



## REPORT FOR ACTION

**39 - 45 Thora Avenue - Zoning Amendment -  
Application – Request for Directions Report**

Date: October 21, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 20 - Scarborough Southwest

**Planning Application Number:** 13 253911 ESC 35 OZ

**SUMMARY**

---

The applicant has appealed their applications for Zoning By-law Amendment and Site Plan approval to the Ontario Municipal Board (now transitioned to the LPAT) due to City Council's failure to make a decision within the timelines set out in the *Planning Act*. The hearing is scheduled for August 4, 2020.

The application proposes to redevelop the site with 3 blocks of residential buildings comprising of the following:

- A 3-storey detached building containing 1 residential unit fronting onto Thora Avenue;
- A 3-storey townhouse block containing 5 residential units perpendicular to Thora Avenue and fronting onto a private walkway;
- A 3-storey townhouse block containing 10 residential units, located at the rear; and
- An underground parking garage containing 24 parking spaces, garbage /recycling room, storage area and an electrical room.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff, to attend the LPAT hearing to oppose the application in its current form as it does not conform to the policies of the Official Plan.

The proposed development is not respectful of the existing physical character of the adjacent established *Neighbourhood*, particularly in terms of site organization, prevailing building type, height, massing and scale. The adjacent neighbourhood is comprised of 1-2 storey detached and semi-detached dwellings that have direct access and frontage on public streets, have clearly visible main entrances and established landscaped open spaces and distances between buildings. The proposal represents overdevelopment of the site and would set a negative precedent in the neighbourhood.

This report also recommends that the City Solicitor and appropriate staff be directed to continue discussions with the applicant in an effort to address the outstanding issues outlined in this report.

## **RECOMMENDATIONS**

---

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend and oppose the Zoning By-law Amendment and Site Plan applications in their current form for the lands at 39-45 Thora Avenue.
2. City Council direct the City Solicitor and City Staff to continue discussions with the applicant and seek revisions to the application in an attempt to resolve the outstanding issues outlined in the report dated October 21, 2019, from the Director, Community Planning, Scarborough District.
3. In the event that the Local Planning Appeal Tribunal allows an appeal of the Zoning By-law Amendment and Site Plan applications in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order(s) approving the application until:
  - a. The Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning Division;
  - b. The owner submits to the satisfaction of the Executive Director, Engineering and Construction Services an updated Functional Servicing and Stormwater Management Report and plans. In addition, the owner would be required to enter into an agreement(s) for the construction of any improvements to existing municipal infrastructure, should it be determined that upgrades are required to support this development; and
  - c. Conditions of Site Plan Approval are identified in a form satisfactory to the Chief Planner and Executive Director, City Planning Division.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

## **FINANCIAL IMPACT**

---

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

---

A number of pre-application meetings were held with the owners prior to the submission of the application in 2013, to discuss the long-term vision for the subject property, as well as complete application submission requirements.

The original application was submitted on October 21, 2013, and deemed complete on November 14, 2013. A Preliminary Report on the application was adopted by Scarborough Community Council on February 25, 2014, authorizing staff to conduct a community consultation meeting. Scarborough Community Council's decision can be

found at this web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SC30.20>.

## ISSUE BACKGROUND

---

### Original Proposal

The original application filed with the City on October 21, 2013, was to permit 10, three-storey townhouses at 39 - 45 Thora Avenue. Seven townhouses were to be located along the north portion of the site with an integral parking space for each dwelling unit accessed from the existing public lane via Thora Avenue. The remaining three townhouses were to be located to the south with parking in detached rear garages accessed from Lucy Avenue. One visitor parking space was proposed in front of each of the three detached garages, and two common visitor parking spaces were proposed for the seven townhouses off the public lane with access from Thora Avenue for a total of 15 parking spaces.

### LPAT Appeal

The owners filed an appeal to the Local Planning Appeal Tribunal (the "LPAT") on April 11, 2018, under Case No. PL180326, due to Council's failure to decide on the applications within the time prescribed by the *Planning Act*. A pre-hearing conference was held on January 28, 2019, where the owners advised the LPAT and City staff that they would be resubmitting new plans showing 16 residential units. LPAT has since scheduled a 4-day hearing commencing on August 4, 2020, to consider this appeal.

### Revised Proposal

On July 16, 2019, the owners submitted a revised application that increased the number of residential units from 10 to 16. The revised proposal includes:

- A 3-storey detached building containing 1 residential unit fronting onto Thora Avenue;
- A 3-storey townhouse block containing 5 residential units running perpendicular to Thora Avenue and fronting onto a private walkway;
- A 3-storey townhouse block containing 10 residential units, located behind the low-scale residential buildings on Thora Avenue and buildings (residential and commercial) on Sneath Avenue; and
- An underground parking garage containing 24 parking spaces, garbage /recycling room, storage area and an electrical room.

A total of 2,287.25 square metres of residential gross floor area is proposed, resulting in a Floor Space Index of 1.18. Each unit is 3-storeys in height, resulting in a height of 9.64 metres. Refer to Attachment No. 2: Location Map and Attachment No. 5: Site Plan.

The proposed 3-storey detached dwelling would front on Thora Avenue, however the main entrance to this building is located on the south façade of this dwelling with pedestrian access provided from a private walkway which is perpendicular to Thora Avenue. The proposed 3-storey detached dwelling would be set back by 4.2 metres from Thora Avenue and 3.7 metres from the south property line. A separation distance

of 3.7 metres is proposed between the 3-storey detached dwelling and the proposed 5-unit block of townhouses at the rear.

The 5-unit block of townhouses units would be located behind the proposed 3-storey detached dwelling. The main entrances to the townhouses units would front onto a private walkway which is perpendicular to Thora Avenue. The 5-unit block of townhouses would be setback by 7.2 metres from the north property line along the public laneway and 1.5 metres from the east property line. A separation distance of 5 metres is proposed between the 5-unit block of townhouses and the proposed 10-unit block of townhouses to the south.

The 10-unit block of townhouses would be located behind the existing 1-storey buildings on Thora Avenue and the buildings on Sneath and Lucy Avenues. This building would be set back by 3.5 metres from the east property line; 4.5 metres from the west property line; and 3 metres from the south property line.

A 1-level underground parking garage would be provided with an access ramp from Thora Avenue. A total of 24 vehicular parking spaces, including 3 visitor spaces, is proposed. A garbage pad for the collection of solid waste would be located in the front yard adjacent to the underground garage access ramp. The application also provides for the dedication of 1.17 metres of land towards the widening of the public laneway along the north property line of the subject lands.

Detailed project information is found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=o%2BaH2ZJAa2nh5X6s6omeQA%3D%3D>.

### **Site and Surrounding Area**

The site is L-shaped with 21.4 metres of frontage on Thora Avenue and a site area of approximately 1,938 square metres in area. The property has a length of approximately 76 metres along the east property line and 46 metres abutting the public laneway along the north property line. The lands are currently vacant and have been used intermittently as a parking lot.

Uses and structures near the site are as follows:

North: immediately north of the subject property is a 3.66-metre wide public lane which runs from Thora Avenue along the site's north property line to the site's east property line. Further north, at the south-east corner of Danforth and Thora Avenues, is a new 4-storey affordable housing building. A 1.17-metre lane widening was secured on the above-noted laneway as part of the affordable housing development to provide access to 5 surface vehicle parking spaces. Further east along the south side of Danforth Avenue is an existing 2 storey dwelling used as a sales office by California Classic Cars. East of the sales office is a semi-detached dwelling that is used for residential purposes.

East: an LCBO retail store and associated surface parking are located east of the subject property in addition to single and semi-detached residential dwelling units

fronting Sneath and Lucy Avenues. A children's playground known as Lucy Tot Lot is located at the north-west corner of Lucy and Sneath Avenues.

South: single and semi-detached 1-storey residential dwelling units with frontage on Thora Avenue and lands to the south of Wakehood Street contain a mix of employment and industrial uses, the majority being auto service and repair. At the south terminus of Thora Avenue (1 Thora Avenue) is occupied by an automobile wrecking yard.

West: single and semi-detached residential 1-storey dwelling units. Opposite the site, on the south-west corner of Danforth and Thora Avenues is a 2 storey office building containing Access Point Danforth, a community hub that provides a wide range of programs and services for immigrants and others living in the City of Toronto.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Provide for a more compact built form and a vibrant public realm, including public open spaces;
- Integrate green infrastructure and appropriate low impact development;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

The outcome of staff analysis and review are summarized in the Comments section of this Report.

## **Toronto Official Plan**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario.

The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

This application has been reviewed against the policies of the Official Plan noted in subsequent sections of this report. The site is designated *Neighbourhoods* in the Official Plan. See Attachment No. 5: Official Plan Land Use Map.

## **Chapter 2 - Shaping the City**

Chapter 2 of the Official Plan sets out the urban structure of the City, develops the strategy for directing growth within the structure and sets out policies for the management of change, through the integration of land use and transportation.

### **Healthy Neighbourhoods Policies**

The Healthy Neighbourhoods policies of the Official Plan (Policy 2.3.1) provide guidance for development in *Neighbourhoods*. The Plan recognizes that *Neighbourhoods* would not remain static and that some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites. A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.

## **Chapter 3 - Building a Successful City**

Chapter 3 of the Official Plan contains policies to guide decision making based on the Plan's goals for the human, built, economic and natural environments.

### **Public Realm**

Section 3.1.1 of the Official Plan contains Public Realm policies that recognize the essential role of the City's streets, open spaces, parks and other key shared public

assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

Policy 3.1.1.14 calls for the application of design measures on all new buildings to promote pedestrian safety and security adjacent to streetscapes, parks, other public and private open spaces.

Policy 3.1.1.15 outlines how new development should be accessible, comfortable, safe and integrated into the local pattern of pedestrian movement with direct, universal physical and visual access from the public sidewalk and clear path-finding within.

### **Built Form**

Policy 3.1.2.1 directs new development to be located and organized to fit with its existing and/or planned context and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Policy 3.1.2.2, amongst others, directs new development to be located and organized vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a) using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b) consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c) integrating services and utility functions within buildings where possible; and
- d) providing underground parking where appropriate; and
- e) limiting surface parking between the front face of a building and the public street or sidewalk.

Policy 3.1.2.3 requires new development be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;



- b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) providing for adequate light and privacy;
- e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.5, calls for new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) weather protection such as canopies, and awnings; and
- d) landscaped open space within the development site.

Policy 3.1.2.6 requires every significant new multi-unit residential development to provide indoor and outdoor amenity space for residents of the new development.

## **Chapter 4 – Land Use Designations**

Chapter 4 of the Official Plan contains the land use designations which apply across the City, which together with the land use maps implement the strategy for managing change set out in Chapters 2 and 3.

### **Neighbourhoods Policies**

As noted in this report, the subject property is designated *Neighbourhoods* on Land Use Map - 20 in the Official Plan. See Attachment No. 5: Official Plan Land Use Map.

*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.

While communities experience constant social and demographic change, the general physical character of Toronto's residential *Neighbourhoods* endures. Physical changes to our established *Neighbourhoods* must be sensitive, gradual and "fit" the existing

physical character. A key objective of the Plan is that new development respect and reinforce the general physical patterns in a *Neighbourhood*.

Policy 4.1.9 which provides direction on infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation calls for development that will:

- a) have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;
- b) have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;
- c) provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- d) front onto existing or newly created public streets wherever possible, with no gates limiting public access;
- e) provide safe, accessible pedestrian walkways from public streets; and
- f) locate, screen and wherever possible enclose service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and on residences.

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of this Report.

### **Official Plan Amendment No. 320**

The Local Planning Appeals Tribunal issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

OPA 320 came into force after this application was made, and after the appeal to the LPAT was filed, but before the revision that is the subject of this report was submitted to the City. OPA 320 is, therefore, relevant to staff's analysis of this revision, and the

revision has been evaluated against it. Staff's overall conclusion was not impacted by the analysis of the application against the now in-force policies of OPA 320.

## **Zoning**

The subject property is currently zoned Two-Family Residential (T) Zone in the Oakridge Community Zoning By-law No. 9812, as amended. Refer to Attachment No. 4: Zoning By-law Map. The two-family residential zone permits single-family dwellings, two-family dwellings, group homes, and correctional group homes. By exception, public parking lots operated by the City of Toronto or a municipal authority and parking ancillary to uses on the same lot which front onto Danforth Avenue are also permitted; and commercial and institutional uses legally established prior to the date of passage of the by-law shall continue to be permitted. The existing zoning permits a maximum building height of 9 metres.

The existing zoning permits a maximum of two dwelling units per parcel having a minimum frontage of 12 metres and a minimum area of 371 square metres or a maximum of one dwelling unit per parcel having a minimum frontage of 6 metres and a minimum area of 185 square metres. Maximum ground floor area coverage permitted is 50% of the lot or parcel of land. Townhouses are not permitted under this zoning category.

The site is not subject to the City-wide Zoning By-law 569-2013, as amended. However, a draft site-specific amendment to the City-wide Zoning By-law 569-2013 has been submitted in support of the Rezoning Application to incorporate the site into the new City-wide By-law 569-2013, as amended.

The City's Zoning By-law 569-2013, as amended can be found here:  
<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>.

## **Townhouse and Low-rise Apartment Guidelines**

The Townhouse and Low-Rise Apartment Guidelines were adopted by City Council with amendments in March 2018. City Council directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. This new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios.

The Guidelines also provide direction on how new townhouse developments are sited, organized, massed and designed in a manner that is consistent with various development scenarios. Residential areas designated as *Neighbourhoods* in the Official Plan require that development respect and reinforce the existing and planned context. Where the lots differ in size, configuration and shape, new development is required to be respectful of its context. In order to achieve these policies, the Guidelines identify appropriate building location, orientation and setbacks, unit size, parking, building

massing and materials and landscaping. The link to the Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/official-planguidelines/design-guidelines/townhouse-and-low-rise-apartments/>.

The application has been reviewed by staff against the above noted Guidelines.

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application under (File No. 13 253922 ESC 35 SA) has been submitted and it is being reviewed concurrently with the Rezoning application. The Site Plan Control application is also under appeal at the LPAT.

### **Reasons for Application**

A Zoning By-law Amendment is required to permit townhouses and appropriate zoning standards for the proposed development.

### **Application Submission**

The following reports/studies were submitted in support of the original application:

- Planning rationale;
- Survey;
- Architectural plans including site plan and building elevations;
- Landscape Plan;
- Site Servicing and Grading Plan;
- Stormwater Management Report;
- Tree Declaration; and
- Toronto Green Standard Checklist.

A Notification of Complete Application was issued on November 14, 2013.

### **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

### **Community Consultation**

A community consultation meeting was held on April 15, 2014. The meeting was attended by City Planning staff, the applicant, the owner, the former Ward Councillor and approximately 10 members of the public. Issues raised during the discussion of the proposal were as follows:

- Compatibility of the proposed development with the existing character of the area, since the detached dwellings in the area, are between 1 and 2-storeys;

- Concerns were expressed regarding the height, scale and density of the proposed buildings, which would result in adverse impacts on adjacent properties;
- Potential shadow, views and privacy impacts of the proposed development on adjacent properties were of significant concern to residents; and
- Site access, traffic and parking impacts on the area in general and local neighbourhood streets in particular, due to the volume of traffic from the proposed scale of development.

The above-noted concerns have been considered by staff in the comments section of this report.

## COMMENTS

---

### Planning Act

The *Planning Act* governs land use planning in Ontario and sets out the means by which municipalities must implement land use planning decisions. In particular, section 2 of the *Planning Act* requires municipalities, when carrying out their responsibilities under this *Act* shall have regard for matters of provincial interest including:

- The orderly development of safe and healthy communities;
- The protection of public health and safety;
- The appropriate location of growth and development;
- The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- The promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The above noted matters, amongst others, are relevant to this application, and Approval authorities shall have regard for these matters while carrying out their responsibilities under the *Planning Act*.

### Provincial Policy Statement and Provincial Plans

Given the explicit link between Provincial Policy and the Official Plan, consistency and conformity with the PPS (2014), and the Growth Plan (2019) will be largely determined by conformity of this application with the Official Plan.

Staff have determined that the proposal in its current form is not consistent with the PPS and does not conform with the Growth Plan for reasons outlined below. The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states

that the planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Policy 4.7 of the PPS states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through the official plans." The site is designated *Neighbourhoods* on Map 20 - Land Use Plan in the Official Plan. The Growth Plan (2019) provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan (2019) directs growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Although the subject lands are an appropriate location for moderate intensification and the proposal includes a mix of building types, the proposal does not conform to the Official Plan public realm, built form and land use policies which are discussed in detail in this report.

## **Official Plan Conformity**

### **Public Realm**

The Public Realm policies in the Official Plan recognizes the importance of how new development contributes to comfortable, safe and accessible streets and open spaces. Given that City streets are significant public open spaces that connect people and places and support the development of complete communities, the proposal has been reviewed in this context to determine whether it enhances the quality of the public realm.

The prevailing streetscape character in the Neighbourhood includes consistent front yard building setbacks, landscaped open space areas with direct access from the main entrances of houses to the street (Thora Avenue). While the proposed 3-storey detached building is located on Thora Avenue, it does not have direct access from the street to its main entrance. The application also introduces a ramp from Thora Avenue which slopes to an underground parking garage and pedestrian walkway perpendicular to Thora Avenue.

There are no residential properties with access ramps to below-grade garages on Thora Avenue or pedestrian walkway with access to multiple residential units on one lot as proposed. As such, it is staff's opinion that the proposal is not consistent with the established streetscape character and does not enhance the quality of the public realm. It is staff's opinion that the proposal does not conform to Policy 3.1.1.14 which calls for the application of design measures on all new buildings to promote pedestrian safety and security adjacent to streetscapes, parks, other public and private open spaces.

It is also staff's opinion that the proposal in its current form does not conform to Policy 3.1.1.15, which outlines how new development should be accessible, comfortable, safe and integrated into the local pattern of pedestrian movement with direct, universal physical and visual access from the public sidewalk and clear path-finding within.

Staff will continue discussions with the applicant to improve pedestrian access, movement and clear path-finding for the proposed development.

### **Site Organization**

The Official Plan contains policies that speak to how new development should be located and organized to fit with its existing and/or planned context and frame and support adjacent streets. Policy 3.1.2.1(a) calls for new buildings to be located parallel to streets or along the edge of a park or open space with a consistent front yard setback.

Policy 3.1.2.2(c) calls for integrating services and utility functions within buildings where possible. Policy 3.1.2.1(b) states that new development will be located and organized to fit with its existing and/or planned context by locating main building entrances so that they are visible and directly accessible from the public sidewalk. This policy also calls for new development to appropriately frame and support adjacent streets, parks and open spaces to improve safety, pedestrian interest and casual views to these spaces.

While the proposed 3-storey detached building is located parallel to Thora Avenue, the proposed 5-unit block of townhouses and 10-unit block of townhouses are located at the rear with no direct street frontage. The proposed 10-storey townhouses creates a building-behind-a-building condition that is not appropriate due to safety and overlook issues. Staff are of the opinion that the building main entrances particularly the ones to the (10-unit block of townhouses) are not clearly visible and directly accessible from the public sidewalk. The 10-unit block of townhouses do not have direct views on Thora Avenue and Lucy Avenue. The main entrances are located at the rear-facing the rear and side yards of adjacent properties resulting in privacy issues to adjacent properties.

It is also staff opinion that the proposal as a whole does not achieve pedestrian safety and security as it does not appropriately frame Thora Avenue, does not take access from the public laneway, and does not integrate vehicular and service areas into the building envelope, in conformity with Official Plan policies 3.1.2.1(a), 3.1.2.1(b) and 3.1.2.2(c).

Also, the proposal does not conform to Policy 4.1.9 (d and e), which calls for new development to:

- d) front onto existing or newly created public streets wherever possible, with no gates limiting public access; and
- e) provide safe, accessible pedestrian walkways from public streets.

Reorganizing the site to utilize the existing public laneway would satisfy the concerns of Transportation Services staff and would provide an opportunity to create an appropriate relationship between the proposal and the public laneway. The utilization of the public laneway as the vehicular access to integral garages associated with individual units or to an underground parking garage that could be located near the east property line and the elimination of the building-behind-a-building relationship can be achieved by redesigning the proposal.

## **Land Use**

Given the existing context of the subject property and the surrounding area, the proposal does not meet the intent of the Official Plan in that it does not re-urbanize the site at an appropriate height, scale and density that is anticipated. The proposal, therefore, sets a negative precedent in the *Neighbourhood*.

The subject lands are designated *Neighbourhoods* on Map 20 – Land Use Plan in the Official Plan. *Neighbourhoods* are 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. This designation does not anticipate significant intensification within these areas, however, respectful infill development is permitted while providing good quality of life for both new and existing residents.

Even though the proposed residential use is consistent with the land use provisions of the Official Plan, it is staff's opinion that the proposed development, particularly the 5-unit townhouses and 10-unit townhouses at the rear have not been sensitively deployed on the site. The aforementioned townhouses would be located between the existing 1-storey semi-detached and 1-storey detached dwellings fronting onto Thora Avenue and those on Lucy Avenue and Sneath Avenue. Eliminating the 10-unit townhouses at the rear would reduce the intensity and scale of the development and would address the inappropriate front yard to rear/side yard condition. In addition, eliminating the 10-unit townhouses would also allow for the provision of outdoor amenity space to support the proposed development.

The proposal in its current form represents overdevelopment on the subject lands and in the area, whereas the Official Plan calls for respectful infill development.

## **Density and Massing**

The Zoning By-law permits two dwelling units per parcel having a minimum frontage of 12 metres and a minimum area of 371 square metres or a maximum of one dwelling unit per parcel having a minimum frontage of 6 metres and a minimum area of 185 square metres. The maximum ground floor area coverage permitted is 50% of the lot or parcel of land.

The purpose of having intensity of use/density restrictions is to guide the overall scale and ensure there is adequate servicing capacity and other infrastructure to support development.

It is staff's opinion that the introduction of 3 blocks of residential buildings with a total gross floor area of 2,287.25 square metres having a Floor Space Index of 1.18 times the area of the lot, constitutes overdevelopment. There are no properties in the surrounding area that contain the scale and density proposed by the application. The introduction of the proposed density and scale of development would set a negative precedent in this *Neighbourhood*.

Official Plan Policy 3.1.2.3(c) calls for new development to create appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving



the objectives of the Plan. The owner has submitted plans that do not demonstrate appropriate rear yard building setbacks (minimum of 7.5 metres) while demonstrating that the townhouse blocks including the roof structure is contained in a 45-degree angular plane.

The 5-metre separation distance between the proposed 5-unit block of townhouses and the 10 unit townhouses is inadequate. The Townhouse and Low-Rise Apartment Guidelines call for separation distance between blocks of townhouses to be equivalent to their height, which in this instance is 9.6 metres. Where there is a front wall to a side wall condition, the Guidelines call for separation distances that appropriately address privacy and overlook within the new development as well as its relationship with adjacent properties. The proposed separation distance of 3.7 metres between the 3-storey detached building and the 5-unit townhouse is not appropriate. The submitted plans do not demonstrate appropriate setback and containment of the buildings within the 45-degree angular plane requirement. The application in its current form does not comply with *Neighbourhoods* policies 4.1.9 which calls for new development to:

- a) have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;
- b) have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property; and
- c) provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed.

The size and irregular shape of the site requires sensitive deployment of the proposed buildings in order to achieve the transition in built form, angular plane requirements, setbacks and stepbacks to achieve an appropriate scale, transition and mitigate privacy and overlook concerns to existing neighbourhoods to ensure conformity with the Official Plan.

Planning staff will continue discussions with the applicant to ensure that the scale, setbacks, siting and building organization are appropriate for the site and it is sensitively deployed so that its impacts on light, views and privacy concerns on adjacent properties are addressed. By reducing the number of residential units, it is expected that the overall site density would also be reduced.

### **Design and Materiality**

At the community meeting, residents expressed concerns with the exterior building materials and the overall design of the proposal. The location and orientation of existing buildings along Thora Avenue is an important consideration, requiring appropriate

placement of buildings, wider sidewalks and boulevards to support tree planting and pedestrian activity to support the public realm.

The proposal should provide complementary architectural materials, detailed information on the proposed materials and architectural detailing/treatments, including the appropriate location and treatment of windows and doors to provide for active, attractive and interesting building elevations.

## **Transportation**

Transportation Services staff have reviewed the transportation report/materials provided by the applicant in support of the proposed development and have requested that the following be addressed:

- Delineate and identify on the site plan drawings a 1.17 metre widening along the entire public lane frontage of the development site as lands being conveyed to the City for a nominal sum;
- Delineate and identify on the site plan drawings a widening measuring approximately 0.63 metres along the Thora Avenue frontage of the development site;
- Eliminate all encroachments that are located within the lands that are to be conveyed to the City; and
- Location of the access ramp to the underground parking garage should be reconsidered as the proposal could utilize the existing public laneway located along the north property line.

## **Site Servicing and Stormwater Management**

The applicant submitted a Functional Servicing and Stormwater Management Plan/Report in support of the proposed development, which has been reviewed by Engineering and Construction Services staff. Staff have concerns with the adequacy of servicing infrastructure to support the proposed development. Engineering and Construction Services staff also require the applicant to make the necessary arrangements and enter into appropriate agreements regarding the design, construction and upgrades to municipal infrastructure should it be required.

It is recommended that should the LPAT allow the appeal, the LPAT be requested to withhold its Order on the Zoning By-Law Amendment pending the resolution of these matters to the satisfaction of the Executive Director, Engineering and Construction Services.

## **Toronto District School Board/Toronto Lands Corporation**

The Toronto District School Board (TDSB) in conjunction with the Toronto Lands Corporation (TLC) have advised that the proposed development is located in an area experiencing significant residential and population growth resulting in accommodation

challenges at local schools. TLC in consultation with the TDSB has determined that there is insufficient capacity at local schools to accommodate students anticipated from development proposals in the area. To this end, TLC recommends advisory clauses and warning signs to be erected and maintained at points of ingress and egress on the subject property. The warning signs and advisory clauses will be secured through the site plan approval process.

### **Toronto Catholic District School Board**

The Toronto Catholic District School Board advise that the local elementary schools in the area can accommodate additional students from the proposed development, however, the secondary schools in the area are operating at capacity and cannot accommodate additional students from the proposed development. The Toronto Catholic District School Board advises that they will continue to monitor development growth in this area as it relates to cumulative impact on local schools. To this end, advisory clauses and warning signs are to be erected and maintained at points of ingress and egress on the subject property. The warning signs and advisory clauses will be secured through the site plan approval process.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 to hectares of local parkland per 1,000 people. The site is in the second-highest quintile of the current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu will be determined when an application for building permit is submitted by the owners.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). Urban Forestry staff advise that, as currently proposed, this project would impact 1 City street trees and 11 privately owned trees.

Urban Forestry staff advise that revisions are required to bring the application into compliance with Tier 1 of Toronto Green Standards.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are

voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Site Plan Approval process.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal in its current form does not comply with the PPS (2014) and does not conform to the Growth Plan (2019) as it relates to the Official Plan policies which implement the PPS and Growth Plan (2019).

The application in its current form does not conform with the Toronto Official Plan and does not respond appropriately to the Townhouse and Low-Rise Apartment Guidelines, particularly as they relate to site organization and building placement. The proposal does not conform with the Toronto Official Plan, particularly as it relates to Healthy Neighbourhoods, Public Realm, Built Form, and *Neighbourhoods* policies. The following issues remain outstanding:

- Suitability of the overall site organization including building placement and proposed building type, which comprises of a 3-storey detached dwelling and two blocks of townhouses;
- The relationship of the proposal to the public realm, its inability to achieve pedestrian safety, clear way-finding and security;
- Inability of the proposal to show appropriate rear yard building setbacks (minimum of 7.5 metres) while demonstrating that the townhouse blocks including the roof structure is contained in a 45-degree angular plane;
- The appropriateness of the location of the 10-unit townhouses on the site, given that it introduces a building-behind-a-building condition on the site and in the area;
- Appropriateness of the back-to-side relationship between the 3-storey detached dwelling and the 5-unit townhouses and a front-to-side relationship between the 5-unit townhouses and the 10-unit townhouses;
- The location of the vehicular access ramp to the underground parking garage and the inability of the proposal to utilize the public laneway; and
- Resolution of issues with site servicing connections and stormwater management.

Staff recommend that the application in its current form be opposed at the LPAT. Staff also recommend that City Council direct City Staff to continue to negotiate with the applicant to try to resolve the outstanding issues detailed in this report and that the City Solicitor and staff be directed to attend the LPAT in opposition to the application in its current form.

## **CONTACT**

---

Francis Kwashie, Senior Planner  
Tel. No. 416-396-7040  
Fax No. 416-396-4265  
E-mail: [Francis.Kwashie@toronto.ca](mailto:Francis.Kwashie@toronto.ca)

## **SIGNATURE**

---

Paul Zuliani, RPP, MBA  
Director, Community Planning, Scarborough District

## **ATTACHMENTS**

---

### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

- Attachment 5: Site Plan
- Attachment 6: Elevations

## Attachment 1: Application Data Sheet

Municipal Address: 39-45 Thora Avenue      Date Received: October 21, 2013

Application Number: 13 253911 ESC 35 OZ

Application Type: Rezoning

Project Description: The application proposes 3 blocks of buildings on the subject property comprising of a 3-storey detached building, a 3-storey, 5-unit townhouse and a 3-storey, 10-unit townhouse. A 1-level underground parking garage containing 24 parking spaces, garbage /recycling room, storage area and an electrical room would be provided to service the proposed development.

Applicant	Agent	Architect	Owner
Charles Goldsmith	Chris Tanzola, Overland LLP	Studio Canoo Architecture	Darrell Day

### EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Neighbourhoods</i>	Site Specific Provision:	No
Zoning:	Two-Family Residential (T)	Heritage Designation:	No
Height Limit (m):	9 metres	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m): 1,942                      Frontage (m): 21.4                      Depth (m): 76

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			743	743
Residential GFA (sq m):			2,287	2,287
Non-Residential GFA (sq m):				
Total GFA (sq m):			2,287	2,287
Height - Storeys:			3	3
Height - Metres:			10	10

Lot Coverage Ratio (%)	38.27	Floor Space Index:	1.18
------------------------	-------	--------------------	------

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	2,287	

Retail GFA:  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			16	16
Other:				
Total Units:			16	16

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					16
Total Units:					16

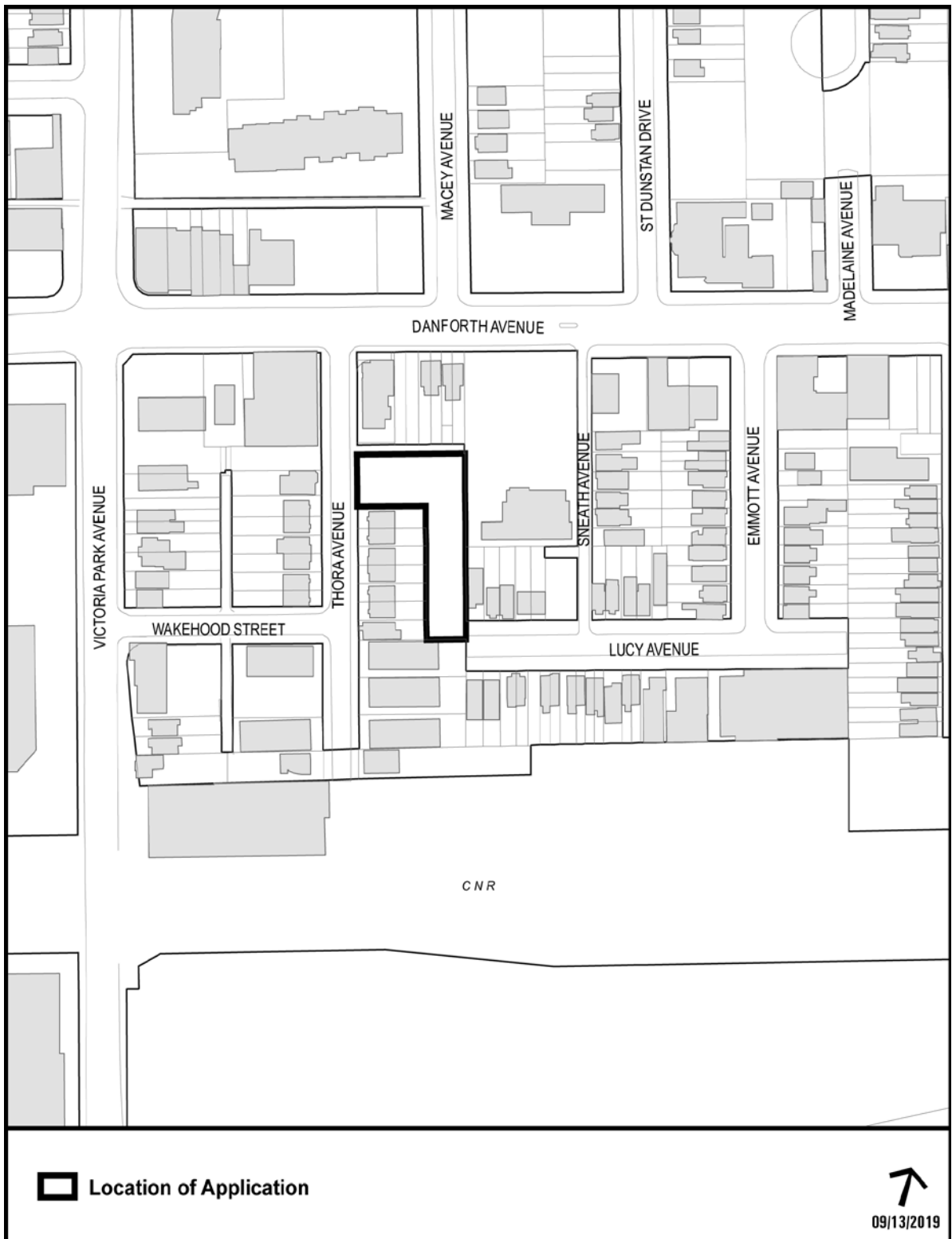
Parking and Loading

Parking Spaces:	24	Bicycle Parking Spaces:	0	Loading Docks:	0
-----------------	----	-------------------------	---	----------------	---

CONTACT:

Francis Kwashie, Senior Planner  
 416-396-7040  
 Francis.Kwashie@toronto.ca

## Attachment 2: Location Map





### Attachment 3: Official Plan Land Use Map



**Official Plan Land Use Map #21**

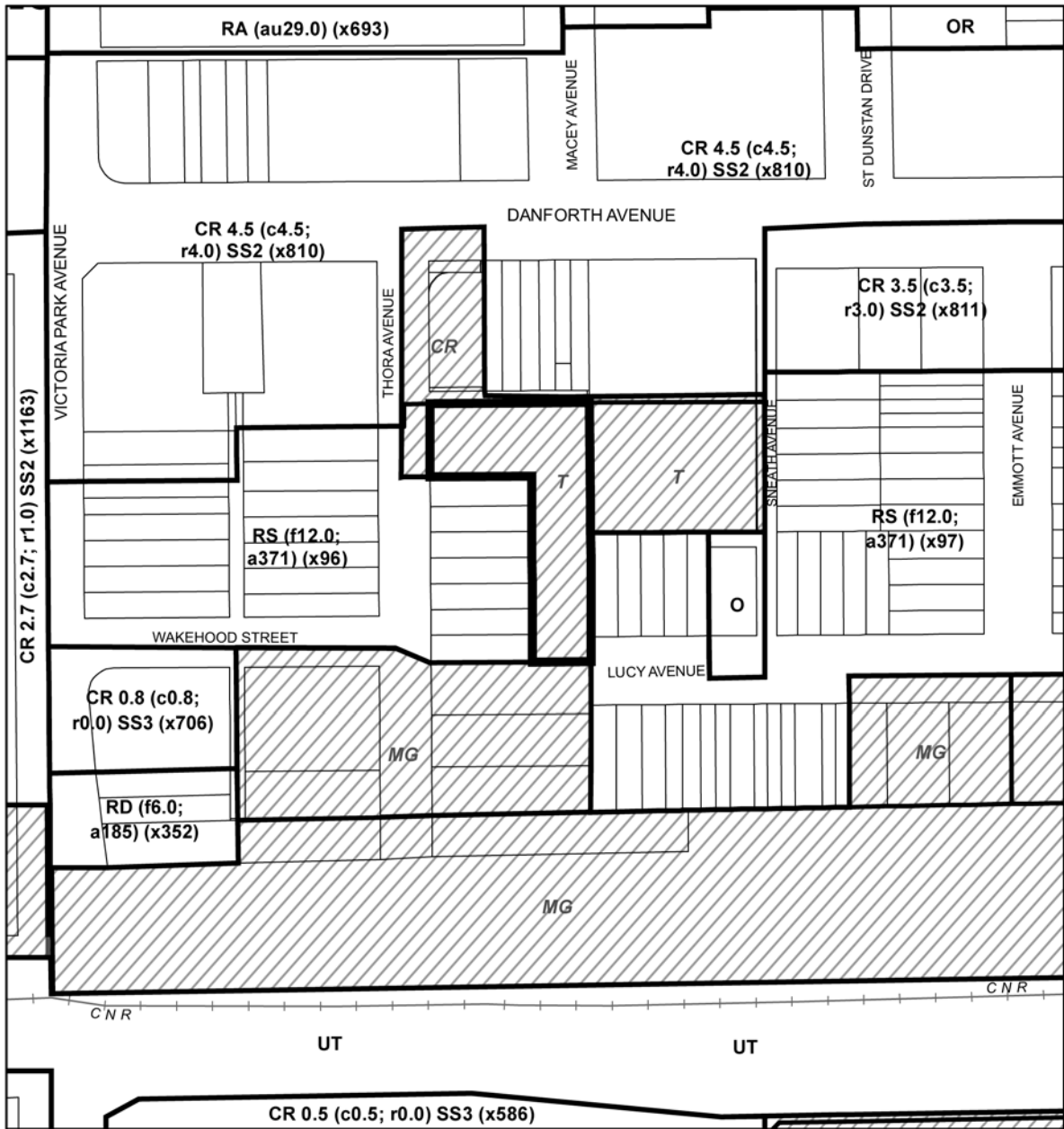
**39-45 Thora Avenue**

File # 13 253911 ESC 20 0Z

- |   |  |
|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods          |  Parks                    |
|  Mixed Use Areas         |  |

↑  
Not to Scale  
09/19/2019

# Attachment 4: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**39-45 Thora Avenue**

**File # 13 253911 ESC 20 OZ**

Location of Application

See Former City of Scarborough Oakridge Community By-law No. 9812

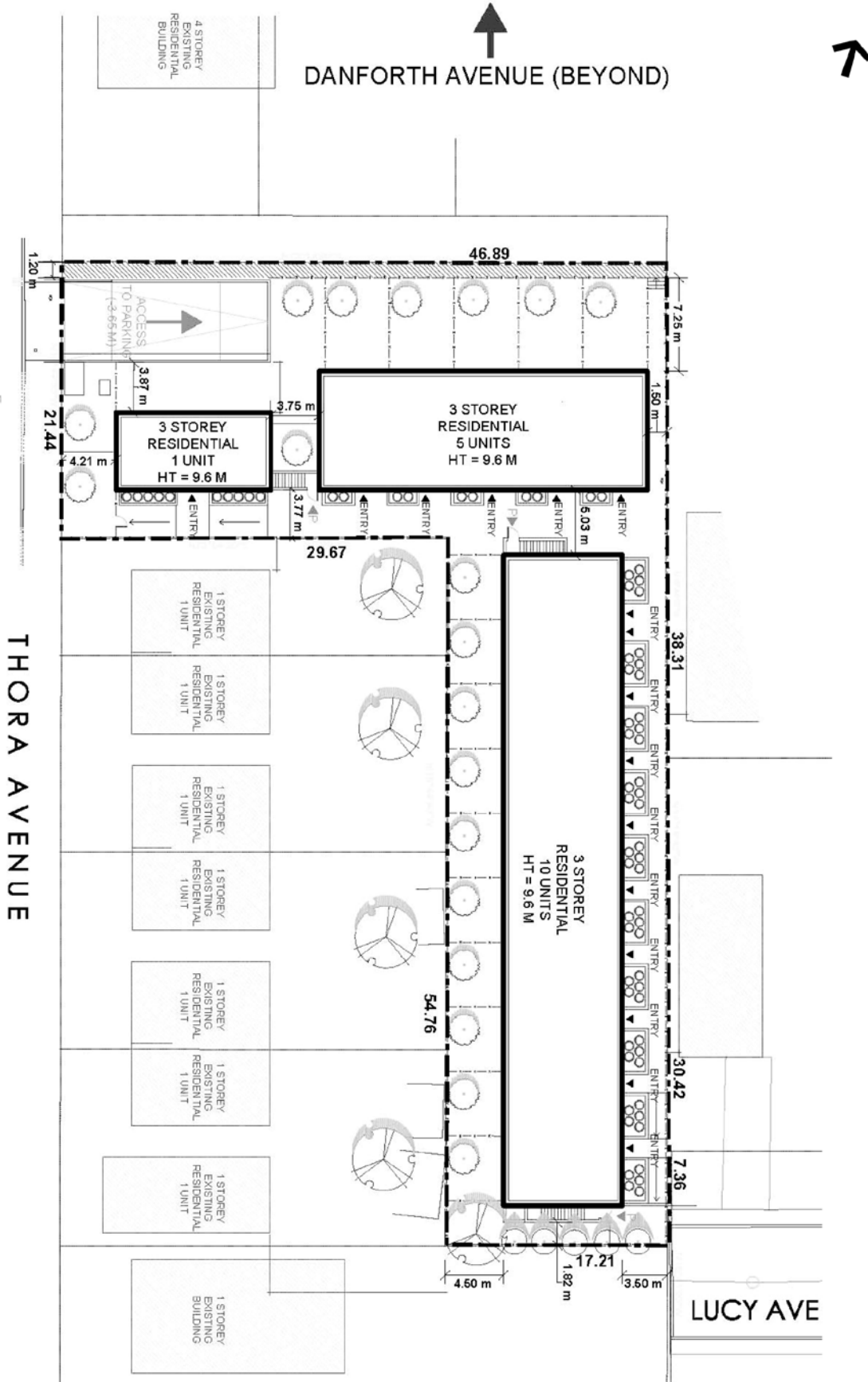
**RD** Residential Detached  
**RS** Residential Semi-Detached  
**RA** Residential Apartment

**CR** Commercial Residential  
**O** Open Space  
**OR** Open Space Recreation  
**UT** Utility and Transportation

**T** Two-Family Residential  
**CR** Commercial-Residential  
**MG** General Industrial Uses

Not to Scale  
 Extracted: 09/13/2019

# Attachment 5: Site Plan



# Attachment 6: Elevations

