

500 Duplex Avenue - Zoning By-law Amendment Application – Request for Direction Report

Date: March 28, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 8 - Eglinton-Lawrence

Planning Application Number: 21 180732 NNY 08 OZ

Related Application Numbers: 21 219467 NNY 08 SB, 21 180738 NNY 08 RH

SUMMARY

On July 7, 2021, a Zoning By-law Amendment application was submitted for two infill residential rental buildings of 11-storeys (37.4 metres) and 15-storeys (48.4 metres) in height with 5 metre tall mechanical penthouses, resulting in an additional 45,416 square metres of residential gross floor area on the subject site in addition to the existing 34-storey rental apartment building which would remain. The existing building contains 330 units (with 11 units to be demolished) and the proposed 11-storey building would contain 311 units while the 15-storey building would contain 310 units, all resulting in a total of 940 units. The application was deemed complete as of July 7, 2021.

On February 16, 2022, the Applicant appealed the Zoning By-Law Amendment Application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the 90-day time frame under the *Planning Act*.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding Zoning By-law Amendment appeal for the lands at 500 Duplex Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal (OLT) allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the Tribunal withhold the issuance of any final Order(s) until such time as the Tribunal has been advised by the City Solicitor that:

- a. the form and content of the Zoning By-law Amendments are to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning;
- b. where applicable, community benefits and other matters in support of the development are to be secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c. the owner has, at the owner's expense:
 - i. submitted a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including the Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - ii. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;
 - iii. made satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;
 - iv. submitted a revised Traffic Impact, Parking and Loading Study to the satisfaction of the General Manager, Transportation Services and that such matters arising from such study, be secured if required;
 - v. submitted a revised Transportation Demand Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services and that such matters arising from such study, be secured if required; and
 - vi. secured, in one or more agreements addressing appropriate rental housing matters and improvements to the existing rental housing.

3. City Council authorize the City Solicitor and other City Staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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

DECISION HISTORY

On October 8, 1969, the Ontario Municipal Board (OMB) approved By-law 184-69, which amended the former City of Toronto By-law 20623 for the subject land. By-law 184-69 permitted the existing tower with a density of 2.325 times the lot area. On August 11, 1972, the OMB approved By-law 143-72, amending By-law 184-69 to permit the addition of the 9 townhouses with a 3-storey building height north of the existing tower fronting both Duplex Avenue and Roselawn Avenue, increasing the total site density to 2.5 times the lot area.

A pre-application meeting was held on March 9, 2021 with City staff to discuss a proposed redevelopment. The proposal was for the retention of the existing 34-storey rental apartment building and the addition of two 11-storey residential buildings, one on either side of the existing tower with a shared base building with limited internal connections. Each new building would contain approximately 292 residential units for a total of 905 units (existing and new) at a density of 5.6 times the lot area.

Staff expressed concerns with the massing of the proposed buildings, height of the buildings along local streets and proposed density, given that the subject lands are outside of the Yonge-Eglinton Centre (Urban Growth Centre) boundaries. The matter of how the proposed development would fit in with the existing context was raised as was conformity with the public realm moves shown on Map 21-6 of OPA 405 (the Yonge Eglinton Secondary Plan) relating to the Park Street loop for Montgomery Avenue and the Midtown Greenways for Roselawn Avenue. A request for the parkland dedication to be fulfilled on site was also made.

On July 7, 2021, a Zoning By-law Amendment application was submitted which reflected a similar development proposal as that considered at the pre-application meeting. An 11-storey building addition continued to be proposed to the north of the existing tower and a 15-storey building addition was now being proposed to the south of the existing tower. The proposed density was 6.46 times the lot area and an on-site park block of 917.3 square metres (10% of site area) was included in the formal application submission. The application was circulated to relevant departments and agencies for comments and the issues raised have been summarized in this report.

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is an irregular lot having a backwards "C" configuration with a lot area of approximately 10,013 square metres with frontages of

approximately 133 metres on Duplex Avenue, 87.5 metres on Montgomery Avenue and 98.8 metres on Roselawn Avenue. The abutting Duplex Avenue, Montgomery Avenue and Roselawn Avenue have a right of way of 20 metres.

Existing Use on Site: The site contains a 34-storey rental apartment building located midblock fronting Duplex Avenue, nine 3-storey townhouses (two units fronting Duplex Avenue and seven units fronting Roselawn Avenue), a surface parking lot fronting Montgomery Avenue and a glass-domed underground swimming pool and tennis court fronting Roselawn Avenue. The entire site would be redeveloped with the exception of the existing 34-storey tower which would remain.

Surrounding Uses:

North: the prevailing built form is two-storey detached and semi-detached dwelling units.

South: the prevailing built form is two-storey detached and semi-detached dwellings on Montgomery Avenue, Helendale Avenue and Orchard View Boulevard.

East: across Duplex Avenue are two 3-storey apartment buildings (485 & 487 Duplex Avenue) and a two-storey detached dwelling (499 Duplex Avenue).

West: Immediately west of the site is the 3-storey Montgomery Apartments at 118 Montgomery Avenue, which sits generally in the middle of the block defined by Duplex Avenue to the east, Roselawn Avenue to the north, Edith Avenue to the west and Montgomery Avenue to the south. West of the site on Roselawn Avenue is a 3-storey apartment building at 107 Roselawn Avenue and a recent redevelopment comprised of 12 3-storey townhouses at 117 - 131 Roselawn Avenue. Roselawn Avenue, Edith Drive and Montgomery Avenue to the west of the site are generally occupied by 2-storey detached and semi-detached dwellings.

THE APPLICATION

Description

Height: Two infill residential buildings of 11-storeys (37.4 metres) high and 15-storeys (48.4 metres) high plus a 5-metre mechanical component for each building, in addition to the existing building which would remain (34-storeys and 102.0 metres in height). The proposal would share a base building with limited internal connections.

Density (Floor Space Index): Existing building and proposed buildings total 6.46 times the lot area.

Unit Count: Existing building contains 330 units in total comprised of 67 studio (20%), 187 1-bedroom (57%), 67 2-bedroom (20%) and 9 3-bedroom (3%).

Proposed Building A (15 storeys) proposes 310 units in total comprised of 174 1-bedroom (56%), 105 2-bedroom (34%) and 31 3-bedroom (10%).

Proposed Building B (11-storeys) proposes 331 units in total comprised of 112 1-bedroom (36%), 164 2-bedroom (53%) and 35 3-bedroom (11%).

Additional Information: See Attachments 1 - 4 of this report for a location map, Application Data sheet, three dimensional representations of the project in context, and a site plan of the proposal. The Application Data sheet contains additional details of the proposal including: site area and dimensions, floor area, and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [Development Applications \(toronto.ca\)](http://DevelopmentApplications.toronto.ca).

Reasons for the Application:

A Zoning By-law Amendment application is required to permit amendments to the former City of Toronto Zoning By-law 438-86 and the City of Toronto Zoning By-law 569-2013 to facilitate the development of the additional two infill residential buildings. Required amendments to performance standards include, but are not limited to: maximum permitted height, density, building setbacks and parking requirements. It is recommended through the proposed zoning by-law amendment that the subject site be brought into the City-wide Zoning By-law 569-2013, where applicable.

Rental Housing Demolition Application

The applicant submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of a portion of the existing rental housing units, as the lands subject to the application contain six or more residential units, of which at least one is rental.

Draft Plan of Subdivision

A Draft Plan of Subdivision application has been submitted for the purposes of creating a public park at the southwest corner of the site. The Chief Planner has delegated authority for Plans of Subdivision under By-law 229, as amended.

Site Plan Control

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

POLICY CONSIDERATIONS

Official Plan Designation: The site is designated *Apartment Neighbourhoods* as shown on Map 17 of the Official Plan. See Attachment 6 for the Official Plan Map. The site, which is located within 250 - 500 metres of a Midtown Station Area on Map 21-3 of OPA 405 (Yonge Eglinton Secondary Plan) and identified as a Built-Up Zone will include transit-supportive development. Built-up Zones are areas where incremental infill development and redevelopment at low or modest intensity will be permitted where reasonable. All development will advance the implementation of the Public Realm

Moves shown on Map 21-6. Policy 3.2.5 Park Street Loop and Policy 3.2.6 Midtown Greenways apply to the site (See Attachments 7 and 8).

Zoning: The site is subject to both former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013.

Under Zoning By-law 438-86, the site is zoned R2 Z0.6 and under Zoning By-law 569-2013 the site is zoned R (Residential)(d0.6)(x767). Both these zones permit a maximum height of 9.0 metres and a maximum permitted gross floor area of 0.6 times the lot area resulting in a maximum gross floor area of 6,007.8 square metres. (See Attachments 9a and 9b).

Additional Information: See Attachment 5 for applicable policy documents.

COMMUNITY CONSULTATION

A virtual Community Consultation was hosted by City staff on March 21, 2022 in conjunction with the Ward Councillor's office. The applicant advised staff before the meeting that they would not be in attendance. There were approximately 169 people in attendance. In addition to the preceding, staff also received approximately 25-0 emails from the public sharing similar comments and concerns received at the meeting.

Following a presentation by City Planning staff, a facilitated discussion was held.

Comments and issues raised during this discussion, as well as feedback submitted in writing via email and through the City Application Information Centre are summarized below:

- The lack of public engagement prior to the appeal and a related concern regarding the opportunity to participate in the process;
- The appropriateness of the proposed height, density and massing;
- The proposal disregards the performance standards of the Mid-Rise Buildings Design Guidelines as well as the Tall Buildings Guidelines;
- Compatibility and fit with, and relationship to existing building;
- The addition of the two infill buildings immediately adjacent to the existing building will result in the loss of bedroom windows for units up to the 6th floor on both the north and south building faces of the existing building;
- Compatibility and fit with adjacent properties, including building types, transition, setbacks, built form and streetscape;
- The loss of onsite open space will exacerbate the existing parkland shortfall in the area;
- The loss of onsite open space and the creation of a solid streetwall of built form along Duplex Avenue will result in site impermeability, a lack of cross ventilation, a loss of skyview and sunlight;
- The building is not contextually appropriate for the area;
- Insufficient setbacks, stepbacks and adherence to angular planes;
- Insufficient transition to the adjacent low-rise residential area;

- Shadow impacts on neighbouring streets, properties and open spaces;
- Potential overlook and privacy issues with adjacent properties;
- Concern regarding displacement of existing residents at the subject site;
- Concern about sufficient on-site parking resulting in additional demand for on-street parking;
- Concern about traffic generated by the development in a neighbourhood with existing heavy traffic during rush hour;
- Construction impacts on residents in existing building and on neighbouring properties; and
- A concern about adequate infrastructure, both hard and soft, in the area for additional residents.

In addition to the concerns raised above, there were additional comments which included support for the proposal as a means of providing for additional housing, the requirement for additional parkland beyond that proposed would result in cost passed onto future purchasers, and questions with regards to the status of the area as a major transit station area. The proposed development needs to give consideration to the comments received.

COMMENTS

The proposal has been reviewed against the *Planning Act*, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

Planning Act

The review of this application has had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

Provincial Policy Statement (2020)

Planning staff have reviewed the current proposal against the policies of the Provincial Policy Statement (PPS), as described in Attachment 5: Policy Considerations in this report. The Official Plan, as amended, is consistent with the PPS and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

Growth Plan (2020)

Planning staff have reviewed the current proposal against the policies of the Growth Plan, as described in Attachment 5: Policy Considerations in this report. The Official Plan, as amended, conforms to the Growth Plan and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

Land Use

The proposed residential apartment use is envisioned within the Apartment Neighbourhoods designation of the site subject to detailed policies. In these established *Apartment Neighbourhoods*, improving amenities, accommodating sensitive infill, where it can improve the quality of life and promoting environmental sustainability are key considerations. Residents in *Apartment Neighbourhoods* should have a high quality of urban environment, safety, quality services and residential amenities. In this regard, the proposal exceeds what might be anticipated for an infill development on this site as discussed in the following sections.

Moreover, as a site identified in OPA 405 (Yonge Eglinton Secondary Plan) as a Built-up Zone within a Midtown Transit Station Area, incremental infill development and redevelopment at low or modest intensity will be permitted where reasonable. The proposed development is not in keeping with this policy.

Built Form

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan, Official Plan Amendment 405 (Yonge-Eglinton Secondary Plan), and relevant City design guidelines identified below and in Attachment 5: Policy Considerations.

Height

The proposed 11- and 15-storey buildings (37.4 metres and 48.4 metres respectively) do not achieve the policies of the Official Plan or the relevant design guidelines regarding height.

It is noted that Official Plan policies and guidelines generally define tall buildings as buildings taller than the width of the adjacent right-of-way.

The proposal in its current form does not conform with the policies of the Official Plan and Official Plan Amendment 405 (Yonge Eglinton Secondary Plan) as it relates to height and fit within the existing and planned context, and does not meet the intent of the relevant design guidelines.

Massing

The Official Plan requires new development to be massed to fit harmoniously into its existing and/or planned context by using the building to frame abutting streets in a way that respects the street proportion and provides adequate light and privacy to the public realm and abutting properties. Duplex Avenue, Montgomery Avenue and Roselawn Avenue have a right of way of 20 metres. Development should generally provide a transition from the base building to adjacent properties with a lower-scaled planned context.

The proposed building massing, including base building conditions, setbacks, stepbacks and angular planes, may not be acceptable in achieving the policies of the Official Plan or the relevant design guidelines.

The base building height for the proposed development is 6-storeys, exceeding the streetwall heights of buildings that make up the remainder of the block and facing properties across adjacent streets.

Transition

In its current form the proposed building does not provide adequate transition to the low-rise areas surrounding the site.

The Official Plan states that development in *Apartment Neighbourhoods* will locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the plan, through means such as providing appropriate setbacks and/or stepping down of heights towards lower-scale *Neighbourhoods*.

The proposal in its current form does not provide adequate transition to the surrounding low-rise area which are, for the most part, designated *Neighbourhoods*.

Proposed Public Park Block

The applicant has proposed an on-site public park with a proposed size of 917.3 square metres and a frontage of approximately 26 metres on Montgomery Avenue. At the alternative rate of 0.4 hectare per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 8,280 square metres or 90% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use. In total, the parkland dedication requirement for this site is 1,382 square metres. This proposed shortfall in on-site parkland will have to be rectified through the additional dedication of 465 square metres on-site. Additionally, the applicant has proposed building setbacks from the boundary of the proposed park block of 3 metres minimum. The proposed building setbacks from the proposed public park must be increased to a minimum of 5 metres to meet the city standard.

Indoor/Outdoor Amenity Space

The development proposal includes both indoor and outdoor amenity space. With a total of 940 units proposed for the existing building and the two new buildings, at 2 square metres per unit of indoor amenity space and 2 square metres per unit of outdoor amenity space, the proposal is expected to provide 1,880 square metres of indoor amenity space and 1,880 square metres of outdoor amenity space.

The site statistics indicate that a total of 1,884 square metres of indoor amenity space has been provided. The floor plans illustrate 4 identified indoor amenity areas totalling 671.13 square metres at the ground level. It is unclear if the remainder of the indoor amenity space has been provided in the form of lobbies and passage ways or some

other way. In terms of outdoor amenity space, an exterior landscaped area totalling 1,591.9 square metres has been identified west of the building along the western boundary of the site. Two further outdoor amenity areas of 148.1 square metres and 170.9 square metres have been proposed east of the existing tower along the Duplex Avenue frontage for a total of 1910.9 square metres of outdoor amenity area.

Urban Forestry

An Arborist Report was submitted by the applicant to support the application. The report does not include details on the impacts to the trees, and a tree protection plan has not been provided. The Landscape plan shows that a number of privately-owned and city-owned trees will be removed as a result of the proposed development. City staff believe that the Arborist Report inaccurately describes a number of the trees to be removed as being in poor condition. An accurate Arborist Report and the submission of a complete Tree Protection Plan are required to assist in further evaluation of the application.

Midtown Parks and Public Realm Plan

Both Montgomery Avenue along the south end of the subject site and Roselawn Avenue along the north end of the subject site are identified as special streets in the Midtown Parks and Public Realm Plan.

Park Street Loop - Montgomery Avenue along the south end of the subject site is identified as Park Street Loop in the *Midtown Parks and Public Realm Plan*. The Park Street Loop will be designed as a publicly accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping that provides green linkages connecting Eglinton Park to community amenities and open spaces in neighbourhoods to the east. The location and design of underground facilities, such as parking, on properties abutting the Park Street Loop will provide sufficient space and soil depth to establish and maintain a permanent, high branch tree canopy.

Midtown Greenways - Roselawn Avenue along the north end of the subject site is identified as a Midtown Greenway in the *Midtown Parks and Public Realm Plan*. The Midtown Greenways are a network of residential streets that provide improved pedestrian amenity and active transportation connections to support the continuation and expansion of the landscaped setbacks characteristic of the Yonge-Eglinton Secondary Plan area. A reasonable setback at grade and above established grade will be provided on all Greenway street frontages in *Apartment Neighbourhoods*. The landscaped setbacks are intended to provide a range of publicly-accessible spaces such as entry forecourts, gardens, and other forms of landscaped space which will be planted with high-branching deciduous trees and understory plantings.

Staff are of the opinion that this proposal does not provide adequate building setbacks at grade, along the Park Street Loop and the Midtown Greenways streets abutting the site, thus inhibiting the ability to create an enhanced public realm on this site. The proposal fails to create a safe and attractive public realm with wide pedestrian clearways, cycling facilities and landscaping, including trees, soft landscaping or seating areas along both Montgomery Avenue and Roselawn Avenue, as per the Midtown

Sun, Shadow and Wind

The applicant submitted a shadow study which staff have reviewed. At 15-storeys and 11-storeys, the proposed tall buildings cast shadows on the public realm for extended periods during the day, cast shadows on neighbouring buildings (particularly 118 Montgomery Avenue) where there previously was no, or limited, shadowing; cast shadows on portions of the proposed public park block and the private amenity area to the west of the existing building proposed as part of the site redevelopment. The proposal would also cast shadows on segments of both sides of Roselawn Avenue in the morning during the spring and fall equinoxes. Staff are of the opinion that a reduction of both tall buildings proposed on the site would mitigate the shadow impacts of the proposal.

The applicant submitted a Pedestrian Level Wind Study as part of their application to assess wind conditions for the proposed development for existing conditions (the existing tower) and future conditions (with the proposed two tall buildings included). The analysis concluded that the future wind conditions over most grade level pedestrian wind-sensitive areas within and surrounding the site will be acceptable for the intended uses on a seasonal basis. An exception would be the townhouse entrance at the north west corner of Building B for which mitigation will be required. The analysis also investigated the wind comfort of the exterior amenity areas at the upper level terraces. The analysis determined that wind comfort over the majority of the exterior terraces would not be suitable for sitting or more sedentary activities during the warmer months and mitigation would be required.

The submitted Shadow Impact Study and Pedestrian Level Wind Study demonstrate that the proposal is not acceptable in its current form. Planning staff will continue to work with the applicant to modify the built form to minimize the shadow and wind impacts on the site, on the public realm and adjacent properties.

Unit Mix

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design [guidelines](#) provide guidance on the proportion and size of larger units in new multi-unit residential developments.

Staff have reviewed the applicant's proposal and have indicated that the provision of 268 (43.3%) net new two-bedroom units and 57 (9.3%) net new three bedroom units support the unit mix objectives of the Growing Up Guidelines, Yonge-Eglinton Secondary Plan, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children. However, the number of three-bedroom units should be increased such that at least 10% of the new units are three-bedroom units in accordance with the Growing Up Guidelines.

The applicant should provide additional information on the proposed unit mix, unit sizes, and unit layouts, including a table outlining unit sizes and size ranges by bedroom type, to evaluate the application in the context of the Growing Up Guidelines.

On July 7, 2021, the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

Infrastructure/Servicing Capacity

The applicant has submitted a Functional Servicing and Stormwater Management Report, a Hydrogeological Report, a Geotechnical Report and a Transportation Impact Study. These reports will allow City staff to evaluate the effects of the development on the City's municipal servicing and transportation infrastructure. It will also identify and provide the rationale for whether the City requires the applicant to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development. Engineering and Construction Services staff have indicated that the various engineering reports are not satisfactory to Engineering and Construction Services staff. Should it be determined that there is not sufficient capacity or new infrastructure and/or upgrades to the existing infrastructure are required, these matters will be addressed as part of the OLT process and if appropriate, the applicants would be required to enter into appropriate agreements for the design and construction of any improvements to the municipal infrastructure required to support the development if it is approved.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the Final Order should be withheld pending the confirmation of the submission of satisfactory engineering reports, confirmation of satisfactory water, sanitary and stormwater capacity and transportation capacity or a determination of a requirement for new infrastructure and/or upgrades to the existing infrastructure to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services, and provide any outstanding materials, including, but not limited to a satisfactory Geotechnical Study, Hydrogeological Report, Transportation Impact Study and Functional Servicing Report, as outlined in recommendation 2.i to 2.iv of this report or the determination of whether holding provisions are required in the Zoning By-law amendment.

Travel Demand Management (TDM)

TDM measures are aimed at encouraging people to take fewer and shorter single occupancy vehicle trips to reduce congestion, energy consumption and pollution. In the past, transportation planning has often focused on supply-side solutions by identifying where additional transportation capacity is needed to satisfy forecasted travel demands. TDM in contrast, puts the emphasis on changing travel behaviour to modify and reduce our demand for vehicular travel in cities. TDM measures are most effective when supported by complementary actions in the key areas of land use planning and public transit improvements.

Typical TDM policies and programs include, but are not limited to: parking supply management strategies (such as reduced parking provisions) in combination with car

sharing/bike sharing; school/trip planning; development-related transit initiatives; and cycling programs and expansion of the citywide cycling networks. Should it be determined that the city is not able to support the applicant's proposed parking reduction, this matter will be addressed as part of the OLT process.

In the event that the OLT approves the application in some form, Transportation Planning staff have indicated that a revised Transportation Demand Management ("TDM") Plan with appropriate measures to reduce single occupancy automobile vehicle trips generated by the proposed development, support the proposed parking reduction, and address the site related vehicular traffic issues is required, as outlined in Recommendation 2.v of this report.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, Official Plan Amendment 405 (Yonge Eglinton Secondary Plan), Mid-Town Public Parks Public Realm Plan and applicable City Plans and Guidelines intended to implement official plan policies. As currently proposed, staff are of the opinion that the application does not conform to the Official 405 and does not meet the intent of relevant guidelines including the Tall Building Guidelines, Avenues and Mid-Rise Buildings Study, and Growing Up: Planning for Children in New Vertical Communities Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the applications in their current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

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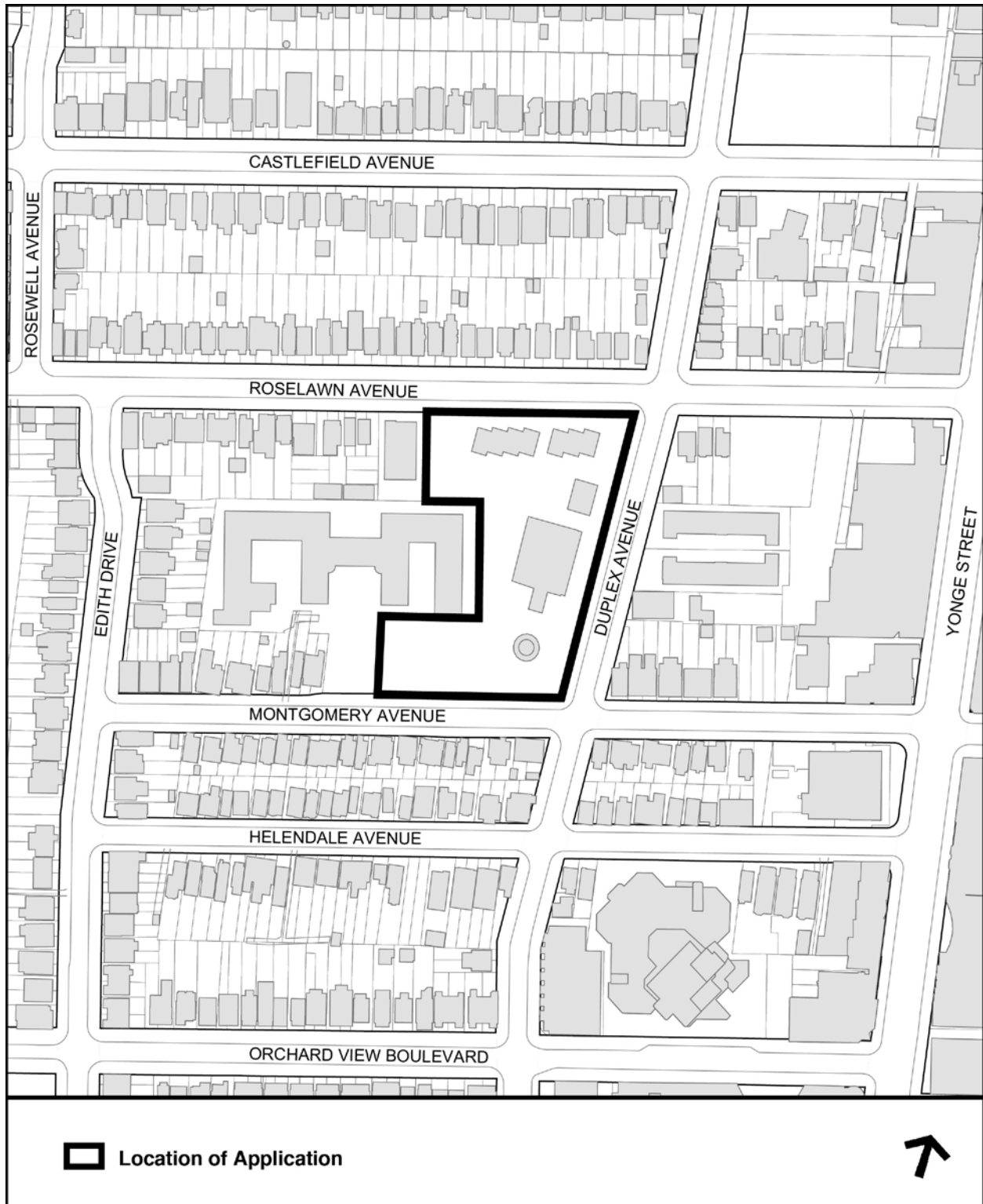
SIGNATURE

David Sit, RPP MCIP, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3a: 3D Model of Proposal in Context - Looking North
Attachment 3b: 3D Model of Proposal in Context - Looking West
Attachment 4: Site Plan
Attachment 5: Policy Considerations
Attachment 6: Official Plan Land Use Map #17
Attachment 7: Official Plan Amendment 405 (Yonge-Eglinton Secondary Plan) - Map 21-3 Midtown Transit Station Areas
Attachment 8: Official Plan Amendment 405 (Yonge-Eglinton Secondary Plan) - Map 21-6 Public Realm Moves
Attachment 9a: Existing Zoning By-law No. 569-2013
Attachment 9b: Former Zoning By-law 438-86

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 500 DUPLEX AVE Date Received: July 7, 2021

Application Number: 21 180732 NNY 08 OZ, 21 180738 NNY 08 RH, 21 219467 NNY 08 SB

Application Type: Rezoning/Rental Housing Demolition/Draft Plan of Subdivision

Project Description: Zoning By-Law Amendment Application to permit two infill residential buildings of 11 and 15 storeys in height, resulting in an additional 45,416 square metres of residential gross floor area and a density of 6.46 FSI on the subject site. A public park of 917 square metres is proposed in the southwest corner of the site. Three levels of below-grade parking are proposed beneath each new building to be incorporated with the two levels of parking already provided beneath the existing apartment building, resulting in a total of 527 parking spaces on site. A total of 3,768 square metres of amenity space, consisting of 1,884 square metres of outdoor amenity space and 1,884 square metres of indoor amenity space, is proposed on the ground floor level. The proposal would result in the demolition of 9 townhouse units and 2 ground floor units within the existing rental apartment building. The existing 34-storey residential building would be retained with the exception of 2 ground floor units.

Applicant	Agent	Architect	Owner
Streamliner Dawes Gp Incl., 2345 Yonge Street, Suite 804, Toronto, ON M4P 2E5	Bousfields Inc. 3 Church Street Toronto, ON M5E 1M2	IBI Group Architects (Canada) Inc., 55 St. Clair Avenue West, 7th Floor, Toronto ON M4V 2Y7	QRes VI Duplex (Property) Inc. 161 Bay Street, Suite 2100, Toronto ON M5J 2S1

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	R (d0.6) (x767)	Heritage Designation:	N
Height Limit (m):	9	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	10,013	Frontage (m):	134	Depth (m):	55
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,225	710	2,608	3,318
Residential GFA (sq m):	20,764	19,219	45,416	64,635
Non-Residential GFA (sq m):				
Total GFA (sq m):	20,764	19,219	45,416	64,635
Height - Storeys:	34	34	15	34
Height - Metres:	102	102	30	102

Lot Coverage Ratio (%):	Above Grade (sq. m)	Below Grade (sq m)
Floor Area Breakdown		
Residential GFA:	64,635	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	321	319		319
Freehold:	9			
Condominium:			621	621
Other:				
Total Units:	330	319	621	940

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		66	187	66	
Proposed:			286	269	66
Total Units:		66	473	335	66

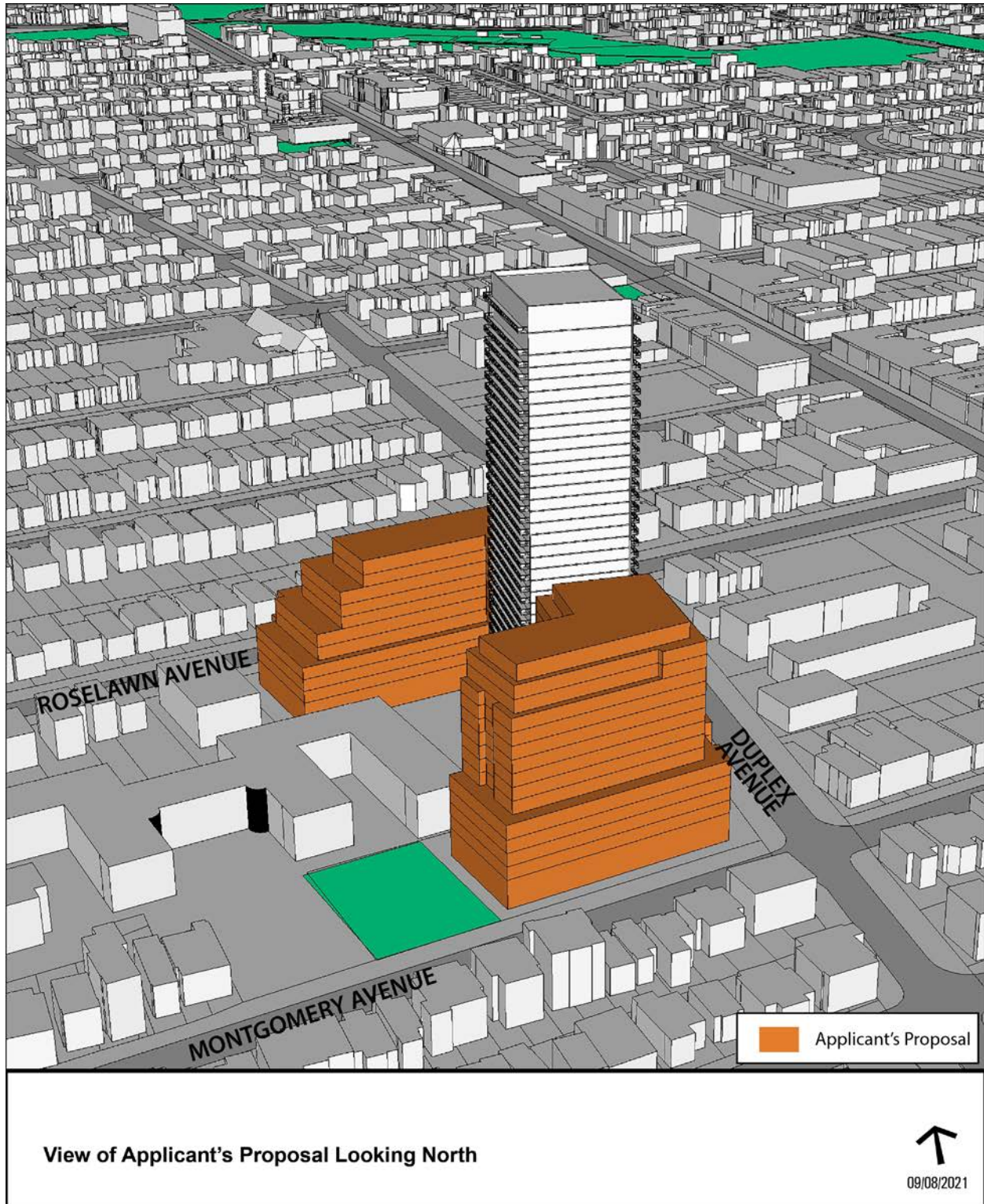
Parking and Loading

Parking Spaces:	527	Bicycle Parking Spaces:	771	Loading Docks:	2
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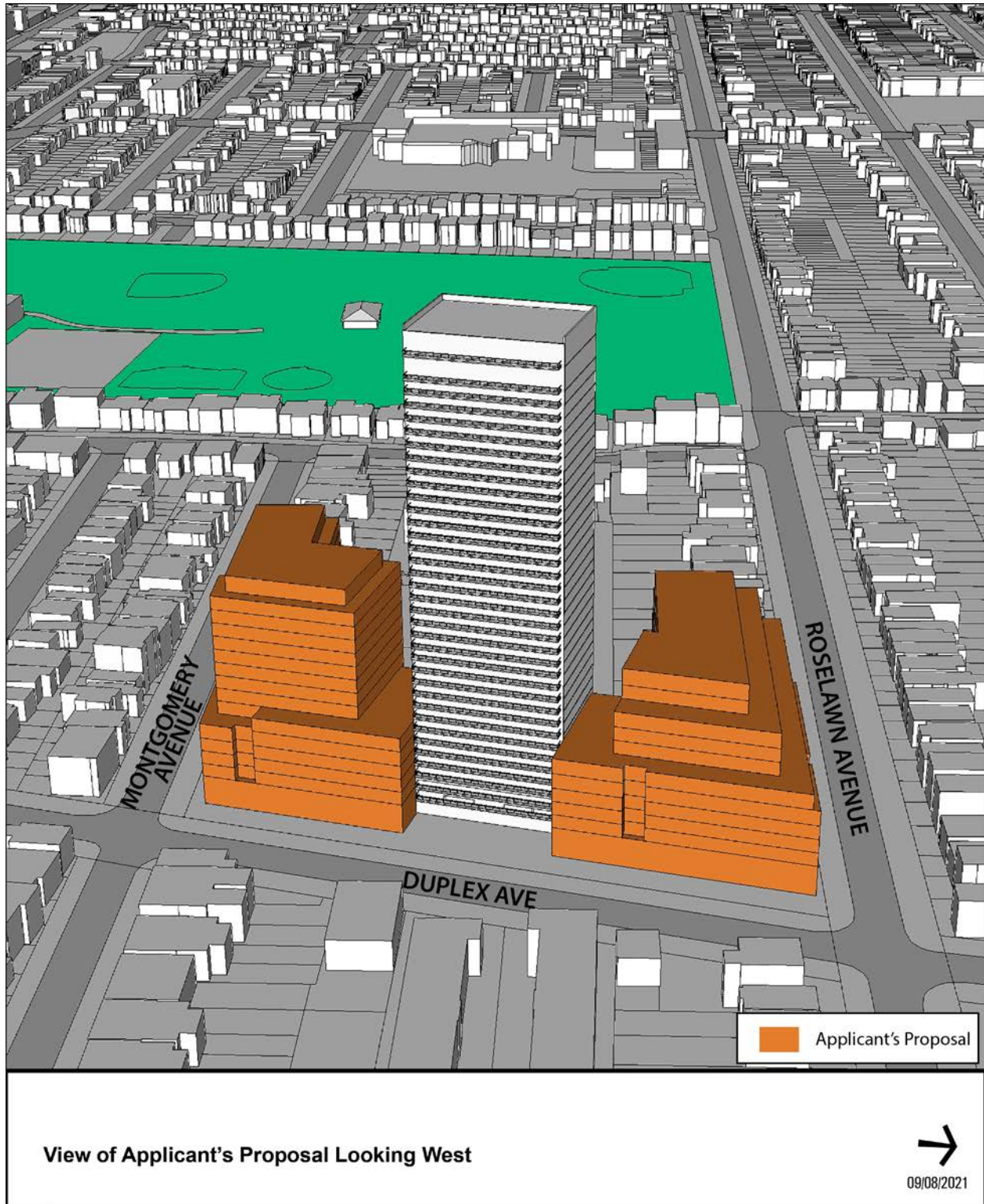
CONTACT:

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Cathie.Ferguson@toronto.ca

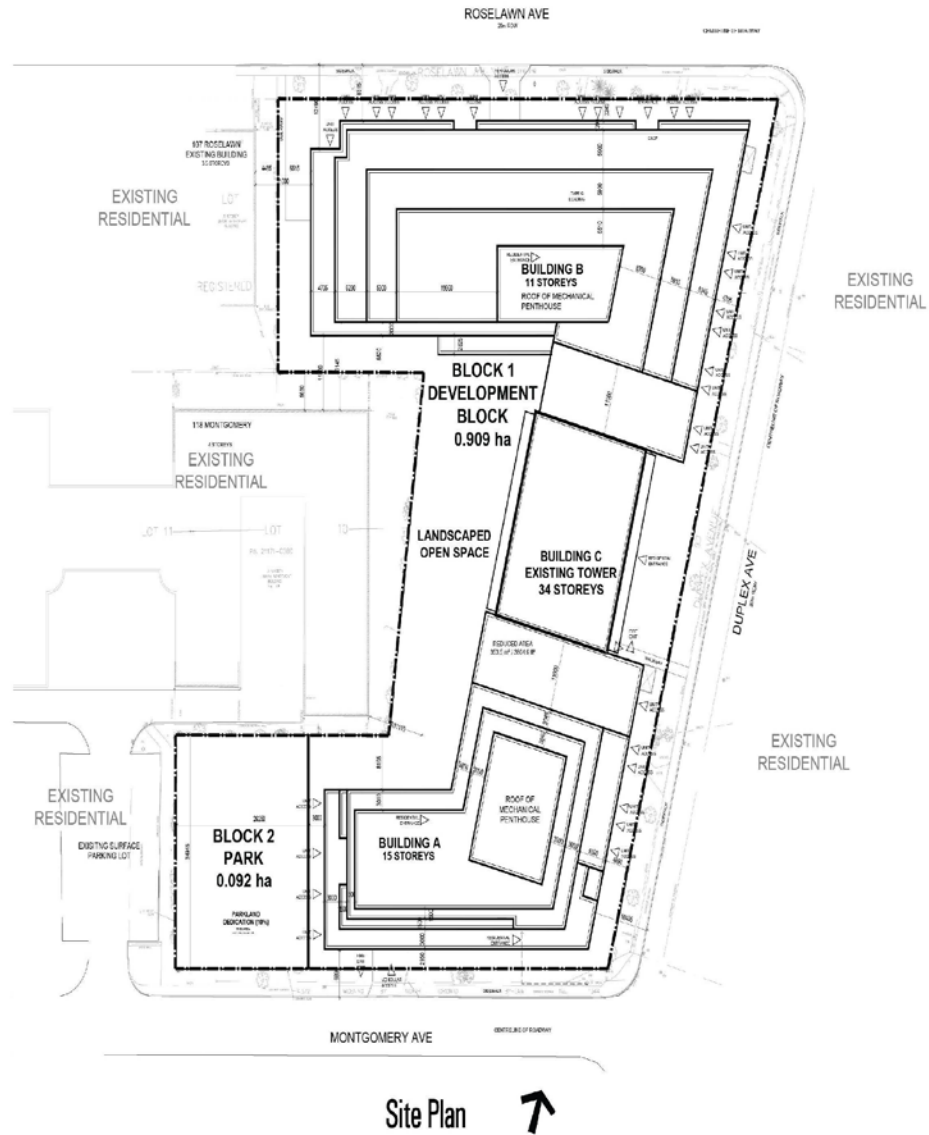
Attachment 3a: 3D Model of Proposal in Context - Looking North



Attachment 3b: 3D Model of Proposal in Context - Looking West



Attachment 4: Site Plan



Attachment 5: Policy Considerations

The Planning Act

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regarding carrying out its responsibilities under the Act. Amongst other matters this includes:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water, and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable, and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options, including affordable housing, through intensification and redevelopment where it can be accommodated;
- Residential development promoting a mix of housing, recreation, parks and open space, and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form, and by conserving features that help define local character.

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:

- encouraging a sense of place, by promoting well-designed built form;
- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including 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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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 provincial 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 to 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 to provincial plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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 a 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;

- Public service facilities and public services should be co-located in Community Hubs, and integrated to promote cost-effectiveness;
- Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas;
- 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 (2020) 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 (2020) 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 to the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan (2020).

Toronto Official Plan

The Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. The Official Plan directs growth towards the Downtown, Centres, Avenues and Employment Areas.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-planguidelines/official-plan/>.

The site is designated Apartment Neighbourhoods as shown on Land Use Map 17. See Attachment 7 of this report for the Official Plan Land Use Map.

Yonge Eglinton Secondary Plan

The Yonge-Eglinton Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities. While a land use designation for the subject site is not set out in the secondary plan, but directs users to the Official Plan in that regard, some of the policies of the Yonge Eglinton Secondary Official Plan apply to the site. The Secondary Plan is intended to be read and interpreted as a comprehensive document. City Planning staff have reviewed the application against the policies of the Yonge-Eglinton Secondary Plan.

The Yonge Eglinton Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Midtown Parks and Public Realm Plan

The Mid-Town Parks and Public Realm Plan serves as the 'Parks Plan' for Midtown, providing a framework to inform decisions about the acquisition of new parks, parks expansions, increased accessibility and improvements to existing parks, the reclamation of city streets as a series of community spaces and creatively capitalizing on the variety of other open spaces scattered through Midtown. In its current form, City Planning staff have concerns with the compliance of the proposed development with the Midtown Parks and Public Realm Plan.

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Avenues and Mid-Rise Buildings Study and Addendum, Growing Up Guidelines: Planning for Children in New Vertical Communities (2020), the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts.

Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1, The Built Environment, and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The City-Wide Tall Building Design Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>

Avenues and Mid-Rise Buildings Study and Addendum

City Council adopted the Avenues and Mid-Rise Buildings Study containing performance standards for mid-rise buildings. 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 conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

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

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

Rental Housing Demolition and Conversion By-law

On July 7, 2021, the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units, as the lands subject to the application contain six or more residential units, of which at least one is rental. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential 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 buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

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 Ontario Land Tribunal.

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities 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 of 20 or more residential units. The objective of the

Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Growing Up Guidelines (2020) are available at:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

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.

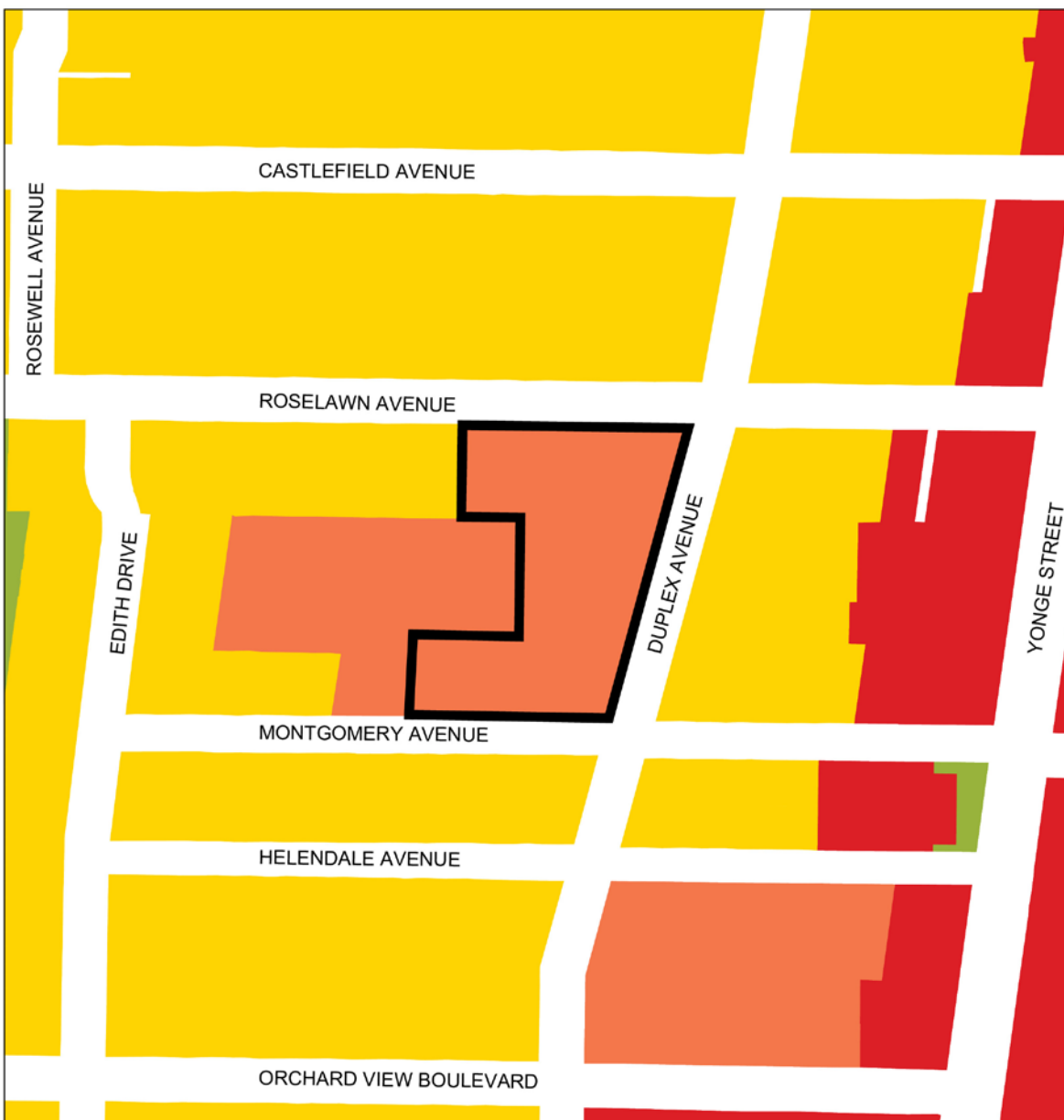
The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at: <https://www.toronto.ca/city-government/planning-development/planningstudies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (the "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 Standards. Tiers 2,3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 3.0: new applications submitted on or after May 1, 2018. Visit: Toronto Green Standard – City of Toronto

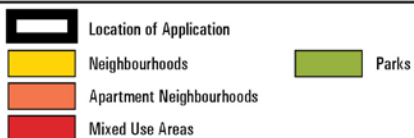
Attachment 6: Official Plan Land Use Map #17



Official Plan Land Use Map #17

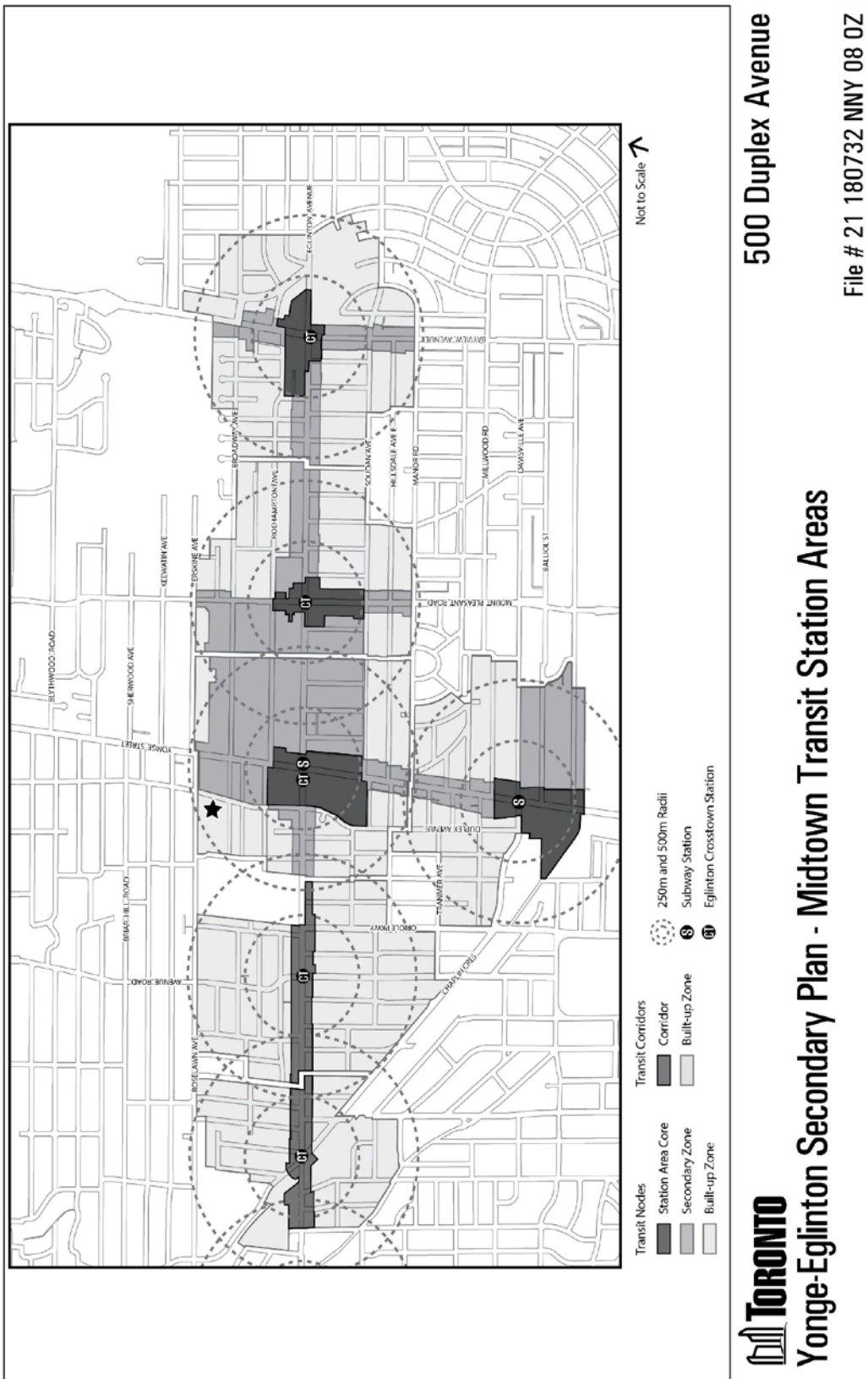
500 Duplex Avenue

File # 21 180732 NNY 08 0Z

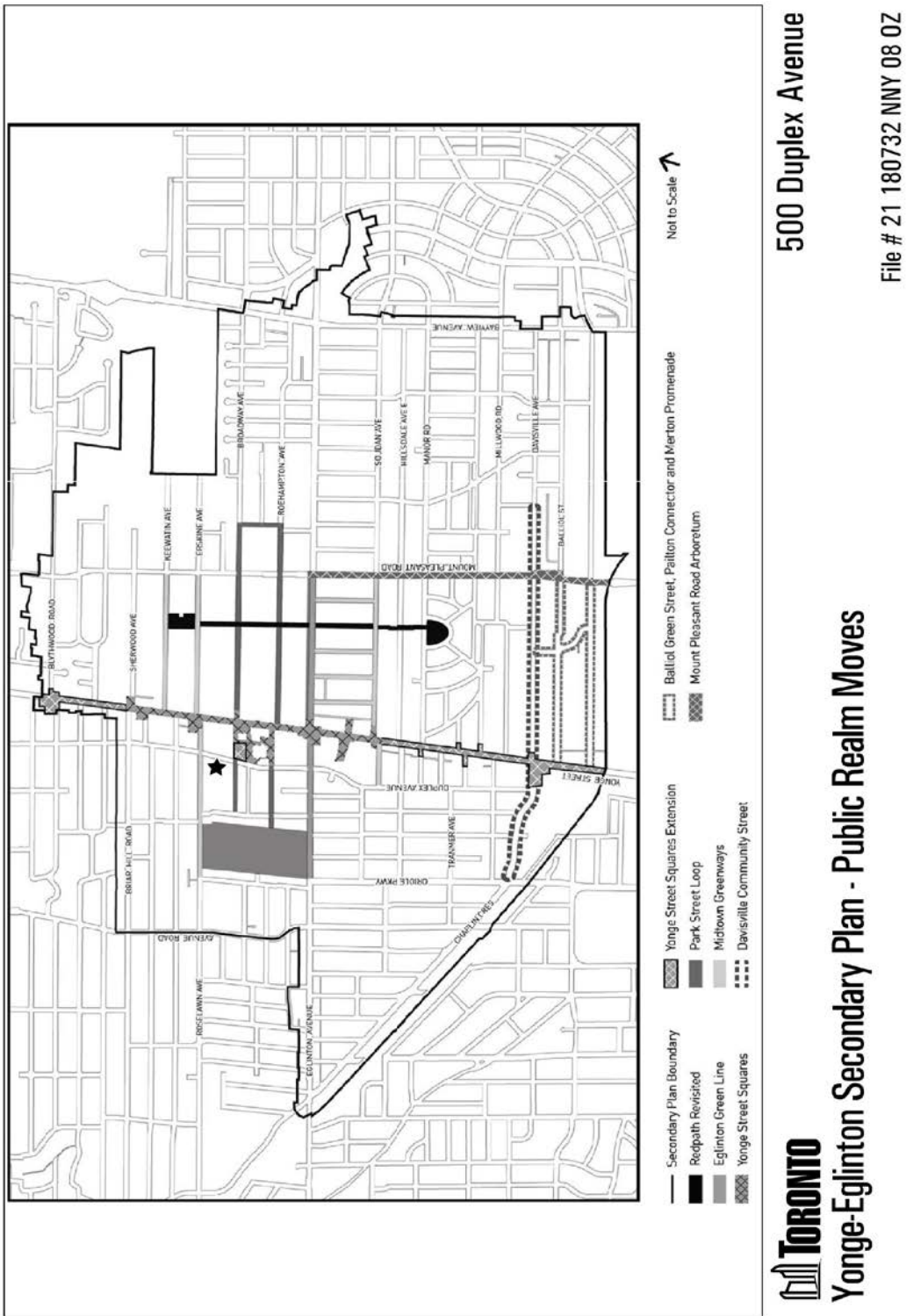


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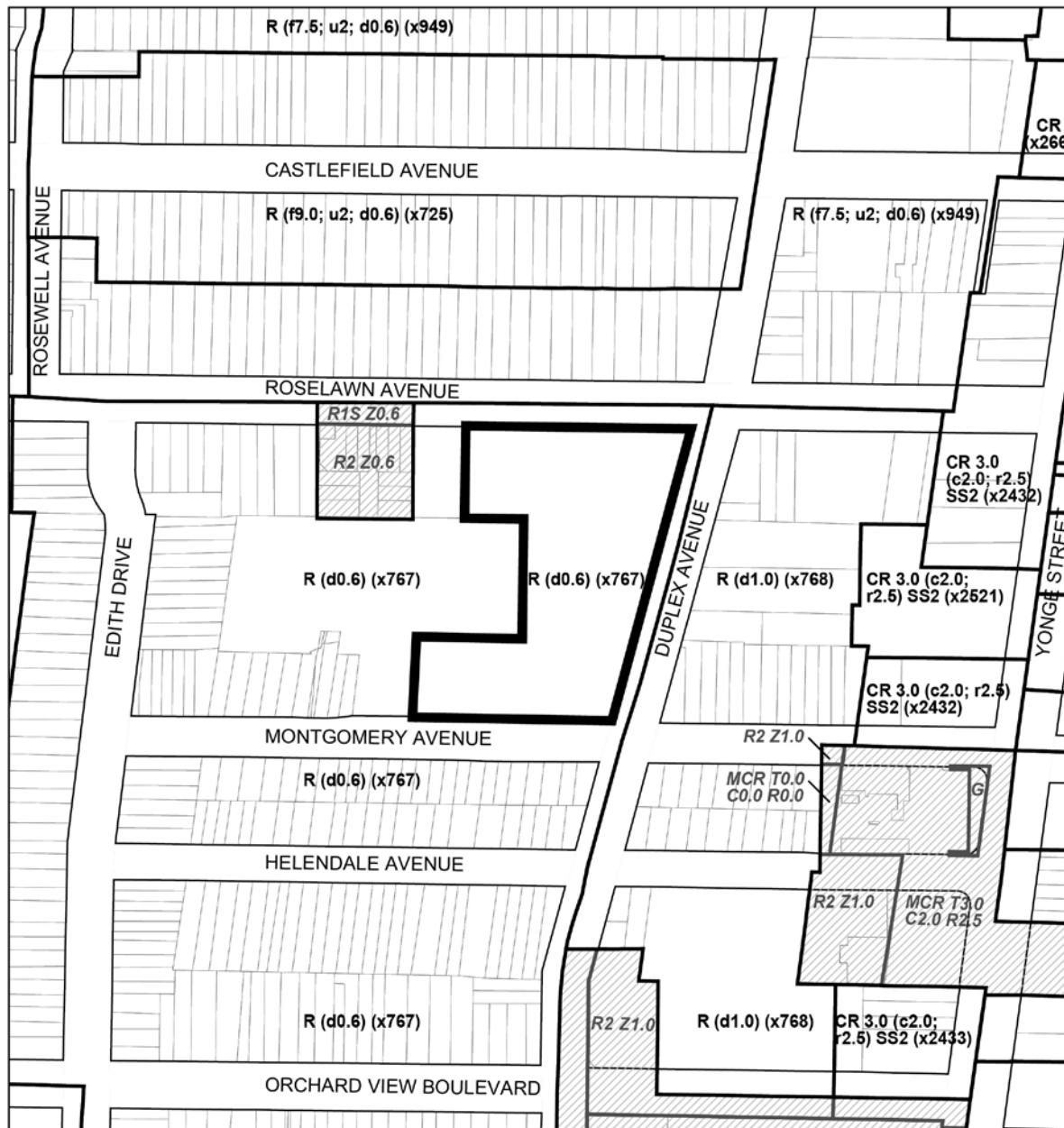
Attachment 7: Official Plan Amendment 405 (Yonge-Eglinton Secondary Plan) -
Map 21-3 Midtown Transit Station Areas



Attachment 8: Official Plan Amendment 405 (Yonge-Eglinton Secondary Plan) -
Map 21-6 Public Realm Moves



Attachment 9a: Existing Zoning By-law No. 569-2013



Zoning By-law 569-2013

500 Duplex Avenue

File # 21 180732 NNY 08 0Z

Location of Application

R Residential
CR Commercial Residential
OR Open Space Recreation

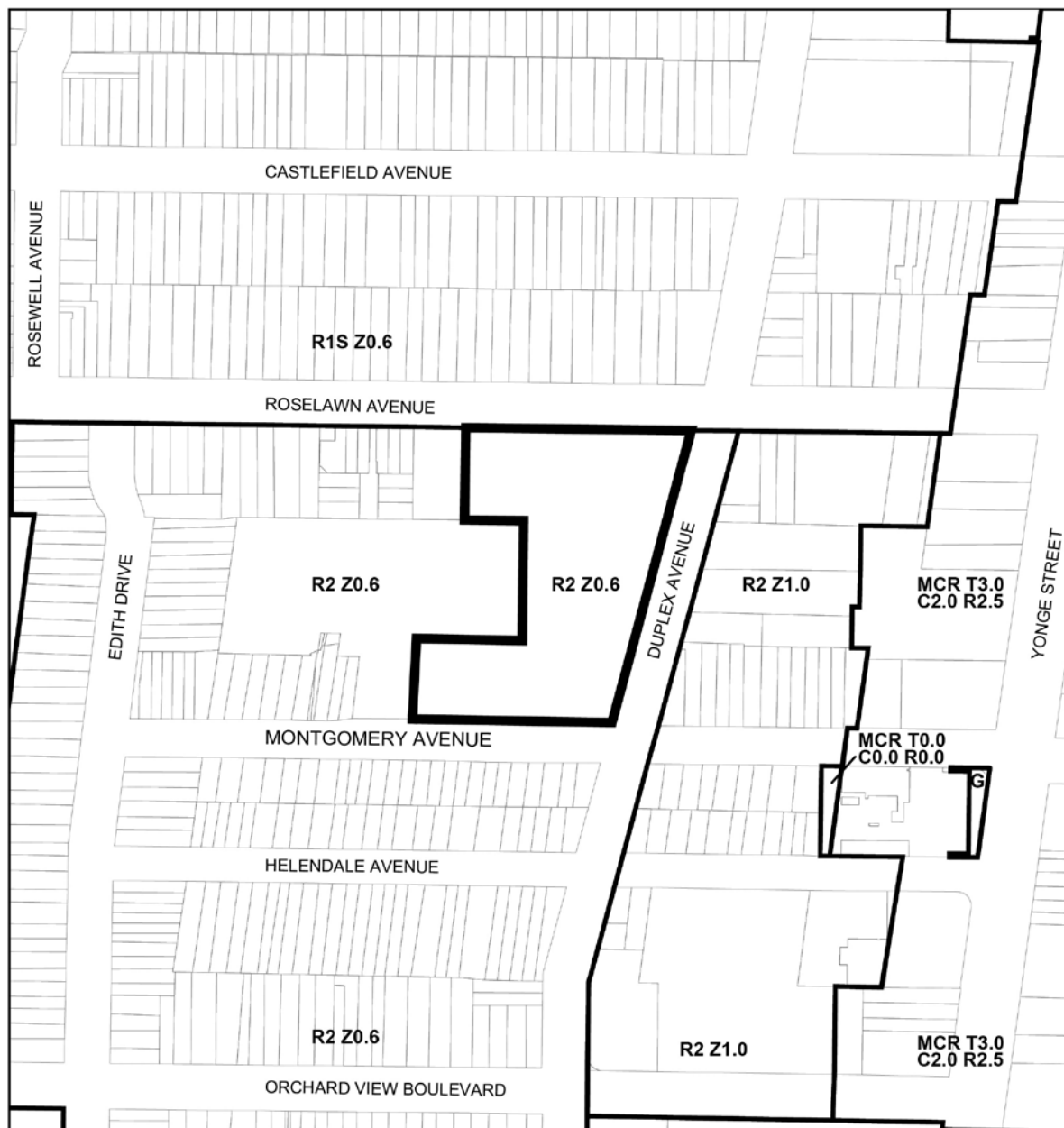
See Former City of Toronto By-law No. 438-86

R2 Residential District
MCR Mixed-Use District
G Parks District



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 Extracted: 07/12/2021

Attachment 9b: Former Zoning By-law 438-86



Zoning By-law 438-86

500 Duplex Avenue

File # 21 180732 NNY 08 0Z



Location of Application

See Former City of Toronto By-law No. 438-86

R1S Residential District
MCR Mixed-Use District
G Parks District



Not to Scale
Extracted: 07/12/2021