

2500 Bayview Ave - OPA, Rezoning and Site Plan Control Applications - Request for Direction Report

Date:	October 23, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	09 102185 NNY 25 OZ and 09 175411 NNY 25 SA

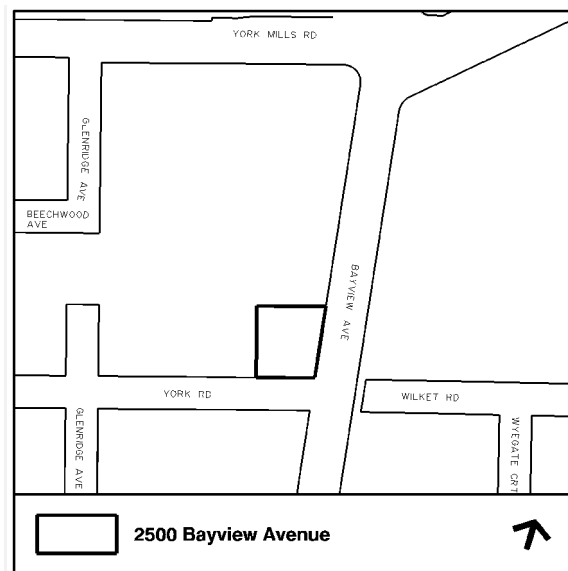
SUMMARY

This application was made on January 13, 2009 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The application proposes to amend the Official Plan and Zoning By-law No. 7625 to permit the construction of eight 3-storey townhouses at 2500 Bayview Avenue.

The applicant has appealed the proposed Official Plan and Zoning By-law Amendments to the Ontario Municipal Board, citing Council’s failure to render a decision within the allotted time frames. The applicant has also recently submitted a separate application for site plan control, with the intention of consolidating all matters at the Ontario Municipal Board.

The purpose of this report is to seek Council’s direction for Staff to attend the Ontario Municipal Board in opposition to the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications. A three day hearing has been scheduled for February 3, 2010.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications for the reasons outlined in this report;
2. 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 opposition to the Site Plan Control application.
3. City Staff be authorized to appear before the Ontario Municipal Board Hearing in support of the recommendation above 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.

Financial Impact

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

DECISION BACKGROUND

In January 2009, the applicant filed applications to amend the Official Plan and Zoning Bylaw to allow the redevelopment of the site with 8 townhouse units. On July 23, 2009, the applicant appealed Council's lack of decision in respect of the proposed Zoning By-law Amendment. On October 2nd 2009, the applicant filed an application for Site Plan Control, stating it was their intention to consolidate all matters at the OMB. Staff is requesting that City Council take a position on this matter prior to the Ontario Municipal Board hearing, which has been scheduled for February 3, 2010.

Proposal

The applicant is proposing to demolish the existing single detached dwelling on the subject lands and construct eight 3-storey townhouses (11 metres in height) fronting Bayview Avenue. A gross floor area of approximately 1911 m² is proposed, resulting in a density of approximately 1.1 FSI.

Vehicular access is proposed from York Road via a 6 metre private driveway. A total of 16 parking spaces (2 spaces per unit) will be provided in below grade garages. Additional project information and details are contained on the attached Site Plan (Attachment 1) and Application Data Sheet (Attachment 6).

Site and Surrounding Area

The subject lands are located on the north west corner of Bayview Avenue and York Road. The site currently contains a 2-storey single detached dwelling. The lands have an area of approximately 1,743 m² with a combined frontage of 44.6 metres and an average depth of 36.4 metres.

Land uses surrounding the site are as follows:

North: York Mills Shopping Centre.

South: Single detached dwellings.

East: Single detached dwellings and the York Mills Arena.

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.

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 redevelopment in *Neighbourhoods* will respect and reinforce the existing physical character

of the neighbourhood. Special 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.

Policy 5.3.1.3 of the Official Plan states that Council to be satisfied that any development permitted under an amendment to this Plan to be compatible with its physical context and that it not affect nearby Neighbourhoods or Apartment Neighbourhoods in a manner contrary to the neighbourhood protection policies of this Plan.

Zoning

The property is zoned One-Family Detached Dwelling Third Density Zone (R3). The R3 zoning permits single detached dwellings and accessory buildings. The zoning requirements in an R3 zone are as follows:

Requirements for R3 Zoning Designation	
Minimum lot frontage and width	18m
Minimum lot area	690 m ²
Maximum lot coverage	35%
<i>Setbacks</i>	
Front yard	7.5 m
Side yard	1.8 m
Rear yard	9.5 m

Site Plan Control

The proposal is subject to Site Plan Control. An application was submitted on October 2nd, 2009.

Reasons for the Application

An amendment to the City of Toronto Official Plan is required as the proposed development introduces the townhouse form into the immediate area.

The R3 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 June 8, 2009. The meeting was attended by Councillor Filion, City Planning staff, the applicant and approximately 35 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 development is not in keeping with the City of Toronto Official Plan's neighbourhood policies;
- The proposed townhouse use does not respect or reinforces the existing character of the neighbourhood;
- There is already traffic congestion along this portion of Bayview Avenue, and the proposed developments proximity to the York Mills Shopping Centre will aggravate already problematic conditions;
- The proposed balconies on the back of the units have negative impacts on privacy and overview;
- Loss of mature trees on the site;
- Additional on-street parking required for visitors;
- Proposed landscaping, tree preservation and fencing; and
- The adequacy of municipal servicing to the site.

COMMENTS

The redevelopment of lands in an established *Neighbourhood* requires consideration of the immediate site context, as well as the broader residential area. Physical changes to the established Neighbourhood must be sensitive, gradual and fit within the existing physical character. New development must respect and reinforce the general physical patterns in a *Neighbourhood*. The proposed development fails to meet these objectives and should be refused for the reasons outlined in more detail in the proceeding sections.

City of Toronto Official Plan

Land Use

The Provincial Policy Statement indicates that the Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

The Official Plan directs growth to certain areas of the City, and the areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The areas for growth have been identified as the *Downtown*, the *Centres*, the *Avenues* and *Employment Districts*. The proposed development site is not in one of those areas and has not been identified as an area of growth.

Development Criteria in Neighbourhoods

The subject lands are designated *Neighbourhoods* under the Official Plan. *Neighbourhoods* are not areas identified for growth and are considered physically stable areas made up of residential uses in lower scale buildings. The Official Plan contains policies that state that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. Section 4.1, Policy 5 lists several aspects of physical character of a neighbourhood, including size and configuration of lots as well as prevailing building type(s).

The applicant is proposing to construct eight townhouses on a single lot that currently contains a single detached dwelling. The site has an area approximately 1742 m² and a lot frontage of approximately 45 metres. Although the site is large, it is not out of character in terms of what exists in the neighbourhood. However, if the proposed development were approved, the site would be subsequently divided into 8 individual lots of approximately 4.9 metres each in width, resulting in smaller lot frontages that are out of character with all other properties in the neighbourhood, and the broader residential area. The proposed development also proposes a building type that is out of character with the prevailing building type in the neighbourhood, as discussed in the proceeding section of the report.

The Official Plan acknowledges that there are properties that differ from the prevailing patterns of lots size, configuration and orientation throughout many of the City's *Neighbourhoods*. Special infill criteria are provided for dealing with these types of sites in Section 4.1.9 of the Official Plan. Although it is amongst one of the largest lot areas within the neighbourhood, the site does not differ significantly from the prevailing lot patterns within the existing neighbourhoods, and the proposal does not constitute infill development as contemplated by Section 4.1.9.

Existing Physical Context

As noted above, the Official Plan states that no changes will be made through rezoning that are out of keeping with the neighbourhood. If the prevailing building type within a neighbourhood is single detached dwellings, then the Official Plan's policies are to be interpreted to allow only single-detached dwellings in order to respect and reinforce the established physical character of the neighbourhood.

In order to apply the test set out above, the prevailing building type for the relevant neighbourhood needs to be determined. In this case, City Staff examined the various land uses currently permitted by the Zoning By-law. In this case, the neighbourhood is defined as the area along Bayview Avenue from both north and south of York Mills Road.

The neighbourhood consists of more intense uses at the major intersection of York Mills Road and Bayview Avenue, and mainly single detached dwellings in the remaining area along Bayview Avenue and the interior of the neighbourhood. The intersection of York Mills Road consists of the York Mills Plaza on the south-west corner, the York Mills arena and park on the south-east corner, a two storey commercial office building to the north-west. On the north-east corner there is a fire station which abuts the Bayview York Mills Greenbelt. Further north, there is a large townhouse project that was developed in the 1970's with approximately 335 units fronting onto private roads. As noted above the majority of the neighbourhood consists of single detached dwellings.

The development site cannot be characterized as a neighbourhood comprised predominately of townhouses. The proposed development does not reinforce the prevailing building type or the existing physical patterns and character of the established neighbourhood, and is not in keeping with the new Official Plan policies pertaining to neighbourhoods.

Lot Size and Shape

The proposal is to develop eight townhouses on a single lot. It would also not be uncommon for such proposed development to be subsequently divided into 8 individual lots of approximately 4.9 metres each in width, which would make them the smallest lots in the neighbourhood.

The site is not unique and cannot be considered irregular in the context of what exists within the neighbourhood. The lot typology is similar to many other properties in the neighbourhood that contain single detached dwellings on large lots with generous setbacks. Approval of this application would create a precedent, opening this portion of Bayview Avenue to similar townhouse development, which could possibly result in a destabilization of the properties along this portion of Bayview Avenue.

Site Plan

The applicant has indicated that they intend to appeal the Site Plan Control application and consolidate the applications before the Ontario Municipal Board. This report recommends the City Solicitor and City Staff be authorized to appear before the Board in opposition to the Site Plan Control application.

CONTACT

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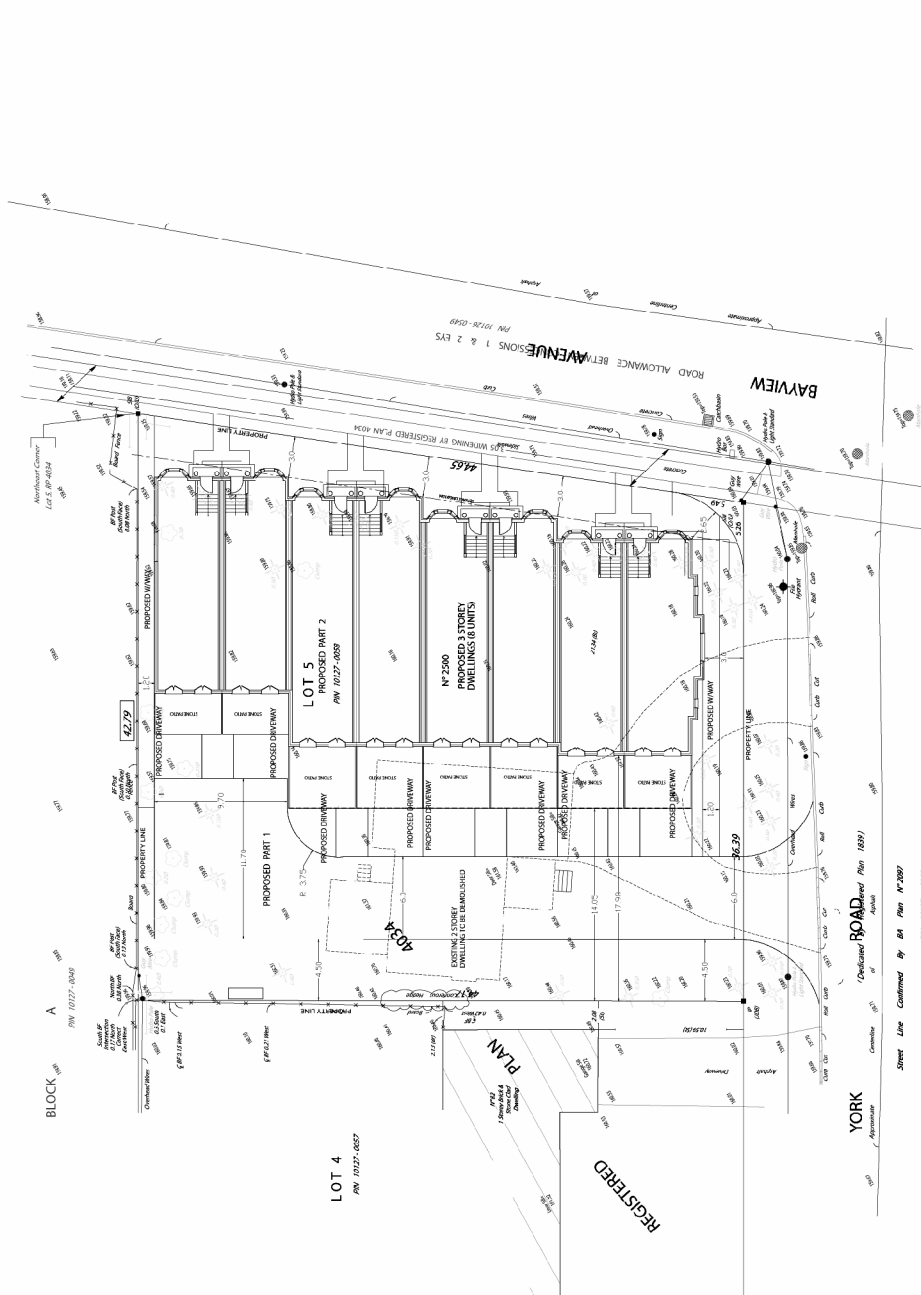
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Context Plan
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



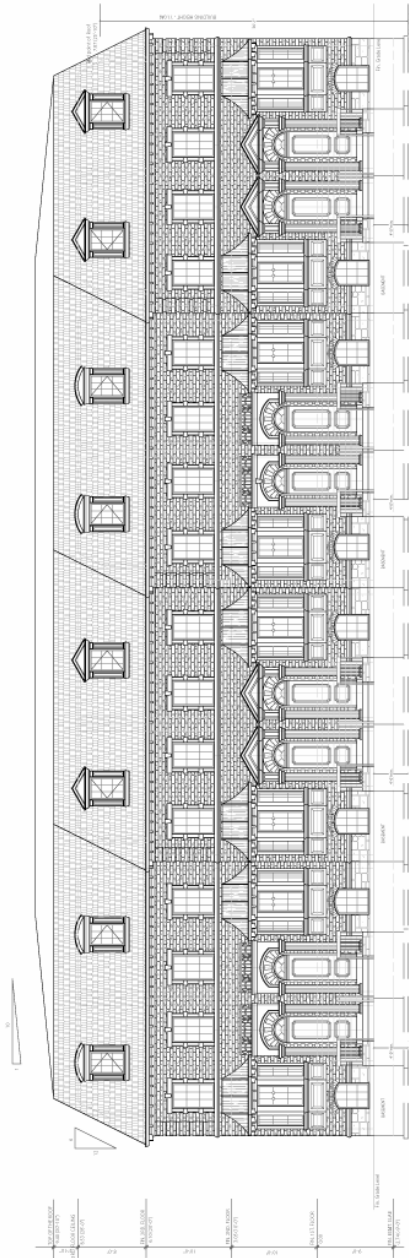
2500 Bayview Avenue

Site Plan
 Applicant's Submitted Drawing

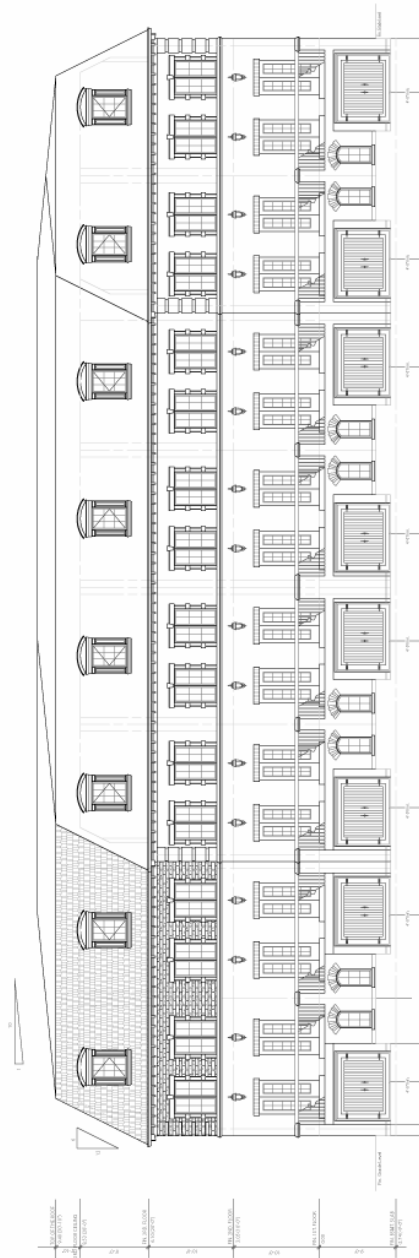
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File # 09_102185

Attachment 2: Elevations



East Elevation



West Elevation

Elevations

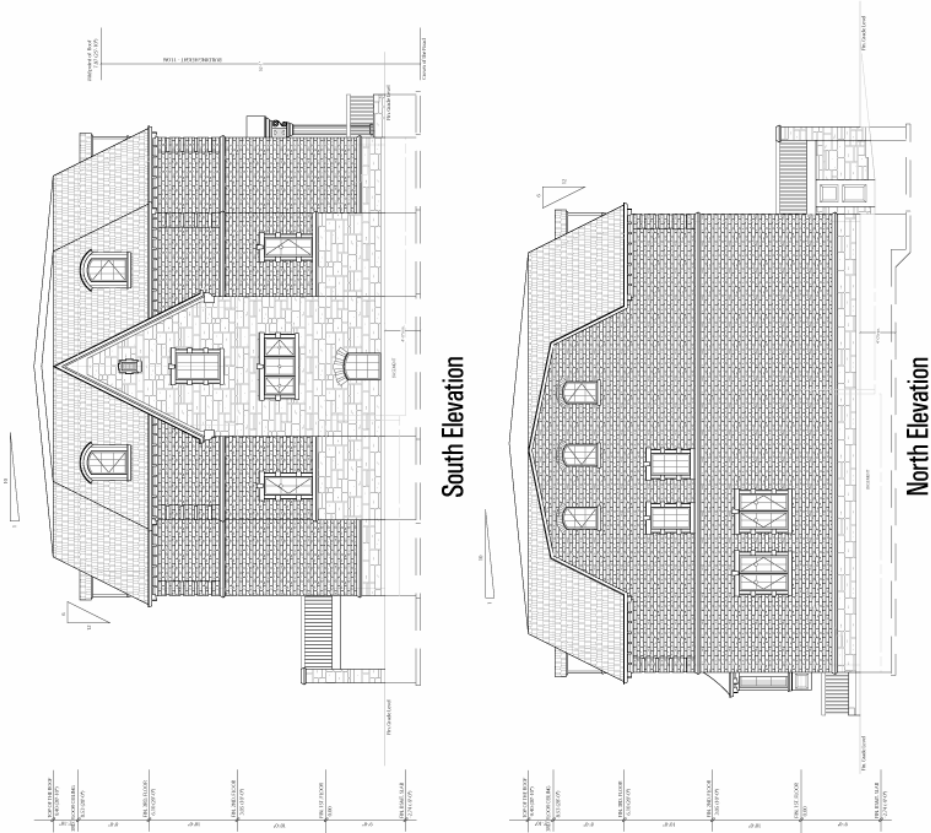
Applicant's Submitted Drawing

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2500 Bayview Avenue

File # 09_102185

Attachment 3: Elevations



Elevations
Applicant's Submitted Drawing
Not to Scale
04/22/2009

2500 Bayview Avenue
File # 09_102185

Attachment 4: Context Plan



TORONTO City Planning
Context Plan

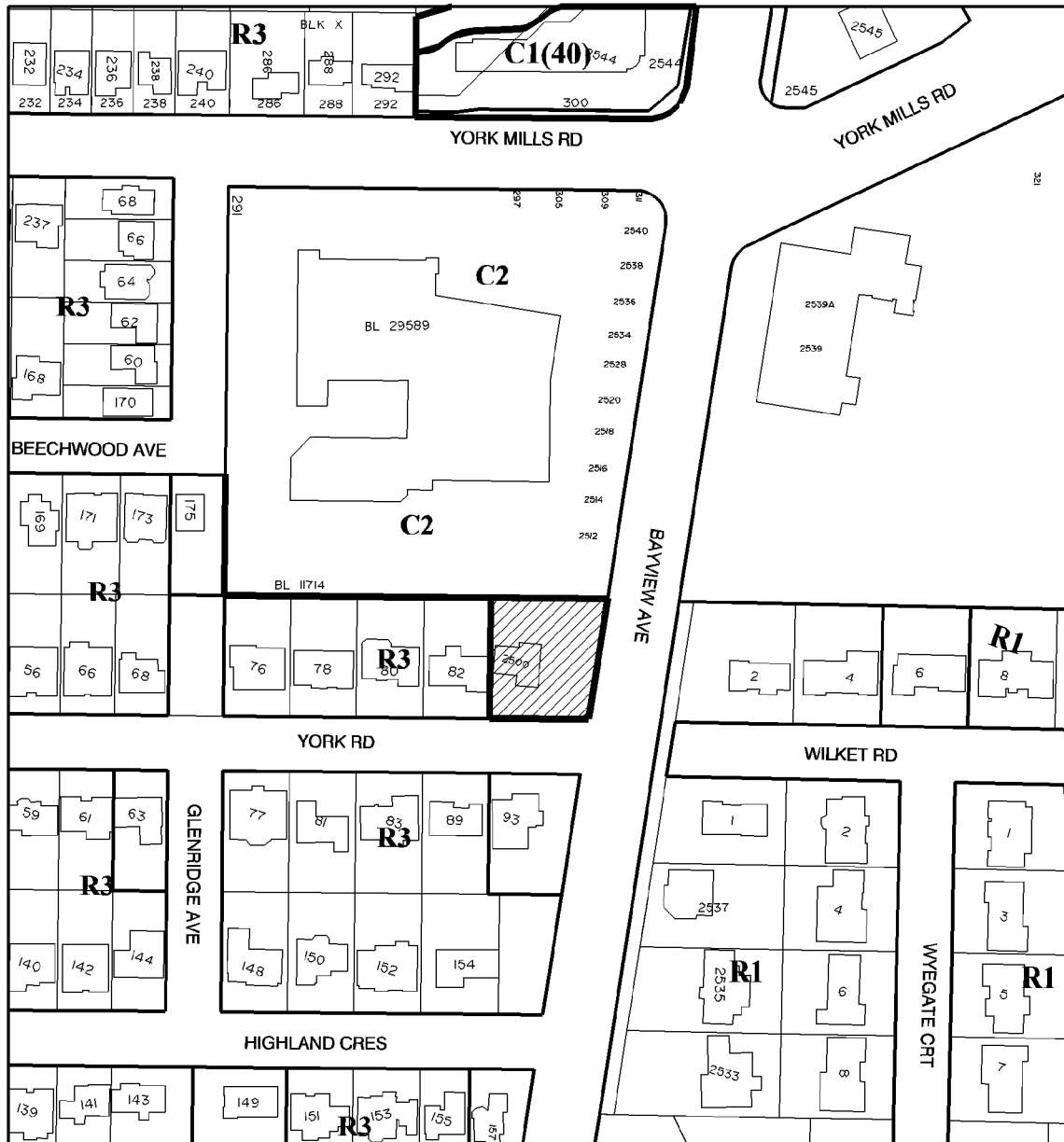
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Attachment 5: Zoning



TORONTO City Planning
Zoning

2500 Bayview Avenue
 File # 09_102185

- R1 One-Family Detached Dwelling First Density Zone
- R3 One-Family Detached Dwelling Third Density Zone
- C1 General Commercial Zone
- C2 Local Shopping Centre Zone


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 Zoning By-law 7625
 Extracted MO/DA/2008

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

2500 Bayview Avenue

File # 09_102185

- | | |
|---|---|
|  Site Location | Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Mixed Use Areas |  Parks |


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Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	09 102185 NNY 25 OZ
Details	OPA & Rezoning, Standard	Application Date:	January 13, 2009

Municipal Address: 2500 BAYVIEW AVE
 Location Description: PLAN 4034 LOT 5 **GRID N2503
 Project Description: Proposing eight townhouses onto Bayview Ave.

Applicant:	Agent:	Architect:	Owner:
ARMSTRONG GOLDBERG HUNTER			REZA AKBARI

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R3	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	1742.81	Height:	Storeys:	3
Frontage (m):	44.65		Metres:	11
Depth (m):	36.39			
Total Ground Floor Area (sq. m):	720.2			Total
Total Residential GFA (sq. m):	1910.8		Parking Spaces:	16
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1910.8			
Lot Coverage Ratio (%):	41.3			
Floor Space Index:	1.1			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	8
Total Units:	8

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	1910.8	1910.8	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Kelly Jones, Planner
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