

**2952 -2958 Bayview Avenue  
Rezoning Application - Request for Direction Report**

<b>Date:</b>	February 4, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	08 175275 NNY 23 OZ

**SUMMARY**

This application was made on June 25, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The application proposes to amend the Zoning By-law No. 7625 to permit the construction of eleven 3-storey townhouses at 2952 to 2958 Bayview Avenue.

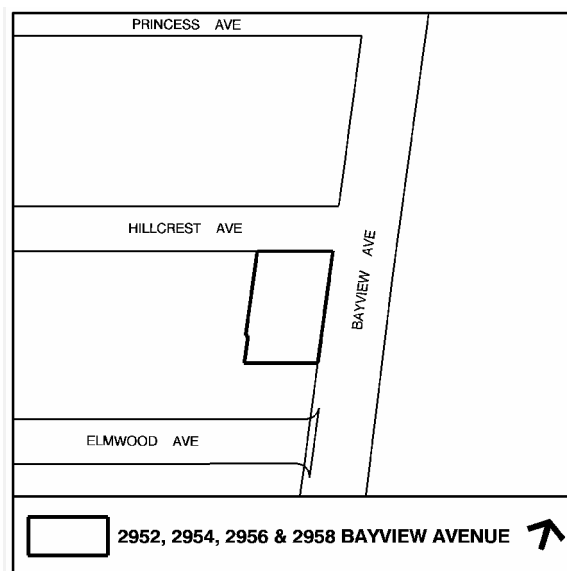
The applicant has appealed the proposed Zoning By-law Amendment application to the Ontario Municipal Board, citing Council’s failure to render a decision within the allotted time frames.

The purpose of this report is to seek Council’s direction for staff to attend the Ontario Municipal Board in opposition to the development as currently proposed. A hearing date has been scheduled for March 25, 2009.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council refuse the proposed Zoning By-law Amendment application in its present form for the reasons outlined in this report.



2. City Staff be authorized to appear before the Ontario Municipal Board Hearing in support of the recommendation above and in accordance with the recommended revisions as outlined in this report, and the City Solicitor and any other appropriate City staff be authorized to take such actions as necessary to give effect to the recommendations of this report.
3. Should the Site Plan Control application be appealed to the Ontario Municipal Board, the City Solicitor and City Staff be authorized to appear before the Board in support of the position that the Site Plan Application not be approved in its present form.

### **Financial Impact**

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

## **ISSUE BACKGROUND**

### **History**

In July 2005 City Council requested that the Director of Community Planning, North York District undertake an area study for the west side of Bayview Avenue from Finch Avenue to Highway 401, to review appropriate development options for lots fronting onto Bayview Avenue.

On October 23rd 2007, City Council approved the recommendations set out in the Bayview Avenue Area Study Final Report. This report included a set of Design Guidelines which assist in evaluating applications for townhouses for lots fronting the west side of Bayview Avenue, from Finch Avenue to Hollywood Avenue. These guidelines are to be read in conjunction with the relevant policies contained within the Official Plan and the Council approved Infill Townhouse Guidelines. This application is subject to the recently approved Bayview Area Study Design Guidelines.

In June 2008, the applicant filed applications to amend the Zoning Bylaw and for Site Plan Control approval to allow the redevelopment of the site with 11 townhouse units. On November 28 2008, the applicant appealed Council's lack of decision in respect of the proposed Zoning By-law Amendment. City Council should now take a position of this matter prior to the Ontario Municipal Board Hearing, which has been scheduled for March 25, 2009.

### **Proposal**

The applicant is proposing to demolish the existing four single detached dwellings on the subject lands and replace them with eleven 3-storey townhouses fronting onto Bayview Avenue. A gross floor area of 2,823 m<sup>2</sup> is proposed, resulting in a floor space index of approximately 1.5 FSI.

Vehicular access is proposed from Hillcrest Avenue via a 6 metre private driveway. A total of 22 parking spaces will be provided (2 spaces per unit). Additional project information and details are contained on the attached Site Plan (Attachment 1) and Application Data Sheet (Attachment 4).

### **Site and Surrounding Area**

The subject lands are located on the west side of Bayview Avenue and south of Hillcrest Avenue. The site currently contains four single detached dwellings, with the northerly lot fronting onto Hillcrest Avenue and the remaining three lots fronting onto Bayview Avenue. The lands have an area of approximately 1911m<sup>2</sup> with a combined frontage of 53.9 metres along Bayview Avenue. The three most northerly properties (2958-2954 Bayview Avenue) have an average depth of approximately 36 metres and the southerly property (2952 Bayview Avenue) has a depth of approximately 35 metres.

Land uses surrounding the site are as follows:

North: Single detached dwellings. Further north there are sixteen 3-storey townhouse units.

South: Single detached dwellings. Further south is a development project currently under construction consisting of eight 3-storey townhouses.

East: Bayview Village Park.

West: Single detached dwellings.

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **City of Toronto Official Plan**

The subject lands are designated "*Neighbourhoods*" under the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four

storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan recognizes that most future development will be situated on infill and redevelopment sites throughout the City. The Plan contains policies that state that any re-development in "*Neighbourhood*"s will respect and reinforce the existing physical character of the neighbourhood. Special infill criteria are provided for dealing with the integration of re-development within *Neighbourhoods* including:

- 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 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 physical character of the neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

The Official Plan also states that no changes will be made through rezoning that are out of keeping with the existing physical character of the neighbourhood.

## **Zoning**

The properties are zoned One-Family Detached Dwelling Sixth Density Zone (R6). The R6 zoning permits one-family detached dwellings and accessory buildings and various recreational and institutional uses.

## **Site Plan Control**

This application is subject to Site Plan Control. A Site Plan Control application has been submitted for approval and has not been appealed to the OMB. Should this application be appealed to the Ontario Municipal Board, City Council should authorize the City Solicitor and City Staff to appear before the Board in support of the position that the application be refused in its present form.

## **Reasons for the Application**

The R6 zoning that applies to this site does not allow the proposed townhouse development. A rezoning application is required in order to implement the necessary zoning standards to permit the proposed use and to provide the appropriate development standards for the development.

## **Community Consultation**

A community consultation meeting was held on October 7, 2008. The meeting was attended by the local Councillor, City Planning staff, the applicant and approximately 20

members of the public. Area residents also provided written comments to City Planning staff. The concerns raised by residents with respect to the proposed development were generally related to the following matters:

- The proposed units are too narrow in width, and the number of units should be reduced;
- The application is not a full block development and therefore is premature until the applicant can acquire the additional 2 lots;
- The architecture of is not compatible with the existing community;
- The proposed balconies on the back of the units have negative impacts on privacy overview;
- Additional on-street parking required for visitors;
- Proposed landscaping, tree preservation and fencing; and
- The adequacy of municipal servicing to the site.

## **COMMENTS**

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

The Provincial Policy Statement (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that a range of housing types and densities be provided to meet the social, health and well-being of residents. This includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities through a more compact built form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal also conforms with the Growth Plan for the Greater Golden Horseshoe.

### **City of Toronto Official Plan**

#### **Land Use and Existing Physical Context**

The subject lands are designated “*Neighbourhoods*” under the Official Plan. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings, including townhouses. The Official Plan contains policies that state that development in “*Neighbourhood*”s will respect and reinforce the existing physical character of the neighbourhood. The Plan also states that no changes will be made through rezoning that are out of keeping with the neighbourhood.

The existing physical patterns and character of the established neighbourhood consists of a mix of different uses, with a number of townhouses being permitted on lots fronting

onto Bayview Avenue, and single detached dwellings on the interior lots. Townhouses are part of the existing neighbourhood pattern, and therefore a land use that conforms with the Official Plan.

### **Built Form and Massing**

The proposed development consists of 11 townhouse units fronting onto Bayview Avenue. The units are 3 storeys, or 12.2 metres in height. Vehicular access is proposed via a 6.0 metre private laneway located in the rear yard, accessed from Hillcrest Avenue. Two tandem parking spaces per townhouse unit are provided in private garages. A 4.5 metre landscaped buffer is proposed for approximately 40.5 metres of the total 53.9 metres of the rear lot line. The buffer is reduced to 3.3 metres for the remaining 13.4 metres.

The subject lands are subject to the Bayview Avenue Area Study Guidelines. The guidelines outline 2 different development scenarios to ensure that redevelopment occurs on appropriate lots fronting onto Bayview Avenue, while minimizing the potential adverse impact on the adjacent low density residential lands.

The proposal is based on Transitional *Scenario 'A'*, which provides for an appropriate transition by providing an increased landscaped area of a minimum 4.5 metres at the rear of the property so that the adjacent neighbourhood is appropriately buffered from redevelopment along Bayview Avenue. In addition, *Scenario 'A'* applies a 70 percent of the horizontal distance from the adjacent property line (a 33 degree angular plane) and a minimum 9.5 metre rear yard setback to ensure that an acceptable built-form relationship is established between the abutting low scale residential neighbourhood and any proposed townhouses fronting Bayview Avenue. The proposed guidelines include additional criteria for redevelopment along Bayview Avenue, including front yard setbacks and access/parking location. The project responds to the guidelines in the following manner:

- Parking is located at the rear of the development via a 6 metre shared driveway. This eliminates the need for individual driveways and curb cuts directly on Bayview Avenue so that parked cars, driveways and garage doors will not dominate the streetscape or create conflicts with pedestrians;
- The townhouses are setback a minimum of 3 metres from the side street, Hillcrest Avenue;
- The townhouse elevations that are exposed to the public view are articulated by windows that are appropriate in scale and proportion, supporting an eyes-on the street approach to the design of the development.

Although the proposed development does meet some of the redevelopment criteria specified by the approved guidelines, there are a number of key objectives that have not been met:

*Unit Width*

The development proposes townhouse unit widths of 4.3 metres. A key concern during the development of the guidelines was that previously approved townhouses units were too narrow in width, and were not in keeping with the existing physical patterns of the study area. The City-wide Infill Townhouse Guidelines propose a minimum unit width of 4.2 metres. However, the Official Plan requires that all applications are evaluated on a site specific basis, to ensure compatibility with the existing physical patterns and character of the neighbourhood. City Staff undertook a detailed review of the already existing townhouse developments in the area. This included reviewing the width of existing townhouses along Bayview Avenue to ensure that the proposed development reinforced the existing physical patterns and character of the neighbourhood.

Approved Townhouse Developments on Bayview Avenue (prior to 2000)	
Address	Townhouse Unit Width (approximate)
Bayview Ave/Meadow Larkway	6.2-6.4 m
3036 Bayview Avenue	4.8 m
Bayview Ave./Chiswell Crescent	9.5 – 9.7 m
3180 Bayview Avenue	4.9 m – 5.3 m
3348 Bayview Avenue	5.2 m
Recently Approved Townhouse Developments on Bayview Avenue (after 2000)	
Address	Townhouse Unit Width (approximate)
2924- 2928 Bayview Avenue	4.8 m
2996 – 3004 Bayview Avenue	4.8 m
3336-3340 Bayview Avenue	5.0 m

The proposed unit width of 4.3 metres is narrower than what is currently existing along Bayview Avenue, and does not reinforce the existing physical patterns and character of the established neighbourhood. For this reason, City Staff recommend increasing the width of the units, while respecting the required front, rear and side yard setbacks. This can be achieved by reducing the number of units from 11 to 10, and redistributing the width among the remaining units resulting in a unit width of just under 4.7 metres, which is more in keeping with the existing physical character of the neighbourhood.

## *Height*

One of the main issues with townhouse redevelopment is the perception of excessive mass and its potential impacts on the adjacent properties. A key objective of the Bayview Avenue Area guidelines was to establish an appropriate height limit for townhouse redevelopment within the study area. It was recommended that any future townhouse development be limited to a maximum of 3 storeys, or 11 metres to the midpoint of the roof, whichever is the lesser. These guidelines also impose a 33 degree angular plane setback from the rear property line. Although the proposed development meets the angular plane requirement, the height of the proposed townhouse building is 12.19 metres, exceeding the height limits established in the guidelines. As such, the height of the townhouse units should be reduced so that no part of the building exceeds 11 metres in height.

In order to provide living space close to grade and to avoid excessive flights of stairs to the front entrances of the units, the Infill Townhouse Guidelines stipulate that the top of the front stoop should not be higher than 0.9 metres (or a maximum of 6 risers) above grade. The submitted drawings indicate that there will be 5-6 risers at each of the unit entrances. However, the proposed development includes an additional 3 risers for each of the townhouse units which are located within the public right of way. Technical Services Division has stated that the proposed stairs within the public road allowance must be removed. The proposed development needs to be revised to meet the Technical Service requirements, while respecting the height and grading requirements of the guidelines. Any additional risers should be located within the townhouse units.

## *Appropriate Transition and Buffering*

'Scenario A' of the Bayview Avenue guidelines recommends a minimum 4.5 metre landscape strip to provide for an appropriate transition and buffer to the single detached houses to the west. The required 4.5 metre landscape area has been provided at the rear of the property for only 75% of the development site. The landscape area is reduced to 3.3 metres for the remaining portion of the subject lands. The depth of proposed townhouses '1' to '3' should be reduced to ensure that the 4.5 metre landscape strip is provided.

The Infill Townhouse guidelines also state that new townhouse development should match the front yard setback of adjacent existing buildings. In this case, the adjacent single detached house to the south has a 6 metre front yard setback and the proposed townhouse units all have a front yard setback of 3 metres. Although the proposal is in keeping with the minimum front yard setback established in the Bayview Avenue guidelines, the current proposal does not allow for the appropriate setback transition between the adjacent house to the south, and townhouse unit '1'. To provide an appropriate transition, this unit should be further stepped back to align with the existing adjacent property.



The proposal includes third floor balconies at the rear of each of the townhouse units that are 15m<sup>2</sup> in area. Concerns have been raised with regards to these terraces and the impact they will have on the privacy of the adjacent residential neighbourhood. To minimize potential overlook, the floor area of the balconies should be significantly reduced and redesigned to integrate screens with a minimum height of 1.4 metres. These screens may take the form of pergolas, planters, fences or a combination of these elements.

## **CONTACT**

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## **SIGNATURE**

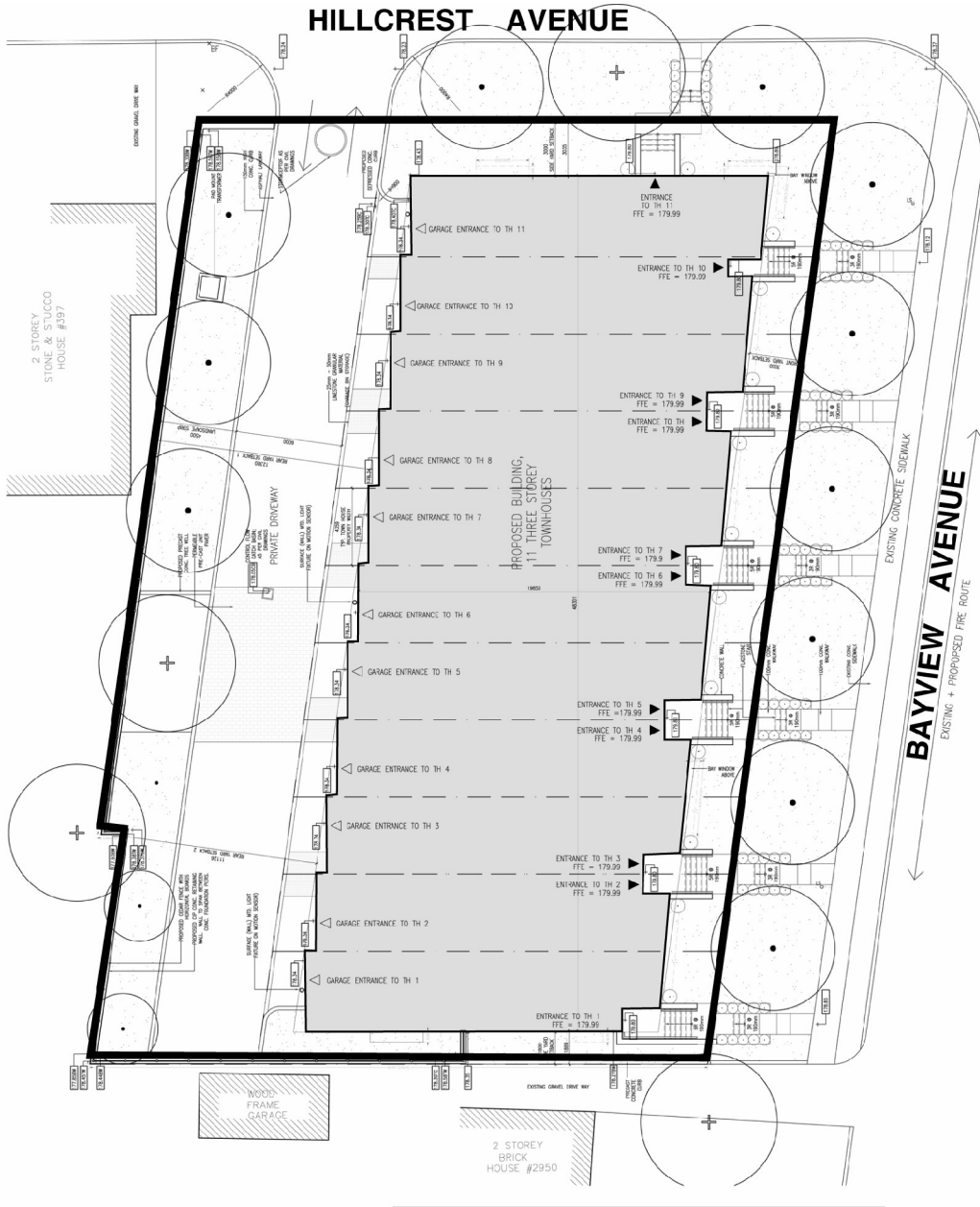
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site plan  
Attachment 2: Elevations  
Attachment 3: Elevations  
Attachment 4:

# Attachment 1: Site Plan



## Site Plan

2952, 2954, 2956 & 2958 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale 

08/07/2008

File # 08\_175275

**Attachment 2: Elevations**



**East Elevation**

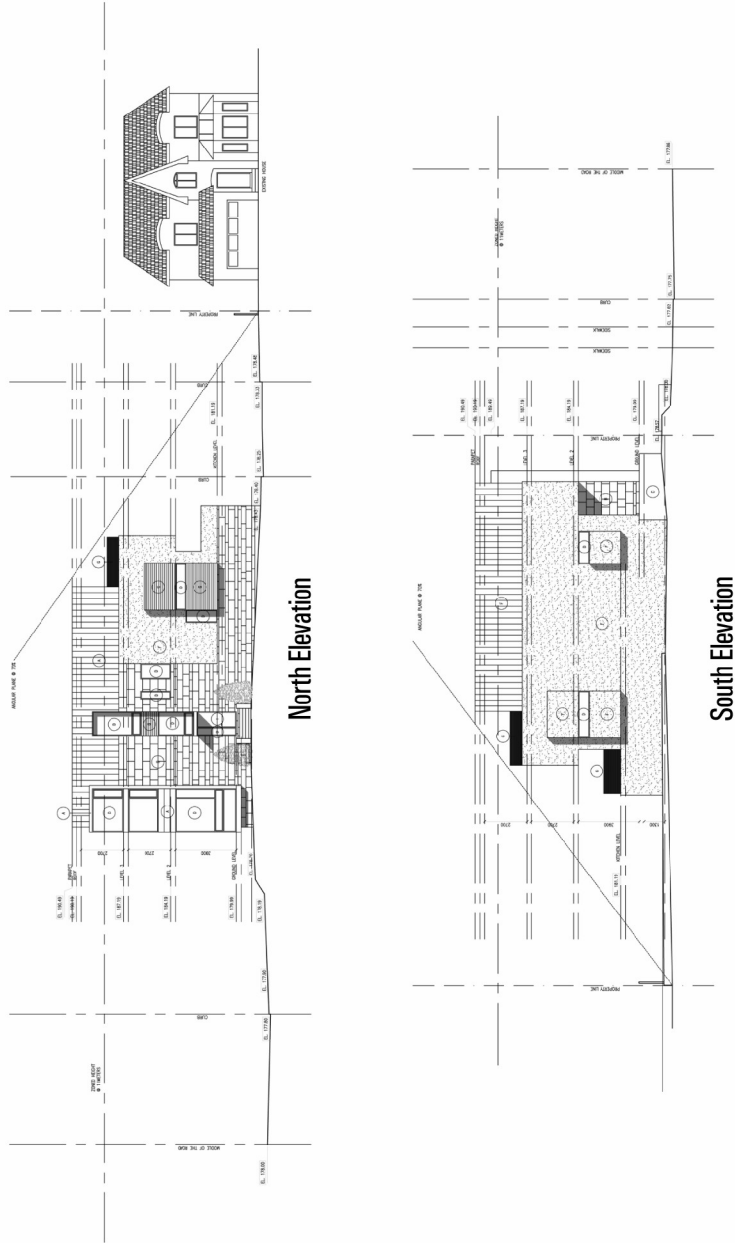
**West Elevation**

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 08/07/2008

**2952, 2954, 2956 & 2958 Bayview Avenue**

File # 08\_175275

### Attachment 3: Elevations



### Elevations

Applicant's Submitted Drawing

Not to Scale  
09/07/2006

2952, 2954, 2956 & 2958 Bayview Avenue

File # 08\_175275

## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	08 175275 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	June 25, 2008

Municipal Address: 2952 BAYVIEW AVE  
 Location Description: PLAN 1801 LOT 468 PT LANE RP 64R12053 PART 15 \*\*GRID N2304  
 Project Description: Proposed 11 Townhoused in a R6 zone to be re-zoned into RM1

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ALAN YOUNG			SYMMETRY DEVELOPMENTS INC

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R6	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	1900	Height:	Storeys:	3
Frontage (m):	53.66		Metres:	11.2
Depth (m):	36			
Total Ground Floor Area (sq. m):	964.09			<b>Total</b>
Total Residential GFA (sq. m):	2823.03		Parking Spaces:	22
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2823.03			
Lot Coverage Ratio (%):	50.7			
Floor Space Index:	1.48			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	2823.03	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	11	Institutional/Other GFA (sq. m):	0	0
Total Units:	11			

**CONTACT:**      **PLANNER NAME:**      **Kelly Jones, Planner**