

36, 38, and 40 Churchill Avenue - Official Plan and Zoning By-law Amendment Applications – Request for Direction Report

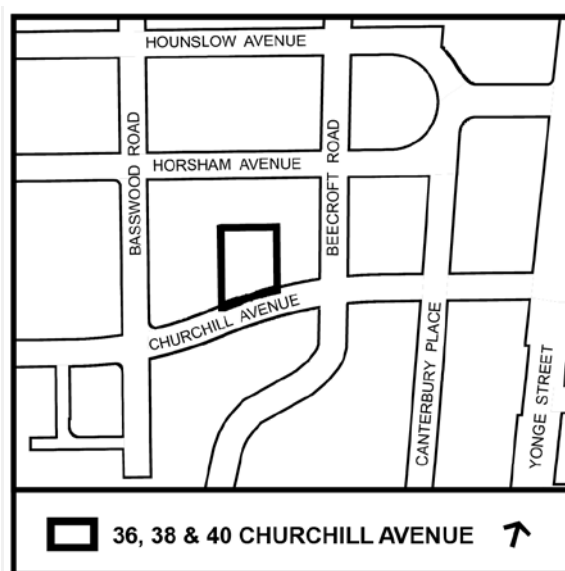
Date:	August 19, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	14 260003 NNY 23 OZ

SUMMARY

The applicant has appealed the Official Plan Amendment and Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time period prescribed under the *Planning Act*. A hearing date has yet to be scheduled.

This application proposes to amend the Official Plan and Zoning By-law to permit a residential development consisting of 18 townhouse dwelling units for the lands located at 36, 38, and 40 Churchill Avenue.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board to oppose the application as currently proposed. The proposal does not respect the existing and planned context of the neighbourhood and does not conform to the Official Plan.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the Ontario Municipal Board to oppose the appeal of the Official Plan Amendment and Zoning By-law Amendment applications (Application Number 14 260003 NNY 23 OZ) in its current form.
2. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve an Official Plan or Zoning By-law Amendment for the subject lands until such time as:
 - a. The Board has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law amendments are in a form satisfactory to the City; and
 - b. The site plan control application is finalized to the satisfaction of the Director of Community Planning, North York District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The application was received and deemed complete as of December 5, 2014. Staff prepared a Preliminary Report to the February 18, 2015 meeting of North York Community Council. The preliminary report is available at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-75326.pdf>

On July 16, 2015, the solicitors representing the owner of the lands appealed the Official Plan Amendment and Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's failure to make a decision within the time prescribed by the *Planning Act*. A hearing date has not been scheduled.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on May 15, 2014 prior to the submission of the application.

ISSUE BACKGROUND

Proposal

The proposed development consists of 18 townhouse dwelling units in three blocks. The proposed townhouse units would be approximately 4 storeys in height. Under North York Zoning By-law No. 7625, the units measure between 11.72 and 14.31 metres in height. The height proposed under the City of Toronto's new Zoning By-law No. 569-2013 is between 12.02 and 14.42 metres in height.

The development would include a total of 36 parking spaces and 2 visitor parking spaces. Each of the units would feature one internal parking space and one external space. The development has a total residential gross floor area of 3,769 m² and an overall floor space index (FSI) of 1.43 under former City of North York Zoning By-law No. 7625 and 1.59 under the new City of Toronto Zoning By-law No. 569-2013.

Blocks 1 and 2 would consist of a total of 8 units (4 units/block) fronting onto Churchill Avenue with 2 parking spaces per unit located at the rear of the units accessed via a private mews internal to the site. The mews would also provide access into the site from Churchill Avenue between Blocks 1 and 2. A front yard setback ranging between 1.96 metres and 5.67 metres is proposed. No rear yard landscaped open space would be provided for Blocks 1 and 2. Outdoor amenity space is proposed on the rooftop of the dwellings.

Block 3, located at the rear of the site behind Blocks 1 and 2, would consist of 10 units fronting onto the private mews with 2 parking spaces per unit located at the front of the units. The proposed dwellings in Block 3 would have a rear yard setback of 7.74 metres. No front yard landscaped open space is proposed.

The proposed units would have a width of 4.29 metres with the exception of the end units which measure 4.45 metres in width. East and west side yard setbacks of 1.2 metres are proposed. No common outdoor open space or amenity area is proposed.

Site and Surrounding Area

The subject lands are located on the north side of Churchill Avenue, west of Yonge Street and south of Finch Avenue West. The subject lands measure approximately 2,626.3 m² (0.64 ac) in area and have approximately 45.5 metres (149.27 ft) of frontage on Churchill Avenue. Each of the three existing residential lots contains a single detached residence which would be demolished in order to facilitate the proposed development. The subject lands are located approximately 450 metres west of Yonge Street.

Abutting uses are as follows:

North: Two-storey single-detached residential dwellings.

South: A block containing two-storey detached dwellings bounded by Beecroft Road and Basswood Road. This block is designated as a "Place Under Consideration by City for Additional Parks" as per Map 8-9a – North York Centre North Conceptual Parks and Open Space Plan in the North York Centre Secondary Plan. Further south and east are the residential, institutional, and commercial uses of the North York Centre.

East: North York Centre Secondary Plan Area comprised of a mix of uses and building types. Immediately east and adjacent to the site is a vacant parcel of land which is part of the open space network along Beecroft Road. Further east across Beecroft Road is an 18-storey condominium building with townhouse units fronting Beecroft Road. On the southeast corner is a 19-storey residential building with townhouse units fronting onto Beecroft Road.

West: Two-storey single-detached residential dwellings. At the southwest corner of Churchill Avenue and Basswood Road are 38, 3-storey townhouses at a density of 1.1 FSI approved by the Ontario Municipal Board in 2005.

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 City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur. The Plan outlines how growth is to be directed towards areas with supporting infrastructure and provide a transition in scale and density that protects stable neighbourhood areas from the effects of nearby development. The Official Plan directs growth to the *Downtown*, the *Centres*, *Avenues*, and *Employment Districts*.

The site is designated *Neighbourhoods* on Map 17, Land Use Plan of the City of Toronto Official Plan (Attachment 6). Unlike the designated growth areas, *Neighbourhoods* are stable areas, where significant growth is not encouraged and new development is to respect and reinforce the general physical patterns of the neighbourhood.

***Neighbourhoods* Policies**

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 4 of the Official Plan further defines development in established *Neighbourhoods* by outlining policies which speak to the specificity of this type of development. Section 4.1.5 of the Official Plan provides 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.

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.

The prevailing building type will be the predominant form of development in the neighbourhood. Some *Neighbourhoods* will have more than one prevailing building type. In such cases, a prevailing building type in one neighbourhood will not be considered when determining the prevailing building type in another neighbourhood.

Healthy Neighbourhoods Policies

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. Section 2.3.1 recognizes that *Neighbourhoods* will not stay frozen and that

some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites over time.

Policy 1 of Section 2.3.1 of the Official Plan states that development within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. The objective is to ensure that new development in *Neighbourhoods* respects the existing physical character of the areas, reinforcing the stability of the neighbourhood.

Building a Successful City

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

Public Realm Policies

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 provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context.

Built Form Policies

Section 3.1.2 of the Official Plan speaks to built form. The policies stress that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Plan.

The Policies of Section 3.1.2 provide 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, comfortable and functional 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.

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

Zoning

Former City of North York Zoning By-law No. 7625

The site is zoned "One-Family Detached Dwelling Fourth Density Zone (R4)" in Zoning By-law No. 7625 of the former City of North York. The R4 zone is a residential zone permitting detached dwellings, accessory buildings, parks, playgrounds, clubs, community centres, schools, and places of worship. The maximum permitted height for a detached dwelling is 8 metres for a flat roof and 8.8 metres for all other roofs (2 storeys) and the minimum required frontage is 15 metres.

City of Toronto Zoning By-law 569-2013

Under City of Toronto Zoning By-law 569-2013, which is currently under appeal, the site is zoned "Residential Detached Zone (RD f15.0; a550)(x5)". Permitted uses include detached dwellings and parks. There are a number of additional uses permitted so long as they comply with specific conditions outlined in the zoning by-law. These uses include a day nursery, fire hall, group home, library and public utility among others. The minimum lot frontage in the RD zone is 15.0 metres and the maximum lot coverage is 30% of the lot area. The maximum permitted building height is 7.2 metres for a flat roof and 10.0 metres for all other roofs (2 storeys). The exception permits a minimum side yard setback of 1.8 metres.

Site Plan Control

The proposed development is subject to Site Plan approval. A Site Plan Control application has been submitted with the application (File No. 14 260010 NNY 32 SA).

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.

The Infill Townhouse Guidelines only apply wherever townhouses are considered an appropriate housing form.

Reasons for the Application

An amendment to the 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 R4 and RD (f15.0; a550)(x5) zones do not permit the proposed townhouses and to establish appropriate zoning standard/regulations to facilitate the proposal.

Community Consultation

A Community Consultation meeting to discuss the proposal was held on May 20, 2015 at Edithvale Community Centre. The meeting was attended by the Ward Councillor, City Planning staff, the applicant and approximately 45 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, which have been considered in the review of the application, are generally related to the following matters:

Impact on the stability of the community/neighbourhood character and the proposal's conformity with the Official Plan:

- Much of the discussion focused on the appropriateness of the townhomes within a neighbourhood characterized by single-detached dwellings as the predominant form.

Potential for parking and traffic impacts on Churchill Avenue:

- Concern was expressed with respect to current traffic levels on Churchill 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 visitors to 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 approximately 7.2 to 10 metres in height, many felt that the townhouses proposed would be out of character with the existing neighbourhood fabric. Concern was also expressed with respect to finished first floor height and the number of steps leading up to the building.

Overlook:

- Concerns were expressed regarding overlook and privacy issues associated with the proposed rooftop terraces.

Other issues included lack of visitor parking, and; 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 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.

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 meets the requirements of the PPS.

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.

The proposal does not conform to the Official Plan designation of *Neighbourhoods* and is not consistent with the way in which the Official Plan implements the PPS. The proposal, therefore, is not consistent with the Provincial Policy Statement 2014.

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. The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth.

The Growth Plan also directs growth to *urban growth centres, intensification corridors, major transit station areas, brownfield sites* and *greyfields* to provide as a key focus for transit and infrastructure investments to support future growth. This is not an area where the scale of intensification and built form proposed, is anticipated or appropriate. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan for the Greater Golden Horseshoe. Based on this, the proposal does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the *Downtown, Centres, Avenues* and *Employment Districts*. The proposed development is not in one of those areas.

The subject site is located in a *Neighbourhoods* designation where growth is not anticipated. The stability of Toronto's *Neighbourhoods* physical character is one of the keys to the City's success. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally fit the existing physical character.

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.

The site is located west of Beecroft Road on Churchill Avenue, a local street, and is designated *Neighbourhoods* in the City's Official Plan. One of the key policies of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Toronto's *Neighbourhoods* contain a range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of local residents. Low scale residential buildings consist of detached and semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartment buildings generally 4 storeys or less.

The application proposes an 18 unit townhouse development measuring approximately 4 storeys in height in a neighbourhood characterized by 2-storey, single detached dwellings on single lots with landscaped front and rear yards. While investment in *Neighbourhood Areas* is encouraged, new development must respect the character of the neighbourhood and serve to reinforce the stability of the neighbourhood.

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 physical character of the neighbourhood. The applicant's proposal for 18 townhomes in a *Neighbourhoods* area, where 3 single detached dwellings currently exist is not located in an area intended for significant growth and does not respect the physical character of the neighbourhood. Therefore, the proposal is not supported by staff.

Built Form and Existing Context

Policy 2.3.1.1 states that *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of the neighbourhood and its planned context. Elements that are important to the character of the neighbourhood are set out in Policy 4.1.5 and include height, massing, scale and dwelling type of nearby residential properties, prevailing building types(s), setbacks of buildings from the street and the pattern of prevailing setbacks and landscaped open spaces, among others.

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.

A determination of whether this proposal respects the physical character of the buildings, streetscapes and open space patterns of the neighbourhood has been evaluated as part of the review of this application. While the North York Centre is located to the immediate east of the site and features a mixture of low-rise and high-rise development, these uses are contemplated and transition provided for within the Secondary Plan lands. With the exception of the 38 unit, 3 storey townhouse development located at 61, 65, 69 & 71 Churchill Avenue and 2, 4 and 6 Basswood Road approved by the Ontario Municipal Board in 2005 under a different policy context.

The proposal introduces a townhouse built form into a low density area where they are not the predominant form of housing which would change the character of the area and initiate instability to the physical character of building types in the 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.

A comparison of the proposed development with the zoning requirements of the One Family Detached Dwelling Fourth Density Zone (R4) and the Residential Detached Zone (RD f15.0; a550)(x5) is provided below in Table 1.

Table 1 – Comparison of the Proposed Townhouses with the Current R4/RD Zoning Provisions

	<i>Current Proposal – 36, 38, and 40 Churchill Avenue</i>		<i>R4 Zoning Provisions (By-law No. 7625)</i>	<i>RD f15.0; a550(x5) Zoning Provisions By-law 569-2013</i>
<i>Dwellings per Lot</i>	18		1 (3 for subject site)	1 (3 for subject site)
<i>Lot Frontage</i>	45 m (3 lots combined)		15 m	15 m
<i>Lot Area</i>	2,623.3 m ² (3 lots combined)		550 m ²	550 m ²
<i>Lot Coverage</i>	37.17%		30%	30%
<i>Front Yard Setback</i>	1.96 m to 5.67 m		7.5 m	6.0 m or an average of two abutting lots in an R zone.
<i>Rear Yard Setback</i>	7.74 m		9.5 m	Greater of 7.5 m or 25% of the lot depth
<i>Side Yard Setback</i>	1.2 m		1.8 m	1.8 m
<i>Building Height</i>	By-Law No. 7625 14.17 m (Block 1) 14.31 m (Block 2) 11.72 m (Block 3)	By-Law 569-2013 14.42 m (Block 1) 14.42 m (Block 2) 12.02 m (Block 3)	Flat Roof 8.0 m (2 storeys) Pitched Roof 8.8 m (2 storeys)	Flat Roof 7.2 m (2 storeys) Pitched Roof 10 m (2 storeys)

The intent of these zoning by-law provisions is to ensure a consistent lot pattern and provide for adequate separation between dwellings; sufficient private open amenity; consistency in the streetscape, and; to prevent overlook and shadowing impacts. In essence, this proposal would amount to the replacement of 3 dwellings on 3 separate lots with 18 dwellings on one large lot. The proposal would also introduce dwelling units in front of dwelling units separated by only a mews, which is not permitted in an area of single detached homes.

The typical lot area and frontage in this neighbourhood is 550 m² and 15 metres, respectively with front, rear, and side yard setbacks to provide adequate amenity area, separation, and open space for one single detached dwelling per lot. In this case, the proposed dwellings in Block 3 would have a rear setback of 7.74 metres. Blocks 1 and 2 would have a front setback ranging between 1.96 and 5.67 metres in an area characterized by a front yard setback of at least 7.5 metres. The proposed pattern of open space also differs from what exists in the area as Blocks 1 and 2 have no landscaped rear yards and

Block 3 has no landscaped front yards. Rooftop amenity areas are proposed for those units in Blocks 1 and 2 which would differ significantly from the surrounding neighbourhood and would cause issues with respect to privacy and overlook to properties to the north and west.

Given the existing and planned context, the proposal will adversely impact the stability of the area because it does not respect physical elements of the neighbourhood character. The proposed townhouse development does not conform to the *Neighbourhood* policies of the Official Plan.

Building Height

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 are generally reflective of the Zoning By-law standard of 8.8 and 10 metres and 2 storey building heights for single detached dwellings.

The proposed townhouse units are approximately 4 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 between 11.72 and 14.31 metres 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 centrepiece 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 between 12.02 and 14.42 metres in height. 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 metres past each side lot line.

The proposed building heights at approximately 4 storeys and 11.72 to 14.31 metres and 12.02 to 14.42 metres would have a negative impact on the scale of the streetscape and amenity of nearby stable residential properties, as it would introduce a building height not consistent with the surrounding area and creates issues related to massing, overlook and privacy.

Lot Size and Density

This application proposes to consolidate 3 lots to facilitate the proposed townhouse development resulting in a lot area of approximately 2,626.3 m² (0.64 ac) and lot frontage of 45.5 metres (149.27 ft). Of the 18 units, 8 units would front onto Churchill Road and 10 units would be located at the rear of the site. The proposed units each measure either 4.29 metres (14.07 feet) or 4.45 metres (14.6 feet) in width.

The existing lot frontages in the area are very homogeneous and the proposed consolidation of the 3 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 18-unit townhouse block, the physical character of the neighbourhood would be fundamentally changed and destabilized.

With respect to density, both the former City of North York Zoning By-law No. 7625 and the City of Toronto Zoning By-law 569-2013 permit detached dwellings at a maximum lot coverage of 30%. The development has an overall lot coverage of 37.17% and a floor space index (FSI) of 1.43 and 1.59. This proposed density is substantially higher than what exists in the adjacent neighbourhood.

In addition, the zoning by-laws only permit one detached dwelling per lot. As the subject lands are comprised of 3 lots only 3 dwellings would be permitted. The proposed development includes 18 units which would represent an increase of 6 times more units than is currently permitted for the site.

Consolidation and redevelopment of this magnitude would set an undesirable precedent for the surrounding neighbourhood.

Access to the Blocks and Parking

A 6 metre wide T-shaped private mews is proposed via Churchill Avenue through the centre of the site. The mews would provide access to each of the individual unit driveways and integral garages which are located at the rear of Block 1 and 2 (Churchill Avenue facing units) and at the front of Block 3 with units fronting onto the private mews. The development includes a total of 36 parking spaces for the townhouse units (2 spaces per unit) and 2 visitor parking spaces to be integrated into the private mews at the southern end of the site.

The character of the area consists largely of single lots with each having a dwelling unit and individual front yard driveways leading to a garage, typically integral to the dwelling. The proposed vehicular access creates a new block and private mews/driveway pattern not found elsewhere in the low density area. This mews 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.

Proximity to the North York Centre

The site is in proximity to the North York Centre Secondary Plan Area. The North York Centre is an important focus of transit-based employment and residential growth. The North York Centre is one of the four Centres that have an important role in achieving the strategic growth objectives of the Official Plan. While redevelopment is encouraged in

the North York Centre, existing *Neighbourhoods* outside the North York Centre are to be protected, preserved and enhanced.

The North York Centre Secondary Plan contains a number of policies that speak to providing transition within the Secondary Plan Area as opposed to within the adjacent low-rise neighbourhoods. This is reflected in the lowering of building heights and densities along the boundaries of the Secondary Plan area and the encouragement of low rise development fronting along sections of the service road to provide a transition between the higher density uses in the North York Centre and the adjacent low rise stable residential neighbourhoods.

Transition in the form of townhouses is provided for within the North York Centre. The subject lands are located in direct proximity to the North York Centre adjacent to Beecroft Road, but are not within the Centre and are therefore not located in an area of transition nor required to provide a transitional use to higher density developments located in the North York Centre area.

Conformity with the Infill Townhouse Guidelines

As was previously noted, the Infill Townhouse Guidelines apply wherever townhouses are considered to be an appropriate form. While they are not considered an appropriate form in this case, it is important to consider any proposal for townhouses within the context of the guidelines. There exist a number of issues with the proposal within the context of the Infill Townhouse Guidelines:

"New townhouse development should be accessible from existing public streets. If new streets are required, they should be extended and integrated into the existing public street."

- The proposal is for 18 units, of which 8 would front onto a public street and 10 would front onto a private mews. This is not appropriate, as the Official Plan encourages address onto public streets and this form of access would undermine the character of this neighbourhood which is predominately single family dwellings on public streets.

"New streets should be laid out allowing for infill townhouses that... have front entrances on existing or newly created public streets, and that avoid back-to-front facing relationships (such as front doors facing rear yards or service areas)."

- Each of the 10 units fronting onto the proposed private mews would be facing the rear of the 8 units fronting onto Churchill Avenue which is neither appropriate nor consistent with the Infill Townhouse Guidelines.

"Align setbacks with adjacent buildings to frame the street"

- Setbacks consistent with the neighbouring properties provide space for landscaping. In this case, the proposed townhouses fronting Churchill Avenue would be located anywhere from 1.96 to 5.67 metres from the front lot line. This

is significantly less than the 7.5 metres required by the R4/RD zone which typifies the character of the street.

"A front driveway only when a lot is more than 6 metres (20 feet) wide."

- Each of the units in Block 3 takes its driveway access from the front. The proposed unit frontages are between 4.29 and 4.45 metres, which are significantly less than the required 6 metre frontage. This would result in minimal front yard landscaping and impacts garbage storage.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 -1.56 hectares of parkland per 1,000 people. The site is in the middle quintile of current provision of parkland.

The site is in a parkland acquisition priority area and is subject to the Alternative Parkland Dedication Rate, as per the City Wide Parkland Dedication By-law 1020-2010.

At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.024 hectares (240 m²) or 9.14% of the site area. The applicant is required to satisfy the parkland dedication requirement by providing on-site parkland dedication of 0.024 hectares (240 m²). The parkland is to be situated on the east side of the site abutting the boundary of 34 Churchill Avenue (Beecroft Linear Park).

Site Plan

Staff have identified a number of issues with the proposal throughout this report that would require further revisions to the submitted plans and reports.

This report recommends that the City Solicitor be directed to request the Ontario Municipal Board to withhold the final order pending finalization of the site plan application to the satisfaction of the Director of Community Planning, North York District, should the Ontario Municipal Board approve the application.

CONCLUSION

The proposed 18-unit townhouse development is not appropriate for this site within a stable residential neighbourhood and thereby does not conform to the Official Plan. The proposed building type, lot size and density, setbacks, open space patterns and building height do not reinforce or respect the physical character of the existing neighbourhood. The proposal would destabilize the existing neighbourhood which is predominately characterized by single detached homes on public streets.

It is recommended that City Council authorize the City Solicitor and appropriate staff to attend any Ontario Municipal Board hearing in opposition to the proposal for the reasons set out in this report.

CONTACT

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SIGNATURE

Joe Nanos, Director
Community Planning, North York District

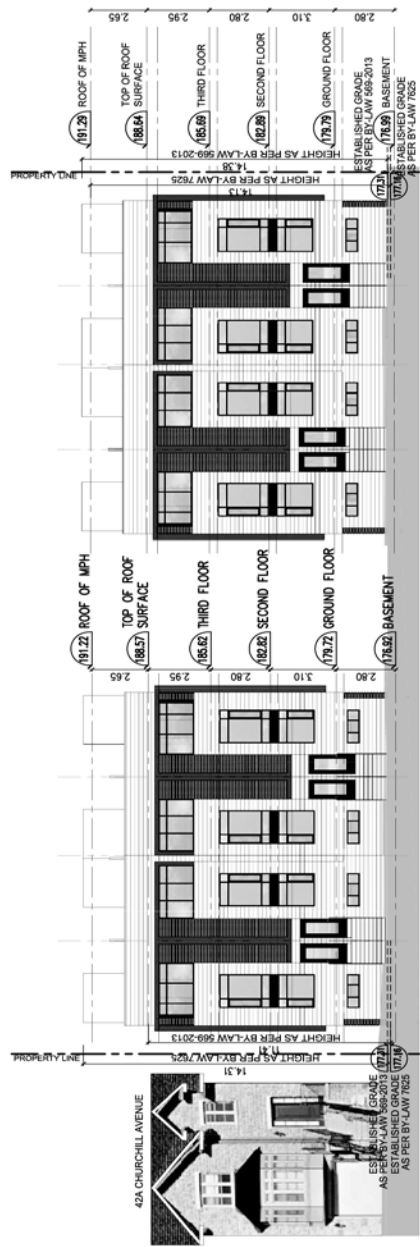
ATTACHMENTS

Attachment 1:	Site Plan
Attachment 2:	Elevations
	2a) Blocks 1 and 2 – South Elevation
	2b) Blocks 1 and 2 – North Elevation
	2c) Block 3 – South Elevation
	2d) Block 3 – North Elevation
	2e) East Elevation
	2f) West Elevation
Attachment 3:	Official Plan
Attachment 4:	Zoning
Attachment 5:	2014 Aerial Photograph
Attachment 6:	Application Data Sheet

[illegible]

File # 14 260003 NNY 23 OZ

Attachment 2a: Blocks 1 and 2 - South Elevation



36, 38 & 40 Churchill Avenue

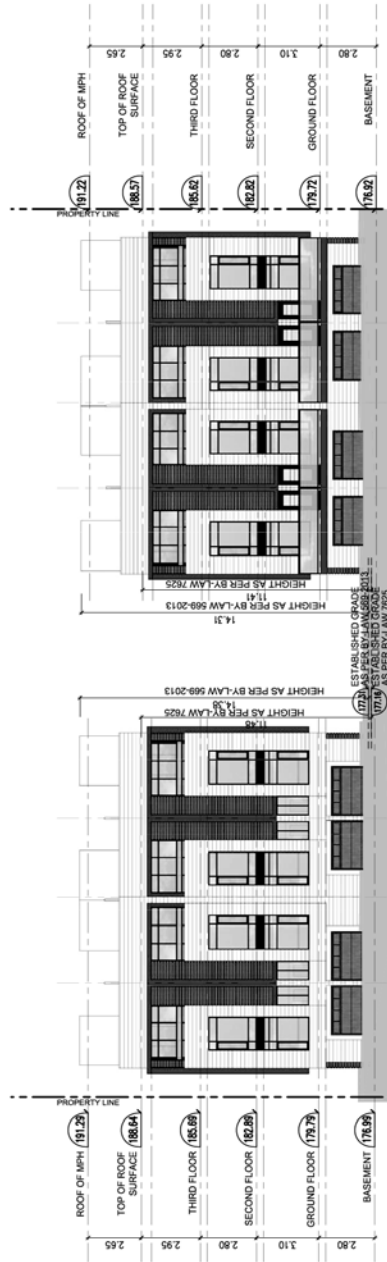
South Elevation

Applicant's Submitted Drawing

Not to Scale
01/08/2015

File # 14 260003 NNY 23 0Z

Attachment 2b: Blocks 1 and 2 – North Elevation



36, 38 & 40 Churchill Avenue

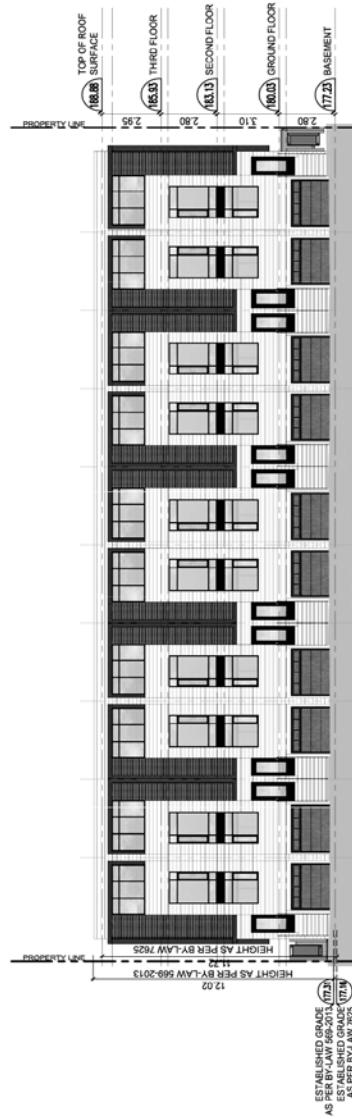
Blocks 1 & 2 North Elevation

Applicant's Submitted Drawing

Not to Scale
01/08/2015

File # 14 260003 NNY 23 0Z

Attachment 2c: Block 3 – South Elevation



Block 3 South Elevation

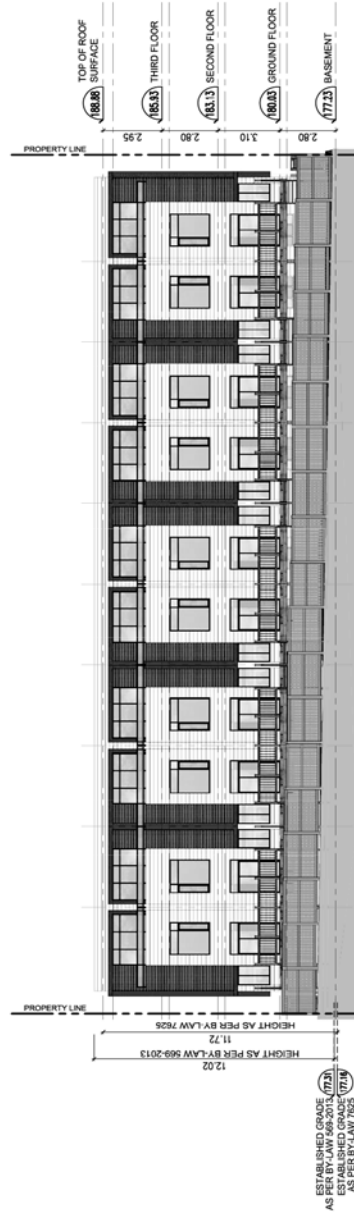
Applicant's Submitted Drawing

Not to Scale
01/08/2015

36, 38 & 40 Churchill Avenue

File # 14 260003 NNY 23 0Z

Attachment 2d: Block 3 – North Elevation



36, 38 & 40 Churchill Avenue

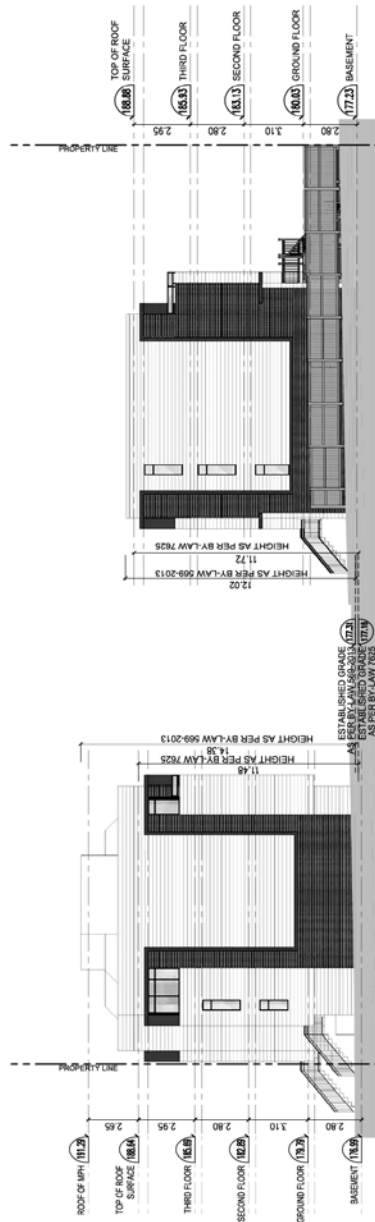
North Elevation

Applicant's Submitted Drawing

Not to Scale
01/08/2015

File # 14 260003 NNY 23 0Z

Attachment 2e: East Elevation



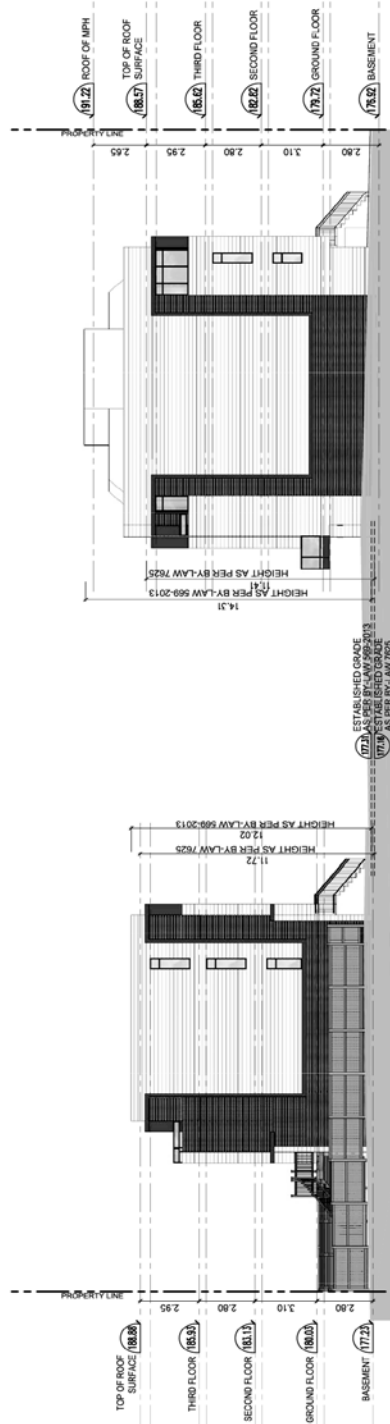
36, 38 & 40 Churchill Avenue

East Elevation
Applicant's Submitted Drawing

File # 14 260003 NINY 23 0Z

Not to Scale
01/08/2015

Attachment 2f: West Elevation



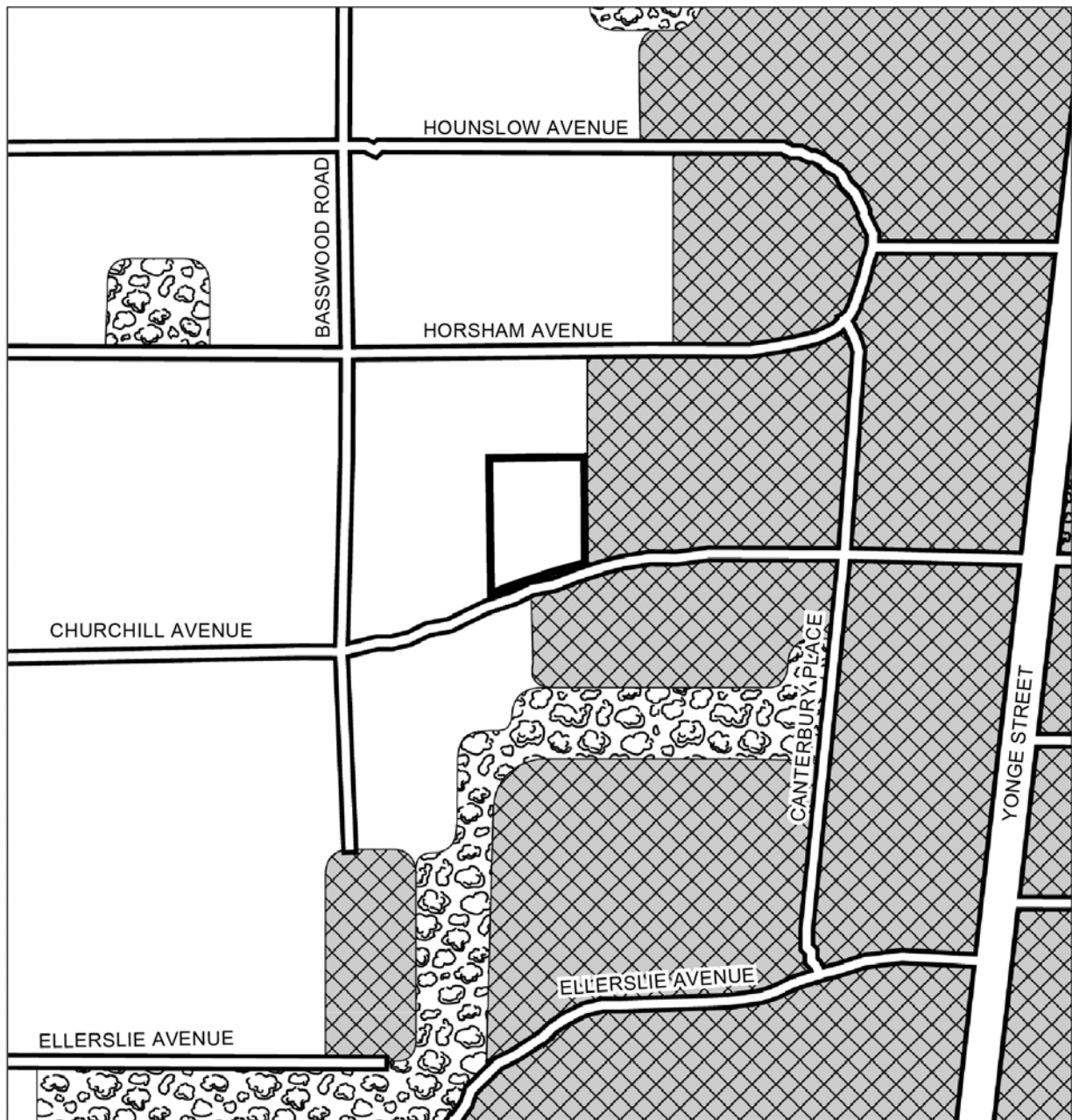
36, 38 & 40 Churchill Avenue

West Elevation
Applicant's Submitted Drawing

File # 14 260003 NNY 23 0Z

Not to Scale
01/08/2015

Attachment 3: Official Plan



Toronto City Planning
Extract from Official Plan

36, 38 & 40 Churchill Avenue

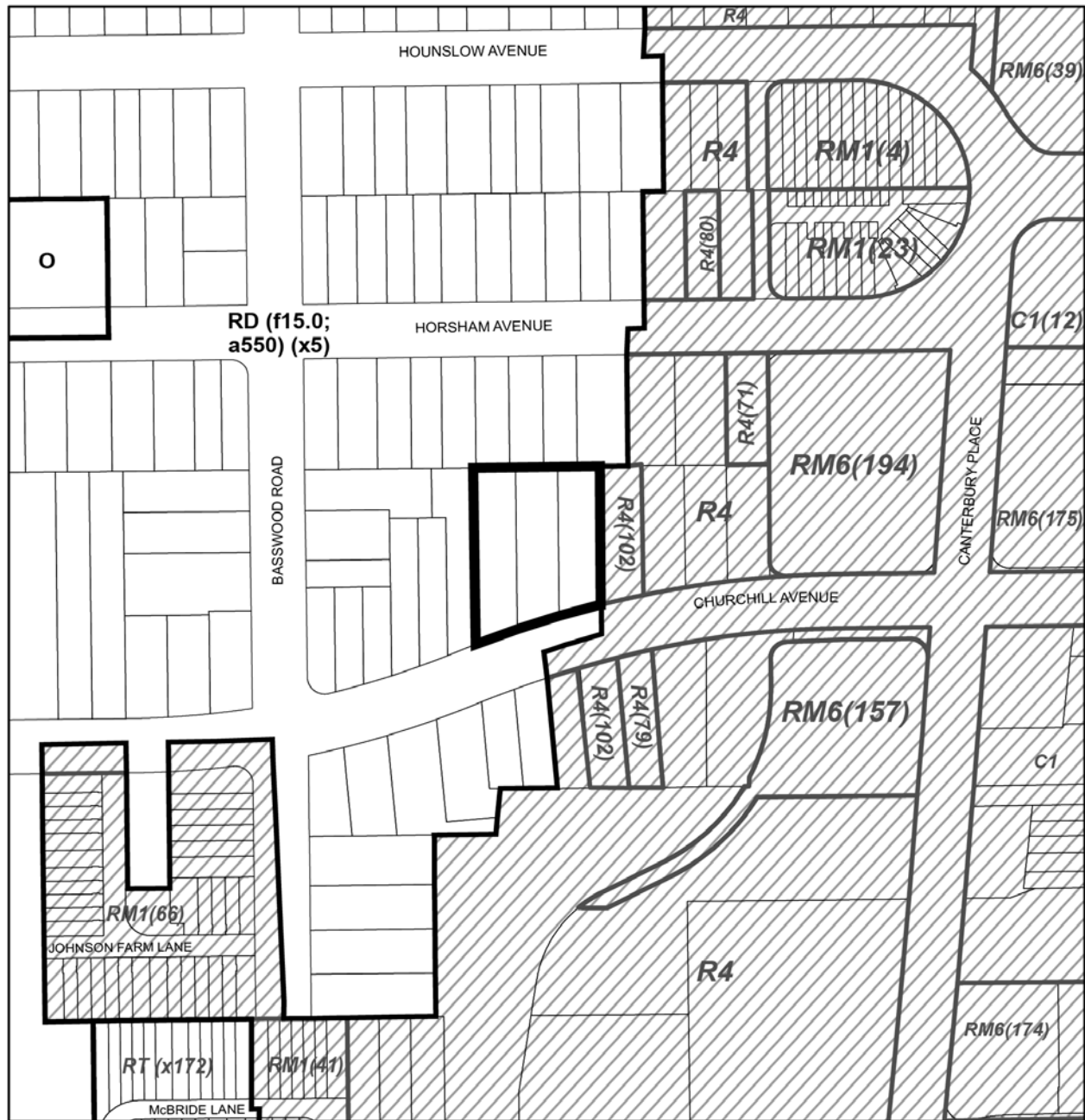
File # 14 260003 NNY 23 02

	Site Location		Parks
	Neighbourhoods		Other Open Space Areas
	Mixed Use Areas		

Parks & Open Space Areas

↑
Not to Scale
01/27/2015

Attachment 4: Zoning



Zoning By-Law No. 569-2013

36, 38 & 40 Churchill Avenue

File # 14 260003 NNY 23 0Z



Location of Application

RD Residential Detached

RT Residential Townhouse
O Open Space



See Former City of North York By-Law No. 7625

R4 One-Family Detached Dwelling Fourth Density Zone
RM1 Multiple-Family Dwellings First Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
C1 General Commercial Zone



Not to Scale
Extracted: 01/27/2015

Attachment 5: 2014 Aerial Photograph



2014 Aerial Photograph

36, 38 & 40 Churchill Avenue

Not to Scale
08/12/2015



File # 14 260003 NNY 23 02

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	14 260003 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 3, 2014

Municipal Address: 36, 38 AND 40 CHURCHILL AVE

Location Description: PLAN 3163 W PT LOT 41 **GRID N2302

Project Description: Applications for Official Plan and Zoning By-law Amendment to permit the development of eighteen townhouse dwelling units with a total residential gross floor area of 3,769 m² resulting in a density of 1.43 and 1.59 FSI. 36 tandem parking spaces are proposed for residents in private integral garages accessed via a private mews from Churchill Avenue. Concurrent Site Plan Application: 14 260010 NNY 23 SA

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGCEVIC ASSOCIATES LTD			UI HWI KIM

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R4/RD f15.0; a550)(x5)	Historical Status:	
Height Limit (m):	8.8/10 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2626.3	Height:	Storeys:	4-5
Frontage (m):	45.5		Metres:	14.42
Depth (m):	49.51			
Total Ground Floor Area (sq. m):	976.3			Total
Total Residential GFA (sq. m):	3769		Parking Spaces:	36 including visitors
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	3769			
Lot Coverage Ratio (%):	37.17			
Floor Space Index:	1.43 and 1.59			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3769	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:	18	Institutional/Other GFA (sq. m):	0	0
Total Units:	18			

CONTACT:	PLANNER NAME:	Jason Brander, Planner
	TELEPHONE:	(416) 395-7124