

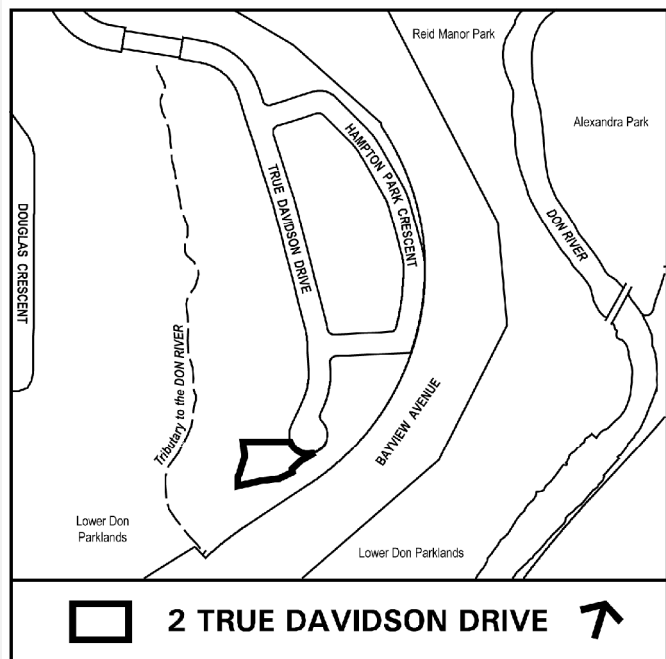
**2 True Davidson Drive - Official Plan Amendment, Rezoning, Site Plan Control Applications - Request for Direction Report**

<b>Date:</b>	July 29, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 29 – Toronto-Danforth
<b>Reference Number:</b>	05-102723 STE 29 OZ

**SUMMARY**

This application seeks amendments to the Official Plan and the former East York Zoning By-law 6752, as amended, to permit the construction of a two and a half-storey single-family dwelling at 2 True Davidson Drive. The applicant is the owner of a block within the Governor’s Bridge subdivision (Block 63). The proposed amendments relate to a subject site within the block that will be created as a remnant parcel once certain land conveyances to the City and the Toronto and Region Conservation Authority are completed pursuant to an applicable Subdivision Agreement. The subject site is located outside of the original zoning amendment area applicable to the lots within the plan of subdivision for the Governor’s Bridge area.

The applicant has appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board due to Council’s failure to make a decision on the applications within the time prescribed by the *Planning Act*. The Site Plan application has also been appealed. A one week OMB hearing has been scheduled for the week of October 25, 2010.



This report seeks Council's direction with respect to the Official Plan and Zoning By-law Amendments given that a Final Report was never submitted.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor and necessary City staff to attend at the Ontario Municipal Board hearing in support of the draft Official Plan Amendment and the draft Zoning By-law Amendment attached as Attachments 4 and 5 respectively to the July 29, 2010 report from the Director, Community Planning, Toronto and East York District;
2. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any order approving the Official Plan and Zoning By-law Amendments until such time as the City advises that the conveyances to the City of Toronto and the Toronto Region Conservation Authority have been completed in accordance with the applicable Subdivision Agreement, as amended and that outstanding subdivision matters have been addressed;
3. City Council authorize the Chief Planner and Executive Director, in consultation with the City Solicitor, to authorize technical and stylistic changes to the draft Official Plan Amendment and the draft Zoning Amendment being supported as well as other modifications considered appropriate and consistent with the objectives outlined in this report with respect to the proposed designations and implementation of the applicable Toronto Official Plan policies;
4. City Council authorize staff to continue with efforts to resolve any outstanding issues related to requirements of Technical Services as well as Toronto Region Conservation Authority and report directly to Council to its August 2010 meeting, if necessary, to obtain revised direction prior to the Ontario Municipal Board hearing; and
5. City Council authorize the City Solicitor and necessary City staff to take such necessary steps to implement the foregoing.

### **Financial Impact**

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

### **DECISION HISTORY**

A preliminary report was before Toronto and East York Community Council on May 31, 2005. At that meeting, TEYCC adopted the recommendations in the Preliminary Staff Report which directed staff to schedule a community consultation meeting together with the Ward Councillor. A Community Consultation meeting was not held due to nature of the outstanding issues that were to be resolved.

## **ISSUE BACKGROUND**

In January 2005, the applicant submitted an application seeking amendments to the then in-force East York Official Plan and the East York Zoning By-law 6752, as amended, to permit the construction of a two and a half-storey single-family dwelling at 2 True Davidson Drive. On July 6, 2006, the Ontario Municipal Board issued Order No. 1928 and approved the Toronto Official Plan, in part, for the majority of the lands in the City, including the subject site which was not under appeal. Since that time, the Toronto Official Plan has been in effect for the subject site.

The subject site is currently part of Block 63 within the plan of subdivision (66M-2374) which is subject to a Subdivision Agreement dated December 10, 1999 as amended by an Subdivision Amending Agreement, dated May 1, 2001 (collectively the “Subdivision Agreement”). It is a proposed development lot that will be created as a remnant parcel to be retained by the owner following land conveyances pursuant to the Subdivision Agreement. The conveyances include land to be transferred to the City of Toronto (the “City”) for road widening (Bayview Avenue) and valley land to be transferred to the Toronto Region Conservation Authority (“TRCA”) subject to their determinations on appropriate lot boundaries. These transfers have not occurred yet due to outstanding issues pursuant to the Subdivision Agreement and slope stabilization issues.

The proposed two and a half-storey dwelling would have a gross floor area of approximately 617m<sup>2</sup> and is proposed to be located within the tableland portion of the site. The proposed height of the dwelling is approximately 13 metres (Attachment 1). Service connections for the proposed lot were constructed as part of the original subdivision works.

Through the required conveyances to the City and TRCA, the applicant is proposing a development site which extends to the top-of-bank of the ravine. A “No Build Zone” is proposed within a slope protection buffer area along of the southern and western property boundaries.

### **Site Description**

Block 63, on Registered Plan 66M-2374, has a total area of approximately 7392 m<sup>2</sup>. The site that is the subject of the proposed amendments has a lot area of 1170m<sup>2</sup> and is described as Parts 1 and 2, Plan 66R-21079. This site description contemplates completion of land conveyances to the TRCA and the City pursuant to the Subdivision Agreement to create a developable lot. This developable lot or remnant parcel is the land proposed to be redesignated and rezoned in the context of the subject applications.

Block 70 on RP 66M-2374 is a 0.3m reserve, which restricts access from the site to True Davidson Drive until development approvals are in place.

The tableland portion of the subject property is mostly cleared, with the exception of the south west corner. There is significant vegetation on the valley slope portion of the

subject site that is required to be protected. An important component of this proposal relates to protecting and ensuring the ongoing stability of the slopes at and near the top-of-bank.

## **OMB Appeals**

On April 8, 2010, the applicant appealed its Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board, on the grounds that City Council failed to make a decision on the applications within the timelines prescribed within the *Planning Act*. The site plan control application has also been appealed.

## **COMMENTS**

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

Given the submission date of this application, the Provincial Policy Statement (1997), as amended is applicable. 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 have regard to the PPS.

The PPS indicates that development and land use patterns which may cause environmental or public health and safety concerns will be avoided. The PPS also indicates that natural heritage features and areas will be protected from incompatible development. Development and site alteration may be permitted in significant woodlands or valleylands or on adjacent lands provided it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

### **Official Plan**

The Toronto Official Plan, now in force and applicable to this site, designates a portion of the site *Neighbourhoods*, with the remainder of the site being designated as *Parks and Open Space - Natural Areas* (Attachment 3). The site is within the natural heritage system as shown on Map 9 of the Plan. The natural heritage system is made up of areas where protecting, restoring and enhancing the natural features and functions should have a high priority in City building decisions.

*Neighbourhoods* are considered 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 4-storeys. The Plan identifies *Neighbourhoods* as established areas that are physically stable, in which development will respect and reinforce the existing physical character of the neighbourhood. Particular aspects of physical character are identified including: patterns of streets, blocks and lanes; lot size; heights, massing, scale and dwelling type of nearby residential properties; prevailing building types, or predominant forms of development in the neighbourhood; and, prevailing patterns of rear and side yard setbacks and landscaped open space.

Development within *Parks and Open Space Areas* is generally prohibited. Any development within *Parks and Open Space Areas* will protect, enhance or restore trees and vegetation. Development applications within *Parks and Open Space Areas* will be considered on the basis of consistency with the policies of the Plan. Policy 3.4.8 states that development will be setback by at least 10 metres from the top-of-bank and other locations where slope instability, erosion or other physical conditions present significant risk to life or property.

The Plan provides that areas identified as *Natural Areas* will be maintained primarily in a natural state while allowing for compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions; and conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, and that are designed to have only minimal adverse impacts on natural features and functions.

## **Zoning**

The site is zoned “G” Conservation, by the former Borough of East York Zoning By-law 6752, as amended (Attachment 2). “G” zones permit uses that are incidental and contributory to the operations of the TRCA, public recreational uses, and accessory uses.

## **COMMENTS**

### **Land Use**

The Toronto Official Plan designates a portion of the tablelands within the site as *Neighbourhoods*. The remainder of the site is currently designated as *Parks and Open Space Areas - Natural Areas*. An Official Plan amendment is required to designate a larger area of the site for *Neighbourhoods* to coincide with the developable area being identified.

The policies within the *Neighbourhoods* designation state that development will respect and reinforce the existing physical character of neighbourhood, including matters such as size and configuration of lots, heights, massing, scale and dwelling type of nearby residential properties, prevailing building types, setbacks from streets, and prevailing patterns of rear and site yard setbacks and landscaped open space. The proposed lot has a developable area that is generally consistent with the size of other lots within the subdivision. The applicant’s proposal to construct a two and a half-storey single-family dwelling at 2 True Davidson Drive is consistent with the prevailing building type and the predominant form of development in the *Neighbourhood*.

### **Natural Environment**

Development is proposed to be restricted in the “No Build Zones”. These areas will remain designated *Parks and Open Space Areas - Natural Areas* and will remain zoned Conservation – G. “No Build Zones” are proposed to be maintained above the top-of-bank at the southern and western limits of the site. The location and dimension of the “No Build Zone” shown on Map 1 of the Zoning Amendment (Attachment 5) along the

southern property limit is acceptable to City Staff. TRCA has advised that the “No Build Zone” shown along the westerly property boundary also is acceptable.

An Official Plan amendment is required to allow portions the development to be set back less than 10-metres from top-of-bank. Within the area of the subject site proposed to be *Neighbourhoods*, due to the configuration of the southern slope and frontage requirements, it is not possible to achieve a 10 metre setback above top-of-bank in all areas. However, use of a building envelope in the zoning by-law will ensure that the 10 metre setback is achieved where feasible in connection with the future dwelling.

Slope stabilization and protection is a primary focus with respect to development on the subject site. The City peer reviewer has confirmed that it is important that the slope vegetation, topography and slope crest/top of bank location not be altered in any way, that no cutting or fill be placed at the slope crest or on the slope face, and that no drainage be permitted over the slope crest, into the slope or onto the slope face. The incorporation of “No Build Zones” that are designated *Parks and Open Space – Natural Area* and will continue to be zoned Conservation G will help protect long term slope stability particularly when coupled with a building envelope that observes top of bank setbacks where possible.

The original accepted plans for the subdivision for this area show all drainage directed towards True Davidson Drive, away from the slopes of both Bayview Avenue and the adjacent ravine. The current Site Plan Control application is not consistent with this approach. As part of the site plan process, in addition to the “No Build Zone” buffer and building envelope areas other requirements will ensure, for example, that all drainage is directed away from the top of bank and not over the crest of slopes. This may affect the current dwelling design being proposed.

### **Lot Boundaries**

The slope stabilization obligations under the Subdivision Agreement in connection with the slope along Bayview Avenue have not yet been accepted or approved by Technical Services. There has been slope failure and ongoing effort to ensure stability. Some of the area under review is within the lands proposed to be conveyed to the City creating the southerly boundary of the subject site. This is the reason that the conveyance to the City has not occurred and staff consider this as a matter that must be addressed prior to conveyance of the lands to the City and TRCA and issuance of any final OMB approval.

When combined with an appropriate “No Build Zone” City Staff and TRCA are supportive of proposed lot boundaries for the site at top-of-bank. The lot does not currently exist. The conveyance of Part 4, Plan 66R-21079 to the City and of Part 3, 66R-21079 to TRCA pursuant to the Subdivision Agreement will result in the creation of the subject site (described as Parts 1 and 2, Plan 66R-21079).

### **Site Servicing**

The existing subdivision agreement permits 60 lots within the Governor’s Bridge lands. The proposal for one additional dwelling on the lands would increase the density of the

area beyond that which was approved by the Ontario Municipal Board in 1998. Service connections for the proposed lot were constructed as part of the original subdivision works with the sanitary pumping station and sewage storage system designed and approved for 62 units. The proposed lot would effectively become the 61st unit in the subdivision which is acceptable from a servicing perspective.

## **Conclusion**

Staff support the Official Plan and Zoning By-law amendments in principle. However, a number of matters will require resolution in the context of the Ontario Municipal Board proceedings. These matters are as follows:

### **A. Land Conveyance**

The site is within Block 63 on Registered Plan 66M-2374. The development lot does not currently exist.

As a condition of approval of the Governor's Bridge subdivision, the applicant was required to convey land to both the TRCA and to the City of Toronto for slope protection and road widening purposes. Part 3 on Plan 66R-21079 is proposed to be conveyed to the TRCA and Part 4, on Plan 66R-21079 is proposed to be conveyed to the City for road widening and slope protection. These conveyances should be completed to the satisfaction of the City prior to the OMB hearing or the Board is requested to withhold any Order of approvals pending the completion of the conveyances and creation of the appropriate lot.

### **B. "No Build Zone" and Building Envelope**

The original application included a "No Build Zone" of 6-metres at the western limit and 5-metres at the southern property limit as shown on Attachment 1, different from what Staff are proposing in the draft Official Plan Amendment and Zoning Amendment. The applicant has indicated a willingness to accommodate these adjustments to ensure ongoing slope protection.

Since the time of the application, the Toronto Official Plan came into force and effect and Policy 3.4.8 contemplates a setback of 10-metres from the top-of-bank. An Official Plan amendment will be required in order to allow for the development to occur. This will be done via a Site and Area Specific Official Plan Amendment and site specific zoning. A majority of the building is setback at least 10-metres from top-of-bank, but there are some portions of the development which encroach within this setback. The "No Build Zone" combined with the building envelope as proposed by City Staff in the Zoning Amendment will ensure that the 10 m setback is achieved where feasible and establishes other appropriate set backs. However, this will require minor adjustment to the applicant's site plan to ensure the proposed building is outside the "No Build Zone" and within the building envelope that staff propose. At this time applicant has not confirmed if they are prepared to make these adjustments.

**C. Proposed Draft Official Plan and Zoning By-law Amendments**

It is recommended that the subject site continue to have a split designation and zoning. The draft Official Plan Amendment and Zoning By-law amendments are attached to this report as Attachments 4 and 5.

Staff recommend that the lands located in the “No Build Zone” above top-of-bank continue to be designated *Parks and Open Space Areas - Natural Areas* and zoned Conservation-G. That part of the table lands that will be developed with the single detached dwelling will be re-designated *Neighbourhoods* and will be re-zoned Residential-R1C to permit the development of the lot. The site specific development standards will be contained within the Zoning By-law amendment.

In the context of OMB preparation minor adjustments to the “No Build Zone” or the Building Envelope may be necessary. Accordingly, City Staff are seeking Council authority for the Chief Planner and Executive Director, in consultation with the City Solicitor, to authorize changes to the draft Official Plan Amendment and draft Zoning Amendment proposed to be supported at the OMB provided such changes continue to maintain the intent and purpose of the Toronto Official Plan in connection with slope protection and minimizing the impact of the proposed development in relation to the *Parks and Open Space – Natural Areas*.

**D. Site Plan Approval**

The site plan application for the subject site has also been appealed to the OMB. Consistent with delegated authority previously given to the Chief Planner and Executive Director with respect to site plan matters, in the context of hearing preparation, draft conditions of approval will be developed and circulated. In particular, the conditions of approval will relate to grading, ongoing slope protection together with protection as well as enhancement and restoration of vegetation.

It is expected that the following information will be required in connection with the proposed dwelling:

- A. An up to date topographical plan showing the current condition of the lot and adjacent slopes, and



- B. Additional cross sections of the Bayview slope at 5 metre intervals are required demonstrating that the proposed final siting of the house, its foundations and the site grading will not compromise the stability of the adjacent slopes.

## **CONTACT**

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## **SIGNATURE**

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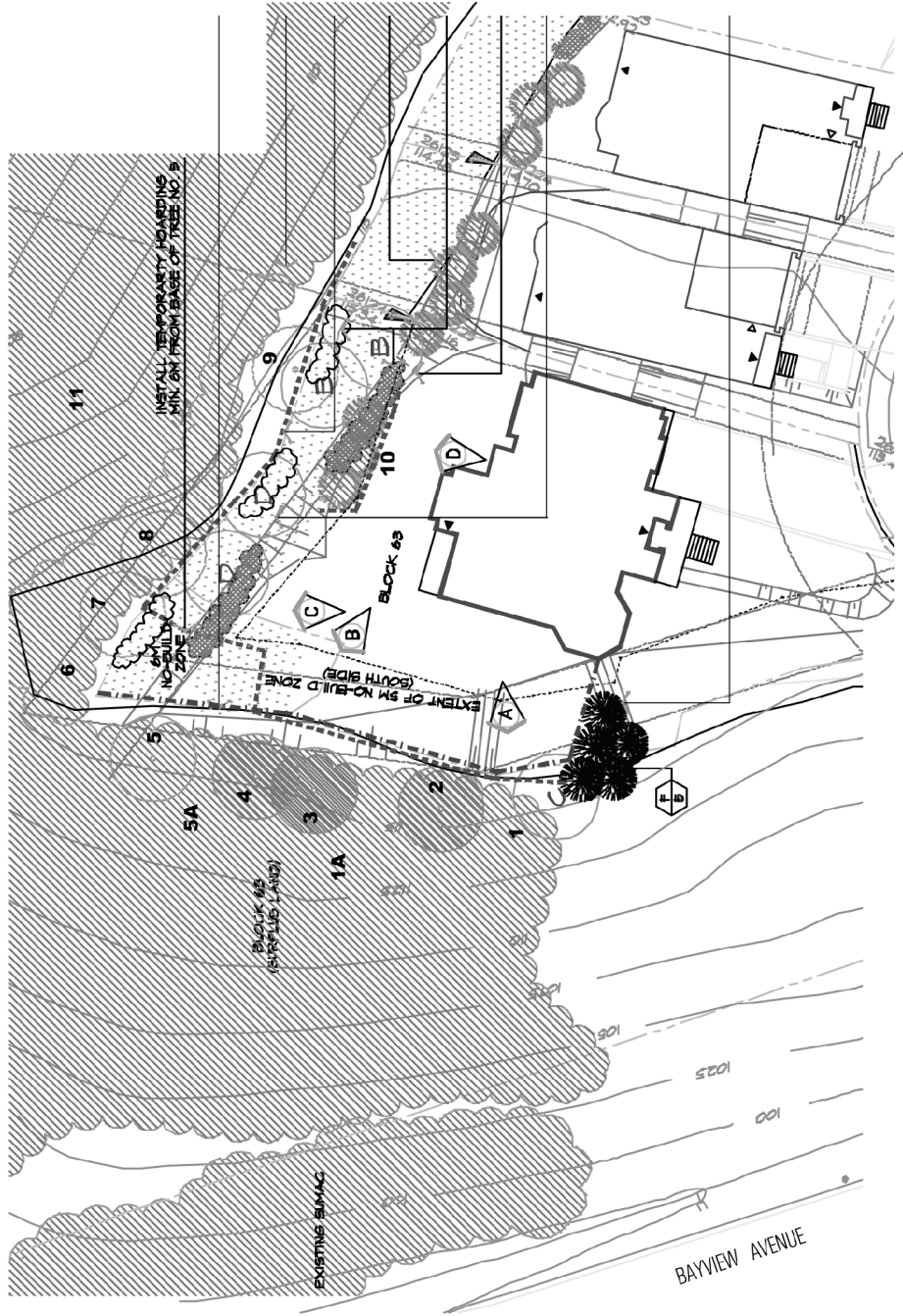
Raymond David, Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Existing Zoning  
Attachment 3: Existing Official Plan  
Attachment 4: Draft Official Plan Amendment  
Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



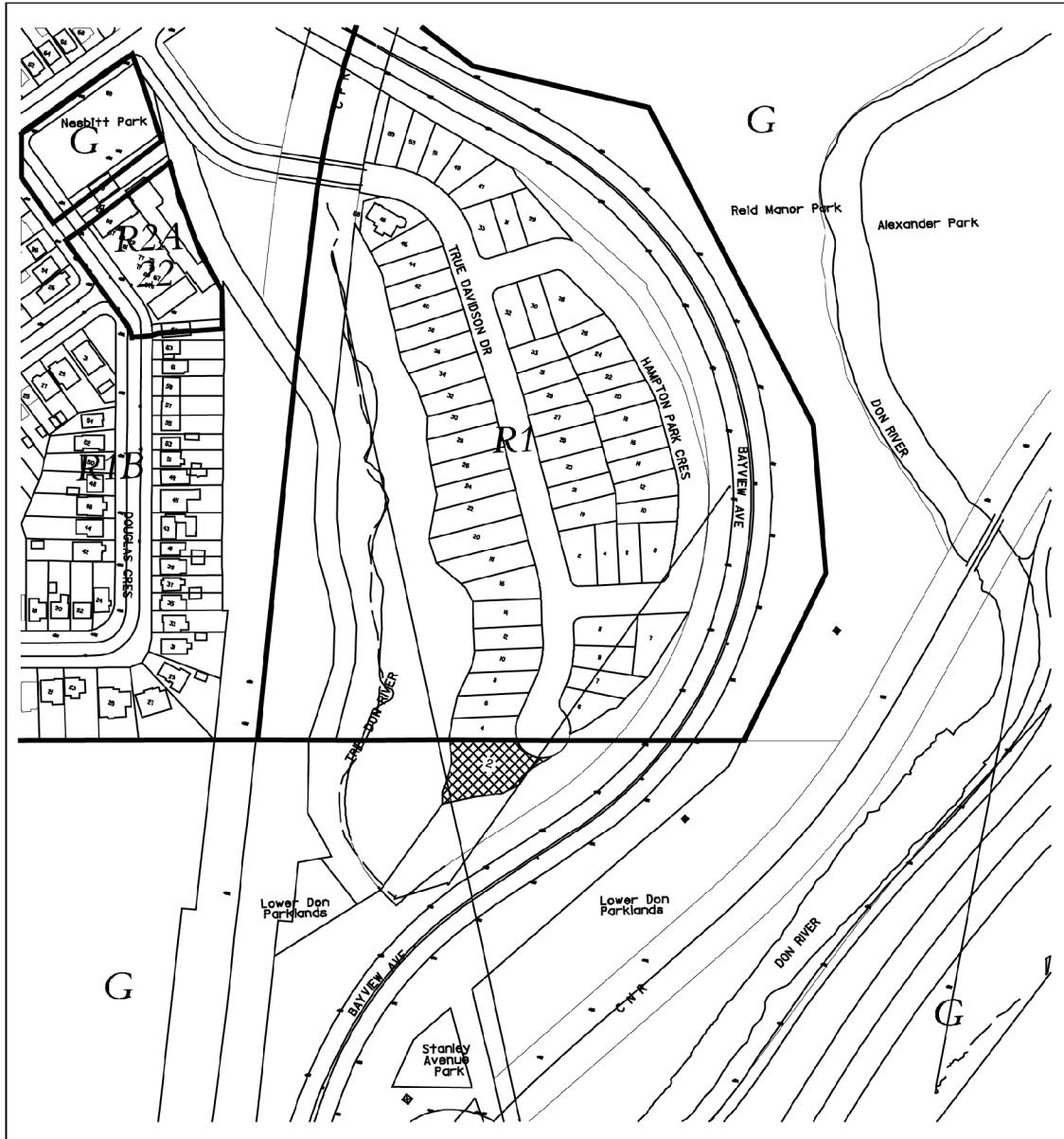
2 True Davidson Drive

Site Plan  
 Applicant's Submitted Drawing

Not to Scale  
 04/27/05

File # 05\_102723

## Attachment 2: Existing Zoning



**TORONTO** City Planning  
Zoning

**2 True Davidson Drive**

File # 05\_102723

- G Conservation
- R1B Low Density Residential
- R2A Medium Density Residential
- R1 Specific R1 Specific  
(By-Law No. 27-80 and 81-86)



Not to Scale  
East York Zoning By-Law 6752  
Extracted 04/21/05 - NRS

Attachment 3: Existing Official Plan



**TORONTO** City Planning  
**Official Plan**

2 True Davidson Drive

File # 05\_102723

-  Site Location
-  Neighbourhoods
-  Natural Areas
-  Utility Corridors

↑  
 Not to Scale  
 07/27/2010

**Attachment 4: Draft Official Plan Amendment**

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2010**

**To adopt an amendment to the Official Plan for the City of Toronto  
respecting the lands known municipally in the year 2009, as  
part of 2 True Davidson Drive**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. The text and maps attached hereto are adopted as an amendment to the Official Plan of the City of Toronto.
2. This is Official Plan Amendment No. 141.
3. This By-law shall come into force and effect on the day of the final passing thereof.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

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**AMENDMENT NO. 141 TO THE OFFICIAL PLAN**

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2009 AS**  
**PART OF 2 TRUE DAVIDSON DRIVE**

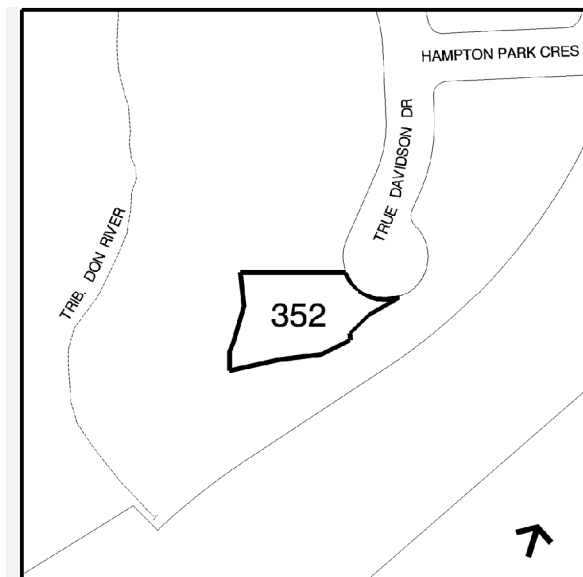
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The Official Plan of the City of Toronto is amended as follows:

1. Land Use Plan Map 17 is amended to redesignate part of the lands known municipally in 2009 as part of 2 True Davidson Drive from *Parks and Open Space Areas- Natural Areas* to *Neighbourhoods*, as shown on attached Schedule 1.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 352 for the lands known municipally in 2009 as part of 2 True Davidson Drive as follows:

“352. Part of 2 True Davidson Drive

Development may be setback a minimum of 6-metres from the top-of-bank.



“

3. Maps 28 and 29, Site and Area Specific Policies, are amended for the lands known municipally in 2009 as part of 2 True Davidson Drive, as shown on the map above as Site and Area Specific Policy No. 352.



2 True Davidson Drive

**TORONTO** City Planning

**Official Plan Amendment #352**

Revisions to Land Use Map 17 to Redesignate lands from Natural Areas to Neighbourhoods

File # 05\_102723

-  Site Location
-  Neighbourhoods
-  Natural Areas
-  Utility Corridors

↑  
Not to Scale  
07/27/2010

**Attachment 5: Draft Zoning By-law Amendment**

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2010**

**To amend former Borough of East York Zoning By-law No. 6752, as amended,  
with respect to the lands municipally known as 2 True Davidson Drive**

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. The lands subject to this By-law are those lands outlined by heavy black line as shown on Map 1 attached hereto.
2. Zoning By-law No. 6752, as amended, as it applies to the lands identified as Part A on Map 1 of this By-law, is further amended by changing the zoning category of the Area Subject to Amendment from Conservation G to Residential R1C – Site Specific (R1C.9) Zone.
3. Zoning By-law No. 6752, as amended, as it applies to the lands identified as Part B on Map 1 of this By-law shall remain Conservation G.
4. Former East York Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.4.4.9 immediately after Section 7.4.4.8 of the by-law as follows:

“7.4.4.9            2 True Davidson Drive (R1C.9 Zone)

7.4.4.9.1           Area Restricted

The provisions of this section shall only apply to those lands identified as Parts A and B on Map 1 attached to this By-law.

7.4.4.9.2           General Provisions

On those lands referred to in Section 7.4.4.9.1 of this By-law, no person shall use, occupy, Erect, alter, cause to be used, occupied, Erected or altered, any Building, Structure, or land or part thereof, except in accordance with the following provisions:



(1) Development Areas

- (a) For the purpose of this By-law, the Lot shall be defined as the area identified as Part A on Map 1 attached to this By-law.
- (b) For the purposes of this By-law, the development permissions and requirements contained in Sections 2 and 3 below shall only apply to that part of the Lot identified as Part A on Map 1 attached to this By-law.
- (c) For the purposes of this By-law, no Building or Structure, or portions thereof, shall be permitted on the part of the Lot identified as Part B on Map 1 attached to this By-law.

(2) Permitted Uses, Buildings and Structures

- (a) One Family Detached Dwelling; and
- (b) Buildings and structures accessory to the forgoing.

(3) Development Requirements

- |   |  |
|---|--|
| (a) Minimum Lot Area  | 600 m <sup>2</sup>   |
| (b) Maximum Gross Floor Area                                | 620 m <sup>2</sup>   |
| (c) Maximum Floor Space Index                               | 1.0 times the Minimum Lot Area                                       |
| (d) Maximum Height  | 13.5 metres  |
| (e) Maximum Number of Storeys                               | 3 Storeys  |
| (f) Siting of all Buildings, Structures or portions thereof | Wholly within the Building Envelope as shown on Map 2 of this By-law |
| (g) Minimum Number of Parking Spaces                        | 1 Off-Street Parking Space   |
| (h) Minimum Landscaped Open Space                           | 25% of the Minimum Lot Area  |

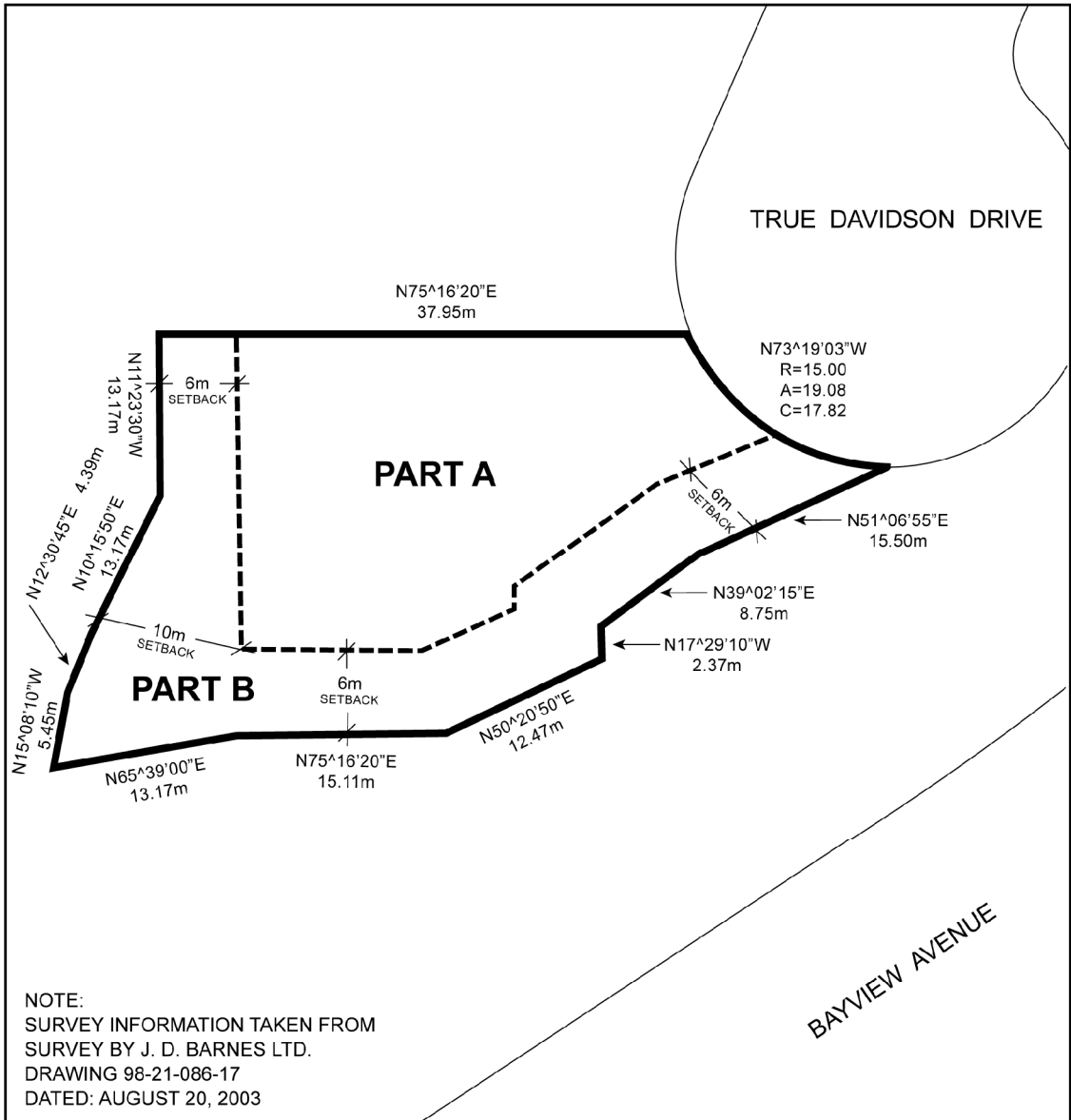
5. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or Erect or use any Building or Structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

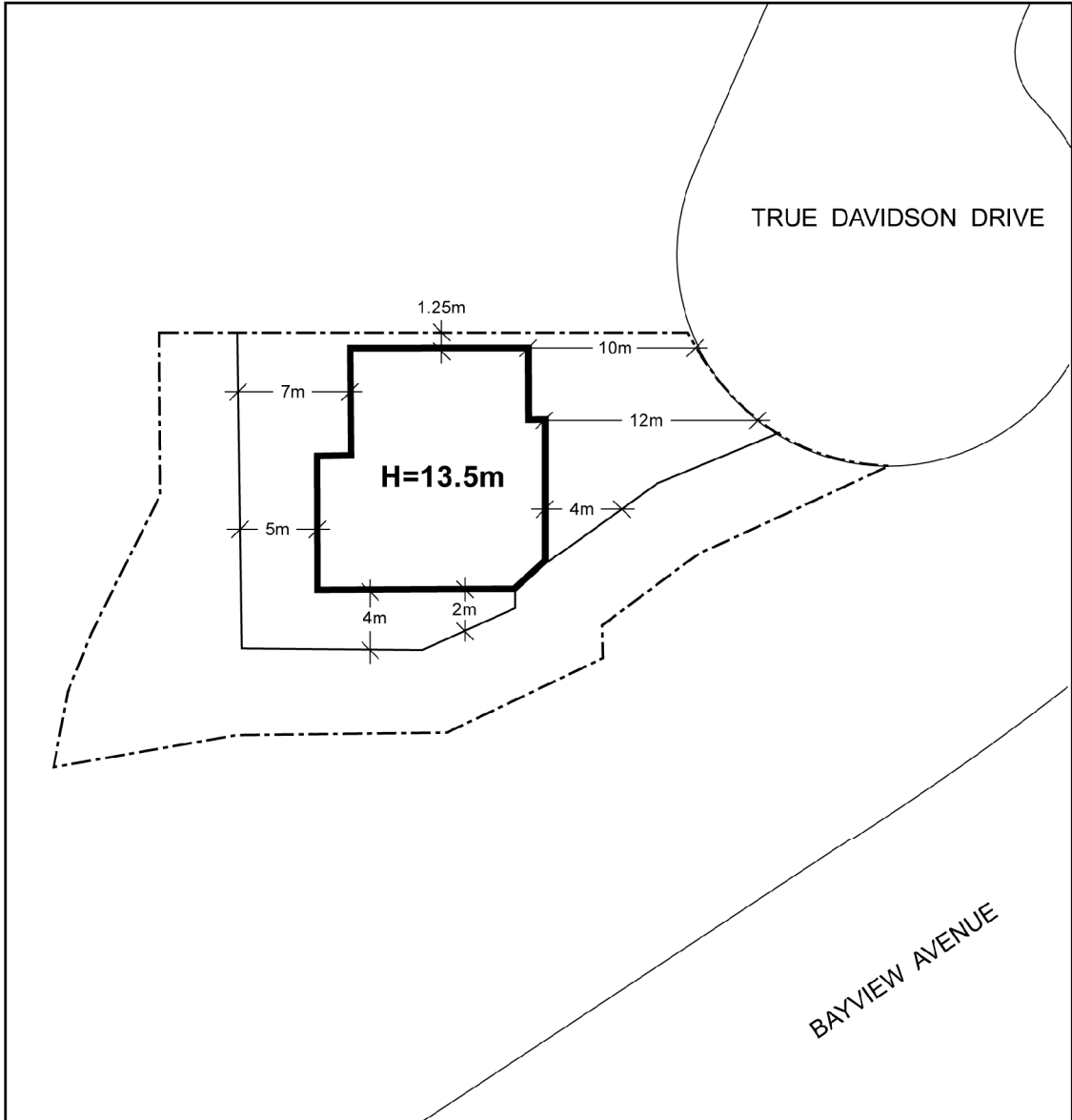
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)





- Building Footprint (\* will not extend past 6m No Build Line)
- Building Setbacks (minimum)
- H=** Maximum Building Height

Not to Scale  
 07/27/2010