

645-655 Northcliffe Boulevard – Zoning By-law Amendment Application – Request for Direction Report

Date: November 1, 2022

To: Toronto and East York Community Council

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

Ward: 12- Toronto-St. Paul's

Planning Application Number: 21 235841 STE 12 OZ

Related Application: 21 250763 STE 12 SA

SUMMARY

On November 9, 2021, a Zoning By-law Amendment application was submitted to permit a 15-storey residential building containing 159 dwelling units. Determination whether a Rental Housing Demolition application is needed is under review.

On July 4, 2022, the Applicant appealed Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame of 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 working 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 the Zoning By-law Amendment application appeal for the lands at 645-655 Northcliffe Boulevard, and to continue to work with the Applicant in an attempt to resolve outstanding issues.

2. City Council authorize the City Solicitor to request in the event that the Ontario Land Tribunal allows the appeal, in whole or in part, that the issuance of any final orders be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the Applicant has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law Amendment;
 - c) the Applicant has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; and
 - d) if applicable, the Chief Planner and Executive Director, City Planning, under delegated authority, or City Council has approved a Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act*, 2006, to allow the demolition of any existing rental dwelling unit(s) on the site.
3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement the decision of City Council.

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

A Preliminary Report was adopted by Toronto and East York Community Council on January 6, 2022, authorizing staff to conduct a Community Consultation Meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE30.30>

THE SITE

Description: The site is generally rectangular in shape and has an approximate area of 1,074.6 square metres, with a frontage of approximately 36.5 metres along Northcliffe Boulevard. The site has an approximate depth of 28.7 metres at the north end and increases to an approximate depth of 30.2 and 39.1 metres at the south end.

The site is generally flat with a minor slope downward from north to south. A public laneway runs east-west adjacent to the north lot line, and then turns south, adjacent to the rear (east) lot line of the site.

Existing Uses: Six one-storey residential detached dwellings.

THE APPLICATION

Description: A 15-storey (50.8 metres, excluding the mechanical penthouse) residential building, with an eight-storey streetwall height.

Density: 10.7 times the area of the lot, for a gross floor area of 11,500 square metres.

Dwelling: The proposed 159 dwelling units include 27 bachelor (17%), 49 one-bedroom (31%), 67 two-bedroom (42%), and 16 three-bedroom (10%).

Access, Parking and Loading: Access to a two-level underground garage, containing 36 parking spaces, is proposed from Northcliffe Boulevard at the south end of the site. An additional four surface parking spaces, accessed from the lane, are proposed at the rear, bringing the total number of vehicular parking spaces to 40.

A total of 248 bicycle parking spaces, including 16 short term bicycle parking spaces located on the north side and at the rear of the building, and 232 long term bicycle parking spaces located internally on the second floor are also proposed.

An internalized Type G loading spaces is proposed to be accessed from the north lane through the north side of the building.

Rental Housing: A Rental Housing Demolition application has not been submitted. To determine whether a Rental Housing Demolition application is required a Rental Housing Demolition and Conversion Declaration of Use and Screening Form has been requested to confirm the number of existing rental dwelling units, but one has not been submitted to date.

Additional Information

See Attachments 1-4 of this report for a location map, Application Data sheet, a three dimensional representation of the project in context, and a site plan of the proposal. All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/645-655NorthcliffeBlvd>

Reasons for Application

The Zoning By-law Amendment application proposes to amend Zoning By-laws 1-83 and 569-2013 to vary performance standards including: gross floor area and floor space index; building height; building setbacks; amenity space; and vehicular and bicycle parking space requirements.

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Site Plan Control

A Site Plan Control application (21 250763 STE 12 SA) was submitted on December 23, 2021, and deemed complete as of June 9, 2022.

POLICY CONSIDERATIONS

Provincial Land-use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan Designation

The site is designated *Apartment Neighbourhoods* in the Official Plan. See attachment 5 of this report for a land use map.

Zoning

The property is zoned Residential Apartment (RA (x777)), under Zoning By-law 569-2013, and Residential Multiple (RM2) under Zoning By-law 1-83. Both Zoning By-laws limit the building height to 24.0 metres. See attachment 6 of this report for a Zoning By-law map.

Rental Housing Demolition and Conversion By-law

Section 111 of the City of Toronto Act, 2006 authorizes the City to regulate the demolition of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. Decisions under Chapter 667 are final and not appealable to the OLT. The By-law prohibits the demolition of rental housing in any building or related group of buildings containing six or more residential units, of which at least one is a rental unit, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines for High Density Communities;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

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. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on April 26, 2022. Approximately 20 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following issues were raised by the community:

- solid waste collection;
- number and mix of dwelling units;
- supply of family units;
- vehicular and bicycle parking supply and access;
- landscaping and tree planting;
- building height;
- laneway improvements including lighting;
- economic benefit to the local community in terms of the provision of local jobs;
- affordable housing provision;
- servicing capacity;
- sustainable building elements for climate resilience and energy efficiency;
- architectural style and building appearance;
- realignment of Northcliffe Boulevard at Eglinton Avenue West; and
- application process and construction timeline.

City staff also met with representatives from the Oakwood Vaughan Community Organization on January 5, 2022 and then again, with the Applicant, on April 7, 2022, at which the provision of affordable units, family sized units and accessible units for older residents were discussed.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. 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. Staff find the proposal to be consistent with the PPS and in conformity with the Growth Plan.

Built Form

City Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan as well as relevant design guidelines. The proposed massing does not fit within the existing and planned context and does not conform to the Official Plan.

Streetscape/Tree Preservation

The proposed streetscape along Northcliffe Boulevard is unacceptable. A greater front yard setback is needed along the Northcliffe Boulevard frontage to achieve the preservation of the existing City-owned trees.

The proposal is subject to the provisions of Chapter 813 of the City of Toronto Municipal Code, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection). An Arborist Report and Tree Inventory and Preservation Plan were submitted by the Applicant, proposing the removal four City-owned trees, and one privately-owned tree regulated by the Tree By-law.

Urban Forestry requires the redesign of the proposal to retain three of the existing City-owned trees. Replacement of one City-owned street tree along the City road allowance and three trees on the subject site will be required.

Sun and Shadow

The Applicant submitted a shadow study showing the shadow of the proposed building at the spring and fall equinoxes (March 21 and September 21). The proposal adequately limits shadow impacts on *Neighbourhoods* designated properties. The proposal will shadow *Neighbourhoods* designated properties at 6:18 P.M. at both equinoxes.

No shadow impact will occur on any nearby Parks, including Senator Peter Bosa or St. Hilda's Parkette, at either the spring or fall equinox.

The shadow on the public realm will begin at 10:18 P.M. on the west side of Northcliffe Boulevard, move to the east side of Northcliffe Boulevard at 12:18 P.M., and eventually cast shadow on Glenholme Avenue only from 6:18 P.M., at both equinoxes.

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However, the shadow study requires updating to properly illustrate the impact the proposal will have on the school at 636 Glenholme Avenue.

Wind

The Pedestrian Level Wind Study, submitted in support of the application concludes that the grade-level areas within and surrounding the subject site are considered acceptable throughout the year. To achieve a condition on the roof outdoor terrace that is comfortable for sitting from May to October, wind guards will be necessary around the perimeter of the terrace. If the proposal is approved in some form, the wind guard will be secured through Site Plan Control.

Parking and Loading

A total of 40 resident vehicular parking spaces and a Type G loading space is proposed to service the site. No visitor vehicular parking spaces are proposed.

Transportation Services staff has reviewed the Transportation Impact Study submitted in support of the application. Transportation Services requires the provision of a minimum of 7 visitor parking spaces (0.05 per dwelling unit), and requests that the feasibility of adding one (1) car-share space on this site be reviewed. Staff find the loading space acceptable.

The access ramp to the underground garage is from Northcliffe Boulevard, rather than the public laneway. The application has not demonstrated the reason that access is not being provided from the lane as is called for by the Official Plan.

Dwelling Unit Mix

A total of 159 residential units are proposed, including 67 two-bedroom (42%), and 16 three-bedroom (10%) units.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing, and meets the unit mix objectives of the Growing Up Guidelines to provide a minimum of 15% two-bedroom and 10% three-bedroom units within new developments.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site have been reviewed by Engineering and Construction Services. A number of revisions and additional information is required.

In the event that the OLT allows the appeal, in whole or in part, the final order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. As per Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 107 square metres. The conveyance of lands off-site to expand an existing park (for example, Senator Peter Bosa Park) or to create a new park as the required parkland dedication would be acceptable.

The value of the parkland dedication will be appraised through Real Estate Services. Should the value of the off-site dedication not fulfil the value of the on-site dedication, the remaining value will be required to be provided in cash-in-lieu.

Rental Housing

The number of rental units impacted by the proposal remains unconfirmed. A Rental Housing Demolition and Conversion Declaration of Use and Screening Form has not been submitted by the Applicant, and a site visit verifying whether a rental demolition application is necessary has not been conducted.

Indoor/Outdoor Amenity Space

The Zoning By-law requires an apartment building with 20 or more dwelling units to provide a minimum of 4.0 square metres of amenity space per unit, of which 2.0 square metres must be indoor amenity space. The proposal is required to provide 636 square metres of amenity space, of which 318 square metres is to be indoor.

The proposal includes 512.8 square metres (3.2 square metres per unit) of total amenity space, including 337.2 square metres (2.1 square metres per unit) of indoor amenity space and 175.6 square metres (1.1 square metres per unit) of outdoor amenity space. The proposed amount of amenity space is deficient.

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 deputations made by members of the public to Community Council. City Planning 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, City 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, the Growth Plan, the Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal does not conform to the Official Plan.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form, and to continue to work with the Applicant in an attempt to resolve outstanding issues.

CONTACT

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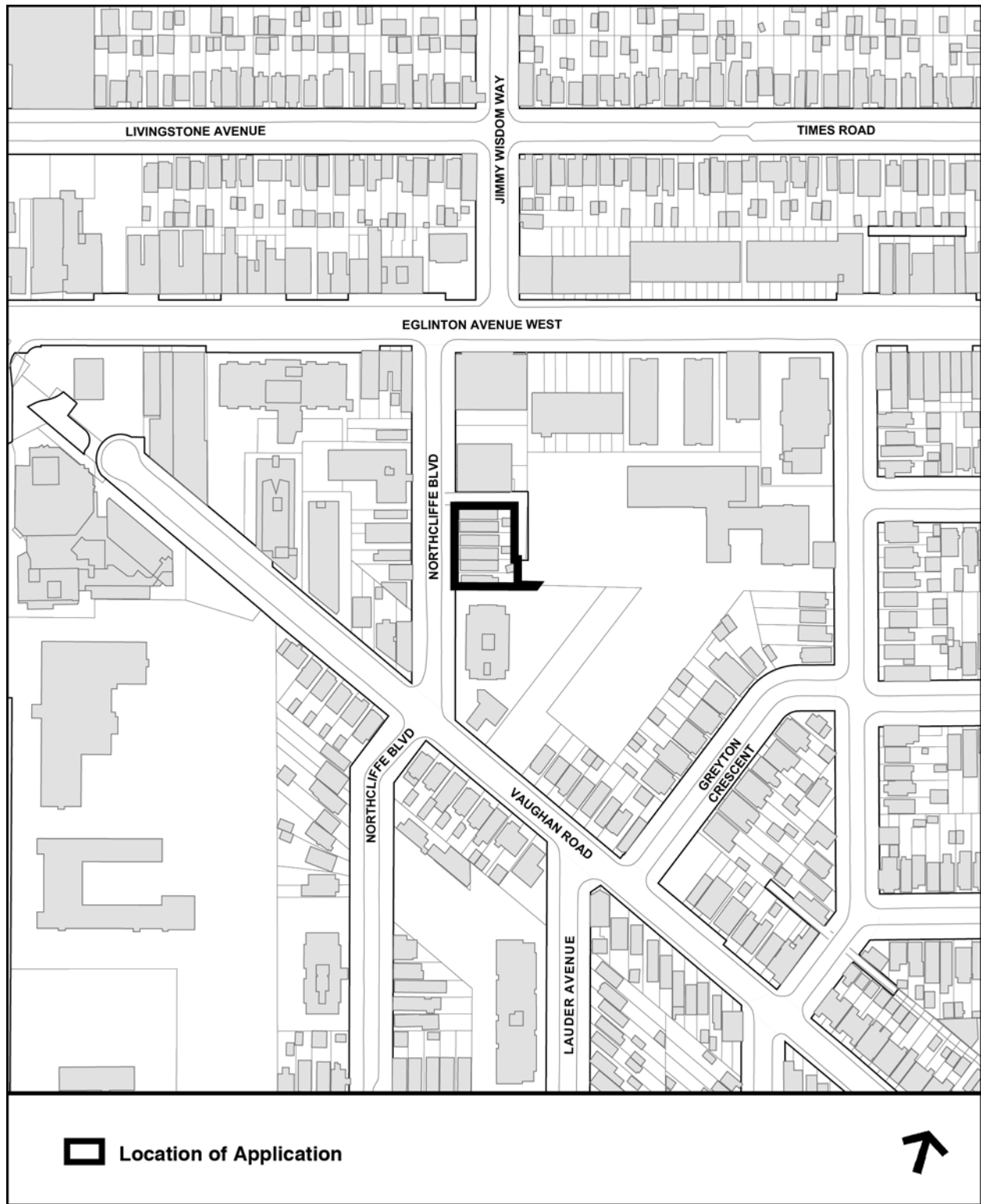
SIGNATURE

Oren Tamir, Acting Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context
Attachment 4: Site Plan
Attachment 5: Official Plan Land Use Map
Attachment 6: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 645-655 Northcliffe Boulevard

Date Received: November 9, 2021

Application Number: 21 235841 STE 12 OZ

Application Type: Zoning By-law Amendment

Project Description: a 15-storey residential building.

Applicant
Bousfields Inc.

Architect
SuperKul

Owner
NDB Northcliffe Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation: Apartment Neighbourhood

Zoning: RA (x777)

Height Limit (m): 24

Site Specific Provision:

Heritage Designation:

Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,075

Frontage (m): 37

Depth (m): 29

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	450		856	856
Residential GFA (sq m):	450		11,037	11,037
Non-Residential GFA (sq m):				
Total GFA (sq m):	450		11,037	11,037
Height - Storeys:	1		15	15
Height - Metres:	5		50	50

Lot Coverage Ratio (%): 79.66

Floor Space Index: 10.27

Floor Area Breakdown **Above Grade (sq m)** **Below Grade (sq m)**

Residential GFA: 11,004 33

Retail GFA:
Office GFA:
Industrial GFA:
Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	5			
Condominium:			159	159
Other:				
Total Units:	5		159	159

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		27	49	67	16
Total Units:		27	49	67	16

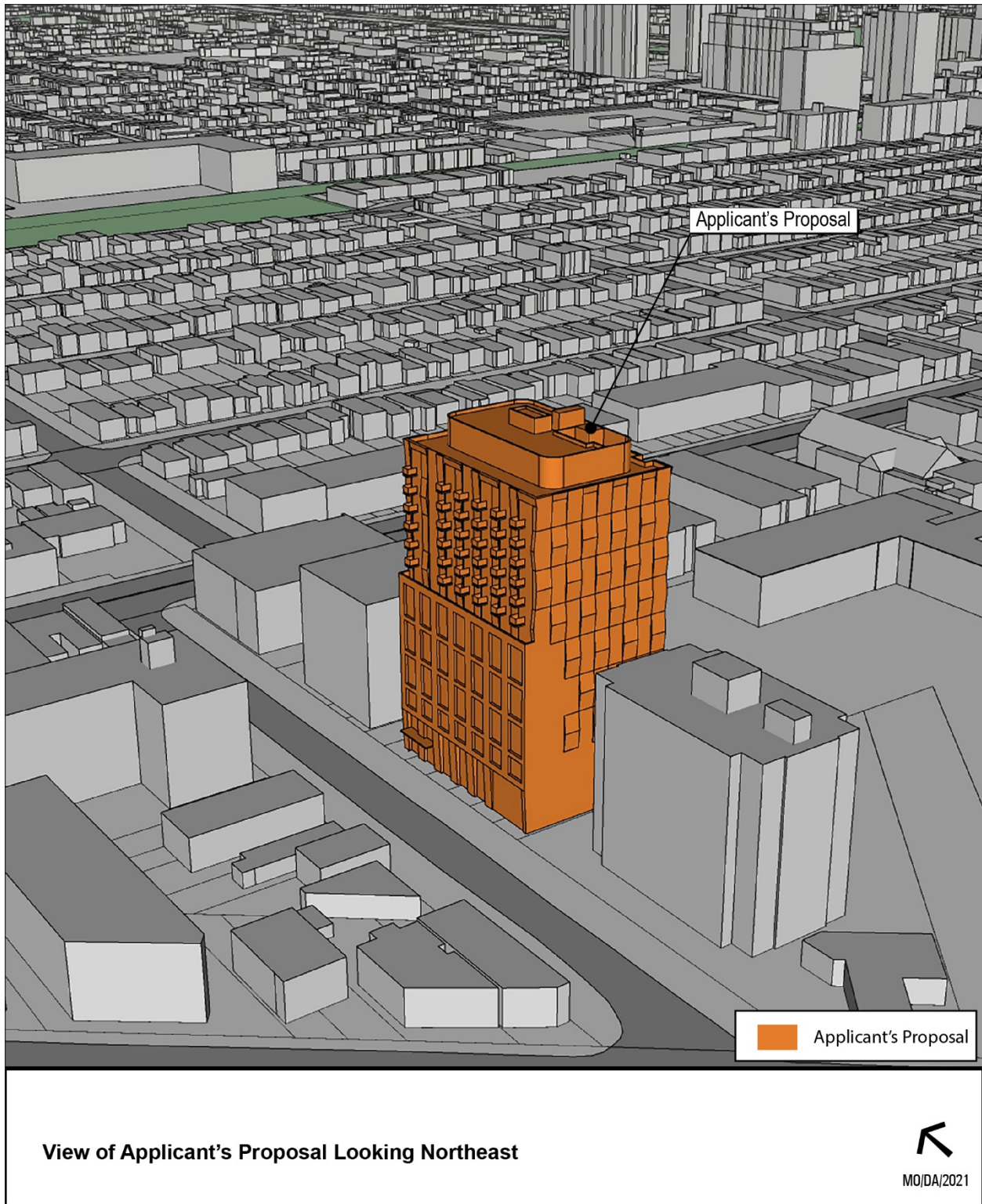
Parking and Loading

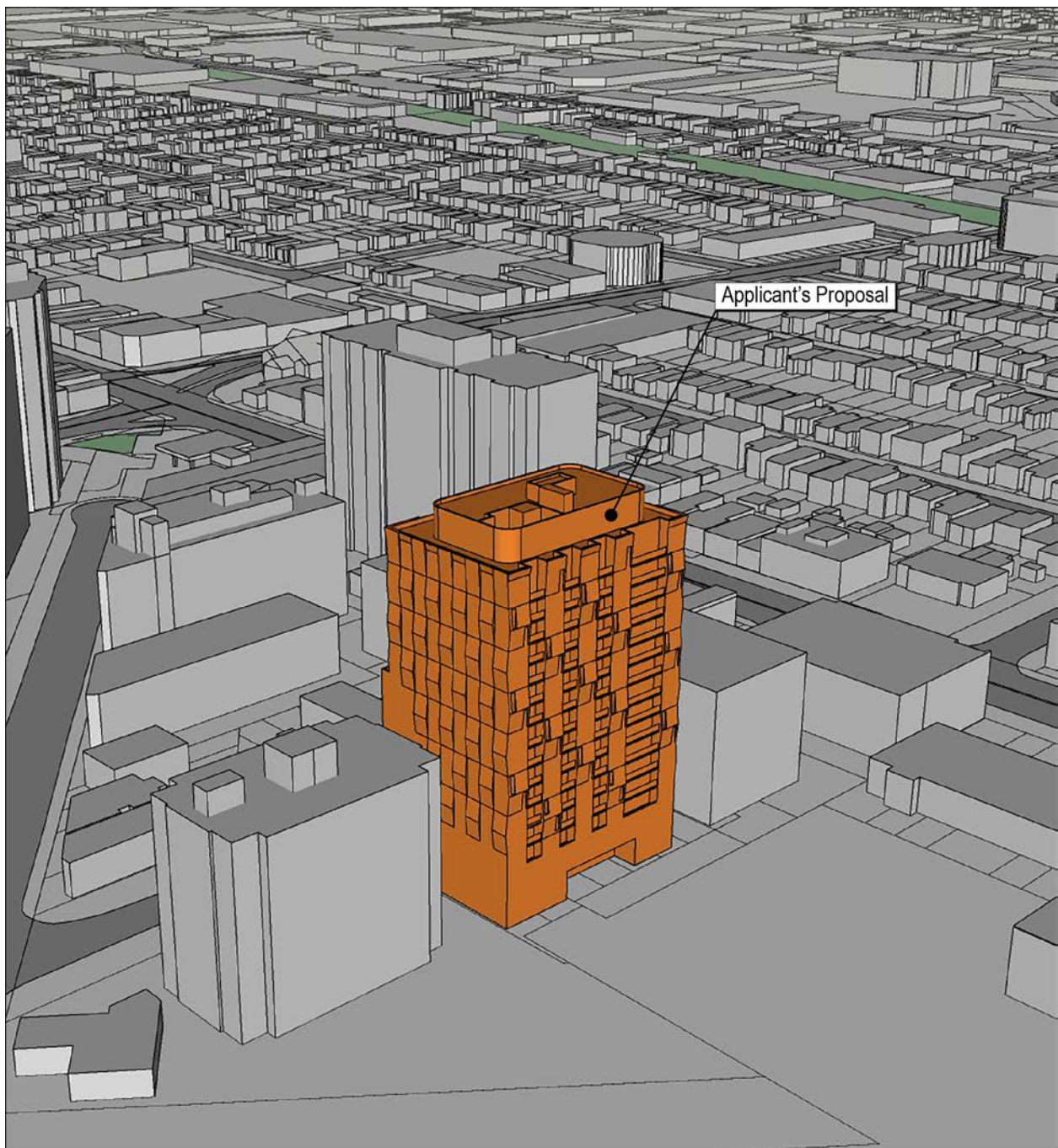
Parking Spaces: 40 Bicycle Parking Spaces: 248 Loading Docks: 1

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Attachment 3: 3D Model of Proposal in Context

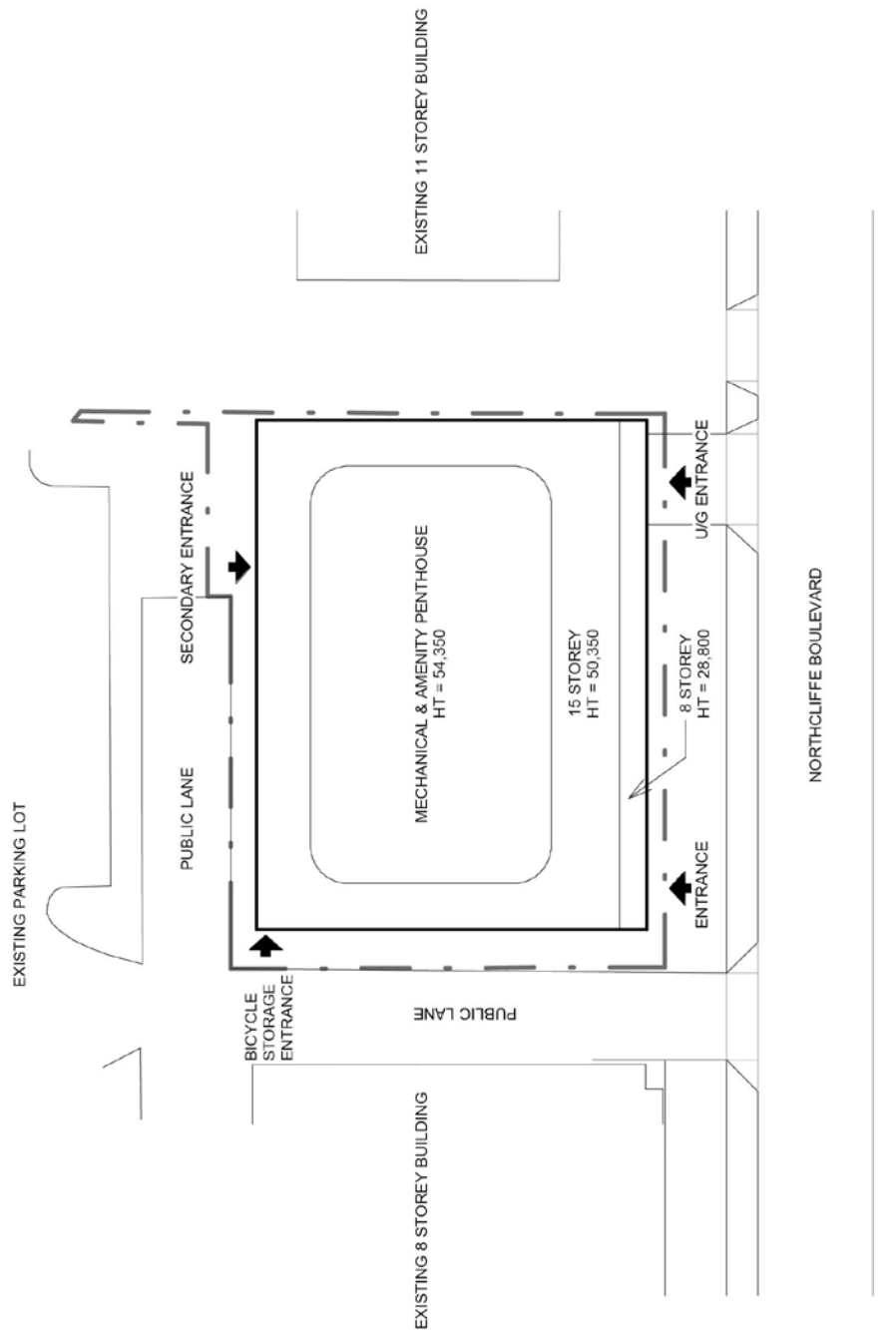




View of Applicant's Proposal Looking Northwest

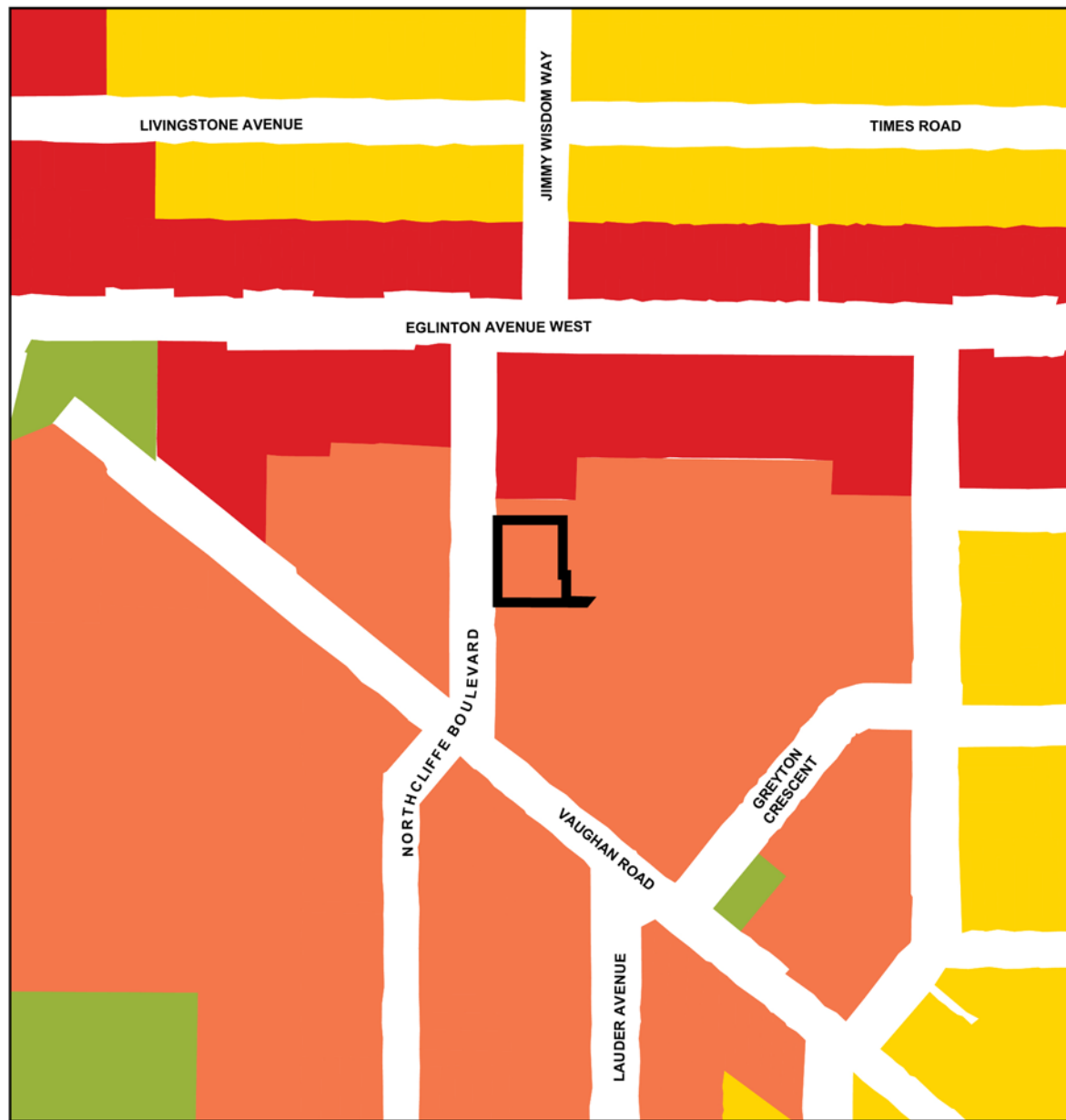


Attachment 4: Site Plan



Site Plan

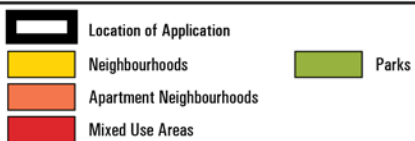
Attachment 5: Official Plan Map



Official Plan Land Use Map #17

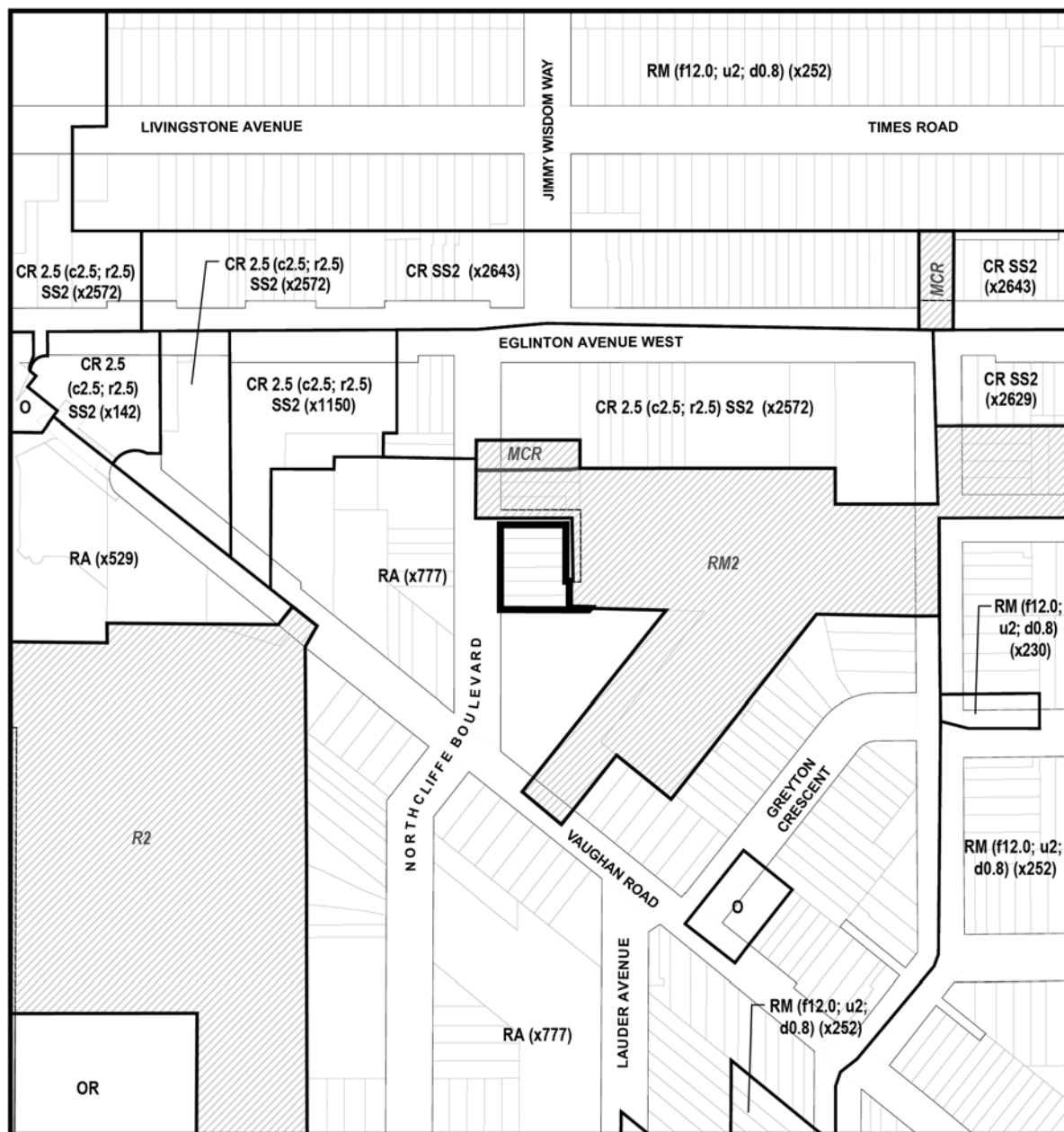
645-655 Northcliffe Boulevard

File # 21 235841 STE 12 0Z



Not to Scale
Extracted: 11/15/2021

Attachment 6: Zoning By-law Map



Zoning By-law 569-2013

645-655 Northcliffe Boulevard

File # 21 235841 STE 12 02



Location of Application

RT Residential Townhouse
RM Residential Multiple
RA Residential Apartment
CR Commercial Residential
O Open Space
OR Open Space Recreation



See Former City of York By-law No. 1-83

R2 Residential Districts
RM2 Residential Multiple Zone
MCR Mixed Commercial Residential



Not to Scale
Extracted: 11/15/2021