

**58, 60, 64 & 68 Orchard View Boulevard and 439, 441,
443 & 445 Duplex Avenue
Rezoning Application - Preliminary Report**

Date:	December 12, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	08 182458 NNY 16 OZ

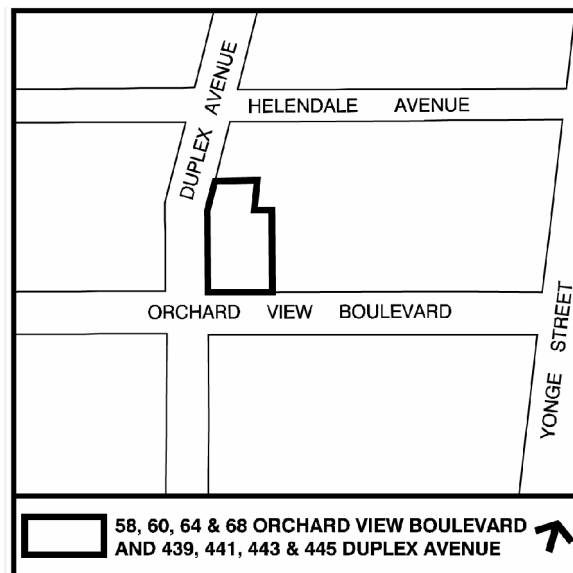
SUMMARY

This application was made on July 16, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to amend Zoning By-law 438-86 of the former City of Toronto to permit the construction of an 18 storey apartment building at 58, 60, 64 & 68 Orchard View Boulevard and 439, 441, 443 & 445 Duplex Avenue.

This report provides preliminary information on the above-noted application and seeks Community Council's direction on further processing of the application and on the community consultation process.

It is intended that a community consultation meeting be scheduled by staff in consultation with the Ward Councillor. A final report and public meeting under the *Planning Act* would be targeted for the second quarter of 2009 provided that any required information is submitted in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2002 an Official Plan and Zoning By-law Amendment application and Site Plan Control application were submitted to permit the construction of a 17 storey, 185 unit apartment building at a density of 11.12 times the area of the lot for 58, 60, 64 & 68 Orchard View Boulevard and 439 & 441 Duplex Avenue. The applications were refused by City Council at its meeting of February 4, 5 & 6, 2003. A copy of the staff report can be found at the following link:

<http://www.toronto.ca/legdocs/2003/agendas/committees/ey/ey030121/it041.pdf>

Three pairs of vacant semi-detached dwellings existed on the lands when the above noted applications were submitted. Prior to being abandoned, each dwelling unit had previously been occupied as a rental unit. The previous owner had let these units fall into disrepair and members of the community expressed concern regarding the poor conditions of the dwellings as well as vagrancy, garbage and safety on the premises leading the previous owner to file applications for permission to demolish the dwellings. A staff report recommended refusal of the applications noting that the application to demolish was premature and that letting housing stock, particularly rental housing stock, fall into disrepair was an unacceptable rationale for demolition without an approved redevelopment application. Council, citing the public safety concern, adopted a motion which approved the demolition application and the houses were demolished in July, 2005.

Shortly after the demolition of the vacant dwelling units, the previous owners (Brydale Investments) conveyed the lands to the current owners (Orchard View Holdings Inc.). Orchard View Holdings Inc. sought relief from the Committee of Adjustment to allow for a commercial parking lot on the lands. In June of 2007, the Committee of Adjustment approved the application to permit a temporary commercial parking lot on the lands for a period of three years from the date of site plan control approval. City Planning approved the site plan control application for the commercial parking lot on October 24, 2007.

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Orchard View Holdings Inc. has since acquired two additional properties to the north of the original assembly of lands (443 and 445 Duplex Avenue). Applications to demolish the two semi-detached dwellings existing on the lands were submitted on June 26, 2008. A report from the Deputy Chief Building Official to North York Community Council recommended refusal of the application to demolish the dwelling units without a replacement building permit. A copy of the staff report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-14957.pdf>

North York Community Council accepted this recommendation and refused the application to demolish the two dwelling units at 443 and 445 Duplex Avenue. In addition, Community Council passed a motion directing the District Manager, Municipal Licensing and Standards, North York District, to ensure that the properties are in conformity with existing property standards. Orchard View Holdings Inc. has appealed this decision to the Ontario Municipal Board.

PRE-APPLICATION CONSULTATION

Two pre-application consultation meetings have been held between City Planning staff and the applicant. At these meetings, discussions focused on the height and density proposed and how the proposed building transitioned to the low scale uses in the surrounding area.

The proposal originally submitted was for a 20-storey apartment building at a density of 10.63 times the area of the lot. The form of the building was similar to the proposal described below and illustrated in Attachments 1, 2, and 3 but at a greater height. Shortly after the submission of the application, a community meeting was organized by the Ward Councillor to provide information on the application. Approximately 25 members of the public attended, as well as City Planning staff, the applicant and the project architect. A range of issues were raised at the meeting including questions about the suitability of the height and density of the development, the proposed number of parking spaces, increases in shadowing on adjacent low scale uses, and whether sufficient infrastructure existed to support the development. In addition, the applicant was asked questions about the differences between this application and the previous proposal for the site which was refused by City Council in 2003.

The issues raised by the community were generally reflective of those communicated to the applicant by staff in pre-application discussions and those returned via an initial circulation. Planning staff advised the applicant to make revisions to the project to address some of these concerns prior to another community meeting being held.

ISSUE BACKGROUND

Proposal

The applicant has revised the original proposal from a maximum height of 20 storeys to 18 storeys plus a mechanical penthouse. The differences between the original proposal and the revised proposal are detailed in the following table:

	Original Proposal submitted: June 9, 2008	Revised Proposal submitted: December 4, 2008
Height (m)	20 storeys (62m) with residential wrapping mechanical penthouse	18 storeys (54.8m) Mechanical penthouse is additional height
Unit Count	236	221
Parking Count	104	96
Floor Area	16,296m ²	16,129m ²
Amenity Area	414m ² 260m ² indoor 154m ² outdoor	196m ² 73m ² indoor 123m ² outdoor
Density	10.63	10.66

The proposal is organized into three distinct elements. An 18 storey tower is sited on the southeast corner of the subject lands along Orchard View Boulevard. The tower steps down to an eight storey mezzanine block. The tower and the mezzanine block are set back slightly from a three storey base along Duplex Avenue. See Attachments 1, 2, and for site plan and elevation drawings.

Vehicular access to the underground parking garage is proposed to be retained off Orchard View Boulevard. No plans for underground parking levels have been provided, only site statistics detailing a reduction in the number of parking spaces proposed. A drive through loading space is provided on the ground floor for loading and servicing vehicles to enter the site, circulate through and exit via Duplex Avenue. The creation of this loading drive aisle results in the deletion of over half of the originally proposed indoor amenity space and a small amount of outdoor amenity space.

Additional site statistics for the revised proposal are provided in the Application Data Sheet included as Attachment 6.

Site and Surrounding Area

The site is located on the north side of Orchard View Boulevard where it intersects Duplex Avenue west of Yonge Street. The site has a 30.64m frontage along Orchard View Boulevard and 56.4m along Duplex Avenue and an area of 1,494m². The southern portion of the site contains the previously noted commercial parking lot. Two semi-detached dwellings remain on the northern part of the lands (443-445 Duplex Avenue).

Land uses surrounding the subject site are as follows:

North: three single detached dwellings;

East: a 14 storey Co-op Apartment Building (Stanley Knowles Co-op) above a two storey Toronto Public Library;

South: across Orchard View Boulevard, the Yonge-Eglinton Centre complex which consists of two apartment buildings of 22 and 20 storeys in height, two office towers of 22 and 27 storeys in height and approximately 38000m² of retail uses split between the first two floors and below grade concourses with connections to Eglinton Subway Station; and

West across Duplex Avenue, low scale residential uses comprised of detached and semi-detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Apartment Neighbourhoods*. This designation is distinguished from low rise *Neighbourhoods* because of the greater scale of buildings it provides for. Both *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas and development will be consistent with this objective and reinforce and respect the existing physical character of buildings, streetscape and open space patterns.

While built up *Apartment Neighbourhoods* are not generally anticipated to accommodate significant growth, compatible infill development is provided for on underutilized sites according to development criteria outlined in Policies 4.2.2 and 4.2.3. Across Duplex Avenue to the west of the development site are lands designated *Neighbourhoods* which are to be protected from more intense forms of development. A key theme of the development criteria for *Apartment Neighbourhoods* is the appropriate transitioning to the low scale uses in *Neighbourhoods* and maintaining adequate sunlight and privacy for both new and existing residents.

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The subject site is immediately adjacent to the *Yonge-Eglinton Centre*, one of four *Centres* identified on Map 2 as part of the Official Plan's growth management strategy. The *Yonge-Eglinton Centre* is defined by the Plan as the four corners at the intersection of Yonge Street and Eglinton Avenue. While in close proximity to the *Centre*, the subject lands fall outside of the growth area.

The subject site is located within the Yonge-Eglinton Secondary Plan Area which further articulates a primary objective of maintaining and reinforcing the stability of *Neighbourhoods* and minimizing conflicts between the various designations in terms of land use, scale and vehicular movement. It is an objective of the Secondary Plan to maintain the existing scale of development within stable *Neighbourhoods* and limit overshadowing by securing a transition in height and scale from development in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*.

The Secondary Plan provides for development of the greatest height, density and scale to be situated in *Mixed Use Area "A"*, and development of a lesser scale that is contextually appropriate and compatible with adjacent areas to be located in *Mixed Use Areas "B"*, *"C"*, and *"D"*. The Secondary Plan directs higher density residential development proposals within *Apartment Neighbourhoods* to sites with nearby subway station access. Residential proposals on these sites may have reduced parking requirements in order to reduce conflicts between vehicular traffic and on-street servicing, maximize the utilization of existing parking facilities and encourage residential uses to locate within the Secondary Plan area.

Zoning

Zoning By-law 438-86 of the former City of Toronto zones the subject lands R2 with a density limit of 1.0 times the area of the lot. Permitted uses in an R2 zone include apartment buildings, detached houses, duplexes, row houses, semi-detached dwellings and triplexes. The maximum height permitted is 14.0m. In addition, buildings with a front lot line of Duplex Avenue may not extend beyond a 45 degree angular plane projected over the lot from a point 10m from the east street line.

Site Plan Control

A Site Plan Control application will be required to implement this proposal and has not been submitted by the applicant.

Reasons for the Application

An application to amend the Zoning By-law is required to permit the proposed height, density and coverage, as well as establish appropriate zoning standards to facilitate the proposal.

COMMENTS

Issues to be Resolved

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Development Standard, adopted by City Council in July 2006.

On a preliminary basis, the following issues have been identified:

1. The appropriateness of the height, density and massing of the proposal;
2. Built form as it relates to the existing context within a block that includes both low scale and higher density residential uses;
3. Compatibility with existing stable *Neighbourhoods* to the north and west of the development site and with existing uses within the *Apartment Neighbourhoods* designation;
4. The appropriateness of the proposed reduced parking standard based on the proximity to the Eglinton subway station;
5. The appropriateness of access and servicing off Orchard View Boulevard and proposed outbound loading movements onto Duplex Avenue;
6. The adequacy of proposed indoor and outdoor amenity space; and
7. The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should the application be recommended for approval.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

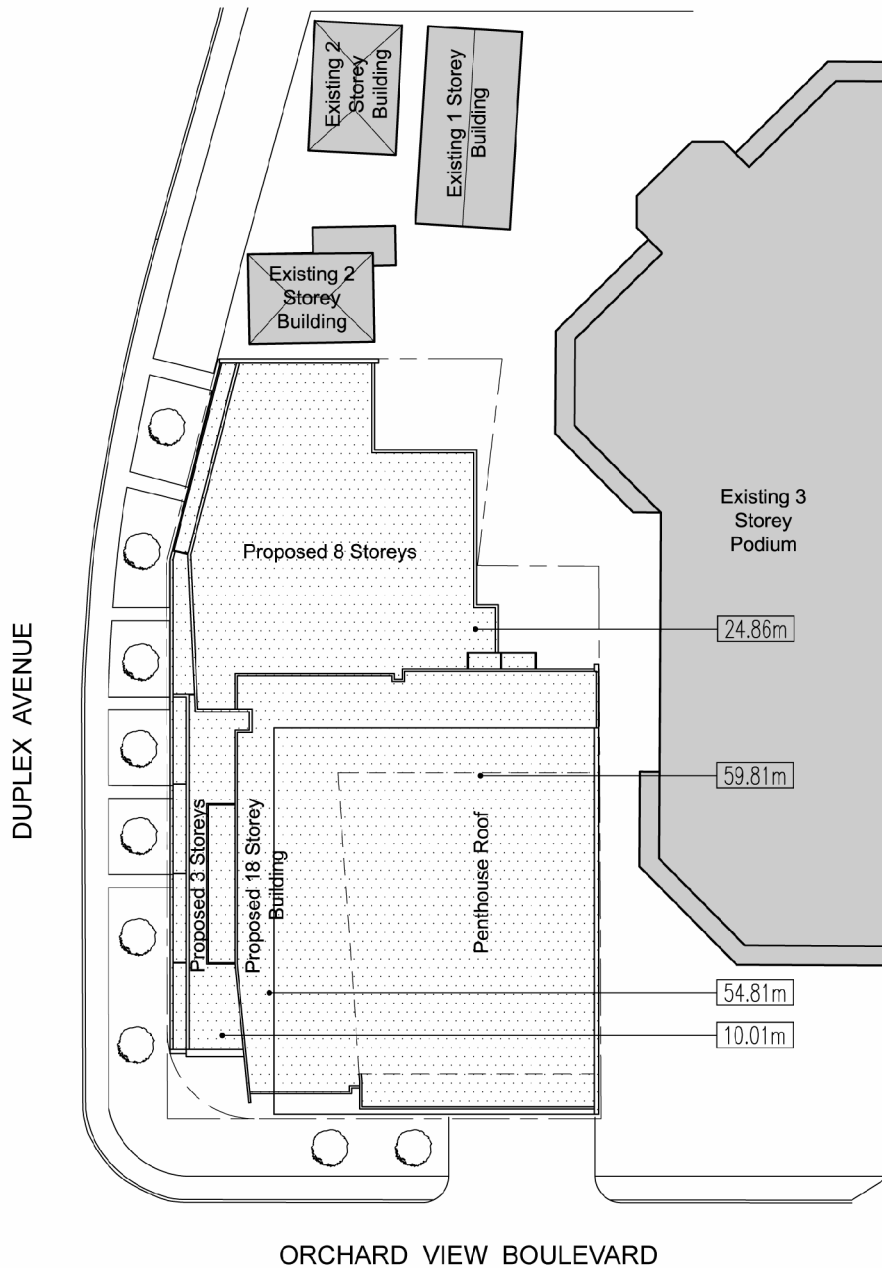
Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: South and West Elevations
Attachment 3: North and East Elevations
Attachment 4: Official Plan
Attachment 5: Zoning
Attachment 6: Application Data Sheet

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Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

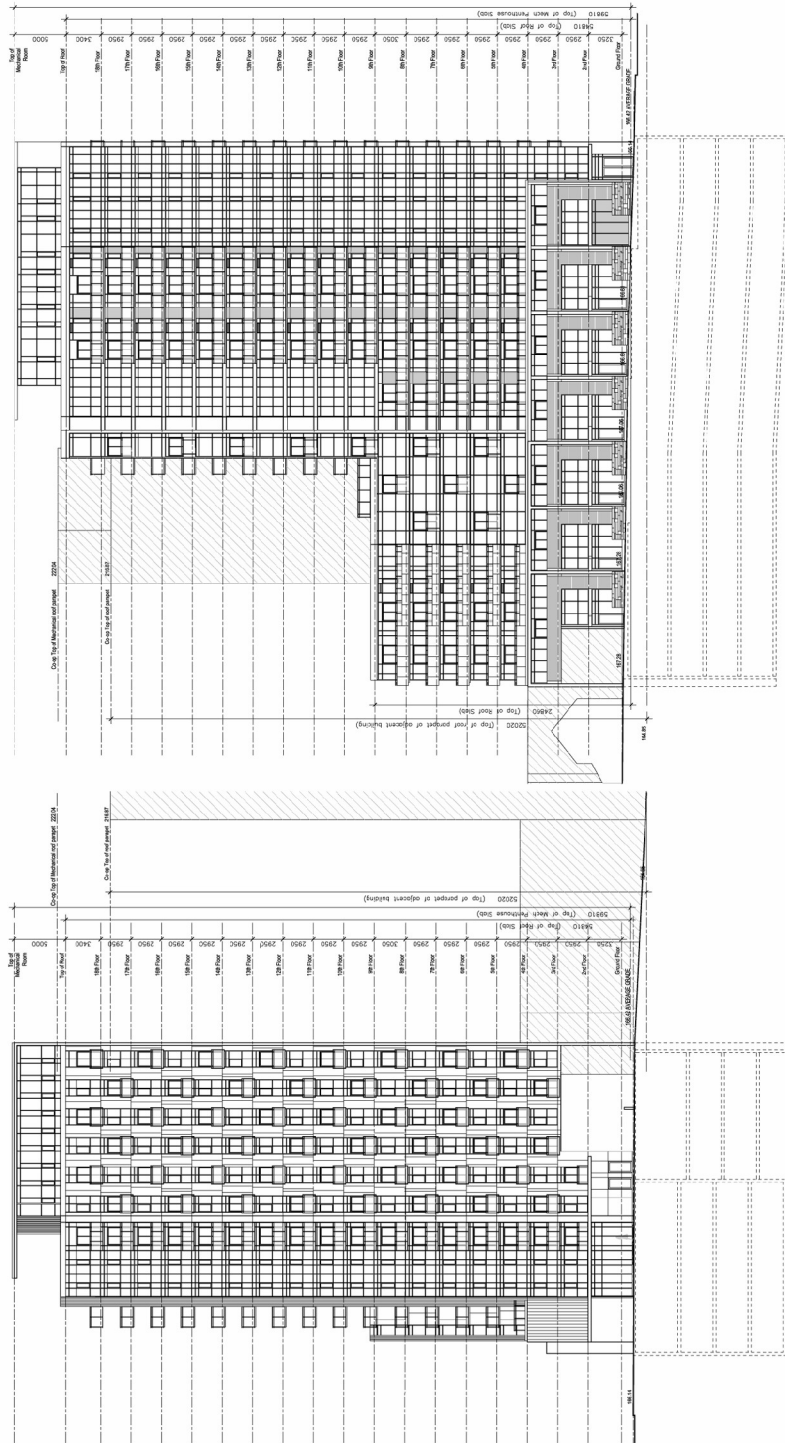
Not to Scale
12/10/2008



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File # 08_182458

Attachment 2: South and West Elevations



West Elevation

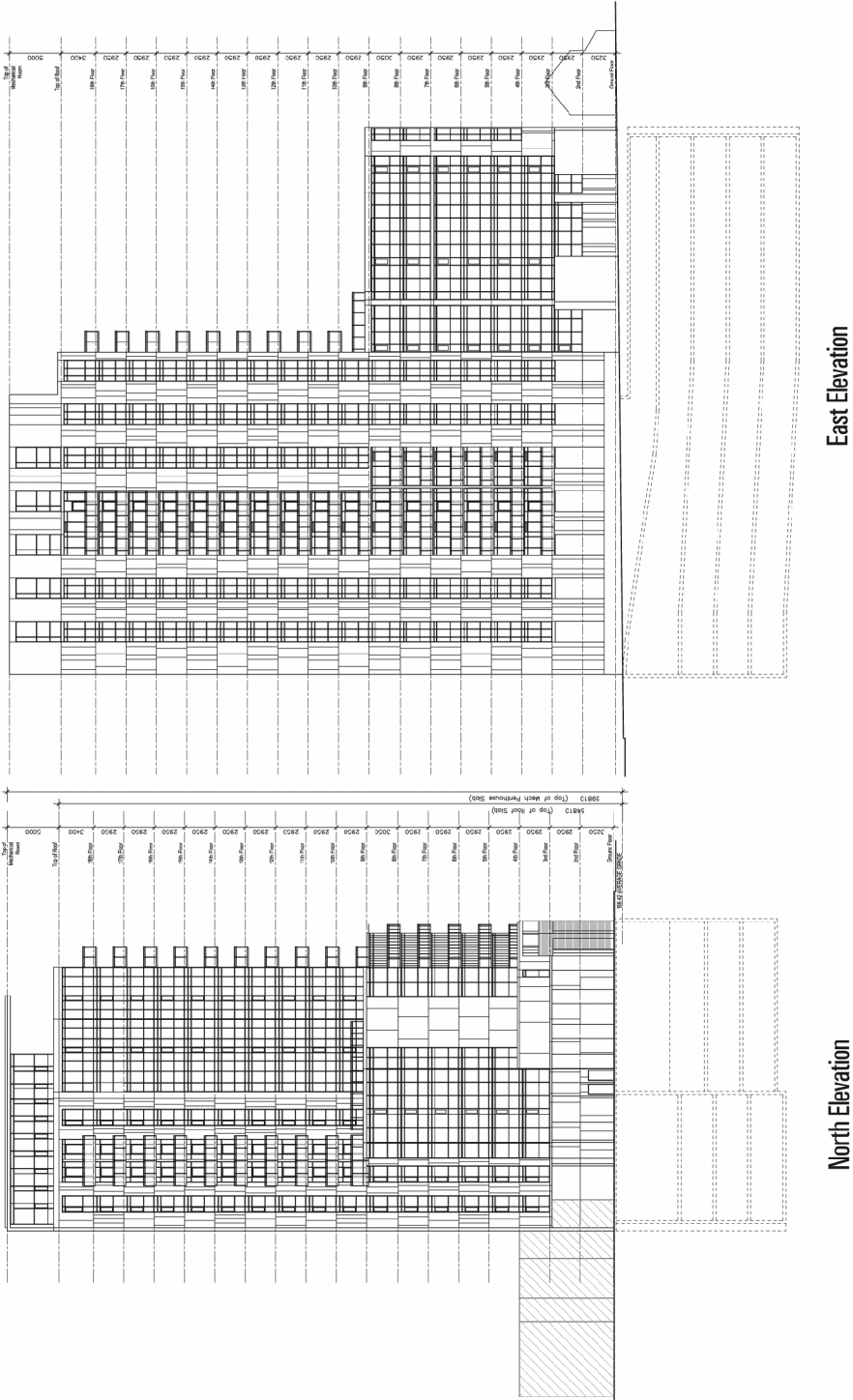
South Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 12/10/2008

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Attachment 3: North and East Elevations



Elevations
 Applicant's Submitted Drawing
 Not to Scale
 12/10/2008

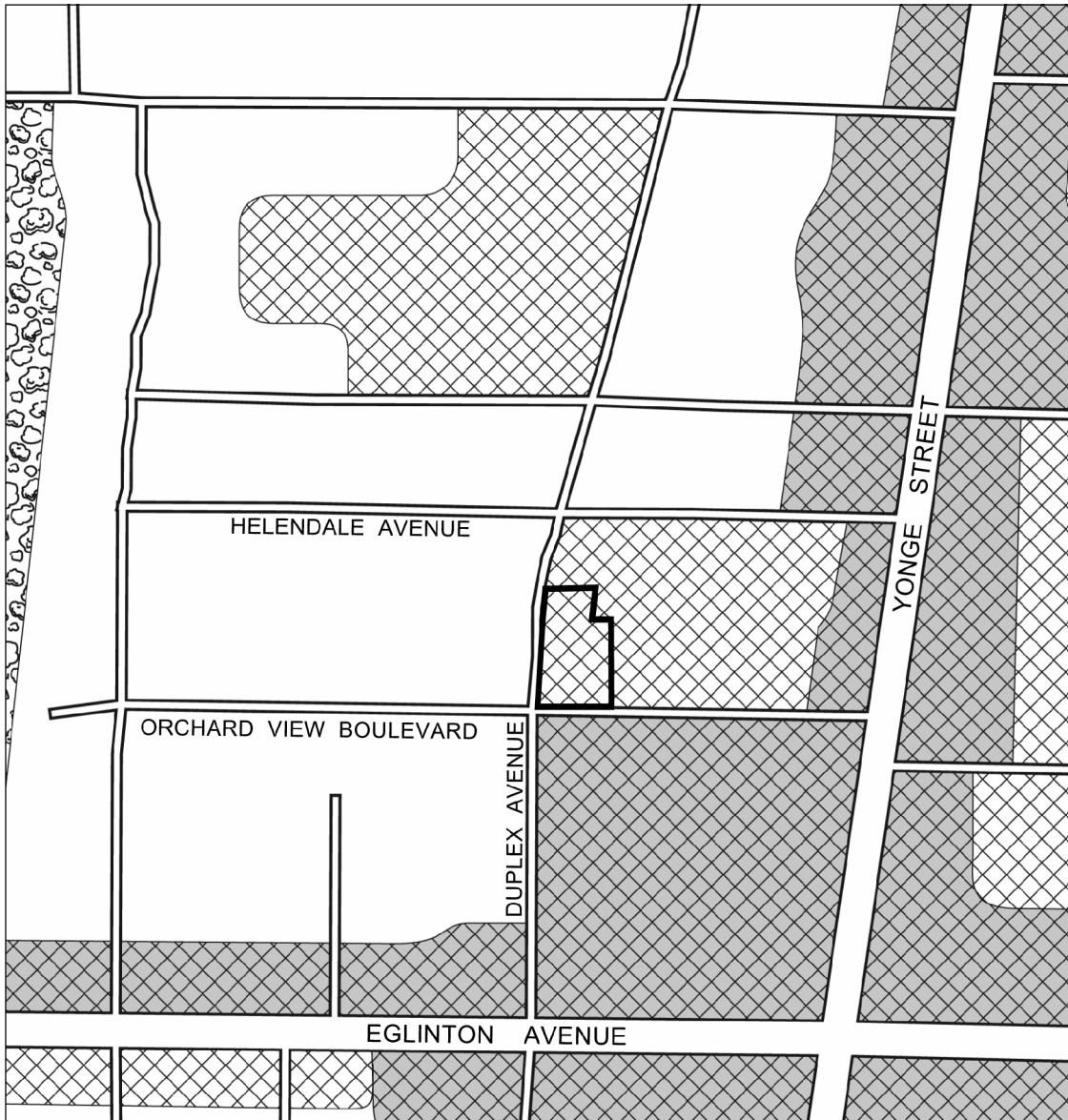
North Elevation

East Elevation

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Attachment 4 – Official Plan



TORONTO City Planning
Official Plan

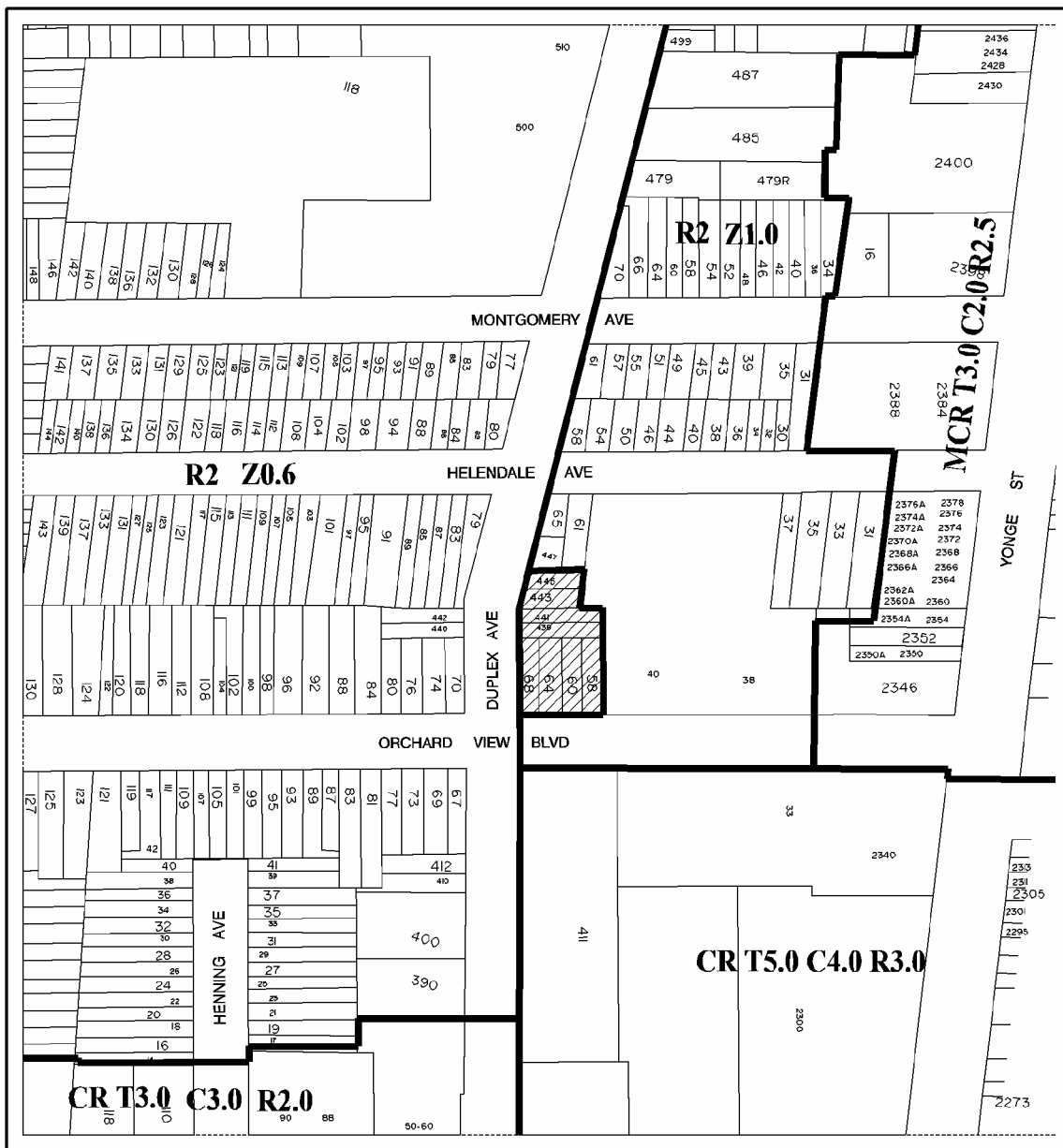
**58, 60, 64 & 68 Orchard View Boulevard and
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File # 08_182458

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 10/07//2008

Attachment 5 -- Zoning



**58, 60, 64 & 68 ORCHARD VIEW BOULEVARD AND
439, 441, 443 & 445 DUPLEX AVENUE**
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R2 Residential District
CR Mixed-Use District
MCR Mixed-Use District



Not to Scale
Zoning By-law 7625 as amended
Extracted 10/06/2008

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Attachment 6 – Application Data Sheet

Application Type	Rezoning	Application Number:	08 182458 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	July 16, 2008

Municipal Address: 58 ORCHARD VIEW BLVD

Location Description: PL 1567 PT LT9 **GRID N1606

Project Description: The proposal is to develop the site with a 20-storey residential tower having an 8-storey podium. In addition the development will include 6 2-storey townhome units.

Applicant:	Agent:	Architect:	Owner:
SHERMAN - BROWN - DRYER - KAROL			ORCHARDVIEW HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R2 Z1.0	Historical Status:
Height Limit (m):	14	Site Plan Control Area: N

PROJECT INFORMATION

Site Area (sq. m):	1494	Height:	Storeys:	18
Frontage (m):	56.4		Metres:	54.8
Depth (m):	0			
Total Ground Floor Area (sq. m):	796			Total
Total Residential GFA (sq. m):	16129		Parking Spaces:	96
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	16129			
Lot Coverage Ratio (%):	53.3			
Floor Space Index:	10.8			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	151
2 Bedroom:	70
3 + Bedroom:	0
Total Units:	221

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	16129		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

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