

49 – 51 Lawrence Avenue East and 84 Weybourne Crescent – Official Plan Amendment and Zoning By-law Amendment Application – Request for Direction Report

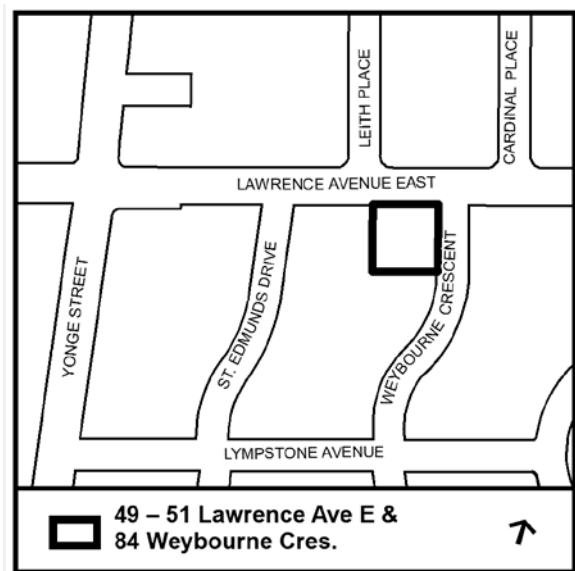
Date:	June 8, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	15 152080 NNY 25 OZ

SUMMARY

The applicant has appealed the application for an Official Plan amendment and a zoning by-law amendment to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A Preliminary Hearing has been scheduled for June 17, 2016.

The application proposes to amend the Official Plan and zoning by-laws at 49-51 Lawrence Avenue East and 84 Weybourne Crescent to permit an apartment building and townhouse complex. A total of nineteen residential units are proposed in two blocks with a shared, at-grade parking garage. The total gross floor area of the proposal is 3190 square metres and twenty-seven resident parking spaces are proposed.

This report recommends that the City Solicitor, together with City Planning and other appropriate staff, attend the OMB hearing in opposition to the current proposal.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend any OMB hearings to oppose the Official Plan and zoning by-law amendment application in its current form.
2. Should the OMB approve the applications, City Council authorize the City Solicitor to request that the OMB withholds its Order(s) approving the applications until such time as:
 - a. The Board has been advised by the City Solicitor that the proposed Official Plan and zoning by-law amendment is in a form satisfactory to the City; and
 - b. The applicant has submitted an application for Site Plan Control and all pre-approval conditions have been met.

Financial Impact

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

DECISION HISTORY

The current application was received on May 5, 2015 and on September 8, 2015 North York Community Council adopted a Preliminary Report on the application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given in accordance with the regulations under the *Planning Act*.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82952.pdf>

ISSUE BACKGROUND

Proposal

The applicant submitted an application on May 5, 2015 to permit a four-storey apartment building complex on a consolidated site of three existing lots. A total of twenty-two residential units were proposed in two blocks with a shared parking garage at-grade. The total gross floor area of the proposal was 3640 square metres and twenty-two resident parking spaces were proposed.

The revised application proposes an apartment building and townhouse complex with a total of nineteen units. The units would be provided in two blocks of buildings which

would be oriented parallel to Lawrence Avenue East with one building located to the south of the other. The northerly block is proposed to be an apartment building while the southern block is proposed as townhouses. The two blocks would be connected by an at-grade parking structure. The total gross floor area of the proposal is 3190 square metres and would have a Floor Space Index of 1.53.

The northern building would be considered an apartment building under the zoning by-law. It would be four storeys and have a total of twelve units in a stacked townhouse form. The lower units of the block would have entrances from Lawrence Avenue East while the upper units would be accessed from a shared entrance with access to an elevator to a common third floor corridor. The upper and lower units would be each two-storeys.

The southern building would be three storeys and have seven units in a townhouse form. The entrances to the units of the southern block would be along the north wall of the building and would be from a common walkway located between the north and south buildings located on top of the shared parking garage with access out to Weybourne Crescent.

The upper units of the northern block and the units of the southern block would have access to a private amenity space on the roof of each of the units. The lower units of the north building would have private terraces and landscaped space located between the two blocks on top of the parking garage. The south block would also have a rear deck and private amenity space to the rear along the south property line.

Of the nineteen proposed units, thirteen would have three bedrooms while the remaining six units would have two bedrooms.

Vehicular access to the parking garage would be from Weybourne Crescent. A total of twenty-seven vehicular parking spaces are proposed, seven of which are tandem spaces. Also proposed in the parking garage are two garbage storage rooms and twenty bicycle parking spaces (thirteen horizontal spaces and seven vertical spaces).

No visitor vehicular parking spaces are proposed. Three visitor bicycle parking spaces would be provided outdoors at the north-west corner of the site.

Site and Surrounding Area

The development site is made up of three existing residential lots, each with a detached dwelling. The site is approximately 2088 square metres and has a frontage of 45.7 metres along both Lawrence Avenue East and Weybourne Crescent. The site is well vegetated and includes several large trees.

This segment of Lawrence Avenue East consists of low scale residential buildings, primarily in a detached or semi-detached form. Some of these buildings contain multiple

units which are still within a low-rise house form. All sites have one building per lot and are of a lower scale than that proposed.

Abutting uses include:

North: Lawrence Avenue East and then semi-detached dwellings with multiple units

South: Detached dwellings

East: Weybourne Crescent and then a detached dwelling

West: A detached dwelling containing multiple units. Abutting the west lot line towards the rear of the site is 77 St. Edmund's Drive which is a designated heritage property (Wilfred S. Dinnick House and Garage)

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement, 2014 (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 healthy 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.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site as *Neighbourhoods* which are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. Small-scale retail, service and office uses are also permitted on major streets shown on Map 3 when they meet conditions that require the uses to maintain the residential amenity of *Neighbourhoods*. Policy 4.1.5 states that development in *Neighbourhoods* is expected to "respect and reinforce" the existing physical character of the neighbourhood including in particular:

- size and configuration of lots;
- heights, massing, scale and dwelling type of nearby residential properties;
- prevailing building type(s);
- setbacks of buildings from the street or streets;
- prevailing patterns of rear and side yard setbacks and landscaped open space;

Lawrence Avenue East is identified as a *major street* on Map 3 of the Official Plan but it is not shown as an *Avenue* on the Urban Structure map, Map 2. Applications for intensification along major streets in *Neighbourhood* designations are not encouraged. When a more intense form of development is proposed it is expected to respect and reinforce the existing physical character of the neighbourhood. When a more intense form of development has been approved on a major street, it will not be considered when reviewing prevailing building type(s) in the interior of the *Neighbourhood*. Weybourne Crescent is not a *major street* on Map 3.

The Built Form policies in Section 3.1.2 of the Official Plan direct new development to be located and organized to fit within the existing and/or planned context. These policies further state that buildings should be located parallel to streets and corner sites having development located along both adjacent street frontages, with consistent front yard setbacks. Furthermore, Policy 3.1.3 states that new development should be massed to fit harmoniously into its existing and/or planned context. Development should be massed with good proportions to ensure sunlight and skyview from adjacent streets and to provide transition in scale to the existing surrounding area.

Chapter 3 includes a section on Heritage Conservation. The City's heritage buildings, districts and landscapes create unique senses of place and provide a local identity. The site abuts the Wilfred S. Dinnick House and Garage which is a listed property on the City's Inventory of Heritage Properties. Policy 3.1.5.5 of the Plan states that development adjacent to properties on the Inventory will "ensure that the *integrity* of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City". The Official Plan requires applicants to provide a Heritage Impact Assessment as part of a complete application when it abuts a designated heritage property. The Assessment will "describe and assess the potential impacts and mitigation strategies" for the proposed development.

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

On December 10, 2015 City Council adopted Official Plan Amendment 320 to revise the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies of the Official Plan. Through the amendment, the *Neighbourhoods* policies are clarified, strengthened and refined in order to support the Plan's goals to protect *Neighbourhoods*.

The revised Development Criteria in *Neighbourhoods* policies within Section 4.1.5 of the Official Plan require that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the geographic neighbourhood, including:

- a) prevailing size and configuration of lots;
- b) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- c) prevailing building type(s);

- d) prevailing location, design and elevations relative to the grade of driveways and garages;
- e) prevailing setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space; and
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a geographic neighbourhood.

Additionally, the revised Healthy Neighbourhoods policies within Chapter 2 of the Official Plan state that *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Official Plan Amendment 320 is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

Zoning

The site is currently zoned R2 Z0.6 by former City of Toronto Zoning By-law 438-86. This zone permits a density of 0.6 times the area of the lot and requires a minimum lot frontage of 15 metres.

The R2 designation in By-law 438-86 permits a range of building types including apartment building, row house, detached house and semi-detached house. However, Restrictive Exception 12(2)8 does not permit an apartment building or a semi-detached triplex on the site. The proposed northerly building would be classified as an apartment building under the by-law. A maximum height of 10 metres is permitted.

The site is zoned R (f7.5; d0.6)(x933) by City of Toronto Zoning By-law 569-2013 which is currently under appeal. This zone requires a minimum lot frontage of 7.5 metres and permits a maximum density of 0.6 times the area of the lot. A maximum height of 10 metres is permitted.

Permitted building types in the R zone are detached houses, apartment buildings, townhouses, duplexes, triplexes and fourplexes. Exception 933 states that, an apartment building is not a permitted building type and that additions above a detached dwelling must comply with the zoning setback requirements. The proposed northerly building would be classified as an apartment building under the by-law.

City of Toronto Zoning By-law 569-2013 is available on the City's website at:

<http://www.toronto.ca/zoning>.

Townhouse Guidelines

The City-wide Infill Townhouse Guidelines were approved by City Council in 2003 to address the development impacts of infill townhouses with a focus on "protecting streetscapes and seamlessly integrating new development with existing housing patterns". The Guidelines consider matters such as open spaces, building location, built form and location of parking. They also consider the interaction between the infill development and the pedestrian environment.

The Infill Townhouse Guidelines can be found at:

http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/townhouseguideline.pdf

Site Plan Control

The proposal is subject to Site Plan Control under Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act* however no application has been filed.

Reasons for the Application

The Official Plan policies state that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. The Plan also states that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood. Further, the policies state that intensification of land on major streets is not encouraged and that any proposal should meet the above noted criteria of respecting and reinforcing the existing physical character and should have regard for the existing built form along the street and its relationship to adjacent buildings. The applicant is proposing a built form and density not found in the neighbourhood.

The application to amend the zoning by-law is required to permit the building type as well as to create performance standards, including height, setbacks and density, to allow for the proposed development.

Community Consultation

A community consultation meeting was held on September 28, 2015 with approximately 250 members of the public in attendance, the local ward councillor, and the applicant and was chaired by City Planning staff.

At the meeting the community raised a number of concerns with the proposal, including the proposed building type. Residents indicated that apartment buildings are not representative of the larger area and that while multi-unit buildings exist, none exceed

four units. These multi-unit buildings also appear as single family dwellings and not as apartment buildings. They raised concerns with the possibility of this built form being replicated in the neighbourhood should Council or the Board approve the development. It was felt that two buildings were not appropriate and that the proposed density, height and massing were not in keeping with the character of the Lawrence Park neighbourhood.

Issues surrounding traffic impacts, parking and access were also raised. Residents were concerned that the amount of parking provided for residents of and visitors to the development was not sufficient. Further, finding a parking space on Weybourne Crescent is difficult currently and does not have the capacity to accommodate visitors to the proposed development. Residents felt that current traffic levels are high and that introducing a development of this size will make it even worse. Also, having the entrance to the garage off of Weybourne Crescent it was felt would lead to traffic infiltration into the interior of the neighbourhood. The increase in traffic impacts was also a concern from a safety perspective. It was felt that the increase in number of cars would lead to more dangerous interactions with pedestrians and was inappropriate.

Residents indicated that the proposed setbacks were inappropriate and did not provide sufficient transition and privacy to the adjacent lots. The proposed roof top decks were a further privacy concern for abutting residents and also a concern with regards to the amount of noise impacts they may have on neighbours. Impacts to the local schools were another issue raised by the community. The local schools appear to be at capacity and additional children to the area will need to be bused to other schools creating additional negative impacts on the traffic in the area. Impacts on the local parks was also a concern.

Lastly, concerns were raised with regards to the impacts on the abutting designated heritage property. There were concerns with the submitted Heritage Impact Assessment and that it did not accurately depict the existing heritage building.

In addition to the comments received at the community meeting, several letters have been submitted to staff regarding the proposed development. The letters raise similar concerns to those raised at the community meeting.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong healthy communities; wide use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities are provided.

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. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

One of the ways in which the Growth Plan manages growth is by indicating that growth will be accommodated by "focusing *intensification* in *intensification areas*" (Policy 2.2.2.1(b)). The Growth Plan defines *intensification areas* and states that they include a number of areas including *major transit station areas* which is also defined in the Growth Plan. The area around the TTC subway station at Yonge Street and Lawrence Avenue (Lawrence Station) would be considered a *major transit station area*. The province also identifies the Official Plan as the most important method of guiding growth. The City has identified certain *Mixed Use Areas* around Lawrence Station as appropriate for growth, however it also identifies the need to maintain the characteristics of the existing neighbourhood.

The Growth Plan was amended in 2013 with updated population forecasts in Schedule 3. The base year and interim forecasts to 2021 were removed, enabling a municipality to determine its own base year and its progress toward the Growth Plan forecast. Using 2011 as a base year and Statistics Canada's population estimates for 2011 at 2,704,622 and for 2015 at 2,826,498, the City's population growth is averaging 30,470 persons per year. The average annual population growth rate between the 2011 population estimate and the Growth Plan's updated population forecast to 2031 of 3,190,000 is 24,270 persons per annum. Thus the City's population growth is higher than forecasted by Schedule 3 of the Growth Plan as amended, and is therefore on track to achieve the updated Growth Plan population forecast by 2031.

Both of these documents are high-level and broad reaching. The City is a development area and infill is encouraged under these policies. The PPS states in Section 4.7 that the most important method of implementing the policies is a municipality's Official Plan which guides the method of intensification and where it should be focused; consistency with the PPS and conformity with provincial policies are not the only considerations. The City's Official Plan has applied a *Neighbourhoods* designation for this site which are considered physically stable areas.

Official Plan

Neighbourhoods

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

The subject site is located in a *Neighbourhoods* designation where growth is not anticipated. These areas are considered to be "physically stable" and development within

these areas will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space pattern in these areas. While these areas will change over time, they are not intended to accommodate the city's growth and any change needs to reflect the existing character.

The stability of Toronto's *Neighbourhoods* physical character is one of the keys to the City's success. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally fit the existing physical character. In order to maintain stability in *Neighbourhoods*, there are a number of development criteria policies that require development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood. The existing physical character is respected and reinforced through development criteria as identified below.

Size and configuration of lots

The existing lot pattern consists of lots which are generally rectangular and abut public streets. In order to create the development site, the applicant has consolidated three lots. Purchasing a number of residential lots, on a major street within a residential neighbourhood in order to create a larger development parcel is contrary to Official Plan policies that require development in established Neighbourhoods to respect and reinforce the existing physical character of the neighbourhood, in particular the size and configuration of lots. The three lots which have been consolidated are not unique from the character of the neighbourhood in terms of size, configuration or orientation, as there is nothing distinguishing these lots from any other in the neighbourhood which would limit the proposal from being replicated along Lawrence Avenue East or Weybourne Crescent. Policy 4.1.9 in the Official Plan discusses infill development on properties which vary from the local pattern in terms of size, configuration and/or orientation. The consolidation of the three lots does not make the proposal subject to this policy; the policy is intended to deal with historical parcels which vary from the character of the neighbourhood. The creation of the development parcel is not in keeping with the existing and planned finer grain residential lot pattern found in the neighbourhood.

Further, the existing lots generally have side yard to side yard, rear yard to side yard, and rear yard to rear yard relationships. The proposed development proposes a rear yard to front yard relationship between the two proposed buildings on the consolidated site. The proposal also creates a negative relationship to the street as the proposed townhouse units in the southerly block do not front onto a public street. This pattern and layout is not appropriate and is not in keeping with the lot fabric of the neighbourhood.

Introduction of this built form type and site layout into the neighbourhood would change the character of the neighbourhood significantly. Approval of the proposal could create a negative precedent that could impact the stability of neighbourhood.

Prevailing Building Form Type

The proposed apartment building and townhouse types are not in keeping with the prevailing building type of nearby residential properties. Further, the zoning by-laws

specifically do not permit apartment buildings on the site. The prevailing building type in this *Neighbourhood* designation along Lawrence Avenue East is low scale residential buildings of two to three storeys, primarily in a detached or semi-detached house form. The area does include some multiple family dwelling types consisting of two, three and four units, however, these units are located within the prevailing building type which is a detached house form. All sites have one building per site and are of a lower scale than what is proposed.

The proposed building types and dwelling types are not contextually appropriate with the existing residential built form. Apartment buildings of this size and density are not part of the character of the south side of Lawrence Avenue East nor is the townhouse form. Introducing these building types would not respect and reinforce the existing physical character of the neighbourhood and would be out of keeping with the policies of the Official Plan.

Height, Massing and Scale

The proposed development consists of an apartment building and a townhouse building located on a consolidated site. The existing character of the neighbourhood consists of single residential buildings located on individual lots. The proposed multiple buildings on an individual lot is not in keeping with the character of this neighbourhood.

The existing built form context for residential buildings in the adjacent area along Lawrence Ave E and Weybourne Crescent consists of predominately two and three story buildings. Both the former City of Toronto and new City of Toronto Zoning By-laws permit a maximum building height of 10 metres on this site. The applicant is proposing a maximum main roof height of 16.35 metres for the northern block. This proposed building height does not fit with the existing and planned heights of the adjacent context of the nearby residential properties in the adjacent *Neighbourhood* along Lawrence Avenue East and Weybourne Crescent.

Currently, the site contains three detached dwellings, one on each lot. This is characteristic of the neighbourhood, although some detached dwellings are duplexes. The applicant is proposing to introduce nineteen units onto a site which currently has three units. This increase in scale is not in keeping with the character of the neighbourhood. Even on sites which have more than one unit, the number of units on the site is significantly lower than what is proposed. The proposed density is 1.53 times the area of the lot whereas the by-law only permits a density of 0.6. To the south of the subject site the permitted density is even lower at 0.35. The proposed density is almost three times that allowed and would be the densest development in the immediate area. This intensification of the site is out of keeping with the character of the neighbourhood and is not appropriate.

Existing buildings in the neighbourhood are massed as two and three storey detached and semi-detached house form that are set back from the street on lots with similar dimensions that fit with the finer grain lot frontages and building façades. Buildings are

massed in a low-rise house form with one building per lot, each having public street frontage. Buildings in the neighbourhood have a single front door, walkways and porches facing onto a public street.

The proposed development is not consistent with the massing of buildings in the area and proposes an apartment building along Lawrence Ave East and a townhouse building located behind the apartment building. The building located behind would have a side condition to Weybourne Crescent. No doors, walkways or porches for that second building would face onto a public street. Both buildings are massed parallel to Lawrence Avenue East, with a building length that is much longer than those found in the neighbourhood. The proposed building types on a consolidated lot assembly is not the prevailing building type in the area and does not fit with the finer grain building and lotting pattern of the area. The proposal introduces a site organization that is not found in the neighbourhood by locating and massing a second building on the lot behind another building.

The proposed development does not respect and reinforce the existing physical character of the neighbourhood, including the massing, height and scale of nearby residential properties. As a result of the proposed scale of development, there are multiple buildings on site and the proposal is too intense for this residential *Neighbourhood*.

Setbacks and Landscaped Open Space

Front Yard

Former City of Toronto By-law 438-86 and new City of Toronto By-law 569-2013 require a minimum front yard setback equal to the setback of the adjacent building for a corner lot development. In this case, the adjacent site at 45 Lawrence Avenue East has a front yard setback of 6.14 metres whereas the applicant is proposing a front setback of three metres from Lawrence Avenue East for the north building. The context of Lawrence Avenue East is landscaped front yards with larger setbacks. The proposed apartment building would be the closest building to the street in this immediate area and a setback of that size would limit the amount of planting possible within the setback.

Side Yard

The Official Plan requires that new development respect and reinforce the existing physical character of a neighbourhood. One of the characteristics of a neighbourhood which needs to be respected is that of setbacks of buildings from the street(s). Neighbourhoods are also characterized by prevailing patterns of rear and side yard setbacks and landscaped open space. The proposed side yard setback does not reflect the existing character of setbacks from Weybourne Crescent, the landscaped open space, nor does it reflect the planned context. The side yard setbacks do not meet the Official Plan's policies which require development to respect and reinforce the existing physical character of the neighbourhood. The applicant is proposing a setback for both buildings from Weybourne Crescent of 3.64 metres. Former City of Toronto By-law 438-86

requires a minimum side yard setback of approximately 5.5 metres and City of Toronto By-law 569-2013 requires a minimum corner side yard setback of 7.5 metres for a permitted building type. The character of Weybourne Crescent is of dwellings setback from the street with landscaped front yards, including large mature trees on several lots. The applicant is proposing a west side yard setback of 0.3 metres for approximately forty percent of the building, with the remainder of the building being setback between 2.38 and 2.66 metres from the west lot line. By-law 569-2013 requires a minimum side yard setback for an apartment building of 7.5 metres. The proposed setback does not permit adequate space for landscaping between the proposed building and the lot line. Further, the abutting designated heritage property is located along this lot line; appropriate separation and transition should be provided to this building, recognizing its historical importance.

The Infill Townhouse Guidelines show a minimum building separation distance of fifteen metres in order to maintain standards of light, view and privacy. The Guidelines identify this separation between two building front facades or between two rear facades. This is intended as a separation distance between two townhouse buildings and does not account for the proposed relationship to an apartment building. The applicant is proposing a distance between the apartment building and the townhouses of 10.98 metres. This should be increased to ensure overlook and privacy impacts are minimized between the two blocks, however this cannot be accomplished while also providing adequate front and rear yard setbacks. This is further indication that two buildings on the site is inappropriate.

Rear Yard

From the south property line, both applicable zoning by-laws require a minimum rear yard setback of 7.5 metres for a permitted building type on the site. The rear yard setback for the proposed development is 7.5 metres.

Landscape Open Space

The area consists of a pattern of generous landscaped open space as a result of front yard setbacks, deep rear yard setbacks greater than the minimum by-law standards, and side yard setbacks. The former City of Toronto By-law 438-86 requires a minimum of fifty percent of the lot containing an apartment building be provided as landscaping.

The proposed development is not consistent with this generous landscape open space, due to the scale and intensity of the development including the reduced setbacks, at-grade parking garage and proposed site grading. The proposed setbacks and at-grade parking garage remove the opportunities for landscaping and requires the removal of at least two existing mature trees on site that are in fair to good condition. The proposed reduced front yard setback limits space available for landscaping, and the proposed grading on site results in retaining walls and stairs within the front yard and boulevard. The proposed open space located between the northern and southern blocks is proposed to be on top of

the at-grade parking garage. This open space has no relationship to Weybourne Crescent, limited soil depth for landscaping and would therefore not contribute to the landscape character of the area. The proposed development does not contribute to the landscape open space character of the area.

Development Criteria in Neighbourhoods

The subject site is designated *Neighbourhoods* in the Official Plan, which is a designation where growth is not anticipated. The proposed development does not respect and reinforce the existing lower density physical character of the neighbourhood, in particular: the size and configuration of lots; heights, massing, scale and dwelling type of nearby residential properties; prevailing building types; setbacks of buildings from streets; prevailing patterns of yard setbacks and landscaped open space. As a result, the proposal is not in conformity to the Official Plan and considered inappropriate development for these lands.

Similarly, the applicant's proposed development does not conform with the emerging policy direction identified in the proposed amendments to the *Neighbourhoods* policies in Official Plan Amendment 320. The proposed *Neighbourhoods* designation policies have been clarified, strengthened and refined in order to support the Plan's goals to protect *Neighbourhoods*, however the proposal is not in keeping with those goals of respecting and reinforcing the existing physical character of the buildings, streetscapes and open space patterns.

Built Form Fit, Overlook and Privacy

The Built Form policies in Chapter 3 of the Official Plan state that new development will be located and organized to fit with its existing and/or planned context, with buildings that have main building entrances located so they are clearly visible and directly accessible from the public sidewalk. These policies further state that buildings should locate and organize vehicular access and parking to improve the safety and attractiveness of adjacent streets and that new buildings should be massed and their exterior facades should be designed to fit harmoniously into the existing and/or planned context by framing the street and providing appropriate transition in scale to neighbouring existing and/or planned buildings.

All buildings in this neighbourhood have a clear and direct relationship between front doors and public sidewalks, as well as appropriate facing relationships to each other. Individual residential buildings are positioned on a lot with their front doors located on the public street frontage, side yards adjacent to side yards, rear yards adjacent to rear yards and some with rear yards to side yard relationships. In complete contrast to the neighbourhood character, the application proposes a different configuration of buildings on the site with one building located behind another building. The apartment building is proposed to front Lawrence Avenue East with a side relationship to Weybourne Crescent. The townhouse's location proposed behind the apartment building fronting Lawrence

Avenue East is not a building configuration found in the neighbourhood. The second building would have a side relationship to Weybourne Crescent. The townhouse units in the southern building would have no public street frontage. The main entrances for the townhouse units would be accessed from an elevated internal landscaped mews located on top of the parking garage that provides access out to Weybourne Crescent. The proposed configuration of a building behind a building with a back to front relationship is a configuration not found in the neighbourhood and is not in keeping with the existing context.

The proposed back to front relationship of the two buildings would also create privacy and overlook issues between the two proposed buildings. The front of the southern townhouse units are proposed to face the rear yards of the at-grade units in the apartment building fronting Lawrence Avenue East. Furthermore, the proposed buildings have a 10.98 metre separation distance between the apartment block and townhouse block. The Infill Townhouse Guidelines note that between townhouse blocks, a minimum 15 metre separation distance should be provided to insure adequate privacy and views. While the Guidelines only speak to the separation of townhouse units, not between townhouses and apartment building, the proposed separation distance and back to front configuration result in issues of privacy and overlook that are not found in the adjacent area.

The proposed front and side yard setbacks for the development are not consistent with the existing and planned context as required by the Official Plan. Generous setbacks within the neighbourhood result in an attractive landscape character which should be maintained. The proposed reduced setbacks, discussed earlier in this report, are not in keeping with the character of the area and do not meet the policies of the Official Plan.

The proposed townhouses units in the southern building do not have a direct relationship to the public sidewalk. All doors, walkways and porches would be provided from an elevated landscaped mews and not from a public street. These doors would have poor visibility and accessibility to the public sidewalk along Weybourne Crescent. The existing context of the area consists of buildings that have front doors located on a public street, with a direct connection out to the public sidewalk. The proposed lack of street address for the southern townhouse building is not in keeping with the character of the area or the Built Form policies of the Official Plan.

The proposed development also introduces multiple units at different levels located close to adjacent residential property lines. The upper levels of each of the buildings introduces rooftop amenity areas, with views into surrounding side and rear yards. These relationships create issues of overlook and privacy which are not acceptable, and are not in keeping with the policies of the Official Plan.

The proposed parking garage located at grade creates a blank façade along Weybourne Crescent, causes grading issues across the site, and reduced opportunities for landscape open space on site. Built Form policies in Chapter 3 of the Official Plan state that above-grade parking structures, where permitted, should be integrated with building design to ensure that usable building space is located at grade facing a public street. The proposed

parking garage at-grade results in a blank façade along Weybourne Crescent with inactive uses at-grade, which is contrary to the Official Plan policy and character of this area. To accommodate the parking garage, the landscape mews that provides landscape open space for many of the proposed units as well as access to the front entrances for the southern townhouse building is elevated and disconnected from the public realm of Weybourne Crescent. Furthermore, to accommodate the parking garage the front entrances for the at-grade units located within the apartment building along Lawrence Avenue East are proposed to have a number of stairs to the front entrances as well as a series of retaining walls that extend into the public boulevard along both street frontages. The main building entrances for the southern townhouse block and the at-grade apartment building are therefore not clearly visible nor directly accessible, as directed by Official Plan Policy. Landscape open space is also limited on site to accommodate the at-grade parking garage along with reduced setbacks, and therefore not in keeping with the character of the area.

The building height of the northern apartment block has a height that is not in keeping with the character of the area, as discussed in earlier sections of this report. The proposed building has not been massed to fit harmoniously into the existing and/or planned context as required by the Official Plan. The proposed building massing is not consistent with the massing of the area. As noted earlier in the report, the proposed building types are not built form types which are found in this area. The apartment building and townhouse forms do not fit with the finer grain built form scale and lotting pattern of the area. Transition in scale should be provided from the development to the adjacent existing and/or planning buildings as well as the adjacent heritage listed building.

The proposed intensity and scale of the development is not in keeping with the surrounding residential detached dwelling form. The proposed site configuration would result in an unacceptable building relationship within the site. The reduced setbacks, at-grade parking garage and increased building height creates unacceptable building relationships with abutting properties that would result in negative impacts with respect to overlook, privacy and fit.

Heritage

To the west of the site is 77-79 St. Edmund's Drive which is a designated heritage property (Wilfred S. Dinnick House and Garage) under Part IV of the Ontario Heritage Act (By-law 256-2004). The heritage attributes identified in By-law 256-2004 are defined as follows:

"the 2 ½ storey asymmetrical plan, the red brick cladding with stone trim and decorative brick detailing, the cross-gable roof with oversized chimneys and stepped gables, the corner entrance surmounted by an oriel window and gable, the pattern of the fenestration with flat-headed window openings in stone surrounds (some containing leaded glass) and, on the west façade a two-storey bay window. The 1 ½ storey garage was custom-designed to complement the house".

The applicant submitted a Heritage Impact Assessment (HIA) as part of a complete application, but has not submitted a HIA which assesses the revised proposal. Heritage Preservation Services identified concerns with the previous HIA and the potential impacts the proposal, including the proposed grading, may have on the designated heritage property. The proposed building needs to provide appropriate separation and transition to the existing heritage building. The applicant needs to provide an updated HIA which discusses the current proposal and responds to the issues laid out in the April 13, 2016 memorandum.

Engineering and Construction Services

Engineering and Construction Services raised some issues with regards to the original proposal. As part of the revised submission, the applicant did not provide any updated engineering reports or drawings.

Staff had identified a number of concerns, including the sanitary sewer analysis to assess the capacity of the sanitary sewer system, need to determine whether the minimum fire flows can be met, whether there is capacity in the sewer to accommodate the groundwater flow if any groundwater pumping and discharge is proposed as part of the foundation design and need for a preliminary site servicing plan.

The full list of issues has been provided to the applicant through the Engineering and Construction Services memorandum dated May 25, 2016. All of the issues identified in the report need to be addressed.

Transportation

The application proposes twenty-seven parking spaces for residents, seven of which are in a tandem configuration and no parking spaces for visitors. The minimum number of parking spaces is calculated based on the number of bedrooms per unit: 0.9 spaces for each two bedroom unit and 1.1 spaces for each three bedroom unit; a total of twenty resident parking spaces are required. Additionally, a minimum of 0.15 spaces per unit is required for visitor parking; in this case a total of two visitor spaces are required.

The applicant is proposing to provide a sufficient number of resident parking spaces as required under By-law 569-2013, however they are not proposing any visitor parking spaces. Visitor parking needs to be provided on site to minimize impacts on the surrounding streets.

The applicant is also required to provide a six metre corner rounding at the south-west corner of Lawrence Avenue East and Weybourne Crescent. This should be indicated on the drawings and would be secured through the Site Plan Control process.

Conclusion

The Official Plan designates the site as *Neighbourhoods* which policies state that any proposed development should respect and reinforce the existing and planned context. Apartments and townhouses represent new built form types not found along this segment of Lawrence Avenue East and represent an intensification which is not appropriate. The proposed building configuration, setbacks and heights are also inappropriate and do not fit with the existing and/or planned context of the neighbourhood. While the site is near Lawrence subway station, proximity to a subway station is not the sole consideration in evaluating a development proposal. It must be balanced with other policies to ensure an appropriate fit with the existing and planned context.

The proposed site layout also does not respect and reinforce the existing character and introduces built form relationships which are inappropriate, including the proposed front-to-back relationship between the two blocks on the site, insufficient building setbacks and inappropriate relationships to the public sidewalk/street. Further, it does not provide sufficient landscaped open space and visitor parking. It is unclear, based on the submitted materials, whether the current infrastructure can support this proposal.

The proposed development is not good planning, is not in keeping with the goals of the Official Plan, which implements the PPS and the Growth Plan, and is not in the public interest. As a result, this report recommends that the City Solicitor and appropriate staff be directed to attend any OMB hearing in opposition to this proposal.

CONTACT

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E-mail: gmatthe2@toronto.ca

SIGNATURE

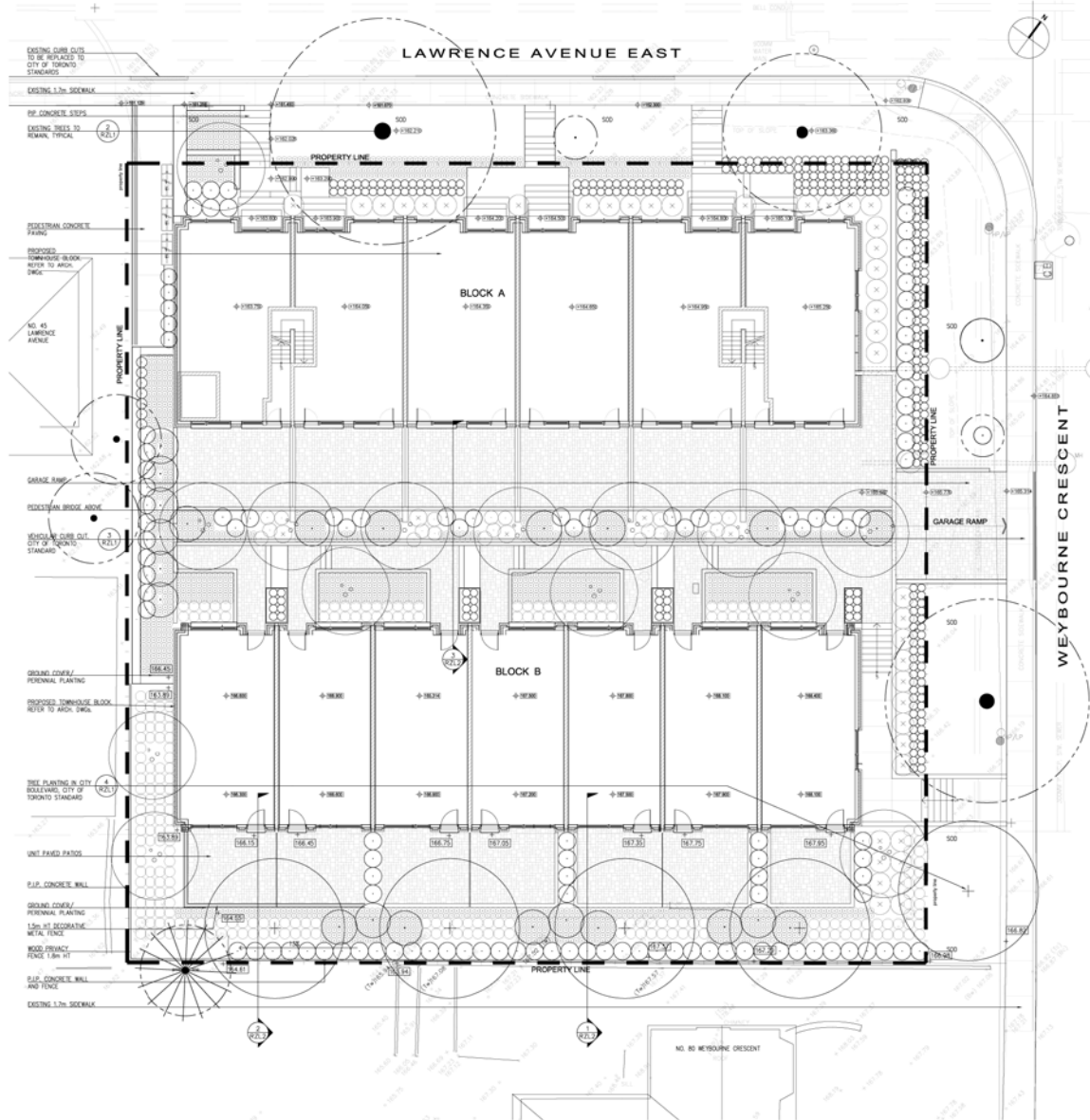
Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning

Attachment 4: Official Plan
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

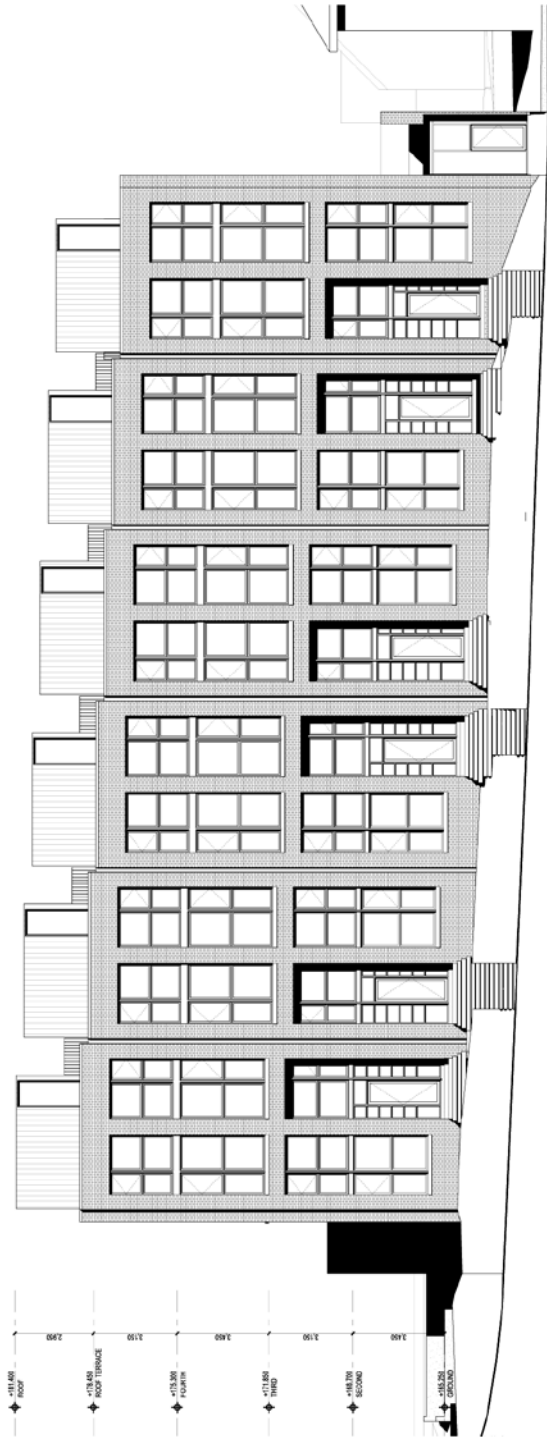
49-51 Lawrence Ave. E. & 84 Weybourne Cres.

Applicant's Submitted Drawing

Not to Scale 
05/18/2016

File # 15 152080 NNY 25 0Z

Attachment 2: Elevations



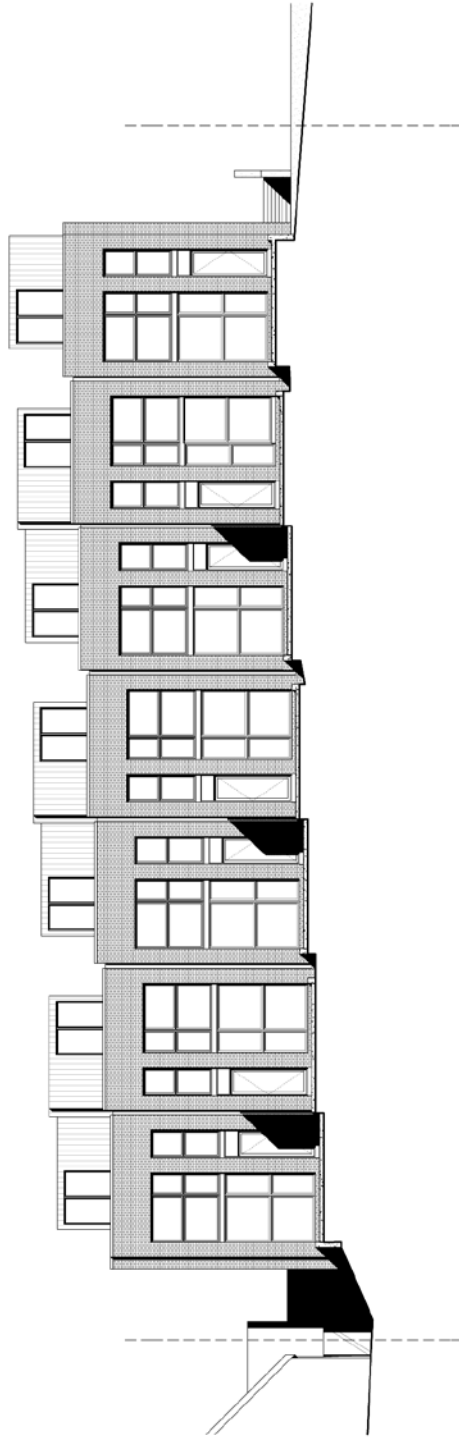
North Elevation (Lawrence Ave.)

49-51 Lawrence Ave. E. & 84 Weybourne Cres.

Applicant's Submitted Drawing

Not to Scale
05/18/2016

File # 15 152080 NNY 25 02



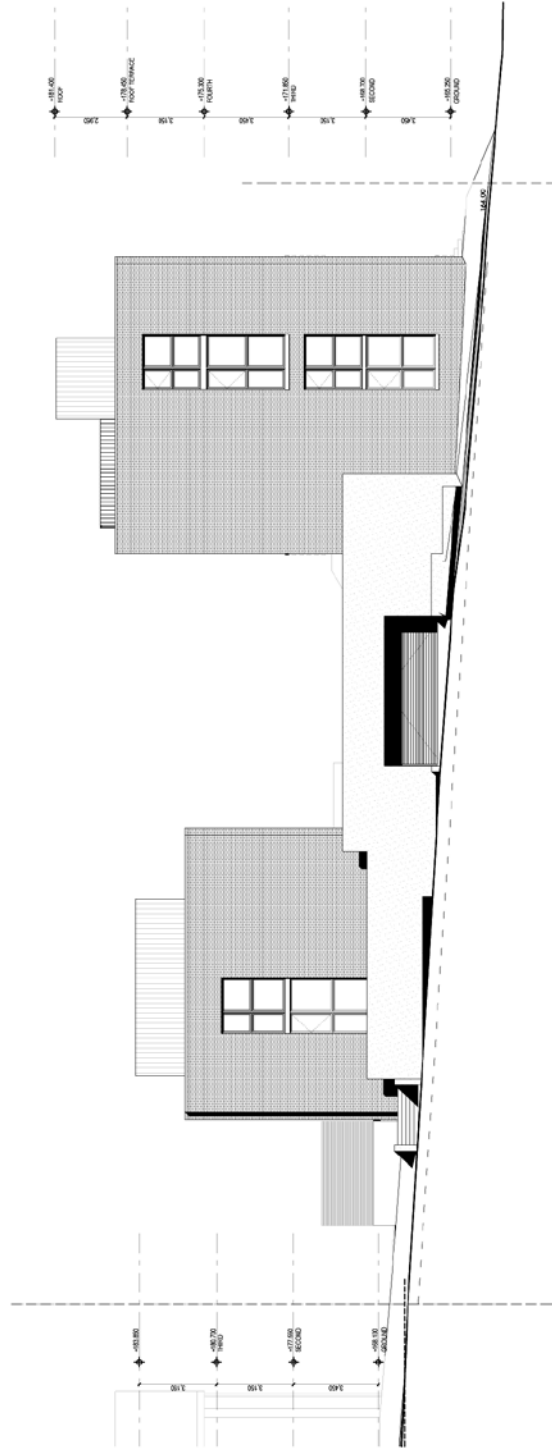
South Elevation

Applicant's Submitted Drawing

Not to Scale
05/18/2016

49-51 Lawrence Ave. E. & 84 Weybourne Cres.

File # 15 152080 NWY 25 0Z



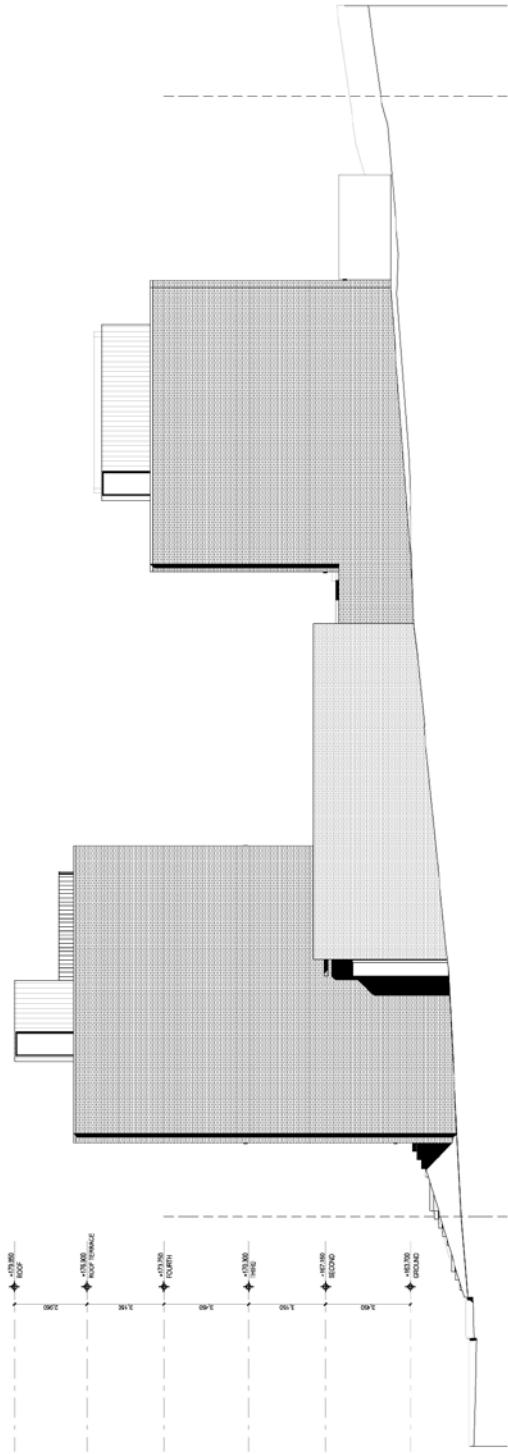
East Elevation (Weybourne Cres.)

49-51 Lawrence Ave. E. & 84 Weybourne Cres.

Applicant's Submitted Drawing

Not to Scale
05/18/2016

File # 15 152080 NMY 25 02



West Elevation

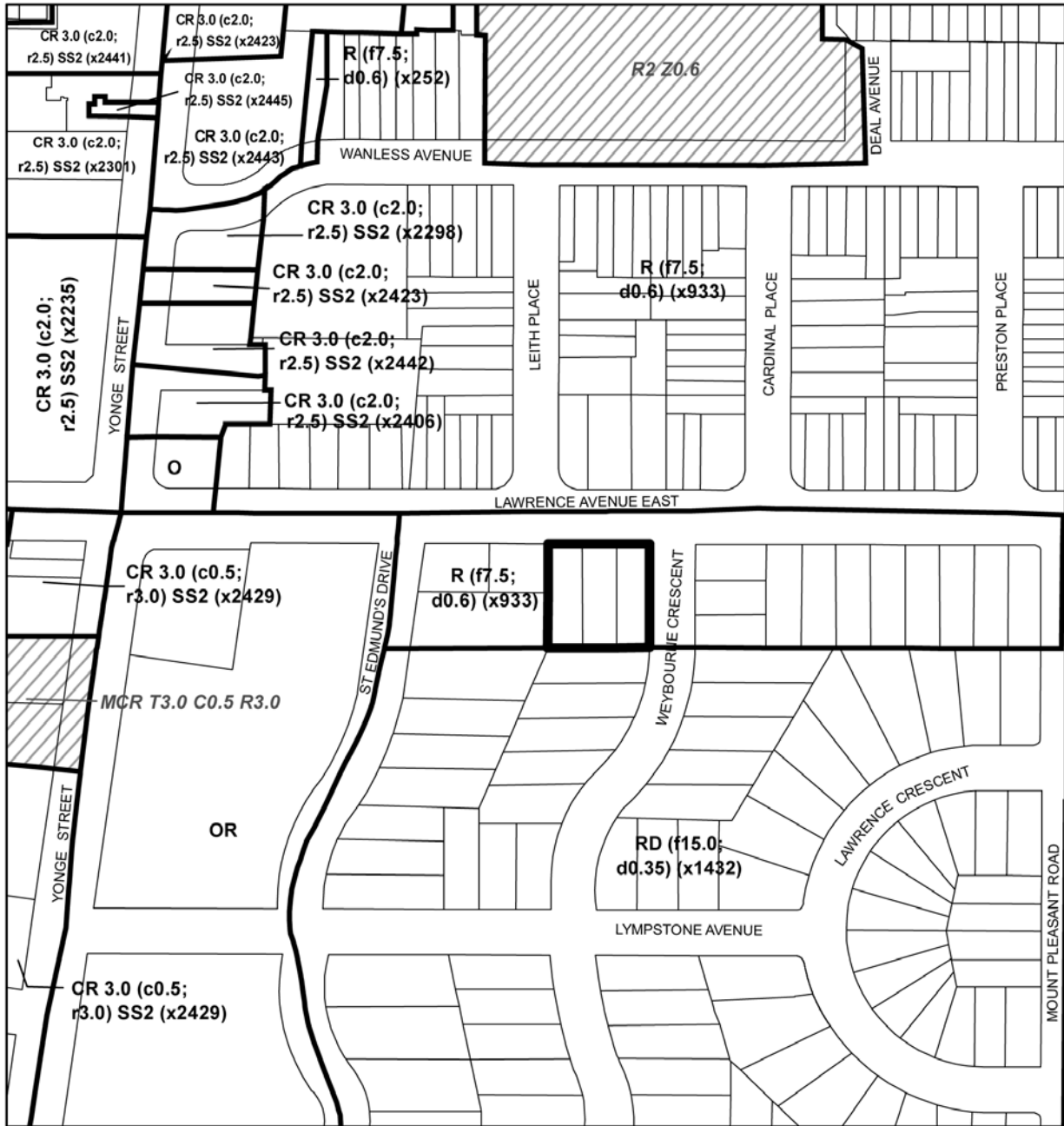
Applicant's Submitted Drawing

Not to Scale
05/18/2016

49-51 Lawrence Ave. E. & 84 Weybourne Cres.

File # 15 152080 NMY 25 02

Attachment 3: Zoning



Zoning By-Law No. 569-2013

49 – 51 Lawrence Ave E &
84 Weybourne Cres.
File # 15 152080 NNY 25 0Z

Location of Application

See Former City of Toronto By-Law No. 438-86

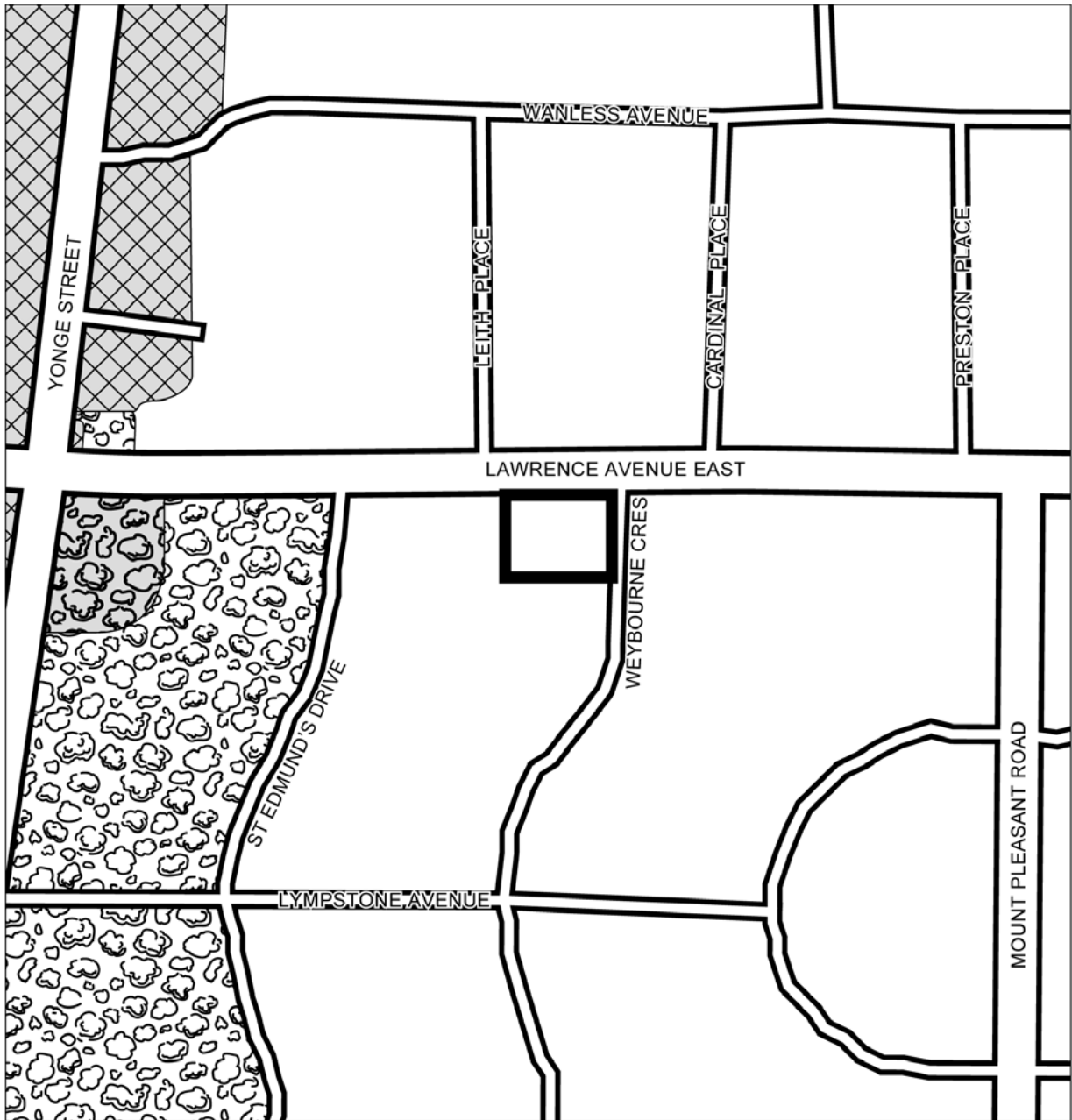
- R Residential
- RD Residential Detached
- CR Commercial Residential
- O Open Space
- OR Open Space Recreation

- R2 Residential District
- MCR Mixed-Use District



Not to Scale
Extracted: 05/15/2015

Attachment 4: Official Plan



TORONTO City Planning
 Extract from Official Plan

49 – 51 Lawrence Ave E &
 84 Weybourne Cres.

File # 15 152080 NNY 25 0Z

 Site Location	 Parks & Open Space Areas
 Neighbourhoods	 Parks
 Mixed Use Areas	 Other Open Space Areas



Not to Scale
 05/15/2015

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	15 152080 NNY 25 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 5, 2015

Municipal Address: 49-51 LAWRENCE AVENUE EAST & 84 WEYBOURNE CRESCENT

Location Description: PLAN 1485 LOT 96 **GRID N2507

Project Description: Four storey apartment and 3 storey townhouse development, comprised of 19 residential units with a shared parking garage including 27 parking spaces with direct vehicular access from Weybourne Crescent. The proposed development has direct pedestrian access to the public sidewalk and an internal landscaped courtyard for residents.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC	BOUSFIELDS INC		OLIMPIA NICOLCEV

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Y
Zoning:	R2 Z0.6 / R(f7.5; d0.6)(x933)	Historical Status:	N
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2088.6	Height:	Storeys:	4
Frontage (m):	44.88		Metres:	16.95
Depth (m):	45.71			
Total Ground Floor Area (sq. m):	790.9			Total
Total Residential GFA (sq. m):	3190		Parking Spaces:	27
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	3190			
Lot Coverage Ratio (%):	37.87			
Floor Space Index:	1.53			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	6
3 + Bedroom:	13
Total Units:	19

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	3190	3190	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Guy Matthew, Senior Planner
	TELEPHONE:	(416) 395-7102