

## **8 and 10 Hyde Park Circle – Official Plan Amendment and Zoning By-law Amendment Application – Appeal Report**

Date: May 6, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 – Don Valley West

**Planning Application Number:** 23 145949 NNY 15 OZ

### **SUMMARY**

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On May 23, 2023, an application to amend the Official Plan and Zoning By-law was submitted to permit the development of a 4-storey (15.9 metre plus 4.6 metres to mechanical penthouse) residential building containing 55 residential dwelling units with a gross floor area of 10,202 square metres (FSI of 1.4) on the lands known as 8 and 10 Hyde Park Circle. The development is proposed to have vehicular access off Post Road and loading access off Bayview Avenue.

On February 21, 2024, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the *Planning Act*. A Case Management Conference was scheduled on May 2, 2024.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Official Plan Amendment and Zoning By-law Amendment appeal for the lands at 8-10 Hyde Park Circle and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the Official Plan Amendment and/or Zoning By-law Amendment appeal in whole or in part, City Council authorize the City Solicitor to request that the Ontario Land Tribunal withhold the issuance of any final Order(s) until such time as:

- a. the final form and content of the draft Official Plan Amendment and Zoning By-law amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
  - b. the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the application, to the satisfaction of the Supervisor, Tree Protection and Plan Review.
  - c. the owner has provided a revised Traffic Impact Study, including acceptable Transportation Demand Measures (TDM), to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning Division;
  - d. the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the application, inclusive of sanitary sewer easement issues and storm overland easement issues, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; and,
  - e. the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to the infrastructure to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services.
3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City, for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
  4. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## 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.

## DECISION HISTORY

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A pre-application consultation meeting was held on August 22, 2022. The current application was submitted on May 23, 2023 and deemed complete on August 28, 2023.

### EHON Major Streets Study

Expanding Housing Options in Neighbourhoods (EHON) is a City of Toronto initiative to facilitate more low-rise housing in residential neighbourhoods to meet the needs of the growing city. The City is working to expand opportunities for “missing middle” housing forms in Toronto, ranging from duplexes to low-rise walk-up apartments.

Among the EHON initiatives is the EHON Major Streets Study (“The Study” or “Major Streets Study”), which examines opportunities to add permissions such as townhouses and small-scale apartment buildings along the City’s major streets, as identified on Map 3 of the Official Plan. This study responds to a number of City and Provincial policy objectives to provide a full range of housing options in a form that efficiently uses land, infrastructure, and existing services.

The Planning and Housing Committee considered an Interim Report for The Study on July 5, 2022 and a Proposal Report on September 28, 2023. A Final Report will be presented to the Planning and Housing Committee on May 9, 2024.

The subject site is identified as an Opportunity Area on Attachment 6 – Opportunity Areas Map of the Study’s Proposal Report as it is designated *Neighbourhoods* and abuts a major street (Bayview Avenue). The proposed development is a form of development contemplated in The Major Streets Study.

Information regarding The Study, including past reports can be found here:  
<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/major-streets-study/>

## SITE AND SURROUNDING AREA

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**Description:** The site consists of two residential properties municipally addressed as 8 and 10 Hyde Park Circle. They are located at the northeast corner of Bayview Avenue and Post Road, at the end of the cul-de-sac of Hyde Park Circle. The site is an irregular shaped site with 130 metres of frontage on Bayview Avenue, 55 metres of frontage on Post Road and an overall site area of approximately 7,309 square metres.

**Existing Use:** The two properties each contain a single detached dwelling facing Hyde Park Circle with the rear of the dwellings backing onto Bayview Avenue.

**Surrounding uses include:**

**North:** an abandoned excavated site for an approved townhouse development. Further north are single detached dwellings on the Bridle Path.

**East:** single detached dwellings on Hyde Park Circle

**South:** Post Road, beyond which is a 4 storey apartment building.

**West:** Bayview Avenue, beyond which are single detached dwellings fronting onto Bayview Avenue.

## **THE APPLICATION**

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The application proposes to construct a 4-storey (15.9 metre plus 4.6 metres to mechanical penthouse) residential building containing 55 residential dwelling units with a gross floor area of 10,202 square metres (FSI of 1.4). The development is proposed to have vehicular access off Post Road and loading access off Bayview Avenue. The development will re-orient the subject site so that the site will have a rear yard relationship on Hyde Park Circle and a front yard relationship on Bayview Avenue.

The proposal details are summarized in the chart below:

<b>Project Statistics</b>	
Storeys	4
Height (m) <ul style="list-style-type: none"><li>- Exclude MPH</li><li>- Include MPH</li></ul>	<ul style="list-style-type: none"><li>- 15.9 metres</li><li>- 20.5 metres</li></ul>
Unit Mix <ul style="list-style-type: none"><li>- 2 Bedroom</li><li>- 3 Bedroom</li></ul>	<ul style="list-style-type: none"><li>Total: 55 units</li><li>- 17 (31%)</li><li>- 38 (69%)</li></ul>
Gross Floor Area	10,202 square metres
Floor Space Index	1.4
Vehicular Parking <ul style="list-style-type: none"><li>- Residential</li><li>- Visitor</li></ul>	<ul style="list-style-type: none"><li>Total: 116 spaces</li><li>- 109 spaces</li><li>- 7 spaces</li></ul>

<b>Project Statistics</b>	
Bicycle Parking <ul style="list-style-type: none"> <li>- Long-Term</li> <li>- Short-Term</li> </ul>	Total: 57 spaces <ul style="list-style-type: none"> <li>- 53 spaces</li> <li>- 4 spaces</li> </ul>
Loading	1 Type “G” space
Amenity Space <ul style="list-style-type: none"> <li>- Indoor</li> <li>- Outdoor</li> </ul>	Total: 276 square metres <ul style="list-style-type: none"> <li>- 146 square metres (2.7 sqm / unit)</li> <li>- 130 square metres (2.4 sqm / unit)</li> </ul>

### **Additional Information**

See Attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and the proposed site plan. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/8HydeParkCircle](http://www.toronto.ca/8HydeParkCircle)

### **Reasons for Application**

The application proposes to amend the Official Plan to permit the proposed 4-storey residential building on the site.

The application also proposes to amend Zoning By-law 569-2013 to permit an apartment building on the site and to vary performance standards including but not limited to: height, parking spaces, bicycle parking spaces, loading spaces and amenity space. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

### **Agency Circulation Outcomes**

The application has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

## **POLICY CONSIDERATIONS**

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**Official Plan Designation:** *Neighbourhoods*.

**Zoning:** Residential Detached Zone (RD (f30; a3350) (x69)) under Toronto Zoning By-law 569-2013.

## COMMUNITY CONSULTATION

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A Virtual Community Consultation Meeting was hosted by City staff on December 6, 2023. Approximately 21 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Increased traffic congestion and hazards;
- Appropriateness and fit of the proposed height and density;
- Provision of affordable housing;
- Privacy concerns with abutting neighbours;
- Noise, traffic, and hazard impacts during construction;
- Preservation of mature trees on Bayview Avenue; and
- Impacts to the surrounding natural environment.

## COMMENTS

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### Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement ("PPS") (2020), and conformity with the Growth Plan (2020). Staff find that the proposal is consistent with the PPS and conforms with the Growth Plan. However, the proposal is not consistent with the Official Plan.

### Built Form

The Official Plan contains specific policies to ensure that development in *Neighbourhoods* respects the existing physical character of the area. Policy 4.1.7 of the Official Plan states that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of this Plan. However, where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Section 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*. Section 4.1.5 outlines development policies to ensure development in *Neighbourhoods* sensitively fits within the area and provides a list of existing physical characteristics that development in established *Neighbourhoods* will respect and reinforce, such as lot size and configuration, heights, massing, scale, and setbacks.

The subject site is designated *Neighbourhoods* and has frontage onto a major street (Bayview Avenue), frontage on a side street (Post Road), and frontage on the interior street (Hyde Park Circle). It also abuts an approved 3-storey townhouse development to the north and an existing 4-storey apartment building to the south. In light of this, while the adjoining, interior lots on Hyde Park Circle are of a lower intensity and form, Staff

are generally satisfied with the proposed height of 4-storeys. However, Staff note that refinements are needed to provide a better built form relationship to Bayview Avenue, Hyde Park Circle, and Post Road, and to include appropriate landscape treatment and buffers along property lines.

As noted earlier, the City is undertaking a Major Streets Study to examine opportunities to add permissions such as townhouses and small-scale apartment buildings along the City's major streets. The Major Streets Study will be presented before the Planning and Housing Committee on May 9, 2024. City Planning Staff will take the decision into consideration with respect to the subject proposal.

### **Site Organization and Public Realm**

The Official Plan and Townhouse and Low-Rise Apartment Building Guidelines ("Guidelines") direct development to frame the edges of streets, parks, and open space. They further direct that development provide building placements and setbacks that are contextually appropriate, and to provide high-quality landscaping and streetscaping to promote civic life and improve safety and pedestrian comfort. *Neighbourhood* policies in the Official Plan also state that development will respect and reinforce the prevailing setbacks from streets, rear and side yards, as well as landscape open space of the surrounding area. The Official Plan and Guidelines further state that low-rise apartment buildings should be designed to have unit and building entrances that have direct access to and are visible from public streets.

The existing and planned context of the area is characterized by significant setbacks from street frontages and significant tree canopy. Along Bayview Avenue, recent townhouse developments have fit within this context. The proposed development is a C-shaped building, with building frontages along three streets: Bayview Avenue, Post Road, and Hyde Park Circle. The proposed Bayview Avenue frontage is defined by fencing and soft landscaping between the building face and the property line and does not provide direct pedestrian access to the Bayview Avenue sidewalk. The Post Road frontage is generally defined by a pick-up and drop-off loop, with limited opportunities for grade related uses fronting the street or tree preservation due to site circulation locations and a proposed easement location. The development also proposes to remove the majority of trees on the site and along street frontages due to site circulation locations and proposed easement locations.

The development should improve its relationship to the streets by increasing setbacks where appropriate and by providing a positive interface between the building frontages and the streets through active, grade related uses, and building entrances with direct pedestrian access to public sidewalks. The development should also improve tree preservation opportunities to retain the character of Bayview Avenue, Post Road, and Hyde Park Circle, to ensure compatibility with the adjacent neighbourhood properties.

## **Tree Preservation**

The site contains a number of mature, healthy trees on its perimeter, which is characteristic of the lands along this stretch of Bayview Avenue and Post Road. The application proposes to remove the majority of these trees to facilitate the development. Urban Forestry Staff do not support removal of healthy trees as this contravenes the Official Plan policies that encourage preserving existing mature trees wherever possible and incorporating them into the development. As such, the development should be revised to retain more trees to achieve the policies of the Official Plan. In particular, the development should aim to preserve the trees along Bayview Avenue and Post Road.

Urban Forestry Staff have also advised that the submitted Public Utilities Plan is not to Quality Level A and the Arborist Report does not provide any details on the proposed impact to the trees that are proposed to remain. These materials must be provided in order for Urban Forestry to appropriately assess the proposed development.

## **Traffic**

A Transportation Impact Study (TIS) was submitted in support of the proposed development. The TIS estimates that the proposed development will generate approximately 13 and 22 two-way trips during the weekday AM and PM peak hours, respectively. The TIS concludes that the proposed development will have a minor impact on the overall operation of the signalized and unsignalized intersections. Transportation Services Staff have reviewed the TIS and have requested revisions, which must be provided in order to appropriately assess the proposed development.

## **Site Access**

The development proposes vehicular access from Post Road and loading access from Bayview Avenue. Transportation Services Staff have advised that access off Bayview Avenue is not permitted. As such, the two accesses are to be consolidated and located off Post Road.

Transportation Services Staff have also noted that the location of the proposed pick-up/drop-off area is very close to the site driveway access. The applicant is required to demonstrate that the proposed pick-up/drop-off facilities are adequate for the proposed development as part of their revision to the TIS.

## **Parking and Loading**

The development proposes a total of 116 parking spaces (109 residential and 7 visitor spaces) in a one level underground parking garage. Included in the total parking are 5 barrier free spaces (4 for residential and 1 for visitor). Of the 109 residential spaces, 21 spaces are tandem spaces.

Based on By-law 89-2022, the development requires a minimum of 4 parking spaces (all visitor spaces) and maximum of 72 parking spaces (62 resident and 10 visitor spaces). Transportation Services Staff have advised that while this exceeds the



maximum parking requirement, this is generally deemed acceptable as the vehicle parking surplus of 26 parking spaces do not cause any significant impacts to the surrounding network.

With respect to barrier free parking spaces, By-law 89-2022 requires a minimum of 3 barrier parking spaces. The development exceeds this requirement by providing 4 barrier free parking spaces.

The development proposes 1 Type 'G' loading space on the ground floor, which satisfies the applicable by-law requirements. However, as noted earlier, the loading space access off Bayview Avenue is not permitted and the loading space must be accessed via the primary access off Post Road.

### **Road Widening and Conveyances**

In order to satisfy the Official Plan requirement of a 27-metre right-of-way for this segment of Bayview Avenue, a 0.4 metre road widening dedication (including 0.3 metre reserve) along the Bayview Avenue frontage of the subject site is required. The submitted plans need to be revised as they currently identify a 3.05 metres wide road widening.

### **Travel Demand Management (TDM)**

A TDM Plan was included as part of the applicant's TIS; however, additional information is required in order for Staff to assess the appropriateness of the proposed TDM Plan.

### **Servicing**

Engineering and Construction Services (ECS) Staff have reviewed the submitted engineering materials. ECS Staff require revisions as outlined in their memorandum dated July 21, 2023, in order to appropriately assess the proposed development.

In particular, ECS Staff note that the proposed relocation of the sanitary sewer easement from the middle of the site (along the shared lot line of 8 and 10 Hyde Park Circle) to the east lot line shared with 6 Hyde Park Circle needs to be shown to be technically feasible. ECS Staff have requested the applicant to prepare a preliminary design showing that the proposed alignment is feasible. Further, ECS Staff notes that no permanent structures (inclusive of trees) are permitted within sanitary easements, whereas the proposal currently indicates the existing trees within the relocated easement will remain.

### **Indoor/Outdoor Amenity Space**

The development proposes 146 square metres of indoor amenity space (2.7 square metres / unit) and 130 square metres of outdoor amenity space (2.4 square metres / unit). Staff are satisfied with the provided amount of indoor and outdoor amenity space. However, Staff have concerns with the locations of the proposed outdoor amenity

spaces. Some of the proposed outdoor amenity areas are located in residual spaces on the site with limited visibility from public streets and are located adjacent to the proposed loading area and pick-up/drop-off area. As per the Townhouse and Low-Rise Apartment Guidelines, outdoor amenity space should be centrally located in a highly visible area, provide direct physical and visual access to indoor amenity space, and be located away from parking, mechanical, and servicing areas. The proposed locations of outdoor amenity spaces should be revised in response to the Guidelines.

## **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.

## **Unit Mix**

The Growing Up Guidelines state that a minimum 10% of the units should have three bedrooms and 15% of units should have two bedrooms. The proposed development contains 69% three-bedroom units and 31% two-bedroom units, which exceeds the Guideline requirements. The proposed units also include a range of sizes that exceed the minimum area required in the Guidelines.

## **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning Staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council, as necessary.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies. Staff have determined that the proposed development in its current form is consistent with the PPS and conforms with the Growth Plan. However, the proposal is not consistent with the Official Plan.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

## **CONTACT**

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Community Planning  
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Email: [Ingrid.Fung@toronto.ca](mailto:Ingrid.Fung@toronto.ca)

## **SIGNATURE**

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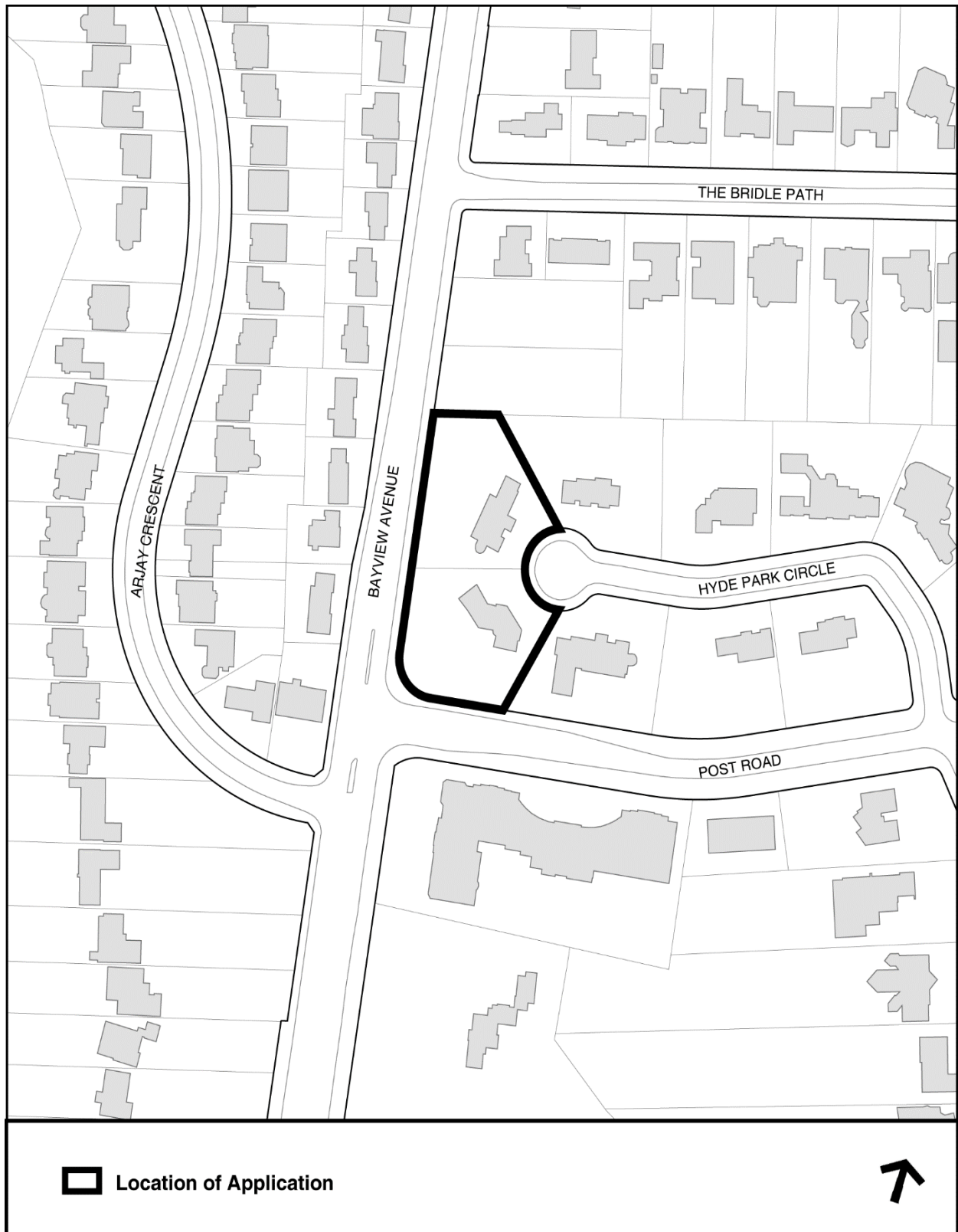
David Sit, MCIP, RPP  
Director, Community Planning  
North York District

## **ATTACHMENTS**

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- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: 3D Model of Proposal in Context Looking Southeast
- Attachment 4: 3D Model of Proposal in Context Looking Northwest
- Attachment 5: Site Plan
- Attachment 6: Official Plan Land Use Map
- Attachment 7: Zoning By-law no. 569-2013 Map

### **Attachment 1: Location Map**



**Attachment 2: Application Data Sheet**

**Municipal Address:** 8 HYDE PARK CRCL      **Date Received:** May 23, 2023  
10 HYDE PARK CRCL

**Application Number:** 23 145949 NNY 15 OZ

**Application Type:** Rezoning

**Project Description:** Proposed Official Plan Amendment and Zoning By-law Amendment application to permit the development of a 4 storey residential building containing 55 residential dwelling units with a gross floor area of 10,202 square metres (FSI of 1.4). Vehicular access is proposed off Post Road and loading access is proposed off Bayview Avenue.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
GOLDBERG GROUP	GOLDBERG GROUP	RICHARD WENGLE ARCHITECT INC.	MINESH VASANTHLAL SHAH

## EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	RD (f30.0; a3350) (x69)	Heritage Designation:	N
Height Limit (m):	11.5	Site Plan Control Area:	Y

## PROJECT INFORMATION

Site Area (sq m):	7,309 sqm	Frontage (m):	~130 m (Bayview Ave) ~50 m (Post Road)	Depth (m):	~60 m
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<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			2,680	<b>2,680</b>
Residential GFA (sq m):	1,118		10,202	<b>10,202</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>	<b>1,118</b>		<b>10,202</b>	<b>10,202</b>
Height - Storeys:	2		4	<b>4</b>
Height - Metres:			15.9	<b>15.9</b>

Lot Coverage Ratio (%):	36.67	Floor Space Index:	1.4
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<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	10,202	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:	2			
Condominium:			55	55
Other:				
<b>Total Units:</b>	<b>2</b>		<b>55</b>	<b>55</b>

#### **Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:				17	38
<b>Total Units:</b>				<b>17</b>	<b>38</b>

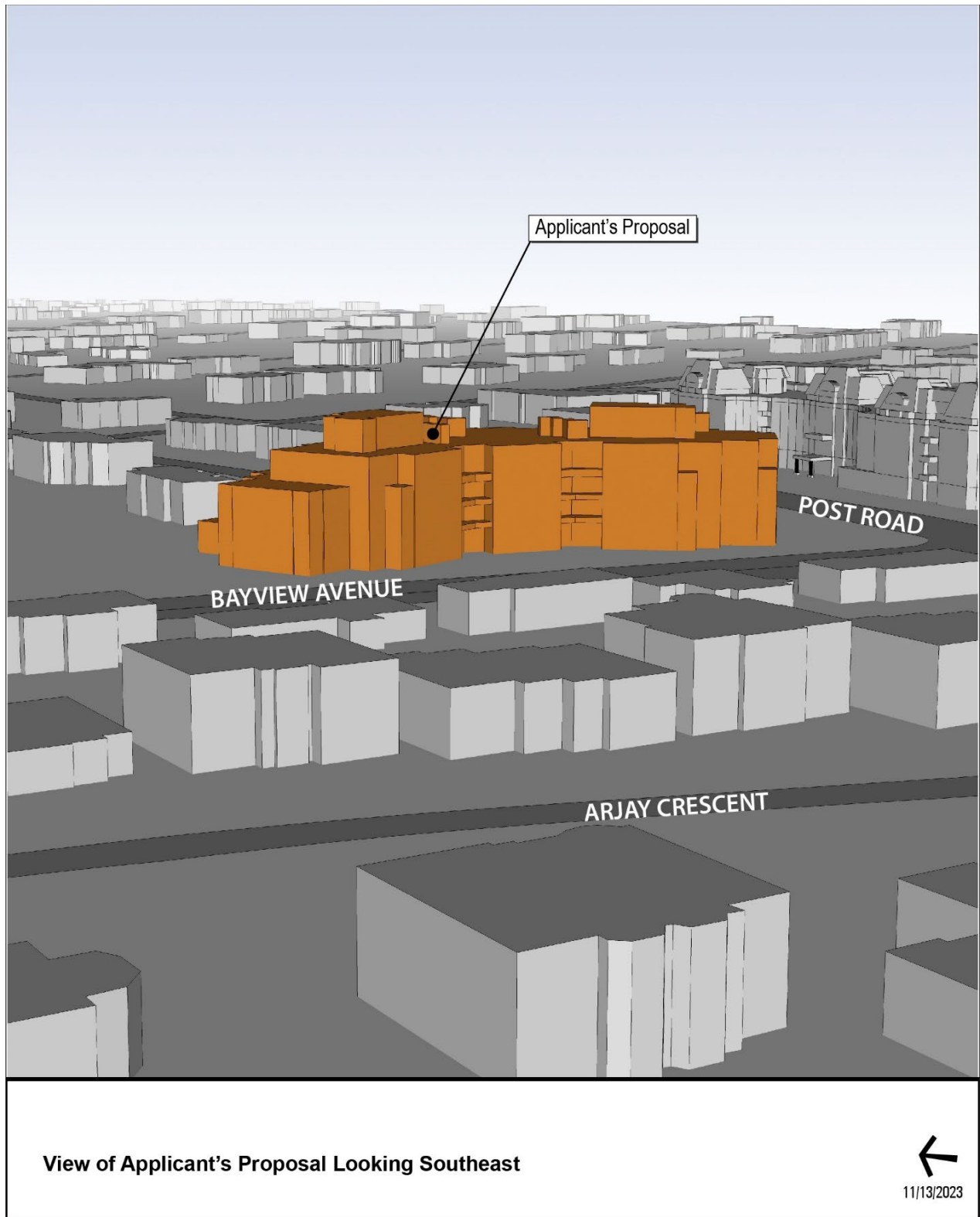
#### **Parking and Loading**

Parking Spaces: 116      Bicycle Parking Spaces: 57      Loading Docks: 1

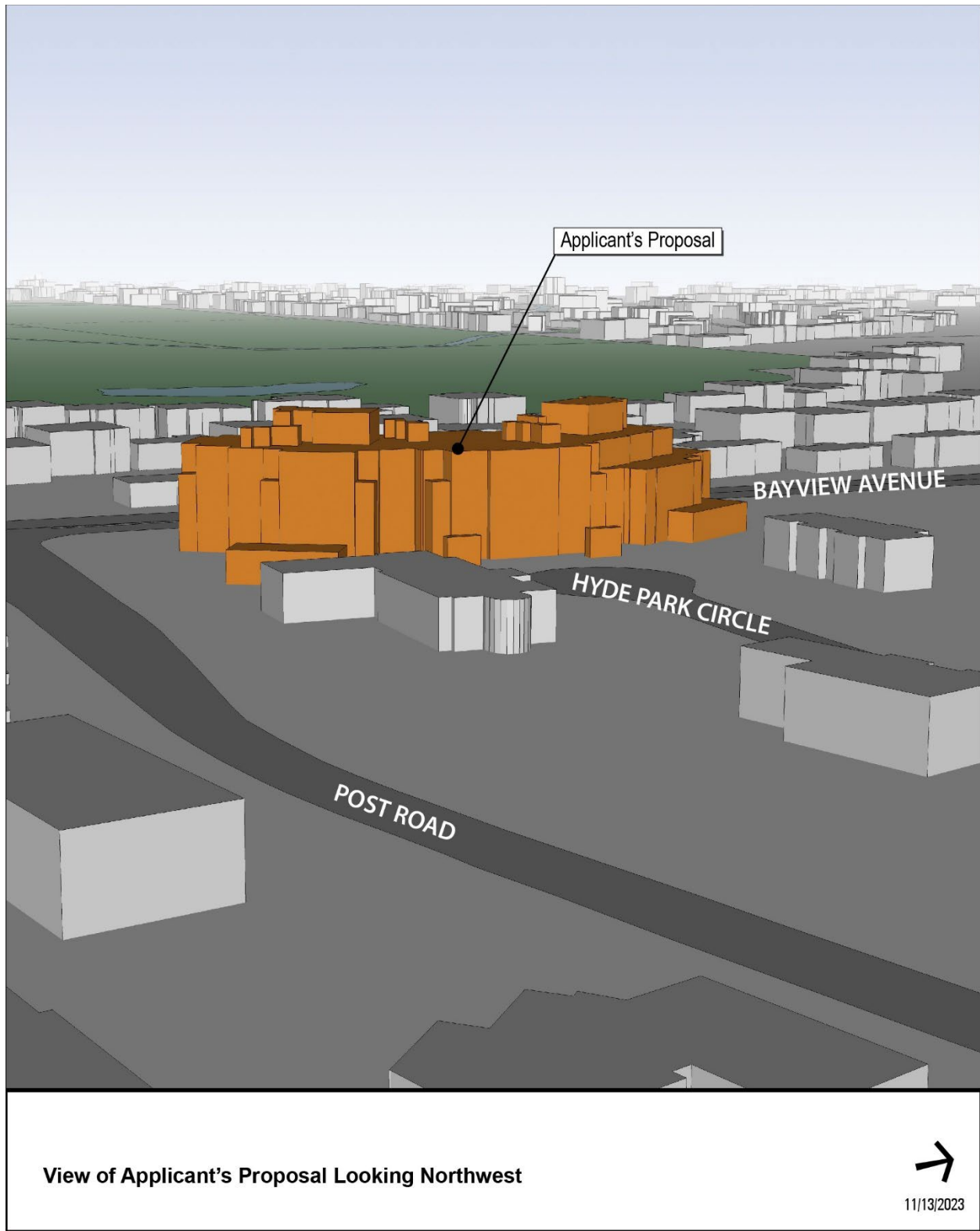
#### **CONTACT:**

Ingrid Fung, Planner  
416-338-6688  
Ingrid.Fung@toronto.ca

### Attachment 3: 3D Model of Proposal in Context Looking Southeast

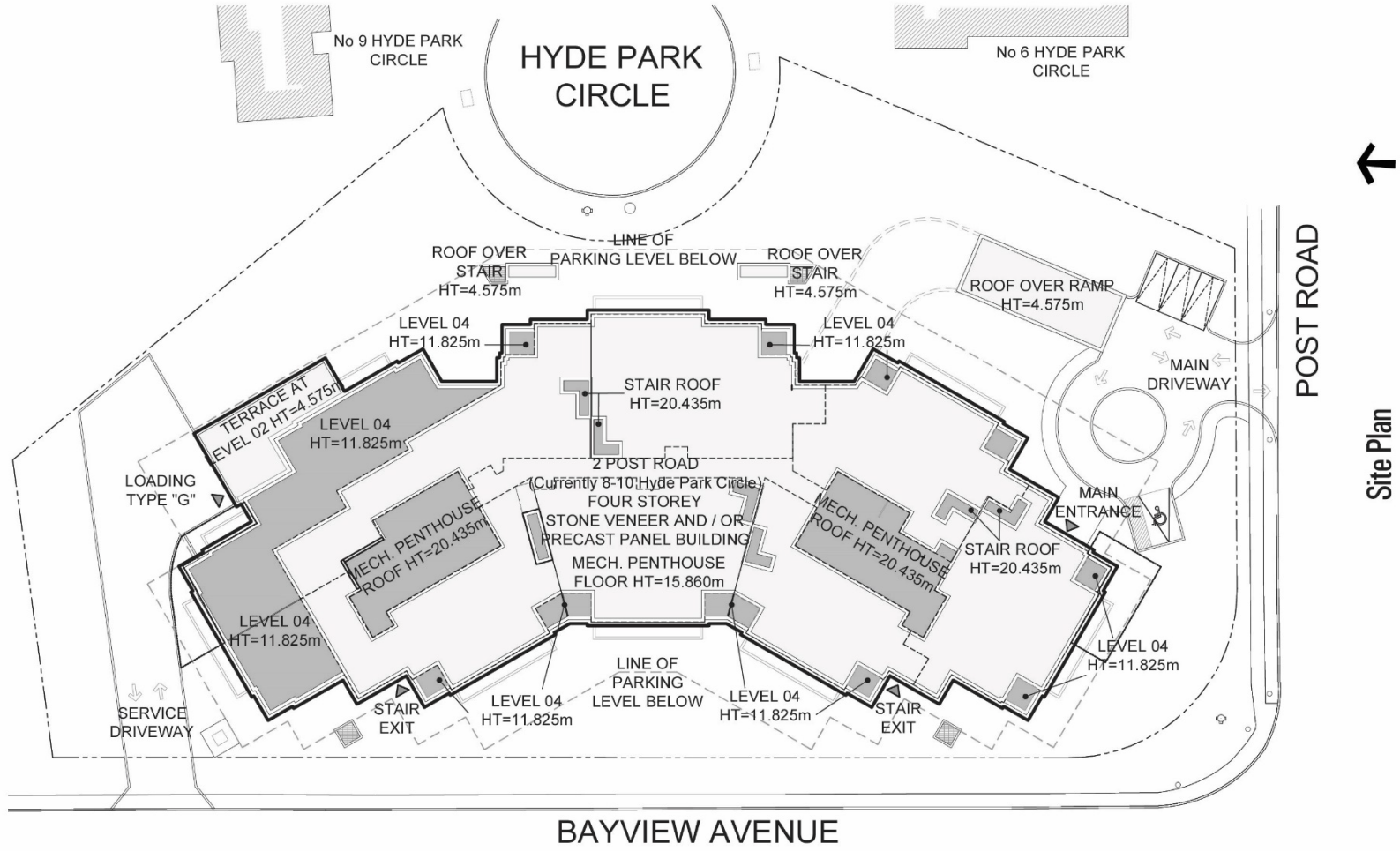


#### Attachment 4: 3D Model of Proposal in Context Looking Northwest



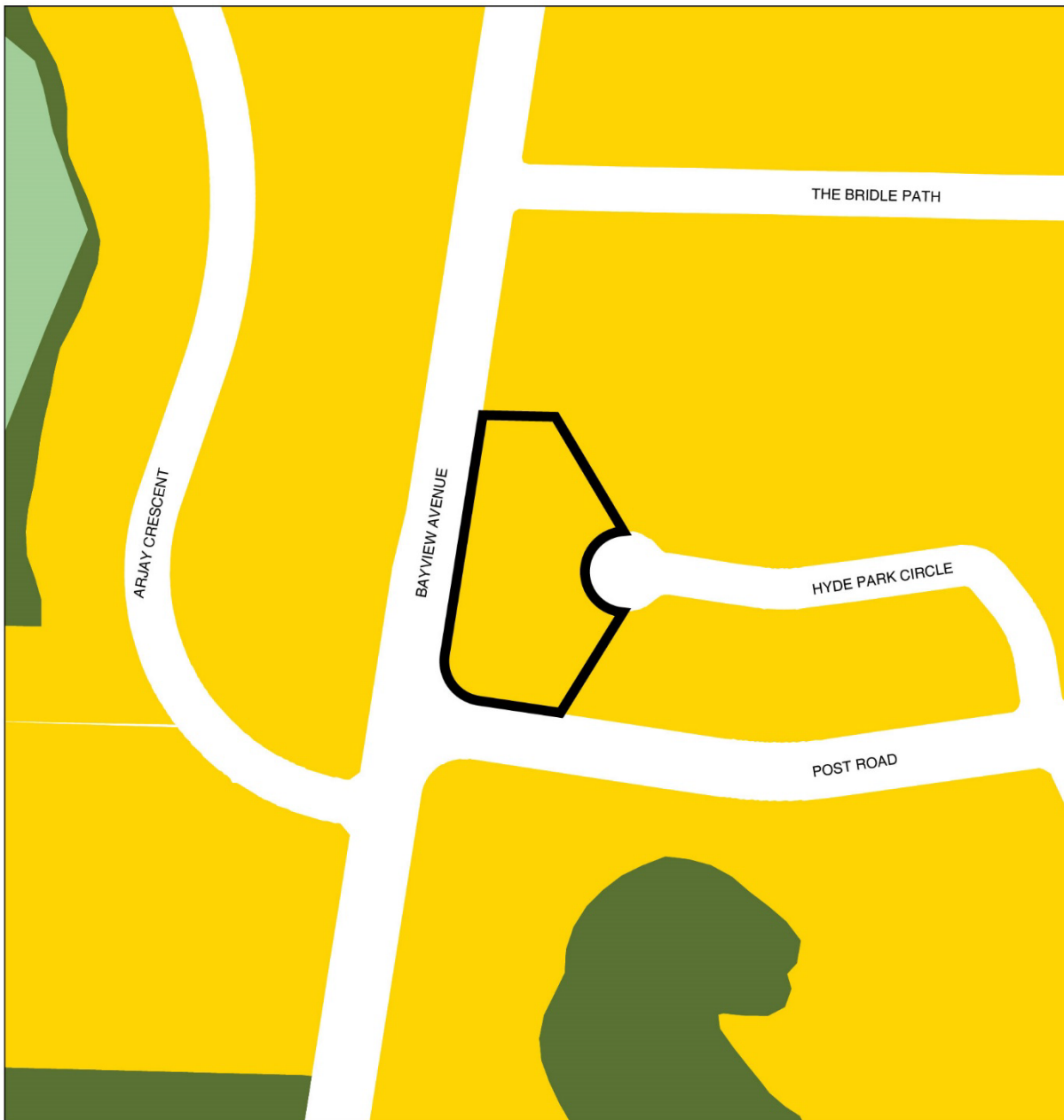


# Attachment 5: Site Plan



Site Plan

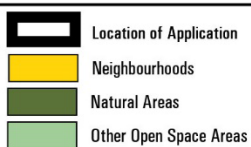
## Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map 17

8 & 10 Hyde Park Circle

File # 23 145949 NNY 15 0Z



Not to Scale  
Extracted: 05/23/2023

RD (f18.0; a690) (x862)

OG (x3)

RD (f18.0; a690) (x861)

RD (f18.0; a690) (x864)

RD (f30.0; a1100) (x184)

THE BRIDLE PATH

RT (u20) (x216)

RD (f30.0; a1100) (x69)

RD (f30.0; a3350) (x69)

HYDE PARK CIRCLE

POST ROAD

RD (f18.0; a690)

RD (f30.0; a3350) (x69)

RD (f60.0; a8000) (x893)

ON

RD (f60.0; a8000) (x895)

RD (f18.0; a690)

R3

G

R3(15)

BAYVIEW AVENUE

ARJAY CRESCENT

