

STAFF REPORT ACTION REQUIRED

2655 – 2659 Bayview Avenue and 15 Old Colony Road – Zoning By-law Amendment and Site Plan Control Applications – Request for Direction Report

Date:	December 12, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Ward:	Ward 25 – Don Valley West
Reference Numbers:	13 282215 NNY 25 OZ & 13 282218 NNY 25 SA

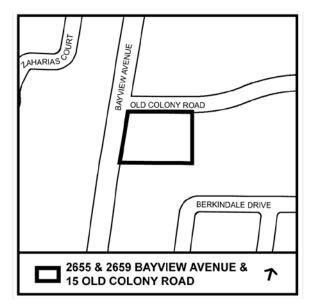
SUMMARY

The applicant has appealed the Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. The hearing is scheduled to begin March 30, 2015.

This application proposes to amend former City of North York Zoning By-law 7625 and

City of Toronto Zoning By-law 569-2013 to permit ten townhouse units fronting onto Bayview Avenue and two detached dwellings fronting onto Old Colony Road. The existing single-detached dwellings would be demolished.

This report recommends that the City Solicitor, together with City Planning staff, attend the OMB hearing in opposition to the current proposal. It also recommends that staff continue to work with the applicant in an attempt to resolve the outstanding issues.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the OMB hearing to oppose the zoning by-law amendment and Site Plan Control applications in their current form.
- 2. Should the OMB approve the applications, City Council authorize the City Solicitor to request that the OMB withholds its Order(s) approving the applications until such time as:
 - a. The Board has been advised by the City Solicitor that the proposed zoning by-law amendment is in a form satisfactory to the City; and
 - b. All pre-approval conditions have been met for the Site Plan Control application.
- 3. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report.

Financial Impact

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

DECISION HISTORY

These applications were received on December 31, 2013 and on February 25, 2014 North York Community Council adopted a Preliminary Report on the zoning by-law amendment application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given according to the regulations under the *Planning Act*. Community Council also directed staff to review the application in the context of the Bayview Townhouse Design Guideline study.

The Preliminary Report is available at:

http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-66470.pdf

On December 16, 2013 City Council directed staff to undertake a study for Bayview Avenue, from Highway 401 to Lawrence Avenue East, to review the appropriate development framework for the lots abutting Bayview Avenue. City Council's direction can be found at:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY28.34

A Status Report related to the study was adopted by North York Community Council at its meeting of April 8, 2014. The report outlined the Terms of Reference to be used in

conducting the study, what had occurred to that point and what the next steps should be to continue the study. The Terms of Reference also outlined that once guiding principles were generated they should be used in the review of active development applications. The Status Report can be found at:

http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-67828.pdf

A further Status Report was adopted by North York Community Council at its meeting of August 12, 2014. The report outlined draft guidelines for some lot types and identified work and analysis which is still required. It recommends that the Guiding Principles and draft guidelines be used in the review of active applications. The Status Report can be found at:

http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-72167.pdf

ISSUE BACKGROUND

Proposal

The applicant had originally applied for eleven townhouse units fronting onto Bayview Avenue and two detached dwellings fronting onto Old Colony Road. However, since that time the applicant has modified the application to ten townhouse units fronting onto Bayview Avenue and two detached dwellings fronting onto Old Colony Road.

The ten townhouse units are proposed in two blocks of five units, separated by a 1.2 metre wide landscaped area. Each townhouse unit would be a minimum of six metres wide and p arking for two vehicles would be provided in detached garages at the rear of the site. Rear, at-grade outdoor amenity space would be provided for each unit between the rear wall and the detached garage.

The two detached dwelling lots are of different sizes. The proposed lot immediately east of the townhouses would have a lot frontage of 18.3 metres and a depth of approximately fifty-two metres. The other lot would have a lot frontage of 27.4 metres and a depth of approximately seventy metres.

Parking for the townhouse units would be provided in rear, two car detached garages. Five visitor parking spaces would be provided on a parking pad located in the south-east corner of the lot. One detached dwelling would have a single car integral garage, while the other detached dwelling would have a three car integral garage. Visitor parking for the detached dwellings may be accommodated on the private driveways.

Recent Townhouse Approvals

The OMB approved a 20 unit townhouse development at 2425-2427 Bayview Avenue notwithstanding Council and City Planning staff's opposition. The OMB decision noted that townhouses at 2425-2427 Bayview Avenue were "an appropriate form of intensification" which was sensitive to the residential area. Council and City Planning staff also opposed an eight-unit townhouse development at 2500 Bayview Avenue however it too was approved by the OMB in May, 2010.

Since the approval by the OMB of the two applications mentioned above, additional applications for townhouses along Bayview Avenue have been filed with the City. An application for townhouses at 6 Baytree Crescent (file no. 12 139054 NNY 25 OZ) was approved by City Council on September 10, 2013. The bill for this development has not yet been enacted pending the issuance of Notice of Approval Conditions for the related Site Plan Control application. Applications for townhouses have also been submitted for 2 Wilket Road, and 103 and 108 Bayview Ridge.

These developments which were recently approved by City Council and the OMB are part of the emerging context of the area being considered as part of the review of this application.

Site and Surrounding Area

The site, made up of 3 existing lots, is located on the south-east corner of Old Colony Road and Bayview Avenue and has an area of approximately 6558 square metres. There are currently 3 detached dwellings on the site which would be demolished. Lots in the surrounding area to the east of the site are large, with a minimum lot frontage requirement of 30 metres. The lots fronting onto Bayview Avenue generally have large setbacks from the street.

To the north of the site are single detached dwellings which front onto Old Colony Road and then onto Bayview Avenue further north. The site abuts a single detached dwelling to the east and to the south are single detached dwellings which front onto Bayview Avenue.

While the area is predominantly single-detached dwellings, there is a large townhouse development at the north-east corner of Bayview Avenue and York Mills Road. As noted earlier, smaller townhouse developments are under construction at 2425 Bayview Avenue and 2500 Bayview Avenue and City Council recently approved a five-unit townhouse development to the south at 6 Baytree Crescent.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 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 healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

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 be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff have reviewed the proposal for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site as *Neighbourhoods* which are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. Small-scale retail, service and offices uses are also permitted. Development in *Neighbourhoods* is expected to "respect and reinforce" the existing physical character including building typology, size and configuration of lots, heights, massing and scale. Infill developments, such as the one proposed, should have building types with heights, massing and scale that are appropriate for the site and surrounding area.

Bayview Avenue is identified as a *major street* on Map 3 of the Official Plan. Applications for intensification along major streets in *Neighbourhood* designations are not encouraged. When a more intense form of development is proposed it is expected to respect and reinforce the existing physical character. When a more intense form of development along a major street has been approved, this should not be considered when assessing applications in the interior of the *Neighbourhood*.

Zoning

The site is currently zoned One-family Detached Dwelling First Density Zone (R1) by former City of North York Zoning By-law 7625. This zone permits single-detached dwellings as well as recreational and some institutional uses. The R1 zone requires lots to have a minimum lot frontage of 30 metres and a minimum lot area of 1100 square metres. A detached dwelling is permitted to have a maximum lot coverage of 25 percent. A minimum front yard setback of 12 metres is required for the subject site. The maximum permitted dwelling height is 9.5 metres and 3 storeys.

The site is zoned RD (f30.0; a1100)(x69) by City of Toronto Zoning By-law 569-2013 which is currently under appeal. This zone permits detached dwellings, places of worship, group homes and community centres. The requirements for lot frontage and area are the same as for the R1 zone in By-law 7625. Exception 69 details performance standards such as minimum setbacks, balconies and accessory structures.

Townhouses are not permitted in either the R1 or RD zoning categories.

Townhouse Guidelines

City-wide Infill Townhouse Guidelines

The City-wide Infill Townhouse Guidelines were approved by City Council in 2003 to address the development impacts of infill townhouses with a focus on "protecting streetscapes and seamlessly integrating new development with existing housing patterns". The Guidelines consider matters such as open spaces, building location, built form and location of parking. They also consider the interaction between the infill development and the pedestrian environment.

Bayview Townhouse Design Guidelines

At City Council's meeting of December 16, 17 and 18, 2013 staff were directed to undertake a study to review the appropriate development framework for lots which abut Bayview Avenue. The study is currently underway and a number of community working group meetings have been held. The applicant or their representative has been involved in the working group. A Status Report updating the work done on the study and introducing a number of Guiding Principles was presented to the August 2014 meeting of North York Community Council. The Guiding Principles have been used in the review of this application.

Site Plan Control

The application for Site Plan Control (file no. 13 282218 NNY 25 SA), submitted in conjunction with the applications for Official Plan and Zoning By-law Amendments, has also been appealed.

Community Consultation

Staff held a community consultation meeting April 23, 2014 to present the original proposal for 11 townhouse units to the community and to receive their feedback. Approximately 90 people attended and expressed some concerns with the proposal. Residents were concerned that the proposed 18.3 metre wide lot was not large enough to be consistent with the neighbourhood.

Residents were also concerned with the existing traffic on Bayview Avenue, the amount of traffic this proposal may generate and the potential impacts on Old Colony Road. It was felt access should be taken from Bayview Avenue and that visitor parking should be included. The applicant is now proposing visitor parking spaces.

Flooding and stormwater run-off were also issues raised by the community. Several home owners currently have basement flooding issues and it was felt that the amount of hard surface proposed would make the issue larger for the community. The community opined that the sewer on Old Colony Road is unable to accommodate existing stormwater.

Reasons for the Applications

An application to amend the zoning by-law is required as townhouses are not permitted under the current zoning. The rezoning also proposes to amend some performance standards of the by-law for detached dwellings. A Site Plan Control application was filed to meet the requirements of Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act*.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong communities; wide use and management of resources; and protecting public health and safety. The Province of Ontario has recently issued an updated PPS which is effective April 30, 2014 and applies to any planning decisions made on or after that date.

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. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

Both of these documents are high-level and broad reaching. The City is a development area and infill is encouraged under these policies. The PPS states that the most important method of implementing the policies is a municipality's Official Plan which guides the method of intensification and where it should be focused. Should the applicant address the issues set out in this report, the proposal will be consistent with the PPS and Growth Plan.

Bayview Townhouse Design Guidelines

The Bayview Townhouse Design Guidelines study is underway and staff have held a number of working group meetings which the applicant's representative has attended. Through the study, a number of principles have evolved to guide townhouse developments on this stretch of Bayview Avenue. A Status Report outlining these principles and draft guidelines was presented to North York Community Council in August 2014. Council directed staff to use the Guiding Principles and draft guidelines in the review of applications for townhouses within the study area.

The Guiding Principles and draft guidelines developed through the study are based on existing Official Plan policies. The *Neighbourhoods* policies relate to the character of neighbourhoods and the need for new development to respect and reinforce that character. The Guiding Principles state that townhouses should have a front relationship

with Bayview Avenue and have appropriate setbacks from Bayview Avenue; parking should be at the rear and visitor parking should be provided. If a development proposal includes detached dwellings fronting onto a side street, the Guiding Principles state that the proposed lots and dwellings should meet the existing by-law requirements. A discussion of the proposal's conformity with the Official Plan, Guiding Principles and draft guidelines follows below.

Neighbourhood Character

Townhouses

The Official Plan requires development in *Neighbourhoods* to "respect and reinforce" the existing physical character of the neighbourhood which includes setbacks of buildings from the street. The existing detached dwellings along Bayview Avenue generally have significant setbacks from Bayview Avenue with large front yards. The two dwellings on the site which currently front Bayview Avenue have front yards of approximately 33 and 49 metres. Front yards along Bayview Avenue, especially those on lots with large front yard setbacks, are heavily landscaped often with large mature trees and landscapes. This creates a landscaped pedestrian environment and minimizes the visibility of the dwellings from Bayview Avenue creating a unique character which infill development needs to respond to. The existing landscaped character of Bayview Avenue is important and something that the principles emerging from the ongoing study aim to retain.

The applicant is proposing a front yard setback for the townhouses of 6.3 metres which does not reflect the existing physical character of this portion of Bayview Avenue nor the intent of the underlying zoning by-laws. Bayview Avenue has generous landscaped front yard setbacks. The planned context for Bayview Avenue is to preserve this landscaped character. The proposed townhouse units should therefore be set back farther from Bayview Avenue to respond to the existing character with respect to building location and landscaped area. The zoning by-law requires a minimum front yard setback of 12 metres. The abutting dwelling has an approximate front yard setback of 9 metres.

Unlike other townhouse developments on this portion of Bayview Avenue, the applicant is proposing rear yards with detached garages for each of the units. The rear yards range in depth between 6.1 and 10.6 metres deep. These rear yards create lots for townhouses which have overall depths which are significantly greater than other townhouses on this stretch of Bayview Avenue. Accommodating these deeper lot layouts forces the units to project further into the front yard and have an inappropriate front yard setback. The front yard setback of the townhouses should be increased to respond to the generous landscaped character.

The proposed townhouses would be located 2.2 metres from the south side lot line. This setback should be increased in order to provide greater transition from the higher density townhouses to the existing dwelling to the south. A greater setback would minimize overlook and privacy concerns and allow for more opportunity to provide landscaping to maintain the existing physical character of Bayview Avenue.

A separation of 1.2 metres is proposed between the two townhouse blocks. The City-wide Infill Townhouse Guidelines say that where mid-block separations occur, they should be a minimum of 3 metres wide in order to provide an appropriate pedestrian walkway with landscaping and lighting. The proposed separation is insufficient to attain these objectives and should be increased.

Parking Impacts on Lot Pattern

The applicant is proposing 5 visitor parking spaces on the townhouse portion of the site. In order to provide this parking, the applicant has created a lot which is not rectangular but rather has an area to the rear of the proposed 18.3 metre wide lot. This results in an irregularly shaped lot for the townhouses.

The 18.3 metre wide lot is shallower than other lots on Old Colony Road due to the proposed parking location which creates a lot line which is not in keeping with the overall lotting pattern. By locating the parking in the proposed location, the parking spaces are located far from some of the units and it does not allow for appropriate landscaping. It also places the parking into the rear yard of the abutting lots rather than within a landscaped area. The emerging guidelines require visitor parking to be provided in a lay-by configuration along the rear property line. Parking in a lay-by configuration would also be buffered by landscaping from the neighbouring detached dwelling. The parking should be relocated to normalize the lot pattern, make the spaces more convenient to the townhouse units and to reduce the impact on the abutting lots.

Detached Dwelling Lots

In the August 2014 Status Report on the Bayview Townhouse Study, the Guiding Principles and draft guidelines contemplate transition between townhouse development which fronts Bayview Avenue and the stable interior residential neighbourhood. A detached dwelling can provide a transition between proposed townhouses and the existing neighbourhood. However, in order to provide an appropriate transition and to properly reflect the existing character, these detached dwellings should only be provided where a lot can meet the existing by-law requirements.

The applicant is proposing two residential lots which front onto Old Colony Road each with a detached dwelling to the rear of the townhouse units. The proposed lots would have lot frontages of 18.3 and 27.4 metres. Both By-law 7625 and By-law 569-2013 require a minimum lot frontage of 30 metres.

Lots on Old Colony Road have lot frontages which are generally consistent with the underlying zoning by-law requirements. Only 4 lots west of Harrison Road have a frontage less than 30 metres and none of these lots were created through a lot severance. These 4 substandard lots all have a frontage which is in excess of 22 metres.

The proposed lot frontage of 18.3 metres for the westerly single detached dwelling is not in keeping with the general character of the lots on Old Colony Road. The *Neighbourhoods* policies of the Official Plan require new development to "respect and reinforce" the existing physical character of a neighbourhood which includes the size and

configuration of lots. The other detached lot is substandard in frontage but not to the same degree and with modifications to the proposal, it may be possible to enlarge it to comply with the by-law. As mentioned above, it is proposed to locate the townhouse visitor parking at the rear of the 18.3 metre wide lot. This creates a detached dwelling lot which is significantly shallower than the other lots on Old Colony Road and is inconsistent with the lotting pattern. By relocating the townhouse visitor parking, the lot depth and lot pattern can be amended to fit within the character of the neighbourhood.

Due to the reduced lot frontage of the 18.3 metres lot, the proposed detached dwelling provides a side yard setback of 1.8 metres rather than the 3 metres required under the bylaw. The applicant is proposing a maximum lot coverage of 30 percent rather than the 25 percent permitted by the current zoning on both of the detached dwelling lots. The reduced setbacks and increased lot coverage are a direct result of attempting to put a 570 square metre dwelling on a lot which differs from the character of the other lots on Old Colony in terms of lot frontage and area. Enlarging the lot to be in character with the neighbourhood would allow the proposed dwelling to better fit.

As mentioned above, the Guiding Principles and draft guidelines state the in certain cases detached dwellings may be appropriate on corner lots. These lots should comply with the underlying zoning by-law requirements to ensure appropriate "fit" with the existing neighbourhood. The proposed 18.3 metre wide lot is not in keeping with the character of Old Colony nor the zoning by-law requirement. The proposal should be amended to provide more appropriate lot sizes for a detached dwelling which can meet the requirements of the zoning by-law.

Site Plan Control

In addition to the concerns raised above with respect to the application to amend the zoning by-laws, staff have some concerns with the application for Site Plan Control which has also been appealed.

The quality and amount of landscaping remains an issue and needs to reflect the landscaped area of both Bayview Avenue and Old Colony Road. Front entrances and walkways for the townhouse units should be paired to ensure that soft landscaping is consolidated within the front landscape area to minimize hard surfaces and maximize soil volumes for planting between entrance walkways. This is a requirement in the draft guidelines presented to North York Community Council in August 2014. The visitor parking area and driveway are both surrounded by limited landscaping and the landscape buffer should be increased to create an appropriate buffer between the vehicular uses and residential ones.

The design and massing of the townhouses should be improved in order to provide for a better integration of new townhouses with the existing Bayview Avenue neighbourhood. The townhouses should be appropriately massed and articulated to resemble the scale and articulation of a detached dwelling found on Bayview Avenue and in the interior neighbourhood. High quality materials and finishes should be provided which respect and

reinforce the character of the Bayview Avenue neighbourhood. The applicant has not provided staff with a description of the proposed materials.

The proposed townhouses have rear balconies on the third floor which create overlook and privacy issues for abutting residential neighbours. These should be eliminated to respond to overlook concerns and the proposed units already have outdoor amenity space at grade.

The streetscape and pedestrian environment should also be secured as part of the Site Plan process. The storage of garbage and recycling bins also needs to be addressed. The proposal should also meet the requirements of the Toronto Green Standard. These items are better reviewed and planned once appropriate setbacks and transition areas are provided and secured through zoning by-law standards.

Summary

While in principle staff do not oppose townhouses on the site, there are a number of issues surrounding the current proposal.

The townhouse portion of the development does not meet the Guiding Principles and draft guidelines of the Bayview Townhouse Study. The front yard setback is not sufficient and does not allow for sufficient landscaping to reflect the character of Bayview Avenue. This could be rectified by the elimination of the 18.3 metre wide lot or a reconfigured townhouse layout. The side yard setback to the south and the separation between buildings should also be increased to allow for more landscaping and separation from the existing adjacent dwelling.

The proposed detached dwelling lots have inappropriate lot frontages. The proposed 18.3 metre wide lot should be eliminated or enlarged as it is neither in keeping with the character of the neighbourhood nor in keeping with the underlying zoning by-law requirements. The other detached dwelling lot should be increased to meet the minimum zoning by-law requirements.

CONTACT

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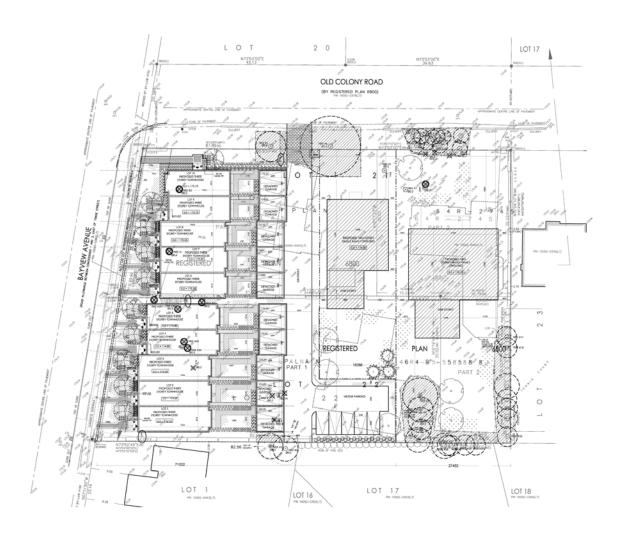
Allen Appleby, Director Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan Attachment 2: Elevations Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

2655 & 2659 Bayview Avenue & 15 Old Colony Road

Applicant's Submitted Drawing

Not to Scale 11/19/2014

File # 13 282215 NNY 25 OZ

Elevations - Lot C

Applicant's Submitted Drawing

Elevations - Lot C

Not to Scale 11/19/2014

Applicant's Submitted Drawing

Elevations - Lot B

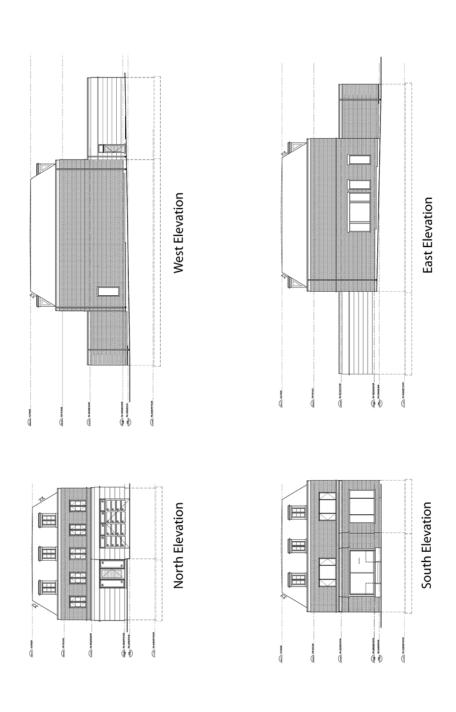
Applicant's Submitted Drawing

Elevations

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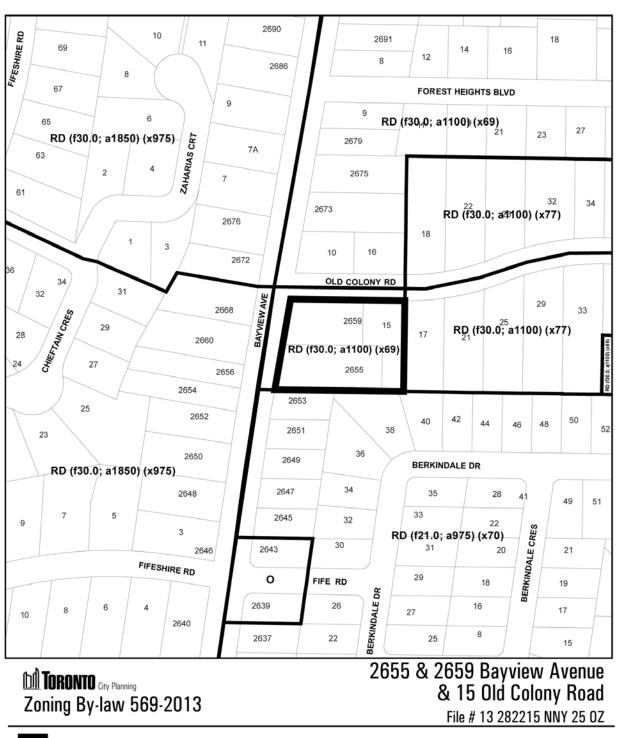
2655 & 2659 Bayview Avenue & 15 Old Colony Road

Elevations - Lot B Applicant's Submitted Drawing

Elevations - Lot C

Applicant's Submitted Drawing

Attachment 3: Zoning



Location of Application

RD Residential Detached

Open Space

Not to Scale
Extracted 1/15/2014

Attachment 4: Application Data Sheet

Application Type Rezoning & Site Plan Control Application Number: 13 282215 NNY 25 OZ &

13282218 NNY 25 SA

Details Rezoning, Standard Application Date: December 31, 2013

Municipal Address: 2655 - 2659 BAYVIEW AVENUE & 15 OLD COLONY ROAD

Location Description: PLAN 6800 PT LOT 21 64R2745 PART 1 **GRID N2502

Project Description: Proposal to amend current zoning by-law to permit the approval of 10 townhouses fronting

onto Bayview Avenue with two detached single family dwellings fronting onto Old Colony

Road.

Applicant: Agent: Architect: Owner:

GOLDBERG GROUP RICHARD WENGLE MOHSEN

ABBASZADEGAN

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: 7625:R1 Historical Status:

569-2013: RD(f30;a1100(x69))

Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 6558.02 Height: Storeys: 3

Frontage (m): 71.87 Metres: 9.5

Depth (m): 87.89

Total Ground Floor Area (sq. m): xxxxx Total

Total Residential GFA (sq. m): xxxx Parking Spaces: 29
Total Non-Residential GFA (sq. m): 0 Loading Docks 0

Total GFA (sq. m): xxxx
Lot Coverage Ratio (%): xxxx
Floor Space Index: xxxx

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	xxxxxx	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:	12	Institutional/Other GFA (sq. m):	0	0
Total Units:	12			

CONTACT: PLANNER NAME: Guy Matthew, Planner

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