

TORONTO STAFF REPORT

August 24, 2006

To: North York Community Council

From: Director of Community Planning, North York District

Subject: Request for Direction Report
Application to Amend the Official Plan and Zoning By-law
04 190410 NNY 16 OZ
Site Plan Control Application 05 200330 NNY 16 SA
Applicant: Goodmans LLP
Architect: Turner Fleischer Architects Inc.
1705, 1717, 1719, 1743 and 1745 Avenue Road
Ward 16 - Eglinton-Lawrence

Purpose:

To advise North York Community Council of an appeal to the Ontario Municipal Board of the above Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications and to seek Council's direction for the City Solicitor to attend the hearing and support the position outlined in this report regarding these applications.

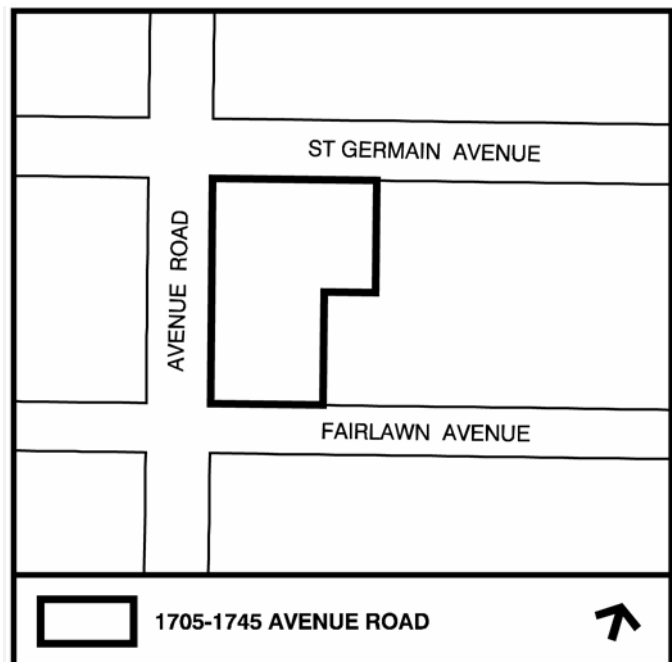
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that Council:

- (1) Direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in support of the proposed development pursuant to the recommendations below and authorize the City Solicitor and any appropriate City staff to take actions as necessary to give effect to the recommendations of this report.



- (2) Request that the Ontario Municipal Board withhold its Order until the following matters are settled:

(a) That the proposal be revised to address the technical issues of:

- (i) City Planning Division, including but not limited to details such as the design of the refuse collection areas and other service areas, fencing, lighting, weather protection, bicycle parking and landscaping, to the satisfaction of the Director, Community Planning, North York District;
- (ii) Technical Services Division, outlined in Section A of their memorandum, dated August 8, 2006 (Attachment 8); and
- (iii) Urban Forestry Services, outlined in their memorandum, dated August 16, 2006 (Attachment 9).

(b) That the Official Plan Amendment incorporate a site-specific policy providing for Section 37 benefits;

(c) That the implementing Zoning By-law incorporate provisions to reflect the revised submission that addresses the issues outlined in Recommendation 2(a)(i) to (iii) (inclusive), including but limited to: minimum lot area, established grade, maximum building height, minimum building setbacks, minimum building stepbacks, angular planes, maximum gross floor area, maximum density, maximum lot coverage, maximum number of units, minimum indoor and outdoor amenity areas, affordable housing and appropriate Section 37 benefits;

(d) Prior to the implementing Zoning By-law coming into full force and effect, the owner be required to:

- (i) enter into an Agreement under Section 37 of the *Planning Act* for depositing a letter of credit or certified cheque in the amount of \$400,000 to the satisfaction of the Chief Financial Officer and Treasurer, as follows:
 - \$250,000 for site remediation and improvements to convert the Toronto Transit Commission bus-loop at 1400 Avenue Road into a park; and
 - \$150,000 for renovations to the Armour Heights Community Centre including but not limited to: mechanical, windows, millwork, finishes, fire alarms, security systems and fixtures.

(ii) enter into a Site Plan Control Agreement under Section 41 of the *Planning Act* that incorporates the requirements and conditions of:

- (1) City Planning Division outlined in Recommendation 2(a)(i);
- (2) Technical Services Division as outlined in their memorandum, dated August 8, 2006 (Attachment 8);
- (3) Urban Forestry Services as outlined in their memorandum, dated August 16, 2006 (Attachment 9);
- (4) Toronto Transit Commission as outlined in their memorandum, dated March 31, 2006 (Attachment 10);

- (5) Toronto District School Board as outlined in their memorandum, dated January 25, 2005 (Attachment 11);
 - (6) Toronto Hydro as outlined in their memorandum, dated August 15, 2006 (Attachment 12); and
 - (7) Bell as outlined in their memorandum, dated December 16, 2005 (Attachment 13).
- (3) Authorize City staff to continue discussions with the applicant to revise the proposal to address the issues outlined in Recommendation 2(a)(i) to (iii) (inclusive).

Background:

Proposal

The current proposal, filed on July 12, 2006, proposes the redevelopment of the site with a 7-storey 101-unit residential apartment building, two houses and 2,585 square metres of retail uses located on the ground floor and the south half of the first level of the underground floor. A total gross floor area of 16,360 square metres or 3.2 FSI is proposed on the entire site. A total gross floor area of 15,956 square metres or 3.8 FSI is proposed on the portion of the site designated “Arterial Corridor Area” (ACA) in the North York Official Plan.

The application has been revised to respond to concerns raised by City staff, the local Councillor and the community. The major differences between the current proposal, a revised proposal filed on November 3, 2005 and the original proposal filed on November 10, 2004 are as follows:

- the current proposal would be constructed in a single phase instead of two phases, as originally proposed;
- the corner lot at 1745 Avenue Road, not part of the previous two proposals, has been acquired by the owner and now forms part of the current proposal;
- the building massing has been revised as follows:
 - the massing has been reduced to fit below a 45-degree angular plane measured at grade along the ACA designation boundary and now fully conforms with the 45-degree angular plane policy of the North York Official Plan;
 - the building height has been reduced by approximately 3 metres along the north half of the building;
 - the number of residential floors above the retail uses in the north half of the building has been reduced from 6 to 5;
 - greater articulation is now proposed in the upper floors, including additional setbacks in the St. Germain Avenue elevations; and
 - the 1-to-4 storey building element originally proposed to “bridge” the driveway to St. Germain Avenue has been deleted so the entire above-grade mixed use building is located within the ACA designation, except for the ramp to the underground parking garage.

The table below provides a comparison between the original proposal, the revised proposal and the current proposal:

	Original Proposal November 10, 2004	Revised Proposal November 3, 2005	Current Proposal July 12, 2006
Lot Area	5076 m ²	5071 m ²	5158 m ²
Gross Floor Area	18,556 m ²	16,506 m ²	16,360 m ²
and Density (Site)	3.7 FSI	3.3 FSI	3.2 FSI
Gross Floor Area	17,808 m ²	16,102 m ²	15,956 m ²
and Density (ACA Portion)	4.3 FSI	3.9 FSI	3.8 FSI
Gross Floor Area by Use	Apt - 16,332 m ² Retail -1,832 m ² House Form – 392 m ²	Apt – 13,621 m ² Retail -2,493 m ² House Form – 392 m ²	Apt – 13,383 m ² Retail - 2,585 m ² House – 392 m ²
Dwelling Units	140 apt 2 houses	96 apt 2 houses	101 apt 2 houses
Building Height	7 storeys 25.7 metres	6 and 7 storeys 22.5 metres	6 and 7 storeys 22.5 metres
Parking Spaces by Use	Total - 272 Apt - 210 Retail - 58 Houses - 4	Total – 237 Apt – 144 Retail – 89 Houses - 2	Total - 249 Apt - 152 Retail - 93 Houses - 4
Number of Phases	2	1	1

Buildings are organized in a “U” shape, aligned along the 3 street frontages and enclose a landscaped courtyard. Two 2-storey house-form buildings with rear yards are proposed on the eastern portion of the site abutting the existing low-density residential lots along Fairlawn Avenue and St. Germain Avenue.

Vehicular access to the site is proposed from St. Germain Avenue and Fairlawn Avenue, with an internal driveway connecting the two access points. No intersection improvements at Avenue Road are proposed. The residential building will have a pedestrian entrance on Avenue Road and a vehicular drop-off and pick-up area located off the internal driveway.

A summary of the pertinent application data is set out in Attachment 7. Copies of the proposed site, landscape and elevation plans, as well as sections are included as Attachments 1 to 4.

Ontario Municipal Board

On May 18, 2006, the Owner appealed the Official Plan Amendment and Zoning By-law Amendment applications based on the City’s failure to adopt the Official Plan Amendment within 180 days of filing the application and to enact the Zoning By-law Amendment within 120 days of filing the application. The related Site Plan Control application was also appealed to the Board. A Pre-Hearing Conference has been scheduled for October 10, 2006.

City Council’s consideration and decision on the recommendations of this report will provide a City position on the applications and enable the City Solicitor to present the City’s position on the applications at the hearing.

Avenue Study

At its meeting of April 25-27, 2006, City Council approved an *Avenue Study* for Avenue Road between Wilson Avenue and Lawrence Avenue West. Work on the *Avenue Study* is targeted to begin in the fourth quarter of 2006. The subject site is located within this study area.

Site Description

The 0.5-hectare site is located on the east side of Avenue Road, between St. Germain Avenue and Fairlawn Avenue. The site has approximately 92 metres of frontage on Avenue Road and a depth ranging from 45 metres on the Fairlawn Avenue frontage to 67 metres on the St. Germain Avenue frontage.

The site currently contains single-storey commercial buildings that are occupied by a video rental store, bank, restaurant and LCBO with a total gross floor area of approximately 2,345 square metres. A surface parking lot is located on the northern portion of the site.

The existing intersection at Avenue Road and Fairlawn Avenue is signalized, while the intersection at Avenue Road and St. Germain is unsignalized. There is an existing full movement driveway on Avenue Road, a restricted “no right turn” driveway on St. Germain Avenue and a driveway on Fairlawn Avenue accessing the LCBO loading area.

Abutting uses are as follows:

- | | |
|---------------|--|
| North: | 1 and 2-storey commercial and retail uses, with limited commercial and residential on the second floors along the east side of Avenue Road, north of St. Germain Avenue; |
| South: | 1 and 2-storey commercial and retail uses, with limited commercial and residential on the second floors along the east side of Avenue Road, south of Fairlawn Avenue; |
| East: | single detached residential dwellings along the south side of St. Germain Avenue and north side of Fairlawn Avenue; and |
| West: | 1 and 2-storey commercial and retail uses, with limited commercial and residential on the second floors along the west side of Avenue Road. |

North York Official Plan

The majority of the site is designated Arterial Corridor Area (ACA) in the North York Official Plan as shown on Attachment 5. Permitted uses include: multiple unit housing of all types, including low, medium and high rise buildings; institutional uses; retail, service-commercial and office uses; public parks and recreational uses; and post secondary and commercial schools.

Generally, a maximum density of 2.0 FSI is permitted with a density of up to 2.5 FSI permitted on sites located at major intersections which have sufficient depth to ensure that impacts on abutting low density residential uses would be minimal.

The height of new buildings must be compatible in scale with adjacent development in the ACA area and in adjacent stable residential neighbourhoods, generally not exceeding one-half of the width of the planned right-of-way of the arterial road. A height of 3 to 6 storeys is generally permitted and additional height can be considered up to the planned right-of-way width of the arterial road to emphasize and define major street intersections where sites are deep enough to ensure impacts on stable residential areas are minimal. The height of a building in an ACA area shall not encroach into the 45-degree angular plane from the nearest residential property line that coincides with the boundary of the Arterial Corridor Area.

The eastern portion of the site is designated Residential Density One (RD-1). This designation provides for single detached and semi-detached dwellings subject to certain conditions. Part C.4 Housing policies provide for limited intensification in neighbourhoods.

The Potential Reurbanization Map identifies areas where major redevelopment may occur, subject to relevant policies of the Plan. This site is within an area identified for reurbanization.

New Official Plan

On July 6, 2006 the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new Official Plan into full force and effect. The Order also repealed most of the policies of the North York Official Plan that were previously in effect. The Order did not bring into force the new Plan policies related to Section 37, Housing and floodplain 'Special Policy Areas'. Policies in the North York Official Plan respecting these three policy areas currently remain in effect.

It is also the practice of the OMB to not bring the new Plan into force for those lands that were subject to applications under appeal to the OMB as of July 6, 2006, the approval date. However, OMB Order No. 1928 erroneously omitted the subject site from the list of lands that were subject to OMB appeals on July 6th.

At a Pre-Hearing Conference respecting the new Plan on September 22, 2006, the City Solicitor will request that the OMB correct this oversight by issuing an amending Order to alter OMB Order No. 1928. The effect of the amending Order would be to exempt the subject site from the new Plan approval consistent with the OMB practice regarding appealed applications, and thereby keep the North York Official Plan policies in effect for the duration of the hearing of the appeals on these applications.

Once the Plan comes into full force and effect, it will designate the majority of the site as *Mixed Use Areas*. This designation provides for a broad range of commercial, residential and institutional uses, as well as parks and open space.

The eastern portion of the site will be designated *Neighbourhoods*. *Neighbourhoods* are considered physically stable areas, which include residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartments. Parks, local institutions, home occupations, cultural and recreational facilities and small-scale retail service and office uses are also provided for in *Neighbourhoods*.

The majority of the site also falls within the *Avenues* as shown on Map 2 of the Plan. The *Avenues* are important corridors along major streets where reurbanization can create new housing

and jobs while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service to community residents.

Policy 2.2.3.3 of the Plan states that development may be permitted on the *Avenues* prior to an *Avenue* Study. In addition to the policies of the Plan for *Mixed Use Areas*, applicants of such proposals are required to address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. Development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review.

The new Official Plan also contains policies which are intended to be applied in conjunction with the land use policies to determine conformity of any given proposal to the Plan. These policies include matters such as built form, housing, community services and facilities and the public realm.

Zoning

The majority of the site is zoned General Commercial (C1), as shown on Attachment 6. Permitted uses include a variety of residential forms, including apartments, selected home occupations, institutional uses and a range of commercial and retail uses. A maximum density of 1.0 FSI is permitted.

The eastern portion of the site is zoned One-Family Detached Dwelling Third Density Zone (R3). Permitted uses include detached dwellings, selected home occupations and institutional uses such as hospitals, nursing homes, schools and places of worship.

Site Plan Control

A Site Plan Control Application has been submitted and is currently under review.

Reasons for the Applications

The Arterial Commercial Area (ACA) and Residential Density One (RD-1) designations in the former City of North York Official Plan do not provide for the proposed height and density. The General Commercial (C1) and One-Family Detached Dwelling Third Density (R3) Zones do not permit the proposed height and density.

Community Consultation

There have been two community consultation meetings held on these applications as well as five Working Committee Meetings. The original proposal was presented to local residents at a Community Consultation Meeting on February 16, 2005 at Lawrence Park Collegiate Institute. The meeting was led by an outside facilitator and attended by the local Councillor, the applicant

and the applicant's architect and transportation consultant, and City Planning and Transportation Services staff. Approximately 570 members of the public were in attendance.

At this meeting the local Councillor established a Working Committee to identify differences and concerns related to the development proposal and to resolve those differences with the applicant. The Working Committee was composed of local residents, members of the local business community and members of the Bedford Park and Old Orchard Grove Ratepayers Associations. The five Working Committee Meetings were held between March and June 2005. The meetings were attended by the local Councillor, the Working Committee and City Planning staff. The applicant and the applicant's architect were invited to three of these meetings. Both the Working Committee and the applicant made best efforts to resolve concerns related to the development proposal. Consensus was not reached and it was recognized that future meetings would not be productive so the process was concluded.

A subsequent community meeting was arranged by the local Councillor on February 15, 2006 to discuss the revised November 2005 proposal. The meeting was attended by the local Councillor and City Planning and Transportation Services staff and approximately 300 members of the public.

Letters of opposition were received from the South Armour Heights Residents Association and the Bedford Park Ratepayers Association, which also attached a 125-person petition. In addition, letters of opposition were received from the North Avenue Road Resident's Association, a non-incorporated association of area residents. Further, a total of 38 letters were received from individual members of the public in opposition to the proposal and one letter of support was received.

The community expressed the following concerns:

Traffic

- additional traffic generated by the development and its impact on Avenue Road and local residential streets, which are already at capacity
- ineffectiveness of the current on-site right turn prohibition onto St. Germain Avenue
- lack of justification in the applicant's Traffic Study regarding the historical stability of traffic volumes along Avenue Road
- impact on neighbouring north-south residential streets if the Avenue Road driveway is eliminated
- impact on westbound vehicular queues at the Avenue Road / Fairlawn Avenue intersection
- impact on the safety of pedestrians, in particular students walking to John Wanless Public School

Parking

- loss of the existing free on-site surface parking lot that serves the patrons of both this site and the surrounding businesses
- proposed on-site parking supply is not sufficient to meet parking demand resulting in patrons parking on nearby residential streets
- safety and convenience of the proposed underground parking

Height – the 7-storey proposal is incompatible in scale with the existing 2-storey mainstreet village character of Avenue Road and will result in unacceptable shadow and massing impacts on the abutting residential neighbourhood

Density – the proposed density is too high and not compatible with the abutting stable residential neighbourhood

Built Form – the proposed building is located too close to the street and would not provide adequate weather protection

Infrastructure – the development will generate additional strain on aging infrastructure and will have adverse impacts on groundwater flow

Environmental - adverse impacts of noise and air pollution from additional traffic generated by the proposal and concerns regarding on-site soil contamination

Construction – the proposal will be a nuisance during the construction phase

Precedent – it would be premature to approve this proposal without the review and approval of an *Avenue Study* for Avenue Road between Lawrence Avenue Road and Wilson Avenue

Avenues Policy Criteria in the New Official Plan – the applicant's Planning Report provides inadequate analysis as it underestimates the number of similar development parcels that can be redeveloped at similar densities and the aggregate traffic and parking impact of incremental development on the surrounding community

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in the evaluation of the applications.

Comments:

The owner appealed the applications to the Ontario Municipal Board earlier this year based on Council's failure to render a decision on the applications. As such, the OMB Order issued on July 6, 2006, bringing the majority of the new Plan into effect should exempt this site from the policies of the new Plan because these applications were appealed prior to the issuance of the Order. Accordingly, the new Official Plan policies that apply to the surrounding community such as the *Avenues*, *Mixed Use Areas* and *Neighbourhoods* policies, do not apply to the subject site.

The OMB will consider the applicant's appeal in terms of the in-force policies of the North York Official Plan as they apply to the subject site. However, as the new Official Plan represents Council's current policy direction, Planning staff have reviewed the proposal in the context of both Official Plans. In this regard, the applicant filed the material required under Policy 2.2.3.3 of the new Plan (development on the *Avenues* prior to an *Avenue Study*) and this material was used in the evaluation of this application.

1. Conformity with the North York Official Plan

(a) Arterial Corridor Area (ACA) Policies

The proposal conforms to a number of the Arterial Corridor Area (ACA) policies including:

- Providing an appropriate mix of uses, with ground-floor retail uses and upper floor residential uses;
- The proposal encompasses the block on the east side of Avenue Road between Fairlawn Avenue and St. Germain Avenue, providing greater flexibility for building design, buffering and height transition;
- Retaining and respecting the existing ACA boundary; and
- Providing an on-site parking supply that will comply with the requirements of Zoning By-law No. 7625.

A discussion on the other ACA policies is included below.

(i) Built Form, Massing and Height

The proposed height of the development is 6 and 7-storeys along the Avenue Road frontage. The building mass steps down to the east providing a transition in height that is compatible with adjacent development in the ACA area and the adjacent stable residential neighbourhood.

The Official Plan states that the height of new buildings in ACA areas shall generally not exceed one-half of the width of the planned right-of-way of the arterial road. The proposed height of 22.5 metres along the Avenue Road frontage exceeds one-half the planned 27-metre width of the Avenue Road right-of-way (i.e., 13.5 metres). However, the building is 13.5 metres in height along the Avenue Road frontage and the upper storeys step back under a 45-degree angular plane measured from this base condition, reducing the physical and visual impacts from the street. This is illustrated in the Section drawings included as Attachment 4.

The proposed massing and height along Avenue Road, while higher than the existing adjacent one and two-storey mainstreet development, has a strong articulated base condition that creates a continuous building façade that supports and enhances the pedestrian environment at the appropriate scale. The proposed massing and height are acceptable and this would represent a significant enhancement from the existing surface parking lot which exists along the northern portion of the Avenue Road frontage.

A height of seven storeys is proposed along the southern portion of the building fronting Avenue Road. This exceeds the 3 to 6 storeys height for new buildings which is generally permitted in the ACA designation. The 7-storey portion along the southern section of the building is acceptable on the basis of the strong 13.5 metre base condition along Avenue Road and the stepbacks, under the 45-degree angular plane, minimizing the visual impact of the upper floors. The building provides appropriate scale relationships along the flanking streets through the continuation of the 13.5 metre base condition and the stepping back of the upper floors, which supports the pedestrian environment and minimizes the skyview, sunlight and wind impacts along these frontages. Accordingly, the proposed height meets the intent of this policy.

The Plan requires that development must respond sensitively to adjacent stable residential areas. The ACA portion of the site has sufficient depth to ensure that impacts on the abutting stable residential area to the east are minimized. The Plan requires that the height of a building in an ACA area shall not exceed a 45-degree angular plane from the nearest residential property line that coincides with the boundary of the Arterial Corridor Area. In discussions with the applicant, the building has been stepped down in height toward the stable residential neighbourhood to the east and now meets this requirement and fully conforms with this policy, thereby minimizing the impacts of privacy, shadow and overlook on the stable residential area to the east.

A suitable transition is proposed through the siting of 2-storey houses on the easterly frontages of both Fairlawn Avenue and St. Germain Avenue, with appropriate landscaped setbacks to match neighbouring houses. This new housing and landscaping will be located where a surface parking lot and loading area now exist. In addition to providing an acceptable built form transition, these houses also provide a buffer between the stable residential area and the larger mixed use building and will also enhance the existing house-form streetscape.

(ii) Other Built Form Matters

The proposal conforms to the ACA Urban Design principles as follows:

- Locating and massing the new buildings to support and enhance the pedestrian environment along Avenue Road, St. Germain Avenue and Fairlawn Avenue. A highly articulated, continuous building façade is proposed along the entire block between Fairlawn Avenue and St. Germain Avenue and incorporates a mid-block courtyard pedestrian concourse. The removal of the existing Avenue Road driveway, the loading area on Fairlawn Avenue and the boulevard parking spaces on St. Germain Avenue will create a safer and more attractive environment for pedestrians. Building massing along all three streets is proposed at a pedestrian scale, including storefronts and entrances with canopies for at-grade retail units and new house form buildings on Fairlawn Avenue and St. Germain Avenue;
- Locating all parking underground;
- Providing setbacks, heights and massing of new buildings that are sympathetic to the adjacent stable residential area to the east. In particular, a Shadow Study has been submitted illustrating the shadow impact of the proposal on the surrounding community and its findings are acceptable to City staff;
- Providing building height and massing that results in acceptable wind conditions and access to sunlight for pedestrians on the public sidewalks. While most mid-rise buildings do not require down-draft protection to address wind impacts, the building incorporates at-grade canopies and balconies above, which will improve pedestrian comfort;
- Enhancing the pedestrian environment through the provision of shrubs and street trees along St. Germain Avenue and Fairlawn Avenue and a planter wall along St. Germain Avenue. Work on municipal streetscape improvements along Avenue Road between Wilson Avenue and Lawrence Avenue West is expected to begin shortly and this site is located within this area;
- Providing a visible, well-defined mid-block pedestrian concourse from the public sidewalk on Avenue Road to the interior of the site leading to the main residential building entrance and retail parking that creates a physical and visual connection and complements the existing public sidewalk and automobile drop-off area;
- Providing appropriate amounts of on-site outdoor and indoor amenity space for residents;

- Providing acoustical fencing and landscaping on the east property line, in addition to the proposed houses, as a buffer between the proposed mixed use building and abutting stable residential areas; and
- Providing a net increase in on-site landscaping.

(iii) Density

The Official Plan states that generally, a maximum density of 2.0 FSI is permitted in ACA areas with a density of up to 2.5 FSI permitted on sites at major intersections where the depth is sufficient to buffer impacts on stable residential areas. A total gross floor area of 15,956 square metres or 3.8 FSI is proposed on the portion of the site designated “Arterial Corridor Area” in the North York Official Plan.

In the same manner as the height provisions of the Plan, the intent of the density provisions is to ensure that new development is compatible with, and minimizes its impacts on, existing development. As was demonstrated above, this is the case for the built form of the current development proposal. As will be outlined later in the report, the traffic generated by the development can be accommodated on the existing road network, appropriate water, sanitary and stormwater services are available and the development will not have significant impacts on existing community services and facilities. As such, the intent of the density provisions of the Plan has been met and the proposed density is acceptable.

It should be recognized however, the density of the current proposal is the outcome of a full block development site that requires no lot consolidation. The existing development site has sufficient size and depth to mitigate any impacts on abutting properties. In this regard, the site meets the Official Plan requirements for additional density, save for its lack of location at a major intersection. A site of this size and depth is unique in the context of this area, with the exception of the property at the northwest corner of Avenue Road and Lawrence Avenue.

The rest of this ACA district along Avenue Road between Wilson Avenue and Lawrence Avenue West is largely characterized by a fine fabric of discrete lots under separate ownership. The challenges of property consolidation are such that the proposed density on the subject site is not likely to be achieved in many locations. It would require, for example, the consolidation of some 15 commercial properties to create a similar holding immediately across Avenue Road from the subject site.

In any event, the intent of both the ACA designation policies of the North York Official Plan and the *Mixed Use Areas* and *Avenues* policies of the new Official Plan is to promote reurbanization on Avenue Road between Wilson Avenue and Lawrence Avenue West. Any future development applications will be required to conform with the applicable policies with respect to the protection of the abutting stable residential neighbourhoods.

The RD1 portion of the site is proposed to be developed with a single detached dwelling, which complies with density provisions of the Plan.

b) Part C.4 Housing Policies - General Development Criteria

The eastern portion of the site is designated Residential Density One (RD-1). Part C.4 Housing policies provides for limited intensification in this designation, subject to General Development Criteria designed to ensure the continued stability of neighbourhoods.

The portion of the site designated RD-1 currently contains a surface commercial parking lot, which has existed for a significant period of time. A two-storey single detached dwelling with a rear yard is proposed, along with the ramp to the underground parking garage and a portion of the underground parking garage.

The proposal conforms to the General Development Criteria as the proposed scale, height and built form of the 2-storey detached dwelling is sensitive to the physical character of the stable residential neighbourhood, providing a compatible transition between the low density residential neighbourhood to the east and the proposed mixed use building. The ramp to the underground parking garage is partially covered by a landscaped roof and appropriately screened with a 1.8-metre acoustical fence. The proposed single detached dwelling, underground parking garage and ramp has significantly less physical, visual and noise impacts on the abutting stable residential neighbourhood than the existing surface parking lot.

c) Affordable Housing

Part C.4 Housing policies of the Official Plan require at least 25% of new dwelling units in multiple unit residential buildings with 20 or more units to be affordable housing. Accordingly, the implementing Zoning By-law will specify that a minimum of 25% of the units must be any combination of: bachelor units of a maximum size of 55m²; 1-bedroom units of a maximum size of 70m²; 2-bedroom units of a maximum size of 80m²; and 3-bedroom units of a maximum size of 120m².

2. Regard for the New Official Plan

As noted previously, the new Official Plan represents Council's current policy direction and Planning staff have reviewed the proposal in the context of the policies of the new Plan. The proposal generally conforms to the new Plan.

The proposal has regard for the development criteria in *Mixed Use Areas* including:

- Locating and massing new buildings to provide a transition between the proposed mixed use higher intensity building and the lower scale *Neighbourhoods* to the east, through stepping down of building heights and the proposed transitional houses, limiting shadow impacts on adjacent *Neighbourhoods*, framing the edges of the three streets and maintaining sunlight and comfortable wind conditions for pedestrians;
- Providing an attractive, comfortable and safe pedestrian environment; and
- Providing safe and efficient site access and circulation and an adequate supply of parking.

The proposal has regard for the development criteria in *Neighbourhoods* including:

- Reinforcing the existing character of the neighbourhood by:
 - providing two-storey houses on the eastern property limit with height, building mass, building setbacks, scale and dwelling types that respect the current built form of St. Germain Avenue and Fairlawn Avenue; and
 - enhancing the existing character by removing the surface parking lot and replacing it with the proposed house, underground parking garage and ramp, which has significantly less physical, visual and noise impacts on the abutting *Neighbourhood*.

Policy 2.2.3.3 of the Plan states that development may be permitted on *Avenues* prior to an *Avenue* Study. In accordance with this policy, the applicant has submitted a Planning Report that includes an assessment of the impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity, whether such incremental development would adversely impact any adjacent *Neighbourhoods* and whether the proposed development is supportable by available infrastructure.

The Report identifies and includes an assessment of seven potential redevelopment sites along Avenue Road between Wilson Avenue and Lawrence Avenue West. The report indicates that these sites can be reasonably redeveloped at a similar form and scale as this proposal, yielding a total of approximately 360 additional units (not including the subject application).

Based on the proposed additional units and population generated from the identified redevelopment sites, the Report concludes that virtually all policy considerations applicable to redevelopment proposals preceding a full *Avenue* Study have been satisfied, including:

- the development sites could provide appropriate and sensitive built form transitions to minimize adverse impacts on adjacent *Neighbourhoods*;
- the Traffic Impact Study submitted by the applicant indicates that the additional traffic generated by the redevelopment sites can be accommodated on the existing road network;
- the Functional Servicing Report submitted by the applicant indicates that servicing infrastructure is adequate to serve the proposed development; and
- the incremental addition of units and population from the identified redevelopment sites will not have a significant impact on existing community services and facilities, relative to the size and demographic characteristics of the existing population of the Study Area.

The conclusions of the report have been accepted by City staff.

3. Site Plan Control

Details such as the design of the refuse collection areas and other service areas, fencing, lighting, weather protection, bicycle parking and on-site landscaping should be secured through appropriate conditions attached to any approval of the Site Plan Control application by the Ontario Municipal Board.

A further condition of Site Plan Control approval should require the applicant to submit a Construction Management Plan to the satisfaction of Technical Services Division. The plan will include information regarding the demolition and construction timetable and protocols to address

construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

Other City Divisions and Agencies reviewed the application and had the following comments:

a) Technical Services

Technical Services Division advises the following:

- The applicant must submit a revised plan to show all required land conveyances, including the intersection of Avenue Road and St. Germain Avenue;
- The owner must convey to the City a 6.1 metre radius corner rounding at the intersections of Avenue Road and Fairlawn Avenue and Avenue Road and St. Germain Avenue;
- The applicant must submit a stormwater management report and grading plan; and
- The applicant must identify the length and slope of the transition area at the bottom of the outdoor parking ramp and identify that the ramp will be heated and grooved.

These matters should be secured through the conditions attached to any approval of the Site Plan Control application by the OMB.

b) Urban Forestry Services

In addition to proposed shrubs and a planter wall, the applicant proposes a total of 11 trees within the St. Germain Avenue and Fairlawn Avenue road allowances abutting the site. Urban Forestry Services advises that the Owner is required to provide an additional 6 trees within the Avenue Road road allowance, for an overall total of 17 street trees. The submission of a revised landscaping plan that includes details such as number, species, spacing and location of the proposed street trees should be secured through the conditions attached to any approval of the Site Plan Control application by the OMB.

c) School Boards

The Toronto District School Board advises there is insufficient space at the local schools to accommodate students anticipated from this development. The TDSB has requested that notice signs be posted on the site advising prospective purchasers that sufficient accommodation may not exist at local schools, and as such alternative accommodations will be provided by the TDSB. The requirements of the TDSB should be secured through the conditions attached to any approval of the Site Plan Control application by the OMB.

No comments were received from the Toronto Catholic District School Board.

4. Transportation

a) Traffic

A Transportation Impact Study was prepared by the applicant in support of the application and its conclusions have been accepted by City staff. The traffic associated with the proposed development can be accommodated on the existing road network, subject to intersection and signal timing modifications at the intersection of Avenue Road and Fairlawn Avenue.

Specifically, Technical Services Division advises that the intersection of Avenue Road and Fairlawn Avenue will operate at acceptable levels of service with the redevelopment of the site. However, given the single lane westbound approach to the intersection, it is anticipated that vehicle queues at certain peak times will extend beyond the proposed Fairlawn Avenue driveway. To mitigate this condition, the applicant will be required to investigate the feasibility of improvements to the intersection, to introduce a dedicated left turn lane at the westbound approach with all costs borne by the owner. The Division will monitor this intersection and driveway and will implement mitigating measures, including restricting the eastbound left turn at the driveway if unacceptable operations are noted.

The Technical Services Division also advises that the neighbouring intersections of Fairlawn Avenue and Ledbury Avenue and Fairlawn Avenue and Greer Avenue are expected to operate at acceptable levels of service. The operation of the intersection of Avenue Road and St. Germain Avenue is expected to remain constrained, given that it is unsignalized, and delays are encountered in making left turns onto Avenue Road. Site-related traffic has the option of using the signals at Fairlawn Avenue to avoid making a left turn from St. Germain Avenue.

In response to concerns expressed by the community, the Traffic Impact Study addressed the issue of pedestrian safety for students walking to John Wanless Public School. The Study indicates that the incremental traffic impact of the proposal will be negligible during the peak pedestrian periods for this school. This conclusion has been accepted by City staff.

The Toronto Transit Commission (TTC) advises that the owner will be required to fund the installation of transit signal priority equipment at the intersection of Avenue Road and Fairlawn Avenue.

All the above-noted improvements should be secured through the conditions attached to any approval of the Site Plan Control application by the OMB, with all costs borne by the owner.

b) Vehicular Access

Two driveways are proposed to serve the mixed use development: one from St. Germain Avenue and one from Fairlawn Avenue. An internal driveway will connect the two access points. The existing access to Avenue Road will be closed.

Technical Services Division advises that the location and design of both proposed driveways is acceptable. The applicant will be required to provide a security for the relocation of the signage associated with the turn restriction at the St. Germain Avenue access, given the new location of the access driveway. The Division also advises that on-site pedestrian circulation related to potential conflicts with vehicles have not been addressed.

These matters should be secured through the conditions attached to any approval of the Site Plan Control application by the OMB.

c) Parking

As part of the Traffic Impact Study, a Parking Study was prepared by the applicant and its conclusions have been accepted by City staff.

A total of 249 underground parking spaces are proposed to serve the development. The Parking Study indicates that the commercial parking spaces will operate as pay parking with validation by on-site businesses.

Technical Services Division advises that while the overall parking supply on the site meets the requirements of the former City of North York Zoning By-law 7625, a shortfall of one parking space is proposed for the commercial uses on the site. Parking supply for the commercial component of this development must be provided at the rate of one space per 28 square metres of gross floor area, which would require a total of 92 parking spaces.

City Transportation staff advise that validated on-site commercial parking will ensure that parking will be reserved for its intended use rather than for residents, residential visitors or patrons traveling to other businesses on Avenue Road. The physical arrangement of underground parking, which is well-lit with barrier-free access via an elevator to street level, will provide a safe and convenient environment for patrons. The applicant will be required to provide signage directing patrons to the underground parking and indicating that validation is available.

Matters relating to designating and segregating commercial, resident and residential visitor parking spaces and signage should be secured through the conditions attached to any approval of the Site Plan Control application by the OMB.

5. Section 37 Benefits

The former City of North York Official Plan contains policies providing for community benefits pursuant to Section 37 of the *Planning Act* where there is an application for development which proposes increased height or density. This proposal results in an increase in both height and density and the applicant has agreed to provide community benefits. As the supply of parkland in Ward 16 is quite low in comparison with most Wards across the City, it would be appropriate to target the Section 37 benefits arising from this proposal to secure additional parkland and facility upgrades.

A total contribution of \$400,000 has been agreed to by the owner and it is recommended that this contribution be secured for the following:

- \$250,000 for site remediation and improvements to convert the Toronto Transit Commission bus-loop at 1400 Avenue Road into a park; and
- \$150,000 for renovations to the Armour Heights Community Centre including but not limited to: mechanical, windows, millwork, finishes, fire alarms, security systems and fixtures.

It is recommended that prior to the implementing Zoning By-law coming into full force and effect, the owner be required to enter into a Section 37 Agreement to secure these community benefits. It is also recommended that the Official Plan and Zoning By-law Amendments presently before the OMB be amended to provide for these community benefits.

6. Site Services

A total of three loading spaces are proposed. Technical Services Division advises that that all proposed loading areas are acceptable.

Solid waste and recycling storage areas for the commercial and residential components of the mixed use building are located within the proposed building. Technical Services Division advises that the internal solid waste and recycling arrangement is not acceptable in its current form. This matter should be secured through conditions attached to any approval of the Site Plan Control application by the Ontario Municipal Board.

7. Service Connections

Technical Services Division advises that the owner will be responsible for the necessary water, sanitary and stormwater connections to City services. The owner will be required to construct a 2.0 metre wide sidewalk across the entire St. Germain Avenue and Fairlawn Avenue frontages. These matters should be secured through conditions attached to any approval of the Site Plan Control application by the Ontario Municipal Board, with all costs borne by the owner.

8. Environment

An environmental site assessment has been submitted to the Technical Services Division. The owner will be required to submit an acknowledged Record of Site Condition to the City. This matter should be secured through conditions attached to any approval of the Site Plan Control application by the Ontario Municipal Board.

9. Parkland Dedication

Parks, Forestry and Recreation Division – Policy and Development advises that the development will be subject to a 2% and 5% cash-in-lieu of parkland dedication payment. These payments would be made prior to the issuance of the Building Permit.

10. Zoning Implementation

It is recommended that the implementing Zoning By-law incorporate performance standards to reflect the revised submission that incorporates provisions including but not limited to: minimum lot area, established grade, maximum building height, minimum building setbacks, minimum building stepbacks, angular planes, maximum gross floor area, maximum density, maximum lot coverage, maximum number of units, minimum indoor and outdoor amenity areas, affordable housing and appropriate Section 37 benefits.

11. Development Charges

It is estimated that the Development Charges for this project will be \$675,267.04. The actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

The proposal is appropriate, as it meets the intent of the former City of North York Official Plan with respect to its Arterial Commercial Area (ACA) policies, General Development Criteria and Affordable Housing policies. In addition, the proposal generally conforms to the new Official Plan.

It is recommended that the City Solicitor and appropriate City staff be directed to attend the Ontario Municipal Board in support of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications, subject to revising the proposal to address the technical issues outlined in this report.

It is also recommended that the Ontario Municipal Board be requested to withhold its Order enacting the implementing Zoning By-law until the owner enters into a Site Plan Control Agreement under Section 41 of the *Planning Act*, including the conditions outlined in this report and enters into an agreement under Section 37 of the *Planning Act* to secure the community benefits outlined in this report.

Contact:

Colin Ramdial, Senior Planner
 Tel: (416) 395-7150
 Fax: (416) 395-7155
 E-Mail: cramdial@toronto.ca

Thomas C. Keefe
 Director, Community Planning, North York District

List of Attachments:

Attachment 1:	Site Plan
Attachment 2:	Landscape Plan
Attachment 3:	Elevation Plans
Attachment 4:	Sections
Attachment 5:	Official Plan
Attachment 6:	Zoning
Attachment 7:	Application Data Sheet
Attachment 8:	Comments from Technical Services Division
Attachment 9:	Comments from Urban Forestry Services
Attachment 10:	Comments from the Toronto Transit Commission
Attachment 11:	Comments from the Toronto District School Board
Attachment 12:	Comments from Toronto Hydro
Attachment 13:	Comments from Bell

1705-1745 Avenue Road

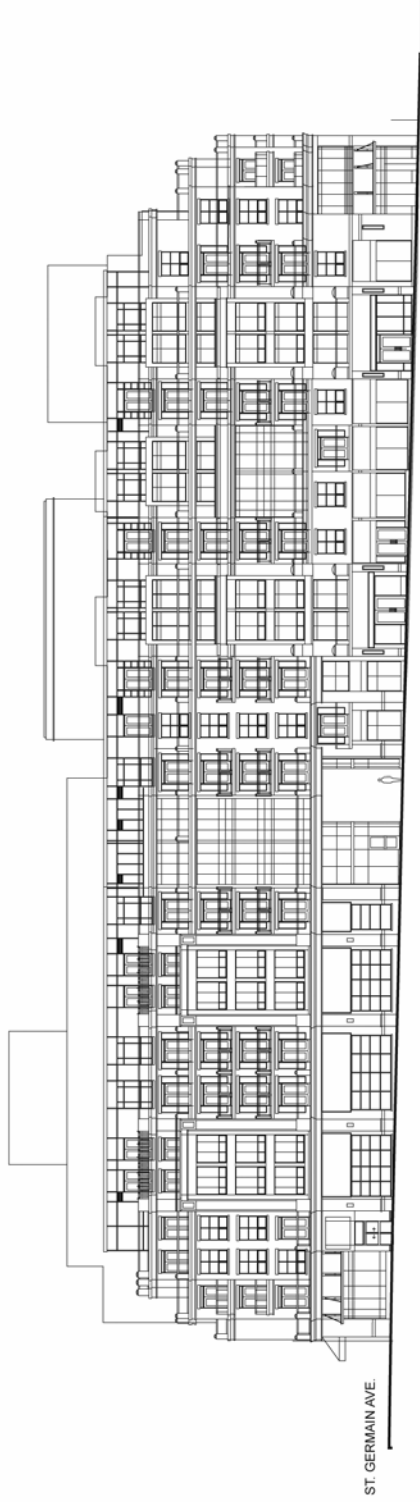
Not to Scale
08/16/06



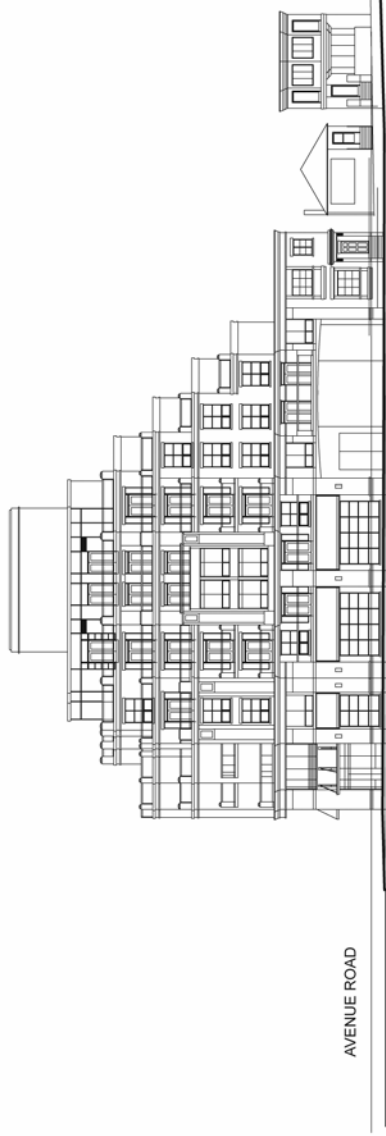
File # 04_190410

File # 04 190410

File # 04_190410



West Elevation (Avenue Road)



South Elevation

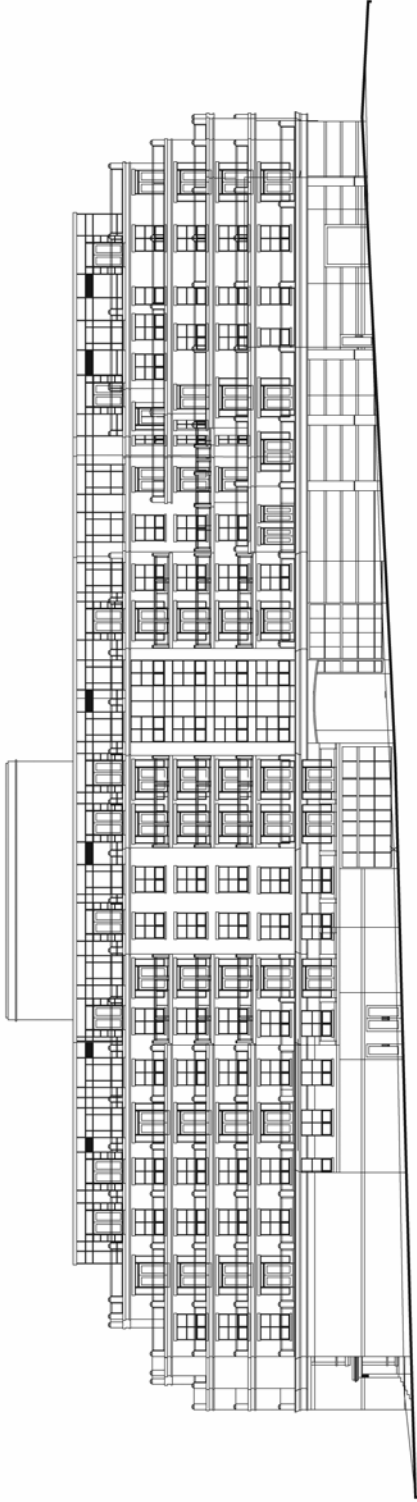
Elevations

Applicant's Submitted Drawing

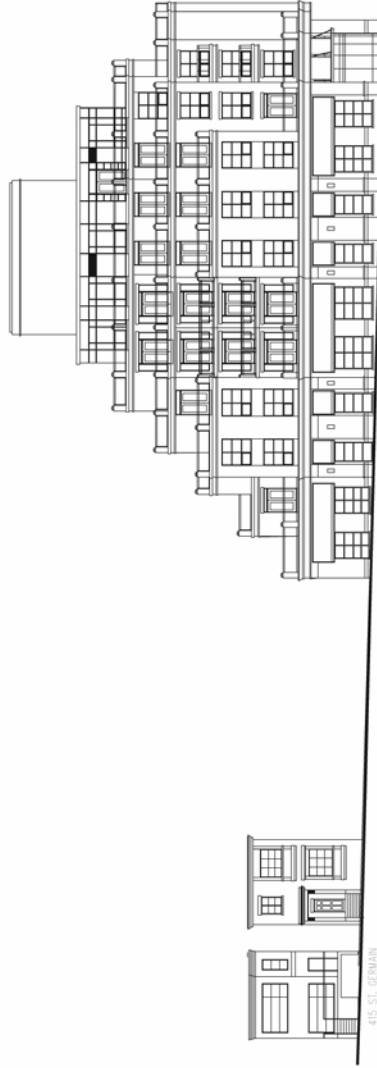
Not to Scale
08/16/06

1705-1745 Avenue Road

File # 04 190410



East Elevation



North Elevation

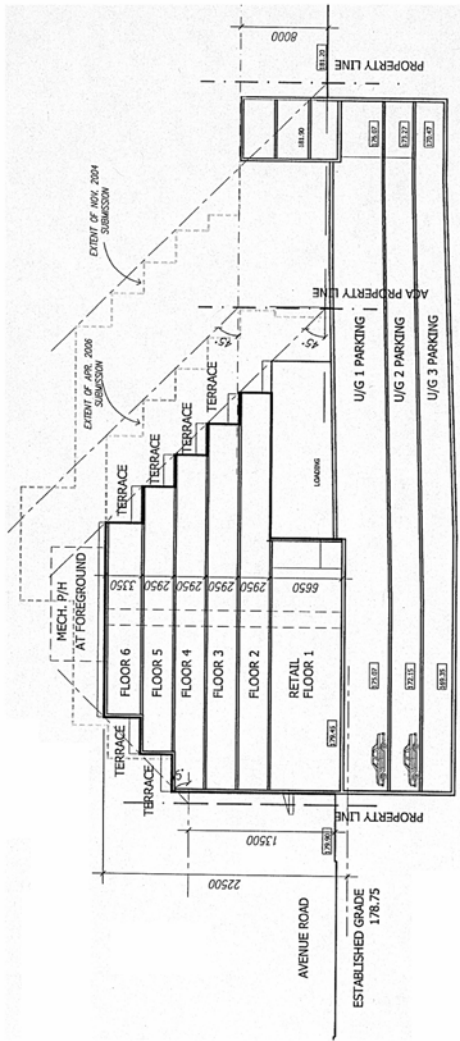
Elevations

Applicant's Submitted Drawing

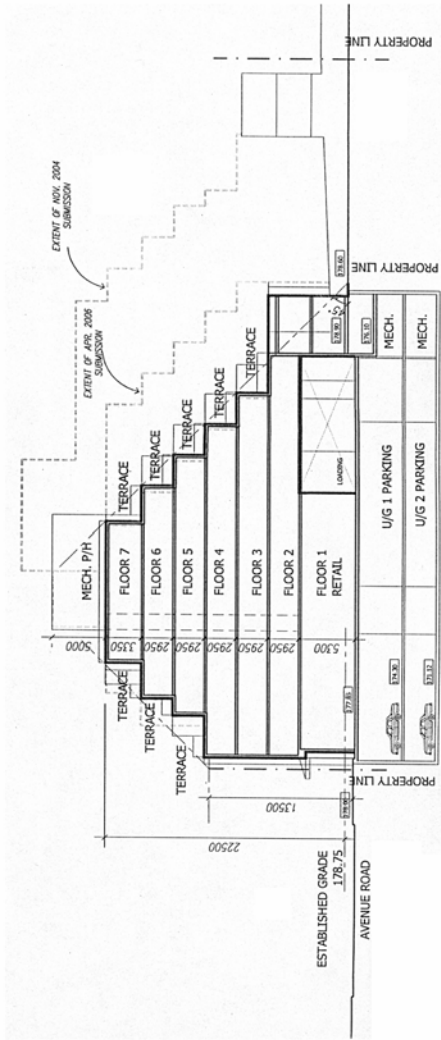
Not to Scale
08/16/06

1705-1745 Avenue Road

File # 04 190410



View from St. Germain Avenue



View from Fairlawn Avenue

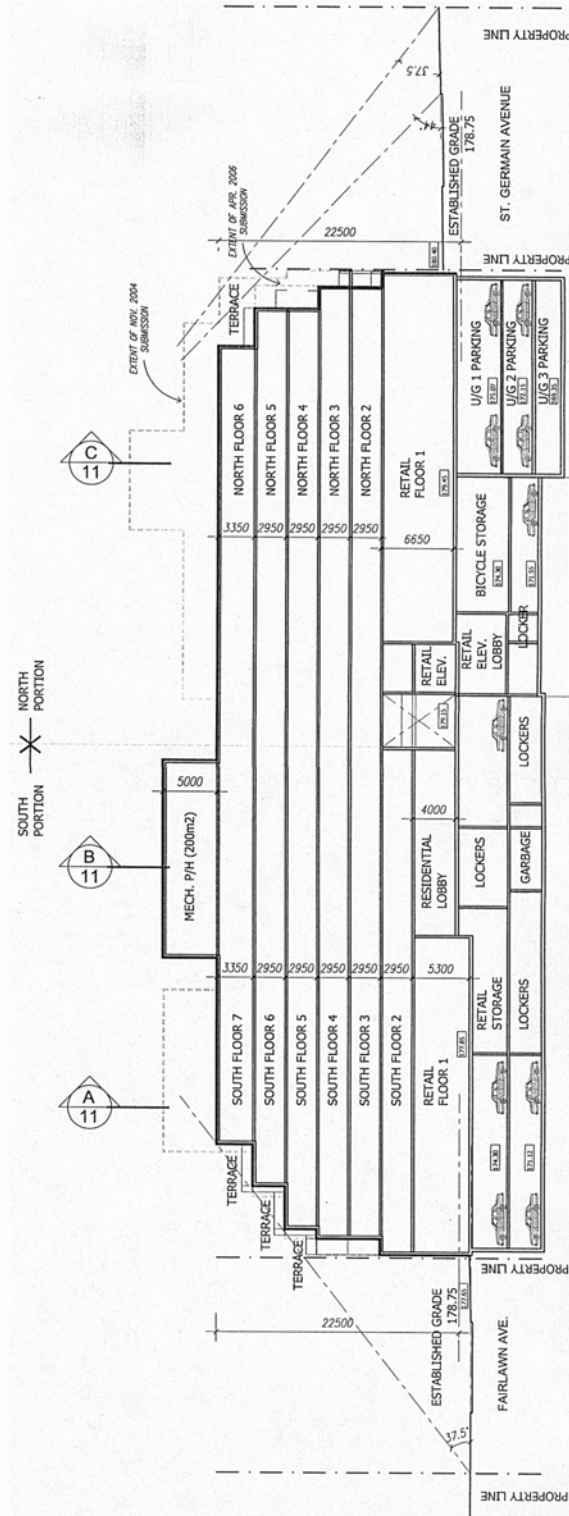
Sections

Applicant's Submitted Drawing

Not to Scale
08/16/06

1705-1745 Avenue Road

File # 04 190410



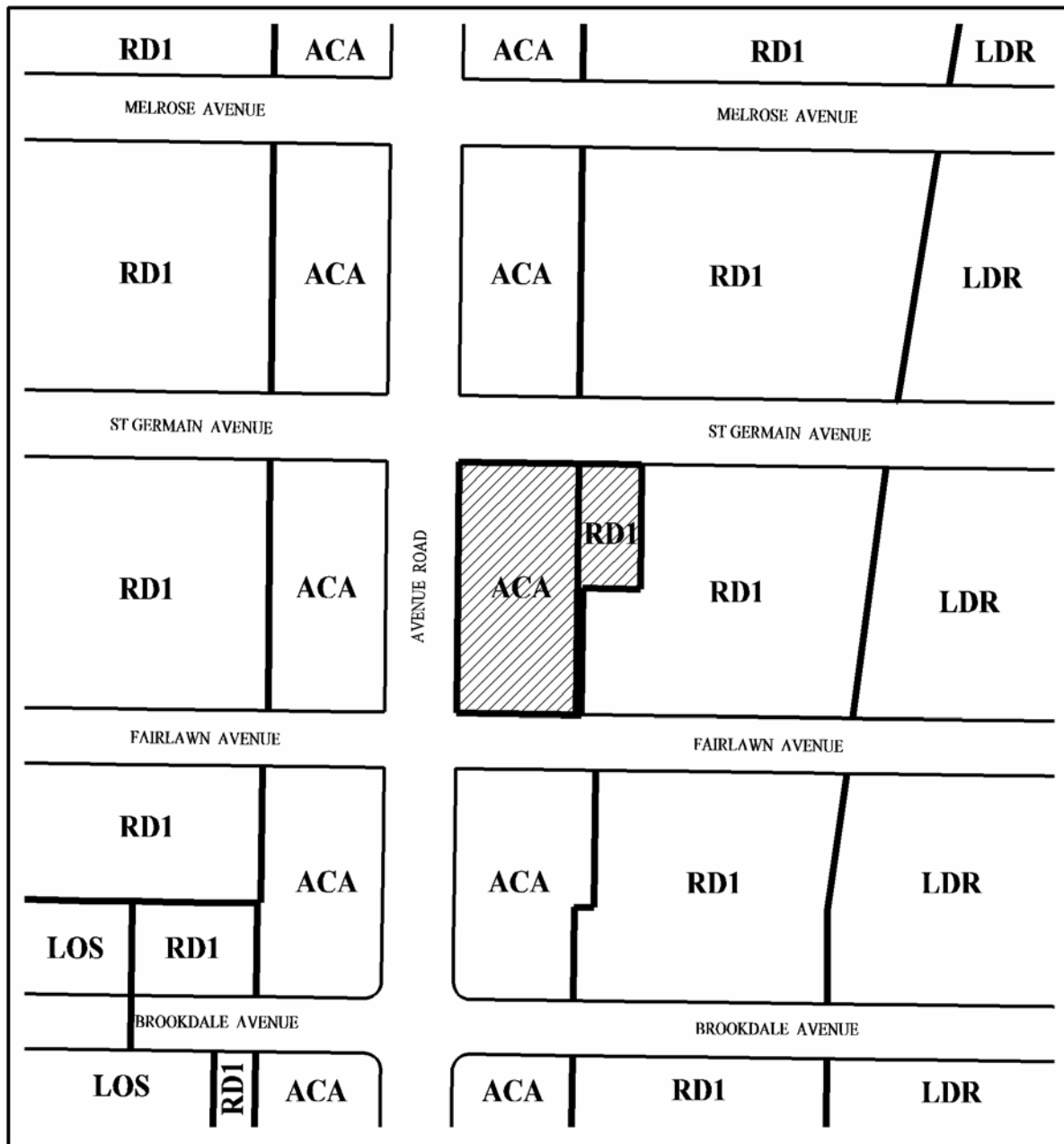
Sections

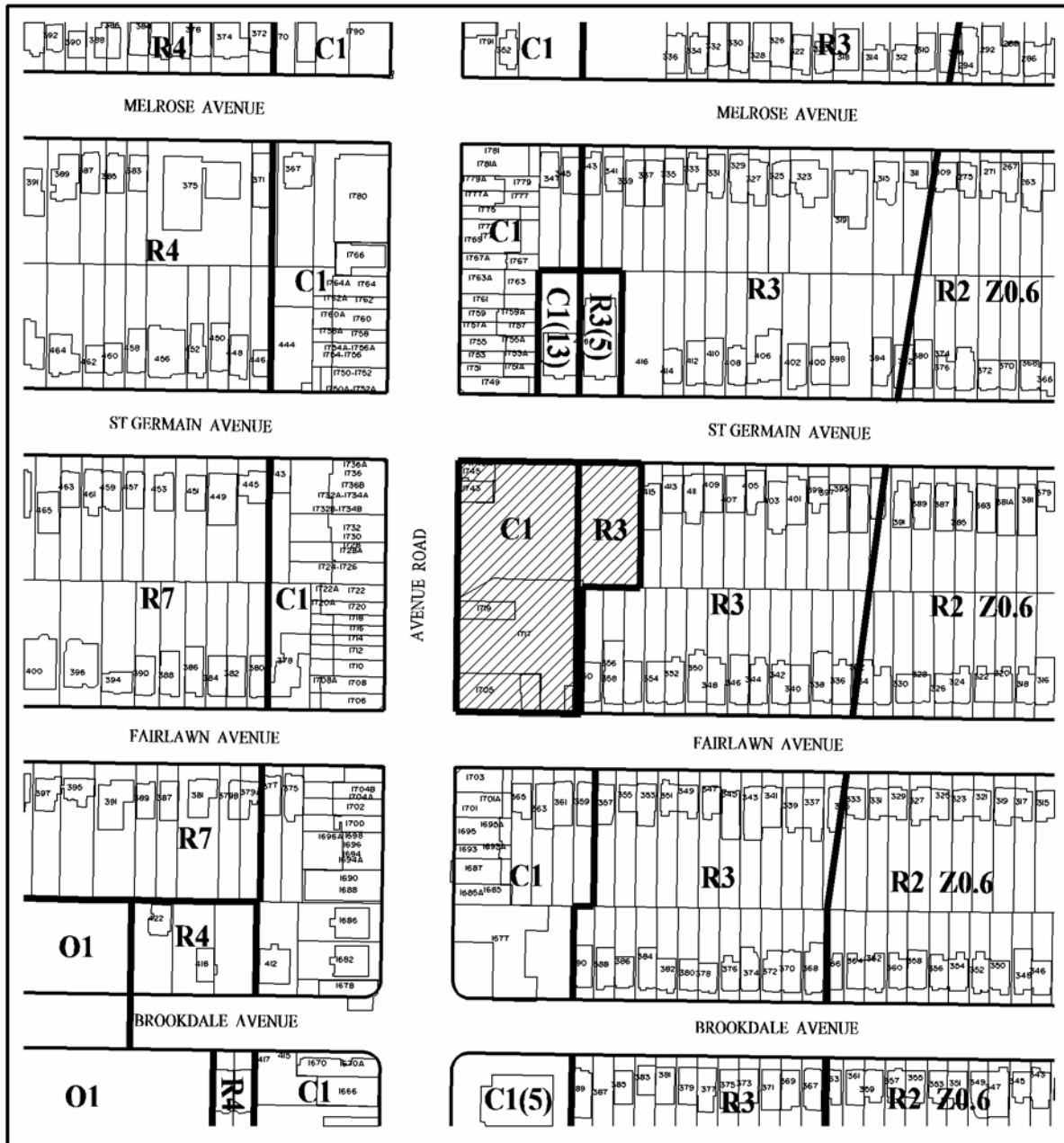
Applicant's Submitted Drawing

Not to Scale
08/16/06

1705-1745 Avenue Road

File # 04 190410





Toronto City Planning
Division
Zoning

1705-1745 Avenue Road

File # 04_190410

Zoning By-law 7625

R3 One-Family Detached Dwelling Third Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
R7 One-Family Detached Dwelling Seventh Density Zone

C1 General Commercial Zone
O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Zoning By-Law 438-86

R2 Residential Zone



Not to Scale

Extracted 12/14/04

ATTACHMENT 7**APPLICATION DATA SHEET**

Application Type	Official Plan Amendment & Rezoning	Application Number:	04 190410 NNY 16 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 10, 2004
Municipal Address:	1705-1745 AVENUE RD, TORONTO ON		
Location Description:	PLAN 2247 N PT LOT 148 N PT LOT 149 **GRID N1602		
Project Description:	This application includes 1705, 1717, 1719, 1743 and 1745 Avenue Rd. Proposed 7 storey mixed use building. 103 dwelling units with street related retail.		

PLANNING CONTROLS

Official Plan Designation:	ACA & RD1	Site Specific Provision:
Zoning:	C1 & R3	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	5070.34	Height:	Storeys:	7
Frontage (m):	92		Metres:	22.5
Depth (m):	67			
Total Ground Floor Area (sq. m):	3294			Total
Total Residential GFA (sq. m):	13775		Parking Spaces:	249
Total Non-Residential GFA (sq. m):	2585		Loading Docks	3
Total GFA (sq. m):	16360			
Lot Coverage Ratio (%):	63.86			
Floor Space Index:	3.2			

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

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	13775	0
Bachelor:	2	Retail GFA (sq. m):	2585	0
1 Bedroom:	48	Office GFA (sq. m):	0	0
2 Bedroom:	51	Industrial GFA (sq. m):	0	0
3 + Bedroom:	2	Institutional/Other GFA (sq. m):	0	0
Total Units:	103			

CONTACT:	PLANNER NAME:	Colin Ramdial, Senior Planner
	TELEPHONE:	(416) 395-7150