

# 6 Foxdale Court – Zoning By-law Amendment and Plan of Subdivision Applications – Preliminary Report

Date: March 11, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: 17 - Don Valley North

**Planning Application Number:** 20 234713 NNY 17 OZ and 20 234714 NNY 17 SB

**Current Use on Site:** A three-storey detached dwelling with an integral garage.

## SUMMARY

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This report provides information and identifies a preliminary set of issues regarding the applications located at 6 Foxdale Court. The proposal is to demolish the existing dwelling and create five new residential lots for the construction of five new two-storey detached dwellings with integral garages that would front on a new public street. In addition to the residential lots, one block would be created at the rear of the proposed residential lots, which is proposed to be transferred to the Toronto and Region Conservation Authority (TRCA). Three remnant blocks abutting the new public street would also be created and are not proposed to be developed.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the applications located at 6 Foxdale Court together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

## FINANCIAL IMPACT

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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.

## ISSUE BACKGROUND

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### Application Description

The proposal is to demolish the existing dwelling and create five new residential lots for the construction of five new two-storey detached dwellings with integral garages that would front on a new public street. In addition to the residential lots, one block would be created at the rear of the proposed residential lots, which is proposed to be transferred to the Toronto and Region Conservation Authority (TRCA). Three remnant blocks abutting the new public street would also be created and are not proposed to be developed.

The proposed residential lots would have the following lot frontages and lot areas, as identified by the applicant:

|       | Proposed Lot Frontage | Proposed Lot Area    |
|-------|-----------------------|----------------------|
| Lot 1 | 14.06 m               | 673.0 m <sup>2</sup> |
| Lot 2 | 14.43 m               | 604.9 m <sup>2</sup> |
| Lot 3 | 12.95 m               | 618.5 m <sup>2</sup> |
| Lot 4 | 10.25 m               | 648.3 m <sup>2</sup> |
| Lot 5 | 10.27 m               | 805.6 m <sup>2</sup> |

The proposed flat-roofed detached dwellings would be two storeys with a building height of 9.5 metres and would have integral two-car garages, rear ground floor decks, and rear basement walkouts. The proposed dwellings would also have the following specifications, as identified by the applicant:

|       | Lot Coverage | Building Length | Minimum Front Yard Setback | Minimum Rear Yard Setback | Minimum East Side Yard Setback | Minimum West Side Yard Setback |
|-------|--------------|-----------------|----------------------------|---------------------------|--------------------------------|--------------------------------|
| Lot 1 | 32.41%       | 19.61 m         | 6.51 m                     | 15.39 m                   | 1.23 m                         | 2.01 m                         |
| Lot 2 | 35.0%        | 18.86 m         | 6.51 m                     | 15.12 m                   | 2.0 m                          | 1.2 m                          |
| Lot 3 | 34.63%       | 18.0 m          | 8.47 m                     | 14.82 m                   | 1.21 m                         | 1.2 m                          |
| Lot 4 | 32.67%       | 18.25 m         | 14.32 m                    | 13.35 m                   | 1.21 m                         | 1.2 m                          |
| Lot 5 | 27.54%       | 20.82 m         | 22.73 m                    | 14.7 m                    | 1.2 m                          | 1.2 m                          |

A new public street that extends north from Foxdale Court would provide vehicular access to each of the proposed detached dwellings. The new public right-of-way would be 14.0 metres wide with an atypical cul-de-sac of approximately 30 metres width, including a 7-metre wide landscaping island in the middle. Each of the new detached dwellings would have access from the cul-de-sac via individual driveways.

See Attachments 6 through 11 of this report for the site plan, an example of typical elevation drawings for Lot 1, and a three-dimensional representation of the project in context. Detailed project information and documentation can be found on the City's Application Information Centre (AIC):

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

## Site and Surrounding Area

Located northeast of Bayview Avenue and Cummer Avenue, the subject site is an irregularly shaped lot with a frontage of approximately 15.7 metres on Foxdale Court and a lot area of approximately 0.814 hectares (8,146 square metres). A three-storey detached dwelling with an integral garage currently occupies the lot.

Land uses in the vicinity of the subject site is as follows (as shown on the location map in Attachment 2 of this report):

North: immediately north of the subject site is a residential lot with a detached dwelling that fronts on Fleming Drive. Northeast of the site is German Mills Creek, part of the Don River East branch and East Donlands Park.

South: immediately south are detached residential dwellings that front on Foxdale Court. Further south are detached dwellings that front on Cummer Avenue.

East: immediately east are five residential lots with detached dwellings that front on Beardmore Crescent. Further east beyond Beardmore Crescent is the East Donlands Park.

West: immediately west are six residential lots with detached dwellings that front on Fleming Drive and the abutting neighbour at 8 Foxdale Court.

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

Land use planning in the Province of Ontario is a policy-led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with the applicable Provincial Plans, which in the case of the City of Toronto includes A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") that came into effect on August 28, 2020. This new Growth Plan replaces the previous Growth Plan for the Greater Golden Horseshoe (2019). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

## **Toronto Official Plan Policies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation.

The Official Plan identifies that the site is designated as Neighbourhoods 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.

Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. The Official Plan is available online: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

## **Zoning By-laws**

The site is subject to the former City of North York Zoning By-law 7625 and is zoned R3, which permits residential detached dwellings at a maximum of two-storeys and a maximum building height of 8.8 metres for pitched roof dwellings and 8.0 metres for flat roof dwellings.

The site is also subject to City of Toronto Zoning By-law 569-2013 and is zoned RD (f18.0; a690). This zone permits residential detached dwellings on lots with a minimum frontage of 18 metres and a minimum lot area of 690 square metres. The maximum permitted lot coverage is 30% of the lot area. Dwellings are permitted to be a maximum of two storeys with a maximum building height for pitched roof dwellings of 10 metres and 7.5 metres for flat roof dwellings. In addition, a small portion of the northeast corner of the site is zoned Open Space - Natural Zone (ON).

## **Site Plan Control**

The proposed five new detached dwellings are not subject to site plan control.

## **COMMENTS**

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### **Reasons for the Application**

The proposal requires zoning by-law amendments to both the former City of North York Zoning By-law 7625, as amended, and to the Toronto Zoning By-law 569-2013, as amended. Amendments are required to permit matters such as:

- The reduction of lot frontages and lot areas;
- The increase in lot coverage;
- The increase in building heights; and,
- Building setbacks

A draft plan of subdivision has also been submitted to implement the proposal and create the lots, blocks and public street.

### **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified.

### **Provincial Policies and Plans Consistency/Conformity**

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains several policies that promote intensification, redevelopment and compact built form, particularly in areas well-served by public transit.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The Growth Plan (2020) supports intensification within built-up urban areas, particularly in proximity to transit.

Staff will continue to evaluate the proposal for consistency with the PPS (2020) and conformity with the Growth Plan (2020).

### **Official Plan Conformity**

Staff will evaluate these planning applications to determine their conformity with the Official Plan. The key sections of the Official Plan that will be used to evaluate the proposal include, but are not limited to:

- Section 2.1.3 Healthy Neighbourhoods;
- Section 3.1.1 Public Realm;
- Section 3.1.5 Heritage Conservation;
- Section 3.4 The Natural Environment; and,

- Section 4.1. Neighbourhoods.

### **Built Form, Planned and Built Context**

The Official Plan designates the subject site as *Neighbourhoods*, which are physically stable areas made up of residential uses in lower scale buildings. Chapter 4 outlines the development criteria that is to be considered when evaluating development in *Neighbourhoods*. Policy 4.1.9 outlines the criteria to be applied for infill development on properties that vary from the local patterns in terms of lot size, configuration and/or orientation.

Staff have concerns regarding the number of residential lots, their proposed shapes, configuration, and frontage on a new public street that is not to City design standards. Of particular concern is Lots 4 and 5, their proposed front yard conditions and relationship of the dwellings to the new street. In conjunction with the residential lots and street, there are also concerns with respect to ownership and maintenance of the remnant blocks that will be created but not be developed abutting the new public street. As part of staff's analysis of whether the number, shape and configuration of lots are appropriate, staff will consider whether an alternate layout and configuration can be achieved that is in keeping with the neighbourhood lot pattern.

In addition to the above, staff will also evaluate and assess the appropriateness of the following:

- Heights and massing of the new flat roof dwellings;
- Building lengths and depths;
- The proposed setbacks of the new dwellings; and,
- Landscaped open space.

The plan of subdivision application will also be evaluated and assessed based on Section 51(24) of the Planning Act for matters such as:

- The dimensions and shapes of the proposed lots;
- The conservation of natural resources and flood control; and,
- The area of land within the proposed subdivision that is to be conveyed or dedicated for public purposes.

### **Ravine Protection**

The subject site is within a Toronto and Region Conservation Authority (TRCA) Regulated Area and also within the City of Toronto Ravine and Natural Feature Protection By-law area.

As part of the proposal, one lot is to be created at the rear of the residential lots that will not be developed and is proposed to be transferred to the TRCA as open space. The proposed residential lots are shown to be setback 10 metres from the stable top of bank.

The Urban Forestry Division and the TRCA will be evaluating the proposal and have been circulated.

### **Natural Heritage Protection**

The rear portion of the subject property is located in a Natural Heritage Area as identified on Map 9 of the Official Plan.

An environmental impact study has been submitted with the applications and is under review by the Urban Forestry Division and the TRCA.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an arborist report that includes an inventory of 261 trees on-site and in proximity to the site; 182 trees are to be preserved, 79 are to be removed, and 205 are to be replaced. The arborist report is under review by the Urban Forestry Division.

### **Archaeological Assessment**

The subject site is located in an area that has been identified to have archaeological resource potential. The applications have been deemed incomplete as an archaeological assessment is required and was not submitted with the application. Heritage and Preservation staff will review the archaeological assessment once it has been submitted by the applicant.

### **Infrastructure/Service Capacity**

The applicant has submitted a servicing report that is being reviewed by Engineering and Construction Services to determine if there is sufficient infrastructure capacity (water, sewage, hydro, etc.) to accommodate the proposed development. Staff will also assess the proposed new public right-of-way based on the Development Infrastructure Policy & Standards (DIPS) and Road Engineering Design Guidelines. As currently proposed, the new public street is not to City standards.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. The TGS applies to low-rise development of less than 4 storeys with a minimum of 5 dwelling units. Applications for Zoning By-law Amendments and Draft Plans of Subdivision are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

The applicant has submitted the required TGS Version 3 checklist for low-rise development. Staff will continue to assess compliance with Tier 1 requirements.

## **Other Matters**

Additional issues may be identified through the review of the application, City Division and agency comments and the community consultation process.

## **CONTACT**

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E-mail: Aileen.Keng@toronto.ca

## **SIGNATURE**

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Giulio Cescato, MCIP, RPP  
Acting Director Community Planning,  
North York District

## **ATTACHMENTS**

Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Map  
Attachment 4: Former North York Zoning By-law 7625  
Attachment 5: City of Toronto Zoning By-law 569-2013  
Attachment 6: Site Plan  
Attachment 7: South Front Elevation - Lot #1  
Attachment 8: North Rear Elevation - Lot #1  
Attachment 9: East Side Elevation - Lot #1  
Attachment 10: West Side Elevation - Lot #1  
Attachment 11: Northwest 3D Model of Proposal in Context



## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

Municipal Address: 6 FOXDALE CRT Date Received: December 30, 2020

Application Numbers: 20 234713 NNY 17 OZ and 20 234714 NNY 17 SB

Application Type: Rezoning and Plan of Subdivision

Project Description: Zoning by-law amendment and plan of subdivision applications to permit five two-storey detached dwellings on five lots fronting on a new public street. In addition to the new public street and residential lots, the proposal also would create an open space block and three remnant blocks which are not to be developed at this time.

| <b>Applicant</b>                                           | <b>Agent</b> | <b>Architect</b> | <b>Owner</b>     |
|------------------------------------------------------------|--------------|------------------|------------------|
| EVANS PLANNING INC<br>5151 Keele St<br>Vaughan, ON L4K 1Z7 | ADAM LAYTON  |                  | AYJAN<br>KAVEHEL |

### EXISTING PLANNING CONTROLS

|                            |                  |                          |     |
|----------------------------|------------------|--------------------------|-----|
| Official Plan Designation: | Neighbourhoods   | Site Specific Provision: | N/A |
| Zoning:                    | RD (f18.0; a690) | Heritage Designation:    | N/A |
| Height Limit (m):          | 10               | Site Plan Control Area:  | N/A |

### PROJECT INFORMATION

Site Area (sq m): 8,146 Frontage (m): 15.7

| <b>Building Data</b>        | <b>Existing</b> | <b>Retained</b> | <b>Proposed</b> | <b>Total</b> |
|-----------------------------|-----------------|-----------------|-----------------|--------------|
| Ground Floor Area (sq m):   |                 |                 | 1,078           | 1,078        |
| Residential GFA (sq m):     | 421             |                 | 2,145           | 2,145        |
| Non-Residential GFA (sq m): |                 |                 |                 |              |
| Total GFA (sq m):           | 421             |                 | 2,145           | 2,145        |
| Height - Storeys:           | 2               |                 | 2               | 2            |
| Height - Metres:            |                 |                 | 10              | 10           |

**Floor Area Breakdown    Above Grade (sq m)    Below Grade (sq m)**

Residential GFA:                      2,145

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

| <b>Residential Units<br/>by Tenure</b> | <b>Existing</b> | <b>Retained</b> | <b>Proposed</b> | <b>Total</b> |
|----------------------------------------|-----------------|-----------------|-----------------|--------------|
|----------------------------------------|-----------------|-----------------|-----------------|--------------|

Rental:

|           |   |  |   |   |
|-----------|---|--|---|---|
| Freehold: | 1 |  | 5 | 5 |
|-----------|---|--|---|---|

Condominium:

Other:

|              |   |  |   |   |
|--------------|---|--|---|---|
| Total Units: | 1 |  | 5 | 5 |
|--------------|---|--|---|---|

**Total Residential Units by Size**

|              | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|--------------|-------|----------|-----------|-----------|------------|
| Retained:    |       |          |           |           |            |
| Proposed:    |       |          |           |           | 5          |
| Total Units: |       |          |           |           | 5          |

**Parking and Loading**

|                 |    |                         |   |                |   |
|-----------------|----|-------------------------|---|----------------|---|
| Parking Spaces: | 15 | Bicycle Parking Spaces: | 0 | Loading Docks: | 0 |
|-----------------|----|-------------------------|---|----------------|---|

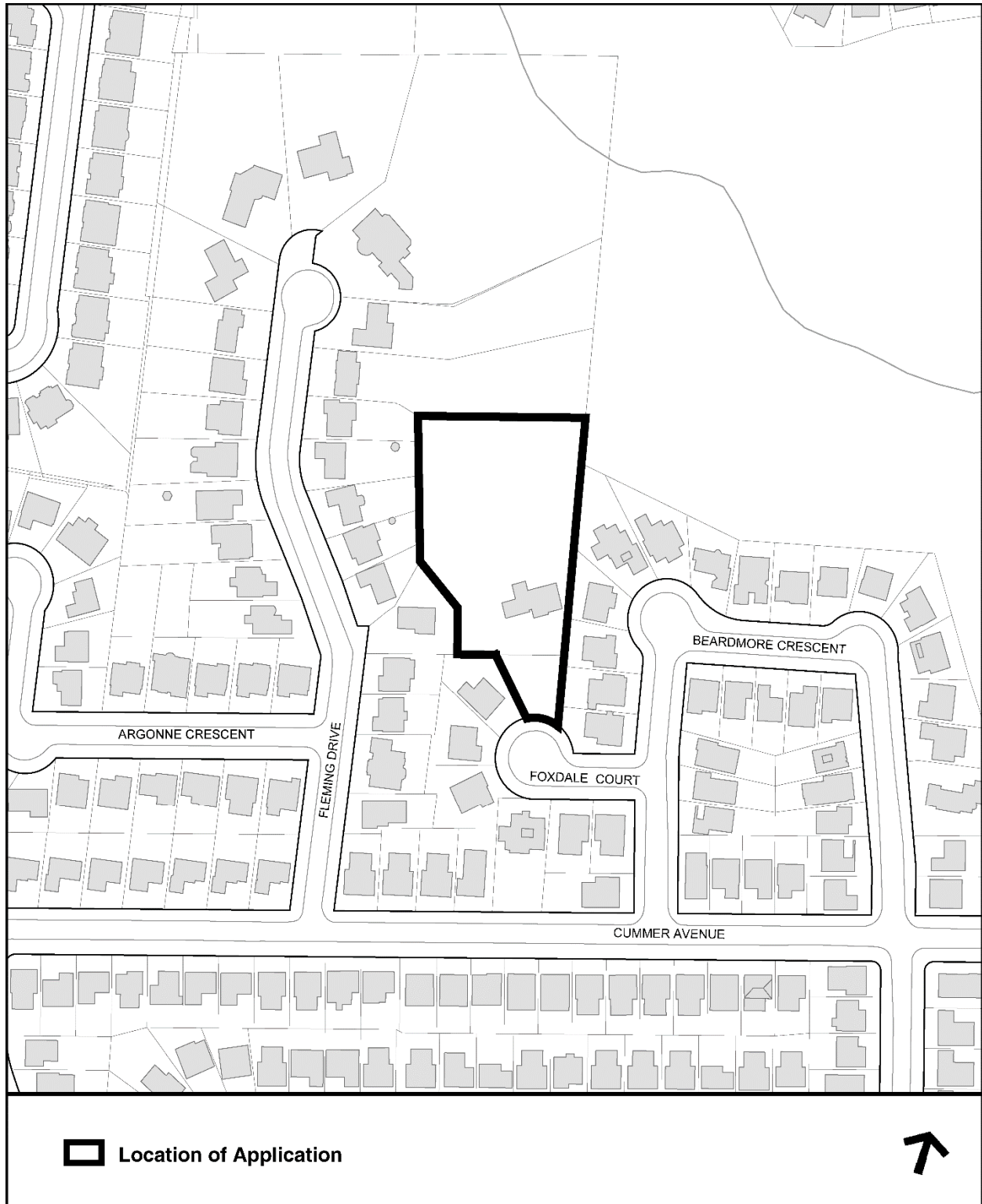
**CONTACT:**

Aileen Keng, Assistant Planner

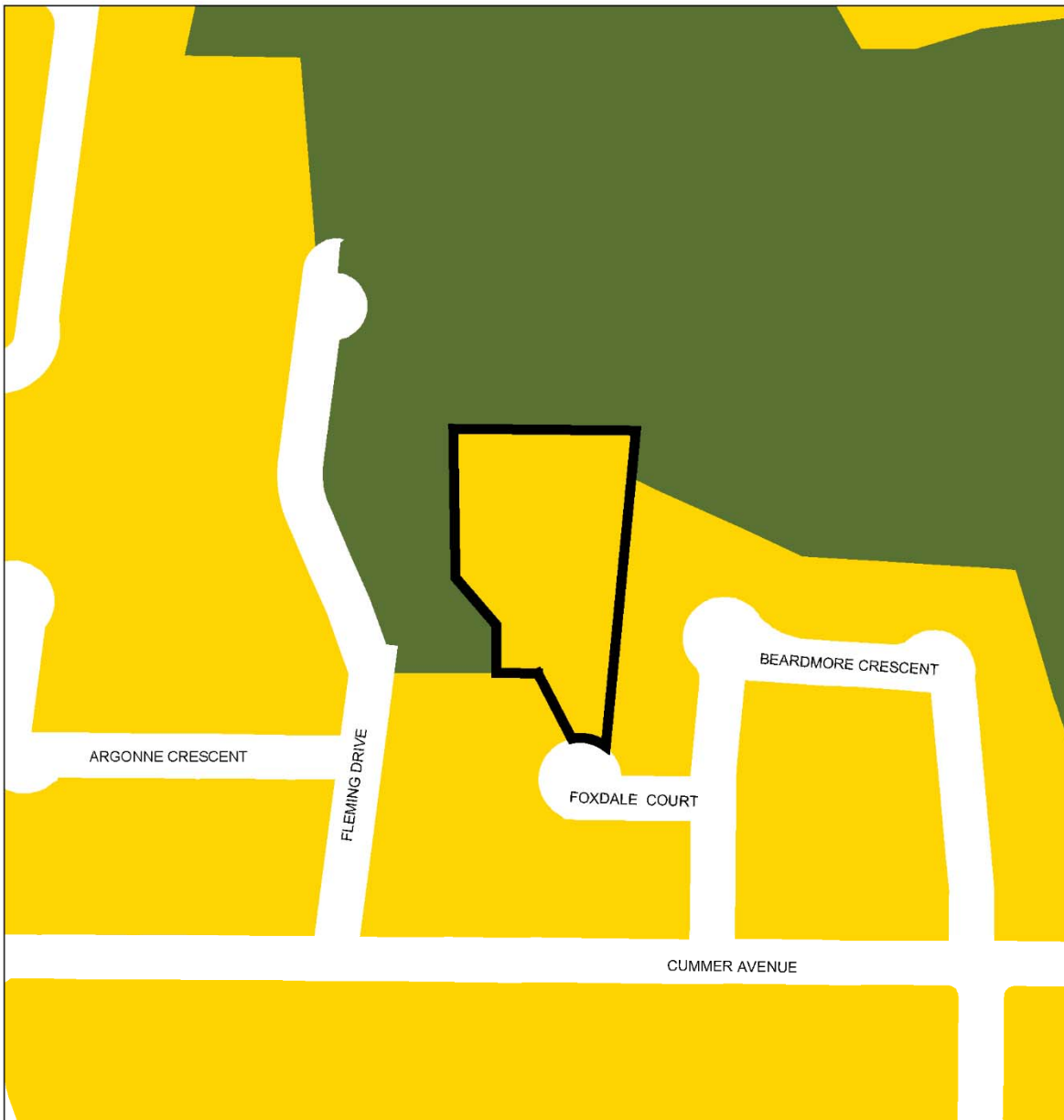
(416)395-7044

Aileen.Keng@toronto.ca

## Attachment 2: Location Map



### Attachment 3: Official Plan Map



#### Official Plan Land Use Map #19

6 Foxdale Court

File # 20 234713 NNY 17 0Z



  
Not to Scale  
Extracted: 01/21/2021

Attachment 4: Former North York Zoning By-law 7625



Zoning By-law 7625

6 Foxdale Court

File # 20 234713 NNY 17 0Z



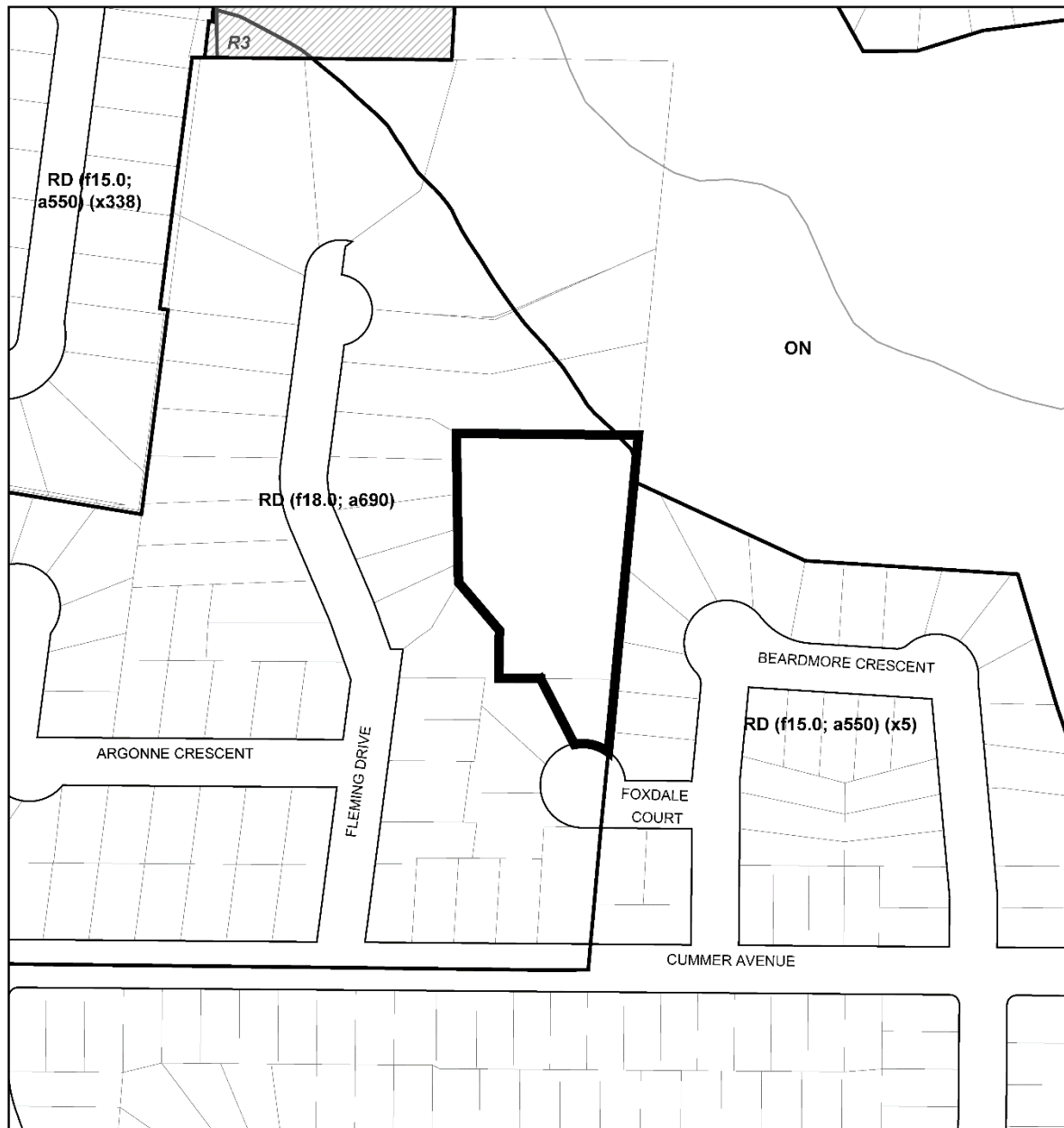
Location of Application

R3 *One-Family Detached Dwelling Third Density Zone*  
R4 *One-Family Detached Dwelling Fourth Density Zone*  
O3 *Semi-Public Open Space Zone*  
G *Greenbelt Zone*



Not to Scale  
Extracted: 01/21/2021

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



**Zoning By-law 569-2013**

**6 Foxdale Court**

**File # 20 234713 NNY 17 0Z**



Location of Application

**RD**  
**ON**

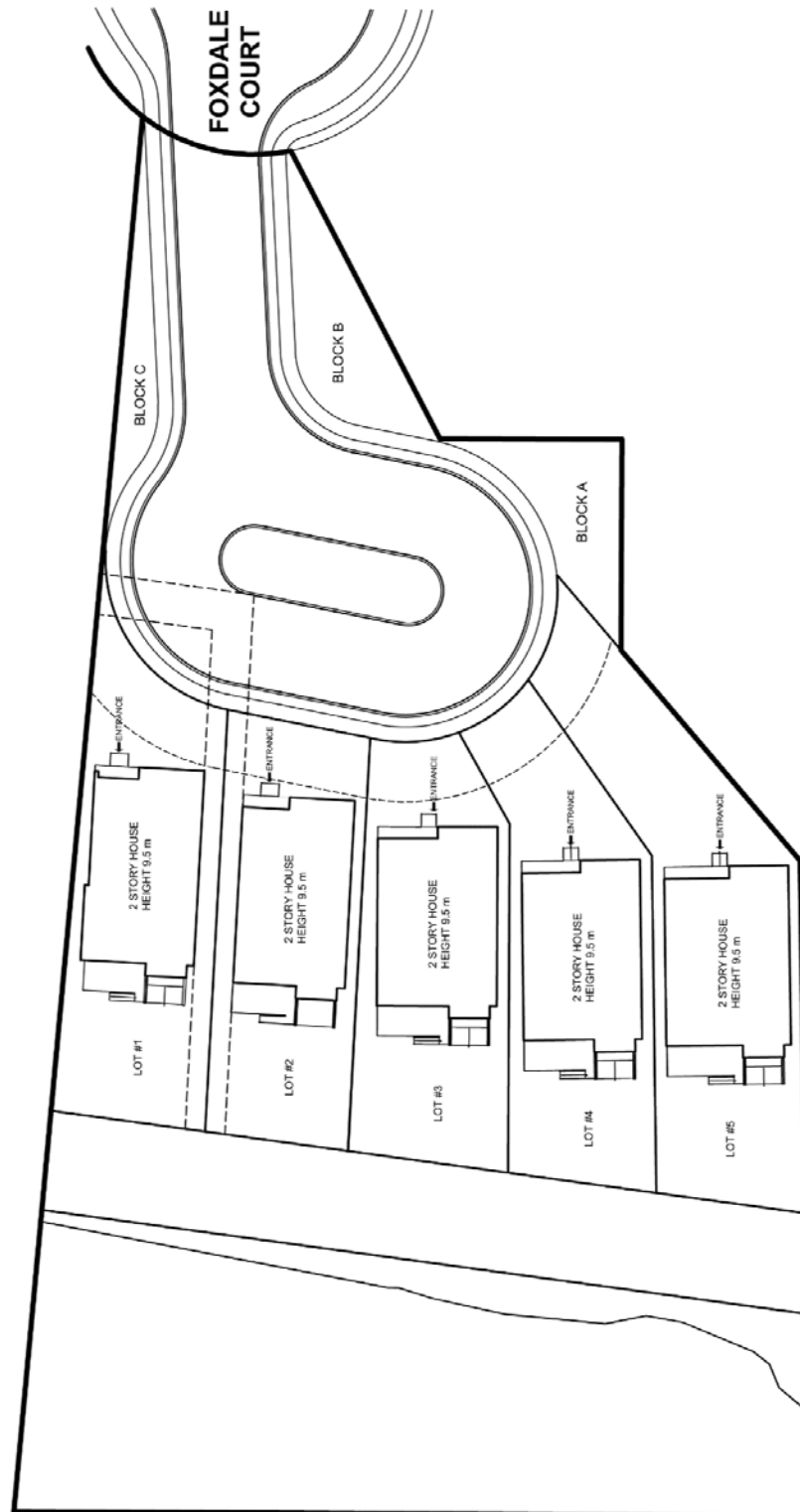
*Residential Detached*  
*Open Space Natural*



See Former City of North York By-law No. 7625  
**R3**  
**G**  
One-Family Detached Dwelling Third Density Zone  
Greenbelt Zone

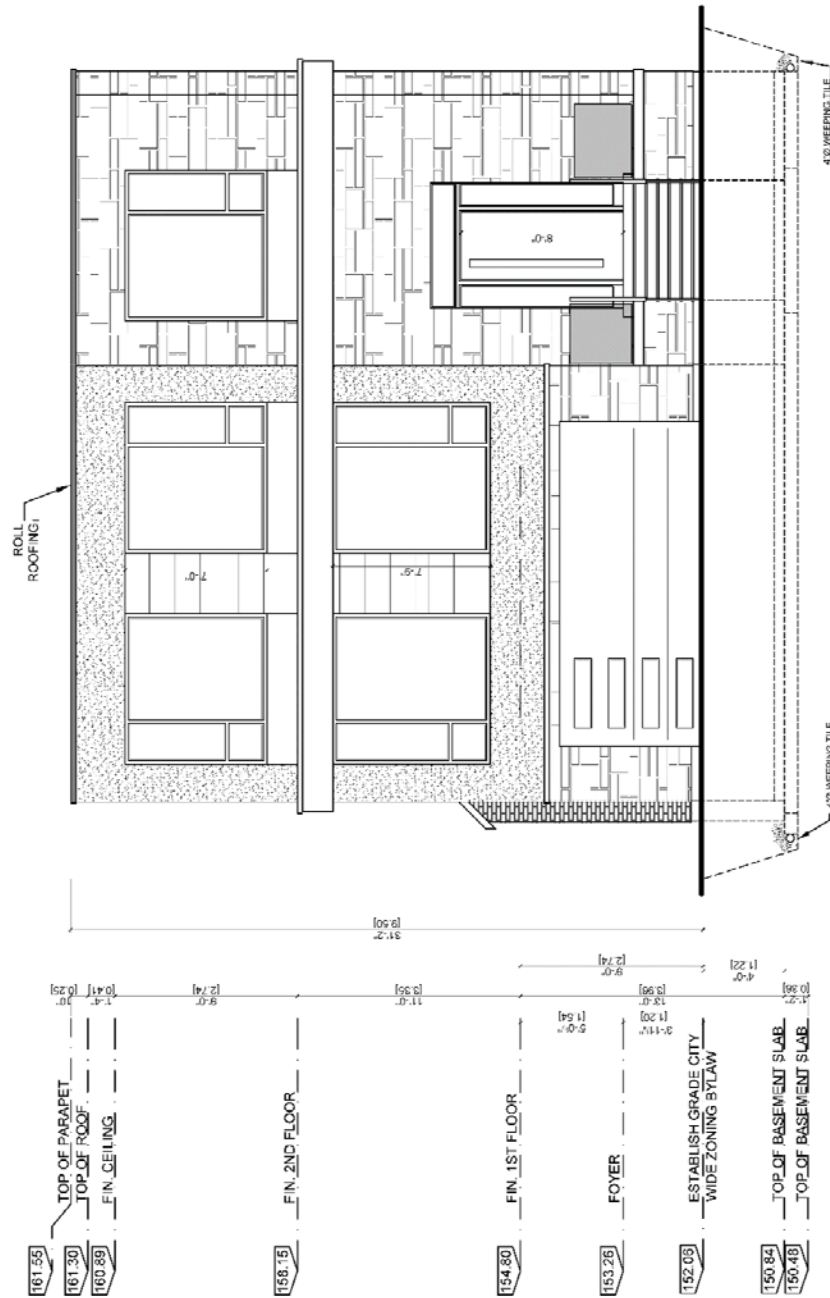


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Site Plan

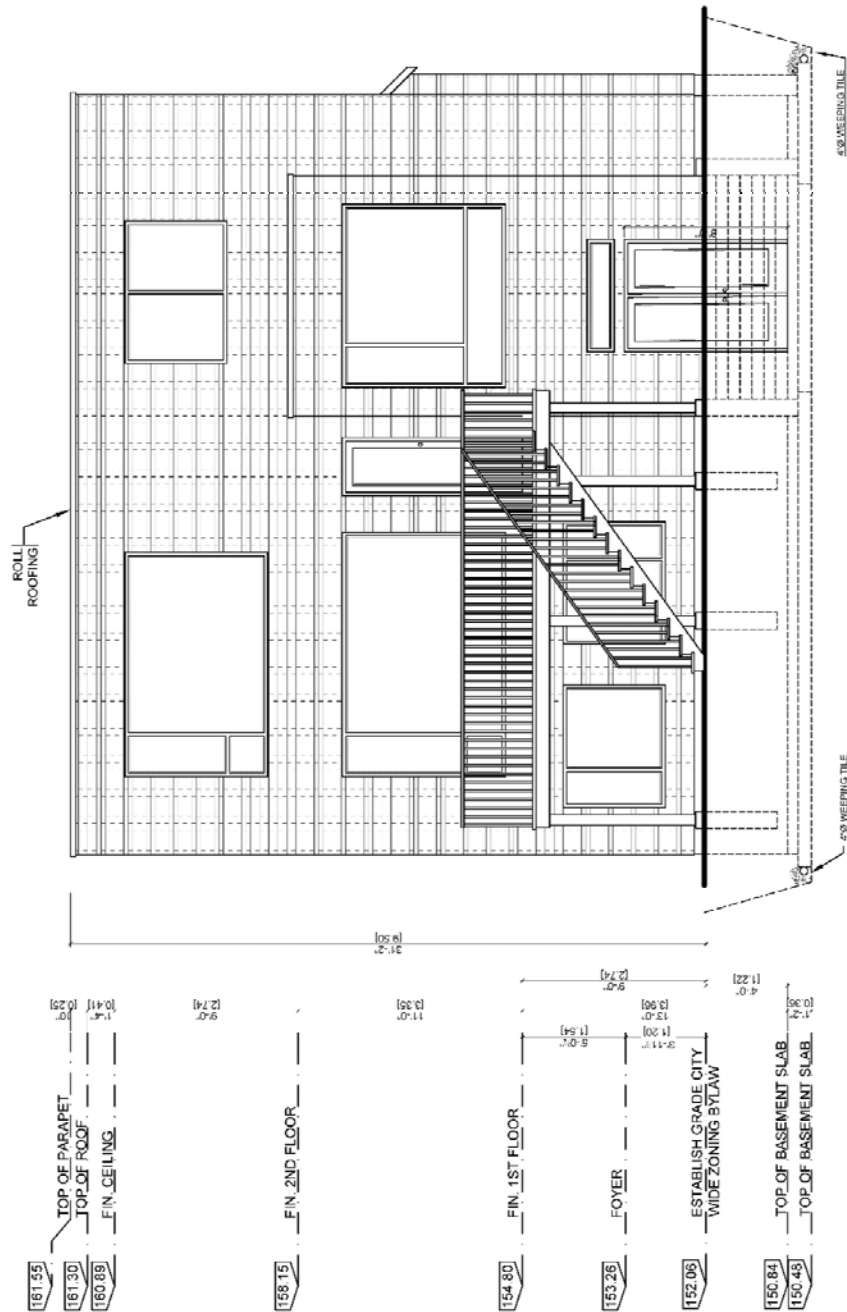
# Attachment 7: South Front Elevation - Lot #1



Front Elevation

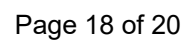


# Attachment 8: North Rear Elevation - Lot #1



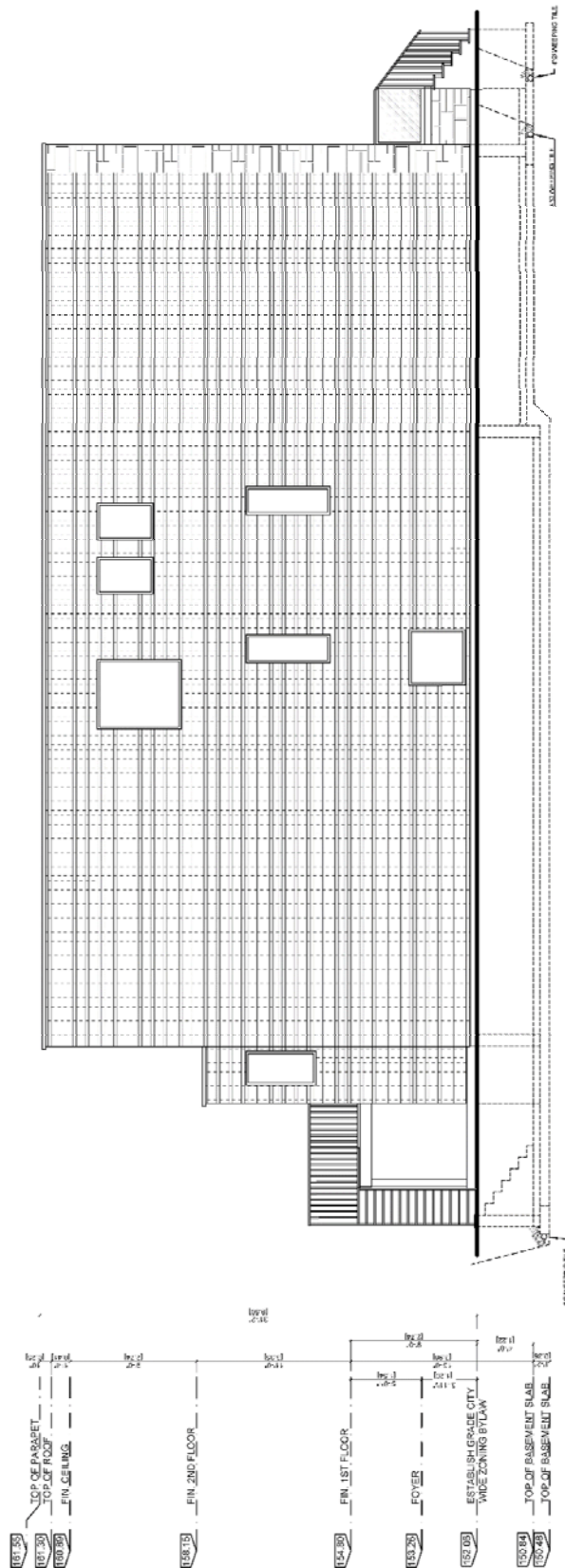
Rear Elevation

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# Attachment 10: West Side Elevation - Lot #1



Side Elevation

## Attachment 11: Northwest 3D Model of Proposal in Context

