STAFF REPORT ACTION REQUIRED

368 and 372 Briar Hill Avenue - Zoning By-law Amendment Application - Preliminary Report

Date:	October 26, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	17 235778 NNY 16 OZ

SUMMARY

This application proposes to amend former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013 for the lands at 368 and 372 Briar Hill Avenue, to permit a seven unit, three-storey (approximately 10 metre high) townhouse development on two lots at the north-east corner of Avenue Road and Briar Hill Avenue.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

A statutory public meeting will be scheduled once the applicant provides all required information in a timely manner and addresses all outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

 Staff be directed to schedule a community consultation meeting for the lands at 368 and 372 Briar Hill Avenue together with the Ward Councillor.



- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- 3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on December 22, 2016. Matters discussed included complete application submission requirements, height, massing and density, building setback from Avenue Road and Briar Hill Avenue, overlook into adjacent properties, existing neighbourhood character, rear yard landscaping, amenity areas, and underground parking.

The applicant submitted the application on September 20, 2017, which is the subject of this preliminary report.

ISSUE BACKGROUND

Proposal

The application proposes to construct a seven unit, three-storey townhouse development on the two lots at 368 Briar Hill Avenue and 372 Briar Hill Avenue. Six of the proposed townhouses would front onto Avenue Road and the larger, corner unit, would front onto Briar Hill Avenue. The frontages of the lots would be 4.8 metres (for five units), 6.1 metres (for one unit), and 10.52 metres (for the corner unit). The proposed setbacks are 3 metres from Avenue Road, 1.2 metres from 1185 Avenue Road to the north, 3 metres from Briar Hill Avenue, 4.5 metres from 366 Briar Hill Avenue to the east to the main wall of the proposed townhouses and 1.82 metres from 366 Briar Hill Avenue to the proposed parking garage structure. The proposed building height measured from established grade to the top of the roof ranges from 9.54 metres to 10.4 metres.

The townhouses are proposed to be three bedrooms units with gross floor areas of 230.7 square metres (2,483 square feet) to 261.9 square metres (2,819 square feet). The proposed total gross floor area is 1,652.3 square metres with a floor space index of 1.69 times the area of the lot with a coverage of 69.7% of the lot area. The proposed landscaped open space is 353.3 square metres (21% of the lot area) of which 196.6 square metres would be soft landscaping.

Each proposed townhouse unit would have one parking space contained in an enclosed parking garage with access from Briar Hill Avenue. The enclosed parking garage projects approximately 2.8 metres to 1.5 metres above grade and the proposed rear terraces for each unit are to be located atop the parking structure. The access ramp for the proposed enclosed parking garage would be 6.3 metres wide and located on the east end of the

property fronting on Briar Hill Avenue. The enclosed garage would contain garbage receptacles for the units adjacent to the parking spaces. As stated, each proposed dwelling unit would have a rear terrace with access from the main floor (ranging in size from approximately 13 to 20 square metres), and a small balcony less than 4 square metres in size at the third storey that faces onto Avenue Road and Briar Hill Avenue (for the corner unit).

Four City-owned trees and two private-owned trees would require a permit for removal and one permit-sized tree would require a permit to injury. As stated in the arborist report submitted by the applicant, a total of 14 replacement trees are required to facilitate the required removals. However, due to insufficient planting space and soil volume, one tree has been proposed to be replanted on the site and cash-in-lieu payments for the remaining 13 trees is proposed.

A summary of the statistics of the proposal follows:

Residential Gross Floor Area	1,652.3 square metres (17,784 square feet)		
Floor Space Index	1.69 times the area of the lot		
Lot Coverage	69.7% of the area of the lot		
Storeys	3		
Building Height	9.54 metres to 10.4 metres		
Townhouse Units	7 units		
Vehicular Parking Spaces	7 spaces		
Setbacks	Avenue Road (Front) – 3 metres Briar Hill Avenue (Side) – 3 metres Neighbour on Avenue Road (Side) – 1.2 metres Neighbour on Briar Hill Avenue (Rear) – 4.5 metres to the townhouses main wall and 1.8 metres to the parking garage		
Landscaped Open Space Area	353.3 square metres		
Soft Landscaped Open Space Area	196.6 square metres		

Site and Surrounding Area

The site is located at the northeast corner of Briar Hill Avenue and Avenue Road. The site has a frontage of 23.85 metres on Briar Hill Avenue and 40.63 metres on Avenue Road. The site is made up of 368 Briar Hill Avenue which has 17.04 metres of frontage on Briar Hill Avenue with a lot depth of 40.63 metres and currently contains a two-storey semi-detached duplex containing four rental units with a detached four-car parking garage in the rear yard. The application proposes demolition of the residential building and garage at 368 Briar Hill Avenue. The site also contains the lot at 372 Briar Hill Avenue which has 6.96 metres of frontage on Briar Hill Avenue and a lot depth of 40.63 metres (also the frontage along Avenue Road). The lot at 372 Briar Hill Avenue is currently open space and has been acquired by the applicant from the City of Toronto in a land exchange. To exchange the land the City was required to declare the lands surplus

authorized by way of Delegated Authority Form 2016-225 and 2017-030. The lot at 372 Briar Hill Avenue is unimproved and provides a landscape buffer between Avenue Road and the dwelling at 368 Briar Hill Avenue.

Avenue Road is a major north-south road that connects the 401 Highway to Eglinton Avenue West. Avenue Road has a right of way width of 27 metres at the 401 Highway to Glenview Avenue, decreasing to 23 metres between Glenview Avenue and Glencairn Avenue, and finally to 20 metres from Glencairn Avenue to Eglinton Avenue West (which is the right of way width adjacent to the subject site). Over time several single family dwellings fronting on Avenue Road have been converted into multiple unit buildings and replaced by townhouse units. Land uses surrounding the subject site include:

North:

To the north in the same block are two-storey detached, semi-detached and multi-unit dwellings facing Avenue Road. Further north at the south east corner of Lytton Boulevard and Avenue Road (1239-1247 Avenue Road) is a six unit, three storey townhouse development. Under construction at the south west corner of Lytton Boulevard and Avenue Road is also a six unit, three storey townhouse development (File # 2014 172938 NNY 16 SA). A development application was received and is currently under review to construct a six unit three storey townhouse development at the north west corner of Hillhurst Boulevard and Avenue Road (File # 16 254034 NNY 16 OZ).

West:

Two-storey detached and semi-detached dwellings facing Avenue Road. To the west beyond is a residential neighbourhood comprised of two storey detached dwellings.

South:

To the south on the west side of Avenue Road is a block of two storey semi-detached dwellings facing Avenue Road. To the south on the east side in the immediate block are two storey detached dwellings that front onto Briar Hill Avenue and St. Clements Avenue. To the south beyond on Avenue Road are semi-detached, detached, low-rise apartment buildings and townhouse developments. Townhouses are located at the south east corner of Roselawn Avenue and Avenue Road, and at the south west corner of Burnaby Boulevard and Avenue Road.

East:

Residential neighbourhood comprised of two storey detached dwellings on local roads.

Provincial Policy Statement and Provincial Plans

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

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

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff will review the proposed development application so it is consistent with the Provincial Policy Statement (2014) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2017).

Official Plan

The subject lands are designated *Neighbourhoods* in the Official Plan. This designation provides for detached, semi-detached dwellings and townhouse developments among other low-rise residential uses that are four storeys or less. Neighbourhoods are considered physically stable areas and changes to established neighbourhoods must be sensitive, gradual and generally "fit" the existing physical character. Further, 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. Where a more intensive form of residential development than that permitted by the existing zoning on a major street in *Neighbourhoods* is proposed, the policy requires review in accordance with Policy 4.1.5, which requires regard to the existing physical character along the major street and within the neighbourhood. Specifically, a proposed development on a major street must respect and reinforce the existing physical character, 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) Setback of buildings from the street or streets;
- f) Prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) Conservation of heritage buildings, structures and landscapes.

The proposal is also being reviewed under Policy 4.1.7 which addresses intensification on major streets in *Neighbourhoods*. Avenue Road is identified in the Official Plan as a major street and proposals for intensification of lands on major streets in *Neighbourhoods* are not encouraged by the policies of the Official Plan.

The Built Form policies in Section 3.1.2 of the Plan will also be utilized to assess the proposed townhouse development. Section 3.1.2 provides direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. It states, new development will be located and organized to fit within its existing and/or planned context. New development will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

 a) Generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner;

- b) Locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- Providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) Preserving existing mature trees wherever possible and incorporating them into landscaping designs.

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

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.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at: http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf

Zoning

The site is subject to the former City of Toronto Zoning By-law 438-86 and City-wide By-law 569-2013.

Under the former City of Toronto Zoning By-law 438-86, 372 Briar Hill Avenue is zoned G (parks district) and 368 Briar Hill Avenue is zoned R2 Z0.6 (residential districts zone). The G zoning does not permit any residential uses, only parkland related uses. Various residential building types are permitted by By-law 438-86 under the R2 zone, including detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, row housing, and semi-detached duplexes. By-law 438-86 permits a building height of 11 metres. The maximum permitted gross floor area and floor space index is 0.6 times the area of the lot.

Under City of Toronto Zoning By-law 569-2013, 372 Briar Hill Avenue is zoned O (open space) and 368 Briar Hill Avenue is zoned R (f15.0; d0.6) (x761) (residential zone). The O designation does not permit residential uses, only parkland related uses. Under the R zone, various residential building types are permitted including a detached house, semi-detached house, townhouse, duplex, triplex, fourplex, and an apartment building. By-law 569-2013 under the O zone permits a building height of 4 metres, and the R zone permits a building height of 11 metres. The maximum permitted gross floor area under the O

zone is 50 square metres, and under the R zone the maximum permitted gross floor area is 0.6 times the area of the lot.

Urban Design Guidelines for Infill Townhouses (2003)

The City of Toronto Urban Design Guidelines for Infill Townhouses (2003) articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes and adjacent properties and integrating new development into existing neighbourhoods. The Guidelines provide a framework for site design and built form to achieve liveable spaces with an appropriate scale and form of development by detailing how new development should be organized to fit within the existing context and minimize local impacts. The Guidelines can be viewed at:

https://web.toronto.ca/city-government/planning-development/official-planguidelines/design-guidelines/infill-townhouses/

Building location and organization policies within section 2 are relevant, specifically 2.1 speaking to setbacks from public roadways which should be consistent with neighbouring properties to properly frame the street. The Guidelines state that light, view and privacy are three concerns which are interrelated but must be evaluated separately. Specifically, townhouse sites must be designed with sufficient rear yard setbacks to achieve a 45 degree angular plane to allow natural light to penetrate inside a dwelling to reach the main living space for part of the day, dwelling units must have reasonable views beyond the nearest outside facing walls, and residential windows, balconies and amenity areas should not face or overlook each other. Additionally, memorable and distinctive corner buildings should be provided to become landmarks and memorable places within the neighbourhood.

The Guidelines also speak to the important role of streetscapes in improving the quality and safety of the public street experience for pedestrians, cyclists and motorists. New development should improve the City boulevards and sidewalks by incorporating pedestrian lighting, street trees, decorative paving, and soft landscaping. The amount of soft landscaping should be maximized with landscaped areas between adjacent uses such as between laneways and back yards, and natural features and existing topography should be incorporated into the new development.

Townhouse and Low-rise Apartment Guidelines (2017)

A comprehensive update to the Townhouse Guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the Council-approved 2006 Guidelines to reflect a broader range of multi-dwelling development up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be viewed online at:

 $\underline{\text{http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=} f3064af89de0c410VgnVCM1}{0000071d60f89RCRD}.$

Prior to presenting a finalized version of these Guidelines for Council consideration and adoption later this year, City Staff are currently refining and consulting upon the draft Guidelines, in part through their use during the review of Development Applications.

The updated Guidelines continue to assist with implementing and evaluating proposals in relation to the intent of the Official Plan by detailing how new development should be organized and structured. Relevant draft Guidelines are to provide private outdoor amenity spaces that are sunlit, comfortable, and afford a level of privacy. The draft Guidelines also stress the need for private outdoor amenity areas for families with children and accommodating pets when a development is not large enough to accommodate shared outdoor amenity areas on site. Also relevant is providing sufficient setbacks distances between primary living spaces (living rooms and dining rooms) and sides of adjacent buildings to ensure adequate sunlight and sky views, and to reduce overlook between buildings and neighbouring properties.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan application has been submitted and is being reviewed concurrently with this application (File # 17-235785 NNY 16 SA).

Reasons for the Application

The proposed townhouse development use is not permitted on part of the subject site (372 Briar Hill Avenue) which is currently zoned for parkland purposes only under Zoning By-laws 438-86 and 569-2013. Amendments to the Zoning By-laws are also required to permit and regulate the proposed setbacks, frontages, parking, landscaping, coverage and density.

COMMENTS

Application Submission

The applicant submitted an planning rationale report, arborist and tree preservation report, architectural plans, civil and utility servicing plans, an energy efficiency report, geotechnical studies, landscape plans, stormwater management report, and a transportation operations review study. The application has been deemed complete.

The applicant submission can be viewed on the Development Applications website at the following link:

http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init &folderRsn=4249237&isCofASearch=false&isTlabSearch=false

Issues to be Resolved

Planning staff have concerns with the proposed massing, coverage, and density for the proposed townhouse development. On a preliminary basis, the following issues have also been identified:

- Conformity with Official Plan policies including OPA 320;
- Compliance with the City's "Infill Townhouse Guidelines" and "Low-rise Design Guidelines" as a tool to assist in implementing the Official Plan;
- Setbacks of the building including proposed setbacks on Avenue Road and Briar Hill Avenue;
- Appropriate private amenity spaces within the proposed rear yard setback;
- Proposed tree preservation and re-planting plan;
- Relationship of setbacks and grading on sides of the lot including the raised enclosed garage;
- Overlook and privacy issues as a result of the scale of development and raised rear yard terrace;
- Adequacy of proposed landscaping and soft landscaping;
- Proposed lot frontages and lot depths;
- Width and grade of the proposed vehicular ramp;
- Assessment of site servicing including storm water management;
- Façade articulation for the corner unit; and
- Orientation of the townhouses and the transition to adjacent detached residential dwellings due to the proposed rear yard setback and encroachment into a 45 degree angular plane;
- Proposed garbage storage and loading area design;
- Articulation of the proposed north façade; and
- Explore possible consolidation of the lot at 366 Briar Hill Avenue, which also allows for townhouses under the Zoning By-laws, to provide for an improved transition including larger rear and front yard setbacks.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

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

CONTACT

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SIGNATURE

Ing Manag Director

Joe Nanos, Director Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan Attachment 2: East Elevation Attachment 3: West Elevation (Avenue Road)

Attachment 4: North Elevation

Attachment 5: South Elevation (Briar Hill Avenue)

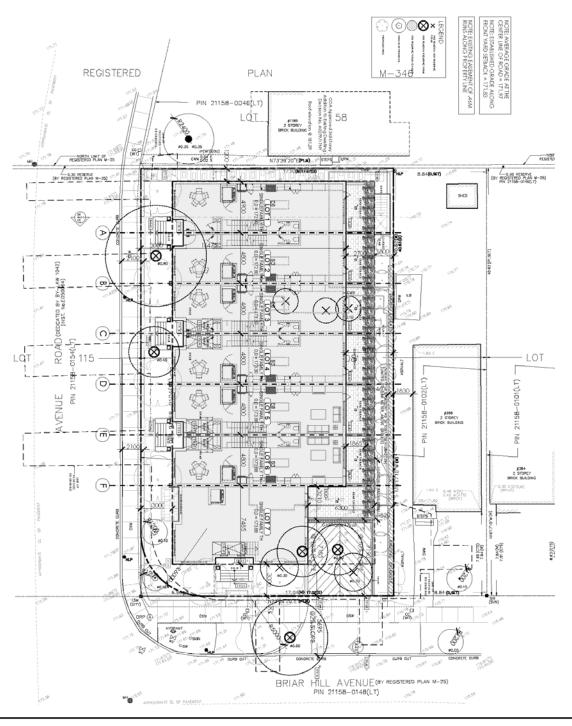
Attachment 6: Zoning (former City of Toronto By-law No. 438-86)

Attachment 7: Zoning (City-wide Zoning By-law 569-2013)

Attachment 8: Official Plan

Attachment 9: Application Data Sheet

Attachment 1: Site Plan



Site Plan

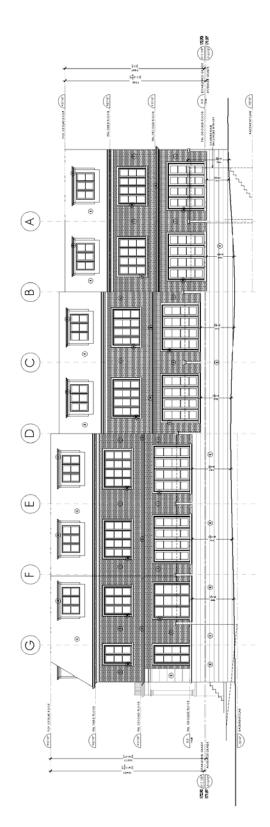
368-372 Briar Hill Avenue

Applicant's Submitted Drawing

Not to Scale 10/05/2017

File # 17 235778 NNY 16 0Z

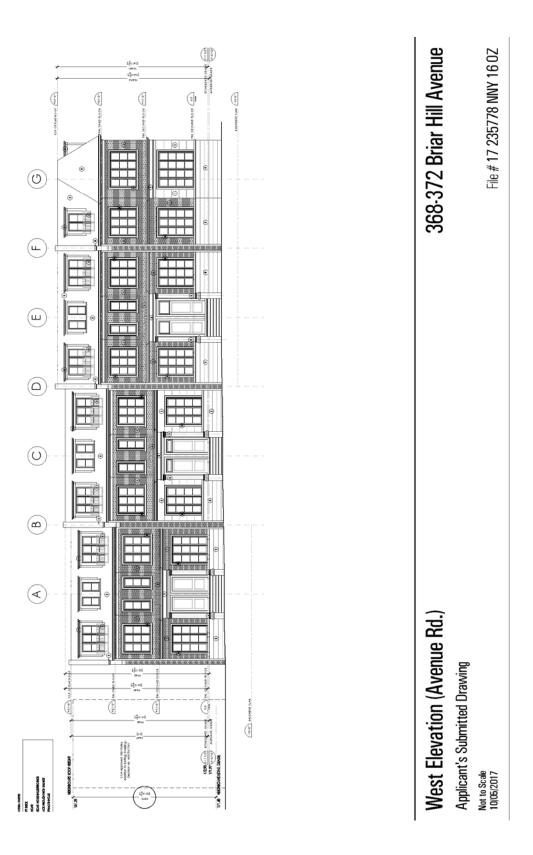
Attachment 2: East Elevation

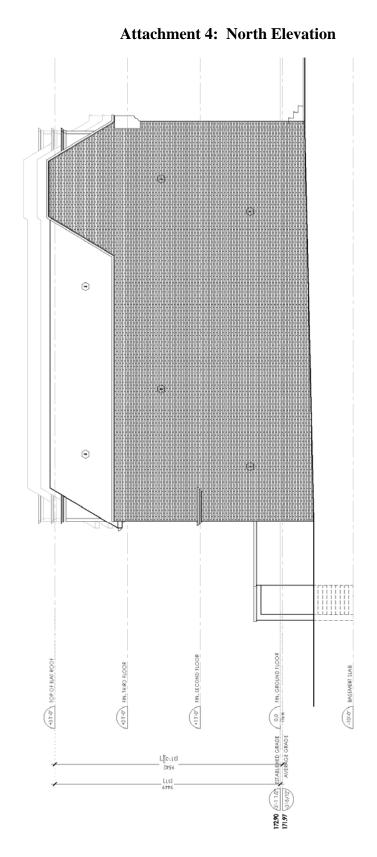


368-372 Briar Hill Avenue File #17 235778 NNY 16 0Z Applicant's Submitted Drawing East Elevation

Not to Scale 10/05/2017

Attachment 3: West Elevation (Avenue Road)





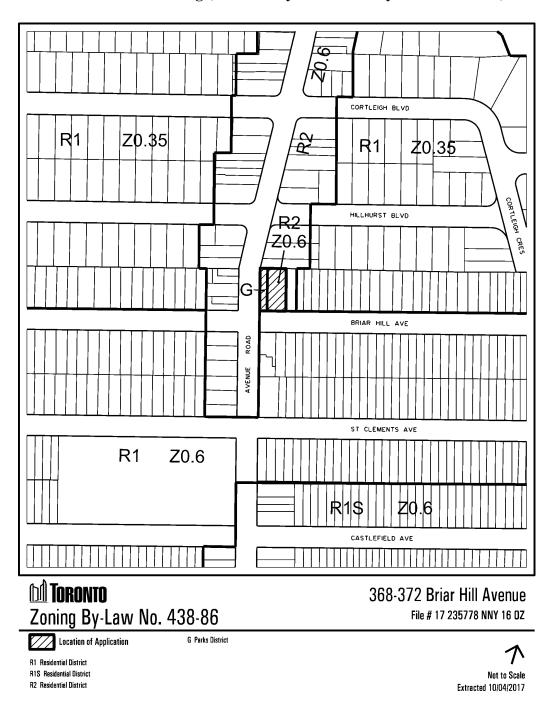
368-372 Briar Hill Avenue File #17 235778 NNY 16 0Z Applicant's Submitted Drawing North Elevation Not to Scale 10/05/2017

Attachment 5: South Elevation (Briar Hill Avenue)



File # 17 235778 NNY 16 0Z

Attachment 6: Zoning (former City of Toronto By-law No. 438-86)



Attachment 7: Zoning (City-wide Zoning By-law 569-2013)



Attachment 8: Official Plan



Attachment 9: Application Data Sheet

Application Type Rezoning Application Number: 17 235778 NNY 16 OZ
Details Rezoning, Standard Application Date: September 20, 2017

Municipal Address: 368 and 372 Briar Hill Avenue

Location Description: PLAN M25 PT LOT 108 **GRID N1605

Project Description: Rezoning application to permit 7, 3 storey townhouse dwelling units. The proposed

townhouses would have a residential gross floor area of 1652.28 square metres with a floor

space index of 1.7 times the area of the lot.

Applicant: Agent: **Architect:** Owner: Goldberg Group Richard Wengle Stehel Corp. 2098 Avenue Road 102 Avenue Road 10 Wanless Avenue, Suite 201 Toronto, ON M5M 4A8 Toronto, ON M5R 2H3 Toronto, ON M4N 1V6 PLANNING CONTROLS Official Plan Designation: Neighbourhoods Site Specific Provision: 761 Zoning: R (f15.0; d0.6)/O **Historical Status:** N Height Limit (m): 11m/4mSite Plan Control Area: Y

PROJECT INFORMATION

 Site Area (sq. m):
 974.59
 Height:
 Storeys:
 3

 Frontage (m):
 40.63
 Metres:
 10.4

Depth (m): 23.85

Total Ground Floor Area (sq. m): 679.1 **Total**Total Residential GFA (sq. m): 1652.28 Parking Spaces: 7

Total Non-Residential GFA (sq. m): 1032.28 Farking Spaces: 7

Total Non-Residential GFA (sq. m): 0 Loading Docks 0

Total GFA (sq. m): 1652.28 Lot Coverage Ratio (%): 69.7 Floor Space Index: 1.7

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1652.28	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	7	Institutional/Other GFA (sq. m):	0	0
Total Units:	7			

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