

395, 387R and 413 Leslie Street - Official Plan and Zoning By-law Amendment Applications - Request for Direction Report

Date:	November 9, 2017
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York
Wards:	Ward 30 - Toronto-Danforth
Reference Number:	15-213190 STE 30 OZ

SUMMARY

A revised proposal for Official Plan and Zoning By-law amendment applications has been submitted for 395, 387R and 413 Leslie Street to permit seven detached dwellings and four semi-detached dwellings on a private road. The site is located in the interior of a low-rise residential block at the northeast corner of Gerrard Street East and Leslie Street. The existing detached dwellings at 395 and 387R Leslie Street will be demolished. A total of 11 resident parking spaces and one visitor parking space is proposed in the development.

On June 14, 2016, Toronto and East York Community Council (TEYCC) considered staff reports that recommended the original proposals for either an 18 unit or 16 unit townhouse development be refused.

In the interim period between TEYCC and City Council, the applicant appealed the application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on their request for Official Plan and Zoning By-law Amendments applications.

On July 12, 2016 Toronto City Council considered the applications for Official



Plan and Zoning By-law Amendments and authorized the City Solicitor with other appropriate staff to appear before the OMB to oppose the proposal.

On April 26, 2017 Toronto City Council considered a revised application for Official Plan and Zoning By-law Amendments showing fifteen 4-storey townhouse units (the "April Proposal") and authorized the City Solicitor with other appropriate staff to appear before the OMB to refuse the April proposal.

City Planning received a further revised application on September 8, 2017 (the "September Proposal"). The September Proposal eliminates the townhouse form and proposes seven detached dwellings and four semi-detached dwellings in a response to address some of City Planning's issues with the April Proposal.

At its November 7, 2017 meeting, City Council directed the City Solicitor and the Acting Director, Community Planning, Toronto and East York District to report to the next meeting of TEYCC regarding the September Proposal, respecting the Official Plan and Zoning By-law amendment for the properties at 395, 387R and 413 Leslie Street.

This report identifies outstanding issues with respect to the September Proposal and recommends that City Council direct the City Solicitor and City staff, as appropriate, negotiate with the applicant and, should a settlement not be reached, to attend the OMB to oppose the Official Plan Amendment and Zoning By-law Amendment applications at 395, 387R and 413 Leslie Street.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing in order to oppose the Official Plan Amendment and Zoning By-law Amendment applications at 395, 387R and 413 Leslie Street, in its present form.
2. City Council authorize the City Solicitor, in consultation with the Acting Chief Planner & Executive Director, to negotiate with the applicant a resolution of the appeal on a revised proposal which addresses the issues set out in this report.
3. In the event a settlement is reached, City Council authorize the City Solicitor to attend at the Ontario Municipal Board in support of the settlement.
4. City Council direct City Planning staff, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Ontario Municipal Board withholds its Order(s) approving the applications until such time as the Ontario Municipal Board has been advised by the City Solicitor that:

- a. the proposed Official Plan Amendment and Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor;
 - b. a holding provision is placed on the Zoning By-law Amendment until such time as the necessary infrastructure is available to service the proposed development to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services; and
 - c. a Site Plan application has been made and a Site Plan Agreement has been entered into between the City and the owner and all pre-approval conditions have been satisfied.
5. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

Financial Impact

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

DECISION HISTORY

On June 14, 2016 Toronto and East York Community Council considered staff's recommendation to refuse the Official Plan Amendment and Zoning By-law Amendment applications for the lands at 395, 387R and 413 Leslie Street contained in Refusal and Supplementary Reports by the Director, Community Planning, Toronto and East York District, dated May 25, 2016 and June 10, 2016, respectively. The Refusal Report was based on plans showing sixteen 4-storey townhouse units. TEYCC adopted the staff recommendations which included authorizing the City Solicitor with other appropriate staff to appear before the OMB in support of the decision to refuse the applications.

On June 20, 2016 the applicant appealed the application to the Ontario Municipal Board OMB due to Council's failure to make a decision on their request for Official Plan and Zoning By-law Amendments applications.

On July 12, 2016 Toronto City Council refused the applications for Official Plan and Zoning By-law Amendments and authorized the City Solicitor with other appropriate staff to appear before the OMB in support of City Council's decision to refuse the application.

On April 26, 2017 Toronto and East York Community Council refused a revised application for Official Plan and Zoning By-law Amendments for fifteen townhouse units and authorized the City Solicitor with other appropriate staff to appear before the OMB in support of City Council's decision.

On November 7, 2017 Toronto City Council directed the City Solicitor and the Director, Community Planning, Toronto and East York District to report to the next meeting of Toronto and East York Community Council regarding the most recent revised proposal submitted on September 8, 2017.

ISSUE BACKGROUND

Proposal

The initial proposal consisted of eighteen 4-storey townhouse units with a total gross floor area (GFA) of 3,589 m² and a density of 1.46 times the lot area. The applicant made a revised submission showing sixteen 4-storey townhouse units on March 17, 2016. This same proposal was presented to the public in a community meeting on April 7, 2016. Both the original submission and the revised drawings were the basis for the Refusal and Supplementary Reports at the July 12, 2016 meeting of Toronto City Council.

On September 8, 2017, Community Planning received the most recent proposal for 395, 387R and 413 Leslie Street to permit seven detached dwellings and four semi-detached dwellings. The total gross floor area (GFA) is now 2,847 m² and a density of 1.16 times the lot area. The proposed access remains a private driveway off Leslie Street that turns into a combination private driveway and easement for vehicular and pedestrian access to individual units. Each of the units will have internal vehicular parking and one visitor parking space will double as a central loading area for solid waste staging and service vehicles.

For detailed information refer to Application Data Sheet, Attachment 9.

Site and Surrounding Area

The property is located in the interior of the residential block at the northeast corner of Gerrard Street East and Leslie Street. The property has a 7.6 metre frontage on Leslie Street and public laneways flank the south, east, and northwest sides of the site. The 2,460 m² site is uneven with a significant and pronounced change in elevation and a top-of-bank feature at the north end of the site. The site has two existing detached dwellings and an associated detached garage. There are three public laneways adjacent to the site but none of the laneways are connected.

Land uses and form of development surrounding the property include the following:

- North: The north end of the site abuts the rear yard of dwellings fronting on Harriet Street.
- East: The easterly side of the site abuts a public laneway and the rear of dwellings fronting on Hastings Avenue.
- West: The westerly side of the site abuts the rear yards of dwellings fronting on Leslie Street.
- South: The southerly side of the site abuts the rear yards of dwellings fronting on Gerrard Street East.

Ontario Municipal Board Appeal

On June 20, 2016, the City Clerk's Office received notification that the applicant had filed an appeal of the Official Plan and Zoning By-law Amendment application to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. The appeal was filed after TEYCC considered and recommended refusal of the application but before City Council refused the application.

The OMB held a pre-hearing conference on November 21, 2016. A second Pre-Hearing Conference was held on April 18, 2017, where the Board set hearings dates for eight (8) days, commencing on January 29, 2018. The Board ordered that a draft Procedural Order and Issues List be prepared and provided to the Board by November 1, 2017, for issuance by the Board. Given the recent September Proposal, the parties agreed to extend the submission of the draft Procedural Order and Issues List until November 10, 2017. The Board further directed that the draft Procedural Order shall include a mandatory meeting of all like experts with the expectation that such meeting, will assist in further scoping of the issues before the Board.

Agency Circulation

A revised submission was received by Planning on September 8, 2017, and circulated to departments and agencies for comment. Comments received were forwarded to the applicant.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, both the PPS and the Growth Plan state that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan meets the requirements of the PPS. The subject site is not located in an area identified for growth and thus not consistent with the Provincial Policy Statement 2014.

The PPS also advises that appropriate development standards be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health or safety. The revised fifteen unit townhouse development does not conform to the development criteria and infill development criteria in *Neighbourhoods* and is thus not consistent with the way in which the Official Plan implements the PPS.

The Growth Plan 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. The Growth Plan strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set minimum targets for population and employment growth.

The Growth Plan also directs growth to *urban growth centres, intensification corridors, major transit station areas, brownfield sites* and *greyfields* to provide as a key focus for transit and infrastructure investments to support future growth. This is not an area where the scale of intensification and built form proposed, is anticipated or appropriate. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan. Based on this, the proposal does not conform to, and conflicts with, the Growth Plan.

Official Plan

The Official Plan identifies a land use structure for areas where intensification is appropriate and directs growth to certain areas of the City. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the *Downtown, Centres, Avenues* and *Employment Districts*. The subject site is not in one of those areas.

The subject site is designation *Neighbourhoods* where growth is not anticipated. While some change is generally anticipated over time, a key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Criteria for evaluating development in *Neighbourhoods* is contained in 4.1.5 of the Official Plan which also specifies that no changes will be made through rezoning of other public action that are out of keeping with the physical character of the neighbourhood. Criteria for infill development can be found in 4.1.9 of the Official Plan. The requested amendment to the Official Plan is not appropriate.

Zoning By-law

The intent of zoning by-law provisions are to ensure a consistent lot pattern and provide for adequate separation between dwellings; maximum building height; sufficient private open amenity; consistency in the streetscape; and to prevent overlook and shadowing impacts. The requested changes to the zoning by-law standards would permit a development that does not comply with the general intent of the Official Plan.

Density

The revised development eliminates the townhouse form and proposes seven detached dwellings and four semi-detached dwellings. The less intense form of housing and the reduced number of units results in a total gross floor area (GFA) of 2,847 m² and density of 1.16 times the lot area. The existing zoning permits a density of 0.6 times the lot area. The intensity of the development remains a concern for staff.

Orientation

The proposed development is a row of seven detached dwellings that run parallel to both Leslie Street and Hastings Avenue. The detached dwellings have a front-to-back orientation that will impact the amenity spaces of the properties on Leslie Street. Four semi-detached dwellings will be located at the southern end of the site, perpendicular to the detached dwellings. One visitor parking space, which also functions as a service area, separates the detached from the semi-detached dwellings. The houses will be mostly constructed on table land with two of the units and a deck located in the slope feature. Attachment 4: Site Plan, illustrates the revised proposal.

The revised proposal provides for increased rear yard depths from the previous submitted proposal. Whereas the previous revision proposed an easterly setback of 2.5 metres, the current proposal shows a setback of 3.48 metres. With the inclusion of the public laneway the detached dwellings will be 7.5 metres from the rear yards of the dwellings on Hastings Avenue.

Staff are also concerned with the separation distances between the houses. The current proposal shows separation distances of 0.9 metres between the detached dwellings which is not consistent with the character of the neighbourhood. Notwithstanding the change, the setbacks and location of the houses remain a concern for staff.

Height

The height of the houses in the revised proposal remain unchanged from the previous submissions at 12.45 or 13.5 metres depending on which Zoning By-law they are reviewed under. The proposed height of the houses will have a negative impact on the amenity of adjacent properties due to issues related to massing, overlook, and privacy. The height of the structures remain a concern for staff.

The revised plans propose 1.5 metre balconies extending from the second floors of the detached dwellings. The balconies reduce the separation distance to the adjacent properties on Hastings Avenue and are particularly invasive because they project from the second floor. Because the subject lands are at an elevated grade, the impact resulting from the height of the structures and the associated balconies will be exacerbated. Properties fronting on Hastings Avenue will be most affected. The massing of seven detached dwellings and four semi-detached dwellings, 12.45 or 13.5 meters high, at an elevated grade, with balconies approximately 6.0 meters from the private amenity areas of adjacent properties is not an appropriate condition. The proposed development will have inappropriate overlook and privacy impacts on the properties on Hastings Avenue.

Access and Parking

The revised development does not comply with the City's Development Infrastructure and Policy Standards (DIPS) with respect to access, parking, and service area.

Servicing

The proposed development has not demonstrated that adequate fire protection requirements can be met. The current proposal showing a fire service line terminating at

a hydrant is not acceptable to the Engineering and Construction Services division. It is also not permitted to use the same water supply for fire service and domestic water supply.

Solid Waste Removal

The proposed development contemplates a solid waste management plan where waste bins are moved from the individual units to a staging area adjacent to Leslie Street for pick-up on service days. Despite Solid Waste division's approval of the proposed waste removal plan Planning staff note that staging solid waste on Leslie Street will have impact with respect to adjacent property owners and resulting clutter, visual impact, traffic, and potentially odour. The proposed solid waste removal plan is not appropriate in this context.

Slope Stability

Staff are concerned with the stability of the slope feature as well as the proposed development's impact on adjacent properties. The applicant has submitted a slope stability study in support of the application but the study is obsolete and references a previous submission for townhouse units at a different location. The slope stability study indicates that movement has been observed and cautions of possible slope failure. The applicant must provide assurance that the proposed development and the associated slope have long term stability, and provide assurance that the development of the subject lands will not affect the stability of the slope on adjacent properties. The proposed development is premature in the absence of satisfactory slope stability information.

Furthermore, the recently submitted Site Grading Plan shows proposed overland flows being directed to the rear / external property, which is not permitted. All overland flows must be managed within the proposed development and not directed to adjacent properties.

Hydrogeology and Storm Water Management

Staff are concerned with the quality, quantity, and method of groundwater management and discharge. The applicant's hydrogeological and site servicing information is incomplete. The method of ground water management is yet to be determined since no hydrogeological / groundwater related information has been provided. Storm water management information is also incomplete. Both ground water and storm water may require on-site storage and the location of the storage may result in revisions to the design. In this respect, the proposed development is premature due to the absence of hydrogeology and a storm water management plan.

Site Plan Control

A site plan control application has not been submitted at the time of writing this report. In the event the OMB approves any form of development on the site, City Council should request that the final order be withheld until the City confirms that all pre-approval conditions have been satisfied.

CONCLUSION

Notwithstanding the new form of housing and a reduction in the number of units, the revised proposal fails to address significant concerns as indicated in this report. Staff recommend that City Council refuse the proposal in its present form and negotiate with the applicant a resolution of the appeal on a revised proposal which addresses the issues set out in this report.

CONTACT

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Fax No. (416) 392-1330
E-mail: derrick.wong@toronto.ca

SIGNATURE

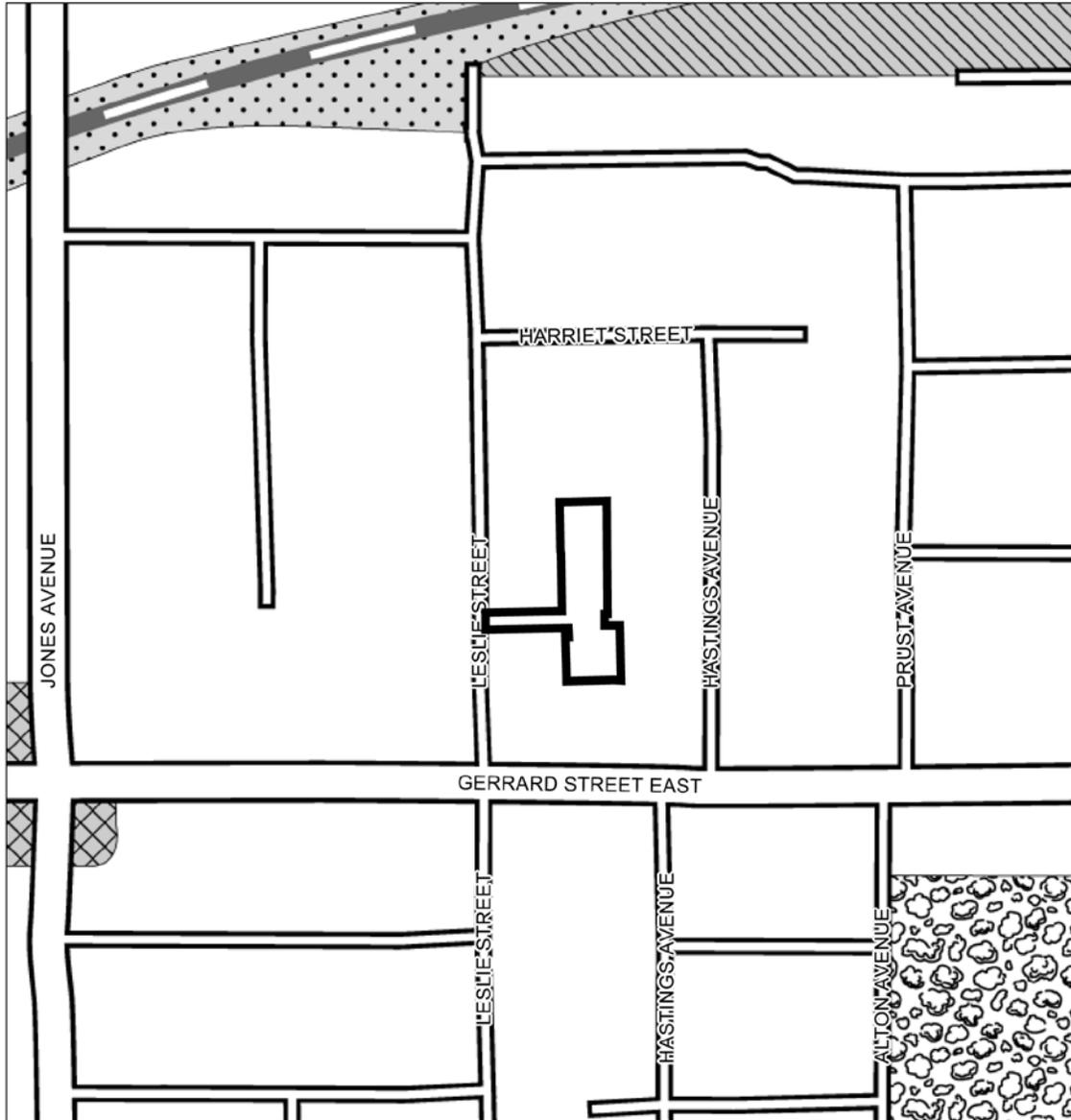
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Official Plan
Attachment 2: Zoning By-law
Attachment 3: Context Plan
Attachment 4: Site Plan
Attachment 5: West Elevation
Attachment 6: East Elevation
Attachment 7: Section AA and BB Attachment
Attachment 8: Section CC and DD
Attachment 9: Application Data Sheet

Attachment 1: Official Plan



Toronto City Planning
 Extract from Official Plan

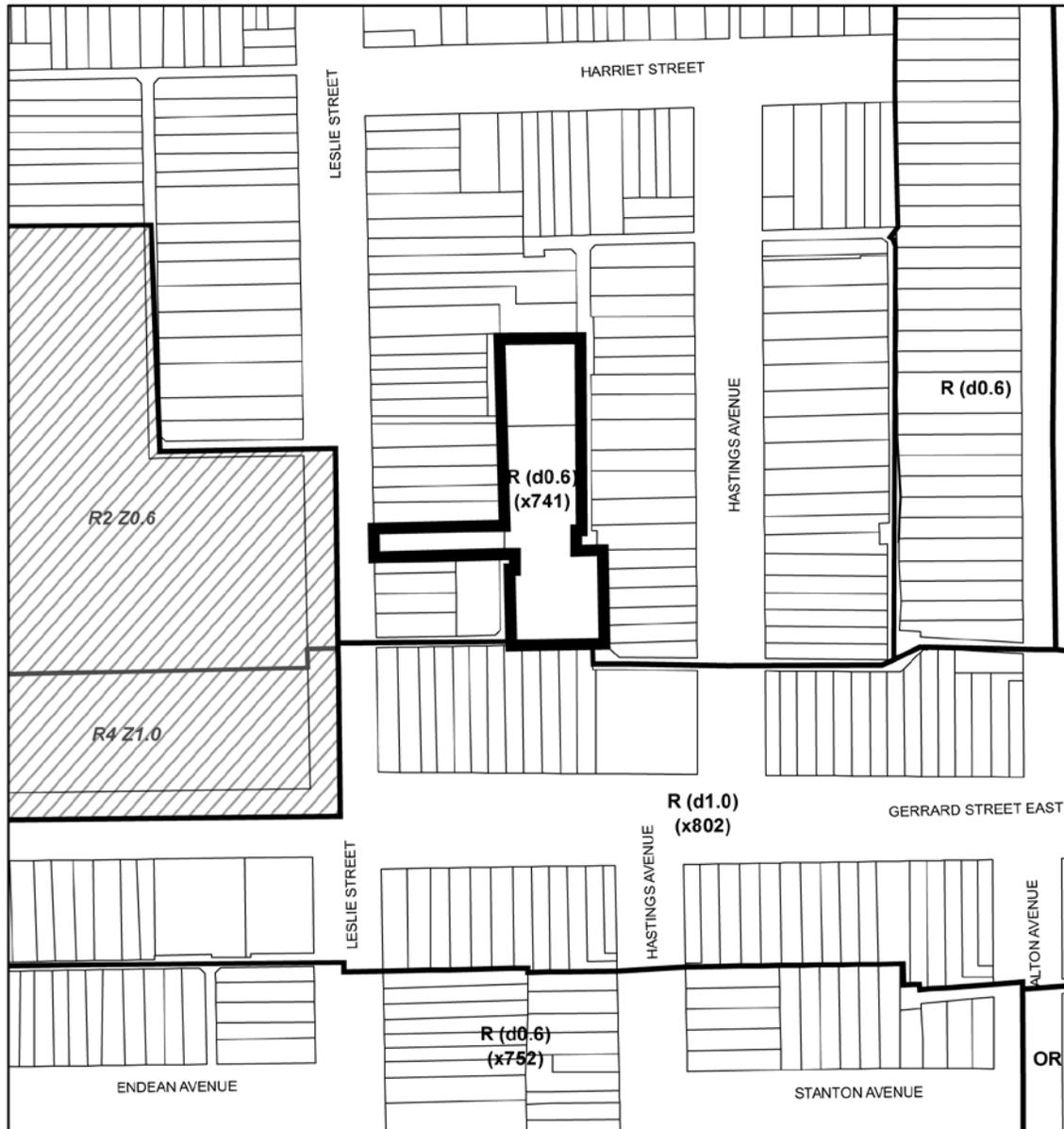
395, 387R & 413 Leslie Street

File # 15 213190 STE 30 0Z

- | | | |
|-----------------|--------------------------|-------------------|
| Site Location | Parks & Open Space Areas | Employment Areas |
| Neighbourhoods | Parks | Utility Corridors |
| Mixed Use Areas | | |

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 Not to Scale
 10/24/2017

Attachment 2: Zoning By-law 569-2013



Zoning By-Law No. 569-2013

395, 387R & 413 Leslie Street

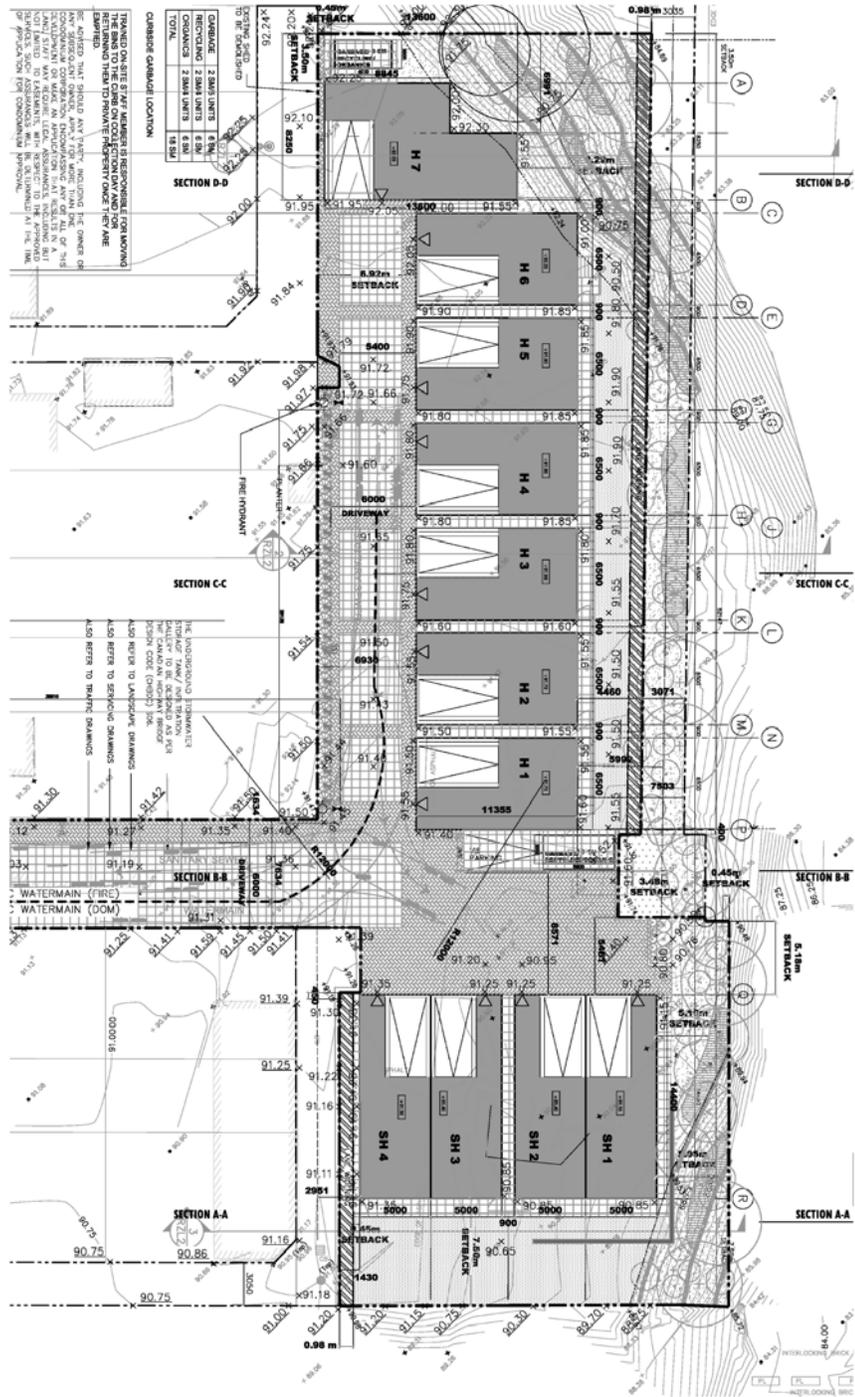
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Location of Application
R Residential **OR** Open Space Recreation

See Former City of Toronto By-Law No. 438-86
R2 Residential District
R4 Residential District

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 Extracted: 10/25/2017

Attachment 4: Site Plan



Site Plan 2

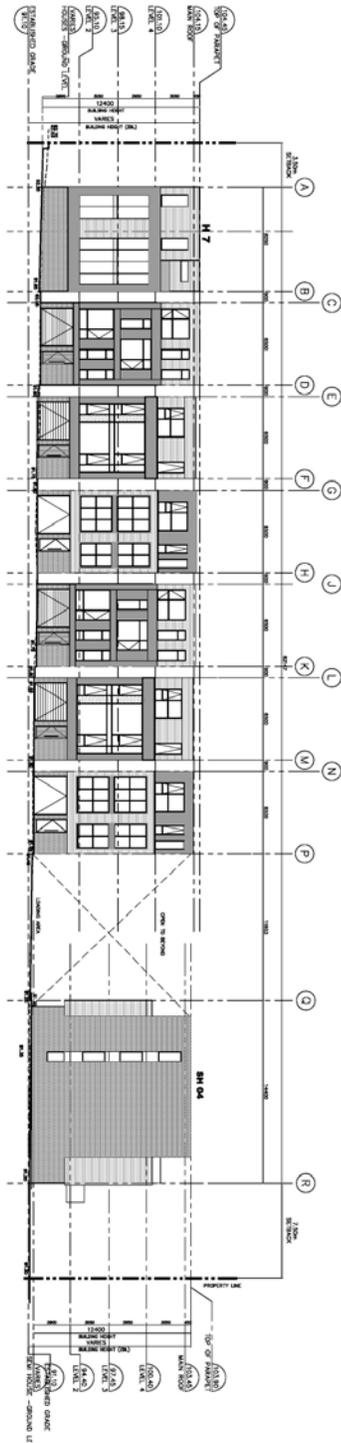
Applicant's Submitted Drawing

Not to Scale
10/24/2017

395, 387R & 413 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 4: West Elevation



West Elevation

Elevations

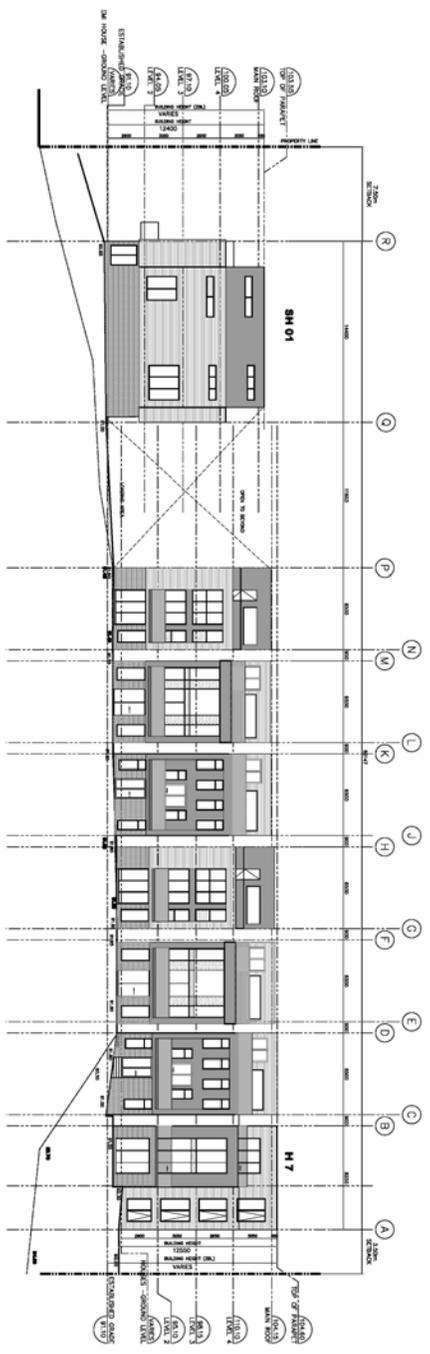
Applicant's Submitted Drawing

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395, 387R & 413 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 6: East Elevation



East Elevation

Elevations

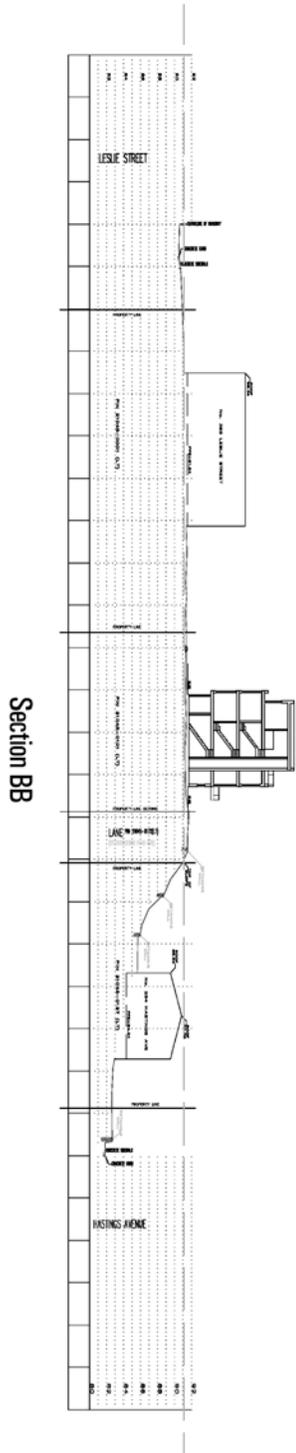
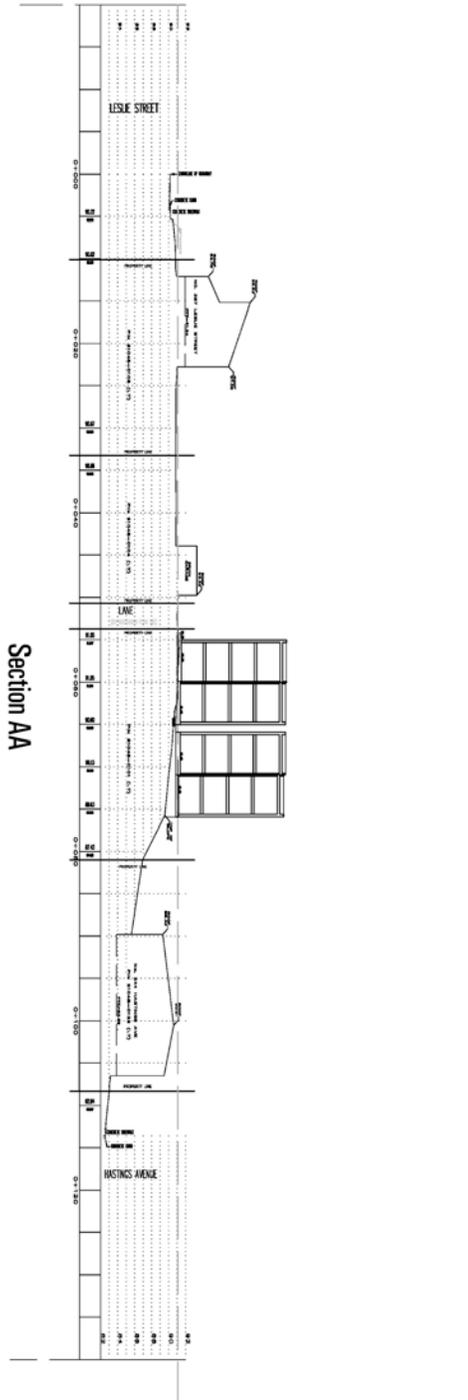
Applicant's Submitted Drawing

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395, 387R & 413 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 7: Sections AA and BB



Sections

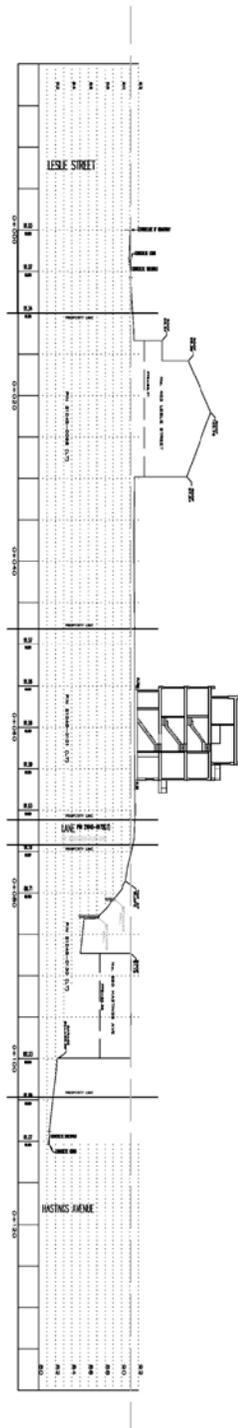
Applicant's Submitted Drawing

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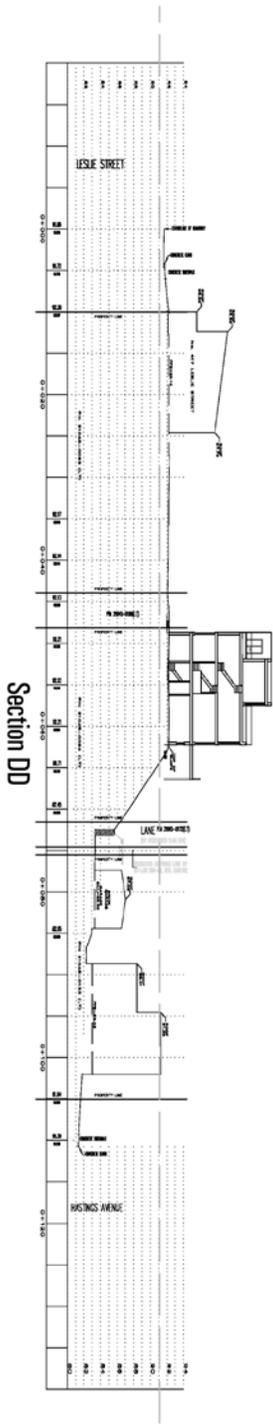
395, 387R & 413 Leslie Street

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Attachment 8: Sections CC and DD



Section CC



Section DD

Sections

Applicant's Submitted Drawing

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10/24/2017

395, 387R & 413 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 9: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning
 Details: OPA & Rezoning, Standard
 Application Number: 15 213190 STE 30
 Application Date: OZ August 26, 2015
 Municipal Address: 395, 387R and 413 LESLIE STREET
 Location Description: PLAN 676 PT LOT 11 **GRID S3009
 Project Description: The proposed development consists of seven (7) detached dwellings and four (4) semi-detached dwellings comprising a total of 2,847 square metres on the subject site and a density of approximately 1.16 FSI. There will be 11 parking spaces and one visitor parking space that is also used for servicing. Access will be a private lane that will run along 395 Leslie Street.

Applicant: Andrew Ferancik
Agent:
Architect: A & Associate Architects Inc.
Owner: Leslie Mews Inc.

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods
 Zoning: R (d0.6) (x741)
 Height Limit (m): 10
 Site Specific Provision:
 Historical Status:
 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 2460
 Frontage (m): 7.6
 Depth (m): 66
 Height: Storeys: 4
 Metres: 12.85m & 13.5m
 Total Ground Floor Area (sq. m): **Total**
 Total Residential GFA (sq. m): 2847
 Total Non-Residential GFA (sq. m): 0
 Total GFA (sq. m): 2847
 Parking Spaces: 12
 Loading Docks: 1 (also visitor parking)
 Lot Coverage Ratio (%):
 Floor Space Index: 1.16

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condominium		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	2847	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:	11	Institutional/Other GFA (sq. m):	0	0
Total Units:	11			

CONTACT: PLANNER NAME: Derrick Wong, Planner

TELEPHONE: (416) 392-0776