DA TORONTO

REPORT FOR ACTION

147 Overbrook Place – Zoning Amendment Application – Final Report

Date: March 29, 2022 To: North York Community Council From: Director, Community Planning, North York District Wards: Ward 6 - York Centre

Planning Application Number: 20 212771 NNY 06 OZ

SUMMARY

This application proposes to amend the Zoning By-law to permit 10 semi-detached 3storey residential dwellings to be accessed via shared driveways at 147 Overbrook Place. The proposed floor space index is 1.54 times the area of the lot. The site is located at the southeast corner of Overbrook Place and Shaftesbury Street. There is an existing parking lot within the proposed development area of the site.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews and recommends approval of the application to amend the Zoning By-laws 7625 and 569-2013

Staff have reviewed the proposal and are recommending approval in an amended form with a minimum rear yard setback of 4 metres.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013 for the lands at 147 Overbrook Place substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.

2. City Council amend City of Toronto Zoning By-law 7625 for the lands at 147 Overbrook Place substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Staff Report for Action - Final Report - 147 Overbrook Place

FINANCIAL IMPACT

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

DECISION HISTORY

The current application was submitted on October 29, 2020 and deemed complete on February 28, 2022. A Preliminary Report on the application was adopted by North York Community Council on April 20, 2021 authorizing staff to conduct a community consultation meeting.

The Preliminary Report can be found here: <u>http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2021.NY23.7</u>

PROPOSAL

This application proposes to amend the former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 for the property at 147 Overbrook Place to permit 10 semi-detached 3-bedroom residential dwellings with a Floor Space Index of 1.35 times the lot area. The proposed development has a height of 10.0 metres and 3 storeys. Details of the application are outlined in Attachment 1 - Application Data Sheet.

The site is shallow with a depth of only eighteen metres, resulting in proposed front, side and rear yard setbacks that are not consistent with the current zoning. The draft zoning by-law amendments submitted by the applicant propose a rear yard setback of four metres at grade and three metres at the higher levels.

Vehicular access to the site is proposed via Overbrook Place, connecting to integral one car garages for each of the dwelling units. The proposed number of curbcuts is 5. One parking space is located in the garage of each unit for a total of 10 parking spaces. No visitor parking is proposed.

Reasons for Application

The application to amend the Zoning By-laws is required to permit the proposed semidetached building units and to develop appropriate development standards for the proposal.

Application Submission Requirements

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

- Planning Rationale
- Geotechnical Study
- Hydrogeological Report
- Environmental Impact Phase One Study
- Public Consultation Strategy Report
- Servicing Report and Plan
- Survey Plans

The reports and studies submitted by the applicant are available on the City's Application Information Centre (AIC): http://app.toronto.ca/AIC/index.do?folderRsn=GTRqoNDr%2FKr09UulwuM8gg%3D%3

Agency Circulation Outcomes

The application together with the applicable reports noted above, has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statuatory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the stauatory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

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 provincewide 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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 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 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. 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 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 Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020), 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 (2020), 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 Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 - Shaping the City

The Official Plan sets out principles for steering growth and change, while protecting our neighbourhoods and green spaces for development pressures. Infrastructure is needed to provide clean water to everyone, to manage sewage and stormwater and treat it before it goes into the lake. Water and wastewater services are important foundations for growth in the City, as well as for maintaining the quality of life in all areas of the City.

Section 2.3.1: Healthy Neighbourhoods

The Official Plan indicates that the subject site is in a *Neighbourhood* on Map 2 - Urban Structure.

Policy 2.3.1.1 states that *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Chapter 3 - Building a Successful City

The Built Form policies of the Official Plan require new development to be located and organized to fit with its existing and/or planned context. Buildings should generally be located parallel to the street and locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk. Vehicular parking, access and service areas should be located and screened to minimize their impact and provide parking underground when possible. In order to fit harmoniously into the existing and/or planned context, buildings should create transitions in scale to neighbouring existing and/or planned buildings and to provide adequate light and privacy.

Section 3.1.2 Built Form

Policy 3.1.2.3 states that development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.11 states that outdoor amenity space should a) be located at or above grade; b) have access to daylight; c) have access to direct sunlight, where possible; d) provide comfortable wind, shadow and noise conditions; f) have generous and well-designed landscaped areas to offer privacy and an attractive interface with the public realm; g) accommodate existing and mature tree growth.

Chapter 4 - Land Use Designations

The subject lands are designated *Neighbourhoods* on Map 16 of the Official Plan (see Attachment 3). *Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings, and small scale commercial uses. New development will respect and reinforce the existing character of the neighbourhood, including: height, massing, setbacks, scale; prevailing building type; continuation of special landscape or unique built-form features; and conservation of heritage buildings, structures and landscapes.

Policy 4.1.9 states that in established *Neighbourhoods*, infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation will:

a) have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;

b) have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;

c) provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;

d) front onto existing or newly created public streets wherever possible, with no gates limiting public access;

e) provide safe, accessible pedestrian walkways from public streets; and

f) locate, screen and wherever possible enclose service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and on residences.

The City of Toronto Official Plan can be found here: <u>https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/</u>.

Zoning

The site is zoned RD(f15.0; a550) (x5) by City of Toronto By-law 569-2013. The RD zone permits residential dwelling units in a detached house and a number of community uses. The minimum frontage for a lot in this zone is 15 metres with a minimum lot area of 550 square metres. The maximum permitted height for a building in this zone is 10 metres or 2 storeys. The minimum required front yard setback is 6.0 metres and the minimum required rear yard setback is 7.5 metres or 25% of the lot depth.

The subject site is also zoned R4 – One-Family Detached Dwelling Fourth Density in the former City of North York Zoning By-law 7625 (Attachment 5). This zone permits one-family detached dwellings and accessory buildings as well as certain home occcupations, recreational uses and institutional uses.

The City's Zoning By-law 569-2013 may be found here: <u>https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/</u>

Site Plan Control

The application is not subject to Site Plan Control.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020). The application represents an appropriate level of intensification through infill redevelopment of the subject site, while contributing to a mix of housing types and densities necessary to meet projected requirements of current and future residents. Policy 4.6 of the PPS states that the official plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through official plans. As noted below in the report, the proposal conforms to the Official Plan.

Staff have also determined that the proposal conforms with the Growth Plan (2020). The proposal would achieve an appropriate level of intensification for the subject site aligned with the availability of infrastructure, access to transit and local amenities.

Official Plan

This application has been reviewed against the Official Plan policies described above as well as the policies of the Toronto Official Plan as a whole.

The subject site is located in an area designated *Neighbourhoods* in the Official Plan. The Official Plan recognizes that neighbourhoods are not static, but require new development to fit in with the existing physical character. Staff consider the proposal for 10 infill semi-detached dwellings of an appropriate scale that maintains a built form compatible with the surrounding neighbourhood.

Height, Massing and Density

The surrounding context of the development proposal has informed staff's position on the proposed height, massing and density. Across Overbrook Place to the north are located 2.5-storey semi-detached walk up apartments. To the west of the site along Shaftsbury Street are located detached dwellings. To the east is the Beth Jacob Synagogue and to the south is the school and playing fields of the Anne and Max Tanenbaum Community Hebrew Academy of Toronto. Healthy Neighbourhoods Policy 2.3.1.1 states that *Neighbourhoods* are physically stable low rise and low density residential areas and development will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. The height of existing dwellings in the immediately adjacent low density area are generally reflective of the Zoning By-law standard of 10.0 metre maximum building height under the City of Toronto Zoning By-law 569-2013.

The proposal conforms to the Official Plan policies for *Neighbourhoods* in terms of height as the semi-detached three-storey dwellings would have a height of 10 metres. An amendment to the Zoning By-law is required to allow for the proposed three-storeys.

The proposal implements the general intent of the Official Plan *Neighbourhoods* policies by respecting and reinforcing the existing physical character of the neighbourhood in terms of height.

Given the site area of 1,425 square metres and the proposed total gross floor area of 2,194 square metres, the proposed density is 1.54 times the lot area. This reflects the general intent of the Official Plan *Neighbourhoods* policies by respecting and reinforcing the existing physical character of the neighbourhood in terms of massing and density and considered to be appropriate by staff.

Policy 4.1.5 of the Official Plan requires that development in *Neighbourhoods* should respect and reinforce the existing physical character of the neighbourhood. The physical character of neighbourhoods vary across the city and is determined by attributes such as prevailing building heights, massing and density, prevailing building types, existing building setbacks of buildings from property lines and scale of nearby residential properties.

Policy 4.1.9 of the Official Plan states that in established *Neighbourhoods*, infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation will, a) have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property. The proposed height of the development respects the limits set out in the Zoning by-law in terms of metres but requires an amendment to accommodate the proposed 3-storeys.

Setbacks

Under the current zoning, the minimum required front yard setback is 6.0 metres and the minimum required rear yard setback is 7.5 metres or 25% of the of the lot depth. The lot has a depth from Overbrook Place of 18 metres, which presents challenges for potential redevelopment. The proposal for the semi-detached dwellings has a 1 metre front yard setback from Overbrook Place and a rear yard setback of 4 metres at grade and a 3 metre rear yard setback for the second and third storeys.

The second floor of the proposed development cantilevers outward to a separation distance from the rear property line of 2.99 metres rising up along the entire rear wall. Additionally, the second floor has a 1.56 metre balcony projecting outward that reduces the separation distance from the rear property line to 1.43 metres.

The Official Plan also states in Policy 4.1.9 b) that infill development will have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property. With the exception of the 2.5-storey apartments opposite the subject site on Overbrook Place, other residential properties in the vicinity of the subject site generally have a rear yard setback of over 7.5 metres, The site presents challenges in terms of meeting the required setbacks and the proposed development generally reflects the character of the existing neighbourhood in terms of the above criteria in all but building setbacks from property lines.

The applicant has worked with staff to incorporate important urban design elements along the front of the proposed semi-detached dwellings including internalized front stairwells, a well-designed landscaped area along Overbrook Place and Shaftsbury Street that contributes to an attractive interface with the public realm, planting seven street trees with appropriate soil volumes and providing for a public sidewalk to the south property line along Shaftsbury Street, all of which support the Built Form Policy 3.1.2.11 f) of the Official Plan. Staff have reviewed the proposed front yard setback and feel it is appropriate given the constriants of the site.

Staff acknowledge the challenges related to redeveloping this site, but have concerns with the applicants' proposed rear yard setback, especially above the ground floor. While it is understood that some flexibility is necessary in this particular context and the site constraints, this proposed rear-yard setback raises a number of policy concerns including:

3.1.2 Built Form

3.1.2.3 - privacy within adjacent buildings. The eastern half of the proposed development will run parallel to the adjacent school building. The distance between the school and the property line shared with the subject site is 6 metres. The proposed 3 metre rear yard setback for the second and third storeys results in a separation distance of 9 metres, which will not provide an appropriate separation distance between the dwelling windows and the classrooms of the school.

3.1.2.11 – outdoor amenity space. The proposed 3 metre rear yard setback will not provide for the requirements for a functional outdoor amenity space that has access to daylight and sunlight, well-designed landscaped areas offering privacy and that can accommodate mature vegetation.

4.1 Neighbourhoods

4.1.9 b) - setbacks. A 3 metre rear yard setback is not proportionate to those permitted by zoning for adjacent nearby residential properties.

4.1.9 c) - adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls has not been met.

It is the opinion of staff that the proposed rear yard setback above the ground floor of the proposed infill development is not appropriate and not in keeping with the character of the surrounding neighbourhood. As such, the draft zoning by-law amendments being recommended to City Council contain a minimum rear yard setback requirement of 4.0 metres.

Streetscape

A 2.1 metre wide public sidewalk will be provided along Overbrook Place and Shaftsbury Street abutting the entirety of the subject site, which will extend the existing sidewalk south to the property line of the adjacent site to the south. Nine semidetatched units will have access to the public sidewalk along Overbrook Place and one unit at the western edge of the site will have access onto Shaftsbury Street. There will be seven new street trees with appropriate supporting soil volumes added to the streetscape along the site. Utilities will be located to ensure there are no conflicts that compromise the street trees and landscaping along the boulevard.

Solid Waste Management

The City will provide single-family, curbside cart collection services for garbage, recycling and organics. Collection of waste materials will take place on Overbrook Place front of each unit.

Community Consultation

On June 22, 2021, staff held a community consultation meeting in conjunction with the local ward councillor. Approximately 10 members of the public were in attendance. The public raised concerns with the potential traffic impacts related to the loading of school buses along Overbrook Place while waiting to pick up students in the afternoon from the Anne and Max Tanenbaum Academy. The current loading location of the buses along Overbrook Place will block the driveways of the proposed development and there were concerns regarding where these buses will wait once the development is built. The Councillor's office offered to work with the school to develop an alternative method of waiting for students.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal conforms to the Toronto Official Plan, particularly as it relates to Healthy Neighbourhood and *Neighbourhoods* policies. Staff recommend that Council support approval of the application as modified by staff.

Staff have attempted to work with the applicant to address and resolve many of the key concerns related to the proposal. With the exception of the proposed rear yard setback, staff support the other proposed amendments to the zoning by-laws. To ensure that the proposal provides an appropriate rear yard setback, staff have amended the proposed rear yard setback to 4 metres. With a rear yard setback of 4 metres to the entirety of the rear wall, staff can recommend that City Council approve the application.

CONTACT

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SIGNATURE

David Sit, MCIP, RPP Director, Community Planning, North York District

ATTACHMENTS

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 - 569-2013

Attachment 5: Existing Zoning By-law Map - 7625

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

Attachment 7: Draft Zoning By-law Amendment - 7625

Applicant Submitted Drawings

Attachment 8: Site Plan Attachment 9: Elevations

Attachment 1: Application Data Sheet

Municipal Address:	147 OVERBROOK PL		Date Received:		October 29, 2020				
Application Number: Application Type:	20 212771 NNY 06 OZ Rezoning								
Project Description:	Zoning By Law Amendment application to permit the proposal for 10 semi-detached dwellings to be accessed via proposed driveways.								
Applicant URBAN ADVISORS	Agent		Architect		Owner BETH JACOB VANSHEI DRILDZ CONGREGATION				
EXISTING PLANNING CONTROLS									
Official Plan Designatio	n: Neig	ghbourhoods	Site Specific Provision		on: no)			
Zoning:		RD (f15.0; a550) Heritage Designat (x5)			on: no				
Height Limit (m):	10		Site Plan Co	ntrol Are	ea: Ye	es			
PROJECT INFORMATION									
Site Area (sq m): 1,425 Frontage (m): 78 Depth (m): 18									
Building Data Ground Floor Area (sq i		Existing	Retained	Propos	sed	Total			
Residential GFA (sq m):2,194Non-Residential GFA (sq m):									
Total GFA (sq m):	м тт <i>)</i> .			2,194		2,194			
Height - Storeys:				3		3			
Height - Metres:				10		10			
Lot Coverage Ratio (%):		Floor Space Index: 1.54							
Floor Area Breakdown Residential GFA: Retail GFA:	Abov 2,19	ve Grade (sq 4	m) Below G	Grade (so	լ m)				

Office GFA: Industrial GFA: Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total				
Rental:								
Freehold:			10	10				
Condominium: Other:								
Total Units:			10	10				
Total Residential Units by Size								
Ro	oms Bachel	or 1 Bedroom	2 Bedroom	3+ Bedroom				
Retained:								
Proposed:				10				
Total Units:				10				
Parking and Loadi Parking Spaces:	-	Parking Spaces:	0 Loading [Docks: 0				
CONTACT:								
Kelly Snow, Planner, Community Planning (416) 395-7124 Kelly.Snow@toronto.ca								

Attachment 2: Location Map





Attachment 3: Official Plan Land Use Map

Parks



Attachment 4: Existing Zoning By-law Map - 569-2013





Attachment 5: Existing Zoning By-law Map - 7625

7 Not to Scale Extracted: 03/02/2021 Attachment 6: Draft Zoning By-law Amendment - 569-2013

To be provided prior to April 20, 2022 North York Community Council.

Attachment 7: Draft Zoning By-law Amendment - 7625

To be provided prior to April 20, 2022 North York Community Council.

Staff Report for Action - Final Report - 147 Overbrook Place



4

Attachment 9: Elevations

