TORONTO

STAFF REPORT
ACTION REQUIRED

15 - 27 Beverley Street - Rezoning - Preliminary Report

Date:	September 21, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	09 133546 STE 20 OZ

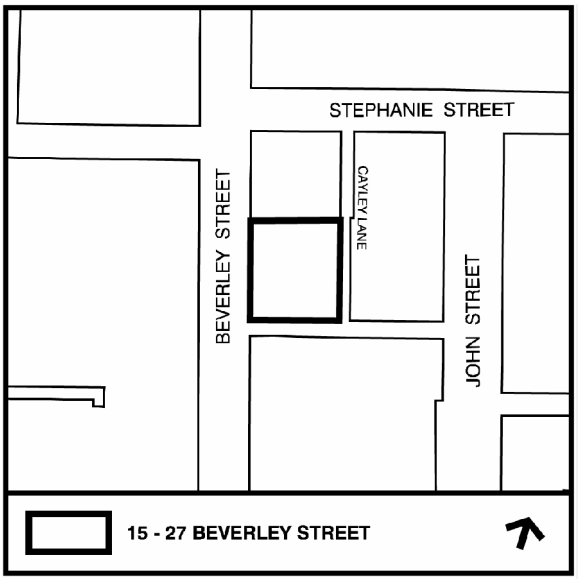
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006.*

This application proposes a 14 storey residential building at 15-27 Beverley Street. Townhouses with separate entrances will be located along Beverley Street, at the base of a 3-storey podium, with a residential tower above. Access for parking and loading is located off the public laneway at the south side of the site. The proposal involves the demolition of the existing buildings on the site, including all of the residential rental dwelling units, with no replacement rental housing to be provided.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process. A public meeting is scheduled for October 20th at 6:00 p.m. at City Hall.

The application has been circulated to City departments and external agencies, where appropriate, for comment.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to proceed with a community consultation meeting 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 under the Planning Act.

4. The applicant be advised that an application for residential rental demolition under Municipal Code Chapter 667 is required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous applications or decisions related to the subject property.

Pre-Application Consultation

A number of pre-application consultation meetings were held with the applicant to discuss complete application submission requirements, as well as the built form, rental housing and heritage issues. City staff were clear with the applicant that staff could not support the development as proposed for 3 main reasons.

Height - The proposed height of 14 storeys (41 metres) is not appropriate for the site, and the transition between the subject site, designated *Mixed Use* in the Official Plan, and the properties designated *Neighbourhoods* to the north was inappropriate.

Rental Housing - City staff have determined that there are 6 residential rental dwelling units in the related buildings on the consolidated site and thus the By-law provisions on rental housing demolition under section 111 of the *City of Toronto Act 2006* (Municipal Code Chapter 667) and the Official Plan housing policy requiring the replacement of the rental dwelling units in any new development are applicable. However, the application does not propose replacement of the residential rental dwelling units, and no application under section 111 of the *City of Toronto Act, 2006* has been filed.

Heritage - Two of the existing buildings on-site are historically listed and the proposal does not address the heritage attributes of these buildings. Despite a clear indication from staff that the proposal was not supportable as proposed, the applicant submitted their application in its current form in May of this year.

A pre-application community consultation meeting with the Ward Councillor was held on February 9th, 2009. The applicant made a brief presentation of the proposal and then answered questions from the public. Concerns were raised by the public about the proposed height and massing of the building.

The Councillor held another meeting on July 15th where the applicant presented a revised proposal. Planning staff were not at that meeting due to the labour disruption and cannot comment on the outcome.

A third meeting was held on August 12th with the same group of residents. The applicant presented landscaping plans for Beverley Street and a diagram showing the vantage points from which the upper floors of the building would be visible. Although residents appreciated the efforts made by the applicant with respect to landscaping at grade, they continued to express concerns about the height and overall size of the building.

ISSUE BACKGROUND

Proposal

This application proposes a 8,274 square metre, 14 storey (41 metre) residential building at 15-27 Beverley Street. The density is proposed to be 7.1 times the area of the lot. Townhouses with separate entrances will be located at-grade along Beverley Street at the base of a 3-storey podium, with a residential tower above. Access for parking and loading is located off the public laneway at the south side of the site. Seventy parking spaces and 87 bicycle parking spaces are provided in a three level underground parking garage. The proposal involves the demolition of all the existing buildings on the site, including all of the residential rental dwelling units, with no replacement rental housing to be provided and no heritage retention.

Site and Surrounding Area

The site is located on the east side of Beverley Street, north of Queen Street West. The site area is 1,173 square metres and is currently occupied by 2-3 storey buildings. The rowhouses at 15, 17 and 19 Beverley are two-storeys tall and date from 1858 and each contain one residential rental dwelling unit. The building at 15 Beverley has also been added to the City of Toronto's Inventory of Heritage Properties. Twenty-one Beverley Street is a 2-storey building with a commercial unit on the ground floor and a residential rental dwelling unit above. The 3-storey building at 27 Beverley Street contains 2 residential rental dwelling units and is also listed on the City Inventory of Heritage Properties.

North – To the north of the site are six 3-storey rowhouses, and 2 semi-detached houses fronting on Stephanie Street. On the north side of Stephanie Street is a 24-storey residential tower built in 1969.

East – To the east of the site is a 5-storey commercial building and to the northeast is a 4-storey residential building, both fronting on John Street.

South – To the south of the site is a public lane and a 7-storey residential building.

West – To the west of the site is a residential building built in 2000 which ranges from 9-storeys (25 metres) at is south end to 5 storeys at its north end.

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 (including heritage 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 site is designated as *Mixed Use* in the City of Toronto Official Plan.

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. Specifically, applicants proposing to demolish six or more residential rental dwelling units, except where all rents are above mid-range, are required to replace the rental units and to provide tenant relocation and assistance to affected tenants.

Zoning

The site is split zoned both I1 D1 and R3 Z1.0. The I1 D1 zoning permits a range of non-residential uses to a maximum density of 1 times the area of the lot. The R3 Z1.0 zoning permits residential uses to a maximum of 1 times the area of the lot. The height limit is 12 metres for the entire site.

Site Plan Control

A site plan application has not been submitted for the site.

Section 111 of the *City of Toronto Act, 2006*

The five related residential buildings involved in this application at 15 – 27 Beverley Street contain a total of six residential rental dwelling units. Accordingly, an application to demolish rental housing is required to be submitted to the City pursuant to section 111 of the *City of Toronto Act, 2006* (Chapter 667 of the Municipal Code). In addition, amongst other matters, the owner would need a permit pursuant to Chapter 667 of the Municipal Code in order to demolish the buildings.

The By-law makes it an offence to demolish a residential rental property or a related group of buildings where there are six or more residential rental dwelling units, unless approval has been granted for a section 111 permit for the demolition. In addition, it requires that an application under the By-law be submitted without delay when a related planning application, such as a zoning amendment, has been submitted. Any planning approval in such matters should be conditional upon, amongst other matters, the applicant obtaining a section 111 permit. City Council may impose conditions on the approval of a section 111 permit, which typically involve the replacement of the rental housing and assistance to any tenants affected by the proposed demolition. City Council's decisions on the refusal or approval of a section 111 permit are not subject to appeal to the Ontario Municipal Board.

The applicant in this matter disputes the number of residential rental dwelling units and thus the applicability of Chapter 667 of the Municipal Code to their application. A Declaration of Use and Screening Form under Chapter 667 was submitted by the applicant identifying only five rental units on the site, claiming that no application under 667 was required. However, research by City planning staff and site visits conducted by the City planning and legal staff have found that the five subject buildings contain a total of six residential rental dwelling units. These conclusions were discussed with the applicant prior to submission of their application to amend the Zoning By-law. An application for Rental Housing Demolition and Conversion, and the required supporting documents, is required to be submitted.

Reasons for the Application

An amendment to the Zoning By-law is required to permit the scale and density of the building requested for the site.

If the applicant does not incorporate the replacement of the six residential rental dwelling units, an application to amend the Official Plan is also required, pursuant to policy 3.2.1.6.

COMMENTS

Application Submission

The following reports/studies were submitted with the application: Planning Rationale report, Functional Servicing and Stormwater Management Report, Vehicle Turning Assessment report, Aborist report, Green Development Standards Checklist, Shadow

Studies, Heritage Impact Statement, and the Declaration of Use and Screening Form under Municipal Code 667.

A Notification of Incomplete Application issued on May 28, 2009 and it identifies that a Stage 1 Archaeological Assessment and a Housing Issues report are required for a complete application submission. A Housing Issues report was subsequently received on August 13, 2009. Staff have not yet received the Stage 1 Archaeological Assessment.

Issues to be Resolved

1. Height
   The surrounding neighbourhood contains a variety of types of buildings with heights ranging from 3 to 10 storeys. The proposed height of 14 storeys (41 metres) is higher then any of the surrounding buildings with the exception of the "tower in the park" building at 50 Stephanie. Immediately across Beverley Street the Phoebe condominium is nine stories high. The top residential floor has a height of 26.1 metres and the top of the mechanical penthouse is 31.2 metres. The Phoebe, although a much larger site, is also on Beverley Street, and has low density neighbourhood to the north.

2. Transition between the subject site and the properties to the north
   The subject site and the property immediately to the north are designated as *Mixed Use* in the Official Plan, and it is expected that *Mixed Use* sites will intensify. However, the properties immediately north of the *Mixed Use* designated sites are designated as *Neighbourhoods* in the Official Plan. The policies in the plan are clear that *Neighbourhoods* are stable areas of the City which need to be protected from negative impacts.

   The plan is also clear that transitions between *Mixed Use* areas and *Neighbourhoods* need to take place on the *Mixed Use* sites. The proposal made by the applicant does not show adequate transition between the subject site and the properties to the north.

3. Rental housing
   The applicant's contention that there are only five dwelling units, and thus only five residential rental dwelling units has implications for the applicability of both the City's By-law under section 111 of the *City of Toronto Act 2006* and Official Plan policy 3.2.1.6. Staff have determined that that there are six residential rental dwelling units, and replacement of the residential rental dwelling units is achievable in a redevelopment of these lands. The disputed unit is an apartment on the second floor with its own entrance at grade, above a store.

   City planning staff were contacted by tenants residing in the residential rental dwelling units in early 2008, a number of months prior to the sale of the property to the current owner and applicant. The previous owner had issued notices to vacate for demolition although no application for demolition or rezoning had been made to the City. At that time, a number of the tenants sought legal advice from a

community legal clinic and subsequently the notices to vacate were not acted upon. Planning staff conducted a brief site visit and spoke to a number of the residential tenants and one of the commercial tenants, including speaking to tenants of the disputed residential rental dwelling unit.

In pre-application discussions with the applicant in the period immediately after they purchased the property in 2008 and in the months prior to submission of the application in May 2009, City staff consistently presented their findings that there were 6 residential rental dwelling units, and that the City Official Plan policy 3.2.1.6 and the By-law under section 111 of the *City of Toronto Act, 2006* applied. The applicant took the position that the unit over the store was now vacant and that it did not function as a self-contained dwelling unit. However, City research with current tenants and a neighbouring homeowner as well as the former tenants of the disputed apartment indicates that residential rental use of that apartment (including a full kitchen) had continued for more than 30 years separate from the leasing of the store below.

In addition to consideration of the replacement of the six rental units, there are currently several tenants whose occupancy ranges from several years up to 20 years, and who would be considered eligible by the City's policies and practices to receive tenant relocation assistance. A Tenant Relocation and Assistance Plan should be submitted by the applicant as part of their proposal.

4. Heritage

Two of the houses that are proposed to be demolished are listed on the City's Inventory of Heritage Properties (No.'s 15 and 27). The initial comments from Heritage Preservation Services include that the block face of the buildings provide a visual reminder that we are within a historic central city core. They are of the opinion that the retention of this layered fabric is critical to ensure that special character will not be erased in piecemeal fashion.

The application needs to address these concerns, to the satisfaction of the manager of Heritage Preservation Services.

5. Landscaping

Although the site is tight, and there is little room for on-site landscaping, the applicant and staff will continue to work together to find opportunities for tree planting as part of the development.

6. Parking and Access

Staff are reviewing all the material submitted by the applicant to ensure that the proposed parking, loading and bicycle parking are adequate for the building proposed. A lane widening on Cayley Lane will also be a requirement for any approval on the site.

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Standard, adopted by City Council in July 2006.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Staff encourage the applicant to submit revised plans to address the concerns raised in this report.

CONTACT

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SIGNATURE

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Raymond David, Director
Community Planning, Toronto and East York District

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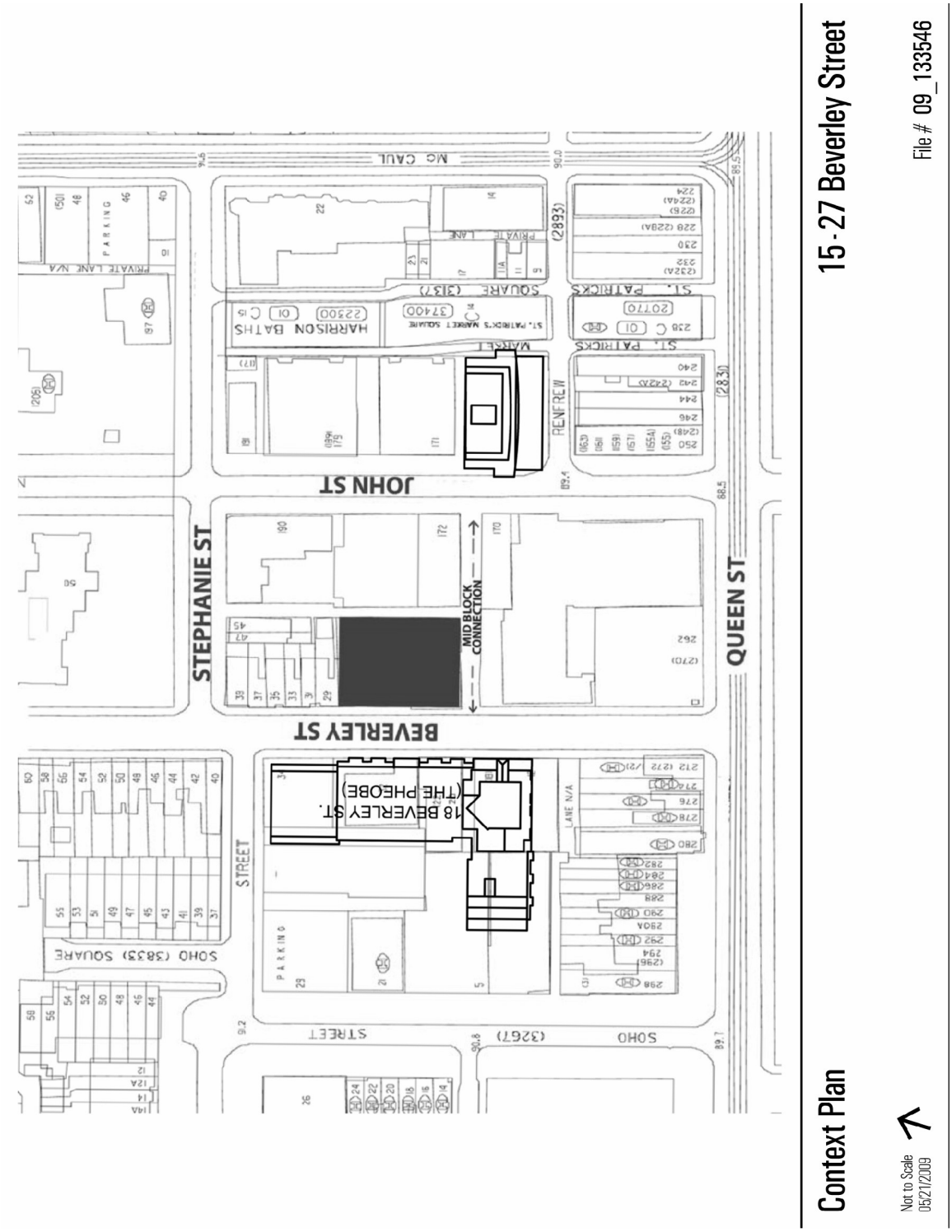
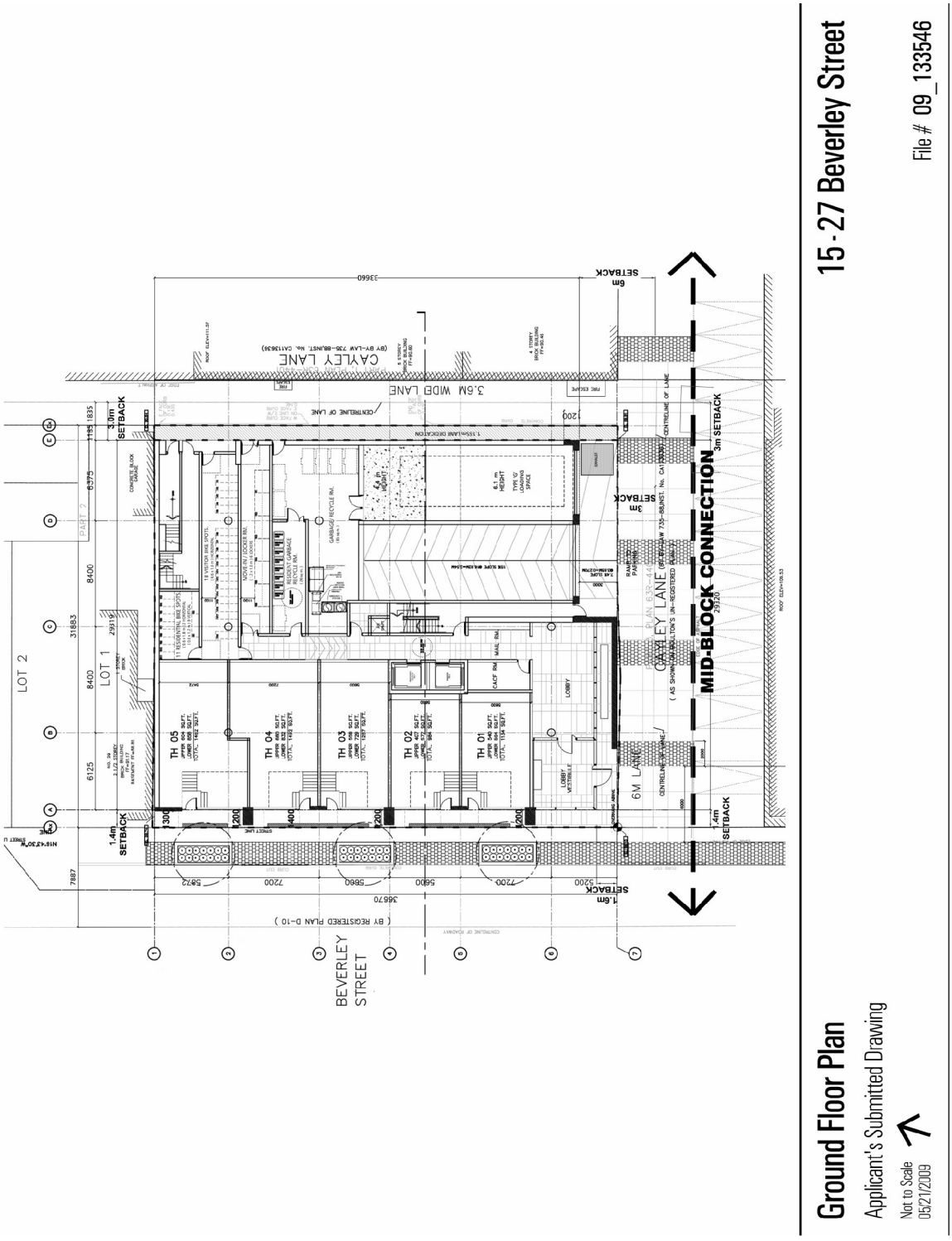
ATTACHMENTS

Attachment 1: Context Plan
Attachment 2: Ground Floor Plan
Attachment 3: West Elevation
Attachment 4: South Elevation
Attachment 5: East Elevation
Attachment 6: North Elevation
Attachment 7: Perspective Drawing
Attachment 8: Application Data Sheet

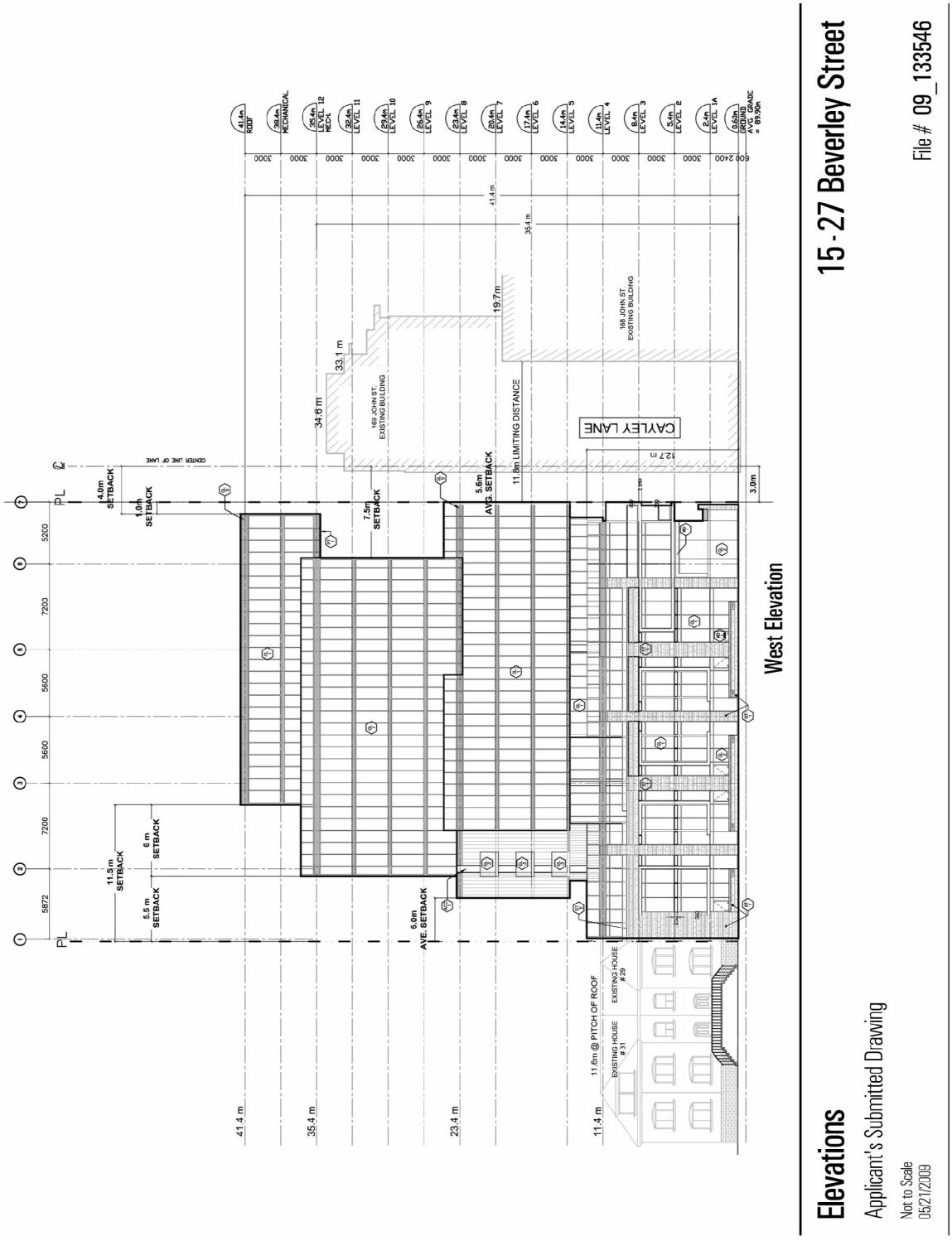
Attachment 1: Context Plan



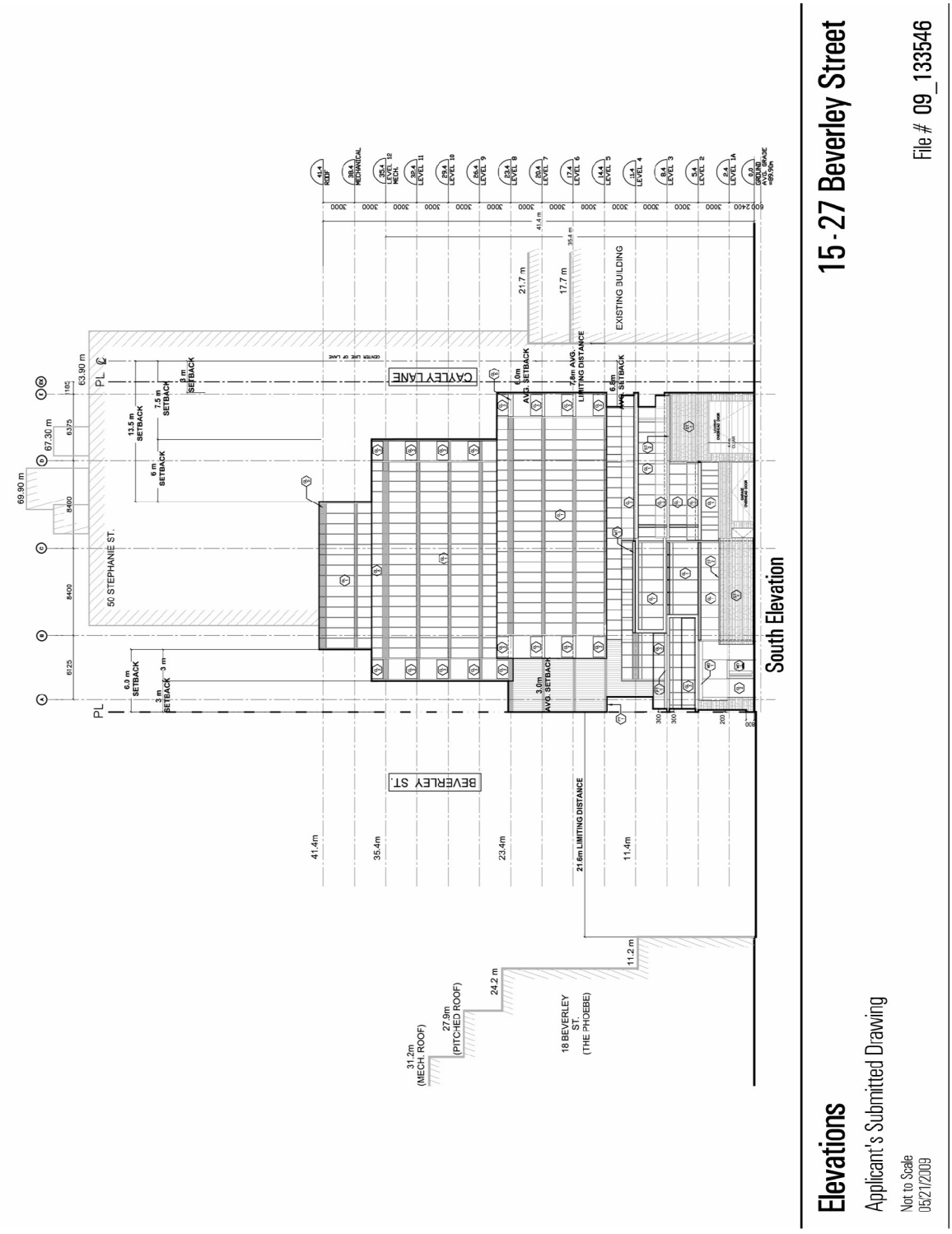
Attachment 2: Ground Floor Plan



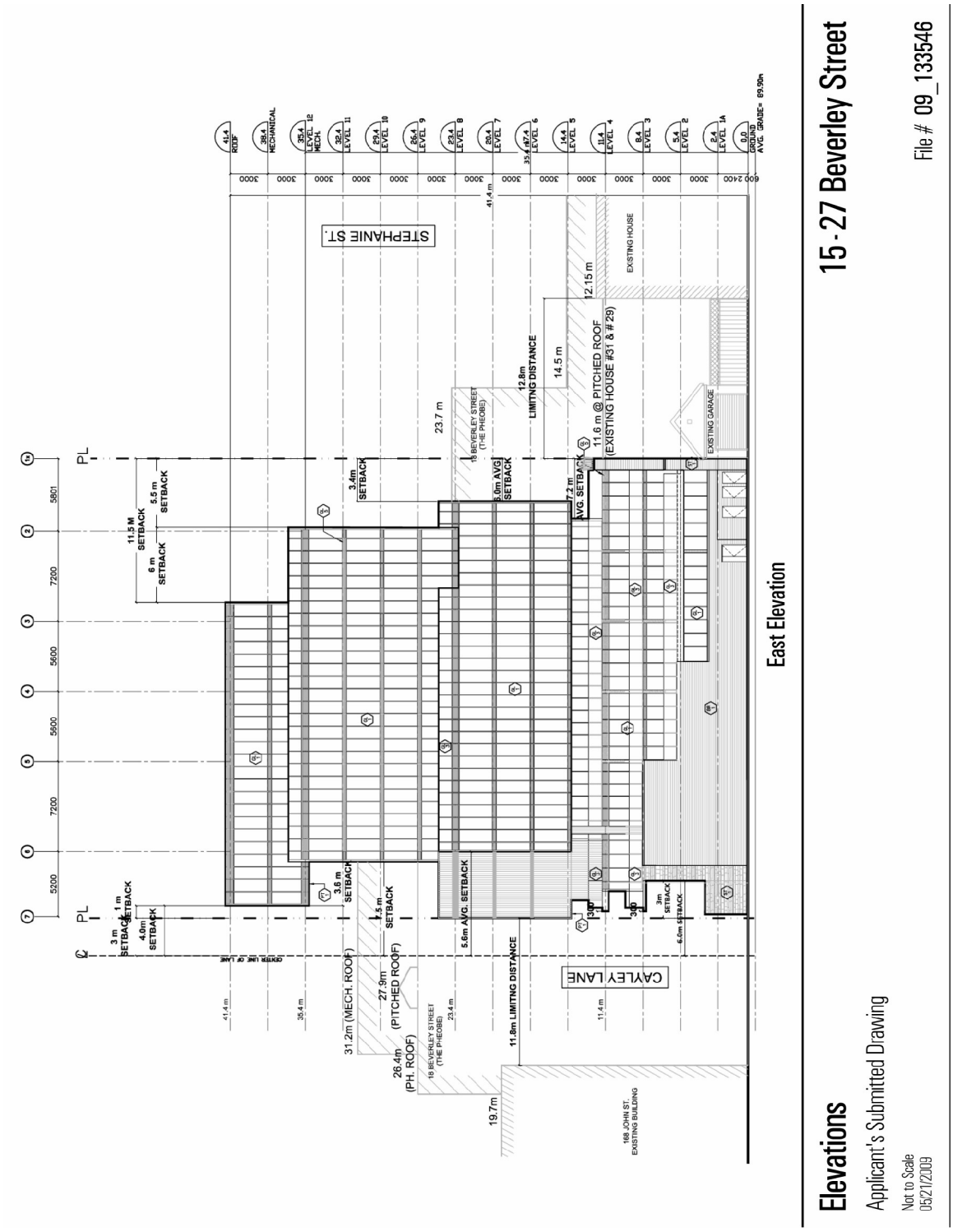
Attachment 3: West Elevation



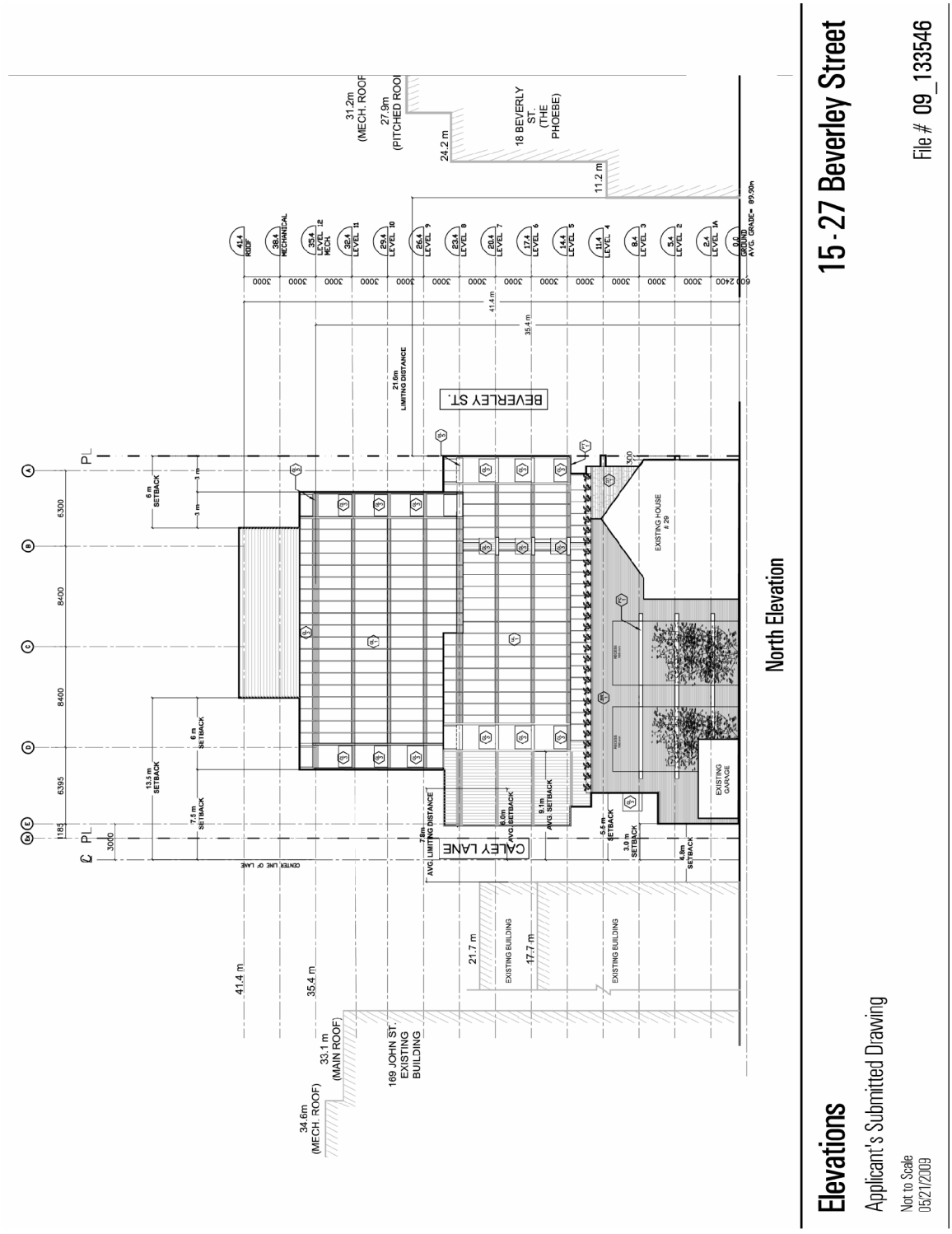
Attachment 4: South Elevation



Attachment 5: East Elevation



Attachment 6: North Elevation



Attachment 7: Perspective Drawing

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	09 133546 STE 20 OZ
Details	Rezoning, Standard	Application Date:	May 4, 2009

Municipal Address:	15 BEVERLEY ST
Location Description:	CON 1 FB PARK PT LT14 **GRID S2011
Project Description:	Rezoning application to permit the redevelopment of the lands for a new 14 storey residential building containing 8273.3m2 of floor area and 113 residential dwelling units -29 bach, 53 one-bed, 31 two bed, complete with 70 vehicular parking spaces below grade.

Applicant:	**Agent:**	**Architect:**	**Owner:**
SHERMAN BROWN DRYER KAROL GOLD LEBOW ADAM BROWN		CORE ARCHITECTS	BSAR (BEVERLEY) LTD.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	I1 D1 and R3 Z1.0	Historical Status:	Y
Height Limit (m):	12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1173	Height:	Storeys:	14
Frontage (m):	36.67		Metres:	35.4
Depth (m):	31.88			
Total Ground Floor Area (sq. m):	532.13			**Total**
Total Residential GFA (sq. m):	8273.3		Parking Spaces:	70
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	8273.3			
Lot Coverage Ratio (%):	45.4			
Floor Space Index:	7.05			

DWELLING UNITS **FLOOR AREA BREAKDOWN** (upon project completion)

			Above Grade	**Below Grade**
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	8273.3	0
Bachelor:	29	Retail GFA (sq. m):	0	0
1 Bedroom:	53	Office GFA (sq. m):	0	0
2 Bedroom:	31	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	113			

CONTACT: **PLANNER NAME:** **Sarah Phipps, Planner**
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