

3072, 3078 and 3080 Bayview Avenue and 7 Lawnview Drive – Zoning By-law Amendment Application – Final Report

Date: August 23, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward 18 - Willowdale

Planning Application Number: 17 215053 NNY 23 OZ

SUMMARY

This application proposes to amend both the former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 to permit a private school and existing day nursery in a standalone building at 3072, 3078 and 3080 Bayview Avenue. There is no construction or alterations to the existing buildings proposed as part of the application.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the City of Toronto's Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-laws. The proposal would permit a private school as-of-right, whereas a private school is currently permitted as a legal non-conforming use under Zoning By-law 569-2013. The permissions for the day nursery would permit the existing day nursery which is located in a standalone building. Day nurseries are permitted in both Zoning By-laws 7625 and 569-2013 provided it's within a building with another use, including a public school, private school, place of worship, community centre, or library. The application seeks to maintain the existing scale of these uses as there is no construction proposed that would increase the scale or intensity. The proposed institutional uses are recognized in the Official Plan for playing an important role in the rhythm of daily life in *Neighbourhoods*.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of North York Zoning By-law 7625, as amended, for the lands at 3072, 3078 and 3080 Bayview Avenue substantially in accordance with the draft

Zoning By-law Amendment attached as Attachment 6 to this report, from the Acting Director, Community Planning, North York District.

2. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 3072, 3078 and 3080 Bayview Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report, from the Acting Director, Community Planning, North York District.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

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

The existing place of worship has been present on the subject site and in the community since 1964. In 1966, a Jewish parochial school was introduced on the site. Following the construction of the two-storey principal building that exists today, the parochial school and place of worship moved into the building. The parochial school operated on-site until August of 2013 and was replaced by a private school tenant.

The existing daycare has been operating in a standalone building on the subject site since 2011.

An application to amend the Zoning By-law was submitted on August 11, 2017 to permit a private school, commercial school, and a day nursery in a standalone building. The Preliminary Report, dated June 15, 2018 from the Director, Community Planning, North York District was adopted by North York Community Council on July 4, 2018. A copy of the Preliminary Report and Community Council's direction can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.23>

On August 25, 2020, Toronto Building issued an examiner's notice on an application for Preliminary Project Review that determined the private school use on the subject site was legal non-conforming.

PROPOSAL

The application to amend the former City of North York Zoning By-law 7625 and the City of Toronto Zoning By-law 569-2013 proposes to legalize and permit a private school and an existing day nursery in a standalone building at 3072, 3078 and 3080 Bayview Avenue. There is no construction or alterations to the existing buildings proposed as part of the application. When the application was initially submitted, it sought to permit a commercial school, private school, and day nursery in a standalone building. The application was subsequently revised and no longer seeks permission for a commercial school.

The private school would operate within the same two-storey principal building as the place of worship and the day nursery would continue to operate within a one-storey standalone building towards the western limit of the site.

The application proposes to maintain the two existing accesses off Bayview Avenue and the existing access off McKee Avenue, which functions as a one-way, exit-only access. The subject site is currently comprised largely of surface parking with a total of 207 parking spaces.

The subject site abuts residential properties to the north, west, and south. Where the subject site abuts residential properties, a landscape strip and 1.8 metre tall privacy fence is proposed or will be maintained. The landscape strips and privacy fence would be requirements in the site-specific Zoning By-laws.

The subject site is also subject to consent and minor variance applications (Application Nos. B0006/21NY and A0084/21NY) that will be considered by the Committee of Adjustment. The consent application proposes to sever 7 Lawnview Drive which is located at the northwest corner of the site and is currently occupied by a detached dwelling.

The rear yard of 7 Lawnview Drive is currently comprised of parking spaces that supports the place of worship, private school, and day nursery uses on the site. Post-severance, the rear yard of 7 Lawnview Drive would be converted to soft landscaping. In order to facilitate the proposed severance, there would be a loss of 6 parking spaces, bringing the total number of parking spaces on the broader site to 201 spaces. The minor variances which result from the consent application are related to the size of the lot that is to be conveyed and the side yard setback.

The proposed amendments to the Zoning By-laws would not apply to 7 Lawnview Drive.

Reasons for Application

The application to amend the Zoning By-laws proposes to permit a private school as-of-right and a day nursery in a standalone building at 3072, 3078 and 3080 Bayview Avenue.

Although a private school is permitted as a legal non-conforming use, the application to amend the Zoning By-law proposes to permit the private school use as-of-right. A legal non-conforming use exists when the zoning for the site does not permit its current use, but this use was permitted and was in existence prior to the enactment of the current Zoning By-law. The private school use is considered a legal non-conforming use because it was permitted in the One-Family Detached Dwelling Third Density (R3) zone in the former City of North York Zoning By-law 7625 but is not permitted in the Residential Detached (RD) zone of the City of Toronto Zoning By-law 569-2013. Zoning By-law 7625 defines schools as a "school under the jurisdiction of the North York Board of Education or the Metropolitan Toronto Separate School Board, or similar educational institutions offering elementary or secondary education."

The as-of-right permission for a private school would not limit the use to the conditions and restrictions applicable to legal non-conforming uses.

Day nurseries are permitted in both the R3 and RD zones, provided they are located in a building with another use, including a public school, private school, place of worship, community centre, or library. The application seeks to legalize the existing day nursery which is located within a standalone building on the subject site.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Planning Justification Report
- Arborist/Tree Preservation Report
- Traffic Operation and Parking Study
- Site Servicing and Stormwater Management Report
- Hydrogeological Report

The reports and studies submitted by the applicant are available on the City's Application Information Centre (AIC):

<http://app.toronto.ca/AIC/index.do?folderRsn=T3wC0BLrqq4ovyVFyCqg%2Fg%3D%3D>

Agency Circulation Outcomes

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 and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting

held by North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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 (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

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 (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 policies of the Growth Plan (2020), 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
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respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

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 subject site is designated *Neighbourhoods* on Map 16 Land Use Map, see Attachment 3: Official Plan Land Use Map. The Official Plan describes *Neighbourhoods* as areas containing a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions, and small-scale stores and shops serving the needs of area residents. The *Neighbourhoods* policies go on to state that low scale local institutions play an important role in the rhythm of daily life in *Neighbourhoods* and include such uses as: schools, places of worship, community centres, libraries, and day nurseries, among others.

The Official Plan recognizes that historical patterns of development have added to the variety of educational uses in *Neighbourhoods*. Policies such as Policy 4.1.2 have regard for the suitable integration of schools within the context of *Neighbourhoods*.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The subject site is currently zoned One-Family Detached Dwelling Third Density Zone (R3) in the former City of North York Zoning By-law 7625, see Attachment 4: Existing Zoning By-law 7625 Map. The R3 zone permits detached dwellings and accessory buildings in addition to a range of institutional uses. School uses are permitted in the R3 zone. Day nurseries are permitted in the R3 zone provided the day nursery is within a place of worship, in buildings owned by the City of North York, or in schools under the jurisdiction of public school boards.

Zoning By-law 7625 defines schools as a "school under the jurisdiction of the North York Board of Education or the Metropolitan Toronto Separate School Board, or similar educational institutions offering elementary or secondary education."

The subject site is zoned Residential Detached Zone RD (f15.0; a600)(x5) in the City of Toronto Zoning By-law 569-2013, see Attachment 5: Existing Zoning By-law 569-2013 Map. The RD zone permits dwelling units within detached houses and requires lots to have a minimum lot frontage of 15 metres and a minimum lot area of 600 square

metres. A number of recreational and institutional uses are also permitted in the RD zone, subject to conditions. Exception 5 under Zoning By-law 569-2013 applies to the subject site and requires minimum side yard setbacks of 1.8 metres. Schools are not permitted in the RD zone, unless the school lawfully existed before the passing of Zoning By-law 569-2013 on May 9, 2013. The RD zone permits day nurseries provided the day nursery is within an apartment building or building with one or more of the following uses: public school, private school, place of worship, community centre, or library.

Toronto Building staff determined the private school lawfully existed before the passing of Zoning By-law 569-2013 on May 9, 2013 and the use was therefore determined to be legal non-conforming.

Site Plan Control

The application is not subject to Site Plan Control. Toronto Building staff determined that permitting a private school as-of-right and legalizing the day nursery in a standalone building did not constitute 'development', as defined in Toronto Municipal Code Chapter 415, because it would not substantially increase the size or usability of one or more buildings or structures on the lands.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS (2020) and the Growth Plan (2020) are high-level and broad reaching policy documents. The PPS and the Growth Plan (2020) encourage intensification and redevelopment in urban areas and direct planning authorities to identify appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, Policy 4.6 of the PPS recognizes that the Official Plan is the most important vehicle for the implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies. The City of Toronto Official Plan establishes areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

The City's Official Plan contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock and protects the character of the area consistent with the direction of the PPS.

The PPS recognizes that healthy, liveable and safe communities are sustained by "accommodating an appropriate affordable and marked-based range and mix of residential types, institutional, recreation, park and open space, and other uses to meet long term needs", among other considerations.

The guiding principles of the Growth Plan (2020) direct supporting the achievement of "complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime." The Growth Plan (2020) defines complete communities as areas "that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts."

The Growth Plan (2020), through Policy 3.2.8, directs existing and new public service facilities, including schools, to be located in settlement areas with preference given to sites that are easily accessible by active transportation and transit.

The subject site is located within the *Neighbourhoods* designation of the City's Official Plan. Institutional uses, which include schools and day nurseries, are permitted within *Neighbourhoods* and are recognized as playing an important role in the rhythm of daily life. The subject site is also located along a major street, as shown on Map 3 of the Official Plan, where the Toronto Transit Commission (TTC) operates frequent bus service.

The subject site's location within a settlement area and with frontage on a major street with transit service aligns with the Growth Plan's preferences of where existing and new public service facilities should be located.

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020) and staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020). Both policy documents recognize the provision of a mix of uses that can be conveniently accessed, including institutional uses, which contribute to healthy and liveable communities.

Land Use

The application seeks to permit a private school and day nursery in a standalone building. There is no construction or alterations proposed to facilitate the operation of the proposed uses within the existing buildings on the subject site. Schools (public and private) and day nurseries are permitted within the Official Plan's *Neighbourhoods* designation and are recognized for playing an important role in the rhythm of daily life in *Neighbourhoods*.

Historical development patterns within the City have added to the variety of educational uses in *Neighbourhoods*. To ensure the suitable integration of schools within the context of *Neighbourhoods*, Policy 4.1.2 directs schools to "provide open space for outdoor student activities and landscaping and will be designed and operated to limit noise, privacy and traffic impacts on neighbouring residents."

As required by Policy 4.1.2 of the Official Plan, outdoor student activities would be accommodated in front of the principal building, towards the Bayview Avenue frontage. This portion of the site is located away from the abutting residential properties, does not impact any drive aisles, and would not be used for parking during the operating hours of the private school. The area dedicated to outdoor student activities is approximately 417 square metres in size which is comparable to the size of a standard basketball court. An outdoor play space located directly to the east of the day nursery building functions as a dedicated outdoor play space for the day nursery and includes a play structure.

The subject site contains three buildings, including the principal building where the place of worship and private school are located, a standalone building containing the day nursery, and a detached dwelling at 7 Lawnview Drive which is proposed to be severed. The existing principal and day nursery buildings are appropriately setback from the adjacent residential properties. The portion of the principal building where the private school would be located is setback between 14 and 28 metres from the closest residential property. The day nursery building would be setback approximately 9 metres from 7 Lawnview Drive, the closest residential property.

In order to limit privacy and noise impacts to the residential properties to the north, east, and south, the draft Zoning By-laws require a landscape strip and privacy fence along the subject site's northern, western, and southern property lines. Landscape strips and privacy fencing are regularly used to appropriately buffer between sites with varying uses and developments of varying intensities and scales.

The permission for the private school as of right and day nursery would maintain what is presently on-site and does not change the intensity or scale of the development. One way in which an as-of-right permission varies from a legal non-conforming use is that the as-of-right permission would allow the use to continue to operate in the event of a potential break in continuous usage. Operations would continue within the existing buildings as there is no proposed construction or alterations to expand the buildings. If the owner were to expand the scale of the use by altering, adding, or demolishing and rebuilding the existing buildings, those changes could trigger further amendments to the Zoning By-laws and Site Plan Control where staff would be required to review and assess the merits of the applications, despite the use already being permitted.

While day nurseries are permitted in both Zoning By-laws 7625 and 569-2013, the day nursery as proposed, does not meet the locational requirements of the Zoning By-laws because the proposed day nursery is located in a standalone building directly adjacent to the principal building.

An analysis of community services and facilities (CS and F) in the North York Centre found that there was a need to monitor the provision and demand for new licensed child care spaces to maintain service levels. The day nursery currently in operation on the subject site, is located within the North York Centre CS and F Study Area, and was captured in the list of existing child care facilities in the Study Area, as of June of 2019.

The findings of the CS and F Study found the need to maintain, improve, and expand existing CS and F in the Study Area in order to keep pace with growth. Legalizing the

existing day nursery and permitting it to be located within a standalone building, adjacent to a place of worship, is largely consistent with the Zoning By-law requirements and contributes to fulfilling a CS and F need in the area.

Staff are satisfied that the proposed uses are appropriate and are consistent with the Zoning By-law requirements and conform to the Official Plan. The proposed amendments are largely technical and do not facilitate any changes to the scale or intensity of each use.

Access and Parking

The subject application proposes to maintain the existing three vehicular accesses, of which two are located off Bayview Avenue and one is off McKee Avenue. To limit traffic impacts on McKee Avenue, a local street, the McKee Avenue access is a one-way, exit-only access.

Pedestrians currently gain access to the subject site from Bayview Avenue, McKee Avenue, and Lawnview Drive. In response to concerns expressed by the local community during the community consultation meeting, pedestrian access to Lawnview Drive would be restricted through the provision of a fence and a locked gate. A fire hydrant is located where Lawnview Drive terminates directly adjacent to the subject site and in order to facilitate emergency access, a gate is required. Fire Services have indicated that a locked gate will not impede emergency access. The fence would be a requirement of the site-specific Zoning By-laws. In addition, when the consent application is considered by the Committee of Adjustment, staff will recommend the provision of a fence and gate as a condition of approval.

The subject site is currently comprised of 207 surface parking spaces, however, the proposed severance of 7 Lawnview Drive would result in the loss of 25 parking spaces. Since the subject site is still governed by Zoning By-law 7625, the parking rates of this by-law continue to apply. However, Transportation Services staff require the site to satisfy the parking requirements of City of Toronto Zoning By-law 569-2013. Transportation Services staff have identified that the parking requirements of the subject site, according to Zoning By-law 569-2013, is 182 spaces. The existing and future parking supply, including after an approval of the severance application, would satisfy the parking requirement.

The site-specific by-law as part of this application to amend Zoning By-law 7625 brings forward the parking requirements of Zoning By-law 569-2013 and requires 23 spaces per 100 square metres of worship area for the place of worship, 1.5 spaces per 100 square metres of private school space, and 1.0 space per 100 square metres of day nursery space.

Transportation Services staff reviewed the subject application and did not identify any concerns or require any revisions to the parking supply, vehicular access, or loading spaces.

Community Consultation

On June 19, 2019, City Planning staff, together with the local Ward Councillor, held a community consultation meeting where the applicant and approximately 75 members of the public attended. Comments raised by the public included concerns related to:

- The lack of green space and appropriate buffering between the subject site and adjacent residential properties;
- The incompatibility between residential uses and school and day nursery uses;
- Pedestrian access from Lawnview Drive;
- A commercial school resulting in the operation of commercial uses on the site;
- Users of the site using McKee Avenue to access transit services; and
- Lack of parking, particularly during events and holiday services hosted by the place of worship.

In addition to the above, members of the public shared conflicting opinions related to the community benefits of the proposed uses. Some felt the proposed uses would provide the local and broader community with benefits, while others disagreed.

As a result of Toronto Building's determination related to the legal non-conforming use and the subsequent revision eliminating the request for a commercial school from the application, the local Ward Councillor hosted a community information meeting on July 13, 2021. City Planning and Toronto Building staff attended to answer questions from the community. Questions were largely related to how the legal non-conforming use determination was made, how the determination impacted the active applications, and next steps of the subject application as well as the consent and minor variance applications.

Conclusion

The subject application has been reviewed against the policies of the PPS (2020), Growth Plan (2020), the Official Plan, and Zoning By-laws. Staff are of the opinion that the proposed amendments to the Zoning By-laws are consistent with the PPS (2020) and conform to and do not conflict with the Growth Plan (2020); the proposal conforms to the Official Plan, particularly as it relates to the suitable integration of institutional uses in *Neighbourhoods*. Furthermore, staff are satisfied that the proposed private school and day nursery uses are appropriate and are consistent with the policy direction of the Official Plan and the Zoning By-law requirements. The proposed amendments are largely technical and do not facilitate any changes to the scale or intensity of each use.

The provision of landscape strips and privacy fencing, which are a requirement of the site-specific by-laws, contribute to the appropriate buffering of the subject site and abutting residential properties. Staff recommend City Council approve the proposed amendments to Zoning By-laws 7625 and 569-2013.

CONTACT

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SIGNATURE

John Andreevski, Acting 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 7625 Map
- Attachment 5: Existing Zoning By-law 569-2013 Map
- Attachment 6: Draft Zoning By-law 7625 Amendment
- Attachment 7: Draft Zoning By-law 569-2013 Amendment

Applicant Submitted Drawings

- Attachment 8: Site Plan

APPLICATION DATA SHEET

Municipal Address: 3072, 3078 & 3080 BAYVIEW AVE **Date Received:** August 11, 2017

Application Number: 17 215053 NNY 23 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal to permit a private school and existing day nursery in a standalone building.

Applicant	Architect	Owner
BOUSFIELDS INC 200- 3 CHURCH ST TORONTO, ON M5E 1M2	AMBIENT DESIGNS 1115 COLLEGE ST TORONTO, ON M6H 1B5	BETH TIKVAH SYNAGOGUE 3080 BAYVIEW AVE TORONTO, ON M2N 5L3

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: Exception 5

Zoning: RD (f15.0; a600)(x5) Heritage Designation: N

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

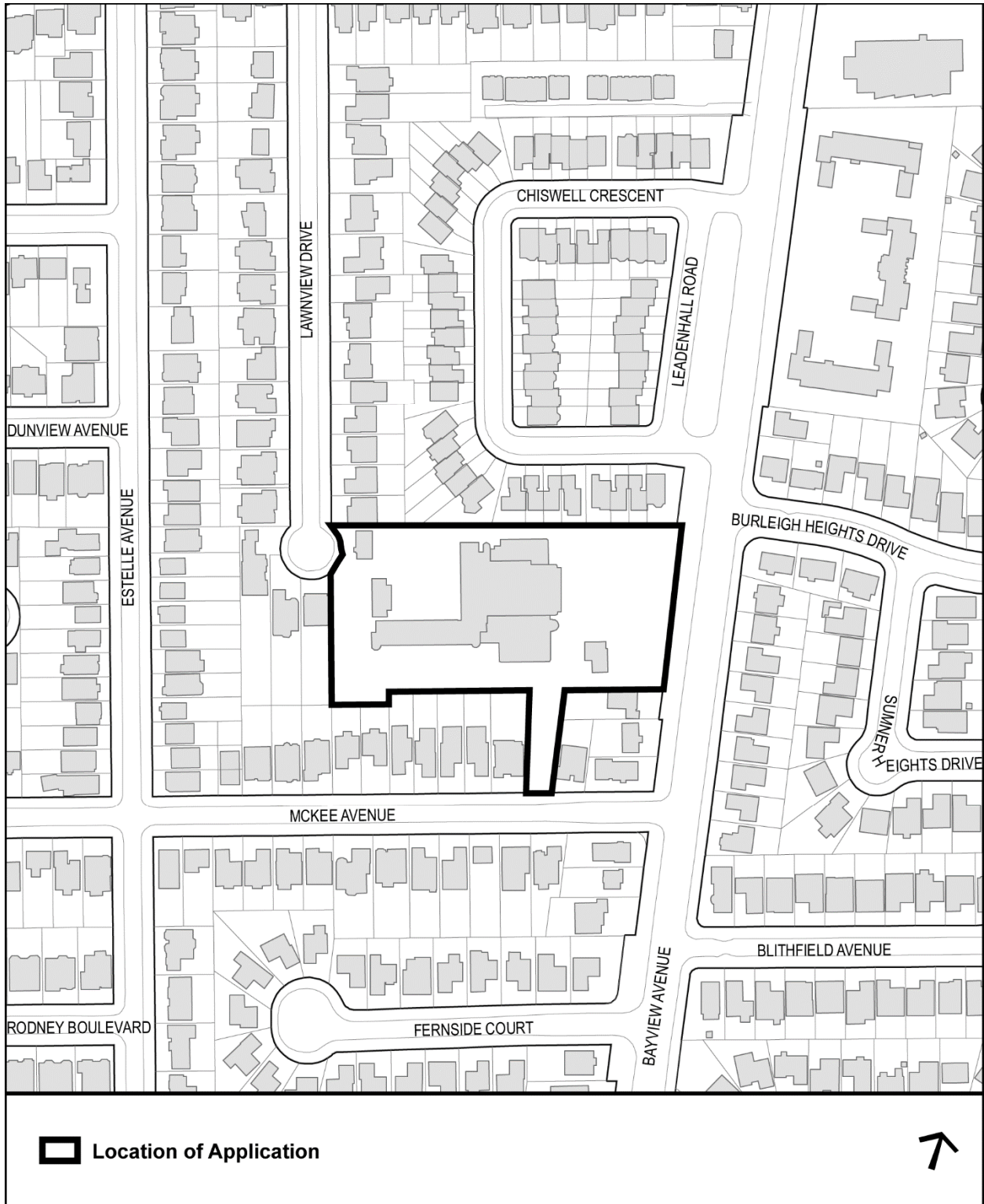
PROJECT INFORMATION

Site Area (sq m): 15,526 Frontage (m): 83 Depth (m): 181

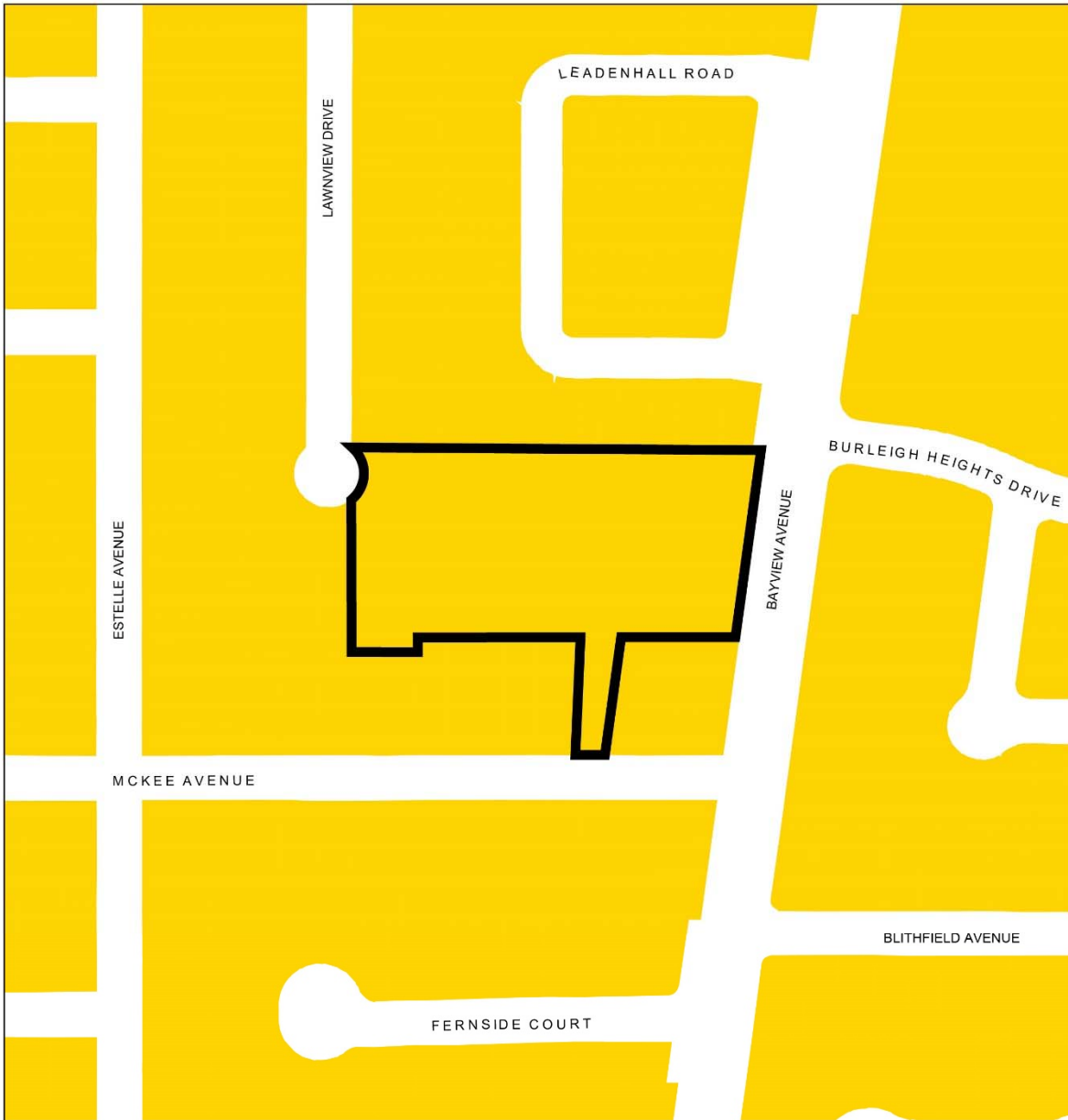
Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,450	2,450		2,450
Residential GFA (sq m):				
Non-Residential GFA (sq m):	7,539	7,539		7,539
Total GFA (sq m):	7,539	7,539		7,539
Height - Storeys:	2	2		2
Height - Metres:	10	10		10

Lot Coverage Ratio (%): 15.8 Floor Space Index: 0.49

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map




Official Plan Land Use Map #16

3072, 3078, 3080 Bayview Avenue & 7 Lawnview Drive

File # 17 215053 NNY 23 OZ

-  Location of Application
-  Neighbourhoods


Not to Scale
Extracted: 08/03/2021

Attachment 4: Existing Zoning By-law 7625 Map



Zoning By-law 7625

3072, 3078, 3080 Bayview Avenue & 7 Lawnview Drive

File # 17 215053 NNY 23 0Z



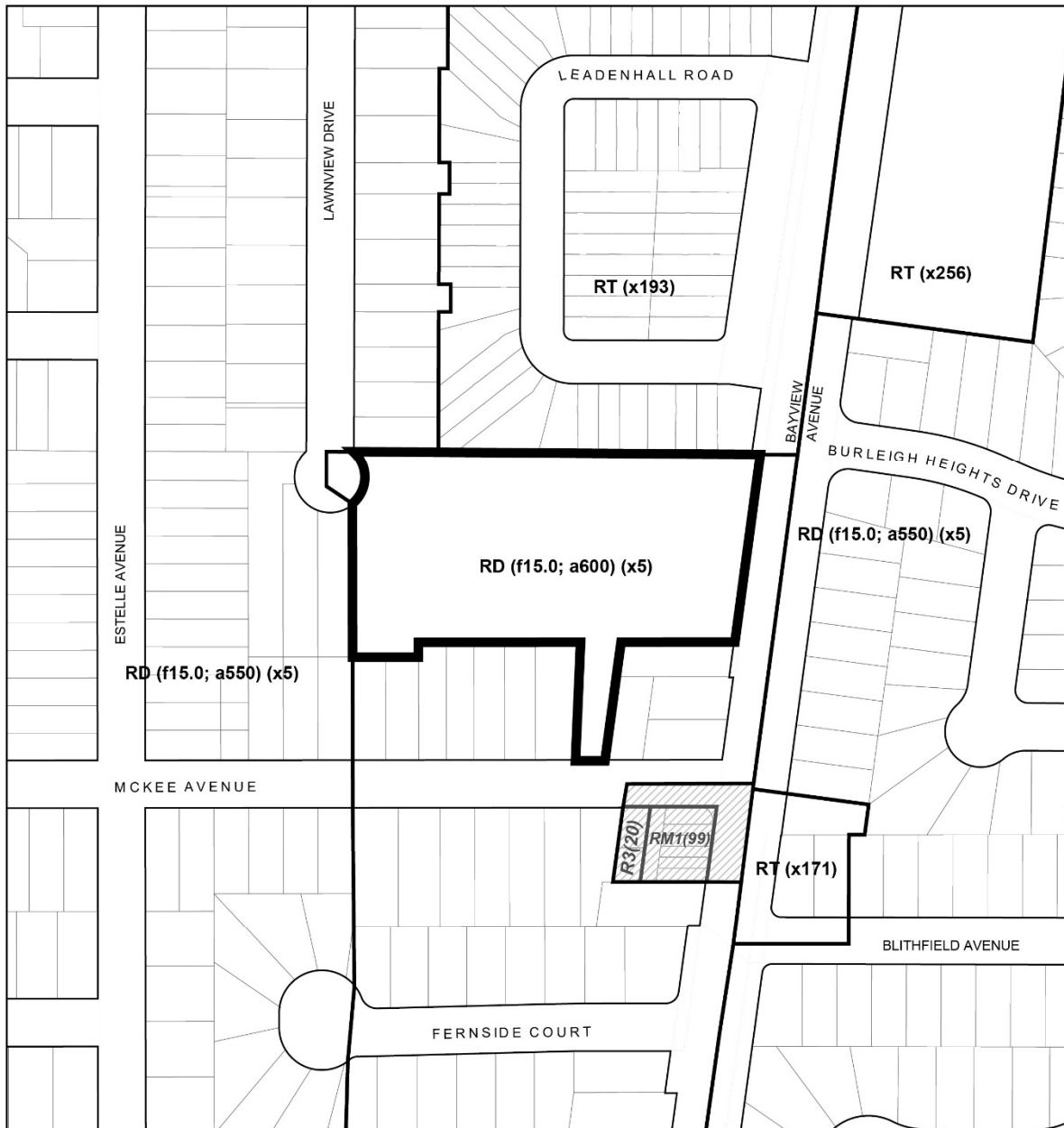
Location of Application

- R3 *One-Family Detached Dwelling Third Density Zone*
- R4 *One-Family Detached Dwelling Fourth Density Zone*
- RM1 *Multiple-Family Dwellings First Density Zone*



Not to Scale
Extracted: 08/03/2021

Attachment 5: Existing Zoning By-law 569-2013 Map





Zoning By-law 569-2013

3072, 3078, 3080 Bayview Avenue & 7 Lawnview Drive

File # 17 215053 NNY 23 0Z

 Location of Application
RD Residential Detached
RT Residential Townhouse

 See Former City of North York By-law No. 7625
R3 One-Family Detached Dwelling Third Density Zone
RM1 Multiple-Family Dwellings First Density Zone


 Not to Scale
 Extracted: 08/03/2021

Attachment 6: Draft Zoning By-law 7625 Amendment

Authority: North York Community Council Item ~ as adopted as amended, by City of Toronto Council on ~, 2021

CITY OF TORONTO

BY-LAW No. XXX-2021

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 3072, 3078, and 3080 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*;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625, as amended, of the former City of North York are amended in accordance with Schedule "1" of this By-law.
2. Section 64.12 of By-law 7625 of the former City of North York, as amended, is further amended by adding the following new subsection:

64.12 (25) R3 (25)

DEFINITIONS

- (a) For the purpose of this exception, "Private School" shall mean the premises used for elementary or secondary education regulated under the Education Act, R.S.O. 1990, c. E.2, as amended, but not publicly funded under the Act.

PERMITTED USES

- (b) In addition to the uses identified in Section 12.1 (Permitted Uses), the following uses shall be permitted on the lands identified on Schedule "1":
 - (i) A private school;
 - (ii) A day nursery shall be permitted in a standalone building.

PARKING

- (c) Parking spaces on the lands identified on Schedule 1 shall be provided in

accordance with the following minimum requirements:

- (i) A day nursery shall provide 1.0 parking spaces for each 100 square metres of gross floor area;
- (ii) A private school shall provide 1.5 parking spaces for each 100 square metres of gross floor area;
- (iii) A place of worship shall provide the greater of:
 - a. 23.0 parking spaces for each 100 square metres of worship area if there is permanent or fixed seating; or
 - b. 27.0 parking spaces for each 100 square metres of worship area if there is no seating or variable seating.

LANDSCAPING

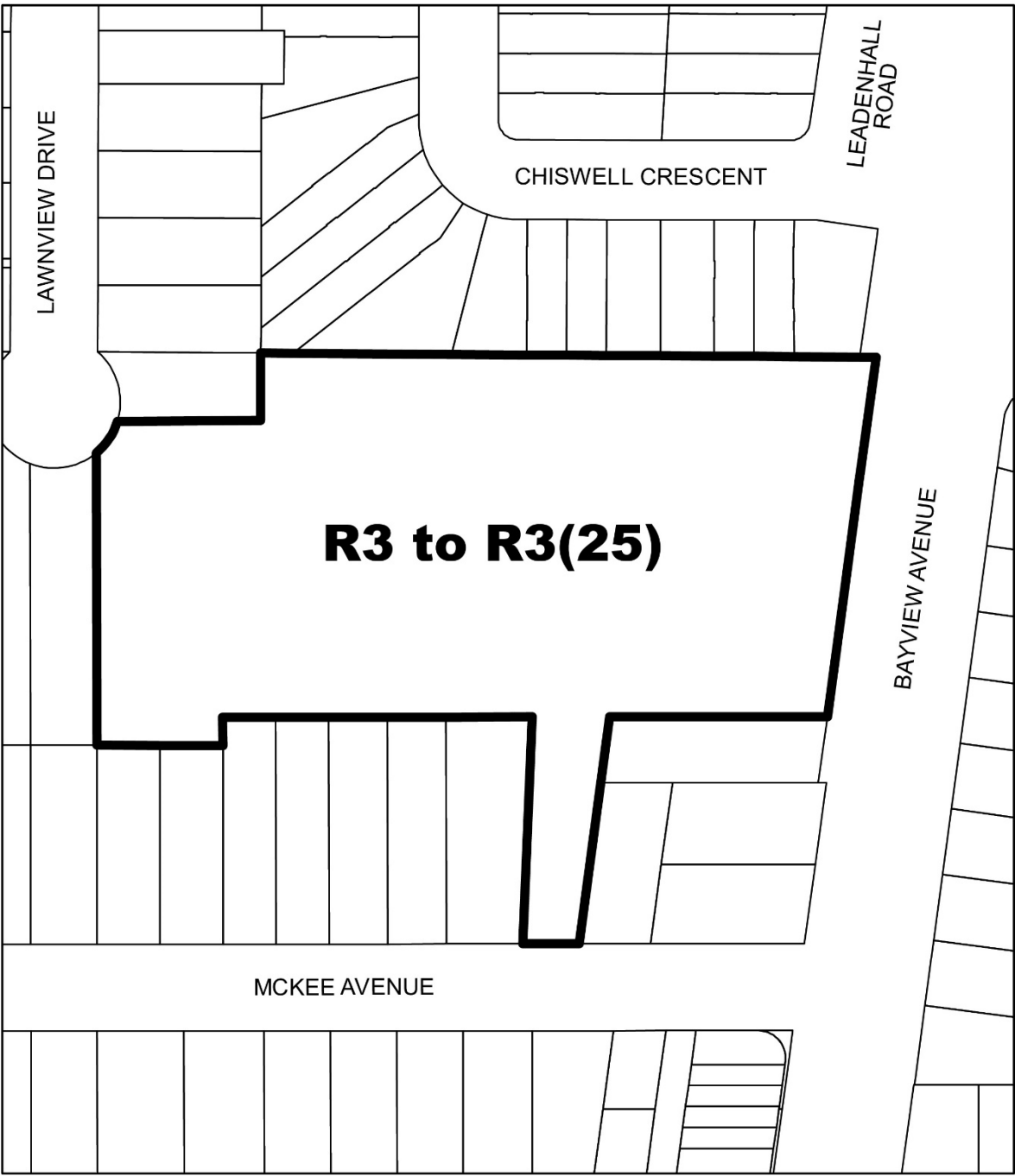
- (d) The minimum required soft landscaping shall be provided in accordance with the areas identified on Schedule R3 (25) of this By-law.
 - (e) A privacy fence 1.8 metres in height shall be provided in accordance with the areas identified on Schedule R3 (25) of this By-law.
- 4.** Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, 2021.

Frances Nunziata
Speaker

John D. Elvidge
Interim City Clerk

(Corporate Seal)

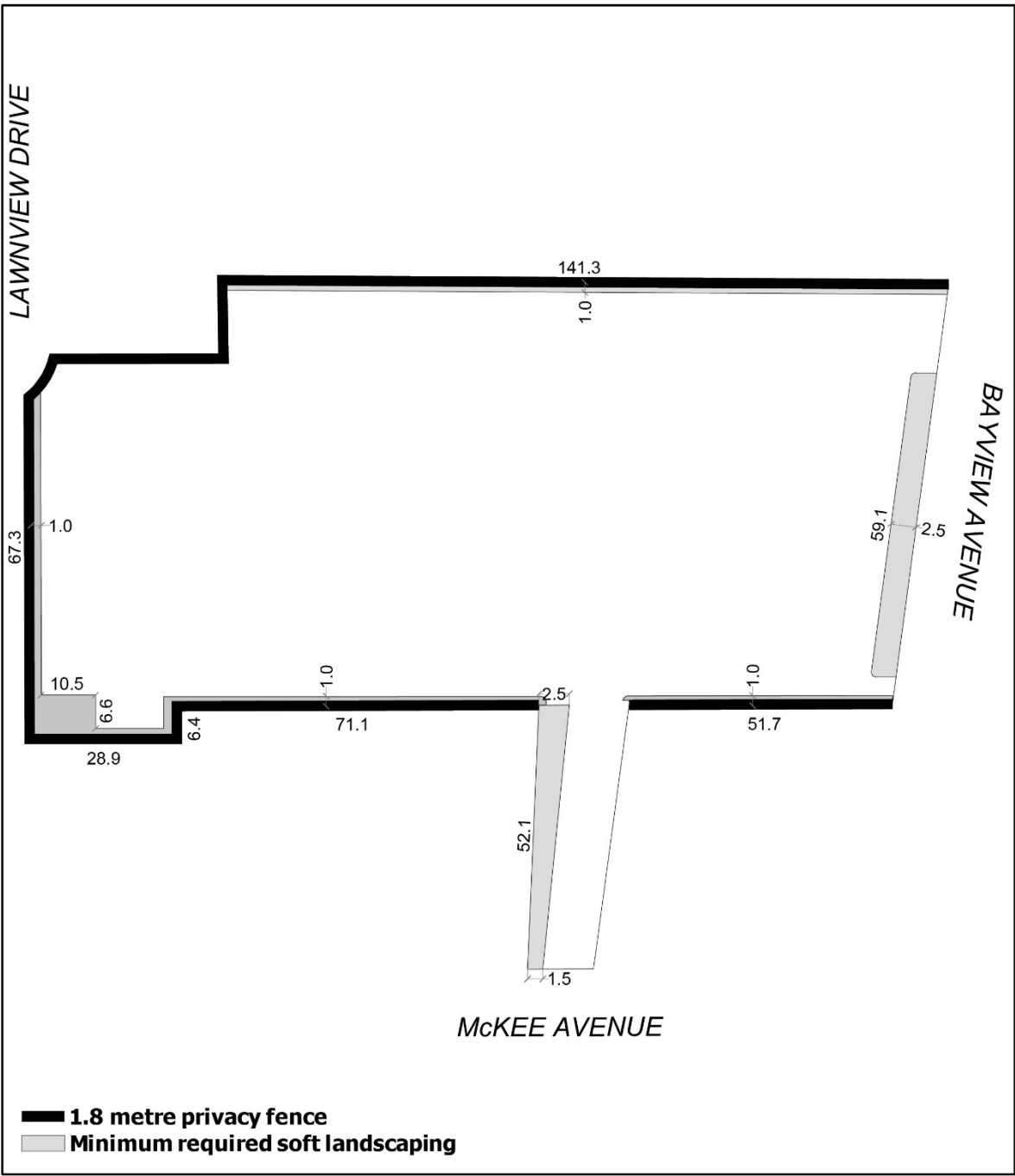


 **TORONTO**
Schedule 1

3072, 3078, 3080 Bayview Avenue

File # 17 215053 NNY 23 0Z


Former City of North York By-law 7625
Not to Scale
08/03/2021



TORONTO
 Schedule R3(25)

3072, 3078, 3080 Bayview Avenue

File # 17 215053 NNY 23 02

↑
 Former City of North York By-law 7625
 Not to Scale
 08/03/2021

Attachment 7: Draft Zoning By-law 569-2013 Amendment

Authority: North York Community Council ##, as adopted by City of Toronto Council on ~, 2021

CITY OF TORONTO

BY-LAW No. XXX-2021

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 3072, 3078 and 3080 Bayview Avenue

Whereas Council of the City of Toronto has the authority to pursuant to 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

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 No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 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 RD (f15.0, a600) (x677), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number RD 677 so that it reads:

Exception RD 677

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

Site Specific Provisions:

- (A) Despite Regulation 10.20.20.10, a **private school** is permitted;
- (B) Despite Regulation 10.20.40.70(3) the required minimum **side yard setback** is 1.8 metres;
- (C) Despite Regulation 150.45.20.1, a **day nursery** may occupy the entire **building** as a single use;

- (D) The minimum required **soft landscaping** must be provided in accordance with the areas shown on Diagram 3 of By-law XXX-2021;
- (E) A privacy fence 1.8 metres in height must be provided in accordance with the areas shown on Diagram 3 of By-law XXX-2021.

Prevailing By-laws and Prevailing Sections:

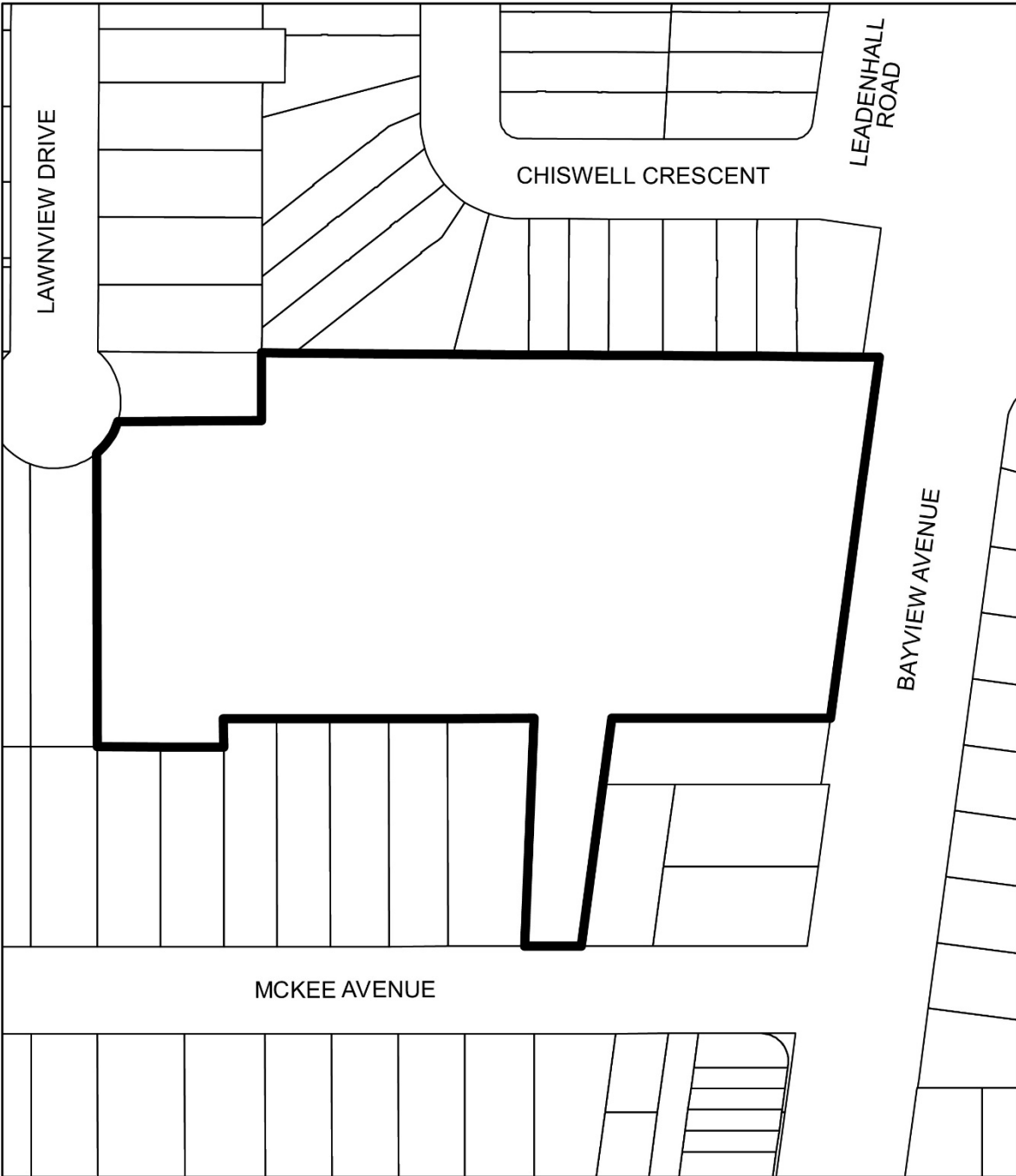
Schedule 'D' Airport Hazard Map from City of North York Zoning By-law 7625.

Enacted and passed on ~, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk


(Seal of the City

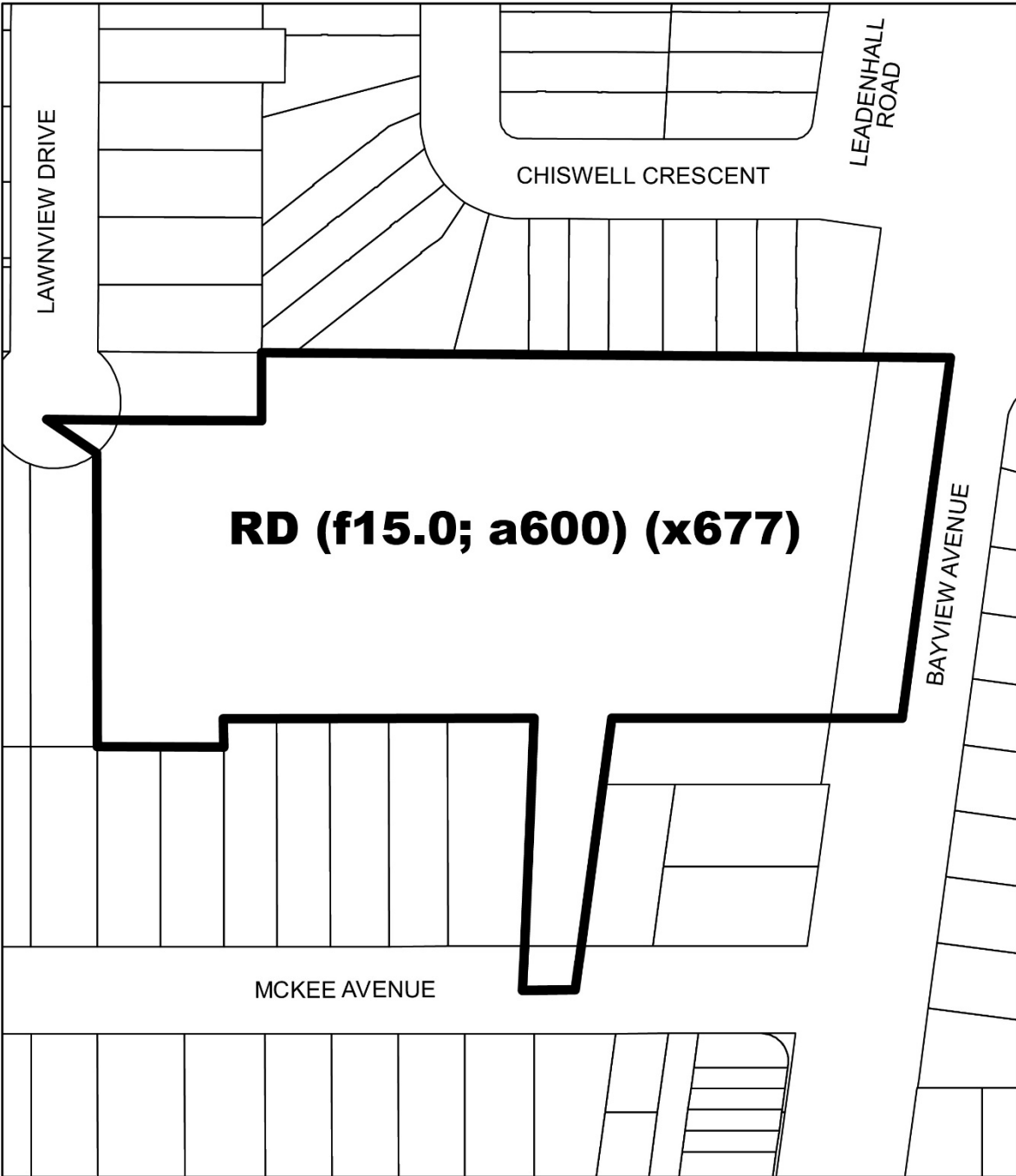


 **TORONTO**
Diagram 1

3072, 3078, 3080 Bayview Avenue

File # 17 215053 NNY 23 0Z



City of Toronto By-law 569-2013
Not to Scale
08/03/2021

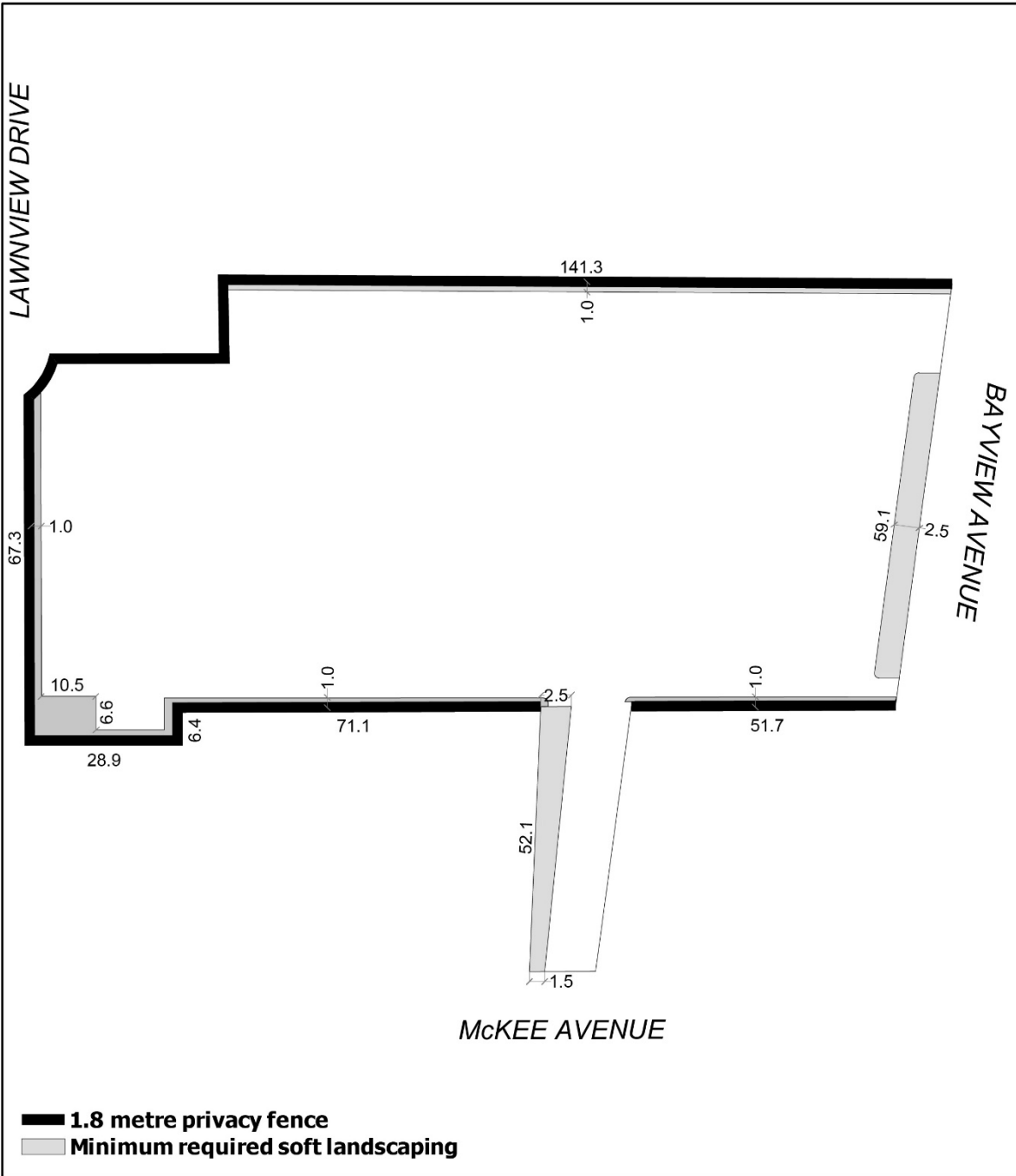


Toronto
 Diagram 2

3072, 3078, 3080 Bayview Avenue

File # 17 215053 NNY 23 02


 City of Toronto By-law 569-2013
 Not to Scale
 08/03/2021



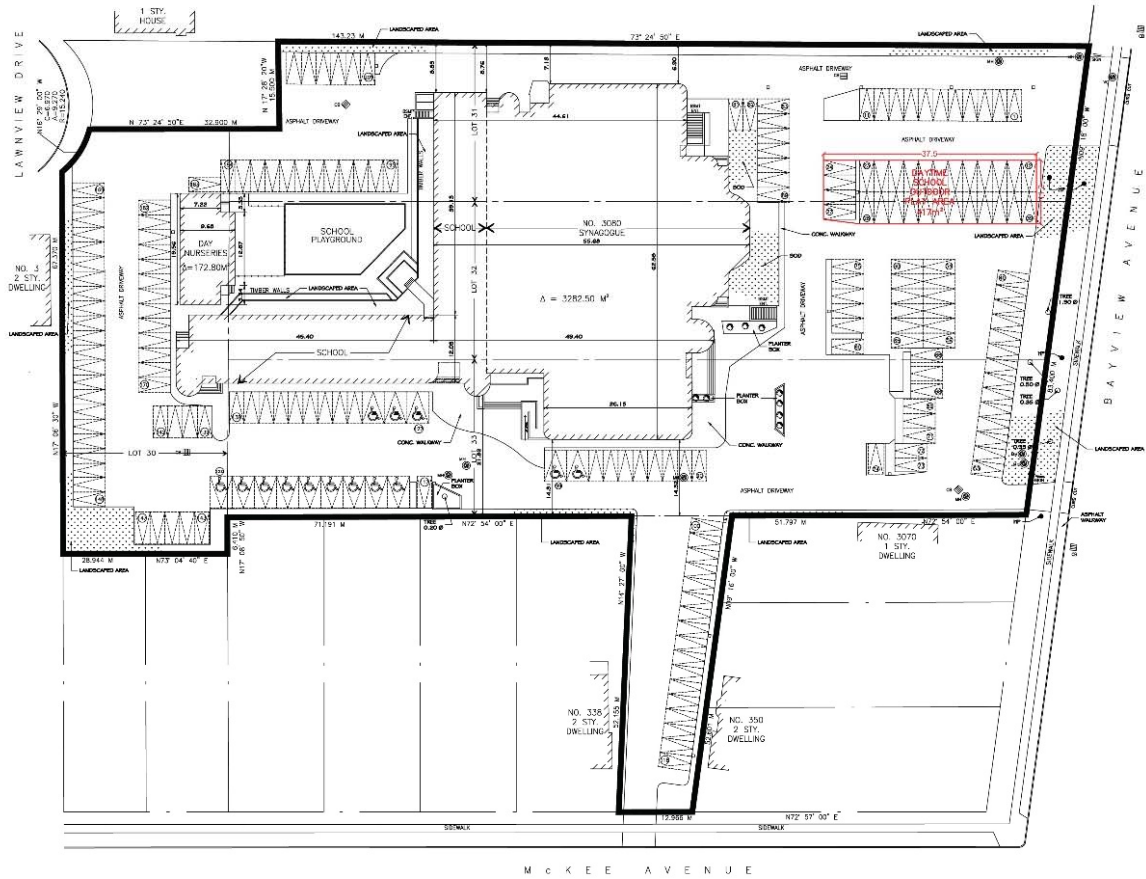
TORONTO
Diagram 3

3072, 3078, 3080 Bayview Avenue

File # 17 215053 NNY 23 02

City of Toronto By-law 569-2013
 Not to Scale
 08/03/2021

Attachment 8: Site Plan



Site Plan 