491 Glencairn Avenue and 278, 280 & 282 Strathallan Wood Road - Official Plan and Zoning By-law Amendment Applications – Request for Direction

Date: May 27, 2016
To: North York Community Council
From: Director, Community Planning, North York District
Wards: Ward 16 – Eglinton-Lawrence
Reference Number: 14 102565 NNY 16 OZ

SUMMARY

The applicant has appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the Planning Act. A prehearing will be held on June 1, 2016.

This application proposes to amend the Official Plan, former City of North York Zoning By-law No. 7625 and new City-wide By-law 569-2013 for the lands at 491 Glencairn Avenue and 278, 280 and 282 Strathallan Wood Road, to permit a 12 storey, 38.5 metre high mixed use building containing 150 residential units, 428 square metres of commercial space at grade and 149 parking spaces in 3 levels of underground parking.

This report recommends that the City Solicitor, together with City Planning staff, attend the OMB hearing in opposition to the current proposal.
RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the OMB hearing to oppose the Official Plan and Zoning By-law Amendment applications in their current form.

2. Should the OMB approve the applications, City Council authorize the City Solicitor to request that the OMB withholds its Order(s) approving the applications until such time as:
   a. The Board has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law Amendments are in a form satisfactory to the City;
   b. A Section 37 Agreement has been executed to the satisfaction of the City Solicitor.

3. Should the Ontario Municipal Board approve the applications, City Council direct the City Solicitor to advise the Board that the zoning by-laws should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner in consultation with the applicant and the Ward Councillor.

4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council if any substantial positive changes are achieved, including proposed Section 37 contributions relating to any revised proposal, as appropriate.

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

DECISION HISTORY
The site has previously been the subject of a planning application for Site Plan Control (File # 06 191554 NNY 16 SA) for a 5 unit townhouse development submitted in 2006 and subsequently a Notice of Approval Conditions was issued on March 10, 2009. A Minor Variance application (A0833/06NY) was also submitted to and approved by the Committee of Adjustment in 2008 with minor variances in relation to maximum site coverage, setbacks and lot area. This Minor Variance application was appealed to the Ontario Municipal Board and was subsequently approved, subject to conditions.

The application was received on January 9, 2014 and on April 8, 2014 North York Community Council adopted a Preliminary Report on the application. Community Council adopted the report dated March 14, 2014 and directed City Planning staff to

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schedule a community consultation meeting with the Ward Councillor. The notice area for the Community meeting was extended at Community Council, which included residents within 120 metres of the site with the addition of landowners located in the area bounded by Glenmount Avenue to the west, Glengrove Avenue to the north, Forest Wood to the east, Lytton Boulevard and Viewmount Avenue to the south.

The Preliminary Report is available at:

ISSUE BACKGROUND

Proposal

With regards to the built form, the application proposes a 12-storey, 38.5 metre high (excluding the elevator overrun) mixed use building containing 150 residential units. A retail space is proposed within the northwest portion of the ground floor with an entrance directly at Glencairn Avenue. The residential lobby would be located in the middle of the building along the Glencairn frontage, to the east of the retail space. The proposal would have a total gross floor area (GFA) of 12,609 square metres resulting in an overall Floor Space Index (FSI) of 4.30. The residential GFA proposed is approximately 12,132 square metres and the non-residential GFA proposed is 477 square metres. Of the total 150 units, the overall unit mix would consist of 22 studio units, 62 one-bedroom units, 26 one-bedroom plus den units, 17 two-bedroom units and 23 three-bedroom units. The proposal includes 262 square metres of indoor amenity space located on Levels 1 and 2, and 227 square metres of outdoor amenity space in the form of terraces.

The subject site slopes noticeably from north to south and from east to west (to a lesser extent) to a low point at the southwest corner of the site. Along Bathurst Street, there is a grade differential of approximately 4.0 metres between the north and south ends of the subject site. The ground floor of the building proposal steps to address this grade change. At Glencairn Avenue, average established grade for the proposed ground floor is 180.65 metres. Along Bathurst Street, the building steps down to the average established grade of 176.65 metres for the proposed ground floor at Strathallan Wood Road. There is also a grade differential along Strathallan Wood of approximately 2.0 metres. Due to the difference in grade on site, approximately 542 square metres of the total GFA is below the proposed established grade of 180.65 metres.

The applicant is proposing a 3.35 metre stratified right-of-way widening along the entire Bathurst frontage with a corner rounding at the Bathurst/Glencairn intersection. The building would be setback 1.2 metres at grade from the widened Bathurst Street and Glencairn Avenue streetline. The proposed retail ground floor would have a minimum height of 3.65 metres at its closest point on Glencairn Avenue. The proposed building face provides a 1.2 metre setback from Glencairn Avenue. The rear setback on the Mixed Use Areas portion of the site is 4.75 metres and along the Neighbourhoods designation, the rear setback is approximately 0.2 metres. Along Strathallan Wood Road, a 3-storey...
base building element is proposed, approximately 9.5m in height and set back 6 metres from the lot line to create front yard landscaped open space along the street edge. This 3-storey element would be comprised of 6 grade related townhouse units, each with front door entry from the Strathallan Wood Road sidewalk. A proposed mechanical penthouse of 6.6 metres in height would be incorporated into the design of the building with a 2-level penthouse unit wrapping the mechanical penthouse at its south end. The wrapped penthouse is set back 21.6 metres from the south lot line, 7.8 metres from the north lot line, 18.55 metres from the east lot line at the north end of the site and approximately 25 metres from the east lot line at the south end of the site. A greenhouse is also proposed at the top of the penthouse.

The proposed building steps back as height increases, with the building mass and height focused towards Bathurst Street. Along Bathurst Street, above the ground floor, the main walls of the building would be stepped back 1.8 metres with projecting terraces and balconies extending to streetlines. Above the 6th storey base element along Bathurst Street, Levels 7 to 12 would maintain a 1.8 metre stepback with continuous projecting balconies. Along Glencairn, the building steps back 2.2 metres above the 5th storey base element and steps back 6.4 metres at the 10th storey. Along Strathallan Wood Road, above the 3-storey base element, the building would be stepped back 6.0 metres with an additional 4.2 metre step back above Level 6. Step backs also vary along east elevation at the rear of the site where above Level 2, the middle portion of the building would be stepped back four times from the east lot line, resulting in a setback from the east lot line ranging from 7.4 metres to 17 metres at the south end of the site and from 4.75 metres to 11.35 metres at the north end of the site. Levels 7 to 10 are stepped back further still, with a setback of approximately 22 metres from the east lot line at the south end of the site and a setback of 15.55 metres at the north end.

The applicant is proposing a public boulevard width along Glencairn Avenue of 3.5 metres with one new tree proposed along this side of the new building. Along Bathurst Street, the public boulevard would be 5.8 metres wide with 6 new trees proposed and Strathallan Wood Road would have a public boulevard width of 6.7 metres with 4 new trees proposed. Along Bathurst Street, balconies along Level 2 would provide 1.8 metres of weather protection. Along Glencairn Avenue, an amenity terrace on Level 2 would be provided which has a 1.5 metre overhang on Glencairn Avenue to provide some weather protection to the vehicle and main building access below. No weather protection is proposed along Strathallan Wood Road.

A total of 149 parking spaces in a 3 level underground garage would be provided. Of the 149 parking spaces proposed, 122 spaces would be provided for residential parking, 26 spaces would be for commercial parking and one compact-sized car share space would be provided in the underground garage. No resident visitor parking is proposed. The garage is proposed to extend below the stratified road widening along Bathurst Street. One shared Type "G/B" loading space would be provided for the proposed development.
The parking and loading functions would be internalized within the easterly portion of the building. The driveway leading to the drop-off area, the underground parking ramp and the loading area would be accessed off Glencairn Avenue at the eastern limit of the site. The driveway would provide access to a circular turnaround feature. The turnaround would lead to the loading space on Level 1 and a ramp down to Levels P1, P2 and P3. There would be 64 vehicle parking spaces on Level P1, 73 vehicle parking spaces on Level P2 and 12 parking spaces on Level P3.

A total of 125 bicycle parking spaces are proposed at grade and on Level P1, 91 spaces for residents and 34 spaces for visitors. The resident bicycle parking spaces would be located in the parking garage on Level P1, while visitor spaces will be located at grade adjacent to the turnaround and within the parking garage on Level P1. In addition, 2 (two) City of Toronto bicycle rings (facilitating 8 bicycle spaces) would be provided along the Bathurst Street frontage, adjacent to the retail space.

Site and Surrounding Area

The subject site is located on the south east corner of Bathurst Street and Glencairn Avenue. The site occupies a full block between Glencairn Avenue and Strathallan Wood Road. The site has an area of 2,928m² and frontages of 72.9 metres along Bathurst Street, 36.9 metres along Glencairn Avenue and 45.1 metres along Strathallan Wood Road. The site is partially vacant and is fenced off from the public sidewalk.

The site is comprised of 4 different lots. The northerly portion (491 Glencairn Avenue) is vacant and was formerly used for car sales and automobile service uses and is designated Mixed Use Areas in the Official Plan. The southerly portion of the site (278, 280 and 282 Strathallan Wood Road) is occupied by three one and a half storey detached dwelling units designated Neighbourhoods in the Official Plan.

The depth of the site varies where the Mixed Use Areas portion of the site has a depth of 33.34 metres and the depth of the Neighbourhoods portion of the site is 40.26 metres.

The subject site is adjacent to Bathurst Street which has a 27 metre right-of-way and classified as a Major Arterial road under the City's Road Classification System.

Land uses surrounding the subject lands include:

North: Immediately north of Glencairn Avenue, along Bathurst Street are a series of single-storey commercial buildings and larger mixed use buildings of 5-storeys. There is an Official Plan and Zoning By-law application at 2795-2799 and 2801 Bathurst Street (Application # 15 152614 NNY 16 OZ) to permit a 10 storey mixed use residential building fronting onto Bathurst Street and two wings of four storey grade related townhouses on the eastern portion of the site with a total gross floor area of 14,745 square metres. Further north, there is a 13-storey rental apartment building.
East: Immediately east of the site, both along Glencairn Avenue and Strathallan Wood Road, is a residential neighbourhood with dwellings of single and 2 storey heights.

West: Immediately west of Bathurst Street, there is a 3-storey office building with frontage on Bathurst St. Further west along Glencairn Avenue is a residential neighbourhood with dwelling units of varying heights (1-3 storeys).

South: Along Strathallan Wood Road there is a mixture of 2 and 3 storey detached dwellings units.

**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. The PPS sets the policy foundation for regulating the development and use of land. The 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.

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 be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff have reviewed the proposal for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The Official Plan designates the subject properties as *Neighbourhoods* for the southerly portion of the site and *Mixed Use Areas* for the northerly portion of the site.

*Neighbourhoods* are considered physically stable areas, which include residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartments. Parks, local institutions, home occupations, cultural and recreational facilities and small scale retail service and office uses are also provided for in *Neighbourhoods*. Local institutions include uses such as seniors and nursing homes and long term care facilities.

The Official Plan states that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood. In addition, physical changes...
to established Neighbourhoods must be sensitive and fit its existing context and physical character. Policy 4.1.5 of the Official Plan requires development in established Neighbourhoods to respect and reinforce the existing physical character of the neighbourhood, including in particular:

- Size and configuration of lots;
- Heights, massing, scale and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Setbacks of buildings from the street or streets;
- Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- Prevailing patterns of rear and side yard setbacks and landscaped open space.

The Plan states in section 4.1.7, that proposals for intensification of land on major streets in Neighbourhoods are not encouraged by the policies of the Official Plan. Where a more intense form of residential development than that permitted by existing zoning on a major street in a Neighbourhood is proposed, the application will be reviewed in accordance with Policy 5, having regard for both the form of development along the street and its relationship to adjacent development in the Neighbourhood.

The Mixed Use Areas designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings. Development in this area is expected to create a balance of high quality commercial, residential, institutional and open space uses. Policy 4.5.2 sets out a number of criteria for development within the Mixed Use Areas designation, including:

- Creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Providing new jobs and homes for Toronto’s growing population on underutilized lands in the Avenues;
- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing setbacks and/ or a stepping down of heights, particularly towards lower scale Neighbourhoods;
- Locating and massing new buildings to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edges of streets and parks with good proportion and to maintain sunlight and comfortable wind conditions for pedestrians;
- Providing an attractive, comfortable and safe pedestrian environment;
- Have access to schools, parks, community centres, libraries and childcare;
- Taking advantage of nearby transit services;
- Providing good site access and circulation and an adequate supply of parking for residents and visitors;
• Locate and screen services areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
• Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Healthy Neighbourhood policies in Section 2.3.1.2 also provide direction on developments in Mixed Use Areas that are adjacent or close to Neighbourhood designations.

These developments will:

• Be compatible with those Neighbourhoods;
• Provide gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those Neighbourhoods;
• Maintain adequate light and privacy for residents in those Neighbourhoods; and
• Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those Neighbourhoods.

The Public Realm policies in section 3.1.1 of the Official Plan are also applicable to this site, where the policies promote the construction of quality architecture, landscape, and urban design. These policies speak to the importance of providing safe, attractive and interesting spaces for pedestrians and incorporating a Complete Streets approach for existing City streets.

Built form policies in the Official Plan are also applicable to this application as they provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. More specifically, Section 3.1.2 provides direction pertaining to site organization, improving the safety and attractiveness of adjacent streets through building design and appropriate massing.

**Avenue Segment Study**

The Mixed Use Areas and the Neighbourhoods portion of the site fronting on to Bathurst Street are also shown as Avenue within the Official Plan, Map 2 – Urban Structure. The Bathurst Street Avenue overlay extends from Wilson Avenue south to Viewmount Avenue and Lytton Boulevard.

The Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Growth is not intended for all sites identified along Avenues. As per policy 2.2.3.4 of the Plan, where a portion of an Avenue is designated Neighbourhoods the policies of Chapter 4 of the Plan will prevail to ensure that any new
development respects and reinforces the physical character of the established
neighbourhoods.

As per section 2.2.3 of the Plan, reurbanizing the Avenues will be achieved through the
preparation of Avenue studies for strategic mixed use segments of the corridors shown on
Map 2 in the Plan. If a development application is located on an Avenue that has not
undergone an Avenue study, the applicant is required to submit a segment study to
illustrate the proposed development would not set a negative precedent along the Avenue.
Development requiring a rezoning will not be allowed to proceed prior to completion of
an Avenue Study unless the review demonstrates to Council's satisfaction that the
subsequent development of the entire Avenue segment will have no adverse impacts
within the context and parameters of the review. An Avenue Segment Study has been
submitted as part of the application.

The Avenue Segment Study submitted identifies 12 potential development sites
surrounding the subject property. Staff are not satisfied that the submitted Avenue
Segment Study supports the scale of proposed built form on the subject lands. Staff do not
agree with the study area utilized, as it relies on lands that are not shown as Avenue on
Map 2 in the Official Plan. This impacts the validity of including 3 of the 12 potential
development sites identified. The analysis of the soft sites does not support development
of the subject site with a 12-storey building.

**OPA 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted
Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and
refines the Healthy Neighbourhood, Neighbourhoods and Apartment Neighbourhoods
policies to support Council’s goals in the Official Plan to protect and enhance existing
neighbourhoods and to allow limited infill on underutilised apartment sites in Apartment
Neighbourhoods. In particular, the Healthy Neighbourhood policies have been
strengthened with respect to situations where development is proposed in Mixed Use
Areas that are adjacent or close to Neighbourhoods. In December 2015, the City
submitted OPA 320 to the Minister of Municipal Affairs and Housing for approval.
While OPA 320 is City Council’s adopted policy, it is not yet in force.

**Zoning**

The site is currently zoned C1 (General Commercial) on the northern portion of the site
and RM3 (Residential Multiple-Family) on the southern portion of the site under the
Former City of North York Zoning By-law 7625.

The southern portion of the site is also subject to the new City-wide Zoning By-law 569-
2013 which designates this portion RM (d0.75) (Residential Multiple Dwelling).

Under the former North York Zoning By-law 7625, the C1 zone permits a wide range of
commercial uses which include retail stores, restaurants and business and professional
office uses. This zone also permits residential uses that are permitted in an RM5 zone, including apartment house dwellings and multiple attached dwellings subject to compliance with the RM5 provisions.

A maximum density of 1.0 times the lot area and maximum lot coverage of 33.3 percent is permitted in the C1 zone. There is no specified maximum height limit for commercial buildings, except for commercial buildings having dwelling units above the first floor, which are subject to a maximum height of 9.2 metres or 3 storeys above grade, whichever is lesser. For residential buildings, the permitted maximum height and density are those specified by the RM5 provisions, which are 11.5 metres and 1.0 Floor Space Index (FSI).

The portion of this site now zoned C1 was previously included in an RM4 Zone, which was amended by By-law Number 14068 (enacted on May 11, 1959). This site specific by-law did not amend any development regulations.

The RM3 zone which applies to the southerly portion of the site permits a wide range of residential uses, including apartment houses, multiple attached dwellings and semi-detached dwellings. For apartment house dwellings, the RM3 zoning specifies a maximum density of 0.75 times the lot area, a maximum lot coverage of 35 percent and a maximum building height of 9.2 metres.

Under the new City-wide Zoning By-law No. 569-2013, the southerly portion of the subject site is zoned RM d (0.75) while the northerly portion of the site is not included in By-law 569-2013. The Residential Multiple Dwelling (RM) Zone permits dwelling units, including a detached house, semi-detached house, duplex, triplex, fourplex and an apartment building. The RM zone also permits parks, as well as certain institutional uses, subject to conditions. The maximum permitted density is 0.75 FSI and maximum lot coverage permitted is 35 percent.

Apartment buildings require a minimum lot frontage of 24.0 metres, a minimum lot area of 720 square metres and a maximum height of 12 metres.

**Avenue & Mid-Rise Buildings Study**

In July 2010, Toronto City Council adopted the *Avenues & Mid-Rise Buildings Study* and directed City Planning to use the Mid-Rise Building Performance Standards outlined in Section 3 of the Study in the evaluation of all new and current mid-rise development proposals on the *Avenues* and in the implementation of future Avenue studies so that the *Avenues* “vision” can be realized more quickly and effectively.

The guidelines provide guidance about the future built form of the *Avenues* through suggested Performance Standards which provide the foundation for new zoning regulations and urban design guidelines for mid-rise buildings that respect individual characteristics.
The Avenue & Mid-Rise Buildings Study is available at:

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

Reasons for the Application
The applicant is proposing to redesignate the southern portion of the site from Neighbourhoods to Mixed Use Areas within the Official Plan. The proposal requires an Official Plan Amendment for the southerly portion of the site that is currently designated Neighbourhoods. A Zoning By-law Amendment to the former City of North York Zoning By-law 7625 and to the new City-Wide Zoning By-law 569-2013 is required for the entire property. An amendment to the Zoning By-law is required to permit the proposed height and density of the 12-storey mixed use building and to establish development standards such as front, side and rear yard setbacks and vehicle parking requirements.

Community Consultation
A Community Consultation meeting was held on July 24, 2014. In attendance at the meeting were approximately 150 members of the public, city staff, the applicant's team and the former local Councillor. At the meeting several concerns were raised by residents with regards to:

- The proposed Official Plan Amendment to allow for higher density in a Neighbourhoods designation.
- The development of a mid-rise building along Bathurst Street without an existing Avenue Study in this area.
- The adherence to the Mid-Rise Performance Standards as suggested for developments along Avenues. Including issues to site organization, site circulation, built form and transition to streets and the adjacent neighbourhood.
- Impacts to the adjacent neighbourhood with regards to shadow and privacy through setbacks, stepbacks and landscape buffers.
- Current traffic issues along Bathurst Street and Glencairn, vehicular/loading access to the development from Glencairn Avenue and the result of increased density on site and its effects on current traffic volumes.

Working Committee
At the Community Consultation meeting the former local Councillor suggested that City Planning Staff form a Working Committee with the new Ward 16 Councillor (Christin
Carmichael-Greb) and representatives of area stakeholders to facilitate community input on the proposal. The (3) three Working Committee meetings were held on February 25, 2015, March 24, 2015 and June 25, 2015. The Working Committee was made up of 30 residents, Planning Staff, Transportation Engineering Staff and the applicant's team.

The discussion of each Working Group meeting was focused on a specific theme to address various resident and staff concerns with the proposal. The first meeting examined Site Organization and Built Form, the second examined Traffic Circulation, Parking and Loading issues on site and the last meeting the applicant came forward to show changes with regards to issues discussed in the first two meetings.

During the Working Group meetings, residents provided commentary on several issues on site including site organization, built form, height and site circulation and all meetings were well attended. The Working Group often cited the Mid-Rise Performance Standards as a starting point to evaluate and improve the proposed built form recognizing that while some form of redevelopment is appropriate for this site, it needs to conform to the policies related to Avenues and Mixed Use Areas. Residents clearly expressed to the applicant that they had issues with the proposed height, density and impact on the adjacent streets and neighbourhood. The Working Group was also vocal about traffic along Glencairn Avenue and Bathurst Street which would become further congested by the overdevelopment of this site.

At the final Working Committee meeting on June 25, 2015, the applicant reported back on issues presented at both working groups. Staff and the residents continue to have issues with the proposal. Planning has received no new submissions on this file since the first proposal on January 9, 2014. The applicant has appealed this application based on the original plans that have significant site organization and built form issues. As such, these plans do not reflect input from the Working Group meetings.

Agency Circulation
The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans
The Provincial Policy Statement (PPS) 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the tenor of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area and availability of infrastructure and public service facilities that meet projected needs.

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Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan meets the requirements of the PPS however the proposal does not conform to the policies of the Official Plan as discussed below.

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

**Land Use**

The proposed 12-storey building is to be developed on site which includes the assembly of lands designated *Mixed Use Areas* to the north and 3 single family dwelling lots to the south designated as *Neighbourhoods* that abut Bathurst Street. This site is flanked by two side streets (Glencairn Avenue and Strathallan Wood Road). The property also contains an *Avenue* overlay over the properties fronting on Bathurst Street (491 Glencairn Avenue and 282 Strathallan Wood Road).

As stated earlier, the *Avenues* policies in the Official Plan are intended to help the City direct growth to key main streets and areas with existing infrastructure while protecting the character and stability of the existing adjacent neighbourhoods. The character of growth that will occur through mid-rise built form will recognize the unique connection to these neighbourhoods through a development form that is moderate in scale and protects for sunlight on the *Avenue* and reflects high quality and design materials.

New development along *Avenues*, designated *Mixed Use Areas*, are generally envisioned to be mid-rise where the building is no taller than the width of the Right of Way as recommended in the Mid-Rise Performance Standards. The ability to realize the maximum height is tempered by angular planes applied to the front of the site and the rear of the site. Not all sites on *Avenues* will be able to achieve the maximum height, as some properties are physically constrained.

Furthermore, not all lands that fall within *Avenues* are designated for growth as per Section 2.2.3.4 of the Official Plan. Where a portion of an *Avenue* is designated *Neighbourhoods* the policies of Chapter 4.1 of the Plan will prevail to ensure that any new development respects and reinforces the general physical character of the established neighbourhood.
As previously stated, the Mixed Use Areas designation is an area intended for growth whereas, the Neighbourhoods designation is intended to be physically stable where new development must respect and reinforce the neighbourhood character.

The applicant has submitted an Official Plan Amendment to change the designation of the southern portion of the site adjacent to Strathallan Wood Road from Neighbourhoods to Mixed Use Areas.

Planning staff do not support the proposal to redesignate the Neighbourhoods portion of the site to Mixed Use Areas.

**Building Location and Organization**

The application proposes a 0 metre building setback of the building base from Bathurst Street, with a 1.2 metre setback to retail at grade, a 6 metre building setback from Strathallan Wood Rd and a 0 metre building setback of the building base from Glencairn Avenue with a 1.2 metre setback to retail at grade under the building.

The building setbacks provided on Bathurst Street and Strathallan Wood Road are appropriate for the Bathurst Street Avenue designation and in complementing the existing front residential setbacks along Strathallan Wood Road. A greater building setback from Glencairn Avenue should be provided to achieve a minimum 4.8 metre wide pedestrian boulevard allowing for street tree planting and clear sidewalks and to reflect the larger front landscape setback at 487 Glencairn Avenue. Planning staff recommend that the building face at Glencairn Avenue should be setback an additional 1.3 metres to achieve the minimum 4.8 metre pedestrian boulevard without building obstructions above and to create a gradual transition from the Avenue to the Neighbourhoods designated area.

The proposed rear building setback on the Mixed Use Areas portion of the site is 4.75 metres with an extended third floor terrace, 1.7 metres from the rear property line. Along the Neighbourhoods designation portion, the rear building setback is approximately 0.2 metres with at terrace at the third level rooftop, 0.2 metres from the rear property line.

The proposed rear yard 4.75 metre setback does not achieve an appropriate setback to the Neighbourhoods designation. This is due to a trellis proposed at grade along the rear of the property, where a landscape buffer for privacy should be provided. In addition, terraces are proposed within the limited setback which aggravates the overlook impacts on to the Neighbourhoods designation.

A 7.5 metre rear yard setback is recommended from the Mixed Use Areas designation portion of the site to the Neighbourhoods designation to provide appropriate transition including a planted screen and to minimize overlook. Within the 7.5 metre setback balcony projections should not be permitted to prevent overlook and a minimum 1.5 to 2.0 metre landscape buffer should be provided to allow for tree planting as a form of landscape buffer to the adjacent Neighbourhoods designation.

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The applicant has proposed grade related units that look like townhouse units along Strathallan Wood Road. These units act as an appropriate transition form to lower scale residential dwellings along Strathallan Wood Road and as such, a lesser setback is warranted at the rear of property line of the Neighbourhoods designation adjacent to the proposed townhouses. A minimum 1.5 metre setback from the rear property line is recommended to provide a landscape buffer to the Neighbourhoods designation along a townhouse side wall condition as these fit side to side. Rooftop terrace amenity at the third level should be setback to limit overlook on the Neighbourhoods designation.

A grade differential of approximately 4.0 metres runs along Bathurst Street between the north and south ends of the subject site. The proposed ground floor retail maintains a consistent finished floor elevation along Bathurst Street with a stepping down of the ground floor slab at the indoor amenity room facing Bathurst Street to address this grade differential. To better relate the ground floor retail elevation to the Bathurst Street elevation, an additional step of the ground floor slab should be provided within the retail area to allow for accessibility of retail entrances to Bathurst Street and to avoid blank walls facing the street.

Currently, the proposed building entrance for retail is located off of Glencairn Avenue. By achieving better grade relationships of retail floors to Bathurst Street, additional retail entrances should be taken off of Bathurst Street. Retail entrances facing Bathurst Street are important to help animate and provide accessibility to the Avenue, meeting the intent of Official Plan policies in contributing to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retail with active views and access onto the street.

Below grade amenity is proposed within the front yard setback of Strathallan Wood Road for the townhouse like units. While amenity is desirable to provide animation along the street, the below grade amenity does not achieve this goal nor does it respect the existing character of front yard grading and amenity in the Neighbourhood. Proposed outdoor amenity should be provided at the grade of the street and appropriately landscaped to respect the existing character of Strathallan Wood Road.

**Height, Massing, Transition and Shadow**

The site is designated Mixed Use Areas and Neighbourhoods in the Official Plan. Mixed Use Areas are expected to absorb most of the anticipated new housing in the City, however, not all Mixed Use Areas will experience the same scale or intensity of development, with the highest densities found in the Downtown, followed by the sites in the Centres and along the Avenues. Furthermore, Neighbourhoods are considered physically stable areas made up of lower scale buildings where new development must respect and reinforce the general physical character of these areas.

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The Mid-Rise Building Performance Standards give guidance in regard to building height, massing and transition on Mixed Use Areas designations on the Avenues to achieve Official Plan Policies including Land Use and Built Form Policies.

The proposed building height is 12 storeys with an overall height of 38.5 metres (not including the rooftop mechanical space). The mechanical penthouse proposed has a height of 6.6 metres with an additional height of 2.5 metres for an elevator overrun. The total height of the building including the mechanical space and elevator overrun is 47.6 metres.

Mid-Rise Performance Standards recommend that buildings along Avenues should be no taller than the width of the Avenue right-of-way to allow for a moderate height building that allows for sunlight on the Avenues with good proportion to the street. The width of the Bathurst Street right-of-way is 27 metres which results in a building height of approximately 8 storeys with 5 metres of additional height to be provided on the roof for mechanical equipment.

To achieve a minimum of 5 hours of sunlight on the Avenue sidewalk between the equinoxes from March 21st to September 21st, the Mid-Rise Performance Standards suggest that a front façade angular plane be taken from the Avenue property line at a height of 21.5 metres, which is 80 percent of the right of way width on Bathurst Street.

At 12 storeys and 38.5 metres the proposed building height greatly exceeds the approximately 8 storeys and 27 metre height suggested by the Performance Standards. The proposed building does not meet a front angular plane for Bathurst Street with protrusions of the building from the 7th storey to the 12th storey (including mechanical). In addition, the total height of the mechanical penthouse at 9.1 meters exceed a 5 metre height limit and non adherence to both front and rear angular planes contributes to shadow impacts.

Building mass above a 27 metre height and front angular plane results in a proposal that is not in good proportion to the street, overwhelming the street right of way in terms of visual scale and skyview and providing shadow impact on the Avenue. Shadow studies illustrate hours of sunlight access on Bathurst Street, where only 3 hours of sunlight are achieved on the opposite sidewalk on Bathurst Street at the spring fall equinoxes from 11:11 am to 2:11pm rather than 5 hours of sunlight which are sought for the Avenues from 9:11 to 2:11 pm.

The building height and massing should be revised to approximately 8 storeys and 27 metres in height and adhere to a front angular plane, including the mechanical, to ensure the building is in good proportion to Bathurst Street with appropriate skyview and 5 hour sunlight access on the Avenue.
Additional setbacks above the 6th storey streetwall along Glencairn Avenue are also recommended to improve sunlight conditions onto the Glencairn Avenue sidewalk to promote a comfortable streetscape condition for walkability.

The proposed minimum ground floor height of the building is 3.65 metres high at its tightest point at Glencairn Avenue. Mid-Rise Performance Standards encourage a 4.5 metre retail floor to ceiling heights for flexibility of retail spaces and to emphasize the ground floor visibility of retail from the street. A higher floor to ceiling height of retail than 3.65 meters should be provided to allow retail on Bathurst Street to be successful and provide good pedestrian animation.

The proposal illustrates a 6 storey building base or street-wall along Bathurst Street, Glencairn Avenue and Strathallan Wood Road that is defined by a masonry frame and projecting balconies between the 2nd floor and the 6th floor. The Performance Standards suggest balconies should be inset behind the street wall within the building base to appropriately frame the street. The streetwall should be better defined through a building base that projects to the property line with recessed or juliette balconies to properly frame the edge of the street.

To provide the appropriate transition between the Avenue and adjacent residential communities, the Mid-Rise Performance Standards recommend deep and shallow lot transitions to adjacent Neighbourhoods determined based on lot depth size of the property. Since the depth varies along this site, the Mixed Use Areas portion of the site is considered a Shallow Lot Condition and the Neighbourhoods portion of the site is considered a Deep Lot Condition.

Transition for shallow properties abutting a Neighbourhoods designation include a minimum setback of 7.5 metres from the property line and a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line. Transition for deep properties designated Mixed Use Areas abutting a Neighbourhoods designation include a minimum setback of 7.5 metres to the building face and a 45 degree angular plane from the property line. These angular planes provide gradual built form transition from Bathurst Street to the Neighbourhoods designation with a lower building at the rear, minimizing privacy and overlook issues on the adjacent Neighbourhoods designation.

The building proposal does not meet the rear shallow lot angular plane for the Mixed Use Areas portion of the site with 3rd floor building protrusions within the setback and major building protrusions from the 4th to 12th floor. The building proposal neither meets the rear angular plane for the Neighbourhoods portion of the site with building protrusions from the 3rd floor to the 12th floor. In addition, multiple balcony protrusions exist within the 7.5 metre setback and rear angular plane from the third floor to the 12th floor. The only location the building adheres to the 45 degree angular plane from the Neighbourhoods designation is across the street from Strathallan Wood Road.
Non adherence of the proposal to a setback and rear angular plane locates building massing closer to the Neighbourhoods designation, providing an inappropriate transition in scale to the lower scaled residential dwellings, resulting in visual bulk, overlook and shadow on to the Neighbourhoods designation. Overlook and privacy is further exacerbated by terrace and balcony protrusions within the setback and angular plane. Shadow studies illustrate the impact of the proposed building massing on the Neighbourhoods designation with shadows falling on the Neighbourhoods designation from 1:18 to 5:18pm during the spring and fall equinoxes.

Appropriate transition needs to be provided to the Neighbourhoods designation through building massing and balcony adherence to the building setbacks and rear angular planes described above in providing appropriate transition in scale and providing for adequate light and privacy as described in the Official Plan.

The cumulative effect of the proposed building massing and height results in a significant over development of the lot. The 12 storeys proposed is substantially taller than the existing 5-8 storey buildings approved by City Council within close proximity to the site. The design of the building also does not setback appropriately along Glencairn Avenue and at the rear of the site and does not facilitate desirable ground floor floor-to-ceiling heights and proper grading to achieve an appropriate relationship of the retail space to Bathurst Street. The proposal causes significant shadows along main streets and the adjacent Neighbourhoods designation and proposes significant protrusions into angular planes causing overlook and privacy issues which are unacceptable. These impacts are directly related to the proposed height and density on site.

The proposed building in its current form does not meet the Official Plan policies for Avenues in Section 2.2.3 Policy 3 and Built Form Policies in Section 3.1.2, Policies 3 and 4 where the proposed building has not been designed to fit harmoniously into its existing context, does not limit its impact on neighbouring streets and is not massed at a good proportion to define the edges of streets.

By applying appropriate setbacks, building massing and transition that address Official Plan policies in providing an appropriate fit within the context, the height and density of the building can be reduced to result in a proposal that responds appropriately to the site and minimizes impacts to surrounding uses.

**Streetscape**

Residents expressed in Working Group meetings that the community is highly pedestrian focused. Residents often walk to amenities in the neighbourhood and along Bathurst Street and children in the area walk to school.

The applicant is proposing a public boulevard width along Glencairn Avenue of 3.5 metres with one new tree proposed along this side of the new building. Along Bathurst Street, the public boulevard will be 5.8 metres wide with 6 new trees proposed and
Strathallan Wood Road would have a public boulevard width of 6.7 metres with 4 new trees proposed. Planning staff have encouraged the applicant to increase the boulevard width on Glencairn Avenue by providing a greater setback from the property line to achieve an overall minimum 4.8 metre recommended standard. This would improve the pedestrian experience by providing adequate space for pedestrians, tree planting, and amenities such as seating and street furniture. By increasing the setbacks of the building along Glencairn Avenue a better streetscape can be achieved.

Staff encourage the applicant to provide canopies over and adjacent to building entrances and provide for weather protection. Weather protection is being provided by way of a canopy along Glencairn Avenue and Bathurst Street and not by a projection of the building is recommended.

**Traffic Impact, Access, Parking**

The applicant has submitted a Traffic Impact Assessment which was reviewed by Transportation Services staff. Transportation Services have identified that the applicant is required to remove all underground parking spaces encroaching within the required 3.35 metre road widening on Bathurst Street, to provide on-site parking requirements as per rates as specified in their memo dated March 3, 2014, that all parking spaces considered to be undersized be revised to minimum length and width requirements according to the standards in By-law 569-2013 and to revise the calculation of minimum parking spaces required for retail uses. Transportation Services also requested a gap study be conducted at the proposed driveway of the development on Glencairn Avenue.

The 3 levels of underground parking and internalized loading within the easterly portion of the building have been reviewed by Transportation Services staff. Although, the proposed underground parking does meet By-law parking requirements with regards to the number of spaces, the applicant is required to provide significant revisions to the underground parking to remove spaces located within the widening on Bathurst Street underground. Transportation Services staff have deemed the loading space workable.

Transportation Services staff also require a road widening of 3.44 metres along Bathurst Street and a 6.1 metre corner rounding at Glencairn Avenue and Strathallan Wood Road which has been illustrated on the submitted Site Plan.

The applicant has proposed vehicular ingress and egress access from Glencairn Avenue. Residents have expressed concerns over traffic in the neighbourhood especially along Glencairn Avenue and at the intersection of Glencairn Avenue and Bathurst Street. Transportation Services and Planning staff have encouraged the applicant to pursue a throughway access to the site from Glencairn Avenue through to Strathallan Wood Road instead of ingress and egress off of Glencairn Avenue. This is also supported in the Mid-Rise Performance Standards above, where it is encouraged whenever possible that vehicular access should be provided via a local street or rear lanes and not the Avenue. Throughway access allows for vehicle options putting less pressure on Glencairn Avenue.

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and Bathurst Street. Therefore, Transportation Services and Planning staff recommended that the applicant propose outbound access via Strathallan Wood Road where vehicle left turns would be prohibited.

Through the community consultation and working committee meetings local residents have raised opposition to any access provided on Strathallan Wood Road.

Local residents preferred that access be provided to the proposed development from Bathurst Street. This option is not supported by Transportation Services and Planning staff due to its impact on the Avenue where Bathurst Street will not have a continuous frontage and for safety concerns for pedestrians and drivers.

**Site Servicing**

The applicant has submitted engineering reports, however Engineering and Construction Services have requested additional information on a number of issues in their memo dated March 3, 2014. These include revising the sanitary sewer analysis to account for wet-weather flow for pre-development conditions, wet-weather flow for post-development conditions, and identification of any mitigation measures that may need to be included in the design of the site to deal with sanitary sewer discharges. The applicant is also required to provide hydrant flow test results from the watermain to be used for the fire service connection and for the hydrant proposed to be used for fire flows to the Siamese connection. Major encroachments such as parking garage envelope, mechanical, electrical and storage rooms, and the stormwater management storage tank have been identified within the proposed municipal right of way. Engineering and Construction Services staff require these to be removed from the proposed right-of-way.

**Rental Housing and Proposed Housing Mix**

The applicant has been asked to submit a Rental Housing Declaration of Use and Screening form to determine if there is any rental demolition proposed or rental replacement required. To date, the Declaration of Use and Screening form has not been submitted. Should there be more than 6 units on site, the application will be subject to rental protection policies under the Official Plan.

The applicant has proposed a diverse unit mix with 15% of the units proposed being 3+ bedroom units.

**Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density pursuant to Section 37 of the Planning Act. As the application is seeking a significant increase in height and density, a Section 37 contribution would be warranted if this application were approved.

In the event that the OMB considers granting additional density and/or height beyond that which is permitted by the by-law, the City will request that the OMB not approve the
amending zoning by-law without the provision of such community benefits as are appropriate.

**Conclusion**
The current proposed setbacks, grading, height, massing and transition are not appropriate. The proposed built form does not adequately address the existing and planned context and does not provide an appropriate relationship to Bathurst Street, Glencairn Avenue or to the adjacent Neighbourhoods designation to the east. The proposal represents an over development of the site and is not consistent with the Official Plan. The proposed redesignation of the Neighbourhoods portion of the site to Mixed Use Areas is not supported by Planning Staff.

It is recommended that City Council authorize the City Solicitor and appropriate staff to attend any Ontario Municipal Board hearing in opposition to the current proposal. It is also recommended that City Council direct staff to continue discussions with the applicant to address issues raised in this report including an appropriate Section 37 contribution for a revised proposal.

**CONTACT**
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**SIGNATURE**

_______________________________
Joe Nanos, Director
Community Planning, North York District

**ATTACHMENTS**
Attachment 1: Site Plan
Attachment 2: West and South Elevations with Angular Planes
Attachment 3: East and North Elevations with Angular Planes
Attachment 4: North York Zoning By-law 7625
Attachment 5: Zoning By-law 569-2013
Attachment 6: Official Plan Designation
Attachment 7: Application Data Sheet
Attachment 1: Site Plan

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Attachment 2: West and South Elevation Angular Planes

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Attachment 4: North York Zoning By-law 7625

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Attachment 6: Official Plan Designation

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Attachment 7: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning  
Application Number: 14 102565 NNY 16 OZ

Details: OPA & Rezoning, Standard  
Application Date: January 9, 2014

Municipal Address: 491 GLENCAIRN AVE and 278, 280 & 282 STRATHALLAN WOOD ROAD

Location Description: CONN 1 WY PT LOT 4 **GRID N1604

Project Description: The proposal is for a 12 storey (38.5 metres high) residential/mixed use building. The proposal includes 150 residential units and 428 square metres of grade-related commercial space having a total gross floor area of 12,609 square metres and an FSI of 4.3. One loading space is proposed, as well as 149 parking spaces in a below grade parking structure.

Applicant: BATHURST AND GLENCAIRN SQUARE LIMITED, 333 WILSON AVE, SUITE 200, TORONTO, ON M3H 1TS
Agent: BOUSFIELDS INC, 3 CHURCH ST, SUITE 200, TORONTO, ON M5E 1M2
Architect: CORE ARCHITECTS 317 ADELAIDE ST W., SUITE 600 TORONTO, ON M5V 1P9
Owner: WILGRO DEVELOPEMENTS INC, C/O 333 WILSON AVE, SUITE 200, TORONTO, ON M3H 1TS

PLANNING CONTROLS

Official Plan Designation: Mixed Use/Neighbourhoods Areas  
Site Specific Provision: N
Zoning: C1 & RM3 (City of North York ZBL No. 7625) & RM (City-wide ZBL 569-2013)  
Historical Status: N
Height Limit (m): C1 - 9.2, RM3 – 9.2, RM - 12.0  
Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 2,928.34  
Height: Storeys: 12
Frontage (m): 72.9  
Metres: 38.5
Depth (m): 36.9
Total Ground Floor Area (sq. m): 1,177  
Total
Total Residential GFA (sq. m): 11,639  
Parking Spaces: 149
Total Non-Residential GFA (sq. m): 428  
Loading Docks 1
Total GFA (sq. m): 12,609
Lot Coverage Ratio (%): 40.19
Floor Space Index: 4.3

DWELLING UNITS

Tenure Type: Condo
Rooms: 0  
Residential GFA (sq. m): 11639
Studio: 22 (15%)  
Retail GFA (sq. m): 428
1 Bedroom: 88 (59%)  
Office GFA (sq. m): 0
2 Bedroom: 17 (11%)  
Industrial GFA (sq. m): 0
3 + Bedroom: 23 (15%)  
Institutional/Other GFA (sq. m): 0
Total Units: 150

CONTACT: PLANNER NAME: Vanessa Covello, Planner
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