



STAFF REPORT ACTION REQUIRED

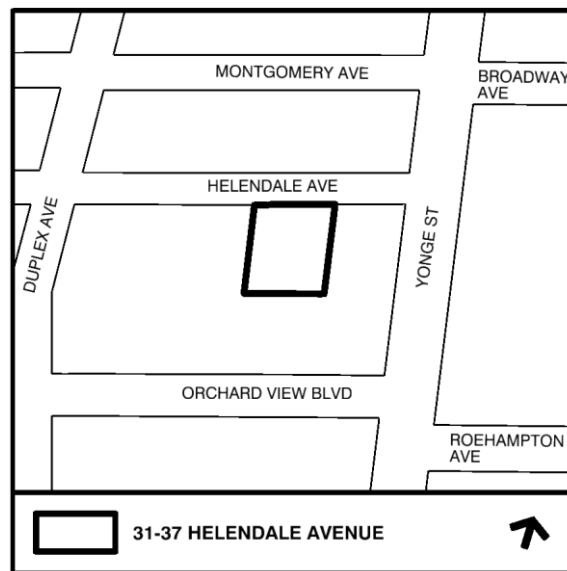
31, 33, 35 and 37 Helendale Avenue - Zoning By-law Amendment Application and Rental Demolition Application under Municipal Code 667 – Request for Direction Report

Date:	April 23, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	12 141927 NNY 16 OZ

SUMMARY

This application proposes a 24-storey apartment building (74.15 metres excluding mechanicals) with 242 dwelling units at 31 to 37 Helendale Avenue. The building design includes a 5-storey base building with a 19-storey tower above. A total of 145 parking spaces are proposed in four levels of below grade parking. The residential gross floor area proposed for the building is 16,594 m², resulting in a proposed density of 10.2 times the area of the lot. The applicant has appealed the application to the Ontario Municipal Board due to Council’s failure to make a decision within the prescribed time period under the *Planning Act*. A prehearing conference was held on March 17, 2014. A further prehearing conference is scheduled for July 17 and 18, 2014 and a full hearing has been scheduled for November 12 to November 26, 2014.

The site currently contains 19 residential rental units of affordable and mid-range rents in three 3-storey apartment buildings and a single detached house. The details of the replacement strategy are currently being discussed with the applicant. A Rental Housing Demolition application was also submitted under Section 111 of the *City of Toronto Act* to demolish the 19 residential rental units on the site pursuant to Chapter 667 of the Municipal Code. The City's decision on the Rental Demolition application is not subject to appeal by the



applicant to the Ontario Municipal Board.

This report seeks Council's direction to oppose the proposed development at the Ontario Municipal Board. The application proposes a tall building that is out of scale with its existing and planned context, and creates an unacceptable transition to an area of lower intensity, contrary to the Official Plan. The height and massing of the building would have negative impacts on the public realm and abutting and nearby properties. The proposal represents overdevelopment of the site and does not adequately address the Council approved Tall Building Design Guidelines and the Yonge, Duplex, Helendale and Orchard View Urban Design Guidelines prepared in association with the Planning Study for this block.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other staff as appropriate, to oppose the applicant's appeal respecting Zoning By-law Amendment application No. 12 141927 NNY 16 OZ for 31, 33, 35 and 37 Helendale Avenue and attend any Ontario Municipal Board hearings in opposition to such appeal, for the reasons discussed in this report including:
 - a) the proposal does not conform to the Official Plan and the Yonge-Eglinton Secondary Plan, including, but not limited to, policies related to built form, public realm, healthy neighbourhoods, heritage resources and *Apartment Neighbourhoods*;
 - b) the proposal does not adequately address Council approved guidelines including the Tall Building Design Guidelines and the Urban Design Guidelines for the Yonge, Duplex, Helendale, Orchard View Planning Study;
 - c) the proposal represents over-development of the site; and
 - d) an agreement has not been reached between City staff and the applicant with respect to the demolition and replacement of the rental housing.
2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report.
3. City Council authorize the City Solicitor, in the event that the proposal is approved in whole or in part by the Ontario Municipal Board, to advise the Board that the development application should not be approved without the approval by City Council of rental demolition and full replacement of the 19 existing rental dwelling units to the satisfaction of the Chief Planner and Executive Director, City Planning; and that the City Solicitor advise the Board that City Council approval under Chapter 667 pursuant to Section 111 of the *City of Toronto Act* is required for the rental demolition and replacement of the rental housing.

4. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as the City and the owner have presented a draft by-law to the Board that provides for securing the rental housing matters as outlined in recommendation 3 of this report dated April 23, 2014 from the Director, Community Planning, North York District and a Section 37 Agreement incorporating these matters has been executed.
5. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as a site plan agreement has been entered into between the City and the owner and any preconditions to site plan approval are fulfilled including addressing parking spaces and access, loading and servicing issues as outlined in the memo from the Manager, Development Engineering, North York District dated December 10, 2013.
6. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as the City and the owner have presented a draft by-law to the Board that secures community benefits through a Section 37 Agreement.
7. City Council direct the City Solicitor to advise the OMB that the zoning by-law should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner in consultation with the applicant and the ward councillor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 11, 2010, City Council adopted amendments to the Official Plan and Yonge-Eglinton Secondary Plan to implement the policies of the Provincial Growth Plan for the Greater Golden Horseshoe for the Yonge-Eglinton Urban Growth Centre. The Official Plan Amendment established appropriate boundaries for this Urban Growth Centre and these are reflected in the current Official Plan and Yonge-Eglinton Secondary Plan. The subject site is not included in the Yonge-Eglinton Urban Growth Centre.

New policies were also introduced with respect to the Yonge-Eglinton *Centre* to reinforce the underlying land use designations and the intent of the existing Secondary Plan including policies in relation to appropriate height, density and scale of development in different areas of the *Centre*. This included adding a policy that requires that development on the lands on the east side of Yonge Street, north of Roehampton Avenue will be mid-rise buildings with a scale in the range of 8 to 12-storeys with retail uses at grade.

The report for the City initiated Official Plan Amendment for the Yonge-Eglinton Urban Growth Centre is available on the City's website at:

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-28933.pdf>.

At its meeting on June 13, 2012 North York Community Council (NYCC) considered Preliminary Reports on two Zoning By-law Amendment applications; one on the subject property at 31 - 37 Helendale Avenue and the other on the site adjacent to the east at 2360 – 2378 Yonge Street (Attachment 1). In assessing the applications, Planning staff considered the two proposals to represent significant intensification. In accordance with the Healthy Neighbourhoods policies of the Official Plan, Planning staff recommended that a study be undertaken that included an evaluation of the applications, other potential development sites and existing development within the block bounded by Yonge Street, Duplex Avenue, Helendale Avenue and Orchard View Boulevard, and determine if an Area Specific Policy was needed. NYCC adopted staff's recommendation and the Yonge, Duplex, Helendale, Orchard View Planning Study was initiated.

The Preliminary Reports for the two applications are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY17.41> and <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY17.40>

Both applications have been appealed to the Ontario Municipal Board (OMB) by the applicants due to Council's failure to make a decision on the applications within the prescribed period under the *Planning Act*. A Request for Direction Report for the appeal of the application at 2360 to 2378 Yonge Street is included as a separate report on the agenda for the May 13, 2014 NYCC meeting. A prehearing conference for the application at 2360 to 2378 Yonge Street was held on October 25, 2013. A further prehearing conference that consolidated the two appeals was held on March 17, 2014 and a further consolidated prehearing conference is scheduled for July 17 and 18, 2014. A full hearing for both applications has been scheduled for November 12 to November 26, 2014.

At its meeting on September 10, 2013, NYCC considered a Status Report on the Yonge, Duplex, Helendale and Orchard View Planning Study. NYCC directed that staff schedule a community consultation meeting to update the broader community on the status of the Study, seek further input on a draft Area Specific Policy and Urban Design Guidelines for the block and report back to NYCC on the results of the community consultation process including any required statutory notice.

The Status Report is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY26.53>

At its meeting on November 19, 2013, NYCC considered a Final Report on the Planning Study. The Final Report includes an amendment to the Yonge-Eglinton Secondary Plan to introduce an Area Specific Policy for the block and the adoption of Urban Design Guidelines. The Official Plan Amendment to the Yonge-Eglinton Secondary Plan was enacted by City Council at its meeting on December 16 and 17, 2013. The Official Plan amendment was appealed to the OMB by the applicant for 2360-2378 Yonge Street. A prehearing date has not yet been scheduled by the OMB.

The Final Report is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY28.31>

ISSUE BACKGROUND

Proposal

The application proposes a 24-storey apartment building (74.15 metres excluding mechanicals) with 242 dwelling units (Attachments 2, 3 and 4). The mix of dwelling units includes 177 one-bedroom, 64 two-bedroom and one three-bedroom units, including 19 replacement rental units. The replacement rental units are proposed to include 19 one-bedroom units at a variety of sizes and configurations and 1 three-bedroom unit for a total of 20 units. All proposed residential units with the exception of 20 rental replacement units are to be residential condominium.

A residential gross floor area of 16,594 m² is proposed reflecting a density of approximately 10.2 times the area of the lot. The floorplate of the proposed tower is 560 m² for the 6th floor, 660 m² for the 7th to 19th floors and 695 m² for the upper 4 floors (20th to 24th).

The proposed building consists of a 5-storey base, 15.35 metres high with a 19-storey tower above. There are eight 2-storey townhouse units in the building base with 3 levels of apartment units above. The townhouse units have separate entrances at grade, three along Helendale Avenue and five along the west side of the building adjacent to the Northern District Library property. An entrance to the apartment lobby is also proposed on the west side of the building. There is a 2-storey bicycle storage area at the south end of the base building accessed by a ramp at the south west corner.

Proposed common residential amenity space includes 470 square metres of indoor amenity space occupying the entire 6th floor and 442 square metres of outdoor amenity space on an adjacent terrace that wraps around all sides of the building representing 3.77 square metres of amenity space per dwelling unit in total. The allocation of amenity space is approximately 1.94 m² of indoor amenity space and 1.83m² of outdoor amenity space per unit.

Four levels of underground parking with 145 parking spaces are proposed for residents with 7 of these parking spaces proposed to be available to rent by the tenants of the proposed rental replacement units. No residential visitor parking is proposed. Two hundred and forty-four bicycle parking spaces are proposed, 194 for residents and 50 for visitors. Access to loading and parking is proposed off Helendale Avenue from a shared driveway along the east side of the site with a combined width of 11.19 metres with 6 metres of this driveway located on the subject site.

The proposal has been revised since the initial submission that proposed 234 dwelling units. The proposed density has been reduced from 10.27 to 10.2 times the area of the lot and the height has been increased from 72.60 to 74.15 metres (excluding mechanicals). Generally the tower and base building have been shifted to the west resulting in reduced setbacks along Helendale Avenue to the north, the Northern District Library property to the west and south and the commercial properties to the south, and an increased tower setback along the east property line. Tower setbacks for the upper floors (20th to 24th) are also reduced along the west and south property lines.

With the revisions the tower separation from the existing Stanley Knowles Cooperative building has changed from a range of 13.5 to 18 metres to 15.0 metres with the top four floors having a 14.69 metre separation. In the initial proposal, the tower design incorporated a diagonal wall at the southwest corner

of the building providing for a tower setback of over 12.5 metres along this southwest facing wall to the property line. The proposed tower setback along the east property line is 10 metres. A 10 metre tower setback is also proposed with the development application at 2360 to 2378 Yonge Street on the site adjacent to the east, resulting in a proposed tower separation of 20 metres between the two buildings. A summary of the setbacks in the initial and revised proposals are included in the table below. Setbacks along Helendale Avenue include a 0.3 metre road widening that is required along a portion of the site.

Base Building and Tower Setbacks				
Property Boundary	Base Building Setbacks (m)		Tower Setbacks (m)	
	Initial submission	Revised submission	Initial submission	Revised Submission
East	6.0	6.0	6.0 - 9.0	10.0
West	4.6	3.0	4.6 – 8.0	6.0 and 5.5*
North	3.0 - 3.2	1.7 - 2.9	5.0 – 8.0	4.5 – 6.0 (4.7 – 5.9*)
South	1.5	0.8 – 1.5	4.7 – 8.5	5.5 – 7.1 (3.2 – 7.2*)

* Tower setback 20th to 24th floor

Additional site and development statistics are outlined in the Application Data Sheet: Attachment 5.

Site and Surrounding Area

The site is located on the south side of Helendale Avenue west of Yonge Street. The site is 1,628 square metres in area, rectangular in shape and generally flat. It has a frontage of approximately 38 metres on Helendale Avenue and a depth of approximately 42 metres. The site is occupied by three, 3-storey apartment buildings and a single detached dwelling; all are vacant. There were previously 19 rental dwelling units in the buildings. There is currently a 1.5 metre wide right-of-way on the east side of the site that is combined with a 4.5 metre wide right-of-way on the property adjacent to the east to form a 6.0 metre wide laneway that provides access from Helendale Avenue for both properties as well as commercial properties to the south that front on Yonge Street.

Surrounding land uses include:

North: Postal Station K (1 and 2-storeys), 12.5 metres high is situated on the property fronting Yonge Street, north of Helendale Avenue opposite the site. This site is listed on the City's *Inventories of Heritage Properties* and is a National Historic Site. An Official Plan and Zoning By-law Amendment application (File # 13 127993 NNY 16 OZ) that proposes a 27-storey mixed-use building on the site is currently under review. There is a low-rise residential neighbourhood to the west of Postal Station K. There is a single detached dwelling and three 3-storey townhouses opposite the site on the north side of Helendale Avenue. Further north, at the northwest corner of Yonge Street and Montgomery Avenue is the 2-storey Anne Johnston Health Station which is designated as historically significant under the *Ontario Heritage Act* and to the west Fire Station #134 (2 storeys) also an historic building that is listed on the *City's Inventories of Heritage Properties*. Further north along Yonge Street are 2 and 3-storey mixed-use buildings.

South: The Northern District Toronto Public Library property, including an entry forecourt to the library, an existing mid block connection and a sunken publicly accessible open space, and to the east a surface commercial parking lot and a 2-storey commercial building abut the site to the south. Southeast of the subject site are 2 and 3-storey commercial buildings fronting Yonge

Street. Further south, on the south side of Orchard View Boulevard, is the Rio Can Yonge Eglinton Centre office and retail complex (22 and 30-storey office buildings) and two high-rise apartment buildings (17 and 22 storeys). In April 2010, City Council approved an application to amend the Zoning By-law to permit an additional 4,000m² of retail space and additions of 5 and 7-storeys of office space above the existing office buildings, bringing the permitted height of the office buildings to 27 and 37 storeys.

East: To the east is a single and 2-storey commercial building. This site is subject to a Zoning By-law Amendment application that proposes a 28-storey mixed use building (File # 12 168197 NNY 16 OZ). The application has been appealed to the Ontario Municipal Board by the applicant and is subject to the same OMB hearing date as the subject application.

West: To the west is the 17-storey Toronto Public Library and Stanley Knowles Cooperative building. The building consists of a 2-storey base, occupied by the Northern District Library setback from Helendale Avenue 6 to 12 metres, community meeting space, and offices with a 15-storey apartment building above. Further west is a 20-storey apartment building approved by the OMB in 2011 (File # 08 182458 NNY 16 OZ) under construction at the northeast corner of Orchard View Boulevard and Duplex Avenue. Three single-detached dwellings are located on the southeast corner of Helendale Avenue and Duplex Avenue.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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.

The *Yonge-Eglinton Centre* is also one of five Provincial Urban Growth Centres within Toronto. As noted previously, in May 2010, City Council approved an Official Plan Amendment, including amendments to the Yonge-Eglinton Secondary Plan, to implement the policies of the Provincial Growth Plan for the Greater Golden Horseshoe for the Yonge-Eglinton Urban Growth Centre. Among other matters, the Official Plan Amendment established appropriate boundaries for this Urban Growth Centre and these are reflected in the current Official Plan and Yonge-Eglinton Secondary Plan.

City of Toronto Act

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law 885-2007 (also known as the Rental

Housing Demolition and Conversion By-law), which was enacted by City Council on July 19, 2007, implemented this provision by establishing Chapter 667 of the Municipal Code.

The By-law makes it an offence amongst other things, to demolish, or cause to be demolished, the whole or any part of a residential rental property unless approval has been granted for a Section 111 permit for the demolition of the residential rental property. In addition, approval of related planning applications, such as a rezoning dependent on such demolition should be conditional upon the applicant receiving a Section 111 permit.

Council may refuse an application, or approve the demolition with conditions. Conditions such as replacement of rental housing and tenant assistance may be imposed on the approval of a Section 111 permit. These conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. Where an application for rezoning triggers an application under Section 111 for rental demolition or conversion, City Council typically considers both applications at the same time.

The applicant has made an application for a Section 111 permit to demolish the three 3-storey apartment buildings and the single-detached dwelling on the site that previously included 19 rental units of affordable and mid-range rents, and proposes to replace the units in the new development. Staff are working with the applicant to secure an appropriate rental unit replacement proposal. Decisions made by Council under this statute are not appealable to the Ontario Municipal Board.

An acknowledgement by City staff that a permit will be issued under Section 111 of the *City of Toronto Act* is a prerequisite for a zoning amendment which would result in the demolition of rental units. The rental housing demolition application remains under review.

Official Plan

The site is designated *Apartment Neighbourhoods* in the Official Plan (Attachment 6) and is located in the Yonge-Eglinton Secondary Plan area (Attachment 7). Properties adjacent to the east along Yonge Street including the site at 2360 to 2378 Yonge Street, where the 28-storey mixed-use building is proposed, and the Postal Station K site to the north, where the 26-storey mixed-use building is proposed, are designated *Mixed-Use Areas* and are located on an *Avenue*. The boundary of the *Centre* extends along Orchard View Boulevard to the south and Yonge Street to the east, with properties on the east side of Yonge Street and the south side of Orchard View Boulevard designated *Mixed use Areas* within the *Centre*. Properties to the west and south extending to Duplex Avenue including the Northern District Library site are designated *Apartment Neighbourhoods*. The low scale residential uses on the north side of Helendale Avenue are in a *Neighbourhoods* designation.

Centres and Avenues Policies

The growth management strategy for the City directs growth to some parts of the City, while protecting neighbourhoods and green spaces from development pressures. Section 2.2.2 of the Official Plan identifies five areas that can best accommodate growth including the *Downtown*, *Central Waterfront*, *Centres*, *Avenues* and *Employment Districts*. The Official Plan directs growth to these areas in order to achieve multiple City objectives. Among other matters, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes

mixed-use development to increase opportunities for living close to work and to encourage walking and cycling, and protects neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

The Official Plan recognizes the strategic mid-town location of the Yonge-Eglinton *Centre* and its continuing role as both an office centre and a desirable living area. The boundary of the *Centre* extends along Orchard View Boulevard to the south and Yonge Street to the east. The Plan promotes new development within the Yonge-Eglinton *Centre* and identifies where and how this should occur including through infill development and redevelopment of key sites near the Yonge-Eglinton intersection and along Eglinton Avenue East. The subject site, located on the west side of Yonge Street and north of Orchard View Boulevard is outside of the *Centre* (Attachment 8).

The policies of Section 2.2.2 of the Official Plan provide that each *Centre* will have a Secondary Plan that sets out the local goals and a development framework consistent with the Plan, and among other matters, the location, mix and intensity of land uses within the *Centre*.

Avenues are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

Healthy Neighbourhoods Policies

The Healthy Neighbourhoods policies of the Official Plan provide that development in *Apartment Neighbourhoods* that is adjacent or close to *Neighbourhoods* will:

- be compatible with the *Neighbourhoods*;
- provide a gradual transition of scale and density;
- maintain adequate light and privacy for residents; and
- attenuate resulting traffic and parking impacts.

Policy 2.3.1.3 requires that intensification of land adjacent to neighbourhoods will be carefully controlled to protect these stable areas from negative impact. The policy provides the opportunity to determine, through the review of applications involving significant intensification adjacent to a *Neighbourhoods* or *Apartment Neighbourhoods*, whether a Secondary Plan, area specific zoning by-law or area specific policy should be created in consultation with the local community following an *Avenue Study* or area based study. The Yonge, Duplex, Helendale, Orchard View Planning Study was initiated in accordance with this policy.

Public Realm and Built Form Policies

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.1 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

To minimize impacts on the property and on surrounding properties, and improve the safety and attractiveness of adjacent streets, Section 3.1.2.2 provides that new development use shared service areas where possible within development blocks, consolidate and minimize the width of driveways and curb cuts across the public sidewalks, and integrate services and utility functions within buildings where possible. Section 3.1.2.4 of the Plan requires that new development provide amenity to adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Official Plan identifies tall buildings as those whose height is typically greater than the width of the adjacent road allowance. The right-of-way width of Helendale Avenue in proximity to the proposal is approximately 15 metres. As such, the proposed building is considered to be a tall building.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1.3 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. The Official Plan states that although tall buildings are desirable in the right places they don't belong everywhere and are only one form of intensification. Most of the proposed intensification in the Plan is anticipated to be achieved with street oriented, grade related or mid-rise building types that define and support sunny, comfortable and vital streets, parks and open spaces. Tall buildings are generally limited to parts of the *Downtown*, *Centres* and others areas in which they are permitted by a Secondary Plan, an area specific policy, or a zoning by-law. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

Heritage Resource Policies

The Postal Station K property on the north side of Helendale Avenue opposite the site is listed on the City's *Inventory of Heritage Properties*. Section 3.2.5.2 provides that development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes.

Housing Policies

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. The site of this proposed development contains 19 residential rental units at affordable and mid-range rents. Policies in Section 3.2.1 of the Official Plan provide that new development that would have the effect of removing six or more rental units should not be approved unless the same number, size and type of rental housing units are replaced and maintained with rents similar to those at the time of application.

Apartment Neighbourhoods Policies

A range of residential uses from single-detached dwellings to apartment buildings as well as parks, local institutions, cultural and recreational facilities and small-scale retail services and office uses are permitted in *Apartment Neighbourhoods*. This designation is distinguished from low rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale related criteria are needed to guide development in *Apartment Neighbourhoods*. Both *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas in the Official Plan and development must be consistent with this objective and reinforce and respect the existing physical character of buildings, streetscapes and open space patterns.

Where there are opportunities for additional townhouses or apartments on underutilized sites within *Apartment Neighbourhoods*, proposals are assessed against development criteria. These criteria include among other matters:

- locating and massing new buildings to provide a transition between areas of differing development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or stepping down of heights towards lower scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes;
- locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- locating and screening service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residents.

The Official Plan is available on the City's website at:

http://www1.toronto.ca/staticfiles/city_of_toronto/city_planning/developing_toronto/files/pdf/chapters1_5_dec2010.pdf

Yonge Eglinton Secondary Plan

The Yonge-Eglinton Secondary Plan provides a locally focussed policy framework for guiding growth and change in the Secondary Plan area. The general policies of the Secondary Plan establish objectives in relation to land use, the nature and scale of development, transportation, urban form and public realm, community services, and parks and open spaces. The Yonge-Eglinton Secondary Plan Area encompasses lands within the Yonge-Eglinton *Centre* and provides a development framework for the *Centre* as well as the larger Secondary Plan area including these lands.

It is a primary objective of the Secondary Plan to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed-Use Areas*, *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. Secondary Plan objectives also seek to ensure that the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between

sites in abutting land use designations, and that all buildings form a positive visual relationship to the street.

Among other matters, it is the objective of the Secondary Plan to maintain the existing scale of development within stable *Neighbourhoods* and protect such areas from impacts including overshadowing from buildings located in abutting *Mixed Use Areas* and *Apartment Neighbourhoods*, and to secure a transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods* and in particular to those sites which abut a *Neighbourhood*.

The Secondary Plan provides for development of the greatest height, density and scale to be situated in *Mixed Use Area "A"*, and development of a lesser scale that is contextually appropriate and compatible with adjacent areas to be located in *Mixed Use Areas "B", "C", and "D"*. Higher density residential development proposals within *Apartment Neighbourhoods* are directed to sites with nearby subway station access.

The Secondary Plan recognizes the importance of higher order transit, existing and planned for Yonge-Eglinton, and Section 2.10 provides opportunity to consider reduced parking requirements for development in *Apartment Neighbourhoods* which are in close proximity to subway and light rapid transit access. Improvements to the public realm are encouraged in association with all development and the *Parks and Open Space Areas* policies of Section 2.21 encourage the creation of interesting and engaging parks and opens spaces that are safe, comfortable and accommodate people of all ages and abilities.

Section 5 of the Secondary Plan includes policies for the *Yonge-Eglinton Centre*. Section 5.1 confirms the intent that the *Yonge-Eglinton Centre* satisfy the requirement of an Urban Growth Centre within the meaning of the Growth Plan for the Greater Golden Horseshoe. In recognition of this status detailed policies to guide development in the *Centre* are included. Sections 5.2 and 5.3 provide for the highest heights, densities and scale of development within *Mixed-Use Areas A* at the four quadrants of the intersection of Yonge Street and Eglinton Avenue and that the heights, densities and scale of development will decrease along Eglinton Avenue East with increasing distance from this intersection. The built form typology and building heights along segments of Yonge Street and Mount Pleasant Road that are within the *Centre* are also further defined. For Yonge Street, Section 5.5 provides that development along the east side of Yonge Street north of Roehampton Avenue will be mid-rise buildings with a scale in the range of 8 to 12-storeys with retail uses at grade.

The Yonge-Eglinton Secondary Plan is available on the City's website at:
http://www1.toronto.ca/static_files/CityPlanning/PDF/21_yonge_eglinton_dec2010.pdf

Zoning

The site is zoned in a Residential (R2) zone in the former City of Toronto Zoning By-law 438-86 (Attachment 9). A range of residential uses including apartment buildings, detached houses, duplexes, row houses, semi-detached dwellings and triplexes are permitted on the site. A maximum density of 1.0 times the area of the lot is permitted. The maximum building height permitted is 14.0 metres. In addition, buildings with a front lot line on Helendale Avenue may not extend beyond a 30 degree angular plane projected over the lot from a point 10 metres from the south street line.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80a70621f3161410VgnVCM10000071d60f89RCRD>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas". The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Yonge, Duplex, Helendale and Orchard View Planning Study

The Yonge, Duplex, Helendale, Orchard View Planning Study was completed in November 2013 after extensive community consultation including an open house held in November 2012, three working group meetings held on January 23, February 26 and April 15, 2013 and a broader community consultation meeting held June 18, 2013. The study provided an opportunity to consider future development on the block bounded by Yonge Street, Duplex Avenue, Helendale Avenue and Orchard View Boulevard in a comprehensive fashion in relation to built form and public realm, while addressing the unique characteristics of each site. The Final Report on the study included amendments to the Yonge-Eglinton Secondary Plan to introduce an Area Specific Policy for the Block and Urban Design Guidelines to implement the results of the Study.

Guiding Principles

Guiding principles were prepared by City staff that address the main themes and priorities that emerged through the community engagement process for the Planning Study. The Guiding Principles include:

1. *Create a strong sense of place centred around the Northern District Library and Postal Station K site;*
2. *Enhance the existing and planned character of Yonge Street;*
3. *Create walkable, safe, comfortable and inviting streets, pedestrian connections and open spaces;*
4. *Develop at an appropriate scale consistent with the Official Plan and sensitive to community context and character; and*
5. *Promote consolidated accesses and servicing functions within development sites.*

Area Specific Policy

The Area Specific Policy builds on the existing planning framework for the block and seeks to ensure the new development is consistent with the existing and planned context, and positively contributes to the streets, open spaces and surrounding properties. Within the *Mixed-Use Areas*, along Yonge Street, mid-rise buildings are considered appropriate in keeping with the existing and planned context for this *Avenue*. Lower scale base building heights along Yonge Street and Helendale Avenue that respect the scale and character of the historic Postal Station K building and the low-rise character of Helendale Avenue are appropriate.

Within the *Apartment Neighbourhoods* a range of building types including low-scale, mid-rise and tall building forms are considered appropriate. Building forms should respect the context of the site within the block and the surrounding area, the unique characteristics of the site, and ensure consistency with City policies and guidelines, such as the Tall Building Design Guidelines. As well, in keeping with the planning framework building heights should step down toward the north and west to maintain compatibility and provide a transition to the lower scale neighbourhood north of Helendale Avenue and west of Duplex Avenue.

Urban Design Guidelines

The Urban Design Guidelines reflect the planning framework for the block, and guiding principles from the Planning Study. They outline and illustrate how the urban design goals and objectives of the Official Plan, Yonge-Eglinton Secondary Plan and City guidelines could be implemented. The Guidelines include a Concept Plan that illustrates key principles and priorities for improvements (Attachment 10). The Concept Plan reflects the overarching idea of Placemaking expressed through the study process and the creation of a community focal point and gathering place centred on the Northern District Library and Postal Station K sites. Enhancements along the streets and to the pedestrian connections and open spaces on the Northern District Library site are also illustrated. Consolidating accesses and intersection improvements on Orchard View Boulevard at Yonge Street and Duplex Avenue are priorities.

The Urban Design Guidelines address three main areas: the public realm; site organization; and built form:

1. Public Realm

Guidelines for the revitalization of the open spaces on the Northern District Library site and the creation of a new square along Yonge Street between Helendale Avenue and Montgomery Avenue including the historic Postal Station K site, (Montgomery Square) were prepared to ensure that designs for these spaces reflect their civic importance. Guidelines for the streets that surround the block, and the open spaces and pedestrian connections are also included to ensure that enhancements address the unique characteristic of each while creating a unified, connected and pedestrian friendly public realm. Public art to enhance streetscapes, open spaces and development sites are promoted.

2. *Site Organization*

Guidelines for site servicing and access were prepared to ensure that the number of accesses is limited and that the impacts of loading, parking and service areas on the public realm are minimized through high quality landscape treatments, screening and/or integrating them into the built form.

3. *Built Form*

Built form guidelines were prepared to ensure that the design of new buildings on the block balance the need to fit in, and to unify the open spaces on the Northern District Library site and Montgomery Square, while expressing the individual character of each building. Guidelines for building envelopes that maintain the sunlight condition on Yonge Street and Montgomery Square and respect the scale and character of the existing and planned built form context of the block and surrounding area are included.

Additional information about the Yonge, Duplex, Helendale, Orchard View Planning Study is available on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=7578be4436161410VgnVCM10000071d60f89RCRD&vgnnextchannel=490452cc66061410VgnVCM10000071d60f89RCRD>

Parks, Open Space and Streetscape Master Plan Study for Yonge-Eglinton

The City has initiated a Parks, Open Space and Streetscape Master Plan Study for the area now called Midtown in Focus. The study area is generally focussed on the *Centre* in the Yonge-Eglinton Secondary Plan area, but also includes streets and open spaces at the edge of the *Centre*. The overall objective of the study is to develop a Parks, Open Space and Streetscape Master Plan which identifies the distinct character of the study area, and provides a public realm framework for the study area including guidelines for amenities that support pedestrians and block-by-block guidelines for open space. It is anticipated that the study will be completed by the 2nd quarter of 2014.

The study area block is located within the Master Plan Study Area. The results of the Planning Study for the block will be used to inform the Midtown in Focus study.

Site Plan Control

The proposal is subject to Site Plan Control approval. A Site Plan Control Application has not been submitted to date.

Reasons for Application

A Zoning By-law amendment is required as the Zoning By-law permits a maximum building height of 14 metres and the proposed building would have a height of 74.15 metres excluding mechanicals. A maximum density of 1 times the area of the lot is permitted in the current Zoning By-law and a density of 10.2 times the area of the lot is proposed. A Zoning By-law amendment is also required to establish development standards such as parking and loading requirements, building setbacks and required landscaping and amenity space for the proposed development.

As the demolition of a related group of buildings containing 19 units of affordable and mid-range rents is proposed, a Section 111 permit is required under Chapter 667 of the *City of Toronto Act* to permit the redevelopment of this site.

Community Consultation

A joint community consultation meeting for the subject application as well as the application on the property adjacent to the east was held on June 18, 2013. Planning staff, the Ward Councillor and approximately 100 people attended the meeting. Main issues raised included concerns with the proposed height, density and coverage of the building, the amount of landscaped open space on site, the setback of the tower and its relationship to the existing Stanley Knowles Cooperative tower, potential impacts of the development on traffic in the area, the small size of dwelling units, the setback of the building from Helendale Avenue, the capacity of the subway to accommodate new residents, and the potential wind impacts of the building.

The applicant also participated in the Yonge, Duplex, Helendale, Orchard View Planning Study and attended the working group and larger community consultation meetings held for the study. The applicant presented and discussed the development proposal and provided ideas and comments, and participated in discussions about built form and public realm improvements at the working group meetings.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment, that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and areas, and that they establish and implement minimum targets for intensification and redevelopment within built up areas.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. As noted in this report, the proposal is not consistent with the Official Plan for the City of Toronto including the Yonge Eglinton Secondary Plan.

The Growth Plan for the Greater Golden Horseshoe identifies the *Yonge-Eglinton Centre* as an Urban Growth Area, to which intensification should be directed. It requires that Official Plans provide a strategy and policies to achieve intensification and to identify the appropriate type and scale of development in intensification areas. The City's planning framework for Yonge-Eglinton identifies the desired type and scale of development within intensification areas and how to achieve an appropriate transition of built form to adjacent areas, consistent and in conformity with the requirements of the

Growth Plan for the Greater Golden Horseshoe. The site is located outside of the Yonge-Eglinton Urban Growth Centre. The proposal does not conflict with the Growth Plan for the Greater Golden Horseshoe but it is not consistent with the Official Plan.

Height and Massing

The site is small, approximately 38 metres wide and 42 metres deep. Its midblock location and size present significant constraints for tall building development in a manner that is consistent with the Official Plan policies and City guidelines.

The site is designated *Apartment Neighbourhoods* and is not within a growth area in the Official Plan. *Apartment Neighbourhoods* are considered physically stable areas where significant growth is generally not anticipated. The development criteria used to assess development on underutilized sites in *Apartment Neighbourhoods* seek to ensure that new buildings are located and massed to provide a transition between areas of differing intensity through means such as setbacks and/or a stepping down of heights towards lower scale *Neighbourhoods*. The policies of the Official Plan and Yonge-Eglinton Secondary Plan seek to ensure that stable *Neighbourhoods* are protected from negative impacts of development and intensification, and require that development in *Apartment Neighbourhoods* that is adjacent or close to *Neighbourhoods* be compatible with those *Neighbourhoods*. The built form policies of the Plan support these objectives requiring that new buildings, among other things, be located, organized and massed to fit harmoniously within the existing and planned context.

The site is situated on the south side of Helendale Avenue, a street characterized with 2 to 3-storey low-rise buildings. There are existing 1 and 2-storey commercial buildings adjacent to the east and south of the site that front along Yonge Street. Yonge Street in this area is designated *Mixed-Use Areas* and is an *Avenue*. Planning staff consider it appropriate that new development along this *Avenue* be in mid-rise buildings.

On the Northern District Library site to the west, the 2-storey (9 metre high) Northern District Library building is generously setback from Helendale Avenue, and acts as the base for the 15-storey Stanley Knowles Cooperative above. West of the Northern District Library are 2-storey single-detached dwellings on small lots. There are 1 to 3 storey single and semi-detached and townhouses on the north side of Helendale Avenue and these properties are designated *Neighbourhoods*. The historically significant Postal Station K building (1 and 2 storeys) is also opposite the site on the north side of Helendale Avenue.

There are currently two tall buildings within the *Apartment Neighbourhoods* area on the block situated south and west of the subject site; the 17-storey Northern District Library and Stanley Knowles Cooperative building, and a 20-storey apartment building under construction (Neon) at the northeast corner of Duplex Avenue and Orchard View Boulevard.

The site is situated at the northern edge of this *Apartment Neighbourhoods* area adjacent to a *Neighbourhoods* area of lower development intensity and scale. The policies of the Official Plan require that intensification on lands adjacent to *Neighbourhoods* provide a gradual transition in the scale of development. Introducing a 24-storey building with a 5-storey base, on the site, does not provide a gradual transition in scale that has been established in this area. The proposed scale and massing of the

base building is also inconsistent with the Official Plan and the height should be reduced to respect the 1 to 3-storey low-rise built form character of Helendale Avenue, the 12.5 metre high historic Postal Station K building, and the lower-scale residential dwellings in the established *Neighbourhoods* north of Helendale Avenue.

Planning staff do not support the proposed height and massing of the building. The application proposes a tall building on a small site that is out of scale and character with its existing and planned context and creates an unacceptable transition to the lower-scale residential neighbourhood to the north.

Building Relationship to the Northern District Toronto Public Library Site

The Official Plan and Secondary Plan policies seek to ensure that new development is located, organized and massed to fit harmoniously within its existing and/or planned context and limit its impacts on neighbouring streets, parks, open spaces and properties.

The site is adjacent to the east and north of the Northern District Toronto Public Library property. The Northern District Library building is situated close to its east property boundary, setback approximately 2.0 metres at its closest point. There is an existing pedestrian walkway 2.0 to 3.0 metres wide that extends along the east side of the Northern District Library building close to the property boundary. This mid-block walkway provides pedestrian access through the block between Helendale Avenue and Orchard View Boulevard and to the front doors of the Stanley Knowles Cooperative and the front entrance of the Northern District Library. There is also a lower courtyard on the east side of the Northern District Library south of the subject property which is accessed by the midblock walkway through stairs adjacent to the south of the subject property.

The application proposes grade related dwelling units along the west side of the building, setback 3 metres from the Northern District Library property adjacent to the midblock connection. Access to the dwelling units and a main access to the building are also proposed along the west side. There are private patios and a 1.25 metre wide walkway proposed within this setback. There is also a 2-storey ramped bicycle storage area proposed on the west side of the building, at the south end setback 0.8 to 1.5 metres from south property boundary adjacent to the walkway and sunken courtyard. Access to the bicycle storage area is proposed in the southwest corner of the building facing the Northern District Library property and exiting onto the pedestrian walkway. A narrow planter is proposed to fill the space south of the bicycle storage ramp extending to the property line adjacent to the lower courtyard east of the Northern District Library building.

Although the dwelling units introduce active uses at grade adjacent to the mid-block walkway, which is desirable, the ground floor setbacks of the proposed building from the Northern District Library property do not provide for an appropriate transition between the private and public spaces to ensure privacy for the building interior while maintaining views out to improve safety in the public realm. The proposed building setbacks will negatively impact the Northern District Library site. The Northern District Library has also expressed concern with the close proximity of the dwelling units at the south end of the building to the existing Northern District Library building, noting overlook and privacy issues between the Northern District Library and residential uses.

The proposed setback of the 2-storey portion of the base building that contains the bicycle storage area and access ramp from the south property line is small ranging for 0.8 to 1.5 metres. The setback and height of the building wall and adjacent planter will create a visual barrier to the Northern District Library open space. No active uses are proposed at the ground floor in this location, unlike the residential units along the west side of the building, and this will further isolate the lower east courtyard from the surrounding area.

The initial submission proposed a more appropriate setback of 4.6 metres along the west side of the property adjacent to the Northern District Library site providing space for a wider walkway, soft landscaping including trees and to adequately separate the private front yards for the dwelling units from the public walkway including landscape and trees to balance the need for privacy but maintain overlook to the walkway for safety. Planning staff recommend a minimum ground floor setback of 4.5 metres adjacent to the Northern District Library property. This is consistent with the Official Plan, Yonge-Eglinton Secondary Plan and the City design guidelines.

The location of the bicycle storage area and access ramp introduces cyclists directly onto the mid-block pedestrian connection creating potential conflicts and safety issues between pedestrians and cyclists. Planning staff recommend that the bicycle storage area at the south end of the building should be relocated within the main building with access from the shared service access on the east side of the site and that more appropriate uses at grade in this area be provided along with a minimum ground floor building setback of 4.5 metres to promote casual overlook to promote safety in this area. This setback will allow landscaping to improve wind conditions and enhance the character of the midblock connection and public open spaces south of the site.

Helendale Avenue Frontage

Helendale Avenue is a local street with a narrow right-of-way approximately 15 metres wide. The boulevards are small approximately 2.8 metres wide and the sidewalks are narrow less than 1.5 metres wide. In this area, Helendale Avenue is characterized with low-rise buildings ranging from 1 to 3 storeys. The building setbacks vary between the north and south sides of the streets with larger setbacks generally along the south side. On the site adjacent to the west the existing buildings are setback from 3 to 6.5 metres. The Northern District Library is setback 6 to 13 metres, and the houses further west are setback from 3 to 7 metres. Postal Station K on the north side of the street opposite the site has a setback of approximately 4 metres.

The application proposes grade related dwelling units along Helendale Avenue with direct access to the street and front yard patios. The proposed building setback of 1.7 to 2.9 metres is not consistent with the existing setbacks along the street or opposite the site on the north side of the street and provides insufficient space for patios, street trees, a widened sidewalk, landscape and other streetscape amenities.

The initial submission proposed a more appropriate setback of 3 to 3.2 metres along Helendale Avenue that represented a more typical curb to building relationship for small local streets in apartment neighbourhoods, while providing space for landscaping, a wider sidewalk, amenities and utilities.

Planning staff recommend a minimum setback of 3 metres. This is consistent with the Official Plan, Yonge-Eglinton Secondary Plan and City design guidelines.

Built Form - Helendale Avenue

The built form policies of the Official Plan and Secondary Plan as well as City guidelines provide that buildings should be designed to fit harmoniously within the existing context of neighbouring building heights at the street and respect the scale and proportion of adjacent streets, parks and public or private open spaces at good proportion and maintain access to sunlight and sky view for pedestrians and neighbouring properties.

In this area, both the north and south sides of Helendale Avenue are characterized with low scale buildings ranging from 1 to 3-storeys and 9 to 12.5 metres high. The commercial building adjacent to the east along Yonge Street is 1 and 2 storeys. The Northern District Library building adjacent to the west is 2 storeys. West of the Northern District Library there are 2-storey single detached dwellings in the block as well as in the neighbourhood west of Duplex Avenue. There are low-scale residential buildings in the neighbourhood on the north side of Helendale Avenue opposite the site and further to the west ranging in height from 1 to 3-storeys. The historic Postal Station K building on the north side of Helendale Avenue is also a low-scale building of 1 and 2 storeys, with the 2-storey front portion 12.5 metres high.

The scale of the proposed base building at 5-storeys, 15.14 metres is not consistent with the scale and height of neighbouring residential, institutional and commercial buildings and is out of scale with this narrow street. Reducing the height of the base building would reduce shadow impacts on Helendale Avenue and the neighbourhood. Planning staff recommend a base building height of 12 metres. This is consistent with the Official Plan, Yonge-Eglinton Secondary Plan and City design guidelines.

Site Servicing and Access

The built form policies of the Official Plan require that new development locate and organize vehicle parking, vehicle access and service areas, and utilities to minimize their impact on the property and surrounding properties, and to improve the safety and attractiveness of adjacent streets, parks and open spaces. These objectives can be achieved by using shared services areas, including public and private lanes, driveways and service courts, consolidating and minimizing the width of driveways and curb cuts across the public sidewalks and integrating services and utility functions within buildings. The Urban Design Guidelines developed through the Planning Study for site servicing and access are consistent with the Official Plan, Yonge-Eglinton Secondary Plan and the Tall Building Design Guidelines.

Two development proposals on adjacent sites provide an opportunity for consolidating access and servicing functions to the benefit of both sites, by minimizing curb cuts and the extent of the site areas dedicated to servicing and vehicular access by the use of shared infrastructure and efficient layouts. It also provides a longer term opportunity to create a continuous shared service driveway through the block between Helendale Avenue and Orchard View Boulevard that could be completed in association with future development on properties along Yonge Street south of the site, or on the Northern District Library site. Helendale Avenue also has an important role in achieving the larger public realm objective to enhance the existing civic gathering space for the broader Yonge-Eglinton community that integrates the Northern District Library and the Postal Station K sites, and development along this street should contribute to this larger goal.

The subject site and the property adjacent to the east currently share a driveway that straddles the property line between the two sites. The driveway is 6 metres wide along most of its extent narrowing to 3 metres near the southern boundary of the properties.

The applications propose new vehicular access and loading configurations for the developments. On the subject site, an independent 6.0 metre wide driveway is proposed along the east side of the property. An entrance to the underground parking garage is proposed at the south end of the driveway and a surface loading area on the west side of the driveway north of the garage entrance. For the adjacent property, where a 28-storey mixed use building is proposed, an additional independent 5.19 metre wide driveway is proposed along the west side of the property. The proposed driveway at 2360-2478 Yonge Street provides access to a separate entrance and ramp to the underground parking for this development. Access is proposed at the south end of the driveway with a surface loading area on the east side of the driveway north of the garage entrance.

Planning staff have significant concerns with the access and servicing corridor proposed for these developments. If constructed as proposed, a new driveway totalling 11.19 metres in width would be created off Helendale Avenue. A driveway width of 11.19 metres is wider than the paved portion of Helendale Avenue that services it, and well above the driveway width of 6.0 metres typically associated with this type of development. The wide curb cut would negatively impact pedestrians and reduce opportunities for landscape improvements along this street, and the large gap created by the driveway would result in an undesirable streetwall condition along Helendale Avenue contrary to the Official Plan and Secondary Plan public realm and built form policies and City design guidelines.

New development on Helendale Avenue should contribute to the civic gathering spaces around Postal Station K by setting the building back extending and enhancing the public realm on this narrow street. This civic open space currently contains markets and street festivals. In the future temporary closures between the proposed driveway and Yonge Street could enhance these civic functions.

Transportation Services staff have requested that the applicant investigate securing a mutual driveway access arrangement with the adjacent property at 2360 to 2378 Yonge Street in the interest of reducing the width of the proposed site access to 6 metres and provide a vehicle pick-up and drop-off facility on site. The proposal should be revised to reflect the reduced service driveway and Planning staff recommend that this driveway be integrated into appropriately scaled buildings on both properties.

Tall Building Design

The Tall Building Design Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts, and include additional guidelines to assist in assessing this tall building proposal in relation to tower setback and separation.

The Tall Building Guidelines recommend the use of small floorplate towers, above appropriately scaled base buildings, that are separated to allow sunlight and skyview between towers. When tall buildings are constructed too close together they result in unacceptable shadowing on surrounding streets, parks, open spaces and properties; diminished sky view for pedestrians; heightened street level wind effects;

loss of privacy for residents and limited interior daylighting. To minimize negative impacts the Guidelines recommend that the towers of tall buildings be separated a minimum distance of 25 metres.

In this case, the separation distances between the proposed tower and the existing Stanley Knowles Cooperative building on the Northern District Library property to the south and west, and the proposed 28-storey building on the site adjacent to the east are both less than 25 metres. The separation distance between the Stanley Knowles Cooperative building and the proposed tower is 15 metres with the top 4-storeys having a separation distance of 14.69 metres. The separation between the tall building proposed on the site adjacent to east and the subject tower is 20 metres.

Towers constructed too close to property lines on one site may restrict adjacent sites from developing in a similar manner. To avoid this, a minimum tower setback of 12.5 metres to side or rear property lines should be provided. This setback assumes that a matching tower setback can be provided on an adjacent site for an existing or proposed tall building to achieve the minimum separation distance of 25 metres between towers.

In this case, the tower is proposed to be setback 6 metres from the west property line adjacent to the Northern District Library site, with the top 4-storeys setback 5.5 metres. A setback of 5.5 to 7.1 metres is proposed from the south property line adjacent to the Northern District Library property and the commercial properties that front on Yonge Street, with the top 4-storeys setback 3.2 to 7.2 metres. The tower is proposed to be setback 10 metres from the east property line.

The Toronto Public Library has also expressed concern about the proposed tower separation distances from the existing building and the proposed tower setbacks from the Library property boundary, noting overlook and privacy issues, and negative impacts on revitalization plans and redevelopment potential on the Library property.

To avoid the negative impacts that occur when tall building towers are located too close together or too close to property lines, changes to the proposal including; consideration of a midrise built form, tower placement and/or tower floorplate, or a comprehensive development on a consolidated site are needed.

Sun, Shadow, Wind

Section 4.2.2(b) & (c) of the Official Plan requires that new developments in *Apartment Neighbourhoods* be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets parks and open spaces.

The shadow study submitted with the application indicates that the shadow cast by the proposed building will extend into the *Neighbourhoods* north of Helendale Avenue and slightly to the west of Duplex Avenue in the morning during the spring and fall equinoxes reaching to the front facades of the houses that front along the north side of Montgomery Avenue. The shadow will have moved beyond the neighbourhood by 1:00 p.m. on March 21st and September 21st. Although the shadow cast by the building will impact this *Neighbourhood*, shadow impacts in this area of the neighbourhood will not be

exclusive to this proposal. Shadows from buildings approved and under construction in the *Apartment Neighbourhoods* on the east side of Yonge street within the *Centre* will also extend into this *Neighbourhood* during the morning hours reaching the houses north of Montgomery Avenue and west of Duplex Avenue. However, increasing the separation distance between the proposed tower and the existing Stanley Knowles Cooperative to 25 metres would increase the window of sunlight between the shadows cast by the buildings, reducing the shadow impact from this building on the *Neighbourhoods* making it more acceptable.

Moving the tower east would increase the setback of the tall building from the base improving wind conditions in the midblock connection.

Maintaining the existing afternoon sunlight on the open space forecourt on the Postal Station K site and the adjacent sidewalks along Yonge Street in this area is important to promote the use of these civic open spaces and maintain and enhance the character of Yonges Street. Staff recommend that the building envelope for new development on the Block be designed to ensure that existing sunlight conditions are maintained between 12:18 and 3:18 p.m. on March 21st and September 21st in this area. Based on the information submitted by the applicant, the proposed building envelope appears consistent with this guideline. Staff will need to look at a revised proposal again once other changes are made to address built form issues.

Provision of Parking

Staff have concerns with the number and allocation of the proposed parking spaces. The application proposes 145 parking spaces for residents, 7 of these proposed to be available for rent to the rental units. No visitor parking is proposed. The current Zoning By-law for Yonge-Eglinton requires a minimum of 202 parking spaces for the proposed 242 dwelling units; 142 for residents and 60 for visitors. The proposal is deficient by 57 parking spaces. The new Zoning By-law (569-2013) provides for a lower rate for visitor parking. Using the lower visitor parking rate of the new Zoning By-law, 24 visitor parking spaces are required, resulting in a total parking requirement of 166 parking spaces; 142 for residents and 24 for visitors. Using the new Zoning By-law parking requirements, the proposal is deficient by 21 spaces.

A traffic impact and parking assessment was submitted with the application. To address the issue of the lack of on-site visitor parking proposed, the study identified five opportunities for off-site visitor parking in the area including facilities on Roehampton Avenue, Castlefield Avenue, Holly Avenue, Sherwood Avenue and Mount Pleasant Road. However, only one of these parking facilities is close to the subject site; on Roehampton Avenue (150 m). The parking lots at Castlefield Avenue and Holly Avenue are 450 metres from the site and the remaining two facilities are over 500 metres from the site. The parking facility at Mount Pleasant Road is 1.1 kilometres from the site, and the parking facility at Sherwood Avenue is 600 metres from the site.

For the proposed rental replacement units, the applicant's parking study noted that 7 parking spaces were available for the former rental units and suggested that this standard apply, rather than the Zoning By-law standard that requires 10 spaces for the replacement rental units. The study concluded that given the site's unique location within the Yonge-Eglinton Centre area and its proximity to a multitude of transit services, the proposed parking supply is adequate.

The Yonge-Eglinton Secondary Plan provides for reductions in parking requirements for development in *Apartment Neighbourhoods* which are in close proximity to subway and light rapid transit access. The subject site is approximately 300 metres from the Eglinton subway station. The current Zoning-Bylaw for Yonge-Eglinton and the new Zoning By-law recognize areas near transit. Additional parking is needed to comply with City requirements.

Amenity Space

The built form and *Apartment Neighbourhoods* policies of the Official Plan require that significant multi-unit residential developments provide indoor and outdoor recreation space for building residents. The policies also provide that each resident have access to outdoor amenity spaces such as balconies, terraces, courtyard, rooftop gardens and other types of outdoor spaces.

Zoning By-law No. 438-86 requires a minimum of two square metres per unit each of common outdoor and indoor amenity space for exclusive use of residents. For the 242 dwelling units proposed, a minimum of 968 square metres of indoor and outdoor residential amenity space is required. The application is proposing a total of 912 square metres of residential amenity space, a shortfall of 56 square metres.

Planning staff have concerns with the amount of amenity space proposed, and the location and configuration of the proposed outdoor amenity space. The amenity space requirements are intended to ensure that there is sufficient indoor and outdoor amenity space in buildings to meet the needs of residents. Additional amenity space should be provided in keeping with the Zoning By-law standard of a minimum of 2 square metres per unit for indoor and outdoor amenity space to ensure that future residents have sufficient amenity space for a variety of recreational opportunities.

The location and configuration of the outdoor amenity space terrace is also a concern. The 6th level of the building is proposed to be occupied by a centrally located indoor amenity room with the outdoor amenity space wrapping around the indoor amenity room on a terrace on all sides of the building. Much of the outdoor amenity space is configured as long narrow spaces around the edges of the building; only 2 to 3 metres wide with limited function. There are also two small spaces at opposite ends of the building approximately 85 and 95 square metres in size. The narrow spaces around the building provide limited opportunity for a range of recreational opportunities needed for residents. Planning staff recommend that the amenity space be reconfigured to provide for an outdoor amenity area space sufficient for a wider range of recreational opportunities coordinated with the required indoor spaces.

Open Space/Parkland

The proposed use is to be residential. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The lands which are the subject of this application are in an area with 0.8 – 1.56 hectares of local parkland per 1,000 people as per Map 8B/C of the Official Plan. The site is subject to the alternative parkland dedication rate through the City Wide Parkland Dedication By-law 1020-2010.

The applicant has submitted an application to construct a 24-storey residential building with 242 dwelling units within a site area of 1,628m²/0.1628 ha. The proposed rental replacement dwelling units

will be exempt from parkland dedication. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.3226ha (3,226m²) or 235% of the site area. For sites less than 1ha in size, a cap of 10% for the residential portion of development applies; therefore the parkland dedication will generate a parkland requirement of 137m²/0.0137 ha.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional. The site is also in proximity to Eglinton Park. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

Should the proposed development be approved by the OMB, the proposal would be required to meet Tier 1 of the TGS.

Section 37

Section 37 of the Planning Act empowers the approval authority to refuse a proposed zoning by-law seeking an increase in height and/or density, (over and above that permitted by the Zoning By-law) without the provision of community benefits by the applicant. Since this application was not considered to be good planning, discussions with the applicant about the nature and quantum of the community benefits have not taken place. Those discussions will begin now that the applicant is seeking approval of this zoning by-law amendment without further revision. In the event that the OMB considers granting additional density and/or height beyond that which is permitted in Zoning By-law 438-86, the City will request that the OMB not approve the zoning by-law without the provision of such community benefits and rental housing replacement as are appropriate in the opinion of the Chief Planner in consultation with the applicant and the ward councillor. Such benefits could include contributions for open space improvements on the Northern District Library site and/or neighbourhood improvements to the Yonge-Eglinton area as recommended by the Parks and Open Space and Streetscape Master Plan (currently under study) such as special sidewalk paving and/or special paving treatment in the roadway of Helendale Avenue.

The Official Plan provides that Section 37 may be used regardless of any increase in height or density to secure the replacement of rental housing. This report recommends that the OMB be advised that any redevelopment approval should provide for rental replacement and tenant assistance and secured in a Section 37 Agreement as discussed below.

Rental Housing

The property includes a related group of buildings consisting of a total of 19 rental units with a unit mix of 18 one-bedroom units in 3 three-storey walk up apartment buildings and a three bedroom family-

sized rental unit contained in a single detached dwelling. All of the units are currently vacant but had affordable or midrange rents and were last occupied between 2004 and 2012.

The applicant has been working with staff to satisfy Official Plan Policy 3.2.1.6 to appropriately replace the rental housing units proposed to be demolished for the construction of the residential building. Once a building form has been determined, the final details of the rental replacement proposal will be secured through the Zoning By-law, Section 37 Agreement and Section 111 Agreement.

The application proposes to replace all 19 of the rental units. The replacement rental units are proposed to include 19 one-bedroom units at a variety of sizes and configurations and 1 three-bedroom unit for a total of 20 units. All replacement rental units are proposed to be located within contiguous areas, with 10 units on the 3rd floor, 5 units on the 4th floor and 5 units on the 5th floor. All of the units are proposed to have access to the indoor and outdoor building amenity facilities and four of the one-bedroom units and the three bedroom unit on the 3rd floor will have private terraces. Seven tenant parking spaces are proposed to be available to rent to the rental units.

The applicant is proposing that 14 of the 20 rental replacement units be smaller than the current rental units and have proposed the 20th unit in compensation for the overall loss of rental floor space and are working with staff to design a suitable building envelope to appropriately replace functionality of the existing building, including a family sized unit.

The applicants have proposed to secure the rental replacement units for a period of 20 years, with the rent increases not to exceed the provincial rent increase guideline until the tenancy ends or the rental tenure period secured in the agreement with the City expires. Any rental replacement unit vacated and re-rented after 10 years of the date of initial occupancy of the unit will still be rental, although the rent will not be subject to the agreement by the City. The 20th unit will have no rent stipulation, but will be guaranteed for tenure.

As no final zoning has been approved, recommendations 3 and 4 of this report will serve to ensure these matters are secured if the OMB approves the proposed development in full or in part. The terms of, and a recommendation on the Section 111 demolition permit must be brought forward to City Council if the Zoning By-law Amendment application is approved.

Conclusions

The application does not represent an appropriate redevelopment of the site and does not represent good planning for the reasons discussed in this report including:

- a) the proposal does not conform to the Official Plan and the Yonge-Eglinton Secondary Plan, including policies related to built form, public realm, healthy neighbourhoods, heritage resources and *Apartment Neighbourhoods*;
- b) the proposal does not adequately address Council approved guidelines including the Tall Building Design Guidelines and the Urban Design Guidelines for the Yonge, Duplex, Helendale, Orchard View Planning Study;

- c) the proposal represents over-development of the site; and
- d) an agreement has not been reached between City staff and the applicant with respect to the demolition and replacement of the rental housing.

This report recommends that staff oppose the applicant's appeal of the application at the OMB and that staff be authorized to continue discussions on a revised proposal and its integration with the abutting proposed development to the east.

CONTACT

Susan McAlpine, Senior Planner

Tel. No. (416) 395-7110

Fax No. (416) 395-7155

E-mail: smcalpin@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Yonge, Duplex, Helendale and Orchard View Planning Study

Attachment 2: Site Plan

Attachment 3: North and South Elevations

Attachment 4: East and West Elevations

Attachment 5: Application Data Sheet

Attachment 6: Official Plan – Land Use

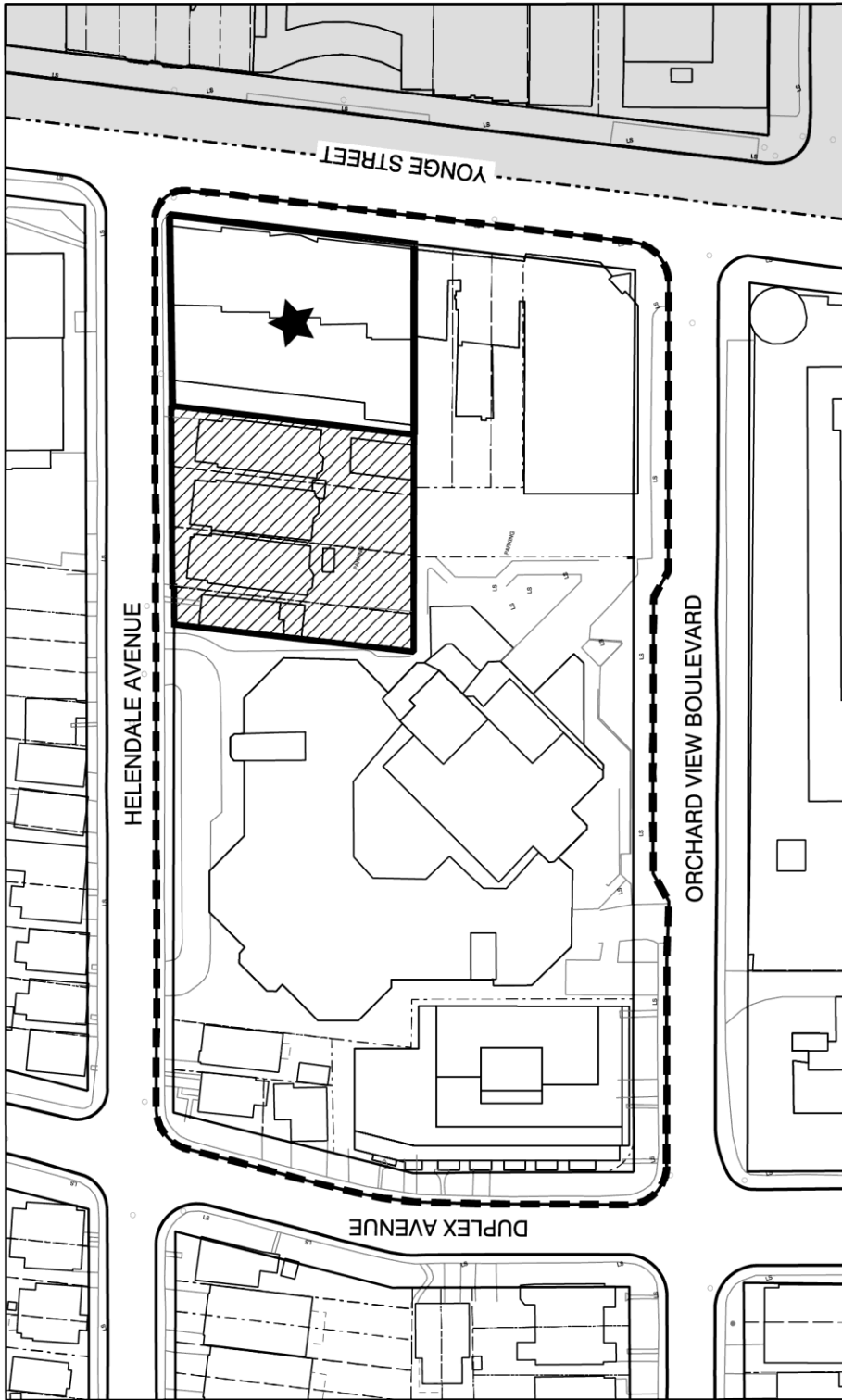
Attachment 7: Yonge-Eglinton Secondary Plan

Attachment 8: Official Plan – Urban Structure

Attachment 9: Zoning

Attachment 10: Concept Plan: Yonge, Duplex, Helendale, Orchard View Planning Study

Attachment 1 – Yonge, Duplex, Helendale and Orchard View Planning Study



Yonge, Duplex, Helendale & Orchard View Block Study 31-37 Helendale Avenue

Not to Scale
12/06/2013

File # 12 141927 NMY 16 0Z

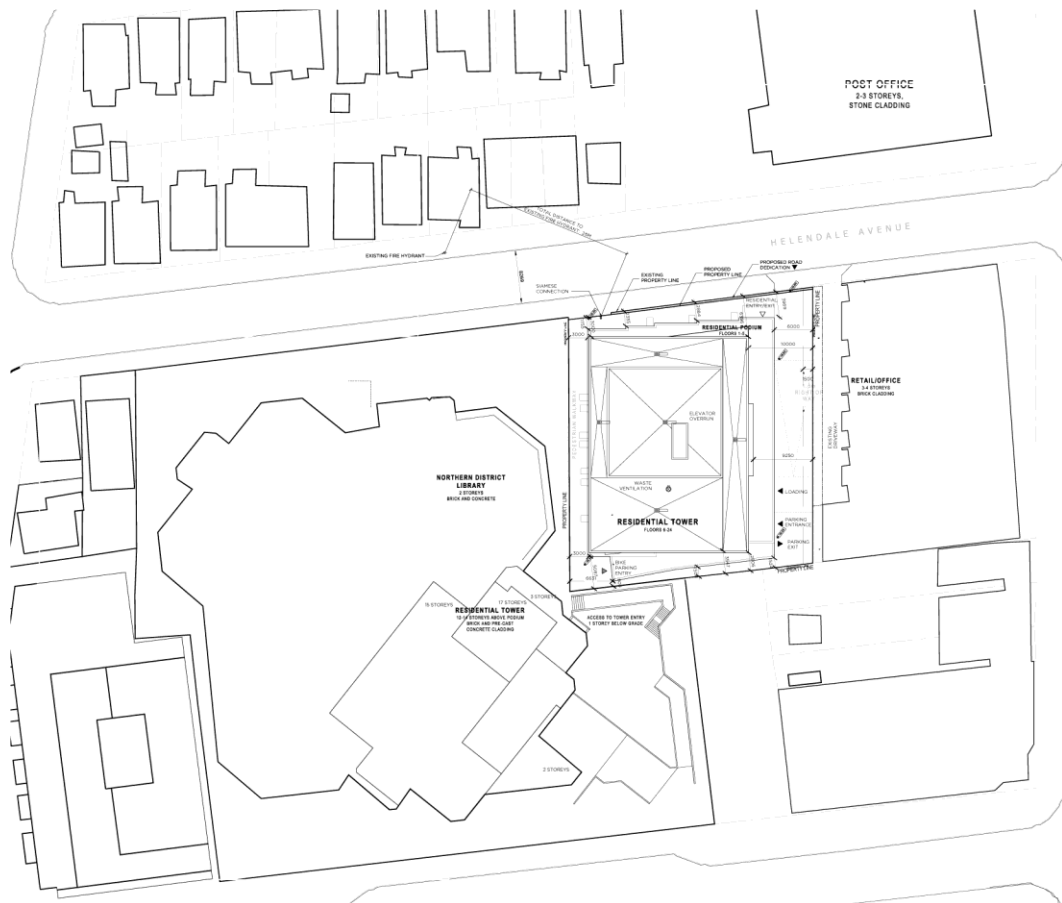
2360-2378 Yonge Street

31-37 Helendale Avenue

Study Area Boundary



Attachment 2: Site Plan



Site Plan

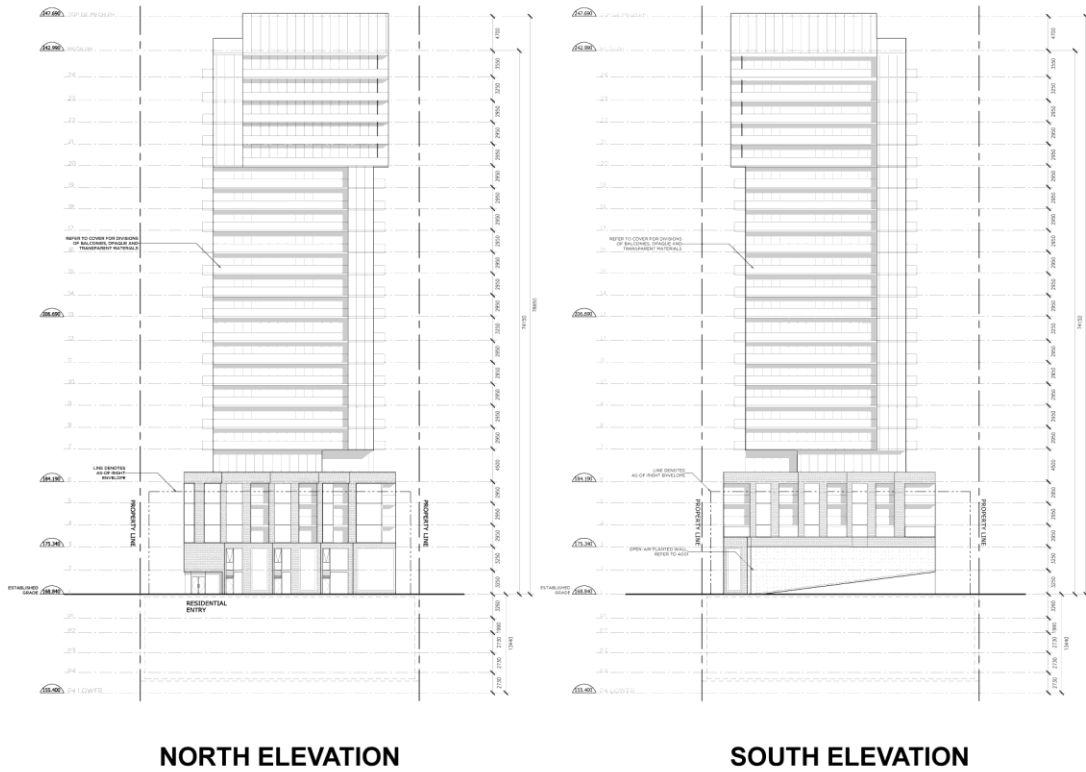
Applicant's Submitted Drawing

Not to Scale 
11/21/2013

31-37 Helendale Avenue

File # 12 141927 NNY 16 02

Attachment 3: North and South Elevations



Elevations

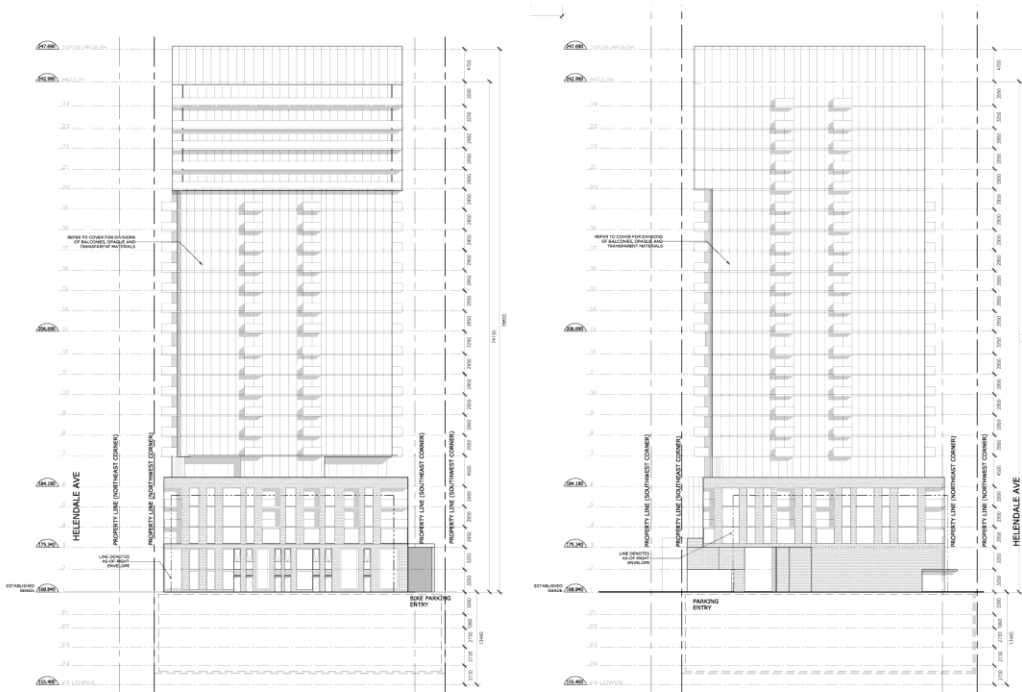
Applicant's Submitted Drawing

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11/21/2013

31-37 Helendale Avenue

File # 12 141927 NNY 16 0Z

Attachment 4: East and West Elevations



WEST ELEVATION

EAST ELEVATION

Elevations

Applicant's Submitted Drawing

Not to Scale
11/21/2013

31-37 Helendale Avenue

File # 12 141927 NNY 16 0Z

Attachment 5 – Application Data Sheet

Application Type	Rezoning	Application Number:	12 141927 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	March 23, 2012

Municipal Address: 31, 33, 35 and 37 Helendale Avenue

Location Description: PLAN 563 PT LOT 20 PT LOT 21 **GRID N1606

Project Description: Rezoning application to permit the redevelopment of the lands for a new 24-storey apartment building with 242 residential units. 16,594 m² of gross floor area is proposed. Replacement of the existing rental residential dwelling units located on site is proposed. 145 parking spaces located in a below grade parking facility are proposed.

Applicant:	Agent:	Architect:	Owner:
Comare Holdings Inc. 50 Confederation Parkway Concord, ON M4K 4T8		Roland Comtoif, RAW Design 405-317 Adelaide St. W Toronto ON M5V 1P9	Comare Holdings Inc. 50 Confederation Parkway Concord, ON M4K 4T8

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision: N
Zoning:	R2 Z1.0 H 14.0	Historical Status: N
Height Limit (m):	14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1627.6	Height:	Storeys:	24
Frontage (m):	38.4		Metres:	72.6
Depth (m):	42.1			
Total Ground Floor Area (sq. m):	1076			Total
Total Residential GFA (sq. m):	16594		Parking Spaces:	145
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	16594			
Lot Coverage Ratio (%):	66.1			
Floor Space Index:	10.2			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	16594	0
Studio:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	177 (73.2%)	Office GFA (sq. m):	0	0
2 Bedroom:	64 (26.4%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1 (0.4%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	242			

CONTACT:	PLANNER NAME:	Susan McAlpine, Senior Planner	
	TELEPHONE:	(416) 395-7110	Email: smcalpin@toronto.ca







Attachment 6: Official Plan – Land Use



Toronto City Planning
Official Plan

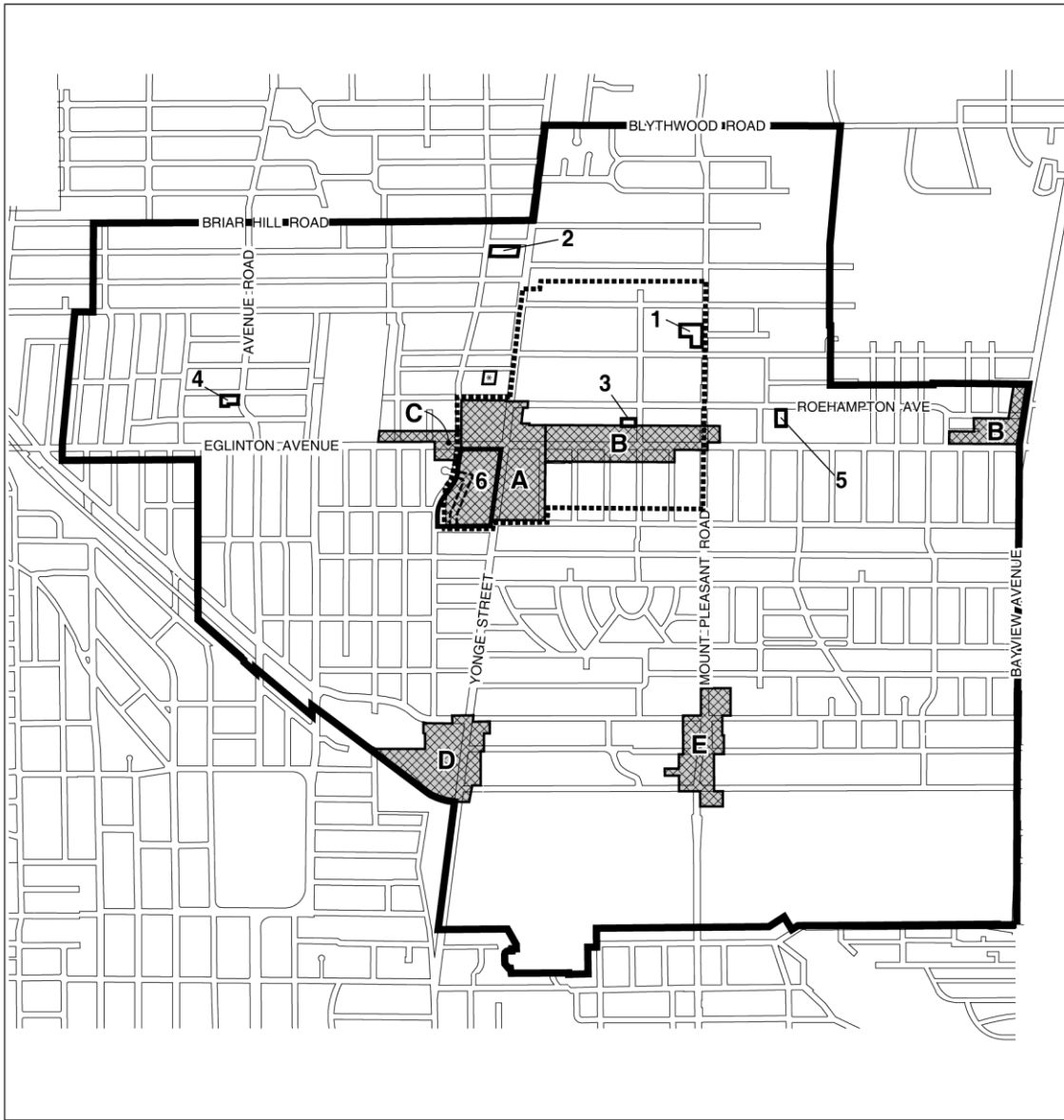
31-37 Helendale Avenue

File # 12 141927 NNY 16 02

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


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 04/16/2014






Attachment 7: Yonge-Eglinton Secondary Plan



Extract from Yonge-Eglinton Secondary Plan MAP 21-1

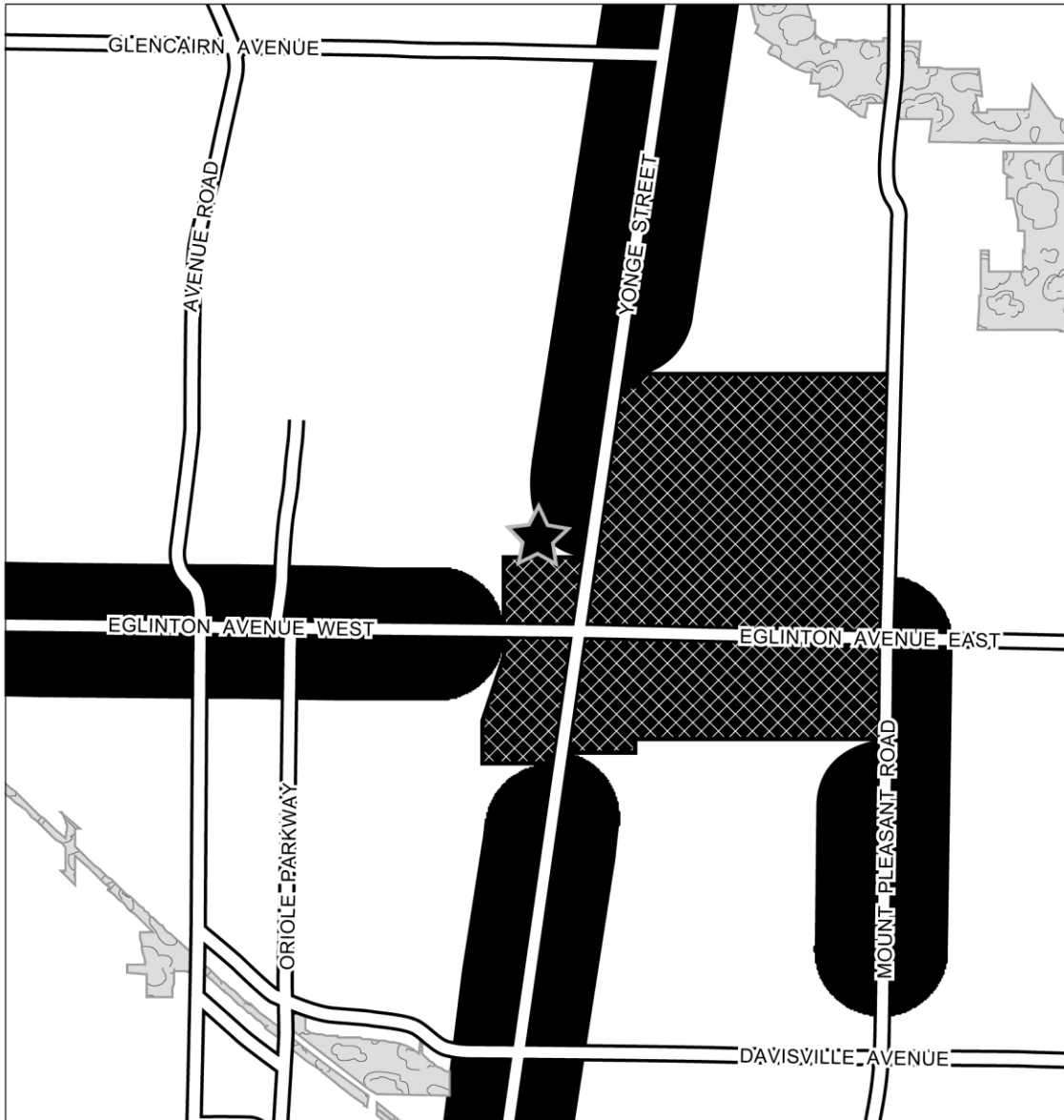
31-37 Helendale Avenue

File # 12 141927 NNY 16 0Z

-  Site Location
-  Yonge-Eglinton Centre
-  Mixed Use Areas
-  Site and Area Specific Policies
-  Proposed Road


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 11/21/2013



Attachment 8: Official Plan – Urban Structure



31-37 Helendale Avenue

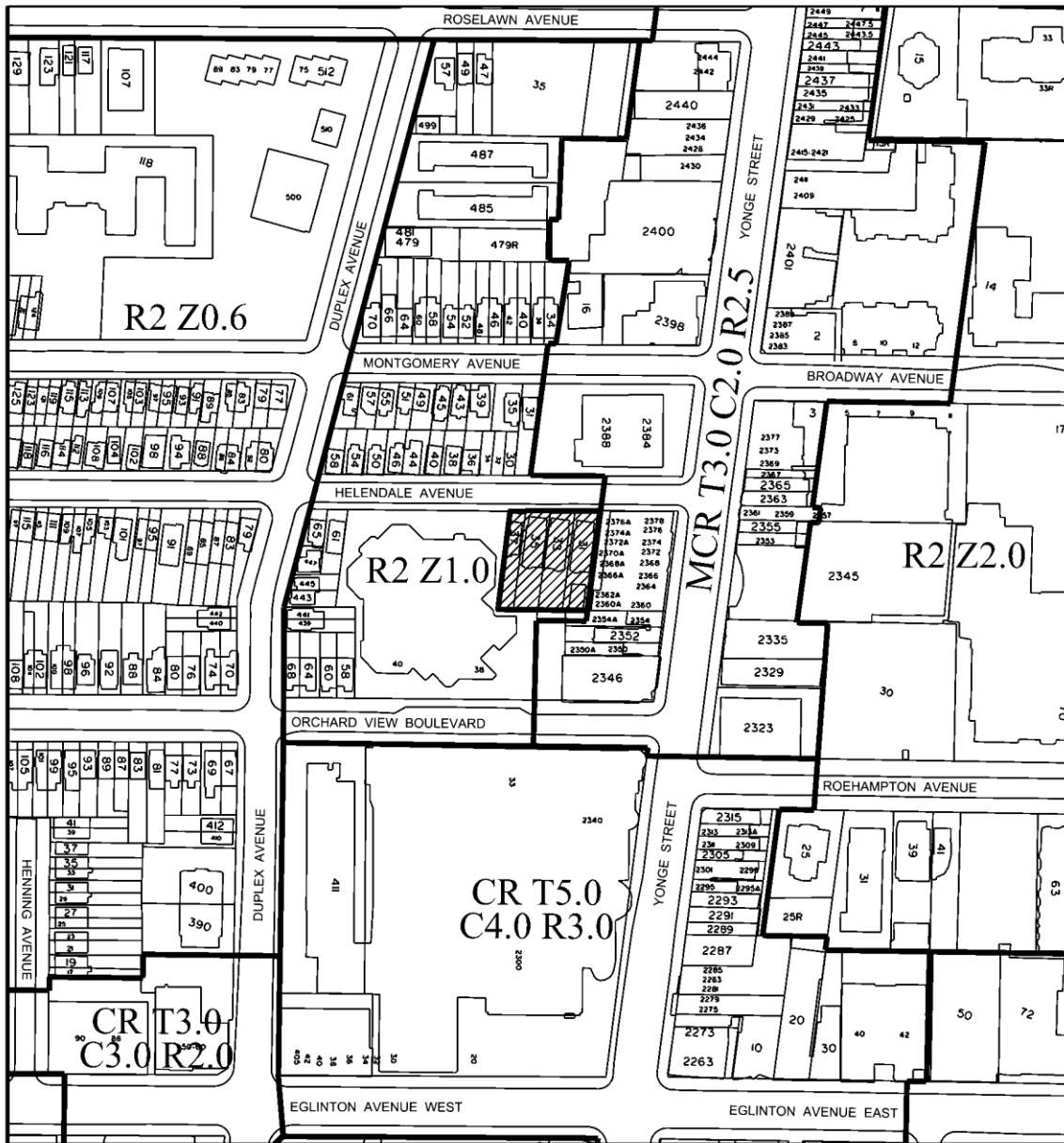
Extract from Official Plan Map 2 - Urban Structure

File # 12 141927 NNY 16 02

-  Site Location
-  Avenues
-  Centres
-  Green Space System


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06/13/2013

Attachment 9: Zoning



Toronto City Planning
Zoning

31-37 Helendale Avenue

File # 12 141927 NNY 16 0Z

- R2 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District



Not to Scale
 Zoning By-law 438-86 (as amended)
 Extracted 05/02/2012

Attachment 10: Concept Plan: Yonge, Duplex, Helendale, Orchard View Planning Study

