

50 and 52 Neptune Drive - Zoning By-law Amendment Application - Request for Direction Report

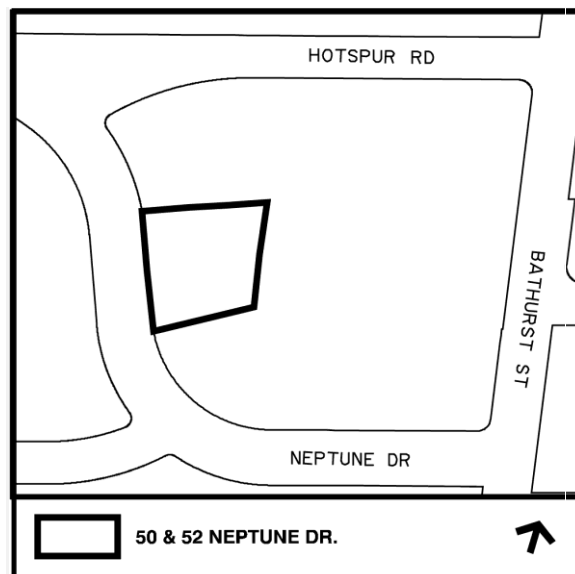
Date:	May 31, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	09 200486 NNY 15 OZ

SUMMARY

The Zoning By-law Amendment application proposes to amend former City of North York Zoning By-law No. 7625 to permit the construction of an 11 storey (35m) condominium building and rental replacement with 169 residential units, 14,202 m² of Gross Floor Area and a site density of 5.04. The development includes 24 rental units proposed on the ground and second floor levels.

The subject Zoning By-law Amendment application was appealed to the Ontario Municipal Board (OMB) on December 19, 2012. A Pre-Hearing Conference is scheduled for June 5, 2013. A full hearing date is scheduled for September 9th to 13th, 2013.

An associated Rental Housing Demolition application (File 09 200499 NNY 00 RH) has also been submitted to demolish the 24 existing residential rental units located at 50-52 Neptune Drive. The 24 units would be replaced in the new development, with affected tenants receiving relocation assistance and being able to return to the new replacement units.



The purpose of this report is to seek Council's direction on the appeal of the Zoning By-law Amendment to the Ontario Municipal Board. It is Staff's opinion the proposal is not appropriate in its current form for the reasons set out in this report. The rental replacement and tenant relocation assistance matters are not acceptable as currently proposed and do not meet the intent of the Official Plan.

Staff are recommending that the Zoning By-law Amendment application in its current form be opposed at the OMB.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor together with City Planning staff and other appropriate staff to oppose the application in its current form to amend the Zoning By-law for the reasons outlined in this report.
2. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant respecting a revised application which addresses the outstanding issues identified in this report, including but not limited to: height, density, massing, and shadow impact of the proposed building, parking supply, appropriate rental replacement that provides rental units of similar size to the existing rental units, an acceptable Tenant Relocation and Assistance Plan, and if necessary, City staff seek further instructions from Council.
3. City Council direct the City Solicitor to advise the Ontario Municipal Board of City Council's position that:
 - a) Any redevelopment of the lands must also include the full replacement of the 24 existing rental dwelling units and a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and,
 - b) If the proposal for the replacement rental units is not substantially revised to meet the intent of the Official Plan by providing for the same unit types and comparable sizes as the existing rental units, that an Official Plan Amendment application is required.
4. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Board withhold any Order to approve the Zoning By-law Amendment application for the subject lands until such time as the City and the Owner have presented to the Board a Draft Zoning By-Law that secures the rental housing matters as outlined in Recommendation 3 above and a Section 37 Agreement

addressing matters as outlined in this report, have been provided to the satisfaction of the City.

Financial Impact

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

DECISION HISTORY

The Zoning By-law Amendment application was submitted on December 30, 2009 seeking permission to amend the Zoning By-law to permit a 14-storey (43.8 metres) residential building fronting Neptune Drive, containing a total of 155 residential units and consisting of a two-storey base building with a 12-storey tower. The base building would contain 24 rental replacement units (20 one-bedroom units and four two-bedroom units) with the remaining 131 condominium registered units proposed in the 12-storey tower. The total gross floor area was 12,868 m² with a density of 4.5 times the area of the lot (Please see Table 1 for application data on the 2009 submission).

A Preliminary Report was adopted by North York Community Council on March 9, 2010 authorizing City Planning staff schedule a community consultation meeting with the Ward Councillor and that notice for the public meeting be given according to regulations of the *Planning Act*. The Preliminary Report is available at:
<http://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-27362.pdf>.

A revised proposal was submitted on March 22, 2012 seeking permission for 11 storey (35m) condominium building with 24 rental replacement units for a total of 170 residential units and 14,431.6 m² of Gross Floor Area. Also proposed was 404m² of indoor amenity space, 503m² of outdoor amenity space, 139 residential parking spaces, 26 visitor spaces and 128 bicycle spaces.

A Notification of Complete Application on the Zoning By-law Amendment application was issued to the applicant on May 8, 2012.

Due to the appeal of the Zoning Amendment application to the Ontario Municipal Board, a staff report with recommendations on the Rental Demolition Application under Municipal Code Chapter 667 for a Section 111 permit has not been submitted to North York Community Council. If the Zoning By-law Amendment is approved, a report on the Section 111 matters will be submitted for decision by City Council. A Notice of Complete Application under Chapter 667 was issued to the applicant on May 13, 2013.

ISSUE BACKGROUND

Proposal

The application has been revised from the March 22, 2012 submission and currently proposes the construction of an 11 storey (35 metres) condominium building and 24 rental replacement units for a total of 169 residential units. The building would have 14,202 m² of Gross Floor Area and a proposed density of 5.04 times the area of the lot. The proposed unit mix is 12 bachelor units, 12 three-bedroom units, 15 two-bedroom and den units, 24 two-bedroom units, 19 one-bedroom and den units, and 63 one-bedroom units. Also proposed is approximately 265 m² of indoor amenity space (1.6m² per unit), 416 m² of outdoor amenity space (2.5m² per unit), a 329 m² accessible roofdeck (1.9m² per unit).

The existing two (2) two-storey rental buildings comprise 24 rental apartments with a mix of 2 bachelor units, 10 one-bedroom units, and 12 two-bedroom units. At the time this report was written, it is unclear what the rental replacement bedroom mix is. The rental replacement units would range in size from 50.2 m² (540 sq. ft.) to 85.9m² (925 sq. ft.) and have access to the common indoor and outdoor amenity space.

The proposed building would provide setbacks of approximately 4.5m to the front property line (Neptune Drive), approximately 4.5 to 4.7m to the north lot line, approximately 4.5m to the south lot line and 7.5m from the rear lot line abutting the property to the east (3636 Bathurst Street). On the west elevation facing Neptune Drive, the proposed building would include a step back of approximately 4.3m above the third floor and a second step back above the eighth floor of approximately 3.8m.

Vehicular access to underground parking and the loading area is proposed on the north side of the building, via Neptune Drive. A total of 150 residential parking spaces are proposed, including 18 designated rental parking spaces and 3 barrier free parking spaces. A total of 132 bicycle spaces (106 occupant and 26 visitor) are also proposed. A total of 10 visitor parking spaces, including 1 barrier free space, and 6 occupant and 26 visitor bicycle spaces are proposed at grade (see Attachment 10: Application on Data Sheet).

Table 1 below illustrates the key changes made to the proposal since the June 2009 initial submission.

Table 1

	Original Proposal	Revised Proposal (March 2012)	Revised Proposal (November 2012)
Height	14 storeys (43.82m)	11 storeys (35m + 5m for rooftop mechanical)	11 storeys (35m + 5m for rooftop mechanical)
Density	4.57 times the area of the lot	5.13 times the area of the lot	5.04 times the area of the lot
Coverage	29.7%	n/a	30.5%
Gross Floor Area	12,868m ²	14,432 m ²	14,202 m ²
Number of Total Residential Units	155	170	169
Amenity	n/a	404 m ² indoor,	265 m ² indoor, 416 m ²

Area		504m ² outdoor	outdoor
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Site and Surrounding Area

This site is on Neptune Drive, on the west side of Bathurst Street south of Highway 401. The site has a frontage of 45.6 metres, a depth of 61.7 metres and an area of 2,815 m².

Currently, there are two three-storey walk-up apartment buildings on the site, with a surface parking lot and detached at-grade carports located at the rear of the buildings. The two buildings contain 24 rental units consisting of 2 bachelor units, 10 one-bedroom units and 12 two-bedroom units.

Land uses surrounding the site are as follows:

North: 2.5 storey walk-up apartment buildings directly abutting the site along Neptune Drive and Hotspur Road;

East: a 19-storey apartment building (3636 Bathurst Street) and a 9-storey apartment building (3630 Bathurst Street - Reuben Cipin Healthy Living Community);

West: 2.5 and 3.5 storey walk-up apartment buildings surround a public park (Rajah Park) along Neptune Drive and Wasdale Crescent; and

South: abutting the site to the south is a private school with an outdoor play area (Louis and Leah Posluns Education Centre) and a synagogue (Shaarei Tefillah Synagogue) located at the southwest corner of Neptune Drive and Bathurst Street. Baycrest Hospital is located further south at Bathurst Street and Baycrest Avenue.

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. City Council's planning decisions are required to be consistent with the PPS. The PPS provides a policy framework for the provision of a full range of housing to meet the needs of current and future residents, and for municipalities to establish housing strategies, including appropriate Official Plan policies, and affordable housing targets.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site *Apartment Neighbourhoods*. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. Policy 4.2.2 sets out development criteria in *Apartment Neighbourhoods* including, but not limited to:

- providing transitions between areas of different development intensity and scale;
- locating buildings to frame the edges of streets and parks;
- providing indoor and outdoor recreation space; and
- providing ground floor uses that enhance safety and amenity.

Unlike growth areas such as the *Centres* and *Avenues*, *Apartment Neighbourhoods* are considered physically stable areas where significant growth is generally not anticipated. New development within *Apartment Neighbourhoods* is required to maintain the stability of the surrounding area and to reinforce the existing physical character of the neighbourhood, streetscapes and open space patterns.

Policy 2.3.1 "Healthy Neighbourhoods" states that *Neighbourhoods* and *Apartment Neighbourhoods* are physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

The Built Form policies in Section 3.1.2 of the Official Plan provide direction on the siting and massing of new development. These policies require new development to fit within its existing and/or planned context. These policies also state that new buildings will provide appropriate massing and transition in scale to neighbouring buildings, will respect the character of the surrounding area, and limit shadow impact on adjacent properties, streets and open spaces. Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development.

Section 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. It also requires the protection of rental housing units. Policy 3.2.1.6 directs that new development resulting in the loss of six or more rental housing units will not be approved unless all the rental housing units have rents that exceed mid-range rents or if the following are secured with at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those at the time the redevelopment application is made, for at least 10 years.

The Official Plan requires an acceptable tenant relocation and assistance plan, addressing the right to return to occupy one of the replacement units at similar rents, and other assistance to lessen the hardship is secured.

The Official Plan also provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Lawrence-Allen Secondary Plan

The subject site is located in the northeast quadrant of the Lawrence-Allen Secondary Plan area outside of the Focus Area. City Council adopted Official Plan Amendment 162, including the Lawrence-Allen Secondary Plan at its meeting of November 29, 30 and December 1, 2011. City Council also adopted a number of implementation plans with the Secondary Plan including a Transportation Master Plan, Community Services and Facilities Strategy, Urban Design Guidelines and endorsed an Infrastructure Master Plan.

The Lawrence-Allen Secondary Plan provides a comprehensive planning framework for the development of a new neighbourhood in its Focus Area (the Lawrence Heights neighbourhood) and confirms the urban structure and land use designations outside its Focus Area that provide for growth in *Mixed Use Areas*, *Institutional Areas* and along *Avenues* where growth is supported by appropriate land use designations.

The Lawrence-Allen Secondary Plan designates the subject site *Apartment Neighbourhoods*. Policy 3.1.26 states that *Apartment Neighbourhoods* are considered stable areas that include those uses identified in the Official Plan, and demonstrate a consistent built form of low-rise, walk-up apartment buildings with generous landscaped setbacks from the street. New development in *Apartment Neighbourhoods* will respect and reinforce the prevailing built form.

Map 32-2 (Attachment 8) identifies three sub-areas of the Neptune-Hotspur Apartment Neighbourhood which may experience development that differs from the prevailing built form of low-rise apartment buildings.

The subject site is identified as Sub-area 4 in the Neptune-Hotspur area of the Secondary Plan. Policy 3.1.28 states that development in this sub-area may be supportable if it provides appropriate built-form transition to the prevailing low-rise built form character of the Neptune-Hotspur area. Development in Sub-area 4 will:

- i. not exceed a height that equals the planned right-of way of the facing street and will generally be six to eight storeys;
- ii. provide an appropriate base condition that respects the prevailing low-rise character of the Neptune-Hotspur area; and
- ii. provide generous landscaped setbacks that reinforce existing patterns of landscaped open space. *Apartment Neighbourhoods* in Lawrence-Allen provide a significant amount of affordable, purpose-built rental housing that is an important component of a full range of housing.

Notwithstanding the development potential anticipated by Policy 3.1.28, development will conform to policies of the Official Plan respecting preservation of rental housing (Policy 3.1.29).

The Secondary Plan policies pertaining to Sub-Area 4, including Policies 3.1.26 and 3.1.28, have been appealed to the Ontario Municipal Board by the applicant. A Pre-Hearing Conference is scheduled for June 5, 2013. A full hearing date is scheduled for September 9-13, 2013. Notwithstanding, City Council's decision to enact these policies illustrate the need to appropriately address and plan for intensification pressures in this area, and development shall have regard for these policies.

Zoning

The subject site is zoned Multiple-Family Dwellings Fifth Density Zone (RM5) in the former City of North York Zoning By-law No. 7625. The RM5 zoning permits multiple attached dwellings. Maximum coverage is 35 per cent of the lot area and the maximum gross floor area is not to exceed 100 per cent of the lot area. The maximum permitted height is 11.5 metres.

Tenure

The applicant advises that 145 of the proposed units would be condominium tenure. The remaining 24 units would be replacement rental units with no condominium registration.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), established Chapter 667 of the City's Municipal Code. It is one of the tools which 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 in which six or more rental housing units will be affected 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 6 or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Site Plan Control

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

Reasons for the Application

An amendment to the former City of North York Zoning By-law No. 76325 is required to permit the proposed height, density and coverage, and to establish appropriate performance standards to facilitate the proposal.

The Lawrence-Allen Secondary Plan Sub-Area 4 policies limit development for the subject lands to a height that equals the planned right-of-way of the facing street (Policy 3.1.28(c)(i)). The proposal exceeds the width of the Neptune Drive right-of-way. The applicant has appealed policies 3.1.26 and 3.1.28 of the Lawrence-Allen Secondary Plan.

Community Consultation

A community consultation meeting was held by City Planning on April 13, 2010 and approximately 75 members of the public attended along with the applicant, and the Ward Councillor . The following issues were raised at the community consultation meeting:

- Proposed tenure and housing form;
- Rental Replacement and rights of existing tenants;
- Impacts of additional traffic on the area;
- Adequacy of the residential and tenant parking supply being proposed;
- Adequacy of the proposed visitor parking supply and potential of overflow parking on residential streets;
- Character of the neighbourhood as it relates to building location and height;
- The lack of publicly accessible open space in the community;
- Possible shadowing of a tall building on residential units

Two working group meetings were held by City Planning staff to discuss the Zoning By-law Amendment application. The first Working Group meeting was held on July 13, 2010 and included members of the Working Group, the applicant and the Ward Councillor. The following issues and comments were raised at the first Working Group meeting:

- Shadowing from the proposed height of the building;
- Privacy and overlook;
- The provision of a base condition of 2-3 storeys with a stepback to a total building height of 6-8 storeys was discussed with a preference for six storeys;
- The possibility of a comprehensive planning study for the block bounded by Neptune Drive, Hotspur Road and Bathurst Street to address some of the concerns affecting the area;

A second working group meeting was held by City Planning staff on June 27, 2011 with six (6) Working Group members in attendance, along with the owner, applicant and a representative for the Ward Councillor. The following issues were raised at the second working group meeting.

- Scale of the 11 storey building did not fit into the context of the neighbouring 2.5 to 3.5 storey buildings;
- Precedent-setting nature of a tall building for future development proposals within the block and in the neighbouring community;
- Impact of shadowing and overlook of the 11 storey building on the abutting private school and outdoor play area (Louis and Posluns Education Centre) to the south, on 54 Neptune Drive and on westerly units and balconies of 3636 Bathurst Street, 27 Hotspur Road and the sidewalk on both Neptune Drive and Hotspur Road;
- Increased wind conditions with the introduction of additional tall buildings on the block;
- Increased traffic generated onto a one-way street system with the proposed development and subsequent development within the block at a similar and/or larger scale especially during peak pick-up and drop-off times for the neighbouring school;
- Further massing refinement of the building and base building with more defined stepbacks, a larger front yard setback, greater front yard landscaping consistent with open space pattern in the neighbourhood and less hard surface area;
- Elimination of drop-off driveway;
- Landscape buffering for the ground floor residential units along south property line; and
- Providing an appropriate number of resident and visitor parking spaces.

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

Staff have reviewed the application proposing the development of an 11-storey building with a density of 5.04 times the area of the lot at the subject location. The proposed built form, height and density of the development along with the rental replacement housing proposal has raised a number of issues and concerns as summarized below.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. Part V, Policy 1.0 Building Strong Communities provides that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.

The Provincial Policy Statement also states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Furthermore, Section 4.5 directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The City's Official Plan policies protect rental housing and seek a mix of housing by type, tenures and affordability within neighbourhoods. Meeting the Official Plan requirements for full replacement at similar rents will contribute to a full range of housing by preventing the loss of rental housing and maintaining affordable housing.

The site is appropriate for redevelopment and intensification. However, as outlined in greater detail in this report, a more moderate form of intensification than the proposed building would fit within the existing and planned context. The proposal does not address several Official Plan policies relating to transition and rental housing replacement, and as such, the proposed Zoning By-law Amendment is not consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) strives, among other things, to direct growth to areas of urban intensification. It also requires municipalities to set clear targets for population and employment growth. The Growth Plan also directs growth to *urban growth centres, intensification corridors, major transit station areas, brownfield sites* and *greyfields* to provide as a key focus for transit and infrastructure investments to support future growth.

Neptune Drive is not identified as an *intensification area* in the Growth Plan. *Intensification corridors* are located along major roads, arterials, or higher order transit corridors that have the potential to provide a focus for higher density mixed-use development consistent with planned transit service levels.

Density, Height, Transition and Massing

The Built Form policies of the Official Plan provides direction for new development to fit harmoniously into its existing and/or planned context and to limit its impact on neighbouring streets, parks, open spaces and properties. These policies further state that new development will be massed to frame adjacent streets in a way that respects the existing and/or planned street proportion and adequately limits any shadowing on neighbouring streets and properties. The Official Plan builds on these policies and provides direction for new development within *Apartment Neighbourhoods* to locate and mass new buildings to frame the edge of streets, maintain sunlight and comfortable wind conditions, and to locate and mass new buildings to provide a transition between areas of different development intensity and scale.

The Lawrence-Allen Secondary Plan directs new development in *Apartment Neighbourhoods* to respect and reinforce the prevailing built form. *Apartment Neighbourhoods* in the Lawrence-Allen Secondary Plan Area demonstrate a consistent built form of low-rise, walk-up apartment buildings with generous landscaped setbacks from the street (Policy 3.1.26).

The prevailing neighbouring built form context of the Neptune-Hotspur *Apartment Neighbourhood* consists of low-rise, 2.5 to 3.5 storey walk up apartment buildings with generous landscaped setbacks from the street (Policy 3.1.28). To the east of the subject site within the block is a 19-storey apartment building (3636 Bathurst Street) and a 9-storey apartment building at 2 Neptune Drive (Reuben Cipin Healthy Living Community) that are designated *Mixed Use* and are within an *Avenue*.

The Official Plan and Secondary Plan require appropriate transition to adjacent areas. While intensification is permitted, it must be balanced by appropriate built form, which achieves fit, transition, and the protection of stable *Apartment Neighbourhoods* as provided in Official Plan and Secondary Plan policies. Transition in scale between developments of differing built form is important in minimizing the impact of large scale development on low-rise development and contributing to successful and comfortable streetscapes.

The planned context in the Lawrence-Allen Secondary Plan Sub-Area 4 contemplates a built form that will provide transition in scale by stepping down the height of buildings from the higher built form along Bathurst Street within the *Mixed Use Avenue* designation, to the lower scale buildings and uses within the Neptune-Hotspur *Apartment Neighbourhood*. The Secondary Plan asks for a mid-rise building limited to a maximum height equal to the right-of-way width of the road it faces. The right-of-way width of Neptune Drive in this location is 26.2m which results in a building height of approximately 8-9 storeys. The applicant's proposal is 35m (plus mechanical) and 11 storeys.

The introduction of an 11-storey building on the subject site would exceed planned context of this sub-area, would not provide an appropriate transition in height and scale from the higher buildings on Bathurst Street to the existing low-rise walk up apartment buildings in the interior of the neighbourhood, and would not promote a compatible physical relationship with the street.

Official Plan policies for Healthy Neighbourhoods (2.3.1.1) states that *Apartment Neighbourhoods* are physically stable areas where development will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns. Policy 3.1.28 of the Secondary Plan builds on the Healthy Neighbourhoods policy of the Official Plan and requires new development in Sub-Area 4 of the Neptune Hotspur area to provide a base condition which respects the prevailing low-rise character of the area.

The west elevation facing Neptune Drive includes a step back of 5.3m above the third floor and a 2.3m balcony. A second step back of approximately 3.8m is also proposed above the eighth floor and would include a 2.4m balcony. The proposed building elevations should be revised to include clearly defined building stepbacks that respects and reinforces the prevailing low-rise character of the Neptune-Hotspur area.

The proposed building mass and building height will result in shadow impacts on neighbouring streets, properties and open space areas, specifically the rear yards of 54 Neptune Drive, 23 and 25 Hotspur Road and the existing open space area to the east of the

property at 3636 Bathurst Street. The proposed building height should be revised to provide an appropriate transition in height and scale from the taller buildings located on Bathurst Street to the lower scale buildings in the Neptune-Hotspur *Apartment Neighbourhood*, and minimize negative shadow impacts on neighbouring properties and open spaces.

The scale and intensity of the proposed development is reflected in the resultant site density. The proposed building has a height of 35 metres (40m with the mechanical penthouse) and a density of 5.04 times the area of the property. The original proposal had a Floor Space Index of 4.57. City Planning staff will continue to work with the applicant to reduce the proposed building mass, height and site density.

Rental Housing Demolition and Replacement

The applicant proposes to demolish the two existing rental buildings with 24 rental units. The existing rental buildings consist of 2 bachelor units, 10 one-bedroom units, and 12 two-bedroom apartments. City Planning staff have advised that the existing rental units are generous in size, have numerous closets for storage, and have windows and balconies with good access to natural sunlight.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the *City of Toronto Act* for the demolition of the 24 existing rental units in the two existing apartment buildings on the site. Full replacement of all 24 rental units is proposed within the ground floor and second floor of the new 11 storey building.

The applicant has proposed a Tenant Relocation and Assistance Plan for the affected tenants that includes the right to return to the replacement units at similar rents, and financial assistance at the time of move-out for the demolition. Where an application for an Official Plan Amendment or Zoning Amendment triggers an application under Chapter 667 for rental demolition or conversion, City Council typically decides on 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.

When considering the Preliminary Report in March 9, 2010, North York Community Council advised the applicant that they would be seeking the replacement of rental units at least equivalent in size to the existing rental units. Staff also identified concerns with the functional layout of the proposed units and the ability to accommodate family households.

While the applicant is proposing to replace the 24 units, the size of replacement rental units are significantly smaller than the existing units. The design of the units raise a number of concerns respecting the bedroom counts as well as the suitability of the design for families.

The rental replacement proposal does not meet the intent of the Official Plan policy 3.1.2.6(a) regarding the replacement of the same size and type of rental units and has not been accepted by City Planning staff.

Planning staff also have concerns with the Housing Issues Report submitted by the applicant. An analysis has not been provided regarding the potential implications of the reduction in unit sizes for existing tenants finding comparable units in the replacement proposal. Staff have requested additional information in their Tenant Relocation and Assistance Plan, including planning for increased compensation for tenant households who may not be able to return.

The majority of the existing rental units at the time of application in December 2009 had affordable rents, with several in the mid-range. When the full terms of replacement and tenant assistance are being finalized, at least the same number of units with affordable rents should be secured, with the balance having mid-range rents.

These outstanding issues are applied to the Zoning By-law Amendment application before the OMB and the Rental Housing Demolition application. Should the current proposal not be revised by the applicant to an acceptable proposal that meets the intent of the Official Plan, an Official Plan Amendment (OPA) should be required.

Due to the appeal of the Zoning Amendment application to the Ontario Municipal Board, a Final Report with recommendations on the rental demolition application, under Municipal Code Chapter 667 for a Section 111 permit, has not been submitted to North York Community Council. If the Zoning By-Law Amendment is approved, a report on the Section 111 matters will be submitted for decision by City Council, after Planning staff have finalized the terms of the replacement rental housing and all related facilities, as well as tenant assistance. If no acceptable terms can be reached, a report recommending refusal of the application for the Section 111 permit could be submitted.

Recommendations 2, 3 and 4 of this report are focused on ensuring that the rental replacement and tenant assistance matters are reflected in the final planning approvals, and secured through the Zoning By-law and a Section 37 Agreement, should the OMB approve the proposed development in full or in part. The Board will be advised that notwithstanding any decision made by the OMB to approve the development, demolition cannot proceed unless and until City Council gives approval under Section 111 of the *City of Toronto Act*. Staff will work with the applicant to reach acceptable terms on the rental housing matters that can be secured through both the Zoning By-law Amendment and City Council's decision under Section 111.

Access, Parking, Traffic and Loading

The proposed development would be accessed from a driveway off Neptune Drive and would result in approximately 70 and 65 additional two-way trips during the a.m. and p.m. peak hours respectively. A total of 191 residential parking spaces are required to meet parking requirements.

The applicant is proposing a total of 176 spaces on site as follows:

- 153 spaces for residential occupant (including 18 spaces for rental replacement);

- 23 spaces for residential visitor (including 10 visitor parking spaces provided at grade and 13 visitor parking spaces below grade);

Parking is proposed in 3 below grade levels, 166 comprising parking spaces. The applicant is also proposing to provide 104 occupant bicycle parking spaces in the development with 98 residential spaces on the P1 parking level and 6 occupant spaces at grade. A total of 26 visitor bicycle parking spaces are proposed at grade.

The applicant's traffic engineering consultant submitted an addendum report dated November 2012 to their initial Transportation Impact Study dated November 2009, for the City's review. Transportation Services staff have reviewed the report and advised that the parking rates proposed do not comply with the applicable By-law parking provisions. The on-site parking supply for the project must be revised to comply with the requirements for a total of 158 residential spaces and 33 visitor spaces unless further justification can be provided by the consultant.

A Site Plan Control application has not been submitted at this time. A detailed review of site operations including vehicular circulation, parking space dimensions, ramp design, driveway width and radii, loading operations, pick-up and drop-off facilities would be undertaken through this application.

Transportation Services has also indicated that a revised Traffic Impact Study is required to provide analysis for two-way operation on Neptune Avenue which is currently a one way street.

Solid Waste Management

The owner shall be required to meet the guidelines of the “City of Toronto Requirements for Garbage and Recycling Collection from the Developments and Redevelopments”. The owner will be required to provide a detailed site plan indicating the garbage and recycling collection area, concrete pads, container storage area, enclosures.

Stormwater Management and Site Servicing

Engineering and Construction Services Division staff have requested additional review of the parameters used in the sanitary analysis in the Functional Servicing and Stormwater Management Report submitted by R.J. Burnside & Associates Limited. A detailed stormwater management and site servicing report would be required with a Site Plan Control application.

Toronto District School Board

The Toronto District School Board has advised that there is insufficient space at the local elementary and secondary schools to accommodate students anticipated from this development. Students from this development may be accommodated in facilities outside the area.

The TDSB requested that as a condition of approval that the City require the developer to insert in the agreement of purchase and sale a warning clause with respect to availability of school accommodation, and that the developer erect signage on the site advising that it may be necessary for students to be accommodated in facilities outside of the community. This will be secured as part of the Site Plan application process.

Tree Preservation

Appropriate retention and protection measures will be required for trees that qualify for protection under applicable City of Toronto By-laws. This will be secured as part of the Site Plan Control application process.

Section 37

The Official Plan has policies pertaining to the provision of community benefits in exchange for an increase in height and/or density pursuant to Section 37 of the *Planning Act*. The proposal is for 14,202 m² of gross floor area resulting in a site density of 5.04 FSI. The as-of-right zoning permits a maximum density of 1.0 FSI or 2816 m².

The proposed development does not satisfy the threshold test in the Official Plan and the Council approved Section 37 Protocol. This test requires that the proposed development represent good planning prior to initiating discussions regarding Section 37 community benefits. However, the proposal does satisfy Official Plan Policy 5.1.1.4 in terms of the size of the proposal. Therefore, should the Ontario Municipal Board approve the application Recommendation 4 seeks direction to secure community benefits before the Board issues its Final Order.

In determining these community benefits, regard will be had for the policies, implementation plans and guidelines of the Secondary Plan Area.

Priorities for the Lawrence-Allen Secondary Plan Area identified in the Community Services and Facilities Implementation Plan include:

- The need for new licensed, non-profit child care facilities;
- Improvements to public library facilities;
- Facilities and amenities for pedestrians and cyclists;
- The need for non-profit community services and facilities;
- A community centre;
- Off-site transportation infrastructure, including capital improvements to transit facilities;
- Affordable housing; and
- Public art.

Policy 3.1.30 of the Lawrence-Allen Secondary Plan also identifies expansion and improvement of public parkland and community facilities as a priority for the Neptune-Hotspur area. Development in and near this area will seek opportunities to meet this priority and where appropriate, may secure such expansion and improvement through Section 37 of the *Planning Act*.

A Community Services and Facilities Inventory Report was submitted by the applicant and reviewed by staff which identified the need for new licensed, non-profit child care facilities. This report was not accepted by City Planning staff. The report did not incorporate background work from the Lawrence-Allen CS&F Strategy to support its findings, including reconfirming and/or updating the CS&F priorities other than an analysis of two service sectors - schools and child care. The Lawrence-Allen CS&F Strategy identified existing service gaps with respect to these specific service sectors including recreation, libraries and social services. The applicant's CS&F Inventory lacked a detailed analysis these key service sectors.

The provision of community benefits and/or cash contributions toward these benefits should be considered as part of any discussions regarding a revised application. To date, staff have not had any discussions with the applicant regarding a Section 37 contribution amount. Staff have, however, had discussions with Parks, Recreation and Forestry (PFR) staff and the Ward Councillor regarding Section 37 benefits. PFR staff have identified the following local park improvements to Rajah Park including:

- Installing park signage at street entrances at Neptune Drive and Rajah Street;
- Creating a community connector to Bathurst Street east of Neptune Drive;
- Increasing seating opportunities in the Park and along the existing pedestrian pathway;
- Augmenting play equipment to provide a range of play opportunities for all ages and abilities, in particular young children;
- Formalizing the design and landscape along the pedestrian pathways to create a well-defined community connector;
- Providing opportunities for community landscapes/gardens;
- Upgrading the fencing along the southern border of the park;
- Installing additional pedestrian lighting at entrances and throughout the park to increase safety and surveillance; and,
- Design and install public art/community landscapes through a community-based process.

The Ward Councillor has also identified streetscape improvements to Neptune Drive in the form of additional seating opportunities as a potential community benefit.

Staff have also had discussions with representatives of the local community regarding local area improvements on June 27, 2012 during the Working Group meeting. Several working group members identified the need for improved streetscaping on Neptune Drive such as shade trees and street furniture (i.e bus shelters and benches) to enhance the pedestrian experience on Neptune Drive. Upgrades to the public realm, including improvements to

Rajah Park and better midblock pedestrian connections were seen as desirable assets to the community. The existing walkway through Rajah Park was identified as an important pedestrian space that connected Neptune Drive to Rajah Street and further west to the open spaces adjacent to the Wagman Centre.

Staff will continue discussions with the applicant in an effort to resolve all outstanding matters outlined in this report. Section 37 contribution discussions should also be undertaken and addressed in a revised proposal and secured in the Section 37 agreement and Zoning By-law, if the appeal is allowed.

Staff are also recommending that a full replacement of rental dwelling units and a tenant relocation and assistance plan be provided, to the satisfaction of the Chief Planner and Executive Director, City Planning, as noted in Recommendations 2 and 3 in this report. These elements should also be secured in the Section 37 Agreement and Zoning By-law, if the appeal is allowed.

Site Plan

The Site Plan Control application has not been submitted. Staff anticipate the submission of an application to implement the development and address matters such as landscaping, building design, fenestration and other Site Plan Control matters. The continuation of a midblock connection from Rajah Park through to Bathurst Street was also expressed as an important element for promoting pedestrian accessibility and safe bicycle routes through the community.

Conclusions

Planning staff support additional development at this location, provided its built form and height provide an appropriate transition from the taller building located on Bathurst Street to the existing low-rise built form, limits shadow impacts and is an appropriate density that will reinforce the existing physical character of the neighbourhood. The current development at its proposed height and scale fails to achieve this. The proposal for rental replacement and tenant relocation and assistance matters are not acceptable and do not meet the intent of the Official Plan.

It is recommended that City Council oppose the application in its current form, for the reasons set out in this report and authorize the City Solicitor and appropriate staff to attend any Ontario Municipal Board hearing in opposition to the current proposal. It is also recommended that City Council request staff to continue discussions to address the issues raised in this report including appropriate Section 37 benefits for the revised proposal and any additional issues identified through the detailed review of this application.

CONTACT

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E-mail: asalles@toronto.ca

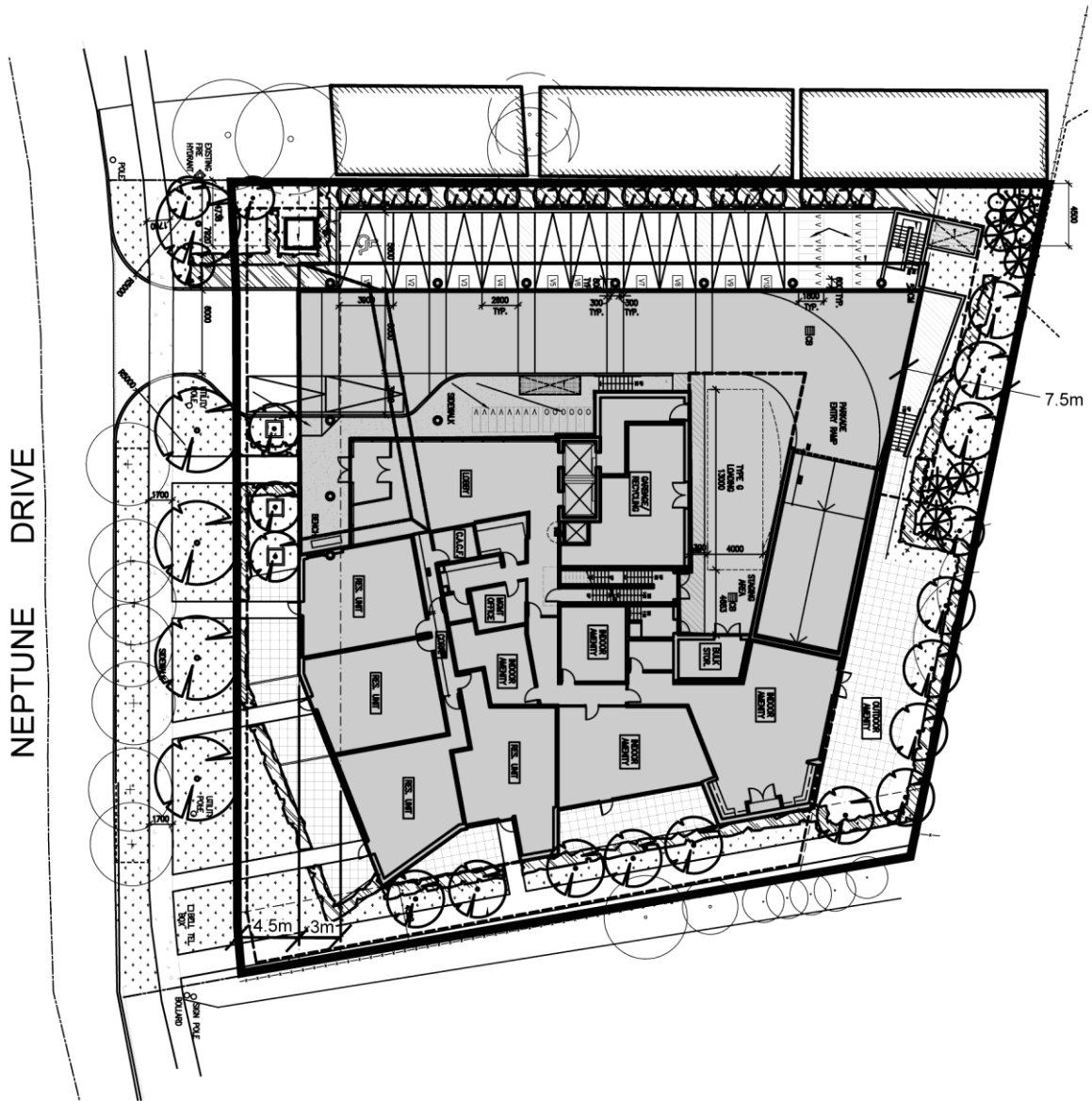
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North Elevations
- Attachment 3: South Elevation
- Attachment 4: East Elevation
- Attachment 5: West Elevation
- Attachment 6: Official Plan
- Attachment 7: Lawrence-Allen Secondary Plan Map 32-6 (Extract)
- Attachment 8: Lawrence-Allen Secondary Plan Map 32-2 (Extract)
- Attachment 9: Zoning
- Attachment 10: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

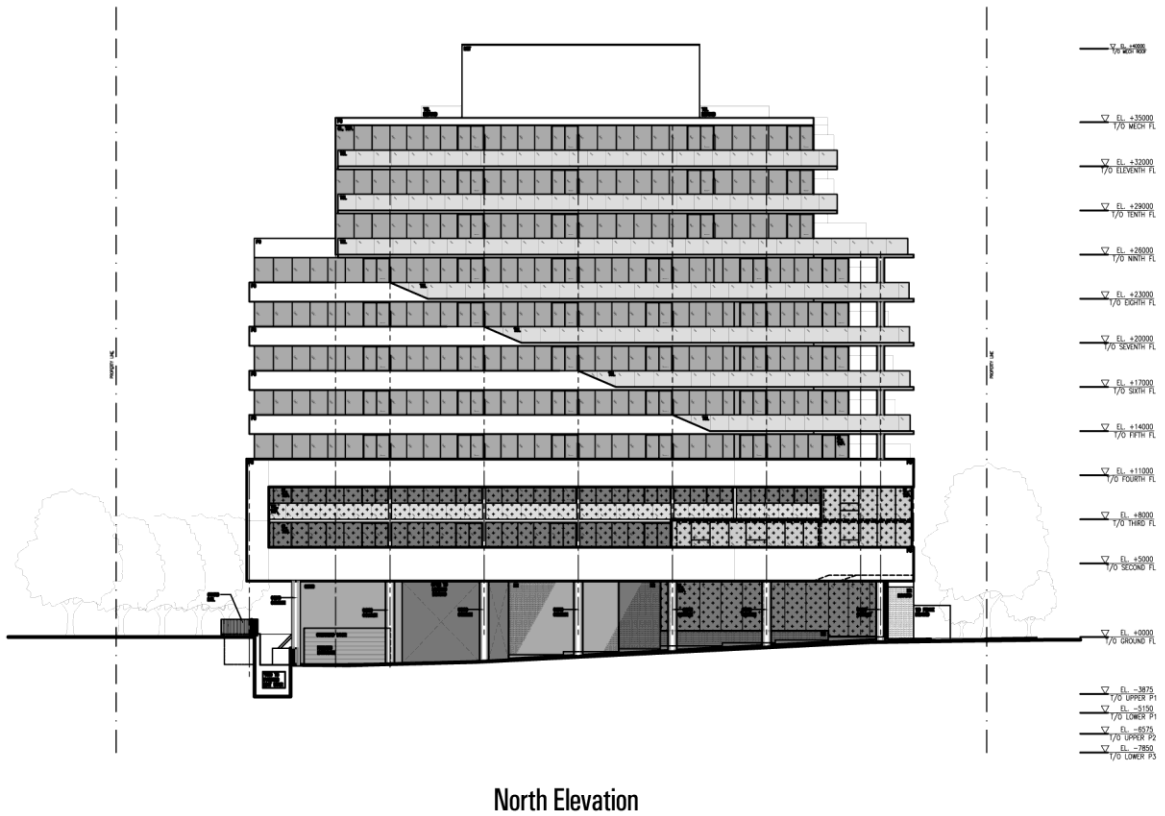
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05/21/2013



50 & 52 Neptune Drive

File # 09_200486

Attachment 2: North Elevation



Elevations

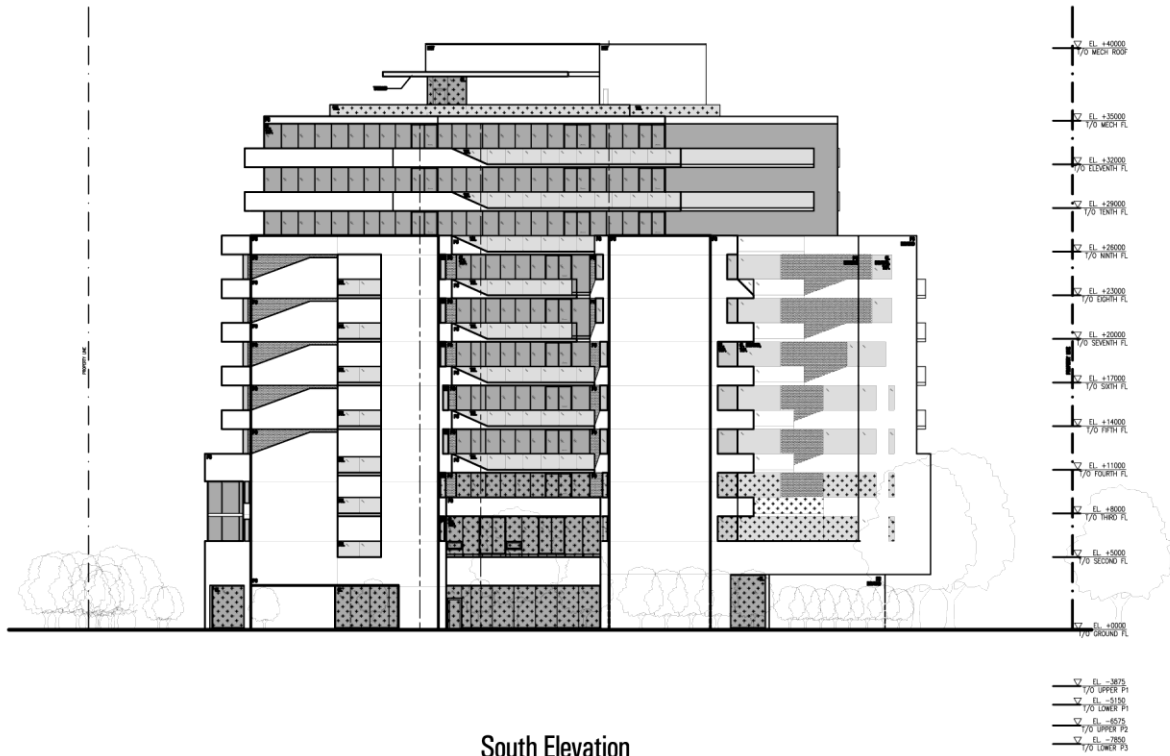
Applicant's Submitted Drawing

Not to Scale
05/21/2013

50 & 52 Neptune Drive

File # 09_200486

Attachment 3: South Elevation



South Elevation

Elevations

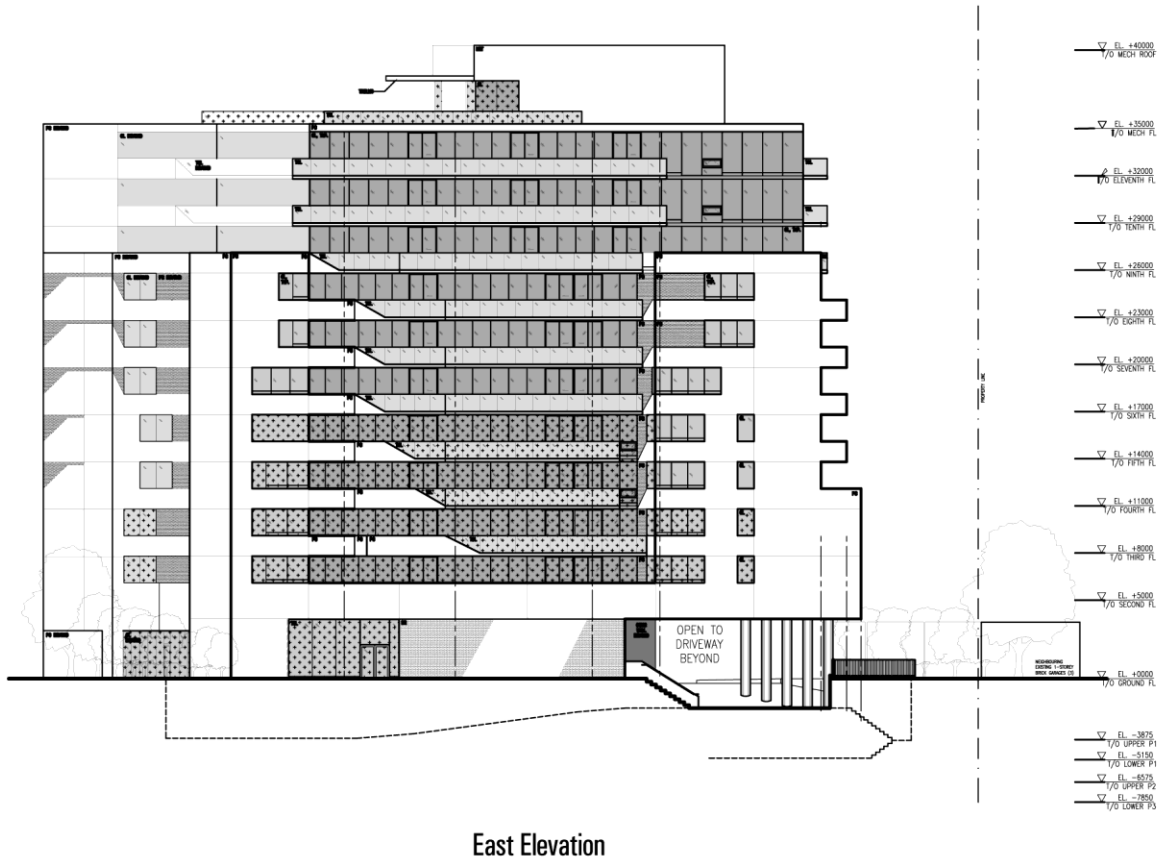
Applicant's Submitted Drawing

Not to Scale
05/21/2013

50 & 52 Neptune Drive

File # 09_200486

Attachment 4: East Elevation



Elevations

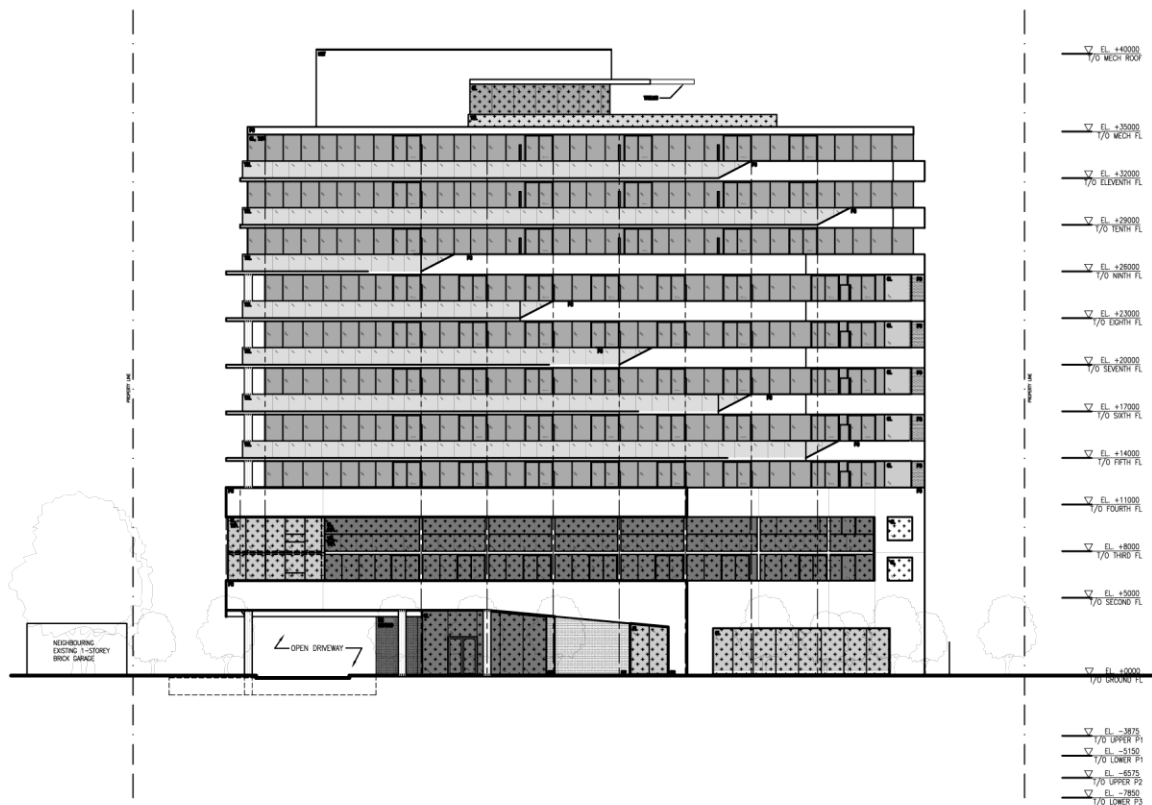
Applicant's Submitted Drawing

Not to Scale
05/21/2013

50 & 52 Neptune Drive

File # 09_200486

Attachment 5: West Elevation



Elevations

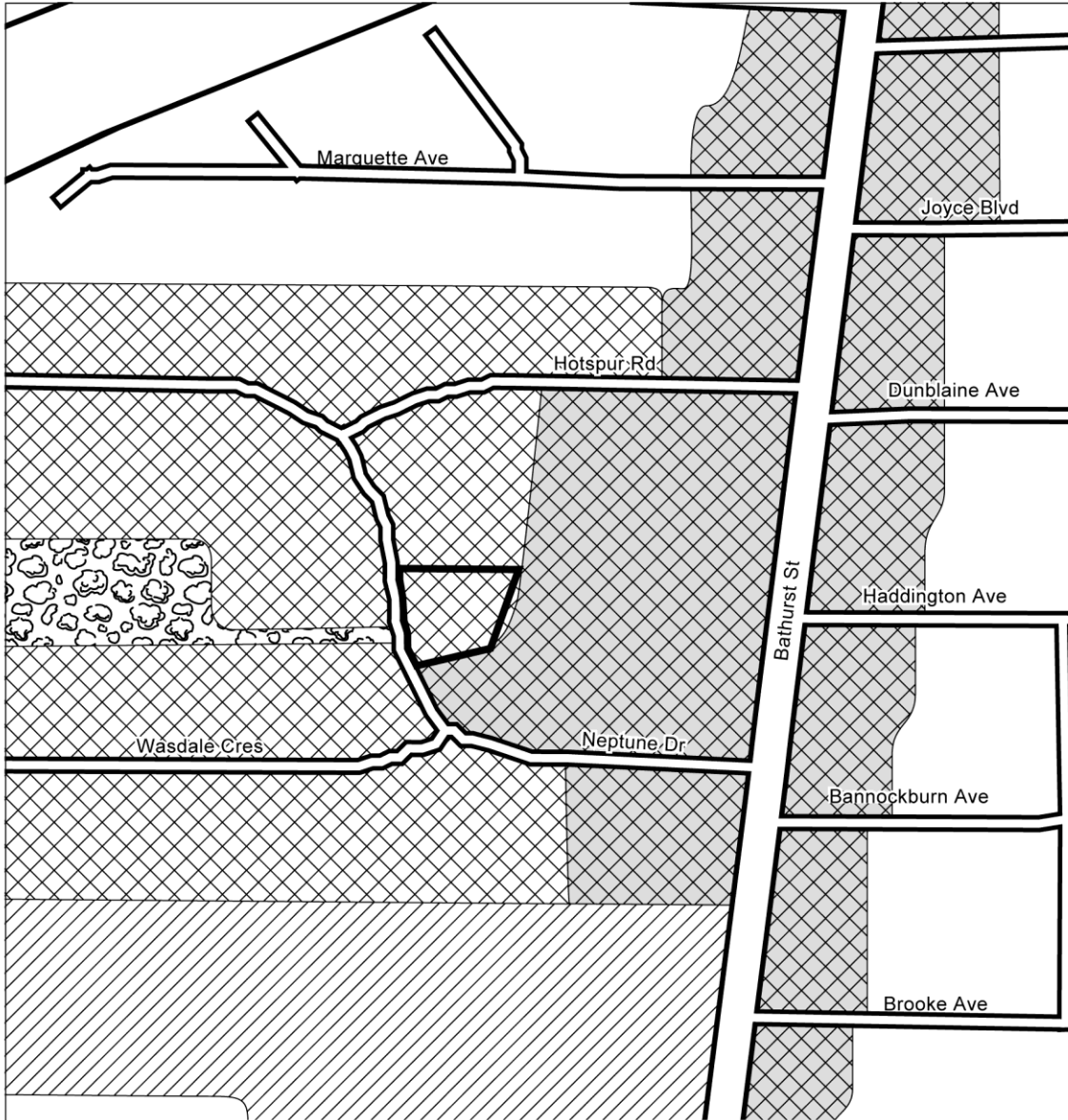
Applicant's Submitted Drawing

Not to Scale
05/21/2013

50 & 52 Neptune Drive

File # 09_200486







Attachment 6: Official Plan



TORONTO City Planning
Official Plan

50 & 52 Neptune Dr.

File # 09_200486











- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods |  Institutional Areas |
|  Mixed Use Areas | |


 Not to Scale
 01/29/2010

Attachment 7: Lawrence-Allen Secondary Plan Map 32-6 (Extract)

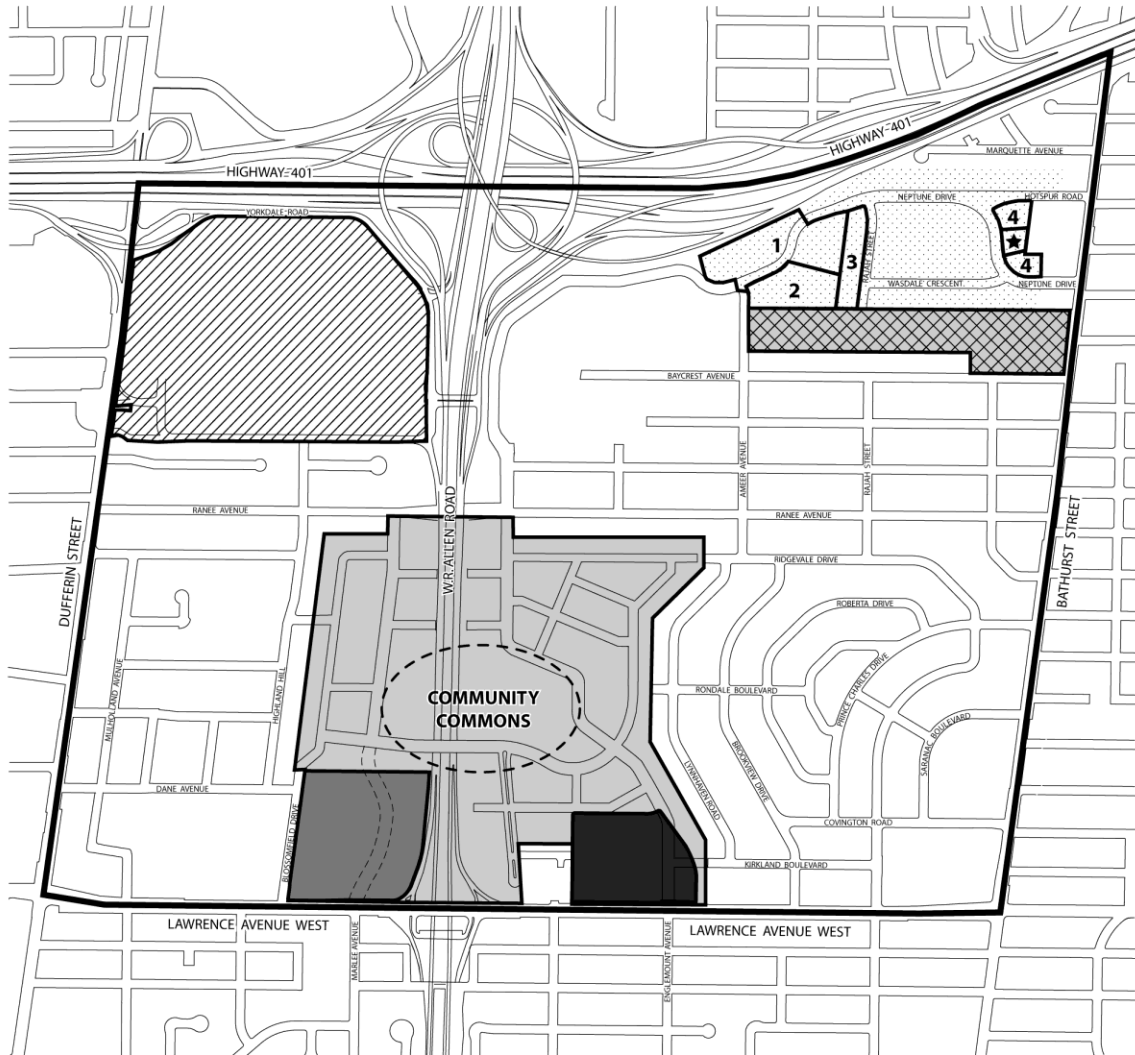


Lawrence-Allen Secondary Plan
MAP 32-6 Land Use Designations

-  Subject Site
-  Secondary Plan Boundary
-  Focus Area Boundary
-  Neighbourhoods
-  Neighbourhoods A
-  Apartment Neighbourhoods
-  Apartment Neighbourhood A
-  Mixed Use Areas
-  Institutional Areas
-  Parks

October 2011

Attachment 8: Lawrence-Allen Secondary Plan Map 32-2 (Extract)



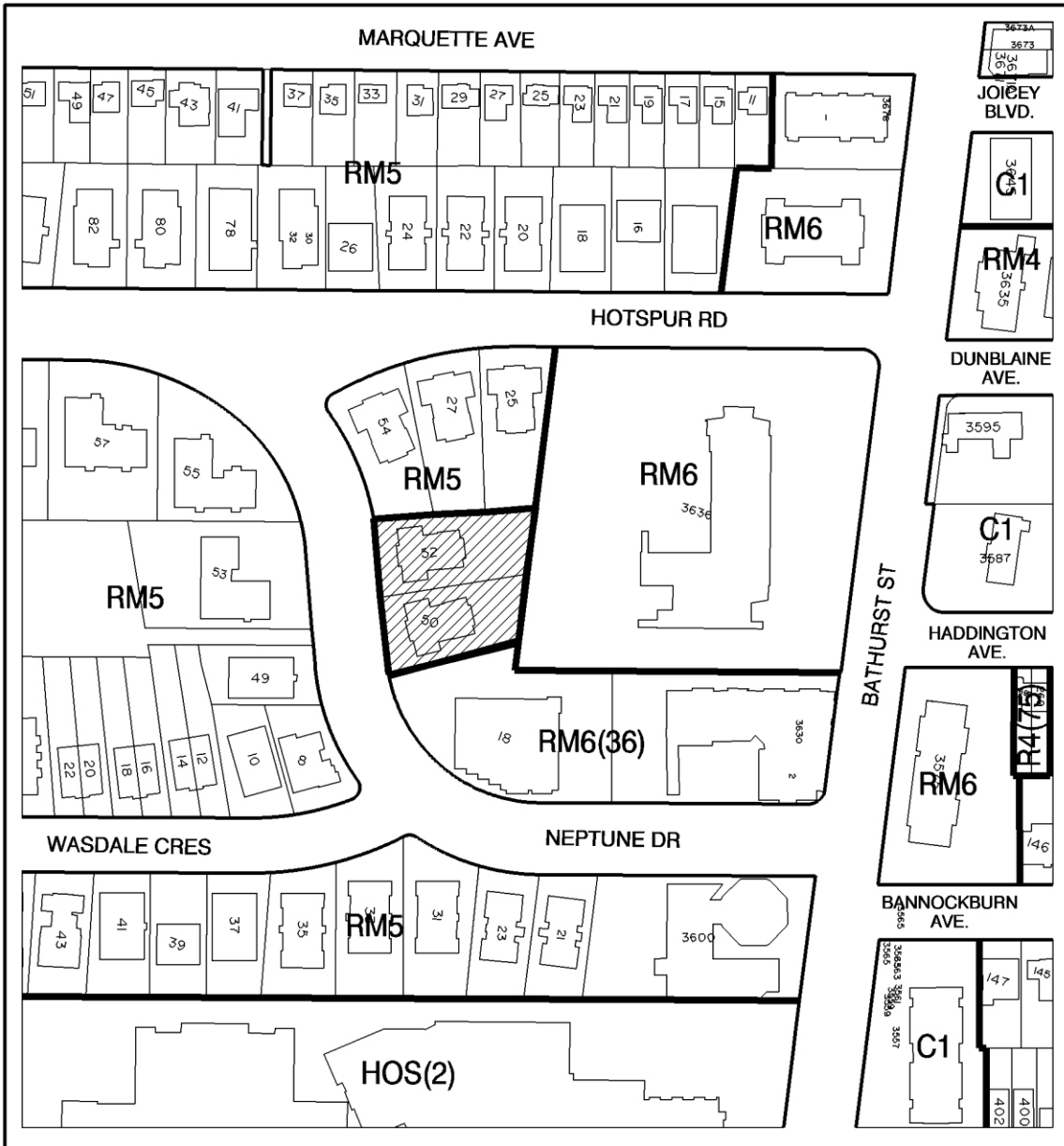
Lawrence-Allen Secondary Plan

MAP 32-2 Special Areas

Subject Site	Baycrest Hospital Campus	Sub-Area 1	Sub-Area 3
Secondary Plan Boundary	Yorkdale	Sub-Area 2	Sub-Area 4
John Polanyi Site	Lawrence Heights Lands		
Lawrence Square	Neptune/Hotspur Apartment Neighbourhood		

October 2011

Attachment 9: Zoning



50 & 52 Neptune Dr.
File # 09_200486

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

C1 General Commercial Zone



Not to Scale
Zoning By-law 7625
Extracted 01/29/2010

Attachment 10: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	09 200486 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	December 30, 2009

Municipal Address: 50 NEPTUNE DR

Location Description: PLAN 4680 S PT LOT 21 **GRID N1502

Project Description: Revised application to permit the development of an 11 storey (35m) condominium building and rental replacement for a total of 169 residential units and 14,252.2 m² of Gross Floor Area. Also proposed is 265.1m² of indoor amenity space, 420.6 m² of outdoor amenity space, 153 residential parking spaces, 23 visitor spaces and 132 bicycle spaces.

Applicant:	Agent:	Architect:	Owner:
SLOBODSKY ASSOCIATES			2135334 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	RM5	Historical Status:
Height Limit (m):	11.5, 0, 0	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	2815.9	Height	Storeys:	11
Frontage (m):	45.6	:	Metres:	35
Depth (m):	61.73			
Total Ground Floor Area (sq. m):	948.9			Total
Total Residential GFA (sq. m):	14202.2		Parking Spaces:	153 +23 visitor
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	14202.2			
Lot Coverage Ratio (%):	33.7			
Floor Space Index:	5.04			

DWELLING UNITS

Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	12
1 Bedroom:	94
2 Bedroom:	51
3 + Bedroom:	12
Total Units:	169

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	14202.2	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Andria Sallese, Planner
TELEPHONE: (416) 395-7166