M TORONTO

STAFF REPORT ACTION REQUIRED

135 Fenelon Drive - Zoning Amendment Application - Preliminary Report

Date:	January 31, 2017
То:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 34 – Don Valley East
Reference Number:	16 270142 NNY 34 OZ

SUMMARY

This application proposes two infill mid-rise apartment buildings of 6 and 8 storeys in height at 135 Fenelon Drive. The existing 19 storey apartment building comprised of 218 rental units would be retained. The 6 storey residential building (north building) would consist of 123 rental units with a gross floor area of 8,362 square metres. The 8 storey mixed-use building (south building) would contain 126 rental units with a gross floor area of 7,861 square metres and commercial space with a gross floor area of 299 square metres. Together, the entire site would consist of 467 rental units with a gross floor area of 38,499 square metres, and a density of 2.57 times the lot area.

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 report recommends that a community consultation meeting be scheduled together with the Ward Councillor. A Final Report and Public meeting under the Planning Act will be scheduled following community consultation, and the resolution of outstanding issues.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 135 Fenelon Drive 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 June 7, 2016 with the applicant to discuss complete application submission requirements. Among the issues discussed were transition to the existing community, Ministry of Transportation setbacks, the provision and location of a retail component, building location and shape, landscaping, site circulation and access.

ISSUE BACKGROUND

PROPOSAL

This is an application to amend the Zoning By-law to permit two infill mid-rise apartment buildings that are 6 and 8 storeys in height (16.7 metres and 22.0 metres respectively) on a site with an existing 19 storey apartment building. The 6 storey residential building (north building) is proposed to be located on the existing landscaped open space and garbage and loading area to the north of the existing building, and would be attached to the existing 19 storey building and comprised of 123 rental units with a gross floor area of 8,362 square metres. The 8 storey mixed-use building to the south is proposed to be located partially on the existing surface parking lot, would consist of 126 rental units with a gross floor area of 7,861 square metres, and be sited along Underpass Gate. The south building would also have 299 square metres of commercial space at grade.

Together, the entire site would consist of 467 rental units and a gross floor area of 38,499 square metres including the existing 19 storey residential apartment building.

The following table provides further information about the proposal:

	Existing	Proposed North	Proposed South	Total Existing and Proposed
Height (storeys)	19	6	8	NA
GFA (sq. m.)	22,276	8,362	7,861	38,499
Density	1.48	NA	NA	2.57
Indoor Amenity	18	276	267	561
(sq. m.)				
Outdoor	1226	259	128	1641 (1)
Amenity (sq.				
m.)				
Unit Mix				
Studio	0	4	18	22
One Bedroom	81	64	68	213
One bedroom	0	24	16	40
plus den				
Two Bedroom	128	31	24	183
Three Bedroom	9	0	0	9
Total Units	218	123	126	467

(1) Note the total existing and proposed outdoor amenity also includes a proposed 415 square metre community garden.

The north building ground floor is proposed to be 3.5 metres in height and consist of some at grade units, a main lobby/lounge area, staff office, moving room, laundry room, storage/locker room, garbage room and a bicycle storage room that will provide 72 single-loaded bicycle spaces.

The south building ground floor is proposed to be 3.5 metres in height and would provide at grade units, retail space, a main lobby/entrance area, garbage room, retail garbage room, mail delivery room, moving room and a bicycle storage room that would provide 52 bicycle parking spaces. A total of 213 bicycle parking spaces are proposed for the overall development. The proposed separation distance between the existing 19 storey tower and the proposed south building is approximately 24.9 metres.

A total of 267 square metres of indoor amenity space is proposed in the south building, and 276 square metres is proposed in the north building. The proposal includes 1641 square metres of outdoor amenity space including the maintenance of an existing green open space on the western portion of the site along Fenelon Drive, and a proposed community garden of 415 square metres along the Don Valley Parkway frontage.

Vehicular access to the site via the existing south driveway on Fenelon Drive will be maintained, along with the location of the existing underground parking garage ramp, which has direct access from this driveway. However, the entrance portion of the Staff report for action – Preliminary Report - 135 Fenelon Drive

existing U-shaped driveway on this site (which currently provides access to the existing apartment building's main lobby entrance) will be reconfigured as a result of this proposal. A new driveway extension is being proposed from the retained parking area (south of the existing apartment building) to the exit/egress portion of the existing U-shaped driveway, which will be maintained. This driveway extension will in turn provide two-way access to the main entrances of both the existing apartment building and the proposed north building (See Attachment 1 - Site Plan). An existing daycare would remain in the existing rental building providing daycare services for approximately 60 children.

Pedestrian access to each of the proposed and existing buildings on site will be from Fenelon Drive to the west via a sidewalk provided along the reconfigured driveway.

Currently, the site provides 177 underground (one level) and 75 above ground parking spaces, for a total of 252 spaces. After construction, a total of 428 parking spaces are proposed, including 56 above ground and 372 underground in two underground levels (see Attachment 1 – Site Plan, Attachment 2a-2h – Elevations, and Attachment 6 – Application Data Sheet).

Site and Surrounding Area

The subject property is relatively flat, has an area of 1.5 hectares and is located on the north and east sides of Fenelon Drive, and abuts the Don Valley Parkway on the east. Fenelon Drive intersects Underpass Gate to the south of the site, and Fenelon Drive continues south of the site. The site has some frontage on Underpass Gate as well which connects this neighbourhood to the Fenside community to the east of the Don Valley Parkway (see Attachment 1 - Site Plan).

There currently exists a 19 storey, 218 unit apartment building on site. A daycare is located within the existing building. Surface parking is located along the south side of the existing building, adjacent to the Fenelon Drive and Underpass Gate frontage. Vehicular access to the surface and underground parking is provided from the Fenelon Drive frontage on the west. A circular driveway is also provided from the Fenelon Drive frontage on the west.

Land uses surrounding the site are as follows:

North: To the north of the site is a portion of Graydon Hall Park. Graydon Hall Park is a 5.3 hectare Park that includes an outdoor tennis court, playground and splash pad on lands west of Fenelon Drive. The portion of Graydon Hall Park just north of the site is 0.6 hectares in size, and also accommodates a TTC bus turnaround for the Graydon Hall 122 route. It is a passive open space with some tree cover with no formal equipment or facilities. Further north is the southbound Don Valley Parkway ramp from Highway 401. Further north and west of the site is George S. Henry Academy (public high school).

- East: Immediately east of the site is the Don Valley Parkway, which is separated from the subject lands by a buffer wall.
- South: Immediately south of the site are two storey semi-detached dwellings on Fenelon Drive. Fenelon Drive intersects with Underpass Gate to the south of the site. Underpass Gate connects this neighbourhood to the Fenside community to the east of the Don Valley Parkway.
- West: To the west of the subject site are two storey semi-detached residential buildings along Fenelon Drive.

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 policy 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, by the *Planning Act*, 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, as the case may be, 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 site is designated Apartment Neighbourhoods on Land Use Map 16 of the Toronto Official Plan. Apartment Neighbourhoods are made up of apartment buildings, parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. The designation has development criteria regarding locating and massing new buildings to provide a transition between areas of different development intensity and scale.

Policy 2.3.1.2 of the Toronto Official Plan states that development in Mixed Use Areas, Regeneration Areas and Apartment Neighbourhoods that are adjacent or close to neighbourhoods will:

be compatible with those Neighbourhoods;

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provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those Neighbourhoods; and

maintain adequate light and privacy for residents in those Neighbourhoods; and attenuate traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those Neighbourhoods.

The Built Form policies in Section 3.1.2. of the Official Plan specify that new development is to be located and organized to fit with its context, and be massed to limit impacts on neighbouring streets, parks, open spaces, and properties by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy, and limiting shadowing and uncomfortable wind conditions. Taller buildings are to be located to ensure adequate access to sky view. Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development and each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Policy 3.1.2 (2) requires that new development locate and organize parking, servicing and access to minimize their impact on the property and surrounding properties by, among other things:

- Consolidating and minimizing the width of driveways and curb cuts across the public • sidewalk:
- Integrating services and utility functions within buildings where possible, and
- Providing underground parking where appropriate.

The Housing policies in Section 3.2.1 of the Official Plan support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Official Plan Housing Policy 3.2.1.5 provides 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 the height and density incentives of Section 5.1.1 of the Plan, without pass-through of such costs in rents to tenants.

The Community Services and Facilities policies in Section 3.2.2 of the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The community services strategy will include a demographic profile of area residents, an inventory of existing services, identification of Staff report for action - Preliminary Report - 135 Fenelon Drive

existing capacity and service gaps; identification of local priorities, a recommended range of services and co-location opportunities, and identification of funding strategies. The inclusion of community service facilities are encouraged in all significant private sector development.

Section 4.2 of the Official Plan states that development in *Apartment Neighbourhoods* 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 the Official Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale Neighbourhoods;
- locate and mass new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes; and
- locate and mass 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.

Significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Infill development that may be permitted on a site containing an existing apartment building will:

- a) meet the development criteria set out in Section 4.2.2 for apartments;
- b) maintain an appropriate level of residential amenity on the site;
- c) 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;
- d) maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- e) organize development on 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;
- f) front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- g) provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- h) preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- i) consolidate loading, servicing and delivery facilities; and
- j) preserve or provide adequate alternative on-site recreational space for residents.

Development within Apartment Neighbourhoods is intended to provide sufficient offstreet motor vehicle and bicycle parking for residents and visitors; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; provide indoor and outdoor recreation space for building residents; and provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

Section 5.1.1 of the Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan.

Staff will review the proposal for consistency with the policies of the Official Plan.

The Toronto Official Plan is available on the City's website at: http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM1000 0071d60f89RCRD

Official Plan Amendment 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. OPA 320, as approved by Council is available at:

http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf

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 Minister is relevant but not determinative in terms of the Official Plan policy framework.

The Minister's approval and modification can be found at http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MMA% 20Notice%20of%20Decision.OPA%20320.July%204 2016.pdf

Zoning

City of Toronto Zoning By-law No. 569-2013 zones the site as "Residential Apartment" (RA (f30.0, a1375, d1.5). Permitted uses in the RA Zone include ambulance depots, apartment buildings, fire halls, parks, police stations and retail stores, subject to conditions. A Floor Space Index of 1.5 is permitted.

The former North York Zoning By-law No. 7625 zones the site as RM6- Multiple Family Dwellings Sixth Density Zone. Permitted uses in the RM6 Zone include apartment house dwellings, converted dwellings, double duplex dwellings, duplex dwellings, hospitals, multiple attached dwellings, nursing homes, single family dwellings, religious Staff report for action - Preliminary Report - 135 Fenelon Drive 8 institutions, sanitariums, semi-detached dwellings, day nursery in an apartment house dwelling, and any other use permitted in the R4 zone which does not include commercial uses. A Floor Space Index of 1.5 is permitted.

Site Plan Control

The lands are subject to site plan control. However, an application has not yet been submitted.

Tree Preservation

There are a number of trees located on and in close proximity to the subject site. The application has been circulated to Urban Forestry staff for review.

There are seven city owned trees in the boulevard that are eligible for protection under the City tree by-law. All are proposed to be preserved.

There are four city owned trees in the parkland to the north of the site within 6 metres of the subject site that are eligible for protection under the City tree by-law. All are proposed to be preserved.

The remaining twenty-one trees that qualify for protection under the City by-law are on the subject property. Sixteen are proposed to be removed. Fifty one replacement trees are proposed on the subject lands.

Reasons for the Application

The Zoning By-law amendment application is necessary to rezone to provide for an increase in density, permission for various commercial uses on the ground floor only of the south building, decreased distance between buildings, reduced setbacks, reduced parking rate, decreased landscaped open space and loading requirements, and other revised performance standards.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Justification Report
- Tree Removal Plan
- Arborist Report
- Landscape Plan
- Shadow Study
- Community Services and Facilities Inventory
- Housing Issues Report
- Functional Service and Stormwater Management Report
- Urban Transportation Considerations Report
- Preliminary Geotechnical and Hydrogeological Investigation

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- Stage 1 and 2 Archaeological Assessment
- Pedestrian Wind Assessment
- Toronto Green Standards Checklist.

A Notification of Complete Application was issued on January 20, 2017.

Issues to be Resolved

The following issues have been identified on a preliminary basis:

- Conformity with Official Plan policies;
- The appropriateness of the infill development with respect to building type, scale, massing, and density;
- The appropriate transition in scale and building setback to all property lines and surrounding uses;
- Assessing the shadow and wind impacts on adjacent neighbourhoods, sidewalks, parks and open spaces and the relationship to the public realm.
- Compatibility with existing buildings on site and in the vicinity;
- Appropriateness of integration of north building into the existing building, and impacts on building design elements;
- The improvement of the entrance to the existing apartment building, and the open space on site;
- Impact on the existing rental building including matters such as: the loss of open space area, impacts on privacy and overlook and enhancement of amenity spaces;
- Securing the existing rental housing units which may have affordable and mid-range rents;
- Assessment of the potential cultural heritage value of the property;
- Securing any needed improvements and renovations to the existing rental building without pass-through of such costs in the rents to the existing tenants;
- Determining appropriate indoor amenity space for the existing building;
- Review of the parking supply, reorganization and reallocation;
- Review of phasing and parking availability during construction;
- Necessity and supply of surface parking
- Review of vehicular site access, circulation and configuration of drop-off /pick-up area;
- Potential traffic and parking impacts on local streets;
- Whether there is a need for onsite parkland dedication;
- Assessment of proposed bicycle parking supply and locations;
- Assessment of pedestrian connections through the site including: between the existing and proposed buildings, to the open space to the north, and from the doors of the buildings to the street;
- Assessment of the stormwater management and servicing of the proposed development;
- Adequacy of community services in the surrounding area;
- Adequacy of the proposed indoor and outdoor amenity spaces;

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- Assessment of the proposed landscaping, tree preservation and replacement, and site lighting, refuse and recycling operations;
- review of landscaping treatments, and the provision of adequate soft surface areas;
- Appropriateness of loading/garbage storage facilities for the building;
- Compliance with the Toronto Green Standard Tier 1 performance measures and the possibility of securing Tier 2 performance measures; and
- The determination of appropriate Section 37 community benefits.

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

CONTACT

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SIGNATURE

Joe Nanos, Director Community Planning, North York District

ATTACHMENTS

Attachment 1:	Site Plan
Attachment 1a:	Legal Survey for Existing Rental Building
Attachment 2a:	North Building – East Elevation
Attachment 2b:	North Building – North Elevation
Attachment 2c:	North Building – South Elevation
Attachment 2d:	North Building – West Elevation
Attachment 2e:	South Building – East Elevation
Attachment 2f:	South Building – North Elevation
Attachment 2g:	South Building – South Elevation
Attachment 2h:	South Building – West Elevation
Attachment 3 :	Longitudinal Section
Attachment 4:	Zoning By-law No. 569-2013
Attachment 5:	Zoning By-law No. 7625
Attachment 6:	Application Data Sheet

Attachment 1: Site Plan



File # 16 270142 NNY 34 OZ



Attachment 1a: Legal Survey for Existing Rental Building

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Not to Scale 7



Attachment 2a: North Building – East Elevation

Not to Scale 01/16/2017

File # 16 270142 NNY 34 0Z



Attachment 2b: North Building – North Elevation



Attachment 2c: North Building – South Elevation



Attachment 2d: North Building – West Elevation

North Building - West Elevation

Applicant's Submitted Drawing

Not to Scale 01/16/2017

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Attachment 2e: South Building – East Elevation

Not to Scale 01/16/2017

File # 16 270142 NNY 34 0Z



Attachment 2f: South Building – North Elevation





Attachment 2h: South Building – West Elevation

Applicant's Submitted Drawing

Not to Scale 01/16/2017

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Attachment 3: Longitudinal Section

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Staff report for action – Preliminary Report - 135 Fenelon Drive Attachment 4: Application Data Sheet



Not to Scale Extracted 01/23/2017

O1 Open Space Zone

RM1 Multiple Family Dwellings First Density Zone

	Attachment	6: Applicati	ion Data Sł	neet			
Application Type	Rezoning			cation Number:	16 27014	2 NNY 34 OZ	
Details	Rezoning, Standar	rd	Applic	cation Date:	Decembe	er 22, 2016	
		_					
Municipal Address:	135 FENELON DR						
Location Description:	PLAN M960 BLK B **GRID N3401						
Project Description:	An application to amend the Zoning By-law to permit two infill mid-rise apartment buildings that are 6 and 8 storeys in height. The 6 storey building (north building) would consist of 123 rental units with a gross floor area of 8,362 square metres. The 8 storey mixed-use building (south building) would consist of 126 rental units with a gross floor area of 7,861 square metres and commercial space with a gross floor area of 298.59 square metres. The existing 19 storey apartment building consisting of 218 rental units will be retained. Together, the entire site would consist of 467 rental units and a gross floor area of 38,499 square metres.						
Applicant:	Agent:	Agent: Archiv		rchitect:		Owner:	
MACNAUGHTON HERMSEN 230-7050 Weston Road, Woodbridge, ON L4L 8G7	SAME AS APPLICANT		KIRKOR ARCHITECTS 20 Martin Ross Ave, Toronto ON M3J 2K8		BEAUX PROPERTIES 5140 Yonge Street, unit 2360 Toronto, ON M2N 6L7		
PLANNING CONTROLS							
Official Plan Designation:	Apartment Neight	Apartment Neighbourhood		Site Specific Provision:		No	
Zoning:	RA (f30.0; a1375;	RA (f30.0; a1375; d1.5)		Historical Status:		No	
Height Limit (m):	24 m		Site Plan Control Area:		Yes		
PROJECT INFORMATION							
Site Area (sq. m):	14988		Height:	Storeys:	19		
Frontage (m):	152.28	}		Metres:	48.4		
Depth (m):	110.92	2					
Total Ground Floor Area (sq. m):	4273.64				Tota	l	
Total Residential GFA (sq. m):	38201			Parking Spaces	428		
Total Non-Residential GFA (sq. m): 298.59			Loading Docks	2		
Total GFA (sq. m):	38499						
Lot Coverage Ratio (%):	28.5						
Floor Space Index:	2.57						
DWELLING UNITS		FLOOR AR	EA BREAKDO	OWN (upon proje	ect completion)		
Tenure Type:	Rental	Rental		Abo	ove Grade	Below Grade	
Rooms:	0	Residential GI	FA (sq. m):	3820	01	0	
Studio:	22 Retail GFA (sq. m):		298.	.59	0		
1 Bedroom:	253	Office GFA (sq. m):		0		0	
2 Bedroom:	183	Industrial GFA (sq. m):		0		0	
3 + Bedroom:	9	Institutional/Other GFA (sq. m):		n): 0		0	
Total Units:	467						
CONTACT: PLANNER	NAME:	John Lyon, Sei	nior Planner				
TELEPHONE:(416) 395-7095Email jlyon@toronto.ca							
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