

# **TORONTO** STAFF REPORT

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June 26, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: OMB Directions Report  
OPA and Rezoning Application 05 206510 NNY 25 OZ  
Site Plan Control Application 05 206515 NNY 25 SA  
Applicant: Adam Brown, Sherman Brown Dryer Karol  
Architect: Page and Steele Architects  
2425 and 2427 Bayview Avenue  
Ward 25 – Don Valley West

Purpose:

This report recommends refusal of applications to develop 20 three-storey townhouses on two properties on Bayview Avenue. As the applicant has appealed Council's failure to respond to these applications to the Ontario Municipal Board, the report seeks Council's direction to staff to attend a hearing in support of the position outlined in the report.

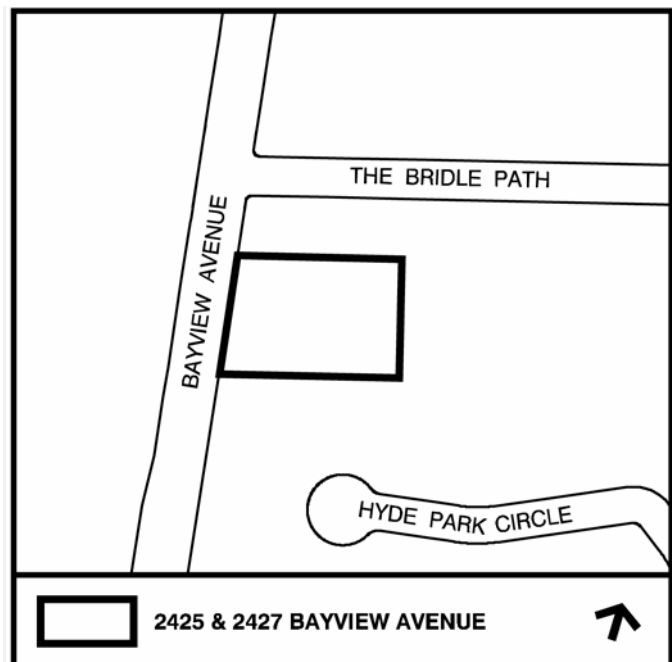
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) The City Solicitor and appropriate City staff be instructed to attend the Ontario Municipal Board to oppose the Official Plan Amendment Application, Zoning By-law Amendment Application and Site Plan Control Application for the reasons outlined in this report.



## Background:

### Proposal

The applicant filed an application in November of 2005 for an Official Plan and Zoning by-law amendment and Site Plan Control approval to permit the construction of 20 three-storey townhouse dwellings on property located on the east side of Bayview Avenue north of Lawrence Avenue between Post Road and the Bridal Path. Various studies and reports were submitted in support of the proposed development including a planning justification report, traffic impact study, stormwater management report, servicing plan and an arborist report.

The proposed development consists of two three-storey buildings extending eastward across the site. The ten units in each building, each with its own entrance at the front and the back of the buildings, would face each other across an interior courtyard (see Attachment 1: Site Plan). The proposed vehicle access is from Bayview Avenue in the middle of the property. Parking for vehicles is proposed in an underground parking garage with a separate entrance for each building at the north and south end of the property. Two parking spaces are to be provided for each unit with four surface parking spaces provided for visitors. The proposed development would result in a density of approximately 1.3 FSI.

On June 14, 2006, the applicant appealed the City's refusal to respond to the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board. No hearing date has been set.

A previous application for 16 townhouses on this site resulted in Planning staff submitting a refusal report to City Council in July 2000. The application was reviewed under the applicable policies in the North York Official Plan. Staff recommended that the proposed redevelopment of the property be refused based on the determination that the neighbourhood was stable and was not an appropriate location for the proposed development and that the development would have adverse impacts on adjacent properties. City Council concurred with the staff recommendation and refused the proposal.

### Site Description

The site is comprised of two lots, each with a single detached home fronting on Bayview Avenue. The area of the site is 0.5 hectares (1.3 acres). To the north, east and south of the site are single detached dwellings on large lots. Single detached dwellings also exist to the west of the site across Bayview Avenue.

## Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Issued under Section 3 of the *Planning Act*, the PPS establishes the policy foundation for regulating the development and use of land. Municipal planning decisions are required to be “consistent with” the PPS.

The PPS includes policies which promote intensification, redevelopment and compact form; encourage transit and pedestrian supportive land uses; and provide for a range of housing types and densities to meet projected requirements. The Official Plan of the former City of North York includes policies which reflect many of the objectives in the current (2005) version of the Provincial Policy Statement, notwithstanding that the current North York Official Plan was approved beginning in 1981. The new Toronto Official Plan compliments the policies found in the PPS and the documents are mutually supportive.

## North York Official Plan

The site is designated ‘Residential Density One (RD1)’ in the North York Official Plan. Staff anticipate that by the time the report is presented to North York Community Council, the new City of Toronto Official Plan will be the in-force Plan and the North York Official Plan will have been (with the exception of the housing policies) repealed. As the subject application was made before the new Plan is anticipated to come in to force, the North York Official Plan will be regarded as the in-force Official Plan for the purposes of reviewing this proposal. Both the North York Official Plan and the new City of Toronto Official Plan provide direction to oppose these applications.

The Residential Density One (RD1) designation provides for single detached and semi-detached dwellings. The Plan states that where a property abuts a single-family zone (such as the R1 zone which applies to the subject site and surrounding properties), the provisions of the single family zone will be used as the basis for evaluating the proposed bulk, height and massing of a proposed semi-detached dwelling. The plan does not anticipate the development of townhouse units on lands designated as RD1.

The housing policies in Part C.4, Sections 1.0 and 2.0 of the Plan describe the objectives for defining appropriate locations for intensification and the need to protect stable residential neighbourhoods from incompatible development. Included are specific policies regarding limited intensification in neighbourhoods (Part C 4, Section 4.1). The purpose of the policies is to identify areas where intensification is appropriate for purposes such as rejuvenating or enhancing the viability of a neighbourhood.

The subject property is not identified as a potential reurbanization area on Map A-2 and is therefore considered a “stable residential neighbourhood”. The proposed development must be evaluated in light of the general development criteria in Part C.4, Section 4.2 and the criteria to guide redesignation of residential lands to higher density as contained in Part C.4, Section 5.0.

### New City of Toronto Official Plan

In November 2002, Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister’s decision has been appealed in its entirety. The hearing on the new Official Plan is continuing at the Ontario Municipal Board. The Board has approved most of the Plan and it is anticipated that the approved portion will come into force in June 2006. The housing and Section 37 policies remain under appeal and will be adjudicated in September and October 2006. As well, the hazard land policies for ‘Special Policy Areas’ remain under appeal.

Once the Plan comes into full force and effect, it will designate the property as ‘Neighbourhoods’. Neighbourhoods are described by the Plan as “...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 four storeys”. The development criteria in “Neighbourhoods” places considerable emphasis on the existing built form in these established areas and the need to respect and reinforce the existing physical character of the neighbourhood.

### Zoning

The site and adjacent properties are zoned One-Family Detached Dwelling First Density Zone (R1). The only residential use permitted within this zone are single detached dwellings and accessory buildings. Only one dwelling per lot is permitted by the By-law. A range of non-residential uses are also permitted including schools, public libraries, places of worship, day nurseries located in a public school. The maximum building height within the R1 zone is 9.5 metres and three storeys.

### Site Plan Control

A site plan control application was submitted on November 30, 2005.

## Reason for the Application

The proposed density and built form (townhouses) are not permitted in the North York Official Plan. The proposed development doesn't comply with the R1 Zone provisions for built form (only detached dwellings are permitted) and dwellings per lot (only one dwelling is permitted per lot), nor does it comply with the applicable zone requirements for height, rear yard setback, permitted hard surface in a front yard or lot coverage.

## Community Consultation

A community consultation meeting was held on April 26, 2006. Members of the public who attended the meeting raised the following issues.

- Density and height of the proposed development
- Relationships to adjacent properties (including shadow and privacy impacts)
- Adequacy of parking and the traffic impacts of the proposed development
- The creation of a precedent and the potential impacts of similar developments on Bayview Avenue
- Adequacy of landscaping

## Agency Circulation

The application was circulated to all appropriate agencies and City Divisions for review and comment.

## Comments:

### Provincial Policy Statement

The Provincial Policy Statement includes policies which promote intensification, redevelopment and compact form; encourage transit and pedestrian supportive land uses; and provide for a range of housing types and densities to meet projected requirements.

The North York Official Plan includes policies which support many of the objectives of the Provincial Policy Statement, notwithstanding that the Plan pre-dates the current Provincial Policy Statement. The Plan directs major redevelopment and intensification initiatives to identified urbanization areas where infrastructure, including public transit, are available. Map A-2 of the Plan identifies these "Potential Reurbanization Areas" as North York Centre, Arterial Corridor Areas or Secondary Plan Areas and identified Sub-Centres.

Policy 2 in Section 2.2 of the new City of Toronto Official Plan directs growth to four areas: "Centres"; "Avenues"; "Employment Districts" (for employment uses only) and "Downtown"

(as defined by the Plan). These areas have been identified utilizing criteria which support various aspects of the Provincial Policy Statement, including: the promotion of higher density housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available; providing a land use pattern, mix and density of uses to minimize vehicle trips and support alternative transportation modes; and improving air quality through land use and development patterns. This policy also refers to the protection of neighbourhoods.

The proposed development is not supportive of these aspects of the Provincial Policy Statement as the proposed development is not in a potential reurbanization area identified in the North York Plan and is not located in an area served by higher order transit (subways, streetcar lines, LRT or bus transitways) and is therefore not likely to result in a reduction in vehicle trips.

### North York Official Plan

The North York Official Plan contains policies which are intended to limit intensification in stable residential areas and criteria to guide the redesignation of residential lands to higher densities. The proposed 20 unit three-storey townhouse development in a stable residential neighbourhood is not contemplated by the intensification policies of the Official Plan and is not compatible in scale and character with the low density residential uses in the area. While there are other uses on Bayview Avenue in this area, the immediate context of the site is that of a mid-block location surrounded exclusively by single-detached dwellings on large lots.

As described below, the proposal presents a number of concerns with respect to the appropriateness of the proposed form of development (three storey townhouses versus the single detached residential homes in the neighbourhood) and adverse impacts of the proposed development on adjacent properties.

### Appropriate Intensification in Neighbourhoods

The North York Official Plan states that “Council will maintain Official Plan policies to conserve, protect and enhance stable residential neighbourhoods”. With regard to lands designated RD-1 and RD-2, Part C.4, Section 4.0 of the Official Plan (Limited Intensification within Neighbourhoods) states that ...“minor intensification may be permitted provided that the use is allowed and the maximum densities permitted for the land use category as detailed in Part C.4, Sections 3.3 and 3.4 are not exceeded”. The RD-1 designation permit only single detached dwellings at a density of 20 dwellings per net residential hectare (8 units per net residential acre) and semi-detached dwellings at a density of approximately 30 dwellings per net residential hectare (12 units per new residential acre). The proposed townhouse development would have a density of approximately 38 units per net residential hectare (15 units per acre). Clearly, the proposed development does not meet the intent of the policies for intensification within neighbourhoods within the North York Official Plan with regard to either built form (townhouses) or density.

## Redesignation of Residential Lands to Higher Densities

The North York Official Plan establishes criteria for the evaluation of proposals to redesignate residential lands to higher density. These criteria are outlined in Part C.4, Section 5 of the Official Plan. The intent of these policies is to identify lands which are suitable for redesignation based upon the need for revitalization, the opportunity to enhance the viability of a neighbourhood, or where there is an opportunity to create additional housing or a mix of housing to meet the needs of residents. Further, there must be sufficient physical infrastructure, community services and facilities and transportation infrastructure to support the proposal and one of the following conditions must apply:

- a) the area, which includes lands beyond a single development site, demonstrates a need for rejuvenation and reinvestment: or
- b) existing land uses or buildings are considered to be obsolete or underutilized; or
- c) land use conflict is occurring.

None of the above criteria apply to this neighbourhood and together with the stated intent of the North York Official Plan to conserve, protect and enhance stable residential neighbourhoods, the development of the subject properties in the manner proposed by the applicant cannot be supported.

## City of Toronto Official Plan

When the new City of Toronto Official Plan comes in to force and effect, it will designate the subject properties and the adjacent neighbourhood (including the low density residential neighbourhood on the west side of Bayview Avenue) as “Neighbourhoods”.

The new Plan contains land use policies that, as with the North York Official Plan, encourage a range of housing forms and types, but also has policies that serve to protect and enhance existing neighbourhoods and set parameters for proposed development in established neighbourhoods.

While the “Neighbourhoods” designation permits a wide range of residential uses (including walk-up apartment buildings up to four storeys), the new Official Plan also states that “...a key objective of this Plan is that new development respect and reinforce the general physical patterns in a “Neighbourhood”. The Plan includes several policies which establish criteria for determining how to meet this key objective. Policy 5 states that the following criteria must be examined to determine whether a proposed development meets the intent of respecting and reinforcing the existing physical character of the neighbourhood:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

The policy also states that “No changes will be made through rezoning, minor variances, consent or other public action that are out of keeping with the physical character of the neighbourhood.”

The proposed development is clearly distinct from the existing single family neighbourhood with regard to several of these characteristics and therefore doesn’t respect and reinforce the physical character of the neighbourhood.

The Plan also states that “proposals for intensification of land on major streets in “Neighbourhoods” are not encouraged by the policies of this Plan”. This policy is important to the review of this application as the Plan is clear that there is no implied permission for intensification where properties in “Neighbourhoods” front on major streets (Bayview Avenue is defined as a Major Street on Map 3 in the Official Plan).

### Impacts on Adjacent Properties

The housing policies in the North York Official Plan (Part C.4, Sections 1.1 and 2.0) and development criteria in the Plan (Part C.4, Section 4.1 and 4.2) contain numerous references to protecting stable residential neighbourhoods from incompatible development.

Section 3.3 of Part C.4 of the North York Official Plan, states that “...notwithstanding the designated residential density and the provisions of By-law 7625, as amended, when permitting development in, or adjacent to, areas designated Residential Density One (RD-1), particular regard shall be given to the character of existing or approved development in the surrounding area to avoid development incompatible with the existing development and to maintain appropriate land use performance standards and maintain or create compatible built form relationships”.

Similarly, the policies in the new City of Toronto Official Plan which govern built form (Chapter Three, Section 3.1.2) and the policies which relate to development in “Neighbourhoods” (Chapter Four, Section 4.1) focus on the requirements for appropriate relationships between a proposed development and the adjacent properties and public spaces.



The proposed development is not in keeping with the existing single detached character of the neighbourhood and will have adverse impacts on adjacent properties in terms of shadows and loss of privacy and noise (as a result of proximity of loading facilities). The proposed development therefore fails to address the above policies in both the North York Official Plan and the new City of Toronto Official Plan.

### Guidelines and Standards

The proposal also raises concerns with respect to two of the tools used to evaluate townhouse developments.

The Design Guidelines for Infill Townhouses are used to review townhouse applications throughout the City with the objectives of maintaining appropriate scale and patterns of development, minimizing impacts such as shadows, overlook and lost views and enhancing the relationship between new housing and adjacent streets and open spaces. The proposal fails to meet several of the criteria used in the Guidelines including the need for a 45 degree angular plane from the proposed building to adjacent properties and the desire to have buildings front on a public street with fronts in-line with adjacent buildings. The proposal also creates an undesirable relationship with the adjacent property to the north, as the side yard of that property abuts the rear yards of the proposed northern building.

The Development Infrastructure Policy Standards and Review (DIPS) process has created a range of standardized designs for new local residential streets and private streets (mews) to serve grade-related units (singles detached and semi-detached units). These standards were approved by Council in December of 2005. The proposed development fails to address the DIPS standards as the proposed 6 metre private driveway does not meet the required 8 metre width, there is insufficient room provided for turning of vehicles, and curbside collection of waste is not possible.

### Conclusions:

The proposed 20 unit three-storey townhouse development is not appropriate for this site. The project does not meet the intent of the North York Official Plan with respect to development within a stable residential neighbourhood. In this regard, nothing has changed since Council refused a similar development proposal on these properties in July 2000.

Both the City's new Official Plan and the current in-force City of North York Official Plan provide policy support for opposition to this proposal. The new Official Plan's development criteria for "Neighbourhoods" requires that new development respect and reinforce the physical pattern and character of established neighbourhoods. The type of development proposed is contrary to the intent of the Official Plan objective of respecting and reinforcing the general physical patterns in this "Neighbourhood" and fails to address the criteria established to review development proposals in "Neighbourhoods".

Planning staff recommend that the development proposed for 2425 and 2427 Bayview Avenue be opposed and that staff be directed to defend this position at the Ontario Municipal Board.

Contact:

Dan Nicholson, Planner  
Ph: (416) 395-7110  
Fax: (416) 395-7155  
Email:dnichol2@toronto.ca

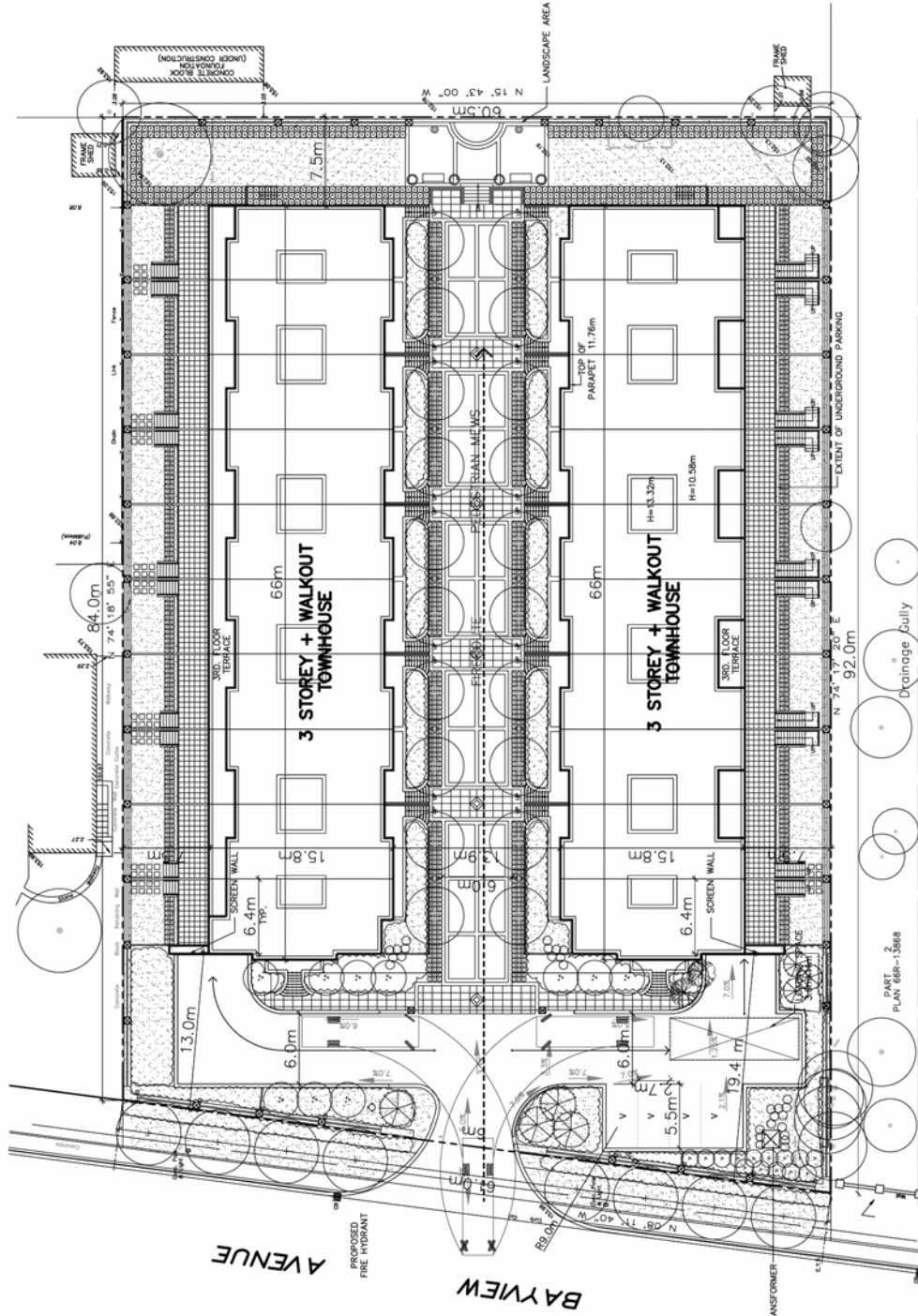
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Thomas C. Keefe  
Director, Community Planning, North York District

List of Attachments:

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Official Plan  
Attachment 4: Zoning  
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



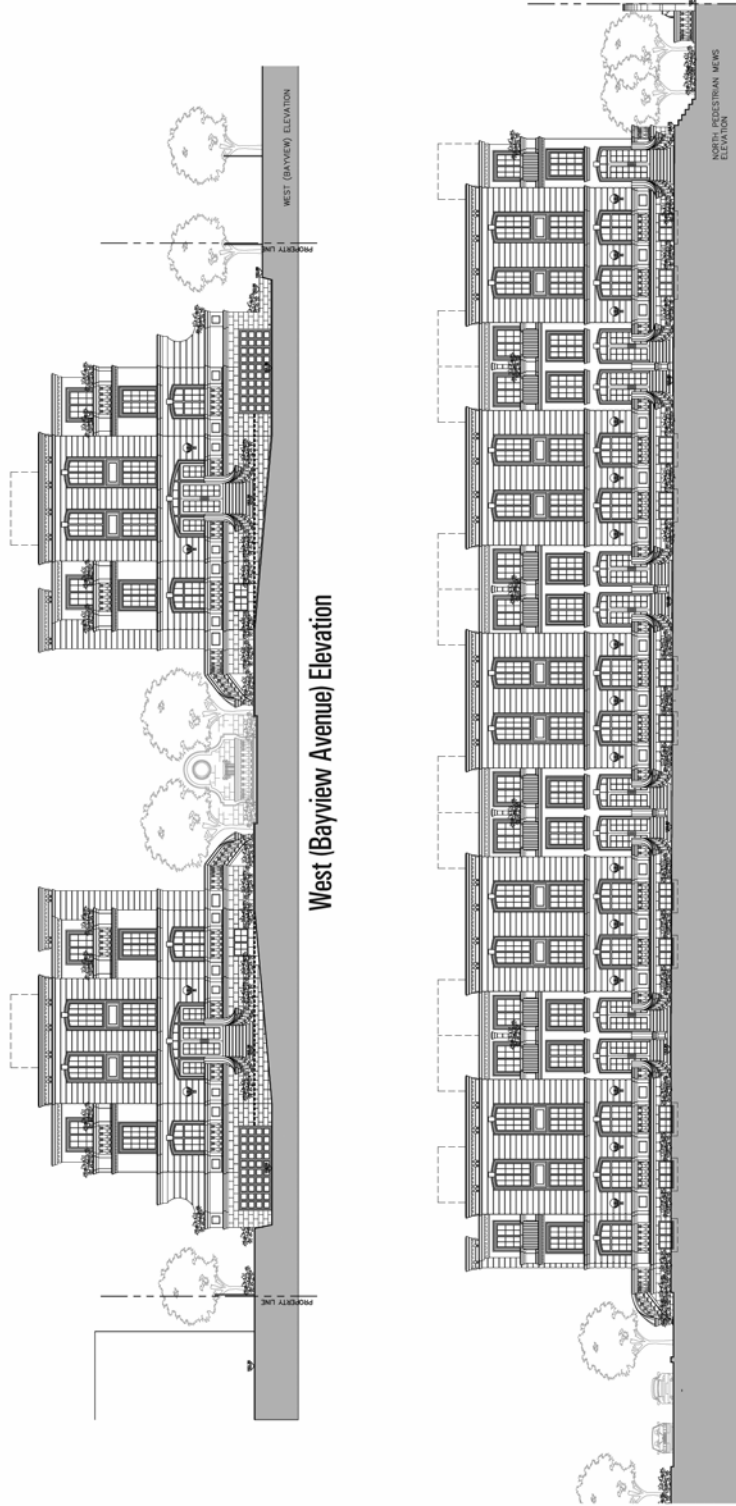
2425 Bayview Avenue

Site Plan  
Applicant's Submitted Drawing

Not to Scale  
06/15/06

File # 05\_206510

Attachment 2: Elevations



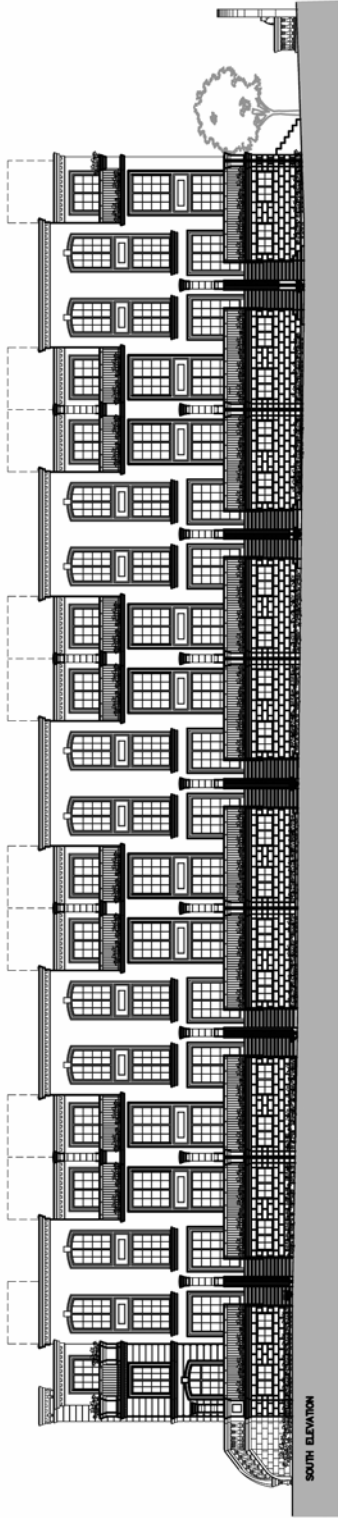
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
06/15/06

**2425 Bayview Avenue**

File # 05\_206510



South Elevation



North Elevation

## Elevations

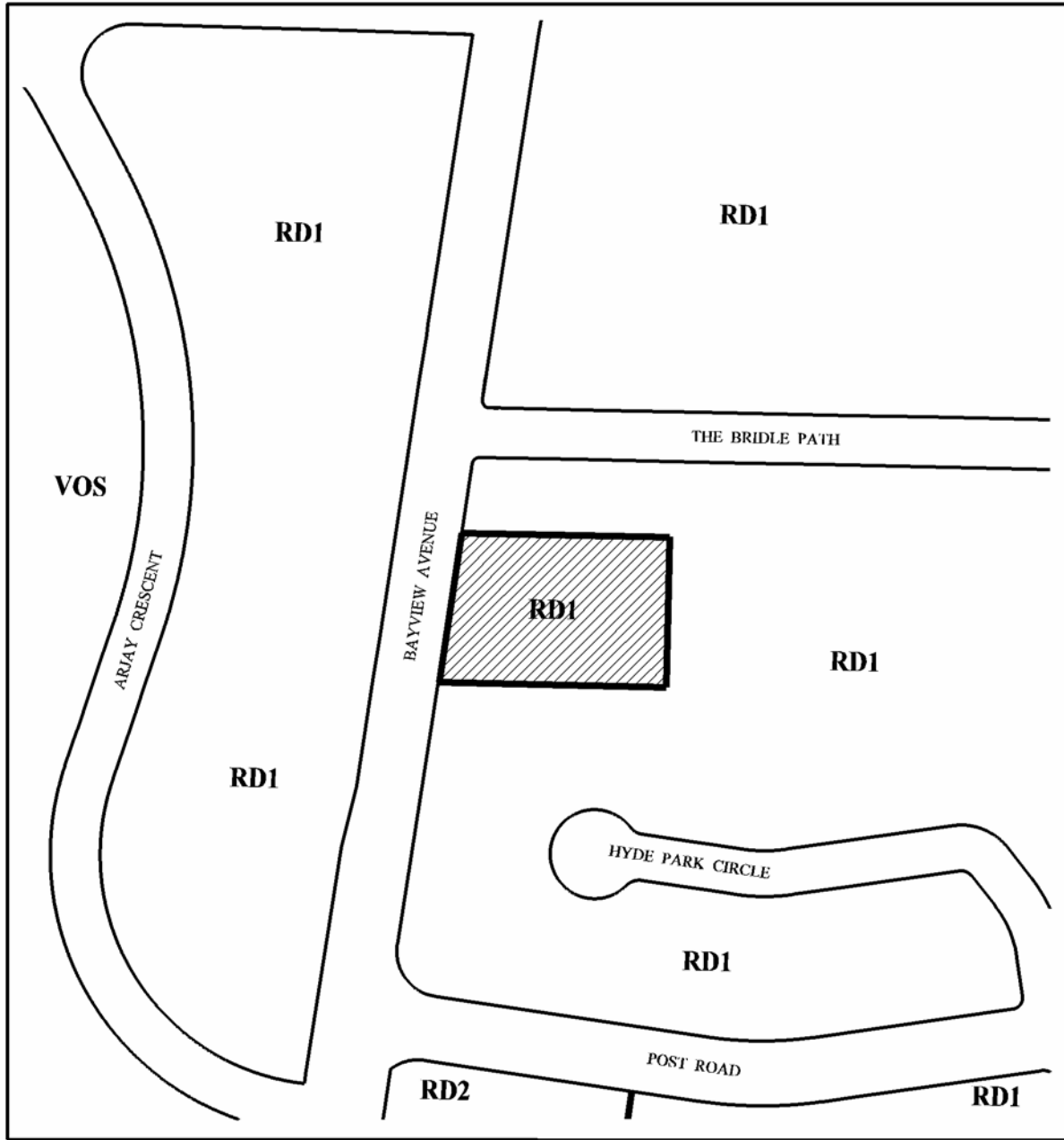
Applicant's Submitted Drawing

Not to Scale  
06/15/06

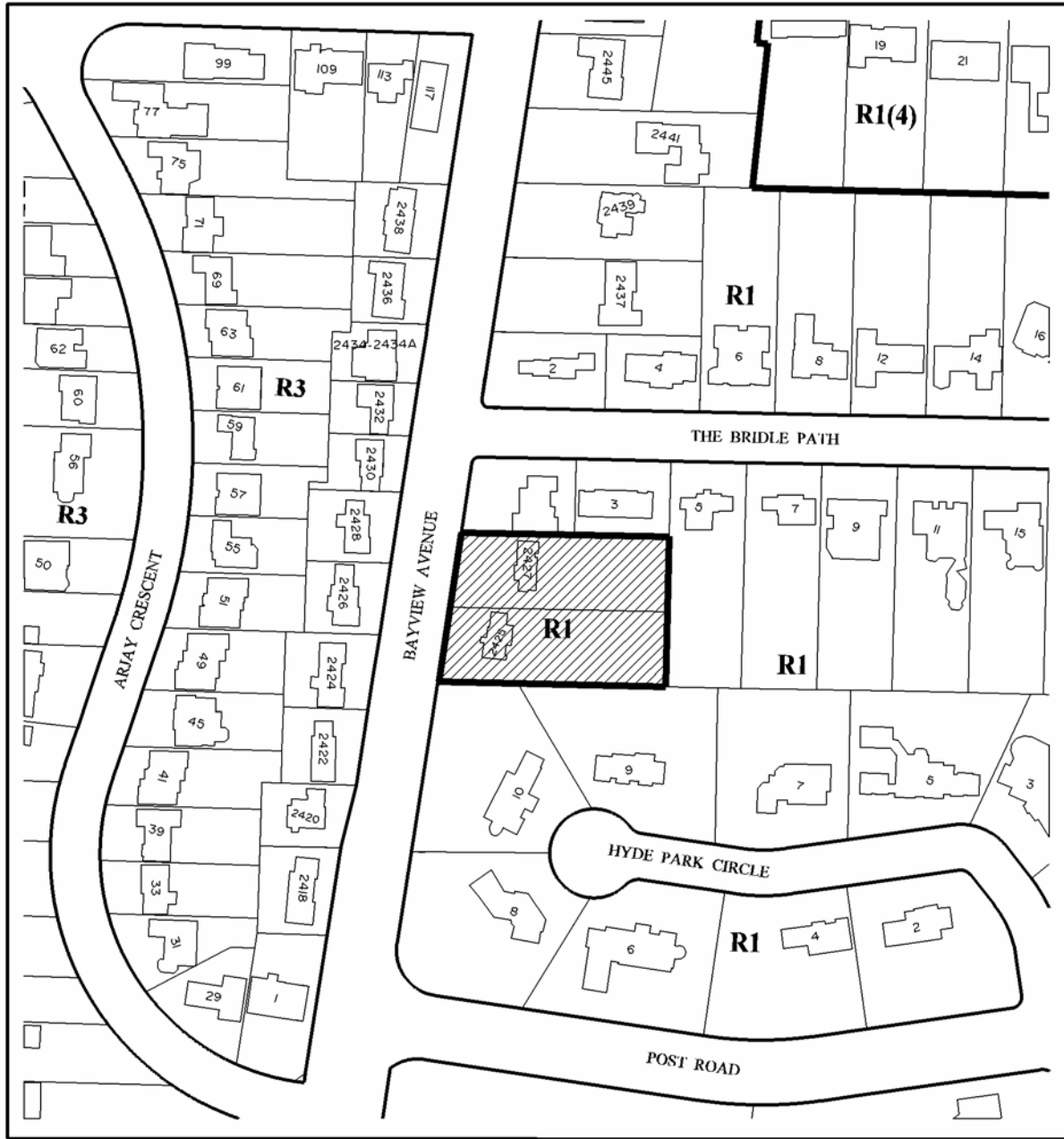
2425 Bayview Avenue

File # 05\_206510

Attachment 3: Official Plan



Attachment 4: Zoning



**TORONTO** City Planning  
Division  
**Zoning**

2425 & 2427 Bayview Avenue

File # 05\_206510

R1 One-Family Detached Dwelling First Density Zone  
R3 One-Family Detached Dwelling Third Density Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑  
Not to Scale  
Zoning By-law 7625  
Extracted 06/15/06

**Attachment 5: Application Data Sheet****APPLICATION DATA SHEET**

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 206510 NNY 25 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 30, 2005

Municipal Address:	2425 BAYVIEW AVE, TORONTO ON
Location Description:	CON 2 EY S PT LOT 8 **GRID N2504
Project Description:	Construct twenty unit three storey townhouses

**PLANNING CONTROLS**

Official Plan Designation:	RD1	Site Specific Provision:	
Zoning:	R1	Historical Status:	
Height Limit (m):	9.5	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	5322	Height:	Storeys:	3
Frontage (m):	61		Metres:	10.58
Depth (m):	92			
Total Ground Floor Area (sq. m):	1950			<b>Total</b>
Total Residential GFA (sq. m):	7000		Parking Spaces:	44
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	7000			
Lot Coverage Ratio (%):	36.64			
Floor Space Index:	1.31			

**DWELLING UNITS****FLOOR AREA BREAKDOWN** (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	7000
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	20	Institutional/Other GFA (sq. m):	0
Total Units:	20		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Dan Nicholson, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 395-7110</b>







