

TORONTO STAFF REPORT

June 25, 2003

To: North York Community Council

From: Acting Director, Community Planning, North District

Subject: Final Report
Application to amend the North York Official Plan and Zoning By-law 7625
775 Steeles Avenue West (between Steeles Avenue West and Greenwin Village
Road, east of Bathurst Street)
1430731 Ontario Limited (Turner Fleischer Architects Inc.)
File No. TB CMB 2002 0003
Ward 10, York Centre

Purpose:

This report reviews and recommends approval of an application to amend the (former) North York Official Plan and the Zoning By-law for a new 7-storey, 72 unit infill residential building at 775 Steeles Avenue West.

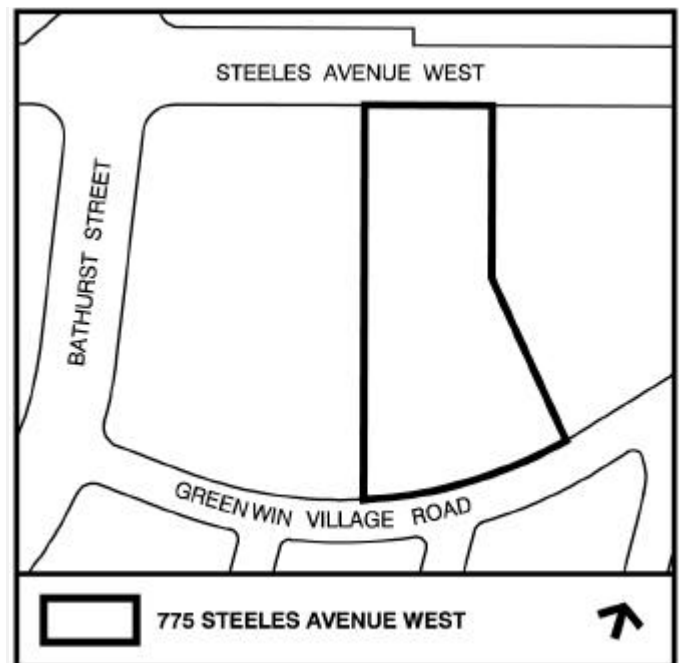
Financial Implications and Impact Statement:

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 in Attachment No. 8;
- (2) amend Zoning By-law 7625, as amended, for the development site, substantially in accordance with the



draft Zoning By-law Amendment in Attachment No. 9;

- (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:
 - (a) have entered into a Section 37 Agreement under the Planning Act, to the satisfaction of the City Solicitor, to provide for or fund the following facilities, services and/or matters:
 - (i) protection of the rental tenure of the existing apartment building on the site for a minimum period of 15 years from the date the by-law to permit the proposed development comes into effect, and agreement by the owner that during this time period no application for condominium conversion or application to demolish the existing building will be made;
 - (ii) \$90,000 for capital improvements to the existing building that would be completed prior to the issuance of the final building permit for the proposed building, and agreement that the owner will not make any application to the Ontario Rental Housing Tribunal for an above guideline rent increase to cover the costs of these improvements. The contribution is to be allocated as follows:
 - (a) \$30,000 for a new tot lot to be provided on the south side of the existing apartment building as shown on Plan L1;
 - (b) \$20,000 for new decking for the existing pool located on the south side of the existing apartment building;
 - (c) \$25,000 for upgrades to the exercise room; and
 - (d) \$15,000 for new laundry facilities to be provided within the existing apartment building, with such funds to include payment for new washers and dryers, lighting, tables and television;
 - (iii) \$60,000 for capital improvements to park and/or community facilities in Ward 10, prior to the issuance of the final building permit for the proposed building on the site, the expenditure of which is to be determined by the Economic Development, Culture and Tourism Department, in consultation with the Urban Development Services Department and the local Councillor; and
 - (iv) the development and implementation of an appropriate communications strategy for the tenants of 775 Steeles Avenue West, to the satisfaction of the Acting Director, Community Planning, North District, at the owner's own cost and expense, to keep tenants informed about the construction work;

- (b) have obtained Site Plan Approval under Section 41 of the Planning Act from the Director, Community Planning, North District;
- (c) have fully complied with any outstanding Orders under the Building Code Act and Notices of Violation under Chapter 447 (Fences) and Chapter 629 (Property Standards) of the Toronto Municipal Code, for 775 Steeles Avenue West, to the satisfaction of the Municipal Standards and Licensing Division; and
- (d) have obtained from the Medical Officer of Health approval of an Excavation Dust Control Plan for the project.

Background:

Proposal

The applicant is proposing to construct a new 7-storey, 72 unit residential condominium building on a site that is currently developed with an apartment building. The new building would be located on the northern portion of the site, facing Steeles Avenue West in front of the existing building. The existing apartment building, which is to be retained, is 15 storeys and contains 194 residential units. The density of the proposed development, including the existing apartment building on the site, is 2.1 FSI.

The proposal now also includes 64 m² indoor amenity space in the new building. From the time of the original submission, the unit count has increased from 64 units to 72 units as a result of the applicant converting some of the proposed two-bedroom units to one-bedroom units.

Vehicular access to the site is from Steeles Avenue West, connecting with underground parking as well as surface parking located along the north (front) and west sides of the existing apartment building. The construction of the new building would eliminate most of the front yard surface parking and reduce the size of the landscaped area immediately adjacent to Steeles Avenue West. Additional surface parking is also proposed as part of the project.

The vehicular access from Steeles Avenue West is proposed to remain, with no further vehicular access points proposed. The applicant is proposing a total of 326 parking spaces for the site. (For additional information regarding the proposal please refer to the Application Data Sheet).

Site History

In 1968, the site was rezoned by site-specific By-law 21781 (along with additional lands to the east of the site) to permit the development of three apartment buildings. By-law 21781 permits a total of 555 residential units and requires a minimum of 631 parking spaces.

Site and Surrounding Area

The 1.26 ha site has approximately 60 metres frontage on the south side of Steeles Avenue West. The site is a through lot with approximately 100 metres frontage on the north side of Greenwin Village Road.

The surrounding land uses are as follows:

- North - two, 18-storey condominium buildings on the north side of Steeles Avenue West;
- South - low density residences located south of Greenwin Village Road;
- East - a 21-storey apartment building on the adjacent site, and a 15-storey apartment building further east; and
- West - a commercial plaza located at the southeast corner of Bathurst Street and Steeles Avenue West.

North York Official Plan

The (former) City of North York Official Plan designates the lands Residential Density Four (RD-4). Multiple unit housing of all types, including low, medium and high rise buildings, is permitted, to a maximum density of 1.5 times the area of the lot. The Official Plan permits residential intensification, subject to the development criteria of Section 4.0, and provides additional criteria to guide the redesignation of residential lands to higher density (Section 5.0).

The North York Official Plan includes objectives intended to encourage the provision of a wide range of housing types and tenure arrangements, and an adequate supply of housing affordable to low and moderate income households. Rental accommodation is recognized as an essential type of tenure, and the preservation, maintenance and upgrading of viable housing is encouraged.

New Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

Once the Plan comes into full force and effect, it will designate the property Apartment Neighbourhood. The other policies of the Official Plan are applied in conjunction with the land use policies to determine the conformity of any given proposal to the Plan. This proposal has also been evaluated in light of the new Official Plan policies and the proposal conforms.

Zoning By-law 7625

The lands are zoned RM6 Multiple-Family Dwellings Sixth Density by Zoning By-law 7625, as amended. The site, along with the two adjacent properties to the east, is subject to site-specific By-law 21781, which was enacted in 1968. The site-specific By-law, as varied by the Committee of Adjustment, permits one 15-storey apartment building on the lands at 775 Steeles

Avenue West (the subject site), and a 15-storey apartment building and a 21-storey apartment building on 755 Steeles Avenue West and 765 Steeles Avenue West, respectively. The By-law also requires a minimum of 631 parking spaces, of which not more than 185 can be surface parking spaces. The site is currently developed in accordance with this permission.

Site Plan Control

A related Site Plan Application has also been filed (File TB SPC 2002 0029) and is being reviewed concurrently. In accordance with City procedures, the applicant will be required to obtain Site Plan Approval prior to the enactment of the zoning by-law for this proposal.

Reasons for Application

The RD-4 designation of the (former) City of North York Official Plan permits a density of 1.5 times the area of the lot. The proposed development would result in a total density of 2.1 times the area of the lot.

The site-specific zoning for the site permits only a 15-storey apartment building on the site, along with related parking and landscaping. A zoning by-law amendment is required to permit the new building and to establish other zoning standards related to the proposed development. The additional zoning standards proposed to be modified are related to density, number of dwelling units, building height and building setbacks.

Community Consultation

Planning staff held Community Consultation Meetings on June 24, 2002 and on July 25, 2002. Local residents, including tenants of the existing apartment building on the site, have also written letters to Planning staff. The concerns raised by residents with respect to the proposed development are generally related to the following matters, and are addressed in this report:

- additional density in the area;
- traffic, and safety of vehicular access to the site;
- the site's ability to accommodate parking for residents and for visitors;
- the potential loss of surface parking spaces for the existing building;
- potential impacts on the site's open space, including the existing berm on the south side of the site, mature trees, on-site play areas, and the swimming pool;
- the need for off-site improvements, including upgrades to existing parks, and other possible community benefits;
- the adequacy of municipal servicing to the site;
- building standards and building amenity related to the existing apartment building; and
- construction impacts on tenants of the existing building on the site (such as noise, dust).

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. Attachment 7 contains circulation comments.

Comments:

Redesignation of Residential Lands to a Higher Density

The (former) City of North York's Official Plan permits the consideration of proposed redesignations to a higher density when the location represents an opportunity to create additional housing or a mix of housing to take advantage of physical infrastructure, community services and facilities, and transportation facilities, and to meet the housing needs of residents, when one of the following conditions applies:

- a) the area demonstrates a need for rejuvenation or reinvestment; or
- b) existing land uses or buildings are considered to be obsolete or underutilized; or
- c) land use conflict is occurring.

In this case, the current underutilization of the site provides the rationale for considering the proposed redesignation to a higher density. The site is currently developed with a large surface parking area facing Steeles Avenue West – a major arterial street - with the existing 15-storey apartment building set back approximately 70 m from Steeles Avenue West. There is an opportunity to introduce a new, appropriately scaled residential building fronting on Steeles Avenue, by relocating the surface parking and extending the site's underground parking, while enhancing the landscaped open space on the site.

Where an increase in the permitted density is proposed, the Official Plan provides that Council shall have regard for the policies of Section 5.0 (intended to guide the redesignation of residential lands to a higher density) in addition to the general development criteria of Section 4.2. The proposal has been evaluated in light of these policies, which address matters including: built form and compatibility with adjacent areas; mix of housing types; landscaping and amenities; parking and servicing; transportation and public infrastructure; community facilities; property standards; and the ability of the project to result in a net benefit to residents in terms of on-site facilities and improvements to amenities.

Built Form and Compatibility with Adjacent Areas

The development presents an opportunity to enhance the Steeles Avenue West streetscape through the introduction of a 7-storey building at the front of the site. The building is compatible with existing development in the surrounding area, which generally consists of larger scale residential buildings along Steeles Avenue West to the north and east of the site. The proposal is also compatible with the existing residential building on the site itself in terms of scale, siting and form. The scale of the proposed building, and its location between Steeles Avenue West and

the existing apartment building on the site, will have little impact on the low-density residential area to the south.

The proposed building addresses both Steeles Avenue West and the existing apartment building to the south by the incorporation of a “through” lobby with entrances that provide direct pedestrian access to the public street and to the area immediately south of the proposed building.

The proposal has been reviewed in light of potential shadowing, view and privacy impacts on adjacent residential developments and based on the scale and siting of the proposed building, these potential impacts are minimal.

Preservation of Rental Housing Stock

There are 194 rental housing units within the 15-storey residential apartment building currently developed on the site. The preservation of rental housing stock with affordable and mid-range rents is an important City objective, as this type of housing is currently in limited supply. Information provided by the applicant suggests that the range of rents charged for units in the existing apartment building generally does not exceed mid-range rents. This application represents an opportunity to obtain the community benefit of securing the tenure of the existing rental building, and further to secure certain improvements to the building that are not to be passed through to the tenants as rent increases.

The owner is currently in the process of upgrading the existing building, partly in response to outstanding compliance matters that have been identified by Municipal Licensing and Standards staff (see Attachment 7b). It is recommended that these matters be addressed by the owner to the City’s satisfaction prior to the enactment of the bills related to the proposed development.

City staff have proposed that a portion of the capital expenses to improve the existing building, that would otherwise be eligible for passing through, be secured as a community benefit to ensure that these charges do not result in increased rents for the existing tenants. To secure the existing rental housing and improvements to that building and site, the owner is prepared to enter into a Section 37 agreement under the Planning Act ensuring that:

- protection of the rental tenure of the existing apartment building on the site for a minimum period of 15 years from the date the by-law to permit the proposed development comes into effect, and agreement by the owner that during this time period no application for condominium conversion or application to demolish the existing building will be made; and
- \$90,000 for capital improvements to the existing building that would be completed prior to the issuance of the final building permit for the proposed building on the site, and agreement that the owner will not make any application to the Ontario Rental Housing Tribunal for an above guideline rent increase to cover the costs of these improvements. The contribution is to be allocated as follows:

- \$30,000 for a new tot lot to be provided on the south side of the existing apartment building as shown on Plan L1;
- \$20,000 for new decking for the existing pool located on the south side of the existing apartment building;
- \$25,000 for upgrades to the exercise room; and
- \$15,000 for new laundry facilities to be provided within the existing apartment building, with such funds to include payment for new washers and dryers, lighting, tables and television.

Landscaping and Outdoor Amenities

This proposal presents an opportunity to enhance the quality of the existing landscaping on the site. The applicant is proposing landscaping improvements to the existing site and the proposed development. The impact of the proposed new building on the existing landscaped open space on the site is expected to be minimal. There is a row of mature coniferous trees along the Steeles Avenue frontage that would need to be removed to accommodate the proposed building. The applicant is proposing new landscaping along the Steeles Avenue frontage. Proposed plantings in the City boulevard must meet Urban Forestry Services' specifications (Attachment 7d). The majority of the existing landscaping, including the extensive plantings on the south side of the site between the 15-storey apartment building and the low density residential area, will be maintained and enhanced with additional plantings.

Through the consultation process, area residents expressed concerns about the potential removal of the large berm and mature landscaping on the south side of the site along Greenwin Village Road. This berm is proposed to remain, along with the existing mature plantings. To accommodate additional surface parking, the parking area to the west of the existing building is proposed to be expanded and parking spaces are also to be added south of the existing building.

During the review process, the proposed surface parking was reconfigured so as to significantly reduce the size of the parking area proposed at the rear of the existing apartment building. The applicant had previously proposed 22 new parking spaces, in two rows, to the south of the existing apartment building. The plans have now been revised to show only 6 new parking spaces to the rear of the apartment building, in one row, plus 9 additional parking spaces adjacent to the west property line and away from the berm. From the perspective of the residences to the south of the site across Greenwin Village Road, the landscaped buffer, berm and plantings separating the apartment building from the area to the south will be maintained and enhanced.

From the perspective of the residents of the existing apartment building, landscaping and outdoor amenities on the site are also proposed to be improved. Although a portion of the grassed area near the southwest corner of the building is to be reduced, other amenity areas will be enhanced. The applicant is proposing to relocate the swings from the southwest area of the site to the southeast area of the site, refurbish the existing basketball court and outdoor swimming pool, and build a new tot lot and seating area to the southeast of the existing building. The new pool deck and the tot lot would be secured as part of the Section 37 provisions referenced above. The existing walkways on the site are to be extended and additional tree plantings are proposed.

Indoor Amenity Space for the Proposed Building

Planning staff had requested that the developer provide indoor amenity space on the ground floor of the proposed 7-storey building. The developer has agreed to provide 64 m² common amenity space, which is contiguous to the proposed outdoor amenity area. The provision of this amenity area is to be secured through the proposed zoning by-law.

Access and Parking

The existing building has vehicular access via a driveway connecting with Steeles Avenue West. This access will remain and will be shared with the new building, along with an expanded underground parking area. The driveway on Steeles Avenue West is to be widened from 6.0 m to 8.0 m. There is no vehicular access from Greenwin Village Road, either existing or proposed.

The proposal meets the parking standards required by the Zoning By-law. A total of 326 parking spaces is proposed, including the existing below-grade parking for the apartment building, new below-grade parking for the proposed building, and surface parking allocated to each of the two buildings. The standard for the existing building is 1 space per unit for residents, plus 1 space for every 8 units for visitors. The ratio for the proposed building, which is the current Zoning By-law standard, is 1.25 spaces per unit for residents, plus 1 space for every 4 units for visitor parking (see Works and Emergency Services comments, Attachment 7a). Residents had expressed concerns about the potential loss of surface parking spaces for the existing building. The applicant is proposing to reduce the number of surface parking spaces for the existing building by 2 spaces, which will still meet the By-law requirement. The required parking is secured in the standards of the proposed draft zoning by-law (Attachment 9).

Upon submission and review of the applicant's future condominium application, future easements will have to be established to allow for mutual access and circulation related to the existing building and the new building proposed on the site. The future requirement for these easements will be secured through conditions of Site Plan Approval.

Servicing

Works and Emergency Services staff advise that the site will be provided with municipal garbage and recycling collection. One new loading space is required for the proposed building, and has been included in the proposed plans. The owner is responsible for the installation of water and sanitary service connections from the proposed building to City services at the property line.

Traffic Impact

The applicant submitted a Traffic Impact Study (May 2002, prepared by Read, Voorhees and Associates Limited). The Study has been reviewed by staff and was determined to be satisfactory. The site is also directly accessible to TTC bus service along Steeles Avenue.

Toronto Transit Commission

The proposal was also reviewed by Toronto Transit Commission staff. The TTC advised that the proposed development is located on the future alignment proposed for the northern extension of the subway as approved in the 1994 Environmental Assessment Report. To continue to protect the rights-of-way for all approved subway extension options, the TTC has suggested that the developer undertake certain structural precautions and provide the TTC with as-built drawings (Attachment 7f). These requirements will be secured as a condition of Site Plan Approval.

Community Services and Facilities

Economic Development, Culture and Tourism staff (Policy and Development) have advised that the proposed development will be subject to a 5% cash-in-lieu of parkland dedication, which will be payable by the owner prior to the issuance of a building permit (Attachment 7c).

As part of the review process, Planning staff conducted a “gaps analysis” through consultation with Economic Development, Culture and Tourism, to help establish priorities for community benefits. Several potential opportunities were identified in the local area. The owner has agreed to provide a cash contribution in the amount of \$60,000 for capital improvements to parks and/or community improvements in Ward 10, with such funds to be secured as a part of the Section 37 agreement and the contribution made prior to the issuance of the final building permit for the proposed building on the site. The expenditure of such funds is to be determined by the Economic Development, Culture and Tourism Department, in consultation with the Urban Development Services Department and the local Councillor.

The proposal was also circulated to the Toronto District School Board and to the Toronto Catholic District School Board. The School Boards have advised that there may not be sufficient capacity available in local schools (Attachments 7g and 7h). As a condition of approval of the Site Plan Application, the owner will be required to include appropriate warning clauses in the agreements of purchase and sale. This requirement will be secured in the Site Plan Agreement.

New Official Plan

Once the new Official Plan comes into full force and effect, it will designate the property Apartment Neighbourhood. This land use designation provides for the consideration of proposals for compatible infill development on sites containing existing apartment buildings, provided that there is sufficient underutilized space to accommodate the proposed development while providing good residential amenity and quality of life for new and existing residents, and in accordance with development criteria. These criteria include: the creation of a community benefit for existing residents on the site; built form, scale and siting considerations; the provision of adequate parking, appropriately arranged on the site; the preservation and/or replacement of important landscape features, walkways and recreational space for residents, and the enhancement of landscape features and walkways.

The new Official Plan contains numerous additional policies, which are intended to be applied together with the relevant land use policies. The policies of particular importance to the current

proposal include those related to: healthy neighbourhoods; built form; the public realm; housing and the securing of existing rental housing units with affordable or mid-range rents; community services and facilities; and height and/or density incentives.

The proposed 7-storey infill residential project has been reviewed for compliance with the Plan's criteria and conforms. An amendment to the new Plan is not required.

Proposed Zoning By-law Amendment

The proposed zoning by-law amendment (Attachment No. 9) is in the form of a site-specific amendment to the subject site (the lands municipally known as 775 Steeles Avenue West). The proposed by-law has been drafted in a manner that does not add to or delete from any of the permissions that had previously been granted to the adjacent properties at 755 Steeles Avenue West and 765 Steeles Avenue West under site-specific By-law 21781, as amended or varied.

Construction of the Proposed Building

Residents of the existing apartment on the site had expressed concerns about construction impacts such as dust, noise, and hours of operation. In light of the residents' concerns about dust, Public Health has requested that the applicant submit a dust control plan for the review and approval of Public Health prior to the issuance of an excavation permit (Attachment 7e). It is recommended that this condition be secured prior to the introduction of the Bills to City Council for enactment. Municipal Licensing and Standards staff advise that construction noise is regulated under the Noise By-law (No. 31317). The operation of construction equipment and construction work that generates noise are not permitted on Sundays or statutory holidays, or outside of the hours of 7:00 a.m. to 7:00 p.m., Monday to Saturday.

In order to respond to tenants' concerns about construction impacts, staff recommend that the owner be required to develop and implement a communications strategy for the existing tenants of 775 Steeles Avenue West. This communications strategy is intended to keep the tenants informed about construction work on the site and the rules that govern such work (for example the noise by-law), and to ensure that tenants have the contact information needed (including the name of the owner or the owner's representative), to resolve any issues that may arise. It is recommended that the requirements for this communications strategy be included in the Section 37 agreement.

Section 37 Agreement

To summarize the Section 37 provisions, it is recommended that the owner enter into a Section 37 agreement prior to the introduction of the Bills in Council. The Section 37 agreement will secure the following matters from the owner: the rental tenure of the existing apartment building on the site for a period of at least 15 years; \$90,000 for improvements to the existing building on the site without passing these costs through as rent increases, as outlined in the Recommendations of this report; off-site improvements through a contribution in the amount of \$60,000 for capital improvements to parks and/or community facilities in Ward 10; and a

communications strategy for the existing tenants of 775 Steeles Avenue West to keep them informed about the construction process.

Conclusions :

The proposal is an appropriate infill development that will create additional housing opportunities along a major arterial road serviced by public transit. The proposal demonstrates compatibility with the surrounding area and will not generate any significant impacts on nearby properties or destabilize adjacent stable residential lands. The proposal is consistent with the policies of the (former) City of North York Official Plan with respect to the redesignation of multiple residential lands to higher density. The proposed development is also consistent with the intent of the new Official Plan.

The proposal will result in a net on-site benefit to existing residents, including protection of the rental tenure of the building and certain capital improvements to the building and site not being passed through as rent increases. Through this project the City is also able to secure off-site community benefits in the form of improvements to park and/or community facilities.

Contact:

Catherine Cieply, Senior Planner
416 395-7109 (phone)
416 395 7155 (fax)
ccieply@toronto.ca

Thomas C. Keefe, Acting Director
Community Planning, North District

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Landscape Plan
Attachment 4: Zoning
Attachment 5: Official Plan
Attachment 6: Application Data Sheet
Attachment 7: Agency Comments
7a: Works and Emergency Services (Technical Services), June 9, 2003
7b: Urban Development Services (Municipal Licensing and Standards), April 10, 2003

7c: Economic Development, Culture and Tourism (Policy and Development), April 8, 2002

7d: Economic Development, Culture and Tourism (Urban Forestry Services), April 4, 2003

7e: Community and Neighbourhood Services (Public Health), January 23, 2003

7f: Toronto Transit Commission (November 4, 2002)

7g: Toronto District School Board (December 2, 2002)

7h: Toronto Catholic District School Board (December 5, 2002)

Attachment 8: Draft Official Plan Amendment

Attachment 9: Draft Zoning By-law Amendment