

289 and 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court - Zoning By-law Amendment and Rental Housing Demolition and Conversion Applications - Request for Direction Report

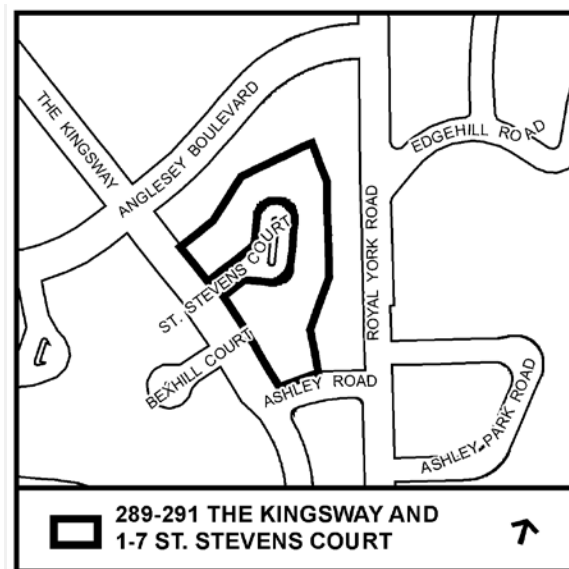
Date:	December 16, 2015
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	13 164210 WET 04 OZ and 13 164266 WET 04 RH

SUMMARY

The Zoning By-law Amendment application proposes the replacement of five existing 3.5 storey rental apartment buildings located at 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court with six new residential apartment buildings ranging in height from 6 to 16 storeys. The 156 existing rental units at these addresses are proposed to be replaced. A 17-storey 73 unit rental apartment building located at 289 The Kingsway would be retained.

An associated Rental Housing Demolition and Conversion application (13 164266 WET 04 RH) was also submitted under Section 111 of the *City of Toronto Act* to demolish the existing five, 3.5-storey buildings pursuant to Chapter 667 of the Municipal Code.

The owner has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing City Council's failure to render a decision within the time frame prescribed by the *Planning Act*.



The City's decision on Rental Housing Demolition and Conversion applications is not subject to appeal to the Ontario Municipal Board.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the Zoning By-law Amendment application, as currently proposed by the applicant.

The proposal in its current form is inappropriate and represents over-development of the site. The proposal does not comply with a number of development criteria in the Official Plan or the Etobicoke Zoning Code. The proposed height, density and scale is not compatible with the existing context of the local apartment neighbourhood and would result in unacceptable impacts on abutting lands.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application at 289 and 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court (Application Number 13 164210 WET 04 OZ).
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal for these lands.
3. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold its Order approving the Zoning By-law Amendment until:
 - a. The owner submits, to the satisfaction of the Executive Director, Engineering and Construction Services, a Functional Servicing and Stormwater Management Report.
 - b. Staff advise the Ontario Municipal Board of City Council's position that any redevelopment of the lands must also include the full replacement of the 156 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.
 - c. The owner enters into an Agreement under Section 37 of the *Planning Act* to secure appropriate services, facilities, public art contribution and/or other matters pursuant to Section 37 of the *Planning Act* at the owner's expense:
 - i. An appropriate Section 37 community benefit contribution be secured as discussed in this report.

- ii. The following matters are also recommended to be secured for the development in the Section 37 Agreement as a legal convenience:
 - The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
 - The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
 - The owner shall enter into agreement(s) to secure the conditions of a Council-approved Section 111 permit and any conditions of Recommendation 3 (b) above.
- d. The City and the owner have presented to the Board a draft Zoning By-law Amendment and the owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor, that includes the provision for the community benefits and matters to be secured as noted in Recommendation 3 (c) above.

Financial Impact

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

DECISION HISTORY

A pre-application consultation meeting was held with the applicant on October 11, 2012 to discuss complete application submission requirements.

On May 7, 2013, Zoning By-law Amendment and Rental Housing Demolition and Conversion applications were submitted for the lands municipally known as 289 and 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court.

A Preliminary Report dated August 23, 2013, was considered by Etobicoke York Community Council (EYCC) at its meeting of September 10, 2013. The decision of Community Council and the Preliminary Report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY26.11>

At this meeting, EYCC directed that:

- Planning staff review the applications concurrently and in the context of the City Council directed Humbertown Secondary Plan Area Review, the study boundary of which included the subject site in its entirety;

- Schedule a community consultation meeting for the applications in the fourth quarter of 2013, in consultation with the Ward Councillor; and
- Submit the Final Report on the applications for Council consideration after the Review has been completed.

Subsequent to the EYCC meeting of September 10, 2013, the Ward Councillor moved a motion at the November 19, 2013 EYCC meeting, directing Planning staff not to proceed with a community consultation meeting for the applications until the Humbertown Secondary Plan Area Review was completed.

The first phase of the Humbertown Secondary Plan Area Review was completed in the summer of 2014 and the staff report for the first phase of the study was considered at the August 12, 2014 EYCC meeting. The report concluded that a Secondary Plan should not be pursued for the Study Area and the appropriate method to enhance the existing policy framework for the Study Area would be to advance to a second phase of the Review for the purpose of creating a Site and Area Specific Policy (SASP). EYCC adopted the recommendations of the staff report that a second phase of the Review was required.

The second phase of the Review has been underway since early 2015. A final report on the Review is targeted for consideration by EYCC in the first quarter of 2016.

The August 2014 decision of EYCC and the staff report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY35.14>

At its meeting of January 13, 2015, EYCC directed staff to proceed with the community meeting for the applications as previously directed on September 10, 2013.

On March 26, 2015, a community consultation meeting was held for the Zoning By-law Amendment application.

On July 23, 2015, the owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision within the time prescribed by the *Planning Act*. A hearing date for the appeal at the OMB has not been scheduled. A Pre-Hearing Conference is scheduled for February 17, 2016.

ISSUE BACKGROUND

Proposal

The applicant is proposing to retain the existing 17-storey apartment building containing 73 rental units located at 289 The Kingsway. The remaining five, 3.5-storey rental apartment buildings containing 156 units, of which 98 were affordable and 58 were mid-range at the time of application, are proposed to be demolished and replaced with six new residential apartment buildings ranging in height from 6 to 16 storeys (see Attachment 1: Site Plan and Attachments 2a – 2h: Elevations).

The proposed redevelopment would result in a total of 676 dwelling units on the subject lands, comprised of the following: 162 rental replacement units; 52 senior rental units; 350 condominium units and 39 seniors' condominium units; in addition to the 73 rental units that would be retained within the existing 17-storey building. The development would result in a Floor Space Index (FSI) of 3.76 times the area of the lot.

Vehicular access to the new buildings would be provided from St. Stevens Court. St. Stevens Court connects directly to The Kingsway approximately 100 metres southeast of the Anglesey Boulevard/The Kingsway intersection. The existing vehicular access to 289 The Kingsway from Ashley Road would remain.

Approximately 646 vehicle parking spaces are proposed in a two level underground parking garage, as well as 388 bicycle parking spaces.

The unit counts, gross floor area and building heights of the proposal are provided in Table A below:

Table A

	Unit Count	Gross Floor Area	Height
Building A	142	12,990 m ²	16-storey (55.3 metres)
Building B1	129	9,709 m ²	12-storey (39.6 metres)
Building B2	79	6,474 m ²	8-storey (27.8 metres)
Building C1	52	4,294 m ²	6-storey (22.9 metres)
Building C2	39	3,869 m ²	6-storey (22.9 metres)
Building D	162	12,217 m ²	11-storey (39.6 metres)
Existing Building – 289 The Kingsway	73 (retained)	8,976 m ²	17-storey (approx. 54.1 metres)
Total	676	58,529 m ²	

Site and Surrounding Area

The subject lands are approximately 1.55 ha in size and relatively flat with a slight slope from west to east. The site is irregular in shape with frontage of approximately 143 m on The Kingsway, 40 m on Ashley Road and 260 m on St. Stevens Court. The subject site is located within a larger area of lands designated *Apartment Neighbourhoods*. These lands contain approximately 44 low rise apartment buildings. The building located at 289 The Kingsway is the only tall building within the *Apartment Neighbourhoods* lands, having a height of 17 storeys.

There are presently six rental apartment buildings located on the subject lands containing 229 units, as follows:

- 289 The Kingsway – 17-storey building with 73 units.
- 291 The Kingsway – 3.5 storey building with 29 units.
- 7 St. Stevens Court – 3.5 storey U-shaped building with 26 units.
- 5 St. Stevens Court – 3.5 storey L-shaped building with 41 units.
- 3 St. Stevens Court – 3.5 storey building with 24 units.
- 1 St. Stevens Court – 3.5 storey U-shaped building with 36 units.

Surrounding land uses are as follows:

- North: 2.5 and 3.5 storey brick apartment buildings and a 1-storey parking garage on Anglesey Boulevard.
- South: Humbertown Shopping Centre. Further south are single detached houses.
- East: Two-storey detached houses on Royal York Road. Further east on Edgehill and Ashley Park Roads are single detached houses.
- West: 3.5-storey apartment buildings (Bexhill Court Apartments and 290-292 The Kingsway). Further west, the area is predominantly comprised of single detached houses.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* lists the provision of affordable housing as a matter of provincial interest that municipalities shall have regard for when making planning decisions.

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 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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated *Apartment Neighbourhoods* on Map 14 - Land Use Plan in the Official Plan (see Attachment 3 – Official Plan). *Apartment Neighbourhoods* are comprised 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. This designation does not anticipate significant growth within these areas, however compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. The Plan includes criteria that direct the form and quality of development in this land use designation.

Apartment Neighbourhoods Policies

The Official Plan states that *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development.

The development criteria in *Apartment Neighbourhoods*, as cited in Policies 4.2.2 and 4.2.3, include but are not limited to:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and

- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Policy 4.2.3 states that although significant growth is generally not intended within developed *Apartment Neighbourhoods*, compatible infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Policy 4.2.3 (a) continues that when compatible infill development is considered, it must meet the development criteria set out in Policy 4.2.2.

Healthy Neighbourhood Policies

The Healthy Neighbourhoods policies of the Official Plan (Policies 2.3.1.1 and 2.3.1.2) provide guidance for development in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.1 states that "*Neighbourhoods* and *Apartment Neighbourhoods* are considered to be stable". It also states that "development within *Neighbourhoods* and *Apartment Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns".

Policy 2.3.1.2 identifies the following criteria when considering development in *Apartment Neighbourhoods* adjacent to or close to *Neighbourhoods*. The proposal will:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- d) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Built Form Policies

The development criteria identified in the *Apartment Neighbourhoods* and Healthy Neighbourhood policies are supplemented by additional development criteria in the Official Plan's Built Form policies, including policies that specifically address tall buildings. The Built Form policies, contained in Section 3.1.2 of the Official Plan, emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. Specifically, Policy 3.1.2.3 states that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

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

Housing Policies

The Housing policies of the Official Plan (Policy 3.2.1.1, 3.2.1.5 and 3.2.1.6) also apply to this proposal.

Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

Policy 3.2.1.5 further states that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- a) will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and
- b) may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of the Plan, without pass-through of such costs in the rents to tenants.

Policy 3.2.1.6 maintains that new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:

- i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or
- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
- i) rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;
 - ii) the overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0 per cent for the preceding four consecutive annual surveys;
 - iii) the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and
 - iv) all provisions of other applicable legislation and policies have been satisfied.

Rental Housing Demolition and Replacement

The Official Plan policies on the protection of rental housing and the replacement of rental housing to be demolished are required to be addressed through the consideration of the Zoning By-law Amendment application. In addition, the City has a by-law contained in Chapter 667 of the City's Municipal Code on Demolition and Conversion of rental properties. The By-law, amongst other things, 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 involving six or more housing units where any one is rental and where there is a related application under the *Planning Act* 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 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*. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB.

Zoning

On May 9, 2013 City Council enacted City-wide Zoning By-law No. 569-2013, currently under appeal to the Ontario Municipal Board. This application was submitted before May 9, 2013. As such, the new Toronto Zoning By-law (By-law 569-2013) does not apply.

The subject site is zoned Fourth Density Residential (R4) under the former City of Etobicoke Zoning Code. The R4 zone permits a wide range of residential uses and limited business, commercial, institutional and public uses. The R4 zone permits a maximum height of 14 m for apartment buildings and allows 40% lot coverage (see Attachment 4 – Zoning).

The existing 17-storey building proposed to be retained at 289 The Kingsway is subject to Site Specific By-laws 13,851 and 14,126. By-law 13,851 permits a 17-storey apartment building and allows a maximum lot coverage of 50% while By-law 14,126 establishes specific building setbacks and permits an underground parking garage.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan application has not been submitted.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. An Arborist Report and Tree Preservation Plan was submitted with the application which has been reviewed by Urban Forestry staff. The report and plan have identified there are currently a total of 86 City owned trees and 42 privately owned trees located on the subject lands. Urban Forestry staff have requested that the applicant submit revised plans to address both City and private tree removals, maintenance and planting requirements. The applicant has been advised of the necessary revisions.

Reasons for the Applications

An amendment to the former City of Etobicoke Zoning Code is required to permit the proposed development. The development's proposed building heights exceed the maximum permitted height in the Zoning By-law. The Zoning By-law permits a maximum building height of 14 m and the applicant is proposing building heights ranging from 22 m to 55 m.

A Rental Housing Demolition and Conversion Application under Section 111 of the *City of Toronto Act* is required to permit the demolition of the existing rental apartment

buildings at 291 The Kingsway and 1 to 7 St. Stevens Court, which contain a total of 156 rental dwelling units. The rents for all 156 rental units were within the affordable and mid-range category (between one and one and a half times average market rent) at the time of application.

Community Consultation

A community consultation meeting was held on March 26, 2015, for the Zoning By-law Amendment application. The meeting was attended by the Ward Councillor, City staff, the applicant and their consultant team, and approximately 130 members of the public.

Members of the public were concerned about the proposal's incompatibility with the existing context, particularly the building heights, density and scale. Residents were concerned that the proposed development would not maintain the intent of the Official Plan in directing growth away from areas identified as stable in the City's Official Plan.

Other concerns raised by the community included traffic impacts of the proposed development in addition to that of the Humbertown Shopping Centre redevelopment, shadow impacts and servicing impacts.

Additional comments were received from the community following the community meeting. All comments received from the community are summarized in Attachment 6.

Should a redevelopment of the site be approved in the future, a meeting on the rental housing matters under Chapter 667 of the Municipal Code will need to be held with the tenants.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 identifies the Official Plan as the most important vehicle for implementing the PPS. The proposed development is located within an *Apartment Neighbourhoods* designation, which states that significant growth is generally not intended however compatible infill development may be permitted subject to ensuring that development is contextually appropriate, suitable existing infrastructure and public service facilities are available to meet projected growth and providing good quality of life for both new and existing residents.

Policy 1.1.3.4 of the PPS refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. As outlined in greater detail below, the proposal represents an inappropriate scale of intensification at a location where a more moderate built form would fit within the existing context. The proposed development is therefore inconsistent with the PPS.

The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community through intensification. The

Growth Plan outlines that through their Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key areas to accommodate intensification. The City's Official Plan achieves this objective by directing growth to the *Downtown, Centres, Avenues and Employment Areas*. The subject site is located in an *Apartment Neighbourhoods* designation, which is not a growth designation in Toronto's Official Plan. *Apartment Neighbourhoods* are considered to be physically stable areas where development needs to respect and reinforce the existing physical character of buildings of the area. The proposed development at building heights ranging from 6 to 16 storeys does not respect and reinforce the existing low-rise apartment character of the site and surrounding area.

Apartment Neighbourhoods are not growth designations in the Official Plan, therefore the proposed development does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated *Apartment Neighbourhoods* on Map 14 - Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are considered stable and significant growth is not anticipated, however compatible infill development may be permitted on underutilized sites subject to certain criteria. The proposed development is premised on the demolition of existing buildings rather than infill development, the exception being the retention of the existing 17-storey building.

Policy 2.3.1.1 requires that new development in *Apartment Neighbourhoods* respect and reinforces the existing physical character of buildings in the area. The height of most buildings immediately surrounding the site, with the demolition of existing buildings, would remain at 4 storeys or less. As such, the proposed development does not respect and reinforce the existing physical character of the buildings in its immediate and larger context. Additionally, Policy 2.3.1.2 requires that development in *Apartment Neighbourhoods* adjacent to *Neighbourhoods* provide gradual transition of scale and density towards those *Neighbourhoods*. The proposed development ranging in height from 6 to 16 storeys would not provide a gradual transition to the immediately adjacent 2-storey single detached houses and apartment buildings of up to 4 storeys. The proposed development does not achieve this objective of the Official Plan.

Similarly, the proposal does not achieve the objectives of the development criteria of *Apartment Neighbourhoods* in Policy 4.2.2 and 4.2.3 with respect to providing compatible infill development that fits with the existing context.

Official Plan Five Year Review

At its meeting on November 16, 2015, Planning and Growth Management (PGM) Committee considered a Final Report from the Chief Planner and Executive Director, City Planning containing draft amendments to the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* Policies of the Official Plan. At its meeting on December 10, 2015, City Council adopted the recommendations of PGM.

The report recommends amendments to the Official Plan to support the Official Plan's goal to protect and enhance existing neighbourhoods while allowing limited infill on underutilized apartment sites within *Neighbourhoods* and *Apartment Neighbourhoods*. Specifically, the intent of the recommendations is to clarify, strengthen and refine the existing policies that apply to residential sites.

The proposed changes would continue to maintain the original intent of limiting growth in *Apartment Neighbourhoods*, with the exception of underutilized sites that can accommodate additional buildings.

The proposed development represents a level of intensification that does not conform to the current Official Plan policies and the emerging policy adopted by City Council for Healthy Neighbourhoods and *Apartment Neighbourhoods*.

Height, Massing and Density

The subject site is located in the midst of an established residential area with the majority of the lands designated *Neighbourhoods* and *Apartment Neighbourhoods*. The immediate area designated *Apartment Neighbourhoods* is characterized with a mix of apartment buildings ranging in height from 2.5 storeys to 4 storeys. There are approximately 44 apartment buildings including the buildings on the subject site which are within the larger *Apartment Neighbourhoods* area. Of the 44 buildings, 43 are 4 storeys or less, the singular exception being the building to be retained at 289 The Kingsway which is 17 storeys. Beyond the larger *Apartment Neighbourhoods* area are *Neighbourhoods* lands containing single detached houses.

Although some buildings have the appearance of 4 storeys from different vantage points due to the local topography, there is no existing building in the immediate vicinity taller than 4 storeys with the exception of the 17-storey building located at 289 The Kingsway. A more recent development in the area at 30 Anglesey Boulevard, also designated *Apartment Neighbourhoods* contains a 4 storey apartment building. Although this building appears as 5 storeys along the east elevation due to the site's topography, it fits well into the established physical height and context of the area.

The proposed development consists of buildings ranging in height from 6 to 16 storeys as previously shown in Table A of this report. The proposed heights are not compatible with the heights of the majority of the existing buildings in the immediate vicinity and are excessive. This condition would result in unacceptable shadow and view impacts in addition to overwhelming massing. The proposal does not fit the planned context as envisioned in the *Apartment Neighbourhoods* policies.

The maximum permitted building height in the Zoning By-law for this site and adjacent properties is 14 m. The City-wide Zoning By-law No. 569-2013, which applies to the *Apartment Neighbourhoods* lands immediately surrounding the subject site, reinforces the stable character of the area and permits a maximum building height of 14 m.

The proposed building heights are significantly taller than the Zoning By-law permits and the heights of the existing buildings in the immediate vicinity. The proposed building heights would not be compatible with this established apartment neighbourhood.

The proposed building heights should be reduced to provide a development that is compatible and fits within the established context of the area.

Built Form and Transition

Built Form policies in Section 3.1.2 of the Official Plan require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Policy 3.1.2 (c) and (d) specifically requires that new development be massed to create appropriate transition in scale to neighbouring buildings and provide adequate light and privacy for adjacent properties. Building A proposed at 16 storeys and Buildings B1 and B2 proposed at heights of 12 and 8 storeys, respectively, do not provide appropriate transition in scale to the properties immediately adjacent to the site. Immediately north of the site are apartment buildings that have building heights of 3.5 storeys. Similarly, east of the site are single detached houses at 2 storeys. The proposed development does not achieve the transition objectives of the Official Plan.

Sun and Shadow

There are a number of Official Plan policies that address appropriate sun and shadow impacts. Policy 4.2.2(b) and 4.2.3(d) of the Official Plan require that new development in *Apartment Neighbourhoods* be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes; and that new development maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents. The site abuts lower-scale properties to the east and north.

A review of the shadow study submitted by the applicant shows that shadows cast by the proposed development would extend onto the lands designated *Apartment Neighbourhoods* to the north in the early morning and onto the lands designated *Neighbourhoods* immediately to the east of the site in the late afternoon, during the spring and fall equinoxes. This is a concern as the properties immediately to the east have backyards abutting the subject site. As such, shadows from the proposed development would limit the amount of sunlight within these backyards in the late afternoon when residents are likely to use them.

Servicing

The applicant submitted a Functional Servicing Report with the applications. Engineering and Construction Services staff have reviewed the report and concluded that it is unacceptable. Staff have indicated that the Functional Servicing Report needs to be substantially more comprehensive to reflect the magnitude of the project. The report needs to be revised to address the following:

- Provide a comprehensive analysis of the existing sanitary sewer to ensure it has the capacity to support the proposed development;

- The revised report must incorporate the flows from the OMB approved Humbertown Shopping Centre redevelopment. The sanitary analysis must be done from the site to the sanitary trunk sewer; and
- A comprehensive analysis of the existing watermain must be included to ensure there is capacity to support the proposed development.

There have been no revisions to the original submission of the application to date due to the concurrent review of the application with the Humbertown Area Review. The applicant was advised of the request for a revised report in October, 2015. As these servicing issues remain outstanding, it is recommended that a revised servicing report be submitted to determine whether there is sufficient servicing capacity to support the proposed development.

Traffic Impact, Access and Parking

The applicant submitted a Traffic Impact Study (TIS) which was reviewed by Transportation Services and Transportation Planning staff.

The report was inconsistent with the City's guidelines for transportation impact studies. As well, the traffic generation, trip assignment/distribution and road improvement recommendations described in the Traffic Impact Study are inconsistent with those of the transportation impact study of the Humbertown Shopping Centre redevelopment. The report needs to address the following:

- The east limits of the St. Stevens Court road allowance should be redesigned to reflect a conventional turning basin design consistent with City of Toronto Standard DIPS-5 (minimum 12.5 m radius with an additional boulevard width of 2.75 m).
- The applicant proposes heavy vehicle serving by backing in from the travelled surface of St. Stevens Court which is not acceptable. Heavy truck access in and out of each loading area must be made in a 'cab forward' arrangement.
- The applicant suggests connecting the proposed underground garages to the existing garage of 289 The Kingsway to expedite vehicle access to Ashley Road. This is undesirable from an access management perspective. Vehicle access to the properties fronting St. Stevens Court shall be restricted to St. Stevens Court.
- A conveyance of a 1.5 m wide strip of land along the Ashley Road frontage of the site is required to satisfy the Official Plan right-of-way requirement for this road.

There have been no revisions to the original submission of the application to date due to the concurrent review of the application with the Humbertown Area Review. The applicant was advised of the request for a revised report in October, 2015. It is recommended that a revised TIS be submitted to address staff comments.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57-2.99 ha of parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is not in a parkland priority area.

The total land area is 1.55 ha., therefore the proposal is subject to a total parkland dedication of 0.08ha (5%). The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and Parks, Forestry and Recreation staff advise that this is acceptable as the design of the development would prove difficult to provide unencumbered land for the purpose of a park. In addition, the site is in close proximity to existing parkland, including Humber Valley Park.

The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit by Building staff should the application be approved.

School Board

The Toronto District School Board (TDSB) has advised that there is insufficient space at local schools to accommodate students anticipated from the proposed development.

As such, the TDSB has requested that the proponent be required to erect Notice Signs and that warning clauses be included in all purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside of the immediate neighbourhood. These requirements would be included in the Section 37 Agreement, should the applications be approved.

There were no comments received from the Toronto Catholic District School Board.

Toronto Green Standard

On October 27, 2009, City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development aimed at improving air and water quality, reducing green house gas emissions and enhancing the natural environment.

The proposal is required to meet Tier 1 of TGS. Should the development be approved, this requirement would be addressed through finalization of the Zoning By-law Amendment.

Section 37

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. Given the proposed increase in height and density, this

development proposal would be subject to the Section 37 policies of the Official Plan. Discussions regarding Section 37 community benefits between the applicant and the City did not occur as there was no agreement on an appropriate form and scale of development for the site.

Planning staff intend to continue discussions with the applicant to resolve the outstanding issues identified in this report, which if successful, would then lead to discussions on the provision of an appropriate Section 37 contribution. However, since the application has been appealed to the Ontario Municipal Board, it is necessary to address the Section 37 contribution in the event the Ontario Municipal Board approves the proposed development.

Although Section 37 discussions did not occur, the Community Services and Facilities report submitted in support of the rezoning application suggests that there is a need for more outdoor amenities such as tennis courts, indoor skating rink, baseball diamond, swimming pool and football/soccer field. Additionally, the report suggests there would be a need for more community space to run programs for a variety of activities such as arts, yoga, sports and music. More programming space for human service providers in the area would also be needed.

This report recommends that if the Ontario Municipal Board approves this application, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan, community benefits should be provided under Section 37 of the *Planning Act* as determined through consultation with the Ward Councillor's office. At a preliminary level, the Ward Councillor has identified the following community needs in addition to those noted above: capital improvements to local parks and facilities and/or a Public Art contribution in the community.

Tenure

The proposal includes a mix of replacement residential rental units and condominium units in addition to seniors units.

Rental Housing

The applicant proposes to replace the rental units to be demolished at approximately the same size, type and rents within the on-site development to meet the requirements of Official Plan Policy 3.2.1.6. Staff discussed the rental replacement with the applicant and find that the proposal is adequate to meet the intent of the policy. Discussions regarding an appropriate Tenant Relocation and Assistance Plan between the City and the applicant did not occur prior to the appeal of the application to the Ontario Municipal Board. Likewise, the City has not held a tenants meeting under Chapter 667 of the Municipal Code. These delays resulted from City Council direction to proceed with the review of the application after completion of the Humbertown Area Review. As such, staff have not had further discussions with the applicant to address assistance plans. However, the applicant advised staff that meetings were held with the tenants to address rental unit replacement matters.

Recommendation 3 (b) requires that any redevelopment of the lands must include a full replacement of the 156 existing rental dwellings units and a Tenant Relocation and Assistance Plan be provided to the satisfaction of the Chief Planner and Executive Director, City Planning. As such, should the Ontario Municipal Board approve the proposed development in full or in part, this matter should be finalized prior to an Order of the Board being issued, through a further report on the rental demolition and replacement for City Council's approval.

Conclusions

The proposal in its current form is not appropriate and represents an overdevelopment of the site. The proposed height, density and massing is out of scale with the existing context of the area.

It is therefore recommended that City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application in its current form.

It is also recommend that City staff be directed to continue discussions with the applicant aimed at developing an appropriate development proposal for these lands.

CONTACT

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E-mail: ljohnst@toronto.ca

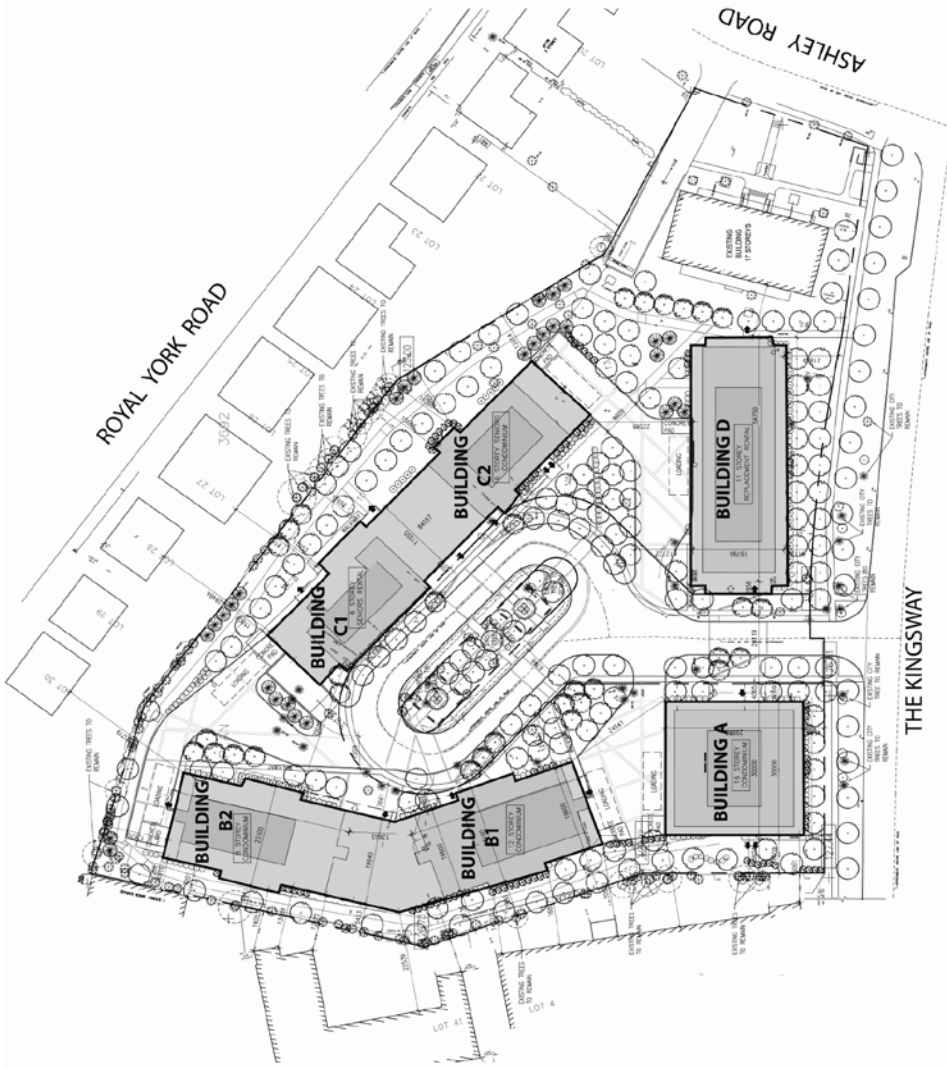
SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1:	Site Plan
Attachment 2a:	Building A - South and West Elevations
Attachment 2b:	Building A - North and East Elevations
Attachment 2c:	Buildings B1 and B2 - West and East Elevations
Attachment 2d:	Building B1 - South Elevation and Building B2 - North Elevation
Attachment 2e:	Buildings C1 and C2 - North and South Elevations
Attachment 2f:	Building C1 - West Elevation and Building C2 - East Elevation
Attachment 2g:	Building D - North and South Elevations
Attachment 2h:	Building D - West and East Elevations
Attachment 3:	Official Plan
Attachment 4:	Zoning
Attachment 5:	Application Data Sheet
Attachment 6:	Summary of Community Input

Attachment 1: Site Plan

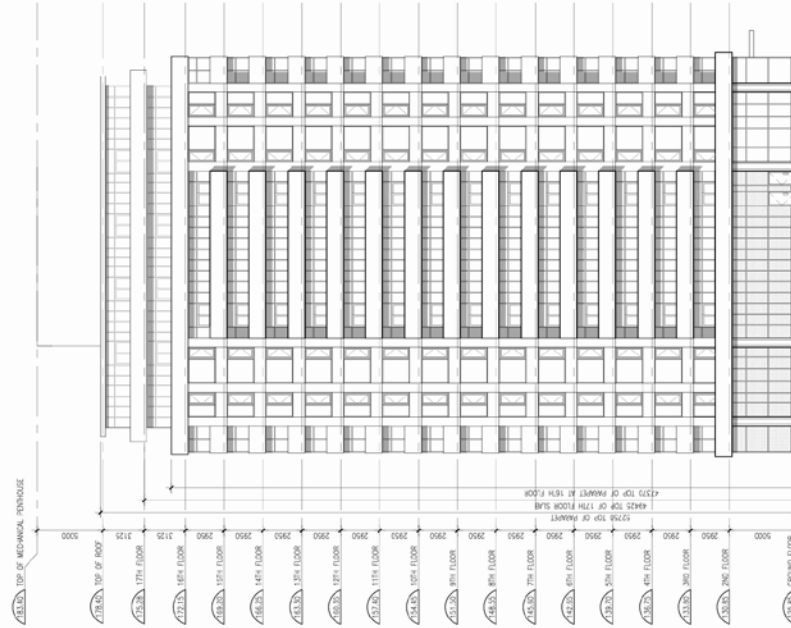


289 and 291 The Kingsway and
1 - 7 St. Stevens Court
File # 13 164266 WET 04 02

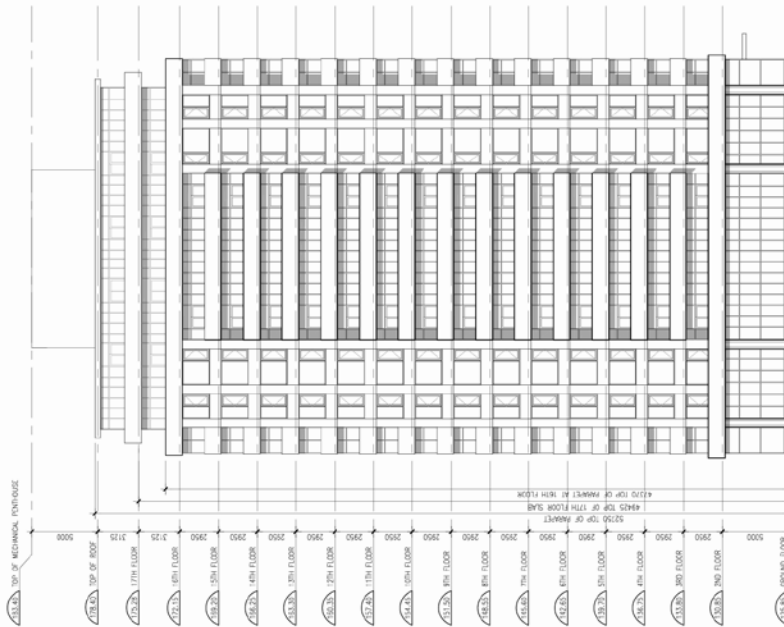
Site Plan
Applicant's Submitted Drawing
Not to Scale
06/13/2013



Attachment 2a: Building A - South and West Elevations



1 Building A - West Elevation
 1/4"=1'-0" SCALE: 1/200

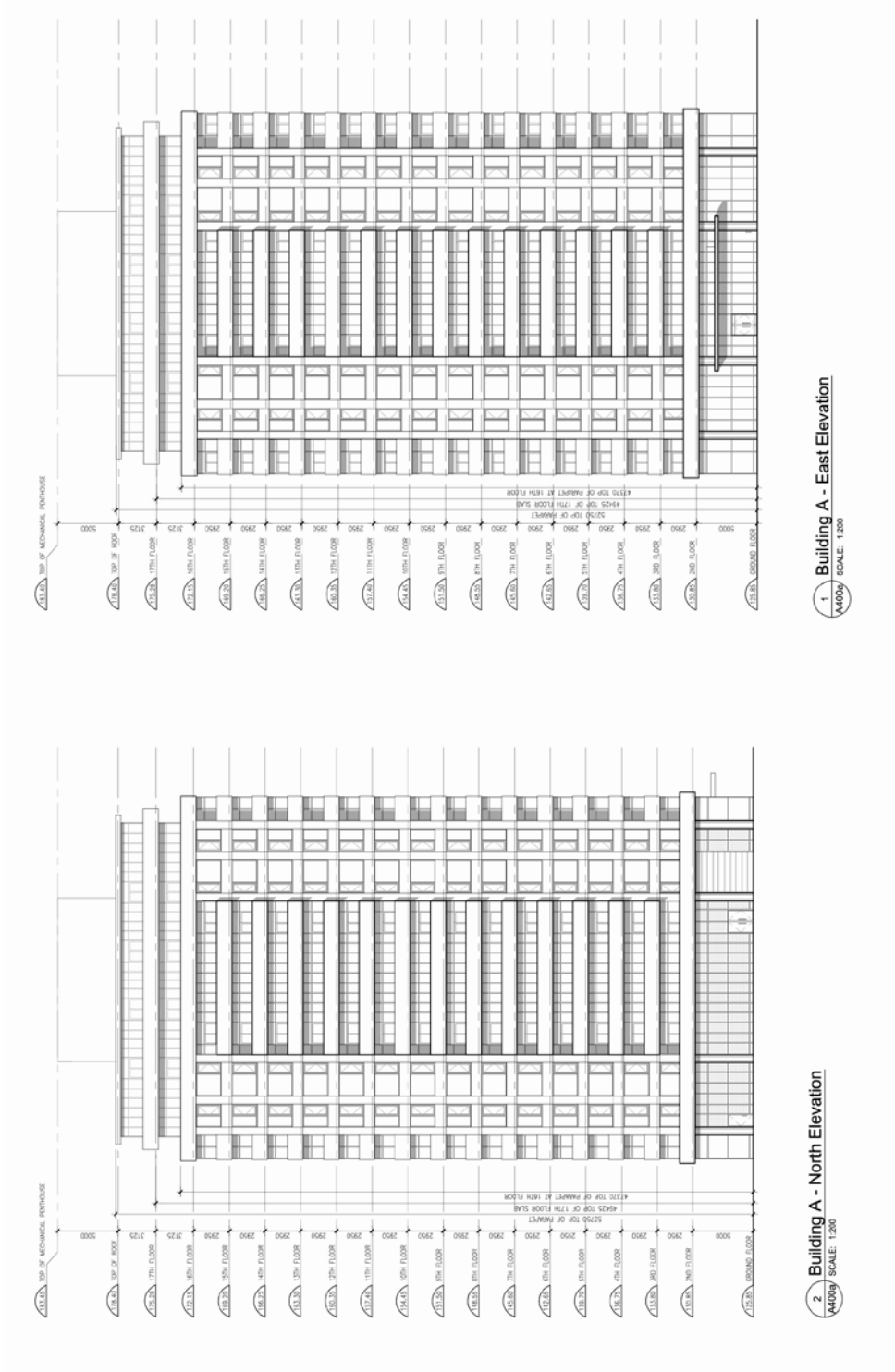


2 Building A - South Elevation
 1/4"=1'-0" SCALE: 1/200

289 and 291 The Kingsway and
 1 - 7 St. Stevens Court
 File # 13 164266 WET 04 02

Elevations - Building A
 Applicant's Submitted Drawing
 Not to Scale
 06/13/2013

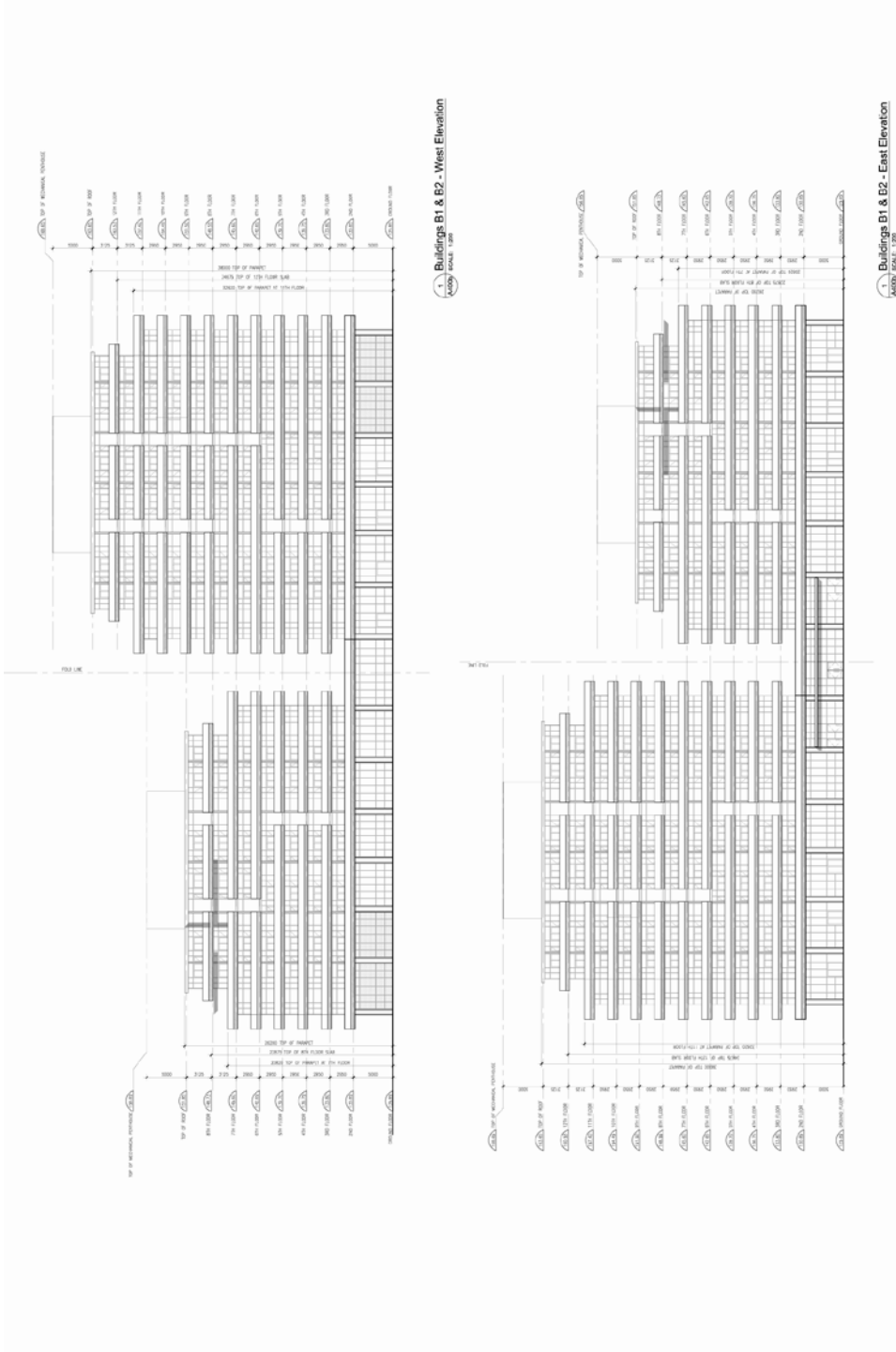
Attachment 2b: Building A – North and East Elevations



**289 and 291 The Kingsway and
1-7 St. Stevens Court**
File # 13 164266 WET 04 02

Elevations - Building A
Applicant's Submitted Drawing
Not to Scale
06/13/2013

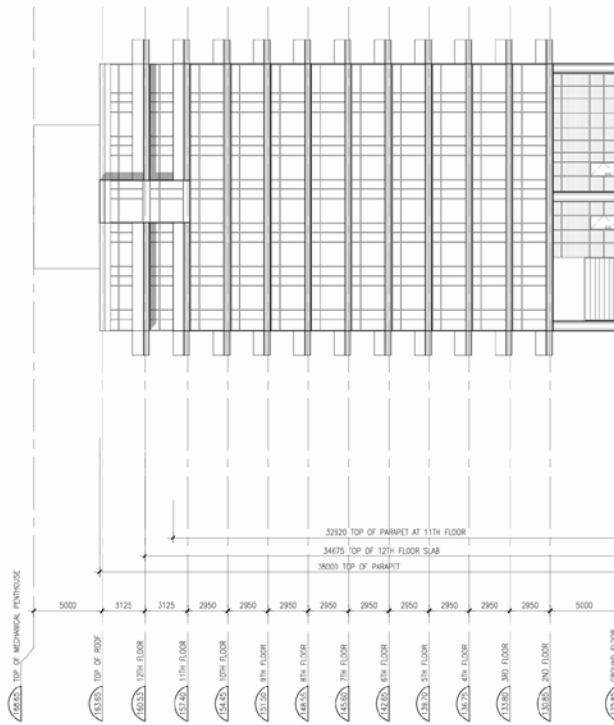
Attachment 2c: Buildings B1 and B2 - West and East Elevations



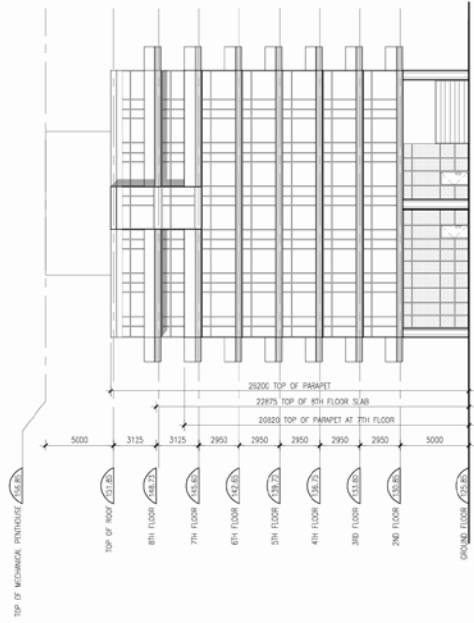
Elevations - Buildings B1 & B2
Applicant's Submitted Drawing
Not to Scale
06/13/2013

**289 and 291 The Kingsway and
1 - 7 St. Stevens Court**
File # 13 164266 WET 04 02

Attachment 2d: Building B1 – South Elevation and Building B2 – North Elevation



2 Building B1- South Elevation
44019 SCALE: 1:200



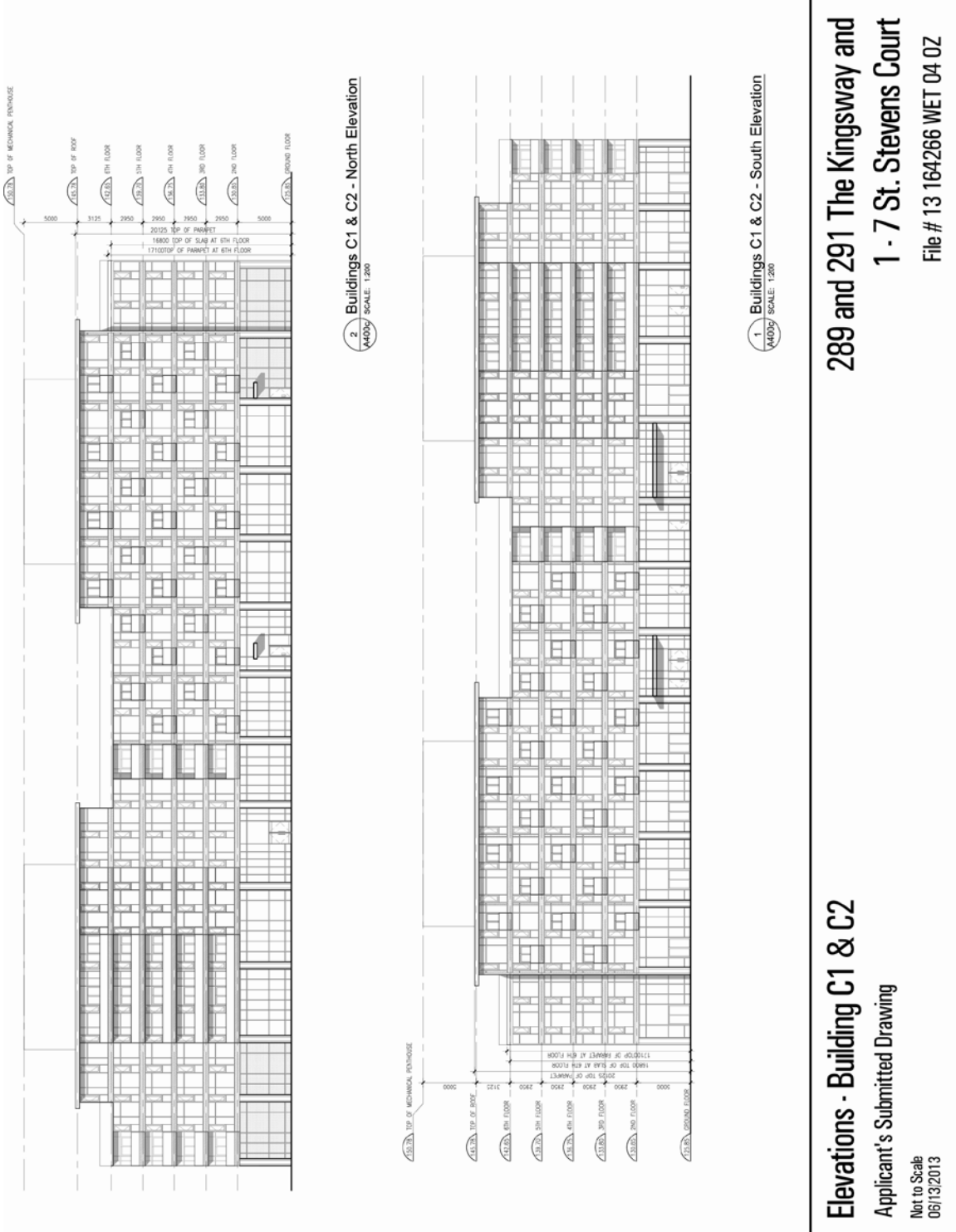
1 Building B2 - North Elevation
44019 SCALE: 1:200

Elevations - Buildings B1 & B2
Applicant's Submitted Drawing

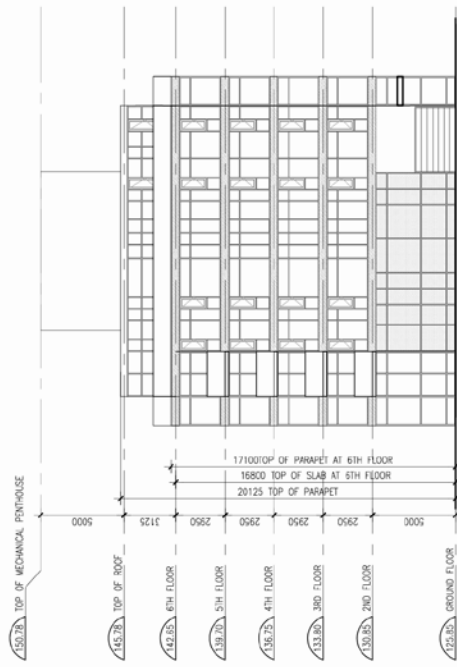
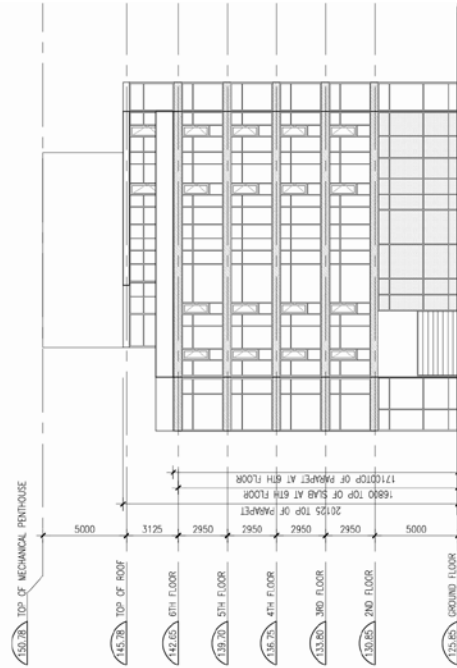
Not to Scale
06/13/2013

289 and 291 The Kingsway and
1 - 7 St. Stevens Court
File # 13 164266 WET 04 02

Attachment 2e: Buildings C1 and C2 - North and South Elevations



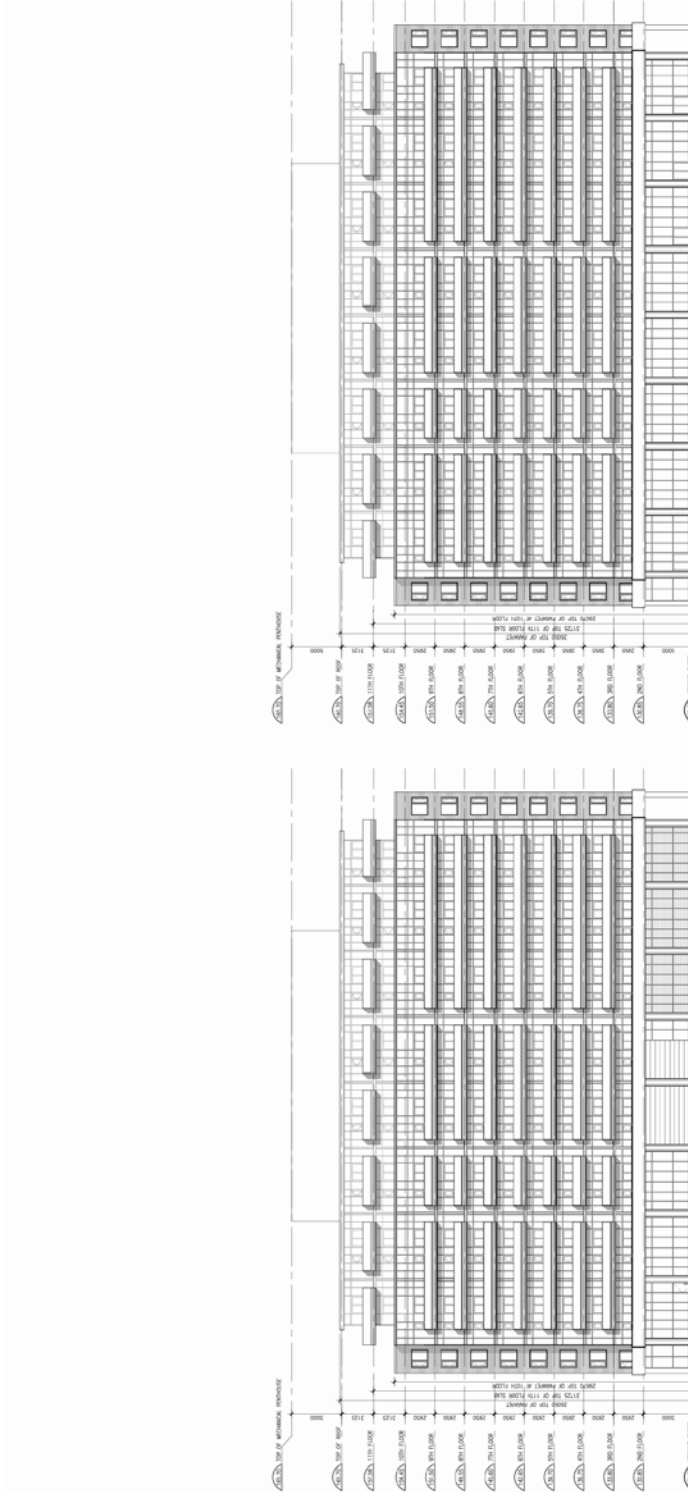
Attachment 2f: Building C1 - West Elevation and Building C2 - East Elevation



**289 and 291 The Kingsway and
1-7 St. Stevens Court**
File # 13 164266 WET 04 02

Elevations - Building C1 & C2
Applicant's Submitted Drawing
Not to Scale
06/13/2013

Attachment 2g: Building D – North and South Elevations



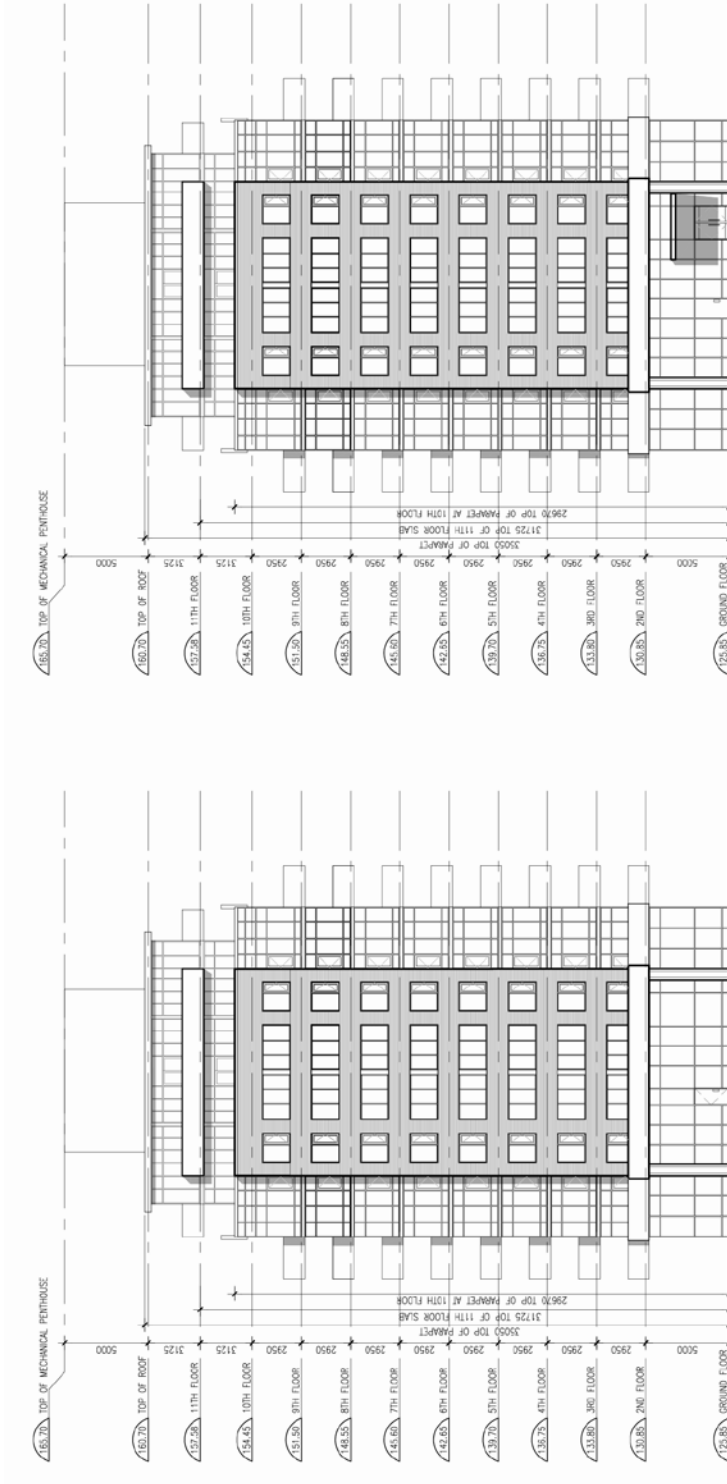
1. Building D - South Elevation
SCALE: 1/32"

1. Building D - North Elevation
SCALE: 1/32"

**289 and 291 The Kingsway and
1 - 7 St. Stevens Court**
File # 13 164266 WET 04 0Z

Elevations - Building D
Applicant's Submitted Drawing
Not to Scale
06/13/2013

Attachment 2h: Building D – West and East Elevations



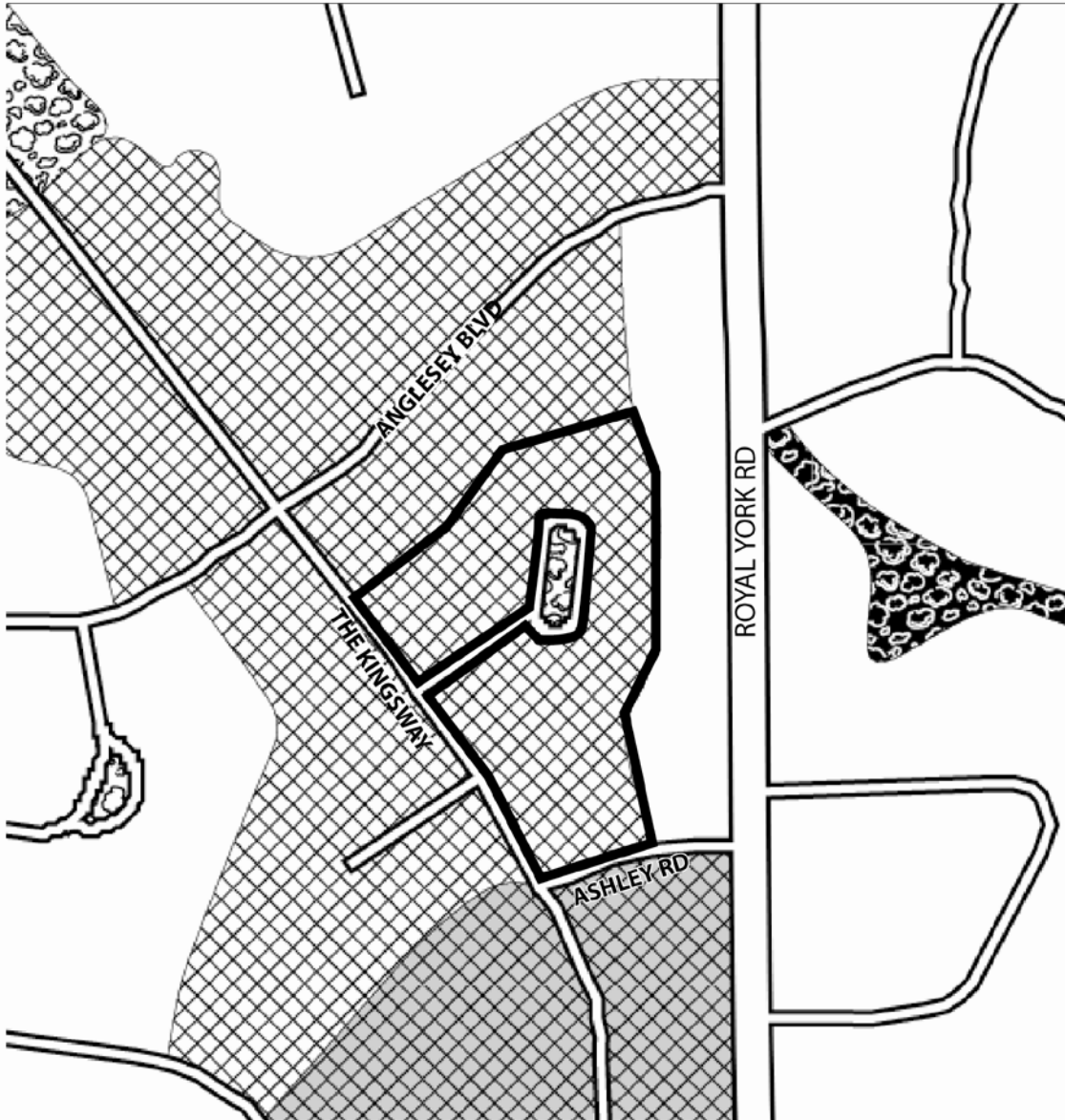
2 Building D - East Elevation
A401d SCALE: 1:200

2 Building D - West Elevation
A401c SCALE: 1:200

289 and 291 The Kingsway and
1 - 7 St. Stevens Court
File # 13 164266 WET 04 02

Elevations - Building D
Applicant's Submitted Drawing
Not to Scale
06/13/2013

Attachment 3: Official Plan



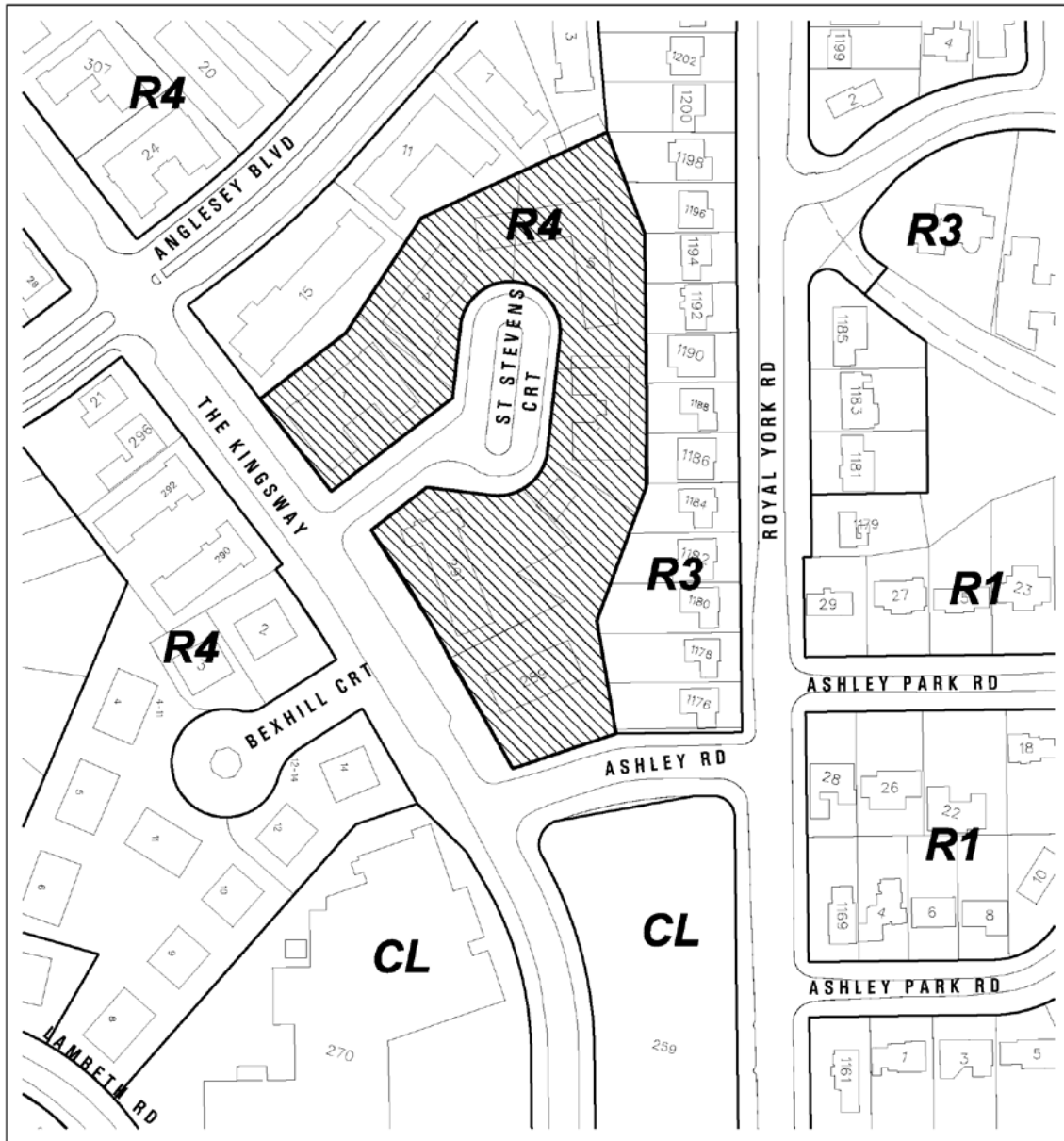
TORONTO City Planning
Official Plan

289 and 291 The Kingsway and
1-7 St. Stevens Court
File # 13 164266 WET 04 02



↑
Not to Scale
06/14/2013

Attachment 4: Zoning



TORONTO City Planning
Zoning

**289 and 291 The Kingsway and
 1 - 7 St. Stevens Court**
 File # 13 164266 WET 04 0Z

- R1 Residential First Density
- R3 Residential Third Density
- R4 Residential Fourth Density
- CL Commercial Limited

↑
 Not to Scale
 Former Etobicoke By-law 11,737
 Extracted 06/14/2013

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	13 164210 WET 04 OZ
Details	Rezoning, Standard	Application Date:	May 7, 2013

Municipal Address: 289 and 291 THE KINGSWAY and 1, 3, 5 and 7 ST STEVENS COURT
 Location Description: PLAN 3692 LOTS 12 18 & 19 PT LOTS 11 13 16 & 17 **GRID W0405
 Project Description: Proposed replacement of 5 rental buildings with 6 new buildings containing 603 units. The existing 17 storey building would be retained. Concurrent Rental Housing Demolition and Conversion application.

Applicant:	Agent:	Architect:	Owner:
Dentons Canada, LLP 77 King Street West, Suite 400 Toronto, ON, M5K 0A1	Dentons Canada LLP 77 King Street West, Suite 400 Toronto, ON, M5K 0A1	Quadrangle Architects 901 King Street West Suite 701 Toronto, ON M5V 3H5	The Elia Corporation 132 – 1 Benvenuto Place Toronto, ON M4V 2L1

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	Yes
Zoning:	R4	Historical Status:	No
Height Limit (m):	14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	15,549	Height:	Storeys:	16	
Frontage (m):	varies		Metres:	55.3	
Depth (m):	varies				
Total Ground Floor Area (sq. m):	9,474				Total
Total Residential GFA (sq. m):	58,529		Parking Spaces:	646	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	58,529				
Lot Coverage Ratio (%):	61.0				
Floor Space Index:	3.76				

DWELLING UNITS

Tenure Type:	Mixed
Rooms:	
289 The Kingsway	73
1 Bedroom:	414
2 Bedroom:	189
3 + Bedroom:	0
Total Units:	676

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	58,529	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: Cynthia Owusu-Gyimah, 416-394-2608

Attachment 6: Summary of Community Input

Built Form and Density

- The proposed development represents a substantial increase in height and a 300% increase in density over what is currently there. The proposed development would be appropriate in Etobicoke Centre along Bloor Street west between Islington and Kipling subway stations, but does not belong in this neighbourhood. Whatever redevelopment is ultimately permitted should enhance the area and not overwhelm it as per the Official Plan and should also not overburden its already compromised infrastructure;
- The proposed development is totally incompatible with the surrounding area with respect to height and density;
- The proposed height of 55.3 m is approximately four times the allowable building height of 14 m and that is not acceptable;
- Supportive of redevelopment of the site in a manner which would not have an overly negative effect on the surrounding community provided the development is at a much reduced scale which does not grossly exceed the height permitted for the site;
- Concerned that the proposal will erode the 'small town' feel of the area predominantly characterized with single family homes and low-rise apartment buildings;
- Concerned that building heights of 8, 11, 12 and 16 storeys substantially exceed heights permitted along a 4-lane Avenue yet the site is bordered by 2-lane roads;
- Concerned that the proposed development is too tall and too dense for the existing neighbourhood;
- Proposal should be scaled back to fit within planning guidelines and any density increase should be supported by a more detailed study of impacts;
- The height and density of the proposal does not fit with the City of Toronto Official Plan for Healthy Neighbourhoods;
- Proposal is on a site that is part of an established apartment neighbourhood surrounded by an established residential neighbourhood therefore it should be refused; and
- Concerned with the size of proposed development and its potential impact on the surrounding neighbourhood.

Traffic

- Concern that the proposed development in addition to the Humbertown Shopping Centre redevelopment will generate substantial increase in traffic in the area;
- Concern that evaluating theoretical traffic impact as opposed to actual traffic impact from the Humbertown Shopping Centre redevelopment is problematic;
- Request not to proceed with the application until the real traffic impacts of the Humbertown Shopping Centre redevelopment is assessed post construction;

- Concerned that the proposed development will result in uncontrolled traffic through the quiet residential streets in the area; and
- Need for additional TTC/private transit to/from Royal York subway station.

Servicing

- Concerned that there will be extra burden of costs associated with infrastructure improvements required for the scale of the proposed development.

Shadowing

- Proposed buildings would create considerable shadows and visual obstruction for the residents on Royal York Road; and
- Strongly oppose any relief from the current zoning by-laws.

Other

- The City should complete a comprehensive visioning exercise for the neighbourhood before evaluating the application;
- Proposed development represents a massive growth and raises concern about appropriate light, wind levels, privacy and security of families in adjacent dwellings;
- Concerned with the noise impact from the development and the loss of mature tree canopy on site;
- Generally supportive of upgrading and renovating buildings on site so long as the redevelopment is reasonable and appropriate;
- Allowing the proposal to proceed will set a precedent for future development to take place in this quiet residential neighbourhood;
- Generally supportive of 'gentle' increase in density provided the increase is spread out and located on major roads such as Royal York Road and Dundas Street;
- Concerned that the application will undoubtedly have a significant adverse and irreversible affect on a residential neighbourhood that was never designed, or intended to sustain the type of development being proposed;
- The City needs to prioritize the public interest and residents concern therefore the Planning Department is strongly urged to refuse the application which includes a substantive deviation from the current zoning requirements; and
- The proposal threatens to adversely impact the quality of life for all Humber Valley Village residents through exponential increase in traffic, noise and sewage strain.