

2706 Bayview Avenue – Zoning By-law Amendment Application – Request for Direction Report

Date: September 24, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Number: 16 269523 NNY 25 OZ

SUMMARY

This application proposes to amend the Zoning By-laws for the lands at 2706 Bayview Avenue to permit the relocation of the existing detached dwelling on the lot and to permit the construction of three 3 storey (11.4m high) townhouse units fronting Bayview Avenue. The proposed development would be accessed via a shared private driveway from Bayview Avenue providing access to rear integral garages of the townhouse units and an at grade integral garage for the relocated detached dwelling.

The applicant has appealed their application for Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) due to Council's failure to make a decision on the application within the time prescribed by the Planning Act (LPAT Case No.PL 171398). A prehearing conference was held on June 12, 2018. A second prehearing conference was held on May 15, 2019. A third prehearing conference is scheduled for October 15, 2019. A full hearing is not yet scheduled.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff, to attend the LPAT hearing to oppose the application in its current form, as staff have concerns with the development application with respect to the site organization and the location and configuration of the proposed driveway access. The proposal in its current form does not conform with the Official Plan policies with regards to *Neighbourhoods* infill criteria and does not appropriately address the Bayview Townhouse Design Guidelines. This report also recommends that the City Solicitor and appropriate staff be directed to continue discussions with the applicant in an effort to address the outstanding issues outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal to oppose the Zoning By-law Amendment application in its current form for the lands at 2706 Bayview Avenue.

2. City Council direct the City Solicitor and appropriate City staff to continue discussions with the applicant and seek revisions to the application in an attempt to resolve the outstanding issues outlined in the report (September 24, 2019) from the Director, Community Planning, North York District.

3. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of any Order(s) on the Zoning By-law Amendment until such time as the Local Planning Appeal Tribunal has been advised by the City Solicitor that:

a) The final form of the Zoning By-law Amendments are to the satisfaction of the Director, Community Planning, North York District and the City Solicitor; and

b) The owner has submitted a revised Functional Servicing Report and a revised Stormwater Management Report, all to the satisfaction of the Chief Engineer and the Executive Director, Engineering and Construction Services;

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held on August 17, 2016. The current application was submitted on December 21, 2016 and deemed complete on January 17, 2017.

A Preliminary Report on the application was adopted by North York Community Council on February 22, 2017 authorizing staff to give notice for the community consultation meeting to landowners and residents within 120 metres of the site, and that the notice area of the community consultation meeting be extended. A copy of the Preliminary Report and decision of Community Council can be found at:

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

ISSUE BACKGROUND

Proposal

The application proposes to permit three townhouse dwellings fronting Bayview Avenue, and the relocation of the existing detached dwelling to the rear (west) of the property. Access is proposed to be provided to both the townhouses and the relocated detached dwelling by means of a shared private driveway from Bayview Avenue (See attachment 6 - Site Plan).

Townhouse Units

The proposed townhouses are 3-storeys (11.4 metres) in height and the proposed front yard setback from Bayview Avenue varies from 6.7 metres to 7.5 metres. The front yards would include landscaping, a walkway, and steps leading up to the main floor of each townhouse. The proposed lot coverage for the townhouse portion of the development is 45.02% and the proposed units would have a total GFA of 672 square metres. Each townhouse lot would have an area between 166 and 263 square metres.

The proposed townhouse units would share a private driveway from Bayview Avenue at the north limit of the property, which would provide shared access to the integral double car garages located at the rear. Two surface visitor parking spaces are proposed for the townhouse units and are accessed via the north-south portion of the shared private driveway at the rear of the townhouse units. The shared private driveway will also provide access to the relocated detached dwelling at the rear of the site which has a two car garage.

The proposed townhouses would have a rear yard setback of 6.0 metres to the new rear lot line shared with the new front lot line of the relocated detached dwelling and a proposed side yard setback of 1.5 metres to the south lot line. A side yard setback of 10.13 metres to the north lot line is proposed. A shared private driveway to access the integral garages and two visitor parking spaces would be located within the rear yard setback.

Amenity space is proposed to be provided in the form of balconies of approximately 14 square metres at the rear of each townhouse unit. The balconies would extend from the upper ground floor above the shared private driveway and be located approximately 2.75 metres above the driveway resulting from the proposed first floor being raised above grade approximately 1.4 metres and the internal floors of the townhouses being split level with upper rear portions elevated above the floor height of front portion of the dwellings (See Attachment 8 - Proposed Site Section).

Each townhouse unit would provide parking for two cars within an integral double garage. The garages would be located at the rear of each unit and accessed from the shared private driveway. Two visitor parking spaces are proposed to be provided within the rear shared private driveway. Garbage is proposed to be stored in the garage of each unit.

Detached Dwelling

The existing detached dwelling is proposed to be relocated to the rear of the property, with access from Bayview Avenue via the shared private driveway. The lot containing the detached dwelling would have an area of approximately 1,161 square metres and a frontage, in the form of the shared private driveway, of 9.01 metres on Bayview Avenue.

No changes are proposed to the design and massing of the relocated dwelling. The dwelling would have a gross floor area of approximately 509.4 square metres which results in a density of 0.44 times the lot area, and a lot coverage of approximately 24.65% on the new smaller lot for the detached dwelling. The minimum separation

distance between the detached dwelling and the townhouses would be 12.67 metres. The setbacks for the detached dwelling would be as follows:

- Front yard: 2.74 metres to the property boundary with the townhouse lots
- South side yard: 6.3 metres
- North side yard: 1.5 metres
- Rear yard: 9.5 metres.

Access to the relocated detached dwelling is proposed to be via the shared private driveway with the townhouse units. Two vehicle parking spaces are proposed for this dwelling, within the integral garage.

Pertinent Development Statistics are provided below in Table 1:

Criteria	Townhouse Units	Detached Dwelling	Total
Height from established grade (metres)	11.4	10.3	
Gross Floor Area (square metres)	671.8	509.4	1,181.2
Density (FSI)	1.06	0.44	0.66
Lot Coverage (%)	45.02%	24.65%	33.05%
Lot Frontage (metres)	8.47 - Townhouse Lot 1	9.01	30.30
	5.76 - Townhouse Lot 2		
	7.07 - Townhouse Lot 3		
Lot Area (square metres)	636.45	1,160.85	1,797.30

The proposed project statistics, site plan and building elevations can be found in Attachments 1, 6 and 7a-d.

Site and Surrounding Area

The subject site is located on the west side of Bayview Avenue, directly west of Wimpole Drive (See Attachment 2: Location Map). The subject lands are located approximately 285 metres south of Highway 401. The site is a partial through lot located

between Bayview Avenue and Caldly Court, however the site does not have frontage onto Caldly Court. A small portion of the rear lot line of the site intersects the adjacent lots which do have frontage on Caldly Court.

The site has a lot area of 1,812 square metres with a frontage of 30 metres on Bayview Avenue. A road widening is required which will reduce the lot area to 1,797 square metres. The depth of the site increases from approximately 58 metres at its southern boundary to 65 metres at the northern boundary. The grade on-site is relatively flat. There are several trees on site, including eight mature trees.

The site is currently occupied by a single detached two-storey dwelling with a circular driveway with two accesses off of Bayview Avenue.

The surrounding uses are as follows:

North: There is a two-storey detached dwelling located directly north of the property, at 2710 Bayview Avenue. A rezoning application for a 20 unit, three-storey townhouse development with underground parking and a detached dwelling fronting Caldly Court was approved in November 2016 for the lands at 2710-2722 Bayview Avenue but have not yet been constructed.

South: There are large lots with detached dwellings to the south of the subject site fronting onto Bayview Avenue.

East: On the east side of Bayview Avenue is Wimpole Drive which connects to Forest Heights Boulevard further east. Detached dwellings front onto Wimpole Drive.

West: Directly to the west is the cul-de-sac of Caldly Court, which is occupied by detached dwellings on sizeable lots.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (GGH), of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the

delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of this Report.

Official Plan Amendment 320

The Local Planning Appeals Tribunal issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan require that development in *Neighbourhoods* respect and reinforce the existing physical character of buildings, streetscape and open space patterns in the area.

The Built Form policies in section 3.1.2 of the Official Plan relate to ensuring that new development in the City can fit harmoniously within the existing and/or planned context of the neighbourhood. Policy 3.1.2 (1) requires that new development will be located and organized to fit with its existing and/or planned context, by among other things:

- Generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- Locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk; and
- preserving existing mature trees wherever possible and incorporating them into landscaping designs.

The Toronto Official Plan identifies the subject site as being designated *Neighbourhoods* (see Attachment 3 – Official Plan). *Neighbourhoods* are considered 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. New development within this designation will maintain the existing physical character. Parks, low scale institutions, home occupations, cultural and recreational facilities, and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Neighbourhoods Official Plan policies in Section 4.1, including policy 4.1.5 provide that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhoods, including in particular:

a) patterns of streets, blocks and lanes, parks and public building sites;

- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) prevailing location, design and elevations relative to the grade of driveways and garages;
- f) prevailing setbacks of buildings from the street or streets;
- g) prevailing patterns of rear and side yard setbacks and landscaped open space;
- h) continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- i) conservation of heritage buildings, structures and landscapes.

The geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the *Neighbourhood* in proximity to a proposed development, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features. Lots fronting onto a major street shown on Map 3 and designated *Neighbourhoods* are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 6 in order to recognize the potential for a more intense form of development along major streets to the extent permitted by this Plan.

The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context). Proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance. The determination of material consistency for the purposes of this policy will be limited to consideration of the physical characteristics listed in this policy. In determining whether a proposed development in a *Neighbourhood* is materially consistent with the physical character of nearby properties, only the physical character of properties within the geographic neighbourhood in which the proposed development is to be located will be considered.

Lots fronting onto a major street, and flanking lots to the depth of the fronting lots, are often situated in geographic neighbourhoods distinguishable from those located in the interior of the *Neighbourhood* due to characteristics such as:

- different lot configurations;
- better access to public transit;
- adjacency to developments with varying heights, massing and scale; or
- direct exposure to greater volumes of traffic on adjacent and nearby streets.

In those neighbourhoods, such factors may be taken into account in the consideration of a more intense form of development on such lots to the extent permitted by this Plan.

The prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood. Some *Neighbourhoods* will have more than one prevailing building type or physical character. The prevailing building type or physical character in one geographic neighbourhood will not be considered when determining the prevailing building type or physical character in another geographic neighbourhood.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*.

Except for apartment buildings and larger townhouse developments with common underground garages, driveways to below-grade garages that are integral to residences will be discouraged.

The Official Plan is available on the City's website at:
<http://www1.toronto.ca/planning/chapters1-5.pdf>

The outcome of staff analysis and review of relevant Official Plan policies are summarized in the Comments section of the Report.

Zoning

The existing lot is currently subject to two Zoning By-laws. Under former City of North York Zoning By-law 7625, the property is zoned R2 Residential "One-Family Detached Dwelling Second Density Zone" (see Attachment 4 - Existing Zoning By-law Map Former City of North York By-law 7625). The R2 designation allows for one detached dwelling per lot as well as limited home occupations, recreational, and institutional uses such as schools, public libraries, and day nurseries.

The former City of North York Zoning By-law 7625 requires a lot to have a minimum frontage of 21 metres and a minimum area of 975 square metres. It limits the height of structures on the site to 9.5 metres, requires a minimum front yard setback of 9 metres along Bayview Avenue and a minimum rear yard setback of 9.5 metres. A maximum lot coverage of 30% is permitted.

Under the City of Toronto Zoning By-law No. 569-2013, the property is zoned RD Residential Detached (f30.0:a1850) (x975) (see Attachment 5 - Existing Zoning By-law Map City of Toronto Zoning By-law 569-2013). The RD designation allows for one detached dwelling per lot as well as limited home occupations, recreational, and institutional uses such as schools, public libraries, and day nurseries. The permitted building height is 11.5 metres and 3 storeys. It requires a minimum lot frontage of 30 metres, a minimum front yard setback of the average front yard setback of the adjacent lots or 6 metres, and a minimum rear yard setback of 7.5 metres.

Design Guidelines

The Bayview Townhouse Design Guidelines were approved by City Council in December, 2015, to provide clear direction for how new townhouse developments

fronting on Bayview Avenue, between Highway 401 and Lawrence Avenue East, can be developed in a way that fits the unique existing and planned neighbourhood context.

The Bayview Townhouse Design Guidelines were developed to ensure that proposed townhouse developments were sited, organized, massed and designed in a manner which is consistent with the character of the area. Residential areas designated as *Neighbourhoods* in the Official Plan require that development respect and reinforce the existing and planned context. In order to achieve these policies, the Guidelines respond to the physical character of the neighbourhood by identifying appropriate building location, orientation and setbacks, unit size, parking, building massing and materials, landscaping, and other unique characteristics of the area.

The criteria in these Guidelines, generally acknowledge and respect the underlying zoning by-law standards, and are consistent with the overall character of the neighbourhood, including the large lots fronting Bayview Avenue with large, landscaped front yards. One of the guiding principles of the Guidelines is that where the lot depth permits, neighbourhood house(s) should be provided that meet the minimum standards of the applicable zoning by-law to provide an appropriate transition between the townhouse development on Bayview Avenue and the existing stable residential neighbourhood.

More information about the Bayview Townhouse Guidelines can be found here:

Part 1: <https://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-85353.pdf>

Part 2: <https://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-85354.pdf>

Part 3: <https://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-85355.pdf>

Site Plan Control

The proposed development is subject to Site Plan Approval. An application for site plan control was submitted with the rezoning application and is being reviewed concurrently (File No. 16 269541 NNY 25 SA). The Site Plan Application has not been appealed.

Reasons for Application

Amendments to the former City of North York Zoning By-law No. 7625 and the City of Toronto Zoning By-law No. 569-2013 are required as the zoning does not permit townhouses. The zoning by-law amendment is also required to establish appropriate development standards such as front and side yard setbacks, lot frontage, lot area and lot coverage.

Application Submission

The following reports/studies were submitted in support of the application:

- Draft Zoning By-law Amendments;
- Planning Rationale;
- Arborist Report;
- Geotechnical Investigation Report;
- Functional Servicing and Stormwater Management Report;

- Transportation Study; and
- Toronto Green Standard Checklist.

The submitted reports/studies can be accessed via the Application Information Centre (AIC) at the following link:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4083356&isCofASearch=false&isTlabSearch=false>

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

Staff held a community consultation meeting on June 8, 2017 to present the proposal to the public. Approximately 10 members of the public attended the community meeting together with planning staff, the applicant, and local Councillor. The members of the community were concerned with the appropriateness of the proposed development for the community and with the impact of the proposal on the homes located on Caldly Court. Specific concerns include:

- Preservation of existing trees on site,
- Height of dwelling in relation to Caldly Court Homes,
- Relationship of development to Caldly Court,
- Size of existing dwelling being relocated, and
- Overdevelopment of site from addition of townhouse units.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal in its current form is not consistent with the PPS and does not conform with the Growth Plan for reasons outlined below.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that the planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Policy 4.7 of the PPS states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through the official plans." The site is designated *Neighbourhoods* on Map 16 - Land Use Plan in the Official Plan.

The Growth Plan (2019) provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan (2019) directs growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Although the subject lands are an appropriate location for moderate intensification and the proposal includes a mix of housing types, the proposal does not comply with the Official Plan built form section related to site organization and locating a building behind a building as discussed below.

Site Organization

The application in its current form is not organized in a manner that respects the existing physical character of the neighbourhood as required by Policy 4.1.5. The application seeks to relocate the existing detached dwelling and on site so that it would not have an appropriate street relationship or context with either Bayview Avenue which it would only nominally "front" onto via the shared private lane, or front onto Caldly Court at the rear, which is not possible given the configuration of the subject lot. The relationship of the dwelling to Bayview Avenue in the current site design would entirely be of the garage portion of the relocated detached dwelling, and a limited relationship and visibility from Bayview Avenue to the house would be achieved.

The proposed siting of the relocated detached dwelling creates a house-behind-a-house condition which is not appropriate. Built Form Policy 3.1.2.1 of the Plan requires main building entrances to be clearly visible and directly accessible from the public sidewalk. Similarly, the Bayview Townhouse Design Guidelines state that the front entrance of the existing house or new "neighbourhood house(s)" should be visible from and directly connected to a public street. The proposed siting creates a back to front relationship between the townhouses and the detached dwelling where none of the front windows of the detached dwelling have a relationship to Bayview Avenue. The proposal as currently submitted does not comply with either the Official Plan policy or design guideline objectives.

The applicant has proposed front yard setbacks of 7.5 metres at the north end of the townhouse block, and 6.7 metres at the south end. The proposal provides a 1.5 metre south side yard setback from the townhouses and a 1.5 metre north side yard setback from the relocated detached dwelling and the lot to the north. Both these setbacks are not in keeping with the Townhouse Guidelines or the underlying zoning performance standards for the detached dwelling. As discussed below, the proposed shared private driveway access location is not acceptable and creates a traffic concern at the intersection of Bayview Avenue and Wimpole Drive. Based on the submission to date,

the applicant has not demonstrated that the proposal can adequately address the guidelines and be properly integrated into the existing community.

The proposed development in its current form and site layout does not meet the development criteria for development in established *Neighbourhoods* as the relationship created between the relocated detached dwelling at the rear of the site and Bayview Avenue is inappropriate. Reorganizing the site to provide a driveway location which would satisfy the Transportation Services' concerns outlined below would provide an opportunity to create an appropriate relationship between the proposal and the street, and the surrounding existing dwellings. The resolution of the driveway location and the house-behind-a-house relationship can be achieved by flipping the site plan so the driveway would be at the south and the detached dwelling windows and entrance would then be visible from Bayview Avenue

Traffic Impact, Access, Parking

The applicant provided a Traffic Operations Review memo with the application. The study estimates that the project will generate approximately 12 and 6 two-way trips during the a.m. and p.m. peak hours respectively. Transportation Services accepts the findings of the memo that the proposed traffic can be accommodated on the local road network.

Transportation Services staff have requested that the proposed driveway for the site be relocated from the north to the south to avoid potential conflicts between northbound left turns into the site with southbound left turns onto Wimpole Drive.

The Bayview Townhouse Guidelines and the Development Infrastructure Policy and Standards (DIPS) both require the Private Street (Mews) proposed for the primary access to the site to be 8.0 metres in width. The applicant is proposing a shared private driveway with a width of 6.0 metres plus a 1.5 metre wide pedestrian walkway and landscaped strips. The proposed driveway width is sufficient to service the development and the details of the walkway and landscaping will be secured through the Site Plan Application.

The application is proposing a total of 12 parking spaces. Eight spaces are dedicated resident parking spaces with 2 spaces located in the garage of the detached dwelling and 6 spaces located in the garages of the townhouse units. Two surface visitor parking spaces are provided for the townhouse units. This complies with the requirements of By-law 7625 which contains the more stringent parking requirements than Zoning By-law 569-2013.

Road Widening

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Bayview Avenue, a 0.4 metre road widening dedication along the Bayview Avenue frontage of the subject site is required. The widening is proposed to be conveyed to the City through the site plan approval process

Streetscape

The applicant has submitted a landscape plan with the application. The landscape plan shows two new City owned street trees and three private trees proposed along the Bayview Avenue frontage of the site. The proposed design of the townhouses proposes three separate walkways to each of the units from the public sidewalk. The walkways should be altered to pair two of the three walkways to reduce the amount of hardscape in the front yard, and increase the planting area for the roots of the proposed new landscaping and trees in the front yards.

The proposed ground floor elevation of 1.92 metres above the established grade results in large staircases at the front of the townhouses being required for access. The current plans show a staircase of 1.4 metres with 6 steps in height with a walkway that slopes down to the sidewalk in front of the stairs. Pairing the walkways and these stairs will reduce the impact of these stairs on the streetscape. The applicant should continue to examine opportunities to reduce the elevation of the ground floor to reduce the need for several stairs to access the units from the street.

Servicing

The applicant submitted a Geotechnical Investigation Report, and a Functional Servicing and Stormwater Management Report. Engineering and Construction Services staff have requested revisions to these reports to address groundwater and dewatering.

Engineering and Construction Services have identified a number of technical revisions to the proposed servicing design which would be required prior to site plan approval should the zoning amendment be approved. No issues regarding the capacity of the area municipal services to support the development have been raised through the review of the application.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment of a minimum of 5% of the site area. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under section 42 of the Planning Act, and is required as a condition of the building permit application process.

Tree Preservation

The Arborist Report submitted with the application states that there are eight existing trees existing on the site. A total of five trees are proposed to be removed, of which, one is categorized as good and four as fair. For the three trees to be retained, one is categorized as fair and two categorized as poor condition. Ten deciduous trees are proposed to replace these trees. In accordance with the City of Toronto Private Tree By-law, a total of 15 trees are required in replacement for the five trees to be removed, or a cash-in-lieu payment may be required if this cannot be achieved. Through the site plan process staff will work with the applicant to ensure as many replacement trees as possible can be replanted on site.

The report indicates the removal of a Butter Tree identified as Tree 3 in the Arborist Report. Urban Forestry staff have requested that a letter of permission from the Ministry of Natural Resources be provided before any municipal removal permit is processed. This tree is located where the detached dwelling is proposed to be relocated to on the site. If the permit for its removal is refused, the detached house could not be relocated to facilitate the proposal and the applicant would need to propose a smaller detached dwelling behind the proposed townhouses to protect this tree.

The applicant is to submit a tree planting deposit to ensure the planting and survival of 2 new City trees within the Bayview Avenue right-of-way.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-law Amendments, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. The applicant is proposing TGS measures including the provision of new 2.1 metre wide sidewalks; pedestrian scale lighting; high-albedo paving; sediment and volume controls for stormwater; and drought resistant landscaping which does not require irrigation. The TGS measures will be secured through the site plan approval process.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal in its current form does not comply with the PPS (2014) and does not conform to the Growth Plan (2019) as it relates to the Official Plan policies which implement the PPS and Growth Plan (2019). The application in its current form does not conform with the Toronto Official Plan and does not respond appropriately to the Bayview Townhouse Design Guidelines, particularly as they relate to site organization. The proposal does not conform with the Toronto Official Plan, particularly as it relates to Healthy Neighbourhoods, Built Form, and *Neighbourhoods* policies. The following issues remain outstanding:

- Appropriateness of the proposed site organization including the proposed driveway location, and the relationship between the relocated dwelling on site and Bayview Avenue;
- Appropriateness of the back to front relationship between the relocated detached dwelling and the proposed townhouses;
- The streetscape design and the pairing of townhouse walkways for the units;
- The location of the proposed site access driveway and its relationship to the intersection of Bayview Avenue and Wimpole Drive; and,
- Resolution of issues with the design of the site servicing connections and stormwater management.

Staff recommend that the application in its current form be opposed at the LPAT. Staff also recommend that City Council direct City Staff to continue to negotiate with the applicant to try to resolve the outstanding issues detailed in this report and that the City Solicitor and staff be directed to attend the LPAT in opposition to the application in its current form.

CONTACT

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SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map Former City of North York By-law 7625

Attachment 5: Existing Zoning By-law Map City of Toronto Zoning By-law 569-2013

Applicant Submitted Drawings

Attachment 6: Site Plan

- Attachment 7a: Proposed Townhouse Front Elevation
- Attachment 7b: Proposed Townhouse Rear Elevation
- Attachment 7c: Existing Detached Dwelling Front Elevation
- Attachment 7d: Existing Detached Dwelling Rear Elevation
- Attachment 8: Cross Section

Attachment 1: Application Data Sheet

Municipal Address: 2706 BAYVIEW AVE Date Received: December 21, 2016

Application Number: 16 269523 NNY 25 OZ

Application Type: Rezoning

Project Description: Relocation of the existing single family detached to the rear of the lot and construction of three, three-storey townhouse units fronting Bayview Avenue.

Applicant	Agent	Architect	Owner
LARENDALE HOMES INC 5255 YONGE STREET, SUITE 1050 TORONTO, ON M2N 6O4	WESTON CONSULTING 201 MILLWAY AVENUE, SUITE 19 VAUGHAN, ON L4K 5K8	RICHARD WENGLER ARCHITECT INC. 103 AVENUE ROAD TORONTO, ON M5R 2H3	LULU HOLDINGS INC 36 FAIRWAY HEIGHTS DRIVE THORNHILL, ON L3T 3A8

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: N

Zoning: RD (f30.0;
a1850)(x975) Heritage Designation: N

Height Limit (m): 10 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,812 Frontage (m): 30 Depth (m): 63

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	286	286	287	573
Residential GFA (sq m):	509	509	672	1,181
Non-Residential GFA (sq m):				
Total GFA (sq m):	509	509	672	1,181
Height - Storeys:	2	2	3	3
Height - Metres:	10	10	11.4	11.4

Lot Coverage Ratio (%) : 33.05 Floor Space Index: 0.66

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	781	400
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	1	1	3	4
Condominium:				
Other:				
Total Units:	1	1	3	4

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					1
Proposed:					3
Total Units:					4

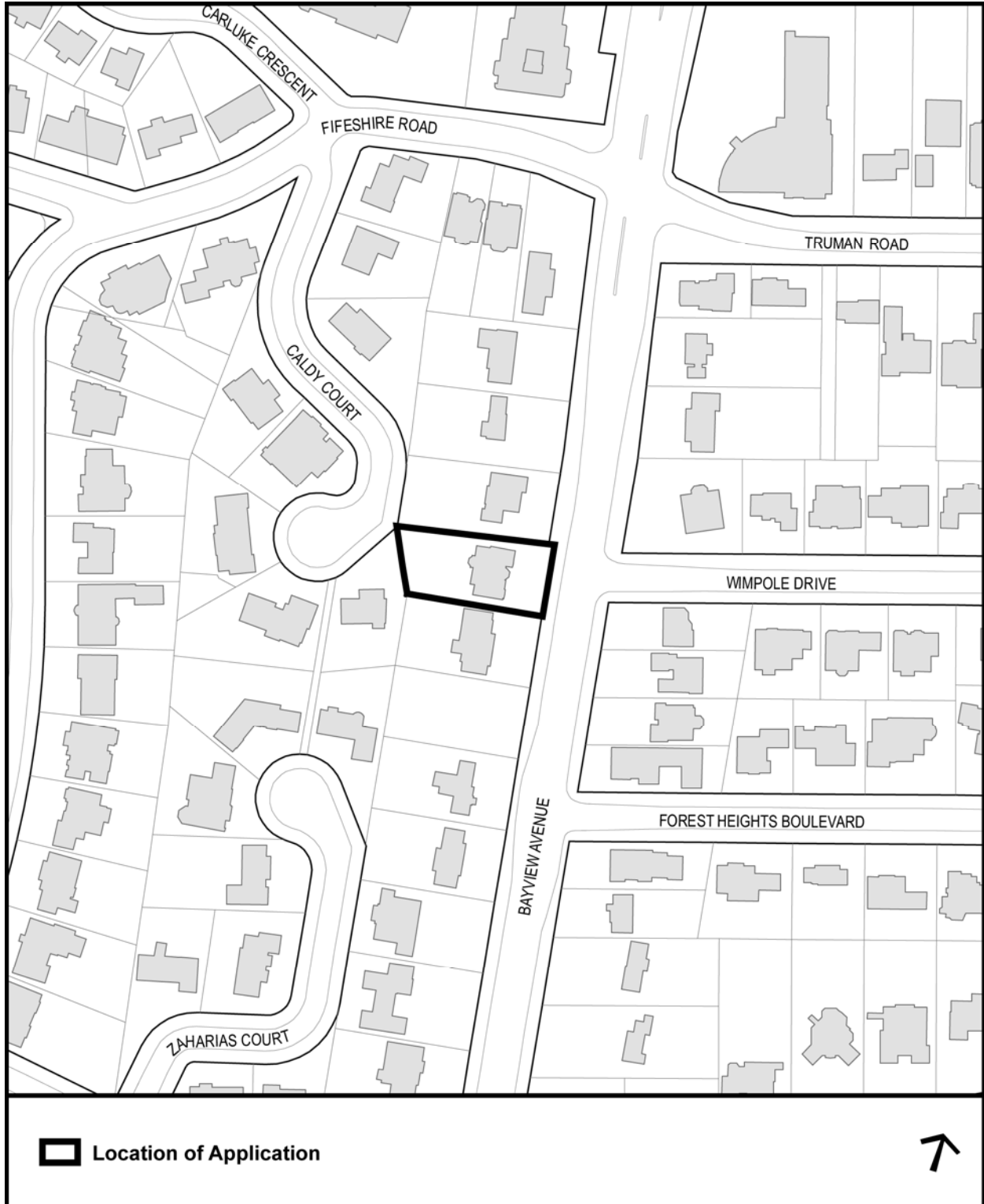
Parking and Loading

Parking Spaces:	12	Bicycle Parking Spaces:	Loading Docks:
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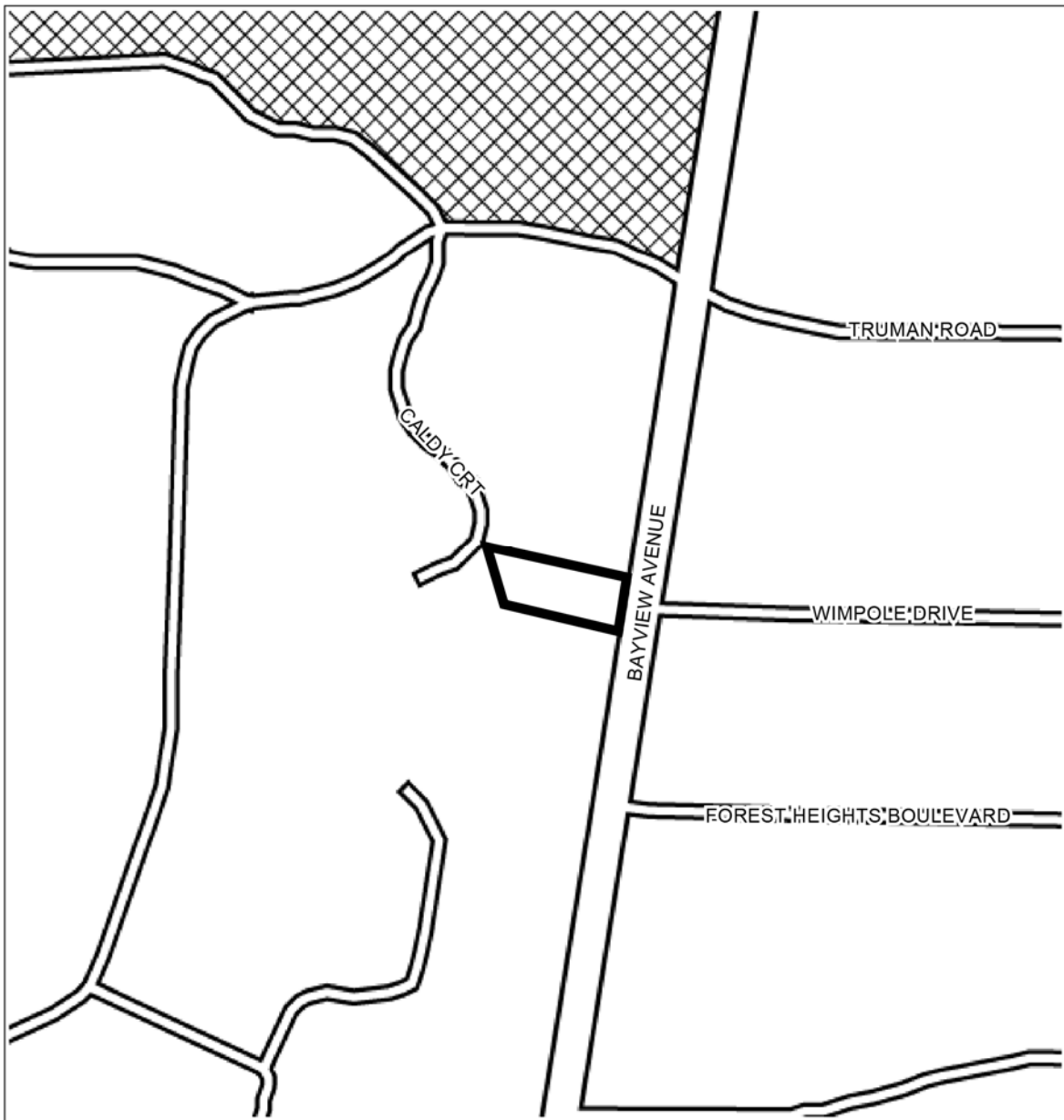
CONTACT:

Stephen Gardiner, Senior Planner
(416) 392-5460
Stephen.Gardiner@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



 **TORONTO**
Extract from Official Plan

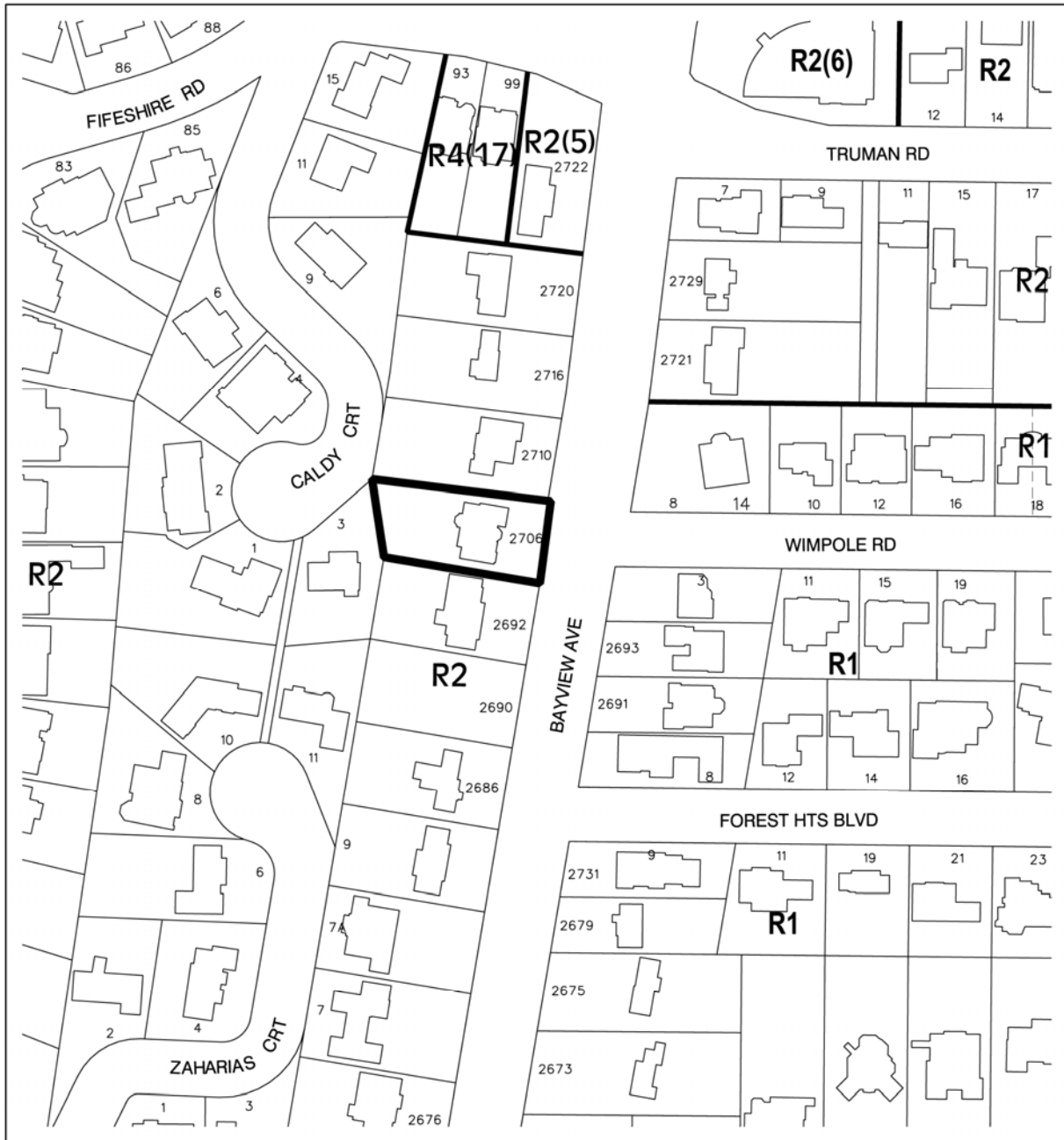
2706 Bayview Avenue

File # 16 269523 NNY 25 0Z

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods


Not to Scale
01/13/2017

Attachment 4: Existing Zoning By-law Map Former City of North York Zoning By-law 7625



TORONTO
Zoning By-Law No. 7625

2706 Bayview Avenue
 File # 16 269523 NNY 25 02

- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone

↑
 Not to Scale
 Extracted: 11/15/2018

Attachment 5: Existing Zoning By-law Map City of Toronto Zoning By-law 569-2013



Zoning By-Law No. 569-2013

2706 Bayview Avenue

File # 16 269523 NNY 25 OZ

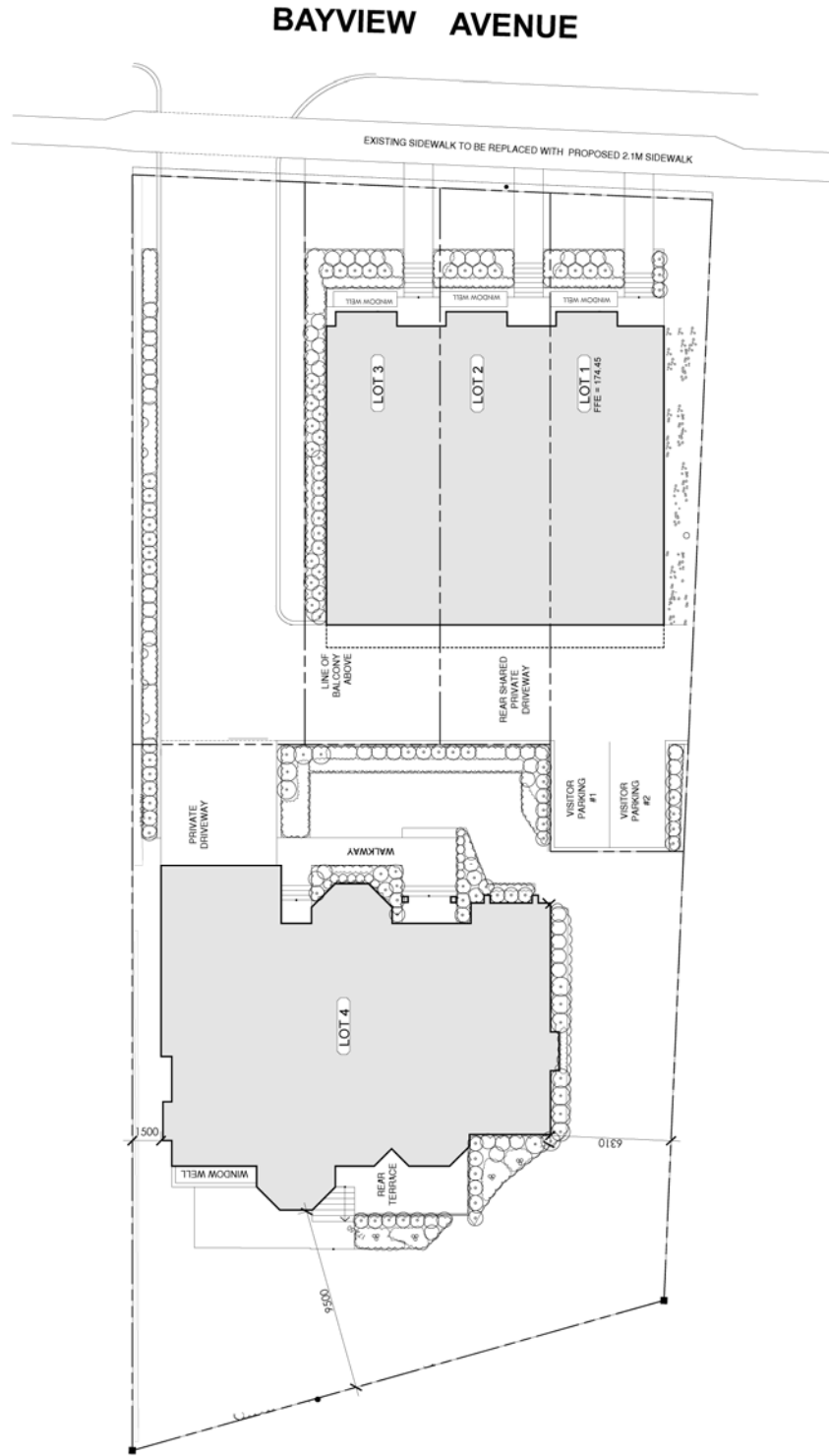
Location of Application

RD Residential Detached

RA Residential Apartment
UT Utility and Transportation



Not to Scale
Extracted: 11/15/2018

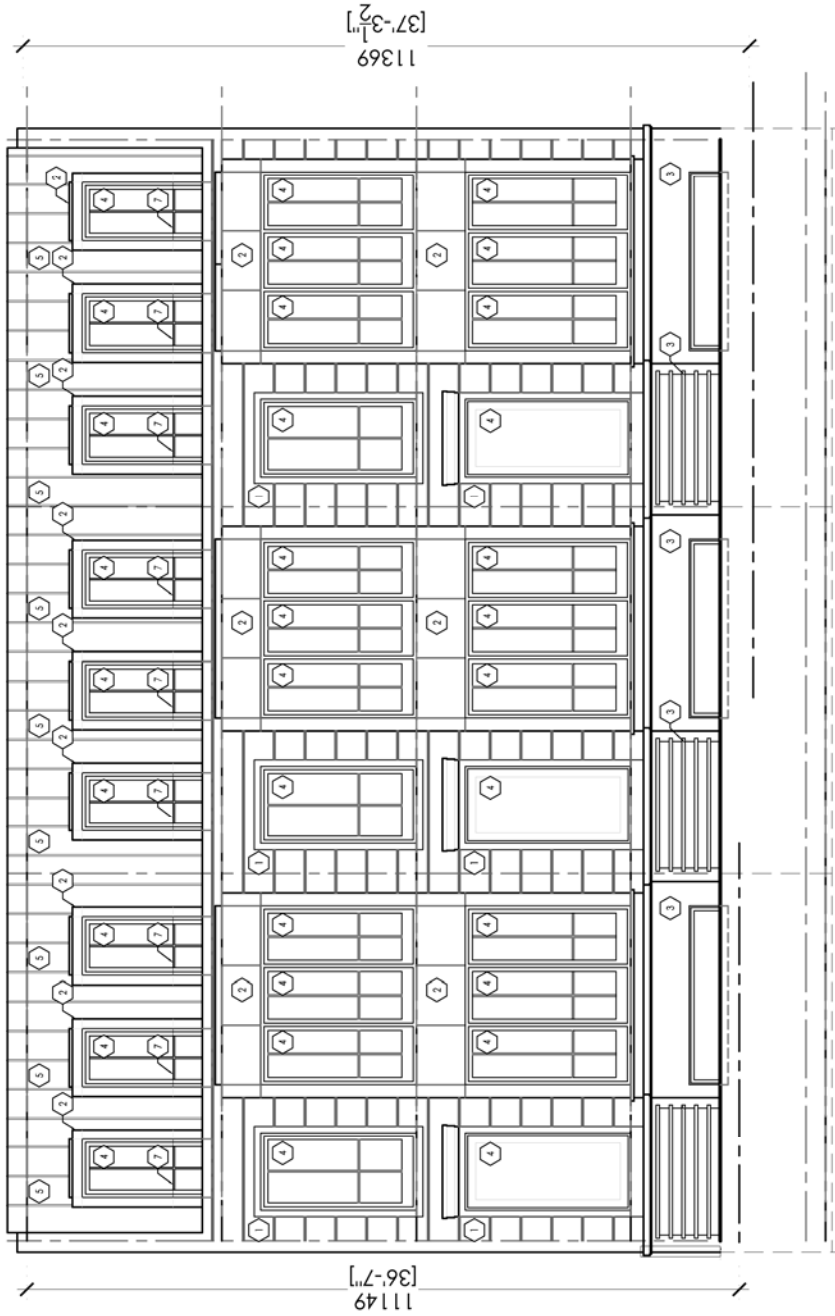


2706 Bayview Avenue

File # 16 269523 NMY 25 0Z

Site Plan
Applicant's Submitted Drawing
Not to Scale
09/25/2019

Attachment 7a: Proposed Townhouse Front Elevation



2706 Bayview Avenue

Townhome - Front Elevation

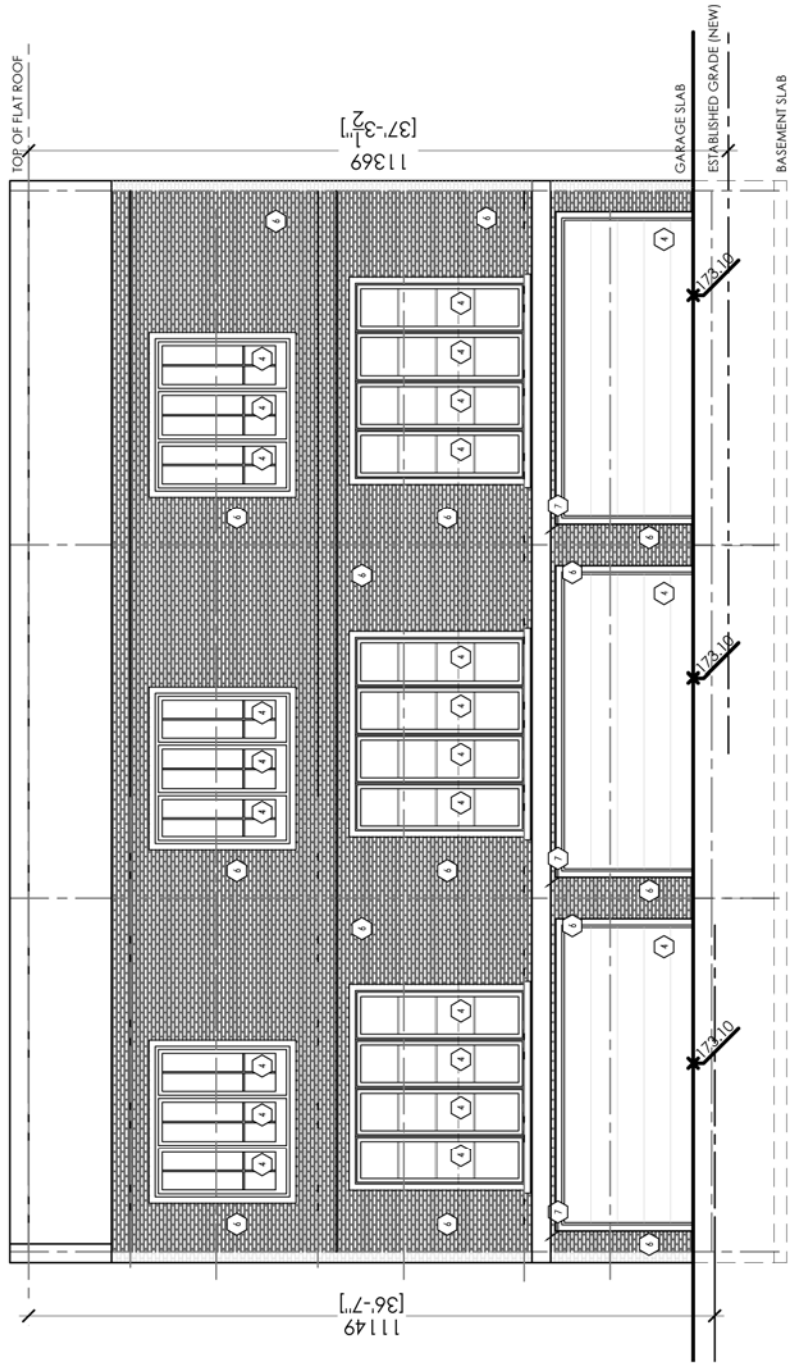
Applicant's Submitted Drawing

Not to Scale
09/25/2019



File # 16 269523 NMY 25 0Z

Attachment 7b: Proposed Townhouse Rear Elevation



2706 Bayview Avenue

Townhome - Rear Elevation

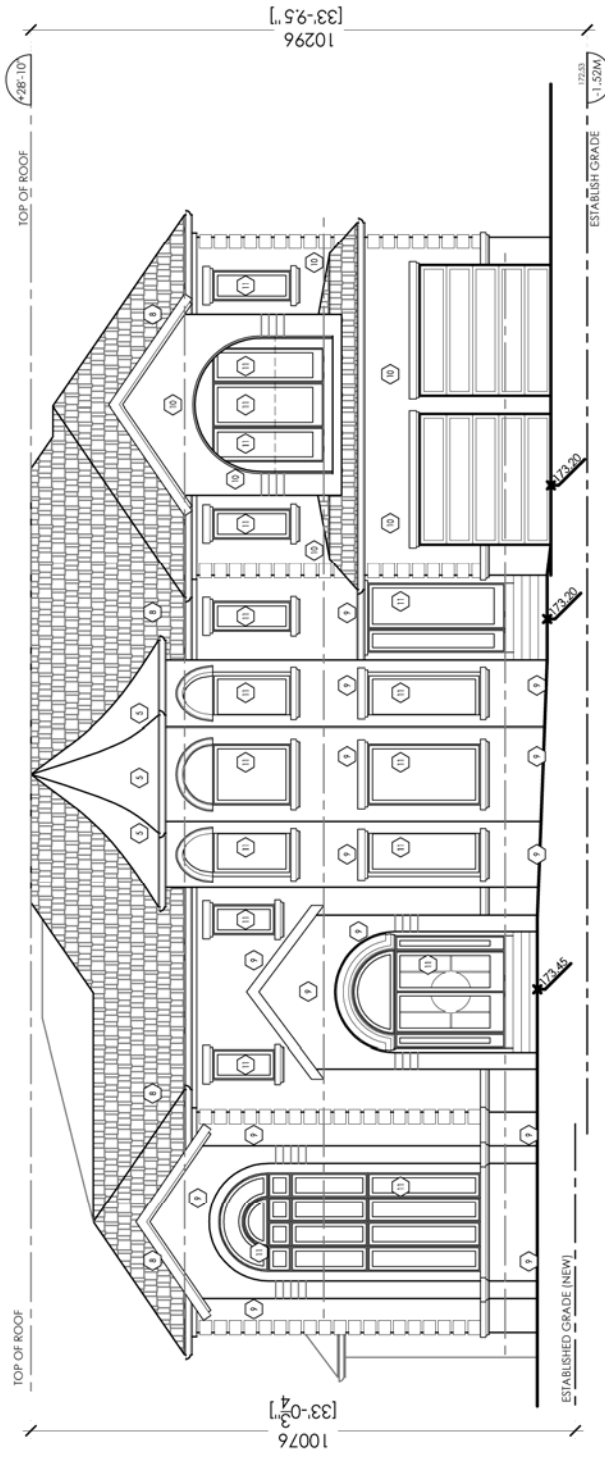
Applicant's Submitted Drawing

Not to Scale
09/25/2019



File # 16 269523 NMY 25 0Z

Attachment 7c: Existing Detached Dwelling Front Elevation



2706 Bayview Avenue

House - Front Elevation

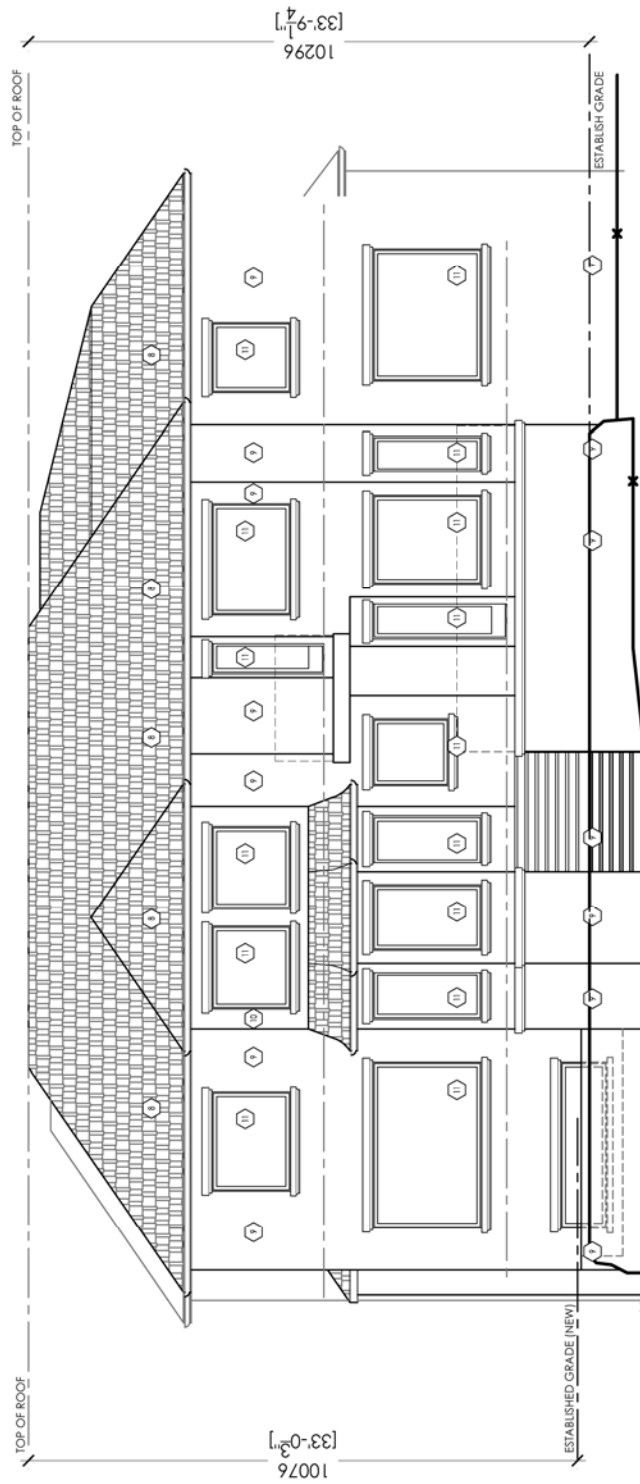
Applicant's Submitted Drawing

Not to Scale
09/25/2019

File # 16 269523 NMY 25 0Z



Attachment 7d: Existing Detached Dwelling Rear Elevation



2706 Bayview Avenue

House - Rear Elevation

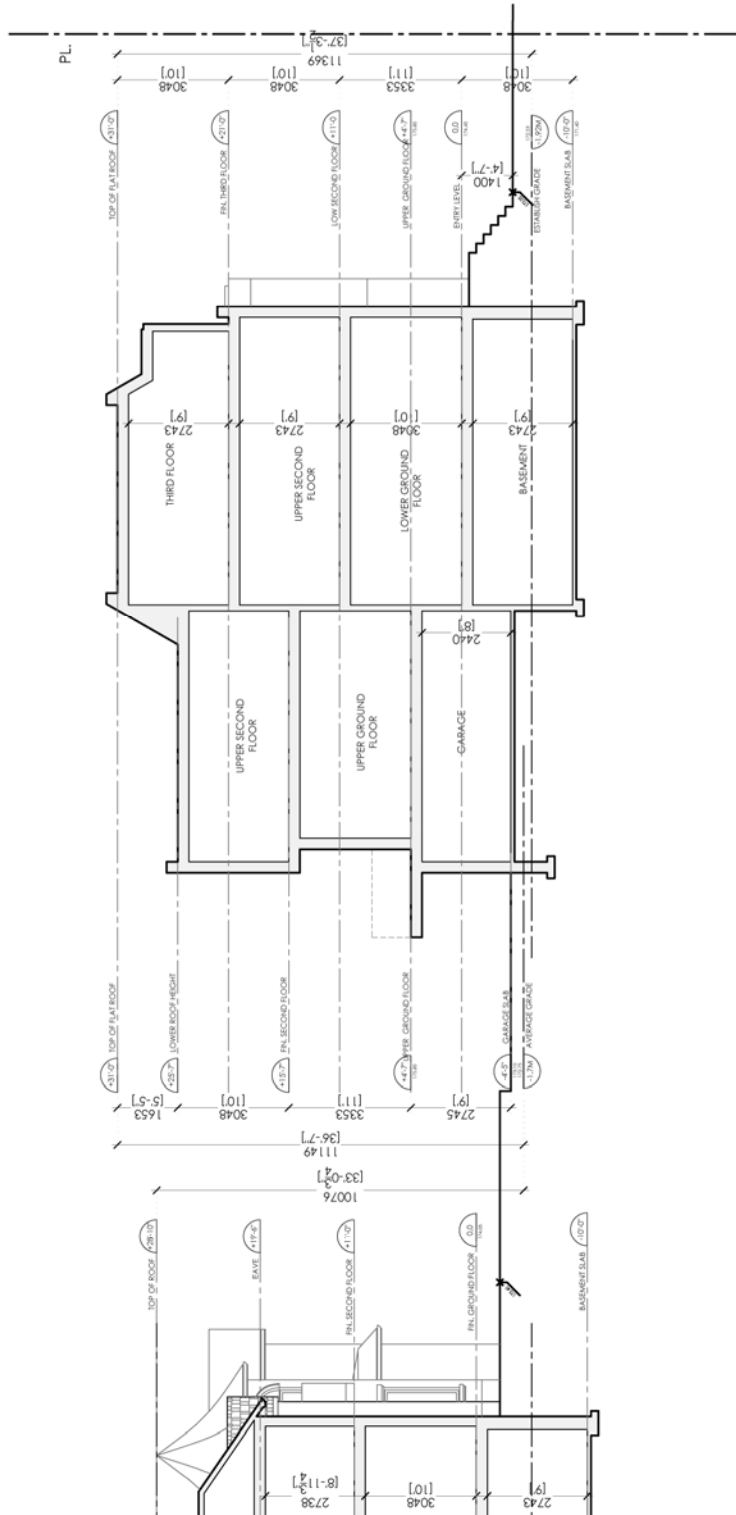
Applicant's Submitted Drawing

Not to Scale
09/25/2019



File # 16 269523 NMY 25 0Z

Attachment 8: Cross Section



2706 Bayview Avenue

File # 16 269523 NNY 25 0Z

Cross Section

Applicant's Submitted Drawing

Not to Scale
09/23/2019

