



STAFF REPORT

Committee of Adjustment Application

Date: June 2, 2022

To: Chair and Committee Members of the Committee of Adjustment, North York District

From: David Sit, Director, Community Planning, North York District

Ward: Willowdale

File No: A0211/22NY

Address: 400 Hollywood Avenue (Parts 2 & 3)

Hearing Date: June 9, 2022

RECOMMENDATIONS

Staff recommend that Application No. A0211/22NY be refused.

APPLICATION

To construct a new dwelling.

1. **Chapter 10.20.40.10.(4)A), By-law No. 569-2013**

The permitted maximum height is 7.2 m.

The proposed height is 8.6 m.

2. **Section 13.2.6., By-law No. 7625**

The maximum permitted height for a building with a flat roof is 8.0 m.

The proposed building height is 8.95 m.

COMMENTS

The subject property is located on the north side Hollywood Avenue, southwest of Bayview Avenue and Steeles Avenue East. The property is zoned *RD (f15.0; a550)(x5)* under City of Toronto Zoning By-law No. 569-2013 and *R4* under the former City of North York Zoning By-law No. 7625. The application proposes to construct a new dwelling.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered physically stable areas where new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that "physical changes to our established *Neighbourhoods* must be sensitive, gradual and 'fit' the existing physical character".

Policy 4.1.5 of the development criteria for *Neighbourhoods* requires that "development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- c) prevailing heights, massing, scale and density and dwelling type of nearby residential properties.

Policy 4.1.5 of the Official Plan goes on to state that: "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 application is proposing a building height of 8.6 metres, whereas Zoning By-law No. 569-2013 permits a maximum building height of 7.2 metres for a building with a flat roof. The application also proposes a maximum building height of 8.99 metres, whereas Zoning By-law No. 7625 permits a maximum height of 8.0 metres for a building with a flat roof. The Zoning By-laws have lower height provisions for flat roof buildings than those with a pitched-roof, due, in part, to the massing associated with a flat roof building.

Staff have reviewed building height approvals within the surrounding area and found limited approvals for flat roof building heights. Due to limited approvals for flat roof building heights, Staff have considered approvals for side exterior main wall height for pitched roof buildings to evaluate building mass for buildings in the surrounding area. The mass of a building for a flat roof building is consistent throughout the entire walls, whereas the massing for a pitched-roof building is generally for the side exterior main walls and broken up by the sloping of the roof. Staff found that approvals for side exterior main wall height were generally approved with variances above 8.0 metres only to permit the height of an architectural feature, bay window, or design of the roofline to permit the height of a window. Staff also found that the height of the side exterior main walls were generally tied to a certain percentage of the wall, or to an elevation.

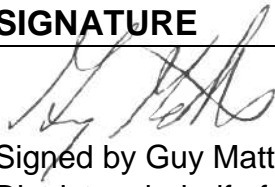
Staff have concerns with the proposed maximum building height variances as related to accessible rooftop area. The roof plans show that the roof is intended for use as a green roof and for solar panels. The drawings depict the roof used for each of these uses, however, a significant portion of the roof would be accessible and Planning staff have concerns that this area, as currently proposed, has the potential to be used as a rooftop platform and terrace. Privacy and overlook issues are concerns given the rooftop being accessible for a flat roof building.

Staff are of the opinion that the proposed heights would result in a building that would not respect and reinforce the existing physical character of the neighbourhood, and would result in a massing that would not be in keeping with the intention of the flat roof height restrictions. As a result, Staff are of the opinion that the proposed flat roof building heights fail to satisfy the general intent and purpose of the Official Plan and Zoning By-law, and should be refused.

CONTACT

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SIGNATURE

A handwritten signature in black ink, appearing to read 'Guy Matthew', is written over a horizontal line.

Signed by Guy Matthew, MCIP, RPP, Manager, Community Planning, North York District on behalf of David Sit, MCIP, RPP, Director, Community Planning, North York District