



STAFF REPORT ACTION REQUIRED

Part of Lands Formerly Known as 115 Torbarrie Road - Oakdale Village Subdivision - Plan 66M-2346 - Zoning By- law Amendment Application – Final Report

Date:	May 17, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 7 – York West
Reference Number:	16 197536 WET 07 OZ

SUMMARY

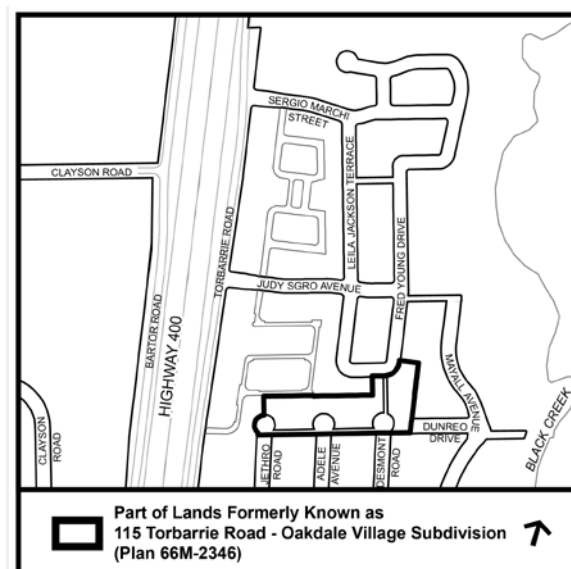
This application proposes to amend former City of North York Zoning By-law No. 7625 to change the current specific lot numbers to be consistent with the revised lot numbers on the Draft Plan of Subdivision approved by the Ontario Municipal Board, in principle, in its Decision and Interim Order dated August 16, 2016. This application also proposes to amend the side yard building setback requirement of the Zoning By-law that applies to four lots which will flank a public walkway for the lots within the southern portion of the Oakdale Village Subdivision-Plan 66M-2346 (formerly known as 115 Torbarrie Road).

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of North York Zoning By-law No. 7625 for the lots within the southern portion of the Oakdale Village Subdivision (formerly known as 115 Torbarrie



Road) substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 4 to this report.

2. Before introducing the necessary Bills for enactment, City Council require the owner to finalize the process to purchase the City owned lands necessary to achieve the required revisions to lot pattern and road alignment in the south portion of the Oakdale Subdivision (Plan 66M-2436) and the owner has purchased the required lands from the City.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Official Plan and Zoning By-law Amendments to permit the redevelopment of the former Workplace Safety and Insurance Board (WSIB) site, formerly municipally known as 115 Torbarrie Road, were approved by Toronto City Council in April 2003 (OPA No. 537 and By-law 416-2003). Draft Approval of the Plan of Subdivision was issued by the Chief Planner and Executive Director, City Planning August 8, 2003 and the Plan of Subdivision was registered April 12, 2007 (see Attachment 1: Subdivision Plan 66M-2436). The approved residential development contains a mix of housing types including townhouses, semi-detached dwellings, single-detached dwellings and apartments and is known as Oakdale Village.

On May 22, 2013 the owner submitted a Draft Plan of Subdivision application (Application No. 13 172198 WET 07 SB) to amend the approved plan (Plan 66M-2436) by reconfiguring the lots and road system to achieve a more efficient use of the land. The proposed redesign involved: the complete elimination of two cul-de-sacs at the terminus of Jethro Road and Adele Avenue; the reconfiguration of 8 large pie shaped building lots around these cul-de-sacs; the regularization of the land into 15 rectangular shaped lots; and the creation of a new east-west public street.

The revised draft plan comprised 18 lots which represents an increase of 7 lots from Plan 66M-2436. The Draft Plan of Subdivision application was approved, in principle, by the Ontario Municipal Board in its Decision and Interim Order dated August 16, 2016 (see Attachment 2: Revised Draft Plan of Subdivision). However, the Final Order was withheld pending the resolution of certain matters. One of these matters is a requirement for the owner to amend the Zoning By-law to permit the implementation of the revised Draft Plan of Subdivision. The current Zoning By-law Amendment application has been submitted to fulfill this condition.

Another matter which the OMB required is that owner acquire remnant City owned lands created by the proposed reconfiguration and elimination of the two cul-de-sac bulbs. The applicant is required to submit an application to the City's Transportation Services Division for the closure of the cul-de-sac bulbs and is currently in discussions with the City regarding the

purchase of these lands. This matter is subject to City Council approving the permanent closure of the road and the necessary approvals being granted by the appropriate City authorities to declare the road surplus and authorize the sale of the remnant lands to the applicant. As this matter has not been finalized, it is recommended that before introducing the necessary Bills for enactment, City Council require the owner to finalize the purchase of the necessary lands from the City.

ISSUE BACKGROUND

Proposal

Through the recent application to amend the Plan of Subdivision, the owner reconfigured the lots and road system to achieve a more efficient use of the land. The application included lots 140 through 150, inclusive and Blocks 165 and 166 on Plan 66M-2436. The proposed redesign involved: the complete elimination of two cul-de-sacs at the terminus of Jethro Road and Adele Avenue; the reconfiguration of 8 large pie shaped lots around these cul-de-sacs; the regularization of the land into 15 rectangular shaped building lots and 3 pie shaped lots; and the creation of a new east-west public street. The revised draft plan comprised 18 lots to be developed with detached dwellings.

The amendment is required from Section 64.14-A(13)(d)(i) of former City of North York Zoning By-law No. 7625 which establishes building heights of 10.5 metres or 3 storeys for certain lots within the subdivision. The lots to which the lower height requirement applies are identified by a specific lot number on the schedule to the By-law. With the reconfiguration and increase in the number of lots in the proposed Draft Plan of Subdivision, the lot numbers no longer correspond.

The applicant is also proposing to reduce the required side yard building setback for the four lots adjacent to a proposed north-south pedestrian walkway from 3 metres to 1.2 metres.

Site and Surrounding Area

The subject lands comprise a small segment of the south end of Oakdale Village generally located on the east side of Torbarrie Road, between Wilson Avenue and the Oakdale Golf and Country Club, west of Black Creek Drive. The subject lands have an approximate area of 1.34 hectares and include lots 140 through 150 inclusive, Blocks 165 and 166, part of Jethro Road and part of Adele Avenue (to be stopped up and closed) on Plan 66M-2436.

Surrounding land uses are as follows:

- | | |
|-----------------|--|
| North: | To the north is the Oakdale Village Subdivision, a residential neighbourhood comprised of townhouses, semi-detached dwellings and detached dwellings. Further to the north is the Oakdale Golf and Country Club. |
| South and East: | To the south and east is a residential neighbourhood comprised of detached dwellings. Further south along Torbarrie Road are one and two storey industrial buildings. |

West: To the west are townhouses, within the Oakdale Village Subdivision that front onto Torbarrie Road and a common element condominium road network. Further to the west is Highway 400.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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 to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses, 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.

Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including patterns of streets, blocks and lanes, parks and public building sites, the size and configuration of lots, prevailing building type(s), setbacks of buildings from the street, 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.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result,

OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

The Toronto Official Plan is available for viewing on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

Zoning

In accordance with the established protocol, the lands were excluded from City of Toronto Zoning By-law No. 569-2013 as the lands were subject to an active development application. As such, former City of North York Zoning By-law No. 7625 continues to apply to the lands. The subject lands are zoned R6(13) which permits detached dwellings. Section 64.14-A(13)(d)(i) permits a maximum building height of 9.5 metres or two storeys, whichever is lesser. Section 64.14-A(13) (b)(iii)(A) requires a minimum side yard building setback for lots abutting a public walkway block of 3.0 metres.

Site Plan Control

Site Plan Control Approval is not required as the proposed use of the lands is for detached homes.

Reasons for Application

The Zoning By-law Amendment is required because provision 64.14-A(13)(d)(i) of former City of North York Zoning By-law No.7625, which addressed building height for certain properties within the subdivision, refers to specific lot numbers on Plan 66M-2346. With the intended reconfiguration and increase in the number of lots in the proposed Draft Plan of Subdivision, recently approved by the OMB in principle, the lot numbers will no longer correspond. This amendment is technical in nature and is required to ensure that the By-law performance standards continue to apply to these lots once they are renumbered.

In addition, the applicant is also requesting to amend the side yard building setback requirement which applies to four lots that flank a proposed public walkway block. The applicant is proposing a 1.2 metre side yard building setback for the lots adjacent to the pedestrian walkway whereas the By-law requires a 3 metre side yard building setback.

Community Consultation

A Community Consultation meeting was held on February 22, 2017 at St. Andre Catholic School. Approximately 20 people attended the meeting. Issues raised included: the application process and changes to the plan of subdivision recently approved by the Ontario Municipal Board; location of the proposed walkway; size of the lots; the type and design of the houses to be built; width of the proposed roads; concerns with potential negative impact on property values; construction management plan; and timing of construction.

Notwithstanding these concerns, no issues were raised regarding the proposed amendments sought by the owner through this Zoning By-law Amendment application.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). As a residential infill project, it supports the policy objective of focusing growth in existing settlement areas. The development promotes efficient land use, reduces land consumption related to residential development and utilizes existing services and infrastructure.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal's compact and efficient form helps to optimize the utilization of existing services and infrastructure and to reduce the need to convert rural land to urban uses. It is an example of appropriate infill through redevelopment of an underutilized lot.

Zoning By-law Amendments

As noted above, the current Zoning By-law Amendment application has been submitted in order to fulfill one of the conditions of the Ontario Municipal Board in regards to the approval in principle of the revision to the subdivision. The lot numbers contained in the Zoning By-law would no longer correspond to the lot numbering in the Draft Plan of Subdivision. As this requested amendment is technical in nature, staff support the requested amendment.

In addition, the applicant is requesting to modify the side yard building setback provision for four lots adjacent to public walkway blocks from 3.0 metres to 1.2 metres. In the southern portion of the subdivision there are two pedestrian walkways; one connecting Fred Younge Drive and Desmond Road (6 metres wide) and one connecting Desmond Road to Dunreo Drive (3 metres wide). The applicant has indicated this is required to provide flexibility in the building design on the lots adjacent to the public walkways. The applicant has indicated the required 3.0 metre side yard building setback, in combination with the lot configuration resulting from the Desmond Road cul-de-sac would restrict the siting and affect the shape of the proposed dwellings on these lots. Staff have reviewed the requested amendments to these setbacks and staff are of the opinion the requested amendment is acceptable for the four lots that would be adjacent to the walkways.

Conclusion

The proposed Zoning By-law Amendment application has been reviewed against the policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS, as required by Section 3 of the *Planning Act*, and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal would result in a development that is compatible with the surrounding neighbourhood, therefore conforming to Official Plan policy.

The proposed amendments which in part are required to facilitate the Ontario Municipal Boards approval of the revisions to the southern portion of the Oakdale Subdivision (Plan 66M-2436) are appropriate and represents good planning.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Subdivision Plan 66M-2436
Attachment 2: Revised Draft Plan of Subdivision
Attachment 3: Zoning
Attachment 4: Draft Zoning By-law Amendment

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Draft Plan of Subdivision
Applicant's Submitted Drawing

Not to Scale
04/24/2017

Attachment 3: Zoning



Zoning

115 Torbarrie Road

File # 16 197536 WET 07 0Z



Location of Application



See Former City of North York By-Law No. 7625

RD Residential Detached
RS Residential Semi-Detached
RT Residential Townhouse
EL Employment Light Industrial
E Employment Industrial

IPW Institutional Place of Worship
ON Open Space Natural
OR Open Space Recreation
OG Open Space Golf Course
UT Utility and Transportation

R6 One-Family Detached Dwelling Sixth Density Zone
RM2 Multiple-Family Dwellings Second Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
O1 Open Space Zone



Not to Scale
 Extracted: 03/20/2017

Attachment 4: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2016

**To amend the former City of North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally formerly known as,
115 Torbarrie Road
(Southern portion of the Oakdale Subdivision 66M-2346)**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

The Council of the City of Toronto HEREBY ENACTS as follows:

- 1 Section 64.14-A(13) of By-law No. 7625 of the former City of North York is amended by replacing Schedule “R6(13)” with revised Schedule “R6(13)” attached and amending clauses (b) (iii) (Yard Setbacks) by adding a new clause (B) and amending clause (d) (i) (Building Height) so that they shall read as follows:

(b) (iii)

(B) Clause (b) (iii) (A) shall not apply to lots within “Area A” as shown on attached

Schedule “R6(13)”.

(d) (i) Notwithstanding, clause (d), the maximum building height shall be 9.5 metres or 2 storeys, whichever is the lesser for lots 51 to 59 inclusive and for all lots within Area A as shown on Schedule “R6(13)”.

- 2 Section 64.14-A(13) of By-Law No. 7625 of the former City of North York is amended in accordance with Schedule 1 of this By-law.

ENACTED AND PASSED this ____ day of _____, 2016.

JOHN TORY,
Mayor

(Corporate Seal)

ULLI S. WATKISS
City Clerk



Toronto
Schedule 1

Based on a Plan of Subdivision of Part of Lots 13 and 14, Concession 5 West of Yonge Street
by Rady-Pentek & Edward Surveying, Drawing ref. 04067S5.dwg

File # 16 197536 WET 07 0Z

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Not to Scale
Extracted: 04/24/2017