

## **26 - 38 Burnhamthorpe Road and 45 - 49 Burnhamthorpe Crescent - Official Plan and Zoning By-law Amendment Application – Request for Direction Report**

Date: August 20, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

**Planning Application Number:** 19 183250 WET 03 OZ

### **SUMMARY**

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The owner of the site at 26 - 38 Burnhamthorpe Road and 45 - 49 Burnhamthorpe Crescent has appealed the Official Plan and Zoning By-law Amendment application for these lands to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. A Case Management Conference is scheduled for September 1, 2020.

This application proposes to amend the Official Plan and Zoning By-laws to permit a five block townhouse development consisting of 123 stacked back-to-back, 3½ storey townhouses (ranging from 12.9 - 13.5 m in height to the top of the mechanical penthouse/rooftop stair enclosure) at 26 - 38 Burnhamthorpe Road and 45 - 49 Burnhamthorpe Crescent (a site comprised of a land assembly of nine separate lots with existing detached dwellings). The proposal would have a gross floor area of 10,184 m<sup>2</sup>, representing an overall density of 1.6 times the area of the lot. The development would have an underground parking garage containing 161 automobile parking spaces and two surface level automobile parking spaces.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the applications, as currently proposed. The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with the

Growth Plan for the Greater Golden Horseshoe (2019), the Official Plan, the Zoning By-laws nor the City's Townhouse and Low-Rise Apartment Guidelines.

The proposed assembly of nine separate lots and demolition of existing detached dwellings to accommodate the proposal is inappropriate on lands designated *Neighbourhoods*, particularly in the interior of the neighbourhood on Burnhamthorpe Crescent. The proposed residential built form of stacked back-to-back townhouses and the level of intensification proposed represents overdevelopment of the site. The proposal in its current form does not conform with the Official Plan policies (particularly the *Neighbourhoods* development criteria Policies and Built Form Policies) and does not respect or reinforce the existing physical character of the established neighbourhood.

The proposed pattern of driveways and blocks; size and configuration of lots; dwelling type; height; density; massing; scale; setbacks and landscaping/open space (among other matters) are not consistent with the low scale context of the area. The proposal would destabilize the character of the established neighbourhood and set a negative precedent for future development in the neighbourhood. As such, staff are of the opinion the proposal in its current form does not represent good planning and is not in the public interest.

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the applicant's appeal respecting the Official Plan and Zoning By-law Amendment application for 26 – 38 Burnhamthorpe Road and 45 - 49 Burnhamthorpe Crescent.
2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council on the outcome of discussions, if necessary.
3. In the event the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order(s) on the Official Plan and Zoning By-law Amendment appeal for the subject lands until such time as:
  - a) The proposed Official Plan and Zoning By-law Amendments are in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - b) A Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, has been executed and registered on title to the subject lands to the satisfaction of the City Solicitor, securing community

benefits to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, and securing the matters of legal convenience outlined in Recommendation 4 below;

- c) The owner has submitted a revised Functional Servicing Report to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d) The owner has entered into the appropriate agreement with the City for the design, construction and provision of financial securities for any improvements to the municipal infrastructure to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to the infrastructure to support this development;
- e) The owner has provided space within the development for the installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681;
- f) The owner has submitted a completed Hydrological Review Summary and Servicing Report Groundwater to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- g) The owner has submitted a revised Transportation Impact Study to the satisfaction to the General Manager, Transportation Services;
- h) The owner has submitted a revised Landscape Plan, all requirements and related approval processes of the City's Tree By-laws have been completed and all Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- i) The owner has submitted detailed revised sun/shadow studies to the satisfaction of the Chief Planner and Executive Director, City Planning;
- j) The owner has submitted a tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

- k) The owner has submitted a Rental Housing Demolition Application to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  - l) City Council, or the Chief Planner and Executive Director, City Planning where authorized to do so, has authorized the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006*, as applicable, to demolish the existing rental dwelling units at 26 - 38 Burnhamthorpe Road and 45 - 49 Burnhamthorpe Crescent.
4. In the event the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the *Planning Act* securing the following as a legal convenience to support development:
- a) The owner to satisfy the requirements of the Toronto Catholic District School Board regarding warning clauses and signage with respect to school accommodation issues;
  - b) The owner to satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues;
  - c) The owner to enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development; and
  - d) The owner to provide for a tenant relocation and assistance plan, to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor, per Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the *City of Toronto Act, 2006*.

## **FINANCIAL IMPACT**

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City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## PROPOSAL

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This application proposes to amend the *Neighbourhoods* land use designation and *Neighbourhoods* Policies of the Official Plan as well as the currently applicable zoning by-law provisions for the lands municipally known as 26, 30, 32, 34, 36 and 38 Burnhamthorpe Road and 45, 47 and 49 Burnhamthorpe Crescent to permit a stacked townhouse development. The townhouse development would contain five blocks (Blocks A - E) having a total of 123 stacked back-to-back units. The townhouses would be 3½ storeys with heights ranging from 11.5 - 12.4 m measured to the top of the roof and 12.9 - 13.5 m in height measured to the top of the mechanical penthouse/rooftop stair enclosure. The proposed building height variations are due to the topography of the land. The proposal would have a gross floor area of 10,184 m<sup>2</sup>, representing an overall density of 1.6 times the area of the lot.

The development would contain a total of 123 residential units comprised of: two one bedroom plus den units (1.5%); 75 two-bedroom units (61%); 2 two-bedroom plus den units (1.5 %); and 44 optional two-bedroom/three-bedroom units (36%). The typical width of the proposed units is 5.92 m. Separation distances between the internal townhouse blocks would range from 6.08 m to 14.36 m.

The proposed five townhouse blocks are oriented to front both Burnhamthorpe Crescent and Burnhamthorpe Road. Units without direct street access would front onto pedestrian mews and walkways, which would form a larger network within the subject site.

Block A would be the smallest townhouse block, consisting of nine units with direct frontage and access from Burnhamthorpe Crescent. The block would be set back between 4.0 m – 4.3 m from Burnhamthorpe Crescent and 7.3 m from the westerly property line, adjacent to the detached dwelling at 51 Burnhamthorpe Crescent.

Block B would contain 26 units and frame the corner of Burnhamthorpe Road and Burnhamthorpe Crescent. The proposed setbacks along these frontages range from 2.1 m to 3.3 m with direct access to units from the street frontages and an internal landscaped walkway.

To the south, Blocks C and D would contain 28 and 32 units, respectively, and would be set back between 2.2 m - 2.5 m from Burnhamthorpe Road with the easterly units oriented to frame Burnhamthorpe Road. Between the Blocks, pedestrian walkways are proposed to extend west from the public sidewalk into landscaped courtyards, with access to internal units. Between Blocks C and D is a proposed emergency vehicle entrance along Burnhamthorpe Road that would be covered by synthetic turf. This entrance is not proposed for regular vehicular use. Landscaping and surface materials

would be used to differentiate between the outdoor amenity area and the emergency entrance. Block D would be set back between 3.8 m and 6.1 m from the south property line and this area would contain landscaping and a pedestrian walkway extending from the Burnhamthorpe Road public sidewalk to the interior of the site.

Block E would be located south of Block A and oriented in a north-south direction. The proposed block would contain 28 units with all front doors located along the east side of the Block. Block E would be set back approximately 7.7 m from the westerly property line and would provide private rear yards for some of the units.

Two landscaped outdoor amenity areas are proposed between Blocks B and C (approximately 243 m<sup>2</sup>) and between Blocks C and D (approximately 186 m<sup>2</sup>). The proposed amenity area on the south side of Block C would align with the emergency vehicle entrance on Burnhamthorpe Road. In addition to these shared outdoor amenity spaces, private outdoor amenity areas would be provided for the dwelling units in the form of balconies, terraces and rooftop terraces.

The nine existing curb cuts along Burnhamthorpe Road and Burnhamthorpe Crescent would be removed and replaced with a single 6.0 m wide vehicular driveway from Burnhamthorpe Crescent located between Blocks A and B. The driveway would provide access to the underground parking garage ramp, which is proposed to be incorporated into the easterly wall of Building A, as well as the combined loading/garbage pick-up area to the south of Block A. Service activities, including combined loading (one type G space), garbage pick-up, mailboxes and visitor bicycle parking would be located on the site between Blocks A and E.

The proposal would provide a total of 163 automobile parking spaces (including 123 resident spaces, 35 visitor spaces and 5 accessible spaces) located within an underground parking garage, with the exception of two surface visitor spaces. A total of 84 resident bicycle parking spaces would also be located in the parking garage. At grade, nine visitor bicycle parking spaces would be provided adjacent to Building A.

See Attachment No.1 of this report for project data. See Attachment 5 for the proposed Site Plan and Attachments 6-10 for the proposed elevations.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre/>

## **Site and Surrounding Area**

The subject site is located at the southwest corner of the Burnhamthorpe Road and Burnhamthorpe Crescent intersection in Islington Village. The site is irregularly shaped

and the topography of the land is generally flat. The site has an approximate area of 6,317 m<sup>2</sup> with an approximate frontage of 86 m on Burnhamthorpe Road and a depth of approximately 75 m along Burnhamthorpe Crescent.

The development site is comprised of nine residential lots municipally known as 26, 30, 32, 34, 36 and 38 Burnhamthorpe Road as well as 45, 47 and 49 Burnhamthorpe Crescent. A single-detached house exists on each lot, ranging from 1-2 storeys in height. The existing nine dwellings would be demolished to accommodate the proposed development.

Surrounding land uses include:

North: 1 - 1½ storey residential detached dwellings along Burnhamthorpe Crescent.

West: A 2½ storey residential detached dwelling on Burnhamthorpe Crescent with 1 - 2 storey residential detached dwellings further west.

East: Immediately east of the site, across Burnhamthorpe Road is a Place of Worship (Islington United Church) with its associated surface parking lot. Further east is a stepped 8-storey residential building (Official Plan and Zoning By-law Amendment application settled at the Ontario Municipal Board in 2003, Decision PL011111). Across the street, on the north side of Burnhamthorpe Crescent are three 1½ storey residential detached dwellings and north of these is a golf course.

South: Two 5-storey walk up residential buildings built in 1959 are located to the immediate south. Further south is a 3-storey commercial building with an associated surface parking lot at the corner of Dundas Street West and Burnhamthorpe Road, a range of 2 - 3 storey mixed use buildings along Dundas Street West with a cemetery and a residential court with 2½ storey semi-detached dwellings to the southwest.

See Attachment 2 of this report for the Location Map.

### **Reasons for the Application**

This application proposes to amend the *Neighbourhoods* land use designation and *Neighbourhoods* Policies of the Official Plan as well as the currently applicable zoning by-law provisions for the lands to permit a stacked back-to-back townhouse development. The proposed development in its current form does not conform to the Official Plan (particularly the *Neighbourhoods* land use designation and

Neighbourhoods development criteria Policies) and is not in keeping with the existing physical character of the neighbourhood.

A Zoning By-law Amendment is required to permit the proposed townhouse dwelling type and establish appropriate performance standards to facilitate the development of the proposal including building height, gross floor area, setbacks, amenity space, landscaping and parking requirements.

## **APPLICATION BACKGROUND**

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Several pre-application meetings were held between Planning staff and the applicant during 2017 - 2019 regarding various townhouse block proposals. Staff expressed continuous significant concern regarding demolishing the existing nine detached residential dwellings to construct a stacked townhouse development on the site. Planning staff conveyed concern regarding Official Plan conformity, particularly in terms of *Neighbourhoods* Policies pertaining to prevailing dwelling type, patterns of blocks/lanes and the level of intensification proposed (height, massing/density and setbacks). Staff also indicated that a Rental Housing Screening Form would need to be submitted with the Official Plan and Zoning By-law Amendment application to assess if a rental housing demolition application would also be required.

A formal pre-application consultation meeting was held on January 9, 2019 to discuss complete application submission requirements and to identify issues with the proposal. Discussed at this meeting was a proposal for three blocks of 4-storey stacked townhouses containing 96 residential units with a gross floor area of 11,832 m<sup>2</sup>, a landscaped court yard and a shared underground parking garage. Key issues identified by Planning staff were: Official Plan conformity; a lack of fit within the planned context and existing character of the neighbourhood; dwelling type; height; massing; scale; density; setbacks; transition to adjacent lower scale properties; shadow impacts; site organization and access; Development Infrastructure Policy and Standards including a public road and turnaround bulb; amenity space; open space/landscaping; larger family sized units; and 10% three bedroom units.

Despite staff concerns, the current application for a five block townhouse development consisting of 123 stacked back-to-back 3½ storey townhouses was submitted on July 5, 2019 and deemed complete on August 1, 2019. A Preliminary Report on the applications was adopted by Etobicoke York Community Council on October 10, 2019 authorizing staff to conduct a community consultation meeting. This Preliminary Report also outlines that Planning staff do not support the proposal in its current form as staff are of the opinion that the proposal is not consistent with the Provincial Policy Statement and does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe nor the Official Plan. However, staff indicated in the Preliminary



Report, a desire to continue working with the applicant to achieve a redevelopment proposal that is more in keeping with both provincial and municipal policies.

The Preliminary Report is available here:

<https://www.toronto.ca/legdocs/mmis/2019/ey/bgrd/backgroundfile-138065.pdf>

Prior to the Community Consultation Meeting, Planning staff met separately with members of the Islington Ratepayers and Residents Association (IRRA) and the applicant to discuss concerns regarding the proposal.

The Community Consultation meeting was held on December 2, 2019. The outcomes of this community consultation is summarized in the Comments Section of this report.

Subsequent meetings with the applicant, City staff and the Ward Councillor's office were held to discuss a potential revised proposal. The applicant did express a desire to work with staff on a revised proposal, although a revised proposal was not officially submitted.

On January 31, 2020, the applicant appealed the application to the Local Planning Appeal Tribunal, citing City Council's failure to make a decision on the application within the time period prescribed by the *Planning Act*. A Pre-Hearing Conference is scheduled for September 1, 2020 to establish the parameters and the future date of the LPAT hearing.

### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Planning and Urban Design Rationale;
- Architectural, Landscape, Tree Preservation and Civil Plans;
- Survey;
- Public Consultation Strategy Report;
- Shadow Study;
- Community Services and Facilities Study;
- Arborist Report/Tree Preservation Plan;
- Transportation Impact Study;
- Geotechnical Investigation Report;
- Site Servicing and Stormwater Management Brief;
- Stage 1 and 2 Archaeological Assessment of 32 Burnhamthorpe Road;
- Stage 3 Site-Specific Archaeological Assessment of 26 and 32 Burnhamthorpe Road;

- Stage 1 and 2 Background Study and Property Assessment of 49 Burnhamthorpe Crescent;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendments; and
- Toronto Green Standard Checklist.

All the submitted reports/studies and information for the application is available on the Application Information Centre (AIC) at [https://www.toronto.ca/city-government/planning-development/application-information-centre /](https://www.toronto.ca/city-government/planning-development/application-information-centre/).

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

### **Community Consultation**

Planning staff with the Ward Councillor held a community consultation meeting on December 2, 2019 at Islington United Church. Expanded notification was sent and approximately 140 residents were in attendance, as well as the applicant's consulting team. Planning staff presented the policy framework and an overview of the application review process. The attendees asked questions and raised a number of issues and concerns, including the following:

- Too much height, density and number of units are proposed. The proposed density is too high and does not fit within the character of the established neighbourhood. Development intensity from nine detached dwellings to 123 stacked townhouses is an inappropriate scale of intensification. The proposed change of density is overwhelming and would destabilize the existing stable neighbourhood. This type of proposed density is only appropriate for Etobicoke Centre.
- Block A does not transition well into Burnhamthorpe Crescent. The stacked townhouse type of built form would not fit in with the character of the neighbourhood which largely consists of residential lots with large frontages containing 1 - 2 storey detached dwellings. Detached dwellings or traditional townhomes would be preferred. As per OPA 320, the prevailing built form of detached dwellings should be maintained.
- The application would not respect the existing context of the area.
- Many participants noted they have been residents of this stable residential neighbourhood for 40 to 50 years.

- The proposal would not represent "the missing middle," nor would it provide affordable housing as "high-end units" are proposed. Less units should be proposed and they should be affordable to provide different options for people in different stages of life.
- Potential traffic impacts and safety concerns. The existing traffic congestion in the area would significantly increase due to the proposal (particularly on Burnhamthorpe Road). Many traffic accidents have occurred due to increased density, cars cutting east and west through the neighbourhoods, speeding, lack of visibility with curves in the roads, dangerous road conditions for families with children and lack of sidewalks in the neighbourhood. The increase in high rise buildings in Etobicoke Centre to the south, combined with the proposal would have a collective impact on traffic in the area. The proposed entrance off Burnhamthorpe Crescent is poorly located as traffic would backup from cars attempting to turn left.
- Two supportive comments were made that this development would be positive for the community by providing housing options for seniors, "empty nesters" looking to stay in the neighbourhood or new families entering the neighbourhood as long as the units were accessible. The location of the site is walkable and convenient.
- Sewer, water, infrastructure and school capacity concerns.
- Questions regarding what Section 37 community benefits would be provided.
- Options to challenge and stop this development.
- How can the applicant apply for a stacked townhouse built form that is not permitted and with a development that does not conform to the Zoning By-law or Official Plan? The applicant should just build what they are permitted as of right. Why does the City not just refuse this application?
- Excessive tree removal and lack of preservation of mature "heritage" trees to accommodate the new development is not supported. The Community was strongly against the large number of trees to be removed.
- The site is located in the Village of Islington and has a great heritage value and character that would be destroyed with the new development.

A member of the Islington Ratepayer and Residents Association (IRRA) also presented a strong opposition to the proposal particularly regarding density, stacked townhouse dwelling type and traffic impacts from the proposal.

Issues raised from numerous letters and e-mails received by Planning staff reflect the issues identified at the community consultation meeting.

Prior to the community consultation meeting, Planning staff also met with members of the IRRA and the owner and applicant's consulting team to discuss the proposal.

As part of the complete application submission, the applicant submitted a Public Consultation Strategy Report dated July 2019. This report outlined key messages regarding the proposal as "gentle intensification", maintaining neighbourhood character and providing more housing options. According to the applicant's submitted Public Consultation Strategy Report, the applicant held the following meetings with the public prior to the City-initiated community consultation meeting:

- Pre-application consultation meeting on December 17, 2018 with the Islington Ratepayers Residents Association to discuss high level design concepts, estimated timelines and intention to discuss the development further in the future;
- Meeting with the Councillor's office on January 31, 2019 to discuss the status of the proposal and confirmation of submission timing;
- Meeting with the Islington United Church on January 31, 2019 to provide an introduction of the proposal and potential opportunities to engage with members of the parish in the future; and
- Second meeting with the Islington Ratepayers Residents Association and introductory meeting with the Islington Village BIA on February 20, 2019 to review the proposed draft plan, built form and timelines.

The Report indicated that the desired outcomes from the applicant's public consultation strategy would be that the immediate neighbours are satisfied with the extent of engagement by the applicant, that the public and interested stakeholders feel sufficiently informed and consulted and that the process was accessible and clear with the opportunity for questions and feedback.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

## **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that: "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

### **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial

Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan builds upon the policy foundation provided by the PPS 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.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

The Growth Plan (2019) also contains policies pertaining to population and employment densities that should be planned for in Major Transit Station Areas (MTSAs) along

priority transit corridors or subway lines. MTSA's are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next Municipal Comprehensive Review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2019). The outcome of the staff analysis and review are summarized in the Comments Section of this Report.

## **Toronto Official Plan**

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

The current application is located on lands designated *Neighbourhoods* on Land Use Map 14 of the Official Plan (see Attachment 3: Official Plan Land Use Map). Unlike the designated growth areas, *Neighbourhoods* are stable areas, where significant growth is not encouraged and new development is to respect and reinforce the general physical patterns of the neighbourhood.

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

### Chapter 2 - Shaping the City

#### Healthy Neighbourhoods

The Official Plan contains principles for steering growth and change to some parts of the City, while protecting the City's neighbourhoods and green spaces from development pressures. By focusing most new residential development in the *Downtown, the Centres and along Avenues*, the shape and feel of these neighbourhoods can be preserved. At the boundary points between the neighbourhoods and growth areas, development in growth areas will have to demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of the adjacent neighbourhood areas are not adversely affected.

*Neighbourhoods* are seen as being stable but not static. Section 2.3.1 recognizes that *Neighbourhoods* will not stay frozen and that some physical change will occur as enhancements, additions and infill housing occurs on individual sites over time. However, a cornerstone policy is to ensure that new development in *Neighbourhoods* respects the existing physical character of the areas, reinforcing the stability of the neighbourhood. Policy 1 of Section 2.3.1 establishes that development within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

## Chapter 3 - Building a Successful City

### Built Form

The majority of the new growth will take place in the areas of the City where intensification is appropriate – in the *Downtown*, the *Centres* and along the *Avenues*. Section 3.1.2 of the Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area.

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

As per Policies 3.1.2.1 and 3.1.2.2, new development will be located and organized to fit within its existing and/or planned context by: generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback; locating building entrances so that they are clearly visible and directly accessible from the public sidewalk; acknowledging the prominence of corner sites; locating and organizing vehicular parking and access to minimize their impacts on the public realm; and preserving existing and mature trees wherever possible and incorporating them into landscaping designs.

Built Form Policy 3.1.2.3 emphasizes the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. New development will also be massed to provide for adequate light and privacy and adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties, parks and open spaces.



Further, Policies 3.1.2.4 and 3.1.2.5 require new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new development to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Built Form Policy 3.1.2.6 also requires that every significant new multi-unit residential development provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity space such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

### Public Realm

Section 3.1.1 of the Official Plan includes policies on the public realm. The Public Realm policies promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that the public realm is beautiful, comfortable, safe and accessible.

### Housing

Section 3.2.1.1 of the Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto.

### Natural Environment

Official Plan policies have been adopted by City Council to increase tree canopy coverage. Policy, 3.4.1 (d) states that: "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and iii) regulating the injury and destruction of trees".

## Chapter 4 - Land Use Designations

*Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartments that are no higher than 4-storeys.

A cornerstone policy of the Official Plan is to ensure that new development in *Neighbourhoods* respects the existing physical character of the area, reinforcing the stability of the neighbourhood. The stability of neighbourhoods' physical character is one of the keys to Toronto's success. Changes to established *Neighbourhoods* must be sensitive, gradual and "fit" the existing physical character. As per Policy 4.1.5 of the Official Plan, new development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- Patterns of streets, blocks and lanes, parks and public building sites;
- Prevailing size and configuration of lots;
- Prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Prevailing location, design and elevations relative to the grade of driveways and garages;
- Prevailing setbacks of buildings from the street or streets;
- Prevailing patterns of rear and side yard setbacks and landscaped open space; and
- Conservation of heritage buildings, structures and landscapes.

The geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the neighbourhood in proximity to the proposed development, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features.

Lots fronting a major street shown on Map 3 and designated *Neighbourhoods* are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 6 in order to recognize the potential for a more intense form of development along major streets to the extent permitted by the Plan. Burnhamthorpe Road in this location is identified as a major street on Map 3 of the Official Plan.

Lots fronting a major street, and flanking lots to the depth of the fronting lots, are often situated in geographic neighbourhoods distinguishable from those located in the interior of the *Neighbourhoods* due to characteristics such as: different lot configurations; better access to public transit; adjacency to developments with varying heights, massing and

scale; or direct exposure to greater volumes of traffic on adjacent and nearby streets. In those neighbourhoods, such factors may be taken into account in the consideration of a more intense form of development than permitted by the Official Plan.

The Policy further establishes that the physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context). Proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance.

The prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that 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 or physical character and some geographic neighbourhoods contain a mix of physical characters. In these cases, the direction to respect and reinforce the prevailing physical character will not preclude development whose physical characteristics are not the most frequently occurring but do exist in substantial numbers within the geographic neighbourhood, provided that the physical characteristics of the proposed development are materially consistent with the physical character of the geographic neighbourhood and already have a significant presence on properties located in the immediate context or abutting the same street in the immediately adjacent block(s) within the geographic neighbourhood.

In addition, Policy 4.1.5. states that no changes are to be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*. Policy 4.1.8 establishes 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 *Neighbourhoods*.

Policy 4.1.6 states that: "Where a more intense form of development than the prevailing building type has been approved on a major street in a *Neighbourhood*, it will not be considered when reviewing prevailing building type(s) in the assessment of development proposals in the interior of the *Neighbourhood*".

Policy 4.1.7 outlines that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged. Where a more intensive form of residential development than that permitted by the existing zoning on a major street in *Neighbourhoods* is proposed, the Official Plan requires review in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhoods*.

The sidebar text of the Official Plan *Neighbourhoods* policies establishes that many zoning by-laws currently permit only single-detached houses. The type of dwellings permitted varies among geographic neighbourhoods and these detailed residential use lists are contained in the established zoning by-laws, which will remain in place and establish the benchmark for what is to be permitted in the future. If, for example, an existing zoning by-law permits only single-detached houses in a particular geographic neighbourhood and the prevailing building type in that neighbourhood is single-detached dwellings, then the Plan's policies are to be interpreted to allow only single-detached dwellings in order to respect and reinforce the established physical character of the neighbourhood.

Policy 4.1.10 of the Official Plan establishes that residential infill development applications on properties that vary from the local pattern in terms of lot size, configuration and/or orientation as a result of the assembly of lots that previously had adhered to the local pattern will be evaluated applying Policy 4.1.5.

Moreover, the sidebar text of the Official Plan *Neighbourhoods* policies establishes that Policies 4.1.9 and 4.1.10 are not to be interpreted so as to encourage, facilitate or justify the assembly of lots within a geographic neighbourhood that adhere to the prevailing lot pattern in that neighbourhood for the purpose of intensification.

## Chapter 5 - Implementation Plans and Strategies

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a project that is greater than the zoning by-law would otherwise permit in return for community benefits. The Official Plan Policy 5.1.1 and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 m<sup>2</sup> and an increase in density of at least 1,500 m<sup>2</sup>. Details of a Section 37 Agreement between the applicant and the City are determined, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

Policy 1 in Section 5.3.2 in Implementation Plans and Strategies for City-Building, states that design guidelines will be adopted to advance the vision, objectives and policies of

the Plan. The City-wide Townhouse and Low-Rise Apartment Guidelines are discussed further in this report.

## **Zoning**

The site is subject to the former City of Etobicoke Zoning Code as amended, Site Specific By-law No.1992-25 and City-wide Zoning By-law No. 569-2013.

Under the former City of Etobicoke Zoning Code, the site is zoned Second Density Residential (R2) which permits residential uses in the form of single-detached dwellings and group homes. Stacked townhouses are not a permitted use in the zone. General regulations for the zone include a maximum permitted building height of 9.5 m measured to the highest point of the roof and a maximum permitted Floor Space Index of 0.45 times the area of the lot.

Site Specific By-law No. 1992-25 provides provisions applicable to single-detached dwellings in the area where the subject site is located. These provisions include a maximum permitted height of 9.5 m or 6.5 m for flat roofed dwellings, as well as additional provisions pertaining to building depth, setbacks and gross floor area.

Under City-wide Zoning By-law No. 569-2013, the site is zoned Residential Detached (RD) (f13.5; a510; d0.45) (x37). The RD zone only permits dwelling units in the form of a detached house. The RD zone also permits certain institutional and commercial uses, subject to conditions. The maximum permitted height is 9.5 m and the maximum permitted Floor Space Index is 0.45 times the area of the lot. The RD 37 exception provides specific provisions with respect to maximum building height for a detached dwelling with a flat roof, maximum building length, maximum gross floor area and minimum side yard setbacks for a detached house.

See Attachment 4 of this report for the Existing Zoning By-law Map. The City-wide Zoning By-law No. 569-2013 may be found here:

<https://www.toronto.ca/citygovernment/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

## **Design Guidelines**

Policy 5.3.2.1 of the Official Plan states guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. Part III of the Provincial Policy Statement (2020) under the section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan (2019) indicates

supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving the minimum intensification and density targets of the Plan.

### **Townhouse and Low-Rise Apartment Guidelines**

In March 2018 City Council adopted City-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

### **Growing Up: Planning for Children in New Vertical Communities**

In July 2020, Toronto City Council adopted updated Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future City-wide and area-based planning frameworks. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Guidelines are available here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application was not submitted.

## **COMMENTS**

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### **Planning Act**

Section 2 of the *Planning Act* establishes matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest are: (j) the adequate provision of a full range of housing, including affordable housing; and (p) the appropriate location of growth and development.

These provincial interests are further articulated through the PPS and the Growth Plan.

### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the *Planning Act*, the Provincial Policy Statement (PPS), 2020 and the Growth Plan for the Greater Golden Horseshoe (2019), particularly with regard to ensuring that the development respects the local context in terms of appropriate intensification, the promotion of well-designed built form, housing options and whether the proposal complies with the municipal direction for growth.

Staff are of the opinion the proposal is not consistent with the PPS (2020) and does not conform with the Growth Plan (2019) as outlined below.

The Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe (2019) are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the direction 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.

While the PPS encourages intensification and efficient development, it recognizes the existing local context is important and that well-designed built form contributes to overall long-term economic prosperity. The PPS, Policy 4.6 indicates that the Official Plan is the most important vehicle for implementing the PPS and planning authorities shall identify appropriate locations for intensification and redevelopment. Policy 5.1 of the Growth Plan establishes that it is in the best interest of all municipalities to complete their work to conform with this Plan, including official plans and zoning by-laws.

The Growth Plan (2019) provides municipalities the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to the local context, while still meeting the overriding objectives of the Growth Plan. Section 5.2.4.5.b) of the Growth Plan (2019) requires that the type and scale of development be contextually appropriate.

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

Through the Official Plan, the City has identified appropriate locations and opportunities for intensification. The site is located in a *Neighbourhoods* designation and growth opportunities must be considered within the local context of this designation. Development may be permitted subject to ensuring that development is contextually appropriate. *Neighbourhoods* are established as stable areas with little physical change. While some change is generally anticipated over time, the key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. It is not appropriate to permit uses that would represent a departure from the existing character of the neighbourhood.

The appropriate intensification of this site must reflect the existing and planned context as established by Official Plan policies and applicable zoning by-laws. The zoning by-laws governing the site only permit single-detached dwellings. The area is characterized by single-detached dwellings on large lots in a *Neighbourhoods* designation. The applicant assembled nine existing separate lots and proposes the demolition of nine single detached houses to accommodate a new stacked back-to-back townhouse development including 123 units with heights ranging up to 13.5 m. This is not an area where the proposed scale of intensification and built form is anticipated or appropriate. The proposal represents an inappropriate scale of intensification at a location established for low-scale height, massing and density. Growth of this proposed magnitude is not intended to occur on this site given its *Neighbourhoods* land use designation. The proposed development fails to account for the context in which it is situated.

The Growth Plan (2019) emphasizes the importance of complete communities where a range of housing options are to be provided, and that new development should provide high quality compact built form and an attractive and vibrant public realm. The Growth Plan directs growth to urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields to provide a key focus for transit and infrastructure investments to support future growth. The site is not located in one of these areas.

The Growth Plan (2019) also contains policies pertaining to population and employment densities that should be planned for in Major Transit Station Areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station. The Growth Plan (2019) requires that, at the time of the next Municipal Comprehensive Review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how MTSAs achieve appropriate densities.

The subject site is located within approximately 750 m of the Islington subway station. The next Municipal Comprehensive Review will determine the precise delineation of the Islington MTSA, which may or may not include the subject site. It is therefore premature



to consider the MTSA policies of the Growth Plan as justification for increased density at this location.

In addition, the Growth Plan (2019) also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.3 that support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The application presently does not propose a range of tenure or affordable units on this site.

The current proposal does not conform with the municipally established policies, and therefore is not consistent with the PPS or the Growth Plan to the extent that it does not comply with the municipal direction for growth or intensification.

## **Official Plan**

This application has been reviewed against the Official Plan policies and the Townhouse and Low-Rise Apartment Guidelines, as well as the policies of the Toronto Official Plan as a whole described in the Policy Considerations Section of this report.

The application does not conform to the policies of the Official Plan, does not meet the intent of the Zoning By-laws, is not in keeping with the existing or planned context of the area and is not consistent with the Townhouse and Low-Rise Apartment Guidelines. Planning staff are of the opinion the application in its current form represents an overdevelopment of the site and would destabilize the existing and planned character of the established neighbourhood, particularly with respect to the level of intensification intruding on to Burnhamthorpe Crescent in the interior of the neighbourhood. The analysis underlying this opinion is outlined below.

## **Land Use**

The subject application is located on lands designated *Neighbourhoods* on Land Use Map 14 of the Official Plan (see Attachment 3: Official Plan Land Use Map). *Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartments that are no higher than 4 storeys. The subject site is located in a land use designation where significant growth is not anticipated. The stability of Toronto's *Neighbourhoods* physical character is one of the keys to the City's success. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally fit the existing physical character.

The Official Plan identifies a land use structure for areas where intensification is appropriate and directs growth to certain areas of the City. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the *Downtown and Central Waterfront, Centres, Avenues*

and *Employment Areas*. The proposed development is not located in one of those areas.

The site abuts lands to the south and east identified as *Centres* on Urban Structure Map 2 of the Official Plan and designated *Mixed Use Areas*. The site also abuts the Etobicoke Centre Secondary Plan area boundary. However, the subject lands are not part of the *Centres*, *Mixed Use Areas* or the Etobicoke Centre Secondary Plan area boundary, signaling the site is not intended for significant growth and development as envisioned by the Official Plan or the Etobicoke Centre Secondary Plan.

The Official Plan further establishes that development in growth areas has to demonstrate a transition in height, scale and intensity to ensure that the stability and general amenity of the adjacent *Neighbourhoods* areas are not adversely affected. *Mixed Use Areas* encourage developments with a range of uses while providing built form controls to protect the existing planned and built context and providing appropriate transitions to the lower scale *Neighbourhoods* designation.

Although the application proposes a residential land use, the proposed scale of residential development and built form of stacked back-to-back townhouse does not meet the intent of the *Neighbourhoods* land use designation, the *Neighbourhoods* development criteria and Built Form Policies of the Official Plan.

Official Plan policies also direct how redevelopment is to fit into the community and provide direction with respect to the public realm, built form, streetscape and the environment. In order to maintain stability in *Neighbourhoods*, there are a number of development criteria policies that require development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood. The existing physical character is respected and reinforced through the development criteria identified below.

### **Development Criteria in Neighbourhoods**

The subject site is located in a *Neighbourhoods* designation where growth is not anticipated. The proposed development does not respect and reinforce the existing lower density physical character of the neighbourhood, in particular: the patterns of streets and blocks; the prevailing size and configuration of lots; prevailing heights, massing, scale and dwelling type of nearby residential properties; prevailing building types; prevailing setbacks of buildings from streets; prevailing patterns of rear and side yard setbacks and landscaped open space; and prevailing location, design and elevations relative to the grade of driveways and garages.

Similarly, the applicant's proposed development does not conform with the policy direction identified in OPA 320 regarding the *Neighbourhoods* policies. The proposed

*Neighbourhoods* designation policies have been clarified, strengthened and refined through OPA 320 in order to support the Plan's goals to protect *Neighbourhoods*.

As a result, the proposal does not conform to the Official Plan, particularly with the policies regarding development criteria in *Neighbourhoods* as reviewed below.

### *Patterns of Streets and Blocks*

The proposed consolidation of nine individual lots and demolition of the existing detached dwellings to create one large development parcel changes the nature of the street and block pattern within the *Neighbourhoods* designation, particularly the interior of the established neighbourhood along Burnhamthorpe Crescent. The predominant lot and block pattern in the area designated *Neighbourhoods* is generally a rectangular grid pattern of deep lots with large frontages fronting onto public roads.

The application proposes a private driveway accessed from Burnhamthorpe Crescent and an emergency vehicle entrance via Burnhamthorpe Road. The filling in of nine curb cuts and eliminating driveways serving single lots with detached dwellings and replacing these with continuous streetwall blocks along the road alters the existing character of the street. The proposal would introduce a new street and block pattern (particularly in the interior of the neighbourhood) and interrupt the flow and rhythm of the existing development in the established neighbourhood. As a result, the proposed pattern of streets and blocks does not respect, reinforce or fit in harmoniously with the existing or planned character of the area, particularly on lands designated *Neighbourhoods*. In addition, the proposal would create a new more intense scale of development with stacked back-to-back dwellings and dwellings fronting on to a private driveway, private pedestrian mews and private pedestrian walkways which would be a departure from the existing low-scale character established along the streets and blocks in the neighbourhood.

### *Prevailing Size and Configuration of Lots*

The minimum required lot frontage in the zone where the subject site is located is 13.5 m and the minimum required lot area is 510 m<sup>2</sup>. The prevailing size of existing residential lots in the area designated *Neighbourhoods* are lot frontages of 15.2 m and above, lot depths of 40 m - 60 m and an average lot area of 672 m<sup>2</sup> which exceed the minimum zoning requirements for the area. The prevailing existing configuration of lots in the area designated *Neighbourhoods* is that of a single rectangular lot facing a public road with one curb cut, one driveway, abundantly landscaped/treed front yards and large rear yards. This is not an uncommon lotting pattern throughout City of Toronto *Neighbourhoods*.

The individual lots that have been assembled for the subject proposal generally follow the prevailing existing size and configuration of residential lots in the area designated *Neighbourhoods*. While some of the assembled lot depths and frontages vary slightly from each other, this is attributed to the lots being in proximity to the corner of the intersection of Burnhamthorpe Crescent and Burnhamthorpe Road.

The assembled properties at 45 - 49 Burnhamthorpe Crescent have existing lot frontages ranging from approximately 13.08 m to 13.64 m with lot depths of approximately 41 m to 74.83 m. The subject properties at 26 - 38 Burnhamthorpe Road have existing lot frontages ranging from approximately 12.8 m to 15.72 m with lot depths of approximately 36 m to 65 m.

The rear of the lots at 49 Burnhamthorpe Crescent and 26 and 30 Burnhamthorpe Road abut the lot of 24 Burnhamthorpe Road containing one of the two existing 5-storey apartment buildings. With respect to the rest of the assembled lots, the rear yard of the Burnhamthorpe Road lots abut the rear yards or side yard of the Burnhamthorpe Crescent lots.

Planning staff recognize that the assembled residential lots on Burnhamthorpe Road are located on a main road, across the street from a place of worship and that 26 and 30 Burnhamthorpe Road abut a low rise apartment building. However, the place of worship and abutting low rise apartments are designated *Mixed Use Areas*, are in the Etobicoke Centre Secondary Plan area, and are not part of the same *Neighbourhoods* designated lands or same zoning as the subject lands. Furthermore, the place of worship is not a residential use like the subject site. In addition, the assembled lots on Burnhamthorpe Road and Burnhamthorpe Crescent are in keeping with the size and configuration of residential lots located on the rest of Burnhamthorpe Road and the adjacent development in the neighbourhood which has a lotting pattern of large rectangular lots with generous setbacks, yards and landscaping as well as a prevailing built form and dwelling type of residential detached houses. There are no large and irregular shaped residential lots with existing townhouses or stacked back-to-back townhouses on Burnhamthorpe Road or in the neighbourhood as proposed by this application.

The Official Plan policies for this area provide for a planned context that respects and reinforces the existing physical character of the neighbourhood by maintaining the prevailing size and configuration of lots. The proposal's size and configuration of lots is not in keeping with the prevailing size and configuration of residential lots in the neighbourhood. The proposed development is in contrast to the Official Plan's policies and does not respect the existing or planned context of the *Neighbourhood's* physical character.

The application's land consolidation of nine residential single-detached lots creates a new development parcel with an approximate frontage of 86 m along Burnhamthorpe Road, a depth of 75 along Burnhamthorpe Crescent and an approximate area of 6,317 m<sup>2</sup> which significantly contrasts the prevailing size of existing residential lots on *Neighbourhoods* designated lands, particularly in the immediate interior context of the neighbourhood on local roads like Burnhamthorpe Crescent. The consolidation creates a larger and irregularly shaped lot fronting a local street and a main road which does not fit in with the existing physical character of the residential lots in the neighbourhood. The development would create multiple blocks, units and buildings facing different directions with a single driveway and interior landscaped amenity areas rather than traditional front and rear yards typical for the residential lots in the area. The proposal would not have large front or rear yards and the majority of units would not have any individual yards. The proposal would alter the broader and finer grain pattern of the prevailing size and configuration of residential lots in the immediate and broader neighbourhood. The creation of this development parcel and the intensive form of development proposed is not in keeping with the existing and planned finer grain residential lot pattern in the area and is not appropriate in this context.

Policy 4.1.10 of the Official Plan establishes that residential infill development applications on properties that vary from the local pattern in terms of lot size, configuration and/or orientation as a result of the assembly of lots that previously had adhered to the local pattern will be evaluated by applying Policy 4.1.5. The sidebar text of the Official Plan *Neighbourhoods* Policy establishes that Policies 4.1.9 and 4.1.10 are not to be interpreted as encouraging, facilitating, or justifying the assembly of lots within a geographic neighbourhood that adhere to the prevailing lot pattern in that neighbourhood for the purpose of intensification.

Planning staff are of the opinion that the proposed land assembly to create a single large development parcel encroaching into the interior of the *Neighbourhoods* is of particular concern and not appropriate in this location. There is nothing unique about the lotting pattern, size and configuration of lots, particularly the assembled lots in the interior of the *Neighbourhoods* on Burnhamthorpe Crescent, or the land assembly itself that could not easily be replicated in the immediate area along Burnhamthorpe Crescent or Burnhamthorpe Road. A similar land assembly could undertaken throughout many City neighbourhoods and this proposal could establish a negative precedent that could impact the stability of neighbourhoods. Consolidating a number of residential lots on a local street within a residential *Neighbourhood*, in order to create a larger development block for an apartment or townhouses, can be replicated in many *Neighbourhoods* and is contrary to Official Plan policies that require development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood, in particular the size and configuration of lots.

### *Dwelling Type of Nearby Residential Properties, Prevailing Building Type(s) and Scale*

According to the Official Plan, the prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood. Prevailing means the most frequently occurring for purposes of this policy. The prevailing building type will be the predominant form of development in the neighbourhood.

The prevailing building type in this neighbourhood is low rise and low-scale residential in the form of 1-2 storey detached houses. There are no stacked back-to-back townhouses in the neighbourhood. The proposal seeks to introduce a more intense form of residential development consisting of five new buildings of 3½ storey stacked back-to-back townhouses that are not consistent with nearby residential properties.

Moreover, the zoning by-laws applicable to the lands only permit residential uses in the form of detached dwellings in this area. Stacked townhouses are not a permitted use in the zone. Detached dwellings are the existing and planned building context in the neighbourhood. The sidebar text of the Official Plan *Neighbourhoods* policy reinforces that the Plan's policies in this case are to be interpreted to allow only single-detached dwellings in order to respect and reinforce the established physical character of the neighbourhood. Policy 4.1.5. states that no changes are to be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*. The proposed building and dwelling type of stacked back-to-back townhouses do not fit in with the existing physical character of the neighbourhood nor do they respect and reinforce the existing physical character of the neighbourhood.

There are a few 2.5 storey detached dwellings, semi-detached dwellings and two small scale traditional townhouse developments on *Neighbourhoods* designated lands in the area. However, these are building and dwelling type exceptions in the area and do not represent the prevailing building and dwelling type in the neighbourhood as defined by the Official Plan.

Planning staff also recognize that part of the site is located on a main road adjacent to two 5-storey apartment buildings at 22-24 Burnhamthorpe Road. There is also a residential condominium building ranging in height from 4-8 storeys east of Burnhamthorpe Road at 7, 9 and 11 Burnhamthorpe Crescent. However, these two developments do not represent the prevailing low-rise height and single-detached built form in the area and are differentiated from the subject lands in the following ways:

## 22-24 Burnhamthorpe Road

- The two 5-storey apartment buildings are on lands designated *Mixed Use Areas* and identified as *Centres* in the Official Plan;
- Located in the Etobicoke Secondary Plan Area;
- Zoned EC3 in the Etobicoke Centre Secondary Plan Area By-law;
- Located adjacent to a 3-storey commercial plaza with associated rear parking lot;
- Built in 1959;
- Have a different lot configuration, lot size, orientation, dwelling form type, scale, density and height than the rest of the surrounding neighbourhood;
- Have a very generous landscape setback of approximately 55 m back from the front lot line along Burnhamthorpe Road such that these apartments buildings are not located beside the existing dwelling at 26 Burnhamthorpe Road; and
- The building at 24 Burnhamthorpe Road provides an approximately 9.91 m side yard setback along its north side and as a result, there is no impact from the massing of these low-rise apartment buildings on the abutting lots designated *Neighbourhoods*.

## 7,9 and 11 Burnhamthorpe Crescent

- This residential condominium building ranges in height from 4-8 storeys and is designated *Mixed Use Areas* and identified as *Centres* in the Official Plan;
- Located in the Etobicoke Secondary Plan Area;
- Zoned EC3 in the Etobicoke Centre Secondary Plan Area By-law;
- The site is located on Burnhamthorpe Crescent to the east of Burnhamthorpe Road;
- The site is a large irregular shaped parcel that was previously part of the Islington United Church parking lot;
- This section of Burnhamthorpe Crescent has a different context given the large open space area of the Golf Course, proximity of the Mimico Creek, location abutting the place of worship and abutting 2-3 storey mixed use lots along Dundas Street West;
- The topography of the land is on a hill and slopes down to Mimico Creek, and the golf course to the north and which buffers and transitions the building down to the *Neighbourhoods* lands;
- Initial applications to amend the Official Plan and Zoning By-law were made in 1999 for a development with two point towers of 12 and 14 storeys which were refused by City Council and the Ontario Municipal Board; and
- Subsequently, applications to amend the Official Plan and Zoning By-law to permit the development of a stepped 4-8 storey building with 108 units were approved by the Ontario Municipal Board in 2003 (Decision 187-2003) and a subsequent Minor Variance Decision (A10/04E) was approved to facilitate the development.

These two residential developments are noted as they exist in proximity to the subject lands, however, they do not represent the prevailing building or dwelling type character in the area. These two residential developments are located in different land use designations, different urban structures, and different zones with higher permissions than the subject site. Therefore, although they exist in the area, these two sites cannot be used to justify the built form and scale of development proposed by the subject application.

There are no stacked back-to-back townhouses in the immediate or broader area within *Neighborhoods* designated lands. Although there are two small scale traditional townhouse developments constructed in the broader area and designated *Neighbourhoods* as outlined below:

### 3-11 Tyre Avenue

A Zoning By-law Amendment application to permit 29 traditional 2½ storey townhouses (9.5 m in height), 2 new single-detached dwellings and the retention of 2 existing single-detached dwellings for a total density of 0.7 times the area of the lot was approved by City Council in 2000.

The original application provided for the retention of the single-detached dwellings located at 9 and 11 Tyre Avenue, and the introduction of 31 townhouse units within a uniform block configuration. Visitor parking and amenity space were not provided in the initial submission. Following the community meeting and discussions with Planning staff, the application was revised to 29 townhouse units and 2 new single-detached units fronting Tyre Avenue. Seven designated visitor parking spaces were added and a passive amenity area located at the Tyre Avenue entrance was added.

Along the Tyre Avenue frontage, the two new single-detached units each have direct access to Tyre Avenue. These units are approximately 2½ storeys in height, 6.6 m wide and 213 m<sup>2</sup> in size. Parking is accommodated with integral garages located at-grade, with additional spaces located in front of the garage on the driveways. The balance of the site consists of six blocks of townhouses, containing a total of 29 units. This part of the development is accessed by an 8.5 m private driveway from Tyre Avenue. The units are 2½ storeys in height, 5.5 m to 6 m wide and range in size from 165 m<sup>2</sup> to 206 m<sup>2</sup>. Parking for these units is accommodated within integral garages, located at-grade, with additional parking spaces located in front of the garage on the driveways.

The development's front yard setbacks on Tyre Avenue are approximately 10 m which are comparable to building setbacks of the adjacent dwellings on Tyre Avenue. Front yard setbacks are generally 6 m along the internal driveway. Landscaping is provided primarily in the front and rear yards of the units, and within the boulevards.



Area residents and Planning staff expressed concern to the applicant respecting the original proposal's isolation and lack of integration with the surrounding neighbourhood. To address this concern, the applicant revised the proposal to include two single-detached dwelling units which are oriented to maintain the continuity of the Tyre Avenue streetscape.

With respect to proposed building setbacks and buffering to rear yards of adjacent single-detached dwellings, the applicant increased the side yard setback at the westerly end of the site to 2.4 m and re-oriented the eastern townhouse blocks to create a rear yard condition with a minimum setback of 7.5 m. This revision, combined with the rear yard setback of the units fronting onto Royalavon Crescent resulted in a separation distance between the townhouse units and existing homes of up to 30 m.

#### 977, 979 and 981 Kipling Avenue

This site is located in the broader area at the western edge of the *Neighbourhoods* designation, at the opposite end of the neighbourhood relative to the subject site. The site has frontage on Kipling Avenue and the previous vehicular ramp from Dundas Street West to Kipling Avenue. To the north, west and east of the site are detached residential dwellings, as well as commercial properties on Dundas Street West. To the south of the site was the ramp system for the Six Points Interchange.

On November 18, 2005, the OMB issued Decision/Order No. 3052 approving amendments to the former City of Etobicoke Official Plan and Etobicoke Zoning Code to permit the development of 20 townhouse units with a height of 12.8 m and an overall density of 1.23 times the area of the lot. The OMB granted site plan approval for the development of 20 townhouse units in its Decision/Order. Etobicoke Official Plan Amendment No. 136-2005 and Site Specific Policy No. 97 accordingly introduced a Medium Density Residential designation on this parcel to permit the development.

This site previously had split Official Plan designations of Low Density Residential and Commercial Residential Strip under the former City of Etobicoke Official Plan. The site also previously had split zoning of Residential Second Density and Commercial Limited Zone. The southerly three-quarters of the site was redesignated as "Commercial Residential Strip" in 1996 and rezoned at the same time to permit a mixed-use development with two retail units on the ground floor, and 14 residential units above. That proposal was never constructed, and the applicants subsequently acquired the residential lot to the north, which was designated "Low Density Residential" and zoned R2.

Initially, the applicants sought approval from the City for a 26-unit development. After the public consultation meeting was held, the proposal was amended to include 23 units. Finally, prior to the hearing before the Board, the number of proposed units was

further reduced to 20 units. Planning staff still found the application to be overdevelopment of the site and did not support the proposed built form in terms of density, number of units, setbacks, separation distances, buffering and amenity space, and design. However as noted above, the application was approved by the Ontario Municipal Board.

These two townhouse developments also do not represent the prevailing character in the area (as they are not the most frequently occurring and do not occur in substantial numbers in the area) although they are located in the same *Neighbourhoods* land use designation as the subject site. Further, these two existing townhouse developments have a traditional townhouse built form and a much smaller scale with more generous setbacks than proposed by the subject application.

### *Scale*

Burnhamthorpe Road in this location is identified as a major street on Map 3 of the Official Plan and thus has the potential for consideration of a more intense form of development as opposed to lots on blocks located in the interior on local roads such as Burnhamthorpe Crescent. However, the Official Plan also establishes that when a more intense form of development than the prevailing building type has been approved on a major street in a *Neighbourhood*, it will not be considered when reviewing prevailing building type(s) in the assessment of development proposals in the interior of the *Neighbourhood*. Policy 4.1.7 of the Official Plan outlines that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged.

Counter to Policy 4.1.7, the proposal seeks to intensify lands into the *Neighbourhoods* on Burnhamthorpe Crescent. Planning staff are of the opinion that the proposed stacked back-to-back townhouses are particularly inappropriate for the lots on Burnhamthorpe Crescent in the interior of the *Neighbourhood* and would erode the low scale detached house character of the existing established *Neighbourhood* which consists of generous front yards, side yards and rear yards contributing to the pattern of open space within the neighborhood blocks and allowing for substantial mature tree growth.

The Official Plan policies further establish that proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. However, in instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance. The immediate context is the lots designated *Neighbourhoods*, particularly the lots in the interior of the neighbourhood on Burnhamthorpe Crescent. The prevailing building type and dwelling type along Burnhamthorpe Crescent and Burnhamthorpe Road in the immediate area are also 1-2 storey residential detached dwellings on large lot frontages.

Chapter 2 of the Official Plan establishes that at the boundary points between the neighbourhoods and growth areas, development in growth areas must demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of the adjacent neighbourhood areas are not adversely affected.

Existing and recent dense residential developments comprised of different building types such as high rise buildings are discernably and appropriately located in the nearby Etobicoke Centre, *Mixed Use Areas* and *Apartment Neighbourhoods*. Centres like the Etobicoke Centre Area underwent a comprehensive study to create a Secondary Plan, specific zoning and design guidelines to accommodate increased growth and thus have a different context than the subject site and is not comparable to the subject site. These sites must provide appropriate transition in scale to surrounding *Neighbourhoods* lands.

The subject lands abut *Mixed Use Areas*, the Etobicoke Centre Secondary Plan Area and the Etobicoke Centres zoning by-law area. However, the subject site was excluded from the *Mixed Use Areas* and the Etobicoke Centre Secondary Plan area. The subject site is located in a stable and established *Neighbourhoods* designation which only permits low scale residential detached dwellings.

The location of part of the site on a major street and abutting a different land use designation, Urban Structure, the Etobicoke Centre Secondary Plan area and a different zone with higher scales of development and different dwelling type permissions is not to be used to encourage intensification of the magnitude proposed or in the dwelling type of stacked back-to-back townhouses proposed by the application on the subject site. The proposed scale of development on the subject site must fit in, improve, respect and reinforce the existing and planned low scale character of the established *Neighbourhoods* designation, regardless of its location partially on a major street or its proximity to the Etobicoke Centre Secondary Plan area.

### **Height, Density and Massing**

This application has been reviewed against the Official Plan policies and the design guidelines described in the Policy Considerations Section of this report. Given the existing and the planned context for the subject property and the surrounding area, the density, height and massing proposed by the application is not appropriate and cannot be supported by staff in its current form.

### **Height**

According to the *Neighbourhoods Policies* of the Official Plan, development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular, prevailing building heights, massing and scale of nearby residential properties.

The former City of Etobicoke Zoning Code, Site Specific By-law No. 1992-25 and City-Wide Zoning By-law No. 569-2013 permit a maximum dwelling height of 9.5 m for pitch roofs and 6.5 m for flat roofed dwellings for single-detached dwellings. The prevailing heights of homes in the neighbourhood are predominantly low scale 1-2 storey dwellings with heights ranging from 6.5 m to 9.5 m in line with the maximum zoning permissions.

In contrast, the application proposes a five block townhouse development consisting of 123 stacked back-to-back 3½ storey townhouses with heights ranging from 12.9 m to 13.5 m in height to the top of the mechanical penthouse/rooftop stair enclosure. The proposed heights are taller and not compatible with the building heights in the *Neighbourhoods* lands, particularly the height of the adjacent 2.5 storey dwelling at 51 Burnhamthorpe Crescent and the surrounding 1 - 2 storey detached dwellings across the street and along Burnhamthorpe Crescent. The proposed heights are also higher than the heights of the two existing traditional townhouse developments in the area. Staff are of the opinion the building heights of the proposed development should be lowered to respond to the existing and planned built context of the surrounding area.

## **Density**

The application proposes a density which is nearly 4 times greater than the maximum permitted density for the site. The maximum permitted gross floor area within the R2 Zone (the former City of Etobicoke Zoning Code) and the RD Zone (City-wide Zoning By-law No. 569-2013) is 0.45 times the area of the lot. The development would have a gross floor area of 10,184 m<sup>2</sup> representing an overall density of 1.6 times the area of the lot. This would be the highest density of any development in the immediate or broader area designated *Neighbourhoods*.

The applicant consolidated nine single lots to create a large residential development parcel that would include 123 dwelling units in five buildings of stacked back-to-back townhouses. There are no stacked back-to-back townhouses in the immediate or broader neighbourhood as only residential detached dwellings are permitted in this zone. The immediate area has only detached dwellings with densities in keeping with the maximum permitted density of 0.45 times the area of the lot. There are only two developments in the broader neighbourhood featuring traditional townhouse developments at 3-11 Tyre Avenue (two detached dwellings and 29 townhouse units) which has an overall density of 0.7 times the area of the lot and another at 977, 979 and

981 Kipling Avenue (20 townhouse units) and an overall density of 1.23 times the area of the lot, both of which are significantly less dense than the proposed development.

## **Massing**

Buildings in the area designated *Neighbourhoods* are massed in a low-rise dwelling form with one building per lot having public street frontage. The neighbourhood generally has a consistent character and pattern of large lots with detached 1-2 storey dwellings with similar setbacks and abundantly treed frontages and rear yards. Burnhamthorpe Crescent and Burnhamthorpe Road also have a similar character of large treed lots with large front yard setbacks, rear yard setbacks and detached houses, with the exception of the place of worship, the two low-rise apartment buildings, the 4-8 storey building and the golf course in the immediate area. The majority of residential buildings have a street presence with a single front door, a few front steps, walkways and a small detached or attached garage. Corner lots in the neighbourhood typically have a large open space/landscaped edge at the corners.

In contrast, the proposed development would have building massing, building articulation, heights and roof forms that are foreign to the area and make no positive contribution to the character of the neighbourhood or the area in general. The proposed development does not respect and reinforce the existing physical character of the neighbourhood nor does it represent sensitive development that "fits" within the neighbourhood. The proposed development, while creating some frontages along the public roadway, extends its massing perpendicular into the site with most dwellings facing each other and interior to the site, thus altering the established context of houses facing public roads.

In addition, the application proposes stacked back-to-back dwelling units in multiple buildings behind another with the majority of buildings having no public street frontages or driveways and 6-10 steps to the front door. The proposed buildings are oriented in different directions (i.e., some parallel to Burnhamthorpe Road and Burnhamthorpe Crescent and some perpendicular) which disrupts the finer grain building and lotting pattern of the area. The proposal is for a building type on a lot assembly that is not the prevailing building type in the area, and would introduce a new way of organizing development by locating and massing a second building on a lot behind another. This proposed "building behind a building" relationship with stacked units does not exist in the neighbourhood and is not encouraged in the *Neighbourhoods* land use designation.

Built Form Policy 3.1.2.3 of the Official Plan also emphasizes the importance of ensuring that new development fits within its existing and/or planned context and new buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

Further, the Townhouse and Low-Rise Apartment Guidelines, Standard 4.1 establishes that angular planes and minimum horizontal separation distances be utilized in developments in order to transition between the existing context and between proposed developments.

Planning staff note that the adjacent site at 24 Burnhamthorpe Crescent with the existing 5-storey apartment building is setback approximately 9.91 m from the side lot line which is greater than the minimum setback required by the Zoning By-law. However, Planning staff are of the opinion there is no appropriate transition in height and massing from the proposed five blocks of stacked townhouses ranging from 12.9 m to 13.5 m in height to the prevailing height of abutting and surrounding lots in the area containing low-rise 1-2 storey detached dwellings with existing heights from 6.5 m to 9.5 m. Staff are of the opinion the proposal should be revised through an overall reduction in height and articulation of massing to provide a greater transition in the proposed building height down to lower-scale properties and applying a 45 degree angular plane measured at the property line adjacent to lands designated *Neighbourhoods*.

There are no existing stacked back-to-back townhouses in the immediate or broader neighbourhood and no other developments constructed in the area designated *Neighbourhoods* that are close in scale to this proposal. There are also no recent re-zoning or Official Plan amendment approvals in this established area designated *Neighbourhoods* for approximately 15 years. The majority and prevailing scale is low-rise detached 1-2 storey dwellings ranging from 6.5 m to 9.5 m in height. The two existing exceptions in the area designated *Neighbourhoods* are the existing traditional townhouse developments which also have heights, density, massing, units and overall scale that are much lower than the subject proposal.

The proposed development would be a drastic change that would not respect and reinforce the existing physical character of the neighbourhood, as well as introduce a new building type of stacked back-to-back townhouses in the area. The proposal would result in multiple buildings on one site with a high number of units and a development that is too intense for this residential *Neighbourhood*. The overall scale of the proposed development including the combination of the proposed height, massing and density is not in keeping with the existing physical character of the neighbourhood and in the opinion of staff represents overdevelopment of the site. The level of intensification proposed in conjunction with the dwelling type of back-to-back stacked townhouses is not appropriate in this context, particularly along Burnhamthorpe Crescent.

Staff are of the opinion the scale of the proposal should be significantly reduced to decrease the proposed density, number of units, height and massing; provide greater transition to the adjacent low scale lots on *Neighbourhoods* designated lands; and eliminate the proposed dwelling type of stacked back-to-back townhouses (particularly on Burnhamthorpe Crescent) to be more in keeping with the Official Plan, the Zoning

By-laws, the existing physical character of the neighbourhood and achieve the standards in the Townhouse and Low-Rise Apartment Guidelines.

### **Building Setbacks**

The rhythm of building facades and open space creates part of the character of the street. The nine detached residential buildings on the existing lots and the majority of the *Neighbourhoods* lands have a finer building and streetscape fabric with side yard setbacks with every residential building on each lot resulting in building facades broken down into smaller elements creating a pavilion type character rather than a continuous street wall type character. There is a repeating pattern of buildings, setbacks and a streetscape with mature trees and landscaping as part of an extended public realm. There is an existing character of smaller buildings rather than multiple large buildings on one site.

The proposed Building E would have a block length of 40.80 m abutting the rear yard of 51 Burnhamthorpe Crescent. The proposed Buildings A - D propose continuous building block lengths of approximately 17.68 m, 60.65 m, 23.45 m and 23.41 m, respectively. Residential buildings in this area of Burnhamthorpe Crescent or Burnhamthorpe Road on *Neighbourhoods* lands do not have building wall lengths without any setbacks or separation breaking down the building mass along the street as proposed.

The existing subject properties have front yard setbacks to the main residential building ranging approximately from 6.13 m to 11.74 m. The existing front lawns are generous with abundant landscaping and existing mature trees. The existing residential front yard setbacks of the homes along Burnhamthorpe Road and Burnhamthorpe Crescent in the immediate context, as well as dwellings in the broader area, also have the same prevailing character. The adjacent lot to the south with the two low-rise apartment buildings has a larger front yard setback of approximately 55 m.

The existing front yard setbacks along Burnhamthorpe Road and Burnhamthorpe Crescent are much greater than the application's proposed front yard setbacks. Staff are of the opinion the proposed setbacks should be increased to appropriately site the buildings in the existing context of the established neighbourhood. Front yard setbacks should respond to the existing context and applicable zoning by-laws and transition incrementally.

The proposed Building D would locate a block of 3 ½ storey stacked back-to-back townhouses ranging roughly from 3 m - 6 m from the south side lot line and Building E is also proposed to be 1.34 m - 2.30 m from the side lot line with 24 Burnhamthorpe Road. Buildings D, C and B fronting Burnhamthorpe Road would have setbacks ranging from 2.06 m to 2.53 m while Buildings B and A along Burnhamthorpe Crescent would be setback from 2.06 m to 4 m.

The proposed west side setback from Building A is 7.29 m and 7.66 m from Building E. The minimum required rear yard setback in the Zoning By-laws is 7.5 m and the prevailing character for residential lots in the area is deep rear lots with rear yard setbacks much greater than 7.5 m. The existing nine detached lots have approximate rear yard setbacks ranging from 7.6 m to 44 m. The proposed minimal setbacks do not respect and reinforce the existing prevailing physical and planned character of nearby residential properties and are inappropriate in this context.

As per the Townhouse and Low-Rise Apartment Guidelines, a development of this proposed scale that abuts a lower density residential area should include greater rear yard setbacks or a 45 degree angular plane. A 45 degree angular plane would provide a greater separation distance between the different intensity and scale of uses, and minimize issues related to overlook, privacy and shadowing.

The proposed development does not meet 7.5 m setbacks from rear lot lines and does not meet a 45 degree angular plane from the adjacent lands designated *Neighbourhoods*. Planning staff are of the opinion the development should be revised to apply a 7.5m rear yard setback and a 45 degree angular plane for the proposed buildings while providing greater side yard setbacks from the adjacent lot at 24 Burnhamthorpe Road.

The proposed development does not respect and reinforce the existing physical character of the neighbourhood, in particular the prevailing pattern of existing and planned building setbacks. Planning staff are of the opinion that a more appropriate built form would be less-intense dwellings creating a perimeter along both Burnhamthorpe Road and Burnhamthorpe Crescent, respecting contextual setbacks with a shared landscape amenity. Staff are of the opinion the application should be revised to re-orient the proposed buildings to provide a more perimeter-block style of design with larger open space amenity at the rear of the development. The development should also provide greater front yard setbacks, transitions for front yard setbacks to the existing context as well as greater side and rear-yard setbacks.

### **Landscaped Open Space**

Through the combination of generous front yard setbacks, a prevailing pattern of deep rear yard setbacks greater than the minimum by-law standards and significant side yard setbacks, a pattern of large landscaped open space has been created on both the street and within rear yards of properties in the neighbourhood. In contrast, the subject proposal contains a dwelling type, scale and intensity that detracts from these areas of landscaped open space.



The application proposes a landscape area to the west of Building A, a landscape amenity area between Building B and Building C and between Building C and Building D. These larger interior landscape areas do not respect or reinforce the prevailing pattern of landscaped open space in the area designated *Neighbourhoods* and are inappropriate in this context.

The reduced building setbacks and underground parking garage eliminate areas for landscaping opportunities. The location of Buildings C, D and E would require the removal a large number of trees that contribute to the mature treed area between the rear yards of homes on Burnhamthorpe Road and Burnhamthorpe Crescent. Also, the proposal introduces half below grade terraces and below grade entrances off the private driveway and against and adjacent to the property at 51 Burnhamthorpe Crescent. Importantly, the proposed underground garage encumbers the site by hindering the ability to provide enough soil volume to support large, high-branching trees that would replace the trees destroyed through this redevelopment. This detracts from the soft landscaped areas, privacy and building setbacks. The applicant's proposal does not contribute to the prevailing landscaped open space character of the area and the prevailing open space within the block which is critical for mature tree growth to maintain, increase and enhance the City's overall tree canopy.

### ***Location, Design and Building Elevations Relative to the Grade of Driveways and Garages***

Another key Official Plan development criterion for new development in established *Neighbourhoods* is that new development must respect and reinforce the existing physical character of each geographic neighbourhood including the prevailing location, design and building elevations relative to the grade of driveways and garages. The prevailing character of building elevations in the area is 1-2 storey detached dwellings facing a public street with 3-6 steps to the front door with detached at-grade garages located behind the front wall of the dwelling or attached at-grade garages facing a public street and a single driveway.

In contrast, the application proposes one large underground garage which does not respect or reinforce the prevailing character of lots in the neighbourhood. The other two townhouse developments in the broader area have integral at-grade garages, not underground garages as proposed. Building entrances in the area typically rise 3-6 steps which is in line with City of Toronto Townhouse Design Guidelines.

The proposed building entrances are elevated above the existing context of the area. The proposed building entrances rise between 6-10 steps from grade and present a drastic change from the existing context. Planning staff are of the opinion the applicant should lower the finished ground floor elevation, and the building entrances, thereby reducing the number of steps to each door. In addition, lowering the ground floor elevation and reducing the number of steps up from grade would reduce overall building heights in relation to the surrounding built form context in the neighbourhood.

Moreover, staff note that general accessibility for the site is limited for people with disabilities. There is no elevator access to the parking garage nor is there barrier-free access to any unit. Staff are of the opinion the proposal should be revised to make the development accessibility-friendly.

### **Neighbourhood Fit, Overlook and Privacy**

The subject nine properties and other properties in the area along Burnhamthorpe Crescent and Burnhamthorpe Road are similarly configured, containing one main residential building per lot with heights, massing, scale, building type and setbacks that reinforce the existing physical character of the neighbourhood. The neighbourhood lots and homes are organized in a manner that do not result in overlook or privacy issues.

The proposal would create potential issues of overlook and privacy, particularly into the adjacent lot at 51 Burnhamthorpe Crescent. The proposal is organized with stacked back-to-back townhouses containing multiple dwelling units, with one building located behind another building, with increased building heights and reduced setbacks. The proposal introduces multiple units at the lower levels on the ground and main floors located close to residential property lines. The upper levels of the buildings introduce rooftop amenity areas, balconies, plus windows with views into surrounding side and rear yards. The result is 24 units proposed to have an overlook condition into the rear yard of the neighbouring dwelling at 51 Burnhamthorpe Crescent. Sufficient setbacks, stepbacks and landscaped open space within the block have not been provided to buffer and mitigate privacy issues.

The development would locate a new building (Building A) containing 28 new units with windows, decks and terraces, half of which would directly face into 51 Burnhamthorpe Crescent. The application also proposes an outdoor loading space and garbage pick up area off the private road, interior to the site driveway between Building A and Building B and adjacent to 51 Burnhamthorpe Crescent (which contains a single detached dwelling). Planning staff have requested the applicant to clarify the nature of the loading and garbage pickup as it is unclear if this area is enclosed or if it is a staging area for bins to be rolled to for pickup. Further, the manner in which garbage, recycling and compost is transported from the garbage room in the parking level up to the pickup area is to be clarified. Waste should be consolidated internally. As per the Townhouse and

Low-Rise Apartment Guidelines, Standard 3.4, the negative impact of a service area on the public realm shared open space should be limited and a maximum of 100 m distance to a common waste collection area should be provided.

The design of the proposal would result in interior courtyards with dwelling units facing each other with a separation distance of 13 m to 16.03 m. Moreover, building sidewall to building sidewall separation distances of 3.2 m to 10.44 m are proposed. Building distances between Buildings B and C (14.36 m) and C and D (13 m) are less than the recommended 15 m for structures taller than 11.5 m as per the Townhouse and Low-Rise Apartment Guidelines. Staff are of the opinion the distances between building faces should be increased as per guidelines, and greater amenity space should be provided.

Many proposed dwelling units would be accessed via interior private pedestrian walkways and interior courtyards. Courtyards and private pedestrian walkways would serve as an entrance for multiple units whereas currently buildings fronting Burnhamthorpe Crescent and Burnhamthorpe Road have direct access from the public streets. These units would have a poor visual and physical relationship to the sidewalk and the public street. Staff are of the opinion the building entrances should be located to be clearly visible and directly accessible from the public sidewalk.

The intensity and scale of the proposal is greater than that of the surrounding residential detached homes and significantly alters the character of the existing neighbourhood. The proposal creates unacceptable building relationships within the site and with abutting dwellings resulting in potential negative impacts with respect to overlook, privacy and fit for the surrounding low-rise lots designated *Neighbourhoods*. Staff are of the opinion the proposal requires a substantive redesign.

## **Streetscape**

The Public Realm policies of the Official Plan (Section 3.1.1) recognize that a well-designed public realm is developed by creating comfortable, inviting, safe and accessible streets, parks and open spaces which are vital elements in creating a vibrant city. Policy 3.1.1.6 of the Official Plan sets out parameters such that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians. Staff are of the opinion the proposal should be modified to increase the front yard setbacks of the proposed buildings to improve the public realm along the public frontage through wider sidewalks (2.1 m) and to provide the space necessary for landscaping and street trees in keeping with the existing physical character of the area.

## Sun and Shadow

Toronto's climate is one of extremes, characterized by hot, humid summers, and cold, grey, damp winters. In shoulder seasons, spring and fall, access to direct sunlight and shelter from the wind become very important to improve the comfort, usability and enjoyment of outdoor spaces.

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Context Section of this report. Staff recommend given the existing and the planned context for the subject property and the surrounding area, the proposal should be revised to address sun and shadow impacts.

Official Plan Policy 3.1.2.3 states that 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 the following (among other matters):

- Providing for adequate light and privacy;
- 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
- Minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

The Townhouse and Low-Rise Apartment Guidelines provide direction on protecting streetscapes and providing building heights and setbacks that are consistent with neighbouring properties and the surrounding context. The Guidelines seek to produce a high quality living environment for all residents, minimize shadow, blocked views and overlook onto existing residential buildings and their open space. The Guidelines provide direction for development relative to streets and open spaces by encouraging existing public streets to be used for address, providing clear sight lines and easily accessible pedestrian links to public sidewalks, incorporating on-site common open space and designing buildings so sunlight can reach walkways and open space areas.

The applicant submitted a shadow study illustrating the incremental shadow impacts during March 21<sup>st</sup> and September 21<sup>st</sup> (Spring and Fall Equinoxes), June 21<sup>st</sup> (Summer Solstice) and December 21<sup>st</sup> (Winter Solstice). Planning staff found the study difficult to assess and requested the applicant provide a revised study with a different colour scale to clearly depict the study findings. The submitted shadow study appears to indicate the following:

- Shadows would be cast on lands designated *Neighbourhoods* in March, September and December.
- Shadows would cover most of the outdoor amenity areas on site throughout the day without any full exposure to the sun during the Fall and Spring Equinoxes. The built form and building location and siting should be revised to provide sun exposure for the benefit of the outdoor landscaped areas.
- The lack of sun would pose a challenge for the full and plentiful growing of all soft landscaping features which would already be hampered by the proposed underground parking garage. The Toronto Green Standard establishes that there must be sufficient access to sun for plant material growth and sufficient soil volumes. Thus, the outdoor areas should provide well designed and comfortable landscaped areas.
- The proposal would shadow the sidewalk and public realm along Burnhamthorpe Crescent and Burnhamthorpe Road for most of the day during the Spring and Fall Equinoxes. Setting back the buildings further from the front lot lines would increase sunlight and sky view, create fewer shadows on the public realm and would result in larger front yard setbacks more in keeping with the existing physical context of the area as per Official Plan policies.

Planning staff are of the opinion that revisions should be made to the proposal's built form, setbacks, stepbacks, separation distances, height and massing to reduce its shadowing impacts, both internally and externally.

### **Amenity Areas**

Built Form Policy 3.1.2.6 of the Official Plan requires that every significant new multi-unit residential development must provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity space such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

The application proposes two landscaped outdoor amenity areas proposed between Blocks B and C (approximately 243 m<sup>2</sup>) and between Blocks C and D (approximately 186 m<sup>2</sup>). In addition to these shared outdoor amenity spaces, private outdoor amenity areas would be provided for the dwelling units in the form of balconies, terraces and rooftop terraces. No common indoor amenity space for residents is proposed.

Standard 3.2 of the Townhouse and Low-Rise Apartment Guidelines establishes that outdoor amenities shall be located at grade and front onto streets, pedestrian mews and

walkways to provide visibility and access and shall be animated and framed with appropriate building massing. Amenities shall be located centrally and highly visible to all residents. Existing trees should be preserved and access to sunlight should be maximized. Amenity areas should also be screened from parking, mechanical and servicing areas. Planning staff are of the opinion the outdoor amenity areas should be relocated and/or redesigned.

Staff are of the opinion that the proposed open landscaped amenity space should be revised through a site re-organization to create a large open space amenity area to the south portion of the site and a perimeter block style of development located along Burnhamthorpe Road. Larger space would be contextually appropriate and more in keeping with Official Plan policies and guidelines, as well as preserve existing mature vegetation on the site. The plans must also be revised to demonstrate that tree plantings would be supported with adequate soil volume to ensure mature tree growth.

### **Traffic Impact**

The applicant submitted a Transportation Impact Study (TIS), dated June 18, 2019 that was prepared by Nextrans Consulting Engineers. The submitted study indicates that the proposal would generate 37 and 31 two-way vehicle trips during the morning and afternoon peak hours, respectively. Based on the projected vehicular traffic volume, the applicant's traffic consultant concluded that the traffic generated by the proposed development would have a negligible impact on the study intersections.

The Transportation Impact Study indicates that the road network surrounding the site is forecast to operate with acceptable delays and sufficient capacity with no queuing issue identified, with the exception of the Dundas Street West and Burnhamthorpe Road intersection. According to the TIS, the eastbound left-turn from Burnhamthorpe Road to Dundas Street West is expected to operate at a higher level of service with significant delays mainly due to the background traffic conditions. The study proposes to allocate five seconds of green time to the advance green for the eastbound left-turn movement from Burnhamthorpe Road to Dundas Street West during the a.m. peak period as a mitigation measure.

Transportation Services staff concur with the findings and conclusions that the traffic impact of the proposal would have a minor impact on the adjacent road network. Therefore, Transportation Services staff advise that the Traffic Impact Study for the proposed development is acceptable.

### **Parking**

The applicant proposes a parking supply of 163 parking spaces including five accessible parking spaces, within an underground parking garage and on the surface

(two visitor parking spaces). The proposed site plan shows a total of 35 parking spaces would be allocated to visitors. Transportation Services staff advise that the plans must be revised to identify the parking spaces intended for visitors in the underground parking garage. Transportation Services staff note that the accessible parking space dimensions shown on the site plan satisfy the minimum dimensions of 5.6 m x 3.4 m, with an adjacent barrier-free aisle of a minimum 1.5 m width. Staff advise that the proposed parking supply exceeds the minimum parking requirements of By-law No. 569-2013 and is acceptable. However, the table in the underground parking plan on submitted Drawing No. A-102 indicates that a total of 163 parking spaces are provided while the number of parking spaces shown in the drawing is 161 spaces (including the surface visitor parking). The applicant is required to revise the site plan to correct the inconsistency.

The applicant's traffic consultant provided vehicle tracking diagrams for the proposed underground parking garage and the curved ramp. It was concluded that passenger vehicle circulation and simultaneous two way vehicular traffic can be accommodated. However, staff advise that transitional ramps must be provided at the top of the main ramp connecting the ground floor and the underground parking level with a slope of 7.5% and a minimum length of 3.65 m. The site plan drawings must be revised to clearly illustrate the length of the transition ramps to be at minimum of 3.65 m. The dimensions of the ramp (length and width) must be clearly illustrated on the site plan drawings.

### **Driveway Access/Site Circulation**

A total of nine vehicle accesses and curb cuts are currently serving the nine lots that comprise the site. As part of the proposal, one consolidated full-move access 6 m in width is proposed onto Burnhamthorpe Crescent. The proposed driveway would provide access to the underground parking ramp, the surface visitor parking and the loading and garbage pick-up area. It is proposed to accommodate both inbound and outbound operation. The proposed driveway currently does not have a turn-around area in order for service vehicles to exit the site. Transportation Services staff advise that the applicant is required to revise the site plan to illustrate a turn-around area at the east end of the driveway. The applicant's transportation consultant is required to assess the on-site circulation of a passenger vehicle (P-Tac) parking in the proposed surface visitor parking spaces. The site plan also illustrates an emergency access onto Burnhamthorpe Road. The applicant is required to provide justification for the provision of the emergency access, including its intended use and dimensions.

### **Loading**

Based on Zoning By-law No. 569-2013, one Type "G" loading space is required. The application proposes a Type "G" loading space on the south side of the site and

accessed via a driveway onto Burnhamthorpe Crescent. Transportation Services staff concur with the provision of this loading space. However, the truck tracking diagram (Figure II) provided in the consultant's Transportation Impact Study illustrates that City of Toronto garbage trucks would encroach on the curb along the west side of Burnhamthorpe Crescent. The diagram must be revised to show the truck movements entirely within the site.

### **Sidewalks**

An existing 1.7 m in width public sidewalk is located on the Burnhamthorpe Road site frontage. There is no existing sidewalk along the Burnhamthorpe Crescent site frontage. In order to comply with current City standards, along with requirements related to the Accessibility for Ontarians with Disabilities Act (AODA), the applicant must construct sidewalks along both streets having minimum clear widths of 2.1 m. The applicant must revise their plans accordingly.

### **Road Widening**

In order to satisfy the Official Plan requirement of a 20 m right-of-way for this segment of Burnhamthorpe Road, a 0.86 m road widening dedication along the Burnhamthorpe Road frontage of the subject site is required to be conveyed to the City. The applicant is required to revise the site plan and landscape plan to illustrate the revised Burnhamthorpe Road frontage with the future property line set back by 0.86 m from the current property line. Should the application be approved, the road widening would be conveyed to the City through a future Site Plan application.

### **Servicing**

The applicant submitted a Site Servicing and Stormwater Management Brief dated June 7, 2019 by Lea Consulting Ltd. which was reviewed by Engineering and Construction Services staff. Staff advised that further analysis is required to determine the storm water runoff, sanitary flow and water supply demand and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development or if upgrades/improvements to the existing municipal infrastructure are required. A revised Functional Servicing Report must be submitted to Engineering and Construction Services staff for review and acceptance prior to approval of the Zoning By-law Amendment application. In addition, a completed Hydrological Review Summary and Servicing Report Groundwater must also be submitted.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its Order until these matters are resolved to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.



## **Housing Issues**

An application for a Section 111 permit is required, pursuant to Chapter 667 of the City of Toronto Municipal Code, for the demolition of existing rental housing units, if the lands subject to the application contain six or more residential units, of which at least one is rental. As per Chapter 667-14, a tenant consultation meeting would be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

A Housing Issues Report is required for Official Plan Amendments, Zoning By-law Amendments and Plans of Condominium for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominium or that propose residential development in excess of five hectares.

Planning staff determined that a Rental Housing Demolition Application is required because the proposed development will require the demolition of nine residential dwelling units, of which at least one is a rental dwelling unit. Staff requested the applicant to submit a Rental Housing Demolition Application in October, 2019. Based on information submitted to date, replacement of the existing rental dwelling units in accordance with Official Plan Policy 3.2.1.6 will not be required, as the site contains fewer than six rental dwelling units. However, a tenant relocation and assistance plan will be sought through the Rental Housing Demolition Application. As of the date of this report, the applicant has not yet submitted the required Rental Housing Demolition Application.

In addition, Planning staff have requested the applicant to provide an affordability analysis as part of the information to be provided in the Rental Housing Demolition Application. This information also has not yet been provided.

In the event the LPAT allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its Order until the owner has submitted a tenant relocation and assistance plan and a Rental Housing Demolition Application to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; until City Council, or the Chief Planner and Executive Director, City Planning where authorized to do so, has approved the Rental Housing Demolition Application; and until the owner has entered into and registered on title a Section 37 Agreement with the City securing the rental matters.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000

people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

### **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TOMaps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process. Part of the subject site has archaeological resource potential according to City of Toronto mapping. Stage 1, 2 and 3 Archaeological Assessments were submitted by the applicant and reviewed by Heritage Planning staff. The Assessments determined that there is no further archaeological concern for the subject property and Heritage Planning staff concur with this conclusion.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant submitted an Arborist Report/Tree Preservation Plan which has been reviewed by City staff. The applicant is proposing the removal of approximately 47 private trees and the removal of four City trees to accommodate the proposed redevelopment of the site. Two protected private trees and two City trees would be preserved. Urban Forestry staff conducted a site inspection and found that the trees proposed for removal include several mature deciduous and coniferous trees in healthy condition.

The application proposes the planting of 23 new private trees and two new City trees. Urban Forestry staff advise that 141 replacement trees on private property are required based on a 3:1 replanting ratio.

Urban Forestry staff do not support the extent of the proposed tree removal on site and on City lands and recommend significant revisions to the proposal to provide for the protection of additional trees and to address the intent of the tree by-laws. Staff also do not support development that hinders the opportunity to replant trees on the site,

particularly where a large number of mature protected trees are proposed to be removed.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its Order until a revised Landscape Plan is submitted, all requirements and related approval processes of the City's Tree By-laws have been completed and all Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Additionally, Official Plan policies have been adopted by City Council to increase tree canopy coverage. City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy, 3.4.1 (d) states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and iii) regulating the injury and destruction of trees".

Policy 3.4.1 (h) of the Official Plan requires the promotion of green infrastructure to complement infrastructure. The PPS also directs through Policy 1.6.2 that planning authorities should "promote green infrastructure to complement infrastructure". In achieving complete communities under the Growth Plan (2019), Policy 2.2.1.4 g) also directs the integration of green infrastructure and low impact development.

### **Toronto Green Standard**

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 development features secured through the zoning by-law process are automobile and cycling infrastructure. Other Tier 1 performance measures such as storage/collection of recycling and organic waste, construction activity and stormwater retention are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. The submitted TGS Checklist and Statistics Template submitted by the applicant is missing various information. The applicant is required to submit a complete TGS Checklist and Statistics Template.

## **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a CS&F Study as part of their application. In 2019, City Planning staff also completed a CS&F Study which includes the subject site as the site is located within the boundaries of the Etobicoke Centre CS&F Study. The boundaries for the staff CS&F Study include Rathburn Road to the north, Royal York Road to the east, North Queen Street to the south and the Highway 427 to the west. The Study found that based on the existing and planned community services and facilities and the demographics, there is a need to provide additional community services and facilities to respond to future long term growth.

The following CS&F priorities were identified: a non-profit licensed, child care facility for infants, toddlers and pre-school children; funding for the new district library branch planned for the new Etobicoke Civic Centre location; replacement of the Wedgewood Outdoor pool; new outdoor facilities such as basketball/multi-sports courts, sports fields, artificial ice rink, skateboard park, cricket pitch and BMX friendly features in local area parks; and a new Toronto Catholic District School Board elementary school. In the event the application is approved by the Local Planning Appeal Tribunal in whole or in part, some of these identified benefits could be secured as Section 37 contributions for the local community if the application continues to meet the threshold for Section 37 applicability.

### **Schools**

Toronto Catholic District School Board (TCDSB) staff have advised that the local elementary and secondary schools are operating at capacity and cannot accommodate additional students anticipated from the proposed development. It is also noted that TCDSB staff have engaged with City Planning staff regarding the need for a school site in the Etobicoke Centre Secondary Plan area located to the south of this site.

TCDSB staff have requested that as a condition of approval, the applicant enter into an agreement to erect signs advising that if schools serving the area are oversubscribed, students from this development may need to be accommodated in portable classrooms or may have to be redirected to a school located outside the area. Another condition of approval would require the applicant to include warning clauses in all offers of purchase and sale of residential units, to the effect that students may have to be accommodated in facilities outside the community depending on availability of space in local schools.

The Toronto Lands Corporation (development review agency for the Toronto District School Board) staff have indicated that the cumulative effect of developments in the area would impact projected school accommodation levels. As a result, the same conditions as outlined above with respect to signs on site and warning clauses in purchase and sale agreements are required.

These requirements would be included in the Section 37 Agreement, should the application be approved.

### **Section 37**

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for proposed developments, in accordance with Section 37 of the *Planning Act*. The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title where a project meets the minimum size threshold of 10,000 m<sup>2</sup>.

Discussions regarding Section 37 benefits between the applicant and the City have not occurred as there was no agreement on an appropriate development of the site.

Given the application has been appealed to the Local Planning Appeal Tribunal, it is necessary to address Section 37 matters in the context of the appealed Official Plan and Zoning By-law Amendment application.

Based on the existing permitted development density of 0.45 times the area of the lot and a maximum building height of 9.5 m, an overall density of approximately 2,843 m<sup>2</sup> is permitted on the site. The total proposed gross floor area is 10,184 m<sup>2</sup> with a building height of 3½ storeys and a Floor Space Index of 1.6 times the area of the lot.

This proposal meets the Official Plan minimum size threshold for consideration of Section 37 benefits. Should this application, in whole or part, be approved by the LPAT and result in additional height and/or density beyond what is permitted in the Zoning By-

law, it is recommended that the City Solicitor be directed to request that LPAT withhold its final Order until the City has secured appropriate community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, such benefit to be secured through the Site Specific Zoning By-law Amendment and in further detail through a Section 37 Agreement.

## **Conclusion**

The subject site is located in a *Neighbourhoods* designation where growth of this proposed magnitude is not anticipated. Planning staff do not support the land assembly of nine separate lots and demolition of the existing detached dwellings in this location (particularly on the local road of Burnhamthorpe Crescent) to accommodate this proposal. The development of five blocks of 3½ storey stacked back-to-back townhouses with a total of 123 units on *Neighbourhoods* designated lands is not appropriate for this site and represents overdevelopment of the site. There are no existing stacked back-to-back townhouses in the area. Further, the proposal would destabilize the character of the established neighbourhood and set a negative precedent for future development in the neighbourhood.

The proposal in its current form does not conform with the Official Plan policies and does not respect or reinforce the existing physical character of the established neighbourhood. The proposed stacked back-to-back townhouses, and in particular their height, density, massing, scale, setbacks, and proposed pattern of driveways, blocks and landscaping/open space are not consistent with the local, low scale/low density context of the area, which has a prevailing built form of 1 to 2-storey single-detached houses on large landscaped lots, and are not appropriate in this location.

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and conflicts with the Growth Plan (2019). Further, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to *Neighbourhoods* Policies 4.1.5 to 4.1.8 and Built Form Policies 3.1.2.1 to 3.1.2.6. The following staff and community concerns have not been resolved: scale (height, density, massing and number of proposed units); site organization; type of built form proposed and loss of mature trees. The proposal does not represent good planning and is not in the public interest in its current form.

The application does not conform to the Policies of the Official Plan, does not meet the intent of the Zoning By-laws, is not in keeping with the existing or planned context of the local area and is not consistent with the Townhouse and Low-Rise Apartment Guidelines. As such, Planning staff recommend that City Council direct the City Solicitor and other appropriate staff to attend the Local Planning Appeal Tribunal in opposition to the appeal of the subject application in its current form.

## **CONTACT**

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E-mail: [Nicole.Ivanov@toronto.ca](mailto:Nicole.Ivanov@toronto.ca)

## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director of Community Planning  
Etobicoke York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

Attachment 5: Site Plan  
Attachment 6: Building A Elevations  
Attachment 7: Building B Elevations  
Attachment 8: Building C Elevations  
Attachment 9: Building D Elevations  
Attachment 10: Building E Elevations

Attachment 1: Application Data Sheet

Municipal Address: 26-38 BURNHAMTHORPE ROAD & 45-49 BURNHAMTHORPE CRESCENT Date Received: July 5, 2019

Application Number: 19 183250 WET 03 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: To amend the Official Plan and Zoning By-law to permit a townhouse development consisting of 123 stacked back-to-back, 3½ storey townhouse units in 5 blocks with an underground parking garage and a gross floor area of 10,184 m² representing an overall density of 1.6 times the area of the lot. The existing 9 detached dwellings on the site would be demolished.

Applicant: DISTRIKT (Burnhamthorpe) Inc. Agent: Tyler Grinyer, Bousfields Inc. Architect: S&C Architects Owner: 1999655 ONTARIO INC.

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: Zoning: R2 &1992-25 and RD Heritage Designation: Height Limit (m): 6.5 m (flat roof) & 9.5 m (pitch roof) Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 6,317 Frontage (m): 86 Depth (m): 75

Table with 5 columns: Building Data, Existing, Retained, Proposed, Total. Rows include Ground Floor Area (sq m), Residential GFA (sq m), and Non-Residential GFA (sq m).



Total GFA (sq m):	1,191	10,184	10,184
Height - Storeys:	2	3½	3½
Height - Metres:	9	13.5	13.5

Lot Coverage Ratio (%): 42.47                      Floor Space Index: 1.6

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	10,184	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	9		123	123
Condominium:				
Other:				
Total Units:	9		123	123

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			2	77	44
Total Units:			2	77	44

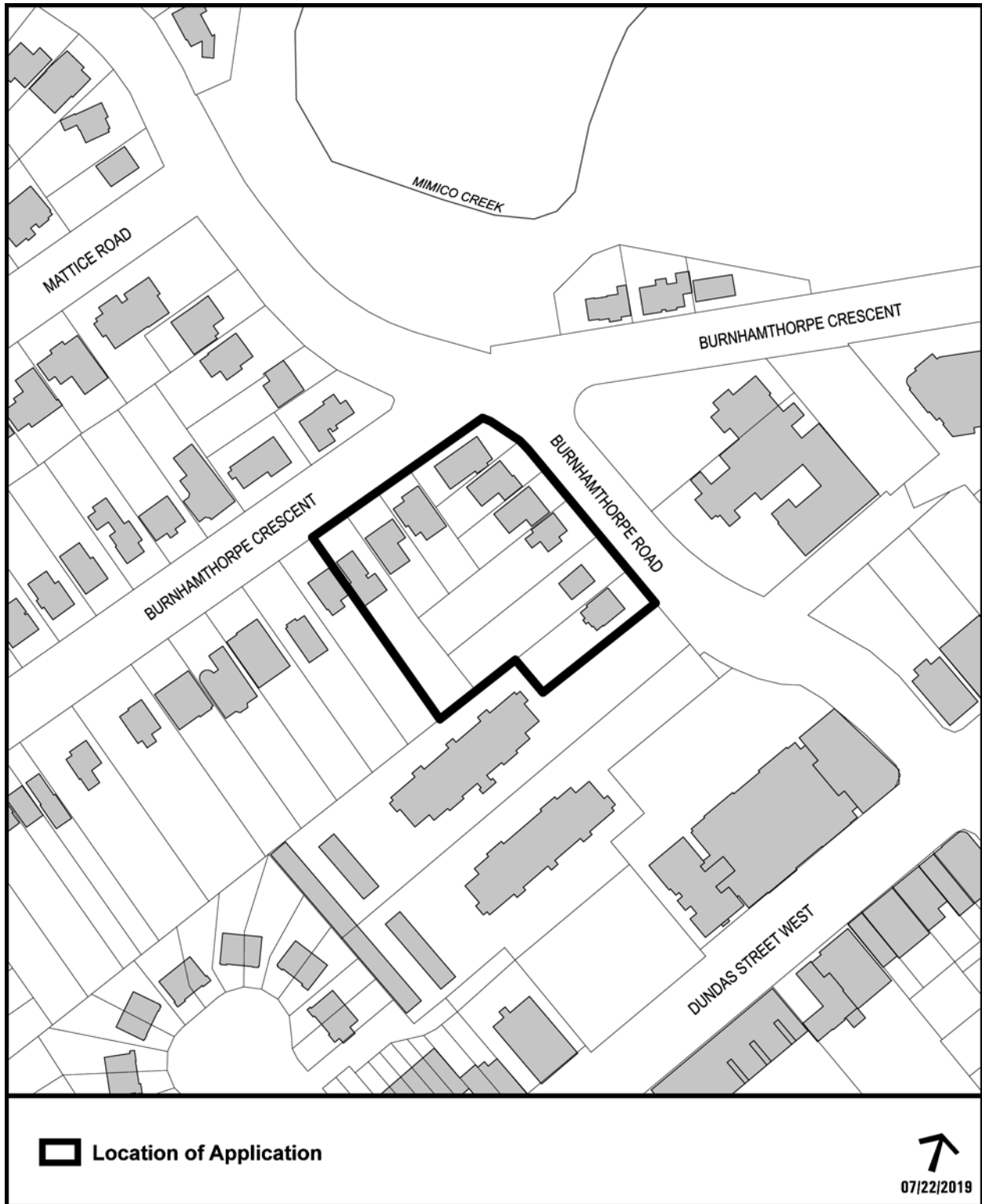
Parking and Loading

Parking Spaces:	163	Bicycle Parking Spaces:	93	Loading Docks:	
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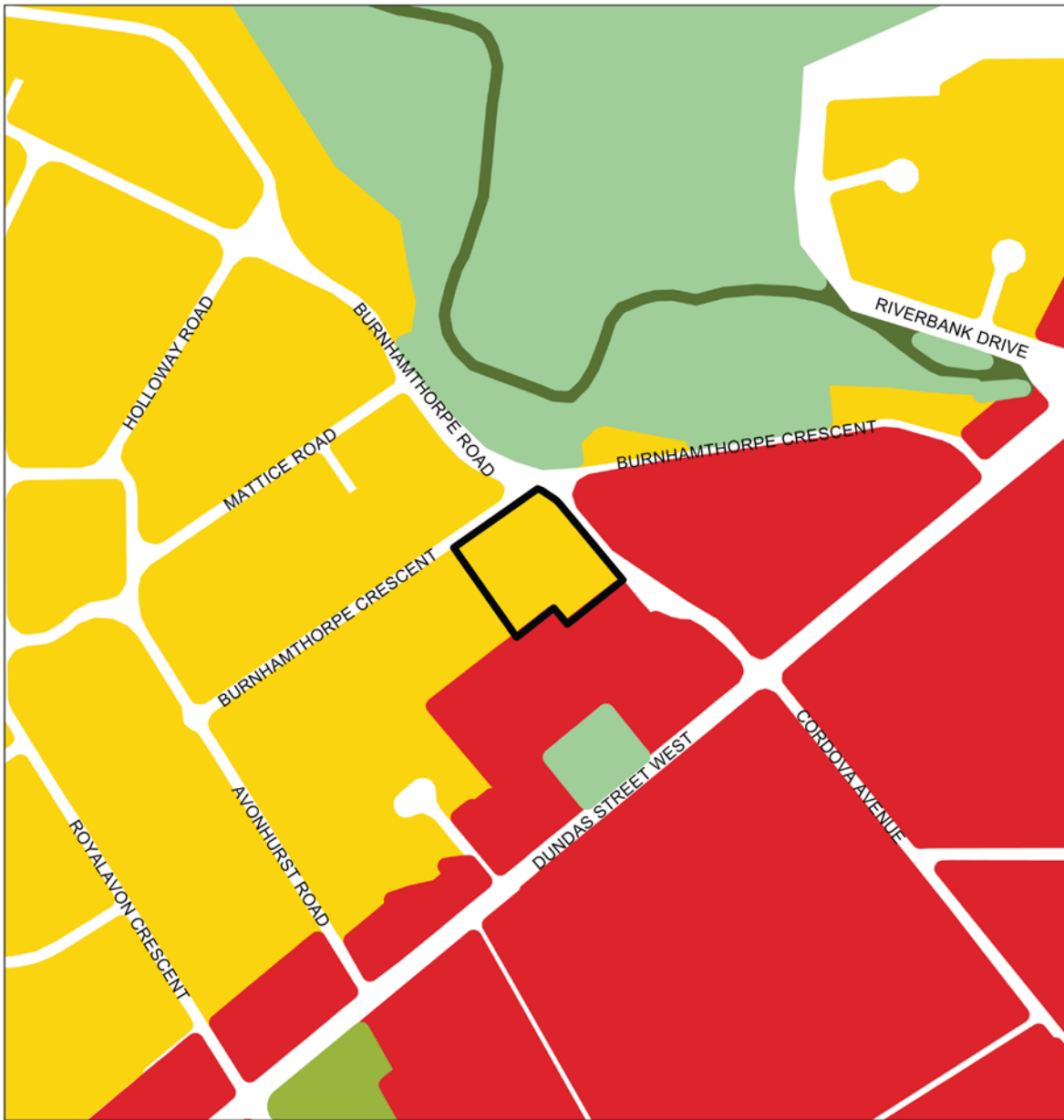
CONTACT:

Nicole Ivanov, Senior Planner, Community Planning  
(416) 394-8227, Nicole.Ivanov@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #14

26 - 38 Burnhamthorpe Road & 45 - 49 Burnhamthorpe Crescent

File # 19 183250 WET 03 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Natural Areas
-  Parks
-  Other Open Space Areas

  
Not to Scale  
07/22/2019

Attachment 4: Existing Zoning By-law Map



26 - 38 Burnhamthorpe Road & 45 - 49 Burnhamthorpe Crescent

Zoning By-law 569-2013

File # 19 183250 WET 03 0Z



Location of Application

RD Residential Detached    RS Residential Semi-Detached  
OG Open Space Golf Course



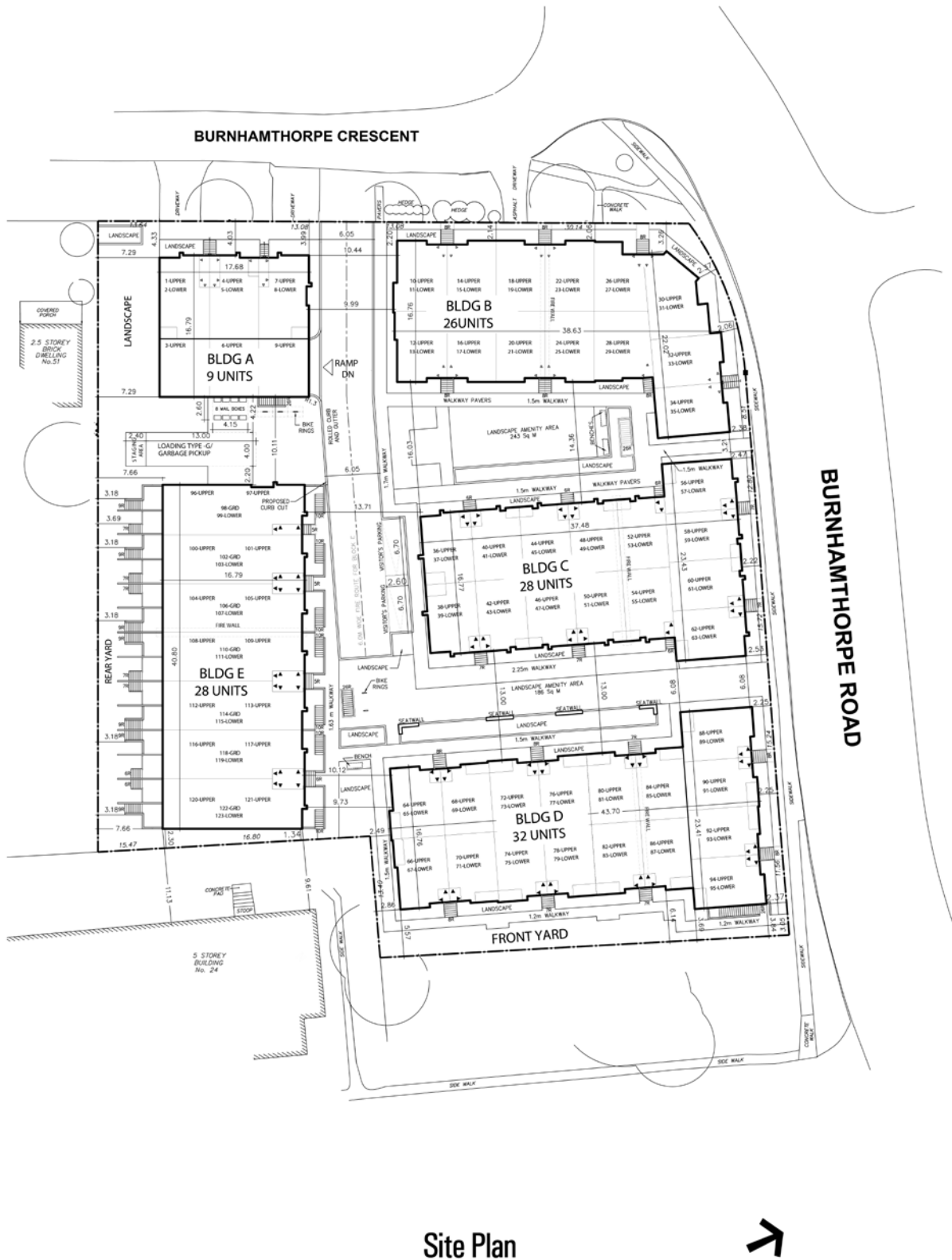
See Former City of Etobicoke By-law No. 11,737

POS Private Open Space Zone  
EC1 Etobicoke Centre 1  
EC3 Etobicoke Centre 3



Not to Scale  
Extracted: 07/22/2019

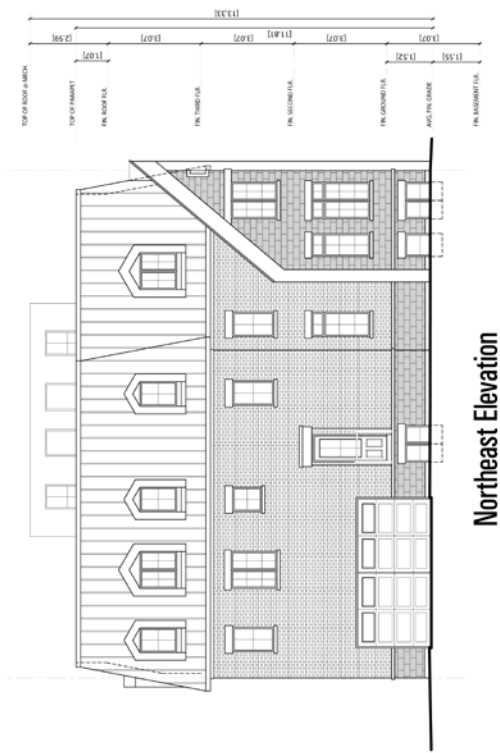
Attachment 5: Site Plan



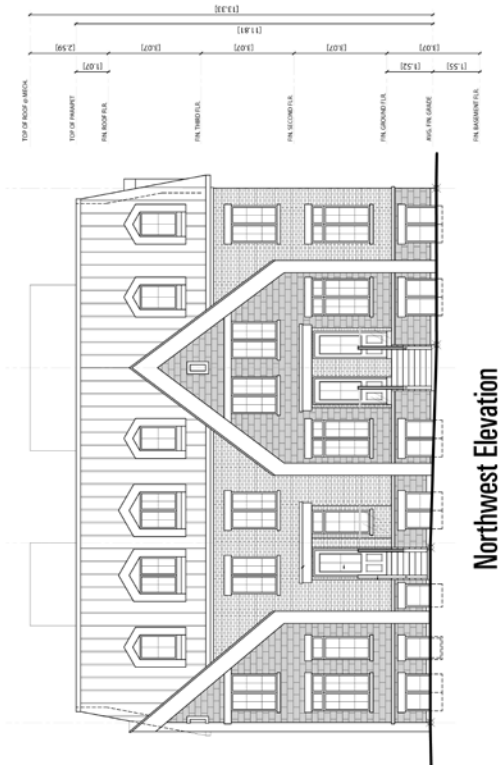
Site Plan



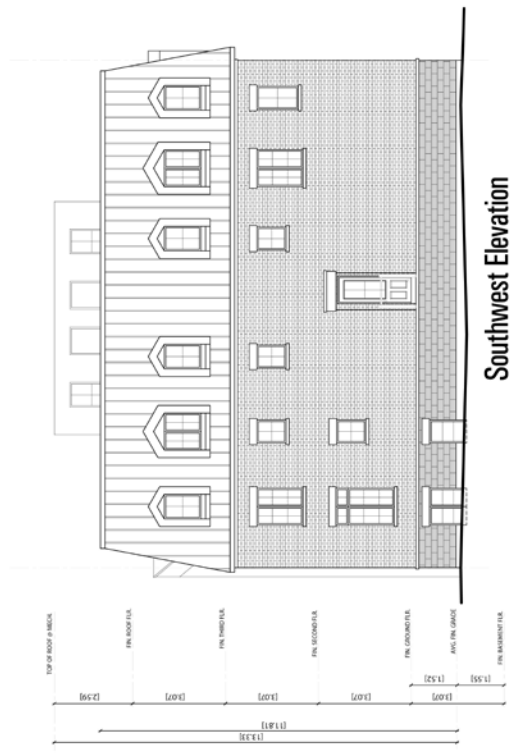
Attachment 6: Building A Elevations



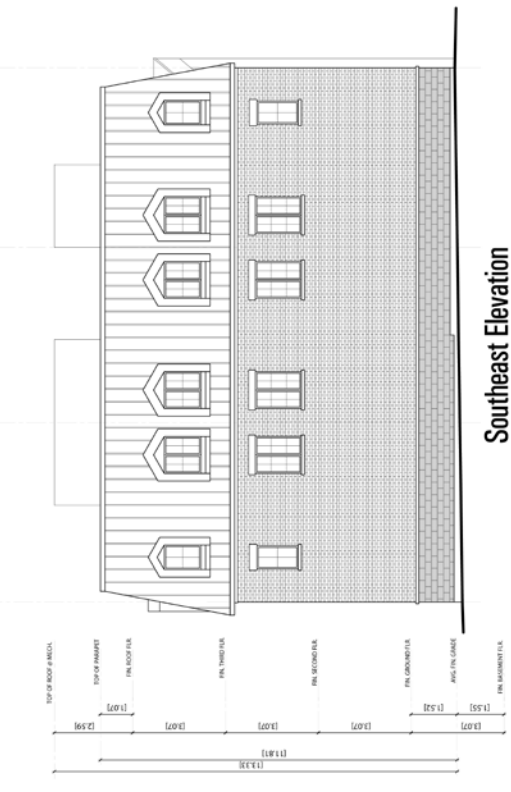
Northeast Elevation



Northwest Elevation



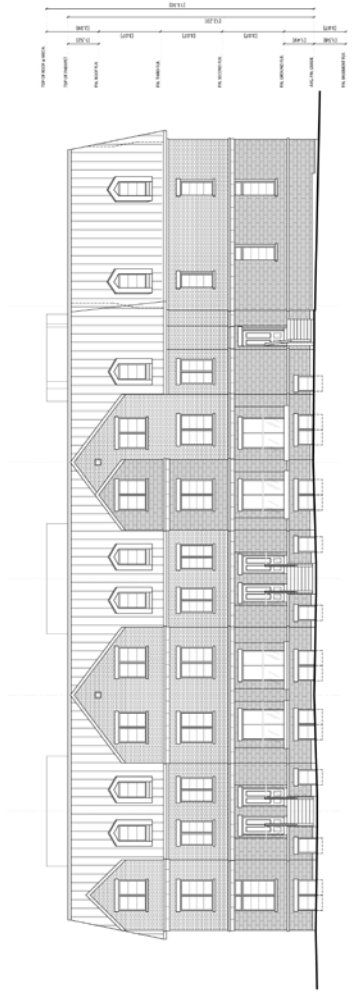
Southwest Elevation



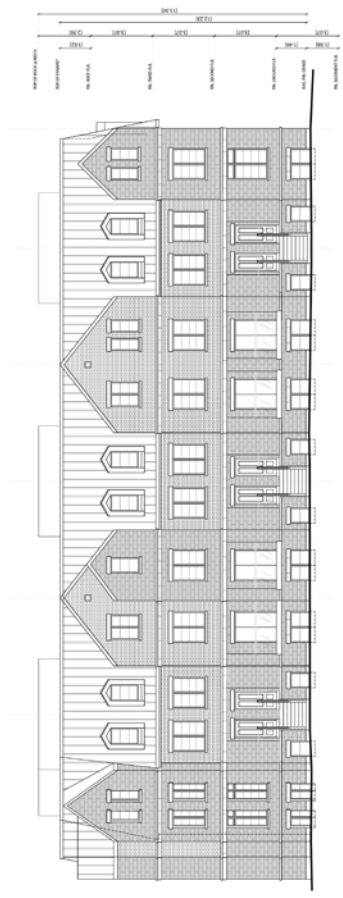
Southeast Elevation

Building A - Elevations

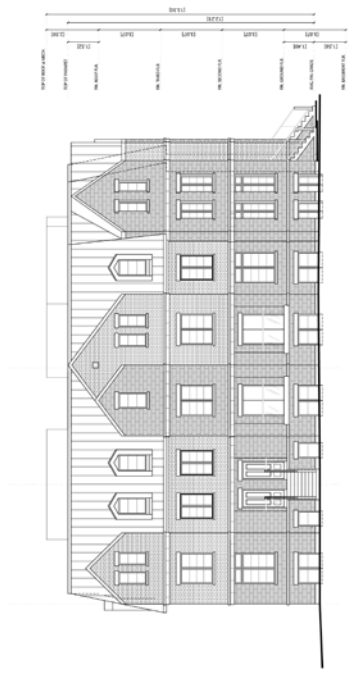
Attachment 7: Building B Elevations



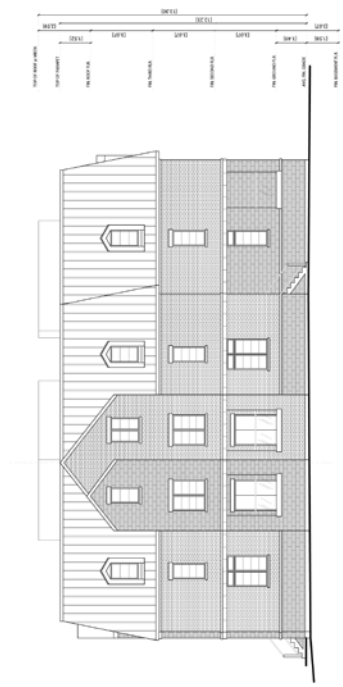
Southeast Elevation



Northwest Elevation



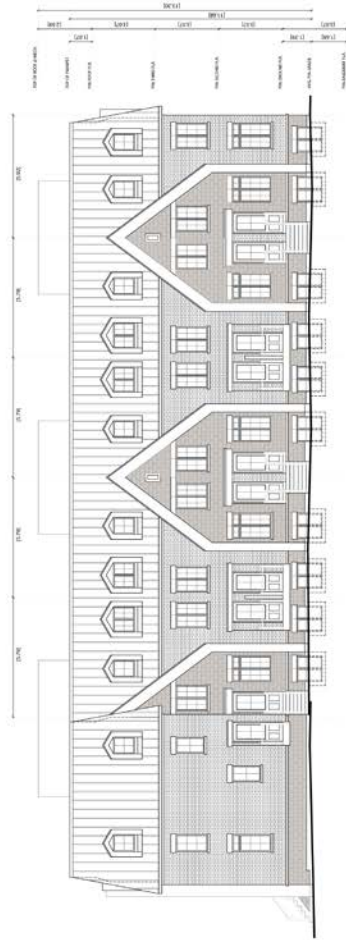
Northeast Elevation



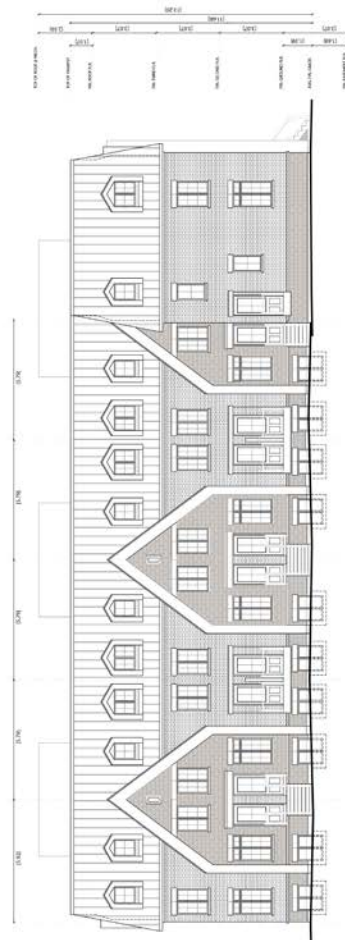
Southwest Elevation

Building B - Elevations

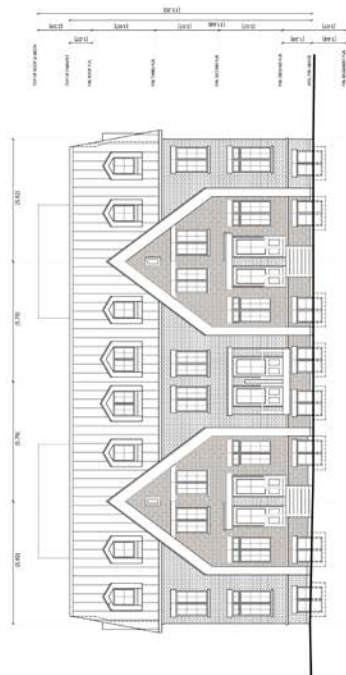
Attachment 8: Building C Elevations



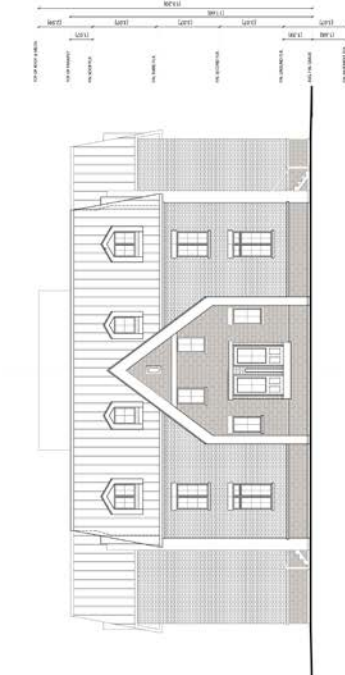
Right Side Elevation



Left Side Elevation



Front Elevation

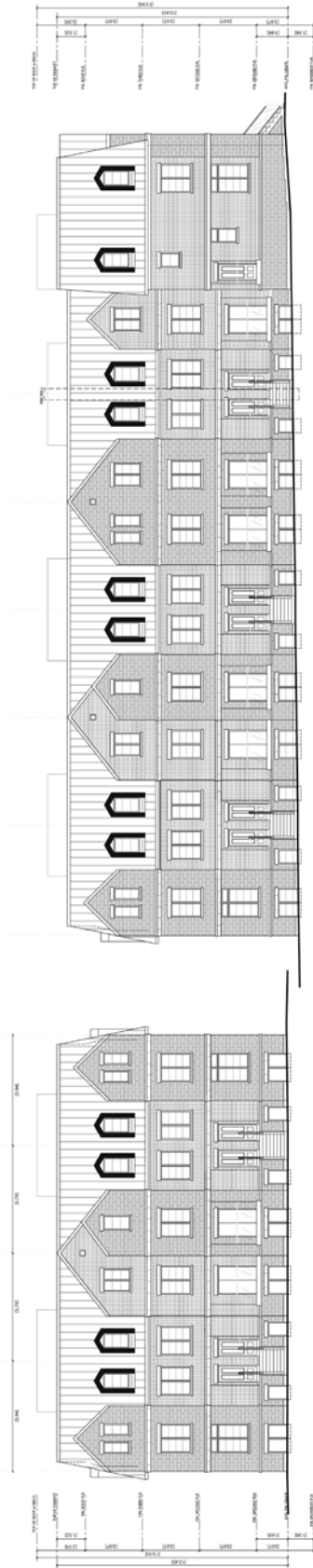


Rear Elevation

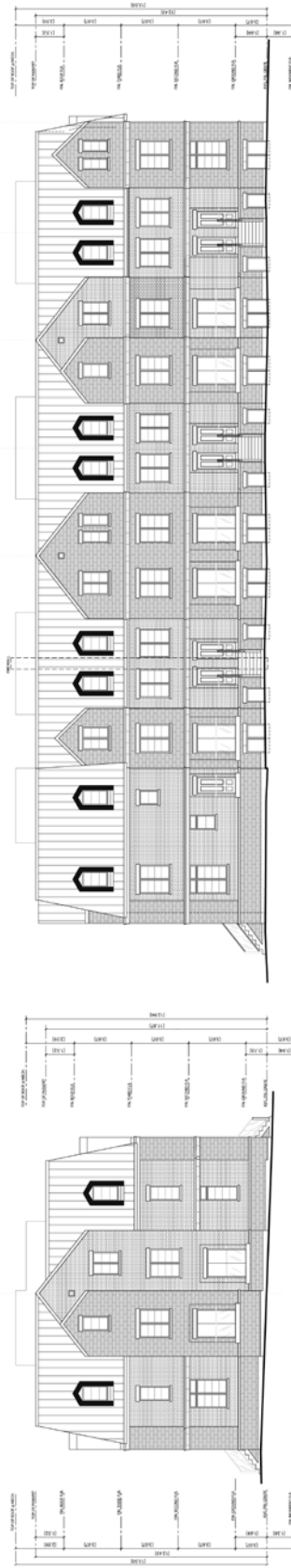
Building C - Elevations



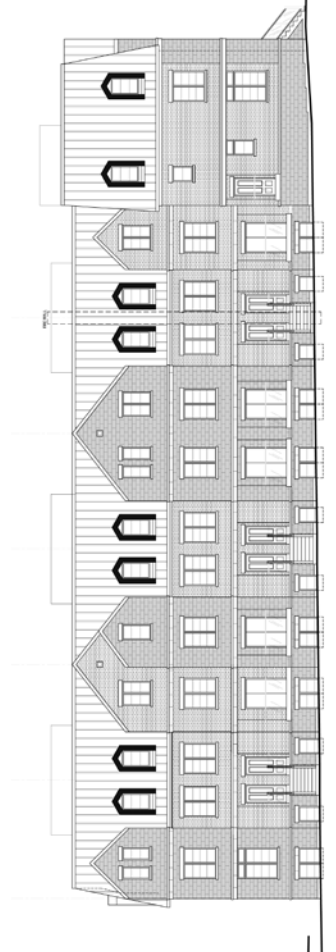
Attachment 9: Building D Elevations



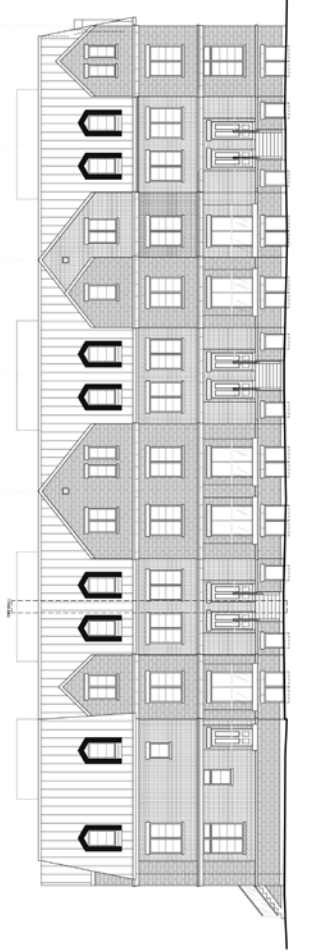
Northeast Elevation



Southwest Elevation



Southeast Elevation



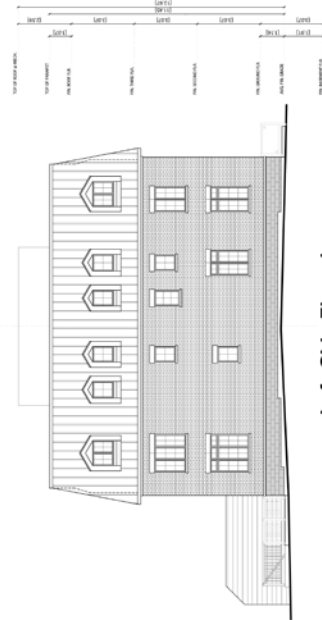
Northwest Elevation

Building D - Elevations

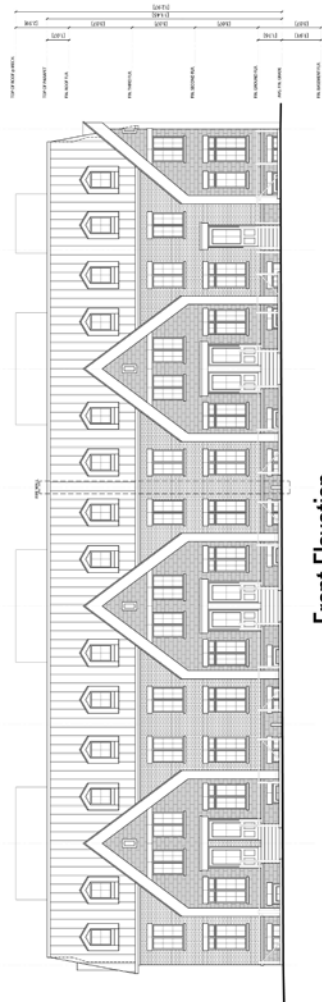
# Attachment 10: Building E Elevations



Right Side Elevation



Left Side Elevation



Front Elevation



Rear Elevation

## Building E - Elevations