



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**117, 121, 123 and 129 Roselawn Avenue - OMB Hearing -  
Zoning By-law Amendment, Rental Housing Demolition  
and Site Plan Control Applications**

<b>Date:</b>	April 13, 2015
<b>To:</b>	North York Community Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 16, Eglinton-Lawrence
<b>Reason for Confidential Information:</b>	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	

**SUMMARY**

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On June 18, 2013 Community Council adopted a Preliminary Report on the Zoning By-law Amendment and Rental Housing Demolition applications. The application was appealed to the Ontario Municipal Board and is scheduled to be heard on May 12-15, 2015. Further direction from City Council is required. This report was prepared in conjunction with City Planning.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the confidential recommendations to staff in Confidential Attachment 1 and authorize the public release of those recommendations, and Confidential Attachments 2 and 3 if adopted.

## **Financial Impact**

Adopting this report will have no financial impact.

## **DECISION HISTORY**

The proposed zoning by-law and site plan approval applications were submitted to the City on March 18, 2013. A rental housing demolition application was submitted on April 3, 2013. On June 18, 2013 Community Council adopted a Preliminary Report on the Zoning By-law Amendment and Rental Housing Demolition applications. The Preliminary Report identified a number of concerns with the proposal in its form at the time and suggested the applicant consider revising the proposal to address the issues identified in the report. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor and that notice for the public meeting be held according to regulations under the Planning Act.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2013/ny/bgrd/backgroundfile-58876.pdf>

## **ISSUE BACKGROUND**

The original application submission was made in March 2013 and a revised submission was made in May 2014. The application has been appealed to the Ontario Municipal Board, and is scheduled to be heard on May 12-15, 2015.

### **Reasons for the Application**

An amendment to the Zoning By-law is required as the proposal does not comply with a number of the development provisions of the R2 zone including height and gross floor area, parking supply and building setbacks. In addition, a permit under Section 111 of the *City of Toronto Act* is required under the City's Municipal Code to demolish the existing rental residential buildings.

### **Original Submission - March 2013**

The initial submission proposed a total of 12 townhouse dwelling units with six of those units facing Roselawn Avenue. The units facing Roselawn Avenue showed a setback of 1.829 metres from the street lot line to the first floor of the dwelling unit. Above the first floor, a setback of 4.275 metres was provided for the second and third floors along Roselawn Avenue. The area between the front face of the dwelling was taken up entirely with front porches and no landscaping was proposed on private property. A building setback of 0.585 metres was proposed from the west lot line and a building setback of 0.562 metres was proposed from the east lot line. A separation distance of a little over 2.946 metres was provided between the two blocks of townhouses (3 townhouses in each

block) facing Roselawn Avenue with a private walkway to access the rear units and a community mailbox facility located in this area.

Six townhouse dwelling units were proposed behind the units facing Roselawn Avenue in two blocks of three units, with each unit facing inward towards a central private walkway/courtyard. The proposed distance between the Roselawn Avenue facing units and the side elevations of the rear townhouse units was 1.296 metres to the first floor and 7.156 metres to the second and third floors. The proposed setback of the rear of the dwelling unit from the west lot line was in keeping with the setback of the units facing Roselawn Avenue at 0.585 metres to the first floor and the setback of the rear of the dwelling units from the east lot line remained at 0.562 metres to the first floor like the Roselawn facing units. Above the first floor, setbacks of 4.801 metres were proposed to the second and third floors along the west property lines. A separation distance of 10.008 metres at the ground level and 11.074 metres at the second and third floors was proposed between the front building face of the two blocks of rear townhouse units. Planter boxes and built-in benches were located in this courtyard area. The building setback from the south lot line was proposed at 0.627 metres.

The below grade setback for the underground parking structure was proposed to be 0.0 metres from all lot lines. The total proposed gross floor area was 2,497.32m<sup>2</sup> resulting in a floor space index of 1.49 times the lot area. The proposed coverage was 58.38 percent of the lot area and the proposed landscape area was 31.64 percent of the lot area.

The height of the proposed townhouse units was 12.00 metres to the top of the third floor roof. This height did not include a fourth storey element comprising a stairway access enclosure to a rooftop amenity space which added a further 4.0 metres of height. At the ground level amenity areas for the individual units were proposed in the form of patio areas at the rear of the unit. The patio area would be separated from adjacent properties with raised planter boxes.

### **Revised Submission - May 2014**

In May of 2014 a revised submission was received for the proposed development. The number of townhouse units proposed remained at 12 and the general layout and configuration was similar to the original proposal (See Attachment 6).

For the units facing Roselawn Avenue, the development was revised from the initial submission from a setback of 1.829 metres to a setback of 2.75 metres from the street lot line to the front face of the dwelling units above grade and 2.615 metres below grade. Front porches were located between the building face and the Roselawn Avenue property line as well as approximately 1 metre of landscaping. Above the first floor a setback of 4.275 metres was provided for the second and third floors along Roselawn Avenue. The setback of 0.585 metres was proposed from the west lot line and a setback of 0.568 metres was proposed from the east lot line. A separation distance of 2.946 metres was

shown between the two blocks of townhouses facing Roselawn Avenue to accommodate a private walkway to access the rear units and a community mailbox facility.

Six townhouse units continued to be shown in the rear of the property. The separation distance between these units and the units facing Roselawn Avenue had been increased from 1.296 metres to 2.743 metres to the first floor, and 5.307 metres to the second and third floors. The setback for the western three townhouse units from the west lot line had been increased from 0.585m to 3.468 metres to the first floor. The three eastern townhouse units were now setback from the east lot line 3.481 metres to the first floor from the 0.585m previously proposed. The building setback from the south lot line remained unchanged at 0.627 metres. The separation distance of the rear townhouse units from front wall to front wall remained at 10.008 metres at ground level and 11.074 metres at the second and third floors in the courtyard area.

The below grade setbacks for the underground parking structure were proposed to be 1.51 metres from the north lot line, 3.49 metres from the west lot line, 0.0627 metres from the south lot line and 0.00 metres from the east lot line.

The total proposed gross floor area was 2,194.27m<sup>2</sup>, resulting in a floor space index of 1.31 times the lot area. The proposed building coverage was 50.09 percent of the lot area and the proposed landscape area was 38.00 percent of the lot area.

The height of the townhouse units measured 12.00 metres to the top of the roof. The rooftop amenity areas above the third floor were removed in the May 2014 revision, with the exception of one third-floor balcony proposed for the townhouse unit located over the ramp to the underground parking structure. At the ground floor level, amenity areas for the individual units continued to be proposed in the form of patio areas at the rear of the unit. The patio area would be separated from adjacent properties with raised planter boxes. Decks were also proposed at the second floor level for all units with the exception of the three units located in the southwest corner of the site.

## **Site and Surrounding Area**

The 0.168 ha (1680 m<sup>2</sup>) site is located on the south side of Roselawn Avenue, west of Yonge Street. The site has a frontage of approximately 41 metres on Roselawn Avenue and a depth of approximately 41 metres. The site is comprised of 4 properties municipally known as 117, 121, 123 and 129 Roselawn Avenue. The site is generally flat with minimal tree cover. The subject site contains the following housing types:

- 117 Roselawn Avenue – 2-storey detached dwelling unit;
- 121 Roselawn Avenue – 2-storey detached dwelling unit;
- 123 Roselawn Avenue – 3-storey, 4-unit rental apartment building; and
- 129 Roselawn Avenue – 3-storey duplex dwelling (2 units).

In total 8 residential units are impacted by these applications.

Land uses surrounding the site are as follows:

- North: 2-storey detached and semi-detached dwellings;
- South: 3-storey rental apartment building (118 Montgomery Avenue);
- East: 3-storey rental apartment building (107 Roselawn Avenue) and 3-storey townhouses and a 34-storey apartment building beyond; and
- West: 2-storey detached and semi-detached dwellings.

Attachment 1 shows the surrounding context. The neighbourhood contains a variety of residential uses in terms of housing type, built form and tenure. The area is mainly comprised of detached and semi-detached dwellings but there are a number of low rise rental apartments and high rise condominium towers. Beyond the rental apartment building which is east of the subject site, there are some older townhomes. Commercial uses are located along Yonge Street to the east.

Compared to the generally homogeneous neighbourhood, the block immediately surrounding the site comprises a mix of uses including detached, semi-detached, townhouses, walk-up apartments and a high rise residential building. To the west are detached and semi-detached dwellings along the south side of Roselawn Avenue. Immediately to the east is a 3-storey walk-up apartment building with townhouses and a 34-storey residential tower beyond. Immediately to the south is a 3-storey walk-up apartment building. The remainder of the block is comprised of detached dwellings and semi-detached dwellings.

### **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. 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. 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.

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 be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. City Planning staff have reviewed the proposal for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. 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.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan directs development and intensification to suitable areas. In this area intensification is promoted through development that respects and reinforces the existing and planned context for low-rise residential uses.

## **Official Plan**

The site is designated *Neighbourhoods* by the City of Toronto Official Plan. The Official Plan identifies *Neighbourhoods* as being physically stable areas made up 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*.

Chapter 2 of the Official Plan entitled *Shaping the City* contains principles for steering growth and change to some parts of the city, while protecting our neighbourhoods and green spaces from development pressures. *Neighbourhoods* are seen as being stable but not static. It is recognized that *Neighbourhoods* will undergo some physical change over time as enhancements, additions and infill housing occurs. A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood. Policy 2.3.1.1 states that "*Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

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 patterns and character of the *Neighbourhoods*, with particular regard to, among other things:

- Heights, massing, scale and type of dwelling unit of nearby residential properties;
- Size and configuration of lot;

- Prevailing building type;
- Setback of buildings from the street; and
- Prevailing patterns of rear and side yard setback and landscaped open space.

Policy 5 further states that no changes will be made through rezoning, minor variance, consent or other public action that is out of keeping with the physical character of the *Neighbourhoods*.

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians. Built form policies in the Official Plan (Section 3.1.2) provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. More specifically, Section 3.1.2 provides guidance pertaining to the massing of new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion, incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development, creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan, providing for adequate light and privacy, and adequately limiting any resulting shadowing of neighbouring streets and properties.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting and comfortable for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

The application proposes a townhouse development on an assembly of four residential properties. The surrounding block is unique with a mix of residential uses. To the west and across the street to the north are detached and semi-detached dwelling units. The building immediately to the east is a 3-storey apartment building and is located on lands which are designated *Neighbourhoods*. Beyond this building are 2-storey townhouse dwellings which are located on lands designated Apartment Neighbourhoods. Immediately south of the proposed development is a large 3-storey rental apartment building which also sits on lands designated Apartment Neighbourhoods.

## **Yonge Eglinton Secondary Plan**

The subject lands are located within the Yonge-Eglinton Secondary Plan. Policy 2.2 states a primary objective of this Secondary Plan is to maintain and encourage a full range of housing forms and tenure suitable for family and other households in a manner that is contextually appropriate and compatible with existing residential uses and residential building form. Policy 2.4 states that it is a primary objective to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in terms of scale. Policy 2.7 requires that the form of buildings promote a compatible physical and land use relationship between development within the various land use designations and that it is an objective of the Secondary Plan to maintain the existing scale of developments within stable *Neighbourhoods*.

## **Zoning**

The site is zoned R2 Z0.6 by the former City of Toronto Zoning By-law 438-86. The R2 zone permits a wide range of residential and non-residential uses including apartment buildings, detached houses, semi-detached houses, duplexes, row houses, as well as parks, community centres and public schools. The maximum permitted height is 9.0 metres and the maximum permitted development density is 0.6 times the lot area.

## **Site Plan Control**

A Site Plan Control Application (13 133970 NNY 16 SA) has been filed with the City and has been reviewed concurrently with the applications for Zoning By-law Amendment and Rental Housing Demolition.

## **Rental Housing Demolition and Conversion By-Law**

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the 4 rental units, however, as the units are currently vacant, no tenant mitigation and relocation strategy has been proposed. Since this development proposal is for a related group of buildings with fewer than 6 rental units, Official Plan policy 3.2.1.6 does not apply and no replacement of rental housing units has been proposed.

## **Infill Townhouse Guidelines**

In January 2003, City Council approved the Urban Design Guidelines for Infill Townhouses. The guidelines are intended to serve as a framework for reviewing development applications for intensification and are to be used to evaluate the impact of new townhouse development with a focus on protecting streetscapes and seamlessly integrating new development with existing housing patterns. Urban design goals include producing a high quality living environment for all residents, clarifying and enhancing the relationship between new housing development and public streets, maintaining an appropriate overall scale and pattern of development within its context, and minimizing shadow, blocked views and overlook onto existing residential buildings and open spaces.

The guidelines call for building setbacks from the public roadway that are consistent with the neighbouring properties and encourage overall building heights to reflect the



prevailing context of neighbouring buildings. Grade alterations can create negative impacts on adjacent properties so the guidelines call for the first floor level of units to be raised no more than 3 to 5 steps above the grade of the sidewalk directly in front of the development. The guidelines also establish setback requirements for space between buildings in order to maintain standards of light, view and privacy. At the perimeter of the proposed development shadow, blocked views and overlook onto existing residential buildings and open spaces should be minimized.

The Infill Townhouse Guidelines will apply through rezoning and site plan processes wherever townhouses are considered to be an appropriate housing form.

### **Tree Preservation**

The application is subject to the City of Toronto Private Tree By-law. A permit is required to remove, cut down or injure a tree with a diameter of 30 cm or more on private property. The applicant has submitted an Arborist Report, which has been reviewed.

### **Community Consultation**

Staff held a community consultation meeting on January 7, 2014 to present the proposal to the community and receive their feedback. The meeting was attended by the Ward Councillor, City Planning staff, the applicant, owner and approximately 30 members of the public.

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:

- height - loss of privacy, shadowing and overlook to neighbouring properties;
- the height is out of character in relation to neighbouring properties, particularly with a 4<sup>th</sup> storey roof structure to access roof garden;
- density is high with edge to edge development – out of character to existing neighbourhood;
- proposal looks like an apartment building - should reflect existing house form on street;
- proposed porches do not reflect appearance and rhythm of existing porches along Roselawn Avenue;
- development too close to sidewalk and not scaled to pedestrians;
- proposed trees will be small initially and will take some time to grow to be effective;
- there is an existing Maple tree which should not be damaged;
- excavation will damage existing tree roots on adjacent lots; and

- the development will generate excessive parking – on-street parking is already at a premium.

### **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**

This report concerns litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Community Council in camera.

## **CONTACT**

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Tel: (416) 338-5792; Fax: (416) 397-5624; Email: [cachkar@toronto.ca](mailto:cachkar@toronto.ca)

## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

- Attachment 1: Context Plan
- Attachment 2: Official Plan
- Attachment 3: Yonge Eglinton Secondary Plan
- Attachment 4: Former City of Toronto Zoning By-law 438-86
- Attachment 5: Topographic Survey
- Attachment 6: Site Plan May 2014
- Attachment 7: Front (Roselawn Avenue) and Rear (South) Elevations May 2014
- Attachment 8: West and East Elevations May 2014
- Attachment 9: East-facing and West-facing Courtyard Elevations May 2014

# Attachment 1: Context Plan



## Context Plan

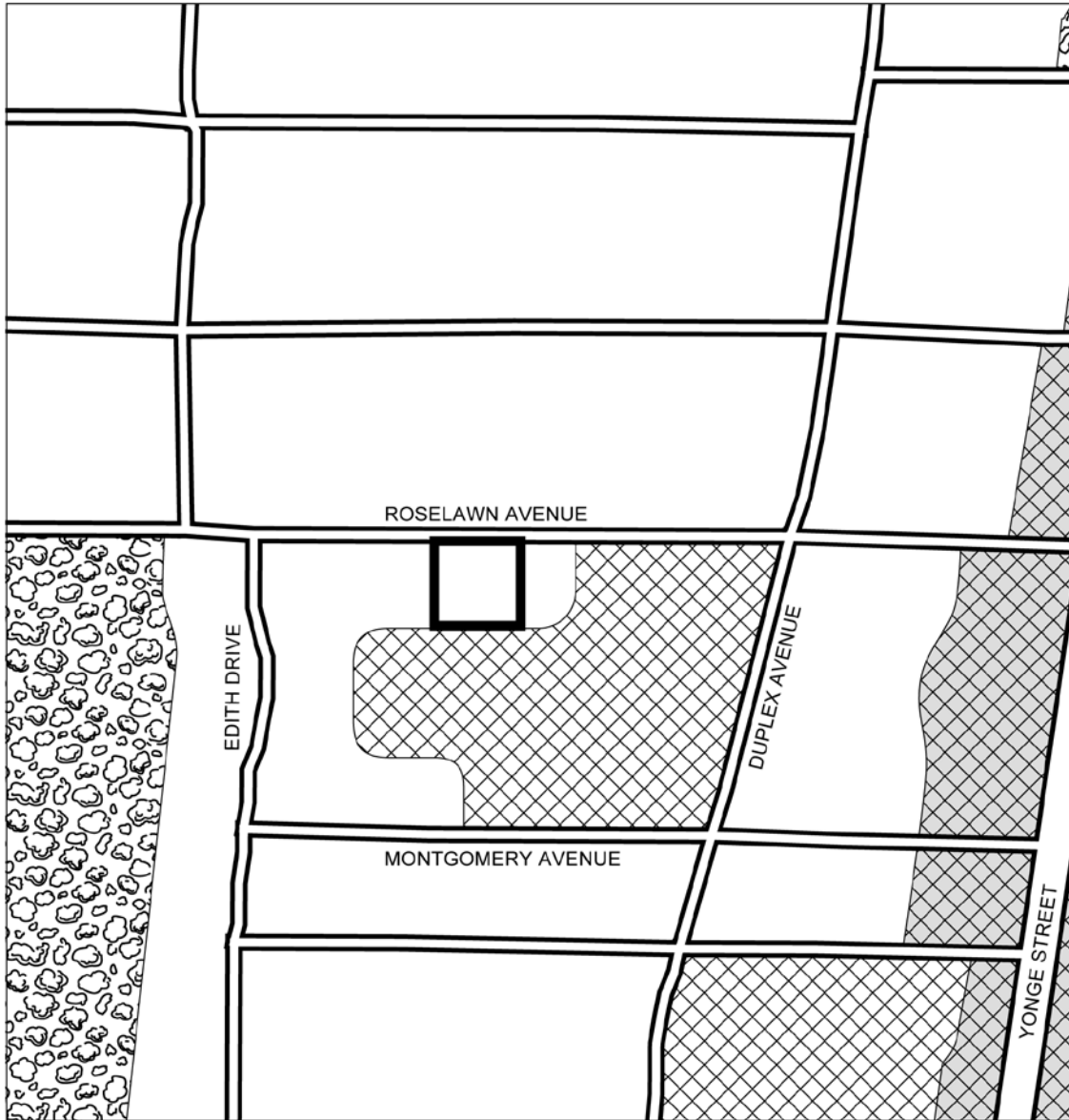
 Subject Site

Not to Scale  
03/23/2015

117, 121, 123 & 129 Roselawn Avenue

File # 13 133965 NNY 16 0Z

## Attachment 2: Official Plan



**TORONTO** City Planning  
**Official Plan**

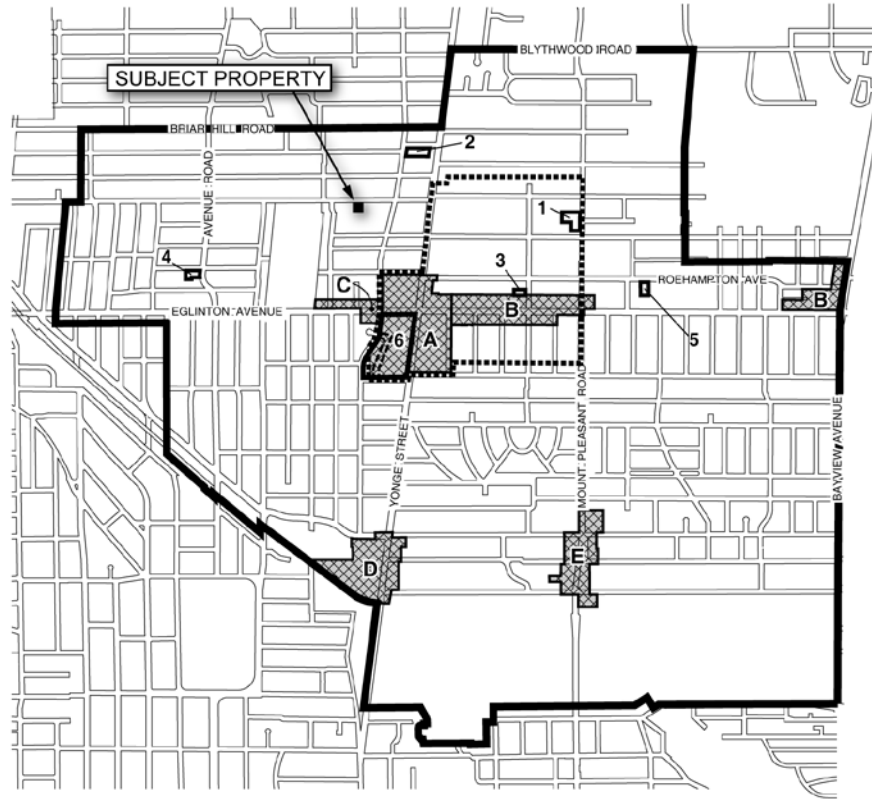
117, 121, 123 & 129 Roselawn Avenue

File # 13 133965 NNY 16 02

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

  
 Not to Scale  
 05/24/2013



### Attachment 3: Yonge Eglinton Secondary Plan



Not to Scale 



Yonge-Eglinton Secondary Plan  
MAP 21-1 Land Use Plan

-  Secondary Plan Boundary
-  Yonge Eglinton Centre
-  Mixed Use Areas
-  Site and Area Specific Policies
-  Proposed Road

December 2010

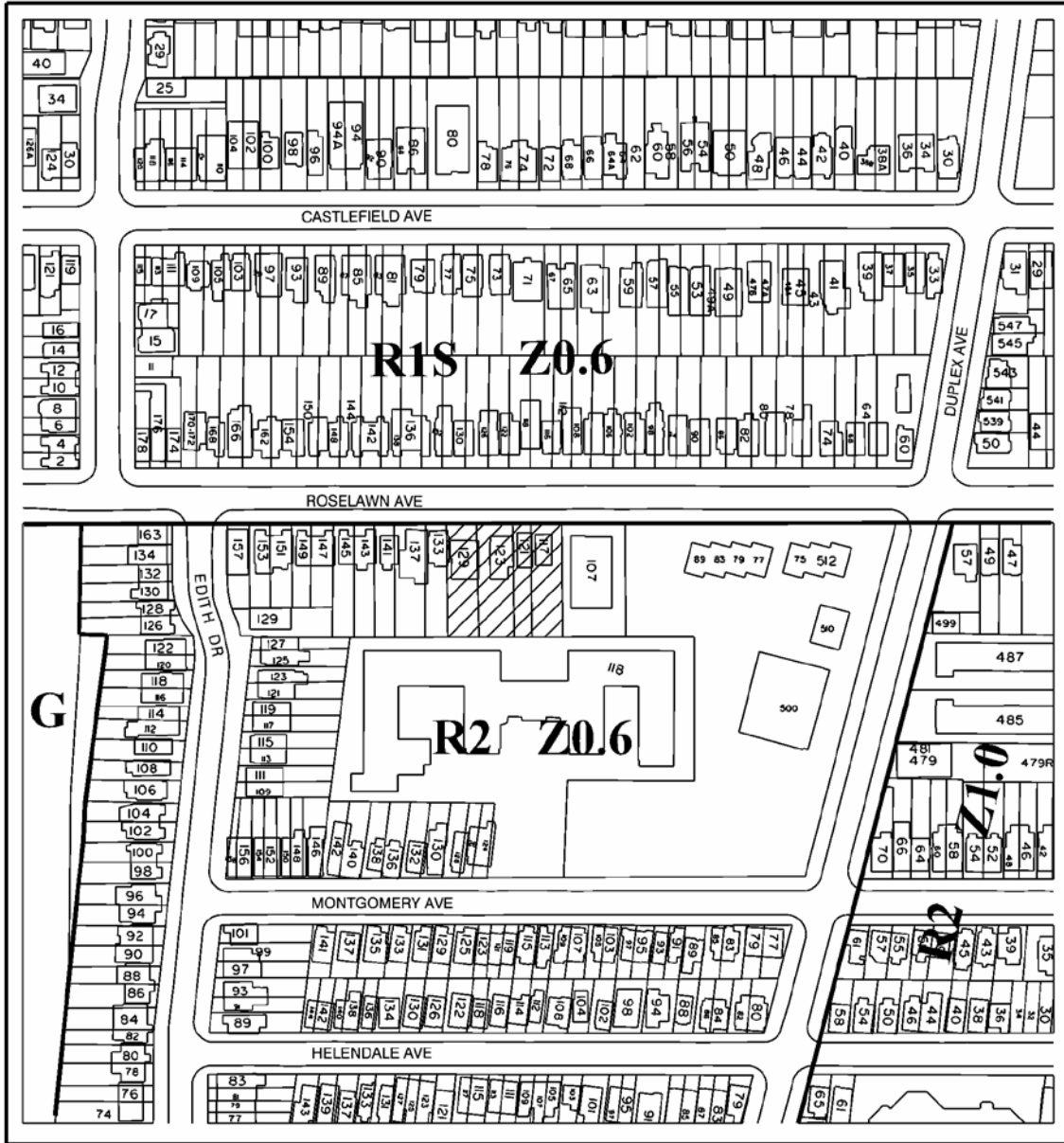
Yonge-Eglinton Secondary Plan  
Applicant's Submitted Drawing

117, 121, 123 & 129 Roselawn Avenue

Not to Scale   
05/27/2013

File # 13 133965 NNY 16 0Z

Attachment 4: Former City of Toronto Zoning By-law 438-86




117, 121, 123 & 129 Roselawn Avenue

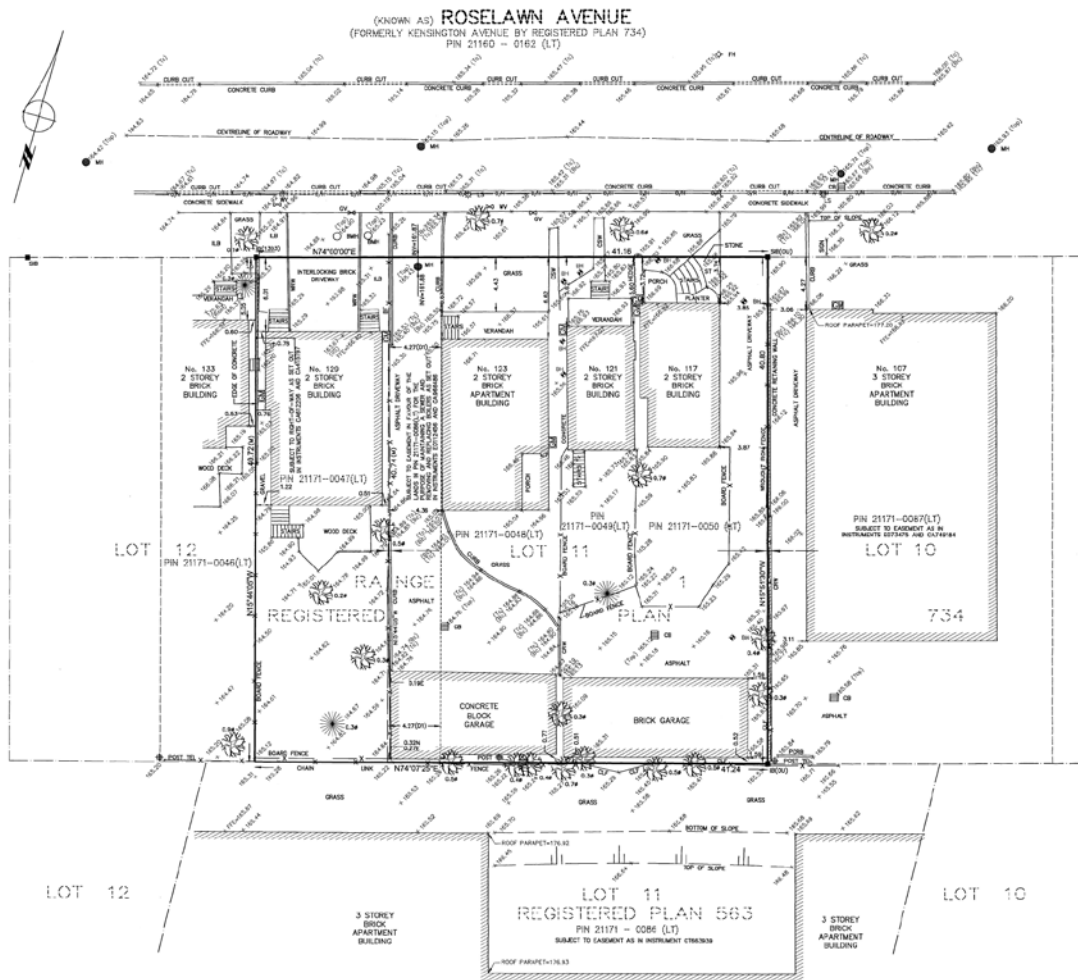
File # 13 133965 NNY 16 0Z

- G Parks District
- R1 Residential District
- R2 Residential District

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

  
 Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 05/24/2013

# Attachment 5: Topographic Survey



Topographic Survey

117, 121, 123 & 129 Roselawn Avenue

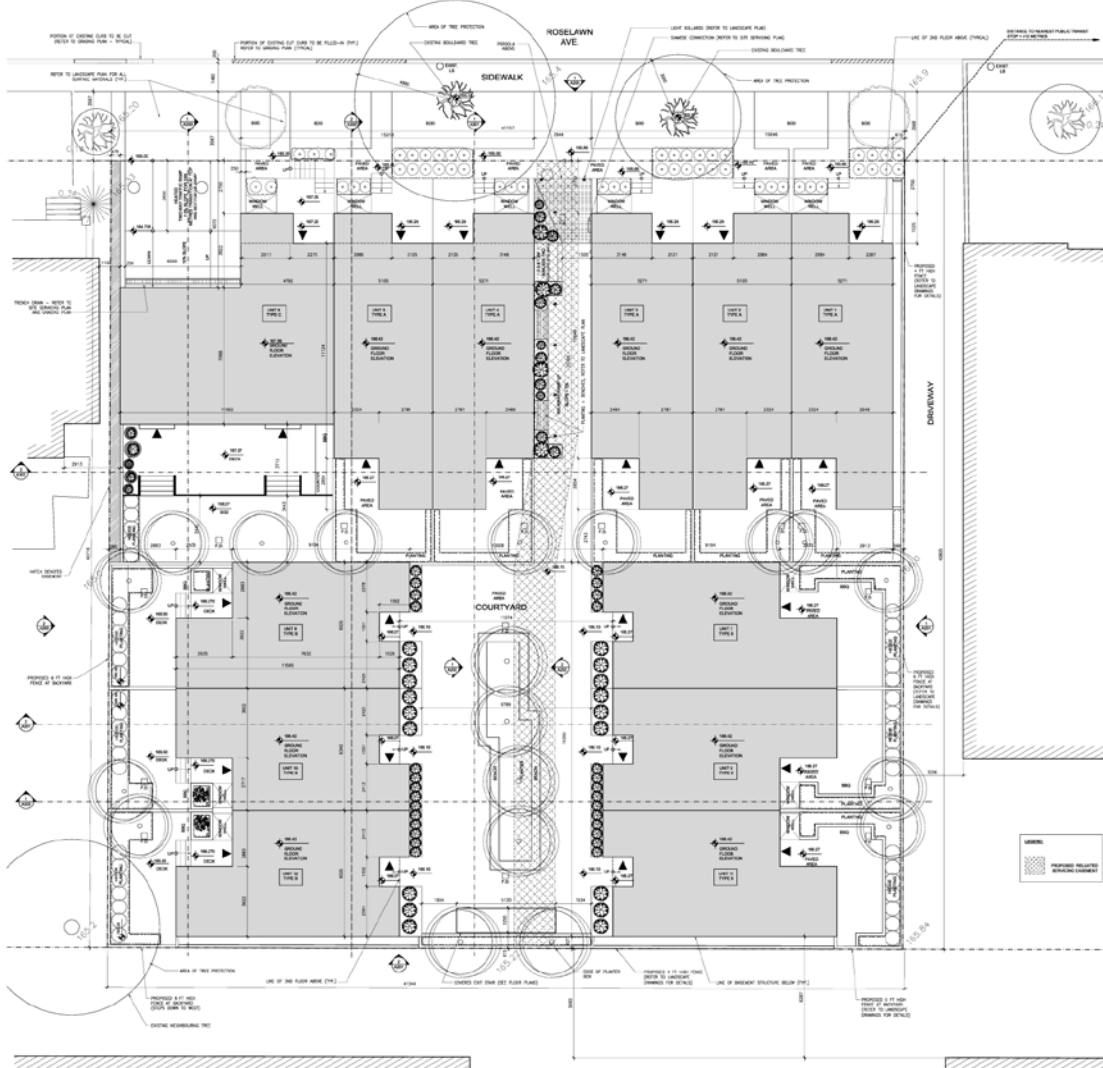
Applicant's Submitted Drawing

Not to Scale  
03/23/2015

File # 13 133965 NNY 16 0Z



# Attachment 6: Site Plan May 2014



## Site Plan

117, 121, 123 & 129 Roselawn Avenue

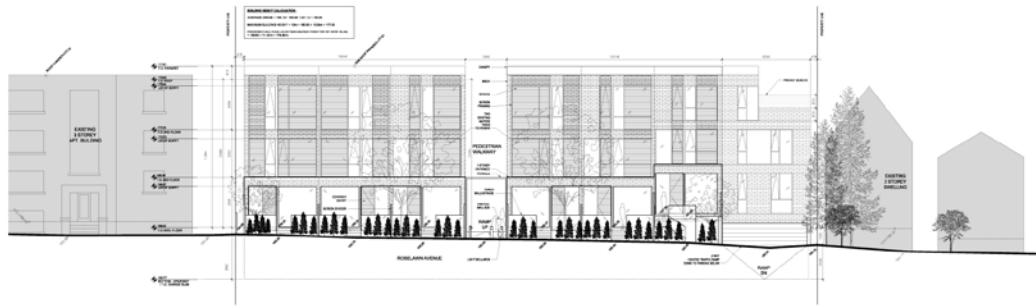
Applicant's Submitted Drawing

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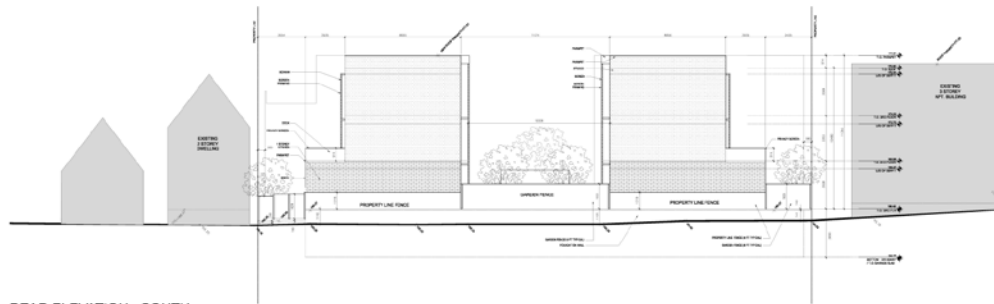
03/23/2015

File # 13 133965 NNY 16 0Z

**Attachment 7: Front (Roselawn Avenue) and Rear (South) Elevations May 2014**



FRONT ELEVATION - NORTH



REAR ELEVATION - SOUTH

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**Elevations**

**117, 121, 123 & 129 Roselawn Avenue**

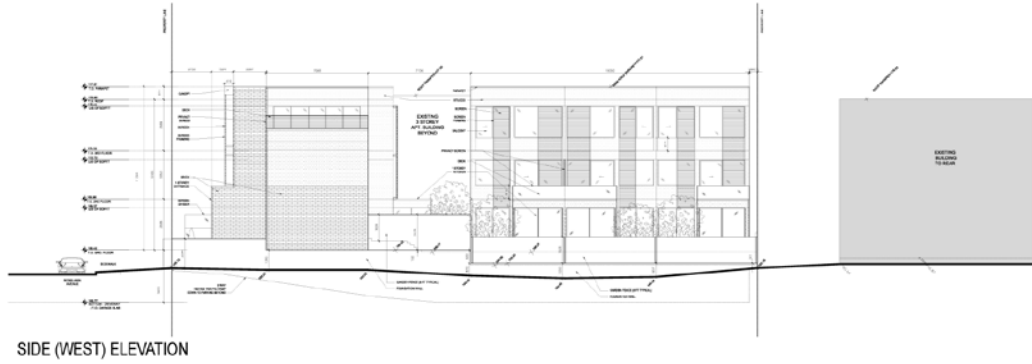
Applicant's Submitted Drawing

Not to Scale  
03/23/2015

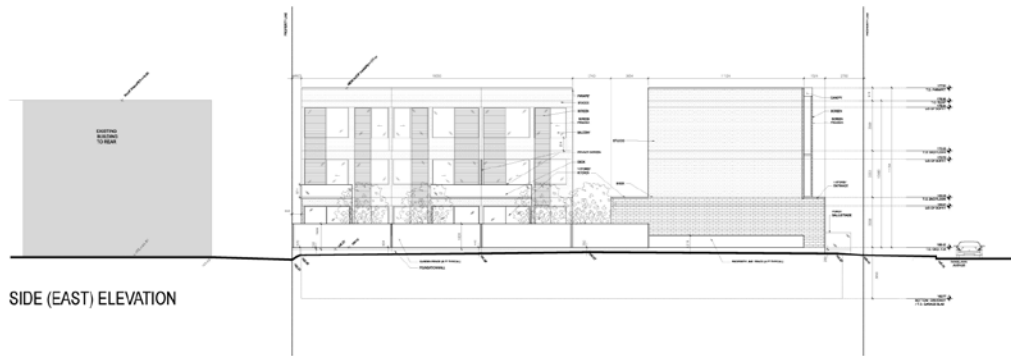
File # 13 133965 NNY 16 0Z

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**Attachment 8: West and East Elevations May 2014**



SIDE (WEST) ELEVATION



SIDE (EAST) ELEVATION

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**Elevations**

**117, 121, 123 & 129 Roselawn Avenue**

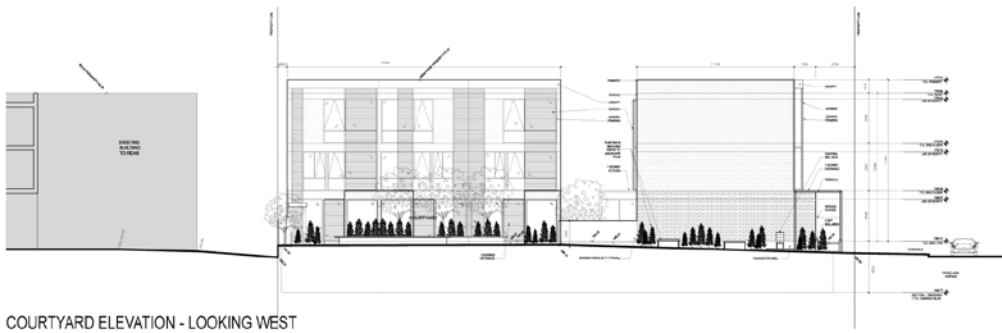
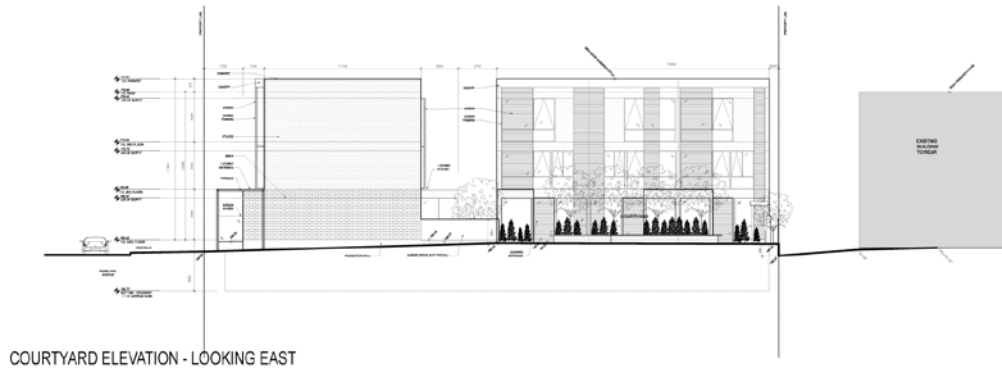
Applicant's Submitted Drawing

Not to Scale  
03/23/2015

File # 13 133965 NNY 16 0Z

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**Attachment 9: East-facing and West-facing Courtyard Elevations May 2014**



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**Elevations** **117, 121, 123 & 129 Roselawn Avenue**  
**Applicant's Submitted Drawing**  
Not to Scale File # 13 133965 NNY 16 0Z  
03/23/2015

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