

TORONTO STAFF REPORT

May 3, 2000

To: North York Community Council

From: Rob Dolan, Director, Community Planning, North District

Subject: Final Report
Applications to Amend the Official Plan and Zoning By-law
Monarch Construction Limited
17 & 25 Hillcrest Avenue and 18, 20 & 22 Elmwood Avenue
UDOP- 99- 45 and UDZ-98-33
Ward 10 - North York Centre

Purpose:

The purpose of this report is to make final recommendations regarding Official Plan and Zoning amendment applications by Monarch Construction Limited, the applicant, for permission to build a 33-storey residential building containing 216 units on a site occupying the middle portion of the block bounded by Yonge Street, Elmwood Avenue, Hillcrest Avenue and Doris Avenue. This application has been referred to the OMB. A Council position on the application is required.

Financial Implications and Impact Statement :

There are no financial implications resulting from the adoption of this report.

Recommendations :

It is recommended that the application be approved, subject to the following:

1. That Map D.1.6. of Official Plan Amendment 447 be amended to permit a height of 90 metres on the subject site.
2. That the Block Concept Plan attached to this report as Figure 4 be received as information, and that it be attached as an appendix to OPA 447.

3. That, subject to the applicant entering into a Section 37 Agreement, the R4 zoning on the site be amended to a RM6 exception zone to permit an apartment house dwelling, with the following exceptions:

Lot Coverage

- (a) the maximum lot coverage shall be 26 percent;

Yard Setbacks

- (b) for purposes of this by-law, Hillcrest Avenue shall be considered as the lot frontage;
- (c) the minimum yard setbacks shall be as follows:
- (i) front yard: 3.0 metres except for the front door canopy, which may project 2.95 metres into the setback area;
 - (ii) side yard: 5.0 metres; and
 - (iii) rear yard (facing Elmwood Avenue): 35 metres;
- (d) the provisions of By-law Section 6(9)(f), regarding projections into minimum yard setbacks, shall not apply;

Gross Floor Area

- (e) the maximum gross floor area shall be 19,848 m²;

Building Height

- (f) the maximum building height shall be as shown on Schedule 2 attached;

Parking

- (g) parking spaces are provided and maintained on the lands in accordance with the following requirements:
- (i) a minimum of 1.0 spaces per dwelling unit; and
 - (ii) a maximum of 1.4 spaces per dwelling unit;
- of which 10% must be designated for visitor use;

Unit Count

- (h) The maximum number of dwelling units shall be 216; and

Affordable Housing

- (i) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55 m² for bachelor dwelling units;
 - (ii) 70 for one-bedroom dwelling units;
 - (iii) 80 for two-bedroom dwelling units;
 - (iv) 120 for three-bedroom dwelling units; or
 - (v) any combination thereof.

Other conditions

- (j) The provisions of this exception shall apply collectively to the lands notwithstanding their future severance, partition or division for any purpose.
4. That, the owner enter into an Agreement with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13 as amended, in a form satisfactory to the City Solicitor and in consultation with the Director, Community Planning, North District, to secure the facilities, services and matters noted below:
- (a) gross floor area for use on the lands exclusively as recreational amenity areas, not exceeding 324 m² in total.
5. That prior to the OMB order on this application, the applicant shall have:
- (a) obtained Site Plan Approval from the Director, Community Planning, North District, with particular attention given to the comments of the Civic Officials set out in Attachments B through L of this report;
 - (b) executed a Tree Preservation Agreement as described in Attachment L of this report;
 - (c) conveyed to the City a 2.332 metre strip across the entire Elmwood Avenue frontage of the site, and a 0.84 metre strip across the Hillcrest Avenue frontage of the site, as described in Attachment B of this report;
 - (d) obtained the severance of the subject lands from the DeBoer's property on Yonge Street; and
 - (e) granted, to Bell Canada, any easements that may be required for telecommunication services, as described in Attachment I.

Background:

In December, 1998, Monarch Construction Limited submitted an application to amend the Zoning By-law to permit a 32-storey residential condominium apartment building containing 240 units. In February, 1999, North York Community Council adopted the Preliminary Report from the Director, Community Planning, North District, which authorized staff to continue to process the application.

In December, 1999, Monarch submitted a further application with respect to the proposed development, to amend the Official Plan to change the location of the 100 m-to-65 m maximum height transition line shown on Map D.1.6. of OPA 447.

The applicant has also submitted an application for Site Plan Approval.

Monarch has appealed the zoning application to the Ontario Municipal Board (OMB) . A hearing date has not yet been scheduled. The Official Plan Amendment application has not yet been referred to the OMB by Monarch, nor have they yet appealed the Site Plan application.

Proposal:

Proposed is the replacement of six existing single family dwellings located on the subject site with a 33 storey, 216 unit condominium apartment building. The proposed building would front onto Hillcrest Avenue. A private open landscape space would be located south of the building facing Elmwood Avenue, and a 6 metre wide strip of privately owned publicly accessible open space (to be secured in the Site Plan Agreement) would extend along the Elmwood frontage. Vehicular access to the underground parking garage and drop-off area will be from Elmwood Avenue, with an one-way north service driveway exiting onto Hillcrest Avenue. The proposed density is 4.5 FSI.

The site is located within the block bounded by Yonge Street, and Hillcrest, Elmwood and Doris Avenues. This block is across the street from Mel Lastman Square, the Ford Centre for the Performing Arts and due south of a major commercial and residential development under construction by Menkes Developments Inc.

West of the site, along the Yonge Street frontage between Hillcrest and Elmwood Avenues, are the DeBoer's furniture store, an optician, and a Dairy Queen store with second storey offices. East of this site is a residential condominium building currently under construction by Monarch Construction Limited.

Adjacent to the western boundary of the site is a two-storey detached dwelling at 10 Elmwood Avenue. The owner recently applied for a rezoning to permit the construction of a new two-storey office building on the lands, with a gross floor area of 314 m². Proposed FSI is 0.6.

Listed below are the pertinent statistics for the proposed residential building:

Site Area	4,410.6m ²
FSI (Density)	4.5
Gross Floor Area	19,847.7 m ²
Recreational space density exemption	324.0 m ²
Maximum Building Height	33 storey (90 metres)
No. of residential units	216 units
Proposed Parking	260 spaces
Required Parking (1.0 space/unit minimum) (1.4 spaces/unit maximum)	216 spaces minimum 364 spaces maximum

Official Plan:

The site is subject to Official Plan Amendment No. 447, the North York Centre Secondary Plan, and is located in the “Downtown” area described in the Plan. The majority of the site (the west portion) is designated DMU-3 (Downtown Mixed Use-3) which permits commercial, institutional, parks, recreational and residential uses. A small portion along the east property line is designated DR-1 (Downtown Residential-1). Both designations allow for a FSI up to 4.5 and permit up to 100 percent of the gross floor area to be used for residential purposes.

The Official Plan also allows density incentives and transfers that can add up to an additional one-third FSI. In conformity with the Official Plan, the applicant is proposing a density incentive of 324.0 m² for recreational space.

The Official Plan permits a building height of 65 metres on the eastern portion of the site and 100 metres on the western portion (see Figure 3). The proposed building is 90 metres (33 storeys) in height.

The proposal complies with the Official Plan with respect to use and density but requires an Official Plan amendment to increase the height of a portion of the building from 65 metres to 90 metres.

Zoning:

The site is zoned R4 (One-Family Detached Dwelling Fourth Density Zone) which permits single family dwellings. The applicant is seeking to rezone the site to RM6 (Multi-Family

Dwelling Sixth Density Zone), with exceptions for gross floor area, setbacks, lot coverage and height.

Site Plan

The Site Plan application has been reviewed by staff and will be approved following North York Community Council's adoption of this report. The Site Plan Approval shall be consistent with the conditions outlined in this report, with particular attention given to the requirements of civic officials contained in Attachments B through L.

Community Consultation:

The proposal was presented to the community at a meeting held on September 27, 1999. Councillors Gardner, Filion and their staff were in attendance, in addition to the applicant, City Planning staff and approximately 40 members of the public. The following concerns and comments were raised:

- that the proposal's location would block views from the "Boulevard", a new residential condominium building now under construction to the east of the site;
- that the proposal should not be permitted to exceed the 65 metre height limit established on part of the site;
- that to fulfil the parks levy, parkland should be provided instead of payment-in-lieu, to benefit the residents of the area;
- that the traffic generated by this project, and by all the new developments in the neighbourhood, would have an adverse effect on the area; and
- that the proposed development would diminish the property value at 10 Elmwood Avenue, just west of the site.

In addition, there was discussion about the optimal vehicular access to the site (whether it should be from Hillcrest Avenue or Elmwood Avenue). There was also discussion about the appropriate configuration and facing conditions of the open space fronting onto Elmwood (whether there should or should not be a row of townhouses or another building element flanking the open space, facing Elmwood).

Following this meeting, a Working Committee of interested residents was set up, to work with the City staff and the applicant to resolve the outstanding issues. Working Committee meetings, attended by approximately 12 residents, met on October 25 and November 2, 1999. However, given the complexity of the issues, coupled with the breadth of differing opinions on how matters should be resolved, it was not possible to obtain consensus on most issues. Residents generally

agreed that the building should front onto Hillcrest Avenue but take its primary access from Elmwood Avenue.

Planning staff reconvened with the Working Committee on April 25, 2000 to advise its members of the staff position on this project. Subsequently, planning staff received a letter from the Yonge Street Area Residents' Association requesting that the building height be reduced to 80 metres.

Public submissions are on file and available for review during office hours.

Comments:

Block Concept Plan

Planning staff requested the applicant to submit a concept plan to guide future development on for the entire block bounded by Yonge Street, and Elmwood, Hillcrest and Doris Avenues.

It is recommended that Council adopt the Block Concept Plan as shown in Figure 4, and that it be appended to the North York Centre Secondary Plan (OPA No. 447).

While a block concept plan is not specifically required under the Secondary Plan, OPA 447, it is a useful exercise in setting out potential development options for the balance of the block, setting out the locations of future buildings, build-to lines, open space, and access arrangements. The block concept plan demonstrates that all the development will take place in a manner that fulfils the objectives of OPA 447.

Height and Massing

The building height is proposed at 90 metres or 33 storeys. Height Map D.1.6. in OPA 447 shows that this site is subject to a 100 m height limit on its western portion and a 65 m height limit on its eastern portion. Therefore, an Official Plan amendment is required to permit the development of a 90 m building within the portion of the 65 m height area established in OPA 447.

In OPA 447, controls on height were established by the following steps:

- An 11 m height zone was set up within 75 metres of the Relevant Residential Property Line (RRPL; in the vicinity of the site the RRPL corresponds to the boundary of the Secondary Plan area). The purpose of the 11 m zone was to create a spatial separation and a transition in massing from the higher density areas closer to Yonge Street to the adjacent stable residential neighbourhoods east and west of the Secondary Plan area.
- To accommodate the areas for the highest intensity of development, a maximum height of 100 m was established for the lands fronting onto Yonge Street. In addition, all buildings

are required to be set back 4 m (establishing a build-to line) from the Yonge Street property line. To accommodate a transition in height, a 65 m height area was established mid-block. The extent of the 100 m and 65 m height areas was determined by splitting the distance between the 4 m build-to line on Yonge Street and the location of the 75 m distance from the RRPL. The intent of these height areas was to further refine the Plan's policy direction that encourages substantial intensity, massing and height along Yonge Street, with a stepping down to the 65 m mid-block area, and a further reduction to the 11 m area.

However, the boundaries between 100 m and 65 m and 11 m are not at all related to patterns of land ownership on these North York Centre blocks. The development parcel at 17 & 25 Hillcrest Avenue and 18-22 Elmwood Avenue straddles the 100 m and 65 m zones, and approximately half of it falls within the 100 m zone. The applicant could not, on this confined site, design part of the building at 65 m and part at 100 m. Also, the applicant could not contain the permitted density within the 65 m limit without establishing an elongated floor plan (a north-south "slab" building). A slab building would have resulted in undesirable light, view and privacy impacts on residential units in the Boulevard building at 188 Doris Avenue, and on the 18 Hollywood Avenue building (which fronts onto Elmwood).

The proposed slender, point tower building and its location, fronting onto Hillcrest Avenue, is intended to limit the light, view and privacy impacts on the surrounding buildings. Shifting the tallest building away from the Yonge Street frontage and into the centre of the block improves the morning sunlight conditions on Mel Lastman Square and on the Yonge Street boulevards north and west of the block.

While OPA 447 states that the height limits are absolute, it is not always practical to impose height area boundaries on properties where they do not relate or coincide to land ownership patterns. Therefore, some latitude in interpreting the height area boundaries is required in this site-specific instance. While adjusting a height area boundary could normally be done through a rezoning process rather than an Official Plan Amendment, the wording in OPA 447 regarding height limits is absolute, necessitating an amendment to the Plan in this instance. Therefore, the Plan should be amended to permit the development of a 90 m building within the portion of the 65 m height area established in OPA 447.

Staff conducted an extensive shadow analysis of the proposal and found that the shadow effect caused by the increased height to 90 m for the eastern portion of the tower is negligible. Generally, the shadow effect of the increased height of the eastern part of the tower is negated by the shadow of the western part of the tower. The shadow studies also demonstrated that the increased height would not increase the shadow impacts on the publicly accessible, privately-owned open space fronting onto Hillcrest Avenue, because a 65m tower would already shadow the open space.

As noted earlier in this report, the block containing the proposed development is located on the east side of Yonge Street, opposite Mel Lastman Square. An important consideration in evaluating the proposed height increase was the impact of shadows on the Square. The shadow

analysis demonstrated that the proposed massing would have less shadow impact on Mel Lastman Square than a 100 m building fronting onto Yonge Street.

Overall, the shadow studies demonstrated that the proposed height increase would not have a negative impact on sun/shadow conditions on the site or its context. Members of the public may view these studies at the offices of Community Planning, North District.

Urban Design

OPA 447 sets out urban design principles for built form and height, and lists general urban design objectives to be achieved, including the following:

- building facades should relate to and aid in defining the street; and open spaces;
- appropriate transitions in height between the highest intensity areas along Yonge Street and the residential community adjacent to the North York Centre should be provided;
- entrances to loading, service, garbage pickup areas, parking and other similar use should be hidden to the greatest degree possible from the view of the street; and
- pedestrian areas should be designed to ensure that acceptable wind and thermal comfort conditions are maintained or enhanced.

During the Working Group meetings, a number of alternative site plans were reviewed that looked at varying combinations of street enclosure and publicly accessible open space on the site. The options were debated extensively, without consensus from the group. In a further review of this application, staff concluded that they could support a development that included:

- a slender tower along Hillcrest;
- a large private open space south of the tower;
- a one-storey building attached to the tower at the north-eastern end of the open space; and
- a 6m wide publicly accessible open space along Elmwood Avenue, abutting the large private open space.

Amendments to OPA 447

Sections 1.15 of OPA 447 states that: “any general change in the boundaries, densities or heights of the Downtown ... shall be preceded by a comprehensive review of this Secondary Plan, or of a major portion of this Plan... ad hoc, site-specific amendments that are not consistent with basic principles of this Secondary Plan or that create uncertainty will be discouraged.”

The sun/shadow and urban design studies undertaken in conjunction with the proposed Official Plan Amendment to amend the height limit on Monarch's site demonstrate that the proposed development is consistent with the basic environmental policies of the Secondary Plan (as contained in Section 5). At a height limit of 90 metres, the project will meet the general urban design objectives, built form policies, and considerations regarding pedestrian environment set out in the Secondary Plan.

Section 1.16 of OPA 447 states that: "Council, in considering site-specific amendments to this Secondary Plan, shall be satisfied that the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of this Secondary Plan dealing with boundaries, land use, density, height or built form."

The proposed amendment is minor in nature, and local in scope, since it adjusts a height limit from 65 to 90 metres on part of a site to conform to the pattern of land ownership. The height limit adjustment on this site does not materially alter height provisions for the remainder of the North York Centre.

Open Space

The application contains approximately 1,700 m² of private open space over the proposed underground parking garage, with sufficient planting depth to accommodate trees. The size of the open space exceeds the outdoor recreational space requirements in the Official Plan.

A 6 m wide strip of privately owned, publicly accessible open space (to be secured in the Site Plan Agreement) extends along the Elmwood frontage. This open space will be designed with lighting, benches and landscaping that promotes safe, comfortable public use. Given that the open space is to be landscaped and maintained at private expense for public benefit, it is a very positive contribution to the neighbourhood.

In addition to the 6m open space along Elmwood Avenue, the Site Plan Agreement will also secure a streetscape design that preserves existing street trees on both Elmwood and Hillcrest Avenues.

The parkland dedication requirement options for residential developments in the North York Centre are set out in OPA 447. These options include:

- an on-site parkland dedication of 10% of the site area; or
- an off-site parkland dedication within 0.8 km of the site when the adjacent community is deficient in parkland; or
-
- cash-in-lieu of parkland.

In this instance, given that the adjacent community is deficient in parkland, Parks and Recreation have recommended that the applicant provide on-site or off-site parkland (refer to Attachment F).

The applicant is making efforts to obtain off-site parkland to fulfill its obligations under OPA 447.

Long Range Development Levels

As shown in Attachment A, the estimated number of residents generated by this proposed development will fall within the long-range population levels established by the Secondary Plan.

Affordable Housing

Part C.4 (Housing) of the North York Official Plan requires at least 25% of new multiple unit residential buildings with 20 or more units to be affordable housing. Accordingly, the amending by-laws will specify that a minimum of 25% of the units must be a combination of:

- bachelor units of a maximum size of 55 m²;
- 1-bedroom units of a maximum size of 70 m²;
- 2-bedroom units of a maximum size of 80 m²; and
- 3-bedroom units of a maximum size of 120 m².

Required Severance

The applicant needs to obtain a severance of the subject lands from the deBoer's property on Yonge Street.

Comments from Civic Officials

The comments received from civic officials are contained in Attachments B through L. Of particular note are the following requirements:

- the conveyances of a 2.332 metre strip across the entire Elmwood Avenue frontage of the site, and a 0.84 metre strip across the Hillcrest Avenue frontage of the site (Attachment B);
- the execution of a Tree Preservation Agreement (Attachment L); and
- the granting, to Bell Canada, of any easements that may be required for telecommunication services (Attachment I).

In addition, the Toronto Catholic School Board has advised the City that it will object to the proposed Zoning By-law amendment due to the lack of permanent facilities and overcrowding at area schools (Attachment J).

Processing of Site Plan Application

The Site Plan Application has been reviewed by staff and will be approved following North York Community Council's adoption of this report.

Conclusions:

This report recommends approval, subject to conditions, of this application for Official Plan and Zoning By-law Amendments to build a 33-storey residential condominium building. The proposal is consistent with the land uses and density policies of the North York Centre Secondary Plan, and the increase in height to 90 metres is acceptable from an urban design perspective.

Adoption of this report will allow the City Solicitor to present Council's position at the Ontario Municipal Board.

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List of Attachments:

Current Official Plan Map

Current Zoning Map

Figure 1: Proposed Site Plan
Figure 2: Proposed Elevations
Figure 3: Proposed Elevation
Figure 4: Block Concept Plan

Attachment A: Summary of Estimated Residents in the [North York] Downtown
Attachment B: Comments of Works and Emergency Services, Development Services
Attachment C: Comments of Fire Services
Attachment D: Comments of Works and Emergency Services, Transportation Services
Attachment E: Comments of Toronto Public Library
Attachment F: Comments of Parks and Recreation, Policy and Development Division
Attachment G: Comments of Rogers Cable
Attachment H: Comments of Public Health, Healthy Environments
Attachment I: Comments of Bell Canada
Attachment J: Comments of Toronto Catholic School Board
Attachment K: Comments of the Toronto Transit Commission
Attachment L: Comments of Parks and Recreation, Urban Forestry
Attachment M: Comments of Toronto Transit Commission