

St Clair Avenue West – Review of Area Specific Policy No. 221 – Official Plan Amendment – Final Report

Date:	July 15, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's Ward 22 – St. Paul's
Reference Number:	14 160427 STE 22 OZ

SUMMARY

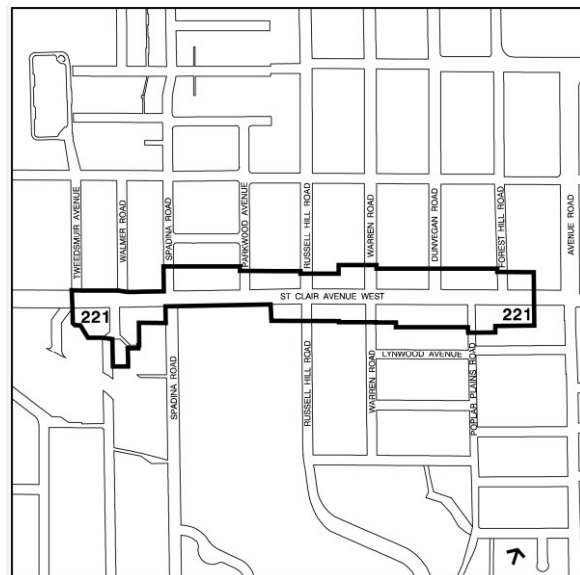
This City-initiated Official Plan amendment will replace the existing policies in Area Specific Policy No. 221 that apply to St. Clair Avenue West from west of Avenue Road to west of Spadina Road. It permits mid-rise buildings on St. Clair Avenue West with a maximum height no greater than the width of the street right-of-way. In addition, it requires that development along St. Clair Avenue West support an improved pedestrian environment and limit the impact on the adjacent *Neighbourhood*.

This report reviews and recommends approval of the proposed amendment to Official Plan Area Specific Policy 221.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Area Specific Policy No. 221 of the Official Plan, substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 3 to report (July 15, 2014) from the Director, Community Planning, Toronto and East York District.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Area Specific Policy No. 221 of the Official Plan was originally adopted by City Council in 2002. It established a height limit for buildings generally in the range of 4 to 6 storeys along St. Clair Avenue West from west of Avenue Road to west of Spadina Road.

On May 6, 2014 City Council directed Planning staff to conduct a review of Area Specific Policy 221 of the Official Plan, and to report to the Toronto and East York Community Council in 2014 providing recommended amendments with respect to height and built form, as well as community benefits under Section 37.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE31.85>

ISSUE BACKGROUND

Proposal

The purpose of this City-initiated review of Area Specific Policy No. 221 is to provide recommendations with respect to height and built form, as well as community benefits under Section 37 of the Planning Act, for new development along St. Clair Avenue West.

The intent of the proposed amendments to Area Specific Policy 221 resulting from the review, is to permit mid-rise buildings along St. Clair Avenue West with a height no greater than the width of the street right-of-way. New development along St. Clair Avenue West is to support an improved pedestrian environment with access to sunlight, sky views, and a generous landscaped boulevard, and to limit the impact on the adjacent *Neighbourhood*.

Study Area

The study area comprises the lands covered by Area Specific Policy 221, along St. Clair Avenue West from west of Avenue Road to west of Spadina Road and applies predominantly to properties fronting onto St. Clair Avenue West.

The existing context along St. Clair Avenue West within the study area is generally a mix of buildings ranging from 2-storey detached houses to 7-storey apartment buildings. A number of taller buildings exist within the study area including 8 and 10-storey buildings with the tallest building being 25 storeys at the west end of the study area. The study area is bounded by *Neighbourhoods* designated properties occupied by detached houses to the north and south between Avenue Road and Spadina Road.

A number of properties within the study area may be redeveloped in the next few years. They are located primarily east of Russell Hill Road, and are occupied by a mix of two and three-storey house form buildings, used for residential and medical office purposes, as well as a place

of worship. The properties are generally of sufficient depth to accommodate a mid-rise form of development, assuming assembly in some cases.

Recent Development Activity

There have been two developments approved recently in 2014 with buildings that are higher than the 4 to 6 storey range currently permitted in Area Specific Policy 221.

282 St Clair Avenue West

A 9-storey (35.25 metres including mechanical penthouse) apartment building at 282 St. Clair Avenue West was approved by the OMB on February 28, 2014. Planning staff recommended approval of the application in a staff report to the June 18, 2013 TEYCC meeting. Toronto and East York Community Council recommended that the development be approved at 8 storeys. The applicant subsequently appealed the application to the OMB. On July 16, 2013 City Council authorized the City Solicitor attend at the OMB in support of a development 8-storeys in height. The OMB decision can be found at the following link:

<http://www.omb.gov.on.ca/e-decisions/pl130636-Feb-28-2014.pdf>

213-223 St Clair Ave West

A 13-storey (41 metres including wrapped mechanical penthouse) apartment building at 213-223 St. Clair Avenue West was approved by the OMB on April 3, 2014. A Request for Directions report, recommending refusal, was prepared by Planning staff and adopted at City Council on October 8, 2013. The OMB decision can be found at the following link:

<http://www.omb.gov.on.ca/e-decisions/pl130627-Apr-03-2014.pdf>

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 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, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City's Official Plan designates the lands within the study area as *Apartment Neighbourhoods* on Map 17- Land Use Plan. *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.

Apartment Neighbourhoods are stable areas of the City where significant growth is not anticipated, however compatible infill development is permitted. The Official Plan distinguishes *Apartment Neighbourhoods* from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. New development in *Apartment Neighbourhoods* is subject to criteria respecting: location; massing; transition; streetscapes; and shadow impacts, among others. New buildings are required to be located and massed to provide: transition between areas of different development intensity and scale; to limit shadow impacts in adjacent *Neighbourhoods*; and 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.

Map 3 in the Official Plan shows that the anticipated Right-of-Way width of St. Clair Avenue West is 30 metres. This segment of St. Clair Avenue West is also identified as a Transit Priority Segment on Map 5, Surface Transit Priority Network. The St. Clair streetcar travels in a dedicated right-of-way in this area.

Area Specific Policy 221

Area Specific Official Plan Policy No. 221 states that on the lands subject to the policy, development in *Apartment Neighbourhoods* will generally be in the range of 4 to 6 stories in height.

Zoning

The current zoning for the study area in City of Toronto By-law No. 569-2013 is R (d2.0). This is a residential zoning designation that allows a number of residential and non-residential uses, including apartment buildings, having a gross floor area of up to 2.0 times the area of the lot. The maximum permitted height is 14.0 metres. The zoning map is included in Attachment 1.

Community Consultation

A community meeting was held respecting this review of Policy 221 on June 19, 2014. Approximately 100 members of the public attended, along with the area Councillor, and City staff. The following items were raised at the meeting:

Height

A mix of opinions on the height limit along St. Clair Avenue West was provided by area residents. Concerns about the proposed height limit of 9 storeys were expressed, with 6-8 storeys being stated as more appropriate and in keeping with the existing character of the area. Other residents expressed no objection to the proposed height limit of 9 storeys, and felt that it was appropriate for the area given the existing context, however any development beyond 9 storeys would be unacceptable.

Privacy and Overlook

Concerns were raised with regard to the impact of the approved 9-storey building at 282 St. Clair Avenue West, and the 13-storey building at 213-223 St. Clair Avenue West on the low-rise dwellings adjacent to the sites. Residents stated that the approved buildings and equivalent new development would impact privacy, and block views and light.

Streetscape and Pedestrian Realm

Residents said that they value the existing landscaped greenspace located at the front of properties along St. Clair Avenue West and that it is part of the character of the area, which sets it apart from other portions of St. Clair Avenue West. Residents want to see on-site landscaping preserved as part of any new development. Questions were also asked about the sidewalk width on St. Clair Avenue West and the impact of development on the pedestrian realm.

Traffic and Parking

Residents raised concerns about existing and future traffic levels along St. Clair Avenue West and potential increases in traffic on side streets. Vehicles going the wrong way on side streets to avoid traffic on St. Clair Avenue West was also raised as an issue. Sufficient on-site parking for new developments was identified as necessary by residents.

Various improvements to the St. Clair Avenue West right-of-way were suggested, including removing on-street parking, increasing left turn times, and making space for bike lanes.

Servicing

Questions were asked about servicing for new development along St. Clair Avenue West and if there is sewer capacity for new development.

Rental and Affordable Housing

A lack of affordable housing in the area was raised as a concern by residents. Residents also stated that they want existing rental housing to be protected.

Trees

Residents raised concerns that new development would remove mature trees along St. Clair Avenue West.

The above noted issues were also raised by residents who sent written comments to Planning staff.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposed amendment is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Significant growth is not anticipated within the area subject to Area Specific Policy No. 221. This section of St. Clair Avenue West is not identified as an *Avenue* on "Map 2 – Urban Structure" of the Official Plan, which are areas along major streets where growth is directed. The intent of this amendment is to permit development that respects and reinforces the existing character of this *Apartment Neighbourhood*, improves the public realm, and limits the impact on the adjacent *Neighbourhoods*.

The proposed amendment is consistent with the development criteria set out in the Official Plan for areas which are not designated for growth, as well as the Public Realm policies. The development criteria are described in the *Apartment Neighbourhood* policies in section 4.2, the Built Form policies in Section 3.1.2, and the Healthy Neighbourhoods policies in Section 2.3.1.

A cornerstone policy of the Healthy Neighbourhoods section of the Official Plan is to ensure that new development in neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood. The Built Form policies guide new development to be located and organized to fit with within its existing and/or planned context and limit its impacts on neighbouring streets, parks, open spaces and properties. The *Apartment Neighbourhood* policies provide further guidance for new development in terms of location, massing, transition to lower scale *Neighbourhoods* and areas of different development intensity, as well as maintaining sunlight on adjacent streets and parks.

The boundary of Area Specific Policy No. 221 will be revised to remove the existing 25-storey apartment building located on the west side of Walmer Road, as this tall building is out of context with the mid-rise character of the rest of the area under review.

Height and Built Form

Staff reviewed the current height limit of 4 to 6 storeys set out in Area Specific Policy No. 221 of the Official Plan and have determined that an increase in height over the current policy is appropriate. The height increase is justified given the existing built form context within the policy area, and the significant improvements made to the St. Clair Avenue West right-of-way, including the construction of the dedicated streetcar right-of-way, since the adoption of Area Specific Policy No. 221.

The proposed amendment requires that new development will have a maximum permitted height of 9 storeys, that is, a height no greater than the width of the right-of-way of St. Clair Avenue West. New buildings will transition down in height, through the use of a 45 degree angular plane, to the adjacent *Neighbourhoods* to the north and south of St. Clair Avenue West in order to limit the impact of shadowing on, and to protect the privacy of the adjacent *Neighbourhoods*. A 45 degree angular plane, starting at a height of 80% of the width of the right-of-way, will also be required abutting any street to ensure that sky views and sunlight are protected for along St. Clair Avenue West and any side streets. Sunlight will also be protected on St. Clair Avenue West by requiring that a minimum of 5 hours of sunlight be maintained on the north sidewalk from March to September.

In order to protect the character of this portion of St. Clair Avenue West, and to maintain a consistent scale for pedestrians, new buildings will provide a pedestrian perception step-back above the fifth storey, resulting in a maximum street wall height of 5 storeys. Any building greater than 5 storeys in height must step back the main building wall facing a street above the 5th storey. New buildings will also be required to provide a front yard setback that provides ample space for sidewalks, street furniture, lighting, and tree planting, as well as landscaped open space within the development site to maintain the character of the area which includes a generous landscaped boulevard.

Mid-rise Guidelines

The Mid-rise Guidelines, adopted by City Council on July 8, 2010, do not apply to the study area. Their performance standards for mid-rise buildings were reviewed however during the preparation of Area Specific Policy No. 221.

Transportation and Servicing

As part of the review of any Zoning By-law Amendment application or Site Plan Control application, a Traffic Impact Study will be required and will be reviewed by Transportation Services staff to ensure that any traffic impacts related to the development are acceptable. A Functional Site Servicing Report will also be required for new developments and will be reviewed by Engineering and Construction Services to ensure that adequate servicing is available. Development to date in the area has not raised any servicing concerns.

Section 37

Although significant growth is not anticipated within the study area, the existing Section 37 policies of the Official Plan will continue to apply, ensuring that where appropriate, the policies may be applied to new development proposals. Staff may require a Community Services and Facilities Study as part of a development application in order to assist in setting priorities for community benefits, although other priorities may also be secured, as appropriate, in the context of Area Specific Policy No. 221 and the policies of the Official Plan.

Rental Housing

There are a large number of rental apartment buildings located along this portion of St. Clair Avenue West. Existing policies of the Official Plan state that development proposals involving the demolition of 6 or more units of rental housing shall not be approved by Council unless all of the rental housing units have rents that exceed mid-range rents at the time of application. Approvals should provide for the replacement of units that do not exceed mid-range rents, with at least the same number, size and type of rental housing units. The rental housing is to be maintained as rental housing with no condominium registration, with rents similar to those in effect at the time the application is made, for a period of at least 10 years. An acceptable tenant relocation and assistance plan is required, addressing: the right to return to occupy one of the replacement units at similar rents; the provision of alternative accommodation; and other assistance to lessen hardship.

CONCLUSION

After careful research and analysis of the study area and consultation with the local community, City Planning Staff are of the opinion that the proposed amendments to Area Specific Policy No. 221 are appropriate for this section of St. Clair Avenue West, provide a clear framework for development, and constitute good planning. For these reasons, Staff recommends approval of the proposed amendments to Area Specific Policy No. 221.

CONTACT

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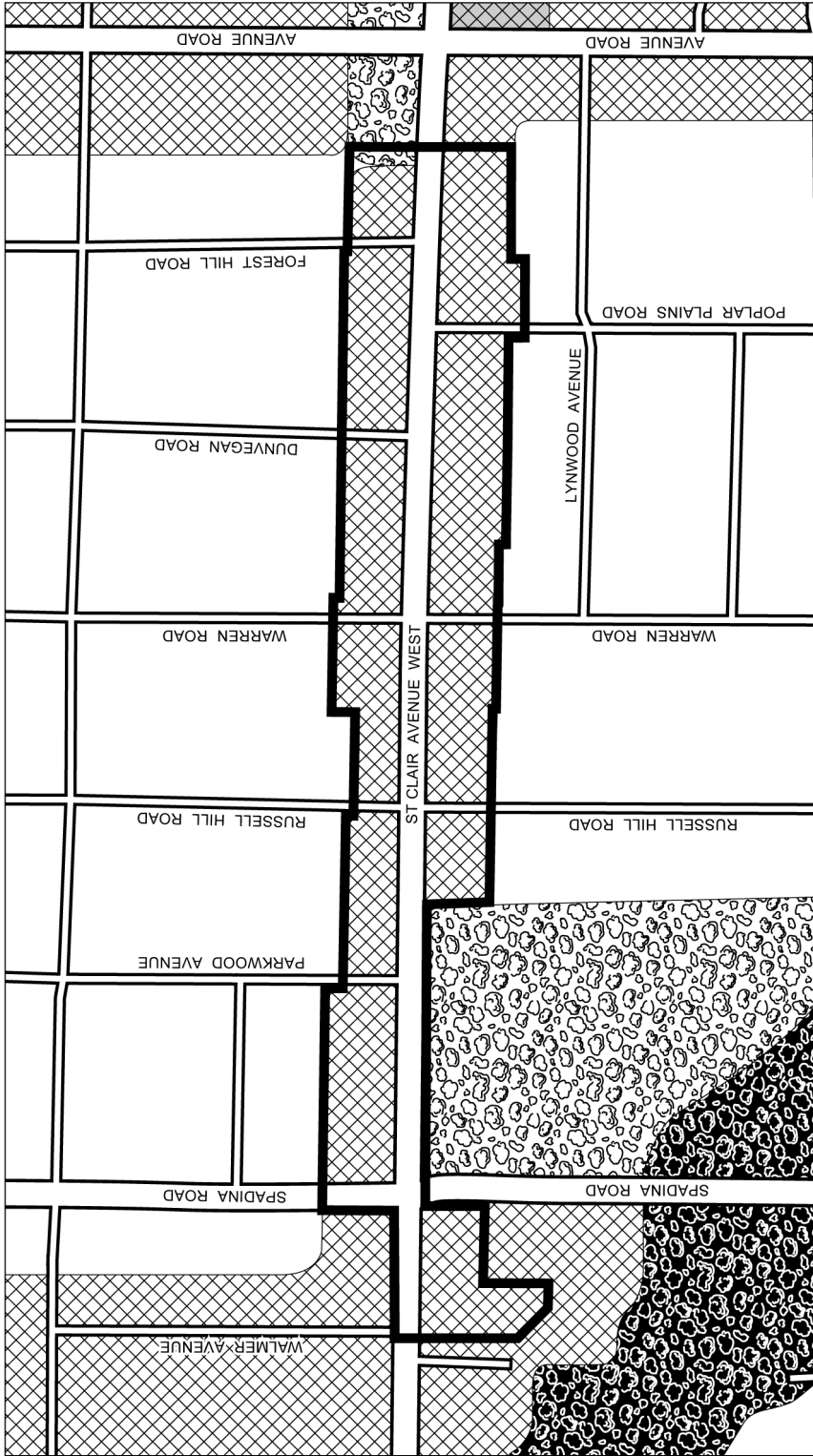
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Zoning
Attachment 2: Official Plan
Attachment 3: Draft Official Plan Amendment

Attachment 2: Official Plan



Toronto City Planning
St. Clair Avenue West - SASP 221 Study

Extract from Official Plan

File # 14 160427 STE 22 0Z



Not to Scale
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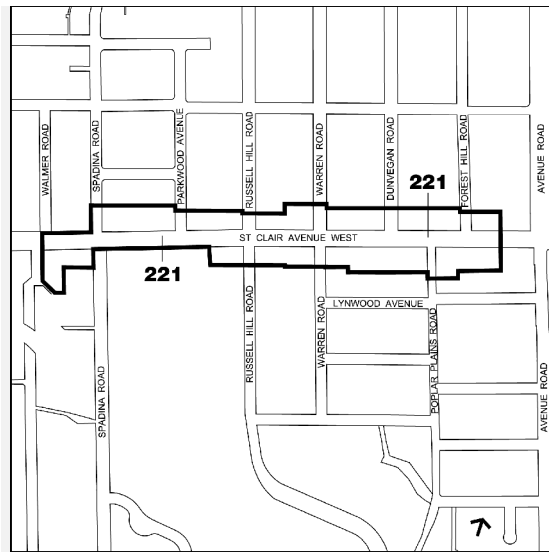
Attachment 3: Draft Official Plan Amendment
City of Toronto By-law No. ~~-20~

AMENDMENT NO. 279 TO THE OFFICIAL PLAN
AREA SPECIFIC POLICY 221

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policy No. 221, St. Clair Avenue Between West of Spadina and Avenue Road, is deleted and replaced by the following:

221. St Clair Avenue West between Walmer Road and Avenue Road



The intent of this Site and Area Specific Policy is to permit mid-rise buildings with a maximum height no greater than the width of the right-of-way of St. Clair Avenue West. New development along St. Clair Avenue West will support an improved pedestrian environment with access to sunlight, sky views, and a generous landscaped boulevard, and will limit the impact on the adjacent *Neighbourhood* areas.

Built Form

1. Buildings will be permitted to a maximum height of 9 storeys, provided that they comply with the following:

- (a) A minimum of 5 hours of continuous sunlight must be achieved on the north sidewalk of St. Clair Avenue West from March 21 to September 21.
- (b) The building will have a maximum wall height facing streets of 5 storeys, above which the building must step back from the main building wall.
- (c) No part of the building is located above the angular plane drawn from the abutting street lot line, commencing at a height of 24 metres above the street level, and then angling upwards at an angle of 45 degrees away from street over the site.
- (d) No part of the building is located above the angular plane drawn from each lot line abutting a *Neighbourhoods* designation, commencing 7.5 metres from the lot line at a height of 10.5 metres, and then angling upwards at an angle of 45 degrees away from the lot line over the site.
- (e) The building will be well set back from the curb line of St. Clair Avenue West to provide ample space for tree planting, pedestrian clearway, street furniture and lighting, as well as for landscaped open space within the site.
- (f) The building will be set back along side streets to provide a transition to the front yard setback of adjacent residential properties.
- (g) The building will have a minimum separation of 5.5 metres from side walls containing windows of adjacent buildings. Greater separation may be required if the adjacent windows are primary windows.
- (h) The building façade will be articulated or "broken up" to limit expanses of uninterrupted facade.
- (i) The mechanical penthouse and residential indoor and outdoor amenity space may be located on top of the 9th storey, provided that they are limited in size and comply with policies 1(a), 1(c), and 1(d).

Community Benefits

2. The City may require any development proposal to be supported by a Community Services and Facilities Study in order to assist in setting priorities for community benefits in accordance with policies 4, 5, 6, and 7 of Section 5.1.1 of the Official Plan, although other priorities may also be secured, as appropriate, in the context of Area Specific Policy 221 and the policies of the Official Plan.

Exemptions

3. The lands subject to Site and Area Specific Policy 407, known municipally as 282 St Clair Avenue West, are exempt from the policies of Site and Area Specific Policy 221 (OMB case number PL130636, decision number 20140028).
 4. The lands known municipally as 213-223 St Clair Avenue West are exempt from the policies of Site and Area Specific Policy 221 (OMB case number PL130627, decision number 20140003).
2. Chapter 7, Map 28, Site and Area Specific Policies, is revised to amend the boundary of Site and Area Specific Policy 221 as shown on the map above as Site and Area Specific Policy No. 221.