

## **417 and 419 Burnhamthorpe Road – Zoning By-Law Amendment Application– Final Report**

Date: June 3, 2021

To: Etobicoke York Community Council

From: Acting Director, Community Planning, Etobicoke York District

Ward: Ward 2 - Etobicoke Centre

**Planning Application Number:** 19 251103 WET 02 OZ

**Related Application:** 19 251104 WET 02 SA

### **SUMMARY**

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This application proposes to amend both the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 to permit a townhouse development at 417 and 419 Burnhamthorpe Road. The two existing detached residential dwellings would be demolished and replaced with 6 townhouse units of 3-storeys in height and below grade parking.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal also represents an appropriate and orderly development of the site that conforms to the Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend former City of Etobicoke Zoning Code for the lands at 417 and 419 Burnhamthorpe Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to this report.
2. City Council amend City -wide Zoning By-law 569-2013 for the lands at 417 and 419 Burnhamthorpe Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.

4. City Council require the owner to remove all debris and rubble from the site immediately after demolition and erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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Pre-application meetings were held on May 8, 2019 and July 9, 2019. The current application was submitted on November 19, 2019 and deemed complete. A Preliminary Report on the application was adopted by Etobicoke York Community Council on February 5, 2020, authorizing staff to conduct a community consultation meeting with a 120 metre expanded notification area.

The Preliminary Report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2020/ey/bgrd/backgroundfile-141918.pdf>

## **PROPOSAL**

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The applicant proposes to amend the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 for the property at 417 and 419 Burnhamthorpe Road to permit 6 townhouse units fronting Burnhamthorpe Road. The total gross floor area for the six townhouses would be 1,300 square metres with a Floor Space Index of 0.62 times the area of the lot and a lot coverage of 45% of the lot area excluding the proposed rear patios. The proposed townhouses would be located east of The East Mall, on the north side of Burnhamthorpe Road.

The proposed townhouses would be 3-storeys and 12 metres in height to the top of the roof. Units B, C, D, and E are proposed to have an average unit size of 189.76 square metres and width of 4.2 metres. Unit A, at the west end of the building is proposed to have a unit size of 187.10 square metres and width of 6.5 metres. Unit F, on the east end of the building is proposed to have a unit size of 180.05 square metres and width of 4.2 metres. Each of 6 proposed units would have 3-bedrooms.

The townhouses would have a front yard setback of 8.1 metres along the western portion of the site which would increase to 11.0 metres along the eastern portion of the site. Within the proposed front yard, the application proposes shared front porches between the six townhouse units. Enclosed garbage storage for units C, D, E and F

would be located adjacent to the shared front porches with landscape planters located in front of the garbage enclosures to provide screening. Units A and B are proposed to have tandem enclosed garbage storage in front of Unit B.

The proposed development would have an east side yard setback of 1.6 metres, west side yard setback of 1.0 metres and rear yard setback of 33.0 metres (not including the rear terrace). The east side yard would also include a stairwell to the parking garage encroaching into the setback.

The proposed vehicular access for the site would be on the west side of the property via a 6.0 metre wide and 8.4 metre long driveway from Burnhamthorpe Road. The driveway would provide access to a ramp to the below-grade parking area. The application proposes 15 vehicular parking spaces in one level of below-grade parking consisting of 12 parking spaces for residents of the units and 3 visitor parking spaces. All of the townhouse units would have 2 tandem parking spaces with direct access from the garage to each unit and a storage area. The 3 visitor parking spaces would be located along the rear wall. The applicant is proposing 6 long term bicycle parking spaces in the below-grade garage and 6 short term bicycle parking spaces at grade in the south eastern corner of the front yard beside the walkway.

The proposal includes private rear yard amenity space with patios/platforms for each townhouse unit and a third floor terrace above the rear yard amenity space, which would have an average area of 7.3 square metres for Units A, B, C, D and E, and an area of 9.3 square metres for Unit F. Unit A would also have a second floor terrace of 4.5 square metres on north western corner of the building.

The applicant is proposing the 6 townhouses units to be freehold with a common element condominium for the shared driveway and underground garage to ensure shared ownership and maintenance of the common elements by the future condominium corporation. An application for the common element condominium would be submitted later in the process.

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

<http://app.toronto.ca/AIC/index.do?folderRsn=me8HaRnfUKabiBeSMBeyBw%3D%3D>

See Attachment 1 for the Application Data Sheet.

### **Site and Surrounding Area**

The subject site is located on the north side of Burnhamthorpe Road, east of The East Mall. The site is rectangular in shape and is a consolidation of two separate lots. The site is currently occupied by a one-storey detached dwelling and a two-storey detached dwelling. The site is approximately 1,962 square metres in size and has a combined lot frontage of 32.29 metres.

Surrounding land uses include:

North: To the north of the site is a residential neighbourhood designated *Neighbourhoods* with dwellings that are 1 to 2 storeys in height.

East: Immediately adjacent to the site is a 1-storey detached dwelling. Further east along Burnhamthorpe Road are detached dwellings that are 1 to 2 storeys in height and front directly onto Burnhamthorpe Road. The single-detached dwellings are designated *Neighbourhoods*.

West: Adjacent to the site is the Kingdom Hall of Jehovah's Witnesses place of worship and the lands are designated *Neighbourhoods*. Further west, on the west side of The East Mall, is the planned development for 62 townhouse units at 400 The East Mall which is designated *Mixed Use Areas*.

South: On the south side of Burnhamthorpe Road is the Toronto Public Library - Eatonville Branch. Further south of the library are townhouses that are 2-storeys in height designated *Neighbourhoods*. Southwest of the library is a retail plaza which includes a grocery store, restaurants and service uses designated *Mixed Use Areas*.

See Attachment 2 for the Location Map.

### **Reasons for the Application**

Amendments to the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 are required to permit the proposed townhouses, density, building height, building type, setbacks, lot coverage and other performance standards to facilitate the proposed development.

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with this Zoning By-law Amendment application.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Architectural Plans;
- Arborist Report;
- Landscape Plan;
- Tree Inventory and Preservation Plans;
- Toronto Green Standard Checklist;
- Planning Rationale;
- Draft Zoning By-laws;

- Survey Plan;
- Parking and Loading Study;
- Geotechnical Report;
- Hydrogeological Report; and
- Servicing and Stormwater Management Report.

All the materials/studies listed above can be accessed via the Application Information Centre (AIC):

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

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to this Zoning By-law Amendment application, City Council members have an opportunity to consider the submissions received prior to and at the statutory public meeting held by the Etobicoke York Community Council for the application. Oral submissions made at the virtual meeting will be broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities. The outcome of staff analysis and review of relevant matters of provincial interest are summarized in the Comments Section of this report.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS (2020) supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS (2020) is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS (2020).

The PPS (2020) recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The outcome of staff analysis and review of the PPS (2020) are summarized in the Comments Section of this report.

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic

framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan (2020).

The outcome of staff analysis and review of the Growth Plan (2020) are summarized in the Comments Section of this report.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as noted below.

## Chapter 3 - Building a Successful City

### *Public Realm*

The Public Realm policies (Section 3.1.1) promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The essential role of the City's streets, open spaces, parks and other key shared public spaces assist in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, streetscaping, urban design and architecture in public works and private development to ensure the public realm is beautiful, comfortable and accessible. Policy 3.1.1.6 sets out parameters such that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians.

### *Built Form*

The development criteria identified in the Healthy Neighbourhoods policies are supplemented by additional development criteria in the Official Plan's Built Form policies which are found in Chapter 3.

The Built Form policies contained in Section 3.1.2 of the Official Plan provide direction on matters related to the site design and layout of buildings and on the location and organization of vehicle parking, vehicle access, service areas and utilities to minimize their impact on the property and on surrounding properties. Specifically, these policies emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces.

## Chapter 4- Land Use Designations

The subject site is designated *Neighbourhoods* on Map 14 – Land Use Plan of the Official Plan. A cornerstone aim of the Official Plan is to ensure that new development in *Neighbourhoods* respects the existing physical character of the area, reinforcing the stability of the neighbourhood. The stability of *Neighbourhoods'* physical character is one of the keys to Toronto's success. Changes to established *Neighbourhoods* must be sensitive, gradual and "fit" the existing physical character.

As per Policy 4.1.5 of the Official Plan, new development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- Patterns of streets, blocks and lanes, parks and public building sites;
- Prevailing size and configuration of lots;
- Prevailing building heights, massing, scale, number of units and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Prevailing location, design and elevations relative to the grade of driveways and garages;



- Prevailing setbacks of buildings from the street or streets;
- Prevailing patterns of rear and side yard setbacks and landscaped open space;
- Continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- Conservation of heritage buildings, structures and landscapes.

Burnhamthorpe Road in this location is identified as a major street on Map 3 of the Official Plan. Policy 4.1.5 of the Official Plan states that lots fronting onto a major street, and flanking lots to the depth of the fronting lots, are often situated in geographic neighbourhoods distinguishable from those located in the interior of the neighbourhood due to characteristics such as: different lot configurations; better access to public transit; adjacency to developments with varying heights; massing and scale; or direct exposure to greater volumes of traffic on adjacent and nearby streets. In those neighbourhoods, such factors may be taken into account in the consideration of a more intense form of development than permitted by the Official Plan.

However, the Official Plan also establishes that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged. No changes are to be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire Neighbourhood. Where a more intensive form of residential development than that permitted by the existing zoning on a major street in Neighbourhoods is proposed, the Official Plan requires review in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhoods*.

Policy 4.1.10 of the Official Plan establishes that residential infill development applications on properties that vary from the local pattern in terms of lot size, configuration and/or orientation as a result of the assembly of lots that previously had adhered to the local pattern will be evaluated applying Policy 4.1.5. Staff have determined that Policy 4.1.5 is applicable to this site.

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

Refer to Attachment 3 for the Official Plan Land Use Map.

The outcome of staff analysis and review of relevant Official Plan policies and designation noted above are summarized in the Comments section of this report.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Official Plan Amendments (OPAs) 479 and 480**

On September 11, 2020, Official Plan Amendments (OPAs) 479 and 480, which were approved by the Ministry of Municipal Affairs and Housing (MMAH), updated the policies in Section 3.1.1 Public Realm and Sections 3.1.2 and 3.1.3 Built Form to provide more detailed direction on public realm improvements and how a new development should respond to the existing and planned context and provide "good transition in scale between areas of different building heights."

The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendments can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

For applications submitted before September 11, 2020, the previous policies would apply, and the new policies will be treated as informative.

## **Zoning**

The site is subject to the former City of Etobicoke Zoning Code which zones the site Second Density Residential (R2). The R2 zoning permits single-detached dwellings, duplexes, triplexes, semi-detached dwellings and a range of institutional uses. General regulations for the zone include a maximum permitted Floor Space Index of 0.4 times the area of the lot. Townhouses are not a permitted use in the R2 zone.

The site is zoned Residential Detached (RD) (f13.5; a510; d0.45) in City-wide Zoning By-law No. 569-2013 which permits detached dwellings as a permitted building type. The zoning further permits a range of institutional uses and public utility uses with conditions. The zoning requires the site to have a minimum lot frontage of 13.5 metres, a minimum lot area of 510 m<sup>2</sup> and a maximum Floor Space Index of 0.45 times the area of the lot. Further, the site is subject to a maximum lot coverage of 33% and a maximum building height of 9.5 metres. Townhouses are not a permitted building type in the RD zone.

City-wide Zoning By-law No. 569-2013 can be found here:

<https://www.toronto.ca/citygovernment/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

Refer to Attachments 4 for the Former City of Etobicoke Zoning Code Map and Attachment 5 for the City-wide Zoning By-law Map.

## **Design Guidelines**

### **Townhouse and Low-rise Apartment Guidelines**

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended

to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>.

## **COMMUNITY CONSULTATION**

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A virtual community meeting was held on November 10, 2020 and was attended by approximately 10 members of the public from the immediate surrounding area. At the meeting, City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a town hall format, question and answer period. Additional comments were received during the review of the application. Comments regarding the proposal related to:

- Concerns with overall height, massing and shadow impacts;
- Concerns with the proposal's fit with the context of the area;
- Concern regarding the setbacks and understanding how the townhouses would be situated on the lot;
- Concerns regarding potential for overlook and maintaining privacy;
- Concerns regarding site access and provision for visitors and drop-off on-site;
- Concern regarding tree removal and replacement; and
- Concerns regarding timing of construction, excavation and shoring issues and potential road closures.

In response to the issues raised by the community and City staff feedback, the above issues have been considered through the review of the application and are addressed in the comments section below.

## **COMMENTS**

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City Planning staff are recommending approval of an amendment to the Zoning By-laws to permit the proposed development which represents good planning.

### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the appropriate location of growth and development; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposal is in an appropriate location for development; is supportive of current and future transit along Burnhamthorpe Road; represents an appropriate built form in keeping with the prevailing massing, height, scale, density and dwelling type; respects and reinforces the existing and planned context of the area; respects the setbacks and lotting pattern of the area; and is located on a major street which is an appropriate location for a more intense form of development.

It is staff's opinion that the proposed development has appropriate regard for the relevant matters of provincial interest outlined in the *Planning Act*.

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

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020).

The PPS (2020) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, liveable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit.

This proposal is consistent with the PPS (2020), as it is contextually appropriate intensification that makes efficient use of the site and existing services, and promotes appropriate intensification along a transit route. The proposal would contribute to a compact built form along a major street in an area where there is a mix of dwelling types.

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

- Section 2.2.1.3(c) directs municipalities to undertake integrated planning to manage forecasted growth by supporting an urban form that optimizes infrastructure to support the achievement of complete communities through a more compact built form.
- Section 2.2.1.4(c) echoes the guiding principle noted above by supporting complete communities that provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

- Policy 2.2.6.2(c) & (d) directs that municipalities support the achievement of complete communities by considering the range and mix of housing options and densities of the existing housing stock and planning to diversify the overall housing stock across the municipality.

The proposal conforms to the Growth Plan by: providing a compact built form, contributing to a range of housing options, making efficient use of land, existing services and infrastructure, including proximity to public transit. The proposal fits appropriately within its surrounding context and adds to the housing stock of the area which is predominantly low rise residential dwellings no higher than 4 storeys.

Based on the analysis of the Growth Plan (2020) policies, it is Planning staff's opinion that the application and amending Draft Zoning By-laws conform to the Growth Plan (2020).

### **Land Use**

This application has been reviewed against the Official Plan policies described in the Policy Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole.

The subject property is designated *Neighbourhoods* and is zoned Residential Detached (RD) in City-wide Zoning By-law No. 569-2013 and Second Density Residential (R2) in the former City of Etobicoke Zoning Code. The *Neighbourhoods* designation allows for a variety of low-scale residential uses including detached dwellings, semi-detached dwellings, townhouses and walk-up apartments that are no higher than 4 storeys.

The Official Plan states that new development in *Neighbourhoods* will fit harmoniously into its existing and/or planned context. The Official Plan requires that development in *Neighbourhoods* will "respect and reinforce" the existing physical character of the neighbourhood which includes setbacks from buildings.

The Official Plan states that where a more intense form of residential development than that permitted by the existing zoning on a major street in a *Neighbourhood* is proposed, factors related to lot configuration, access to transit, exposure to greater traffic volumes and adjacency to development of varying heights and massing may be taken into account to the extent permitted by the Official Plan. The subject property is located in a residential neighbourhood on a Major Street as shown on Map 3 of the Official Plan. The neighbourhood is predominately characterized by single family detached dwellings, however, properties located in the vicinity of the site, including along the East Mall include townhouse developments of two and four-storeys in height as well as apartment buildings.

Given the existing and planned context for the subject property and the surrounding area, the proposal represents a development that would respect and reinforce the existing character of the neighbourhood, in particular the mix of dwelling types found in the immediate context of the subject property along Burnhamthorpe Road.

Staff are of the opinion that the proposal would be an appropriate infill development that is appropriately situated to nearby amenities and infrastructure while maintaining a respectful built form.

### **Density, Height, Massing**

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of the Report. The Official Plan's Built Form policies direct new development to be designed to fit with its existing and/or planned context, to frame and support adjacent streets, parks and open space, and limit its impact on neighbouring streets, parks and properties. The introduction of six townhouse units on this site is in keeping with the character of the surrounding area. The proposal has been sited to maintain compatible setbacks with adjacent properties along Burnhamthorpe Road and would provide a streetscape that would be compatible and consistent with the existing character of the neighbourhood.

The proposed townhouse units would be approximately 12 metres and 3-storeys in height. The existing RD zoning permits a maximum building height of 9.5 metres for detached dwellings. In the vicinity of the site along Burnhamthorpe Road there is a variety of residential building types and heights. There is a recent approval for a 4-storey townhouse development at 400 the East Mall with building heights of 13.7 metres, located on the northwest corner of Burnhamthorpe Road and The East Mall. The existing townhouses south of Burnhamthorpe Road are older construction of two-storeys with an approximate height of 9 metres. There are also detached dwellings in the area with average heights of 10 metres approved through Committee of Adjustment.

The Townhouse and Low-Rise Apartment Guidelines provide additional direction for new development in terms of height as well as fit, transition, public realm, setbacks, yards, built form and massing. The Guidelines describe townhouses as generally being two to four storeys. It also directs that building height should transition down to lower scale neighbours.

While the overall height of the proposal is 12 metres, the townhouse building has been designed to reduce its overall mass by incorporating a sloped roof particularly to the east, south and west. The building step backs at third floor from the front, rear and side walls, as well as at second floor from the west side. The proposal would also step down at the east and west side to a height of 10 metres to be more in keeping with the existing height of adjacent properties and the permitted height in accordance with the zoning provisions.

The proposed building height is appropriate for the site and fits with the existing context of the area.

The proposed townhouse development would provide appropriate setbacks, step backs and building lengths to reduce the impact on the adjacent properties. The proposal would have an east side yard setback of 1.6 metres, except for a small encroachment to provide a stairwell to the below grade parking area. The west side yard setback would be 1 metre. The neighbouring properties include a detached dwelling to the east and a place of worship to the west, both zoned RD.

The RD zoning requires a minimum setback of 1.5 metres whereas the Residential Townhouse (RT) zone requires a minimum setback of 0.9 metres.

The proposed development would also have a front yard setback of 8.1 metres along the western portion of the site which would increase to 11.0 metres along the eastern portion of the site. The change in the front yard setback is due to a slight curve in the front property line and also to align the proposed townhouses with the detached dwelling to the east. Aligning the front face of the building in keeping with the adjacent existing structures maintains the rhythm of the street and provides additional green space along the frontage of the site.

The proposal would have an overall building length of 15.85 metres above grade, with a rear patio/platform for each unit extending approximately 11 metres from the rear wall of the building towards the north property line. The building length below grade would be 26.8 metres extending from the front main wall to the rear extension of the patios/platforms. The length of the townhouses above grade would be approximately 16 metres, which is in keeping with the zoning provisions for detached dwellings in the area and would fit the existing context. However, a building length of 28 metres is proposed to be a provision in the draft Zoning By-law Amendment to allow for the rear patios/platforms, covering more than 5% of the lot, as well as the below grade parking garage. The rear face of the townhouses would generally align with the adjacent buildings. The rear patios/platforms would be at grade on the east side of the site and slightly raised on the west side of the site and would have privacy fencing to define the areas and provide privacy for the adjacent properties as well as the future townhouse residents.

The rear yard would be 33 metres deep which is in excess of the current zoning provisions. The rear yard would include an 11 metre deep patio/platform at the back of each unit as well as 22 metres of yard space that would be soft landscaping. The extensive rear yard area would provide appropriate separation between the proposed townhouses and the existing dwellings to the north of the site.

The townhouses are proposed to have third storey balconies at the rear elevation, as well as a second floor balcony only for Unit A. Privacy screening would be provided to limit overlook and increase privacy to the neighbouring properties. Privacy screening for the balconies and the rear platforms would be secured through the Site Plan review process.

Staff are of the opinion that the proposed density, height and massing are appropriate for the subject property and fit within the existing and proposed built form context. The proposed Draft Zoning By-law Amendment would establish the required site specific provisions for the site including height, setbacks, and building length. The proposal conforms with the City's Official Plan policies for *Neighbourhoods* and is consistent with the Townhouse and Low-Rise Apartment Guidelines.

### **Access and Parking**

Access to the site would be provided via a 6 metre wide two-way driveway at the west end of the site leading to the below grade parking garage.

The driveway would be 8.4 metres long. The door to the below grade parking garage would be slightly recessed under Unit A and further setback from the front porch to recede from the façade. The door would be opened by remote key fob.

Two tandem parking spaces would be provided for each dwelling unit within the below grade garage, as well as three visitor parking spaces for the development. The visitor parking spaces would accommodate drop-off/pick-up for the units.

## **Servicing**

A Functional Servicing and Stormwater Management (SWM) Report was submitted in support of the proposal. The objective of this report is to demonstrate how the site will be serviced and the SWM measures that will be undertaken to deal with the quantity, quality and water balance requirements for the site, as well as reviewing the impacts of the proposed development on the existing municipal infrastructure. Engineering and Construction Services staff have reviewed the Servicing Letter and concur with the report findings that the existing infrastructure can accommodate the proposed development.

Each of the townhouse units would have enclosed garbage storage incorporated into the front porch area to be screened by landscape planters located in front of each of the enclosures for Units C, D, E and F. Units A and B would have one garbage enclosure on the upper porch and one on the lower porch that would be screened by additional plantings in the front yard. The different configuration is required as Unit A is located over the entrance to the garage and has a front entrance only, not the same porch area as the rest of the units. The detailed design and landscaping for the planters and front yard as well as other related details would be reviewed under Site Plan review process.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Articles II (Street Tree By-law) and III (Private Tree By-law).

The applicant is proposing to preserve two protected privately-owned trees, and to remove two protected private trees, located on the subject site. Urban Forestry requires an Application to Injure or Destroy Trees and applicable fees for permission to remove trees. The Landscape Plan submitted in support of the the proposal which includes six new trees on private property and none proposed on the City road allowance due to space restrictions. Urban Forestry requires a revised plan showing the proposed maple tree west of the driveway either relocated closer to the sidewalk (minimum 1.0 m) or deleted from the plan due to close proximity to the driveway. The location of new trees will be reviewed in further detail and secured though the Site Plan review process.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are



voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site plan application. Staff will continue to work with the applicant to encourage them to exceed the minimum requirements to achieve greater sustainability.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Policy 5.1.1.4 of the Official Plan states that Section 37 may be used for developments with more than 10,000 square metres of gross floor area. The applicant is proposing a gross floor area of 1,300 square metres, which is less than 10,000 square metres. As such, a Section 37 contribution is not required as the proposal does not meet the criteria set out in the Official Plan.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, and provides for a development that respects and reinforces the existing physical character of the neighbourhood.

Staff recommend that City Council approve the application and Draft By-law Amendments.

### **CONTACT**

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### **SIGNATURE**

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Angela Stea, MCIP, RPP  
Acting Director of Community Planning  
Etobicoke York District

## ATTACHMENTS

### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Former City of Etobicoke Zoning Code Map

Attachment 5: Existing City-wide Zoning By-law Map

Attachment 6: Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)

Attachment 7: Draft Zoning By-law Amendment (City-wide Zoning By-law No. 569-2013)

### **Applicant Submitted Drawings**

Attachment 8: Site Plan

Attachment 9: Elevations

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

Municipal Address: 417 and 419 BURNHAMTHORPE RD Date Received: November 19, 2019

Application Number: 19 251103 WET 02 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application to redevelop the site with 6 townhouse units. The proposed townhouse units would be 3-storeys in height and have a total residential gross floor area of 1300 sq m. A total of 15 parking spaces are provided below grade and will be accessed from the garage entrance fronting Burnhamthorpe Road. A Site Plan Control application (19 251104 WET 02 SA) has been submitted concurrently for review.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP			ALTIUS MORTGAGE COMPANY LIMITED

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	RD (f13.5;a510;do.45)	Heritage Designation:	n/a
Height Limit (m):	9.5 m	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m): 1,962 Frontage (m): 32 Depth (m): 60

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			468	468
Residential GFA (sq m):	220		1,300	1,300
Non-Residential GFA (sq m):				
Total GFA (sq m):	220		1,300	1,300
Height - Storeys:			3	3
Height - Metres:			12	12

Lot Coverage Ratio 45 Floor Space Index: 0.62  
 (%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)  
 Residential GFA: 1,300  
 Retail GFA:  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	2		6	
Condominium:				
Other:				
Total Units:	2		6	6

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					6
Total Units:					6

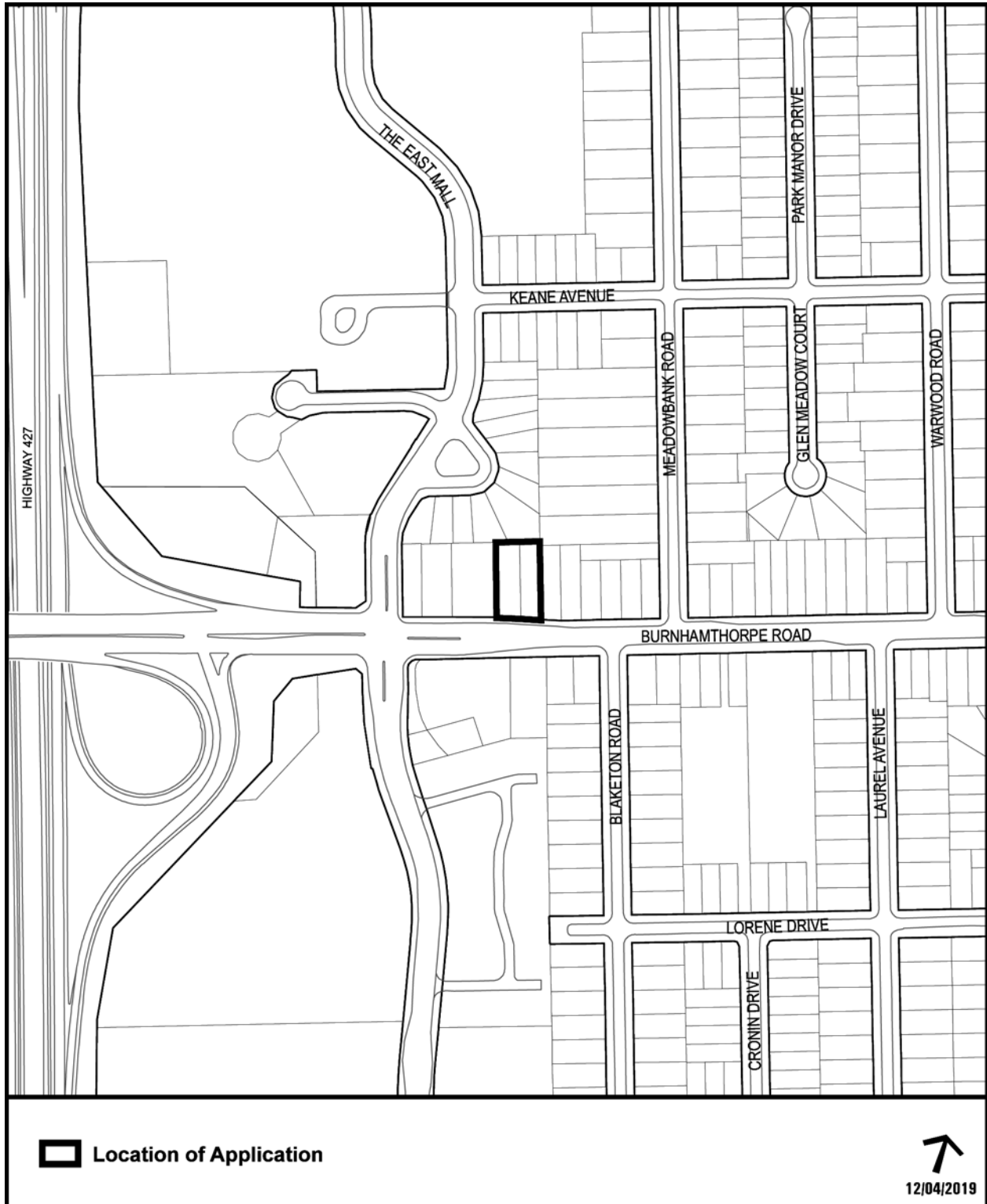
Parking and Loading

Parking Spaces: 15 Bicycle Parking Spaces: 12 Loading Docks:

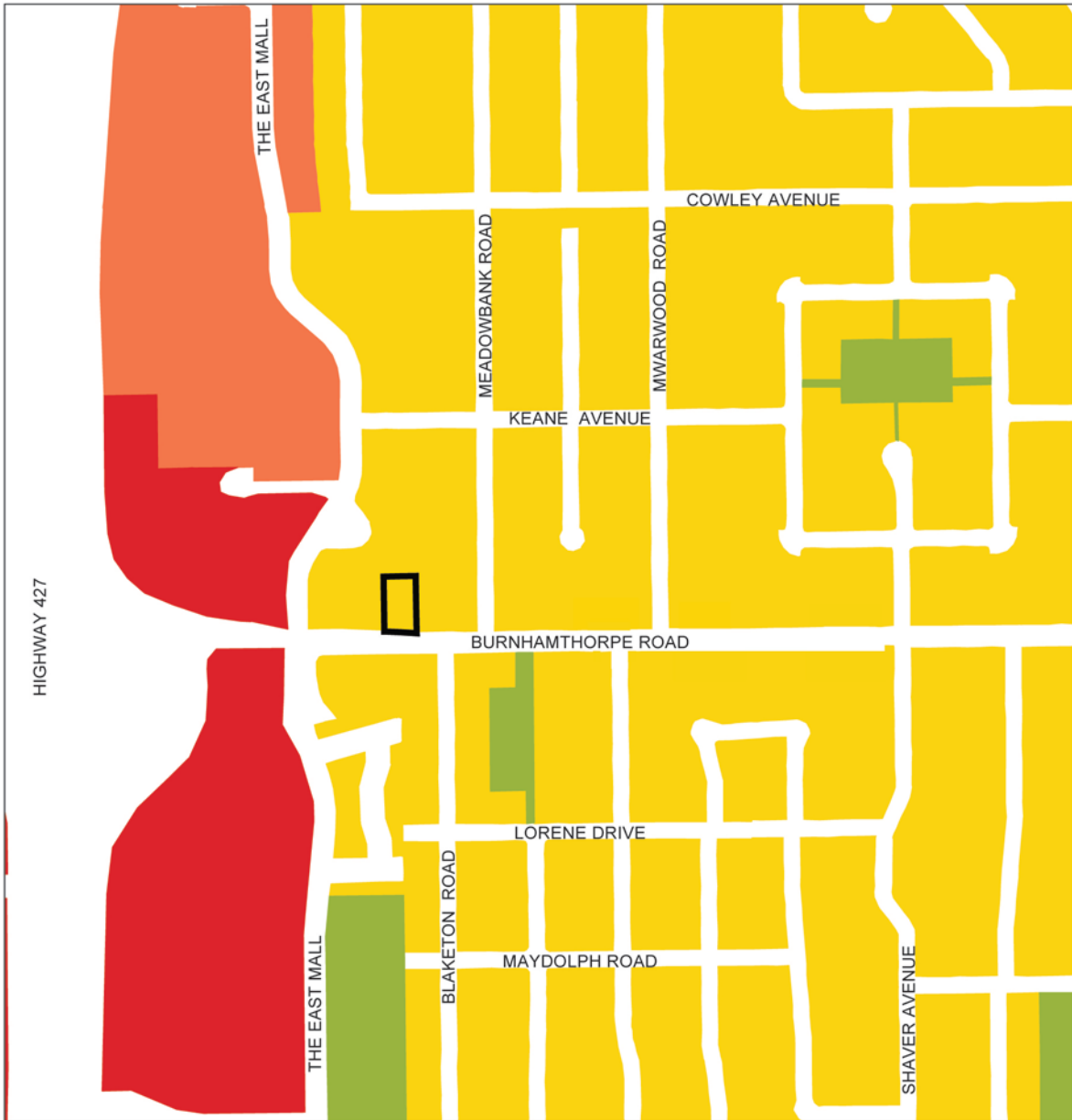
CONTACT:

Laleh Farhadi, Assistant Planner  
 416-394-8214  
[Laleh.Farhadi@toronto.ca](mailto:Laleh.Farhadi@toronto.ca)

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



417 & 419 Burnhamthorpe Road

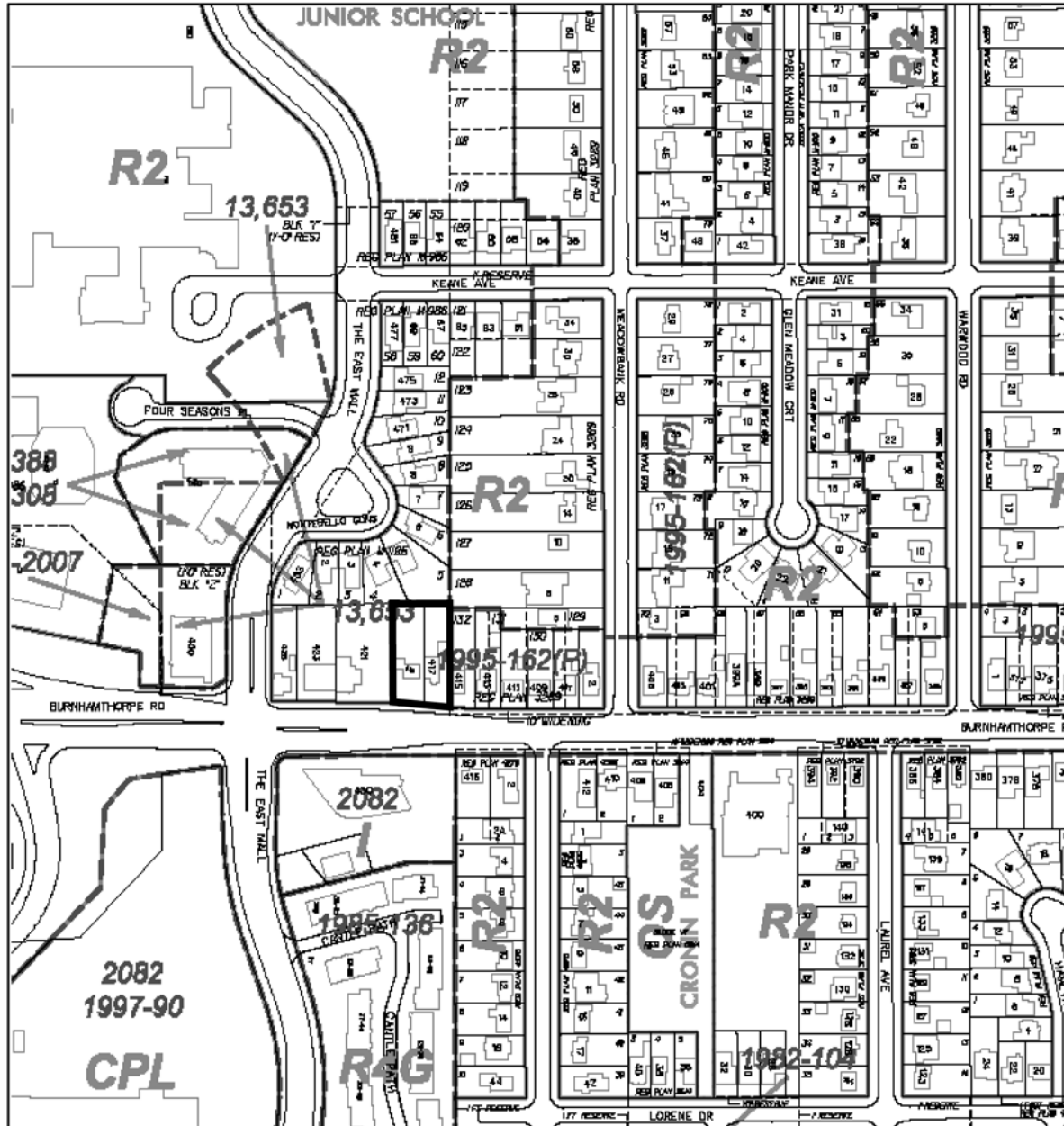
Official Plan Land Use Map #14

File # 19 251103 WET 02 0Z

- |  |  |
|--|--|
|  Location of Application  |  Parks & Open Space Areas |
|  Neighbourhoods           |  Parks                    |
|  Apartment Neighbourhoods |  |
|  Mixed Use Areas          |  |

↑  
Not to Scale  
12/04/2019

Attachment 4: Former City of Etobicoke Zoning Code Map



417 & 419 Burnhamthorpe Road

Former Etobicoke Zoning By-law 11,737

File # 19 251103 WET 02 0Z

 Location of Application

R2 Second Density Residential  
 R4G Fourth Density Residential - Group Area  
 CPL Planned Commercial Local

OS Public Open Space  
 I Institutional



Not to Scale  
 Extracted: 05/14/2021

Attachment 5: Existing City-wide Zoning By-law Map



Zoning By-law 569-2013

417 & 419 Burnhamthorpe Road

File # 19 251103 WET 02 02

Location of Application

- RD Residential Detached
- RT Residential Townhouse
- CR Commercial Residential
- I Institutional
- OR Open Space Recreation
- UT Utility and Transportation

See Former City of Etobicoke By-law No. 11,737

- R2 Second Density Residential Zone
- R4 Fourth Density Residential Zone
- CPP Planned Commercial Preferred Zone



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Extracted: 12/04/2019



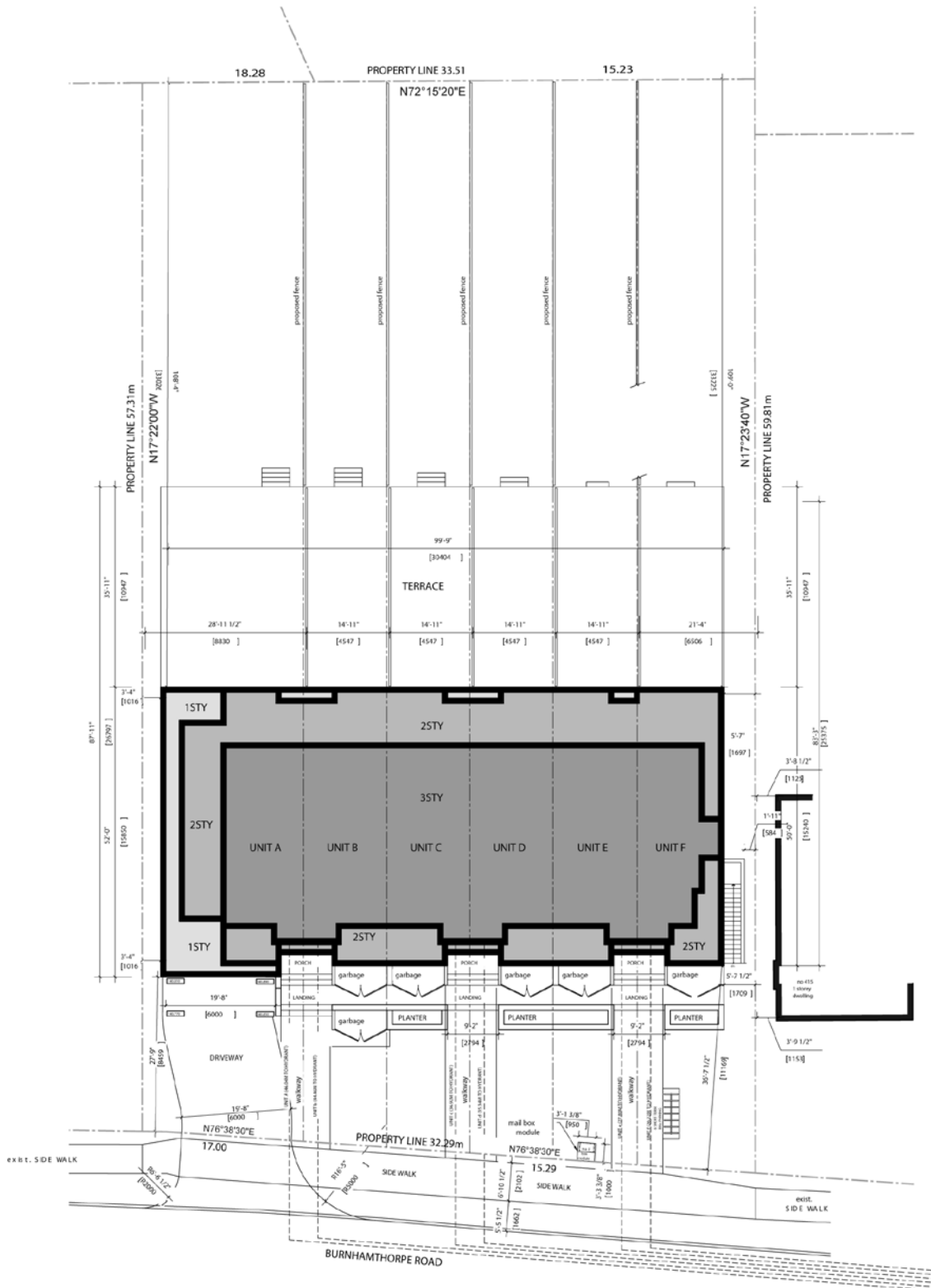
Attachment 6: Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)

(See Separate Attachment)

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

(See Separate Attachment)

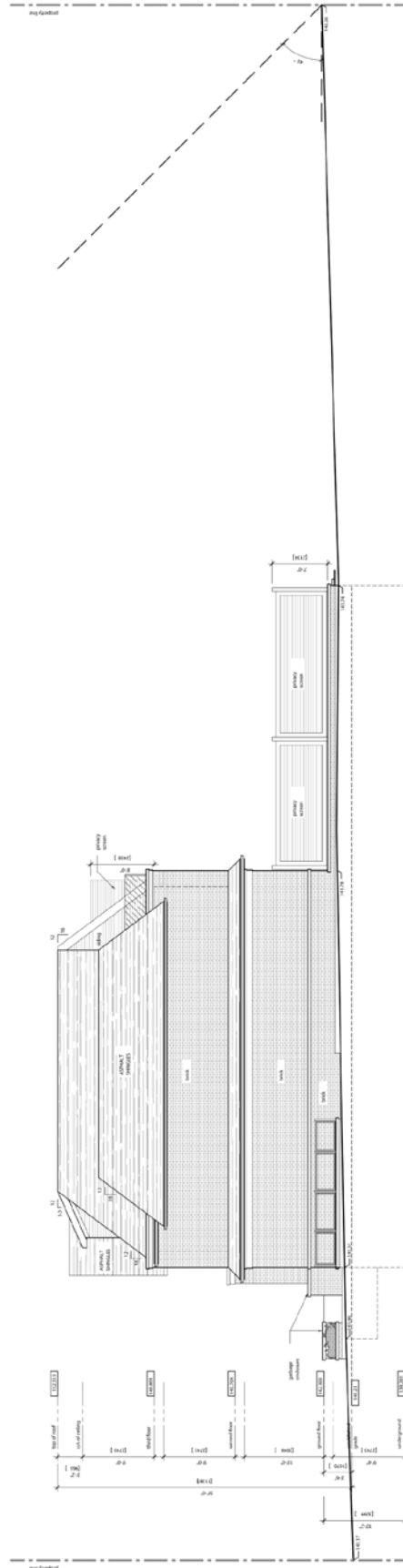
# Attachment 8: Site Plan



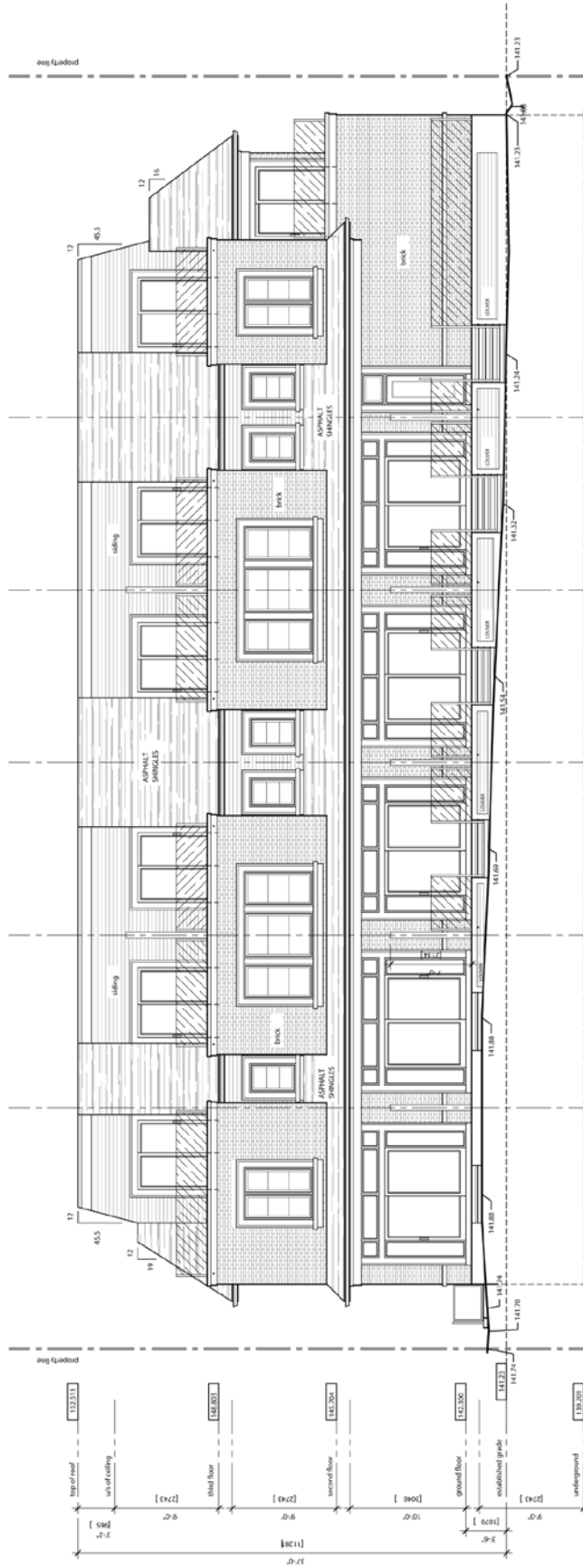
Site Plan



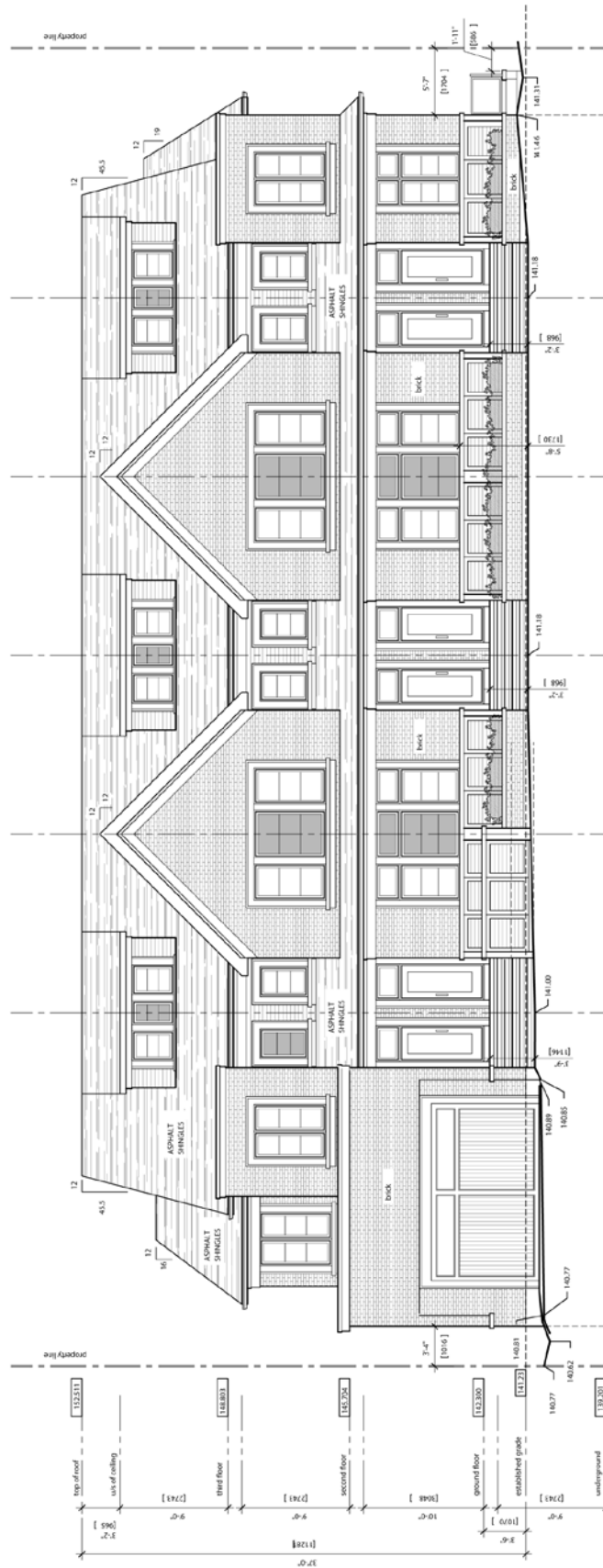
Attachment 9: Elevations



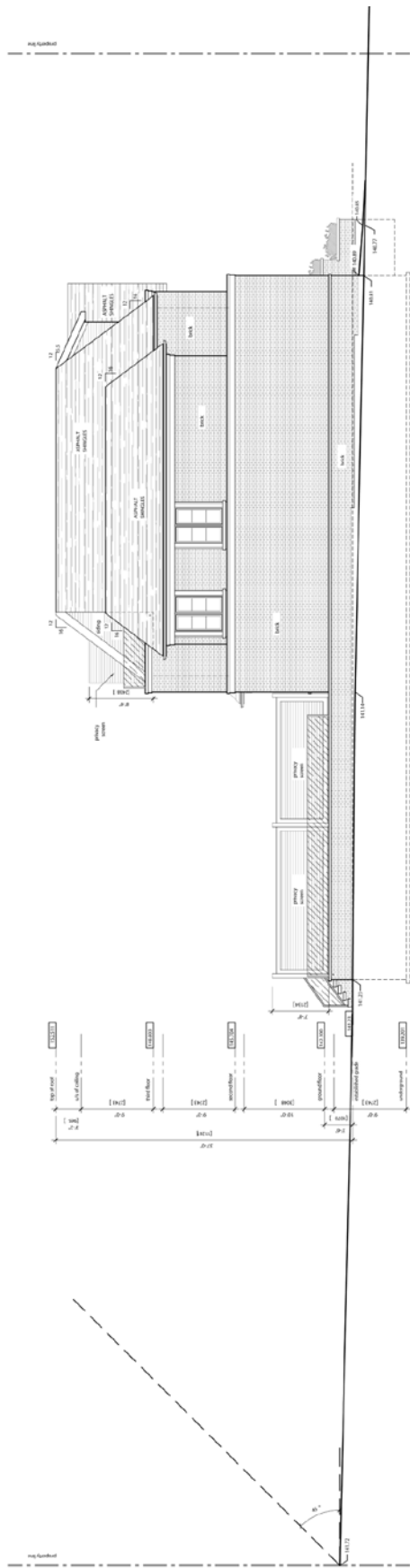
East Elevation



**North Elevation**



South Elevation



West Elevation