DA TORONTO

STAFF REPORT ACTION REQUIRED

33 Holly Street, 44 Dunfield Avenue, 86 & 88 Soudan Avenue - Zoning Amendment Application - Preliminary Report

Date:	September 20, 2013			
То:	Toronto and East York Community Council			
From:	Director, Community Planning, Toronto and East York District			
Wards:	Ward 22 – St. Paul's			
Reference Number:	13 211324 STE 22 OZ			

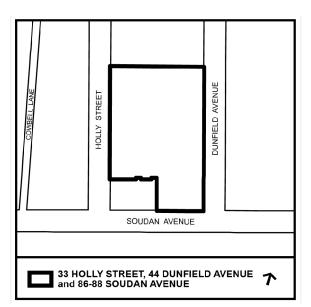
SUMMARY

This application proposes to: add 5 storeys to each of the two existing 14-storey rental apartment buildings at 33 Holly Street and at 44 Dunfield Avenue; construct a 32-storey residential building attached to the north end of the 44 Dunfield Avenue building; construct a 24-storey building attached to the south end of the 33 Holly Street building, and construct a 6-storey rental apartment building at 86 & 88 Soudan Avenue. The new 6-storey apartment building would require the demolition of two rented, single detached houses. (refer to Attachments 2 - 8: Elevations).

In addition to the 324 rental units which are contained in the two existing apartment buildings, the applicant is proposing 492 new residential condominium units and 46 new rental units for a total of 862 existing and proposed units on the site.

The application proposes a total of 600 parking spaces for the existing and proposed residential units.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) to permit the



demolition of the rental houses has not been submitted with the rezoning application.

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 final report is targeted for the third quarter of 2014 provided that the applicant submits all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 33 Holly Street, 44 Dunfield Avenue and 86 & 88 Soudan Avenue 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.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicants on January 15, 2013 to discuss the proposal and the complete application submission requirements. Another pre-application meeting was held by the Ward Councillor with Planning staff, representatives of the local community and the applicants on April 30, 2013.

ISSUE BACKGROUND

Proposal

This is a rezoning application to permit the construction of:

- a 5-storey addition of residential condominium units and amenity space to both existing 14-storey rental apartment buildings at 33 Holly Street and 44 Dunfield Avenue;
- a 32-storey residential condominium attached to the north end of the existing residential apartment building at 44 Dunfield Avenue;
- a 24-storey residential condominium attached to the south end of the existing residential apartment building at 33 Holly Street; and

- a 6-storey rental apartment building at 86 & 88 Soudan Avenue.

The total site density, including the two existing buildings is 5.89 times the lot area. The total number of units is 862, including 324 existing and 538 proposed units. The applicant is proposing: a total of 600 vehicular parking spaces for the existing and proposed units; and 538 bicycle parking spaces for the proposed new units. (refer to Attachment 12: Application Data Sheet).

Site and Surrounding Area

The site is a through-lot with frontage on both Dunfield Avenue and Holly Street and contains two 14-storey apartment buildings (44 Dunfield and 33 Holly Street). The site also extends south to include the northwest corner of Soudan Avenue and Dunfield Avenue where two single detached houses and a surface parking lot currently exist.

Surrounding Uses are as follows:

- North: immediately to the north on Dunfield Avenue is a 16-storey apartment building at 70 Dunfield Avenue, an 8-storey apartment building at 69 Holly Street and a 5-storey, above-grade commercial parking garage at 75 Holly Street.
- South: on the south side of Soudan Avenue, opposite the proposed 6-storey apartment building portion of the site, is a *Neighbourhoods* designated area generally consisting of 2-storey detached and semi-detached houses. South of the proposed 24-storey apartment tower at 33 Holly Street is a row of single detached and semi-detached houses from 60 to 76 Soudan Avenue.
- East: an apartment building complex occupies most of the block to the east of the site between Eglinton Avenue East to the north and Soudan Avenue to the south. The complex includes a 28-storey apartment building in a large slab building format, a 17-storey seniors residence attached to the north end of the apartment building and a small public park and playground at the southeast corner of Lillian Street and Soudan Avenue.
- West: immediately to the west of the site on the northwest corner of Soudan Avenue and Holly Street is an 18-storey mixed-use building at 40 Soudan Avenue, north of which is 17-storey apartment building (condominium) at 30 Holly Street. Further north on the west side of Holly Street is a 9-storey office building at 40 Holly Street, a 15-storey apartment building at 50 Holly Street, a 15-storey apartment building at 78 Holly Street and a 16-storey mixed-use building at the southwest corner of Eglinton Avenue East and Holly Street.

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.

The PPS requires that planning authorities provide an appropriate range of housing types and densities to meet projected requirements of current and future residents (Policy 1.4.3) by:

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households; and by
- permitting and facilitating : all forms of housing required to meet the social, health and well-being requirements of current and future residents; and all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3.

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

Apartment Neighbourhoods

The site is located within an *Apartment Neighbourhoods* designation (refer to Attachment 9: Official Plan), which permits apartment buildings and all forms of residential development permitted in *Neighbourhoods*.

Section 2.3.1.1 of the Healthy Neighbourhoods policies of the Official Plan states that *Apartment Neighbourhoods* are considered to be physically stable areas and that development within *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

The Official Plan (Section 4.2) indicates that significant growth is generally not anticipated in built up *Apartment Neighbourhoods*. There may, however, be opportunities for compatible infill development on underutilized sites and the Plan sets out development criteria to evaluate these situations.

Development criteria used to evaluate redevelopment proposals include (Section 4.2.2 and 4.2.3):

- locating and massing new buildings to provide transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or stepping down of the heights towards, lower scale *Neighbourhoods* (there are no abutting *Neighbourhoods* designations but *Neighbourhoods* are located in proximity to the site to the northeast and southeast);
- locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- providing sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces;
- maintain an appropriate level of residential amenity on the site;
- maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- preserve and/or replace important landscape features and walkways and create such features where they did not previously exist; and
- preserve or provide adequate alternative on-site recreational space for residents.

Built Form

The Built Form section of the Official Plan also provides policies that will assist in the evaluation of this proposal. These include (Section 3.1.2.3):

- New development is to be located and organized to fit within its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties by:

- a. Creating appropriate transitions in scale to neighbouring existing and/or planned buildings;
- b. Providing for adequate light and privacy;
- c. Adequately limiting any resulting shadowing of and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

Housing

The Housing policies of the Official Plan (Policy 3.2.1.1 and 3.2.1.5) also apply to this application.

Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership.

Policy 3.2.1.5 further states that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and
- may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of the Plan, without pass-through of such costs to tenants.

The Housing policies of the Official Plan define rental housing to be a building or a related group of buildings containing one or more rented residential units, including vacant units that have been used for rented residential purposes, and units that are being or have been last used for rented residential purposes in equity co-operative or co-ownership housing but does not include condominium-registered or life-lease units.

Staff will review this application for compliance with these and all other relevant policies of the Official Plan. To review all sections of the Toronto Official Plan refer to the City's website at: www.toronto.ca/planning/official_plan/introduction.htm.

Yonge-Eglinton Secondary Plan

The site is within the boundaries of the Yonge-Eglinton Secondary Plan. Some of the specific Secondary Plan policies apply to this site, including:

2.4 It is a primary objective to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas*,

Neighbourhoods, Apartment Neighbourhoods and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement.

- 2.7 In order to ensure that the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between sites in abutting land use designations and that all new buildings within Yonge-Eglinton Secondary Plan area form a positive visual relationship to the street, it is an objective of the Secondary Plan to:
 - (a) maintain the existing scale of developments within stable Neighbourhoods and protect such areas from overshadowing from buildings located in abutting *Mixed Use Areas* and *Apartment Neighbourhoods*;
 - (b) secure a transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to Neighbourhoods and, in particular, to those sites which abut a *Neighbourhood*.

Most of the site, with the exception of the northwest corner of Dunfield Avenue and Soudan Avenue, is within the Yonge-Eglinton Urban Growth Centre but outside of the Mixed Use Area 'A' (refer to Attachment 10: Yonge-Eglinton Secondary Plan) which is the area within the growth centre to which the highest heights and densities are directed. In addition, policy 5.7 indicates that new development in the Yonge-Eglinton Centre will be compatible with maintaining the character of surrounding *Neighbourhoods*.

Midtown Planning Initiative

On July 21, 2012, City Council established the Midtown Planning Group to create a proactive and comprehensive strategy for planning initiatives in the Yonge-Eglinton area of Midtown. The Midtown Planning Group consists of the three local councillors, representatives of local residents associations and City staff from both the North York and the Toronto and East York District offices.

A main issue identified by the Group is the need for public realm improvements in the area, particularly in the Yonge-Eglinton Centre which is experiencing high levels of growth through redevelopment. As a result, the City is preparing a Parks, Open Space and Streetscape Master Plan Study generally focussed on the Urban Growth Centre identified in the Yonge-Eglinton Secondary Plan area, as well as streets and open spaces at the edge of the Centre.

The overall objective of the study is to develop a parks, open space and streetscape master plan which: identifies the distinct character of the study area; provides a public realm framework that links the diverse user groups and neighbourhoods; provides amenities that support pedestrian, bicycle and vehicular circulation; and offers site specific block-by-block recommendations for open space. The Master Plan will act as a guide for public open space initiatives in the study area and will inform developers of the City's expectations with respect to the design and construction of parks, open spaces and streetscapes. It is anticipated that the study will be completed by the 2^{nd} quarter of 2014.

City-Wide Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Performance measures address (among other things) issues of: fit and transition in scale; building placement and orientation; floorplate size; massing of base buildings; tower setbacks and separation distances; and pedestrian realm considerations. The city-wide Guidelines are available at

http://www.toronto.ca/planning/tallbuildingdesign.htm.

Zoning

The site is entirely zoned R4 Z2.0 by the former City of Toronto By-law 438-86 with a height limit of 38 metres applying to 33 Holly Street and to 44 Dunfield Avenue. The northwest corner of Soudan Avenue and Dunfield Avenue is subject to a 14.0 metre height limit.

City-wide Zoning By-law 569-2013, enacted by City Council on May 9, 2013 and currently under appeal to the Ontario Municipal Board also applies to the site. By-law 569-2013 zones the site R(d2.0)(x689). (Refer to Attachment 11: Zoning.).

Both By-laws allow a range of residential uses built to a maximum of 2.0 times the lot area and heights as described above.

Rental Housing, Demolition and Replacement

The Official Plan policies concerning the protection of rental housing and the replacement of rental housing which is proposed to be demolished apply to the zoning by-law amendment application. In addition, the City has a by-law that regulates the demolition and conversion (to other uses) of rental housing.

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 protecting 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, 2006.

Proposals involving rental housing units where there is a related application for a Zoning By-law amendment 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. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

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

An application for Rental Housing Demolition and Conversion has not been submitted as part of the development application which is currently under review by the City. Since the last stated use of the houses proposed to be demolished at 86 and 88 Soudan Avenue is as rental units, a Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act is required.

Site Plan Control

This application is subject to site plan control. An application has not been submitted to date.

Tree Preservation

The applicant has submitted a tree inventory including plans for tree removal and preservation. The applicant's tree removal and preservation plans are subject to revisions that may be required by commenting divisions (including Urban Forestry).

Other By-laws

Toronto Building will determine, through its zoning review, if other site specific bylaws apply to the site and must be amended or rescinded if some form of the proposed redevelopment is recommended for approval.

Reasons for the Application

The applicant is proposing to amend By-law 438-86 and By-law 569-2013 to permit the proposed density of 5.89 times the lot area. The proposed development exceeds the floor space index (f.s.i) of 2.0 permitted by both By-laws.

The applicant is also proposing to amend By-laws 438-86 and 596-2013 to permit tower heights of approximately 78 metres to 102 metres, excluding mechanical penthouses, on the Holly Street and Dunfield Avenue portion of the site and a height of approximately 18 metres on Soudan Avenue. The By-laws (438-86 and 596-2013) permit a height of 38 metres for 33 Holly Street and 44 Dunfield Avenue and a height of 14 metres for 86 & 88 Soudan Avenue.

The applicant is also proposing less than the required number of parking spaces. Other areas of non-compliance with the Zoning By-laws will be determined by Toronto Building through its zoning review of the application. Compliance with the Official Plan will be determined in the initial stages of the review of this application. In particular, staff will determine if the proposed development complies with the policies which require development proposals within Apartment Neighbourhoods to transition down to Neighbourhoods designations.

The applicant is proposing to maintain two rental apartment buildings with mid-range rents. The applicant must comply with policy 3.2.1.5 of the Official Plan which requires that the rental tenure of the building is maintained. The rental tenure of these buildings and any improvements and renovations to the buildings would be secured through an agreement under Section 37 of the Planning Act.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- rental housing demolition and conversion declaration of use and screening form;
- boundary/topographical survey;
- architectural drawings;
- sun/shadow analysis;
- landscape plans and details;
- tree preservation plan;
- arborist report/tree survey;
- functional servicing and stormwater management plan;
- grading plan;
- servicing plan;
- construction management plan;
- traffic impact and parking study;
- pedestrian wind assessment;
- stage 1 archaeological assessment;
- planning and urban design rationale;
- housing issues report;
- Toronto green development standards checklist;

A Notification of complete application was issued on September 20, 2013.

Issues to be Resolved

Prior to submitting a Final Report to Toronto and East York Community Council, the following issues as well as any others which may be identified through the application review, agency circulation and public process will need to be reviewed and satisfactorily addressed by the applicant:

i) consistency with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe. The subject site is outside of the Yonge-Eglinton Urban Growth Centre which means that the Growth Plan policies which direct intensification to Urban Growth Centres do not apply to this site;

- conformity with the policies of the Official Plan, the Yonge-Eglinton Secondary Plan and the Tall Building Guidelines. In particular the policies of the *Built Form* and *Apartment Neighbourhoods* sections of the Official Plan offer with respect to appropriate height, density, massing and site orientation and transitioning of new development to areas of lower heights and densities such as *Neighbourhoods Areas;*
- iii) the site is within an *Apartment Neighbourhood* and proposes apartment form buildings and additions to existing apartments. However, the site is not within the *Mixed Use Area* 'A' of the Yonge Eglinton Urban Growth Centre which is the area of the Yonge-Eglinton Secondary Plan to which proposals of the highest heights and densities are to be directed. The proposed development, in its current form, represents an intensity and scale which is not intended for areas outside of *Mixed Use Area* 'A' within the Yonge-Eglinton Secondary Plan.

Staff are not convinced that this proposed development, in its present form, satisfies the policies of Section 4.2, *Apartment Neighbourhoods* of the Official Plan, particularly those policies which require that:

- new development transitions down to areas of different development intensity and scale; and
- new development locates and masses new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- iv) transportation issues, which may arise, that are related to local traffic circulation and the proposed vehicular parking supply, bicycle parking, access and loading;
- an application is required to be submitted under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) for a Residential Rental Demolition permit;
- vi) improvements and renovations to benefit the tenants of the two existing 162unit rental buildings which are to be retained; and
- vii) a construction mitigation strategy and a tenant communication plan has not been submitted with the development application and will be required to be submitted by the applicant. Such plan will identify the expected effect of the proposed construction on the tenants of the existing units, the hardship to

those tenants as a result of that construction and the remedies which are proposed by the applicant.

viii) the site is located within the study area of the Yonge-Eglinton Centre Parks, Open Space and Streetscape Master Plan Study. As a result, the proposal will be considered within the context of the study, as it progresses, to ensure that proposed development is consistent with the open space and public realm objectives that are identified.

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

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

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 a proposed development is recommended for approval.

CONTACT

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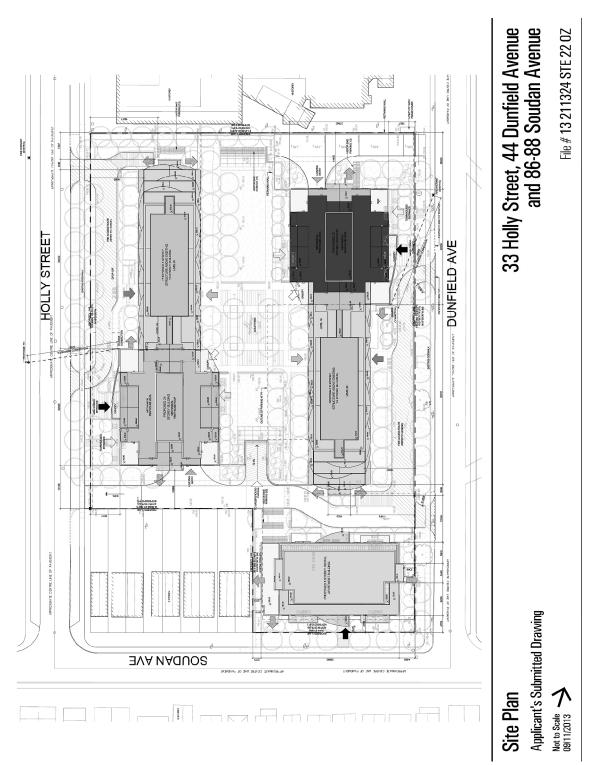
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Gregg Lintern, MCIP, RPP Director, Community Planning Toronto and East York District

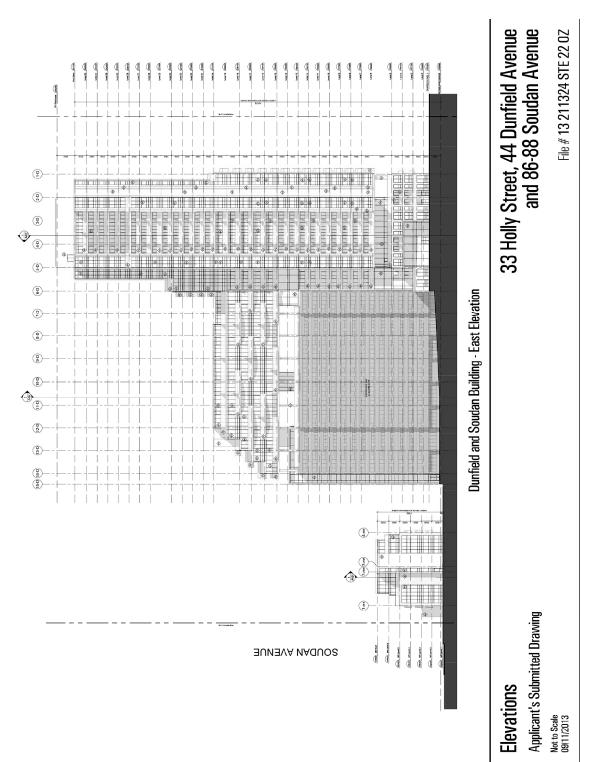
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ATTACHMENTS

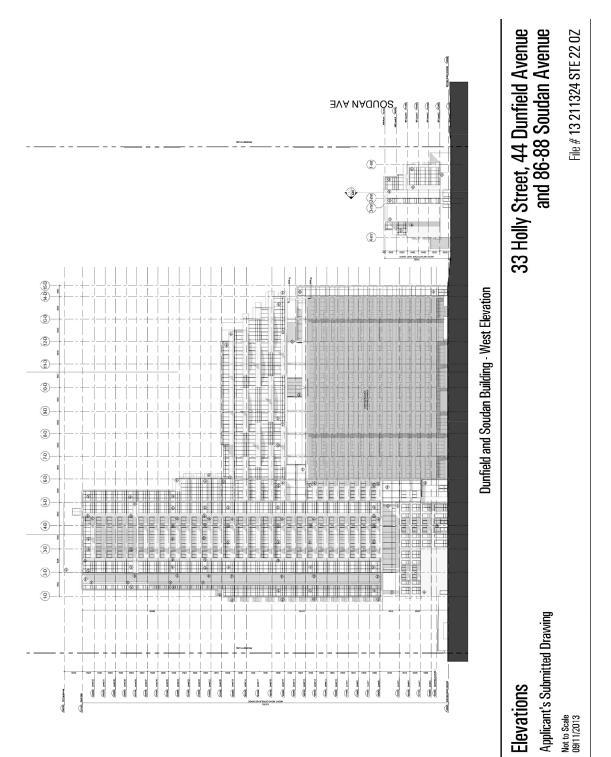
- Attachment 1: Site Plan
- Attachment 2: Elevations Dunfield and Soudan Buildings East
- Attachment 3: Elevations Dunfield and Soudan Buildings West
- Attachment 4: Elevations Holly and Dunfield Buildings South
- Attachment 5: Elevations Holly and Dunfield Buildings North
- Attachment 6: Elevations Holly Building East
- Attachment 7: Elevations Holly Building West
- Attachment 8: Elevations Soudan Building North and South
- Attachment 9: Official Plan
- Attachment 10: Yonge-Eglinton Secondary Plan
- Attachment 11: Zoning
- Attachment 12: Application Data Sheet



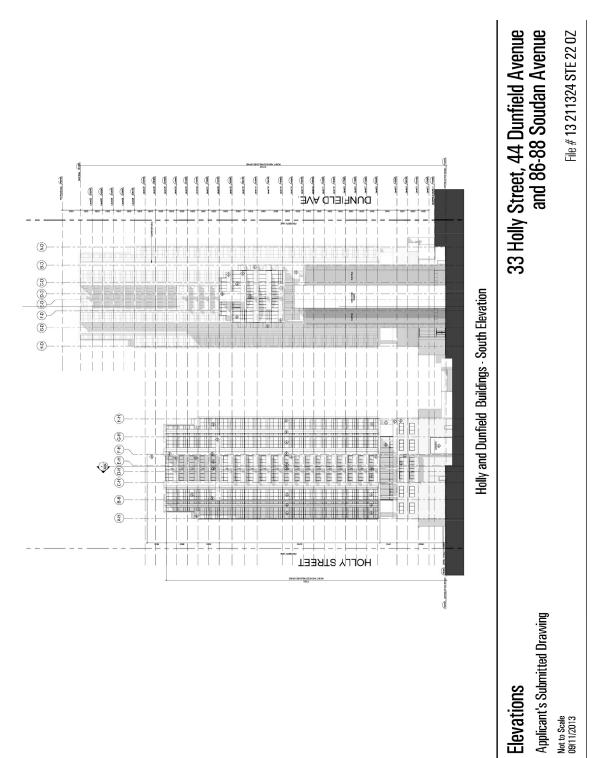
Attachment 1: Site Plan



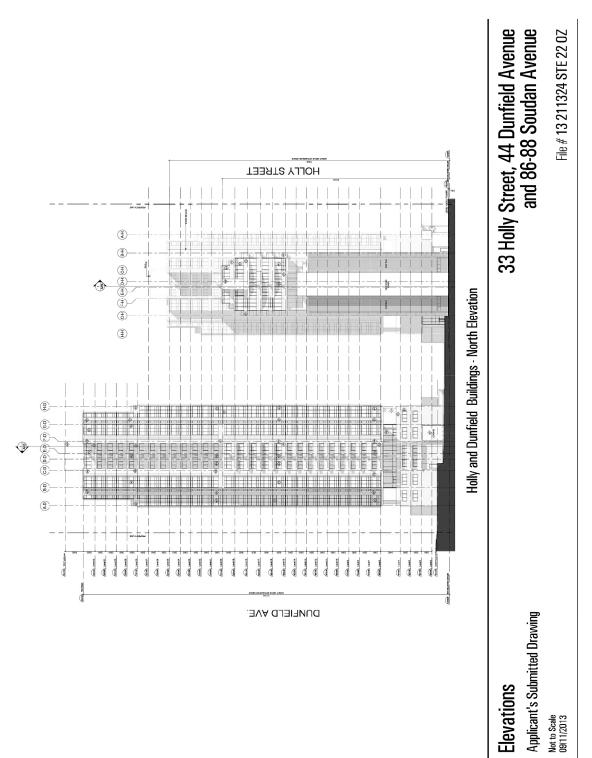
Attachment 2: Elevations

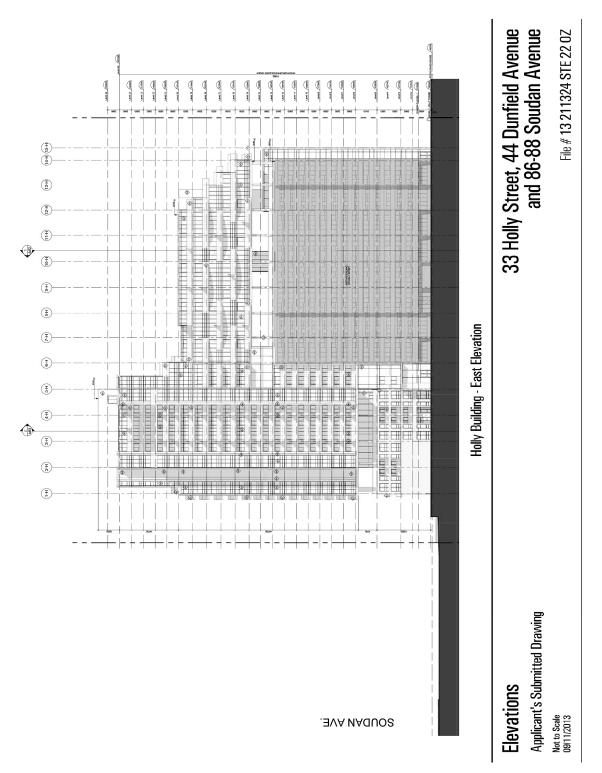


Attachment 3: Elevations

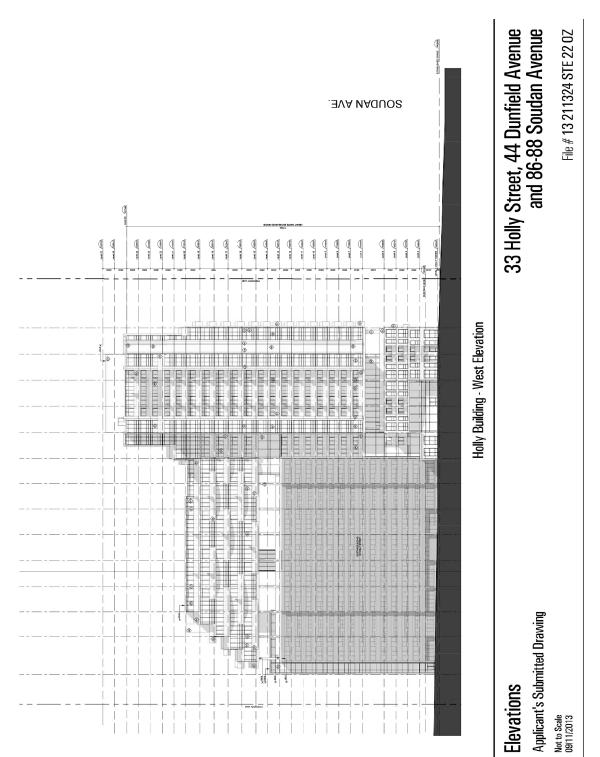


Attachment 4: Elevations



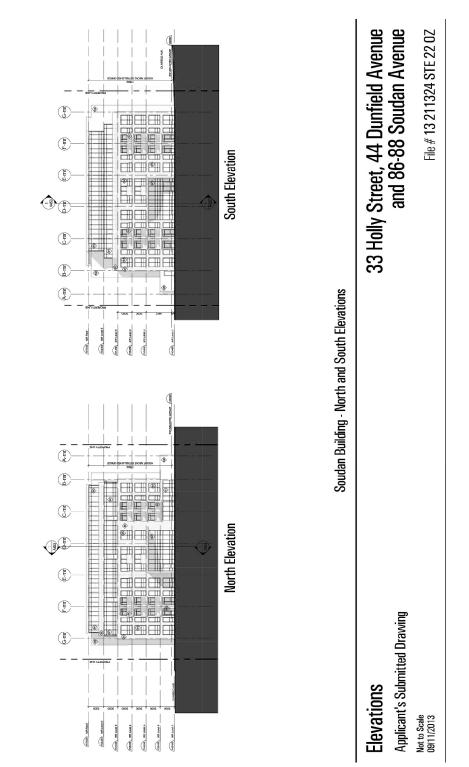


Attachment 6: Elevations

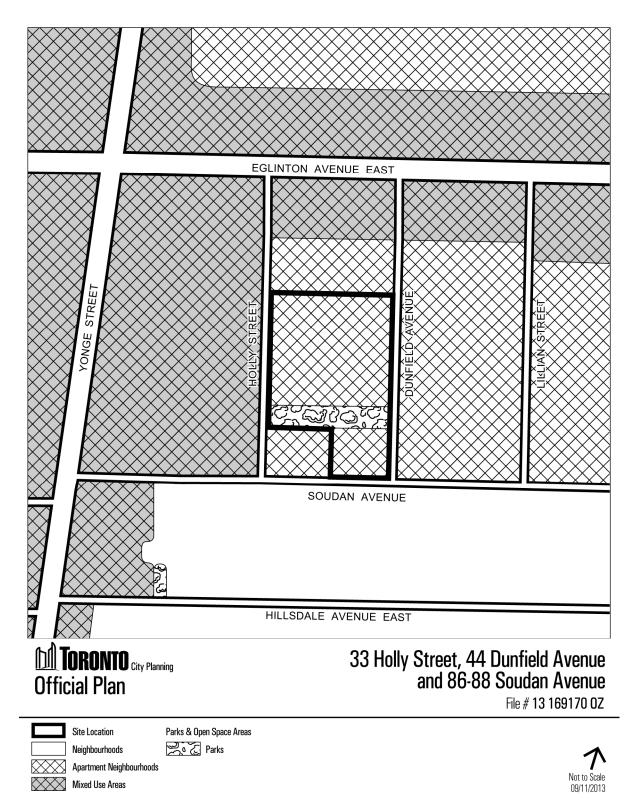


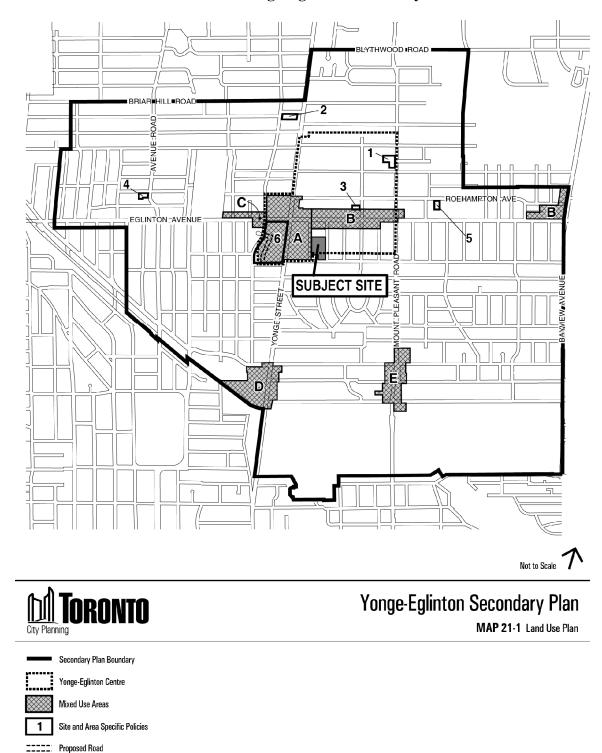
Attachment 7: Elevations

Attachment 8: Elevations



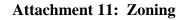
Attachment 9: Official Plan

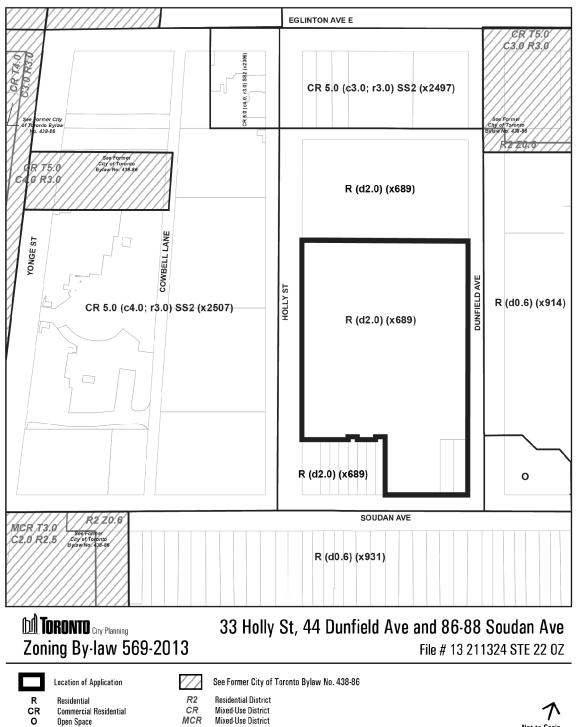




Attachment 10: Yonge-Eglinton Secondary Plan

December 2010





Not to Scale Extracted 09/11/2013

Attachment 12: Application Data Sheet

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Applicant:		Agent:			Architect:		Owner:				
Bousfields Inc. Peter Smith				Quadrangle – Les Kle			ein 1030553 Ontario Limited				
PLANNING CONTROLS											
Official Plan Designation: Zoning: Height Limit (n	A N R R	Apartment Neighbourhood R4 Z2.0 - 438-86 R(d2.0)(x689) - 569-2 38			Site Specific Provision: Historical Status: Site Plan Control Area: Y						
PROJECT IN											
Site Area (sq. m): Frontage (m): Depth (m): Total Ground Floor Area (sq. m): Total Residential GFA (sq. m):			141 M 46 3851		-						
Total Non-Residential GFA (sq. m): Total GFA (sq. m): Lot Coverage Ratio (%): Floor Space Index:		0 Loadin 66449 34.1 5.9				g Docks	2				
DWELLING UNITS			FLOOR AREA BREAKDOWN (upon project completion)								
Tenure Type: Rooms:	R	Rental, Condo Residential GFA			A (sa. m) [.]		Above Grade 66449		Below Grade 0		
Bachelor:		.30	Retail GFA (sq. m):				0		0		
1 Bedroom:		-63	Office GFA	• •	<i>,</i>		0		0		
2 Bedroom:		261	Industrial GFA (sq. m				0		0		
3 + Bedroom:	8				ther GFA (sq. m):		0		0		
Total Units:	8	862			,	- '					
CONTACT:	PLANNER TELEPHC		Tim Bur (416) 392		lder, Senio 12	or Plann	er				