

64 Prince Arthur Avenue – Zoning By-law Amendment Application – Decision Report – Approval

Date: September 29, 2023

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 23 175768 STE 11 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 13-storey (43-metre, excluding mechanical penthouse) mixed-use building containing 94 dwelling units, with a minimum of 30 square metres and a maximum of 150 square metres of non-residential gross floor area at 64 Prince Arthur Avenue.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 64 Prince Arthur Avenue substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 5 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council request that the owner make reasonable commercial efforts to convey off-site parkland to the City equal to the value of the on-site parkland dedication, in fulfilment of the parkland dedication requirements pursuant to Section 42 of the Planning Act, with the off-site parkland dedication to be acceptable to the General Manager, Parks, Forestry and Recreation and free and clear of any above or below grade encumbrances, with the exception of any encumbrances as may be otherwise approved by the General Manager, Parks, Forestry and Recreation, to be conveyed prior to the issuance of the first above grade building permit; and
 - a. in the event that the off-site parkland dedication is less than the value of the on-site parkland dedication, then the owner will pay cash-in-lieu of parkland to make up for the shortfall in parkland dedication, prior to the issuance of the first above grade building permit;

b. in the event that the owner is unable to provide an acceptable off-site parkland dedication to the City, the owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu; and

c. the value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services and payment will be required prior to the issuance of the first above grade building permit.

4. City Council request the General Manager, Transportation Services to review and report back on the feasibility of amending Schedule B of the City of Toronto Municipal Code, Chapter 925, Permit Parking, to exclude the development located at 64 Prince Arthur Avenue from Permit Parking.

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 July 23, 2018, City Council directed that staff oppose an appeal to the Local Planning Appeal Tribunal of a Zoning By-law Amendment application pertaining to the site that proposed a 29-storey residential building. That decision of City Council may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2018.TE34.33>

Prior to the hearing, the proposal was revised to a 19-storey residential building. City Council provided direction to oppose the revised 19-storey proposal. That decision of City Council may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2020.CC21.17>

A hearing was held before the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) between November 9 and November 30, 2020. On January 26, 2021, the Local Planning Appeal Tribunal wholly dismissed the appeal.

THE SITE

Description: The site is located on the north side of Prince Arthur Avenue, between St. George Street and Bedford Road, approximately 130 metres from the St. George Subway Station. It is generally flat and rectangular with an area of 1,211 square metres and a frontage of 27 metres on Prince Arthur Avenue.

Existing Use: A vacant 2-storey office building with parking at the rear.

THE APPLICATION

Description: A 13-storey (43-metre, excluding mechanical penthouse) mixed-use building, containing 94 dwelling units.

Density: 5.47 times the area of the lot.

Non-Residential: A minimum of 30 square metres and a maximum of 150 square metres of non-residential gross floor area at grade, intended to be a micro retail unit.

Dwelling Units: 94 residential dwelling units, including 31 one-bedroom (33%), 49 two-bedroom (52%), and 14 three-bedroom (15%) units.

Amenity Space: The proposal includes 399 square metres (4.2 square metres per unit) of amenity space, of which 119 square metres is indoor and 280 square metres is outdoor amenity space.

Parking, Loading and Access: The proposal contains a total of 2 visitor vehicular parking spaces, one Type G loading space, and 115 bicycle parking spaces (29 short-term and 86 long-term).

Additional Information: See Attachment 1 to this report for the location map, Attachment 2 for the application data sheet, Attachment 6 for the site plan, and Attachments 7-10 for elevations. 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: www.toronto.ca/64PrinceArthurAve

Reasons for the Application: The proposal requires an amendment to Zoning By-law 569-2013 to vary performance standards, including maximum building height, permitted uses, maximum gross floor area, maximum projections and encroachments, landscaping requirements, vehicular parking, and bicycle parking space requirements, among other standards.

The applicant also submitted an Official Plan Amendment, however, staff determined that this amendment was not required.

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, and shall conform to provincial plans.

Official Plan: The site is designated as Apartment Neighbourhoods, which are areas made up of apartment buildings and can include small-scale retail, service and office uses that serve the needs of area residents. Development in Apartment Neighbourhoods may also include the redevelopment of underutilized sites. See Attachment 3 of this report for the Official Plan Land Use Map.

Downtown Plan: The site is located within the Annex Park District.

Zoning: The site is zoned R (d2.0) (x110) in City of Toronto Zoning By-law 569-2013, with a height limit of 26 metres and a density of 2.25 times the area of the lot. A number of other site-specific provisions apply to the site respecting uses, minimum setbacks, and landscaping requirements. See Attachment 4 of this report for the Zoning By-law Map.

Design Guidelines

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

- Mid-Rise Building Performance Standards; and
- Growing Up Guidelines Planning for Children in New Vertical Communities.

The City's Design Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

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

COMMUNITY CONSULTATION

Community Consultation

A virtual community consultation meeting was hosted by City Planning staff on September 13, 2023. Approximately 15 people attended. Following a presentation by City Planning staff and the applicant, the following comments and issues were raised:

- Need for appropriate massing of the upper levels of the proposed building;
- Desire for the provision of an appropriate mix of larger units;
- Concern over the placement of balconies so as to limit impacts on adjacent properties;
- Concern over adequate vehicular parking and the impacts that the proposal would have on on-street parking along Prince Arthur Avenue;
- Concern over the impact of the proposal on the local chimney swift population, a migratory bird that is identified as a threatened species under the Endangered Species Act;
- Desire for the proposed building to pursue wood frame construction; and
- Structural stability of the proposed building over Taddle Creek below grade.

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

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to review submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application. These submissions are broadcast live over the internet and recorded for review.

COMMENTS

The site's location north of the St. George subway station and adjacent to the recent Zoning By-law Amendment approval at 145 St. George Street would allow for the further redevelopment of the Prince Arthur Avenue corridor with additional housing near transit and non-residential uses at an appropriate scale.

Provincial Land-Use Policies

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the proposal for consistency with the Provincial Policy Statement (PPS), and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and in conformity with the Growth Plan.

Unit Mix

City Planning staff are satisfied that the proposal meets the unit mix requirement in the Downtown Secondary Plan. The new development will include:

- a minimum of 15 per cent of the total number of units as two-bedroom units;
- a minimum of 10 per cent of the total number of units as three-bedroom units; and
- an additional 15 per cent of the total number of units will be a combination of two-bedroom and three-bedroom units, or units that can be converted to two- and three-bedroom units through the use of accessible or adaptable design measures.

The Zoning By-law Amendment will secure the provision of 10% of the dwelling units as three-bedroom units, 15% as two-bedroom units, and at least an additional 15% as a combination of two-bedroom and three-bedroom units, or units that can be converted to two- and three-bedroom units through the use of accessible or adaptable design measures.

Built Form

The proposed massing of the building conforms with applicable policies in the Official Plan and Downtown Plan with respect to built form.

The massing of the lower portion of the building aligns with the adjacent approval at 145 St. George Street and provides appropriate transition to the low-rise Neighbourhoods

properties to the north of the site. It is proposed to have a 24-metre height, a 4.5-metre-western setback, 2.3-metre eastern setback, 7.6-northern setback and a curb to building face setback on Prince Arthur Avenue of 6 metres.

Above a height of 24 metres, the proposal steps back from all property lines to achieve a 4.5-metre setback from the south, 5.5-metre setbacks to the east and west, and a 10-metre setback from the north. Above a height of 30 metres, the building provides a further step back from the north to achieve a 12.5-metre setback from the adjacent low-rise Neighbourhoods. The total height of the building is 43 metres, excluding the 6.3 metre mechanical penthouse.

All balconies on the lower portion of the building, are proposed to be inset within the main walls in order to improve the public realm, mitigate impacts on adjacent properties and offer tree planting opportunities. All balconies on the northern side of the building have been oriented to the east and west to mitigate overlook and privacy concerns to the low-rise Neighbourhoods. On the upper levels of the building, balcony zones have been identified in the draft zoning by-law amendment, with no wrap around balconies proposed and no projecting balconies on the north side of the building.

Public Realm

The proposal conforms with the applicable public realm policies of the Official Plan and the Downtown Plan.

The proposed building includes an at-grade setback of 9.5 metres at the ground floor level, providing additional space for the public realm along the Prince Arthur Avenue corridor. A 36 square metre micro-retail unit intended to further activate the corridor is proposed at grade as is the residential entrance to the building.

One of the two norway maple trees within the City's right-of-way is proposed to be retained and other landscaping opportunities will be explored as part of Site Plan Control.

Shadow Impacts

The shadow impact resulting from the proposal is acceptable. The applicant submitted a shadow study which shows the extent of the shadow from the proposed building, and the as-of-right shadow, on the spring and fall equinoxes (March 21 and September 21) and the summer and winter solstices (June 21 and December 21). The proposal will have limited impacts on the low-rise Neighbourhoods properties to the north of the site during the mornings of the equinoxes, and no impact on any nearby public parks.

Wind Impacts

City Planning staff have reviewed the pedestrian level wind study submitted in support of the application and are satisfied with the assessment, conclusions, and recommendations contained within the study. The study indicates that all areas at grade will be suitable for their intended uses through the year and no pedestrian areas

surrounding the subject site at grade level will experience conditions that could be considered dangerous. Wind control measures are recommended on the rooftop amenity, which will be further explored as part of Site Plan Control.

Traffic Impact, Access, Parking

Transportation Services staff have reviewed the Transportation Impact Study that was submitted to assess the traffic impact, access, parking and loading arrangements for this development and are satisfied with the proposal to include 2 electric vehicular visitor parking spaces, one Type G loading space, and 115 bicycle parking spaces on the site.

Vehicular access is currently proposed on the eastern side of the site, however, staff are supportive of consolidating the proposed driveway access with future development in the block, including 145 St. George Street. The final location of the proposed driveway will be explored as part of Site Plan Control.

This report recommends that the General Manager, Transportation Services review and report back on the feasibility of amending Schedule B of the City of Toronto Municipal Code Chapter 925, Permit Parking, to exclude the development located at 64 Prince Arthur from Permit Parking. As such, a Public Notice was placed on the City's website requesting those objecting to the exclusion of 64 Prince Arthur Avenue from permit parking in Permit Parking Area 5E forward their objections in writing to the City Clerk.

Parkland

Parks Development staff have requested that the applicant satisfy their parkland dedication requirement by providing an off-site dedication within 1,000 metres of the applicant's site that would create a new park as the required parkland dedication. The size and location of the offsite conveyance is subject to the approval of the General Manager, Parks, Forestry & Recreation and subject to the Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

Should the offsite dedication not be feasible after reasonable commercial efforts are made by the owner, cash-in-lieu of parkland will be accepted. 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.

Threatened Species

In reviewing this rezoning application, it has come to City staff's attention that the property is in the vicinity of a known population of chimney swifts, which are a threatened species under Ontario's Endangered Species Act. The Ministry of the Environment, Conservation and Parks has been notified of the rezoning application and the applicant has been advised that they are required to seek permission from the Ministry to alter chimney swift habitats.

The applicant will be required to demonstrate that the Ministry is satisfied with respect to the alteration of a chimney swift habitat as a condition through the Site Plan Control process.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review. Staff are recommending that the Zoning By-law be subject to holding provisions pending the revision, review, and acceptance of the Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Holding Provision

This report recommends the adoption of a Zoning By-law Amendment that is subject to a holding provision under Section 36 of the *Planning Act*, restricting the proposed use of the lands until the conditions set out in the By-law are satisfied. Section 5.1.2 of the Official Plan outlines the conditions to be met prior to the removal of a holding provision. The specific conditions to be met prior to the removal of the proposed holding provisions in the proposed By-law include:

- The Owner has prepared and submitted a revised Functional Servicing & Stormwater Management Report to Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance to demonstrate that the storm sewer system and any required improvements to it, has adequate capacity to accommodate the development of the lands; and
- Where improvements to the storm sewer system are recommended in the Functional Servicing & Stormwater Management Report as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services, the Owner has entered into a financially secured agreement with the City to secure the construction of the required improvements.

To address the impact of legislative changes to the *Planning Act* under Bill 109, the *More Homes for Everyone Act, 2022*, on July 19, 2023, City Council amended City of Toronto Municipal Code, Chapter 415, and the Official Plan to delegate the removal of a Holding (H) symbol to the Chief Planner and their designate. Once the conditions noted above are met, no further report to City Council will be required to remove the holding symbol.

Toronto Green Standard

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

The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, local schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

CONTACT

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SIGNATURE

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

ATTACHMENTS

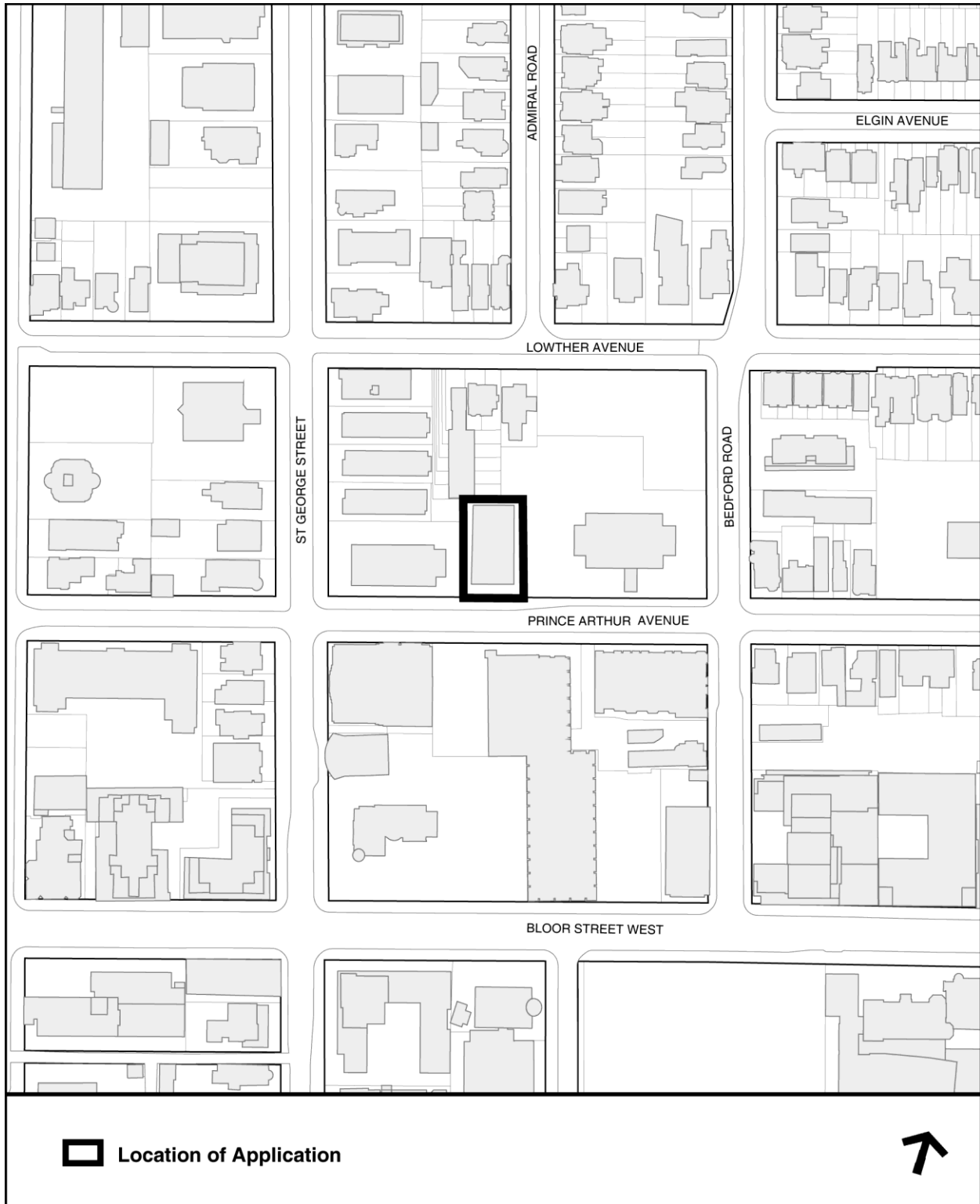
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: East Elevation
- Attachment 8: South Elevation
- Attachment 9: West Elevation
- Attachment 10: North Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 64 Prince Arthur Avenue
Date Received: July 25, 2023
Application Number: 23 175768 STE 11 OZ
Application Type: Rezoning

Project Description: A 43-metre (13-storey, excluding the mechanical penthouse) mixed-use building, containing 94 dwelling units and 30 square metres of non-residential gross floor area.

Applicant	Agent	Architect	Owner
Colliers (Erik Cunningham)		RAW Design	64 Prince Arthur Limited Partnership

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	R (d2.0) (x110)	Heritage Designation:	N
Height Limit (m):	26	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,211 Frontage (m): 27 Depth (m): 45

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			58	58
Residential GFA (sq m):			6,593	6,593
Non-Residential GFA (sq m):			36	36
Total GFA (sq m):			6,629	6,629
Height - Storeys:			13	13
Height - Metres:			43	43

Lot Coverage Ratio (%): Floor Space Index: 5.47

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	6,593	
Retail GFA:	36	
Office GFA:		

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			94	94
Other:				
Total Units:			94	94

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			31	49	14
Total Units:			31	49	14

Parking and Loading

Parking Spaces:	2	Bicycle Parking Spaces:	115	Loading Docks:	1 (Type G)
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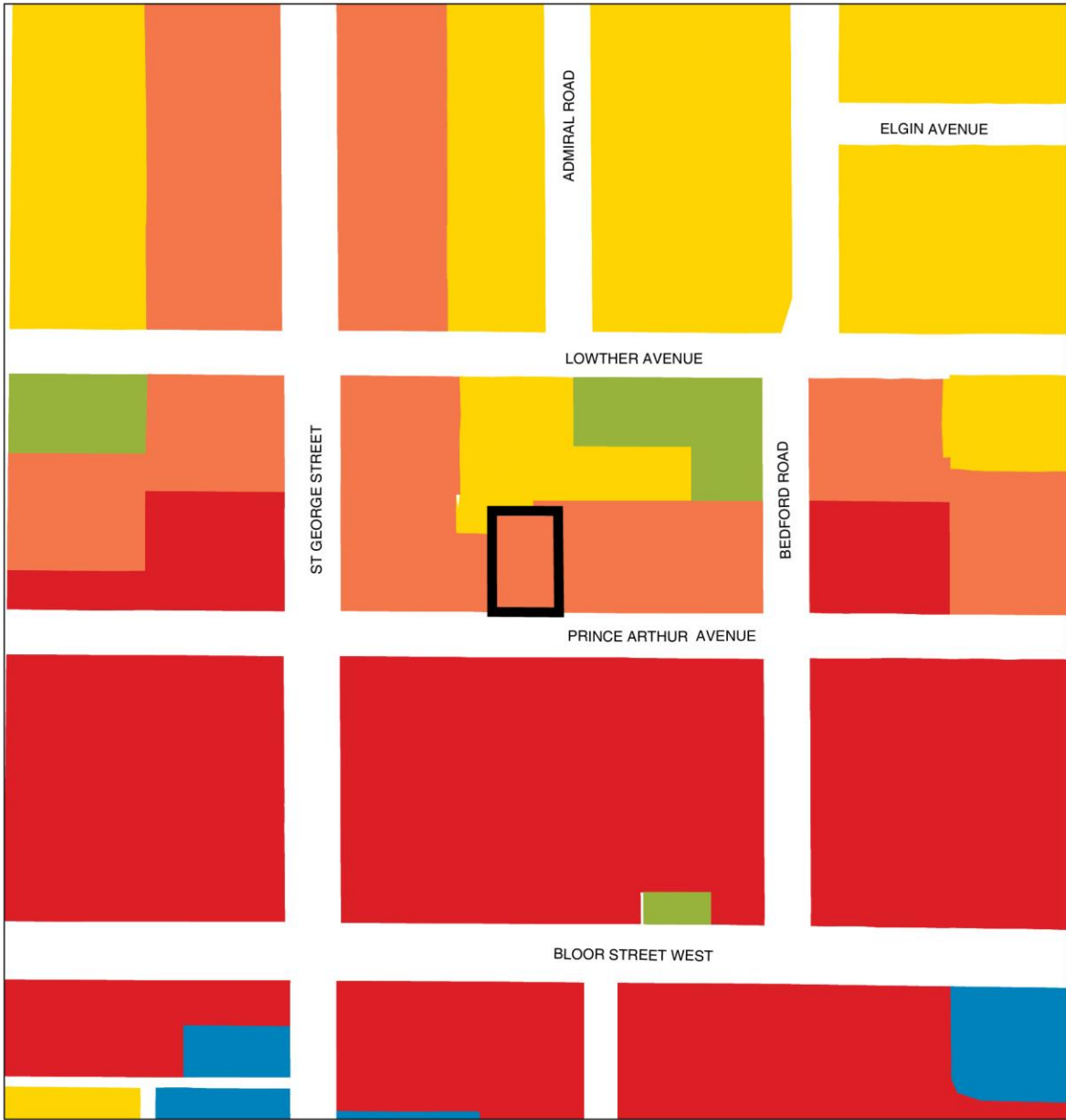
CONTACT:

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Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

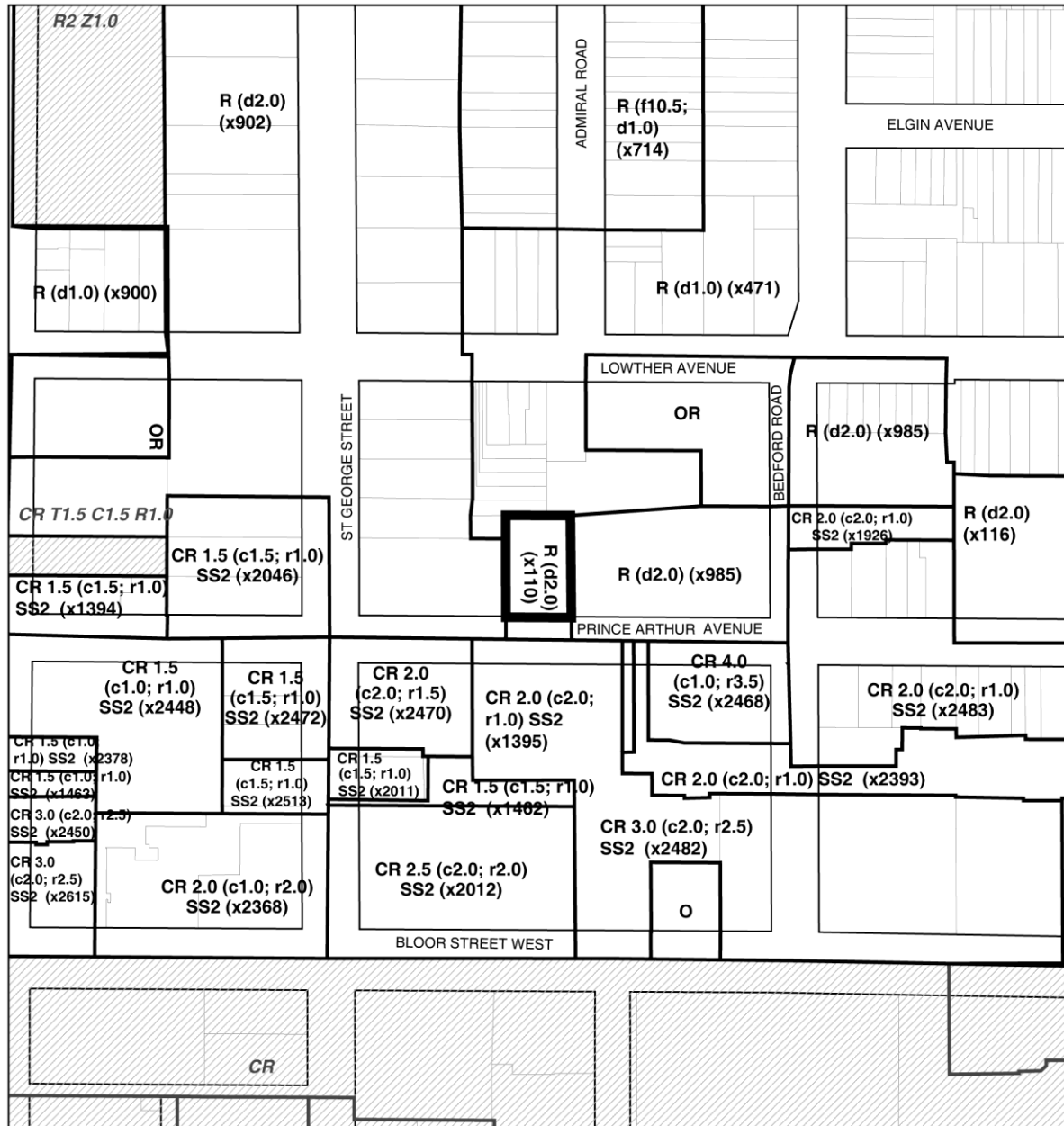
64 Prince Arthur Avenue

File # 23 175768 STE 11 0Z



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Not to Scale
Extracted: 07/24/2023

Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

64 Prince Arthur Avenue

File # 23 175768 STE 11 0Z

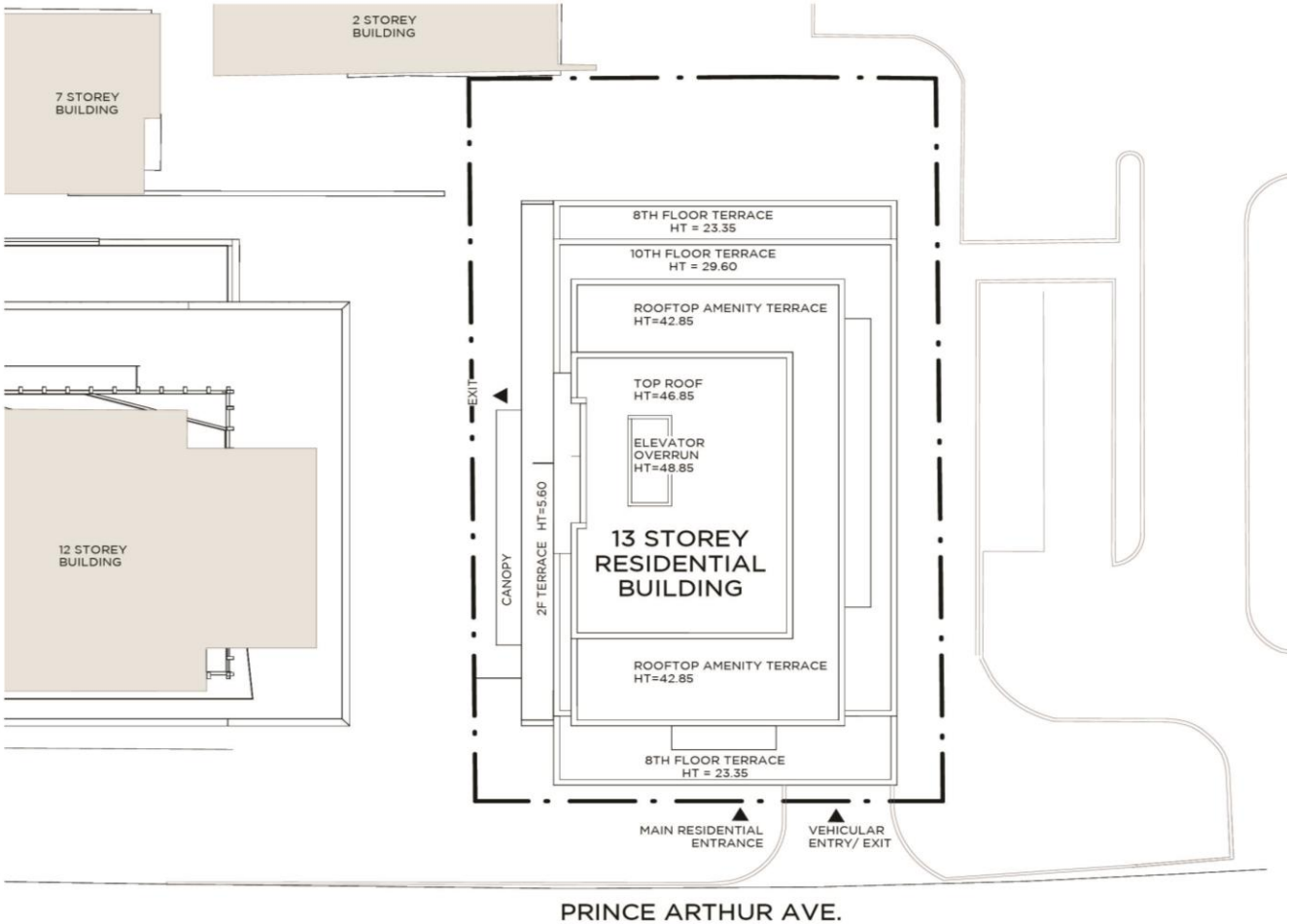
-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- R2** Residential District
- CR** Mixed-Use District


 Not to Scale
 Extracted: 07/24/2023

Attachment 5: Draft Zoning By-law Amendment

The draft by-law amendment will be made available on or before the October 18, 2023, Toronto and East York Community Council meeting.



Site Plan

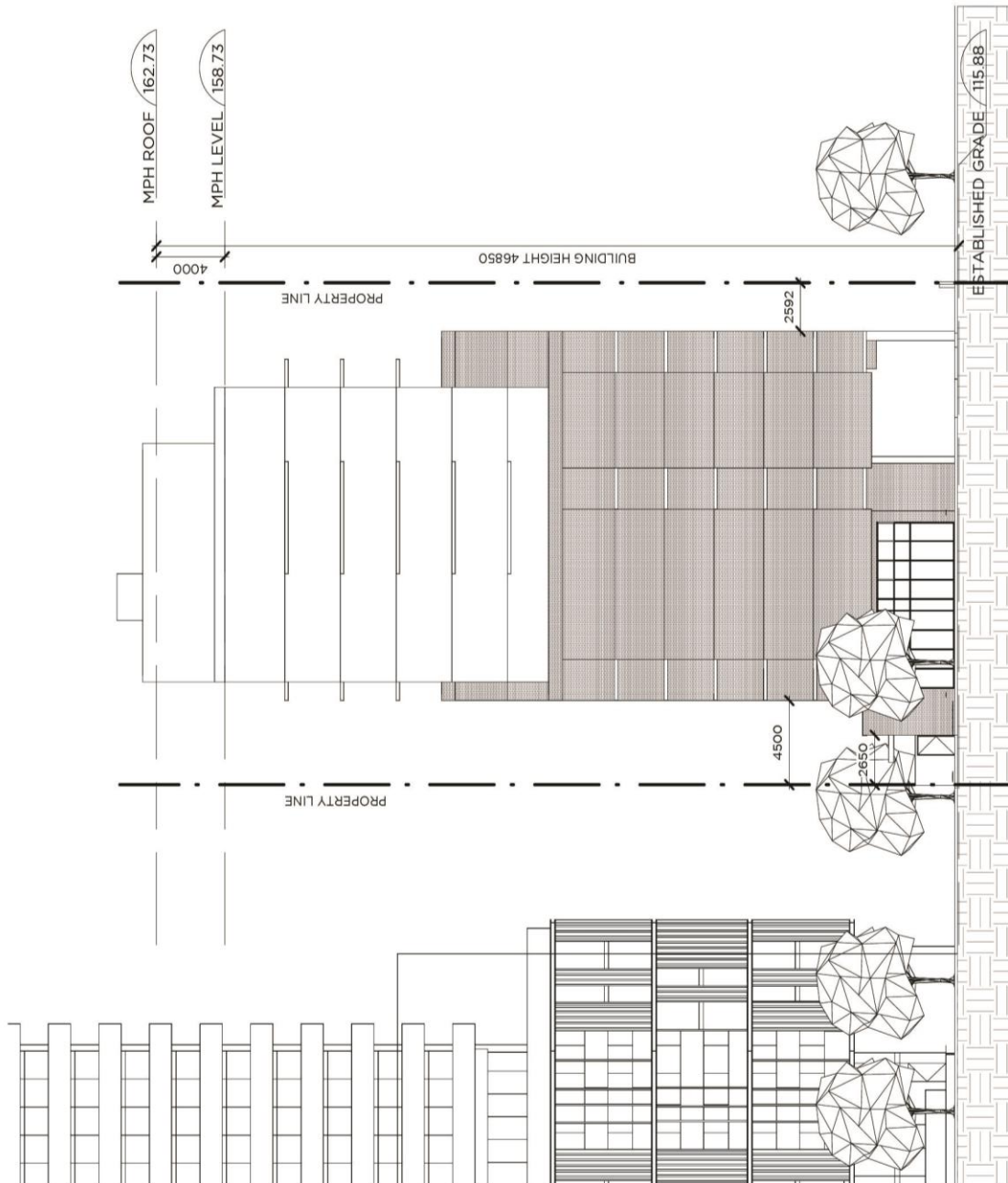


Attachment 7: East Elevation



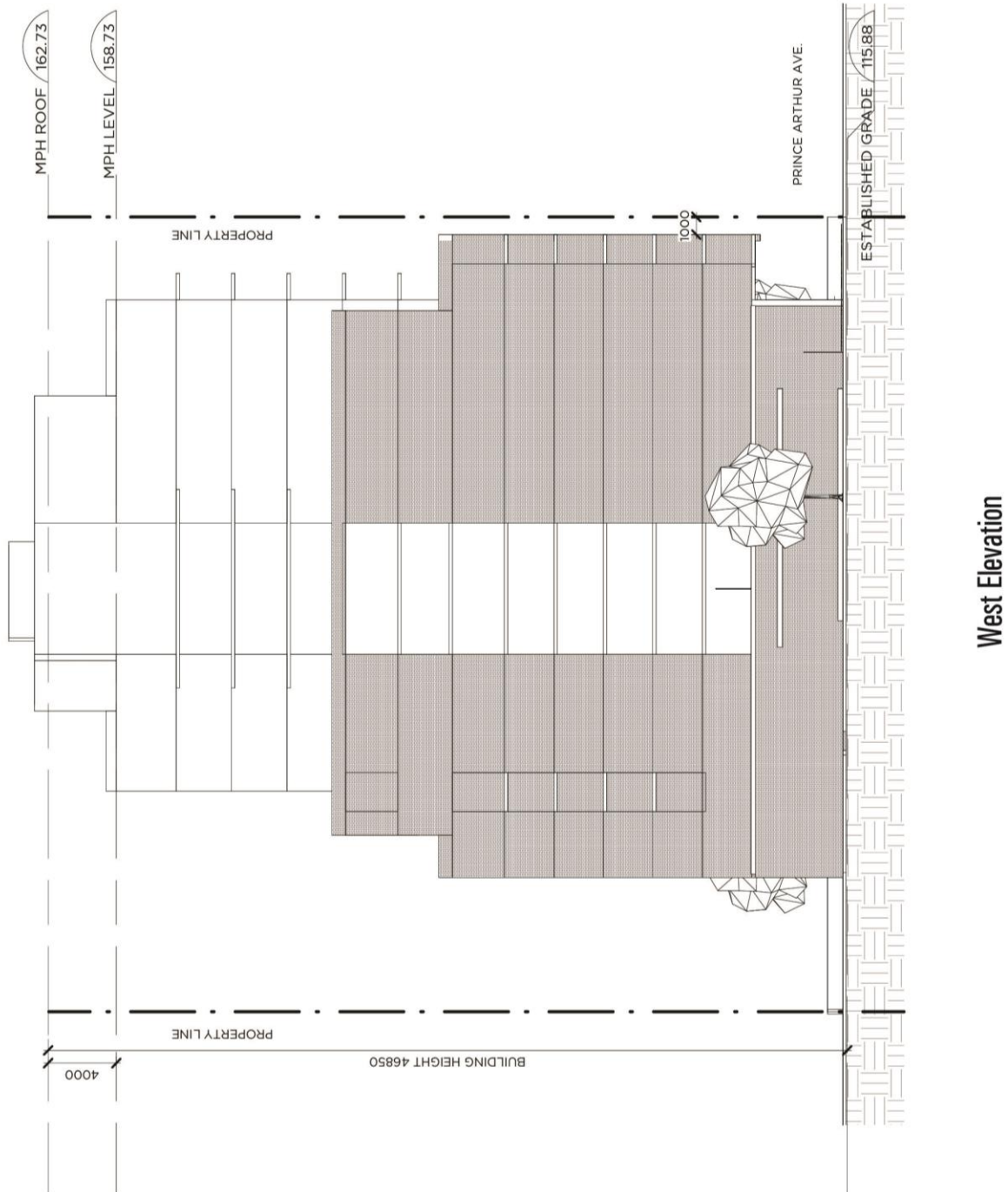
East Elevation

Attachment 8: South Elevation

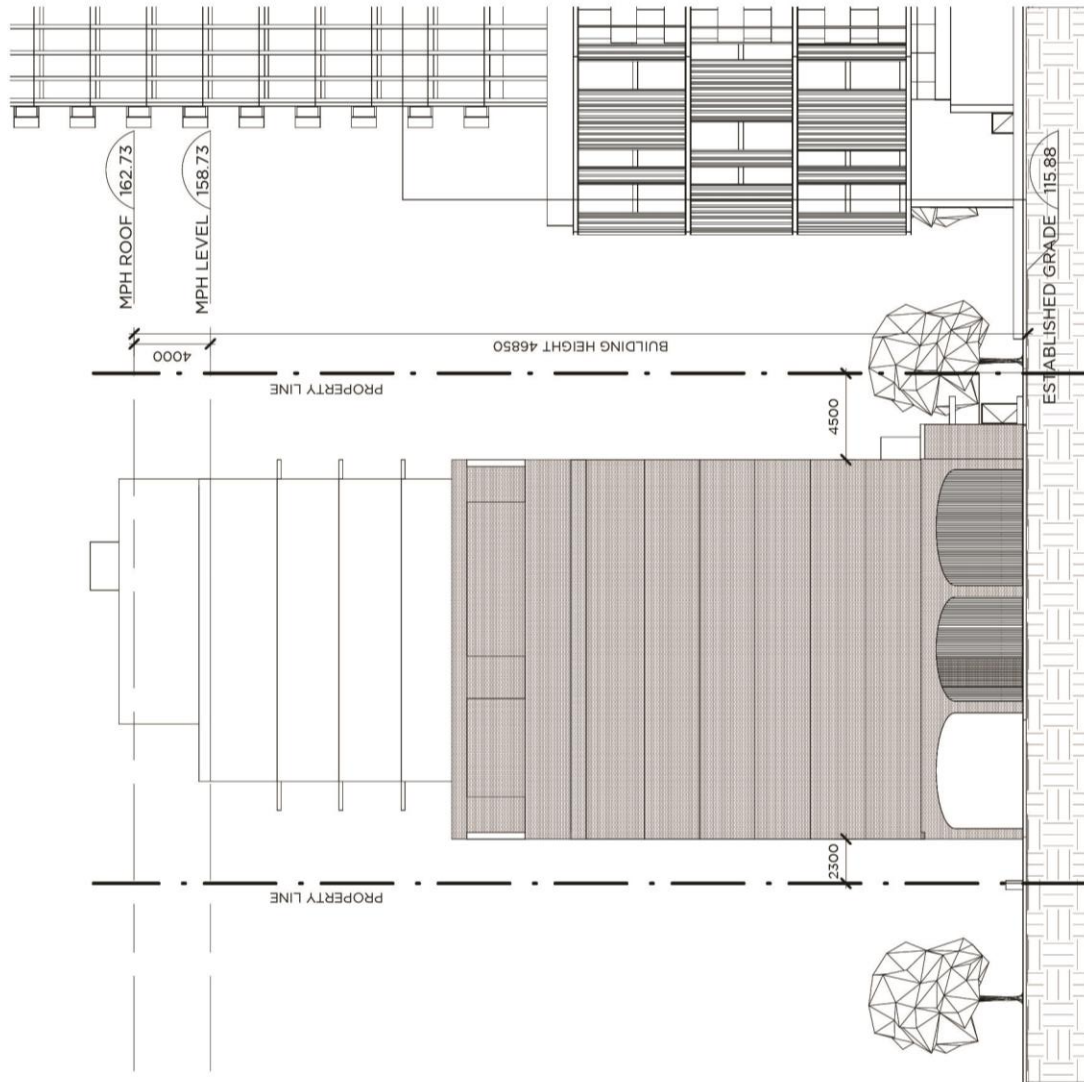


South Elevation

Attachment 9: West Elevation



Attachment 10: North Elevation



North Elevation