

TORONTO STAFF REPORT

July 4, 2000

To: North York Community Council

From: Director, Community Planning, North District

Subject: Final Report
Official Plan and Zoning By-law Amendment
1465 Lawrence Avenue West
R & G Management Inc.
File UDOZ 99 - 27
Ward 6 - North York Humber

Purpose:

This is a final report on an application for an Official Plan Amendment and Zoning By-law amendment for the development of a 5 storey, 60 unit rental apartment building on a lot with an existing 20 storey apartment building.

Financial Implications and Impact Statement :

There are no financial implications associated with this report.

Recommendations :

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

- (1) That the Official Plan for the lands known as 1465 Lawrence Avenue West be amended as follows:

C. 9.222 LANDS ON THE SOUTH SIDE OF LAWRENCE AVENUE WEST WEST OF KEELE STREET.

Permitted Uses: multiple unit apartment housing.

Density: the total maximum density on the site shall not exceed 2.1 FSI.

- (2) That the zoning of these lands be amended to RM6(98) to provide the following:
 - (a) The only permitted use shall be two apartment house dwellings.
 - (b) The maximum number of dwelling units shall be 221.
 - (c) The maximum building heights shall be as set out on Schedule RM6 (98).
 - (d) The maximum gross floor area shall be 21,360 square metres.
 - (e) The minimum yard setbacks are as set out on Schedule RM6 (98).
 - (f) Section 20 A 2.4.1 the separation distance between buildings does not apply.
 - (g) The landscaped open space shall be 7115 square metres.
 - (h) That a minimum 25% affordable dwelling units be provided (any combination of maximum floor areas: 55 sq. m. bachelor units, 70 sq. m. one-bedroom units, 80 sq.m. two-bedroom units, 120 sq. m. three bedroom units).
 - (i) Section 6A(16) (c) i, regarding the location of the loading space does not apply.
 - (j) (i) a minimum of 273 parking spaces are required, and;
(ii) a maximum of 43 parking spaces shall be provided on the surface of which a minimum of 36 spaces shall be for visitor parking.

- (3) That prior to the adoption of the Official Plan Amendment and enactment of the Zoning By-law by Council, the applicant enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13 as amended, to secure the matters noted below:
 - (a) to construct, provide and maintain on the lands one additional rental apartment house dwelling containing 60 units for a period of twenty years commencing when the zoning by-law amendment is in full force and effect;
 - (b) to ensure that for a period of twenty years, the existing rental apartment house dwelling will be preserved and maintained as rental housing stock;
 - (c) that no application for condominium conversion or for demolition to construct anything other than rental housing units will be made in respect of the apartment house dwelling presently located on the site and the additional rental apartment house dwelling contained in (a) above during the twenty year period; and,

- (4) That prior to the enactment of any re-zoning of this property at 1465 Lawrence Avenue West, the Director, Community Planning North District and the Director and Deputy Chief Building Official, North District and the City Solicitor do all things necessary to ensure the zoning compliance of the apartment house dwelling at 1455 Lawrence Avenue West.

- (5) That Zoning By-law 23035 be repealed.

- (6) That prior to the enactment of the zoning by-law, the Director, Community Planning North District shall have granted site plan approval and the site plan as approved shall ensure that street trees are provided on Lawrence Avenue West, that additional landscaping at the perimeter and in the interior of the property is provided, that the existing fencing is improved and repaired, that two lockable gates to Amesbury Park are provided and that pedestrian walkways are added;
- (7) That the conditions of Works and Emergency Services – Development, Works and Emergency Services – Transportation, Economic Development, Culture and Tourism, Fire Services Department, North Command and the Public Health Department, Health and Environment Division attached as Schedules “F”, “G”, “H”, “I” and “J” be met.
- (8) That prior to the issuance of any building permits the applicant shall submit a Record of Site Condition, acknowledged by the Ministry of Environment.

Background:

The site is located on the south side of Lawrence Avenue West, west of Keele Street and is currently occupied by a 20 storey, 161 unit rental apartment building. In April 1999, the OMB upheld a Committee of Adjustment decision to refuse a proposal for 18 townhouses on the site. The owner has since submitted an Official Plan, zoning by-law and site plan approval applications proposing a 5 storey apartment building with 60 units in an alternate location on the property.

The 1.02 hectare site is bounded by Lawrence Avenue West to the north, Amesbury Park (12.3 hectares) and a Fire Station to the south and west, and a 20 storey residential condominium located on the property to the immediate east. The property was originally developed in the 1960's in conjunction with the adjacent apartment building to the east. The two buildings are representative of the “tower in the park” concept. Opposite the site, across Lawrence Avenue there are two 13 storey apartment buildings and semi-detached units which front Lawrence Avenue further to the west. An eight storey residential development is proposed for the south-west corner of Lawrence Avenue West and Keele Street.

The Proposal

A five storey apartment building is proposed as infill development between the two existing high rise residential buildings; 1465 to the west and 1455 to the east. The proposed building is to be oriented in a north south direction and will be located closer to Lawrence Avenue West than the two existing high rise buildings. The units on the western elevation will face the existing rental building across a courtyard and the units on the eastern elevation will face open space, an existing driveway and the existing condominium. The units range in size from 86.3 sq. metres (929 sq. ft.) to 65.7 sq. metres (707 sq. ft.). The westerly driveway will be reconfigured to provide access to the front of 1465 Lawrence Avenue West and the easterly driveway is to be used by 1455 Lawrence Avenue West (see the Schedule C – Site Plan).

The following chart shows the pertinent statistics for the existing and proposed development:

Project Element	Existing Apartment Building	Proposed Apartment Building	Total for the Property
No. of Units	161	60	221
Gross Floor Area	15,758	5,599	21,357
Floor Space Index	1.5	0.6	2.1
Coverage	7.7%	10.9%	18.6%
Building Height	20 storeys	5 storeys	-
Existing Parking	183	-	-
Proposed Parking	-	93	276
Required Parking	-	-	273

Community Consultation

A community consultation meeting was held on February 7, 2000 with the local Councillor, landowner, landowner's agents and staff in attendance. The issues raised include the impact of the proposed building on the existing condominium located to the east at 1455 Lawrence Avenue West in terms of impacts on light, view and privacy and potential for increased noise. Other issues identified by the residents of 1455 Lawrence Avenue West associated with the increase in the number of households on the site include use of the shared amenities (outdoor swimming pool and playground), use of the shared driveway and increased demand for parking.

At the community consultation meeting residents commented on the use of the existing driveway at the east end of the site which is shared by 1465 and 1455 Lawrence Avenue West (see Map 1). It was suggested that the driveway should be fenced to prevent residents of the proposed building from using the driveway as a drop-off area for access to their units. A fence in this location is not appropriate because it would obstruct the access of residents of both apartment buildings on the site to Lawrence Avenue and to the bus stop. Stopping and parking is not permitted on the shared driveway because it is a fire route for 1455 Lawrence Avenue.

Comments:

The property was originally developed in the 1960's in conjunction with the adjacent apartment building to the east. The original site plan is attached in Map 2 and shows the subject property, municipal address 1465 Lawrence Avenue West and the adjacent high rise tower now a condominium, municipal address 1455 Lawrence Avenue West. The two buildings were

developed as intensive high rise units on attractive landscaped grounds, separated from each other by a substantial open area. The gross floor area of 1455 Lawrence Avenue is 10, 565 and there are 156 units.

While the site specific approvals for this property were based on the above noted “tower in the park” concept, the application is to be evaluated on policies contained in the present Official Plan. The proposed increase in density is to be reviewed with respect to compatibility with surrounding land uses, the nature and degree of impacts of the development and potential net benefits to the residents and to the city.

Official Plan

The site is designated Residential Density Four (RD4) which permits low, medium and high rise multiple unit housing and a maximum density of 1.5 FSI. An Official Plan Amendment is required to permit an increase in density to 2.1 FSI.

Criteria to guide the redesignation of residential lands to higher density are contained in Part C-4 Housing, Section 5.0 of the Official Plan and includes; adequacy of services, transportation impacts, access to public transit and arterials, contribution to well balanced communities in terms of housing mix, proximity of existing clusters of high density residential development, suitability of the site to accommodate the increased density, net benefits to residents and the City and that it does not destabilize adjacent stable residential lands. Such Official Plan amendments are also to be evaluated on the basis of the General Development Criteria in Section 4.2 in order to ensure the proposed development is compatible with the neighbourhood, that it maintains appropriate development standards and that the development meets urban design principles and objectives. Part C.4 Section 5(8) of the Official Plan provides that where intensification is proposed, the application is to be evaluated in terms of net benefit to residents for on-site facilities and improvements to amenities and that these may be secured through a Section 37 agreement.

General Development Criteria Analysis

The redesignation of this site to a higher density is supported because the services and facilities are adequate to accommodate the development, the site is located on an arterial with good access to the transportation network, it is of sufficient size to accommodate infill development and the proposed development can be successfully integrated into the Amesbury neighbourhood development pattern.

The existing services and community facilities needed to support the proposed development are adequate. Amesbury Park contains a community centre, arena, tennis and bocci courts and baseball diamonds. The Toronto District Catholic School Board advises that elementary students can be accommodated but that the Secondary Schools are oversubscribed in this neighbourhood. The public school board has no concerns with this application.

The site is 1.02 hectares (2.5 acres) in area and is suitable for development with increased density. Sufficient separation distance between the proposed building and the two high rise residential towers to the west and the east is provided. The City is proposing to secure

significant landscaping and pedestrian amenity improvements to the remaining open space on the site to compensate for the loss of open area.

The former City of North York has generally developed with commercial uses and higher density residential development along arterials and lower density, stable residential neighbourhoods located in the interior of the blocks. The Amesbury neighbourhood reflects this development pattern with commercial development and high density residential development focused at the intersection of Lawrence Avenue West and Keele Street. Amesbury Park, which is 12.3 hectares in area, abuts the subject site and contributes to both useable and visual open space and lessens the impact of the proposed development. The proposed development can be successfully integrated into the existing pattern of development.

The former City of North York Official Plan (Part C.4 Housing), encourages a well balanced mix of both rental and freehold tenure. The proposed development contributes to the Official Plan objective of promoting the development of balanced communities. This policy also requires at least 25% of new multiple residential buildings with 20 or more units to be affordable housing. Accordingly, the draft zoning by-law specifies that a minimum of 25% of the units must be any combination of bachelor units of a maximum size of 55 sq. m., 1-bedroom units of a maximum size of 70 sq. m. 2-bedroom units of a maximum size of 80 sq. m. and 3- bedroom units of a maximum size of 120 sq. metres.

Community Benefits

Part C.4 Section 5(8) of the Official Plan provides that net benefits to residents in terms of on-site facilities and improvements to amenities may be secured through a Section 37 agreement.

On-Site Amenities

The applicant is proposing to improve the landscape and pedestrian amenities on the site. The proposal requires the expansion of the underground garage in the area proposed for increased landscaping. Special provisions to ensure planting survives over the underground garage will have to be secured at the time of site plan approval. Additional amenity space is provided on the site including a tot lot, additional amenity around the existing outdoor pool and a passive amenity area in the courtyard between the existing apartment building and the proposed building. Pedestrian circulation on the site is improved by providing more visible connections from the apartment buildings to the amenity areas on the site and to Lawrence Avenue and to Amesbury Park.

The amenities presently shared by the buildings at 1465 and 1455 Lawrence Avenue West include a playground and outdoor swimming pool. The two buildings presently share driveway access from Lawrence Avenue West. The shared amenities of the playground and outdoor pool will be maintained and the use of the shared driveway will decrease with the addition of a new separate drop off area for 1465 Lawrence Avenue.

Less at-grade parking is provided in order to provide more landscaped open space and increase the amenity of the site. A total of 69 surface spaces were previously provided and the new

proposal provides 43 spaces, a decrease of 26 spaces. These spaces are now provided in the underground parking garage. The proposal provides 7115 square metres of landscaped open space. This is in excess of 4,688 square metres which is required under section 15.8 of Bylaw 7625.

The owner has agreed to improve the appearance of the existing wrought iron fence, which is located along the Lawrence Avenue frontage by lowering the height and repainting it. A double row of street trees is to be provided along the Lawrence Avenue frontage.

Two connections to Amesbury Park are to be provided through lockable gates on the south and west property lines, which abut the park. The existing chain link fence is to be repaired and additional planting abutting public spaces is to be provided to the satisfaction of the Commissioner of Economic Development Culture and Tourism.

Preservation of Existing and New Rental Stock

With the low vacancy rate and almost no new rental construction taking place, developing rental buildings, with affordable rents, in the City of Toronto is seen as a benefit to the city. It is proposed that the tenure be secured through a Section 37 agreement where the tenure of the existing and proposed buildings must remain as rental for a period of twenty years. At the end of the twenty year period the applicable policies of the Official Plan that is in effect would apply to any application for demolition or condominium conversion.

The emerging guidelines for the use of section 37 public benefits, when there is a request for an increase in density through an amendment to the Official Plan, will be reported upon to the Planning and Transportation Committee. It is our understanding that they will not apply to this new apartment house dwelling because of its modest size. If they were applicable, more onerous requirements would have been requested in exchange for the increased density. Regardless, the policies of the existing Official Plan call for a net benefit when there is an increase in density of an existing apartment house dwelling site. The recommendations of this report seek to still do this through substantial site plan improvements and through a commitment to preserve the existing and new rental housing stock.

Securing rental tenure and the substantial dollar value of the landscaping and pedestrian amenities is being recommended as fulfilling the requirement of the Official Plan for providing a net benefit to residents in terms of on-site facilities and improvements to amenities. It is not attempting to replicate emerging policies concerning the use of Section 37.

Zoning By-law

The site is zoned Multiple-Family Dwellings Sixth Density Zone (RM6). Apartment house dwellings are a permitted use with a maximum density of 1.5 FSI. An amendment to the Zoning By-law is required to permit an FSI of 2.1. The FSI of the existing apartment building is 1.53 and the FSI of the proposed apartment building is 0.54 for a total FSI on the site of 2.1.

An analysis of the existing and the proposed density for the two properties has been undertaken. The RM6 zoning permits an FSI of 1.5. The FSI for the apartment building at 1465 Lawrence Avenue is 1.53 and the FSI for the condominium at 1455 Lawrence Avenue is 1.59. The FSI of the existing development on the two properties together is 1.51. The FSI of the two properties with the proposed building would be 1.78.

Two Zoning By-laws affect the subject property; 19024 and 23035 which were passed in 1964 and 1970 respectively. By-law 19024 applies to both 1465 Lawrence Avenue West (the subject property) and 1455 Lawrence Avenue West, the condominium to the east. The by-law permits the existing apartment buildings and specifies a westerly yard of 7.6 metres (25 ft.) and a southerly yard of 10.6 metres (35 ft). The two properties were severed in 1967 however, a variance to the westerly yard was not provided. It is therefore recommended that prior to the enactment of any rezoning by-law that staff undertake all that is necessary to ensure the zoning compliance of the apartment building at 1455 Lawrence Avenue West which is also subject to By-law 19024.

By-law 23035 provides for a retail store of 79 square metres (850 square feet) in the westerly apartment building, which is 1465 Lawrence Avenue West, the subject property. In 1995 the owner received approval to convert the ground floor area of the existing apartment building to 8 residential units and does not object to the repeal of Zoning By-law 23035.

Transportation Considerations

Transportation considerations included assessing the traffic impact, circulation and parking requirements of the development. Vehicular traffic associated with the proposed new building can be accommodated on the area road network. This section contains a discussion of existing and proposed changes to site circulation and access.

The property takes access off Lawrence Avenue West and is served by two existing driveways (see Map 2). The easterly driveway serves the passenger drop-off/pick-up for the existing building on the site (1465 Lawrence West) and the neighbouring building at 1455 Lawrence Avenue West. Underground and surface parking for the existing building is accessed by the site's westerly driveway.

The proposed changes entail a new passenger drop-off/ pick –up on the west side of the existing building that would take access from the westerly driveway. The new passenger drop-off/pick-up will serve the existing and new building at 1465 Lawrence West. (The easterly driveway would serve only 1455 Lawrence Avenue.) The proposed access arrangement defines circulation needs of the development and addresses the relationship of the site to the intersection of Lawrence Avenue and Keele Street.

The proposed parking supply meets the requirements of By-Law 7625 for tenant and visitor parking for the new building. Parking requirements of the existing building remain unaltered. Specific requirements related to parking arrangements are detailed in Transportation Services comments and are to be addressed through site plan.

Urban Design

Development of an infill apartment building on this site is supported on the basis that it helps to define the public street, the impact of existing surface parking lots is reduced, amenities of the site and the existing residential building are enhanced, adequate space to ensure light, view and privacy is provided and landscaping abutting public lands is respected or improved.

The proposed building is set closer to Lawrence Avenue than the two existing buildings and will provide a presence and animation for this portion of the arterial road. The entranceway and lobby have been relocated to the portion of the building that is closer to Lawrence Avenue which will improve public safety by bringing more pedestrian activity and surveillance.

There is a 21 metre separation distance between the two buildings which is adequate space to ensure light view and privacy between the two buildings. One unit is located at a corner with a 12 metre separation distance. Aside from the corner unit, the separation distance provided exceeds the CMHC guideline for a separation space of 15 metres and the general City guideline of 11 metres. The applicant has submitted shadow impact drawings, which have been assessed to determine both the impact of the proposed building and the impact of the existing buildings on the proposed development. The studies show the proposed building is not in shadow during the mid-day period. The proposed building will shadow the lower floors of 1465 Lawrence Avenue West only in the early morning and the lower floors of 1455 Lawrence Avenue West after 5:00 p.m.

Environmental Site Assessment

In its comments dated November 15, 1999, Toronto Public Health indicated that the subject site has been flagged for potential soil contamination and, accordingly, requested an Environmental Assessment Report. Toronto Public Health supports the findings of the Angus Environmental Limited peer review and has no objections to the proposed application provided that the conditions as recommended in the Angus Environmental Limited are met. These recommendations include:

- acetone impacts in the soil need to be eliminated from the footprint of the proposed building and in the vicinity of that footprint
- it needs to be shown whether or not soils on the subject site have the potential to impact the proposed building by conducting further soil, soil gas and possibly ground water investigations
- it needs to be shown whether or not soil gas (i.e. methane) can migrate into the proposed building from the materials to the south.

The recommendations are to be addressed by the applicant through the recommendation contained in this report where, prior to the issuance of any building permits, the applicant shall submit a Record of Site Condition, acknowledged by the Ministry of Environment. Copies of all environmental reports are available for review during normal office hours in the Planning Department.

Ontario Municipal Board Hearing

In 1999, an Ontario Municipal Board hearing was held on an appeal of a variance application for the infill development of 18 townhouse units on this property. The Council position at the hearing was not in support of the application. The townhouse proposal was turned down by the Board due to the impact of the active park uses, particularly outdoor lighting on the proposed development and the unsuitability of the site for the townhouses as proposed.

The current application has been evaluated with respect to the Board decision on the previous townhouse proposal. The proposed development is an apartment building rather than townhouses and the form of development and its location on the site results in an acceptable form of development for this site. The proposed development is located away from Amesbury Park and the impacts of the active park uses and night-time lighting.

Conclusions:

The proposed level of intensity for the development site is appropriate with respect to the nature and degree of impacts. Increased landscaping and pedestrian amenities on the site, improvements to the Lawrence Avenue West frontage and improved pedestrian connections to Amesbury Park are provided. The proposed apartment building conforms to the intent of the Official Plan and the Official Plan and Zoning By-law Amendments are recommended for approval.

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List of Attachments:

Map 1 – Location of Shared Driveway

Map 2 - Original Site Plan

Schedules

- A Official Plan Map
- B Zoning Map
- C Site Plan
- D Elevations
- E Schedule RM6 (98) to By-law
- F Works and Emergency Services, Development Services
- G Works and Emergency Services, Transportation Services
- H Economic Development, Culture and Tourism
- I Fire Services Department, North Command
- J Public Health Department
- K Toronto Catholic District School Board
- L Toronto Hydro
- M Notice of Public Hearing
- N Correspondence from Councillor Valenti