

TORONTO STAFF REPORT

December 18, 2002

To: North York Community Council

From: Acting Director, Community Planning, North District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law 7625
3792 - 3846 Bathurst Street
KeeleValley Properties
TBCMB 2002 0004 & TB SPC 2002 0076
Ward 10 York Centre

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a development comprised of two, eight storey apartment buildings and one six storey apartment building containing a total of 281 units and includes a rental replacement and tenant assistance package located at 3792 - 3846 Bathurst Street.

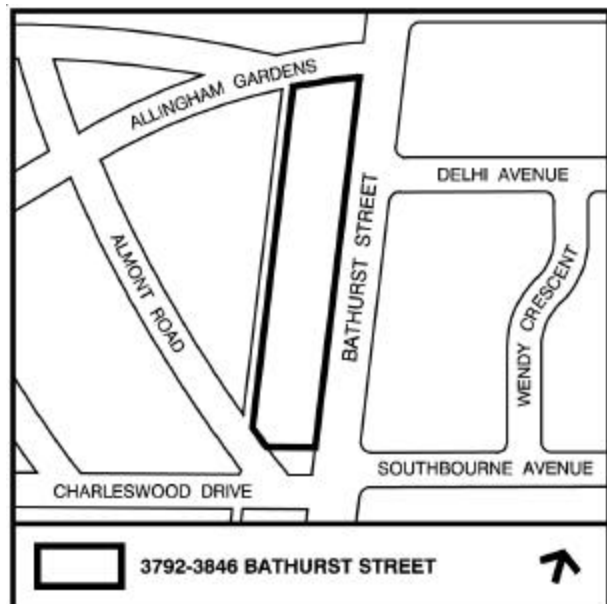
Financial Implications and Impact Statement :

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

Recommendations :

It is recommended that City Council:

- (1) Amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6.



- (2) Amend Zoning By-law 7625 for the City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
- (3) Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (4) Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement under the Planning Act, to the satisfaction of the City Solicitor in consultation with the Commissioner of Urban Development Services, including registration of such agreement as a first charge against the lands, securing the rental housing replacement and tenant assistance as set out in Attachments 8 and 9;
- (5) Before introducing the necessary Bills to City Council for enactment, require the owner to obtain Site Plan Approval from the Acting Director, Community Planning, North District, under Section 41 of the Planning Act; and,
- (6) Before introducing the necessary Bills to City Council for enactment, the owner shall convey or cause to be conveyed to the City for a nominal sum, free of all encumbrances, 6.1 metre radius corner rounding at the corners of Bathurst Street and Allingham Gardens and Allingham Gardens and the public laneway as public highway.

Background:

Proposal

This is a proposal for the redevelopment and intensification of a site which currently contains twelve, 2 storey apartment buildings with a total of 96 rental dwelling units, of which 87 were occupied and had affordable rents at the time the applications were made (April 2002).

The applicants propose to intensify this site by demolishing the existing apartment buildings and redeveloping the site with one six storey and two eight storey residential buildings with a total of 281 dwelling units. One building will be an 81 unit conventional rental building to replace the existing 96 rental units which are to be demolished. The applicant is proposing that all of the 81 replacement rental units have affordable rents. The applicant is also proposing to provide assistance beyond that required by the Tenant Protection Act to those tenants residing in the buildings as of the date the applications were filed (April 2, 2002) who would be evicted because of the demolition (see page12).

The other two buildings are proposed to be condominium tenure, with each building containing 100 units for a total of 200 condominium units on the site. The proposed density of development is 3.4 FSI. Two levels of underground parking with 402 parking spaces are proposed. Vehicular access to the site will be from the existing public lane abutting the west property line of the site. The proposed site plan is contained in Attachment 1, the elevations are contained in Attachment 2 and the Application Data Sheet is contained in Attachment 5.

Site and Surrounding Area

The subject lands are 8,055 m² (0.8 ha) in area and are located on the west side of Bathurst Street, north of Wilson Avenue. The site has 218 metres of frontage and has a depth of 39 metres. Vehicular access to the site is from a 6 metre (20 ft.) wide public lane located to the rear (west) of the site and running parallel to Bathurst Street between Almont Road and Allingham Gardens.

Development along Bathurst Street to the north, up to Almore Avenue and Timberlane Drive comprises a mix of commercial and residential uses ranging from two to nine storeys in height. Low density residential neighbourhoods are located on both sides of Bathurst Street beyond these frontage properties.

Abutting uses are as follows:

North: Commercial plaza located on the north side of Allingham Gardens;

South: A one storey commercial building (Steve's Restaurant);

East: Commercial development located across Bathurst Street;

West: 6 metre (20 ft.) wide public lane beyond which are single detached residential dwellings which front onto Almont Road and Allingham Gardens.

North York Official Plan

The subject lands are designated Residential Density Three (RD3) in the City of North York Official Plan (see Attachment 3). A range of dwelling types are permitted including low-rise apartments, townhouses and other multiple-attached dwellings. The density of the existing development on the site is 120 units per hectare (52 units per acre), whereas the maximum permitted density is 100 units per hectare (40 units per acre).

With respect to rental demolition, the former City of North York Official Plan states the following:

“when considering applications which have the effect of removing existing multiple residential housing from the market, Council shall require where appropriate that at least the same number of units be replaced through the redevelopment project and, where possible, that the units are made available at the same level of affordability.”

New Official Plan

The new Official Plan was adopted by Council on November 28, 2002 and contains policies that guide growth and development in the City. The new Plan sets out the urban structure for the City, including policies for the integration of land use and transportation and policies to guide the

built environment. There are policies which encourage the development of new private sector rental housing and the preservation of existing rental housing. The subject lands are designated *Mixed Use Area* which provides for a range of residential, commercial, institutional and open space uses with the objective of accommodating increases in population and jobs along transit lines.

Zoning

The subject lands are zoned C1 – General Commercial Zone (see Attachment 4). This zone permits a range of commercial and residential uses, including apartment dwellings with a maximum height of 11.5 metres. The heights of the proposed developments is 17.5 metres (6 storeys) for the rental building and 23.5 metres (8 storeys) for each of the two condominium buildings.

Site Plan Control

The applicant has submitted a site plan application. Prior to the enactment of any zoning by-law, the applicant shall have received site plan approval.

Reasons for Application

The application is to increase the density limits in the former North York Official Plan and amendments to the zoning regulations for height and setbacks are also required. The proposal, if approved, would result in the demolition of rental housing and affordable housing and therefore replacement of the rental units at similar rents and assistance to the tenants is required.

Community Consultation Meeting

A Community Consultation meeting was held on June 17, 2002 with approximately 70 area residents in attendance. At that time, all three apartment buildings were proposed to be eight storeys in height. Since that meeting, the applicant has proposed lowering the height of the southern most building (the rental replacement building) from eight to six storeys in height. Issues raised include the impact on the local streets and on Bathurst Street in terms of traffic congestion and the impact of the proposed development on the overflow parking problem generated by the restaurant located directly to the south. Residents indicated there is presently a need for a crosswalk at Charleswood Drive and Bathurst Street and that this would become more necessary with this development. Also raised was the potential for overlook by residents of the proposed development into the backyards of homes which front onto Almont Road and Allingham Gardens. Some residents indicated that the proposed development, featuring enclosed garbage facilities and underground parking, would be an improvement to this site. Other residents felt that while the proposed development would be an improvement for the area, the proposed height and density was too high. The need for children's play area on the property was cited.

There were questions about the proposed Rental Housing Replacement Package and Tenant Assistant Package offered by the applicant which focused on the timing of construction of the three buildings (phasing) and proposed rent levels. To address these concerns in more detail a second meeting was held for tenants.

Tenants' Consultation Meeting

The applicant presented their proposed Tenant Assistant Package at a meeting for tenants of 3792 – 3846 Bathurst Street which was held on July 9, 2002. There were approximately 40 tenants in attendance. Feedback from the tenants in attendance on the applicant's proposed Tenant Assistant Package was generally positive although there were concerns about rents and interim accommodation. Questions asked included the timing of the notice of termination of lease, whether the information presented at the meeting would be available in writing, whether re-applying for a new rental unit would be necessary, whether upgrading from one to two bedroom units would be possible, what the rent levels in the new building would be and when more information on what laundry and storage facilities in the new building would be available.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

North York Official Plan

The North York Official Plan requires that applications for residential intensification are to be reviewed to ensure that the proposed development is compatible with adjacent development, that it represents good urban design and that the community continues to function as a safe and pleasant place to live. An evaluation of the proposal using Part C-4 Housing, Section 5.0 "Criteria to Guide Redesignation to a Higher Density" and Section 4.0 "Development Criteria" is contained in this section. The Official Plan policy concerning the preservation of rental housing stock applies and is also discussed in this section.

Criteria to Guide Redesignation of Residential Lands to Higher Density

Part C.4, Section 5 establishes criteria to consider redesignation of lands to a higher density. Proposals for intensification are to be evaluated on matters which include: adequacy of community facilities, transportation impact, contribution to housing mix, site suitability and the provision of on-site benefits. The evaluation of the application with respect to these criteria is discussed below.

Adequacy of Community Facilities

Clanton Park is 5 hectares (12 acres) in area and is located one-half a kilometre north on Bathurst Street from the subject property. The Armour Heights Community Centre and Library is located one kilometre to the east along Wilson Avenue. Access to Earl Bales Park via Westgate Boulevard is approximately 2.5 kilometres (1.5 miles) from the subject site. Summit Heights Public School is located two blocks away on Delhi Avenue on the east side of Bathurst Street. The school site, at 2.6 ha (6.5 acres) in area, functions as a community park for area residents with sportsfields and basketball courts. A large playground and a tot lot on the school property were substantially upgraded last year. The Toronto District School Board advises that there is capacity for students at Faywood Arts Based School, Dublin Heights Elementary and Middle School and at the Sir Sandford Fleming Academy. It is concluded that community facilities are adequate for the proposed development.

Transportation Impact

Proximity to Public Transit and Access to Arterial Roads

The site has immediate access to bus service on Bathurst Street and is within walking distance (300 metres) of bus service on Wilson Avenue. During the peak service period, a bus passes through the Bathurst/Wilson intersection in one of four directions every 3 to 4 minutes. Due to the location of the site close to the intersection of Bathurst Street and Wilson Avenue, there is excellent access for motorists. The proposed development at this site means people will have the opportunity to more efficiently use the City's transit service and road network, which conforms to the intent of the new Official Plan.

Traffic

The Works & Emergency Services Department notes that the additional traffic generated by the proposed 281 residential units will have a negligible impact on Bathurst Street, the intersection with Wilson Avenue and local streets as demonstrated in the applicant's Traffic and Parking Impact Study.

Parking

A Traffic Impact and Parking Study prepared by Marshall Macklin Monaghan on behalf of the applicant proposes a parking reduction from 1.5 to 1.25 spaces per unit for the rental replacement building. This includes the visitor component remaining at 0.25 spaces per unit. Parking for residents and for visitors for the two condominium buildings is to be provided at the by-law standard. The applicant's Traffic Impact and Parking Study was acceptable to the Works & Emergency Services Department. The table below details the parking supply and standards associated with the rental and condominium components of the proposed development.

Project Component	Number of Units	Parking Proposed			Parking Required		
		Total	Resident	Visitor	Total	Resident	Visitor
Condominium	200	300	250	50	300	250	50
Rental	81	102	81	21	122	101	21
Total	281	402			422		

Mix of Housing

The proposal will introduce a mix of housing tenure and costs in the form of condominium and affordable rental apartments and contributes to the range of housing opportunities for the community. The 81 rental units that are proposed will assist in addressing the shortage of rental housing in Toronto. The applicant’s tenant assistance package and measures to maintain affordable rent contribute to the range of affordable housing available in the community.

Site Suitability

Vehicular access to the site, drop-off, pedestrian circulation and loading for the proposed development can be satisfactorily accommodated on this site. The existing two way public lane located at the rear (west) side of the property can be accessed from either Almont Road or Allingham Gardens and provides satisfactory vehicular access and drop-off to the development. As well, the applicant will regrade the lane in accordance with City requirements. The applicant will improve existing lighting in the lane. There is improved pedestrian access with new walkways on the site, around and between the proposed buildings. Loading and servicing is consolidated at the rear of the buildings adjacent to the public lane for access and is satisfactory. The site can accommodate the pedestrian, vehicular and servicing needs of the proposed development.

Net Benefit to Residents

The former North York Official Plan requires that a proposal to intensify a site provide a net benefit in terms of on-site facilities and improvements to site amenities.

The application involves the demolition of 12 rental buildings currently on the site that contain 96 apartment units. The applicant is replacing 81 of the 96 rental units presently on the site and has proposed a Tenant Assistance Package that allows existing tenants to move into one of the new rental units at approximately the same rent as they paid at the time the development application was filed. The applicant has offered eligible existing tenants assistance with interim costs during demolition and construction. In addition, rents in the replacement rental building will be controlled for a period of ten years ensuring their continued affordability despite potential tenant turnover during that period. The applicant’s proposal meets the intent of the North York Official Plan Housing policies and is discussed in greater detail later in this report.

The applicant is proposing new indoor and significantly enhanced outdoor amenity space. In terms of the amount of landscaped open space, there will be 396 square metres less than what exists today. However, there was previously no indoor amenity space in the existing development and the enhanced landscape and outdoor amenity space, detailed later in this report, represents a significant improvement in quality over what is available in the existing development.

Development Criteria for Intensification

Along with the criteria contained in Section 5.0 and noted above, the application is subject to Development Criteria for Intensification which is discussed below.

Compatibility with Adjacent Residential Neighbourhoods

Built Form

The three mid rise buildings are sited and designed to enhance the streetscape and create an interesting pedestrian realm along Bathurst Street with at grade units providing a front door presence on Bathurst Street with individual gardens and walkways. The front yard setbacks of 3.5 metres for the two condominium buildings and 4.0 metres for the rental replacement building create an appropriate privacy setback from Bathurst Street for the ground related apartment units, similar to the setback for the existing buildings.

The northern face of the proposed building fronts onto Allingham Gardens and the southern face can be viewed, over the adjacent one storey commercial building from Almont Road. These two building faces have been designed to reinforce their corner locations.

All parking, with the exception of four visitor spaces is underground, which is an improvement to the appearance of the rear of the property where parking is now in rear garages. Similarly, waste storage will be inside the buildings which is also an improvement over the present outdoor waste storage situation located at the rear of the existing apartment buildings.

All three buildings will contain the same design elements, materials and colours to create a unified site development.

Height

The proposed development exceeds the height permitted under the existing C1 zoning of 11.5 metres for apartment buildings. The proposed height is 17.5 metres (6 storeys) for the rental replacement building and 23.5 metres (8 storeys) for each of the two condominium buildings.

As shown on Attachment 4, the street pattern of Allingham Gardens and Almont Road forms a large triangular shaped block with 16 houses fronting onto these two streets and deep lots ranging from the smallest at 30 metres (98 ft.) to the largest at 75 metres (246 ft.) in depth.

A 6 metre wide public lane, along with a rear setback of 11.5 metres, provides a total separation space of 17.5 metres from the proposed buildings to the rear property line of the adjacent residential block.

Although the Official Plan does not require a 45 degree angular plane, staff undertook a review of the height of the proposed buildings in terms of 45 degree angular plane and shadowing impacts. To help reduce shadows and the projection into the 45 degree angular plane, the applicant has stepped back the 7th and 8th floors by 1.8 metres and reduced the floor to ceiling heights. The result is that a portion of the eighth floor projects into the 45 degree angular plane.

Shadow studies show that there is a partial shadowing of the rear and side yards of the homes on Allingham Gardens that are closest to the proposed development during the fall and winter prior to 10:00 a.m. At all other times of the year the homes along Allingham Gardens are not adversely affected by shadows. There are no shadow impacts on the homes on Almont Road.

The orientation of the single detached homes to the proposed apartment buildings is at an oblique angle rather than a directly facing perpendicular angle, which is the more typical residential block pattern. The oblique angle lessens the impact of overlook from the proposed development on the existing homes.

The height of the proposed development is considered to be compatible with the character of Bathurst Street located further to the north along both sides of Bathurst Street up to Almore Avenue and Timberlane Drive where development heights range from two to nine storeys.

Use of the Public Lane

Residents accessing the underground garage of the proposed development as well as service vehicles will use the existing public lane located at the rear of the proposed development. There will be additional traffic and noise due to this use, however, the separation distance between the houses to the west and the proposed development is enough to lessen the impact of this function on these homes. As well, the owners of the single detached homes have erected a fence along their rear property line and this, along with existing planting, serves to mitigate noise and visual impact. It is preferable to have vehicle access at the rear of the subject property so as to improve the pedestrian environment along Bathurst Street and where it does not interfere with traffic operations.

Landscaping and Pedestrian Amenities

The landscaped open space is provided as the front gardens along Bathurst Street and as outdoor space at the rear of the buildings and consists of trees, hedges, garden areas, ornamental fencing, and seating areas. A TTC stop is located at the northwest corner of the site and a public seating area and landscaping for transit users is provided on the applicant's property at this location.

The entrance to the two condominium buildings is shared and is identified with landscaping and unit paving features. Canopies are also provided at the front and rear entrances providing

weather protection. A second significant landscaping and paving feature is located between the rental replacement building and the southern condominium building and screens the drop-off and the entrance to the underground garage.

An existing row of Norway Maples is located along the Bathurst Street frontage on private property. Due to the location of the proposed underground garage, the existing trees cannot be retained, however, the applicant will replace these trees with new street trees on the City boulevard and an additional row of small trees associated with the front yard gardens of the proposed ground related units.

Proposed pedestrian walkways provide safe and comfortable access to the apartment buildings and through the development block.

Amenity Space

The rental building will have a 115 square metre indoor multi-purpose room on the ground floor with washrooms and a kitchen. The multi-purpose room will have access to a 210 square metre outdoor amenity area containing seating and planting and which includes a 25 square metre children's play area with play equipment. The two condominium buildings are proposed to have 400 square metres of indoor amenity space on the ground floor. The amenities will include washrooms, kitchen and boardroom space. There will be 430 square metres of outdoor amenity space for the two condominiums which consists of seating and planting. The amount of indoor and outdoor amenity space provided is acceptable and represents a significant improvement over the existing development.

New Official Plan

The proposed development is consistent with the overall vision, the principles and built form policies contained in the Official Plan. New private sector rental housing is proposed to replace older units with the affordability levels of the older units maintained. The subject site is designated as a *Mixed Use Area* which permits residential uses and the proposal meets the Development Criteria in the Plan as follows:

- contributes to a balance of uses that reduces automobile dependency and meets the needs of the local community;
- assists in accommodating the new housing needed by Toronto over the coming decades;
- provides adequate setbacks and appropriate building massing to provide a transition to the adjacent low density neighbourhood;
- minimizes shadow impacts on the adjacent neighbourhood;
- sites the proposed buildings to frame the edge of the street and maintain a comfortable pedestrian environment;
- creates an attractive, comfortable and safe pedestrian environment;
- has access to community facilities;
- takes advantage of nearby transit services;

- has good site access and circulation and adequate parking for residents and visitors;
- locates and screens service areas to minimize impact on adjacent streets and residences, and;
- provides indoor and outdoor amenity space for building residents.

Preservation of Rental Housing Stock

Both the North York and the new Official Plans contain policies that take into account the fact that rental housing is a significant part of the City's housing stock and demand for rental housing, especially at affordable rates is currently strong. The applicant has proposed a strategy for rental replacement, the provision of affordable housing and tenant assistance which meets the intent of both the former City of North Official Plan and the new Official Plan. The applicant's proposal is outlined below and the applicant has agreed to enter into a Section 37 Agreement prior to the introduction of the Bills to Council for enactment in order to secure the items listed below.

Applicant's Proposal for Rental Replacement Housing

Replacement Rental Housing:

- 81 new rental units will replace the existing 96 units which represents an 85% replacement rate;
- the owner shall maintain the rental building as a conventional rental building for a minimum of 20 years;
- the replacement rental building shall be ready for occupancy at the same time or before the condominium units are available;

Replacement of Affordable Rental Housing:

- at the time of filing the applications, 87 of the existing 96 units had affordable rents;
- all 81 replacement units will have affordable rents, including that rent increases will generally be limited to the guideline and vacancy decontrol will not apply during the first 10 years of operation;
- in the event that provincial legislation continues to exempt new rental buildings from controls on rent increases, the limits on rent increases that are to apply for the first 10 years of operation will continue to apply for any tenant occupying a unit at the end of the tenth year for as long as they remain in their unit;
- initial rents for the 81 affordable units are to be based on CMHC city-wide average rents in effect October 2002, being the year the applications were filed. Tenants who move into a replacement rental unit will pay a lower rent; (see points below)

Assistance for Tenants:

- all tenants will be given 6 months notice of the eviction instead of 4 months;
- any tenant served with a notice who was also resident on the date the applications were filed (April 2, 2002) will be eligible for assistance from the owner above the minimum level required under the Tenant Protection Act ;
- eligible tenants will have right of first refusal to take up one of the replacement rental units and their rent will be based on the rent they were paying at the time the applications were filed plus guideline increases and a one time increase of 4% (if the tenant takes up a different unit type than the type they last occupied, their rent will be based on average rents for that unit type;
- alternate housing during the construction period may be available to eligible tenants, and;
- financial help for moving costs will be provided with the amount varying depending upon tenant choices with respect to alternate accommodation.

Conclusions:

The proposed development is appropriate as it meets the intent of both the North York Official Plan and the new Official Plan. The development is located on an arterial road and close to a major intersection which is well served by transit which meets a principle of the Plan to integrate land use and transportation. The proposed development is compatible with the character of the area and would not generate any significant negative impacts on nearby residential properties and it brings improved landscaped open space and indoor and outdoor amenity space for the site. The 96 existing rental units on the site will be replaced with 81 units and all of the rents will be affordable for at least 10 years with terms to ensure that the units remain affordable for tenants who have stayed in the building at the end of the 10 year period. Eligible tenants will also receive assistance including the right for a replacement rental unit at a rent similar to that which they currently pay.

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List of Attachments:

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Official Plan

Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Zoning By-law Amendment

Attachment 8: Confirmation of Offer - letter dated September 10, 2002

Attachment 9: Draft Terms of Proposed Agreement dated December 11, 2002