

1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue – Zoning By-Law Amendment – Technical Amendment to Zoning By-law

Date: December 10, 2020

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward: Ward 15 - Don Valley West

Planning Application Number: *19 120011 NNY 15 OZ*

SUMMARY

Three omissions in Site-Specific Zoning By-law 636-2020 which amended Zoning By-law 569-2013 have been identified and require minor changes to: i) identify the encroachment of a rear landscape planter on the fifth and seventh storeys of the approved 8-storey building; ii) permit vehicular access to the building from Bayview Avenue, rather than a laneway; and iii) to provide parking spaces in accordance with Policy Area 4 (PA4) requirements, as approved by Transportation Services.

These omissions were contemplated and depicted in the Council-approved plans and drawings associated with the Zoning By-law Amendment and were also implemented through site-specific Zoning By-law 635-2020, which amended Zoning By-law 438-86.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend Zoning By-law 636-2020 for the lands at 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to this report dated December 10, 2020 from the Chief Planner and Executive Director, City Planning;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required; and
3. City Council determine that the changes contained within the revised By-laws are minor, technical in nature, and reflective of the original proposal and plans considered by City Council, and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed amendment to the Zoning By-laws.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

At its meeting of January 29, 2020, Toronto City Council adopted Item NY12.1, approving draft Zoning By-law Amendments to Zoning By-laws 438-86 (By-law 635-2020) and 569-2013 (By-law 636-2020) for 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue. The proposal was to permit an 8-storey (27.85 metre high) mixed use building containing 65 residential units (inclusive of 13 replacement rental dwelling units) and 143 square metres of non-residential gross floor area on the ground floor resulting in an overall density (Floor Space Index - FSI) of 4.03.

City Council's Decision on the Zoning By-law Amendment Application can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY12.1>

At its meeting of July 28 and 29, 2020, City Council enacted Site-Specific Zoning By-law 635-2020, being the Zoning By-law Amendment to Zoning By-law 438-86, and Site-Specific Zoning By-law 636-2020, being the Zoning By-law Amendment to Zoning By-law 569-2013.

By-laws 635-2020 and 636-2020 were not appealed to the Local Planning Appeal Tribunal.

Reasons for Amendment

It has come to the attention of City Planning staff that three minor revisions to Zoning By-law 636-2020 are required to permit the construction of the building as shown on the Council-approved plans.

The Zoning By-laws enacted by City Council permit landscape planters to project beyond the heavy lines specified on Diagram 3 of By-law 636-2020 by 0.9 metres. However, the rear fifth storey landscape planter projects beyond the heavy lines by 1.6 metres and the rear seventh storey landscape planter projects beyond the heavy lines by 1.5 metres. These projections were contemplated and pictured in the Council-approved drawings, but were not accurately reflected in the final version of By-law 636-2020.

A revision to By-law 636-2020 is also required to permit vehicular access from Bayview Avenue. In a CR zone, for a lot subject to the Development Standard Set 2 (SS2) for lots abutting a lane, vehicle access must be from the lane. Access to the site was initially proposed via the existing laneway at the rear of the site southward from Balliol Avenue. Transportation Staff concluded that the width and configuration of the laneway

was inadequate for waste collection vehicles or safe two-way residential vehicular access to the building from Balliol Avenue. Vehicular access was relocated to Bayview Avenue per the Council-approved plans and prior to the enactment of By-law 636-2020.

Finally, a revision is required to By-law 636-2020 to allow parking spaces to be provided in accordance with Policy Area 4 (PA4) requirements of Zoning By-law 569-2013, as approved by Transportation Services in advance of Council's approval of By-law 636-2020. While a provision providing for PA4 parking rates was omitted in By-law 636-2020, the correct rates were included in By-law 635-2020 amending Zoning By-law 438-86 and reflects the parking provided on the Council-approved plans.

The Council-approved plans contemplate and picture the planter locations, the vehicular access from Bayview Avenue, and the parking rates. There is no change to the built form of the 8-storey mixed use building as previously approved. No negative impact will result from amending By-law 636-2020.

No revisions to By-law 635-2020 are required.

Conclusion

City Planning staff recommend approval of the Draft Zoning By-law Amendment attached to this report as Attachment 1 from the Chief Planner and Executive Director, City Planning, dated December 4, 2020.

CONTACT

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SIGNATURE

Gregg Lintern MCIP, RPP
Chief Planner and Executive Director,
City Planning

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment, Site-Specific By-law 636-2020

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Authority: North York Community Council Item NY12.1, as adopted by City of Toronto Council on January 29, 2020 and Item MM____, adopted by City of Toronto Council on December 16 and 17, 2020.

CITY OF TORONTO

Bill

BY-LAW -2020

To amend City of Toronto Zoning By-law 569-2013, as amended, respecting the lands municipally known in the year 2019 as 1408, 1410, 1412, 1414, 1416 and 1420 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increases in height permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas pursuant to Section 39 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 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 CR 4.05 (c0.10; r3.95) (SS2) (x240), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 240 so that it reads:

(240) Exception CR 240

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue, as shown on Diagram 1 of this By-law, if the requirements of Section 6 and Schedule A of By-law XXXX-2020 [Clerks to supply by-law ##] are complied with, a mixed use building, structure, addition or enlargement may be constructed or used in compliance with (B) to (S) below;
- (B) For the purpose of this exception, the lot comprises the lands outlined by heavy lines on Diagram 1 of by-law XXXX-2020 [Clerks to supply by-law ##];
- (C) Despite regulation 40.10.40.40(1), the permitted maximum gross floor area of all buildings and structures on the lot is 6,350 square metres, subject to the following:
 - (i) the permitted maximum residential gross floor area on the lot is 6,200 square metres; and
 - (ii) the permitted maximum non-residential gross floor area on the lot is 150 square metres;
- (D) In addition to the building elements listed in regulation 40.5.40.40(3), the gross floor area of a mixed use building is also reduced by the area in a building used for:
 - (i) hallways and elevator vestibules below ground;
 - (ii) electrical, utility, mechanical and ventilation rooms on any level of the building; and
 - (iii) loading areas, waste and recyclable storage rooms, and package storage rooms above ground;

- (E) At least 25 percent of all dwelling units on the lot must have two or more bedrooms, and at least 10 percent of all dwelling units on the lot must have three or more bedrooms;
- (F) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a building or structure is the distance between the Canadian Geodetic Datum of 147.25 metres and the elevation of the highest point of the building or structure;
- (G) Despite regulation 40.10.40.10(2), the permitted maximum height of any building or structure is the height in metres specified by the number following the symbol HT on Diagram 3 of By-law XXXX-2020;
- (H) Despite clause 40.5.40.10 and (G) above, the following building elements and structures are permitted to exceed the maximum heights on Diagram 3 of By-law XXXX-2020 [Clerks to supply by-law ##]:
- (i) wind screens, elevator overruns, mechanical elements, indoor residential amenity space, mechanical equipment and any associated enclosure structures, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project up to 3.0 metres above the height limits shown on Diagram 3;
- (I) Despite clause 40.10.40.70, the required minimum building setbacks are as identified in metres on Diagram 3 of By-law XXXX-2020 [Clerks to supply by-law ##];
- (J) Despite clause 40.10.40.60 and regulation (I) above, the following building elements and structures are permitted to encroach beyond the heavy lines specified on Diagram 3 of By-law XXXX-2020 [Clerks to supply by-law ##], subject to the following limitations:
- (i) Eaves, cornices, window sills, light fixtures, railings, bollards, wheelchair ramps, stairs, stair enclosures, terraces, landscape planters and other similar architectural projections may extend beyond the heavy lines by 0.9 metres;
 - (ii) Despite (i) above, the fifth and seventh storey rear terrace and landscape planters may extend beyond the heavy lines by 1.6 metres; and
 - (ii) Canopies, awnings or similar structures may extend beyond the heavy lines by 1.5 metres;
- (K) Despite Regulation 40.10.40.1(1) residential uses are permitted on the first floor and behind non-residential uses;
- (L) Despite regulation 40.10.50.10(3), a minimum 1.5 metre wide strip of land used only for soft landscaping is not required along the part of the lot line abutting the lot in the Residential Zone category or Residential Apartment Zone category;

(M) Despite regulation 40.10.40.50 (1) and (2), amenity space must be provided in accordance with the following:

(i) A minimum of 2.0 square metres per unit of indoor amenity space must be provided; and

(ii) A minimum of 1.25 square metres per unit of outdoor amenity space must be provided;

(N) Despite regulation 40.10.90.40(1), vehicle access to a loading space must be from either a public lane or Bayview Avenue;

(O) Despite regulations 200.5.1.10(2)(A)(iv), (B)(iv) and (C)(iv), a maximum of 15 percent of the parking spaces provided may be obstructed on one side and may have a minimum width of 2.60 metres; and

(P) Despite clause 220.5.10.1, a minimum of one Type "G" loading space must be provided on the lot;

(Q) Regulation and Site Specific By-law 900.2.10(760), which refers to prevailing Zoning By-law 438-86, Section 12(2)118, relating to building setbacks from residential zones in the Yonge-Eglinton area, does not apply;

(R) Despite regulation 40.10.100.10(1) vehicle access to the lot may be provided from Bayview Avenue.

(S) Despite the location of the subject site, parking spaces may be provided on the lot in accordance with Policy Area 4 requirements as outlined on Table 200.5.10.1.

Prevailing By-laws and Prevailing Section(s): (None Apply)

5. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lot, used exclusively for the initial sale and/or initial leasing of dwelling units or non-residential units proposed on the same lot, for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

6. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on December , 2020.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

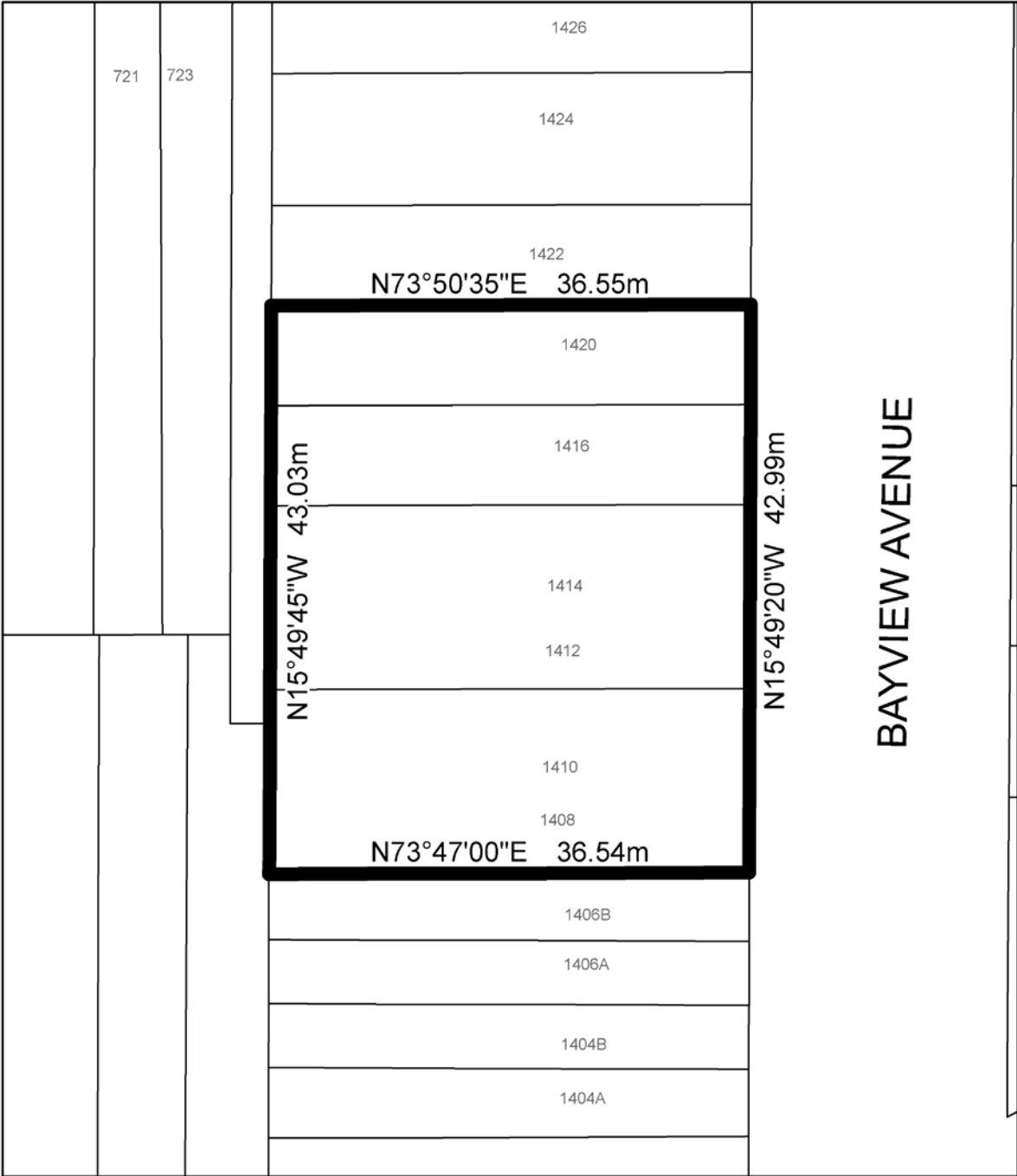
- (1) The owner shall provide the following to support the development of the lands:
 - (i) The owner shall provide and maintain not less than 13 replacement rental dwelling units, comprised of 2 one-bedroom units, 9 two-bedroom units, 1 three-bedroom unit and 1 four-bedroom unit within the proposed mixed-use building on the subject site for a period of at least 20 years, beginning from the date that each replacement rental units is first occupied, and as generally shown on the plans submitted to the City Planning Division dated October 21, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - (ii) The owner shall provide and maintain not less than 2 one-bedroom and 2 two-bedroom replacement rental dwelling units at affordable rents and not less than 6 two-bedroom and 1 three-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental units is first occupied.
 - (iii) The owner shall provide ensuite laundry in each replacement rental dwelling unit at no additional cost to tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (iv) The owner shall provide 5 vehicle parking spaces to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - (v) The owner shall provide 4 storage lockers to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (vi) The owner shall provide tenants of the replacement rental dwelling units access to all indoor and outdoor amenities in the proposed mixed-use building on the same terms and conditions as the occupants of the remainder of the building.
 - (vii) The owner shall provide tenants of the replacement rental dwelling units with access to both vehicle parking spaces and bicycle parking spaces on the same basis as the occupants of the remainder of the building.

(viii) The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the eligible tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

(ix) The owner shall provide tenant relocation and assistance to all post application tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(x) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.


(xi) The owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any building permit.

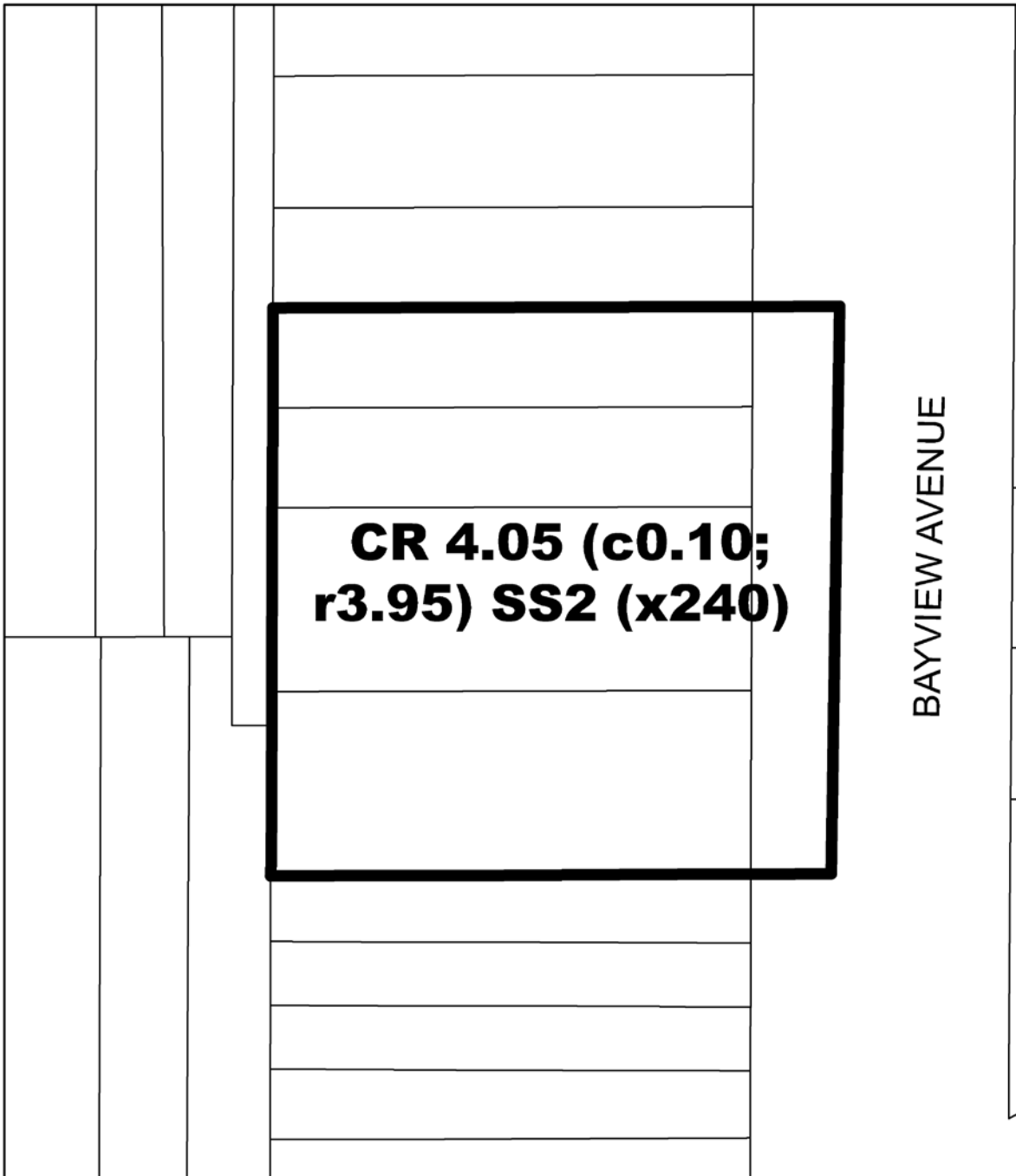


TORONTO
Diagram 1

1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

File # 19 120011 NNY 15 0Z



 City of Toronto By-law 569-2013
 Not to Scale
 11/27/2019

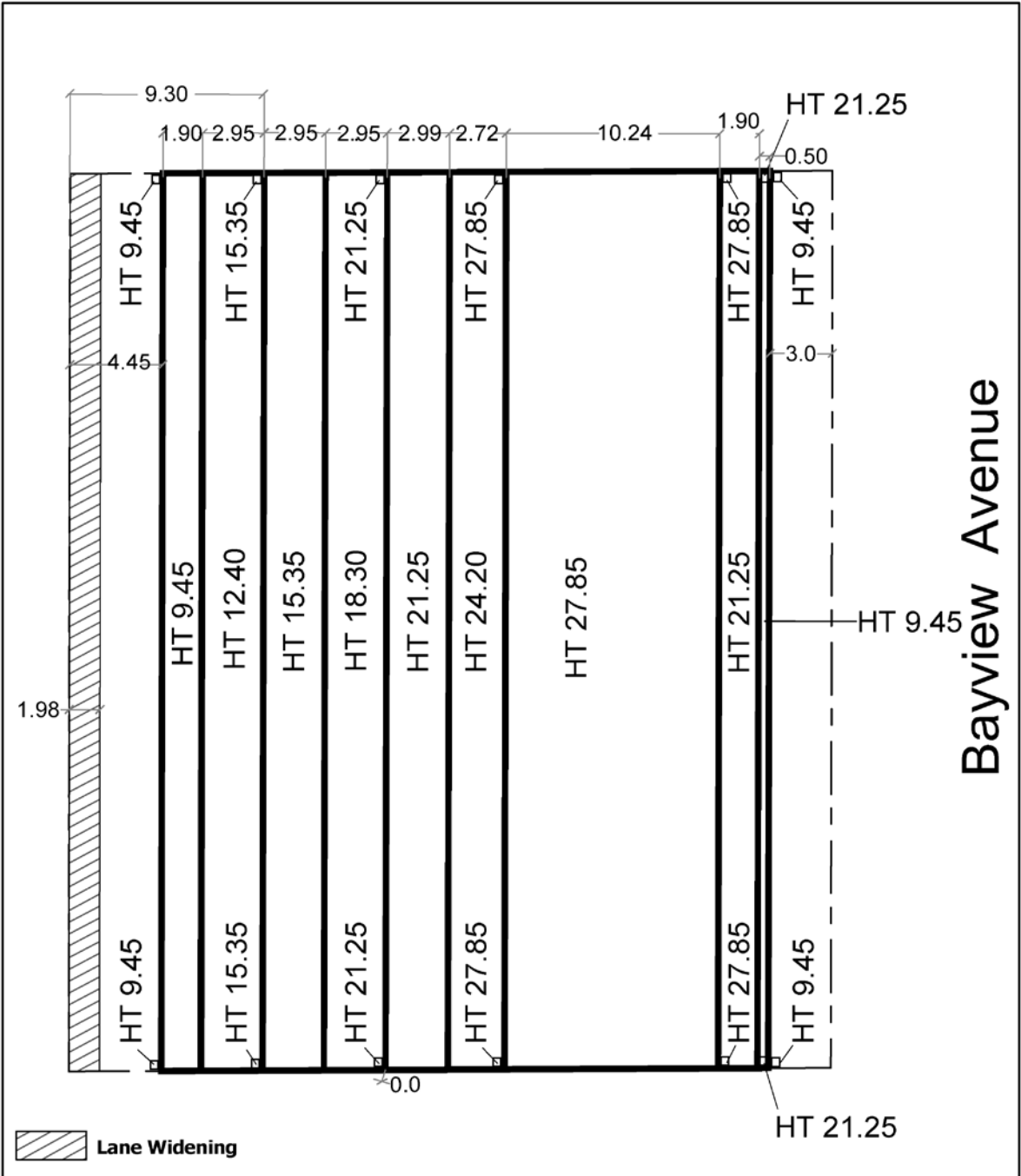


 **TORONTO**
Diagram 2

1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

File # 19 120011 NNY 15 0Z


City of Toronto By-law 569-2013
Not to Scale
11/27/2019



TORONTO
Diagram 3

1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

File # 19 120011 NNY 15 0Z

City of Toronto By-law 569-2013
 Not to Scale
 05/22/2020