

7 Heath St E – Rezoning Application - Preliminary Report

Date:	April 22, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	09 131301 STE 22 OZ

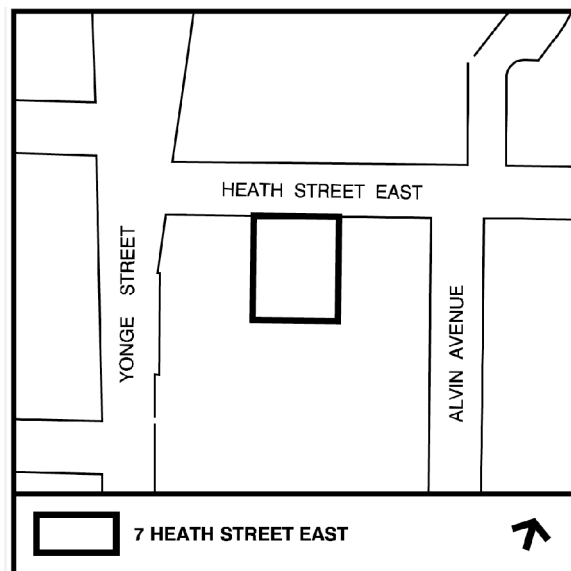
SUMMARY

This application is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to demolish an existing 3-storey walk-up rental apartment building at 7 Heath Street East. The existing building contains 30 units which are all within the low to moderate rent range. The applicant proposes to replace all 30 rental units within a new 13-storey condominium building that would also contain 67 condominium units for a total of 97 units.

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

A community consultation meeting was held in the neighbourhood on April 21, 2010. A statutory public meeting is targeted for winter of 2011. The applicant will need to provide all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. The community consultation meeting held on April 21, 2010, which was prior to the Preliminary Planning Report proceeding to Community Council, at the request of the Ward Councillor, be deemed to satisfy the requirement for such community consultation meeting as is normally held after the Preliminary Planning Report has been heard at a Community Council meeting. Notice was given to include landowners and residents within at least 120 metres of the site.
2. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The applicant is proposing to demolish the existing 3-storey, 30-unit, walk-up rental apartment building and replace it with a 13-storey (42.55 metres), combination residential condominium and rental apartment building. The building would contain 30 replacement rental units and 67 condominiums.

Site and Surrounding Area

The subject site is located on the south side of Heath Street East just east of Yonge Street. It is currently occupied by a 3-storey walk-up apartment. The following uses abut the site:

- | | |
|------------------|--|
| North - | Yorkminster Baptist Church which is located at the northeast corner of Yonge and Heath Street East and single detached and semi-detached houses to the northeast, |
| South and East - | surface parking serving Yonge Street commercial buildings, and an approved 16-storey building to the south that steps down to 12, 8, 7, 5, 4 and 3-storeys along its east property line, |
| West - | a narrow driveway which serves as a parking access to commercial properties fronting onto Yonge Street. |

Provincial Policy Statement and Provincial Plans

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

City Council adopted Official Plan Amendment No. 53 as part of the approval of the Official Plan and Zoning By-law amendment application for a separate but adjoining property at 1481, 1491 and 1501 Yonge Street, 25 & 27 Heath Street East and 30 Alvin Avenue (the Wittington lands). The subject site at 7 Heath Street East is not part of the Wittington lands but it was included in the redesignation of that property from *Neighbourhoods* to *Apartment Neighbourhoods*. That approval was subsequently appealed to the Ontario Municipal Board by three separate parties all with land interests in the immediate area.

A settlement hearing was held by the Ontario Municipal Board in July of 2009. OMB Settlement By-law 809-2008, to adopt Amendment No. 53, was approved by the Ontario Municipal Board on July 21, 2009. The *Apartment Neighbourhoods* designation permits the proposed use subject to compliance with all other applicable policies of the Official Plan and the provisions of the Zoning By-law.

Zoning

The lands are currently zoned R2 Z0.6 (refer to Attachment 6, Zoning). That zoning permits a wide range of residential uses including apartment buildings with a total gross floor area not to exceed 0.6 times the lot area or a maximum height of 13 metres.

Site Plan Control

The proposed development is subject to site plan control. An application must be submitted and will be considered concurrently with the Official Plan and Zoning By-law amendment applications.

Tree Preservation

The applicant has submitted an arborist report and tree preservation plan for review by City Forestry.

Reasons for the Application

The proposed development requires a number of amendments to By-law 438-86. Amendments include the following partial list:

Density

The site is zoned R2 Z0.6 under 438 -86. At a density of 6.8x the lot area, the proposed development would exceed the permitted density (0.6 x the lot area) by approximately 6.2 times or 2,178 square metres.

Height

At 13-storeys and approximately 48 metres the proposed building exceeds the permitted height of 13 metres by approximately 35metres.

Setbacks

By-law 438-86 requires an apartment building in an 'R' zone to have a minimum side lot setback of 0.45 metres. The proposed side lot setback on the east side is 0.0 metres.

The By-law requires a building in an 'R' zone to have a 7.5 metre rear yard setback. The proposed rear yard setback is 0.0 metres.

Associated with building setbacks is the depth of building. The By-law limits a building in an R2 Z0.6 zone to a maximum building depth of 14 metres. The proposed building depth is 38.99 metres.

Loading Space

The extent of the right-of-way is not clearly marked in the plans and the proposed truck access appears to encroach on the neighbouring property. The By-law does not permit encroachment onto neighbouring properties for loading access.

Parking

The By-law requires 87 resident parking spaces plus 24 visitor spaces for a total of 111 parking stalls. The applicant is proposing 90 spaces for residents and 12 for their visitors.

Community Consultation

A community consultation meeting was held in the neighbourhood on April 21, 2009 at the Yorkminster Baptist Church. The purpose of that meeting was to present the proposal to the local community and to take note of the comments and issues raised by area residents. The meeting was attended by approximately 30 residents of the local area.

Comments noted at the meeting and which were received from persons unable to attend that meeting revolved around:

- the proposed building height and density;
- traffic on Heath Street and throughout the local neighbourhood in general;
- the lack of a pick-up/drop-off area in front of the proposed building;
- the potential for loss of views from existing residential buildings;

-insufficient stepbacks in building height;

-the potential for shadowing the south wall (containing stained glass windows) of Yorkminster Baptist Church; and

-the need to maintain affordable rental units in the neighbourhood and the requirement for the applicant to comply with the City's rental housing policies.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Arborist's Report
- Vibration Study
- Toronto Green Development Standards Checklist
- Transportation Impact Study
- Preliminary Site Servicing and Stormwater Management Report
- Preliminary Site Servicing and Grading Plan
- Geotechnical Report
- Pedestrian Wind Study
- Shadow Study
- Planning and Urban Design Rationale
- Housing Issues Report

A Notification of Complete Application was issued on August 13, 2009.

Issues to be Resolved

Height, Massing and Density

The height, massing and density of the proposed development are currently under review. The review will determine whether the proposed building at 13-storeys and 6.8 times the lot area, built to the lot lines on the east and south sides, would be compatible with the existing buildings in the neighbourhood and the approved residential condominium which wraps around this site to the east and south.

With a height of 48 metres, the proposed building height exceeds the Heath Street East right-of-way (r.o.w.) by approximately 25 metres. In reviewing the proposed height and massing, staff will focus in particular on the proposed building's transition in scale to the existing and planned and approved buildings in the area and on the proposal's attention to its design with good street proportion.

Appropriate built form transition may be achieved by: stepping building heights; use of angular planes; location and orientation of the building; setbacks; and step backs of the building mass. Street proportion refers to the ratio of the height of the building to the

width or the r.o.w. Good street proportion allows access to sunlight and sky views at the pedestrian level.

Setbacks

By-law 438-86 requires a side yard setback of 0.45 metres for a residential building in an R2 Z0.6 zone where the proposed building has no openings in the facing wall. This application is proposing 0.0 metre setback on the east side.

The adjacent approved condominium development (which will be 3-storeys at Heath Street, stepping up to 8-storeys proceeding southwards along the mutual property line) is providing a 3.1 metre setback on its opposite (east) side of this lot line. Staff will evaluate the applicant's proposed 0.0 metre east side yard setback from the perspective of the potential impact that it may have on the planned and approved development on its east property line.

By-law 438-86 requires a rear setback of 7.5 metres. The applicant is proposing 0.0 metres at the first two floors. A 16-storey portion of the approved condominium building (discussed above) is set back 5.5 metres from this lot line. Further analysis will need to be done to ascertain whether a zero lot line building on the rear lot line of this development is appropriate.

Light, Overlook and Privacy

Tall buildings cast long shadows depending on the time of year. However, the more slender the floorplate of the tower component of the building, the faster the travel time of the shadow across the existing adjacent buildings and open spaces. The applicants have submitted a shadow study with their application and it is currently under review.

The applicant's shadow study is required to demonstrate how the orientation and massing of their building adequately limits the shadow impacts on: existing and approved apartment buildings and condominiums; lower scale *Neighbourhoods*; pedestrian oriented areas of retail streets and open spaces in general; and on the church on the north side of Heath Street East in specific.

The proposed building should be designed to not cause undue privacy impacts to the units of the condominium building which has been approved for the lands that surround this site on the east and south sides.

Vehicular Access

The development proposes that all vehicular access be from Heath Street East. The applicant has provided a parking and traffic impact study in support of the project. Staff will review the study to determine whether the proposed parking space allotment is sufficient and whether the proposed vehicular access to the site would work well with the normal vehicular and pedestrian circulation within the neighbourhood.

The driveway straddles a common property line between 7 Heath and 1521 & 1525 Yonge Street. The owner of 7 Heath will be required to submit additional documentation

with respect to easements/rights-of-way in order to verify that the project has legal entitlement to use the shared use driveway in perpetuity.

The applicant will also be required to submit documentation with respect to easements/rights-of-way that are to be provided to 1521 and 1525 Yonge Street. Documentation with respect easements/rights-of-way is required prior to rezoning to ensure that a 6.0 metre wide driveway may be provided for use by the buildings at 1521 and 1525 Yonge Street and by the proposed development at 7 Heath Street East, should it be approved.

Loading

The proposed turning radii for vehicles accessing the type G loading space also requires easements/rights-of-way with the owner of 1521 Yonge Street. The applicant will need to provide documentation that indicates that parking spaces that are required under a zoning by-law are not being compromised or eliminated as a result of this loading access design.

Rental Housing

The applicant is seeking to demolish a 3-storey rental apartment building which contains 30 rental units.

Section 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 6 indicates that new development that would result in the loss of six or more rental housing units will not be approved unless:

- (a) all rental housing units have rents that exceed mid-range rents; or
- (b) the following are secured:
 - (i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those at the time the redevelopment application is made;
 - (ii) for at least 10 years, rents for replacement units will be the rent at first occupancy with annual increases subject to specific limits; and
 - (iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, and other assistance to lessen hardship; or
- (c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state.

As the rental units in the building are below mid-range rents, the property is subject to the Official Plan housing policies and Rental Demolition and Conversion By-law.

Specific details on the existing rental housing units have been provided in a Housing Issues Report that has been submitted by the applicant. The proposed rental replacement strategy and tenant relocation and assistance plan will need to be reviewed and details resolved.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies that protect rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act. Proposals involving six or more rental housing units require a decision by City Council. Council may refuse an application or approve the demolition with conditions that must be satisfied before a demolition permit is issued under the Building Code Act.

Where an application for Official Plan amendment or rezoning triggers an application under Chapter 667 for rental demolition or conversion, typically City Council decides on both applications at the same time. Unlike Planning Act applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB.

The applicant has submitted a Section 111 application for the demolition of the rental properties. The applicants have provided notice to the current tenants of the building respecting their redevelopment plans and have sent an affidavit to the City confirming that such notification has been sent.

Green Development Standards

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

Section 37

The Official Plan includes policies pertaining to the exchange of public benefits for increased height and density for new developments pursuant to Section 37 of the Planning Act. The applicant is aware that the City intends to apply the Section 37 policies of the Planning Act to this proposal. Details of a Section 37 agreement between the applicant and the City will be established if the project is to 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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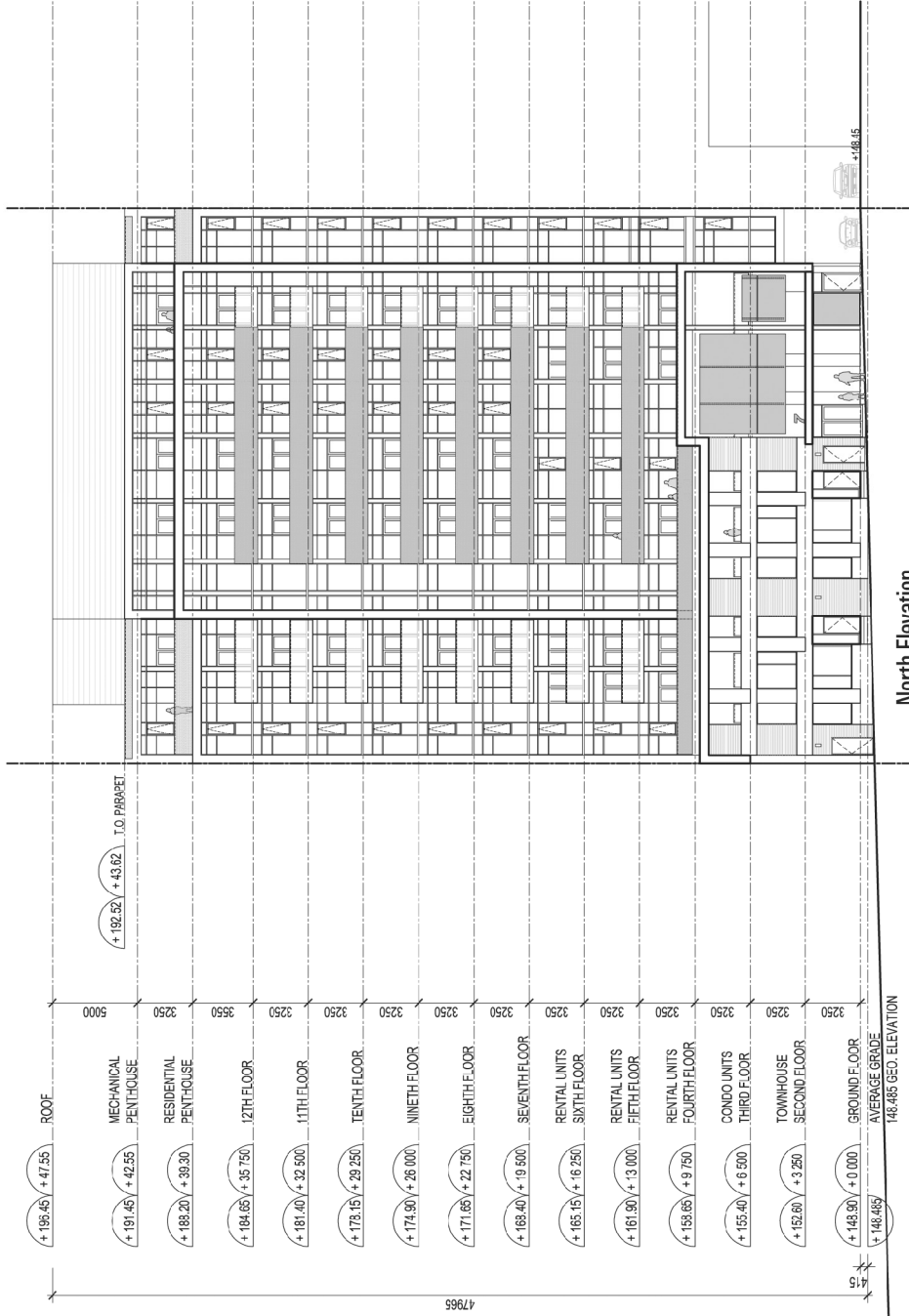
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet

Attachment 2: North Elevation



North Elevation

7 Heath Street East

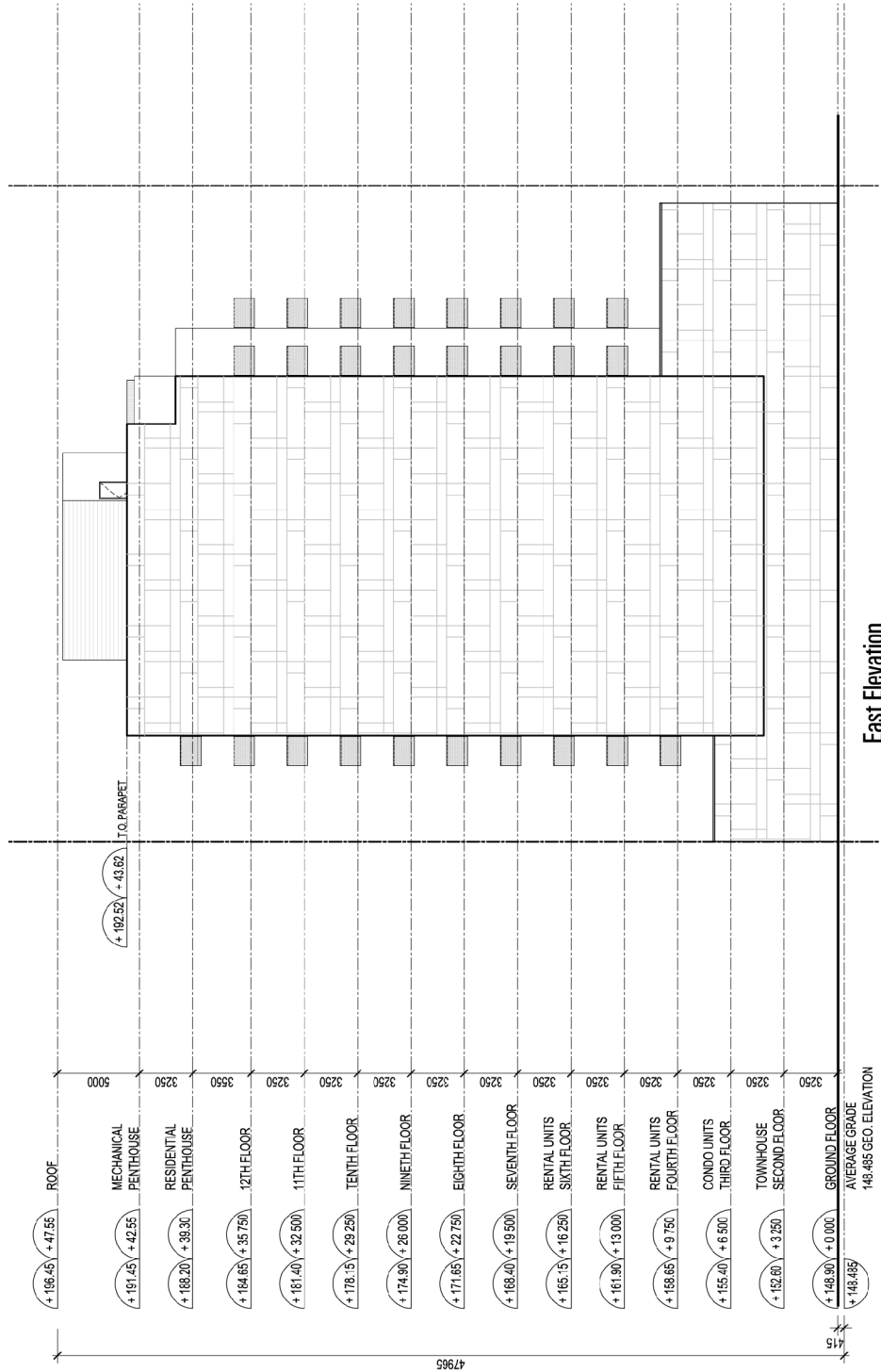
Elevations

Applicant's Submitted Drawing

Not to Scale
02/02/2010

File # 09_131301

Attachment 3: East Elevation



East Elevation

7 Heath Street East

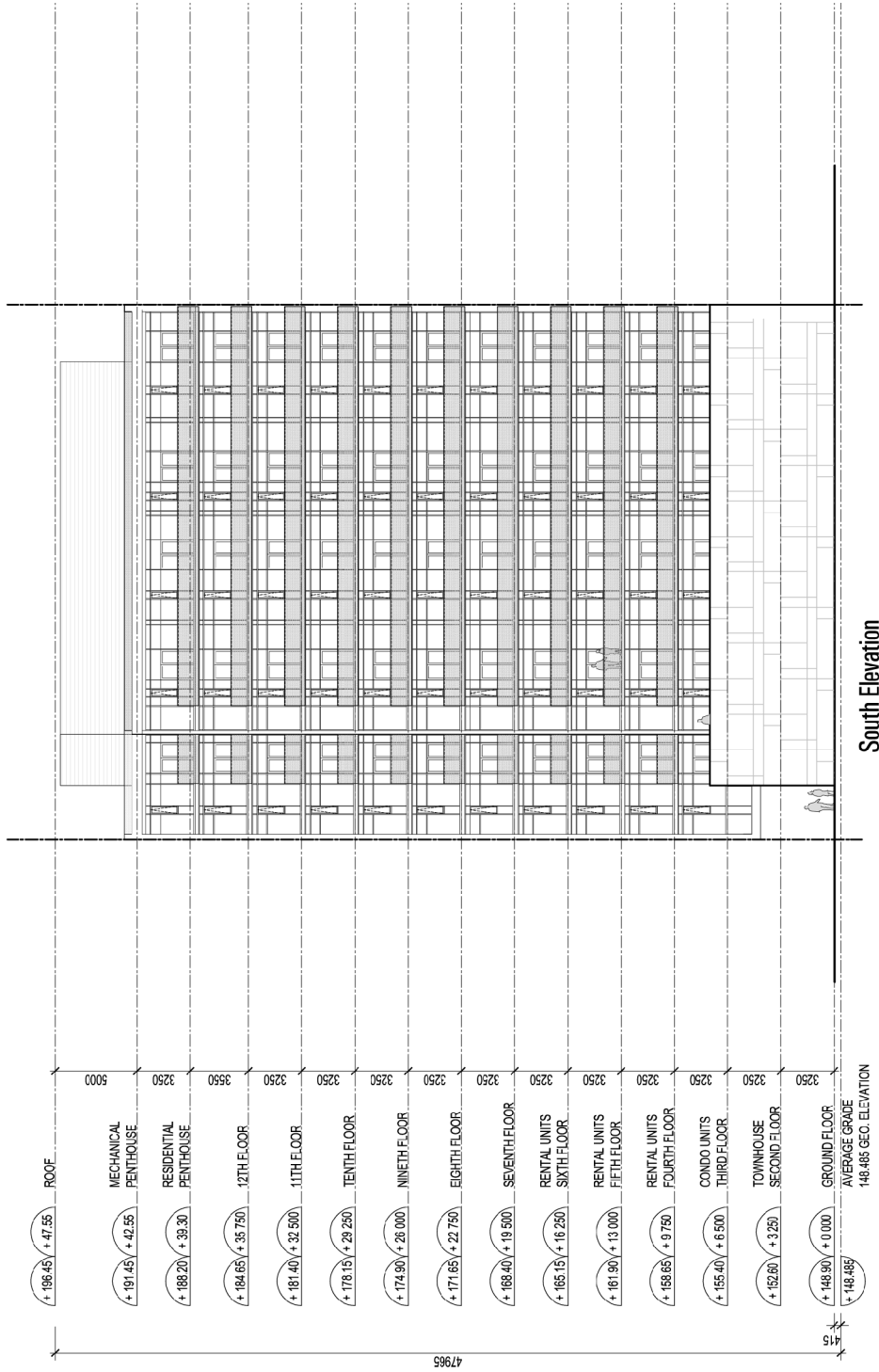
Elevations

Applicant's Submitted Drawing

Not to Scale
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Attachment 4: South Elevation



7 Heath Street East

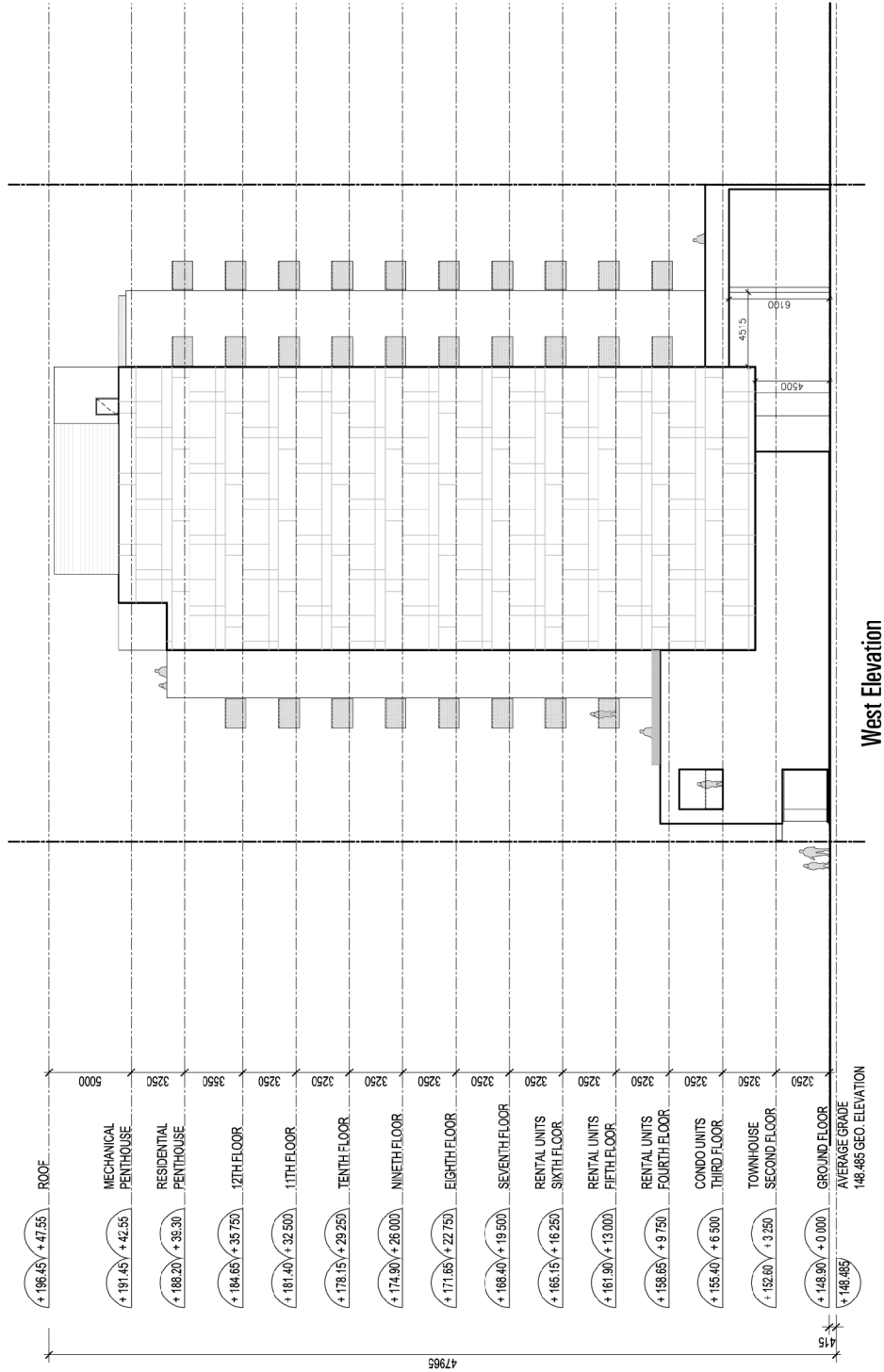
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Elevations

Applicant's Submitted Drawing

Not to Scale
02/02/2010

Attachment 5: West Elevation



7 Heath Street East

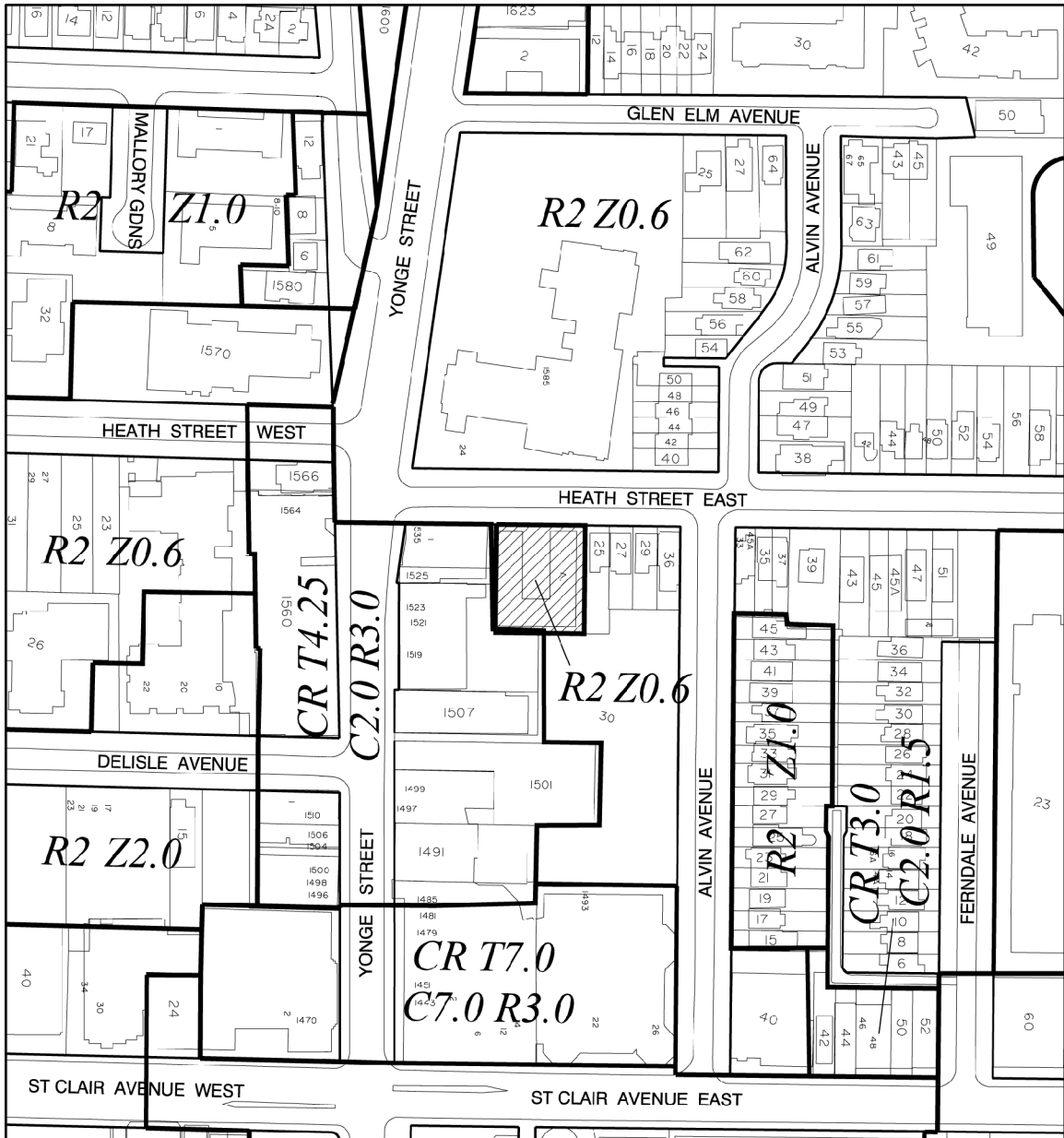
Elevations

Applicant's Submitted Drawing

Not to Scale
02/02/2010

File # 09_131301

Attachment 6: Zoning



7 Heath Street East

File # 09_131301

R2 Residential District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/04/2010

Attachment 7 – Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	09 131301 STE 22 OZ
Details	Rezoning, Standard	Application Date:	April 28, 2009
Municipal Address:	7 HEATH ST E		
Location Description:	PL 357 PT LTS 2 & 3 & 4 **GRID S2208		
Project Description:	rezoning application to permit lands to be redeveloped for residential apartment building containing 97 dwelling units , 30 of which are for rental (replacement) purposes complete with 102 parking spaces in four levels below grade - (12 visitors parking spaces included in 102 parking spaces)		

Applicant:	Agent:	Architect:	Owner:
SWEENEY STERLING FINLAYSON		SWEENEY STERLING FINLAYSON	LIVING PROPERTIES INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	
Zoning:	R2 Z0.6	Historical Status:	
Height Limit (m):	13	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	1307	Height:	Storeys:	13
Frontage (m):	32.68		Metres:	42.5
Depth (m):	40.04			
Total Ground Floor Area (sq. m):	672.7			Total
Total Residential GFA (sq. m):	8884.36		Parking Spaces:	102
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	8884.36			
Lot Coverage Ratio (%):	51.5			
Floor Space Index:	6.8			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	3
1 Bedroom:	38
2 Bedroom:	56
3 + Bedroom:	0
Total Units:	97

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	8884.36	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

CONTACT:	PLANNER NAME:	Tim Burkholder, Planner
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