STAFF REPORT
ACTION REQUIRED

108 Bayview Ridge – Official Plan Amendment, Zoning By-law Amendment, Site Plan Control and Consent Applications – Request for Direction Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>July 24, 2014</th>
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<tr>
<td>To:</td>
<td>North York Community Council</td>
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<tr>
<td>From:</td>
<td>Director, Community Planning, North York District</td>
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<tr>
<td>Wards:</td>
<td>Ward 25 – Don Valley West</td>
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<tr>
<td>Reference Number:</td>
<td>13 220414 NNY 25 OZ</td>
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SUMMARY

The applicant has appealed the Official Plan Amendment, Zoning By-law Amendment Site Plan Control and Consent 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. A Preliminary Hearing has been set for August 20, 2014.

This application proposes to amend the Official Plan and former City of North York Zoning By-law 7625 to permit five townhouse units fronting onto Bayview Avenue and two detached dwellings fronting onto Bayview Ridge. The existing single-detached dwelling would be demolished.

The purpose of this report is to seek Council's direction for staff representation at the OMB.
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 Official Plan Amendment, Zoning By-law Amendment, Site Plan Control and Consent applications in the current form.

2. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to address the issues outlined in this report.

3. Should the OMB approve the applications, City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the applications until such time as:
   a. The Board has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law amendments are in a form satisfactory to the City;
   b. All pre-approval conditions have been met for the Site Plan Control application; and
   c. All conditions of approval have been satisfied for the Consent application.

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

DECISION HISTORY
This application was received on August 14, 2013 and on October 17, 2013 North York Community Council adopted a Preliminary Report on the Official Plan Amendment and Zoning By-law Amendment applications. 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 regulations under the Planning Act.

The Preliminary Report is available at:

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
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

ISSUE BACKGROUND

Proposal

This is an application to amend the Official Plan and to rezone the subject site to permit five four-storey townhouse units and two, two-storey detached dwellings. The five townhouse units would front Bayview Avenue while the detached dwellings would front onto Bayview Ridge. The overall Floor Space Index of the proposal is 1.16. The townhouses have a gross floor area of approximately 378 square metres. The townhouse units range in width between 5.63 metres for the middle units and 6.24 metres for the end units. Each townhouse has private amenity space on the roof of the unit.

A setback of three metres would be provided from Bayview Avenue and north and south side yard setbacks of 1.8 and 3 metres would be provided. Each townhouse unit would have two parking spaces accessed via a private rear lane with the entrance to the lane from Bayview Ridge. No visitor parking spaces are proposed on site. The Floor Space Index of the townhouse portion of the site is approximately 1.65.

The lots for the detached dwellings located to the west of the townhouses would have a frontage of 18.45 metres and a lot area of 631 square metres. The detached dwellings would have a gross floor area of approximately 405 square metres, lot coverage of 35 percent and a Floor Space Index of 0.65. A front yard setback of 6.5 metres is proposed and a rear yard setback of approximately 10.9 metres. Side yard setbacks over 1.8 metres would be provided on each side. A two car garage would provide parking for residents while there is space in the private driveway for visitor parking.

Recent Townhouse Approvals

In November, 2006 OMB approved a twenty-unit townhouse development at 2425-2427 Bayview Avenue notwithstanding Council and City Planning staff’s opposition. The OMB decision noted that townhouses at 2425 Bayview Avenue were “an appropriate form of intensification” which was sensitive to the residential area. This development has halted construction and staff understand that the site may now be under new ownership.

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. In that decision, the OMB indicated that an appropriate neighbourhood context to review the proposal was along Bayview Avenue from Lawrence Avenue East to Highway 401 and that the context included townhouses. In its decision, the OMB stated that townhouses were appropriate on the site due to its “edge” condition along Bayview Avenue and that it
was not thought that townhouses would occur in the interior of the neighbourhood as a result of the development. Construction of this development is nearing completion.

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 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. A copy of the Final Report can be found here: http://www.toronto.ca/legdocs/mmis/2013/ny/bgrd/backgroundfile-61058.pdf

These developments which were recently approved by 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 is located on the north-west corner of Bayview Ridge and Bayview Avenue, has an area of approximately 2324 square metres and is currently the site of a single detached dwelling. Lots fronting onto Bayview Avenue have large frontages with significant landscaped front yards. Lots in the surrounding residential area to the west of the site are large, with a minimum lot frontage requirement of eighteen metres.

To the north of the site is a two-storey detached dwelling which fronts onto Bayview Avenue. The site abuts a single detached dwelling to the west and to the south is Bayview Ridge and then a single detached dwelling. Bayview Avenue abuts the site to the east. An application for six townhouse units and two detached dwellings has been submitted (file no. 13 220385 NNY 25 OZ) for the lot immediately across the street at 103 Bayview Ridge. This application has also been appealed to the OMB due to Council's failure to make a decision within the timeframe prescribed by the Planning Act. The hearing for 103 Bayview Ridge has been consolidated with the hearing for this application.

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 and a smaller townhouse development under construction at 2500 Bayview Avenue. Construction began on townhouse units at 2425-2427 Bayview Avenue however construction has since been halted and staff understand that the site may now be under new ownership.

**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 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 Third Density Zone (R3) by former City of North York Zoning By-law No. 7625. This zone permits single-detached dwellings as well as recreational and some institutional uses. The R3 zone requires lots to have a minimum lot frontage of eighteen metres and a minimum lot area of 690 square metres. A detached dwelling is permitted to have a maximum lot coverage of thirty-five percent. A R3 zone generally requires a minimum front yard setback of 6.5 metres however a provision in the North York By-law requires an increased front yard setback for this lot and other lots which front onto Bayview Ridge. The front yard setback requirement for this lot is thirty-one metres for this site.

The site is zoned RD (f18.0; a690)(x882) 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. Exception 882 requires a minimum front yard setback of thirty-one metres which is consistent with the requirements of By-law 7625.

Townhouses are not permitted on the site in either By-law 7625 or By-law 569-2013.
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 principles will be 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 13 220420 NNY 25 SA), submitted in conjunction with the applications for Official Plan and Zoning By-law Amendments, has also been appealed.

Lot Severance

The applicant also filed an application (file B003/14NY) to the Committee of Adjustment for consent to sever the lot under Section 53 of the Planning Act. The consent application is for the site to be severed into three parts: two lots for the proposed detached dwellings and a lot for the townhouse proposal. The applicant has appealed the Committee’s lack of decision to the OMB and has consolidated that appeal with the other appeals discussed in this report.

Reasons for the Applications

The applicant submitted an application to amend the Official Plan, however in the submitted Planning and Urban Design Justification Report the applicant indicates that they feel no application is required and that the proposal conforms with the Official Plan policies.

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. 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. An application to sever the lot into separate parcels to allow the detached dwellings to be held in separate ownership was also filed under Section 53 of the Planning Act.
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 the comments in this report.

Community Consultation
Staff held a community consultation meeting on February 3, 2014 to present the proposal to the community and receive their feedback. Approximately twenty-five people attended. At the meeting, residents raised a number of concerns. Residents are concerned with the proposed built form as well as the size of the detached dwelling lots. It was felt that townhouses are not appropriate and that the detached dwelling lots are too small given the existing lot sizes in the area. Residents indicated that quality materials and finishes are needed to fit the character of other buildings in the area.

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 through the working group meetings a number of principles have evolved in the vision for townhouse developments on this stretch of Bayview Avenue. A Status Report outlining these principles and draft guidelines is to be presented to North York Community Council in August 2014. These Guiding Principles have been used in reviewing the application.
Building Type

The proposal includes both townhouse units and detached dwellings. As noted earlier in this report, townhouses have been introduced on Bayview Avenue as a building type that is part of the physical character along the Bayview Avenue frontage. Currently, there is a townhouse project at 2500 Bayview under construction and a project at 2425-2427 Bayview Avenue. Townhouses also exist at the north-east corner of Bayview Avenue and York Mills Road. Council has also approved five townhouses at 6 Baytree Crescent.

Townhouses have become part of the existing and planned context of Bayview Avenue and as such are an acceptable building type along the Bayview Avenue frontage. While townhouses are an acceptable built form, staff have concerns with the proposed townhouse development including, but not limited to, the overall building design, setbacks, height and landscaping.

The interior of the neighbourhood is made up of large, detached dwellings. The applicant's proposal includes two detached dwellings which front onto Bayview Ridge. It is intended that these homes provide transition between the proposed townhouses and the stable residential area to the west. The proposed detached dwelling lots have frontages which comply with the zoning by-law, however the proposed dwellings do not comply with the minimum front yard setback required and are proposing to amend the by-law in this respect. The Principles emerging from the Bayview guideline study expect detached dwelling lots and the detached dwellings to comply with the underlying zoning by-law requirements. The site may not be large enough to accommodate two detached dwelling lots and meet the built form objectives for townhouses on Bayview Avenue.

Townhouse Setbacks

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 properties to the north of the subject site have front yard setbacks of approximately nine metres and forty metres. Front yards along Bayview Avenue, especially those on lots with large front yard setbacks, are heavily landscaped often with large mature trees. 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 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 three metres which does not reflect the existing physical character 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 current zoning by-law requires a minimum front yard setback of 6.5 metres and the new City-wide By-law 569-2013 requires a setback equal to the
abutting dwelling for development on a corner lot. The abutting dwelling has an approximate front yard setback of nine metres. The front yard setback of the townhouses should be increased to respond to this character of Bayview Avenue.

The proposed townhouses would be located 1.8 metres from the north side lot line. This setback should be increased in order to provide greater transition from the higher density townhouses to the single detached dwelling to the north. 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.

The proposed south, side yard setback at the corner of Bayview Ridge and Bayview Avenue is proposed to be three metres. This setback should be increased in order to provide sufficient space to accommodate a townhouse entrance for the end unit as well as landscaping.

**Townhouse Building Height**

The applicant is proposing four-storey townhouses with an overall height of 15.96 metres. Recently approved townhouses on Bayview Avenue are three-storeys and building heights in the Bayview Avenue neighbourhood are two- to three-storeys. The townhouses should be revised to be a maximum of three-storeys which is generally in keeping with the height context as required by the policies of the Official Plan. This height would allow for rear integral garages and a range of architectural expressions.

**Townhouse Unit Width**

As stated in the guiding principles of the Bayview Townhouse Design Guidelines, townhouse units along Bayview Avenue should be wider than typical townhouse units to fit with the built form character of the Bayview Avenue area. This area of Bayview Avenue is characterized by large detached dwellings and large townhouse units are in keeping with the spirit of larger homes. The proposed interior townhouse units are 5.63 metres in width. The study indicates that the proposed unit width should be increased in order to provide double car garages as well as interior storage space to store garbage, recycling, and other personal items. A more generous unit width will also provide for larger front yards and landscaping space, helping to further respect and enhance the landscaped character of Bayview Avenue. Wider units provide more soil volume between walkways allowing for more landscaping and more growing room for larger trees. Providing these larger units is identified as a guiding principle in the study in order to respond to the character of the neighbourhood.

Increasing the unit widths and increased side yard setbacks would require a reduction in the number of townhouse units provided. This is appropriate to ensure that the development better responds to the character of the area with larger unit types than found elsewhere in the city. The reduction in townhouse units also provides the opportunity to increase the north and south side yard setbacks as mentioned in the comments above (see "Townhouse Setbacks"). The application should be amended to reduce the number of units in order to achieve appropriate unit widths and side yard setbacks.
Single Detached Dwellings
The interior neighbourhood is made up of large single detached dwellings one- or two-storeys in height. The existing lots often have frontages which are greater than what is required by the zoning by-law and as a result also have side yard setbacks greater than that required by the by-law. The Guiding Principles being developed as part of the study indicate that detached dwelling lots should comply with the general zoning requirements.

The proposed lots are eighteen metres wide which is compliant with the underlying general former City of North zoning by-law requirements and the requirements of By-law 569-2013. The applicant is proposing a front yard setback of 6.5 metres for the detached dwellings. This meets the general requirements of the underlying R3 zone designation of former City of North York By-law 7625 however it does not meet the front yard setback on specified streets requirement of thirty-one metres. The intent of the detached dwellings is to provide an appropriate transition from the proposed townhouses to the existing neighbourhood. The proposed dwellings meet the R3 requirements for height, lot coverage and side and rear yard setbacks. The applicant’s proposed performance standards may be acceptable however it is not clear that two detached dwelling units can be created and still meet the design objectives for the townhouses fronting Bayview Avenue. Staff will continue discussions with the applicant respecting the single detached dwellings as part of the overall review of the applications.

Parking
The applicant is proposing two parking spaces with an integral garage for both the townhouse units and the detached dwellings. The detached dwellings would have space on the private driveways to accommodate parking for visitors however no visitor parking is proposed for the townhouse units. There is little on-street parking permitted in the area and as such Transportation Services is requiring a zoning by-law requirement of 0.2 visitor parking spaces per unit to be provided on-site. This equates to one visitor parking space. The proposal should be revised to comply with this requirement.

Site Plan Control
The applicant has also appealed the Site Plan Control application to the OMB. Staff have concerns with the "fit" of the proposed architecture and the design of the buildings should be revised to better reflect the architecture of Bayview Avenue. The detached dwellings and townhouse units should read as one development and have some common theme between them. The guiding principles of the study call for high quality materials to be used in construction which need to be secured through the Site Plan process.

The quality and amount of landscaping remains an issue and needs to be comprehensive to reflect the landscaped area of both Bayview Avenue and Bayview Ridge. 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. 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 setbacks of the proposed townhouses do not appropriately respond to the character of the neighbourhood, the townhouse unit widths should be increased and the proposed height of the townhouses is not appropriate. The proposed detached dwellings and the associated lots are appropriate. However, it is not clear that two detached dwelling lots can be created and still meet the design objectives for the townhouses fronting Bayview Avenue. Staff have been having discussions with the applicant surrounding the issues and understand that the applicant intends to amend the proposal to respond to some of the concerns in the near future including a reduction in height. At the report deadline, staff had not formally received an amended application. As a result, staff recommend that discussions continue with the applicant in an attempt to resolve the issues outlined in this report.

CONTACT
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Fax No.  (416) 395-7155
E-mail:  gmatthe2@toronto.ca

SIGNATURE

________________________
Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 1: Site Plan
Attachment 2: Elevations
Elevations - House “B”

Applicant's Submitted Drawing

Not to Scale
09/09/2013

File # 13 220414 NNY 25 OZ

108 Bayview Ridge
Attachment 4: Official Plan

108 Bayview Ridge

File # 13 220414 NNY 25 OZ

Not to Scale
03/09/2013
Attachment 5: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning
Details: OPA & Rezoning, Standard
Application Number: 13 220414 NNY 25 OZ
Application Date: August 14, 2013

Municipal Address: 108 BAYVIEW RIDGE
Location Description: PLAN 3681 LOT 47 **GRID N2503
Project Description: To permit 5 freehold townhouse dwelling units and 2 single detached dwelling units together with a private driveway.

Applicant: M BEHAR PLANNING & DESIGN INC
Agent: ANNE MILLER
Architect: M BEHAR PLANNING & DESIGN INC
Owner: ANNE MILLER

PLANNING CONTROLS
Official Plan Designation: Neighbourhoods
Zoning: By-law 7625: R3, 569-2013: RD(f18,a690)(x882)
Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION
Site Area (sq. m): 3232.8
Frontage (m): 34.19
Depth (m): 68
Total Ground Floor Area (sq. m): 935.3
Total Residential GFA (sq. m): 2696.9
Total Non-Residential GFA (sq. m): 0
Total GFA (sq. m): 2696.9
Lot Coverage Ratio (%): 40.25
Floor Space Index: 1.16

Floor Space Index: 1.16

DWELLING UNITS
Tenure Type: Freehold
Rooms: 0
Bachelor: 0
1 Bedroom: 0
2 Bedroom: 0
3 + Bedroom: 7
Total Units: 7

FLOOR AREA BREAKDOWN (upon project completion)

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CONTACT: PLANNER NAME: Guy Matthew, Planner
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