

836 St Clair Ave W - Zoning Amendment Application - Preliminary Report

Date:	October 24, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	13 233010 STE 21 OZ & 13 233007 STE 21 SA

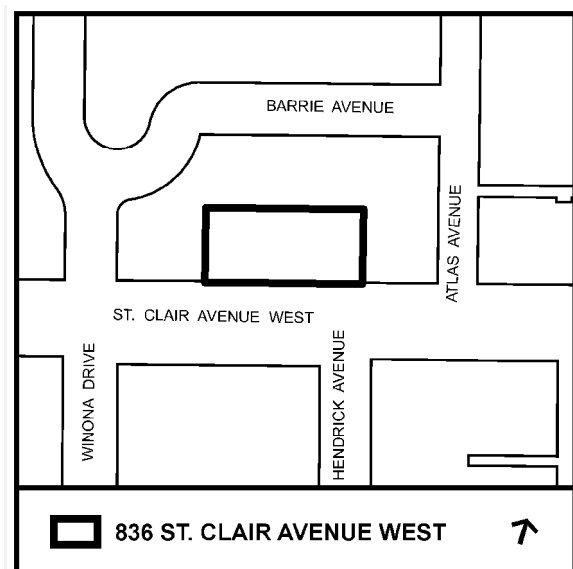
SUMMARY

This application proposes to amend the Zoning By-law in order to permit the construction of a 9-storey mixed use building consisting of 127 dwelling units (17 bachelor units, 94 one-bedrooms and 16 two-bedrooms) and 1,079 m² of retail space at grade, and a total of 81 parking spots (9 for visitors) located in a below-grade garage at 836 St Clair Avenue West.

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

The next step is to undertake a community consultation meeting, to enable the public to review and provide input on the application and ask questions of City staff and the applicant.

The Final Report is targeted for the second quarter of 2014. This target date assumes the applicant will provide all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 836 St Clair Avenue West together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On October 27, 2009, Toronto City Council adopted Official Plan Amendment No. 84 by By-law 1102-2009 and passed Zoning By-law No. 1103-2009 to implement the findings and recommendations of the St. Clair Avenue West Study. The Study examined the mixed-use corridor along St Clair Avenue West between Bathurst Street and Glenholme Avenue. These By-laws are in full force and effect (excluding two appealed sites).

<http://www.toronto.ca/legdocs/bylaws/2009/law1102.pdf>;

<http://www.toronto.ca/legdocs/bylaws/2009/law1103.pdf>.

Pre-Application Consultation

A pre-application consultation meeting was held in January 2013 with the applicant to discuss the complete application submission requirements. At this meeting and in correspondence afterwards, staff raised issues with respect to height, density, massing, and impacts on the adjacent low-rise neighbourhood. Staff indicated that any proposed building will need to substantially conform to the existing zoning permissions found in Zoning By-law 1103-2009 which were the result of the St Clair Avenue West Avenue Study.

The current submission varies considerably from the existing Zoning By-law permissions on the site in terms of height, massing, setbacks, stepbacks, and angular plane. Some of the proposed changes to the Zoning By-law are not acceptable to staff.

ISSUE BACKGROUND

Proposal

The proposal is to construct a 9-storey mixed-use building at 836 St Clair Avenue West. The proposed building has a maximum height of 9 storeys (27.9 metres plus mechanical penthouse). The building provides a setback at the 8th floor on the St. Clair Avenue West frontage and on the east side of the building. At the rear of the building there are stepbacks at the 2nd, 7th, 8th and 9th floors.

The building is set back a minimum of 0.0 metres from rear lot line abutting the low-rise residential neighbourhood, and 0.0 metres from the west, east, and south lot lines. The sidewalk on St Clair Ave West will be approximately 4.8 metres in width. The proposed Floor Space Index is 5.09 times the area of the lot.

The proposed development consists of 8,921 square metres of residential gross floor area, containing 127 residential units. There is a proposed unit mix of 111 one-bedroom units, and 16 two-bedroom units. The proposal provides for 167 square metres of indoor, and 431 square metres of outdoor amenity space, on the second level at the rear of the building.

Residential parking is proposed in a 2-level underground parking garage, comprised of 81 residential parking spaces including 9 spaces to be used for visitors. A Type G loading space has been provided located within the building. Also proposed are 104 bicycle parking spaces including 20 residential visitor bicycle parking spaces, and 6 retail visitor bicycle parking spaces on the ground floor and within the below-grade garage.

The site will be accessed from a vehicular driveway off of St Clair Avenue West near the west end of the site. Garbage and loading facilities, will be located on-site. The residential entry will be located at the west end of the site on the St Clair Avenue West frontage.

The Site Plan and Elevations are included in Attachments 1 and 2. Additional project information is included in Attachment 4 of this report (Application Data Sheet).

Site and Surrounding Area

The subject site is rectangular in shape, and 1,965.3 square metres (21,154 square feet) in size. The site has a frontage of 64.24 metres on St. Clair Avenue West and a depth of 30.41 metres. There is a significant grade change on-site with the north property line approximately 3 metres higher than the south property line. The subject site was previously occupied by the Hungarian Cultural Centre, a 3-storey building which has been demolished.

The following uses abut the property:

North: 2 and 3-storey low-rise detached and semi-detached houses within a *Neighbourhoods* designated area.

South: 2 and 3-storey commercial buildings fronting onto the south side of St. Clair Avenue West. On the south side of St. Clair Avenue West, directly across from the subject site, a Site Plan Approval application has been submitted for a 9-storey mixed-use building at 829-835 St Clair Avenue West.

East: 2-storey commercial buildings fronting onto St. Clair Avenue West.

West: 2-storey commercial building and further to the west is Winona Drive.

The predominant land uses along this portion of the St. Clair Avenue West corridor are 2 to 3-storey commercial buildings with a number of 1 and 4-storey commercial buildings intermixed.

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

The City's Official Plan designates the subject site as *Mixed Use Areas* on Map 17- Land Use Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks, open spaces and utilities.

Within *Mixed Use Areas*, the Official Plan policies indicate that new buildings should provide appropriate transition between areas of different intensity and scale, particularly towards lower scale *Neighbourhoods*. New buildings should provide a comfortable, safe pedestrian environment and be located and massed to frame streets with good proportion. New development should take advantage of nearby transit services, and should provide good access, parking and circulation, among other matters.

Map 2 of the Official Plan identifies St Clair Avenue West as an *Avenue*, which is an area intended to accommodate additional growth and intensification. An Avenue Study was completed for the *Mixed Use* corridor along St Clair Avenue West between Bathurst Street and Glenholme Avenue. Site and Area Specific Official Plan Policy 326 implements the findings and recommendations of the St Clair Avenue Study and encourages intensification and a transit-oriented urban environment.

This segment of St Clair Avenue West is also identified as a Transit Priority Segment on Map 5, Surface Transit Priority Network.

Zoning

The subject site is part of area-specific Zoning By-law No. 1103-2009 which implements the findings and recommendations of the St Clair Avenue Study. The subject site is zoned MCR. This is a mixed-use zoning which permits both residential and non-residential uses, including a mixed-use building, having a total gross floor area of up to 5.0 times the lot area. Residential uses can have a total gross floor area of up to 4.0 times the lot area, and commercial uses can have a total of up to 2.0 times the lot area. The maximum permitted height is 7-storeys or 24.0 metres. The required rear yard setback is 7.5 metres. The building must be contained within a 45 degree angular plane projected over the lot from the required 7.5 metre rear yard, at an elevation of 10.5 metres above grade. The zoning map is included in Attachment 3.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has submitted an application concurrently with the Zoning By-law Amendment application.

Reasons for the Application

The proposed development does not comply with certain standards contained in the Zoning By-law, including height, density, angular planes, and setbacks. The proposed density of 5.09 times the lot area exceeds the maximum total density of 5.0 times permitted by the Zoning By-law. Additionally the proposed residential gross floor area of 4.5 times the lot area exceeds the maximum permitted residential density of 4.0 times the lot area. At 9-storeys (27.9 m plus mechanical penthouse), the proposal exceeds the maximum 7-storey and 24 metre height limit permitted by the Zoning By-law. The proposed rear yard setback of 0.0 metres is less than the minimum 7.5 metres required by the By-law. The proposed building has significant penetrations to the required angular plane, which the by-law states "where the angular plane provision is more restrictive than any other provisions of this exception, the angular plane provision shall prevail". Additional variances to the Zoning By-law will be confirmed through the review of the application.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Geotechnical Investigation, prepared by Exp Services Inc;
- Stormwater Management Report, prepared by MMM Group Ltd;
- Functional Servicing Report, prepared by MMM Group Ltd;

- Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc;
- Pedestrian Wind Assessment, prepared by Novus Environmental
- Urban Transportation Review, prepared by BA Group;
- Shadow Study, prepared by TACT Architecture Inc;
- Green Development Standards Checklist & Template;

A Planning Rationale Report was received on October 7, 2013, and a Community Services and Facilities study was submitted on October 18, 2013.

A notification of Complete Application was issued on October 28, 2013.

Issues to be Resolved

Issues to be addressed include, but are not necessarily limited to:

- Height, massing and transition;
- Angular planes;
- Rear lot line setback;
- Shadow impact;
- Privacy;
- Impact on adjacent low-rise neighbourhood;
- Pick-up and Drop-off

Height, Massing and Transition

As part of the Healthy Neighbourhoods policies, in Section 2.3.1 of the Official Plan, development in *Mixed Use Areas* will provide a transition of scale and density through setbacks from adjacent *Neighbourhoods*. The Built Form policies under Section 3.1.2 of the Official Plan require that new development create appropriate transitions in scale to neighbouring existing and planned buildings. In addition, *Mixed Used* policy 2(c) states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights towards lower-scale neighbourhoods.

Angular planes are widely used and recognized as an appropriate form of transition, particularly when combined with an adequate setback from the property line. The Zoning By-law requires a 45 degree angular plane from the adjacent low-rise neighbourhood, measured from a point set back 7.5 metres from the rear property line and 10.5 metres above grade. The proposed building significantly penetrates the angular plane.

The proposed building height of 27.9 metres (plus mechanical penthouse) is not supported by Planning staff. The existing height permission of 24 metres for the subject site was the result of detailed analysis of the area context, lot dimensions, impact on adjacent low-rise residential neighbourhoods, and sun/shadow studies as part of the St. Clair Avenue Study.

The Zoning By-law requires a 1.5 metre setback above the 5th floor on the St. Clair Avenue West frontage. The proposed building needs to be revised to reflect the required setback as the setback is currently proposed above the 7th floor.

The proposed building does not meet the *Mixed Use*, Healthy Neighbourhoods, or Built Form transition policies of the Official Plan. The proposed building does not meet the intent of the standards set out in the Zoning By-law. The proposal is not acceptable in its current form.

Rear Lot Line Setback

The first floor of the proposed building is set back 0.0 m from the rear lot line. Staff are concerned with the proximity of the proposed building to the adjacent low-rise neighbourhood. The Zoning By-law requires a 7.5 metre setback from the rear lot line. As well the applicant proposes to construct an approximately 4 m tall concrete wall on the rear property line. Staff are concerned with the impact the proposed wall would have on the adjacent low-rise residential properties to the north. The proposed wall is an inappropriate manner with which to deal with transition to a lower scale neighbourhood.

Privacy and Shadow

The proposed building would have negative privacy and shadow impacts on the adjacent low-rise neighbourhood. The proposed increase in height, and penetrations to the angular plane, will increase the shadow impact on the adjacent neighbourhood. As well the penetrations to the angular plane will impact the privacy of the adjacent properties to the north.

Pick-up and Drop-off

The proposal as submitted is not clear as to where the pick-up and drop-off of vehicular passengers will occur. This function should be provided on-site and not interfere with ingress and egress of the vehicles to the parking garage.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

CONCLUSION

The proposal submitted is not acceptable in its current form. Planning staff have identified that any development proposal for the site should be in substantial conformity with the existing zoning by-law permissions.

Planning staff will require the proposal to be revised to address the issues raised above. Additional issues may be identified through further review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

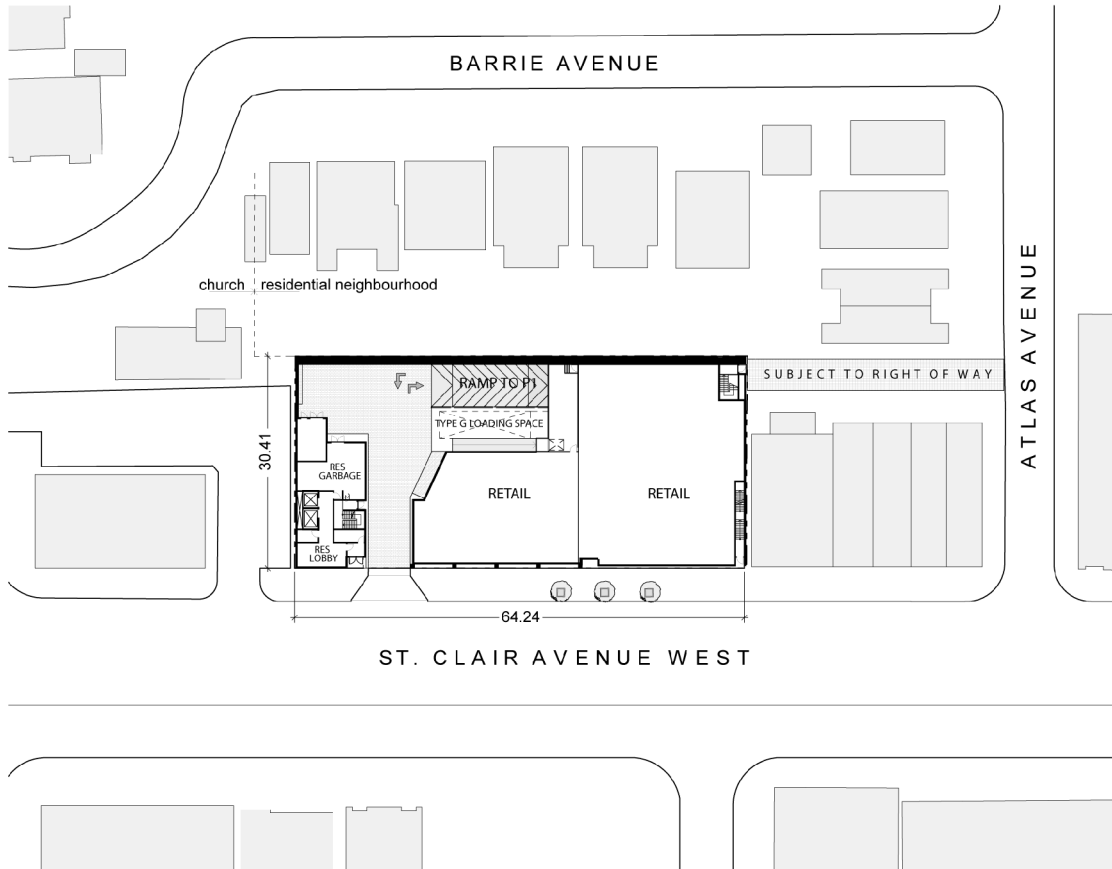
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

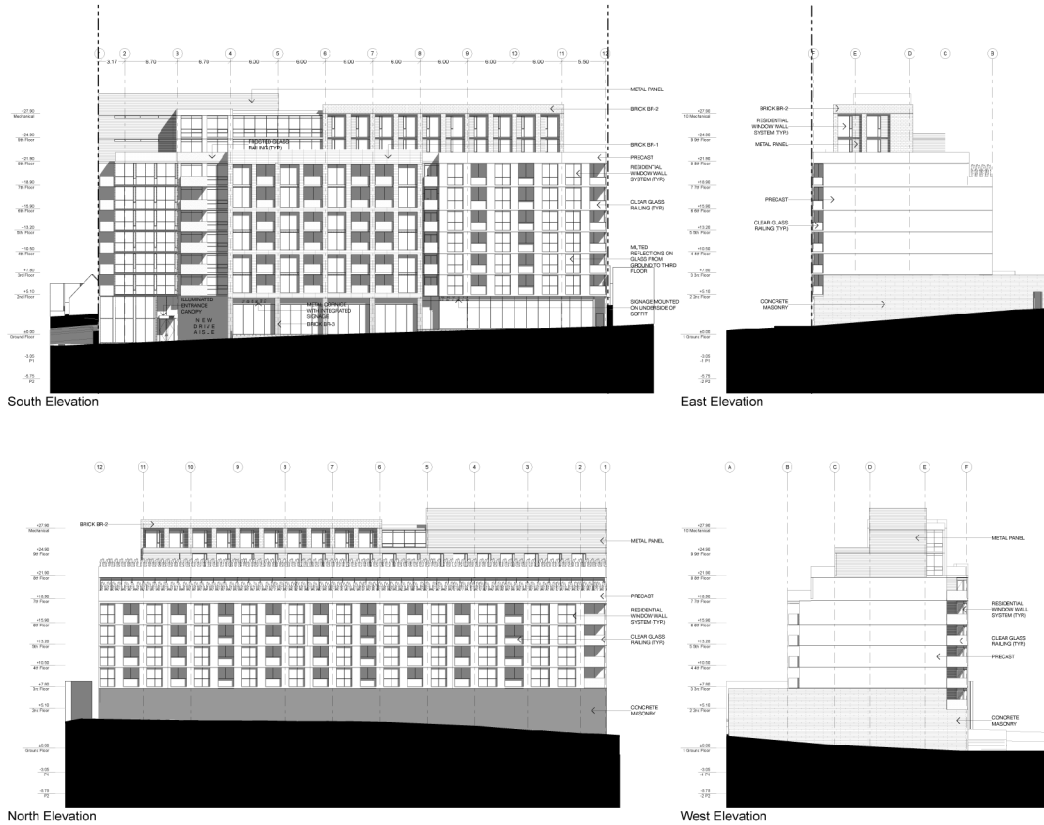
836 St. Clair Avenue West

Applicant's Submitted Drawing

Not to Scale 
10/24/2013

File # 13_233010 STE 21 0Z

Attachment 2: Elevations



Elevations

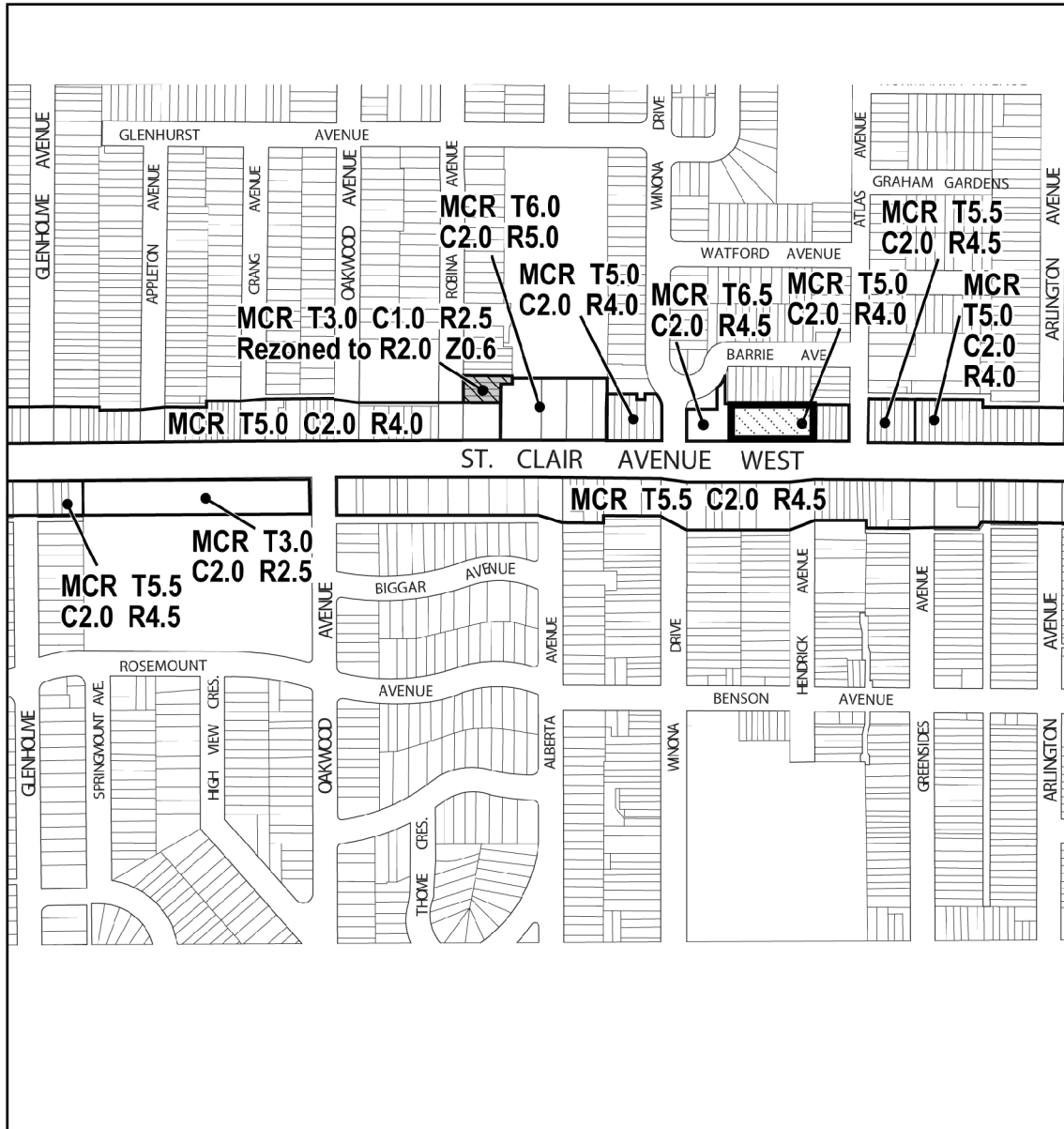
Applicant's Submitted Drawing

Not to Scale
10/24/2013

836 St. Clair Avenue West

File # 13_233010 STE 21 0Z

Attachment 3: Zoning




Zoning By-law 1103-2009, Schedule '2', Map C

836 St. Clair Avenue West

File # 13 233010 STE 21 OZ

-  Location of Application
-  Areas to be Re-zoned


 Not to Scale
 Extracted 10/24/2013

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	13 233010 STE 21 OZ
Details	Rezoning, Standard	Application Date:	September 10, 2013

Municipal Address: 836 ST CLAIR AVE W

Location Description: PL M427 LT 33-35, PT LT 32 & 36 **GRID S2107

Project Description: Proposal for a Site Plan Control (13-233007 SA) and Zoning By-Law Amendment (13-233010 OZ) to develop the lands for a 9-storey mixed use building consisting of 8,921m² of residential space (17 bachelor units, 94 one-bedrooms and 16 two-bedrooms) with 1,079m² of retail space. This site will have a total of 81 parking spots (9 for visitors) and will be located below grade.

Applicant:

840 ST CLAIR WEST INC,
109 Atlantic Avenue, Suite
302B, Toronto ON, M6K
1X4

Agent:

Architect:

TACT Architecture Inc.,
660R College Street,
Toronto ON, M6G 1B8

Owner:

840 ST CLAIR WEST
INC, 109 Atlantic Avenue,
Suite 302B, Toronto ON,
M6K 1X4

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MCR T3.0 C1.0 R2.5	Historical Status:	
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1965.3	Height:	Storeys:	9
Frontage (m):	64.5		Metres:	27.9
Depth (m):	30.45			
Total Ground Floor Area (sq. m):	1354.76			Total
Total Residential GFA (sq. m):	8921		Parking Spaces:	81
Total Non-Residential GFA (sq. m):	1079		Loading Docks	1
Total GFA (sq. m):	10000			
Lot Coverage Ratio (%):	69			
Floor Space Index:	5.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	8921	0
Bachelor:	0	Retail GFA (sq. m):	1079	0
1 Bedroom:	111	Office GFA (sq. m):	0	0
2 Bedroom:	16	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	127			

CONTACT: PLANNER NAME: David Driedger, Planner
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