

9 Fairmeadow Avenue (formerly known as 17 Fairmeadow Avenue) – Zoning By-law Amendment and Subdivision Applications – Final Report

Date:	December 12, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Numbers:	11 329800 NNY 25 OZ & 11 329814 NNY 25 SB

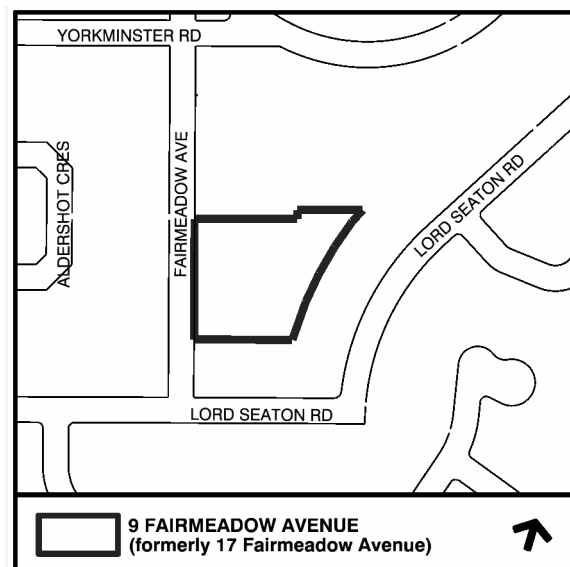
SUMMARY

This application is for an amendment to Zoning By-law 7625 and approval of an eleven lot subdivision of single detached dwellings and a sales office on a former school site at 9 Fairmeadow Avenue, formerly known as 17 Fairmeadow Avenue. This report reviews and recommends approval of the application to amend the Zoning By-law and also advises that the Chief Planner intends to approve the Draft Plan of Subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625, for the lands at 9 Fairmeadow Avenue, formerly known as 17 Fairmeadow Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision as generally illustrated on Attachment 2 subject to:
 - a. the conditions as generally listed in Attachment 6, which except as otherwise noted must be fulfilled prior to the release of the plan of subdivision for registration; and
 - b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject property was recently the subject of consent application B049/11NY and minor variance application A649/11NY at the Committee of Adjustment. The consent application was necessary to sever the subject lands from the remainder of the school site immediately to the north. The school building on the northerly lot is currently used by the Toronto District School Board (TDSB) for administrative offices which are not permitted under the R4 zoning and required the minor variance to continue to operate. Both applications were approved on November 17, 2011. Due to the severance application, the municipal address of the subject lands has been changed to 9 Fairmeadow Avenue.

A Preliminary Report related to the current rezoning and subdivision applications was considered by North York Community Council at its meeting of March 20, 2012 which can be found at:

<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-45562.pdf>

ISSUE BACKGROUND

Proposal

The applicant is proposing to develop the southern portion of the existing school site with eleven single detached two-storey dwellings as shown on Attachment 1. The new street is a public cul-de-sac through the centre of the lands that ends within the property. Seven of the lots will take their frontage off of the new street while the remaining four lots will front Fairmeadow Avenue. The proposed lots comply with the lot frontage and site area requirements of the R4 zoning permissions on the site. The applicant is seeking to modify

the zoning by-law provisions for front, side and rear yard setback, lot coverage and length of dwelling. Each dwelling would be accessed by a private driveway. The applicant is also requesting a sales office in a model home on the site in order to market the proposed dwellings.

Site and Surrounding Area

The site is located west of Bayview Avenue and north of York Mills Road, on the east side of Fairmeadow Avenue. The site was previously the southern portion of the former Fairmeadow School which was used for playing fields, while the former school building on the northern portion of the site is now used as administrative offices for the TDSB.

Abutting uses include:

North: The former Fairmeadow School which is now used for administrative offices by the TDSB.

South: Residential detached dwellings.

East: Residential detached dwellings.

West: Residential 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 *Planning Act*, to conform, or not conflict, 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 consisting of residential uses in low scale buildings such as detached, semi-detached dwellings and townhouses. Development in these areas shall "respect and reinforce" the existing character including street patterns, size and configuration of lots, heights, massing and scale. Infill developments, such as the one proposed, shall have heights, massing and scale which are appropriate for the site and the surrounding area.

The Official Plan provides development criteria for infill development on properties in Neighbourhoods which vary from the prevailing patterns of lot size, configuration and orientation. Such development is to have heights, massing and scale appropriate for the site and compatible with nearby residential properties. Infill development should provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and by using landscaping, planting and fencing to enhance privacy where needed. Development is to front onto existing or newly created public streets wherever possible, with no gates limiting public access.

The built form and public realm policies for development can be found in Section 3.1 of the Official Plan. When a development is made up of multiple buildings, high quality architecture, landscape and urban design is promoted by the provision of architectural control guidelines. The guidelines are to set out built form and landscape character on private lands. The guidelines are a condition of subdivision approval and will form part of the subdivision agreement which is registered on title.

Zoning

The site is currently zoned R4 under former City of North York Zoning By-law No. 7625 as shown on Attachment 3. This zone permits single detached dwellings with a minimum lot frontage of 15 metres and a lot area of 550 m². The maximum permitted lot coverage is 30% and the maximum height is 8.8 metres. A minimum side yard setback of 1.8 metres is required and a maximum dwelling length of 16.8 metres is permitted. Sales offices are not permitted in a R4 zone.

Plan of Subdivision

An application for Draft Plan of Subdivision was submitted to the City to establish the public road through the site and create lots for the detached dwellings as shown on Attachment 2. The Chief Planner has delegated approval authority for plans of subdivision under By-law 229-2000.

Reasons for Application

While the proposed lots will meet the frontage and lot area requirements of the R4 zone, the applicant is proposing to modify the development permissions for building setbacks, lot coverage, and dwelling length. In addition, the sales office and model home are not permitted in the R4 zoning.

The applicant is seeking to amend the R4 provisions as follows:

Zoning Provision	Zoning By-law 7625 R4	Proposed
Maximum Lot Coverage	30%	40% for all lots except 35% on Lot 5.
Minimum Front Yard Setback	6.5 m	6 m
Minimum Side Yard Setback	1.8 m	1.2 m for Lots 3 to 9, 1.8 m for Lots 1, 2 , 10 and 11
Minimum Rear Yard Setback	9.5 m	7.5 m or 25% of lot depth, whichever is greater
Maximum Length of Dwelling	16.8 m	22 m except for 25 m on Lot 5

Community Consultation

A community consultation meeting was held on April 24, 2012 with approximately thirty residents in attendance and was chaired by Community Planning staff. The ward councillor also attended. The following issues were discussed:

- Proposed rear yard setbacks – residents wanted to see the rear yard setbacks be increased from a minimum of 7.5 metres.
- Traffic impacts on Fairmeadow Avenue and Lord Seaton Road.
- Proposed dwelling footprints – the residents were interested to see the final building footprints to better understand the setbacks.
- Fences and vegetation along the rear property line – abutting neighbours were concerned over losing the existing vegetation along their rear property lines and the potential for new fencing.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards and conditions of Draft Plan Approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas which provide a healthy, liveable and safe community, in this case by making efficient use of a site that is no longer required for public use.

Land Use and Built Form

The Official Plan designates the property as *Neighbourhoods* and these areas are predominantly made up of low scale residential buildings. Policy 4.1.5 requires that new development in established *Neighbourhoods* “respect and reinforce” the existing physical character of the neighbourhood. This includes the patterns of streets; the size and configurations of lots; the heights, massing, scale and dwelling type of nearby residential properties; and prevailing patterns of rear and side yard setbacks.

The proposed development maintains the established lot and road characteristics in the surrounding residential community. The proposed lots comply with the Zoning By-law requirements for lot frontage and area and satisfy the criteria of the Official Plan that requires the lot characteristics of the new development be compatible with the surrounding neighbourhood.

The neighbourhood is made up of mainly one- and two-storey detached dwellings with well landscaped front yards and mature trees. Policy 4.1.9 of the Official Plan requires that infill development has heights, massing and scale which is appropriate to the character of the surrounding community. Development should also provide adequate setbacks to ensure privacy and conformity with the neighbourhood. The proposed lot coverage is slightly greater than what is currently permitted in the current By-law but is consistent with recent development in the area and therefore compatible with the surrounding area. The height of the proposed dwellings complies with the current R4 zoning permissions which is 8 metres for a flat roof or 8.8 metres for a peaked roof and a maximum of 2 storeys.

Lots 1, 2, 10 and 11 will provide side yard setbacks of 1.8 metres which complies with the existing R4 zoning while the interior lots will provide a minimum setback of 1.2 metres. The lots along Fairmeadow Avenue maintain the existing by-law permission while the interior lots provide slightly less. This is consistent with recent construction in the area and is considered appropriate. The applicant has increased the proposed the rear yard setbacks in response the residents concern regarding setbacks. The originally proposed rear yard setback of 7.5 metres has been increased to a minimum of 7.5 metres or 25 percent of the lot depth, whichever is greater. All of the proposed lots are deep enough so that all rear yard setbacks would be greater than 7.5 metres and are required to meet the minimum of 25 percent of the lot depth which results in a rear yard setback of 7.75 metres for the lots which front Fairmeadow Avenue (Lots 1, 2, 10 and 11). The rear yard setbacks for lots 6 to 9, which abut existing residential lots, are 8.7 metres, 7.75 metres, 8.6 metres and 9.1 metres respectively.

Abutting residents also asked the applicant to provide fencing along the rear lot lines and to ensure the existing vegetation would not be removed. Currently there is a varied pattern of screening, consisting of both fencing and vegetation, along the east and south property lines. This includes different fencing types and large mature trees. Some lots have fencing which incorporates existing trees which would need to be removed to allow for a fence along the property line. The applicant is not seeking any tree removal permits along the south or east property lines. Any fence would need to span the entire rear lot line and may

impact existing trees in order to construct it along the property line. The existing vegetation and fencing provides adequate screening. Given the existing conditions along the south and east property lines, the applicant is not proposing a fence, preferring to leave the decision up to the future purchaser. Staff is not requiring a fence as a condition of Subdivision Approval.

The proposed development is compatible with the surrounding neighbourhood in terms of massing, scale and setbacks. The development provides adequate privacy with the lot pattern creating back-to-back relationships with adjacent properties with only one side to rear lot configuration, Lot 11 to 112 Lord Seaton Road.

The draft zoning by-law (Attachment 5) also allows for a temporary sales office within a model home to allow for the marketing and sale of the proposed development. The sales office would be located on one of the lots which front onto Fairmeadow Avenue. This sales office is not permitted to market any other developments which the applicant may have and will be converted into a residential dwelling once the units are sold.

Traffic Impact and Access

The residents raised some concerns regarding the potential for additional traffic in the area as a result of the development. Transportation has not identified any issues with the proposal.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provision across the City. The lands which are the subject of this application are in an area with 0.78-1.55 hectares of parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is also in a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

The parkland dedication requirement for this proposal, as per City Wide Parkland Dedication By-law 1020-2010, is 5% of the area of the site to be developed. The proposed net site area is 8,400 m² which would require a total parkland dedication of 420 m².

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and Parks, Forestry and Recreation deems this appropriate as the parkland dedication would not create a substantial park.

The proposal involves removing the existing soccer goalposts on the site. Staff understand that the applicant is in discussions with the TDSB to relocate these goalposts to lands owned by the TDSB abutting the site to the north in order to address comments made by area residents.

Subdivision

The draft conditions of approval as outlined in Attachment 6 will ensure the road is constructed to City standards and that the land transfers to the City are completed in

accordance with City policies. Lots 1, 2, 10 and 11 front onto Fairmeadow Avenue to match the other lots on the street while the remaining lots provide the rear to rear lot pattern characteristic of the neighbourhood. The Chief Planner has delegated approval authority under By-law 229-2000.

Architectural Design Guidelines

The applicant is preparing Architectural Design Guidelines which will guide the elevations, landscaping (including fencing details), and streetscape. The design and amenity with the public realm will be of a high quality. The Guidelines will provide for the use of high quality materials throughout the development and will be used to provide character to the dwellings. Variations will be provided in the design of the dwellings to create an interesting streetscape. The Architectural Design Guidelines will be secured as a condition of subdivision approval.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Performance measures to secure the Tier 1 criteria will be secured through the subdivision agreement.

CONTACT

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E-mail: gmatthe2@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Draft Plan of Subdivision

Attachment 3: Former North York Zoning By-law 7625

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 6: Conditions of Draft Plan of Subdivision

Attachment 1: Site Plan



Concept Plan

9 Fairmeadow Avenue (formerly 17 Fairmeadow Ave.)

Applicant's Submitted Drawing

Not to Scale
11/16/2012

File # 11 329800 NNY 25 02

Attachment 2: Draft Plan of Subdivision



Site Plan

9 Fairmeadow Avenue (formerly 17 Fairmeadow Ave.)

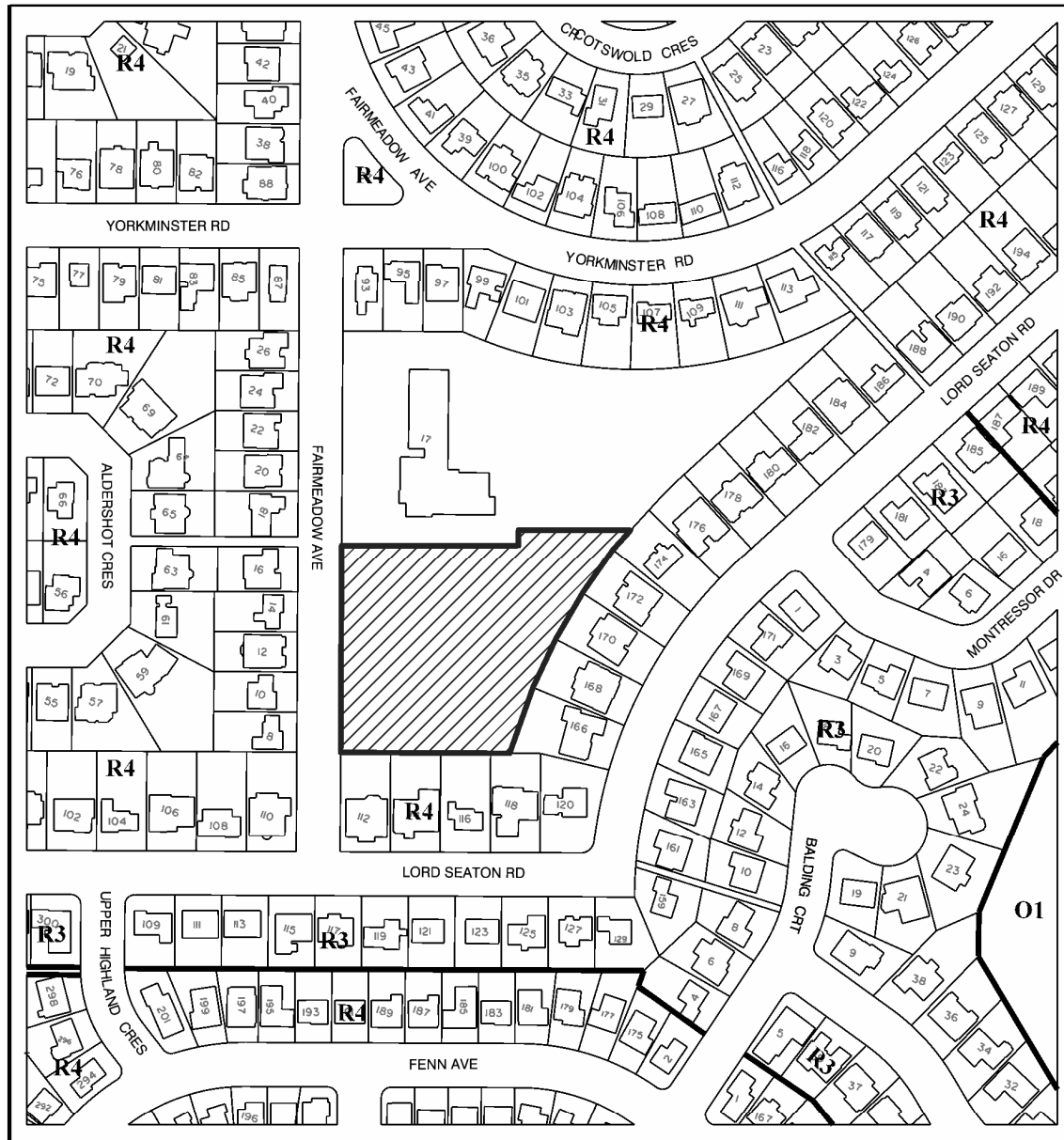
Applicant's Submitted Drawing

Not to Scale
01/19/2012



File # 11 329800 NNY 25 0Z

Attachment 3: Zoning



Toronto City Planning
Zoning

9 Fairmeadow Avenue (formerly 17 Fairmeadow Ave.)

File # 11 329800 NNY 25 02

R3 One-Family Detached Dwelling Third Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
O1 Open Space Zone

↑
Not to Scale
Zoning By-law 7625
Extracted 01/19/2012

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	11 329800 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2011

Municipal Address:	9 FAIRMEADOW AVENUE (FORMERLY 17 FAIRMEADOW AVENUE)
Location Description:	X-Ref: (11 329814 NNY 25 SB) **GRID N2501
Project Description:	Proposal is to subdivide the southern portion of the existing school site into 11 lots. A new public road is proposed. It is proposed to construct a single family dwelling on each of the lots. The existing school building would continue to operate on the northern portion of the site.

Applicant:	Agent:	Architect:	Owner:
SORBARA GROUP	ANNA FAGYAS	HUNT DESIGN ASSOCIATES INC	TORONTO DISTRICT SCHOOL BOARD

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R4 7625	Historical Status:
Height Limit (m):		Site Plan Control Area: N

PROJECT INFORMATION

Site Area (sq. m):	9700	Height:	Storeys:	2
Frontage (m):	133.3		Metres:	8.8
Depth (m):	95.6			
Total Ground Floor Area (sq. m):	2736			Total
Total Residential GFA (sq. m):	4703		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	4703			
Lot Coverage Ratio (%):	28.2			
Floor Space Index:	0.48			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	4703	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:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	11			

CONTACT:	PLANNER NAME:	Guy Matthew, Planner
	TELEPHONE:	(416) 395-7102

Attachment 5: Draft Zoning By-law Amendment

Authority: North York Community Council Item No. as adopted by City of Toronto Council on , 2013.

Enacted by Council: ~, 2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

To amend former City of North York By-law 7625 in respect of lands municipally known as 9 Fairmeadow Avenue (formerly 17 Fairmeadow Avenue)

WHEREAS authority is given to Council by Sections 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*; and,

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

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 64.13 of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

“64.13(104) R4 (104)

PERMITTED USE

- (a) Sales Office

In addition to the uses permitted in the One-Family Detached Dwelling Fourth Density Zone (R4), a sales office in combination with a model home shall be permitted on the lands shown on Schedule 1 to this by-law. The sales office shall be limited to selling homes only on the lands shown on Schedule 1 to this by-law and shall only be located on Lot 1, 2 or 11 as shown on Schedule 2.

EXCEPTION REGULATIONS

(b) Dwelling Units

There shall be a maximum of one one-family detached dwelling per lot on the registered plan of subdivision.

(c) Lot Coverage

The maximum lot coverage of Lots 1 to 4 and 6 to 11 shall be 40% and the maximum lot coverage of Lot 5 shall be 35% as shown on Schedule R4(104).

(d) Yard Setbacks

(i) Front Yard: Minimum of 6 metres

(ii) Side Yard: minimum 1.2 metres on each side except that for Lots 1, 2, 10 and 11 the minimum side yard setback shall be 1.8 metres

(iii) Rear Yard: minimum 7.5 metres or 25% of the lot depth, whichever is greater

(e) Length of Dwelling

The maximum length of a dwelling shall be 22 metres measured from the minimum front yard setback, except that for Lot 5 the maximum length of dwelling shall be 25 metres measured from the minimum front yard setback.

(f) Division of Lands

Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

3. Section 64.13(104) of By-law 7625 is amended by adding Schedule R4 (104) attached to this By-law.

4. 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

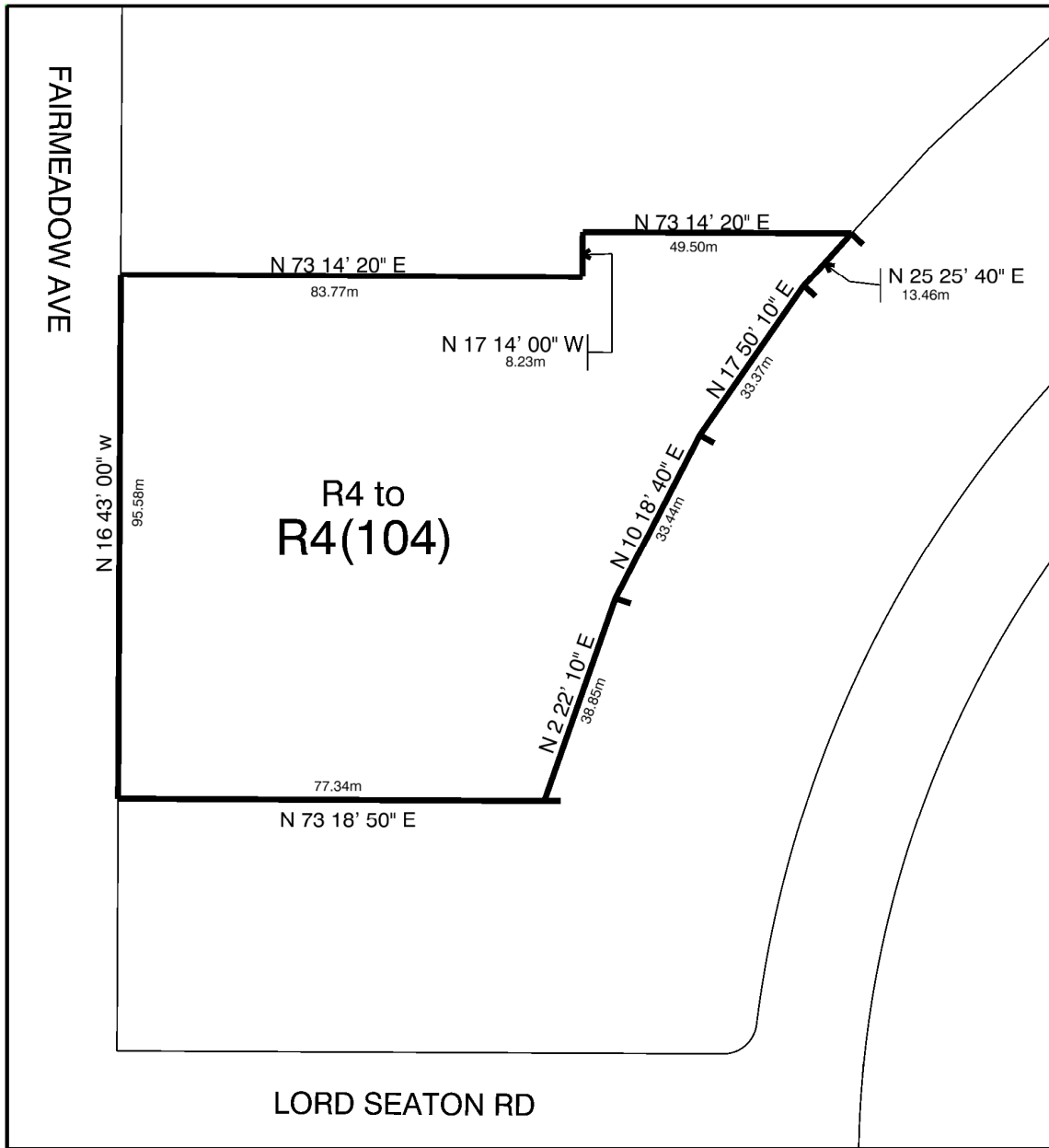
- (b) all watermains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Attachment 6: Conditions of Draft Plan of Subdivision

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions.
2. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.
3. The approval of this plan of subdivision will lapse if the subdivision is not registered within 5 years of the date of draft plan approval.
4. Prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Technical Services Division in consultation with the City Solicitor.
5. Submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof the lands to be conveyed to the City to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office.
6. Pay all costs for preparation and registration of reference plan(s).
7. The owner agrees to retain the services of a Qualified Person to conduct an environmental site assessment for lands within the subdivision, including the lands to be conveyed to the City, in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
8. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
9. Submit financial security in accordance with the terms of the standard subdivision agreement and the prevailing City of Toronto policy.
10. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.
12. Prior to the registration of the subdivision, the applicant will submit architectural design guidelines to the satisfaction of the Director, Community Planning, North York District.
11. At the time of each building permit submission, or grouping of building permit submissions, Hunt Design Associates Inc. shall provide a letter to the Building

Division confirming that the lot(s) subject to the building permit submission(s) complies with the Architectural Control Guidelines as approved by the Director, Community Planning, North York District.

12. The applicant shall satisfy the requirements and conditions as contained in the Parks, Forestry and Recreation memorandum dated November 20, 2012.