

298 Newton Drive – Zoning Amendment – Decision Report – Approval

Date: April 9, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 18 - Willowdale

Planning Application Number: 19 238309 NNY 18 OZ

Related Application Number: 19 238314 NNY 18 SA

SUMMARY

This application proposes to amend the Zoning By-laws to permit the redevelopment of the subject land for six, 3-storey townhouses with an average building height of 11.23 metres. Each unit will have a single car integral garage at the rear of the townhouses accessed by the shared driveway from Newton Drive. The total gross floor area of the proposed development is 1035.0 square metres resulting in an overall Floor Space Index (FSI) of 1.29 times the lot area.

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). The proposal represents an appropriate infill redevelopment that expands housing choices on a *major street* (Bayview Avenue) located on a transit corridor.

This report reviews and recommends approval of the application to amend the Zoning By-laws as it conforms with the Official Plan. The development will be massed to fit harmoniously with its existing context while providing appropriate transitions to the adjacent low-rise neighbourhood.

RECOMMENDATIONS

The Director, Community Planning North District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 298 Newton Drive substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
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.

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

A Preliminary Report on the application was adopted by North York Community Council on December 3, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. A link to that decision can be found here:

[Community Council Decision](#)

The results of the community consultation held on February 5, 2020 are summarized in the Comments section of the Report.

THE SITE

Description

The site is located at the northwest corner of Bayview Avenue and Newton Drive between Cummer Avenue and Steeles Avenue East, approximately 400 metres south of Steeles Avenue East. The site is approximately 802.40 square metres in size with 30.72 metres of frontage on Bayview Avenue and 28.16 metres of frontage on Newton Drive. The site slopes gradually downwards from southwest to northeast with a grade change of approximately 1.5 metres. No road widenings are identified for the site.

Existing Use

The subject site currently contains a detached 2-storey dwelling.

THE APPLICATION

Description

The application proposes to amend the Zoning By-law to permit the redevelopment of the subject land for six, 3-storey townhouses with heights ranging from 10.65 to 11.65 metres.

Density

The proposal has a density of 1.29 times the area of the lot.

Dwelling Units

The proposal includes 6 three-bedroom dwelling units.

Access, Bicycle Parking, Vehicle Parking and Loading

The proposal includes a total of 6 parking spaces located within attached garages. No visitor parking or bicycle parking is proposed and a loading space is not required.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, site plan, and elevations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <http://www.toronto.ca/298NewtonDr>

Reasons for Application

An amendment to the Zoning By-laws are required because the proposed townhouse use is not permitted by the former City of North York Zoning By-law 7625 and the building type - townhouses - are not permitted by the City of Toronto Zoning By-law 569-2013, as amended. It is also required to set development standards for the proposed units.

APPLICATION BACKGROUND

Application Requirements

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

- Planning Rationale Report
- Arborist Report and Tree Preservation Plan
- Functional Servicing and Stormwater Management Report
- Geotechnical Study
- Hydrogeological Assessment
- Intersection Design Options Report
- Toronto Green Standards Checklist

The application was deemed a complete application on October 18, 2019. The reports and studies submitted by the applicant are available on the following link:
<http://www.toronto.ca/298NewtonDr>

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.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Official Plan

The land use designation for the site is *Neighbourhoods*. See Attachment 3 of this report for the Land Use Map. *Neighbourhoods* are considered to be physically stable areas that are made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The subject site is zoned RD (f15.0; a600) (x5) under Zoning By-law 569-2013. The RD (f15.0; a600) (x5) zoning category permits detached dwellings up to a maximum height of 2 storeys and 10 metres on lots having a minimum frontage of 15.0 metres and a lot area of 600 square metres. See Attachment 4 of this report for the existing Zoning By-law Map.

The subject lands are zoned R3 by former City of North York Zoning By-law 7625, which permits single detached dwellings up to a maximum height of 2 storeys or 8.8 metres on lots having a minimum frontage of 15.0 metres and a lot area of 600 square metres.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Bayview Townhouse Design Guidelines
- Townhouse and Low-Rise Apartment Guidelines

The City's Design Guidelines may be found here: [Design Guidelines – City of Toronto](#)

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

Site Plan Control

A Site Plan Control application has been submitted (file no.: 19 238314 NNY 18 SA) and is under review.

COMMUNITY CONSULTATION

On February 5, 2020, City staff hosted a Community Consultation Meeting at Brebeuf College School. There were approximately 6 members of the public, as well as the Ward Councillor and the applicant in attendance. Following a presentation by the staff and the applicant, a number of concerns were expressed, as follows:

- The townhouse building heights
- The level of intensification on-site
- Insufficient building rear yard setback
- Privacy and overlook onto adjacent properties
- Insufficient landscape buffers to ensure privacy
- The concern of limited parking on-site and the potential for increased parking on the local street

These comments have been considered in the review of the application and are addressed in the Comments section of this Report.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members will have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). The proposed use offers a range of housing choice and is providing for an efficient use of land and existing infrastructure. In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

This application has been reviewed against the official plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole.

The subject site is designated *Neighbourhoods* in the Official Plan and fronts onto a *major street* as shown on Map 3. *Neighbourhoods* are considered to be physically stable areas that are made up of residential uses in lower scale buildings such as

detached houses, semi-detached houses, duplexes, triplexes and townhouses. Physical change must be sensitive, gradual and "fit" the existing physical character of the established *Neighbourhood*. Policy 4.1.7 states that proposals for intensification on land on *major streets* in *Neighbourhoods* are not encouraged by the policies of the Plan. Where a more intense form of residential development than that permitted by existing zoning on a *major street* in *Neighbourhoods* is proposed, the application will be reviewed in accordance with Policy 4.1.5 having regard for both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

The subject site is a corner lot on a *major street* (Bayview Avenue) that is distinguished from those located in the interior of the *Neighbourhood*. The distinguishing characters include: better access to public transit; adjacency to developments that include townhouse developments with varying heights, massing and scale; and direct exposure to greater volumes to traffic. Townhouses are a building type that are contemplated in the *Neighbourhoods* designation.

While the subject site is not subject to the Bayview Townhouse Guidelines, the guidelines have influenced the built form for townhouse development on Bayview Avenue. Through the adoption of the Bayview Townhouse Guidelines, in combination with the City-wide townhouse and low-rise apartment guidelines, a more intense form of development adjacent to abutting low-rise residential *Neighbourhoods* have been accepted along Bayview Avenue when appropriate performance measures have been successfully achieved. The application of the townhouse guidelines employ best practices to improve compatibility and mitigate potential adverse impacts of a more intense use from the abutting low-rise residential neighbourhood.

The proposed zoning by-law amendments provide appropriate performance standards as it relates to the massing, transition and minimum setbacks towards the abutting low-rise neighbourhood, as recommended in the Bayview Townhouse Guidelines and city-wide Townhouse and Low-Rise Apartment Guidelines. In addition, Bayview Avenue, as a *major street*, is a suitable context for permitting gentle density where appropriate transition to adjacent low-rise *Neighbourhoods* is provided. As a result, the proposed built form of the development provides for an appropriate scale on Bayview Avenue.

Density, Height, Massing

This application has been reviewed against the official plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report.

The proposed building heights range from 10.65 to 11.65 metres due to grade changes on the site. These building heights represent the highest points of the building, located closer to Bayview Avenue.

The proposal provides an appropriate transition in height towards the abutting lower-scale *Neighbourhoods* through the application of a 35-degree angular plane measured from the property line at the rear which reduces the building height and decreased the building mass closer to the lower-scale properties interior to the neighbourhood. The application of an angular plane has been provided for within the Bayview Townhouse

Guidelines (Bayview Avenue Area Study) which applies to the area west side of Bayview Avenue from south of Finch Avenue to Hollywood Avenue. While the subject site is not subject to the Bayview Townhouse Guidelines, the guidelines have influenced the existing height context for townhouse developments on Bayview Avenue. The application of the angular plane provides for an appropriate building height, mass and scale so that the more intense form of development, as proposed, transitions towards the existing low-rise neighbourhood mitigating potential negative impacts.

The townhouse units would be set back 1.5 metres from the Bayview Avenue property line to accommodate front entrances, stoops and shared walkways that connect to the public sidewalk. Unit 1 would be accessed from Newton Drive and units 2 to 6 would be accessed by three shared walkways from Bayview Avenue. The north, rear and south setback would be 1.2 metres, 9 metres and 3 metres, respectively. Within the rear yard setback would be a 6-metre wide shared driveway and a landscape buffer of 3 metres along the west property line. The proposed setbacks and landscape buffer provide an appropriate layout that minimizes potential negative impacts such as overlook on neighbouring properties.

Parking and Loading

One parking space per unit is proposed for each dwelling, accessed from the 6.0 m driveway off Newton Drive. No visitor parking is provided as on-street parking is permitted along Newton Drive and adjacent minor streets.

Solid Waste Collection

Garbage will be collected along Newton Drive with residents wheeling out their solid waste bins to the curbside via the rear lane.

Parkland

In accordance with Section 42 of the *Planning Act*, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

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). Urban Forestry staff comments on proposals to remove, preserve or protect street and private trees.

The Arborist Report and accompanying Tree Preservation Plan have been reviewed and accepted by Urban Forestry staff. The report ensures there is space for the planting and survival of four new City trees to be planted on Newton Drive and Bayview Avenue and the protection of two existing City trees. In addition, as part of the Site Plan Control

process Forestry will require the planting of four new private trees along the west property line to partially replace the nine private trees proposed for removal. Replacement for the remainder of the proposed removed trees will be accepted through cash-in-lieu. The proposed trees and cedar hedges will have supportive soil volumes and the rear retaining wall on the west side of the site will not impede on the healthy growth of the proposed landscaping.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives.

The applicant is required to meet Tier 1 of the TGS which includes: pedestrian connectivity, widened sidewalks, water efficient plants and supportive soil volumes, high-albedo surface materials to reduce urban heat island, stormwater retention management and bird friendly anti-reflective glazing. Performance measures for the Tier 1 have been met and may be secured on site plan drawings and through a Site Plan Agreement.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal conforms to the Toronto Official Plan, particularly as it relates to Healthy Neighbourhood and *Neighbourhoods* policies. Staff recommend that Council support approval of the application. Staff worked with the applicant and the community to address and resolve the following key concerns:

- building height and the resulting concerns regarding privacy and overlook
- building transition towards the adjacent low-rise neighbourhood
- the proposed retaining wall located along the west property line and its impact on the health of the proposed trees and cedar hedges

The proposal would provide family-size dwelling units compatible with the surrounding context. Staff recommend that Council support approval of the application.

CONTACT

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Kelly.Snow@toronto.ca

SIGNATURE

David Sit, MCIP, RPP, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map - 569-2013
- Attachment 5: Draft Zoning By-law Amendment - 569-2013

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: Elevations
- Attachment 8: 3D Massing Model

Attachment 1: Application Data Sheet

Municipal Address: 298 NEWTON DR Date Received: October 18, 2019

Application Number: 19 238309 NNY 18 OZ

Application Type: Rezoning

Project Description: A zoning by-law amendment application proposing six 3-storey townhouse units facing Bayview Avenue with vehicular access from Newton Drive. There would be a total GFA of 1035 square metres and an FSI of 1.29.

Applicant	Agent	Architect	Owner
Goldberg Group	Todd Trudell	Marilyn Ypes	2602586 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

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

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

PROJECT INFORMATION

Site Area (sq m): 763 Frontage (m): 29 Depth (m): 28

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	121	0	423	423
Residential GFA (sq m):	242	0	1,035	1,035
Non-Residential GFA (sq m):				
Total GFA (sq m):	242	0	1,035	1,035
Height - Storeys:	2		3	3
Height - Metres:	8		12	12

Lot Coverage Ratio (%): 47.46 Floor Space Index: 1.29

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1035	231
Retail GFA:		
Office GFA:		

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	1	0	6	6
Condominium:				
Other:				
Total Units:	1	0	6	6

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					6
Total Units:					6

Parking and Loading

Parking Spaces:	6	Bicycle Parking Spaces:	Loading Docks: 0	0
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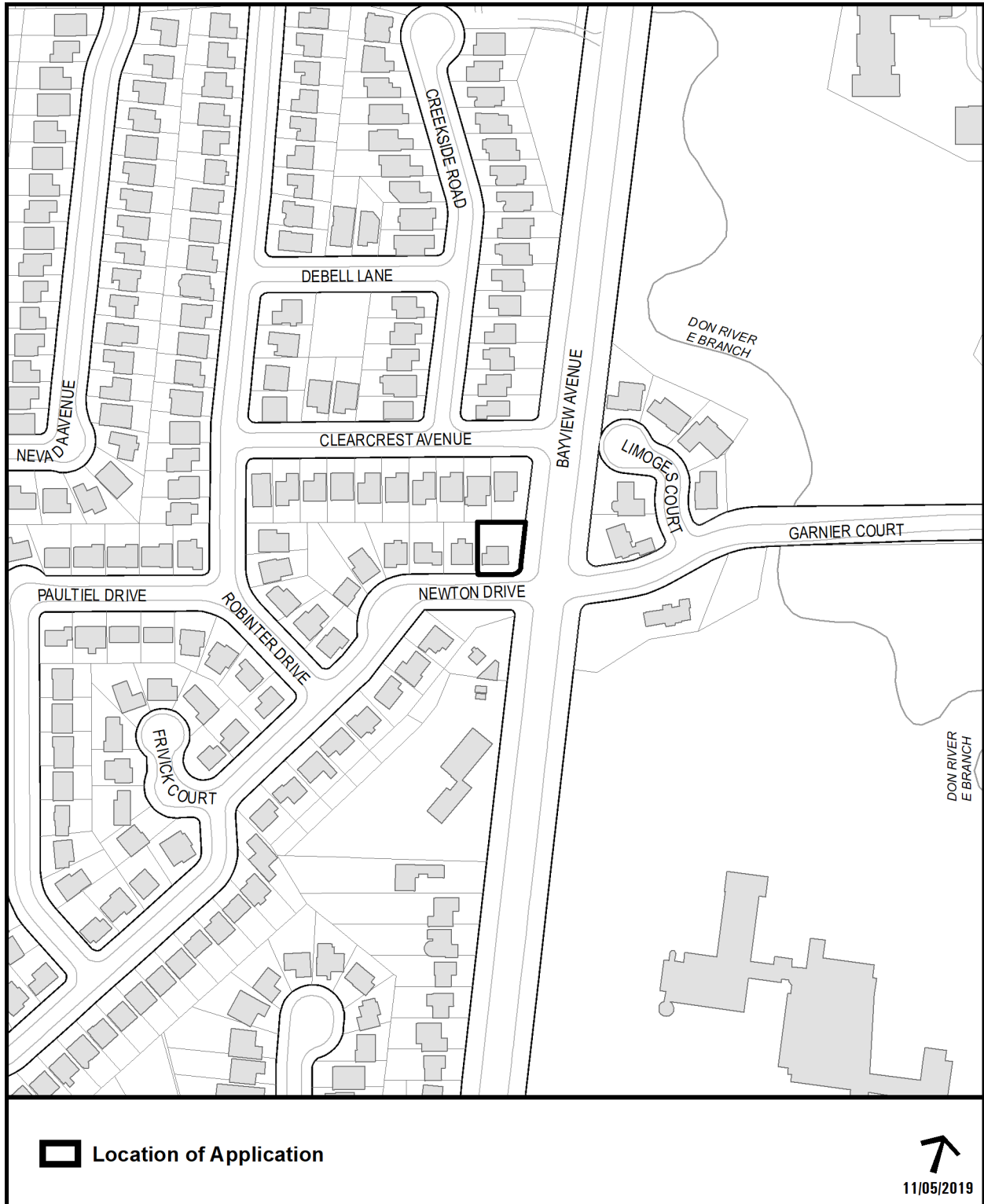
CONTACT:

Kelly Snow, Planner

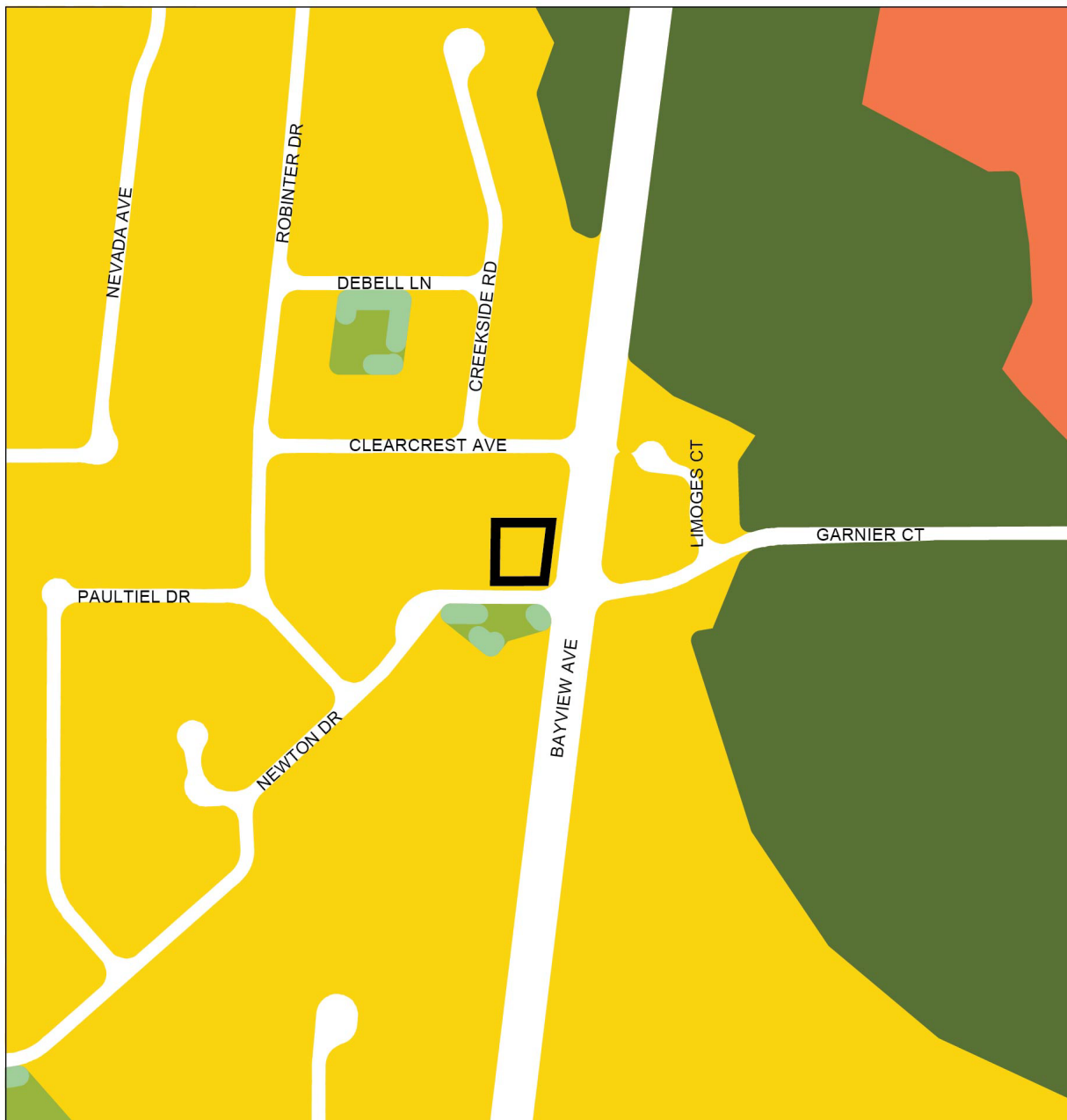
(416) 395-7124

Kelly.Snow@toronto.ca

Attachment 2: Location Map








Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #16

298 Newton Drive

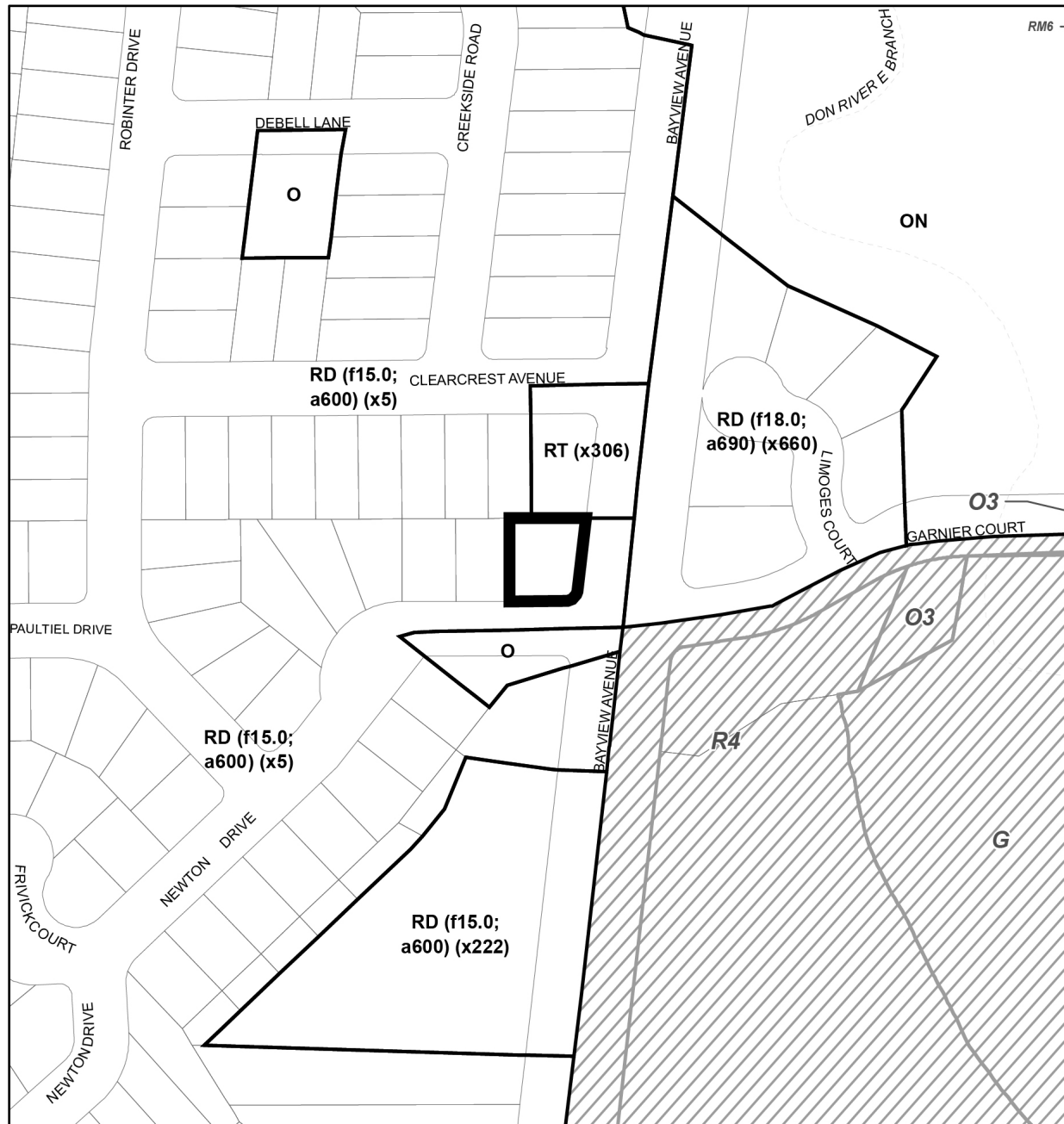
File # 19 238309 NNY 18 0Z

 Location of Application	 Natural Areas
 Neighbourhoods	 Parks
 Mixed Use Areas	 Other Open Space Areas



Not to Scale
11/05/2019

Attachment 4: Existing Zoning By-law Map - 569-2013



Zoning By-law 569-2013

298 Newton Drive

File # 19 238309 NNY 18 02



Location of Application

RD Residential Detached
RT Residential Townhouse
O Open Space
ON Open Space Natural



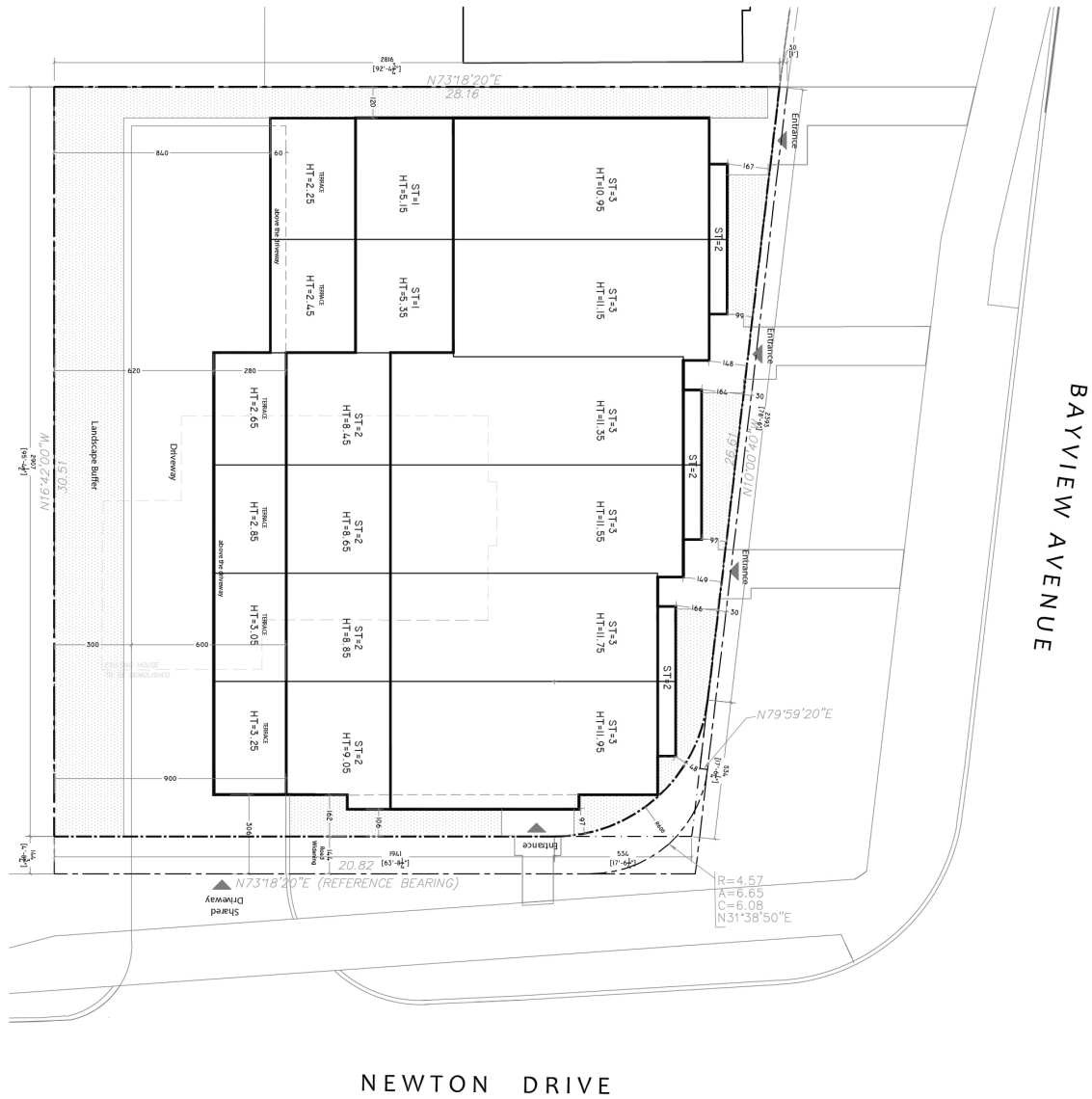
See Former City of North York By-law No. 7625

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



Not to Scale
Extracted: 02/14/2024

Attachment 6: Site Plan



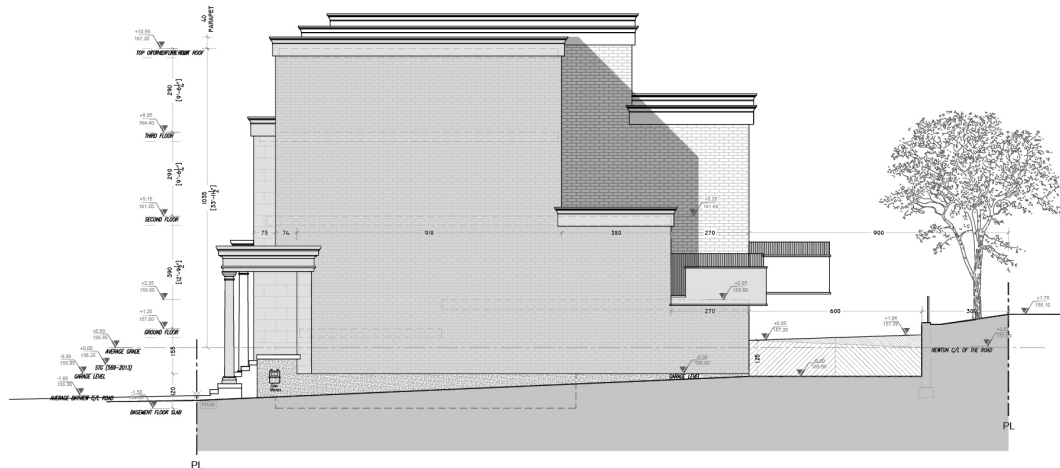
Site Plan



Attachment 7: Elevations



East Elevation



North Elevation



South Elevation



West Elevation

Attachment 8: 3D Massing Model



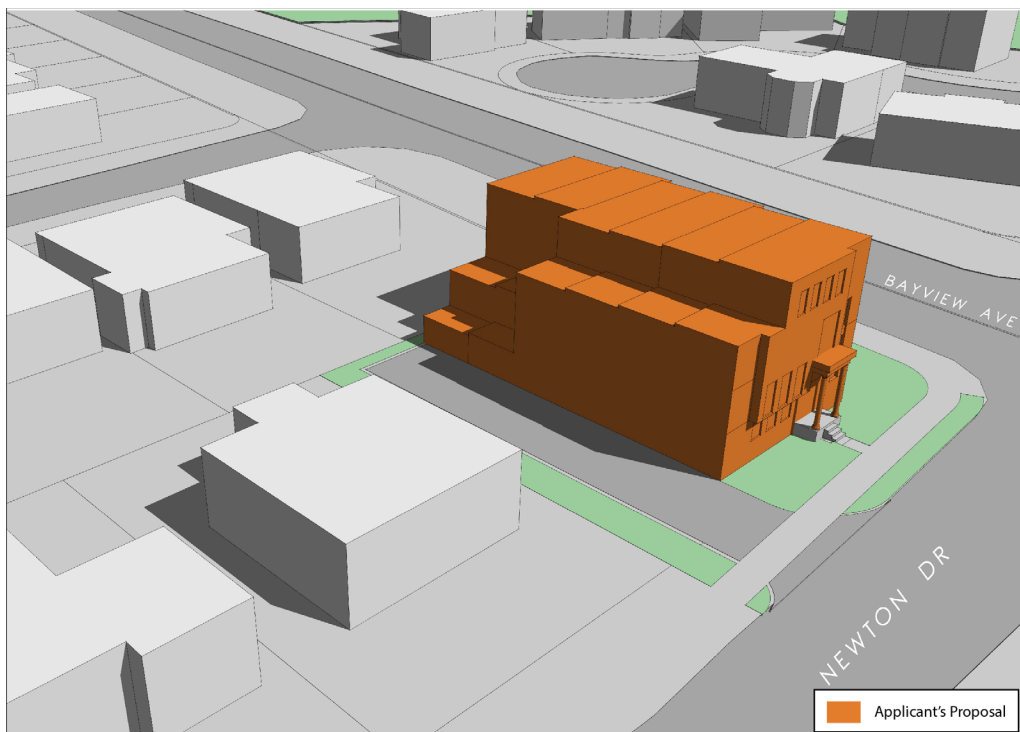
View of Applicant's Proposal Looking Southwest

02/23/2024

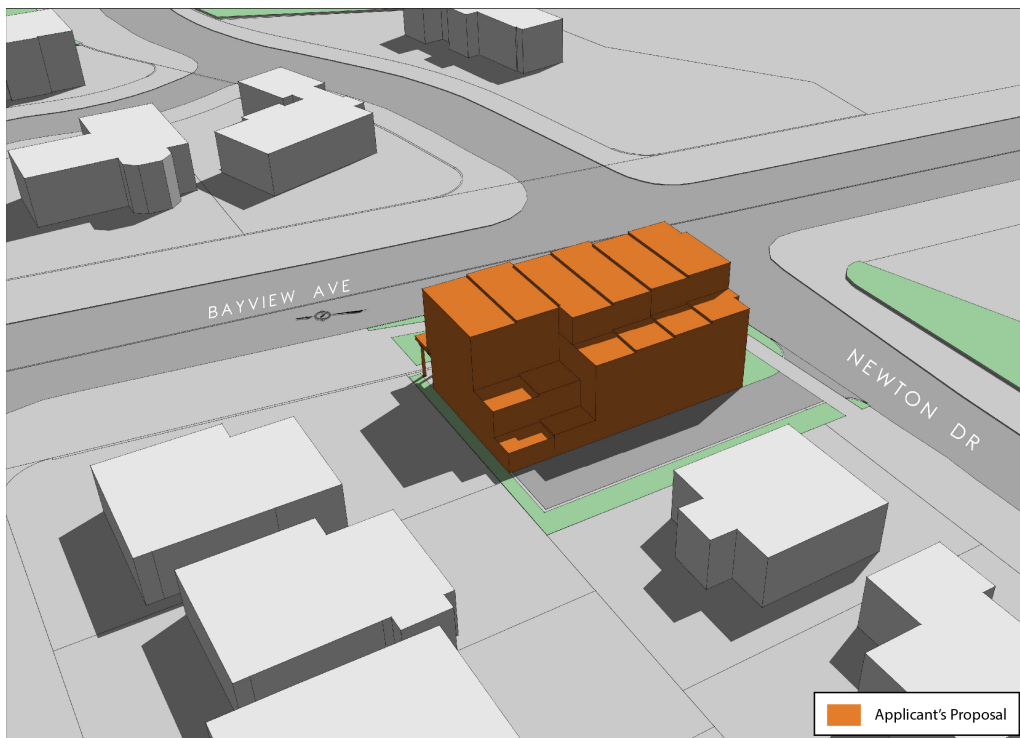


View of Applicant's Proposal Looking Northwest

02/23/2024



View of Applicant's Proposal Looking Northeast



View of Applicant's Proposal Looking Southeast

