



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2706 Bayview Avenue - Request for Directions Regarding LPAT Hearing

Date: November 19, 2019
To: City Council
From: City Solicitor
Wards: Ward 15 - Don Valley West

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

The purpose of this report is to seek instructions respecting the appeal of the Zoning By-law Amendment application for 2706 Bayview Avenue, currently before the Local Planning Appeal Tribunal (the "LPAT").

On December 21, 2016, the City of Toronto (the "City") received a Zoning By-law Amendment Application to permit the re-location of an existing single family detached dwelling and development of three, three-storey townhouse units on Bayview Avenue (the "Application"). The applicant also submitted an accompanying Site Plan application.

On November 28, 2017, the applicant appealed the Application to the LPAT, citing City Council's failure to make a decision on the Application within the time prescribed by the Planning Act. The Site Plan application has not been appealed to date.

Two pre-hearing conferences have since taken place before the LPAT.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of:
 - a. the recommendations contained in Confidential Attachment 1; and
 - b. Appendices "A", "B" and "C" to Confidential Attachment 1.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On February 22, 2017, North York Community Council considered a Preliminary Report from the Director, Community Planning, North York District. The Preliminary Report can be accessed via the following link:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-101250.pdf>

North York Community Council directed staff to schedule a community consultation meeting, distribute notice for the community consultation meeting to landowners and residents within 120 metres of the site as well as to an extended area, and to give notice for the public meeting in accordance with the Planning Act. The decision document can be accessed via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY20.34>

On October 10, 2019, North York Community Council considered a Request for Direction Report from the Director, Community Planning, North York District. The Request for Direction Report can be accessed via the following link:

<http://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-138606.pdf>

North York Community Council adopted the recommendations contained in the Request for Direction Report, with amendments. North York Community Council adopted an additional recommendation directing City staff to consider a revised plan consisting of five townhouse units fronting on Bayview Avenue (the "Alternative Development Concept"). City Planning's comments on the Alternative Development Concept are discussed in the Comments section of this Report below.

On October 29 and 30, 2019, City Council adopted the recommendations, as amended by North York Community Council. The decisions of City Council and North York Community Council can be accessed via the following link:

Staff Report with confidential attachment for Action on 2706 Bayview Avenue LPAT Hearing

COMMENTS

This report is about ongoing litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by City Council *in camera*.

Alternative Development Concept

At its meeting of October 29 and 30, 2019, City Council directed Planning Staff to consider the development of a revised plan consisting of five townhouse units fronting Bayview Avenue, utilization of the existing access to the site and retention of the existing large rear yard instead of the reduced rear yard proposed by moving the existing dwelling, in an attempt to resolve the outstanding issues in the current form of the Zoning By-law Amendment application.

Staff have reviewed the site for the potential to accommodate five townhouse units. The site frontage is 30.30 metres along Bayview Avenue. The Bayview Townhouse Design Guidelines recommend a minimum width for Townhouses of 6.0 metres. The application already proposes slightly narrower units at 5.75 metres to increase the available space for side yards and the access driveway. If five townhouses with a width of 5.75 metres were proposed, the total width of the townhouses would be 28.75 metres. This would leave 1.55 metres for the combined north and south side yards and access driveway. This would not leave sufficient space for driveway access to rear garages, and would result in the need for front yard garages and vehicle access.

Such a form would not fit within the surrounding neighbourhood and would not conform to the policies contained in Section 3.1.2 of the Official Plan with respect to built form in *Neighbourhoods*. A five-townhouse development with front garage access would not be an acceptable built form and public realm condition on Bayview Avenue, where the development of the Bayview Townhouse Design Guidelines was intended to promote a built form which frames the street and moves vehicle activity to the rear and preserves the landscaped green character of Bayview Avenue. Staff are of the opinion that a five-townhouse development on the subject site would not be achievable within the framework created by the Bayview Townhouse Design Guidelines and would not conform to the Official Plan.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "B" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "C" to Confidential Attachment 1 - Confidential Information