

# **TORONTO** STAFF REPORT

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December 12, 2002

To: Midtown Community Council

From: Director, Community Planning, South District

Subject: Refusal Report  
Application to Amend the Official Plan and Zoning By-law and for Site Plan Approval  
58, 60, 64, 68 Orchard View Boulevard, 439 and 441 Duplex Avenue  
Brydale Developments (Orchard View) Inc.  
202020, TD CMB 2002 0014  
Eglinton Lawrence, Ward 16

Purpose:

This report recommends refusal of an application to amend the Official Plan and the Zoning By-law and for Site Plan approval for a 17-storey, 185-unit apartment building at 58, 60, 64, 68 Orchard View Boulevard, 439 and 441 Duplex Avenue.

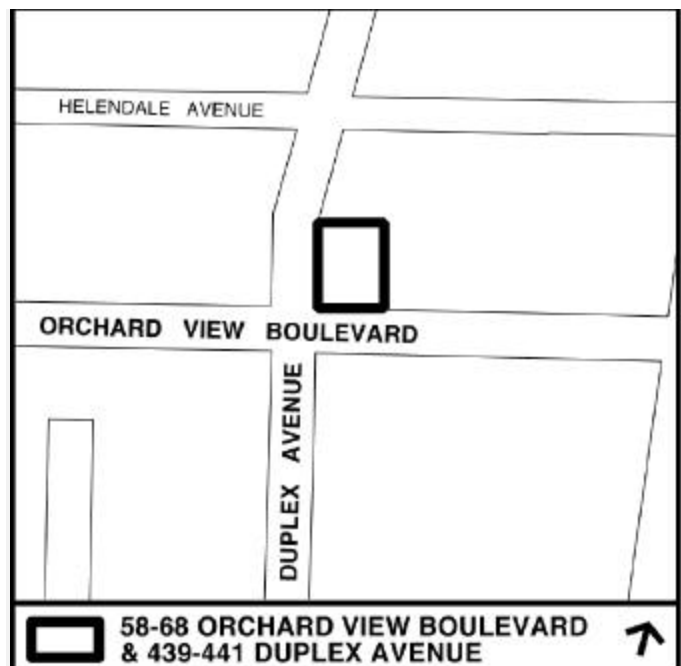
Financial Implications and Impact Statement :

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

Recommendations:

It is recommended that:

- (1) City Council refuse Official Plan and Zoning By-law Amendments and Site Plan Approval Application No. 202020.
- (2) The City Solicitor, the Commissioner of Urban Development Services and any other appropriate staff be authorized and directed to oppose any appeal of Council's refusal of the



applications to the Ontario Municipal Board.

- (3) If the applicant appeals Council's refusal of the applications to the Ontario Municipal Board, the Commissioner of Urban Development Services be requested to hold an information meeting in the community to discuss the application and to notify owners and tenants within 120 metres of the site and the Ward Councillor.
- (4) City Officials be authorized and directed to take the necessary actions to give effect thereto.

#### Background :

#### Proposal

On November 4, 2002, Brydale Developments (Orchard View Boulevard) Inc. applied for Official Plan and Zoning By-law Amendments and Site Plan Approval for 58, 60, 64, 68 Orchard View Boulevard, and 439, 441 Duplex Avenue to permit the construction of a 17-storey residential condominium containing 185 dwelling units. The proposal would have a density of 11.12 times the area of the lot and a building height of 61.3 metres. A total of 76 parking spaces are proposed on 3 levels underground.

#### Site and Surrounding Area

The site is located on the north-east corner of Duplex Avenue and Orchard View Boulevard and is presently occupied by 3 pairs of semi-detached dwellings. The site consists of 6 properties and has an approximate area of 1,189 square metres. Uses in the vicinity can be described as follows:

- |        |  |
|--------|--|
| North: | Detached and semi-detached dwellings   |
| South: | 22-and 30-storey apartment buildings to the south and across the street, known municipally as 411 Duplex Avenue and 33 Orchard View Boulevard respectively |
| East:  | 2-storey public library, with 13-storey residential apartment building above   |
| West:  | Detached and semi-detached residential dwellings   |

#### Official Plan

The site is currently designated "High Density Residence Area" by both the Part I Official Plan of the former City of Toronto and the Yonge-Eglinton Part II Plan. This designation permits residential buildings having a gross floor area of up to 2.0 times the area of the lot. Council encourages that new development have regard for:

- (i) retaining the existing pattern of streets, lanes, blocks, public and private open spaces and topographical features;

- (ii) achieving a balance between the relationship of buildings to the street and other public spaces as well as the relationship between buildings with respect to light, view, and privacy;
- (iii) providing grade-related private and public uses that animate the street edge;
- (iv) achieving desirable conditions of pedestrian comfort at the street level with respect to wind and sun penetration;
- (v) achieving a desirable and safe pattern of pedestrian and vehicular circulation;
- (vi) ensuring the adequacy of municipal services, parks and community services and facilities; and
- (vii) ensuring that the impact on the built form and residential amenity of adjacent Low Density Residence Areas has been considered.

At its meeting of November 26-28, 2002, Council adopted the new Official Plan for the City of Toronto. Once the Plan comes into force and effect, it will designate the subject site Apartment Neighbourhoods. Development in Apartment Neighbourhoods is required to contribute to Toronto's quality of life by:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower-scale Neighbourhoods;
- b) locating and massing new buildings to minimize shadow impacts on properties in adjacent lower-scale Neighbourhoods during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors; and
- e) providing indoor and outdoor recreation space for building residents.

The current policies of the Part II Plan have been carried forward and incorporated into the new Official Plan.

The subject site is outside the Yonge-Eglinton Centre as defined in Metro Plan, the former City of Toronto Official Plan and the new Official Plan.

## Zoning By-law 438-86

The site is zoned R2 Z1.0 with a height limit of 14 metres. This zone permits most residential building types including detached, semi-detached and row housing to a maximum gross floor area of 1.0 times the area of the lot.

## Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Approval has been submitted concurrently with the Official Plan and Zoning By-law amendment applications.

## Reasons for Application

The applicant proposes a density of 11.12 times the lot area, whereas the maximum permitted under the current Official Plan in a High Density Residence Area is 2.0 times.

An amendment to the Zoning By-law would be necessary because the proposed density of 11.12 times the lot area vastly exceeds the permitted maximum density of 1.0 times, and the proposed building height of 61.3 metres significantly exceeds the height limit of 14 metres. Further, the development would not meet the minimum standards as set out in Zoning By-law 438-86 for setbacks, vehicular parking, and indoor and outdoor amenity space. There may be additional areas of non-compliance with the Zoning By-law.

## Comments:

The applicant's proposal represents an inappropriate approach to the intensification of this site. The issues have been set out below and, when considered in their entirety, provide the basis for recommending refusal of these applications.

## Density

The Zoning By-law limits the residential floor area for the site to a maximum of 1.0 times the lot area or 1,189 square metres, whereas the applicant is proposing a density of 11.12 times the lot area or 13,221 square metres. The proposed density increase to over eleven times results in a building that does not appropriately address the surrounding context or Council's built form objectives.

## Siting

The proposed building does not provide adequate setbacks as required by the Zoning By-law. In particular, whereas a minimum rear yard setback of 7.5 metres is required, 0.76 metres is proposed, and whereas a minimum side yard setback of 1.2 metres is required, 0 metres is proposed.

## Height and Massing

The Zoning By-law establishes a 14-metre height limit for this site and properties immediately to the north, while establishing a 9-metre height limit for properties to the west across Duplex Avenue and north across Helendale Avenue. The proposed 17-storey tower would have a height of 61.3 metres, which significantly exceeds the permitted height limit.

Any development on the subject site should provide a transition between areas of different development intensity and scale, particularly between this High Density Residence Area and the low density neighbourhood to the west. The height and massing of the proposed building show little regard for the character of the immediate area, north along Duplex Avenue and west along Orchard View Boulevard where building heights range between 2 and 3 storeys.

## Sun and Shadow

The height and mass of the proposed building are excessive, and will meaningfully increase the amount of shadow cast onto the adjacent Low Density Residence Areas. The in force Official Plan specifies that existing sunlight conditions are to be maintained or improved.

## Light, View and Privacy

An adequate condition of privacy, natural light and views depends on such things as siting, built form and landscaping. The proposed massing of the building and lack of adequate setbacks may negatively impact the residential amenity currently enjoyed by area residents, particularly those located to the north and east of the site.

## Parking

The Zoning By-law requires that 177 parking spaces be provided on the lot, 130 spaces for occupants and 47 spaces for visitors, whereas only 76 parking spaces for occupants and 0 for visitors are proposed. No traffic impact study has been submitted to justify this significant parking shortfall.

## Residential Amenity Space

The proposal is deficient in terms of the amount of residential amenity space provided. The Zoning By-law requires 370 square metres of both indoor and outdoor amenity space for this building, whereas 148 square metres of indoor amenity space and 65 square metres of outdoor amenity space are proposed.

## Section 37

The applicant is seeking increases in height and density that necessitate an Official Plan amendment and rezoning. The Official Plan contains provisions pertaining to the exchange of public benefits for increased height or density for new developments. Discussions to date

between City staff and the applicant have focused mainly on the built form issues and, because those have not been resolved, discussions regarding Section 37 have not progressed.

Conclusions :

The density and height of the proposed development significantly exceed current permissions. This proposal represents an inappropriate approach to intensification for this site, and is not in keeping with the context of the surrounding neighbourhood to the north and west or the intent of the in force Official Plan. This proposal is also inconsistent with specific policies outlined in the new Official Plan which require that new developments fit their planned context and do not negatively impact lower-scale neighbourhoods. I am therefore recommending that City Council refuse the application.

Contact:

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Beate Bowron

Director, Community Planning, South District

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List of Attachments:

Application Data Sheet

Attachment 1: Site Plan

Attachment 2 South-West Elevation

Attachment 3: Zoning

Attachment 4: Official Plan

## Application Data Sheet

### Combination

Site Plan Approval:	Yes	File Number:	202020
Rezoning:	Yes	Application Number:	TD CMB 2002 0014
O.P.A.:	Yes	Application Date:	10/30/2002

Municipal Address: 439 Duplex Avenue  
441 Duplex Avenue  
64 Orchard View Boulevard  
58 Orchard View Boulevard  
68 Orchard View Boulevard  
60 Orchard View Boulevard

Nearest Intersection:

Project Description: Construct 185 unit residential condominium building

#### Agent:

Brown Dryer Karol  
5075 Yonge Street  
Toronto, Ontario, M2N 6C6  
(416) 222-0344

#### Architect:

Core Architects Inc.  
317 Adelaide Street West  
Toronto, Ontario, M5V 1P9  
(416) 343-0400

#### Owner:

Brydale Developments  
(Orchard View) Inc.  
1050 Finch Avenue West  
Toronto, Ontario, M3J 6C6

### PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:		Site Specific Provision:	No
Zoning District:	R2 Z1.0	Historical Status:	No
Height Limit (m):	14	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area:	1189	<b>Height:</b>	Storeys:	17
Frontage:	30.45		Metres:	61.3
Depth:	39.104			
Ground Floor GFA:	854	Parking Spaces:	76	0
Residential GFA:	13221	Loading Docks:	1	G
Non-Residential GFA:	0			
Total GFA:	13221			

**DWELLING**

<b>Tenure Type:</b>	Condominium
Rooms:	0
Bachelor:	0
1 Bedroom:	144
2 Bedroom:	41
3+ Bedroom:	0
Total Units:	185
Total Proposed Density:	11.12

**FLOOR AREA BREAKDOWN**

	<b>Above Grade</b>
Residential GFA:	13221
Retail GFA:	0
Office GFA:	0
Industrial GFA:	0
Industrial/Other GFA:	0

**COMMENTS** November 27, 2002, fee for OPA accepted. Application revised and future circulation to note same. Dec 2, 2002, this project has been circulated to notify all parties it is now also an OP.

Current Status:	Open	<u>Latest Event</u>	<u>Actual Date</u>
		Suppl. Submission	12/02/2002
		Suppl. Submission	11/27/2002
		Received	10/30/2002
Data Valid:	December 11, 2002	Planner: Mike Mestyan	Phone: (416) 397-4487
Area:	District - C	Planning Office:	Toronto - North (TD)