



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

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

**Date:** February 19, 2020  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 18 - Willowdale

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege.

#### **SUMMARY**

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On August 11, 2015, applications were submitted to the City to amend the Official Plan and Zoning By-law to permit two 4-storey apartment buildings on two blocks containing 48 residential units, with two levels of underground parking. A Site Plan Control Application was also submitted. The proposed gross floor area was 5,420 square metres, resulting in an FSI of 1.95. The applications were appealed to the former Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time prescribed by the Planning Act and a Request for Direction Report (May 26, 2016) from the Director, Community Planning, North York District, was considered by City Council at its meeting on July 12, 13, 14 and 15, 2016. The report recommended that City Council authorize City staff to oppose the applications in their current form and continue discussions with the applicant. A hearing before the OMB was scheduled for August 30, 2016, but was adjourned at the request of the applicant.

In response to comments by City staff the proposed development was amended significantly, as two apartment buildings were no longer proposed. Instead, 16 townhouses were proposed fronting onto Bayview Avenue, along with a detached dwelling fronting on Hollywood Avenue and a detached dwelling fronting on Elmwood Avenue. A 3-day hearing at the Local Planning Appeal Tribunal is scheduled to start on April 14, 2020.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting on February 27, 2020.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of the recommendations in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege).

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the confidential recommendations.

## **DECISION HISTORY**

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A Request for Direction Report (May 26, 2016) from the Director, Community Planning, North York District, was considered by City Council at its meeting on July 12, 13, 14 and 15, 2016. This report recommended City Council authorize City Planning staff to oppose applications in their current form and continue discussions with the applicant. The City Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY15.44>

## **COMMENTS**

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On November 1, 2019, the applicant filed their first re-submission to reflect a revised with prejudice proposal that included 16 townhouses and 2 single detached dwellings (the "Revised Proposal"). A site plan and other architectural plans along with a cover letter from Overland LLP, dated February 4, 2020, are provided in Appendix 1.

The Revised Proposal is significantly different than the original proposal that consisted of two 4-storey apartment buildings with a gross floor area of 5,420 square metres, and an FSI of 1.95. City Planning did not support the original proposal as it did not represent an appropriate redevelopment of the site and did not represent good planning for a number of reasons including:

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

## Revised Proposal

The applicant is now proposing sixteen, 3-storey townhouses, arranged in two blocks facing Bayview Avenue, and two 2-storey single detached dwellings, with one fronting onto Hollywood Avenue and the other fronting onto Elmwood Avenue. The proposed height of the townhouses range from 12.2 metres to 12.9 metres for Block 1 and 12.4 metres to 13.2 metres for Block 2. The range in height is caused by a grade change along Bayview Avenue and how height is interpreted in Zoning By-law 569-2013. The townhouses are to be set back a minimum of 2.5 metres from Bayview Avenue, 2.4 metres from Hollywood Avenue and 2.4 metres from Elmwood Avenue. Each townhouse would have 3 bedrooms and would range in gross floor area from 188 square metres (2,000 square feet) to 223 square metres (2,400 square feet). Each townhouse would have an integral, 2-car, tandem garage at the rear. Vehicular access would be provided by a 6.0-metre wide private lane that would run from Hollywood Avenue to Elmwood Avenue.

The single detached dwelling lots are proposed to have frontages of 10.0 metres. The height of the single detached dwelling on Hollywood Avenue would be 8.95 metres under City of Toronto Zoning By-law 569-2013 and 9.23 metres under former City of North York Zoning By-law 7625. The height of the single detached dwelling on Elmwood Avenue would be 8.84 metres under City of Toronto Zoning By-law 569-2013 and 9.09 metres under former City of North York Zoning By-law 7625. Both single detached dwellings would have minimum front yard setbacks of 6.0 metres, west side yard setbacks of 1.85 metres (to accommodate an existing easement), east yard side setbacks of 1.2 metres, and rear yard setbacks of 14.4 metres. The two lots would be 18.0 metres in length and have a coverage of 30 percent. Each single detached dwelling would have 4 bedrooms and a gross floor area of 290 square metres (3,100 square feet). Each house would have an integral, 2-car, tandem garage at the front. The total density of all new buildings on the site would be 1.35 times the area of the lot. The total coverage would be 50 percent.

Both the original and the Revised Proposal require the demolition of six (6) existing single-detached dwelling units, which include three (3) rental dwelling units. Accordingly, the applicant has submitted a Rental Housing Demolition application pursuant to Chapter 667 of the Municipal Code (file no. 19 250243 NNY 18 RH). A Notice of Complete Application was sent to the applicant on December 4, 2019.

The City Solicitor requires direction on this matter prior to the conclusion of the February 27, 2020 meeting of City Council.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Appendix 1 - Architectural plans along with a cover letter from Overland LLP, dated February 4, 2020

Confidential Attachment 1 - Confidential Report from the City Solicitor