

41 Ossington Ave - Zoning Amendment - Request for Direction Report

Date:	August 17, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	10 266103 STE 19 OZ

SUMMARY

This application proposes a five storey condominium building, having ground floor retail, fronting Ossington Avenue and 6 four-storey townhouse units fronting Rebecca Street. A total of 25 residential units are proposed between the condominium and townhouses, with 21 parking spaces to be provided. Sixteen parking spaces will be situated on a parking stacker located in the middle and east portion of the townhouses at 41 Ossington Avenue.

This report advises Council that the applicant has appealed the Zoning By-law amendment and Site Plan application to the Ontario Municipal Board (OMB) and seeks direction regarding representation at the Ontario Municipal Board hearing and negotiations with the applicant to resolve the issues identified in this report.

The proposed 5-storey condominium building fronting Ossington Avenue is acceptable; however the proposed townhouses represents over development in its current form particularly, with regard to setbacks. The approval of the townhouse component of this proposal in its current form would set a negative precedent for future development that undermines the City's Official Plan *Neighbourhoods* policies and compromises the quality of the development. The location of the proposed



parking stackers servicing the mixed use condominium in the *Neighbourhood* portion of the site will require an Official Plan amendment.

Notwithstanding the foregoing, staff would support an Official Plan and Zoning By-law amendment if the applicant is agreeable to the changes to the rear yard setbacks/stepbacks identified in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council request the Chief Planner, in consultation with the City Solicitor and Ward Councillor to continue negotiations with the applicant for 41 Ossington Avenue with the goal of achieving a settlement that meets the recommended setbacks and stepbacks described in the report from the Director, Community Planning, Toronto and East York District dated August 17, 2011.
2. In the event that staff and the applicant are unable to reach a satisfactory settlement, City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicants' appeal respecting the Zoning By-law Amendment application for 41 Ossington Avenue (File Number 10 266103 STE 19 OZ) and to attend any Ontario Municipal Board Hearings in opposition to such appeal.
3. City Council request the Chief Planner to bring forward a site specific Official Plan amendment for 41 Ossington Avenue to address technical Official Plan issues should the application be approved by the Ontario Municipal Board.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Original Proposal

On September 27, 2010, the applicant submitted a proposal to redevelop the subject site with a five-storey condominium fronting on Ossington Avenue with 21 units and nine, four-storey townhouses fronting Rebecca Street. The 18.4 metre tall condominium would begin to terrace back from Ossington Avenue and Rebecca Street after the third

storey and would contain retail space on the ground floor along Ossington Avenue. The 9 townhouses would be attached to the rear of the 5-storey condominium, have a maximum height of 13.7 metres. A small setback after the third storey along Rebecca Street and at the rear of the units is proposed. Each townhouse is proposed to have a terrace on the second floor at the rear, above the parking space, and a front terrace on the fourth floor along Rebecca Street. The total gross floor area for the project is at 3,064m² (32,981 sq.ft.), of which 233m² (2,508 sq.ft.) is proposed for commercial/retail uses.

A total of 16 parking spaces were proposed; eight of the townhouses will have individual parking spaces at the rear of the units that are accessed off the existing laneway at the east end of the site. The other eight parking spaces were proposed in four, double parking stackers integrated on the east end of the townhouses, along the private driveway. The existing driveway at the east end of the site, accessed off Rebecca Street, is proposed to be shared in common with the proposed townhouses at 28-30 Givens Street and the existing homes adjacent to the east.

Discussions with the Applicant

Following the original submission and comments from the various City agencies, City staff met with the applicant with the view of bringing the proposal in line with the *Neighbourhood* polices in the Official Plan, the Zoning By-law and the existing character of the residential area.

Revised Proposal

On July 7, 2011, the applicant submitted a revised proposal. The revised proposal maintains the five storey condominium building with 25 residential units, having ground floor retail with the four-storey townhouse units reduced from 9 to 6 units. The residential units being proposed between the condominium and townhouses has increased from 21 to 25 units. The parking supply has also increased from 16 to 21 parking spaces, with 16 car parking spaces in parking stackers to be located in the middle and east portion of the townhouses. The total gross floor area for the project is proposed at 3,038m² (32,700 sq.ft.), of which 243m² (2,616 sq.ft.) is proposed for commercial/retail uses. A one metre road widening along Ossington Avenue has been provided in accordance with the Official Plan policy. The mechanical penthouse previously located on top of the townhouse units, have now been shifted closer to Ossington Avenue on top of the 5th floor of the condominium building within the 45 degree angular plane.

Site and Surrounding Area

The site, municipally referred to as 41 Ossington Avenue, is located on the north-east corner of Ossington Avenue and Rebecca Street. The rectangular shaped lot has an area of 1,098.0m² with 17.1 metres of frontage on Ossington Avenue and 64.6 metres on Rebecca Street.

The large two-storey brick building on the subject lands, recently used for a mix of commercial, warehousing and storage, is vacant and will be demolished.

Land uses surrounding the site are as follows:

North: 3-storey main street character buildings containing a mix of commercial and residential uses along Ossington Avenue with two 2-storey semi-detached homes backing on to the site towards the rear of the property

South: a 2-storey self storage warehouse along Ossington Avenue across Rebecca Street with two storey row houses on the south side of Rebecca Street

East: 2-storey row houses

West: 2 and 3-storey main street character buildings containing a mix of commercial and residential uses as well as 2 storey row houses across Ossington Avenue

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS. This proposal is 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, with the Growth Plan for the Greater Golden Horseshoe. This proposal is not in conflict with the Growth Plan.

Official Plan

The site has a split land use designation in the City of Toronto Official Plan. The west (front) half of the site, fronting Ossington Avenue, is designated as *Mixed Use Areas*, which is consistent with the rest of the lands along Ossington Avenue. The east (rear) half of the site, fronting Rebecca Street, is designated *Neighbourhoods*, which is consistent with the low-rise residential community to the east and north.

Mixed Use Areas provide for a broad range of commercial, residential and institutional uses subject to a number of development criteria. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

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 4-storeys. The stability of our *Neighbourhoods*' physical character is one of the keys to Toronto's success. Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing physical character. *Neighbourhoods* policy 4.1.9 states that, to ensure infill development on properties that vary from the local

pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will:

- a) have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- b) provide adequate privacy, sunlight and sky views for residents 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;
- c) front on to existing or newly created public streets wherever possible, with no gates limiting public access; and
- d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

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

Reasons for the Application

The proposal consists of a 5-storey, 18.4 metre high building, with a mechanical penthouse and 6, four-storey townhouses with a total density of 2.8 times the area of the lot. The proposed density exceeds the current permission of 2.5 (CR only) times the lot area. The proposed height exceeds the current height limits of 14 metres for the condominium component and 10 metres for the townhouses. A Zoning By-law amendment is therefore required.

Under the former City of Toronto Zoning By-law 438-86 the subject property has both a Commercial/Residential (CR) and Residential (R) designation. The west portion of the site, fronting Ossington Avenue, is zoned CR T2.5 C2.0 R1.5, while the east portion, fronting Rebecca Street, is zoned R4 Z1.0. The CR zoning classification permits a mix of commercial and residential uses, including an apartment building, up to a total density of 2.5 times the area of the lot, of which a maximum of 2.0 times the area of the lot is permitted to be commercial and 1.5 times the area of the lot residential. The maximum permitted height for the CR portion of the site is 14.0 metres. The R4 zoning classification permits a wide range of residential, including a row house, uses up to a total density of 1.0 times the area of the lot. The maximum permitted height for the R portion of the site is 10.0 metres.

Site Plan Control

The applicant has submitted a concurrent Site Plan Control application (10 266096 STE 19 SA). The approval of this Site Plan Control application will be required prior to the issuance of building permits for the proposed development. The applicant will also be required to enter into a Site Plan Agreement which will include a requirement to convey land for future road widening purposes.

Community Consultation

A community consultation meeting was held on February 3, 2011. The meeting was attended by City Planning staff, the applicant, the owner, the Ward councillor and members of the public.

Issues raised during the discussion of the proposal, which have been considered in the review of the application, were related to the following matters:

- Compatibility of proposed development (scale) with existing character of the area;
- Height, scale and massing of the proposed townhouses;
- Potential shadow impacts and reduced views on Rebecca Street, properties to the north of the site fronting onto Bruce street and properties east of the site fronting onto Givins Street;
- Oversight and maintenance of the green roof on the townhouses; and
- Potential noise emanating from operation of the proposed parking stackers.

The recommended changes to the rear yard setback/stepback identified in this report addresses the issues mentioned above and mitigate impacts on the adjacent residential area. In addition, Technical Services and Transportation Planning staff have reviewed the revised application and have no concerns with the green roof and the operation of the proposed parking stackers.

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 Zoning By-law standards.

COMMENTS

Official Plan Amendment

Planning staff reviewed the application in the context of the land uses identified, staff and agency comments and the Official Plan policy. Planning staff are requiring an amendment to the Official Plan as the 5-storey condominium on the *Mixed Use Areas* is being serviced by parking stackers on land designated as *Neighbourhoods*. The *Neighbourhoods* policies do not provide for uses accessory to the *Mixed Use Areas*, such as parking spaces, to be accommodated on abutting *Neighbourhoods* designated lands.

Zoning By-law Amendment

The appellants Zoning By-law amendment includes provisions for density, height, setbacks, parking, and access. Staff are of the opinion that the Zoning By-law amendment is acceptable on condition that the issues described in this report are addressed and incorporated in the proposal.

Density

The City of Toronto Zoning By-law 438-86 for the subject property has both a Commercial/Residential (CR) and Residential (R) designation. The west portion of the site, fronting Ossington Avenue, is zoned CR T2.5 C2.0 R1.5, while the east portion, fronting Rebecca Street, is zoned R4 Z1.0. The CR zoning classification permits a mix of commercial and residential uses, including an apartment building, up to a total density of 2.5 times the area of the lot, of which a maximum of 2.0 times the area of the lot is permitted to be commercial and 1.5 times the area of the lot residential. The proposed total development density of 2.8 times the lot area is acceptable to City staff subject to the conditions described later in this report.

Building Heights and Setbacks

Planning staff recognize the constraints of this site and have acknowledged them by considering extra height and lesser setbacks and setbacks than required by the Zoning By-law. However, the limited setbacks at the 2nd, 3rd and 4th storeys of the townhouses are not acceptable and staff recommend that they be increased to 5.5 metres and 7.5 metres respectively, to bring it closer to the Zoning By-law requirement. This represents a significant but acceptable concession to allow for the redevelopment of the site.

Infill residential development should be sensitive to the physical characteristics of the existing community. Building height is one aspect that determines the physical characteristic of a community and has a significant impact on the character of a residential area. Transitioning heights, scale and intensity between infill developments and residential areas is required to ensure that compatibility, stability and general amenity of the adjacent residential area is not adversely affected. The proposed height of 18.4 metres for the 5-storey condominium is acceptable because it is contained within the 45 degree angular plane and within the recommended maximum height for buildings fronting onto Ossington Avenue which has an 18 metre right-of-way width.

The proposed townhouses will have a height of 13.7 metres, compared to the Zoning By-law maximum height of 10 metres. In its current form, the additional height being proposed to accommodate the 4th storey is not acceptable and has not been mitigated with the appropriate setbacks. Residential buildings in the abutting area particularly fronting onto Rebecca Street are 2-storey buildings. Rebecca Street has a 10 metre right-of-way width. As such, all the existing buildings correspond with and do not exceed the width of Rebecca Street. This ensures that shadow impacts are minimal, views are unobstructed and the built form and streetscape is consistent. The 4-storey townhouse development and proposed height of 13.7 metres can only be considered on condition that the recommended setbacks are implemented as outlined in this report to mitigate its impact on adjacent residential properties and create a more compatible relationship to the context.

The 5-storey condominium building will be setback 1.0 metre from the established building setbacks along Ossington Avenue in line with the Official Plan policy requirement for road widening. The setback along Ossington Avenue is acceptable.

The proposed townhouses are oriented east - west fronting onto Rebecca Street with the rear yards towards Bruce Street. The townhouses have a zero (0 metre) front yard setback. The Zoning By-law requires a front yard building setback ranging from 6 metres to the established setbacks of existing buildings on Rebecca Street. The buildings on Rebecca Street have average setbacks of 1 metre. Planning staff can accept a zero (0 metre) front yard building setback.

The proposed 4th-storey of the townhouses is setback 1.6 metres from Rebecca Street. Planning staff agrees to the proposed setback of 1.6 metres even though the desired setback should equal the height of the 4th floor (which is 3 metres) to mitigate impacts on the street.

The Zoning By-law and the infill townhouses guidelines require a minimum rear yard building setback of 7.5 metres from the north property line. In addition, the Official Plan states that "infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will provide adequate privacy, sunlight and sky views for residents 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 2nd and 3rd storeys of the townhouses (rear) are setback 4.0 metres from the north property line. The 4th-storey of the townhouses is setback 4.7 metres from the north property line. The abutting houses to the north of the townhouses have minimum rear setbacks of 7.5 metres, complying with the By-law requirement. Consequently, the proposed setbacks for the 2nd, 3rd and 4th storeys of the townhouses are not appropriate in the context of the adjacent residential area.

Traffic Impact, Access, Parking

The applicant is proposing a parking supply of 21 parking spaces for 25 residential units. 16 car parking spaces in parking stackers will be located in the middle and east portion of the townhouses. 5 parking spaces will be integral to the proposed townhouses. No visitor parking is being provided. A total of 32 bicycle parking spaces (indoor and outdoor) will be provided, with 20 racks/spaces for residents and 12 racks/spaces for visitors.

Access to the site will be off Rebecca Street on a 6.65 metre common driveway (by way of easements) with the proposed townhouses to the north at 28-30 Givins Street and the existing houses to the east at 22-24 Givins Street. The driveway also provides access to the parking stackers and the integral garages at the rear of the townhouses.

No loading space is required for the the retail component of this proposal. Similarly, no loading space is required for the residential units because the number of proposed units is less than 30. Transportation Planning and Technical Services staff have reviewed the revised application and have no concerns with the traffic impacts of the proposal on Ossington Avenue and on the neighbouring streets.

Amenity Space

Amenity space has been provided in most of the individual units. The townhouse component has covered porches with planter boxes for grass and flowers. Terraces will be provided on the 2nd and 4th floors of the townhouses. Terraces have also been provided on the 4th and 5th floors of the condominium building. No outdoor amenity space has been provided and the green roof on the townhouses has limited access for maintenance purposes. Staff can accept the amenity space provided given the modest size of the project.

Trees and Landscaping

The development has been redesigned to protect all trees located on Ossington Avenue. There are 2 trees situated on the boulevard, which will be protected. Site Plan Approval will be conditional on the applicant submitting a security deposit for the City owned trees.

Staff recognize the constraints on this site, because the size of the land in relation to the building footprint does not allow expansive landscaping. Notwithstanding the foregoing, soft landscaping space will be provided in front of the proposed townhouses. Plants in planter boxes, climbing plants, trellis, screens and cladding will be provided on the terraces located on the 2nd floor of the townhouses. The aforementioned tree protection measures and landscape elements are acceptable to City staff.

Stormwater Management

Staff from Technical Services have reviewed the stormwater management report and have determined that the strategy for this development consisting of appropriate water balance considerations, storage chambers, green roof and inter locking pavers on the private driveway is in accordance with City policy and the Wet Weather Flow Management Guidelines.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010. The application proposes 25 residential units and 243m² of non residential uses on a site with a net area of 1,087.6m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.033 hectares or 30.6% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 102m². The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate because an on-site parkland dedication requirement of 102m² would not be of a useable size. The actual

amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. Some of the targets the proposed development is intended to achieve include:

- roof space provided as a green roof is 36% of the roof area;
- roof space provided as cool roof is 23% of the roof area;
- total non roof hardscape treated for urban heat island and shade is 50%;
- landscaped area provided with water efficient plants is 61m²;
- total area of soft landscaping is 61m²;
- parking supply that does not exceed the minimum requirement in the Zoning by-law; and
- secure bicycle storage for long-term parking and the provision of bicycle parking;

Staff will continue to work with the applicants through the Site Plan application review to identify further performance targets for the project in order to promote better environmental sustainability.

Conclusion

The applicant has appealed the Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board (OMB) on the basis that Council has not made a decision within the required timeframe. A date for the OMB has not yet been scheduled.

Planning staff are requiring an amendment to the Official Plan as the 5-storey condominium on the *Mixed Use Areas* is being serviced by parking stackers on land designated as *Neighbourhoods*. The *Neighbourhoods* policies do not provide for accessory uses to the *Mixed Use Areas*, such as parking spaces, to be accommodated on abutting *Neighbourhoods* designated lands.

The proposed townhouses are not acceptable in their current form and require changes to the setbacks/stepbacks as identified in this report. The proposed Zoning By-law would not provide for a townhouse development with a rear yard setback that is appropriate for the site and compatible with existing character of the adjacent residential area.

This report recommends that City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to continue negotiations with the applicant with the goal of achieving a settlement that meets the recommended setbacks and stepbacks described in this report.

In the event that a satisfactory settlement is not reached in advance of the Ontario Municipal Board hearing, this report recommends that City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend any Ontario Municipal Board Hearings in opposition to the appeal and to support the position

set out in this report with respect to the need for an Official Plan Amendment and the appropriate setbacks and stepbacks.

CONTACT

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SIGNATURE

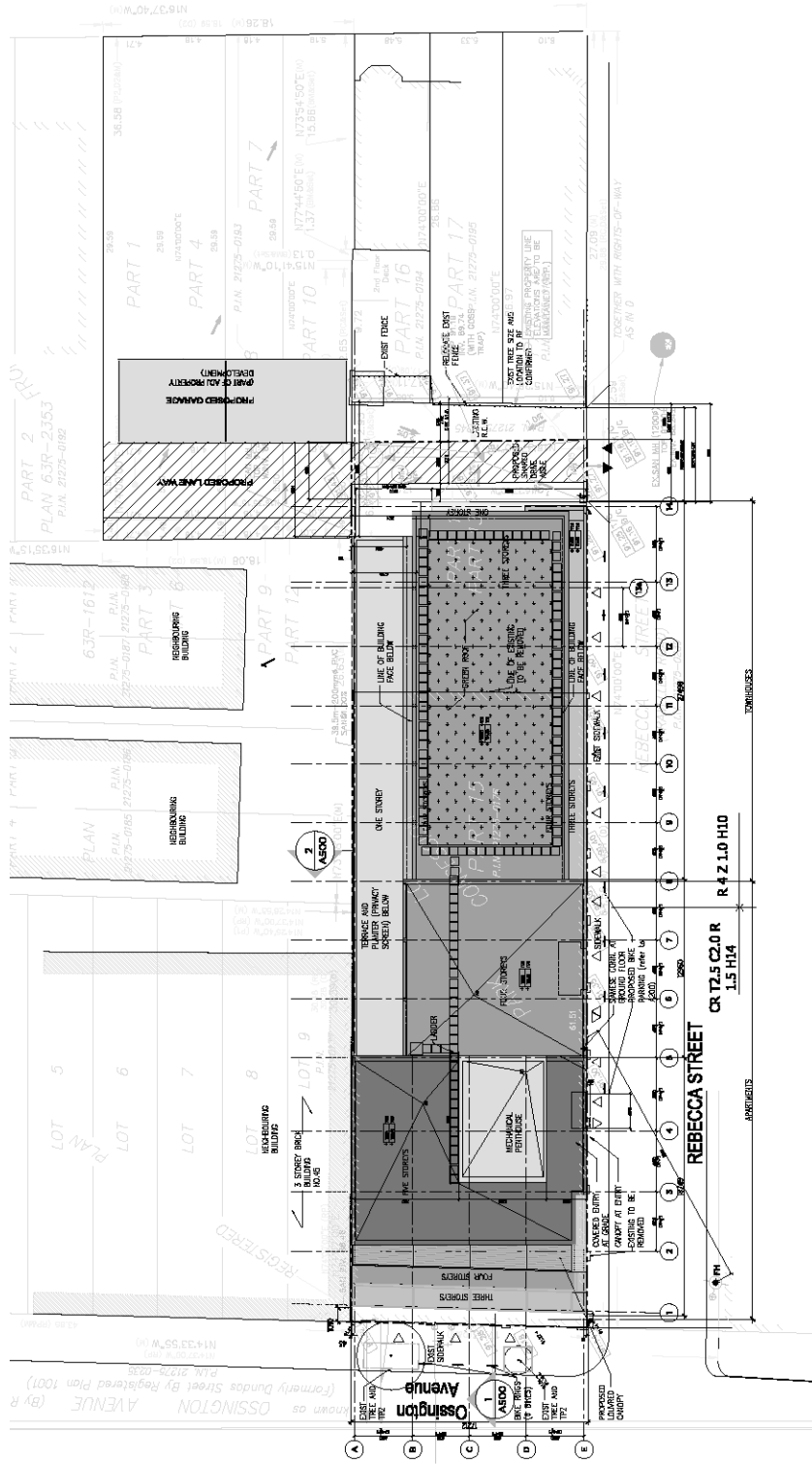
Gregg Lintern, Director, MCIP, RPP
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: South Elevation
Attachment 3: North Elevation
Attachment 4: West & East Elevation
Attachment 5: Zoning Map
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



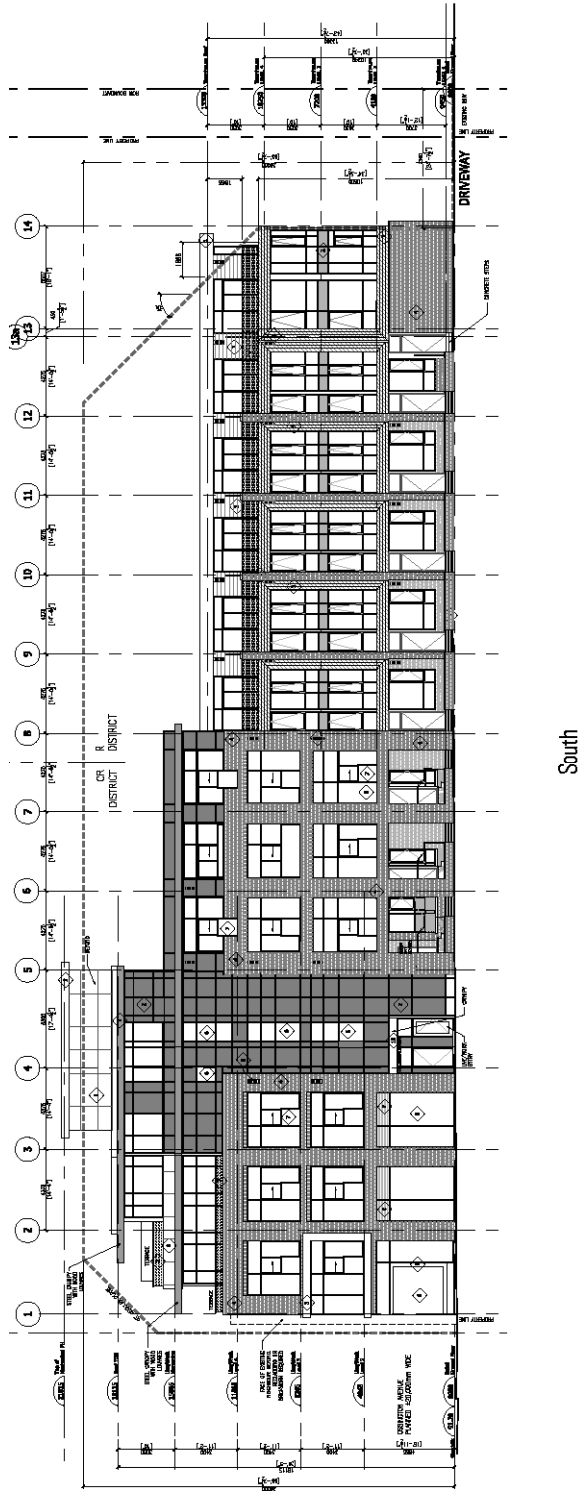
41 Ossington Avenue

Site Plan
Applicant's Submitted Drawing

Not to Scale
08/08/2011

File # 10 266103 0Z

Attachment 2: South Elevation

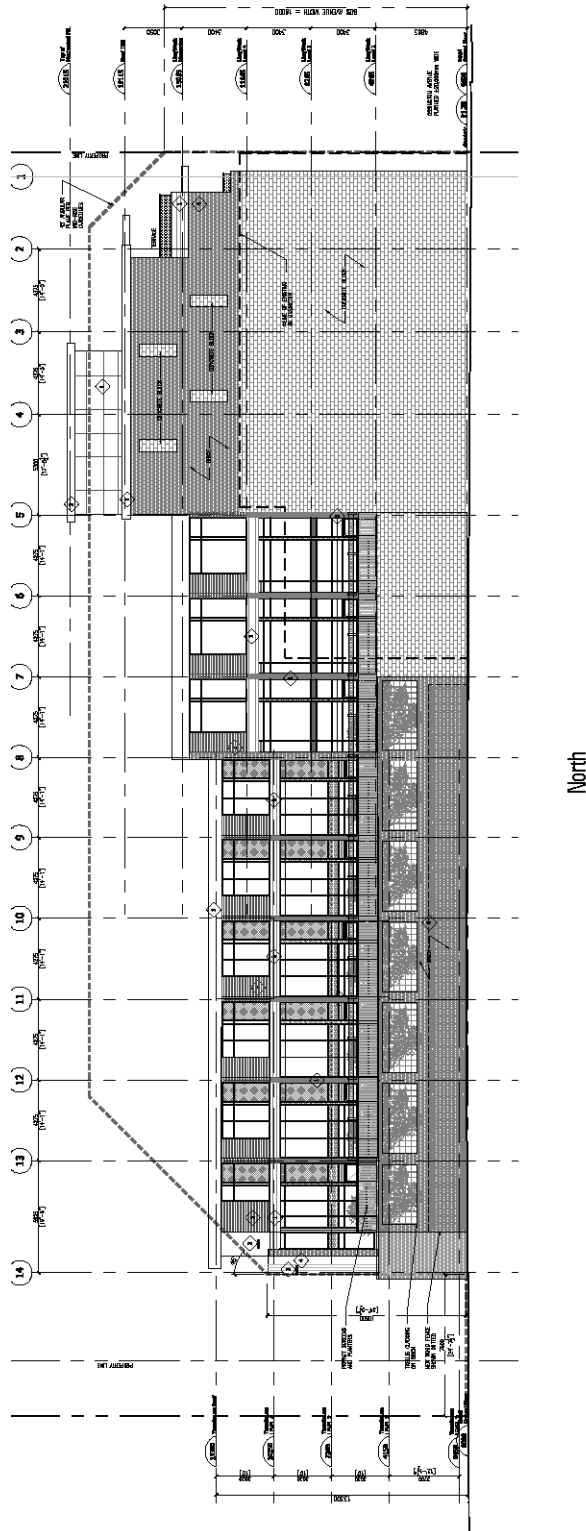


41 Ossington Avenue

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 08/08/2011

File # 10 266103 0Z

Attachment 3: North Elevation



41 Ossington Avenue

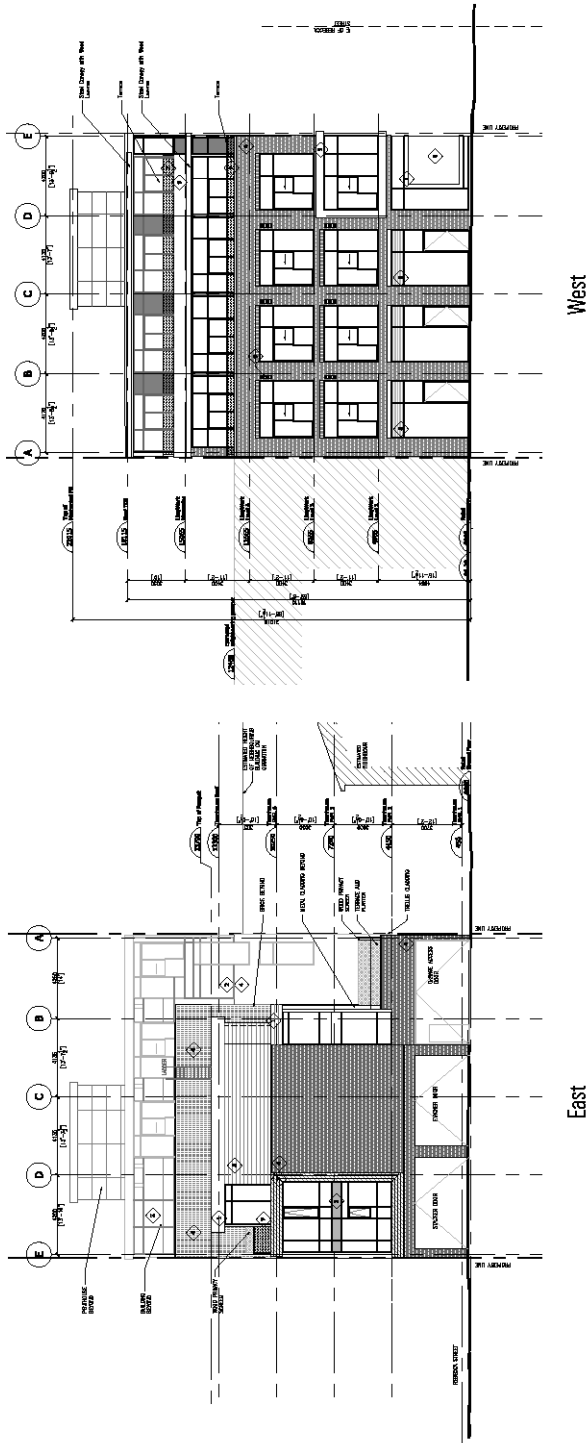
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Elevations

Applicant's Submitted Drawing

Not to Scale
08/08/2011

Attachment 4: West & East Elevation



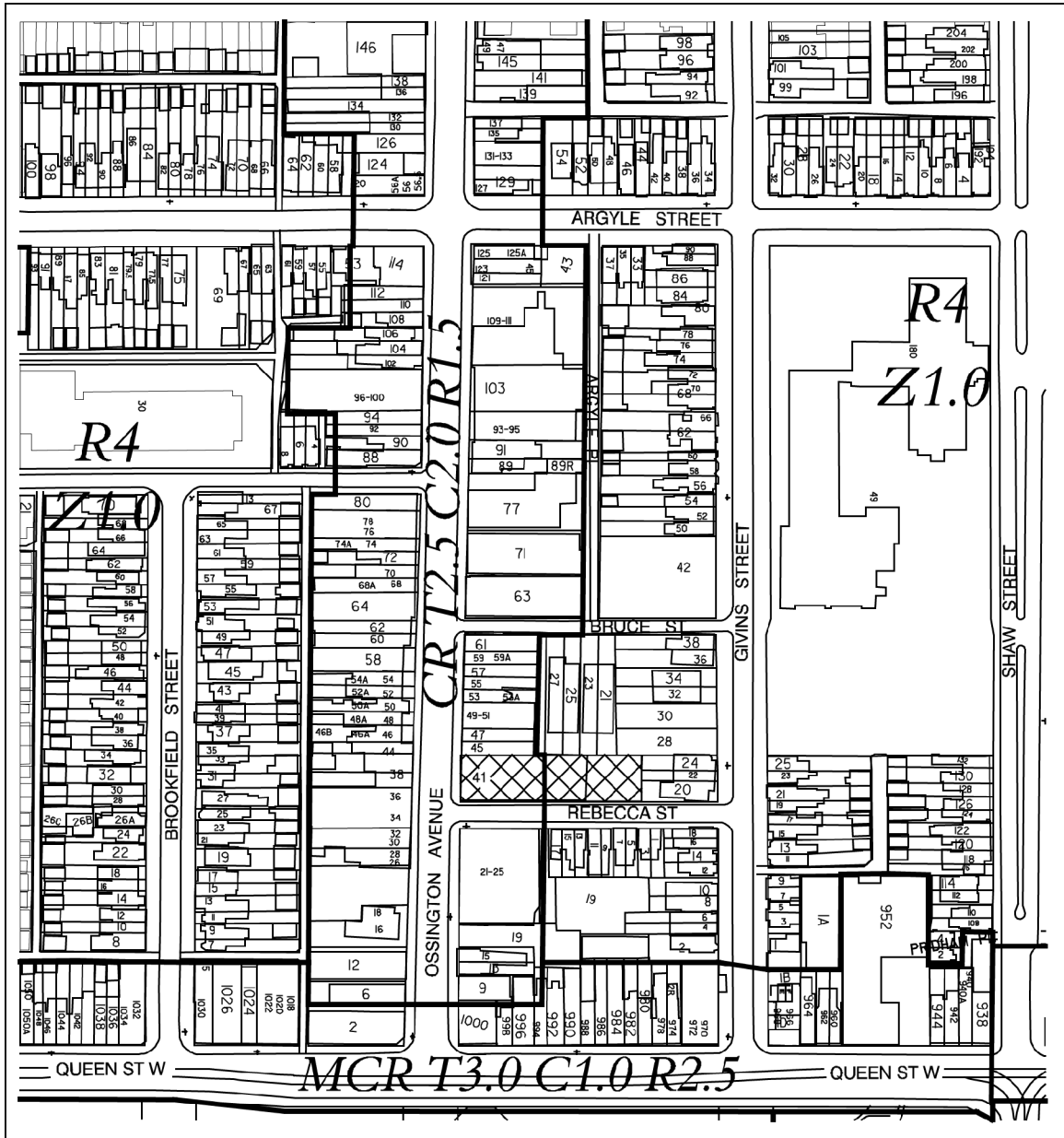
41 Ossington Avenue

Elevations
 Applicant's Submitted Drawing

File # 10 266103 0Z

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Attachment 5: City of Toronto Zoning By-law (map)



41 Ossington Avenue
File # 10_266103

- R4 Residential District
- MCR Mixed-Use District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 11/18/10 - NRS

Attachment 6: Application Data Sheet

Application Type Rezoning Application Number: 10 266103 STE 19 OZ

Details Rezoning, Standard Application Date: September 27, 2010

Municipal Address: 41 Ossington Ave

Location Description: PLAN D203 PT LOT 2 **GRID S1906

Project Description: Rezoning application for mixed use building containing commercial at grade. This application proposes to redevelop the property at 41 Ossington Avenue with a five storey condominium, having ground floor retail, fronting Ossington Avenue and nine four-storey townhouse units fronting Rebecca Street. A total of 21 residential units are proposed between the condominium and townhouses, with 16 parking spaces to be provided. 8 car parking spaces will be situated on a parking stacker. Please see 10 266096 STE for Site Plan Approval Application. Revisions - The unit count has increased from 21 to 25 (19 apartments suites and 6 townhouses), the parking spaces have been increased to 21 spaces with 16 spaces accommodated in 2 parking stackers located in the middle and east portion of the townhouses.

Applicant:	Agent:	Architect:	Owner:
Armstrong Hunter & Associates		Raw Design	Jolage Limited

Planning Controls

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R4 Z1.0 CR T2.5 C2.0 R1.5	Historical Status:
Height Limit (m):	14, 10	Site Plan Control Area: Y

Project Information

Site Area (sq. m):	1098	Height: Storeys:	5
Frontage (m):	17.13	Metres:	18.115
Depth (m):	64.56		
Total Ground Floor Area (sq. m):	0		Total
Total Residential GFA (sq. m):	2794.6	Parking Spaces:	21
Total Non-Residential GFA (sq. m):	243.3	Loading Docks:	0
Total GFA (sq. m):	3037.9		
Lot Coverage Ratio (%):	0		
Floor Space Index:	2.77		

Dwelling Units

Floor Area Breakdown (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	2794.6	0
Bachelor:	0	Retail GFA (sq. m):	243.3	0
1 Bedroom:	13	Office GFA (sq. m):	0	0
2 Bedroom:	6	Industrial GFA (sq. m):	0	0
3 + Bedroom:	6	Institutional/Other GFA (sq. m):	0	0
Total Units:	25			

Contact: **Planner Name:** Francis Kwashie, Planner
Telephone: 416-392-1306