <p>No trees from the greenspace between the cul-de-sacs have been applied for, nor given permission for removal.</p>
<p><b>Concerns Expressed by attendees at the Community Meeting on July 17, 2014</b></p>	
<ul style="list-style-type: none"> <li>• Appropriate approvals should be applied in addition to zoning</li> <li>• Precedent has been set with 1150 Broadview Ave by changing the character of Hillside Dr</li> <li>• Why wasn't an encroachment agreement required before the retaining wall for the rear driveway at 1150 Broadview Ave was constructed?</li> <li>• Raising grade in the rear yard of 1150 Broadview Ave has adversely affected other properties</li> <li>• Concerned that 1150 Broadview Ave is 'seeing what they can get away with'</li> <li>• Use of garage for commercial purposes; compliance of parking a work vehicle <i>Response from Building staff: parking a work vehicle is not a commercial use Building staff would refer to property standards by-law to determine compliance</i></li> <li>• City policy does not permit encroachments. Since there is no agreement, the retaining wall is illegal</li> <li>• The City should correct its mistakes</li> <li>• No one has explained how the driveway complies with Municipal Code Chap. 743</li> <li>• Poor communication regarding the reserve strip <i>Response from Transportation Services and City Planning staff: The only requirement for a proposed reserve strip (closure) is a notice to be posted on the City's website prior to the Toronto &amp; East York Community Council Meeting.</i></li> <li>• Compliance of conversion of the front garage to living space <i>Response from Building staff: The conversion of the front garage would have resulted in a parking space that did not comply with the zoning requirements for the former Borough of East York. The applicant revised the proposal to include the proposed garage at the rear of the property, which would result in a compliant parking space. The applicant is required to eliminate the front parking area (unless City Council decides to restrict vehicular access at the rear of 1150 Broadview Ave).</i></li> <li>• Snow clearance issues; driveway removed snow storage area</li> </ul>	

## Attachment 6: Summary of Feedback from Community Consultation Meeting

Area residents who attended the Community Consultation Meeting on July 17, 2014, were asked to have a small table discussion and address the matters below. Attendees also had an opportunity to express additional concerns regarding other area-related matters, which are also reflected below:

<p><b>Do you support the proposed reserve strip (closure of the east limit of Hillside Dr)? Are there any changes you would like to see to the proposed reserve strip?</b></p>
<ul style="list-style-type: none"> <li>• The reserve strip is a good idea</li> <li>• No driveway/access from Salvation Army property at 1132 Broadview Ave</li> <li>• Reserve strip creates rules that should not be needed</li> <li>• Does the reserve strip prevent temporary vehicular access for construction purposes?</li> </ul>
<p><b>What are Hillside Drive's assets?</b></p>
<ul style="list-style-type: none"> <li>• Quiet, residential dead-end</li> <li>• East York's hidden gem</li> <li>• Used by local residents, daycare workers, Salvation Army clients</li> <li>• An oasis in the city</li> <li>• Lots of mature trees</li> <li>• Feels like a small community within the a city</li> <li>• Quiet area even though a major street (Broadview Ave) is immediately to the east</li> <li>• Family friendly</li> <li>• Pedestrian and dog friendly (kids, strollers, etc)</li> <li>• Feels like a small town/rural area, private yet open</li> </ul>
<p><b>What is your vision for the street?</b></p>
<ul style="list-style-type: none"> <li>• An environmentally friendly greenspace that reflects the character of Hillside Dr as a safe, quiet promenade</li> </ul>
<p><b>Identify option/ideas to enhance the street (eg. alterations to the staircase, parking area, etc)</b></p>
<ul style="list-style-type: none"> <li>• Increase the greenspace (natural barrier for south end of Hillside Dr)</li> <li>• Replace stairs with a gentle-sloped ramp (ugly, dangerous, not maintained)</li> <li>• Benches</li> <li>• More trees, bushes</li> <li>• Dog park</li> <li>• Amphitheater-like steps allowing access and seating</li> <li>• Remove median/planters from Hillside Dr</li> <li>• Re-grade the northern portion of Hillside Dr so the drainage goes to the centre of the street and north to the catchbasin</li> </ul>

**Identify option/ideas to enhance the street (eg. alterations to the staircase, parking area, etc)**

- Add bus shelter and garbage receptacle to the bus stop on the west side of Broadview Ave at Cosburn Ave
- Remove all on-street parking from the east side of Hillside Dr
- Remove lighting from east side of Hillside Dr
- Re-design median/planters
- Fix roads
- Keep on-street parking
- Create accessibility to the stairs for strollers
- Need stop sign at Hillside Dr and Gamble Ave
- Replace stairs with ramp up east side along berm
- Pave path in parkette at southwest corner of Gamble and Broadview Aves and plant flowers/incorporate into Hillside Dr plan
- Repave Hillside Dr between 58 and 66
- Replace planters (concrete island) with more functional divider between residential driveways and city parking spaces
- More lighting around staircase
- How will 1150 Broadview Ave rear driveway fit in the scheme of planning for Hillside Dr?
- Do not add additional sidewalks
- Need low-plantings that are dog-friendly
- Add garbage receptacles (risk of dumping?)
- Need to address the existing uneven lighting along Hillside Dr (even spaced, down-lighting)
- Improve stairs or add ramp, don't need both
- Do we need all of the permit parking? Could it all be removed?
- Remove ugly barrier
- Improve planting along proposed reserve strip (closure)
- Remove planter/median on north side of Hillside Dr
- Can street be narrowed on both sides?
- Terraced garden instead of park
- Hillside Dr was better before new driveway at 1150 Broadview Ave was issued
- Snow from parking area used to be piled at the rear of 1150 Broadview Ave and is now being plowed to Gamble Ave
- Could remove 3 on-street parking spaces the remainder is required by family members visiting the residents of 58-62 Hillside Dr as other on-street parking is full (on Gamble Ave)
- Future families on the northern portion of Hillside Dr might need the additional on-street parking spaces
- Potential pedestrian access to the City right-of-way between 62 and 64 Hillside Drive

## **Attachment 7: Hillside Drive – Green Street Project Next Steps**

City Planning; Transportation Services; Toronto Water; and Parks, Forestry and Recreation staff, in consultation with the Toronto and Region Conservation Authority; the ward Councillor; and area residents will address matters regarding the Hillside Drive - Green Street Project, including:

- a. the development of several green streetscape options and a review of the implementation requirements for each option;
- b. a study of the existing lighting on Hillside Drive and identification of potential safety issues;
- c. opportunities to improve the 'no exit' signage at Hillside Drive and Gamble Avenue, including the addresses that are accessible from each street;
- d. a review of the history of the installation and maintenance of the planters/median on Hillside Drive south of Gamble Avenue, and the implications of removing them;
- e. the potential to include the Hillside Drive area as a concept site under the Toronto and Region Conservation Authority's Don Watershed Plan;
- f. opportunities to create a comprehensive connection along Hillside Drive between Charles Sauriol Parkette and the parkette at Gamble Avenue (creating a "Charles Sauriol Walk"), including interpretive signage;
- g. landscaping options along Gamble Avenue to connect with Hillside Drive, including the greenspace at the southwest corner of Gamble and Broadview Avenues;
- h. the potential for a dog park/dog run; and
- i. consultation with the Toronto Transit Commission regarding the feasibility of adding a bus shelter to the stop on the west side of Broadview Avenue at Cosburn Avenue.

**Attachment 8: Excerpt of Article VII "Constructing Walkways and Driveways" of Municipal Code Chapter 743, Streets and Sidewalks, Use Of"**

**Constructing Walkways and Driveways**

**[Adopted 2012-03-07 by By-law No. 375-2012<sup>19</sup>]**

**§ 743-42. Municipal consent required to construct or alter walkways and driveways.**

The General Manager may permit a person to construct, reconstruct or alter walkways and driveways or widen or relocate existing walkways and driveways, and walkways wider than 1.5 metres, that cross the adjoining boulevard, provided that:

- A. The property owner obtains a permit from the General Manager pursuant to Article III before starting the work.
- B. Constructing or altering a private driveway shall be permitted only for the purpose of providing vehicle access to an authorized vehicle parking area, internal driveway system or boulevard parking stall approved by the City, and in no case shall the width of a driveway or walkway exceed the requirements of any applicable by-law.
- C. Concurrent with constructing or altering a walkway or driveway, the owner shall remove any existing walkway or driveway that, in the opinion of the General Manager, is redundant as a result of constructing or widening a walkway or driveway, and shall restore that portion of the street previously occupied by the redundant walkway or driveway to the satisfaction of the General Manager.
- D. Unless authorized by the General Manager, walkways and driveways shall not contain heating devices installed over a public utility.
- E. The location and design of the walkway or driveway shall be to the satisfaction of the General Manager, including, if required by the General Manager and at no cost to the City, the installation of bioswales or culverts along streets with ditches.
- F. Walkways and driveways shall be constructed and maintained to prevent surface drainage, dirt, dust, and debris from the walkway or driveway entering the street from private property in an amount that, in the opinion of the General Manager, constitutes a hazard or nuisance.
- G. The person named on the permit shall pay the fees described in Chapter 441, Fees and Charges, including any additional financial securities required by the General Manager to ensure that the work described in the permit is completed to his or her satisfaction.
- H. The General Manager shall not require securities from any person where, in the opinion of the General Manager, payment of sufficient securities for this purpose

has already been made as a condition of approval in a development or site plan agreement with the City.

- I. The person constructs the walkway or driveway to the satisfaction of the General Manager, subject to inspection by the General Manager, if required.
- J. Every person who closes or removes a walkway or driveway shall restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the General Manager.
- K. If the person does not complete the driveway or walkway and any associated street work to the satisfaction of the General Manager, then the security deposit shall not be returned, and the General Manager may use the securities to construct the walkway or driveway to the General Manager's satisfaction.
- L. Should this security deposit prove insufficient to cover the costs of construction or repair of said works, then the General Manager may recover the outstanding costs from the owner pursuant to Article VIII.

**§ 743-43. Approving walkways and driveways.**

- A. All vehicle access driveways shall be designed and located to minimize the driveway's impact on pedestrian and vehicle traffic, and will provide the stopping and turning sight distances required by the General Manager.
- B. Despite § 743-43A, the General Manager may approve a driveway with substandard sight distance where there is no other means of access to the property, and in such cases the General Manager may issue a permit subject to such special conditions as the General Manager considers appropriate.
- C. At driveway locations where there are limiting circumstances such as horizontal or vertical curves and auxiliary turning and storage lanes, the General Manager shall refuse access or approve access subject to such special conditions as the General Manager considers appropriate.
- D. The General Manager shall not allow any depressed driveway or loading dock to extend into a street, and any portion of the driveway or loading dock located in the street shall maintain a positive slope when measured between the street line and the travelled portion of the adjoining road.
- E. The General Manager shall not approve any loading dock or loading area that requires delivery vehicles to back into the loading dock or loading area directly from a major arterial or minor arterial road, or that requires the delivery vehicle to exit the loading dock or loading area by backing directly into a major arterial or a minor arterial road.

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- F. No portion of any driveway shall be constructed within the corner radii of two intersecting streets.
- G. Except with the written consent of the adjoining property owner, no portion of any driveway shall be constructed so that the driveway, driveway corner radii or driveway flaring extends into the boulevard area fronting the adjoining property when the common lot line is projected perpendicular to the road.
- H. No person shall, without written authorization from the General Manager of Parks, Forestry and Recreation Services, or his or her designate or successor, remove a tree to construct a walkway or driveway, and no walkway or driveway will be authorized by the General Manager until the General Manager of Parks, Forestry and Recreation Services, or his or her designate or successor, is satisfied that the walkway or driveway can be constructed without damaging an adjoining tree.
- I. The General Manager shall not approve any new driveway to a controlled access highway.
- J. Sections 743-43D, § 743-43E, § 743-43F, § 743-43G, § 743-43I do not apply to driveways, walkways and loading docks approved by the City before the date that this by-law comes into force, provided that such driveways and loading docks comply with the regulations in effect at the time the driveway or loading dock was originally approved, and that such previous approvals shall be considered null and void when the property is subject to an application for plan of subdivision, rezoning, official plan amendment, site plan approval, minor variance or consent to sever.

**Attachment 9: Confidential Information**

*To be provided by City Legal staff as a separate attachment.*