

25 Ballyconnor Court – Zoning Amendment and Draft Plan of Subdivision Applications – Final Report

Date:	May 27, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	14 145467 NNY 24 OZ and 14 145521 NNY 24 SB

SUMMARY

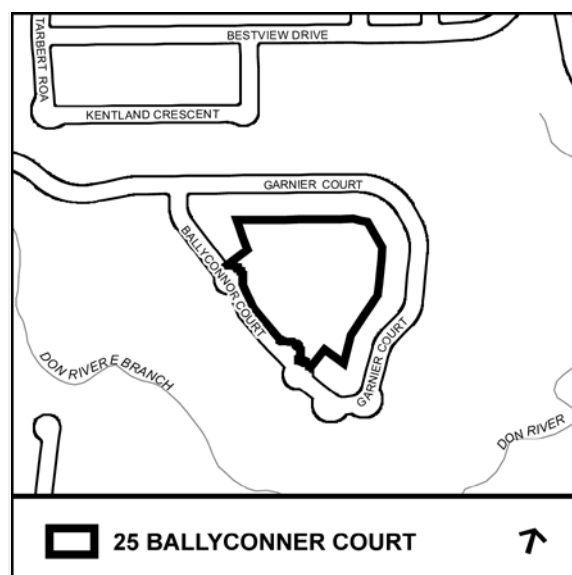
These applications propose to rezone and subdivide the lands at 25 Ballyconnor Court to permit thirty, two-storey, detached dwellings on thirty residential lots, a public park, and a public street. An application for Zoning By-law Amendment is required to allow for the size of the proposed lots, as well as the setbacks of the proposed dwellings. An application for Draft Plan of Subdivision is required to allow for the creation of the proposed lots, public park, and public street.

This report reviews and recommends approval of the application to amend the Zoning By-laws. This report 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 25 Ballyconnor Court substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5a to this report.



2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 25 Ballyconnor Court substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5b to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. In accordance with the delegated approval under by-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 2 to this report subject to:
 - a. the conditions as generally listed in Attachment 6 to this report which, except as otherwise noted, must be fulfilled prior to final approval and 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 and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.
5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction, by the Owner, of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1998, applications for Zoning By-law Amendment and Draft Plan of Subdivision were approved by North York Council to allow for the extension of Ballyconnor Court, and the creation of eight detached residential lots along the south side of this extension. The lots were developed with two-storey detached dwellings. The extension of Ballyconnor Court terminates at the bulb of Garnier Court, adjacent to the south end of the subject property; the two streets do not connect.

At its meeting of June 17, 2014, North York Community Council adopted the staff recommendations detailed in a Preliminary Report related to the current applications for Zoning By-law Amendment and Draft Plan of Subdivision. A copy of the decision of North York Community Council can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY33.43>.

A copy of the Preliminary Report, dated May 27, 2014, can be found at:
<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-70053.pdf>.

ISSUE BACKGROUND

Proposal

These applications propose to develop the lands at 25 Ballyconnor Court with thirty residential lots, a public park, and public street. Each lot is proposed to be developed with a two-storey dwelling.

The new public street, identified as Street "1" on Attachments 1 and 2, would have an 18.5 metre right-of-way, and would curve through the site in a "crescent" shape, with access points at the west side of the site, near the driveway to the existing parking lot on the site, and the south end of the site, at the bulb of Ballyconnor Court. Four of the proposed lots would front on Ballyconnor Court, and one would front on Garnier Court. The remaining twenty-five lots would front on Street "1". Eighteen of the proposed lots would have a rear or side lot line relationship with the existing lots on Garnier Court. The public park, which would have an area of 0.11 of a hectare, is proposed at the western intersection of Ballyconnor Court and Street "1".

The proposed lot frontages generally range from 18 metres to 29 metres; one lot is proposed to have a frontage of 16.5 metres, with the majority of the lots having a frontage of 18 metres. The proposed lot areas range from approximately 620 square metres to approximately 900 square metres. The dwellings are proposed to be two-storeys in height, with maximum lot coverages of 35%. All lots would have a minimum rear yard setback of 9.5 metres, and minimum side yard setbacks of 1.2 metres. Nine of the lots would have a front yard setback of 6.0 metres; the remaining twenty-one lots would have a front yard setback of at least 7.5 metres.

Although similar in principle, several modifications have been made to this proposal since the first submission. The proposed number of lots has been reduced from 34 to 30. A public park has been added to the plan. All lot frontages, with the exception of Lot 1, have been increased to a width of at least 18 metres, in order to conform to the requirements of the R3 Zone. All proposed dwellings have been modified to conform to the R3 zone in terms of rear yard setback, lot coverage, and height, and the majority now conform with the R3 zone in terms of front yard setback.

Site and Surrounding Area

The subject property is located southeast of Bayview Avenue and Steeles Avenue East, in the neighbourhood of Steeles View, a low-density residential enclave community. The site formerly accommodated Tyndale University College and Seminary, which consisted of a single building ranging in height from two-storeys to six-storeys, and a surface parking lot. The institution enrolled approximately 1,500 students, 100 faculty members, and 190 additional staff members. The campus accommodated a student residence with a capacity for approximately 200 students, and provided approximately 400 on-site parking spaces. The building, which was vacated in the spring of 2015, when all programming, offices, and residences were relocated to 3377 Bayview Avenue, has been demolished. The irregularly shaped lands have a frontage of 168 metres on Ballyconnor Court, and an area of approximately 2.8 hectares. Ballyconnor Court is a local street which terminates in a cul-de-sac.

Land uses surrounding the site are as follows:

North: Detached dwellings, Steeles View Public School, and Bestview Park

South: Ballyconnor Court, detached dwellings, and East Don Parkland

East: Detached dwellings, and East Don Parkland

West: Detached dwellings, and East Don Parkland

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. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy 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. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Toronto Official Plan identifies the subject property as being designated *Neighbourhoods*. *Neighbourhoods* are considered to be stable areas, where new development will maintain the existing physical character. *Neighbourhoods* include a full range of residential uses in lower scale buildings, such as detached dwellings, semi-detached dwellings, duplexes, triplexes, and townhouses, as well as interspersed walk-up apartments that are four-storeys or less. Parks, schools, and local institutions are also found in *Neighbourhoods*. Section 4.1 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that, *physical changes to our established Neighbourhoods must be sensitive, gradual, and generally "fit" the existing physical character of the neighbourhood*. This includes, but is not limited to, building type, street patterns, size and configuration of lots, setbacks, height, massing and scale of buildings.

The Public Realm policies of the Official Plan promote high quality architectural design, landscaping, and urban design, in order to create comfortable, safe, and accessible streets, parks, and open spaces. Policies 14, 16 and 17 of Section 3.1.1 promote pedestrian safety and security with respect to streetscapes, parks, and other open spaces. These policies also state that new streets should be public, and that they should be designed to promote a connected grid of streets that offer safe and convenient travel options, provide connections with adjacent neighbourhoods,

extend sightlines and view corridors, provide access and addresses for new developments, provide access for emergency vehicles, and generally create a network that balances the needs and priorities of the various users and uses. This section also contains policies which speak to the creation public parks with street frontage to provide visibility, access, and safety, and well-designed sidewalks and boulevards which provide safe and attractive spaces for pedestrians through landscaping, street furniture, and pedestrian level lighting, while also providing for public utilities.

The Built Form policies of the Official Plan seek to ensure that new development is located and organized to fit within the existing and/or planned context, by framing and supporting adjacent streets, parks, and open spaces to improve safety, pedestrian interest, and casual views from these places into new developments. Further, new development will be designed to fit harmoniously with the existing/planned context in terms of massing, scale, and building facades.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhood, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals in the Official Plan to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. In December 2015 the City submitted OPA 320 to the Minister of Municipal Affairs and Housing for approval. While OPA 320 is City Council's adopted policy, it is not yet in force.

Zoning

The site is currently zoned R3 under North York Zoning By-law No. 7625. With respect to residential permissions, this zone allows for detached dwellings, and associated accessory buildings. The minimum required lot frontage is 18 metres, and the minimum required lot area is 690 square metres. The maximum permitted building height is 8.8 metres, and two-storeys. The maximum permitted lot coverage is 35%.

This site is not currently subject to Toronto Zoning By-law No. 569-2013.

Site Plan Control

This proposal is not subject to Site Plan Control, however Architectural Control Guidelines will be secured through the Subdivision Agreement to ensure the quality design of the dwellings.

Ravine Control

Although located in the vicinity of ravine lands, the subject property is not subject to the City of Toronto Ravine and Natural Feature Protection By-laws.

Tree Preservation

City of Toronto Tree by-laws, which protect and preserve trees on City and private property, have been established in order to attempt to retain as much crown cover as possible, particularly where development is concerned. It is expected that retention and appropriate protection of existing trees will be considered when developing properties, and whenever possible, buildings and driveways are to be diverted around trees.

City Council has adopted the Official Plan with the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent. The planting of large growing shade trees on both public and private lands should be an important objective for all development projects and must be considered integral to the design, planning and construction of projects.

Reasons for Application

An application for Zoning By-law Amendment is required to modify the performance standards for the proposed lots. Modifications to lot frontage, area, and setbacks are required.

An application for Draft Plan of Subdivision is required to allow for the creation of the thirty lots, the public park, and the public street. The proposed street would provide access to twenty-five of the proposed lots, while four of the lots would front on Ballyconnor Court, and one would front on Garnier Court.

Community Consultation

On April 27, 2015, staff held a Community Consultation Meeting (CCM) together with the Ward Councillor. Approximately 60 people attended the meeting. Issues raised focused primarily on the opening of the existing bulb of the Ballyconnor Court cul-de-sac, into the new street, Street "1". Traffic volume and speed, as well as the loss of the cul-de-sac as a space for social gathering and recreational activities were the principal concerns of the community. Additional concerns included noise and dust as a result of the demolition of the existing building, and construction of the new buildings, the size of the proposed lots compared to those existing in the neighbourhood, and the possibility of the existing end-to-end cul-de-sacs of Ballyconnor Court and Garnier Court being opened. The opening of Ballyconnor Court into Garnier Court has not been proposed. Following the meeting, staff received letters from area residents echoing the comments above.

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 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS states that healthy and active communities should be promoted by planning public streets, spaces, and facilities to be safe, meet the needs of pedestrians, create community connectivity, foster social interaction, by providing publicly-accessible built and natural settings for recreation, and facilitate active transportation, which is defined as *human-powered travel, including but not limited to, walking, cycling, inline skating, and the use of mobility aids, such as motorized wheelchairs*. The development of a public park, and a public street having sidewalks on both sides would provide safe travel options for pedestrians, cyclists, those utilizing mobility devices, and vehicles, while promoting community connectivity and social interaction, and providing a publicly-accessible area for recreation. The

proposal is consistent with the mix of land uses promoted by the PPS, and efficiently uses the existing infrastructure and public services. Further, the proposed development does not risk public health and safety. The proposal is consistent with the PPS, as required by Section 3 of the *Planning Act*.

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. The Plan encourages intensification and redevelopment in urban areas which provide a healthy, liveable and safe community. While the Growth Plan expects the majority of growth to occur in growth centers, such as the Centres and Downtown areas identified in the Official Plan, a certain amount of intensification is expected to occur in other areas of the city. This proposal provides reasonable intensification through infill development that is compatible with the existing neighbourhood in terms of lot size, and dwelling size and type, while utilizing existing infrastructure, as contemplated by the Growth Plan. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use and Built Form

The Toronto Official Plan identifies the subject property as being designated *Neighbourhoods*. *Neighbourhoods* are considered to be stable areas, where new development will maintain the existing physical character. *Neighbourhoods* include a full range of residential uses in lower scale buildings, such as detached dwellings, semi-detached dwellings, duplexes, triplexes, and townhouses, as well as interspersed walk-up apartments that are four-storeys or less. Parks, schools, and local institutions are also found in *Neighbourhoods*.

Policy 4.1.5 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that, *physical changes to our established Neighbourhoods must be sensitive, gradual, and generally "fit" the existing physical character of the neighbourhood*. This includes, but is not limited to street patterns, size and configuration of lots, prevailing building type(s), and height, massing, scale and setbacks of buildings.

This neighbourhood has a curvilinear street pattern, which provides access to residential lots, which accommodate two-storey detached dwellings. The frontages range between 15 metres and 25 metres, and the lot areas range between 500 square metres and 900 square metres. The majority of the dwellings in the neighbourhood appear to conform to the provisions of the R3 Zone of North York Zoning By-law 7625, which requires a minimum front yard setback of 7.5 metres, a minimum rear yard setback of 9.5 metres, a minimum side yard setbacks of 9.5 metres, and a maximum lot coverage of 35%.

This proposal conforms to the Neighbourhoods policies of the Official Plan, specifically the development criteria, detailed in Policy 4.1.5, detailed above.

In 1998, Zoning By-law No. 498-1998 was enacted, which allowed for the construction of eight detached dwellings on the south side of Ballyconnor Court, across from the proposed development. The frontages for these eight lots range between 15 metres and 18 metres; the lot areas appear to be greater than the minimum requirement of the R3 Zone of 690 square metres. The majority of the side yard setbacks are 1.2 metres, with the building lengths ranging between 18 metres and 19 metres.

This application proposes the development of thirty detached dwellings on lots with frontages and areas that are consistent with the built and planned context of the area. The zoning provisions of the R3 Zone under North York Zoning By-law No. 7625 are as follows:

Lot Frontage	18.0 m
Lot Area	690 m ²
Front Yard Setback	7.5 m
Side Yard Setback	1.8 m
Rear Yard Setback	9.5 m
Lot Coverage	35%
Building Length	16.8 m + 2.1 m one-storey rear extension
Building Height	8.8 m (to the mid-point of the roof)

Twenty-nine of the proposed lots would have a frontage of at least 18 metres, and eighteen of the proposed lots would have an area of at least 690 square metres, which comply with the provisions of the underlying R3 Zone. Lot 16, which is pie-shaped, would have a frontage of 16.5 metres. Eleven lots would have areas between 640 square metres and 680 square metres. Lot 18 would have any area of approximately 620 square metres.

Consistent with the 1998 development on the south side of Ballyconnor Court, the proposed dwellings would have side yard setbacks of 1.2 metres, and seven of the proposed dwellings would have building lengths between 17 metres and 21 metres, whereas the remaining 23 dwellings would meet the 16.8 metre length permitted in the R3 Zone. Twenty-one of the proposed dwellings would meet the minimum front yard setback requirement of 7.5 metres, and all would meet the minimum rear yard setback requirement of 9.5 metres. All dwellings meet the requirements of the R3 Zone for a maximum building height of 8.8 metres, and a maximum lot coverage of 35%.

The Built Form policies of the Official Plan seek to ensure that new development is located and organized to fit within the existing and/or planned context, by framing and supporting adjacent streets, parks, and open spaces to improve safety, pedestrian interest, and casual views from these places into new developments. Further, new development will be designed to fit harmoniously with the existing/planned context in terms of massing, scale, and building facades.

The proposed lots and dwellings conform to the majority of the R3 zoning provisions, suggesting the development will fit within the planned context. Further, Architectural Control Guidelines have been established, which will provide direction on the detailed design of the proposed dwellings and park. The details of the Guidelines are explained below.

Public Realm

The Public Realm policies of the Official Plan promote high quality architectural design, landscaping, and urban design, in order to create comfortable, safe, and accessible streets, parks, and open spaces. Policies 14, 16 and 17 of Section 3.1.1 promote pedestrian safety and security with respect to streetscapes, parks, and other open spaces. These policies also state that new streets should be public, and that they should be designed to promote a connected grid of streets that offer safe and convenient travel options, provide connections with adjacent neighbourhoods, extend sightlines and view corridors, provide access and addresses for new developments,

provide access for emergency vehicles, and generally create a network that balances the needs and priorities of the various users and uses.

This proposal includes the creation of a new street, which will provide access to the majority of the lots in the development, and would be conveyed into public ownership. The new street, which is proposed as a crescent, will have 2.1 metre wide sidewalks on both sides, and will provide two connections to the existing neighbourhood, creating a connected network of streets which would offer safe and convenient travel options for pedestrians, cyclists, and emergency, personal, and service vehicles.

The Public Realm section of the Official Plan also contains policies which speak to the creation public parks with street frontage to provide visibility, access, and safety, and well-designed sidewalks and boulevards which provide safe and attractive spaces for pedestrians through landscaping, street furniture, and pedestrian level lighting, while also providing for public utilities.

A park, which would also be conveyed into public ownership, is proposed at the corner of Ballyconnor Court and Street "1". Consistent with the Public Realm policies, the park would front onto two public streets, thereby providing visibility, access, and safety. Further, the park would serve as an appropriate location for the area residents, both existing and new, to participate in social gatherings and recreational activities. Further details regarding parkland dedication can be found in the Parkland and Open Space section of this report.

Architectural Control Guidelines

The applicant has prepared Architectural Control Guidelines which direct the detailed design of the proposed dwellings, and ensure appropriate relationships between the public and private realms. The Guidelines speak specifically to the design criteria for residential development, including community safety, building typology, streetscapes, architectural elements, materials, fencing, and garages and driveways. The Guidelines provide specific design criteria for priority

lots, which include gateway lots, corner lots, and view terminus lots.

The Guidelines encourage variety in terms of architectural expression, through the use of alternative façade treatments, rooflines, materials, colours, and architectural styles, while maintaining consistency in the overall massing and scale of the dwellings. Several criteria exist with respect to garages and driveways, to ensure these features do not dominate the streetscape, while also providing for the needs of residents and visitors. Guidelines have also been provided which speak to the relationship between buildings and the street, site grading conditions, corner lot fencing, and the details of the new park.

The Architectural Control Guidelines will be secured through the Subdivision Agreement.

Traffic Impact, Access, Parking

The subject property formerly accommodated Tyndale University College and Seminary, which enrolled approximately 1,500 students, 100 faculty members, and 190 additional staff members. The campus accommodated a student residence with a capacity for approximately 200 students, and provided approximately 400 on-site parking spaces.

This proposal includes a new public street, identified as Street "1" on Attachments 1 and 2, which would have an 18.5 metre right-of-way, and would curve through the site in a "crescent" shape, with access points at the west side of the site, near the driveway to the existing parking lot on the site, and the south end of the site, at the bulb of Ballyconnor Court. Four of the proposed lots would take vehicular access from Ballyconnor Court, and one would take vehicular access from Garnier Court. The remaining twenty-five lots would take vehicular access from Street "1". Public sidewalks, with widths of 2.1 metres, are proposed on both sides of Street "1", and would connect with the existing sidewalks on the north side of Ballyconnor Court and Gariner Court. At least four parking spaces can be accommodated for each lot, two of which would be provided for in an integral garage.

A Traffic Impact Statement by Dillion Consulting was submitted in support of this application. The Statement focused on traffic volumes during morning peak hours (7:30 a.m. to 9:30 a.m.) and evening peak hours (3:00 p.m. to 5:45 p.m.). Estimated traffic volumes of the most recent use of 25 Ballyconnor Court, Tyndale University College and Seminary, were compared to traffic volumes anticipated by the proposed residential use. The Traffic Impact Statement reflects the original proposal, which proposed 34 detached dwelling units. The proposal has since been reduced to 30 detached dwelling units.

The Statement estimates that, during the academic year, Tyndale University College and Seminary generated between 210 and 215 vehicle trips during both morning and evening peak hours on a typical weekday. During the post-exam period, trip generation surveys indicated that the university generated 60 vehicle trips during the weekday morning peak period, and 75 vehicle trips during the weekday evening peak period. The Statement goes on to estimate that the proposed development would generate approximately 26 vehicle trips during the weekday morning peak period, and 35 vehicle trips during the weekday evening peak period.

When accounting for the removal of trips generated by Tyndale University College and Seminary, it is estimated that the proposed development will result in reduced traffic volumes in the neighbourhood by approximately 175 to 190 two-way trips per peak hour during the academic year, and by approximately 35 to 40 two-way trips per peak hour during the post-exam period. The conclusion of the Traffic Impact Statement was the proposed development is expected to result in a new improvement to traffic operations, capacity, and delays at intersections in the area of the site, and result in improved traffic conditions within the surrounding neighbourhood.

Parkland and Open Space

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 provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is not in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application proposes 30 detached dwellings and a 0.569 hectare public street on a total site area of 2.79 hectares. The public street is exempt from parkland dedication requirements. The net site area subject to parkland dedication is 2.221 ha. The development is subject to a 5%

parkland dedication requirement as specified in Chapter 415, Article III, of the Toronto Municipal Code. In total, the parkland dedication requirement is 1,110 square metres or 5% of the net site area.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The applicant has proposed a 0.11 hectare park, indicated as Block 31 on Draft Plan of Subdivision M-1724 dated February 18, 2016 (Attachment 2). The park takes frontage from Ballyconnor Court and Street "1". The proposed location and configuration of the park is acceptable to Parks, Forestry and Recreation (PFR).

The design and construction of Above Base Park Improvements are to be completed by the Owner; this will be secured through the Subdivision Agreement.

Tree Preservation

There are eighty-one trees on or near the subject property. Seventeen trees are on the subject property, fourteen trees are on City-owned lands, and fifty trees are privately owned, and on properties adjacent to the site.

The City of Toronto Municipal Code protects all City-owned trees, and all privately owned trees having a Diameter at Breast Height (DBH) of thirty centimetres or greater. All seventeen trees on the subject property, and forty-nine of the privately owned trees on adjacent properties have a DBH of 30 centimetres or greater.

All seventeen trees on the subject property are proposed to be removed to accommodate the proposed development. The provisions of the private tree by-law require that removed trees be replaced at a ratio of 3:1. As such, fifty-one replacement trees are required to be planted on the subject property. Parks, Forestry and Recreation will require a financial security for the value of these trees through the conditions of Draft Plan of Subdivision. If it is not possible to plant the 51 trees on the subject property, the security will be used to plant the trees elsewhere.

Draft Plan of Subdivision

The conditions of Draft Plan of Subdivision approval, as outlined in Attachment 6, will ensure the street is constructed in accordance with the City of Toronto Development Infrastructure Policy & Standards (DIPS) and emergency standards, and that the land transfer of the new street into public ownership will be completed in accordance with City policies. Lots 19 to 22 would front on Ballyconnor Court, and Lot 18 would front on Garnier Court. The remaining twenty-five lots would front on Street "1". Eighteen of the proposed lots would have a rear or side lot line relationship with the existing lots on Garnier Court. The public park, identified as Block 31, is proposed at the western intersection of Ballyconnor Court and Street "1".

Section 51(24) of the *Planning Act* outlines the criteria for determining whether or not a proposed subdivision is appropriate. These criteria include conformity to provincial plans, whether the plan conforms to the official plan and adjacent plans of subdivision, the appropriateness of the proposed land use, the dimensions and shapes of the proposed lots, and the adequacy of utilities and municipal services. As detailed through this report, the proposed plan conforms to the policies of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. It complies with the policies of the Toronto Official Plan, and

connects seamlessly to the adjacent plan of subdivision. The proposed lots are consistent with those existing in the neighbourhoods, and the existing servicing on Ballyconnor Court, and the proposed servicing on the new public street will meet the needs of the development. The Chief Planner has delegated approval authority for Draft Plans of Subdivision under By-law 229-2000.

Construction Management Planning

Throughout the review of this application, the local community has expressed concerns with respect to the construction of the proposed dwellings, and any associated nuisances. The conditions of Draft Plan of Subdivision approval, as outlined in Attachment 6, will ensure that a satisfactory Construction Management Plan is submitted to Engineering and Construction Services. The Construction Management Plan will detail the following:

1. Dust/mud control on and off-site;
2. Location of truck loading points and trailer parking;
3. Location and height of temporary material storage areas;
4. Access/truck routing;
5. Provision of hoarding, temporary fencing, covered walkways and sidewalk diversions;
6. Location and timing of temporary street closures and alternative routes/detours;
7. Location and extent of operation of aerial cranes, including any necessary permits from Right-of-Way Management;
8. Noise abatement measures, if required;
9. Estimated period of construction;
10. Details of piling and shoring activities;
11. Control of storm run-off;
12. Removal/disposal of excavated/demolition materials; and
13. The location and number of parking spaces for employee and construction vehicle parking.

This plan will be reviewed by Development Engineering, Traffic Planning, Right-of-Way Management, and Traffic Operations.

CONTACT

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SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Draft Plan of Subdivision

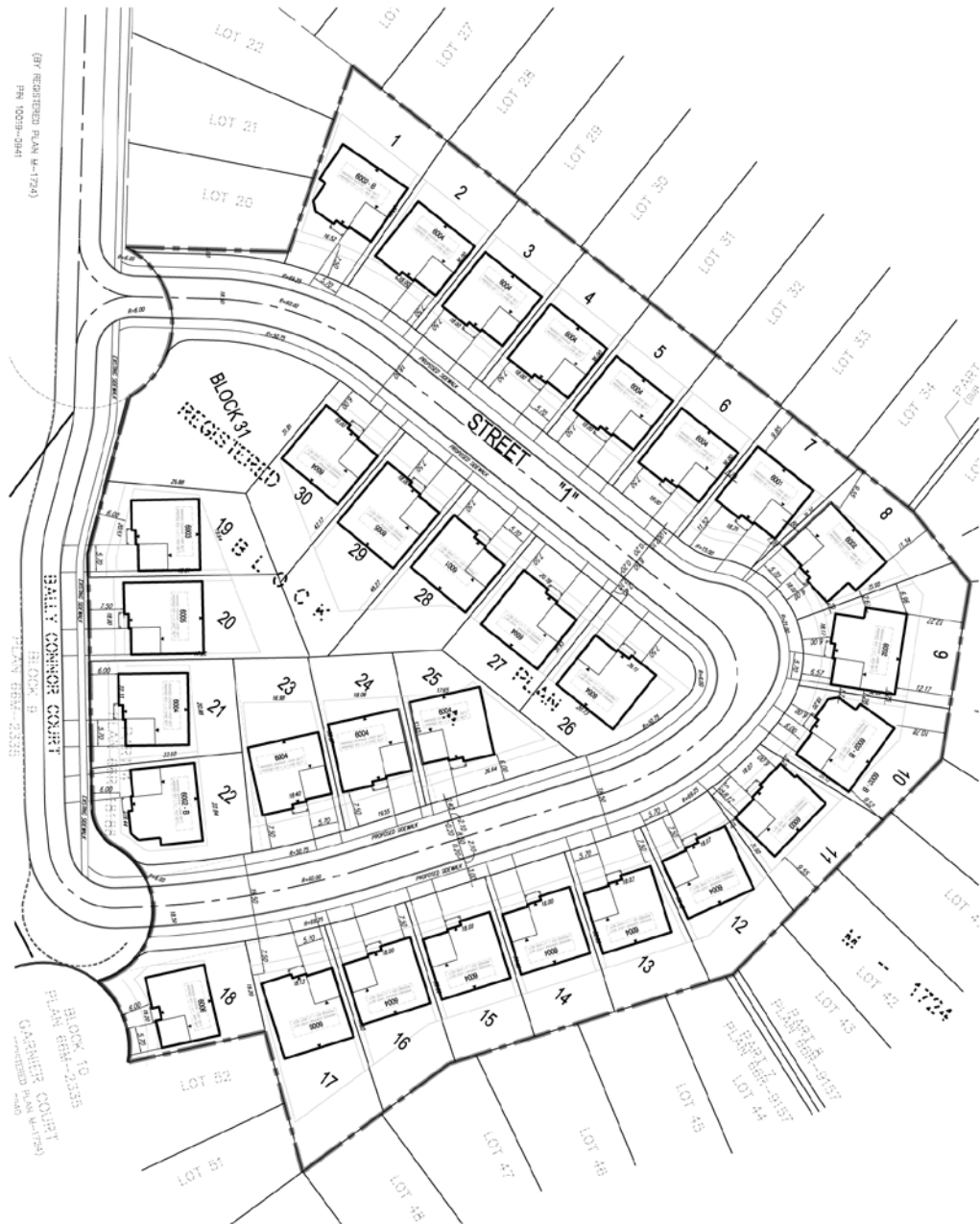
Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendments

Attachment 6: Conditions of Draft Plan of Subdivision

Attachment 1: Site Plan



Site Plan

25 Ballyconnor Court

Applicant's Submitted Drawing

Not to Scale
04/27/2016

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB

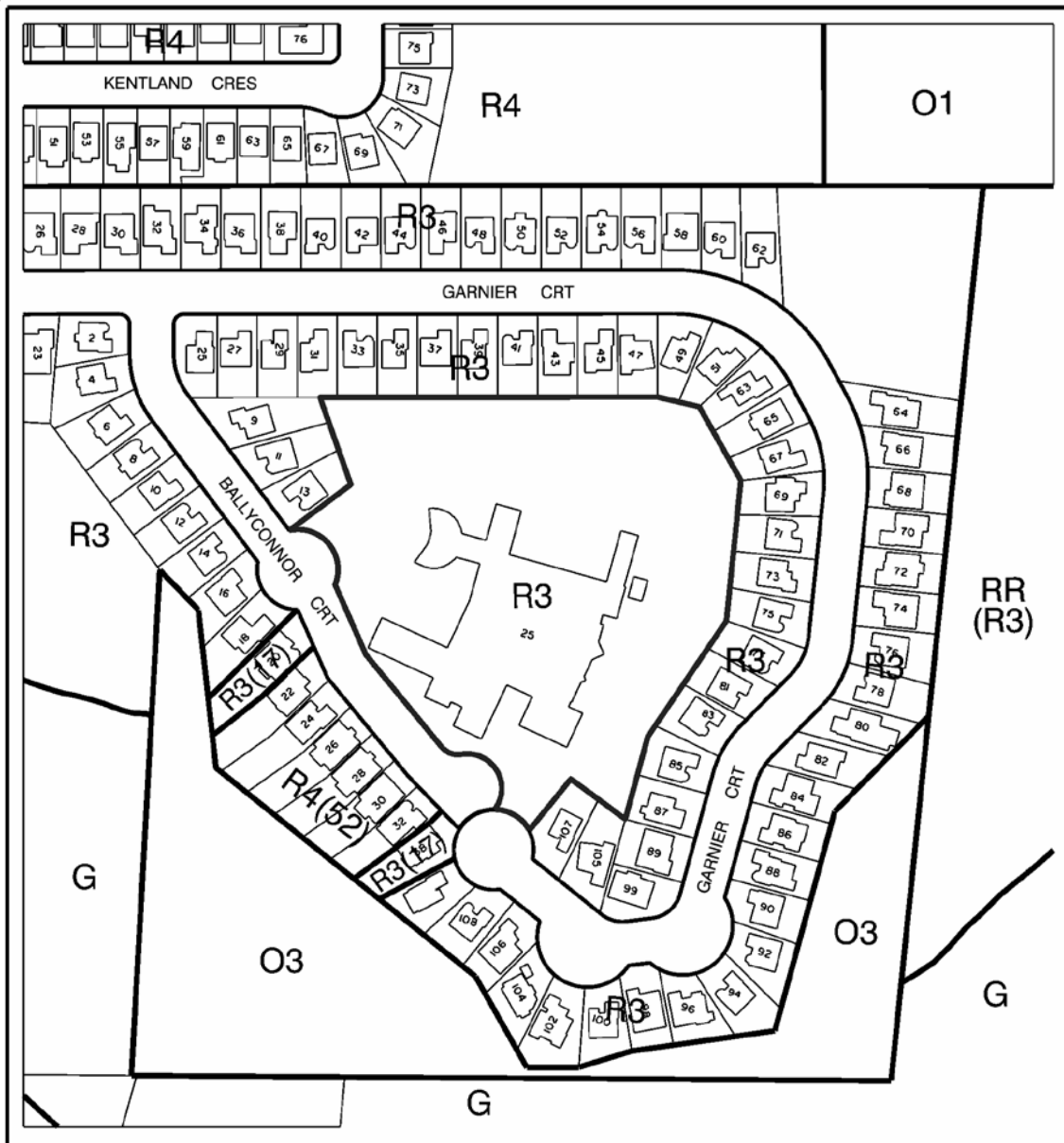
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25 Ballyconnor Court

Not to Scale
04/27/2016

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB

Attachment 3: Zoning By-law No. 7625 Map



TORONTO City Planning
Zoning

25 Ballyconner Court
File # 14 145467 NNY 24 02

R3 One-Family Detached Dwelling Third Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
RR Rural Residential Zone

G Greenbelt Zone
O1 Open Space Zone
O3 Semi-Public Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale
Zoning By-law 7625
Extracted 05/07/2014

Attachment 4: Application Data Sheet

Application Type	Rezoning, Subdivision	Application Numbers:	14 145467 NNY 24 OZ
Details	Rezoning, Subdivision	Application Dates:	14 145521 NNY 24 SB April 22, 2014

Municipal Address: 25 BALLYCONNOR CROUT

Location Description: PLAN M1724 PT BLK A RP 66R18188 PART 4 RP 66R17344 PT PARTS 1 & 2 **GRID N2402

Project Description: To remove existing structure and parking lot, and replace it with thirty detached dwellings on thirty residential lots, a public street, and a public park.

Applicant:	Agent:	Architect:	Owner:
SHINING HILLS HOMES INC.			SHINING HILLS HOMES INC.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R3	Historical Status:	N
Height Limit (m):	8.8	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	27,882	Height:	Storeys:	2
Frontage (m):	168.61		Metres:	8.8
Depth (m):				
Total Ground Floor Area (sq. m):				Total
Total Residential GFA (sq. m):	Unknown		Parking Spaces:	60
Total Non-Residential GFA (sq. m):			Loading Docks	
Total GFA (sq. m):	Unknown			
Lot Coverage Ratio (%):	35			
Floor Space Index:	N/A			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	Unknown	Unknown
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:	30	Institutional/Other GFA (sq. m):	0	0
Total Units:	30			

CONTACT:	PLANNER NAME:	Michelle Corcoran, Planner
	TELEPHONE:	(416) 395-7130, mcorcor@toronto.ca

Attachment 5a: Draft Zoning By-law No. 7625 Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on
~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~~XXXX~~-2016

**To amend North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally known as,
25 Ballyconnor Court**

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. Schedules “B” and “C” of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.10 of By-law No. 7625 is amended by adding the following subsection:

64.10 (23) R3 (23)

EXCEPTION REGULATIONS

LOT FRONTAGE AND WIDTH

- (a) The required minimum lot frontage for Lot 1, as shown on Schedule R3(23) of this By-law, is 16.5 metres;
- (b) The required minimum lot width for Lot 1 and Lot 7, as shown on Schedule R3(23) of this By-law, is 16.5 metres.

LOT AREA

- (c) The required minimum lot area for Lot 18, as shown on Schedule R3(23) of this By-law, is 610 square metres;
- (d) The required minimum lot area for Lots 3 to 7 inclusive, and Lots 11, 14, 15, 24, 27, and 30, as shown on Schedule R3(23) of this By-law, is 640 square metres;

- (e) The required minimum lot area for Lots 2, 19, and 20, as shown on Schedule R3(23) of this By-law, is 680 square metres.

YARD SETBACKS

- (f) The required minimum front yard setback for Lots 8 to 11 inclusive, and Lots 18, 19, 21, 22, 25, and 30, as shown on Schedule R3(23) of this By-law, is 6 metres;
- (g) The required minimum side yard setback is 1.2 metres;
- (h) The required minimum yard setbacks for Lots 18 and 22 are as shown on Schedule 3 of this By-law.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (i) Exterior stairways, wheelchair ramps, porches, and decks are permitted to project into one minimum side yard setback only, not more than 1.6 metres, but no closer than 0.6 metres from any side lot line, for Lots 18, 22, and 26 as shown on Schedule R3(23) of this By-law.

BUILDING LENGTH

- (a) The permitted maximum building length for Lot 1, as shown on Schedule R3(23) of this By-law, is 21.0 metres;
- (b) The permitted maximum building length for Lot 7, as shown on Schedule R3(23) of this By-law, is 19.0 metres;
- (c) The permitted maximum building length for Lot 9, as shown on Schedule R3(23) of this By-law, is 17.5 metres;
- (d) The permitted maximum building length for Lot 17, as shown on Schedule R3(23) of this By-law, is 18.0 metres;
- (e) The permitted maximum building length for Lot 19, as shown on Schedule R3(23) of this By-law, is 18.5 metres;
- (f) The permitted maximum building length for Lot 20, as shown on Schedule R3(23) of this By-law, is 17.1 metres;
- (g) The permitted maximum building length for Lot 29, as shown on Schedule R3(23) of this By-law, is 17.5 metres.

- 3. 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:

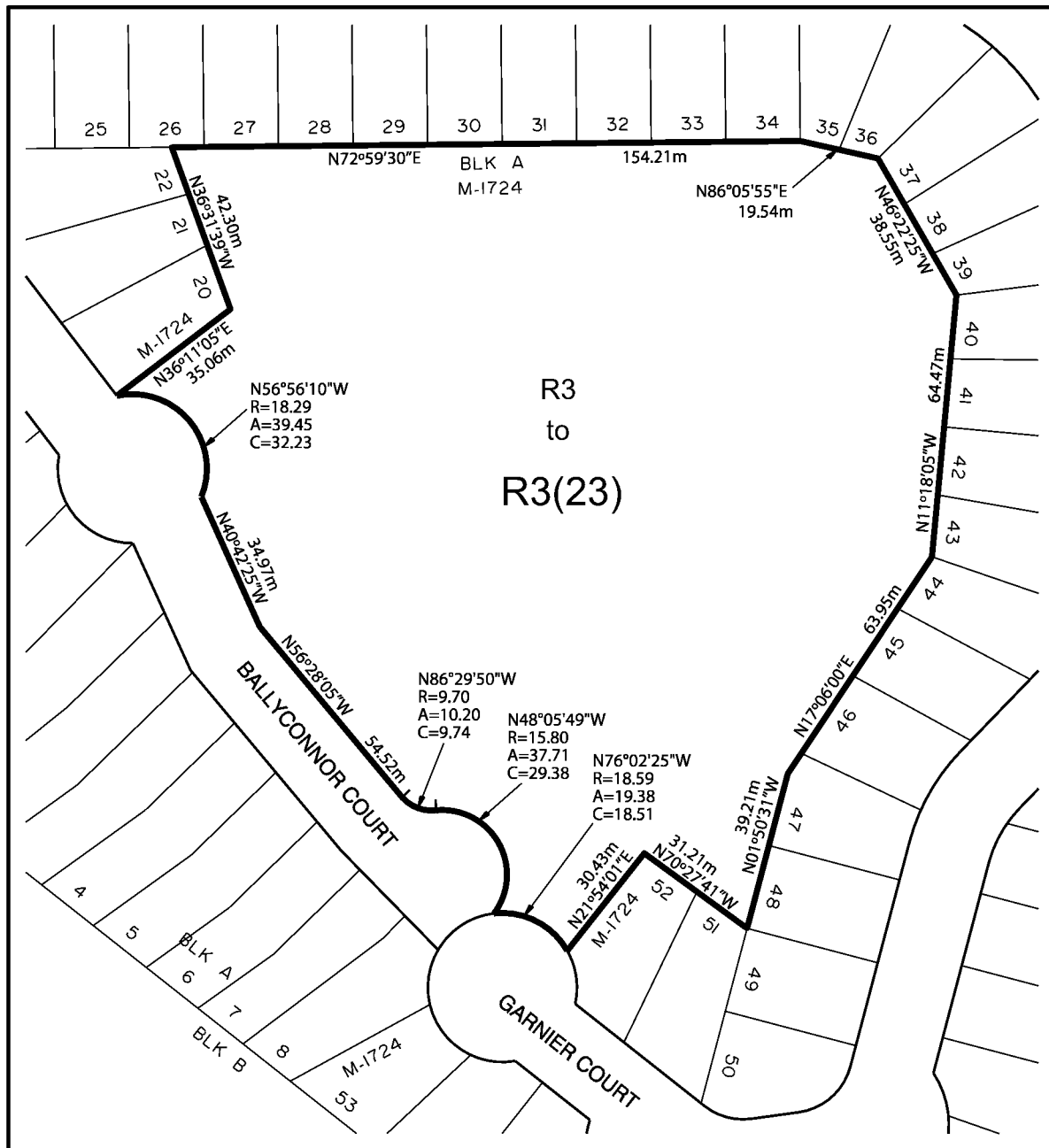
- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway;
- (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



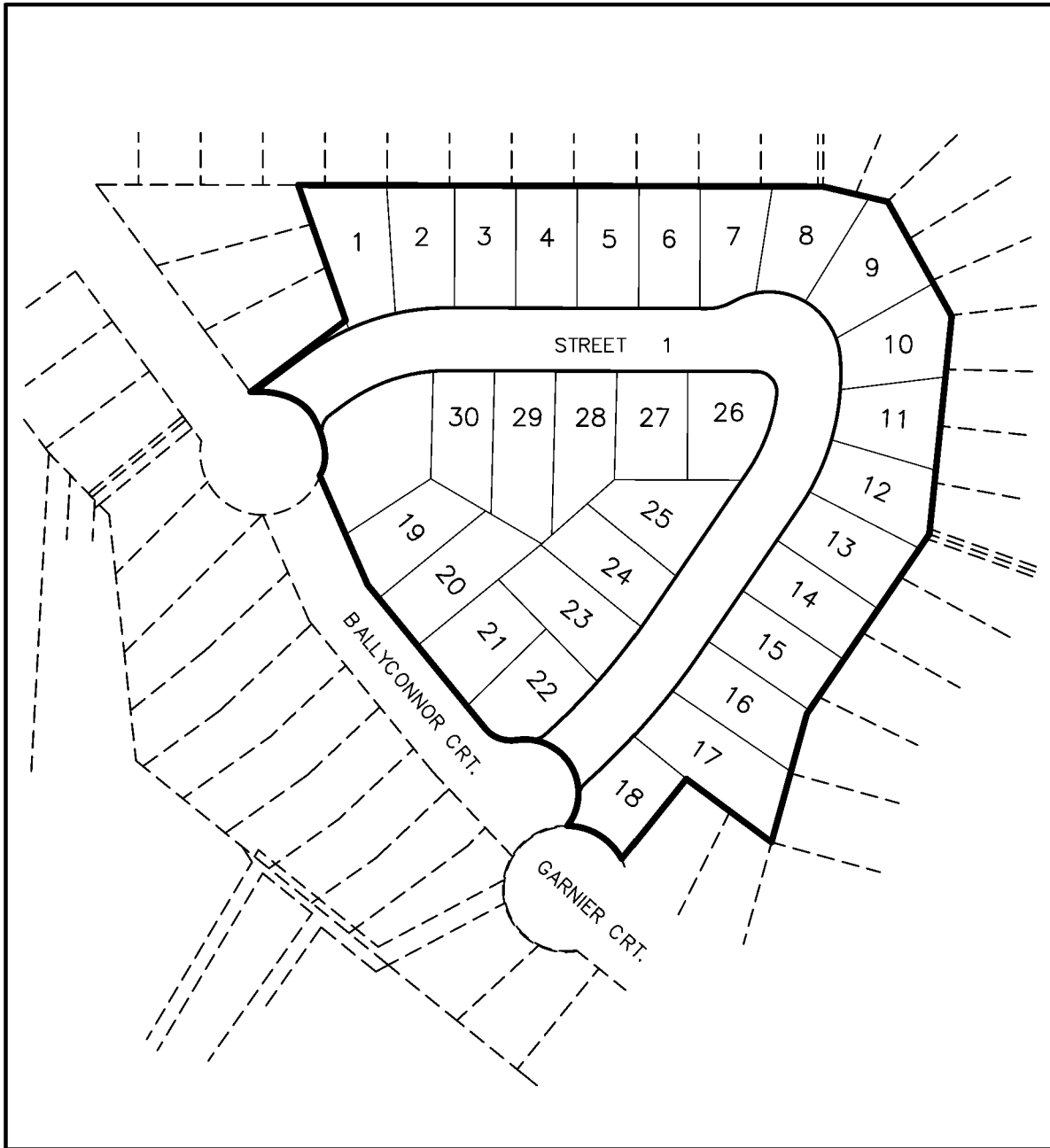
Schedule 1

Block A, R.P. M-1724, City of Toronto
Schaeffer Dzaldov Bennett Ltd.

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB

Date: 04/27/2016
Approved by: M.C.





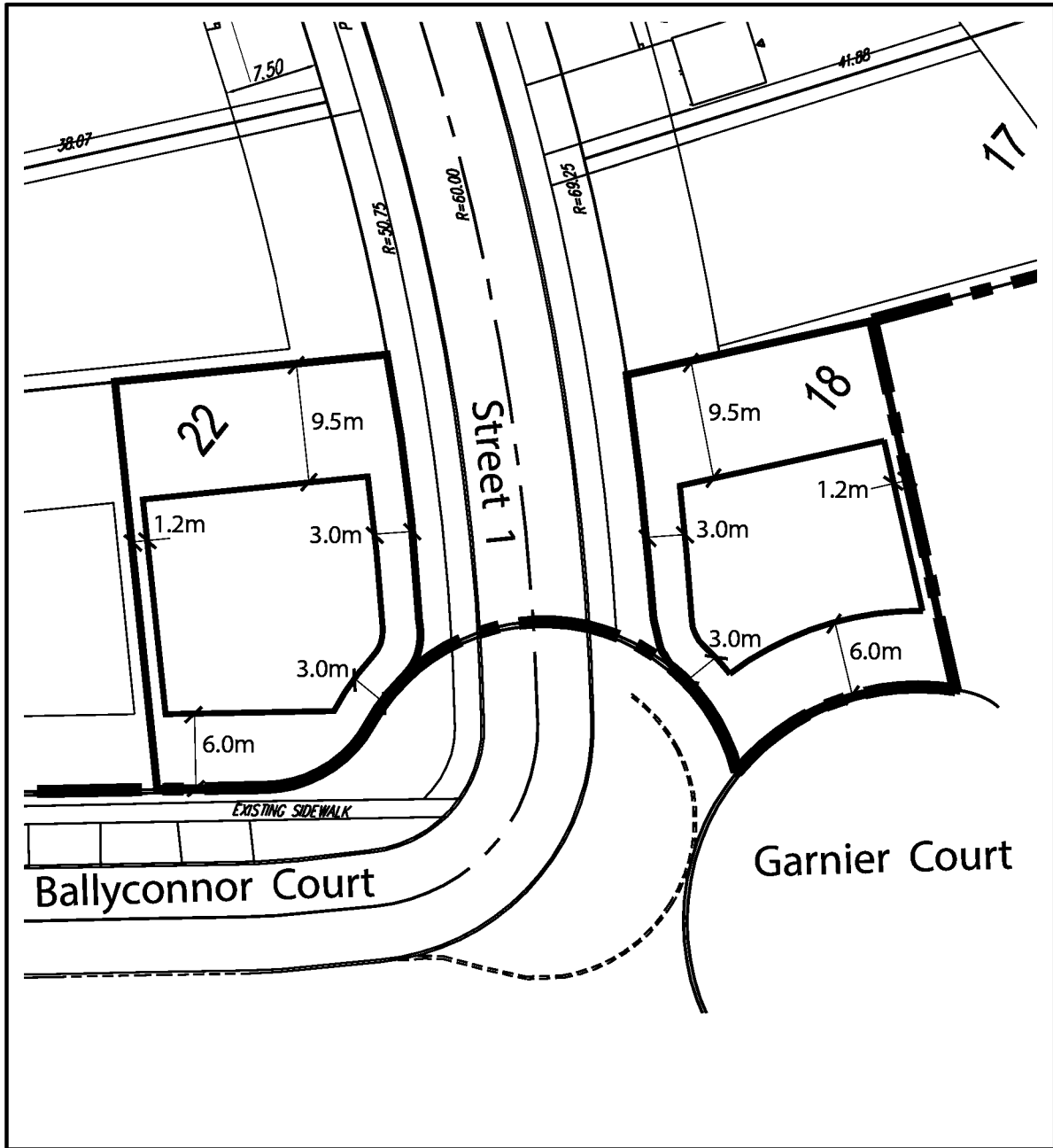
Schedule R3(23)

Applicant's submitted drawing

File # 14 145467 NNY 24 02 & 14 145521 NNY 24 SB

Date: 05/04/2016
Approved by: M.C.

↑
Not to Scale



Schedule 3

Block A, R.P. M-1724, City of Toronto
Schaeffer Dzaldov Bennett Ltd.

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB

Date: 05/03/2016

Approved by: M.C.



Not to Scale

Attachment 5b: Draft Zoning By-law No. 569-2013 Amendment

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~~XXXX~~-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 25 Ballyconnor Court.

Whereas Council of the City of Toronto has the authority pursuant to 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*; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels to these lands: RD (f18.0, a640) (x233), RD (f18.0, a610) (x233) and RD (f16.0, a690) (x233), as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands depicted on Diagram 5 of this by-law, to each of the Policy Areas Overlay Map in Section 995.10.1, and the Rooming House Overlay Map in Section 995.40.1.
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 10.0, ST 2, as shown on Diagram 3 attached to this Bylaw; and
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, and applying the lot coverage label of 35% to these lands, as shown on Diagram 4 attached to this By-law;
7. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 233 so that it reads:

(233) Exception RD 233

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) Regulation 10.5.40.70(1), "Front Yard Setback – Averaging", does not apply;
- (B) Despite Regulation 10.5.40.60(6)(A), a bay window, box window, or other window projection from a **main wall** of a **building**, which increases floor area or enclosed space and may or may not touch the ground, may encroach into a required minimum **front yard setback** or minimum **rear yard setback** a maximum of 0.75 metres, if the window projections in total do not occupy more than 65% of the width of the **front wall** or rear **main wall** at each **storey**;
- (B) Despite Regulation 10.20.40.70(2), the required minimum **rear yard setback** is 9.5 metres;
- (C) Despite Regulation 10.20.40.70(3), the required minimum **side yard setback** is 1.2 metres;
- (D) Despite Clause 10.20.40.70, the required minimum **front yard setback**, **rear yard setback**, and **side yard setback** for Lots 18 and 22 are as shown on Diagram 6, of By-law No. **XXXX-2016**;
- (F) Despite Regulation 10.20.40.30, the permitted maximum **building depth** for Lot 1, as shown on Diagram 2, of By-law No. **XXXX-2016**, is 22.5 metres;
- (G) Despite Regulation 10.20.40.30, the permitted maximum **building depth** for Lot 7, as shown on Diagram 2, of By-law No. **XXXX-2016**, is 20.5 metres;
- (H) Despite Regulation 10.20.40.30, the permitted maximum **building depth** for Lot 17, as shown on Diagram 2, of By-law No. **XXXX-2016**, is 19.5 metres;

Prevailing By-laws and Prevailing Sections: None Apply

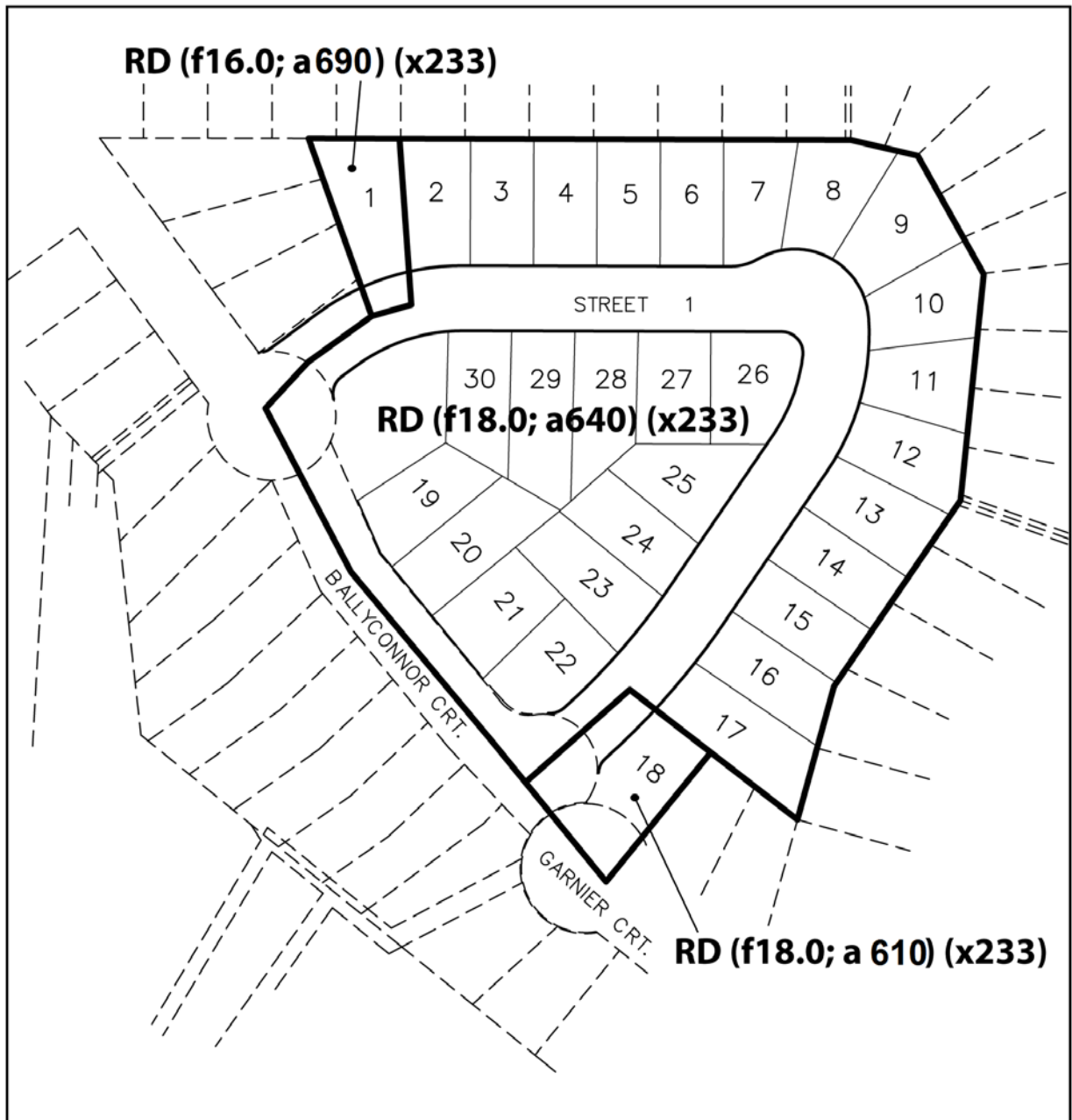
Enacted and passed on **month ##, 20##.**

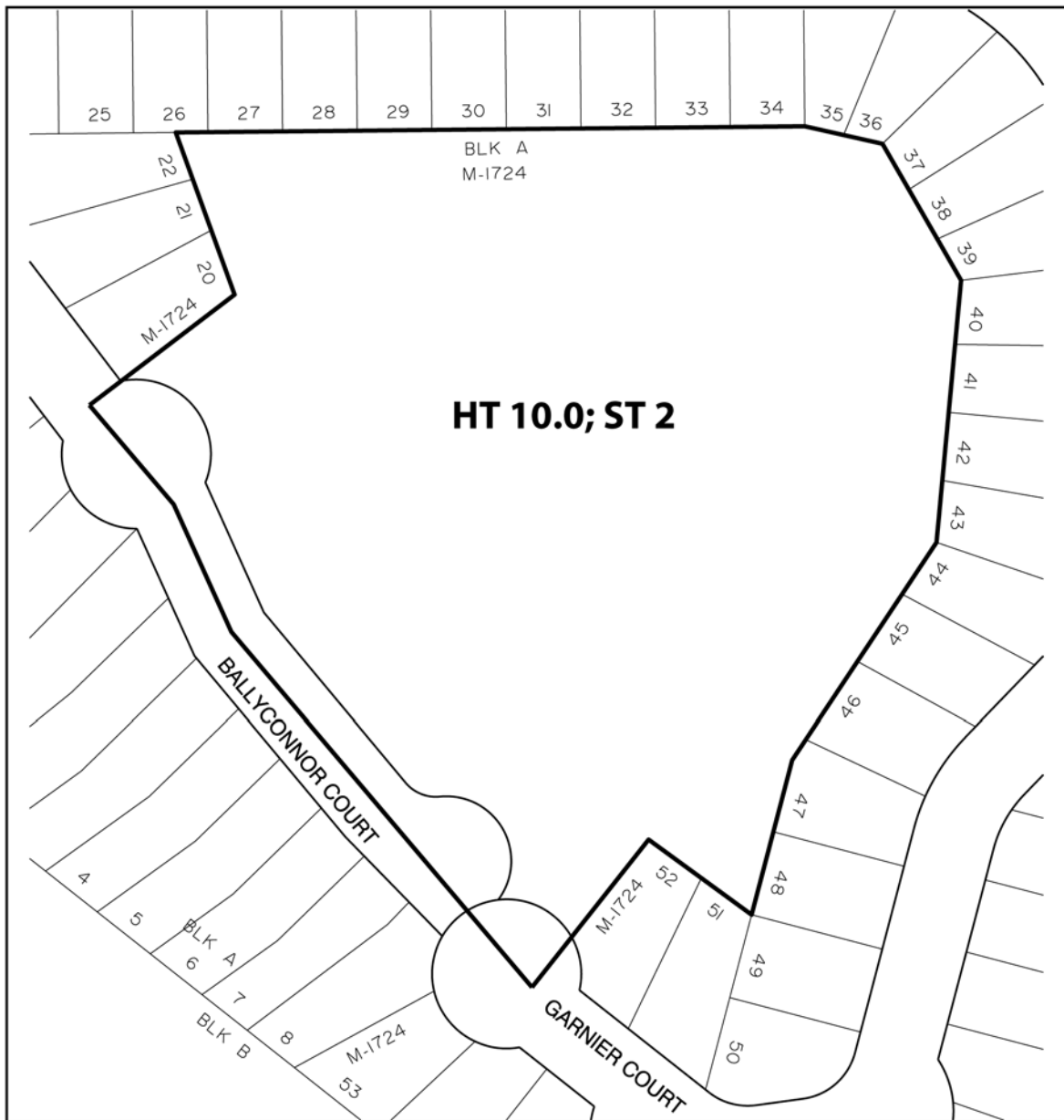
Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





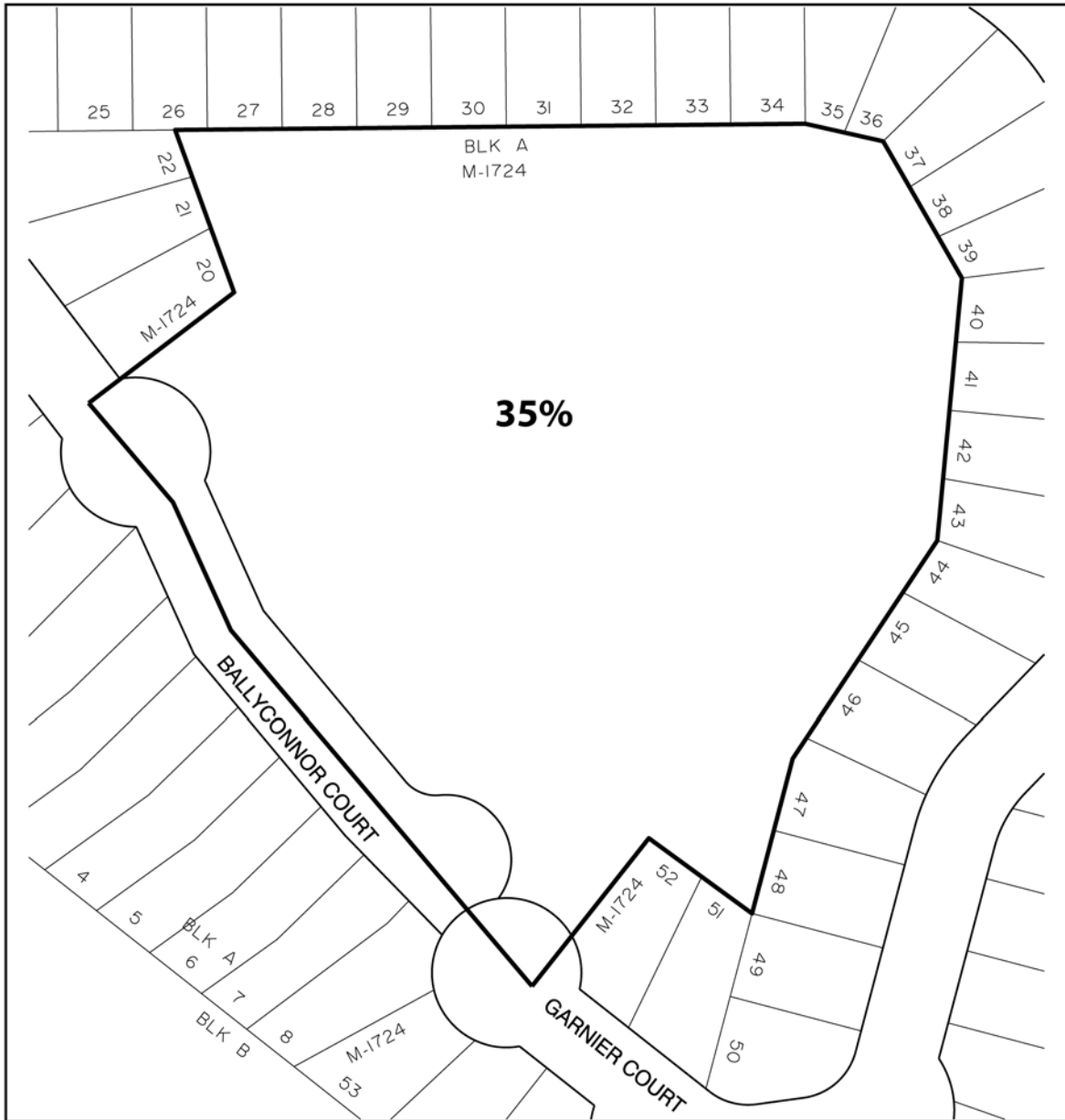
Toronto
Diagram 3

25 Ballyconnor Court

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB



City of Toronto By-Law 569-2013
Not to Scale
04/27/2016



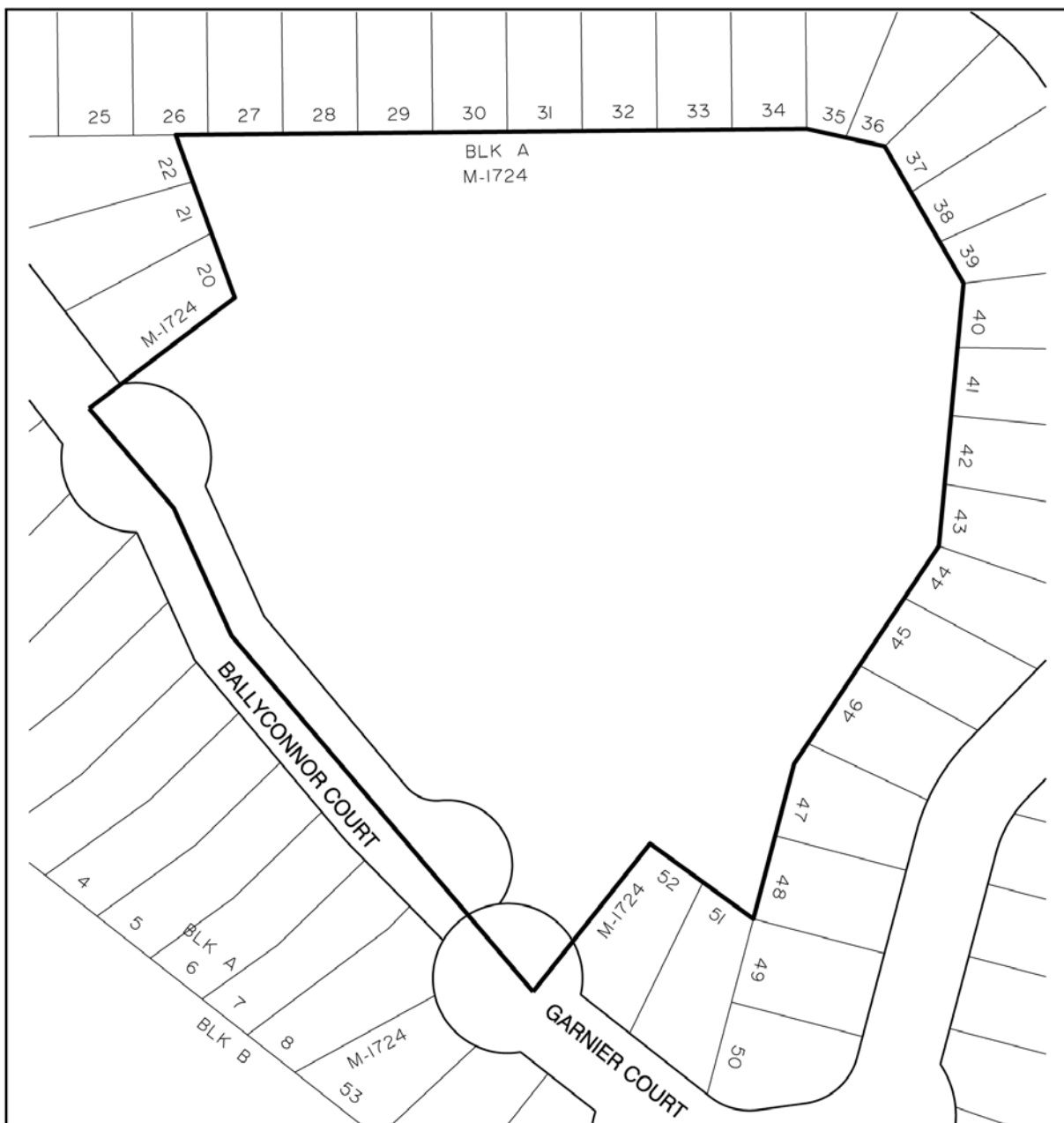
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Diagram 4

25 Ballyconnor Court

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB



City of Toronto By-Law 569-2013
Not to Scale
04/27/2016



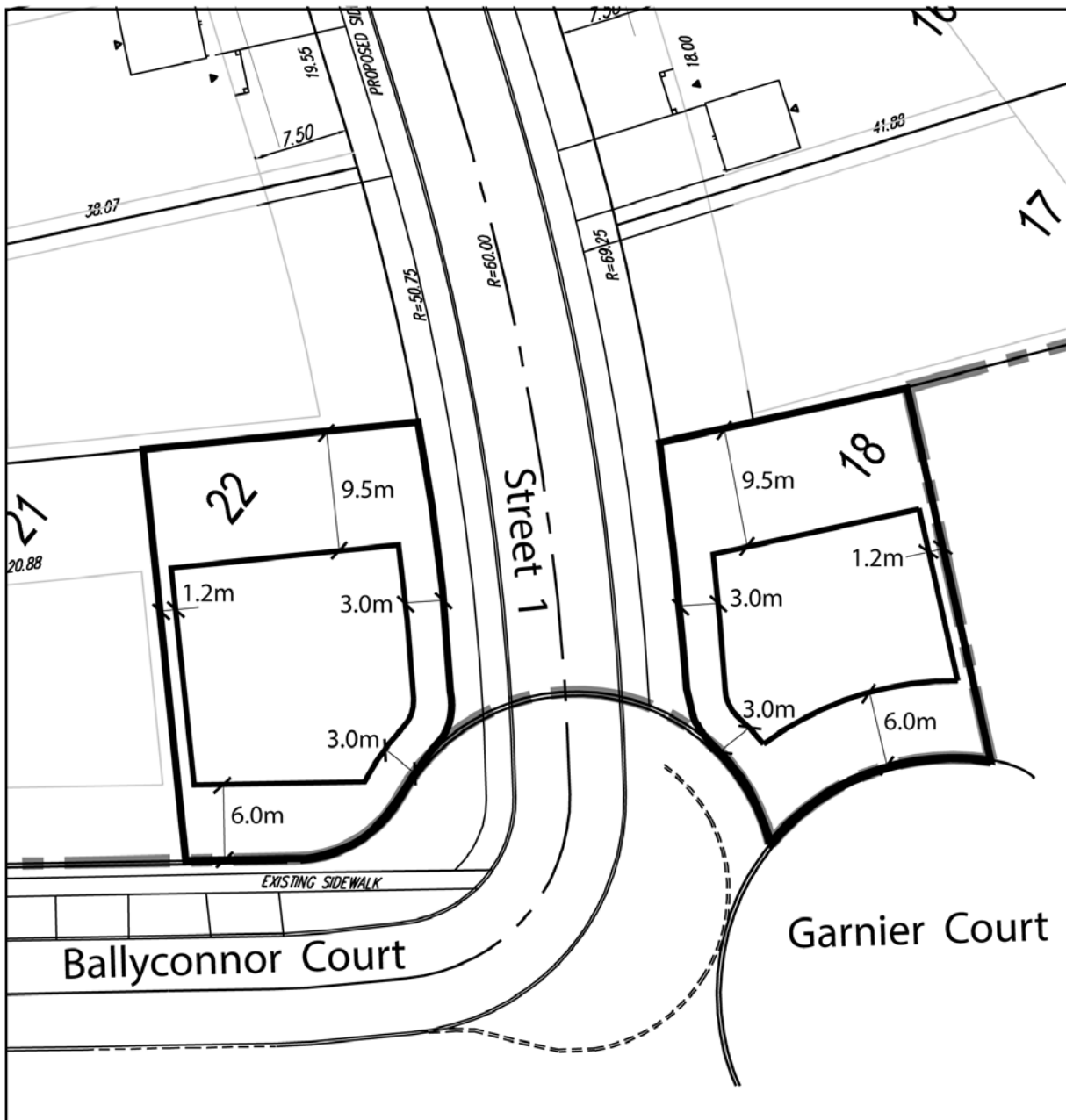
Toronto
Diagram 5

25 Ballyconnor Court

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB



City of Toronto By-Law 569-2013
Not to Scale
04/27/2016



Toronto
Diagram 6

25 Ballyconnor Court

File # 14 145467 NNY 24 OZ & 14 145521 NNY 24 SB



City of Toronto By-Law 569-2013
Not to Scale
05/03/2016

Attachment 6: Conditions of Draft Plan of Subdivision

LEGAL SERVICES

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein;

CITY PLANNING

2. The Owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal;
3. Prior to the registration of the subdivision, the Owner will submit Architectural Control Guidelines to the satisfaction of the Director, Community Planning, North York District;
4. At the time of each building permit submission, or grouping of building permit submissions, the author of the architectural design guidelines 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;
5. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval;

ENGINEERING AND CONSTRUCTION SERVICES

6. Pay to the City (\$40.00) per lot/block towards the cost of geodetic and aerial survey;
7. Dedicate all roads, corner rounding, and road widening shown on the plan for this development to the satisfaction of the Executive Director of Engineering and Construction Services;
8. Convey all necessary easements to the City shown on the plan for this development to the satisfaction of the Executive Director of Engineering and Construction Services;

9. Remove the existing 0.3 m (one foot) reserves on Ballyconnor Court and Garnier Court fronting Lot 18 as Public Highway;
10. 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 Executive Director of Engineering and Construction Services in consultation with the City Solicitor;
11. Submit a draft Reference Plan of Survey, in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection), showing as separate PARTS thereof the lands to be conveyed to the City to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office;
12. Pay all costs for preparation and registration of reference plan(s);
13. Provide a detailed Stormwater Management Report, and apply stormwater management techniques in the development of this subdivision to the satisfaction of the Executive Director of Engineering and Construction Services;
14. Conduct an environmental site assessment for 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 submission of an RSC;
15. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement;
16. Submit financial securities in accordance with the terms of the standard subdivision agreement;
17. Submit a certified cheque in the amount (to be determined) and pay for the City to install the pavement markings and signage;
18. Provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings;
19. Submit a digital copy of the final plan of subdivision in DGN or DWG formats, prepared in metric units with all lot/block corners integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
20. Submit a digital copy of the accepted Signs and Pavement Marking Plans in PDF and Microstation format to Development Engineering;

PARKS, FORESTRY AND RECREATION

21. The Owner shall convey the 0.11 ha (1,100 m²) portion of the development site for public parkland purposes (Block 31). The subject parkland conveyance is to be free and

clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, PFR;

22. The Owner shall pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland;

23. Prior to conveying the parkland to the City, the Owner must:

- a. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services and copy to the General Manager, PFR;
 - b. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
 - c. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services;
 - d. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states: Policy for Accepting Potentially Contaminated Lands
- 16
- i. In the opinion of the Qualified Person:
 - ii. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

- iii. To the extent that the opinion in 4.4.1.1 is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
 - e. Land to be conveyed to the City meets either:
 - i. the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
 - ii. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.
 - f. The Qualified Person's statement, referenced in 4.4 above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.
 - g. For conveyance of lands requiring a Record of Site Condition:
 - i. File the Record of Site Condition on the Ontario Environmental Site Registry; and
 - ii. Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services and to the General Manager, PFR.
- 24. The Owner shall satisfy the "Park Construction Base Park Improvements" Conditions, as contained in the Parks, Forestry and Recreation memorandums dated January 4, 2016;
- 25. The Owner shall complete an "Application to Injure or Destroy Trees on Private Property", and an application fee in the amount of \$3,000.00 (\$313.99 per tree), for the removal of 17 private trees;
- 26. The Owner shall submit a Tree Planting Deposit in the amount of \$29,733.00 (\$583 per tree) to ensure the planting of 51 large growing canopy trees, to the satisfaction of the Supervisor of Urban Forestry, Tree Protection and Plan Review; and
- 27. The Owner shall submit a Tree Survival Guarantee in the amount of \$7,579.00 (\$583 per tree) to ensure the survival of 13 City-owned trees, to the satisfaction of the Supervisor of Urban Forestry, Tree Protection and Plan Review