

2 True Davidson Drive - Official Plan Amendment, Rezoning, Site Plan Control Applications - Supplementary Report

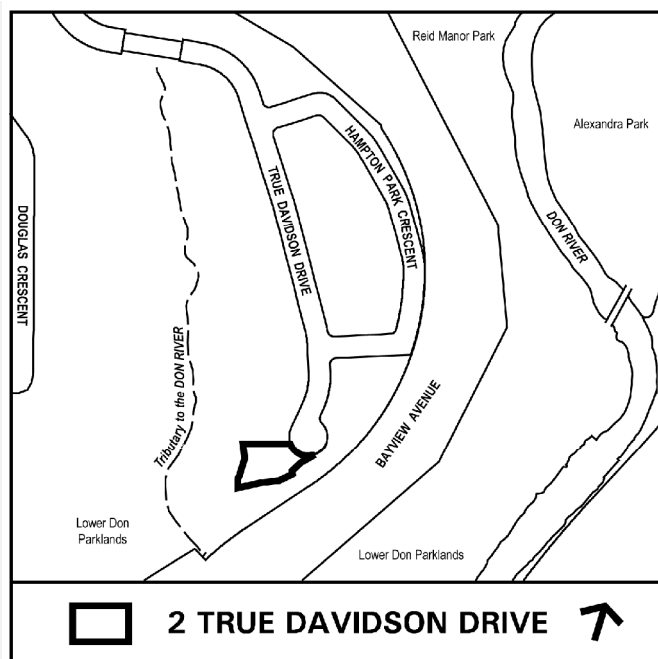
Date:	November 23, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 29 – Toronto-Danforth
Reference Number:	05-102723 STE 29 OZ

SUMMARY

At its meeting of August 25, 26 and 27, 2010, City Council considered a Direction Report from the Director, Community Planning, Toronto and East York District dated July 29, 2010, as well as a Supplementary Report from the City Solicitor and the Chief Planner and Executive Director, City Planning Division, dated August 24, 2010 in connection with appeals related to 2 True Davidson Drive.

City Council received the August 24, 2010 report, and directed the City Solicitor to request an adjournment of the Ontario Municipal Board hearing scheduled for October 25-28, 2010, to a date in 2011, in order to permit community consultation. City Council also requested the Chief Planner and Executive Director, City Planning to convene an information meeting with the Governor's Bridge Community on the development applications, prior to September 30, 2010.

This report provides details on the adjournment request of the Ontario Municipal Board hearing, the



information meeting held with the Governor's Bridge Community, and seeks final direction with respect to the pending appeals.

RECOMMENDATIONS

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, substantially in the form attached as Attachments 1 and 2 respectively, to the November 23, 2010 report from the Director, Community Planning, Toronto and East York District related to 2 True Davidson Drive.
2. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold, on terms acceptable to the City Solicitor, any Order approving the Official Plan and Zoning By-law Amendments until after being advised that relevant requirements of the Governor Bridge Subdivision Agreement, as amended, including necessary conveyances from Block 63, 66M-2374 to the City of Toronto and the Toronto and Region Conservation Authority have been addressed, to the satisfaction of the Technical Services Division and the Toronto and Region Conservation Authority.
3. City Council authorize the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor, to propose such technical and stylistic changes to the draft Official Plan Amendment and the draft Zoning By-law Amendment as Attachments No. 1 and 2, respectively, as well as other modifications considered appropriate and consistent with the objectives outlined in this report and the July 29, 2010 report from the Director, Community Planning, Toronto and East York with respect to the proposed designations and implementation of the applicable Toronto Official Plan policies.
4. City Council authorize the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor, to prepare and support at the Ontario Municipal Board, an amendment to the new City of Toronto Zoning By-law No. 1156-2010 that incorporates a site specific exception reflecting the development permissions that may be granted through approval of the proposed Zoning By-law Amendment to former Borough of East York By-law 6752, as amended, at Attachment 2 and related to 2 True Davidson Drive.
5. City Council authorize the City Solicitor and applicable City staff to take all necessary steps to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of August 25, 26 and 27, 2010, City Council considered a Request for Direction Report from the Director Community Planning, Toronto and East York District dated July 29, 2010, in connection with pending appeals of the Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications related to 2 True Davidson Drive. In the Request for Direction report, staff indicated that they were supportive of the Official Plan and Zoning By-law amendments in principle, however, a number of matters required resolution in the context of the Ontario Municipal Board proceedings. Staff sought direction to attend the Ontario Municipal Board in support of the draft Official Plan and Zoning By-law Amendments attached to the report, which have been drafted to address site specific issues identified, particularly slope and ravine protection matters.

As a result of depositions and submissions made by local residents in response to the Request for Direction Report, before Toronto and East York Community Council at its meeting of August 17, 2010, TEYCC requested that the Chief Planner and Executive Director, City Planning Division, report directly to City Council on August 25, 2010. A Supplementary Report from the City Solicitor and the Chief Planner and Executive Director, City Planning Division, dated August 24, 2010, related to the development applications at 2 True Davidson Drive, had been prepared and was received by City Council at its meeting of August 25, 26, and 27, 2010.

The Request for Directions report can be found on the Clerk's website, and may be accessed by the following link:

<http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-32475.pdf>

The Supplementary Report can be found on the Clerk's website, and may be accessed by the following link:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-33339.pdf>

At its meeting of August 25, 26, and 27, 2010, City Council directed the City Solicitor to seek an adjournment of the pending Ontario Municipal Board hearing, scheduled for October 25-28, 2010, to a date in 2011 in order to permit community consultation on the merits of the application. City Council also directed the Chief Planner and Executive Director, City Planning Division to convene an information meeting with the community with respect to the applications, prior to September 30, 2010. The applicant and representatives from Toronto and Region Conservation Authority were to be requested to attend.

Ontario Municipal Board Hearing

The formal motion brought by the City Solicitor to the Ontario Municipal Board was heard on October 21, 2010. At that time, a representative of the residents was granted party status for the purpose of the motion and supported the City's request. After hearing submissions of all parties, the Ontario Municipal Board granted the request for an adjournment. The new hearing date is scheduled for February 8-11, 2011. The hearing date is peremptory on the City as well as the residents, should the residents seek party

status for the hearing. Counsel for the applicant has advised the Board and the City that it reserves the right to seek costs against the City on the adjournment.

Staff now require direction on the pending appeals for the purpose of the Ontario Municipal Board hearing.

Community Information Meeting

A Community Information Meeting was held on September 30, 2010 at Bennington Heights Public School. Approximately 20 members of the public were in attendance at the meeting. Representatives of the applicant and the Toronto and Regional Conservation Authority were also in attendance.

Matters raised by various residents at the meeting included:

- ***Community Consultation:*** Some residents expressed concern regarding the fact that a Community Consultation meeting was being held so late in the process.
- ***Size of Proposal:*** Some residents were concerned that the size of the proposed dwelling would be larger than the other dwellings in the subdivision.
- ***Subdivision Matters:*** Some residents expressed concerns regarding the previous works undertaken by the applicant in the subdivision.
- ***Green Space:*** Some residents inquired about the loss of perceived greenspace, why the subject site, Block 63, could not remain open space, and why it could not be turned into a park or parkette.
- ***Bayview Avenue Slope:*** Residents questioned the stability of the Bayview Avenue slope and identified concerns with this slope in relation to some lots in the subdivision. The residents questioned the engineering reports and analysis of the Bayview Avenue slope, as well as future stability relative to the erection of the dwelling unit on a proposed new lot within Block 63.
- ***Process:*** Some residents inquired about the City's processing of this application, why the application had been in for so long, and the outstanding matters to be resolved. Questions regarding why City staff and Toronto and Region Conservation Authority staff would support the proposal also arose.
- ***Ontario Municipal Board:*** Questions were asked as to how the application was able to move from a state of dormancy to an appeal before the Ontario Municipal Board. Questions regarding what an Ontario Municipal Board hearing involves were also asked.

Many of the issues raised at the Community Information Meeting were addressed in the Supplementary Report dated August 24, 2010, from the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, and were further discussed.

COMMENTS

Land Use

The Request for Direction Report dated July 29, 2010 from the Director, Community Planning, Toronto and East York District identified that Staff support the Official Plan and Zoning By-law Amendments in principle. Staff identified that from a land use perspective, the proposed lot has a developable area that is generally consistent with the size of other lots within the subdivision, and that the proposed 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*.

Staff recommended that the proposed lot continue to have a split designation and zoning. It was recommended 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. It was also recommended that only the part of the table lands that will be developed with the single detached dwelling be re-designated *Neighbourhoods* and be re-zoned Residential-R1C.

The development standards for the lot and dwelling will be contained within the Site Specific Zoning By-law for the lot.

Greenspace

As was stated in the August 24, 2010 report from the City Solicitor and the Chief Planner and Executive Director, City Planning Division, the conveyance of land for parkland dedication was not a condition of approval or included in the Governor’s Bridge Subdivision Agreement that was entered into. Improvements to Nesbitt Park and a cash-in-lieu payment were considered appropriate. No specific parkland conveyance requirement was imposed or expected at the time, and there is no basis for the City to require land conveyance for parkland at this time, in the context of the recent applications.

Bayview Avenue Slope

Planning staff are advised by Technical Services that in the 1990's the need for slope stabilization along Bayview Avenue was identified and was critical to allow development of the Governor's Bridge subdivision to proceed on the tableland area above. A design was agreed to and was incorporated into a Subdivision Amending Agreement, dated May 1, 2001. The work proposed was within lands owned at the time by the Borough of East York as well as within lands still to be conveyed to the municipality pursuant to the Governor's Bridge Subdivision Agreement, dated November 18, 1999. Technical Services staff advise that the initial Bayview Avenue slope remediation work was performed in 2001 by the applicant’s contractor. It was determined that the initial works were not completed as per the full specifications and the full landscaping was not implemented. Since that time there have been a series of minor failures within the surficial zone of the slope. Periodic rectifications were performed by the applicant under the direction of their geotechnical consultant. In the summer of 2009, due to a larger failure at the end of the True Davidson Drive cul-de-sac, the applicant reconstructed a large portion of the original slope remediation works with the input of the geotechnical

consultant, incorporating subdrains to improve the drainage and the stability of the slope. While the work is acceptable in principle and currently appears stable, it was undertaken without City input and therefore there is a need to assess slope performance over time. Implementation of the planned intensive planting, considered integral to the long-term surficial stability of the slope, was substantially completed late in the summer of 2010.

Technical Services staff advise that the City peer reviewer has recommended that acceptance of the Bayview Avenue slope remediation work as well as the transfer of any associated land to the City pursuant to the Subdivision Agreement, be withheld until at least the spring of 2011 to allow for further observation of the performance of the 2009 slope reconstruction and the most recent landscaping. If, at that time, the work is accepted and lands are transferred to the City, it is recommended that arrangements be made for the retention of related securities for an extended maintenance and guarantee period. Should the Ontario Municipal Board be inclined to approve the proposed official plan and zoning amendments, staff have recommended that the City Solicitor be authorized to request appropriate arrangements for issuance of the Board's Order only after the requirements of the Subdivision Agreement, including necessary conveyances to the City and TRCA creating the proposed lot, have been completed.

Slope Stability and the Proposed Lot

The proposed lot is surplus tableland land that will result from the conveyance to the City of remaining lands required for Bayview Avenue as well as other lands required by Toronto and Region Conservation Authority for slope protection pursuant to the Governor Bridge Subdivision Agreement, as amended. The south and west lot lines of the proposed lot reflect the top of the slope. The surrounding slopes are steep, but mature trees provide stability and the area of slope work along Bayview Avenue which is adjacent to the proposed lot is limited to an area at the south easterly lot boundary.

The City's peer reviewer has also recommended that it is critical as part of any development approvals for the proposed lot to ensure that design and appropriate safeguards ensure that no drainage is permitted over the slope areas. Proper drainage of the tableland will help to ensure that there are no local fixes required after construction that could destabilize the slope. A 6-meter restricted no build buffer zone adjacent to the west and southerly slopes with enhancement landscaping treatment is recommended to protect and stabilize the slope conditions, and prevent future changes within the lot that may affect the condition of the surrounding slopes.

The safeguards recommended by the peer reviewer are being addressed by City staff through the proposed split designation and zoning, the incorporation of a buffer zone and site specific development standards. Ravine and slope protection in the vicinity of the proposed lot will be reinforced through site plan approval requirements.

Draft Official Plan Amendment

The draft Official Plan Amendment contained in the request for Directions report dated July 29, 2010, which was before Community Council on August 25-27, 2010 has been

attached to this report as Attachment 1 for convenience. No modifications have been made to the draft Official Plan Amendment.

Draft Zoning By-law Amendment Modifications to Draft Zoning By-law

The Draft Zoning By-law Amendment, contained as Attachment 2 to this report, contains minor modifications to the Draft Zoning By-law Amendment which was before Community Council on August 25-27, 2010. This section of the report identifies the modifications made as a result of further discussions and review with the applicant.

The modifications are as follows:

- 1) Section 4, Paragraph 7.4.4.9.2 (1) has been modified to include the permission to erect a noise attenuation fence and retaining walls on the portion of the lot identified as Part B on Map 1.
- 2) Section 4, Paragraph 7.4.4.9.2 (3)(b) has been modified to reduce the permitted gross floor area from 620m² to a maximum gross floor area of 600 m².
- 3) The reference to maximum floor space index in Section 4, Paragraph 7.4.4.9.2 (3)(c) is not necessary and has been deleted.
- 4) Section 4, Paragraph 7.4.4.9.2 (4) has been added to allow for a reverse slope driveway on this lot, which is consistent with the reverse slope driveways in the existing subdivision.
- 5) A Section 6 has been added to the By-law which reads “None of the other provisions applicable to lands in an R1C zone shall apply to the lands referred to in Section 7.4.4.9” for clarification.
- 6) A Section 7 has been added to the By-law which reads “Excepting the amendments contained in this By-law, all the other provisions of former East York Zoning By-law No. 6752, as amended, shall apply to the lands referred to in Section 7.4.4.9”.
- 7) Typographical errors on Map 1 have been corrected.

New Zoning By-law

At its meeting of August 25-27, 2010, City Council adopted a new, harmonized, Zoning By-law for the City of Toronto. Appeals of By-law 1156-2010 are now before the Ontario Municipal Board. No hearing dates have been set. While the appeals are ongoing, the provisions of the in force former zoning by-laws as well as the newly enacted zoning by-law must be considered.

The new Zoning By-law identifies 2 True Davidson Drive (Block 63 66M-2374) as “not part of this By-law” in accordance with the transition protocol. This was based on a determination that the development of properties with a submitted Site Plan Approval Application that had not resulted in a building permit should be permitted to progress under the current zoning rules. However, the intent is to bring these properties into the

new Zoning By-law either site specifically as opportunities arise or by a future comprehensive amendment. Accordingly, staff are also recommending preparation and support at the Ontario Municipal Board of a site specific exception to the new Zoning By-law No. 1156-2010 to reflect the same development permissions that may be granted through approval of the proposed Zoning By-law Amendment to former Borough of East York By-law No. 6752, as amended, and included at Attachment 1.

Conclusion:

As was stated in the Request for Direction report, dated July 29, 2010 from the Director, Community Planning, Toronto and East York, Staff support the amendments in principle, subject to the resolution of some matters related to the creation of the proposed lot and the requirements of the Subdivision Agreement. Staff are seeking authorization from Council, to allow the City Solicitor and necessary City staff to attend at the Ontario Municipal Board hearing in support the Official Plan and Zoning By-law amendments substantially in the form attached to this report which were drafted to address site specific issues identified, particularly slope and ravine protection.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: 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

AMENDMENT NO. 141 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2009 AS

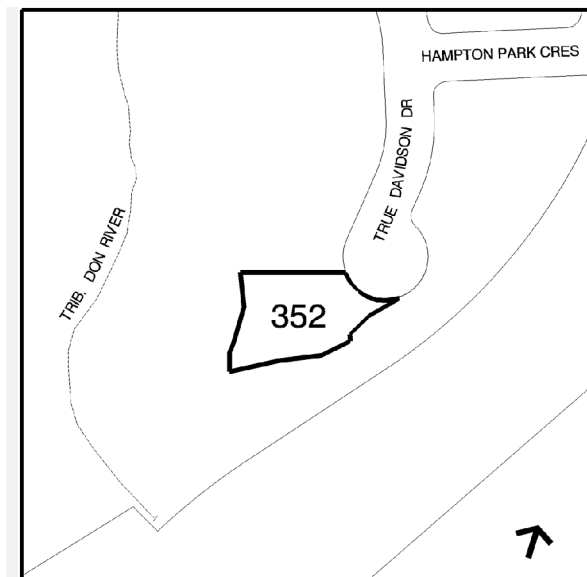
PART OF 2 TRUE DAVIDSON DRIVE

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.







Toronto City Planning

Official Plan Amendment #352

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

2 True Davidson Drive

File # 05_102723

-  Site Location
-  Neighbourhoods
-  Natural Areas
-  Utility Corridors

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Not to Scale
07/27/2010

Attachment 2: 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.
- (d) Notwithstanding 1(c) above, a noise attenuation fence and retaining walls 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 ²
(b)	Maximum Gross Floor Area	600 m ²
(c)	Maximum Height	13.5 metres
(d)	Maximum Number of Storeys	3 Storeys
(e)	Siting of all Buildings, Structures or portions thereof	Wholly within the Building Envelope as shown on Map 2 of this By-law
(f)	Minimum Number of Parking Spaces	1 Off-Street Parking Space
(g)	Minimum Landscaped Open Space	25% of the Minimum Lot Area

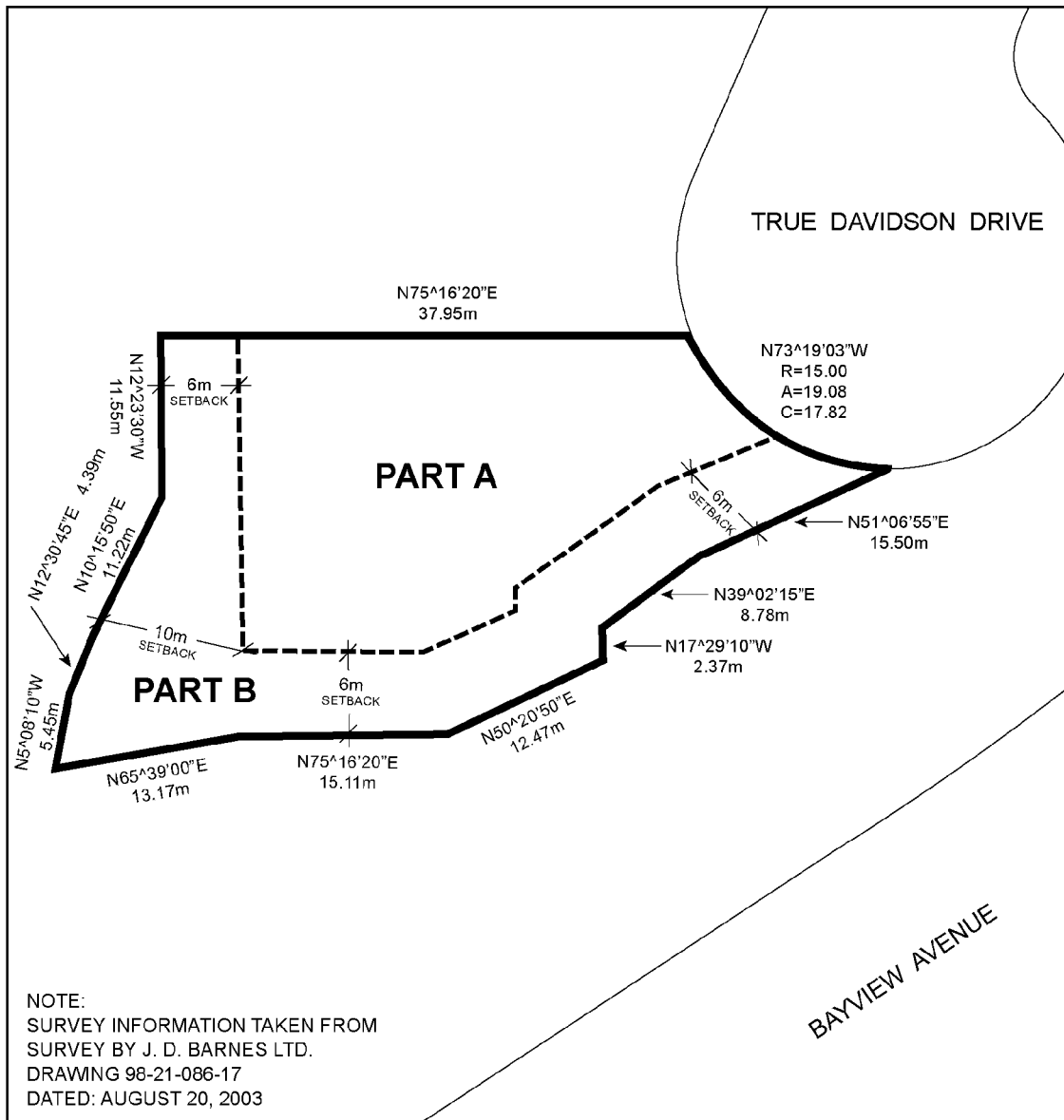
- (4) A garage located below Grade shall be permitted on the Lot.
5. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or Erect or use any Building or Structure unless the following municipal services are provided to the lot line and the following provisions 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.
6. None of the other provisions applicable to lands in an R1C zone shall apply to the lands referred to in Section 7.4.4.9.
7. Excepting the amendments contained in this By-law, all the other provisions of former East York Zoning By-law No. 6752, as amended, shall apply to the lands referred to in Section 7.4.4.9.

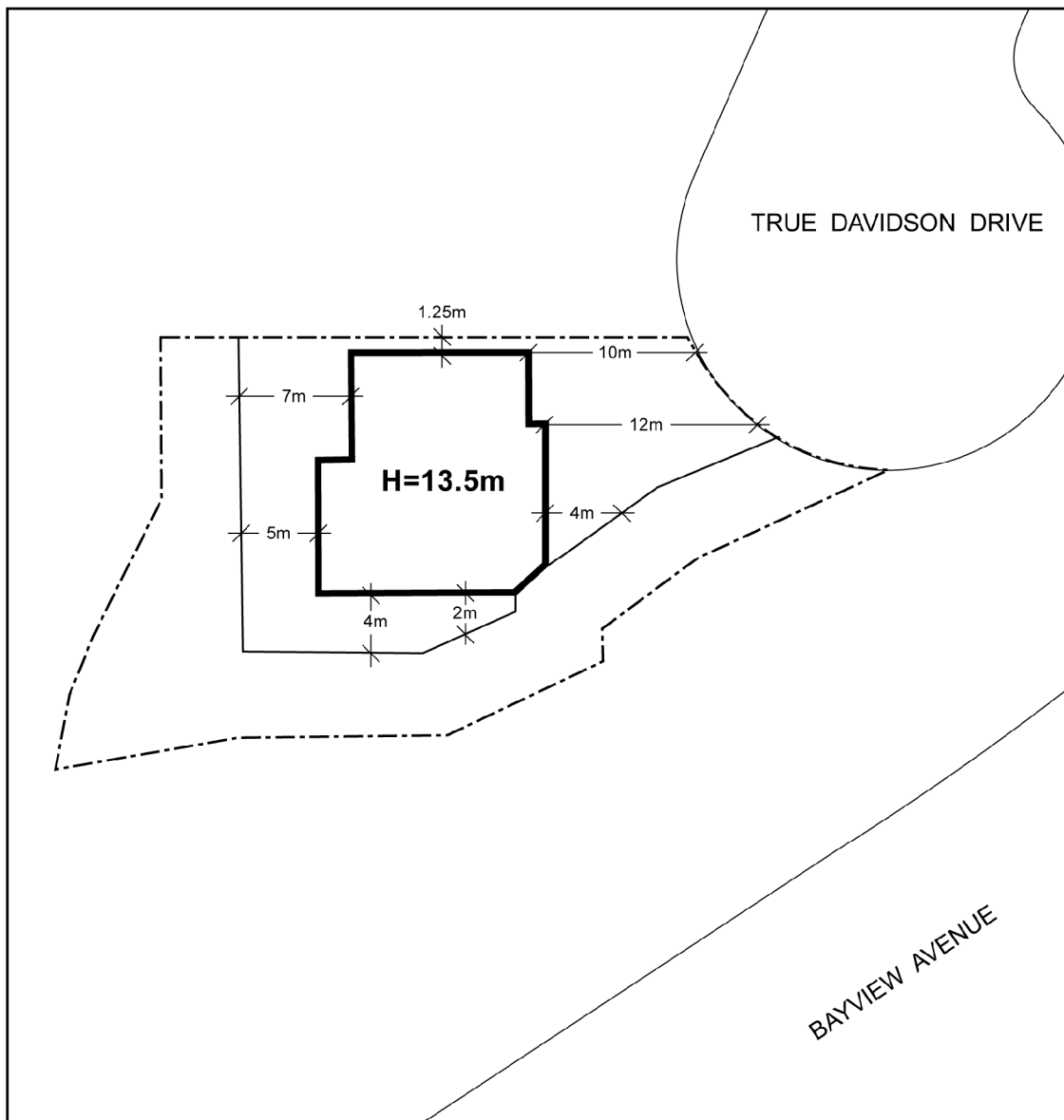
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Toronto City Planning
Map 2

2 True Davidson Drive

File # 05_102723

— Building Footprint (*will not extend past 6m No Build Line)
 — 5m — Building Setbacks (minimum)
 H= Maximum Building Height

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 Not to Scale
 07/27/2010