

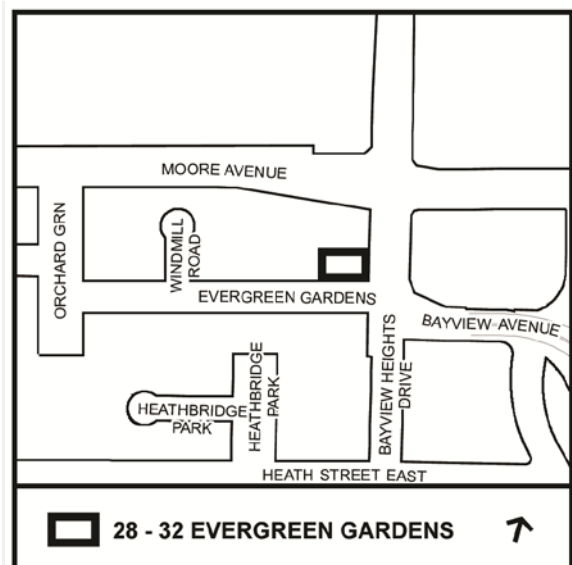
**28 and 32 Evergreen Gardens – Official Plan
Amendment and Zoning-Bylaw Amendment – Refusal
Report**

Date:	December 16, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	16 182232 NNY 26 OZ

SUMMARY

This application proposes to amend the Official Plan and Zoning By-law for the lands at 28 and 32 Evergreen Gardens to permit a six-unit townhouse block, which would front onto Evergreen Gardens. Each unit would be three storeys in height, plus an enclosed staircase and elevator access to a rooftop terrace. The proposed gross floor area of the block is 1,897 square metres with a corresponding floor space index of 1.88 times the area of the lot.

Evergreen Gardens forms part of the neighbourhood of Bennington Heights. It is a residential street, which accommodates detached dwellings, as do the rest of the streets in the neighbourhood. The proposed building type, built form and zoning provisions are not in keeping with the character of the neighbourhood, or the policies of the Official Plan. The proposal would undermine the stable character of the neighbourhood, and would create a precedent for townhouses throughout the neighbourhood. Staff are recommending that the application be refused.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application to amend the Official Plan and Zoning By-laws at 28 and 32 Evergreen Gardens for the following reasons:
 - a) The proposal is not in keeping with the building type and built form character of the neighbourhood, and does not conform to the policies of the Toronto Official Plan; and
 - b) The approval of the proposal would set a negative precedent, and undermine the stable neighbourhood character.
2. Should the application 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 Amendments.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of September 12, 2016, North York Community Council amended and adopted the recommendations in a Preliminary Report dated August 17, 2016, from the Director, Community Planning, North York District. These recommendations included direction that City Planning staff schedule a Community Consultation Meeting for the lands at 28 and 32 Evergreen Gardens, together with the Ward Councillor. This decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY16.33>. The report can be found here:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-95254.pdf>.

Pre-Application Consultation

A pre-application consultation meeting was held with City Planning staff on December 23, 2015 to discuss the proposal and complete application submission requirements. Staff expressed concerns with the proposed townhouse building type, indicating that it would not reflect the prevailing character of the Bennington Heights neighbourhood, and therefore would not meet the intent of the Official Plan. However it was noted that, should the owner choose to move forward, applications for Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control would be required.

ISSUE BACKGROUND

Proposal

This application proposes to develop the lands at 28 and 32 Evergreen Gardens with six townhouse units, organized into one block, which would front onto Evergreen Gardens. The site plan can be found at Attachment 1. The proposed gross floor area of the block is 1,897 square metres, while the proposed lot coverage of the block is approximately 65%, resulting in a floor space index of 1.88 times the area of the lot. The proposed lot frontages, lot areas, unit widths, and unit areas are detailed in the following chart:

Lot No.	Lot Frontage	Lot Area	Unit Width	Unit Area
1	8.7 m	203 m ²	6.2 m	319.5 m ²
2	6.2 m	148 m ²	6.2 m	314.6 m ²
3	6.2 m	148 m ²	6.2 m	314.6 m ²
4	6.2 m	148 m ²	6.2 m	314.6 m ²
5	6.2 m	148 m ²	6.2 m	314.6 m ²
6	7.4 m	212 m ²	6.2 m	318.6 m ²

Each of the proposed units would be three storeys, plus a private rooftop terrace. An enclosed space accommodating a staircase, elevator, and storage room, having a floor area of six square metres, would provide access to each of the rooftop terraces. The proposed building height is 12.1 metres to the top of the third storey, and 14.6 metres to the top of the rooftop terrace accesses.

In addition to the rooftop terraces, each unit would have a private, at-grade rear yard, accessed from the first storey, with an area of approximately 25 square metres. Further, each unit would have a balcony, accessed from the second storey at the rear of the unit, with an area of approximately 3.3 square metres.

The proposed front yard setbacks to the garages would be 2.4 metres. The stairs leading to the front porches would extend to the front property line. The rear yard setbacks would be 4.1 metres to the rear wall of the townhouse block, and approximately 2.6 metres to the second storey balconies of each unit. The east side yard setback, adjacent to Bayview Avenue, would be 2.4 metres at the front corner of the block, and 2.7 metres at the rear corner of the block. The west side yard setback, adjacent to Evergreen Gardens Park, would be 1.1 metres at the front corner of the block, and 0.8 metres at the rear corner of the block.

Vehicular access to each lot would be provided by way of a private driveway from Evergreen Gardens, leading to a private garage integral to each unit, which would accommodate one parking space. No visitor parking spaces are proposed.

Site and Surrounding Area

The development site is a land assembly of two residential properties located at the northwest corner of Evergreen Gardens and Bayview Avenue, and just north of the

intersection of Bayview Heights Drive and Bayview Avenue. Together, the site has frontages of approximately 41 metres along Evergreen Gardens, and 25 metres along Bayview Avenue, with a total area of approximately 1,007 square metres. Each of 28 and 32 Evergreen Gardens currently accommodate a detached dwelling with front entrances and vehicular access from Evergreen Gardens. Additionally, 32 Evergreen Gardens also has a driveway and door facing Bayview Avenue. Both dwellings are proposed to be demolished.

Land uses surrounding the site are as follows:

North: Immediately north of the subject property is a six-storey apartment building, constructed in the 1950s. The building fronts onto Moore Avenue, with vehicular access provided from Bayview Avenue, by way of a six metre driveway, which abuts the north property line of the subject property. The apartment building is designated *Neighbourhoods* in the Toronto Official Plan.

At the northwest corner of Moore Avenue and Bayview Avenue, there is a gas station, a veterinary clinic, and a health care services office. Further north along the west side of Bayview Avenue, and further west along the north side of Moore Avenue, is Mount Pleasant Cemetery. These properties are designated *Other Open Space Areas* in the Toronto Official Plan. At the northeast corner of Moore Avenue and Bayview Avenue, there are two 2-storey commercial plazas.

South: South of the subject property is the residential neighbourhood of Bennington Heights, within which the subject property is located. This portion of the neighbourhood is largely characterized by one-storey and two-storey detached dwellings, and includes Bennington Heights Park, and Bennington Heights Elementary School. Bennington Heights Park is designated *Parks* in the Toronto Official Plan, while the remainder of this area is designated *Neighbourhoods*.

East: East of the subject property, across Bayview Avenue, is a stand-alone grocery store, and ancillary surface parking lot. This property is designated *Mixed Use Areas* in the Toronto Official Plan.

West: Immediately west of the subject property is Evergreen Gardens Park. The park, which is designated *Parks* in the Toronto Official Plan, extends to the south side of Evergreen Gardens. The residential neighbourhood of Bennington Heights, characterized by detached dwellings, continues west of the park, and is designated *Neighbourhoods* in the Toronto Official Plan.

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, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Chapter 2 of the Official Plan speaks to growth, and building a livable city. Section 2.3 notes that the majority of the City's land area, comprised of neighbourhoods, parks, ravines, watercourses, and valleys, are stable areas that will see little physical change, while more intense forms of growth will be focused in the *Downtown*, the *Centres*, the *Avenues*, and *Employment Districts*. It is expected, however, that neighbourhoods will see some physical change over time, as enhancements, additions, and infill housing occurs on individual sites.

Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas, and that development within these areas is to be consistent with this objective, and will respect and reinforce the existing physical character of buildings, streetscapes, and open space patterns.

Section 3.1.2 of the Official Plan, referring to built form, states that new development will be located and organized to fit with its existing and/or planned context. Policy 3.1.2 includes the following:

3. New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:
 - a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
 - b) 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;
 - c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;

- d) providing for adequate light and privacy;
- e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Chapter 4 of the Toronto Official Plan identifies the subject property as being designated *Neighbourhoods*. *Neighbourhoods* are considered to be stable areas, where new development will maintain the existing physical character. The designation contemplates a full range of residential uses in lower scale buildings, such as detached dwellings, semi-detached dwellings, duplexes, triplexes, and townhouses, as well as interspersed walk-up apartments that are four-storeys or less. Parks, schools, and local institutions are also found in *Neighbourhoods*. The Plan directs that physical changes to our established *Neighbourhoods* must be sensitive, gradual, and generally "fit" the existing physical character of the neighbourhood. Policy 4.1.5 outlines the development criteria for *Neighbourhoods*, stating, 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.

The Toronto Official Plan can be found here:

<http://www1.toronto.ca/planning/chapters1-5.pdf>.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

More information regarding OPA 320 can be found here:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=c860abe3a6589410VgnVCM10000071d60f89RCRD>.

Infill Townhouse Design Guidelines

The City-wide Infill Townhouse Design Guidelines, which were approved by City Council in 2003, articulate and clarify the City's interest in addressing impacts from townhouse developments, with a focus on protecting streetscapes and seamlessly integrating new development with existing housing patterns. The Guidelines consider matters such as open space, building location, built form, street proportion, relationships between grade and building height, pedestrian connections, light, privacy, location of parking, and servicing and utilities. The document notes that townhouse developments should fit within the existing context, so as to minimize impacts on the surrounding neighbourhood. They also consider the interaction between the proposed infill development and existing housing patterns.

Guideline 2.1 speaks to setbacks from the street, stating that setbacks from the public street should be consistent with the neighbouring properties, and should provide a space for landscaping and a pleasant continuous green space. Further, a minimum 6 metre setback from the front property line should be provided when parking is at the front of the townhouse.

Guideline 2.2 speaks to parking, noting that townhouse designs with integral front garages should be avoided to allow greater opportunities for street trees and soft landscaping. Where parking cannot be accommodated elsewhere on the site, it is recommended that a minimum of 6 metres be provided between individual driveways to allow for on-street parking.

Guideline 3.2 speaks to heights, stating that the overall building height should reflect the prevailing context of the neighbourhood, and the applicable zoning by-laws. This section further states that the elevation of the first storey should be raised approximately 3 to 5 steps above the grade directly in front of the front entrance. The top of the front door stoop should be no higher than 0.9 metres above grade.

Guideline 3.3 speaks to light, views and privacy, stating that a 7.5 metre rear yard setback should be provided, and when integrating a townhouse development into an existing neighbourhood, the proposed side yard setbacks should reflect existing conditions.

Guideline 4.1 speaks to streetscape improvements, stating that the amount of soft landscaping in the front yard should be maximized, providing a minimum of 30% front yard soft landscaping when parking is at the front of the building.

The guidelines can be found at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=67e70621f3161410VgnVCM10000071d60f89RCRD>.

Urban Design Guidelines for Townhouses and Low-Rise Apartments

The Urban Design Guidelines for Infill Townhouses (2003) assist in the implementation of Official Plan policies with a focus on preserving and enhancing streetscapes, respecting and reinforcing the prevailing physical character of the surrounding context and mitigating the impact of new development on adjacent and nearby properties and the public realm. The Guidelines provide an evaluation framework for site design and built form matters to achieve high quality urban design outcomes for low-rise, grade related residential units constructed in rows or blocks. The Guidelines can be viewed at: http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/

A comprehensive update to the Infill Townhouse Guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines (draft August 2016) further clarify and expand upon the 2003 Council-approved Infill Townhouse Guidelines to address current policy directions and best practices for a broader range of multi-dwelling developments up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be viewed online at: <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>. Prior to presenting a finalized version of these Guidelines for City Council consideration and adoption, City staff are currently refining and consulting upon the draft Guidelines, in part through their use during the review of development applications.

The Urban Design Guidelines for Infill Townhouses have been considered together with the draft Townhouse and Low-Rise Apartment Guidelines in the evaluation of the application.

Zoning

The site is currently zoned R1B under East York Zoning By-law No. 6752. With respect to residential permissions, this zone allows for detached dwellings, and associated accessory buildings. The minimum required lot frontage is 12 metres, and the minimum required lot area is 370 square metres. The maximum permitted building height is 8.5 metres. Lot coverage is restricted to a maximum of 35% of the lot area. Minimum setback requirements also apply.

The lands are also subject to Toronto Zoning By-law No. 569-2013, under which they are zoned RD (f12.0; a370; d0.6). In terms of residential permissions, this zone also allows for detached dwellings only. Additional zoning provisions are generally the same as noted above.

Townhouses are not permitted uses under either zoning by-law.

Tree Preservation

The City of Toronto Tree by-law, which seeks to protect and preserve trees on City and private property, was established to help the City retain as much tree cover as possible, particularly where development is concerned. It is expected that retention and appropriate protection of existing trees will be considered when developing properties, and whenever possible, buildings and driveways are to be diverted around trees.

City Council has adopted the Official Plan with the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent. The planting of large growing shade trees on both public and private lands should be an important objective for all development projects and must be considered integral to the design, planning and construction of projects. An arborist report was received as part of the application, and has been reviewed by Urban Forestry staff.

Site Plan Control

This proposal is subject to Site Plan Control, an application for which was submitted concurrently with the Official Plan and Zoning By-law Amendment application, on June 28, 2016 (16 182239 NNY 26 SA). The application for Site Plan Control has been reviewed together with this application.

Reasons for Application

The application for Official Plan Amendment is required to permit the proposed townhouse building type and the Zoning By-law Amendment has been submitted to seek permission for the proposed townhouse building type, and to create a list of performance standards for the proposed townhouses.

Community Consultation

On September 28, 2016, staff held a community consultation meeting (CCM) together with the Ward Councillor. Approximately 65 people attended the meeting. Issues raised focused primarily on the townhouse building type. The attendees noted that the neighbourhood is made up of detached dwellings, and expressed concerns that the introduction of the new building type would set a precedent, encouraging similar developments throughout the neighbourhood, altering the existing density and character of the neighbourhood. Other issues included:

- Proposed building height, setbacks, coverage, and floor space index;
- Noise and overlook from the proposed roof-top terraces;
- Lack of visitor parking;
- Increased traffic on Evergreen Gardens, and at the intersection of Evergreen Gardens and Bayview Avenue, which is already congested;
- Concerns for pedestrian safety, as the neighbourhood has no sidewalks, and experiences heavy street parking; and
- The effects of increased development in the neighbourhood on climate change.

In addition to the comments received at the CCM, staff have received nearly 60 letters of opposition to this application, with the concerns echoing those stated above.

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

Both of these documents are high-level and broad in their approach. The City is a development area and infill is encouraged under these policies. However, a key intent 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 Official Plan and associated Secondary Plans are based on projected needs and identify a land use structure of areas where intensification is appropriate. In this case, the 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. This neighbourhood, bounded by Moore Avenue to the north, Bayview Avenue to the east, the Canadian Pacific Railway line to the south, and Mud Creek to the west, is characterized by detached dwellings, in a *Neighbourhoods* designation. It is not appropriate to permit uses that would represent a departure from the existing character of the neighbourhood.

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

Building Type

The subject property is designated *Neighbourhoods* in the Toronto Official Plan. These areas are considered to be physically stable, and any development is required to be consistent with this objective by respecting and reinforcing the existing physical character of buildings, streetscapes and open space patterns. While it is expected that these areas will change over time, they are not intended to accommodate the city's growth.

The *Neighbourhoods* policies also state that development in these areas should respect and reinforce the existing physical character of the neighbourhood. The physical character of neighbourhoods vary across the city; it is determined by attributes such as prevailing building types, existing setbacks of buildings from the street, prevailing patterns of rear and side yard setbacks, and existing heights, massing, scale and dwelling

types. The policies state that no changes will be made through amendments to the zoning by-law that are out of keeping with this existing physical character.

The subject property is within the neighbourhood of Bennington Heights, bound roughly by Moore Avenue to the north, Bayview Avenue to the east, the Canadian Pacific Railway to the south, and the Mud Creek Ravine to the west. This neighbourhood is comprised almost entirely of detached dwellings. The only exceptions to this character are a 1950s six-storey apartment building at 1220 Bayview Avenue, situated north of the subject property, at the corner of Bayview Avenue and Moore Avenue, and a 1950s three-storey, six-unit building at 460 Heath Street East.

The Official Plan is clear that new development must respect and reinforce the existing physical character of the neighbourhood within which it is proposed. The Plan notes that in instances where the existing zoning by-law provisions allow only for detached dwellings, and the prevailing, or predominant, building type in the neighbourhood are detached dwellings, then the policies of the Plan are to be interpreted to allow only detached dwellings. As a result, the established physical character is respected and reinforced. While it is acknowledged that two multi-unit buildings exist in the neighbourhood of Bennington Heights, the overwhelming prevailing character of the neighbourhood, in terms of residential building type, is detached dwellings.

Lot Size

The proposed lot frontages and areas are as follows:

Provision	Permitted/Required	Proposed
Lot Frontage	12.0 m	8.7 m (Unit 1) 6.2 m (Units 2-5) 7.48.7 m (Unit 6)
Lot Area	370 m ²	319.5 m ² (Unit 1) 314.6 m ² (Units 2-5) 318.6 m ² (Unit 6)

This neighbourhood is characterized by relatively large residential lots accommodating detached dwellings with generous landscaping. The majority of lot frontages fall between 12 metres and 15.5 metres, with the average lot area being approximately 500 square metres. This application proposes lots with frontages that are significantly smaller than the majority of lots in the neighbourhood, and therefore would not be in keeping with the development criteria of Section 4.1.5, which requires that new development respect and reinforce the physical character of the neighbourhood, including size and configuration of lots. Further, introducing a townhouse building type, with its inherently smaller lot size, would result in a precedent for other lots on Evergreen Gardens, and throughout the neighbourhood. This property is not unique, in that it is a consolidation of two detached lots, which could occur throughout Bennington Heights, should this application be approved. This would undermine the stability of this established neighbourhood.

Built Form

The proposed building height, floor space index, lot coverage, and setbacks are as follows:

Provision	Permitted/Required	Proposed
Front Yard Setback	6.0 m	2.4 m (to the building) 0 m (to the porch steps)
Side Yard Setback	0.9 m	0.8 m to 1.1 m (west side) 2.4 m to 2.7 m (east side)
Rear Yard Setback	7.5 m	4.2 m (to the building) 2.7 m (to the balconies)
Lot Coverage	35%	65%
Floor Space Index	0.60	1.88
Building Height	8.5 m (to peak)	14.6 m

This neighbourhood is experiencing redevelopment in the form of infill detached dwellings, and additions to existing dwellings. Several applications for minor variances to lot coverage, floor space index, building height, setbacks, and lot frontage and area have been heard and approved by the Committee of Adjustment. Additionally, applications for consent to sever have been approved, allowing for the creation of new lots accommodating detached dwellings. Although many additions and new dwellings have been constructed in this neighbourhood with variations to the by-law, no approvals have been as significant as those which are proposed in this application, either individually or cumulatively. Several components of the proposal deviate significantly from the approvals in the area, particularly lot coverage, floor space index, building height, and front and rear yard setbacks. With respect to each of these provisions, the most significant approvals found in this area are: a lot coverage of 40%; floor space index of 0.73 times the area of the lot; building height of 9.4 metres; front yard setback of 4.1 metres; and rear yard setback of 5.8 metres. These approvals are related to detached dwellings. The proposed provisions are, in some instances, well beyond the most diverging individual approvals in the neighbourhood, and would be realized cumulatively, in one development. As such, this application would create a building with narrower setbacks, and greater massing and height than the majority of dwellings in the neighbourhood. Therefore the proposal would not be in keeping with the development criteria of Section 4.1.5, which requires that new development respect and reinforce the physical character of the neighbourhood, including heights, massing, and scale of nearby residential properties.

Landscaping and Streetscape

Properties in this neighbourhood are characterized by landscaped front yard setbacks of about 6 metres. Even if townhouses were considered appropriate for this site, the proposed front yard setback of 2.4 metres would be inconsistent with the character of the

neighbourhood. They would also be inconsistent with the Infill Townhouse Guidelines, which recommend a front yard setback of at least 6 metres, when parking is being provided for at the front of the unit, as well as the underlying zoning by-laws, which require a minimum front yard setback of 6 metres. Further, this shallow setback would not allow for adequate landscaping. Between 5% and 6.2% of each of the privately owned portions of the front yards is proposed to accommodate soft landscaping, with the remaining area providing for the driveway, walkway, porch, and steps. The Guidelines recommend at least 30% of the front yard be landscaped with soft materials, when parking is provided for at the front of the unit.

The Guidelines further discourage the providing of parking at the front of the dwelling, either in the front yard, or in integral garages, so as to ensure that the front of the building and front yard are not dominated by a garage door, pavement and/or vehicles. Further, this reduces curb cuts. In instances where this is proposed, it is recommended that a minimum of 6 metres be provided between individual driveways to allow for on-street parking. This is particularly important for this application, given the front yard setback is not generous enough to allow for additional on-site parking in the private driveways. The proposed distances between driveways are as follows:

Units	Distance
1 and 2	5.4 m
3 and 4	5.4 m
5 and 6	2.5 m
6 and Bayview	2.5 m

The Bennington Heights neighbourhood streetscape is characterized by streets without curbs and sidewalks that often accommodates street parking. Further, the front yard setbacks are relatively large, and accommodate soft landscaping and mature trees. This application proposes narrow lots, each having its own curb cut, greatly reducing the possibility of on-street parking. Additionally, the proposed front yard setbacks are shallower than the rest in the neighbourhood, with a much greater portion of the front yards proposed to be covered with driveways, therefore, providing less soft landscaping. Even if townhouses were deemed appropriate for this site, those proposed with this application do not comply with the Infill Townhouse Design Guidelines.

Light, Views, and Privacy

The rear yard setback of 2.7 metres to the second storey balconies, and 4.2 metres to the three-storey dwelling units may produce privacy concerns with respect to the existing apartment building directly north of the subject property, in terms of both the existing balconies of the apartment building, and the proposed balconies and rooftop terraces of the townhouse block. The neighbourhood is characterized with landscaped rear yard setbacks of about 7.5 metres. Even if townhouses were considered appropriate for this site, the proposed rear yard setback of 4.2 metres to the building, and 2.7 metres to the balconies on the second floor, would be inconsistent with the rear yard setbacks in the neighbourhood, and the existing zoning permissions and the Infill Townhouse Design

Guidelines, which both require rear yard setbacks of 7.5 metres. The intent of these guidelines is to ensure that new development does not negatively impact light, views, and privacy of adjacent properties. This is particularly effective when properties share a back-to-back relationship, thus resulting in wall-to-wall facing distances of at least 15 metres, providing greater assurance that privacy is maintained. The proposed rear wall-to-wall distance between the townhouse block and the existing apartment building is 10.4 metres. The proposed facing distance between the balconies of the townhouse block and the existing balconies of the apartment building is 8.1 metres. The issue of overlook is exacerbated by the loss of three large trees along the rear property line, as noted below.

Tree Preservation

There are thirty-nine trees on or near the subject property that are subject to the City's Tree By-law. This includes twenty-nine City-owned trees in the adjacent Evergreen Gardens Park. Two trees are on the subject property, seven trees are on City-owned boulevard, and one tree is on the property owned by the adjacent apartment building.

The Tree By-law protects all City-owned trees, and all privately owned trees having a Diameter at Breast Height (DBH) of thirty centimetres or greater. The twenty-nine trees in Evergreen Gardens Park are to be maintained. The remaining seven boulevard trees, as well as the three privately owned trees along the north property line (two on the subject property, and one on the property to the north), are proposed to be removed. This application proposes the planting of seven trees on the City-owned boulevard along Evergreen Gardens and Bayview Avenue, as well as three coniferous trees on the subject property, along the Bayview Avenue frontage. The removal of the three privately-owned trees along the rear property line will have an impact to privacy. Although the seven boulevard trees proposed to be removed would be replaced, the replacement trees would not reflect the mature nature of street trees throughout the neighbourhood.

Conclusions

The applicant is proposing six townhouse units fronting onto Evergreen Gardens, a local street in the neighbourhood of Bennington Heights. With the exception of two multi-unit buildings, this neighbourhood is characterized by detached residential dwellings on relatively large lots. Although the subject property is at the corner of Evergreen Gardens and Bayview Avenue, the proposed townhouse block fronts onto Evergreen Gardens, with all pedestrian and vehicular entrances and accesses proposed from Evergreen Gardens.

Staff are of the opinion that introducing a townhouse development on this site would create a precedent for both Evergreen Gardens, and the neighbourhood of Bennington Heights, thereby undermining the stable character of this area. The consolidation of two detached lots for the purposes of a townhouse development could be replicated throughout the neighbourhood. *Neighbourhoods* are intended to be physically stable and changes must be sensitive, gradual and generally fit with the existing character. The Official Plan requires development in *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood. The prevailing building types and prevailing patterns of front and rear yard setbacks, lot coverage, floor space index, and

building height are some of the elements that inform the physical character of the neighbourhood.

The proposal does not respect the prevailing detached residential and built form character of the Bennington Heights neighbourhood, and does not conform to the Official Plan polices. It should therefore be refused.

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SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

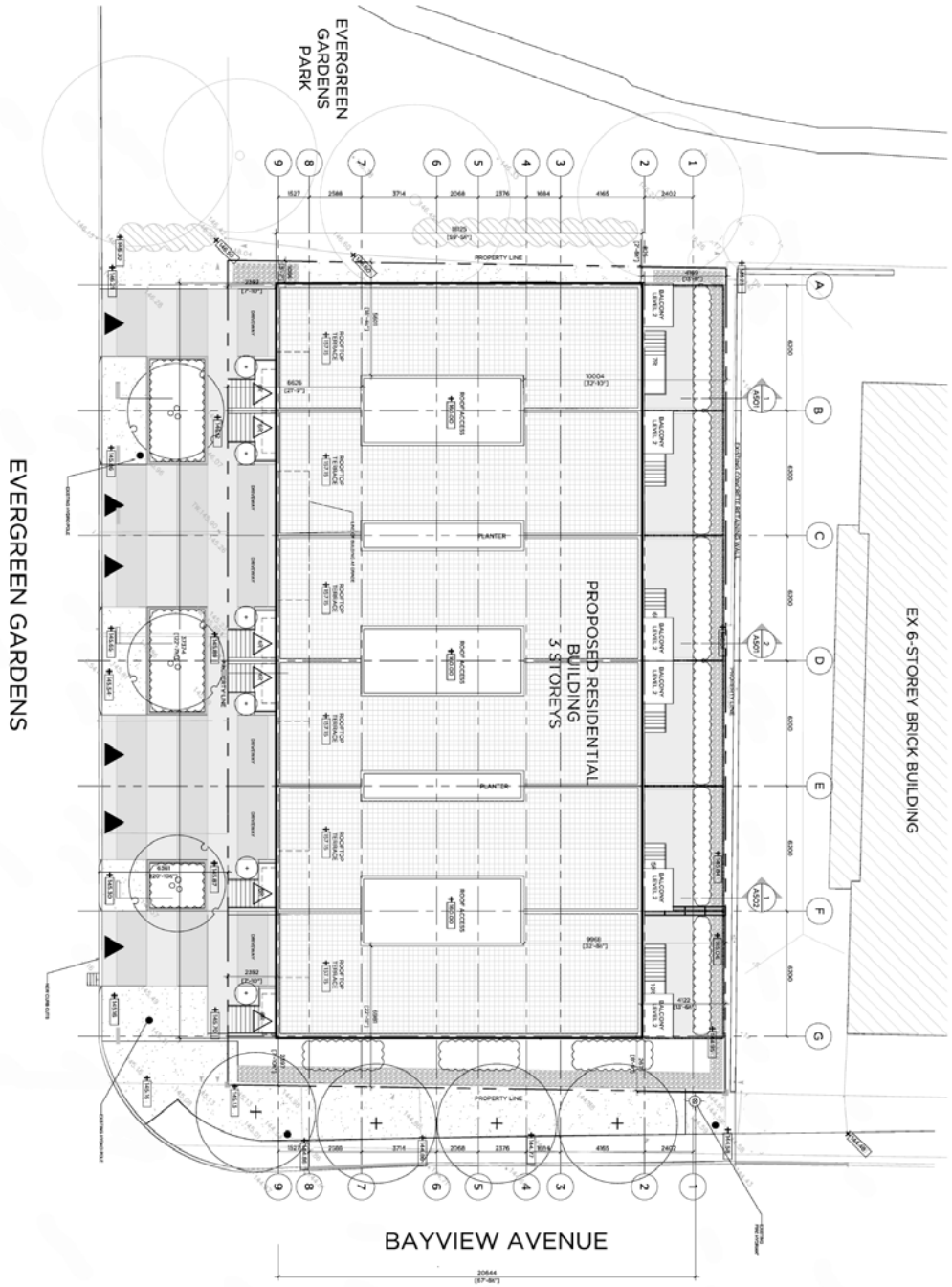
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Application Data Sheet

**Attachment 1:
Site Plan**



Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 07/06/2016

28 - 32 Evergreen Gardens
 File # 16 182232 NNV 26 02

Attachment 2a:
South (front) and North (rear) Elevations



Elevations - South & North

28 - 32 Evergreen Gardens

Applicant's Submitted Drawing

Not to Scale
07/06/2016

File # 16 182232 NNY 26 0Z

Attachment 2b:
West (Evergreen Gardens Park) and East (Bayview Avenue) Elevations



Elevations - West & East

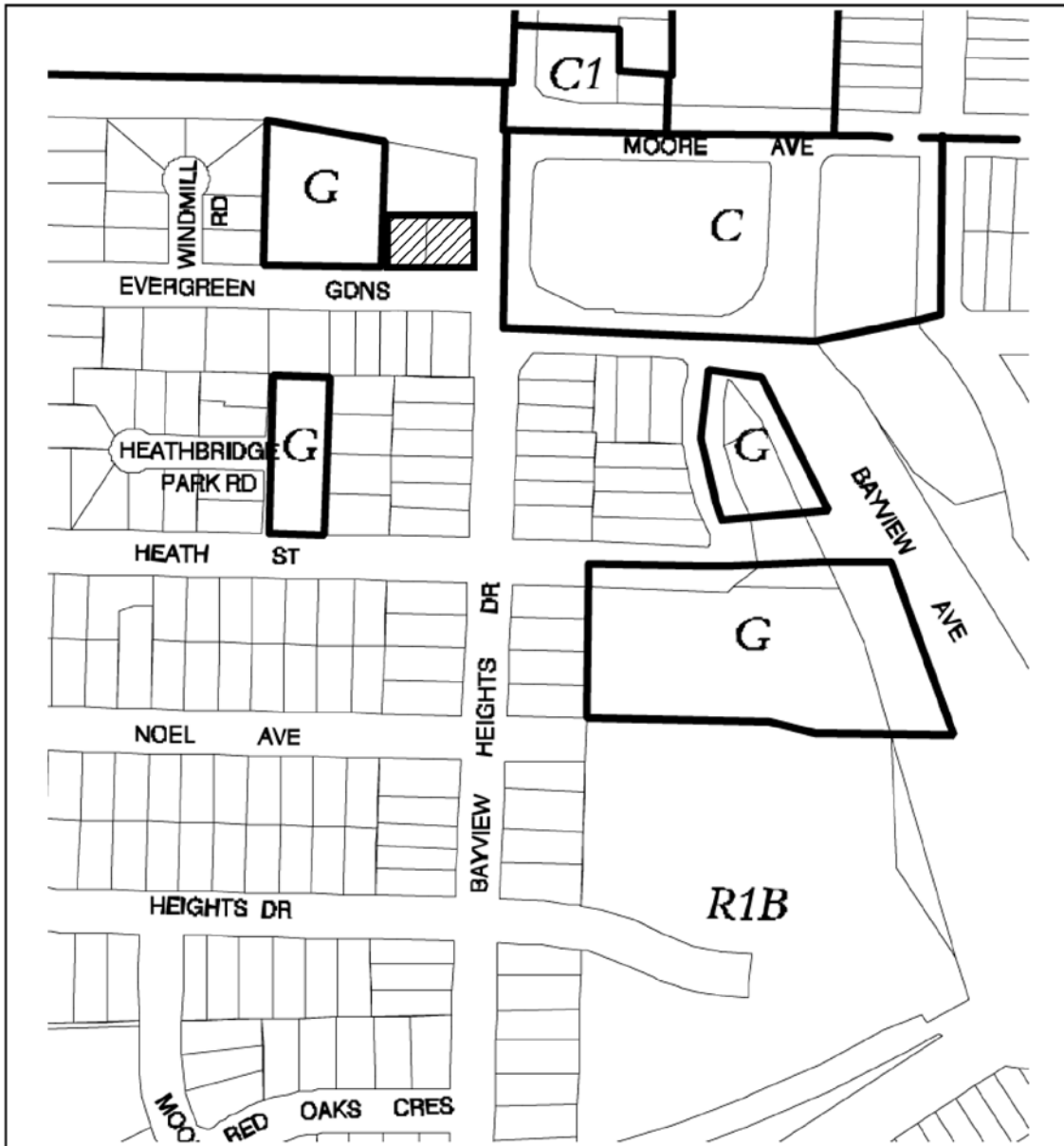
28 - 32 Evergreen Gardens

Applicant's Submitted Drawing

Not to Scale
07/06/2016

File # 16 182232 NNY 26 0Z

Attachment 3a:
East York Zoning By-law No. 6752 Map



Toronto
Zoning - East York

28 - 32 Evergreen Gardens


File # 16 182232 NNY 26 OZ

East York Zoning By-Law 6752

G	Conservation
R1B	Low Density Residential
R2A	Medium Density Residential
UOS	Parks District
C	Commercial

East York Zoning By-Law 1916

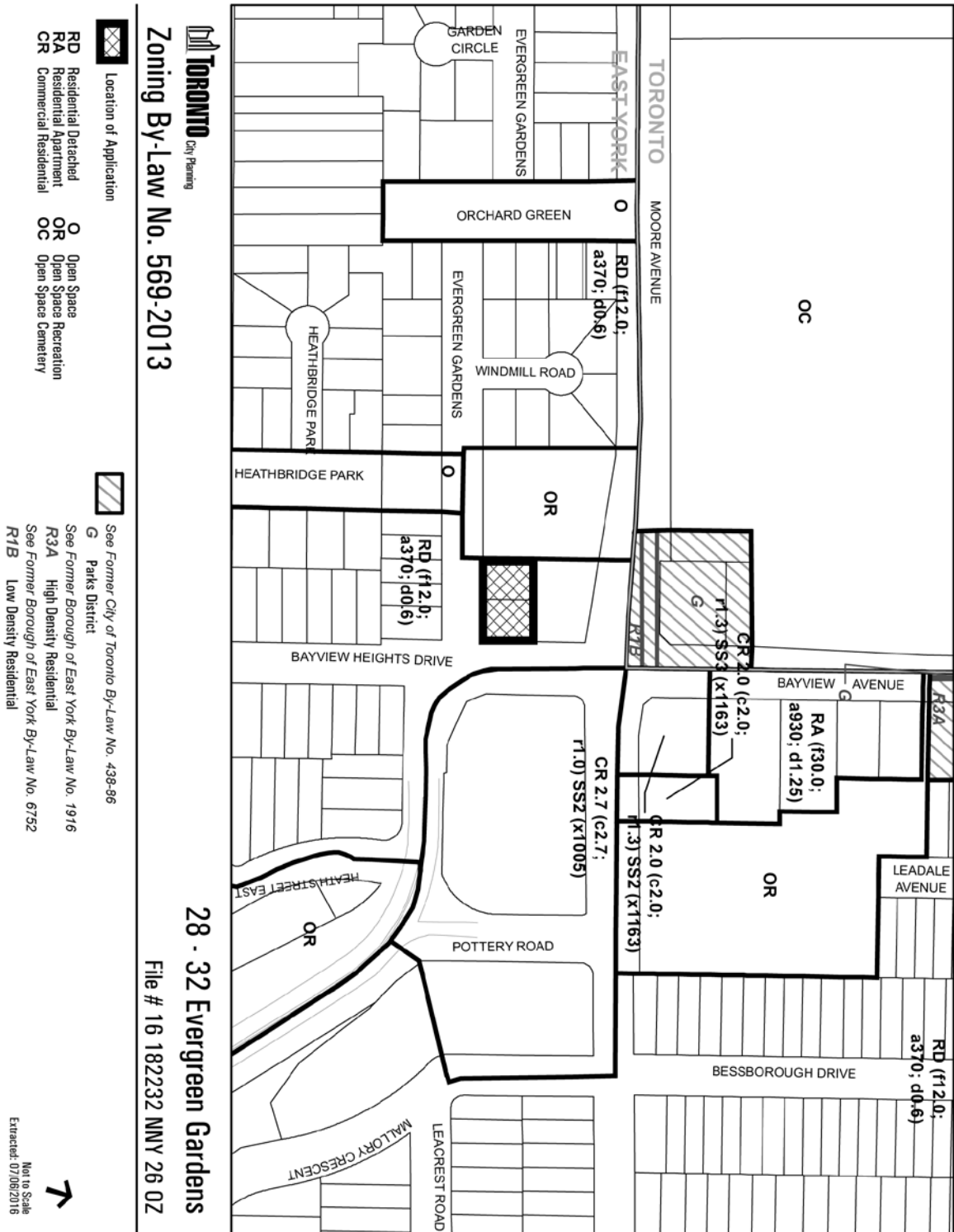
R2B	Medium Density Residential
R3A	High Density Residential
O	Open Space (Parks)
C1	Commercial (General)

 Subject Property

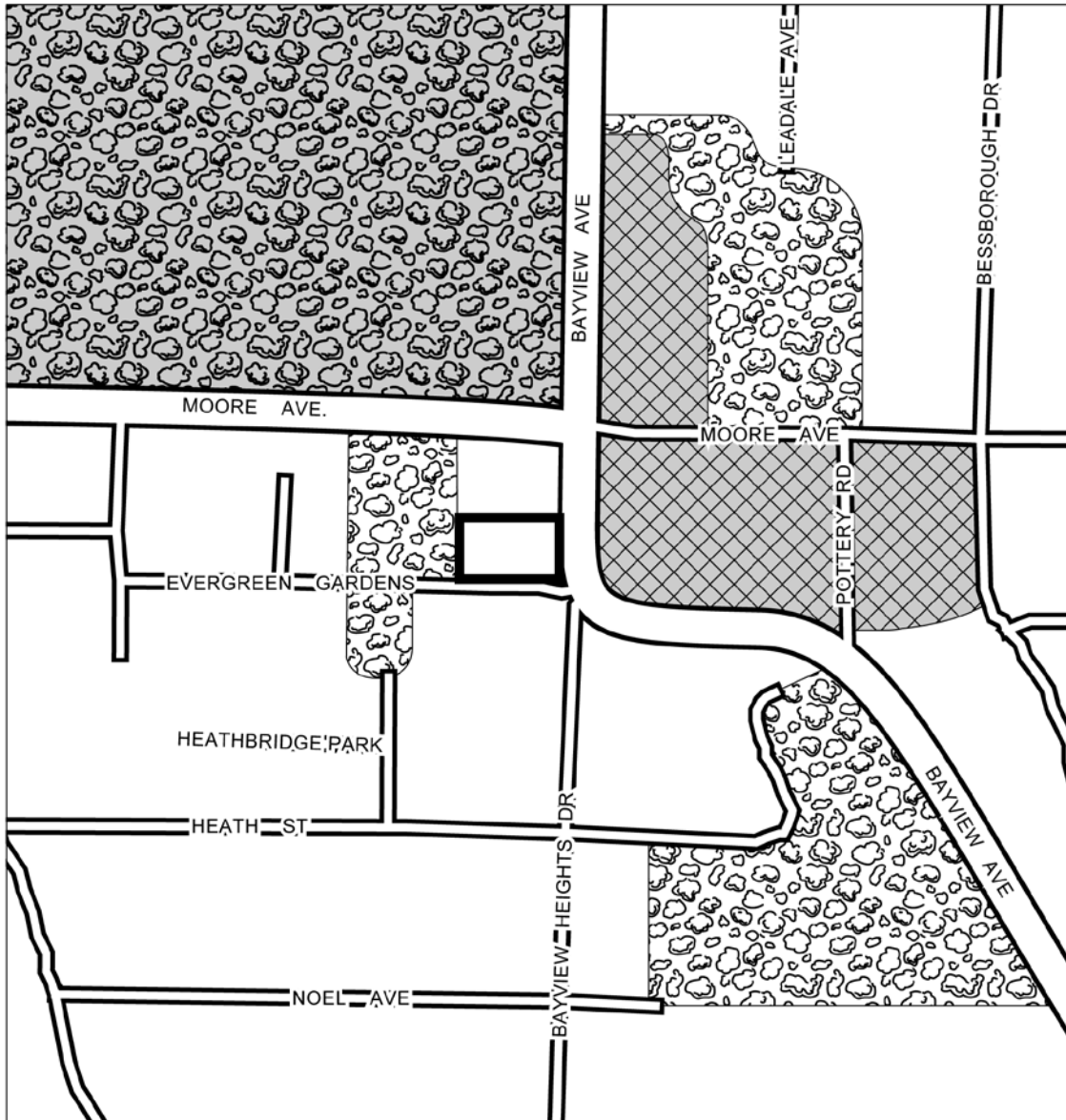


Not to Scale
Zoning By-laws 1916 & 6752
Extracted 07/6/2016

Attachment 3b:
Toronto Zoning By-law No. 569-2013 Map



Attachment 4:
Toronto Official Plan Land Use Designation Map



TORONTO
Extract from Official Plan

28 - 32 Evergreen Gardens

File # 16 182232 NNY 26 0Z

 Site Location	Parks & Open Space Areas
 Neighbourhoods	 Parks
 Mixed Use Areas	 Other Open Space Areas


 Not to Scale
 07/06/2016

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 182232 NNY 26 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 28, 2016

Municipal Address: 28-32 EVERGREEN GARDENS
 Location Description: PLAN 3331 PT LOT 26 PT LOT 27 **GRID N2607
 Project Description: Six townhouses fronting Evergreen Gardens; vehicular access provided from Evergreen Gardens to private driveways.

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP 2098 AVENUE RD TORONTO ON M5M 4A8	N/A	RAW DESIGN 405-513 ADELAIDE ST W TORONTO ON M5V 1P9	2482841 ONTARIO INC. 13-65 WOODSTREAM BLVD WOODBRIIDGE ON L4L 7X6

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R1B and RD (f12.0; a370; d0.6)	Historical Status:	N
Height Limit (m):	8.5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1007	Height:	Storeys:	3	
Frontage (m):	41		Metres:	14.48	
Depth (m):	25				
Total Ground Floor Area (sq. m):	506.1				Total
Total Residential GFA (sq. m):	1896.5		Parking Spaces:	6	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	1896.5				
Lot Coverage Ratio (%):	63				
Floor Space Index:	1.88				

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	6
Total Units:	6

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		1896.5	0
Retail GFA (sq. m):		0	0
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

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