

2130 Bayview Ave - Rezoning Application - Request for Direction Report

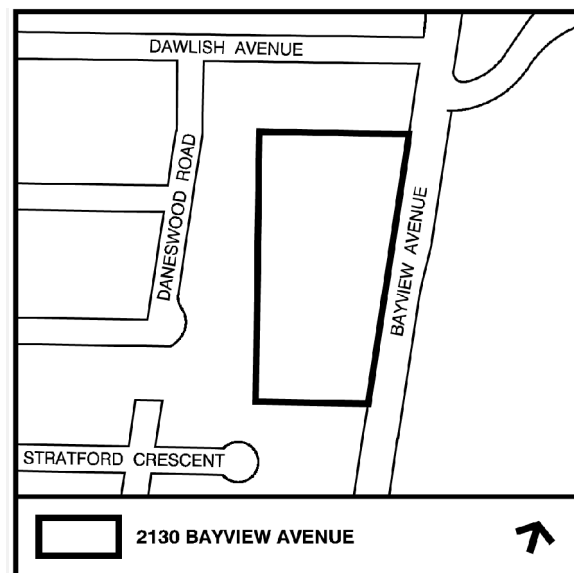
Date:	July 27, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	06 104568 NNY 25 OZ (associated site plan # 06 112849 NNY 25 SA)

SUMMARY

In December 2006, City staff attended the Ontario Municipal Board (OMB) in support of Official Plan and Zoning By-law applications to permit 17 three-storey detached dwellings and 3 four-storey apartment buildings. The OMB approved the modified plans, withholding its final order pending finalization and receipt of the site plan agreement. The file remains before the OMB.

The property has recently been purchased by Tribute Communities and this owner has submitted a revised application for 182 townhouse units.

The purpose of this report is to seek City Council's direction on the revised development and authorization for the City Solicitor and necessary City staff to attend the Ontario Municipal Board in support of the revised applications.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In the event the applicant obtains permission from the Ontario Municipal Board (the "OMB") to consider revising its Decision issued on December 12, 2006, the City Solicitor and the appropriate City staff be authorized to appear before the OMB in support of the revised proposal for 182 townhouse units as illustrated on Attachment 1, subject to satisfaction of recommendation 2 below.
2. The City Solicitor request the OMB to withhold the final order pending:
 - (a) review and acceptance of the draft Zoning By-law as outlined in Attachment 6, to the satisfaction of the City Solicitor and the Director of Community Planning, North York District;
 - (b) finalization of the Site Plan Control approval to the satisfaction of the Director of Community Planning, North York District; and
 - (c) compliance by the applicant with the provisions of the City of Toronto Tree Protection By-law, including acceptance of any conditions that may be imposed by the City with respect to tree protection or tree removal.

Financial Impact

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

ISSUE BACKGROUND

History

The applications were initially submitted in January 2006 for Official Plan and Zoning By-law Amendments to permit the construction of 17 three-storey detached dwellings, 2 five-storey and 1 four storey apartment buildings. The applicant appealed the applications to the Ontario Municipal Board in June 2006.

City Planning prepared a Request for Direction report dated August 28, 2006, which recommended refusal of the application in its current form. On September 27th 2006, Toronto City Council adopted the staff recommendations subject to modifications. The report can be accessed via the following link:

<http://www.toronto.ca/legdocs/2006/agendas/committees/ny/ny060913/it085.pdf>

City staff attended the OMB in support of a revised proposal for 17 three-storey detached dwellings and 3 four-storey apartment buildings with partial fifth-floor roof top amenity areas. The OMB approved the modified plans, withholding its final order pending finalization and receipt of the site plan agreement. The site plan agreement was not finalized and this file is still before the OMB.

Since this time, the property has been purchased by Tribute Communities who submitted a revised proposal on May 10th 2010.

Proposal

The revised proposal consists of 11 four-storey townhouse buildings containing a total of 182 units. Four of these townhouse buildings front onto Bayview Avenue. These buildings are arranged on a private U-shaped driveway that provides vehicular accesses via Bayview Avenue. A gross floor area of 31,697 m² (approximately 1.6 FSI) is proposed. Additional site statistics are provided on the Application Data Sheet (Attachment 7).

With the exception of the units contained within Building 'B', all of the townhouses are back to back and have roof decks located above the third floor. The townhouse units contained in Building 'B', located in the northwest corner of the site, have been specifically designed as through-units and have rear amenity areas adjacent to the rear yards of 297, 299, 301 and 303 Dawlish Avenue. The townhouse units in Building 'B' have also been designed without mechanical penthouses and roof decks. The applicant has removed the roof decks from the two northwesterly units of Building 'A'.

A total of 250 parking spaces (38 visitor) would be provided, 244 of which are to be located in a below grade parking structure. In addition, 6 parallel parking spaces are provided at grade on the west side of the proposed private driveway. The proposed vehicular access remains unchanged from the previous proposal, with two access points off Bayview Avenue.

Site Description

The subject lands are located on the west side of Bayview Avenue, just north of Blythwood Road. The 2.0 hectare site is the former location of the William Booth Memorial College, which served as a training facility for the officers of the Salvation Army, closing in 2004. The buildings were demolished in 2006.

Abutting uses are as follows:

North: single detached dwellings and the parking lot for Lawrence Park Community United Church, which fronts onto Bayview Avenue.

South: to the immediate south of the site is Stratford Park. Further south there are single detached dwellings.

East: Sunnybrook Hospital and Sunnybrook Women's Health Centre.

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 by the *Places to Grow Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Toronto Official Plan

The subject lands are designated *Neighbourhoods* in 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, townhouses and 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 policies state that development in *Neighbourhoods* 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. However, the Plan also recognizes there are lots throughout many *Neighbourhoods* that differ from the prevailing patterns of lot size and configuration that were former non-residential uses. Policy 4.1(9) of the Official Plan provides development criteria to guide infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established neighbourhoods.

Zoning

The lands are zoned R3(7), which is a site specific zoning permitting the Salvation Army and accessory buildings.

Site Plan Control Approval

The applicant has submitted a concurrent proposal for Site Plan Control. It is recommended that the City Solicitor request the OMB withhold the final order pending finalization and acceptance of Site Plan Control.

Tree Protection By-law

The application is subject to the City of Toronto Tree Protection By-law, regarding mature trees on private properties. A permit for injury and removal is required for the trees proposed to be removed to accommodate the proposed development.

Community Consultation

A community consultation meeting for the original application was held on June 27, 2006. The meeting was attended by the local Councillor, City Planning staff, the applicant and approximately 50 area residents. 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 height, massing and design of the apartment buildings and the single detached dwellings were not compatible with the surrounding community;
- the loss of the existing mature trees and landscape character of the site;
- loss of the historical attributes currently on the site;
- increase of traffic in the area;
- impacts on privacy and property values;
- construction impacts on adjacent properties including noise and dust; and
- the adequacy of municipal servicing to the site.

Since the submission of the revised application, there have been a number of meetings and conference calls between the local Councillor, City Planning and Urban Forestry staff and representatives of the community.

COMMENTS

Land Use and Density

As noted above, the OMB approved a residential development with 17 three-storey single detached dwellings and 3 four-storey apartment buildings containing 71 units. Parking for all units was located in a below grade parking garage.

The new applicant is proposing revisions to the approved plans that permit 182 townhouse units within 11 buildings. Although the number of units has increased, the total gross floor area has decreased from 33,550 m² to 31,697 m². The proposed building

form and density is appropriate for the site. An Official Plan amendment is not required for this proposal.

Built Form

The revised proposal provides a building envelope consistent with that previously supported by City Planning and approved by the OMB, except for the northwest portion of the site where the setbacks to the adjacent property lines have been reduced.

Buildings 'C', 'D', 'E', 'F', and 'G' will be set back approximately 11 metres from the west property line and will not exceed a 45 degree angular plane, which are standards consistent with the zoning standards for the previous project. The impact of the revised proposal on the Daneswood Road properties has been minimized by orienting the townhouse buildings in a east-west direction, with a 13 metre separation distance between buildings. In addition visual barriers have been incorporated into the roof decks to block rear yard views of the adjacent houses on Daneswood Road.

Building 'B' is located at the northwest corner of the site. This portion of the site differs from the original project as the setbacks to the west property line have been reduced. The building will be set back approximately 12 metres from the north property line and 10 metres from the west property line. In addition, Building 'B' has been designed with 'through-units' having both front and rear back doors, and rear yard amenity spaces. Roof decks have been eliminated from this building to maintain the visual privacy of the adjacent property on Dawlish Avenue.

Building 'A' has been set back over 9 metres from the northern property line, which is similar to the earlier scheme. To maintain the visual privacy of the adjacent properties to the northwest, no roof decks have been provided with the two westernmost units (units 11 and 12) on the north side of Building 'A'.

Buildings 'H' 'J' 'K' and 'L' front onto Bayview Avenue and have been oriented and massed to ensure compatibility with the existing streetscape. Buildings 'J' and 'K' provide increased front yard setbacks from Bayview to preserve the existing landscape character along this portion of Bayview Avenue.

Tree Preservation

An arborist report has been submitted by the applicant and has been reviewed by Urban Forestry. The applicant has developed a detailed landscape concept plan for the northwest corner of the site that illustrates how the introduction of new plant material will assist in screening the rear yards of the adjacent houses located on Daneswood Road and Dawlish Avenue.

The landscape concept plan requires the removal of several trees. However the plan provides for planting of new trees and plant material along the western property line to

enhance the established tree preservation areas, to provide for additional vegetative screening and to assist in the integration of the proposed development into the existing area. As a condition of site plan approval City Planning requires that finalization of the landscape concept plan be to the satisfaction of Urban Forestry.

Access, Parking and Servicing

The proposed vehicular access is similar to the previously approved development. Two access points are provided via Bayview. The northern access is aligned with the existing signalized intersection formed where a driveway to Sunnybrook Health Sciences Centre meets Bayview Avenue. The integration of the proposed private street into this intersection will provide for full turning movements. The southern access adjacent to the northern edge of Stratford Park will be restricted to right in and right out only, with a median provided on Bayview Avenue.

Parking for the proposed development is provided on the basement level in an underground parking garage that provides 244 spaces for parking cars. In addition, 6 parallel parking spaces are shown, at grade on the west side of the proposed private street. A total of 250 parking spaces have been proposed. Vehicular access to the underground parking is proposed by a ramp that is completely enclosed in the combined ramp and waste pick-up between Building 'A' and Building 'B' at the northern end of the site. The entrance to the parking ramp is screened and controlled by an overhead door.

Waste from all townhouse units will be collected and compacted in three waste storage rooms located below grade and would be moved on pickup day to the waste storage building located at grade adjacent to the parking entrance. The waste storage building has been designed to accommodate the temporary storage and removal of waste in a completely enclosed space screened and controlled by a door. Technical Services is reviewing the proposed waste collection arrangement. Any additional requirements will be secured through the site plan process.

The current drawings do not show the location of the hydro transformer or the gas regulator. These elements will need to be appropriately located and screened within the development as part of the site plan review.

Development Charges

It is estimated that the development charges for this project will be \$ 1.7 million. This is an estimate, and the actual charges is assessed and collected upon issuance of the building permit.

Conclusion

The revised proposal provides a building envelope consistent with that previously supported by City Planning and approved by the OMB. The proposed building form and density is appropriate for the site. It is recommended that:

1. In the event the applicant obtains permission from the Ontario Municipal Board (the "OMB") to consider revising its Decision issued on December 12, 2006, the City Solicitor and the appropriate City staff be authorized to appear before the OMB in support of the revised proposal for 182 townhouse units as illustrated on Attachment 1, subject to satisfaction of recommendation 2 below.
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CONTACT

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E-mail: kjones2@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Sections
Attachment 5: Sections

Attachment 6: Draft Zoning By-law
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



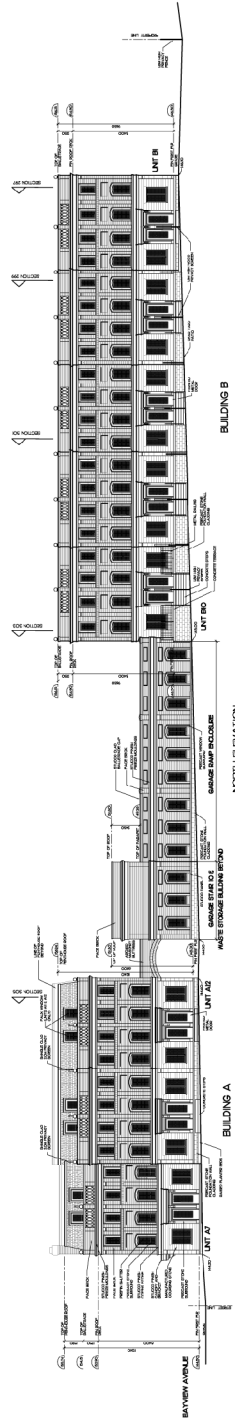
2130 Bayview Avenue

Site Plan
Applicant's Submitted Drawing

Not to Scale
07/22/2010

File # 06_104568

Attachment 2:



Elevations

2130 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
07/22/2010

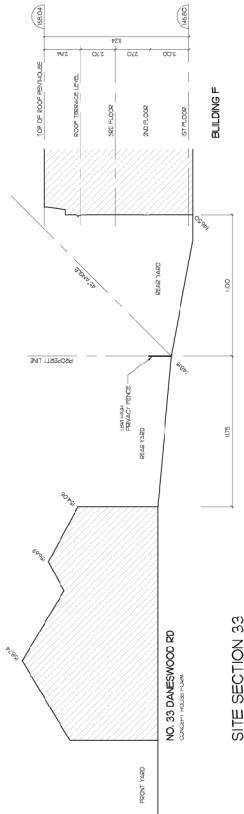
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BUILDING K EAST ELEVATION

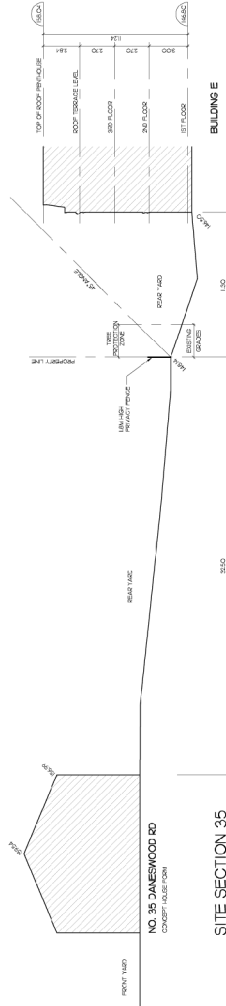
This architectural elevation shows the east side of Building K. The building features a multi-story facade with various window configurations and material textures. Key elements include:

- Window Types:** Labeled as "TYPE A WINDOW", "TYPE B WINDOW", "TYPE C WINDOW", "TYPE D WINDOW", and "TYPE E WINDOW".
- Materials:** Indicated by patterns such as "BRICK", "CONCRETE", and "GLASS".
- Dimensions:** Vertical height is marked as "80' 0\"/>

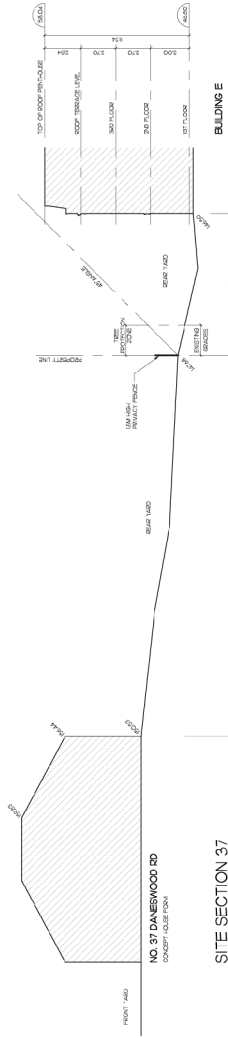
Attachment 4: Sections



SITE SECTION 33



SITE SECTION 35



SITE SECTION 37

Sections

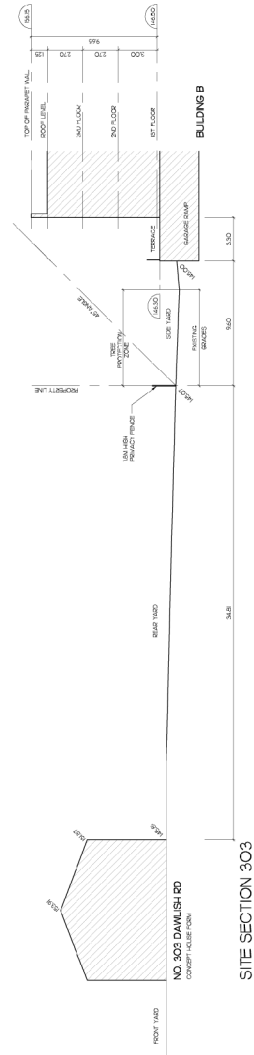
2130 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
07/22/2010

File # 06_104568

File # 06_104568



Not to Scale
07/22/2010

Attachment 6: Draft Zoning By-law

BY-LAW No. _____(OMB)

**To amend the former City of North York By-law No. 7625
in respect of lands municipally known as
2130 Bayview Avenue**

WHEREAS authority is given to the Ontario Municipal Board by Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

WHEREAS the Ontario Municipal Board, pursuant to its Decision/Order dated _____ has determined to amend By-law No. 7625 of the former City of North York,

THEREFORE

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" of this By-law.
2. Section 64.16 of By-law No. 7625 is amended by adding the following subsection:

"64.16(____) RM1(____)

DEFINITIONS

- (a) For the purpose of this exception, "established grade" shall mean the elevation of the centre line of Bayview Avenue at the mid-point of the abutting lot line on the west side of the road allowance, being the geodetic elevation of 144.6 metres.
- (b) For the purposes of this exception, "adjacent grade" shall mean the average elevation of the finished ground adjoining a building at all exterior walls.
- (c) For the purpose of this exception, "gross site" shall mean Parts 1, 2 and 3 on Plan 66R-23064 comprising an area of 20,337.1 m².
- (d) For the purpose of this exception, "net site" shall mean the gross site minus Parts 2 and 3 on Plan 66R-23064, of area 1,013.0 m², conveyed for road widening purposes to the City of Toronto.

- (e) For the purpose of this exception, "soft landscaping" shall mean trees, shrubs, grass, flowers, vegetables and other vegetation, but will not include hard surfaced areas such as but not limited to driveways, parking areas, decorative stonework, patios, screening or other landscape-architectural elements.

PERMITTED USES

- (f) The only permitted uses shall be multiple attached dwellings and accessory uses.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (g) The maximum gross floor area shall be 31,697 m².

NUMBER OF DWELLING UNITS

- (h) The maximum number of dwelling units shall be 182.

BUILDING HEIGHT

- (i) The building height shall not exceed the maximum heights in metres shown on Schedule "RM1(____)", measured from established grade. In addition:
 - (i) The height of any building shall not exceed 12.5 metres, measured from adjacent grade.
 - (ii) The height of any part of any building, measured from the average elevation of the grade at the rear lot line perpendicular to the adjacent building face, shall not exceed 100 per cent of the horizontal distance separating that part of the building from the rear lot line of the nearest abutting residential lot containing a single detached dwelling that does not comprise part of the lands subject to this Section 64.16(____).
 - (iii) The horizontal area of the fourth storey relative to the horizontal area of the third storey of any four storey building shall not exceed 36 per cent.

NUMBER OF STOREYS

- (j) The number of storeys shall not exceed the maximums shown on Schedule "RM1(____)".

BUILDING ENVELOPES

- (k) No portion of any building or structure shall be located otherwise than wholly within the Building Envelopes shown on Schedule "RM1(___)" subject to the projections permitted in Section 6(9) and the limitations set out in that section.

ROOFTOP DECKS

- (l) Rooftop decks shall not be allowed on Building B and the two northwest units of Building A shown on Schedule "RM1(___)". Rooftop decks shall be allowed on the remainder of Building A and on Buildings C, D, E, F, G, H, J, K and L. The rooftop decks on Buildings C, D, E, F and G shall include 2.0 m high privacy screens along the full extent of their western sides. Other than these rooftop decks, no balconies, porches or decks located above the first storey shall be allowed on any building.

PARKING

- (m) The minimum number of parking spaces shall be one tenant parking space for each dwelling unit and one visitor parking space for each five dwelling units. The maximum number of parking spaces shall be 1.25 tenant parking spaces for each dwelling unit and 1.25 visitor parking spaces for each five dwelling units. All parking spaces shall be contained in an underground parking garage, except for 6 visitor parking spaces located in designated areas along the west side of the two-way shared private driveway shown on Schedule "RM1(___)".

LOADING

- (n) One loading space shall be provided, in the Waste Storage Building shown on Schedule "RM1(___)".

LOT COVERAGE

- (o) The maximum lot coverage shall be 42 per cent of the net site.

LANDSCAPING

- (p) A minimum of 2,500 m² of hard landscaping and 6,500 m² of soft landscaping shall be provided.

YARD SETBACKS AND DISTANCE BETWEEN BUILDINGS

- (q) The minimum yard setbacks and distances between buildings shall be as shown on Schedule "RM1(____)".

OTHER REGULATIONS

- (r) The provisions of Sections 6(7), 6A(4), 15.8, and 16 of By-law No. 7625 shall not apply.

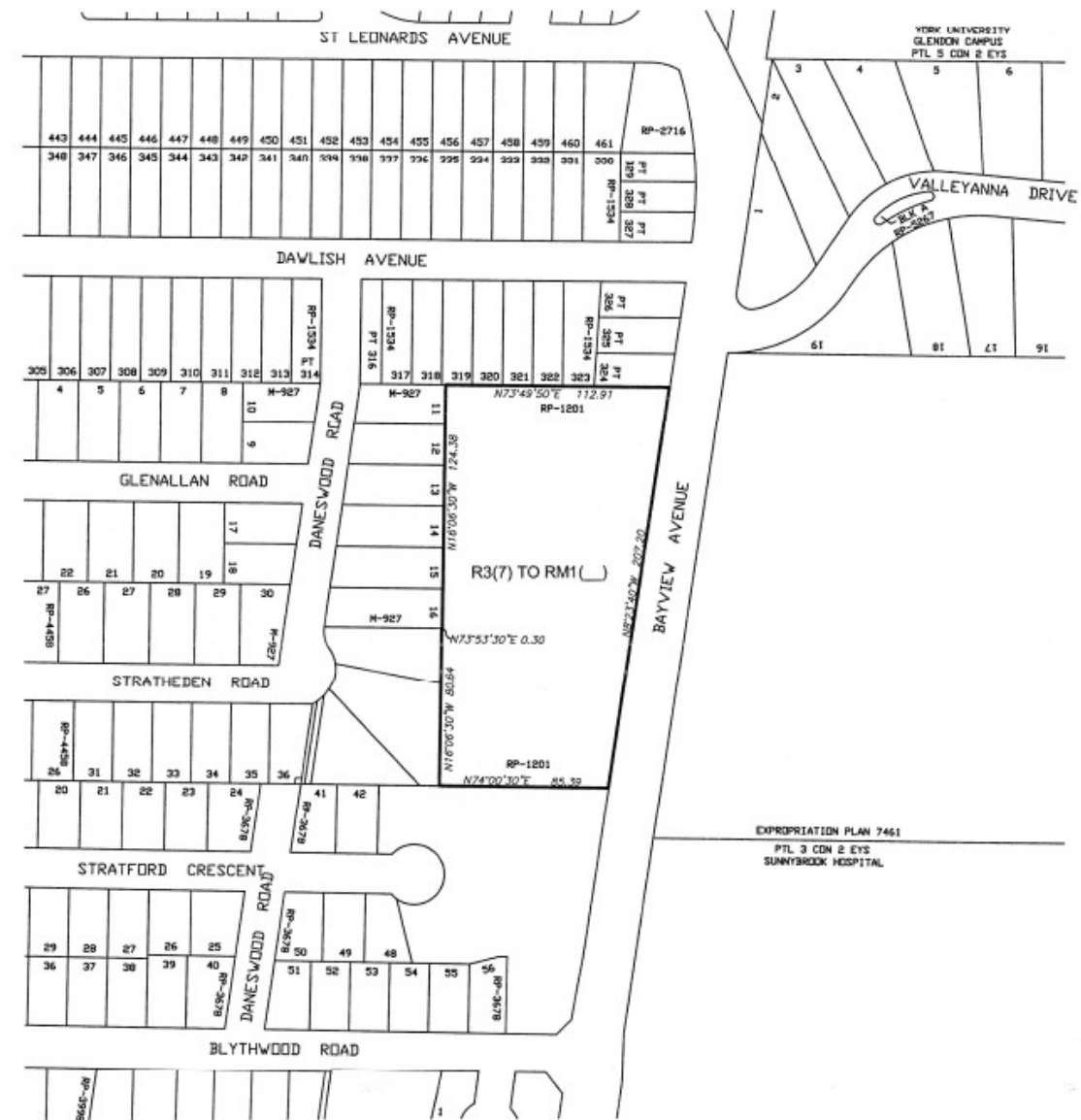
SEVERANCE

- (2) Notwithstanding any future severance, partition or division of the lands shown on Schedule "RM1(____)", the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred."

3. Section 64.12(7) of By-law No. 7625 is deleted.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON _____ IN CASE NO. _____.

DIMENSIONS ARE IN METRES
AND MAY BE CONVERTED TO
FEET BY DIVIDING BY 0.3048



CITY OF TORONTO

FILE NO.: 06 104568 NNY 25 OZ

LOCATION: 2130 BAYVIEW AVENUE, TORONTO, ON

SCHEDULE "1" TO BY-LAW _____
PASSED ON _____

[illegible]

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	06 104568 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	January 24, 2006

Municipal Address:	2130 BAYVIEW AVE
Location Description:	PLAN 1201 BLK A **GRID N2508
Project Description:	11 three-storey townhouse buildings containing a total of 182 units.

Applicant:	Agent:	Architect:	Owner:
MCCARTHY TETRAULT LLP		Cassidy & Co.	TRIBUTE COMMUNITIES

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R3(7)	Historical Status:	
		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	20337	Height:	Storeys:	4
Frontage (m):	207.2		Metres:	14.6
Depth (m):	98.5			
Total Ground Floor Area (sq. m):	7594.6			Total
Total Residential GFA (sq. m):	31,697		Parking Spaces:	250
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	31,697			
Lot Coverage Ratio (%):	37.34			
Floor Space Index:	1.53			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Townhouses Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	31,697	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:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	182			

CONTACT:	PLANNER NAME:	Kelly Jones, Planner
	TELEPHONE:	(416) 395-7127

