

**383 Sorauren Avenue – Zoning Amendment Application
– Request for Direction Report**

Date:	August 16, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – High Park
Reference Number:	12 264111 STE 14 OZ

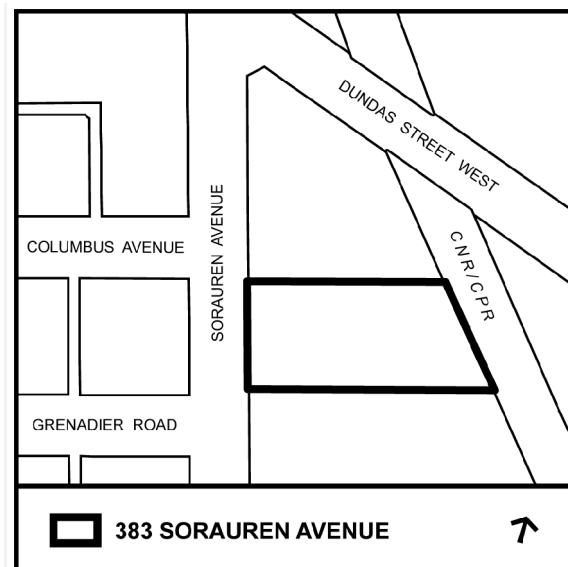
SUMMARY

The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law amendment at 383 Sorauren Avenue.

The application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the construction of an 11-storey mixed use building with 137 square metres of commercial gross floor area and 12,027 square metres of residential gross floor area, consisting of 160 residential units, 95 vehicular parking spaces and 179 bicycle parking spaces.

The proposal as submitted does not provide adequate transition to its existing and planned context, it does not provide sufficient parking, and does not provide enough private amenity space, among other concerns.

On June 7, 2013, the application was appealed to the Ontario Municipal Board (OMB) by the applicant pursuant to section 34(11) of the *Planning Act* due to the City not making a decision within 120 days. On July 17, 2013, the applicant submitted a Site Plan application which addresses some



of the concerns previously raised by staff. However, the Zoning By-law amendment application has not been revised. As the Site Plan application proposal represents a willingness by the applicant to address outstanding concerns, it is recommended that the City oppose the appeal at the OMB, but that staff also continue discussions with the applicant on a potential settlement.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law amendment application for 383 Sorauren Avenue (file no. 12 264111 STE 14 OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate.
2. City Council authorize the City Solicitor and City Planning staff to enter into settlement discussions with the applicant, and to request the Director, Community Planning, Toronto and East York District to report further to the Toronto and East York Community Council on any potential settlement.
3. City Council authorize the Director, Community Planning, Toronto and East York District in consultation with the local Councillor, to secure services, facilities, and matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

DECISION HISTORY

On October 17, 2012 McCarthy Tetrault LLP on behalf of Sorauren Developments Inc. (formerly 23299990 Ontario Inc.) submitted an application to amend Zoning By-law 438-86 as amended, for 383 Sorauren Avenue to permit an 11-storey mixed use building. The application was appealed to the Ontario Municipal Board (OMB) by the applicant on June 7, 2013 pursuant to section 34(11) of the *Planning Act* due to the City not making a decision within 120 days. A pre-hearing conference is scheduled for September 5, 2013.

Toronto and East York Community Council adopted a Preliminary Report, with amendments, on the application on January 22, 2013. The link to the report can be found here: <http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-54043.pdf>

ISSUE BACKGROUND

Proposal

The proposal is for an 11-storey mixed-use building with a height of 34.15 metres (including the mechanical penthouse) consisting of a commercial unit on the ground floor and a total of 160 residential units, including 5 townhouse units integrated in the first two floors of the building. Four of the townhouse units front on Sorauren Avenue and one fronts on the laneway that runs along the south side of the property. The proposed breakdown of residential units is one bachelor unit, 105 one-bedroom units, and 54 two-bedroom units. The total gross floor area is 12,164 square metres, including 137 square metres for the commercial unit. The overall density is 4.56 times the lot area. See Attachments 1 and 2 for drawings of the proposal, and Attachment 5 for the Application Data Sheet.

The proposed building provides 63 square metres of indoor amenity space and 322 square metres of outdoor amenity space. The building will include a green roof with an area of 390 square metres.

Site and Surrounding Area

The site is located on the east side of Sorauren Avenue. The site has an area of 2,665 square metres, a frontage of 36.6 metres, and a lot depth of 73 metres. The site is currently occupied by a 1-storey industrial building.

The surrounding uses are as follows:

North: A 2-storey building consisting of a construction supply/rental store, laundromat and artist studios. Further north is Dundas Street West. On the north side of Dundas Street West are automotive uses in 1 to 2-storey buildings. To the northeast, on Sterling Road, is a 2-storey office building occupied by the City of Toronto Social Services, and further north on Sterling Road is a food manufacturing building complex occupied by Nestle Canada Inc.

East: The Metrolinx-Kitchener GO rail corridor, which will also be used for the new rail link to Toronto Pearson International Airport, runs along the rear of the subject site. Further east past the rail corridor are 1-storey industrial buildings with automotive and construction-related uses.

South: On the south side of the laneway is the Robert Watson Lofts, composed of 2 mixed-use buildings of 5 and 6-stories. Further south is the Sorauren Lofts, a 3-storey mixed-use building, and Sorauren Avenue Park.

West: On the west side of Sorauren Avenue is One Columbus Lofts, a 5-storey residential building, and various 2 to 3-storey detached and semi-detached dwellings. To the northwest, south of Dundas Street West is the Columbus Parkette.

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.

Official Plan

The subject site is designated *Employment Areas*, and is also subject to Site and Area Specific Policy No. 154, which permits a mix of employment and residential uses provided the building creates a satisfactory living environment compatible with the employment uses in the building and adjacent area.

The Official Plan provides policy direction for new development to fit within its context of the neighbourhood in regard to a proposal's height, scale, mass, and façade treatment. Specifically, Section 3.1.2 – "Built Form" of the Official Plan directs new development be located and organized to fit with its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open space. Also, the same section directs new buildings be massed to frame adjacent streets that respects the existing street proportion, and create appropriate transitions in scale to neighbouring buildings. See Attachment 3 for the Official Plan map, which include the surrounding land use designations.

The proposal was reviewed against the above mentioned policies as well as all other policies of the Official Plan.

Zoning By-law

The subject property is zoned *Industrial (II D2)* with a maximum density of 2.0 times the lot area and a maximum height of 14 metres. This zone permits a wide range of industrial workshops and studios, as well as a limited range of retail and service uses. Residential uses are not permitted. See Attachment 4 for the Zoning By-law map.

City Division/Agency Circulation

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

Community Consultation

The application was presented to the public through a community consultation meeting held on February 11, 2013, and two stakeholder working group meetings held on March 7

and May 27, 2013 hosted by the local Councillor. Concerns were raised regarding the height, massing, scale, side lot setbacks, and shadow impacts of the proposed building.

Site Plan Control

On July 19, 2013, an application for Site Plan Approval was submitted to the City Planning Division as file no. 13 206017 STE SA, with a revised proposal that differs from the proposed Zoning By-law amendment application. The pertinent revisions in comparison to the Rezoning application are summarized in the table below:

	Rezoning Application October 17, 2012	Site Plan Application July 19, 2013
Building Height	34.15 metres	31.5 metres
No. of Storeys	11	10
No. of Units	160	145
Density	4.6 FSI	4.4 FSI
No. of Residential Parking Spaces	85	107 + 3 car share spaces
No. of Visitor Parking Spaces	10	21
Indoor Amenity Space	63 square metres	94 square metres
Outdoor Amenity Space	322 square metres	301 square metres

A Notification of a Complete Submission for the Site Plan application was issued on August 16, 2013.

It is noted the proposal presented in the Site Plan application does not fully conform to the Built Form – Transition policies of the Official Plan. However, changes have been made to improve the proposal and bring it closer to what City Planning staff have been requesting.

COMMENTS

Provincial Policy Statement and Provincial Plans

This proposal is generally consistent with the policy direction of the PPS in regards to creating a strong, liveable and healthy community. However, the PPS indicates the Official Plan is the vehicle to implement its policies. In this context, the Official Plan further refines the policy direction of the PPS to require appropriate transitions and setbacks between buildings for a liveable and healthy community. This proposal has not addressed the policy direction of the Official Plan.

The site is within the Built-up Area of the Growth Plan for the Greater Golden Horseshoe. This proposal to provide for residential development is consistent with the policies of the Growth Plan.

Land Use

Although the site is designated *Employment Areas*, Site and Area Specific Policy No. 154 permits residential uses so long as it provides a satisfactory living environment, compatible with the employment uses in the adjacent area. City Planning staff believe that the proposed land uses are compatible with the employment uses to the north and east of the site. Any measures required to mitigate negative impacts between the site and the adjacent employment uses will be addressed through this application and the site plan approval process.

Height and Massing

The proposed building with an overall height of 34.15 metres, and setbacks of 3 metres after the 6th storey and 7.5 metres after the 9th storey along Sorauren Avenue, do not provide adequate transition in scale and is not in keeping to the existing and planned context of the area. Section 3.1.2 – "Built Form" of the Official Plan directs new buildings be massed to frame adjacent streets and open spaces in a way that respects the existing street proportion. Further, the section indicates that appropriate transitions in scale to neighbouring buildings be created. Directly across Sorauren Avenue are 2 to 3-storey houses, and a 5-storey converted industrial building known as One Columbus Lofts. In addition, the Robert Watson Lofts building to the south has a height of only 21.5 metres, and a setback of approximately 2 metres after the 4th storey facing Sorauren Avenue. The proposed building does not frame Sorauren Avenue based on this existing built form context. Staff would consider a setback at the 6th storey for this site, provided an angular plane of 45 degrees is applied along the Sorauren Avenue frontage and neither building nor balconies project into that space.

The Site Plan application proposes a decreased building height of 31 metres, a reduction of 1 storey from the original rezoning proposal. However, the stepping from the street frontage requires further enhancement.

Facing Distance

The facing distance of 11 metres between the south facing wall of the proposed building and the north facing wall of Robert Watson Lofts is insufficient. Both aforementioned building walls have primary windows. Section 3.1.2 of the Official Plan requires new development to offer adequate light and privacy, and be massed and designed to fit within its existing and planned context by limiting shadowing of properties. Despite the 11 metre separation between the primary windows of both properties, the proposed building have balconies that span across the south wall with a depth of approximately 2 metres, reducing the setback between the two properties to approximately 9 metres. Further discussions between City Planning staff and the applicant are required to ensure better privacy protection and sunlight access. Given the particular circumstances, including the mid-rise built form on the east side of Sorauren Avenue, and the existing and proposed heights, City Planning staff would accept a setback of 5.5 metres from the southern property line of the site to the face of the southern facing balconies, which would achieve a facing distance of approximately 13 metres.

The facing distance between the primary windows of both properties remain unchanged in the Site Plan application.

Parking

The proposed 85 residential and 10 visitor vehicular parking spaces is insufficient for a 160 residential unit proposal. This insufficiency is further hampered by the lack of available on-street parking for both residents and visitors. The proposed number of parking spaces is deficient in respect to the minimum requirements set out by Zoning By-law 438-86 for an apartment building within the MCR zone or R zone. Transportation Services recommends the proposal provide a minimum of 133 resident parking spaces and 24 visitor parking spaces based on their parking standards.

It is noted the Site Plan application has improved the parking ratios by increasing the number of parking spaces to 107 resident parking spaces, 3 car share spaces, and 21 visitor parking spaces based on a 145 unit proposal. This parking ratio is under review.

Private Amenity Space

The proposed 63 square metres of indoor amenity space is insufficient. Section 3.1.2 – "Built Form" of the Official Plan directs new development to provide for indoor and outdoor amenity space. Zoning By-law 436-86 requires a minimum of 320 square metres of indoor amenity space, and a reduction of such amenity space to 63 square metres is not supportable. City Planning staff will continue to discuss with the applicant on the appropriate amount of amenity space.

It is noted the Site Plan application increased the indoor amenity space to 94 square metres and reduced the outdoor amenity space to 301 square metres.

Air, Noise and Vibration Impacts

The subject site is adjacent to the Metrolinx-Kitchener GO rail corridor, and is within proximity to various industrial land uses. An Air Quality Assessment report and Noise & Vibration Feasibility Study were submitted respectively in support of the proposal, providing mitigation measures for the residential development on the site. City Planning is currently undertaking a peer review process by a third party to verify the recommendations. Should the application be approved by the OMB in some form, the recommendations from the peer review process shall be adhered to as provisions in the Zoning By-law amendment, or as conditions to Site Plan Approval.

Parkland

The subject site is within an area with 0 to 0.42 hectares of parkland per 1,000 people identified in the Official Plan, and is within the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Dedication By-law 1020-2010. Based on the proposal submitted, the parkland dedication requirement is 264 square metres as specified under By-law 1020-2010.

Should the application be approved by the OMB in some form, the applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no area for on-site parkland dedication that would be a useable size. The actual amount of cash-in-lieu shall be determined at the time of the issuance of the building permit if an approval by the OMB is granted.

Toronto Green Standard

The applicant will be required, at a minimum, to meet the Tier I performance standards of the Toronto Green Standard.

Section 37

The proposal at its current height and massing will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on height and massing. Should this proposal be approved in some form by the OMB, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicants, in consultation with the local Councillor.

Conclusion

City Planning is not opposed to the proposed land uses, but is opposed to the proposal in its current form as it is not consistent with the existing and planned context.

Consideration of the built form policies of the Official Plan and policies in the Site and Area Specific Policy No. 154 provide guidance to the appropriate built form for the site. Further, the proposal lacks sufficient parking spaces and amenity space. City Planning staff cannot support this application in its current form, and recommends the City Solicitor and City Planning staff be directed to attend the OMB hearing.

Should the applicant be agreeable to revise the proposal and enter into settlement discussions at the OMB, City Planning staff is recommending that this alternative action be sought.

CONTACT

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SIGNATURE

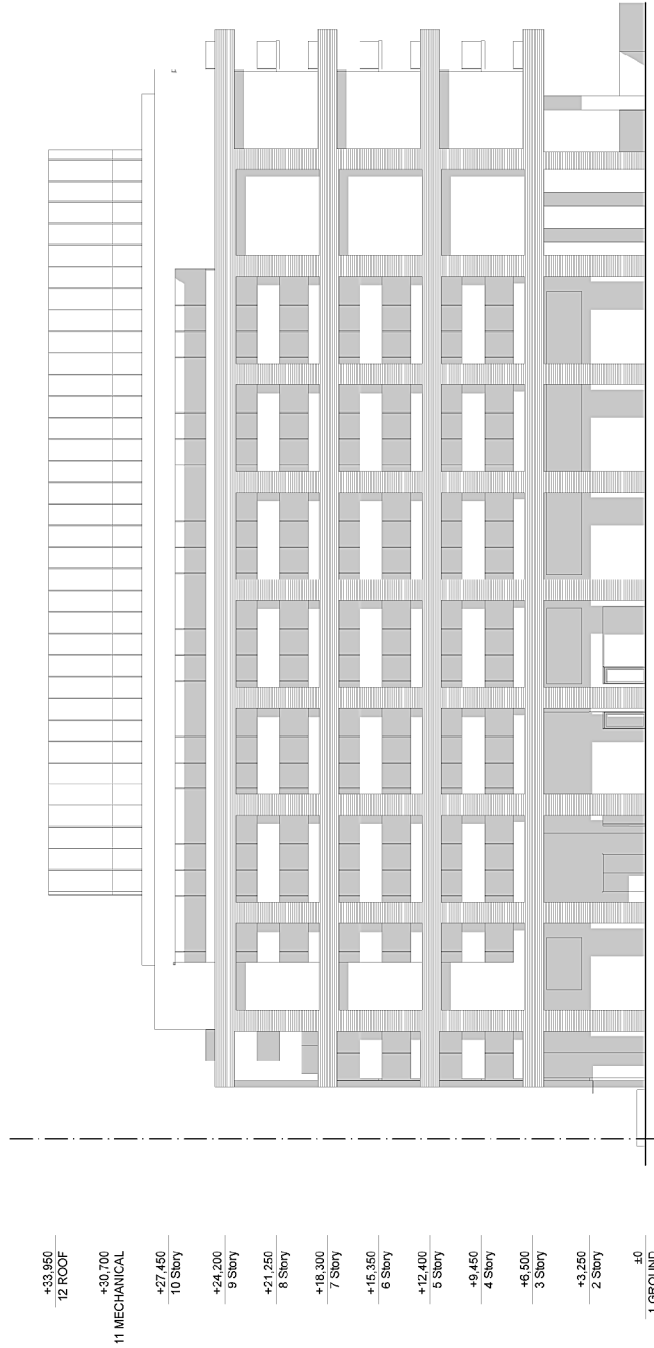
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2a-d: Elevations
- Attachment 3: Official Plan
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet

Attachment 2a: South Elevation



South Elevation

Elevations

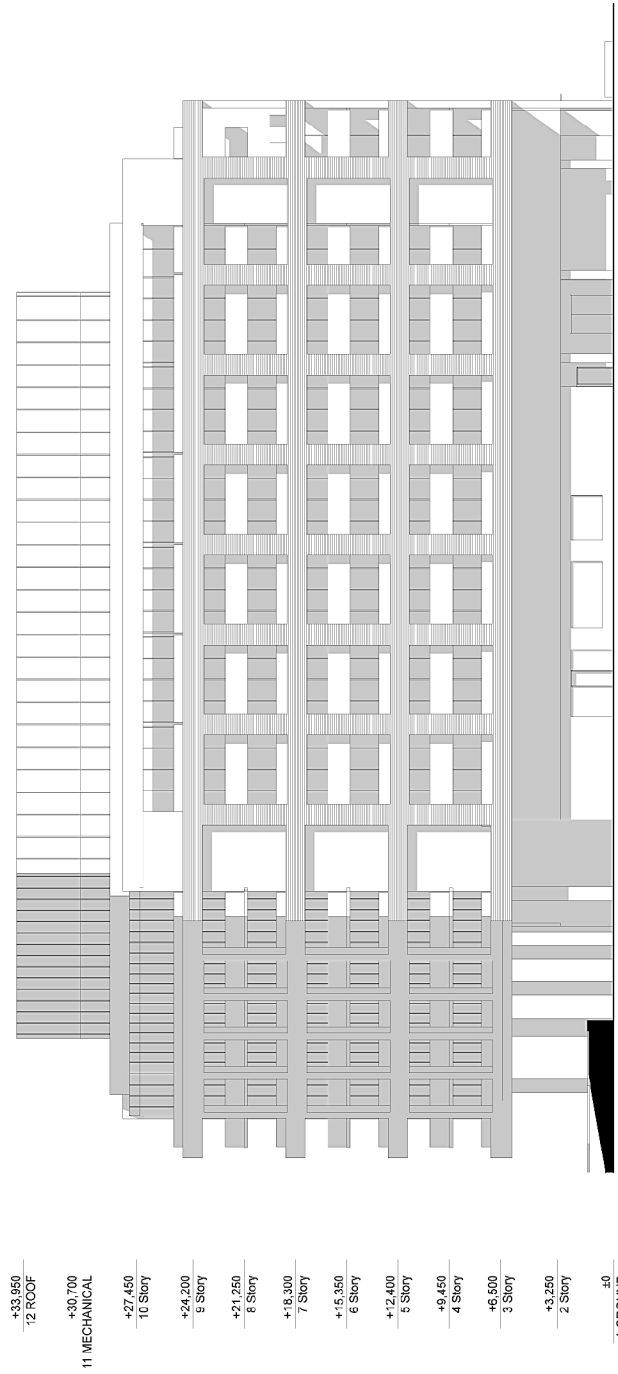
383 Sorauren Avenue

Applicant's Submitted Drawing

Not to Scale
11/27/2012

File # 12 264111 0Z

Attachment 2b: North Elevation



North Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
11/27/2012

383 Sorauren Avenue

File # 12 264111 0Z

Attachment 2c: East Elevation



+33,950
12 ROOF
 +30,700
11 MECHANICAL
 +27,450
10 Story
 +24,200
9 Story
 +21,250
8 Story
 +18,300
7 Story
 +15,350
6 Story
 +12,400
5 Story
 +9,450
4 Story
 +6,500
3 Story
 +3,550
2 Story
 1 GROUND
 ±0

East Elevation

Elevations

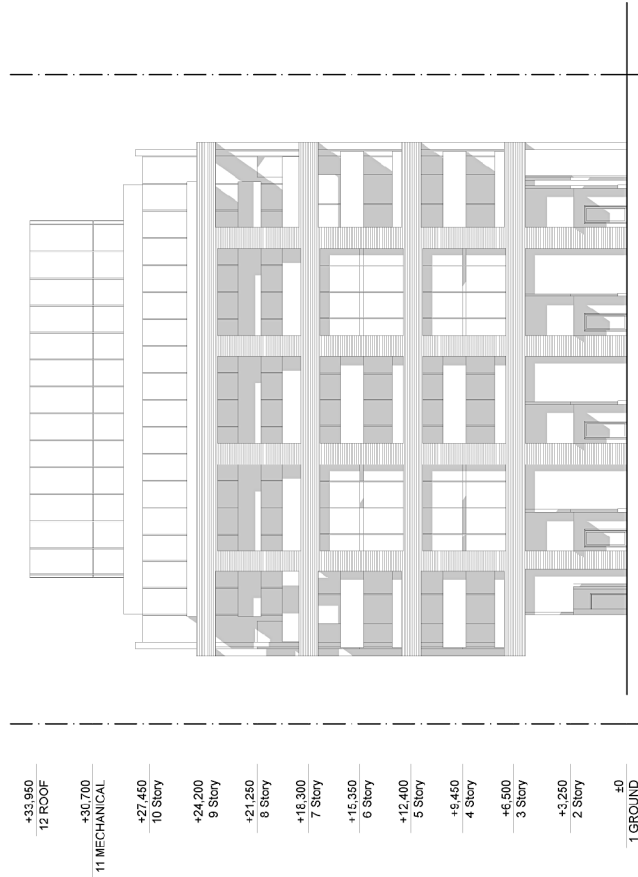
Applicant's Submitted Drawing

Not to Scale
11/27/2012

383 Sorauren Avenue

File # 12 264111 0Z

Attachment 2d: West Elevation



+33,950
12 ROOF
+30,700
11 MECHANICAL
+27,450
10 Story
+24,200
9 Story
+21,250
8 Story
+18,300
7 Story
+15,350
6 Story
+12,400
5 Story
+8,450
4 Story
+6,500
3 Story
+2,250
2 Story
±0
1 GROUND

West Elevation

Elevations

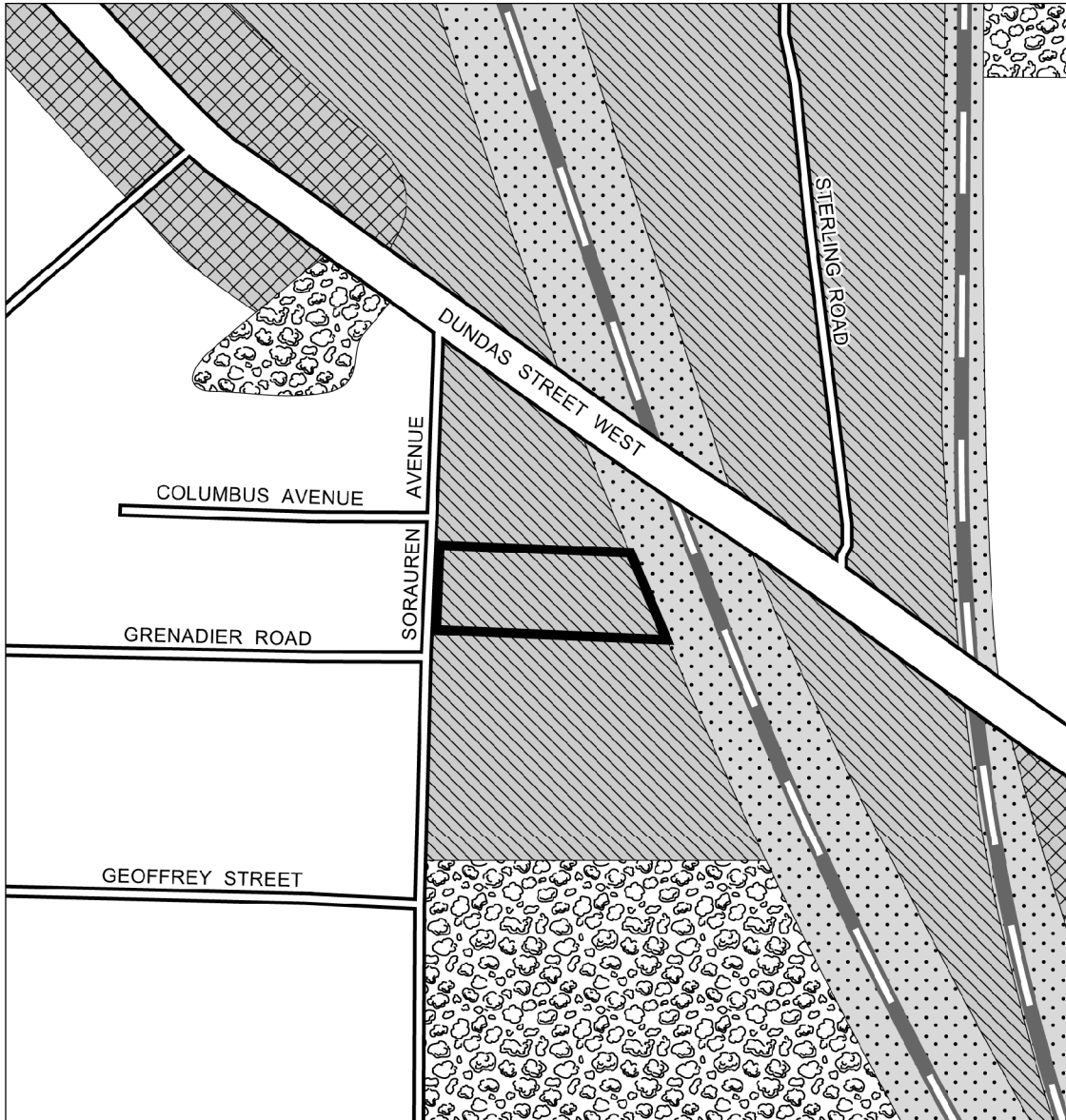
Applicant's Submitted Drawing

Not to Scale
11/27/2012

383 Sorauren Avenue

File # 12 264111 0Z







Attachment 3: Official Plan



TORONTO City Planning
Official Plan

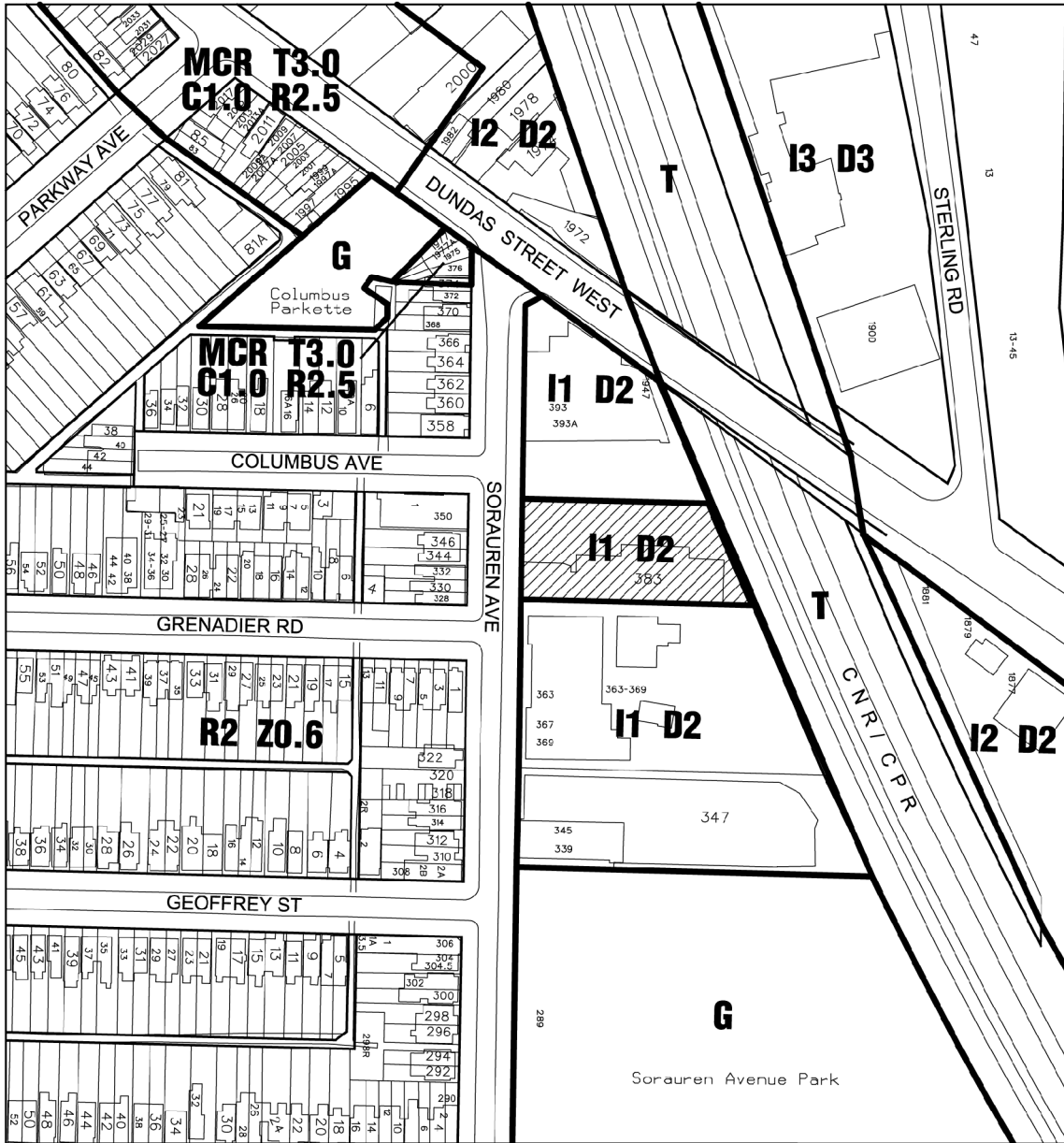
383 Sorauren Avenue

File # 12 264111 0Z

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Utility Corridors |
|  Mixed Use Areas | |
|  Employment Areas | |


 Not to Scale
 11/27/2012

Attachment 4: Zoning



383 Sorauren Avenue

File # 12 264111 0Z

- | | | | |
|----|---------------------|-----|----------------------|
| I1 | Industrial District | R2 | Residential District |
| I2 | Industrial District | MCR | Mixed-Use District |
| I3 | Industrial District | | |
| T | Industrial District | | |
| G | Parks District | | |



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 11/27/2012

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 264111 STE 14 OZ
Details	Rezoning, Standard	Application Date:	October 17, 2012
Municipal Address:	383 SORAUREN AVE		
Location Description:	PLAN 287 PT LOT 35 **GRID S1403		
Project Description:	Rezoning application to permit the redevelopment of an existing industrial single storey non-residential building to a mixed use 11 storey mixed-use building having 160 residential units with two storey townhouses integrated into the first two floors of the building with garden terraces, 95 vehicular parking below grade, 12,027m ² of total residential space and 137m ² of non-residential space.		

Applicant:	Agent:	Architect:	Owner:
Cynthia Macdougall		Architects Alliance	Sorauren Developments Inc. (formerly 2329990 Ontario Inc.)

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Yes – Policy No. 154
Zoning:	I1 D2	Historical Status:	No
Height Limit (m):	14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	2,665	Height:	Storeys:	11
Frontage (m):	36.57		Metres:	34.15
Depth (m):	73			
Total Ground Floor Area (sq. m):	1,096		Total:	
Total Residential GFA (sq. m):	12,027		Parking Spaces:	95
Total Non-Residential GFA (sq. m):	137		Loading Docks	1
Total GFA (sq. m):	12,164			
Lot Coverage Ratio (%):	41.1			
Floor Space Index:	4.6			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	1
1 Bedroom:	105
2 Bedroom:	54
3 + Bedroom:	0
Total Units:	160

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	12,027	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	137	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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