200 David Dunlap Circle - Zoning By-law Amendment and Plan of Subdivision Applications Preliminary Report

<table>
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<tr>
<th>Date:</th>
<th>August 16, 2013</th>
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<tr>
<td>To:</td>
<td>North York Community Council</td>
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<tr>
<td>From:</td>
<td>Director, Community Planning, North York District</td>
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<td>Wards:</td>
<td>Ward 34 – Don Valley East</td>
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<tr>
<td>Reference Number:</td>
<td>13 158583 NNY 34 OZ and 13 158593 NNY 34 SB</td>
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**SUMMARY**

The applicant is proposing to amend the site specific Zoning By-law that applies to the site to permit 70, 3-storey and 4-storey townhouse units. The plan of subdivision application proposes the creation of 4 development blocks and new public road. The public road would provide access to 48 townhouse units while the remaining 22 townhouse units would front David Dunlap Circle. The development proposes a gross floor area of 12,769 square metres, a Floor Space Index or density of 1.5 and 136 parking spaces. The applications follow a previous Zoning By-law amendment application on the site that was approved by the Ontario Municipal Board for a 9-storey, 350-unit apartment building.

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

The report recommends that a community consultation meeting be scheduled by City Planning staff, in consultation with the Ward Councillor. A Final Report and a Public
Meeting under the *Planning Act* is targeted for the first quarter of 2014 providing the applicant submits all required information in a timely manner.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 200 David Dunlap Circle together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the *Planning Act* be given according to the regulations in the *Planning Act*.

**Financial Impact**

The recommendations in this report have no financial impact.

**DECISION HISTORY**

The site was part of a larger approval which included the existing townhouses north of the site along David Dunlap Circle, Jesse Drive and Humphrey Gate and the neighbouring subdivision to the east along Dallimore Circle. In 1999, these lands, previously known as 39 and 45 Green Belt Drive, were the subject of an Ontario Municipal Board decision which approved an Official Plan and Zoning By-law amendment to permit two residential subdivisions comprised of 183 townhouses and an 8-storey, 192-unit apartment building at 39 Greenbelt Drive (English Lane Residential Developments Limited) and 90 townhouse units and 8 and 9-storey apartment buildings at 45 Green Belt Drive (Camrost).

The subject site forms part of the English Lane subdivision. The subdivision has been the subject of three rezoning applications since the 1999 OMB approval.

On June 3, 2004, the OMB approved a rezoning application to permit 27 additional townhouses in the subdivision thereby increasing the maximum number of townhouses to 210 units. These townhouses have been built and are currently occupied.

On July 19, 2005, an application to lift the (H) holding provision on the subject site was approved by City Council to enable construction of an 8-storey, 192-unit apartment building to proceed. Construction never commenced.

On December 16, 2011 the OMB approved a rezoning application to amend the site specific zoning on the subject site to increase the height of the apartment building from 8 to 9 storeys and increase the number of dwelling units from 192 to 350. The Board's Final Order on the decision was withheld pending Site Plan approval. Site Plan approval for the
apartment building was never pursued rather, the applicant is now seeking approval for
townhouses citing a change in market conditions.

**Pre-Application Consultation**

Staff had several pre-application consultation meetings with the applicant to discuss the
complete application submission requirements and various site plan issues. During the
pre-consultation stage, staff indicated concerns regarding the proposal’s compliance with
Development Infrastructure Policy & Standards (DIPS), fit of the proposal with the City's
Infill Townhouse Guidelines and the relevant *Neighbourhoods* Official Plan policies.

**ISSUE BACKGROUND**

**Proposal**

The applicant is proposing to amend certain provisions of the site specific Zoning By-law
that applies to site to permit 70, 3-storey and 4-storey townhouse units within a proposed
plan of subdivision which includes a new public road. The unit mix comprises 44 two-
bedroom units and 26 three-bedroom units with sizes ranging between 142 m² (1,528
sq.ft.) and 200 m² (2,153 sq.ft.). The proposed development would a have total gross
floor area of 12,769 m² which represents a Floor Space Index or density of 1.5.

The townhouse units would be contained in 4 blocks (Blocks 21, 22, 23 and 24)
configured around a new 16.5 metre public road that would connect to the existing road
network by way of extending David Dunlap Circle (see Attachment 2: Site Plan). All
proposed townhouse units would front onto a public street with a proposed front yard
setback of 1.0 metres. Landscaping is proposed on the adjacent public right-of-ways (see
Attachment 3: Landscape Plan).

Two of the four development blocks (21 and 24) are located on the west and east
periphery of the site (see Attachment 4: Draft Plan of Subdivision). Each of these blocks
would contain a conventional row of 9 townhouse units, 3-stories in height, with 4 metre
rear yard outdoor amenity areas. The other two development blocks (22 and 23) are
centrally located on the site. Each of these blocks would contain 26 townhouse units, 4-
stories in height designed in a back-to-back and back-to-side arrangement. These units
would be considered 4-stories in height by virtue of providing individual stairwells to
access the rooftop amenity areas. The two central blocks are separated by a 3 metre
walkway that would connect David Dunlap Circle to the proposed new street.

A total of 136 parking spaces are proposed. All but 4 of the 70 townhouse units would
include two tandem parking spaces: one in the garage and the other on the driveway
(contained within the unit beneath the main level).

Detailed site statistics are included in the Application Data Sheet in Attachment 9.
Site and Surrounding Area

The 0.83 ha (2 acre) site is located along the southern portion of a residential plan of subdivision situated on the south side of Green Belt Drive in the area north of Eglinton Avenue and east of Don Mills Road. To date, the subdivision has been developed with 210 townhouse units in 20 buildings along Green Belt Drive, Humphrey Gate, Jesse Drive and David Dunlap Circle. The subject site fronts onto the south side of David Dunlap Circle and is the only remaining vacant parcel of land within the plan of subdivision to be developed.

The following is a summary of the area context surrounding the site:

North: 210 townhomes with low rise apartment buildings beyond (on north side of Green Belt Drive);

South: Canadian Pacific Railway right-of-way with employment lands beyond;

East: a residential subdivision comprising an 8 storey and 9-storey apartment building and townhomes on Dallimore Circle (Camrost); and

West: employment lands extending to Don Mills 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 will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated Apartment Neighbourhoods in the Official Plan (see Attachment 7). Apartment Neighbourhoods consist of apartment buildings, parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the area residents. All land uses permitted in the Neighbourhoods designation, including townhouses, are also permitted in Apartment Neighbourhoods.
The development criteria associated with *Apartment Neighbourhoods* does not directly apply to a townhouse development. As a use that is permitted in this designation, the development criteria of the *Neighbourhoods* designation are more appropriate for the proposed townhouses.

*Neighbourhoods* consist of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low-scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Policy 4.1 of the Official Plan contains specific development criteria related to lands designated *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including the heights, massing, scale and dwelling type of nearby residential properties, the prevailing building types, and setbacks of buildings from the street. The policy indicates that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood.

The Public Realm policies under 3.1.1 require new streets to be public, provide access and addresses for new development, create adequate space for pedestrians, bicycles and landscaping as well as vehicles, utilities and utility maintenance and provide connections with the adjacent neighbourhoods.

The Built Form policies under 3.1.2 require new development to be located and organized to fit in with its existing and/or planned context. Several policies are applicable under this section including the following: locate buildings generally parallel to the street with a consistent front yard setback; locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk; consolidate and minimize the width of driveways and curb cuts across the public sidewalk; limit surface parking between the front face of the building and the public street or sidewalk; co-ordinate landscape improvements in setbacks to create attractive transitions from the private to public realms and provide landscaped open space within the development.

Staff will review the proposed development for conformity with the above noted policies in the Official Plan.

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

**Central Don Mills Secondary Plan**

The site is located within the southern limits of the Central Don Mills Secondary Plan. The Secondary Plan contains policies that are area-specific and more detailed than those in the general Official Plan. The general goal of the Secondary Plan is to manage change in the community in a manner that retains and enhances the existing character of the area. The Plan sets out a number of specific objectives to achieve this goal including the
objective to preserve and enhance streetscapes and landscaped areas in keeping with the
garden city concept that formed part of the original concept for Don Mills.

The Central Don Mills Secondary Plan is available on the City’s website at:

Zoning
On May 9, 2013, City Council enacted the new City wide Zoning By-law No 569-2013.
The site is not subject to the New Zoning By-law.

The lands are zoned RM6(85)(Multiple Family Dwellings Sixth Density Zone) in Zoning
By-law 7625 (see Attachment 8). Exception (85) sets out performance standards for a
mid rise apartment building. The zoning also permits townhouses subject to the zoning
provisions (RM1(17)) of the existing townhouses within the subdivision. The zoning
provisions for townhouses within this subdivision are as follows:

- Front Yard Setback of 3 metres (exterior stairways, wheelchair ramps, porches,
decks and balconies are permitted to project into the front yard no more than 3
  metres)
- Front Yard Setback of 5.5 metres to a garage
- Rear Yard Setback of 5.5 metres
- Maximum building height of 4 storeys
- Minimum dwelling width of 4 metres
- No requirements for minimum landscape area, lot area, street frontage, floor area
  per dwelling unit, maximum lot coverage and minimum distance between
  buildings.

Infill Townhouse Guidelines
The Infill Townhouse Guidelines were approved by City Council in 2003 to address the
development impacts of infill townhouses with a focus on “protecting streetscapes and
seamlessly integrating new development with existing housing patterns”. The Guidelines
consider matters such as open spaces, building location, built form and location of
parking. They also consider the interaction between the infill development and the
pedestrian environment. While the Guidelines do not specifically address back-to-back
and side-to-back townhouses, they do provide standards for matters such as landscaping
and setbacks. Staff will use the Guidelines to assist the review of the proposed
development.

Development Infrastructure Policy & Standards
On December 5, 6 and 7, 2005, City Council adopted the recommendations of the
“Development Infrastructure Policy and Standards – Phase 2 Report”. The report
establishes criteria that govern when public streets are required and the standard cross-
sections to be used for public local residential streets. The plan of subdivision application
proposes a new public road comprising a 16.5 metre right-of-way. Staff will use the
Council approved policy and standards to assist the review of the proposed development.
Draft Plan of Subdivision

The proposed Draft Plan of Subdivision divides the site into four blocks and establishes lands to extend David Dunlap Circle into the site creating a 16.5 metre wide U-shaped right-of-way to accommodate a new public road – Street 'A' (see Attachment 4: Draft Plan of Subdivision).

Block 1, the westerly development block, would have a site area of approximately 807m² and would be developed with 9 conventional townhouse units.

Block 2, the westerly centrally located development block, would have a site area of approximately 1,668 m² and would contain 26 units with a back-to-back and back-to-side arrangement.

Block 3, the easterly centrally located development block, would have a site area of 1,667 m² and would contain 26 units with a back-to-back and back-to-side arrangement.

Block 4, the easterly development block, would have a site area of approximately 808m² and would be developed with 9 conventional townhouse units.

It is intended that all buildings would align themselves along existing and proposed public streets.

Site Plan Control

The proposed development is subject to Site Plan Control Approval. An application has been submitted and is being reviewed concurrently.

Tree Preservation

There are no existing trees on the site or within the David Dunlap Circle public boulevard abutting the north boundary of the site. A Declaration to this effect was filed with Urban Forestry Services.

Noise Attenuation/ Crash Wall

The original subdivision agreement which covers these lands requires noise attenuation measures and a crash wall to be constructed along the south edge of the site adjacent to the railway lands to safeguard the development on the lands. The footings for the crash wall are proposed within the proposed right-of-way. The requested encroachment will be reviewed by City staff.

Details of the noise attenuation measure and crash wall will be addressed and secured under the site plan control application submitted for this application.

The application has been circulated to Go Transit and Canadian Pacific Rail for comment.
Reasons for the Application
An amendment to the site specific Zoning By-law is required to establish site-specific performance standards for the proposed townhouses including but not limited to reduced setbacks. The Plan of Subdivision is required to create 4 blocks and one new public road with the necessary development standards.

COMMENTS

Application Submission
The following reports/studies were submitted with the application to amend the Zoning By-law:

- Topographical Survey
- Architectural Plans and Drawings
- Engineering Plans and Drawings
- Draft Plan of Subdivision
- Planning & Urban Design Justification Report
- Functional Servicing and Stormwater Management Report
- Geotechnical Investigations Report
- Draft Zoning By-law
- Toronto Green Standard Checklist
- Toronto Green Standard Template

A Notification of Complete Application was issued on June 7, 2013.

Issues to be Resolved

Official Plan
While the property is designated Apartment Neighbourhoods the development criteria associated with this designation does not directly apply to a townhouse development. As a use that is permitted in this designation, the development criteria of the Neighbourhoods designation are more appropriate for the proposed townhouses.

Policy 4.1.5 states that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood. The policy states no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood.

The proposal raises concerns with the above noted policy as it relates to the following matters:

Setback of Buildings From Street(s)
The pattern of front yard setbacks within the existing subdivision is 3.5 metres to the street. The application proposes a significant reduction in the required setback which eliminates any opportunity to provide landscaped front yards. The proposal relies on the public boulevards abutting the site for landscaping thereby creating sightline concerns
and potential safety issues for pedestrians. The proposed development will result in reductions that do not respect and reinforce the existing physical character of the neighbourhood and is not consistent with the existing and planned physical context of the neighbourhood.

**Prevailing Patterns of Rear and Side Yard Setbacks and Landscaped Open Space**

The existing subdivision is comprised of conventional townhouses characterized by individual private outdoor amenity areas in the rear yard. The proposed development will result in reductions to the required rear yard setback and landscaped open space area that does not respect and reinforce the existing physical character of the neighbourhood and is not consistent with the existing and planned context of the neighbourhood.

In addition to the issues highlighted above, on a preliminary basis, the following additional issues have been identified:

- Conformity with the Official Plan and consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.
- Fit of the proposal with the City's Infill Townhouse Guidelines.
- Compliance with the City’s Development Infrastructure Policy and Standards.
- The appropriateness of the proposed built form and massing, particularly the proposed back-to-back and side-to-back arrangement on Blocks 22 and 23.
- The appropriateness of the proposed retaining walls (with heights up to 3.15 metres with wooden fences above) on Blocks 21 and 24 adjacent to the existing townhouses within the subdivision and lands east and west of the site.
- Landscaped open space and outdoor amenity area.
- Confirmation from Canadian Pacific Railway that the proposed building setbacks from the right-of-way and crash wall design are acceptable.
- Assessment of the proposed encroachment and maintenance of the proposed noise attenuation/crash wall and landscaping between the development and CPR right-of-way.
- An assessment of the proposed driveways and appropriate parking provisions including visitor parking.
- An assessment of site servicing including stormwater management.
- The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.
Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT
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E-mail:  sforrest@toronto.ca

SIGNATURE

______________________________
Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS
Attachment 1:  Context Plan
Attachment 2:  Site Plan
Attachment 3:  Landscape Plan
Attachment 4:  Draft Plan of Subdivision
Attachment 5:  Elevations
Attachment 6:  Elevations
Attachment 7:  Official Plan
Attachment 8:  Zoning
Attachment 9:  Application Data Sheet
Attachment 1: Context Plan

Context Plan
Applicant’s Submitted Drawing

200 David Dunlap Circle

Not to Scale
06/10/2013

File #: 13 159583 NNY OZ
Attachment 2: Site Plan
Attachment 3: Landscape Plan
Attachment 4: Draft Plan of Subdivision
Attachment 5: Elevations
Attachment 6: Elevations
Attachment 7: Official Plan
Attachment 8: Zoning
Attachment 9: Application Data Sheet

Application Type: Rezoning
Details: Rezoning, Standard
Application Number: 13 158583 NNY 34 OZ
Application Date: April 29, 2013

Municipal Address: 200 DAVID DUNLAP CIRCLE
Location Description: PLAN 66M2365 BLK 8 **GRID N3405
Project Description: Rezoning application to permit 70, 3-storey and 4-storey townhouse units fronting David Dunlap Circle and proposed public road. The proposal has a gross floor area of 12,769 square metres resulting in a density of 1.5 FSI. A total of 136 spaces are proposed.

Applicant: ENGLISH LANE HOMES INC
Agent: M. BEHAR PLANNING & DESIGN INC
Architect: ENGLISH LANE HOMES INC
Owner: ENGLISH LANE HOMES INC

PLANNING CONTROLS
Official Plan Designation: Apartment Neighbourhood
Zoning: RM6(85)
Height Limit (m):
Site Specific Provision: Site Plan Control Area: Y
Historical Status:

PROJECT INFORMATION
Site Area (sq. m): 8355.33
Frontage (m): 182.84
Depth (m): 45.7
Total Ground Floor Area (sq. m): 3779.9

Total Residential GFA (sq. m): 12769.44
Parking Spaces: 136

Total Non-Residential GFA (sq. m): 0
Loading Docks: 0
Total GFA (sq. m): 12769.44
Lot Coverage Ratio (%): 45.24
Floor Space Index: 1.53

DWELLING UNITS
Tenure Type: Freehold
Rooms: 0
Bachelor: 0
1 Bedroom: 0
2 Bedroom: 44
3 + Bedroom: 26
Total Units: 70

FLOOR AREA BREAKDOWN (upon project completion)

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CONTACT: PLANNER NAME: Steve Forrester, Senior Planner
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