TORONTO

REPORT FOR ACTION

80 Thirtieth Street – Zoning By-law Amendment Application – Preliminary Report

Date: June 22, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 19 262483 WET 03 OZ

Notice of Complete Application Issued: March 2, 2020

Current Use(s) on Site: Private vehicular surface parking.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to amend City-wide Zoning By-law No. 569-2013 for the property located 80 Thirtieth Street to permit 14 back-to-back townhouse units. The proposed townhouse units would be 4-storeys and 14.5 metres in height and have a total residential gross floor area of approximately 1,993 m². The application proposes 18 surface parking spaces adjacent to the rail corridor and 14 parking spaces integral to the townhouses.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff schedule a community consultation meeting for the application located at 80 Thirtieth Street together with the Ward Councillor.
- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

Long Branch Neighbourhood Character Guidelines

At its meeting of January 31, 2018, Toronto City Council adopted the Long Branch Neighbourhood Character Guidelines, as modified, and directed staff to apply the Guidelines in the review of all new development applications and public initiatives for all lands designated *Neighbourhoods* bounded by: Lake Ontario to the south, the rail corridor to the north, Twenty Third Street to the east and Forty Second Street (including Marie Curtis Park) to the west. Further, it was requested that the adopted Long Branch Neighbourhood Character Guidelines be used by home builders, the community, City staff, committees and appeal bodies to provide direction in their decision making as they develop plans, review applications for redevelopment and/or enhance the public realm in the Long Branch Neighbourhood.

Pre-Application Consultation

A formal pre-application consultation meeting was held with the applicant on September 28, 2015 to discuss complete application submission requirements and to identify issues with the proposal. At the meeting, a similar proposal for a 14 unit residential townhouse development was discussed. Staff expressed concerns regarding: the proposal's lack of relationship with the street and public realm; the proposed building orientation which was inconsistent with the existing pattern of development in the area; the appropriateness of the primary townhouse façade and entrances facing the rail corridor and the side yard of a residential lot; the insufficient building setback to the rail corridor; the insufficient rear yard setback and transition to adjacent residential dwellings; and that the proposal represented overdevelopment of the site in the proposed configuration.

On December 17, 2019, the applicant submitted the subject application for 14 back-to-back townhouse units.

ISSUE BACKGROUND

Application Description

This application proposes to amend City-wide Zoning By-law No. 569-2013 for the property at 80 Thirtieth Street to permit 14 back-to-back townhouse units. The total gross floor area for the fourteen townhouses would be approximately 1,993 m², representing a Floor Space Index of 0.92 times the area of the lot.

The proposed townhouse units would be 4-storeys with a height of 14.5 metres to the top of the roof. All the townhouses are proposed to have average unit sizes ranging between 138 m² and 153 m², unit widths ranging between 4.3 metres and 4.6 metres, and have 3-bedrooms each. The application is proposing private roof top amenity space for each townhouse unit.

The back-to-back townhouses are proposed to be oriented north-south towards the rail corridor to the north and *Neighbourhoods* designated properties to the south. The setback of the townhouses would range between 20 metres and 28 metres from the northern property line and the adjacent rail corridor. The proposed townhouses would be setback 5.21 metres from the southern property line, 6.15 metres from Thirtieth Street and 1.55 metres from the western property line.

The application is proposing vehicular access on the eastern portion of the site from Thirtieth Street. The driveway would provide two-way vehicular access to 18 surface parking spaces adjacent to the rail corridor along the north property line and 14 parking spaces integral to the townhouses. The vehicular parking spaces would consist of 28 residential parking spaces and 4 visitor parking spaces. The integral parking spaces would be accessed from a garage door proposed to be located on the east façade of the townhouses facing Thirtieth Street. No loading spaces or bicycle parking spaces are proposed.

Detailed project information is found on the City's Application Information Centre at:

https://www.toronto.ca/city-government/planning-development/application-information-centre/

See Attachments 2 and 3 for three dimensional representations of the project in context and Attachment 4 for the site plan of the proposal.

Site and Surrounding Area

The subject site is located on the west side of Thirtieth Street, north of Lake Shore Boulevard West and south of the Metrolinx Rail Corridor (see Attachment 1: Location Map). The subject site is a singular lot that is irregular in shape. The site is currently occupied by a private parking lot. The site is approximately 2,164 m² is size.

Surrounding land uses include:

North: Immediately adjacent to the site is the Metrolinx Rail Corridor which

carries the Lakeshore West GO Train line, CN freight trains and VIA Rail passenger trains. Further north of the rail corridor are lands designated Core Employment Areas. The employment uses located north of the rail

corridor consist of light, medium and heavy industries.

West: To the west of the site are a pair of 2-storey semi-detached dwellings on

lands designated Neighbourhoods. Further west are detached and semi-

detached dwellings that are 1 to 2 storeys in height.

East: On the east side of Thirtieth Street are townhouses that back onto

Thirtieth Street and are separated from the street by a large grade

separation. Further east is a low-rise residential neighbourhood consisting of single and semi-detached dwellings. A townhouse development is currently under construction located further southeast of the subject site.

South: Immediately south of the subject site is a one-storey single-detached

dwelling. Further south are single-detached dwellings that are 1 to 2

storeys in height on lands designated Neighbourhoods.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of City Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Toronto Official Plan Policies and Planning Studies

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 can be found here: https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/

The subject application is located on lands designated *Neighbourhoods* on Map 15 of the Official Plan (see Attachment 5: Official Plan Land Use Map).

Zoning By-laws

The site is zoned Residential Multiple Dwelling Zone (RM) (u4; x2) in City-wide Zoning By-law No. 569-2013 which permits single-detached dwellings, semi-detached dwellings, duplexes, triplex, fourplexes and apartment buildings as permitted building types with conditions. The zoning further permits a range of institutional uses and public utility uses with conditions. The site is subject to site specific exception RM 2 which provides provisions for lot area, lot frontage, building height, floor space index, rear yard setback and side yard setbacks for permitted building types in the RM zone. Townhouses are not a permitted use in the RM zone.

City-wide Zoning By-law No. 569-2013 can be found here: https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/

Design Guidelines

The following Design Guideline(s) will be used in the evaluation of this application:

- Townhouse and Low-Rise Apartment Guidelines;
- Long Branch Neighbourhood Character Guidelines; and
- Toronto Green Standard.

The City's Design Guidelines can be found here: <a href="https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guideli

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

Amendments to City-wide Zoning By-law No. 569-2013 are required to permit the proposed building type and address changes to density, building height, setbacks, lot coverage and other development standards that may be identified through the review process to reflect the development proposal.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

The application will be evaluated against the *Planning Act* and applicable Provincial Plans to establish the application's consistency with the PPS (2020) and conformity with the Growth Plan (2019).

Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest are: (j) the adequate provision of a full range of housing, including affordable housing; (p) the appropriate location of growth and development; (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and (r) the promotion of built form that is well

designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (PPS) (2020) contains policies related to managing and directing development. It requires that sufficient lands be made available for intensification and redevelopment, that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and surrounding area.

While the PPS encourages intensification and efficient development, it recognizes that local context is important and that well-designed built form contributes to overall long-term economic prosperity. The PPS indicates that the Official Plan is the most important vehicle for implementing the PPS and planning authorities shall identify appropriate locations for intensification and redevelopment.

Section 1.2.6 of the PPS (2020) provides compatibility direction between major facilities and sensitive land uses. The PPS defines transportation infrastructure and corridors, rail facilities and industries as major facilities. Policy 1.2.6.1 states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Where avoidance between major facilities and sensitive land uses is not possible, Policy 1.2.6.2 states that planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- There is an identified need for the proposed use;
- Alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- Adverse effects to the proposed sensitive land use are minimized and mitigated; and
- Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) emphasizes the importance of complete communities where a range of housing options are to be provided; and that new development should provide high quality compact built form and an attractive and vibrant public realm. The Growth Plan provides municipalities the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to the local context, while still meeting the overriding objectives of the Growth Plan.

The application will be evaluated against the policies and objectives of the *Planning Act*, Provincial Policy Statement and Growth Plan, especially in regards to determining the compatibility of the proposed use and the adjacent rail corridor, the promotion of well-designed built form, providing for a range of housing options and whether the proposal complies with the municipal direction for growth.

Official Plan Conformity

A cornerstone aim of the Official Plan is to ensure that new development in *Neighbourhoods* respects the existing physical character of the area, reinforcing the stability of the neighbourhood. The stability of *Neighbourhoods*' physical character is one of the keys to Toronto's success. Changes to established *Neighbourhoods* must be sensitive, gradual and "fit" the existing physical character. As per Policy 4.1.5 of the Official Plan, new development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- Patterns of streets, blocks and lanes, parks and public building sites;
- Prevailing size and configuration of lots;
- Prevailing building heights, massing, scale, number of units and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Prevailing location, design and elevations relative to the grade of driveways and garages;
- Prevailing setbacks of buildings from the street or streets;
- Prevailing patterns of rear and side yard setbacks and landscaped open space;
- Continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- Conservation of heritage buildings, structures and landscapes.

Policy 4.1.5 of the Official Plan states that lots fronting onto a major street, and flanking lots to the depth of the fronting lots, are often situated in geographic neighbourhoods distinguishable from those located in the interior of the Neighbourhood due to characteristics such as: different lot configurations; better access to public transit; adjacency to developments with varying heights, massing and scale; or direct exposure to greater volumes of traffic on adjacent and nearby streets. In those neighbourhoods, such factors may be taken into account in the consideration of a more intense form of development than permitted by the Official Plan. Thirtieth Street is not identified as a major street on Map 3 of the Official Plan and the site is not subject to the policies regarding lots fronting a major street.

Policy 4.1.5 further states that no changes are to be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*. Where a more intensive form of residential development than that permitted by the existing zoning on a major street in *Neighbourhoods* is proposed, the Official Plan requires review in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhoods*.

As the size and configuration of the existing property varies from the local lot pattern in terms of lot size, configuration and/or orientation, this infill proposal will also be reviewed against Policy 4.1.9 of the Official Plan. The policy states that infill development will:

- 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;
- 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;
- 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;
- Front onto existing or newly created public streets wherever possible, with no gates limiting public access;
- Provide safe, accessible pedestrian walkways from public streets; and
- 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.

In order to address land use compatibility, the Official Plan provides direction for locating sensitive land uses adjacent to or near *Employment Areas* or within the influence area of major facilities. Policy 2.2.4.5 states that sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to:

- Prevent or mitigate adverse effects from noise, vibration and emissions, including dust and odour;
- Minimize risk to public health and safety;
- Prevent or mitigate negative impacts and minimize the risk of complaints;
- Ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines at the time of the approval being sought for the sensitive land uses, including residential uses; and
- Permit *Employment Areas* to be developed for their intended purpose.

The Official Plan also states that a full range of housing should be provided and maintained to meet the needs of current and future residents. Current and future residents must be able to access and maintain adequate, affordable and appropriate housing. The policies in Section 3.2.1 of the Official Plan provide guidance as to how and where this housing should be supplied and developed.

The application will be evaluated for its conformity with the Official Plan.

Built Form, Planned and Built Context

The suitability of the proposed height and massing or other built form issues will be assessed based on Section 2 (p), (q) and (r) of the *Planning Act*, and Section 2 of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*. The built form will also be assessed based on the City's Official Plan policies and the City's Design Guidelines. An evaluation will be made to confirm whether the proposal is contextually appropriate and fits within its planned and built context. In particular, staff will be evaluating:

- Appropriateness of the proposed dwelling type/built form;
- Appropriateness of the proposed building heights;
- Appropriateness of the proposed building massing and setbacks;
- Transition impacts to the adjacent lower scale lots:
- Location and size of the proposed outdoor amenity space; and
- Appropriateness of the proposed surface parking spaces.

Townhouse and Low-Rise Apartment Guidelines

In March 2018, Toronto City Council adopted the Townhouse and Low-Rise Apartment Guidelines. The Guidelines are intended to help implement the policies of the Official Plan by achieving the appropriate design for new townhouse and low-rise apartment development applications. They address infill townhouse developments as well as developments on larger sites and the more complex and intense types of low rise, multi-unit housing. The Guidelines cover a range of issues including site context, site organization, building types, building design, and the public and private realms. The objective of the Townhouse and Low-Rise Apartment Guidelines is to enhance the quality of the living environment, establish a balance between stable residential neighbourhoods and appropriate infill development, and provide best practices in the creation and evaluation of development proposals. The Townhouse and Low-Rise Apartment Guidelines will be considered in the review of this proposal.

Long Branch Neighbourhood Character Guidelines

Toronto City Council adopted the Long Branch Neighbourhood Character Guidelines on January 31, 2018 and directed staff to apply the Guidelines in the review of all new development applications and public initiatives for all lands designated *Neighbourhoods* bounded by: Lake Ontario to the south, the rail corridor to the north, Twenty Third Street to the east, and Forty Second Street (including Marie Curtis Park) to the west. Further, it was requested that the adopted Long Branch Neighbourhood Character Guidelines be used by home builders, the community, City staff, committees and appeal bodies to provide direction in their decision making as they develop plans, review applications for redevelopment and/or enhance the public realm in the Long Branch Neighbourhood. The subject site is located within the neighbourhood area and the Long Branch Neighbourhood Character Guidelines will be considered in the review of this proposal.

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).

Additionally, Official Plan policies have been adopted by City Council to increase tree canopy coverage. City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy 3.4.1 (d) states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of long lived native and large shade trees; and iii) regulating the injury and destruction of trees".

The applicant submitted an Arborist Report and Tree Preservation plan prepared by The Tree Specialist Inc., dated October 29, 2019 which is under review by City staff. The Arborist Report and Tree Preservation plan indicates that the development proposes to preserve 1 protected City owned tree and to remove 1 private tree.

The submitted Landscape Plan proposes 13 new trees on private property. Staff would work with the applicant to address the provision of trees and the requirement to add to the City's tree canopy.

Housing

A Housing Issues Report is required for Zoning By-law Amendment applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominium or that propose residential development in excess of five hectares.

A Housing Issues Report is not required to support this application. Staff will be evaluating the proposed townhouses suitability for a broad range of households, including families with children.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including an assessment of the existing capacity to support the proposed future population.

The CS&F Study submitted in support of this application will be reviewed to determine whether any capital improvements or expansion of facilities opportunities were identified by the applicant or by staff and to follow up on Study deficiencies to identify other issues that need to be addressed.

Infrastructure/Servicing Capacity

The application will be reviewed to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, etc.) to accommodate the proposed development. Staff will review the Functional Servicing and Stormwater Management Reports submitted in support of this application to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development.

Staff will also review the Transportation Operations Review submitted by the applicant, the purpose of which is to evaluate the effects of the proposed development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Rail Safety

The subject site is located adjacent to the Metrolinx Rail Corridor to the north. Metrolinx and other rail companies have established a set of criteria for new development adjacent to rail corridors, including minimum building setbacks and the requirement for safety barriers. The applicant submitted a Derailment Protection Report prepared by JSW+Associates and dated February 2020, to assess the derailment protection measures required for the residential component of the site and how the proposed development provides the required protection. City staff will retain a third party consultant to undertake a peer review of this study, at the cost of the applicant, upon receiving a revised resubmission that addresses staff's concerns related to built form.

Compatibility and Mitigation: Air Quality, Noise and Vibration

The applicant submitted an Air Quality and Compatibility and Mitigation Study prepared by SLR Consulting Ltd., dated February 25, 2020 and an Environmental Noise and Vibration Assessment prepared by Novus Environmental Inc., dated December 11, 2019 to determine potential air quality, noise and vibration impacts on the proposed development and compliance with provincial regulations and guidelines. City staff will retain a third party consultant to undertake a peer review of these studies, at the cost of the applicant, upon receiving a revised resubmission that addresses staff's concerns related to built form.

Toronto Green Standard

City 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 has submitted the TGS Checklist indicating they are pursuing Tier 1 performance measures. Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Planning staff will encourage the applicant to pursue Tier 2 or higher performance measures through the application review process.

Other Matters

Staff have identified the additional following issues:

 The tenure of the units proposed in the current application is unclear. Staff will strongly encourage the applicant to provide purpose-built rental units at mid-range or affordable rent levels and/or affordable ownership units within this proposed development to support the City's housing policy objectives to provide for a full range of housing by tenure and affordability within new developments.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

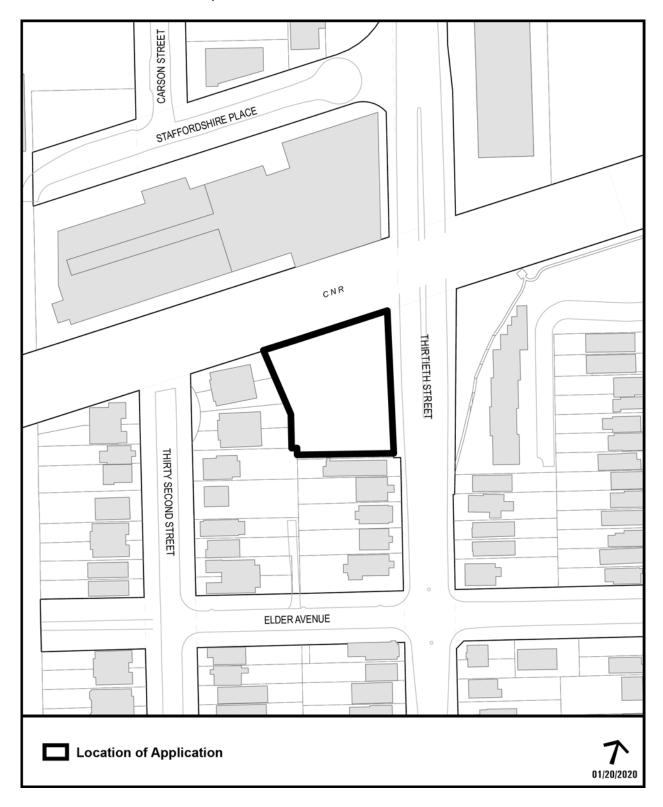
Attachment 2: 3D Model of Proposal in Context – Looking Southwest Attachment 3: 3D Model of Proposal in Context – Looking Northwest

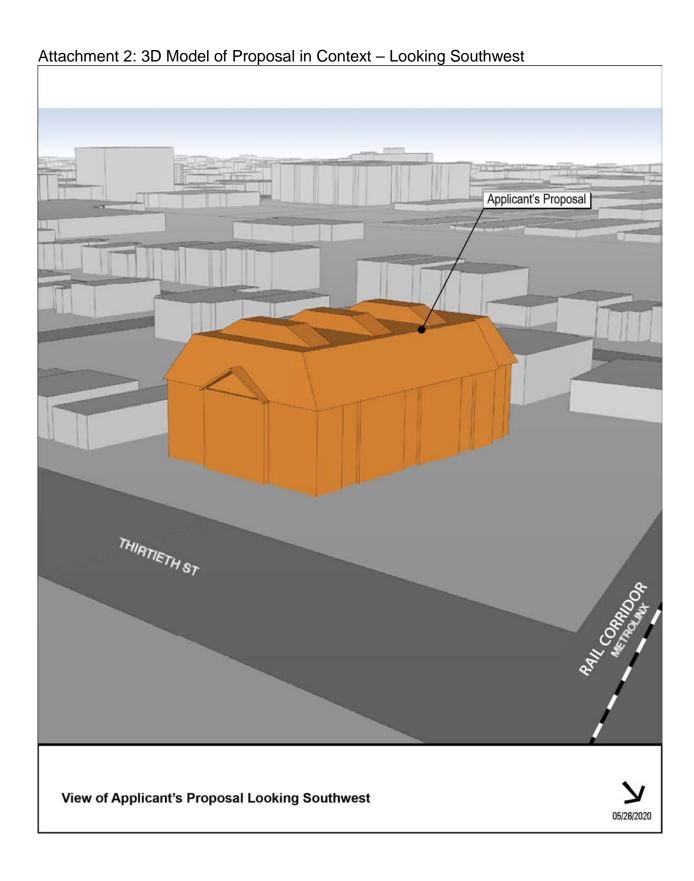
Attachment 4: Site Plan

Attachment 5: Official Plan Land Use Map

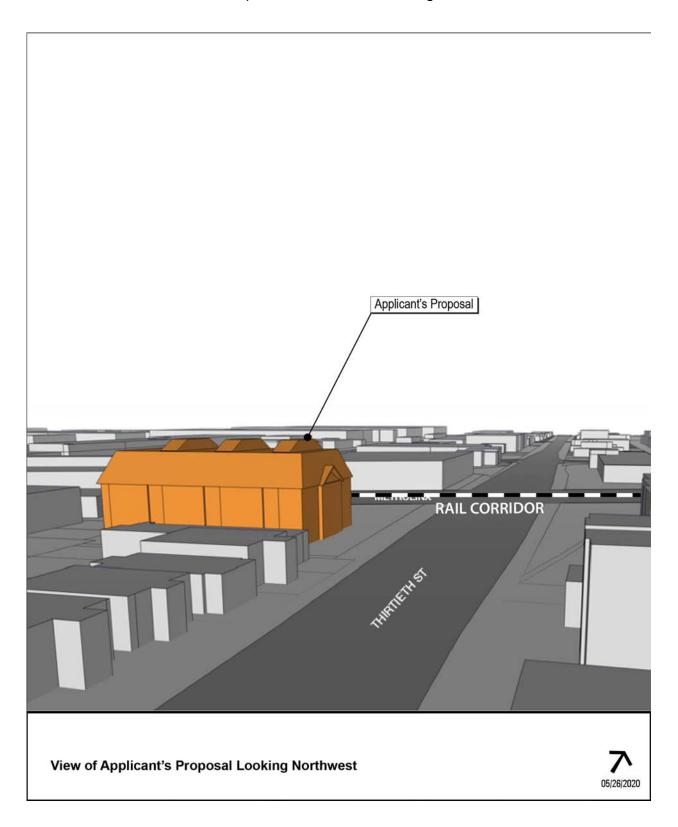
Attachment 6: Zoning By-law Map

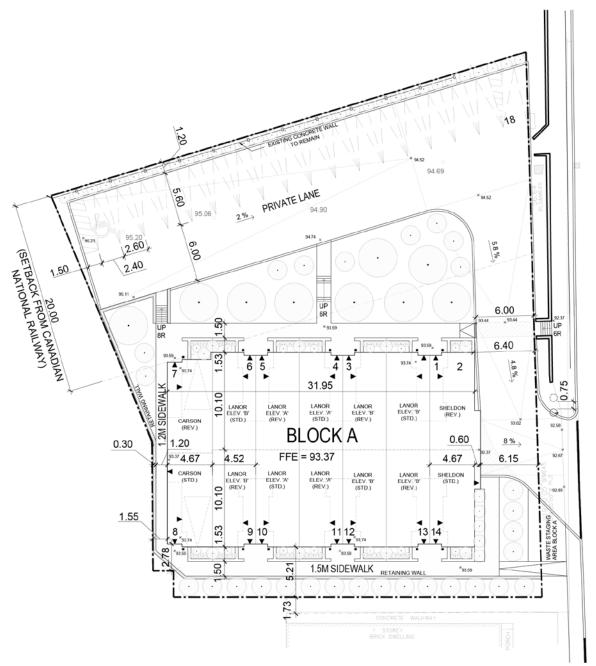
Attachment 1: Location Map





Attachment 3: 3D Model of Proposal in Context – Looking Northwest





Site Plan



Attachment 5: Official Plan Land Use Map



Attachment 6: Zoning By-law Map

