

50 and 52 Neptune Drive – Rezoning – Preliminary Report

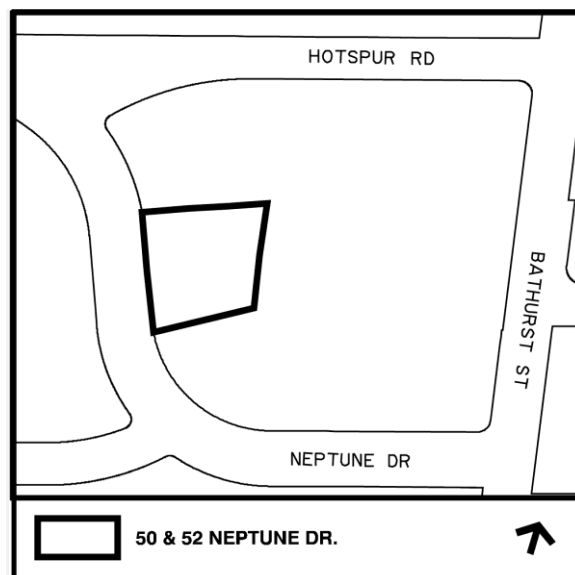
Date:	February 11, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	09 200486 NNY 15 OZ

SUMMARY

This application was made on December 30, 2009 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to construct a 14-storey (43.8 metres) residential building on the east side of Neptune Drive. The proposed building would contain 155 units, which includes 24 replacement rental units, with two levels of below grade parking. The applicant has also submitted a residential rental demolition application for the 24 existing residential rental units. The proposed building would have a total gross floor area of 12,868 m² with a density of 4.5 times the area of the lot.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A number of pre-application meetings were held with the applicant to discuss the proposal and submission requirements.

ISSUE BACKGROUND

Proposal

The property presently contains two three-storey walk-up apartment buildings containing 24 rental units. The application proposes to amend the Zoning By-law to permit a 14-storey (43.8 metres) residential building fronting Neptune Drive, containing a total of 155 residential units and consisting of a two-storey base building with a 12-storey tower. The base building is proposed to contain 24 rental replacement units (20 one-bedroom units and four two-bedroom units). The remaining 131 units are proposed in the 12-storey tower and are proposed to be condominium registered. The total gross floor area of the proposed residential building is 12,868 m² with a density of 4.5 times the area of the lot.

A total of 134 parking spaces would be located in two levels of below grade parking. Vehicular and service access is proposed by a private driveway from Neptune Drive on the north side of the site. The applicant has indicated that bicycle parking will be provided on-site.

The two-storey base building is proposed to be setback 4.5 metres from the front lot line with the 12-storey tower stepping back 1.5 metres from the base building. There would be a 1.2 metre setback from the south property line, a 9 metre setback from the north property line and a 5.4 metre setback from the east property line.

Outdoor amenity space is proposed at grade on the southeast portion of the site and on a rooftop courtyard above the second storey of the base building. Additional site statistics are provided in the Application Data Sheet (Attachment 5).

Site and Surrounding Area

This site is located on the west side of Bathurst Street, south of Highway 401. The site has a frontage of 45.6 metres, a depth of 61.7 metres and an area of 2,815 m².

Currently, there are two three-storey walk-up apartment buildings on the site, with a surface parking lot and an at-grade carport at the rear of the buildings. The two buildings contain 24 rental units; consisting of 12 one-bedroom units and 12 two-bedroom units.

Land uses surrounding the site are as follows:

North: three-storey walk-up apartment buildings directly abutting the site along Neptune Drive and Hotspur Road;

East: a 19-storey apartment building (3636 Bathurst Street) and a 9-storey apartment building (3630 Bathurst Street - Reuben Cipin Healthy Living Community);

West: three- and four-storey walk-up apartment buildings surround a public park (Rajah Park) along Neptune Drive and Wasdale Crescent; and

South: abutting the site to the south is a private school with an outdoor play area (Louis and Leah Poslums Education Centre) and a synagogue (Shaarei Tefillah Synagogue) located at the southwest corner of Neptune Drive and Bathurst Street. Baycrest Hospital is located further south at Bathurst Street and Baycrest Avenue.

Priority Neighbourhoods

The City of Toronto has placed increasing emphasis on identifying vulnerable neighbourhoods and targeting resources to improve outcomes for their residents. Thirteen neighbourhoods were identified for priority infrastructure investment due to their lack of community services and facilities.

The subject site is located in the Lawrence Heights Priority Neighbourhood. The Lawrence Heights Priority Neighbourhood is bounded by Lotherton Pathway and Eugene Street to the west, Bathurst Street to the east, Highway 401 to the north and Briar Hill Avenue to the south. Attachment 4 illustrates the Lawrence Heights Priority Neighbourhood boundary.

Lawrence-Allen Revitalization Project

The subject site is also located within the Lawrence-Allen Revitalization Project study area. At its meeting of July 16-19, 2007, City Council approved the June 14, 2007 Affordable Housing Committee recommendation to the Executive Committee that the Chief Planner and Executive Director, City Planning, be authorized to develop a planning framework for the revitalization of the Lawrence Heights community.

This study is currently underway and includes all lands in the area bounded by Lawrence Avenue West to the south, Highway 401 to the north, Dufferin Street to the west and Bathurst Street to the east. The central portion of the area encompasses the Toronto Community Housing Corporation Lawrence Heights housing development and large parcels owned by the Toronto District School Board and Rio-Can.

The subject site is located in the northeast quadrant of the study area and it is expected that the work undertaken for this study will be used to assess the impacts and implications of the redevelopment of the subject site.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site *Apartment Neighbourhoods*. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. Policy 4.2.2 sets out development criteria in *Apartment Neighbourhoods* including, but not limited to:

- providing transitions between areas of different development intensity and scale;
- locating buildings to frame the edges of streets and parks;
- providing indoor and outdoor recreation space; and
- providing ground floor uses that enhance safety and amenity.

Unlike growth areas such as the *Centres* and *Avenues*, *Apartment Neighbourhoods* are considered physically stable areas where significant growth is generally not anticipated. New development within *Apartment Neighbourhoods* is required to maintain the stability of the surrounding area and to reinforce the existing physical character of the buildings, streetscapes and open space patterns.

The Built Form policies of the Official Plan emphasize the importance of ensuring that new development fits within its existing context. New buildings will provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Official Plan identifies “tall buildings” as those whose height is typically greater than the width of the adjacent road allowance, and generally limits these buildings to parts of the *Downtown*, *Centres* and other areas where they are specifically permitted by a Secondary Plan or Zoning By-law. The Official Plan also sets out key urban design considerations when considering a tall building proposal. As Neptune Drive has a right-of-way of 26 metres, the proposed building is considered to be a tall building.

Section 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. It also requires the protection of rental housing units. Policy 3.2.1.6 directs that new development resulting in the loss of six or more rental housing units will not be approved unless:

- (a) All the rental housing units have rents that exceed mid-range rents or if the following are secured:
 - i. At least the same number, size and type of rental housing units are replaced and maintained with rents similar to those at the time the redevelopment application is made;
 - ii. For at least 10 years, rents for replacement units will be the rent at first occupancy with annual increases subject to specific limits; and
 - iii. An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, and other assistance to lessen the hardship; or
- (b) In Council’s opinion, the supply and availability of rental housing in the City has returned to a healthy state.

The Official Plan also provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Zoning

The subject site is zoned Multiple-Family Dwellings Fifth Density Zone (RM5). The ‘RM5’ zoning permits multiple attached dwellings. Maximum coverage is 35 per cent of the lot area and the maximum gross floor area is not to exceed 100 per cent of the lot area. The maximum permitted height is 11.5 metres. 232 parking spaces would be required for the proposed building.

Tenure

The applicant advises that 131 of the proposed units would be condominium. The remaining 24 units would be replacement rental units.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), established Chapter 667 of the City's Municipal Code. It is one of the tools which implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals in which six or more rental housing units will be affected require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where 6 or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for Official Plan Amendment or rezoning triggers an application under Chapter 667 for rental demolition or conversion, typically City Council decides on both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB. The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental units.

Site Plan Control

This proposal is subject to Site Plan Control. An application has not been submitted to date.

Tree Preservation

Appropriate retention and protection measures will be required for trees that qualify for protection under applicable City of Toronto By-laws. The applicant has been requested to submit an Arborist Report to assess whether there are any trees on-site that qualify for protection.

Reasons for the Application

An amendment to the Zoning By-law is required to permit the proposed height and density of the 14-storey residential building and to establish development standards such as front, side and rear yard setbacks and vehicle parking requirements.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale and Housing Report
- Traffic Impact Study
- Stormwater Management Report
- Sun/Shadow Study

A Notification of Incomplete Application issued on February 8, 2010 identifies that the following studies/information is required for a complete application submission:

- Arborist Report for Development Applications
- Tree Preservation Plan
- Toronto Green Standard checklist
- Landscaping Plan
- Pedestrian Level Wind Study

Rental Housing Demolition and Replacement

Planning staff will be hosting a meeting with the existing tenants, gathering more information about the existing rental housing and discussing a number of possible improvements to the replacement proposal. In applying the requirements of both the Official Plan (Policy 3.2.1.6) and Chapter 667 of the Municipal Code, the following issues have been identified on a preliminary basis:

- The current proposal does not replace all of the two bedroom units, altering the unit mix by increasing the number of one bedroom units. The Official Plan requires the replacement of rental units to be with the same number, size and type of units as those being replaced, with similar rents.
- The development of an acceptable tenant relocation and assistance plan which considered the situation of the existing tenants and provides details of the proposed replacement housing.

Other Issues to be Resolved

In addition to the rental housing matters identified above, the following preliminary issues have been identified with the proposal:

- The appropriateness of the height, density and massing of the proposal and whether a “tall building” is appropriate on this site.
- Built form as it relates to, but not limited to:
 - providing an appropriate massing of the building that respects the existing street proportions of Neptune Drive and existing development in the area;
 - shadowing of, and other possible impacts to adjacent streets and neighbouring properties;
 - the location, orientation and organization of buildings and building entrances, vehicular access and parking and servicing areas; and
 - the adequacy and appropriateness of the proposed indoor and outdoor amenity space for both the proposed replacement rental housing and the condominium units.
- Assessing potential traffic impacts generated by the proposed building.
- The adequate provision of vehicular and bicycle parking spaces.

- How this proposal will be addressed in the context of the larger study underway through the Lawrence-Allen Revitalization Project.
- The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should the application be recommended for approval.

The preliminary issues identified with the proposal, in particular the proposed building height, the proposed density and site organization, are significant and could be grounds for recommending refusal of the application if these issues are not addressed through revisions to the proposal. Furthermore, as currently proposed, the replacement rental housing does not conform to the Official Plan. Staff will be encouraging the applicant to resolve these issues.

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Standard, approved by City Council in December 2008. As of January 31, 2010 new planning applications, including Zoning By-law Amendment and Site Plan Control applications are required to meet the Tier 1 environmental performance measures. Applicants may also choose to meet Tier 2, a voluntary higher level of environmental performance.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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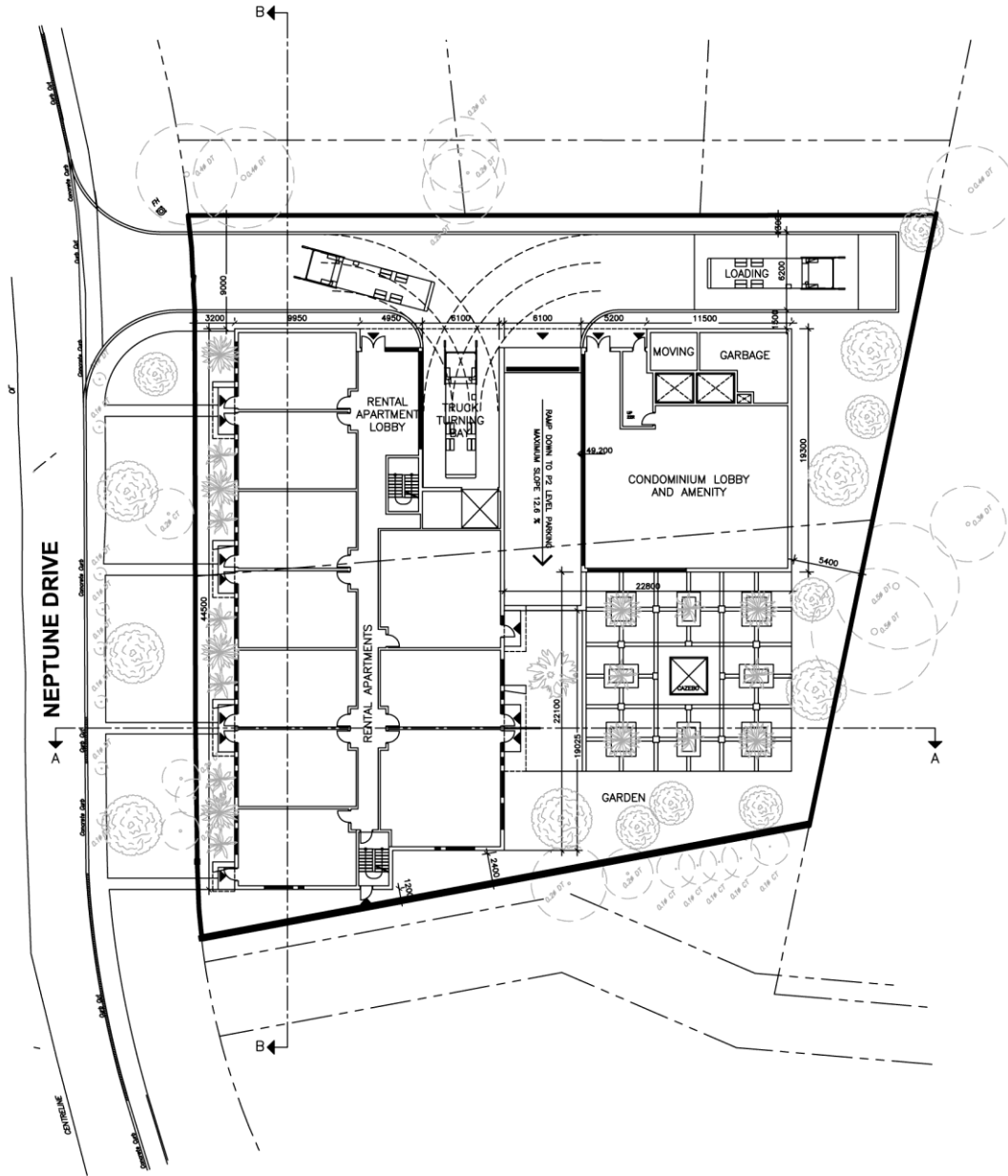
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Lawrence Heights Priority Neighbourhood Boundary
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



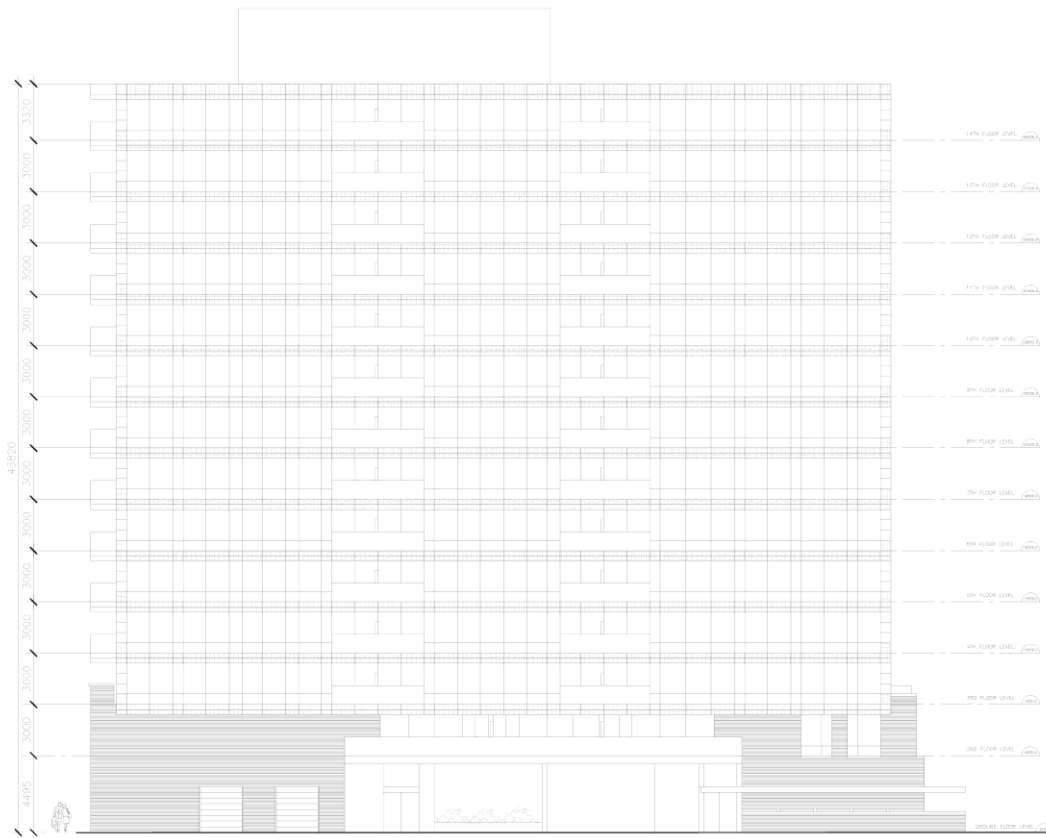
Site Plan
Applicant's Submitted Drawing
Not to Scale
02/01/2010



50 & 52 Neptune Dr.

File # 09_200486

Attachment 2: Elevations



North Elevation

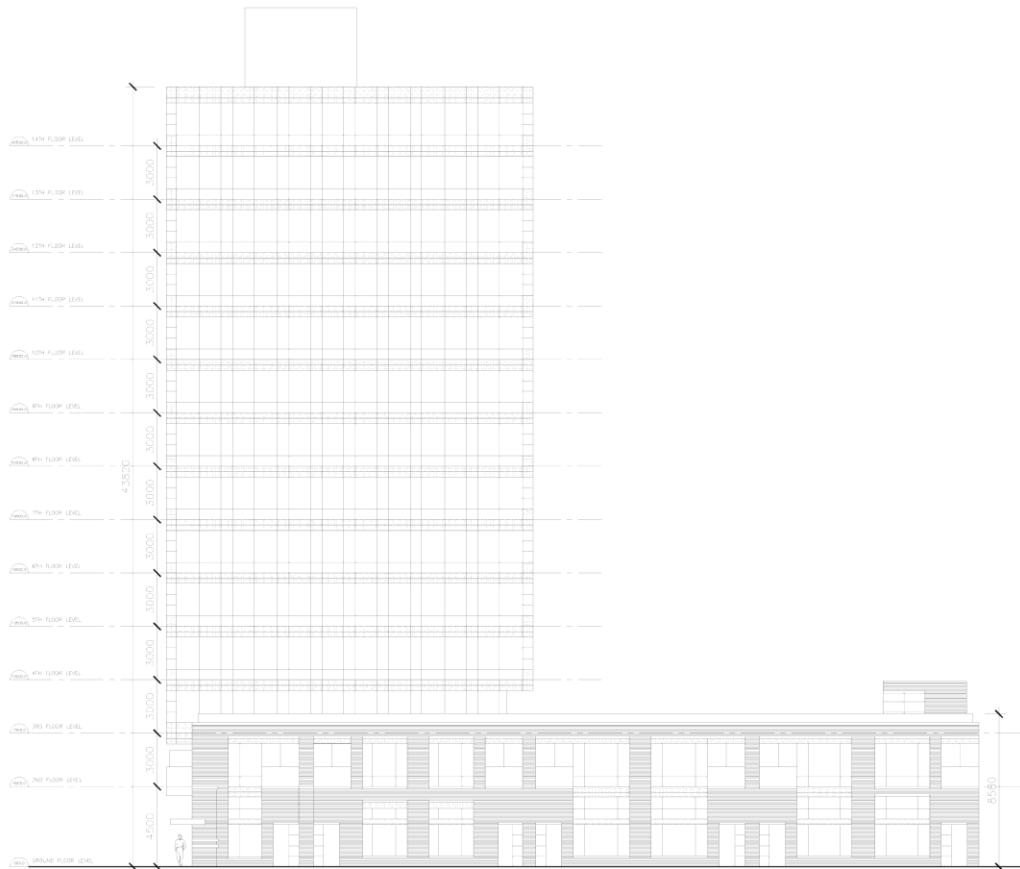
Elevations

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Not to Scale
02/01/2010

50 & 52 Neptune Dr.

File # 09_200486



West Elevation

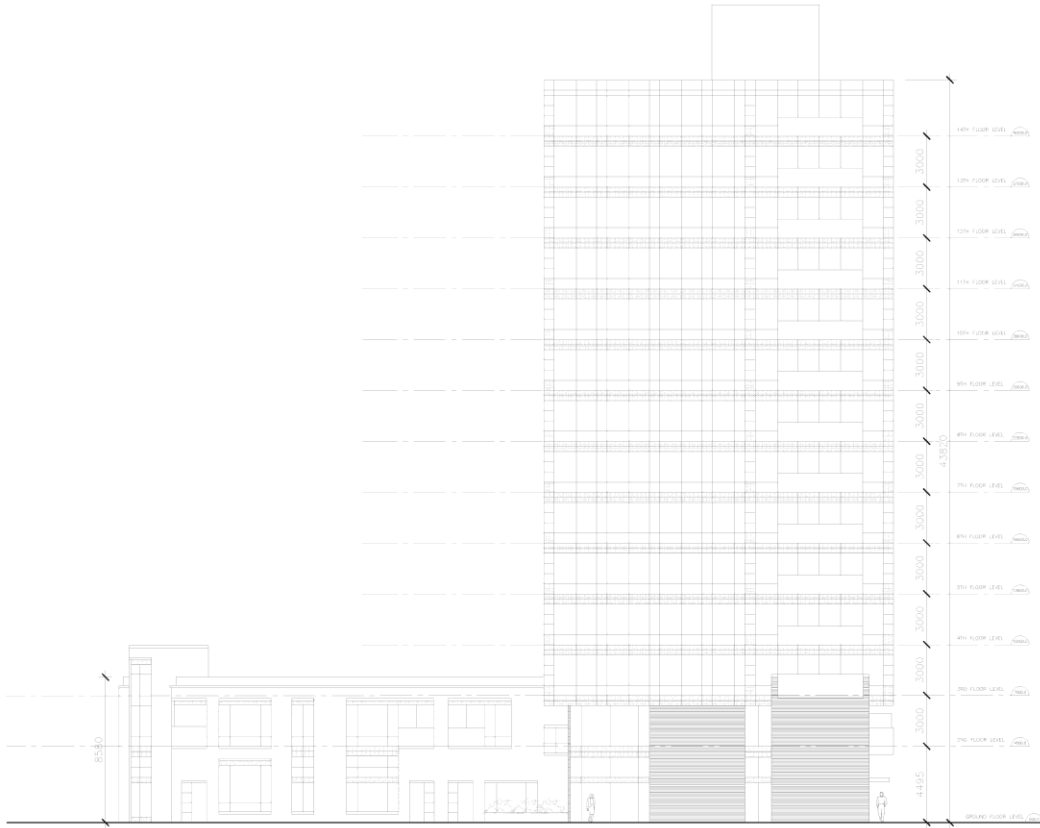
Elevations

Applicant's Submitted Drawing

Not to Scale
02/01/2010

50 & 52 Neptune Dr.

File # 09_200486



East Elevation

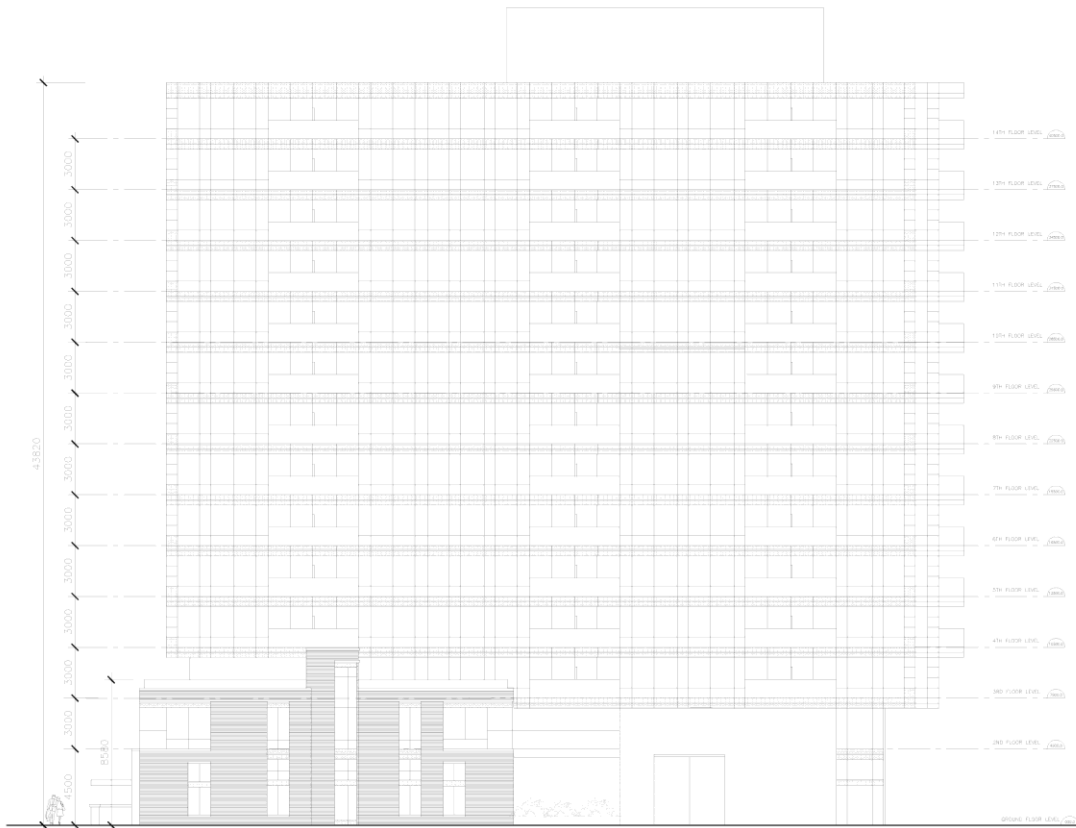
Elevations

Applicant's Submitted Drawing

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02/01/2010

50 & 52 Neptune Dr.

File # 09_200486



South Elevation

Elevations

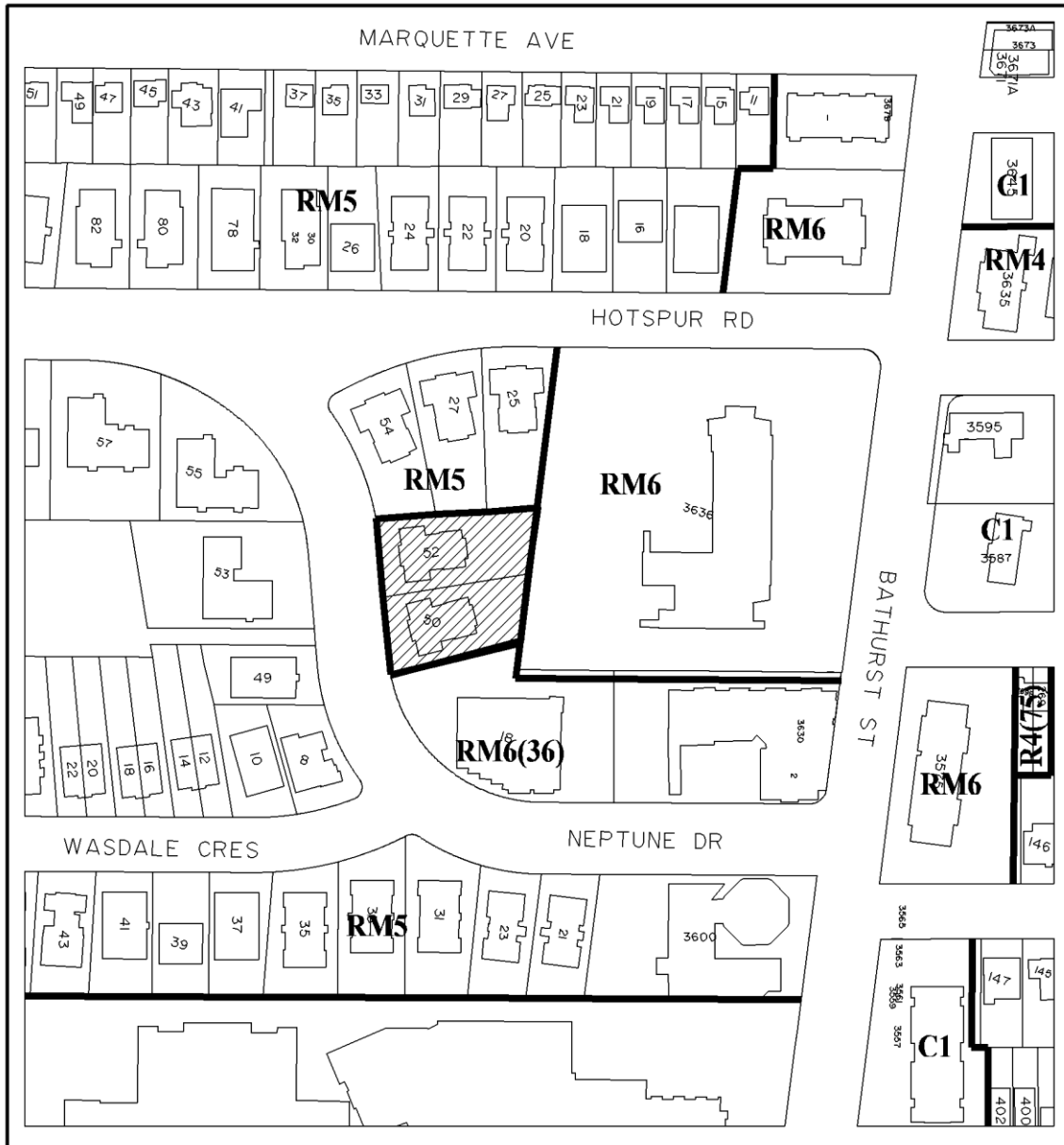
Applicant's Submitted Drawing

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02/01/2010

50 & 52 Neptune Dr.

File # 09_200486

Attachment 3: Zoning

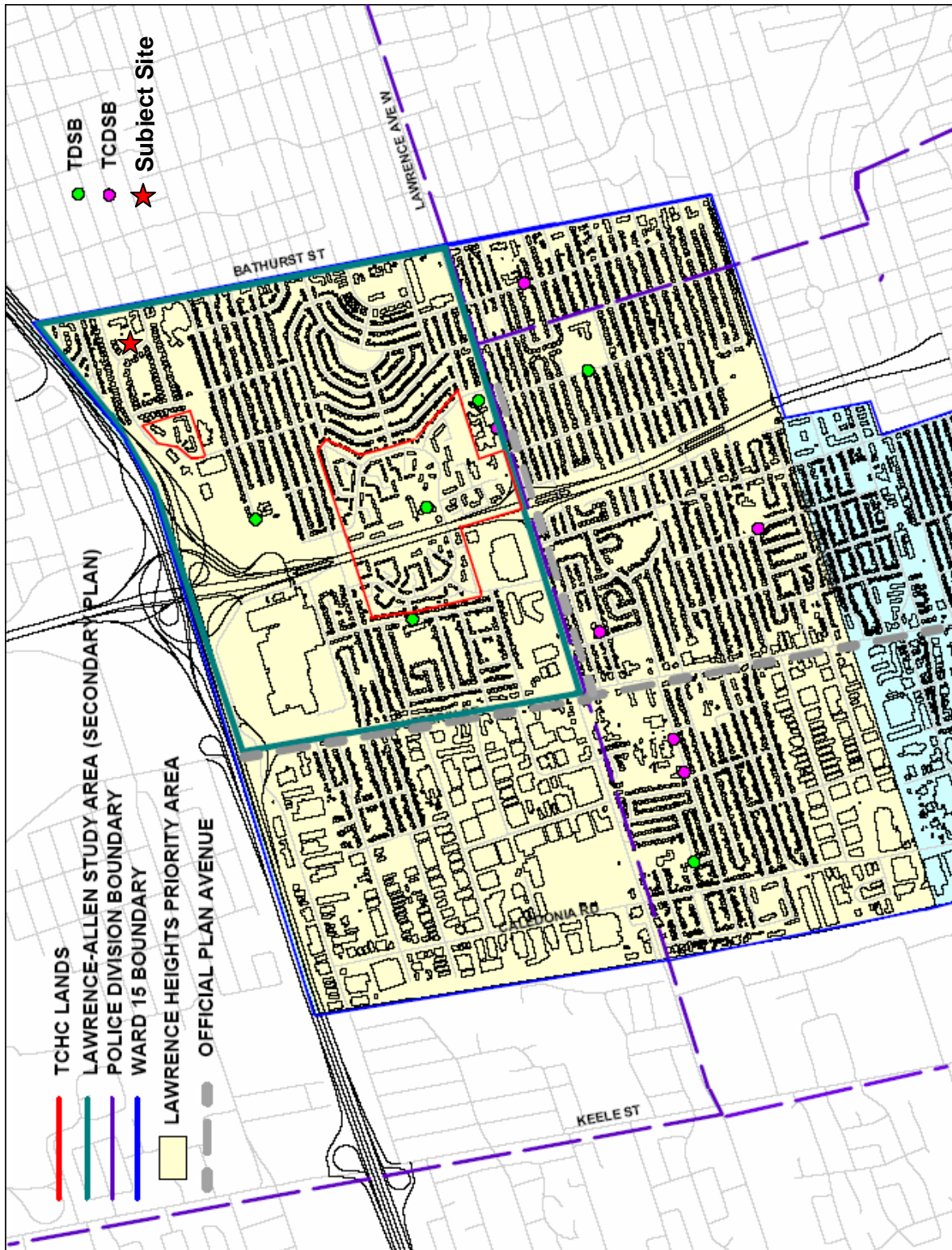


50 & 52 Neptune Dr.
File # 09_200486

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone

↑
Not to Scale
Zoning By-law 7625
Extracted 01/29/2010

Attachment 4: Lawrence Heights Priority Neighbourhood Boundary



Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	09 200486 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	December 30, 2009

Municipal Address: 50 NEPTUNE DR
 Location Description: PLAN 4680 S PT LOT 21 **GRID N1502
 Project Description: Application to permit the development of a 14 storey condominium building and rental replacement for a total of 155 residential units and 12,868 m2 of gross floor area.

Applicant:	Agent:	Architect:	Owner:
2135335 ONTARIO INC AND 2145072 ONTARIO INC			2135335 ONTARIO INC AND 2145072 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	RM5	Historical Status:	
Height Limit (m):	11.5	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	2815	Height:	Storeys:	14	
Frontage (m):	45.6		Metres:	43.82	
Depth (m):	61.73				
Total Ground Floor Area (sq. m):	835.5				Total
Total Residential GFA (sq. m):	12868		Parking Spaces:	134	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	12868				
Lot Coverage Ratio (%):	29.68				
Floor Space Index:	4.57				

DWELLING UNITS

Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	103
2 Bedroom:	52
3 + Bedroom:	0
Total Units:	155

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	12868		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

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