

Teddington Park Residents Association Inc.

153 Golfdale Road ~ Toronto, ON ~ M4N 2C1 ~ 416.484.9513

Monday November 5, 2012

North York Community Council
North York Civic Centre, Main Floor
5100 Yonge Street
Toronto, ON M2N 5V7

Atten: Ms. Francine Adamo, Committee Clerk
Tel: 416.395.0480
Email: nycc@toronto.ca
Sent via Email

Dear Chair Maria Augimeri and Members of North York Community Council

**NY20.35: 100 Ranleigh Avenue-Reference No. 10 249601 NNY 25 OZ
Zoning By-law 438-86 Amendment Application
North York Community Council Meeting No. 20 November 6, 2012**

Teddington Park Residents Association Inc. (TPRA) is writing to Members of North York Community Council to consider the following concerns with the proposed development at 100 Ranleigh Avenue as provided in the Final Staff Report dated September 20, 2012:

1. The development being proposed at 100 Ranleigh Ave is located in an area zoned Residential R2 with a density of 60% of the lot area under the City of Toronto Zoning By-law 438-86.
2. In addition to the general provision, the area is subject to an additional restriction, Section 12(2) 8, states that:
"No person shall, use land or erect or use a building or structure on a *lot* within an R2 district:
(i) north of the north limit of Lawrence Avenue West excluding the lots having *frontage* on the north side of the street; and
(ii) abutting the south limit of Lawrence Avenue East or Lawrence Avenue West for the purposes of an *apartment building* or a *semi-detached triplex*."
3. The development site and surrounding area is also designated Neighbourhood in the City's Official Plan.
4. The development proposal is seeking a Zoning By-law Amendment to the City of Toronto By-law 438-86 without a corresponding amendment to the Official Plan.
5. In reviewing the applicant's final proposal, TPRA assessed the development against the context of the permissions within the applicable Zoning By-law 438-86, the City's Official Plan Policies that implement the Provincial Policy Statements.

6. In addition, the development proposal was considered within the context of the existing neighbourhood, bounded by Lawrence Avenue East to the south up to Glenforest Road including both sides of the street and east of Yonge.
7. The proposed development does not conform to the Zoning By-law R2 0.60 in any way (see Attachment A for details).
8. The proposed development is seeking a zoning by-law amendment that is not empirically supported by the surrounding residential neighbourhood.
9. The applicant is seeking a re-zoning that permits:
 - a. an apartment building with 60 dwelling units—a building-type and intensity currently not allowed
 - b. mixed-commercial use that is not permitted involving ground floor space “that need not be for the exclusive use of the residents in the building”
 - c. a density of almost 200% whereas a maximum of 60% is permitted
 - d. a height of 16.1m (including mechanicals) whereas a maximum 10 meters is allowed
 - e. a building depth of 43 meters, 1.5 times longer than the maximum 14 meters permitted
 - f. MCR parking and loading standards not contemplated in a residential zone
10. The re-zoning request goes further and re-writes the definitions for “apartment building” “height”, “grade”, and “average elevation” among other changes to accommodate a proposal that is not in keeping with the planned context of a stable neighbourhood.
11. To suggest that the Zoning By-law is antiquated is a false premise. The draft new city-wide zoning by-law, while not applicable, provides future direction. Many of the standards contained in the R2 zone will be carried forward including the area restriction that does not permit apartment buildings.
12. Furthermore, the proposed development does not conform to the City's Official Plan (see Attachment B for details).
13. The Official Plan Policies for Neighbourhoods state that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood (Chapter 4.1 Policy 5).
14. The Zoning By-law contains the numerical standards and other performance standards for new development to be compatible with the established physical character of a residential neighbourhood (Chapter 4.1 Policy 8).
15. Again, the infill development criteria und the OP Neighbourhoods Policy, cite compatibility of the heights, massing and scale of a project will be determined by the “zoning” for adjacent and nearby residential properties (Chapter 4.1 .Policy 9).
16. As a result of not conforming to OP and zoning, the physical impacts of the proposal to existing nearby residents and surrounding neighbourhood will be permanent, adverse, and severe. Attachment C outlines some the negative impacts that will result from the proposed development.
17. While the Neighbourhood Policies include 4-storey walk-up apartment buildings, the proposed 4-storey building will be a full floor taller than the surrounding homes; the

density is 230% more than the maximum permitted; the building depth is 150% longer than allowed; and with the deficient open landscaped space, results in a combined height, mass, and scale that is excessive and out of proportion to the neighbouring properties that are governed by the residential R2 0.60 zone and Section 12(2) 8 under ZBL 438-86.

18. In fact the development proposal constitutes an intensification introducing new uses and dwelling units and higher density that are not supported by the Official Plan. Intensification is directed to Mixed-Use Areas, the Downtown, the Growth Centres, and Avenues while Neighbourhoods are meant to be stable. This is the cornerstone policy of the City's Official Plan; the OP recognizes some areas where it is NOT appropriate for intensification.

19. As stated in the OP Neighbourhood Policies: "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".

Teddington Park Residents Association Inc. stands behind the residents and FoNTRA in seeking your vote NOT TO SUPPORT the Final Staff Report and City Planning Division recommendation.

Sincerely,

Eileen Denny, President
Teddington Park Residents Association Inc.
tpra@rogers.com

cc. Councillor Jaye Robinson, Ward 25
Cindy Buda, Constituency Assistant, Ward 25

cc. Ranleigh and Bowood Residents
FoNTRA, Peter Baker, Geoff Kettel
CORRA, William H. Roberts

In reviewing the applicant's final proposal, TPRA assessed the development against the context of the permissions within the applicable Zoning By-law 438-86

Permitted Building Types:

- The permitted building types in this restricted residential R2 zone are single-detached, single semi-detached, single detached duplexes and triplexes, and semi-detached duplexes.
- The applicant is proposing to build an apartment building in this restricted R2 zone; a residential building type and use specifically not permitted.
- How will the proposed apartment building respect the prevailing house-form character permitted in the zone?
- How will the proposed apartment building reinforce the stability of the neighbourhood?
- The presence of 2 smaller residential apartment buildings that are legal and do not conform to the zoning by-law only further reinforces the proposed apartment building will not conform as well.

Permitted Residential Uses:

- The permitted residential uses generally follow the building types permitted.
- The apartment building's ground floor is proposing to offer commercial use and space to be used as a place of worship once a week. These uses are not permitted in this residential zone as proposed.
- The shared residential amenity space and the multi-purpose space are not designated for the purposes of residents only and will open to further uses that may not be permitted or desirable.
- These uses are generally permitted in buildings found in the MCR districts of ZBL 438-86 that offer a mix of commercial-residential building uses.

Density:

- The density of the proposed apartment building is 1.97 times the lot area whereas the maximum density permitted is 0.60 times.
- Density is a critical numeric standard that ultimately determines whether new development will be compatible with the physical character of established neighbourhoods.
- Respecting the zone density will constrain the proposed development to respect minimum setback standards and ultimately determine the massing, bulk, and scale of the proposal that would be appropriate for the site and nearby residential properties.
- The proposed building will be almost 230% larger than the maximum permitted for adjacent and nearby residential properties.
- The report is silent on the property statistics of the nearby surrounding neighbourhood. What is the average density of the nearby prevailing house-form building types? How does this development proposal compare with other two smaller apartment buildings in terms of density?
- We believe the density figures of existing nearby and adjacent properties within this zone would not support the almost 2 times density sought in this development proposal.
- The proposed apartment building will likely be the largest building in this residential zone.

- The excessive density will exacerbate the minimum requirements of the numerical standards of the zone and will negatively impact the immediate neighbouring property owners by diminishing the enjoyment and use of their lands with respect to shadowing, view, overlook and privacy.

Height:

- The overall height permitted is 10m.
- The proposed height is 13.0m and with mechanicals the overall height will be 16.1m. The proposed building will be taller than the majority of the surrounding nearby homes and the added height contributes to the mass and scale.

Building Depth:

- ZBL 438-86 Section 6(3) Part II (5) specifically states that:

"No person shall on a lot in a zone 0.35, zone 0.4, zone 0.6, zone 1.0, zone 1.3, zone 1.5 or zone 2.0 area in R district, erect or use a building or structure having a *depth* greater than 14m, except:

- (i) a *semi-detached house* having a *depth* of not greater than 17 meters; or
 - (ii) a detached house."
- The proposed building will have a depth of 43 meters whereas the maximum is 14 to 17 meters. The building depth is 1.5 times longer than the surrounding prevailing house-form buildings. Based on the 14 meter depth standard, 3 houses can fit end to end along the length of the proposed building.
 - Even at 2 times the density, the zoning standard restricts the building to a 14 meter depth.
 - The proposed building will run the entire length of the lot, does not respect the minimum front yard set back consistently across the width of the building while just maintaining the minimum rear yard set back.
 - The depth of 43 meters will contribute to the mass, bulk and scale of the proposed building.
 - The depth of this proposed building will negatively impact the nearby property owners by diminishing the enjoyment and use of their lands through increased shadow, overlook and increased activity along the adjacent perimeter of the site affecting the most private areas of their property.

Building Envelope—Front, side and rear yard setbacks:

- The restricted R2 zone does not permit apartment buildings. However, in other R2 zones where apartment buildings are permitted, the building envelope is constrained by the height and density permissions.
- At 60% of the lot area the minimum side yard set backs with wall openings is 1.2m.
- At almost 200% or 2 times the area of the lot as proposed by this development, the zoning provides a minimum side yard setback of 7.5m.
- For a duplex or semi-detached duplex in an R1S zone (closely resembling the restricted R2 zone), the minimum side yard setback is 3.0m.
- Given that the zone does not permit apartment buildings, would it not be appropriate for side yard set backs reflect the more restrictive setbacks provided in the context of the existing zoning by-law determined by its density, height and intensity of use in a residential setting?

- The rear yard setback is maintained, however the existing prevailing rear yard setbacks are extremely generous as many of the prevailing building lengths are within the 14.0 to 17.0m standards.
- The failure to meet the landscape open space requirement is testament to the proposed overdevelopment of the site attributable to the excessive building foot print. There is no planning justification that this standard could not have been met for a new development on a vacant lot of this size.

Parking and Loading:

- The apartment building will be providing for parking spaces as determined by the Traffic Impact Study prepared by the applicant's traffic consultant and reviewed by City staff.
- The traffic engineer's assessment of the proposed building's use is more like a mixed use commercial-residential building. Both traffic reports, received by the City in August 2010 and November 2011, clearly identify the proposed development as a mixed-use development.
- Such buildings are typically found in the MCR districts.
- This development proposal will introduce MCR parking standards in this restricted R2 residential zone. It will be the first and largest below grade parking garage providing 46 parking spaces inside this R2 zone with access located next to a single detached home.
- The apartment building will be providing a type G loading space. Again this is an MCR requirement inside a residential zone and will be a first for the residential neighbourhood.

The development site is also designated Neighbourhood in the City's Official Plan and as a result of its lot size is considered an infill development under the City's OP Neighbourhood designation.

The Official Plan Policies state that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood. The Policy goes further by identifying a host of criteria in particular to consider and some of the more critical ones will be addressed here:

Neighbourhood Policies in the Official Plan:

Policy 5 (d,g) Prevailing Building type and Built-form Features:

The restricted R2 0.60 zone neighbourhood stretches from Lawrence Avenue up to Glenforest Road including both sides east of Yonge. The streets are comprised of narrow lots generally having a width of 25 to 30 feet. The house built-form comprised of detached and semi-detached buildings is the prevailing built-form of the Neighbourhood.

While the neighbourhood policies include interspersed walk-up apartments that are no higher than 4-storeys, other policies as they relate to existing neighbourhood context must be considered when determining whether the proposed development is appropriate for the site.

Despite the presence of 2 small apartment buildings (where property statistics were not disclosed in the staff report) on Ranleigh Avenue, the proposed development seeking a zoning by-law amendment does not respect the prevailing house-form character and is introducing a more intense use (60 dwelling units with mixed-use ground floor space) and would not reinforce the stability of the established neighbourhood.

Policy 5 (c) Mass, Height and Scale of Nearby Properties:

- The proposed height of 16.1m (with mechanicals) will be taller than the majority of the surrounding nearby homes and the added height contributes to the mass and scale of the proposed building.
- The proposed building of 4-storeys is a complete floor taller than the surrounding homes; the density is 230% more than the maximum 60% permitted; the building depth is 150% longer than allowed; and with the deficient open landscaped space, results in a combined mass, height and scale that is excessive and out of proportion to the neighbouring properties that are governed by the restricted R2 0.60 zone under ZBL 438-86.
- The impact for surrounding neighbours is one of overlook, privacy, and shadow that will be permanent and adverse.

Policy 5 (f) Prevailing Patterns of rear and side yard set backs:

- In particular, the proposed building depth will be 43 meters along side building depths of 14m to 17m.
- The length of the proposed building is 1.5 times longer than permitted and does not respect or reinforce the prevailing generous rear private yard space.
- Additionally the subject site is of a size that the minimum set backs can and should be respected.

Policy 5 (b) Size of Lot and Policy 9 (a, b) Infill Criteria:

- The site is currently a vacant lot having a lot width of 45.72m and a lot length of 56.69m for a total area of 2595m². As a result of the lot frontage and size, the site may be considered infill development under the Neighbourhood policies.
- Under the infill criteria, proposed development will not only have height, massing and scale appropriate for the site, the development will be compatible with that permitted by the zoning for adjacent and nearby residential properties.
- The key words "be compatible with that permitted by the zoning" are not met by this proposed development. The adjacent properties are governed by the restricted R2 0.60 zone and the proposed development is seeking a zoning by-law amendment to change the performance standards including height and density and remove the restriction to allow the construction of an apartment building.
- The proposed development does not satisfy the height, mass and scale under Policy 5 (c) the criteria to ensure development respects and reinforces the existing physical character of the neighbourhood.
- The proposed development disregards the permitted zoning and therefore is not compatible with for adjacent and nearby residential properties.
- As a result, privacy, sunlight and sky views for existing residents are compromised and no amount of landscaping, plantings and fencing can ameliorate overdevelopment and the potential instability over time the such a development would cause.

Policy 8 Zoning By-laws:

- The zoning by-laws are key development criteria in the Neighbourhood Policies to ensure that new development is compatible with the physical character of the neighbourhood.
- The proposed Zoning By-law amendment to accommodate the development represents a significant departure from the numeric standards, uses and other permissions and restrictions contained in the R2 0.60 zone for this neighbourhood.
- It is our assessment that the proposed development will not conform to the Neighbourhood Policies of the OP.

Physical Impacts of the Proposed Development

Based on the density, building depth and height of the proposed development the physical impacts will be permanent, adverse and severe.

Residents attending the hearing will speak more fully on the impacts and other issues that will address concerns about light, view, overlook and privacy and generally how the proposed development will affect the enjoyment and use of their properties.

The site is located on the north side of Ranleigh Avenue and the orientation of the properties is such that the rear yards of the homes on this side is dependent on the east-west sky views for light. Provided below are just some of the impacts that will result from the proposed development:

For residents located west of the proposed development:

- There will be no morning sun before 9:18am in morning in the rear yards year round that was previously and historically enjoyed.
- The total number of morning sun hours will be significantly reduced.
- From grade level up to the second floor will be a continuous wall from the front of the building to the rear for 43 meters facing the neighbouring property. Board fencing would only shadow the adjacent property further and curtail air flow and circulation.
- From the 2nd to 4th floor, there will be 6 dwelling units on each floor for a total of 18 separate dwelling units looking over to the properties on the west.
- Beyond the length of homes, there will be 12 dwelling units looking over the private rear yard space of homes to the west.
- The driveway access to the under ground garage is located on the west side—cars coming and going for 46 parking spaces.
- Also the type 'G' loading space is located on this side of the proposed building to help heavy trucks turn around. With this will be the "beep, beep, beep" noise of service vehicles in reverse drive may be heard as the area is open to the rear portion of the lot.
- The slope of the driveway will require all vehicles to accelerate up to the side walk before coming or slowing to stop.
- Deciduous trees shed leaves in the fall and remain bare to allow low winter light through but the lack of leaves also open up views to the private back yard space of neighbouring properties.

For residents located east of the proposed development:

- There will be diminished evening sun beginning at 3:18pm and the shadow will be closer to the homes.
- For all seasons except summer, the shadows are long and will span across the back of many properties.
- At grade the proposed east elevation presents floor to ceiling windows and a door for the length of the adjacent house, followed by another series of floor to ceiling windows, and another 5 separate windows from two separate ground floor dwelling units.
- The shared residential amenity and the multi-purpose spaces are located behind the floor to ceiling windows and may be in used throughout the day and evening, 7 days a week.

- From the 2nd to 4th floor, there will be a total of 19 separate dwelling units looking over the properties on the east.
- Beyond the length of the homes, there will be 16 separate dwelling units looking over the private rear yard space of homes to the east.

For residents located north of the proposed development:

- While the building is set back a minimum of 7.5m, there will be increased outdoor activity closer to the back yard space of these properties from 4 separate dwelling units.
- There could be the potential of increased noise from the trellised area open to the loading area below and from the intake air vent located in the north east corner of the back yard.
- There will be a total of 18 separate dwelling units located in the upper floors looking over the back yards of the properties on Bowood Avenue.

Traffic Impact:

- Although the report concludes the proposed development would have a minimal traffic impact to the surrounding area during the am peak (8:15 to 9:15) and pm peak (3:15 to 4:15) hours, traffic studies focus more on capacity and monitoring volume than maintaining thresholds that improve or maintain the liveability of residential streets.
- The proposed building is a mixed use building with 60 dwelling units, with mixed-uses on the ground floor and 46 underground parking spaces. This building will generate plenty of activity throughout the day and week that are not captured in the study.