

TORONTO STAFF REPORT

April 24, 2002

To: North York Community Council

From: Director, Community Planning, North District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law 7625
569 Sheppard Avenue West & 4383 Bathurst Street
PMG Planning Consulting
UDOZ-00-17
Ward 10 – York Centre

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit an additional 13 storey residential condominium building at the southeast corner of Bathurst Street and Sheppard Avenue East. The site is currently occupied by two 13 storey rental apartment buildings which are to remain on the site.

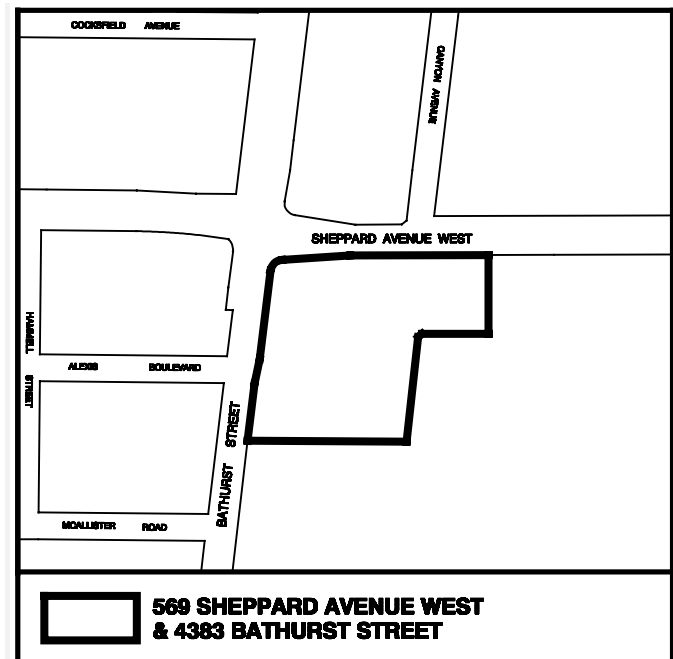
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6.
- (2) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
- (4) Before introducing the necessary Bills to City Council for enactment, require the owner to:
 - a) enter into a Section 37 Agreement under the Planning Act securing:
 - i) the existing rental apartment building remaining as rental for a minimum period of fifteen years and an agreement that no application for condominium conversion or application to demolish be made during that time period,
 - ii) a cash contribution by the owner of \$83,500 for capital improvements to undertake one or more or portions of the following improvements to the existing rental buildings such that the cost of the improvements up to \$83,500 cannot be passed through to the tenants through rent increases:
 - A) replacement of all windows in both buildings
 - B) balcony, concrete and railing improvements
 - C) underground parking garage remedial work
 - D) plumbing upgrades
 - E) elevator refurbishing and upgrades
 - F) security system
 - G) noise reduction of rooftop mechanical equipment
 - b) obtain Site Plan Approval from the Director, Community Planning, North District, under Section 41 of the Planning Act.
 - c) fully comply with any outstanding Orders issued under the Building Code Act for 4383 Bathurst Street or 569 Sheppard Avenue West to the satisfaction of the Municipal Licensing and Standards Division.

Background:

Proposal

The applicant is proposing a 13 storey condominium apartment building at the corner of Bathurst Street and Sheppard Avenue West containing 167 units together with two existing 13 storey rental apartments with an overall density of 2.5 FSI.

The proposed building also contains a commercial component of 464.5 m² on the first floor of the condominium immediately situated at the corner of Bathurst Street and Sheppard Avenue West. Complete project data is contained in Attachment No. 4B.

Site and Surrounding Area

The two existing rental apartments were built in the 1960's as a result of a rezoning that was approved in 1962. Both the north and south sides of Sheppard Avenue east of Bathurst Street are occupied by a variety of apartment buildings ranging in size from 12 to 20 storeys all built at the same time.

The site for the proposed building is at the southeast corner of Bathurst Street and Sheppard Avenue West directly north of the existing rental apartment at 4383 Bathurst Street and directly west of the existing rental apartment building at 569 Sheppard Avenue West. The site is relatively flat with a sharp 2- 3 metres drop along the park edge along the south and east site boundaries.

The following surrounds the site:

North: A small retail strip plaza containing a new Royal Bank building at north-east corner with a 17 storey apartment on the east side of Canyon Avenue and a larger plaza on the north-west corner with a maximum density of 2.5 FSI permitted in the Official Plan

South: Earl Bales Park

East: Two rental apartments of similar size and Earl Bales Park

West: Petro Canada gas station site, which is subject to a rezoning application to add a car wash

Official Plan

The site is designated Residential Density Four (RD4) which permits residential uses at a density of 1.5 FSI . Part C.4 (Housing Policies) establishes the general development policies and criteria for the intensification of existing apartment sites to accommodate additional density.

Zoning By-law 7625

The site is zoned RM6 (Multiple Family Dwellings Sixth Density Zone) which permits residential uses, including apartment buildings up to a maximum density of 1.5 FSI.

Site Plan Control

The applicant has submitted a site plan application. Prior to the enactment of any zoning by-law, the applicant shall have received site plan approval. The applicant has proposed some significant landscaping for the entire site.

In addressing public concerns and prior to site plan approval, further examination needs to be undertaken regarding the site plan matters as outlined in this report on page 9.

Reasons for Application

The applicant is proposing to intensify the site beyond the existing limits of the current Official Plan designation and zoning regulations and therefore both a zoning by-law amendment and Official Plan amendment are required.

Community Consultation

Over the course of the last year, four community consultation meetings have been held concerning this application. A variety of matters were discussed at these meetings including traffic, existing parking arrangements for visitors and handicapped, the location of the parking garage ramp, building design, construction impacts, condition and location of the swimming pool, and pedestrian accessibility and comfort on the Bathurst sidewalk. In addition, there were discussions about the maintenance and rent for the existing rental buildings.

The applicant has made a number of revisions to the site plan to try and resolve the matters raised. The site plan approval process will provide further opportunity to address the site plan issues raised. In addition, the applicant has proposed an improvement programme for the existing rental buildings and a contribution of additional funds for improvements related to those buildings.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

The **Work and Emergency Services Department** has indicated that they have no concerns with the traffic study submitted and have indicated that 250 parking spaces will be required for the residents of the new building and 3 parking spaces are required for the ground floor commercial uses. Parking for the commercial customers may also be shared with the surface residential visitor spaces located on-site. To ensure that uses with a high parking demand do not occupy the commercial portion of the project, the uses will be limited to commercial uses with parking standards equivalent to retail uses or with lower standards. This means uses such as restaurants and professional medical offices will not be permitted uses. The commercial space is limited in size and limited customer parking demand is expected as it is geared to serving the on-site residents and walk-in traffic.

A 5.13 m road widening on Sheppard Avenue is also required in accordance with the Works and Emergency Services Department comments prior to introduction of the Bills to Council for enactment. A zoning provision will also be required to accommodate the loading space arrangement, which was deemed to be acceptable to the Transportation Services Division.

The existing TTC bus shelters have been incorporated into the proposed building in order to free up some of the sidewalk space especially along Bathurst Street. Further approval and agreements will be required by the Right-of-Way Management Division to implement this and

appropriate conditions contained in the site plan approval. Some further detailed information and minor modifications are required prior to site plan approval being granted including the provision of municipal servicing plans. The comments and conditions of the Works and Emergency Services Department are included in Attachment 5A.

The **Economic Development, Culture and Tourism Department** has indicated that the development will be subject to a 5% cash-in-lieu of parkland dedication payment which is payable before a building permit is issued. These comments are included as Attachment 5B.

The **Municipal Licensing and Standards Division** of this Department has indicated they have no objections to the approval of this application, however there is an outstanding work order that has been issued for 4383 Bathurst Street. A professional engineers report is required to determine what work is needed to address the issues of water penetration in the underground garage and boiler room exterior exit stairwell and the issue of concrete deterioration. Any work specified in the professional engineer's report is to be completed to satisfy the requirements of the order. To ensure this work is completed and the existing rental buildings are in good repair, the Bills should not be sent forward for enactment until any required work is completed to the satisfaction of the Municipal Licensing and Standards Division. The Division's comments are appended as Attachment 5C.

Comments:

Redesignation of Residential Lands to a Higher Density

The official plan's housing policies state that in order to consider a site appropriate for intensification, at least one of the following criteria must be met:

- "a) *the area, which includes lands beyond a single development site, demonstrates a need for rejuvenation and reinvestment, or*
- b) *existing land uses or buildings are considered to be obsolete or underutilized; or*
- c) *land use conflict is occurring."*

This proposal conforms to the official plan criteria. The area primarily consists of high rise rental apartment buildings developed in the 1960's, which require reinvestment on an ongoing basis to preserve this valued rental housing stock. The existing buildings at 4383 Bathurst Street and 569 Sheppard Avenue West are currently undergoing a program of improvements. The residential land use itself cannot be considered obsolete or in conflict with other land uses, as the existing apartment buildings on site and other residential dwellings in the area appear to be occupied and do not represent an area in transition.

This portion of the site at the corner of the intersection of two arterial roads is under used. There is an opportunity to more efficiently use the site and the surrounding community facilities, services and infrastructure. The existing apartment buildings are located on the east side and south side of the site providing a large amount of open area at the corner of the site at the intersection of Bathurst Street and Sheppard Avenue West. Currently, 72% of the site is

landscaped. The location and orientation of the existing apartment buildings provides the opportunity for redevelopment of the property. Any intensification of the site must demonstrate that the proposal can be accommodated from an urban design perspective on site and within the existing community. Further it must be demonstrated that there is available community facilities, services and infrastructure to serve the additional 167 apartment house units.

Land Use and Density

This site is appropriate for residential intensification. The location takes advantage of physical infrastructure, existing community services and transportation facilities. It is located on an arterial road, well served by public transit and close to Earl Bales Park, community centres and the Don Valley.

(a) Built Form Considerations:

This residential node contains several high rise apartment buildings ranging from 12 to 20 storeys. This proposal represents an appropriate scale of residential intensification at 13 storeys and its location, overall massing, scale and height satisfy urban design objectives for the intersection of these two arterial roads. A corridor of apartments is also situated on the west side of Bathurst Street to the south ranging in height from 6 to 11 storeys. The proposed infill building is in keeping with the scale of other buildings in the immediate area.

Even with the loss of the existing landscaped area at the corner of the site for the new building, the site's location next to Earl Bales Park maintains the park-like setting of the existing rental buildings. The treatment of the site's edge next to the park is therefore an important consideration in maintaining this setting for the existing rental buildings.

A commercial podium is part of the proposed building at the corner of Bathurst and Sheppard. This podium will provide a pedestrian scale and more active uses at street level. The tower portion of the building has been stepped from 7 storeys to 13 storeys to reduce the overall mass of the building, maintain views from the existing buildings, and reduce shadow impacts on the public street. Further examination of the proposed building's stepping, and street edge treatment should be done prior to granting of site plan approval.

(b) Preservation of Rental Housing Stock:

The City is actively pursuing a strategy for the preservation of affordable rental stock. Affordable rental accommodation is recognized as an essential form of housing tenure that is currently limited in supply. There are currently 286 rental units within the two existing buildings. This application represents an opportunity to ensure that the existing rental building remains and is integrated with the new condominium.

The applicant has indicated that at the end of 2001 the owner began to undertake a major refurbishing of the two existing apartment building with a commitment to complete the work within an 18 month period. It has been indicated that these improvements will take place regardless of whether or not this rezoning and official plan amendment application is approved and pursued. This letter is appended as Attachment 8.

Given that these improvements most likely will get charged back to the tenants through rent increases, it has been proposed by staff that a portion of the capital expenditures be secured through a Section 37 agreement such that these improvements cannot be passed through to the tenants through rent increases. The applicant has proposed a contribution of \$83,500 towards capital improvements to the building including:

- replacement of all windows in both buildings
- balcony, concrete and railing improvement
- underground parking garage remedial work
- plumbing upgrades
- elevator refurbishing and upgrades
- security system
- noise reduction of rooftop mechanical equipment

Any costs up to \$83,500 that the Rent Review Tribunal would normally consider as valid capital improvement expenses would not be passed on to the tenants.

These improvements will be in addition to landscaping improvements to the existing site. The estimated value of the landscaping currently proposed by the applicant is \$130,000 which represents a substantial improvement to lands surrounding the existing rental buildings.

To secure this rental stock and the improvements to it, the applicant is prepared to enter into a section 37 agreement under the Planning Act ensuring that:

- the existing rental apartment building remains as rental for a minimum period of fifteen years and there is agreement that no application for condominium conversion or application to demolish will be made during this period, and
- the owner make a cash contribution of \$83,500 for capital improvements to the existing buildings as outlined above.

The submissions of the Owner are appended as Attachment 9.

(d) Landscaping and Amenities

This proposal presents an opportunity to provide a net benefit to the existing residents in terms of on-site facilities and improvements to amenities. The applicant has proposed that 56% of the site area be landscaped which slightly exceeds the RM zone regulations for landscaping requirements which require 18 m² of landscaped area for every 82 m² of gross floor area.

About 72% of the site is currently landscaped primarily with lawn, a variety of trees and a swimming pool in need of upgrading. With the addition of the new building, the existing landscaped area cannot be maintained. There is, however, an opportunity to substantially upgrade the quality of the landscaping, pool facilities and outdoor amenity facilities.

The applicant has proposed improvements to the site with the construction of a number of pedestrian walkways, pavilions, a new relocated swimming pool and a play area. Final details of the landscaping and amenity space will be secured through the site plan process.

In addition to the onsite landscaping, there is a further opportunity to improve and formalize walkway connections with Earl Bales Park from the eastern portion of the site. An informal walkway currently exists which is frequently used to access the park and the seniors centre. Further consideration of an appropriate connection to the park needs to be examined in the review of the site plan.

Shadowing and Overview

There are adequate yard setbacks proposed for the new building from the existing buildings on site which will minimize the impact of both shadowing and overview. The proposed building is approximately 21 metres from the existing building at 569 Sheppard Avenue West and 24 metres from the existing building at 4383 Sheppard Avenue West and will ensure adequate light and privacy. The north/south siting of the buildings will minimize the shadow impacts on the existing buildings and site. The views of the existing buildings to Earl Bales Park and the Don Valley West to the south and east will be maintained.

Community Services and Facilities

The site is well served by parks and community facilities. Located adjacent to the Don Valley System, it is within walking distance of Earl Bales Park which contains the Earl Bales Seniors Centre and the Earl Bales Community Centre. The John Bales House, which is an historical landmark, is also located within this 30 hectare park. The site is in close proximity to the North York Ski Centre as well.

Access

In order to improve access onto the site, the existing driveway access on Bathurst Street will be moved south so that it aligns with Alexis Boulevard. This will provide more distance between the traffic signals at Bathurst and Sheppard and the entrance to the site and will address some of the traffic conflict that is occurring. In addition, the proposed internal driveway system linking the two existing apartment buildings will provide access options from both Bathurst Street and Sheppard Avenue West. The internal driveway, through its configuration and treatment, precludes, the ability to see one access point from the other and the use of the driveway as a Bathurst/Sheppard intersection alternate. If an issue does arise, a controlled access gate internal to the site could be provided.

Traffic

The additional traffic generated by the proposed 167 unit buildings will have a negligible impact on the Bathurst Street and Sheppard Avenue intersection and will not affect the level of service on the adjacent street system according to the traffic consultants report which was accepted by transportation staff.

Parking

The amount of parking for the existing buildings has been maintained on site at the rate of 1.28 spaces per unit including visitor parking. The parking for the new condominium building will be provided at the current rate in the zoning by-law of 1.5 spaces per unit which includes 0.25 spaces per unit for visitors.

The parking for visitors will be maintained for the existing rental buildings on the surface, whereas visitor parking for the proposed building will be located mainly below grade. This will ensure the maximum usable landscaped areas.

Site Plan Matters

The applicant has filed a site plan application. In order to achieve an optimal development that addresses, where possible, the concerns expressed during community consultation, a number of urban design principles guide the site plan application:

- Ensure appropriate treatments along the edge of the site facing the park to achieve a positive relationship that makes the most of the character and facilities of the public park and Don Valley's natural recreation system
- Provide a streetscape environment that promotes pedestrian use and comfort along the Bathurst Street and Sheppard Avenue frontages
- Ensure convenient, attractive and universally accessible pedestrian linkages through and to the site
- Encourage design that improves safety and facilitates operations including site maintenance
- Provide a well articulated major pedestrian entrance to the building along Sheppard Avenue
- Create a well-landscaped garden/recreation focus to be shared by the entire site
- Integrate parking areas and driveways into the overall site and landscape so that they are functional and convenient but do not visually dominate the site
- Encourage built form that responds to the local context, streetscape, park, existing buildings and open space

Section 37 Agreement

As indicated previously, a Section 37 Agreement must be entered into prior to the introduction of the Bills to Council for enactment to ensure that net public benefits in the form of the

preservation of the existing rental housing stock and its improvement are secured. The improved landscaping and onsite outdoor amenities will be secured through a site plan agreement.

Conclusions:

The proposed new apartment house dwelling at this site is appropriate as it meets the intent of the Official Plan policies for residential intensification. The site is located on an arterial road at a major intersection, which gives the site the advantage of good transit. The traffic and parking impacts are minimal. The nearby park, open space and community centre facilities support the intensification. It is appropriate the City secure the preservation of existing rental units through an Agreement under section 37 of the Planning Act. This development proposal presents an opportunity to preserve, improve and intensify a rental apartment site.

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List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 4B: Application Data Sheet
Attachment 5: Agency Comments:
 A: Works and Emergency Services Department
 B: Economic Development, Culture and Tourism Department
 C: Municipal Licensing and Standards Division
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment
Attachment 8: Letter from Owner Re: Building Renovation Programme
Attachment 9: Letters from Applicant Re: Preservation of Rental Housing and Contribution