

230 Oak Street- Official Plan Amendment and Zoning By-law Amendment Applications - Preliminary Report

Date:	February 6, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	13 277895 STE 28 OZ – Official Plan and Zoning By-law Amendment

SUMMARY

This application proposes to permit the construction of a new mixed use building on the south east corner of the site. The proposed building is 35-storeys in height (117 metres to the top of the mechanical penthouse) including a 4-storey base building. The proposed building will include 3,865 square metres of commercial/institutional uses in the base building. Floors 7-18 are proposed to contain 144 retirement units and floors 19-35 are proposed to contain 204 residential rental units.

The proposal also includes the renovation of the existing apartment building's lower floors at 230 Oak Street to both facilitate the proposed development and to provide a new daycare facility. This requires the demolition of 8 of the 10 existing ground floor residential units and the removal of 17 parking spaces from the existing underground garage. The units are proposed to be replaced in the new development. The demolitions of the units for the renovations to the existing building are subject to a Rental Housing Demolition and Conversion application (file No. 13 277898 STE 28 RH).



Planning staff have considerable concerns about the ability of the site to be intensified as proposed and cannot support this application in its current form. Among the significant issues are: the overall ability of the site to accommodate the type of development and density proposed; the location of the building on the site; the inadequate separation distance of 9.8 metres between the proposed 35-storey tower and the existing 22-storey tower at 230 Oak Street; intrusion onto the 10 metre setback from the top-of-bank of the slope on the east side of the property; and the height of the proposed tower.

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

The next step is to conduct a community consultation meeting to allow the public to review the application and provide feedback. This meeting is expected to take place in the first quarter of 2014.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 230 Oak Street 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 on July 18th, 2013. At that time, City staff identified the following concerns with the proposal: the insufficient separation distance between the proposal and the existing building at 230 Oak Street; tower floorplate size; tower height; shadow impacts; wind impacts; rental housing demolition and replacement; vehicle and pedestrian movements within the larger apartment building complex which includes the other two existing and separately owned buildings; and issues relating to the proposal's proximity to the flood plain and the top of the slope adjacent to Bayview Avenue.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 35-storey building comprised of a 4-storey base building and a 31-storey tower. The building is 112 metres in height (117 to the mechanical penthouse). The proposed base building is 4 storeys in height and contains 3,865 square metres of office and institutional uses. The tower portion of the building steps back approximately 13.5 metres from the south elevation of the base building and approximately 1 metre from the west elevation adjacent to the existing apartment building at 230 Oak Street. The base building is 5 storeys high on the north and east elevations. The stepback to the tower on these sides varies as the base building elevations are articulated (see Attachment 1).

The 5th floor is proposed to contain 901 square metres of indoor amenity area and 292 square metres of outdoor amenity for the retirement apartments. The 6th floor is proposed to contain 666 square metres of indoor amenity area and 217 square metres of outdoor amenity area for the rental apartments.

The proposed building contains 348 units. Floors 7-18 are proposed to contain 144 rental retirement units including 36 bachelor units, 48 one-bedroom units, and 60 two-bedroom units. The floorplate size of these floors is 777 square metres. Floors 19-35 are proposed to contain 204 residential rental units including 51 bachelor units, 133 one-bedroom units and 128 two-bedroom units and have a floor plate size of 778 square metres.

The applicant is proposing to retain the existing 22-storey rental apartment building at 230 Oak Street. This building contains 325 units of affordable and mid-range rents as well as a 3-storey underground parking garage. The applicant is proposing to demolish 8 of 10 ground floor units to create indoor amenity space and a day care facility. These units are proposed to be replaced in the new development.

The applicant is proposing to renovate the existing underground parking garage to accommodate the new development. The garage is located below the existing apartment building and extends below the proposed building. It currently contains a total of 286 parking spaces. The applicant is proposing to reduce the parking on-site to 269 spaces to serve both the new and existing building with 257 spaces being provided in the underground parking garage and 12 located at ground level. The parking spaces are proposed to be redistributed as follows: 103 residential spaces for the existing building; 111 residential spaces for the new building; 15 non-residential spaces for the office and institutional uses; and 40 shared visitor spaces, 12 of which will be located at ground level. The applicant is also proposing 5 drop-off spaces at ground level for the proposed day care.

The proposal includes 677 visitor bicycle parking spaces including 87 visitor spaces and 590 spaces for residents. All visitor bicycle parking spaces will be provided at ground

level. All resident bicycle parking will be distributed in the 3 levels of underground parking.

The proposal also includes a new private bridge from Gerrard Street East to the site. The bridge will accommodate pedestrians, bicycles and automobiles.

The applicant is also proposing 30 new trees throughout the subject site and a significant amount of new perennials and shrubs.

Site and Surrounding Area

The subject property is located at the east end of Oak Street, south of Gerrard Street East and west of Bayview Avenue. It is part of a group of properties that together contain three residential apartment towers which were built in the 1970s. The property is irregularly shaped with a total land area of 8,165 square metres. It has approximately 127 metres of frontage on Gerrard Street East and approximately 50 metres of frontage on Bayview Avenue. The site slopes down toward the east along Gerrard Street East. The site is significantly lower than Gerrard Street East and currently requires a ramp to accommodate pedestrian movement between the site and the street.

The following uses surround the site:

North: North of Gerrard Street East is Riverdale West Park and a portion of River Street leading to Bayview Avenue.

West: A 17-storey residential apartment building (210 Oak St) is located immediately west of the proposal. Further west, across River St, is the Regent Park neighbourhood.

East: East of the site is Bayview Avenue and a portion of the neighbouring property, 220 Oak Street. The railway, the Don River multi-use pathway and the Don River are located east of Bayview Avenue.

South: Immediately south of the site is a 27-storey residential apartment building (220 Oak Street). Further south is a 7-storey residential apartment building surrounded by 3-storey townhouses.

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 also requires that planning authorities plan for and provide an adequate range of housing types and densities to meet the projected requirements of current and future residents. 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 (such as the Natural Heritage System in which this proposal is located) 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 property is located within the "Downtown and Central Waterfront" area on Map 2 – Urban Structure in the Official Plan. The Official Plan anticipates the Downtown and Central Waterfront Area will accommodate growth but that growth will not be distributed uniformly across the whole of Downtown. Chapter 2.2.1 –Downtown: The Heart of Toronto includes policies that aim to allow the downtown to continue to evolve as a healthy and attractive place to work, encourage investment, and provide for a full range of housing.

The site is also designated "*Apartment Neighbourhoods*" on Map 18 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are generally stable areas of the City where significant growth is not anticipated. There may, however, be opportunities for additional apartments or townhouses on underutilized sites. Chapter 4.2 of the Official Plan outlines the criteria for permitting new development in Apartment Neighbourhoods which includes policies for improving the quality of life in the area and for assessing the compatibility of infill development.

The development criteria in Apartment Neighbourhoods includes the following:

- locating and massing new buildings so as to adequately 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;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- 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;
- provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the Official Plan;

- 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;
- front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- preserve and/or replace important 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.

Section 3.1 of the Official Plan titled "The Built Environment" includes policies that emphasise the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces and properties.

Housing policies in the Chapter 3 of the Official Plan (including 3.2.1.1, 3.2.1.5, and 3.2.1.6) encourage the development of a full range of housing including purpose-built rental housing, with the use of regulatory measures and incentives such as Section 37 community benefits to secure the construction of new rental housing. Another policy applies specifically to applications such as 230 Oak Street, requiring that significant new development on sites containing six or more rental units, where existing rental units will be kept, should secure the rental tenure of the existing rental housing if the rents are in the affordable and mid-range rent category. Needed improvements and renovations to the existing rental housing are also to be secured without passing the costs along to the tenants in the form of rent increases. Should the application be approved, it will be on condition of compliance with these policies.

The application will also be reviewed for compliance with other relevant policies in the Official Plan including Parks and Open Spaces (3.2.3), The Natural Environment (Chapter 3.4) and Height and/or Density Incentives (Section 5.1.1).

Zoning By-law 438-86

The subject site is zoned R2 Z0.6 in the former City of Toronto zoning By-law as amended. This zoning category permits a range of residential building types including apartment buildings with a maximum density of 0.6 times the site area and a maximum height of 10 metres.

The lands are also subject to 3 site specific zoning by-law exceptions. By-law 22846, 23046 and 783-78 were approved to accommodate the existing development of 210, 220 and 230 Oak Street. Together, the by-laws: permit the construction of the 3 apartment buildings currently on the site; require 77 percent of the site be landscaped open space; establish a 0.75 parking space per unit ratio and a 0.25 visitor parking space per unit ratio; and regulate units size and overall permitted gross floor area.

Zoning By-law 569-2013

City Council enacted Harmonized By-law 569-2013 on May 9, 2013. The subject site is zoned R (d.0.6) (x904) with a maximum height of 10 metres. The uses and regulations are essentially the same as those in by-law 438-86. Exception 904 requires a 4.87 metre setback from the rear lot line. The other site specific zoning by-law exceptions continue to apply.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan approval has not been submitted but will be required.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto 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. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>.

Ravine Control

This site is located within the Toronto and Region Conservation Authority (TRCA) Regulation Limit area and regulated by the City of Toronto Ravine and Natural Feature Protection By-law. The proposed building does not meet Official Plan policy 3.4.8 which requires development to be set back at least 10 metres from the top-of-bank of valleys, ravines or bluffs. The TRCA and the City of Toronto's Urban Forestry Division are reviewing this application.

Tree Preservation

There are a total of 63 trees on or within 6 metres of the site, 27 of which will be removed to accommodate the proposed development. A total of 14 trees will be protected during construction. The applicant is proposing to plant 30 new trees on site as part of the development. A Tree Inventory and Preservation Plan has been submitted and is being reviewed by Urban Forestry.

Rental Housing Demolition and Replacement

The Official Plan policies on the protection of rental housing and the replacement of rental housing to be demolished are required to be dealt with in the zoning by-law approval. In addition the City has a bylaw on Demolition and Conversion.

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 zoning by-law amendment application 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 a zoning by-law amendment application triggers an application under Chapter 667 for rental demolition or conversion, typically City Council 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.

A Rental Housing Demolition and Conversion Application under Section 111 of the *City of Toronto Act* is required to permit the demolition of 8 of the existing units at 230 Oak Street to permit the development of the amenity spaces and day care facility.

Reasons for the Application

The Official Plan Amendment application was submitted in order to permit development within the required minimum 10 metre setback from the top-of-bank of valleys, ravines and bluffs and to permit institutional and office uses within an area designated by the Official Plan as *Apartment Neighbourhoods*. City staff will continue to review the application to determine compliance with other Official Plan policies including those identified in this report.

The zoning by-law amendment application is required to permit the proposed development and establish the appropriate development standards.

The existing rental building on the site is to be retained and contains units with affordable and mid-range rents. Official Plan policy 3.2.1.5 applies and requires the rental tenure of the existing building and any building improvements be secured. These requirements will be secured through the zoning by-law and the section 37 provisions.

As more than 6 units are proposed to be demolished to facilitate the intensification of the existing site, Official Plan policy 3.2.1.6 applies and requires the replacement of the units by number, size, type and approximate affordability level. It also requires mitigation of the circumstances of the displacement of the current tenants. These requirements will also be secured through the zoning by-law and the section 37 provisions.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Stage 1 Archaeological Assessment
- Pedestrian Wind Conditions – Letter of Opinion
- Tree Inventory and Preservation Plan
- Traffic Impact Study
- Functional Servicing Report
- Housing Issues Report
- Community Facility and Services Report
- Stormwater Management Report
- Natural Heritage Impact Report
- Geotechnical Report

A Notification of Incomplete Application issued on January 16, 2014 identifies the outstanding material required for a complete application submission as follows:

- Pedestrian Level Wind Study
- Detailed rent rolls of existing building units to be retained
- Detailed replacement proposal of units to be demolished
- Proposal of security of tenure of existing building
- Construction mitigation and Tenant Assistance Plan
- Correct fees for Rental Housing Demolition and Conversion Application

Issues to be Resolved

Planning staff have considerable concerns about the ability of the site to accommodate this proposal and cannot support this application in its current form. Among the issues of significant concern to staff are:

- the overall ability of the site to accommodate the type of development and density proposed;

- the ability of the proposal to meet the *Apartment Neighbourhoods* development criteria;
- the inadequate separation distance of 9.8 metres between the proposed 35-storey tower and the existing 22-storey tower at 230 Oak Street;
- the height of the proposed tower;
- location of the building on the site;
- other built form and massing issues including, but not limited to: sky view, light penetration, shadowing on the surrounding *Neighbourhoods, Parks, and Natural Areas*, wind mitigation and pedestrian realm weather protection;
- appropriate building setback from the top-of-bank;
- whether introducing office and institutional uses into this *Apartment Neighbourhood* is appropriate;
- rental housing demolition and replacement issues;
- loss of amenity area for the existing building and adequacy and amount of the proposed amenity space;
- lack of 3-bedroom units;
- vehicle access to the site including the new private bridge and vehicle circulation within the site; and
- identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be approved.

A public consultation meeting is recommended in order to help determine the nature and extent of changes to the proposal that will be required.

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.

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

CONTACT

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SIGNATURE

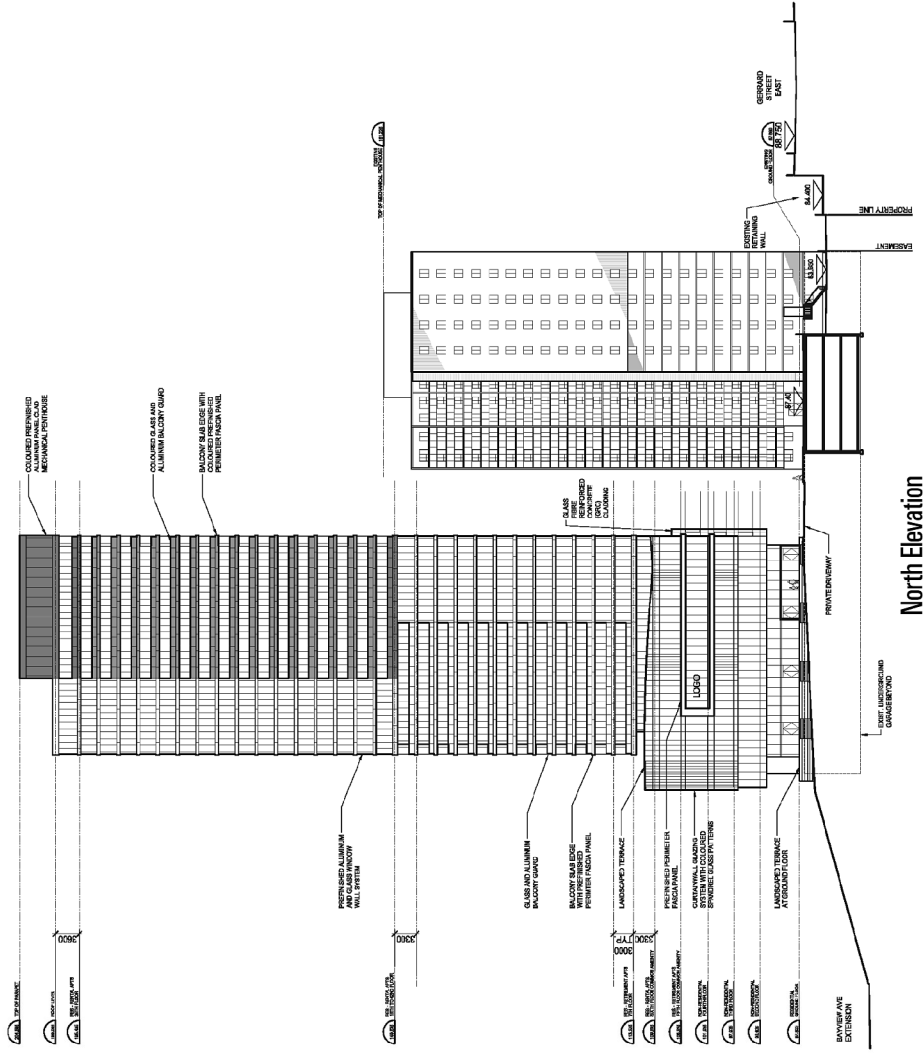
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North Elevation
Attachment 2b: South Elevation
Attachment 2c: East Elevation
Attachment 2d: West Elevation
Attachment 3: Official Plan
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 2a: North Elevation



230 Oak Street

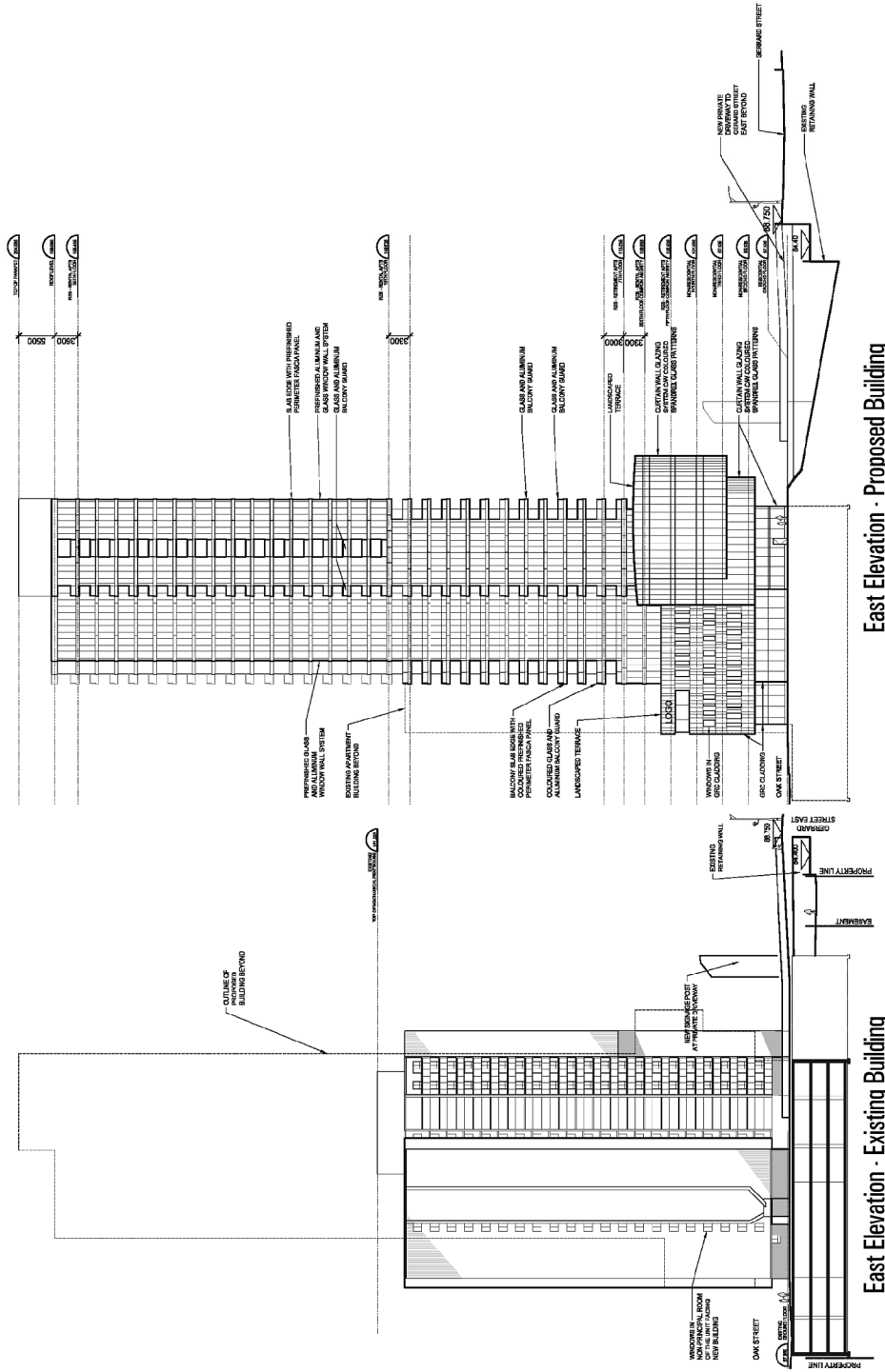
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Elevations

Applicant's Submitted Drawing

Not to Scale
01/20/2014

Attachemnt 2c: East Elevation



230 Oak Street

East Elevation - Proposed Building

East Elevation - Existing Building

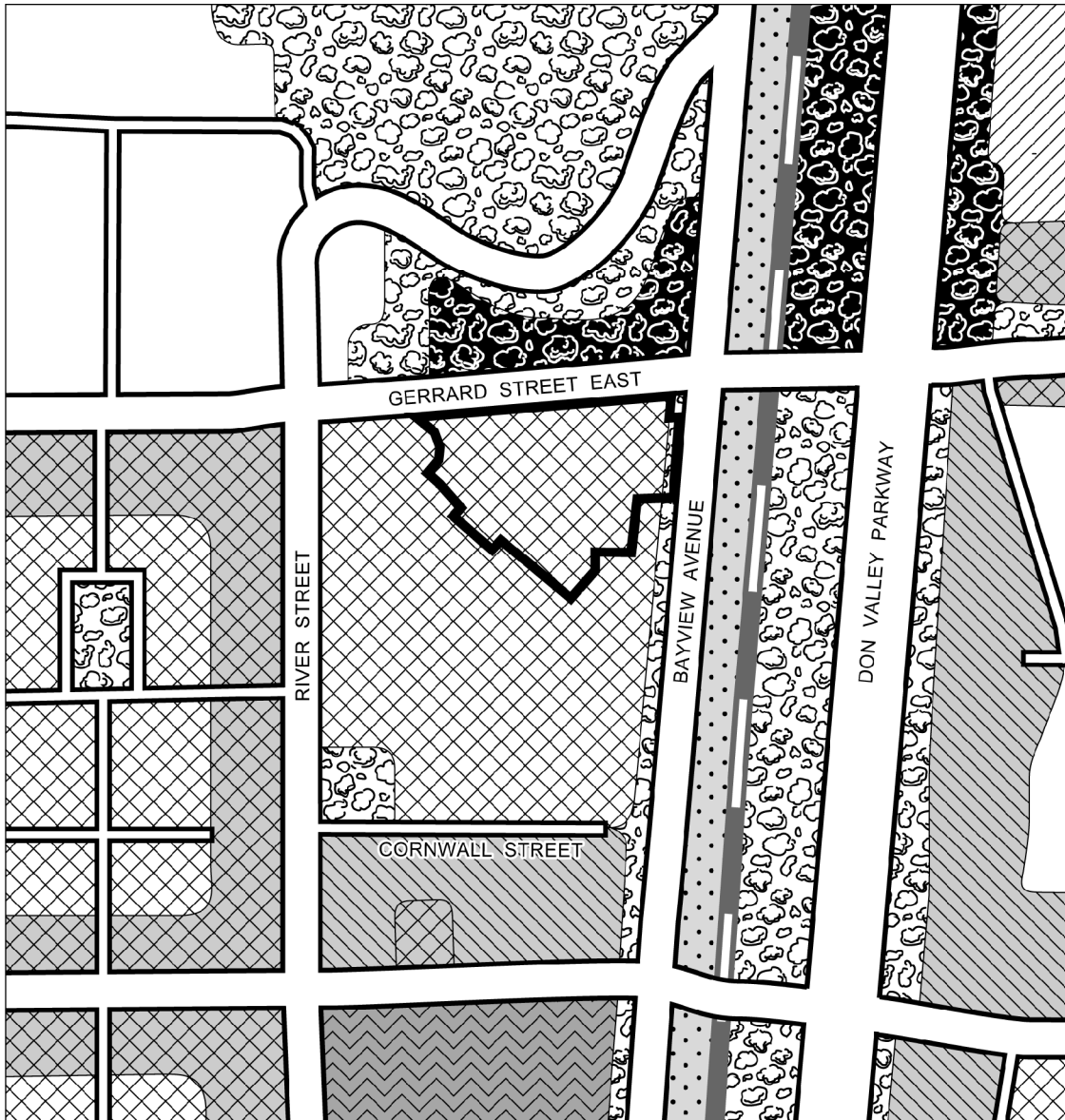
Elevations

Applicant's Submitted Drawing

Not to Scale
01/20/2014

File # 13.277895.0Z

Attachment 3: Official Plan



TORONTO City Planning
Extract from Official Plan

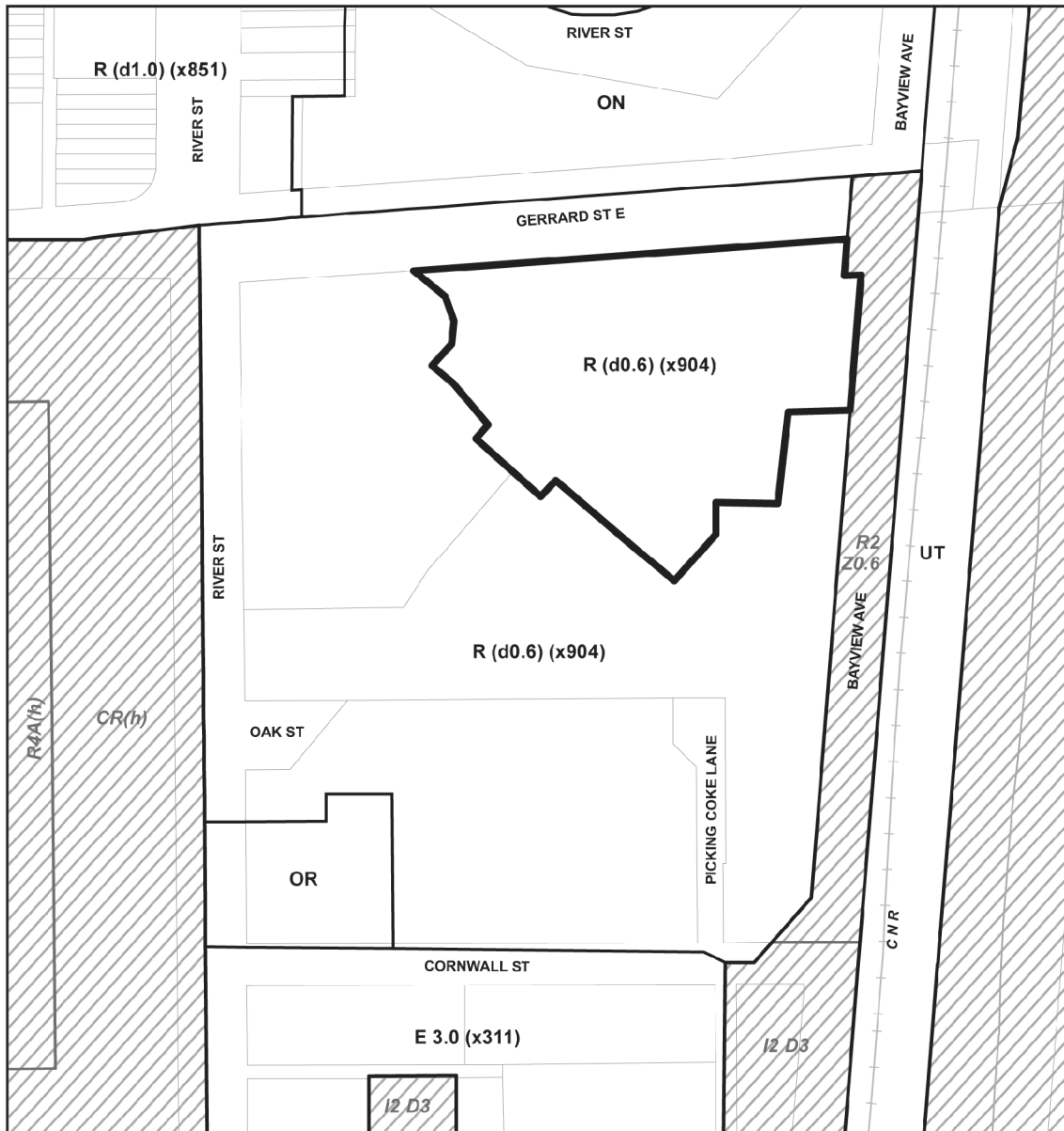
230 Oak Street

File # 13 277895 STE 28 0Z

Site Location	Parks & Open Space Areas	Employment Areas
Neighbourhoods	Natural Areas	Utility Corridors
Apartment Neighbourhoods	Parks	
Mixed Use Areas		

↑
 Not to Scale
 01/20/2014

Attachment 4: Zoning



TORONTO City Planning
Zoning By-law 569-2013

230 Oak Street
 File # 13 227895 STE 28 0Z

Location of Application
 R Residential
 E Employment Industrial
 ON Open Space Natural
 OR Open Space Recreation

UT Utility and Transportation

See Former City of Toronto Bylaw No. 438-86
 R2 Residential District
 R4A Residential District
 CR Mixed-Use District
 I2 Industrial District

Not to Scale
 Extracted 01/20/2014

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 277895 STE 28 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 13, 2013
Municipal Address:	230 OAK ST		
Location Description:	PLAN D93 LOTS 43 44 60 TO 68 PT LOTS 37 TO 41 45 46 58 59 AND 84 PT GERRARD ST E PT BELL ST AND DON TERR SEE NTE **GRID S2805		
Project Description:	Official Plan Amendment and Zoning By-law Amendment to allow the renovation of the existing apartment building on the site and the construction of a new 35 storey mixed use building with institutional/commercial uses at the base and residential uses above		

Applicant:	Agent:	Architect:	Owner:
DERMOT SWEENEY ARCHITECT (&CO) CAROLINE RICHARD	DERMOT SWEENEY ARCHITECT (&CO) CAROLINE RICHARD	DERMOT SWEENEY ARCHITECT (&CO) CAROLINE RICHARD	OAK HEIGHTS APARTMENTS INC.

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	569-2013
Zoning:	R2 Z0.6	Historical Status:	N
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	8166	Height:	Storeys:	35
Frontage (m):	50.48		Metres:	116.7
Depth (m):	130			
Total Ground Floor Area (sq. m):	1887.2			Total
Total Residential GFA (sq. m):	39937.1		Parking Spaces:	269
Total Non-Residential GFA (sq. m):	4150.8		Loading Docks	2
Total GFA (sq. m):	44087.9			
Lot Coverage Ratio (%):	23			
Floor Space Index:	5.4			

DWELLING UNITS

Tenure Type:	Rental, Other
Rooms:	0
Bachelor:	87 (25%)
1 Bedroom:	133(38%)
2 Bedroom:	128 (37%)
3 + Bedroom:	0
Total Units:	348

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		21,198.1	0
Retail GFA (sq. m):		0	0
Office GFA (sq. m):		3,865.2	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		285.6	0

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