

11, 13, 15, and 19 Altamont Road – OMB Appeal – Request for Direction Report

Date: January 31, 2017
To: City Council
From: City Solicitor
Wards: Ward 23 - Willowdale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

At its meeting on October 5, 2016, City Council directed staff to attend the Ontario Municipal Board hearing to oppose the Official Plan and Zoning By-law Amendment applications for 11, 13, 15 and 19 Altamont Road in their current form. A hearing is scheduled for March 6 through 10, 2017. In late December, 2016 the applicant submitted revised plans to be presented at the OMB which are the subject of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of the recommendations contained in the Confidential Attachment, if adopted by City Council, but that the remainder of the Confidential Attachment remain confidential, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At its meeting of October 5, 2016 City Council adopted the recommendations set out in the Request for Directions report (August 19, 2016) prepared by City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY16.42>

COMMENTS

Site Background

The subject site is made up of an assembly of 4 residential lots at 11, 13, 15 and 19 Altamont Road. Each lot currently contains a single detached dwelling which would be demolished to facilitate the proposal. The subject site is designated Neighbourhoods on Map 16, Land Use Plan. The site is located adjacent to the northern boundary of the Central Finch Area Secondary Plan.

Amendments Proposed to the City of Toronto Official Plan and Central Finch Area Secondary Plan

The Request for Directions Report ("Directions Report"), dated August 19, 2016 expressed concerns with the amendments proposed to the City of Toronto Official Plan and the Central Finch Area Secondary Plan as the subject site is not an area designated for intensification in the City of Toronto Official Plan. The original proposal was considered inappropriate and out of character with the established neighbourhood. Approval of the original proposal would set a precedent for incremental redevelopment of the area north and south of the Central Finch Area Secondary Plan with more intensive forms of development, negatively impacting and undermining the surrounding stable Neighbourhoods designated areas.

Amendments Proposed to the City of Toronto Official Plan and Central Finch Area Secondary Plan

The site is located adjacent to, but outside the northern boundary of the Central Finch Area Secondary Plan. The applicant's Official Plan Amendment application proposes to expand the boundaries of the Central Finch Area Secondary Plan and redesignate the subject site from a Neighbourhoods land use designation in the Official Plan to Neighbourhood 'B' designation in the Central Finch Area Secondary Plan. The applicant has also indicated that they are also agreeable to establishing a Site and Area

Specific Policy within the Official Plan to permit the proposal or to permit the development under the existing Neighbourhoods land use designation.

Amendments to former City of North York Zoning By-law 7625 and City wide by-law 569-2013

The subject lands are currently zoned "One Family Detached Dwelling Fourth Density Zone (R4)" in Zoning By-law No. 7625 of the former City of North York. The R4 zoning limits residential building types to single detached dwellings with a minimum lot frontage of 15 metres and a minimum lot area of 550 square metres. The minimum side yard setback is 1.8 metres on each side and the minimum rear yard setback is 9.5 metres. The maximum building height permitted by the zoning by-law for this site is 10 metres.

The proposed buildings are considered "multiple attached dwellings" under By-law 7625.

The site is zoned "Residential Detached Zone (RD f15.0; a550)(x5)" in the new City-wide Zoning By-law No. 569-2013. This zoning also limits residential building types to single detached dwellings. The RD zone requires a minimum frontage of 15 metres and a minimum lot area of 550 square metres. The minimum side yard setbacks are 1.8 metres. The minimum rear yard setback is the greater of 7.5 metres or 25% of the lot depth. The maximum building height permitted by the zoning by-law for this site is 10 metres.

The proposed buildings are considered townhouses in By-law 569-2013.

An amendment to the former City of North York Zoning By-law No. 7625 and the new City of Toronto Zoning By-law No. 569-2013 is required as the R4 and RD (f15.0; a550)(x5) zoning designations do not permit multiple attached dwellings or townhouses. The zoning by-law amendment is also required to increase the maximum permitted height as well as establish the appropriate development standards.

Original Proposal

The original proposal was to amend the Official Plan and Zoning By-laws for the subject site to permit a residential development consisting of 4 apartment buildings in a back-to-back stacked townhouse form containing 82 residential units with one level of shared underground parking containing 96 parking spaces. The proposal had building heights of 10.98 metres to the top of the roof, 12.78 metres to the top of the parapet, and 14.08 metres to the top of the mechanical penthouse and rooftop terrace access. The original proposal was set back 1.2 metres from the north property line and 8.52 metres from the east property line adjacent to the residential properties containing single detached dwellings and designated Neighbourhoods in the Official Plan. The density of the original proposal was 1.84 times the site area.

Revised Proposal

The subject site continues to include the assembly of the 4 residential lots at 11, 13, 15 and 19 Altamont Road. The revised proposal to amend the Official Plan and Zoning By-laws now proposes to permit three 3-storey townhouse blocks (referred to herein as "Block A", "Block B", and "Block C"), two of which also feature mechanical penthouses and rooftop terraces. A total of 32 units are proposed, including 14 back-to-back units in Block A, 12 back-to-back units in Block B, and 6 traditional row units in Block C. Building heights range from 9.3 metres to 13.85 metres. The revised proposal is set back 12 metres from the north property line and 7.5 metres from the east property line adjacent to residential properties containing single detached dwellings and designated Neighbourhoods in the Official Plan. The revised proposal has density of 1.07 times the area of the site. Please see the revised Site Plan drawing attached as Attachment 1. Further details and site statistics can be found in Table 1 below.

Table 1: Comparison Table of Original Submission and Revised Submission

	Original Submission October, 2015	Revised Submission December, 2016
Built Form	Back to Back Stacked Townhouse	Back to Back Townhouse, Row Townhouse
Height	All Buildings - 10.98 metres to roof - 12.78 metres parapet - 14.08 metres to top of mechanical penthouse and rooftop terrace access	Block A - 10.85 metres to roof - 11.64 metres parapet - 13.85 metres to top of mechanical penthouse and rooftop terrace access Block B - 10.53 metres to roof - 11.31 metres parapet - 13.58 metres to top of mechanical penthouse and rooftop terrace access Block C - 9.3 metres to roof - 10.01 metres parapet - No mechanical penthouse or rooftop terrace access
Total Units	82	32
Total Gross Floor Area	9, 023 sm	5,218 sm

	Original Submission October, 2015	Revised Submission December, 2016
Density (FSI)	1.84 FSI	1.07 FSI
Car Parking Spaces	96 - 87 resident - 9 visitor	38 - 32 resident - 6 visitor
Setback from Adjacent Neighbourhoods designated Lands	1.2 metres (north) 8.52 (east)	12 metres (north) 7.5 metres (east)
Location of Driveway	Approximate Centre of Site	0.8 metres from the North Property Line

CONTACT

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SIGNATURE

Brian Haley
Interim City Solicitor

ATTACHMENTS

Attachment 1: Revised Site Plan Drawing Dated December 22, 2016

Confidential Attachment 1: Confidential Recommendations

