

# **601, 603 and 605 Oakwood Avenue - Official Plan Amendment, Zoning By-law Amendment, Rental Housing Demolition and Site Plan Control Applications - Request for Direction Report**

Date: May 28, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12 - Toronto-St. Paul's

**Planning Application Numbers:** 17 278485 NNY 15 OZ & 17 278488 NNY 15 SA

**Rental Housing Application Number:** 18 152114 NNY 15 RH

## **SUMMARY**

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This application proposes to amend the Official Plan and Zoning By-laws for the lands at 601, 603 and 605 Oakwood Avenue to permit the redevelopment of the existing 0.054 hectare (2.47 acre) site at the southeast corner of Oakwood Avenue and Reggae Lane. The proposal is for a 5 storey residential building with 30 rental apartment units (including 6 rental replacement units) and 2 ground level parking spaces accessed from Reggae Lane. It includes a Gross Floor Area (GFA) of 2,161 square metres, Floor Space Index (FSI) of 4 times the lot area, indoor amenity space of 230 square metres, outdoor amenity space of 90 square metres, and a road widening conveyance of 0.37 metre along Reggae Lane.

A Rental Housing Demolition Application for 601, 603 and 605 Oakwood Avenue has been submitted under Section 111 of the City of Toronto Act and seeks approval to demolish six existing rental units.

The applicant has appealed their applications for Official Plan and Zoning By-law Amendments to the Local Planning Appeal Tribunal (LPAT), citing Council's failure to make a decision within the timeframe prescribed by the *Planning Act*.

The purpose of this report is to seek Council's direction for the City Solicitor and appropriate City staff to attend the LPAT hearing to oppose the application in its current form because the proposed building massing, transition to adjacent properties, and site organization are not satisfactory. The proposal in its current form does not conform to Official Plan policies on Healthy Neighbourhoods, Public Realm, Built Form, and Neighbourhoods. This report also seeks Council's direction to continue discussions with the applicant in an attempt to address the issues outlined in this report.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the LPAT to oppose the Official Plan Amendment and Zoning By-law Amendment Applications in their current form for the lands at 601, 603 and 605 Oakwood Avenue.
2. City Council direct the City Solicitor and appropriate City staff to continue discussions with the applicant and seek revisions to the application in an attempt to resolve outstanding issues identified in the Comments section of this report from the Director, Community Planning, Toronto and East York District, dated May 28, 2020, and report back to Council on the outcome of the discussions, if necessary.
3. In the event that the LPAT allows the appeals in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Orders until such time as:
  - a. The LPAT has been advised by the City Solicitor that the final form of the Official Plan and Zoning By-law Amendments are satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
  - b. The owner has submitted revised architectural and landscape plans to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - c. The owner has submitted an updated Parking Study and a Transportation Demand Management (TDM) plan to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning;
  - d. The owner has addressed all outstanding engineering issues outlined in the memo dated November 4, 2019 from Engineering and Construction Services as they relate to the Official Plan and Zoning By-law Amendments and Site Plan Control applications, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - e. The owner has provided a Functional Servicing and Stormwater Management Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;
  - f. The owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development;

g. The owner has confirmed from the City Solicitor that the implementation of the Functional Servicing Report and Stormwater Management Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, and the General manager, Transportation Services, does not require changes to the proposed amending by-laws, or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning;

h. The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10;

i. That should it be deemed necessary by the Chief Engineer and Executive Director, Engineering and Construction Services, the by-laws shall require the owner, at no cost to the City, prior to the issuance of any above grade permit for all or any part of the site, including any conditional above-grade permit, to design, financially secure, construct, and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager Toronto Water, and the City Solicitor; and,

j. City Council has approved Application 18 152114 NNY 15 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the six (6) existing rental dwelling units at 601 and 605 Oakwood Avenue.

## **FINANCIAL IMPACT**

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City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

## **DECISION HISTORY**

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A Preliminary Report on the Zoning By-law Amendment application was adopted by North York Community Council on February 21, 2018, authorizing staff to conduct a community consultation meeting.

The decision of the North York Community Council can be found here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY28.6>

The link to the preliminary report can be found here:  
<https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-112466.pdf>

## **CONSULTATION WITH APPLICANT**

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Pre-application consultation meetings were held with the applicant on October 12, 2016, May 24, 2017, and August 31, 2017 to discuss the proposed development and complete application requirements. Issues raised included the Official Plan policies of the Neighbourhoods designation including the proposed height of 6 storeys in 2017, and transition to the residential lands, all identified in the above noted Preliminary Report.

## **APPLICATION SUBMISSION**

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Zoning By-law Amendment and Site Plan Control applications were submitted on December 22, 2017. The applications were deemed complete as of September 30, 2019.

The Rental Housing and Demolition Conversion application was submitted on May 2, 2018.

An Official Plan Amendment Application was added to the Zoning By-law Amendment and Site Plan Control Applications. The applications were submitted on September 27, 2019, after some discussions and revisions, to permit a 5 storey residential building with 30 rental apartment units (including 6 rental replacement units) and 2 ground level parking spaces accessed from Reggae Lane.

## **LPAT APPEAL**

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The applicant appealed their applications for Official Plan and Zoning By-law Amendments to the Local Planning Appeal Tribunal (LPAT) on December 5, 2019, citing Council's failure to make a decision within the timeframe prescribed by the *Planning Act*. A Case Management Conference (CMC) originally scheduled by the LPAT for April 16, 2020 has been adjourned without a new date as a result of the ongoing COVID-19 emergency.

## **SITE AND SURROUNDING AREA**

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The site is located at the southeast corner of the intersection of Oakwood Avenue and Reggae Lane, just south of Eglinton Avenue West. With an area of 541.11 square metres, the site has 13.65 metres of frontage on Oakwood Avenue, and a depth of 39.6

metres along Reggae Lane. On the site is an existing two-storey mixed-use building with no windows or openings along the south property line abutting residential lots. There are four parking spaces at grade, at the rear of the site for commercial uses, accessed via Reggae Lane. There is no residential parking. The existing building has setbacks of 0 metre on the west (front), 9 metres on the east (rear), 0 metre on the north and 0 metre on the south. The site is within 100 metres of the future Eglinton-Crosstown LRT, just south of the future Oakwood LRT Station entrance.

Uses and structures near the site include:

**North:** of the subject site is a 4.65 metre wide public laneway (Reggae Lane), and beyond are one to three storey mixed use commercial-residential buildings fronting onto Eglinton Avenue West. The Eglinton Crosstown LRT is currently under construction along Eglinton Avenue West, including two Oakwood Station entrances located east and north of the intersection of Oakwood Avenue and Eglinton Avenue West.

**East:** of the subject site are rear yards and rear detached garages of five residential lots containing one-storey dwellings fronting onto Lanark Avenue.

**South:** of the subject site is the rear yard of a residential lot containing a one-storey residential building fronting onto Lanark Avenue.

**West:** at the southwest corner of Oakwood Avenue and Eglinton Avenue West is a 1 storey commercial building. Further west on Eglinton Avenue West is a 16 storey high-rise mixed-use development under construction which fronts Eglinton Avenue West, with its 3-storey townhouse components facing Oakwood Avenue and Lanark Avenue (File Nos. 2009 199813 NNY 15 OZ and 14 107694 NNY 15 SA). The high-rise component is set back about 20 metres from Oakwood Avenue.

Refer to Attachment 2 for the Location Map.

## **APPLICATION BACKGROUND**

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### **Current Proposal (September 2019)**

The current proposal, submitted on September 27, 2019, is for a 5-storey residential building with 30 rental apartment units (including 6 rental replacement units) and 2 ground level parking spaces accessed from Reggae Lane. The building would be setback 0.6 metre on the west (front), 0.0 metre on the east (rear), 0.0 metre on the north, and 0 metre on the south. The proposal includes a Gross Floor Area (GFA) of 2,161 square metres, Floor Space Index (FSI) of 4 times the lot area, indoor amenity space of 230 square metres, outdoor amenity space of 90 square metres, and a road widening conveyance of 0.37 metre along Reggae Lane.

### **Built Form**

At 5 storeys, the proposed building height is 15.10 metres, excluding parapet walls, staircase enclosures and mechanical units. The building maintains the 5-storey height on the west and north, and steps down to 3 storeys on the east and south lot lines.

## **Units**

The 30 residential units would include four (4) studio units, sixteen (16) one-bedroom units, eight (8) two-bedroom units, and two (2) three-bedroom units. Five (5) of the 30 units would be accessible.

## **Access**

Vehicular access would be via Reggae Lane on the north side, while pedestrian access would be via double doors facing Reggae Lane. There would be a single door rear entrance at the interior southeast corner of the building.

## **Parking**

Two vehicular parking spaces consisting of 1 barrier-free and 1 car-share are proposed for 30 residential units, and no parking is proposed for visitors. A total of 27 bicycle parking spaces are proposed for residents in the basement, and 3 bicycle parking spaces are proposed for visitors at grade, at the rear (interior) of the site.

## **Amenity Space**

A total of 230 square metres of indoor amenity space consisting of two (2) multi-purpose rooms is proposed in the basement. A total of 90 square metres of outdoor amenity space consisting of approximately 40 square metres at grade at the rear, and 50 square metres at the 4th floor terrace is proposed. Green roof elements would be incorporated into the outdoor amenity space at the 4th floor terrace. A green roof is proposed over the 5th floor, but would not be accessible to residents.

## **Existing Rental Units**

The site contains six existing rental dwelling units. According to the Housing Issues Report submitted by the applicant, three of the rental dwelling units are one-bedroom units with mid-range rent and three of the rental dwelling units are two-bedroom units with mid-range rent.

## **Original Proposal (December 2017)**

The original proposal was for a 6-storey (18.1 metre high) mixed use apartment building containing 30 residential units (including 6 rental replacement units), 70 square metres of ground floor commercial space, and 12 vehicular parking spaces utilizing a parking stacker system at the rear of the building.

Table 1 below provides a summary of the revisions from the original proposal submitted in December 2017 and the current proposal submitted in September 2019 compared to the Zoning By-law provisions.

Table 1 Submission Comparison to the Zoning By-law Requirements

	Zoning By-law 569-2013 Requirements	December 2017 - Original Proposal	September 2019 - Current Proposal
Site Area (square metres)		541.11 m <sup>2</sup>	541.11 m <sup>2</sup>
Maximum Storeys	4 (Official Plan)	6	5
Maximum Height (metres)	11 m	18.1 m	15.10 m (excluding MPH)
Maximum Gross Floor Area (GFA) (square metres)	Total 432 sq m	Total 1,808 sq m Residential = 1,738 sq m Retail = 70 sq m	Total 2,161 sq m Residential = 2,161 sq m Retail = 0 sq m
Maximum Floor Space Index (FSI)	0.8	3.34	4.0
Minimum Setbacks (metres)	West (front) = 6.0 m East (rear) = 2.4 m South(side) = 2.4 m North (side) - Reggae Lane = 9.905 m	West = 0.0 m East = 9.0 m South = 0.0 m North = 0.0 m	West = 0.6 m at grade, 0.0 m at 2nd storey East = 0.0 m South = 0.0 m North = 0.0 m
Lot Coverage		78.5% (Post Lane Widening)	Approx. 96% (Post Lane Widening)
Maximum Number of Units		Total 30 (24 Condo, 6 Rental) One Bedroom = 24 Two Bedroom = 6	Total 30 (All Rental) Studio = 4 One Bedroom = 16 Two Bedroom = 8 Three Bedroom = 2

	Zoning By-law 569-2013 Requirements	December 2017 - Original Proposal	September 2019 - Current Proposal
Parking Spaces	Total 31 Resident = 25 Visitor = 6	Total 12 Resident = 12 Visitor = 0 Retail = 0	Total 2 Barrier-free = 1 Car Share = 1
Bicycle Parking Spaces	Total 30 Resident = 27 Visitor = 3	Total 30 Resident = 27 Visitor = 3	Total 30 Resident = 27 Visitor = 3
Indoor Amenity Space (square metres)		None	230 m2
Outdoor Amenity Space (square metres)		23.8 sq m	90 sq m (40 sq m at grade and 50 sq m at 4th floor terrace)

**Reasons for Application**

An application is required to amend the Official Plan, the former City of York Zoning By-law 1-83 and the harmonized City-wide By-law 569-2013 to address the proposed uses and building types, height, density, GFA, building setbacks, and parking, and to develop appropriate development standards for the proposal. A site-specific Official Plan Amendment is requested to permit a 5 storey building on this site within a *Neighbourhoods* designation.

An application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required because the proposed development involves the demolition of at least six dwelling units, of which at least one is a rental dwelling unit. The application proposes to demolish six rental dwelling units.

**Application Submission Requirements**

The following plans, reports and studies were submitted in support of the application:

- Arborist Report;
- Architectural Plans;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendments;
- Functional Servicing and Stormwater Management Report;
- Housing Issues Report Addendum;
- Hydrogeological Assessment;
- Landscape Plans;
- Parking Study;



- Planning Justification Report;
- Public Consultation Plan;
- Site Grading and Servicing Plans;
- Sun/Shadow Study;
- Site Survey;
- Servicing Report Groundwater Summary;
- Toronto Green Standards Checklist;
- Transportation Impact/Parking/Loading Study; and
- Urban Design Brief.

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and conditions of Site Plan Control approval.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

## **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs and affordable housing;
- Ensuring opportunities for job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and,
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

### **Toronto Official Plan**

The City's Official Plan sets out a broad strategy for managing future growth by identifying areas where development is appropriate, and areas where little physical change is expected to occur. The Plan outlines how growth is to be directed towards areas with supporting infrastructure in a scale and density that protects stable residential neighbourhoods from the effects of nearby development. The Official Plan directs growth to the *Downtown, Centres, Avenues and Employment Areas*.

The site is designated *Neighbourhoods* on Map 16 – Land Use Plan of the City of Toronto Official Plan. *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 up to four storeys.

The Official Plan identifies Oakwood Avenue as a major street with a planned right of way of 20 metres. Proposals for intensification of lands on major streets in *Neighbourhoods* are not encouraged (Policy 4.1.7).

### **Healthy Neighbourhoods**

Chapter 2.3.1 provides specific policies for Healthy Neighbourhoods.

Policy 2.3.1.1 states development in *Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns.

Policy 2.3.1.6 provides that environmental sustainability be promoted in neighbourhoods by investing in naturalization and landscaping improvements, tree planting and preservation, sustainable technologies for stormwater management and energy efficiency, and programs for reducing waste and conserving water and energy.

### **Public Realm Policies**

Chapter 3.1.1 of the Official Plan emphasizes that buildings, both public and private, work together to create the "walls" for the city's great outdoor "rooms", which are our public realm. Policy 3.1.1.1 provides that the public realm be enhanced by promoting quality architecture, landscape and urban design. Design measures which promote pedestrian safety will be applied to streetscapes, parks, public and private open spaces, and all new and renovated buildings.

## **Built Form Policies**

Chapter 3.1.2 provides Built Form policies. Policy 3.1.2.1 provides that new development be located and organized to fit with its existing and/ or planned context, and frame and support adjacent streets, parks and open spaces, and that:

- Buildings on corner sites be located along both adjacent street frontages and give prominence to the corner;
- Main entrances be located so that they are clearly visible and directly accessible from the public sidewalk;
- Ground floor uses have views into, and access to adjacent streets, parks and open spaces;
- Vehicular parking, vehicular access, service areas and utilities be located and organized to minimize their impact on the property and on surrounding properties, and to improve the safety and attractiveness of adjacent streets, parks, and open space; and
- Building massing fit with the existing and/ or planned context and limit impacts on adjacent properties.

## **Neighbourhoods Policies**

Policy 4.1.5 provides that development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- Prevailing size and configuration of lots;
- Prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- Prevailing building types;
- Prevailing setbacks of buildings from the street or streets;
- Prevailing patterns of rear and side yard setbacks and landscaped open space; and
- Continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood.

Proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of the properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*.

Policy 4.1.7 provides that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged. 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 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

Policy 4.1.9 provides for infill development on properties in established *Neighbourhoods* that vary from the local pattern in terms of lot size, configuration and/ or orientation.

Such development will:

- Have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties;
- Have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties;
- Provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by enduring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- Front onto existing or newly created public streets wherever possible, with no gates limiting public access;
- Provide safe, accessible pedestrian walkways from public streets; and
- Locate, screen and wherever possible enclose service areas and garbage storage and parking to minimize the impact on existing and new streets and residences.

### **Housing Policies**

Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following will be secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- 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
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

### **Official Plan Amendment 320**

The Local Planning Appeal Tribunal issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

### **Height and/or Density Incentives**

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and / or density of a development. The City may require the applicant to enter into an agreement to secure these matters. Policy 5.1.1.6 provides that Section 37 community benefits are capital facilities and / or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under the provisions of the *Planning Act* or the Development Charges Act or other statute, including rental housing to replace demolished rental housing.

### **Rental Housing Demolition Bylaw**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in a building containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City after a decision by either City Council or the Chief Planner and Executive Director.

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

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the LPAT.

On May 2, 2018 the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code. The application proposes to demolish six rental dwelling units. A Housing Issues Report has been submitted with the required application.

As per Chapter 667-14, a tenant consultation meeting shall be held to review the impact of the proposal on tenants of the rental property and matters under Section 111.

The outcome of staff analysis and review of relevant Official Plan policies are summarized in the Comments section of the Report.

## **Zoning**

### **City of Toronto Zoning By-law 569-2013**

The site is zoned Residential Multiple Dwelling RM (f12.0; u2; d0.8) (x252). Permitted residential building types are a detached house, semi-detached house, and duplex. Permitted maximums include 0.8 FSI and 3 storeys (11 metres). Permitted minimums include 12 metres lot frontage, setbacks of 6 metres for the front yard, 9.905 (25% of lot depth) metres for the rear yard, and 2.4 metres for the side yards.

### **Former City of York Zoning By-law 1-83**

The site is zoned Residential R2 with site specific exception 16(432). Permitted building types include single detached dwellings, semi-detached dwellings, duplex houses, group homes, private home daycares, day nurseries, schools, public services and utilities, and places of worship. The site specific exception was approved in 2008 as part of a rezoning application to permit 6 residential dwelling units within a commercial building provided that the commercial uses are located on the ground floor of the building. The range of permitted uses include non-medical office, retail store, restaurant excluding a licensed restaurant, take-out eating establishment, day nursery, veterinary clinic, pet shop, dry cleaning and laundry collecting establishment, self-service laundry, service or repair establishment, and financial institution.

## **Design Guidelines**

### **Townhouse and Low-Rise Apartment Guidelines**

City Council has adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. The new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003). The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios.

The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

### **Avenues and Mid-rise Buildings Study and Performance Standards**

Toronto City Council, at its meeting of July 8, 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study" with modifications. The main objective of the Avenues and Mid-Rise Buildings Study is to encourage future intensification along Toronto's Avenues that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. Mid-Rise Guidelines identify a list of best practices, categorize the Avenues based on historic, cultural and built form characteristics, establish a set of performance standards for new mid-rise buildings, and identify areas where the performance standards should be applied.



In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum. The Addendum is to be used by City Staff together with 2010 approved Mid-Rise Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm condition, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites.

On 20 metre wide streets such as the portion of Oakwood Avenue adjacent to the subject site, a mid-rise building is 5 to 7 storeys high, and the Performance Standards are applicable.

The link to the guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>

Mid-Rise Building Performance Standards Addendum may be found here:

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

### **Growing Up Draft Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under-review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Draft Urban Design Guidelines can be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments. The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide

an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

### **Site Plan Control**

The proposal is subject to Site Plan Control. An application for Site Plan Control has been submitted and is being reviewed concurrently with the Official Plan and Zoning By-law Amendment applications, and has also been appealed to the LPAT (File No. 17 278488 NNY 15 SA).

## **COMMUNITY CONSULTATION**

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A community consultation meeting on the original proposal was held on April 16, 2018 at the Oakwood Village Library. There were 8 community members in attendance. Issues identified included the following:

- conformity with Official Plan policies;
- appropriateness of the proposed height, density and massing;
- appropriate intensification of the site considering the accessibility to higher order transit given the proximity to the Eglinton LRT;
- compatibility and fit with neighbouring residential uses, including building type, transition, setbacks, built form and streetscape;
- the location, orientation and organization of the building and site including service areas, building entrance and ground floor uses and height;
- review of site access/circulation and loading;
- potential overlook and privacy issues with adjacent properties;
- the adequate provision of vehicular and bicycle parking spaces;
- the adequacy of the proposed indoor and outdoor residential amenity space and landscaped open space;
- unit mix and appropriateness of the building to be family and pet friendly;
- requirement for continuous weather protection along Oakwood Avenue;
- garbage storage and location of curbside garbage pick-up;
- appropriateness of rental housing replacement, including size and type of units with similar rents;
- building design including south elevation treatment;
- appropriate streetscape treatment along Oakwood Avenue;
- appropriate lane widening and configuration; and
- appropriate servicing and storm water management.

As part of the Rental Housing Demolition permit application, a tenant consultation meeting shall be held to review the impact of the proposal on tenants of the rental property and matters under Section 111. This meeting has not been held.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal in its current form is not consistent with the PPS and does not conform to the Growth Plan (2019) for reasons outlined below.

### **Provincial Policy Statement 2020**

The proposed development does not have regard for relevant matters of provincial interest in Section 2 of the *Planning Act* because it does not adequately address the overall provision and efficient use of transportation, sewage and water services and waste management systems; and does not provide for a built form that is well designed given the constraints of the site.

Policy 1.1.1 (g) of the PPS (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) states that "healthy, livable and safe communities are sustained by ensuring that necessary infrastructure, and public service facilities are or will be available to meet current and projected needs." The proposed building, at an FSI of 4.0 (0.8 permitted) is an overdevelopment of the site. The applicant has not demonstrated that the necessary infrastructure is available to support the proposed development and the cumulative impacts on the transportation and servicing infrastructure as a result of applying approximately 4 times density to all similar developable sites along this segment of Oakwood Avenue.

Policy 1.1.3.2 requires that land use patterns within settlement areas be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3. Policy 1.1.3.3 provides that planning authorities identify and promote opportunities for intensification and redevelopment, where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure. The City's Official Plan directs growth to the *Downtown, Centres, Avenues* and *Employment Areas*, and discourages intensification on major streets. Oakwood Avenue is identified as a major street and intensification on the subject property is discouraged.

Policy 1.2.6.1 requires that sensitive land uses be planned to ensure they are appropriately designed, buffered, and /or separated from each other to minimize risk to public health and safety. At 0.0 metre setbacks on the east and south, the proposed development massing provides no separation, transition or buffering from abutting sensitive low-density residential uses and poses a risk to access to sunlight and skyview if abutting properties are developed at similar massing.

Policy 1.4.3 requires that provision be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. The proposed development does not comply with this provision because the 3 bedroom units do not constitute the required 10% of the total number of units (2 provided whereas 3 are required).

Policy 1.6.7.2 states that efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management (TDM) strategies, where feasible. The proposed development is within 100 metres of the future Eglinton Crosstown LRT, and just south of the future Oakwood LRT entrance. The applicant proposes to address TDM principles related to minimizing dependency on the private automobile as a travel mode and will provide sufficient bicycle parking on site to satisfy the Toronto Green Standard, to encourage residents to engage in more sustainable modes of transportation. The proposed development, however, does not provide sufficient vehicular parking at 2 spaces for 30 residential units. A total of 31 parking spaces are required. As discussed later in the report, staff could support reduced vehicular parking at 0.2 spaces per residential unit, which results in 6 parking spaces.

Policy 4.6 of the PPS states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement", and that "comprehensive, integrated and long-term planning is best achieved through the official plans." The proposal in its current form does not implement the City's Official Plan policies.

### **Growth Plan (2019)**

The Growth Plan supports intensification within built-up areas, particularly in proximity to transit. The Plan is about accommodating forecasted growth in "complete communities" designed to "meet people's needs for daily living through an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing to accommodate a range of incomes and household sizes". Policy 2.2.1.4 states that applying the policies of the Growth Plan will support the achievement of complete communities that provide a diverse range and mix of housing options, and accommodate the needs of all household sizes and incomes. The proposed development does not comply with the policies above because the 3 bedroom units are less than the required 10% of the total number of units.

Policy 2.2.4.10 states that lands adjacent or near existing or planned transit should be planned to be supportive of active transportation. The proposed development will house additional residents that will become potential riders for the existing Yonge University Subway Line and Eglinton West Station, and the future Eglinton Crosstown LRT. The primary residential entrance to the building should be located in front of the building in order to create a comfortable pedestrian environment that encourages walkability (active transportation) to the LRT. The proposed development does not provide the primary entrance to the building in front, facing Oakwood Avenue, and does not provide access from the street to residential units at grade.

Given that the Official Plan meets the requirements of the PPS and the Growth Plan (2019), and the proposal in its current form does not conform to Official Plan policies, it is not consistent with the PPS and the Growth Plan (2019).

## **Land Use**

The site is designated *Neighbourhoods* in the Official Plan. Toronto's *Neighbourhoods* contain a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. Lower scale residential buildings consist of detached houses, semi-detached houses, duplexes, triplexes and various forms of townhouses as well as interspersed walk up apartments that are four storeys or less.

The proposed apartment building is a residential use that is permitted in a *Neighbourhoods* designation but subject to a height limit of 4 storeys or less. New development must respect the character of the neighbourhood and serve to reinforce the stability of the neighbourhood. The applicant's proposal for a residential building above 4 storeys in this stable residential *Neighbourhoods* area does not respect the lower scale character of the area, and is not supported.

## **Site Organization**

Policy 3.1.2.2 provides that new development will locate and organize vehicular parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open space.

The proposed development organizes vehicular parking adjacent to Reggae Lane at a 0.0 metre setback, with no opportunities for landscaping to screen parking from public views.

Policy 3.1.1.1.5 b) provides for improving the quality and convenience of active transportation options by giving full consideration to the needs of pedestrians, cyclists and public transit users. The proposed development places short term visitor bicycle parking at the rear interior of the site which is not convenient for users. It would be appropriate to place them closer to the street.

Further, Policy 3.1.2.2 f) provides that usable building space at grade should face adjacent streets, parks and open spaces. The proposed outdoor amenity space at grade is at the rear interior (southeast corner of the building), away from Reggae Lane.

A revised proposal that incorporates parking into the building design, and places the parking spaces away from public views with adequate screening would be appropriate. The short term bicycle parking spaces at grade should be placed adjacent to Oakwood Avenue, or adjacent to Reggae Lane with clear visibility and access from Oakwood Avenue. The proposed outdoor amenity space at grade should be relocated from the interior (rear) of the site and placed adjacent to Reggae Lane in order to create an appropriate interface with Reggae Lane and provide animation and eyes on this public lane.

## **Height and Density**

The applicant proposes a 5-storey building at the southeast corner of Oakwood Avenue and Reggae Lane. The *Neighbourhoods* designation specifies in Policy 4.1.1 that residential development should be 4 storeys or less. At 5 storeys, the proposed building is not consistent with the *Neighbourhoods* policies of the Official Plan (Policy 4.1.1).

Further, City-wide By-law 569-2013 zones the site RM (Residential Multiple Dwelling Zone). The RM Zone permits detached houses, semi-detached houses, and duplex houses with maximum heights of 11 metres or 3 storeys, and an FSI of 0.8 times the area of the lot. The applicant is proposing a height of 15.10 metres, significantly higher than permitted. The proposed GFA of 2,161 square metres results in an FSI of 4 times the area of the lot, which is substantially higher than the permitted 0.8 FSI.

Under the former City of York By-law 1-83, the site is zoned R2 (Residential Zone) with site specific exception 16(432). The R2 zone permits detached dwellings, semi-detached dwellings, duplex houses, group homes, private home daycares, day nurseries, schools public services and utilities, and places of worship. Site-specific exception 16(432) was approved in 2008 as part of a rezoning application for the subject lands and permits 6 residential dwelling units within a commercial building provided that the commercial uses are located on the ground floor of the building. This By-law permits 6 dwelling units, a maximum of 3 storeys, a maximum height of 11 metres, and a maximum FSI of 1.2. A total of 30 dwelling units, 5 storeys at a height of 15.10 metres, and an FSI of 4 times the lot area are proposed. The proposal does not comply with the By-law.

New development on this site must fit with its existing context. A residential development with a height and density closer in scale to other residential buildings in the *Neighbourhoods* designation would be more in keeping with the Official Plan.

The proposal should be revised to include a reduction to the proposed height and density. It should be amended to 4 storeys or less to be more in keeping with its context, and in order not to require an Official Plan Amendment which is not supported by staff.

## **Built Form and Massing**

### **Building Entrance**

Policy 3.1.2.3 provides that new developments locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk. Policy 4.1.5 also provides that new development respect the existing physical character of their geographic neighbourhoods.

Buildings within this neighbourhood have main building entrances /front doors facing the street, while the proposed building does not have its main entrance / front door facing Oakwood Avenue. The main entrance faces Reggae Lane, close to Oakwood Avenue. A revised proposal with the main entrance /front doors facing Oakwood Avenue would comply with Policy 3.1.2.3 above.

## **Setbacks**

Policy 5.1.5 f) provides that developments in established Neighbourhoods respect the prevailing setbacks of buildings from the street, and prevailing patterns of rear and side yard setbacks.

The majority of buildings in this *Neighbourhoods* designation maintain setbacks from the street (in front), and on all sides, and create opportunities for landscaping. Residential units at grade require setbacks to ensure privacy through landscape buffering. The proposed building has no setbacks on the east, south, and north property boundaries, and 0.6 metre setback in front (west) at grade facing Oakwood Avenue. City-wide By-law 569-2013 requires setbacks of 6.0 metres in front (west), 2.4 metres at the sides (north and south), and 9.905 metres at the rear (east). A revised proposal that addresses comments in the Comments section of this report, and includes setbacks on all sides would comply with Policy 5.1.5 f) above.

## **Massing and Access to Sunlight and Skyview**

Policy 3.1.2.3 provides that new development be massed and their exterior facades be designed to fit harmoniously with their existing and/ or planned context. They will limit their impact on neighbouring properties by creating appropriate transitions in scale to neighbouring existing and /or planned buildings and provide for adequate light and privacy. Policy 4.1.5 c) provides that new development respect the prevailing massing and dwelling type of nearby residential properties.

The proposed building massing on the east and south sides abutting low-rise residential properties steps down from 5 to 3 storeys with no setbacks for the first three storeys and will negatively impact access to sunlight, skyview and privacy for residents of abutting properties if those properties are similarly massed and placed with no setbacks. Further, a 4th storey terrace overlooking the rear yard of the abutting residential property is proposed, potentially impacting on privacy for the abutting property. The 4th storey terrace would be acceptable if appropriately stepped back and screened.

## **Shadow**

The applicant submitted a Shadow Study which shows that there will be greater shadow impacts than the existing condition on Reggae Lane to the north for six (6) hours from 9:18 am until 4:18 pm on March 21st and September 21st. Staff are recommending changes to the massing by reducing the height from 5 to 4 storeys, and placing the building at required setbacks to limit shadowing on Reggae Lane.

## **Parking and Loading**

The vehicular parking requirements for the project are governed by the applicable parking provisions contained in the City of Toronto By-law 569-2013. Parking requirements under By-law 569-2013 result in 31 vehicular parking spaces (25 resident and 6 visitor). A total of 30 bicycle parking spaces (27 resident and 3 visitor) are required.

The applicant has proposed a total of 2 vehicular parking spaces including one accessible space at grade for 30 residential units. In order to satisfy the requirements of the By-law, more vehicular parking spaces must be provided. Staff acknowledge that the close proximity of the development to the Eglinton Crosstown LRT provides additional transportation options for residents of the proposed development. Staff can consider a reduced parking ratio for this site in recognition of its proximity to the existing Eglinton West Subway Station and the proposed Eglinton Crosstown LRT. Staff can support a minimum of 0.2 parking space per unit or higher, which results in 6 parking spaces or higher. A revised parking study that justifies any proposed parking reduction by the applicant will be required.

No loading space is required and the applicant proposes no loading space.

### **Amenity Space**

The applicant has proposed 90 square metres of outdoor amenity space and 230 square metres of indoor amenity space. The indoor amenity space consists of two multi-purpose rooms at the basement level. The outdoor amenity space consists of two spaces – an amenity space at grade, at the rear (east), and an amenity space at the 4th floor terrace at the rear (east). The applicant's proposed amenity space sizes are acceptable, provided the outdoor amenity space at grade is relocated to the north side, adjacent to Reggae Lane, and the amenity space at the 4th floor terrace is screened to prevent overlook, or relocated.

### **Reggae Lane**

Policy 3.1.2.3 b) provides that new development incorporate exterior design elements to influence the character, scale and appearance of the development.

The history of Reggae Lane abutting the site to the north dates back to the 1960's when musicians lived here (unofficially known as Little Jamaica), and there were record shops, music studios, and performance venues in the area. In 2015, City Council supported naming this lane "Reggae Lane" to honour the rich musical tradition of the area. A group of artists painted a massive outdoor mural at the interface of Reggae Lane with Eglinton Avenue West, to mark its legacy. The applicant is encouraged to pay special attention to the interface of the subject site with Reggae Lane by proposing high quality landscape elements that celebrate and reinforce Reggae Lane's legacy, such as decorative bicycle parking racks, lighting, festive banners and hanging flower baskets. It would be appropriate to provide loft live-work style units at grade, facing Reggae Lane, to activate the street. Such units would support artists living and working in the area. Opportunities for small scale neighbourhood serving retail at grade facing Oakwood Avenue should also be considered, in view of the close proximity of the proposed development to the proposed Eglinton Crosstown LRT Station at Eglinton Avenue West.

### **Open Space / Parkland**

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities



which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

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 0 to 0.42 hectare of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

### **Pet Friendly Design**

No pet amenity is proposed. For a building with more than 20 units, it should be 10% of the required amenity space. It should include an outdoor pet relief area at least 5 square metres in size. An indoor pet washing station is recommended.

Given the current rise in dog-owning populations, the applicant is strongly encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate their future residents' needs in accordance with the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. This will help alleviate pressure on neighbourhood parks.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-law Amendments, on site plan drawings, and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features that will be secured through the zoning by-law process include automobile and cycling Infrastructure.

Other applicable TGS performance measures will be secured through the Site Plan Control process, such as the use of high-albedo surface materials to reduce the urban heat island effect; the provision of safe, accessible pedestrian routes that connect with off-site pedestrian networks; incorporating landscaped areas with water efficient plants; the provision of user-friendly and accessible handling and storage facilities for recyclable materials and organic waste; and storm water management/retention measures. The applicant will be encouraged to achieve Tier 2.

## **Servicing**

Engineering and Construction Services requires a revised Functional Servicing and Stormwater Management Report to determine the storm water runoff, sanitary flow and water supply demand resulting from the proposed development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

Garbage would be stored within the building and brought to the curbside for pickup. A garbage room is proposed in the basement. This has been deemed satisfactory by the City's Solid Waste Management Services.

Staff recommend the LPAT withhold the issuance of any Orders until such time as the owner has provided a Functional Servicing and Stormwater Management Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water.

## **Road Widening**

A 0.37 metre road widening dedication along the Reggae Lane frontage of the subject property will be required. The widening is proposed to be conveyed to the City through the site plan approval process as a condition of site plan approval. The applicant is showing the required lane widening on the site plan.

## **Tree Preservation**

Toronto's urban forest plays an important role in making Toronto a clean and beautiful city. Trees significantly enhance all new development and renewal projects, enhancing both the quality and value of our environment.

The Official Plan has policies that have been adopted by City Council that call for an increase in the amount of tree canopy coverage. City Council has adopted the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent, as such, the planting of large growing shade trees on both public and private lands should be an important objective for all development projects.

The early co-ordination of utilities and other infrastructure elements with the soil volume and air space required to permit the growth of large growing trees is particularly important. The conditions for tree planting must be considered integral to the design, planning and construction of projects.

### **Trees on City-owned Property**

There are presently zero (0) City owned trees adjacent to the site. Landscape Plan L1 shows zero (0) new trees proposed for the right of way. Urban Forestry requires one (1) tree to be planted on the Oakwood Avenue flankage. Toronto Urban Design detail T-1A-1 from the Streetscape manual should be used. The tree pit is to be organized so as to not be bisected by utilities. An amended Site Plan and Landscape Plan is required.

A Tree Planting Deposit of \$583.00 per tree will be required to ensure the planting and survival of new City trees. The Tree Planting Deposit must be submitted to the attention of David Bostock, Acting Supervisor of Urban Forestry, Tree Protection & Plan Review. The deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. The General Manager of Parks, Forestry & Recreation shall hold the tree planting security deposit for the duration of the renewable guarantee period. Soil volumes for the new City owned tree on the right of way are to be shown on the revised Landscape Plan.

### **Trees on Private Property**

Submitted plans show that the development proposes the removal of two (2) privately-owned neighboring trees, inventoried as Trees 1 and 2 on the Arborist Report, having diameters of 30 cm or greater, situated on or adjacent to the subject site.

Under the provision of Section 813-16 (B) of the City of Toronto Municipal Code, Chapter 813, Trees, Article III, the subject trees meet the criteria for protection under the City of Toronto's Private Tree By-law. Urban Forestry requires the submission of a complete "Application to Injure or Destroy Trees" and an application fee of \$743.21 per boundary tree, totaling \$1,486.42. The permit application and fees are to be submitted during the site plan control review process.

Based on standard requirement, Urban Forestry requires a total of six (6) new large growing native shade trees to be planted on private property to replace the two (2) private trees proposed for removal at a replacement ratio of 3:1. Landscape Plan L1 proposes the planting of zero (0) replacement trees. This is insufficient. A tree should be added to the rear outdoor amenity area at grade. Further, tree planting on the adjacent private properties rear yards where trees are to be removed is to be investigated. Letters of support would be required from the neighboring property owners.

Urban Forestry advises that removal of City-owned or privately-owned trees may occur only upon receipt of a "Tree Removal Permit" issued by the General Manager of Parks, Forestry and Recreation.

### **Rental Housing Replacement**

Based on the information submitted by the applicant and identified through a staff site visit, the site contains a total of six (6) rental dwelling units. According to the rent rolls submitted by the applicant at the time of application, these rental dwelling units were comprised of the following unit mix and rent classifications:

- Three (3) one-bedroom rental dwelling units – all mid-range; and
- Three (3) two-bedroom rental dwelling units – all mid-range.

This application proposes to provide and maintain six (6) replacement rental dwelling units within the proposed new building.

A permit under Section 111 of the *City of Toronto Act, 2006* and Chapter 667 of the Municipal Code is required as the application involves the demolition of at least six residential rental dwelling units, of which one was used for residential rental purposes.

Official Plan Policy 3.2.1.6 requires the replacement of demolished rental housing units in terms of size, bedroom type and number. The applicant has proposed to replace all units by number and type. Official Plan Policy 3.2.1.6 also requires an acceptable tenant relocation and assistance plan to address tenant impacts. Conditions of any Official Plan or Zoning approval would include requiring the full replacement of all existing rental dwelling units at similar rents and the provision of an acceptable Tenant Relocation and Assistance Plan. No rental housing replacement community meeting was held.

**Housing - Unit Size and Mix**

The Council-adopted Growing Up Draft Urban Design Guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. The accompanying staff report is available here: <https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-103919.pdf>

Guideline 2.1 of the Growing Up guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that a minimum of 10% of the total residential units should be three-bedroom units and a minimum of 15% should be two-bedroom units.

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The updated unit breakdown for the proposed residential portion of this development is as follows:

Table 2 - Unit Breakdown

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
# of units	4	16	8	2	30
% of units	13.3%	53.3%	26.7%	6.7%	100%
Size Range (square metres)			51-75	67-84	

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
% 2 BR ≥ 87m <sup>2</sup> & % 3-BR ≥ 100m <sup>2</sup>			0%	0%	

The provision of 8 (26.7%) two-bedroom units and 2 (6.7%) three-bedroom units does not adequately support the unit mix objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan (2019) growth management and housing policies to accommodate within new development a broad range of households, including families with children.

None of the 30 dwelling units (0%) are proposed two bedroom units larger than 87 square metres. The lack of proposed two-bedroom units that are larger than 87 square metres does not adequately support the unit size objectives of the Growing Up guidelines to accommodate within new development a broad range of households, including families with children.

None of the 30 total units (0%) are proposed three-bedroom units larger than 100 square metres. The added of proposed three-bedroom units that are larger than 100 square metres does not adequately support the unit size objectives of the Growing Up guidelines to accommodate within new development a broad range of households, including families with children.

### Site Plan Control

The Site Plan Control Application was also appealed to the LPAT. The proposed massing, transition and site organization concerns noted earlier in this report remain issues to be resolved. These issues impact the site plan drawings which are currently not acceptable. The building placement must be revised to provide required setbacks on all sides. Once the building massing and setbacks have been resolved, further site plan details can be refined and conditions of site plan approval formulated prior to the LPAT issuance of an order for the Site Plan Control Application.

As part of the Site Plan Control process, the owner will be required to provide the City with a Construction Management Plan for work within the public right-of-way, outlining the following for:

- Dust/mud control on and offsite;
- Location of truck loading points, trailer parking;
- Location of temporary fencing & covered walkways;
- Location and extent of aerial crane operations; and
- Parking for construction trades.

Building materiality, fencing and landscaping will also be addressed through the Site Plan Control process.

## **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are worked out if a project is ultimately considered to be good planning and recommended for approval. The applicant proposed a 2,161 square metre building which is below the Section 37 threshold of 10,000 square metres. Staff do not require a Section 37 agreement and there are no items to be secured through Section 37.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS, the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal in its current form is not consistent with the PPS and conflicts with the Growth Plan (2019).

Furthermore, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to policies for Healthy Neighbourhoods, Built Form, Public Realm, and *Neighbourhoods*. There are built form and transition, and site organization issues to be resolved, and the density needs to be reduced. Appropriate setbacks from the east, west, north and south must be provided. These issues were previously identified in a Preliminary Report adopted by the North York Community Council on February 21, 2018.

Staff recommend that the City Solicitor, City Planning staff and other appropriate City staff attend the LPAT hearing to oppose the current proposal for 601, 603 and 605 Oakwood Avenue. Planning staff also recommend the City Solicitor continue discussions with the applicant, in consultation with the Chief Planner, Executive Director, City Planning, and the Ward Councillor, and be authorized to support a revised proposal subject to resolution of the outstanding issues identified in this report.

## **CONTACT**

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## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

Attachment 5: Site Plan

Attachment 6: North Elevation

Attachment 7: South Elevation

Attachment 8: East Elevation

Attachment 9: West Elevation

**Attachment 1: Application Data Sheet**

**Municipal Address:** 601, 603 and 605 Oakwood Avenue

**Application Number:** 17 278485 NNY 15 OZ, 17 278488 NNY 15 SA

**Application Type:** Official Plan Amendment, Zoning By-law Amendment,  
**Site** Plan Control

**Project Description:** To construct a 5 storey residential building consisting of 30 rental apartment units (including 6 rental replacement units) with a Gross Floor Area (GFA) of 2,161 square metres, a Floor Space Index (FSI) of 4 times the lot area, indoor amenity space of 230 square metres, outdoor amenity space of 90 square metres, and a road widening conveyance of 0.37 metre along Reggae Lane.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Weston Consulting, 268 Berkeley Street, Toronto, ON, M5A 2X5	Jane McFarlane, 268 Berkeley Street, Toronto, ON, M5A 2X5	Melillo Architects Incorporated, 2938A Bloor Street West, Toronto, ON, M8X 1B6	Oakwood Park GP. Inc., 309-658 Danforth Avenue, Toronto, ON, M4K 1N7

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Neighbourhoods	Site Specific Provision	N
Zoning:	RM (f12.0; u2; d0.8) (x252)	Heritage Designation:	N
Height Limit:	11 metres	Site Plan Control Area	Y

**PROJECT INFORMATION**

Site Area (sq m): 541.11      Frontage (m): 13.65      Depth (m): 39.6



<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	362		443	443
Residential GFA:	362		2,161	2,161
Non-Residential GFA (sq m):	315		0	0
<b>Total GFA (sq m):</b>	<b>0</b>		<b>2,161</b>	<b>2,161</b>
Height – Storeys:	2		5	5
Height – Metres:	6.6		15.10	15.10
Lot Coverage Ratio (%):	3.34		96	96
Floor Space Index:	3.34		4	4

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	6	6	30	30
Freehold:	0	0	0	0
Condominium:	0	0	0	0
Other:	0	0	0	0
<b>Total Units:</b>	<b>6</b>	<b>0</b>	<b>30</b>	<b>30</b>

<b>Residential Units by Size</b>	<b>Studio</b>	<b>One Bedroom</b>	<b>Two Bedroom</b>	<b>Three Bedroom</b>
Retained				
Proposed	4	16	8	2

### **Parking and Loading**

Parking Spaces: 2

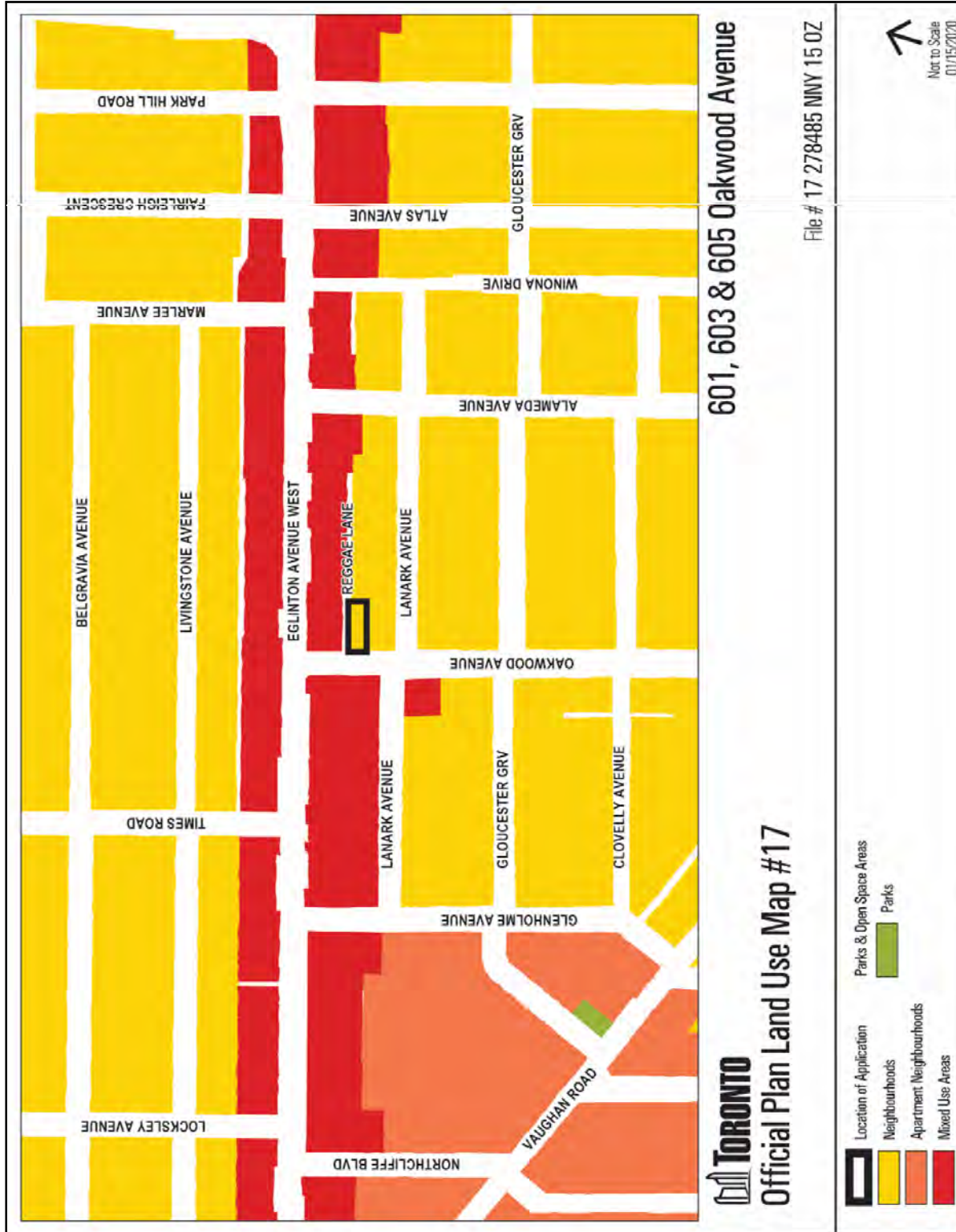
Bicycle Parking Spaces: 30

CONTACT: PLANNER NAME: Eno Udoh-Orok  
 TELEPHONE: 416-392-5474  
 EMAIL: Eno.Udoh-Orok@toronto.ca

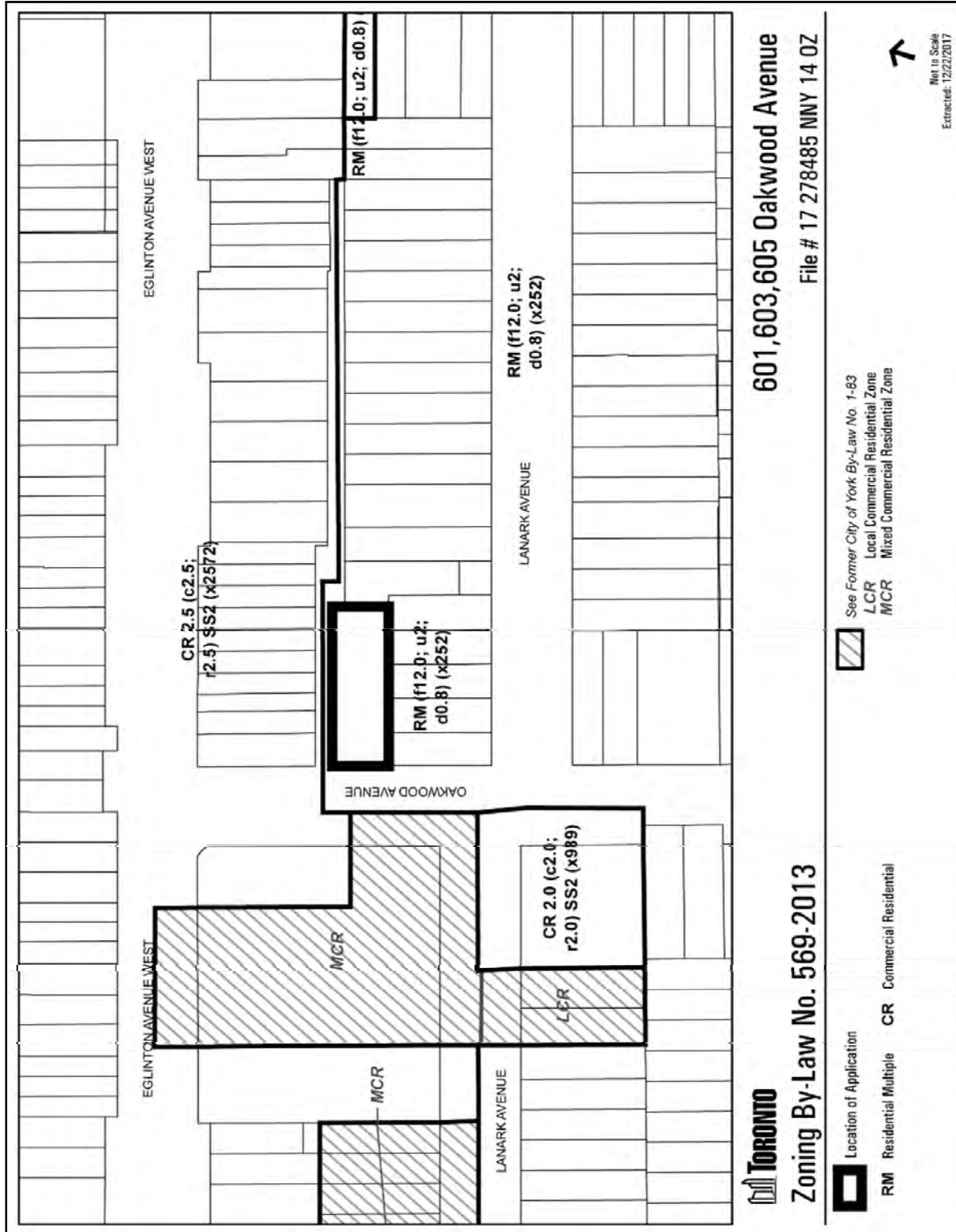
## Attachment 2: Location Map



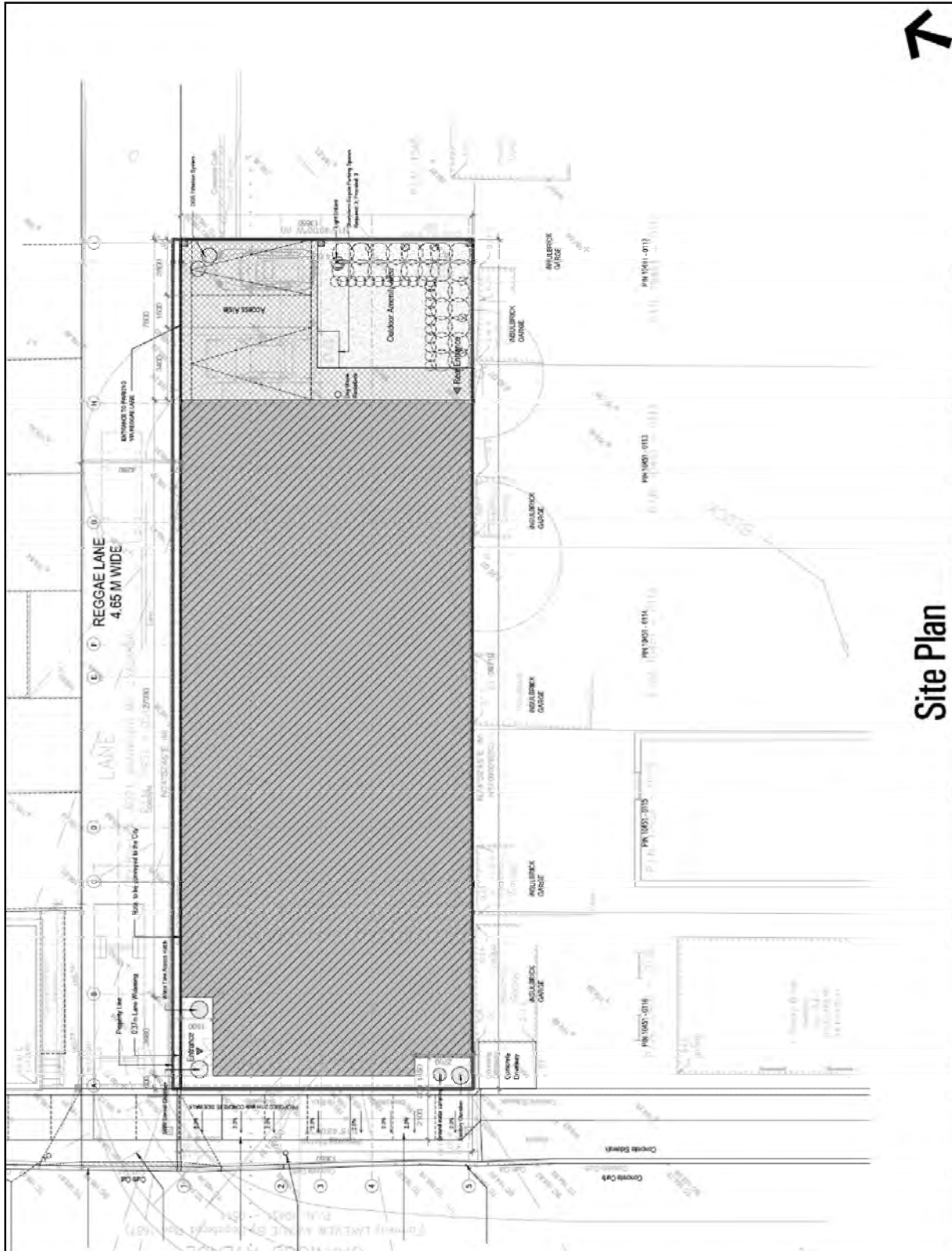
Attachment 3: Official Plan Land Use Map



Attachment 4: Existing Zoning Map



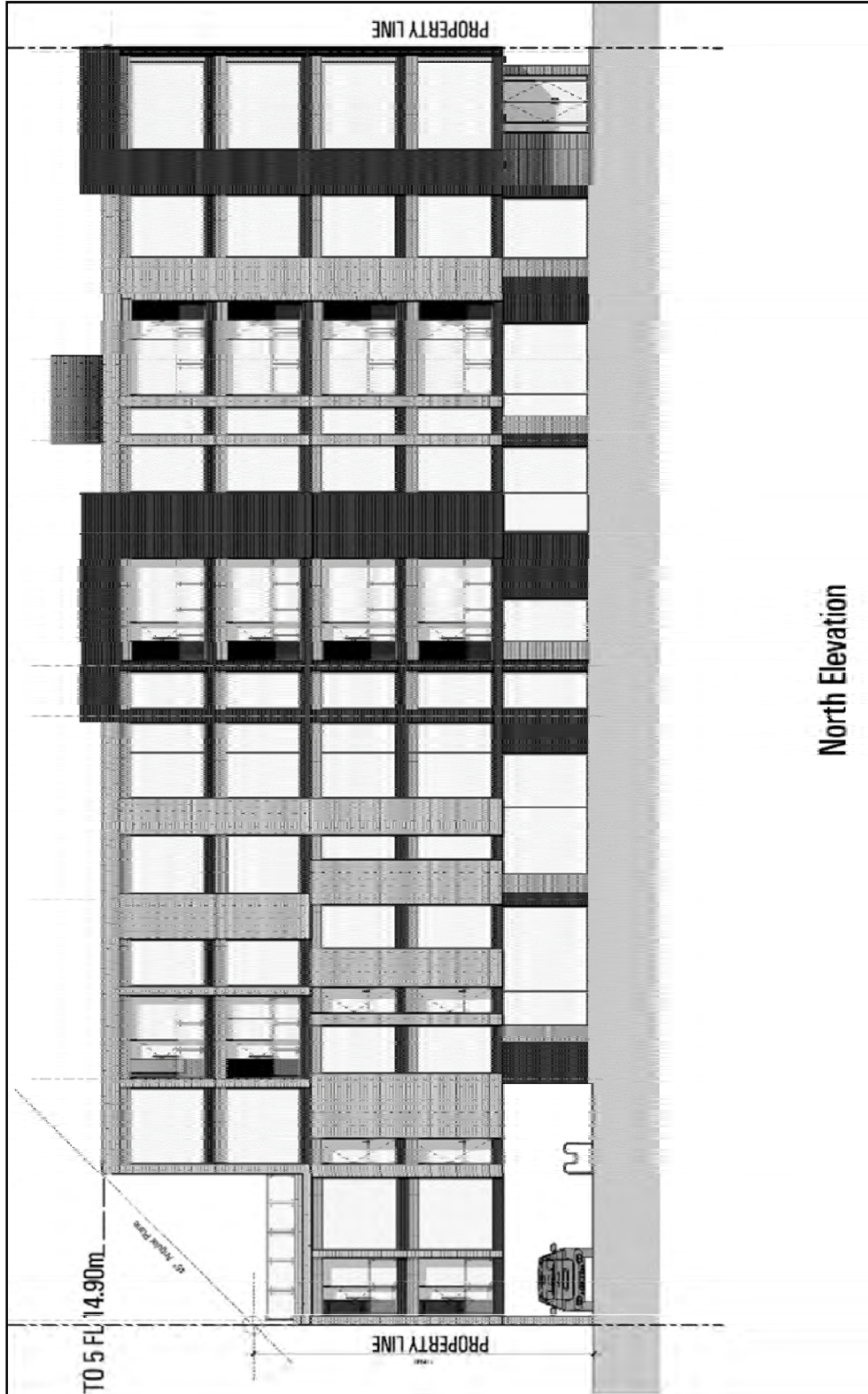
# Attachment 5: Site Plan



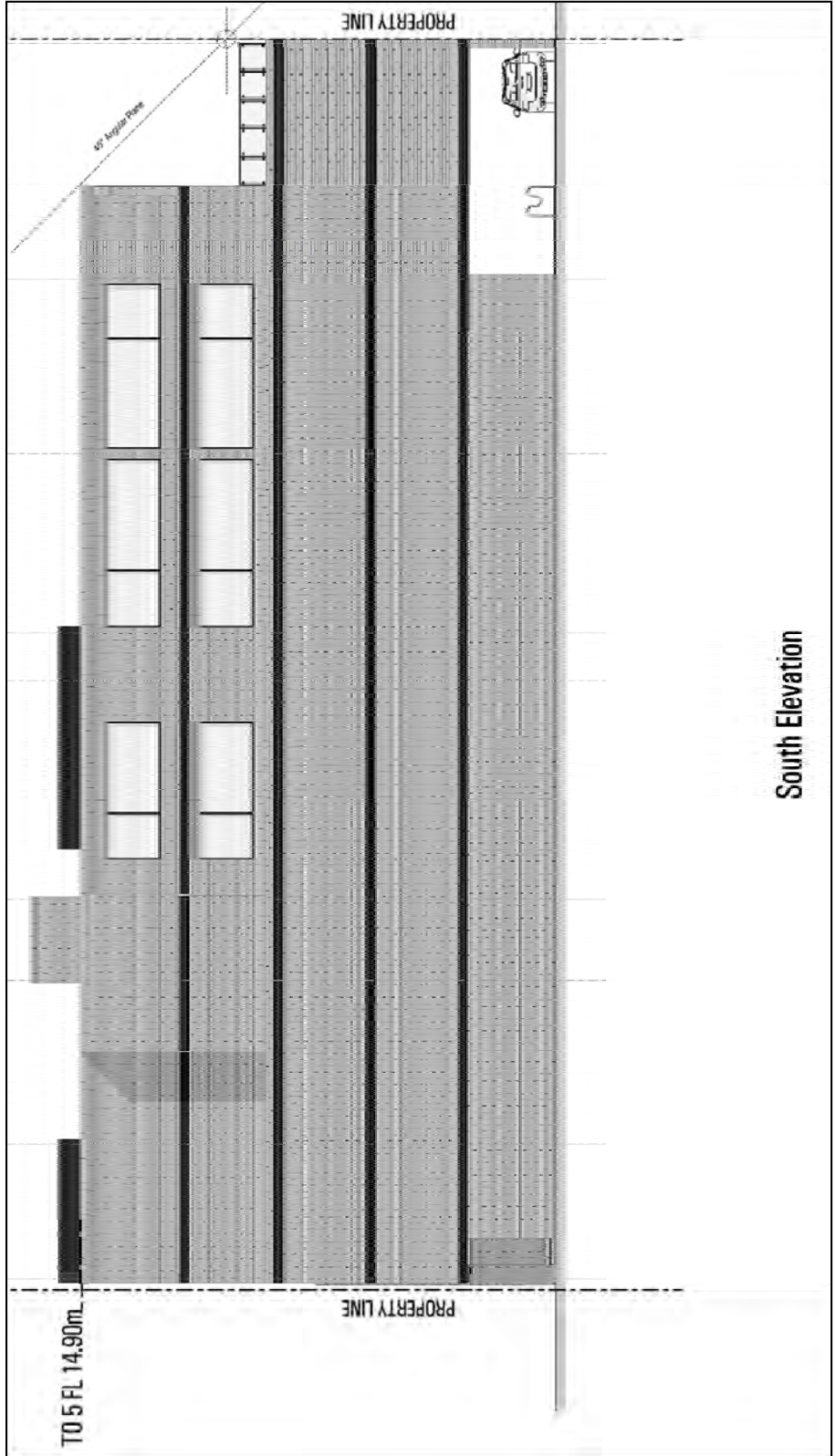
Site Plan



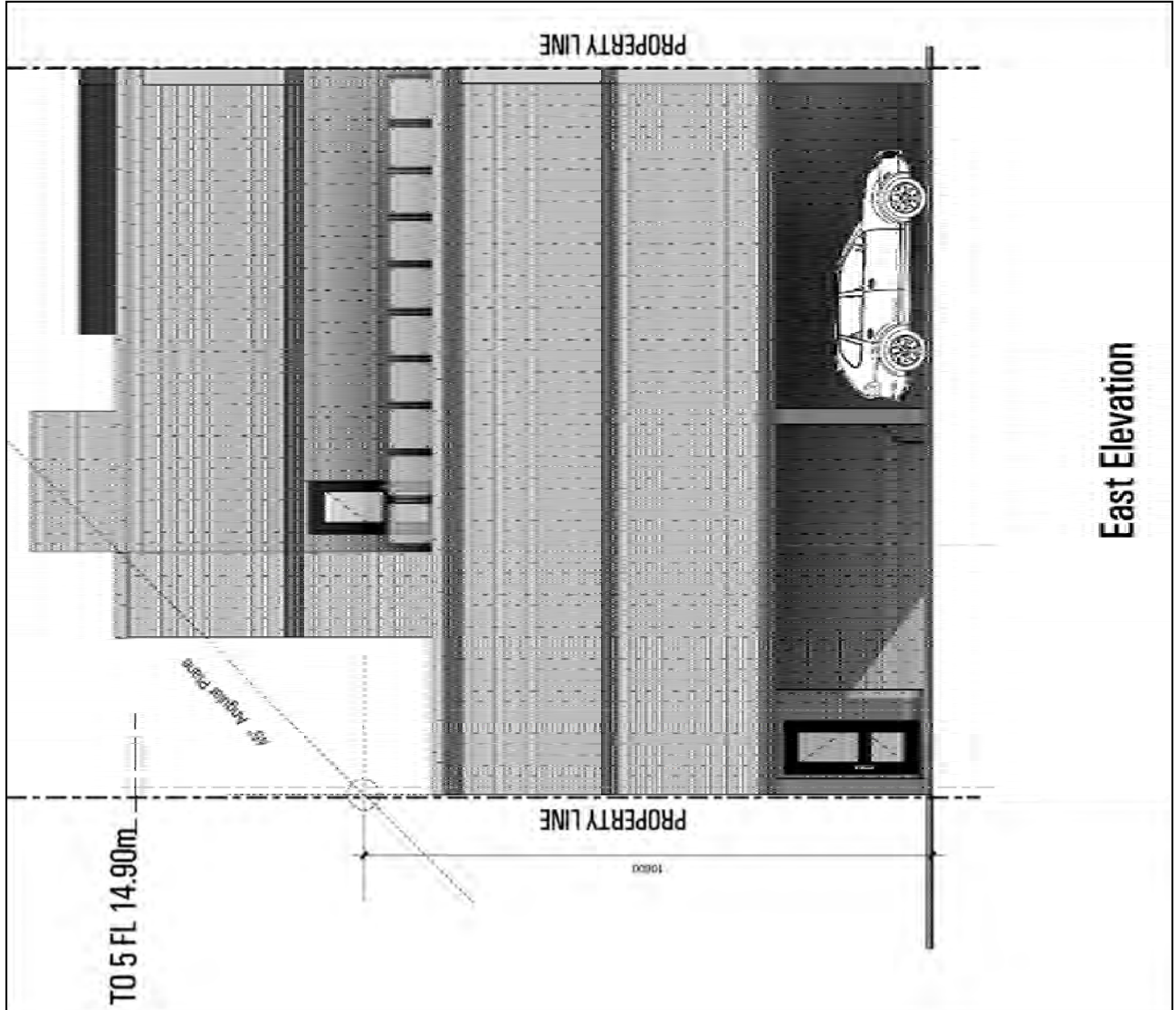
**Attachment 6: North Elevation**



**Attachment 7: South Elevation**



**Attachment 8: East Elevation**





**Attachment 9: West Elevation**

