

3386-3398 Bayview Avenue & 32 Brenham Crescent – Zoning By-law Amendment – Decision Report - Refusal

Date: April 9, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

Planning Application Number: 24 235666 NNY 18 OZ

SUMMARY

This Report recommends refusal of the application to amend the Zoning By-law to permit fifty (50) (12.5 metre high) 4-storey townhomes at 3386-3398 Bayview Avenue & 32 Brenham Crescent. A total of 25 units front onto Bayview Avenue while the remaining units front onto a new private driveway the connects to Brenham Crescent. An outdoor amenity space is proposed in the northwest portion of the site.

The proposal does not conform to the City's Official Plan policies as it does not appropriately address site organization, tree preservation and access matters. Further detail noted below.

A related Rental Housing Demolition application (25 121033 NNY 18 RH) was submitted and is currently under review.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council refuse the application for the Zoning By-law Amendment (Application No. 24 235666 NNY 18 OZ) for the lands municipally known as 3386-3398 Bayview Avenue & 2 Brenham Crescent for the reasons identified in this Report.
2. In the event the applications are appealed to the Ontario Land Tribunal, City Council, pursuant to subsections 34(11.0.0.1) of the Planning Act, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Zoning By-law

Amendment applications, to the satisfaction of the Executive Director, Development Review and the City Solicitor.

3. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on subsections 34(11.0.0.1) of the Planning Act and the City Clerk shall provide notice to all prescribed persons or public bodies under subsections 34(11.0.0.2) of the Planning Act.

4. City Council direct the City Clerk, should an appeal be filed, to notify the Ontario Land Tribunal of City Council's intention pursuant to subsections 34(11.0.0.1) of the Planning Act, and that the Ontario Land Tribunal shall receive the record, the notice of appeal and other prescribed documents and materials seventy-five (75) days after the last day for filing a notice of appeal for these matters.

5. Should the Zoning By-law Amendment application be resolved, and there is no appeal to the Ontario Land Tribunal or the appeal to the Ontario Land Tribunal has been withdrawn, City Council direct the Director, North York District, Community Planning to bring forward an Approval Report to North York Community Council for a statutory public meeting as required under the Planning Act.

FINANCIAL IMPACT

The Development Review 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 portion of the subject site was previously subject to a Zoning By-law amendment application (File No. 16 114795 NNY 24 OZ) for 24 four-storey, back-to-back townhouses arranged in 2 blocks with 50 underground parking spaces at 3390, 3392, 3394, 3396 and 3398 Bayview Avenue. The Zoning Bylaw Amendment amended the former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 to permit the residential development and establish appropriate performance standards.

In the previous application process, the rear portion of 3398 Bayview Avenue was designated as an Open Space (O) zone. This zoning aligned with the agreed-upon limits for development, taking into account the Toronto and Region Conservation Authority (TRCA) regulated area as well as the boundaries established by Ravine and Natural Features Protection (RNFP).

On November 7, 2017, City Council adopted Zoning By-law Amendments 1244-2017 and 1245-2017. The Final Report can be found here:
<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-107449.pdf>

As part of the City's Expanding Housing Options in *Neighbourhoods* (EHON) initiative City Council approved Official Plan Amendment 727 on June 26, 2024, to allow townhouses and small-scale apartment buildings along *major streets* in areas designated *Neighbourhoods*. *Major streets* serve as vital transportation corridors that facilitate surface travel, shipping, and delivery routes, while connecting different areas across the city. These roads extend throughout Toronto, bordering various designated areas such as *Neighbourhoods*, and are clearly identified on Map 3 of the Official Plan.

OPA 727 recognizes that properties along these major streets often differ in size, configuration, and orientation from those in the interior, supporting more intensive development. The OPA allows residential buildings up to six storeys, providing a mix of housing scales and forms in existing *Neighbourhoods*. This targeted intensification along *major streets* also supports increased transit ridership and fosters more complete communities. While this OPA represents Council's decision, it has been appealed to the OLT.

THE SITE AND SURROUNDING LANDS

Description

The subject site is located on the west side of Bayview Avenue, is irregular in shape and is an assembly of nine (9) detached residential lots fronting onto Bayview Avenue and Brenham Crescent. The site has frontages of 166.41 metres on Bayview Avenue and 45.75 metres on Brenham Crescent.

The site slopes downward significantly from south to north with a grade change of approximately 5 metres between the south and north lot lines. The northwestern portion of the site is zoned Open Space (O) and is a TRCA-regulated area containing numerous trees, but there is no significant slope at this location. There is an existing east-west 6-metre-wide sanitary sewer easement located in the middle of the site that runs along the northerly lot line of 3394 Bayview Avenue. The immediate area is characterized by low-rise residential and is opposite the 3377 Bayview - Tyndale College site which is currently under redevelopment; this site was subject to a development application (File No. 21 169802 NNY 17 OZ) for 12 new residential buildings, a new public street and two public parks. A total of 1,510 residential units are proposed in building heights of 6 to 8 storeys with two taller buildings of 15 and 24 storeys. The application was approved by the Ontario Land Tribunal in August 2023 (Case No. OLT-22-002710).

Surrounding Uses

As shown on Attachment 2: 'Location Map' of this report, the following are the surrounding land uses:

North: 1 to 2-storey detached dwellings on Bayview Avenue

South: 1 to 2-storey detached dwellings on Bayview Avenue

East: 3377 Bayview Ave - Tyndale College

West: 1 to 2-storey detached dwellings on Rubicon Court.

THE APPLICATION

Description

The proposal is to demolish the existing nine (9) detached buildings and replace them with fifty (50) 4-storey townhomes with an internal private driveway accessed from Brenham Crescent. There are two rows of townhouses. The west row of townhouses consists of 25 number of units and front onto the internal driveway and the east row of townhouses of 25 units front Bayview Avenue, with rear access for vehicles from the internal driveway that runs between the two rows of townhouses.

Density

The application proposes 11,145 square metres of residential gross floor area (GFA), on a total lot area of 7,073.98 square metres for a density of 1.61 times the area of the lot. See Attachment 1 of this report for the Project Data Sheet.

The proposal includes 50 townhouse units. The unit breakdown for the proposed residential portion of this development is as follows:

	Bachelor	1 bedroom	2 bedroom	3+ bedroom	Total
# of units	0	0	0	50	50
% of units	0.0%	0.0%	0.0%	100.0%	100.0%
Size range (m ²)			N/A	Not Provided	
% 2-Bdrm ≥ 87m ² & % 3-Bdrm ≥ 100m ²			N/A	Not provided	

The proposal includes an outdoor amenity space located in the northwest corner of the site, a portion of the space is within the lands zoned Open Space (O).

Access, Parking and Loading

The proposal includes a total of 100 vehicular parking spaces. Vehicular parking for the units is provided by two (2) tandem parking spaces located in a private garage on the

ground floor of each dwelling unit, accessed from the private driveway. No explicit bike parking spaces are provided. The proposal also includes one “Type G” loading space, accessed from the private driveway and located in the center of the lot over top of the existing easement. Additionally, two (2) layby pick-up and drop-off (PUDO) spots are proposed and would also serve as visitor parking. Both spots are situated at the entrance of a fire route access point, with one of these entrances aligning with the previously mentioned easement.

Rental Housing Demolition and Replacement

The application proposes to demolish all nine existing dwelling units, including five rental units. Replacement of the rental units is not proposed.

Additional Information

See the attachments of this Report for the Application Data Sheet (Attachment 1), Location Map (Attachment 3), a site plan (Attachment 6), elevations (Attachment 7), and 3D massing views (Attachment 8) 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: www.toronto.ca/3386BayviewAve

Reasons for Application

This application proposes to amend the current zoning for the subject site to permit the built form and to alter certain performance standards. Currently, the properties at 3386 and 3388 Bayview Avenue and 32 Brenham Crescent are zoned as RD (f15.0; a600) (x5) under Zoning By-law 569-2013. This zoning allows for detached dwellings with a maximum building height of 10.0 metres or 2 storeys. The remaining lots, which includes 3390-3398 Bayview Avenue, are subject to site-specific By-laws 1244-2017 and 1245-2017. These parcels are zoned as residential Townhouse RT(d1.3) (x148), which permits the construction of 24 townhomes in 2 blocks.

APPLICATION BACKGROUND

A pre-application consultation (PAC) meeting was held on April 16, 2024. The current application was submitted on November 6th, 2024 and deemed incomplete on November 22, 2024. Following a resubmission it was deemed complete on December 16, 2024, satisfying the City's minimum application requirements. The reports and studies submitted in support of this application are available on the Application Information Centre www.toronto.ca/3386BayviewAve.

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.

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 Planning Statement (2024).

Official Plan

The Official Plan designates the subject site as *Neighbourhoods*. As per section 4.1 of the Official Plan, *Neighbourhoods* are designated areas within Toronto that permit a mix of low-rise residential buildings, including detached and semi-detached houses, duplexes, triplexes, various forms of townhouses, and walk-up apartments. Parks, schools, local institutions, and small-scale shops are also permitted. See Attachment 3 of this Report for the Land Use Map.

4.1.5 of the Official Plan distinguishes lots that front onto *major streets*, as identified on Map 3, within *Neighbourhoods* from those located deeper in the block, recognizing that these lots may accommodate more intensive development. OPA 727 recognizes that properties along these major streets often differ in size, configuration, and orientation from those in the interior, supporting more intensive development. The OPA allows residential buildings up to six storeys, providing a mix of housing scales and forms in existing *Neighbourhoods*. This targeted intensification along *major streets* also supports increased transit ridership and fosters more complete communities.

Bayview Avenue is a *major street* on Map 3 (Attachment 5). Section 4.1.5 distinguishes *Neighbourhood* lots facing *major streets* from those deeper in a block, noting differences in size, configuration, and orientation. OPA 727 permits increased intensity—including residential buildings up to six storeys—on these lots. Bayview Avenue is identified as a *major street* on Map 3 (Attachment 5) and the site is designated *Neighbourhood*, so the site qualifies for the permitted intensification. Staff note 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.

Zoning

The lots at 3390, 3392, 3394, 3396 and 3398 Bayview Avenue are zoned as RT (d1.3) (x148) under Zoning By-law 569-2013, as amended by By-law 1244-2017. The RT zone permits townhouses and a density of 1.3 times the area of the lot. Site Specific Exception 148 permits four storey townhouses with up to 24 dwelling units along with other site specifications like a setback of front yard setback of 2.5 metres. The lots at 3386 and 3388 Bayview Avenue and 32 Brenham Crescent are zoned as RD (f15.0; a600) (x5) under Zoning By-law 569-2013. This permits residential detached dwellings with 15 metre frontage and 600 square metre area.

The RT zoning permits townhouses while RD zoning permits detached residential dwellings. See Attachment 4 of this Report for the existing Zoning By-law Map.

Site-specific Zoning By-law 1244-2017 can be found here:
<https://www.toronto.ca/legdocs/bylaws/2017/law1244.pdf>

Design Guidelines

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

- Townhouse and Low-Rise Apartment Guidelines
- Toronto Accessibility Design Guidelines

Toronto Green Standard

The Toronto Green Standard (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 TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

PUBLIC ENGAGEMENT

Community Consultation

Community Planning staff hosted a virtual community consultation meeting ('CCM') on February 10, 2025, which was attended by approximately 41 people, including the local ward councillor.

At the CCM, Community Planning staff provided an overview of the site context, the in effect and proposed policy framework, as well as an overview of the application review process; the applicant gave a presentation on the subject development proposal. Comments and questions raised at the CCM were generally focused on the following:

- Questions about the proposed unit types and size;
- Questions and concerns about the driveway entrance off of Brenham Crescent being close to the intersection;
- Concerns about the traffic issues that may be caused as a result of this development;
- Questions and concerns about recycling and garbage bin storage and pickup;
- Questions about the timing of construction;
- Questions about stormwater drainage during construction and once built;
- Questions and concerns about water absorption;
- Questions about permeable services and their effectiveness;
- Questions about privacy measures put in place for the neighbouring properties; and
- Questions about shadow impact on neighbouring properties.

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this Report.

COMMENTS

Provincial Planning Statement and Provincial Plans

Staff's review of this application has taken into account the relevant provincial interest matters set out in the Planning Act. Staff have examined the current proposal to ensure it aligns with the Provincial Planning Statement (2024) (PPS 2024), whose policies detail how and where intensification should occur in the province. Staff have determined that the proposal is consistent with the PPS (2024).

The PPS (2024) supports the creation of complete communities by promoting an appropriate range and mix of housing options, introducing new housing alternatives and densities in previously developed areas. In addition, Housing Policy 2.2.1 supports development that achieves a net increase in residential units and optimizes proximity to existing public services, infrastructure, and transit networks. Bayview Avenue has the existing services, infrastructure and access to the bus routes which run along it. As such Staff believe it is consistent with the PPS (2024).

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies including the applicable SASP policies, planning studies, and design guidelines described in the Policy and Regulation Considerations Section of this Report.

Land Use

The proposed land use is for residential Townhouses which is a permitted use in the Neighbourhoods designation and a portion of the lands are already zoned for the Townhouses as a result of the previous Zoning amendment.

Housing

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This proposal would result in a townhouse development with market rate units for purchase.

Rental Housing and Tenant Assistance

The application involves the demolition of more than six residential units, at least one of which is rental. Accordingly, the applicant submitted a Rental Housing Demolition application on February 24, 2025.

At this time, staff have identified that there are five rental dwelling units proposed to be demolished—three of these rental units are currently occupied by tenants. Demolition of one of these rental units and 5 ownership housing units was previously approved by City Council in November 2017 through a former Rental Housing Demolition application and associated Zoning By-law Amendment application at 3390-3398 Bayview Avenue.

Replacement of the five demolished rental units is not required, and approval of the Rental Housing Demolition application is delegated to the Chief Planner, or their designate, because the proposed redevelopment would result in the demolition of less than six rental units. The application is still under review to confirm the existing site condition, including the number of impacted rental units.

In accordance with Policy 3.2.1.12 of the Official Plan, the applicant is required to provide a tenant assistance plan to lessen hardship for existing tenants.

Should the application be appealed after Council's refusal and in the event that the OLT allows Zoning By-law amendment application appeals in whole or in part, the final order should be withheld until the Chief Planner or their designate has approved the Rental Housing Demolition application and the owner has entered into an agreement to secure necessary conditions on the Rental Housing Demolition approval, including a tenant assistance plan that is consistent with the City's current practices and will support tenants to access alternative accommodation within the neighbourhood.

Built Form

Density, Height, Massing

The proposed townhouses have acceptable height and generally acceptable massing; however, the number and orientation of the units are not suitable for the site's limited depth. Staff have suggested alternative built form options, including a mix of townhouses and an apartment building with six (6) storeys (or less) or an all-townhouse design with a different site orientation and organization. A mix of building types may be necessary to achieve an appropriate built form on the site in conformity to the Official Plan.

Site Organization

Upon review of the proposed development, it has been determined that the site organization of the development does not meet key policies and guidelines outlined in the Official Plan and the Townhouse and Low-Rise Apartment Guidelines.

Setback, Separation Distance & Stepbacks

The proposed development does not comply with established guidelines regarding setbacks and scale. Specifically, it lacks an appropriate front yard setback from the Bayview Avenue property line, as a zero-metre setback is not supportable. According to Official Plan Policy 4.1, development in established *Neighborhoods* should respect the existing physical character, including the prevailing building setbacks from the street. Along Bayview Avenue, buildings in the area are a minimum of 2.5 metres and generally setback 3 metres or more from the property line to accommodate an entry and

landscaping between the public sidewalk and the building. As well, the majority of the proposed landscaping is provided within the setbacks from the public facing property line. Notably the front yard setback would not provide enough soil volume for the trees to adequately grow. Providing this setback will better respect and reinforce the established neighbourhood character.

Furthermore, as directed by Official Plan 3.1.4, townhouse and low-rise apartment buildings should be designed with appropriate facing distances to ensure daylight and privacy for occupied ground floor units. The current proposal's 12 metre facing distance between the east and west townhouses is insufficient for four-storey buildings and should be increased to a minimum of 15 metres in accordance with the Townhouse and Low-rise Apartment Guidelines.

Building Address & Entrances

Section 3.1.3 and 3.1.4 of the Official Plan emphasize that new developments should position main building entrances on prominent facades that face public streets, parks, or open spaces, ensuring that they are clearly visible and directly accessible from these areas. Additionally, townhouse and low-rise apartment buildings must feature unit and building entrances that are directly accessible and visible from public streets, pedestrian mews, and walkways. The proposal, however, does not incorporate these key policies as the western row of townhouses (Units 27-50) lacks appropriate frontage, resulting in primary facades and entrances that are not visible from the public street. This design, often referred to as a “townhouse-behind-townhouse” arrangement, is further exacerbated by a private driveway configuration, which prevents direct access from public sidewalks, mews or streets. Consequently, this design contravenes essential City Building principles, as it fails to provide opportunities to provide clear pedestrian connections, proper orientation toward public streets, mews or walkways, and visible address markers. A redesign is necessary to reorient the entrances toward public spaces, thereby enhancing connectivity and complying with the Official Plan.

Shared Amenity Areas

The proposed outdoor amenity area, characterized by its irregular shape and rear-site location, fails to provide convenient and direct pedestrian connections for all units, providing no pedestrian walkways to the amenity space. This configuration is inconsistent with the recommendations outlined in Section 3.2 of the Townhouse and Low-rise Apartment Guidelines. The Townhouse guidelines state developments with 20 units or over should include accessible shared outdoor amenity space as a central feature on the site. Instead, the amenity space is isolated, and not easily accessible. The design fails to animate outdoor spaces with active building frontages, and there is little to no connection with adjacent open spaces. Opportunities to create high-quality, landscaped, and universally accessible areas have not been realized. Further the outdoor amenity space and any other shared outdoor space children may play in are not easily visible to residents for informal supervision, as recommended by Section 3.2 of the Townhouse and Low-rise Apartment Guidelines. A reconsideration of the layout is necessary to improve accessibility and better integrate the amenity space within the overall development.

Public Realm

Private Driveway, Curb Cuts and Loading

The proposed development fails to comply with Official Plan 3.1.3, which requires that vehicle parking, access, loading, and servicing be designed to minimize impacts on the public realm. The current plan does not adequately address these considerations. A key issue is the two curb cuts and fire truck access driveways along Bayview Avenue.

These curb cuts and associated driveways disrupt pedestrian movement, and negatively impact the streetscape. Additionally, the loading and servicing area is poorly situated, creating potential conflicts with both pedestrian and vehicular circulation. An improved site organization would allow for opportunities to relocate these functions to a less prominent area, ensuring a safer and more visually appealing environment.

The 6-metre driveway is too narrow to adequately service the lot. Its limited width restricts the possibility of integrating proper landscaping and a dedicated pedestrian walkway which is critical for safety. Standard 2.1 metre wide sidewalks should be provided along the internal driveway and must be continuous throughout the site, with appropriate transition areas connecting to existing sidewalks on Bayview Avenue. Without a designated path for pedestrians, this design not only compromises the property's aesthetic appeal but also significantly raises the risk of accidents.

Soil Volume & Landscape

Aspects of the Soil Volume Plan do not demonstrate the site's compliance with Toronto Green Standard EC 1.1 – Tree Planting Areas and Soil Volume or EC 1.2 – Trees Along Street Frontages.

Official Plan *Natural Environment* Policy 3.4.1 recommends that changes to the built environment be environmentally friendly by providing suitable growing conditions for trees, increasing canopy coverage, and enhancing tree diversity. The current design fails to maximize tree planting opportunities across the site. The lack of an adequate front yard setback along Bayview Avenue limits space for new trees, potentially hindering their growth. To the north, there is not enough space provided to allow for landscaping to provide a partition to the adjacent detached dwelling at 3400 Bayview Avenue.

In summary, the design does not provide adequate site organization in order to maximize tree preservation and planting opportunities, thereby falling short of the Official Plan's directives to enhance the urban forest and environmental quality.

Tree Preservation

The site struggles to adequately satisfy the Official Plan policies regarding the preservation and enhancement of trees planting opportunities. According to Official Plan Built Form Policy 3.1.3.1, developments should preserve existing mature trees wherever possible. This development will not preserve any of the existing private trees that are not under ravine protection and proposes the removal of at least forty regulated trees on

private property. Furthermore, only nine replacement trees are proposed, some of which do not meet the planting condition standards set by Urban Forestry. This represents a significant shortfall in preserving the urban canopy.

Toronto Green Standard

Upon review of the proposal, it has been determined Policy 3.4.1 of the Official Plan, and the requirements of Performance Measure EC 1.1 - 'Tree Planting and Soil Volume' and EC 1.2 - 'Trees Along Street Frontages' of the TGS are not being met.

The applicant is required to meet Tier 1 of the TGS.

The proposal is failing to achieve the following Tier 1 Performance Measures of the TGS:

- AQ 2.1 – 'Connectivity'
- AQ 3.2 - 'Sidewalk Space'
- EC 1.1 - 'Tree Planting Areas and Soil Volume'
- EC 1.2 - 'Trees Along Street Frontages'

Further the following TGS requirements were not met solely in areas regulated by the Ravine & Natural Feature Protection By-law:

- EC 3.1 Ravine & Natural Feature Protected Area Stewardship
- EC 3.2 Ravine & Natural Feature Protected Area and Natural Heritage System (NHS)

Ravine & Natural Feature Protection and Natural Heritage System

The subject site falls outside the Toronto and Region Conservation Authority (TRCA) Regulated Area. While the property at 3398 Bayview Avenue is situated near a valley slope, the top of the slope is more than 15 metres from the rear of the property, placing it beyond TRCA's jurisdiction. Consequently, TRCA did not participate in the review of this application.

A portion of the outdoor amenity area is proposed within the Ravine By-Law buffer. Compliance with the Ravine By-Law setback requirements is needed along the north and northwest property lines. Coordination with Ravines & Natural Feature Protection (RNFP) is necessary to confirm compliance.

The application borders a portion of the Natural Heritage System, illustrated on Map 9 of the Official Plan Map. The Natural Environment Official Plan policy 3.4.11 states that when land use designations permit development near the natural heritage system, special considerations must be given to the development. Specifically, the development should minimize adverse impact on the natural heritage system and enhance or restore it wherever possible.

The current proposal does not adequately give special consideration to this area as it proposes the shared amenity space within and slightly beyond the Ravine and Natural Feature Protection (RNFP) buffer zone and is next to a Natural Heritage System.

Constructing the amenity space here would disturb the existing environment which the RNFP buffer zone and Natural Environment Official Plan policies try to protect. Staff are concerned about the location of this outdoor amenity space as currently proposed as building here would not adequately meet policy 3.4.11,

Additionally, section 3.2 of the Townhouse and Low-Rise Apartment Guidelines states developments with 20 or more units and sites over 1.0 ha should include a shared outdoor amenity space as a focal point within the development. If this proposed area is intended to meet this standard, its placement at the edge of the property within the RNFP buffer zone raises concerns. While the design can be refined at the Site Plan stage, the location must be addressed during the Zoning By-law Amendment process.

OP policy 3.4.11 should be kept in mind when developing the portion of the site located within the Ravine By-Law area, namely the amenity space. Efforts should be made to minimize adverse impacts on the Natural Heritage System and the RNFP by-law buffer areas around them.

Access, Vehicular and Bicycle Parking and Loading

As mentioned above, Policy 3.1.3 of the Official Plan states the development should locate and organize vehicle parking, vehicular access and ramps, loading, servicing and utilities to minimize their impact on the public realm. This will enhance both the safety and aesthetic appeal of the public realm and the site.

Vehicular & Pedestrian Access

Standard 2.1-metre-wide sidewalks should be provided along the internal driveway and must be continuous throughout the site, with appropriate transition areas connecting to existing sidewalks on Bayview Avenue. The sidewalks must be free of any encumbrances such as utility poles and fire hydrants, with a minimum 0.5-metre setback. While public sidewalks are usually addressed during the site plan stage, there is currently not enough space allotted in the 6-metre-wide driveway to provide this private sidewalk or sufficient space for front yard landscaping for the western row of townhouses due to the distance between blocks. Adding the sidewalk to the private driveway would help address the concerns raised above regarding Section 3.1.3 and 3.1.4 of the Official Plan pertaining to building entrances needing direct access to and are visible from public streets, pedestrian mews and walkways. As well, a lack of a pedestrian walkway along the 6-metre-wide driveway is a safety concern. The current design does not provide safe and accessible pedestrian routes in accordance with Official Plan Policy 3.1.3. It lacks clearly defined pathways connecting the townhouse units to public sidewalks, streets, and outdoor amenity areas.

Staff also raised concerns during the PAC stage and in comments about the proximity of the proposed site driveway on Brenham Crescent to the intersection with Bayview Avenue and this remains unresolved. This will be discussed further below.

Fire Access & Curb Cuts

The application has proposed two curb cuts on the Bayview Avenue site frontage for fire access. Staff do not support curb cuts on major arterial roads. The primary concern relates to the control of vehicular access within the public right-of-way. Fire entrances should be consolidated into one entrance.

Parking

The parking requirements for the project are governed by Zoning By-law 89-2022. A total of 100 parking spaces are proposed, with each townhouse unit having two self-contained tandem parking spaces. However, tandem parking does not count toward parking totals for Transportation Review purposes, resulting in an effective parking rate of 1.0 space per unit, which is acceptable.

There are two proposed layby pick-up and drop-off (PUDO) spots that are doubling as visitor parking. Layby PUDO spots be used as visitor parking and are blocking the proposed fire routes, which is unacceptable. Fire access points should remain unobstructed at all times. Do to their location blocking the proposed fire access, Staff cannot support the location of these PUDO spots.

Loading

According to Zoning By-law 569-2013, one Type "G" loading space is required for the site, given the proposed 50 residential units. The applicant submitted Vehicle Maneuvering Diagrams (VMDs) showing functional access to the loading space. However, the waste collection design proposes using an LSU (Light Single-Use) truck, indicating custom private collection. The applicant must provide further details on the waste collection setup and its general operations in order to determine if this is appropriate. Based on the amount of information provided Staff cannot support it at this time.

Servicing

Water

In the Functional Servicing Report, prepared by Schaeffers Consulting Engineers, dated October 2024 (Stamped October 28, 2024), the minimum, maximum, and "peak" hourly demand peaking factors are incorrectly indicated to be in accordance with MECP guidelines. Additionally, the required fire flow needed for the development property was not clearly specified. This needs to be updated to use City of Toronto guidelines.

Sanitary

A sanitary sewer runs through the development property from Rubicon Court to Bayview Avenue within an existing easement. Staff have concerns regarding how close the proposed buildings are to the easement. The zone of influence must be determined and adequate setback from the easement limits must be provided so the loads from the development's building foundations do not project upon the sanitary sewer contained within the easement.

The proposal does not address the private servicing elements that are proposed to encroach through the sanitary sewer easement (6 metres). If encroachments cannot be avoided, the proposal should identify what (if any) mitigation measures can be employed to limit the impact of the private servicing on the City's sewer within the easement. Coordination with Toronto Water is necessary to confirm compliance.

Traffic Impact

The applicant's traffic engineering consultant, WSP, submitted a Transportation Impact Study (TIS) dated October 7, 2024, in support of the subject application. The report estimates that the site will generate 38 and 42 vehicular trips during the AM and PM peak hours, respectively. The consultant concluded that the traffic impacts of the proposed site would be negligible to the overall traffic network. However, Staff require clarification and revision before acceptance of the study's findings as the digital Synchro files for all scenarios and conditions (existing, future background, and future total) were not submitted for review. Without these files, Transportation Review is unable to validate the findings of the TIS.

The distance between the proposed site access and the intersection of Brenham Crescent and Bayview Avenue is not identified on the submitted drawings. It was previously identified that the distance from the entrance to the intersection was a concern and it does not appear that the location of this driveway entrance has been improved. Without providing this measurement Staff cannot determine if this issue has been adequately addressed.

Summary of Issues to be Resolved

Based on the review of the application, the following issues have not been addressed and need to be resolved in order for redevelopment to proceed on the subject site.:

- Site Organization
 - Setbacks, Separation Distances and Stepbacks
 - Building Entrances and Addressing
 - Pedestrian Connections and Shared Amenities
- Loading
- Vehicular & Fire Access and Curb Cuts
- Visitor Parking
- Tree Preservation
- Toronto Green Standard (TGS) Compliance
- Ravine & Natural Heritage Considerations
- Servicing & Easement encroachment

Further Issues

Should the decision to refuse the application be appealed to the Ontario Land Tribunal, and Staff continue to receive additional or supplementary information regarding this

application or be required to review a revised proposal, Staff may refine or identify further issues and/or supplement the reasons provided in this Report.

Conditions to Any Tribunal Order

Should the refusal of Council's decision be appealed to the Ontario Land Tribunal, and not resolved or otherwise approved by City Council, and the Ontario Land Tribunal decides to grant the approval, in whole or in part, the following include a preliminary list of conditions that should be imposed on the issuance of any final order of the Tribunal to the satisfaction of the appropriate City Officials:

- The final form and content of the draft Zoning By-law Amendment;
- The owner has at its sole expense:
 - Submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - If the Engineering Reports accepted and is satisfactory and should they identify any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - i. the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted *Functional Servicing and Stormwater Management Report*, to support the development, in a financial secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or,
 - ii. the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory *Functional Servicing and Stormwater Management Report* in (i) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;
- Ensure that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any

new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required.

- The Chief Planner has approved Rental Housing Demolition Application to permit the demolition of the existing rental housing and the owner has entered into and registered on title one or more agreements to secure an acceptable tenant assistance plan, all to the satisfaction on the Chief Planner.

CONCLUSION

The proposal has been reviewed against the policies of the Provincial Planning Statement (2024), and the Official Plan. The proposal does not conform with the Official Plan, including but not limited to sections 3.1, 3.4, and 4.1. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application.

CONTACT

Julia Covelli, Planner, Tel. No. 416-338-9070, E-mail: julia.covelli@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Information/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Major Streets Map (Map 3 from Official Plan)

Applicant Submitted Drawings

Attachment 6: Site Plan
Attachment 7: Elevations and/or Ground Floor Plan
Attachment 8: 3D Massing Model

APPLICATION DATA SHEET**Municipal Address:** 3398 BAYVIEW AVE **Date Received:** November 6, 2024**Application Number:** 24 235666 NNY 18 OZ**Application Type:** OPA / Rezoning, Rezoning

Project Description: Rezoning Application proposes to demolish the existing single detached buildings on site and replace with fifty (50) 4-storey townhomes on a private lane/driveway. The east row of townhouses will be designed to face the internal lane as well as to provide a main entrance appearance facing Bayview Ave. The proposal includes 11,415 m² of residential gross floor area with a density of 1.61 Floor Space Index (FSI) and a building coverage of approximately 41%. Vehicular parking for the units is provided at 2 parking spaces per unit accessed from the private driveway.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP			BAYVIEW RIDGE RESIDENCES INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	RD (f15.0; a600) (x5)	Heritage Designation:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m):	7,074	Frontage (m):	143	Depth (m):	46
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,559		2,911	
Residential GFA (sq m):	3,250		11,415	11,415
Non-Residential GFA (sq m):				
Total GFA (sq m):				11,415
Height - Storeys:	2		4	4
Height - Metres:	8		13	13
Lot Coverage Ratio (%):	0.41		Floor Space Index:	1.61

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	11,415	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	8		50	
Condominium:				
Other:				
Total Units:				

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:					50

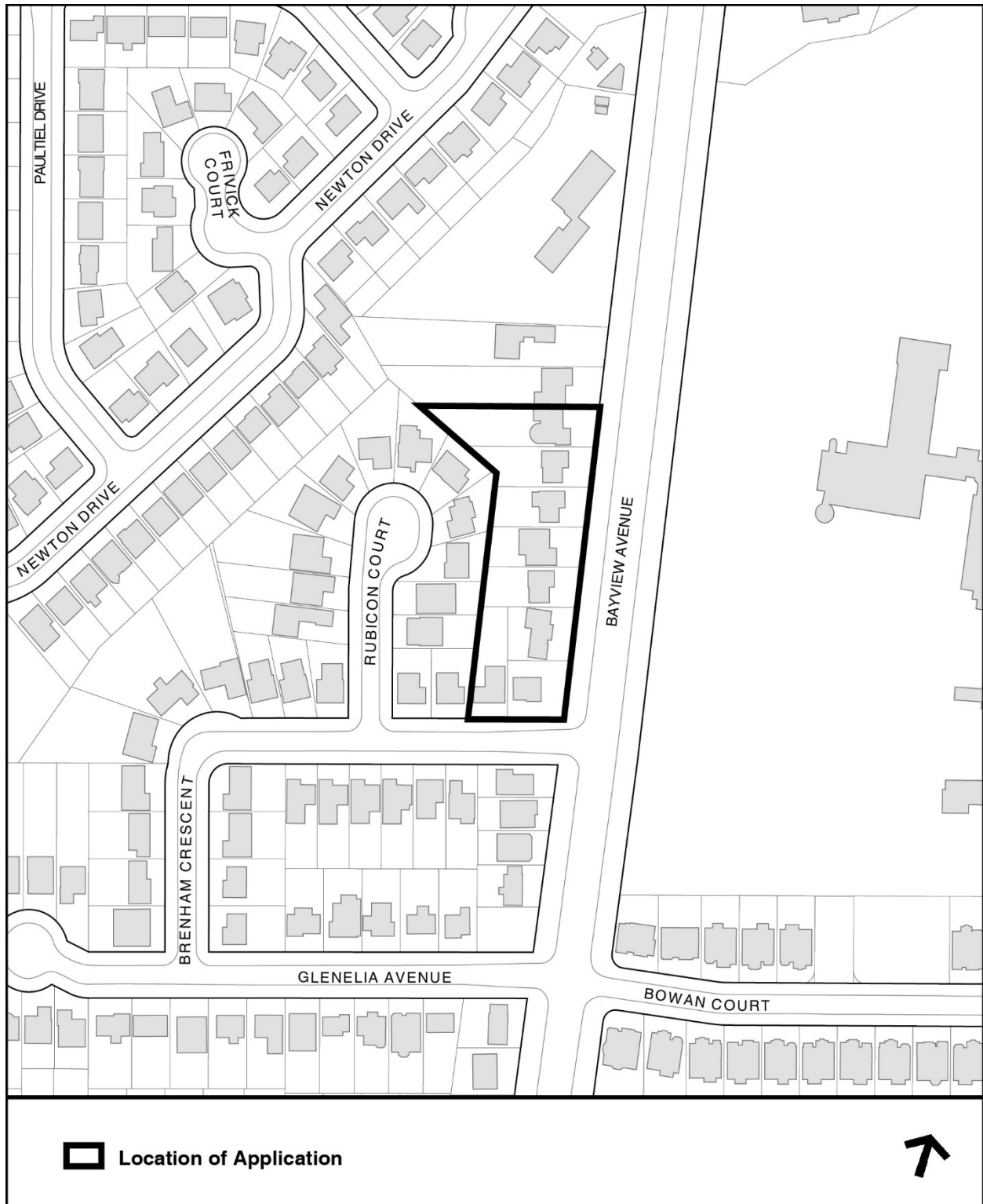
Parking and Loading

Parking Spaces: 100	Bicycle Parking Spaces:	Loading Docks:
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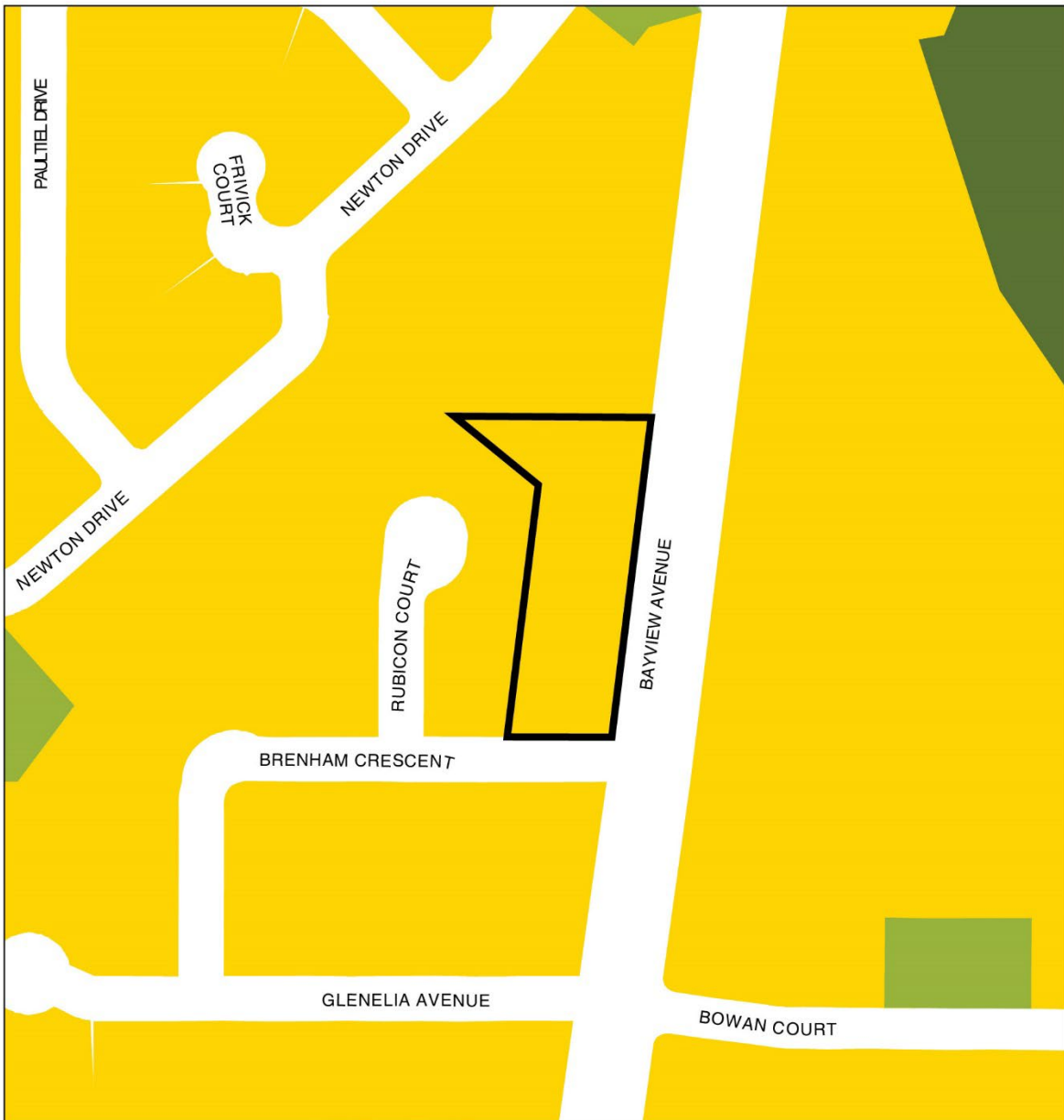
CONTACT:

Julia Covelli, Planner
416-338-9070
julia.covelli@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



3386-3398 Bayview Avenue & 32 Brenham Crescent
Official Plan Land Use Map #16

File # 24 235666 NNY 18 0Z



Location of Application

Neighbourhoods



Natural Areas

Parks



Not to Scale
Extracted: 11/12/2024

Attachment 4: Existing Zoning By-law Map



3386-3398 Bayview Avenue & 32 Brenham Crescent

Zoning By-law 7625

File # 24 235666 NNY 18 0Z



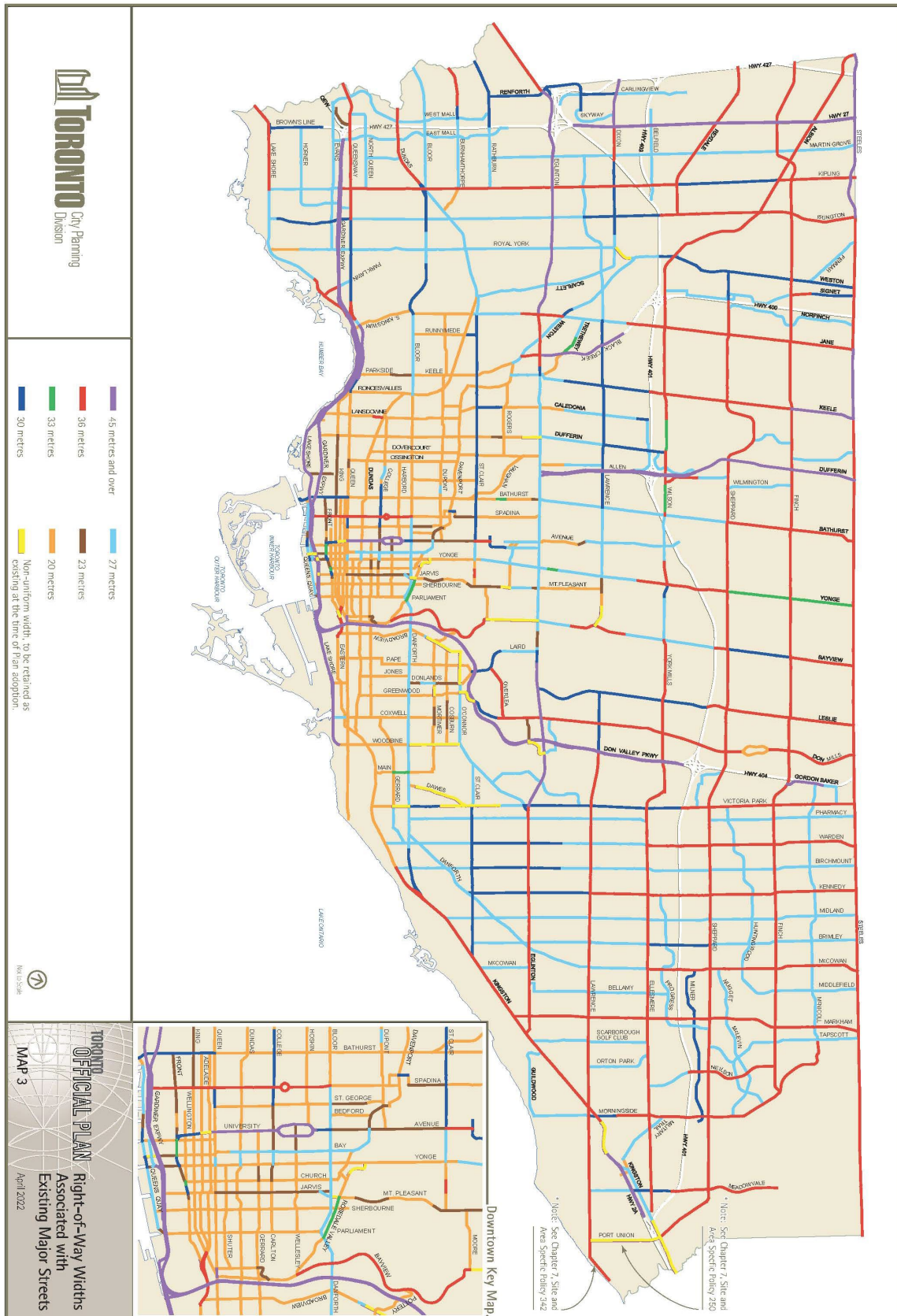
Location of Application

- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- O1 Open Space Zone
- G Greenbelt Zone



Not to Scale
Extracted: 11/12/2024

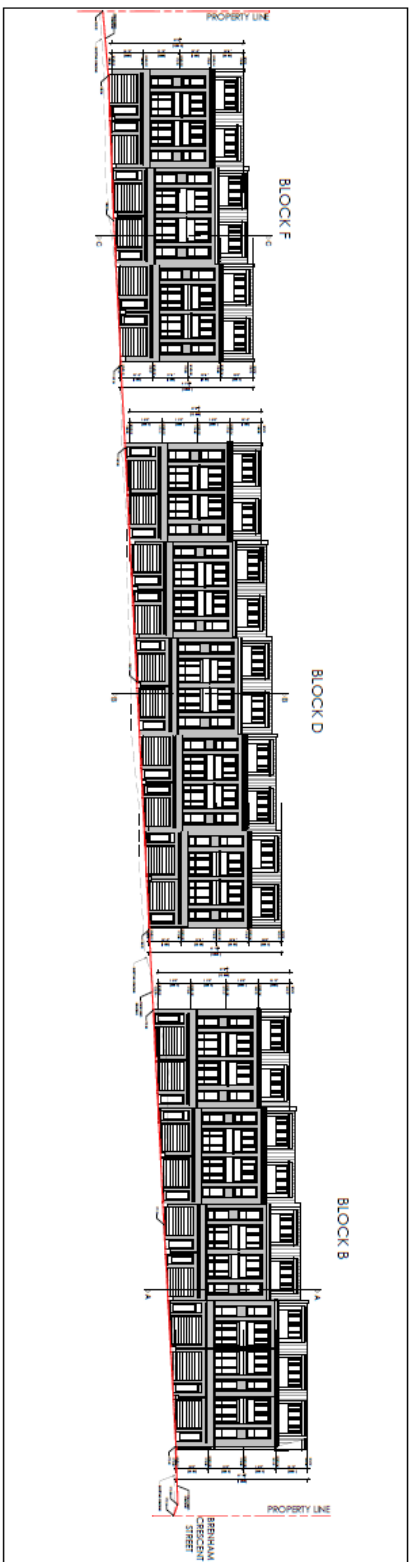
Decision Report - Refusal - 3398 Bayview Ave



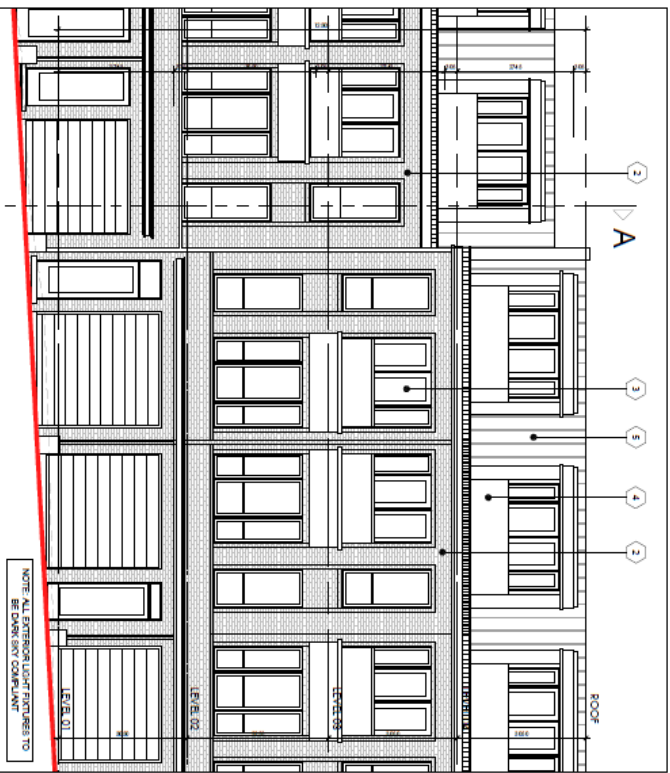


Attachment 7: Elevations and/or Ground Floor Plan





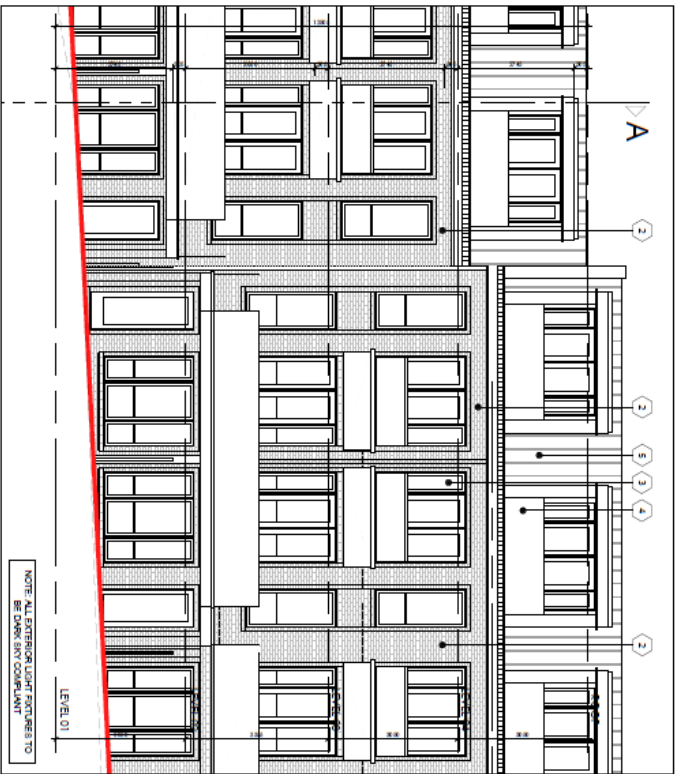
1 EAST TOWNHOME - REAR ELEVATION
A202 SCALE = 1/20



2 EAST TOWNHOME - REAR ELEVATION
A202 SCALE = 1/20

- 1 PRE-CAST PANEL
- 2 BRICK VENEER
- 3 PRE-FINISHED ALUMINUM GLAZING SYSTEM
- 4 PRE-FINISHED ALUMINUM GLAZED PANEL
- 5 PRE-FINISHED STANDING SEAM METAL ROOF

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BAYVIEW RIDGE RESIDENCES 3398 BAYVIEW AVE. SUITE 100 SCARBOROUGH, ONTARIO M1S 5B5											
EAST TOWNHOME REAR ELEVATIONS											
BRR INC.											
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>10/12/2023</td> </tr> <tr> <td>2</td> <td>ISSUED FOR CONSTRUCTION</td> <td>10/12/2023</td> </tr> </tbody> </table>			NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	10/12/2023	2	ISSUED FOR CONSTRUCTION	10/12/2023
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NOTES 1. ALL EXTERIOR LIGHT FIXTURES TO BE DARK-ON COMPLIANT.											
SCALE 1" = 1'-0"											
DATE 10/12/2023											



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CLIENT: BRR INC.		PROJECT: BAYVIEW RIDGE RESIDENCES 3398 BAYVIEW AVE. SUITE 200 WEDGEMOUNT, ONTARIO M9H 1B7 TEL: (416) 593-8888 WWW.RICHARDWINGLE.COM	
DATE: SEPTEMBER 2024		SCALE: AS NOTED	
DESIGNED BY: RW		CHECKED BY: RW	
DATE: SEPTEMBER 2024		SCALE: AS NOTED	

Attachment 8: 3D Massing Model

