

Consolidated Clause in North York Community Council Report 9, which was considered by City Council on November 30, December 1 and 2, 2004.

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**Final Report - OPA & Rezoning Application -
TD CMB 2003 0005 - Kolter Property Company -
Page & Steele - 1900 Bayview Avenue (Ward 25 - Don Valley West)**

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following words to Recommendation (2) of the North York Community Council:

“based on the following planning rationale:

- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;*
- (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;*
- (c) the property violates the height limitation of 9.2 metres in the site-specific by-law;
and*
- (d) park development is not part of the Bayview Avenue development.”,*

so that Recommendation (2) of the North York Community Council shall now read as follows:

“(2) refuse the application to amend the Official Plan and Zoning By-law for three apartment buildings of five, six and seven storeys, based on the following planning rationale:

- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;*
- (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;*
- (c) the property violates the height limitation of 9.2 metres in the site-specific by-law; and*
- (d) park development is not part of the Bayview Avenue development.”*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

The North York Community Council recommends that City Council:

- (1) not adopt the staff recommendations in the Recommendations Section of the report (October 25, 2004) from the Director, Community Planning, North District, Urban Development Services; and**
- (2) refuse the application to amend the Official Plan and Zoning By-law for three apartment buildings of five, six and seven storeys.**

The North York Community Council held a statutory public meeting on November 16, 2004, and notice was given in accordance with the *Planning Act*.

The North York Community Council submits the following report (October 26, 2004) from the Director, Community Planning, North District, Urban Development Services:

Purpose:

This report recommends approval of an application to amend the Official Plan and Zoning By-law for three apartment buildings of 5, 6 and 7 storeys.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) Amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.
- (2) Direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment No. 8.
- (3) Amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9.
- (4) Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning By-law as may be required.
- (5) Before introducing the necessary Bills to City Council for enactment:
 - (a) The owner shall enter into an Agreement under Section 37 of the Planning Act agreeing to provide a Letter of Credit for \$207,000 to be used to prepare and implement a ravine management plan for the lands located below the staked bank line and the 10 metre buffer beyond the staked bank line, to the satisfaction of the

Commissioner of Economic Development, Culture and Tourism. The Letter of Credit is to be submitted to the City prior to the issuance of any building permit.

- (b) The owner shall enter into an Agreement under Section 37 of the Planning Act agreeing to provide a Letter of Credit for \$43,000 to be used for improvements to Sunnydene and Sherwood Parks, to the satisfaction of the Commissioner of Economic Development, Culture and Tourism. The Letter of Credit is to be submitted to the City prior to the issuance of any building permit.
- (c) The owner shall enter into an Agreement under Section 37 of the Planning Act agreeing to dedicate to the Toronto and Region Conservation Authority for nominal consideration, all the lands below the staked bank line, and a 10 m buffer beyond the staked bank line or a reduced measurement satisfactory to the Toronto and Region Conservation Authority, to the satisfaction of the City Solicitor.
- (d) The owner shall have applied for and received site plan approval.
- (e) The existing easement shall be discharged and the owner shall grant a new easement in favour of the City of Toronto for the purpose of access and maintenance to City lands to the satisfaction of the Commissioner of Works and Emergency Services, the Commissioner of Economic Development, Culture and Tourism, and the City Solicitor.
- (f) The owner shall provide satisfactory evidence to the Commissioner of Works and Emergency Services in consultation with the City Solicitor that the owner has entered into a cost sharing agreement with the owners of Plan 66M-2405 for the upgrading of the receiving sanitary sub-trunk sewer, or that alternative arrangements have been made to the satisfaction of the Commissioner of Works and Emergency Services in consultation with the City Solicitor.
- (g) The owner shall submit an engineering servicing report to the satisfaction of the Commissioner of Works and Emergency Services.
- (h) The owner shall submit a storm water management report to the satisfaction of the Commissioner of Works and Emergency Services.

Background:

Proposal

In April 2003, the applicant submitted an Official Plan and zoning by-law amendment application for 3 apartment buildings with 472 units (an 11 storey building at the east end of the site, a 10 storey building in the middle, and a 12 storey building at the west end of the site). The application also included 18 townhouses located along the ravine edge. The density proposed was 2.5 FSI. The proposal included the acquisition of a 1,900 sq.m. closed City road right-of-way. In a report dated June 18, 2003, Corporate Services recommended that the closed

right-of-way be declared surplus and offered for sale to Kolter. The City's Administration Committee deferred the matter sine die.

In December 2003, the applicant submitted a revised proposal for a 10 storey apartment building along the Bayview frontage and a 7 storey apartment building in the interior of the site. The total number of residential units had been decreased to 330 units. The proposal no longer included the City closed road right-of-way. The proposed density was 1.8 FSI.

On September 1, 2004, the applicant further submitted revised plans for an 8 storey building along the Bayview Avenue frontage, a 6 storey building in the middle of the site, and a 5 storey apartment building at the west part of the site. The total number of residential units has been reduced to 195 units. The proposed density is 1.4 FSI.

Attachment 6 is a summary of the site statistics for the original and revised proposals.

Site and Surrounding Area

The 1.86 hectare site is located on the west side of Bayview Avenue immediately north of Mount Hope Cemetery and across from the CNIB lands. The site consists of 1.2 hectares of tableland and 0.7 hectares of ravine land, which slopes steeply down to Sherwood Park and the ravine. The site has a frontage of 127 metres along Bayview Avenue and extends approximately 195 metres to the west. The site slopes downward from south to north with a 7m to 10m change in elevation from the cemetery lands to the property's tableland. The City of Toronto has a 3 metre right-of-way across the property that provides access to the tableland portion of Sherwood Park to the west of the site. Currently, on the eastern part of the site there is a 3 storey institutional building used by the Canadian Memorial Chiropractic College. The western part of the site is used as a parking lot for the college. The College has moved to a new location and the applicant indicates that the existing building is to be demolished. Abutting uses are as follows:

North: Sunnyside Park and Sherwood Park. Across the ravine is the Sunnyside Crescent neighbourhood of single detached homes.

South: Mount Hope Cemetery and a closed 20 metre wide City right-of-way. Urban Forestry Services has indicated that part of the eastern portion of the closed road right-of-way is sloped and a large part of the road right-of-way is forested. This limits the development opportunities for the City road right-of-way.

East: Across Bayview Avenue is the site of the Canadian National Institute for the Blind (CNIB). The CNIB has constructed a new 3 storey building along the Bayview Avenue frontage. The remaining CNIB lands to the east have been sold to Daniels Corporation, which has received approval for 458 residential units (apartments, townhouses, semi-detached and detached homes).

West: City owned table land which is part of Sherwood Park but which is used for storage of gravel and other materials and is closed to the public due to erosion of the slope.

North York Official Plan

The site is designated General Institutional in the North York Official Plan which is intended for institutions that serve the broader city and surrounding areas such as major health care facilities, educational institutions, and museums. The site is located in the Valley Land Impact Zone (VIZ). The objectives of the VIZ policy are the protection of the slopes from erosion and conservation of the valley lands. The Plan includes criteria to guide the consideration of a redesignation of non-residential lands to residential.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Official Plan, in part, with modifications. The Minister's decision has been appealed in its entirety and the new Official Plan is now before the Ontario Municipal Board.

Once the Plan comes into full force and effect, it will designate most of the property Institutional Area, which permits major educational, health and governmental uses, religious and cultural uses. The Plan encourages owners of surplus institutional properties to attempt to find alternative public institutional, affordable housing, or public open space uses before applying to redesignate the lands for other uses. In addition, the Official Plan designates the northern portion of this site as Parks and Open Space Area - Natural Area, which intends the land to be maintained primarily in a natural state.

Zoning By-law

The site is zoned RM3 (Multiple Family Dwellings Third Density Zone) which permits low rise apartments, townhouses, triplex and double duplex, and single detached and semi-detached dwellings. The RM3 Zone permits a density of 0.75 FSI and a maximum height of 9.2 metres, which translates to approximately 3 storeys. The RM3 Zone also permits hospitals, nursing homes, religious institutions and sanitariums.

The site is subject to site specific by-laws 22006 and 21798 which only permit the following:

- a chiropractic college and administration building on the east part of the site with a maximum height of 3 storeys
- on the west part of the site, it only permits institutional uses with a height of 3 storeys and 11 m, and a right-of-way for the City of Toronto.

Other City Policies

The northern part of the site is subject to the Ravine Control By-law. A permit is required from the City for the removal of any trees, the placement of earth or altering the grade of the land.

The site is also subject to a 1968 agreement, which gives the City a 3 metre wide right-of-way access through the site to the closed City road right-of-way.

Previous OMB Decisions

In the 1960's there were several development applications for this site. One proposal was for two 10 storey apartment buildings, and another proposal was for a 9 storey apartment building and college. In 1963 and 1968 the Ontario Municipal Board refused the residential proposals.

Site Plan Control

An application for site plan approval has not yet been submitted.

Reasons for the Application

The proposed apartment buildings are not permitted under the North York Official Plan designation, new Official Plan for the City of Toronto, and the zoning.

Community Consultation

Two community consultation meetings were held in June 2003 to discuss the original proposal of 3 buildings of 10, 11 and 12 storeys. Approximately 210 members of the public attended the two meetings. The following comments and concerns were raised at the community meetings:

- OMB has twice refused apartment development on this site as this is not an apartment area.
- Bayview Avenue is not designated for intensification.
- Impacts on views and privacy.
- Proposal is out of character with the community.
- Only permit RM3 zone residential uses: townhouses and detached homes.
- Traffic impacts – roads are already congested.
- Impacts on the ravine and wildlife.
- Stormwater impacts on the ravine.
- Opposed to selling park and closed road allowance to Kolter.
- People who live in the community want to stay in the area and move into condominiums.
- Consider impacts of all developments in the area.
- Need more community facilities in the area.

In addition, several hundred letters have been received from people who are opposed to the original development proposal submitted in April 2003.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application.

Comments:

Official Plan Redesignation Policy

The North York Official Plan recognizes that in order to accommodate the City's need for additional housing, future residential development may be accommodated through the redesignation of non-residential land for residential purposes. Part C4, Section 6 of the North York Official Plan sets out criteria to guide the redesignation of non-residential land to residential. These criteria include: adequacy of community services and facilities, municipal servicing and impacts on transportation facilities. The proposed development meets these policies as discussed below.

The City of Toronto Official Plan provides for the consideration of changes to the Institutional land use designation. When institutional lands are declared to be surplus, the owner is encouraged to investigate the possible use of the site for an alternative suitable public institutional purpose. We have been advised that the previous local Councillor through informal discussions, explored the possibility of other institutional uses on this site. Ultimately, there was no interest from the other institutions.

Land Use and Height

The land use and height for the site have been examined several times over the past 40 years. In a 1963 Decision, the OMB indicated that some type of multiple family housing was appropriate for the site, but the Board rejected a proposal for two 10 storey apartment buildings. In 1968, the OMB refused a proposal for a 9 storey apartment building at the west part of the site, and instead, approved a zoning by-law, which rezoned the existing Kolter site to RM3 with a site specific zoning allowing a maximum height for institutional uses of 3 storeys.

This is a unique site, which is separated from the existing residential area to the south by a cemetery and to the north by a valley and park. To the west are open space and valley lands.

Directly across the street from this site on the east side of Bayview Avenue, the Canadian National Institute for the Blind has completed the construction of a three storey building. Due to the higher institutional floor height and given that the CNIB site is located on much higher ground, a similar height residential building on the west side of Bayview Avenue would be 6-7 storeys in height. Just south of the CNIB site, on the east side of Bayview Avenue, there are 3 older apartment buildings with heights of 3, 4 and 5 storeys.

Given the context of the surrounding area and the emerging character of development on the east side of Bayview Avenue, a mid rise form of residential development stepping down in the interior of the site is appropriate. The details are discussed below.

Built Form and Massing - Compatibility

The Kolter site is separated from the nearest residential areas by a large cemetery to the south and by an 80 metre to 120 metre wide heavily forested ravine to the north. An objective of the North York Official Plan and new Toronto Official Plan is to ensure that new development

adjacent to stable residential areas is compatible with those neighbourhoods respecting the existing physical character of the adjacent residential area and does not affect the stability of the residential neighbourhood. Although the subject site is not directly adjacent to a residential area, the matter of compatibility needs to be addressed.

The North York Official Plan includes compatibility criteria for new multiple residential development that is adjacent to existing low density residential neighbourhoods. The criteria include providing an appropriate transition in height and ensuring that the height, scale and built form does not create a significant adverse impact in terms of overview, shadowing, loss of privacy or loss of significant views. Similar policies are found in the new Toronto Official Plan.

The revised proposal meets these objectives. The applicant has submitted shadow diagrams, which indicate acceptable shadow impacts on the residential area to the north. The proposal will also have minimal impacts on views and overview to the north. The proposed development provides a transition in height from 5 storeys in the interior, 6 storeys in the middle building to 8 storeys along the Bayview frontage. The western most building is located 98 m (321 ft.) from the nearest residential buildings to the north; the middle building is located 113 m (370 ft.) and the Bayview Avenue building is located 120 m (393 ft.) from the nearest residential homes to the north. The site layout also provides for views through the site. The western and middle buildings are separated by a 24 m gap and the middle and Bayview Avenue buildings are separated by a 17 m gap. The gaps between the buildings and the stepping down in the building heights reduce the visual impact of the development.

The western most building has a 4 storey base with the 5th storey set back 6 metres from the building face. The centre building has a 4 storey base with the 5th and 6th storeys each set back 4 metres. The Bayview frontage building is 6 storeys at the north end of the site and rises to 8 storeys at the south end of the site. In order to achieve a maximum height which is similar to the overall height of the CNIB building on the east side of Bayview, staff recommend that the 8 storey portion of the building be reduced down to 7 storeys. The applicant has advised that they are agreeable to a reduction in the height of the Bayview Avenue building to 7 storeys.

The building siting and massing is appropriate with the highest heights along Bayview Avenue and scaling down going north to the valley and west into the site. Both the interior and middle buildings terrace down to a 4 storey building base. The proposal with the reduction in height on the Bayview Avenue building is compatible with the surrounding area and will not impact the stability of the residential neighbourhood to the north.

Services and Amenities

The existing water, sanitary and storm water management services are being upgraded as a result of the redevelopment of CNIB and Bloorview Centre and can accommodate the proposed residential development. Works and Emergency Services have advised that the applicant is to enter into a cost-sharing agreement with the owners of the former CNIB lands on the east side of Bayview Avenue for the upgrading of the sanitary sub-trunk sewer. Prior to the enactment of the zoning by-law, the owner is to submit to Works and Emergency Services an engineering servicing report and a storm water management report.

The Parks Department advise that the application will be subject to a 5% cash-in-lieu of parkland dedication payment. Parks staff have also indicated that there is a need to improve the gateway and pathways into Sunnydene and Sherwood Parks from Bayview Avenue. The applicant has agreed to provide a letter of credit for \$43,000 to undertake this work. This will be secured as part of a Section 37 Agreement.

The applicant is proposing to provide indoor amenity space (which includes party/meeting room, spa and fitness facilities and library) of a minimum of 1.5 sq.m. per unit (minimum of 292 sq.m.). This amenity space will be secured in the zoning by-law.

The Toronto District School Board advises that there is insufficient space at the local schools to accommodate students anticipated from the development as originally proposed at 490 units. No comments have been received from the School Board on the revised application with 195 units. The TDSB has requested that a clause be included in all agreements of purchase and sale advising that students may have to attend school facilities outside the local area.

Transportation and Parking

The applicant has submitted a traffic impact study, which incorporated developments in the surrounding area including the CNIB, Daniels and Bloorview MacMillan developments. The study concludes that the proposal for 195 residential units will generate less two-way traffic during the weekday peak hours than the existing Chiropractic College, and the proposal can be accommodated by the existing transportation infrastructure. The traffic study has been reviewed and the conclusions have been accepted by Transportation Services, Works and Emergency Services.

The proposal is based on a parking rate of 1.25 spaces per unit plus 0.1 spaces per unit for visitors resulting in a total of 244 resident parking spaces and 20 visitor spaces. All parking is to be provided in two levels of underground parking. Transportation Services advise that a parking rate of 1.25 spaces for residents plus 0.25 spaces for visitors should be used resulting in a total of 292 parking spaces of which 49 spaces must be for the use of visitors. This parking rate has been incorporated in the draft by-law.

City Easement and Right of Way Agreement

The site includes an existing City easement with a width of 3 metres. The City wishes to retain an easement for the purposes of maintenance of City property adjacent to the west part of the site. Works and Emergency Services has requested that the applicant grant a new easement with a minimum width of 4.5 metres and an overhead clearance of 4.6 metres in height in order to handle large trucks. The proposal has incorporated this easement requirement. The Works Department has advised that this is acceptable provided that the easement flares out to the west as it meets the City closed road right-of-way.

Ravine By-law and Valley Lands

The top of bank was staked by the Toronto and Region Conservation Authority (TRCA) in May 2003. Part of the site is located below the staked bank line in the valley. In addition, the site is

subject to the Ravine Protection By-law, which requires the applicant, at the site plan approval stage, to obtain a permit from the Commissioner of EDCT to injure or destroy trees or affect the grading within this area. This will be addressed through conditions of site plan approval.

The applicant has submitted an environmental impact study and slope stability study which have been accepted by the Toronto and Region Conservation Authority and City Urban Forestry Services. Urban Forestry has requested the applicant to prepare a restoration/enhancement plan for the ravine including the lands 10 metres back from the top of bank. The applicant has agreed to provide a letter of credit for \$207,000 to prepare and implement a ravine management plan. This will be secured as part of a Section 37 Agreement.

The development is set back a minimum of 10 metres from the staked bank line. The Conservation Authority has requested that a 10 metre naturalized buffer area be provided and that this area and the lands below the staked top of bank be rezoned to an open space zoning. TRCA have also requested that the owner convey these lands to the Conservation Authority for a nominal consideration. The 10 metre setback area which currently is located in the parking lot and driveway of the Chiropractic College, is intended to be renaturalized and left as open space with no development permitted in this area. This report implements TRCA's requirement that the applicant convey to TRCA all the lands located below the staked bank line as well as a 10 m buffer area, and that this land be redesignated in the Official Plan to Valley Open Space and be rezoned to Open Space.

Conclusions:

The proposed residential development for 5, 6, and 7 storey apartment buildings is appropriate at this location and is recommended for approval. The proposal meets the intent of the North York Official Plan with respect to redesignating non-residential lands to residential use.

Contact:

Nimrod Salamon, Senior Planner
Ph: (416) 395-7134; Fax: (416) 395-7155

List of Attachments:

- Attachment 1: Site Plan
 - Attachment 2: Elevations
 - Attachment 3: Zoning
 - Attachment 4: Official Plan
 - Attachment 5: Application Data Sheet
 - Attachment 6: Site Statistics
 - Attachment 7: Draft Official Plan Amendment
 - Attachment 8: Proposed modification to the Toronto Official Plan
 - Attachment 9: Draft Zoning By-law
 - Attachment 10: Agency Comments
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Attachment 7 - Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No.

To adopt Amendment No. 556 of the Official Plan for the former City of North York
in respect of lands municipally known as 1900 Bayview Avenue

WHEREAS authority is given to Council by the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Amendment No. 556 to the Official Plan of the City of North York, consisting of the attached text and maps, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this day of , A.D. 2004

Mayor

City Clerk

PREFACE AND EXPLANATORY NOTES
TO AMENDMENT NO. 556
TO THE OFFICIAL PLAN OF THE
CITY OF NORTH YORK

LANDS AFFECTED BY THIS AMENDMENT

This amendment concerns the lands located west of Bayview Avenue between Mount Hope Cemetery and Sunnyside Park. The municipal address is 1900 Bayview Avenue.

EFFECT OF AMENDMENT

The effect of this amendment would be to redesignate the valley lands to Valley Open Space and the rest of the site to RD5 with a site specific policy permitting residential development with a maximum height of 7 storeys with a maximum density on the net site of 2.3 FSI.

AMENDMENT NO. 556
TO THE OFFICIAL PLAN OF THE
CITY OF NORTH YORK

The following text and map constitute Amendment No. 556 to the Official Plan of the City of North York.

ITEM 1

Clause 1

Map C.1 – Land Use, is amended as shown on Schedule “A” to this amendment.

ITEM 2

Clause 1

Part C.9 – Specific Development – of the Official Plan is amended by adding the following:

“C.9.254 Lands on the west side of Bayview Avenue between Mount Hope Cemetery and Sunnydene Park (known municipally as 1900 Bayview Avenue)

Notwithstanding the Residential Density Five (RD5) designation, the maximum floor space index shall not exceed 2.3 of the net site measured to the staked bank line, and the maximum building height shall be 7 storeys along the Bayview Avenue frontage with heights scaling down to maximum 5 storeys at the west end of the site.”

Clause 2

Part C.9.254 of the Official Plan is amended by adding Map C.9.254 attached to this Official Plan amendment.

Attachment 8 - Proposed Modification to the City of Toronto Official Plan

The Official Plan of the City of Toronto is modified as follows:

1. Maps 12 and 15 are amended by redesignating the lands located at 1900 Bayview Avenue, excluding the lands below the staked bank line and the 10 m buffer area beyond the staked bank line, to Apartment Neighbourhood.

2. Chapter 7 is amended by adding the following new site specific policy:

“x Lands on the west side of Bayview Avenue between Mount Hope Cemetery and Sunnydene Park (known municipally as 1900 Bayview Avenue)

The maximum floor space index shall not exceed 2.3 of the net site measured to the staked bank line, and the maximum building height shall be 7 storeys along the Bayview Avenue frontage with heights scaling down to maximum 5 storeys at the west end of the site.”

3. Map 21 is amended by adding the site located at 1900 Bayview Avenue as shown on the attached schedule.

Attachment 9

Draft Zoning By-law

CITY OF TORONTO

Bill No.

BY-LAW No. _____

To amend City of North York By-law No. 7625
in respect of lands municipally known as 1900 Bayview Avenue

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this by-law; and whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law 7625 of the former City of North York are amended in accordance with Schedule “1” of this by-law.
2. Section 64 of By-law 7625 of the former City of North York is amended by adding the following:

“64.20-A(150)RM6(150)

DEFINITIONS

- (a) For the purpose of this exception, “apartment house dwelling” shall mean a building containing more than four dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.

PERMITTED USES

- (b) The only uses permitted shall be

Apartment house dwelling and accessory uses including accessory private recreational amenity area.

EXCEPTION REGULATIONS

- (c) The maximum gross floor area shall be 26,500 m².
- (d) The maximum number of dwelling units shall be 195 dwelling units.
- (e) Building Height:
- (i) The maximum building height shall be as shown on Schedule RM6(150).
 - (ii) For Buildings 1 and 2 as shown on Schedule RM6(150), established grade shall be 146.0 metres above sea level.
 - (iii) For Building 3 as shown on Schedule RM6(150), established grade shall be 145.0 metres above sea level.
 - (iv) Section 20-A.2.6 shall not apply.
- (f) A minimum of 1.5 m² per dwelling unit of indoor private recreational amenity area shall be provided.
- (g) The minimum yard setbacks shall be as shown on Schedule RM6(150).
- (h) No buildings or structures above or below grade shall be located within 10 metres of the staked bank line as shown on Schedule RM6(150).
- (i) The minimum distance between buildings shall be as shown on Schedule RM6(150).
- (j) Section 20-A.2.2 regarding lot coverage shall not apply.
- (k) Section 15.8 regarding landscaping shall not apply.
- (l) A minimum of 1.5 parking spaces per dwelling unit shall be provided of which 0.25 parking spaces per dwelling unit shall be for the use of visitors.
- (m) Severance

Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.”

3. Section 64.20-A(150) of By-law 7625 is amended by adding the attached Schedule RM6(150).
4. Section 64.37 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.37(31) O1(31)

EXCEPTION REGULATIONS

(a) No buildings or structures shall be permitted.”

5. By-law Nos. 22006 and 21798 are repealed.

ENACTED AND PASSED this day of , A.D. 2004.

Mayor

City Clerk

(Attachments 1 – 6, Schedule “A” and Map C.9.254 to Attachment 7, the Map attached to Attachment 8, Schedule “1” and Schedule “RM6 (150”) to Attachment 9, referred to in the foregoing report were forwarded to all Members of the North York Community Council with the agenda for its meeting on November 16, 2004; and copies are on file in the office of the City Clerk, North York Civic Centre).

The North York Community Council considered:

(a) Form letters received from the following persons in opposition to the application:

- (November 8, 2004) from Donna MacKenzie;
- (November 9, 2004) from Richard McCaffery;
- (November 10, 2004) from Robert Gordon;
- (November 10, 2004) from Susan Lewarne;
- (November 10, 2004) from Marjory and John Austin;
- (November 10, 2004) from Paul Huebener;
- (November 10, 2004) from Ian Saville;
- (November 10, 2004) from D.E. Allison;
- (November 10, 2004) from Paul Dorland;
- (November 9, 2004) from William and Martha Hinder;
- (November 14, 2004) from Michael A. Steadman;
- (November 10, 2004) from Mary Carmichael;

- (November, 2004) from Angela Smith;
- (November 15, 2004) from Doug McGregor;
- (November 10, 2004) from John F. Haberer;
- (November 11, 2004) from Dorine Weiss;
- (November 11, 2004) from George Kelk;
- (November 11, 2004) from Michael and Dawn Griffiths;
- (November 11, 2004) from Robert. S. Leon;
- (November 11, 2004) from Cindy Weiner, President, St. Andrew's Ratepayers Association;
- (November 11, 2004) from John and Allison Terose;
- (November 12, 2004) from Ian and Janet Markham;
- (November 12, 2004) from Linda M. Allison;
- (November 12, 2004) from T.B. Hatch;
- (November 15, 2004) from Ms. M. Hovesen and Jeffrey McNair;
- (November 12, 2004) from David Farwell, President, Lawrence Park Ratepayers Association;
- (November 12, 2004) from Otto Seoal;
- (November 12, 2004) from Dr. A. Flint and Dr. H. Altay;
- (November 13, 2004) from Paul and Anne Marie Tompkins;
- (November 12, 2004) from Janet Maclean;
- (November 13, 2004) from Charles A.V. Pennock;
- (November 13, 2004) from G. Hunter;
- (November 13, 2004) from Bruce Smith;
- (November, 2004) from J. Miller;
- (November, 2004) from Mr. And Mrs. W.R. Livingston;
- (November 15, 2004) from Alan and Flo Murson;
- (November 14, 2004) from J. Axell;
- (November 15, 2004) from Katherine and Thanos Polyzos;
- (November 13, 2004) from Karl Dreher;
- (November 14, 2004) from Tom and Pam Bell;
- (November 14, 2004) from Tony Paglialunge;
- (November 14, 2004) from Gordon Marshall;
- (November, 2004) from Dr. D. Naiberg;
- (November 14, 2004) from T.A. Bryk;
- (November 12, 2004) from R. MacDonnell;
- (November 15, 2004) from Anne G. Conlin;
- (November 15, 2004) from John Rencassel;
- (November 15, 2004) from Patricia Stone;
- (November 15, 2004) from Ann and John Firstbrook;
- (November 15, 2004) from Fionade Araiyo;
- (November 15, 2004) from Thomas J. McEwen;
- (November 15, 2004) from Tamara McEwen;
- (November 15, 2004) from Frederick Conlin;
- (November 15, 2004) from Anne P. Conlin;
- (November 15, 2004) from Bruce Rothney;
- (November, 2004) from Sherry Wilding;
- (November 15, 2004) from Gordon J. Bell;

- (November 15, 2004) from Dan Coholan;
- (November 15, 2004) from David Fowler;
- (November 15, 2004) from Kirby Gavelin;
- (November 15, 2004) from Derek Neldner;
- (November 15, 2004) from David and Kelly Connacher;
- (November 15, 2004) from B. Renihan;
- (November 15, 2004) from Steven J. Trumper;
- (November 15, 2004) from Mary Kirk;
- (November 14, 2004) from Nancy and Scott Keyworth;
- (November 13, 2004) from Ronald Reed;
- (November 15, 2004) from Lynda Holloway and Paul Middaugh;
- (November 13, 2004) from Dr. Peter Hawrylyshyn;
- (November 15, 2004) from Margaret Cutler;
- (November 15, 2004) from P. Hand;
- (November 15, 2004) from Bill Volk;
- (November, 2004) from Wendy Southall;
- (November, 2004) from Helen Light;
- (November, 2004) from Richard Cousland;
- (November 15, 2004) from Dr. Linda J. Stirk;
- (November 15, 2004) from Dr. David Cole;
- (November 15, 2004) from Patricia Karmitz;
- (November 15, 2004) from Ross MacKinnon;
- (November 14, 2004) from a Jane Housser;
- (November, 2004) from Josephine Chan;
- (November 15, 2004) from Susann and Richard Chamberlain;
- (November 15, 2004) from Julie C. Norton and Brent Norton;
- (November 15, 2004) from Jennifer Surridge;
- (November 15, 1004) from Linda and James Weir;
- (November 15, 2004) from C.J. Daly and N.A. Daly;
- (November, 2004) from Geoffrey K. Mcurd;
- (November, 2004) from M. Jamieson;
- (November 15, 2004) from Ian MacKellar;
- (November 15, 2004) from S. Koerner;
- (November 16, 2004) from Cynthia Robertson;
- (November 16, 2004) from Charles R. Powis;
- (November 16, 2004) from Alison Noble and Jason Marks;
- (November 16, 2004) from Grace and Robert Ting;
- (November 16, 2004) from Elizabeth McNaugh;
- (November 16, 2004) from Yvonne and Jason Robertson;
- (November 16, 2004) from Susan and Stratford Higgins;
- (November 16, 2004) from Fred von Ompteda;
- (November 16, 2004) from E.E. Parker;
- (November 16, 2004) from Ingrid von Ompteda;
- (November 16, 2004) from John C. Cameron;
- (November 16, 2004) from W.J. McNaughton;
- (November 16, 2004) from S. Marino;
- (November 16, 2004) from James Pascaris;

- (November 16, 2004) from Arnold Murray;
 - (November 16, 2004) from Margaret Marcar;
 - (November 16, 2004) from Mary Akin;
 - (November 16, 2004) from Keith D'Souza;
 - (November 16, 2004) from James and Joanne Griffith;
 - (November 16, 2004) from Robert A. Stevens;
 - (November, 2004) from Constance A. Pratt;
 - (November, 2004) from Jennifer Richardson;
 - (November, 2004) from M.M. Judge;
 - (November, 2004) from Joan Milne;
 - (November, 2004) from Deborah Hickey;
 - (November, 2004) from Barbara J. Beatty;
 - (November, 2004) from Carole Matthew and Hari Sambasivam;
 - (November, 2004) from Lynn Francis and Mark Lecker;
 - (November, 2004) from Sue and Terry Belanger;
 - (November, 2004) from Patricia Staunton;
 - (November, 2004) from F. Winchell-Jubb;
 - (November, 2004) from Michelle Khalili;
 - (November, 2004) from Dr. R.W. Rutherford;
 - (November, 2004) from Robert. D. Hill;
 - (November 16, 2004) from David and Andrea Fry;
 - (November, 2004) from Frank Maidman;
 - (November 16, 2004) from Robert and Cheryl Lee;
 - (November 16, 2004) from David and Martha Shaw;
 - (November, 2004) from Owen Lawson;
 - (November, 2004) from a resident of Dawlish Avenue
- (b) Communications received from the following persons, in opposition to the application:
- (November 15, 2004) from Henry L.E. White, North Leaside Residents' Association Inc.
 - (November 11, 2004) from Mary Sedgewick;
 - (November 11, 2004) from John Smart, President, Teddington Park Residents' Association;
 - (November 11, 2004) from H.Reis-Smart;
 - (November 14, 2004) from William J. Stewart;
 - (November 15, 2004) from Alice Nicholls, Secretary-Treasurer, York Mills Gardens Community Association;
 - (November 16, 2004) from Michelle Hovesen;
 - (undated) from Ester Kivi;
 - (November 15, 2004) from Kenneth W. Lalonde;
 - (November 15, 2004) from Alex Grenzebach;
 - (November 15, 2004) from William J. Stewart; and
 - (November 16, 2004) from Agnes Vermes, Past President, Leaside Property Owners Association Incorporated.

(c) Communication (November 15, 2004) from William Moore, in support of the application.

The following persons appeared before the North York Community Council, in support of the application:

- Sol Wassermuhl, Page + Steele Architects Inc., on behalf of the applicant;
- Robert Glover, Bousfield Dale Harris Culter and Smith, on behalf of the applicant;
- Allen Leibel, Goodmans, on behalf of the applicant;

The following persons appeared before the North York Community Council, in opposition of the application:

- Stanley Stein, representing the Bayview-Blythwood Ratepayers' Association;
- Sean Aylward, on behalf of the Bayview-Blythwood Ratepayers' Association, who submitted a report (May 21, 2004) titled "Analysis of the Kolter Application in Respect of 1900 Bayview Avenue", and a copy of a communication (July 14, 2003) from David Miller, Toronto Councillor;
- Steve Trumper, President, Lawrence Park Bayview Property Owners' Association;
- Paul Stern;
- Professor Barry Shandling;
- Fred Conlin;
- Sara Marino;
- Janice Palmer, Task Force to Bring Back the Don, who presented a written submission;
- Eric Parker, Chair, Sherwood Park Advisory Committee; and
- Terry West, President, Don Mills Residents Inc.

A recorded vote on the Recommendation moved by Councillor Jenkins, Ward 25 – Don Valley West was as follows:

FOR: Councillors Augimeri, Carroll, Filion, Jenkins, Li Preti, Moscoe, Pitfield, Stintz

AGAINST: Councillor Minnan-Wong

ABSENT: Councillors Feldman, Shiner

Carried.

City Council – November 30, December 1 and 2, 2004

Council also considered the following:

Communications:

- (1) *(November, 2004) from Nancy Koster;*
- (2) *(November, 2004) from Roni and Jenifer-Lyn Turner;*
- (3) *(November, 2004) from Erika Younger;*
- (4) *(November, 2004) from Barbara Smith;*
- (5) *(November 16, 2004) from Tom Rae, President, Leaside Property Owners' Association Incorporated;*
- (6) *(November, 2004) from Alan and Anne Marie Mayne;*
- (7) *(November, 2004) from Edward A. Nixon;*
- (8) *(November, 2004) from Geoff Browne;*
- (9) *(November, 2004) from Panagiota Georgiades;*
- (10) *(November, 2004) from Cameron and Winnie Clokie;*
- (11) *(November, 2004) from Nancy Browne;*
- (12) *(November, 2004) from Margot Grant;*
- (13) *(November, 2004) from Marc Rosen;*
- (14) *(November, 2004) from Dave Beaton;*
- (15) *(November, 2004) from Albert Bullock;*
- (16) *(November, 2004) from Fiona and Scott Lennard;*
- (17) *(November, 2004) from J. Baumgartner;*
- (18) *(November, 2004) from Carolyn Reid;*
- (19) *(November, 2004) from Nathalie Mercure;*
- (20) *(November, 2004) from R. E. Meech; and*
- (21) *(November, 2004) from Mary Jane Rodgers.*