STAFF REPORT
ACTION REQUIRED

259 Dovercourt Road – Zoning Amendment Application – Final Report

Date: February 25, 2011

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 19 – Trinity-Spadina

Reference Number: 08-166057 STE 19 OZ

SUMMARY

This application proposes two new semi-detached dwellings and a new single detached dwelling, each being two storeys in height, at the rear of the property at 259 Dovercourt Road. The new “laneway houses” would front and have vehicular access off Skey Lane. The existing three storey semi-detached dwelling fronting Dovercourt Road would be maintained.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-laws 438-86 and 1156-2010, for the lands at 259 Dovercourt Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No(s). 8 and 9 to the report from the Director, Community Planning, Toronto and East York District dated February 25, 2011. Attachments 8 and 9 will be available prior to the March 22, 2011 TEYCC Meeting.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
In 2003, a rezoning application was submitted for the subject property to permit the construction of 5 new three-storey townhouse units at the rear of the property. A Preliminary Report was sent to Community Council and a community consultation meeting was held, however, the proposal did not proceed further. Due to inactivity, the application was closed by City Planning in January 2008.

A minor variance application was submitted at the beginning of 2008 to the Committee of Adjustment to permit the construction of 3 new laneway dwelling units at the rear of the subject property. Variances were sought with respect to locating more than one residential building on a lot, each building not being assigned its own parcel of land, buildings not located on lots capable of being conveyed in compliance with the Planning Act, rear and side yard setbacks, building depth, and locating buildings to the rear of another building. City Planning staff and the local Councillor objected to the application on the basis that a proposal of this scope would be more appropriately handled as a rezoning application. The applicants subsequently withdrew their Minor Variance application and submitted their current rezoning application for the same proposal.

ISSUE BACKGROUND
Proposal
The application proposes to construct two new semi-detached dwellings and a new single detached dwelling at the rear of the property at 259 Dovercourt Road. Each of the new “laneway houses” would front Skey Lane and be two storeys (7.4 metres) in height. The existing three-storey semi-detached dwelling fronting Dovercourt Road would be renovated. Private landscaped open space would be provided for each of the four residential units. The existing dwelling on Dovercourt Road and three laneway house units combine for a total gross floor area of 676.5m², which represents a total density of 0.93 times the area of the lot.

Pedestrian access to the laneway dwellings would be provided via a common pathway/mews connection, having entry off Dovercourt Road, located between the existing dwelling at 259 and 261 Dovercourt, and Skey Lane. Vehicular access would be from Skey Lane. Each of the new dwellings would have an integral, at grade garage fronting Skey Lane with an additional garage being provided for the residents of the existing semi-detached dwelling on Dovercourt Road.

A garbage storage room is planned to be located off the pedestrian pathway, between the two proposed residential buildings, towards the rear of the property.

Site and Surrounding Area
The site, municipally referred to as 259 Dovercourt Road, is located on the east side of Dovercourt Road, just south of Dundas Street West. The irregular “T” shaped lot has an area of 725.5m², with 6.1 metres of frontage on Dovercourt Road, a depth of 48.0 metres, and 30.5 metres abutting Skey Lane.
along the rear property line. The existing three storey semi-detached dwelling on site will be maintained. The portion of the lot fronting Skey Lane currently sits vacant. Land uses surrounding the site are as follows:

North: two and three-storey semi-detached dwellings with two-storey mixed use buildings further northwest along Dundas Street West.

South: two and three-storey semi-detached dwellings, a three-storey apartment building, and five laneway housing units further south along Skey Lane. See Attachment 10: Context Plan - Location of Other Laneway Dwellings on Skey Lane

East: two and three-storey semi-detached dwellings and row houses to the rear across Skey Lane.

West: two and three-storey semi-detached dwellings and row houses across Dovercourt Road.

**Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The City of Toronto Official Plan designates the property as *Neighbourhoods*, which are considered physically stable areas made up of residential uses in lower scale buildings.

The stability of our Neighbourhoods’ physical character is one of the keys to Toronto’s success. Physical changes to our established Neighbourhoods must be sensitive, gradual and generally “fit” the existing physical character. To ensure development in established Neighbourhoods will respect and reinforce the existing physical character, policy 4.1.5 of the Plan states that any proposal shall have regard for:

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 streets 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.
Further, infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will be reviewed in accordance with policy 4.1.9 to ensure that any development will:

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;

c) front on to existing or newly created public streets wherever possible, with no gates limiting public access; and

d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

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

**Zoning**

Under Former City of Toronto Zoning By-law 438-86 the subject site is zoned R4 Z1.0. The R4 zoning classification permits a wide range of residential uses up to a total density of 1.0 times the area of the lot. The maximum permitted height for the site is 10.0 metres (Attachment 7).

At its meeting of August 25-27, 2010, City Council adopted a new, harmonized, Zoning By-law for the City of Toronto. By-law 1156-2010 has been appealed in its entirety and is now before the Ontario Municipal Board. The new Zoning By-law designates the property as R(d1.0)(x804), which continues to permit a wide range of residential uses up to a total density of 1.0 times the area of the lot. The maximum permitted height still remains at 10.0 metres (Attachment 8).

**Site Plan Control**

An application for Site Plan Approval was submitted concurrently with the Rezoning application and is currently under review.

**Reasons for Application**

The applicant has submitted a proposal that conflicts with multiple by-law standards, including:

- locating more than one residential building on a lot;
- each building not being assigned its own parcel of land;
- buildings not located on lots capable of being conveyed in compliance with the Planning Act;
- rear and side yard setbacks;
- building depth; and
- a 'house behind a house' condition.

Given the scale and nature of the project and its potential impacts, a rezoning application was required so that the proposal can be evaluated thoroughly by all necessary City divisions and provide a suitable community consultation process.
Community Consultation
A Community Consultation Meeting was held on April 7, 2009 to present the proposal for 3 laneway houses at 259 Dovercourt Road. Approximately 10 people attended. Following presentations from the local Councillor, City staff and the applicant a number of issues were discussed, including:

- Concern was expressed that the laneway houses will impede traffic flow in the lane. Residents or visitors to the units may park in the lane rather than in the garages, which will make it very difficult for vehicles to pass through the lane system.
- Some residents complained that having additional residential units along the rear of Skey Lane will reduce their privacy and result in more eyes looking into their rear yards.
- Some residents were worried that mitigative measures to reduce privacy and overlook concerns, such as the planting of trees, will cast additional shadow on to adjacent rear yards, which will make it difficult to enjoy the summer sun and grow vegetables in rear yard gardens.
- Concerns were expressed that the construction of these laneway houses would hinder access along Skey Lane for emergency vehicles.
- Some worried how the garbage would be handled, and if not done properly, could it result in garbage being overloaded into their bins, or just left in the lane?

Letters and e-mails were also submitted by area residents which echoed similar concerns.

Agency Circulation
The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS
In May 2006, the Office of the Deputy City Manager was asked to prepare a report, in consultation with Planning, Transportation and Technical Services, on whether the construction of houses on laneways can be made more practical. In response to that request, City staff prepared a Construction of Housing in Laneways report that went before Council on July 25, 26 and 27, 2006. The recommendations of that report were approved by Council, and are as follows:

1) The City not permit construction of housing on existing laneways, except in special circumstances where there are no adverse privacy, overlook, shadowing and engineering implications; and

2) The City not permit construction of housing on proposed/future laneways.

The recommendations of the report were based on a review of both the Planning and Engineering/Servicing considerations.

The report relies on the Official Plan, and specifically the Neighbourhoods policies of the Plan, to outline the planning considerations for laneway housing proposals. The report and Plan state that, Neighbourhoods are considered to be physically stable areas and that any changes must be sensitive, gradual and generally "fit" the existing physical character. Therefore, determining whether or not a laneway housing proposal complies with the intent of the Official Plan largely depends on the immediate physical context. The report goes further to state that in Toronto there are several streets where there is already a context of laneway lots where an additional home would fit the neighbourhood
character and conform to the Official Plan, although issues of overlook and privacy may still have to be resolved.

The Construction of Housing in Laneways report also identified a number of engineering and servicing restrictions that limit the practicality of constructing laneway houses given that there is generally no municipal infrastructure or services in public lanes. The connection of laneway houses to the sewer, storm and water systems, garbage collection and emergency vehicle/fire truck access were identified as specific impediments to the feasibility of laneway housing.

The report concluded that the construction of houses on lanes can be considered only in special circumstances where there are no privacy, overlook, shadowing and engineering servicing implications. As such, any future application for laneway housing must demonstrate that they comply with, or satisfy, the above considerations.

**Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

**Land Use**

The subject site backs on to Skey Lane, which already has five existing laneway dwelling units fronting the lane as well as a three-storey apartment building that is built directly up to the lane. While the *Neighbourhoods* policies in the Official Plan discourage the development of laneway housing because it typically results in a lot and development pattern that is out of context with the surrounding area, there is an existing context of laneway housing on the block where 259 Dovercourt Road is located.

Section 4.1.5 of the Plan outlines a number of criteria by which to evaluate development to ensure that it fits the existing character. Given the irregular pattern of development for this portion of Dovercourt Road and the existence of a number of laneway buildings on Skey Lane, the current proposal satisfies the existing size and configuration of lots, the heights, massing and type of buildings in the neighbourhood, as well as the prevailing pattern of setbacks from the street and adjacent lots.

**Density, Height, Massing**

The current proposal represents infill intensification of a lot located within a *Neighbourhood*, as such, the proposal must also be evaluated against policies 4.1.9 of the Plan.

The proposal complies with the as-of-right height (10.0m) and density (1.0 x the area of the lot) permitted in the Zoning By-law. The existing dwelling and each of the three proposed laneway units will satisfy the 7.5 metre rear yard setback as well as the minimum required side yard setbacks. The new laneway units are only two storeys in height (7.4m), which, in combination with the fencing and landscape measures taken to screen the site, should adequately address any shadowing, privacy or overlook concerns.

The development has been designed to satisfy the Official Plan policies and provides an appropriate relationship to the adjacent residential properties.
Servicing
Municipal services such as water and sewer connections are usually located under the City’s municipal streets, as is the case with Dovercourt Road, so any new development must be able to connect to the existing systems. The three new laneway units would connect to the sewage, storm and water supply systems on Dovercourt Road through the existing connections provided for the dwelling at 259 Dovercourt Road. The connections to the existing dwelling would be extended through the interior of the house and out the rear to be connected to the three new units at the rear of the property.

Garbage collection is typically handled off municipal streets and not available off the City’s public lanes, so any proposed laneway house development must demonstrate that garbage collection can occur off the municipal street. The garbage collection point for the proposed laneway units is proposed to be curbside on Dovercourt Road, in front of 259 Dovercourt. A garbage storage room is provided off the pedestrian pathway, between the two proposed residential laneway buildings, towards the rear of the property, for each of the three new units. Future residents of the new units will be responsible for moving the garbage and recycling bins from the storage room to the collection point on Dovercourt Road for collection.

The City’s laneway systems are typically not wide enough to provide access to emergency vehicles, and lanes usually do not have fire hydrants, so any laneway housing proposal must address emergency access and fire response. The three new laneway dwelling units will be sprinklered to compensate for the fact that the buildings are located at a distance greater than 45 metres away from a fire hydrant. The proposed laneway system also allows for direct access from Dovercourt Road to the laneway units for direct emergency medical access.

Technical Services staff have reviewed the proposed laneway house development and are satisfied with how the applicants propose to address the above mentioned concerns.

Traffic Impact, Access, Parking
The proposal provides one parking space for each of the three new laneway units as well as the existing dwelling fronting Dovercourt Road on site. The application complies with the Zoning By-law parking requirements.

Creation of Separate Dwelling Units
The applicants have advised that they intend to submit a condominium application for the subject site. Given the common element spaces and complicated easements required for pedestrian circulation and servicing connections the applicants felt that condominiumizing the site versus severing the lots into freehold parcels and registering easements over the lots would be more appropriate for the creation of dwelling units to be held in separate ownership.

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 in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.
The application proposes 3 residential units on a site of 0.073 hectares (725.5m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.004 hectares (40m²). Based on this calculation, the parkland dedication that would apply to this site is 5.5%.

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.004 hectares (40m²) would not be of a useable size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

**Toronto Green Standard**

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. Some of the targets the proposed development is intended to achieve include:

- 10% of materials harvested, manufactured and supplied will come from within 800km of the project;
- Zero use of CFC-based refrigerants and Halons in fire suppression;
- 45% of materials, including adhesives, sealants, paints, coatings, composite wood and agrifiber products are low emitting;
- Compliance with all energy efficiency measures; and
- Satisfying all of the at grade urban heat island reduction targets.

Staff will continue to work with the applicants through the Site Plan application review to identify further performance targets for the project to promote better environmental sustainability.

**Development Charges**

It is estimated that the development charges for this project will be $42,075.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

**Conclusion**

The Construction of Housing in Laneways report approved by Council in July 2006 recommended that "the City not permit construction of housing on existing laneways, except in special circumstances where there are no adverse privacy, overlook, shadowing and engineering implications". Given the character of typical blocks in this neighbourhood, these circumstances are very limited.

The subject site backs on to Skey Lane, which already has five existing laneway dwelling units fronting the lane as well as a three-storey apartment building that is built directly up to the lane. The proposal complies with the as-of-right height and density and satisfies the minimum required setbacks from all lot lines. The new laneway units are only two storeys in height and adequate landscaping and fencing measures have been taken to screen the site to address privacy and overlook concerns.

Beyond the planning considerations for the proposal, the application also suitably resolves the engineering and servicing considerations that present an impediment to the construction of laneway housing. Garbage collection, the connection of the laneway dwellings to the storm, sewer and water
supply systems and access for emergency service vehicles have all been addressed to the satisfaction of Technical Services.

The development has been designed to satisfy the Official Plan policies and provides an appropriate relationship to the adjacent residential properties. The proposal satisfies the conditions of the recommendations for the approval of laneway housing as approved by Council. For these reasons, this report recommends approval of this application.

CONTACT
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E-mail: jmarkow@toronto.ca

SIGNATURE

________________________
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: West Elevation
Attachment 4: North and South Elevations
Attachment 5: Zoning By-law 438-86 (map)
Attachment 6: Zoning By-law 1156-2010 (map)
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment (By-law 438-86)
Attachment 9: Draft Zoning By-law Amendment (By-law 1156-2010)
Attachment 10: Context Plan - Location of Other Laneway Dwellings on Skey Lane
Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: West Elevation
Staff report for action – Final Report – 259 Dovercourt Rd.

Attachment 4: North and South Elevations

Elevations

Applicant’s Submitted Drawing

Not to Scale

259 & 259A Dovercourt Road

File # 08_166057
Attachment 5: Zoning By-law 438-86 (map)
Attachment 6: Zoning By-law 1156-2010 (map)
**Attachment 7: Application Data Sheet**

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<td>Details</td>
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Municipal Address: 259 DOVERCOURT RD  
Location Description: CON 1 FB PARK PT LT26 **GRID S1906  
Project Description: Rezoning to permit the retention of an existing 3 storey semi-detached dwelling and the construction at the rear adjacent to a public lane a rear lot development gaining access from dovercourt consisting of a pair of two-storey semi-detached dwelling units and a two-storey detached dwelling. Total unit count of four dwellings on the development site.

**Applicant:** MARK HALL  
**Agent:** 2129139 ONTARIO INC

**PLANNING CONTROLS**

Official Plan Designation:  
Zoning: R4 Z1.0  
Height Limit (m): 10  
Historical Status:

**PROJECT INFORMATION**

Site Area (sq. m): 725.5  
Frontage (m): 6.1  
Depth (m): 0  
Total Ground Floor Area (sq. m): 311.7  
Height: 3  
Metres: 9.75  
Total Residential GFA (sq. m): 676.5  
Parking Spaces: 4  
Total Non-Residential GFA (sq. m): 0  
Loading Docks 0  
Total GFA (sq. m): 676.5  
Lot Coverage Ratio (%): 43  
Floor Space Index: 0.93

**DWELLING UNITS**

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**FLOOR AREA BREAKDOWN** (upon project completion)

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**CONTACT:**  
**PLANNER NAME:** Jeff Markowiak, Planner  
**TELEPHONE:** (416) 397-4647
Attachment 8: Draft Zoning By-law Amendment (By-law 438-86)

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