

# **TORONTO** STAFF REPORT

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January 24, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Status Report and Request for Directions  
Rezoning and Official Plan Amendment Application  
730 Dovercourt Road, 323 and 357 Rusholme Road  
Application No.: 02-035311 SHY 18 OZ  
Architect: Northgrave Architect Inc.  
Davenport, Ward 18

Purpose:

1. To provide an update to Council regarding:
  - (i) a revised development proposal submitted by the applicant in September 2004;
  - (ii) on-going consultations with tenants, community residents and the applicant regarding the proposed development; and
  - (iii) the principles staff recommend be applied to any further development on this site.
2. To request direction from Council for the purpose of the pending Ontario Municipal Board proceedings.

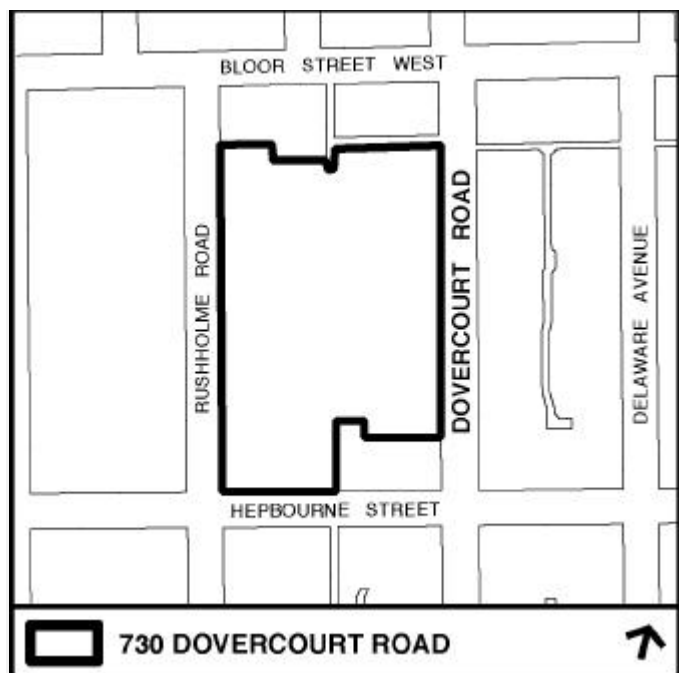
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) refuse the revised Official Plan Amendment and Zoning By-law Amendment applications for the reasons outlined in this report;
- (2) direct the City Solicitor and appropriate staff to attend the



Ontario Municipal Board to oppose the revised Official Plan and Zoning Amendment applications;

- (3) direct staff to continue negotiations with the applicant to achieve further modifications on the basis of the development principles laid out in this report;
- (4) direct staff to continue consultations with tenant representatives and the owner to assist in a determination as to the nature and extent of improvements and renovations to the existing apartment buildings and amenities at 730 Dovercourt Road and 323 and 357 Rusholme Road that could appropriately be included as part of the development proposal;
- (5) direct staff to continue consultations with tenant representatives, community representatives and the owner to assist staff in a determination as to the nature and extent of community benefits that could be recommended be secured under Section 37 of the *Planning Act*; and
- (6) direct staff to report directly to Council at its meeting of February 16, as may be required regarding the progress of the Ontario Municipal Board proceedings.

Background:

On November 7, 2002, Sterling Silver Developments applied for Zoning and Official Plan Amendments to build a new, 19-storey, fourth apartment building on a site which already has three apartment buildings, built circa 1965.

On or about July 16, 2004, the applicant filed an appeal to the Ontario Municipal Board. A prehearing is scheduled for February 1, 2004.

At its meeting of September 28, 29, 30 and October 1, 2004, Council adopted Report No. 7, Clause 23 of the Toronto East York Community Council (Planning Report dated August 23, 2004) and directed Urban Development Services (City Planning) and Corporate Services (Legal Department) to oppose the original submission made by the applicant at the Ontario Municipal Board but to continue negotiations regarding further revisions to the proposal.

A series of revisions have been received by Urban Development Services in response to comments made by staff. The revised application of September 2004 was based on ongoing discussions with Planning Staff with respect to the informal submission of March 2003.

The revised application submitted September 23, 2004 is for an L-shaped building of 8 storeys along Dovercourt Road and 13 storeys facing the central open space, containing 285 dwelling units with a total gross floor area of 22,780 square metres. The new building would bring the total density of the site to 3.43 times the area of the lot. Images of the revised proposal, including site plan and elevations, are attached as Attachments 1, 2 and 3. The Application Data Sheet for the revised application is attached as Attachment 4.

Chronology of revised applications

Date Received	Description	Total Density	New Gross Floor Area	New Dwelling Units
Nov. 7, 2002 (original submission)	Tower (19 storeys) with podium (4 storeys)	3.16	16,784 sq.m.	179
Mar.18, 2003 (informal submission)	L-shaped building of 17 and 12 storeys and townhouses throughout the site	3.40	21,027 sq.m.	no information provided
Sep. 23, 2004 (revised application)	L-shaped building of 13 and 8 storeys	3.43	22,780	285

The revised application was presented at a community meeting on November 23, 2004. Approximately 250 residents, including tenants of the existing apartment buildings on the site and residents from the surrounding area, attended the meeting. Nearly all attendees strongly opposed the proposed development. A further meeting was held on December 13, 2004, with representatives of the tenants, residents of the area and Deputy Mayor Pantalone to gather additional detail about the opposition to the revised application.

The main issues raised by attendees of both meetings, in letters and emails are:

- the proposed building is too tall and takes up too much space;
- the loss of open space/ green space will be detrimental to the tenants and area residents;
- the existing buildings require extensive improvements;
- some existing on-site amenities, such as the underground pool, sauna, and common rooms, have been converted to other uses or closed for more than ten years;
- there are already too many people living on the site;
- parking for residents and visitors is too expensive, resulting in more on-street parking congestion in the area;
- the mess and noise of a long construction period will be disruptive to tenants and neighbours;
- management policies and the recent plantings on the site prohibit the tenants from using the landscaped open space for playing sports;
- neighbourhood facilities, including parks, community centres and libraries, cannot accommodate new users; and

- the proposed driveway through the site would make the central open space unsafe for children.

Comments:

Official Plan Policies

City policies in the in-force Official Plan of the (former) City of Toronto and the New Official Plan differentiate between the following:

- minimum requirements for any further development, such as available space, agreements to secure existing rental units and necessary improvements and renovations to existing rental apartment buildings;
- capital improvements that create a net benefit to the residential amenity and quality of life for existing on-site residents;
- community benefits which relate to the increase in height and density proposed within the community;
- minimum design standards which relate to any new development in Apartment Neighbourhoods and/or High Density Residential Areas; and
- further design standards which relate to further development on existing apartment sites.

In-force Official Plan of the (former) City of Toronto

The in-force Official Plan allows Council to pass by-laws up to a density of 2.0 times the area of the lot, provided that certain conditions are met, including:

- (a) retaining the existing pattern of streets and blocks, public and private open spaces and topographic features;
- (b) achieving a balance between the relationship of a building to the street and other public spaces as well as the relationship between buildings with respect to light, view and privacy;
- (c) providing grade-related private and public uses that animate the street edge;
- (d) achieving desirable conditions of pedestrian comfort at the street level with respect to wind and sun protection;
- (e) ensuring the adequacy of municipal services, parks and community services and facilities; and

- (f) ensuring that the impact on the built form and residential amenity of adjacent Low Density Residence Areas has been considered.

The three existing apartment buildings already have a density of 2.4 times the area of the lot. The in-force Official Plan does not allow for any further development on this site without amendment.

#### New Official Plan of the City of Toronto

The New Official Plan identifies this site as an Apartment Neighbourhood and states that “significant growth is not intended within developed Apartment Neighbourhoods”. However, the New Official Plan also identifies the criteria by which certain sites in Apartment Neighbourhoods may be identified for compatible infill development. A building may only be considered where a site has sufficient underutilized space to accommodate a new building while providing good residential amenity and quality of life for new and existing residents.

Policy 4.2.3 of the New Official Plan outlines criteria to measure residential amenity and quality of life on potential intensification sites in Apartment Neighbourhoods. To meet these criteria, any new development should:

- create a community benefit for existing residents on the site;
- provide adequate space between the existing and proposed buildings to maintain adequate sunlight, sky views, privacy and areas of landscaped open space for new and existing residents;
- organize development on the site to frame streets, parks and open space in good proportions and create safe and comfortable open spaces for new and existing residents;
- front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- provide adequate on-site, below grade, shared vehicular parking for both new and existing development;
- preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- consolidate loading, servicing and delivery facilities; and
- preserve or replace recreational space for residents.

The policy contemplates that if all of the above criteria can be satisfied, compatible infill development in Apartment Neighbourhoods may be permitted, provided that it also meets the development criteria for Apartment Neighbourhoods as laid out in Policy 4.2.2. To meet the development criteria, the new building should be:

- located and massed to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower-scale Neighbourhoods;
- located and massed to minimize shadow impacts on properties in adjacent lower-scale Neighbourhoods during the spring and fall equinoxes; and
- located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Policy 3.2.1.5 of the New Official Plan establishes the City's housing policy requirements on sites with existing rental housing where significant new development is proposed: the City will secure the existing affordable and/or mid-range rental units as rental housing for as long as possible and improvements to the existing rental housing with no pass through of costs to the tenants. Section 37 is a tool used to secure these policy requirements.

Another City housing policy objective in the New Official Plan is to secure the development of new rental housing with affordable or mid-range rents as a community benefit under Section 37. The applicant has previously indicated their willingness to secure the rental status of both the new housing as well as the existing rental units, though the length of the term has not yet been agreed to.

#### Zoning By-law

The site is zoned R 2 Z 0.6 in the (former) City of Toronto By-law 438-86. By-law 22620, a site-specific zoning by-law adopted on October 27, 1965, permitted the development of the three apartment buildings that occupy the site. The by-law permits a maximum gross floor area of 57,000 sq.ft. (53,271 m<sup>2</sup>) and requires that 70 per cent of the site be retained for landscaped open space. The by-law also provides specific setback requirements for each building and establishes parking requirements related to the development.

#### Site Plan Control

An application for Site Plan Approval is required.

#### Completeness of application

The applicant has not yet submitted all information and studies required for a comprehensive analysis of the revised application. As such, staff comments on the appropriateness of the proposed design are based on incomplete information and may be subject to change.

Additional studies were requested by Planning Staff at the time the application was submitted.

On September 23, 2004, the applicant notified the City of his intent to file the following studies:

- wind impact study;
- traffic impact statement (revised); and
- parking survey.

A shadow study was submitted on December 17, 2004. This study is missing what staff consider to be key information. The applicant has since agreed to re-submit a revised study.

Although as of January 21, 2005 none of the foregoing have been received, the applicant has indicated that they expect to do so in the near future.

The following additional items have also been requested but have not yet been submitted:

- detailed landscape plan;
- plans of the underground parking layout; and
- elevation drawings and floor plans with sufficient detail to evaluate impacts on privacy.

Principles to guide new development on this site

Planning staff propose to continue negotiations with the applicant to address issues outlined in this report and will continue to apply the following principles in consideration of the application:

- (a) To be considered for intensification, the site must be shown to have sufficient underutilized space.

Based on the information provided, this site appears to have sufficient underutilized space to accommodate further development.

- (b) The proposal should incorporate necessary improvements and renovations to existing rental buildings, and create a community benefit for existing residents on the site at no additional cost to the residents.

The intent of the City's policy is to focus on capital improvements to the existing buildings or site facilities to help ensure the long term viability of the existing rental housing as well as providing a community benefit to existing residents.

Suggestions for improvements and renovations to the existing rental buildings include but are not limited to:

- faster, more reliable elevators;
- rodent and bug control;

- pool and sauna repair;
- consolidation of the garbage storage facilities and repair of the garbage chutes to reduce odours related to both indoor and outdoor garbage storage areas;
- improving the landscaping where the garbage containers were previously stored; and
- improving the pedestrian accesses to the underground parking garage.

Suggestions for community benefits for existing residents on the site include but are not limited to:

- indoor recreation space;
- indoor meeting space; and
- improvements to the landscaped open space, including a playground (with play structures) for children and a flat children's play area for ball games (soccer, catch).

These suggestions have not been formally discussed with the owners and the tenants. However, the owner has expressed a willingness to incorporate some, if not all, of these types of changes. Generally, the items secured in a Section 37 agreement to achieve the intent of this policy will not be maintenance or repair items or landscaping, but rather capital improvements. Staff propose further consultation with the owners and tenants to finalize the nature and extent of improvements and renovations to the existing premises that would be appropriately included as part of the development proposal.

- (c) The proposal should secure the existing 850 rental units as rental housing for at least 20 years.

Staff and the owners have discussed securing the rental status of the existing rental units. The owner has expressed a willingness to do so but the length of time for which the rental status would be secured has not been agreed upon. Staff propose to continue discussions with the owner.

- (d) The proposal should meet the following criteria for maintaining good residential amenity and quality of life where there is an existing apartment building by:
- i. providing adequate space between the existing and proposed buildings to maintain adequate sunlight, sky views, privacy and areas of landscaped open space for new and existing residents;



- ii. organizing development on the site to frame streets, parks and open space in good proportions and create safe and comfortable open spaces for new and existing residents;
- iii. fronting onto and providing pedestrian entrances from an adjacent public street wherever possible;
- iv. providing adequate on-site, below grade, shared vehicular parking for both new and existing development;
- v. preserving and/or replacing important landscape features and walkways and creating such features where they did not previously exist;
- vi. consolidating loading, servicing and delivery facilities; and
- vii. preserving or replacing recreational space for residents.

Some changes are still required to respond to these principles:

- The footprint of the new building should be altered to increase the separation distance between the new building and the existing buildings. This would enhance light, views and privacy to the adjacent building on Rusholme and allow for better views from Dovercourt Road into the central open space for enhanced safety. Windows on the west façade and a portion of the south façade of the new building should be designed to minimize privacy impacts to tenants in the existing buildings.
- New development should facilitate and not limit access through the site to strengthen the connections between the site and the neighbouring streets, and to preserve and enhance safety within the site. The openings to the central green space from Rusholme and Dovercourt should be preserved, with enhancements to the walkways and open space. The proposed driveway through the site can be eliminated. The pedestrian stairs to the north lane should be improved.
- The new building should be pushed towards Dovercourt Road, with similar setbacks to those of the buildings across the street. This will also provide an opportunity to recess the parking ramp behind the front face of the building.
- Ground floor units should be accessed directly from Dovercourt Road and from the walkways in the central open space. The front yard should be landscaped as a series of individual front yards, to reflect the open space pattern on the east side of Dovercourt Road.
- The on-site, underground parking facilities, ramps and pedestrian accesses require improvements.

- The garbage, recycling and loading facilities should be consolidated and improved to reduce odours and general cleanliness. Landscaping should be installed where these facilities were previously located.
- For the existing buildings, through lobbies could be created to provide pedestrian entrances from adjacent streets and for better surveillance of the central open space.
- The reduction in landscaped open space of approximately 1050 square metres should be replaced by enhancements to the remaining open space and additional indoor amenity areas.

Further revisions may be recommended as additional information is provided by the owner and as staff consult with tenant representatives.

- (e) The proposal should meet general criteria to ensure compatible infill development, by:
- i. locating and massing new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower-scale residential areas;
  - ii. locating and massing new buildings to minimize shadow impacts on properties in adjacent lower-scale residential areas during the spring and fall equinoxes; and
  - iii. locating and massing new buildings to frame the edges of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Some changes are still required to respond to these principles:

- Along Dovercourt Road, the building should be massed to reflect the 3-storey buildings on the east side of the road. The building should incorporate a substantial setback above the third storey. The base of the building should tie the new development in with the existing neighbourhood context. Red brick cladding, compatible architectural treatments, front doors and front yard landscaping would assist in this regard. Consideration should be given to townhouse base building forms.
- The size and massing of the building, particularly along Dovercourt Road, should be reduced such that, during the spring and fall equinoxes, no additional shadows fall on the properties to the east of Dovercourt Road, at 4:00 p.m. One way of achieving this is to incorporate a substantial setback above the third storey. The size and height of the taller portion of the building should also be designed such that no additional shadows fall on the properties east of Dovercourt Road, at 4:00 p.m., during the spring and fall equinoxes. This may require further setbacks on

the 13-storey portion of the building and an overall decrease in the proposed gross floor area of the new building.

- The new building should be visually broken up into smaller pieces, again to help it to relate to the smaller scale of the existing neighbourhood. Vertical bays, changes in materials, changes in detailing, changes in setback will all help to mitigate the scale of the new building.

Additional information is required from the applicant in order to provide comprehensive recommendations for changes to the massing and location of the building. The wind study, revised shadow study, detailed elevation drawings including materials and detailed landscape plans are considered key.

- (g) The proposal should provide a benefit to the larger community in exchange for the additional height and density under Section 37 of the *Planning Act*.

A high priority policy objective is to secure the new housing units to be built as rental housing with rents no higher than mid-range rents. The applicant has previously indicated their willingness to secure the rental status of the new housing, though the length of the term has not yet been agreed to. Where this is agreed to as a Section 37 benefit, the City seeks to secure the rental status for new housing for 25 years, and ensures that the rents will not exceed mid-range rents for the initial five year period of the building's occupancy.

Additional suggestions for community benefits include but are not limited to:

- public access to the walkways through the site and playing areas; and
- improvements to local parks.

Some but not all of these suggestions have been discussed with the owner and with the existing tenants. No agreement has been reached with the owner and staff propose further consultation with the owner as well as tenant and community representatives to assist in preparation of a list of community benefits that could be recommended be secured under Section 37 of the *Planning Act*.

### Conclusions:

City Planning recommends that Council direct staff to oppose the revised application for an 8 and 13-storey apartment building (as shown on drawings submitted September 24, 2004) at the upcoming Ontario Municipal Board proceedings.

City Planning also recommends that Council direct staff to continue discussions with the owner, tenants representatives and community representatives to attempt to secure further changes to the application which satisfy the principles outlined in this report.

Contact

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Gary Wright

Director, Community Planning, South District

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List of Attachments:

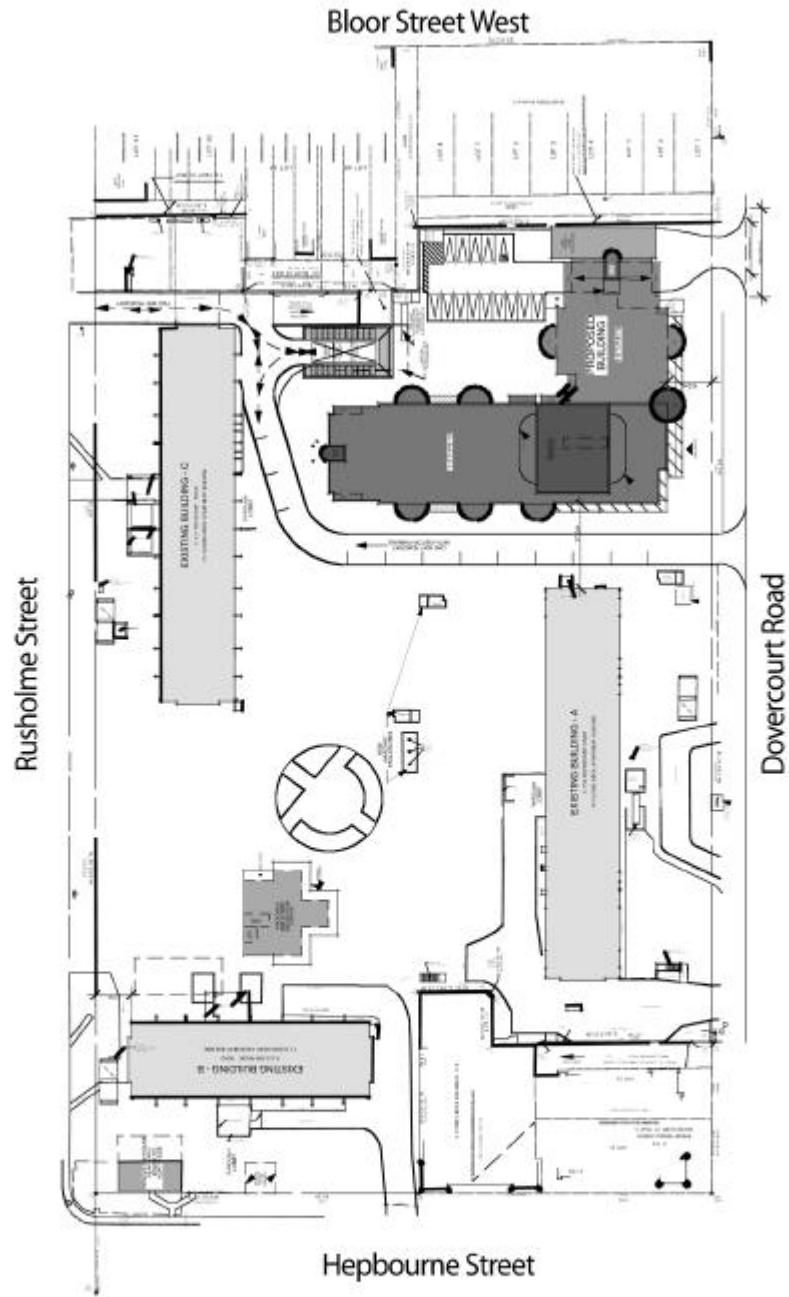
Attachment 1: Site Plan (Revised September 24, 2004)

Attachment 2: East Elevation (Revised September 24, 2004)

Attachment 3: South Elevation (Revised September 24, 2004)

Attachment 4: Application Data Sheet (Revised September 24, 2004)

**Attachment 1: Site Plan (Revised September 24, 2004)**



**Site Plan**

Applicant's Submitted Drawing

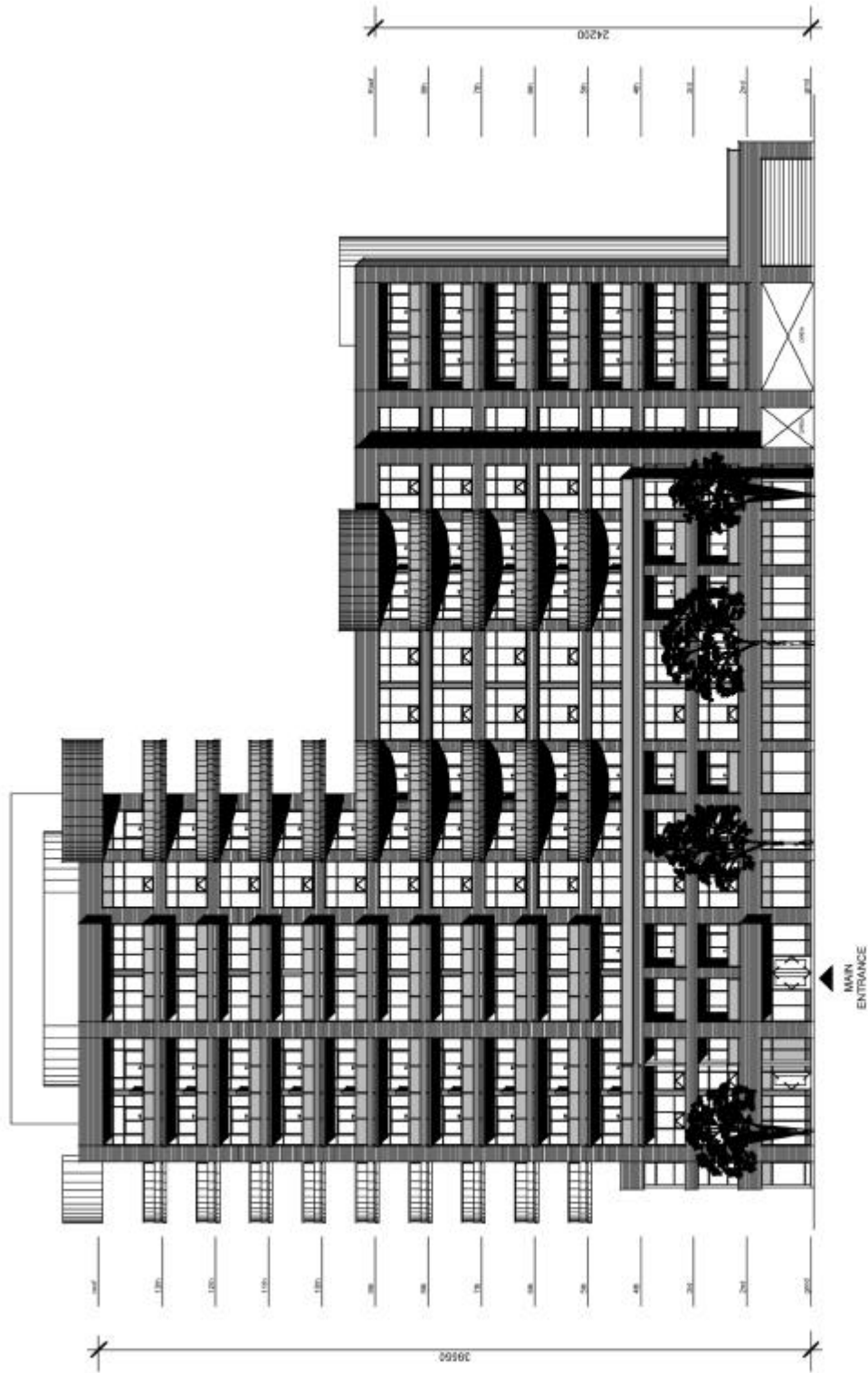
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**730 Dovercourt Road**

File # 02\_035311

Attachment 2: East Elevation (Revised September 24, 2004)



730 Dovercourt Road

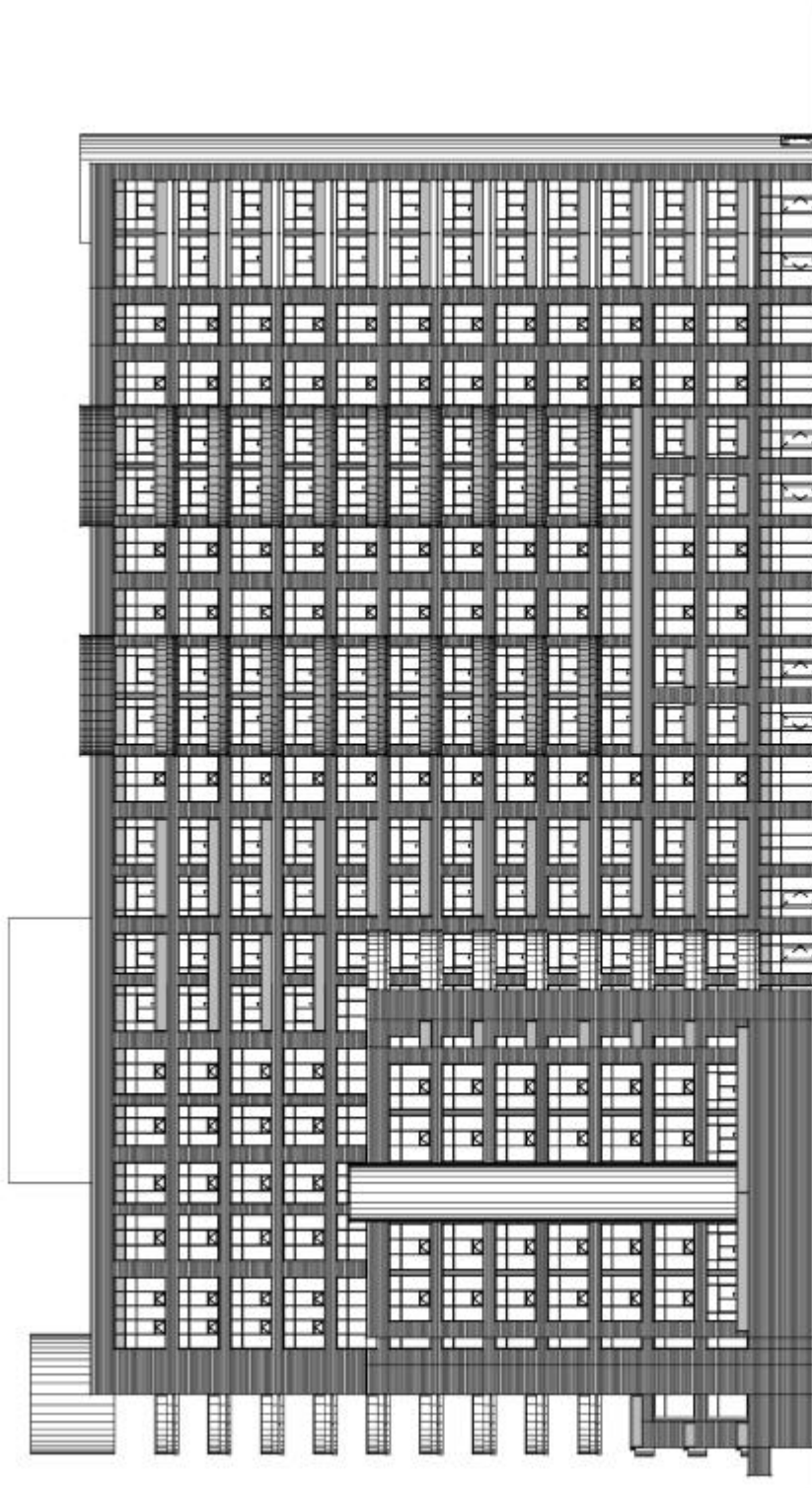
East Elevation

Applicant's Submitted Drawing

Not to Scale  
01/17/05

File # 02\_035311

**Attachment 3: North Elevation (Revised September 24, 2004)**



**North Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/17/05

**730 Dovercourt Road**

File # 02\_035311

**Attachment 4: Application Data Sheet (Revised September 24, 2004)**

**APPLICATION DATA SHEET**

Application Type	Rezoning	Application Number:	02 035311 SHY 18 OZ
Details	Rezoning, Standard	Application Date:	December 19, 2002

Municipal Address:	730 DOVERCOURT RD, Toronto ON
Location Description:	730 DOVERCOURT RD **GRID S1805
Project Description:	Construct an 8 to 13 storey apartment building containing 285 unit on an existing apartment site.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
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**PLANNING CONTROLS**

Official Plan Designation:	HDRA	Site Specific Provision:	22620; 22461
Zoning:	R2 Z0.6	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	22113	Height:	Storeys:	13
Frontage (m):	197.79		Metres:	51.35
Depth (m):	124.94			
Total Ground Floor Area (sq. m):	5132.1			Total
Total Residential GFA (sq. m):	75746		Parking Spaces:	810
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	75746			
Lot Coverage Ratio (%):	23.2			
Floor Space Index:	3.43			

**DWELLING UNITS**

Tenure Type:	Rental
Rooms:	0
Bachelor:	7
1 Bedroom:	201
2 Bedroom:	77
3 + Bedroom:	0
Total Units:	1135

**FLOOR AREA BREAKDOWN** (upon project completion)

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA (sq. m):	22780	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Elise Hug, Planner</b>
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