

**4001, 4003 and 4005 Bayview Avenue – Zoning By-law Amendment and Site Plan Control Applications – Status Report**

<b>Date:</b>	August 26, 2016
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	TB CMB 2001 0012 and 05 204002 NNY 24 SA

**SUMMARY**

At its meeting of July 12, 13, 14, and 15, 2016, City Council directed City Planning staff, Transportation Services staff, and Legal Services staff to provide an update to the September 12, 2016 meeting of North York Community Council on the status of the development applications for Zoning By-law Amendment and Site Plan Control for the lands at 4001, 4003 and 4005 Bayview Avenue. The motion can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM20.21>.

**RECOMMENDATIONS**

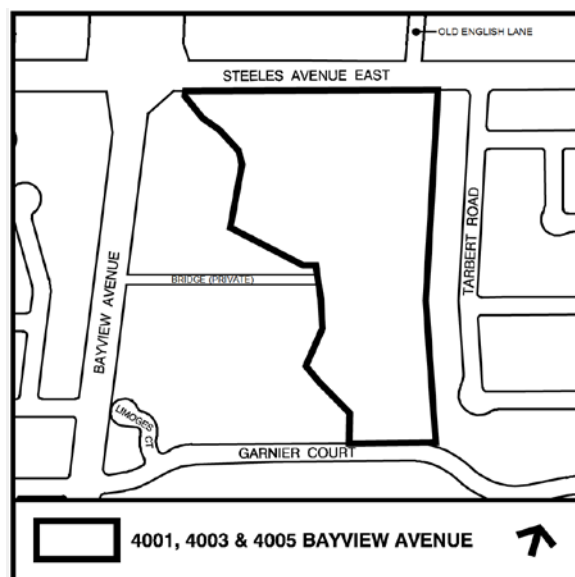
**The City Planning Division recommends that:**

1. North York Community Council receive this report for information.

**ISSUE BACKGROUND**

**Site and Surrounding Area**

The subject property is located on the south side of Steeles Avenue East, east of Bayview Avenue. The irregularly shaped site has an area of 6.7 hectares, a frontage of approximately 280 metres on Steeles



Avenue East, and a frontage of approximately 95 metres on Garnier Court. Detached dwellings back onto the site to the east. City-owned Garnier Park exists to the west, between the site and Bayview Avenue.

The subject property currently accommodates three twelve-storey apartment buildings having a total of 640 rental units. Three points of ingress and/or egress exist on the site. The main access point is located along Steeles Avenue East, at a signalized intersection which aligns with Old English Lane, north of Steeles Avenue East. A secondary access provides egress from the site, by-way of a two-lane privately owned bridge. The bridge passes over Garnier Park and the Don River East Branch, connecting to Bayview Avenue. This egress is not signalized. A temporary driveway, provided to allow residents access to and from the site during renovations to the underground garage because of impeded access to the Steeles Avenue East entrance, exists at the south end of the site, at Garnier Court. This temporary access is not signalized.

## **COMMENTS**

On July 17, 2001, an application for Official Plan and Zoning By-law Amendment (TB CMB 2001 0012) was received by the City Planning Division to permit, in addition to the existing apartment buildings on the site, a sixteen-storey apartment building having 215 units, a nine-storey apartment building having 169 units, and two blocks of townhouses having 12 units total. On November 5, 2001, this application was appealed to the Ontario Municipal Board (OMB) citing failure of City Council to make a decision on the application.

A report from the Director of Community Planning, North York District, dated March 18, 2003, made several recommendations to North York Community Council (NYCC), including directing the City Solicitor to seek approval at the OMB of the revised application, which proposed a sixteen-storey apartment building having 190 units, a twelve-storey apartment building having 130 units, and a three-storey retirement building having 104 units. At its meeting of April 2, 2003, NYCC endorsed the recommendations of the report, with the following amendment, which was to be executed at the cost of the property owner:

- (a) a traffic control signal be installed at the Bayview Avenue access to the Bayview Gates development, in conjunction with the modifications of this driveway to two-way operations; and*
- (b) the applicant shall deposit a letter of credit, prior to the approval of the site plan, in the amount determined by the staff of the North District Transportation Division, to cover the cost of such installation.*

At its meeting of April 14, 15 and 16, 2003, City Council adopted the recommendation of NYCC without amendment. The staff report and decision of City Council can be found here: <http://www.toronto.ca/legdocs/2003/agendas/council/cc030414/ny3rpt/cl021.pdf>.

The Ontario Municipal Board issued its decision, dated May 1, 2003, allowing the appeal.

On November 21, 2005, an application for Site Plan Control (05 204002 NNY 24 SA) was received by the City Planning Division to implement the OMB approved development. A Notice of Approval Conditions (NOAC) was issued November 23, 2009. The approved plans, in part, proposed to modify the existing privately-owned bridge to accommodate two-way vehicular traffic, and included a new traffic control signal at the intersection of the bridge and Bayview Avenue. The pre-approval conditions included the requirement of a financial security from the owner in the amount of \$166,937.46 for the installation of the traffic control signal.

On February 26, 2010, a revised NOAC was issued, which added a security requirement from Engineering and Construction Services (then known as Technical Services) related to sanitary and storm sewers. Subsequent to the issuance of the NOAC, the OMB issued its final order, dated December 22, 2010.

It was noted in both the original and the revised NOAC that the pre-approval conditions listed therein were to be fulfilled within two-years of the date of issuance; otherwise the approval would lapse. The pre-approval conditions of the revised NOAC went unfulfilled, prompting the owner to request a two-year extension, which was granted February 22, 2012. A second two-year extension was granted February 19, 2014. The owner requested a third extension in a letter dated December 31, 2015. This request was denied, as staff had determined that the existing NOAC would need to be updated in accordance with current City standards and requirements. The application for Site Plan Control was closed June 7, 2016. Should the owner wish to pursue the OMB approved zoning, a new application for Site Plan Control would be required.

This report was prepared in consultation with Transportation Services staff and Legal Services staff.

## **CONTACT**

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## **SIGNATURE**

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