

219-221 Roxton Road – Official Plan and Zoning By-law Amendment Application – Appeal Report

Date: October 24, 2023

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 22 137060 STE 11 OZ

Related Application: 22 137059 STE 11 SA

SUMMARY

On April 22, 2022, an Official Plan and Zoning By-law Amendment application was submitted seeking approval to re-designate 219 Roxton Road from Neighbourhoods to Mixed Use Areas and for a 6-storey mixed-use building with retail space on the ground floor and 17 residential units above.

On March 6, 2023, the applicant revised the proposal to a 12-storey mixed-use building with retail space on the ground floor and 33 residential units above.

On June 1, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the statutorily prescribed time frame in 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 to address outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Official Plan and Zoning By-law Amendment application appeal for the lands at 219-221 Roxton Road and to continue discussions with the applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Tribunal withhold any Order on the proposed appeals until such time as the City Solicitor advises that:

- a. the proposed Official Plan Amendment is in a content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b. the proposed Zoning By-law Amendment is in a content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c. 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;
- d. the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services.

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 considered by Toronto and East York Community Council on June 29, 2022. The decision of the Toronto and East York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.90>

THE SITE

Description: The subject site is located at the southeast corner of Roxton Road and College Street. The site is generally square in shape with an approximate area of 295 square metres and has a 15-metre frontage along Roxton Road and a 20-metre frontage along College Street.

Existing Uses: The site consists of two halves of a semi-detached building. At 221 Roxton Road is a vacant, 3-storey, formerly mixed-use, building. At 219 Roxton Road is a 2.5-storey semi-detached residential building.

THE APPLICATION

Height: A 12-storey (43.2 metres in height, including a 3.1 metre mechanical penthouse) mixed-use building.

Density: 8.19 times the area of the lot.

Dwelling Units: Of the 33 dwelling units proposed, the proposed unit mix would be 22 one-bedroom units (67%), 7 two-bedroom units (21%), and 4 three-bedroom units (12%).

Access, Parking and Loading: No vehicular access, vehicular parking spaces or loading space(s) are proposed.

Bicycle Parking: The proposed development includes a total of 38 bicycle parking spaces, comprised of 34 long term and 4 short term spaces, located on the ground floor level.

Additional Information

See Attachments 1 through 5 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context, site plan and ground floor plan of the 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/>.

Reason for the Application

The Official Plan Amendment application proposes to re-designate the southern portion of the site, 219 Roxton Road, from Neighbourhoods to Mixed Use Areas. The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 performance standards for the site including: building height; building setbacks; loading space requirements; and vehicular and bicycle parking space requirements.

Site Plan Control

A Site Plan Control application (File Number 22-137059 STE 11 SA) was submitted on April 22, 2022. The application has been referred to the OLT. Under the Municipal Code, Site Plan approval and instructing the City Solicitor on appeal is delegated to the Chief Planner or their designate.

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 identified as being on an Avenue in the Official Plan. The northern portion of the site (221 Roxton Road) is designated Mixed Use Areas and the southern portion of the site (219 Roxton Road) is designated Neighbourhoods in the Official Plan.

Zoning

The northern portion of the site is zoned Commercial Residential (CR 3.0 (c1.0; r2.5) SS2 (x2437)), with a maximum permitted height of 16 metres. The CR zone permits a variety of commercial and residential uses. The southern portion of the site is zoned Residential (R (d0.6)(x729)), with a maximum permitted height of 10 metres. A variety of residential uses are permitted in the R zone.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on April 20, 2023. The meeting was attended by approximately 38 members of the public, as well as the Ward Councillor and the applicant's team. The revised 12-storey proposed building was presented to the public.

Concerns raised by members of the public included:

- The proposed building height and massing in the context of the immediate neighbourhood;
- Servicing capacity in the area to support the level of development;
- Traffic and safety impacts with the project being in close proximity to schools;
- Lack of vehicular parking spaces and loading spaces;
- Functionality of garbage collection;
- Programming of the ground floor and public realm;
- The derelict state of the existing building at 221 Roxton Road which poses health and safety concerns;
- Construction impact on adjacent properties; and
- Desire to incorporate more sustainability into the design.

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

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.

While the proposed building massing does not conform to the Official Plan, it is consistent with the PPS and conforms with the Growth Plan.

Land Use

221 Roxton Road is designated Mixed Use Areas and 219 Roxton Road is designated Neighbourhoods in the Official Plan. The proposal contemplates the redesignation of the Neighbourhoods-designated lands to Mixed Use Areas. The proposal provides an appropriate mix of uses on the site and the proposed residential and retail uses align with the Mixed Use Areas designation in the Official Plan. Staff has determined that the redesignation is appropriate for this site.

Built Form

The proposed building massing and height in relation to the size and configuration of the site, is not acceptable in its current form.

The 12-storey building is proposed to be built to the south property line up to a height of approximately 43.2 metres. This would result in a blank wall condition abutting the south property along Roxton Road.

A 9-storey (approximately 27-metre) streetwall is proposed along College Street and Roxton Road, does not align with the existing streetwall character along College Street, including the four-storey streetwall height at 799 College Street, the four-storey residential building at 805-807 College Street and the three-storey row house form buildings at 743 College Street.

Streetscape

The proposed building would be set back 0.95 metres from the north (front) property line, which would result in a minimum distance of 4.25 metres from building face to curb. New development provides an opportunity to achieve minimum standards for sidewalks along Avenues through ground level setbacks. A minimum 4.8-metre setback from the curb to the building face at the ground floor level is recommended for opportunities to incorporate larger street trees and street furniture to enhance the public realm. The public realm details, including plantings, street furniture and bike parking will be reviewed further during the appeal process.

The proposed building also does not promote a vibrant and animated corner as the proposed stair access to the retail unit in the basement abuts the right-of-way of Roxton Road. The pedestrian access to the basement retail unit should be relocated to the eastern lot line from the College Street frontage.

Tree Preservation

The Landscape Plan submitted in support of the application indicates that 1 City-owned tree to the east of the subject property is proposed to be preserved. The Plan also proposes the planting of 3 new street trees, two along College Street and one along Roxton Road. Urban Forestry staff have reviewed the Landscape Plan, and deem the Plan acceptable.

Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4 square metres per unit, of which at least 2 square metres should be outdoor. Amenity space is proposed to be provided at a rate of 3.15 square metres of indoor amenity space per dwelling unit and 1 square metre of outdoor amenity space per dwelling unit, resulting in a combined rate of 4.15 square metres of amenity space for each dwelling unit. The outdoor amenity space provided in the proposal should be increased.

Traffic Impact, Access, Parking, and Loading

The Transportation Impact Study submitted in support of the application concludes that the proposed parking supply of zero resident and visitor parking spaces is appropriate for the proposed development with the availability of and proximity to car share, transit and cycling infrastructure. Transportation Services staff have reviewed the proposed parking supply and have determined that it is acceptable.

There are zero loading spaces proposed. The application proposes curbside pick-up for waste collection. Solid Waste staff do not support this, as the proposal is taller than 11 storeys and has more than 30 units, and requests front-end collection services. Staff have also heard concerns from the community about the absence of a loading space for the proposed building. Solid Waste Management staff are recommending one Type G loading space to be incorporated into the proposed development.

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 and/or the posting of securities are required in the Zoning By-law amendment.

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-law at a minimum and others through the Site Plan Control application.

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 support to the proposal, and through deputations made by members of the public to Community Council. 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.

CONTACT

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

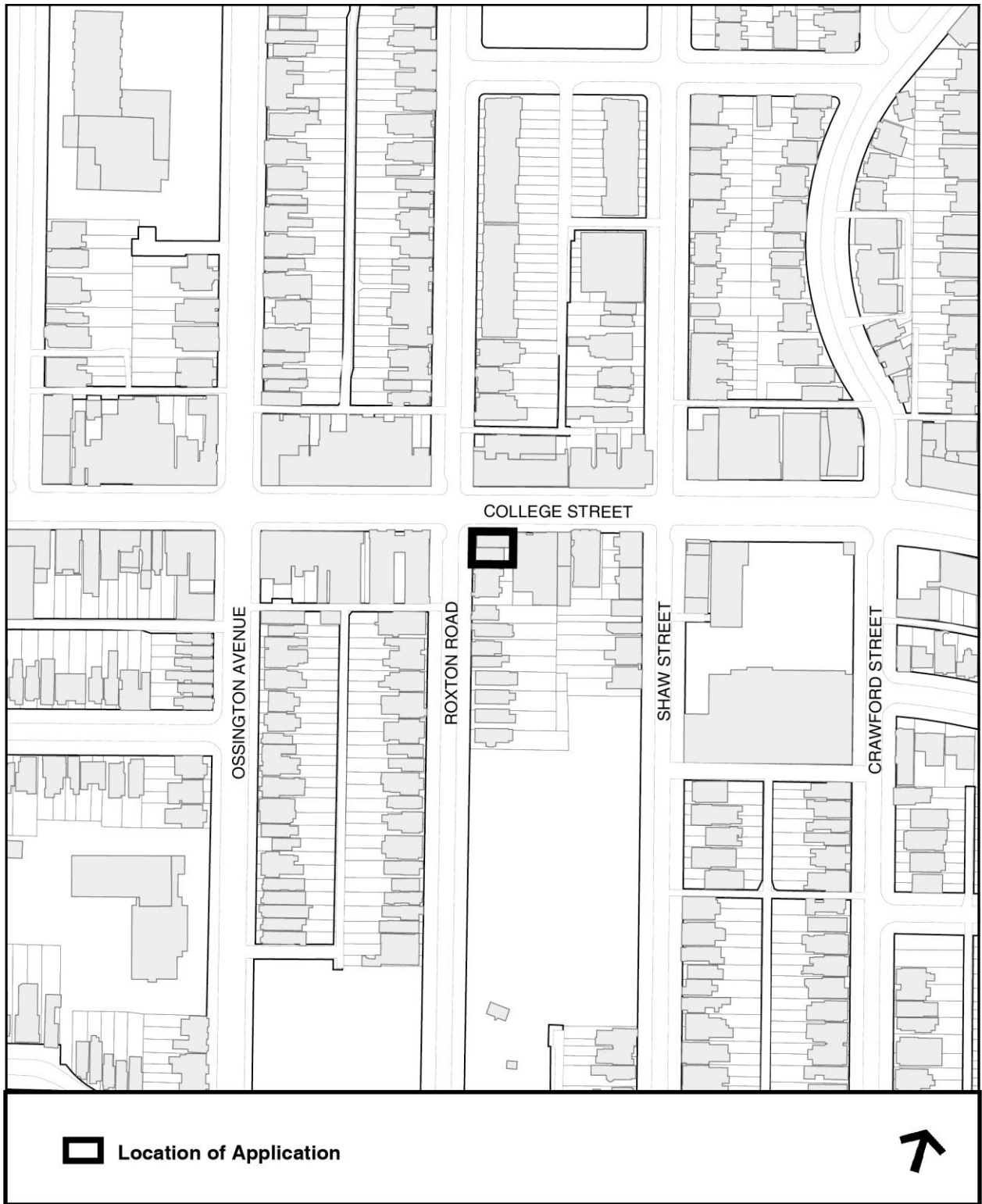
SIGNATURE

Oren Tamir
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 Southeast
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 219-221 Roxton Rd Date Received: April 22, 2022

Application Numbers: 22 137060 STE 11 OZ and
22 137059 STE 11 SA

Application Type: OPA and Rezoning

Project Description: Official Plan and Zoning by-law amendment application for a 12-storey mixed-use building containing 33 residential dwelling units.

Applicant	Agent	Architect	Owner
Jko Planning Services Inc		Hyphen Studio	Esmart Living Ltd

Existing Planning Controls

Official Plan Designation: Mixed Use Areas Site Specific Provision: N

Zoning: CR 3.0 (c1.0; r2.5) SS2 (x2437); R d0.6 (x729) Heritage Designation: N

Height Limit (m): 16 Site Plan Control Area: Y

Project Information

Site Area (sq m): 295 Frontage (m): 15 Depth (m): 20

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			108	108
Residential GFA (sq m):	509		2,078	2,078
Non-Residential GFA (sq m):			325	325
Total GFA (sq m):	509		2,544	2,544
Height - Storeys:	3		12	12
Height - Metres:			40.1	40.1

Lot Coverage Ratio (%): 78.83 Floor Space Index: 8.19

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	2,077	
Retail GFA:	228.15	96.94
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	3		33	33
Freehold:				
Condominium:				
Other:				
Total Units:	3		33	33

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			22	7	4
Total Units:			22	7	4

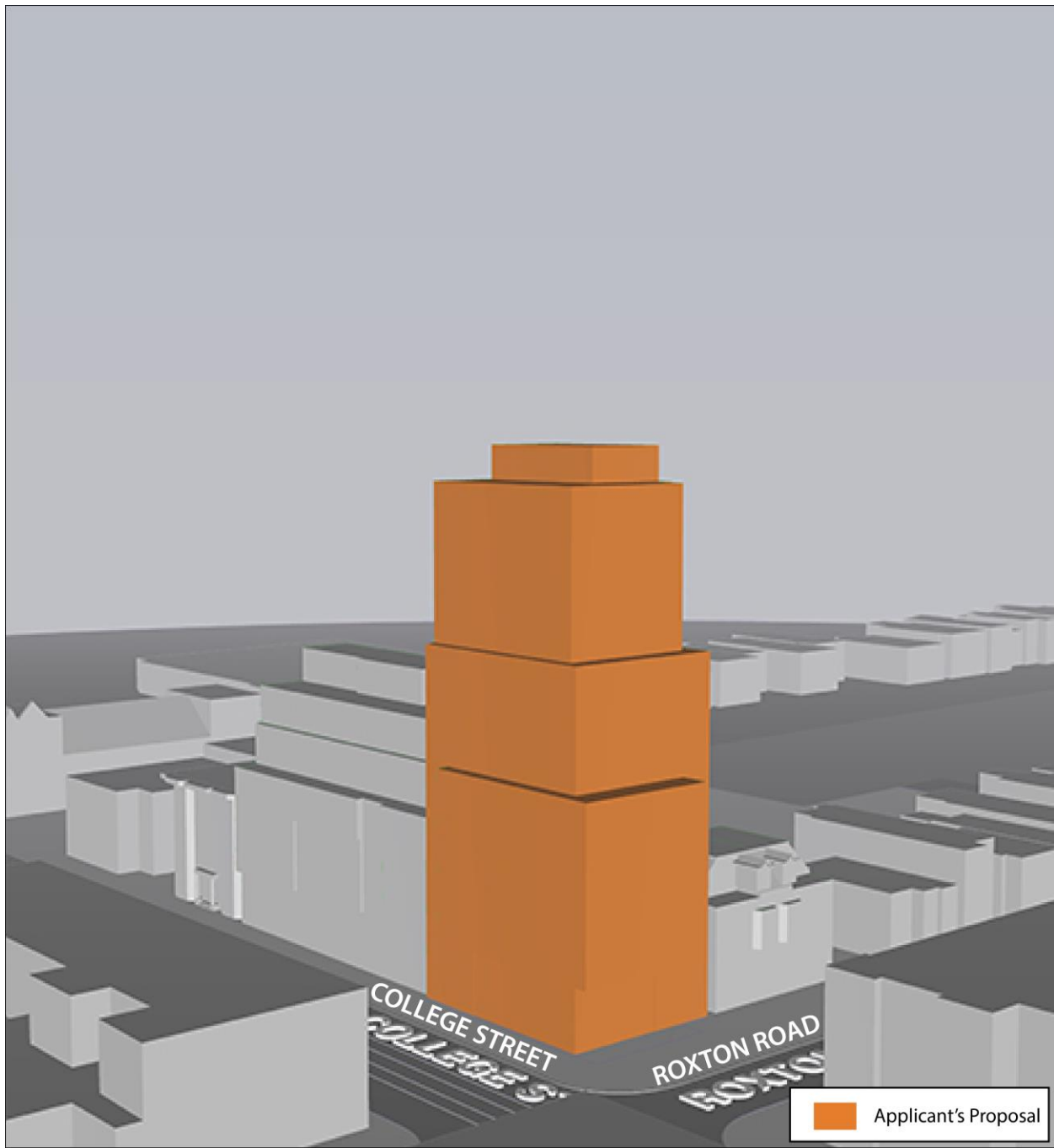
Parking and Loading

Parking Spaces:	0	Bicycle Parking Spaces:	38	Loading Docks:	0
-----------------	---	-------------------------	----	----------------	---

Contact:

Patricia Cho, Planner
416-338-6697
Patricia.Cho2@toronto.ca

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

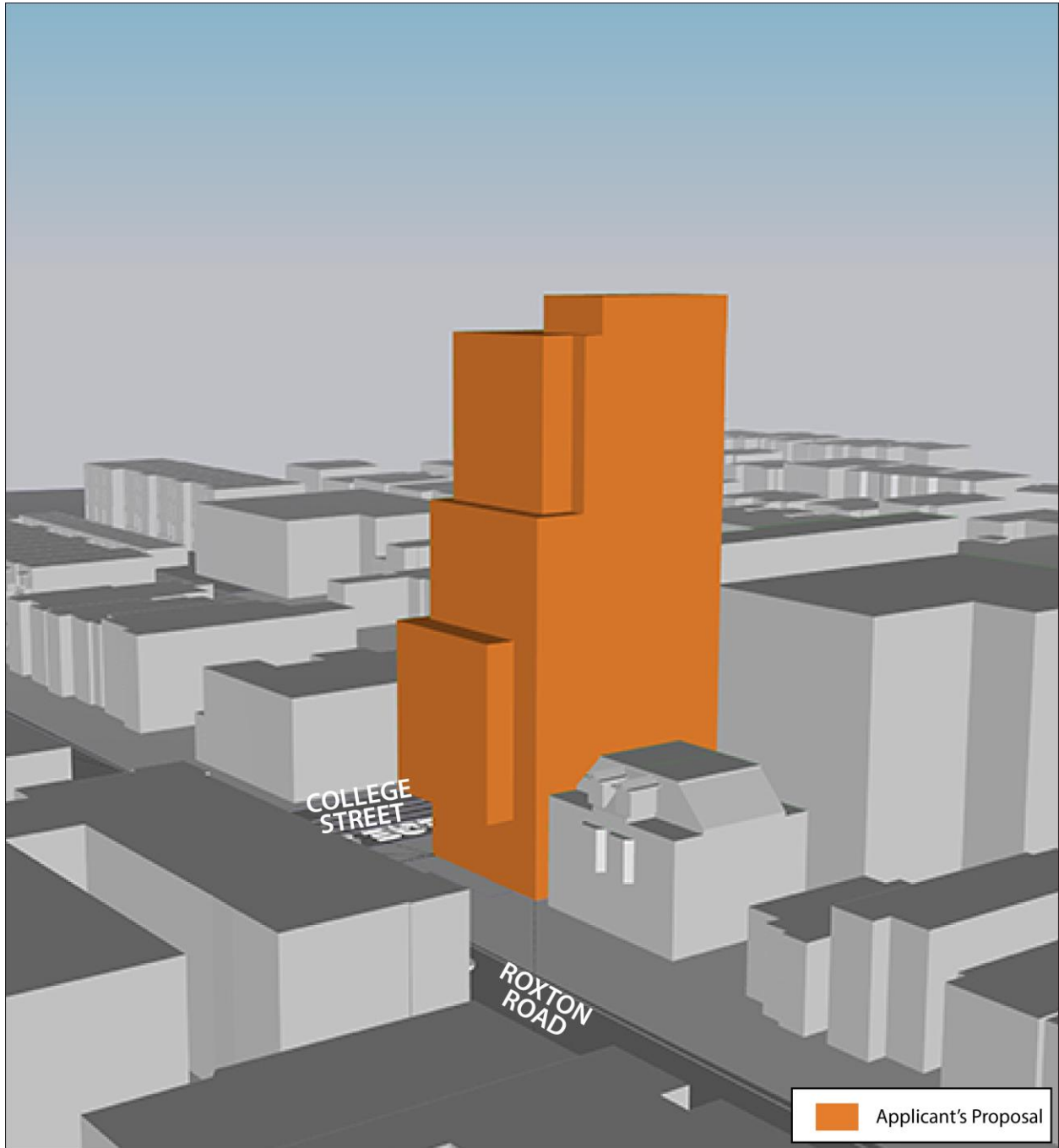


View of Applicant's Proposal Looking Southeast



04/06/2023

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

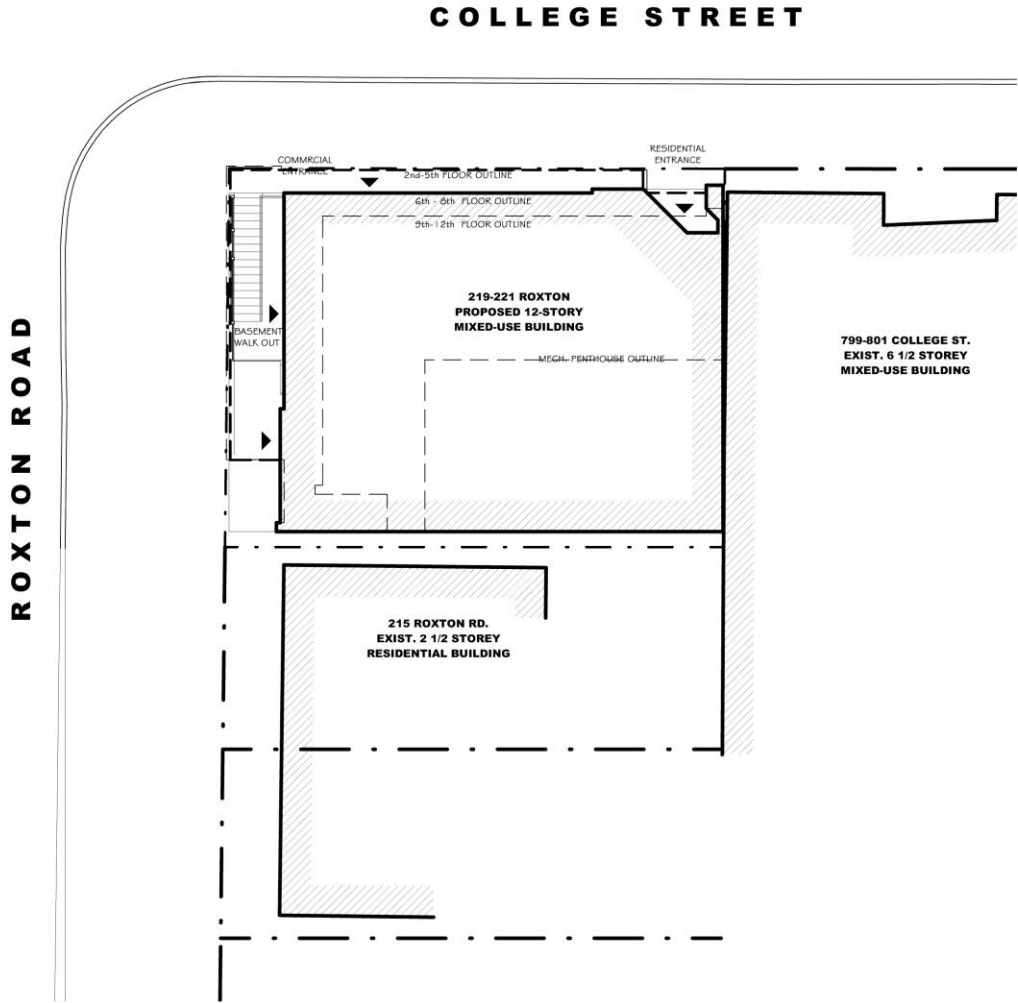


View of Applicant's Proposal Looking Northeast



04/06/2023

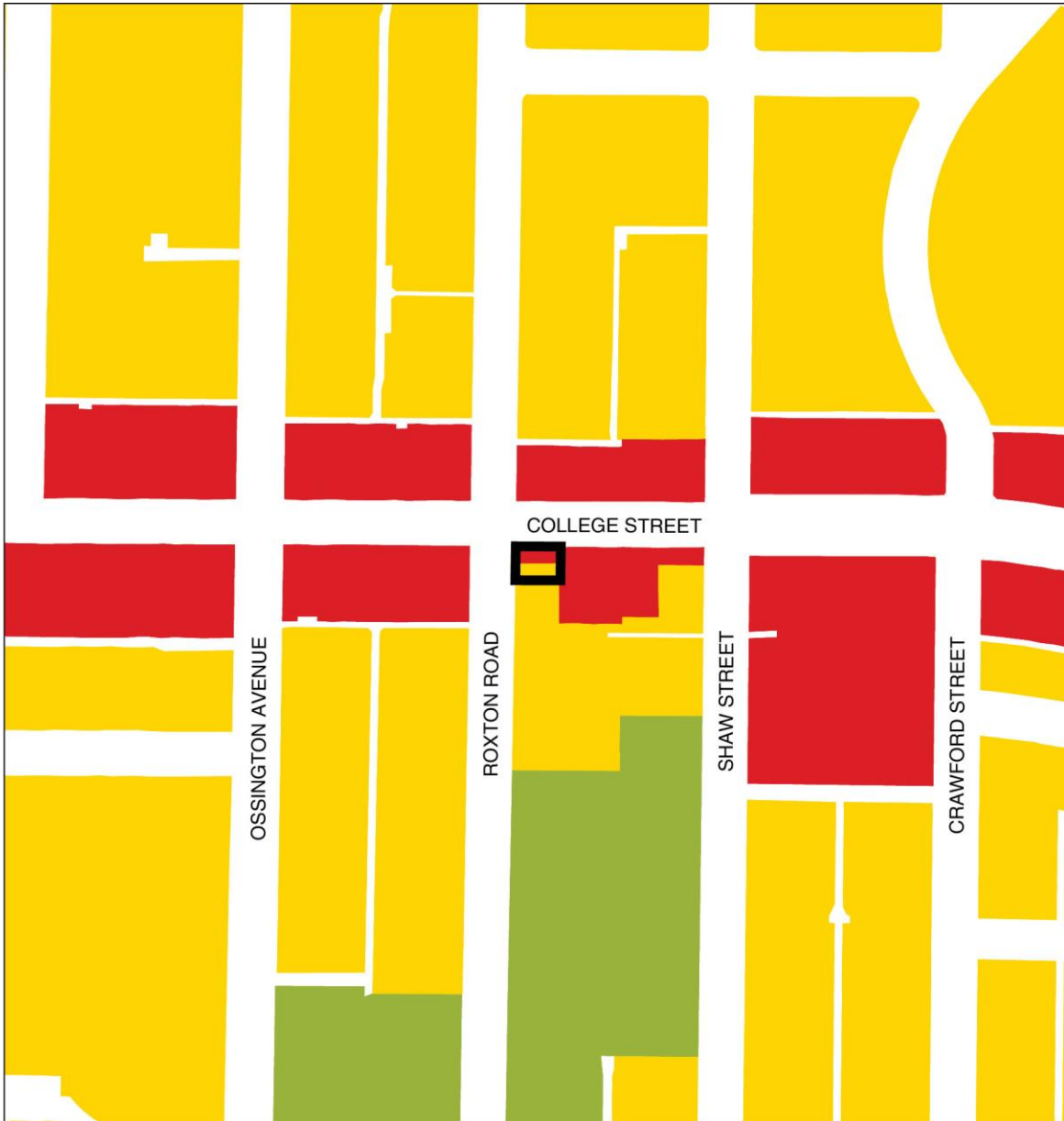
Attachment 5: Site Plan



Site Plan



Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map 18

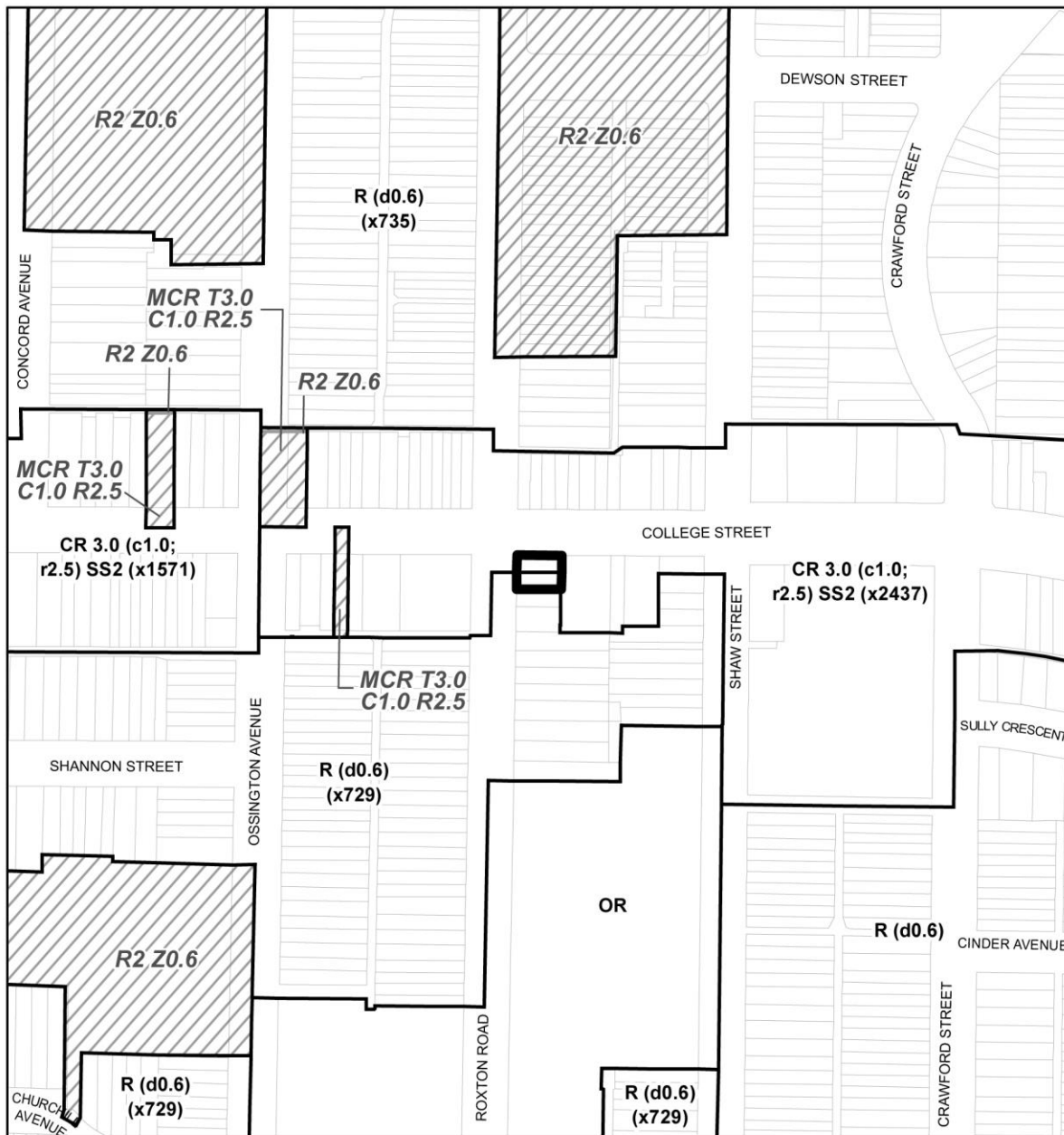
219-221 Roxton Road

File # 22 137060 STE 11 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks


Not to Scale
Extracted: 04/25/2022

Attachment 7: Existing Zoning By-law Map



Zoning By-law 569-2013

219-221 Roxton Road

File # 22 137060 STE 11 OZ



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



Not to Scale
Extracted: 03/28/2023