

**2932, 2934, 2936, 2938, 2940 and 2942 Bayview Avenue -
Official Plan and Zoning By-law Amendment
Applications - Request for Direction Report**

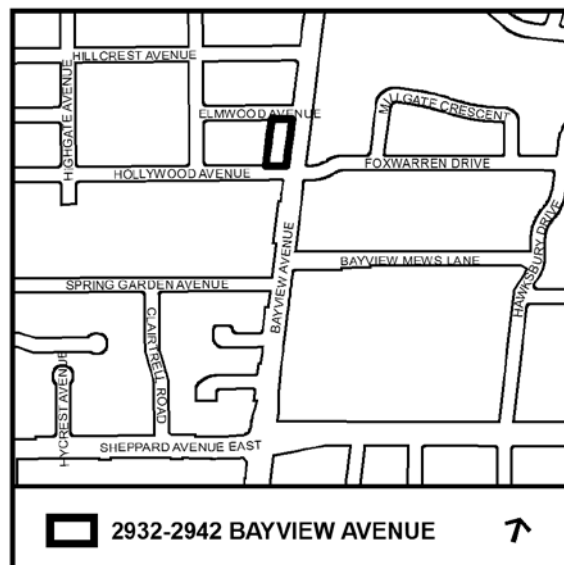
Date:	May 25, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	15 205085 NNY 23 OZ

SUMMARY

The applicant has appealed the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A 4-day hearing will begin on August 30, 2016.

This application proposes to amend the Official Plan and Zoning By-laws to permit a 4-storey apartment building in two blocks containing a total of 48 residential units with underground parking, at 2932, 2934, 2936, 2938, 2940 and 2942 Bayview Avenue.

The report recommends that City Council instruct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the OMB hearing to oppose the applications in their current form.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend the Ontario Municipal Board hearing to oppose the appeal of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Applications in their current form and to retain such outside experts as the City Solicitor may determine are required to support the position outlined in this report.
2. City Council direct the City Solicitor to request that the OMB, in the event the OMB allows the appeal, withholds its Order(s) approving the applications until such time as:
 - i) The Board has been provided with a proposed Official Plan Amendment and Zoning By-law Amendment and has been advised by the City Solicitor that the proposed Official Plan Amendment and Zoning By-law Amendment are in a form satisfactory to the City; and
 - ii) All pre-approval conditions have been met for the Site Plan Control Application.
3. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and report back to City Council if the proposal is substantially revised to address the outstanding issues.

Financial Impact

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

DECISION HISTORY

These applications were received on August 11, 2015. On October 6, 2015, North York Community Council adopted a Preliminary Report on the Official Plan and Zoning By-law Amendment application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given according to the regulations under the *Planning Act*. The Community Consultation Meeting was held on December 2, 2015.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-83935.pdf>

The applicant appealed the application to the Ontario Municipal Board on March 16, 2016.

ISSUE BACKGROUND

Proposal

The subject site is comprised of six residential lots. The application proposes to amend the Official Plan and the Zoning By-laws to permit two, 4-storey apartment blocks identified as Block A and Block B (Refer to Attachment 1: Site Plan) located above a shared underground parking garage. Each block would contain 24 units for a total of 48 residential units. The two blocks would be separated by a distance of 1.22 metres.

The proposal consists of 48 two-bedroom units that are vertically stacked on top of one another and extend the full length of the building depth. The proposed total gross floor area is 5,420 square metres, resulting in a floor space index of 1.92. There is no direct access to any of the units from the outdoors. Access to all units is proposed entirely by common exterior steps and ramps facing Bayview Avenue, leading to common interior spaces including vestibules, staircases and elevators. There would be six of these interior common spaces. Each one would provide access to a cluster of eight units.

The proposed height of the apartment buildings is approximately 12.8 metres plus another 3.2 metres for the mechanical penthouses, for a total overall height of 16.0 metres. The finished first floor would be 1.63 metres above the centre line of the road. The buildings would be setback 3 metres from Bayview Avenue, Hollywood Avenue and Elmwood Avenue. Private outdoor amenity space is proposed only for units on the second and third floors in the form of balconies on the rear of the building.

Vehicular access for the proposed development would be by way of a private driveway from Hollywood Avenue providing access to the shared underground two-level parking garage containing 65 parking spaces including 10 parking spaces for visitors. There are 33 long term bicycle parking spaces proposed on the lowest level of the parking garage and 3 short term bicycle parking spaces proposed at grade along Hollywood Avenue.

A separate one-way service road along the west lot line would be provided for private garbage collection gaining entry access from Elmwood Avenue and exit access off of Hollywood Avenue. No loading space is proposed. The proposed rear yard (west) setback is approximately 11.7 metres which includes the 2.6 metre wide service driveway and a 2.6-metre wide landscape strip.

The proposal has not changed since the Preliminary Report.

Recent Townhouse Approvals

Following the adoption of the Bayview Avenue Area Study, a number of townhouse applications have been submitted and/or constructed, that supported the emerging character for this portion of Bayview Avenue.

In 2005, City Council approved 9 townhouses at 2924 – 2928 Bayview Avenue. In 2008, the OMB approved 14 townhouses at 2996 – 3004 Bayview Avenue. In 2009, the OMB approved 11 townhouses at 2952 – 2958 Bayview Avenue. In 2014, City Council

approved 6 townhouses and 1 single detached dwelling at 3052 Bayview Avenue and 351 McKee Avenue. In June 2016, 5 townhouses and 1 single detached dwelling are being recommended for approval to North York Community Council at 2966 Bayview Avenue and 400 Hillcrest Avenue.

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

Site and Surrounding Area

The subject site is rectangular in shape and is located on the west side of Bayview Avenue at the end of two residential streets, Hollywood Avenue and Elmwood Avenue. The site has a Bayview Avenue frontage of 79.25 metres, a Hollywood Avenue frontage of 33.13 metres, an Elmwood Avenue frontage of 29.63 metres and a lot area of 2,825 square metres. The site currently contains six single detached dwellings. There is an existing 1.84-metre stormwater easement across adjacent properties, immediately to the west of the site.

There are 3-storey townhouse developments to the north and south of the site and 1 to 2-storey single detached dwellings to the west and east. Generally, on the west side of Bayview Avenue, townhouses are replacing former single detached dwellings. However, the interior of the *Neighbourhoods* designation has remained stable.

There have been no recent approvals for apartment buildings in the area, outside of Mixed Use Areas contained with the Sheppard East Subway Corridor Secondary Plan. The only existing apartment building in the area, outside of Mixed Use Areas contained with the Sheppard East Subway Corridor Secondary Plan, is the 3-storey Bayview Mews at 2911 Bayview Avenue, built around 1965.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required to be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff

have reviewed the proposal for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate, and, areas where little physical change is expected to occur. The Plan outlines how growth is to be directed towards areas with supporting infrastructure and provide a transition in scale and density that protects stable neighbourhood areas from the effects of nearby development. The Official Plan directs growth to the Downtown, the Centres, Avenues, and Employment Districts. The site is designated *Neighbourhoods* on Map 16, Land Use Plan of the City of Toronto Official Plan (Attachment 6). Unlike the designated growth areas, *Neighbourhoods* are stable areas which should see little change.

Healthy Neighbourhoods Policies

Chapter 2 of the Official Plan entitled Shaping the City contains principles for steering growth and change to some parts of the city, while protecting our neighbourhoods and green spaces from development pressures. Neighbourhoods are seen as being stable but not static. Section 2.3.1 recognizes that Neighbourhoods will not stay frozen and that some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites over time. Policy 1 of Section 2.3.1 of the Official Plan states that development within Neighbourhoods will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Bayview Avenue is identified as a *major street* on Map 3 of the Official Plan but it is not designated as an *Avenue* on the Urban Structure, Map 2 of the Official Plan.

Building a Successful City

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

Public Realm Policies

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians. Built form policies in the Official Plan provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context.

Built Form Policies

Section 3.1.2 Built Form stresses that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments must be

conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Plan. Policy 3 of Section 3.1.2 provide guidance pertaining to the massing of new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion, incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development, creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan, providing for adequate light and privacy, and adequately limiting any resulting shadowing of neighbouring streets and properties.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Policy 6 of Section 3.1.2 states that every new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens, and other types of outdoor spaces.

Neighbourhoods Policies

The Official Plan identifies *Neighbourhoods* as being physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Policy 4.1 of the Official Plan contains specific development criteria related to lands designated *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical patterns and character of the neighbourhood, with particular regard to, among other things:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;

- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

Policy 4.1.5 states that no changes will be made through rezoning, minor variance, consent or other public action that is out of keeping with the physical character of the neighbourhood.

Policy 4.1.7. indicates that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of the Plan. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*. The prevailing building type will be the predominant form of development in the neighbourhood. Policy 6 states that where a more intense form of development than the prevailing building type has been approved on a major street in a *Neighbourhood*, it will not be considered when reviewing prevailing building type(s) in the assessment of development proposals in the interior of the *Neighbourhood*

Sheppard East Subway Corridor Secondary Plan

The boundary for the Sheppard East Subway Corridor Secondary Plan bisects the southern half of the subject site. The Secondary Plan is intended to encourage development to occur within key development areas which are primarily designated *Mixed Use Areas*. The applicable portion of the subject site is not identified as a key development area and is not designated *Mixed Use Areas*. Map 9-2 designates the subject site as *Neighbourhoods* (Refer to Attachment 7: The Sheppard East Subway Corridor Secondary Plan). The Secondary Plan states that development will be supportive of the existing goals and objectives of the Official Plan. These include the urban structure policies and the *Neighbourhoods* policies which limit intensification in stable residential areas. Residential communities which are outside of the areas appropriate for reurbanization in close proximity to the subway stations, are to be protected and enhanced as stable residential communities through the specific policies of the Secondary Plan and the applicable *Neighbourhoods* policies of the Official Plan.

Sheppard East Subway Corridor Secondary Plan is available at http://www1.toronto.ca/static_files/CityPlanning/PDF/9_sheppard_subway_dec2010.pdf

Bayview Avenue Area Study

The Bayview Avenue Area Study, adopted by Council in 2007, provides a framework for the development of appropriate lots for townhouses and single detached dwellings and is to be read in conjunction with the relevant policies contained within the Official Plan and the Council approved Infill Townhouse Guidelines. The resulting guidelines are applicable to the west side of Bayview Avenue, from Hollywood Avenue to the south to Finch Avenue East to the north, including this site. The general objectives of the

Bayview Avenue Area Study guidelines are to permit and encourage high quality development of townhouses with consolidated vehicular access for appropriate lots fronting Bayview Avenue while minimizing the potential for adverse impact on the land use characteristics of the adjacent low density residential lands. These guidelines have resulted in the development of various townhouse projects, establishing a new, emerging physical character of this portion of Bayview Avenue.

Zoning

The subject lands are zoned R3 by the former City of North York Zoning By-law 7625 and RD (f12.0; a370) by the new Toronto Zoning By-law 569-2013. Both Zoning By-laws permit single detached dwellings on lots with a minimum frontage of 12 metres, a minimum lot area of 370 m² and maximum lot coverage of 30%.

The former North York Zoning By-law 7625 requires a minimum front yard setback of 6 metres, a minimum side yard setback of 1.2 to 1.8 metres depending on the lot frontage and a minimum rear yard setback of 9.5 metres. The maximum building height permitted is 8 metres and two storeys, for a dwelling with a flat roof.

The City of Toronto Zoning By-law 569-2013 requires a minimum front yard of 6 metres, varying side yard setbacks depending on the lot frontages and a rear yard setback of 7.5 metres or 25% of the lot depth, whichever is greater. The maximum building height permitted is 7.2 metres and two storeys, for a dwelling with a flat roof.

Apartment buildings are not permitted in either the R3 or RD zoning categories.

Site Plan Control

The application for Site Plan Control (file no. 15 205077 STE SA), submitted in conjunction with the applications for Official Plan and Zoning By-law Amendments, has also been appealed.

Tree Preservation

The application is subject to the City of Toronto Private Tree By-law. A permit is required to remove, cut down or injure a tree with a diameter of 30 cm or more on private property. A total of 4 City trees and 8 private trees subject to the By-law are proposed to be removed.

Community Consultation

Staff held a community consultation meeting on December 2, 2015 to present the proposal to the community and to receive their feedback. Approximately 60 people attended and expressed concerns with the proposal including:

- traffic;
- compatibility of the existing physical character of the neighbourhood;
- new development on Bayview Avenue should be townhouses;
- concern with the number of units and density;

- concern with the height of the building;
- the treatment of the rear angular plane and the impact on natural light, privacy and overlook;
- street parking;
- garbage being left out on Hollywood Avenue;
- desire for high quality architectural design;
- proposed driveway location on Hollywood Avenue undesirable;
- pedestrian safety;
- questions relating to the existing storm sewer easement;
- the loss of mature trees;
- tenure and size of units; and
- the current state of property maintenance.

Further correspondence by telephone and email expressed similar concerns.

Reasons for the Applications

A site-specific Official Plan amendment is required because the applicant is proposing a built form (4-storey apartment building) that is not a prevailing building type.

An amendment to both Zoning by-laws is required because the proposed apartment house dwelling use, density, building height and setbacks do not meet the provisions of the former City of North York Zoning By-law 7625 and the Toronto Zoning By-law 569-2013, as amended. In addition, proposed performance standards may require zoning amendments.

A Site Plan Control application was filed to meet the requirements of Section 41 of the Planning Act and Section 114 of the City of Toronto Act.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, both the PPS and the Growth Plan state that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan meets the requirements of the PPS.

The proposal does not conform to the Official Plan designation of *Neighbourhoods* and is not consistent with the way in which the Official Plan implements the Provincial Policy Statement. The proposal, therefore, is not consistent with the PPS and can not be supported.

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) 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 Growth Plan strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth. The Growth Plan also directs growth to urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields to provide as a key focus for transit and infrastructure investments to support future growth. This is not an area where the scale of intensification and built form proposed, is anticipated or appropriate. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan for the Greater Golden Horseshoe. The proposal does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe.

Areas Designated for Growth

The Provincial Policy Statement indicates that the municipal Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or areas, and availability of infrastructure and public services facilities that meet projected needs. The City of Toronto Official Plan includes policies which support many of the objectives of the PPS. The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the Downtown, Centres, Avenues and Employment Districts. The proposed development is not in one of those areas. The subject site is located in a *Neighbourhoods* designation where growth is not anticipated. The stability of Toronto's *Neighbourhoods* physical character is one of the keys to the City's success. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally fit the existing physical character. The applicant's proposal for a 4-storey apartment building in a *Neighbourhoods* designation is not in an area intended for growth and is not supported by staff.

While the southern half of the site falls within the boundary of the Sheppard East Subway Corridor Secondary Plan, there are no specific policies to support this level of intensification on this site. The applicable portion of the subject site is not identified as a key development area and is not designated *Mixed Use Areas*. Residential communities which are outside of the areas appropriate for reurbanization in close proximity to the subway stations, are to be protected and enhanced as stable residential communities through the specific policies of the Secondary Plan and the applicable *Neighbourhoods* policies of the Official Plan.

Building Type

The site is designated *Neighbourhoods* in the Official Plan. These areas are considered to be "physically stable" and development within these areas will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space pattern in these areas. While these areas will change over time, they are not intended to accommodate the city's growth and any change needs to reflect the existing character. The *Neighbourhoods* policies in the Official Plan also state that development in these areas should "respect and reinforce the existing physical character of the neighbourhood". The character of a neighbourhood varies across the city and is determined by things such as dwelling type of nearby residential properties, prevailing building types and prevailing patterns of rear and side yard setbacks. The policies state that no changes will be made through amendments to the zoning by-law that are out of keeping with this character. The applicant's proposal for a 4-storey apartment building in 2 blocks, containing 48 units, is not in keeping with the former prevailing building type of detached dwellings, nor the emerging prevailing building type of 3-storey townhouses. Despite the fact that an attempt was made to make the proposed buildings visually appear as townhouses, they function and are scaled as apartments. There is no direct access to any of the units from the outdoors. Access to all units is proposed entirely by common exterior steps and ramps facing Bayview Avenue, leading to common interior spaces including vestibules, staircases and elevators. There would be six of these interior common spaces. Each one would provide access to a cluster of eight units.

No apartment buildings have been built within a *Neighbourhoods* designation on this part of Bayview Avenue since approximately 1965. Introducing this building type in the absence of a supporting comprehensive review, would be out of keeping with the policies of the Official Plan, would not respect and reinforce the existing physical character of the neighbourhood and is considered poor planning.

Land Use and Existing Context

Policy 2.3.1.1 states that neighbourhoods are considered to be physically stable areas. Development within neighbourhoods will be consistent with this objective and will respect and reinforce the existing physical character of the neighbourhood and its planned context.

The site is designated *Neighbourhoods* in the Official Plan. Toronto's *Neighbourhoods* contain a range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of local residents. Low scale residential buildings consist of detached and semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartment buildings generally 4 storeys or less. The application proposes a 4-storey apartment building in 2 blocks, containing 48 units. Elements that are important to the character of the neighbourhood are set out in Policy 4.1.5 and include: the height, massing, scale and dwelling type of

nearby residential properties, prevailing building types(s), setbacks of buildings from the street and the pattern of prevailing setbacks and landscaped open spaces, among others.

A determination of whether this proposal respects the physical character of the buildings, streetscapes and open space patterns of the neighbourhood has been evaluated as part of the review of this application. In recent years, former single detached dwelling lots on Bayview Avenue have been assembled for townhouse developments, pursuant to the Council-adopted Bayview Avenue Area Study. The study allows for townhouses within the Bayview area that are developed to be consistent with specified urban design guidelines. The study speaks to building organization, setbacks, height, massing, transition, design and landscaping. The intent is to respect the single detached character of the neighbourhood. As a result, the emerging physical character of Bayview Avenue is one of 3-storey townhouses with rear integral garages and shared driveways, limited in height, with certain transition techniques. The interior of the *Neighbourhoods* designation remains entirely single detached dwellings. Apartment buildings are not part of the existing, nor emerging physical context. The proposal is taller, denser and does not transition appropriately, compared to recent approvals on this part of Bayview Avenue.

The applicant's proposal does not respect the prevailing building type, height or massing in the neighbourhood. In this regard, the proposal does not comply with the policies of the Official Plan and an amendment is not supported. The proposal would need to be re-designed with a different building type (ie: townhouses) in order to meet the intent of the Official Plan.

Density

The proposed development has a total GFA of 5,420 square metres, which results in a density of 1.76 times the area of the lot (under City of Toronto By-law 569-2013) or 1.92 times the area of the lot (under former City of North York By-law 7625). These densities exceed recent approvals on Bayview Avenue, which range from 1.24 times the area of the lot to 1.6 times the area of the lot. Furthermore, 48 dwelling units are proposed where only 6 currently exist, which represents a significant over-development of the site when site massing and design are considered.

Height

The building form of this proposal does not have regard for the Council-adopted Bayview Avenue Area Study and associated urban design guidelines. The study asks that the height of any part of a residential building fronting Bayview Avenue (townhouses) not exceed 3 storeys or 11 metres to the midpoint of the roof, whichever is the lesser. The height of both buildings is 4 storeys and 13.15 metres measured from established grade or 13.23 metres measured from the centre line of the road. The mechanical enclosures add an additional 3.41 metres in height, for a total height of 16.56 - 16.64 metres. The number of storeys and heights exceed recent approvals on Bayview Avenue, where 3-storey townhouses range in height from 9.2 metres to 11.95 metres.

Massing and Built Form

The urban design guidelines of the Bayview Avenue Area Study include two different development scenarios to ensure new development fits within the existing context. The applicant has used their own version of a modified "Transition Scenario A" to facilitate their proposal. The Transition Scenario A included in the study's urban design guidelines state no part of any building shall exceed 70 percent of the horizontal distance separating that part of the building from the nearest residential property line, to provide an appropriate geometry of transition between a townhouse development on Bayview Avenue and the adjacent stable residential neighbourhood behind. The intention is that the angular plane pushes the building massing and height away and down, toward Bayview Avenue and away from the single detached dwellings to the west. The applicant has proposed a 45-degree angular plane, measured from an arbitrary point 1.52 metres above the nearest residential property line (westerly lot line). This angular plane is far more permissive than that required in the Bayview Avenue Area Study and allows the upper floors of the building to be closer to the single detached dwellings to the west, resulting in negative impacts on privacy and overlook. The massing of the building and the transition to adjacent single detached dwellings are not in line with recent approvals on Bayview Avenue.

Transition Scenario A also requires a 4.5-metre landscape strip to buffer the adjacent low density residential neighbourhood from potential impacts, a 9.5-metre rear yard setback and a suitable opaque barrier (fence) 1.8 metres in height. However, the landscape strip as proposed is only 1.89 metres in depth and the underground parking ramp is within the required rear yard setback.

New development on this site should fit into the context of the existing neighbourhood. A residential development with a height and massing closer in scale to other residential buildings in the neighbourhood would be more in keeping with the Official Plan goal of neighbourhood fit and would ensure compatibility with the existing neighbourhood context.

Should the applicant be prepared to revise their proposal to incorporate a townhouse building type consistent with the Bayview Avenue Area Study, such revisions should improve the massing and include a reduction to the proposed height and density. A revised proposal, which does not require an Official Plan Amendment, should be considered by the applicant.

Storm Sewer Easement

There is an existing 1500mm diameter storm sewer that runs in a north-south direction, at the west side of the property. A 9-metre wide easement is required for this storm sewer. A total of 1.8 metres of this easement would be located within the limits of the adjacent properties to the west and 7.2 metres of the easement would be located within the property limit of the site. Therefore, a 7.2-metre wide easement to accommodate the existing 1500mm diameter storm sewer must be registered in favour to the City. It is to be free and clear of all physical and title encumbrances (including but not limited to planters, parking ramps, garbage servicing elements, service driveways, underground parking garages, etc.), all to the satisfaction of the Executive Director of Engineering and

Construction Services, in consultation with the City Solicitor. In order to accommodate a development, the proposed planters, parking ramp, garbage servicing elements, service driveway, underground parking garage, etc., would need to be set back 7.2 metres from the westerly (rear) lot line. A substantive redesign of the proposed development is required to accommodate this easement.

Access, Parking and Loading

The site's proposed access is via a private driveway off Hollywood Avenue that leads to the underground parking garage. A separate one-way, gated surface driveway is proposed to accommodate waste collection, where garbage collection vehicles enter from Elmwood Avenue and exit by Hollywood Avenue. It is not clear if the 2.6-metre wide service driveway is wide enough to accommodate garbage collection.

The applicant is proposing 65 parking spaces (55 for residents and 10 for visitors), which exceeds the minimum parking requirement of 56 spaces in City of Toronto Zoning By-law 569-2013. However, 3 spaces are located within the ramp on parking level 2. These spaces must be removed if they do not have a minimum vertical clearance of 2.0 metres. Two accessible parking spaces are also required and have not been provided.

Both former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 require one loading space for an apartment building with more than 30 units. Zoning By-law 569-2013 specifically requires one Type G loading space, which has not been provided.

Amenity Space

Very little amenity space has been provided for the proposed apartment building. No common indoor amenity space is proposed. Private outdoor amenity space is proposed only for the second and third floor units, overlooking adjacent single detached dwellings. There is a limited amount of open space at grade in the rear yard, partially obstructed by the parking ramp, but its intended use is not clear. Recent developments (townhouses) in the area have provided appropriate amenity space in the form of private front porches and rear terraces.

Site Plan Control

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

Pedestrian access ramps and stairs associated with apartment buildings create a negative impact on the pedestrian realm and building façade along Bayview Avenue, and thus are not recommended. Primary pedestrian access to units must be at grade, facing the street, as outlined in the Council-approved Bayview Avenue Area Study and Policy 1 in Section 3.1.2 in the Official Plan.

Underground parking access and garbage servicing should be integrated into the building to minimize visual impact from side streets. There is no precedent for exposed

underground servicing ramps fronting side streets within the geographic neighbourhood from Hollywood Avenue to Finch Avenue East. A 4.5-metre wide landscape strip along the westerly lot line is required for transition to lower scale residential neighbourhoods. Garbage servicing should be relocated away from Elmwood Avenue, enclosing the loading and staging area to reduce negative impacts such as noise and odour.

The design and massing of any building should be improved in order to provide for a better integration with the existing neighbourhood. New construction should be appropriately massed and articulated to resemble the scale and articulation of a detached dwelling found in the neighbourhood. High quality materials and finishes should be provided which respect and reinforce the character of the Bayview Avenue neighbourhood.

The proposed building has rear balconies on the second and third floors which create overlook and privacy issues for abutting residential neighbours, particularly since the proposed rear transition is not appropriate.

Summary

This proposal is not consistent with the way in which the Official Plan implements the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. It fails to comply with the planning framework for this area of the City established by the Official Plan and the Sheppard East Subway Corridor Secondary Plan. The proposed development is not in keeping with the Council-approved Bayview Avenue Area Study, intended to ensure an appropriate fit and transition for new development (limited to townhouses) on Bayview Avenue.

While a residential development is a permissible use for these lands, the desire to achieve residential intensification through redevelopment on the site must be balanced with a respect for the existing site condition and the built form and character of the community abutting Bayview Avenue and in the surrounding area.

These applications do not represent an appropriate redevelopment of the site and do not represent good planning for the reasons discussed in this report including:

- The proposed development is not in an area designated for intensive growth;
- City Planning does not support an Official Plan Amendment for a 4-storey apartment building on this lot in a *Neighbourhoods* designation;
- The development proposal does not conform to the Official Plan including but not limited to policies related to *Neighbourhoods*, Built Form and Healthy Neighbourhoods; and
- The proposed development does not have regard for the Bayview Avenue Area Study.

The redevelopment of lands in an established urban setting requires consideration of the immediate context and larger neighbourhood. New development must relate, enhance and contribute to its surroundings. The proposed development does not reflect the physical

character of the existing lower density neighbourhood and the emerging character along this part of Bayview Avenue.

This report recommends that staff attend the Ontario Municipal Board hearing in opposition of the proposal and staff continue discussion with the applicant to address the issues outlined in this report.

CONTACT

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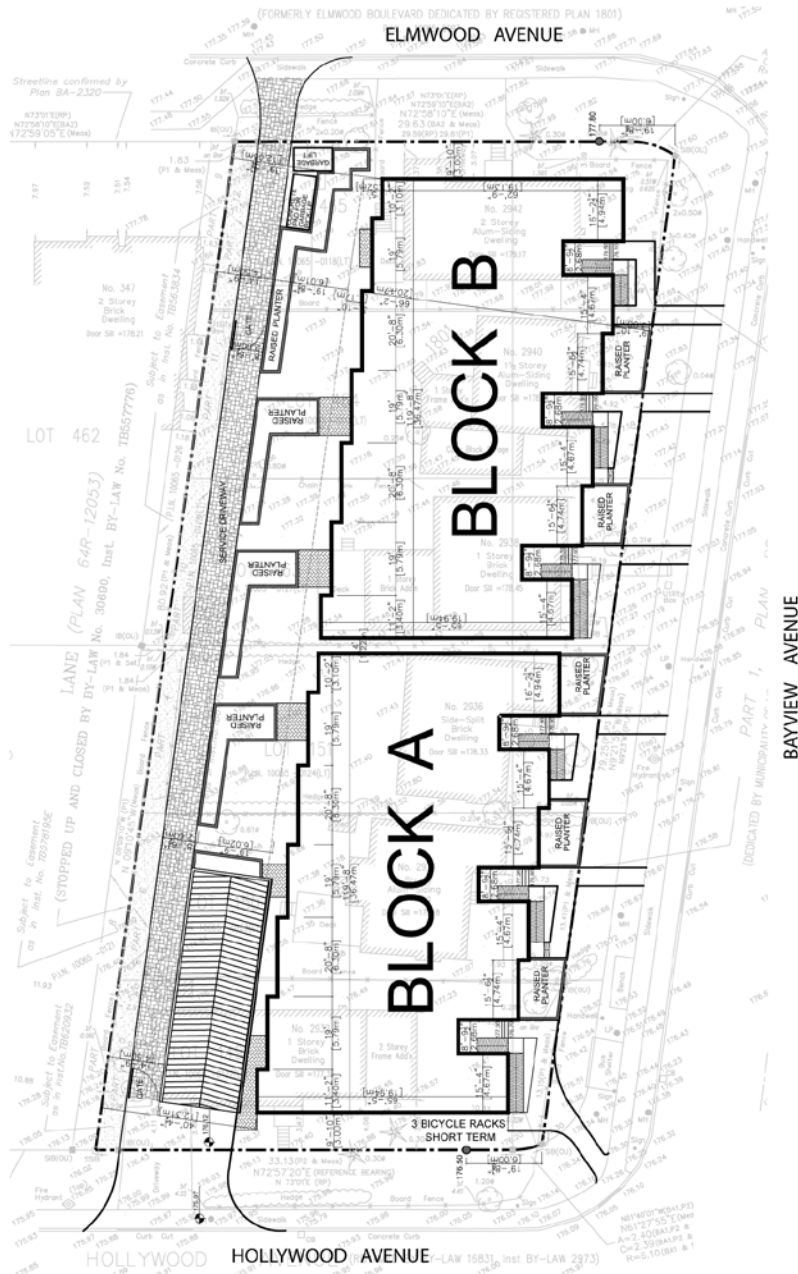
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East (Bayview Avenue) and North (Elmwood Avenue) Elevations
Attachment 3: West and South (Hollywood Avenue) Elevations
Attachment 4: Former North York Zoning By-law No. 7625
Attachment 5: Toronto Zoning By-law No. 569-2013
Attachment 6: Official Plan
Attachment 7: The Sheppard East Subway Corridor Secondary Plan
Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

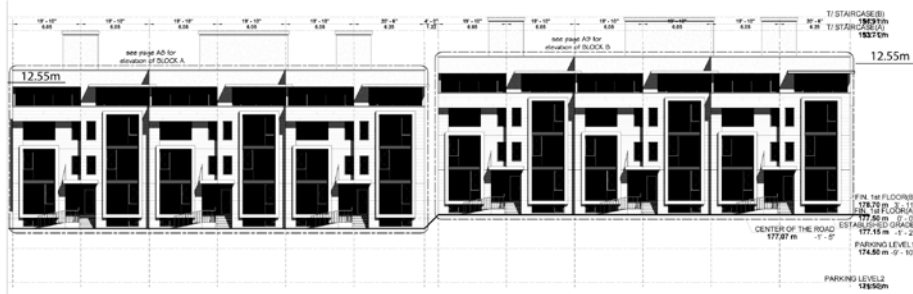
2932-2942 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 15 205085 NNY 23 0Z

Attachment 2: East (Bayview Avenue) and North (Elmwood Avenue) Elevations



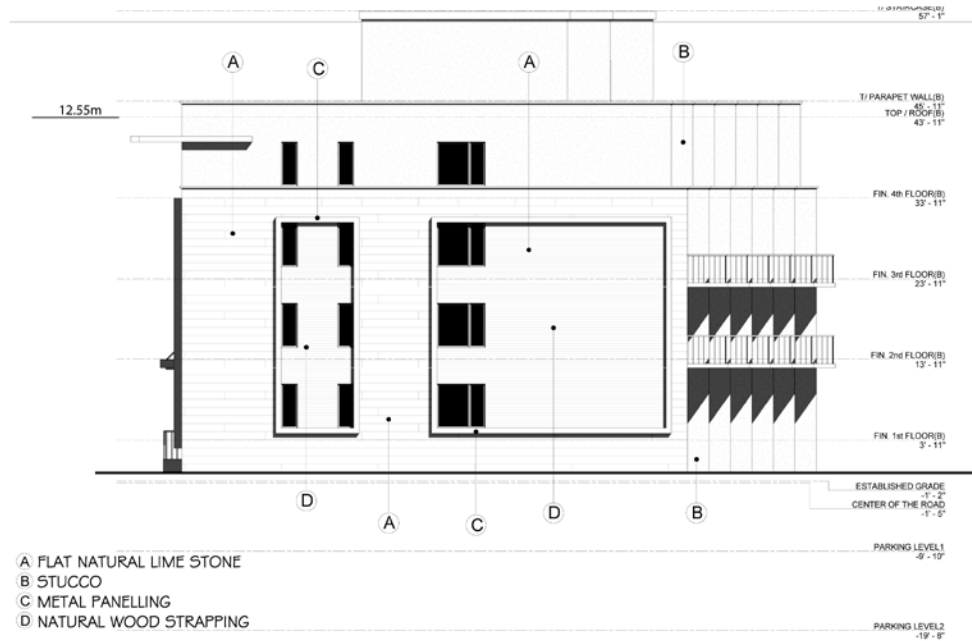
East Elevation - Bayview Avenue

2932-2942 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
08/20/2015

File # 15 205085 NNY 23 02



North Elevation - Elmwood Avenue

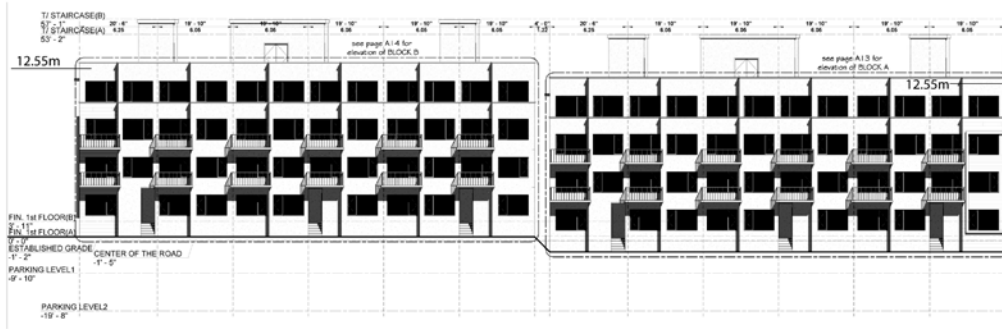
2932-2942 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
08/20/2015

File # 15 205085 NNY 23 02

Attachment 3: West and South (Hollywood Avenue) Elevations



West Elevation

2932-2942 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
08/25/2015

File # 15 205085 NNY 23 0Z



South Elevation – Hollywood Avenue

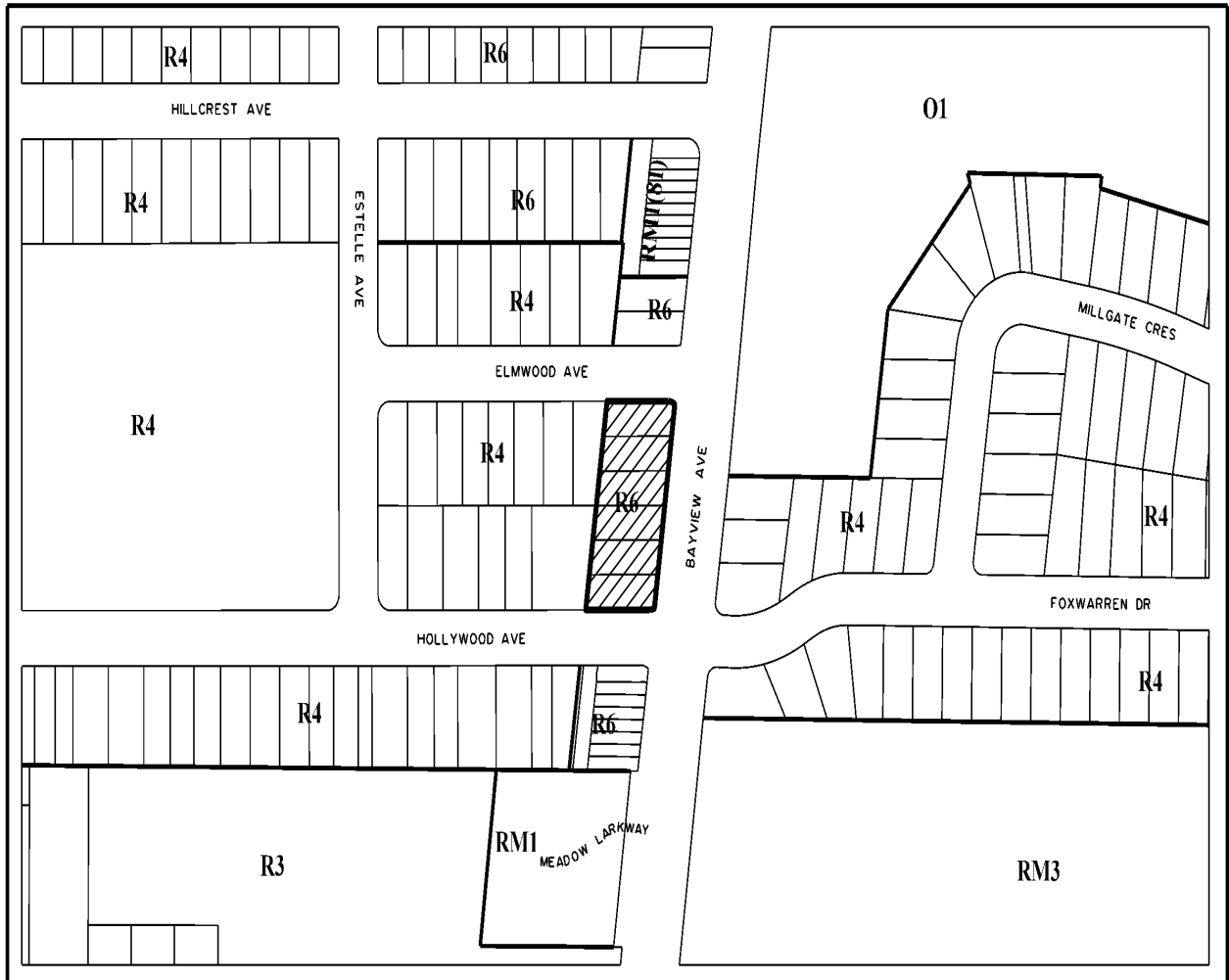
2932-2942 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
08/20/2015

File # 15 205085 NNY 23 0Z

Attachment 4: Former North York Zoning By-law No. 7625



Toronto City Planning
Zoning By-Law No. 7625

2932-2942 Bayview Avenue

File # 15 205085 NNY 23 0Z

 Location of Application

- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone

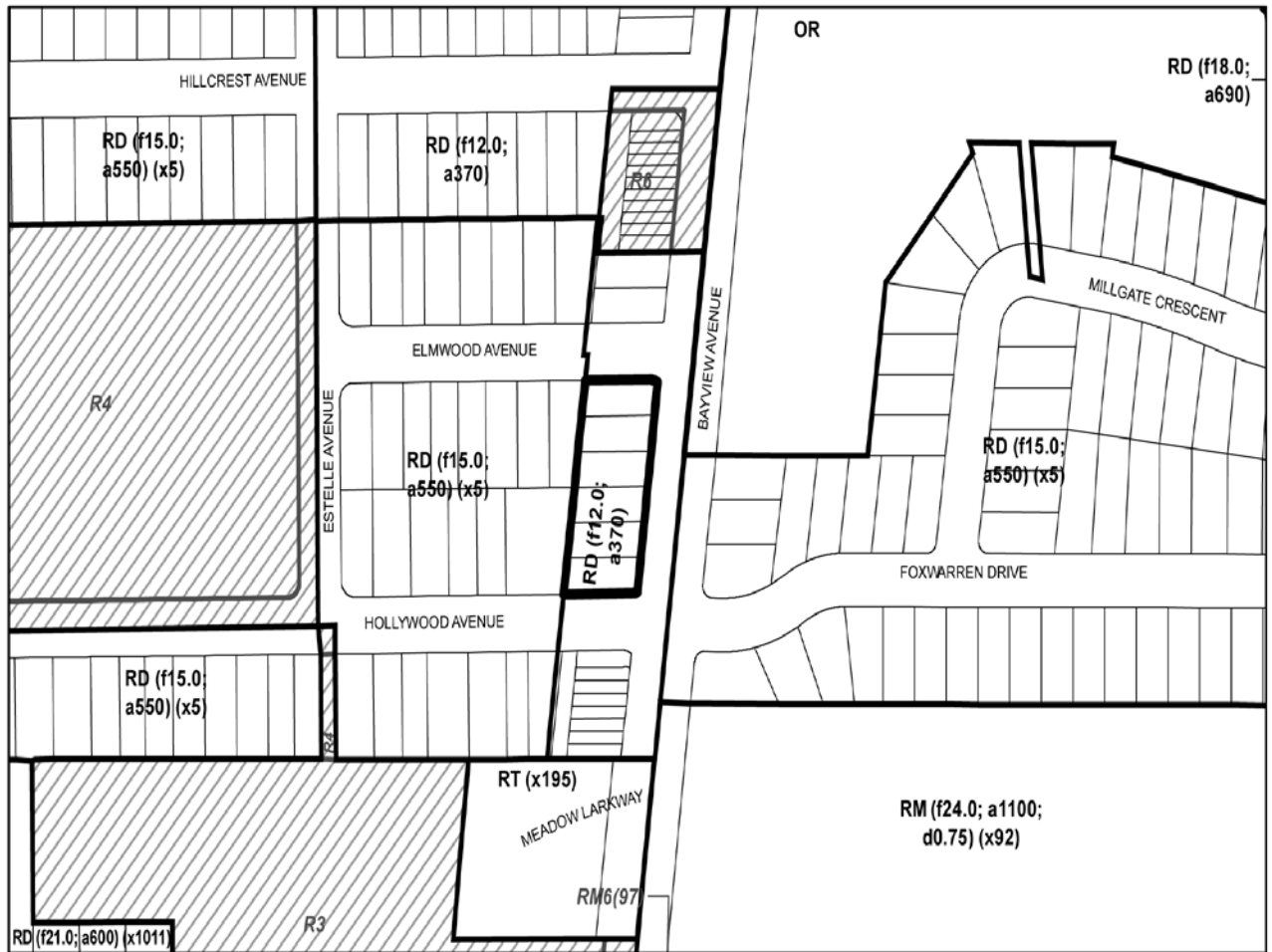
- RM1 Multiple-Family Dwellings First Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
 Extracted 08/25/2015

Attachment 5: Toronto Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

2932-2942 Bayview Avenue

File # 15 205085 NNY 23 0Z

Location of Application

RD Residential Detached RM Residential Multiple
 RT Residential Townhouse OR Open Space Recreation

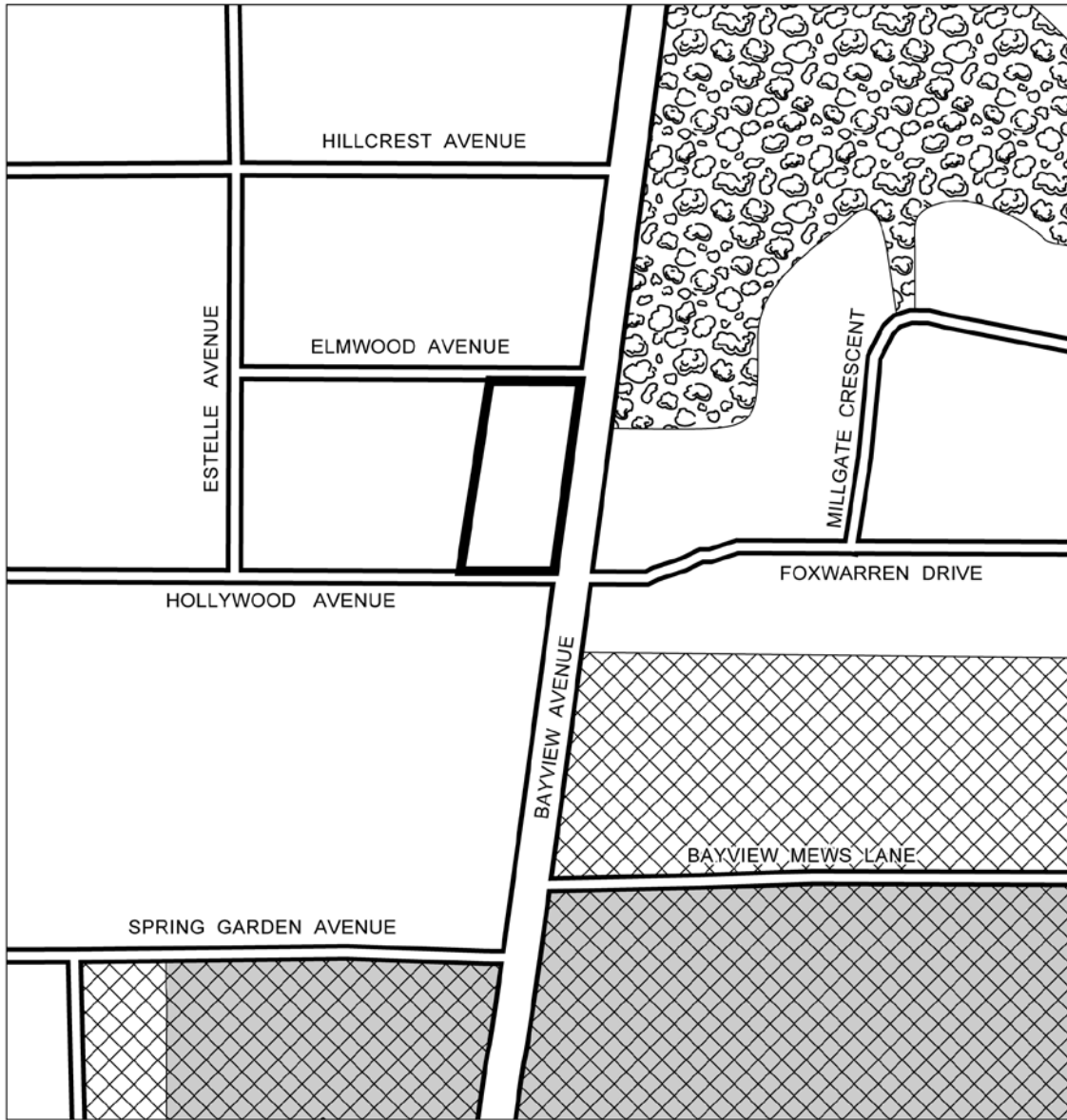
See Former City of North York By-Law No. 7625

R3 One-Family Detached Dwelling Third Density Zone
 R4 One-Family Detached Dwelling Fourth Density Zone
 R6 One-Family Detached Dwelling Sixth Density Zone



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
Attachment 6: Official Plan



TORONTO City Planning
Extract from Official Plan

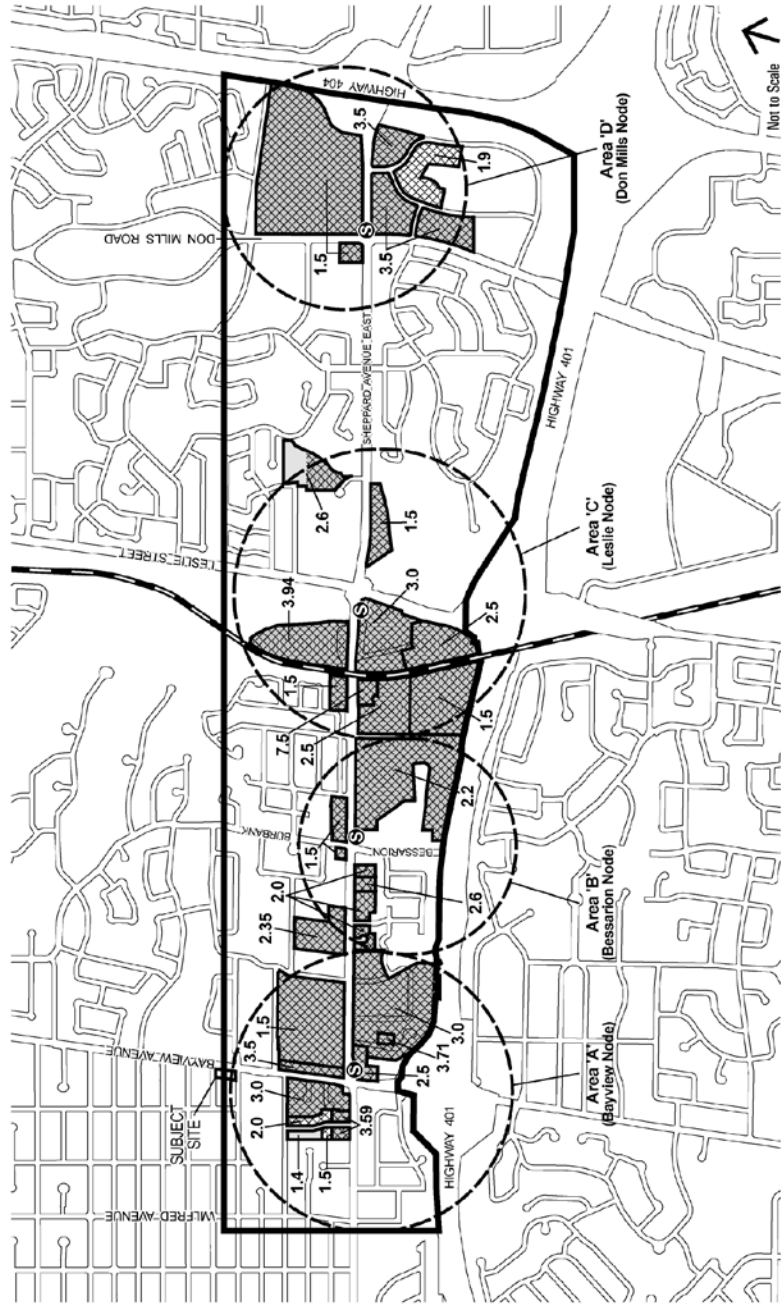
2932-2942 Bayview Avenue

File # 15 205085 NNY 23 0Z

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 08/26/2015

Attachment 7: The Sheppard East Subway Corridor Secondary Plan



Toronto
City Planning

Sheppard East Subway Corridor Secondary Plan
MAP 9-2 Key Development Areas

- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- 1.5 Density
- Subway Station

August 2015

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	15 205085 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 11, 2015
Municipal Address:	2932, 2934, 2936, 2938, 2940, 2942 BAYVIEW AVENUE		
Location Description:	PLAN 1801 LOT 149 PT LANE RP 64R12053 PART 5 **GRID N2304		
Project Description:	To construct two blocks of residential apartments containing a total of 48 units. Parking will be provided in a shared two-tier underground garage with driveway access off of Hollywood Avenue. A total of 65 parking spaces will be provided. The proposed gross floor area is 5,420m ² .		

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP	MICHAEL GOLDBERG	ARCICA INC.	2325968 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Y
Zoning:	R6	Historical Status:	N
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2820	Height:	Storeys:	2
Frontage (m):	79.25		Metres:	14
Depth (m):	29.63-33.13			
Total Ground Floor Area (sq. m):	1290			Total
Total Residential GFA (sq. m):	5420		Parking Spaces:	65
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	5420			
Lot Coverage Ratio (%):	46%			
Floor Space Index:	1.92			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	48
3 + Bedroom:	0
Total Units:	48

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	5420		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT:	PLANNER NAME:	Doug Stiles, Planner
	TELEPHONE:	416-395-7145
	EMAL:	dstiles@toronto.ca