

39-47 Camden Street – Zoning Amendment Application – Appeal Report

Date: December 16, 2022

To: Toronto and East York Community Council

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

Ward: Ward 10 - Spadina-Fort York

Planning Application Number: 21 235947 STE 10 OZ

SUMMARY

On December 16, 2021, a Zoning By-law Amendment application was submitted seeking to permit a 16-storey mixed-use building with commercial uses on the ground floor and 154 dwelling units above.

On April 4, 2022, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") as a result of City Council not making a decision on the application within the timeframe legislated by the Planning Act.

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

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 appeal for the lands at 39-47 Camden Street and to continue discussions with the Applicant in an attempt to resolve the issues outlined in this report.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request 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 draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner 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 determination of whether holding provisions are required in the Zoning By-law amendment; and

c) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

d) 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,

e) the applicant has submitted an Archeological Assessment to the satisfaction of the Chief Planner and Executive Director, City Planning;

3. City Council authorizes the City Solicitor and 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

A Preliminary Report was adopted by Toronto and East York Community Council on February 16, 2022 to acknowledge the community consultation meeting to be conducted by staff on February 22, 2022, and to approve the arrangement made between City staff and the applicant for the community consultation meeting notice to be provided to landowners and residents within 120 metres of the site, and to additional residents, institutions and owners as determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant. The decision of the Toronto and East York Community Council can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE31.31>

SITE AND SURROUNDING AREA

Description: The subject site is located on the south side of Camden Street, mid-block between Brant Street and Spadina Avenue and is generally rectangular in shape with an approximate area of 941 square metres. The site has a frontage of approximately 35.4 metres along Camden Street and a depth of 26.6 metres. The site is generally flat and there are no trees on the site or within the public boulevard.

Existing Uses: The subject site is currently vacant but was formerly occupied by a 2-storey non-residential building (47 Camden Street), a 2.5-storey non-residential building (45 Camden Street) and a surface parking lot (39 Camden Street). A private laneway borders the southern limit of the site and serves this site along with the properties to the immediate south and the west.

THE APPLICATION

Description of Application

Height: A 16-storey (58.15 metres including mechanical penthouse) mixed-use building with a 13-storey (42.5 metre) streetwall height. On the south side, the base building height is reduced to 2-storeys. A total of 364 square metres of ground floor retail uses are proposed.

Density: 11.68 times the area of the lot.

Dwelling Units: The proposal includes 10,625 square metres of residential gross floor area (GFA). Of the 154 dwelling units proposed, 27 are studio units (17.5%), 75 are one-bedroom units (48.7%), 36 are two-bedroom units (23.4%) and 16 are three-bedroom units (10.4%).

Access, Parking and Loading: Vehicular access to the development is proposed from the existing private laneway to the rear (south) of the subject site. A total of 52 vehicular parking spaces are proposed within a 4-level underground parking garage. An internalized Type-G loading space is proposed to be accessed from the south side of the building as well.

Bicycle Parking: The proposed development includes a total of 164 bicycle parking spaces, comprised of 148 long term and 16 short term spaces. The short term spaces are located on the ground floor and the long term spaces are located within the underground parking garage.

Additional Information

See Attachments 1 through 6 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context, and a site plan and ground floor plan proposal. Detailed project information including 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/city-government/planning-development/application-informationcentre/>.

Reasons for Application

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including: building height, building setbacks, building setbacks and amenity space requirements. Additional amendments to the Zoning By-laws may be identified as part of the ongoing application review.

Site Plan Control

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

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 subject site is designated Regeneration Areas in the Official Plan. The site is also designated Mixed Use Areas 2 - Intermediate in the Downtown Plan (OPA 406) and is within the West Precinct of the King-Spadina Secondary Plan (2020).

Zoning

Commercial Residential Employment (CRE (x76)), with a height limit of 23.0 metres. This zoning category permits a wide range of residential and non-residential uses including retail, office, institutional and light industrial uses. There are no maximum densities specified, rather the building envelope is guided by building height, setbacks and stepbacks.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on February 22, 2022. The meeting was attended by approximately 14 members of the public, as well as representation from the Ward Councillor's Office and the applicant's team.

Concerns raised by members of the public included:

- The proposed building height in the context of the immediate neighbourhood;
- Impact of additional vehicular traffic along Camden Street and Brant Street, as both are one-way streets;
- Impact of the increased use of the private laneway to the south; and,
- Lack of outdoor amenity space.

The issues and feedback raised through community consultation have informed staff's approach to assessing the application and the identification of issues to be resolved.

COMMENTS

The proposal has been reviewed against the Planning Act, PPS, Growth Plan, Official Plan, Downtown Plan, Council-adopted updated King-Spadina Secondary Plan (2022) and relevant design guidelines.

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find that while the proposed intensification and land uses are generally consistent with the PPS and conform with the Growth Plan, the proposal is not consistent with PPS policies concerning appropriate development standards and does not conform to Growth Plan policies relating to complete communities, built form and the implementation of appropriate development standards through the Official Plan and other supporting documents. 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.

Built Form

City Planning staff are of the opinion that the proposed height and massing conflict with the direction of certain applicable Official Plan policies. The proposed development should be contextually appropriate and fit within the planned and built context. Given the site's size, configuration and location, the proposed 16-storey building is too tall. The proposed building massing, including setbacks and stepbacks, is not acceptable and does not achieve the intent of the planning framework applicable to the subject site.

Traffic Impact, Access, Parking

The Transportation Impact Study submitted in support of the application concludes that the proposed parking supply of 52 resident parking spaces (0.34 spaces per unit) and 0 visitor parking spaces is appropriate for the proposed development with the availability of and proximity to transit and cycling infrastructure. Vehicular access to the site is proposed via the existing private laneway to the south of the site, off of Brant Street. There is one Type G loading space proposed that has been deemed acceptable.

Transportation Services staff have reviewed the proposed parking supply of 148 long-term and 16 short-term bike parking spaces and 52 vehicle spaces, and have determined that it is acceptable, subject to implementation of Transportation Demand Management measures.

Heritage

The City of Toronto's Archaeological Management Plan identifies the subject site as an area of potential archaeological interest and requires an archaeological assessment to be completed in order to determine whether the subject site contains any archaeological resources. 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 submission of an archeological assessment to the satisfaction of the Chief Planner and Executive Director, City Planning.

Streetscape

The proposed streetscape plan along Camden Street has been received and considered acceptable. The proposal improves the safety and accessibility of sidewalks by removing commercial off-street boulevard parking at the front along Camden Street and allocates more space to pedestrians. There are also four proposed street trees along the public boulevard.

Tree Preservation

The proposal is subject to the provisions of the City of Toronto Municipal Code. The Arborist Report submitted in support of the application indicates there are no trees in respect of the development application in any of the five categories outlined.

Urban Forestry staff have reviewed the Arborist Report and Landscape Plan and Details, and require revision and additional information such as indicating the soil depth and a composite utility plan prior to approval of the Zoning By-law amendment.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined indoor and outdoor amenity space of 4.0 square metres per unit. The proposal includes 331 square metres of indoor amenity space (2.15 square metres per unit) and 85 square metres of outdoor amenity space (0.55 square metres per unit). The proposed amount of indoor amenity space is acceptable but the proposed amount of outdoor amenity space is notably low and should be increased where possible.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the subject site and have been reviewed by Engineering and Construction Services. A number of revisions and additional information are required. 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 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 in the Zoning By-law amendment.

Parkland

The City of Toronto [Parkland Strategy](#) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city.

In accordance with [Chapter 415, Article III of the Toronto Municipal Code](#), the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component 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 Grade Building Permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-laws at a minimum and others through a future Site Plan Control application.

Community Benefits

Changes to Section 37 of the Planning Act have replaced increased height and/or density bonusing with a new growth funding tool called the Community Benefits Charge (CBC). The application will be reviewed under the new Community Benefits Charges framework, once enacted.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions and materials submitted in response to the proposal. 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, 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 Zoning By-law Amendment application, in its current form, is not supportable by City Planning staff. The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, staff are of the opinion that the application is not consistent with certain policies of the Official Plan.

Staff recommend that City Council direct the City Solicitor, together with the appropriate City staff, to attend the OLT in opposition of the appeal of the application. Staff also recommend City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in this report.

CONTACT

Patricia Cho, Planner
Tel. No. 416-338-6697
E-mail: patricia.cho2@toronto.ca

SIGNATURE

Willie Macrae, BA, MES, MCIP, RPP
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 Looking Southwest

Attachment 4: 3D Model of Proposal in Context Looking Northeast

Attachment 5: Site Plan

Attachment 6: Ground Floor Plan

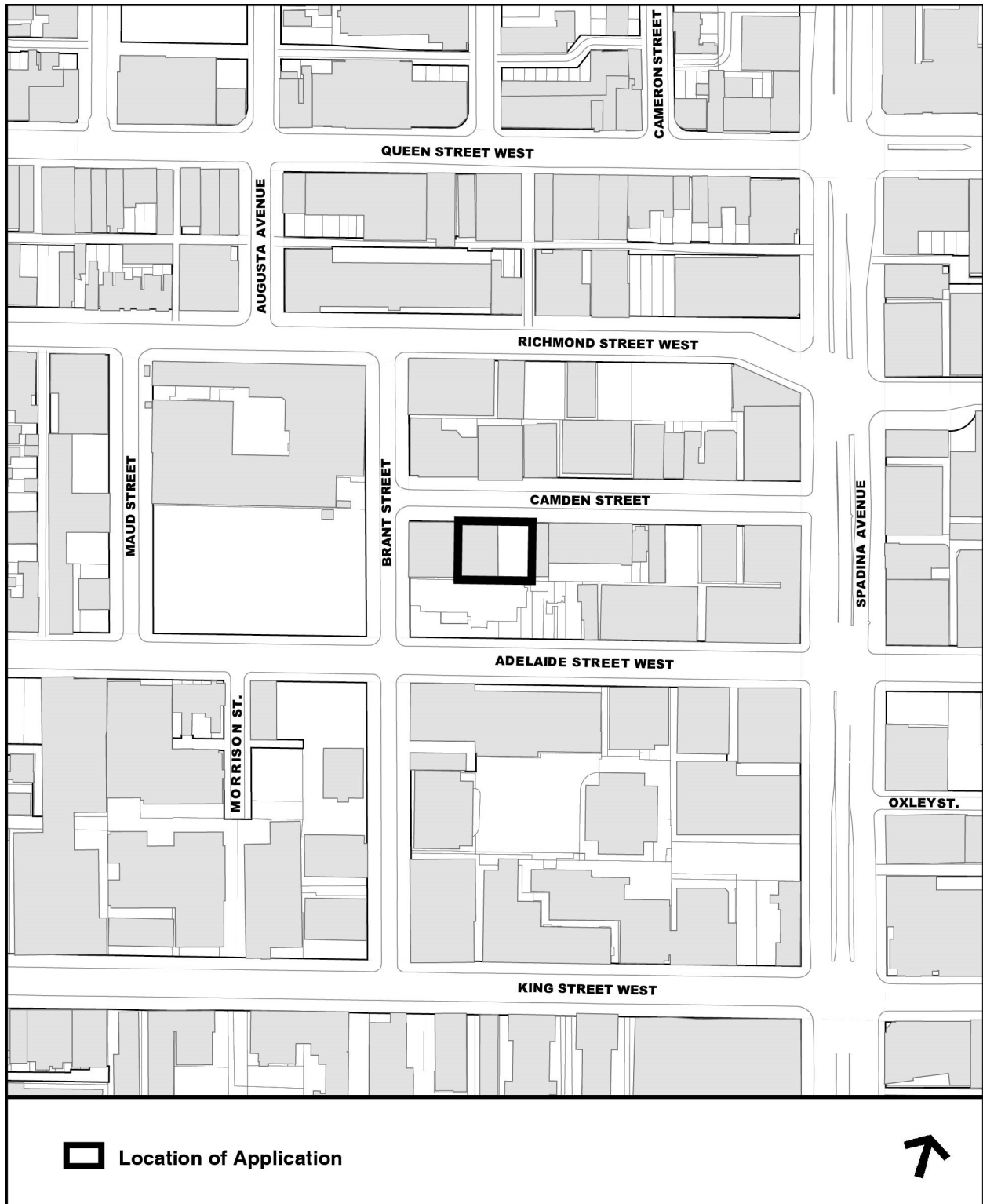
Attachment 7: Official Plan Land Use Map

Attachment 8: Downtown Plan Land Use Map

Attachment 9: King-Spadina Secondary Plan Map

Attachment 10: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 39-47 CAMDEN ST **Date Received:** November 9, 2021

Application Number: 21 235947 STE 10 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Application to amend the Zoning By-law to permit a 16-storey mixed-use building with a height of 58 metres (including the mechanical penthouse), a non-residential gross floor area of 364 square metres, and a residential gross floor area of 10,625 square metres. A total of 154 residential units are proposed.

Applicant	Agent	Architect	Owner
Aird & Berlis LLP	Bousfields Inc.	Architects Alliance	47 Camden Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	King-Spadina Secondary Plan
Zoning:	CRE (x76)	Heritage Designation:	N
Height Limit (m):	23	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 941 Frontage (m): 35 Depth (m): 27

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			885	885
Residential GFA (sq m):			10,625	10,625
Non-Residential GFA (sq m):			364	364
Total GFA (sq m):			10,989	10,989
Height - Storeys:	3		16	16
Height - Metres:			52	52

Lot Coverage Ratio (%)	94.02	Floor Space Index:	11.67
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	10,625	
Retail GFA:	364	

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			154	154
Other:				
Total Units:			154	154

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		27	75	36	16
Total Units:		27	75	36	16

Parking and Loading

Parking Spaces:	63	Bicycle Parking Spaces:	164	Loading Docks:	1
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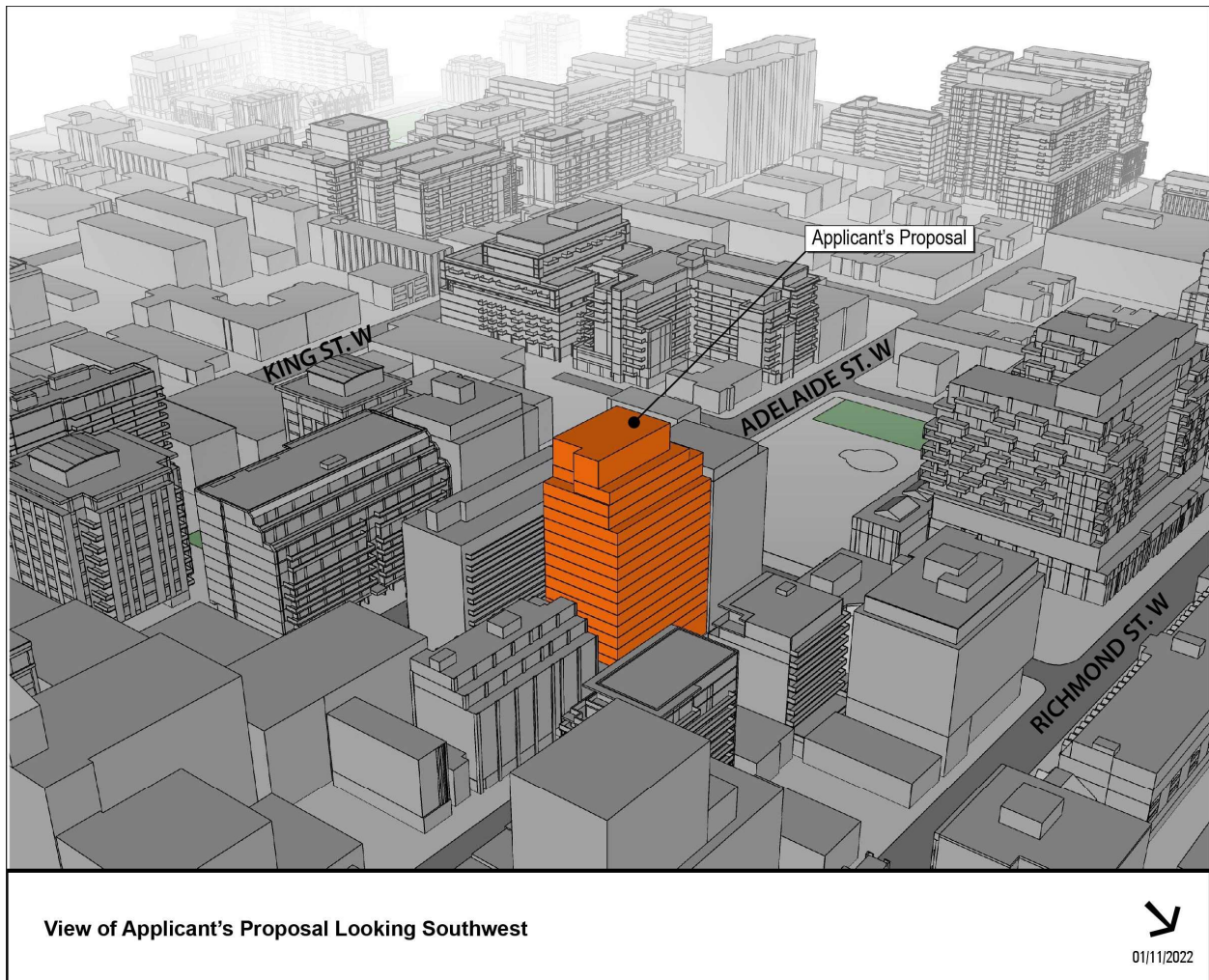
CONTACT:

Patricia Cho, Planner, Community Planning

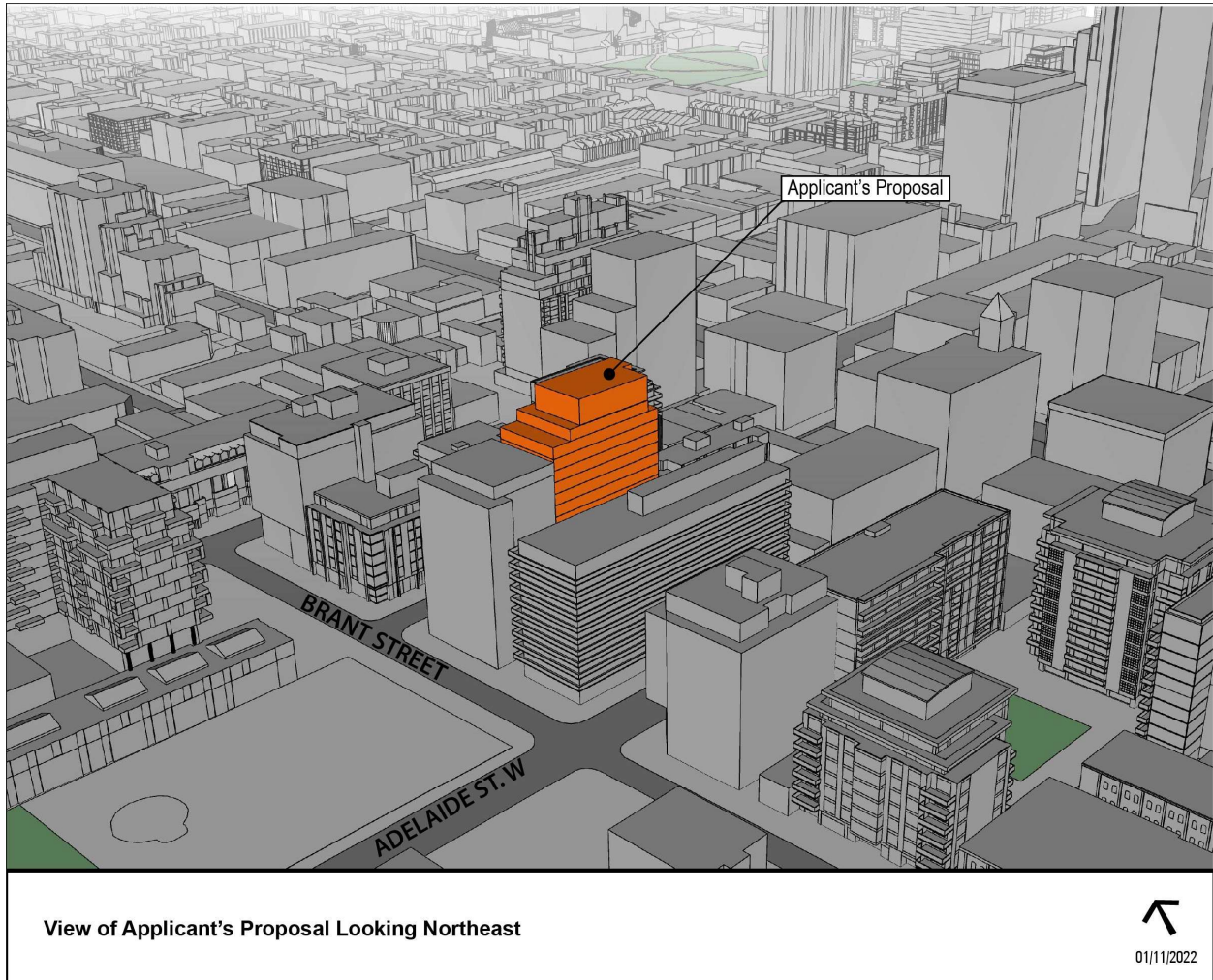
416-338-6697

Patricia.Cho2@toronto.ca

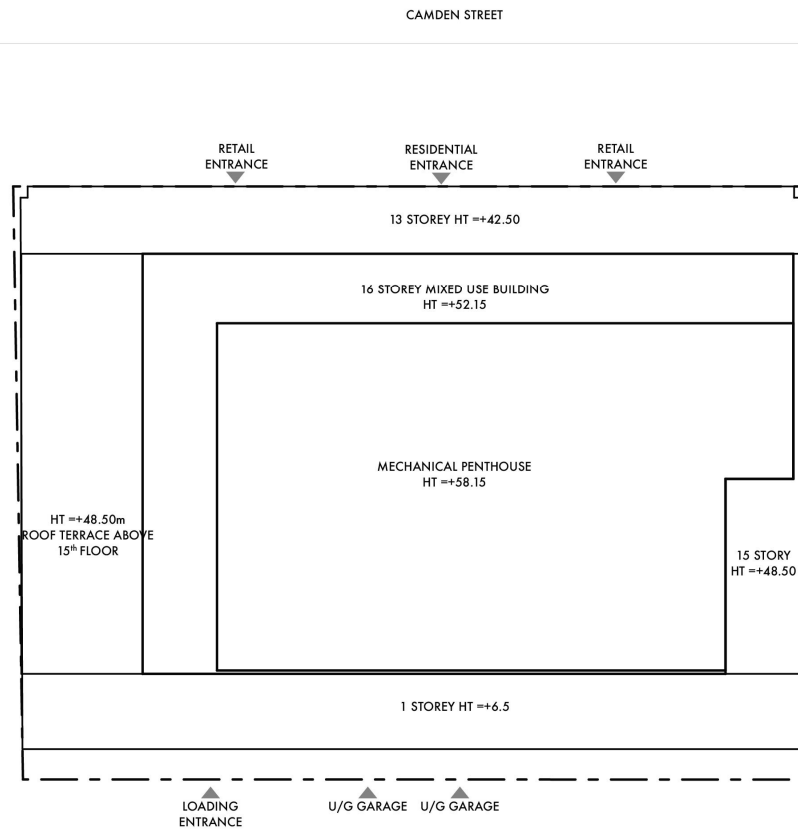
Attachment 3: 3D Model of Proposal in Context Looking Southwest



Attachment 4: 3D Model of Proposal in Context Looking Northeast



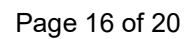
Attachment 5: Site Plan



Site Plan



Request for Direction Report - 39-47 Camden Street



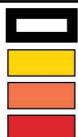
Attachment 7: Official Plan Land Use Map



Official Plan Land Use Map #18

39-47 Camden Street

File # 21 235947 STE 10 02



Location of Application

Neighbourhoods

Apartment Neighbourhoods

Mixed Use Areas

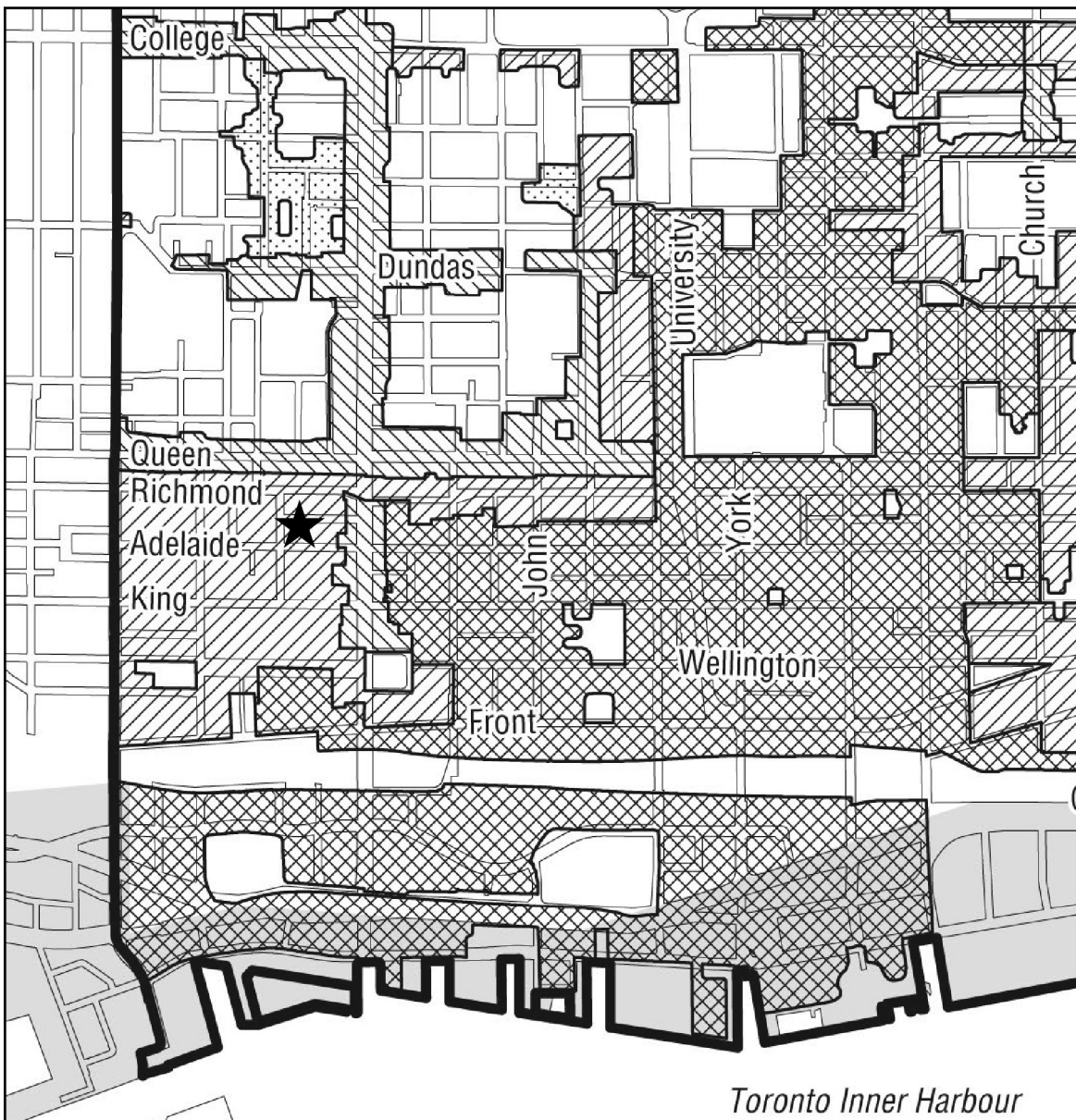
Parks

Regeneration Areas



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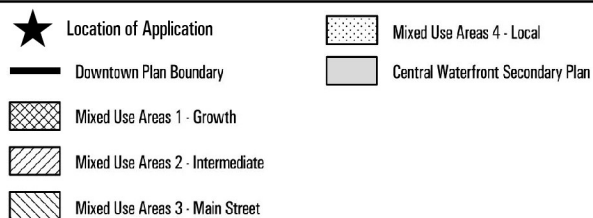
Attachment 8: Downtown Plan Land Use Map



Excerpt from Downtown Plan
Map 41-3 Mixed Use Areas

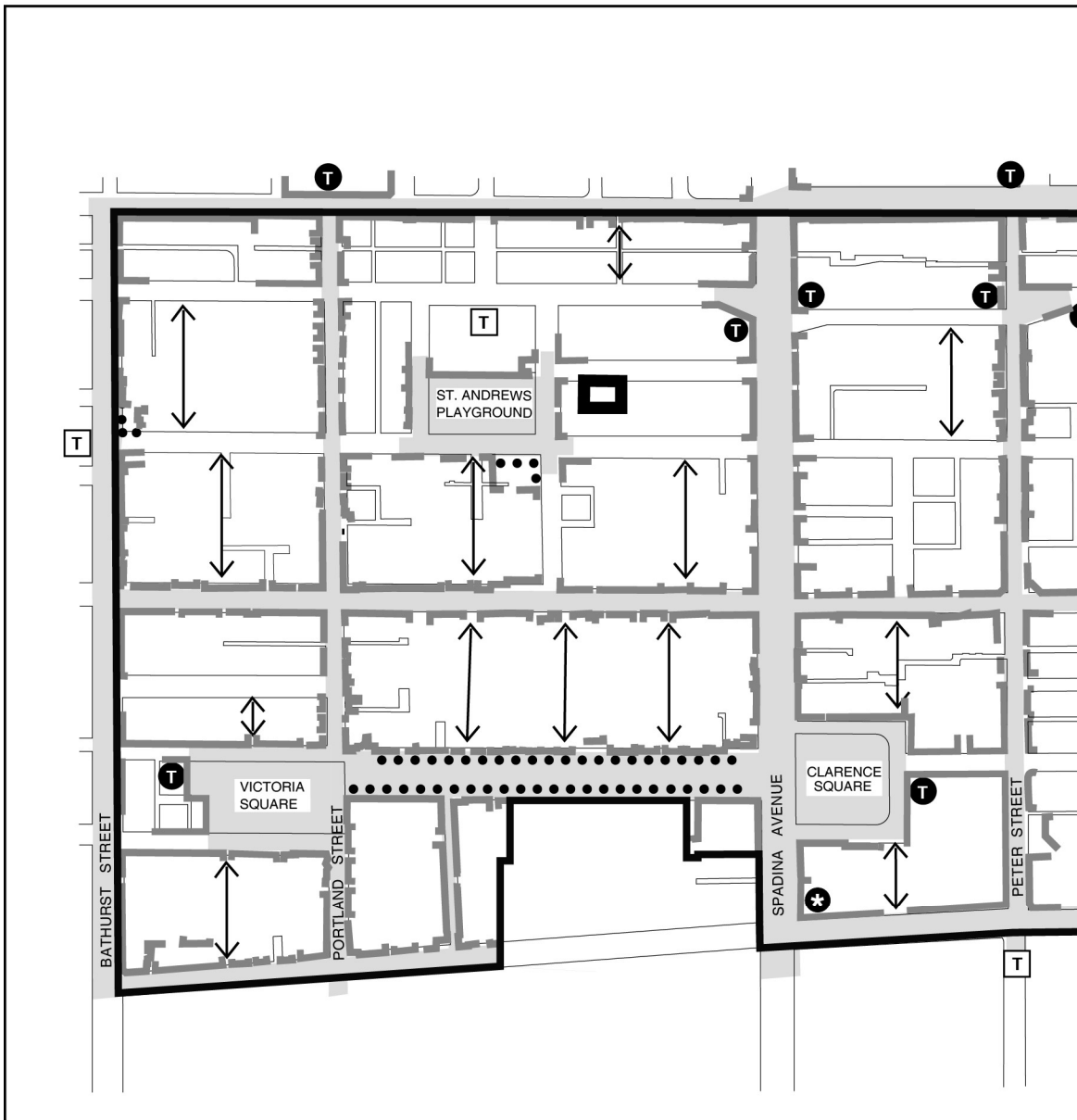
39-47 Camden Street

File # 21 235947 STE 10 OZ



Not to Scale
04/26/2022

Attachment 9: King-Spadina Secondary Plan Map



39-47 Camden Street

Excerpt from King-Spadina Secondary Plan
Map 16-1 Urban Structure Plan

File # 21 235947 STE 10 0Z



Location of Application



Secondary Plan Boundary



Potential Gateway



Potential View Terminus



Existing View Terminus



Existing and Potential Building Edge



Potential Mid-block Connections



Significant Street & Open Space



Landscape Edge

2

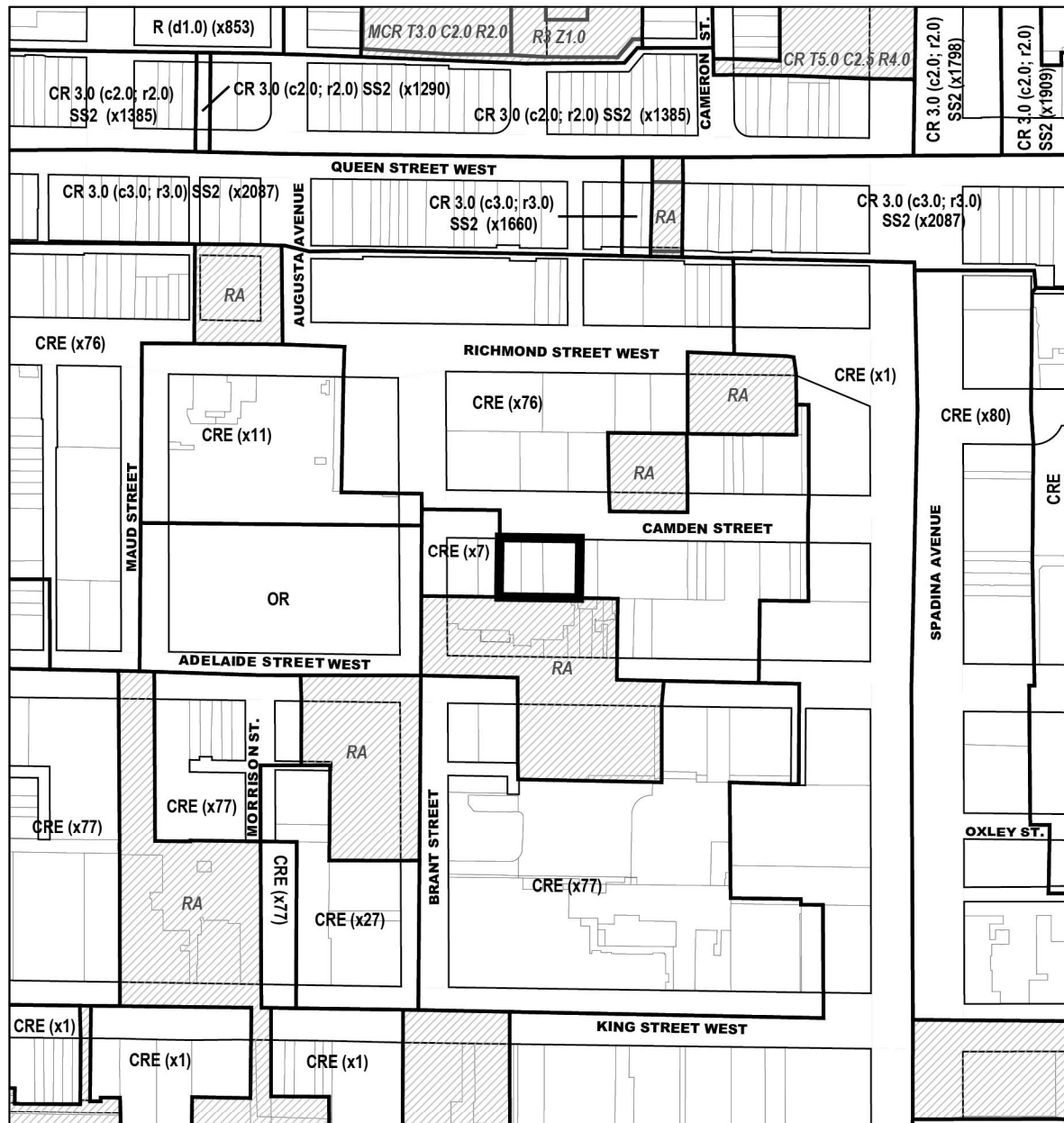
Site and Area Specific Policy Areas

3

Site and Area Specific Policy Area

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Attachment 10: Existing Zoning By-law Map



Zoning By-law 569-2013

39-47 Camden Street

File # 21 235947 STE 10 0Z



Location of Application

R
CR
CRE
OR

Residential
Commercial Residential
Commercial Residential Employment
Open Space Recreation



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

R3
MCR

Residential District
Mixed-Use District



Not to Scale
Extracted: 11/15/2021