M TORONTO

STAFF REPORT ACTION REQUIRED with Confidential Attachment

2849, 2851, 2853, 2855 and 2857 Islington Avenue – Official Plan and Zoning By-law Amendment Application – Request for Direction Report

Date:	March 24, 2015
То:	City Council
From:	City Solicitor
Wards:	Ward 7 – York West
Reference Number:	P:\2015\Cluster B\PLN\City Council\CC15054 13 149015 WET 07 OZ

SUMMARY

The purpose of this report is to request direction from City Council regarding a pending Ontario Municipal Board hearing, scheduled to begin on April 7, 2015, on the application for Official Plan and Zoning By-law Amendments at 2849, 2851, 2853, 2855 and 2857 Islington Avenue.

At its meeting of August 25, 26, 27 and 28, 2014, City Council opposed the application, required

the applicant to submit outstanding materials related to Section 111 of the City of Toronto Municipal Code and directed Planning staff to continue discussions with the applicant to bring the application into conformity with the policies of the *Neighbourhoods* designation of the Official Plan.

Discussions have continued and the applicant has submitted plans, dated February 27, 2015, for a revised proposal that addresses City Planning concerns regarding the proposed building massing, setbacks and shadow impact. This report has been prepared in consultation with City Planning.



RECOMMENDATIONS

The City Solicitor recommends that:

- 1. City Council adopt the Confidential Recommendations in Attachment 6.
- 2. City Council authorize the public release of the Confidential Recommendations adopted by Council in Attachment 6, if adopted by City Council.

Financial Impact

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

DECISION HISTORY

The Official Plan and Zoning By-law Amendment application was submitted on April 15, 2013.

A Preliminary Report outlining the proposal and recommending a community consultation meeting be held was adopted by Etobicoke York Community Council on May 13, 2013. The Preliminary Report can be viewed at the following link: <u>http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY24.6</u>

On August 11, 2014, the solicitor representing the owner of the lands appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's failure to make a decision within the time prescribed by the *Planning Act*.

A Refusal Report on the application was considered by Etobicoke York Community Council on August 12, 2014. The Refusal Report can be viewed at the following link: <u>http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY35.8</u>

Etobicoke York Community Council recommended that City Council direct City Legal staff to attend the Ontario Municipal Board hearing in support of the revised application for an Official Plan Amendment and Zoning By-law Amendment, ensuring that the following revisions to the plans which are now filed with the City (in the four storey plus loft proposal) are properly secured in the implementing Official Plan amendment and Zoning By-law amendment:

- a. The reduction in the total residential gross floor area from 7,613.7 m^2 to 6,962.7 m^2 .
- b. The reduction in the lot coverage from 62.0% to 60.9%.
- c. The reduction in the number of dwelling units from 111 units to 106 units.
- d. The increase in the number of two bedroom dwelling units from 4 units to 11 units.

- e. The stepback which has been introduced above the 3^{rd} storey along the north façade, with the majority of the 4^{th} floor setback 4.6 m from the north lot line and the entire loft level (5^{th} floor) setback 9.2 m from the north lot line.
- f. Within the above-noted stepback area, secure the reduced height of the 3rd floor which was reduced from 16.3 m to 10.45 m and the associated reduction to the height of the 4th floor from 16.3 m to 13.6 m.
- g. Secure the introduction of the residential units along the exposed blank wall on the east façade at the P1 level.
- h. Secure the residential amenity space which has been added in place of one of the residential units on the ground floor level, coupled with the increase in the amount of residential amenity space from 141.21 m^2 to 168.22 m^2 .
- i Secure the turn-around area which has been added at-grade for the loading space.
- j. On the ground floor and second floor levels, secure the increased setback from the property line along Islington Avenue at the southwest corner which has been increased from 6.0 m to 7.3 m.
- k. Secure the increased setback of the third floor from the rear property line, which setback has been increased from 12.8 m to 15.8 m.
- 1. On the third floor, secure the west facing balconies which have been revised to create continuous balconies parallel to Islington Avenue.

At its meeting of August 25, 26, 27 and 28, 2014, City Council amended the Etobicoke York Community Council recommendation to oppose the application; required the applicant to submit outstanding materials related to Section 111 and the Housing Issues Report; and directed Planning staff to continue discussions with the applicant to bring the application into conformity with the policies of the *Neighbourhoods* designation of the Official Plan. The City Council decision can be viewed at the following link:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY35.8

The OMB has set aside 4 days for a hearing on the applicant's appeal, beginning April 7, 2015.

ISSUE BACKGROUND

In April 2013, a proposal was submitted for a new 5-storey apartment building that would contain 111 units and 7,600 m² of gross floor area. An Official Plan Amendment application was subsequently filed in May, 2013, to allow for this proposed 5-storey apartment building within the *Neighbourhoods* designation of the site.

A revised submission proposed a 4-storey apartment building that would contain 109 units and a total gross floor area of approximately 6,500 m². With the reduction in the height of the proposed apartment building to 4 storeys, an Official Plan Amendment was deemed to be no longer required. In a staff report dated July 18, 2014, Planning staff recommended that the application for a four-storey apartment building be refused because of substantive built form issues. The 4-storey apartment building is illustrated in Attachment 1.

On August 8, 2014 the applicant again submitted revised drawings that increased the height of the proposed apartment building to 5-storeys (the fifth floor would contain units with two levels, the upper level being loft space). The new proposal would contain 106 units and 6,962 m^2 of gross floor area.

On August 11, 2014, shortly after the release of the July 18, 2014 staff report, the applicant filed an appeal of the Official Plan Amendment and Zoning By-law Amendment application to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*.

Following City Council's direction given at its August 25-28, 2014 meeting, Planning staff continued discussions with the applicant aiming to arrive at a proposal that addresses the concerns previously identified in the July 18, 2014 staff report with respect to the proposed building massing, setbacks and shadow impact.

The applicant filed an application for Rental Housing Demolition and Conversion on January 21, 2015 (15 106841 WET 07 RH) that has now been deemed complete. Staff anticipate bringing a report to City Council for the conditions related to a residential rental housing demolition permit under Chapter 667 of the Municipal Code, pursuant to Section 111 of the *City of Toronto Act* this summer.

Proposal

The applicant has formally submitted revised plans, dated February 27, 2015 (the "Revised Proposal") to the City as a revision to their application. The applicant's solicitor has advised that the revised plans will be filed at the Board at the commencement of the hearing. The revised proposal proposes a 6-storey (5-storey, with the fifth floor units being two storey, loft-style units) apartment building containing 110 units and 6,965 m² of gross floor area. The revised building would step down from 6 storeys (20 m) adjacent to the apartment building to the south to 3 storeys (11 m) adjacent to the semi-detached dwellings to the onrth. It would also step down to two storeys adjacent to the semi-detached dwellings to the east. The north side yard setback and rear yard setback have been increased to provide a better transition to the neighbouring semi-detached dwellings. A total of 267 m² of indoor amenity space would be provided. Additionally, the entrance to the underground parking garage and the loading space would be located on the north side of the building.

A Site Plan and Elevation Plans of the Revised Proposal are attached as Attachments 2 and 3a - 3d, respectively. A 3D Model of the proposal is attached as Attachment 4. Site Statistics are attached as Attachment 5.

Site and Surrounding Area

The site is located on the east side of Islington Avenue, north of Finch Avenue West. The site is irregular in shape and has an area of approximately $3,400 \text{ m}^2$. The site is comprised of 5 properties that currently contain one single-detached house and two pairs of semi-detached houses that are currently being used for rental accommodation. The site topography slopes down from a high point along Islington Avenue southeasterly to the rear lot line.

Surrounding land uses are as follows:

- North: two storey semi-detached houses, St. Roch Catholic Elementary School and St. Roch Catholic Church;
- South: two 9 storey apartment buildings and Gord and Irene Risk Park and Community Centre;
- West: across Islington Avenue are the rear yards of semi-detached houses fronting Grampian Crescent, Islington Park and Rowntree Mills Park; and
- East: residential neighbourhood consisting of predominately two storey semi-detached houses.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application (13 149044 WET 07 SA) has been submitted and is being reviewed concurrently with the application to amend the Official Plan and Zoning By-law. The Site Plan Control application has not been appealed to the Ontario Municipal Board.

COMMENTS

The applicant has resolved the building massing, setbacks and shadow impact issues outlined in the July 18, 2014 Refusal Report from the Director, Community Planning, Etobicoke York District to the satisfaction of Planning staff. However, issues related to rental housing demolition and functional servicing remain unresolved.

Revised Proposal

Discussions between the applicant and Planning staff resulted in revised plans, dated February 27, 2015 and correspondence, received on February 27, 2015 describing the latest revisions, being submitted to Planning staff. A summary of the changes follows:

- the overall building height would be increased from 4 storeys to 6 storeys, and from a maximum of 13.6 m to 20 m at the south end;
- the gross floor area of the building would be increased from 6,500 m² (FSI of 1.9) to 7,000 m² (FSI of 2.04);
- the building setback from the north property line would be increased from 2.7 m to 10.8 m;

- a 3.0 m wide landscape buffer would be provided along the north property line with a similar landscape buffer provided between the hammerhead turnaround at the end of the access driveway and the properties to the east;
- the number of curb cuts along Islington Avenue would be reduced from two to one and the proposed hardscape on the municipal boulevard would also be reduced and replaced with soft landscaping;
- a pick up/drop off area for 2 vehicles would be provided within a widened portion of the access driveway in front of the entrance;
- the front yard setback for the northern portion of the building would be increased from 4.6 m to 7.5 m to better align with the setback of the semi-detached homes to the north;
- all the ground floor units fronting Islington Avenue would have direct access to the public sidewalk;
- a total of 267 m² of indoor amenity space, including a 182 m² multi-purpose room (which is adjacent to the outdoor amenity spaces) and a 85 m² gym would be provided representing a ratio of 2.4 m² per unit, whereas 134 m² was previously proposed;
- a total of 220 m² of outdoor amenity space, representing a ratio of 2 m² per unit, would be provided;
- the underground parking ramp and loading facility would be relocated from the front of the building to the north side of the building and screened from the properties to the east; and
- the west facing units on the fifth floor would be loft units with a mezzanine level, reflecting the sixth storey.

Density, Height, Setbacks, Massing and Sun and Shadow

The July 18, 2014 staff report outlined concerns with the massing, setbacks and shadow impacts of the proposed building. Throughout the review process, Planning staff requested the applicant to submit shadow studies both for the proposed building and for an as-of-right development on the subject site. In the absence of this information, staff were unable to accurately assess the shadow impact of the proposed building. Staff did not receive a satisfactory shadow study until the revised proposal was submitted.

Despite the fact the building height would increase from 13.6 m to 20 m at the south end and the density would increase from a floor space index of 1.9 to 2.04 in the revised proposal, the shadow study analysis demonstrates the proposed development would not result in a significant increase in shadowing on abutting properties as compared to an as-of-right development.

The proposed building is designed to step down from the existing 9-storey apartment building to the south to the existing semi-detached dwellings to the north. The proposed building would step down to 3-storeys at the north end of the building, above the proposed primary entrance. The proposed building would also step down from six storeys on the Islington Avenue frontage to two storeys adjacent to the semi-detached dwellings to the east.

The side yard setback is proposed to be 10.8 m from the north side lot line. The 'step-up' to the fourth floor would be set back an additional 4.6 m from the north side lot line. The side yard setback from the south side lot line has been increased to 3 m. The minimum front yard setback has been reduced to 4 m on the southern portion of the building, but increased to 7.5 m at the northwest corner of the building to respect the front yard setback of the semi-detached homes to the north. The proposed rear yard setback is unchanged at 7.5 m. The proposed building would also provide a 3 m wide landscape buffer between the proposed driveway/turnaround and the semi-detached dwellings to the north and east. Planning Staff are of the opinion that the design of the proposed building, by virtue of the increased setbacks and landscape buffer would provide adequate separation between the proposed building and the semi-detached dwellings to the north and east.

The massing of the building in the revised proposal has been shifted towards the existing apartment building to the south and the Islington Avenue frontage to the west, which provides for an appropriate transition to the surrounding neighbourhood. The significant downward slope from Islington Avenue to the homes directly east of the subject property contributes to shadow impact from any development on the subject lands, including the current as-of-right development permissions. The provision of a 45-degree angular plane on the east side of the building results in no discernible difference in shadow impact between the proposed building and an as-of-right development. Therefore, massing, setbacks and shadow impact are no longer issues for Planning staff.

Amenity Space

The revised proposal includes both indoor and outdoor amenity space. The indoor amenity space is proposed in a 182 m² multi-purpose room located on the parkade (P1) level of the building, adjacent to the outdoor amenity area. In addition, an 85 m² gym is proposed on the ground floor level. The total amount of indoor amenity space has been increased from 134 m² to approximately 267 m², which would represent approximately 2.4 m² of indoor amenity space per unit and would achieve the typical minimum standard of 2.0 m² of indoor amenity space per residential unit. The total amount of programmed outdoor amenity space would be 220 m² which would equate to 2.0 m² of outdoor amenity space per residential unit. It is Planning staff's opinion that the type, amount and location of indoor and outdoor amenity space proposed in the revised proposal is acceptable.

Trees

Urban Forestry staff have advised that the applicant would be required to plant new 'large growing native shade' trees at a three to one ratio and that the current plans do not provide enough new trees to satisfy the required plantings on private property.

Urban Forestry staff also advised that the trees proposed for the site (Dogwood, Serviceberry and Witch Hazel) are not acceptable and that the site should be planted with a mix of large growing shade trees such as American Elm, Cucumbertree, Black Locust, Shagbark Hickory, Hackberry or Blackgum. The requirements and related-approval process as per the City's Tree By-laws will be addressed through the Site Plan Approval process.

Vehicle Access and Loading

As noted in the July 18, 2014 staff report, the Official Plan states that vehicular access is to be located and organized to minimize its impact on the property and the public realm. In the revised proposal, access to the underground garage and loading facilities has been relocated to the north side of the building and away from Islington Avenue, thus improving the attractiveness of the street. Staff are of the opinion that the organization of the underground parking and loading space access are consistent with Official Plan policies.

Transportation Services staff recommend that the proposed residential building provide a minimum of one on-site Type 'G' loading space with minimum dimensions of 13.0 m in length, 4.0 m in width and 6.1 m in height for loading and solid waste pick-up purposes.

The revised proposal would include a Type 'G' loading bay located at the north side of the building.

Vehicular Parking

Transportation Services staff recommend that the subject development provide parking at the rate required by City-wide Zoning By-law No. 569-2013. Based on City-wide Zoning By-law No. 569-2013, it is recommended that the applicant provide the minimum vehicle parking spaces as follows:

•	26 bachelor/studio dwelling units at 0.70 spaces per unit	= 18 spaces
•	74 one-bedroom dwelling units at 0.80 spaces per unit	= 59 spaces
•	9 two-bedroom dwelling units at 0.90 spaces per unit	= 8 spaces
•	1 three-bedroom dwelling unit at 1.10 spaces per unit	= 1 space
•	110 dwelling units at 0.15 visitor spaces per unit	= 16 spaces

The total number of vehicle parking spaces required for the proposed building would be 102.

The revised proposal would provide a total of 104 parking spaces in a two-level underground parking garage. The overall proposed parking supply satisfies Transportation Services staff recommended parking requirements.

Bicycle Parking

The Toronto Green Standard requires bicycle parking in accordance with the following:

- Occupant parking: 110 dwelling units at 0.60 spaces per unit = 66 spaces
- Visitor parking: 110 dwelling units at 0.15 spaces per unit = 17 spaces

The total number of bicycle parking spaces required for the proposed building would be 83.

The revised proposal would provide 83 bicycle parking spaces, therefore satisfying the requirements of the Toronto Green Standard. Transportation Planning staff have advised that the location of the bicycle parking spaces is acceptable and that the location will be secured through the Site Plan Approval process.

Traffic Impact

Transportation Services staff advise that the proposed 110 unit condominium apartment building is forecast to generate approximately 48 and 86 two-way trips in the weekday morning and afternoon peak periods, respectively. Transportation Services staff advise that this volume of vehicle traffic is not anticipated to negatively impact the existing level-of-service of Islington Avenue and the surrounding street network. However, in order to accommodate inbound left-turning vehicles at the proposed site driveway, the applicant will be required to eliminate the existing continuous southbound to eastbound left-turn centre lane along Islington Avenue serving the existing single family dwellings, and provide a southbound to eastbound auxiliary left-turn lane approaching the driveway to the building. The applicant must submit, for review and approval, an appropriate pavement marking drawing which shows the required changes along Islington Avenue and will be responsible for all costs associated with implementing the approved pavement marking plan. This will be secured through the Site Plan Approval process.

Servicing

The applicant submitted a Site Servicing and Stormwater Management Report prepared by Masongsong Associates Engineering Limited. Engineering and Construction Services staff reviewed the report and determined that there are discrepancies between the report and what is shown on the plans submitted with the application. The submitted report also failed to provide a detailed sewer analysis to examine and confirm whether the existing sanitary sewer system in the vicinity of the development has sufficient capacity to accommodate the additional sewer flows resulting from the proposed building.

Revisions to the sanitary, water and stormwater servicing information are necessary, and a revised report is required to be submitted to the satisfaction of the Executive Director of Engineering and Construction Services. Should the revised proposal be supported, the City Solicitor could request the Ontario Municipal Board to withhold its order until such time as the owner has provided a revised Site Servicing and Stormwater Management Report to the satisfaction of the Executive Director of Engineering and Construction Services and the owner makes satisfactory arrangements for the construction of any required improvements to municipal infrastructure.

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 implement the City's Official Plan policies to protect 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 under the policies of the Official Plan. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically decides on both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 cannot be appealed to the OMB. Typically conditions require the replacement of rental units if 6 or more units are proposed to be demolished, but in all cases where tenants are present at the time of the demolition notice, extra compensation and notice is required to mitigate hardship to the tenants. These conditions are usually secured in a Section 37 Agreement and in a Section 111 Agreement.

The owner has recently submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental units. They have applied for the demolition of 10 residential dwelling units of which at least 3 are rental. This application remains under review and a report on this application will be forthcoming when the outcome of the Official Plan and Zoning By-law Amendment applications appeal is determined. Should it be determined that any number of rental units are required to be replaced, Planning staff are of the opinion that the replacement units can be accommodated in the proposed building. Should the revised proposal be supported, the City Solicitor could request the Ontario Municipal Board to withhold its order until such time as the conditions of the demolition have been passed by City Council and secured via the appropriate agreements.

Conclusion

The applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board on the basis that City Council had not made a decision within the timeframes prescribed by the *Planning Act*. The owner has revised the proposed building to address the concerns noted in the July 18, 2014 staff report as outlined above. This report has been prepared in consultation with City Planning.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

- Attachment 1: Site Plan Proposal (from July 18, 2014 Refusal Report)
- Attachment 2: Revised Proposal Site Plan
- Attachment 3a: Revised Proposal West Elevation
- Attachment 3b: Revised Proposal East Elevation
- Attachment 3c: Revised Proposal North Elevation
- Attachment 3d: Revised Proposal South Elevation
- Attachment 4: Revised Proposal 3D Model
- Attachment 5: Revised Proposal Application Data Sheet
- Attachment 6: Confidential Information



Attachment 1: Site Plan Proposal (from July 18, 2014 Refusal Report)



Attachment 2: Revised Proposal Site Plan



Attachment 3a: Revised Proposal West Elevation



Attachment 3b: Revised Proposal East Elevation



Attachment 3c: Revised Proposal North Elevation



Attachment 3d: Revised Proposal South Elevation



Attachment 4: Revised Proposal 3D Model

Attachment 5: Revised Proposal Application Data Sheet

Application Type	Official Plan Amendment &		Application Number:			13 149015 WET 07 OZ		
Details	Rezoning OPA & Rezoning, Standard		Application Date:			April 15, 2013		
Municipal Address:	2849 ISLINGT	ON AVE						
Location Description:	CON 6 WY N PT LOT 22 **GRID W0702							
Project Description:	Proposed amendments the Official Plan and North York Zoning By-law 7625 to permit the							
development of a 6-storey 110 unit residential building.								
Applicant:	Agent:		Architect:			Owner:		
ACTION PLANNING CONSULTANTS	FRANCO ROMANO		JONATHAN WEIZEL			JAMIE ERLICK		
PLANNING CONTROLS								
Official Plan Designation:	Neighbourhood	Neighbourhoods Site Spec			fic Provision: N/A			
Zoning:	RM2	RM2 Historical Status: N/A						
Height Limit (m):	9.2	9.2 Site Plan Control Area: YES						
PROJECT INFORMATION								
Site Area (sq. m):	3409		Height:	Storeys:		6		
Frontage (m):	79			Metres:		20		
Depth (m):	45							
Total Ground Floor Area (sq. m):		1477 Total						
Total Residential GFA (sq. m)	6965			Parking Spaces:		104		
Total Non-Residential GFA (se			Loading	Docks	1			
Total GFA (sq. m):	6965							
Lot Coverage Ratio (%):	60							
Floor Space Index:	2.04							
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)								
Tenure Type:	Condo				Above (Grade	Below Grade	
Rooms:	0	Residential (GFA (sq. m):		6965		0	
Bachelor:	26	Retail GFA (sq. m):			0		0	
1 Bedroom:	74	Office GFA (sq. m):			0		0	
2 Bedroom:	9	Industrial GFA (sq. m):			0		0	
3 + Bedroom:	1	Institutional	Institutional/Other GFA (sq. m):		0		0	
Total Units:	110							
CONTACT: PLANNE TELEPH		Gregory Byr (416) 394-823	ne, Senior Pla 38	nner				