

**3390, 3392, 3394, 3396 and 3398 Bayview Avenue –  
Zoning Amendment Application and Rental Housing  
Demolition Application under Municipal Code Chapter  
667 – Final Report**

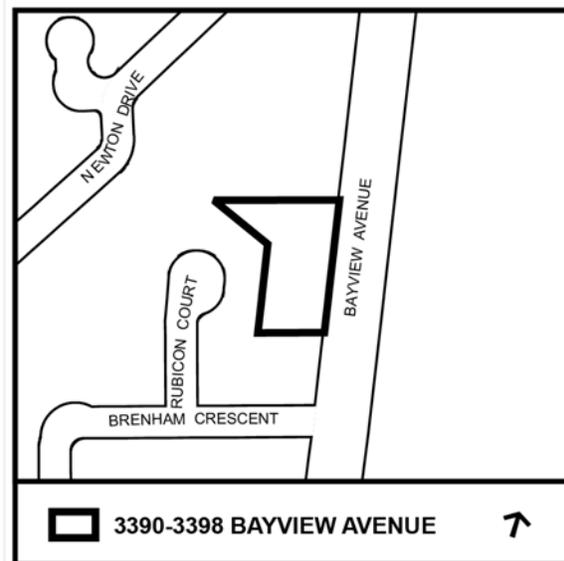
<b>Date:</b>	September 27, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	16 114795 NNY 24 OZ & 17 161620 NNY 24 RH

**SUMMARY**

This application proposes 24 four-storey, back-to-back townhouses arranged in 2 blocks with 50 underground parking spaces at 3390, 3392, 3394, 3396 and 3398 Bayview Avenue. The Zoning Bylaw Amendment proposes to amend former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 to permit the residential development and establish appropriate performance standards.

The redevelopment proposal is in keeping with the emerging townhouse character of Bayview Avenue while protecting the abutting lower density residential uses and improving the Bayview Avenue streetscape.

The Rental Housing Demolition and Conversion Application proposes the demolition of five (5) single-detached properties containing six (6) residential dwelling units, of which one (1) was a residential rental unit at the time of application. An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been submitted with the rezoning



application to permit the demolition of the one (1) existing residential rental unit located at 3392 Bayview Avenue.

This report reviews and recommends approval of the application to amend the Zoning By-law and the Rental Housing Demolition Application under Section 111 of the *City of Toronto Act*.

## RECOMMENDATIONS

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 7625, for the lands at 3390, 3392, 3394, 3396 and 3398 Bayview Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 3390, 3392, 3394, 3396 and 3398 Bayview Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. City Council approve the application to demolish the six (6) existing residential units at 3390, 3392, 3394, 3396 and 3398 Bayview Avenue, which includes one (1) residential rental unit, pursuant to Municipal Code Chapters 667 and 363.
5. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 for the existing residential rental unit after all of the following have occurred:
  - i. The Zoning By-law amendments in Recommendations No. 1 and 2 have come into full force and effect; and
  - ii. The issuance of the Notice of Approval Conditions for site plan approval for the development by the Chief Planner and Executive Director City Planning Division or her designate, pursuant to Section 114 of the City of Toronto Act, 2006.
6. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has issued the preliminary approval in recommendation No. 5 for the existing residential rental unit.
7. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* for the existing residential property at 3392 Bayview Avenue, no earlier than the date that the owner has submitted an application for a building permit for the shoring and excavation for the lands on which the existing residential rental unit is situated, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation No. 5 which may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:

- i. The owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
- ii. Should the owner fail to complete the new building within the time specified in condition (i), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

This proposal was originally submitted as an application to amend the Official Plan and the Zoning By-laws to permit a 4 to 5-storey apartment building with 109 dwelling units, 8,042 square metres of gross floor area and 108 underground parking spaces. The height was proposed to be 13.6 metres plus an additional 5.0 metres for the mechanical penthouse, for a total height of 18.6 metres. The Preliminary Report dated March 14, 2016 further describes the original proposal:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-91244.pdf>

Given the revisions of the current proposal, an Official Plan Amendment is no longer required.

### **ISSUE BACKGROUND**

#### **Proposal**

The subject site is comprised of five residential lots fronting onto Bayview Avenue. The application proposes to amend the Zoning By-laws to permit 24 four-storey, back-to-back townhouses arranged in 2 blocks perpendicular to Bayview Avenue, with 50 underground parking spaces. The proposed height of the apartment townhouses is a maximum of 13.0 metres. The proposal consists of 1 two-bedroom unit and 23 three-bedroom units, ranging in size from 145 square metres (1,500 square feet) to 266 square metres (2,800 square feet). The proposed total gross floor area is approximately 6,504 square metres, resulting in a floor space index of 1.37 times the area of the lot under former City of North York Zoning By-law 7625 (and 6,000 square metres, resulting in a floor space index of 1.28 times the area of the lot under City of Toronto Zoning By-law 569-2013).

Both townhouse blocks would be setback 2.5 metres from Bayview Avenue, with minor encroachments for part of four private patios into the setback. The southerly (side) setback would range from 9.0 metres to 13.7 metres and the northerly (side) setback would range from 16.8 metres to 21.5 metres, with minor encroachments for private patios. The westerly (rear) setback would range from 7.0 to 8.0 metres, with no private patios on this side of the blocks. The facing distance between the two blocks would range from 14.4 metres to 15.0 metres and this area would contain a landscaped, common amenity area, walkways to internal courtyard dwelling entrances and an enclosed staircase leading to the underground parking garage.

Vehicular access for the proposed development is by way of a private driveway off of Bayview Avenue. The driveway would be located at the north end of the site and would provide access to the one-level underground parking garage. The garage would contain a total of 50 parking spaces, comprised of 45 spaces for residents (including 2 spaces for electric cars and 3 accessible spaces) and 5 spaces for visitors (including 1 accessible space). There are 34 bicycle parking spaces proposed, including 29 spaces in the underground parking garage and 5 spaces at grade within the central, landscaped courtyard. While no loading space is required, one Type 'C' loading space is proposed. The loading space, garbage enclosure and staging area would be located at the end of the driveway.

The existing 3.07-metre wide sanitary sewer easement that currently runs through the middle of the site is proposed to be relocated between the driveway and the northerly lot line, and also wrap around the westerly end of the driveway. It would be 6.0 metres in width and unencumbered by the development. An undeveloped natural open space area is proposed to be retained at the northwest area (triangular portion) of the lot.

For further project information please see the attached Site Plan (Attachment 1), Elevations (Attachments 2a to 2c) and Application Data Sheet (Attachment 4).

### **Site and Surrounding Area**

The subject site is irregular in shape and is located on the west side of Bayview Avenue, mid-block between Brenham Crescent to the south and Newton Drive to the north. The site has a Bayview Avenue frontage of approximately 90.8 metres and a lot area of approximately 4,748 square metres. The site is comprised of 5 residential lots and currently contains one single detached dwelling per lot. There are a total of 6 dwelling units located within the 5 single detached dwellings. The dwelling at 3392 Bayview Avenue has been identified as being a residential rental unit prior to the applicant's purchase of the site and at the time of application. The applicant has indicated that all of the single detached dwellings are currently rented on a temporary basis. The site slopes downward significantly from south to north with a grade change of approximately 5 metres between the south and north lot lines. The northwestern portion of the site is a ravine and TRCA-regulated area containing numerous trees, but there is no significant slope at this location. There is an existing east-west 3.07-metre wide sanitary sewer easement located in the middle of the site that runs along the northerly lot line of 3394 Bayview Avenue.

The immediate area is characterized by low-rise institutional and residential uses comprised of detached dwellings and some recent townhouse developments along Bayview Avenue. Land uses surrounding the site are as follows:

North: 1 to 2-storey single detached dwellings on Bayview Avenue and St. Clare's Residence (2 storeys), a transitional care facility for women.

South: 1 to 2-storey single detached dwellings and 3-storey townhouse developments along Bayview Avenue.

West: 1 to 2-storey single detached dwellings on Rubicon Court.

East: Tyndale University College and Seminary is located directly across from the site on the east side of Bayview Avenue. Further east is the Don River Valley system.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff are of the opinion that the proposed development application is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

## Official Plan

The subject lands are designated *Neighbourhoods* in the Official Plan (Map 16) which are 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*.

The Healthy Neighbourhood policies of the Plan (Section 2.3.1) also 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 buildings, streetscapes and open space patterns in these areas.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

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 character of the neighbourhood, including in particular:

- 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.

No changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood.

The prevailing building type will be the predominant form of development in the neighbourhood. Some Neighbourhoods will have more than one prevailing building type. In such cases, a prevailing building type in one neighbourhood will not be considered when determining the prevailing building type in another neighbourhood.

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. 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*.

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 Official Plan also contains built form policies that apply to this development. New development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objective of this Plan, while providing adequate light and privacy, amongst other things. In addition, new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and will improve the safety and attractiveness of adjacent streets, parks and open spaces.

Section 5.3.1.3 states that amendments to the Official Plan that are not consistent with its general intent will be discouraged. Development permitted under an amendment to the Plan is to be compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of this Plan.

## **OPA 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in Apartment Neighbourhoods. OPA 320, as approved by Council, is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework. The Minister's approval and modification can be found at:

[https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MMA%20Notice%20of%20Decision.OPA%20320.July%204\\_2016.pdf](https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MMA%20Notice%20of%20Decision.OPA%20320.July%204_2016.pdf)

## **Infill Townhouse Guidelines**

The Urban Design Guidelines for Infill Townhouses (2003) articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes, adjacent properties and seamlessly integrating new development into the existing context. The Guidelines provide a framework for site design and built form to achieve good urban design and an appropriate scale and form of development for applications proposing low-rise, grade related residential units constructed in rows or blocks. The Guidelines can be viewed at:

<https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>

## **Townhouse and Low-rise Apartment Guidelines**

A comprehensive update to the townhouse guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the Council-approved 2003 Guidelines to reflect current trends and best practices for a broader range of multi-dwelling development up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be viewed online at:

<https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>

Prior to presenting a finalized version of these Guidelines for Council consideration, City Staff are currently refining and consulting upon the draft Guidelines, in part through their use during the review of development applications.

## **Zoning**

The subject lands are zoned R3 by the former City of North York Zoning By-law 7625, which permits single detached dwellings up to a maximum height of 2 storeys and 8.8 metres on lots having a minimum frontage of 15.0 metres and a lot area of 600 square metres.

The subject lands are also zoned RD (f15.0; a600) (x5) by the new Toronto Zoning By-law 569-2013, which permits single detached dwellings up to a maximum height of 2 storeys and 10 metres on lot,s having a minimum frontage of 15.0 metres of frontage and a lot area of 600 square metres.

## **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control Application has been submitted and is currently under review (file no. 16 259550 NNY 24 SA). It will address streetscaping, the articulation of the facade with high quality materials and landscaping and fencing to help mitigate issues of privacy and overlook.

## **Ravine Control**

The northwestern portion to the site (3398 Bayview Avenue and part of 3396 Bayview) is subject to the provisions of the City of Toronto Municipal Code Chapter 65, Ravine and Natural Feature Protection. Any development within the City's ravine and natural feature protection areas will require a permit from Urban Forestry and is subject to the regulations of the Ravine and Natural Protection By-law.

## **Toronto and Region Conservation Authority**

The northwestern portion to the site (3398 Bayview Avenue) falls within an area that is subject to Toronto and Region Conservation Authority Regulation O. Reg. 166/06. A permit will be required from the Conservation Authority for any development or site alteration within the regulated area.

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of residential rental units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Municipal Board.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the *Planning Act* and, because the application involves at least six residential dwelling units and at least one residential rental unit, Section 111 of the *City of Toronto Act*. Section 363-11.1 of the Municipal Code provides for the coordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code.

### **Reasons for Application**

The previous proposal was for a 4 to 5-storey apartment building, a building type not found in the neighbourhood. Since the proposed building type reflects the emerging character of development along Bayview Avenue, a site-specific Official Plan amendment is no longer required.

An amendment to both Zoning by-laws is required because the proposed townhouse use is not currently permitted in the former City of North York Zoning By-law 7625 and the City of Toronto Zoning By-law 569-2013, as amended. In addition, proposed performance standards require zoning amendments.

On May 17, 2017, the applicant submitted a Rental Housing Demolition and Conversion Application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing residential rental unit at 3392 Bayview Avenue as the subject lands contain at least six residential dwelling units, of which at least one is rental.

### **Community Consultation**

A community consultation meeting was held on June 6, 2016 to present the former and current proposals to the community and receive their feedback. Approximately 60 members of the public

attended the meeting in addition to City staff, the applicant and the local ward councillor. At the meeting, residents had the following comments and concerns:

- Traffic and parking supply;
- The possibility the units would be used for student housing;
- The relationship of the dwellings to the rear lot line (angular plane);
- Transition of built form;
- Location of garbage storage;
- Locations of amenity spaces; and
- Noise, privacy and overlook.

## **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.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It would efficiently use land in an area that is well served by municipal infrastructure. The proposal will provide residential unit sizes suitable for families and promote intensification along an arterial which is well served by public transit.

### **Land Use**

The Bayview Avenue Area Study, adopted by Council in 2007, provides a framework for the development of townhouses along Bayview Avenue 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, but do not include this site and this segment of Bayview Avenue.

South of Finch Avenue East, the Bayview Avenue Area Study has resulted in a number of townhouse developments, which have established an emerging townhouse character on the west side of Bayview Avenue. North of Finch Avenue East, there have also been approvals for townhouse developments, on the west side of Bayview Avenue. This emerging townhouse character is extending northward.

Back-to-back townhouses are a new building type for this portion of Bayview Avenue. However, the site and proposal are unique and not easily replicated in the Bayview Avenue context, due to, a larger lot depth, relatively low density, high amount of landscape open space and larger side yard setbacks, when compared to recent townhouse approvals on the west side of Bayview Avenue.

The retained natural area in the northwest portion of the site would be zoned Open Space (O). In response to concerns from neighbours, a 'Student Residence' is a defined use in City of Toronto Zoning By-law 569-2013 and would not be permitted in the draft by-laws.

The proposed project reflects the Official Plan's objective to provide residential development that is compatible with adjacent uses while maximizing existing infrastructure, providing for an attractive, comfortable and safe pedestrian environment, and taking advantage of nearby transit and other public services.

### **Density, Height, Massing**

The resulting density is 1.37 times the area of the lot. This density is lower than that of recent townhouse approvals on the west side of Bayview Avenue, given the larger lot area, larger lot depth and increased landscaped open space, compared to other recent townhouse developments.

The townhouses are proposed to be a maximum of 4-storeys and 13.0 metres in height. The application proposes a 4-storey townhouse development (one storey taller than other townhouse approvals and proposals on the west side of Bayview Avenue). The fourth floors will have less GFA than other floors, to provide access to private rooftop outdoor amenity spaces. The larger setbacks of the blocks and the setbacks of the fourth floor help to mitigate height impacts. Furthermore, while not required by a policy or a guideline applicable to this site, a rear 45-degree angular plane has been applied, which also reduces the impact of the height and limits overlook. The interior of the top floor of the four rear (westerly) units consists only of a staircase and elevator to access the rooftop terrace, due to the rear angular plane. The maximum 13-metre height is approximately 1.0 metre taller than recent townhouse approvals and applications on the west side of Bayview Avenue.

The townhouses would be set back 2.5 metres from Bayview Avenue. The south side yard setback would range from 9.0 metres to 13.7 metres. The north side yard setback would range from 16.8 metres to 21.5 metres. The rear yard setback would range from 7.0 to 8.0 metres. The facing distance between the two blocks would range from 14.4 metres to 15 metres. The fourth floor would be set back beyond the face of the third floor on all side to reduce its visibility. The fourth floor would be set back an additional 1.5 metres from Bayview Avenue, an additional 1.8 to 3.3 metres on the north and south sides of both blocks and an additional 3.4 metres from the rear, creating opportunities for rooftop terraces. The utilization of a rear 45-degree angular plane would push the massing of the townhouses away from the single detached dwellings to the west and toward Bayview Avenue. The massing of the townhouses reduces impacts on adjacent properties and the site is unique compared to recent applications and approvals on the west side of Bayview Avenue, given the larger lot depth and retained landscaped open space.

Chapter 3 of the Official Plan requires that new development fit harmoniously into the planned and built context, based on relevant approvals and the emerging context. Staff are satisfied this is the case.

### **Traffic Impact, Access, Parking**

The Traffic Impact and Parking Study estimates the project will generate approximately 14 two-way trips during both the AM and PM peak hours. The study concludes that the traffic volumes generated by the proposed development can be accommodated by the transportation network. Transportation Services staff agree with this conclusion. The proposed driveway would be more than 100 metres from the proposed signalized intersection at Bayview Avenue and Brenham Crescent. While other townhouse developments have provided a rear lane, this type of vehicular access was not feasible due to the change in grade. Instead, underground parking is proposed with access from a downward-sloping driveway along the north side of the development.

No loading space is required as less than 30 units are proposed. However, one Type C loading space is proposed at the westerly end of the driveway. While only 24 parking spaces are required, 50 are proposed, including 5 visitor parking spaces and 4 accessible parking spaces, which meets the minimum requirement.

### **Toronto and Region Conservation Authority**

Toronto and Region Conservation Authority (TRCA) staff have been circulated on the application, have no objections and advised a TRCA permit is not required. Comments related to construction staging, erosion and sediment control and environmental monitoring can be addressed through the site plan process.

### **Ravine and Natural Feature Protection**

The northwest portion of the site is subject to the provisions of the City of Toronto Municipal Code Chapter 658 – Ravine and Natural Feature Protection. The application and plans have been reviewed by RNFP on behalf of the General Manager of Parks, Forestry and Recreation. Prior to site plan approval, the applicant must install tree and site protection measures and submit a financial security to secure planting and stewardship requirements.

### **Urban Forestry**

Urban Forestry staff have reviewed the Arborist Report and Tree Protection Plan and relevant plans. The Landscape Plan shows eight proposed street trees to be added to three existing street trees for a total of eleven street streets. Twenty-five privately-owned trees are proposed to be removed, which requires seventy-five replacement trees. Twenty-four privately-owned trees will be planted on site and a payment for in lieu of planting for the remaining 51 trees will be required.

### **Servicing**

The existing 3.07-metre wide sanitary sewer easement that currently runs through the middle of the site is proposed to be relocated. It would be a minimum of 6.0 metres in width and unencumbered by the development. Engineering and Construction Services staff advised the owner will be required to enter into a development agreement to provide for the construction of the sanitary sewer, provide all financial security and necessary by-pass pumping and convey all necessary easements, all prior to site plan approval.

It may be necessary for the applicant to seek Council approval to demolish dwellings prior to receiving a building permit, as the existing sanitary sewer and easement must be relocated prior to any construction on site. Conditions in the future Notice of Approval Conditions (NOAC) will facilitate the construction of the new sanitary sewer and required easement, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of

current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application is proposing 24 back-to-back townhouse units within a site area of 4,748.6 square metres. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 320 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 320 square metres is not of a suitable size to develop a programmable park within the existing context of this development site. The site is also located 325 metres from Garnier Park, a wooded 6.1-hectare park at Bayview Avenue and Steeles Avenue East; and 473 metres from Conacher Park, a 4,876-square metre park with a children's playground, a basketball court and open green space.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

The townhouses will require 1,310 square metres of landscaped area, approximately 786 square metres (60%) of which will be maintained as soft landscaping. The site would have a higher percentage of landscaped open space (totalling approximately 28%), when compared to other townhouse applications and approvals on the west side of Bayview Avenue, due to larger side yard setbacks and the retained natural area in the northwest corner of the site.

The design of the courtyard will be reviewed closely during the site plan process to ensure clear sight lines, minimal retaining walls and useable amenity space.

## **Streetscape**

Four of the proposed townhouse units would face Bayview Avenue and have direct connections to the sidewalk from dwelling entrances. The applicant will be responsible for installing a new 2.1-metre wide side sidewalk along the Bayview Avenue frontage. Eight new street trees are proposed to be planted along the Bayview Avenue frontage and would accompany 3 existing street trees to be retained. The owner must restore those sections of municipal boulevard where existing driveways would be closed.

## **Toronto Green Standard**

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Applicable TGS performance measures will be secured through the Site Plan Approval process including high albedo surface material hardscape and open-grid pavement, 29 new trees planted on site and the incorporation of landscaped areas planted with native plants and/or water-efficient plants.

## **Rental Housing**

Since this development proposal is for a related group of buildings with fewer than six residential rental units, Official Plan policy 3.2.1.6 does not apply and no replacement of rental housing is required. All of the tenants, including the one tenant household at 3392 Bayview Avenue that occupied the unit prior to the applicant's purchase of the dwelling, were provided with the notice of application and given the opportunity to ask questions about their rights and the application process. No tenant meeting was required. Staff have no objection to the requested demolition of the one residential rental unit. Staff recommend that the demolition of the one residential rental unit at 3392 Bayview Avenue occur once all the necessary approvals have come into full force to ensure the building is not prematurely demolished.

## **Conclusion**

Back-to-back townhouses represent a different configuration of the townhouse building type for this portion of Bayview Avenue. However, the site and proposal are unique and not easily replicated in the Bayview Avenue context, due to a larger lot depth, relatively low density, high amount of landscape open space and larger side yard setbacks, when compared to recent townhouse approvals on the west side of Bayview Avenue. The Draft Zoning By-law Amendments would allow the proposed residential use and implement development standards, such as heights, setbacks and coverage to regulate the proposed development. The proposal allows for appropriate and desirable residential development compatible with the surrounding context and has regard for the emerging character of Bayview Avenue.

Planning staff are currently studying the east side of Bayview Avenue, North of Finch Avenue East for future townhouse development and will also look at the west side of Bayview Avenue, North of Finch Avenue East.

## **CONTACT**

Doug Stiles, Planner  
Tel. No. 416-395-7145  
Fax No. 416-395-7155  
E-mail: dstiles@toronto.ca

## **SIGNATURE**

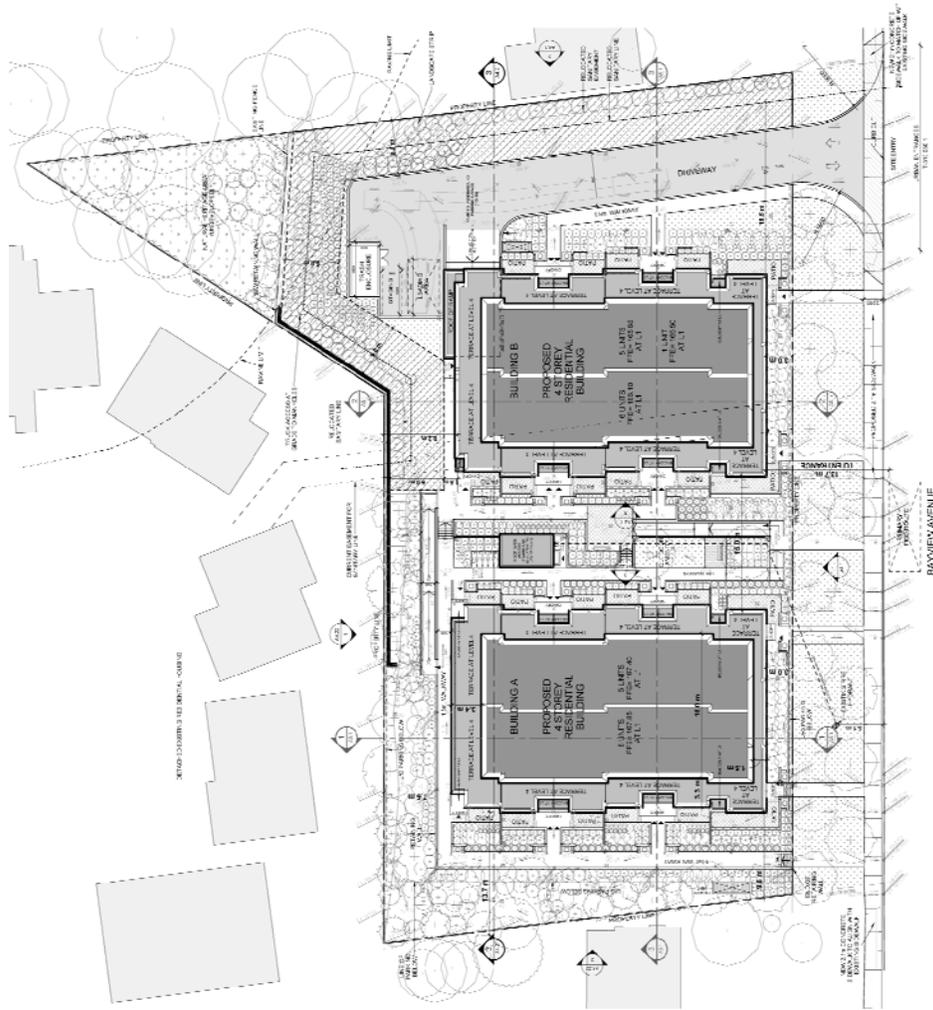
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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: Bayview Avenue Elevations  
Attachment 2b: North Elevation  
Attachment 2c: Elevations  
Attachment 3a: Former City of North York Zoning By-law 7625  
Attachment 3b: City of Toronto Zoning By-law 569-2013  
Attachment 4: Application Data Sheet  
Attachment 5: Draft Zoning By-law 7625 Amendment  
Attachment 6: Draft Zoning By-law 569-2013 Amendment

# Attachment 1: Site Plan



**3390-3398 Bayview Avenue**

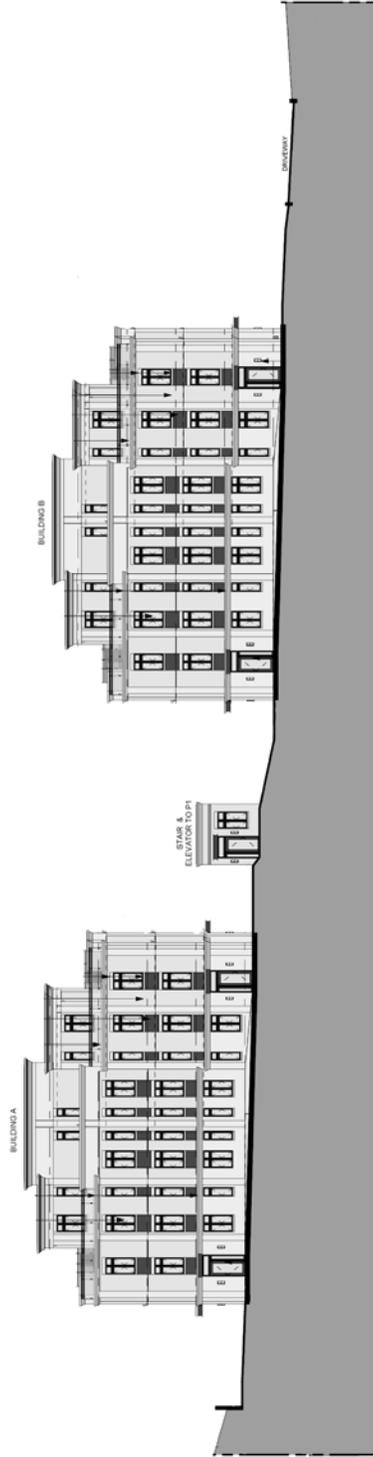
File # 16 114795 NMY 24 02

**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 07/26/2017



Attachment 2a: Bayview Avenue Elevations



Bayview Avenue Elevations

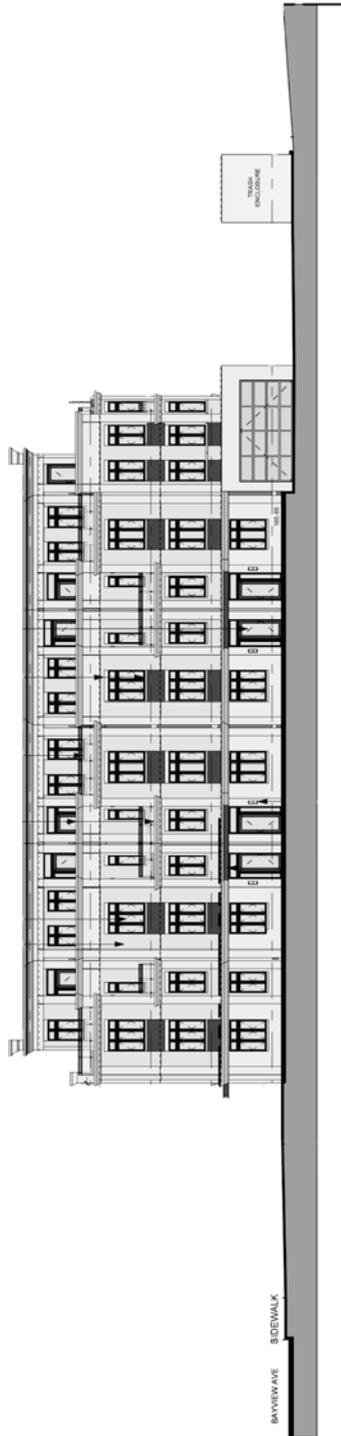
Applicant's Submitted Drawing

Not to Scale  
07/26/2017

3390-3398 Bayview Avenue

File # 16 114795 NNY 24 0Z

**Attachment 2b: North Elevation**



**North Elevation**

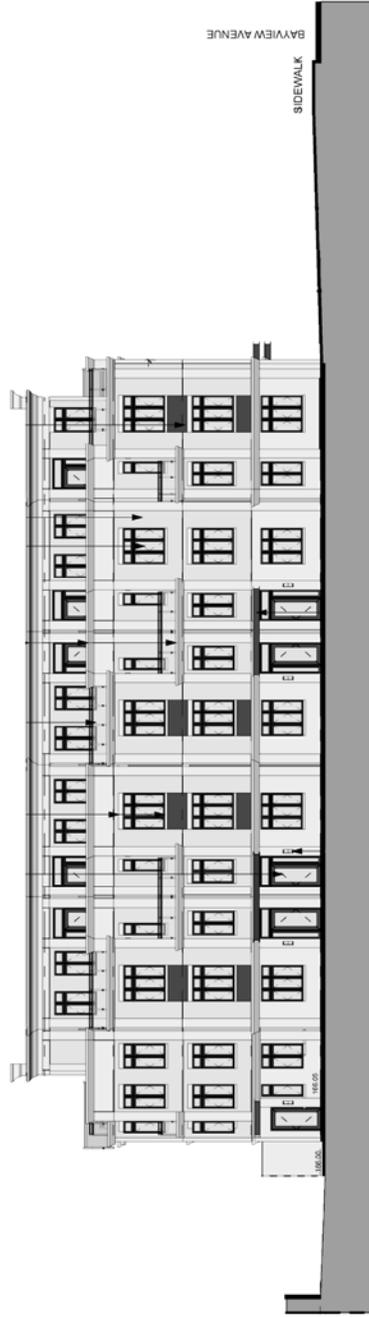
Applicant's Submitted Drawing

Not to Scale  
07/26/2017

**3390-3398 Bayview Avenue**

File # 16 114795 NNY 24 0Z

**Attachment 2c: South Elevation**



**3390-3398 Bayview Avenue**

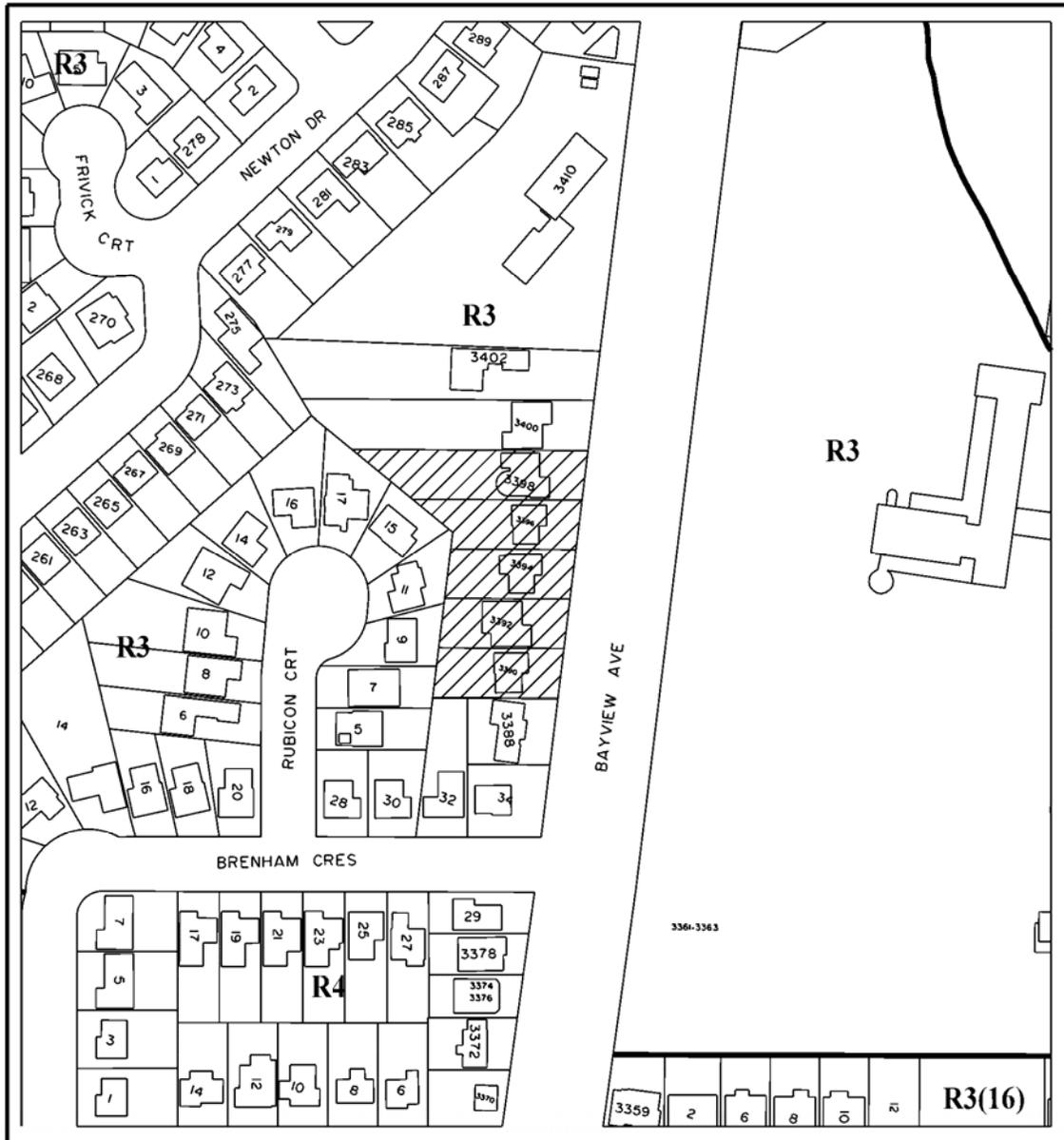
**South Elevation**

**Applicant's Submitted Drawing**

Not to Scale  
07/26/2017

File # 16 114795 NNY 24 0Z

Attachment 3a: Former City of North York Zoning By-law 7625



**TORONTO** City Planning  
Zoning

3390-3398 Bayview Avenue  
File # 16 114795 NNY 24 02

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

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑  
Not to Scale  
Zoning By-law 7625  
Extracted 02/22/2016

Attachment 3b: City of Toronto Zoning By-law 569-2013



Zoning By-Law No. 569-2013

3390-3398 Bayview Avenue

File # 16 114795 NNY 24 02



Location of Application



See Former City of North York By-Law No. 7625  
R4 One-Family Detached Dwelling Fourth Density Zone

RD Residential Detached OR Open Space Recreation



Not to Scale  
Extracted: 02/22/2016

## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	16 114795 NNY 24 OZ
Details	Rezoning, Standard	Application Date:	February 9, 2016

Municipal Address: 3390, 3392, 3394, 3396 AND 3398 BAYVIEW AVENUE  
 Location Description: CON 1 EY PT LOT 24 \*\*GRID N2401  
 Project Description: 24 4-storey back-to-back townhouses arranged in 2 blocks with 50 underground parking spaces.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Goldberg Group 2098 Avenue Road Toronto, ON M5M 4A8	Michael Goldberg 2098 Avenue Road Toronto, ON M5M 4A8	Kirkor Architects + Planners 20 De Boers Drive #400 Toronto, ON M3J 0H1	2443667 Ontario LTD., Rick Horenfeldt, Mark Unger 204 – 1206 Centre Street Vaughan, ON L4J 3N9

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R3 / RD (f15.0, a600)(x5)	Historical Status:	N
Height Limit (m):	10	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	4748.66	Height:	Storeys:	4	
Frontage (m):	90.8		Metres:	13.0	
Depth (m):	45.35				
Total Ground Floor Area (sq. m):	1555.46				<b>Total</b>
Total Residential GFA (sq. m):	6504.12		Parking Spaces:	50	
Total Non-Residential GFA (sq. m):	0		Loading Docks	1	
Total GFA (sq. m):	6504.12				
Lot Coverage Ratio (%):	37.0				
Floor Space Index:	1.37				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	6504.12	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	1	Industrial GFA (sq. m):	0	0
3 + Bedroom:	23	Institutional/Other GFA (sq. m):	0	0
Total Units:	24			

**CONTACT:**      **PLANNER NAME:**      **Doug Stiles, Planner**  
**TELEPHONE:**      **416-395-7145**  
**EMAIL:**      [dstiles@toronto.ca](mailto:dstiles@toronto.ca)

## Attachment 5: Draft Zoning By-law 7625 Amendment

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend ~ Zoning By-law No. ~, as amended,  
With respect to the lands municipally known as,  
3390, 3392, 3394, 3396 and 3398 Bayview Avenue

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 No. 7625 of the former City of North York, as amended, are hereby further amended in accordance with Schedules “1” and “2” of this By-law.
2. Section 64.16 of By-law No. 7625 is amended by adding the following subsection:

**“64.16 (109) RM1(109)**

#### PERMITTED USES

- a) The only permitted uses shall be multiple attached dwellings.

#### EXCEPTION REGULATIONS

##### MINIMUM LOT AREA

- b) The minimum lot area shall be 4,700 m<sup>2</sup>.

##### MAXIMUM NUMBER OF DWELLING UNITS

- c) The maximum number of dwelling units shall be twenty-four (24).

##### MAXIMUM GROSS FLOOR AREA

- d) The maximum permitted gross floor area shall be 6,600 m<sup>2</sup>.

##### LOT COVERAGE

- e) The maximum permitted lot coverage shall be 37%.

## BUILDING HEIGHT

f) The building height shall not exceed the maximum height in metres and storeys shown on Schedule “2”, exclusive of mechanical penthouses and parapets.

## SETBACKS

g) The minimum yard setbacks shall be as set out in Schedule “2”.

h) Exterior stairways, retaining walls, patios, exhaust vents, uncovered and enclosed ramps, loading spaces, canopies, monitor wells, airshafts, bicycle parking areas, driveways, surfaced walks, walkways, window wells, balconies, balcony roof or canopies, landscape open space, cornices, lighting fixtures, awnings, architectural features, ornamental elements, parapets, trellises, privacy and mechanical screening, columns, eaves, window sills, chimneys, stacks, mechanical fans, guardrails, balustrades, railings, stairs, covered stairs or stair enclosures, fences and safety railings, planters, balustrades, wheelchair ramps, underground garage ramps and their associated structures and landscape features, may extend into the minimum yard setbacks shown on the attached Schedule “2”;

## PARKING

i) A minimum of 1.0 parking space per dwelling unit shall be provided.

j) A minimum of 0.2 parking spaces for visitors shall be provided.

k) A parking space must have the following minimum dimensions:

- (i) length of 5.6 metres;
- (ii) width of 2.6 metres;
- (iii) vertical distance of 2.0 metres.

## LANDSCAPING

l) A minimum of 1,310 m<sup>2</sup> of landscaping shall be provided inclusive of sidewalks, walkways and porches.

## OTHER REGULATIONS

m) The provisions of Section 6(7)(a), 6(8), 6A(2)(a), 6A(8)(b) and (e), 15.8, 16.2.1, 16.2.2, 16.2.3, 16.2.4, 16.2.6 of By-law 7625 shall not apply.

n) For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 7625, as amended, except that the following definitions shall apply:

- (i) *Established Grade* means 167.85 metres Canadian Geodetic Datum;
- (ii) *Lot* means those lands outlined on Schedule “1” attached hereto;

o) Notwithstanding any severance, partition, or division of the net site, as shown on Schedule 1, the provisions of this by-law shall apply to the whole of the net site as if no severance, partition or division occurred.

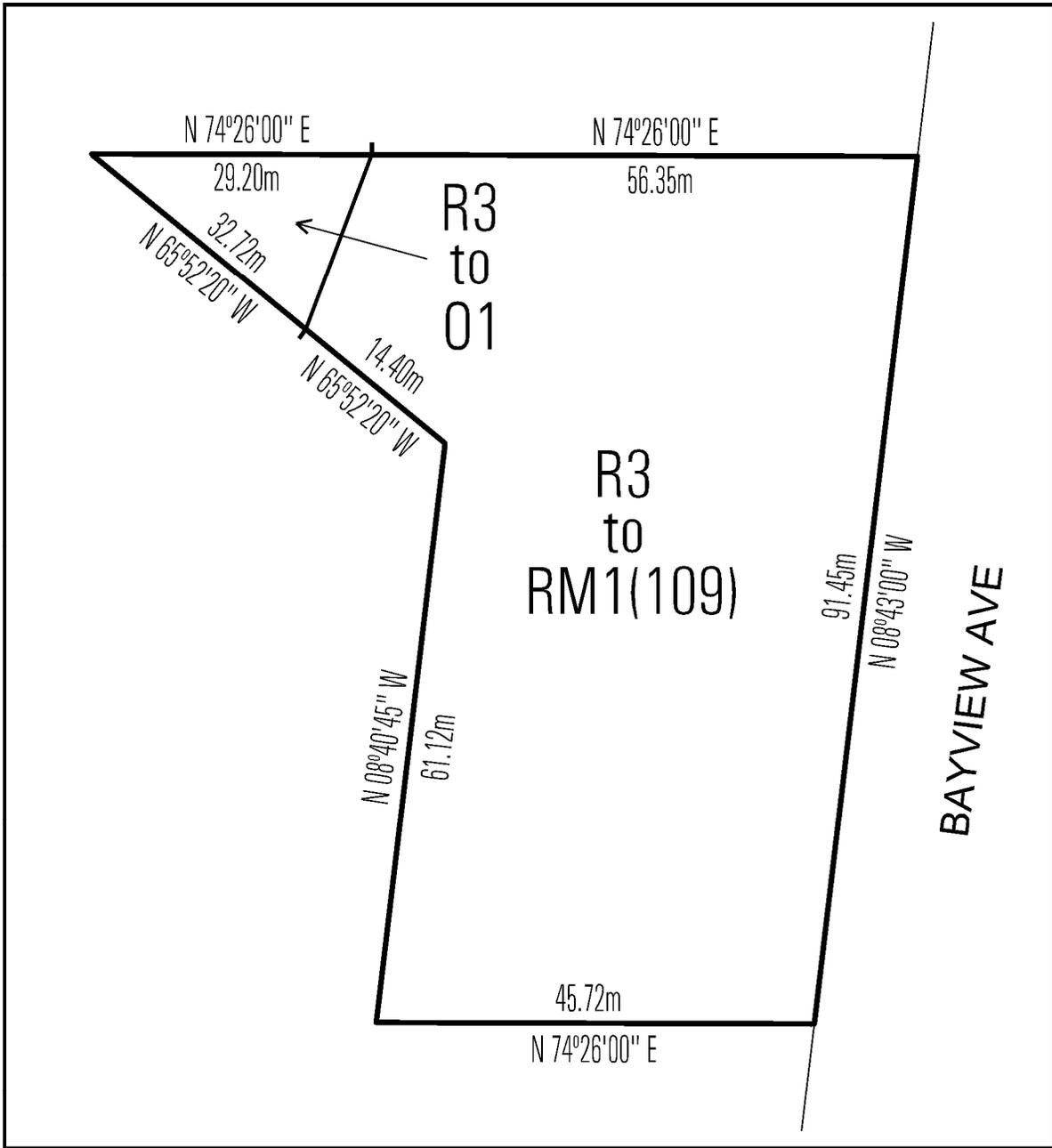
- 3.** Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (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

Part of Lot 24, Concession 1, East of Yonge Street

File # 16 114795 NNY 24 02

Ertl Surveyors 2014

Date: 08/02/2017

Approved by: D.S.



Not to Scale



## Attachment 6: Draft Zoning By-law 569-2013 Amendment

### BY-LAW No. [XXXX- 2014]

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as, 3390, 3392, 3394, 3396 and 3398 Bayview Avenue.**

Whereas Council of the City of Toronto has the authority to 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RT (d1.3) (x148) and O, as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, from a height and storey label of HT 10.0, ST 2, to HT 13.0, ST 4, as shown on Diagram 3 attached to this By-law;
5. Zoning By-law No. 569 -2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for the lands subject to this By-law, from a lot coverage label of 30% to 37% as shown on Diagram 4 attached to this By-law;
6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 148 so that it reads:

#### **Exception RT 148**

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) On 3390, 3392, 3394, 3396 and 3398 Bayview Avenue, if the requirements in Section 7 and Schedule A of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 10.5.40.10(1) and 10.5.40.40(1) apply to prevent the erection or use of a **building**,

**structure**, addition or enlargement permitted in compliance (B) to (K) below;

- (B) Despite regulation 10.5.40.10(1), the height of the **building** is the distance between the Canadian Geodetic Datum elevation of 167.85 metres and the elevation of the highest point of the building;
- (C) Despite regulations 10.60.40.10(1) and 10.60.40.10(2), the permitted maximum height of a **building or structure**, exclusive of mechanical penthouses and parapets, is the numerical value in metres following the letter "HT" and, where indicated, the numerical number of storeys following the letters "ST" within the areas delineated on Diagram 3 of By-law [Clerks to supply by-law ##];
- (D) Despite regulation 10.60.40.40(1), the permitted maximum **gross floor area** of all **buildings and structures** is 6,158.14 square metres;
- (E) Despite regulations 10.5.40.60, 10.5.40.70, 10.60.40.70, no portion of any **building or structure** may extend beyond the solid and dashed lines delineating the **building** envelope on Diagram "4" of by-law [clerks to insert], with the exception of uncovered and enclosed ramps, canopies, airshafts, balconies, balcony roof or canopies, cornices, awnings, architectural features, trellises, columns, pilasters, window sills, all of which may extend beyond the heavy lines by 2.0 metres on the attached Diagram 2 of by-law [clerks to insert] within the **lot**, and underground garage ramps and their associated structures, which may extend beyond the heavy lines by 6.0 metres;
- (F) The maximum number of **dwelling units** permitted is 24;
- (G) Despite regulation 10.60.40.1(3), the minimum width of a **dwelling unit** in a **townhouse** is 4.0 metres;
- (H) Despite regulation 10.5.50.10, a minimum of 1,310 square metres of **landscaping** will be provided on the **lot**, of which a minimum of 60% of the **lot** must be **soft landscaping**.
- (I) Despite regulation 200.5.10.1, resident **parking spaces** must be provided at a minimum rate of 1 **parking space** for each **dwelling unit** and a maximum rate of 2.1 **parking spaces** for each **dwelling unit**;
- (J) Despite regulation 200.5.10.1, visitor **parking spaces** must be provided at a minimum rate of 0.2 **parking space** for each **dwelling unit**; and
- (K) Despite regulation 200.15.10(1), a minimum of 4 accessible **parking spaces** must be provided.

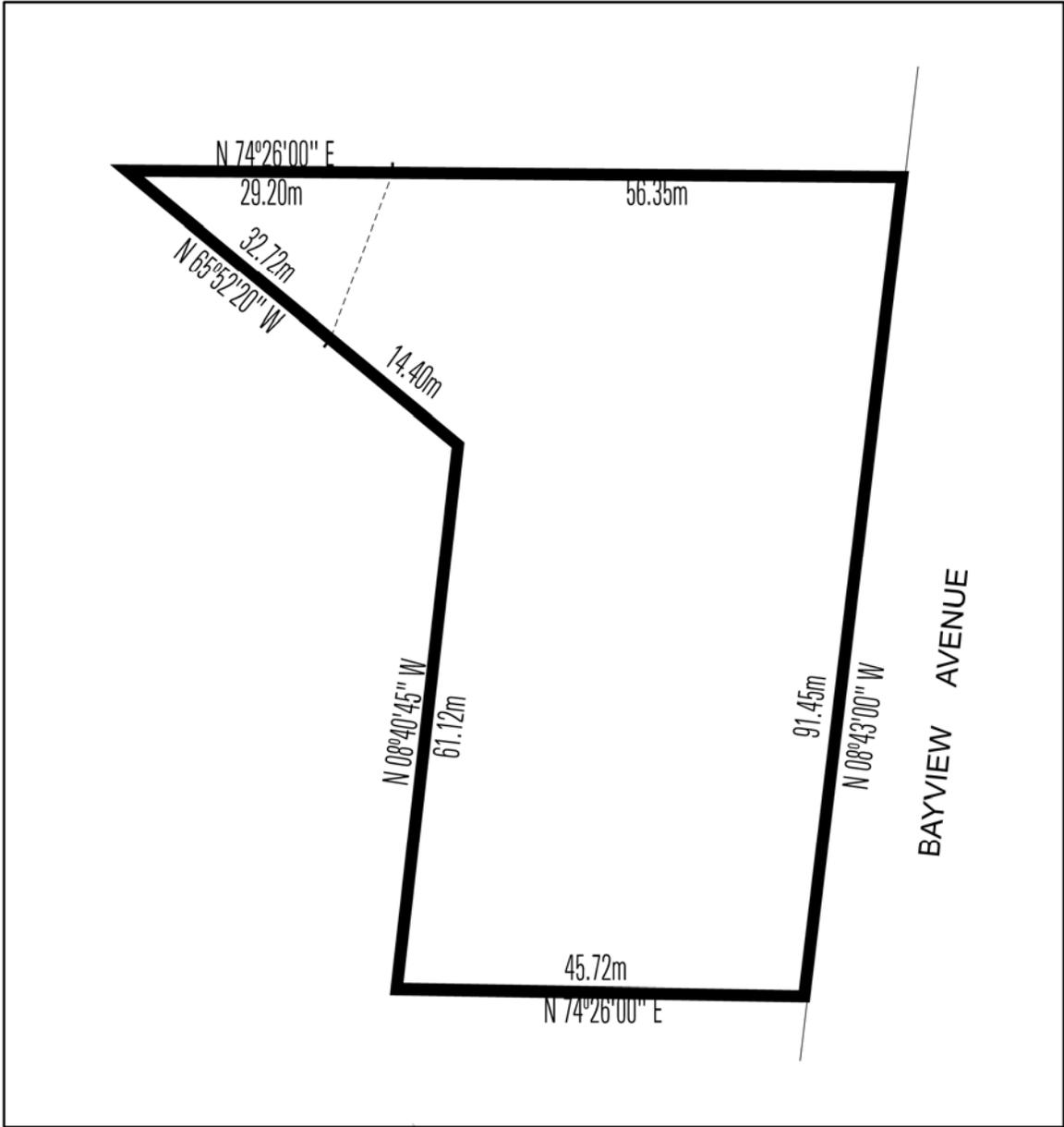
Prevailing By-laws and Prevailing Sections: (None Apply)

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

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



3390 - 3398 Bayview Avenue

Diagram 1

File # 16 114795 NNY 24 0Z



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07/26/2017

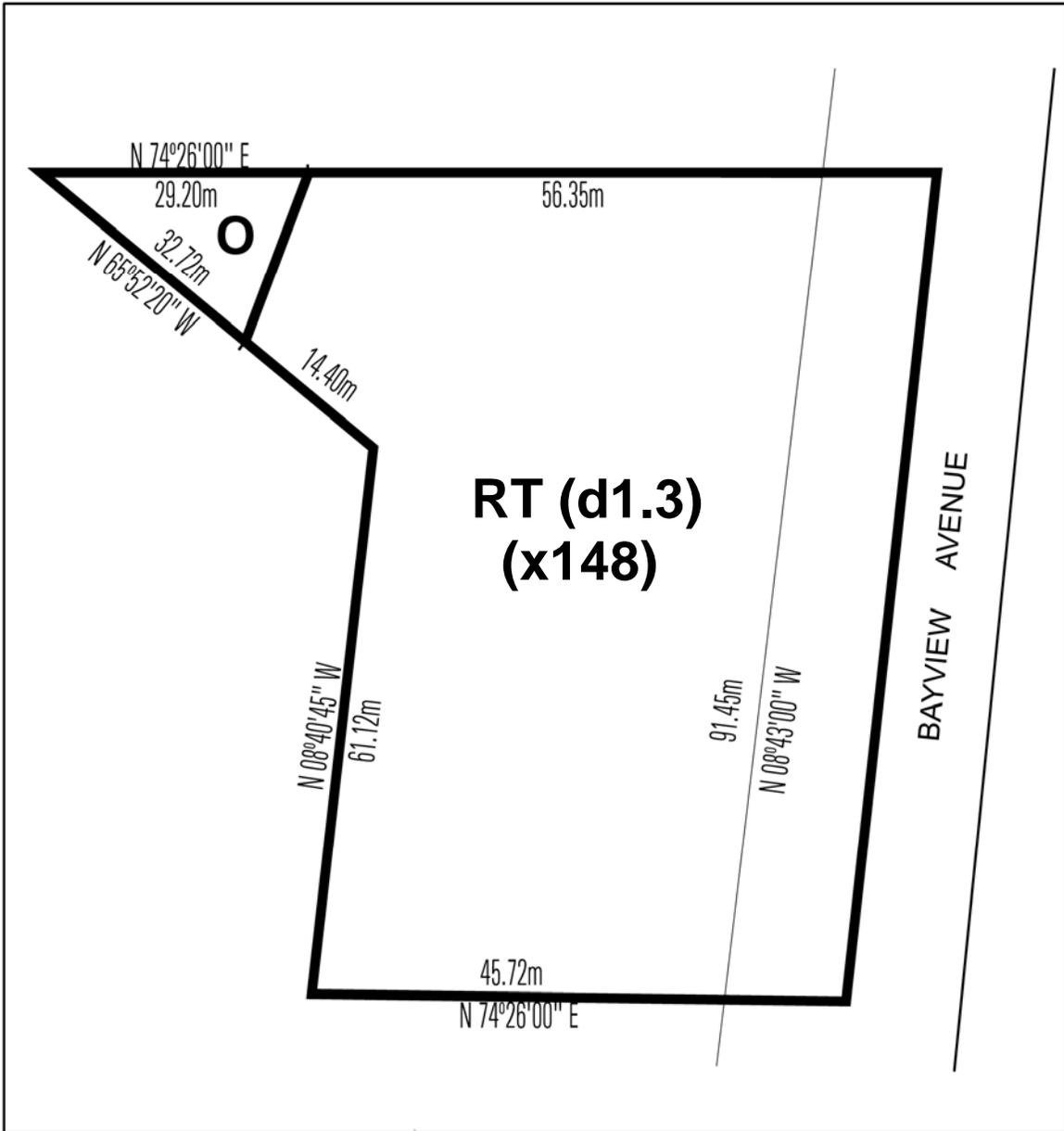


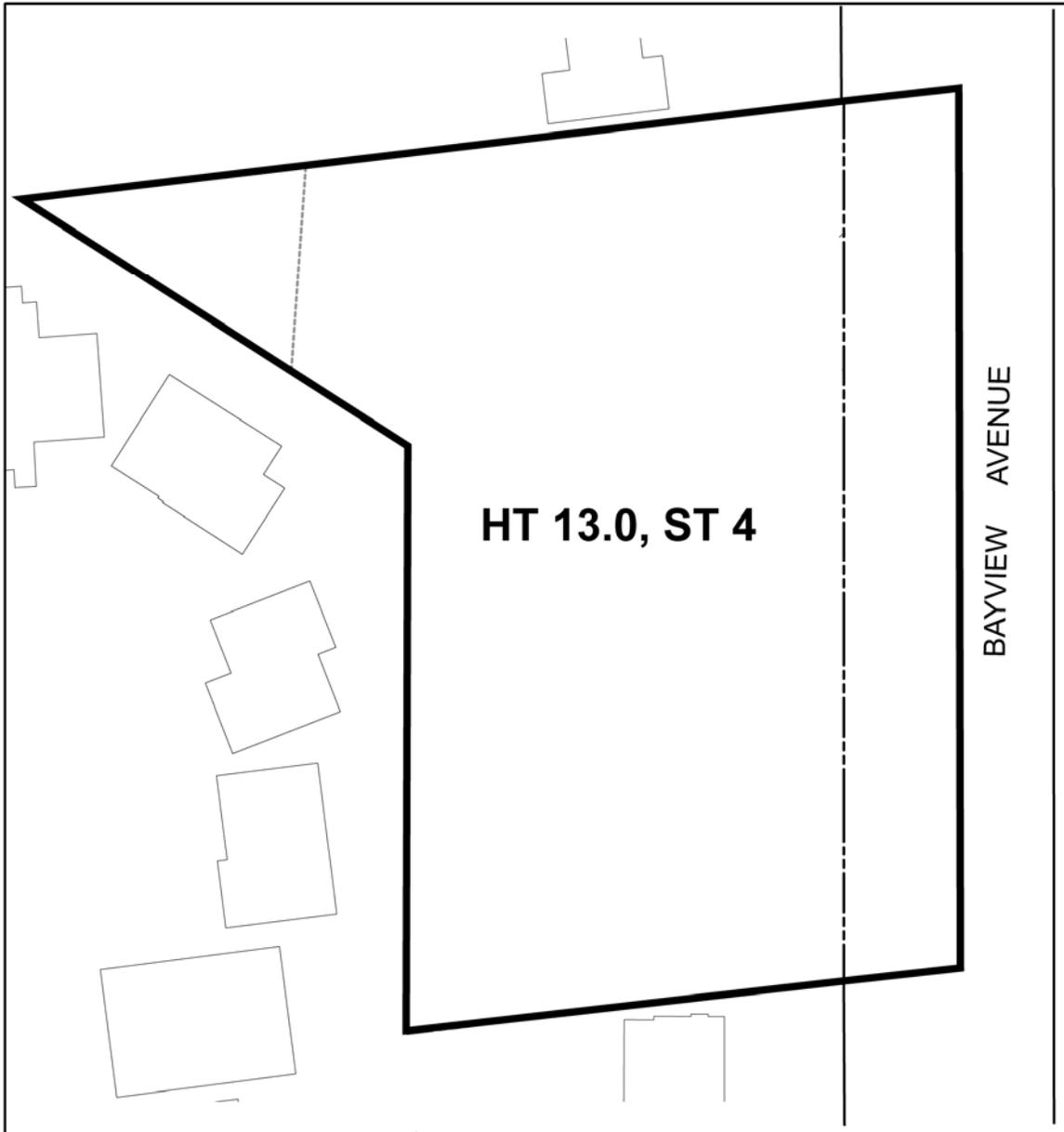
Diagram 2

3390 - 3398 Bayview Avenue

File # 16 114795 NNY 24 02



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08/02/2017



 **TORONTO**

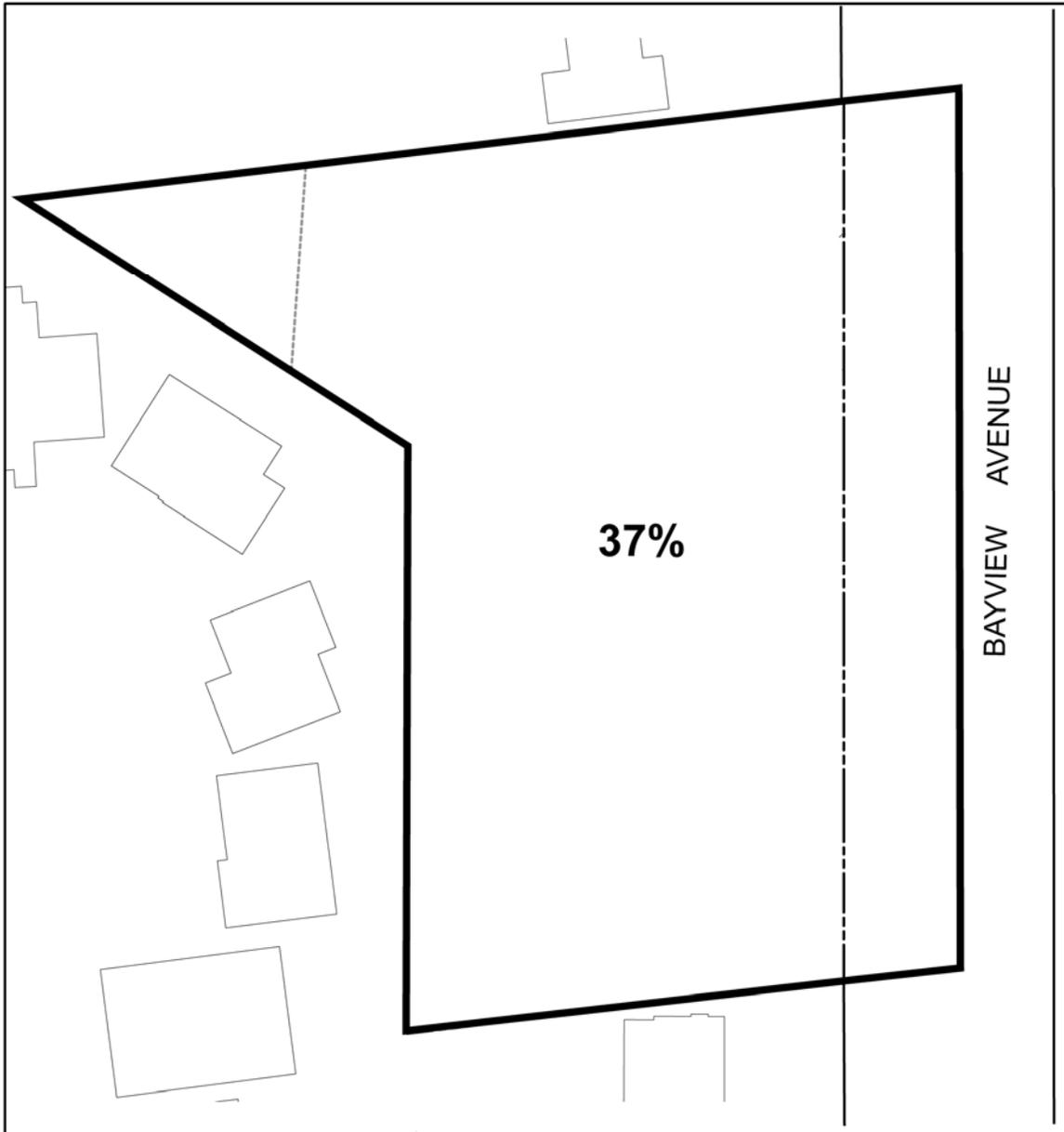
**Diagram 3**

3390 - 3398 Bayview Avenue

File # 16 114795 NNY 24 0Z



Not to Scale  
08/02/2017



BAYVIEW AVENUE

37%

3390 - 3398 Bayview Avenue



Diagram 4

File # 16 114795 NNY 24 0Z



Not to Scale  
08/02/2017

