

**422-436 Roncesvalles Avenue and 76 Howard Park Avenue - Zoning Amendment - Request for Direction Report**

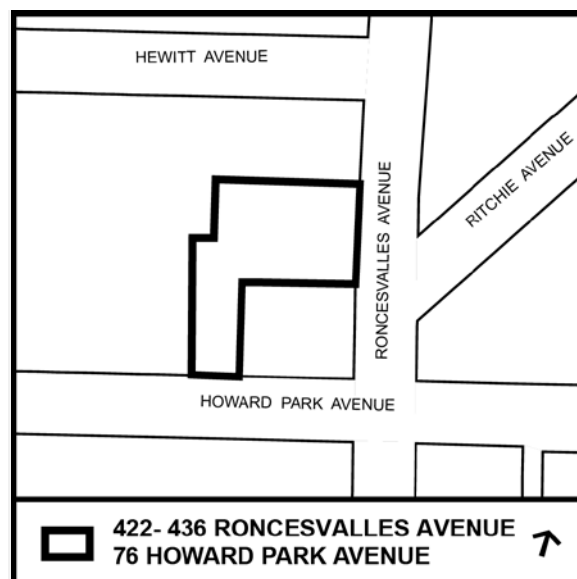
<b>Date:</b>	November 10, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 14 – Parkdale-High Park
<b>Reference Number:</b>	15 215438 STE 14 OZ

**SUMMARY**

The purpose of this report is to request direction from City Council on the pending Ontario Municipal Board (OMB) hearing on the application for a Zoning By-law Amendment at 422-436 Roncesvalles Avenue and 76 Howard Park Avenue. The application proposes the construction of an 8-storey mixed use building with retail at grade, 93 residential units on Roncesvalles Avenue and six grade-related townhouses fronting a private driveway accessible via Howard Park Avenue. The mixed-use building will have a height of 25.7 metres plus a 3.8 metre mechanical penthouse on Roncesvalles Avenue and the townhouses will have a height of 15.28 metres.

On April 20, 2016, the rezoning application was appealed to the OMB by the applicant pursuant to Section 34(11) of the *Planning Act* as a result of the City's failure to make a decision within 120 days of submission of a complete application. A hearing has been scheduled for January 24, 2017.

The proposal is not supportable in its current form. The proposed mixed-used building represents an overdevelopment of the site and does not satisfactorily respond to urban design guidelines related to the



built form creating an unacceptable form of development. The proposed townhouses would not conform to the Official Plan *Neighbourhood* Policies.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board hearing in opposition to the applicant's development proposal and appeal. It also recommends that staff continue discussion with the applicant to achieve revisions to the proposal that address the issues identified in this report.

## **RECOMMENDATIONS**

---

### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 422-436 Roncesvalles Avenue and 76 Howard Park Avenue.
2. City Council authorize City staff to continue discussions with the applicant in order to come to an agreement on a revised proposal for an appropriate development which addresses the issues set out in this report.
3. In the event the Ontario Municipal Board allows the appeal, City Council authorize the City Solicitor, to request the Ontario Municipal Board to withhold its final order until a revised functional servicing report and stormwater management report have been submitted and reviewed to the satisfaction of the Executive Director, Engineering and Construction Services.
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

### **Financial Impact**

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

## **DECISION HISTORY**

At its meeting on November 10, 2015, Toronto and East York Community Council adopted the recommendations, contained in the preliminary report for 422-436 Roncesvalles Avenue and 76 Howard Park Avenue, and expanded the notice requirements for the Community Consultation Meeting. The report can be found at: <http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-84995.pdf>

At its meeting on November 3<sup>rd</sup> and 4<sup>th</sup>, 2015, City Council requested staff to conduct a review of development on Roncesvalles Avenue, between Queen Street West and Boustead Avenue, and Dundas Street West between Boustead Avenue and Sorauren Avenue. The study is focusing on the built form and physical character of the area and

how to appropriately accommodate future growth. This includes examining building envelopes, height and massing, heritage and streetscape and landscape improvements. The adopted City Council motion can be found at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE11.78>

The subject site is within the study area boundaries.

A final report on the study is anticipated in Spring 2017. Information on the study is available on the City's website, via the following links:  
<http://toronto.ca/roncesvallesdundas>

## **ISSUE BACKGROUND**

### **Proposal**

This report is based on the original application filed on August 31, 2015. While potential revisions have been discussed on a without prejudice basis with City staff, no formal revisions have been submitted to the City for review.

The application submitted proposes an 8-storey mixed-use building fronting onto Roncesvalles Avenue with six 4-storey townhouses gaining access from Howard Park Avenue and fronting a private driveway. The buildings are connected by an underground parking structure. The proposed development has an FSI of 4 times the lot area and a gross floor area of 9,093 square metres including 8,418 square metres of residential gross floor area with a total of 99 residential units (93 units contained in the mixed-use building and 6 townhouse units) and 675 square metres of non-residential gross floor area comprised of retail at grade. The site is comprised of 5 consolidated lots. Since the application was submitted, the former funeral home on Roncesvalles Avenue has been demolished, while two two-storey commercial buildings remain at 422-424 Roncesvalles Avenue.

A total of 77 parking spaces are proposed, including two levels of underground parking with 65 resident parking spaces and 6 visitor parking spaces. Each townhouse unit will have one parking space located on the ground floor of their unit.

One Type G loading space is proposed at-grade. All vehicular access to the site will be from Howard Park via a private driveway.

The development is proposed to include 99 bicycle parking spaces. This includes 84 long term bicycle parking spaces, 9 visitor bicycle parking spaces and 6 retail bicycle parking spaces. Fifty eight residential bicycle spaces are proposed within the underground parking lot. The remaining residential and short term visitor parking spaces are proposed to be located in a bicycle parking room on the ground floor accessible from Howard Park. An additional 6 bicycle spaces are located on Roncesvalles Avenue.

A total of 224 square metres of indoor amenity space and 117 square metres of outdoor amenity space are both proposed to be located in a partially below grade level situated

between the P1 level of the parking garage and the ground floor, located at the north-west corner of the building. Private, rooftop terraces are proposed above the eighth floor of the mixed-use building as well as above the fourth floor of the townhouse units.

### **Site and Surrounding Area**

The subject site is located on the west side of Roncesvalles Avenue, mid-block between Howard Park Avenue and Hewitt Avenue, and includes a property fronting onto Howard Park Avenue. This "L-shaped" lot has approximately 35.5 metres of frontage on Roncesvalles Avenue, 15 metres of frontage on Howard Park Avenue and consists of five consolidated lots. The Roncesvalles Avenue frontage, consists of two-storey commercial at 422-424 Roncesvalles Avenue and the Turner Porter Funeral home located at 430-436 Roncesvalles (recently demolished). The property at 76 Howard Park Avenue contains a private driveway and parking lot for the former funeral home and the property at 424 Roncesvalles Avenue and provides access to the church building just to the north.

None of the buildings included in the development proposal are on the City's Heritage Register.

The site is surrounded by the following uses:

**North:** A three-storey church building, the Westminster Chapel, is located immediately adjacent to the site fronting Roncesvalles Avenue. Two-storey semi-detached house-form buildings are located along the first half of the block north of Boustead Avenue, followed by a four-storey residential apartment building and three-storey commercial buildings leading up to Dundas Street West.

**South:** A three-storey building is located immediately south of the site fronting Roncesvalles Avenue, containing commercial uses at grade and two-storeys of residential apartments above. Two and three-storey mixed-use buildings are located further south along this stretch of Roncesvalles Avenue towards Marmaduke Street, many of which contain both commercial and residential uses.

**East:** Just east of the subject site, at the north-east corner of Roncesvalles Avenue and Ritchie Avenue is a seven-storey mixed-use building, the High Park Lofts, approved by the Ontario Municipal Board. The majority of the remaining buildings fronting the east side of Roncesvalles Avenue between Dundas Street West and Marmaduke Street are two and three-storey mixed-use buildings containing commercial and residential uses. Further east is a primarily residential neighbourhood containing low-scale house-form buildings with the exception of a recently approved eight-storey mixed-use building at 66 Howard Park Avenue.

**West:** The neighbourhood to the west contains primarily low-scale house-form residential buildings. The Howard Park Junior Public School is located at 30 Marmaduke Street.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policies objectives include: building strong healthy communities; wise use and management of resources; and, protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 confirm, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The portion of the subject site fronting Roncesvalles Avenue is designated *Mixed Use Areas* in the Official Plan. The balance of the site, fronting Howard Park Avenue, is designated *Neighbourhoods*. The Official Plan anticipates that the *Mixed Use Areas* will absorb most of the anticipated increases in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. Development within *Mixed Use Areas* is guided by development criteria in the Official Plan and will be massed to provide an appropriate transition between areas of different development intensity and scale. Limiting impacts of new development such as shadowing are to be accomplished through a variety of measures including appropriate setbacks and/or stepping down of building height.

Areas designated *Neighbourhoods* are made up of residential uses in lower scale buildings of no more than four storeys and are considered to be stable but not static. Policies contained in the Official Plan require new development to have regard for the physical characteristics of the neighbourhood including: patterns of streets, blocks and lanes; size and configuration of lots; heights, massing and scale of dwelling type; prevailing building types; setbacks of buildings and prevailing patterns of rear and side yard setbacks and open space.

The proposed mixed-use building is permitted within the *Mixed Use Areas* designation. The townhouses, as proposed are not permitted within the *Neighbourhoods*, as they are connected to the mixed-use building through an underground parking lot, meaning the development is considered one building. Additionally, the prevailing character of Howard Park Avenue west of Roncesvalles Avenue consists of detached and semi-detached 2-3 storey houses. As there are no townhouses along the street or houses that are 4-storeys in height, the townhouses are out of keeping with the character, and scale of the area and do not meet the intent of the *Neighbourhoods* policies.

Roncesvalles Avenue between Queen Street West and Bloor Street West is also identified as an *Avenue* on the Urban Structure Map contained within the Official Plan. The *Avenues* policies in Section 2.2.3 require the preparation of an *Avenue* Study prior to any new development on an *Avenue* that requires a rezoning. Each *Avenue* Study will engage local residents, businesses, the Toronto Transit Commission, and other stakeholders to identify and prioritize community improvements concerning streetscape, transportation, parks, community facilities, and other infrastructure. The intended result of an *Avenue* Study is to create contextually appropriate as-of-right zoning that establishes permitted uses, maximum density and height, appropriate massing and scale, appropriate transitions to adjacent areas, limits on at-grade parking, and transit-supportive measures. In the absence of an *Avenue* Study, an *Avenue* Segment Review is required to demonstrate that subsequent development on the entire *Avenue* segment will have no adverse impacts. An *Avenue* Segment study was submitted with the application.

Map 3 in the Official Plan shows that the Right-of-Way width of Roncesvalles Avenue is 20 metres. The subject site is identified as a Transit Priority Segment on Map 5, Surface Transit Priority Network.

### **OPA 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in Apartment Neighbourhoods.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Ministry is relevant but not determinative in terms of the Official Plan policy framework.

The applicant has appealed the entirety of OPA 320 on a site specific basis for this site.

### **Zoning**

#### **Former City of Toronto Zoning By-law 438-86**

The portion of the site fronting Roncesvalles Avenue is zoned Mixed Commercial Residential (MCR T3.0 C1.0 R2.5). The remainder of the site fronting Howard Park Avenue is zoned Residential (R2 Z0.6). The MCR zone permits a wide range of residential, commercial and institutional uses, including apartment buildings and retail stores while the R zone permits a variety of residential uses. The maximum height and total density along this portion of Roncesvalles Avenue is 13.0 metres and 3.0 times the area of the lot (for any combination of residential and commercial uses) while the maximum height and residential density along Howard Park Avenue is 10.0 metres and 0.6 times the area of the lot.

## **City of Toronto By-law 569-2013**

In May 2013, the City passed and enacted a new harmonized Zoning By-law 569-2013. The zoning that applies to the subject lands is substantially the same with regard to use, density, and height as Zoning By-law 438-86.

The subject lands are zoned Commercial Residential (CR 3.0 (c1.0; r2.5) SS2 (x1579) and Residential R (d0.6) (x290) for the portions fronting Roncesvalles Avenue and Howard Park respectively. The maximum height and density permissions remain unchanged at 13.0 metres with a combined density limit of 3.0 times the area of the lot for Roncesvalles Avenue and 10.0 metres with a density of 0.6 times the area of the lot along Howard Park (see Attachment 4).

## **Avenue and Midrise Building Guidelines**

The Avenues and Mid-Rise Buildings Study provides design guidelines for new mid-rise buildings, particularly on the *Avenues* as identified on Map 2 of the Official Plan. The main objective of this study is to encourage future intensification along the *Avenues* that is compatible with the adjacent *Neighbourhoods* through appropriately scaled and designed mid-rise buildings. The Avenues and Mid-rise Buildings Study provides a list of best practices, categorizes the *Avenues* based on historic, cultural and built form characteristics, establishes a set of performance standards for new mid-rise buildings and identifies areas where the performance standards should be applied.

The performance standards are intended to provide for a pleasant pedestrian experience and an appropriate transition between new mid-rise buildings in *Mixed Use Areas* and low-rise houses in adjacent *Neighbourhoods* through measures such as setbacks, building step-backs, and angular planes.

The Avenues and Mid-Rise Buildings Study also identifies Character Areas which are areas of cultural interest or historic character, containing notable characteristics that should be taken into consideration when *Avenues* are being planned for redevelopment. Roncesvalles Avenue has been identified as a Character Area containing a fine grain, main street built form on the east side and a mix of fine grain main street with a number of churches and institutional buildings plus walk-up apartment buildings on the west side.

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines, which is targeted for the fourth quarter of 2017. Refer to the Council Decision <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The application is being reviewed against the performance standards contained within the Avenues and Mid-Rise Buildings Study.

### **Roncesvalles and Dundas West Study**

The Roncesvalles and Dundas West Study commenced with the first meeting with the local community on November 17, 2015. Further work on the study continues and the study is expected to be completed in 2017.

The study includes an inventory of current applications and development pressure in the area, a streetscape review of Dundas Street West, an assessment of the policy framework including built form, heritage attributes, and the character of Dundas Street West and Roncesvalles Avenue. The outcomes are to clearly define the character of Dundas and Roncesvalles and the consideration of developing Urban Design and Built Form Guidelines and possible Official Plan and Zoning By-law Amendments.

### **Site Plan Control**

The proposal is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

### **Reasons for the Application**

The proposed development does not comply with several aspects of the Zoning By-law 438-86 and Zoning By-law 569-2013, including but not limited to: height, density, required parking, loading, and amenity spaces.

### **Ontario Municipal Board Appeal**

On April 20, 2016 the City's Clerk's office received notification that the applicant filed an appeal of the Zoning By-law amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the proscribed timelines of the *Planning Act*.

### **Community Consultation and Working Group**

A community consultation was held on January 11, 2016. Approximately 100 members of the community were in attendance. At the meeting, the applicant presented a slightly modified proposal from the original submission, indicating that the egress from the site was being proposed off of Hewitt Avenue and not Howard Park Avenue. This arrangement would be reliant on an agreement with the Church property to the north. Additionally, the applicant proposal shown contemplates the townhouse units being freestanding and not physically connected to the mixed-use building via the underground garage as shown in the formal submission to the City. It is noted that those drawings have not been submitted to the City for review.

Concerns raised at the Community Consultation included the following:

- Height and massing of development (both mixed-use building and townhouses)



- lack of character and materiality of building façade that is not in keeping with the Roncesvalles 'village' atmosphere
- privacy and overlook to the *Neighbourhoods* to the west
- impact of the townhouses on houses to the west as well as on commercial buildings on Roncesvalles
- concern with sidewalk width and design along the Roncesvalles street frontage and building setback from the property line
- Unit mix and size of dwelling units – request for a greater mix and more 3-bedroom units
- Issues with private tree removal
- Setbacks to the neighbourhoods to the west not meeting the midrise guidelines performance standards
- Insufficient visitor parking spaces
- Traffic flow and vehicular access to and from the site and its impact on both Howard Park and Hewitt Avenue
- Inconsistent statistics and measurements on architectural drawings
- Potential for insufficient infrastructure
- Shadow impacts
- Wind condition effects on Roncesvalles
- Lack of proposed dog amenity space

On October 19<sup>th</sup> 2016, Councillor Perks held a community meeting to discuss the appeal to the Ontario Municipal Board. Approximately 50 people were in attendance. In addition to the concerns raised at the initial community consultation meeting, further issues raised were related to:

- the size of the retail units being not in character with other storefronts on Roncesvalles
- location of indoor and outdoor amenity space
- location of bicycle parking on Roncesvalles

At the Councillor's meeting, it was agreed upon that a working group would be formed to try to reach a negotiated settlement prior to the OMB hearing. The working group will include members of the local community, the local City Councillor, the Applicant, their consultant and City staff. Two working group dates have been scheduled to take place between November and December 2016.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014, includes policies to manage and direct land use to achieve efficient development and land use patterns. The PPS promotes strong, liveable and healthy communities, the environment, public health and safety, and economic growth.

The Growth Plan for the Greater Golden Horseshoe guides decisions on a wide range of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Redevelopment and intensification of this site represents a type of development that is consistent with the intent of the Growth Plan for the Greater Golden Horseshoe. The proposed built form however, is not consistent with the policies contained within the Official Plan, which the PPS refers to as the most important vehicle for implementing the PPS (and the Growth Plan). While staff supports redevelopment of the site in a manner that is consistent with the objectives of the Growth Plan, the proposed built form does not respect its existing and planned context as required by the Official Plan.

### Official Plan

The proposed development is inconsistent with the character and vision for the area, as supported by the City's Official Plan policies.

This portion of Roncesvalles Avenue is located on an *Avenue*, as shown on Map 2 – Urban Structure of the Official Plan. The Official Plan, Chapter 2 notes that not all *Avenue* are the same. "Each *Avenue* is different in terms of lot sizes and configurations, street width, existing uses, neighbourhood uses, transit services and streetscape potential. There is no 'one size' fits all' program for reurbanizing the *Avenues*".

The sidebar on page 3-7 of the Official Plan sets out that "For mixed-use areas, where change is anticipated, the Zoning By-law is the benchmark for appropriate heights and densities". The sidebar further explains that the existing context will help to determine an appropriate planned context.

A part of the Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan, Neighbourhoods are considered to be physically stable areas and development will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open spaces patterns in these areas. While developments in Mixed Use Areas that are adjacent or close to Neighbourhoods will

- a. be compatible with those *Neighbourhoods*;
- b. provide a gradual transition of scale and density, as necessary to achieve the objective of this Plan through the stepping down of buildings towards and setback from those *Neighbourhoods*; and

- c. attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of these *Neighbourhoods*.

The Built Form policies in Section 3.1.2. of the Official Plan require that new development create appropriate transitions in scale to neighbouring existing and planned buildings. Main building entrances are to be located so that they are clearly visible and directly accessible from the public sidewalk, and existing mature trees are to be preserved wherever possible and incorporated into landscape designs. The current proposal for the townhouses' main entrances are located fronting a private driveway and would require the removal of mature private trees.

Additional Built Form policies require that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context and will limit its impact on neighbouring streets by:

- a. massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion;
- b. incorporating exterior design elements, their form, scale, proportion, pattern and materials and their sustainable design to influence the character, scale and appearance of the development;
- c. creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d. providing for adequate light and privacy;
- c. adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

As currently proposed, an Official Plan Amendment would be required for the proposed townhouses that front onto Howard Park Avenue, within the *Neighbourhoods* designation. The townhouses are connected to the mixed-use building on Roncesvalles and are therefore considered one building which constitutes a mid-rise building, which is not permitted in a *Neighbourhoods* Designation. In addition to the building typology, the townhouses are not in keeping with the prevailing residential neighbourhood context with regard to scale, height, configuration and dwelling type. Along Howard Park Avenue, the prevailing building type is 2.5 storey single and semi-detached dwellings. The proposed townhouses are out of keeping with the context of the neighbourhood. A redesign that eliminates the townhouses or proposes a built form and reduced height that is more in keeping with Official Plan Policies would be supportable.

Official Plan Policy 4.5.2 states that in *Mixed Use Areas* development will locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods* and locate and mass new buildings so as to adequately limit

shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

## **Land Use**

The proposed development is located in the *Mixed Use Areas* and the *Neighbourhoods* designations of the Official Plan.

For the *Mixed Use Areas* designation, a mix of residential and commercial uses is consistent with the land use provisions of the Official Plan and Zoning By-law.

For the *Neighbourhoods* designation, while the proposed townhouses are a permitted use within the Official Plan designation and Zoning By-law provisions, the proposal does not comply with certain Built Form policies within the *Neighbourhoods* Designation.

## **Height, Massing, and Transition**

The proposed 8-storey building does not adequately respect and relate to its existing and planned context. The property is on an *Avenue*, and within the Character Area of Roncesvalles, as identified in the Avenues and Mid-Rise Guidelines.

The Built Form policies in Section 3.1.2. Policy 3 of the Official Plan requires that new developments will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties.

Policy 4 states that new development will be massed to define the edges of streets at good proportion.

Developments within Character Areas of the Midrise Guidelines should be designed to respect the character by reflecting the context of the area, building typologies, massing and streetscapes. The site is located within the Roncesvalles Avenue Character Area #21 of the Midrise Guidelines. One of the distinctive characteristics to the area that should be maintained is the fine grain and small scale Main Street context that is predominant along Roncesvalles Avenue.

In the Addendum for the Mid-Rise Building Performance Standards, it is reinforced that many of the Performance Standards are already included in the harmonized Zoning By-law 569-2013, Commercial Residential Standard Set 2, which this property is subject to. Additionally, it is reinforced by the importance of the existing and planned context referenced throughout the Performance Standards.

A key update to the Character Areas is Performance Standard #1, that there be a maximum height ratio of 0.8:1 (or a 16-metre height limit) on the Character Area Map, on streets which have a 20 metre right-of-way, as shown on Map 3 of the Official Plan. The standard clarifies that a number of factors must be considered when determining the maximum allowable height for a mid-rise building within the area or on a given site, and does not imply an as-of-right height. Alternatives to a reduced height ratio can include

incorporating other strategies such as increased setbacks/stepbacks, angular planes, lowered streetwall heights, and finer-grained building articulation.

Performance Standard #4B: Pedestrian Perception Stepback, speaks to where the front façade has stepbacks in order to mitigate the perception of height. A right-of-way width of 20 metres or less would have a recommended stepback height of 10.5 metre equating to approximately 3 storeys.

On the Roncesvalles Avenue frontage, the proposed building steps back 2.9 metres from the streetwall at the sixth storey (16.9 metres above grade). A further stepback is proposed at the seventh storey with balcony projections above at the eighth storey. Planning staff is seeking stepbacks to start at a lower level and to meet a minimum depth in order to address the Mid Rise Guidelines, along with a corresponding reduction in building height.

In addition to the inadequate stepbacks on Roncesvalles Avenue, the building is not adequately setback to the north property line nor to the West property line adjacent to *Neighbourhoods*, and does not allow for appropriate spacing from neighbouring properties.

The current proposal uses a deep lot condition which requires there to be a rear public laneway for the purposes of access and calculating the rear angular plane in order to provide appropriate transitions to the neighbourhoods to the rear of the building. The proposal is currently using the adjacent north property's private driveway (Westminster Chapel) to calculate the rear angular planes at the rear. The Performance Standards contemplate these calculations based on a public laneway that is accessible to the site. The current proposal does not have access to this private driveway. Staff have indicated to the applicant that should proper agreements be secured between both properties for full access purposes, than this private laneway can be considered to function as a laneway and will be viewed within the parameters of the deep lot.

It is recommended that a minimum building setback of 5.5 metres to the North property line and 7.5 metres to the West property line be introduced.

The proposal's height and massing, in its current form, is not responsive to the context of the area and does not provide an adequate transition in scale along Roncesvalles Avenue and the *Neighbourhood* to the west. This proposal will set a negative precedent for other potential similar sites. Reducing the height and increased setbacks and stepbacks with no penetration of the angular plane for both east and west elevation of the building, in addition to a lowered streetwall height on Roncesvalles would be recommended.

## **Density**

The proposed development would result in a density of 4 times the area of the lot (9,093 square metres), while the zoning permits a total density along Roncesvalles of 3.0 times the area of the lot, and the permitted density on Howard Park is 0.6 times the area of the lot. A reduction in height and massing will result in a reduction of density.

## **Shadow Impacts**

The Official Plan states that development in Mixed Use Areas will locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The shadow study submitted in support of the application does not include the spring equinox, nor does it include the "as-of-right" permissions for the subject property. The shadow study indicates that during the fall equinox there will be a shadow at 9:18am on the first four adjacent houses on Hewitt Avenue and the first two adjacent houses on Howard Park Avenue and by 10:18am the shadow is limited to only the first house on each respective street, and by 11:18am the shadow is off the properties in the *Neighbourhoods*. With regard to shadowing on Roncesvalles Avenue, there is an afternoon shadow between 1:18pm to 5:18pm, on both the east and west sidewalks of Roncesvalles Avenue.

## **Privacy and Overlook**

The Built Form policies of the Official Plan require that new development will limit its impact on adjacent properties by providing adequate light and privacy. On the west elevation, both the proposed mixed-use building and townhouses have primary windows and balconies on each floor beginning on the second level that overlook onto the adjacent *Neighbourhoods*. Rear balconies should not be permitted below 10.5 metres from grade. The townhouses have rooftop terraces above the fourth level that will add additional overlook onto the *Neighbourhoods* and require screening.

## **Site Servicing**

Engineering and Construction Services staff have requested that the applicant submit a revised Functional Servicing and Stormwater Management Report to confirm whether the existing municipal infrastructure is adequate to service the development. This will be required prior to any Zoning By-law amendment including the need for the applicant to pay for necessary upgrades.

## **Traffic, Access, Parking and Loading**

Transportation Services have reviewed the submitted Traffic Impact and Parking Study submitted in support of the application. Staff concur with the conclusion of the Traffic Impact Assessment and find it acceptable. However, staff are not in support of the proposed residential parking supply or number of loading spaces. Vehicular access and servicing for the site is proposed off of Howard Park Avenue through a private driveway. 77 vehicular parking spaces are proposed, including 71 residential spaces and 6 visitor spaces as well as one loading space (Type G) is proposed.

Staff have requested a revised residential parking ratio to meet the By-law requirements of 85 residential spaces and 14 residential visitor parking spaces as well an additional Type B loading space.

In regard to access for the townhouses, both pedestrian and vehicular access is gained from the private driveway from Howard Park Avenue, which does not create a pedestrian friendly environment. Official Plan Public Realm Policy Section 3.1.1.14 speaks to design measures which promote safety and security being applied to all new buildings.

### **Bicycle Parking**

The application proposes 99 bicycle parking spaces consisting of: 84 resident; 9 visitor; and 6 retail spaces. City Planning staff have concerns with the proposed location of some of the residential bicycle parking spaces in storage lockers within the underground garage and the location of the short term spaces on Roncesvalles.

### **Unit Mixes**

The application proposes 93 residential units in the mixed-use portion of the building and 6 townhouses units. 44 units are 1-bedroom, 49 units are 2-bedrooms and the townhouses are each 3-bedrooms. City Planning staff would prefer a greater variety of unit type, including more 3-bedroom units. The Official Plan contains policies, specifically 3.2.1. to ensure a diversity of housing types is available in the City to accommodate a greater degree of social and economic diversity. Avenues Policy 2.2.3.3.c) ii) speaks to Mixed Use Area contributing to the creation of a range of housing options in the community. To achieve this, it is recommended that at least 10% of the development consist of 3-bedroom units.

### **Tree Preservation**

An Arborist Report was submitted in support of the application, proposing to remove 4 trees regulated under the Private Tree By-law located on adjacent private property, as they are encroaching on the proposed development and their canopies are in conflict with the construction. An application to permit the removal of the trees is required.

Urban Forestry have commented that the proposal is not acceptable at this time. Revisions to the landscape plan and arborist report are required.

### **Amenity Space**

The proposed 224 square metres of indoor amenity space and 117 square metres of outdoor amenity space will be provided in a partially below grade level situated between the P1 level of the parking garage and the ground floor, at the north-west corner of the building. Zoning By-law standards require that 2.0 square metres per dwelling each for indoor and outdoor amenity space. This standard results in 198 square metres each for indoor and outdoor amenity space for the 99 unit proposal, resulting in insufficient outdoor amenity space. It is recommended that the applicant increase the supply of outdoor amenity space to be closer to the requirements in the Zoning By-law. While the amount of indoor amenity space exceeds the By-law requirement, staff are not supportive of the location of the amenity space being located between the Ground Floor and Parking Level 1. The location of the outdoor amenity space located below balconies above and therefore, a large portion of the space will be covered overhead with a canopy as well as

being below ground. The size and location of the spaces are not desirable for their intended uses.

### **Open Space, Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provision across the City. The subject lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is located in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The proposed 8 storey building with a total non-residential gross floor area of 675 square metres and 99 residential units. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,320 square metres or 63% of the site area. However, for site that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 214 square metres.

The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit if an approval is granted.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Should the zoning amendment application be approved in some form, a site plan control application will be required prior to the development and would be further reviewed for compliance with the Toronto Green Standards.

### **CONCLUSION**

The proposed building does not fit within its existing or planned context and does not provide appropriate transitions to adjacent lower-scale areas. City Planning staff is of the opinion that the proposal needs to be revised in its height and massing in order to fit more appropriately in the character of the area, and that other technical requirements be addressed such as parking, loading and amenity space. Although the proposal is not supportable in its current form, City Planning staff is recommending continued discussions with the applicant.



The proposal in its current form does not constitute good planning and is not in the public interest.

## **CONTACT**

Aviva Pelt, Planner  
Tel. No. 416-392-0877  
Fax No. 416-392-1330  
E-mail: apelt@toronto.ca

## **SIGNATURE**

---

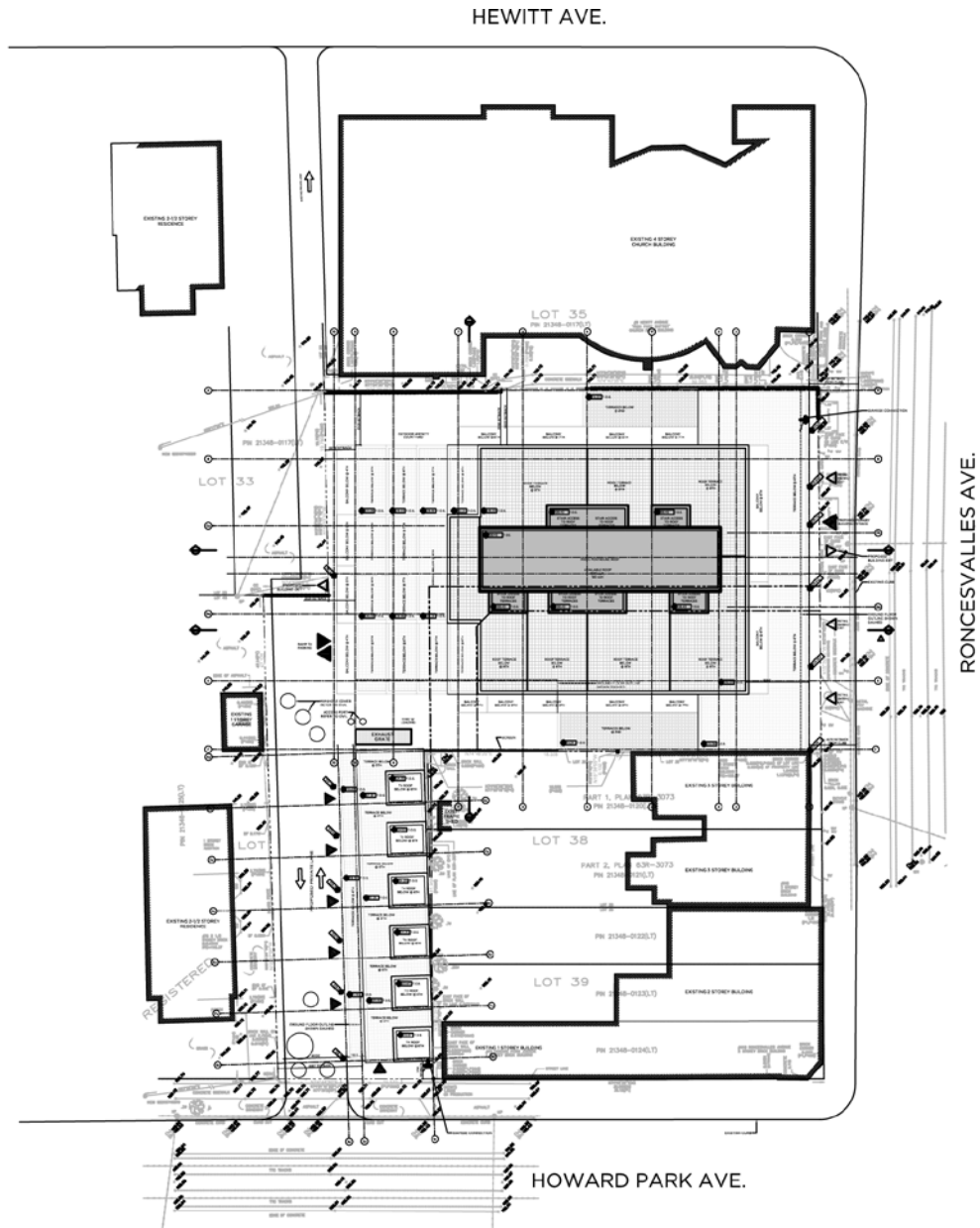
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

(P:\2016\Cluster B\pln\TEYCC\28824221087.DOC) - vt

## **ATTACHMENTS**

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

# Attachment 1: Site Plan



## Ground Floor Plan

Applicant's Submitted Drawing

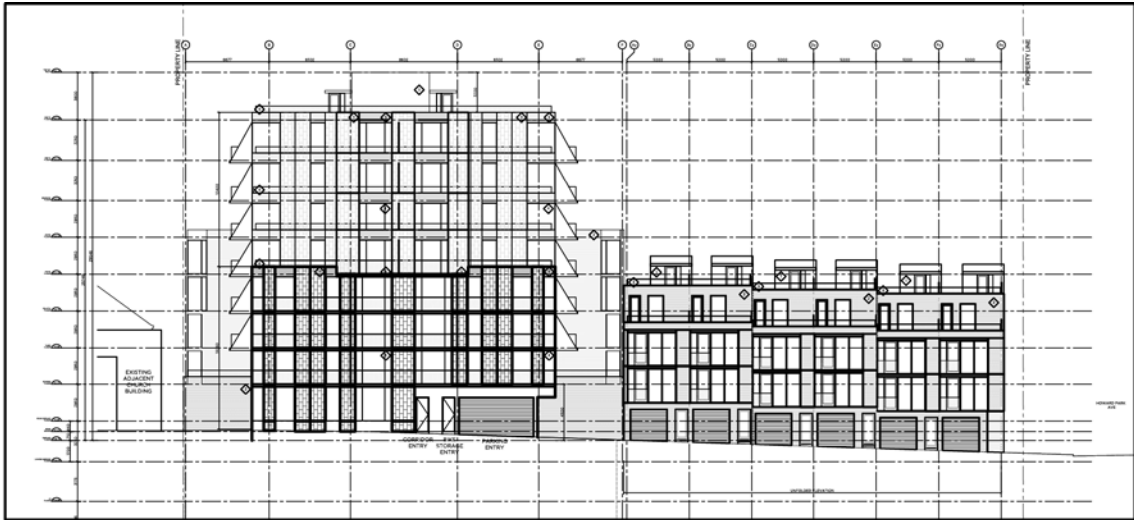
Not to Scale  
09/30/2015



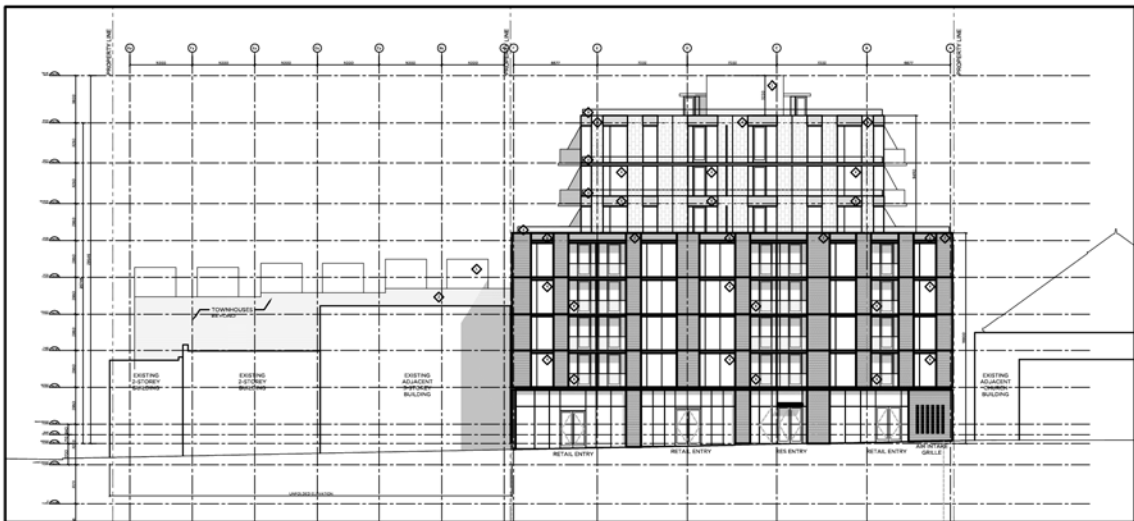
422-436 Roncesvalles Avenue  
and 76 Howard Park Avenue

File # 15\_215438 STE 14 0Z

## Attachment 2: East and West Elevations



West Elevation



East Elevation

### East and West Elevations

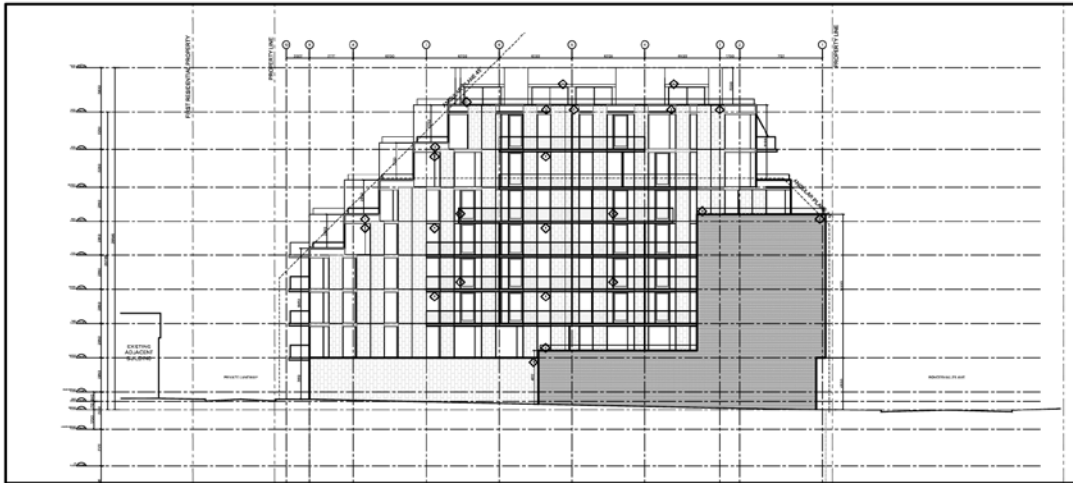
Applicant's Submitted Drawing

Not to Scale  
09/30/2015

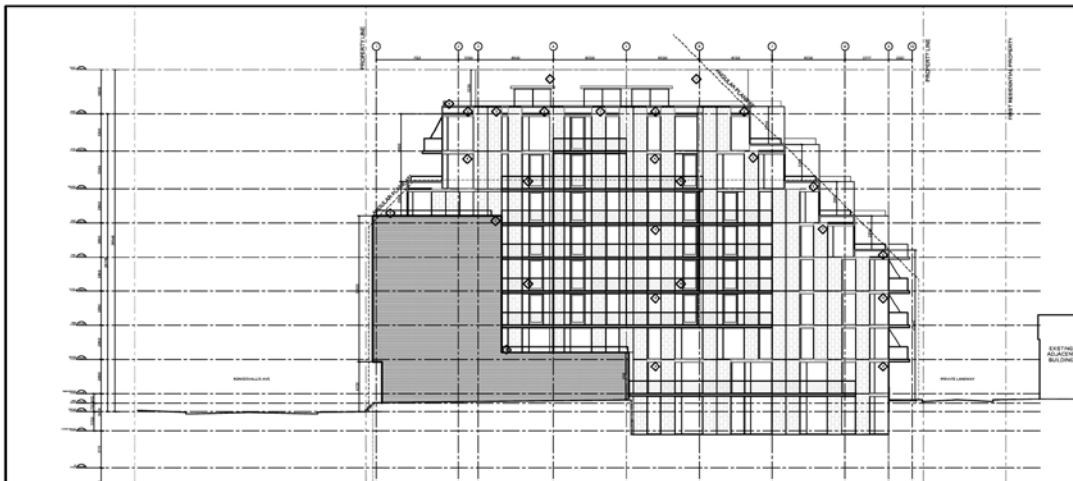
422-436 Roncevalles Avenue  
and 76 Howard Park Avenue

File # 15\_215438 STE 14 0Z

### Attachment 3: North and South Elevation



South Elevation



North Elevation

---

## North and South Elevations

Applicant's Submitted Drawing

Not to Scale  
09/30/2015

422-436 Ronesvalles Avenue  
and 76 Howard Park Avenue

File # 15\_215438 STE 14 02

---

## Attachment 4: Zoning



**Zoning By-law 569-2013**

**422-436 Roncesvalles Avenue and  
76 Howard Park Avenue**  
File # 15 215438 STE 14 0Z



Location of Application

R Residential

CR Commercial Residential



See Former City of Toronto Bylaw No. 438-86

I1 Industrial District

MCR Mixed-Use District

R2 Residential District



Not to Scale  
Extracted: 09/30/2015

