TORONTO

REPORT FOR ACTION

403 Keele Street and 48-50 Heintzman Street – Zoning By-law Amendment Application – Decision Report – Approval

Date: October 30, 2023

To: Toronto and East York Community Council or City Council From: Director, Community Planning, Toronto and East York District

Wards: Ward 4 - Parkdale-High Park

Planning Application Number: 21 234418 STE 04 OZ

SUMMARY

This application proposes to construct a new 11 storey mixed-use building at 403 Keele Street and 48-50 Heintzman Street with 280 rental dwellings units and 265 square metres of commercial space at grade. One level of underground parking with a total of 23 parking spaces is also proposed.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews and recommends approval of the application to amend the Zoning By-law. The mixed-use building is an appropriate scale for the site, provides an appropriate transition to the lower scaled Neighbourhoods along Heintzman Street and is of example of high quality design that will set a positive precedent for future development in the area.

RECOMMENDATIONS

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

- 1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 403 Keele Street and 48-50 Heintzman Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report.
- 2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

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 November 4, 2021 a Zoning By-law Amendment application was submitted for the lands at 403 Keele Street. The application was initially deemed incomplete due to missing information on the Tree Preservation Plan and the Public Utilities Plan. A resubmission was made and the application was subsequently deemed complete on February 1, 2022.

On January 6, 2022, Toronto and East York Community Council adopted item "TE30.29 - 403 Keele Street - Zoning By-law Amendment Application - Preliminary Report" with a recommendation directing staff to schedule a Community Consultation meeting for the subject site to be hosted together with the Ward Councillor. The Preliminary Report and Community Council's decision are available at the following link: https://secure.toronto.ca/council/agenda-item.do?item=2022.TE30.29.

Staff conducted a Community Consultation Meeting for the application on March 3, 2022. Community consultation is summarized in the Comments section of this Report.

PROPOSAL

This application proposes to amend the Zoning By-law to permit an 11 storey (35.3m plus a 3.6 metre mechanical penthouse) mixed-use building containing 280 rental dwelling units and 265 square metres of non-residential space at grade. The proposal includes a gross floor area of 16,530 square metres which represents a density of 6.14 times the lot area. One level of underground parking is proposed with a total of 23 parking spaces. A total of 294 bicycle parking spaces are also proposed. Refer to Attachment No. 1 for project data.

The proposed 280 rental dwelling units include: 207 (74%) studio units, (0%) one-bedroom units, five (2 %) two-bedroom units, 16 (5%) three-bedroom units and 52 (19%) four-bedroom units.

The site is located on the east side of Keele Street north of Dundas Street West. The site is an irregular "L" shape, has an area of approximately 2,708 square metres, and was previously occupied by a Canadian Tire gas station. The site has a frontage of 37.48 metres along Keele Street, 30.85 metres of frontage onto Heintzman Street at the rear, and has a depth of 80.36 metres.

To the north of the site are two mixed use buildings with heights of 24 and 17 storeys at 60 and 61 Heintzman Street. Directly to the east of the site is Heintzman Street which connects to Dundas Street West to the south and Indian Grove to the east. Opposite the

site along Heintzman Street are 2.5 storey semi-detached homes and townhouses, with additional low-rise residential dwellings beyond. South of the site along Keele Street are primarily two to three storey "main street" type buildings. Finally, to the west of the site is Keele Street, and further west are low-rise residential buildings fronting onto Vine Avenue and a 2 storey rental apartment building fronting onto Jackson Place.

Reasons for Application

The Zoning By-law Amendment Application proposes to amend City of Toronto Zoning By-law 569-2013 to introduce appropriate performance standards, including: building height; building setbacks; gross floor area; floor space index; amenity space; and vehicular parking space requirements. The Zoning By-law Amendment also proposes to add 48-50 Heintzman Street into Zoning By-law 569-2013, as that portion of the site is currently zoned under the former City of Toronto Zoning By-law 438-86.

APPLICATION BACKGROUND

Application Requirements

The following reports/studies were submitted in support of the application:

- 3D Modelling
- Accessibility Design Guidelines or Report
- Application Checklist
- Application Form
- Arborist Report
- Architectural Plans
- Civil and Utilities Plans
- Community Services and Facilities Study
- Cost Estimate for Landscaping
- Cover Letter
- Draft Zoning Bylaw Amendment
- Energy Modelling
- Environmental Impact Assessment
- Geotechnical Study
- Hydrogeological Report
- Hydrological Review Summary
- Landscape and Lighting Plans
- Noise Impact Study
- Pedestrian Level Wind Study
- Planning Rationale
- Project Data Sheet
- Public Consultation Strategy Report
- Renderings or Perspective Drawings
- Servicing Report
- Servicing Report Groundwater Summary
- Stormwater Management Report
- Sun/Shadow Study

- Survey Plans
- Toronto Green Standards Checklist
- Transportation Impact Study
- Tree Preservation Plan
- Tree Preservation Report
- Vibration Study

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards or conditions of Site Plan Control approval.

Statutory Public Meeting Comments

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

POLICY AND REGULATION 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 (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

Official Plan

The land use designation for the site is Mixed Use Areas. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/.

Zoning

The site has mixed zoning. 403 Keele Street is zoned CR 3.8 (c0.1; r3.8) SS2 (x2216) under City of Toronto Zoning By-law 569-2013. The CR zoning category allows for a wide range of residential, retail, and office uses. 48-50 Heintzman Street are zoned I1 D2 under by the Former City of Toronto Zoning By-law 438-86, which is a historic industrial zoning reflective of the past uses of the site, but not in keeping with the Official Plan designation and the existing and planned uses. See Attachment 4 of this report for the existing 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 Addendum;
- Retail Design Manual;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

Toronto Green Standard

The Toronto Green Standards (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.

Additional Information

See Attachments 1-12 of this report for the Application Data Sheet, site plan, elevations and three dimensional representations of the proposal, respectively. 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/403KeeleSt

Site Plan Control

Site Plan Control applies to this site. A Site Plan Control application (22 140177 STE 04 SA) was submitted to the City and is currently under review.

COMMENTS

Provincial Policy Statement and Provincial Plans

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 current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole. Staff are of the opinion that the proposed mixed-use building is acceptable and conforms to the applicable policies of the Official Plan. The proposed development fits within the existing and planned context for the area and provides an appropriate transition to the lower scaled Neighbourhoods along Heintzman

Street. The proposed commercial uses at grade fronting onto Keele Street are also appropriate for the main street character of this area as it moves south toward Dundas Street West and meet the intent for Mixed Use Area policies of the Official Plan.

Density, Height, Massing

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report. Staff find that the proposal conforms with the applicable Official Plan policies with respect to built form and massing. Furthermore, the proposal meets the intent of the Mid-Rise Buildings Performance Standards and Addendum.

The proposed building will contribute to the emerging pattern of mid-rise building approvals in close proximity to the site along the Dundas Street West. The proposed building has been designed to step down gradually to the lower-scale Neighbourhoods built form to the southeast of the site along Heintzman Street. In addition, The proposed 6 storey, 21.4 metre streetwall generally falls within a 45 degree angular plane taken from 80% of the right-of-way ("ROW") width of Keele Street.

Finally, the upper levels of the proposed building have been set back to the south of the site and designed to reduce the impact on the Privately-Owned Publicly Accessible Space ("POPS") located immediately to the north of the site at the base of the two towers at 60 and 61 Heintzman Street.

Streetscape and Public Realm

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report. Staff find that the proposal conforms with the applicable Official Plan policies with respect to streetscape and public realm.

The building face has been setback 6 metres from the Keele Street right-of-way and a 2.32 metre space has been provided for the sidewalk. These public realm improvements meet the requirements of the Mid-Rise Building Performance Standards and the proposed sidewalk width exceeds the City standard of 2.1 metres and will create a comfortable walking condition for pedestrians in the area.

Staff note that that due to the conflict with utilities, the previously proposed deciduous street trees will not be planted along Keele Street. However, planters with a variety of planting species including small trees along Keele Street Keele? Street will now be included to provide landscape safety buffer for pedestrians and complement the overall design of the streetscape.

In addition to the public right-of-way and increased sidewalk zones along Keele Street, Staff also note inclusion of the 4.2 metre mid-block east-west connection along the northern building face which provides access to the rear of the site along Heintzman Street and consider these additions as positive attributes of the proposal that are safe, comfortable, and integrated into the local network of pedestrian movement. The widened space at the front of the mid-block connection to the north-west corner of the building and increased setback are also noted as significant improvements that enhance and expand the public realm in the area.

Sun, Shadow, Wind

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report. Based on this review, staff have found that the shadow impact resulting from the proposal is acceptable.

As previously noted, the proposal has been designed with upper level stepbacks to adequately limit shadow impacts on the POPS to the north of the site as seen in the Elevations in Attachment 7-10. The site is also proposing a built form that that generally does not create additional shadow impacts on the public realm beyond those which would result from the construction of an as-of-right building, particularly during the spring and fall equinoxes. The west facing orientation of the building, coupled with the significant site depth and upper level stepbacks as seen in the elevations in Attachment 7-10 will help to reduce the impacts of these shadows on the public realm in the surrounding area.

Traffic Impact, Access, Parking

Primary pedestrian access to the commercial and residential portions of the building is located on the northwest corner of the site directly from Keele Street, with a secondary access point from Heintzman Street. In addition, direct access to the building will be provided to the at-grade units at the rear of the site. Major Transit is accessible from both Keele Street (41 Keele TTC Bus) and Dundas Street West (505 TTC Streetcar). 236 bicycle parking spaces have also been proposed, which meets the requirements of the City of Toronto Zoning Bylaw 569-2013

Vehicular access to the site will be provided by a one-way driveway extending east-west from Heintzman Street, which will connect with the existing north-south public laneway adjacent to the site. The site plans indicate that a lay-by along the north side of the east-west driveway will provide a lay-by area for vehicular queuing and pick-up/drop-off activity. The site underground and loading space are adjacent to this space, accessible from the east-west driveway. Given the site context, Staff are of the opinion that this configuration is acceptable.

In support of the subject proposal, the applicant's transportation consultant, NexTrans Consulting Engineers, prepared a Transportation Impact Study, dated November 3, 2021, and an updated report, dated April 26, 2022. The site is projected to generate 31 and 49 two-way trips during the morning and afternoon peak hours, respectively. Based on the site's estimated trip generation and traffic analysis results, the consultant concluded that site traffic could be adequately accommodated on the surrounding road network. Given the scale and context of this site, along with the reduced parking provisions, Staff have concluded that the potential site traffic impacts are acceptable.

The proposal includes a total of 23 parking spaces within a one-level underground garage. Of this total, 16 spaces are for residents, five (5) spaces are provided for visitors, and two (2) car-share spaces are provided. To support the proposed parking supply, the applicant's transportation consultant previously submitted a parking justification. This review included a summary of the following:

- The existing and future site and transportation context;
- Other reduced parking approvals;
- Modal split and car ownership data for the area;
- Overall policy objectives and current by-law revisions; and
- Transportation Demand Management (TDM) strategies.

Given the submitted parking justification, the site context, and the required TDM measures, Staff are of the opinion that the proposed parking supply is acceptable.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified outstanding comments related to the capacity of the sewer and stormwater infrastructure required to support this development. Therefore, a Holding (H) provision has been included in the draft Zoning By-law Amendment.

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.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this

application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

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 residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% 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.

Heritage Impact and Conservation Strategy

At its May 2014 meeting, Etobicoke York Community Council nominated the portion of the Junction Area west of Keele Street for consideration as Heritage Conservation Districts. This site is located within the Junction Heritage Conservation District study area. No properties comprising or adjacent to the application site have been identified in the City of Toronto's Heritage Register. The development proposal will not have an impact on cultural heritage resources in the area, and will support the heritage context.

Tree Preservation

The proposal is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The privately owned tree inventoried as tree no. 1, indicated in the Tree Inventory and Preservation Plan Report, meets the criteria for protection under the City of Toronto's Private Tree By-law. The development proposes the removal of tree no. 1 which will be impacted during the construction process. The tree inventoried as tree no. 2, indicated in the Tree Inventory and Preservation Plan Report, is a City-owned street tree which is protected under the provisions of the City's Street Tree By-law. The development proposes the retention and protection of tree no. 2, which is located along the Keele Street frontage.

Housing Issues

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This proposal is for a mixed-use development with a rental housing unit mix that varies slightly from the Growing Up Guidelines, but is providing a significant number of three and four-bedroom units.

Affordable Housing is a significant priority for the City and City Planning staff advocate for the inclusion of affordable housing units on any project where possible. The applicant will be subject to a Community Benefit Charge (CBC) requirement at the time of Building Permit issuance. The CBC can be satisfied by a cash payment or an in-kind contribution, provided both the applicant and City agree to the proposal.

City Planning staff have circulated the applications to the Housing Secretariat for their assessment of opportunities for the inclusion of affordable units. The proposal, to date, does not propose any affordable housing units. Early in the development review process, City staff encouraged affordable housing to be included in the proposal to support the City's and Growth Plan's housing policy objectives to provide a full range of housing (tenure and affordability) within new developments.

The CBC contribution from this proposal is recommended to be a cash payment to be directed towards growth-related capital facilities and matters consistent with the CBC Strategy adopted by City Council on August 15, 2022.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (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 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 required to meet Tier 1 of the TGS. 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. Performance measures for the Tier 1 development features will be secured through the Site Plan Approval process.

Community Consultation

A Virtual Community Consultation Meeting was held on March 3, 2022 and was attended by 56 people. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format discussion. Comments and questions provided by the meeting attendees included:

- The overall height of the building and the rationale used for its justification;
- How well the proposal fits in with the surrounding area character;
- How this proposal is being considered in relation to the other recently approved developments in proximity;
- What the mix of units and unit sizes will be for this new building;
- How the proposal transitions to the Neighbourhoods designated areas located to the south of the site;
- How will sunlight reach the backyards of the homes on the Heintzman laneway or the open space of 61 Heintzman;
- What the construction impacts will be for neighbours and generally what other impacts may be on surrounding properties, including privacy, noise and overlook;
- How traffic will properly flow from the building from the one-vehicle laneway; and
- How additional residents in the area will impact the already dangerous crossing at the corner

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to fit within the existing and planned context and transition to lower scaled areas.

Staff worked with the applicant and the community to address and resolve the following key concerns: sun and shadow impacts on the 60 and 61 Heintzman Street POPS, transition to lower scaled areas along Heintzman Street and provision of multi-bedroom unit mix. The proposal will further contribute to the developing mid-rise context of the Junction area and the high quality design that will set a positive precedent for future development in the area. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

Carly Bowman, M.Sc.Pl., MCIP, RPP, Director Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

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/Draft Plan of Subdivision

Attachment 7-10: Elevations

Attachment 11-12: 3D Model in Context

Attachment 1: Application Data Sheet

Municipal Address: 403 KEELE ST and Date Received: November 4, 2021

48-50 HEINTZMAN

ST

Application Number: 21 234418 STE 04 OZ

Application Type: Rezoning

Project Description: Zoning By-law amendment application to facilitate the

redevelopment of the site for an 11 storey mixed-use building having a non-residential gross floor area of 265 square metres, and a residential gross floor area of 16,530 square metres.

Applicant Agent Architect Owner

MHBC PLANNING STUDIO JCI 403 KEELE

LTD PROJECT GP INC.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

CR3.8 (c0.1;

Zoning: r3.8) SS2 Heritage Designation: N

(x2216) and I1

D2

Height Limit (m): 13 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2,708 Frontage (m): 37.48 Depth (m): 80.36

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	146		2,708	2,708
Residential GFA (sq m):			16,265	16,265
Non-Residential GFA (sq m):	146		265	265
Total GFA (sq m):	146		16,530	16,530
Height - Storeys:	1		11	11
Height - Metres:	4		35	35

Lot Coverage Ratio (%): Floor Space Index: 6.14

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

Residential GFA: 16,265 0

Retail GFA: 265

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure Existing Retained Proposed Total

Rental: 280 280

Freehold:

Condominium:

Other:

Total Units: 280 280

Total Residential Units by Size

Rooms Bachelor 1 Bedroom 2 Bedroom 3+ Bedroom Retained: Proposed: 207 0 5 68 **Total Units:** 207 5 0 68

Parking and Loading

Parking Spaces: 23 Bicycle Parking Spaces: 294 Loading Docks: 1

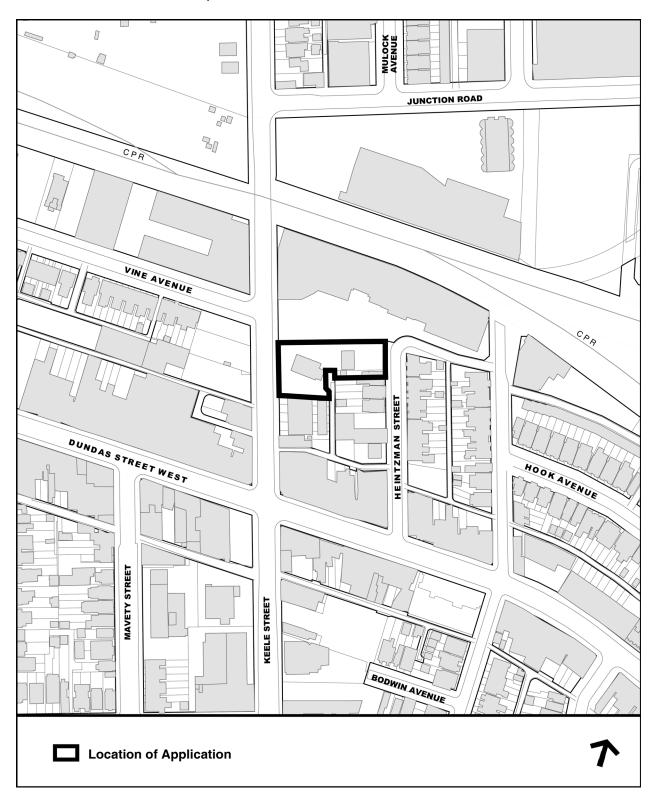
CONTACT:

Patrick Miller, Planner, Community Planning

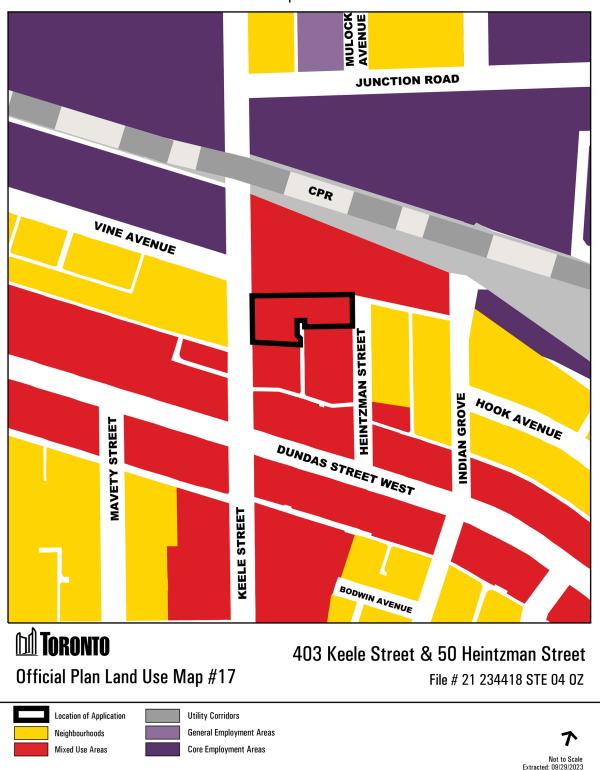
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Patrick.Miller@toronto.ca

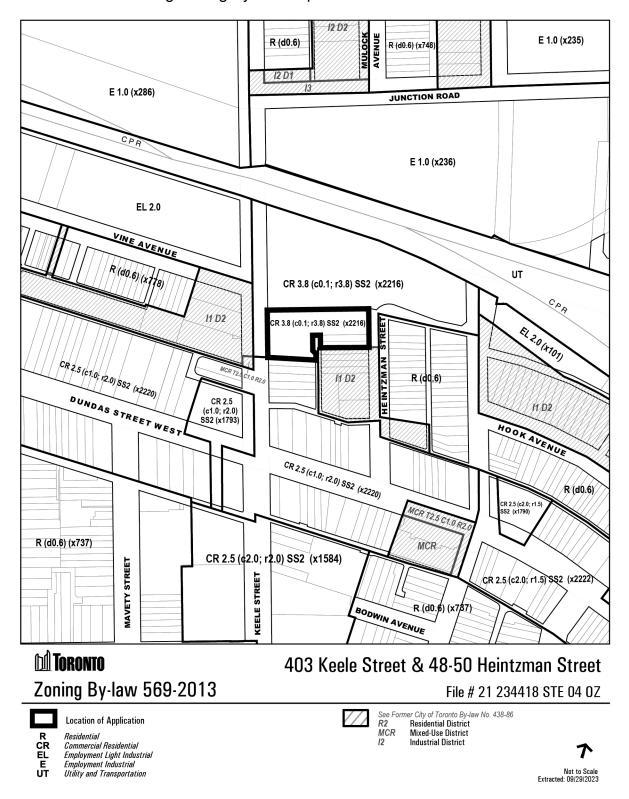
Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Attachment 4: Existing Zoning By-law Map

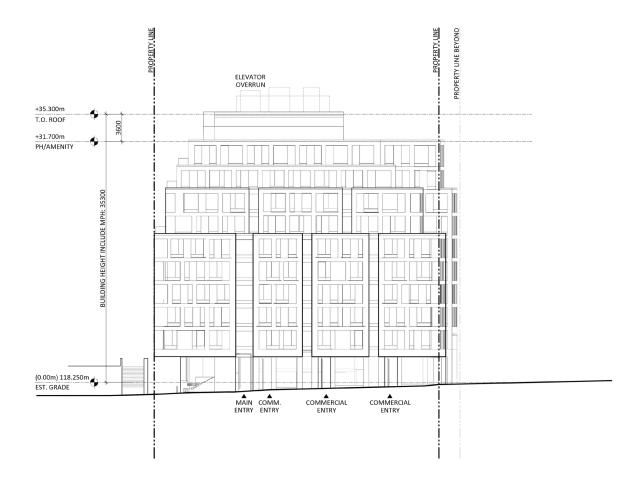


Attachment 5: Draft Zoning By-law Amendment			
Draft Zoning By-law Amendment will be available on or before November 15, 2023.			

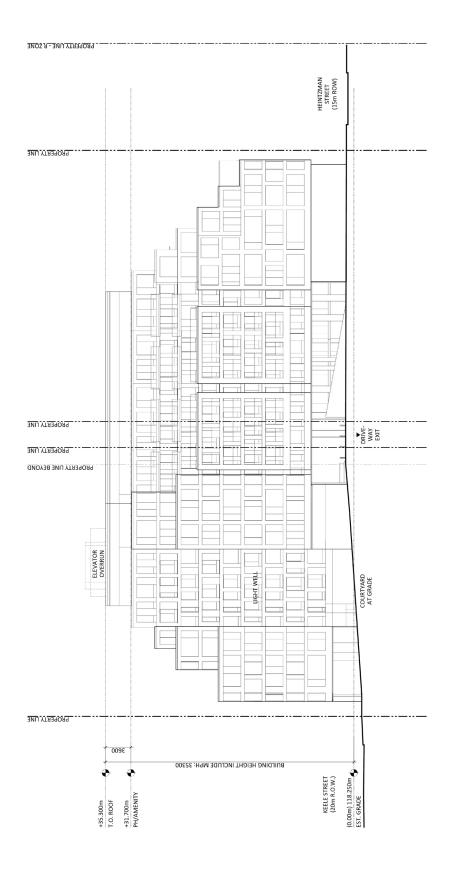
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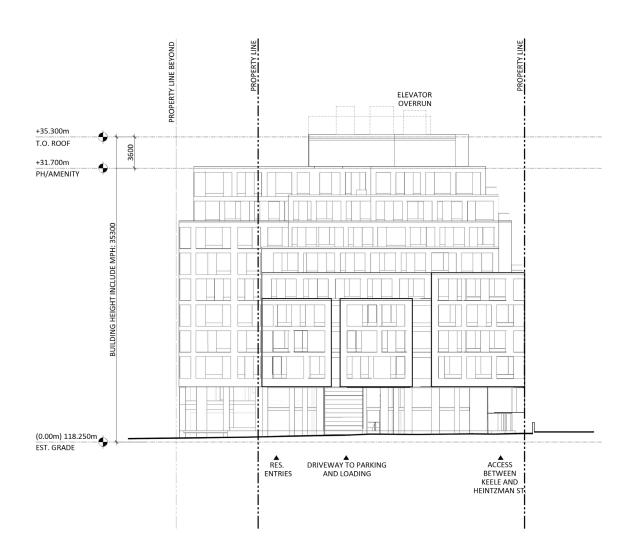
Site Plan

Attachment 6: Site Plan



West Elevation

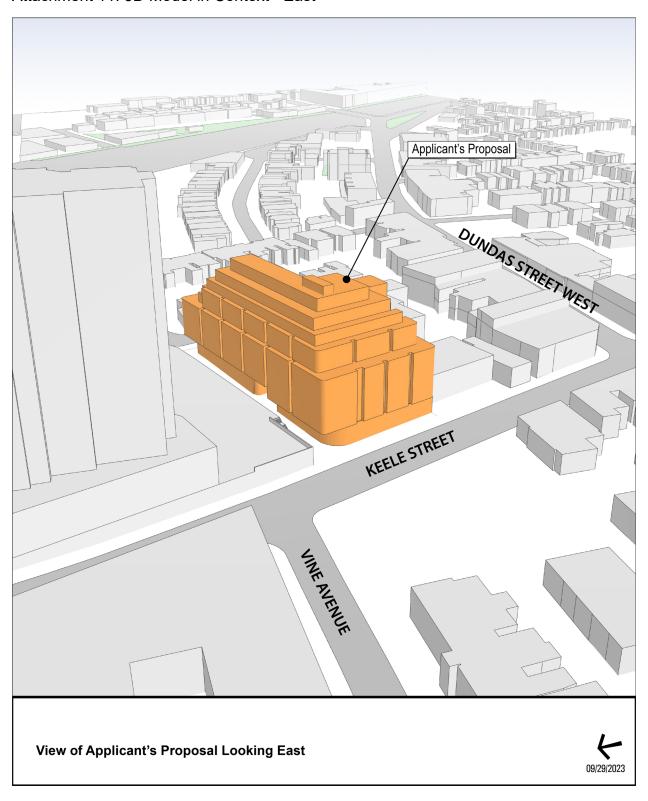




East Elevation



Attachment 11: 3D Model in Context - East



Attachment 12: 3D Model in Context - West

