

**14-16 Elvina Gardens, 197 & 197R Erskine Avenue-  
Zoning Amendment Application– Refusal Report**

<b>Date:</b>	April 10, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	16 263364 NNY 25 OZ

**SUMMARY**

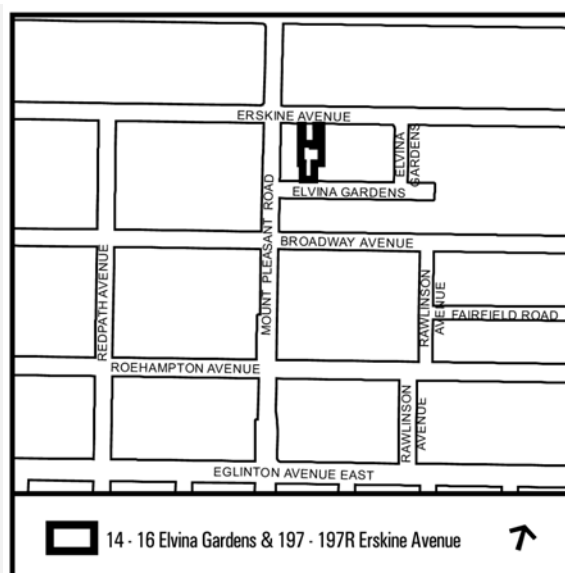
This application proposes to amend the former City of Toronto Zoning By-law 438-86 and the new City of Toronto Zoning By-law 569-2013 to permit ten, three-storey townhouses at 14-16 Elvina Gardens and 197 & 197R Erskine Avenue. Vehicular access is proposed via a six metre driveway off Elvina Gardens, with underground parking consisting of one parking space for each townhouse unit. A three metre right-of-way access is also proposed from Erskine Avenue. Outdoor amenity space in the form of either a rear garden or terrace is proposed for each townhouse unit.

This report recommends refusal of the application to amend the Zoning By-law. The proposal does not conform to the Official Plan's *Neighbourhood* criteria policies and does not respect and reinforce the existing physical character of the neighbourhood, particularly in terms of the size and configuration of lots, prevailing building type, height, massing and scale.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council refuse the application for a Zoning By-law Amendment to



permit a townhouse development on the site at 14-16 Elvina Gardens, and 197 and 197R Erskine Avenue.

2. Should the application be appealed to the Ontario Municipal Board, the City Solicitor and appropriate City staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal of the Zoning By-law amendment.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The application to amend the Zoning By-laws was received on December 12, 2016. A community meeting was held on March 8, 2017, with the Ward Councillor and local residents from within a 120 metre notification radius.

## **ISSUE BACKGROUND**

### **Proposal**

The application proposes to amend the Zoning By-laws to permit ten, three-storey townhouse units (see Attachment 1) with underground parking accessed via a driveway from Elvina Gardens. One unit would front Elvina Gardens and the other nine units would front the right-of-way access and walkway internal to the block.

The development site is a land assembly composed of four lots, including a detached dwelling at 197 Erskine Avenue, a parcel of land interior to the block municipally known as 197R Erskine Avenue, and a pair of semi-detached dwellings at 14-16 Elvina Gardens. Also included within the site is a 3 metre wide right-of-way access from Erskine Avenue which is utilised by vehicles for the ten properties fronting Mount Pleasant Road to access the servicing/parking areas to the rear of these properties, by means of an easement in their favour. The lot structure does not reflect the existing condition and a severance would be required to create the proposed land parcel.

The townhouse block would have a front yard setback of 6.37 metres from Elvina Gardens and a frontage of 17.5 metres. The height of the proposed units would be between 9.9 and 12.2 metres due to a grade change of approximately 3 metres as the land inclines from Elvina Gardens towards Erskine Avenue. The townhouse units would measure between 4.32 and 8.65 metres in width and have an overall lot coverage of 50.4%. The Floor Space Index would be 1.43 times the area of the lot.

The applicant is proposing to provide private amenity space through a combination of patios, rear yards, balconies, and rooftop terraces. Six units would feature a rear yard and terrace, three units would feature a rear terrace, and the unit fronting Elvina Gardens

would have a third floor front terrace. The rear gardens would range in length from 3.5 metres to 6 metres.

Pedestrian access to the front entrances of the townhouses is proposed via a set of stairs from the Elvina Gardens public sidewalk. Access to the units would be provided along the west side of the townhouses from a 2.1m pedestrian walkway accessed from the stairs. Additional pedestrian access is also provided from the right-of-way off Erskine Avenue, which is currently used for vehicular access purposes for properties along Mount Pleasant Road.

Vehicular access to the site is proposed from Elvina Gardens at the southern edge of the site. A total of 11 parking spaces are proposed, with a single car garage integrated underground within each townhouse unit and an additional parking space located at grade, adjacent to the eastern property line fronting Elvina Gardens. A driveway from Elvina Gardens with a proposed width of 6 metres would pass beneath the townhouse block travelling north to access the individual garages. This driveway would also provide access to the garbage area.

For further project information please see the Site Plan, Rendering, Elevations and Application Data Sheet (Attachments 1 to 6 and 10).

### **Site and Surrounding Area**

The subject site is a land assembly of four lots containing three residential buildings located between Elvina Gardens and Erskine Avenue, east of Mount Pleasant Road. The subject site also includes an existing three metre right-of-way from Erskine Avenue. It has a frontage along Elvina Gardens of approximately 17.5 metres and a lot area of 1,628.4 m<sup>2</sup>. There is a grade change of approximately 3 metres with an incline northwards from Elvina Gardens to Erskine Avenue. A pair of semi-detached dwellings currently occupies 14 and 16 Elvina Gardens, and 197 Erskine Avenue contains a detached dwelling. The land at 197R Erskine Avenue is currently vacant.

There are several mature trees located along the northern and western property boundaries and on the internal lot known as 197R Erskine Avenue.

The residential dwellings on Erskine Avenue are set back from the rear property line a minimum of approximately 30 metres, and the dwellings on Elvina Gardens are set back approximately 10 metres.

The area east of Mount Pleasant predominantly contains low-rise residential land uses within *Neighbourhoods* designated land as follows:

West: To the immediate west of the site is a surface parking lot utilized as rear parking for the 14 residential/commercial units fronting Mount Pleasant Road. The two-storey units comprise commercial uses including a restaurant and dry cleaners with residential uses above, as well as four pairs of semi-detached dwellings.

East: To the immediate east of the site are 2-storey semi-detached dwellings on the north side of Elvina Gardens. The dwellings are relatively consistent in appearance and feature similar front yard set backs and landscaped front yards. On the south side of Erskine Avenue further east are detached dwellings of varying character.

North: To the immediate north is Erskine Avenue and on the south side of Erskine Avenue are two pairs of semi-detached dwellings (189, 191, 193 and 195 Erskine Avenue) whose rear yards adjoin the north property line of the subject site. On the north side of Erskine Avenue are detached lots and a four storey walk-up apartment building at 200 Erskine Avenue.

South: On the south side of the Elvina Gardens are detached and semi-detached dwellings of a similar character to the north side of the street. A Montessori school is located on the corner of Elvina Gardens and Mount Pleasant Road, in a two-storey, former mixed-use main-street building.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate. The Plan outlines how growth is to be directed towards areas with supporting infrastructure and how development is to provide a transition in scale and density that protects certain areas from the effects of nearby development. The Official Plan directs growth to the *Downtown*, the *Centres*, *Avenues*, and *Employment Districts*. The subject site is not located in one of these identified growth areas.

### Healthy Neighbourhoods

Chapter 2 of the Official Plan entitled *Shaping the City* contains principles for directing growth and change to some parts of the city, while protecting our neighbourhoods and

green spaces from development pressures. *Neighbourhoods* are seen as being stable but not static. Section 2.3.1 recognizes that *Neighbourhoods* will not stay frozen in time and that some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites over time.

Policy 1 of Section 2.3.1 of the Official Plan states that development within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. The objective is to ensure that new development in *Neighbourhoods* respects the existing physical character of the areas, reinforcing the stability of the neighbourhood.

### Built Form

Section 3.1.2 of the Official Plan speaks to built form. The policies state that infill sites will need to fit in, respect and improve the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City.

The policies of Section 3.1.2 require the massing of new buildings to frame adjacent streets in a way that respects the existing and /or planned street proportion, incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design. This criteria influences the character, scale and appearance of the development, creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan. New development will be located and organized to fit within its existing and/or planned context by:

- generally locating buildings parallel to the street with a consistent front yard setback;
- locating building entrances so that they are clearly visible and directly accessible from the public sidewalk; and
- preserving existing and mature trees wherever possible and incorporating them into landscaping designs.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

### Neighbourhoods

The site is designated *Neighbourhoods* on Map 17, Land Use Plan of the City of Toronto Official Plan (Attachment 9). *Neighbourhoods* are physically stable areas, where significant growth is not encouraged.

*Neighbourhoods* Official Plan policies in Chapter 4.1, including policy 4.1.5, provides that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhoods, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets; and
- f) prevailing patterns of rear and side yard setbacks and landscaped open space.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The prevailing building type will be the predominant form of development in the neighbourhood.

Policy 4.1.9 provides development criteria for lots that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods*, including in particular:

- 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; and
- c) front onto existing or newly created public street wherever possible, with no gates limiting public access.

### **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

More information regarding OPA 320 can be found here:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=c860abe3a6589410VgnVCM10000071d60f89RCRD>

## **Yonge-Eglinton Secondary Plan**

The subject lands are located within the Yonge-Eglinton Secondary Plan area (Attachment 10). The subject lands are not located within the Yonge-Eglinton Centre growth area.

It is a primary objective of the Secondary Plan to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas*, *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Spaces* in terms of land use, scale and vehicular movement. Other relevant Secondary Plan policies such as Urban Form and Public Realm have been used in the review of this development proposal.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The subject lands are zoned R1S within the former City of Toronto Zoning By-law 438-86. The R1S zone permits residential uses in dwelling types such as detached houses, duplexes, semi-detached duplexes, and semi-detached houses. The maximum density permitted is 0.6 times the area of the lot and the maximum height permitted is 9 metres.

The site is also zoned R (f7.5; u2; d0.6) (x958) and R (f9.0; u2; d0.6) (x956) within the new City of Toronto Zoning By-law 569-2013. The R zone permits a variety of residential building types that includes: detached house, semi-detached house; townhouse; duplex; triplex; fourplex and apartment buildings. However, the lands are also subject to site specific provisions 958 and 956, which is the exception and prevailing by-laws of former City of Toronto Zoning By-law 438-86 identified in the paragraph above. These exceptions only permit the use of a lot for townhouses if this building type existed on the lot prior to 1978.

## **Site Plan Control**

The proposed development is subject to Site Plan approval. A Site Plan application has not been submitted.

## **Reasons for Application**

A zoning by-law amendment is required to the former City of Toronto Zoning By-law 438-86 and new City of Toronto Zoning By-law 569-2013 to permit the townhouse building type on the lands, in addition to the scale and intensity proposed, as well as to provide for appropriate development standards to accommodate the proposal.

## **Community Consultation**

A community consultation meeting was held for the Zoning By-law Amendment application on March 8, 2017 at the Northern District Library. Approximately 50 people were in attendance, along with the local Councillor, City staff, the applicant and their consulting team.

The following issues were raised at the meeting:

- The design is out of keeping with the character of the existing dwellings- too many windows, resulting in a lack of privacy
- Changes the block pattern of the area
- Density- intensification of a small site in the neighbourhood. Concerns over 'density creep' which is excessive and not appropriate for the area
- The height is excessive in comparison to the houses on Elvina Gardens
- Impact on the public realm- location and dominance of the garage door and access fronting Elvina Gardens
- Loss of trees- several mature trees located in the rear parcel of the subject lands that provide privacy and contribute to the neighbourhood character
- Insufficient front yard space for all garbage bins to be located on the street for garbage pick-up
- Large front terrace fronting Elvina Gardens would impact on privacy
- Impact on basement flooding- development could exacerbate the existing issue
- Impact on the local traffic due to the proximity to the Montessori school on Elvina Gardens and the school on Erskine Avenue, as well as the traffic associated with the Mt Hope Catholic cemetery
- Insufficient capacity of the Erskine Avenue right-of-way to accommodate any additional vehicles or pedestrians and concerns over safety
- The development would increase the accidents at the Mount Pleasant Road/Elvina Gardens intersection which are already common
- Lack of visitor parking on-site.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

### **COMMENTS**

#### **Provincial Policy Statement and Provincial Plans**

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

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans.

The City of Toronto Official Plan and associated Secondary Plans are based on projected needs and identify a land use structure of areas where intensification is appropriate.



In this case, the City's Official Plan designates the subject lands as *Neighbourhoods*. While some change is generally anticipated over time, the key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. It is not appropriate to permit building types that would represent a departure from the existing character of the neighbourhood. This is an area characterized by detached and semi-detached dwellings in a *Neighbourhoods* designation. The proposal does not conform to the Official Plan policies of *Neighbourhoods* and is therefore not consistent with the 2014 Provincial Policy Statement.

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 Growth Plan strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth, for which the City of Toronto is achieving.

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

## **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 are intended to 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 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. Official Plan policies direct how redevelopment is to fit into the community and provides direction with respect to the public realm, built form, streetscape and the environment. 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 proposed development does not respect and reinforce the existing physical character of the neighbourhood, in particular: the size and configuration of lots; heights, massing, scale, dwelling type of nearby residential properties; and prevailing building types; setbacks of buildings from streets; prevailing patterns of rear and side yard setbacks and landscaped open space. As a result, the proposal is not in conformity with the Official Plan and is considered an inappropriate development for these lands.

### **Size and Configuration of Lots**

The existing lot pattern for the area east of Mount Pleasant Road, within the interior of the neighbourhood fronting Erskine Avenue and Elvina Gardens generally consists of low density residential lots that follow a rectangular grid pattern arranged as deep lots with narrow frontages, buildings with side to side yard relationships and rear yards abutting rear yards. This is not an uncommon lotting pattern throughout Toronto's *Neighbourhoods*. Although the layout and pattern of lots is typical, what is specific to this neighbourhood are deep lots with narrow frontages.

The consolidation of four residential lots would create a new larger development parcel within this *Neighbourhoods* designated area. The proposed development would be fronting on a local street having a frontage of approximately 17.5 metres and a lot area of 1,628.4 m<sup>2</sup>, whereas typical lots have a frontage of nine metres and a lot area of 215 square metres. Furthermore, a severance would be necessary to create the subject lands as proposed. The creation of this consolidated development parcel is not in keeping with the existing and planned fine grain residential lot pattern in the area.

A similar land assembly could also be replicated in this and many City neighbourhoods and would establish a negative precedent impacting the stability of neighbourhoods. This 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.

Official Plan Policy 4.1.9 acknowledges that infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* maybe be acceptable if certain development criteria such as appropriate heights and massing, and fronting onto public streets, is achieved. Typically these lots are sites of former non-residential uses such as retail stores or institutional uses. The lot assembly of four lots and through severance in order to achieve the lot size and configuration as proposed does not meet the intent of this policy.

### **Prevailing Building Type**

The prevailing building type in this *Neighbourhood* designation is low rise residential in the form of two and three-storey detached houses on Erskine Avenue, and two storey semi-detached houses on Elvina Gardens. The proposed townhouse units would be introducing a building type that has not been constructed or approved in the surrounding *Neighbourhoods* area east of Mount Pleasant Road for in excess of 30 years. The predominant building types in this area are detached (Erskine Avenue) and semi-detached dwellings (Elvina Gardens) and while there are a minimal number of examples of the

townhouse building form, these townhouses were constructed when they were permitted by the Zoning By-law prior to 1978. These lots are larger and more regular in shape than the subject site and in some cases, only building permits were required for their construction. The proposal is inconsistent with the prevailing building type in this neighbourhood.

### **Built Form and Setbacks**

Existing buildings are commonly massed in a manner that provides a narrower residential building facade set back from the street on lots with similar dimensions that fit with the finer grain lot frontages of detached and semi-detached houses. The majority of buildings are massed in a low rise house form with one building per lot having public street frontage. The north side of Elvina Gardens has a consistent character and pattern of semi-detached residential houses, similar front and side yard setbacks, front yard landscaping areas, and buildings having street presence with a single front door, walkways and porches. The dwellings on Erskine Avenue also follow a consistent pattern.

In direct contrast, the application proposes only one townhouse to front a public street, Elvina Gardens, with the rest of the units situated to the rear with no public street frontage, and no doors, walkways or porches on a public street. The building is oriented parallel to Mount Pleasant Road undermining the fine grain building and lotting pattern of the area. The proposal is for a building type on the consolidated lot assembly that is not the prevailing building type in the area, and introduces an inappropriate way of organizing development within the site by locating and massing the building on a lot with the majority of the units internal to the site without public street frontage.

Elvina Gardens features semi-detached dwellings of consistent massing and height, with mutual driveways separating the pairs of dwellings, producing a consistent character on both side of the street. The two-storey dwellings feature pitched roofs with a height of nine metres as permitted in the zoning by-laws. The front yard gradually inclines towards the dwellings. In contrast, the proposed townhouse block would feature a flat roof and read as four storeys from the street, due to the changes in grade which would result in a declining driveway toward the building, and three-storey townhouses above. The parking level would not be located fully underground due to the grade changes. As such, the proposed height, massing and scale is not compatible with the adjacent properties. The proposed massing also does not adhere to the angular planes taken from the rear property line.

### **Rear Yard Setback**

The former City of Toronto Zoning By-law and new City of Toronto Zoning By-law require a minimum rear yard setback of 7.5 metres. However, the area has developed over time with rear yard setbacks that exceed the minimum by-law requirements. Existing residential buildings on Erskine Avenue are setback from the rear property line a minimum of approximately 30 metres and residential buildings on Elvina Gardens are setback from the rear property line a minimum of ten metres. These rear yards consist of

large treed areas within the interior of the residential block and form an important part of the residential character of the neighbourhood.

The siting of the proposed townhouse units, perpendicular to Mount Pleasant Road, would create a rear yard to side yard orientation as the rear gardens would be located adjacent to the side property lines of the nearest properties fronting Elvina Gardens and Erskine Avenue. The three proposed townhouse units closest to 18 Elvina Gardens would feature rear yard set backs of only 3.5 metres, resulting in overlook and privacy impacts due to the close proximity. The six units internal to the site, would feature third floor rear terraces and gardens of approximately six metres in depth, that would also result in overlook impacts to the adjacent Erskine Avenue properties.

Furthermore, the proposal would also result in a side to rear relationship with a set back of three metres to the rear property lines of 189 to 195 Erskine Avenue. As such, the proposed development does not respect and reinforce the existing physical character of the neighbourhood, in particular the prevailing pattern of existing and planned rear yard setbacks.

### **Landscaped Open Space and Public Realm**

Through the combination of front yard setbacks and a prevailing pattern of deep rear yard setbacks greater than the minimum by-law standards, plus side yard setbacks within the area, a pattern of generous landscaped open space has been created on both the street and within rear yards of properties along Elvina Gardens and Erskine Avenue. In contrast, the applicant's proposal is at a scale and intensity that significantly reduces these areas of landscaped open space. The reduced setbacks, paved walkway along the western boundary and underground parking garage eliminates areas for landscaping opportunities. A number of trees which contribute to the large treed area between the rear yards of homes on Erskine Avenue and Elvina Gardens, would be removed. As such, the applicant's proposal does not contribute to the landscaped open space character of the area.

Official Plan Policy 3.1.2 requires new development to be located and organised to fit within its existing and/or planned context and to frame and support adjacent streets, locating building entrances so that they are clearly visible and directly accessible from a public sidewalk. The proposed development would create a poor relationship with the public realm as the majority of townhouses would not face a public street. Furthermore, accessible pedestrian access is not provided from the main entrance on Elvina Gardens. A staircase with approximately 14 steps would provide the only pedestrian access to the front doors of the townhouse units from Elvina Gardens, contrary to the objectives of Policy 3.1.2. Pedestrian access from Erskine Avenue would only be available from a right-of-way used for vehicular access.

### **Traffic Impact, Access, and Parking**

Vehicular access to the site is proposed from a six metre driveway off Elvina Gardens, which would extend to an underground ramp to access the garages. A total of 11 parking

spaces are proposed, with ten spaces located underground and one space located at-grade, fronting Elvina Gardens.

Although the Urban Transportation Considerations Study, dated December 2016, concludes that there is sufficient on-street visitor parking capacity, Transportation Services staff have confirmed on-site visitor parking is required at a rate of 0.2 spaces per unit for multiple dwelling unit buildings, as prescribed by Zoning By-law 569-2013, applicable for this site, resulting in a requirement of two visitor spaces. Although there are no visitor parking spaces proposed for the development, an additional at-grade parking space is proposed off Elvina Gardens and therefore there is a parking deficiency of one space.

At the community consultation meeting, concerns were raised over the increased traffic and congestion surrounding the Mount Pleasant Road and Elvina Gardens intersection, impacting the safety of children and pedestrians in the area. The Transportation Study estimates that the proposed development will generate approximately four two-way trips during the morning and afternoon peak hour periods and that this will have a minimal impact on the road network. Despite this conclusion, Transportation Services staff have requested additional data from the applicant with respect to the traffic analysis in order to confirm or comment on these findings.

Furthermore, Fire Services has concerns over access to each unit and distance from the street to each unit, due to the lack of an internal road access to ensure fire safety. As the submitted drawings were not scalable, the required distances could not be measured and this information could not be verified.

## **Servicing**

A Functional Servicing Report, dated December 2016, was submitted with the application. Engineering and Construction Services staff have reviewed the Report and requested revisions to provide additional information and to address certain outstanding technical requirements, including whether or not groundwater will need to be pumped as part of the design of the building.

## **Trees**

There are a total of 39 trees on or abutting the subject property. Of these, 23 trees are covered under the City of Toronto tree by-laws which protect all City-owned and privately owned trees having a Diameter at Breast Height (DBH) of 30 centimetres or greater.

### Private Trees

The arborist report submitted with the application identified 12 private trees that would be directly impacted by the development and the applicant is proposing to remove all 12 trees. The arborist report also identifies one additional private tree located on the boundary of 199 Erskine Avenue and the development site that would be at risk of injury.

Where trees are removed that are protected under the Private Tree By-law, replacement tree planting is required at a 3:1 ratio or cash-in-lieu may be accepted for the replacement trees to be planted elsewhere in the community. For this proposed development, the removal of the existing 12 trees would require the applicant planting 36 replacement trees. The applicant would be required to submit cash-in-lieu for the 36 replacement trees or provide additional tree planting where they can be accommodated.

As noted earlier in this report, the existing trees on this site form part of the open space character of this neighbourhood, and the proposed removal would be a detrimental impact on this character.

#### Public Street Trees

The applicant's arborist report identifies one City owned tree within the boulevard that would be injured as part of the proposed development, and as such, an "Application to Injure or Destroy Trees on Private Property" would be required.

### **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 located in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is in the third highest quintile of current provision of parkland, and is located within a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application proposes to construct ten, three-storey townhouse units within a site area of 1628.4 sq.m. At the alternative rate of 0.4 hectares per 300 unit, as specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 133.3 sq.m.

If approved, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu as a dedication of 133.3 sq.m is not of a suitable size to develop a programmable park. In addition, the site is in close proximity to existing City parkland, with Sherwood Park within 500 metres and Redpath Avenue Parkette within 200 metres from the site.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. All applicants are required to meet Tier 1 of the TGS.

## **Schools**

The Toronto District School Board has advised there is insufficient space at the local schools to accommodate students anticipated from the proposed development. They advise that students from the new development will not displace existing students at local schools and that alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. The School Board indicates that at this time, the schools anticipated to serve the development are unknown.

The School Board has requested that should the application be approved, the applicant enter into an agreement to put up signs advising that students may be accommodated in facilities outside the area until space in local schools becomes available and also include warning clauses in all offers of purchase and sale of residential units, to the effect that students may be accommodated in facilities outside the area and policies on busing.

The Toronto Catholic District School Board has not provided any comments.

## **Conclusion**

The proposal does not conform to the Official Plan's *Neighbourhoods* development criteria policies and does not respect and reinforce the existing physical character of the neighbourhood, in particular: the size and configuration of lots; building type, and built form and setbacks of nearby residential properties.

As a result of the lot assembly, building type, and building's orientation, the development proposal represents an inappropriate form of infill development as it does not fit the existing or planned context and would significantly alter the character of the neighbourhood. The proposal is not in conformity with the Official Plan and is considered an inappropriate development for these lands.

Staff recommends that City Council refuse the Zoning By-law Amendment application, for the reasons set out in this report.

## **CONTACT**

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E-mail: [kathryn.moore@toronto.ca](mailto:kathryn.moore@toronto.ca)

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Applicant's Rendering

Attachment 3: North Elevation

Attachment 4: East Elevation

Attachment 5: South Elevation

Attachment 6: West Elevation

Attachment 7: Zoning By-law 7625

Attachment 8: Zoning By-law 569-2013

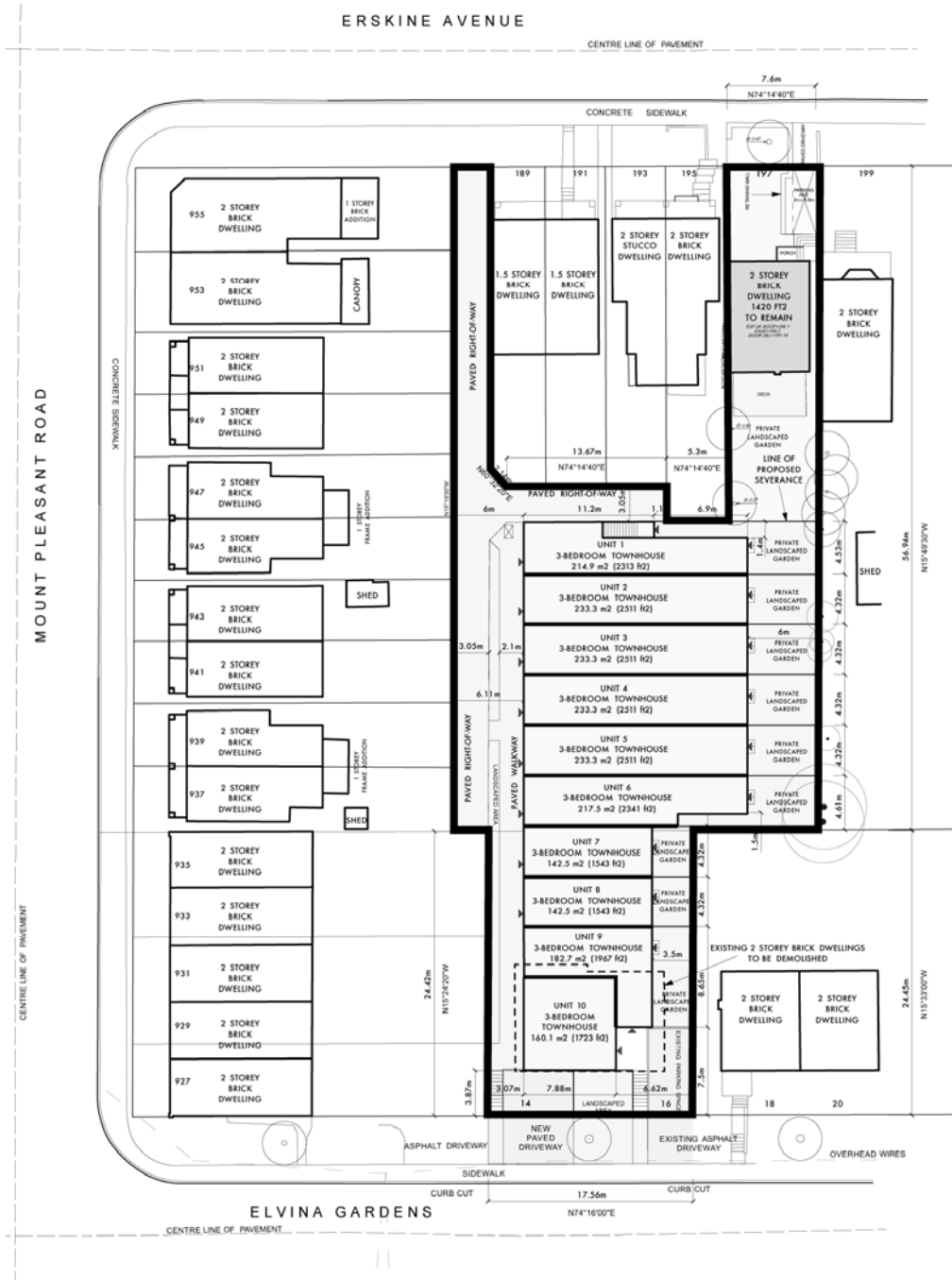
Attachment 9: Official Plan

Attachment 10: Yonge-Eglinton Secondary Plan

Attachment 11: Application Data Sheet



# Attachment 1: Site Plan



## Site Plan

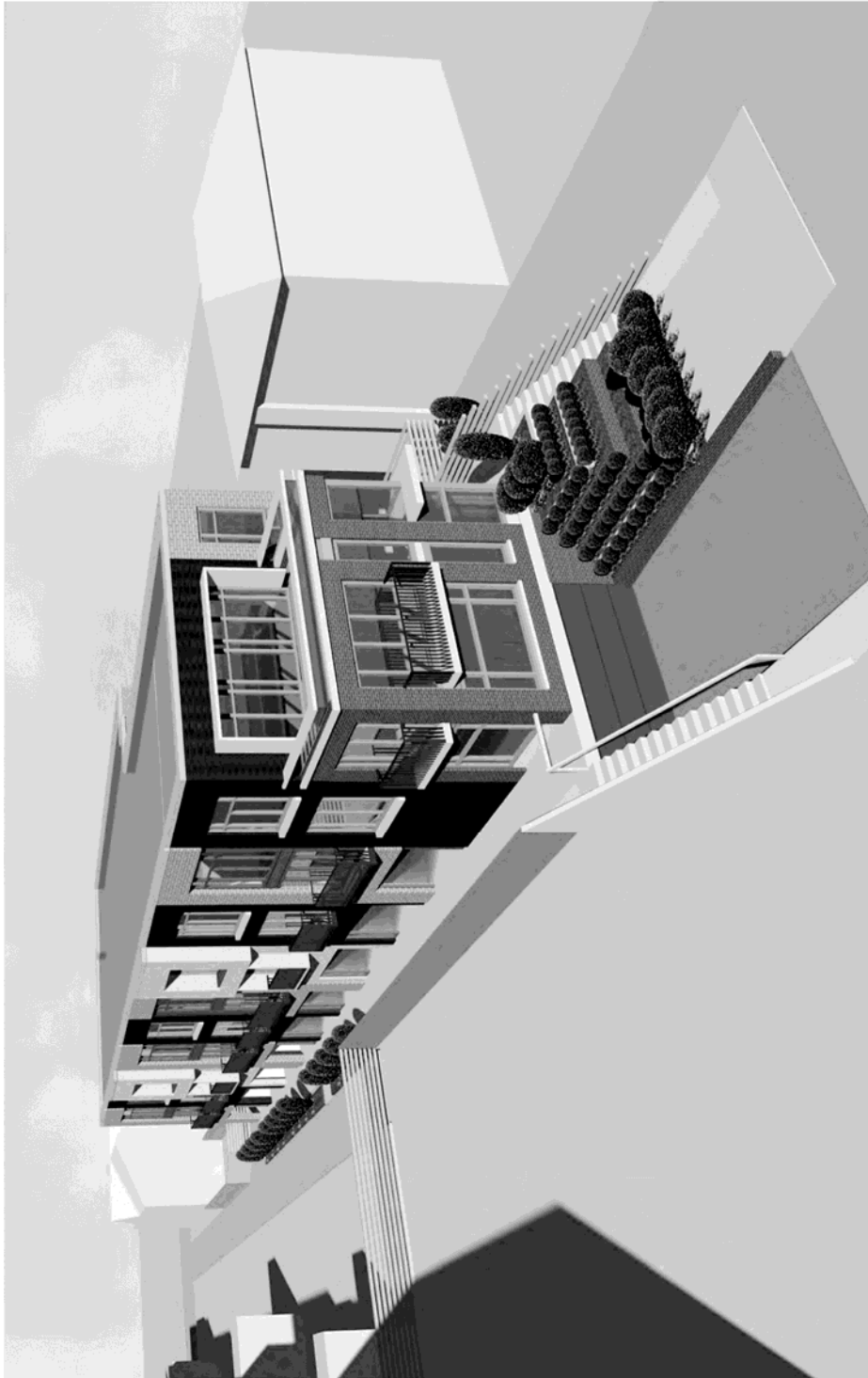
14 - 16 Elvina Gardens & 197 - 197R Erskine Ave.

Applicant's Submitted Drawing

Not to Scale 

File # 16 263364 NNY 25 0Z

**Attachment 2: Applicant's Rendering**



**14 - 16 Elvina Gardens & 197 - 197R Erskine Avenue**

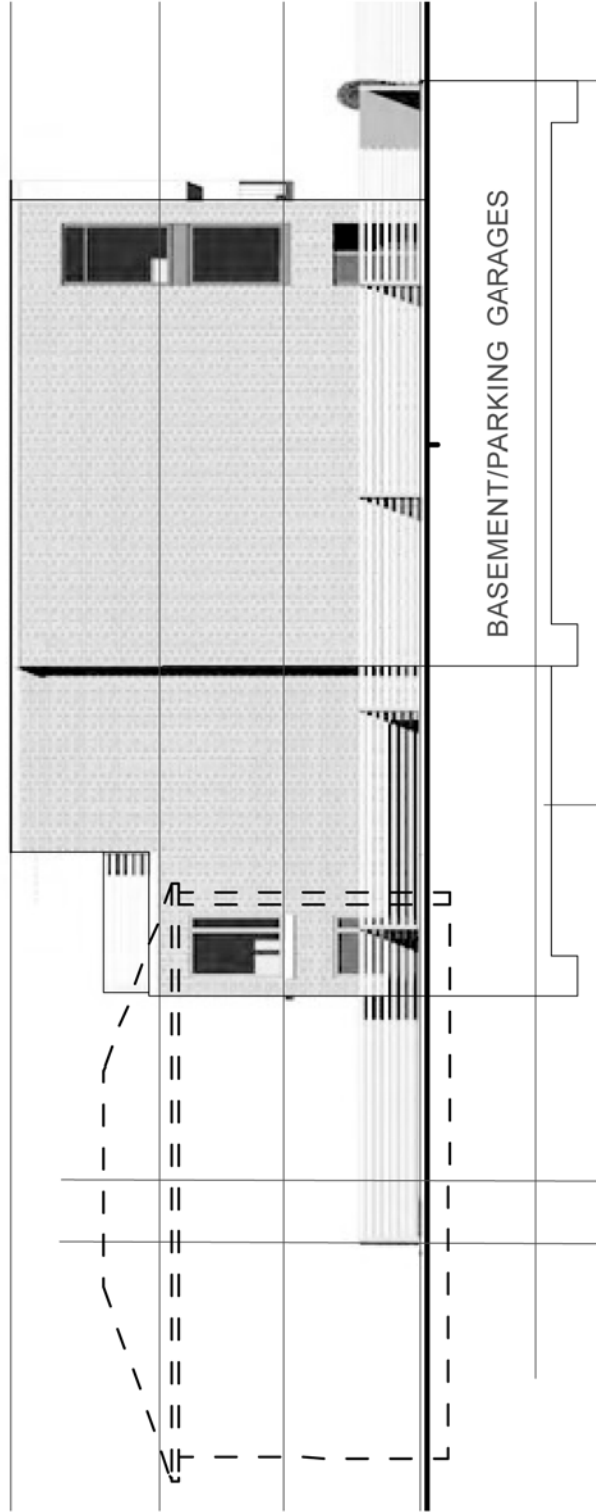
**3D view from Elvina Gardens looking north**

Applicant's Submitted Drawing

Not to Scale  
04/07/2017

File # 16 263364 NINY 25 0Z

**Attachment 3: North Elevation**



**North Elevation**  
Applicant's Submitted Drawing  
Not to Scale  
01/18/2017

**14 - 16 Elvina Gardens & 197 - 197R Erskine Avenue**

File # 16 263364 NNY 25 0Z

**Attachment 4: East Elevation**



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**East Elevation**

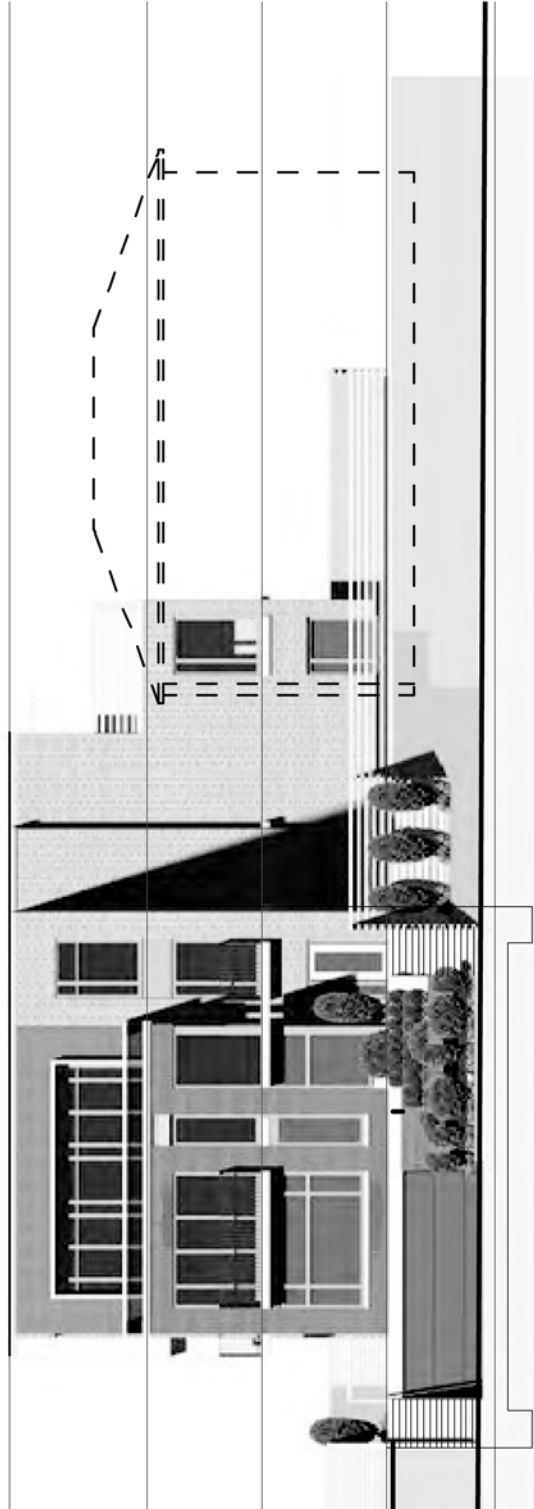
Applicant's Submitted Drawing

Not to Scale  
01/18/2017

**14 - 16 Elvina Gardens & 197 - 197R Erskine Avenue**

File # 16 263364 NNY 25 0Z

**Attachment 5: South Elevation**



**South Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/18/2017

**14 - 16 Elvina Gardens & 197 - 197R Erskine Avenue**

File # 16 263364 NNY 25 0Z

**Attachment 6: West Elevation**



**West Elevation**

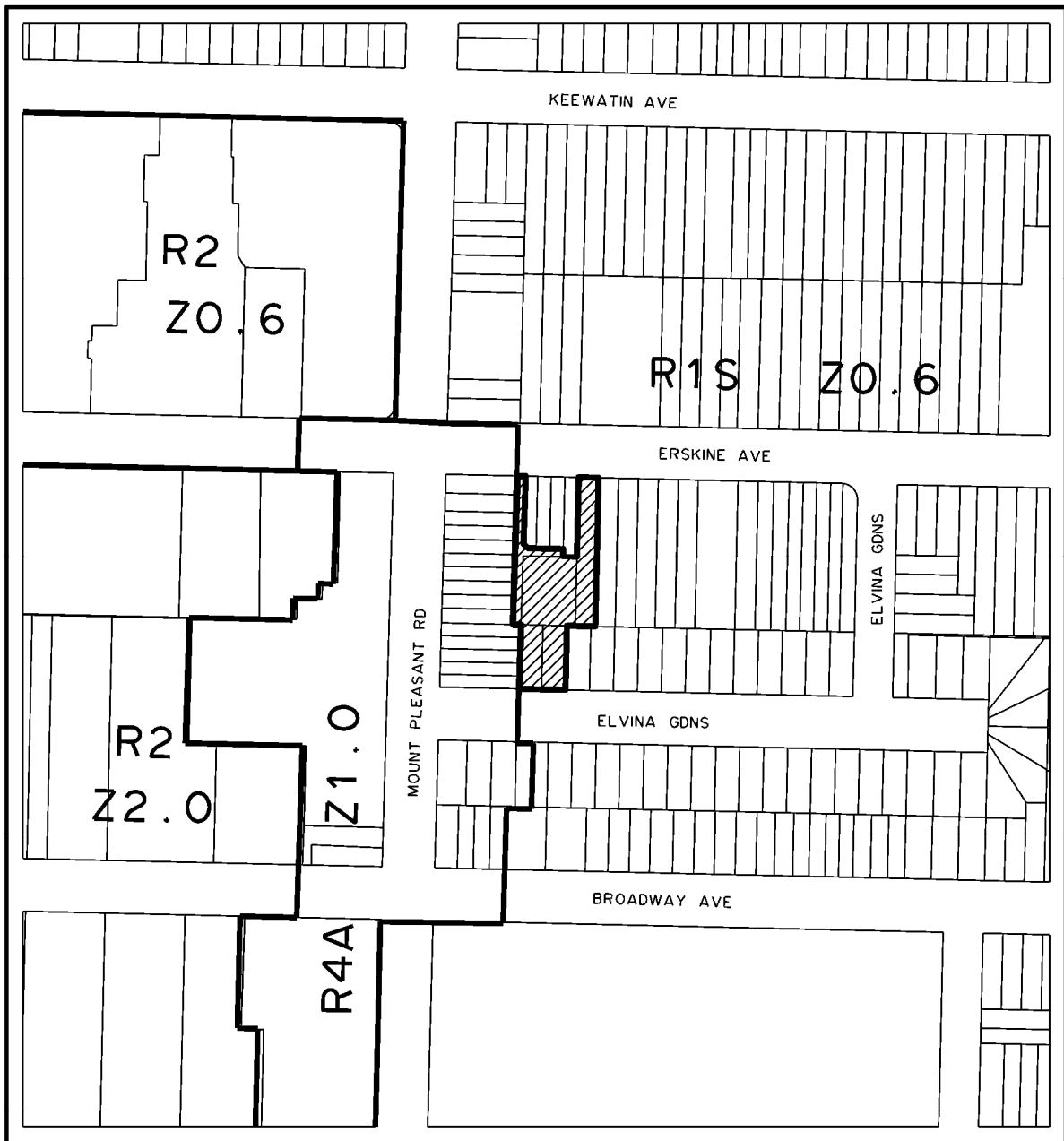
Applicant's Submitted Drawing

Not to Scale  
01/18/2017

**14 - 16 Elvina Gardens & 197 - 197R Erskine Avenue**

File # 16 263364 NNY 25 0Z

Attachment 7: Zoning By-law 7625



Zoning By-Law No. 7625

14-16 Elvina Gardens and 197-197R Erskine Avenue

File # 16 263364 NNY 25 02

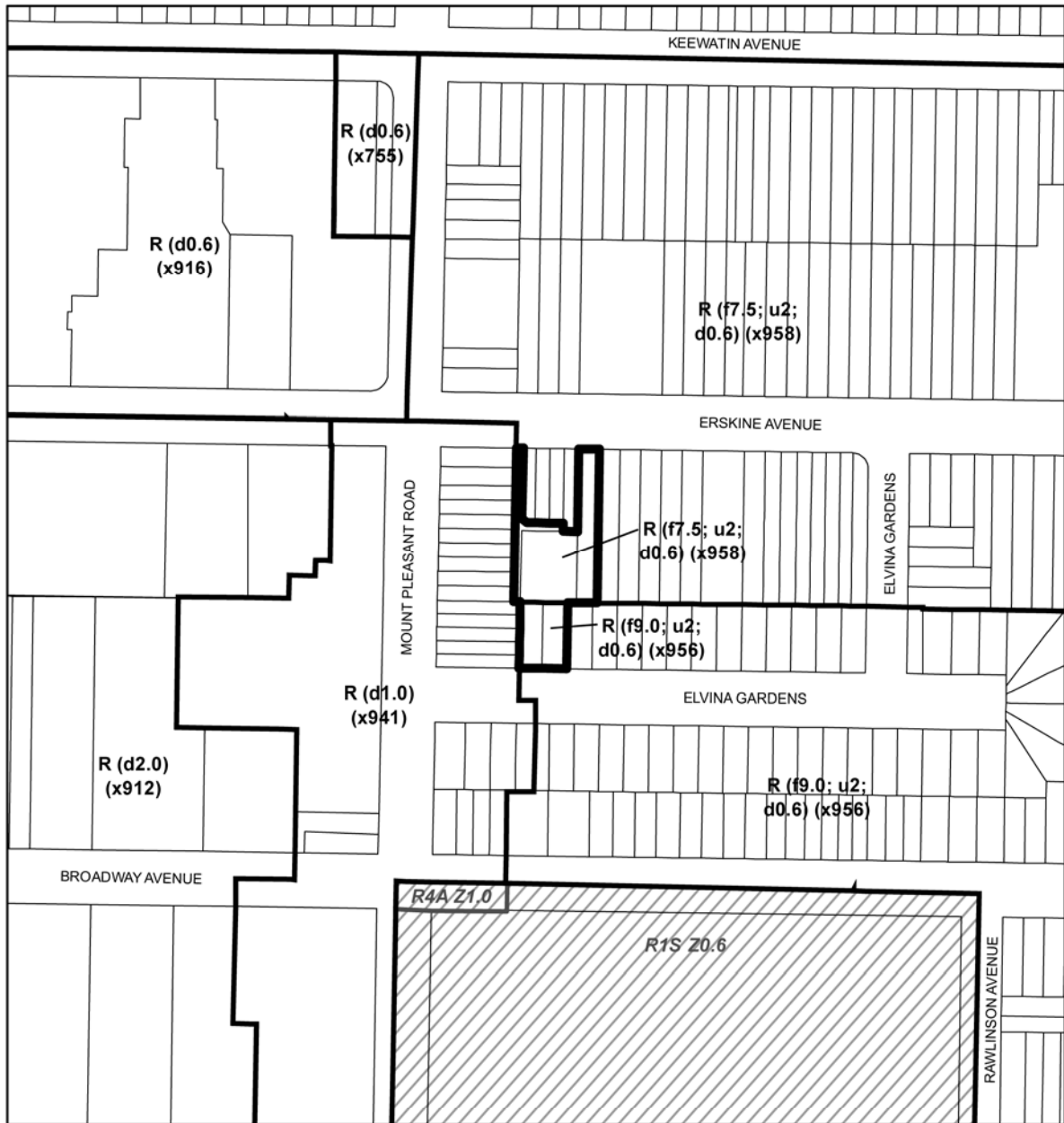
 Location of Application

- R1S Residential District
- R2 Residential District
- R4A Residential District



Not to Scale  
Extracted 03/29/2017

Attachment 8: Zoning By-law 569-2013



Zoning By-Law No. 569-2013

14-16 Elvina Gardens and 197-197R Erskine Avenue

File # 16 263364 NNY 25 0Z

Location of Application

R Residential

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

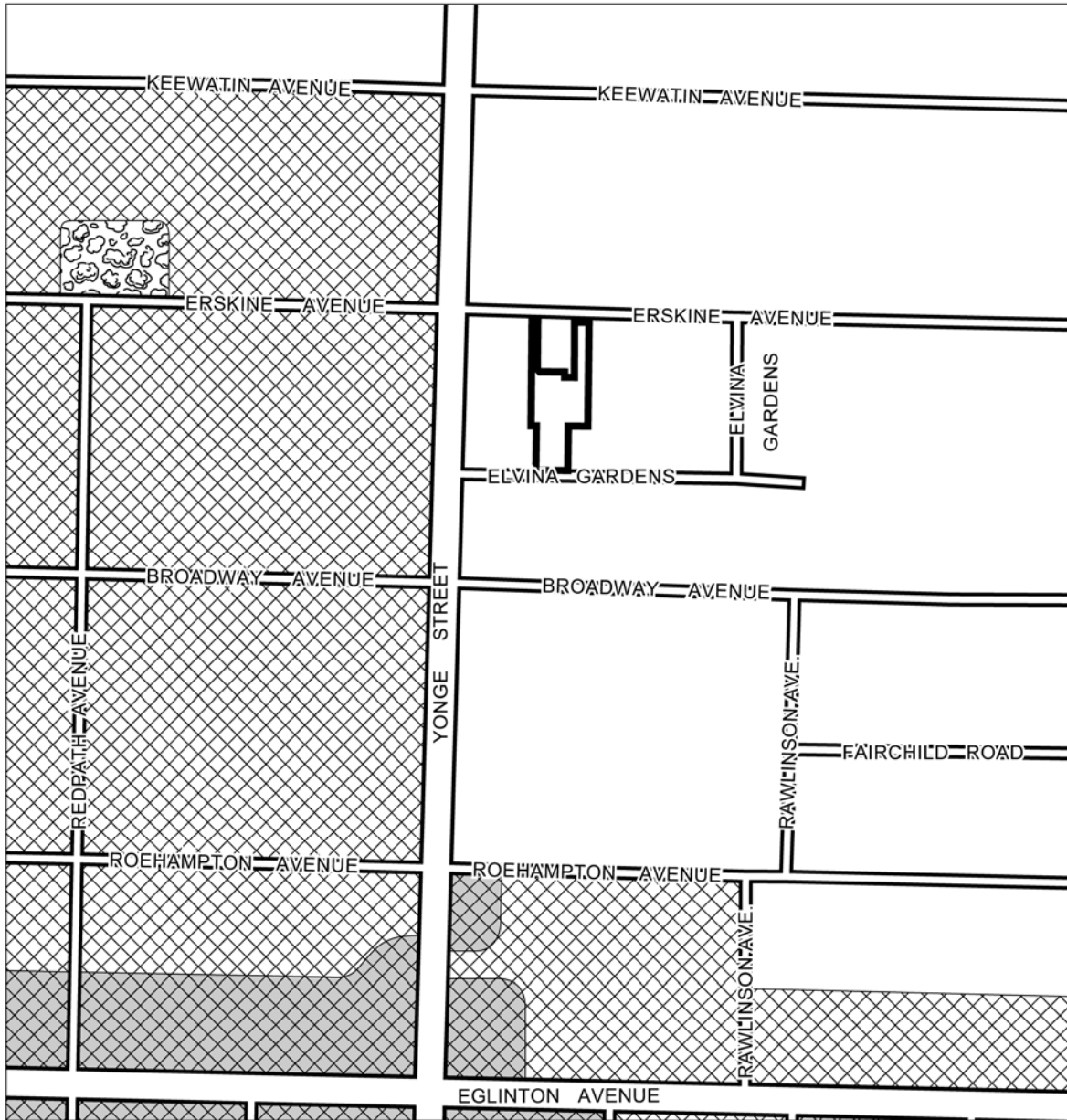
R1S Residential District  
R4A Residential District



Not to Scale  
Extracted: 03/29/2017



## Attachment 9: Official Plan



**Extract from Official Plan**

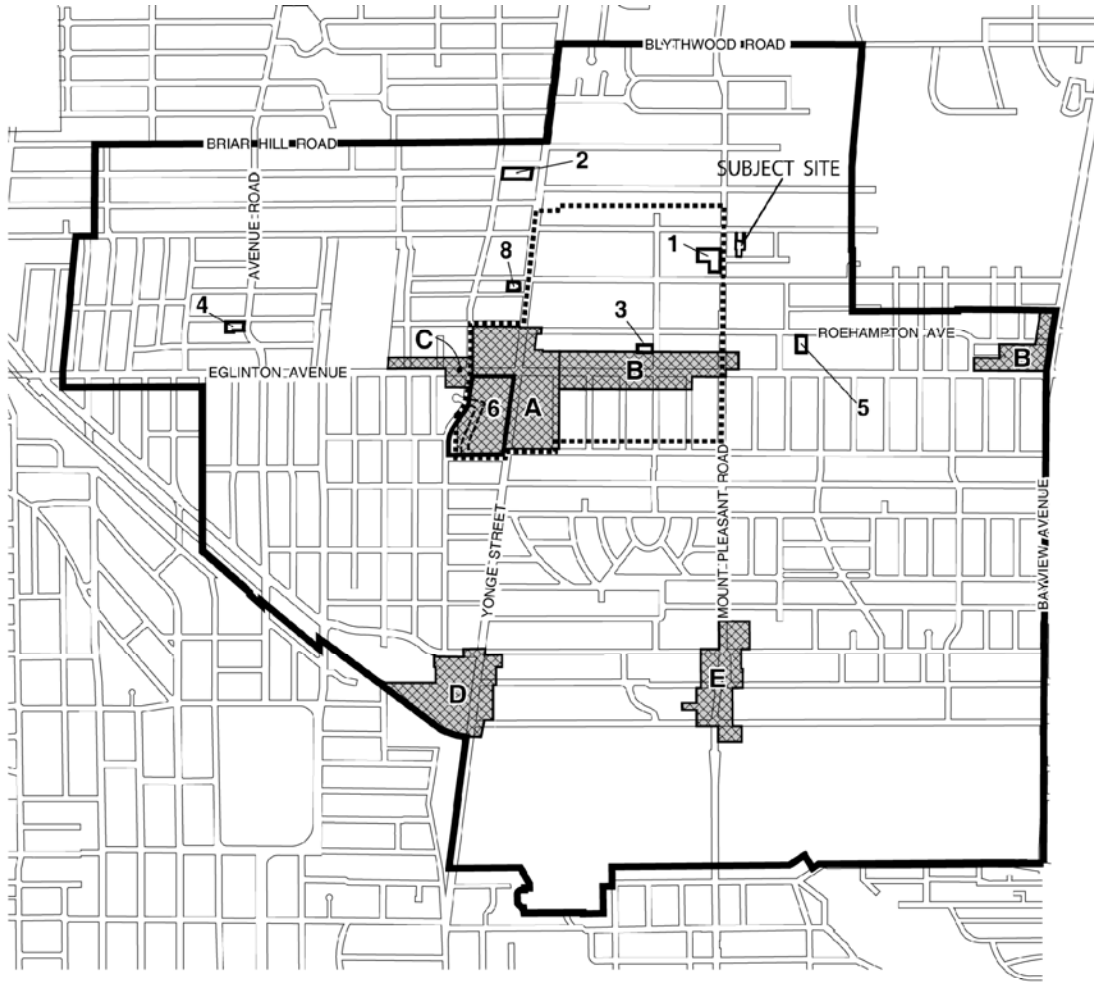
**14 - 16 Elvina Gardens & 197 - 197R Erskine Ave.**

File # 16 263364 NNY 25 0Z

- |   |                          |   |       |
|---|--------------------------|---|-------|
|  | Site Location            |  | Parks |
|  | Neighbourhoods           |   |       |
|  | Apartment Neighbourhoods |   |       |
|  | Mixed Use Areas          |   |       |

  
 Not to Scale  
 01/18/2017






## Attachment 10: Yonge-Eglinton Secondary Plan



Not to Scale 



### Yonge-Eglinton Secondary Plan MAP 21-1 Land Use Plan

-  Secondary Plan Boundary
-  Yonge-Eglinton Centre
-  Mixed Use Areas
-  Site and Area Specific Policies
-  Proposed Road

July 2014

## Attachment 11: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	16 263364 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	December 12, 2016

Municipal Address: 14-16 ELVINA GARDENS, 197 & 197R ERSKINE AVENUE  
 Location Description: PLAN 647E PT LOTS 4 & 5 \*\*GRID N2507  
 Project Description: Construction of ten 3-storey townhouses with underground parking.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
WALKER NOTT DRAGICEVIC ASSOCIATES LTD	N/A	KEITH LOFFLER MCALPINE ARCHITECTS	AMIR ALI KHADIVI

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision: N
Zoning:	R1S; R (f9.0; u2; d0.6) (x956)	Historical Status: N
Height Limit (m):	9	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	1628.4	Height:	Storeys:	3
Frontage (m):	17.57		Metres:	9.9-12.2
Depth (m):	81.4			
Total Ground Floor Area (sq. m):	767			<b>Total</b>
Total Residential GFA (sq. m):	2125.4		Parking Spaces:	12
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2125.4			
Lot Coverage Ratio (%):	47.1			
Floor Space Index:	1.31			

### DWELLING UNITS

Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	11
Total Units:	11

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	1,993.4		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

**CONTACT:**      **PLANNER NAME:**      **Kathryn Moore, Planner**  
**TELEPHONE:**      **416-395-7176 or [kathryn.moore@toronto.ca](mailto:kathryn.moore@toronto.ca)**