

191 and 193 Empress Avenue - Official Plan and Zoning By-law Amendment Applications - Refusal Report

Date:	July 18, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	13 273991 NNY 23 OZ

SUMMARY

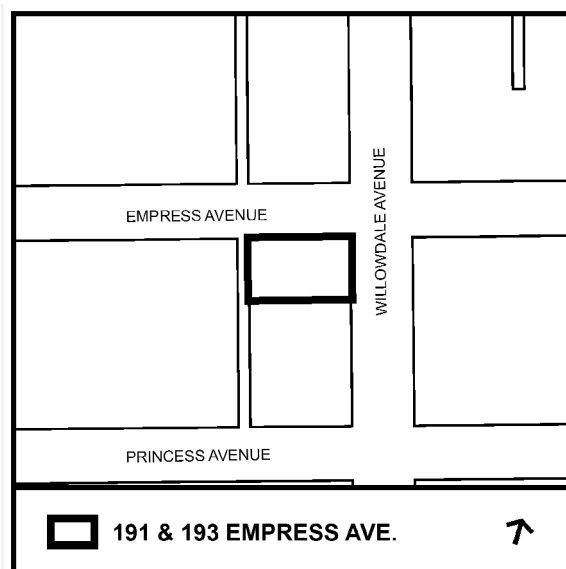
Applications for Official Plan Amendment and Zoning By-law Amendment have been submitted for the lands located at 191 and 193 Empress Avenue. The applications are to permit a residential development consisting of 8, three-storey townhouse dwellings.

This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-law and seek Council's direction for staff to attend the Ontario Municipal Board in opposition to the development should the application be appealed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application to amend the Official Plan and Zoning By-laws to permit 8, three storey townhouses for the reasons outlined in this report.
2. Should the Official Plan and Zoning By-law Amendment applications be appealed to the Ontario Municipal Board, the City Solicitor and appropriate City staff be authorized to appear before the Ontario



Municipal Board in support of Council's refusal of the Official Plan and Zoning By-law Amendment applications.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In January 2013, applications for Consent and Minor Variance were filed on 191 Empress Avenue (Applications A036/13NY, A037/13NY, and B001/13NY). The applications proposed the division of the parcel into two parts for conveyance purposes for the creation of a new residential building lot and to permit the construction of two new single detached dwellings. The variances requested as part of the application included relief for lot area, lot frontage, lot width, lot coverage, setbacks, and finished first floor height.

The applications were withdrawn at the request of the applicant and never heard by the Committee of Adjustment.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on July 19, 2013 prior to the submission of the application. The applicant was advised at this meeting that a proposal for townhouses did not comply with the Official Plan and the proposal raised significant concerns for staff.

ISSUE BACKGROUND

Proposal

The proposed development consists of 8 freehold grade-related townhouse units facing onto Empress Avenue. The proposed townhouse units are 3 storeys in height. Under North York Zoning By-law No. 7625, the units measure approximately 10.96 m in height. The height proposed under the City of Toronto's new Zoning By-law No. 569-2013 is 12.8 m.

Each unit will have one enclosed parking space. The units will be accessed via a private driveway entering at the south end of the site to the rear of the units off of Willowdale Avenue.

The proposed dwellings would have a rear setback of 7.5 m and a front setback of 5 m. The proposed units would have a width of 4.74 m and a total gross floor area of 1,318 m². The development has an overall floor space index (FSI) of 1.18.

Site and Surrounding Area

The subject lands are located at the southwest corner of Empress Avenue and Willowdale Avenue, east of Yonge Street and north of Sheppard Avenue East. The subject lands measure approximately 1,107 m² (0.27 ac) in area and have approximately 26.21 m (86 ft) of frontage on Willowdale Avenue and 42.62 m (139.82 ft) of frontage on Empress Avenue. Both existing residential lots have a single family detached residence on them which would be demolished in order to facilitate the proposed development. The subject lands are located approximately 0.8 km east of Yonge Street.

Abutting uses are as follows:

North: Single-detached residential dwellings along Willowdale Avenue.

South: Single-detached residential dwellings along Willowdale Avenue. There is an existing commercial use (Aquareal Water Systems) located at 240 Willowdale Avenue on the west side of Willowdale.

East: Single-detached residential dwellings.

West: Single-detached residential dwellings. Earl Haig Secondary School is located approximately 200 m west of the subject site.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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.

Official Plan

The subject site is designated *Neighbourhoods* by the Official Plan which are considered to be physically stable areas made up of low scale residential development. Development

within *Neighbourhoods* will be consistent with this objective and will reinforce and respect the existing physical character of buildings, streetscapes and open spaces.

The Official Plan requires development within *Neighbourhoods* to generally "fit" the existing physical character. Such development is to have heights, massing and scale appropriate for the site and compatible with nearby residential properties. Development on these sites is to 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.

The Official Plan contains policies which are intended to be applied in conjunction with the land use policies to determine conformity of any given proposal to the Plan. These policies include, among other matters built form and public realm.

Staff have reviewed the proposed development for conformity with the above noted policies in the Official Plan.

Zoning

The subject lands are currently zoned "One Family Detached Dwelling Sixth Density Zone (R6)" in Zoning By-law No. 7625 of the former City of North York and "Residential Detached Zone (RD f12.0; a370)" in the new City of Toronto Zoning By-law No. 569-2013. This zoning permits single detached dwellings and accessory buildings.

Site Plan Control

The proposed development is subject to Site Plan approval. A Site Plan Control Approval application has not yet been submitted.

Infill Townhouse Guidelines

The Infill Townhouse Guidelines, adopted by Council, include criteria to ensure that low-rise infill townhouse developments are compatible within existing residential neighbourhoods where they are permitted. The Guidelines assist in identifying the most appropriate site layout and setbacks for townhouse developments on a site where they are permitted. They establish principals and criteria for the review of development applications.

Meeting the guidelines does not necessarily imply that a development for townhouses can proceed. As is noted in the document, the Infill Townhouse Guidelines only apply wherever townhouses are considered an appropriate housing form.

Reasons for the Application

An amendment to the City Official Plan is required to permit the development, as townhouses are not the predominant form of development in the neighbourhood. An amendment to Zoning By-law No. 7625 for the former City of North York and the new City of Toronto Zoning By-law No. 569-2013 is required as the R6 and RD (f12.0; a370) zonings do not permit the proposed 8-unit residential townhouse building.

Community Consultation

A Community Consultation Meeting to discuss the proposal was held on May 22, 2014 at Earl Haig Secondary School. The meeting was attended by the Ward Councillor, City Planning staff, the applicant, owner and approximately 130 members of the public. Written correspondence was also received from a number of residents who were unable to attend the Community Consultation Meeting.

Issues raised by area residents in discussion of the proposal, which have been considered in the review of the application, are generally related to the following matters:

- Location of access to the proposed development:
 - Concern was expressed with traffic entering in and out of the proposed development via a rear driveway accessing onto Willowdale Avenue, which is already a busy local street;
- Impact on the stability of the community and neighbourhood character:
 - Much of the discussion focused on the appropriateness of the townhomes within a neighbourhood characterized by single-detached dwellings as the primary use;
- Potential for parking and traffic impacts on both Empress Avenue and Willowdale Avenue;
 - Concern was expressed with respect to current traffic levels on Willowdale Avenue and the impact the subject proposal would have on existing traffic. The residents also expressed concern regarding a potential increase to on-street parking generated by the development;
- Building design and density;
 - Those in attendance expressed concern with the height and proposed density of the development. In a neighbourhood characterized by 2-storey single detached dwellings measuring 8.8 metres in height, many felt that a townhouse proposed at 10.96/12.8 metres in height would be out of character with the existing neighbourhood fabric.
- Lack of suitable landscaping;
- Timing, noise, and impact of on-site construction;

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

Both of these documents are high-level and broad reaching. The City is a development area and infill is encouraged under these policies. However, the tenor of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. The City of Toronto Official Plan includes policies which support the objectives of these provincial documents.

The City of Toronto Official Plan and associated Secondary Plans are based on projected needs and identify a land use structure of areas where intensification is appropriate. The Official Plan directs redevelopment to areas that take the existing building stock into account and where infrastructure and services exist and will be provided.

In this case, the City's Official Plan designates the subject lands as *Neighbourhoods*. While some change is generally anticipated over time, the key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. It is not appropriate to permit uses that would represent a departure from the existing character of the neighbourhood. As was previously indicated, this is an area characterized by single detached dwellings in a *Neighbourhoods* designation.

Therefore, the proposal is inconsistent with the Provincial Policy Statement 2014 and does not conform to the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The identification of areas suitable for intensification is contingent upon providing a suitable form of redevelopment. Official Plan policies direct how redevelopment is to fit into the community and provides direction with respect to the public realm, built form, streetscape and the environment. The proposal has been reviewed against these policies and the existing context. A review of the Official Plan policies as they relate to the proposal follows below.

The site is located at the southwest corner of two local streets, Empress Avenue and Willowdale Avenue and is designated *Neighbourhoods* in the City's Official Plan. One of the key policies of the Plan are to ensure that new development will respect and reinforce the existing physical character of the neighbourhood.

Section 2.3 of the Official Plan discusses the City's neighbourhoods and green space. Policy 2.3.1 states that *Neighbourhoods* are "*considered to be physically stable areas*". Development in these areas needs to "*respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas*". In the preamble to the policies of Section 2.3, the Plan does recognize that neighbourhoods will not stay frozen in time, but that new development should respect the existing physical character of the area and that improvements to a neighbourhood area are expected.

Chapter 4 of the Plan further refines development in established *Neighbourhoods* by outlining policies which speak to the specificity of this nature of development. Section 4.1.5 of the Official Plan speaks to development criteria for *Neighbourhoods*. Section 4.1.5 states that:

"Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;*
- b) size and configuration of lots;*
- c) heights, massing, scale and dwelling type of nearby residential properties;*
- d) prevailing building type(s);*
- e) setbacks of buildings from the street or streets;*
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;*
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and*
- h) conservation of heritage buildings, structures and landscapes."*

The Plan notes that the prevailing building type will be the predominant form of development in the neighbourhood. This is to ensure compatibility between redeveloping areas and stable low density residential areas by having redeveloping areas that are of a built form that is compatible with the existing neighbourhood.

The intent of the City of Toronto's Official Plan with respect to the *Neighbourhoods* designation is to protect stable residential neighbourhood areas from incompatible physical change. The surrounding neighbourhood context is made up of three main elements:

- The *Neighbourhoods* designations to the north, south, east, and west of the site. The predominant built form is that of single detached dwellings, particularly in the immediate vicinity of the site. The built form is that of one to two-storey dwellings.
- The higher density development and broad range of uses within the North York Centre Secondary Plan at the west end of Empress Avenue. The intent of the North York Centre Secondary Plan is that transition be provided to the surrounding Neighbourhoods within the Centre. The subject site is located approximately 1.25 km from the boundary of the Centre.
- The *Mixed Use Area* designation to the south, which permits a mixture of uses. This is located approximately 700 metres south of the site.

Given the existing and planned context noted above and the role of this site in the low density residential area of the surrounding neighbourhood, the proposal will adversely impact the stability of the area because it does not respect the following elements of physical character. Planning Staff do not support the proposed Official Plan Amendment to permit townhouses in a Neighbourhood.

Building Type

The proposal is to introduce townhouse building types into an area where they are not found in the existing low density neighbourhood. The Official Plan affirms that 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 which in this case are single detached dwellings.

The application would change the character of the area and potentially initiate long term structural changes and instability to the physical character of building types in the neighbourhood. Given the block and lot pattern, this proposal could be located in many areas in the neighbourhood.

Lot Size and Density

The proposal is to expand from two individual lots of approximately 21.31 m (69.91 ft) frontage each to an 8-unit townhouse block to be subsequently subdivided into 8 individual lots of approximately 5.33 metres (17.47 feet) each in width.

The existing lot frontages in the area are very homogeneous and the proposed consolidation (or subsequent) subdivision of the two lots could be readily replicated on many other similar sites in the neighbourhood. If all lots of similar characteristics in the area were to also consolidate into an 8-unit townhouse block, or subdivide into 8

individual townhouse lots, the physical character of the neighbourhood would be fundamentally changed and destabilized.

Consolidation and redevelopment of this magnitude over an even small portion of the low density residential area could have a major impact on the City's ability to plan for growth and deliver necessary infrastructure and public service facility improvements in suitable areas, as well as set an undesirable precedent for the surrounding neighbourhood.

Massing and Built Form

As was previously indicated, Policy 3.1.2.3 of the Official Plan speaks to *"massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion"*. The character of existing dwellings in the immediately adjacent low density area is reflective of the Zoning By-law standard of 8.8 metres and 2 storeys for single detached dwellings.

The proposed townhouse units are 3 storeys in height, which represents a taller built form than the existing neighbourhood context. Under North York Zoning By-law No. 7625, the units measure approximately 10.96 m in height. Under this By-law, height is measured from the vertical distance from established grade to the mean height level, between the eaves and the ridge of the roof. Established grade is defined in the By-law as the centrepoint of the street at the mid-point of the lot line.

The height proposed under the City of Toronto's new Zoning By-law No. 569-2013 is 12.8 m. Under this By-law, height is defined as the distance between the established grade and the elevation of the highest point of the building. In this case, established grade is the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01 m past each side lot line.

The proposed 3-storey and 10.96/12.8 metre building height would have a negative impact on the scale of the streetscape and amenity of nearby stable residential properties, as it would introduce a building not consistent with the surrounding area.

Lane Access to the Block

The proposal is for a townhouse block with shared vehicular access from a private lane accessed from Willowdale Avenue at the easterly-portion of the site. The character of the area consists largely of single lots with each having a dwelling unit and individual front yard driveway access. The proposed vehicular access creates a new block and lane pattern not found elsewhere in the low density area. This lane and block structure enables a more urban land use structure for smaller lots and higher densities, and if initiated and replicated on other similar lots in the neighbourhood, would result in incompatible forms of development that could significantly alter the physical character of the existing neighbourhood.

CONCLUSION

The proposed 8-unit townhouse development is not appropriate for this site. The proposal does not meet the intent for development within stable residential neighbourhoods. The proposed lot size and density, building type, and building height do not reinforce or respect the physical character of the existing neighbourhood. The proposal would destabilize the existing building stock and result in land uses in an area not identified as suitable for redevelopment.

Staff recommend that City Council refuse the application to amend the Official Plan and Zoning By-law and that Staff support Council's refusal of the proposed development should the application be appealed to the Ontario Municipal Board.

CONTACT

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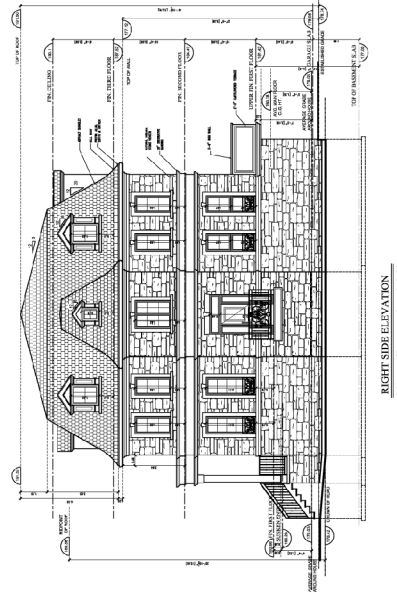
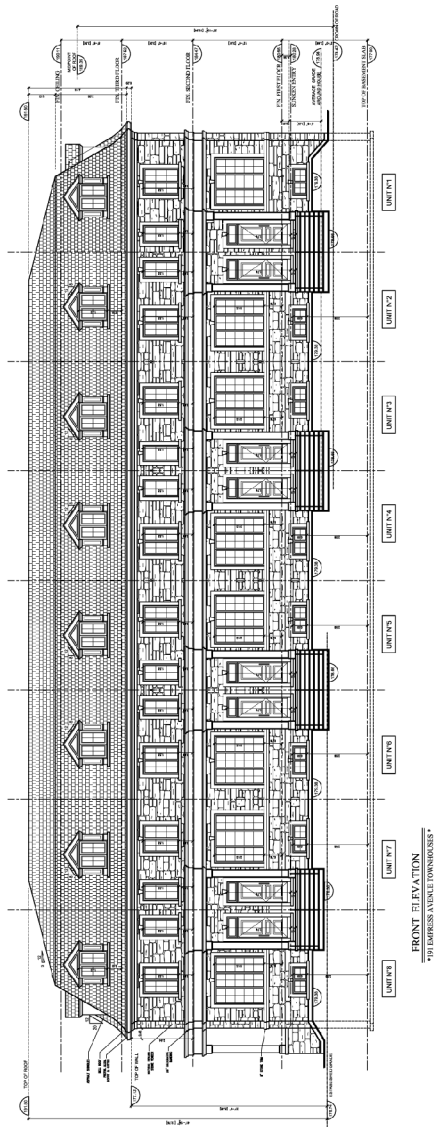
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
2a) Front and West Elevations
2b) Rear and East Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet

Attachment 2a: Front and West Elevations



Elevations

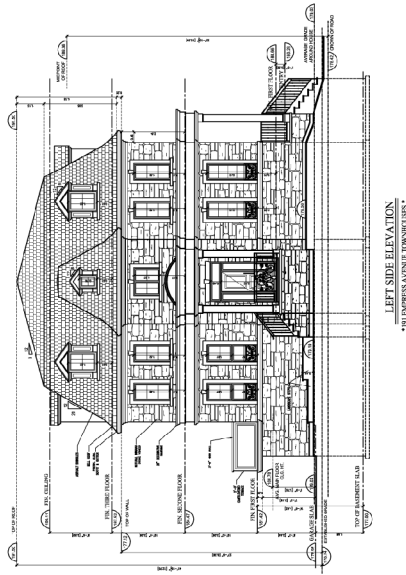
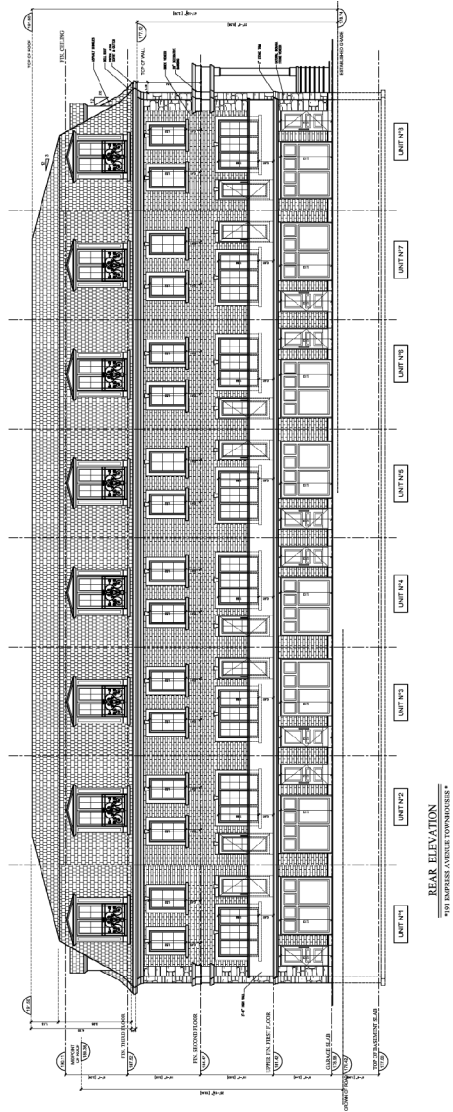
Applicant's Submitted Drawing

Not to Scale
01/13/2014

191 & 193 Empress Avenue

File # 13-273991 NNY 23 0Z

Attachment 2b: Rear and East Elevations



191 & 193 Empress Avenue

File # 13 273991 NWY 23 0Z

Elevations
Applicant's Submitted Drawing

Not to Scale
01/13/2014


Attachment 3: Zoning




Zoning By-law 569-2013

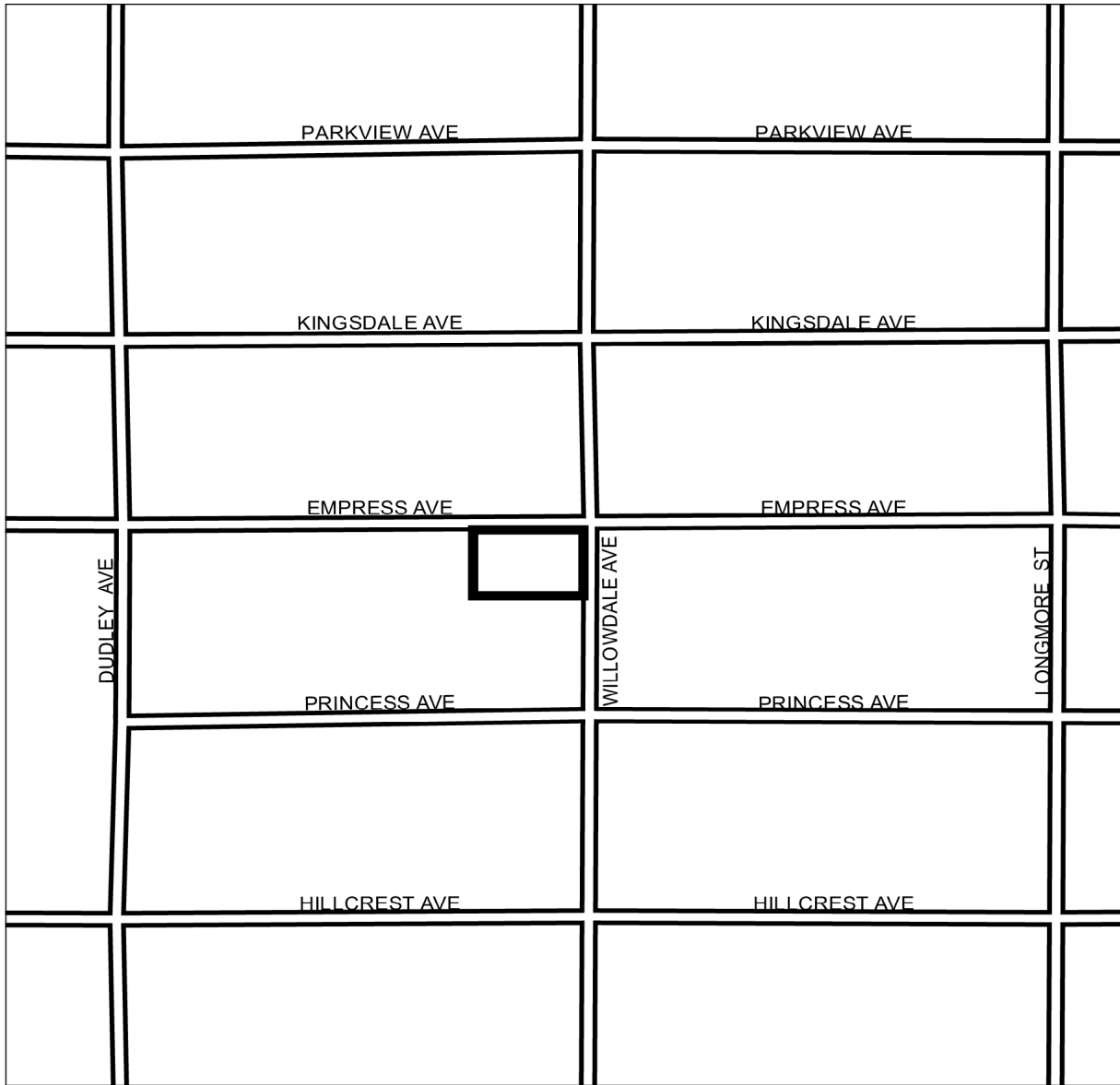
191 & 193 Empress Avenue

File # 13 273991 NNY 23 0Z

-  Location of Application
- RD** Residential Detached


 Not to Scale
 Extracted 01/13/2014

Attachment 4: Official Plan



TORONTO City Planning
Extract from Official Plan

191 & 193 Empress Avenue

File # 13 273991 NNY 23 0Z

-  Site Location
-  Neighbourhoods



Not to Scale
 01/13/2014

--- Roads not currently
 shown on Land Use Map

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 273991 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 4, 2013

Municipal Address: 191 and 193 EMPRESS AVE

Location Description: PLAN 1751 PT LOTS 48 & 49 **GRID N2304

Project Description: An application to amend the Official Plan and Zoning By-law has been submitted to permit a residential development consisting of an 8-unit townhouse, which would be accessed from Willowdale Avenue. The development would have a proposed floor space index (FSI) of 1.18 and would front onto Empress Avenue

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP			HSU YU-LAN CHUANG

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R6	Historical Status:
Height Limit (m):	8.8	Site Plan Control Area: N

PROJECT INFORMATION

Site Area (sq. m):	1117.76	Height:	Storeys:	3
Frontage (m):	26.21		Metres:	12.7
Depth (m):	42.62			
Total Ground Floor Area (sq. m):	464.7			Total
Total Residential GFA (sq. m):	1318.3		Parking Spaces:	8
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1318.3			
Lot Coverage Ratio (%):	42			
Floor Space Index:	1.18			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Freehold		
Rooms:	0	Residential GFA (sq. m): 1318.3	0
Bachelor:	0	Retail GFA (sq. m): 0	0
1 Bedroom:	0	Office GFA (sq. m): 0	0
2 Bedroom:	0	Industrial GFA (sq. m): 0	0
3 + Bedroom:	8	Institutional/Other GFA (sq. m): 0	0
Total Units:	8		

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