

**Davisville Village Zoning Study
City-Initiated Zoning Amendment – Final Report**

| | |
|--------------------------|--|
| Date: | September 25, 2017 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 22 – St. Paul's |
| Reference Number: | 15-137248 SPS 00 OZ |

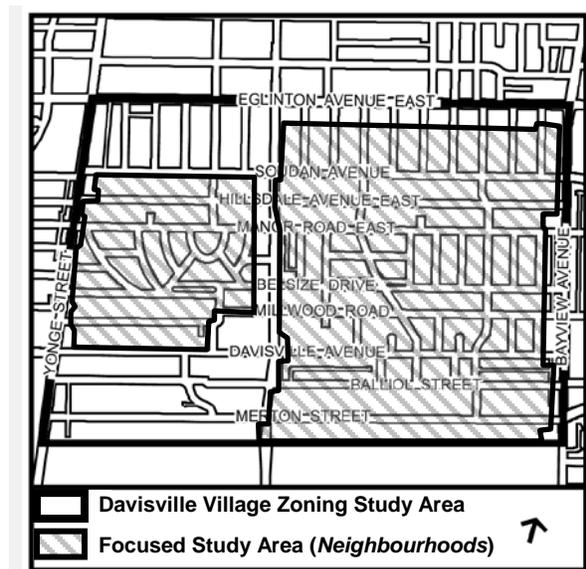
SUMMARY

In August 2014, City Council requested Planning staff to conduct a zoning study of the Davisville Village neighbourhood, which is generally bounded by Eglinton Avenue East, Bayview Avenue, Mount Pleasant Cemetery and Yonge Street. The study was to address the increasing prevalence in the neighbourhood of tall replacement houses with integral garages, raised front entrances, and raised main living spaces.

This report summarizes the process, analysis and findings of the study, and recommends the adoption of a City-initiated zoning by-law amendment for the area that no longer permits as-of-right integral garages in houses and introduces regulations for the size and side yard setbacks of raised rear wall decks higher than 1.2 metres above grade.

The proposed zoning provisions for the Davisville Village neighbourhood will help to protect its existing physical character by further regulating features of new houses that have significant impacts on the quality of the streetscape and rear yard privacy.

The City-initiated zoning by-law amendment amends the existing zoning by-law provisions within the portion of Davisville Village designated in the



Official Plan as *Neighbourhoods*. Other areas within Davisville Village designated as *Apartment Neighbourhoods, Mixed Use Areas, Parks and Other Open Space Areas* in the Official Plan are not included.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report dated September 25, 2017.
2. City Council amend City of Toronto Zoning By-law 569-2013 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to report dated September 25, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on August 12, 2014, Toronto and East York Community Council recommended that City Council request City Planning staff to undertake a neighbourhood zoning study of Davisville Village, given concerns raised by residents and the local ratepayers' and residents' association regarding new two-storey houses with integral garages, raised first floors and high rear decks.

At its meeting on August 25-28, 2014, City Council requested City Planning to undertake the Davisville Village neighbourhood zoning study, with appropriate community consultation, and to report back on the findings of the study with the proposed zoning changes for the neighbourhood, if appropriate, to a statutory meeting of the Toronto and East York Community Council.

City Council's decision and additional information can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.200>

On June 16, 2015, Toronto and East York Community Council considered a preliminary report from City Planning staff. The report provided preliminary information for the study including the boundaries of a focused study area, the existing policy context, the issues to be reviewed, and an outline of the proposed work plan for the remainder of the study. Community Council adopted staff's recommendations to host a community consultation meeting and form a working group with representatives of the local ratepayers' and residents' association and the Ward Councillor.

Community Council's decision and the preliminary report can be found at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.54>

ISSUE BACKGROUND

Davisville Village, like many other neighbourhoods in the City of Toronto, has been experiencing a considerable amount of reinvestment in the form of replacement housing. In this area, especially given the pattern of lot widths, these new houses commonly take the form of detached houses with at-grade integral garages and two levels of living space above, and frequently seek permission to deviate from the provisions of the zoning by-law by way of a minor variance application to the Committee of Adjustment.

Planning staff and members of the local community review these applications on a site by site basis, often requesting revisions to designs and recommending conditions of approval to make the proposed buildings more in keeping with the character of the neighbourhood and immediate street. However, it has become apparent that the as-of-right permission for integral garages on lots with widths of 7.6 metres or greater, generally results in houses that are less in keeping with the character of the area.

The proposed zoning by-law amendment to remove the as-of-right permission for integral garages will help to prevent new buildings that are not contextually appropriate for this neighbourhood, in compliance with in effect as well as new Official Plan policies for *Neighbourhoods*.

While the 'no integral garage' provision will apply to all *Neighbourhood* properties in Davisville Village, integral garages comprise part of the prevailing character for some streets within the study area. In these instances, applicants can seek a minor variance to allow an integral garage which may be supportable provided the proposed building and landscaping are well-designed and all other variances are acceptable.

Currently districts zoned Residential (R) under By-law 569-2013 do not have any provisions to regulate the size or height of rear decks and other platforms. The proposed zoning amendment also includes provisions to limit the size and side yard setbacks of rear decks with heights greater than 1.2 metres above established grade as a way to control the noise, overlook, and visual impacts associated with a raised deck.

Study Area

The Davisville Village Zoning Study Area is within the area bounded by Eglinton Avenue East to the north, Yonge Street to the west, Mount Pleasant Cemetery to the south and Bayview Avenue to the east (see Key Map on page 1 of this report).

The study focused on the portion of Davisville Village (the "Focused Study Area") designated as *Neighbourhoods* in the Official Plan, which is split into west and east halves.

Davisville Village West is bounded by the south side of Soudan Avenue to the north, just east of Yonge Street to the west, just north of Davisville Street to the south and just west of the Mount Pleasant Road to the east.

Davisville Village East is bounded by just south of Eglinton Avenue East to the north, just east of Mount Pleasant Road to the west, the south side of Merton Street (Mount Pleasant Cemetery) to the south and Bayview Street to the east.

The Focused Study Area is characterized predominantly by 2- and 3-storey detached and semi-detached houses, many of which date back to the 1920s and 1930s, in a variety of architectural styles. Davisville Village West contains approximately 850 properties while Davisville Village East contains approximately 2,900 properties. Lots in the area are predominantly 7.62 metres (25 feet) wide. The proposed zoning amendment is specifically tailored to the unique character of Davisville Village in terms of built form and lot width.

Throughout the course of the study, areas within the Focused Study Area were identified to be exempt from the proposed zoning amendment. The exempted properties include:

- 124 Belsize Drive: This site was part of a recent application to amend the zoning by-law, which was OMB approved (File no. 13 161141 STE 22 OZ);
- All properties on or near Bayview Avenue within the district zoned R(d1.0)/R4 Z1.0;
- 361-379 Cleveland Street: These properties are subject their own unique exception number (x710) and, with the exception of one property, all houses have existing integral garages in the front wall of the building; and
- 343 Merton Street: An existing apartment building with its own unique exception number (x918) and located in a district zoned R(d2.0)/R2 Z2.0.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. The PPS is issued under Section 3 of the

Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan.

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

Official Plan

The City's Official Plan designates the lands within the Focused Study Area as *Neighbourhoods* on Map 17 – Land Use Plan. *Neighbourhoods* are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions.

Section 2.3.1 – "Healthy Neighbourhoods" of the Official Plan indicates that while some physical change will occur to neighbourhoods over time as enhancements, additions and replacement housing occur on individual sites, 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. The stability of the physical character of *Neighbourhoods* is one of the keys to Toronto's success.

Section 4.1 – "*Neighbourhoods*" includes policies and development criteria to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development criteria in Policy 5 state that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, in particular:

- a. Patterns of streets, blocks and lanes, parks and public building sites;
- b. Size and configuration of lots;
- c. Height, 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 landscaped or built-form features that contribute to the unique physical character of a neighbourhood; and
- h. Conservation of heritage buildings, structures and landscapes.

Policy 5 further states 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 a *Neighbourhood*.

Policy 8 states that "zoning by-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*."

Section 5.6 – "Interpretation" provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, **Section 1.5** – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal will be reviewed against the policies described above as well as the policies of the Official Plan as a whole.

The Official Plan can be accessed at:

www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

See Attachment No. 1 for the Official Plan map.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) 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*.

Most relevant to Davisville Village and the issue of integral garages, OPA 320 adds a new development criterion to Policy 5, to ensure that the prevailing location, design and elevation relative to grade of driveways and garages are considered in evaluating how a proposed development respects and reinforces the physical character of the neighbourhood.

OPA 320 also adds a new policy to Section 4.1 Policy 5 that provides direction on how to delineate a geographic neighbourhood and instructs that when reviewing new development within *Neighbourhoods*, the contextual analyses should take into consideration the existing physical character of the properties in the same block that also face the same street as the development site, then the existing character of a nearby larger neighbourhood area should also be taken into consideration. Ensuring that weight is given to both consideration of the surrounding properties on the same street and block as the development site but also of a wider area within the neighbourhood, would allow a better understanding of the prevailing neighbourhood character to be taken into account in the review of development projects in established neighbourhoods.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. OPA 320 has been appealed in its entirety to the Ontario Municipal Board. As a result, OPA 320 policies are relevant but not determinative in terms of the Official Plan policy framework, but inform the City's position on the proposed zoning amendment and also represent the Ministry approved policy on appropriate built form.

Council's decision and the staff report can be found at:
app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5

Yonge-Eglinton Secondary Plan

The Focused Study Area is located within the portion of the Yonge-Eglinton Secondary Plan Area that is designated *Neighbourhoods* in the Official Plan, and where Official Plan policies related to *Neighbourhoods* apply. Other areas within Davisville Village designated as *Apartment Neighbourhoods*, *Mixed Use Areas*, *Parks* and *Other Open Space Areas* in the Official Plan are not included.

See Attachment No. 2 for the Yonge-Eglinton Secondary Plan map.

Policy 2.2 of the Secondary Plan states that it is a primary objective of the Plan to promote development that is contextually appropriate and compatible with the existing character of the neighbourhood while maintaining and encouraging a range of housing forms and tenure suitable for family and other households. Policy 2.4 of the Secondary Plan states that it is a primary objective of the Plan "to maintain and reinforce the stability of Neighbourhoods".

The Yonge-Eglinton Secondary Plan is currently being reviewed by City Planning staff with respect to growth, built form and infrastructure issues in a study known as Midtown in

Focus. The objective of Midtown in Focus is to ensure that growth positively contributes to Midtown's continued livability and vitality by establishing a clear and up-to-date planning framework and ensuring that local infrastructure keeps pace with development.

The present phase of Midtown in Focus includes the following streams of work:

- **Built Form Study and Growth Analysis** – analysis of the area's character and development trends and creation of new policy directions to guide future growth and the built form in the area;
- **Cultural Heritage Resource Assessment** – documentation of the area's history and identification of properties of cultural heritage value for listings and designations;
- **Parks and Public Realm** – development of an area-wide Parks Plan and a Public Realm Strategy for the Davisville area;
- **Community Services and Facilities Assessment** – analysis of existing community facilities and programs, assessment of needs and opportunities in the context of future growth and demographic change;
- **Transportation Assessment** – identification of key issues and priorities to safely move people in and around the area; and
- **Municipal Servicing Assessment** – analysis of the performance and capacity of existing water infrastructure and identification of priorities for infrastructure development in the context of future growth.

The Davisville Public Realm Strategy will be integrated with previous public realm planning done for the Yonge-Eglinton area and will outline parks, public realm and active transportation priorities in the *Apartment Neighbourhoods* and *Mixed Use Areas* south of the Focused Study Area as well as opportunities within the Focused Study Area itself.

City staff anticipates reporting to City Council in late 2017 with proposed amendments to the Secondary Plan as well as other emerging directions related to infrastructure assessments and strategies.

Zoning

Former City of Toronto Zoning By-law 438-86

The lands within the Focused Study Area are subject to Zoning By-law 438-86. Both Davisville Village West and East are zoned Residential, R2 Z0.6, which permits a variety of residential building types, parks, schools, places of worship and house occupations. The permitted density is 0.6 times the area of the lot and the maximum building height is 9.0 metres. Integral garages are permitted on lots with a frontage of 7.62 metres or greater. See Attachment No. 3 for the Zoning By-law 438-86 map.

City of Toronto Zoning By-law 569-2013

On May 9, 2013, City Council enacted a new city-wide Zoning By-law for the City of Toronto. Zoning By-law 569-2013 has been appealed in its entirety and is now before the OMB. While the By-law is under appeal, the provisions of both the former zoning by-laws

and the new zoning by-law are in effect for sites that are subject to Zoning By-law 569-2013.

The lands within the Focused Study Area are located in an area zoned Residential, R (d0.6) H9.0 in By-law 569-2013 which permits a variety of residential building types, parks, schools, places of worship and house occupations. The permitted density is 0.6 times the area of the lot and the maximum building height is 9.0 metres. Integral garages are permitted on lots with a frontage of 7.6 metres or greater. Zoning By-law 569-2013 introduced provisions for first floor height and exterior wall height of all main front, rear and side walls. The maximum permitted first floor height is 1.2 metres and the maximum permitted exterior wall height for main walls is 7.0 metres.

See Attachment No. 4 for the Zoning By-law 569-2013 map.

Preserving Neighbourhood Streetscapes – 1996 Report

In May 1996, the Planning and Development Department of the former City of Toronto authored a report entitled, Preserving Neighbourhood Streetscapes, which outlined a number of issues related to the need to manage parking in low density residential neighbourhoods in the former City of Toronto. At that time, there were no minimum lot width requirements to allow an integral garage in the front wall of a house.

As a result of a study, it was determined that lots having a width of 7.62 metres or more had sufficient space to accommodate a new house with an at-grade integral garage in the front wall that would not detract from the streetscape. Planning staff opined that a new house with an at-grade integral garage can still be designed to include both a main entrance and living room window at the front of the house close to the street level, a paved front driveway and walkway, and green landscaped open space in the front yard.

Staff's recommendation to allow integral garages on lots having widths of 7.62 metres or greater was adopted by City Council and enacted through By-law 1996-0334.

Community Consultation

The following is a chronological summary of the community consultation by Planning staff during the current study:

- | | |
|--------------------|---|
| February 26, 2015: | Meeting with representatives of the South Eglinton Residents' and Ratepayer' Association (SERRA) and Councillor |
| April 30, 2015: | Walking tour of Davisville Village with representatives of SERRA working on the Yonge-Eglinton Secondary Plan |
| August 4, 2015: | Attendance at the Davisville Farmers' Market at June Rowlands Park and Planners in Public Spaces (PiPS) |
| December 6, 2015: | Meeting with representatives of SERRA and the Councillor |
| April 4, 2016: | Meeting with representatives of SERRA and the Councillor |
| April 20, 2016: | Attendance at the SERRA Annual General Meeting and information booth |
| June 17, 2016: | Meeting with representatives of SERRA and the Councillor |

| | |
|--------------------|--|
| June 29, 2016: | First Community Consultation Meeting |
| November 14, 2016: | Meeting with representatives of SERRA and the Councillor |
| February 24, 2017: | Meeting with representatives of SERRA |
| June 1, 2017: | Roundtable discussion at the Federation of North Toronto Residents' Associations (FONTRA) Planning 201 event |
| June 29, 2017: | Second Community Consultation Meeting |

City Planning staff, in consultation with the Ward Councillor, hosted two community consultation meetings. The first meeting was on June 29, 2016 at the Church of the Transfiguration (111 Manor Road East) to discuss the character of the neighbourhood, the study, and potential outcomes, including zoning by-law amendment and urban design guidelines. The meeting was attended by approximately 90 residents. City Planning staff presented the existing policy framework, an overview of the issue, and the strategies used when reviewing replacement houses with integral garages. Following the presentation, City staff invited the community to share its comments in smaller break-out tables.

A variety of concerns were raised during the comments, questions and answer, and breakout session including:

- tall replacement houses with integral garages have an overwhelming massing that disrupts the character of the older neighbourhood where there is a relatively consistent form of development;
- people rarely park in their integral garages but rather use it as storage and park on the driveway;
- tall replacement houses have side walls that are excessively tall and create adverse shadow impacts in the rear yard of adjacent properties;
- driveways and integral garages limit the supply of parking on the street but creating additional curb cuts that are often excessive in width;
- too many curb cuts create safety and comfort issues for pedestrians;
- wide driveways and parking pads in the front yard take away opportunities for greenery and stormwater collection;
- more greenspace is needed to combat urban heat island;
- hard pavement in front yards means that trees are being injured or removed;
- the zoning by-laws are out of touch with current development practices;
- the zoning by-law definition of first floor height needs to be revised;
- rear decks that are much higher than fence height should be more regulated;
- privacy screening on raised rear decks only adds more massing to already large houses;
- integral garages push front doors and living spaces much higher than the street and they have no connection to the street;
- staff should report on all Minor Variance applications involving replacement houses with integral garages;
- staff should revise the process for obtaining a parking pad and make it easier.

Other comments raised at the meeting suggested that the solution was not to ban integral garages and included:

- integral garages allow properties to accommodate two vehicles, one in the garage and another in the driveway, which eases the on-street parking problem;
- integral garages do not damage the neighbourhood;
- the way people live has changed; people no longer use front porches;
- new buildings are more energy efficient;
- should allow below grade garages now that the technology to prevent flooding exists;
- the traditional character has already been changed in some areas;
- well designed front walls with articulation, traditional elements, and high quality materials can be compatible with the older houses;
- well designed driveways and parking pads with landscaping and/or permeable pavers can be acceptable;
- people should be more open to modern design.

The second community consultation meeting occurred on June 29, 2017 at Northern District Library (40 Orchard View Boulevard) to present the results of the study and the recommendations. Approximately 15 residents attended the meeting and were generally satisfied with the recommendation to remove the as-of-right permission for integral garages. The group also reacted positively to the new provisions to control the size and setbacks of rear decks that were higher than 1.2 metres. At least one attendee did not agree with the new restriction on integral garages, indicating that families need more space and room for one or two vehicles.

COMMENTS

Purpose and Intent of the Proposed Zoning By-law Amendment

The purpose and intent of the proposed Zoning By-law Amendment with respect to removing the as-of-right permission for integral garages within the Focused Study Area is in order to:

- Ensure a more predictable built form that is contextually appropriate and compatible with the existing physical character of the neighbourhood;
- Respect and reinforce the existing built form, scale and street proportion;
- Preserve the quality of the neighbourhood streetscape;
- Protect opportunities for front yard soft landscaping, including large growing shade trees;
- Promote front entrances and main living spaces at a height that reinforce the traditional character of the neighbourhood, are more visible from the street, and have better "eyes of the street";
- Ensure that front entrances and main living space windows are the most prominent feature of front walls at pedestrian level;
- Reinforce a consistent streetwall height;
- Maintain and improve the management of stormwater runoff;

- Encourage more desirable forms of providing parking;
- Enhance pedestrian safety and comfort; and
- Protect the existing supply of on-street parking.

In instances where replacement houses with integral garages are deemed contextually appropriate, there is a remaining concern that a deck attached to the rear wall of the house and connected to the main living floor as a means of accessing the rear yard could result in adverse impacts to adjacent properties. Therefore, the purpose and intent of the proposed zoning amendment is also to direct the design of tall rear wall decks in order to:

- Mitigate overlook, loss of privacy, noise, and other adverse impacts associated with tall rear wall decks.

As part of the Davisville Village Zoning Study staff did not look at architectural style or materials. Buildings within the Focused Study Area are characterized by a variety of styles and architectural features. Staff is of the opinion that any well-designed new building or addition has the ability to fit harmoniously into the mature neighbourhood regardless of architectural style.

Provincial Policy Statement and Provincial Plans

City Planning staff has reviewed the proposed zoning amendment with the PPS and Growth Plan for the Greater Golden Horseshoe. The proposed zoning amendment is consistent with the PPS. The proposed zoning amendment conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The proposed zoning amendment will help respect and reinforce the existing physical character of Davisville Village, in conformity with the *Neighbourhoods* and other policies of the City's Official Plan and Minister approved OPA 320.

Yonge-Eglinton Secondary Plan

The Davisville Village Zoning Study has been coordinated with the ongoing Midtown in Focus study to share findings, coordinate consultation and ensure that recommendations are complementary.

The built form component of Midtown in Focus Review focuses on the *Mixed Use Areas* and *Apartment Neighbourhoods* within the Secondary Plan Area as well as their relationship to adjacent *Neighbourhoods* but will not bring forward built form recommendations specific to development in the stable *Neighbourhoods* included in the Focused Study Area. As a result, staff do not anticipate that the Midtown in Focus Review will result in policy changes regarding built form that will be contrary to the proposed zoning amendment.

The proposed zoning amendment conforms to in effect Yonge-Eglinton Secondary Plan policies.

Issues

Integral Garage and Built Form

The key issue regarding replacement houses with front integral garages in Davisville Village is that the buildings and their streetwalls are much taller than the other houses surrounding them.

On lots in Davisville Village with widths of approximately 7.6 metres, replacement detached houses with front integral garages often result in a built form that is not in keeping with the character of the older housing stock and alters the quality of the neighbourhood streetscape.

In order to avoid a significant loss of main floor habitable space, the replacement houses are designed with the garage at ground level and the main floor located above, much higher than commonly associated with the houses of the area. The higher front entrance and main floor result in a house with less physical relationship or visibility to the street level, a ground level where the most prominent feature is the front door of the garage, and greater eaves and overall building heights.

Within Davisville Village, the Zoning By-laws currently include some provisions to help prevent houses from becoming excessively large. Zoning By-law 438-86 permits a maximum building height of 9 metres, measured to the mid-point of the peaked roof, whereas Zoning By-law 569-2013 is slightly more restrictive, permitting a maximum building height of 9 metres measured to the highest point. By-law 569-2013 includes additional regulations such as a maximum permitted first floor height of 1.2 metres and a maximum exterior wall height for front, rear, and side walls of 7 metres.

While these existing zoning provisions help to prevent taller houses that do not fit the character of the neighbourhood, they have not prevented infill projects that are incompatible. To preserve the predominant character of Davisville Village it is necessary to remove the as-of-right permission for integral garages in the front wall.

Front Yard Landscaping

The front yard of a property functions as a transition zone between the public realm of the street and private domain of the house. Traditionally, front yards in Davisville Village provide sufficient soft landscaping in the form of grass, trees, shrubs, and planters. Street trees and other vegetation in front yards not only absorb stormwater, contribute to the City's tree canopy, purify the air, act as wind breaks, provide shade and mitigate urban heat island effect, they also contribute to the aesthetics and quality of residential streets.

Replacement houses with integral garages come with paved driveways in the front yard, sometimes in conjunction with a walkway and/or a large staircase projecting far into the front yard as a means to access front entrances that are much higher in elevation than the street. These features reduce the opportunity for soft landscaping in front yards, especially on the narrow lots common in Davisville Village. This is a major factor contributing to the damage and loss of street trees because the increased paving or impervious materials reduce the amount of space available for tree planting and growth and prevents sufficient

water penetration to tree root systems. The increased use of hard paving also reduces the amount of stormwater soaking into the ground, thereby increasing the flow of water into sewers.

The Zoning By-laws include provisions for front yard landscaping and front yard soft landscaping to ensure a good portion of the front yard is attractive, contributes to the garden-like setting of neighbourhoods, and provides room for greenery and trees. The Zoning By-law stipulates that at least 50% of the front yard of a residential building must be provided and maintained as landscaped open space. While this landscaped space can consist of hard paving materials and planters, the By-law also requires that 75% of the landscaped open space be soft landscaping such as grass, trees, shrubs, and flowers.

While Planning staff do not propose any amendments to the front yard landscaping and front yard soft landscaping requirements in the Zoning By-laws, variances to these provisions should be discouraged.

Applications for front yard parking pads or, where contextually appropriate, integral garages with driveways, should be carefully examined to ensure the location, design and materials of these features optimize front yard soft landscaping, protection of existing trees, and promotion of new trees.

Front Yard Parking

Vehicle parking within Davisville Village is currently provided in one of the following locations:

- in the rear yard of a lot that has a side driveway or a shared mutual driveway secured by a right-of-way;
- in the rear yard or an integral garage in the side wall of a building of a corner lot with vehicle access from the flanking street;
- in the rear yard of a lot abutting a rear laneway with vehicle access from the laneway;
- on the street with an on-street parking permit;
- in an integral garage in the front wall; or
- front yard or boulevard parking pad.

In many instances, properties within the Focused Study Area have mutual driveways that are too narrow for vehicles to navigate, do not have rear laneways, and are not on a corner. As a result, front yard parking is now part of the prevailing character in many parts of the Focused Study Area. Where more desirable parking options are not viable and front yard parking is part of the prevailing character, a minor variance for a parking pad in the front yard may be appropriate provided it is: located entirely on the lot; is carefully designed to limit the amount of curb cut required; and, is constructed with permeable materials. This would allow owners to meet the zoning by-law requirement of one vehicle parking space per lot. Where a parking space in the front yard encroaches onto the street right-of-way, a minor variance application is required to request no parking space on the lot in addition to an application with Right-of-Way Management, Transportation Services.

Applications for front yard parking that encroach onto the street right-of-way are made through Right-of-Way Management, Transportation Services under Chapter 918 of the City of Toronto Municipal Code and are subject to conditions identified in Article V of Chapter 918. At its meeting on July 7, 2017, City Council adopted an amendment to Chapter 918 so that no appeal shall be accepted for a front yard parking application or boulevard parking application unless the grounds for that appeal is a refusal of the application on the basis of a negative poll result and/or when permit parking subscription thresholds have been met.

Rear Yard Privacy

Most houses in Davisville Village have a deck attached to their rear wall and connected to the main floor of the house as a primary means of accessing the rear yard. Since replacement houses with front integral garages are typically designed and constructed with higher main living areas, the rear decks are also higher. These tall rear decks, often much higher than fence height, can create adverse impacts to adjacent properties such as overlook, loss of privacy, and noise if not designed appropriately.

While Zoning By-law 438-86 limits rear decks that are higher than 1.2 metres above grade to project a maximum of 2.5 metres from the rear wall, Zoning By-law 569-2013 includes no provisions to control rear decks in the R zone. As part of the study, it was determined that in instances where front integral garages and the associated higher main floor comprise the character of an area, a zoning provision should be created to regulate the size and setbacks of any deck that projects beyond the rear wall.

By-law 569-2013 includes provisions to limit the size of rear decks in the Residential Detached (RD) zone that are at or above the second storey to 4 square metres as a way to limit the deck's ability to act as a gathering space and to control noise impacts. Staff propose to introduce the same deck size restriction of 4 square metres for new rear wall decks in the Focused Study Area that have a height of 1.2 metres above established grade or greater.

Additionally, staff propose to introduce a minimum 1.8 metre side lot line setback requirement for new rear wall decks that have a height of 1.2 metres above established grade or greater to further mitigate overlook, loss of privacy, and the visual impact of a structure projecting from a rear wall.

Minor Variance Applications

In instances where houses with front integral garages and taller building heights conform with Official Plan policies and are part of the prevailing character, and do not result in any adverse impacts, a minor variance may be appropriate to allow an integral garage.

The following principles will help to ensure that new buildings are well designed with ample space for front yard landscaping, including large growing shade trees:

- keep the eaves/cornice line generally in line with the prevailing streetwall height of the street;
- keep the height of the main entrance and front door to a maximum of 1.2 metres above established grade;
- add articulation (i.e. bay windows, front porch, peaks and dormers) to the main front wall to break up the massing and scale of a building to avoid the appearance of a 3-storey building;
- utilize existing curb cuts particularly when mutual driveways are present;
- minimize curb cut widths and locate them strategically to optimize on-street parking viability; and
- maximize front yard landscaping by keeping driveway area to a minimum and consolidating driveways and walkways.

Conclusion

Planning staff have concluded the Davisville Village Zoning Study and recommend amendments to zoning provisions to better achieve the intent of Official Plan related to *Neighbourhoods*, including new OPA 320 policies.

The primary change proposed by Staff is to remove the as-of-right permissions for integral garages within the Focused Study Area of Davisville Village, which is designated *Neighbourhoods* in the Official Plan.

Other provisions of the Zoning By-laws that apply in the Focused Study Area do not need updating, with the exception of the regulation of rear wall decks, where, staff propose introducing regulations to control the size and side yard setbacks of raised rear wall decks higher than 1.2 metres above grade.

CONTACT

Kevin Friedrich, Planner
 Tel. No. (416) 338-5740
 E-mail: Kevin.Friedrich@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
 Director, Community Planning
 Toronto and East York District

(P:\2017\Cluster B\pln\TEYCC\ 22765774019.doc) - smc

ATTACHMENTS

Attachment 1: Official Plan

Attachment 2: Yonge-Eglinton Secondary Plan Map

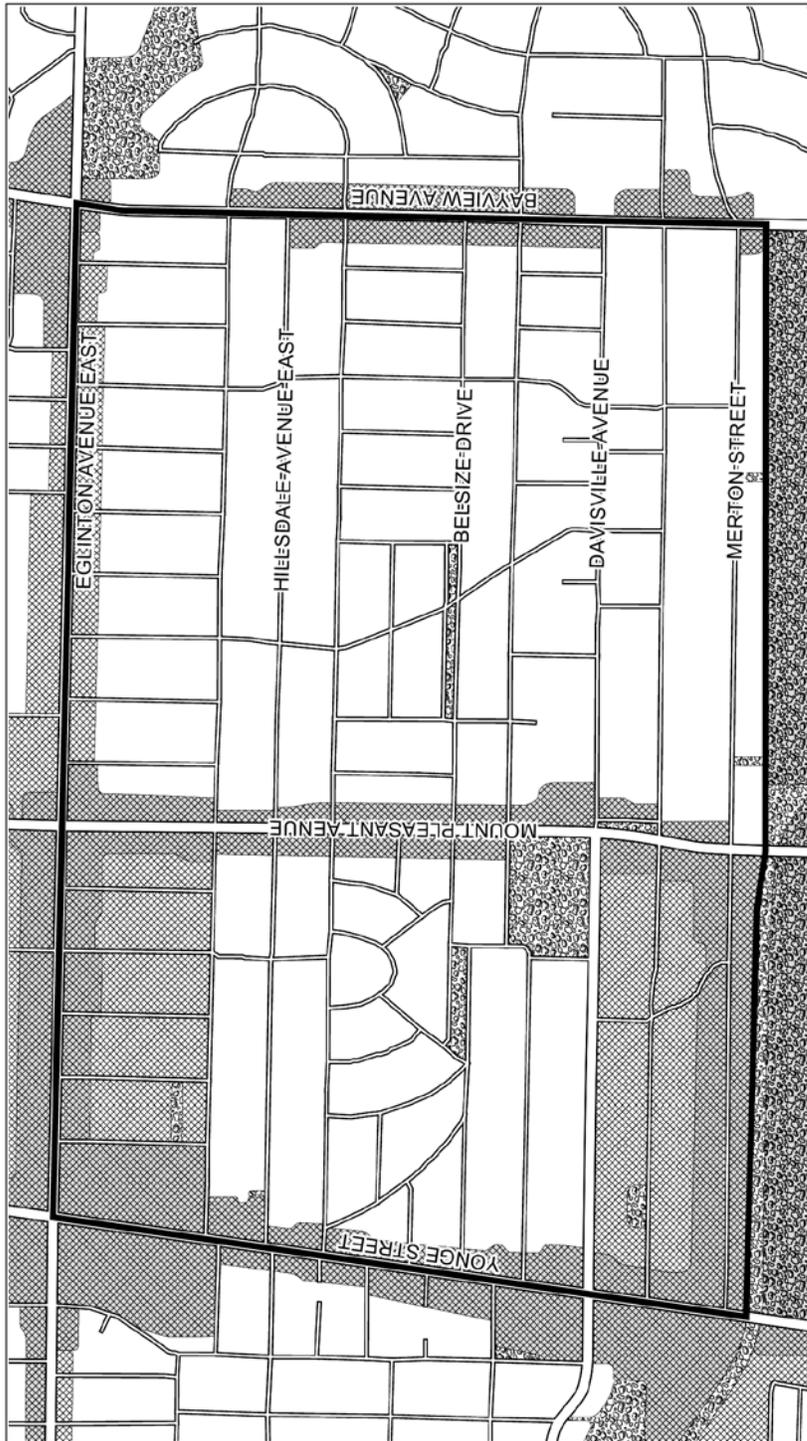
Attachment 3: Zoning (By-law 438-86)

Attachment 4: Zoning (By-law 569-2013)

Attachment 5: Draft Zoning By-law Amendment (438-86)

Attachment 6: Draft Zoning By-law Amendment (569-2013)

Attachment 1: Official Plan



Davisville Village Zoning Study



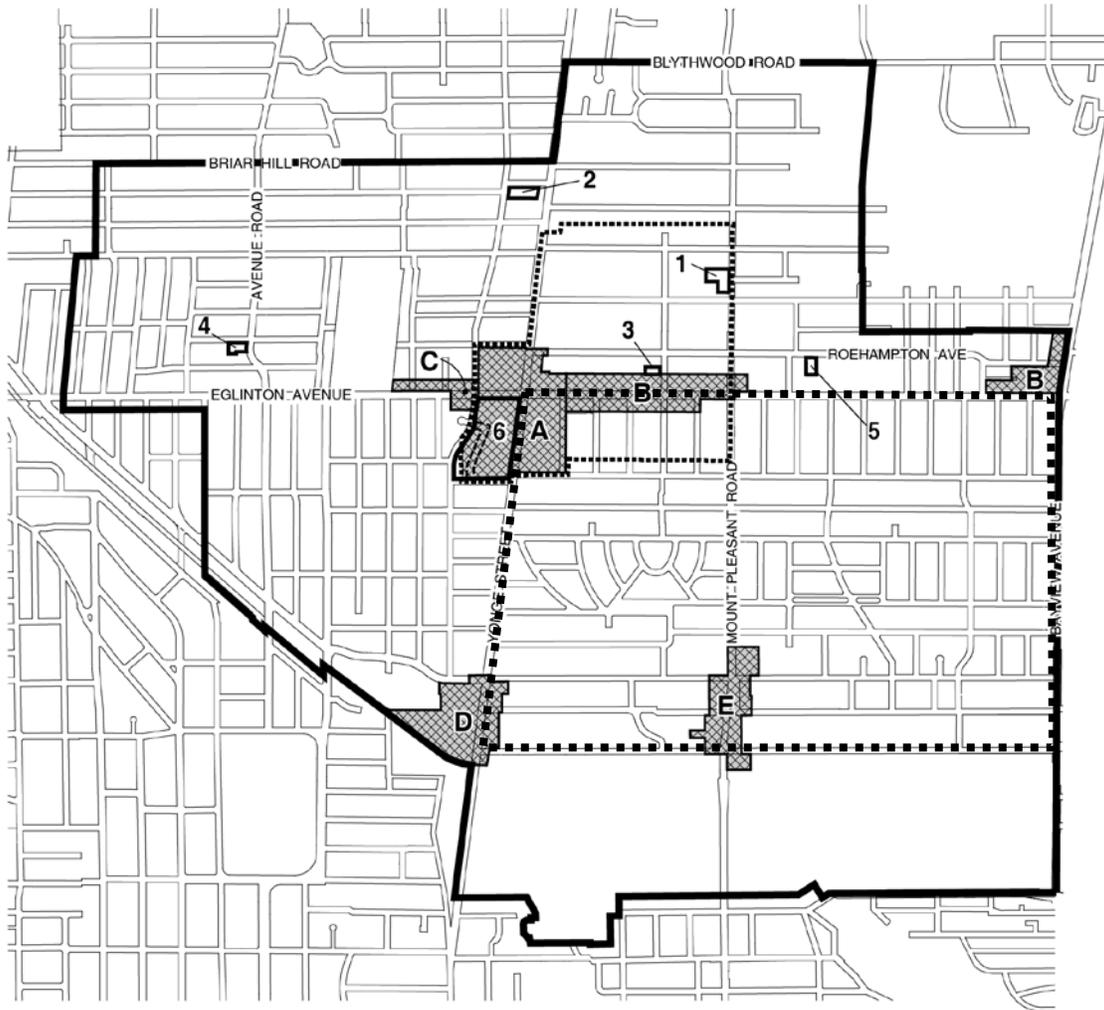
File # 15 137248 SPS 00 02

- Site Location
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks & Open Spaces Areas
 - Natural Areas
 - Parks
 - Other Open Space Areas



Note to Scale
4/27/15

Attachment 2: Yonge-Eglinton Secondary Plan



Not to Scale 



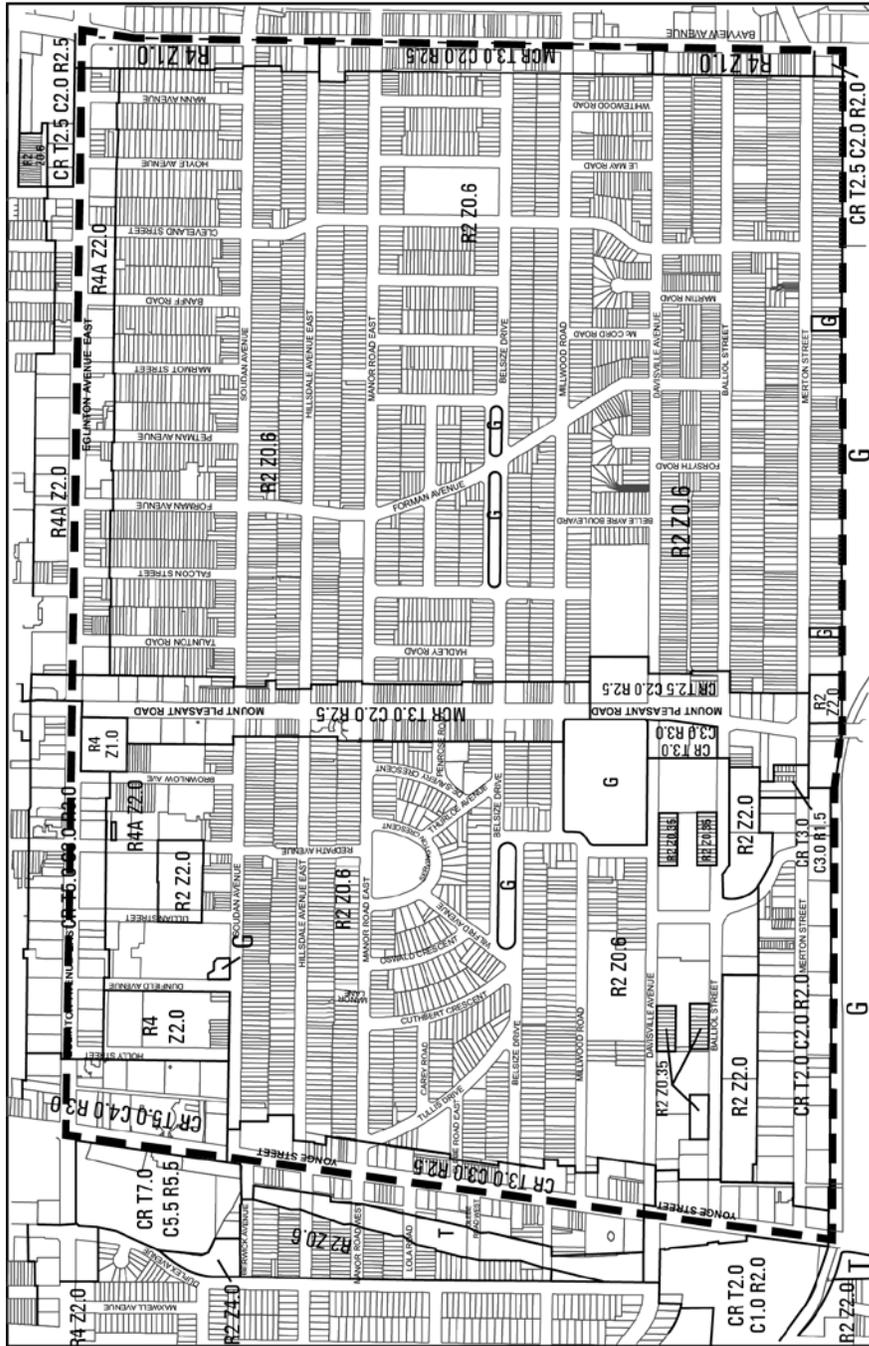
Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

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

December 2010

Attachment 3: Zoning (By-law 438-86)



Toronto City Planning
Davisville Village Zoning Study

Zoning By-Law No. 438-86
 File # 15 137248 SPS 00 0Z

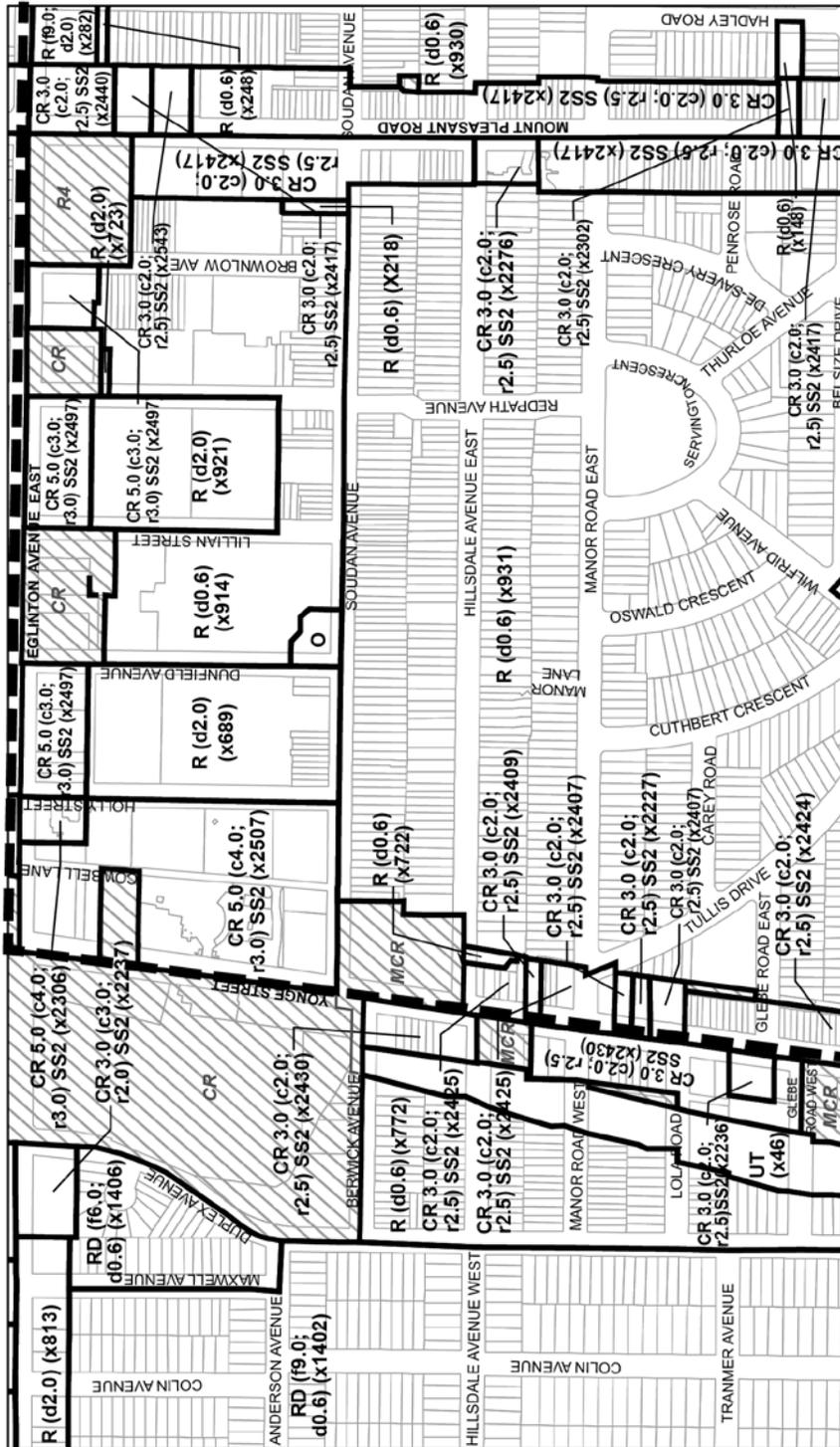


G Parks District
R2 Residential District
R4 Residential District
CR Commercial Residential
MCR Mixed-Use District
T Industrial District



Not to Scale
 Extracted: 04/21/2015

Attachment 4: Zoning (By-law 569-2013)



Davisville Village Zoning Study

File # 15 137248 SPS 00 0Z

Map 1 of 4



Not to Scale
Extracted: 04/21/2015

Toronto City Planning Zoning By-Law No. 569-2013

Location of Zoning Study

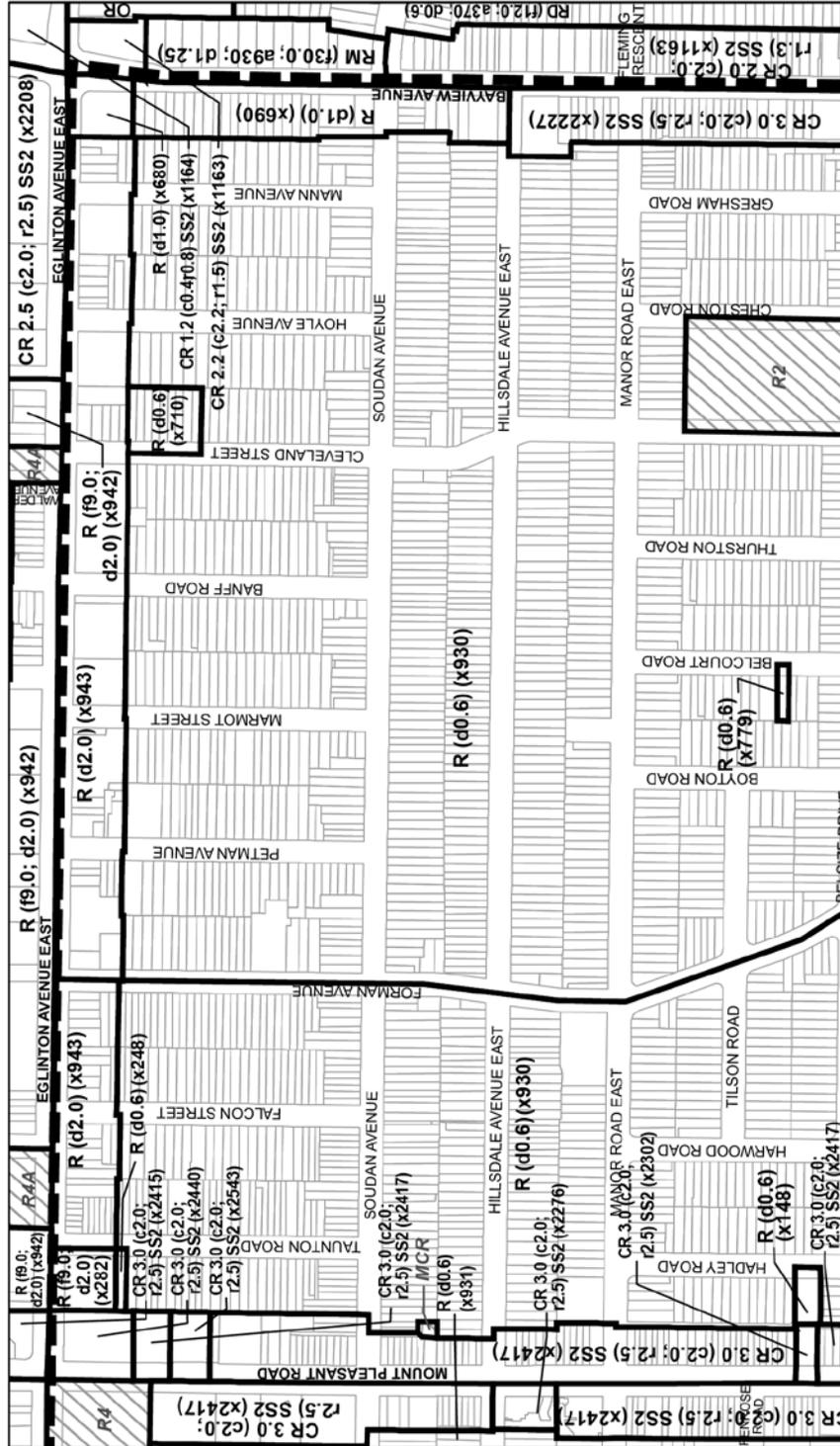


- R Residential
- RD Residential Detached
- CR Commercial Residential
- O Open Space
- UT Utility and Transportation
- R4 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District

See Former City of Toronto By-Law No. 438-86



- R4 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District



Davisville Village Zoning Study

File # 15 137248 SPS 00 02

Map 3 of 4

See Former City of Toronto By-Law No. 438-86



Location of Zoning Study



- R Residential
- RD Residential Detached
- RM Residential Multiple
- CR Commercial Residential
- O Open Space
- OR Open Space Recreation

- R2 Residential District
- R4 Residential District
- R4A Residential District
- MCR Mixed-Use District



Not to Scale
Extracted: 04/21/2015



Zoning By-Law No. 569-2013

Attachment 5: Draft Zoning By-law Amendment (438-86)

Authority: Toronto and East York Community Council Item TEY~ as adopted by City of Toronto Council on ~, 2017

CITY OF TORONTO

BY-LAW XX-2017

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting certain lands within the area known as Davisville Village.

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. No person shall, within either of the areas hereinafter firstly and secondly described, erect or use a building or structure on a *lot*, for the purpose of a *detached house, semi-detached house, row house, rowplex, duplex, semi-detached duplex, semi-detached triplex or triplex*:
 - (i) having an integral *private garage* if vehicle access to the garage is located in a wall of the building facing the *front lot line*; or
 - (ii) having a platform or terrace attached to the rear wall of a *residential building* with a height greater than 1.2 metres above *grade*, unless:
 - (A) the area of the platform or terrace does not exceed 4.0 square metres; and
 - (B) the *side yard setback* of the platform or terrace is not less than 1.8 metres.

The following are the areas:

Firstly:

The part of the R2 Z0.6 district between Yonge Street and Mount Pleasant Road, bounded on the north by the southerly limit of Soudan Avenue and on the south by northerly limit of Davisville Avenue; excepting the lands known in 2017 as 124 Belsize Drive.

Secondly:

The R2 Z0.6 district within the area bounded by Mount Pleasant Road, Eglinton Avenue East, Bayview Avenue and the G district known as Mount Pleasant Cemetery; excepting the lands known in 2017 as the odd numbered addresses of 361-379 Cleveland Street, and 343 Merton Street.

Attachment 6: Draft Zoning By-law Amendment (569-2013)

Authority: Toronto and East York Community Council Item TEY~ as adopted by City of Toronto Council on ~, 2017

CITY OF TORONTO

BY-LAW XX-2017

To amend Zoning By-law No. 569-2013, as amended, respecting certain lands within the area known as Davisville Village.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.2.10 Exception Number 931 regulations (D) and (E) under the heading 'Site Specific Provisions' which read as follows:
 - (D) Despite regulation 10.10.80.40(1), a **vehicle** entrance through the front **main wall** of a **residential building**, other than an **ancillary building**, is not permitted; and
 - (E) Despite regulation 10.5.40.50(2), a platform without **main walls**, such as a deck or balcony, attached to or within 0.3 metres of a the rear **main wall** of a **residential building** and at a height greater than 1.2 metres above **established grade**, must comply with the following:
 - (i) the maximum area of the platform is 4.0 square metres; and
 - (ii) the minimum **side yard setback** of the platform is 1.8 metres.
2. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.2.10 Exception Number 930 new regulation (C) and (D) under the heading 'Site Specific Provisions' which read as follows:
 - (C) Despite regulation 10.10.80.40(1), a **vehicle** entrance through the front **main wall** of a **residential building**, other than an **ancillary building**, is not permitted; and

- (D) Despite regulation 10.5.40.50(2), a platform without **main walls**, such as a deck or balcony, attached to or within 0.3 metres of a the rear **main wall** of a **residential building** and at a height greater than 1.2 metres above **established grade**, must comply with the following:
 - (i) the maximum area of the platform is 4.0 square metres; and
 - (ii) the minimum **side yard setback** of the platform is 1.8 metres.

- 3. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.2.10 Exception Number 722 new regulation (C) and (D) under the heading 'Site Specific Provisions' which read as follows:
 - (C) Despite regulation 10.10.80.40(1), a **vehicle** entrance through the front **main wall** of a **residential building**, other than an **ancillary building**, is not permitted; and
 - (D) Despite regulation 10.5.40.50(2), a platform without **main walls**, such as a deck or balcony, attached to or within 0.3 metres of a the rear **main wall** of a **residential building** and at a height greater than 1.2 metres above **established grade**, must comply with the following:
 - (i) the maximum area of the platform is 4.0 square metres; and
 - (ii) the minimum **side yard setback** of the platform is 1.8 metres.

- 4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.2.10 Exception Number 148 new regulations (B) and (C) under the heading 'Site Specific Provisions' which read as follows:
 - (B) a **vehicle** entrance through the front **main wall** of a **residential building**, other than an **ancillary building**, is not permitted; and
 - (C) Despite regulation 10.5.40.50(2), a platform without **main walls**, such as a deck or balcony, attached to or within 0.3 metres of a the rear **main wall** of a **residential building** and at a height greater than 1.2 metres above **established grade**, must comply with the following:
 - (i) the maximum area of the platform is 4.0 square metres; and
 - (ii) the minimum **side yard setback** of the platform is 1.8 metres.